



**NOTICE OF A REGULAR MEETING  
BOARD OF ADJUSTMENT  
MONDAY, AUGUST 14, 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 July 10, 2023 Board of Adjustment Meeting**

**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 an 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.**

6. **Public hearing, Discussion and Possible Action on Case Number B-23-007: 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-feet 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.**
7. **Adjourn**

**CERTIFICATION**

I certify that a copy of the August 14, 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 August 11, 2023, at 8:30 a.m.

*Kim Hodde*

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**

**July 10, 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 July 10, 2023, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Jon Hodde, Chairman  
Danny Goss, Vice Chairman  
Dax Flisowski  
Arlen Thielemann  
Mary Lou Winkelmann

Commissioners absent:

None

Staff present:

Stephanie Doland, Development Services Director  
Kim Hodde, Planning Tech

Citizens / Media present:

Jack Robinson

**1. Call Meeting to Order**

Chairman Hodde 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 May 8, 2023 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 Flisowski to approve the Consent Agenda (minutes from the May 8, 2023 meeting), as presented. The motion carried unanimously.

## REGULAR AGENDA

5. **Public hearing, Discussion and Possible Action on Case Number B-23-006: A request by Jack C. & Teresa W. Robinson for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02(1) to allow an 3-foot, 10-inch south side yard setback, where a minimum 5-foot side yard setback is required for a an accessory structure (detached carport) to be located at 1400 S. Jackson Street, described as Wilkins, W.G., Block 16, Lot N PT of 1 & a portion of Old W. Tom Green Street in Brenham, Washington County, Texas.**

Stephanie Doland, Development Services Director, presented the staff report for Case No. B-23-006 (on file in the Development Services Department). Ms. Doland stated that this is a request from Jack C. & Teresa Robinson who live at 1400 S. Jackson Street. The subject property is zoned R-1, single-family residential. The future land use map shows this property with a residential classification and the proposed use is single-family residential. The subject property is bounded by Jackson Street Park to the north and west, Jackson Street to the east, and single-family residential to the south.

Part II, Division 2, Section 10.02(1) of the City of Brenham Zoning Ordinance states that detached accessory structures shall have a side yard setback of not less than 5-feet. The applicant has requested a variance to allow a 3-foot 11-inch south side yard setback for a proposed detached accessory structure (carport). The existing single-family home was built in 1948 which was well before the subdivision and zoning regulations were adopted in 1968. The lot size, lot width and lot depth are conforming. The front setback is nonconforming since it is only 22-feet instead of the required 25-feet; however, it is in-line with the neighboring structure setbacks. The existing garage structure was built in 1982 with a side yard setback of 3-foot 11-inches. The side yard setback for detached accessory structures was 3-feet until 2019 when it was increased to 5-feet. The applicant would like to construct a detached carport to align with the existing garage. This would give the carport a 3-foot 11-inch south side yard setback. The proposed carport would meet all other setback requirements including being located behind the front façade of the home. Staff feels that the applicant meets the criteria for granting the variance based on the following:

- The lot is a very large lot so surrounding development will not be affected.
- There should be no negative impact or impairment to the adequate supply of light and air to the adjacent property.
- No destabilizing or negative effects on the neighboring properties were identified.
- The property is unique in that the adjacent neighbor has a private sidewalk at the property line; therefore, nothing should be built close to the property line thereby maintaining adequate distance between structures.
- The need was not created by the applicant as the original structure was built in compliance with the setback when it was constructed in 1982.

Notifications were mailed to property owners within 200-feet of the subject property on June 28, 2023. Staff received four (4) 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 3-foot 11-inch south side yard setback for the property located at 1400 S. Jackson Street.

Chairman Hodde opened the Public Hearing at 5:29 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:29 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Goss and seconded by Commissioner Flisowski to approve the request by Jack C. & Teresa W. Robinson for a variance to allow a 3-foot, 11-inch south side yard setback, where a minimum 5-foot side yard setback is required for an accessory structure (detached carport) to be located at 1400 S. Jackson Street, as presented. The motion carried unanimously.

**6. Adjourn**

A motion was made by Commissioner Winkelmann and seconded by Commissioner Thielemann to adjourn the meeting at 5:30 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:

