

CITY OF BRENHAM BOARD OF ADJUSTMENT MINUTES

April 8, 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 April 8, 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

Citizens / Media present:

Bryan Best	Michelle Wright
Sharon & Ken Miller	Mary Barnes
Fidel Vasquez	Donald W. Lampe
Nathan Touchette	

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:13 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 informed the Board that recurrent board training and an appreciation dinner are being planned. Additional information will be provided once the dates have been confirmed.

REGULAR AGENDA

4. **Public hearing, Discussion and Possible Action on Case Number B-24-002: A request by Paul and Michelle Wright for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02(4)(E) to allow a proposed Accessory Dwelling Unit (ADU) to be 856 square feet where a maximum of 758 square feet is allowed as the maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure (1,516 SF), or one thousand (1,000) square feet, whichever is smaller for the construction of an Accessory Dwelling Unit located at 704 Sycamore Street, described as Portion of The Day Homestead Addition, 0.223-acres, A. Harrington Survey A-55 in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-24-002 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Paul and Michelle Wright. The subject property as well as adjacent properties to the west, east, and north are zoned as R-2, Mixed Residential Use District and currently is developed with single-family residence. Adjacent properties to the south and further east (adjacent to Chappell Hill Street) are zoned B-1, Local Business Mixed Residential Use District. The future land use designation is single-family residential, and the proposed use is single-family residential. The subject property is addressed as 704 Sycamore Street and is an approximate 60-foot x 163-foot (9,750 SF) rectangular lot that is part of the Days Addition, which is an unrecorded plat, that was in place before the Zoning and Subdivision regulations were adopted in 1968. The property currently is developed with a 1,667 square foot home that includes 151 square feet of porch and deck to the south and a detached garage. The existing home and detached garage are existing legally non-conforming to the current required setbacks. The home is nonconforming to the front yard setback since it has an approximate 20-foot front yard setback instead of the required 25-feet. The garage has a 2-foot setback instead of the required 5-foot setback. The proposed ADU would have an east side yard setback of 11-feet, a west side yard setback of 20.5-feet, and a 10-foot separation from the rear of the garage structure.

The request is to allow a proposed ADU to have 856 habitable square feet equating to 56.46% of the 1,516 square feet of habitable area of the principal structure, a 6.46% increase to the maximum ½ of the habitable area allowed (758 square feet) per section 10.02(4)(e).

ADU's are required to meet additional development standards. Except for the maximum size (item [e] listed below), the proposed ADU meets these requirements as follows:

- a) The property owner resides in either the principal structure or the ADU.
- b) The addition will be the same general architectural style and building material.
- c) The proposed ADU exceeds the 10-foot side yard and rear yard requirements.
- d) One additional off-street parking space requirement is met.
- e) The proposed ADU is less than one-half of the habitable area of the principal structure. [856 SF is **56.46%** of the 1,512 habitable area].
- f) The ADU is not a HUD-code manufactured home.

STAFF ANALYSIS

- The residential property is a large 9,750 square foot lot (minimum 7,000 SF).
- Homes in this neighborhood are typically over 2,000 square feet or have large accessory structures.
- The proposed structure will allow adequate separation, light and air and it will exceed all setback requirements.
- The proposed structure will not be injurious to the public health, safety, or welfare.

Based on the findings, Staff recommends approval of this variance request to allow an Accessory Dwelling Unit (ADU) to be greater than ½ of the habitable area of the 1,516 square foot principal structure for a proposed ADU of 896 square feet to be located at 704 Sycamore Street.

Notifications were mailed to property owners within 200-feet of the subject property on March 28, 2024. Staff did not receive any written comments in favor or opposed to the request but did receive one phone call *in favor* of the request.

In response to a question from Commissioner Flisowski, Staff clarified the following:

- The ADU guidelines were approved and enacted in 2019.
- This is the first variance request to the maximum size requirements.
- Several other variances have been granted for the ADU setback requirements.

