



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, MARCH 9, 2020 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 February 10, 2020 Board of Adjustment Meeting

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number B-20-002: A request by MC Property Holdings/Dara Childs for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 1.05(1)(c) to allow a 20-foot rear yard setback where a minimum 25-foot rear yard setback is required for a single-family residence at 510 W. Jefferson Street, described as Lot 20, East Block of J. Wilkins Addition, in Brenham, Washington County, Texas.

6. Adjourn

CERTIFICATION

I certify that a copy of the March 9, 2020, 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 4, 2020, at 2:00 p.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 _____, 2020 at _____ am/pm.

Signature

Title

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

February 10, 2020

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 February 10, 2020 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Arlen Thielemann, Chairman
Jon Hodde, Vice Chairman
Danny Goss
Thomas Painter
Mary Lou Winkelmann

Commissioners absent:

None

Staff present:

Shauna Laauwe, Project Planner
Donald Reese, Assistant City Manager
Kim Hodde, Planning Technician

Citizens present:

Joshua Blaschke, KWHI
Alyssa Faykus, Brenham Banner Press
Cody Stelter
Travis Gonzales

1. Call Meeting to Order

Chairman Thielemann called the meeting to order at 5:16 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

Kim Hodde made the following reports/announcements:

- Introduced Donald Reese as the new Assistant City Manager of Public Utilities/Development Services.
- Introduced Shauna Laauwe as the Project Planner for Development Services.
- Informed the Board members that Devyn Addison Doland was born 1-30-20. Stephanie and the baby are both doing well. Stephanie will be out on maternity leave full-time for February and March, working part-time in April then returning full-time in May.
- Welcomed Danny Goss as the new board member. Danny replaces MaLisa Hampton who will be moving to the open alternate position.

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 July 8, 2019 Board of Adjustments Meeting

Chairman Thielemann called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Hodde and seconded by Commissioner Goss to approve the minutes from the July 8, 2019 meeting, as presented. The motion carried unanimously.

REGULAR AGENDA

5. Election of a Chair and Vice Chair for the Board of Adjustment for 2020.

Kim Hodde reminded the Board that since this is the first meeting of 2020, a Chair and a Vice Chair need to be elected / appointed for 2020.

A motion was made by Commissioner Painter and seconded by Commissioner Thielemann to appoint Jon Hodde as Chair for 2020. There were no other nominations. The motion carried unanimously.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Thielemann to appoint Tom Painter as Vice Chair for 2020. There were no other nominations. The motion carried unanimously.

Chairman Hodde began presiding over the meeting at this point.

6. Public hearing, Discussion and Possible Action on Case Number B-20-001: A request by the Brenham Independent School District for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 16.01 to allow an on-site gravel drive and parking area where an all-weather surface is typically required for the FFA Ag Building located at 227 Shepard Lane, described as Lot 30, PT 31, 36, all Lot 37 & 38 of the McIntyre-Walker Addition, in Brenham, Washington County, Texas.

Shauna Laauwe presented the staff report for case No. B-20-001 (on file in the Development Services Department). Ms. Laauwe stated that the Brenham Independent School District (BISD) is the owner of the property at 227 Shepard Lane which is a 5.36-acre tract of land generally located on the southeast corner of the Shepard Lane and Old Chappell Hill Road. The property is undeveloped except for an agricultural facility (known as the FFA Ag Farm for over 20 years) that has a dirt access via Shepard Lane. The existing agricultural facility was built before this tract was annexed into the city limits in 2008.

BISD is asking for a special exception to allow a gravel surface for construction of a new access entrance via Old Chappell Hill Road and a new 60'x100' off-street parking area. The facility and site will undergo upgrades and improvements including a 30-foot culvert to create a new driveway entrance. The proposed parking will be large enough to accommodate school busses, trucks and cattle trailers. The existing dirt access makes it impassible in inclement weather and difficult for students and staff to care for and tend to the livestock at this facility.

The subject property is zoned R-3, Manufactured Home Residential with surrounding properties to the north, south and west also zoned as R-3. The property to the east is outside the city limits but is within the City's Extraterritorial Jurisdiction (ETJ). The neighboring properties appear to be existing, non-conforming properties with none having an all-weather driveway or parking surface.

