



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, SEPTEMBER 12, 2022 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 May 9, 2022 Board of Adjustment Meeting

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-22-003: A request by Rachael Terry for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 16.06(23) and 16.06(33) for a reduction in the number of required off-street parking spaces for a currently vacant commercial building proposed to develop as an Antique/Home Goods Store (Retail) located at 304 W Main Street, described as Lot 57A of the West Main Subdivision, in Brenham, Washington County, Texas.**

6. **Public hearing, Discussion and Possible Action on Case Number B-22-004: A request by MC Property Holdings, LLC 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 an average 70.48-foot lot depth, where a minimum average lot depth of 115-foot lot is required, for the future development of a single-family residence to be located at 905 Sycamore Street, described as Lot 39 & 40 Becker’s Subdivision of Lot No. 22 of the Davidson Addition and Reserve #1 of the L.D. Brown Subdivision, in Brenham, Washington County, Texas.**

7. **Adjourn**

CERTIFICATION

I certify that a copy of the September 12, 2022, 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 8, 2022, at 12:30 p.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 _____, 2022 at _____ am/pm.

Signature

Title

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

May 9, 2022

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 May 9, 2022, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Thomas Painter, Vice Chairman
Walt Edmunds
Danny Goss
Arlen Thielemann
Mary Lou Winkelmann

Commissioners absent:

Jon Hodde

Staff present:

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

Citizens / Media present:

Carl Schlottmann
Trace Harris, Banner Press

1. Call Meeting to Order

Vice Chairman Painter 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

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 February 14, 2022, Board of Adjustment Meeting.

4-b. Minutes from the February 28, 2022 Joint Training with the Planning and Zoning Commission.

Vice Chairman Painter called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Goss and seconded by Commissioner Thielemann to approve the Consent Agenda (4-a. Minutes from the February 14, 2022 meeting and 4-b. Minutes from the February 28, 2022 Joint Training with the Planning and Zoning Commission), as presented. The motion carried unanimously.

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-22-002: A request by Tony Ramirez / Schlottmann Properties, LLC for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Sections 4.06(a) and 4.06(c) to allow a 10-foot front yard setback and a 5.7-foot rear yard setback, where a minimum 25-foot front yard setback and a 10-foot rear yard setback is required for expansion of a non-conforming structure at 301 S. Market Street, described as Lots 2A and 2B of the Noel Addition, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-22-002 (on file in the Development Services Department). Ms. Laauwe stated that this request by Tony Ramirez / Schlottmann Properties, LLC is for a 15-foot Special Exception to the required 25-foot front setback to allow a 10-foot front setback and a 4.3-foot Special Exception to the required 10-foot rear setback to allow a 5.7-foot rear setback for expansion of a non-conforming structure at 301 S. Market Street. The property is located in the B-2 Zoning District (adjacent to the Downtown District) and is currently a vacant automobile shop. The proposed use is for Top Floor Cars, a Classic Car restoration and dealership. Top Floor Cars is currently located at 2404 S. Chappell Hill Street and wants to expand.

The B-2 Zoning District requires a 25-foot front setback and a 10-foot rear setback but no side setback is required. This property was built around 1947 which was well before the zoning regulations were adopted. The prior uses of the property were a service station and then an automobile repair shop. Fuel tanks were installed on the property in 1976 but were removed in 1990. This property is located just outside the Downtown Zoning District (B-3 and B-4); however, there is B-1 zoning to the northeast, B-3 to the north and west, and B-4 to the southwest with businesses such as the 4-Start Concert Hall to the north, Woodson Lumber Company to the east, the old train depot and vacant land to the west, and the Southern Pacific Railroad to the south.

The Board of Adjustment has the authority to grant a special exception to allow the expansion of a non-conforming structure. Mr. Ramirez would like to add 2 car bays (40-feet x 22-feet) and extend the existing canopy 15-feet x 20-feet. The new additions will be extensions of the existing non-conforming setbacks and will not further encroach into the setback. Since the adjacent B-3 Zoning does not require setbacks, the requested reduced setbacks will not be out of character for the area and will not have an adverse effect to the adjacent property owners.

Notifications were mailed to property owners within 200-feet of the subject property on April 28, 2022. No citizen comment was received in support of or against the request.

Staff has reviewed the request and recommends approval of the requested special exceptions to allow a 10-foot front setback and a 5.7-foot rear setback for expansion of the non-conforming structure located at 301 S. Market Street.

Vice Chairman Painter opened the Public Hearing at 5:36 p.m. and asked for any comments. There were no citizen comments.

Stephanie Doland, Development Services Director, stated that although this property is located just outside of the Downtown Zone it is along a main corridor and that Jennifer Eckermann expressed her support and the Main Street Board's support of this project.

Vice Chairman Painter closed the Public Hearing at 5:37 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Edmunds to approve the request by Tony Ramirez / Schlottmann Properties, LLC for a Special Exception to allow a 10-foot front yard setback and a 5.7-foot rear yard setback to allow for expansion of the existing non-conforming structure located at 301 S. Market Street, as presented. The motion carried unanimously.

6. Adjourn

A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to adjourn the meeting at 5:38 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 Hodde, Chairman

September 12, 2022
Meeting Date

Attest, Staff Secretary

September 12, 2022
Meeting Date



CASE NUMBER: B-22-003

SPECIAL EXCEPTION REQUEST: 304 W. MAIN STREET

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: David Stone, Jernigan Stone Interests, LLC. / Rachael Terry

ADDRESS/LOCATION: 304 W. Main Street (Exhibit "A")

LEGAL DESCRIPTION: West Main Subdivision, Lot 57A

LOT AREA: Approximately 0.324-acres/14,119 square feet

ZONING DISTRICT: B-2, Commercial Research and Technology District (Exhibit "B")

USE: Vacant commercial building

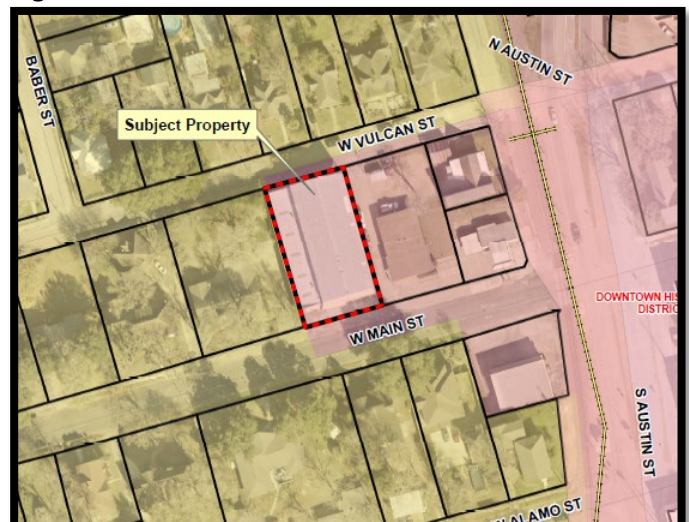
**COMP PLAN
FUTURE LAND USE:** Mixed Use Downtown Adjacent

