



**NOTICE OF A REGULAR MEETING
BOARD OF ADJUSTMENT
MONDAY, MAY 12, 2025, 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 discusses and act upon it individually as part of the Regular Agenda.

4-a. Minutes from April 14, 2025, Board of Adjustment Meeting.

REGULAR AGENDA

5. Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0003: A request by the Lower Colorado River Authority / Bluebonnet Electric Cooperative, Inc. for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 4.04(3) to allow a tower height of 195-foot, where a maximum 150-foot height is allowed for construction of a tower at 2401 US Highway 290 W, described as Lot 2 (13.384-acres) of the BBEC Hwy 290 East Subdivision, in Brenham, Washington County, Texas.

6. Adjourn.

CERTIFICATION

I certify that a copy of the May 12, 2025, 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 9, 2025, at 8:30 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 _____, 2025 at _____ am/pm.

Signature

Title

CITY OF BRENHAM BOARD OF ADJUSTMENT MINUTES

April 14, 2025

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 14, 2025, at 5:15 pm in the Brenham Municipal Building, City Council Chambers, at 200 West Vulcan Street, Brenham, Texas.

Commissioners present:

Jon Hodde, Chairman
Walt Edmunds
Darren Huckert
Mary Lou Winkelmann

Commissioners absent:

Arlen Thielemann
Dax Flisowski

Staff present:

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

Citizens / Media present:

Amado Escobar, Jr.

1. Call Meeting to Order

Chairman Hodde called the meeting to order at 5:15 p.m. with a quorum of four (4) Commissioners present.

2. Public Comments and Receipt of Petitions

There were no comments and/or receipt of petitions.

3. Reports and Announcements

Stephanie Doland introduced and welcomed Darren Huckert as the newest member of the Board of Adjustment,

Ms. Doland informed the Board that staff is working on a joint training session with the Planning and Zoning Commission regarding Neighborhood Designs. Additional information will be provided when it is available.

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 December 9, 2024, Board of Adjustment Meeting.

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

REGULAR AGENDA

5. Election of a Chair and Vice-Chair for the Board of Adjustment for 2025.

Each year, it is necessary for the Board of Adjustment to appoint a Chair and a Vice-Chair for the Board for 2025.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Huckert to appoint Jon Hodde and Chair and Arlen Thielemann as Vice-Chair for the Board of Adjustment for 2025. The motion carried unanimously.

6. Public hearing, Discussion and Possible Action on Case Number VARIANCE-25-0002: A request by Amado Escobar for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05(1)(b) to allow an 6.6-foot west side yard setback, where a minimum 10-foot side yard setback is required, and a Special Exception as described in Part IV, Division 4, Section 1.01(3)(a) to allow a 7-foot front yard setback, where a minimum 25-foot front yard setback is required for construction of a carport at 205 Mary Gene Street, described as Lot 3, Block 3 of the Hillcrest Addition in Brenham, Washington County, Texas.

Shauna Laauwe, City Planner, presented the staff report for Case No. VARIANCE-25-0002. Ms. Laauwe stated that this is a request from Amado Escobar, Jr. and Roni Ruiz Escobar. The subject property is addressed as 205 Mary Gene Street and is generally located on the south side of Mary Gene Street, east of Cedar Street, west of Sandy Street, and north of McNeese Street. The subject property and all adjacent properties are within an R-1, Single Family Residential and developed with residential structures. The subject 0.32-acres is currently developed with a 1,400 square foot single family residence that was recently rebuilt in 2023 and has a single car garage. While a record could not be found for when the previous home was constructed, according to records on the Washington County Appraisal District website, a majority of the homes along Mary Gene Street were constructed in the early 1950s, before the City of Brenham adopted Subdivision and Zoning Regulations in 1968. The existing home was constructed on the same location as the original slab of the previous home. The existing home has a front yard setback of 25.1-feet, a rear yard setback of approximately 101 feet, an east side yard setback of 16.4-feet and a west side yard setback of 6.6-feet. The minimum required side yard setback for a single-family home in the R-1 district is 10-feet. When the existing home was recently reconstructed, the builder should have been advised to shift the proposed foundation to meet current setbacks or to seek a variance at the time. The applicant would like to construct an 18'x24' open-sided carport for additional covered parking. The proposed carport will extend from the midway point of the roof ridge of the house and will have the same shingles and fiber cement siding as the house. The carport will be supported by the same style of pillars as are in the front of the house so as to be aesthetically pleasing, similar to a front portico.