\_\_\_\_\_  
Danny Goss, Vice Chairman

August 14, 2023  
Meeting Date

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

August 14, 2023  
Meeting Date

**CASE NUMBER: B-23-007**  
**VARIANCE REQUEST: 500 W. ALAMO**

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

**OWNERS/APPLICANTS:** Katherine Cooper & Colby Crouse

**ADDRESS/LOCATION:** 500 W. Alamo Street (Exhibit "A")

**LEGAL DESCRIPTION:** West Main Subdivision, Lot 8A3

**LOT AREA:** Approximately 11,113 square feet (0.255 acres)

**ZONING DISTRICT/  
USE:** R-2, Mixed Residential District / Single-family residence  
(Exhibit "B")

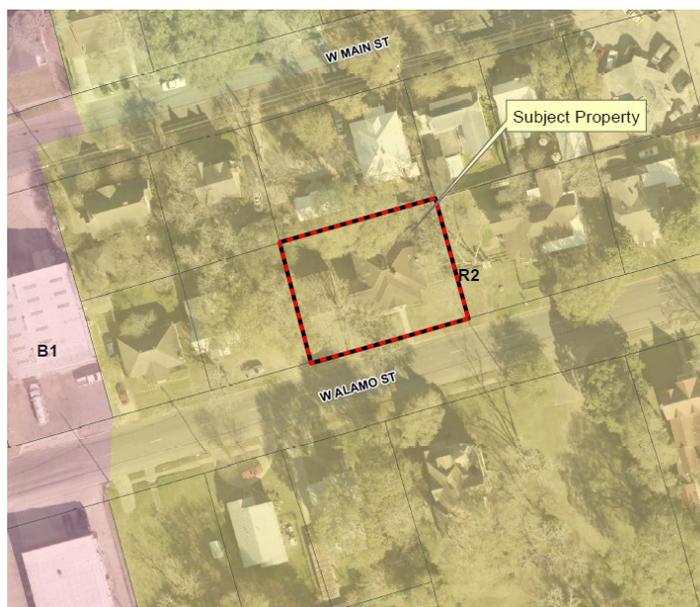
**COMP PLAN  
FUTURE LAND USE:** Residential

**REQUEST:** A request 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 at the rear of the garage, (Exhibit "C").

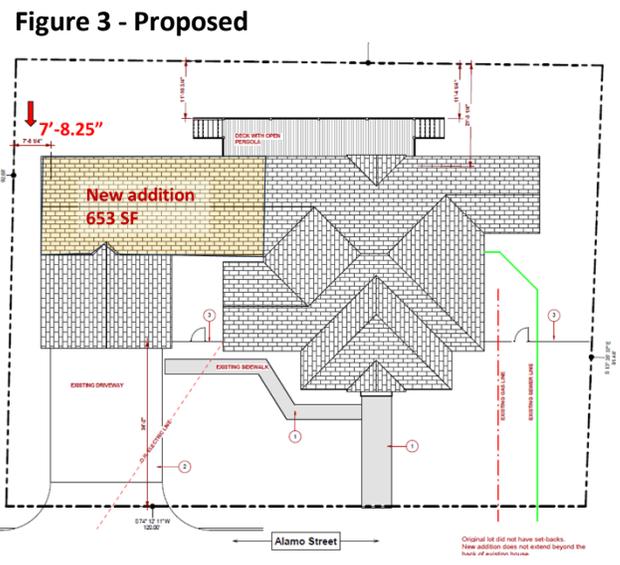
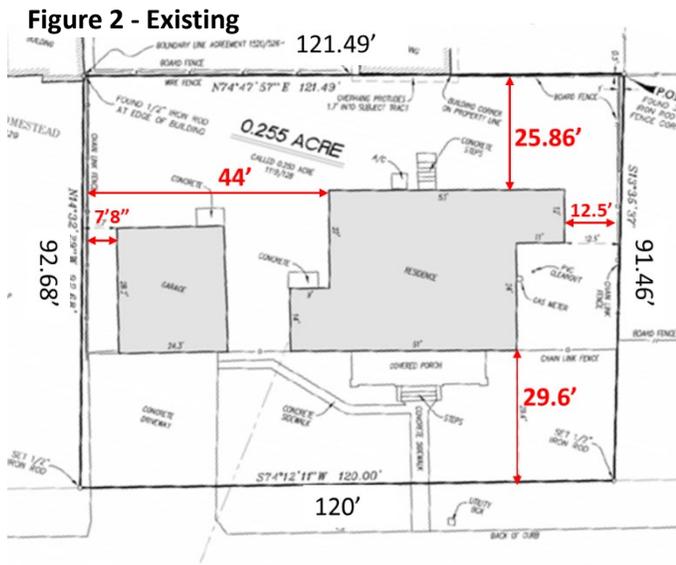
**BACKGROUND:**

The subject property is addressed as 500 W. Alamo Street and is generally located on the north side of W. Alamo Street, east of S. Jackson Street and west of Seward Street. The subject property and all adjacent properties are within a R-2, Mixed Residential District and predominately developed as single-family homes. Neighboring properties to the west along S. Jackson Street are zoned B-1, Local Business/Residential Mixed Use District and developed as Hermann International on the northeast corner of S. Jackson Street and W Alamo and Thrivent on the southeast corner. The subject property is a 92-foot by 120-foot (11,113 square feet/0.2551-acres) lot that currently consists of a 1,768 square foot single-family home built and a detached accessory garage that were constructed in 1920 and 1978, respectively. The subject property is an original lot of the West Main Subdivision that was established before the subdivision and zoning

**Figure 1**



regulations were adopted in 1968. Thus, the existing lot depth of approximately 92-feet is legally nonconforming to the current minimum average depth requirements of 115-feet for single-family homes in the R-2 District.



As shown in Figure 2, the existing principal structure meets all of the current zoning regulations with a front yard setback of 29.6-feet, a rear yard setback of 25.86-feet, an east side yard setback of 12.5-feet and a west side yard setback of 45-feet 4 inches. The existing accessory structure, located at the 7-foot 8-inch setback to the west side property line, also currently meets the required side and rear yard setbacks of 5-feet for an accessory structure. As shown in Figure 3, the applicant proposes to remodel the home with a 653 square foot addition to the west portion of the home and connect it to the garage. The architect states that the remodel will provide the owners with a new addition that includes a utility/mudroom connected to the main home. The proposed addition will be in line with the north back edge of the existing home and will not reduce the overall rear setback. However, attaching the home addition to the current detached garage, results in the garage becoming part of the principal structure and being required to abide by the minimum side yard setback of 10-feet (for building and fire code purposes). Detached accessory structures/garages have a lesser side yard setback of 5-feet, while attached garages shall meet the increased setbacks of a principal structure to include 10-foot side yards and a 25-foot rear setback. The proposed addition will not result in a physical reduction of the west 7-foot 8-inch side yard setback, nevertheless the addition will result in the garage encroaching 2-feet 5-inches into the required setback for a principal structure and therefore there is a necessity to request a variance before a building permit can be issued.

