



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, OCTOBER 11, 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 September 13, 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 October 11, 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 October 4, 2021, at 9:00 a.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 _____, 2021 at _____ am/pm.

Signature

Title

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

September 13, 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 September 13, 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
Mary Lou Winkelmann

Commissioners absent:

Arlen Thielemann (out of town)

Staff present:

Stephanie Doland, Director of Development Services
Kim Hodde, Planning Technician

Citizens / Media present:

Sireta Cuerington
Mary Colvin
Farris Colvin
Joyce McFarland
Bridget McFarland

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:17 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 August 9, 2021, Board of Adjustment Meeting

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Painter and seconded by Commissioner Edmunds to approve the minutes from the August 9, 2021, meeting, as corrected. The motion carried unanimously.

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.**

Stephanie Doland presented the staff report for Case No. B-21-004 (on file in the Development Services Department). Ms. Doland stated that the applicant, Kevin Kuklis, could not be at the meeting. Ms. Doland stated that the subject property is a vacant lot located at 904 W. Jefferson Street. The property is zoned R-1, Single Family Residential and the Future Land Use Map shows the property's use as single-family residential. The lot is a legally non-conforming lot that is approximately 6,650 square feet and is approximately 70-feet wide by 95-feet deep. Current minimum lot requirements are 7,000 square feet or approximately 60-feet side by 225-feet deep. The applicant proposes to construct a 1,440 square foot home on the lot. The applicant is requesting a 5-foot special exception to allow for the porch and overhangs.

Staff finds that:

- The property was platted before Subdivision and Zoning Regulations were adopted in 1967.
- Seven (7) neighboring structures on the block front encroach into the front yard setback with four (4) of them having a front yard setback of less than twenty feet.
- The requested front setback is in character with the surrounding properties.

Notifications were mailed to property owners within 200-feet of the subject property on September 2, 2021. Two written citizen comments were received in opposition to this request. One of the comments was from Debra Lott who lives at 906 W. Jefferson Street. Ms. Lott felt that the location of the survey stakes was not correct. Ms. Doland met with Ms. Lott. After research was completed, it was determined that in 1973, Lockett Street was abandoned and one-half of the abandoned right-of-way (twenty feet) was conveyed to each of the adjoining property owners, 904 and 906 W. Jefferson Street. There was a misconception about where the property line actually was and it was shown that Ms. Lott's fence actually encroaches onto the subject property.

Staff has reviewed the request and recommends approval of the requested special exception to allow a 20-foot front setback where a 25-foot front setback is required for a single-family residence.

Chairman Hodde opened the Public Hearing at 5:33 p.m. and asked for any comments. Various comments were presented by Sireta Cuerington including:

- There are already two homes in the neighborhood that look like "Noah's Ark" sitting on blocks.
- Putting a shot-gun house in between two brick homes lessens neighborhood property values.
- The taxable value of the homes in the neighborhood is higher than you can actually sell them for.

Farris Colvin stated that he has been cutting the property for many years just to keep the neighborhood looking nice. Nobody knew the property was for sale or who owned it. He stated that that the Sr. Citizens apartment Complex is already on one side and the residents of the neighborhood would just like to keep the neighborhood looking nice and uniform.

Commissioner Goss stated that the City cannot regulate building materials such as brick, wood, steel, pier and beam, or a slab-built home. The Board's decision is only regarding the request for a 5-foot reduction in the front building setback.

In response to a question about what will happen if the special exception is denied, Chairman Hodde stated that although the Board understands the citizen concerns, the Board's decision will likely not affect whether or not the applicant builds. It will just affect whether his front setback will be twenty feet or twenty-five feet.

Chairman Hodde closed the Public Hearing at 5:55 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Painter to approve the request by Titan Premier Investments, LLC / Kevin Kuklis for a Special Exception 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. Due to lack of a second, the motion died on the table.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Edmunds to postpone any action on this item until the next Board of Adjustment meeting or the next meeting when the applicant can be present. The motion carried unanimously.

