

MINUTES OF SPECIAL MEETING
October 22, 2018
MONTGOMERY BOARD OF ADJUSTMENT

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 3:02 p.m.

Present: Nelson Cox Chairman
 Carol Raica Secretary
 Rebecca Huss Member
 John Fox Alternate Member

Absent: Jennifer Stewart Member
 Tommy Hauser Member

Also Present: Jack Yates City Administrator
 Susan Hensley City Secretary

CONSIDERATION AND POSSIBLE ACTION:

1. Approval of the minutes from the Special Meeting and Public Hearing held on August 31, 2018.

Rebecca Huss said she had a comment regarding Item 3, Consideration and possible action regarding parking lot variance on page 3 of the minutes, and said the sentence had the word “not” twice and should read the City of Houston’s example is not all that edifying. The City Secretary advised she would make that correction.

Rebecca Huss moved to accept the minutes as presented with the correction as stated. Carol Raica seconded the motion, the motion carried unanimously. (4-0)

2. Consideration/take action of calling a Public Hearing regarding a height Variance of 25” for a steeple by Living Savior Lutheran Church at 309 Pond Street.

Mr. Yates said that he had included their information, but said the real purpose for the meeting is to call the Public Hearing. Mr. Yates said this will have quite a few property owners within the 200 feet notification boundary so it might take a while to get the map for ownership and notification and prepare the letters for mail out. Rebecca Huss asked if that meant that they did not want to have the Public Hearing in early November. Mr. Yates said they are thinking either the 5th or 12th of December, which would allow plenty of time for the letters of notice.

Rebecca Huss said she knew that Living Savior had come before City Council before and asked why they were having to come before the Board of Adjustment instead of Planning and Zoning and then City Council. Mr. Yates said it is because their zoning classification is all right for what they are doing, and the reason they are going to the Planning and Zoning Commission is because they are in the Historic District so they need to have their building plans approved. Mr. Yates said the reason they are before the Board of Adjustment is because the height of the building in the residential area is 32 feet. Rebecca Huss asked if there was any code on the height. Mr. Yates said yes, it is 32 feet in height. Rebecca Huss asked why that would not go before the Planning and Zoning Commission like everything else. Mr. Yates said it is a variance to the zoning ordinance. Mr. Fox asked if that would be part of the historical regulations. Mr. Yates said the Planning and Zoning Commission could say no to the steeple as being outside the historic perimeter of the church, but they have a drawing of the old church with that steeple being almost as high as this one, and they have a letter from the Historic Society recommending approval of the building for its historical relevance. Mr. Fox said the original steeple was 35 feet, which is why he asked that question. Mr. Yates said they want to go higher than the 35 feet, they want it to be 57 feet in height. Rebecca Huss said she liked their threat in the document where they say they are not going to do anything at all if we don't give it to them.

Chairman Cox asked if the church representatives were going to be in attendance of the meeting. Mr. Yates said he did not think so, he had told them that they were welcome to attend. Rebecca Huss said if they are just planning a Public Hearing then she supposed it really did not matter whether we agree or not. Chairman Cox asked to confirm the dates. Mr. Yates said either the 5th or the 12th of December.

Rebecca Huss moved to call the Public Hearing regarding the height variance of 25 feet for a steeple by Living Savior Lutheran Church at 309 Pond Street for December 12, 2018 at 3 p.m. at 101 Old Plantersville Road, Montgomery, Texas. Carol Raica seconded the motion, the motion, the motion carried unanimously. (4-0)

3. Consideration/take action of calling a Public Hearing regarding a height Variance of 35” for a flagpole at 19868 Eva Street by Jordan Porter (dba Dusty’s Car Wash).

Rebecca Huss asked when Dusty’s Car Wash was planning on opening. Mr. Yates said they were not planning on opening until after this Public Hearing.

Mr. Yates said the maximum height for a commercial building is 45 feet and the owner wants to go to 80 feet. Mr. Yates said the new monument at the corner of Lone Star Parkway and SH 105 that will be the Welcome to Montgomery sign, and he was wondering whether there might be a conflict with that and said it could possibly be a visual conflict. Mr. Yates said they could get a question of why would they ever turn down a United States flag.

Mr. Fox asked if there were any plans for the monument by the bank. Mr. Yates said they have no specific plans yet.

Rebecca Huss moved to call a Public Hearing regarding a height variance of 35 feet for a flagpole at 19868 Eva Street by Jordan Porter (dba Dusty’s Car Wash) to be held on December 12, 2018 at 3:00 p.m. at 101 Old Plantersville Road, Montgomery, Texas. John Fox seconded the motion.

Discussion: Mr. Yates said if the Board thinks of something that they might want, such as a photo from the top of the hill from the KOA Campground and to project in that picture where that flagpole would be located, or to get a picture of a similar size flag on a similar size flag pole. Mr. Yates said what he is really saying is if the Board thinks of something that might help with making their decision let him know and he will try to arrange before the meeting. Rebecca Huss said she actually thought a taller flagpole is the way to go because if it is shorter the flag might block the view of the entrance monument. Rebecca Huss said if the flag pole is taller it would be better because you would have the flags visible as you come over the hill and

then when you come over the hill you will be able to see the flags and the monument. Carol Raica asked if it was one or two flags. Mr. Yates said the owner said he is going to put the United States flag on the top with the Texas flag below that. Rebecca Huss said they will have two flags on one pole.


Rebecca Huss said just for disclosure she knows Jordan Porter quite well and he was her oldest son's baseball coach for several years, and said they are quite active volunteers. Mr. Yates said that Rebecca Huss did not have any economic contact with him. Rebecca Huss said no, there would be no economic connection, she just knows they are good people. Mr. Yates said Mr. Porter has been excellent all along.

The motion carried unanimously. (4-0)

4. Adjournment

Carol Raica moved to adjourn the meeting at 3:15 p.m. John Fox seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: 11/26/18
Susan Hensley, City Secretary


Nelson Cox, Chairman

