



**NOTICE OF A REGULAR MEETING  
BOARD OF ADJUSTMENT  
MONDAY, MAY 9, 2022 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 discuss and act upon it individually as part of the Regular Agenda.

**4-a. Minutes from the February 14, 2022 Board of Adjustment Meeting**

**4-b. Minutes from the February 28, 2022 Joint Training with the Planning and Zoning Commission**

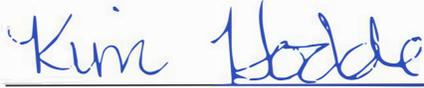
**REGULAR AGENDA**

- 5. Public hearing, Discussion and Possible Action on Case Number B-22-002: A request by Tony Ramirez / Schlottmann Properties, LLC for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Sections 4.06(a) and 4.06(c) to allow a 10-foot front yard setback and a 5.7-foot rear yard setback, where a minimum 25-foot front yard setback and a 10-foot rear yard setback is required for expansion of a non-conforming structure at 301 S. Market Street, described as Lots 2A and 2B of the Noel Addition, in Brenham, Washington County, Texas.**

6. Adjourn

**CERTIFICATION**

I certify that a copy of the May 9, 2022, 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 May 5, 2022, at 8:30 a.m.



Kim Hodde, Planning Technician

**Disability Access Statement:** 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 twenty-four (24) hours before the meeting) by calling (979) 337-7200 for assistance.

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 \_\_\_\_\_, 2022 at \_\_\_\_\_ am/pm.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**CITY OF BRENHAM  
BOARD OF ADJUSTMENT MINUTES**

**February 14, 2022**

*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 February 14, 2022, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Jon Hodde, Chairman  
Walt Edmunds  
Danny Goss  
Arlen Thielemann  
Mary Lou Winkelmann

Commissioners absent:

Thomas Painter

Staff present:

Stephanie Doland, Director of Development Services  
Shauna Laauwe, City Planner

Citizens / Media present:

Artis Edwards, Jr.

**1. Call Meeting to Order**

Chairman Hodde called the meeting to order at 5:27 p.m. with a quorum of five (5) Commissioners present.

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

There were no public comments and/or receipt of petitions.

**3. Reports and Announcements**

- The Board was reminded of the training session on February 28, 2022 at 4:00 pm.
- The Board was informed that the Development Services Department moved upstairs to the second floor.

**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 discuss and act upon it individually as part of the Regular Agenda.

**4-a. Minutes from the December 13, 2021, Board of Adjustment Meeting**

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Thielemann and seconded by Commissioner Goss to approve the minutes from the December 13, 2021, meeting, as presented. The motion carried unanimously.

## **REGULAR AGENDA**

### **5. Election of a Chair and Vice Chair for the Board of Adjustment for 2022**

A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to appoint Jon Hodde as Chair and Thomas Painter as Vice Chair for the Board of Adjustment for 2022. The motion carried unanimously.

### **6. Public hearing, Discussion and Possible Action on Case Number B-22-001: A request by Artis Edwards, Jr. for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(a)(iii) to allow a 15-foot rear yard setback where a minimum 25-foot rear yard setback is required for construction of a two-family/duplex residence at 1005 Armbrister Street, described as Lot 14, Block 4 of the W.A. Wood Subdivision of the Armbrister Addition, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-22-001 (on file in the Development Services Department). Ms. Laauwe stated that this request by Artis Edwards, Jr. is for a 10-foot special exception to the required 25-foot rear setback to allow a 15-foot rear setback for construction of a two-family / duplex residence at 1005 Armbrister Street. There are no consistent setbacks on the block since at least six other structures in the block encroach into either the front, rear, or side setbacks; therefore, this request for a reduction to the rear setback can be considered as a special exception instead of a variance. The subject property is zoned R-2, Mixed Residential Use District and is currently vacant with surrounding properties being zoned R-2. The future land use designation for this property is single-family residential. The subject property is a 62-foot by 85-foot (5,295 square foot) lot and is identified as Lot 14, Block 4 of the W.A. Wood Subdivision of the Armbrister Addition. The W.A. Wood Subdivision was platted in 1898 which is prior to the City's adoption of the Zoning Ordinance in 1967. Current R-2 zoning for single-family residential and duplexes require a minimum lot size of 7000 square feet, a lot width of 60-feet and a minimum lot depth of 115-feet. The smaller lot size and depth of the subject property makes it difficult to construct a modern residential structure on the lot. The proposed duplex is 42-foot wide by 40-foot deep. Both units of the duplex structure are proposed to have 3-bedrooms, 2-baths (1,363 square feet) and a single car garage.

