



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, OCTOBER 9, 2023 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 August 14, 2023 Board of Adjustment Meeting.

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-23-009: A request by Nathan and Mackenzie Knutson 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 1-foot, 6-inch north side yard setback and a 1-foot, 6-inch rear yard setback, where a minimum 5-foot side and rear yard setback is required for an accessory structure (garage) located at 1504 S. Market Street, described as Lot 2F, Block K of the Keys 2nd Addition in Brenham, Washington County, Texas.**

6. **Public hearing, Discussion and Possible Action on Case Number B-23-010: A request by Charles D. Lott for a Special Exception in accordance with the City of Brenham Code of Ordinances, Appendix A – Zoning, Part IV, Division 3, Section 4.01(3) to allow the replacement of a non-conforming structure due to the total or partial destruction by fire or other causes for the property at 416 Lott Lane, described as part of Lot 1 of the McIntyre-Walker Addition, in Brenham, Washington County, Texas.**

7. **Adjourn**

CERTIFICATION

I certify that a copy of the October 9, 2023, 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 October 2, 2023, at 4:00 p.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 _____, 2023 at _____ am/pm.

Signature

Title

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

August 14, 2023

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 August 14, 2023, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Danny Goss, Vice Chairman
Walt Edmunds
Dax Flisowski
Arlen Thielemann
Mary Lou Winkelmann

Commissioners absent:

Jon Hodde, Chairman

Staff present:

Shauna Laauwe, City Planner
Kim Hodde, Planning Tech

Citizens / Media present:

Charles Keese

1. Call Meeting to Order

Vice Chairman Goss called the meeting to order at 5:18 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

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

4-a. Minutes from the July 10, 2023, Board of Adjustment Meeting.

Vice Chairman Goss called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to approve the Consent Agenda (minutes from the July 10, 2023, meeting), as presented. The motion carried unanimously.

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-23-007: A request by Katherine Cooper & Colby Crouse for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(A)(ii) to allow a 7-foot, 7-inch west side yard setback, where a minimum 10-foot side yard setback is required for a utility/mudroom addition to the home that will connect to the rear of the garage located at 500 W. Alamo Street, described as West Main Subdivision, Lot 8A3 in Brenham, Washington County, Texas.**

Arlen Thielemann recused himself from any participation on this item since Thielemann Construction is the contractor for this project.

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-007 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Katherine Cooper and Colby Crouse. The subject property is zoned as R-2, Mixed Residential District and is developed with a single-family residence. The future land use designation is residential, and the proposed use is single-family residential. The subject property is located on the north side of W Alamo Street, west of Seward Street, and east of S. Jackson Street. The surrounding properties are zoned R-2. The single-family home was constructed in 1920 before the subdivision and zoning regulations were adopted in 1968. The lot size, width and setbacks are conforming. The lot depth of 92-feet is legally non-conforming to the current minimum requirement of 115-feet; however, the lot width is 120-feet. The existing detached garage accessory structure was built in 1978 with a side yard setback of approximately 7-feet 8-inches, which conforms to the 5-foot side yard setback required for accessory structures.

The proposed 653-square foot addition of a mudroom / utility room to the existing home that will attach to the existing garage will make the garage an attached garage instead of a detached garage, thus requiring a 10-foot side yard setback. The addition will be flush with the existing rear of the home and the side of the garage so it will not encroach any further into the setback. Staff feels that this is a reasonable alternative for remodel of this existing 1920's residence and meets the hardship requirement.

Notifications were mailed to property owners within 200-feet of the subject property on August 3, 2023. Staff received two (2) written citizen responses and all were in support of the requested variance.

Staff has reviewed the request and recommends approval of the requested variance to allow a 7-foot 7-inch west side yard setback for a proposed addition to be located at 500 W. Alamo Street.

Vice Chairman Goss opened the Public Hearing at 5:37 p.m. and asked for any comments. Charles Keese, architect for the proposed renovations, stated that the home was built in the 1920's when there were no setback requirements. There are not many options to enlarge this home since the existing foundation will not support building up. The interior will be brought up to Code as they are removing lots of walls and the fireplace. New electrical, plumbing and HVAC renovations will be done.

Vice Chairman Goss closed the Public Hearing at 5:39 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Flisowski and seconded by Commissioner Edmunds to approve the request by Katherine Cooper & Colby Crouse for a variance to allow a 7-foot, 7-inch west side yard setback, where a minimum 10-foot side yard setback is required for a utility/mudroom addition to the home that will connect to the rear of the garage located at 500 W. Alamo Street, as presented. The motion carried unanimously (4-0).

- 6. Public hearing, Discussion and Possible Action on Case Number B-23-008: A request by Bevers Family Trust / Bradley Bevers for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(2)(C)(iii) to allow the existing 77.78-foot lot depth, where a minimum average lot depth of 100-foot lot is required, for a multi-family residence (duplex) located on the property addressed as 405 Botts Street #A and #B, and described as Block 1, Part of Lots 8, 9 and Lot 10 of the Old McIntyre Homestead Addition in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-008 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from the Bevers Family Trust / Bradley Bevers for the property located at 405 Botts Street and 402 Cottonwood. The subject property is zoned R-2, Mixed Residential District. The future land use map shows this property as single-family residential and the existing and proposed use is two-family residential (duplex). The subject property is currently an L-shaped lot that has a single-family residence and an accessory dwelling unit that faces Cottonwood Street and a two-family dwelling unit (duplex) that faces Botts Street. Although the lot configuration was established before the subdivision and zoning regulations were adopted in 1968, the current lot configuration is non-conforming in that the current zoning and subdivision regulations only allow one principal structure per lot. The owner/applicant desires to replat the property into two lots for future sale of the properties. The proposed division of the lot follows the existing south property line of 402 Cottonwood and will include the single-family residence and accessory dwelling unit on one lot being approximately 0.223-acres. The proposed lot at 405 Bott will be approximately 0.136-acres. The existing duplex structure address as 405 Botts Street Unit A and Unit B is 1,872 square feet or 936 square feet per unit. Staff was not able to determine the exact date that the duplex was constructed; however, a permit for a new roof was issued in 1982. The proposed lot at 402 Cottonwood will meet the lot size, depth, and width regulations; however, the proposed division leaves 405 Botts Street with a lot depth of 77.78-feet and this would not meet the lot depth regulations since a duplex requires an average 100-foot lot depth. The hardship for this request is that without this variance, the property owner cannot split the properties or sell them individually.

