

**CITY OF BRENHAM
BOARD OF ADJUSTMENT MINUTES**

April 10, 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 April 10, 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
Danny Goss, Vice Chairman
Dax Flisowski
Arlen Thielemann
Mary Lou Winkelmann

Commissioners absent:

None

Staff present:

Stephanie Doland, Development Services Director
Shauna Laauwe, City Planner

Citizens / Media present:

Chris and DeeAnna Marek

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:15 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 March 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 Goss and seconded by Commissioner Winkelmann to approve the Consent Agenda (minutes from the March 13, 2023 meeting), as presented. The motion carried unanimously.

REGULAR AGENDA

- 5. Public hearing, Discussion and Possible Action on Case Number B-23-004: A request by Chris and DeeAnna Marek 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 102.72-foot lot depth, where a minimum average lot depth of 115-foot lot is required, for a single family residence located on the property addressed as 604 S. Baylor Street, and described as Lot 3A and Lot 4A (Proposed Lot 3B) of the Original Town Lot 91, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-23-004 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Chris and DeeAnna Marek to allow the existing 102.72-foot lot depth for proposed Lot 3B, where a minimum average lot depth of 115-foot lot is required, for platting of two lots into one lot at the property currently addressed as 803 Matchett Street. The subject properties are zoned 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 depth of a residential lot to be not less than one hundred fifteen (115) feet. Ms. Laauwe stated that the property is part of the Original Town Lot 91, as shown on a hand-drawn plat that was recorded before the adoption of the Subdivision and Zoning regulations for the City of Brenham. The existing property is comprised of two lots separated by a deed line – Lot 3A to the north and Lot 4A to the south. The lots exceed the minimum lot width of 60-feet but are only approximately 103-feet in depth and are considered legally non-conforming lots.

The property owners were approved for an Accessory Dwelling Unit in January 2023 that would be on the existing south lot. Since an accessory structure/use cannot stand alone on a separate lot but must be an accessory to a principal dwelling, the two lots are required to be replatted into one lot. The replatting results in the loss of the non-conforming status. A replat cannot be approved if the newly formed lots do not meet the current zoning regulations for lot size, width, and depth. Lots that do not meet must seek a variance from the Board of Adjustment before replatting. The look of the property configuration will remain unchanged to the adjacent property owners and the general public. The existing single-family home and proposed ADU meet or exceed the building setback requirements. A replat application has been submitted for consideration by the Planning and Zoning Commission on April 24, 2023.

Notifications were mailed to property owners within 200-feet of the subject property on March 29, 2023. Staff received two citizen comments (Fred Lowery of 602 S. Baylor Street and Larry Schultz of 611 S Baylor Street) in support of the variance request.

Staff has reviewed the request and recommends approval of the requested variance to allow the existing lot depth of 102.72-feet for the proposed Lot 3B.

In response to questions from the Commissioners, Ms. Laauwe clarified the following:

- Chris and DeeAnna Marek are the property owners.
- In the event the Marek's want to sell the property, the dwelling would have to meet all setback requirements.
- The replat ensures that the accessory dwelling unit is not sold separately as a principal structure.
- The accessory dwelling unit cannot be built on the property line. The ADU must meet the provisions of an ADU, including setback provisions. The replat is necessary since the principal structure and the ADU must be on one lot.
- The variance applies to the property not to the property owner so it will transfer if the property is sold.

- The Exhibit shows the property as one lot since the data is based on information from the Washington County Appraisal District and they show the lots as tax bill data versus the actual platted lots.

Chairman Hodde opened the Public Hearing at 5:27 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:28 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 Chris and DeeAnna Marek for a variance from the City of Brenham Code of Ordinances to allow the existing 102.72-foot lot depth, where a minimum average lot depth of 115-foot lot is required, for a single-family residence located on the property addressed as 604 S. Baylor Street, as presented. The motion carried unanimously.

6. Adjourn

A motion was made by Commissioner Flisowski and seconded by Commissioner Thielemann to adjourn the meeting at 5:34 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

Jon E. Hodde, Chairman

May 8, 2023
Meeting Date

Kim Hodde

Attest, Staff Secretary

May 8, 2023
Meeting Date