



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, JANUARY 9, 2023 AT 5:15 P.M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BREHAM, TEXAS**

1. Call Meeting to Order

2. Administer Oath of Office

- Dax Flisowski
- Danny Goss
- Arlen Thielemann

3. 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.]

4. Reports and Announcements

CONSENT AGENDA

5. 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.

5-a. Minutes from the November 14, 2022 Board of Adjustment Meeting

REGULAR AGENDA

6. Election of a Chair and Vice-Chair for the Board of Adjustment for 2023.

7. Public hearing, Discussion and Possible Action on Case Number B-22-007: A request by David and Kim Wellmann for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 3.05(C) to allow eighty-nine (89) percent lot coverage, where the maximum lot coverage allowed is eighty (80) percent, for expansion of the parking area located at 103 E Academy Street, described as Tract 173 of the Arrabella Harrington Survey, in Brenham, Washington County, Texas.

8. Adjourn

CERTIFICATION

I certify that a copy of the January 9, 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 January 5, 2023, at 9:00 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

November 14, 2022

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 November 14, 2022, 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
Kim Hodde

Citizens / Media present:

Ben Burroughs
Shawna Burroughs
Cesar Barron Castro
Edin Inestroza

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 September 12, 2022, Board of Adjustment Meeting.

Chairman Hodde called for any corrections or additions to the minutes as presented. Kim Hodde noted that the minutes in the packet indicated that Walt Edmunds was present for the meeting; however, he was not in attendance so the minutes would be changed to reflect this correction as well as the number of Commissioners present. A motion was made by Commissioner Thielemann and seconded by Commissioner Painter to approve the Consent Agenda, as corrected. The motion carried unanimously.

REGULAR AGENDA

5. **Public hearing, Discussion and Possible Action on Case Number B-22-005: A request by Stylecraft Builders for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(2)(B)(ii) to allow a 15-foot side yard setback, where a minimum 20-foot side yard setback is required for a corner lot, for the future development of a townhome residence to be located at 2001 Vintage Farms Way, described as Lot 1, Block 4, Vintage Farms Townhomes, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-22-005 (on file in the Development Services Department). Ms. Laauwe stated that this request by Stylecraft Builders is for a 5-foot variance to the required 20-foot side street setback for a corner lot for future development of townhome residences at 2001 Vintage Farms Way. The future land use designation is multi-family residential. The subject property is zoned PDD, Planned Development District and is part of the Vintage Farms development's overall Master Plan. The townhome development at build out is planned to include a total of 57 townhomes. Most of the townhomes are in a 3-unit grouping with the driveways located at the rear with access from a private alley. The minimum lot size for a townhome is 3,000 square feet and the subject property is 4,800 square feet. The subject property is a corner lot with three rights-of-way – Vintage Farms Way, Trellis Pass, and a private alley as well as a 10-foot public utility easement along Trellis Pass. Townhomes on corner lots are required to have a minimum side street setback of 20-feet. Although this lot is 40-feet by 120-feet, with it being at the entrance to the subdivision, the curvature of the rights-of-way and the public utility easement reduces the buildable footprint area. Therefore, the applicant is requesting a 15-foot side street setback instead of the required 20-feet.

Notifications were mailed to property owners within 200-feet of the subject property on November 3, 2022. Staff received several phone calls for information but no written citizen comments were received in support of or against the request.

Staff has reviewed the request and recommends approval of the requested variance to allow a 15-foot side street setback for an attached single-family (townhomes) to be located at 2001 Vintage Farms Way.

Chairman Hodde opened the Public Hearing at 5:31 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:31 p.m. and re-opened the Regular Session.

A motion was made by Danny Goss to table this item until Stylecraft could be in attendance. After Ms. Doland was able to offer some clarification about the request, Commissioner Goss withdrew/rescinded his motion.

A motion was then made by Commissioner Painter and seconded by Commissioner Winkelmann to approve the request by Stylecraft Builders for a variance to allow a 15-foot side yard (street) setback, where a minimum 20-foot side yard setback is required for a corner lot, for the future development of a townhome residence to be located at 2001 Vintage Farms Way, as presented. The motion carried unanimously.