Notifications were mailed to property owners within 200-feet of the subject property on August 3, 2023. Staff received two (2) written citizen responses in support of the requested variance.

Staff has reviewed the request and recommends approval of the requested variance to allow a proposed 77.78-foot lot depth (a 22.22-foot reduction in the minimum 100-foot lot depth) for the property located at 405 Botts Street to allow for the future replatting of the subject property into a two-family dwelling lot as presented.

Vice Chairman Goss opened the Public Hearing at 5:55 p.m. and asked for any comments. There were no citizen comments. Commissioner Edmunds stated that replatting the properties will make both properties more conforming.

Vice Chairman Goss closed the Public Hearing at 5:55 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Thielemann to approve the request by Bevers Family Trust / Bradley Bevers for a variance to allow a proposed 77.78-foot lot depth, where a minimum average lot depth of 100-foot lot is required, for a multi-family residence (duplex) located on the property addressed as 405 Botts Street #A and #B, as presented. The motion carried unanimously (5-0).

7. Adjourn

A motion was made by Commissioner Flisowski and seconded by Commissioner Edmunds to adjourn the meeting at 5:56 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 Hodde, Chairman

October 9, 2023
Meeting Date



Attest, Staff Secretary

October 9, 2023
Meeting Date



CASE NUMBER: B-23-009

VARIANCE REQUEST: 1504 S. MARKET STREET

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: Nathan and Mackenzie Knutson

ADDRESS/LOCATION: 1504 S. Market Street (Exhibit "A")

LEGAL DESCRIPTION: Lot 2F, Block K, Keys 2nd Addition

LOT AREA: Approximately 8,626 square feet (0.1980 acres)

**ZONING DISTRICT/
USE:** B-1, Local Business Mixed District / Single-family residence
(Exhibit "B")

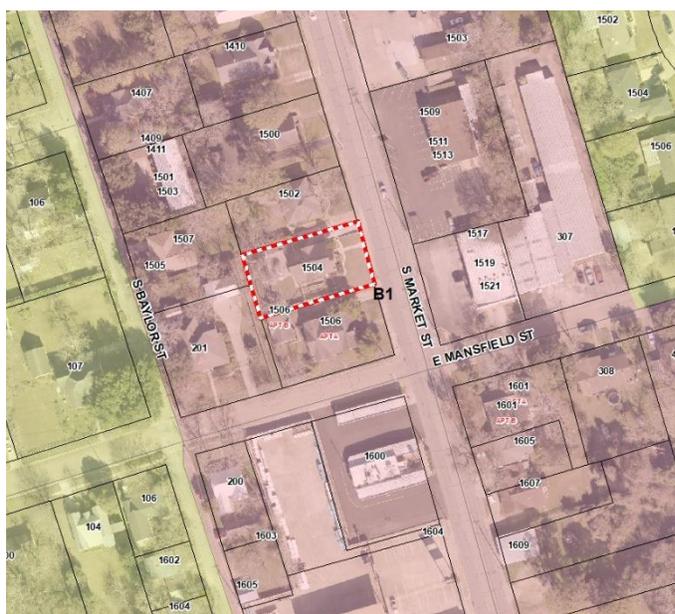
**COMP PLAN
FUTURE LAND USE:** Corridor Mixed Use

REQUEST: A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02 (1) to allow a 1-foot, 6-inch north side yard setback and a 1-foot, 6-inch rear yard setback, where a minimum 5-foot side and rear yard setback is required for an accessory structure (garage), (Exhibit "C").

BACKGROUND:

The subject property is addressed as 1504 S. Market Street and is generally located on the east side of S. Market Street, south of E. Tom Green, and the second lot north of E. Mansfield Street. The subject property and all adjacent properties are within a B-1, Local Business/Mixed Residential District and developed with a mix of commercial, single-family residential, and two-family residential units. Neighboring properties to the west along S. Baylor Street and to the east along Sandra Drive are zoned R-1, Single-Family Residential District and developed as single-family homes. The subject property measures approximately 70-feet by 124-feet (8,626 square feet/0.1980-acres) and currently consists of a 1,959 square foot single-family home and a detached accessory garage that were constructed in 1929 and 1995, respectively. Although the subject property is an original lot of the Keys 2nd Addition that was

Figure 1



established before the subdivision and zoning regulations were adopted in 1968, the principal structure does exceed current minimum setback requirements.

