



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, JUNE 9, 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 discusses and act upon it individually as part of the Regular Agenda.

4-a. Minutes from May 12, 2025, Board of Adjustment Meeting.

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0001: A request by Ray Bitzkie / Bluebonnet Electric Cooperative, Inc. for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 3.05(2)(a)(i) to allow a 19-foot front yard setback, where a minimum 25-foot front yard setback is required for installation of a payment kiosk to be located at the existing site at 1909 S. Market Street, described as Lot 3B, Block R of the Keys 2nd Addition, in Brenham, Washington County, Texas.

6. Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0004: A request by Jake Carlile / Arete Property Management, LLC for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 16.01(1)(B) to allow a 20-foot drive aisle, where a minimum 24-foot drive aisle is required for a two-way drive aisle to be located at 1403 W. Main Street, described as Lot 1 of the Arete II Subdivision, in Brenham, Washington County, Texas.

7. **Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0005: A request by Jake Carlile / Thundercock Development, LLC for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 3.05(2)(a)(i) to allow a 20-foot front yard setback, where a minimum 25-foot front yard setback is required for construction of a multifamily development to be located at the existing site at 1301/1307 N Park Street, described as Lot 2A, Block 16 of the Washington Terrace Addition, in Brenham, Washington County, Texas.**

8. **Adjourn.**

CERTIFICATION

I certify that a copy of the June 9, 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 June 6, 2025, at 11:00 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 seventy-two (72) 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**

May 12, 2025

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 12, 2025, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Jon Hodde, Chairman
Walt Edmunds
Darren Huckert
Arlen Thielemann
Mary Lou Winkelmann

Commissioners absent:

Dax Flisowski (conflict of interest)

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner

Citizens / Media present:

Sarah Forsythe, Brenham Banner
Wesley Brinkmeyer, Bluebonnet Electric Cooperative (BBEC)
Richie Cepeda, Lower Colorado River Authority (LCRA)

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:19 p.m. with a quorum of five (5) Commissioners present.

2. Public Comments and Receipt of Petitions

There were no comments and/or receipt of petitions.

3. Reports and Announcements

Stephanie Doland informed the Board that a training session with the Planning and Zoning Commission has been set for June 16th from 12-1:30 pm. Additional information will be provided soon. Ms. Doland also informed the Board that the City Secretary's office is starting the process of Board renewals early this year so Kim Hodde will be emailing the re-appointment forms out to the three persons whose terms are expiring at the end of this year (Jon Hodde, Walt Edmunds, and Mary Lou Winkelmann) and asked them if interested in serving another term, to please fill out the form and return it to Kim as soon as possible.

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 discusses and act upon it individually as part of the Regular Agenda.

4-a. Minutes from April 14, 2025, Board of Adjustment Meeting.

Chairman Hodde called for any corrections or additions to the minutes as presented. Darren Huckert noted that on page two, item 5 under the motion paragraph, it states “to appoint Jon Hodde and Chair....” This should be “as” instead of “and”. The correction was noted. A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to approve the Consent Agenda (item 4-a) as noted and corrected. The motion carried unanimously.

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0003: A request by the Lower Colorado River Authority / Bluebonnet Electric Cooperative, Inc. for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 4.04(3) to allow a tower height of 195-foot, where a maximum 150-foot height is allowed for construction of a tower at 2401 US Highway 290 W, described as Lot 2 (13.384-acres) of the BBEC Hwy 290 East Subdivision, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. VARIANCE-25-0003. Ms. Laauwe stated that this is a request from the Lower Colorado River Authority (LCRA) as the applicant and Bluebonnet Electric Cooperative (BBEC) as the property owner. The subject property is addressed as 2401 US Highway 290 and is identified as Lot 2 of the BBEC Hwy 290 Subdivision. It is generally located on the south side of US Highway 290 W, west of Miranda Lane and Westwood Lane. The subject property and the properties to the west (Brenham Veterinary Hospital) and to the north (across US Highway 290) are zoned B-2, Commercial Research and Technology. The property to the east is zoned R-3, Manufactured Home Residential; however, it is not developed with with manufactured homes but rather houses a vacant commercial building and abandoned fruit/plant stand. The subject 13.384-acre lot is currently mostly undeveloped vacant land that is used for vehicle and equipment storage by Bluebonnet Electric Cooperative. The BBEC site (Lot 1) at 2401 US Highway 290 E has an existing 190-foot communication tower that has been on the property for at least twenty years and is owned by BBEC but that has LCRA equipment on it. LCRA utilizes this tower to transmit emergency communications for the Brenham area for critical utility services. Due to the proposed TxDOT project that is slated to begin in 2028, TxDOT has already begun acquisition of the property and the existing tower will be removed. LCRA has been looking for a location in close proximity to the existing tower. The applicant, LCRA, is proposing to construct a new, 195-foot communication tower southwest of the existing location on Lot 2. The property is owned by BBEC but the tower will be owned by LCRA. The proposed tower would be 5-foot taller than the existing tower and 45-feet taller than the maximum 15-feet allowed in the B-2 Zoning District. In addition to the tower, the site will also have a 100’x100’ pad site that will house a telecom shelter, a propane tank, and other equipment. A 6-foot screening fence will be required for this pad site as part of the building permit review process.

STAFF ANALYSIS

- This tower provides critical emergency communications services for the Brenham Area. It is important to keep similar height and location as the existing tower in order to continue adequate coverage.
- It would be a hardship to find a different location to relocate that provides a similar level of coverage.
- The request would not be out of character with the neighborhood. The existing tower has been in its current location for over twenty years.
- The need for the variance was not created by the applicant.
- Granting this variance will not be materially detrimental or injurious to other properties.

Notices were mailed to property owners within 200 feet of the subject property regarding these requests on May 1, 2025. Staff did not receive any phone calls, emails or written comments regarding this request.

STAFF RECOMMENDATION:

Staff has reviewed the request and **recommends approval** of the requested variance to allow a tower height of 195-feet, where a maximum 150-foot height is allowed for the construction of a communications tower to be located on the property adjacent to 2401 US Highway 290 W, further described as Lot 2 of the BBEC Hwy 290 Subdivision and containing 13.384-acres.

In response to questions from Commissioners, Staff clarified the following:

- Staff are unsure as to why there is a maximum tower height of 150 feet allowed in the B-2 Zoning District.
- There was not a variance granted for the previous tower. Staff are not sure what requirements were in place at that time.
- According to FAA requirements, a tower height of 200 feet is the trigger point for tower lighting. This was confirmed with the Interim Airport Manager.
- The new tower will not emit any extra electromagnetic or radiation than the existing tower.
- At the time of permitting, Public Utilities will be consulted to ensure that this tower will not interfere with any communications atop of the existing City water towers.

Chairman Hodde opened the Public Hearing at 5:37 p.m. and asked for any comments. In response to a question from Commissioner Thielemann, the applicant’s representative, Richie Cepeda, stated that there are wind load requirements that the towers are required to meet. The towers are also designed with break-away points so that if the tower does fail, it would fall away from other properties. Mr. Cepeda stated that this tower will have the same frequency as the existing tower but with new, upgraded attachments and equipment. He further stated that the additional five feet of tower height is the new standard. It also accounts for the antenna and attachments on top to keep the overall height under 200 feet. There were no other comments.

Chairman Hodde closed the Public Hearing at 5:39 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Huckert and seconded by Commissioner Edmunds to approve the request by the Lower Colorado River Authority (LCRA) for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 4.04(3) to allow a tower height of 195-foot, where a maximum 150-foot height is allowed for construction of a tower adjacent to 2401 US Highway 290 W, described as Lot 2 (13.384-acres) of the BBEC Hwy 290 East Subdivision, as presented. The motion carried unanimously (5-0).

6. Adjourn

A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to adjourn the meeting at 5:40 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

June 9, 2025
Meeting Date

Attest, Staff Secretary

June 9, 2025
Meeting Date

CASE NUMBER: VARIANCE-25-0001
VARIANCE REQUEST: 1909 S. Market Street

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS Michael Brannon / Ray Bitzkie, Bluebonnet Electric Cooperative / Katie Burch, Plan
/AGENT: North Architectural Company

ADDRESS/LOCATION: 1909 S. Market Street (Exhibit "A")

LEGAL DESCRIPTION: Lot 3B, Block R of the Keys 2nd Addition

LOT AREA: 0.862 acres

ZONING DISTRICT/ B-1, Local Business Mixed / Retail Shopping Strip Center
USE: (Exhibit "B")

COMP PLAN

FUTURE LAND USE: Corridor Mixed Use

REQUEST: A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 3.05(2)(a)(i) to allow a 19-foot front yard setback, where a minimum 25-foot front yard setback is required for installation of a payment kiosk, (Exhibit "C").

