



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, FEBRUARY 14, 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 December 13, 2021 Board of Adjustment Meeting

REGULAR AGENDA

5. Election of a Chair and Vice-Chair for the Board of Adjustment for 2022.

6. Public hearing, Discussion and Possible Action on Case Number B-22-001: A request by Artis Edwards, Jr. for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(a)(iii) to allow a 15-foot rear yard setback where a minimum 25-foot rear yard setback is required for construction of a two-family/duplex residence at 1005 Armbrister Street, described as Lot 14, Block 4 of the W.A. Wood Subdivision of the Armbrister Addition, in Brenham, Washington County, Texas.

7. Adjourn

CERTIFICATION

I certify that a copy of the February 14, 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 February 9, 2022, at 10:10 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 _____, 2022 at _____ am/pm.

Signature

Title

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

December 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 December 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
Danny Goss
Arlen Thielemann
Mary Lou Winkelmann

Commissioners absent:

None

Staff present:

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

Citizens / Media present:

Donna Kellar
Carl Franklin
Linda Bessmer

1. Call Meeting to Order

Chairman Hodde 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 November 8, 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 November 8, 2021, meeting, as presented. The motion carried unanimously.

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number B-21-007: A request by Carl Franklin and Linda Bessmer for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02(4)(c) to allow a 6.5-foot east side setback, where a minimum 10-foot side setback is required, for a detached Accessory Dwelling Unit to be located within and R-2, Mixed Residential Use District at 405 Martin Luther King Jr. Parkway, described as Lot 7A of the Rippetoe Addition, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. B-21-007 (on file in the Development Services Department). Ms. Laauwe stated that this request by Carl Franklin and Linda Bessmer is for a 3.5-foot variance to the required 10-foot side setback for construction of a detached accessory structure (garage) with and upstairs Accessory Dwelling Unit (ADU) at 405 Martin Luther King Jr. Parkway. The subject property is zoned R-2, Mixed Residential Use District and is developed with a single-family residence. The future land use designation for this property is single-family residential. Typically, accessory structure side setbacks are 5-feet; however, the minimum required setback for a detached ADU is not less than the required side yard for the principal structure (10-feet for R-2 Zoning). A Specific Use Permit (SUP) for an Accessory Dwelling Unit was considered by the Planning and Zoning Commission on November 15, 2021 and by City Council on December 2, 2021. The second and final reading of the Specific Use Permit Ordinance by City Council is scheduled for December 16, 2021 and is contingent upon approval of this variance by the Board of Adjustment.

The applicant's proposal is to convert a proposed 2nd floor garage space (576 square feet) into a detached ADU. The subject property is 12,561 square feet with an existing home that is 1,270 square feet and an accessory structure of 578 square feet. The existing and proposed lot coverage is 35.7%. The R-2 Zoning District allows ADU's with an approved Specific Use Permit and adherence to the following development standards:

- a) Shall be subordinate to and supportive of the principal use and structure.
- b) Should the primary use be a single-family dwelling, the property owner's primary residence shall be the single-family dwelling or ADU.
- c) An ADU must be designed and constructed keeping with the general architecture and building material of the principal structure.
- d) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.
- e) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.
- f) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1000) square feet, whichever is smaller.

The proposed ADU meets the aforementioned development standards with the exception of the east side yard setback. The variance request to the side yard setback requirement stems from drainage problems on the property. There is a significant change in topography from the south to the north on the property that produces excessive run-off with the driveway aiding in increasing the speed of the water going to the street. The applicant is trying to align the garage with the driveway to divert some of the water to the grassy / landscaped areas. The 24' x 24' garage pad has already been constructed. A 14.5" stem wall has been added around that garage slab to help divert the water around the garage structure.

Notifications were mailed to property owners within 200-feet of the subject property on December 2, 2021. One comment against the request was received from Lorene Singleton who owns the property located at 403 Baber Street. Ms. Laauwe stated that she spoke with Ms. Singleton, who was unable to fully understand the case and

that it would not adversely affect her property; therefore, on the comment form she marked that she was against the request. Mr. Franklin clarified during the public hearing that he spoke with Ms. Singleton about some additional steps that he would like to take to help mitigate the water flow including putting up a fence with a rot-board at the bottom and stones between the garage and the fence to aid in slowing down the water flow. Ms. Singleton didn't fully understand and generally was opposed to changes on the adjacent property. Mr. Franklin has also spoken to the neighbor on the opposite side of the subject tract who was very receptive to the proposed drainage improvements.