**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 update their 1920s home with an addition that includes a utility room and mudroom. The original design layout brought to City Staff had the addition being placed on the northwest corner of the existing home and did not include attaching to the garage. The subject property is an original lot of the West Main Subdivision that was established before the subdivision and zoning regulations were adopted in 1968, and while the property meets the current minimum lot size and width regulations, it has a nonconforming lot depth of 92-feet where 115-feet is required. Due to the nonconforming lot depth of 92-feet and the existing home having a rear-yard setback of approximately 26-feet, the original design would have resulted in the addition to be fully encroaching into the minimum rear yard 25-foot setback. This design was unfavorable due to the potential negative effects of such a large encroachment towards the adjacent property to the north. If the subject property met the current minimum lot depth of 115-feet, it is possible that an adequate addition to the rear of the home could be made without the need for a variance or special exception. The proposed 653 square foot addition extends approximately 18-feet from the west side of the home along the north edge and connecting with the existing garage. According to the provided site-plan the addition would extend approximately 9-feet north of the garage and encroach 2.5-feet into the minimum 10-foot side yard setback. This proposed remodel option is more favorable than an addition to the north as the additional 9-feet is in alignment with the existing detached garage that has been in place since 1978. Staff finds that the proposed addition to the existing home and corresponding variance request are reasonable to allow the property owners to further improve their property.

(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 addition and existing garage to the adjacent property to the west. As shown in the photograph below, the dwelling on the adjacent property to the west is located to the far west side of the property, with the nearest structure to be approximately 50-feet away. The photograph also shows that the garage is situated back further from the front property line, making the line of sight of the existing



garage and proposed addition being visible from the rear yard of the adjacent property. Given that the proposed addition will be aligned with the existing detached garage, that it would be 10-feet or greater from adjacent structures to the west, and that it would not impede the rear yard setback, Staff is unable to identify any destabilizing negative effects of the proposed variance on neighboring properties.

*(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 an addition of a utility and mudroom to be constructed on the existing home. As stated previously, building the addition to the north of the home would require a substantial variance to allow an encroachment into approximately half of the 25-foot rear yard setback which would be near the adjacent residential property to the north. In addition, Building and Fire Code separation requirements make it unfeasible to expand to the west of the home without connecting to the existing detached garage. Expanding to the west and connecting the garage results in the garage and addition required to meet the greater 10-foot side yard setback for principal structures. Staff finds that without a variance, a proposed addition to the 1920s home on the nonconforming lot would not be viable and an unnecessary hardship, thus granting a variance for a 2-foot 5-inch reduction to the side yard is the most 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 was subdivided and developed prior to the Subdivision and Zoning regulations being adopted in 1968. The 92-foot by 120-foot lot is conforming to the current R-2 zoning regulations in terms of lot size and lot width, however the lot depth of 92-feet is legally nonconforming to the current regulation of 115-feet. The reduced depth of the property results in limited options to make additions to the existing home that was constructed in 1920.

*(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 nonconforming lot depth limits the options to place the proposed addition. An addition to the north of the home would fully encroach into the minimum 25-foot rear yard setback and could have negative effects to the adjacent property owners to the north. If the subject property met the current minimum lot depth of 115-feet, an adequate addition to the rear of the home without the need for a variance or special exception could be plausible.

*(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. Staff finds that strict adherence to adopted ordinance would result in no further expansions to the existing home located on the property and would unnecessarily restrict the desired use of the property.

*(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 2-foot 5-inch variance to the west side setback requirement 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. If approved the addition to the residential home 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 2-foot 5-inch reduction in the minimum required 10-foot west side setback for a setback of 7-feet 7-inches for a utility/mudroom addition at 500 W. Alamo Street.

**PUBLIC COMMENTS:**

Property owners within 200 feet of the subject property were mailed notifications of this proposal on August 3, 2023. 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. Photos from Applicant
- F. Staff Photos

