



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, SEPTEMBER 13, 2021 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 August 9, 2021 Board of Adjustment Meeting

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number B-21-004: A request by Titan Premier Investments, LLC / Kevin Kuklis for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 1.05(1)(a) to allow a 20-foot front yard setback where a minimum 25-foot front yard setback is required for a single-family residence at 904 W. Jefferson Street, described as Lot 21, West Block of J. Wilkins Addition, in Brenham, Washington County, Texas.

6. Adjourn

CERTIFICATION

I certify that a copy of the September 13, 2021, 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 September 9, 2021, at 1:30 pm.



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 _____, 2021 at _____ am/pm.

Signature

Title

CITY OF BRENHAM BOARD OF ADJUSTMENT MINUTES

August 9, 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 August 9, 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
Walt Edmunds
Danny Goss
Arlen Thielemann

Commissioners absent:

Mary Lou Winkelmann (excused)

Staff present:

Donald Reese, Assistant City Manager – Public Services / Utilities
Shauna Laauwe, Project Planner
Kim Hodde, Planning Technician

Citizens / Media present:

Sirena Branton	Kay Reed
Gene Lake	Vincent DeSalvo
Susan Lake	Jerry Calvert
Roy Kelm	Jan Calvert
Jan Kelm	Alyssa Faykus, Banner Press
Michael Branton	

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:18 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 informed the Board that Stephanie Doland was not in attendance due to the death of her grandfather. The Board expressed their condolences.

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 May 10, 2021, 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 Painter to approve the minutes from the May 10, 2021, meeting, as corrected. The motion carried unanimously.

REGULAR AGENDA

5. **Public hearing, Discussion and Possible Action on Case Number B-21-003: A request by Michael and Lana Jo Branton for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05(2)(b) to allow a 45-foot lot width, where a minimum 60-foot lot width is required, for a single-family residence to be at a property described as Reserve “A” of the Scenic Estates Subdivision, Section III, containing 8.256-acres of land, in Brenham, Washington County, Texas.**

Shauna Laauwe presented the staff report for case No. B-21-003 (on file in the Development Services Department). The subject property is a vacant 8.25-acre tract of land located generally on the northwest end of Twisted Oak Drive. The subject property is owned by Bill Nutt (Scenic Development) and the applicants are the prospective buyers, Michael and Lana Jo Branton. The property is zoned R-1, single-family residential and the future land use map shows the property as single-family residential. This Reserve “A” was platted in 2005 as part of the Scenic Estates, Section III. This lot has a 44.16-foot front width. The “neck” lasts about 125-feet then the property widens out to approximately 58-feet. The intent of the ordinance requiring the 60-foot minimum lot width is to maintain separation between structures. R-1 zoning requires a 25-foot front and rear setback and 10-foot side setbacks. The applicant proposes a single-family residence and an accessory barn/shop structure. Prior to any development occurring, the property will need to be platted into a lot. Ms. Laauwe stated:

- The only way this property is developable is with a variance.
- One single-family residence would not be detrimental to the neighborhood.
- The property is unique in that it is an irregular lot that exceeds the lot width requirements after approximately 125-feet from the front property line.
- The need for a variance was not created by the applicant but rather by the previous plat in 2005.

Notifications were mailed to property owners within 200-feet on July 29, 2021. Two written citizen comments were received, and two others called to speak to staff regarding concerns that included:

- Whether livestock would be kept on the property as it was against the neighborhood covenants.
- Additional lots would be platted.
- Property would be used for multi-family development.
- Drainage concerns.

Ms. Laauwe stated the following:

- The purpose of this meeting is just to address the lot width variance request.
- The City of Brenham does not enforce deed restrictions and only requires CCR’s for common areas to ensure who will maintain the common areas.
- It appears that the subject property, Reserve “A”, was not included in the Scenic Estates CCR’s.
- Any livestock would have to adhere to the City ordinances and regulations which allows 1 head per 1.5-acres of land.
- Any platting will go before the Planning and Zoning Commission and property owners within 200-feet would be notified.
- Multi-family rezoning would not be supported by staff, especially since the existing 44-foot lot width would not meet the required 55-foot right-of-way for a street.
- A single home on this large lot doesn’t raise any drainage concerns.

