



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, APRIL 14, 2025, AT 5:15 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BREHAM, 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 December 9, 2024, Board of Adjustment Meeting.

REGULAR AGENDA

5. Election of a Chair and Vice-Chair for the Board of Adjustment for 2025.

6. Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0002: A request by Amado Escobar for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05(1)(b) to allow an 6.6-foot west side yard setback, where a minimum 10-foot side yard setback is required, and a Special Exception as described in Part IV, Division 4, Section 1.01(3)(a) to allow a 7-foot front yard setback, where a minimum 25-foot front yard setback is required for construction of a carport at 205 Mary Gene Street, described as Lot 3, Block 3 of the Hillcrest Addition in Brenham, Washington County, Texas.

7. Adjourn.

CERTIFICATION

I certify that a copy of the April 14, 2025, 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 April 11, 2024, 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 _____, 2025 at _____ am/pm.

Signature

Title

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

December 9, 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 December 9, 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
Walt Edmunds
Dax Flisowski
Mary Lou Winkelmann

Commissioners absent:

Arlen Thielemann

Staff present:

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

Citizens / Media present:

Lindi Braddock

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 August 12, 2024, Board of Adjustment Meeting.

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Winkelmann and seconded by Commissioner Flisowski to approve the Consent Agenda (item 4-a). The motion carried unanimously.

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-24-008: A request by the Estate of Jeanette O. Parry / Russell Noe, Executor for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(b)(iii) to allow an average lot depth of 90-feet and 91-feet, where a minimum average lot depth of 115 feet is required, in order to subdivide and plat the existing property located at 407 W. Main Street, described as Lot 5A1A of the West Main Street Addition, A. Harrington Survey, A-55, in Brenham, Washington County, Texas into two (2) lots (Proposed Lot 5A1a-1 and Lot 5A1a-2).**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-24-008 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from the Estate of Jeanette O. Parry / Russell Noe, Executor. The subject property is zoned as R-2, Mixed Residential Use District and currently is developed with a single-family residence, a storage shed, and a detached garage on the northern portion of the lot along W. Main Street, while the southern portion of the property along W. Alamo Street is vacant land.

The subject 0.4238-acre (18,461 SF) tract addressed as 407 West Main Street, is a through and corner lot with frontage along West Main Street to the north, West Alamo Street to the south, and Seward Street to the east. The future land use designation is Mixed Use Downtown Adjacent, and the proposed use is single-family residential. The subject property is surrounded by a R-2, Mixed Residential Zoning and a mix of single and multifamily residential. The existing 18,461 square foot property meets the current minimum lot area requirement of 7,000 square feet, lot depth of 115-feet, and lot width of 60-feet for R-2 district property.

The property owner, the Estate of Jeannette O. Parry / Russell Noe, Executor, would like to divide the property to sell as two individual lots since infill lots are currently difficult to find in the City of Brenham. The proposed subdividing/platting the lot into two lots would cause the lot to lose its conforming status and require lot depth variances. Splitting the subject property into two lots would result in proposed Lot 5A1A-1 having a lot depth of 90-feet and proposed Lot 5A1A-2 having a lot depth of approximately 91-feet, where the minimum required lot depth is 115-feet. The City of Brenham 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 5A1A-1 and Lot 5A1A-2 to allow a 90.02-foot lot depth and a 91.46-foot lot depth, respectively, instead of the required 115-foot minimum average lot depth. The proposed lot depths align with neighboring lots; thus, the request would not be visibly out of character for the neighborhood.

STAFF ANALYSIS

- West Main Addition is one of the original subdivisions in Brenham and predates the Zoning and Subdivision regulations.
- The subject property is an unusually shaped lot.
- The owner/applicant would like the possibility to subdivide the lot and sell them separately. A replat would be required to legally subdivide the lot.
- To meet the requirements for platting, lot depth variances are needed.
- The subject property is not eligible for replatting unless the variances are granted.
- The requested approximate 90-foot lot depth is characteristic of this area.
- The replat would not be materially detrimental or injurious to other properties since several other properties in this immediate area have 90-foot to 95-foot lot depths. No change would be evident to the surrounding neighborhood.