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

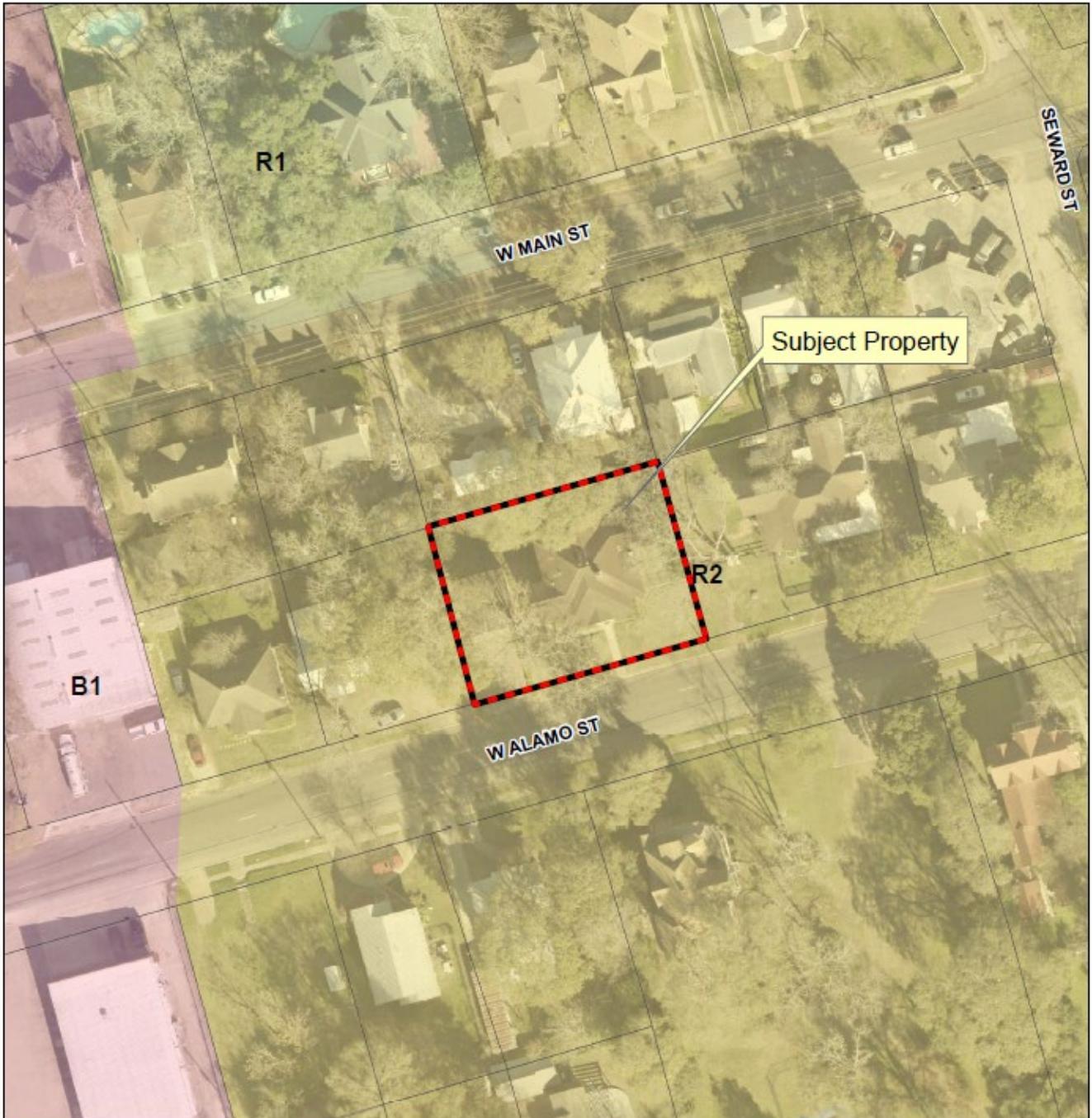


**Location Map**  
**500 W Alamo**  
**Side Yard Setback Variance**

1 inch = 67 feet



EXHIBIT "B"  
ZONING MAP



Zoning Map  
500 W Alamo  
Side Yard Setback Variance

1 inch = 67 feet



Legend

-  B1 Local Business Mixed
-  R1 Residential Single Family
-  R2 Mixed Residential



EXHIBIT "C"  
COVER LETTER



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July 24, 2022

City of Brenham  
Board of Adjustments  
200 W. Vulcan St.  
Brenham, Texas 77833



Regarding: Variance for 500 West Alamo Residential Property

TO WHOM IT MAY CONCERN:

As agents/architect for the Owner we request the following:

A request is being made for a variance to the zoning requirements for the side property easement requirement on the above residential city lot. Currently there is an existing two-car garage on the 500 West Alamo property with a 7.7' side easement on the west according to the survey. The adjoining property does not have a structure that is within twenty-five (25) or more feet of the common property line.

We are asking for a variance to maintain the existing 7.7' side property easement and allow an occupancy change of the existing garage structure.

Before starting the project, a discussion was held with the City Development Services Department, and it was determined that an addition to the rear of the existing house would not be allowed because of the close proximity of the adjoining property owners buildings to this property. The adjoining property owner's buildings are actually built a few inches onto the 500 W. Alamo property.

With that in mind, an addition was designed to the existing house that did not extend past the current back edge of the existing home on the North Side. The new addition extends from the current home to the West and includes a utility/mudroom connector that attaches the existing garage to the new addition. After designing the project, we were informed the utility/mudroom connection has caused the occupancy of the garage to change and a 10' side easement is required – this is not possible because the building is existing.

The mudroom/utility addition on the back of the garage helps to create a successful project that will meet the needs of the new Owners and greatly increase the value of this property. It will not be detrimental to any other properties. Granting of this easement will not cause any public health, safety or welfare situation nor will it defeat the intent of the philosophy contained in the zoning ordinance.

We ask you to grant this variance so that the project can move forward and increase the size of the existing residence to create a nice family home for our clients who will be relocating to Brenham with their family.

Sincerely,

A handwritten signature in black ink that reads "Charles A. Keese".

