



**NOTICE OF A REGULAR MEETING  
BOARD OF ADJUSTMENT  
MONDAY, JULY 10, 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 May 8, 2023 Board of Adjustment Meeting**

**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.**

**6. Adjourn**

**CERTIFICATION**

I certify that a copy of the July 10, 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 July 6, 2023, at 10:00 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**

**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



**CASE NUMBER: B-23-006**

**VARIANCE REQUEST: 1400 S. JACKSON ST**

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

**OWNERS/APPLICANTS:** Jack and Teresa Robinson

**ADDRESS/LOCATION:** 1400 S. Jackson Street (Exhibit "A")

**LEGAL DESCRIPTION:** Wilkins, W.G., Block 16, Lot N Pt of 1 & Portion of Old W Tom Green Street

**LOT AREA:** Approximately 24,221 square feet (0.556 acres)

**ZONING DISTRICT/  
USE:** R-1, Single-Family 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 1, Section 10.02(1) to allow a 3 foot-11 inch (3'11") south side yard setback, where a minimum 5-foot side yard setback is required for a detached accessory structure (Exhibit "C").

**BACKGROUND:**

The subject property is addressed as 1400 S Jackson Street and is generally located on the west side of S. Jackson Street, directly west of the terminus of W. Tom Green Street and adjacent to Jackson Street Park to the north. The subject property and all surrounding properties to the east and south are within a R-1, Single-Family Residential District, with the adjacent property to the north and west being the public Jackson Street Park. The subject site is a 107-foot by 227-foot (24,221 square feet/0.556-acres) lot that currently consists of a 1,999 square foot single-family home and detached accessory garage that were constructed in 1948 and 1982, respectively. The subject property is an original lot of the W.G. Wilkins Subdivision that was established before the Subdivision Regulations were adopted in 1968.

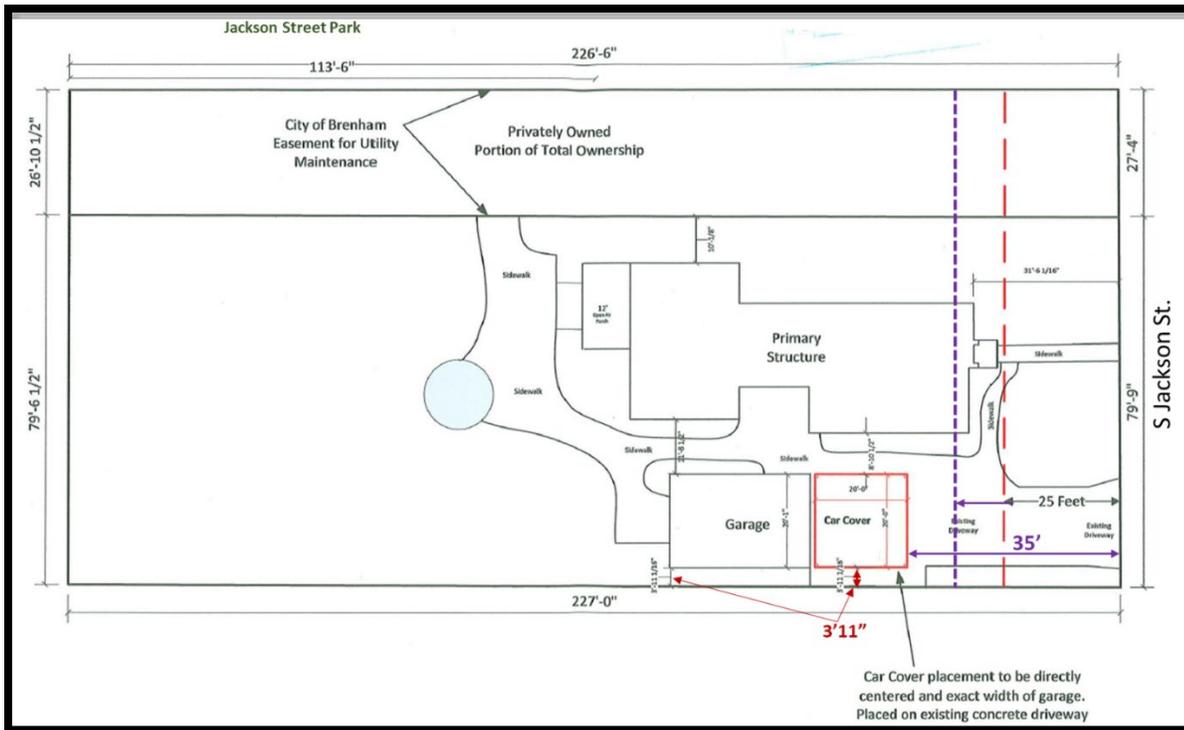
The existing principal and accessory garage structure are legally nonconforming, with the principal structure having a front yard setback of approximately 22-feet, while the detached garage has a front yard setback of

