

**CITY OF BRENHAM  
BOARD OF ADJUSTMENT MINUTES**

**November 8, 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 November 8, 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:

Stephanie Doland, Director of Development Services  
Shauna Laauwe, City Planner  
Kim Hodde, Planning Technician

Citizens / Media present:

Alyssa Faykus, Banner Press  
Kathie Boehnemann  
Stephen Ellwood  
Nelson Sosa

**1. Call Meeting to Order**

Chairman Hodde called the meeting to order at 5:23 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 October 11, 2021, Board of Adjustment Meeting

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Thielemann and seconded by Commissioner Painter to approve the minutes from the October 11, 2021, meeting, as presented. The motion carried unanimously.

#### REGULAR AGENDA

5. **Public hearing, Discussion and Possible Action on Case Number B-21-005: A request by Kathie Boehnemann for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(3)(b)(ii) to allow a 0-foot south side setback, where a minimum 10-foot side setback is required, for construction of a carport at 505 Hosea Street, described as Lot 3 of the Millennium Subdivision, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-21-005 (on file in the Development Services Department). Ms. Laauwe stated that this request by Kathy Boehnemann is for a zero south side setback for construction of a carport on the south side of the subject property to keep her vehicle out of the elements. The subject property located at 505 Hosea Street is a single-family residence that was platted and developed as a patio home. Patio home (zero lot line) lot minimum standards differ from single family residence lot requirements in that the minimum lot size is 4,000 square feet and one side setback is required to be at least ten foot and the other side can be built up to the property line (no setback). The subject property and the two lots to the north and south were platted as patio homes in the Millennium Subdivision Plat in December 2003. The plat states that the north side of the property is the zero-lot line side. Note #4 on the plat states that there is a perpetual five-foot-wide wall-maintenance easement on the south lines of Lots 1,2,3, and 4 dedicated per this plat. With the exception of walls and/or fences, these five feet shall be kept free of structures. If a variance is granted, the property would need to be re-platted to remove this perpetual wall note. The applicant proposes construction of a 20'x13.3' open-air carport with two options placement locations: Option 1- 53-feet from front property line or Option 2 – approximately 57-feet from front property line. The property to the south of the subject property is currently developed with a single-family residence that is placed 10.5-feet from the north property line; however, they have the right to build to the north property line.

A variance runs with the property not the structure and cannot be restricted to just the “carport area”; therefore, if a zero-side setback is approved for this property, future development would be allowed up to the south side property line. Additional fire and building standards would be applied to the subject property and the adjacent neighbor if a variance were granted. The lot currently meets all city standards. This request for a zero-side setback on both sides of this lot does not meet the intent of the ordinance nor does it meet the criteria required for granting a variance since variances are intended for lots whose size, shape or other attributes renders them undevelopable without a variance.

In response to the applicant’s question as to why the Board can’t grant a variance specific to the carport, Ms. Laauwe responded that the Texas Local Government Code doesn’t allow conditions to be placed on variances, therefore, if a variance is granted it would be for the entire south property line.

Notifications were mailed to property owners within 200-feet of the subject property on October 28, 2021. Three written citizen comments were received in support of this request.

Staff has reviewed the request and recommends denial of the requested variance to allow a ten-foot reduction in the required ten-foot south side yard setback requirement for a setback of zero (0) feet.

Chairman Hodde opened the Public Hearing at 5:51 p.m. and asked for any comments. There were no comments.

Chairman Hodde closed the Public Hearing at 5:51 p.m. and re-opened the Regular Session.



A motion was made by Commissioner Painter and seconded by Commissioner Thielemann to deny the request Kathie Boehnemann for a Variance to allow a 0-foot south side setback, where a minimum 10-foot side setback is required, for construction of a carport at 505 Hosea Street, as presented, since criteria required for granting a variance was not met. The motion carried unanimously.