Charles A. Keese, AIA  
Keese & Associates

Cc: Kate Cooper & Colby Crouse

# EXHIBIT "D" SITE PLAN

| Sheet Keyhole Legend |                                 |
|----------------------|---------------------------------|
| Number               | Keyhole                         |
| 1                    | EXISTING LOT AND EXISTING HOUSE |
| 2                    | EXISTING HOUSE TO BE DEMOLISHED |

| LIP COVERAGE                 |           |                  |
|------------------------------|-----------|------------------|
| ITEM                         | NO. FT.   | PERCENT COVERAGE |
| TOTAL AREA FOR LIP           | 11,113.26 |                  |
| MINIMUM COVERAGE REQUIREMENT | 3637      | 33%              |
| MINIMUM COVERAGE PROVIDED    | 1175      | 10%              |
| TOTAL COVERAGE OF BUILDINGS  | 4292      | 40%              |

| Area Schedule                   |           |
|---------------------------------|-----------|
| Area                            | Area      |
| EXISTING LOT                    | 34,343.00 |
| EXISTING HOUSE                  | 1,175.00  |
| EXISTING HOUSE TO BE DEMOLISHED | 1,175.00  |
| TOTAL                           | 34,343.00 |



**LEGEND**  
 1. EXISTING LOT AND EXISTING HOUSE  
 2. EXISTING HOUSE TO BE DEMOLISHED

**PROPERTY ADDRESS:** 222 West Alamo Street  
 City of San Antonio, Texas 78205

**PREPARED BY:** ALAMO SURVEYING, INC.  
 PROFESSIONAL LAND SURVEYOR  
 No. 10000  
 10000 West Alamo Street  
 San Antonio, Texas 78205

**DATE:** 10/15/2020

**PROJECT:** 222 West Alamo Street

**DESCRIPTION:** The site plan shows the layout of the existing building and the proposed new building. The existing building is to be demolished and replaced with a new building. The new building will be constructed on the same lot as the existing building. The site plan also shows the location of the driveway and the parking area. The site plan is drawn to a scale of 1 inch = 25 feet.



1 SITE PLAN  
 1/8" = 1'-0"

EXHIBIT "E"  
APPLICANT SITE PHOTOS



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[nkeese@keeseearchitects.com](mailto:nkeese@keeseearchitects.com)



*Figure 4 Existing Garage - Addition to be between existing Home and Garage with a Mudroom/Utility Room Connector at North Side (back) of garage.*



*Figure 5 North side of property showing location of adjacent home – this structure was built a few inches over the property line onto the Owners property – therefore, no addition is being added in this direction.*



*Figure 1 West Side Easement Area*



*Figure 2 West Side Showing Adjoining Property*



*Figure 3 West Easement from Back of Property*

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



500 W Alamo



West side yard



Area between the home and the garage  
(Approximately 13-feet)



Existing garage in relation to the home to the west.  
(Approximately 50-feet)



**CASE NUMBER: B-23-008**

**VARIANCE REQUEST: 405 BOTTS STREET / 402 COTTONWOOD**

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

**OWNERS/APPLICANTS:** Bevers Family Trust / Bradley Bevers

**ADDRESS/LOCATION:** 405 Botts Street #A and #B / 402 Cottonwood (Exhibit "A")

**LEGAL DESCRIPTION:** McIntyre-Harrington, Block 1, Lot 98, 10, PT 8, 9A, Botts St

**LOT AREA:** 15,655 square feet, approximately 0.359-acres

**ZONING DISTRICT/  
USE:** R-2 Mixed Residential Use District / Multi-family (Duplex) residence.  
(Exhibit "B")

**COMP PLAN  
FUTURE LAND USE:** Single-family residential

**REQUEST:** A request 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 is required for a multi-family residence (duplex) (Exhibit "C").

**BACKGROUND:**

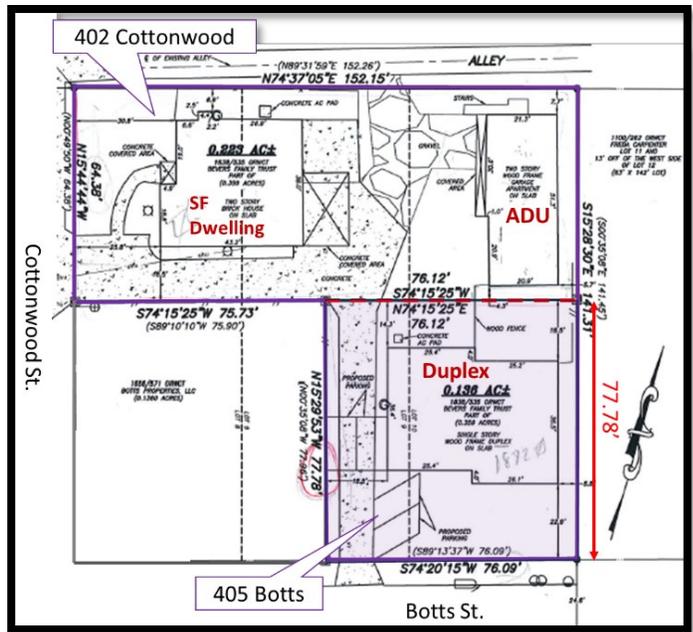
The subject property is a 15,655 square foot (0.359-acre) 'L' shaped lot addressed as 402 Cottonwood Street and 405 Botts Street, and generally located on the east side of Cottonwood Street and the north side of Botts Street. As shown in Figure 1, the subject property, as well as surrounding properties are currently zoned as R-2 Mixed Residential Use District. Further to the west, properties along N. Market Street and E. Academy Street are zoned B-1, Local Business Residential Mixed Use District. With the subject and surrounding properties being zoned R-2, the area is developed with a mixture of housing types to include single-family residential homes, duplexes, multifamily units. Churches are also prevalent, with former First Baptist Church located directly to the west along Cottonwood Street and First Christian Church located on the southeast corner of Cottonwood Street and Botts Street. The subject property currently is comprised and recorded as a portion of three lots of Block 1, Lot 10, Pt 8, and 9A of the McIntyre-Harrington "The Old McIntyre Homestead" that was surveyed and drawn in 1895. The

