



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, MAY 8, 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 April 10, 2023 Board of Adjustment Meeting

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number B-23-005: A request by Grocery Supply Brenham for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 7.04 (3) to allow 92% impervious cover, where a maximum of 85% is allowed, and a variance from Part II, Division 1, Section 12.04 – Table 3 to allow a 26-foot buffer yard, where a minimum 75-foot buffer yard is required, for construction of a paved, covered addition to the existing building at 602 W. First Street, described as Hurts Addition, Block 2 and Part of Block 3, in Brenham, Washington County, Texas.

6. Adjourn

CERTIFICATION

I certify that a copy of the May 8, 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 May 3, 2023, at 4:00 p.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**

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-feet 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, Chairman

May 8, 2023
Meeting Date

Attest, Staff Secretary

May 8, 2023
Meeting Date



CASE NUMBER: B-23-005
VARIANCE REQUEST: 602 W First Street

STAFF CONTACT: Shauna Laauwe, City Planner

APPLICANTS: Grocery Supply Company Brenham

ADDRESS/LOCATION: 602 W First Street (Exhibit "A")

LEGAL DESCRIPTION: Hurts Subdivision, Block 2 & Pt of Block 3

LOT AREA: 7.078-acres (308,332 square feet)

**ZONING DISTRICT/
USE:** I, Industrial District / Manufacturing and Distribution
(Exhibit "B")

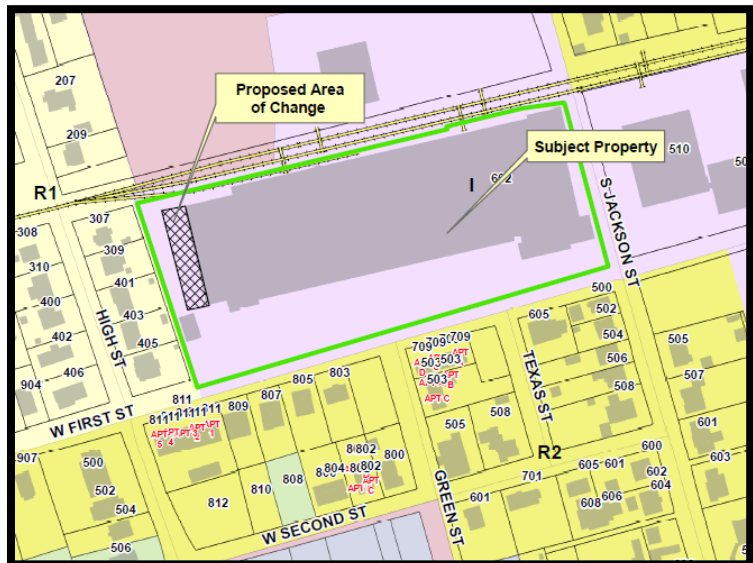
**COMP PLAN
FUTURE LAND USE:** Commercial

REQUEST: A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 7.04(3) to allow ninety-two (92) percent lot coverage where the maximum lot coverage allowed is eighty-five (85) percent; and a variance from Part II, Division 1, Section 12.04-Table 3 to allow a twenty-six (26) foot buffer yard, where a minimum seventy-five (75) foot buffer yard is required (Exhibit "C").

BACKGROUND:

The subject property is an approximate 7.078 acre tract that is addressed as 602 W. First Street and is generally located on the north side of W. First Street, west of S. Jackson Street and east of High Street. The property is developed as Grocery Supply Company, which is a wholesale provider of food and beverages to area retailers. The subject property, as well as adjacent properties to the northeast and east are currently zoned as I, Industrial District with the property to the northwest being zoned B-2, Commercial, Research and Technology District. Adjacent properties to the west are currently zoned R-1, Single-Family Residential District and properties to the south, across W. First Street are zoned R-2, Mixed Residential District.

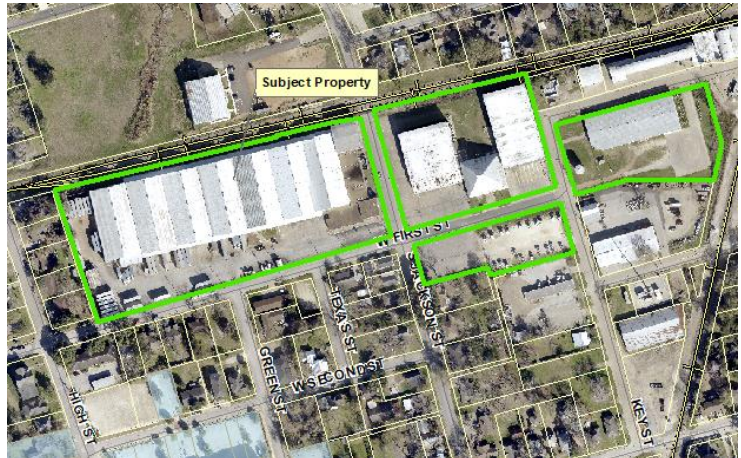
Figure 1



Outlined in green in Figure 2, Grocery Supply Company also occupies three (3) other nearby sites, directly to the east across S. Jackson Street, to the southeast on the corner of W. First Street and S. Jackson Street and a property to the east on the corner of W. First Street and Key Street. The combined 20.835-acre development is an industrial warehouse distribution center.