Figure 2



Figure 3

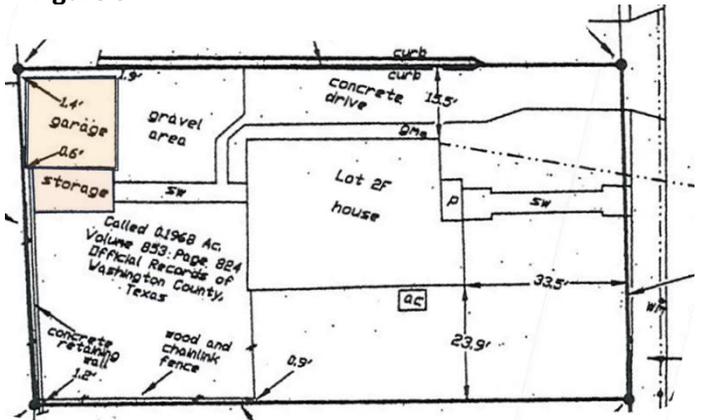
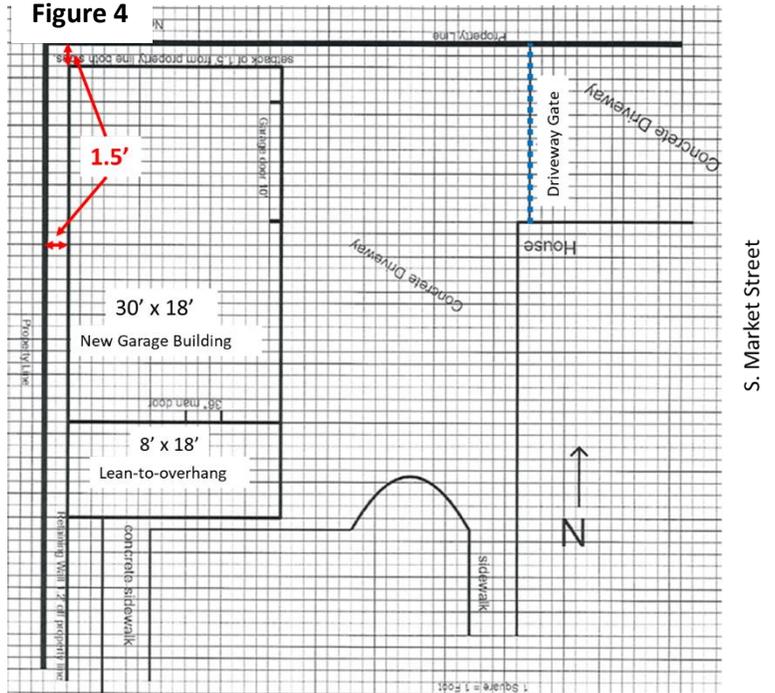


Figure 2 is a photograph of the existing accessory structure and covered storage area. As shown in Figure 3, the existing principal structure has a front yard setback of 33.5-feet, a north side yard setback of 15.5-feet and a south side yard setback of 23.9-feet, and a rear yard of approximately 40-feet. The existing detached garage and storage space, located in the northwest corner of the lot, has a north side yard setback of approximately 1.4-feet and west rear yard setback of only .6-feet. When the garage was constructed in 1995, the minimum accessory structure setback for the side and rear yard was 3-feet. The existing zoning regulations require a detached accessory structure to be located behind the closest point of the primary structure to the front property line and have a minimum side and rear yard setback of 5-feet.

The wood structure was constructed by previous owners and past variances for the existing garage could not be found. The current owner/applicant states in the submitted cover letter (Exhibit C) that the existing garage is deteriorating with an unstable foundation and termite damage. The deterioration has left the nonconforming structure dangerous and unusable. The applicants propose to demolish the existing garage and storage space and replace it with a 30-foot long by 18-foot wide (540 SF) metal garage structure close to the existing location at a 1.5-foot north side and west rear setback. As shown in Figure 4, the applicant proposes to place the 540 square foot garage in the northwest corner of the property at a 1.5-foot setback from both the north side property line and rear setback to the west. As shown in Figure 4, the property has an existing gate dividing the driveway at the back of the home. The rear yard is paved from the driveway gate to the garage and storage overhang. The applicant states that if the garage met the 5-foot rear setback, there would not be adequate space to park a vehicle between the closed gate and garage. The applicant did state that it could be possible to place the garage at a 3-foot side yard setback without the need to increase the amount of concrete in the backyard. The applicant is requesting a 3.5-foot reduction in the minimum required 5-foot side and rear yard setback for a detached accessory structure.

Figure 4



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 property owners wish to demolish the existing detached garage that is dilapidated and has termite damage with a metal garage at approximately the same location in the northwest corner of the subject lot. According to the provided site-plan the proposed metal garage and lean-to overhang would extend approximately 38-feet along the rear (west) property line and 8-feet along the side (north) property line. This would be an encroachment of 3.5-feet into the minimum 5-foot side yard and rear setbacks for accessory structures. Since the north and west walls are proposed to be less than 5-feet from the property line, the walls of the structure would be required to be fire-rated in accordance with the 2018 International Building Code. The existing structure was constructed at 1.4-foot side yard and .5-foot rear yard setback in 1995 and does not meet the 2018 International Building Code in construction or fire-rating requirements. The existing structure is a danger to both the subject property and adjacent properties. The proposed garage will be constructed to meet the 2018 Building and Fire Codes. Adjacent properties also have screened fencing and vegetation that will reduce visibility of the proposed garage.

- (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 the variance to the side yard 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. Side yard setbacks are established to provide adequate separation and openness between developments and uses. There is adequate spacing between the proposed detached garage and the existing garage structure on the adjacent property to the west. The garage on the adjacent property to the west is located approximately 15-feet from the shared property line. On the north side, the adjacent residential structure is approximately 10-feet from the shared property line. Both the north and west property lines have a screening fence and vegetation that would reduce the visibility of the proposed garage. Due to the availability of existing pavement and proximity to the residential structure, Staff does recommend that the side yard setback be allowed a 2-foot reduction instead of the requested 3.5-feet.

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

Staff finds that the literal enforcement of this ordinance would not allow a new garage structure to be placed near the existing location of the dilapidated existing garage that has been in place since 1995. Meeting the current setback requirements would make it difficult to access the garage from the existing shared driveway along the north property line. In addition, it would reduce the amount of space to park vehicles in the parking area and driveway. The home is along S. Market Street, a major collector street, that does not allow on-street parking in front of the subject property. If a reduction in the setback is approved, the structure will be required to meet fire code requirements for fire-rated walls and roof along the north and west elevations of the structure. Staff finds that without a variance, the proposed detached garage would not be viable, thus granting a variance for a reduction to the side yard and rear yard is a favorable development option for the subject tract.

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

The subject property is within an original subdivision of Brenham and in a B-1, Local Business/Mixed Residential District. The adjacent and surrounding properties do not have a uniform lot size with several reconfigurations over the years. The B-1 District allows for a wide variety of residential and commercial uses with different setback requirements. The subject property is adjacent to residential uses along all property lines, but each property has a unique lot size and shape. As shown in the location map, many of the structures in the area are within the minimum setback requirements. The B-1 District does not require minimum side yard setbacks for commercial uses, except for the case of bufferyards adjacent to residential, however commercial uses do have a 10-rear yard setback. The existing garage has been at a less than 1.5-foot setback for 18 years and is in the northwest corner of the lot. The north and west property lines do have screening fences and vegetation that blocks the view of the structure from adjacent residential properties.



