

**NOTICE OF SPECIAL MEETING**

**July 8, 2019**

**MONTGOMERY BOARD OF ADJUSTMENT**

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY


**NOTICE IS HEREBY GIVEN** that a Special Meeting of the Montgomery Board of Adjustment will be held on Monday, July 8, 2019 at 3:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

**CALL TO ORDER**

**CONSIDERATION AND POSSIBLE ACTION:**

1. Consideration and possible action regarding calling a Public Hearing regarding a height variance of 90 feet for a 130-foot flagpole, instead of the maximum height of 40 feet, to be located at 20168 Eva Street, Montgomery, between Kroger Market Place and Spirit of Texas Bank by Milestone 105 Investments, Ltd.
2. Consideration and possible action regarding calling a Public Hearing regarding a parking requirement variance from the required 11 parking spaces to 10 parking spaces located at 21012 Eva Street, Montgomery, as submitted by Michelle Cannon, RE/MAX Distinction.
3. Adjourn



  
\_\_\_\_\_  
*Susan Hensley, City Secretary*

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 5<sup>th</sup> day of July, 2019 at 255 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

*This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.*

Montgomery Board of Adjustment  
**AGENDA REPORT**

<b>Meeting Date: July 8, 2019</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Engineering details, site plan with location, notification boundary map</b>
<b>Date Prepared: July 5, 2019</b>	

**Subject**

Consideration and possible action calling a Public Hearing regarding a height variance of 90 feet for a 130-foot flagpole, instead of the maximum height of 40 feet, to be located at 20168 Eva Street, Montgomery, between Kroger Marketplace and Spirit of Texas Bank by Milestone 105 Investments, Ltd.

**Description**

Milestone 105 Investments, Ltd. (the developer of the Kroger center), in partnership with the Spirit of Texas Bank, is requesting to place a 130-foot flagpole behind the Spirit of Texas Bank location. The land use zoning district is B—Commercial, which sets a maximum height of 40 feet for structures of any kind. The proposed flagpole is 130 feet high, which requires a variance from the ordinance of 90 feet.



The first step in the process of considering a variance is for the Board of Adjustments to call a Public Hearing. Additionally, a notice announcing the Public Hearing must be published twice prior to the Public Hearing being held. A tentative outline of the schedule is:

- July 12: 1<sup>st</sup> legal notice published
- July 19: 2<sup>nd</sup> legal notice published
- July 29 – August 2: possible dates for Public Hearing & Special Meeting to act on variance request