6. Adjourn

A motion was made by Commissioner Painter and seconded by Commissioner Goss to adjourn the meeting at 5:57 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

October 11, 2021
Meeting Date

Attest, Staff Secretary

October 11, 2021
Meeting



To: Board of Adjustment

From: Shauna Laauwe, AICP, City Planner

Re: 904 W Jefferson

Date: October 4, 2021

At the previous Board of Adjustment meeting, on September 13, 2021, the Board held a public hearing regarding a Special Exception request by Kevin Kuklis of Titan Premier Investments, LLC to allow for a 20-foot front yard setback where a minimum 25-foot front yard setback is required for a single-family residence. During the public hearing, residents voiced concerns regarding the proposed building materials, potential adverse effects to neighboring property values, and property upkeep. As the applicant, Mr. Kuklis was unable to attend the meeting to respond to the concerns and questions by the Board, the Board voted unanimously to postpone any action on the item until the next Board of Adjustment meeting or the next meeting that the applicant could be present. Mr. Kuklis has stated his intention to attend the October 11, 2021 meeting to address any questions or concerns of the public and Board.

Since the September 13, 2021 meeting, no additional written public comments have been received.



CASE NUMBER: B-21-004

SPECIAL EXCEPTION REQUEST: 904 W. JEFFERSON STREET

STAFF CONTACT: Shauna Laauwe, AICP City 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 square feet)

**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:

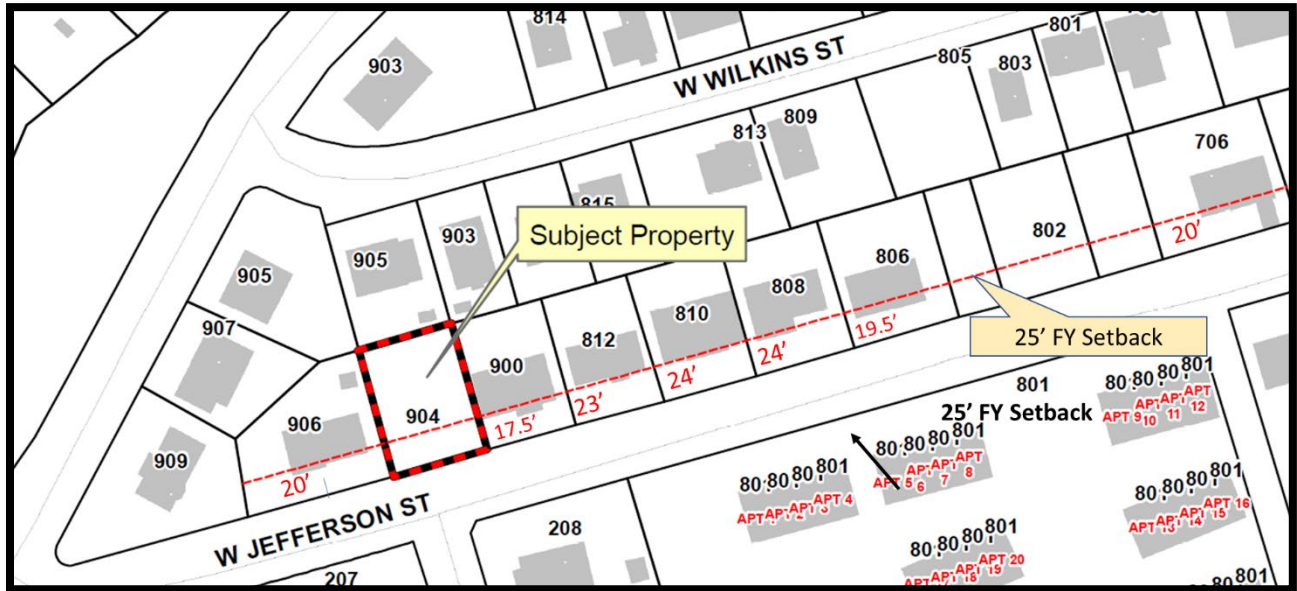
(1) Single-family detached units:

- (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**



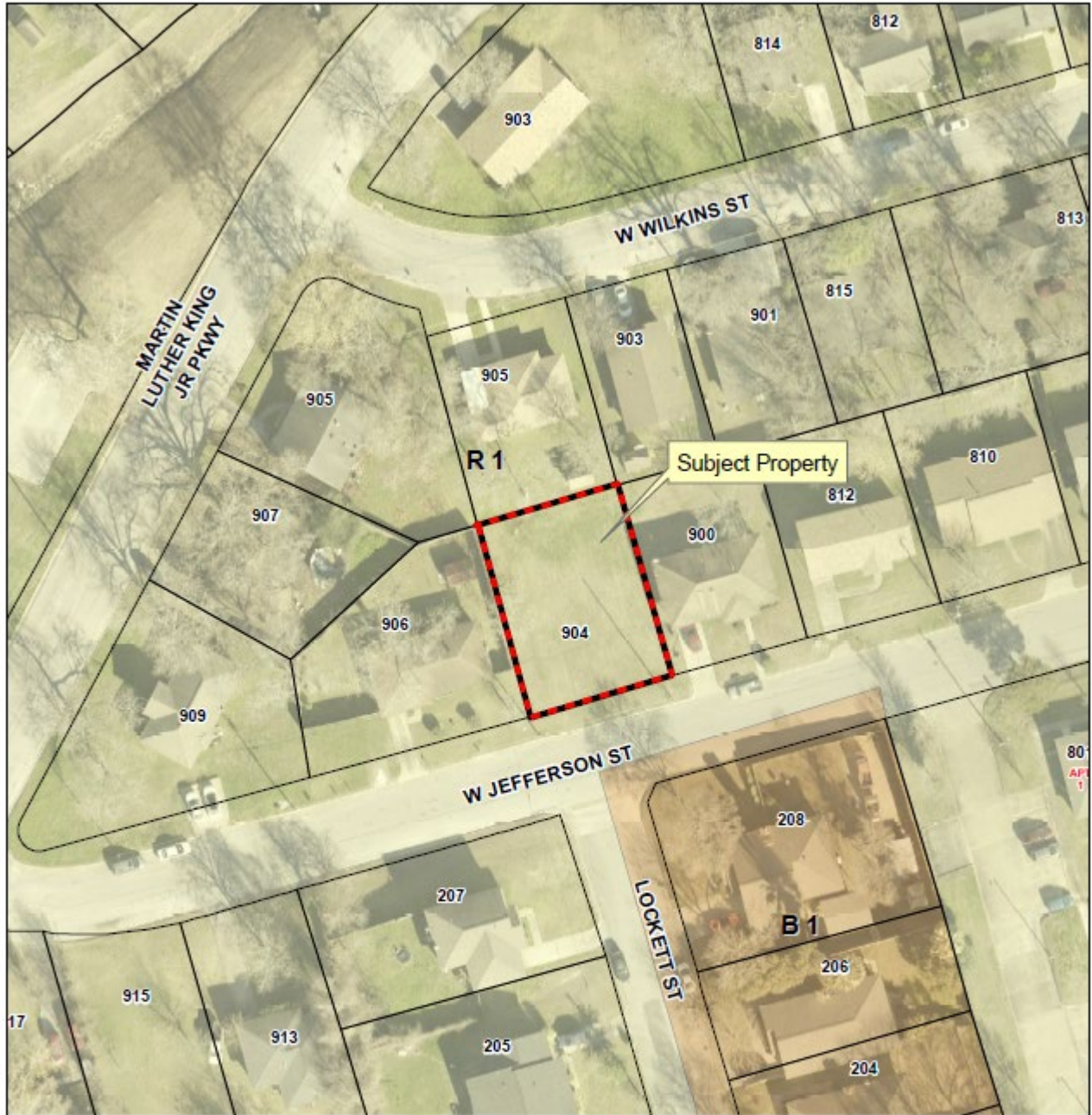
**Exception
Minimum Front Yard
904 W. Jefferson**



