



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, MARCH 13, 2023 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 February 13, 2023 Board of Adjustment Meeting

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-23-003: A request by Four Vee, LLC / Cody Vordenbaum 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 104.35-foot lot depth for proposed Lots 2-B and 2-C, where a minimum average lot depth of 115-feet lot is required, for the future development of single-family residences to be located on the property currently addressed as 803 Matchett Street, described as the east half of Lots 2 & 4, Block K, A.M. Lewis Addition, in Brenham, Washington County, Texas.**
- 6. Adjourn**

CERTIFICATION

I certify that a copy of the March 13, 2023, 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 March 10, 2023, at 8:00 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 _____, 2023 at _____ am/pm.

Signature

Title

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

February 13, 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 February 13, 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
Danny Goss
Arlen Thielemann [arrived at 5:45 pm]
Mary Lou Winkelmann

Commissioners absent:

None

Staff present:

Stephanie Doland, Director of Development Services
Shauna Laauwe, City Planner
Kim Hodde, Planning Tech
Rosie McKee, Permit Tech

Citizens / Media present:

Donald W. Lampe, Lampe Surveying	Christine Guajardo
Marco Aguilar	Rev. Johnnie Williams
Patricia Hughes	Sheryl Calton
Modesta Garcia	

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:18 p.m. with a quorum of four (4) Commissioners present. Commissioner Thielemann arrived at 5:45 pm and was the fifth Commissioner 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 January 9, 2023 Board of Adjustment Meeting.

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Goss and seconded by Commissioner Flisowski to approve the Consent Agenda (minutes from the January 9, 2023 meeting), as presented. The motion carried unanimously (4-0).

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-23-001: A request by Marco and Beatriz Aguilar for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(b)(ii) to allow a lot width of 17.6-foot at the street for two contiguous lots, where a minimum lot width of 60-foot lot is required, for a single-family residence located at 1000 Burleson Street (0.977-acre tract/R14516) and the tract located to the south, identified by WCAD as Tract 266 of the A. Harrington Survey, A-55/R14588 (currently not addressed), containing 2.40-acres, described as Lots 197 and 266, respectively, of the Arrabella Harrington Survey, A-55, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-001 (on file in the Development Services Department). Ms. Laauwe stated that this is a request by Marco and Beatriz Aguilar to allow a lot width of 17.6-foot at the street for two contiguous lots where a minimum 60-foot lot width is required. The subject property is zoned a mix of I-Industrial and R-2, Mixed Residential District. The current use is single-family residential / vacant land and the Comprehensive Plan shows the future land designation of the property as single-family residential. Ms. Laauwe stated that Brenham's zoning ordinance requires the width of a residential lot to be not less than sixty (60) feet at the front street building line. There is currently a 35.2-foot access that is dedicated by metes and bounds. The request is to allow a lot width of 17.6-feet at the street for the lot addressed as 1000 Burleson Street and for the tract located to the south. The north lot is 0.997-acre and the south lot is 2.40-acres. The property is unplatted and was purchased in 2010. The existing single-family home was constructed in 1981. Most of this area is not platted and is part of the Original Town. The north lot is a flag lot with access provided by an existing 374.52-foot driveway. The south lot is landlocked. Currently, the only access is through the driveway on the north lot. The applicant desires to sell the south lot and this will require the property to be platted to establish direct and immediate access for the south lot. The current 35.2-foot access is proposed to be divided with each lot being platted with 17.6-foot lot width at the street. The south lot is undevelopable without this variance. The property has been in its existing configuration for at least 40-years. There will be no change as to how the property will look from Burleson Street other than the requirement for the first 25-feet of the driveway to be paved.

Staff has reviewed the request and recommends approval of the variance request as presented. Notifications were mailed to property owners within 200-feet of the subject property on February 2, 2023. Staff did not receive any citizen comments in support of or against the request.