Staff has reviewed the request and recommends approval of the requested variance to allow a 44-foot lot width where a 60-foot lot width is required for a single-family residence.

Chairman Hodde opened the Public Hearing at 5:47 p.m. and asked for any comments. In response to various citizen comments and concerns, the applicant, Michael Branton, stated that his plans are as follows:

- To build a single-family residence on this property.
- To fence the entire property.
- To clean out and regrade the drainage areas that drain onto the subject property to enhance the existing drainage.
- To work with his neighbors throughout this process.

Chairman Hodde closed the Public Hearing at 5:57 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Painter and seconded by Commissioner Edmunds to approve the request Michael and Lana Jo Branton for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05(2)(b) to allow a 44-foot lot width for a single-family residence to be located on the property described as Reserve “A” of the Scenic Estates Subdivision, Section III containing 8.256-acres, as presented. The motion carried unanimously.

6. Adjourn

A motion was made by Commissioner Painter and seconded by Commissioner Thielemann to adjourn the meeting at 5:58 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

September 13, 2021
Meeting Date

Attest, Staff Secretary

September 13, 2021
Meeting

CASE NUMBER: B-21-004

SPECIAL EXCEPTION REQUEST: 904 W. JEFFERSON STREET

STAFF CONTACT: Shauna Laauwe, AICP Project Planner

OWNERS/APPLICANTS: Titan Premier Investments, LLC (Kevin Kuklis)

ADDRESS/LOCATION: 904 W. Jefferson Street (Exhibit "A")

LEGAL DESCRIPTION: Lot 21, West Block, J. Wilkins Addition

LOT AREA: Approximately 0.153 acres (6,650 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)(a) to allow a 20-foot front 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 904 W. Jefferson Street and specifically described as Lot 21, West Block, J. Wilkins Addition. (Exhibit "C" – Request)

BACKGROUND:

The subject property is an approximate 6,650 square foot, undeveloped tract of land located on the north side of W. Jefferson Street, three lots east of Martin Luther King Jr. Parkway and directly north of Lockett Street. (Exhibit "D"). The subject property and surrounding properties are currently zoned R-1, Single Family Residential District. The applicant, Mr. Kevin Kuklis, 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 front yard setback. The subject property is described as Lot 21, West Block in the J. Wilkins Addition that was platted in 1893, prior to the adoption of the Zoning Ordinance in 1967. In 1893, the J. Wilkins Addition platted five (5) blocks of lots that



measured 60 feet in width by 95 feet in length (60'x95') for a lot area of 5,700 square feet. The current R-1 District regulations require a minimum lot width of 60 feet, depth of 115 feet and minimum lot size of 7,000 square feet. While some of the lots have been replatted over the years to combine lots to increase lot widths, most of the lots are legally nonconforming in lot depth and lot size. The properties along the subject property block face (north side of W. Jefferson) all have a legally nonconforming depth of 95-feet. The subject property is an approximately 70-foot by 95-foot tract of land that is legally nonconforming in length with an overall square footage of 6,650 square feet.

The applicant proposes to develop the lot with a 32-foot by 48-foot, 1,440 square foot single-family residence. As shown on the survey in Figure 2, the main structure would be situated within the minimum 10-foot side yard setbacks and meet the 25-foot minimum rear yard setback but would be placed at a 20-foot front yard setback. Therefore, the applicant is requesting a five (5) foot reduction in the minimum required twenty-five (25) foot front 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:

- (a) An exception from the front yard requirements where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall for any building hereinafter constructed be the required minimum front yard setback.