Notifications were mailed to property owners within 200-feet of the subject property on February 3, 2022. One citizen comment was received in support of the request.

Staff has reviewed the request and recommends approval of the requested special exception to allow a 15-foot rear setback for a two family / duplex residence to be located at 1005 Armbrister Street.

Chairman Hodde opened the Public Hearing at 5:41 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:42 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Edmunds to approve the request by Artis Edwards, Jr. for a Special Exception to allow a 15-foot rear yard setback where a minimum 25-foot rear yard setback is required for construction of a two-family/duplex residence at 1005 Armbrister Street, as presented. The motion carried unanimously.

**7. Adjourn**

A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to adjourn the meeting at 5:42 p.m. The motion carried unanimously.

*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

May 9, 2022  
Meeting Date

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

May 9, 2022  
Meeting Date

**CITY OF BRENHAM  
BOARD OF ADJUSTMENT MINUTES**

**February 28, 2022**

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

A special joint meeting (Training) with the Board of Adjustment and Planning and Zoning Commission was held on February 28, 2022 at 4:00 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

BOA Commissioners present:

Jon Hodde, Chair  
Thomas Painter, Vice Chair  
Danny Goss  
Arlen Thieleman  
Mary Lou Winkelmann

Planning and Zoning Commissioner present:

Dr. Deanna Alfred, Vice Chair  
Artis Edwards, Jr.  
Cayte Neil  
Marcus Wamble

BOA Commissioners absent:

Walt Edmunds (alternate)  
MaLisa Hampton (alternate)

P & Z Commissioner absent:

M. Keith Behrens, Chair  
Calvin Kossie  
Christopher Cangelosi

Staff present:

Stephanie Doland, Development Services Director  
Shauna Laauwe, City Planner  
Jeanna Bellinger, City Secretary  
Kim Hodde, Planning Technician  
Alyssa Faykus, Administrative Assistant

Citizens present:

None

**1. Call Meeting to Order**

Chairman Hodde called the Board of Adjustment meeting to order at 4:04 p.m. with a quorum of five (5) Commissioners present.

Chairman Behrens called the Planning and Zoning Commission meeting to order at 4:04 p.m. with a quorum of four (4) Commissioners present.

**WORKSHOP AGENDA**

- 2. Presentation and Training on the City of Brenham's Policies and Procedures for Advisory Boards and Commissions to Include, but Not Be Limited to, Board Meeting Procedures and Requirements, Roberts Rules of Order and Parliamentary Procedure, Conflicts of Interests, the Texas Open Meetings Act, and the Texas Public Information Act.**

Jeana Bellinger, City Secretary for the City of Brenham, highlighted the Policies and Procedures for Boards and Commissions adopted by City Council effective January 1, 2022 including the attendance requirements. She further stated that the Board Policies require training for new Board members and every three (3) years thereafter for all members.

The discussion on the **Texas Open Meetings Act** included topics such as:

- Overview of the Texas Open Meetings Act (“the Act”)
- Majority (Quorum)
- Notice Requirements
- Executive / Closed Meetings
- Emergency Meetings
- Violations of the Act

The discussion on the **Basics of Parliamentary Procedure** included topics such as:

- Robert’s Rules of Order
- The Do’s and Don’ts of Parliamentary Procedure
- Conflicts of Interest

The discussion on the **Texas Public Information Act** included topics such as:

- The basics of the Public Information Act (“PIA”)
- Who is subject to the PIA?
- Electronic / Social Media
- Personal vs. Official
- Violations of the Act

A copy of the presentation is on file in the Development Services Department.

### 3. **Adjourn**

Chairman Hodde adjourned the Board of Adjustment meeting at 4:53 pm.

Vice Chair Alfred adjourned the Planning and Zoning Commission meeting at 4:53 pm.