The existing residential structure and driveway is located 6.6-feet from the west property line. The proposed carport over the existing driveway would also be located 6.6-feet from the west side property line; therefore, a variance would be required.

In this neighborhood block, there are multiple homes with non-conforming front setbacks as well as existing carports with varying front and side setbacks. The adjacent property to the east, 203 Mary Gene, was granted a variance on December 10, 1984 to allow a 15-foot front yard setback for a carport. Additionally, the property at 209 Mary Gene was granted a variance on June 3, 1997 for a 15-foot front yard setback for a carport and then on December 12, 2016, was granted an additional variance for a 6-foot side yard setback to enclose the carport. Measuring using the GIS aerial data, other properties in the vicinity appear to have setbacks varying from less

than 5-feet to 20-feet. Where front yard setbacks are not uniform on a neighborhood block, a property owner may seek a special exception to the front yard setback requirements. Therefore, for the proposed construction of an 18'x24' open-sided attached carport, the applicant is seeking a Variance to allow a 6'6" west side yard setback where a 10-foot setback is required; and a Special Exception to allow for a 7-foot front yard setback where a 25-foot front yard setback is required.

STAFF ANALYSIS

- This neighborhood was developed between 1950 and 1955, which is before the zoning regulations were adopted in 1968. The existing home was constructed on the same footprint as the previous home that was demolished.
- Several non-conforming structures exist, and multiple setback variances have been granted for carports and other structures in this area.
- This request would not be out of character with this neighborhood.
- The need for the side yard variance was not created by the property owner.
- Granting this variance will not be materially detrimental or injurious to other properties.

Notices were mailed to property owners within 200 feet of the subject property regarding these requests on April 3, 2025. Staff received one citizen comment from Charles Schrader, who lives at 1406 Cedar Street, in support of the variance and special exception requests.

STAFF RECOMMENDATION:

The homes along Mary Gene Street and Cedar Street to the west do not have a uniform front yard setback, with many of the structures appearing to not be in compliance with the current minimum 25-foot front yard setback requirement. In addition, many of the homes have carports that encroach into the current setback, with carports located at 208 Mary Gene Street and 1503 Cedar Street appearing to be 5-feet or less from the property line. Given the history and character of the neighborhood and that the proposed carport structure will be built into the home, the surrounding neighborhood block of Mary Gene Street and Cedar Street meet the criteria that the existing front yard setbacks are not uniform.

Staff has reviewed the request and ***recommends approval*** of the requested variance to allow a 3.6-foot reduction in the minimum required 10-foot west side yard for a setback of **6.6-feet** and the requested special exception to allow an 18-foot reduction in the minimum required 25-foot front yard for a setback of **7-feet** for construction of a carport to be located at 205 Mary Gene Street.

Chairman Hodde opened the Public Hearing at 5:42 p.m. and asked for any comments. The applicant, Amado Escobar, Jr., stated that he was born in Brenham and has lived in the County for a while. He and his wife wanted to move their family into town and found this home which is a perfect home for their family; however, since it has a single car garage, additional covered parking is desired. Mr. Escobar stated that he plans to attach the carport to the roof and use the same shingles and building materials so that the carport enhances the property and doesn't appear to be an "after-thought". In response to a question from a Commissioner, Mr. Escobar confirmed that the covered carport would go to the front door; thus, allowing his Mother, who is in a wheelchair, to have covered access from the vehicle to the front door. There were no other comments.

Chairman Hodde closed the Public Hearing at 5:46 p.m. and re-opened the Regular Session.

A motion was made by Commissioner Winkelmann and seconded by Commissioner Huckert to approve the request by Amado Escobar for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 1.05(1)(b) to allow an 6.6-foot west side yard setback, where a minimum 10-foot side yard setback is required, and a Special Exception as described in Part IV, Division 4, Section 1.01(3)(a) to allow a 7-foot front yard setback, where a minimum 25-foot front yard setback is required for construction of a carport at 205 Mary Gene Street, as presented. The motion carried unanimously (4-0).

7. Adjourn

A motion was made by Commissioner Winkelmann and seconded by Commissioner Huckert to adjourn the meeting at 5:47 p.m. The motion carried unanimously (4-0).

