



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, MARCH 11, 2019 AT 5:15 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

1. Call Meeting to Order

2. Public Comments and Receipt of Petitions

[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

3. Reports and Announcements

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

4-a. Minutes from the December 10, 2018 Board of Adjustment Meeting

REGULAR AGENDA

5. Election of a Chair and Vice-Chair for the Board of Adjustment for 2019

6. Public hearing, Discussion and Possible Action on Case Number B-19-001: A request by Scott and Rebecca Ehlert for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05 (1)(b) to allow, a 5-foot east side yard setback where a minimum 10-foot side yard setback is required for an existing single-family residence located in the Residential Single-Family (R-1) Zoning District at 101 E. Mansfield Street.

7. Adjourn

CERTIFICATION

I certify that a copy of the March 11, 2019, 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 March 7, 2019, at 7:05 am.

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 _____, 2019 at _____ am/pm.

Signature

Title

CITY OF BRENHAM BOARD OF ADJUSTMENT MINUTES

December 10, 2018

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 10, 2018 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Arlen Thielemann
Johanna Fatheree
Jon Hodde
Thomas Painter
Jarvis Van Dyke

Commissioners absent:

MaLisa Hampton

Staff present:

Lori Lakatos, City Engineer/Development Services Director
Stephanie Doland, Assistant Development Services Director
Lowell Ogle, Assistant City Manager
Kim Hodde, Planning Technician

Citizens present:

Rodolfo Vazquez
Edith Gutierrez

1. Call Meeting to Order

Chairman Thielemann called the meeting to order at 5:15 p.m. with a quorum of five (5) Commissioners present.

2. Public Comments and Receipt of Petitions

There were no public comments and/or receipt of petitions.

3. Reports and Announcements

There were no reports or announcements.

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Agenda includes non-controversial and routine items that the Commission may act on with one single vote. A Commissioner may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as part of the Regular Agenda.

4-a. Minutes from the November 13, 2018 Board of Adjustments Meeting

Chairman Thielemann called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Fatheree and seconded by Commissioner Hodde to approve the minutes from the November 13, 2018 meeting, as presented. The motion carried unanimously.

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-18-016: A request for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05 (1)(b) to allow, in accordance with Part IV, Division 4, Section 1.01(2) of the City of Brenham Zoning Ordinance, a 4-foot side yard setback where a minimum 10-foot side yard setback is required for an existing single-family residence located in an B-1 Zoning District at 704 E. Main Street.**

Stephanie Doland presented the staff report (on file in the Development Services Department). Ms. Doland stated that this single-family residential home was built prior to adoption of current setback requirements; therefore, is a legally non-conforming structure that does not meet the current setback requirements. Staff recommends approval of the requested special exception as presented.

Chairman Thielemann opened the Public Hearing at 5:19 pm and asked for any comments. There were no public comments.

Chairman Thielemann closed the Public Hearing at 5:19 pm and re-opened the Regular Session.

A motion was made by Commissioner Fatheree and seconded by Commissioner Painter to approve a special exception to reduce the side yard setback for the proposed 8’x5’ addition for the property located at 704 E. Main Street (Case No. B-18-016), to 4-feet, as presented. The motion carried unanimously.

- 6. Discussion and possible action upon approval of the 2019 Board of Adjustment calendar for meeting dates and submittal deadlines**

Stephanie Doland stated that the calendar of 2019 meeting and submittal dates would be for discussion and information only rather than adoption. Meetings in 2019 will be held as needed.

- 7. Adjourn**

A motion was made by Commissioner Fatheree and seconded by Commissioner Painter to adjourn the meeting at 5:21 pm. The motion carried unanimously.

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

Certification of Meeting Minutes:

Chairman, Board of Adjustment

Meeting Date

Attest, Staff Secretary

Meeting Date



CASE NUMBER: B-19-001

SPECIAL EXCEPTION REQUEST: 101 E. Mansfield Street

STAFF CONTACT: Stephanie Doland, Assistant Director of Development Services

OWNERS/APPLICANTS: Scott and Rebecca Ehlert

ADDRESS/LOCATION: 101 E. Mansfield Street (Exhibit "A")

LEGAL DESCRIPTION: Part of Lots 5, 7, and 9, Block 1, Washington Park Subdivision, in Brenham, Washington County, TX

LOT AREA: Approximately 0.224 acres

**ZONING DISTRICT/
USE:** R-1 Single Family Residential District / Single Family Home (Exhibit "B")

**COMP PLAN
FUTURE LAND USE:** Single-Family

REQUEST: A special exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05(1)(b)(Size of yards) to allow a 5-foot side yard setback where a 10-foot east side yard setback is required at 101 E. Mansfield Street, being part of Lots 5, 7, and 9, Block 1, Washington Park Subdivision, in Brenham, Washington County, Texas. (Exhibit "C" – Letter Submitted by Applicant)

BACKGROUND:

The subject property is currently zoned R-1, Single Family Residential District and all adjacent properties are also zoned R-1 (Exhibit "B"). The property owners and applicants, Scott and Rebecca Ehlert, desire to construct a wooden arbor over the existing concrete patio. This would line up with the edge of the existing garage and would follow the existing east side building setback of 5-feet. Mr. and Mrs. Ehlert have submitted a special exception request to reduce the required side yard setback by 5-feet to allow for a 5-foot east side setback. (Exhibit "D" – Site Plan Submitted by Applicant).