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

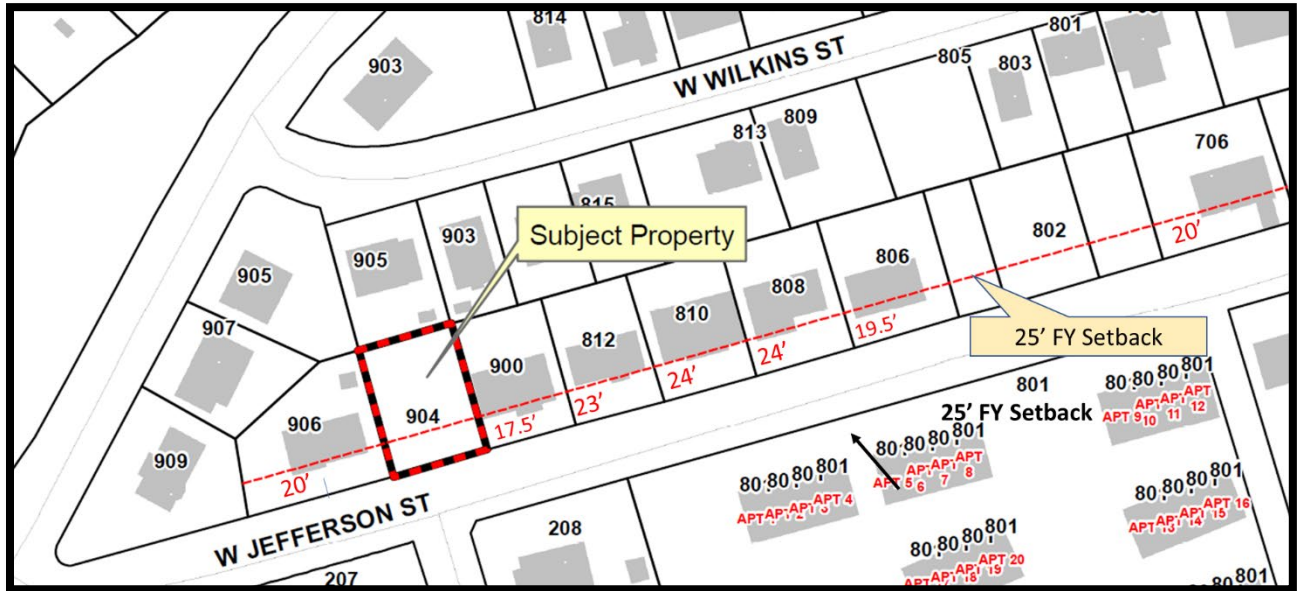
(1) Single-family detached units:

- (a) Front yard: There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

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 with lot depths of 95-feet, twenty (20) feet less than the existing minimum lot depth requirement of 115-feet. As a result, the nonconforming lot depth of 95-feet reduces the amount of front and rear setbacks available, resulting in the prevailing front building setback along the block being less than the required 25-foot front yard setback. As shown in Figure 3, the front yard setbacks of the existing homes on the same block, along the north side

Figure 3



of W. Jefferson Street, range from 17.5 feet to 24 feet. In relation to the subject property located at 904 W. Jefferson Street, the existing structure adjacent to the west has a front yard setback of 20 feet, while the adjacent home to the east has a front yard setback of approximately 17.5 feet. Thus, the requested 20-foot front yard setback would not be out of character with the adjacent properties or surrounding neighborhood. In addition, the subject lot is also legally nonconforming in terms of lot size. This 6,650 square foot lot is 350 square feet smaller than the minimum required 7,000 square foot lot area. The smaller lot size also causes difficulty in developing a single-family residence in accordance with the setback requirements.

Based on the existing development pattern this request meets the criteria for Part IV, Division 4, Section 1.01(3)(a), Special Exceptions of the Zoning Ordinance, therefore Staff recommends approval of the request for a five (5) foot reduction in the minimum required twenty-five (25) foot front building setback. Should the special exception be denied, the applicant would be required to adhere to the 25-foot front building setback.

PUBLIC COMMENTS:

Property owners within 200 feet of the project site were mailed notifications of this proposal on September 2, 2021. Any public comments received by staff will be provided prior to the public hearing.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Survey
- D. Floor Plan
- E. Photo(s)