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

May 12, 2025
Meeting Date

Attest, Staff Secretary

May 12, 2025
Meeting Date



CASE NUMBER: B-25-0003

VARIANCE REQUEST: 2401 US HIGHWAY 290 W

STAFF CONTACT: Shauna Laauwe, AICP City Planner

OWNERS/APPLICANTS: Bluebonnet Electric Cooperative, Inc. (BBEC) / Lower Colorado River Authority (LCRA)

ADDRESS/LOCATION: 2401 US Highway 290 W (Exhibit "A")

LEGAL DESCRIPTION: Lot 2 of the BBEC Hwy 290 Subdivision

LOT AREA: 13.384-acres

**ZONING DISTRICT/
USE:** B-2, Commercial Research and Technology District / Commercial Building
(Exhibit "B")

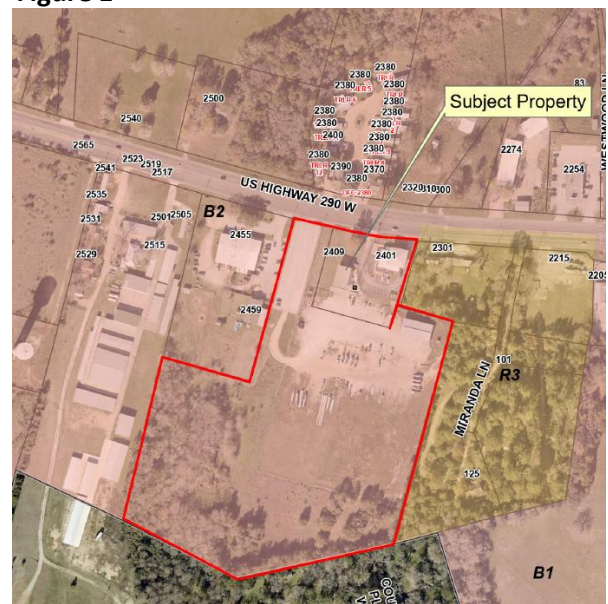
**COMP PLAN
FUTURE LAND USE:** Commercial

REQUEST: A request for a Variance from the City of Brenham Code of Ordinances, Appendix A – Zoning, Part II, Division 2, Section 4.04(3) to allow a tower height of 195-foot, where a maximum 150-foot height is allowed for construction of a telecommunications tower at 2401 US Highway 290 W. (Exhibit "C").

BACKGROUND:

The subject property is addressed as 2401 US Highway 290 West and is generally located on the south side of US Highway 290 W, west of Miranda Lane. The subject property is a 13.384-acre vacant tract that is owned by Bluebonnet Electric Cooperative, Inc. and is west and south of the commercial and associated accessory buildings. The subject property and adjacent properties to the north, south and west are within a B-2, Commercial Research and Technology District and are developed with commercial structures and uses. The property to the east is zoned as R-3, Manufactured Home Residential and is developed with with a vacant commercial building and an abandoned fruit/plant stand. The adjacent property to the south is located outside the city limits.

Figure 1



The subject property has an existing telecommunications tower that is owned by Lower Colorado River Authority (LCRA) that is 190-feet in height and is located behind the existing Bluebonnet Electric building on the main lot. The TxDOT US Highway 290 Project, a portion of which is shown in Figure 2, is acquiring the existing Bluebonnet Electric building and the tower that is marked with an orange plus sign; therefore, the applicant (LCRA) proposes to remove the existing telecommunications tower and construct a new, slightly taller 195-foot telecommunications tower further to the southwest on the vacant portion of the tract, shown in Figure 2 as a red triangle. Figure 3 below, shows both the existing and proposed locations of the tower on the subject property without the roadway realignment graphics. The Zoning Ordinance, in Part II, Division 2, Section 4.04(3) states that "Broadcasting and communications towers shall be limited to one hundred fifty (150) feet in height." Therefore the applicant, LCRA, is requesting a variance to allow an increase of 45-feet to the maximum allowable height for the construction of a 195-foot communications tower at the location presented in the application documents.