REQUEST: A request by Rachael Terry for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 16.06(23) and 16.06(33) for a reduction in the number of required off-street parking spaces for a commercial building located at 304 W Main Street, described as Lot 57A of the West Main Subdivision, in Brenham, Washington County, Texas. (Exhibit "C" – Request)

BACKGROUND:

The subject property is a 0.324-acre, 14,119 square foot lot located on the north side of W. Main Street, abuts W. Vulcan Street to the north and is addressed as 304 W. Main Street. The property is located within a B-2, Commercial Research and Technology District and developed with a 17,687 square foot, two-story structure formerly utilized as the Brenham Office Supply store and warehouse. The existing building has been vacant since 2017, when Brenham Office Supply went out of business. The building was constructed in 1962, before the Brenham Zoning Ordinance was adopted in 1968. The structure has had several additions over the years. The original structure constructed in 1962 was one-story and consisted of 7,232 square feet. In

Figure 1



1981, the second floor and additional space to the main floor was constructed for an additional 7,448 square feet. Lastly, in 1989, a final addition of 3,750 square feet was added to the main floor.

As the structure was built prior to the adoption of the zoning ordinance, the existing structure and site have several legal nonconformities. The existing structure is nonconforming to the required B-2 setbacks with a front yard setback of 11-feet when 25-feet is required; a rear yard setback of 6-feet along Vulcan Street when 15-feet is required along the side street; and no side yard setbacks when a 20-foot bufferyard would be required from the adjacent residential property to the west. Furthermore, the lot has 100% lot coverage, when a maximum lot coverage of 85% is allowed today. Lastly, the existing site only has 6 off-street parking spaces located along W. Main Street to serve the over 17,000 square foot building space.

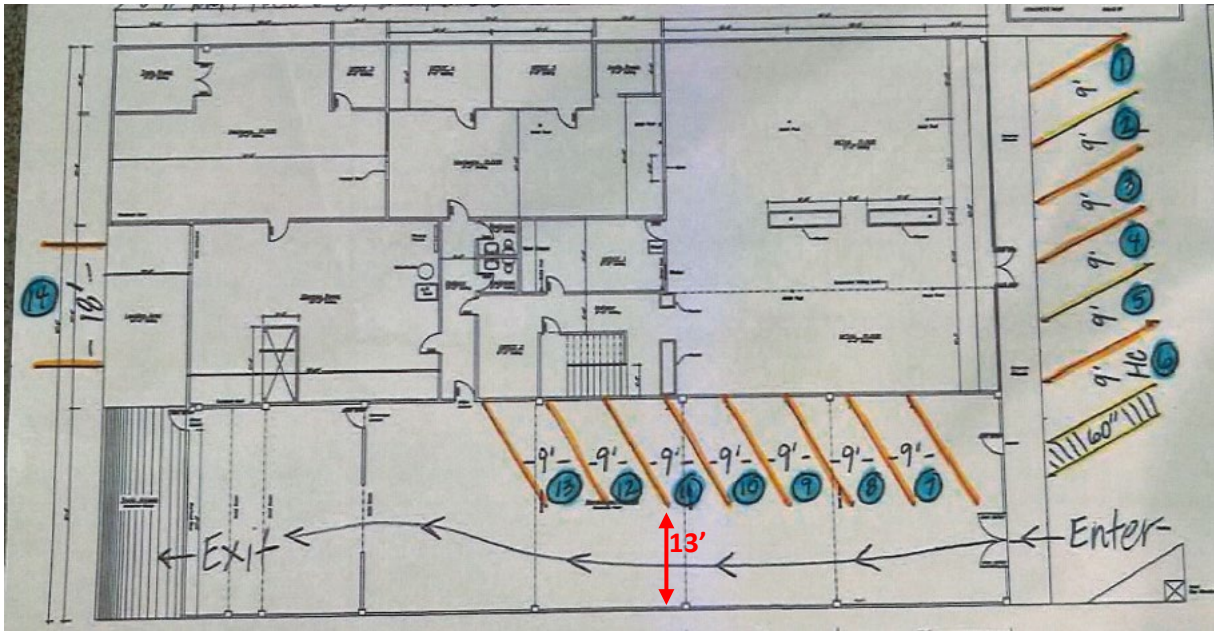
The applicant, Rachael Terry, proposes to redevelop the existing site as a retail space for a potential antique/home goods store. She states that she has no desire to redevelop the site into a restaurant or other high-volume commercial use. The commercial building has remained vacant for many years due in large part by the need to bring the building up to current fire and building codes. Such necessary costly improvements include the installation of a fire suppression system and new accessibility ramp and restrooms to meet the Americans with Disabilities Act (ADA). Other challenges are to meet the zoning code in terms of off-street parking and landscaping. Mrs. Terry is prepared to make the necessary improvements to bring the 1962 and 1980s construction up to the adopted 2018 International Building and Fire Codes. She is also prepared to use planters and other means necessary to provide the required 8% landscaping for new uses in existing structures. As for off-street parking, she has proposed to add a total of 8 parking spaces by converting 3,786 square feet of interior space for an additional 7 parking spaces and to add a parallel parking space to the rear of the building along W. Vulcan Street (See parking layout alternatives in Figure 2 and Figure 3). The interior off-street parking area would utilize existing paved storage area that is accessible through existing garage doors that open to W. Main Street to the south and W. Vulcan Street to the north.