BACKGROUND:

The subject property is addressed as 1909 S. Market Street and is generally located on the east side of S. Market Street, south of Giddings Lane and north of E. Stone Street. The subject property and adjacent properties to the north, south, and west are within a B-1, Local Business Mixed Use District and developed with commercial uses. The adjacent properties to the east are located within a R-1, Single-Family Residential District and developed as single-family uses. The subject property is 0.862-acres and is currently developed as a retail shopping (strip) center with three existing tenants. As shown in Figure 1, the shopping center tenant spots are addressed as 1901, 1903, 1905, and 1907 S. Market Street, and near the roadway is 1909 S Market Street that is the former location of a Citizen’s State Bank ATM site. The ATM was recently removed, but the median and drive up aisle is still existing. The applicant, Bluebonnet Electric Cooperative, wishes to install a payment kiosk in the existing median with a protective and aesthetic roof structure and overhang. The median and proposed payment kiosk would be located 27’-3 ¼” from the front

Figure 1

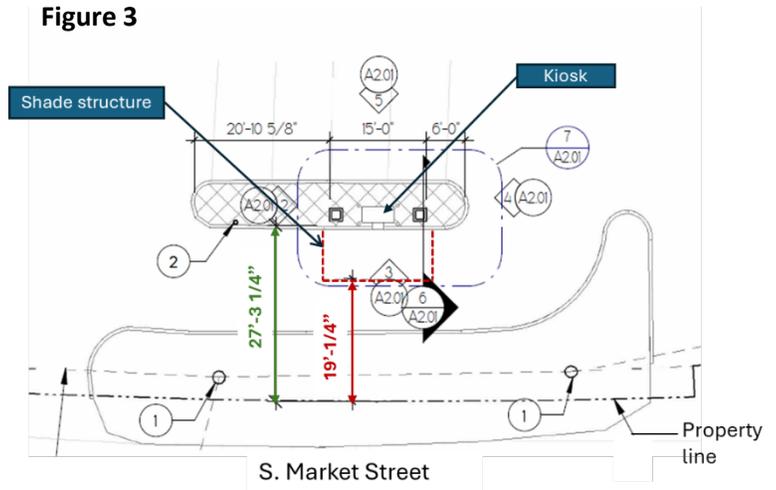


property line and meet the minimum required 25-foot front yard setback, however the proposed roof overhang will extend into the minimum front yard setback. The roof structure, as shown in Figure 2, and detailed in Exhibit "D", is 17-feet in width and 14-feet in depth and supported by a brick column on either side of the kiosk. The roof panel extends 3-feet to the rear of the kiosk and out 8-feet to front to provide shade and rain protection for the kiosk itself and for customers utilizing the machine. As shown in Figure 3, the proposed structure overhang would be 19'-1/4" from the front property line, an encroachment of approximately 6-feet into the 25-foot front yard setback.

Figure 2



Figure 3



The proposed kiosk and structure overhang will have a 19-foot front yard setback; therefore, the applicant is requesting a 6-foot variance to the minimum required 25-foot front yard setback for for the proposed payment kiosk and structure overhang.

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 will be placing a payment kiosk in the parking median that once held an Automatic Teller Machine (ATM) on the subject property. To protect the kiosk from weather elements and to shield customers utilizing the machine, the applicant commissioned Plan North Architects to design the roof structure. As shown in Figure 2 and Figure 3, the roof is 17'x 14' (238 SF) and extends 8-feet into the drive aisle, covering approximately half of the lane. The end of the roof structure is located approximately 19-feet from the front property line and thus encroaches 6-feet into the minimum required 25-foot front yard setback along South Market Street.

Section 17 of the Zoning Ordinance, Height and Area Exceptions of General Applicability provides exceptions for height, front yards, and side yards. Section 17.02(4) allows “Open and unenclosed terraces or porches and eave and roof extensions including roof extensions of carports may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. Given these exception criteria, the roof structure could have extended to within 21-feet of the property line and be administratively allowed. When provided with this information the agent and applicant felt that reducing the structure length by two feet would reduce the functionality of the roof shelter and aesthetics. Staff finds that the 6-foot variance request is appropriate to accommodate the redevelopment of the drive-thru kiosk median with roof shelter.

- (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 front 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 adjacent property. Front yard setbacks are established to provide adequate separation and openness between street and uses. The proposed payment kiosk is going in the same location as the ATM that was recently removed and had a marginal cover area. In addition, as seen in Figure 4, the encroachment would not endanger public safety as a large landscape island separates the kiosk and roof structure from S. Market Street. The landscape island would serve to protect from vehicles that may accidentally leave the roadway. Furthermore, the structure would not be out of character with the surrounding area. The map illustrates that several neighboring structures along the east side of South Market Street are nonconforming and located near the front property line (yellow line).

Figure 4



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

Staff find that the literal enforcement of this ordinance would not allow a roof structure of sufficient length to provide the payment kiosk protection from weather damage. Furthermore, the access drive aisle and median with electrical infrastructure exists from previous usage and utilizing the site as proposed is an efficient practice of resources and improvement to the overall subject site. Given these findings, the literal enforcement of the 25-foot front yard setback would result in unnecessary hardship.

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

The subject median that will serve the payment kiosk is approximately 27 feet from the west/front property line along South Market Street and the proposed roof structure would extend 8-feet to the west, for a setback of 19-feet. South Market Street is one of the main corridors in Brenham and is a TXDOT right-of-way that has been widened over the years. As shown in Figure 4, many structures along the east side of S. Market Street are near the property/right-of-way line highlighted in yellow. The property line of the subject property goes through the middle of the landscape island that borders the roadway. The proposed roof structure encroaching 6-feet into the 25-foot front yard setback will not be out of character with the neighboring properties. The subject property is unique in that the front yard area has been reduced by the past expansion of the right-of-way and of the existence of infrastructure to repurpose a drive-thru aisle and median for an auto-payment kiosk.

Figure 4



(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 to allow for light and air, and to reduce density. While the payment kiosk will be located approximately 27-feet from the front property line, the proposed roof structure will extend an additional 8-feet for a 19-foot setback. The requested 6-foot reduction in the minimum required setback for the proposed kiosk and roof structure would not be injurious to the public health safety and welfare or defeat the intent of the philosophy contained in the Zoning Ordinance. The kiosk and roof structure are proposed to be located adjacent to a large, raised landscape island that separates them from S. Market Street that would serve to protect from vehicles that may accidentally leave the roadway. If approved, the structure and commercial site 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 6-foot reduction in the minimum required 25-foot front yard for a setback of 19-feet for a payment kiosk to be located at the existing site at 1909 S. Market Street.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on May 28, 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. Site Photos

EXHIBIT "A"
AERIAL MAP



Location Map
Variance to Front Yard Setback
1909 S Market Street

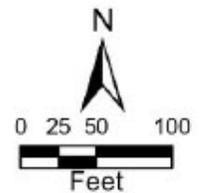
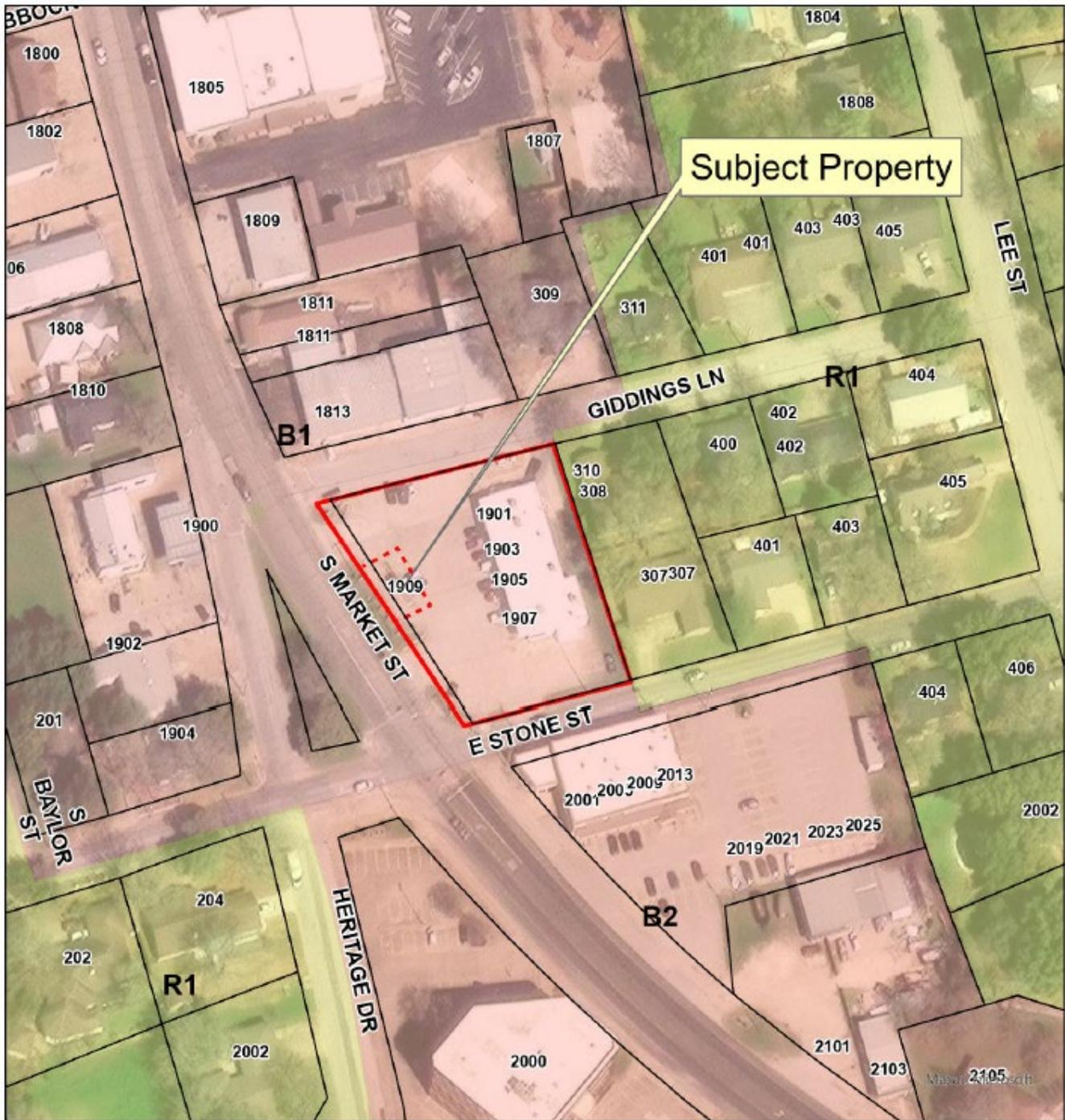


