



**NOTICE OF A REGULAR MEETING  
BOARD OF ADJUSTMENT  
MONDAY, DECEMBER 9, 2024, 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 August 12, 2024, Board of Adjustment Meeting.**

**REGULAR AGENDA**

**5. Public hearing, Discussion and Possible Action on Case Number B-24-008: A request by the Estate of Jeanette O. Parry / Russell Noe, Executor 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 an average lot depth of 90-feet and 91-feet, where a minimum average lot depth of 115 feet is required, in order to subdivide and plat the existing property located at 407 W. Main Street, described as Lot 5A1A of the West Main Street Addition, A. Harrington Survey, A-55, in Brenham, Washington County, Texas into two (2) lots (Proposed Lot 5A1a-1 and Lot 5A1a-2.**

**6. Adjourn.**

**CERTIFICATION**

I certify that a copy of the December 9, 2024, 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 December 5, 2024, at 4:45 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 \_\_\_\_\_, 2024 at \_\_\_\_\_ am/pm.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**CITY OF BRENHAM  
BOARD OF ADJUSTMENT MINUTES**

**August 12, 2024**

*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 August 12, 2024, 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 Chair  
Dax Flisowski  
Arlen Thielemann  
Mary Lou Winkelmann

Commissioners absent:

None

Staff present:

Stephanie Doland, Development Services Director  
Shauna Laauwe, City Planner  
Kim Hodde, Planning Technician

Citizens / Media present:

Robert Stults  
David Hermann

**1. Call Meeting to Order**

Chairman Hodde called the meeting to order at 5:16 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 May 13, 2024, Board of Adjustment Meeting.**

**4-b. Minutes from May 13, 2024, Joint Training Session of the Board of Adjustment and the Planning & Zoning Commission.**

Chairman Hodde called for any corrections or additions to the minutes as presented. A motion was made by Commissioner Thielemann and seconded by Commissioner Winkelmann to approve the Consent Agenda (items 4-a and 4-b). The motion carried unanimously.

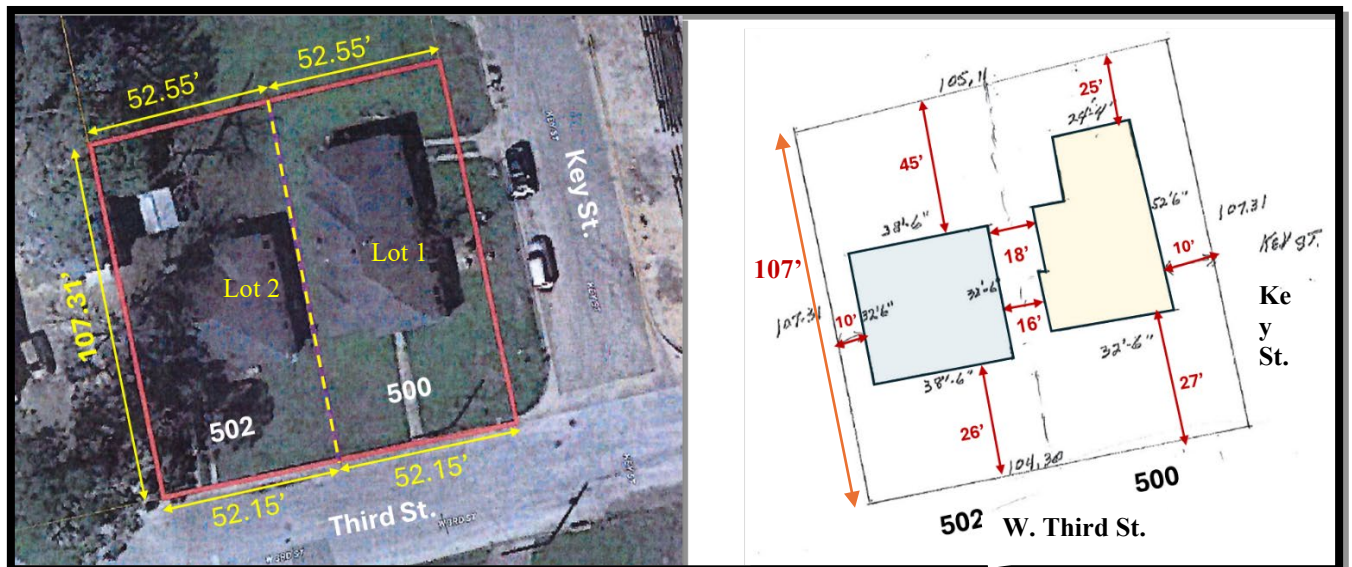
## REGULAR AGENDA

- Public hearing, Discussion and Possible Action on Case Number B-24-006:** A request by David Hermann/Home Town Properties, LP, for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05 (1)(a)(ii) to allow a 8-foot west side setback (500) and an 8-foot east side setback (502) and a variance from Section 2.05 (1)(b)(i, ii, and iii) to allow a lot size of 5,564 square feet, where a minimum lot size of 7,000 square feet is required; to allow a lot width of 52 feet, where a minimum lot width of 60 feet is required; and to allow an average lot depth of 107 feet, where a minimum average lot depth of 115 feet is required, in order to subdivide and plat the existing lot into two (2) lots for the two (2) existing single-family homes addressed as 500 and 502 W. Third Street, described as Block 9, Lot S/P/T 1C, Key's 1<sup>st</sup> Addition, A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. B-24-006 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Home Town Properties, LP / David Hermann. The subject property is zoned as R-2, Mixed Residential Use District and currently is developed with two single-family homes. The subject property is a 0.26-acre (11,234 SF) tract addressed as 500 and 502 W. Third Street and is located on the northwest corner of W. Third Street and Key Street and within the Key's 1<sup>st</sup> Addition, one of Brenham's original subdivisions. The future land use designation is single-family residences, and the proposed use is single-family residential. The subject property is surrounded by a R-2, Mixed Residential Zoning and Industrial Zoning to the far north.

