

NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, MAY 10, 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 November 9, 2020 Board of Adjustment Meeting

## **REGULAR AGENDA**

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

7.	Public hearing, Discussion and Possible Action on Control Cont	Im Code of Ordinances, Appendix A – Illow a 100-foot lot depth, where a e-family residence to be located at 709 of the Jim Fields Addition (an	
8.	Adjourn		
CERTIFICATION			
I certify that a copy of the May 10, 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 May 6, 2021, at 8:15 am.  Kim Hodde  Kim Hodde, Planning Technician			
<b>Disability Access Statement:</b> 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.			
	t the attached notice and agenda of items to be con me from the City Hall bulletin board on the _ am/pm.		
Signature		Title	

# CITY OF BRENHAM BOARD OF ADJUSTMENT MINUTES

## November 9, 2020

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 9, 2020 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:

Shauna Laauwe, Project Planner Kim Hodde, Planning Technician

## Citizens present:

Cheryl Sevin

## 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

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 May 11, 2020 Board of Adjustment Meeting

Chairman Hodde called for any corrections or additions to the minutes as presented. Kim Hodde stated that on item number 1 of the minutes, it should read Vice Chairman Painter instead of Chairman Hodde. A motion was made by Commissioner Painter and seconded by Commissioner Thielemann to approve the minutes from the May 11, 2020 meeting, as corrected. The motion carried unanimously.

#### **REGULAR AGENDA**

5. Public hearing, Discussion and Possible Action on Case Number B-20-004: A request by Jared and Rachel Cook for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05 (1)(b) to allow a 6-foot side yard setback where a minimum 10-foot side yard setback is required for an existing detached structure to be attached to a residential dwelling located at 1607 S. Jackson Street, described as Lots 7 & 8 of W. G. Wilkins Addition, in Brenham, Washington County, Texas.

Shauna Laauwe presented the staff report for case No. B-20-004 (on file in the Development Services Department). The subject property located at 1607 S. Jackson Street is zoned R-1, single family residential, with the future land use designation being single family residential. The property is currently developed with a single-story residential structure that was built in 1958 (renovated in 1994) and a detached accessory structure (garage). This home was constructed prior to the City's adoption of zoning in 1968. The property owner/applicant recently purchased the long-time "family home" and would like to renovate it by attaching the existing carport and garage to the home, remodeling the space as well as extending it to construct a 21'x41' addition. The existing accessory structure is approximately 6-feet from the side property line and is currently in conformance with City regulations. However, if an accessory structure is attached to a main structure, it has to adhere to the main structure setbacks, which is a 10-foot side setback. The property owner/applicant is requesting a 4-foot variance to allow the side setback of 6-feet in order to renovate this property for their family.

Notifications were mailed to property owners within 200-feet on October 29, 2020. No comments have been received regarding the request.

Staff has reviewed the request and recommends approval of the requested variance to allow a 6-foot side yard setback where a 10-foot side yard is typically required.

Chairman Hodde opened the Public Hearing at 5:31 p.m. and asked for any comments. Cheryl Sevin stated that she owns property across the street (1604 & 1608 S. Jackson Street) and is in support of the variance as the owner is trying to improve the property. There were no other comments.

Chairman Hodde closed the Public Hearing at 5:33 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Painter to the approve request by Jared and Rachel Cook for a variance to allow a 6-foot side yard setback where a minimum 10-foot side yard setback is required for an existing detached structure to be attached to a residential dwelling located at 1607 S. Jackson Street (Case No. B-20-004), as presented. The motion carried unanimously.

#### 6. Adjourn

A motion was made by Commissioner Thielemann and seconded by Commissioner Painter to adjourn the meeting at 5:35 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	Meeting Date
Attest, Staff Secretary	 Meeting

City of Brenham Board of Adjustment Staff Report May 10, 2021



## CASE NUMBER: B-21-001

## SPECIAL EXCEPTION REQUEST: 311 E. MAIN STREET

STAFF CONTACT: Shauna Laauwe, Project Planner

OWNERS/APPLICANTS: Mary Louise Thornhill

**ADDRESS/LOCATION:** 311 E. Main Street (Exhibit "A")

**LEGAL DESCRIPTION:** Lot 50, East Main Subdivision, in Brenham,

Washington County, TX

LOT AREA: Approximately 0.44 acres

USE:

B-1 Local Business Residential Mixed-Use District / Single Family Home

(Exhibit "B")

COMP PLAN

**FUTURE LAND USE:** 

**ZONING DISTRICT/** 

Mixed Use Downtown Adjacent

**REQUEST:** 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 1.02(2) of the City of Brenham Zoning Ordinance, a 3-foot west side yard setback where a 10-foot side yard setback is required for an accessory dwelling unit located at 311 E. Main Street, being Lot 50, East Main Subdivision, in Brenham, Washington County, Texas. (Exhibit "C" – Letter Submitted by

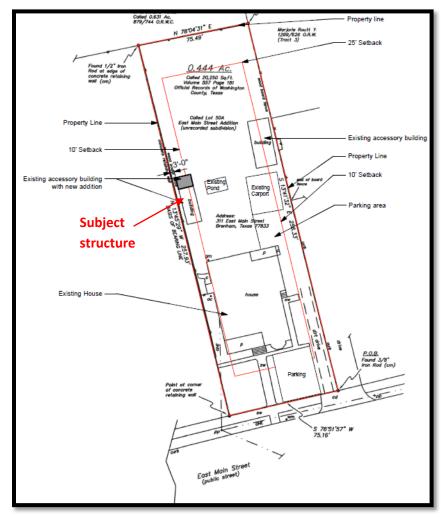
Applicant)

### **BACKGROUND:**

The subject property is an approximate 19,363 square foot (0.44 acre) tract of land that is located on the north side of East Main Street between North Market Street to the west and Clinton Street to the southeast. Approximately 150 feet to the west is the B-3, Historical and Central Business District (shaded in pink in the aerial photo). The subject property and all adjacent properties are zoned B-1, Local Business Residential Mixed-Use District. The property is developed as single-family residential and consists of 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 nonconforming structures and are located to the rear of the principal home, with one located on the west



property line and the other on the opposite east property line. The accessory structures predate the City zoning regulations and are located within the minimum required 10-foot side yard setback. The special exception request is regarding the west accessory structure that measures 24'4"x 10'4" (251 sf) and is 35 inches from property line. The property owner / applicant, Mary Louise Thornhill, desires to utilize the west accessory structure as an Air B&B suite which will require renovations to include extending the north end of the existing structure by approximately 83 square feet. The proposed plan calls for expanding the structure by 8' in length and 10'4" in width to accommodate the installation of a bathroom. The addition will be in line with the existing building lines, except that the 8 feet in length portion will notch in approximately 1 inch to the east to allow for a three (3) foot setback of the existing nonconforming structure (Exhibit "C" – Site Plan Submitted by Applicant). Thus, the



applicant is seeking a Special Exception to allow a seven (7) foot reduction of the minimum required ten (10) foot side yard setback to allow for the expansion of a nonconforming structure.

## **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:

(2) The extension or enlargement of a nonconforming structure, provided that the structure or portion thereof being extended or enlarged is not for the purpose of a nonconforming use.

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

- (1) Size of yards:
  - (b) Side yard: There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet Size of yards.

#### STAFF RECOMMENDATION:

Staff has reviewed the request and **recommends approval**. The subject property consists of a historic home that was constructed in 1884, with two accessory structures that were also constructed in the same time period. The structures and surrounding neighborhood were developed prior to the adoption of the Zoning Ordinance and building setback lines. Due to the age of the structure, it would likely cause damage to move it to a location within the property that met the minimum required setbacks. As for the reasoning to expand to the north and extending the building within the side yard setback, the entrance to the existing structure and a large window are located on the east elevation, making it more plausible to expand the structure to the north, rather than to the east.

