



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, NOVEMBER 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 May 11, 2020 Board of Adjustment Meeting

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number B-20-004: A request by Jared and Rachel Cook 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 a 6-foot side yard setback where a minimum 10-foot side yard setback is required for an existing detached structure to be attached to a residential dwelling located at 1607 S. Jackson Street, described as Lots 7 & 8 of W. G. Wilkins Addition, in Brenham, Washington County, Texas.

6. Adjourn

CERTIFICATION

I certify that a copy of the November 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 November 5, 2020, at 12:30 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**

May 11, 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 May 11, 2020 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Thomas Painter, Vice Chairman
Walt Edmunds (Alt)
Danny Goss
Arlen Thielemann
Mary Lou Winkelmann

Commissioners absent:

Jon Hodde, Chairman (conflict of interest)

Staff present:

Donald Reese, Assistant City Manager
Stephanie Doland, Development Services Director
Kim Hodde, Planning Technician

Citizens present:

Darren Huckert
Mark Feldhake

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 public comments and/or receipt of petitions.

3. Reports and Announcements

Stephanie Doland was welcomed back to work after her maternity leave.

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 March 9, 2020 Board of Adjustment Meeting

Vice Chairman Painter called for any corrections or additions to the minutes as presented. Kim Hodde noted that two corrections have been made to the minutes in the packet. Arlen Thielemann was shown to be present and absent at the meeting, so the minutes have been corrected to just show Mr. Thielemann as absent. Mary Lou Winkelmann was shown as Vice Chairman instead of Thomas Painter, so this correction has also been made. A

motion was made by Commissioner Goss and seconded by Commissioner Thielemann to approve the minutes from the March 9, 2020 meeting, as corrected. The motion carried unanimously.

REGULAR AGENDA

5. **Public hearing, Discussion and Possible Action on Case Number B-20-003: A request by Blinn Jr. College for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division, 1, Section 16.06(11) to reduce the number of required parking spaces for a dormitory development to be located at 911 W. Fifth Street, described as Block 1, Lot 1 and Block 2, Lot 1 of the Blinn Fifth Street Subdivision, in Brenham, Washington County, Texas.**

Shauna Laauwe presented the staff report for case No. B-20-003 (on file in the Development Services Department). The subject property is zoned B-2 with the future land use designation as Institutional. The proposed use of the property is for student dormitory and parking. Parking requirements for fraternity, sorority or dormitory is 1.5 spaces for each sleeping room. The applicant (Blinn Jr. College) requests a reduction from the required 1.5 spaces per sleeping room to 1.16 spaces per sleeping room. The subject property, 911 W. Fifth Street, is proposed to house a dormitory and parking while 811 W. Fifth Street will be for parking only. Parking is proposed as follows:

Lot A (911 W. Fifth Street) – 111 parking spaces
Lot B (811 W. Fifth Street) – 104 parking spaces
215 on-site parking spaces

Solon's Hall parking - 88 designated parking spaces
303 total parking spaces provided

Blinn conducted a parking analysis in the fall of 2019 and the results indicated that only 60% of on-campus residents purchased parking passes. Using the current parking requirements of 1.5 spaces per sleeping room, 393 parking spaces would be required. The applicant has requested 1.16 spaces per sleeping room or 303 parking spaces. This request meets 77% of the zoning parking requirement and 60% of the maximum number of residents (504). Since the site plan is still under building permit review and there may be some changes required that will eliminate a few parking spaces, staff recommends approval of the requested special exception to allow a 25% reduction for a minimum allowance of 295 parking spaces that equates to 1.13 parking spaces per sleeping room.

Notifications were mailed to property owners within 200-feet on April 30, 2020. No comments have been received regarding the request.

Commissioner Goss requested no-parking on the north side of W. Fifth Street from Green Street to Prairie Lea Street, and on High Street down to the first residence to protect the residences from having cars parked in front of their residences. Mark Feldhake, Blinn College representative, stated that Blinn is amenable to no-parking on W. Fifth Street and High Street to alleviate congestion. He stated that Blinn is working on a system to designate where students are permitted to park. Students typically try to park as close as they can to classes so on campus parking is primarily a behavioral issue that Blinn is working to address. Mr. Feldhake stated that the first building of the P3 student housing is scheduled to be completed by August 2021 with the second building completed by December 2020 – January 2021. He further stated that Blinn is looking at a Master Plan for the college due to the aging dormitories, buildings, etc. to ensure Blinn's ability to be competitive in the college market. Ms. Doland stated that staff will work with Blinn and the City Council regarding the no on-street parking request.