Staff has reviewed the request and recommends approval of the requested variance to allow a 6.5-foot side setback for a detached Accessory Dwelling Unit to be located at 405 Martin Luther King Jr. Parkway.

Chairman Hodde opened the Public Hearing at 5:37 p.m. and asked for any comments. Carl Franklin, Applicant, 405 Martin Luther King Jr. Parkway stated that they are trying to improve the drainage issues on this property with the addition of the fence, rot board, rocks, etc. Mr. Franklin made the following comments / responses:

- He is unaware of any drainage easement on the property.
- During the "melting" from the February freeze, there was significant water flowing from back to front. The City of Brenham Water Department stopped by out of concern of a broken pipe.
- Water flows from the W. Jefferson properties down hill onto the subject property.
- Applicant proposes to add a privacy fence with a rot board on the bottom of the fence to slow down the water flow midway on the property.
- Applicant proposes to add rock and riprap for slowing down and diverting water running off from roof of ADU.
- The previous accessory structure that was demolished was closer to the property line – approximately 3-feet from the property line.

Stephanie Doland stated that the applicant is proposing significant steps to improve the drainage in the area which will likely be a benefit to all property owners within the same block.

Chairman Hodde closed the Public Hearing at 5:54 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Painter and seconded by Commissioner Winkelmann to approve the request by Carl Franklin and Linda Bessmer for a Variance to allow a 6.5-foot east side setback, where a minimum 10-foot side setback is required, for an Accessory Dwelling Unit at 405 Martin Luther King Jr. Parkway, as presented. The motion carried unanimously.

6. Public hearing, Discussion and Possible Action on Case Number B-21-008: A request Russell and Donna Kellar for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02(1) to a 3-foot south side setback, where a minimum 5-foot side setback is required, for an accessory structure located at 2501 Valley Drive, described as Lot 21 of the South Park Subdivision, Section II, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. B-21-008 (on file in the Development Services Department). Ms. Laauwe stated that this request is from Russell and Donna Kellar for a 2-foot reduction to the minimum required 5-foot side yard setback for a proposed wall extension to an existing legally nonconforming accessory structure. Ms. Laauwe stated that all detached accessory structures in any residential district shall be located to the rear of the primary residence and shall have a side and rear yard of not less than five (5) feet.

Division 4, Section 1.01 give the Board of Adjustment the authority to grant a Special Exception in accordance with the procedures and standards 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.

Ms. Laauwe provided the following staff findings:

- The existing accessory structure was constructed in 2010, when the side setback was a minimum of 3-feet. The setback requirement was increased to 5-feet in 2019.
- The porch addition has been covered since its construction in 2010 so enclosing the portion closest to the south property line just extends this nonconformity.
- The proposed addition will add 9-feet to the building along the south side but will not further encroach into the side yard setback.
- The existing side yard will not be reduced by the addition and would not be detrimental to the adjacent property owner or the public.
- The addition will not be visible from the right-of-way due the fence and vegetation.

Notifications were mailed to property owners within 200-feet of the subject property on December 2, 2021. Two written comments in support of the request were received from Mr. Marvin Lanier of 2503 Valley Drive and Ms. Allison Kocian of 2502 Valley Drive.

Staff has reviewed the request and recommends approval of the requested Special Exception to allow a 2-foot reduction to the minimum required 5-foot side yard setback for a proposed wall extension to an existing legally nonconforming accessory structure; thus, allowing a 3-foot south side back for the existing accessory structure.

Chairman Hodde opened the Public Hearing at 6:02 p.m. and asked for any comments. Donna Kellar, Applicant, 2501 Valley Drive stated that their plan is to enclose more area in the shed for additional enclosed storage to protect their personal property from the elements and theft.

Chairman Hodde closed the Public Hearing at 6:03 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 special exception to allow a 3-foot south side yard setback for an accessory structure 2501 Valley Drive, as presented. The motion carried unanimously.

7. Adjourn

A motion was made by Commissioner Painter and seconded by Commissioner Thielemann to adjourn the meeting at 6:03 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

February 14, 2022
Meeting Date

Attest, Staff Secretary

February 14, 2022
Meeting Date



CASE NUMBER: B-22-001

SPECIAL EXCEPTION REQUEST: 1005 ARMBRISTER STREET

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: Artis Edwards, jr.