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

*Certification of Meeting Minutes:*

\_\_\_\_\_  
Board of Adjustment

Jon E. Hodde  
Chair

May 9, 2022  
Meeting Date

\_\_\_\_\_  
Attest

Kim Hodde  
Staff Secretary

May 9, 2022  
Meeting Date



**CASE NUMBER: B-22-002**  
**SPECIAL EXCEPTION REQUEST: 301 S Market Street**

---

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

**OWNERS/APPLICANTS:** Schlottman Properties, LLC / Tony Ramirez (prospective buyer)

**ADDRESS/LOCATION:** 301 S Market Street (Exhibit "A")

**LEGAL DESCRIPTION:** Lot 2B, Noel Addition

**LOT AREA:** 6,019 square feet / Approximately 0.19 acres

**ZONING DISTRICT/  
USE:** B-2, Commercial, Research and Technology District / Vacant automobile shop (Exhibit "B")

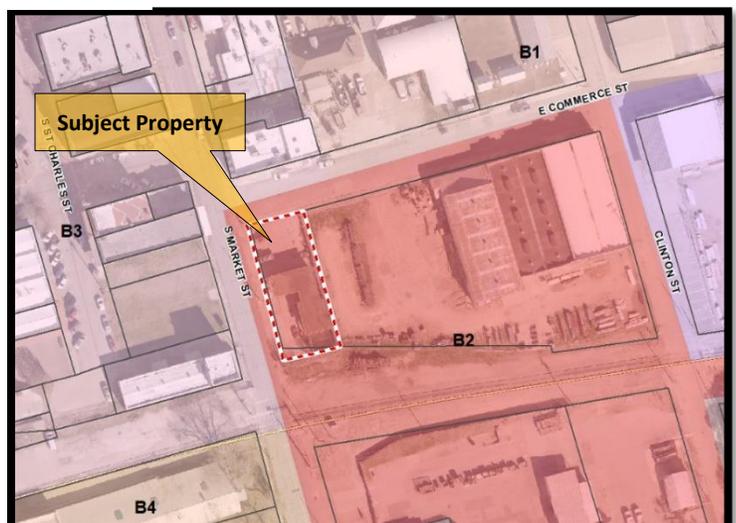
**COMP PLAN  
FUTURE LAND USE:** Downtown

**REQUEST:** Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Sections 4.06(a) and 4.06(c) to allow a 10-foot front yard setback and a 5.7-foot rear yard setback, where a minimum 25-foot front yard and 10-foot rear yard setback is required for expansion of a non-conforming structure at 301 S Market Street, described as Lots 2A & 2B of the Noel Addition, in Brenham, Washington County, Texas. (Exhibit "C" – Letter Submitted by Applicant)

**BACKGROUND:**

The subject property is an approximate 6,019 square foot (0.19 acres) tract of land located on the southeast corner of the S. Market Street and E. Commerce Street intersection. The subject property and adjacent properties to the south and east are zoned B-2, Commercial, Research and Technology District, while properties to the west and north are located within the B-3, Historical Central Business District. The property is developed with a 1,405 square foot structure with canopy that was the former Top Shop automotive repair business. The existing structure includes an office area, a fuel canopy that extends towards S. Market Street, and 4 automobile service bays. The previous gas pumps and underground tanks have been removed since Top Shop vacated the