Vice Chairman Painter opened the Public Hearing at 5:37 pm and asked for any comments. There were no citizen comments.

Vice Chairman Painter closed the Public Hearing at 6:05 pm and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Thielemann to approve a special exception to reduce the number of required parking spaces to 295 for a dormitory development to be located at 911 W. Fifth Street (Case No. B-20-003), as presented. The motion was approved with a 4-1 vote with Commissioner Goss voting against approval.

6. Adjourn

A motion was made by Commissioner Thielemann and seconded by Commissioner Edmunds to adjourn the meeting at 6:07 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

November 9, 2020
Meeting Date

Attest, Staff Secretary

November 9, 2020
Meeting Date

CASE NUMBER: B-20-004

VARIANCE REQUEST: 1607 S JACKSON ST

STAFF CONTACT: Shauna Laauwe, AICP Project Planner

OWNERS/APPLICANTS: Rachel and Jared Cook

ADDRESS/LOCATION: 1607 South Jackson Street (Exhibit "A")

LEGAL DESCRIPTION: Block 25, Lot 7 & 8, W.G. Wilkins Addition

LOT AREA: 21,858 sq.ft / 0.5 acres

ZONING DISTRICT: R-1, Single Family Residential (Exhibit "B")

USE: Single-family residence

COMP PLAN

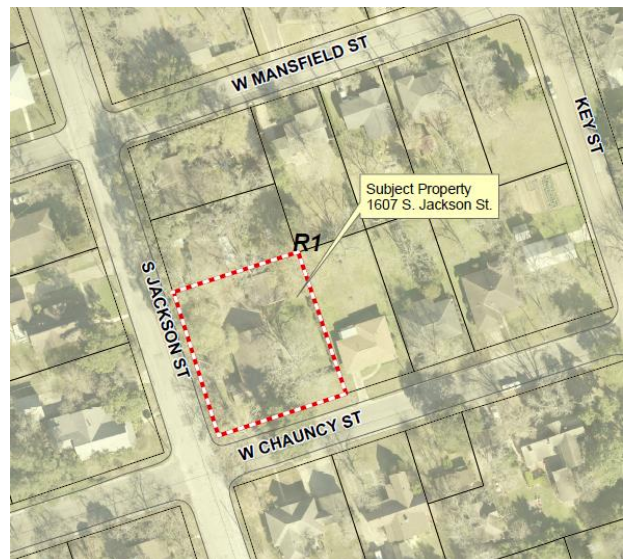
FUTURE LAND USE: Single Family Residential

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 a reduction in the minimum required ten (10) foot side yard setback located in a R-1 zoning district on property addressed as 1607 S. Jackson Street and specifically described as Lot 7 & 8, Block 25 of the W.G. Wilkins Addition. (Exhibit "C" – Request)

BACKGROUND:

The subject property, located at 1607 South Jackson Street, is on the northeast corner of West Chauncy Street and South Jackson Street and is currently owned by Jared and Rachel Cook. The subject property is developed with an existing 2,982 square foot single-story, single-family home constructed in 1958 (renovated in 1994) and an existing detached accessory garage with carport (Exhibit "E"). The property, as well as surrounding properties, are currently zoned as R-1, Single-Residential Use District.

The property owners/applicants have recently purchased the long-held family home and are proposing a new renovation project to accommodate their family needs. In order to add approximately 861



square feet of additional living space, the applicants propose to attach the existing accessory carport and garage storage structure to the principal structure. The existing accessory structure is approximately twenty-one (21) feet to the northeast of the principal home and consists of an approximate 30'x20' carport attached to a 30'x12' storage/garage area to the rear. The applicants propose to connect the accessory structure to the main house by enclosing the existing carport for garage and living space and by extending a 21'x41' (861 sf) addition with an adjoining bedroom, bathroom and hallway. The applicants also propose to renovate the existing accessory structure by enclosing and converting the existing carport into a new garage area and repurpose the existing garage/storage area into three rooms to include a home gym, workshop and closet. (See Figure 1 & 2) below.