The Future Land Use Map, adopted as part of the Comprehensive Plan, envisions this area as single-family residential. A paved or all-weather surface at this site would not be in character with the current neighborhood nor compatible to a possible future single-family development.

Staff has reviewed the request and recommends approval of the requested special exception as presented.

Chairman Hodde opened the Public Hearing at 5:29 pm and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:30 pm and re-opened the Regular Session.

A motion was made by Commissioner Painter and seconded by Commissioner Winkelmann to approve a special exception to allow an on-site gravel drive and parking area where an all-weather surface is typically required for the FFA Ag Building located at 227 Shepard Lane (Case No. B-20-001), as presented. Commissioner Goss stated that ordinances are in place to control how property is developed and to possibly raise valuations in this area. The motion carried unanimously.

6. Adjourn

A motion was made by Commissioner Thielemann and seconded by Commissioner Painter to adjourn the meeting at 5:32 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:

Jon E. Hodde, Chairman

Meeting Date

Attest, Staff Secretary

Meeting Date



CASE NUMBER: B-20-002

SPECIAL EXCEPTION REQUEST: 510 W. JEFFERSON STREET

STAFF CONTACT: Shauna Laauwe, Project Planner

OWNERS/APPLICANTS: MC Property Holdings (Dara Childs)

ADDRESS/LOCATION: 510 W. Jefferson Street (Exhibit "A")

LEGAL DESCRIPTION: Lot 20, East Block, J. Wilkins Addition

LOT AREA: Approximately 0.109 acres (4,748 sq.ft.)

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

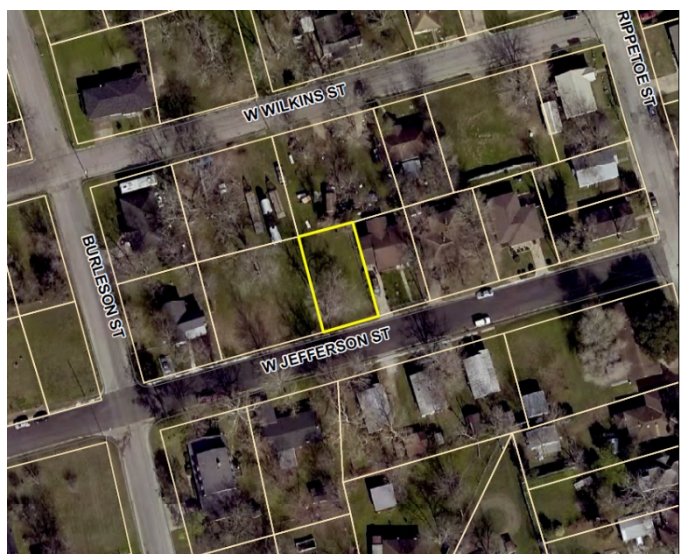
**COMP PLAN
FUTURE LAND USE:** Single-Family Residential

REQUEST: 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)(c) to allow a 20-foot rear yard setback where a minimum 25-foot front yard setback is required for a single family residence located in an R-1 zoning district on property addressed as 510 W. Jefferson Street and specifically described as Lot 20, East Block J. Wilkins Addition. (Exhibit "C" – Request)

BACKGROUND:

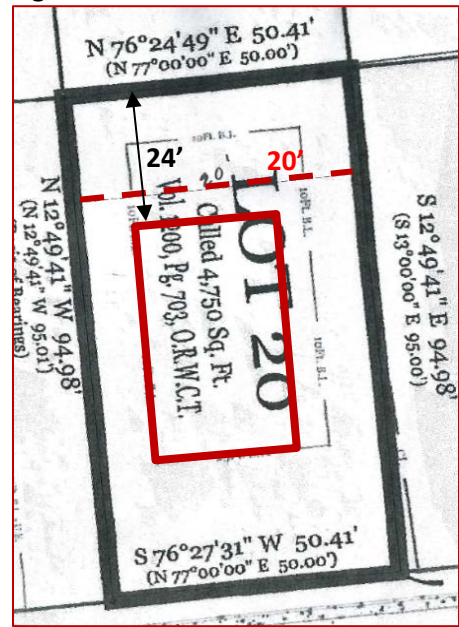
The subject property is an approximate 4,750 square foot, undeveloped tract of land located on the north side of W. Jefferson Street between Burlinson and Rippetoe Streets. (Exhibit "D"). The subject property and surrounding properties are currently zoned R-1, Single Family Residential District. The applicant, Mr. Dara Childs, is requesting a special exception in order to develop this tract of land with a single-family detached dwelling unit.

