

**CITY OF BRENHAM  
BOARD OF ADJUSTMENT MINUTES**

**October 9, 2023**

*The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

A regular meeting of the Board of Adjustment was held on October 9, 2023, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Danny Goss, Vice Chairman  
Dax Flisowski  
Arlen Thielemann  
Mary Lou Winkelmann

Commissioners absent:

Jon Hodde, Chairman (potential conflict of interest)

Staff present:

Shauna Laauwe, City Planner  
Kim Hodde, Planning Tech

Citizens / Media present:

Thomas M. Hamilton	Suzy Hankins
Robert Mott	Keith Hankins
Nathan Knutson	Charles Lott
Mackenzie Knutson	

**1. Call Meeting to Order**

Vice Chairman Goss called the meeting to order at 5:15 p.m. with a quorum of four (4) Commissioners present.

**2. Public Comments and Receipt of Petitions**

There were no public comments and/or receipt of petitions.

**3. Reports and Announcements**

Shauna Laauwe, City Planner, informed the Board that Stephanie Doland is out on maternity leave since she had a baby boy on October 3, 2023. Both mom and baby are doing well.

**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 August 14, 2023, Board of Adjustment Meeting.**

Vice Chairman Goss called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Flisowski and seconded by Commissioner Thielemann to approve the Consent Agenda (minutes from the August 14, 2023, meeting), as presented. The motion carried unanimously.

**REGULAR AGENDA**

- 5. Public hearing, Discussion and Possible Action on Case Number B-23-009: A request by Nathan and Mackenzie Knutson for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 1, Section 10.02 (1) to allow a 1-foot, 6-inch north side yard setback and a 1-foot, 6-inch rear yard setback, where a minimum 5-foot side and rear yard setback is required for an accessory structure (garage) located at 1504 S. Market Street, described as Lot 2F, Block K of the Keys 2<sup>nd</sup> Addition in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-009 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Nathan and Mackenzie Knutson. The subject property is zoned as B-1, Local Business Mixed Residential District and is developed with a single-family residence. The future land use designation is Corridor Mixed use, and the proposed use is single-family residential. The subject property is located east of S. Market Street, south of E. Tom Green Street, and north of E. Mansfield Street. The request is to allow a north side setback and a rear setback of 1-foot, 6-inches. The property is surrounded by B-1 zoning with a variety of uses including single-family residential, multi-family (duplex) residential, and commercial. The subject property is approximately 70-feet wide by 124-feet deep. The existing 1,959 square foot home was built in 1929. The existing detached garage was built in 1995 with a side yard setback of 1-foot, 9-inches, and a rear yard setback of 1-foot 4-inches to 6-inches. In 1995, the setback requirement was 3-feet, but no record of a previous variance was found. The existing garage is in disrepair with termite and foundation damage. The applicant wishes to demolish the existing garage and replace it with a new metal garage in the same general location. No on-street parking is allowed on the portion of S. Market Street adjacent to the property. Commercial properties in the B-1 District do not have side yard setbacks. Multiple properties in the area were built right on the property line. The nearest structure is 15 feet away. All of the adjacent property owners submitted letters of support for this request.

Notifications were mailed to property owners within 200-feet of the subject property on September 28, 2023. Staff received the three (3) letters of support from Suzy and Keith Hankins, Marshall Harrel, and T.M. and Virginia Hamilton; however, no other written citizen responses were received.

Although the applicant's request is for a 1-foot 6-inch side and rear yard setback, Staff recommends approval of a variance to allow a 3-foot north side yard setback and a 1.6-foot rear yard setback for a proposed accessory structure (garage) to be located at 1504 S. Market Street.

Vice Chairman Goss opened the Public Hearing at 5:27 p.m. and asked for any comments. The applicant stated that the current garage is in very bad shape, and they are trying to be proactive. In response to Commissioners questions, Mr. Knutson stated that the building will have gutters so there will be no run-off to the neighboring properties and that they have no issue with Staff's recommendation of a 3-foot north side yard setback.

Ms. Laauwe further stated that there are many structures on surrounding properties that are nonconforming to the current setback regulations. In addition, the adjacent property to the west, has an existing garage that is about 8-foot from the property line and that there is no consistency with lot sizes and setbacks in this area.