APPLICABLE SECTION OF ORDINANCE AND ANALYSIS:

(Sec. 1.01) Authority. The Board of Adjustment shall have the authority to grant special exceptions in accordance with the procedures and standards herein provided to permit:

- (2) The extension or enlargement of a nonconforming structure, provided that the structure or portion thereof being extended or enlarged is not for the purpose of a nonconforming use.

Section 1.05(1)(b) of the City of Brenham Zoning Ordinance requires the following area regulations:

(1) Size of yards:

- (b) Side yard: There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet Size of yards.

STAFF RECOMMENDATION:

Staff has reviewed the request and recommends the following:

- Approve a reduction in the required east side setback from 10' to 5' (existing residential structure setback)

The proposed extension or enlargement of this nonconforming structure is not encroaching any further than the existing structure; therefore, this request meets the criteria for Section 1.01(2), Special Exceptions of the Zoning Ordinance. Should the special exception not be granted, the reduction would be a violation and would not be permitted for the arbor addition. Should the special exception be granted the applicant would be permitted to extend improvements, including the proposed arbor or the existing single-family home, within 5' of the eastern property line.

PUBLIC COMMENTS:

Property owners within 200 feet of the project site were mailed notifications of this proposal on February 28, 2019. 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. Letter Submitted by Applicant
- D. Site Plan Submitted by Applicant
- E. Site Photos Submitted by Applicant

EXHIBIT "A"
AERIAL MAP



EXHIBIT "B"
ZONING MAP



EXHIBIT "C"
LETTER SUBMITTED BY APPLICANT

Board of Adjustments,

My name is Scott Ehlert and I am submitting this request on behalf of myself and my wife Rebecca Ehlert. We currently own the home located at 101 E. Mansfield Street. The home has been in my family since my grandparents built it in 1939.

Rebecca and I are in the process of drafting plans to have the home remodeled in the near future. We plan to relocate to Brenham in 2020 and make the home our permanent residence.

We respectfully request the Board to grant a Special Exception to Zoning Ordinance to allow an arbor, to include three 6"X6" columns, be attached to our existing garage and enclosed patio. We believe that **PART IV, DIVISION 4. - SPECIAL EXCEPTIONS** allows for the extension or enlargement of a non-conforming structure, provided that the extension or enlargement does not further encroach into the setbacks and is not for a non-conforming use. Since this new patio does not encroach any further into the setback than the existing garage we feel this special exception applies.

PART IV, DIVISION 4. - SPECIAL EXCEPTIONS

Sec. 1. - Limitations.

(Sec. 1.01) *Authority.* The board of adjustment shall have the authority to grant special exceptions in accordance with the procedures and standards herein provided to permit:

- (2) The extension or enlargement of a nonconforming structure, provided that the structure or portion thereof being extended or enlarged is not for the purpose of a nonconforming use.

I have included a site plan displaying all existing and proposed structures, the distances between each, and the distances to all applicable property lines.

I have also included photographs of the existing applicable structures to include the area where the arbor is requested.

The City of Brenham mapping system does not have a record of any easements on the property. Texas Residential Owner's Policy of Title Insurance, issued by Stewart Title Guaranty Company, Policy Number O-5968-000062190, dated 07/06/2015, indicates there are no easements on the property.