Notifications were mailed to property owners within 200-feet of the subject property on November 27, 2024. Staff received one citizen comment from Craig and Theresa Norman, who live at 532 W. Third Street, in support of the variance request.

Since Ms. Braddock advised that she did not wish to speak and there were no other citizens present, Chairman Hodde chose to forgo the public hearing and called for a motion on the item.

A motion was made by Commissioner Flisowski and seconded by Commissioner Winkelmann to approve the request by the Estate of Jeanette O. Parry / Russell Noe, Executor, for a variance from the City of Brenham Code of Ordinances, to allow average lot depths of 90-feet and 91-feet, where a minimum average lot depth of 115 feet is required, in order to subdivide and plat the existing lot into two (2) lots for the property currently addressed as 407 W. Main Street. The motion carried unanimously (5-0).

6. Adjourn

A motion was made by Commissioner Flisowski and seconded by Commissioner Winkelmann to adjourn the meeting at 5:31 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

April 14, 2025
Meeting Date

Attest, Staff Secretary

April 14, 2025
Meeting Date

CASE NUMBER: B-25-0002
VARIANCE REQUEST: 205 MARY GENE STREET

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: Amado Escobar, Jr. and Roni Ruiz Escobar

ADDRESS/LOCATION: 205 Mary Gene Street (Exhibit "A")

LEGAL DESCRIPTION: Lot 3, Block 3 of the Hillcrest Addition

LOT AREA: 0.32-acres

**ZONING DISTRICT/
USE:** R-1, Single Family Residential / Single Family 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 1.05(1)(b) to allow an 6.6-foot west side yard setback, where a minimum 10-foot side yard setback is required, and a Special Exception as described in Part IV, Division 4, Section 1.01(3)(a) to allow a 7-foot front yard setback, where a minimum 25-foot front yard setback is required for construction of a carport at 205 Mary Gene Street (Exhibit "C").

BACKGROUND:

The subject property is addressed as 205 Mary Gene Street and is generally located on the south side of Mary Gene Street, east of Cedar Street, west of Sandy Street, and north of McNeese Street. The subject property and all adjacent properties are within an R-1, Single Family Residential and developed with residential structures. The subject 0.32-acres is currently developed with a 1,400 square foot single family residence that was recently rebuilt in 2023 and has a single car garage. While a record could not be found for when the previous home was constructed, according to records on the Washington County Appraisal District website, a majority of the homes along Mary Gene Street were constructed in the early 1950s, before the City of Brenham adopted Subdivision and Zoning Regulations in 1968. The existing home was constructed on the same location as the original slab of the

Figure 1



previous home. The existing home has a front yard setback of 25.1-feet, a rear yard setback of approximately 101 feet, an east side yard setback of 16.4-feet and a west side yard setback of 6.6-feet (see survey in Figure 2 and Exhibit D). The minimum required side yard setback for a single-family home in the R-1 district is 10-feet. When the existing home was recently reconstructed the builder should have been advised to shift the proposed foundation to meet current setbacks or to seek a variance at the time. The applicant would like to construct an 18'x24' open-sided carport for additional covered parking. The proposed carport will extend from the midway point of the roof ridge of the house and will have the same shingles and fiber cement siding as the house. The carport will be supported by the same style of pillars as are in the front of the house so as to be aesthetically pleasing, similar to a front portico (See Figure 3).