**Figure 1**



McIntyre-Harrington subdivision is one of the earliest subdivisions in Brenham and predates the current zoning and subdivision regulations that were adopted in 1968. As shown in Figure 2, the portion of the subject property that is addressed as 402 Cottonwood, the property is developed with a 1,978 square foot single-family home that was constructed in 1978 and a garage with an upstairs accessory dwelling unit (ADU) that was constructed in 2001. The existing garage is 418 square feet, while the ADU is 695 square feet. The portion of the subject property that is located at 405 Botts is developed with a 1,872 square foot duplex, 936 SF per unit, that was constructed prior to 1982. The property owner wishes to replat the property to create two lots with the Cottonwood lot being 152.15' x 64.38' (9,795 SF) and the Botts lot being 76.09' feet in width by 77.78' in length (5,918 SF). The proposed lot line is shown as red dashed line in Figure 2. For the Planning and Zoning Commission approval, proposed platted lots are required to meet all subdivision and zoning regulations. The proposed lot for the existing single-family home and ADU meets the R-2 District regulations in regards to the minimum length (115-feet), width (60-feet) and lot size (7,000 SF). Any encroaching setbacks for the existing structures would be considered to be grandfathered. Thus, no action by the Board of Adjustments is required to proceed with the replatting of the proposed 402 Cottonwood Street lot configuration. The proposed lot at 405 Botts Street for the existing duplex, exceeds the minimum lot width for a two-family unit width of 50 feet and the lot area minimum requirement of 5,000 square feet. However, the proposed average lot depth of 77.78-feet does not meet the minimum required average lot depth of 100-feet. Due to the proposed lot not meeting the minimum lot depth for the R-2 District, the proposed plat for the proposed lot at 405 Botts Street may not be approved without a Variance to the average lot depth by the Board of Zoning Adjustment.

Figure 2



Therefore, the applicant, is requesting a variance for a 23-foot reduction to the minimum required average lot depth of 100 feet for a proposed two-family dwelling unit lot, in order for the property to be replatted into two lots to allow for sale and to bring the lots into conformance with the subdivision and zoning regulations.

**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.*

A variance to the average minimum lot depth will allow the subject property to be replatted from one legally nonconforming lot with multiple structures into two lots with an existing single-family home and accessory dwelling unit on one lot and an existing two-family unit (duplex) on the second lot. The proposed lots would be 9,795 square feet for the single-family lot and 5,918 square feet for the duplex lot. The R-2 District allows for a variety of residential uses to include single-family, two-family, townhomes, cluster housing and multifamily units, with each residential unit type having differing area regulations regarding lot size, depth, width, and setbacks. The proposed single-family lot will exceed the minimum lot area, lot width and lot depth. While the proposed two-family dwelling lot will exceed the minimum lot area and lot width, it would be approximately 23-feet less than the minimum average lot depth of 100-feet. It is unknown why the property owners at the time were not required to replat the property and seek a variance in when the two-family unit was constructed. Staff finds that the proposed variance will accommodate the replatting of the existing lot to allow for the different housing types to be on two different lots that would be in conformance with the City's Comprehensive Plan and zoning map. (Exhibit "B").

- (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 minimum lot depth will not be materially detrimental or injurious to other properties and improvements in the general vicinity of the subject property. Replatting the subject property from one lot into two lots will not be visually seen or affect the adjacent property owners nor the general public. The existing structures and residential uses have been in their present configuration since at least 1978. The proposed lot for the single-family home with the ADU complies with the R-2 regulations for a single-family use and does not need a variance. However, the proposed lot for the existing duplex is also zoned R-2, with minimum lot standards for the two-family structure consisting of a 50-foot width, 100-foot depth, and a minimum lot size of 5,000 square feet. While the proposed two-family lot exceeds the minimum lot area and lot width, a reduction in the 100-foot lot depth requirement is necessary for replat approval. The subject property has been utilized as a mixed residential lot for 20 years and the requested variance and replatting will bring the lot into conformance and allow for any necessary public utility easements to be placed. As these are existing uses and structures, there will be no increase to the congestion of street traffic, no additional impacts to the supply of light or air to the adjacent properties, nor will the reconfiguration in any way endanger the public health, safety, and well-being of the neighborhood. If the variance is granted, the applicant is prepared to submit a plat application to the Planning and Zoning Commission.

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

Literal enforcement of this ordinance would prohibit the property owner from replatting the subject property into two (2) separate lots, where the existing lot has been nonconforming to the zoning and subdivision regulations by being utilized as both a single-family unit located at 402 Cottonwood Street *and as* a two-family (duplex) unit lot located at 405 Botts Street for the last 20 years. Without a replat, the property owners would not be able to legally separate the two residential uses to be conforming with the one principal structure per lot regulation or the ability to sell the existing home and duplex separately. The proposed lot has adequate dimensions to meet the zoning regulations for building setbacks and parking for

the existing single-family residence with the associated ADU, and for the existing duplex. Staff finds that strict enforcement of the ordinance would work an unnecessary hardship and would further prevent the property owner from bringing the property closer in compliance with the adopted subdivision ordinance.