6. Public hearing, Discussion and Possible Action on Case Number B-22-006: A request by Edin and Martha Inestroza for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(2)(B)(ii) to allow a 10-foot side yard setback, where a minimum 20-foot side yard setback is required for a corner lot, for the future development of single-family attached (duplex) units to be located at the intersection of Sabine and Clay Streets, described as Proposed Lot 1, and Proposed Lot 16 of the Ebenezer Development, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. B-22-006 (on file in the Development Services Department). Ms. Laauwe stated that this request by Edin and Martha Inestroza is for a 10-foot variance to the required 20-foot side street setback for a corner lot (proposed Lots 1 and Lot 16) for future development of single-family attached units (duplexes) at this location. The future land use designation is multi-family residential. The subject 3.388-acre tract is zoned R-2, Mixed Residential Use District and is currently vacant. The applicant proposes a single-story duplex development which includes 16-duplex lots (32-units), 3 common areas, and a detention area. There is a proposed 5-foot common area along Sabine and Clay Streets for decorative fencing. The lots are proposed at 60-foot wide except for the cul-de-sac lots which are 50-foot at the setback line. If approved, the proposed Lots 1 and 16 would have a 10-foot side street setback plus a 5-foot common area. The setback requirements are as follows:

- Front setback – 20-feet
- Street Side setback – 20-feet *[Applicant requested a 10-foot street side setback]*
- Interior Side setback – 10-feet
- Rear setback – 15-feet

The proposed subdivision re-plot for the development is on hold pending action on this variance request. The proposed plat will show the common areas to be maintained by the Homeowner’s Association (HOA). The HOA documents will be recorded before the plat is recorded.

Notifications were mailed to property owners within 200-feet of the subject property on November 3, 2022. Staff received several phone calls for information but no written citizen comments were received in support of or against the request.

Staff has reviewed the request and recommends approval of the requested variance to allow a 10-foot side street setback for an attached single-family (duplex) home to be located on proposed Lots 1 & 16 of the proposed Ebenezer Development.

Chairman Hodde opened the Public Hearing at 5:52 p.m. and asked for any comments. There were no citizen comments.

Chairman Hodde closed the Public Hearing at 5:52 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Thielemann and seconded by Commissioner Painter to approve the request by Edin and Martha Inestroza for a variance to allow a 10-foot side yard setback, where a minimum 20-foot side yard setback is required for a corner lot, for the future development of single-family attached (duplex) units to be located at the intersection of Sabine and Clay Streets, as presented. The motion carried unanimously.

7. Adjourn

A motion was made by Commissioner Painter and seconded by Commissioner Winkelmann to adjourn the meeting at 5:55 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 Hodde, Chairman

January 9, 2023
Meeting Date

Attest, Staff Secretary

January 9, 2023
Meeting Date

CASE NUMBER: B-22-007

VARIANCE REQUEST: 103 E. ACADEMY STREET

STAFF CONTACT: Shauna Laauwe, City Planner

OWNERS/APPLICANTS: David and Kim Wellmann / Wellmann Insurance

ADDRESS/LOCATION: 103 E. Academy Street (Exhibit "A")

LEGAL DESCRIPTION: Tract 173 of the Arrabella Harrington Survey, A0055

LOT AREA: Approximately 0.41-acre (17,860 sf)

**ZONING DISTRICT/
USE:** B-1 Local Business/Residential Mixed-Use District / Insurance Office
(Exhibit "B")

**COMP PLAN
FUTURE LAND USE:** Commercial

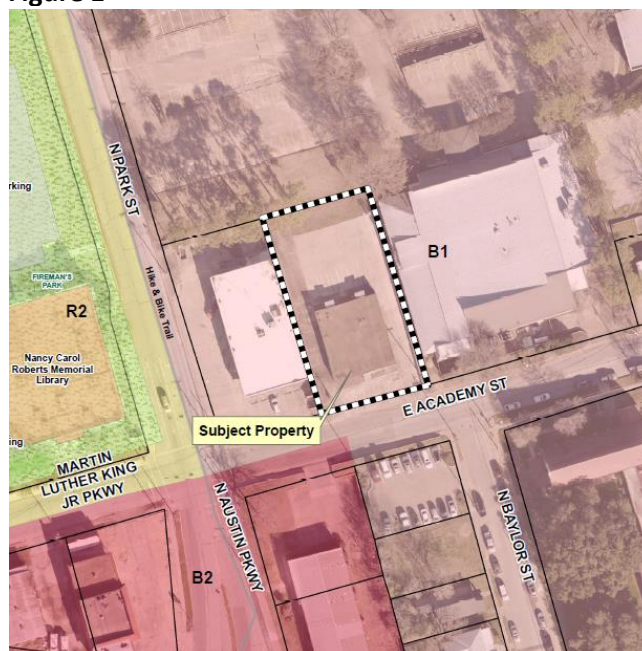
REQUEST: A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 3.05(C) to allow eighty-nine (89) percent lot coverage where the maximum lot coverage allowed is eighty (80) percent. (Exhibit "C").