According to the Washington County Appraisal District records, the two single-family structures were both constructed in 1951, with the home addressed as 500 W. Third being 1,533 square feet and the 502 W. Third home being 1,251 square feet. The subject property and homes were configured and constructed before the current subdivision and zoning regulations were adopted in 1968. As such, the subject property has three existing legal nonconformities that are grandfathered. These nonconformities include, more than one principle structure on one lot; the home addressed as 500 W. Third Street has an east side street setback along Key Street of approximately 10-feet, where 15-feet is required; and a lot depth of approximately 107-feet where a minimum lot depth of 115-feet is required (Figure 2B).

Figure 2B



Even though the homes were built before the zoning ordinance took affect, the existing homes exceed the minimum required front and rear yard setbacks of 25-feet and 502 W. Third Street meets the west side yard setback of 10-feet. The property owner wishes to sell the two homes separately, thus the property is required to be replatted into two separate lots so that each principle structure (home) would be contained on its own individual lot. The 11,234 square foot subject property is approximately 105-feet in width and 107-feet in depth. The existing property meets the current minimum lot area requirement of 7,000 square feet and width of 60-feet for R-2 district property, but is legally nonconforming to the minimum lot width of 115-feet. However, replatting/subdividing the lot into two would cause the lot to lose it's legally nonconforming status and require several lot size and setback variances. Splitting the subject property into two lots would result in projected Lot 1 (500 W. Third Street) and Lot 2 (502 W. Third Street) to have a lot width of 52-feet, where the minimum lot width is 60 feet; a lot depth of 107 feet where an average lot depth of 115-feet is required; and a lot area of 5,564 square feet where a minimum lot size of 7,000 square feet is required. Lastly, as shown in Figure 2B, interior side yards would be created that result in a sideyard setback of 8-feet for each lot at the narrowest point. The existing nonconforming side street setback of 10-feet for Lot 1 is not affected by the propped replatting, thus it does not require a variance.

In order for the subject property to be subdivided and platted into two separate lots, the Subdivision regulations require that proposed lots meet the zoning requirements or be granted variances by the Board of Adjustment. The applicant, therefore, is requesting variances for 500 W. Third Street and 502 W. Third Street for an 8-foot reduction in the 60-foot minimum required lot width, a 8-foot reduction in the 115-foot minimum average lot depth, to allow a 8-foot west side setback for 500 W. Third Street and an 8-foot east side setback for 502 W. Third Street, and to allow a lot size of 5,564 square feet, where a minimum lot size of 7,000 square feet is required to allow for the subdividing of the existing property into two lots.

#### **STAFF ANALYSIS**

- Key's First Addition is one of the original subdivisions in Brenham and predates the Zoning and Subdivision regulations.
- Two homes were built on one lot in 1951.
- The owner/applicant would like to sell each home separately so replat is necessary for a legal subdivision of the land.
- To meet the requirements for platting, several variances are needed.
- Though several variances are requested, the lot would become more conforming.
- The subject property is not eligible for replatting unless the variances are granted.
- The replat would not be materially detrimental or injurious to other properties since the proposed homes/lots have been in the same configuration since 1951. No change would be evident to the surrounding neighborhood.

Notifications were mailed to property owners within 200-feet of the subject property on August 1, 2024. Staff received on citizen comment from Francisco Salgado, who lives at 532 W. Third Street, in support of the variance requests.

Chairman Hodde opened the Public Hearing at 5:25 p.m. and asked for any comments. David Hermann stated that he is having trouble selling the property with two homes on it. There were no other comments.

Chairman Hodde closed the Public Hearing at 5:26 p.m. and re-opened the Regular Session.

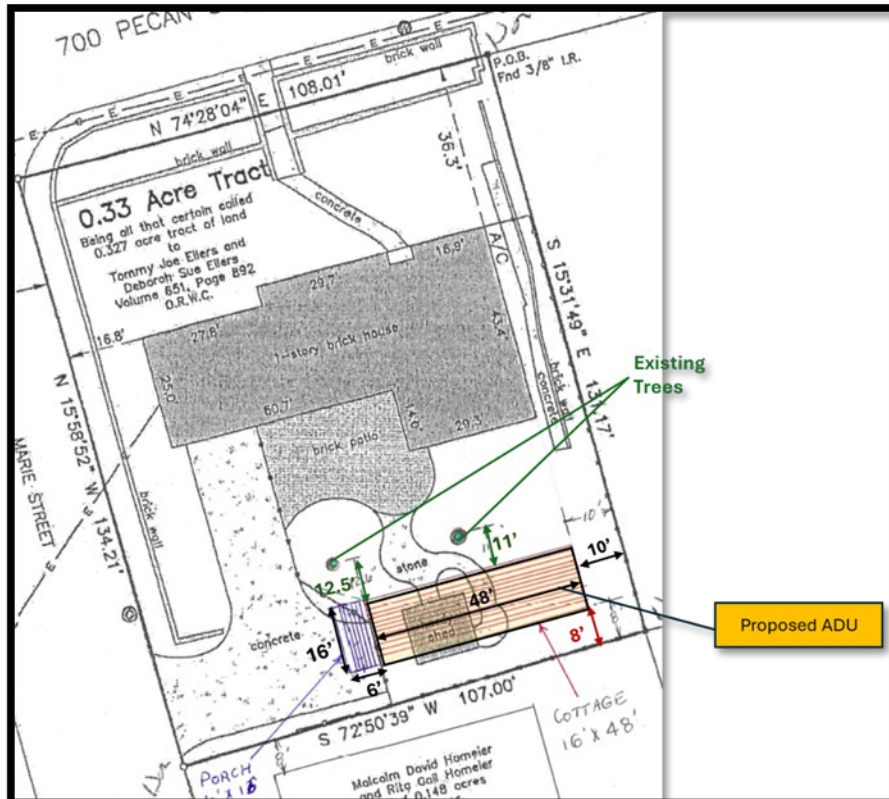
A motion was made by Commissioner Goss and seconded by Commissioner Goss to approve the request by David Hermann/Home Town Properties, LP, for a variance from the City of Brenham Code of Ordinances, to allow a 8-foot west side setback (500) and an 8-foot east side setback (502) and a variance to allow a lot size of 5,564 square feet, where a minimum lot size of 7,000 square feet is required; and to allow a lot width of 52 feet, where a minimum lot width of 60 feet is required; and to allow an average lot depth of 107 feet, where a minimum average lot depth of 115 feet is required, in order to subdivide and plat the existing lot into two (2) lots for the two (2) existing single-family homes addressed as 500 and 502 W. Third Street, as presented. The motion carried unanimously (5-0).

