

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

December 11, 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 December 11, 2023, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Jon Hodde, Chairman
Dax Flisowski
Arlen Thielemann
Mary Lou Winkelmann

Commissioners absent:

Danny Goss, Vice Chairman

Staff present:

Shauna Laauwe, City Planner
Kim Hodde, Planning Tech

Citizens / Media present:

Artis Edwards, Sr.
Craig and Theresa (Tussy) Norman

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:22 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 the 2024 meeting / submittal date calendars were placed on the dais. Ms. Laauwe also stated that Stephanie Doland would be back the week of December 18th on a part-time basis the full time after the new year. She stated that one request has already been submitted for the January Board of Adjustment meeting.

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 November 13, 2023, Board of Adjustment Meeting.

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Flisowski and seconded by Commissioner Winkelmann to approve the Consent Agenda (minutes from the November 13, 2023, meeting), as presented. The motion carried unanimously (4-0).

REGULAR AGENDA

5. **Public hearing, Discussion and Possible Action on Case Number B-23-012: A request by Artis Edwards, Sr. for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(A)(ii) to allow a 9.28-foot west side yard setback, where a minimum 10-foot side yard setback is required, for construction of a residence at 1310 Bridge Street, described as Lot 6A of the Carleton Addition, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-012 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Artis Edwards, Sr. The subject property is zoned as R-2, Mixed Residential Use District and currently has a single-family home under construction. The future land use designation is single-family residential, and the proposed use is single-family residential. The subject property is addressed as 1310 Bridge Street. The request is to allow a 0.72-foot (approximately 9-inches) reduction in the required west side yard setback to allow a 9.28-foot (9-foot, 3-inch) west side yard setback where a 10-foot side yard setback is required for a single-family residence. A building permit for a 1,373 square foot single-story home was issued for the subject property. The form survey revealed that the home foundation footprint was staked incorrectly and encroaching into the required 10-foot west side yard setback by approximately 9-inches. Since the builder has already set the plumbing, the applicant is requesting a Special Exception to legitimize this encroachment rather than remove the existing work and realign the forms.

Notifications were mailed to property owners within 200-feet of the subject property on November 30, 2023. Staff received one written comment in favor of the request.

Based on the findings, Staff recommends approval of this Special Exception request to allow a 0.72-foot (approximately 9-inch) reduction to the minimum required 10-foot west side yard setback to allow a west side yard setback of 9.28-feet for the property located at 1310 Bridge Street.

Chairman Hodde opened the Public Hearing at 5:30 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:30 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Thielemann to approve the request by Artis Edwards, Sr. for a Special Exception from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(A)(ii) to allow a 9.28-foot west side yard setback, where a minimum 10-foot side yard setback is required, for construction of a single-family residence at 1310 Bridge Street, as presented. The motion carried unanimously (4-0).

6. **Public hearing, Discussion and Possible Action on Case Number B-23-013: A request by Craig and Theresa Norman for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(A)(ii) to allow a 5-foot east side yard setback, where a minimum 10-foot side setback is required and a variance from Part II, Division 2, Section 2.05(1)(A)(iii) to allow a 2-foot rear yard setback, where a minimum 25-foot rear setback is required for a proposed attached accessory structure (garage) located at 413 W Main Street, described as Lot 7A1 of the West Main Subdivision in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-013 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Craig and Theresa Norman. The subject property is zoned as R-2, Mixed Residential Use District and is developed with a single-family residence. The future land use