The requested special exception is for a five (5) foot reduction in the minimum required twenty-five (25) foot rear yard setback. The subject property is described as Lot 20, East Block in the J. Wilkins Addition, which was platted prior to



the adoption of the Zoning Ordinance in 1967. As a result, properties along this block face are substandard lots measuring from 45-feet to 100-feet wide by 91-feet to 93-feet deep with rear setbacks varying from 6-feet to 31-feet. The subject property is a 50-foot by 93-foot tract of land that is legally nonconforming in length, width and overall square footage.

Figure 2



The applicant proposes to develop the lot with a 25-foot by 45-foot, 1,125 square foot single-family residence. As shown on the site plan in Figure 2, the main structure would be situated one (1) foot less than the minimum required 25-foot rear yard setback. In addition, the zoning regulations do not make any provisions for roof overhangs to encroach into the rear yard setback. The intended roof overhang would cause the structure to encroach an additional 16 inches, for a total encroachment of approximately three (3) feet. As seen in Figure 2, the proposed dwelling is situated on the 25-foot front yard setback and 10-foot west side yard setback lines. The supplementary two (2) feet requested, in addition to the minimum three (3) feet needed, would allow for the applicant to ensure that the home meets the front yard setback. Therefore, the applicant is requesting a five (5) foot reduction in the minimum required twenty-five (25) foot rear yard setback to allow for the construction of a proposed single-family residence.

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:

- (3) To deviate yard requirements in the following circumstances:
 - (b) An exception from the rear yard requirements where the actual rear yard setback of any four (4) or more lots in the same block do not meet the applicable rear yard requirements of these regulations.

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

- (1) Single-family detached units:
 - (a) Rear yard: There shall be a rear yard having a depth of not less than twenty-five (25) feet.

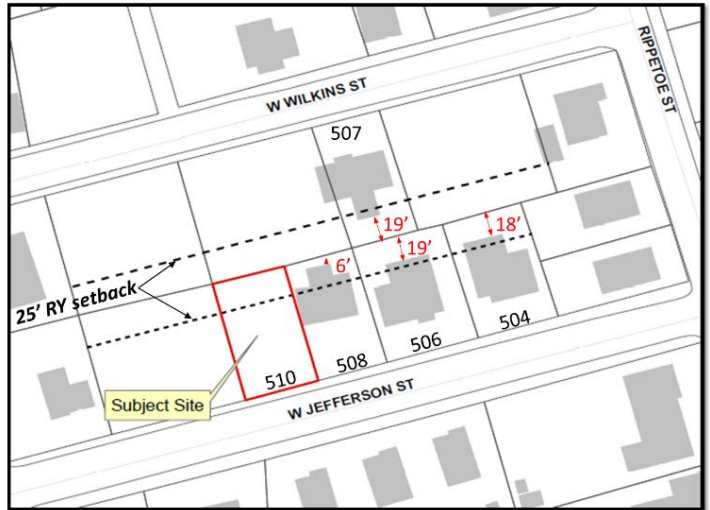
STAFF FINDINGS AND RECOMMENDATION:

Staff has reviewed the request and **recommends approval**. The subject property is in a neighborhood developed prior to the adoption of the Zoning Ordinance and building setback lines. As a result, the prevailing rear building setback is less than the required 25-foot rear yard setback. As shown in Figure 3, the three adjacent properties to the east are developed with single-family detached dwelling units with rear setbacks varying from 6-feet to 19-feet. In the same block, to the north, a property is developed as a residence situated at approximately 19-feet from the rear property line. While new construction must meet current zoning regulations, when the East Block, J. Wilkins Addition was platted, it was platted with a 10-foot rear yard setback as required of the zoning at that time. In addition, the subject lot is also legally nonconforming in terms of lot size. The 4,500 square foot lot is 2,500 square feet smaller than the minimum

required 7,000 square foot lot area. The small lot size also causes difficulty in developing a single-family residence in accordance to the setback requirements.

Based on the existing development pattern this request meets the criteria for Part IV, Division 4, Section 1.01(3)(b), Special Exceptions of the Zoning Ordinance. Should the special exception be denied, the applicant would be required to adhere to the 25-foot rear building setback.