The subject property is the westernmost tract of the development and is a 7.078-acres site that is comprised of a 169,929 square foot warehouse, distribution and office space for the main building and a separate 1,500 square foot storage building located in the southwest corner of the property. The existing main warehouse was built in phases between 1957 and 1974, with Washington County Appraisal District records indicating that the original structure was 83,741 square feet and constructed in 1957 before the Brenham zoning ordinance was adopted in 1968. In 1968, an additional 20,000 square feet was added with a larger expansion in 1973 of 44,800 square feet and in 1974 an expansion of 21,649 square feet. Most recently, a 1500 square foot storage building was constructed near the southwest corner property line of the site. As shown in Figure 3, the existing northwest corner of the existing main structure is approximately 90-feet from the west property line that abutts the single-family residential to the west, while the southwest corner is approximately 71-feet from the property line. The I, Industrial District does not require a minimum side yard setback except as required for bufferyards. The Grocery Supply Company site is considered to be a Light Industrial use with a required bufferyard of 75-feet from property lines adjacent to single-family residential uses ([Appendix A – Zoning - Section 12.04 Table 3](#)). Section 12.04 also states that for landscaping and bufferyards, “To further minimize potential noise, drainage, glare or other potential incompatibilities between the different uses, at least 20 percent of any bufferyard shall be landscaped, pervious surface, said 20 percent to be located at the outermost edge or perimeter of the bufferyard. The remaining land constituting a bufferyard may be used for on site parking provided it meets all applicable performance standards.” According to staff research, the bufferyard requirements have been in place since at least 1976 as they were part of the original Code of Ordinances adopted at that time. Given this, it is possible the main structure which last expanded in 1974, with its nearest point being 71-feet from the west property line, is considered to be legally nonconforming (grandfathered). Staff was unable to locate records of a variance for the 1,500 square foot structure that was constructed in 2004 and is approximately 11-feet from the west property line. Thus, it is considered a nonconforming structure. The subject property is also nonconforming to the bufferyard requirements pertaining to the 20 percent of bufferyard landscaping along the perimeter (15 feet) and the six (6) foot screening fence requirements.

Figures 2 & 3



The applicants propose to add a 45-foot by 200-foot (9,000 square feet) tarp-type covering to the west side of the existing main structure and to replace the 9,000 square foot area of the existing gravel parking surface with pavement. The applicants state that the covering and pavement is necessary to improve the functionality and accessibility of the subject property and business operation. Specifically the applicant desires to store buggies/carts (See Figure 8) which are utilized by employees within the building to collect orders in preparation for shipping to customers. Figures 4 and 5 below give the proposed location of the covered area and dimensions. If approved, the carts would be picked up from this location at the beginning of a shift and returned at the end of the shift for storage. As shown in Figure 5, the covered area would reduce the existing bufferyard area at the northwest corner from 46-feet to 26-feet at the southwest corner. A depiction of the covering is shown in Figure 6. A side yard is defined in the zoning regulations as a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between **any building or projections** thereof except steps and the side lot line. A bufferyard is defined in part as “. . .an addition to the required front, side or rear yards where applicable.” The proposed covering would only be a roof projection versus a complete structure, however a variance may not have conditions attached and remains with the land indefinitely. Thus, even though the proposed covering and request is for a projection of the roof by an awning, granting the variance, by definition of a side yard and bufferyard, would allow that a fully enclosed structure (or other approved industrial use) would be allowed to the allotted reduced bufferyard.

In addition to the bufferyard requirements, the site is also nonconforming in the amount of lot coverage on-site and landscaping. The Industrial District also has a maximum lot coverage requirement of 85 percent, stating in Section 7.04(3) that “In no case shall more than eighty-five (85) percent of the total lot area be covered by the combined area of main buildings, and accessory buildings and other impervious surfaces.” The subject property is also nonconforming in lot coverage requirements with the existing structures and impervious surfaces comprising of approximately 88.3 percent of the 7.07-acre site. with landscaped areas along South Jackson Street and along the northern property line. The proposed 9,000 square feet of paving, under the covering to allow the functionality and maneuverability of the buggie equipment, would increase the lot coverage by 3.7% to approximately 92%. The site does not have a detention pond, which would be required if the property were to be developed today. Drainage considerations need to be addressed to ensure that increased impervious cover would not negatively affect adjacent residential and commercial properties.

The applicant, therefore is requesting variances to allow a reduction of as much as 49-feet to the industrial bufferyard requirement of a 75-foot bufferyard between an industrial use and single-family residential and for a 7% increase of the maximum allowed lot coverage from 85% to 92%.

