



**NOTICE OF A REGULAR MEETING  
BOARD OF ADJUSTMENT  
MONDAY, AUGUST 11, 2025, AT 5:15 P.M.  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN  
BRENHAM, TEXAS**

**1. Call Meeting to Order**

**2. Public Comments and Receipt of Petitions**

*[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*

**3. Reports and Announcements**

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

The Statutory Consent Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discusses and act upon it individually as part of the Regular Agenda.

**4-a. Minutes from July 14, 2025, Board of Adjustment Meeting.**

**REGULAR AGENDA**

- 5. Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0008: A request by Jaime Lazcano / TX OFFER, LLC for a *Variance* from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 12.02 and Table 3, to maintain the existing 6.35' side yard setback and to allow a 0' buffer yard where a 20' buffer yard between a Multifamily use and a Single-Family use is required; and a *Special Exception* from Part II, Division 1, Section 16.01 to allow on-site parking to back into street right-of-way; and a *Special Exception* in accordance with Part IV, Division 4, Section 1.01(2) to allow extension/expansion of a nonconforming structure for a proposed 3-Unit Multifamily development at 601 S Park Street, described as Lot W PT 1A and 2A, Block 91 of the Original Town Addition in Brenham, Washington County, Texas.**

6. **Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0009: A request by Walt Edmunds and Jake Edmunds for a *Variance* from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02(4)(C) to allow an 8-foot north and south side yard setback, where a minimum 10-foot side yard setback is required for construction of an accessory dwelling unit (ADU) at 1605 S. Day Street, described as Lot 5 of the Budnick Subdivision in Brenham, Washington County, Texas.**
7. **Adjourn.**

***CERTIFICATION***

I certify that a copy of the August 11, 2025, agenda of items to be considered by the Board of Adjustment was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on August 8, 2025, at 8:15 a.m.

*Kim Hodde*

\_\_\_\_\_  
Kim Hodde, Planning Technician

<p><b>Disability Access Statement:</b> This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested seventy-two (72) hours before the meeting) by calling (979) 337-7200 for assistance.</p>
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I certify that the attached notice and agenda of items to be considered by the Board of Adjustment was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ am/pm.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

# **CITY OF BRENHAM BOARD OF ADJUSTMENT MINUTES**

**July 14, 2025**

*The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

A regular meeting of the Board of Adjustment was held on July 14, 2025, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Jon Hodde, Chairman  
Dax Flisowski  
Darren Huckert  
Arlen Thielemann  
Mary Lou Winkelmann

Commissioners absent:

None

Staff present:

Shauna Laauwe, City Planner  
Megan Mainer, Assistant City Manager  
Kim Hodde, Planning Technician

Citizens / Media present:

Sarah Forsythe, Brenham Banner  
Walt Edmunds  
Jaime Lazcano  
Andrea Hand  
Shannan Canales  
Glen Vierus  
Cliff & Jane Fontenot  
Fred & Brenda Lowery  
Gil & Becky Japko

**1. Call Meeting to Order**

Chairman Hodde called the meeting to order at 5:20 p.m. with a quorum of five (5) Commissioners present.

**2. Public Comments and Receipt of Petitions**

There were no comments and/or receipt of petitions.

**3. Reports and Announcements**

There were no reports or announcements.

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

The Statutory Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discusses and act upon it individually as part of the Regular Agenda.

**4-a. Minutes from May 12, 2025, Board of Adjustment Meeting.**

**4-b. Minutes from June 16, 2025, Joint Planning and Zoning Commission, Board of Adjustment, Brenham City Council Meeting (training).**

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelman to approve the Consent Agenda (items 4-a and 4-b) as presented. The motion carried unanimously.

**REGULAR AGENDA**

**5. Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0006: A request by Our Integrity Works, LLC / Cliff J. and Jane M. Fontenot for a *Variance* from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02(1) to allow a 3-foot south side yard setback, where a minimum 5-foot side yard setback is required for construction of an accessory structure (detached garage) at 1302 S Day Street, described as Lot 1B, Block 13 of the W.G. Wilkins Addition in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. VARIANCE-25-0006. Ms. Laauwe stated that this is a request from Our Integrity Works, LLC, as the applicant and Cliff J. and Jane M. Fontenot as the property owner. The subject property is addressed as 1302 S Day Street and is identified as Lot 1, Block 13 of the W.G. Wilkins Addition. It is generally located on the west side of S. Day Street, south of Charles Lewis Street and north of West Tom Green Street. The subject property and adjacent properties to the north, are zoned R-1, Single Family Residential and developed with single family residences. The adjacent properties to the to the south and southeast are zone B-1, Local Business Mixed Use District and developed with a mix of residential and neighborhood commercial uses. The subject property is 0.31-acres and is currently developed with a 1,863 square foot single family home and a 20'x20' (400 SF) detached garage structure that is located 2-feet from the south side property line. The Washington County Appraisal District says that the garage structure was built in 1994 and the side setback requirement at that time was 3-feet. No record of a variance was located. The applicant proposes demolition of the existing garage and construction of a 24'x33' (792 SF) detached garage with a new patio and driveway slab. The garage is being proposed with a 3-foot south side setback, a 40-foot north side setback, and a 47-foot rear yard setback. Moving the garage over to meet the 5-foot side setback would offset the drive and make it hard for ingress and egress.

**STAFF ANALYSIS**

- The 5' setback would increase the offset with the existing narrow drive, making backing out more difficult.
- The request would not be out of character with the neighborhood.
- The need for the side yard variance was not created by the applicant/property owner.
- Granting this variance will not be materially detrimental or injurious to adjacent or surrounding properties.

Notices were mailed to property owners within 200 feet of the subject property regarding these requests on July 2, 2025. Staff received 3 written comments in support of the request from:

- 404 W. Tom Green Street: Betty Rost Bradley
- 1301 S Day Street: Jerry McAlister
- 1307 S. Day Street: Steve Brannon

## STAFF RECOMMENDATION:

Staff has reviewed the request and **recommends approval** of the requested variance to allow a 2-foot reduction in the minimum required 5-foot south side yard for a setback of 3 feet for construction of an accessory structure (detached garage) to be located at the existing site at 1302 S. Day Street.

Chairman Hodde opened the Public Hearing at 5:33 p.m. and asked for any comments. Property owner, Cliff Fontenot, clarified that the garage was not built in 1994. He stated that there is a date on the garage cement that says 1951. He stated that the house was built in the 1920's.

There were no other comments.

Chairman Hodde closed the Public Hearing at 5:35 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Flisowski to **approve** the request by Our Integrity Works, LLC / Cliff J. and Jane M. Fontenot for a *Variance* to allow a 3-foot south side yard setback, where a minimum 5-foot side yard setback is required for construction of an accessory structure (detached garage) at 1302 S Day Street, as presented. The motion carried unanimously (5-0).

***At this point, Ms. Laauwe informed the Board and the audience that the City Attorney had just sent word that Item number 7 needs to be removed from today's agenda and postponed for action due to the necessity of an additional required variance which was not published or notified. Ms. Laauwe stated part of the Zoning Ordinance is contradictory in that it states that the minimum lot size for multifamily shall be 6,000 square feet and this development meets that requirement; however, further down in the ordinance there is a separate section that says Lot Area and it states that the minimum lot area shall be 2,000 square feet per dwelling unit. Ms. Laauwe noted that if Mr. Lazcano were to do a triplex, the variances/special exceptions for the bufferyard, height and parking would still be necessary although the additional lot area variance would not be required since the lot would meet the minimum requirements. She stated that the request would be properly notified then placed on the next available agenda.***

6. **Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0007: A request by Our Integrity Works, LLC / Andrea Hand for a *Special Exception* as described in Part IV, Division 4, Section 1.01(2) [extension or enlargement of a nonconforming structure] to allow a 3-foot north side yard setback, where a minimum 5-foot side yard setback is required for construction of a an accessory structure (carport attached to the existing detached garage) at 606 S. Park Street, described as Lot 14A, Block 94 of the Original Town Addition in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. VARIANCE-25-0007. Ms. Laauwe stated that this is a request from Our Integrity Works, LLC as the applicant and Andrea Hand as the property owner. The subject property is addressed as 606 S. Park Street and is identified as Lot 14A, Block 94 of the Original Town Addition. It is generally located on the west side of S. Park Street, south of W. Second Street and north of Axer Street. The subject property and adjacent properties to the north, are zoned R-2, Mixed Residential District and is part of the Downtown Business / Retail Overlay District (DBROD). The subject property is 0.20-acres and is currently developed with a 1,227 square foot single family home and 288 SF detached garage structure that has a nonconforming 3-foot north side yard setback. The Washington County Appraisal District records show that the garage was constructed in 1999, when the side yard setback requirement for detached accessory structures was 3-feet. The applicant proposes to construct an attached 22'x21' (462 SF) carport to the front of the existing garage that would align with the existing width. The garage is being proposed with a 3-foot north side setback, a 36-foot south side setback, a 100- foot front yard setback, and a 25-foot rear yard setback. Moving the garage over to meet the 5-foot side setback would offset the garage and make it hard for ingress and egress.

## STAFF ANALYSIS

- The 5' setback would create an offset with the existing garage, potentially blocking access.
- The request would not be out of character with the neighborhood.
- There are ample setbacks to the front, south side, and rear yard.
- Granting this variance will not be materially detrimental or injurious to adjacent or surrounding properties.

Notices were mailed to property owners within 200 feet of the subject property regarding these requests on July 2, 2025. Staff received 3 written comments in support of the request from:

- 1802 Lee Street: Atwood Kenjura
- 602 S. Baylor Street: Fred M. Lowery
- 604 S. Park Street: Gilbert Japko

## STAFF RECOMMENDATION:

Staff has reviewed the request and **recommends approval** of the requested variance to allow a 2-foot reduction in the minimum required 5-foot north side yard for a setback of 3 feet for enlargement of the existing detached garage for construction of an attached carport at 606 S. Park Street.

Chairman Hodde opened the Public Hearing at 5:47 p.m. and asked for any comments. In response to questions from Commissioners, Ms. Hand clarified that the carport would match architecturally the existing garage and would be in line with the existing driveway and garage. Gilbert Japko stated that he lives next door at 604 S. Park Street and he is in support of the request.

There were no other comments.

Chairman Hodde closed the Public Hearing at 5:48 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Thielemann and seconded by Commissioner Huckert to **approve** the request by Our Integrity Works, LLC / Andrea Hand for a *Special Exception* as described in Part IV, Division 4, Section 1.01(2) [extension or enlargement of a nonconforming structure] to allow a 3-foot north side yard setback, where a minimum 5-foot side yard setback is required for construction of an accessory structure (carport attached to the existing detached garage) at 606 S. Park Street, as presented. The motion carried unanimously (5-0).

7. **Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0008: A request by Jaime Lazcano / TX OFFER, LLC for a *Variance* from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 12.02 and Table 3, to maintain the existing 6.35' side yard setback and to allow a 0' buffer yard where a 20' buffer yard between a Multifamily use and a Single-Family use is required; and a *Special Exception* from Part II, Division 1, Section 16.01 to allow on-site parking to back into street right-of-way; and a *Special Exception* in accordance with Part IV, Division 4, Section 1.01(2) to allow extension/expansion of a nonconforming structure for a proposed 4-Unit multifamily development at 601 S Park Street, described as Lot W PT 1A and 2A, Block 91 of the Original Town Addition in Brenham, Washington County, Texas.**

Chairman Hodde stated that **no action would be taken on this item**; however, since the applicant and several citizens were in attendance, the proposal could be presented, and comments and questions would be accepted from the public, but no action would be taken.

Shauna Laauwe, City Planner, presented an overview of the project/requests. Ms. Laauwe stated that the request is from Jaime Lazcano, TX OFFER, LLC for several variances/special exceptions for renovation of the property located at 601 S. Park Street from single family residential to multi-family. The applicant proposes converting the existing structure into four units (2 bedrooms, 2 baths each). The existing structure has a 6.35-foot rear setback at its narrowest point adjacent to the residential uses on S. Baylor Street. The zoning ordinance requires a 20-foot buffer yard plus the required setback between multi-family and single family uses. This would require a 35-foot

setback; therefore, the applicant is requesting a 20-foot bufferyard variance to leave the existing setback as it currently is. The applicant would like to increase the building height from 25 feet to 30 feet; therefore, a special exception to enlarge an existing nonconforming structure is requested. The applicant is also requesting a special exception to the parking requirements to allow the eight parking spaces to back directly onto the street. It was discovered that although the lot meets the minimum lot size of 6,000 square feet for multi-family, the lot size does not meet the requirement of 2,000 square feet per unit (8,000 square feet for a 4-unit development); therefore, an additional variance will be needed for the lot area for a 4-unit development.