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

The need for the variance was not solely created by the applicant. When the applicants purchased the subject property in December 2022, the existing garage structure was already in deteriorating condition. When they attempted to pull a building permit for the demolition and reconstruction, they learned that a variance would be required to replace the garage near the existing location. The location of the driveway along the north property line results in the need for the garage to be close to the property line as well for

ease of access. The applicant has indicated to Staff that it would be possible to place the new garage at a 3-foot side yard setback without the need for additional pavement or impeding access. However, the applicant states that any additional increase to the rear yard setback (going from .5-feet to 1.5-feet) would not allow enough parking area beyond the driveway gate.

(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. The proposed structure is to replace a dilapidated and unsafe structure that has existing setbacks closer than the ones requested. Staff finds that strict adherence to adopted ordinance would result in the need for additional pavement and an increase in the lot coverage of the property. The structures, sidewalks, driveway and parking apron currently cover approximately 5,348 square feet of land on the 8,626 square foot lot for a lot coverage of approximately 62 percent. In the B-1 District, 80 percent lot coverage is permitted. While lot coverage for residential is not specified in the B-1 regulations, lot size and setbacks adhere to the R-2 District regulations. Staff does find that it is reasonable for fore side yard setback to be increased to 3-feet, to the minimum standard allowed in 1995 without the need for additional pavement.

(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.*

Setbacks are established to provide adequate separation and size between developments and uses. For the reasons stated previously, granting a 3-foot 5-inch variance to the rear yard setback, with the required fire-rated walls, will allow for necessary open space, separation between structures 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. Staff proposes a reduction of 2-feet to the north side yard, to allow for a north side yard setback of 3-feet. The nearest structure to the west is an accessory structure approximately 15-feet, while the north property line has a residential structure approximately 10-feet from the shared property line. If approved, the garage would be required to obtain a building permit and necessary reviews and approvals by the Building Official and Fire Marshal will ensure adherence to adopted Building and Fire Codes.

STAFF RECOMMENDATION:

Staff has reviewed the request and ***recommends approving the requested*** variance to allow a 3-foot 6-inch reduction in the minimum required 5-foot west rear yard for a setback of 1-foot 6-inches, and to allow a 2-foot reduction in the north side yard for a setback of 3-feet, for a proposed detached garage and storage overhang at 1504 S. Market Street.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on September 28, 2023. The applicant has submitted three (3) letters of support from adjacent property owners as shown in Exhibit E. 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. Cover Letter

- D. Site Plan
- E. Staff Photos
- F. Letters of Support

EXHIBIT "A"
AERIAL MAP



Location Map
Variance Request: Side & Rear Yard
1504 S Market Street



1 inch = 83 feet

EXHIBIT "B"
ZONING MAP



Zoning Map
Variance Request: Side & Rear Yard
1504 S Market Street



1 inch = 83 feet

Legend

-  B1 Local Business Mixed
-  R1 Residential Single Family



EXHIBIT "C"
COVER LETTER

Thursday, August 31, 2023

City of Brenham, Tx.
Development Services Department
Board of Adjustments
200 W. Vulcan St.
Brenham, Tx. 77833

Letter of Intent for Zoning Variance for:

Nathan & Mackenzie Knutson
1504 S. Market St.
Brenham, Tx. 77833
Keys 2nd addition, Block K, Lot 2F.

Dear Planning and Zoning Members,

My wife and I moved to Brenham in December of 2022 along with additional family to take over the operations of Antique Rose Emporium and are excited to become members of the community. We are requesting a zoning variance for the above address to seek relief from the required property line setbacks. For reasons detailed below, the proposed reduction would allow us as the property owners to replace our current garage that is in very poor condition and falling over before it causes any damage to our own or our neighbors property.

As stated above and shown by the pictures attached, our current detached garage is in very poor condition. First, the concrete inside has buckled and broke apart severely and is an unusable surface. The concrete footer for the south wall has sunken down into the ground causing the south wall to lean in at approximately a 10-15 degree angle. There is evidence of termite damage in structural beams and severe water rot from roof leaks due to the wall leaning in. The garage, as it sits currently, is a hazard to my family and my neighbors if the structure were to collapse. One of my neighbors informed me that a tree had fallen on the garage a few years ago before we moved into the house and possibly made the damage worse.

I am asking for a variance from the current building code calling for a minimum of 5' setback from the property line. The garage currently sits 1.2' off the rear property line and 1.9' off the side property line. Granting of the variance would in no way have a negative effect on any adjoining properties, public health, safety, and well-being of the neighborhood where we live. It would also reduce the risk of fire danger and damage to us and the neighboring properties. Many properties surrounding and including mine have structures built up to the property line with no ill effects.

Due to the shape, layout, and small size of the lot, we can not push the garage up any further or we would loose our parking space inside of our gate. Our home was built in 1929 before many of the current building codes were put into place and the lot barely meets the

Thursday, August 31, 2023

minimum lot size for a single family dwelling to begin with (60' wide x 115' deep). It would also offset the garage door from the driveway to much as the driveway is shared with my neighbor to the north. The two driveways, as they are, straddle the property line forming one, double wide, shared driveway. Pushing the new garage away from the property line any more would also take away from the small amount of yard space we already have, result in unusable land to the rear and side, and would cause the property to fall under the city guide line of 45% of ground to remain permeable. This would take away lawn space and would result in additional water run off.

I am proposing replacing our current garage and concrete foundation with a premanufactured metal garage building and new concrete foundation in the same location where the current garage sits with an offset of 1.5' off of the property line. This placement is ideal because it maintains the current property aesthetics, it is not obtrusive, does not break up the yard, does not block, or hinder the view of any neighbors in any way, or affect their property aesthetics. I have spoken with each of our neighbors and all are in support of my plans. Each neighbor has also wrote letters of support for the new garage as planned. All plans and drawings will be submitted with the building permit applications.