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
- IRON CALL

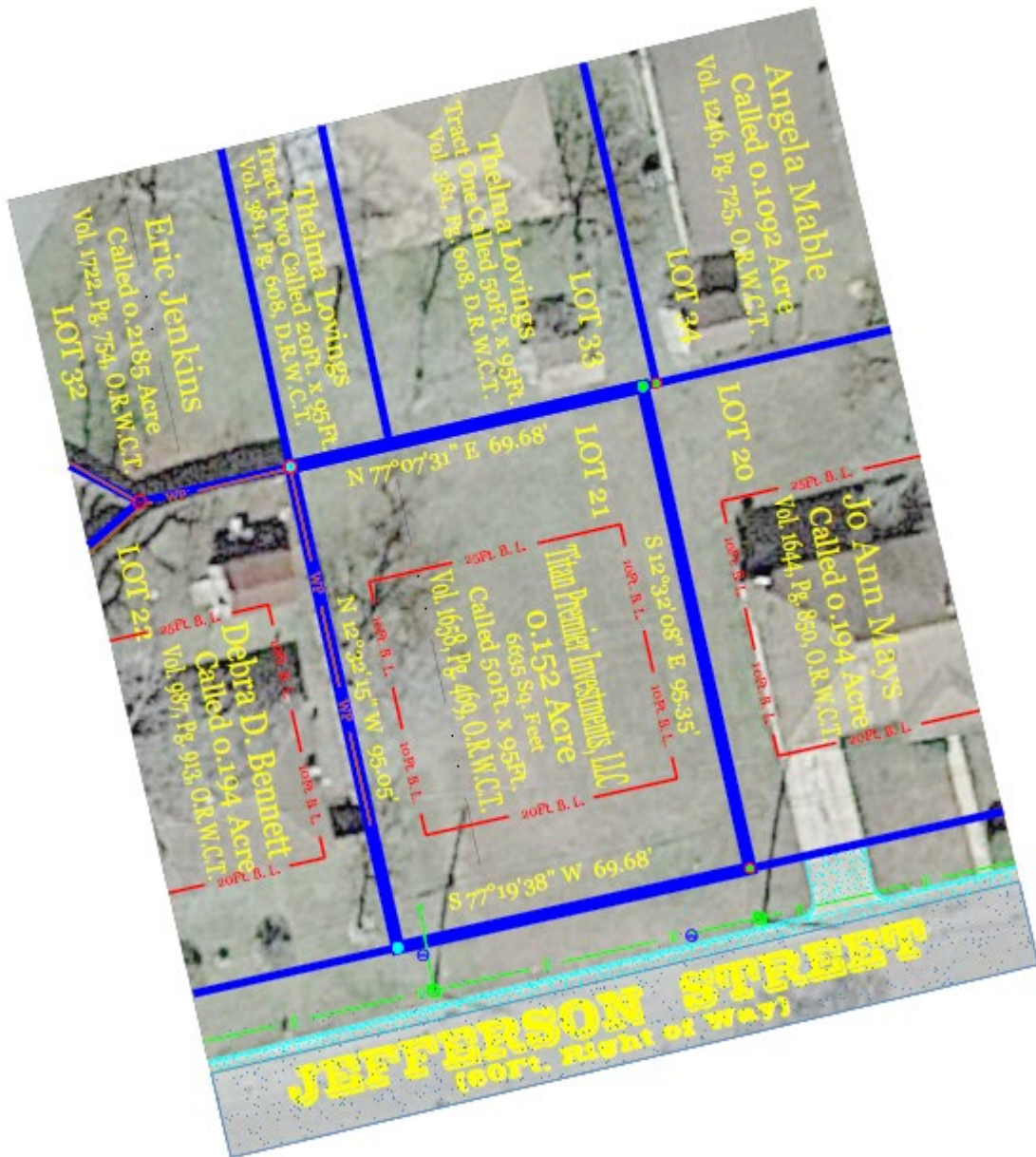