No adverse effects to the adjacent properties or the surrounding neighborhood are expected with the proposed expansion of the nonconforming accessory structure. The adjacent property to the west (309 E Main) is also developed as a single-family use with a historic residential structure built in 1884. While the subject accessory structure is only 29.5 inches from the west property line, the adjacent property to the west does not have any existing structures in the vicinity. The adjacent home is south to the subject structure and other buildings on the lot being placed on the opposite side of the lot. In addition, the west property also has several mature trees that help screen the view of the subject structure. The adjacent property to the north is developed as a parking lot and the adjacent property to the east is developed as townhomes that are screened by other structures and mature trees. Due to the proposed use being a habitable structure that would be less than five (5) feet from the property line, the removal of windows and a fire wall will be required on the west elevation of the structure per adopted fire and building codes. In case of fire, the addition of a firewall and other fire code requirements will help prevent the potential spread of fire to the adjacent west property. The surrounding neighborhood includes B-1 properties in all directions; however, the property is in proximity to the B-3, Downtown Historic District as the district boundary is located approximately 150 feet to the west. The historic structures on the subject property are in character with the Downtown District and are also similar in terms of setbacks as the B-3 District does not have any setback regulations.

The provision to request a special exception states: "The extension or enlargement of a nonconforming structure, provided that the structure or portion thereof being extended or enlarged *is not for the purpose of a nonconforming use.*" Short-term rentals, such as Air BnBs, in addition to accessory dwelling units, are permitted uses within the B-1 Districts. Some restrictions and regulations apply, including providing an off-street parking space, the property owner must reside on the property, and that the units must be smaller and in character with the principal structure.

Based on the finding that the expansion will not cause any adverse effects to the adjacent property owners and that the existing accessory structure has been in its current location for 137 years, this request meets the criteria for Part IV, Division 4, Section 1.01(2), Special Exceptions of the Zoning Ordinance. Should the special exception be denied, the applicant would be required to adhere to the 10-foot side yard building setback.

Staff has reviewed the request and recommends the following:

 Approval of seven (7) foot reduction in the required west side setback from 10' to 3' (existing accessory structure setback) The proposed extension or enlargement of this nonconforming structure is not encroaching any further than the existing structure; therefore, this request meets the criteria for Section 1.01(2), Special Exceptions of the Zoning Ordinance. Should the special exception not be granted, the reduction would be a violation and would not be permitted for the extension of the accessory structure/dwelling addition. Should the special exception be granted the applicant would be permitted to construct the proposed extension of the existing accessory structure within 3' of the western property line.

## **PUBLIC COMMENTS:**

Property owners within 200 feet of the project site were mailed notifications of this proposal on April 29, 2021. Any public comments will be provided in the Board of Adjustment Packet or during the public hearing.