Figure 1: Existing

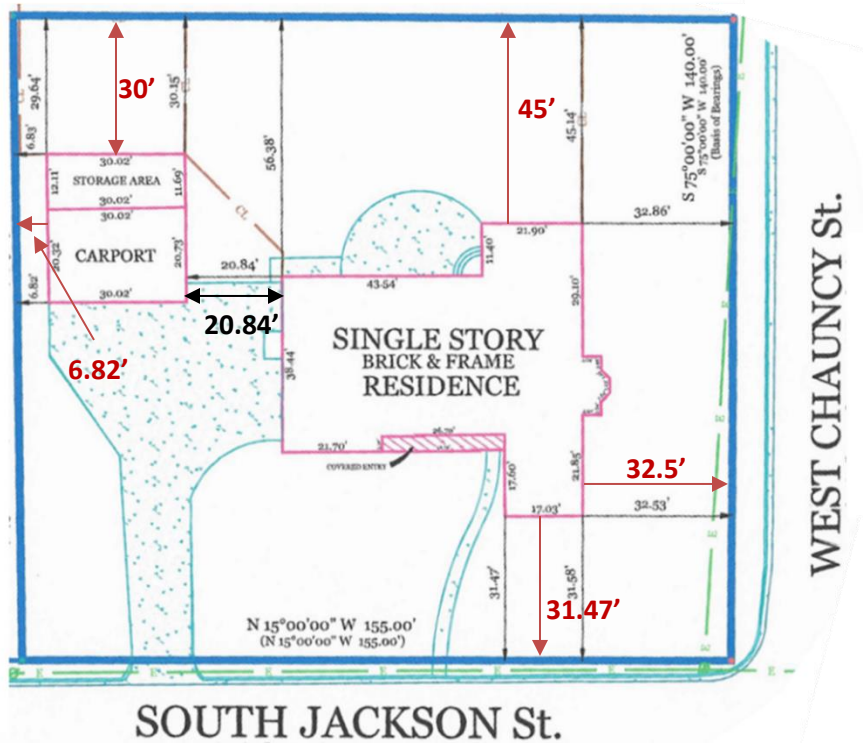
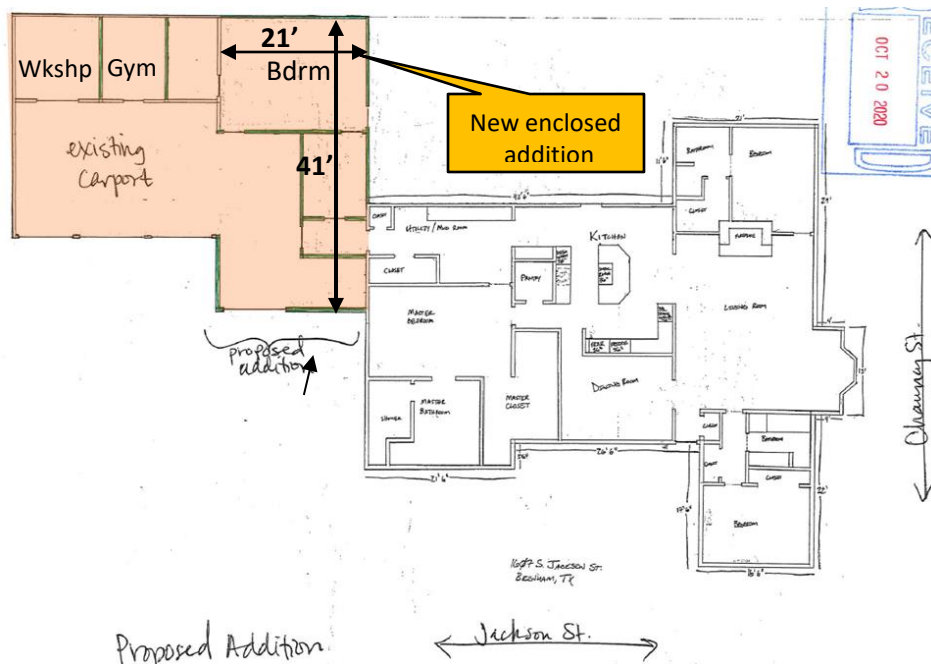


Figure 2: Proposed



Background cont:

- **Division 2, Section 1.05(a-c)** of the Zoning Ordinance lists the area regulations for the R-1 District. The minimum required setbacks for a principal structure in the R-1 District are 25 feet for the front and rear yard, 15 feet for an applicable side street setback and 10 feet per side yard. Based on a recent survey provided by the applicants (Exhibit "C"), the existing principal structure on the subject property has ample setbacks with a 31.47-foot front yard setback along S. Jackson Street to the west, a 32.53-foot side street setback along W. Chauncy Street to the south, a 45.14-foot rear yard setback to the east, and a 57.68-foot side yard setback to the north. *Please see Figure 1 or Exhibit "C" for current survey and site layout.*
- **Section 10, Accessory uses and structures** states that, "All detached accessory structures in any residential district shall be located behind the closest point of the primary structure to the front property line and shall have a side and rear yard of not less than 5 feet." The existing accessory structure that includes the carport and a storage area is located behind the closest point of the primary structure, has a rear yard of approximately 30 feet and a side yard to the north property line of 6.82 feet.