Staff has reviewed the request and recommends approval of the requested variance to allow a lot width of 17.6-foot at the street for two contiguous lots located at 1000 Burleson Street and the tract adjacent to the south.

Danny Goss asked if the road would be built to City codes. Ms. Laauwe reiterated that it will not be a private road but only a driveway with an access easement; therefore, only the first 25-feet of the driveway is required to be paved.

Chairman Hodde opened the Public Hearing at 5:33 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:34 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 Marco & Beatriz Aguilar for a variance from the City of Brenham Code of Ordinances to allow a lot width of 17.6-foot at the street for two contiguous lots, where a minimum lot width of 60-foot lot is required, for a single-family residence located at 1000 Burleson Street (0.977-acre tract/R14516) and the tract located to the

south, identified by WCAD as Tract 266 of the A. Harrington Survey, A-55/R14588 (currently not addressed), as presented. The motion carried unanimously (4-0).

6. Public hearing, Discussion and Possible Action on Case Number B-23-002: A request by Modesta Gonzales 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 an 8-foot, 9.6-inch south side yard setback, where a minimum 10-foot side yard setback is required for a single-family residence to be located at 713 Brown Street, described as PT Lot 36, College Heights Addition in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-002 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Modesta Gonzales for a variance to allow an 8-foot, 9.6-inch south side yard setback, where a minimum 10-foot side yard setback is required for a single-family residence to be located at 713 Brown Street. The subject property is zoned R-2, Mixed Residential Use District. The current use is for a single-family residence and the Comprehensive Plan shows the future land designation of the property as single-family residential.

Ms. Laauwe stated that the College Heights Addition occurred before adoption of the subdivision and zoning regulations in 1968 and consisted of 64 lots that were 50-foot wide and 128-foot deep (6,400 square feet). Recently, a 929-square foot home was moved onto the subject property. Documents provided to obtain the moving/building permit stated that the home would fit within the minimum setbacks; however, the required form survey, after installation, showed that the structure was encroaching in the south side yard setback by 1-foot 2.5-inches. Ms. Laauwe stated that this is a legally non-conforming narrow lot and that the home far exceeds the front and rear setbacks. This home only encompasses approximately 15% of the lot. The neighboring adjacent home to the north was constructed in 1970 and is located approximately 5-feet from the side property line. Ms. Laauwe stated that there are four other properties on Brown Street that have received prior variances similar to this request.

Notifications were mailed to property owners within 200-feet of the subject property on February 2, 2023. Staff received one citizen comment in support of the request (A. Daves) and one citizen comment in opposition to the request (Sheryl Calton). Copies of both responses were provided to the Board members.

Staff has reviewed the request and recommends approval of the requested variance to allow an 8-foot, 9.6-inch south side yard setback, where a minimum 10-foot side yard setback is required for a single-family residence to be located at 713 Brown Street.

Chairman Hodde recused himself and left the room due to a potential conflict of interest, since his surveying firm performed the form survey for this property. Vice Chairman Goss acted as Chairman for the remainder of the meeting.

Ms. Laauwe stated that if the variance were to be approved, the structure would have to be brought into compliance with the 2018 Building Codes. In response to Commissioner's questions, Ms. Laauwe stated the following:

- If the variance were to be approved, the structure would have to be brought into compliance with the 2018 Building Codes.
- This is a common occurrence in this area.
- The applicant applied for a moving permit and the drawing showed the house met the setbacks; however, the form survey showed that it didn't meet the side setbacks.
- The Subdivision Ordinance has a provision for lots that are 49-feet or less to have a smaller setback (5-foot) but this lot is 50-foot wide so it is required to have a 10-foot side setback.
- Ms. Laauwe clarified that the home is not a manufactured home but is a wood-construction home on a pier and beam foundation.