EXHIBIT "B"
ZONING MAP



Zoning Map
Variance to Front Yard Setback
1909 S Market Street

Zoning

- B1 Local Business Mixed
- B2 Commercial
- Research and Technology
- R1 Residential Single Family

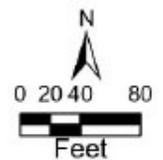


EXHIBIT "D"
SITE PLAN

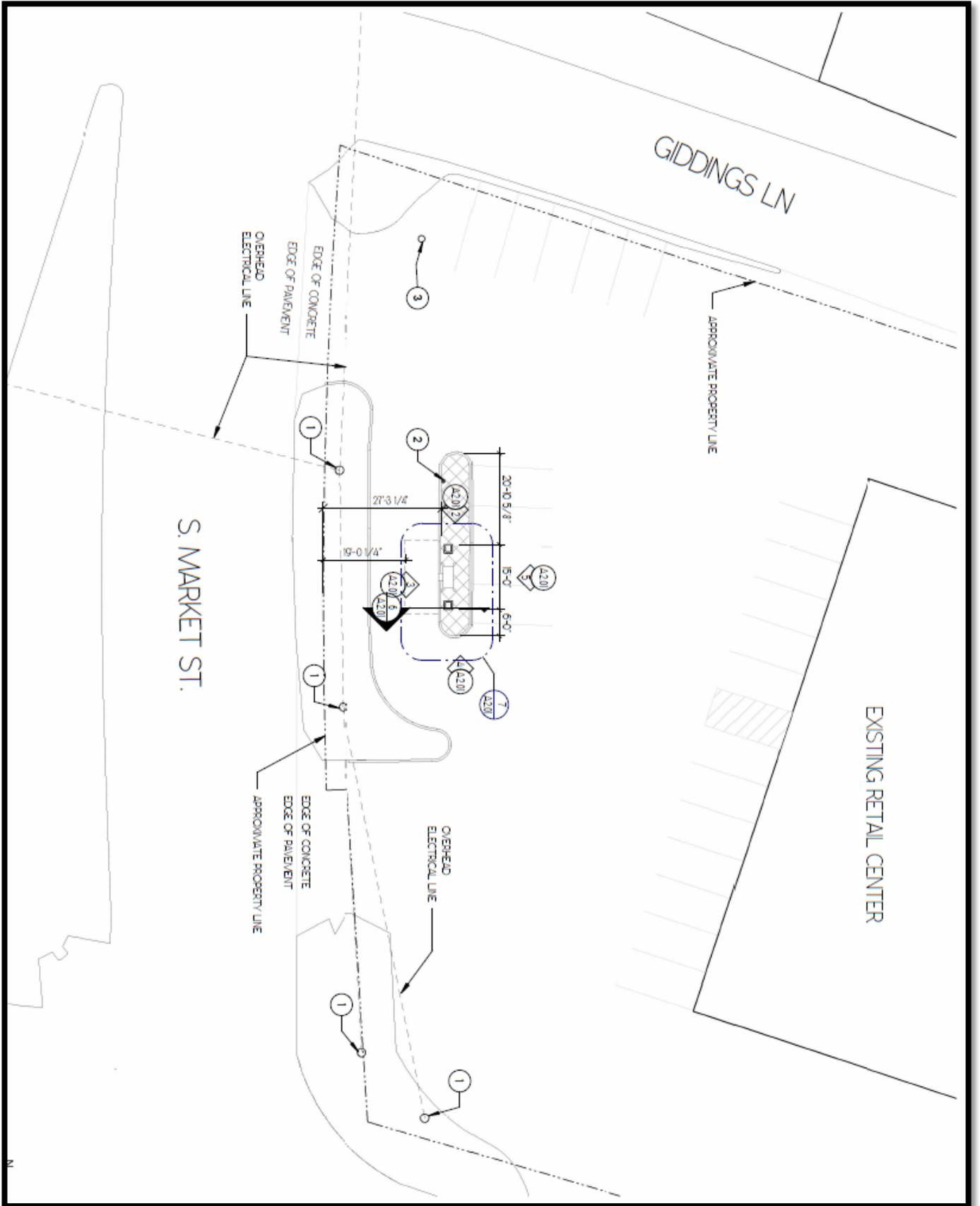


EXHIBIT "E"
SITE PHOTOS





CASE NUMBER: VARIANCE-25-0004
VARIANCE REQUEST: 1403 W Main Street

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: Jake Carlile / Arete Property Management, LLC.

ADDRESS/LOCATION: 1403 W. Main Street (Exhibit "A")

LEGAL DESCRIPTION: Lot 1, Arete II Subdivision

LOT AREA: 0.2808 acres

**ZONING DISTRICT/
USE:** B-1, Local Business Mixed / Retail Shopping Strip Center
(Exhibit "B")

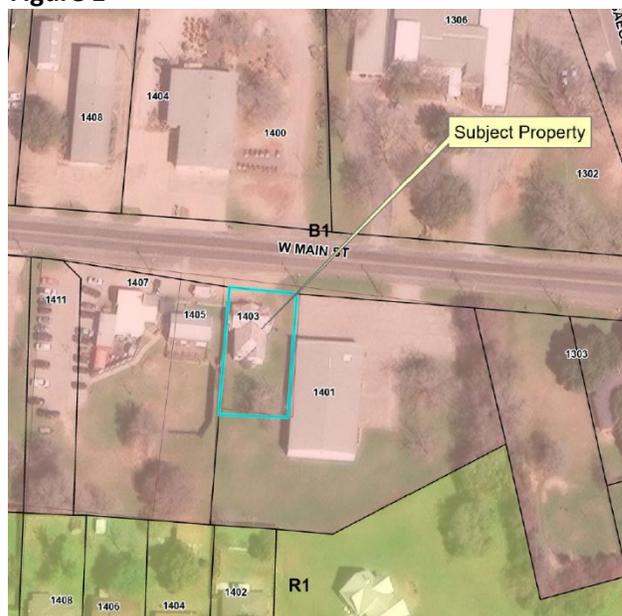
**COMP PLAN
FUTURE LAND USE:** Corridor Mixed Use

REQUEST: A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 16.01(1)(B) to allow a 20-foot drive aisle, where a minimum 24-foot drive aisle is required for a two-way drive aisle traffic (Exhibit "C").

BACKGROUND:

The subject property is addressed as 1403 W. Main Street and is generally located on the south side of W. Main Street, west of S. Saeger Street and east of Munz Street. The subject property is also adjacent to the former The Yard restaurant to the west and LJ's BBQ. As shown in Figure 1, the subject property and all adjacent properties along W. Main Street are within a B-1, Local Business Mixed Use District and developed with commercial uses, while adjacent properties to the south are zoned R-1, Single-Family Residential District and developed as single-family residential homes. The subject 0.2808-acre property is approximately 85'x145.85' (12,397 SF) and consists of a 2,030 square foot structure that was the former Main Street Antique Market. The applicant is currently conducting a full renovation of the building and site to change from the former retail use to an office use.