ADDRESS/LOCATION: 1005 Armbrister Street (Exhibit "A")

LEGAL DESCRIPTION: Lot 14, Block 4, W.A. Wood Subdivision of the Armbrister Addition

LOT AREA: 0.122-acres / approximately 5,295 sq. ft.

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

**COMP PLAN
FUTURE LAND USE:** Single Family Residential

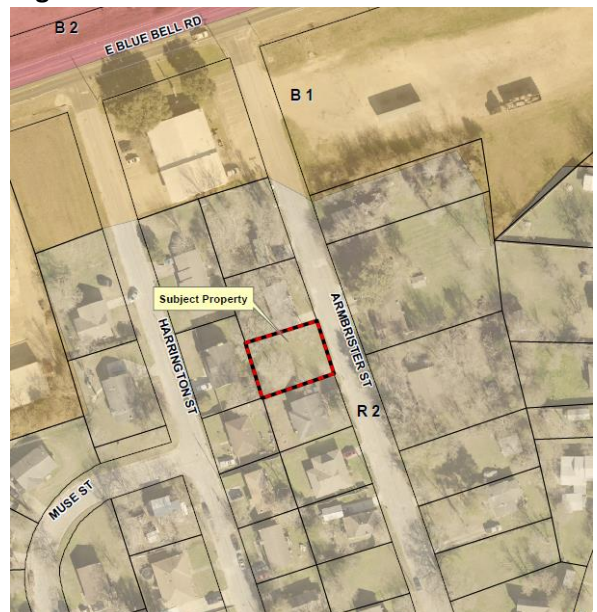
REQUEST: A request for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(a)(iii) to allow a to allow a 15-foot rear yard setback, where a minimum 25-foot rear yard setback is required for a two-family/duplex residence located in an R-2, Mixed Residential Zoning District on property addressed as 1005 Armbrister Street and specifically described as Lot 14, Block 4, W.A. Wood Subdivision of the Armbrister Addition. (Exhibit "C").

BACKGROUND:

The subject property is an approximate 5,295 square foot, undeveloped lot generally located on the west side of Armbrister Street and 350 feet south of East Blue Bell Road, and addressed as 1005 Armbrister Street (Exhibit "D"). The subject property and surrounding properties are currently zoned R-2, Mixed Residential District. The surrounding area is predominately developed with single-family homes, with commercial uses to the north within a B-1, Local Business Mixed Residential District along East Blue Bell Road. The applicant, Mr. Artis Edwards, Jr., is requesting a special exception to develop this tract of land with a two-family/duplex dwelling unit.

The requested special exception is for a ten (10) foot reduction in the minimum required twenty-five (25) foot rear yard setback. The subject property is described as Lot 14, Block 4, of the W.A. Wood Subdivision of the Armbrister Addition that