The applicant/owner, Jaime Lazcano, introduced himself and stated that he is:

- A family man
- Real Estate rehabber
- Lifelong martial artist and an avid outdoorsman
- Graduate of the Aggie Class '05
- Loves challenging situations and enjoys working toward perfect.

Mr. Lazcano stated that he has a proven track record with remodels and rentals in the Brenham area. He has completed renovation of properties in Rocky Creek, Sycamore Street, S. Jackson Street, Tass Lane, E. Stone Street and S. Drumm Street. He has made a long-term investment in community improvement. He provided photos of some of his previous projects.

Mr. Lazcano stated that the current project is located at 601 S. Park Street. The structure had been most recently utilized as a residence; however, he would like to convert the building into a 4-plex with 2-bedrooms and 2-bath units. The goal is to provide long-term housing for seniors wishing to downsize or young professionals. He would really like to improve the appearance of the neighborhood by replacing this dilapidated building as well as addressing the housing needs near the downtown area. This project would also support the local economy and property values. Mr. Lazcano stated that the garage is not usable and is falling down; therefore, it will have to be demolished. He stated that there are townhomes as well as commercial uses in the area as well. Mr. Lazcano stated that since purchasing the property, he has hauled over 9 dumpsters out of the building trying to clean up the property. It was overrun with conditions that harbored rodents and vermin.

He stated that these variance/special exceptions make sense because:

- The existing building predates current code requirements and needs updates to be usable.
- The height variance allows home-like design fitting the neighborhood.
- The height would also accommodate the HVAC, water heaters, and ducting.
- The bufferyard variance would help to prevent demolition and preservation of the streetscape.

Shauna Laauwe clarified that the Zoning Ordinance defines multi-family as any residential structure with 3-units or more. She further stated that the Fire Marshal and the Building Official are doing a preliminary review of the proposed project for compliance with the Fire and Building Codes.

Glen Vierus stated that this building was previously Weghorst Florist. He further stated that there is a major parking issue in this area and if someone parks across the street from this development, it will be very difficult to back out of the parking space into the street.

Shannan Canales stated that she lives in the house adjacent to this property in the home that was previously owned by the Bertolet / Weghorst families and has lived there since 2015. She stated that the subject property was originally part of the property that she owns and was never intended to be a residential structure since it was built as a florist shop. She stated that there is a front door that faces her property and that the garage door was unusable for a long time. Ms. Canales stated that while she understands the ongoing struggles and issues with the condition of the property as well as the housing needs, with the number of variances / exceptions needed and being requested, she urges the Board to deny the request.

Glen Vierus clarified that there was a front facing door on the building when it was a florist because he remembers going to the floral business.

Chairman Hodde thanked everyone for their comments and reiterated that no action would be taken at this meeting. The item will be brought back at a future meeting after proper notifications have been made.

**8. Adjourn**

A motion was made by Commissioner Huckert and seconded by Commissioner Flisowski to adjourn the meeting at 6:30 p.m. The motion carried unanimously (5-0).

*The City of Brenham appreciates the participation of our citizens, and the role of the Board of Adjustment in this decision-making process.*

Certification of Meeting Minutes:

\_\_\_\_\_  
Jon E. Hodde, Chairman

August 11, 2025  
Meeting Date

\_\_\_\_\_  
Attest, Staff Secretary

August 11, 2025  
Meeting Date





**CASE NUMBER: VARIANCE-25-0008**  
**VARIANCE REQUEST: 601 S Park Street**

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**STAFF CONTACT:** Shauna Laauwe, City Planner

**OWNERS/APPLICANTS:** TX OFFER, LLC / Jaime Lazcano

**ADDRESS/LOCATION:** 601 S Park Street (Exhibit "A")

**LEGAL DESCRIPTION:** Lot W PT 1A and 2A, Block 91 of the Original Town Addition

**LOT AREA:** 0.14 acres (6,142 square feet)

**ZONING DISTRICT/  
CURRENT USE:** R-2, Mixed Residential / Single Family Residence  
(Exhibit "B")

**COMP PLAN  
FUTURE LAND USE:** Single-Family Residential (Exhibit "C")

**REQUEST:** A **Variance** from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 12.02 and Table 3, to maintain the existing 6.35' side yard setback and to allow a 0' buffer yard where a 20' buffer yard between a Multifamily use and a Single-Family use is required; and a **Special Exception** from Part II, Division 1, Section 16.01 to allow on-site parking to back into street right-of-way; and a **Special Exception** in accordance with Part IV, Division 4, Section 1.01(2) to allow extension/expansion of a nonconforming structure for a proposed 3-Unit multifamily development at 601 S Park Street, specifically described as Lot W PT 1A and 2A, Block 91 of the Original Town Addition, in the City of Brenham, Washington County, Texas.

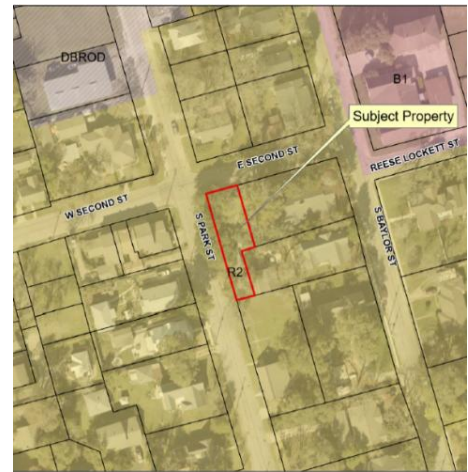
**BACKGROUND:**

**\*\*\*Updated Staff Report\*\*\*** The subject property was scheduled for a public hearing before the Board of Adjustments on July 14, 2025 to hear requests for a Special Exception to allow on-site parking to back into the street right-of-way, a Special Exception to allow an extension/expansion of a nonconforming structure for a proposed 4-unit multifamily development; and for a Variance to allow for a reduction in the minimum required bufferyard. Unfortunately, the day before the meeting, Staff realized that an additional Variance was needed for the proposed 4-unit multifamily development and had not been notified as required, resulting in the need to postpone the meeting and public hearing. The additional variance would have been for a request for a reduction in the minimum required lot area for a 4-unit development, to allow 4 units on 6,142 square feet where 8,000 square feet (2,000 square feet per unit) is required. During the July 14<sup>th</sup> meeting, the applicant Jaime Lazcano made a presentation presenting what the scope of the redevelopment project and citizens made comments pertaining to the case. The Board of Adjustments made no comments, deliberations or formal motions. After meeting with Staff about the options for his case, Mr. Lazcano has chosen to reduce the redevelopment project

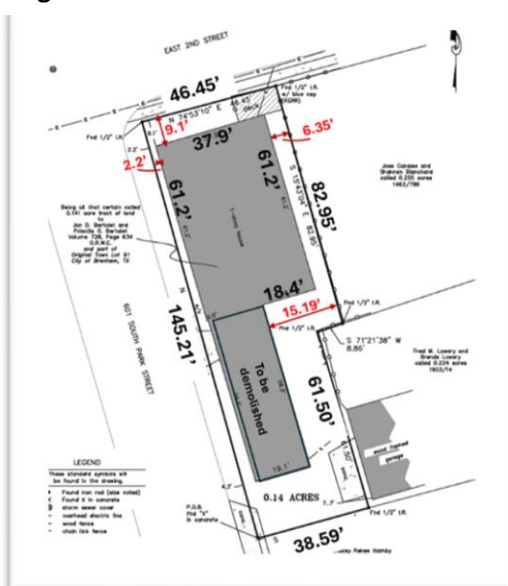
to a **3-unit multifamily structure** instead of a 4-unit multifamily structure. While the original Special Exceptions and Variance requests remain, the lot meets the minimum site area for 3-unit multifamily development (6,000 square feet) and two less off-street parking spaces would be required for the site.

The subject property is addressed as 601 S Park Street and is generally located on the southeast corner of S. Park Street and E. Second Street. As shown in Figure 1, the subject property and surrounding properties are zoned R-2, Mixed Residential District. As is allowed in the R-2 District, the area is developed with a mixture of residential uses with townhomes to the west, small multifamily uses, and single-family homes. The properties adjacent to the east are developed as single-family homes. To the northeast, are properties within a B-1, Local Business/Residential Mixed Use District and developed with a mix of residential and commercial uses, while to the north along S. Park Street are properties within the DBROD, Downtown Business Residential Overlay District that is also developed with a mix of residential and downtown commercial uses. The subject property is a 0.14-acre (6,142 SF) tract and is developed with a 3,624 square foot dilapidated structure that was constructed in the early 1960s and utilized as a florist shop. The applicant, Jaime Lazcano, recently purchased the property in order to redevelop the interior of the existing main building into a multifamily structure with three (3) units. As shown in the survey provided by the applicant in Figure 2 below and in Exhibit "C", the subject property is non-rectangular, with 8.86-foot indention to the adjacent property to the southeast. This results in an unusually shaped lot with a north lot width of 46.45-feet along East Second Street, a west lot length of 145.21-feet along South Park Street, a south lot width of 38.59-feet, and with the aforementioned indention an irregular length of 144.45-feet along the east property line. The existing 3,624 SF structure consists of a 2-story 37.9' x 61.2' (2,319.48 SF) section to the north and a one-story 56.3' x 19.1' portion to the south. The existing structure, which was constructed before the Zoning Regulations were adopted in 1968, is considered to be legally nonconforming to all setbacks except for the south side yard setback. The existing structure has a side street setback of 9.1-feet from E. 2<sup>nd</sup> Street, a 2.2-foot front yard setback from S. Park Street, a 18.4 foot south side yard setback, a rear yard setback of 15.19-feet at the widest point along the south portion of the lot and a rear yard setback of 6.35-feet at the narrowest point on the north portion of the lot.

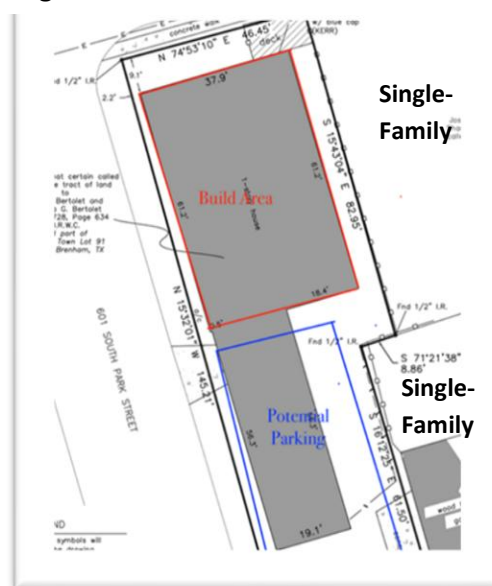
**Figure 1**



**Figure 2**



**Figure 3**



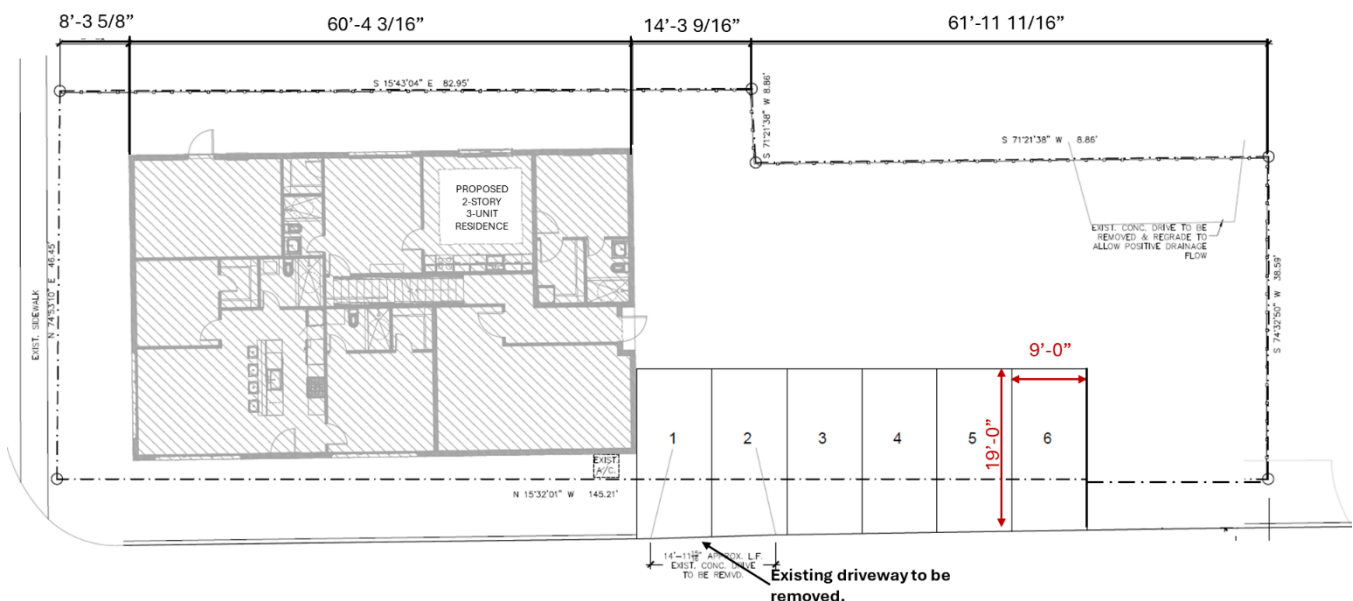
The applicant proposes to demolish the southern, one-story portion of the structure and renovate the interior of the larger 2-story section into three dwelling units. As shown in the floor plans in Exhibit "G", the applicant is proposing two (2), 2 bedroom/2 bathroom units on Level 1 and one on Level 2 for a total of 3 units. The proposed multifamily development, does require the request of two special exceptions and one variance as follows.