**6. Public hearing, Discussion and Possible Action on Case Number B-24-007: A request by Robert Stults for a variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division I, Section 10.02(4)(c) to allow a rear setback of 8-feet for a proposed Accessory Dwelling Unit (ADU) where a minimum 10-foot rear yard is required for an Accessory Dwelling to be located at 700 Pecan Street, described as Key’s 2<sup>nd</sup> Block B, Lot N PT 1.4, A. Harrington Survey A-55 in Brenham, in Brenham, Washington County, Texas.**

Shauna Laauwe, City Planner, presented the staff report for Case No. B-24-007 (on file in the Development Services Department). Ms. Laauwe stated that this is a request from Robert Stults. The subject property is zoned as R-2, Mixed Residential Use District and currently is developed with single-family residence. The subject property is a 0.33-acre (14,263 square foot) lot addressed as 700 Pecan Street and is generally located on the southeast corner of Pecan Street and Marie Street. The subject property and all adjacent properties are within an R-2 Zoning District. Further to the southwest beginning on the west side of Huettig Street and to the west along S. Market Street is a B-1, Local Business Mixed Residential District. The surrounding R-2 properties are a mix of single and two-family residential, with the B-1 properties being predominately local commercial and institutional (BISD) uses. The subject property is an approximate 109-foot x 130-foot (14,263 SF) rectangular lot that is part of the Key’s 2<sup>nd</sup> Addition. The subject property currently consists of a 2,073 square foot home with an attached 550 square feet garage that were constructed in 1975 and a detached 172 square foot storage building that was constructed in 2004. The existing home meets or exceeds the setback requirements for a single-family home in the R-2 district with a 36.3-foot front yard setback, an approximate 50-foot rear yard setback, a 16.8-foot side street setback along Marie Street and a 10-foot east side yard setback.

The property owners would like to move the existing storage building off and and utilize the existing slab for construction of a 16’ x 48’ (768 SF) detached Accessory Dwelling Unit (ADU). As shown in Figure 2 below, the proposed ADU would meet the required 10-foot side yard setbacks with an east side yard setback of 10-feet and a west side yard setback of 41-feet. However, to utilize the existing slab and due to two existing large trees, the applicant is proposing to situate the ADU only 8-feet from the rear property line instead of the required 10-foot rear yard setback for detached ADUs.

**Figure 2**



Accessory Dwelling Units are permitted uses within the R-2 District, however Section 10.02(4) of the Zoning Regulations lists additional development standards that pertain to ADUs and the proposed structure meets all of the criteria except for **c)** below:

- a) Should the primary use be a single-family dwelling, the property owner’s primary residence shall be the single-family dwelling or ADU.  
***The property owners plan to continue to reside in the principal home and propose to utilize the ADU for their elderly parents.***
  
- b) An ADU must be designed and constructed in keeping with the general architecture and building material of the principal structure.  
***The proposed addition will be in the same general architecture style and building material of the principal structure.***
  
- c) An attached ADU shall be subject to the regulations affecting the principal structure. A detached ADU shall have side yards of not less than the required side yard for the principal structure and rear yards of not less than ten (10) feet.  
***The proposed ADU meets or exceeds the side yard setback requirements with a a west side yard setback of 41-feet and an east side yard setback of approximately 10-feet; however, the proposed rear yard setback is 8-feet instead of the required 10-feet.***
  
- d) One (1) on-site parking space, located to the side or rear of the primary structure, shall be provided for the ADU in addition to the required parking for the principal structure.  
***The site plan shows that the existing driveway is able to accommodate 3 off-street parking spaces.***
  
- e) The maximum habitable area of an ADU is limited to either one-half (1/2) of the habitable area of the principal structure, or one thousand (1,000) square feet, whichever is smaller.  
  
***The principal structure has a habitable area of 2,073 square feet and the proposed ADU has a habitbal square area of 856 square feet, which is less than ½ of the habitable area of the principal structure.***
  
- f) ADUs shall not be HUD-code manufactured home or mobile home.  
***The proposed ADU will not be a HUD-code manufactured home or mobile home***

Therefore, the applicant is requesting a variance to allow the proposed ADU to be located 8-feet from the rear (south) property line, where a 10-foot rear yard setback is required for a detached Accessory Dwelling Unit.