Vice-Chairman Goss opened the Public Hearing at 5:50 p.m. and asked for any comments. Ms. Sheryl Calton, who owns the property at 717 Brown Street and resides at 12706 Tammarack Drive, Houston, Texas, 77013, spoke and reiterated her opposition to the request. Ms. Calton read the email previously submitted to the Commissioners and copied below for reference:

I am in opposition to Proposal B-23-002 for the reasons below:

- *unnecessary hardship would be created due to such change in conditions/circumstances created by this request*
- *alter the essential character of the neighborhood and impair the appropriate use of development of adjacent properties on Brown Street and the neighborhood*
- *change the unique physical circumstances or conditions for this request would alter the provisions of the current zoning ordinance*
- *to avoid relief for modification due to the permanent impairment of use and development and would be detrimental to the public welfare and unfair to landowners on Brown Street and neighborhood*
- *potential for higher population density*
- *potential of blocking the sun, blocking the view, and less privacy*
- *potential drainage/sewer issues impacting the neighborhood.*

Summary:

The opposition is based on these potential/probable adverse effects, including:

- *compliance with this project will cause undue hardship for the landowners on Brown Street and the neighborhood*
- *the proposed project is unnecessary for reasonable use of the property*
- *the proposed project would alter and create a loss of the essential characteristics of the neighborhood*
- *the proposed project would increase the potential for drainage/sewer issues in the future*
- *the proposed project does not represent the least possible solution.*

When I married in 1989 to Samuel O. Calton, Jr., deceased, I resided in a manufacturer's home for several years.

The property that I currently own at 717 Brown Street, Brenham, Texas 77833, was built and purchased by his father, Samuel O. Calton, Sr., father and after his death, purchased by Samuel O. Calton, Jr., son. Samuel O. Calton, Jr. attended schools in Brenham ISD and later went on to attend Blinn Jr. College and Stephen F. Austin State University to receive a B.S. and Master's Degree.

Based on my understanding, the fence adjacent to the project was installed by Samuel O. Calton, Sr., but the survey may show an encroachment on the fence line based on the survey flags.

There lies another movement of the land and soil on Brown Street.

I will exclude the survey issue until I can conduct a survey and secure signatures from neighbors that, in fact, Samuel O. Calton, Sr. purchased and installed the fence adjacent to the property regarding this project and whatever evidence may be required.

In addition, I have concerns about having a manufactured home in a residential neighborhood that is not permitted by the current zoning ordinance. This is the exact property location requesting the variance.

I am requesting further clarification in writing regarding the manufactured home at 713 Brown Street, Brenham, Texas, 77833.

As a living spouse and landowner on Brown Street, I am responsible for opposition to this project for reasons listed in this email message.

Ms. Rosie McKee interpreted for Ms. Gonzales. Ms. Gonzales stated that she is just requesting the ability to make this property a home for her family. She further stated that she cannot argue with Ms. Calton's feelings but she thinks this home will be a benefit to the area. There were no other comments.

Vice Chairman Goss closed the Public Hearing at 6:00 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 Modesto Gonzales for a variance from the City of Brenham Code of Ordinances to allow an 8-foot, 9.6-inch south side yard setback for a single-family residence to be located at 713 Brown Street, as presented. The motion carried unanimously.

7. Adjourn

A motion was made by Commissioner Winkelmann and seconded by Commissioner Thielemann to adjourn the meeting at 6:08 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:

Danny Goss, Vice Chairman

March 13, 2023
Meeting Date

Attest, Staff Secretary

March 13, 2023
Meeting Date



CASE NUMBER: B-23-003

VARIANCE REQUEST: 803 MATCHETT STREET

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: Four Vee, LLC / Cody Vordenbaum

ADDRESS/LOCATION: 803 Matchett Street (Exhibit "A")

LEGAL DESCRIPTION: East half of Lots 2 & 4, Block K of the A.M. Lewis Addition

LOT AREA: Approximately 1.004-acres

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

**COMP PLAN
FUTURE LAND USE:** Single-family residential

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 104.35-foot lot depth where a minimum 115-foot lot depth is required for single-family residences (Exhibit "C").