EXHIBIT "A"
AERIAL MAP



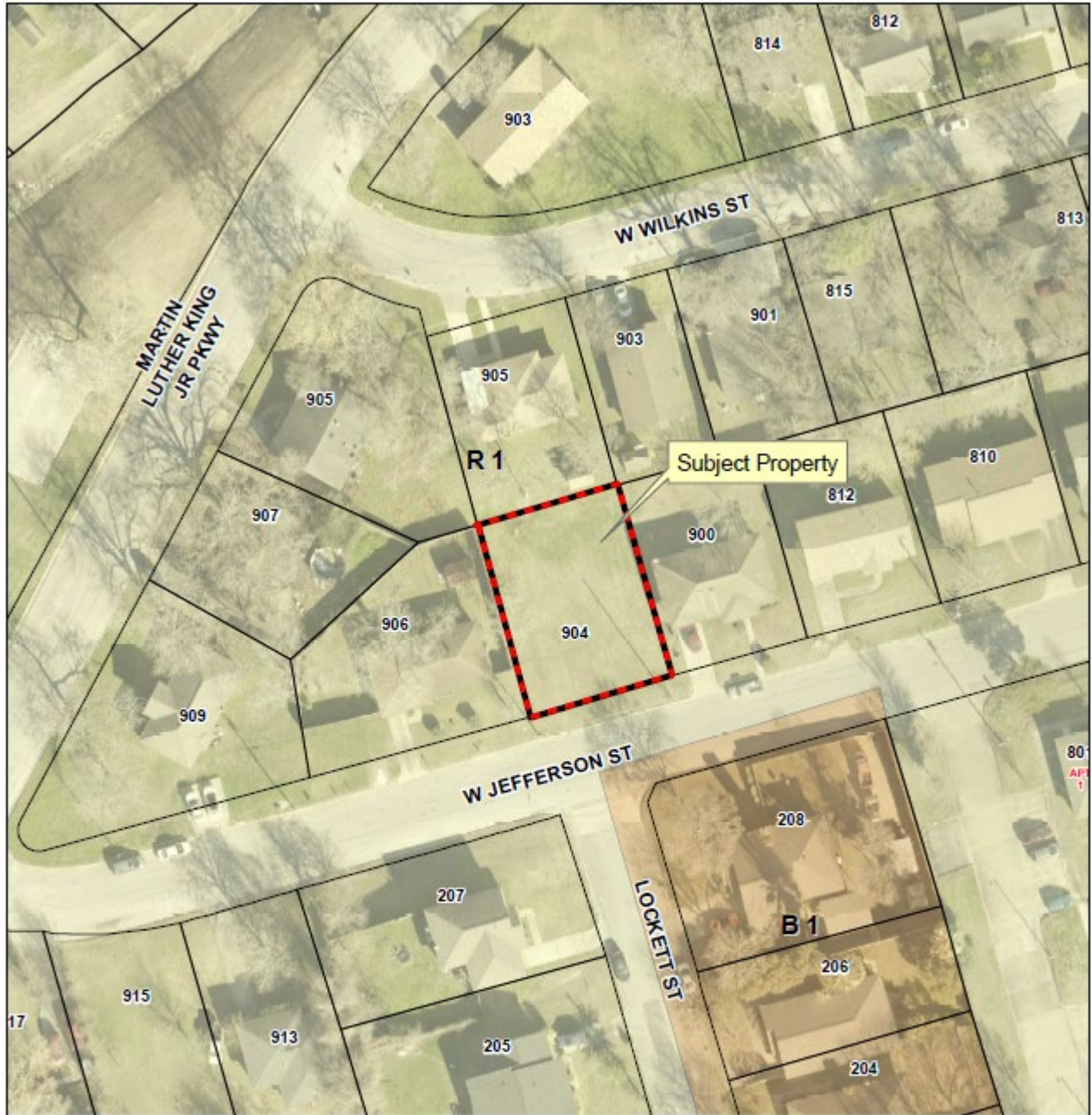
Exception
Minimum Front Yard
904 W. Jefferson



1 inch = 63 feet





EXHIBIT "B"
ZONING MAP



Exception
Minimum Front Yard
904 W. Jefferson



Zoning

-  B1 Local Business Mixed
-  R1 Residential Single Family

1 inch = 63 feet



EXHIBIT "C"
SURVEY



**BOUNDARY & IMPROVEMENT
SURVEY PLAT
OF
LOT 21
IN THE
CITY OF BRENHAM
ARRABELLA HARRINGTON LEAGUE, A-55
OUT OF THE
JAMES A. WILKINS ADDITION (WEST BLOCK)
PLAT CABINET No. 256 A, P.R.
WASHINGTON COUNTY, TEXAS**