**STAFF ANALYSIS**

- The variance would allow utilization of the existing slab and maintain the two mature trees.
- The site has a fence facing Marie Street and a 7-foot fence along the rear property line that would help screen the structure.
- The adjacent principal structure to the south is at an 8-foot side yard setback; therefore, the structures would have a greater separation than the building/fire code requirements of 10-feet.
- It would not be detrimental to surrounding properties.

Staff has reviewed the request and recommends **approval** of the requested variance to allow a 2-foot reduction in the minimum required 10-foot rea setback for a proposed Access Dwelling Unit at 700 Pecan Street.

Notifications were mailed to property owners within 200-feet of the subject property on August 1, 2024. Staff received two (2) written comments in support of this request:

- John & Susan Hare – 701 Pecan Street
- Malcom & David Homeier – 805 Marie Street

Chairman Hodde opened the Public Hearing at 5:34 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 Thielemann and seconded by Commissioner Flisowski to approve the request by Robert Stults for a variance from the City of Brenham Code of Ordinances, to allow a rear setback of 8-feet for a proposed Accessory Dwelling Unit (ADU) where a minimum 10-foot rear yard is required for an Accessory Dwelling to be located at 700 Pecan Street, as presented. The motion carried unanimously (5-0).

**7. Adjourn**

A motion was made by Commissioner Winkelmann and seconded by Commissioner Flisowski to adjourn the meeting at 5:35 p.m. The motion carried unanimously (5-0).

*The City of Brenham appreciates the participation of our citizens, and the role of the Board of Adjustment in this decision-making process.*

Certification of Meeting Minutes:

\_\_\_\_\_  
Jon E. Hodde, Chairman

December 9, 2024  
Meeting Date

\_\_\_\_\_  
Attest, Staff Secretary

December 9, 2024  
Meeting Date





**CASE NUMBER: B-24-008**

**VARIANCE REQUEST: 407 WEST MAIN STREET**

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**STAFF CONTACT:** Shauna Laauwe, City Planner

**OWNERS/APPLICANTS:** Estate of Jeannette O. Parry / Russell Noe, Executor

**ADDRESS/LOCATION:** 407 West Main Street (Exhibit "A")

**LEGAL DESCRIPTION:** Lot 5A1A, West Main Street Addition, A. Harrington Survey, A-55, in Brenham, Washington County, Texas.

**LOT AREA:** 0.4238-acres, 18,461 square feet.

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

**COMP PLAN  
FUTURE LAND USE:** Single-Family Residential

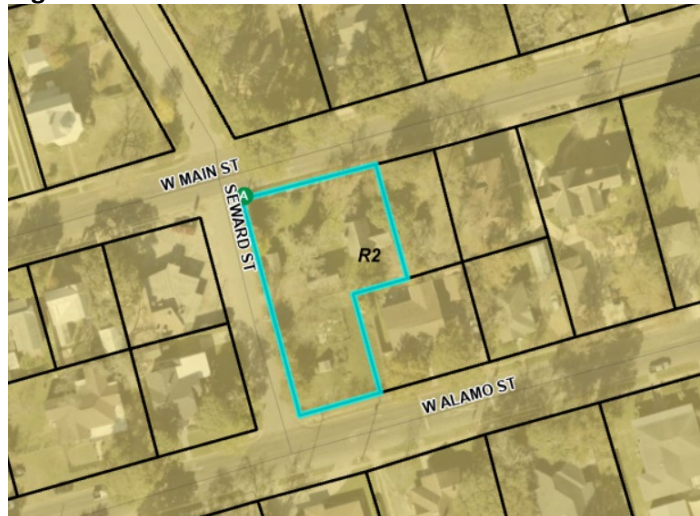
**REQUEST:** A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 2.05(1)(b)(iii) to allow an average lot depth of 91-feet and 93-feet, where a minimum average lot depth of 115 feet is required, (Exhibit "C").

**BACKGROUND:**

The subject property is a through and corner lot with frontage along both West Main Street to the north, West Alamo Street to the south and Seward Street to the west and addressed as 407 West Main Street. The property owner and applicant is the Estate of Jeannette O. Parry / Russell Noe, Executor. The subject property, as well as all adjacent and surrounding properties are currently zoned as R-2 Mixed Residential Use District (Figure 1). The surrounding properties are a mix of single and multi-family residential.

The subject property is a 0.4238-acre (18,461 sf) lot that is part of the West Main Street Addition and consists of a single family residence, a shed and a detached garage on the northern portion along W. Main Street, while the southern portion of the property along W. Alamo Street is vacant land. The existing 18,461 square foot property meets the current minimum lot area requirement of 7,000 square feet, lot depth of 115-feet, and lot width of 60-feet for R-2 district property. The