Figure 1



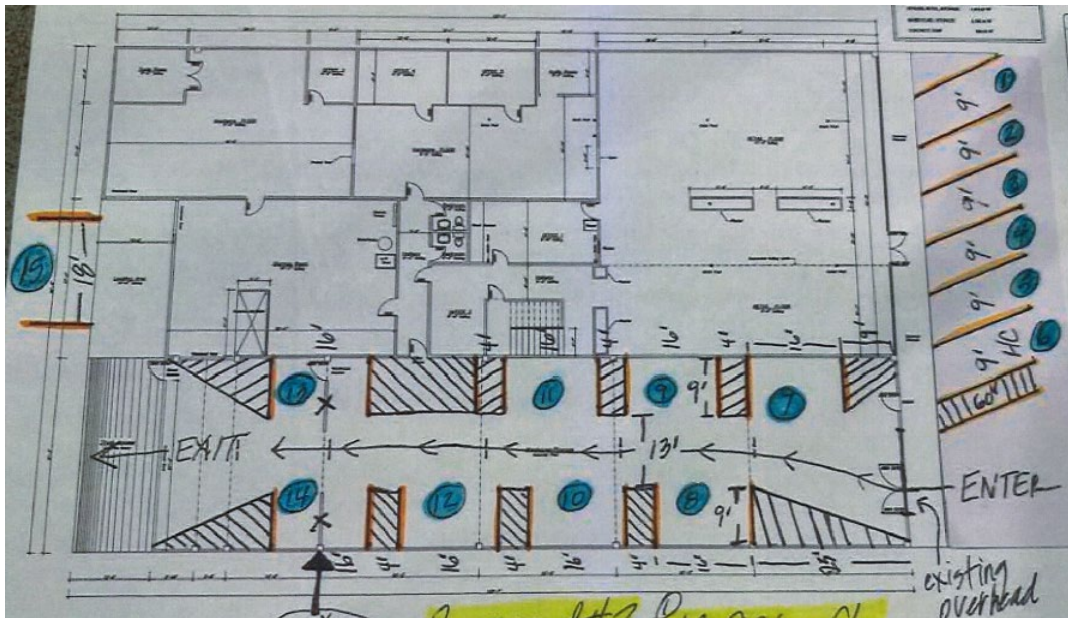
As shown in Figure 3 below, the applicant is proposing a total of 14 off-street parking spaces. The proposed layout shown in Figure 3 details six (6) angled parking spaces along W. Main Street and seven (7) angled parking spaces in the interior 3,786 square feet of space on the west side of the existing building, and one parallel parking space next to the north side of the building along W. Vulcan Street. The proposed interior spaces are angled 45 degrees and meet the minimum width and length and have an adequate aisle space of thirteen (13) feet, when only ten (10) feet is required for one-way angled parking.

Figure 3 (Alternative 1)



As shown in Figure 4 below, the applicant has proposed an alternative parking layout that includes a total of 15 off-street parking spaces. The proposed layout shown in Figure 4 details six (6) angled parking spaces along W. Main Street and eight (8) angled parking spaces in the interior 3,786 square feet of space on the west side of the existing building, and one parallel parking space next to the north side of the building along W. Vulcan Street. The proposed interior parallel parking spaces, however, would need to be reworked as they do not meet the minimum length of 22-feet. It may be possible to do a mix of parallel and angled parking spaces. Currently, staff recommends parking Alternative 1.

Figure 3 (Alternative 2)



The preliminary floor plan for the 17,687 square foot building includes 220 square feet of office space, 3,622 square feet of retail area on the first floor, 6,964 square feet of storage area on the second floor, 3,786 square feet utilized for the interior parking area, and 3,094 square feet of common areas such as hallways, bathrooms, closets and sitting area. The Zoning Regulations, in Section 16.06 (20) requires office areas to have one space per 300 square feet; Section 16.06(23) retail space to provide one parking space per 250 square feet; and Section 16.06(33) warehouse/storage space to provide one space per 1,000 square feet. Off-street parking is not required for common areas such as hallways and restrooms. Thus, the office area would require .75 off-street parking spaces, the proposed retail area 14.48 parking spaces, and the storage area 6.96 parking spaces for a total minimum requirement of 22 off-street parking spaces for the proposed floorplan configuration. Thus, the applicant is requesting a reduction of 8 off-street parking spaces, to allow a total of 14 off-street parking spaces with an overall calculated ratio of 1 space per 772 square feet (not to include common areas and the interior parking area).

Office space	(220sf/300)	0.75 spaces
Retail area	(3,622sf/250)	14.48 spaces
Storage area	(6,964sf/1000)	6.94 spaces
Common area	(3,094 sf)	
Interior parking area	(3,786)	
Total	17,686 sq.ft	22.17 spaces required
		14 provided = an 8 space or 37% reduction

In summary, the applicant is requesting a Special Exception to allow for 14 off-street parking spaces, a 37% reduction of the minimum required off-street parking requirement of 22 off-street parking spaces based on the proposed retail and storage use of the existing 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:

- (5) To waive or reduce off-street parking and loading requirements when the board finds that the same are unnecessary for the proposed use of the building or structure for which the special exception request applies.

STAFF FINDINGS AND RECOMMENDATION:

Staff has reviewed the request and **recommends approval**. The existing building and site were originally developed in 1962 before zoning regulations were adopted in 1968. The site is legally nonconforming in terms of setbacks, maximum lot coverage, off-street parking and landscaping. The reduced setbacks are grandfathered and are allowed to remain until such time the building is demolished. Any additions to the exterior walls would require a special exception. When a new use is proposed to a legally nonconforming site, parking requirements must be brought up to current requirements and a minimum of 8% landscaping/greenery is required. As the site is completely built out, there is not any available area to

provide additional off-street parking. In addition, with residential to the west and small commercial businesses to the east, there is no availability for a shared parking agreement with a nearby property. The applicants have provided an alternative to more than double the existing amount of off-street parking from six (6) spaces to fourteen (14) spaces by converting 3,786 square feet of interior space for seven (7) parking spaces and adding a rear parallel parking space. The proposed retail use would likely have store hours when neighboring residents are not home and when some on-street parking may be available. If a higher intensity use such as a restaurant is proposed, a new special exception would be required as the minimum parking requirement would be much greater (1 space per 100 square feet).

The surrounding properties to the north, south and west are zoned R-2, Mixed Residential District and developed as single-family and two-family residential uses. The adjacent property to the west is a two-unit residential home as well as the property directly to the south, across W. Main Street. The residential area is a mix of single-family and duplex homes that have both owner-occupied and rental units. Adjacent properties to the east are zoned B-2 commercial and further east, across N. Austin Street is the B-3, Historical Central Business District. The applicant is proposing to redevelop the site that has sat vacant for several years. Redevelopment includes refurbishing the existing “Brenham” sign, resurfacing, and painting the existing parking area along W. Main Street, exterior facelift, converting interior space for additional parking, and interior work to include bringing the building up-to-date per building and fire codes.