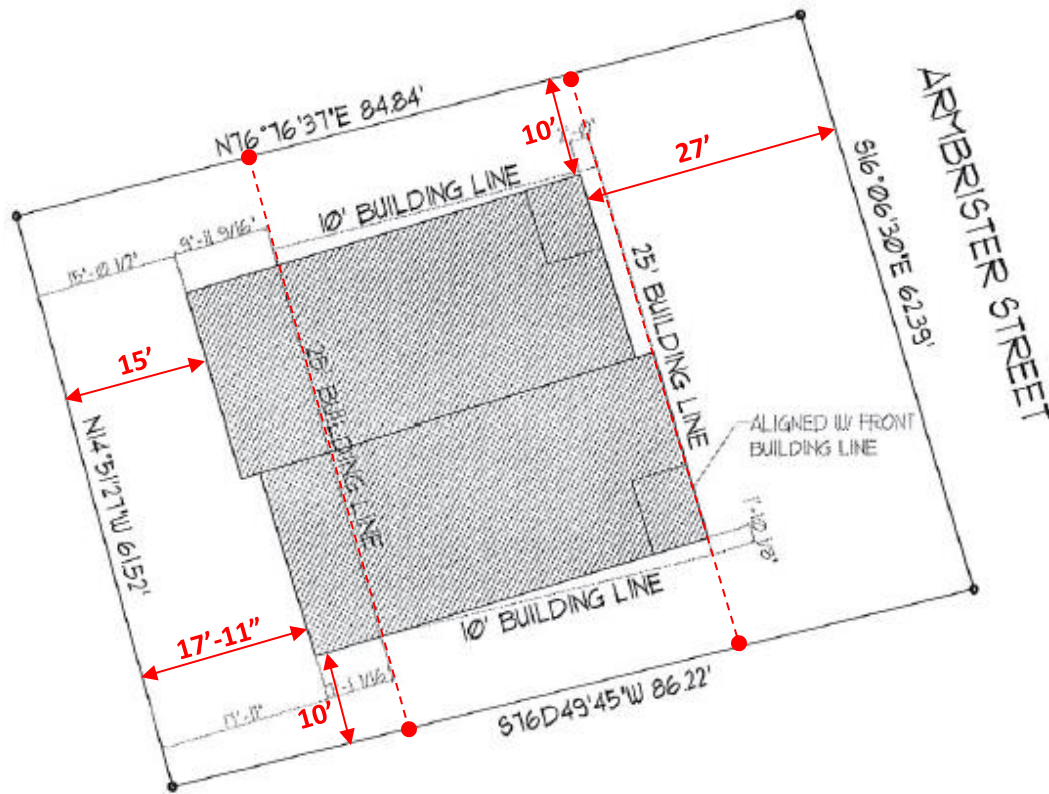
Figure 1



was platted in 1898, prior to the adoption of the Zoning Ordinance in 1967. In 1898, the W. A. Wood Subdivision platted four (4) blocks of lots, to include eighteen (18) lots along Armbrister Street that measured 66 feet in width by 94 feet in length (66'x94') for 6,204 square feet. While no other recorded plats have been found, it is evident that over the years, the lots on the east side of Armbrister Street were reconfigured larger, while the lots on the west side of Armbrister Street were reduced in size, likely due to the addition of Harrington Street to the west. The average lot size on the west side of Armbrister Street is currently between 63 feet and 70 feet in width and 85 feet to 93 feet in depth. For single-family homes and duplexes, the current R-2 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 on the east side of Armbrister Street have been reconfigured over the years to increase lot depths, most of the lots on the west side of Armbrister Street, to include the subject property, are legally nonconforming in both lot depth and lot size. The properties along the subject property block face (west side of Armbrister Street) all have a legally nonconforming depth of 92-feet or less. The subject property has a lot width of approximately 62 feet and a depth of 84.84 feet on the north property line and 86.22 feet of depth on the south property line, equating to a lot size of 5,295 square feet.

The applicant proposes to develop the lot with a two-story duplex, with each unit consisting of three (3) bedrooms, two and a half (2.5) bathrooms, and a one (1) car garage. The overall structure is approximately 42-foot by 40-foot (42'x40'), with each unit being 1,363 square feet. As shown on the survey in Figure 2, the proposed structure would be situated within the minimum 10-foot side yard setbacks and meet the 25-foot minimum front yard setback but would be placed at a 15-foot rear yard setback. Therefore, the applicant is requesting a ten (10) foot reduction in the minimum required twenty-five (25) foot rear yard setback to allow for the construction of a proposed two-family residence.

Figure 2



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:

- (b) An exception from the rear yard requirements where the actual rear yard setback of any four (4) or more lots in the same block do not meet the applicable rear yard requirements of these regulations.

Section 2.05(1)(a)(iii) of the City of Brenham Zoning Ordinance requires the following area regulations:

(1) Single-family detached units:

- (a) Rear yard: There shall be a rear yard having a depth of not less than twenty-five (25) feet.

STAFF 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 approximately 85-feet, thirty (30) feet less than the existing minimum lot depth requirement of 115-feet. Consequently, the nonconforming lot depths renders it difficult to develop a residence that meets the required 25-foot front and rear setbacks, such that along the Armbrister Street/ Harrington Street block, each residential structure either encroaches into the front or rear yard setback. Some homes, such as the adjacent home to the south, encroach approximately five (5) feet both in the front and rear yard setback. As shown in Figure 3, the prevailing rear yard setbacks of the existing homes on the same block, along the west side of Armbrister Street and east side of Harrington Street, range from 15 feet to 25 feet. The prevailing front yard setbacks are typically 20 feet on both streets. The subject property is not a completely parallel rectangle and narrows towards the east property line along Armbrister Street. The applicant had the option to request a five (5) foot reduction in both the front and rear yard setbacks to be more consistent with the neighborhood, but then the proposed structure would not have met the side yard setbacks. In relation to the subject property located at 1005 Armbrister Street, the existing structure adjacent to the west has a front yard setback of 20 feet and rear yard setback of 18 feet, while the adjacent home to the south has a front and rear yard setback of approximately 23 feet. In generally, the front and rear yard setbacks of the existing structures are inconsistent along this block ranging from as close as ten (10) feet to thirty (30) feet, with typically at least one of the setbacks encroaching due to the reduced lot depths. Thus, the requested 15-foot rear 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 5,295 square foot lot is 1,705 square feet smaller than the minimum required 7,000 square foot lot area. The smaller lot size also causes difficulty in developing a single or two-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)(b), Special Exceptions of the Zoning Ordinance, therefore Staff recommends approval of the request for a