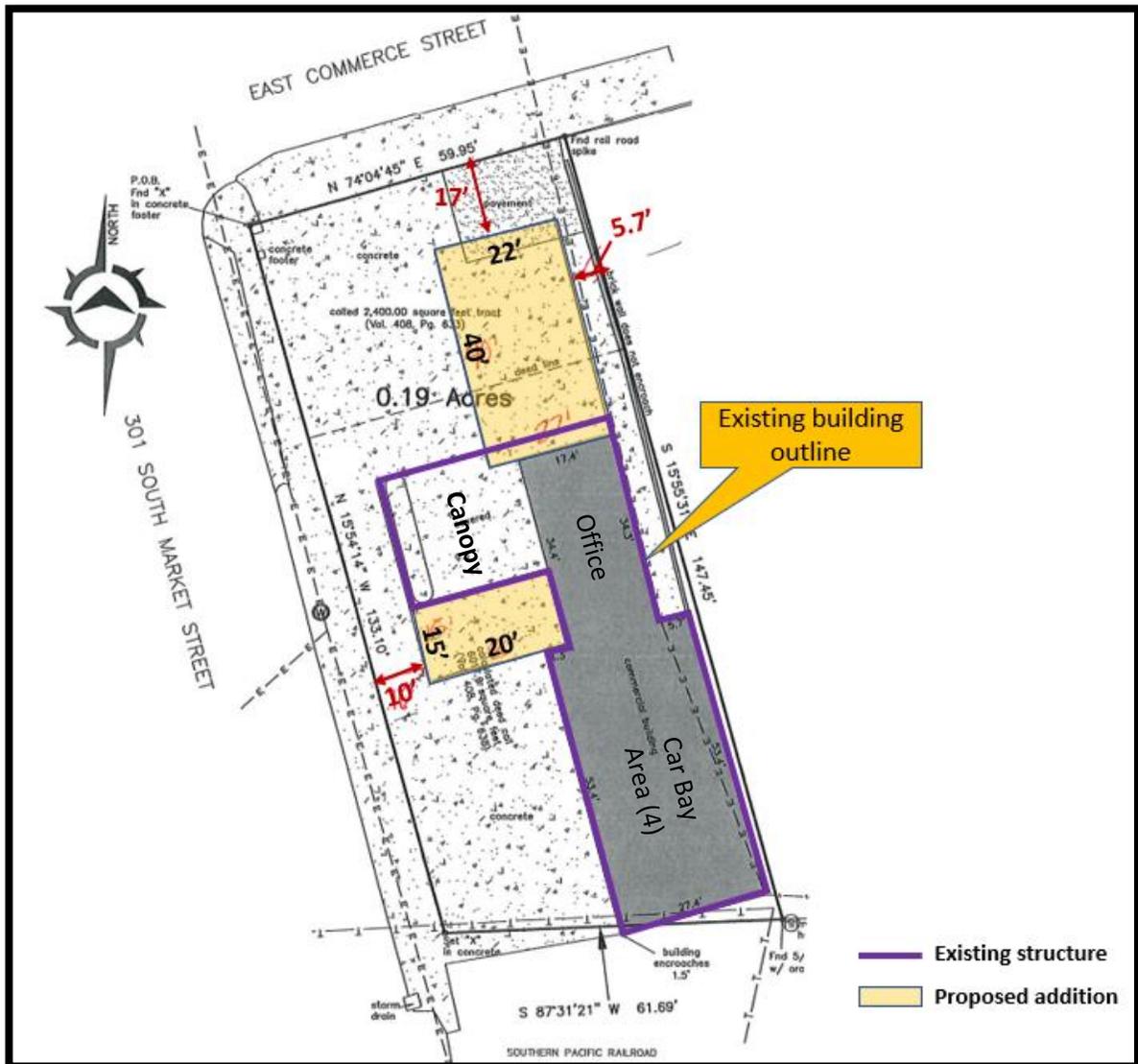
**Figure 1**



premises. The applicant wishes to renovate and make additions to the existing structure in order for the site to be redeveloped as Top Floor Cars, a locally owned classic car dealership that is currently located at 2404 S.Chappel Hill Street.

A survey/site plan rendering shown below in Figure 2, illustrates the existing structure, the proposed additions, and existing and proposed setbacks. The B-2 District has the following setback provisions pertaining to the subject property: no required side yard setback along the south property line, a front yard setback of 25-feet along S. Market Street, a side street setback of 15-feet along E. Commerce Street, and a rear yard setback of 10-feet along the east property line. The 1,405 square foot structure is situated to the south and east of the property and has a total length of 87.70-feet and a maximum varying width of 47.4-feet for the main structure to include the former fuel canopy. The provided survey detailed in Figure 2, indicates that a portion of the southwest corner of the structure encroaches into the abutting Southern Pacific Railroad property by approximately 1.5 feet and has a gradual increasing side yard setback to a maximum of 5 feet at the southeast corner of the structure. The structure is legally nonconforming to the 10-foot rear yard setback, with the existing rear yard setback ranging from approximately 1.5 feet for 53.4 feet on the southwest portion of the structure that consists of the car bays to a rear setback of 5.7-feet where the main office area is located. In addition, the former fuel canopy is nonconforming as it encroaches 15-feet into the required 25-foot front yard setback.

Figure 2



The applicant wishes to add two more car bays to the main structure (See Exhibit E) by constructing a 40'x22' (880 sf) addition to the north side of the structure and aligning the 40' in length east wall with the nonconforming portion the existing structure that encroaches 4.6-feet into the 10-foot rear yard setback. While the proposed addition would encroach into the rear yard setback, the proposed expansion would have a conforming side street setback of 17-feet along E. Commerce Street. Furthermore, the applicant proposes to expand the canopy area/porch space to the south with an additional 20'x15' (300 sf) of protected covered space (See Exhibit F). This would result in an additional 15-feet of covered area encroaching into the 25-foot front yard setback. Given these two proposed additions, the applicant is seeking a Special Exception to allow a 4.3-foot reduction of the minimum required 10-foot rear yard setback and a 15-foot reduction of the minimum required 25-foot front yard setback to allow for the expansion of a legally nonconforming structure.

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

(Sec. 1.01) Authority. The Board of Adjustment shall have the authority to grant special exceptions in accordance with the procedures and standards herein 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.

Section 4.06(1)(a) & Section 4.06(1)(c) of the City of Brenham Zoning Ordinance requires the following area regulations:

- (1) Size of yards:
  - (a) Front yard: For all uses permitted in this district, there shall be a front yard having a minimum depth of twenty-five (25) feet.
  - (c) Rear yard: For all uses permitted in this district, a rear yard of not less than ten (10) feet in depth shall be provided, except as required for buffer yards.