The interior redevelopment of the existing building will be required to submit for a building permit to ensure the compliance with all Zoning, Building, and Fire regulations. Given that a final site plan has not yet been approved, ***Staff recommends that the Special Exception to the minimum parking be given at a 37% reduction, for a minimum allowance of 14 parking spaces.***

Based on the presenting of a viable plan to provide additional off-street parking to a 100% built out nonconforming site, and that the only alternative would be for the demolishing and reconstruction of a smaller commercial building on a limited site, this request meets the criteria for Part IV, Division 4, Section 1.01(5), Special Exceptions of the Zoning Ordinance.

PUBLIC COMMENTS:

Property owners within 200 feet of the project site were mailed notifications of this proposal on September 2, 2022. Any public comments will be provided in the Board of Adjustments Packet or during the public hearing.

EXHIBITS:

- A. Aerial Map
- B. Zoning Map
- C. Special Exception Request
- D. Parking Plan – Alternative 1
- E. Parking Plan – Alternative 2
- F. Photo(s)

EXHIBIT "A"
AERIAL MAP

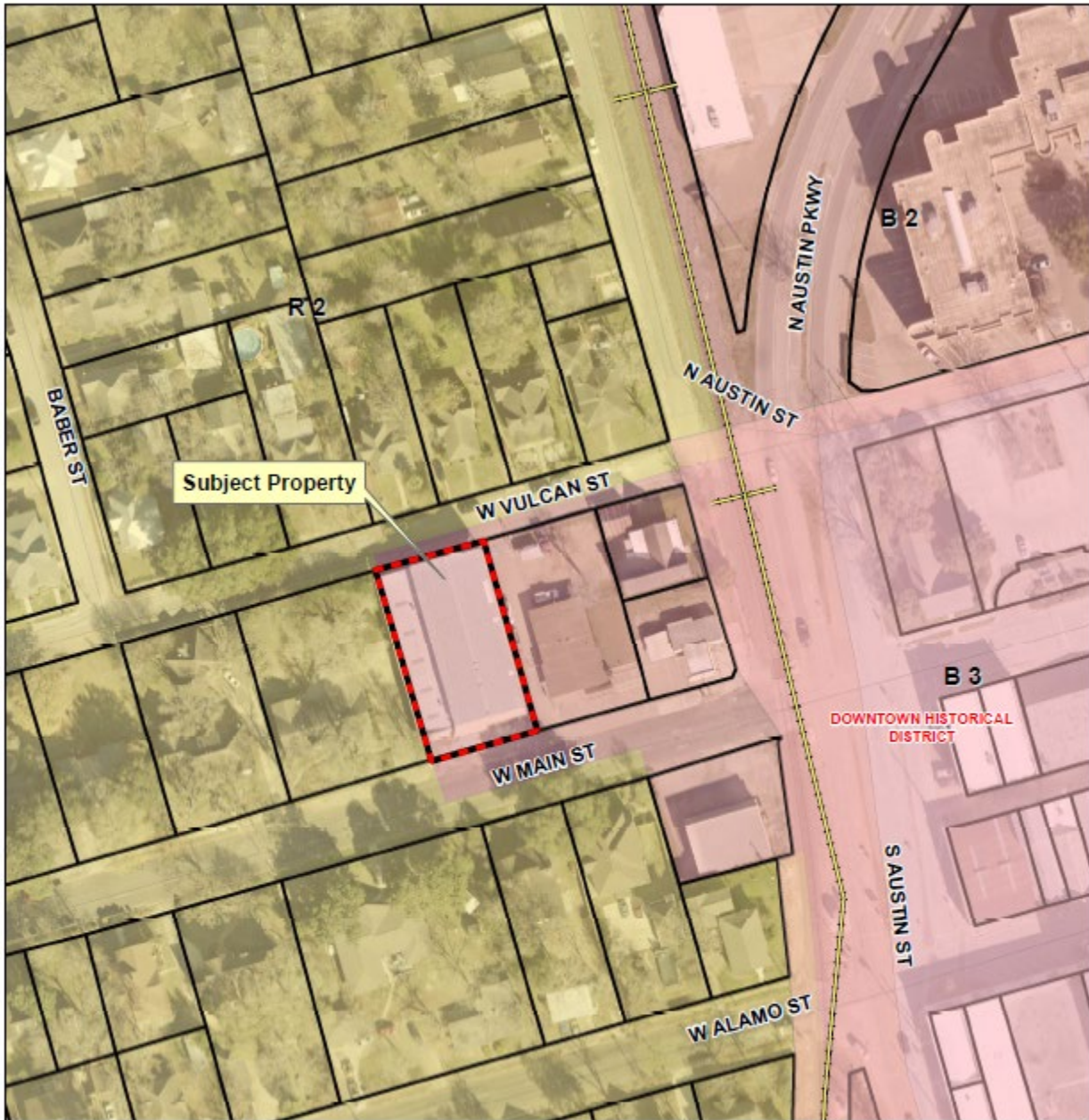


Aerial Location Map
304 W Main Street
Special Exception Request






1 inch = 104 feet

EXHIBIT "B"
ZONING MAP



Zoning Map
304 W Main Street
Special Exception Request

Zoning Legend

-  B2 Commercial Research and Technology
-  B3 Historical and Central Business
-  R2 Mixed Residential



1 inch = 104 feet

EXHIBIT "C"
SPECIAL EXCEPTION REQUEST

8/22/22

To whom it may concern on the Board of Adjustment,

My husband and I have interest in purchasing the property located at 304 West Main in Brenham. After meeting with some of the City of Brenham administration last week a number of items were placed on our radar to perform due diligence and/or work through with regard to their instruction and guidance on building codes and recommended future permits based on their past history and knowledge of the structure.

The number one hurdle with this property is the parking space requirements by The City. This property has built out lot line to lot line over the last 60 years and the City has also grown completely around it. This has left the building (17,687 usable sqft) with 8 parking spots on the Main Street frontage entrance. *This results in a 1 parking spot per 2,210 useable sqft ratio.* Currently, there is also no handicap parking spot.

After review, consideration, and measurements, the only solution to make improvements to this dilemma, given the property parameters that cannot be altered, is as follows:

1. Modify and restripe the Main Street frontage spaces to add in the (1) required handicap space and 60" of additional area for this parking designation.
2. Lose (2) spaces on Main Street to allow for the drive-in area of additional parking in the building leaving (1) new handicap space and (5) regular parking space.
3. Convert 3,786 sqft of covered, once usable space into a drive through parking lot. This would allow for (7) additional spaces.
4. Add (1) employee parking spot to the back of the property off Vulcan Street.