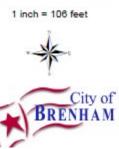
## **EXHIBITS:**

- A. Aerial Map
- B. Zoning Map
- C. Site Plan
- D. Site Photos

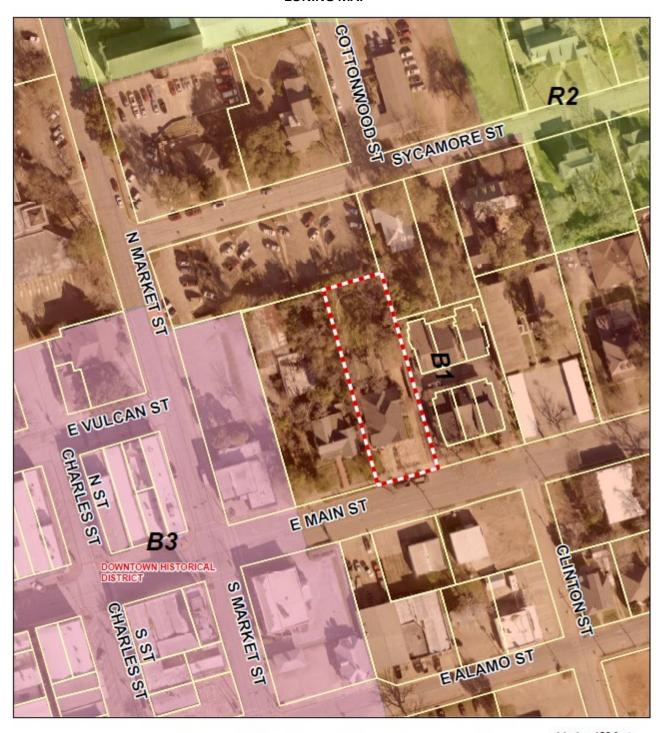
EXHIBIT "A" AERIAL MAP



Special Exception Request 311 E Main Street



**EXHIBIT "B" ZONING MAP** 



## **Special Exception Request** 311 E Main Street

## Zoning B1 Local Business Mixed

**B3 Historical and Central Business** 

R2 Mixed Residential



EXHIBIT "C" SITE PLAN

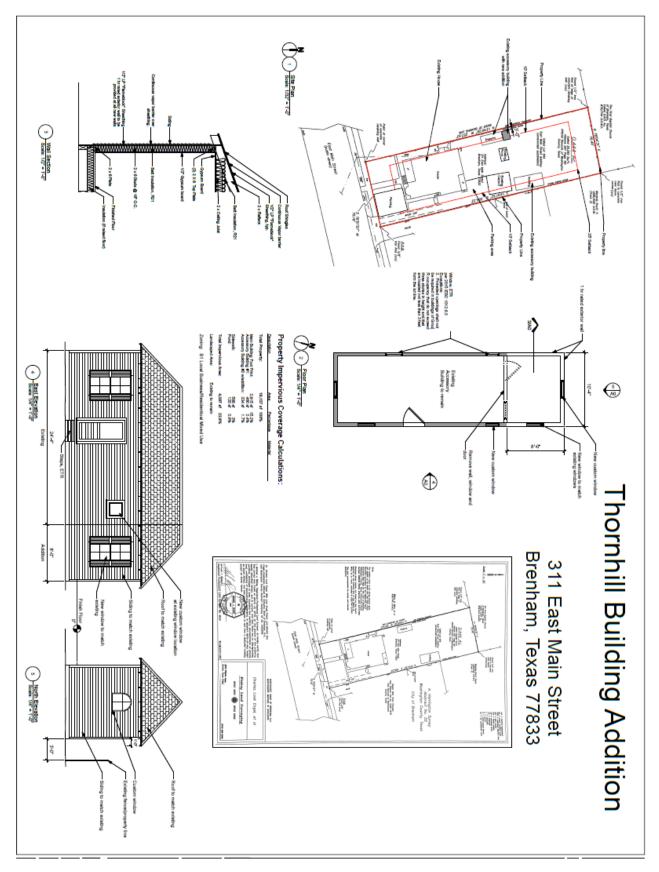
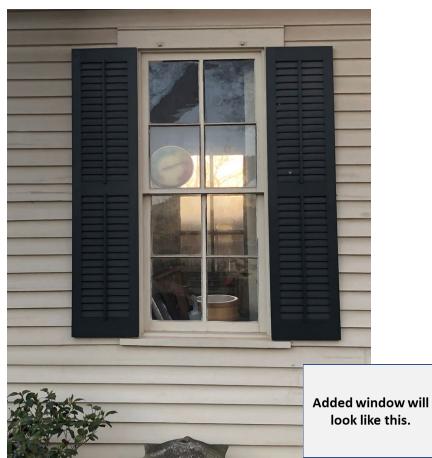


EXHIBIT "D"
PHOTOS (Provided by Applicant)









City of Brenham Board of Adjustments Staff Report May 10, 2021



## CASE NUMBER: B-19-002

**VARIANCE REQUEST: 707 & 709 CAMPBELL STREET** 

**STAFF CONTACT:** Shauna Laauwe, Project Planner

**OWNERS/APPLICANTS:** Kevin Wayne Chapel

ADDRESS/LOCATION: 707 & 709 Campbell Street (Exhibit "A")

**LEGAL DESCRIPTION:** Jim Fields Addition (an unrecorded Subdivision, Block 1, Lots 3 and 4)

LOT AREA: Approximately 10,000 square feet (Proposed configuration)

**ZONING DISTRICT/** R-2 Mixed Residential Use District / Single-family residence

**USE:** (Exhibit "B")

**COMP PLAN** Single-Family Residential

**FUTURE LAND USE:** 

**REQUEST:** A request 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 99.75-foot lot depth where a minimum 115-foot lot

depth is required for a single-family residence (Exhibit "C").