ten (10) foot reduction in the minimum required twenty-five (25) foot rear building setback. Should the special exception be denied, the applicant would be required to adhere to the 25-foot rear building setback.

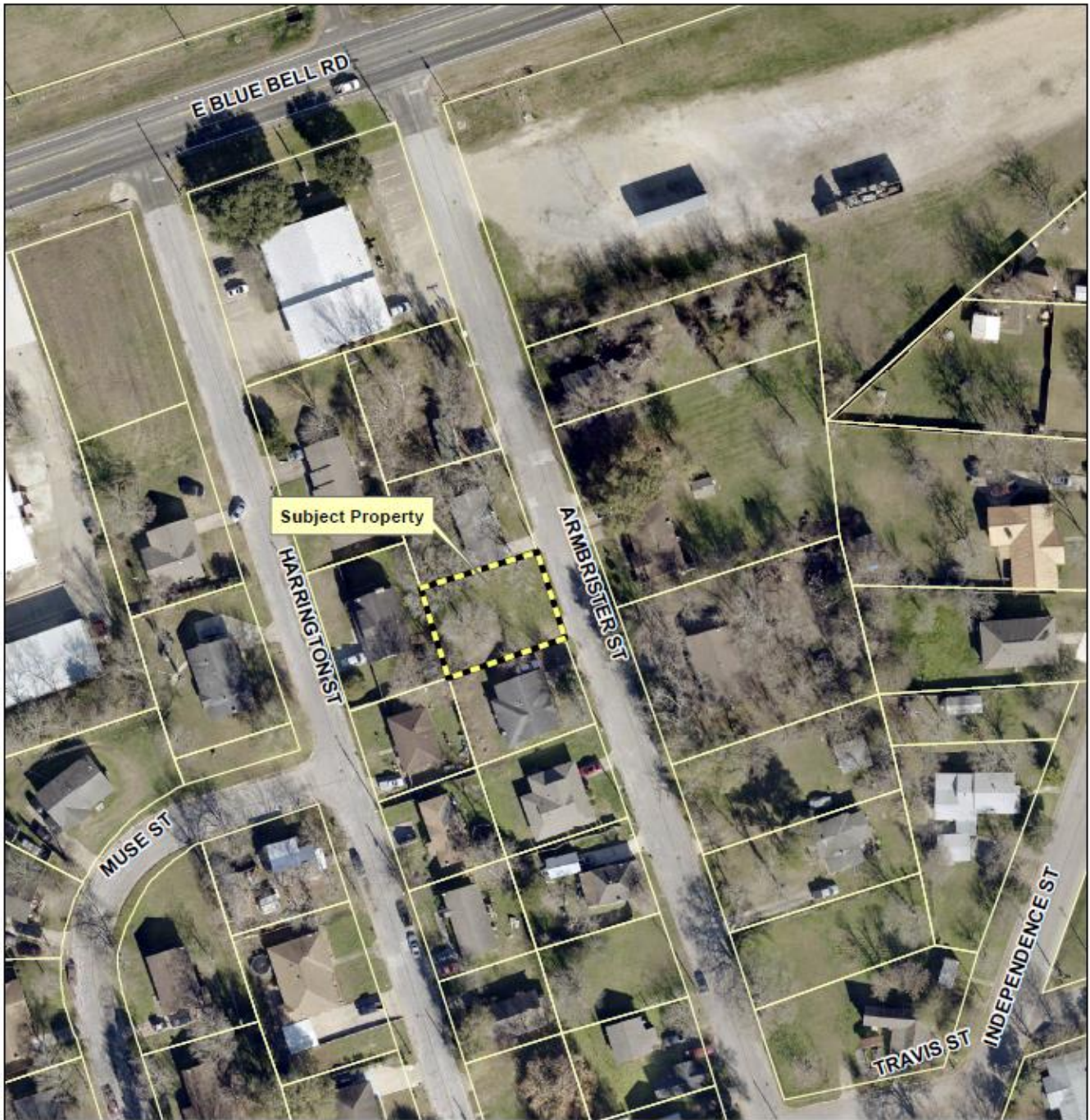
PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on February 3, 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. Cover letter
- D. Site Plan
- E. Rendering
- F. Photos