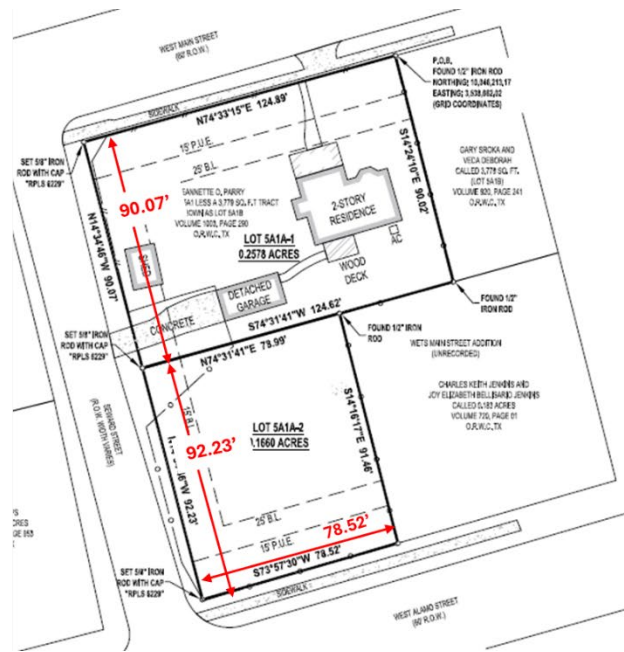
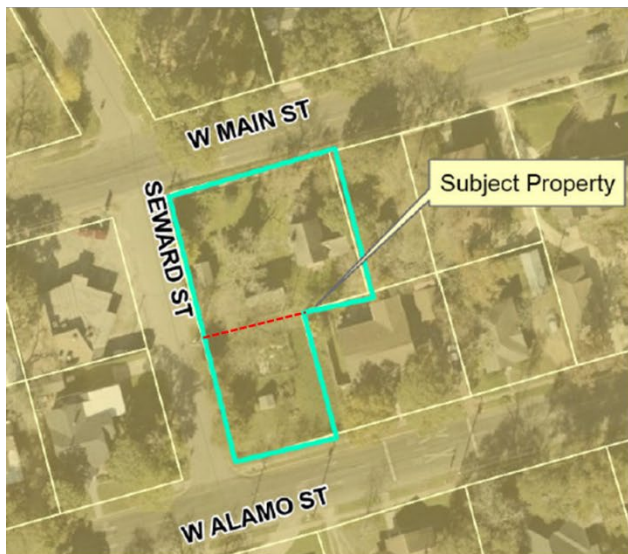
**Figure 1**



property owner, the Estate of Jeannette O. Parry / Russell Noe, Executor, would like to divide the property to sell as two individual lots since infill lots are currently difficult to find in the City of Brenham.

The proposed subdividing/platting the lot into two would cause the lot to lose its conforming status and require lot depth variances. As shown in Figure 2, below and Exhibit "C", splitting the subject property into two lots would result in proposed Lot 5A1A-1 having a lot depth of 90-feet and proposed Lot 5A1A-2 having a lot depth of approximately 92-feet, where the minimum required lot depth is 115-feet. The City of Brenham Subdivision regulations require that proposed lots meet the zoning requirements or be granted variances by the Board of Adjustment. The applicant, therefore, is requesting variances for proposed Lot 5A1A-1 and Lot 5A1A-2 to allow a 90.07-foot lot depth and a 92.25-foot lot depth, respectively, instead of the required 115-foot minimum average lot depth. As shown in the aerial in Figure 1 and Figure 2, the proposed lot depths align with neighboring lots, thus the request would not be visibly out of character for the neighborhood.

**Figure 2**



**APPLICABLE SECTION OF ORDINANCE AND ANALYSIS:**

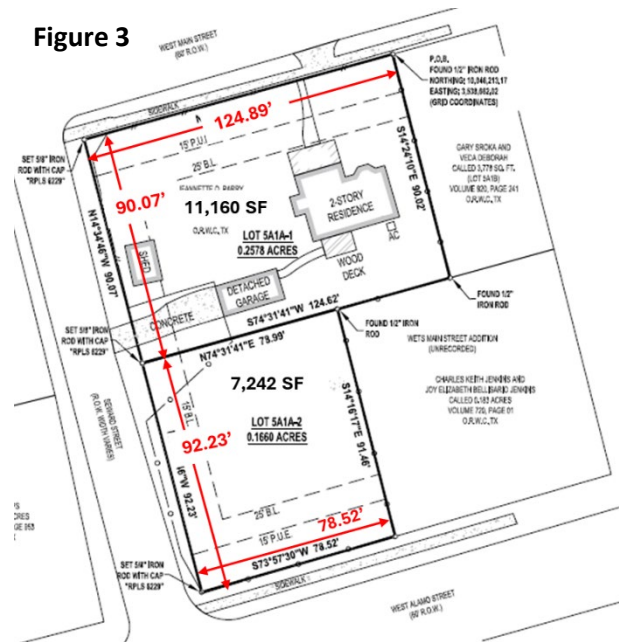
(Sec.5.02)(132)Variance: A type of relief that may be granted by the Board of Adjustment in order to accommodate appropriate development of a particular parcel of land that cannot otherwise be appropriately developed. The granting of such relief is subject to the standards and procedures as established 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 property is an 18,461 square foot lot that is located within the West Main Addition that was created before the Brenham Subdivision and Zoning Regulations were adopted in 1968. As such, the lots in this subdivision are not uniform and many have at least one nonconformity regarding zoning regulations to include lot size, width, depth and setbacks. The subject property is a through and corner lot and with an unusual flag shape and frontages on three different streets, with approximately 124-feet of frontage along W. Main Street, a west property line with 182.5-feet of frontage along Seward Street, and 78.52-feet at the south property line along West Alamo Street.

Figure 3



The applicant wishes to subdivide the property into two residential lots with the north portion that fronts onto W. Main Street consisting of the existing residence and detached garage as one lot and the approximate 79-foot by 92.25-foot vacant southern portion as a separate lot. Both proposed lots would exceed the minimum lot widths of 60-foot lot as well as the minimum 7,000 square foot lot size with areas of approximately 11,160 SF and 7,242 SF, respectively. However, as the block only has a depth of approximately 183-feet, thus it is not possible to split the property and the meet the minimum 115-foot average lot depth. As the subject property is within a R-2 zoning district, the proposed new lot could be developed as either a single-family or two-family dwelling. Both types of residential units have a front yard and rear yard setback of 25-feet, a street side yard setback of 15-feet and an east side yard setback of 10-feet. The proposed dividing property line is aligned with the adjacent property to the east as well as neighboring properties on the block and adjacent blocks. A variance to the average minimum lot depth will allow the subject property to be replatted into two proposed lots and sold separately for infill housing. Strict adherence to the adopted ordinance would require the 18,461 SF lot to be sold as one residential lot.