Currently, the existing principal and detached accessory structures on the subject property are in compliance with the respective minimum required setback regulations. However, the proposed addition and renovations to connect the existing detached accessory structure to the principal structure would result in the existing structures **becoming one principal structure** and adhering to the aforementioned setbacks for principal structures. With the proposed addition, even though the north side of the accessory structure is not proposed to be expanded, the existing 6.82-foot side yard setback would then be considered encroaching into the 10-foot minimum side yard. Therefore, the applicant is requesting a 3.2-foot reduction to the minimum required 10-foot minimum side yard setback.

APPLICABLE SECTION OF ORDINANCE AND ANALYSIS:

(Sec. 5.02)(136)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 Division 1, Part IV, Variances, Special Exceptions, Nonconforming Uses and Appeals. 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 is a rectangular corner lot that is approximately 155 ft in width by 140 feet in length. The property is developed with a single-story, single-family home that fronts onto S. Jackson Street to the west and has an existing detached carport with garage storage area approximately 21 feet to the northeast of the home. The 2,982 square foot home and detached storage area were originally constructed in 1958 and later renovated in 1994.

The applicant, who is the granddaughter of the original owner, has recently purchased the subject property and wishes to update and expand the home to accommodate her family needs. To do so without much disruption to the floor layout or reduction in backyard space, the applicant has proposed to enclose and repurpose the existing detached structure into a garage and additional living space and to connect it to the main home. The proposed modifications would accommodate appropriate development of the parcel of land as they would be internal to the lot and not result in any expansion to exterior walls that would further reduce the existing setbacks to the property lines.

- (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.*

Staff finds that the granting of this variance will not be materially detrimental or injurious to other property or improvements in the general vicinity. Minimum building setback regulations provide a minimum degree of open space for light and air circulation, help reduce the danger of conflagration and ensure that there is adequate room for emergency apparatus between and around improvements. Staff finds that should the variance be granted; the subject property will maintain adequate separations between improvements on the subject and adjacent tracts of land. Detached accessory structures have a minimum required side yard setback of 5 feet, while principal structures have a minimum required side yard setback of 10 feet. The existing carport and storage accessory structure has an existing side yard setback of 6.82 feet that is conforming to the Zoning Regulations. However, attaching the existing accessory structure to the principal structure would result in the two becoming one principal structure with the required 10-foot side yard setback. Thus, while the proposed addition connects the existing detached structure to the principal structure and does not decrease the amount of side yard setback, it does result in a reduction of 3.2 feet to the minimum required 10-foot setback. The modification to the home will not result in a reduction or expansion of the existing 6.82-foot side yard setback that has been in place since 1958. Granting the variance would not reduce the existing supply of light or air to the adjacent property to the north, nor in any way endanger the public health, safety, and general welfare of the neighborhood.

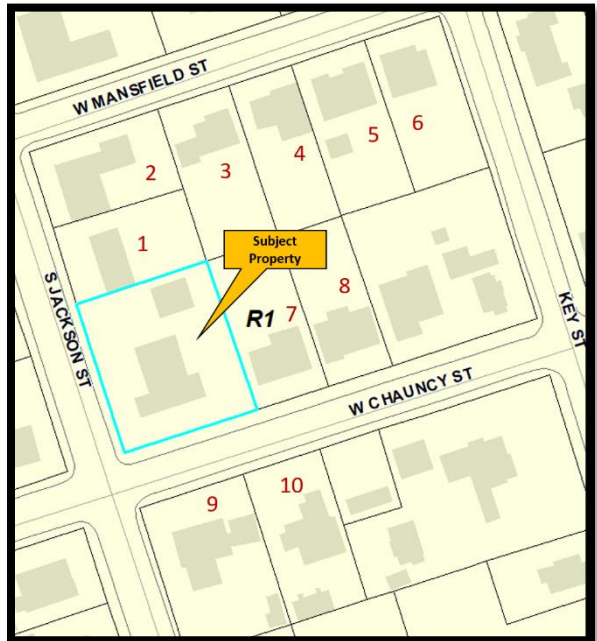
- (3) *The literal enforcement of the ordinance would work an unnecessary hardship.*