Figure 4

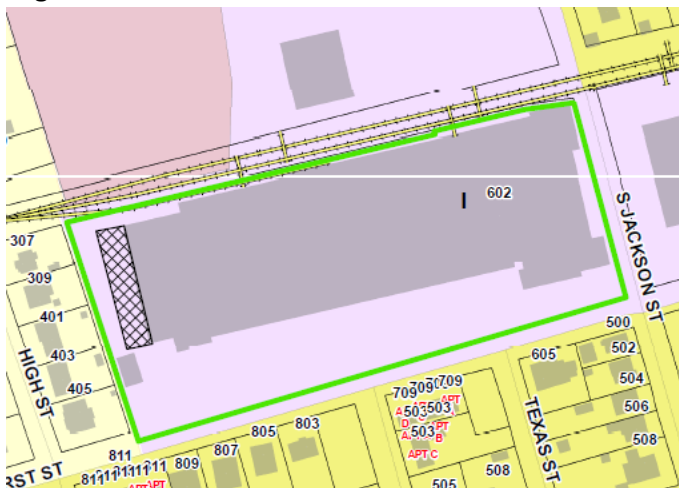


Figure 5

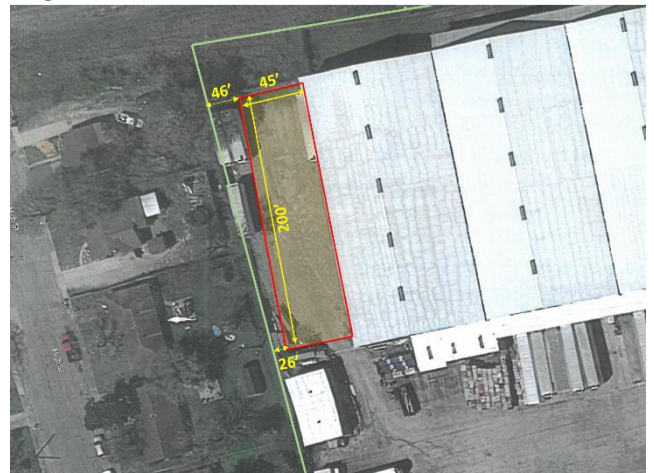


Figure 6



Figure 7



Figure 8



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 industrial use since the original 83,741 square foot main structure was built in 1957 and before the City of Brenham's subdivision and zoning ordinances were adopted in 1968. The existing site consists of the main structure that is 169,929 square feet and a 1,500 square feet accessory storage structure, truck parking and outdoor storage. As evident in the many building expansions over the years and acquiring of nearby property, the applicant states that the business has grown over the years and since 2021, has added 87 employees to handle the increased volume at the facility to the warehouse and transportation departments. The increased volume and number of employees has resulted in outgrowing the current facility. The applicant states that the current layout of the property does not provide adequate space for parking, storage and loading, which limits the efficiency of building operations. The requested covered area and paved surface would be utilized to improve the overall functionality of the property by allowing the parking of buggies/carts in the area and provide an efficient means to retrieve them while in use throughout the day. The buggies need an impervious surface to roll on and maneuver. The applicant states that the buggies were previously stored in the facility, however there is no longer sufficient space to store the equipment and provide a safe work environment for employees.

In general, the site has been nonconforming to the bufferyard requirements as the existing 1,500 square foot structure is approximately 11-feet from west property line, a 64-foot encroachment into the bufferyard area. The site also has existing storage within the bufferyard area. If the variance is granted, the existing chain-link fence would be required to be modified to a screening fence as part of the development requirements. Grocery Supply Company has outgrown their existing building footprint and is requesting the variance to allow for additional paving, storage, and a covering to improve their business operation. However, Staff was unable to identify attributes inherent to the land such as shape or slope to state that without a variance the site could not be appropriately developed. The applicant states that the small size of the 7.07-acre site does not allow the property to be appropriately developed. Staff agrees that variances are required for any further development of the subject site, but that the site has met its development potential for an industrial use adjacent to residential uses as consideration should be given for the additional noise and light generated from expanding the developable area to within 26-feet of the adjacent residential.

In addition to the bufferyard requirements, the site is also nonconforming in the amount of lot coverage on-site and landscaping. The subject property currently has a lot coverage of 88.3% with landscaped areas along South Jackson Street and along the northern property line. The proposed 9000 square feet of paving to extend the rear parking area would increase the lot coverage by 3.7% to approximately 92%. Staff acknowledges that consideration should be given that enforcement of impervious coverage and drainage requirements began in the last 10-years and the subject site was largely developed prior to that time. Should the variance to the impervious lot coverage be approved, positive drainage shall be maintained on the site such that no adverse drainage impacts would be generated for adjacent property owners.

- (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 extend into the bufferyard and maximum lot coverage could 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 and east, across S. Jackson Street are zoned I, Industrial District. The adjacent properties to the south, across W. First Street are zoned R-2, Mixed Residential District while the adjacent properties to the west, nearest the proposed bufferyard allowance, is zoned R-1, Single-Family Residential District and developed as a single-family neighborhood.

The proposed covered area is intended to be limited for the storage and operation of wheeled carts. Staff finds that the currently proposed use of wheeled storage carts may not be a substantial difference to the adjacent residential property owners than the currently parked 18-wheeler trailers and outdoor storage. However, it should be noted that a variance does not stipulate conditions to limit the encroachment to what is presented in the application or materials. Therefore, if approved the variance would not be limited to the proposed functionality of a covered area for the storage and operation of wheeled carts and the applicant could at a later date construct a building expansion or other approved industrial use within 26-feet of the adjacent residential use. The expansion of an industrial use structure, whether a roof extension or a fully enclosed building, would impair adequate light and air to adjacent residential properties in addition to noise levels.

Staff finds that the increased lot coverage from 88.3% to approximately 92% may be materially detrimental to adjacent properties as this site does not have a detention facility. Should the variance to the impervious lot coverage be approved, positive drainage shall be maintained on the site such that no adverse drainage impacts would be generated for adjacent property owners.

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

The subject property is built out, with the west portion of the property the only unused area of the site. Literal enforcement of this ordinance would prohibit the property owner from increasing the amount of covered outdoor storage for equipment used in everyday operations. Strict adherence to the zoning ordinance would prohibit development of a covered awning for carts and prohibit any additional concrete or paving areas on the subject property.

(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 66 years ago before the Zoning Ordinance was adopted which established separate residential, commercial and industrial districts and requirements such as bufferyards, lot coverage maximums and landscaping. The property is a large 7.078-acre tract that has built out over the years to encompass 88.3% lot coverage consisting of 171,000 square feet of structures, truck parking and storage areas. The site is considered light-industrial where no manufacturing occurs that causes noxious odors or smoke. It is uncommon for industrial uses to be adjacent to single-family residential areas, however the bufferyard requirements are put in place to help mitigate the negative effects of lights, noise, dust, and debris that may occur between incompatible uses such as an industrial use and a residential use. Were the subject property located in an industrial park or surrounded by adjacent industrial uses the need for the bufferyard variance would not exist. However, staff finds that bufferyards are meant to protect adjacent property values and protect quality of life for neighboring incompatible uses. Grocery Supply Company has outgrown their existing building footprint and is requesting the variance to

allow for additional paving, storage and a covering to improve their business operation. However, consideration should be given for the additional noise and light generated from expanding the developable area to within 26-feet of the adjacent residential. Lastly, impervious coverage requirements and on-site drainage requirements are not currently being met on the subject tract. Staff were unable to identify any unique conditions associated with the drainage of the subject property, but consideration should be given that enforcement of impervious coverage and drainage requirements began in the last 10-years. Should the variance to the impervious lot coverage be approved, positive drainage shall be maintained on the site such that no adverse drainage impacts would be generated for adjacent property owners.