Figure 2

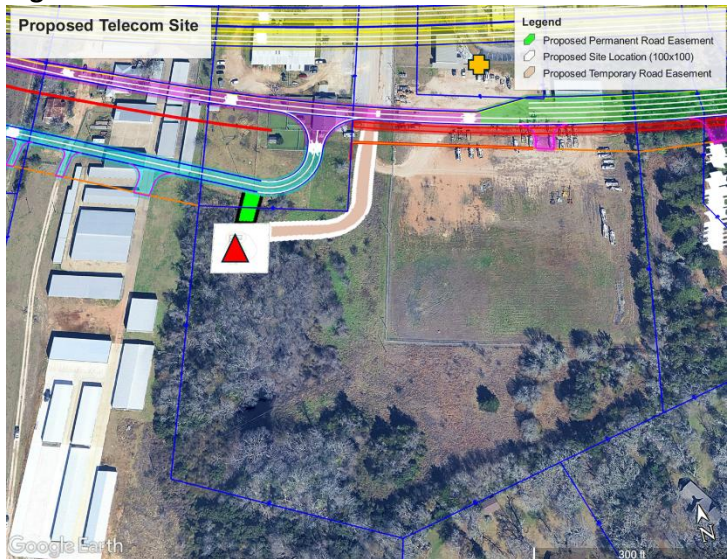


Figure 3



VARIANCE TO MAXIMUM TOWER HEIGHT:

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,

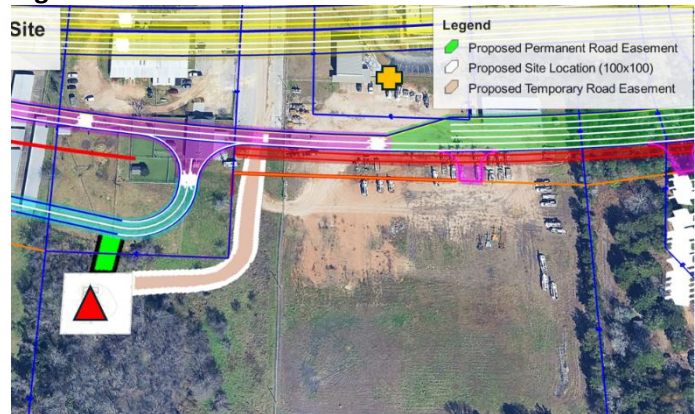
Variances, Special Exceptions, Nonconforming Uses and Appeals, Division 1. The Board may not grant variances to use requirements or procedural requirements related to the granting of a variance.

(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 applicant, the Lower Colorado River Authority (LCRA) wishes to construct a new 195-foot communications tower on the southwest side of the subject property. The LCRA currently has an existing 190-foot tower located at 2401 US Hwy 290, near the roadway and the Bluebonnet Electric Company building. The Texas Department of Transportation (TXDOT) has begun acquisition of property for the future US-290 ramp project that is currently slated to begin in 2028. Figures 2 and 4 show in yellow the new roadway alignment that will go through the

Figure 4



existing Bluebonnet Electric building and site, with the green area showing the extent of the new right-of-way and the purple line being a new frontage road. As shown, the existing tower will be required to be removed. The applicant proposes to construct a new, 195-tower at the location shown with a red triangle. The application drawings (Exhibit "E") detail that the site will also have mechanical equipment for the operation of the tower, a generator, and City regulations require a screening fence. As shown in Figure 4, the site would be provided with access via an access road/driveway. When the new alignment is in place, the proposed new tower will have a similar setback from US-290 than the existing tower.

- (2) *The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, nor substantially increase the congestion in the public streets, nor increase the danger of fire, or in any way endanger the public health, safety and well-being of the neighborhood in which the subject property is located.*

Granting the variance to the communication tower height 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 the adjacent property. According to the applicant, the existing 190-foot tower has been in the current location for approximately 20 years. The property to the west is the Brenham Veterinary Hospital and Barking Ranch Pet Resort, which will also be adversely affected by the US-290 road realignment and are relocating to another location in Brenham. Thus, it is unknown what use may be adjacent to the west, but the property is zoned B-2, Commercial Research and Technology District that is primarily a commercial use district with the only residential permitted being multifamily. To the east, the adjacent property is zoned R-3 Manufactured Home district and is a nonconforming retail fruit stand use. Given that the proposed tower location is at a greater distance from the properties to the east

and north than the existing communications tower, which has been in place for approximately 20 years, no adverse effects are expected.

The applicant states that the tower will be constructed per current safety structural requirements and designed by a professional engineer. If the variance is approved, the tower would also be required to obtain the necessary building and electrical permits and provide a screening fence. Given the above analysis, no adverse effects to nearby properties or the surrounding neighborhood are expected.