Staff finds that literal enforcement of this ordinance would limit the developable area of the property. The applicants are proposing to utilize existing structures and build within the interior of the lot, instead of building outward, by connecting the two existing structures that have been in their current configuration for decades. Constructing the addition to the rear (east) would not be feasible due to the current layout of the home and that a similar sized addition would likely result in an encroachment into the 25-foot rear building setback. This option would also bring the bulk of the structure much closer to the east property line causing an adverse effect to the adjacent neighbors. Similarly, placing a similar addition to the front (west) or south side of the home would also likely cause encroachments to the 25-foot front and 15-foot street-side setbacks and disrupt the uniformity of the existing setbacks of the homes along S. Jackson Street and West Chauncey Street (See Figure 3). For these reasons, staff finds that supporting the 3.2-foot reduction to the side building setback will lessen the hardship of developing the property.

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

Staff finds the subject property is unique in that the site and surrounding neighborhood was developed in the 1950s, prior to the Zoning Regulations in Brenham taking effect in 1968. Figure 3 is an existing building footprint map that shows at least 10 principal structures in the immediate area that appear to be located within the present-day side yard building setbacks. The single-family home located on the abutting property to the north, closest to where the reduction is being requested, appears to be on or near the property line and within the side yard setback. The existing side yard setback will not be reduced or lengthened with the proposed renovation and seems to be greater than the side yard setbacks of the structures located on abutting properties.

Figure 3



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

Though not increasing the building footprint towards the north side property line, the need for the variance was created by the applicant due to the proposed addition that would change the minimum side yard requirement from 5 feet to 10 feet. Staff finds however, that the proposed addition location is the best alternative for the site as it meets the needs of the property owners, while not decreasing the external building setbacks or adversely impacting the adjacent property owners. Despite the fact the existing home has ample setbacks, there is not sufficient front, rear, or side street yard clearance to accommodate a similar-in-scope addition. Expanding the home on the north side would create a visible building dominance from S. Jackson Street that would cause the home to be out of character with the surrounding neighborhood.

- (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 primarily financial.

- (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.*

Granting the variance to the side building setback 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. Setbacks are established to provide adequate separation and size between developments and uses. Staff finds that the existing structure within 10-feet of the side property line in this special

circumstance will meet the intent of the ordinance. The findings state that the existing structure has been at the present location for a number of years and that the proposed addition which results in the accessory structure becoming part of the principal structure will not reduce the amount of side yard setback or cause an adverse effect on adjacent properties or the public.

STAFF RECOMMENDATION:

Staff has reviewed the request and recommends approving the requested variance to allow a 6-foot side yard setback where a 10-foot side yard is typically required.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on October 29, 2020. 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. Current Survey
- D. Variance Request
- E. Existing site plan
- F. Proposed site plan
- G. Photos