Chairman Hodde opened the Public Hearing at 5:28 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 Winkelmann and seconded by Commissioner Flisowski to approve the request by Paul and Michelle Wright for a variance to allow a proposed Accessory Dwelling Unit (ADU) to be 856 square feet where a maximum of 758 square feet is allowed for the construction of an Accessory Dwelling Unit located at 704 Sycamore Street, as presented. The motion carried unanimously (5-0).

5. **Public hearing, Discussion and Possible Action on Case Number B-24-003: A request by Nathan Touchette on behalf of Habitat for Humanity for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(b)(i-iii) to allow a lot size of 4,222 SF and 4,268 SF, where a minimum lot size of 7,000 square feet is required; to allow a lot width of 45 feet, where a minimum lot width of 60 feet is required; and to allow an average lot depth of 93 feet and 95 feet, where a minimum average lot depth of 115 feet is required, in order to subdivide and plat the existing property into two (2) lots for the construction of two single-family homes located at 708 Cottonwood Street, described as Residue of Lot 11, Randalls 2nd Addition (unrecorded) A. Harrington Survey, A-55, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-24-003 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Habitat for Humanity / Nathan Touchette (the property owner and applicant). The subject property is zoned as R-2, Mixed Residential Use District and currently is an undeveloped, vacant infill lot (0.1933-acres) that is part of the Randle 2nd Addition and is a residue of an unrecorded plat that was in place before the Zoning and Subdivision regulations were adopted in 1968. The subject property is addressed as 708 Cottonwood Street and is considered a “through lot” since it has frontage along Cottonwood Street and Hosea Street, with Riggs Street to the north and Liberty Street to the south. The surrounding properties are a mix of single and two-family residential, with Henderson Park located to the north (across Riggs Street). Further to the northeast is property zoned B-1, Local Business Mixed Residential that is developed as Parklane Villas Apartments. The future land use designation is single-family residential, and the proposed use is single-family residential.

The property owner, Habitat for Humanity, is a nonprofit organization that works to provide people in our local community with affordable and safe homes. Unfortunately, infill lots are difficult to find in the City of Brenham. Habitat for Humanity has a client that is ready to build a home on the subject property; however, the client is agreeable to have a smaller lot if it were to be divided into two lots with one having frontage onto Cottonwood Street and the second having frontage onto Hosea Street. This would provide the applicant with two lots for potential homeowners. While there is a floorplan that would be able to fit on the proposed lots and meet all required setbacks, subdividing/platting the lot into two lots will cause the lot to lose its legally non-conforming status and will require several lot size variances. In order for the subject lot to be subdivided and platted as two lots, the Subdivision regulations require that proposed lots meet the zoning requirements or be granted variances by the Board of Adjustment. Therefore, the applicant is requesting the following variances:

Proposed Lot 1

1. 15-foot reduction in the required 60-foot lot width. [proposed 45-feet]
2. 21.04-foot reduction in the required 115-foot minimum average lot depth. [proposed 93.96-feet]
3. 2,778 square foot reduction in the required minimum 7,000 square foot lot area. [4,222 square feet]

Proposed Lot 2

1. 15-foot reduction in the required 60-foot lot width. [proposed 45-feet]
2. 19.86-foot reduction in the required 115-foot minimum average lot depth. [proposed 95.14-feet]
3. 2,732 square foot reduction in the required minimum 7,000 square foot lot area. [4,268 square feet]

STAFF ANALYSIS

- Varied size lots in this non-recorded neighborhood. There are lots in the vicinity that are of similar reduced size – Parklane Villas (zero lot line) and 305 Liberty Street. Patio home lots are allowed to be 4,000 square feet. R-2 Zoning typically allows for more density.