BACKGROUND:

The subject property is an existing lot developed with a commercial business addressed as 103 E. Academy Street and located on the north side of E. Academy Street near its intersection with N. Park Street. The property owner and applicant is David and Kim Wellmann (Wellmann Insurance). The subject property, as well as adjacent properties to the north, south east and west, are currently zoned as B-1 Local Business/Residential Mixed Use District. Properties located to the southwest, across E. Academy Street and N Austin Parkway are zoned B-2, Commercial Research and Technology District. To the west, across N Park Street are zoned R-2, Mixed Residential District and developed as the Nancy Carol Roberts Memorial Library and Fireman’s Park.

The subject property is not officially platted and is currently part of the Arrabella Harrington Survey. The property is a 0.41-acre (17860 sf) tract that is

Figure 1



commercially developed as the Wellman Insurance office. The existing site includes a 3,759 square foot office building that was constructed in 1966 and associated off-street parking. The subject property was developed before the City of Brenham Zoning Regulations were first adopted in 1967 and meets all of the existing setback regulations, but is nonconforming in terms of current off-street parking and landscaping requirements. The property currently has 11 off-street parking spaces that consists of 5 parking spaces in the front along E Academy Street and 6 parking spaces in the rear for employee parking. The current off-street parking regulations have a office use parking requirement of 1 space per 300 square feet. Given that the existing office building is 3,759 square feet, the required off-street parking is 12.53 (13), whereas currently only 11 are provided. In addition, if the office building was constructed today, the subject property would be required to provide 15% landscaping, whereas the existing landscaped area is approximately 13.7%. Furthermore, the B-1 District limits the amount of lot coverage to 80%, thus the existing site is currently exceeding the maximum allowable lot coverage by 6.3%. During recent improvements to the property in 2021, the property owner did provide additional landscaping along the front in order for the site to reach a minimum landscaping of 8% that is required of improved properties that predate the 2019 landscaping ordinance. The provided landscaping along the building front that is typically more substantial than other similar commercial properties to the east along E. Academy Street, however if built today, the current landscaping regulations require landscape islands at the terminus of each parking island and either shrubbery or a other screening between the parking area and the right-of-way.

The applicant states that the business has grown over the years and they currently have 12 employees. With only 11 total parking spaces, and to accommodate customer parking in the front, many employees must resort to parking in a grassy area behind the building and near the north property line. On-street parking is not allowed along E Academy Street and parking across the street to the south is reserved for First United Methodist Church members. The applicant is proposing to add a 9'x50' (450 sf) area of concrete to the existing back parking area to accommodate 5 additional parking spaces and a 24' wide driving aisle. Please see the yellow hatched area in Figure 2 for reference. The proposed 450 square feet of paved area would increase the lot coverage on the site by 2% from the existing nonconforming 86.3% to 88.3%

The maximum allowable lot coverage in the B-1 District is 80%. Therefore, the applicant, is requesting a variance to allow 89% lot coverage, exceeding the permissible lot coverage by 9%, in order to expand the rear parking area to accommodate employee parking.

Figure 2



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.*

The subject site has been developed as an office use since the existing 3,759 square foot structure was built in 1966 and before the City of Brenham’s subdivision and zoning ordinances were adopted in 1967. The existing site consists of 5 parking spaces in the front of the structure along E Academy Street and a rear parking area on the north portion of the site that can accommodate 6 parking spaces, for a total of 11 off-street parking spaces. Current parking regulations require office uses to provide one parking space per 300 square feet. If constructed today, the 3,759 SF office use would be required to provide 13 off-street parking spaces. The applicant states that the business has grown over the years, and they currently have 12 employees. The existing parking does not provide enough parking for employees and none for customers. Along this portion of E Academy Street, on-street parking is prohibited, and nearby shared parking is unavailable as the parking lot to the south is reserved for First United Methodist Church. The applicant has provided pictures (Exhibit “D”) of how employees are parking on a portion of the north grassy area adjacent to the rear parking lot to accommodate parking in the front for customers. The applicant wishes to pave a 9-foot by 50-foot portion of the grassy area to provide an additional 5 parking spaces and a minimum 24-foot drive aisle. If approved, this would bring the total number of off-street parking to 16 spaces.