- (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 variances to the minimum 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 minimum area of 7,000 square feet, a lot width of 60-feet, and a lot depth of 115-foot depth. If the variance is approved and replatted, both proposed lots would exceed the minimum lot size and width requirements, with only the lot depth being out of conformance. The proposed lots would not be out of character with the surrounding neighborhood as a majority of the lots in the West Main Subdivision have similar lot depths of approximately 90-feet. The proposed new lot would create a minimal increase in traffic as only a single-family or two-family residence would be permitted to be developed on the south vacant lot. Any new development would be required to meet the minimum required setbacks, building and fire codes, thus the variance would not increase the danger of fire, public health, safety and well-being of the neighborhood.

(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 two legally conforming lots for residential use.

(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 is an oddly shaped infill property created on parcels that predate the zoning and subdivision regulations. The subject property exceeds the minimum required 7,000 square area, lot width, and lot depth as a single lot, however without the requested variances it would be unable to be platted into two lots for two residential dwellings. As shown in Figure 4 below, the proposed dividing property line (red dashed line) is aligned with properties to the west and east, as 90-foot lot depths are characteristic to the neighborhood. If approved and replatted, Figure 4 also shows that the newly formed southern lot would be of similar shape and lot size as surrounding properties.

Figure 4



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

The need for the variances was created by the applicant as the subject property is legally conforming for one, single-family or two-family residential dwelling. The property is part of an estate that wishes to subdivide the property and sell the property as two individual residential lots. Both proposed lots would meet the minimum lot size of 7,000 square feet and lot width of 60-feet, but as the block is only 182.5-feet in depth, the proposed lots do not meet the minimum 115-feet in depth. The choice of subdividing the lot into two lots would create two lots that do not meet the minimum lot depth. However, the subdividing of the property would create an additional lot that could be developed as either a single-family or two-family residence that would be required to meet all building setbacks and applicable building, zoning, and fire codes. The proposed two lots would not be out of character with neighboring properties as several have the same rear property line and depth. The requested variances will allow the property owners to formally replat the subject property into two lots 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.*

**The intent of regulations for lot sizes to include a minimum area, depth, and width is to protect the desired amount of density for a particular zoning district. 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. The West Main Addition was created before the subdivision and zoning regulations were adopted in 1968 and as such, lots in the vicinity are not uniform in size with many that are nonconforming to the minimum lot depth. Homes on the subject property would be required to adhere to the setback regulations and the applicable zoning, building and fire codes.**

**STAFF RECOMMENDATION:**

Based on the analysis and findings, Staff ***recommends approval the requested*** variances to allow proposed Lot 5A1A-1 and Lot 5A1A-2 to have a lot depth of 91-feet and 93-feet, respectively.