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

As stated by the applicant, the tower's purpose is to provide (by LCRA) Bluebonnet Electric Cooperative, adequate emergency communication coverage to the Brenham area. The area has been utilized as a main communication point for 20 years and it would be a hardship to recalibrate and to find a new location that would serve the existing signal area. The proposed site is near the existing location, is on vacant land, in an appropriate zoning district, and is readily available for construction. Staff finds that the literal enforcement of this ordinance would result in the unnecessary hardship of seeking alternative sites for a critical need communication tower that is being removed due to eminent domain for the US-290 project.

(4) The piece of property is unique and contains properties or attributes not common to other similarly situated properties.

The applicant states that the property is in an ideal location for adequate emergency communication coverage of the Brenham area for critical utility operations, and for the required data transport connections to the LCRA system that aids this service. As shown in Figures 2 and 4, the existing and proposed locations are in proximity. With the proposed location, and if a variance to allow a tower height of 195-feet is granted, the replacement tower should be able to provide the same adequate coverage as the existing 190-foot communications tower.

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

The need for the variance was not created by the applicant. The need for the variance was created by the land acquisition by TXDoT, which is removing the existing tower. In order to provide the same amount of coverage and service area for emergency communications, it is paramount that the replacement tower be of similar height, the requested 195-feet, and in the same approximate location as the existing tower.

(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. Without the height variance, the communication tower would provide inadequate coverage of the Brenham area for emergency communications for a critical utility serving surrounding areas.

(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.*

Height restrictions established on communication towers are important for aviation safety, to minimize environmental impacts, the impact on aesthetics and the need to accommodate future communication needs. The proposed tower height is 45-feet higher than the maximum allowed 150-feet, however FAA has specific lighting requirements for towers over 200 feet in height (less if near an airport), thus no FAA lighting or other aviation restrictions would apply if the tower were to be granted a variance.

The granting of the variance to allow a 195-foot communications tower, a 45-foot increase in the maximum 150-foot allowable height, 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 applicant states that the construction of the tower as submitted would allow the continued use of emergency communications for the Brenham area for critical utility services. If approved, the tower structure would be required to obtain building and electrical permits, and to provide a minimum 6-foot in height screening fence. The structure would also be subject to all necessary reviews and approvals by the Building Official to ensure adherence to adopted Building Codes.

STAFF RECOMMENDATION:

Staff has reviewed the request and ***recommends approval*** of the requested variance to allow a tower height of 195-feet, where a maximum 150-foot height is allowed for construction of a tower to be located on the property adjacent to 2401 US Highway 290 W.

PUBLIC COMMENTS:

Property owners within 200 feet of the subject property were mailed notifications of this proposal on May 1, 2025. 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. Site Plan
- D. Tower Drawing
- E. Accessory Building Site Plan
- F. Site Photos

EXHIBIT "A"
AERIAL MAP



Location Map
Variance to Height of Communication Tower
2401 US Hwy 290 W

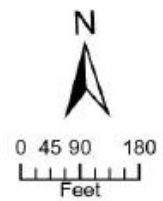


EXHIBIT "B"
ZONING MAP



Zoning Map
Variance to Height of Communication Tower
2401 US Hwy 290 W

- Zoning
- B1 Local Business Mixed
 - B2 Commercial
 - Research and Technology
 - R3 Manufactured Home Residential