#### **STAFF ANALYSIS & RECOMMENDATION:**

Staff has reviewed the request and **recommends approval**. The existing structure and canopy have been in their existing configuration for a number of years and likely predate the current setback regulations. The proposed canopy addition will not encroach further into the front yard setback and the proposed main structure addition will align with the existing east building setback that is 5.7-feet from the property line. With the proposed additions, the existing site will remain in compliance with the off-street parking requirement of 1 space per 250 square feet. The total additions include 880 square feet to the main structure and 300 square feet to the canopy, for a total of 1,180 square feet. These additions will result in the overall structure to be 2,585 square feet and a parking requirement of 10 off-street spaces. With the building additions and renovations, the site will have 6 car bays that may be counted as parking spaces, and the canopy area and south portion of the site should be able to accommodate more than 4 additional parking spaces. As part of the redevelopment, the site will be required to be restriped to accommodate both ADA requirements and parking regulations.

No adverse effects to the adjacent properties, or the surrounding neighborhood is expected with the proposed expansion of the nonconforming structure. The adjacent property to the south is the BNSF Railroad and has approximately 85-feet of right-of-way from the railroad to the subject property line. The adjacent property to the east is within the B-2 District and is developed as Woodson's Lumber Company that utilizes the area closest to the subject property as lumber and material storage space. To the west, across S. Market Street is zoned B-3, Historical Central Business District, and part of the Downtown Historical District, with the area directly across the

subject property being developed as the old depot building that houses the Tae-kwon-Do establishment with an abutting vacant parcel. To the north, across E. Commerce Street, is also within the B-3 District and Downtown Historical District and is developed as the 4 Star Concert Hall. The proposed additions to the west (front yard) and east (rear yard) setbacks should not adversely affect the surrounding neighborhood. The properties to the west are located within the B-3 District, that does not have required setback requirements and existing structures are built to the lot line along S. Market Street. In addition, Woodson's Lumber that abuts the property along the east lot line and utilizes the area closest to the lot line as lumber and material storage. In addition, the existing structure has been in place at the reduced setback for more than 40 years and the proposed addition will not encroach further into the established 5.7-foot setback. Furthermore, the property has been vacant for some time and has come under disrepair. The proposed renovations and additions will initiate requirements to bring the property to the current building and fire codes, ADA accessibility, and more conforming zoning wise by requiring off-street parking striping and landscaping/planters.

The provision to request a special exception states: "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.*" Automobile/vehicular uses such as repair and service garage, painting and body shops, and vehicular storage, are permitted in the B-2 zoning district. As stated above, the proposed expansion of the nonconforming structure will be required to meet the current B-2 standards, to include the adopted 2018 International Building Code and Fire Codes.

Based on the finding that the proposed expansions will not cause any adverse effects to the adjacent properties or surrounding neighborhood, this request meets the criteria for Part IV, Division 4, Section 1.01(2), Special Exceptions of the Zoning Ordinance. Should the special exception be denied, the applicant would be required to adhere to the 10-foot rear yard and 25-foot front yard building setbacks.

Staff has reviewed the request and recommends the following:

- **Approval of a 4.3-foot** reduction in the required rear setback from 10-feet to 5.7 feet and;
- **Approval of a 15-foot** reduction in the required front setback from 25-feet to 10-feet.

#### **PUBLIC COMMENTS:**

Property owners within 200 feet of the project site were mailed notifications of this proposal on April 28, 2022. At the time of this staff report, no public comments have been submitted either by telephone or mail. 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/Survey
- D. Cover Letter
- E. Proposed Addition/Renovation Main Structure
- F. Proposed Addition/Renovation Canopy Structure
- G. Applicant Site Photos
- H. Staff Site Photos