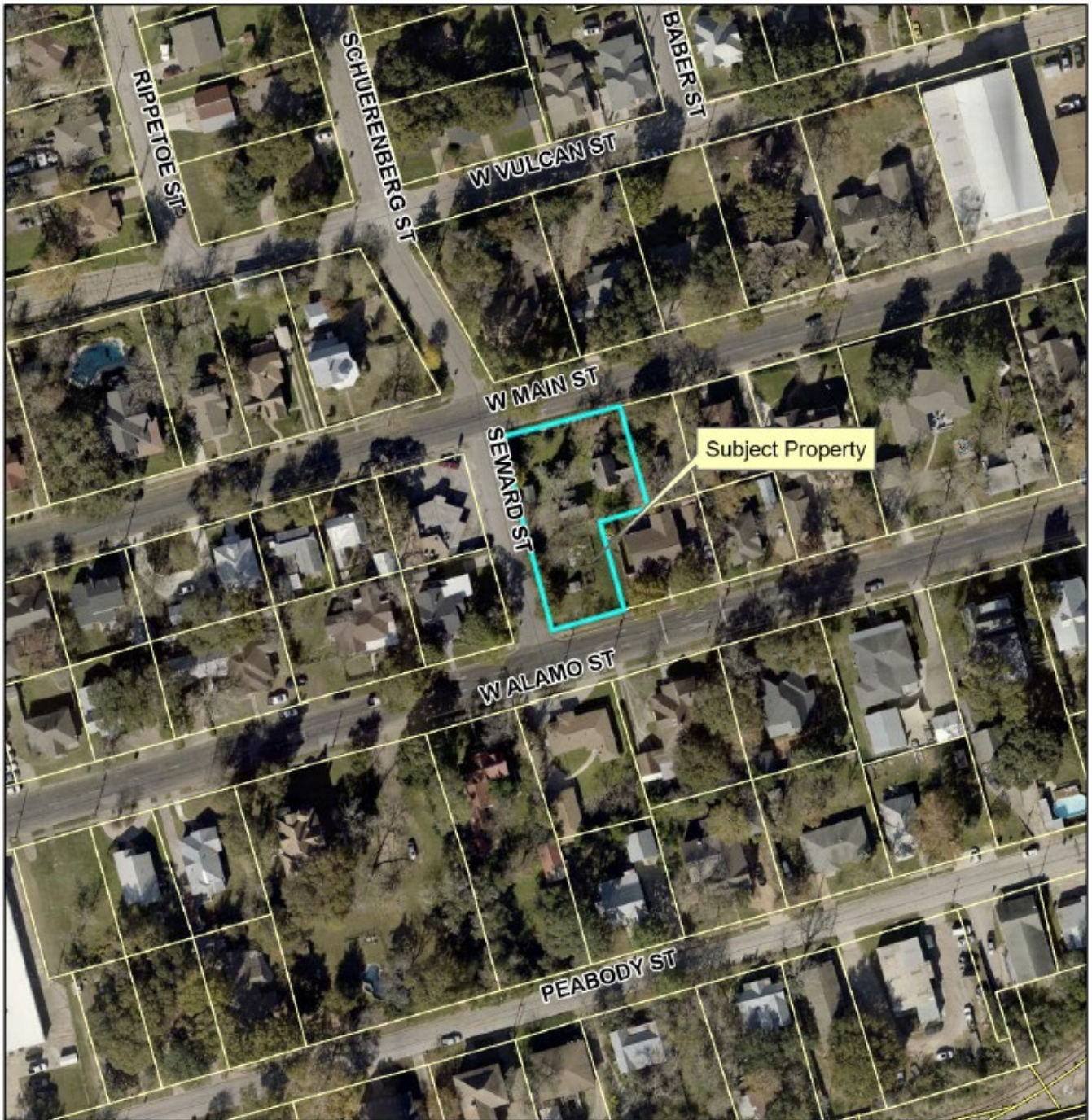
**PUBLIC COMMENTS:**

Property owners within 200 feet of the subject property were mailed notifications of this proposal on November 27, 2024. 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. Letter of Intent
- D. Proposed Lot Layout
- E. Site Photos