After all the above modifications, this would leave us with 14 total parking spots (13 regular and 1 handicap). The usable square footage of the building would decrease by 3,786 sqft leaving 13,901 sqft. *This results in a 1 parking spot per 993 useable sqft ratio.*

We would appreciate your consideration accepting this parking proposal for 304 West Main. We look forward to bringing life and activity back to this building and adding to the community of Brenham for decades to come.

Sincerely,


Rachael Terry

September 8th, 2022

Addendum A to Cover Letter regarding 304 W. Main, Brenham, Texas 77833

To whom it may concern,

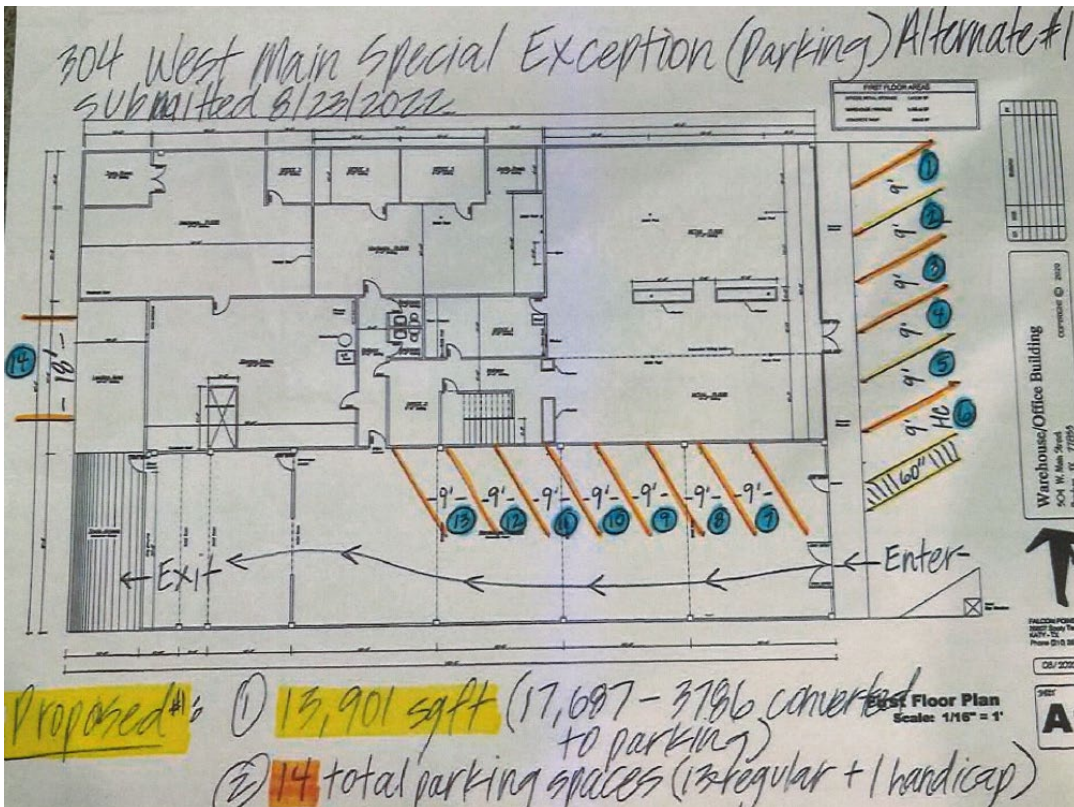
Please let it be known that the business intentions for the property located at 304 West Main in Brenham will not be one of a restaurant, bar, club, or high volume category.

We intend to place a retail/antique facility at the location with modest hours, peaceful clientele and likely low volume traffic.

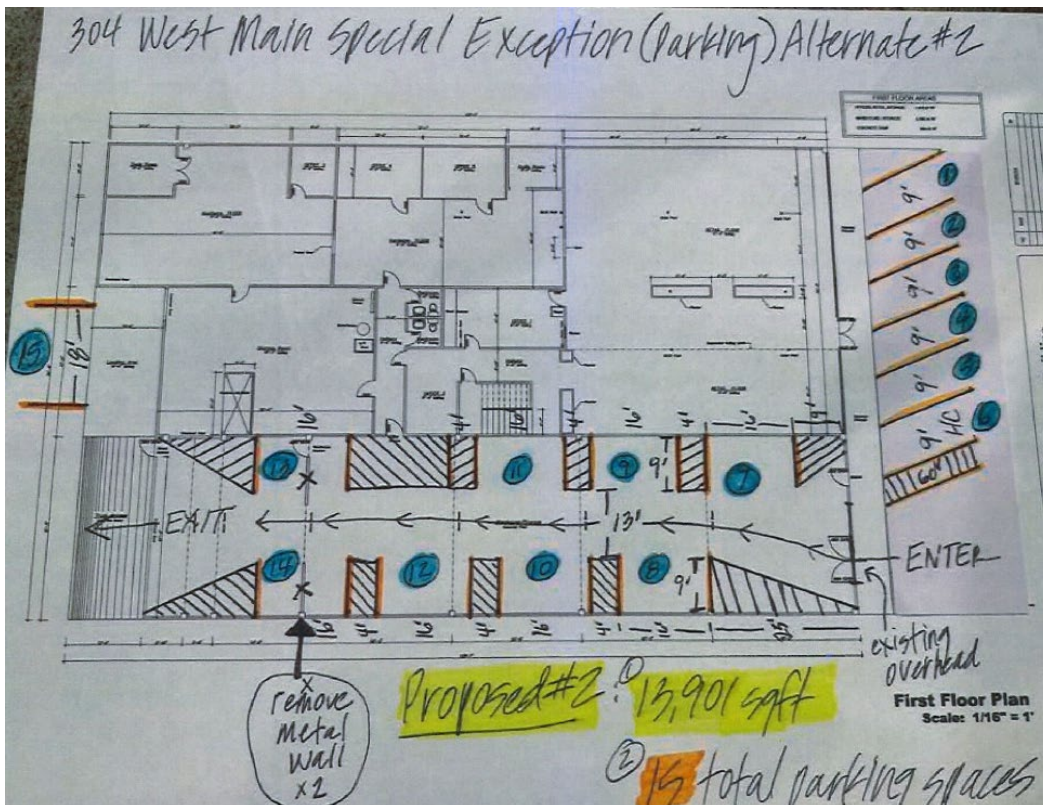
Regards,

Mark and Rachael Terry

EXHIBIT "D"
PROPOSED PARKING LAYOUTS



Alternative #1 – 14 parking spaces



Alternative #2 – 15 parking spaces

EXHIBIT "E"
SITE PHOTOS





CASE NUMBER: B-22-004
VARIANCE REQUEST: 905 SYCAMORE STREET

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: MC Property Holdings, LLC / Dara Childs