#### **BACKGROUND:**

The subject properties are located on the north side of Campbell at 707 and 709 Campbell Street and are currently owned by Kevin Wayne Chapel. The subject property (709 Campbell Street) has a single family residence that is under construction. The property, as well as surrounding properties, are currently zoned as R-2 Mixed Residential Use District.

The subject property is currently part of the Jim Fields Addition, an unrecorded subdivision, and comprises of Lots 3 and 4 of Block 1, both are undeveloped vacant tracts. Each of these nearly identical lots are nonconforming as they have a lot size of 5,000 square feet, lot width of 50 feet and



lot depth of approximately 100 feet. The City's Zoning Ordinance requires a minimum lot size of 7,000 Square Feet with a minimum lot width of 60-feet and depth of 115-feet. The applicant, Kevin Wayne Chapel, is currently constructing a home at 709 Campbell Street (Lot 4). During the foundation inspection, and upon reciept of the form survey, it came to the Building Inspector's attention that the home was encroaching into the required side

yard setback by 3.2feet. The applicant is also the owner of the adjacent vacant lot, however to correct the encroachment into the building setback, the lots are required to be replatted into one single lot. It was then discovered that the Jim Fields Addition was never officially approved and recorded with the Register of Deeds, thus the lots are considered to be unplatted tracts of land. The applicant proposes to plat the lots into one lot to be known as the Chapel Addition that is scheduled to be heard by the Planning and Zoning Commission on May 14, 2021 (See Figure 1 below). The combining and platting of the lots into one will bring it more in conformance as the newly formed Lot 1 will be 10,000 square feet (.223-acres) and have a lot width of 101 feet, however the lot will still have a nonconforming lot depth of 99.75 feet. The proposed plat may not be approved without a Variance to the lot depth by the Board of Zoning Adjustments.

Therefore, the applicant, is requesting a variance for a 15-foot reduction to the minimum required 115 foot lot depth to bring these properties into compliance and allow these two properties to be replatted into one lot for construction of a single family residence.

N 83°39'56" E 101.74' (N 85° E 50') (N 87° E 50') CM SEE DETAIL "C" JIM FIELDS ADDITION TO THE CITY OF BRENHAM A. HARRINGTON LEAGUE AN UNRECORDED SUBDIVISION ABSTRACT NO. 55 99.75 KEVIN WAYNE CHAPEL KEVIN WAYNE CHAPEI CALLED 5,000 SQ. FT. CALLED 5,000 SQ. FT. LOT 4 BLOCK 1 LOT 3 BLOCK 1 C.C.L.W.C.T. C.C.L.W.C.T. (NORTH LOT 1 0.233 ACRE 25' B.L SEE DETAIL "B" SEE DETAIL "A" (S 85° W 50') (S 87° W 50') S 83°56'27" W 101.05' 101.05 CAMPBELL STREET (CALLED 40' RIGHT-OF-WAY)

Figure 1

### **APPLICABLE SECTION OF ORDINANCE AND ANALYSIS:**

(Sec.5.02)(132)Variance: A type of relief that may be granted by the Board of Adjustment in order to accommodate appropriate development of a particular parcel of land that cannot otherwise be appropriately developed. The granting of such relief is subject to the standards and procedures as established in part IV, Variances, Special Exceptions, Nonconforming Uses and Appeals, Division 1. The Board may not grant variances to use requirements or procedural requirements related to the granting of a variance.

(DIVISION 2. VARIANCES Sec. 1. Limitations.) The Board of Adjustment shall have the authority to grant variances in accordance with the standards and procedures provided herein, from any and all technical requirements of the

zoning ordinance, but may not grant variances to use requirements or procedural requirements or for procedural requirements for hearing or notice, <u>provided that</u>:

(1) Such modifications are necessary to accommodate appropriate development of a particular parcel of land that is restricted by attributes inherent in the land such as area, shape or slope to the extent that it cannot otherwise be appropriately developed.

The subject property has been part of the unrecorded Jim Fields Addition as Lots 3 and 4 of Block 1 since the 1920s. The City of Brenham adopted zoning in 1968 and at that time established minimum lot standards. Therefore, at the time the Jim Fields Addition was formed, neither the city nor the county had established minimum lot standards and as a result, when the zoning requirements were established, the lots became legally nonconforming.