Figure 2

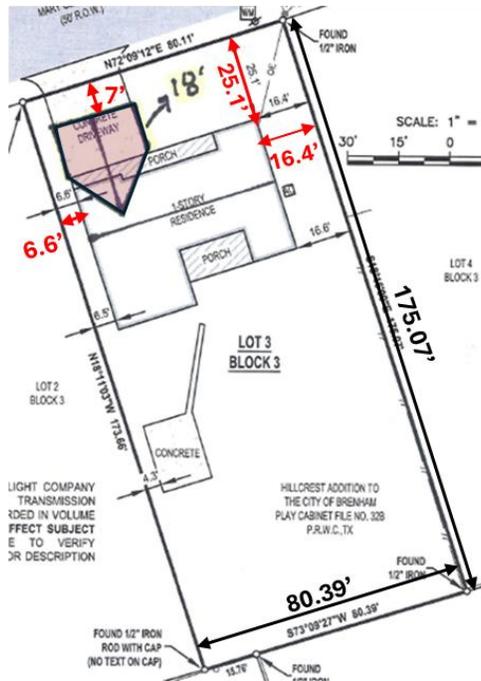


Figure 3



The existing residential structure and driveway is located 6.6-feet from the west property line. The proposed carport over the existing driveway would also be located 6.6-feet from the west side property line; therefore, a variance would be required.

In this neighborhood block, there are multiple homes with non-conforming front setbacks as well as existing carports with varying front and side setbacks. The adjacent property to the east, 203 Mary Gene, was granted a variance on December 10, 1984 to allow a 15-foot front yard setback for a carport. Additionally, the property at 209 Mary Gene was granted a variance on June 3, 1997 for a 15-foot front yard setback for a carport and then on December 12, 2016, was granted an additional variance for a 6-foot side yard setback to enclose the carport. Measuring using the GIS aerial data, other properties in the vicinity appear to have setbacks varying from less than 5-feet to 20-feet. Where front yard setbacks are not uniform on a neighborhood block, a property owner may seek a special exception to the front yard setback requirements. Therefore, for the proposed construction of an 18'x24' open-sided attached carport, the applicant is seeking a Variance to allow a 6'6" west side yard setback where a 10-foot setback is required; and a Special Exception to allow for a 7-foot front yard setback where a 25-foot front yard setback is required.

SPECIAL EXCEPTION TO FRONT YARD SETBACK:

Part IV, Division 4, Section 1.01(3)(a) of the Zoning Ordinance states that that Board of Adjustment shall have the authority to grant Special Exceptions in accordance with the procedures and standards here provided to permit deviation from yard requirements as follows:

- (a) An exception from the front yard requirements where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall for any building hereinafter constructed be the required minimum front yard set back.

Figure 4



STAFF RECOMMENDATION:

Staff has reviewed the request and **recommends approval**. As shown in Figure 4 above, the homes along Mary Gene Street and Cedar Street to the west do not have a uniform front yard setback, with many of the structures appearing to not be in compliance with the current minimum 25-foot front yard setback requirement. According to the Washington County Appraisal District property records, the homes in the area were constructed between 1950 and 1955, before the zoning regulations were adopted in 1968. In addition, many of the homes have carports that encroach into the current setback, with carports located at 208 Mary Gene Street and 1503 Cedar Street appearing to be 5-feet or less from the property line. Given the history and character of the neighborhood and that the proposed carport structure will be built into the home, the surrounding neighborhood block of Mary Gene Street and Cedar Street meet the criteria that the existing front yard setbacks are not uniform. Therefore, Staff recommends approval of the request for an 18-foot reduction in the minimum required 25-foot front yard setback to allow a front yard setback of 7-feet for the construction of an attached carport according to the plans presented in the application.

VARIANCE TO SIDE YARD SETBACK:

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 applicant wishes to construct an 18' x 24' (432 SF) carport structure on the north side of the property, at a 7-foot front yard setback and 6.6-foot west side yard setback. The existing home was constructed in 2023 at the same location as the previous home that was built in 1950. The reconstruction entailed the demolition of the former dilapidated home and cracked foundation, with a new foundation pour and new home construction with the same building footprint as the previous structure. Unfortunately, with the nature of the rebuild, the setbacks were not verified by a form survey and not noticed until the survey at sale was completed and the new owner wanted to construct a carport. The survey detailed that the new existing home has a 6.6-foot west side yard setback (3.6-foot encroachment) and a 16.5-foot east side yard setback, when a minimum 10-foot side yard setback is required. The proposed attached carport would also encroach 3.6 feet into the west side yard setback. The current home will have the same building footprint as the previous home and the carport will have open sides, thus no adverse effects to nearby properties are expected.