Figure 1

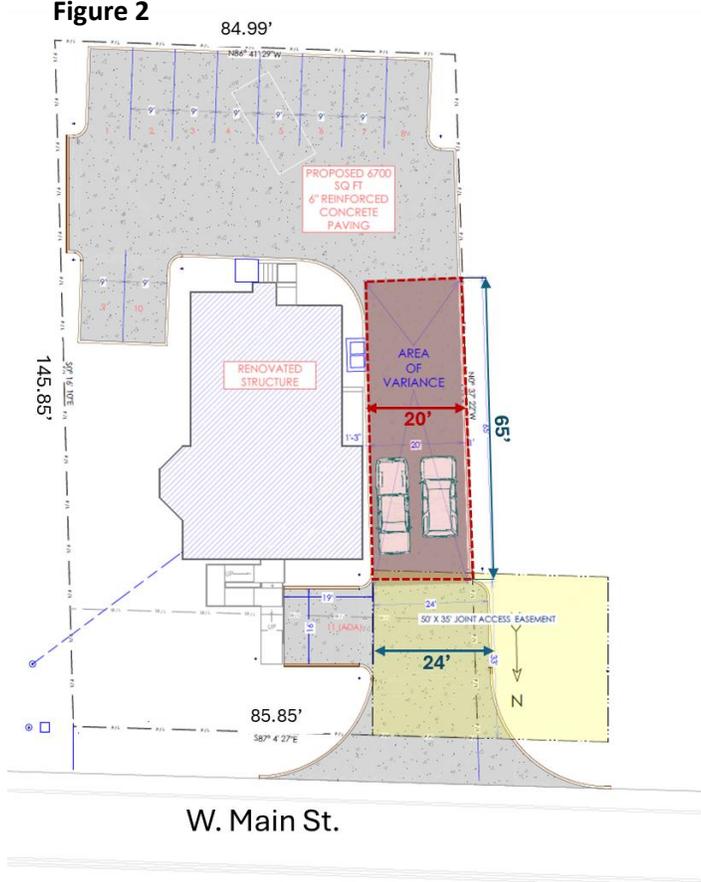


As shown in Figure 2, the site plan consists of the structure centered on the lot with 10 parking spaces to the rear of the building and one handicap accessible

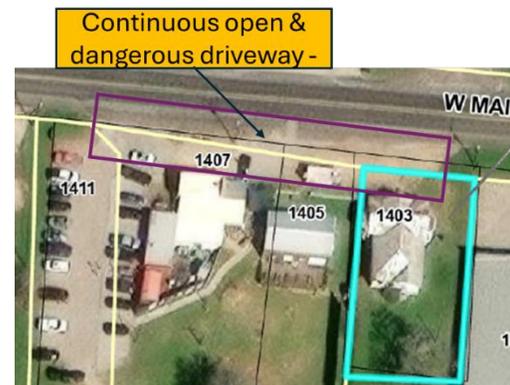
space in the front. The original site plan called for two driveways, one on each side of the structure to allow for a one way in and out circular vehicle pattern on and off the site, however W. Main Street is a TXDOT roadway and due to the minimal width of the property, TXDOT will only approve one driveway at this location. The applicant has now redesigned the site and has proposed the driveway to be on the east side of the property. However, the zoning ordinance requires a minimum driveway width of 24-feet. The applicants and the adjacent property owners are currently working on a joint access easement agreement that would allow travel across the property lines. The proposed joint access easement is 50'x35' and is shown in yellow in Figure 2 below. This access easement is also beneficial in helping allieviate the legally nonconforming open driveway across the subject property, 1405 W Main, and the LJ's property at 1407 W. Main Street (shown in Figures 3 & 4). In time, the City is hopeful that the properties will share two access drives to access the 4 properties along W. Main Street (Figure 3).

The joint access agreement helps remedy the issue with the driveway width, however after the 35-foot access easement depth, the drive aisle to the rear parking lot would narrow to 20-feet in width for two-way traffic. The site plan shows that the drive aisle would be 20-feet in width for a length of 65-feet before opening up into the parking area. In the off-street parking requirements for drive aisles found in Section 16.01(1)(B) of the Zoning Ordinance, a minimum 24-foot drive aisle is required for a two-way traffic aisle. Therefore, the applicant is requesting a variance for a 4-foot reduction in the minimum required 24-foot two-way drive aisle to allow a drive aisle width of 20-feet.

Figure 2



Figures 3 & 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 applicant is conducting a full remodel of the existing structure and site of the subject property to convert from the former Alcoholics Anonymous (AA) meeting space to an office use. The former AA meeting space was conforming; however, the site was nonconforming in several zoning aspects to include the unimproved driveway and number of off-street parking spaces. With the remodeling of the structure, change of use and site improvements, the property is required to meet current zoning, building, and fire codes. The existing 2,030 square foot structure is in the center of the 85-foot x 145-foot lot, resulting in a limited area for parking and access. The original site plan for one-way drive aisles on each side with two driveways was negated by TXDOT due to lack of meeting minimum driveway separation standards. The applicants have sought an access agreement with the adjacent property owner that will allow the construction of the minimum required 24-foot in width concrete driveway. The access agreement allows the applicant to build the driveway partially into the adjacent property and to provide a concrete apron for the future tenants of the adjacent property to utilize the driveway for access. The access agreement will also help to provide the initial width for the drive-aisle to the proposed rear parking area. The standard 24-foot width for two-way drive-aisles is to allow for space for vehicles moving in opposite directions between parking spaces. The proposed 20-foot two-way drive aisle will not have any adjacent parking spaces and will only serve as an elongated driveway. The proposed width of 20-feet is also greater than the width of two standard 9’x19’ parking spaces side by side.

The subject property was legally nonconforming in terms of the driveway, parking, and landscaping and with the site improvements, the applicant is bringing the site up to current code standards.

- (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 minimum drive aisle width will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, or in any way endanger the public health, safety and well-being of the neighborhood in which the subject property is located. Drive aisle width minimums are established to provide adequate separation between buildings or parking rows for vehicles to safely maneuver and pass. Due to no parking spaces being along the east side of the property that would be attempting to back out, there is ample space in the proposed 20-foot drive-aisle for two-way traffic.

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

Staff finds that the literal enforcement of this ordinance would not provide adequate entry to the rear yard parking lot. The minimum 24-foot two-way driving aisle width is typical for parking lots to allow for backing up maneuvers. The drive aisle in question has no parking and should provide adequate width for two vehicles to pass. The proposed parking lot has 10 parking spaces and will not have a large amount of congestion. The literal enforcement of this ordinance would require the reduction of the width of the structure to increase the aisle width, or the procurement of adjacent land. Thus, granting a variance for a reduction to the two-way drive aisle width is reasonable and would work on an unnecessary hardship.

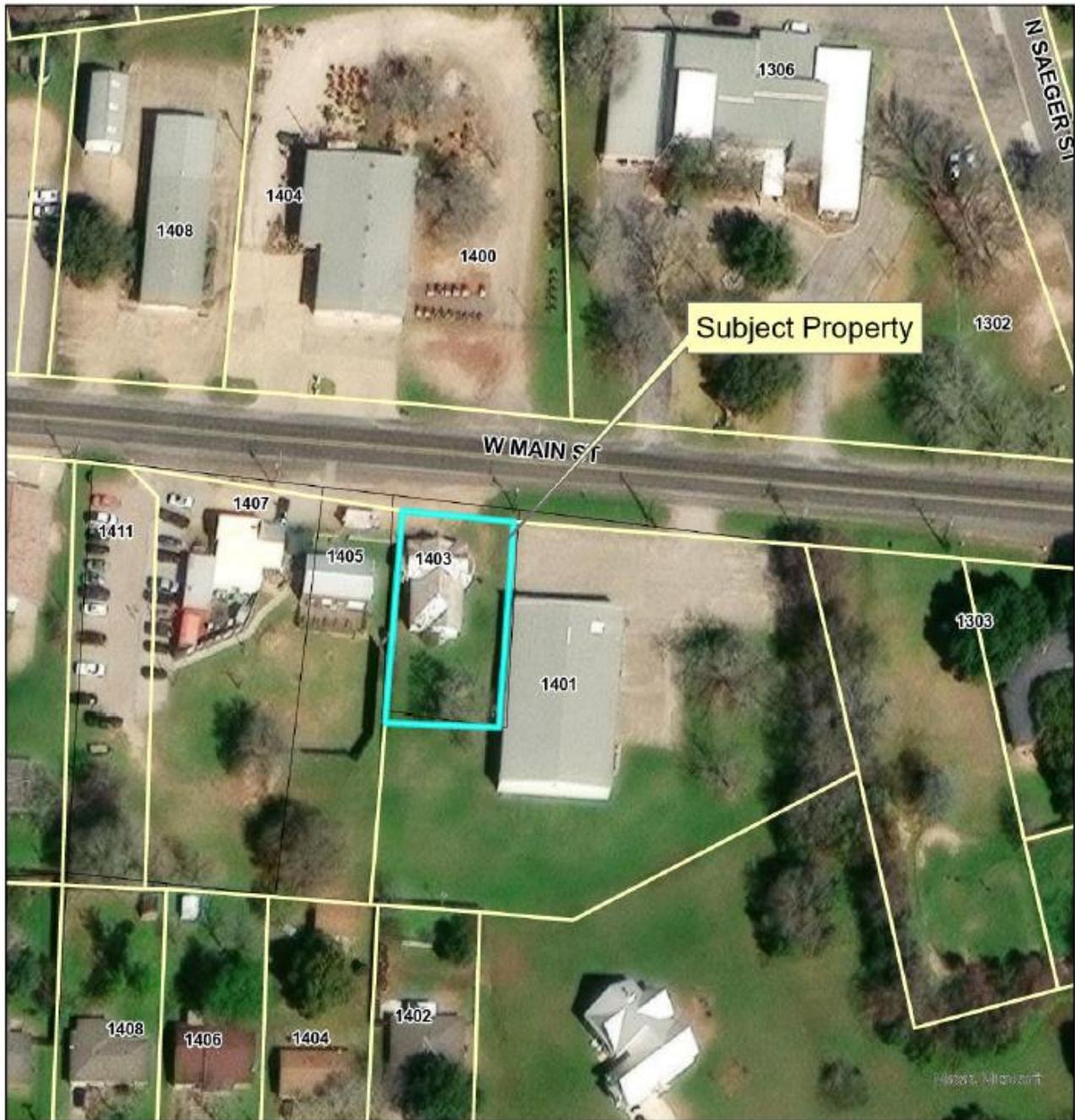
(4) The piece of property is unique and contains properties or attributes not common to other similarly situated properties.