The need for the variance was not created by the applicant.

The need for the variance was not created solely by the applicant as the business has continued to expand its operations and building footprint over the last 66 years. However, the existing site is currently nonconforming in encroachment into the west bufferyard and lot coverage. Redistribution of uses and functions to other nearby sites occupied by Grocery Supply Company should be considered.

(5) 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. The applicant states that the ordinance would not only result in financial hardship, but also affect the functionality of the property, which would limit the ability to best serve their customers, employees, and community. They state that as a growing business they need more space for storing the buggies and expanding their operations. Without the variance, it would hamper their ability to develop the business and eventually reduce personnel due to space limitations.

(6) 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.

The intent of bufferyard standards is to separate different land uses from each other in order to eliminate or minimize potential transfer of nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas, and to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions and to enhance the aesthetic and visual image of the community. As for who is responsible for a bufferyard, section 12.02 states that “. . .when an industrial use is to develop at any perimeter of an industrial district that is adjacent to a residential district or a legally existing residential use, then it shall be the responsibility of the developer of the new use to add the additional land and screening necessary to provide the required bufferyard in accordance to Table 3.” While bufferyards are for the separation of potentially incompatible uses, lot coverage requirements are to reduce the amount of impervious cover on a property. Lot coverage requirements reduce the amount of impervious cover that may lead to drainage issues and to encourage landscaping and open spaces that not only facilitate drainage but the overall aesthetic.

The existing structure only has a small portion of the building encroaching into the bufferyard by approximately 4-feet in the southwest corner, which is likely legally nonconforming. Granting a variance to allow a 45-foot in width extension of the main building would result in a bufferyard encroachment of 29-feet at the northwest corner and 49-feet at the southwest corner, resulting in a 7,500 square foot portion of the structure into the bufferyard area. The proposed extension would also further exceed the maximum lot coverage requirement from the current 88.3% to 92%.

Staff finds that the request may be injurious to the public health and welfare and would not meet the intent of the philosophy of the bufferyard and lot coverage requirements contained in the zoning ordinance. The extent of the bufferyard encroachment would bring the industrial use and potentially future industrial operations to as close as 26-feet to residential properties and generate additional noise and light. Furthermore, the 9,000 square feet of additional impervious pavement as part of the lot coverage request could result in drainage onto adjacent properties. Should the variance to the impervious lot coverage be approved, positive drainage shall be maintained on the site such that no adverse drainage impacts would be generated for adjacent property owners.

STAFF RECOMMENDATION:

In order to grant the requested variances, the Board shall find that all of the variance criteria outlined above have been met. Staff finds that the hardship of meeting the ordinance is not financial alone, that the variance was not solely created by the applicant and that the size of the property does have implications. However, due to concerns of the implication that the variance would not meet the intent and spirit of the bufferyard and impervious lot coverage regulations as to allow the expansion of the existing structure and industrial use to be as close as 26-feet from the adjacent single-family residential properties and the potential negative effects of noise, light and debris to adjacent residential properties; Staff *recommends denial* of the requested variances to allow a bufferyard encroachment of 29-feet at the northwest point to a 49-foot (26 feet from property line) encroachment at the southwest point (per Figure 5) and an ninety-two (92) percent lot coverage for the existing industrial business located at 602 W. First Street.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on April 27, 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. Application letter
- D. Applicant Photos
- E. Site Photos

EXHIBIT "A"
AERIAL MAP



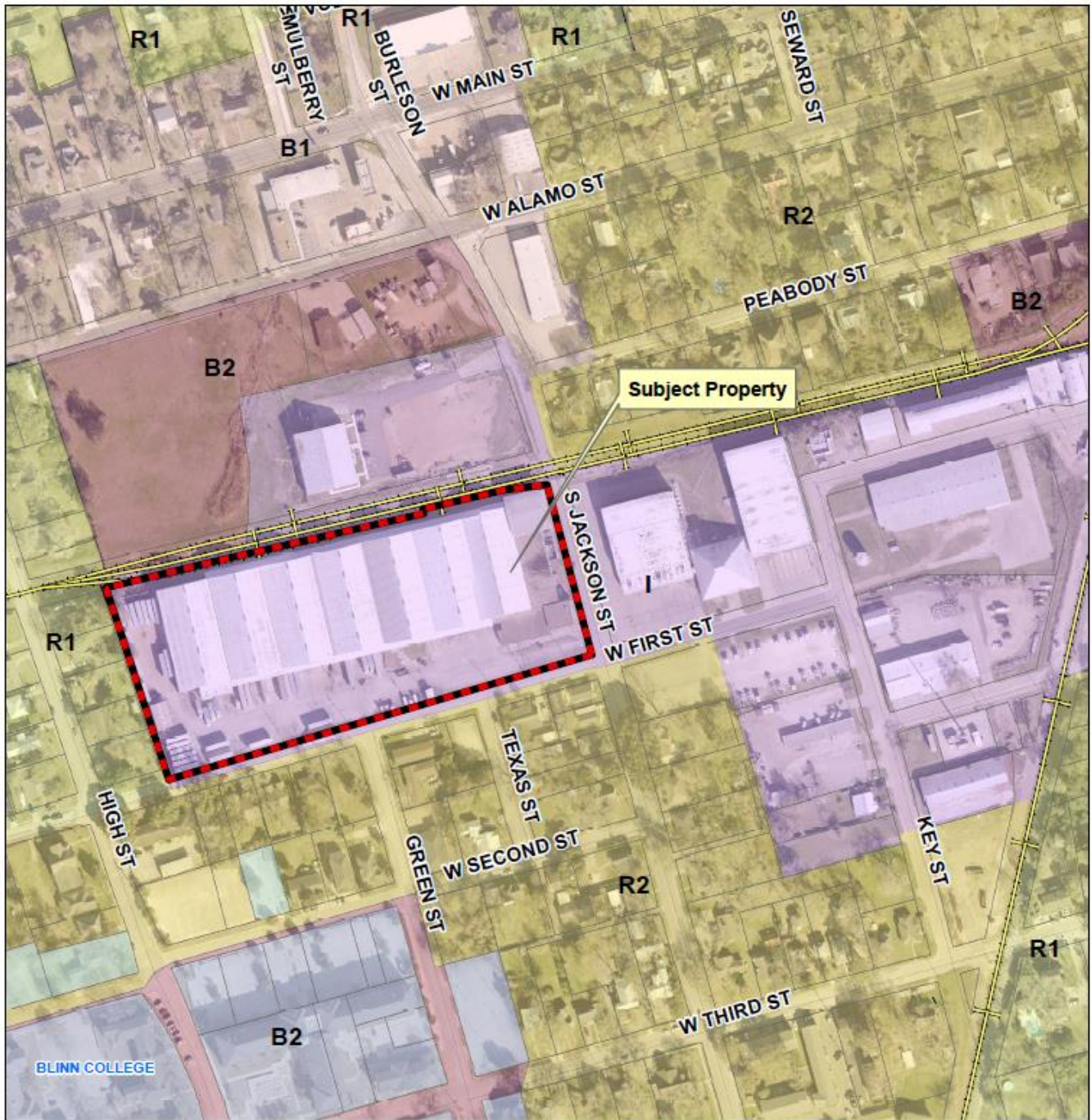
**Aerial Location Map
Lot Coverage & Bufferyard Variance Request
602 W First Street**