**Figure 1**

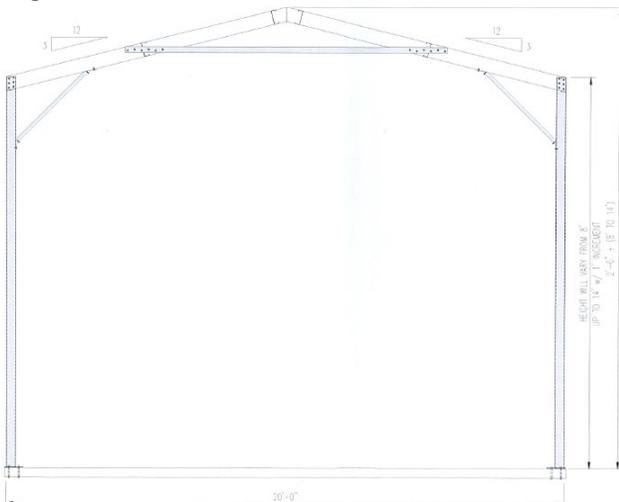


approximately 56-feet and a side yard setback of 3-feet 11-inches. The principal structure was built before the zoning regulations were adopted in 1968, and when the garage was constructed in 1982, the required side yard setback for detached accessory structures was 3-feet. The existing zoning regulations require a detached accessory structure to be located behind the closest point of the primary structure to the front property line and shall have a minimum side yard setback of 5-feet. The applicant proposes to install a 20'x20' (400 sf) detached carport approximately 1-foot from the existing garage. As shown in Figure 2, the carport placement would be behind the front façade of the principal structure and have a front yard setback of approximately 35-feet and align with the existing garage with a 3 foot-11 inch south side yard setback. Therefore, the applicant is requesting a variance to the the south side yard setback to allow for a 1-foot, 1-inch reduction in the minimum required 5-foot side setback for a detached accessory structure.

**Figure 2**



**Figure 3**



**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 subject property was subdivided and developed prior to the Subdivision and Zoning regulations being adopted in 1968. The 107-foot by 227-foot lot, includes approximately 27-feet of abandoned W. Tom Green right-of-way along the north property line and is conforming to the current R-1, Single-Family Residential lot size, width, and length standards. While the lot configuration meets the current zoning regulations, the principal structure built in 1948 at setback of approximately 22-feet from S. Jackson Steet, is legally nonconforming to the minimum required 25-foot front yard setback. In addition, the existing accessory garage structure built in 1982 (per Washington County Records) has a south side yard setback of 3-feet 11-inches. In 2019, a text amendment to the Zoning Ordinance increased the minimum side yard setback for accessory structures to 5-feet. The subject property is not restricted by attributes inherent to the land such as area, shape, or slope, but that constructing the carport at the required 5-foot side yard setback would cause it to not align with the long-standing existing garage and paved driveway.**

- (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 size between developments and uses. There is adequate spacing between the proposed carport and the adjacent property to the south. At the south property line, there is a 6-inch raised concrete border followed by a 3-foot private sidewalk on the adjacent property. The nearest structure to the south is an accessory detached garage that is approximately 10-feet from the shared property line. As shown in the applicant’s photograph in Figure 5, the principal structure on the adjacent property to the south would be approximately 25-feet from the proposed carport. Along the south property line is also a 3-foot sidewalk and an additional 10-foot setback to the driveway. Furthermore, as shown in Figure 6, the proposed location of the carport would be behind the principal structure of the subject property as well as the principal structures on the adjacent and neighboring properties to the south. Given that the proposed carport will be in line with the existing detached garage, that it would be 10-feet or greater from adjacent structures to the south, and that it would not impede the front façade of the principal or neighboring**

structures, Staff is unable to identify any destabilizing negative effects of the proposed variance on neighboring properties.