ADDRESS/LOCATION: 905 Sycamore Street (Exhibit "A")

LEGAL DESCRIPTION: Lots 39 & 40 of the Becker's Subdivision of Lot No. 22 of the Davidson Addition and Reserve #1 of the Davidson Addition

LOT AREA: Approximately 0.1766-acre (7,694 square feet)

**ZONING DISTRICT/
USE:** R-2 Mixed Residential Use District / Single-family residence
(Exhibit "B")

**COMP PLAN
FUTURE LAND USE:** Commercial

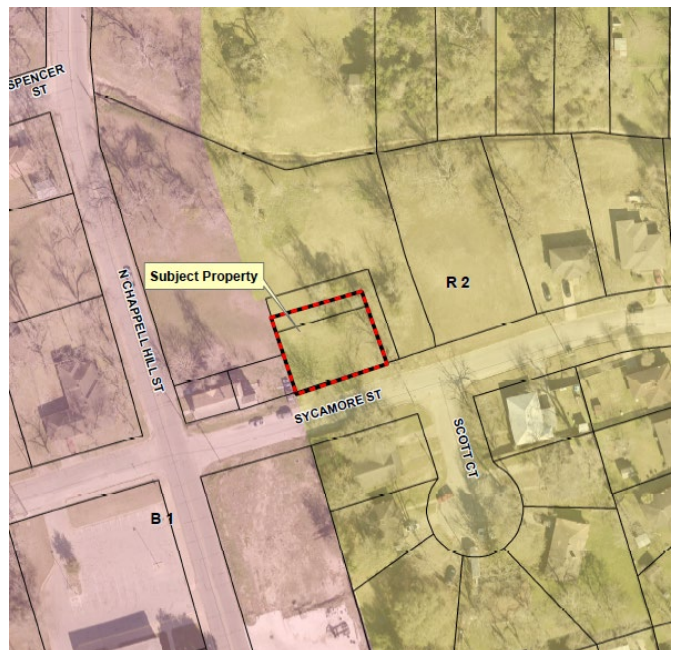
REQUEST: A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(b)(iii) to allow the existing average 70.48-foot lot depth where a minimum 115-foot lot depth is required for a single-family residence (Exhibit "C").

BACKGROUND:

The subject property is a vacant lot addressed as 905 Sycamore Street and located on the north side of Sycamore Street and east of North Chappell Hill Street. The property owner and applicant is MC Property Holdings, LLC (Dara Childs). The subject property, as well as surrounding properties to the north, south and east, are currently zoned as R-2 Mixed Residential Use District.

The subject property is currently part of the Becker's Subdivision and the Davidson Addition. The property is a 0.1766-acre (7,694 sf) vacant infill property. Included in the 0.1766-acre tract, is a 0.0276-acre portion of undeveloped Live Oak Street right-of-way that on August 4, 2022, the Brenham City Council abandoned to adjacent property owners. During the abandonment the northern portion of the undeveloped Live Oak Street was deeded to Ms. Gloria Nix and the southern

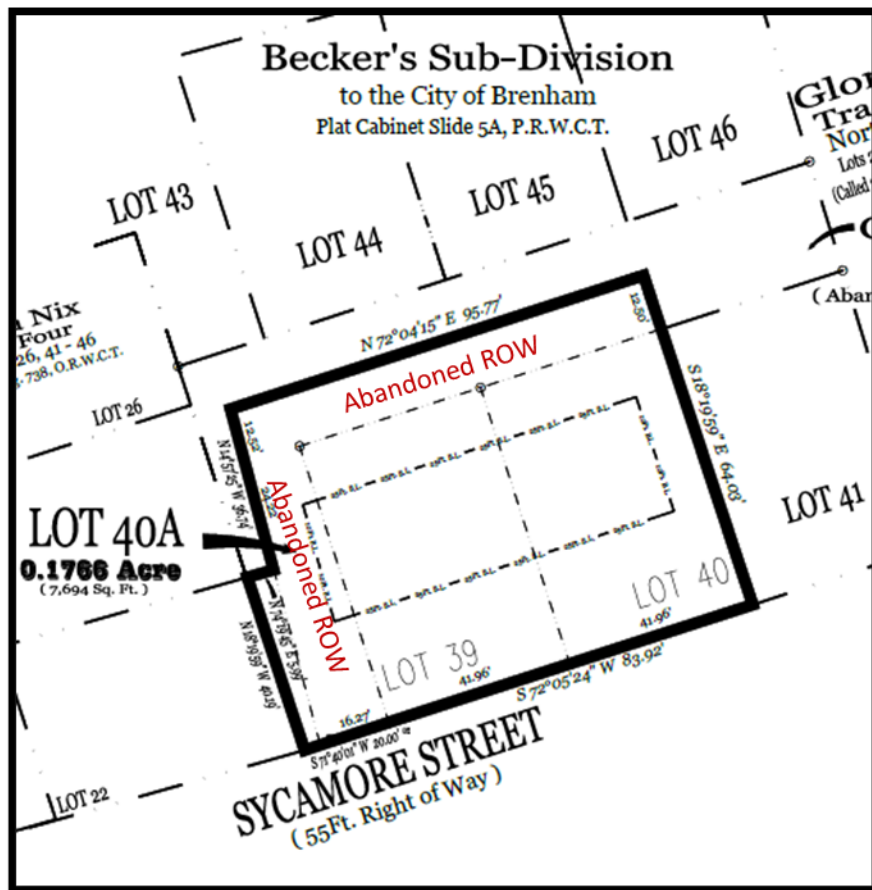
Figure 1



portion to Mr. Dara Childs (applicant). With the conveyance and recordation of the deed, the property now is required to be replatted into its new configuration. The applicant has submitted a residential replat to combine the existing lot and right-of-way portion into one lot to be known as Lot 40A of the Becker's Subdivision of Lot No. 22 that is scheduled to be heard by the Planning and Zoning Commission on September 26, 2022 (See Figure 1 below). The combining and platting of the lot and former right-of-way into one lot will bring it more in conformance as the newly formed lot will be 7,694 square feet (0.1766-acres) and have a lot width of 104 feet, however the lot will still have a nonconforming average lot depth of 70.48 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 44.52-foot reduction to the minimum required average lot depth of 115 feet to bring the property into compliance and allow the existing lot and the portion of undeveloped right-of-way of Live Oak Street to be replatted into one lot for construction of a single family residence.