We appreciate your time and consideration.

Nathan & Mackenzie Knutson

Property owners

Thursday, August 31, 2023

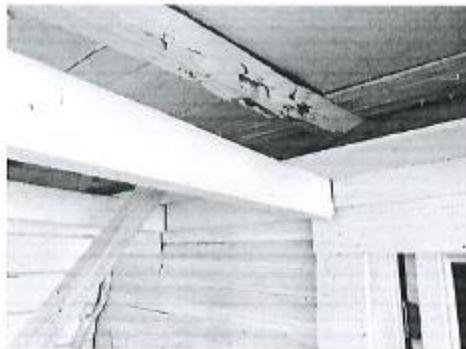
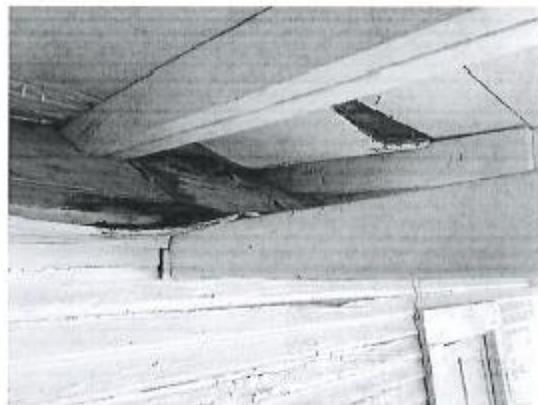


EXHIBIT "D"
SITE PLAN

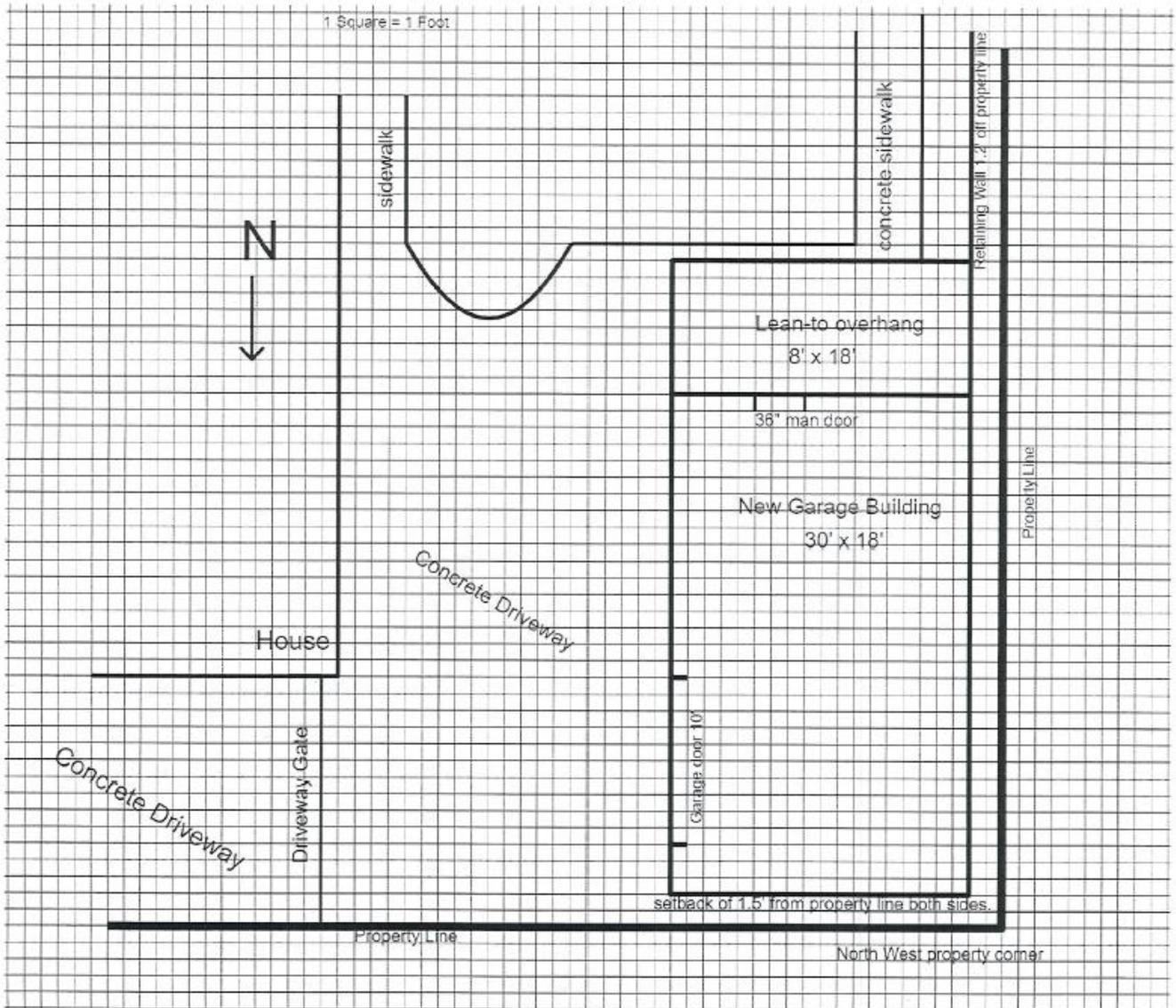


EXHIBIT "E"
SITE PHOTOS



1504 S Market
Front of home. Garage at the end of the long driveway on the right.



Existing Accessory Garage



Existing north side yard setback. Proposed new structure will have 4-inch overhang.



Garage and parking area

EXHIBIT "F"
LETTERS OF SUPPORT

SUZY AND KEITH HANKINS

September 2, 2023

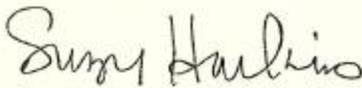
To Whom it May Concern:

My wife Suzy and I live at 1506 South Market Street here in Brenham. Our next-door neighbors, Mackenzie and Nathan Knutson, are endeavoring to remove the unsafe detached garage from their property and build a new garage in its place. We can attest to the fact that just prior to their purchase of the home, a huge tree in their backyard fell, striking the garage and significantly damaging its structure.