Figure 5



Figure 6



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

Staff finds that literal enforcement of this ordinance would require that the carport be placed to the north by 1-foot, making it out of line with the existing garage and paved driveway. The proposed placement is behind the front façade of the principal structure and approximately 35-feet from the front property line.

In addition, the carport would be approximately 25-feet from the principal structure on the adjacent property to the south. The separation between structures would include a private sidewalk, landscaping, and driveway. Staff finds that requiring the accessory structure to be offset with the existing nonconforming garage, when all other setback requirements are exceeded, to be an unnecessary hardship and that granting a variance for a 1-foot 1-inch reduction to the side yard is reasonable.



- (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 107-foot by 227-foot lot is conforming to the current R-1 zoning regulations in terms of lot size, width, and length standards. However, the principal structure built in 1948 at setback of approximately 22-feet from S. Jackson Steet, is legally nonconforming to the minimum required 25-foot front yard setback. In addition, the existing accessory garage structure built in 1982 (per Washington County Records) has a south side yard setback of 3-feet 11-inches. In 2019, a text amendment to the Zoning Ordinance increased the minimum side yard setback for accessory structures to 5-feet resulting in the existing detached garage to be nonconforming by 1-foot 1-inch. This property is unique in that while the existing garage and proposed carport would be approximately 4-feet from the south property line, the existing development of the adjacent property to the south, that includes a private sidewalk, helps ensure that adequate separation for light and air would remain (Figure 6).

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

The need for the variance was not created by the applicant. The existing detached garage was constructed in 1982 when the required side-yard setback was 3-feet for detached accessory structures. The applicant now wishes to construct a carport directly in front and in line with the existing garage. If the existing garage had been built to the current setback requirements, the need for the variance to align the carport would not be necessary.

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

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

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

Setbacks are established to provide adequate separation and size between developments and uses. For the reasons stated previously, granting a 1-foot 1-inch variance to the south 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.

**STAFF RECOMMENDATION:**

Staff has reviewed the request and *recommends approving the requested* variance to allow a 1-foot 1-inch reduction in the minimum required 5-foot south side setback for a setback of 3-feet 11-inches for a detached accessory carport at 1400 S. Jackson Street.

**PUBLIC COMMENTS:**

Property owners within 200 feet of the subject property were mailed notifications of this proposal on June 29, 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**  
**1400 S. Jackson Street**  
**Side Yard Setback Variance Request**



1 inch = 63 feet



EXHIBIT "B"  
ZONING MAP



**Zoning Map**  
**1400 S. Jackson Street**  
**Side Yard Setback Variance Request**



1 inch = 63 feet

**Legend**

 R1 Residential Single Family



**EXHIBIT "C"  
COVER LETTER**

Brenham Board of Adjustment

City of Brenham, Texas

Jack C and Teresa W Robinson  
1400 S Jackson St.  
Brenham, Texas 77833

For Consideration of Board of Adjustment:

The issue at hand is one that developed from previous building placement. The principle residential structure was previously constructed in 1948, along with the original front facing garage unit.

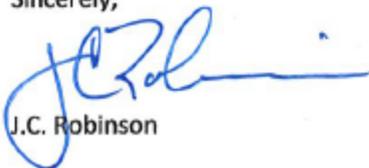
As all things change over time, it is now apparent that the original garage structure built in 1948 is unable to house a typical vehicle size and more specifically a modern truck's height and width. Because of this inability, a car/vehicle cover is an economical and aesthetically complimentary alternative to solving the issue.

Because the building and driveway structures were built prior to 1967, their placement is approximately 3" 10" to 4' from the adjacent property line, thus the proper placement of the car/vehicle cover would sit approximately 1 to 1'2" into the restricted building line area. In order to construct a visually appealing structure, placement needs to be set for the post and beam structural to be in alignment with the existing garage structure. Care was taken to choose a structure that will complement and enhance the existing property element in form and colors.