Figure 2



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, provided that:

- (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 was originally part of an undated Becker’s Subdivision of Lot 22 that consisted of 46 lots, 41 of which were 42-feet in width and 64-feet in length and also included right-of-way dedication for Live Oak Street. In 1980, the subdivision was replatted to the L.D. Brown Subdivision that combined Lots 39 and 40 into a small reserve lot. At some point, this small reserve lot was acquired by the City of Brenham as part of the Urban Renewal program. In 2021, the City of Brenham sought to sell the infill lot in an open bid process. Dara Childs was the selected bidder, however during the title search for the sale, Botts Title Company found inconsistencies in the ownership and configuration of the lot. It was found that the L.D. Brown Subdivision plat did not adequately replat the previous Lot 39 and 40 and that there was no record of the City of Brenham abandoning the undeveloped Live Oak Street that was platted with the Becker’s Subdivision of Lot 22 plat. The City has recently conveyed half of the undeveloped right-of-way to Mr. Childs and half to Ms. Nix who owns the property, who each own abutting property to the right-of-way. Ms. Nix has stated her desire not to sell any of her property to the north of the subject property, thus it is not possible to increase the lot depth to meet the minimum 115-foot requirement.

A variance to the average minimum lot depth will allow the subject property and conveyed undeveloped right-of-way to be replatted into the proposed subject property boundaries and bring the subject tract more in conformance with the zoning regulations. Staff finds that the proposed variance is necessary to accommodate development on the subject property which is in conformance with the City’s 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 existing lot has never met the minimum lot depth, nor the minimum lot area requirements as it was previously platted as a reserve of the Davidson Addition that was originally part of the Becker’s Subdivision of Lot 22. The original lot is 0.149-acres (6,490 square feet) and the conveyed undeveloped right-of-way portion is 0.0276-acres (1,202 square feet), the replat that will combine the existing lot and right-of-way will bring the lot into conformance in terms of the minimum required lot size of 7,000 square feet. Staff finds that the property is closer in conformance to the city’s adopted development standards in the new configuration. When developed, the property would be subject to existing setback and development standards to preserve the well-being of the neighborhood and adjacent properties. The applicant has submitted a building permit for a single-family home within the proposed new lot lines that will meet the required building setbacks.

(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 an unbuildable lot with inadequate lot depth to meet the required front and rear setbacks of 25 feet required for the construction of a single-family home. For this reason, staff finds that supporting a 44.52-foot reduction to the average lot depth 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 is unique in that the property was created by a small reserve tract and a portion of undeveloped right-of-way. The tract is a small infill property that predates the subdivision and zoning regulations established in 1968. The subject property meets the minimum required 7,000 square foot lot size and without a variance to the lot depth, would be undevelopable for residential use.

(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 a substandard lot size and adjacent abandoned right-of-way. 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 the existing average 70.48-foot lot depth for a single-family residence to be located at 905 Sycamore Street.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on September 2, 2022. 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. Proposed plat
- D. Right-of-way abandonment map for Childs property.
- E. Photos