- This proposed development will allow adequate separation, light, and air. The proposed structures will meet all setback requirements.
- The proposed development will not be injurious to the public health, safety, or welfare.
- Standard #1: The lot “as-is” is developable for a single-family home. Regulations allow for an exception to the side yard setbacks for lots less than 45-feet in width to allow for 30-feet of buildable width (Section 17.03). With platting, new lots are required to meet all regulations.
- Standard #5: The need for the variance was created by the applicant.

Based on the findings of alternatives that meet the regulations and that the need for the variance was created by the Applicant, Staff recommends denial of the variance request for the proposed reductions in the minimum lot area, lot width, and average lot depth.

Notifications were mailed to property owners within 200-feet of the subject property on March 28, 2024. Staff received three written responses to the request, as follows:

- One *in favor* from Susanna Leonard of 201 Meadow Brook.
- One *in favor* from Sharon Gammel Miller of 826 Happy Hollow. [submitted at the beginning of this meeting]
- One *against* from John W. Walker of 712 Cottonwood, citing concerns about there not being enough room.

In response to questions from Commissioners, the following comments were clarified:

- The setback for the accessory garage at 406 Riggs Street is 5-feet.
- Variances are for the lot only.
- Any variances to the setback requirements would require Board of Adjustment consideration and approval.
- Variances are for the life of the property and are not applicant specific.

Chairman Hodde opened the Public Hearing at 5:45 p.m. and asked for any comments. Bryan Best, Director of Habitat for Humanity in Brenham, stated the following:

- Habitat for Humanity started in Washington County over 20 years ago.
- Habitat doesn't give away homes, but they help people finance and pay for a house.
- Three people have successfully built, moved-in, and paid off their notes on their habitat homes.
- If this request is denied, they will still build a home on this site, but it will just be one house on a long, skinny lot.
- If this request is approved, they will build two homes at one time to save on construction costs.
- This lot is unique as there are not many long, skinny lots with double frontage.
- The family moving into one of the homes has two jobs, are hard-working, and want a home to grow with.

Sharon Miller (826 Happy Hollow) spoke and made the following comments:

- This lot is uniquely situated and has access for two homes.
- This is an opportunity to provide affordable homes.
- People who move into Habitat for Humanity homes must pay mortgages, insurance, taxes, etc. just like everyone else.
- There are five (5) lots on Academy Street and four (4) lots on Riggs Street that are smaller sizes and are within 500-feet, as the crow flies, of the subject property.
- With these two proposed homes, the subject block is proposed to have nine (9) homes. The block immediately to the west has twelve (12) homes.

Commissioner Winkelmann asked if owners of these homes are required to put in sweat equity. Mr. Touchette responded that owners are required to provide a certain number of hours working on other homes to qualify. There are also other time/work requirements.

Chairman Hodde closed the Public Hearing at 5:52 p.m. and re-opened the Regular Session.

Commissioner Goss asked if this request was approved, would another dwelling or accessory structure of any type be allowed. Staff responded as follows:

- An accessory structure (i.e. small shed) may fit but it would be required to follow the setback requirements.
- It is unlikely that an ADU could be approved.
- A carport would be required to meet the front setback requirements.

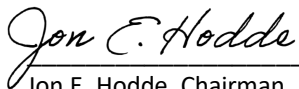
A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to approve the request by Nathan Touchette on behalf of Habitat for Humanity for a variance to allow a lot size of 4,222 SF and 4,268 SF, where a minimum lot size of 7,000 square feet is required; to allow a lot width of 45 feet, where a minimum lot width of 60 feet is required; and to allow an average lot depth of 93 feet and 95 feet, where a minimum average lot depth of 115 feet is required, in order to subdivide and plat the existing property into two (2) lots for the construction of two single-family homes located at 708 Cottonwood Street, as presented. The motion carried by a vote of 4-1.

7. Adjourn

A motion was made by Commissioner Flisowski and seconded by Commissioner Winkelmann to adjourn the meeting at 5:55 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



Attest, Staff Secretary

May 13, 2024
Meeting Date

May 13, 2024
Meeting Date