

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

May 8, 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 May 8, 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
Shauna Laauwe, City Planner
Kim Hodde, Planning Tech

Citizens / Media present:

Ryan McKenzie
Steve Rutherford
Billy Key

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:15 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 April 10, 2023 Board of Adjustment Meeting.

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

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-23-005: A request by Grocery Supply Brenham for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 7.04 (3) to allow 92% impervious cover, where a maximum of 85% is allowed, and a variance from Part II, Division 1, Section 12.04 – Table 3 to allow a 26-foot buffer yard, where a minimum 75-foot buffer yard is required, for construction of a paved, covered addition to the existing building at 602 W. First Street, described as Hurts Addition, Block 2 and Part of Block 3, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-005 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Grocery Supply Company (GSC). The subject property is zoned I-Industrial. The future land use map shows this property as commercial and the proposed use is an Industrial use. Part II, Division 2, Section 7.04(3) of the City of Brenham Zoning Ordinance states that in no case shall more than eight-five (85%) percent of the total lot area be covered by the combined area of the main buildings, accessory buildings, and other impervious surfaces. The applicant has requested a variance to allow a lot coverage of 92% for the expansion of a parking lot and a covered addition to the existing building. The Zoning Ordinance also requires a 75-foot buffer between a light industrial use and single-family residential; however, the applicant has requested a variance to allow a 26-foot bufferyard to the adjacent single-family residential for the expansion of the parking lot and covered addition to the existing building.

The zoning for the surrounding properties is as follows:

- R-1 (single-family residential) to the west along High Street
- B-2 to the north (Brazos Valley Brewery)
- Railroad right-of-way between the subject property and the Brazos Valley Brewery
- R-2 to the south

The subject property is an approximately 7.078-acre tract which serves as the main distribution center for Grocery Supply of Brenham. It is comprised of 169,929 square feet of warehouse, distribution, and office space in the main building and a separate 1,500 accessory storage building in the southwest corner. The Applicant occupies 4-sites that comprise the 20.835-acre development. The site was built in phases between 1957-2004 as follows:

- 1957 – original structure – 83,741 square feet (before Zoning & Subdivision regulations were adopted)
- 1968 – 20,000 square feet
- 1973 – 44,800 square feet
- 1974 – 21,649 square feet
- 2004 – 1,500 square feet

The subject property was first developed as an Industrial use in 1957. The property is non-conforming in lot coverage and bufferyard requirements. The current lot coverage is 88.3%. The current main building encroaches into the bufferyard by 4-feet and the storage building encroaches into the bufferyard by 64-feet.

Bufferyards are required to minimize potential noise, drainage, glare, or other incompatibilities between uses. Grocery Supply of Brenham is considered a light industrial use and has a 75-foot bufferyard requirement from the adjacent single-family residential uses, in addition to the regular setback requirements of 15-foot front yard, 10-foot rear yard. The property, in its current configuration, has a bufferyard of 90-feet on the north and 71-feet on the south end of the existing building. This is a 4-foot encroachment into the bufferyard. The proposed 54-foot x 200-foot (9,000 square feet) tarp/awning covering would reduce the bufferyard to 46-feet on the north side (29-

foot encroachment) and 26-feet on the south side (49-foot encroachment). The addition will also change approximately 9,000 square feet from gravel to concrete, thus increasing the impervious cover to 92%. This new pavement and covered area would provide a storage area and necessary maneuverability for the buggies used for distribution.

Ms. Laauwe stated that without a variance, the applicant has stated that it would hamper their ability to develop the business and could eventually cause a reduction in personnel due to space limitation since there is no way to further develop this site. She reminded that Board that a variance runs with the property and that the City Attorney confirmed that since the Board of Adjustment is a Quasi-Judicial Board, no conditions can be imposed on a variance approval. If a variance were to be approved, the applicant would have to ensure that no adverse impact to the drainage occurs. Ms. Laauwe further stated that it is unusual for Industrial property to be located next to single-family uses.

Notifications were mailed to property owners within 200-feet of the subject property on April 27, 2023. Staff did not receive any citizen comments for or against the variance requests; however, all R-1 properties to the west are rental properties.

Staff has reviewed the request and recommends denial of the requested variances to allow a 26-foot bufferyard between industrial use and single-family residential use and 92% lot coverage for this existing business located at 602 W. First Street.

Chairman Hodde opened the Public Hearing at 5:38 p.m. and asked for any comments. There were no citizen comments. Ryan McKenzie, the applicant and President and CEO of Grocery Supply Corporation stated that Steve Rutherford, Legal Counsel, and Billy Key, Brenham Operations Manager, are in attendance today as well. Mr. McKenzie made the following comments:

- Grocery Supply Company is headquartered in Sulphur Springs but Brenham is their main distribution center.
- GSC's goal is to continue to bring growth to Brenham.
- There is a 21-inch curb at the edge of the property so the drainage flows northwest to the drainage structure then under the railroad to the "pasture" area. However, additional improvements could be made to the detention area, if required.
- GSC is respectful of the guidelines when requesting this variance. The proposed request is the least area that they need.
- Tugs hook multiple buggies at a time to go through the warehouse and load merchandise.
- The buggies are used from 4 pm to 12-2 am.
- The buggies are currently stowed in every nook and cranny of the building. The tugs are also store inside to charge when not in use and this causes issues with the dayshift not being able to do their job properly due to the number of buggies and tugs in the way.
- The buggies are not transported across the street. They are only used in this main facility.
- There is 24/7 onsite security in place.
- Compared to the existing noise created by the trucks being loaded on the other side of the facility, any noise associated with moving the buggies around should not be an issue.
- GSC loves Brenham and they have made a considerable financial investment to upgrade the facility to better serve the community.

Stephanie Doland stated that staff had worked with GSC and exhausted all possible options before bringing the request before the Board of Adjustment.

Chairman Hodde closed the Public Hearing at 6:11 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to approve the request by Grocery Supply Brenham for a variance to allow 92% impervious cover, where a maximum of 85% is allowed, and a variance to allow a 26-foot buffer yard, where a minimum 75-foot buffer yard is required, for construction of a paved, covered addition to the existing building at 602 W. First Street, as presented, based on the

opinion that after hearing the fact, it did not appear that this project would have any excessively detrimental effects to the neighboring properties. The motion carried by a vote of 4-1.

6. Adjourn

A motion was made by Commissioner Flisowski and seconded by Commissioner Thielemann to adjourn the meeting at 6:18 p.m. The motion carried unanimously.


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

Certification of Meeting Minutes:



Jon E. Hodde, Chairman

July 10, 2023
Meeting Date



Attest, Staff Secretary

July 10, 2023
Meeting Date