**HEIGHT SPECIAL EXCEPTION:** The applicant is proposing to increase the existing height of the structure from a maximum overall height of 25-feet to an overall height of 30-feet 4-inches to allow for additional ceiling height in the projected dwelling units. As increasing the height is an enlargement of the structure, the applicant is requesting a **Special Exception** in accordance with Part IV, Division 4, Section 1.01(2) to allow for an extension/expansion of a nonconforming structure from a height of 25-feet to a maximum overall height of 30-feet 4 inches.

**PARKING EXCEPTION:** Duplexes, triplexes and fourplexes are required to provide two (2) parking spaces for each dwelling unit, thus six (6) parking spaces are required for the proposed 3-unit structure. As shown below in Figure 4, the applicant proposes to place the required parking directly along the S. Park Street right of way.

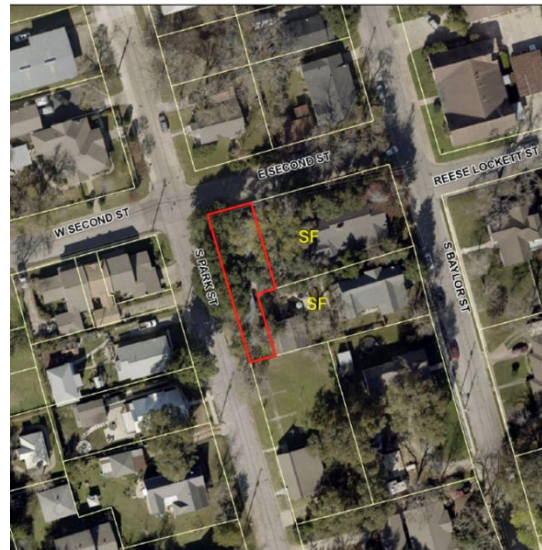
In Section 16.01(1) of Zoning Regulations for the provisions of driveways it states " Required parking spaces shall be all-weather surfaced, off-street parking spaces and shall have direct access to a public street or ally by a surfaced driveway with sufficient maneuvering space to preclude the backing of any vehicle into any street right-of-way. There is an exception within the provision to allow single-family residential units and duplexes to permit the required on-site parking spaces to be connected to the public street or alley within a standard 18-foot width driveway, however this does not pertain to the proposed redevelopment to a 3-dwelling unit structure. Thus, the applicant is also seeking a **Special Exception** from Part II, Division 1, Section 16.01 to allow on-site parking to back into street right-of-way.

Figure 4



**BUFFERYARD VARIANCE:** The Zoning Regulations in Section 5.02, define a multifamily dwelling (apartment house) as “Any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.” Thus, the proposed 3-unit remodel would be considered a multifamily dwelling. The subject property and surrounding properties are within a R-2, Mixed Residential District, however the adjacent properties to the east are developed as single-family residential homes. Given that the single-family homes were established first, the proposed multifamily structure is subject to bufferyard requirements as set forth in the Zoning Ordinance under Part II, Division 1, Section 12.02 and Table 3 that requires a 20-foot buffer between multifamily residential and single-family residential uses. The existing structure has a legally nonconforming rear yard setback of 6.35 feet, where a 15-foot rear yard setback is required for a multifamily unit in the R-2 district. Bufferyard setbacks are added to the required setbacks, thus typically the bufferyard + rear yard setback for a multifamily unit next to a single-family property would be a total of 35 feet. Given the existing rear yard setback is legally nonconforming, it is not considered in the numerical amount of the variance request. The applicant therefore is requesting a full 20-foot **Variance** to the bufferyard requirement for the renovation of the existing structure into a multifamily dwelling unit.

Figure 5



#### **VARIANCE REQUIREMENTS:**

#### **APPLICABLE SECTION OF ORDINANCE AND ANALYSIS:**

(Sec.5.02)(132) Variance: A type of relief that may be granted by the Board of Adjustment in order to accommodate appropriate development of a particular parcel of land that cannot otherwise be appropriately developed. The granting of such relief is subject to the standards and procedures as established in part IV, Variances, Special Exceptions, Nonconforming Uses and Appeals, Division 1. The Board may not grant variances to use requirements or procedural requirements related to the granting of a variance.

(DIVISION 2. VARIANCES Sec. 1. Limitations.) The Board of Adjustment shall have the authority to grant variances in accordance with the standards and procedures provided herein, from any and all technical requirements of the zoning ordinance, but may not grant variances to use requirements or procedural requirements or for procedural requirements for hearing or notice, provided that:

- (1) *Such modifications are necessary to accommodate appropriate development of a particular parcel of land that is restricted by attributes inherent in the land such as area, shape or slope to the extent that it cannot otherwise be appropriately developed.*

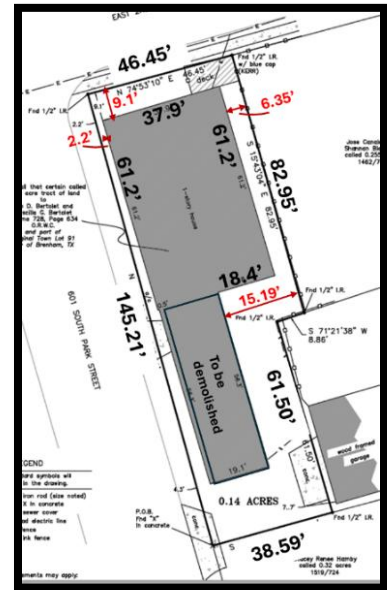
The subject property consists of an approximate 3600 SF two-story structure dated to at least the early 1960s that was used as a florist business in the late 1960's to the early 1970's to most recently as a single-family home. The existing structure and property have been in disrepair for several years. The applicant has recently purchased the property and wishes to redevelop the main two-story portion of the existing structure into three (3), 2 bedroom /2 bathroom units. The subject property is a 0.14-acre (6,142 SF), irregular shaped lot that has a legally nonconforming lot width of 46.45-feet to the north along E. 2<sup>nd</sup> Street and 38.59-feet to the south and a length of 145.21-feet. Additionally, at about 83-feet from the north



property line on the east side of the lot, the property has an approximate 9-foot indentation to the west. Given the narrow lot width, the existing structure is legally nonconforming to required setbacks. The existing structure has a 2.2-foot front yard setback along S. Park Street, a 9.1-foot side-street setback along E. Second Street, a 6.35-foot rear yard setback to the east at the narrowest point and an 18.4-foot south side yard setback.

The R-2 district does allow all residential types of development however given the narrow lot width and unique shape of the property, redevelopment of the property to meet the current zoning regulations would be difficult to accommodate. The zoning regulations do allow for lots with a width of less than 50 feet to have a reduced side yard setback to provide a minimum buildable width of 30 feet, however the subject property is currently addressed off S. Park Street, meaning that it is the front and rear yard setbacks that are extremely reduced and the zoning regulations do not have any provisions other than variances/exceptions for those occurrences. Due to the subject property having a unique lot shape and only a 46.45-foot width, it would not be possible to appropriately redevelop the existing structure or lot for multifamily use that could meet the current bufferyard requirement of 20-feet.

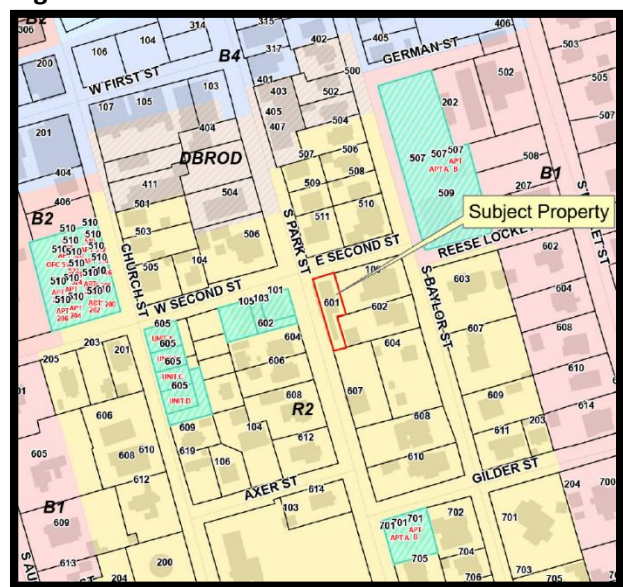
Figure 6



- (2) *The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, nor substantially increase the congestion in the public streets, nor increase the danger of fire, or in any way endanger the public health, safety and well-being of the neighborhood in which the subject property is located.*

Figure 7

As shown in Figure 7, the surrounding area is near downtown and is one of the original core areas of Brenham. Most of the properties were developed before the zoning and subdivision regulations were adopted, and as can be shown by the different colors of the zoning map in Figure 7, it is a mixed-use area of commercial, downtown, and residential uses. The properties highlighted in light blue are townhome or multifamily developments within the vicinity. The applicant desires to rehabilitate the existing structure in character with similar surrounding uses and setbacks such as the townhomes across the street. Giving this, granting the variance to the bufferyard setback will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to the adjacent property. Bufferyard requirements that include additional setbacks, landscaping, and screening are established to provide adequate separation and openness between different intensity of land uses. The existing structure was constructed before the Zoning



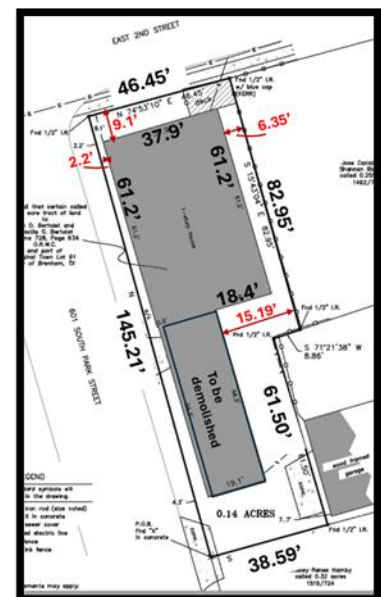
Regulations were adopted in 1968 and was originally a commercial floral business. If the current bufferyards had been in place, the former floral business would have also had a 20-foot bufferyard requirement. While the setback to the adjacent single-family use located at 100 E. Second Street is only 6.35-feet, ArcGIS building layer data indicates that the structures are approximately 48-feet apart at the nearest point. The adjacent single-family home located to the southeast at 602 S. Baylor Street is approximately 71.5-feet from the existing subject structure. Due to the applicant proposing to keep the structure in its original configuration on the subject lot and that the proposed off-street parking will be along E. Second Street, opposite of the single-family properties, Staff finds that granting the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood.

*(3) The literal enforcement of the ordinance would work on unnecessary hardship.*

Staff finds that the literal enforcement of this ordinance would not allow for the existing structure and site to be redeveloped into a multifamily development. The surrounding area is near downtown and is one of the original core areas of Brenham. Most of the properties were developed before the zoning and subdivision regulations were adopted, resulting in many properties having legal nonconformities, irregular lot sizes. The complexity of the unique lot shape and size, either utilizing the existing structure or vacant, would result in the subject property to be difficult to redevelop into a residential property to the literal standards of the Zoning Ordinance. Thus, granting a variance for a reduction to the bufferyard setback is reasonable and would work on an unnecessary hardship.