**Recommendation**

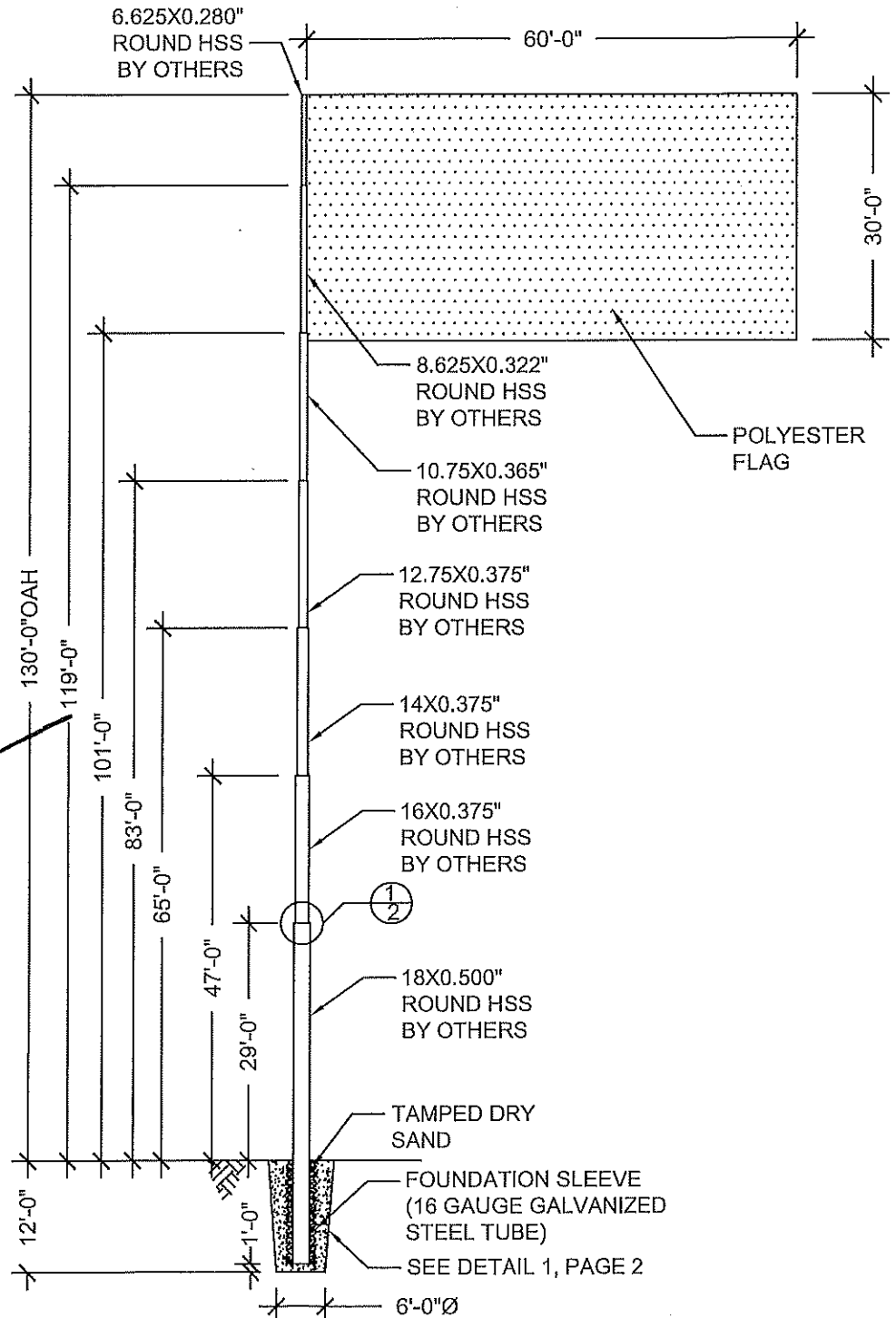
Call the Public Hearing and Special Meeting for date conducive to Board member's schedules

**Approved By**

Asst. to City Admin.	Dave McCorquodale 	Date: 6/19/19
City Administrator	Richard Tramm 	Date: 6/19/19

PROJECT: KROGER CENTER, STATE HIGHWAY 105 AND LONE STAR PARKWAY, MONTGOMERY, TX  
PROJECT #: 21749R1  
CLIENT: FLAG AND FLAGPOLE SUPPLY