BACKGROUND:

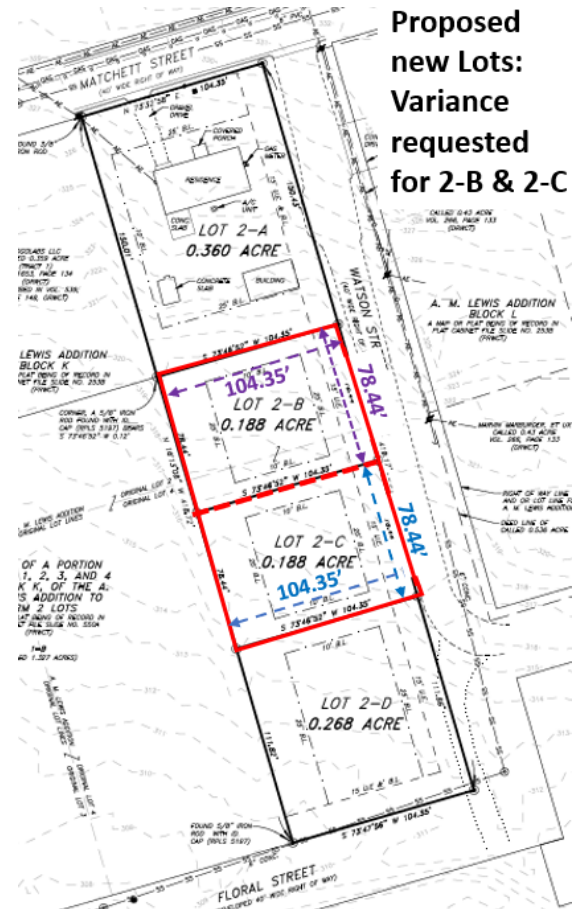
The subject property is addressed as 803 Matchett Street and located on the southwest corner of Matchett Street and Watson Street (Figure 1). The subject property, as well as the surrounding adjacent properties are currently zoned as R-2 Mixed Residential Use District. The subject site is developed as a single-family residence, with adjacent properties to the north, west and east being mostly made up of single-family residences and vacant tracts of land. The property to the south is developed as Brenham Village Apartments. The property owner and applicant is Four Vee, LLC (Cody Vordenbaum). The subject property is currently part of the A.M. Lewis Subdivision that was recorded prior to the adoption of the subdivision and zoning regulations in 1968. The property is approximately 1.02 acres and is 104.33-feet wide by 419.17-feet in length. As shown in Figure 2, Mr. Vordenbaum proposes to replat the existing lot into four (4) single-family lots. The applicant is currently working with the Public Utilities Department to meet the

Figure 1



Figure 2

requirements to extend utilities to the proposed new lots as utilities are not currently located along Watson Street. Each of the proposed lots exceed the minimum lot area of 7,000 square feet and lot width of 60-feet at 25-feet from the adjacent right-of-way. Proposed Lot 2-A would be 0.360-acres and would consist of the existing single-family home and accessory structures. Proposed Lot 2-A meets all the subdivision and zoning requirements for a single-family lot. The southernmost lot, proposed Lot 2-D, is situated on the corner of Watson Street and the Floral Street right-of-way. The lot is proposed to be 0.268-acres and has a lot width of 111.86-feet along Watson Street and lot depth of 104.35-feet along the Floral Street right-of-way. While the lot depth does not meet the standard requirement of 115-feet, the R-2 regulations in Section 2.05(b)(iii) states: "The average depth of the lot shall not be less than 115 feet, except that a corner lot, having a minimum width of not less than 80-feet, may have an average depth of less than 115-feet, provided that the minimum depth is no less than 90-feet." Thus, the proposed corner lot of Lot 2-D, with a lot width of 111.86-feet and depth of 104.35-feet meets the regulations. Proposed Lots 2-B and Lot 2-C, meet the minimum lot area and lot width requirements with each having approximately 8,189 square feet and a lot width of 78.44-feet; however, the proposed lot depth of 104.35-feet does not meet the minimum lot depth of 115-feet for an interior R-2 single-family residential lot.