EXHIBIT "A"  
AERIAL MAP



**Special Exception Request**  
**301 S. Market Street**  
**Extensions of a Nonconforming Structure**



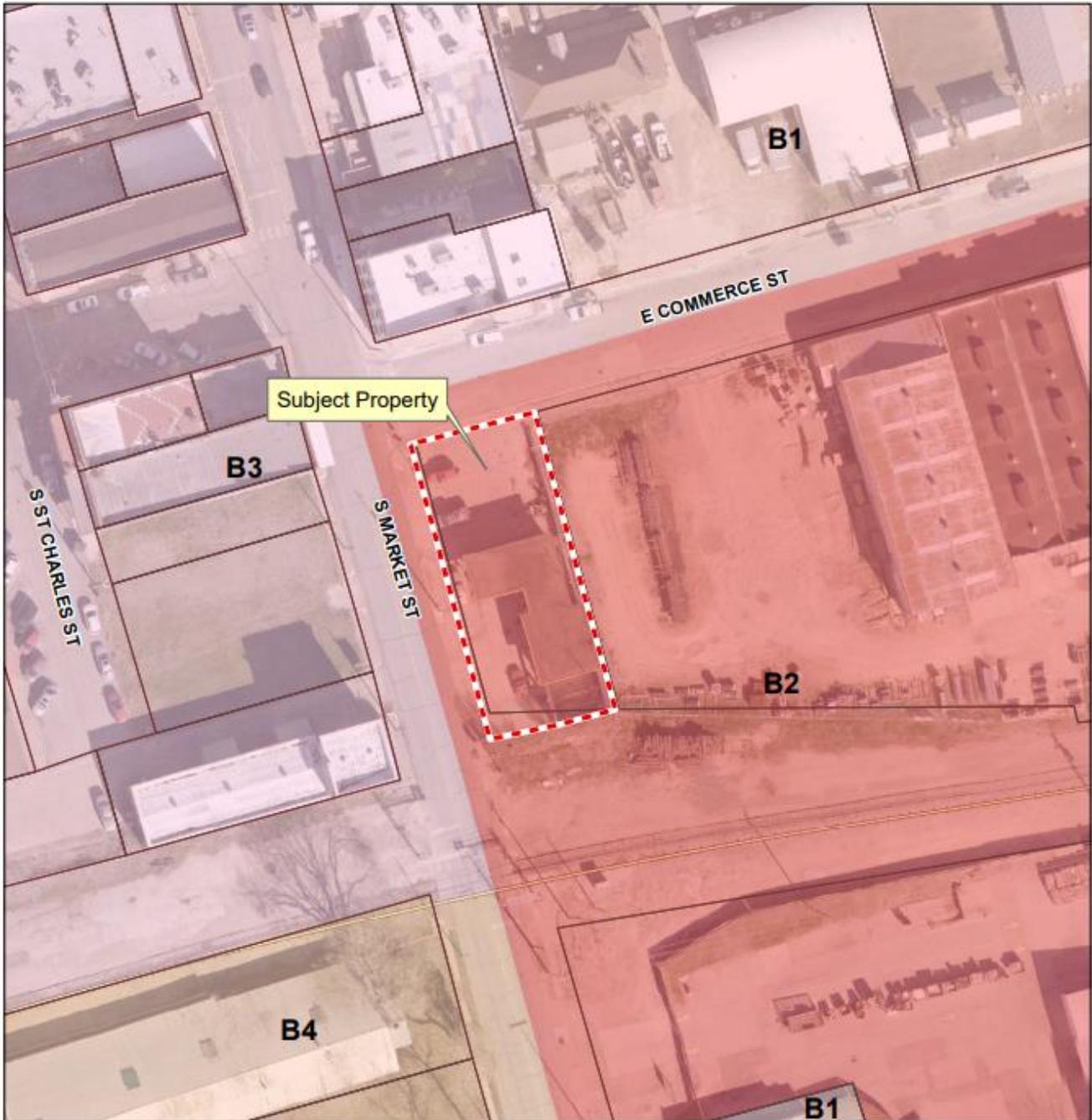
**Legend**

 Downtown Historical District



1 inch = 63 feet

EXHIBIT "B"  
ZONING MAP



Special Exception Request  
301 S. Market Street  
Extensions of a Nonconforming Structure



Legend

- B1 Local Business Mixed
- B2 Commercial Research and Technology
- B3 Historical and Central Business
- B4 Neighborhood Business District