Additionally, although the structure would sit within the setback requirements, the structure would not intrude on the adjacent property, as there is another driveway and paved walkway of approximately 25+ feet, between the existing garage and the neighboring primary structure.

We feel the proposed structure would enhance the appeal of our property, would not impose any risk or harm to the property, our neighbors property or the community at large, while assisting us in the preservation of our vehicles and personal property.

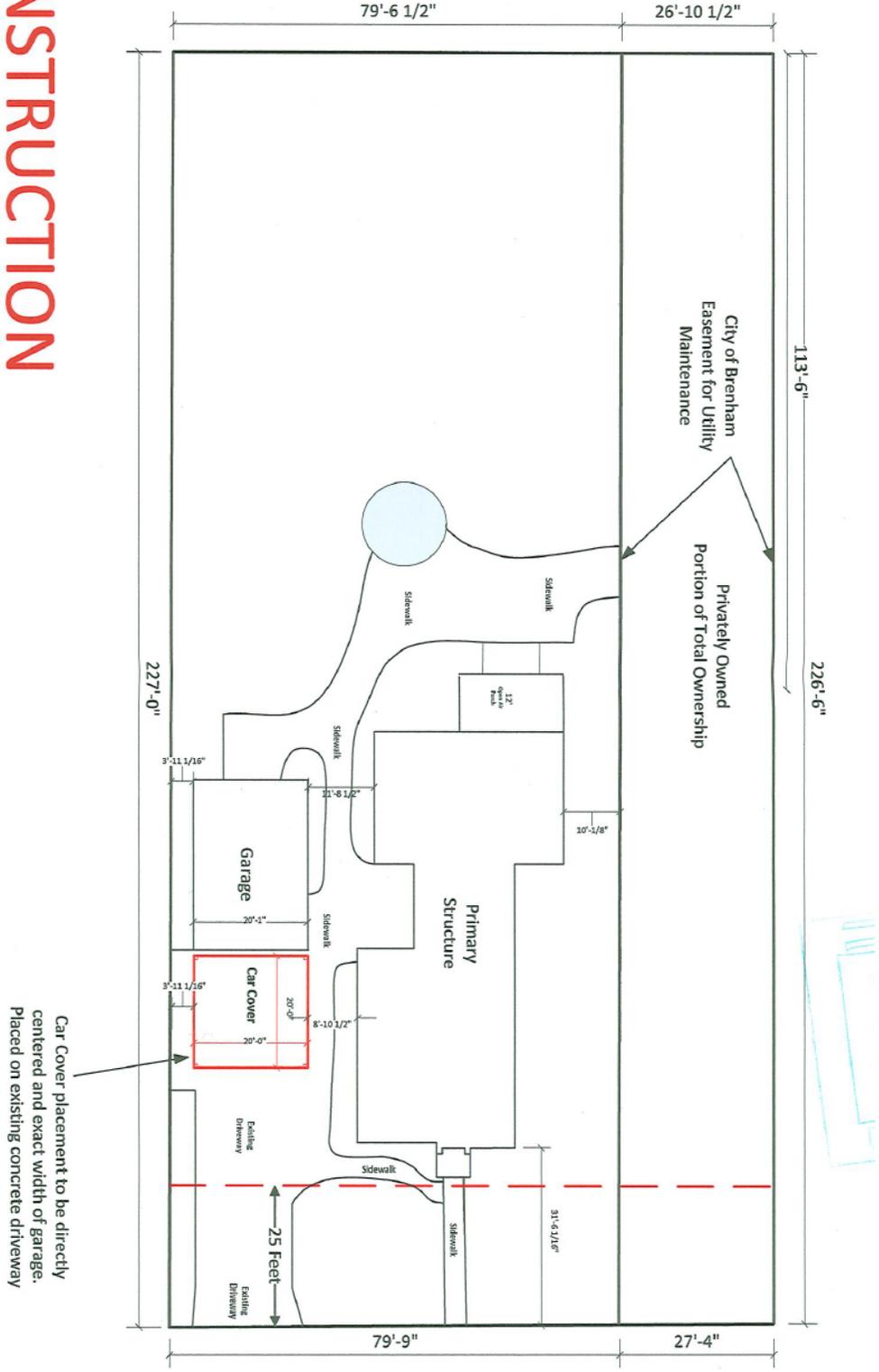
Sincerely,



J.C. Robinson

EXHIBIT "D"  
SITE PLAN

CONSTRUCTION



Car Cover placement to be directly centered and exact width of garage. Placed on existing concrete driveway