In addition to the existing off-street parking regulations, the site is also nonconforming in the amount of lot coverage on-site and landscaping. At the time of development, the site and many of the surrounding sites were not subject to lot coverage requirements, which is evident along E Academy Street as many of the commercial sites have little pervious cover or landscaping. The subject property currently has a lot coverage of 86.3% with landscaped areas along the front entrance of the building and the grassy area along the north property line. The proposed 450 square feet of paving to extend the rear parking area would increase the lot coverage by 2% to 88.3%.

A variance to the maximum lot coverage will allow the subject property to provide additional off-street parking for employees and customers and to come into conformance with the adopted minimum parking regulations. Staff finds that the proposed variance is reasonable to accommodate development on the subject property which is in conformance with the City’s Comprehensive Plan and zoning map. (Exhibit “C”).

Figure 3



- (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 further exceed the maximum lot coverage will not be materially detrimental or injurious to other properties and improvements in the general vicinity of the subject property. The subject property and adjacent properties to the north, west, east, and south across E Academy Street, are zoned B-1, Local Business/Residential Mixed-Use District. The subject property and the B-1 properties in the vicinity along E Academy Street were developed in the 1960s before the zoning regulations took effect in Brenham. As shown in Figure 4 below, most of the nearby B-1 properties have an abundance of pavement with little to no landscaping between the fronts of the buildings and the street. The B-1 properties in the vicinity are nonconforming in terms of maximum lot coverage and required landscaping. When improvements or change of use occurs, City Staff explores methods to add landscaping, such as potted plants, convert area of rock to greenery. The subject property, as shown in photographs in Exhibit "E", has made vast improvements to the landscaping of the site along the building face. The portion of greenspace that is proposed to be utilized to expand the rear parking, is not visible from the right-of-way. The additional pavement would also not be visible to the abutting property to the west due to a steep drop in elevation along the property boundary. To the east, the pavement would align with the adjacent Baylor Scott and White building. Granting the variance for additional lot coverage would not result in the site being out of character with the surrounding properties. The additional parking spaces would eliminate overflow parking in the grass and bring the site into conformance with the off-street parking requirements.

Figure 4



(3) *The literal enforcement of the ordinance would work on unnecessary hardship.*

Literal enforcement of this ordinance would prohibit the property owner from increasing the amount of off-street parking available to his employees and customers by expanding the existing rear parking lot by 450 square feet. Other parking options are not available as no parking signs are posted along E. Academy Street and there is no shared parking availability in the area.

(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 developed 55 years ago before the Zoning Ordinance was adopted that put in place required off-street parking standards, lot coverage maximums and

landscaping. If this was a vacant .41-acre lot today to be developed as office space, 15% landscaping would be required to include dense shrubbery between the parking spaces and right-of-way, landscaped island terminals with trees, a maximum of 20% lot coverage, and additional off-street parking spaces. Developed to the requirements of today, this site likely would appear different with additional landscaping located between the building and right-of-way. During a renovation in 2021, the property owners increased the landscaping in front of the building to bring the site up to at least 8% landscaping for improved properties that were in existence before the landscaping ordinance took effect in 2019. While the amount of lot coverage would increase by 2% to 89% lot coverage, with the proposed 450 square feet of pavement, the site will still meet the minimum 8% landscaping requirements for improved nonconforming sites. The site is unique in that there are no other options to increase the amount of parking. On-street parking is prohibited in the adjacent right-of-way and no shared parking opportunities are available.

(5) *The need for the variance was not created by the applicant.*

The need for the variance was not created by the applicant but rather by the constraints of the lot size and the unavailability of nearby on-street parking, shared parking, or public parking. The requested variance will allow the property owners to increase the rear parking area to accommodate additional parking for employees and customers.

(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 maximum lot coverage 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 an eighty-nine (89) percent lot coverage for the existing business located at 103 E. Academy Street.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on December 1, 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. Application letter
- D. Applicant Photos
- E. Site Photos