1 inch = 250 feet



EXHIBIT "B"
ZONING MAP



Zoning Map
602 W First Street
Lot Coverage & Bufferyard Variance Request

Legend

- B1 Local Business Mixed
- B2 Commercial Research and Technology
- I Industrial
- R1 Residential Single Family
- R2 Mixed Residential



1 inch = 250 feet



EXHIBIT "C"
APPLICATION LETTER



GSC ENTERPRISES, INC.

P. O. Box 638, 130 Hillcrest
Sulphur Springs, Texas 75483-0638
Phone: (903) 885-7621
Toll Free: 1-800-231-1938



April 11, 2023

City of Brenham
Brenham Board of Adjustments
P.O. Box 1059
200W. Vulcan St.
Brenham, TX 77834

RE: Variance at 602 W. First

Dear Board of Adjustment,

We are writing to request two variances from the Brenham Code of Ordinances, Appendix A, Part IV, Division 2, Section 1, for an awning/covering and paved lot at the back of Brenham Wholesale Grocery Co., Inc., an existing property (602 W. First). We need these variances to accommodate appropriate development and use of the property that is restricted by the area, shape, and slope of the land.

We have added 87 employees to handle the increased volume at the facility to our warehouse and transportation departments since purchasing assets of Brenham Wholesale Grocery Co. Inc. in 2021. The increase in volume and number of employees added has led to our outgrowing the current facility as it is structured. Therefore, we request these variances to continue expanding and hiring more employees in Brenham.

As required by the Brenham Code of Ordinances, we would like to separately address the following requirements:

VARIANCE FOR IMPERVIOUS LOT (Paved Lot)

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 to enhance the use of the existing property. The proposed paved lot (45 ft by 200 ft) is necessary to improve the functionality and accessibility of this property. (See attached drawings/renderings and pictures of proposed lot). The current layout of the property does not provide adequate space for parking, storage as needed and loading, which limits the efficiency of our business operations. The proposed modifications would allow us to better serve our customers and employees by improving the overall functionality of the property by allowing us to park buggies in that area and provide an efficient means to retrieve them while in use throughout the day. The current surface cannot be utilized because the buggy wheels (See pictures and diagram attached) will not roll on pervious material that is currently in existence. Buggies were previously stored in the facility. However, with our growth and

increased personnel, we no longer have sufficient space to adequately store equipment properly and provide a safe work environment for our employees.