EXHIBIT "D"
FLOOR PLAN

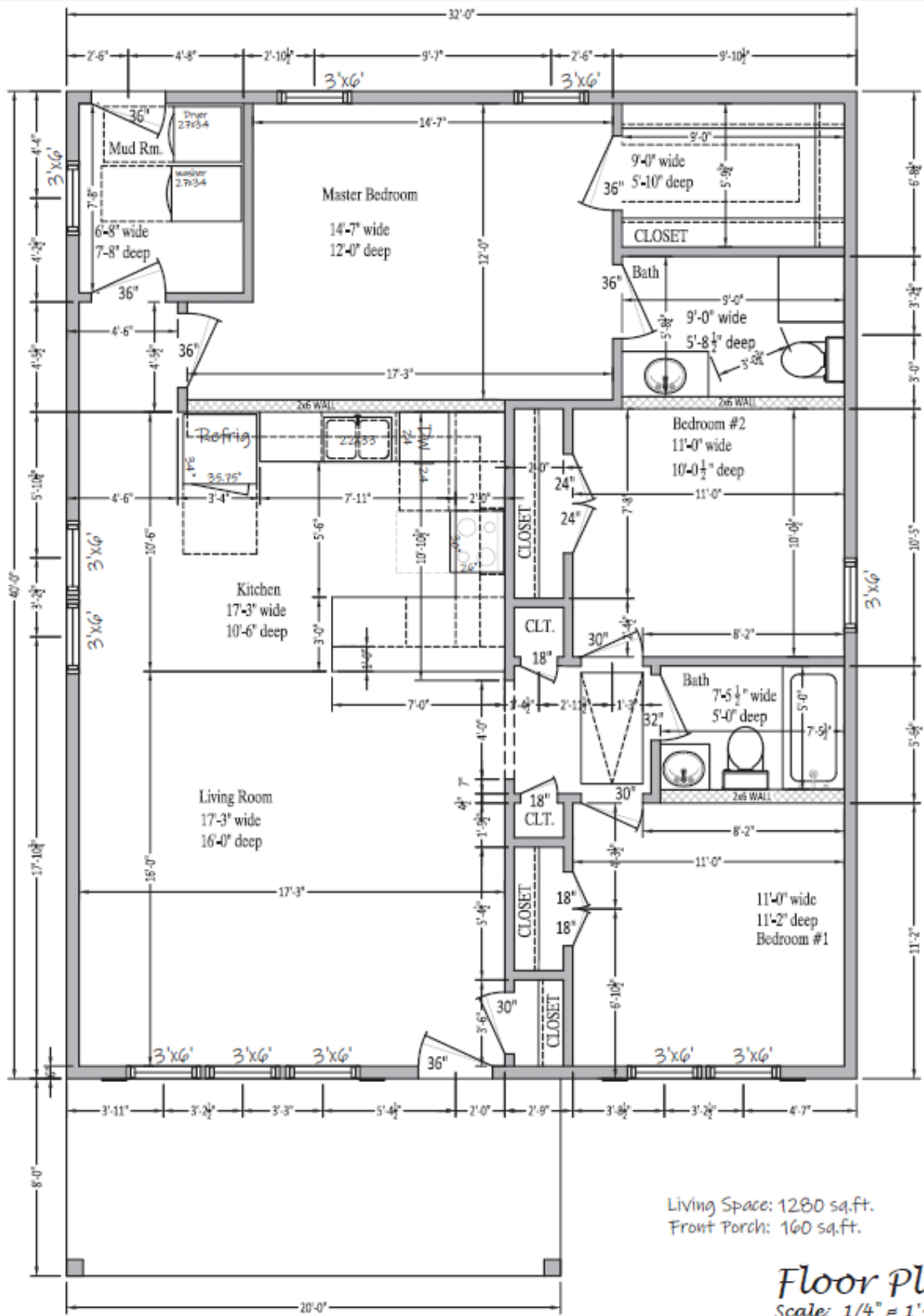


EXHIBIT "E"
SITE PHOTOS