1 inch = 63 feet

EXHIBIT "C"  
SITE PLAN

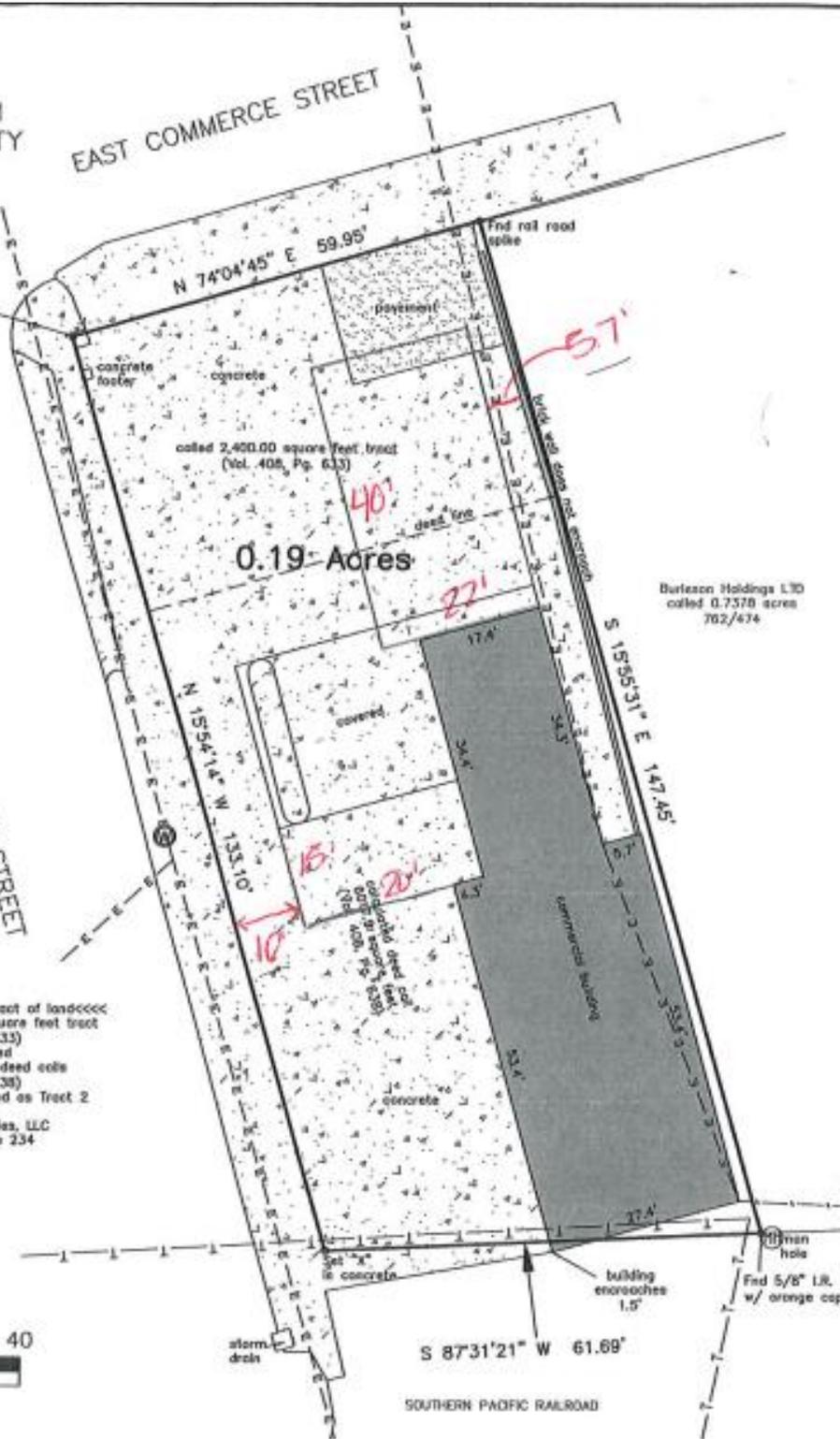
NOEL ADDITION  
CITY OF BRENHAM  
WASHINGTON COUNTY  
TEXAS



301 SOUTH MARKET STREET

EAST COMMERCE STREET

Being all that certain tract of land described as a 2,400.00 square feet tract (Vol. 408, Pg. 633) and a calculated 6017.9 square feet by deed calls (Vol. 408, Pg. 638) the above tracts referenced as Tract 2 to Schottman Properties, LLC Volume 1391, Page 234 O.R.W.C.



**EXHIBIT "D"**  
**Cover Letter**

LETTER OF INTENT  
IN SUPPORT FOR VARIANCE  
**301 S. Market St. Brenham, TX 77833**

---

April 7, 2022

**To: City of Brenham  
Board of Adjustment**

Dear Planning and Zoning Members,

We are requesting variance for the above address in order to make necessary modifications to the existing building that will allow us to successfully operate Top Floor Cars, Inc., a locally owned classic car dealership.

Top Floor Cars is currently located at 2404 S. Chappell Hill Street. Over the last few years, this business has grown. Attracting car lovers from all over the country, who are looking to purchase their dream car. These customers fall in love with the timeless beauty of the classic automobiles we offer. The growth has prompted us to seek a new location that will potentially allow more room to store the classic vehicles. Our mission is to offer our customers quality classic vehicles, and to make that happen proper storage is key to maintain the high quality of the exterior paint of the automobiles.