EXHIBIT "A"
AERIAL MAP



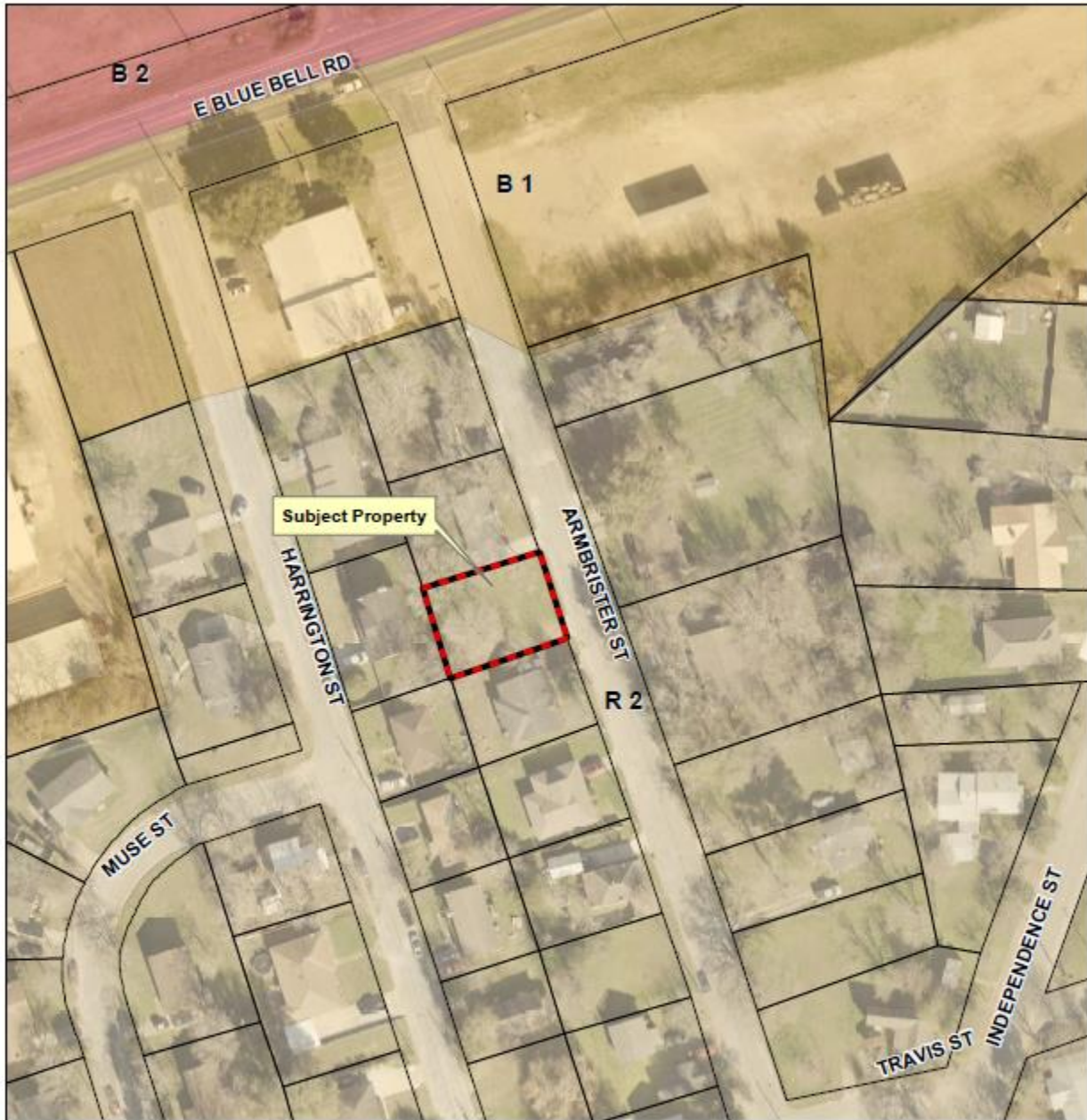
**Aerial Map
Special Exception
105 Armbrister Street**