EXHIBIT "C"
SITE PLAN

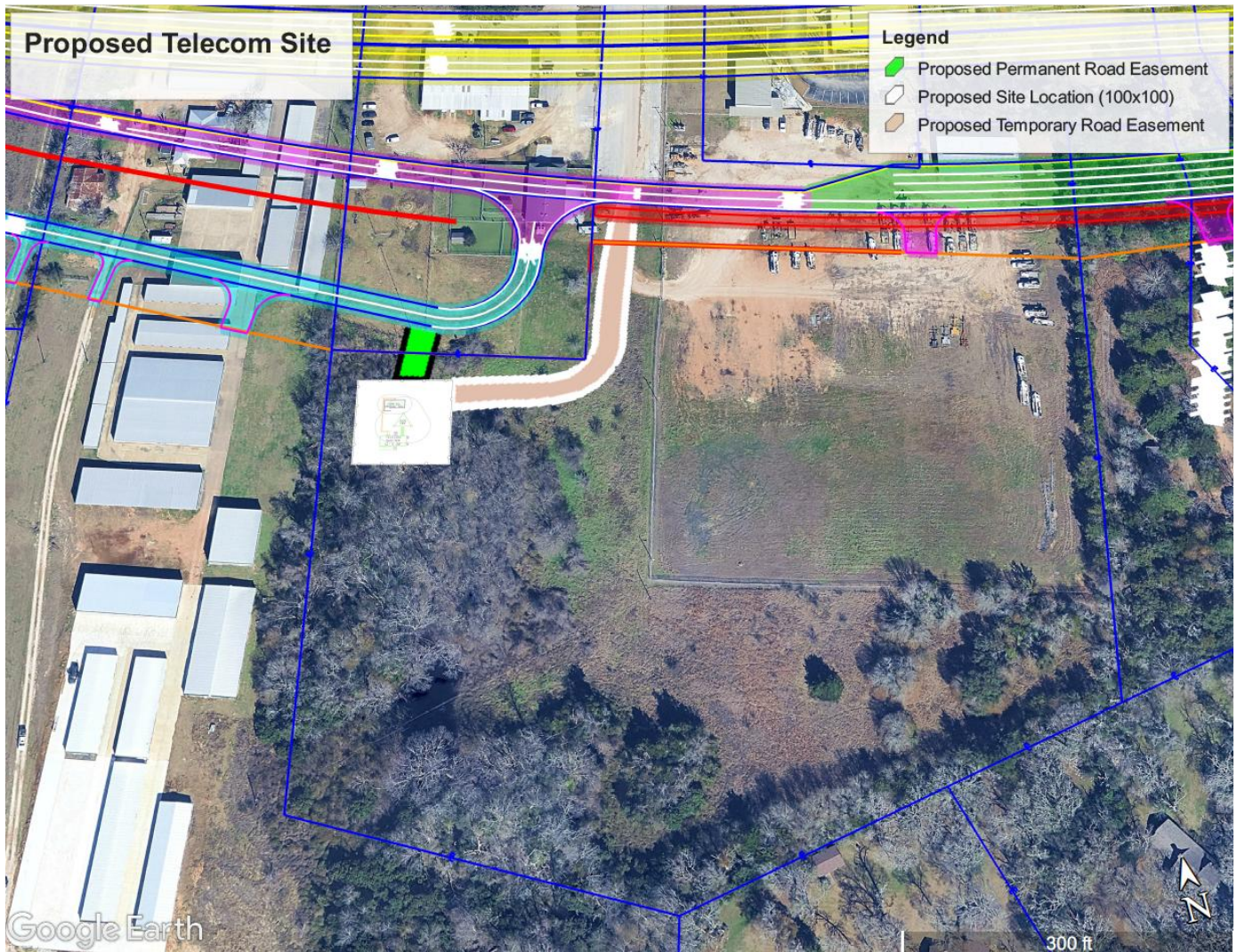