LEGEND

- POWER POLE
- LIGHT POLE
- POWER LINE
- ELECTRIC FIDUCIAL
- WOOD PRIVACY FENCE
- CONCRETE
- ASPHALT
- 3/4" IRON ROD FOUND
- 1/2" IRON ROD FOUND
- 1" IRON PIPE FOUND
- 2" IRON PIPE FOUND
- 1/2" IRON ROD SET
- WATER METER
- IRREG CALL



EXHIBIT "D"
FLOOR PLAN

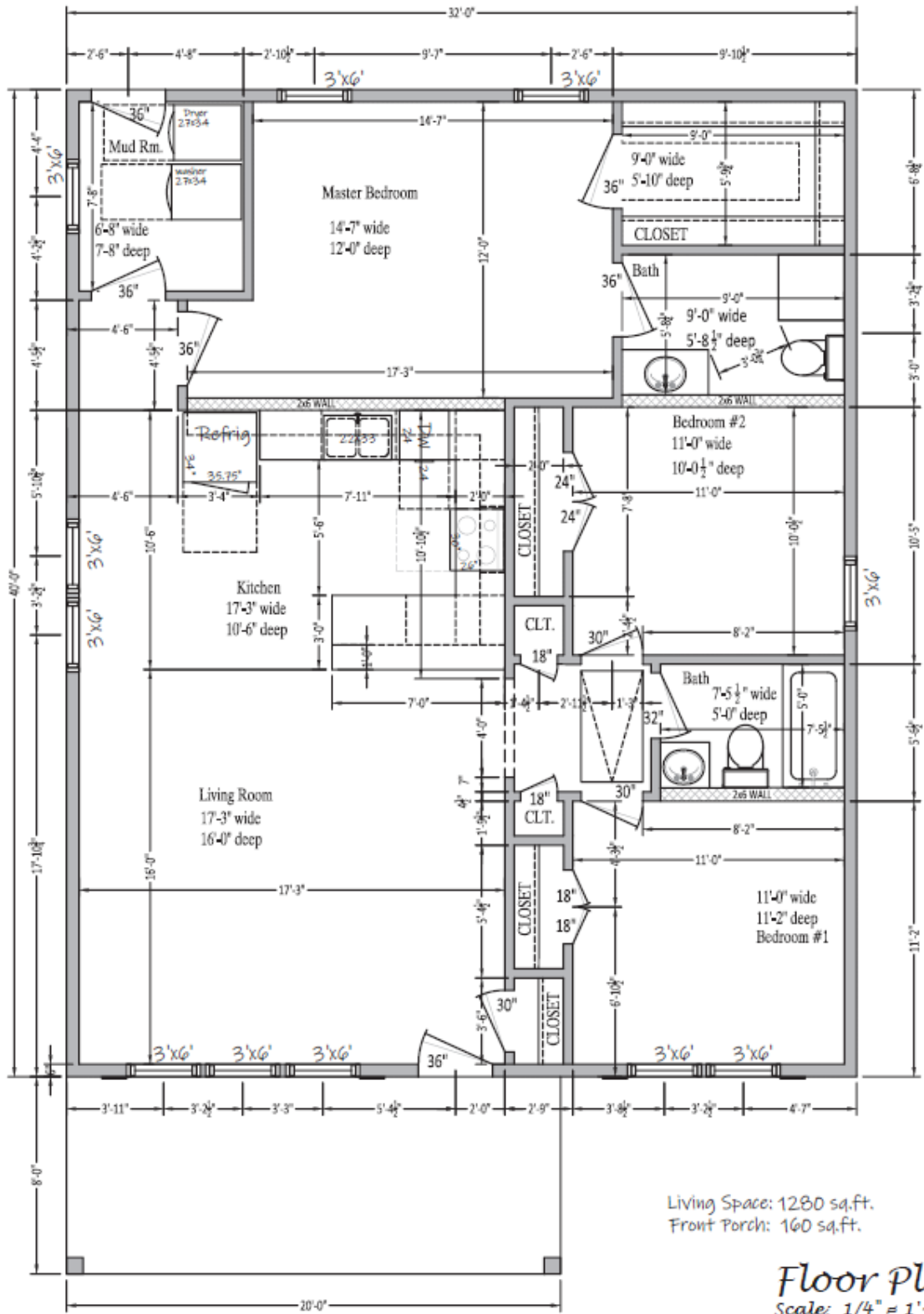


EXHIBIT "E"
SITE PHOTOS