- (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 west 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 ample spacing between the home and the nearest structure to the west, as the adjacent structure has a side yard setback of approximately 21-feet. The carport will be built into the home, have open sides, and will not obstruct light or air to adjacent properties. No adverse effects to nearby properties or the surrounding neighborhood are expected.

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

Staff finds that the literal enforcement of this ordinance would result in the partial removal of the structure that was not found to be within the setback during the construction process or the building of a carport that would provide shelter for an additional vehicle. The proposed carport would be built into and match the materials of the existing home. The proposed carport, and the encroachment would not be out of character with the surrounding neighborhood. Thus, granting a variance for a reduction to the side yard is reasonable and would work on an unnecessary hardship.

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

The subject property is in the Hillcrest Subdivision, an older subdivision that was developed in the early 1950s before the Subdivision and Zoning Regulations were adopted in 1968. It is a uniquely situated neighborhood with Hohlt Park to the northwest, and the nonconforming Lauren Concrete business to the north and east, the IQ car wash located to the east across N Park Street, and Burger King, and Andreas Tacos nearby. Zoning Board of Adjustment (BOA) records showing several variances and special exception requests for the area to include Mary Gene Street, Cedar Street, and McNeese Street to include several carports and side yard variances. Many of these (BOA) requests stem from the homes being constructed with only one-car garages and being nonconforming to the future zoning regulations.

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

The need for the variance was not solely created by the applicant who is purchasing the home from the builder. The existing home was constructed in 2023, by the previous owner, at the same location as the original 1950's home. The reconstruction entailed the demolition of the former dilapidated home and cracked foundation, with a new foundation pour and new home construction with the same building footprint as the previous structure. Unfortunately, with the nature of the rebuild, the setbacks were not verified by a form survey and not noticed until the survey at sale was completed and the new property owner wished to construct the carport. The survey detailed that the new existing home has a 6.6-foot west side yard setback (3.6-foot encroachment) and a 16.5-foot east side yard setback, when a minimum 10-foot side yard setback is required.

(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 the setback variance, a portion of the home may have to be removed and the carport to protect the property owner's vehicles would not be able to be constructed.

(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 separation between uses for light and air, and to reduce density. The nearest structure to the west is approximately 28-feet, as the adjacent home has an approximate 21-foot east side yard setback. Granting a 3.6-foot variance to the west side yard setback would allow for necessary

open space 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 carport structure would be required to obtain a building permit and necessary reviews and approvals by the Building Official to ensure adherence to adopted Building Codes.

STAFF RECOMMENDATION:

Staff has reviewed the request and *recommends approval* of the requested variance to allow a 3.4-foot reduction in the minimum required 10-foot west side yard for a setback of **6.6-feet** and the requested special exception to allow an 18-foot reduction in the minimum required 25-foot front yard for a setback of **7-feet** for construction of a carport to be located at 205 Mary Gene Street.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on April 3, 2025. 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. Site Plan
- D. Survey
- E. Site Photos

EXHIBIT "A"
AERIAL MAP



Location Map
Front Yard Special Exception
Side Yard Variance
205 Mary Gene Street