designation is Mixed-Use Downtown Adjacent, and the proposed use is single-family residential with attached garage. The subject property is addressed as W. Main Street and is located on the south side of W. Main Street, west of Seward Street, and north of W. Alamo Street. The request is for a 5-foot reduction in the east side yard setback and a 23-foot reduction in the rear yard setback to allow a 5-foot east side yard setback and a 2-foot rear yard setback where a minimum 10-foot side setback and a minimum 25-foot rear yard setback is required for an attached accessory structure (garage) to an existing single-family residence. The subject property and all adjacent properties are zoned R-2, Mixed Residential Use District and developed with a mix of commercial and single-family residential units. The adjacent property to the east is Manuel's Mexican Restaurant that is a legally nonconforming use that has been in business since 1987. Neighboring properties to the northwest along W. Main Street are zoned R-1, Single Family Residential and developed with single-family home. The subject property measures approximately 60-feet by 92-feet and currently consists of a 2,061 square foot, 2-story, single-family home, and a detached accessory garage that were constructed in 1924 and 1989, respectively. The 5,532 square foot lot is legally non-conforming to the minimum 7,000 square foot and lot depth of 115-feet. In addition, the circa 1924 home is legally non-conforming to the minimum 25-foot front and rear yard setbacks and the minimum 10-yard west side yard setback. The existing garage is now in disrepair and the applicant who purchased the property in July 2023, wishes to demolish the existing garage and replace it with an 18-foot by 29-foot attached, two-story structure that would consist of a garage with storage space on the first floor and a game room on the second floor. The proposed garage would be attached to the existing home via a small existing second floor balcony. The 2018 International Building and Fire Code requires any structure that is less than 5-feet from a property line to have a fire-rated wall and no opening, to include windows, doors, or air conditioners.

Background:

- The existing detached garage accessory structure was built in 1989 with a 2-foot east side yard setback and a 0-foot rear yard setback.
- The existing garage is in disrepair with a crumbling concrete floor and foundation damage; therefore, the applicant wishes to replace this structure.
- The West Main Subdivision lot and principal structure predate the 1968 Subdivision and Zoning Regulations.
- In 1989, detached accessory structures had a 3-foot setback requirement, but the structure may also predate the regulations.
- Originally, the applicant wanted to replace the garage with a new garage in the same location with a wrap-around porch/walkway that would connect to the second floor of the home. Because of Building/Fire Code requirements and the proximity of structures on adjacent lots, this was not advisable.
- With the original plan, fire walls would be required and no openings would be permitted on the east and north sides.
- Plans were redrawn to place the garage at a 60-degree angle.
- A portion of the northeast corner and southeast corner will still encroach minimally into the setbacks. The portion of the garage that is within 5-feet of the north property line will still need a fire-rated wall and be prohibited from having any openings, but only a small portion of the proposed building would have these restrictions.
- The size of the lot and positioning of the existing principal structure prohibits placing an accessory structure that is functional and adheres to the building setbacks.
- Most of the lots in the area are non-conforming and most of the existing homes do not meet the setback requirements.

An attached accessory structure has the same setbacks as a principal structure; thus the proposed attached garage would have a minimum required 25-foot rear yard setback and a 10-foot east side yard setback. Therefore, the applicant is requesting a 23-foot reduction in the rear yard setback and a 5-yard reduction in the east side yard setback.

Notifications were mailed to property owners within 200-feet of the subject property on November 30, 2023. Staff has received numerous written comments in support of this request.

Based on the findings, Staff recommends approval of this request to allow a 5-foot reduction in the minimum required 10-foot east side yard setback for a setback of 5-feet, and to allow a 23-foot reduction in the rear yard for a setback of 2-feet, for a proposed attached two-story garage at 413 W. Main Street.

Chairman Hodde opened the Public Hearing at 5:42 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:43 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Thielemann and seconded by Commissioner Flisowski to approve the request by Craig and Theresa Norman for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(A)(ii) to allow a 5-foot east side yard setback, where a minimum 10-foot side setback is required and a variance from Part II, Division 2, Section 2.05(1)(A)(iii) to allow a 2-foot rear yard setback, where a minimum 25-foot rear setback is required for a proposed attached accessory structure (garage) located at 413 W Main Street, as presented. The motion carried unanimously (4-0).

7. Adjourn

A motion was made by Commissioner Flisowski and seconded by Commissioner Winkelmann to adjourn the meeting at 5:43 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:



Jon E. Hodde, Chairman

February 12, 2024
Meeting Date



Attest, Staff Secretary

February 12, 2024
Meeting Date