Figure 3



PUBLIC COMMENTS:

Property owners within 200 feet of the project site were mailed notifications of this proposal on February 27, 2020. Any public comments will be provided in the Board of Adjustments Packet or during the public hearing.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Special Exception Request & Site Plan
- D. Photo(s)

EXHIBIT "A"
AERIAL MAP



**510 W Jefferson Street
Special Exception Request
Rear Yard Setback**



EXHIBIT "B"
ZONING MAP



**510 W Jefferson Street
Special Exception Request
Rear Yard Setback**

1 inch = 128 feet



EXHIBIT "C"
SPECIAL EXCEPTION REQUEST & SITE PLAN



Property Owners Information

Name: MC Property
Telephone Number: 281 914 9416 E-mail Address: danchi@dayalco.com
Address: 1330 S. Berlin City: Brenham State: Tx Zip: 77831

Applicant Information

Name: SAME
Telephone Number: _____ E-mail Address: _____
Address: _____ City: _____ State: _____ Zip: _____

Agent or Engineer Information

Name: SAME
Telephone Number: _____ E-mail Address: _____
Address: _____ City: _____ State: _____ Zip: _____

Site Information

Street Address: R42381 Jefferson St
Legal Description (please include a metes and bounds description if not subdivided): Lot 20 James Wilkins
Subdivision: _____ Block: _____ Lot(s): _____
Existing zoning designation: R1
Section of the code from which exception is described: _____
Describe exception requested (Include amount): 20' rear setback instead of 25'

Reasons for requesting the special exception:

Small lot and adjacent properties have 10' rear setback

Minimum Submittal Checklist

- Site plan showing: all existing and proposed structures, the distances between each, the distances to all property lines, setbacks and easements.
- \$150 application fee paid
- Photographs, letters from neighbors or any other pertinent information/documentation that the applicant feels would substantiate the request
- Cover letter addressed to Board of Adjustment explaining what is being requested and the reason(s)

Signature

I hereby certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application concerning the above described property. I understand that submitting this application does not constitute approval and incomplete applications will result in delays and possible denial. I further request that the Planning & Zoning Commission/Board of Adjustment/Plan Review Committee review this matter and take appropriate action.

X

Signature of Applicant

Date

X

Signature of Owner

Date

FOR OFFICE USE ONLY

RECEIVED BY:

Sarah Hill

DATE:

2/5/2020

REVIEWED BY: _____

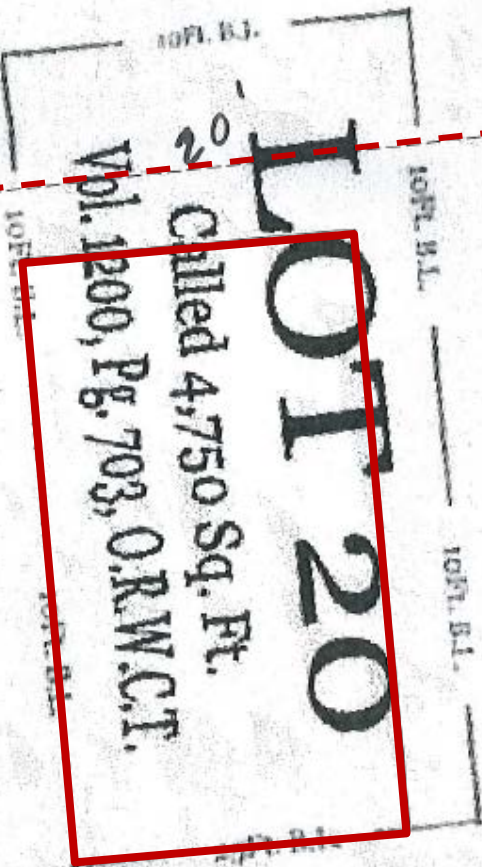
Date: _____

NOTES:

N 76°24'49" E 50.41'
(N 77°00'00" E 50.00')

N 12°49'41" W 94.98'
(N 12°49'41" W 95.01')
(Basis of Bearings)

S 12°49'41" E 94.98'
(S 13°00'00" E 95.00')



S 76°27'31" W 50.41'
(N 77°00'00" E 50.00')

EXHIBIT "D"
SITE PHOTO