The existing 2,030 square foot structure is in the center of the 85-foot x 145-foot lot, resulting in a limited area for parking and access. The original site plan for one-way drive aisles on each side with two driveways was negated by TXDOT due to lack of meeting minimum driveway separation standards. The applicants have sought an access agreement with the adjacent property owner that will allow the construction of the minimum required 24-foot in width concrete driveway. The access agreement allows the applicant to build the driveway partially into the adjacent property and to provide a concrete apron for the future tenants of the adjacent property to utilize the driveway for access. The access agreement will also help to provide the initial width for the drive-aisle to the proposed rear parking area. The standard 24-foot width for two-way drive-aisles is to allow for space for vehicles moving in opposite directions between parking spaces. The proposed 20-foot two-way drive aisle will not have any adjacent parking spaces and will only serve as an elongated driveway. The proposed width of 20-feet is also greater than the width of two standard 9'x19' parking spaces.

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

The need for the variance was not solely created by the applicant. The applicant is conducting a full remodel of the existing structure and site. The former use was conforming; however, the site was nonconforming in several zoning aspects to include the unimproved driveway and number of off-street parking spaces. With the remodeling of the structure, change of use and site improvements, the property is required to meet current zoning, building, and fire codes. The narrow 85-foot width of the site does not meet the requirements to allow for two driveways per TXDOT standards. If two driveways had been allowed, each one-way driveway could have been 12 feet. In addition, office uses have a minimum parking requirement of one parking space per 300 SF, with the structure being 2,030 square feet, a minimum of seven (7) parking spaces are required. The front yard is not large enough to accommodate seven (7), 9'x19' off-street parking spaces. Thus, the only space for the parking lot is the rear yard with the best access available to the rear yard being through the proposed east side two-way driving aisle with a maximum 20-foot width.

EXHIBIT "A"
AERIAL MAP



Location Map
Variance to Drive Aisle Width
1403 W Main Street

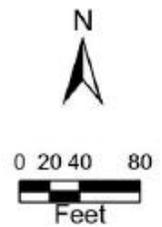
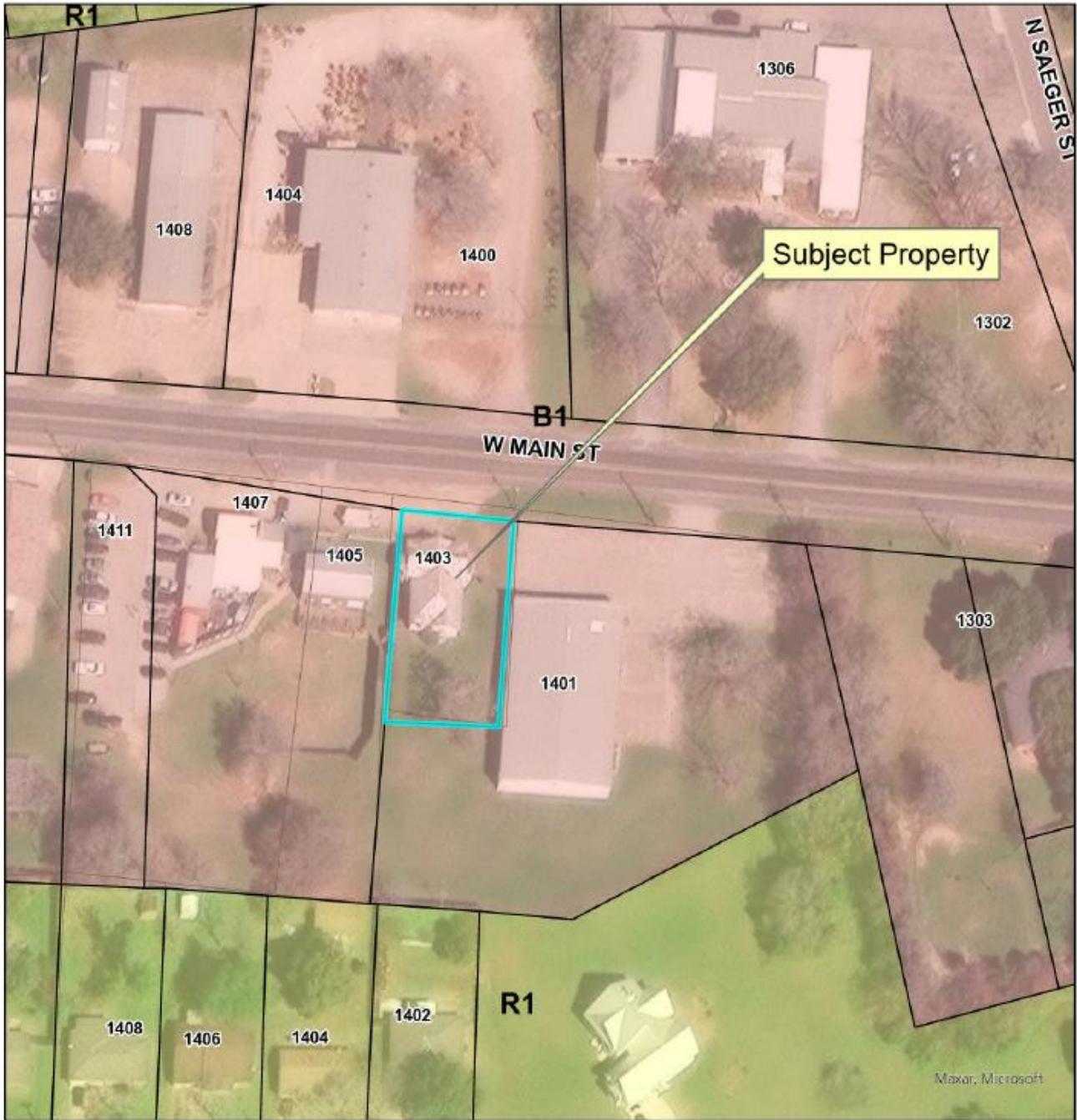


EXHIBIT "B"
ZONING MAP



Zoning Map
Variance to Drive Aisle Width
1403 W Main Street

Zoning

- B1 Local Business Mixed
- R1 Residential Single Family

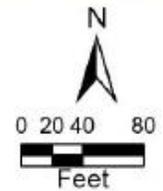
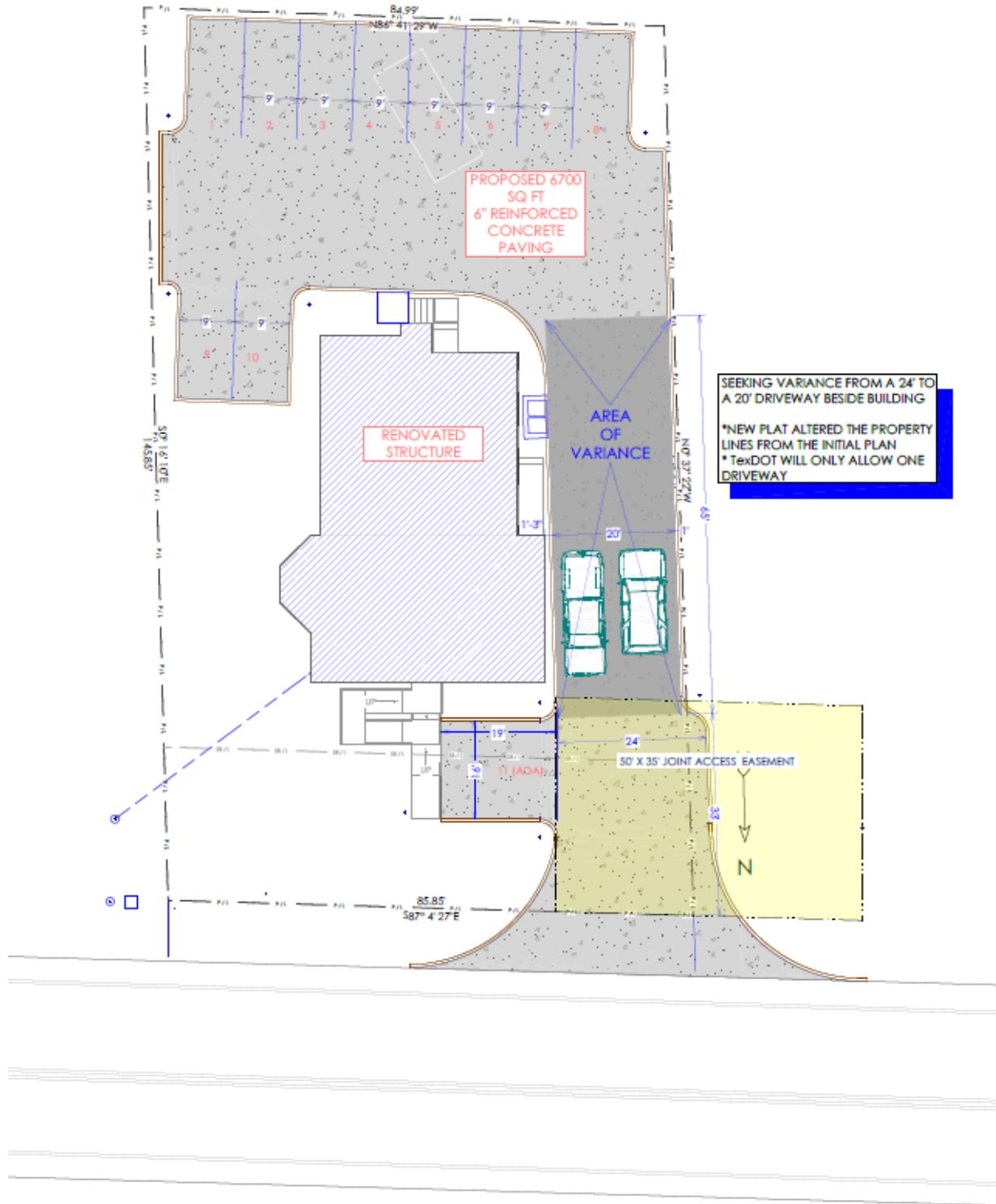