Legend

-  City Parcels
-  City Roads
-  City Limits

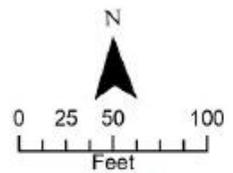
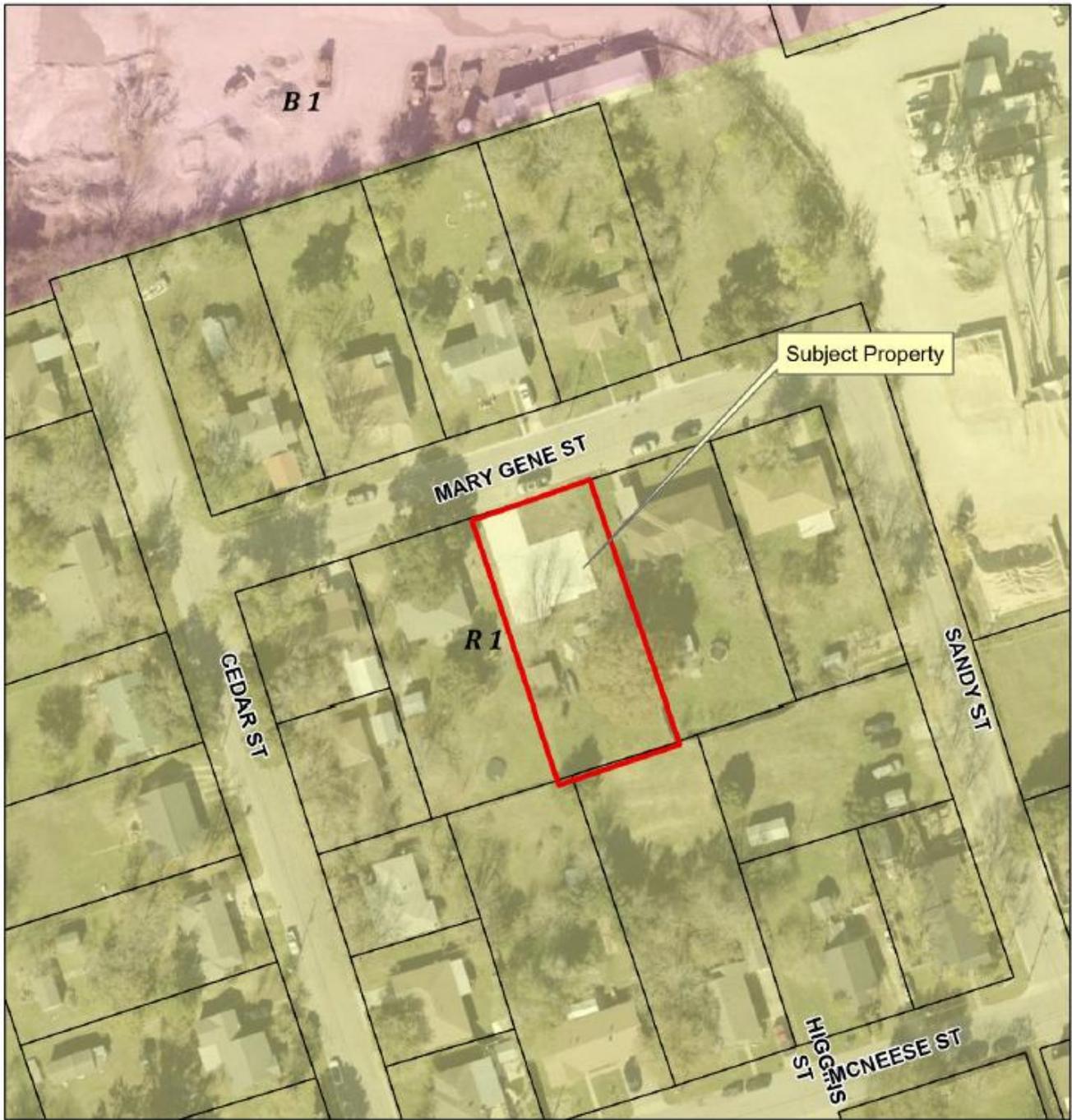


EXHIBIT "B"
ZONING MAP



Legend

-  City Parcels
- Zoning**
-  B1 Local Business Mixed
-  R1 Residential Single Family
-  City Roads
-  City Limits