Vice Chairman Goss closed the Public Hearing at 5:32 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to approve the request by Nathan and Mackenzie Knutson and the recommendation from City Staff for a variance to allow a 3-foot north side yard setback and a 1-foot, 6-inch rear yard setback for an accessory structure (garage) located at

1504 S. Market Street, in Brenham, Washington County, Texas, as presented. The motion carried unanimously (4-0).

**6. Public hearing, Discussion and Possible Action on Case Number B-23-010: A request by Charles D. Lott for a Special Exception in accordance with the City of Brenham Code of Ordinances, Appendix A – Zoning, Part IV, Division 3, Section 4.01(3) to allow the replacement of a non-conforming structure due to the total or partial destruction by fire or other causes for the property at 416 Lott Lane, described as part of Lot 1 of the McIntyre-Walker Addition, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-010 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Charles D. Lott. The property owners of record are Calvin and Rosie Lott. The subject property is zoned R-3, Manufactured Home Residential District. The future land use map shows this property as single-family residential and the existing and proposed use is a manufactured home site for two homes. The Zoning Ordinance provides an Exception that allows the Board of Adjustment to grant a Special Exception for a permit to repair or replacement to the previous building parameters after a public hearing is held for a non-conforming single-family structure that has been accidentally damaged or destroyed in whole or in part. The request is to allow replacement of an 896-square foot manufactured home that was damaged by a fire on January 19, 2022. The home is non-conforming as a manufactured home already exists on the property (500 Lott Lane) and the Subdivision and Zoning regulations limit one principal residential structure per lot.

The subject property was part of a large annexation in 2008 of south of Old Chappell Hill Road that included properties along Lott Lane and Carrington Lane. At the time of the annexation, the properties had two manufactured homes on this one lot:

- 500 Lott Lane – 980 SF, circa 1983
- 416 Lott Lane – 896 SF, circa 2000

416 Lott Lane caught fire on January 19, 2022. A permit was issued for repairs; however, the repairs turned out to be too extensive. In August 2023, the applicant requested hookups for a new manufactured home. The request was denied since it had been more than 6-months since the fire.

Without obtaining a moving or building permit, the damaged manufactured home was replaced with a manufactured home that was built in 2017. Development Services learned of this when utilities were requested.

If the Special Exception is approved, there are multiple code improvements that have to be completed before a certificate of occupancy can be issued.

**Staff Analysis:**

- The damaged home was 22 years old. The replacement home will be an improvement to the property and the neighborhood.
- The property borders the city limit line and is set back in the far rear corner of the property.
- Several properties in the area have multiple manufactured homes on one lot.
- Given the shape and access to Lott Lane, the property would be very difficult to replat in accordance with the Subdivision regulations.

Notifications were mailed to property owners within 200-feet of the subject property on September 28, 2023. Staff did not receive any phone calls or written citizen comments in support of or against the requested variance.

Based on the findings, Staff recommends approval of a Special Exception to allow a building permit for a proposed 840 square foot manufactured home on the site of 416 Lott Lane to replace the previous non-conforming structure that was damaged by a fire on January 19, 2022, with the following conditions:

1. That the home meets the building requirements for a Certificate of Occupancy to include the list of twelve (12) outstanding criteria and internal inspection as noted by the Assistant Building Official.

Vice Chairman Goss opened the Public Hearing at 5:40 p.m. and asked for any comments. Robert Mott, who is the attorney representing the Lott family, stated that the damaged home was removed, and a newer manufactured home was placed in the same location. He stated that this land is family land and that the unadjudicated will of Mr. Lott's mother allows Mr. Lott to live there. Mr. Lott has been paying the taxes on the entire property for years and will occupy the manufactured home. Mr. Mott further stated that everything on the building official's list of items to be done has been completed except the skirting, which will not be done until after the inspections have been completed. There were no other citizen comments.

Vice Chairman Goss closed the Public Hearing at 5:47 p.m. and re-opened the Regular Session.

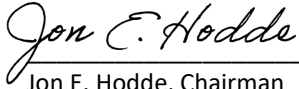
A motion was made by Commissioner Winkelmann and seconded by Commissioner Flisowski to approve the request by Charles D. Lott for a Special Exception to allow the replacement of a non-conforming structure due to the total or partial destruction by fire or other causes for the property at 416 Lott Lane, with the conditions as presented. The motion carried unanimously (4-0).

**7. Adjourn**

A motion was made by Commissioner Winkelmann and seconded by Commissioner Thielemann to adjourn the meeting at 5:49 p.m. The motion carried unanimously (4-0).

*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:



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Jon E. Hodde, Chairman

November 13, 2023  
Meeting Date



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Attest, Staff Secretary

November 13, 2023  
Meeting Date