**EXHIBIT "D"**  
**CARPORT DRAWING**

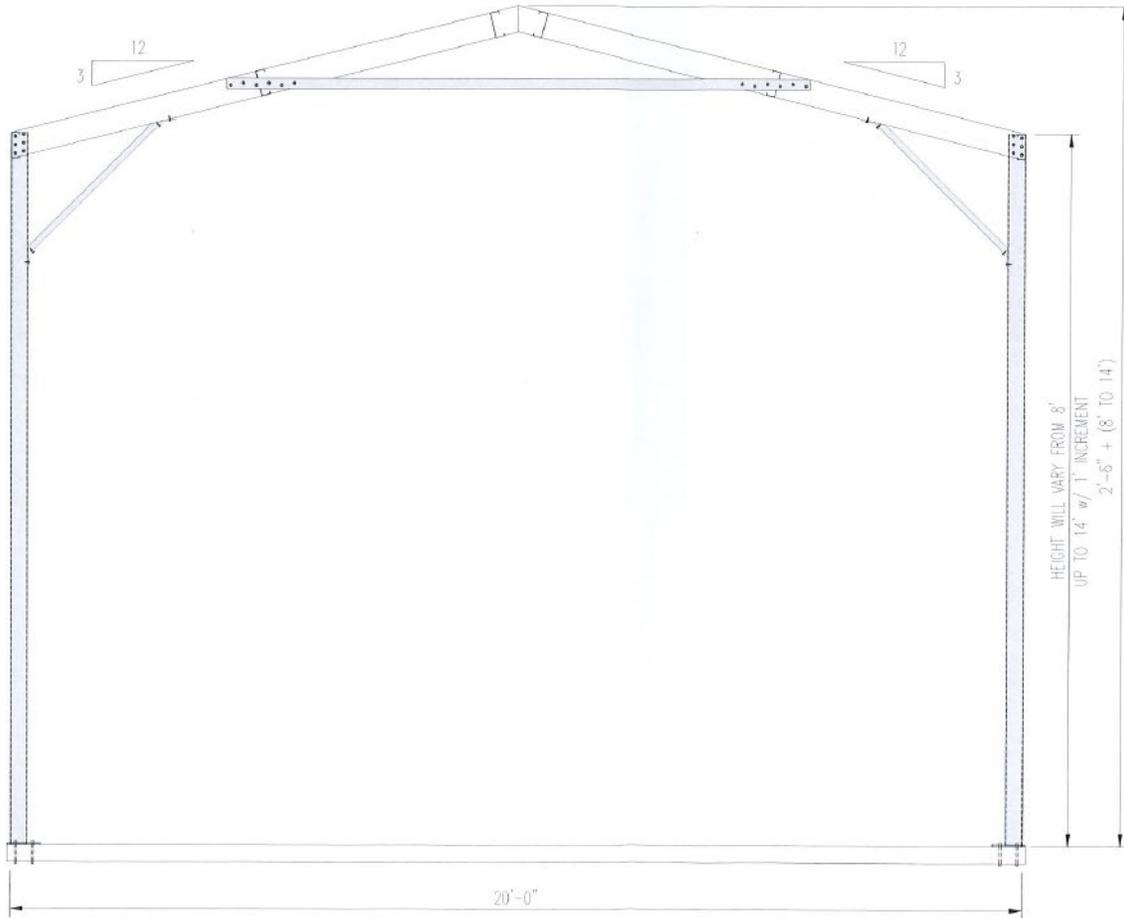


EXHIBIT "E"  
SITE PHOTOS





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





**Property line located halfway into curb**