Zoning Map
Front Yard Special Exception
Side Yard Variance
205 Mary Gene Street

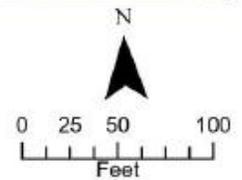


EXHIBIT "D"
SITE PLAN

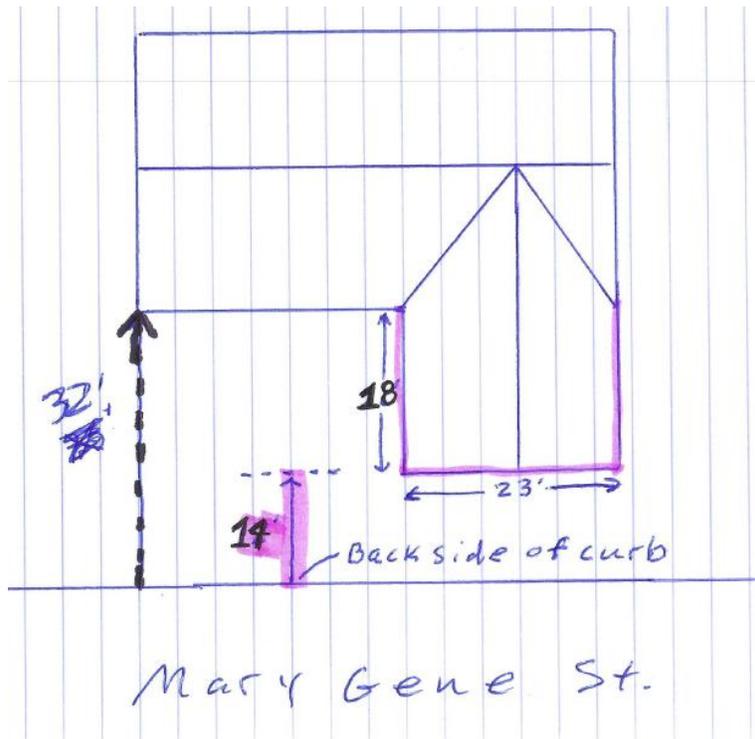


EXHIBIT "D"
SITE SURVEY W/DRAWING

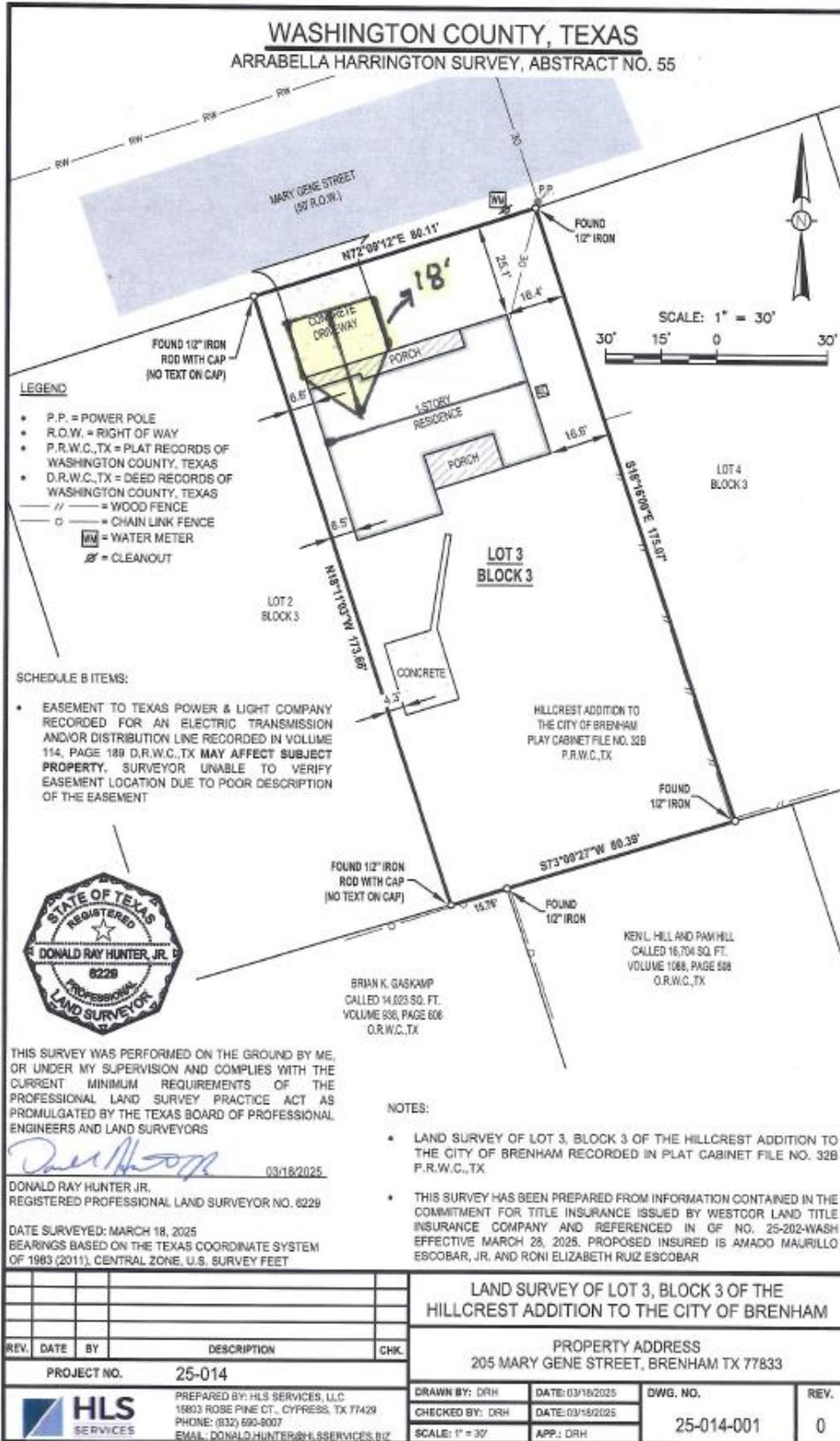


EXHIBIT "E"
SITE PHOTOS



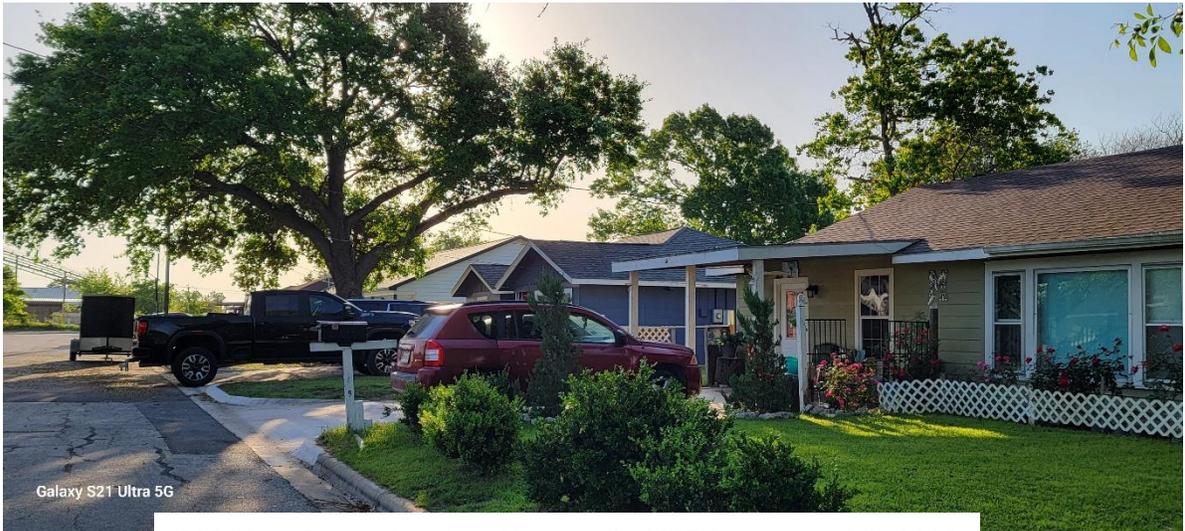
205 Mary Gene Street – Subject Property



205 Mary Gene Street – Subject Property
Looking at west side yard setback



203 Mary Gene – Received Variance in 1984 for 15' FY setback for carport



209 Mary Gene – Received Variance in 1997 for carport & in 2016 to partially enclose.



From: [charles.schrader](#)
To: [Kim.Hodde](#)
Subject: Case Number: VARIANCE-25-0002
Date: Friday, April 11, 2025 10:21:48 AM

I am FOR the requested variance.
I want them to be happy with their new home.

Charles Schrader
1406 Cedar St
Brenham, TX 77833

[Sent from Yahoo Mail for iPhone](#)