Nathan informed us that current City codes would not allow him to build his new garage in its current location. We respectfully request that the Variance sought by Mackenzie and Nathan be granted. The fact is these older homes simply were not built on the lots at the time of their construction with future City codes in mind.

Further, the location of the garage in its current configuration on the lot has no effect or encroachment on our property, and a new garage in the same location as the current structure would be a significant improvement to Mackenzie and Nathan's property specifically, and to our neighborhood as a whole.

Thank you very much for your time and consideration,



Suzy and Keith Hankins





Marshall Harrell
12012 Beautybrush Dr
Austin, TX 78738-5640

August 29th, 2023

To whom it May concern:

As a direct neighbor, I am writing in support of Nathan & Mackenzie Knutson's plan for removing the garage currently on their property (1504 S Market st.) as it is a danger and an eyesore, and replacing with a new garage in the same spot would be an improvement to the neighborhood. The placement of where the garage sits currently has no affect or encroachment on our own property.

Sincerely,

Marshall Harrell
979 421 2266

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Sincerely,

Virginia Hamilton

T. M. HAMILTON
Virginia Hamilton

Virginia Hamilton
201 E. Mansfield St
Brenham, TX 77853



CASE NUMBER: B-23-010

SPECIAL EXCEPTION REQUEST: 416 LOTT LANE

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: Calvin & Rosie Lott/Charles D. Lott

ADDRESS/LOCATION: 416 Lott Lane (Exhibit "A")

LEGAL DESCRIPTION: McIntyre-Walker, Lot 1

LOT AREA: 2.5 Acres

**ZONING DISTRICT/
USE:** R-3, Manufactured Home Residential District / Manufactured Home Site (Exhibit "B")

**COMP PLAN
FUTURE LAND USE:** Single-Family Residential

REQUEST: Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part IV, Division 3, Section 4.01(3) to allow the replacement of a nonconforming structure due to the total or partial destruction by fire or other causes for the property at 416 Lott Lane, described as part of Lot 1 of the McIntyre-Walker Addition, in Brenham, Washington County, Texas.

BACKGROUND:

The subject property is a 2.5-acre tract of land located on the southwest terminus of Lott Lane and east of M and M Lane. As seen in Figure 1, the southern property line of the subject property is shared with a portion of the city limit line. The subject property and adjacent properties to the north and east are zoned R-3, Manufactured Home Residential District, Commercial, while properties to the west are located within an I, Industrial District. The property is legally nonconforming with two manufactured homes on one lot, addressed as 500 Lott Lane nearest the roadway and 416 Lott Lane located on the western side of the subject lot. When the area south of Old Chappell Hill Road, to include properties along Lott Lane and Carrington Lane was annexed in 2008, several of the lots had multiple homes on one lot or manufactured home parks that do not meet City of Brenham Subdivision and Zoning Regulations. The manufactured home located at 500 Lott Lane is 980 square feet and was constructed in 1983, while the manufactured home that was

Figure 1



located at 416 Lott Lane was 896 square feet and manufactured in 2000. On January 19, 2022, the manufactured home at 416 Lott Lane suffered fire damage. The property owner attempted to repair the damage but was unable to bring the structure up to satisfactory compliance for habitation. In August 2023, the applicant removed the damaged manufactured home and without a permit, replaced it with a 2017 manufactured home. Development Services learned of the new manufactured home when the request for electricity and utility hookups was submitted. The request was initially denied as two residences are not permitted on a single lot. However, since the nonconforming structure was damaged in a fire, there is a provision in Division 3, Nonconforming Uses and Structures, to allow for a nonconforming structure that has been accidentally damaged or destroyed in whole or part to obtain a building permit to replace or repair the structure within six (6) months. If a permit has not been automatically issued within six (6) months of the date of the damage, the Board of Adjustment may grant a special exception for a permit to repair or replacement to the previous building parameters. In addition, the City of Brenham does not allow for manufactured homes older than 10 years to have new hookups within the city limits. Thus, the applicant is seeking a Special Exception to allow for the replacement of the 896 square foot manufactured home constructed in 2000 that was damaged by a fire on January 19, 2022, with a 14-foot x 60-foot (840 square feet) manufactured home built in 2017.

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:

- (1) The reconstruction of a nonconforming structure, if said structure is totally or partially damaged or destroyed, provided that said permit is applied for within six (6) months from the date of damage. If a permit has not been automatically issued within six (6) months from the date of damage, the board of adjustment may grant a permit for repair or replacement to the previous building parameters after a public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming structure and the purposes of this ordinance.

Division 1, Section 9 of the City of Brenham Zoning Ordinance requires the following regulations:

- (1) Use of nonconforming lots. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and, except as hereinafter provided, there shall not be more than one main building on one lot.

STAFF ANALYSIS & RECOMMENDATION:

Staff has reviewed the request and **recommends approval**. In order for the property to come into compliance, the subject property would be required to be replatted into two lots, with 500 and 416 Lott Lane being on separate lots. As shown in Figure 2, it would be difficult to replat the existing lot and provide direct and immediate access to Lott Lane for the 416 address. Several lots in the vicinity that were annexed in 2008 are legally nonconforming with multiple manufactured or mobile homes are one lot. The home placement has been in the same configuration for over 20 years as it is familial property. No adverse effects to the

Figure 2



adjacent properties, or surrounding property is anticipated. The damaged manufactured home was 22 years old when it caught fire. The replacement manufactured home was constructed in 2017 and will be an improvement to the property and neighborhood. In addition, the property borders the City Limits and the second manufactured home in the far back of the property, would only be visible to those that drive to the terminus of Lott Lane. Manufactured home residential uses are permitted in the R-3 zoning district. As stated above, the replacement manufactured home will be required to be less than 10 years old and meet applicable code requirements to include the twelve (12) items listed below and in Exhibit (F) by the Assistant Building Official, David Doelitsch.