*(4) The piece of property is unique and contains properties or attributes not common to other similarly situated properties.*

The subject property was configured and developed before the zoning and subdivision regulations were adopted in 1968. The subject property is a 0.14-acre (6,142 SF), irregular shaped lot that has a legally nonconforming lot width of 46.45-feet to the north along E. 2<sup>nd</sup> Street and 38.59-feet to the south and a length of 145.21-feet. Additionally, at about 83-feet from the north property line on the east side of the lot, the property has an approximate 9-foot indentation to the west. The subject property consists of an approximate 3600 SF two-story structure dated to at least the early 1960s, that has been in disrepair for several years. The applicant recently purchased the property and wishes to convert the existing main two-story portion of the structure into 3-dwelling units. Given the narrow lot width, the existing structure is legally nonconforming to required setbacks. The existing structure has a 2.2-front yard setback along S. Park Street, a 9.1-foot side-street setback along E. Second Street, a 6.35-foot rear yard setback to the east at the narrowest point and an 18.4 south side yard setback. The standard residential lot width in the City of Brenham is 60-feet, whereas the subject property has an average lot width of 42.52-feet.



*(5) The need for the variance was not created by the applicant.*

**The need for the variance was not solely created by the applicant. The subject property and surrounding area is zoned R-2, which allows medium density uses by right. Were the variance denied the property could only be used for single-family or duplex use, in an area with a mixture of medium density residential and non-residential uses. The applicant is proposing to use the property in line with the zoning and adjacent uses, within the constraint of the existing structures placement on the unique lot.**

*(6) The hardship to be suffered through the literal enforcement of the ordinance would not be financial alone.*

**The hardship suffered through the literal enforcement of the ordinance would not be financial alone. Without the bufferyard variance, it would reduce the ability to redevelop the subject property that has been in disrepair for several years.**

*(7) The granting of the variance would not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the Zoning Ordinance.*

**Bufferyard requirements that include additional setbacks, landscaping, and screening are established to provide adequate separation and openness between different intensity of land uses that may be deemed incompatible. Bufferyard requirements between multifamily uses and single-family uses include, 20-foot bufferyard setback in addition to the minimum setback, 20% of the buffer to be landscaped, and 6-feet of screening either by fence or vegetation to separate the properties. The subject property has a legally nonconforming rear yard setback of 6.35-feet (minimum 15-feet) and thus is requesting a variance for a reduction in the full 20-foot bufferyard setback amount. The subject property currently has existing vegetation along the property line that meets the 20% requirement and a 6-foot fence, these items would be verified as part of the building permit and inspection if the variance is granted. With the existing separation between the existing structure and adjacent single-family homes, granting a 20-foot variance to the bufferyard setback would still allow for necessary open space, and would not be injurious to the public health, safety, and welfare, nor would it defeat the intent of the philosophy contained in the zoning ordinance. If approved, the structure and site would be required to obtain a building permit and necessary reviews and approvals by the Building Official to ensure adherence to adopted Building Codes.**

#### **SPECIAL EXCEPTIONS:**

Part IV, Division 4, Section 1.01 of the Zoning Ordinance states that that Board of Adjustment shall have the authority to grant Special Exceptions in accordance with the procedures and standards here provided to permit:

(2) The extension or enlargement of a nonconforming structure, provided that the structure or portion thereof being extended or enlarged is not for the purpose of a nonconforming use.

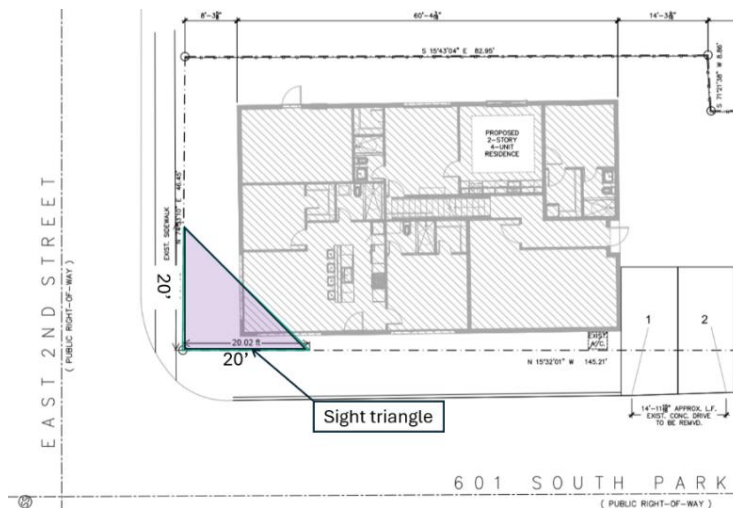
(5) To waive or reduce off-street parking and loading requirements when the board finds that the same are unnecessary for the proposed use of the buiding or structure for which the special exception request applies.

## (2) HEIGHT EXCEPTION

### STAFF ANALYSIS & RECOMMENDATION:

The existing structure has suffered neglect and is in disrepair. The applicant has recently purchased the property and plans to demolish the southern elongated one-story portion of the existing structure and rehabilitate the exterior and interior of the northern two-story portion of the existing structure into three (3) dwelling units. The existing structure currently has 2,220 square feet on the first floor and 1,404 square feet on the second floor. The applicant plans to keep the existing stone exterior of the structure where able, to add windows, and to add egress doors to the south, west and east. To provide additional height to the upstairs units, the applicant is proposing to increase the existing height of the nonconforming structure from a maximum height of 25-feet to an overall height of 30-feet 4-inches. As discussed in the variance, the existing structure is nonconforming due to a 2.2-foot front yard setback along S. Park Street (25-foot required) and a 9.1-foot north side street setback along E. Second Street (15-foot required). Although, the R-2 District allows a maximum building height of forty (40) feet with the exception that multifamily buildings are allowed to be a maximum height of 45-feet, the proposed increase of height is an extension or enlargement of a nonconforming structure.

The nonconforming setbacks of the structure are a concern regarding the height request. The subject property is a corner lot and a structure at 30.3-feet in height with setbacks of 2.2-foot and 9.1-foot at the corner of S. Park Street and E. Second Street may be a sight vision safety risk at the intersection. Generally, the sight vision safety of an intersection is measured by a "sight triangle" measured at 20-feet at a property along the intersection at the

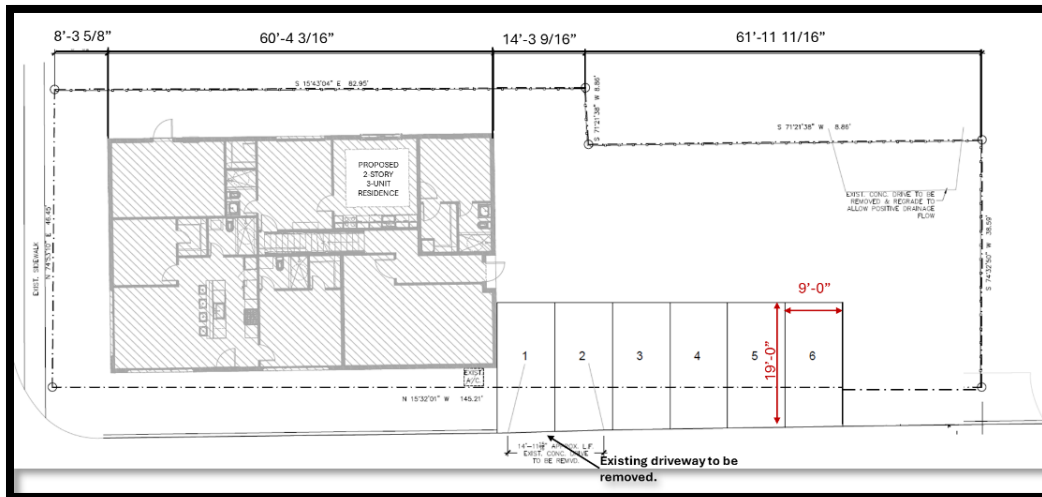


property line. As shown in the figure above, the northwest corner of the existing structure does appear to be already within the sight vision triangle. Additional height will not reduce the safety of the intersection, but the illustration does emphasize the bulk of building that will be close to both roadways. As stated previously, many properties in this historic area of Brenham are nonconforming to front setbacks and are closer to the roadway than modern construction, including the townhomes directly to the west across South Park Street. Staff finds however, that the proposed 30-foot 4-inch height and bulk at a 2.2-foot front setback is out of character with the area and is concerned with the additional obstruction to light and air to the adjacent single-family homes to the east.



## (5) PARKING EXCEPTION

The proposed 3-dwelling unit residential use is required by the parking regulations to provide two (2) parking spaces for each dwelling unit, for a total of six (6) off-street parking spaces. As shown below, the applicant proposes to place the required parking directly along the S. Park Street right of way.



In Section 16.01(1) of Zoning Regulations for the provisions of driveways it states “Required parking spaces shall be all-weather surfaced, off-street parking spaces and shall have direct access to a public street or ally by a surfaced driveway with sufficient maneuvering space to ***preclude the backing of any vehicle into any street right-of-way.*** There is an exception within the provision to allow single-family residential units and duplexes to permit the required on-site parking spaces to be connected to the public street or alley within a standard 18-foot width driveway, however this does not pertain to the proposed redevelopment to a 3-dwelling unit structure. Maximum driveway widths are generally 20-feet for residential uses and 40-feet for commercial uses. With six (6) parking spaces at the minimum (9’x19’) stall size, the proposed parking would equate to a 54 feet-in-length driveway along S. Park Street. An alternative could be to switch the parking to the east with angled parking so that the residents could make a 3-point turnout onto the roadway. However, that would greatly increase the impervious cover to an extent that may require an additional variance, and it would also place the parking along the shared property lines of the adjacent single-family residences.

The intent of prohibiting cars from directly backing out onto the street for multifamily and commercial uses that require numerous off-street parking spaces is for traffic safety and potential drainage concerns. Staff reached out to the Dane Rau, Public Works Director and he stated that such parking is utilized successfully in a few areas in the City without traffic concerns or drainage problems. He stated that if the parking was proposed along West Second Street, it would not be recommended as the traffic can be bad when both sides of the street are parked with cars. He stated that South Park Street is less travelled and drainage has not been a concern in the immediate area. See below for pictures of similar multifamily uses in Brenham utilizing street parking along the right-of-way.



Staff finds that the proposed parking layout will not be injurious to neighboring properties or to the public health, safety or welfare. The proposed parking along South Park Street will allow for more pervious cover on the subject property and have less impact on adjacent single-family uses to the east.

### STAFF RECOMMENDATIONS:

#### Variance:

Staff has reviewed the request and ***recommends approval*** of the requested variance to allow a 20-foot reduction in the minimum required 20-foot east bufferyard setback for the remodel of an existing nonconforming structure to a 3-unit multifamily dwelling to be located at the existing site at 601 S Park Street.

#### Special Exceptions:

Staff has reviewed the requests and ***recommends denial*** of the requested special exception to allow an extension of a nonconforming structure to allow for an extension/expansion of a nonconforming structure from a height of 25-feet to a maximum overall height of 30-feet 4 inches for the proposed remodel and conversion to a 3-unit multifamily dwelling to be located at the existing site at 601 S Park Street.

Staff has reviewed the requests and ***recommends approval*** of the requested special exception to allow on-site parking to back into the street right-of-way of South Park Street for a proposed remodel and conversion of an existing nonconforming structure to a 3-unit multifamily dwelling to be located at the existing site at 601 S Park Street.