Proposed new Lots: Variance requested for 2-B & 2-C

The replatting of the existing lot into four lots will bring it more in conformance with the higher density allowed for the R-2 District. 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 10.65-foot reduction to the minimum required average lot depth of 115 feet for proposed Lots 2-B and 2-D, in order for them to be replatted for the development of single-family residential lots.

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.*

A variance to the average minimum lot depth will allow the subject property with its elongated length of 419.17-feet to be replatted into three additional single-family lots. The proposed Lots 2-B and 2-C exceed the minimum lot area by over 1,000 square feet and the minimum lot width by 18-feet. The proposed subject property boundaries will allow for three (3) additional single-family lots that given the proposed lot area and width will be developable without the need for additional setback variances. Staff finds that the proposed variance will accommodate development on the subject property that 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 proposed lots exceed the minimum lot area and lot width, with only the proposed interior Lots 2-B and 2-C needing a 10.65-foot reduction in the 115-foot lot depth requirement. 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 replat application for consideration by the Planning and Zoning Commission.

- (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 three (3) additional lots and retaining the existing elongated rectangular lot from being further developed. The proposed lots have adequate dimensions to meet the zoning regulations for building setbacks and parking in addition to residential building code.

- (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 the dividing up of surrounding parcels by metes and bounds versus the platting process. The tract is an infill property that predates the subdivision and zoning regulations established in 1968. The subject property exceeds the minimum required 7,000 square foot lot size and the minimum required lot width and without a variance to the lot depth, the proposed lots 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 alone but rather when the original subdivision was created which resulted in property that do not meet minimum lot depth along an existing roadway. The subject property has an elongated rectangular shape that not desirable as a sole single-

family lot. 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 lot depth of 104.35-feet for the proposed Lots 2-B and 2-C for future development.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on March 2, 2023. 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. Photos