EXHIBIT "A"
AERIAL MAP



1607 S Jackson Street
Board of Adjustments
November 9, 2020

1 inch = 87 feet



EXHIBIT "B"
ZONING MAP



1607 S Jackson Street
Board of Adjustments
November 9, 2020

1 inch = 87 feet



EXHIBIT "C"
CURRENT SURVEY

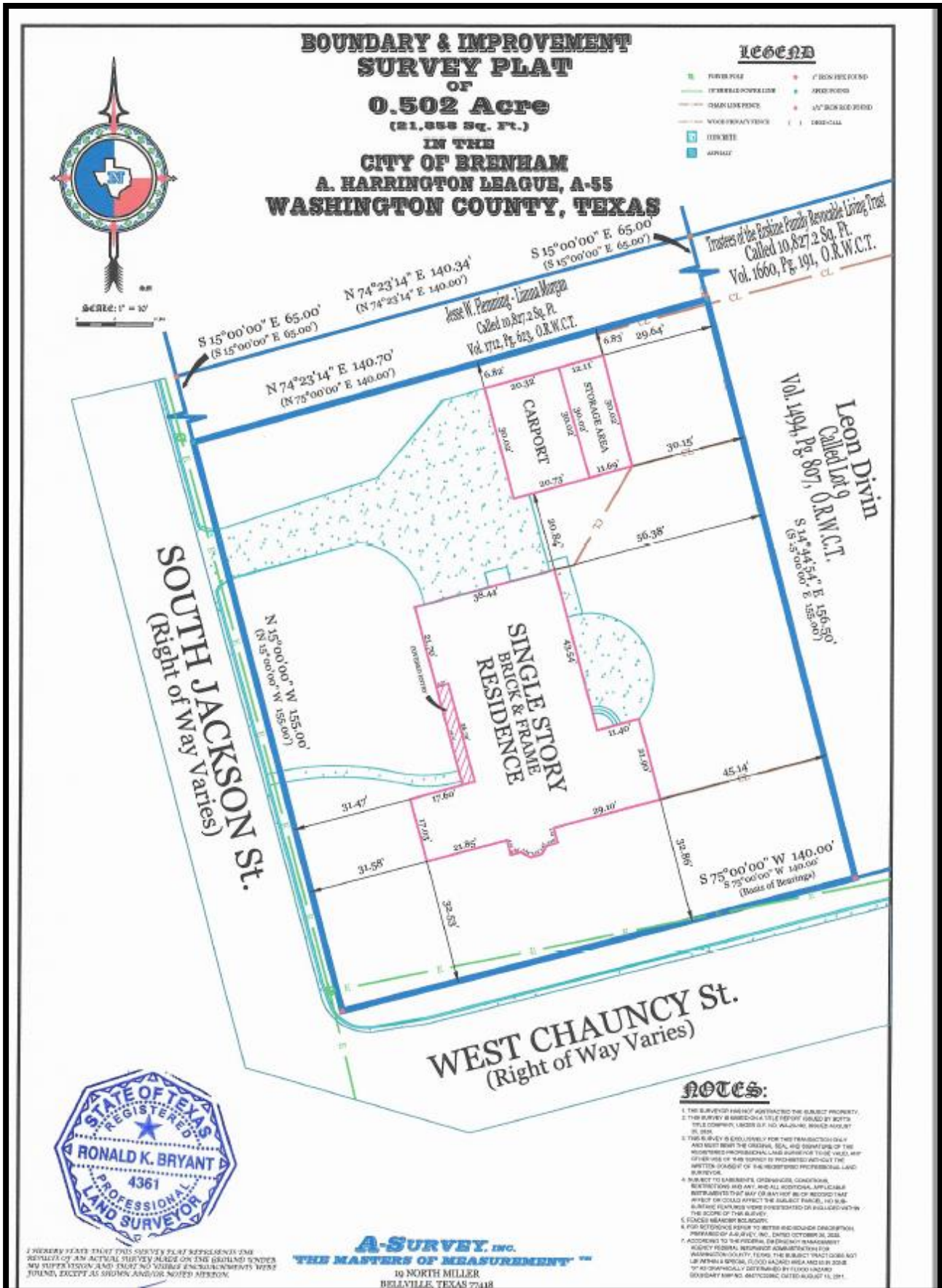


EXHIBIT "D"
VARIANCE REQUEST



October 18, 2020

Members of the Board of Adjustment,

We have recently purchased and have applied for a building permit at 1607 S Jackson St. Brenham, TX. This home was built in 1958 by my grandparents, Dr. Oscar and Irene Bockhorn, and has functioned as the beloved family home until my grandmother's passing in November 2019. To honor my grandparents' legacy by making many more years of family memories here, my husband Jared and I, elected to purchase it with plans to make it our primary residence. In order for this home to function for our current and future needs, additional rooms will be required, and our desire is to connect the existing house and carport with a new structure that would bridge the two without increasing the overall footprint of our home from the view of Jackson or Chauncy Streets.

We anticipate that in the years to come, dedicated space will be needed to allow for an aging parent to reside with us, and thus, we intend to make the added bedroom and bathroom suite handicap accessible, as the rest of the existing home has too many elevation changes and narrow doorways to accommodate this. In our proposed plans for the addition, all doorways will be wide enough and permanent structures such as bathroom fixtures will be laid out so that it will be accessible to a large wheelchair if necessary. An additional garage space for parking will be included adjacent to the suite to allow for sheltered unloading from a handicap equipped vehicle.

As it currently exists, the carport, which will be enclosed as a garage, is slightly within the required setback from the neighboring property line for a primary structure, and we understand this to be the point of issue with obtaining a building permit. If the variance is not granted for us to be able to use the existing carport structure in our renovation, we would have to destroy the currently solid and functional structure and rebuild a new structure an additional 2.5 feet from the property line to be outside the technical setback requirement. Doing this would also require that the new structure be situated closer to Jackson Street to allow for the same square footage required to have a workable layout for handicap accessible living quarters and parking. This plan would be more inconvenient for our neighbors as there would be more overlap of our structure and theirs, reducing open space between our homes and further closing off access to their backyard. We would not be able to build the same structure further back on our property due to the presence of a large tree behind the existing carport and the setback requirement behind our home.