EXHIBIT "D"
SITE PLAN



SITE PLAN
1 in = 10 ft

**EXHIBIT "E"
SITE PHOTOS**



Subject Property – 1403 W. Main Street



**East side yard where proposed drive
aisle would be located.**



West side yard. Not adequate space for drive aisle.



Continuous driveway along W. Main Street. Area of joint access agreement.



Rear yard – Location of future parking.

CASE NUMBER: VARIANCE-25-0005
VARIANCE REQUEST: 1307 N. Park Street

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: Thundercock Development, LLC / Jake Carlile

ADDRESS/LOCATION: 1301 & 1307 N. Park Street (Exhibit "A")

LEGAL DESCRIPTION: Lot 2A, Block 16, Washington Terrace Addition

LOT AREA: 0.60 acres (26,223.12 square feet)

**ZONING DISTRICT/
USE:** B-1, Local Business Mixed / Vacant property
(Exhibit "B")

**COMP PLAN
FUTURE LAND USE:** Single-Family Residential and Commercial

REQUEST: A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 3.05(2)(a)(i) to allow a 20-foot front yard setback, where a minimum 25-foot front yard setback is required for construction of a multifamily development (Exhibit "C").

BACKGROUND:

The subject property is addressed as 1301 and 1307 N. Park Street and is generally located on the west side of N. Park Street, south of McNeese Street and north of Sayles Street. The subject property, adjacent properties to the north and south, and properties to the east across N. Park Street are within a B-1, Local Business Mixed Use District and developed with commercial and residential uses. The adjacent properties to the west are located within an R-1, Single-Family Residential District and developed as single-family uses. The subject property is 0.60-acres and is currently vacant property. The applicant, Thundercock Development, LLC, would like to construct a 12-unit multifamily development that is similar to a townhome development at this location. Townhomes are single-family attached units on individual (separate) lots that typically have garages. The subject property was replatted in December 2024, where portions of five small lots were combined to create the existing one lot, 0.602-acre property. As shown in the site plan detailed on the next page in Figure 2 and Exhibit "C", the proposed development consists of two

Figure 1



buildings, with Building 1 having four (4) attached units along the north side of the property and Building 2 having eight (8) attached units along the east side of the subject property. In Building 1, the units will have 3 bedrooms, 3 bathrooms, and 2 car covered parking spaces each, while in Building 2, the units will have 3 bedrooms, 2 bathrooms, with 1 car covered parking space each. The site also details 14 additional parking spaces to include 2 ADA assessable parking spaces. The proposed development is considered to be multifamily as the property is platted as one individual lot and has one owner. The proposed development site plan meets the following zoning requirements: off-street parking of a total of 33 overall parking spaces that includes 2.5 parking spaces per 3 bedroom unit plus an additional 10% for guest parking; the north side yard and south side street setbacks of 15-feet, and the 35 foot setback from the adjacent single-family residential property to the west that includes the standard 15-foot rear yard setback in addition to the 20-foot bufferyard setback. The proposed structures, however, are located at a 20-foot setback along N. Park Street and do not meet the minimum required twenty-five (25) foot front yard setback.

To meet the bufferyard requirements along the east single-family residential properties, the applicant is requesting a 5-foot variance to the minimum required 25-foot front yard setback for the proposed multifamily development.

Figure 2

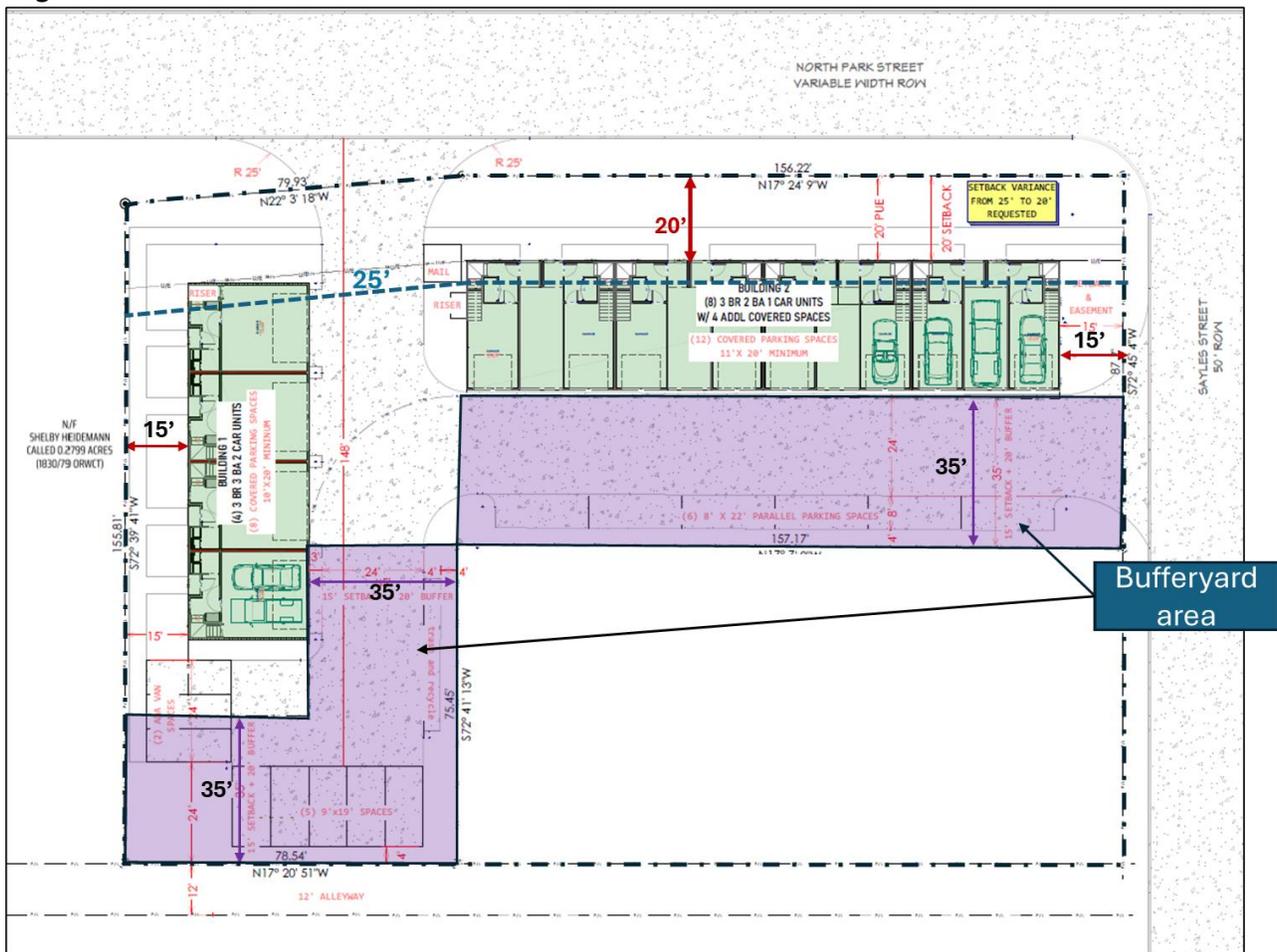


Figure 3



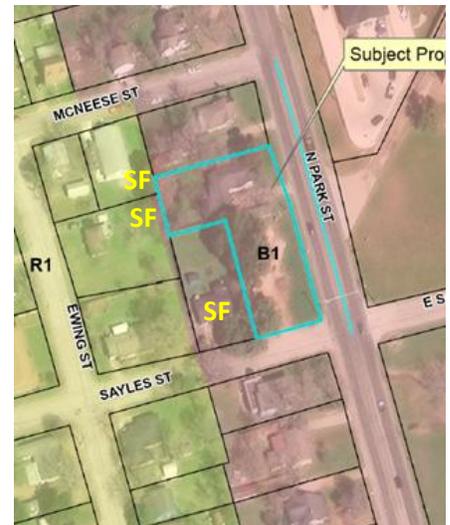
APPLICABLE SECTION OF ORDINANCE AND ANALYSIS:

(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 has a unique shape in that it is a 0.60-acre, “L” shaped lot that is 155.81’ along the north property line, 236.15’ along N. Park Street to the east, and 87.7’ along Sayles Street to the south. Additionally, the subject tract is zoned B-1, Local Business/Residential Mixed-Use District and has adjacent single-family residential uses to the west within a R-1 district zoned area as well as to the southwest along Sayles Street. For multifamily developments in the B-1 district, the minimum site area is 6,000 square feet with a minimum front yard setback of 25-feet, and minimum side and rear yard setbacks of 15 feet. In addition, property lines that are adjacent to single-family uses are required to have an additional 20-feet of bufferyard added onto the affected setback. The subject property is over 26,000 square feet, has a unique property shape, and the requirement to provide a total 35-foot buffer along the east property lines that are adjacent to the



single-family uses. Minimal modifications to the front yard setback are necessary to accommodate appropriate development of the subject tract. The applicant did reduce the number of units from the original site plan and redesign the plan until the only variance needed was for the 20-foot front yard setback along N. Park Street. The proposed 3-story multifamily unit development with first floor garages are similar in style to townhome developments that are permitted to have a 20-foot front yard setback by-right in the B-1 District.

- (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 front 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, 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. The requested 20-foot front yard setback variance will permit the multifamily structures to meet or exceed the 35-foot bufferyard setback along all points of the west property line. In accordance with the landscape and bufferyard standards, fencing and landscaping will also be required. North Park Street is a TXDOT roadway with an ample 70-foot right-of-way. In addition, the surrounding neighborhood is a transitional area with a variety of uses to include the IQ car wash, Adult Teen Challenge, Lauren Concrete, public parks, residential neighborhoods, and neighborhood commercial uses. Staff finds that the proposed multifamily units being at a 20-foot setback would not be injurious to the public health, welfare and safety of the neighborhood and surrounding area.

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

Staff finds that the literal enforcement of this ordinance would limit the developability of the subject property as requiring the 25-foot front yard setback would not allow an adequate bufferyard between the multifamily and single-family uses and would also likely result in the reduction of the six (6) parallel parking spaces. The removal of the parking spaces would require the applicant to reduce the number of units or bedrooms, or to seek a variance to off-street parking. Thus, granting a variance for the reduction to the front 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 has a unique shape in that it is a "L" shaped lot that is 155.81' along the north property line, 236.15' along N. Park Street to the east, and 87.7' along Sayles Street to the south. Additionally, the subject tract is zoned B-1, Local Business/Residential Mixed Use District and has adjacent single-family residential uses to the west within a R-1 district zoned area as well as to the southwest on a B-1 district lot along Sayles Street. For multifamily developments in the B-1 district, the minimum site area is 6,000 square feet with a minimum front yard setback of 25-feet, and minimum side and rear yard setbacks of 15 feet. In addition, property lines that are adjacent to single-family uses are required to have an additional 20-feet of bufferyard added onto the adjacent setback. Staff finds that the subject property's unique shape and that many of the permitted uses of the B-1 district would require a bufferyard setback along a large portion of the subject tract on the east side that is adjacent to the single-family uses, does result in the subject property being an unique and challenging tract to develop as a whole.

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

The need for the variance was not solely created by the applicant. The applicant is seeking to develop a multifamily development on a unique piece of property that is constrained by size, shape, and zoning limitations. In the B-1 district, similar townhome developments are allowed a 20-foot front yard setback by right.

(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. If the units were platted on individual lots as townhomes, they would be allowed a 20-foot front yard setback by right. Without the front yard setback variance, a reduction in the number of units, or variances for a reduction in the bufferyard setback or parking requirements would likely be required.

(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 reduced density. With the right-of-way of N.Park Street, the multifamily structures will be approximately 30-feet from the curb. The site plan also shows a sidewalk and landscaping will be required as part of the development. The separation from the street, landscaping, and the proposed sidewalk will lessen the perception of density. Granting a 5-foot variance to the front yard setback would allow for necessary open space, separation between the structures and roadway 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 multifamily development would be required to obtain a building permit and necessary reviews and approvals to ensure adherence to adopted Building, Zoning, and Fire Codes.

STAFF RECOMMENDATION:

Staff has reviewed the request and ***recommends approval*** of the requested variance to allow a 5-foot reduction in the minimum required 25-foot front yard for a front setback of 20-feet for a multifamily development to be located at the existing site at 1301 and 1307 N. Park Street.

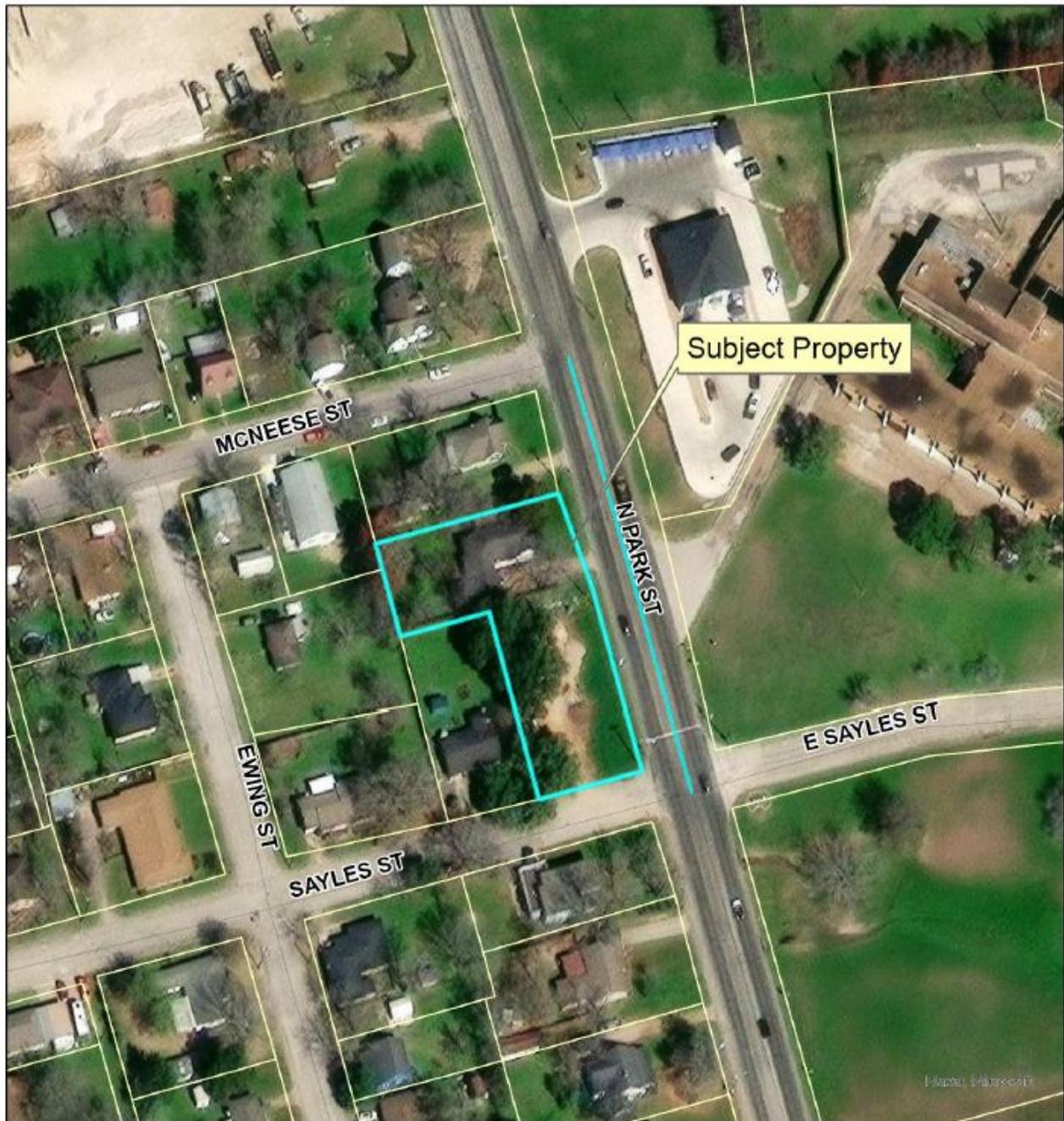
PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on May 28, 2025. At the time of the packet, no public comments have been received. 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. Building Elevations
- E. Site Photos