EXHIBIT "A"
AERIAL MAP



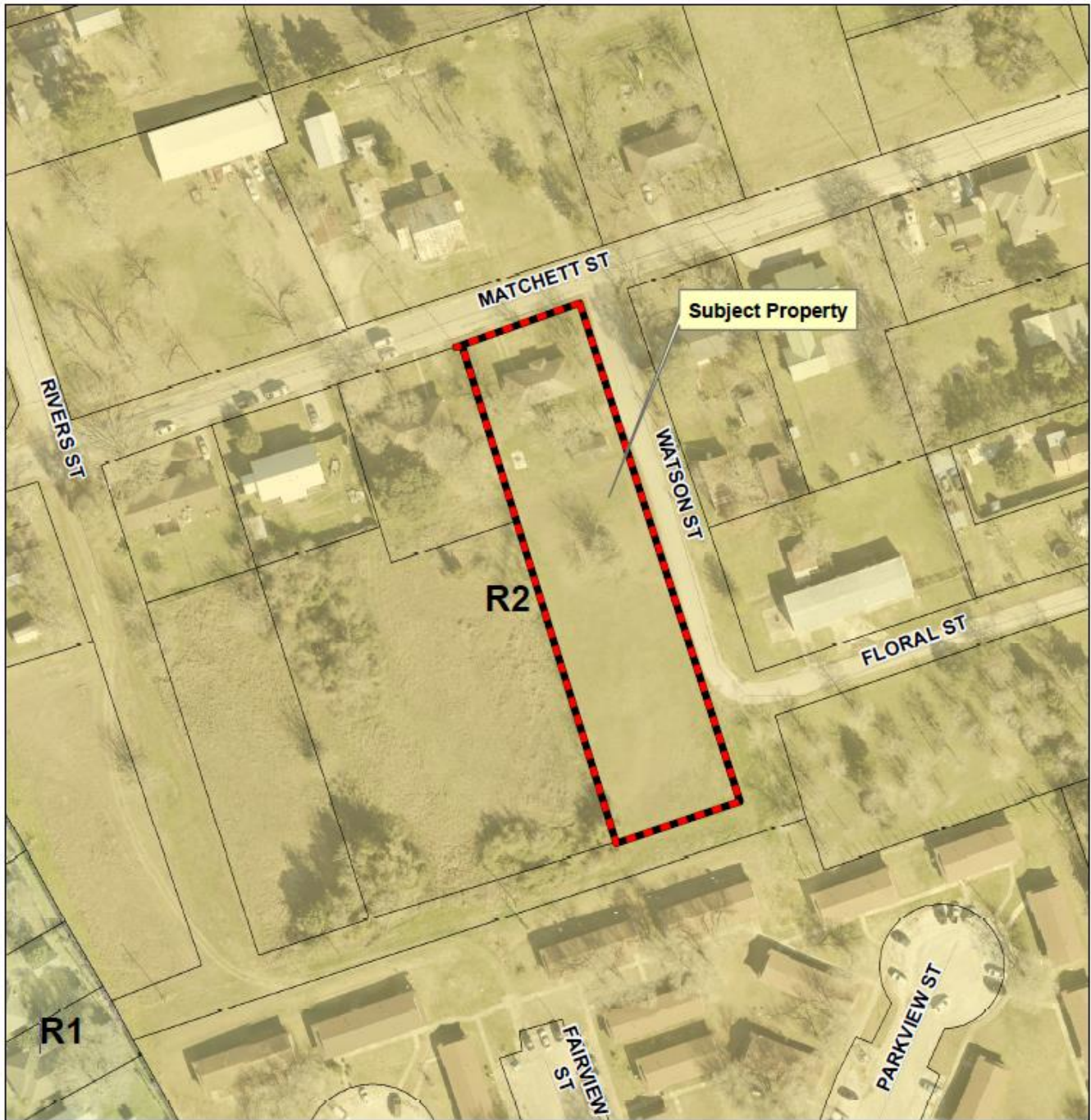
Location Map
803 Matchett Street
Lot Depth Variance Request