DATE: 7-2-19  
ENGINEER: MFS



CERTIFICATE OF AUTHORITY  
NO. F-14143

**GENERAL NOTES**

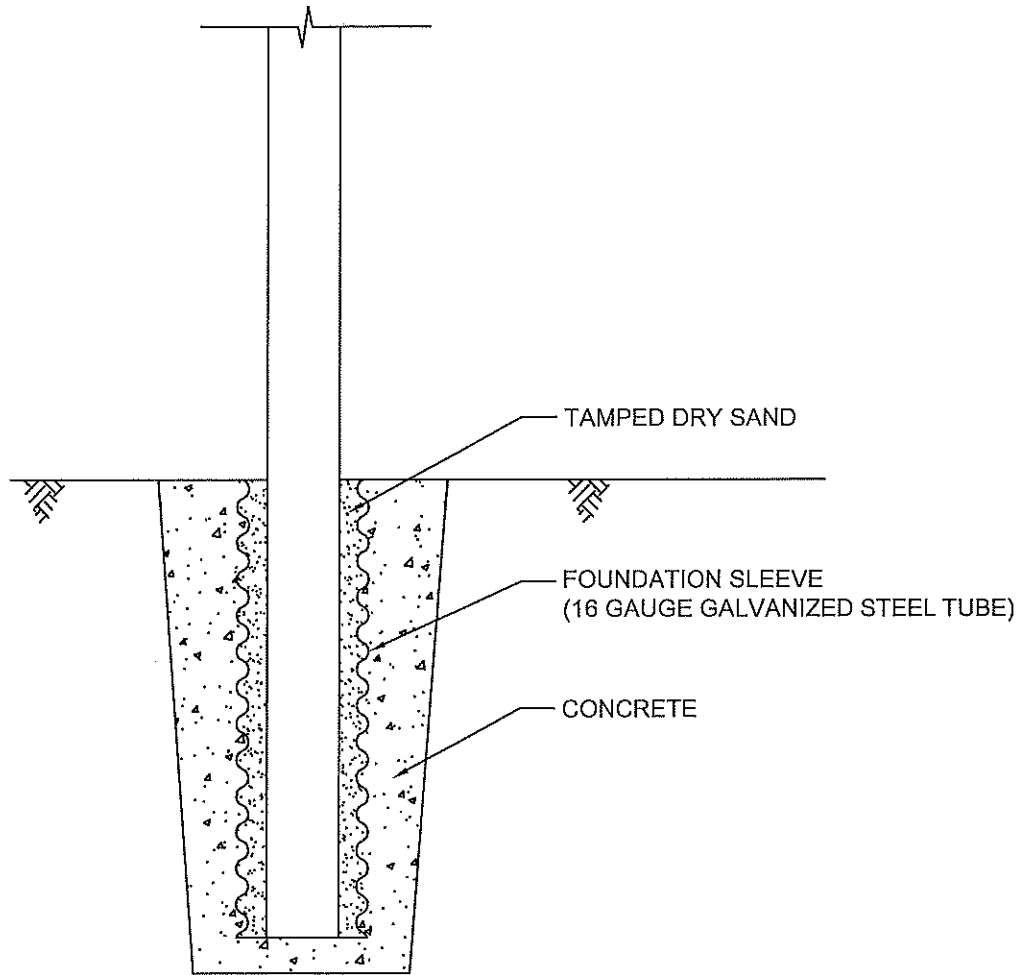
1. DESIGN CODE: IBC 2015
2. DESIGN LOADS: ASCE 7-10
3. WIND VELOCITY 125 MPH EXPOSURE C
4. FLAG LOADS PER ANSI/NAAMM FP 1001-07
5. CONCRETE 2500 PSI MINIMUM
6. LATERAL SOIL BEARING PER IBC CLASS 4 (150 PSF/FT)
7. PROVIDE MIN. 3" CLEAR COVER ON ALL STEEL EMBEDDED IN CONCRETE
8. PROVIDE PROTECTION AGAINST DISSIMILAR METALS



ELEVATION

PROJECT: KROGER CENTER, STATE HIGHWAY 105 AND LONE STAR PARKWAY, MONTGOMERY, TX  
PROJECT #: 21749  
CLIENT: FLAG AND FLAGPOLE SUPPLY

DATE: 7-2-19  
ENGINEER: MFS



① DETAIL



To: The City of Montgomery, TX  
Date: June 21<sup>st</sup>, 2019

Project; Kroger Center, State Highway 105 and Lone Star Parkway, Montgomery, TX  
Project #: 21749R1  
Subject: Foundation Design

Note #7 in the general notes states that 3" concrete cover is required for all steel in concrete. This means that a concrete cover is required for all steel in the footing, including the pole.

There is no rebar in the footing. The reinforcement for the footing is the pole.