In the interest of preserving as much space between our neighbors as possible while still accommodating our needs, we respectfully request that you consider granting us a variance. We hope to be able to develop our beloved family home as needed while still honoring the past, recycling the old, and keeping a frontage more consistent with the neighborhood as it currently exists.

Thank you for your consideration,

Rachel Cook and Jared Cook

Rachel and Jared Cook

EXHIBIT "E"
EXISTING SITE PLAN

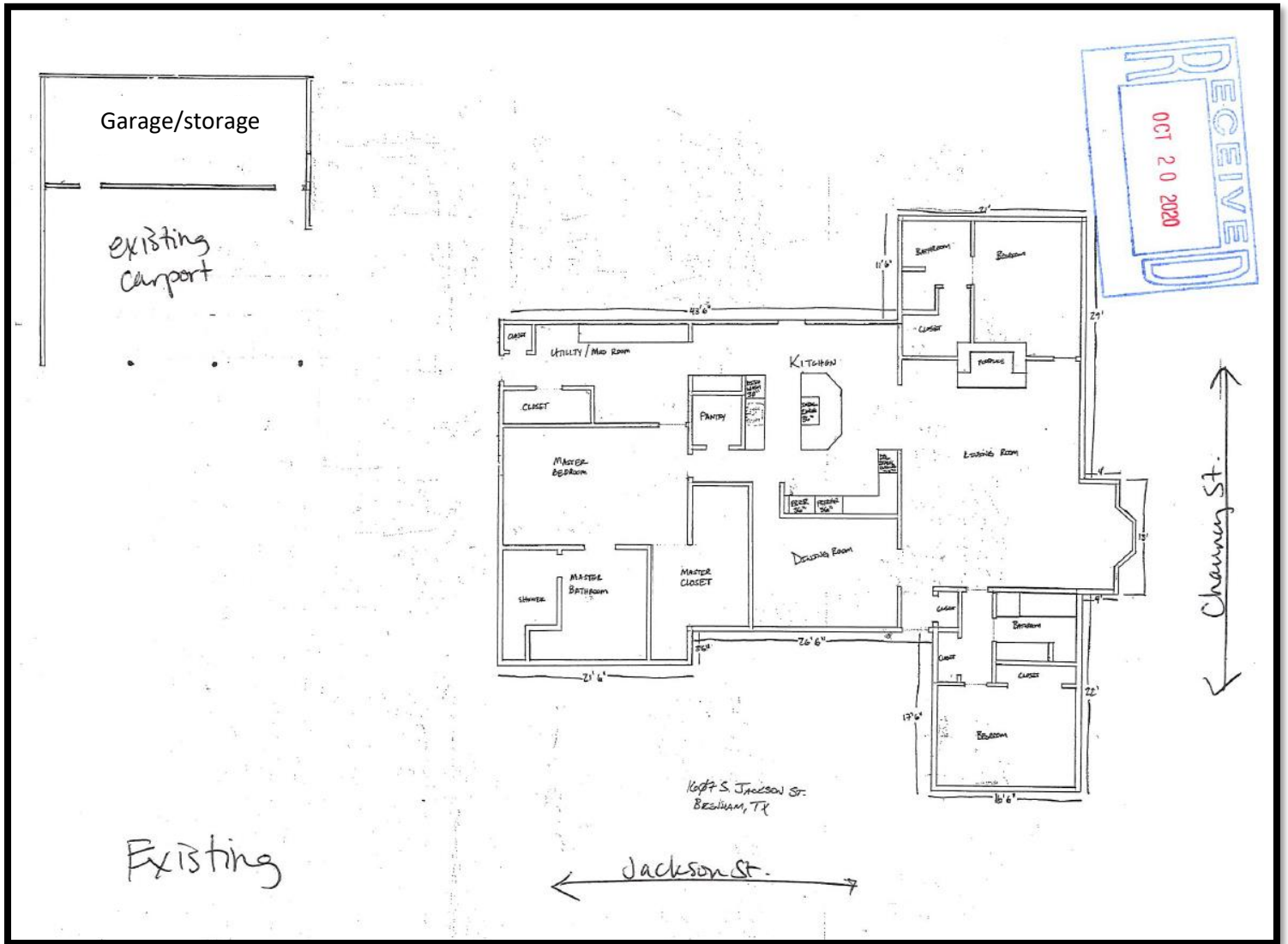


EXHIBIT "F"
PROPOSED ADDITION/FOOTPRINT

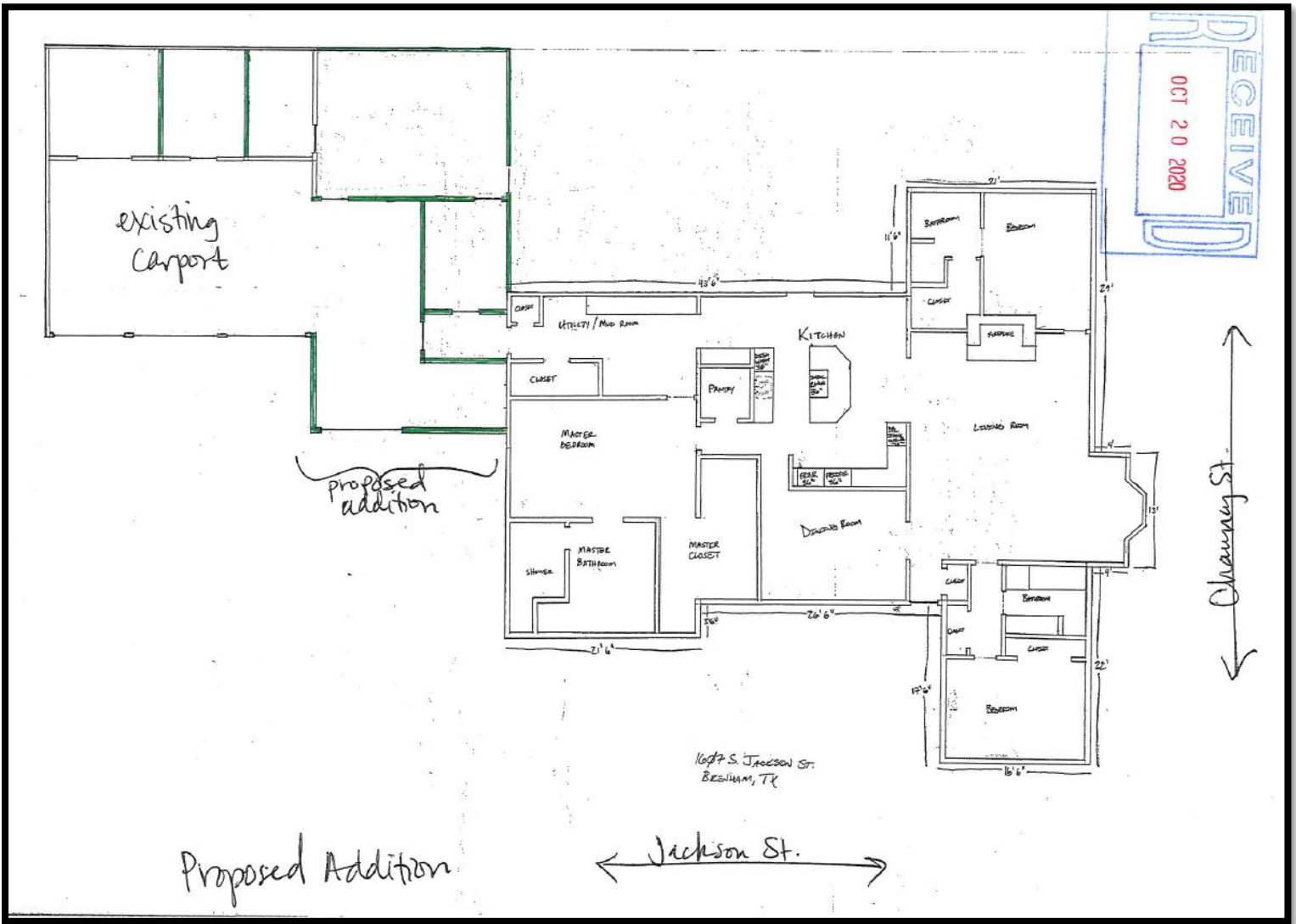


EXHIBIT "G"
PICTURES



Subject Site from S. Jackson St. View of setback and placement of existing structures.





Location of proposed addition from S. Jackson St.



View of backyard from W. Chauncy St.