2. The variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located. We will take any necessary steps to ensure proper drainage for the area as outlined in the attached surface drawings. It already has an eighteen-inch slope and a concrete barrier of twenty-one inches at the far side of the facility to curb any water flow into the existing drainage (See attached photo). It will not impair an adequate supply of light or air to adjacent property as it is merely covering an already graveled area used for miscellaneous storage. It will not increase the congestion in the public streets in any manner as it is a lot within a fenced area on the property with no public ingress or egress. No increased danger of fire exists as it is just a paved area. In no way would this variance endanger the public health, safety, and well-being of the neighborhood in which the subject property is located. The variance merely allows us to utilize existing property to better serve our customers more effectively and efficiently so that we can continue to grow our business in Brenham, bringing more jobs and revenue to the community. The proposed modifications should not be materially detrimental or injurious to other properties or improvements in the neighborhood as the area is already used as storage for the facility and there is existing drainage on the facility to cover the area. The paved lot will be located at the back of the property and goes no closer to any residential areas than existing graveled lots and should in fact improve the aesthetics of the area by providing an upgraded parking/storage location. Pervious material of a little over twenty-six (26) feet will remain between the curbing at the end of the property and the proposed paved lot.
3. The literal enforcement of the ordinance would work an unnecessary hardship on our business operations. The current layout of the property does not provide adequate space for parking, storage, and loading, which limits the efficiency of our business operations. The proposed modifications would allow us to not only better serve our customers and improve the overall functionality of the property but would also allow our employees to do their jobs more efficiently, safely, and effectively on a daily basis by providing a solid surface in which to maneuver equipment in an efficient manner. As it exists, buggies cannot be placed in those areas due to the makeup of their wheels not being conducive to rolling on a pervious surface and there is no room indoors to safely store the equipment for the employees.
4. The piece of property is unique and contains properties or attributes not common to other similarly situated properties due to its unique shape, slope, and current use that limit the development options, making the proposed modifications necessary. It is not easily accessible to be utilized for operations in its current state. It is a small plot of land located at the back of a fenced piece of property that is not usable as needed.
5. The need for the variance was not created by us, but rather by the inherent attributes of the property being a basically unusable small parcel at the end of the facility that has been in existence for years. This variance merely allows us to better utilize the existing area by providing a surface that will allow for its use. We currently have sufficient drainage for the facility as outlined in the documents provided and remain willing to make other necessary modifications to protect the drainage of the facility and the surrounding areas.
6. Enforcing the ordinance as written would cause us more than just financial hardship - it would also severely limit our ability to serve our customers, employees, and community in the best way possible. As we plan to expand our business and hire more people to help us grow, the space limitations imposed by the ordinance would greatly hinder our progress. By granting us a variance, you would be helping us to develop our business in this area and bring more opportunities for employment to the community.
7. The granting of a variance would not harm public health, safety, or welfare, nor would it go against the underlying principles of the zoning ordinance. Instead, it would allow us to improve our existing business and create more jobs for members of the community. We are committed to making any necessary modifications to ensure the safe use of the area, and we believe that granting us this variance would be a positive step forward for everyone involved.

VARIANCE FOR BUFFER YARD (Awning/Cover)

1. This variance goes in line with the prior requested variance 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 to enhance the use of the existing property. The proposed awning (See renderings attached) over the paved lot is necessary to improve the functionality and accessibility of this property by protecting our valuable buggies (\$2,000/buggy) from the elements and extending their useful life. (See again, picture of buggy attached). Without this variance, we will be unable to efficiently store and utilize our equipment, ultimately hindering our ability to serve our customers and grow our business.
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. Our proposed modifications are a minor extension of the existing building and will not cause any material harm to the neighborhood. The cover over the paved lot may actually improve the aesthetics of the area by covering the stored equipment view and providing an upgraded parking/storage location. This variance will allow us to serve our customers and employees more effectively and efficiently, without creating any additional traffic or safety concerns. Nor would it impair an adequate supply of light or air to adjacent property as it would be lower than the existing building and several feet remains between the proposed edge and the property line. The only people allowed in the area will be employees. Since there is no ingress or egress except through the property, which is fenced, no increase of congestion in the public streets would occur. Additionally, as an open covering made of metal, there will be no increase in the danger of fire, nor in any way would it endanger the public health, safety, and well-being of the neighborhood in which the subject property is located. In repeating our prior variance request, the variance merely allows us to utilize existing property in a manner that allows us to serve our customers in a more effective and efficient manner so that we can continue to grow our business in Brenham bringing more jobs and revenue to the community. The proposed modifications should not be materially detrimental or injurious to other properties or improvements in the neighborhood as the area is already used as storage for the facility and there is existing drainage on the facility to cover the area. The cover will be located at the back of the property over the paved lot only and goes no closer to any residential areas than the existing lot. It should merely be an extension of the existing building that will allow us full use of the current facility and would be at least twenty six feet from the property line. If needed, we would be willing to increase the height of the fence to also aid in any enhancements to the aesthetics of the area.
3. Strict enforcement of the ordinance would impose an unnecessary hardship on our business operations. Our current property layout severely limits our ability to park, store, and load, leading to inefficiencies and safety concerns. The proposed modifications will allow us to better serve our customers, improve functionality, and protect our investment in valuable equipment. By approving this variance, we can ensure that our business continues to thrive and contribute to the local community.
4. The piece of property is unique and contains properties or attributes not common to other similarly situated properties due to its unique shape, slope, and current use that limit the development options, making the proposed modifications necessary. Without the ability to cover the equipment the useful life of the equipment is drastically decreased. By approving this variance, we can avoid these unnecessary expenses and ensure that our business continues to succeed and create jobs in Brenham.
5. We did not create the need for this variance, as the property has been unusable for years, except for scrap storage, due to its location at the end of the facility. This variance merely allows us to better utilize the existing space by expanding a currently existing building, which benefits our business and the community. We believe that this variance is necessary to unlock the potential of this property and enable us to grow our business in this area.

6. The literal enforcement of the ordinance would not only result in financial hardship, but also affect the functionality of the property, which would limit our ability to best serve our customers, employees, and community. As a growing business, we need more space to store buggies and expand our operations. Denying this variance would hamper our ability to develop the business and eventually reduce personnel due to space limitations.
7. We assure the Board of Adjustment that granting this variance will not be injurious to public health, safety, and welfare, nor defeat the intent of the zoning ordinance. Instead, it will enhance the existing business, enable us to continue growing, and provide necessary jobs in the community. We are willing to take necessary steps, such as higher fencing, to ensure that the expansion fits within any variance granted.

We respectfully request that the Board of Adjustment grant the variances to pave and to cover the lot, which will allow for the best use of the property and contribute to the community's economic growth. In conclusion, we urge the Board of Adjustment to consider the importance of these variances for our business and the community. The proposed modifications will enhance the functionality and accessibility of our property and allow us to continue to grow our business and provide necessary jobs. We are committed to being a good business partner in the community, and we believe that this variance is essential to achieving that goal.

