

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

May 13, 2024

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 13, 2024, 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 Chair
Dax Flisowski
Arlen Thielemann
Mary Lou Winkelmann

Commissioners absent:

None

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner
Kim Hodde, Planning Technician

Citizens / Media present:

Charles Keese
Craig & Theresa Norman
Dara Childs
Amado Perez

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

Stephanie Doland thanked the Board members for taking the time to attend the training session earlier today. There were no other 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 February 12, 2024, Board of Adjustment Meeting.**
- 4-b. **Minutes from April 8, 2024, 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 Winkelmann to approve the Consent Agenda (minutes from the February 12, 2024, and the April 8, 2024, meetings), as presented. The motion carried unanimously (5-0).

REGULAR AGENDA

- 5. **Public hearing, Discussion and Possible Action on Case Number B-24-004: A request by Dara Childs/Scott Bailey for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05(1)(a)(ii) to allow a lot width of 27.5-feet at the property line (frontage), where a minimum lot width of 60 feet is required for two proposed lots, in order to subdivide and plat the existing property into two (2) lots for the construction of two single-family homes located at 1307 Hidden Creek Lane, described as Lot 3, Block 1 of the Sycamore Hill Subdivision, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-24-004 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Scott Bailey through this agent, Dara Childs. The subject property is zoned as R-1, Single-Family Residential Use District and currently is developed with a single-family residence. The subject property is addressed as 1307 Hidden Creek Lane and is located west of S. Saeger Street, with Old Mill Creek to the south and Blinn College to the southeast. The future land use designation is single-family residential, and the proposed use is single-family residential. The subject property is surrounded by a variety of uses including R-2, B-1, and Institutional zoning uses.

Hidden Creek Lane was originally part of the Meadowbrook Subdivision (1985). The plat showed a future connecting street (Wyandotte Lane) connecting Meadowbrook Lane and Wyandotte Lane (Hidden Creek Lane). This connecting street was never developed. In 2019, three (3) lots were created from the vacant property. The lots are non-conforming to the lot width and do not have fire turnaround access. If this lot is subdivided and a new home is constructed, it will be required to be fire sprinklered in lieu of providing this fire turnaround access.

The subject 1.354-acre property at 1307 Hidden Creek Lane has been sold to Mr. Bailey, who wishes to subdivide the subject property into two lots so that the southern lot (Lot 3B) could be developed for a single-family home. The existing subject property is proposed to be split equally, with each lot (Lot 3A and Lot 3B) consisting of 0.6770-acres (29,490 SF). The west front property lines would measure approximately 115 feet in length, while the side property lines vary between 170-feet and 180-feet in depth and the rear property lines are approximately 150-feet in length. While the lots are large and exceed the minimum lot size of 7,000 square feet and depth, the subdividing of the original lot would cause the subject property to lose the grandfathered nonconforming status and each lot would only have a lot width of **27.5-feet** along at right-of-way of Hidden Creek Lane, where a minimum lot width of 60-feet is required for single-family residential lots. If the variance and subsequent platting is approved, the existing home would be located on Lot 3A, and a new single-family home could be constructed on Lot 3B. Each home would have access to Hidden Creek Lane via an elongated driveway. Per the International Fire Code (IFC), Section 503.1.1(1.1) Building and facilities, since an IFC approved fire truck turnaround would not be provided, the new single-family structure on proposed Lot 3B would be required to have an approved automatic sprinkler system installed (See Exhibit E). The property owner and his agent have been made aware of this provision.

For the subject property to be subdivided and platted into two separate lots, the Subdivision regulations require that proposed lots meet the zoning requirements or be granted variances by the Board of Adjustment. The applicant, therefore, is requesting variances for proposed Lot 3A and Lot 3B to allow a lot width at the property line (frontage) of 27.5-feet instead of the required 60-feet.

STAFF ANALYSIS

- The subject property is not eligible for platting unless a variance is granted to allow the lot width reduction.
- The existing home on the subject property was constructed before the Infrastructure Design Manual was adopted in 2022. The Infrastructure Design Manual does not allow dead-end streets.
- The request will not be materially detrimental or injurious to other properties. A fire turnaround would give both lots the required width. Without a turnaround, any new structures would be required to be fire sprinklered.
- The proposed lots would be out of character with the neighborhood in terms of access and block face.
- Literal enforcement would require construction of a fire turnaround that meets Appendix D of the 2018 International Fire Cod and provides a 60-foot lot width. This expense is a hardship if it would be more than 50% of the property value.
- The property is a large, underutilized infill property with floodplain and a dead-end access. The Applicant did not create the dead-end but elected to not extend the right-of-way and utilities.
- Reason for denial - Standard #1: The lot “as-is” is developable for a single-family home.
- Reason for denial - Standard #5: The need for the variance was created by the Applicant.
- The request is not injurious to the public health, safety, and welfare but would defeat the intent of the Zoning Ordinance. It does not promote connectivity or a good subdivision design.