The property owner, Kevin Chapel was made aware of this nonconformance when it was found the single-family home he was constructing was encroaching into the required side-yard setback. Mr. Chapel is the owner of both 709 and 707 Campbell Street and rather than tear down progress made on his new home, he is requesting to combine the properties into one lot and as such is required to formally plat the properties. Mr. Chapel is seeking a variance to the minimum lot depth requirements in an effort to correct the existing nonconformance and plat the lot into one that is closer in accordance with the City of Brenham Subdivision Ordinance. The combining of the two lots into one would result in the lot coming into conformance and exceeding the minimum lot width and lot size for a R-2 District property. However, the abutting properties to the north are also nonconforming in lot depth and are developed as single-family homes. As the properties to the north are developed as single-family lots, it is not possible to purchase additional property to bring the lot depth into conformance.

Replatting of the subject property will allow a plat for the subject tracts to be filed and will bring this property at 709 Campbell Street into conformance. Staff finds that the proposed variance is necessary to accommodate development in the vicinity and in conformance with the City's adopted Comprehensive Plan and zoning map. (Exhibit "C").

(2) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, nor substantially increase the congestion in the public streets, nor increase the danger of fire, or in any way endanger the public health, safety and well-being of the neighborhood in which the subject property is located.

Granting the variance to the minimum lot depth will not be materially detrimental or injurious to other properties and improvements in the general vicinity of the subject property. The subject property is zoned R-2 Mixed Residential District and as such, minimum lot standards include 60-foot width, 115-foot depth, and a minimum size of 7,000 square feet. The properties have never met the minimum lot width, minimum lot depth, nor the minimum lot area requirements as it was developed as part of unrecorded subdivision and before the City's adoption of zoning regulations. The properties each currently measure approximately 50 feet in width, 100 feet depth and 5,000 square feet. Staff finds that the property is closer in conformance to the city's adopted development standards in the new configuration as one combined lot and will not impair the adequate supply of light or air or be detrimental to property in the general vicinity. When developed, the property would be subject to existing setback and development standards to preserve the well-being of the neighborhood and adjacent properties.

(3) The literal enforcement of the ordinance would work on unnecessary hardship.

Literal enforcement of this ordinance would prohibit the property owner from replatting the subject property into a legally conforming lot and would result in the continuance of two nonconforming lots. For this reason, staff finds that supporting a 15-foot reduction to the average lot width will correct the property's current nonconforming status and lessen the hardship on current and future property owners.

(4) The piece of property is unique and contains properties or attributes not common to other similarly situated properties.

The subject property and the adjacent properties are unique in that the properties were created by an unrecorded subdivision plat in the 1920s that laid out 50' x 100' lots prior to the City's adoption of zoning regulations and development standards.

(5) The need for the variance was not created by the applicant.

The need for the variances was not created by the applicant but rather when the original subdivision was created with substandard lot sizes. When made aware of the nonconformance the property owners began working with staff and a professional surveyor to correct the nonconformance. The requested variance will allow the property owners to formally replat the subject property in accordance with City standards.

(6) The hardship to be suffered through the literal enforcement of the ordinance would not be financial alone.

The hardship suffered through the literal enforcement of the ordinance would not be financial alone.

(7) The granting of the variance would not be injurious to the public health, safety and welfare or defeat the intent of the philosophy contained in the Zoning Ordinance.

Granting a variance to the lot depth requirement would not be injurious to the public health, safety, and welfare, nor would it defeat the intent of the philosophy contained in the zoning ordinance.

## STAFF RECOMMENDATION:

Staff has reviewed the request and **recommends approving the requested** variance to allow a 99.75-foot lot depth for a single-family residence to be located at 709 Campbell Street.

#### **PUBLIC COMMENTS:**

Property owners within 200 feet of the subject property were mailed notifications of this proposal on April 29, 2021. Any public comments will be provided in the Board of Adjustment Packet or during the public hearing.