Sincerely,



Ryan McKenzie



EXHIBIT "D"
APPLICANT SUPPORTING DOCUMENTS

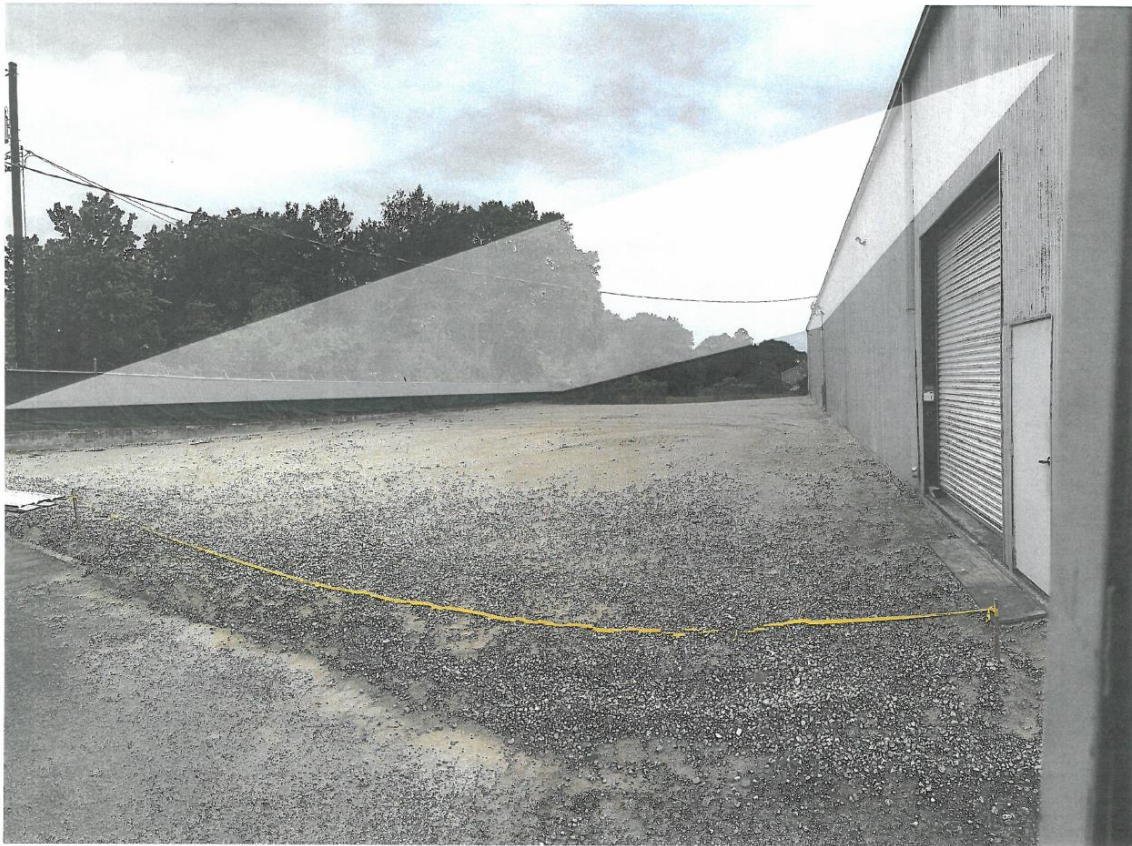
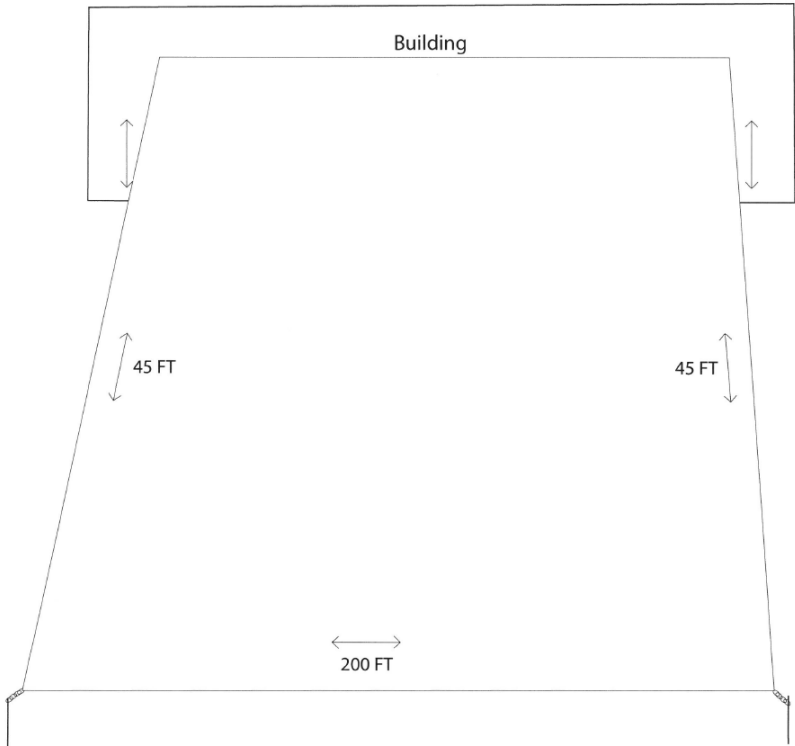
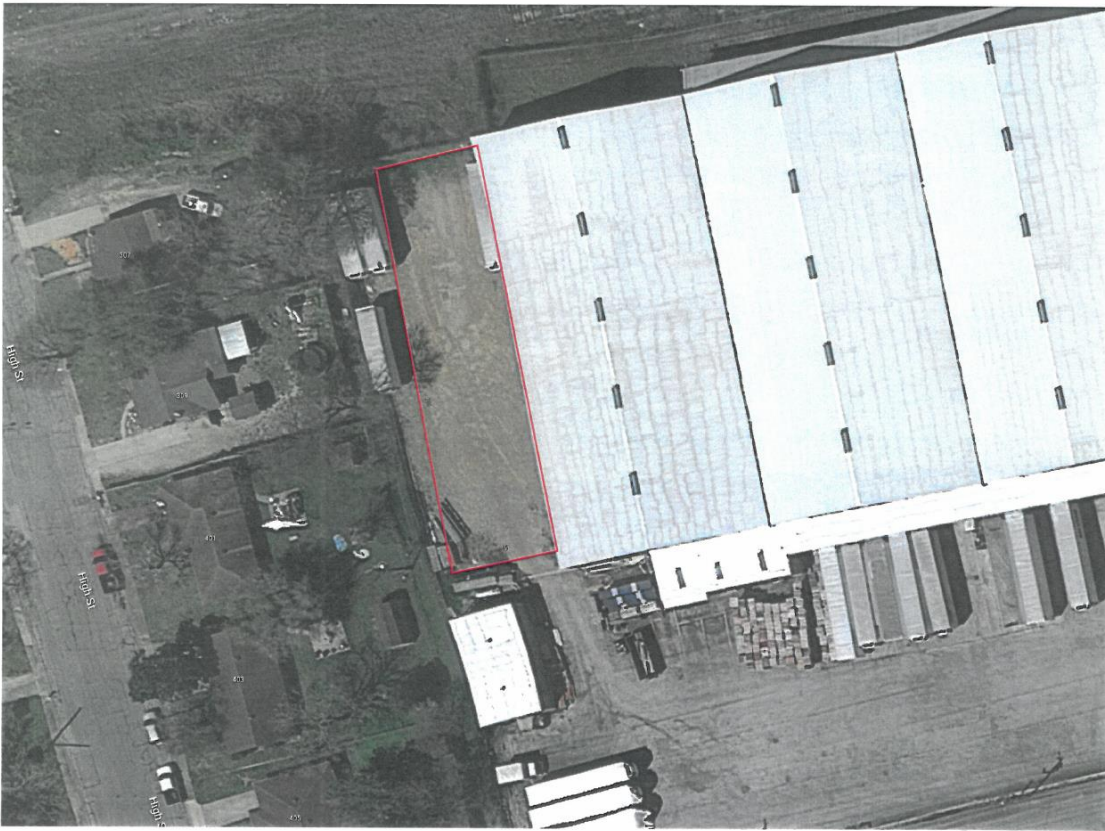