Based on the finding that the proposed replacement of the fire-damaged nonconforming manufactured home once located at 416 Lott Lane 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(1), Special Exceptions of the Zoning Ordinance. Should the special exception be denied, the applicant would not be allowed to place a second principal structure on the lot.

Staff has reviewed the request and recommends the following:

Approval of a building permit once the following building requirements are satisfied:

1. Skirting will need to be installed around the entire perimeter of the home.
2. The required decks and landings (with approved handrails and guardrails) will need to be installed at each door.
3. The plumbing underneath the home was sloped in the wrong direction (opposite direction to the main sewer).
4. All exposed water supply piping and the piping under the home are required to be insulated to prevent freezing.
5. All hose bibs require a vacuum breaker (backflow preventor) to be installed.
6. There is an opening in the main drainpipe under the house that should not be there (the correct fitting needs to be installed)
7. The clothes dryer exhaust is incomplete and will need to extend outside of the skirting.
8. The water heater drain pan and temperature/pressure relief valve piping will need to extend outside of the skirting.
9. AC has not been installed.
10. There should be no exposed electrical wiring and the disconnect for the AC condenser is missing the required cover.
11. The electric service panel and meter can will need to be looked at by a licensed master electrician. These look very old and are rusted.
12. The address of the home needs to be installed on the house with a minimum of 4" numbers.

Note: The inside of the home will also need to be inspected prior to a CO being issued.

PUBLIC COMMENTS:

Property owners within 200 feet of the project site were mailed notifications of this proposal on September 28, 2023. 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. New Home Floorplan
- E. Fire Report
- F. Email from Asst. Building Official Doelitsch of requirements.
- G. Site Photos