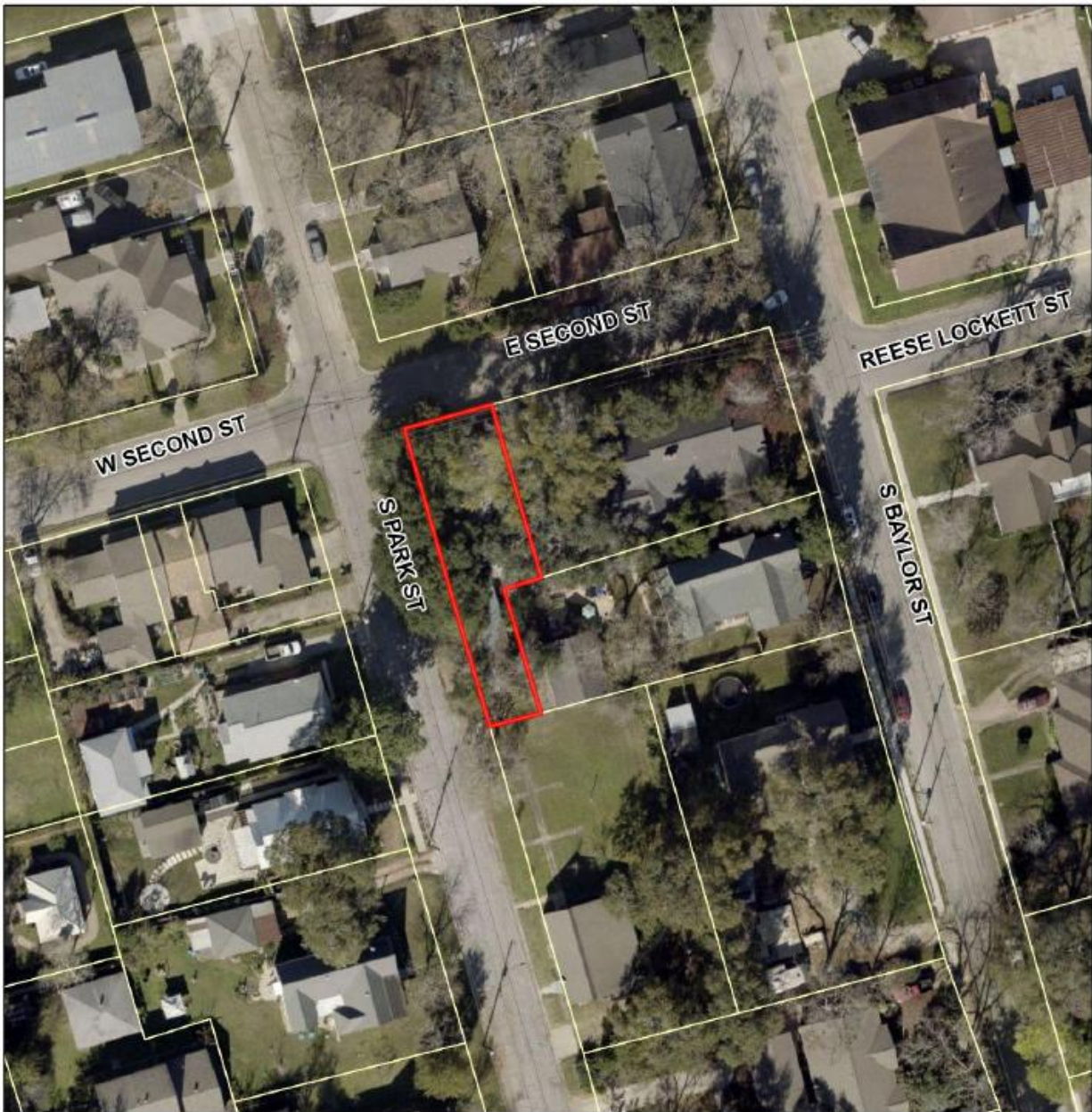
### PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on July 31, 2025. Any public comments will be provided in the Board of Adjustment Packet or during the public hearing.

### EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Survey
- D. Site Plan
- E. Elevations
- F. Site Photos

**EXHIBIT "A"**  
**AERIAL MAP**



**Location Map**  
**Variance & Special Exceptions**  
**601 S. Park Street**

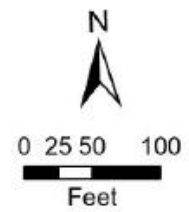
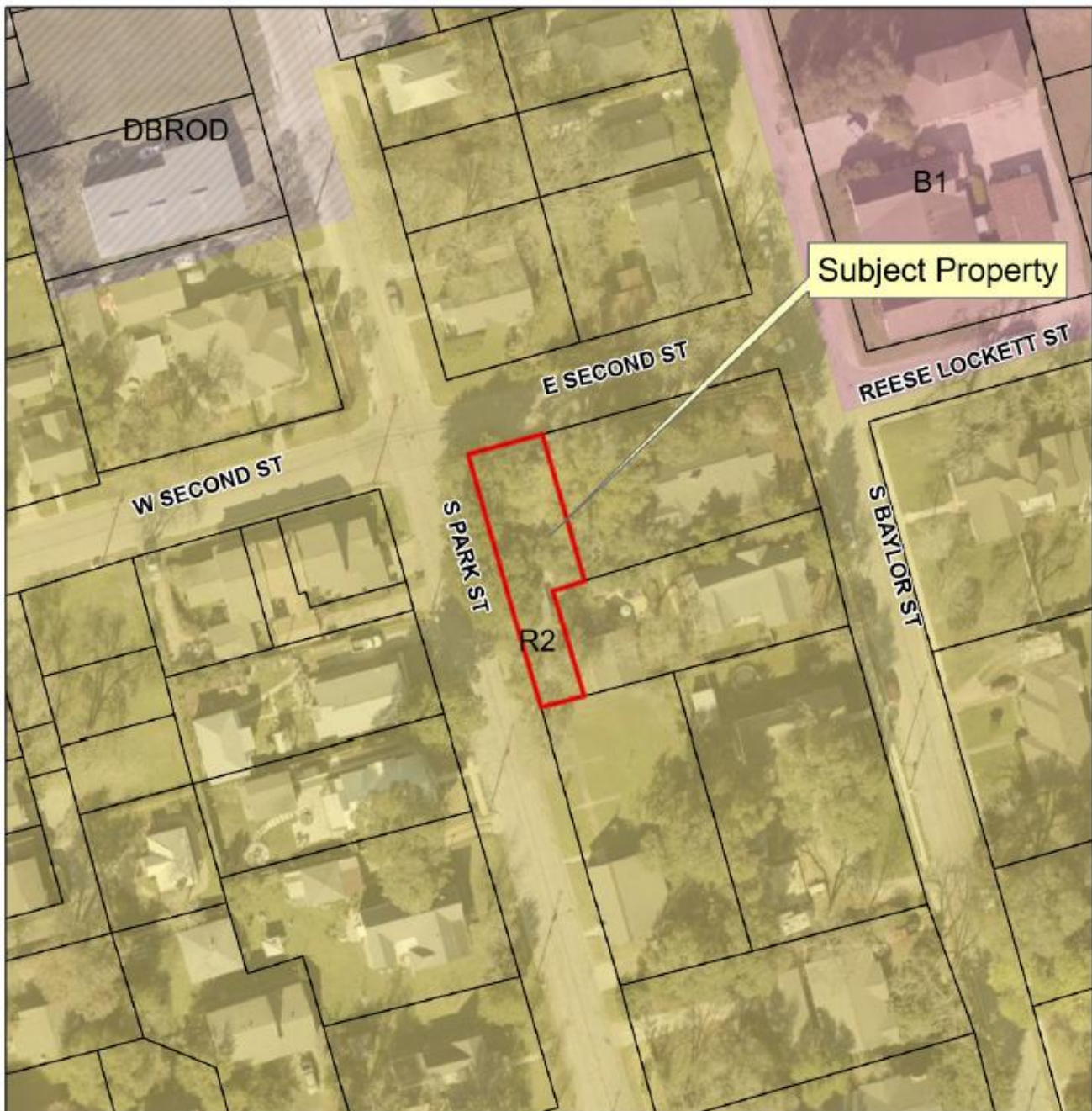





EXHIBIT "B"  
ZONING MAP



**Zoning Map**  
**Variance & Special Exception Requests**  
**601 S Park Street**

**Zoning**

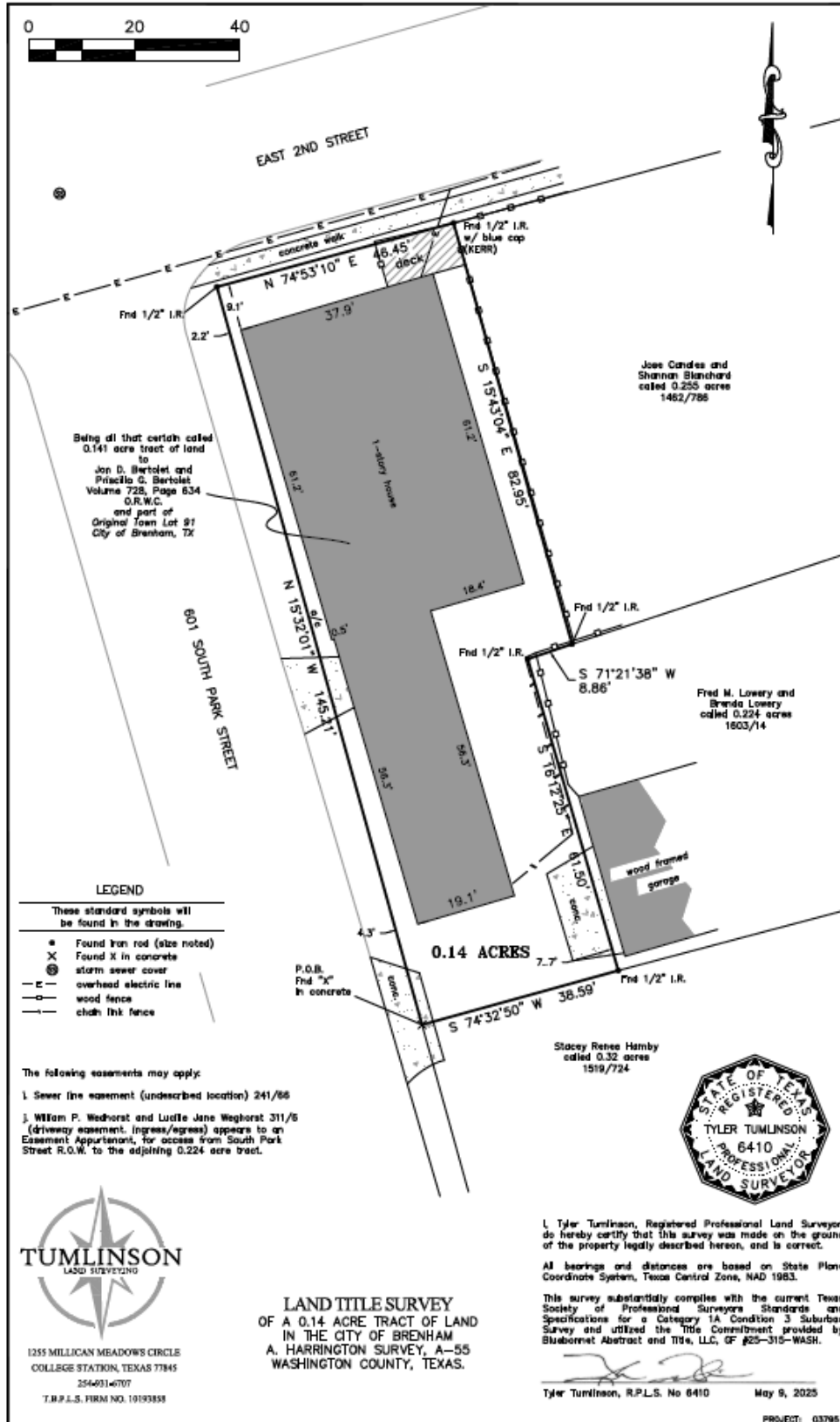
-  B1 Local Business Mixed
-  Downtown Business/  
Residential Overlay  
District
-  R2 Mixed Residential