EXHIBIT "D"
APPLICANT SUPPORTING DOCUMENTS





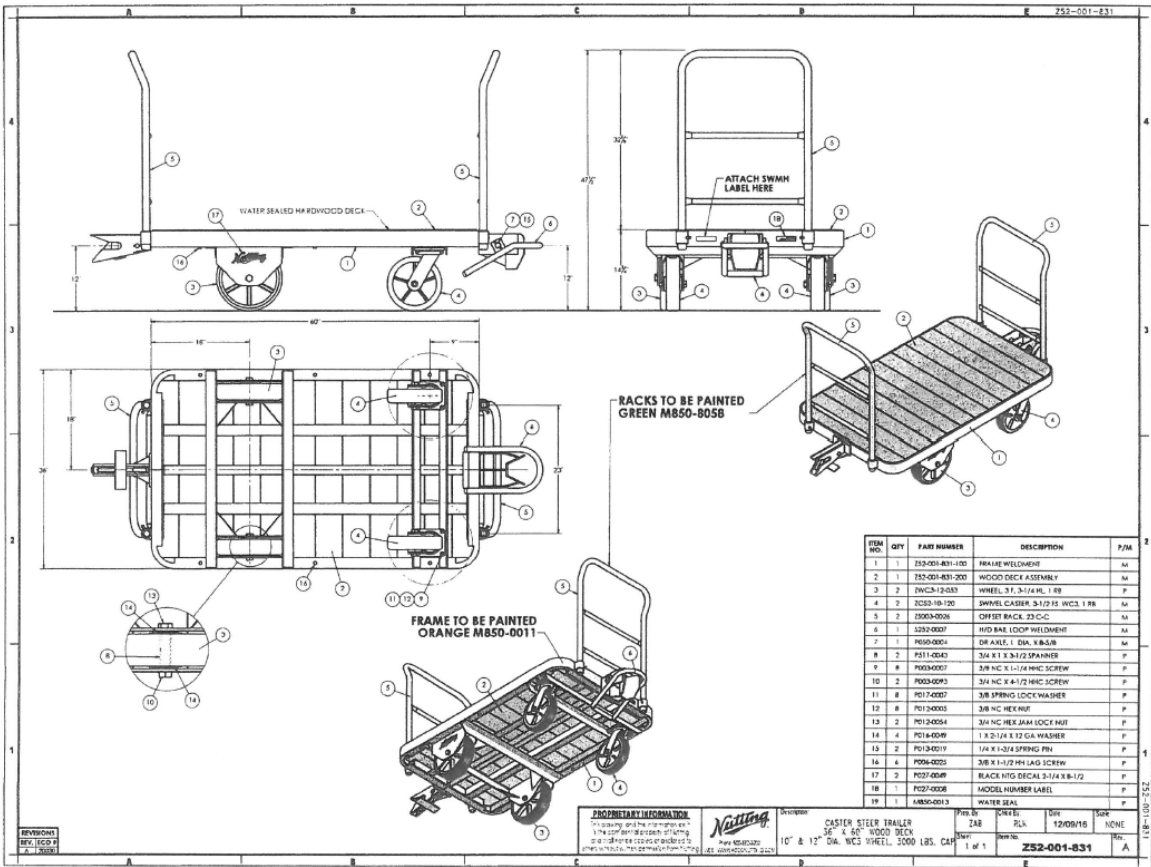


EXHIBIT "E"
SITE PHOTOS