**6. Public hearing, Discussion and Possible Action on Case Number B-21-006: A request by Nelson Sosa and Katherine Hawes for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 9.03(3)(b)(ii) to allow a 10-foot north side setback, where a minimum 15-foot side setback is required; and a request for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 9.03(2)(e) to allow parking to be located to the front of the property, where parking is required to be located to the rear for a multifamily development in the Downtown Business / Residential Overlay District (DBROD) at 411 Church Street, described as Lot 4, Block 93 of the Original Town Addition, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-21-006 (on file in the Development Services Department). Ms. Laauwe stated that this request is from Nelson Sosa and Katherine Hawes for construction of a 5-unit multi-family development at 411 Church Street. The subject property is located on the east side of Church Street generally south W. First Street and north of W. 2<sup>nd</sup> Street and is zoned as Downtown Business / Residential Overlay District (DBROD) and the property is currently developed with a storage building and accessory structures built up to the property line. The lot is approximately 9,452 square feet and is surrounded by various zoning districts: B-3- Historical and Central Business District, B-3 Neighborhood Business District, B-2 Commercial Research and Technology District, and R-2 Mixed Residential District. The DBROD was established in 2017 and is the transitional area between the downtown and residential districts. There are no setback or parking requirements in the downtown zoning district. The applicant requests a variance to allow a 10-foot north side yard setback where a minimum 15-foot side yard is required for construction of the proposed 5-unit apartment complex. The applicant also requests a special exception to allow the parking to be located in front of the property where the parking is required to be located to the rear of the property for multi-family development in the Downtown Business / Residential Overlay District.

The applicant proposes to construct a 3-story (39'8" height), 7,554 square foot building with (2) one bedroom / one bath units and (2) two bedroom / two bath units. The third floor is proposed as one large two bedroom / two bath unit for the property owner or property manager. Ten parking spaces are required. The multifamily development requirements for this property are as follows:

- Front yard setback of 25-feet
- Side yard setback of 15-feet
- Rear yard setback of 15-feet
- Lot area minimum of 1,000 square feet per dwelling unit
- Minimum lot width of 50-feet
- Minimum lot depth of 100-feet
- Maximum lot coverage of 75%
- Parking for multifamily to be located at the rear of the property.

In order to put the parking to the rear of this development, a 24-foot drive aisle would be required. This would require an additional setback variance and would make a 1-foot setback on either the north side or the south side of the property. The developer is trying to meet the setback requirements as much as possible.

Notifications were mailed to property owners within 200-feet of the subject property on October 28, 2021. One written citizen comment and one verbal comment was received in support of this request.

Staff has reviewed the request and finds that the proposed development site plan is closer to conformance with the City's adopted standards than the existing structure and the 10-foot north side setback is a better option than a lesser setback to allow for the drive aisle. This development will be required to meet all other zoning, building and fire codes. Staff recommends approval of the requested variance to allow a 10-foot north side yard setback

and approval of a special exception to allow off-street parking for the proposed multi-family development to be located in the front of the structure at 411 Church Street. In response to Commissioners questions, Ms. Laauwe stated that the stairwell encroaches 2'10" into the setback but it is allowed to encroach up to five feet. Commissioner Edmunds urged the developer to put something (fencing or screening) on the sides in addition to the landscaping to keep headlights from shining into the neighboring homes. Stephanie Doland, Director of Development Services, stated that this area of town is challenging for development since the standards for this area were developed as a transition between Downtown zoning to the north and traditional single-family zoning to the south.

Chairman Hodde opened the Public Hearing at 6:19 p.m. and asked for any comments. Stephen Collier stated that this project is an improvement to what currently exists on the property thanked the Board for consideration of these requests.

Chairman Hodde closed the Public Hearing at 6:20 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Painter and seconded by Commissioner Thielemann to approve the request for a variance to allow a 10-foot north side yard setback and approval of a special exception to allow off-street parking for the proposed multi-family development to be located in the front of the proposed structure at 411 Church Street, as presented. The motion carried unanimously.

**7. Adjourn**

A motion was made by Commissioner Painter and seconded by Commissioner Edmunds to adjourn the meeting at 6:22 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.*

*Jon E. Hodde*  
Chairman

December 13, 2021  
Meeting Date

*Kim Hodde*  
Attest, Staff Secretary

December 13, 2021  
Meeting Date