EXHIBIT "A"
AERIAL MAP

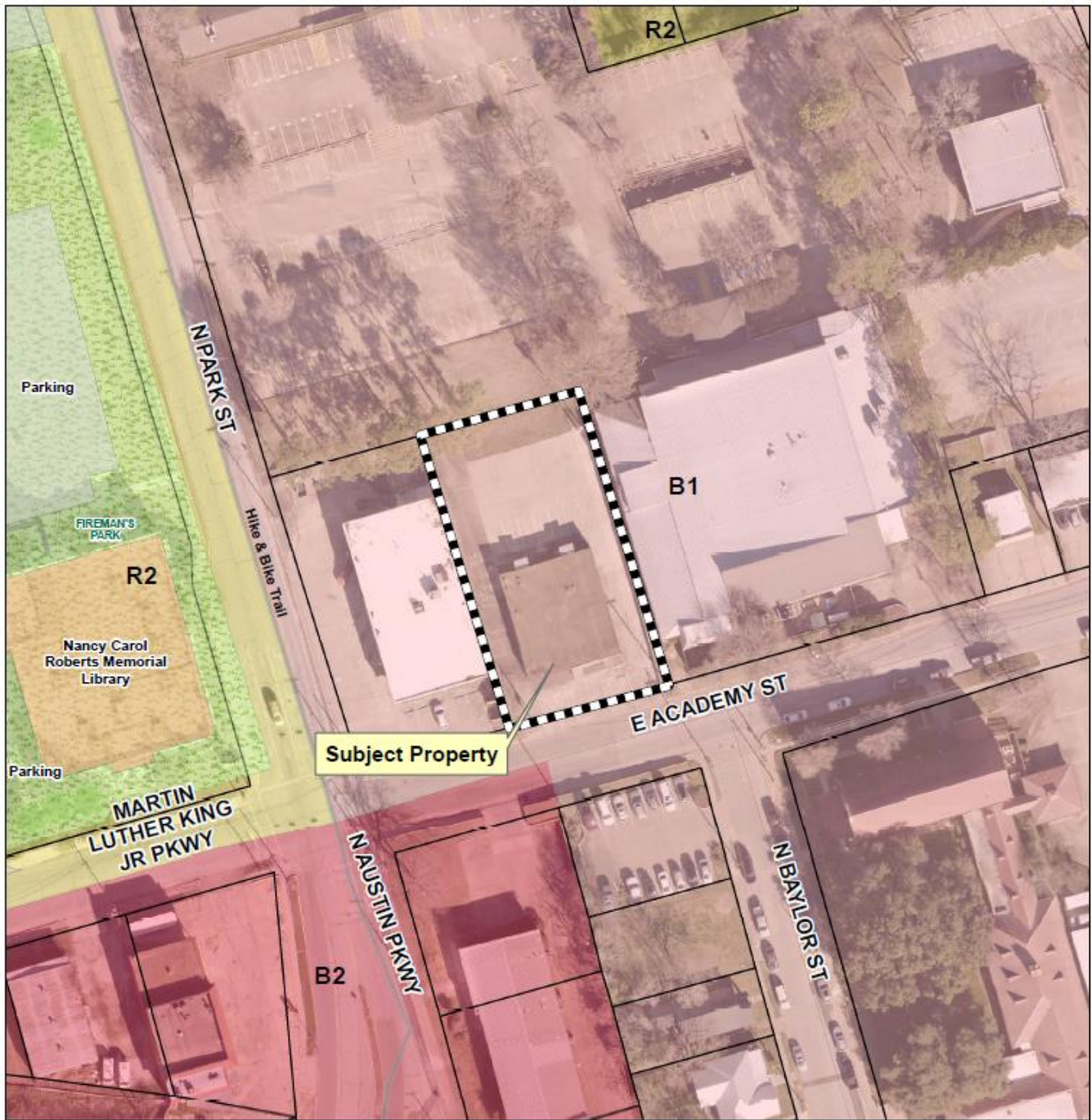


Aerial Map
103 E Academy
Lot Coverage Variance Request



1 inch = 79 feet

EXHIBIT "B"
ZONING MAP



Zoning Map
103 E Academy
Lot Coverage Variance Request



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



1 inch = 79 feet

EXHIBIT "C"
APPLICATION LETTER

October 24, 2022

Dear Board of Adjustment,

As the property owners of office building located at 103 E. Academy Street, we are asking that we be allowed to extend our current concrete parking lot an additional nine feet by fifty feet to accommodate five additional employee parking spaces.

As we have grown, we have added employees and would like to accommodate them by not have them park on the existing grassy area, but instead, pave and stripe this small area well within our own property boundaries.

We currently have twelve employees at this location and are in dire need of additional parking in the rear of the building in order to not use customer parking or park on the street using public parking.

The reasoning behind asking for this variance is due to the green space guidelines. We would still have green space on our existing property along with a vast amount of green space just to the North of our property line currently occupied by the Brenham Clinic. Water run off or flooding has not been an issue from our current parking lot and ask that we be allowed to accommodate our employees and enhance our current parking.

Kindly Submitted,



David and Kim Wellmann

EXHIBIT "D"
APPLICANT SITE PHOTOS



**EXHIBIT "E"
SITE PHOTOS**



Front of building from E. Academy St.



Rear parking area (It was lunchtime)