1 inch = 104 feet



EXHIBIT "B"
ZONING MAP



Location Map
803 Matchett Street
Lot Depth Variance Request



1 inch = 104 feet

Legend



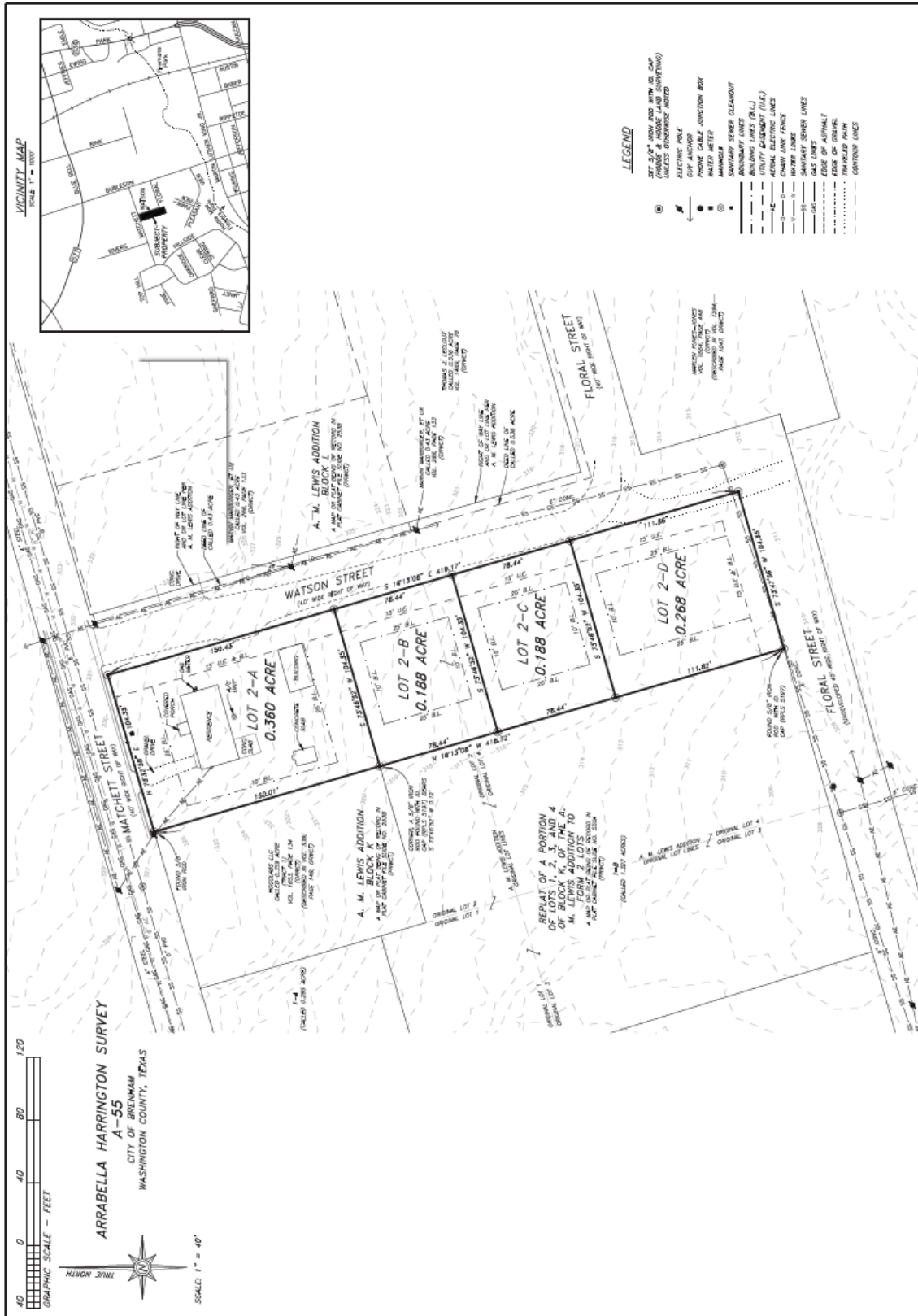
-  R1 Residential Single Family
-  R2 Mixed Residential



EXHIBIT "C"
PROPOSED PLAT



OWNER/DEVELOPER
FOUR VEE, LLC
CODY VORDBENBALUM, MANAGER
6020 WALDHAM GROVE LANE
BRYAN, TEXAS 77802
PHN. 832-528-4719
EMAIL: CODY_VORDBENBALUM@4HOD.COM

**REPLAT OF A PORTION OF LOTS 2 AND 4
OF BLOCK K, OF THE A. M. LEWIS ADDITION
FORMING LOT 2-A (0.360 ACRE), LOT 2-B (0.188 ACRE),
LOT 2-C (0.188 ACRE) & LOT 2-D (0.268 ACRE)
CONTAINING 1.004 ACRES TOTAL**
ARRABELLA HARRINGTON SURVEY, 4-55, CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS

M. G. AND J. M. HODDE, PROFESSIONAL SURVEYORS, REG. PROFESSIONAL SURVEYORS
Hodde & Hodde Land Surveying, Inc.
Professional Land Surveying & Engineering
613 E. Blue Bell Road - Brenham, Texas 77833
979-896-5811, 979-896-5885 (fax)
www.hoddesurveying.com

**SHEET 1
OF 2**

EXHIBIT "D"
SITE PHOTOS



803 Matchett Street- Existing home being remodeled.



Watson Street – Brenham Village Apts. in background.



Looking south down Watson Street. Subject properties to the right.



**Watson Street curving into Floral Street.
Looking directly at the subject lots.**