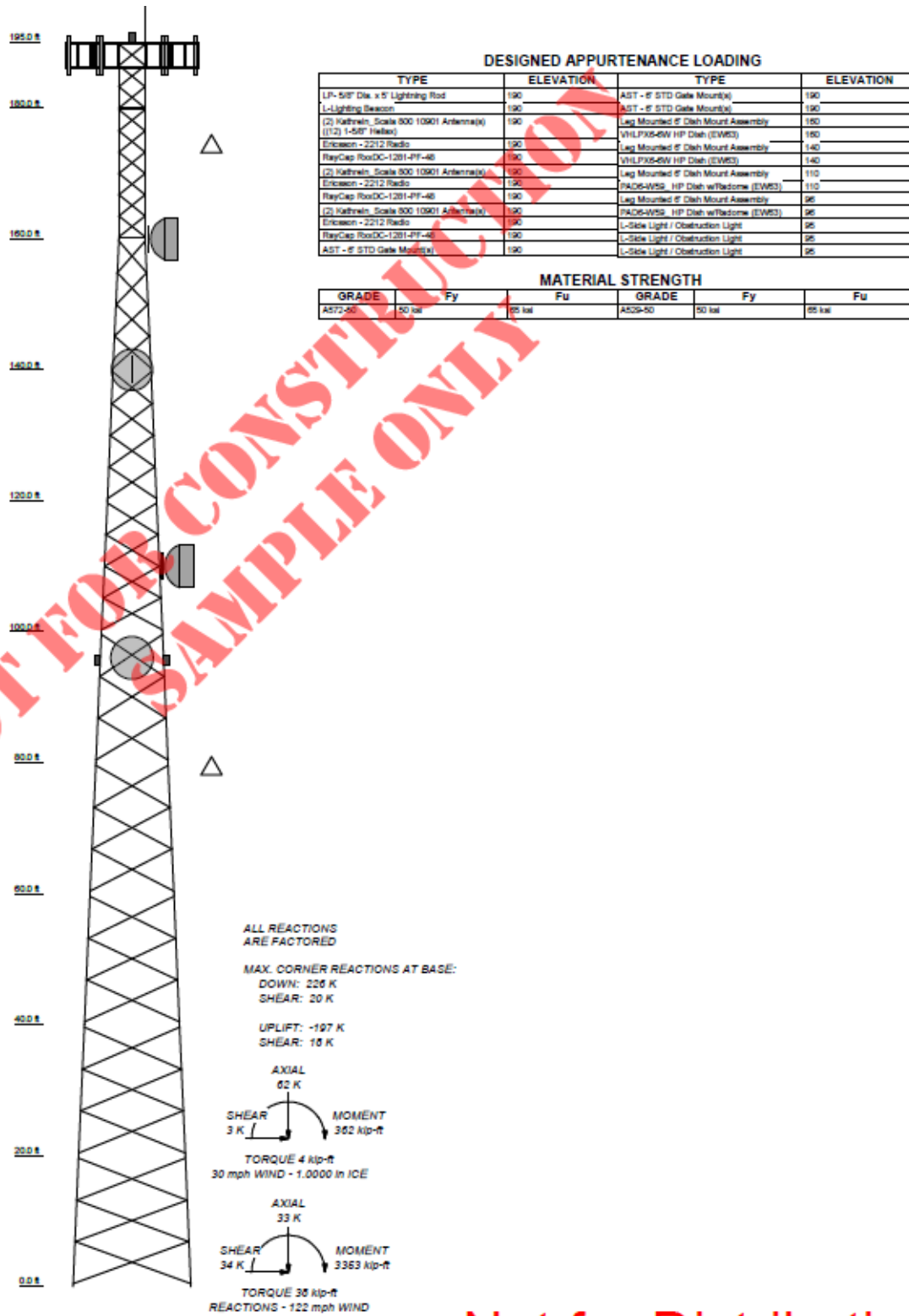