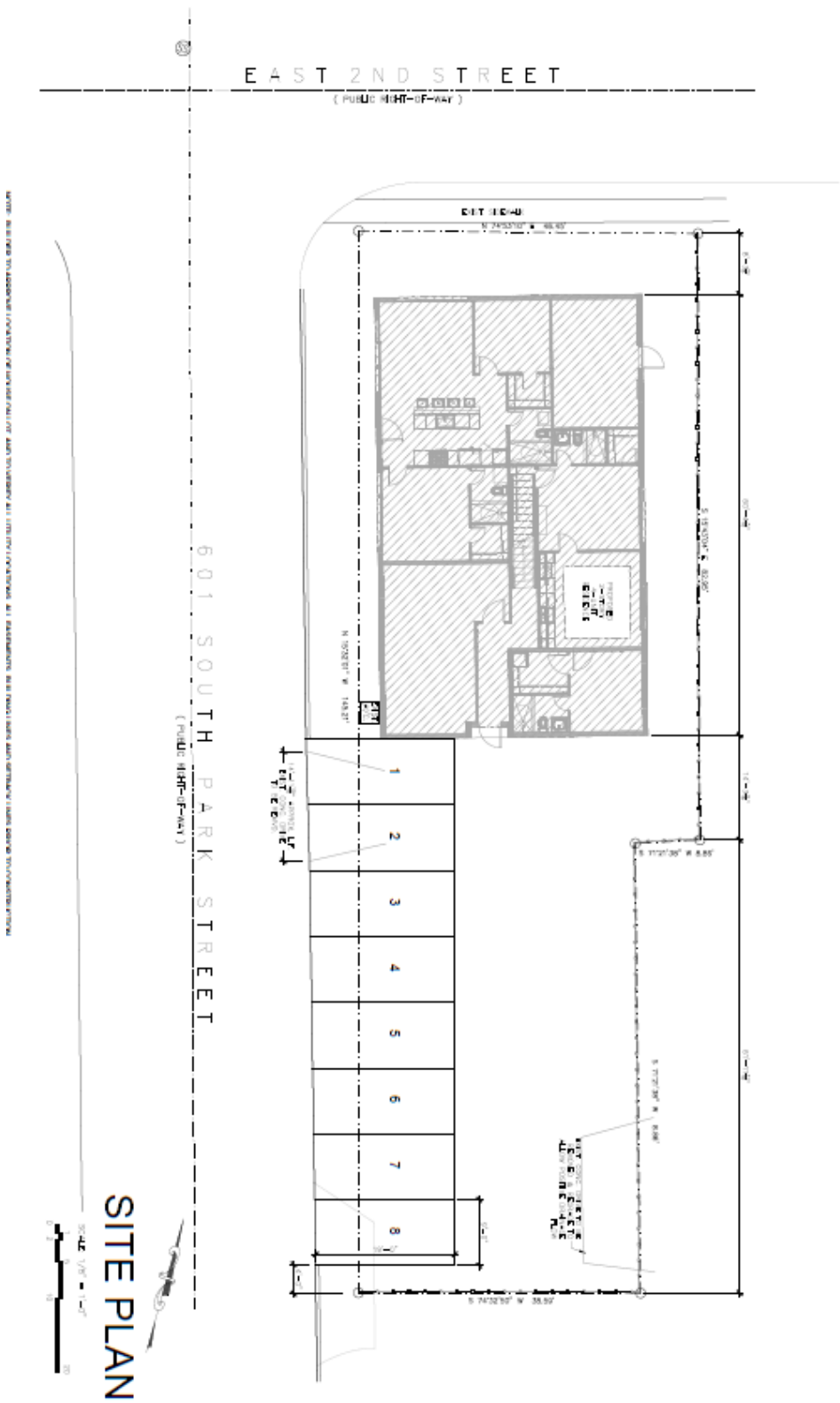
0 20 40 80 Feet



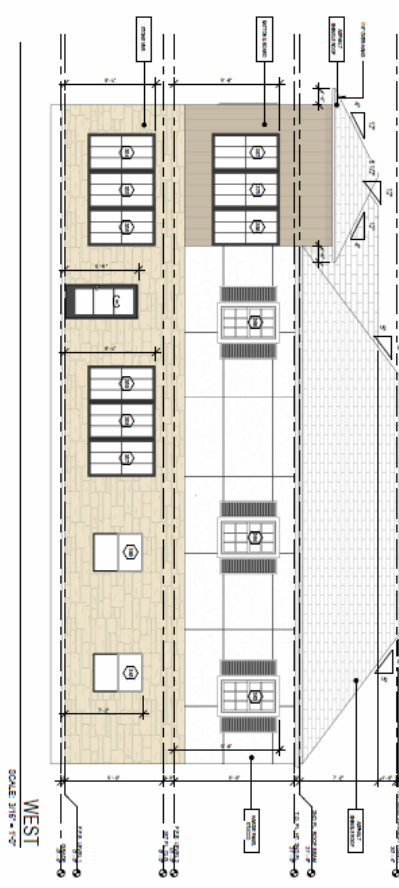
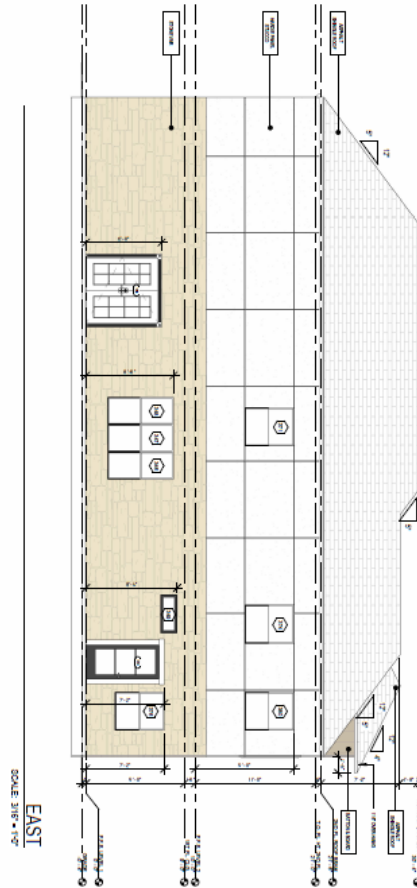
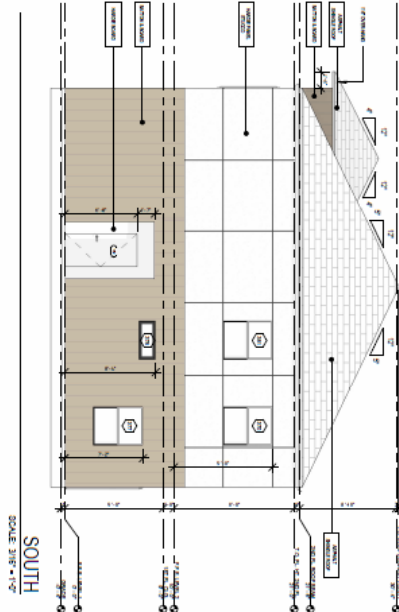
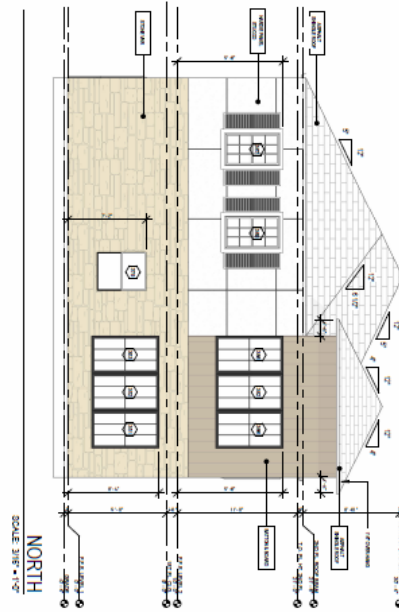
**EXHIBIT "C"**  
**SURVEY**



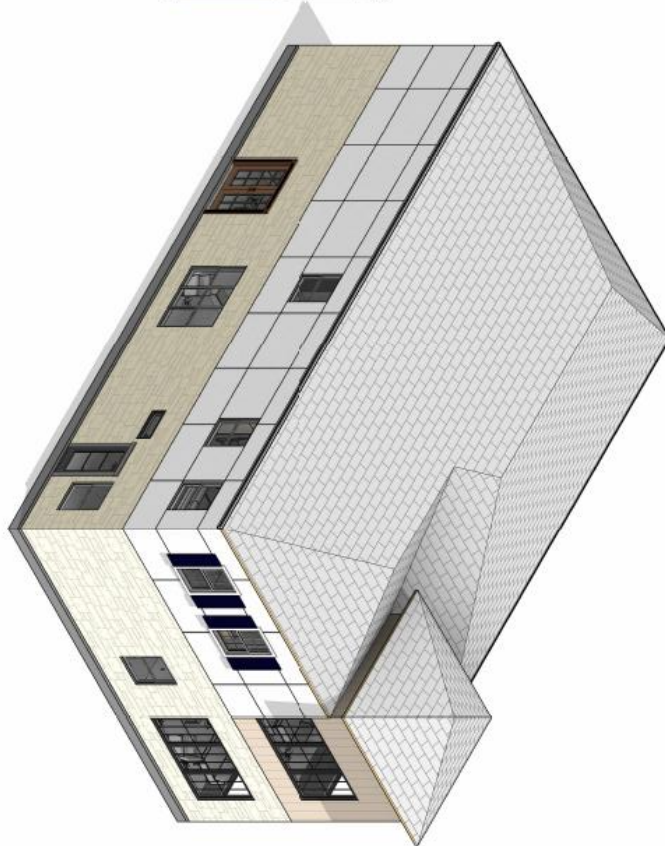
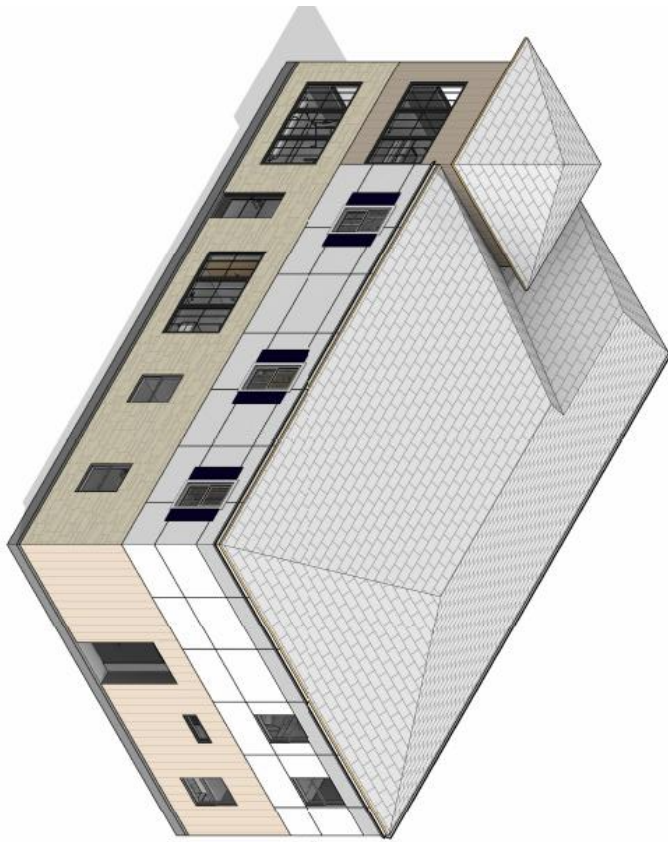
# EXHIBIT "D" SITE PLAN



**EXHIBIT "E"**  
**BUILDING ELEVATIONS**







DRAWING TITLE:

AXONOMETRIC VIEWS

REVISION:

DATE:


KEY PLAN

10

PROJECT ADDRESS:

601 S PARK, STREET  
BRENHAM, TX 77338





**EXHIBIT "F"**  
**SITE PHOTOS**



601 S Park Street at intersection of E. Second Street & S. Park Street



601 S Park Street from E. Second Street





601 S Park Street from S. Park Street looking north



One-story section to be removed. Looking south.



2-story main building to be rehabilitated. Setback to S. Park shown





601 S Park Street from S. Park Street.



Townhomes on the southwest corner of W. Second Street & S. Park Street.



Adjacent single-family home at 100 E. Second Street





**CASE NUMBER: VARIANCE-25-0009**  
**VARIANCE REQUEST: 1605 S. DAY STREET**

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**STAFF CONTACT:** Shauna Laauwe, AICP City Planner

**OWNERS/APPLICANTS:** WEJE Holdings, LLC / Walt Edmunds and Jake Edmunds

**ADDRESS/LOCATION:** 1605 S. Day Street (Exhibit "A")

**LEGAL DESCRIPTION:** Lot 5 of the Budnick Subdivision

**LOT AREA:** 0.22-acres (9,620 square feet)

**ZONING DISTRICT/  
USE:** B-1, Local Business Mixed Use /Single-Family Residence  
(Exhibit "B")

**COMP PLAN** Corridor Mixed Use

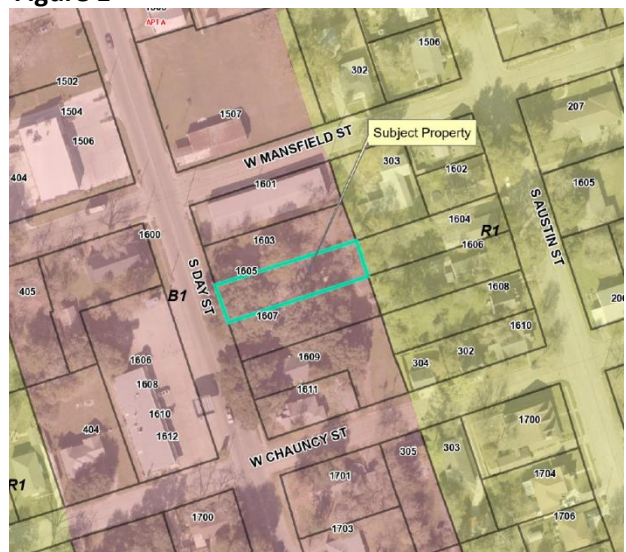
**FUTURE LAND USE:**

**REQUEST:** A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02(4)(C) to allow an 8-foot north and south side yard setback, where a minimum 10-foot side yard setback is required for construction of an accessory dwelling unit (ADU), (Exhibit "C").