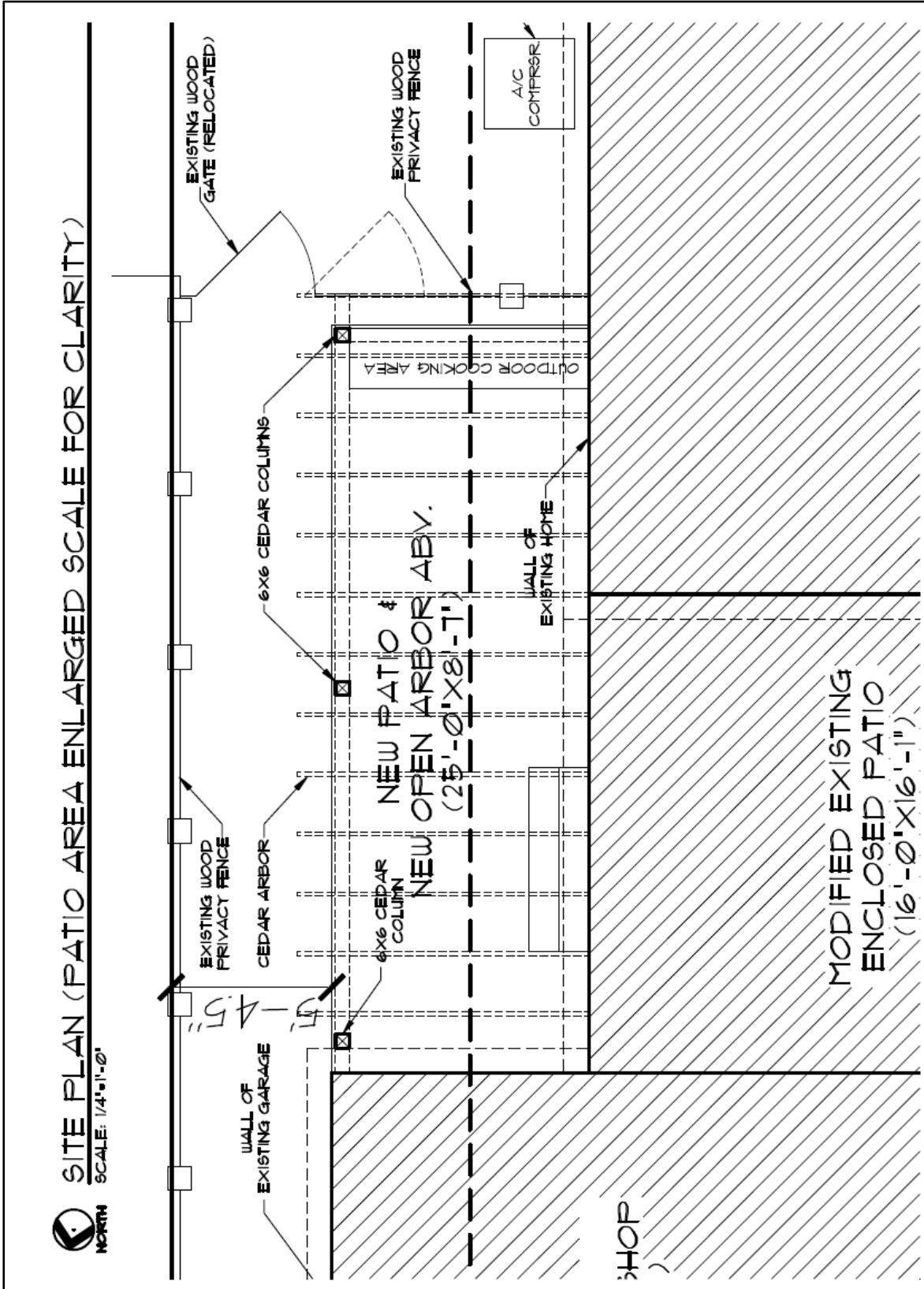
Please let us know if you need any additional information. I can be contacted at (512) 751-8453 or scottehlert@sbcglobal.net.

Respectfully Submitted,


02/18/2019
Scott Ehlert

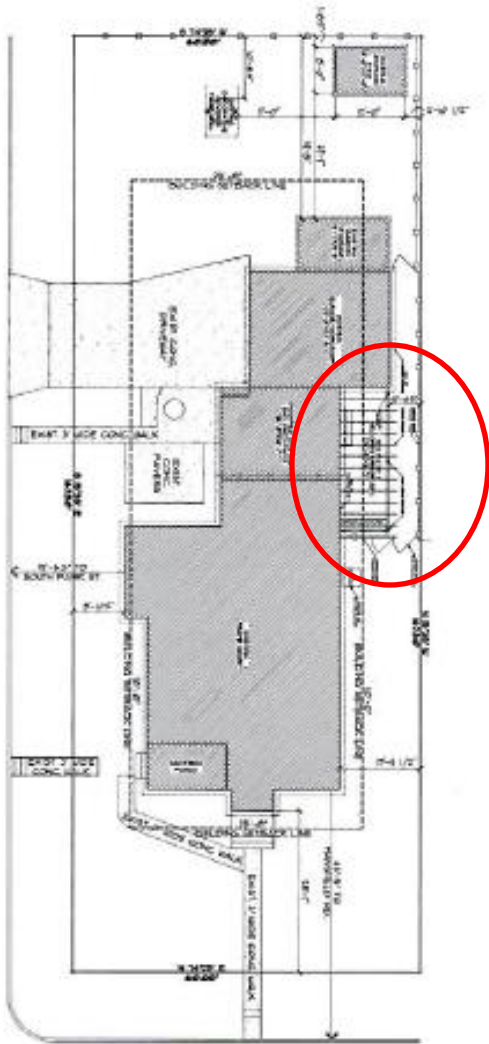

02/18/2019
Rebecca Ehlert

EXHIBIT "D"
 SITE PLAN SUBMITTED BY APPLICANT



5 SITE PLAN

SOUTH PARK STREET



MANFIELD ROAD

A-1

ADDITIONS AND IMPROVEMENTS TO HOME
FOR
SCOTT AND REBECCA EMERT

121 EAST MANFIELD ROAD

DRENTHA, TEXAS 77600

JAY FINE CUSTOM HOME DESIGN
DRENTHA, TEXAS
375-411-0110

CONTRACT NO. JF-121-0110

DATE: 12/15/10

PROJECT: A-1
OWNER: EMERT
DATE: 12/15/10

EXHIBIT "E"
PHOTOS SUBMITTED BY APPLICANT