EXHIBIT "A"
AERIAL MAP



Location Map
Nonconforming Structure Request
416 Lott Lane



1 inch = 167 feet

EXHIBIT "B"
ZONING MAP



Zoning Map
Special Exception
Nonconforming Structure
416 Lott Lane

Legend

-  I Industrial
-  R3 Manufactured Home Residential
-  City Limits



1 inch = 167 feet

EXHIBIT "C"
SITE PLAN

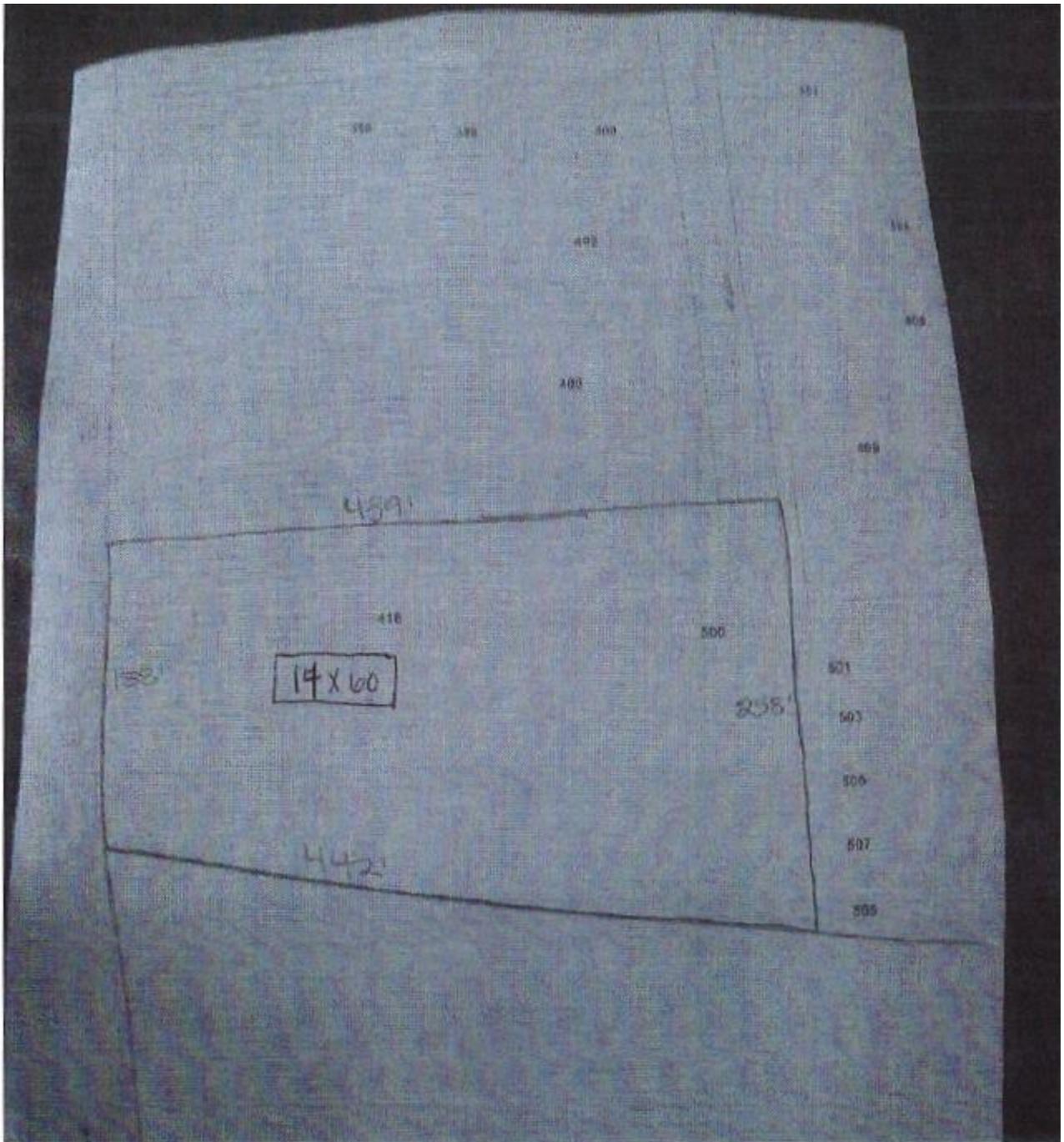


EXHIBIT "D"
New Manufactured Home Floorplan

DELIGHT

TRS14602A // 2 beds // 2 baths // 820 sq. ft. // 14x60

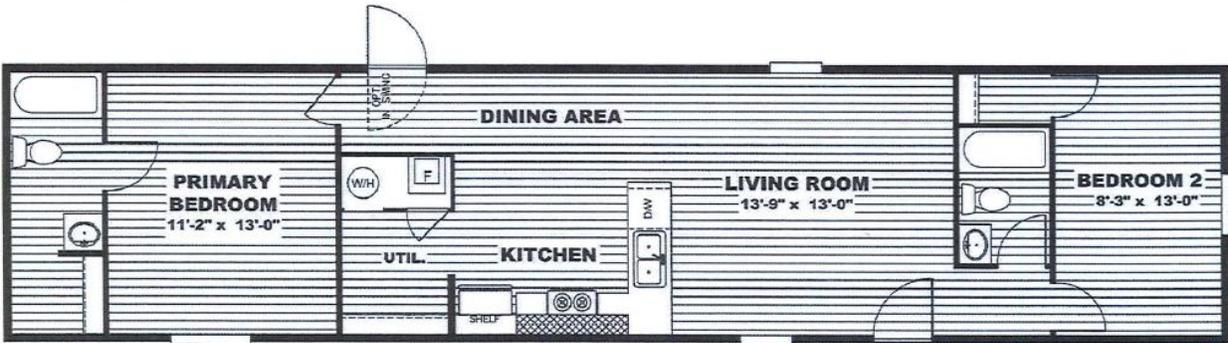


Exhibit "E" Fire Report

10/6/23, 8:13 AM

Brenham Fire Department : 2022-0000065



**Brenham Fire
Department**
Station: 1
Shifts Or Platoon: A Shift

Location: 500 LOTT LN Brenham TX 77833	Incident Type: 111 - Building fire
Lat/Long: N 30° 10' 5.04" W 96° 22' 29.62"	FDID: XG501 Incident #: 2022-0000065 Exposure ID: 63749263 Exposure #: 0 Incident Date: 01/19/2022 Dispatch Run #: CFS22-003689
Zone: D1 - DISTRICT 1 Location Type: 1 - Street address	

Report Completed by:	Scheffer, Brian Quinly	ID: 101	Date: 02/03/2022
Report Reviewed by:	Scheffer, Brian Quinly	ID: 101	Date: 02/03/2022
Report Printed by:	Scheffer, Brian Quinly	ID: 101	Date: 10/6/2023 Time: 08:13

Structure Type: Enclosed building	Property Use: 419 - 1 or 2 family dwelling		
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/>	Cause of Ignition: Cause undetermined after investigation	
Aid Given or Received: None	Primary action taken: 11 - Extinguishment by fire service personnel		
Additional actions: 86 - Investigate, -			
Losses	Pre-Incident Values		
Property: \$10,000.00	Property: \$80,000.00	Civilian Injuries: 0	Fire Service Injuries: 0
Contents: \$5,000.00	Contents: \$10,000.00	Civilian Fatalities: 0	Fire Service Fatalities: 0
Total: \$15,000.00	Total: \$90,000.00	Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 4		Total # of personnel on call: 12	

Special Studies	
COVID 19 was a factor in this incident.	No, COVID 19 was not a factor.

NARRATIVE (2)
Narrative Title: Captain Narrative Author: Nienstedt, Gregory Narrative Date: 01/19/2022 18:31:24 Narrative Apparatus ID: L2 Narrative: On Wednesday January 19, 2022 Brenham Fire Department was dispatched to 416 Lott Ln for a reported Structure Fire. Engine One with Lt Folsom, AO Swor and FF Hardt, Ladder Two with Captain Nienstedt, FF Neutzler, FF Luhn,, FF Folsom and FF Devine and Asst Chef Scheffer and Asst. Chief Bentke in their POV responded. Engine One made location and found heavy smoke coming from the "Alpha/Bravo corner. Asst. Chief Scheffer assumed command. Engine One crew made and interior attack and encountered blackout condition throughout the residence. The fire was knocked down. Ladder two made location and set up water supply and set its crew to the scene. Ventilation was et up on the "Alpha side of the structure. Engine One crew rescued a pet out of the house and was given oxygen to help with it's breathing. Overhaul was started and the fire was investigated. The animal was turned over to his owner. There was heavy fire damage to the bedroom area and heat and smoke dage throughout the house. The pet will make a full recovery.

EXHIBIT "F"
Modifications Needed for Code Approval

From: David Doelitsch
Sent: Monday, September 25, 2023 3:14 PM
To: anethaisblessed@yahoo.com; clott984@gmail.com
Cc: Kim Hodde; Shauna Laauwe; Stephanie Doland
Subject: ~~400 Lott Ln.~~ 416 Lott Ln

Ms. Dorsey & Mr. Lott,

In an effort to get the home move-in ready/code compliant as quickly as possible, myself and another inspector went to the property on Friday to look at the home. The following items need to be completed prior to the City of Brenham issuing a Certificate of Occupancy (CO) for the home. Note: The inside of the home will also need to be inspected prior to a CO being issued.

1. Skirting will need to be installed around the entire perimeter of the home
2. The required decks and landings (with approved handrails and guardrails) will need to be installed at each door
3. The plumbing underneath the home was sloped the wrong direction (opposite direction to the main sewer).
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11. The electric service panel and meter can will need to be looked at by a licensed master electrician. These look very old and are rusted.
12. The address of the home needs to be installed on the house with a minimum 4" numbers.

Feel free to contact me if you have any questions.

Thanks,
David

—

David Doelitsch
Assistant Building Official
City of Brenham
979-337-7216

EXHIBIT "F"
SITE PHOTOS



500 Lott Ln in foreground and 416 Lott Ln in background.



Close up of replacement home at 416 Lott Lane. Still needs leveling and to meet the criteria listed from Asst. Building Official.