

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

October 11, 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 October 11, 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, Director of Development Services
Shauna Laauwe, City Planner
Donald Reese, Assistant City Manager
Kim Hodde, Planning Technician

Citizens / Media present:

Alyssa Faykus, Banner Press	
Edwin Johnson	Kevin Kuklis
Sireta Cuerington	Keith and Shirley Jackson
Joyce McFarland	Mary Colvin
Bridget McFarland	Farris Colvin

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:15 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 informed the Board of Shauna Laauwe's promotion to City Planner. Congratulations were given.

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 September 13, 2021, Board of Adjustment Meeting

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Winkelmann and seconded by Commissioner Painter to approve the minutes from the September 13, 2021, meeting, as presented. 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.**

Shauna Laauwe presented the staff report for Case No. B-21-004 (on file in the Development Services Department). Ms. Laauwe stated that this is the same request that was considered at the September 13, 2021, meeting. The subject property is a vacant lot located at 904 W. Jefferson Street that is zoned R-1, Single Family Residential. 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 115-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 *O!* 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.

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.

During the public hearing held by the Board of Adjustment at their September 13, 2021, meeting, concerns were voiced regarding compatibility and that the developer, Kevin Kuklis, was not able to attend to the meeting to answer any questions.

Chairman Hodde opened the Public Hearing at 5:20 p.m. and asked for any comments. Various comments and questions were presented by neighborhood residents, including:

- What type of home will be constructed? All other homes in this neighborhood are brick.
- Will it be a "Noah's Ark" style home?
- Will the person living in the home keep the lot clean? The neighbors have been keeping the lot clean for many years.
- The neighbors are very concerned about whether the home will be compatible and whether their property values will decrease.

Shauna Laauwe stated that a couple years ago the Texas Legislature removed the City's ability to regulate building materials as long as they are approved by the International Building Code. Planned Development Districts are one of the few avenues where additional restrictions can be imposed.

In response to the citizen comments, Kevin Kuklis stated:

- He has a floor plan but has not determined if the home will be on a slab or pier and beam due since soil testing and engineering has not yet been performed. The home will be engineered.
- The setback is needed due to the topography of the land.
- 95% of the homes he builds are brick.

Several citizens stated that they just want to know what is being built. Mr. Kuklis stated that he could not answer that question at this time.

Commissioner Goss stated and staff verified that the eave of a house can extend into the setback a maximum of 18-inches and that steps are allowed in the setback; however, a covered porch with steps is not allowed to encroach.

Chairman Hodde stated that the Board appreciates the citizen comments and fully understands; however, he reiterated 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. Chairman Hodde stated that the Board's decision will likely not affect whether or not the applicant builds or what type of building material is used. The decision may only affect whether the front setback will be twenty feet or twenty-five feet.

Chairman Hodde closed the Public Hearing at 5:56 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Thielemann and seconded by Commissioner Painter to deny 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, as presented. The motion carried unanimously.

6. Adjourn

A motion was made by Commissioner Painter and seconded by Commissioner Winkelmann 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

November 8, 2021
Meeting Date

Kim Hodde
Attest, Staff Secretary

November 8, 2021
Meeting Date