**BACKGROUND:**

The subject property is addressed as 1605 S. Day Street and is a 0.22-acre (9,620 square foot) lot that is generally located on the east side of S. Day Street south of W. Mansfield Street and north of W. Chauncy Street. The property owner/applicant is WEJE Holdings, LLC / Walt Edmunds. The subject property, as well as adjacent properties to the north, west and south are currently zoned as B-1, Local Business Mixed Use District and developed with a mix of residential and neighborhood commercial uses, while the adjacent properties to the east are zoned R-1 Single Family Residential Use District and are developed as single-family uses. The subject property and all adjacent properties are currently developed as single-family uses, though a convenience store and small neighborhood retail center is located directly to the west across S. Day Street.

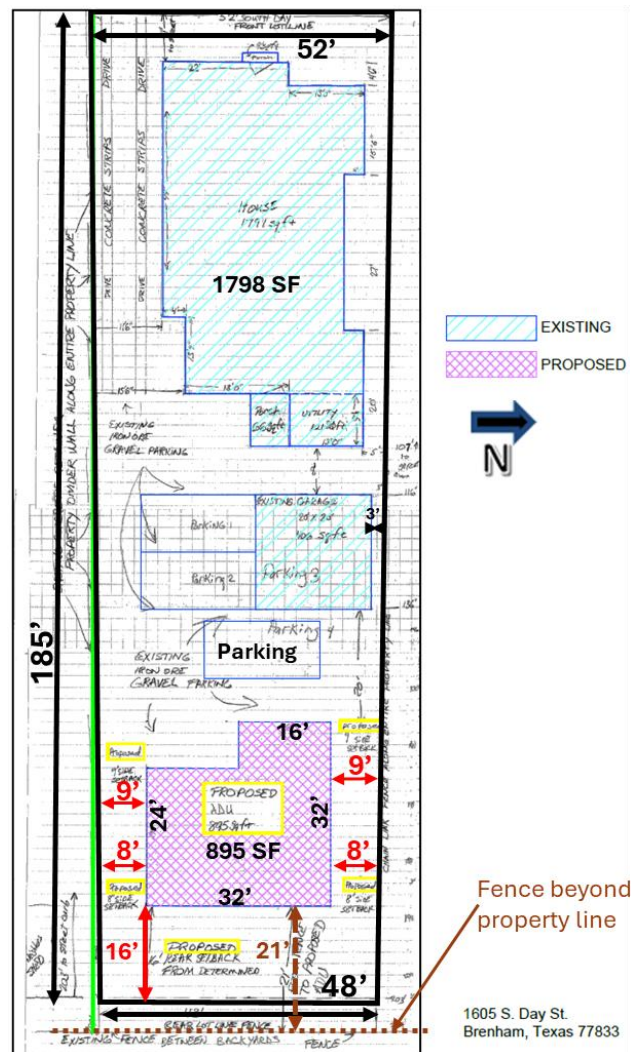
**Figure 1**



The subject property and structure predate the zoning and subdivision regulations that were adopted in 1968, and thus have some legal nonconformities for a single-family home in the B-1 district. The subject property is an approximate 52-foot x 185-foot (9,620 SF) rectangular lot that is part of the Budnick Subdivision that was platted in 1925. The 52-foot lot width is nonconforming to the existing minimum required 60-foot lot width, though the lot depth and lot size exceed the current regulations for a single-family lot of 115-feet and 7,000 square feet, respectively. The subject property currently consists of a 1,791 square foot home with an attached 121 SF utility storage room that were constructed in 1950 and a 406 square feet detached accessory building (garage) with an unknown construction date. The existing home has an approximate front yard setback of 25-feet, a south side yard setback of 11-feet 6-inches and a nonconforming north side yard setback of 5-feet. The existing detached garage is also nonconforming with a north yard setback of 3-feet, where a minimum of 5-feet is currently required for accessory structures.

The property owner, Walt Edmunds, has submitted an application to construct a proposed 895 square foot detached Accessory Dwelling Unit (ADU) within the rear yard to provide a living quarters for him and his wife. As shown in Figure 2 below, the proposed ADU would meet the required 10-rear yard setback with a proposed rear setback of 16-feet; however, the north and south side setbacks are proposed to be only 8-feet from the side property lines instead of the required 10-foot side yard setback for detached ADUs.

**Figure 2**



Accessory Dwelling Units are permitted uses within the B-1 Zoning District, however Section 10.02(4) of the Zoning Regulations lists additional development standards that pertain to ADUs and the proposed structure meets all of the criteria except for c) below:

- a) Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or ADU.  
***The property owner plans to reside in the ADU and continue to utilize the principal structure as a rental investment.***
- b) An ADU must be designed and constructed in keeping with the general architecture and building material of the principal structure.  
***The proposed ADU will be in the same general architecture style and building material of the principal structure.***
- c) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.  
***The proposed ADU meets or exceeds the rear yard setback requirements with a rear yard setback of 16-feet; however, the proposed side yard setbacks along both the north and south property lines are proposed to be 8-feet instead of the required 10-feet.***
- d) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.  
***The site plan shows that the existing driveway, parking area, and a proposed new parking space accommodates the minimum required 3 off-street parking spaces.***
- e) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.  
***The principal structure has a habitable area of 1,791 square feet and the proposed ADU has a habitable square area of 895 square feet, which is ½ of the habitable area of the principal structure.***
- f) ADUs shall not be HUD-code manufactured home or mobile home.  
***The proposed ADU will not be a HUD-code manufactured home or mobile home***

Therefore, the applicant is requesting a variance to allow the proposed ADU to be located 8-feet from the rear (south) property line, where a 10-foot rear yard setback is required for a detached Accessory Dwelling Unit.

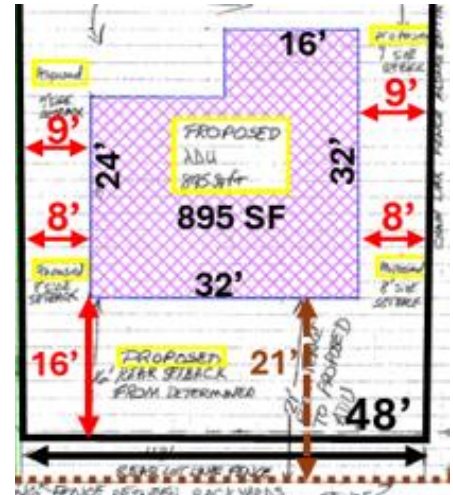
#### **APPLICABLE SECTION OF ORDINANCE AND ANALYSIS:**

(Sec.5.02)(132)Variance: A type of relief that may be granted by the Board of Adjustment in order to accommodate appropriate development of a particular parcel of land that cannot otherwise be appropriately developed. The granting of such relief is subject to the standards and procedures as established in part IV, Variances, Special Exceptions, Nonconforming Uses and Appeals, Division 1. The Board may not grant variances to use requirements or procedural requirements related to the granting of a variance.

(DIVISION 2. VARIANCES Sec. 1. Limitations.) The Board of Adjustment shall have the authority to grant variances in accordance with the standards and procedures provided herein, from any and all technical requirements of the zoning ordinance, but may not grant variances to use requirements or procedural requirements or for procedural requirements for hearing or notice, provided that:

- (1) *Such modifications are necessary to accommodate appropriate development of a particular parcel of land that is restricted by attributes inherent in the land such as area, shape or slope to the extent that it cannot otherwise be appropriately developed.*

The subject property is a rectangular lot that is 9,620 square feet, 185-feet in depth and approximately 52-feet in width, however the property gradually narrows to an overall width of 48-feet at the east/rear property line. The property was platted in 1925 before the Subdivision and Zoning Regulations were adopted in 1968. The existing lot depth is much greater than the minimum required 115-feet, however the width is nonconforming to the current minimum width of 60-feet for single-family lots. With minimum side yard setbacks of 10-feet, the nonconforming lot depth restricts the buildable width to 32 to 28-feet (from west to east) on the subject property instead of the standard 40-feet. The principal structure has a nonconforming north side yard setback of approximately 6-feet, while the detached garage has a nonconforming side yard setback of 3-feet. The proposed ADU is 32-feet in width and has 9-foot side yard setbacks on the west side (front) of the structure where the lot measures 49-feet in width and 8-foot setbacks on the east side (rear) of the structure where the subject lot measures 48-feet in width. While a smaller ADU could be proposed to meet the setbacks, the unique gradual narrow lot shape does make modifications necessary that would not be necessary on a property with a conforming lot width.



- (2) *The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, nor substantially increase the congestion in the public streets, nor increase the danger of fire, or in any way endanger the public health, safety and well-being of the neighborhood in which the subject property is located.*

Granting a variance to allow 8-foot side yard setbacks for the proposed ADU will not be materially detrimental or injurious to other properties and improvements in the general vicinity of the subject property. The subject property is 9,620 square feet and exceeds the minimum lot area of 7,000 square feet for a single-family home in the B-1 District. The elongated rectangular lot allows for ample front and rear yard setbacks and for adequate separation between structures on the subject property. The proposed ADU has a 16-foot rear setback, however a fence is located 21-feet that separates the adjacent property to the east. As shown in Figure 3, the adjacent properties to the north and south that would be most impacted by the reduction in the side yard setback do not currently have accessory structures in the vicinity of the proposed ADU, and the principal structures are situated to the west end of their respected lots near South Day Street. Lastly, the site exceeds the parking requirements with a two-car garage, three designated parking spaces, and a long driveway that may accommodate additional vehicles.

Figure 3



- (3) *The literal enforcement of the ordinance would work on unnecessary hardship.*

The literal enforcement of the ordinance would limit the size and function of the proposed ADU. The applicant states that “strictly enforcing the 10-foot side yard setback requirement would create an unnecessary hardship by significantly limiting the buildable area on the lot, especially considering the narrow width and existing constraints of the property. With 10-foot setbacks on both sides, the remaining space is too narrow to construct a functional and code-compliant Accessory Dwelling Unit (ADU).”

- (4) *The piece of property is unique and contains properties or attributes not common to other similarly situated properties.*

The Budnick Subdivision was platted in 1925 containing twelve (12) 52' x 185' lots and the subject property was developed for single-family residential use in 1950. The City of Brenham did not adopt Subdivision and Zoning Regulations until 1968. At some point over the last 100 years, the subject property narrowed to 48-feet. Due to the narrow lot width and no zoning regulations at the time of development, the existing principal structure and detached garage are legally nonconforming and encroach into the north side yard setback. The structures are oriented to the north side property line as the driveway and access to the rear yard is situated on the south side of the property. The proposed placement of the ADU would allow for a separation of 20-feet from the detached garage and 16-feet from the rear property line. As shown in Figure 2, there is an existing fence 5-feet from the rear property line, thus it will appear that the proposed ADU is 21-feet from the property line. Several of the long rectangular lots in the area have accessory structures, many of which encroach into the current setbacks.

- (5) *The need for the variance was not created by the applicant.*

The applicant may reduce the size of the proposed ADU by 2-feet in width and have an accessory structure that meets all the zoning regulations and additional accessory dwelling standards; however, this would reduce the size to an amount that would not satisfy the applicant's needs. The subject property's nonconforming lot width that narrows to 48-feet at the rear property line results in the need for the variance of the 32-foot-wide structure. The proposed ADU would meet the side yard setback requirements on a conforming 60-foot-wide lot. The requested variance will allow the property owners to construct the proposed ADU on the subject property in keeping within the intent of the City standards.

- (6) *The hardship to be suffered through the literal enforcement of the ordinance would not be financial alone.*

The hardship suffered through the literal enforcement of the ordinance would not be financial alone.