EXHIBIT "D" **TOWER DRAWING**

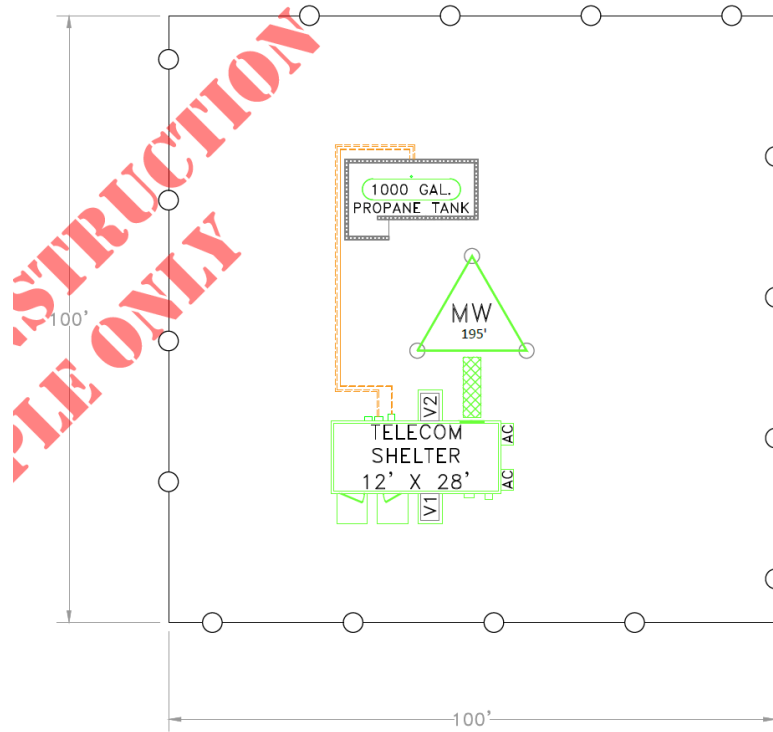


Not for Distribution

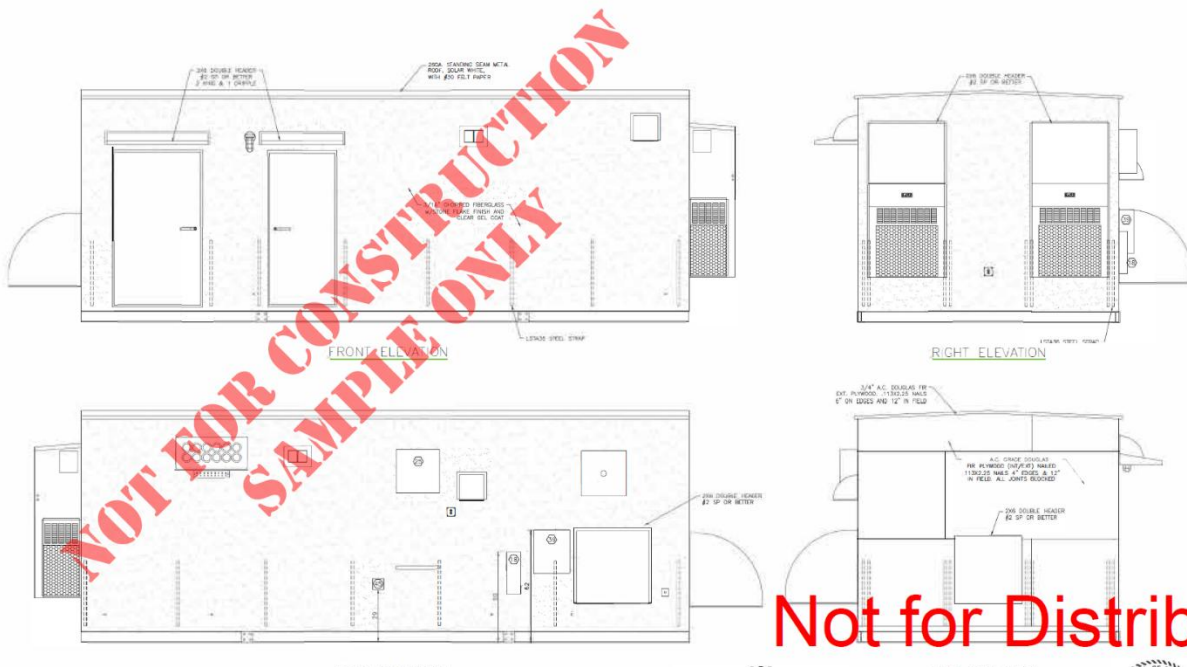
EXHIBIT "E"

ACCESSORY BUILDING SITE PLAN

Typical Shelter Layout



Shelter Details



FENCE SCHEDULE			
	COMPONENTS	SIZE	GUAGE, WEIGHT, OR DESCRIPTION
POST	CORNER	4" O.D.	SCHEDULE 40
	END	4" O.D.	SCHEDULE 40
	GATE	4" O.D.	SCHEDULE 40
	INTERMEDIATE	1.9" O.D.	SCHEDULE 20
	MAX POST SPACING	10'-0"	-
	POST HOLE FOOTING	8" O.D., 24" DEEP	FILL WITH 3,000 PSI CONCRETE
RAIL	TOP RAIL	1.66" O.D.	SCHEDULE 20
	BOTTOM WIRE	-	7 GUAGE
WIRE	BARBED WIRE	3 TIER TOP	14 GUAGE, 4 POINT
	FABRIC	2" MESH, 41'-0"	9 GUAGE

GENERAL NOTES:

1. FENCE SHALL BE 6'-0" TALL WITH THREE ROWS OF TWISTED STRAND BARB WIRE. ROWS OF BARB WIRE SHALL BE EQUALLY SPACED AT THE TOP ADDING TO A TOTAL OF 8'-0" TALL WITH THE FENCE.
2. GATE SHALL BE DOUBLE SWING TYPE, EACH 6'-0" WIDE, ADDING TO A TOTAL OF 12'-0" WITH LOCKABLE DROP BAR AND GATE HOLDBACKS. MATERIAL TO MATCH THAT OF THE FENCE.
3. ALL STEEL FENCING MATERIALS SHALL BE HOT DIP GALVANIZED, UNLESS OTHERWISE NOTED.
4. ALL BOLTS AND SCREWS SHALL BE STAINLESS STEEL, UNLESS OTHERWISE NOTED.

TYPICAL TELECOM CHAINLINK FENCE



EXHIBIT "F"
SITE PHOTOS



Existing 190-foot Communications Tower



Approximate location area – Behind red trailer near trees.



Looking north towards US Hwy 290 W. (Bluebonnet Electric, Inc to east and Brenham Veterinary to the west)



Residential to the north, existing tower further to the south