Staff acknowledges that the proposed two lots would provide the possibility of an additional home for the community and meet the objectives of the Housing Task Force. However, due to the subject property being buildable for a single-family home in its current configuration and the requested variance being created by the applicant, Staff **recommends denial of the requested** variances to allow proposed Lot 1 and Lot 2 a 27.5-foot lot width at the property line (frontage) instead of the required 60-foot lot width.

Notifications were mailed to property owners within 200-feet of the subject property on May 2, 2024. Staff did not receive any written comments in favor or opposed to the request.

Chairman Hodde opened the Public Hearing at 5:39 p.m. and asked for any comments. The owner’s agent, Dara Childs, stated that lots in new subdivision lots are easier to get the “perfect” lot; however, infill lots are an opportunity for development of additional housing. Mr. Childs stated that the Board of Adjustment recently approved a similar variance request from Habitat for Humanity that will be good for the community, but he feels that this request is good for the community as well. In response to questions from Commissioners, Mr. Childs clarified that there is approximately 150 feet from the street to the existing creek and that the proposed house is outside the flood zone. There were no other comments.

Chairman Hodde closed the Public Hearing at 5:41 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Flisowski and seconded by Commissioner Thielemann to approve the request by Dara Childs/Scott Bailey for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05(1)(a)(ii) to allow a lot width of 27.5-feet at the property line (frontage), where a minimum lot width of 60 feet is required for two proposed lots, in order to subdivide and plat the existing property into two (2) lots for the construction of two single-family homes located at 1307 Hidden Creek Lane, as presented. The motion carried unanimously (5-0).

6. **Public hearing, Discussion and Possible Action on Case Number B-24-005: A request by Charles Keese / Craig and Theresa Norman for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(a)(ii) to allow the existing 5-foot west side yard setback where a 10-foot side setback is required for a proposed attached accessory structure (garage) located at 413 W Main Street, described as Lot 7A1 of the West Main Subdivision, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-24-005 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Craig and Theresa Norman / Charles Keese. The subject property is zoned as R-2, Mixed Residential Use District and currently is developed with single-family residence. The subject property is addressed as 413 W Main Street and is generally located on the south side of W. Main Street and west of Seward Street and north of W. Alamo Street. The subject property and all adjacent properties are within an R-2 Zoning District and developed with a mix of commercial and single-family residential units. The adjacent property to the east is Manuel’s Mexican Restaurant that is a legally nonconforming use that has been in business since 1987. The future land use designation is Mixed-Use Downtown Adjacent, and the proposed use is single-family residential. The request is for a special exception to allow a reduction in the west side yard setback for the extension or enlargement of a non-conforming structure for construction of a two-story, attached accessory structure (garage).

The subject property measures approximately 60-feet by 92-feet (5,532-square feet/0.1270-acres) and currently consists of a 2,061-square foot, 2-story single-family home and a detached accessory garage that were constructed in 1924. The subject property is an original lot of the West Main Subdivision, which was established before the subdivision and zoning regulations were adopted in 1968. The 5,524-square foot lot is legally nonconforming to the minimum lot size of 7,000 square feet and the required lot depth of 115-feet as well as the 25-foot front and rear yard setbacks. The existing home has a front yard setback of approximately 22-feet, a rear yard setback of approximately 19-feet, 6-inches, and a west side yard setback of approximately 5-feet. On December 11, 2023, the Board of Adjustment unanimously approved a variance to allow a proposed attached accessory structure (garage) a 5-foot side yard setback and a 2-foot rear yard setback. The property owners proposed to demolish the then existing dilapidated garage what was at a 2-foot east side yard setback and 0-foot rear yard setback and replace it with a two-story, two-car garage that would be angled and attached by a walkway to the second floor of the principal structure. While only a corner of the proposed garage structure would be within the respected setbacks, variances do not have conditions and go with the land. Therefore, the granted 2-foot rear yard setback is valid for the entire south rear property line and the 5-foot east side setback along the entire east property line. After the December BOA decision, the property owners demolished the garage and began construction plans. They found that the proposed angled garage would not meet their space needs and would cause difficulty in backing up maneuvers, so they sought out other designs from the Architect (and applicant) Charles Keese. Mr. Keese re-designed the attached garage structure to be located on the west side of the property in line with the existing principal structure. Placing the garage near the west property line allows for a 3-point turn to exit the driveway forward and make a safer turn onto W. Main Street.

The proposed garage addition is 670-square feet on each floor, with the first floor consisting of the garage area, a workshop, storage space, and a utility room. The proposed second floor would consist of a game room above the garage/workshop/storage space, an upstairs utility room on the west side that connects to the house, and an east side walkway that connects to the master bedroom of the home.

