

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

May 10, 2021

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 10, 2021 at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

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

Commissioners absent:

None

Staff present:

Stephanie Doland, Development Services Director
Kim Hodde, Planning Technician

Citizens / Media present:

Damon Kallie	Cathy Kietlinski
Kevin Chapel	Dabney Kewis
Mary Thornhill	Elizabeth Price
William Witte	Keith Hankins
Ann Kazee	Josh Blaschke, KWHI
Joan Bleike	Alyssa Faykus, Banner Press
Pat Meyer	

1. Call Meeting to Order

Chairman Hodde 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

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 9, 2020 Board of Adjustment Meeting

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Goss and seconded by Commissioner Winkelmann to approve the minutes from the November 9, 2020 meeting, as corrected. The motion carried unanimously.

REGULAR AGENDA

5. Election of A Chair and Vice-Chair for the Board of Adjustment for 2021.

A motion was made by Commissioner Thielemann and seconded by Commissioner Goss to re-elect Jon Hodde as Chair and Thomas Painter as Vice Chair of the Board of Adjustment for 2021. The motion carried unanimously.

6. Public hearing, Discussion and Possible Action on Case Number B-21-001: A request by Mary Thornhill for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02(4)(c) to allow, in accordance with Part IV, Division 4, Section 1.01(2) of the City of Brenham Zoning Ordinance, a 3-foot west side yard setback where a minimum 10-foot side yard setback is required for an accessory dwelling unit to be located at 311 E. Main Street, described as Lot 50, East Main Subdivision, in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for case No. B-21-001 (on file in the Development Services Department). The subject property owned by Mary Thornhill and located at 311 E. Main Street is zoned B-1, Local Business, / Residential Mixed Use, with the future land use designation being Mixed-Use Downtown Adjacent. The subject property is developed with a single family detached home and two existing accessory buildings that were constructed in 1884 and a carport structure constructed in 2015. Both accessory structures are legally non-conforming structures developed within the setback line and are located to the rear of the principal structure with one near the east property line and the other near the west property line.

Ms. Thornhill would like to utilize the west accessory structure as a short-term rental which will require renovations including expansion of the existing structure loped to the north by approximately eight feet for installation of a bathroom. In 2018, the Zoning Ordinance further refined Accessory Dwelling Units (ADU's) including the additional requirements. ADU's are a permitted use in the B-1 Zoning District. The proposed expansion will keep in line with the existing structure building lines, with a three-foot west line setback. Ms. Thornhill is requesting a special exception for a seven-foot reduction to the ten-foot setback requirement to allow expansion of this existing non-conforming accessory structure.

The subject property is very near to the downtown zoning where no setbacks are required. Development Services Staff has reviewed the request and recommends approval of the special exception for a seven-foot reduction in the west side setback to allow for expansion of the existing accessory structure. Staff noted that were the request approved the ADU would be required to adhere to all adopted building codes, including the addition of a fire-rated wall on the elevation nearest to the property line.

Notifications were mailed to property owners within 200-feet on April 29, 2021. One response was received in support of this request with none being received against the request.

Staff has reviewed the request and recommends approval of the requested special exception to allow a 3-foot west side yard setback where a 10-foot side yard is typically required for an accessory dwelling unit. If the variance is approved, the project will have to go through the building permitting process and staff will make sure that all applicable codes are met including ensuring that the nearest wall to the property line will be a fire-rated wall with no windows or openings.

Chairman Hodde opened the Public Hearing at 5:32 p.m. and asked for any comments. Elizabeth Price with Upchurch Architects stated that she would be happy to answer any questions about this project but personally she thinks this is an appropriate use for this property.

Mary Thornhill stated that the structure is original to the property. She further stated that Mr. William Witte, her neighbor to the west, has an identical structure on his property. She stated that her property is approximately 1/2-acre of land.