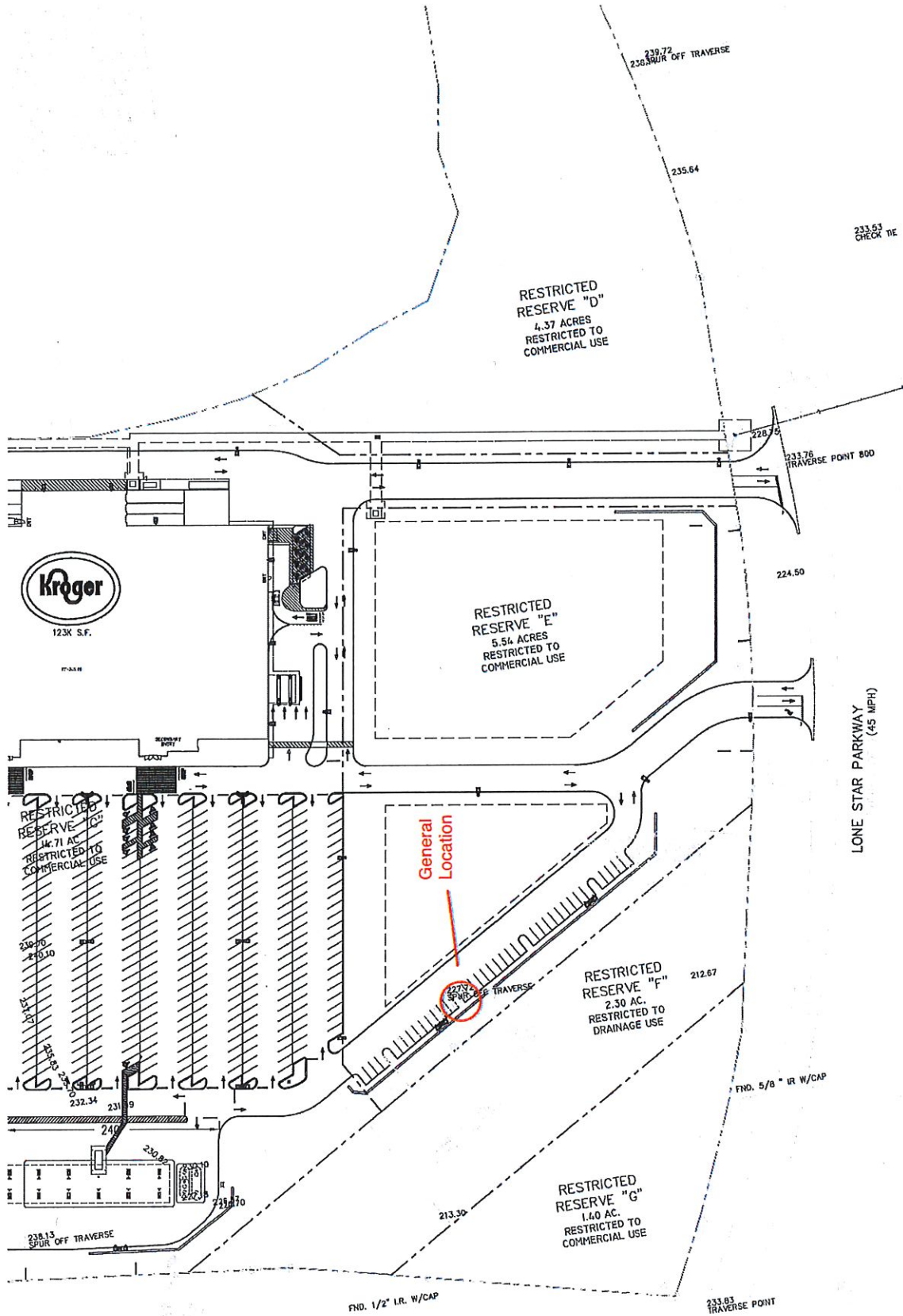
Thank You,

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', written over a light blue horizontal line.