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

The subject property is unique in that it is comprised and recorded as a portion of three lots of Block 1, Lot 10, Pt 8, and 9A of the McIntyre-Harrington "The Old McIntyre Homestead" that was surveyed and drawn in 1895. The McIntyre-Harrington subdivision is one of the earliest subdivisions in Brenham and predates the current zoning and subdivision regulations that were adopted in 1968. The existing property is also in a unique "L" shape configuration comprising of two addresses with frontage along Cottonwood Street and Botts Street. The existing home fronting onto Cottonwood Street was built in 1978, with the two-family unit fronting onto Botts Street being constructed prior to 1982. The proposed lots exceed the minimum required 7,000 square foot lot size for a single-family home and 5,000 square feet for a two-family unit, as well as the minimum required lot width. Without a variance to the lot depth, the applicant would not be able to replat the lot into two separate properties, one for each of the residential uses, for future sale.

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

The need for the variance was not created by the applicant alone but by the previous landowners. The existing regulations restricting the number of principal uses on one lot were unknown at the time that ownership was transferred to multiple owners within the family trust and the heirs attempted to sell the existing single-family home and duplex separately. The requested variance will allow the property owners to formally replat the subject property in accordance with City subdivision and zoning regulations.

*(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 a variance, the property would remain nonconforming to the use regulations of the Zoning ordinance and restrict the single-family and two-family units to stay under single ownership.

*(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.*

Granting a variance to the lot depth requirement 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 approving the requested** variance to allow a proposed lot depth of 77.78-feet, a 22.22-foot reduction in the minimum 100-foot lot depth for the property addressed as 405 Botts Street to allow the future replatting of the subject property into a two-family dwelling lot as presented.

#### **PUBLIC COMMENTS:**

Property owners within 200-feet of the subject property were mailed notifications of this proposal on August 3, 2023. 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. Proposed replat
- D. Cover Letter
- E. Photos