1 inch = 92 feet



EXHIBIT "B"
ZONING MAP



**Aerial Zoning Map
Special Exception
1005 Armbrister Street**



1 inch = 92 feet

Legend

-  B1 Local Business Mixed
-  B2 Commercial Research and Technology
-  R2 Mixed Residential



EXHIBIT "C"
COVER LETTER

Edwards Real Estate Enterprise, LLC
PO Box 2112
Brenham TX 77834
979.661.9223
ArtisEdwardsJr@EREELLC.com

1/25/22

Board of Adjustments
200 West Vulcan
Brenham TX, 77833

Dear Board of Adjustments:

Edwards Real Estate Enterprise, LLC is requesting a variance to 1005 Armbrister St. Brenham TX 77833. The proposed duplex will meet the 25' front yard requirement as well as the 10' side yard requirement. The lot is only 84.84' deep on the right side (When facing property from Armbrister), and 86.22 on the left side. This creates a need for a 10' reduction of the back yard variance.

If you have questions, please contact me at 979.661.9223.

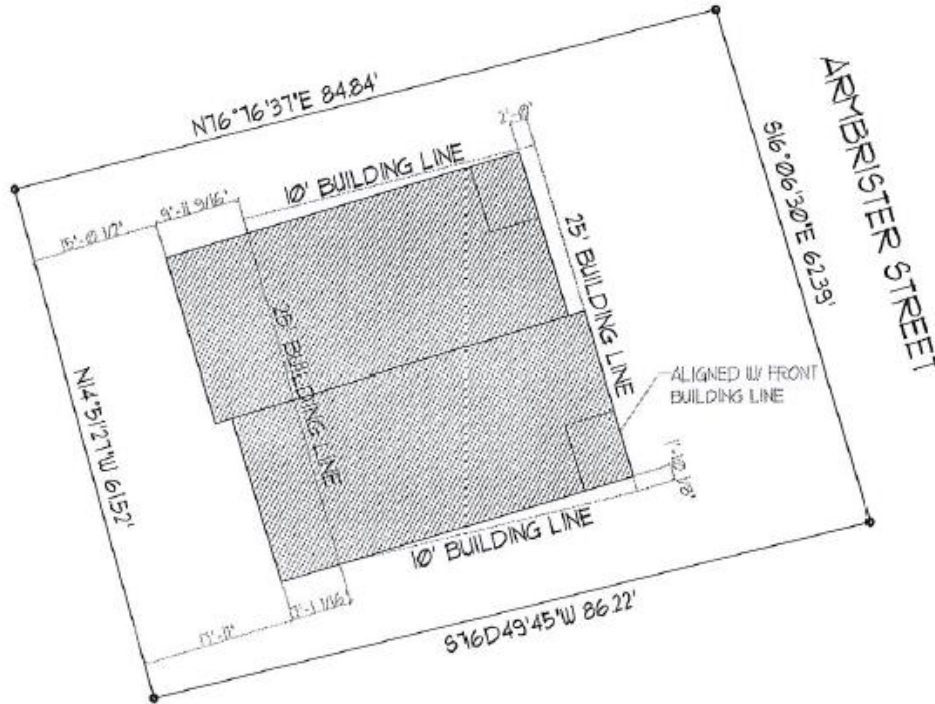
Sincerely,

A handwritten signature in black ink, appearing to read 'Artis Edwards Jr.', with a long horizontal line extending to the right.

Artis Edwards Jr

EXHIBIT "D"
SITE PLAN

ADDRESS:
1005 ARMBRISTER STREET
BRENHAM, TX 77833



W.A. WOOD SUBDIVISION OF
THE ARMBRISTER ADDITION
VOLUME 50 PAGE 586
DEED RECORDS OF WASHINGTON
COUNTY, TEXAS

0.121 Ac.
PORTION OF LOT 14, BLOCK 4
VOLUME 1488 PAGE 0074
OFFICIAL RECORDS OF
WASHINGTON COUNTY, TEXAS



SITE PLAN
SCALE: 1"=10'

EXHIBIT "E"
RENDERING



EXHIBIT "F"
SITE PHOTOS



Subject Property – Being graded for foundation



Looking South down Armbrister Street



Adjacent residence to the south



Looking north towards East Blue Bell Street (subject property where port-a-potty is located)