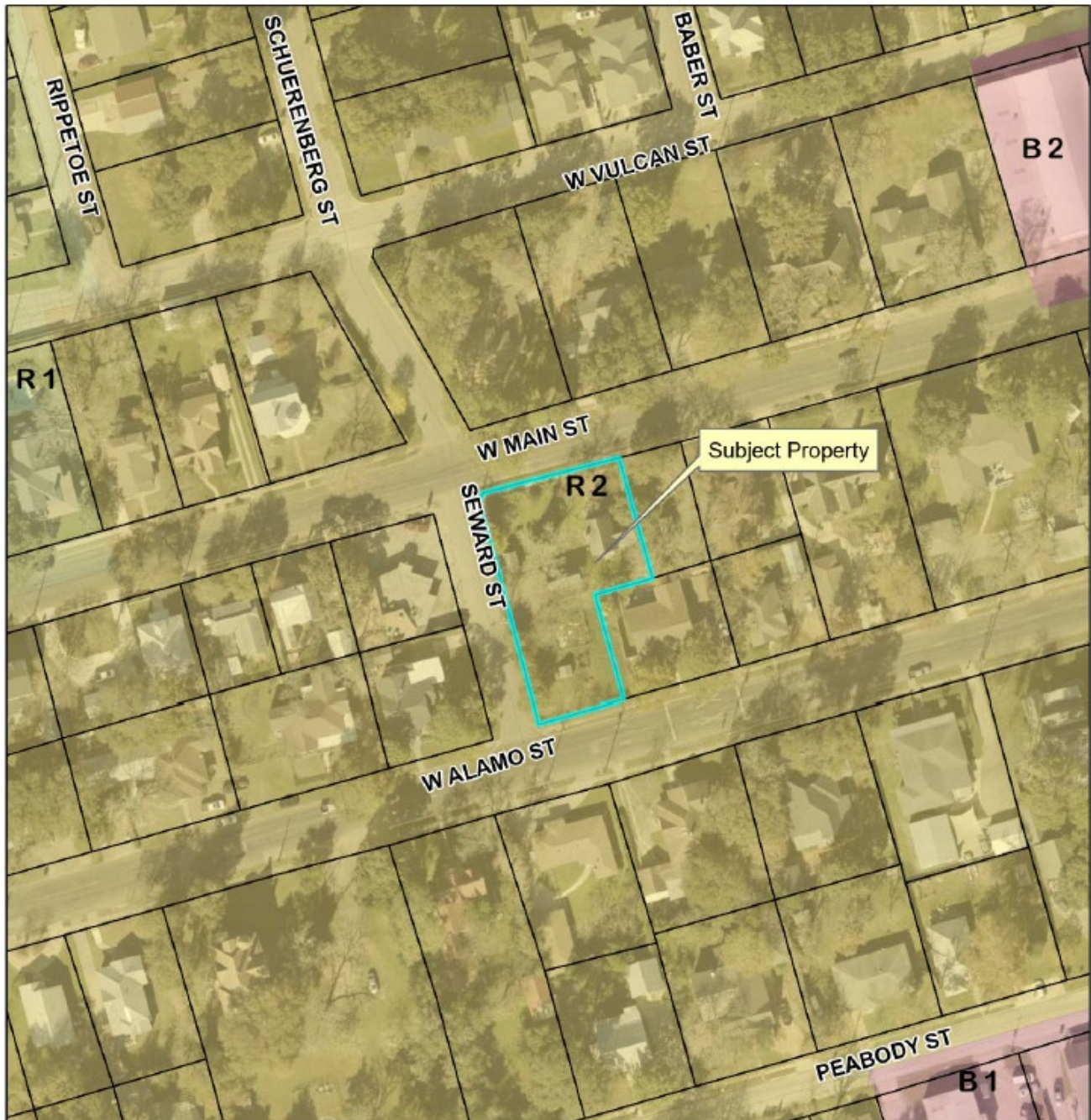
**EXHIBIT "A"**  
**AERIAL MAP**



**Location Map**  
**Variance for Lot Depth**  
**407 W Main Street**



EXHIBIT "B"  
ZONING MAP



**Legend**

Zoning

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

**Zoning Map  
Variance for Lot Depth  
407 W Main Street**



1:1,245



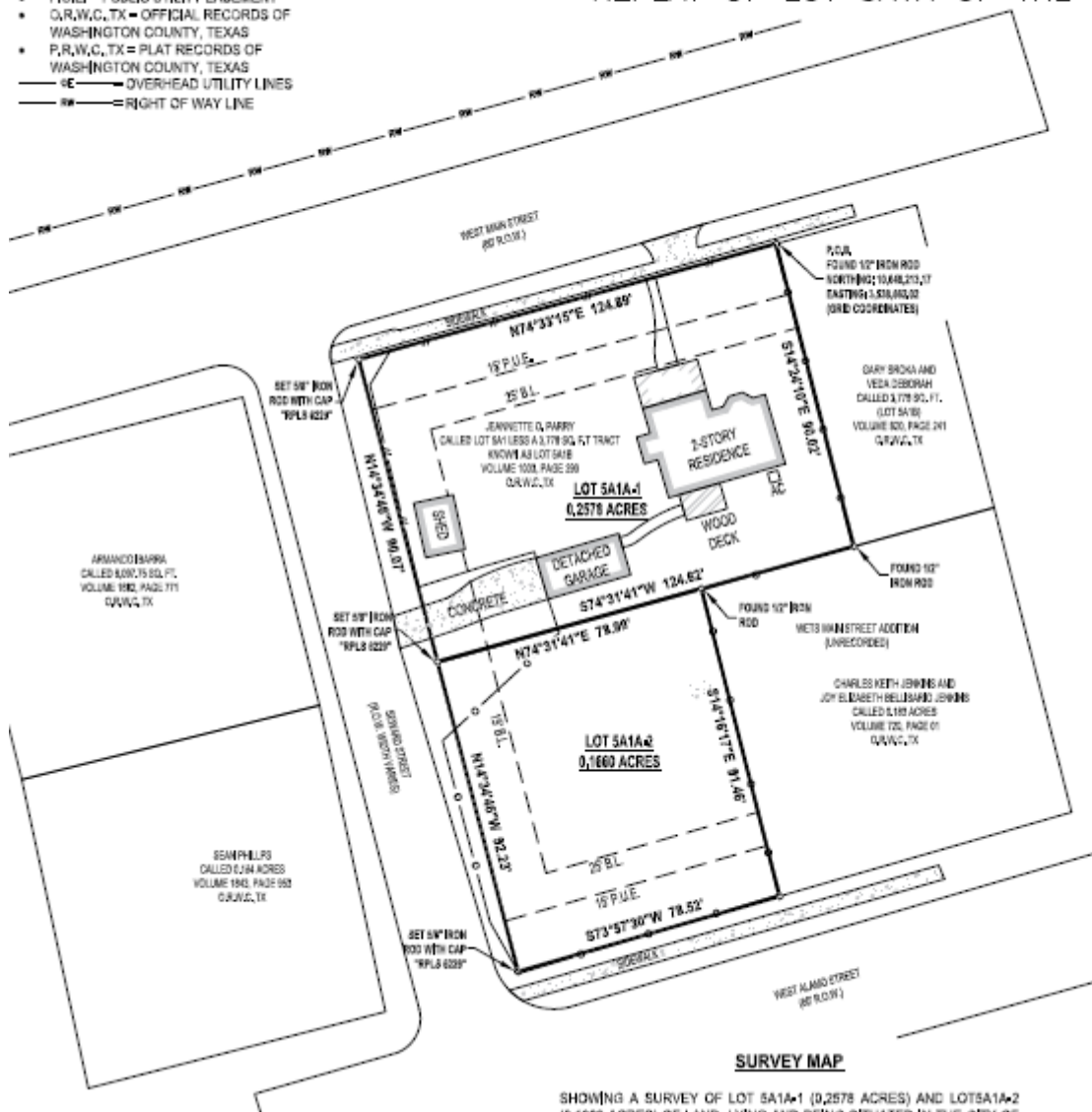
**EXHIBIT "C"**  
**PROPOSED PLAT**

# FINAL PLAT

## REPLAT OF LOT 5A1A OF THE WEST MAIN ST

**LEGEND**

- P.P. = POWER POLE
- B.L. = BUILDING LINE
- P.U.E. = PUBLIC UTILITY EASEMENT
- O.R.W.C.TX = OFFICIAL RECORDS OF WASHINGTON COUNTY, TEXAS
- P.R.W.C.TX = PLAT RECORDS OF WASHINGTON COUNTY, TEXAS
- OVERHEAD UTILITY LINES
- RIGHT OF WAY LINE



**SURVEY MAP**

SHOWING A SURVEY OF LOT 5A1A-1 (0.2578 ACRES) AND LOT 5A1A-2 (0.7660 ACRES) OF LAND TRACT AND BLOCK STRAVER IN THE CITY OF

**OWNER ACKNOWLEDGMENT**

WE, ESTATE OF JEAN OWNERS OF THE LAND SUBSCRIBED HERETO, THE SAID PROPERTY HEREON, THE PLATTEE DEDICATIONS, COVENANTS AS SHOWN OR STATED

BY: \_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(PRINTED NAME AND ADDRESS)

**NOTARY**

THE STATE OF TEXAS  
COUNTY OF \_\_\_\_\_  
THIS INSTRUMENT WAS MADE AND FORWARDED  
DAY OF \_\_\_\_\_  
BY \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS  
NOTARY COMMISSION NO. \_\_\_\_\_

**PLANNING AND ZONING**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEXAS.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY



**EXHIBIT "D"**  
**SITE PHOTOS**



Existing residence at 497 W. Main Street



Southern vacant portion fronting W. Alamo Street



Southern vacant portion from Seward Street



Manuel's Mexican Restaurant located to the east across Seward Street