EXHIBIT "A"  
AERIAL MAP



**Location Map**  
**Lot Depth Variance**  
**402 Cottonwood St / 405 Botts St**



1 inch = 83 feet



EXHIBIT "B"  
ZONING MAP



**Zoning Map**  
**Lot Depth Variance**  
**402 Cottonwood St / 405 Botts St**

1 inch = 83 feet

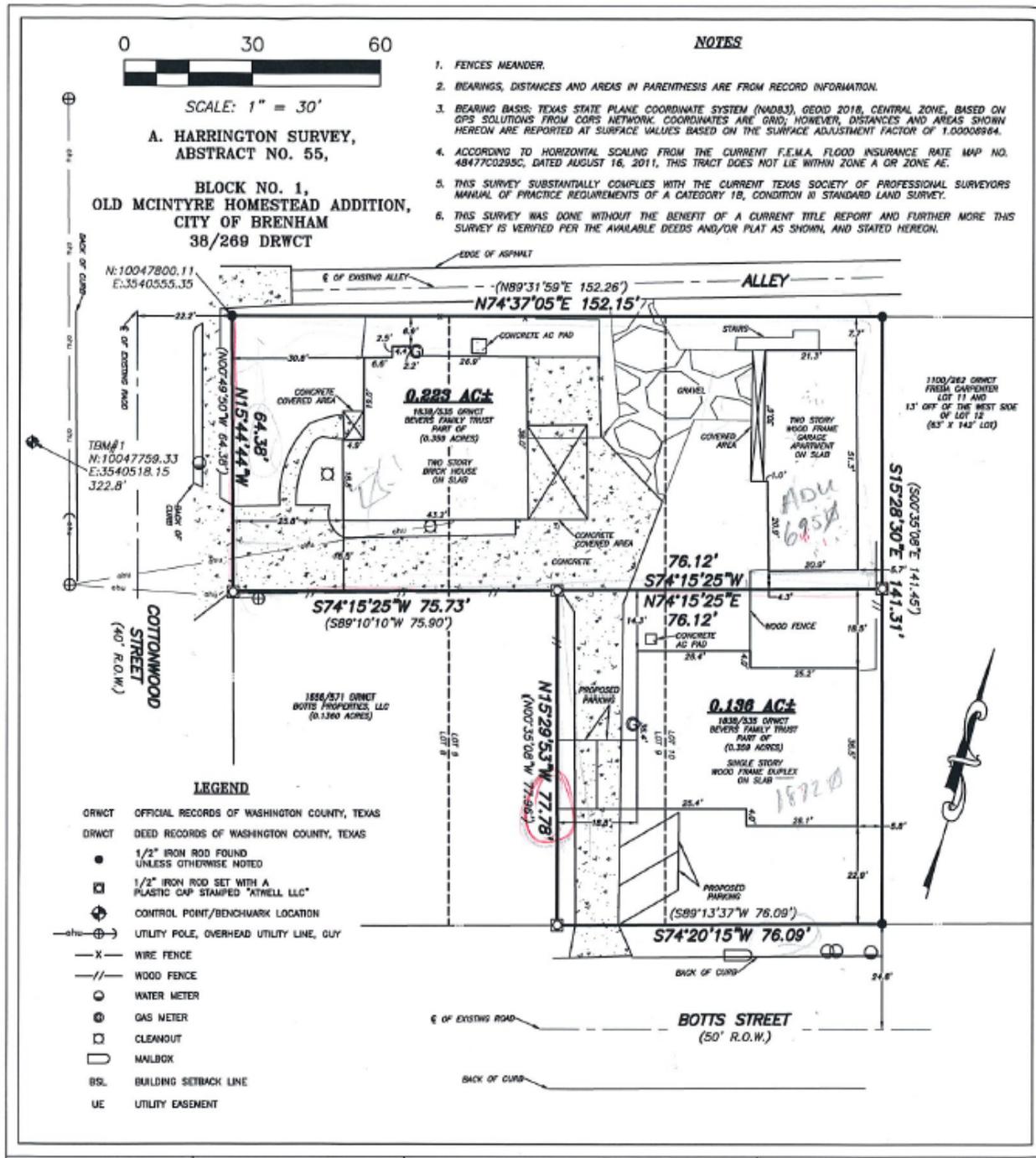


**Legend**

-  B1 Local Business Mixed
-  R2 Mixed Residential



**EXHIBIT "C"**  
**PROPOSED PLAT**



**EXHIBIT "D"**  
**COVER LETTER**

Application for Variance Request

402 Cottonwood Street, Brenham, Texas

Owner: Bradley & Jessica Bevers, co-trustees of the Bevers Family Trust

Agent: Jessica La Fountain, Atwell LLC

To the City of Brenham Board of Adjustment,

This is a formal request for a variance to lot depth and lot width for a proposed division of property located at 402 Cottonwood Street, Brenham, Texas. This property includes part of Lots 8 and 9, and all of Lot 10 out of Block 1 of the Old McIntyre Homestead Addition to the City of Brenham as shown on the plat recorded in Volume 38, Page 269, of the Washington County Deed Records.

With this property being portions of a platted subdivision the property as currently configured and described should have been replatted and submitted for approval to the City of Brenham at some point in the past but that did not take place under prior ownership. This property also currently has two single family residences and one multi-family residence located on the tract. One of the single family residences appears to have been built around 1978, and the remaining structures appear to have been added to the property in the early 2000's.

The current owners of the property, Bradley Bevers and Jessica Bevers, co-trustees of the Bevers Family Trust, desire to cleanup up the current development by separating the two single family residences on one lot and the multi-family residence on a second lot by replatting the property with the approval of the City of Brenham. We are needing to request a variance for the lot depth and lot width requirements for the tract we are trying to create to separate the multi-family residence. The existing property dimensions and structures do not allow adequate space to be in compliance with the current regulations of the City of Brenham.

We believe this request is necessary to accommodate appropriate development of this area of the property as it is currently being used as it is restricted by its current area and shape to the extent that there is no way for this tract to be made compliant with existing regulations.

Granting this variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which this 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 this property is located. With this request we are actually seeking to make an improvement to the existing usage for the multi-family residence by adding parking on the tract which will in turn keep the street open. Otherwise, there are no changes that are sought to be made to the existing usage of the property.

The literal enforcement of the ordinance would work on unnecessary hardship as when these structures were built on this lot, they were done so in a manner that would not allow compliance with current regulations. The multi-family residence appears to have been in use since 2003 and there is simply not enough space around the existing structures or in the dimensions of the property owned to be able to make it compliant with City standards.

This piece of property is unique and contains properties and attributes not common to other similarly situated properties. The number of existing structures and their proximity to the property boundaries create the issues of maintaining compliance with City standards.

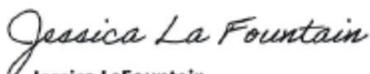
The need for the variance was not created by the applicant. The original single family structure built in 1978 does not align with current regulations for side building setbacks, the single family residence and multi-family residence built in the early 2000's does not align with current building setbacks standards as well. It appears that no permitting was requested at the time of construction which would have been the responsibility of the previous owner. These issues were discovered in the process of preparing a replat document to submit to the City of Brenham by the current owner and we are seeking to correct the issues and concerns to make the property as compliant as we possibly can with the standards of the City of Brenham.

The hardship to be suffered through the literal enforcement of the ordinance would not be financial alone. These structures already exist and are in use and have been for many years. Any changes to the existing structures would create a great financial burden. The existing issues with City regulations were unknown at the time that ownership was transferred to multiple owners within the family trust and not being able to separate the property into the two parcels would require the current owners' interests to be undivided if there was ever a desire to convey the property in the future for sale to the public or a future heir to the family.

Granting of the variance would not be injurious to the public health, safety and welfare of defeat the intent of the philosophy contained in the zoning ordinance. There would be no change the usage of the property that has already been going on for many years. We would only be seeking to make the property as currently used as in line with City of Brenham zoning ordinance as it can possibly be and making parking on Botts Street that is affected by the multi-family residence safer.

Your review and consideration for this application of Variance Request is greatly appreciated.

Thank you,



**Jessica LaFountain**

Project Manager

**ATWELL, LLC**

979.220.3279 Mobile

19 Briar Hollow Lane | Suite 145 | Houston, TX 77027

[www.atwell-group.com](http://www.atwell-group.com)

**EXHIBIT "E"**  
**SITE PHOTOS**



402 Cottonwood Street



405 Botts Street



405 Botts Street  
Existing access drive to 402  
Cottonwood



Looking East down Botts Street. Single-  
family and duplex homes



Intersection of Cottonwood Street & Botts Street.  
Single-family home on the NE corner, First Christian  
Church on the SE corner



Former First Baptist Church property  
directly to the west of Botts Street