- (7) *The granting of the variance would not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the Zoning Ordinance.*

The intent of the 10-foot side yard setback for accessory dwellings is to insure at least 10-feet of separation between a habitable structure and other structures (on site or adjacent) for building and fire code purposes, to allow for open space, and to minimize density from adjacent residential properties. On the subject property, the proposed ADU would be setback 20-feet from the existing detached garage and 48-feet from the principal structure. The proposed ADU has a 16-foot rear setback, however a fence is located 21-feet that separates the adjacent property to the east. As shown in Figure 3, the adjacent properties to the north and south that would be most impacted by the reduction in the side yard setback do not currently have accessory structures in the vicinity of the proposed ADU, and the principal structures are situated to the



west end of their respected lots near South Day Street. For the circumstances of the subject property, granting a variance for an 8-foot side yard setback on each side of the ADU would not be injurious to the public health, safety, and welfare, nor would it defeat the intent of the philosophy contained in the zoning ordinance.

**STAFF RECOMMENDATION:**

Staff has reviewed the request and ***recommends approval*** of the requested variance to allow a 2-foot reduction in the minimum required 10-foot north and south side yards for a setback of 8-feet for construction of an accessory dwelling unit (ADU) to be located at the existing site at 1605 S. Day Street.

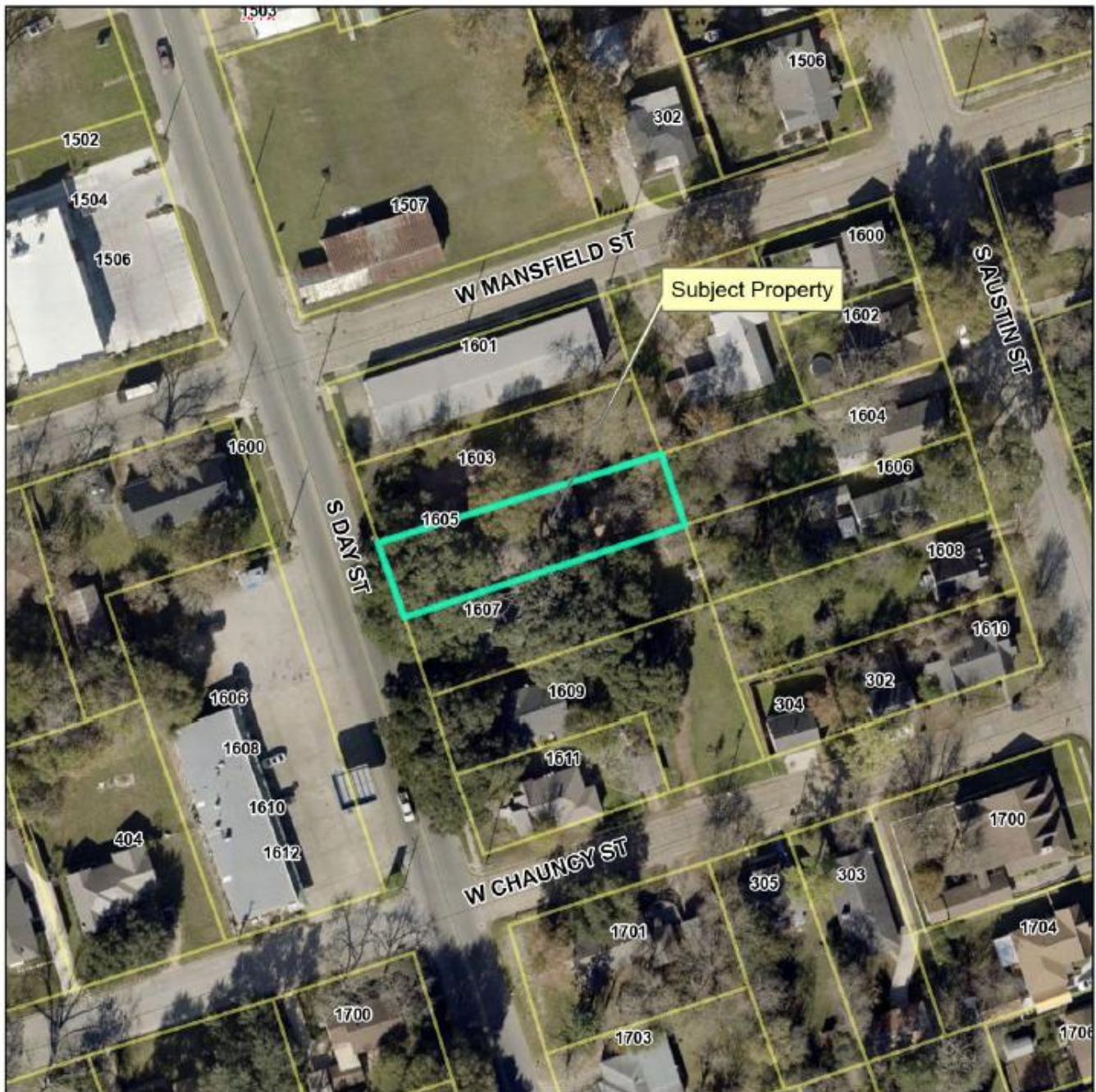
**PUBLIC COMMENTS:**

Property owners within 200 feet of the subject property were mailed notifications of this proposal on July 31, 2025. Any public comments will be provided in the Board of Adjustment Packet or during the public hearing.

**EXHIBITS:**

- A. Aerial Map
- B. Zoning Map
- C. Site plan
- D. Photos

EXHIBIT "A"  
LOCATION MAP



Location Map  
Variance to Side Yard Setbacks for an ADU  
1605 S. Day Street

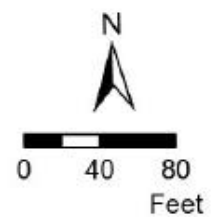
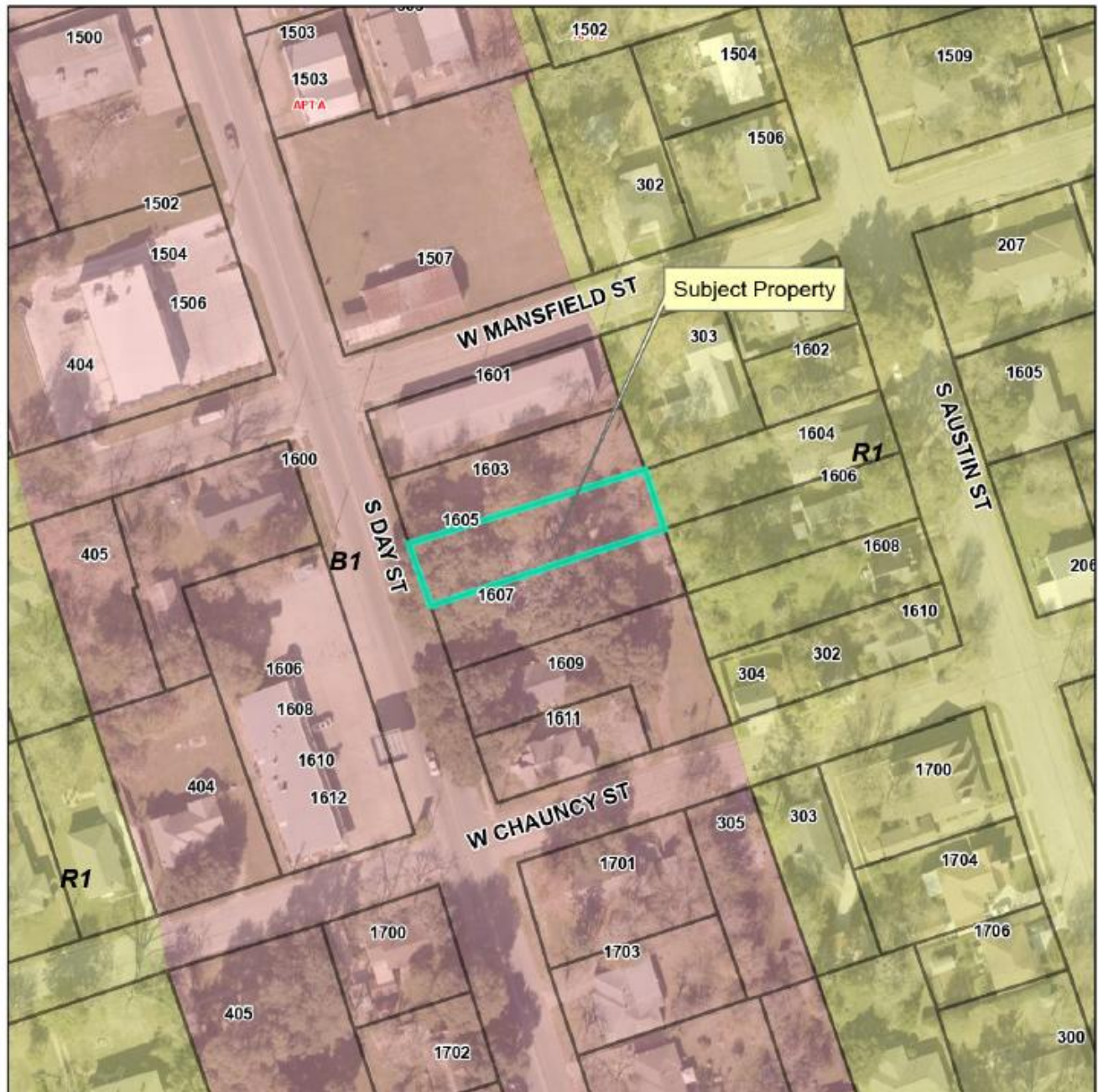




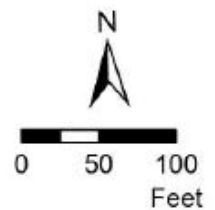
EXHIBIT "B"  
ZONING MAP



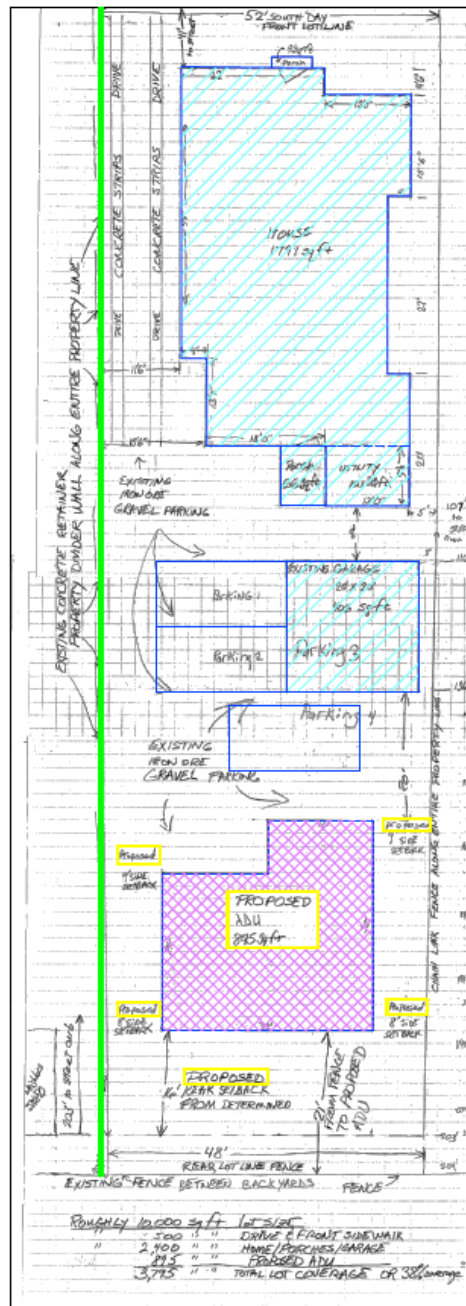
**Zoning Map**  
**Variance to Side Yard Setbacks for an ADU**  
**1605 S. Day Street**

**Zoning**

- B1 Local Business Mixed
- R1 Residential Single Family



# EXHIBIT "C" SITE PLAN



1605 S. Day St.  
Brenham, Texas 77833

1" = 20'-0"



**EXHIBIT "D"**  
**SITE PHOTOS**



**Subject Property – 1605 S. Day**



**North side yard setback – Can see principal structure and detached garage as well as closeness to adjacent neighbor. Adjacent property is vacant and being marketed for commercial use.**





**South side setback and adjacent property. Adjacent property is residential.**



**Looking north, commercial uses on S. Day Street.**



**Neighborhood retail directly across S. Day Street from subject property.**