We are confident that the location above would be an excellent location for Top Floor Cars. It is walking distance from Downtown, Brenham and our goal is to renovate the building so that it fits in perfectly with the picturesque Downtown buildings. Should variance be granted, here are some of the plans we have:

- Renovate the outside of the existing building, which will give it a more uniform masonry look. We will use a light stone that is similar to the one we used for the current Top Floor Cars location (2404 S. Chappell Hill St. Brenham, TX 77833, picture included.)
- Replace the existing garage doors.

Reason Why Variance is Requested:

- Properties in the area are not 25 feet from the property. This includes: 4 Star, Alan's Auto, Taekwando Depot, and 212 S. Market St.

Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

The granting of the variance would have no effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner.

The requested variance would be consistent with the spirit and purpose of the City of Brenham as the new renovations will blend with the Downtown area and will be well within the spirit of the street and community.

We have included pictures of the current location as it exists today, a rough draft of what it could potentially look like if we are granted variance, and also some pictures of where Top Floor Cars is at currently.

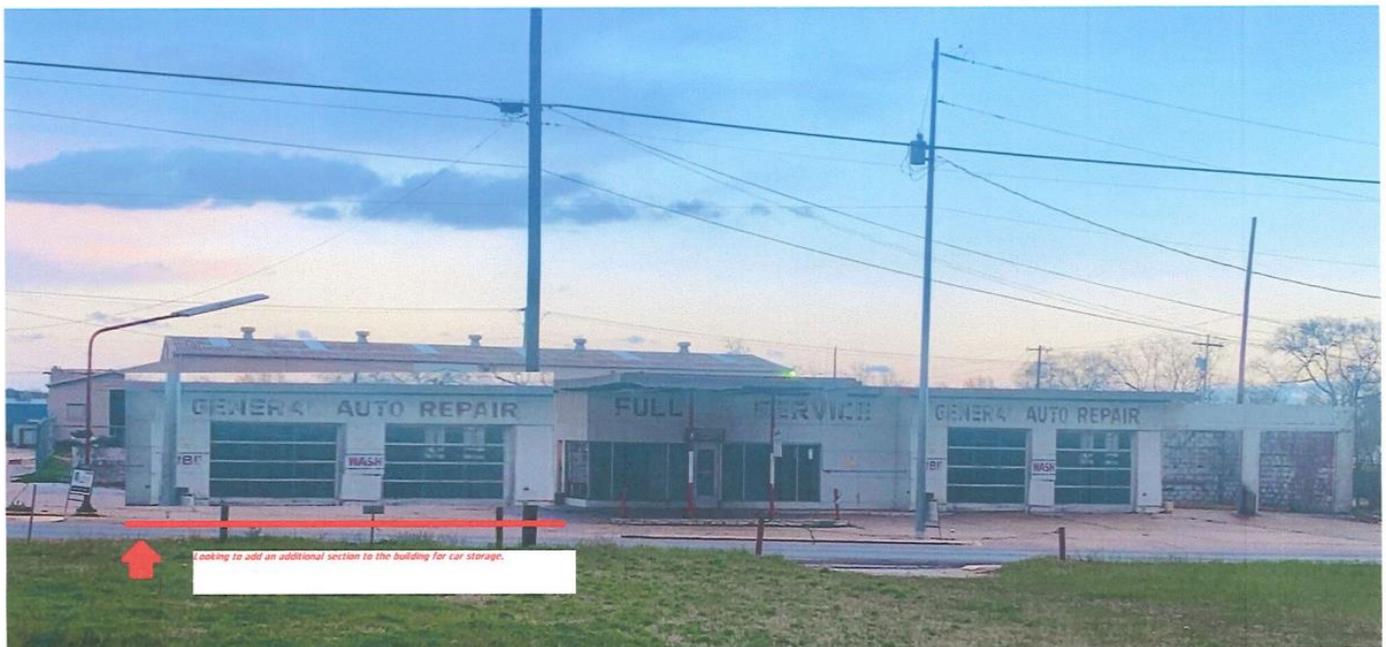
Thank you for your consideration,

Sincerely,

**Tony Ramirez**  
Property Owner

**Exhibit "E"**  
**Proposed Additions & Renovations**

ROUGH DRAFT OF PROPOSED RENOVATIONS.



**Area with red line would be the 2-car bay expansion to the north**

**EXHIBIT "F"**  
**Proposed Porch Renovations**



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



Area where 40'x22' car bay expansion would be located.



Nonconforming east setback where car bay addition is proposed. Would line up with building in the foreground.



Looking South. Existing canopy area expansion would be at same front setback of 10' from property line.