## **EXHIBITS:**

- A. Aerial Map
- B. Zoning Map
- C. Cover letter and Site Plan
- D. Photos

EXHIBIT "A" AERIAL MAP



Variance Request 709 Campbell Street







EXHIBIT "B"
ZONING MAP



Variance Request 709 Campbell Street

1 inch = 68 feet





Zoning DESCRIPTIO R2 Mixed Residential

## EXHIBIT "C" COVER LETTER AND SITE PLAN



April 26, 2021

City of Brenham Board of Adjustment City Hall Building 200 W. Vulcan St. Brenham, TX 77833

RE: Variance Request

Dear Ladies and Gentlemen of the Board.

Our firm has been retained to assist Mr. Kevin Wayne Chapel, the owner of Lots 3 & 4, Block 1 of the Jim Fields Addition to the City of Brenham (an unrecorded subdivision), with the platting of said lots into a single lot subdivision pursuant to Chapter 212 of the Texas Local Government Code and Chapter 23 of the Code of Ordinances of Brenham, Texas. We have been working with the Development Services Department for the past few months to create and gain approval of a minor plat so that Mr. Chapel may construct a new home on the lot.

Unfortunately, we were informed last week that during final plat review the fact that the lot depth did not meet the minimum required distance had been overlooked in previous reviews. As such, a variance to the zoning ordinance is now required. It is our opinion that this request meets the necessary requirements for variance as:

- It is impossible to conform to the required 115-foot lot depth as the lots as currently configured and occupied (100-foot depth) have been in existence for at least 50 years. The required extra 15 feet simply does not exist.
- There will be no detrimental effect on adjoining lots/neighbors nor to the public at large

Thank you for your time and consideration.

Daniel B. Davis, R.P.L.S. No. 6195

Gessner Engineering, LLC 11913 Starcrest Drive San Antonio, Texas 78247 1-877-GESSNER

CIVIL

TBPELS Firm Registration Numbers: 7451 & 10194599

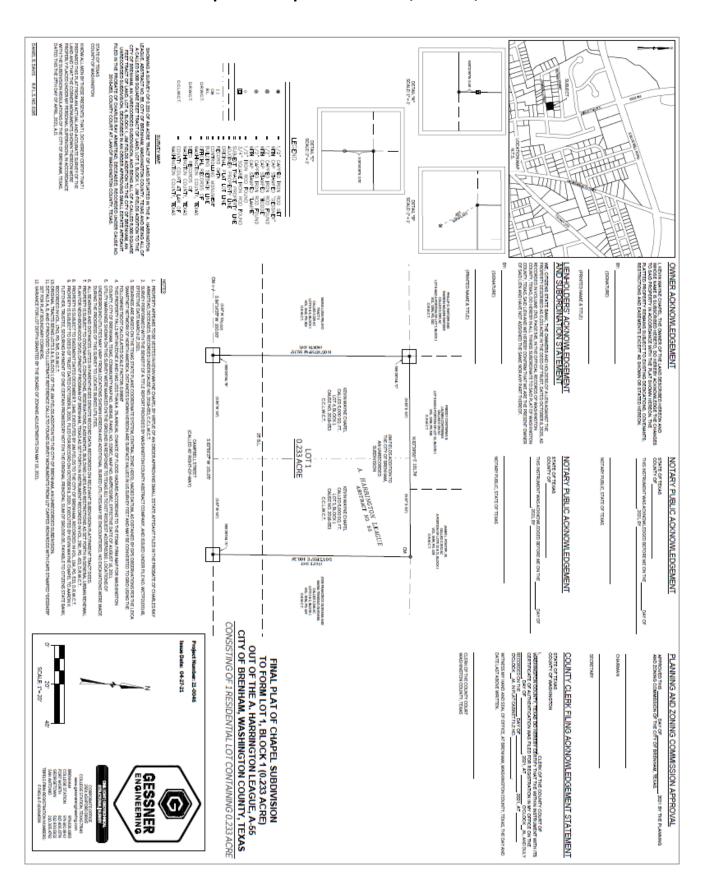


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Corporate: 2501 Ashford Drive / College Station, Texas 77840 • 1-877-GESSNER • www.gessnerengineering.com

CONSTRUCTION MATERIALS TESTING GEOTECHNICAL STRUCTURAL SURVEYING

## Proposed Chapel Subdivision, Block 1, Lot 1



# EXHIBIT "D" Site Photos