EXHIBIT "A"
AERIAL MAP

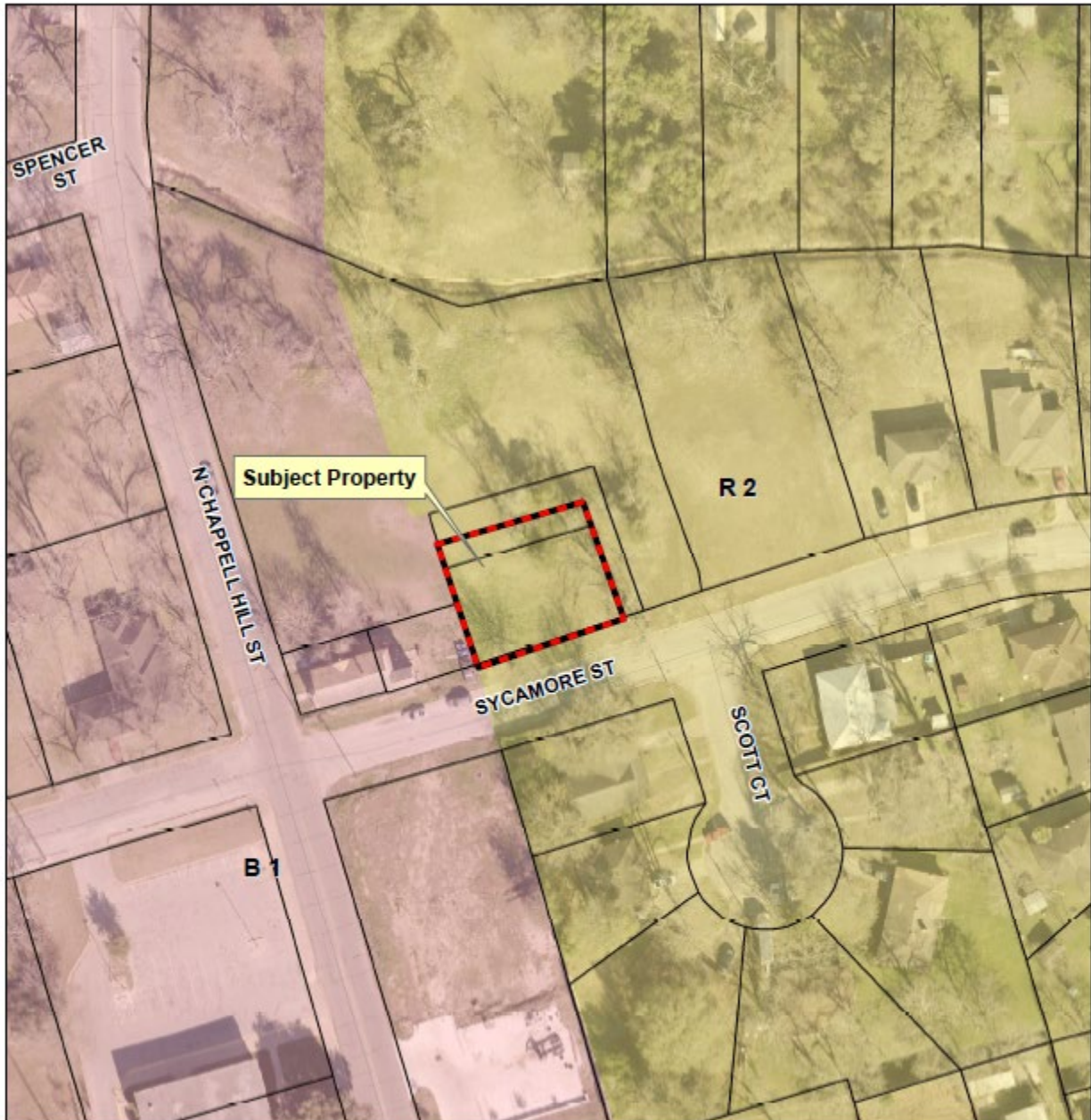


Aerial Location Map
905 Sycamore Street
Variance Request to Lot Depth



1 inch = 83 feet



EXHIBIT "B"
ZONING MAP



Zoning Map
905 Sycamore Street
Variance Request to Lot Depth



Legend

-  B1 Local Business Mixed
-  R2 Mixed Residential



1 inch = 83 feet

EXHIBIT "C"
PROPOSED PLAT



OWNER ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF WASHINGTON
WILMCO PROPERTY HOLDINGS, LLC, THE OWNER OF THE LAND DESCRIBED HEREIN,
WHO'S NAME IS SET FORTH HEREIN, DO HEREBY OFFER, ACCEPT AND
ACKNOWLEDGE THE SUBDIVISION OF SAID PROPERTY IN ACCORDANCE WITH
THIS PLAT SHOWS HEREON.

WILMCO PROPERTY HOLDINGS, LLC

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF _____, 2021, BY DARA
CHILDA, JR.

NOTARY PUBLIC STATE OF TEXAS
NOTARY NAME (PRINTED)
NOTARY COMMISSION EXPIRES

SURVEYOR CERTIFICATION

THE STATE OF TEXAS
COUNTY OF WASHINGTON
KNOW ALL MEN BY THESE PRESENTS THAT I, RONALD E. BRYANT,
A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS,
DO HEREBY STATE THAT I PREPARED THIS RE-PLAT FROM AN ACTUAL AND
ACCURATE SURVEY OF THE LANDS AND THAT THE CORNER MONUMENTS
AS SHOWN THEREON WERE PROPERLY PLACED OR LOCATED UNDER MY
DIRECT SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS
OF THE CITY OF BRENHAM, TEXAS.

RONALD E. BRYANT DATE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4301

GENERAL NOTES

1. THE SURVEYOR HAS CONDUCTED A LIMITED ABSTRACT OF THE SUBJECT PROPERTY.
2. THIS RE-PLAT IS BASED ON A TITLE REPORT ISSUED BY BOTSIS TITLE COMPANY, UNDER G.F. NO. WA-20-417, DATED JANUARY 4, 2021.
3. SUBJECT TO EASEMENTS, ORDINANCES, CONDITIONS, RESTRICTIONS AND ANY, AND ALL ADDITIONAL APPLICABLE INSTRUMENTS THAT MAY OR MAY NOT BE OF RECORD THAT AFFECT OR COULD AFFECT THE SUBJECT PARCELS, NO SURFACE FEATURES WERE INVENTORIED OR INCLUDED WITHIN THE SCOPES OF THIS SURVEY AND THEREFORE COVENANTS, CONDITIONS, EASEMENTS, EASEMENTS, EASEMENTS AND RESTRICTIONS APPLICABLE TO THE SUBJECT PARCELS ARE SHOWN ON PLAT RECORDED IN PLAT CABINET NO. 1444, PLAT RECORDS OF WASHINGTON COUNTY, TEXAS.
4. ALL GAS/LINE PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
5. THIS PLAT DOES NOT ATTEMPT TO REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
6. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REDUCE, ANY BUILDING LINES REQUIRED BY THE CITY OF BRENHAM CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.

REPLAT
LOT 39 & LOT 40
BECKER'S SUB-DIVISION
of LOT No. 22 of the
DAVIDSON ADDITION TO THE CITY OF BRENHAM
Recorded in Slide No. 5A, P.R.W.C.T.
Vol. 1817, Pg. 777, O.R.W.C.T.

ALL OF
Reserve #1
0.1447 Acre
Called 0.1452 Acre
of the
L. D. Brown Subdivision
Plat Cabinet Slide No. 182A, P.R.W.C.T.
and a portion of
a Called 0.0533 Acre Parcel as described by instrument as
Recorded in Vol. 3855, Pg. 498, O.R.W.C.T.

INTO
LOT 40A
0.1766 Acre
(7,694 Sq. Ft.)

SINGLE RESIDENTIAL LOT
BECKER'S SUB-DIVISION
of LOT No. 22 of the
DAVIDSON ADDITION TO THE CITY OF BRENHAM
City of Brenham
ARRABELA HARRINGTON SURVEY, A-55
WASHINGTON COUNTY, TEXAS

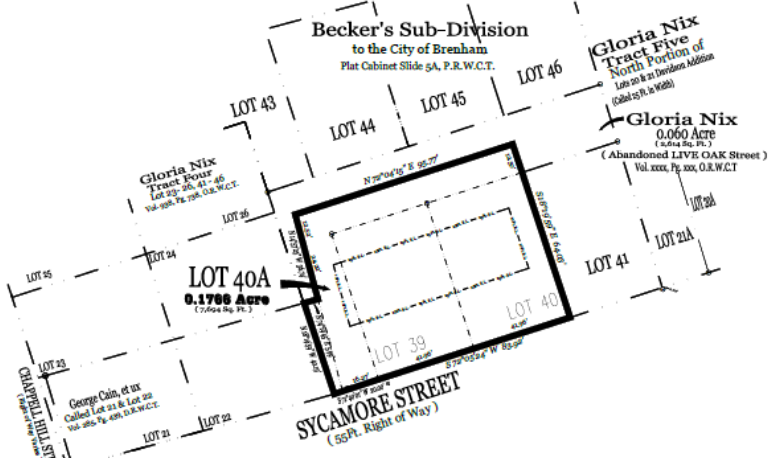


EXHIBIT "E"
SITE PHOTOS