William Witte of 309 E. Main Street stated that this property and the adjacent property were originally owned by two sisters so the separation was not an issue at that time. Mr. Witte stated that he had concerns about the fire separation and visibility into his yard but it appears that those concerns have been taken care of since the wall nearest his property will be a fire-rated wall with no windows or openings. Mr. Witte asked if he could build three feet from his property line if he wanted to. Ms. Doland replied that he would need to request a special exception and come before the Board just as Ms. Thornhill is doing. Mr. William expressed concern that other development could occur three feet from his property line. Commissioner Thielemann and Ms. Doland clarified that this special exception is for this structure and site plan only. Any future developments would have to come back before the Board of Adjustment for consideration of either a special exception or a variance, depending on the development.

Elizabeth Price reiteration that the expansion will be the same height as the existing structure.

Commissioner Goss asked about the current use of the building. Ms. Thornhill stated that the building currently is vacant and has no use. She would like to add a bathroom and use the building as an accessory dwelling unit as a guest house or an Airbnb. Mr. Goss as if this project would have to comply with ADA requirements. Ms. Doland clarified that:

- The subject property would not need to be ADA accessible since it is considered a single-family residence.
- One additional parking space will be required for an ADU use.

There were no other comments.

Chairman Hodde closed the Public Hearing at 5:38 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Goss and seconded by Commissioner Painter to approve the request by Mary Thornhill for a Special Exception to allow a 3-foot west side yard setback where a minimum 10-foot side yard setback is required for an accessory dwelling unit to be located at 311 E. Main Street (Case No. B-21-001), as presented. The motion carried unanimously.

7. Public Hearing, Discussion and Possible Action on Case Number B-21-002: A request by Kevin Chapel for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(b)(iii) to allow a 100-foot lot depth, where a minimum 115-foot lot depth is required, for a single-family residence to be located at 709 Campbell Street, described as Lots 3 and 4, Block 1 of the Jim Fields Addition (an unrecorded subdivision), in Brenham, Washington County, Texas.

Stephanie Doland presented the staff report for case No. B-21-002 (on file in the Development Services Department). The subject properties located at 707 and 709 Campbell Street are owned by Kevin Chapel and are zoned R-2, Mixed Residential Use District, with the future land use designation being single family residential. A single-family residence is currently under construction at 709 Campbell Street. During the foundation inspection, the form survey showed the home to encroach into the side yard setback by 3.2-feet. Since Mr. Chapel owns both properties in order to correct the encroachment, the two lots need to be platted into one lot. During the research phase it was discovered that the Jim Fields Addition (done in the 1920's) is an unrecorded subdivision that was never formally approved or recorded in the plat records. Since the existing lots are 100-feet deep and do not meet the required 115-foot depth, the property cannot be platted without a variance to the lot depth. Therefore, Mr. Chapel is requesting a variance for a 15-foot reduction in the lot depth requirement to allow platting of these two lots into one lot for construction of a single-family residence.

Notifications were mailed to property owners within 200-feet on April 29, 2021. No comments have been received regarding the request.

Staff has reviewed the request and finds that replatting brings the property closer into compliance and recommends approval of the requested variance to allow a 100-foot lot depth where a 115-foot lot depth is required for a single-family residence.

Chairman Hodde opened the Public Hearing at 5:45 p.m. and asked for any comments. There were no comments.

Chairman Hodde closed the Public Hearing at 5:52 p.m. and re-opened the Regular Session.


A motion was made by Commissioner Thielemann and seconded by Commissioner Painter to approve the request by Kevin Chapel for a Variance to allow a 100-foot lot depth, where a minimum 115-foot lot depth is required, for a single-family residence to be located at 709 Campbell (Case No. B-21-002), as presented. The motion carried unanimously.

8. Adjourn

A motion was made by Commissioner Painter and seconded by Commissioner Winkelmann to adjourn the meeting at 5:53 p.m. 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

August 9, 2021
Meeting Date



Attest, Staff Secretary

August 9, 2021
Meeting