An attached accessory structure has the same setbacks as a principle structure, thus the proposed attached garage would have a minimum required 10-foot west side yard setback. The proposed garage addition has a minimum west side yard setback of 5’-8” and a maximum side yard setback of 6’-3”. The proposed rear yard setback will vary between 3’-1” and 3’-2”. As the rear yard setack is within the previous variance setback of 2-feet granted in December 11, 2023, no action on the rear yard setback is required. As the garage addition is proposed to expand along the same setback as the nonconforming principal structure, a Special Exception is being requested to allow the proposed 4’-4” reduction in the minimum required 10-foot west side yard setback.

The proposed addition is substantial and as shown in Figure 6, will increase the lot coverage of the property from 52% to 54.7%, where a maximum of 55% lot coverage is allowed. To help meet the maximum 55% limit, the applicant is proposing to place permeable pavers on a 693 square foot portion of the driveway. The proposed 54.7% of lot coverage is out of character for the surrounding area. However,

LOT COVERAGE	SF	SF
AREAS	CURRENT	PROPOSED
EXISTING HOME	1148	1124
WALK	180	180
BACK PATIO	100	100
DRIVEWAY	1482	978
GARAGE	0	670
TOTAL ADDITION	2870	3030
PERCENT COVERAGE	52%	54.7%
TOTAL LOT SIZE	5532	
COVERAGE AT 55%	3042.6	

the addition will be attached to the rear of the existing principal structure and will not be noticeable to passers-by on West Main Street. The adjacent property to the south has a large wing of the principal structure that is approximately 5-feet from the property line near where the proposed addition will be placed. The principal structure has a first-floor utility room in the same location where the new one is proposed and had a shed near the west property line that has been recently removed. Thus, while a second story structure will create additional bulk and less light and air, the subject property has had structures within the proposed setback area for several years.

No adverse effects to the adjacent properties, or the surrounding neighborhood is expected with the proposed expansion of the nonconforming principal home. The neighborhood was developed before the zoning and subdivision regulations were enacted in 1968, thus many of the structures in the vicinity have nonconforming setbacks. The adjacent property to the south is a large 2-story structure, where the roofline of approximately 18-feet of the structure is approximately 4-feet from the shared property line and aligned to the approximate location of the proposed garage. The adjacent property to the east, developed as Manuel's Mexican Restaurant, will be less affected as the previous garage structure at the east property line has been removed. Lastly, the adjacent property to the west is also approximately 10-feet from the shared property line. The proposed renovations and addition will be required to meet all applicable building and fire code requirements.

The provision to request a special exception states: "The extension or enlargement of a nonconforming structure, provided that the structure or portion thereof being extended or enlarged *is not for the purpose of a nonconforming use.*" Accessory structures (garages) are allowed in the R-2 zoning district. As stated above, the proposed expansion of the nonconforming structure will be required to meet the current R-2 standards, to include the adopted 2018 International Building Code and Fire Codes.

STAFF ANALYSIS

- The existing home was constructed in 1924, which was before the Zoning and Subdivision regulations were adopted.
- Adjacent structures to the east and south are near the property line. Several nonconforming structures in the surrounding area within the current required setbacks.
- The addition will not be seen from the right-of-way.
- The project will not exceed the maximum lot coverage.
- Backing out maneuvers would be safer for both the homeowner/guests and traffic along W. Main Street.

Staff has reviewed the request and recommends **approval** of the requested special exception to allow a 5-foot reduction in the minimum required 10-foot west side yard setback for a setback of approximately 5-feet, for a proposed two-story garage addition at 413 W. Main Street.

Notifications were mailed to property owners within 200-feet of the subject property on May 2, 2024. Staff received three (3) written comments in support of this request:

- Sean Phillips – 410 W. Alamo Street
- Cheryl Dutil – 501 W. Main Street
- Mischa Enos – 503 W. Alamo Street

Chairman Hodde opened the Public Hearing at 5:55 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:56 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 Charles Keese / Craig and Theresa Norman for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(a)(ii) to allow the existing 5-foot west side yard setback where a 10-foot side setback is required for a proposed attached accessory structure (garage) located at 413 W Main Street, as presented. The motion carried unanimously (5-0).

7. Adjourn

A motion was made by Commissioner Flisowski and seconded by Commissioner Thielemann to adjourn the meeting at 5:57 p.m. The motion carried unanimously (5-0).

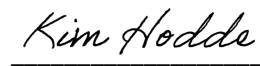
The City of Brenham appreciates the participation of our citizens, and the role of the Board of Adjustment in this decision-making process.

Certification of Meeting Minutes:



Jon E. Hodde, Chairman

August 12, 2024
Meeting Date



Attest, Staff Secretary

August 12, 2024
Meeting Date