EXHIBIT "A"
AERIAL MAP



Location Map
Variance to Front Yard Setback
1307 N Park Street

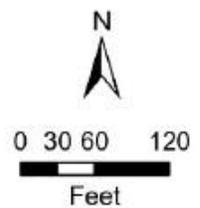
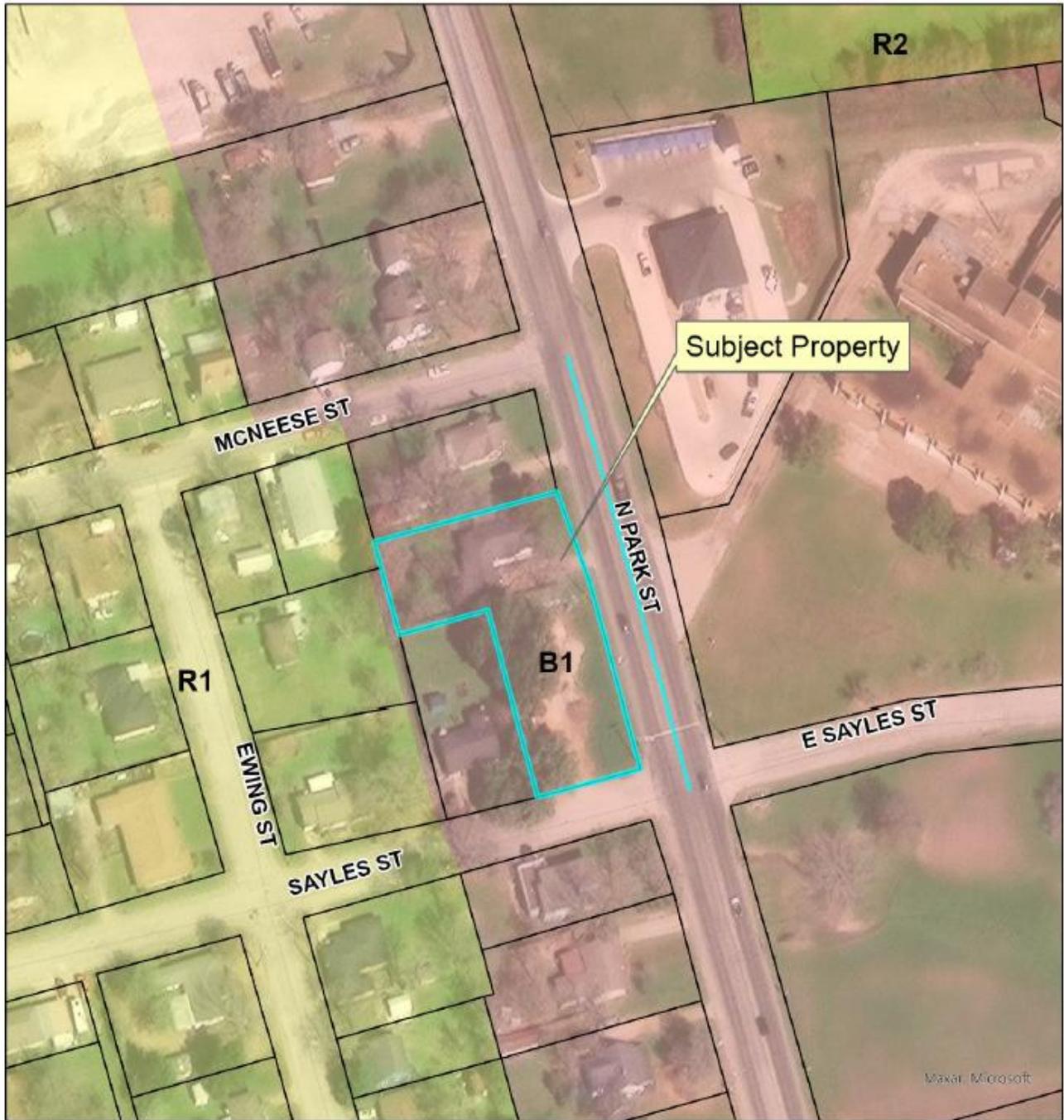


EXHIBIT "B"
ZONING MAP



Zoning

- B1 Local Business Mixed
- B2 Commercial
- Research and Technology
- R1 Residential Single Family
- R2 Mixed Residential

Zoning Map
Variance to Front Yard Setback
1307 N Park Street

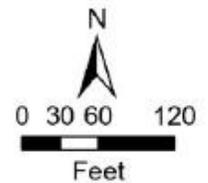
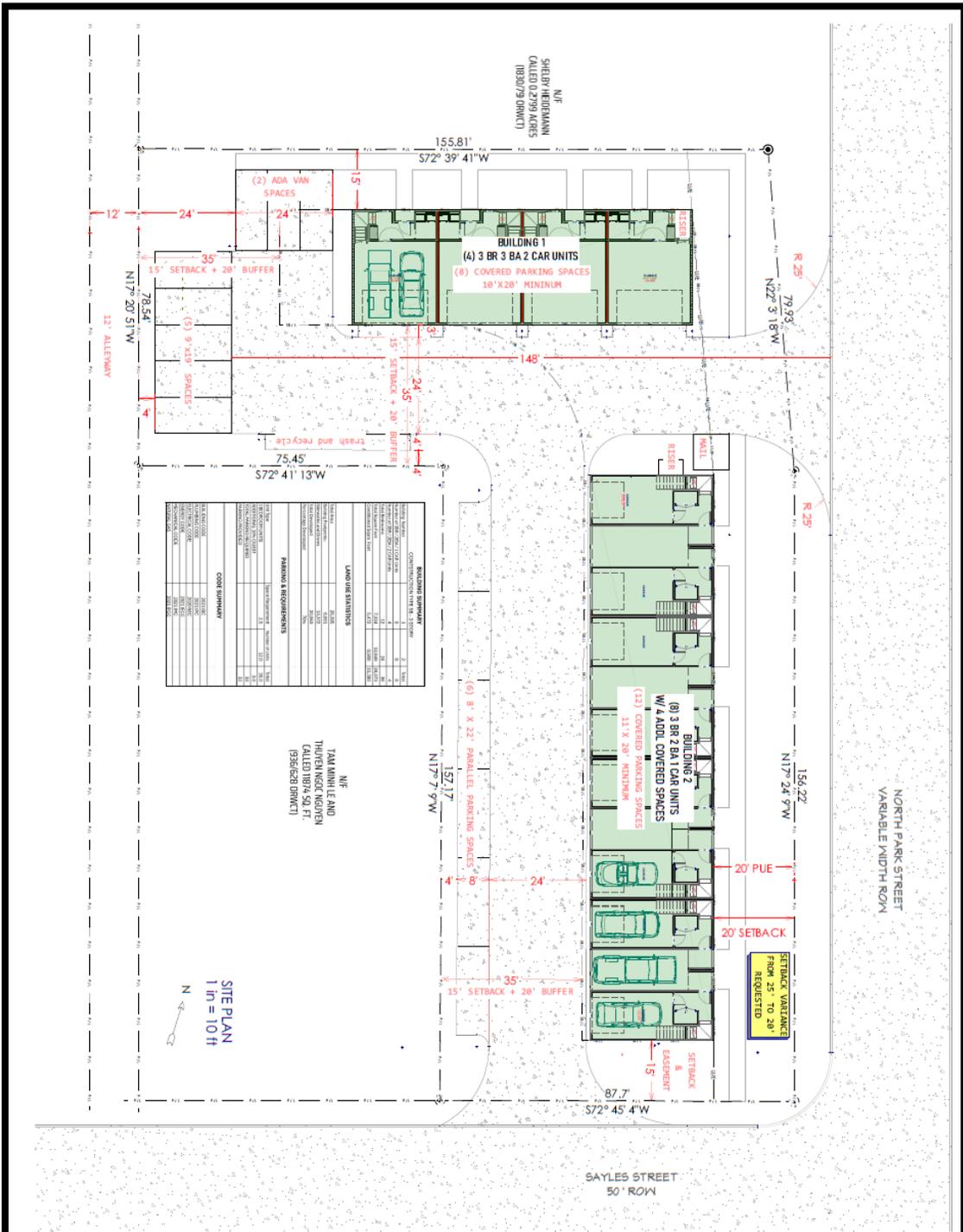


EXHIBIT "C" SITE PLAN



PLANNING PROVIDED BY:
THE *Spivey* GROUP

3075 INVERBANK DR | 6771 735-2022
8700 N. 137th DR
DALLAS, TX 75244

PLANNING PROVIDED FOR:
ARETE
ANALYTICAL GROUP

CLIENT CONTACTING:
[ARETE PROPERTY GROUP]
[LAKE CARLE]
[972.275.4491] [BMAA]

PROJECT DESCRIPTION:
NORTH PARK
TOWNHOME
APARTMENTS
1307 NORTH PARK STREET
BRENNHAM TEXAS

DATE:
1/17/2024

SCALE:
1" = 10' (FOR 34" X 36" SHEET)

SHEET NUMBER:
A1.2

SCHEMATIC SITE PLAN

DATE:
01/17/2024

SCALE:
1" = 10' (FOR 34" X 36" SHEET)

SHEET NUMBER:
A1.2

EXHIBIT "E"
SITE PHOTOS



Subject Property – 1307 N. Park Street from the east



Subject Property – from northeast corner



Subject Property – from Sayles Street to the south



IQ Carwash & Adult Teen Challenge to the east



Looking South down N. Park Street



Looking North down N. Park Street