Michael Sullaway, P.E.  
President

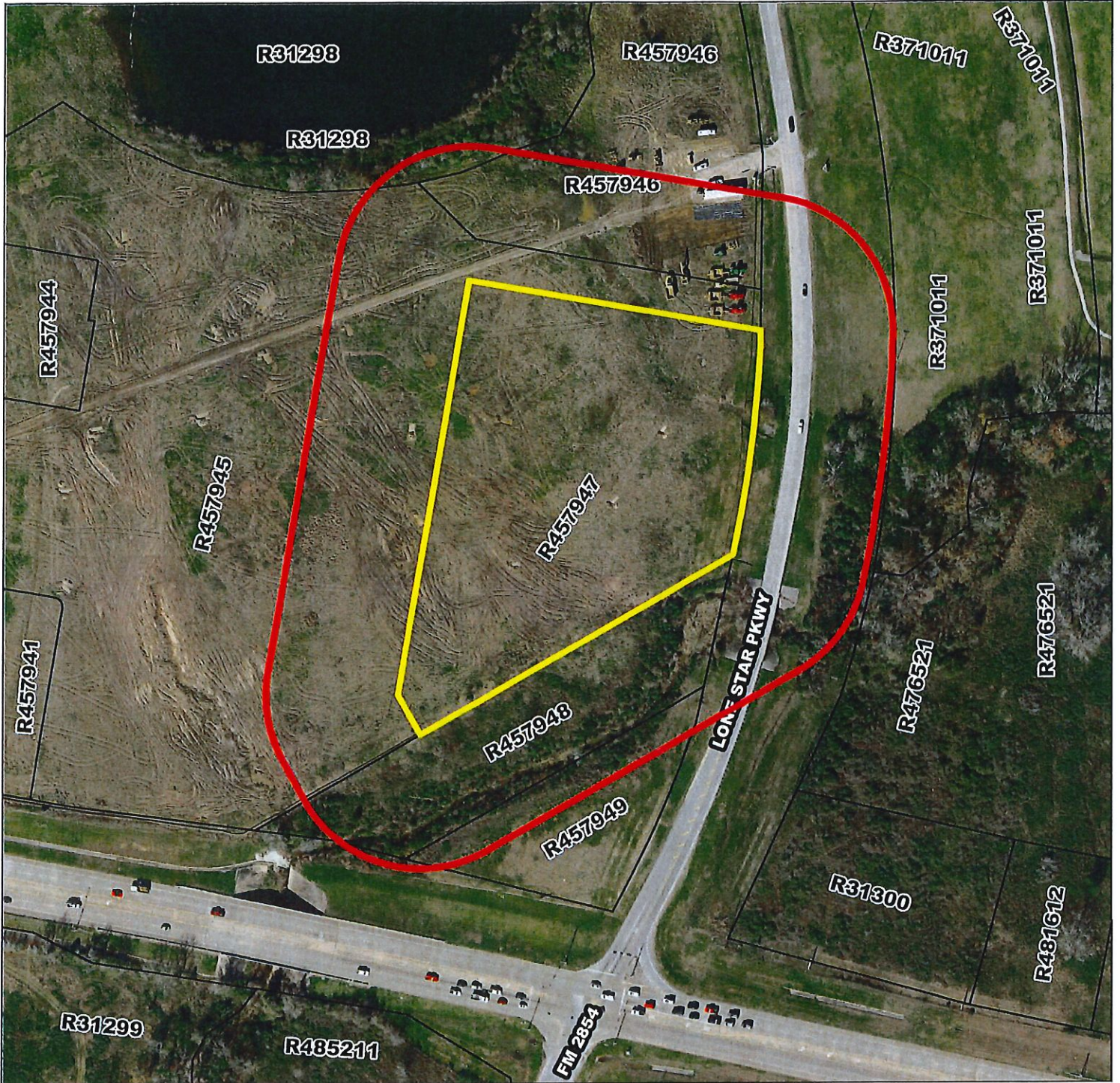




STATE HIGHWAY 105 (45 MPH)



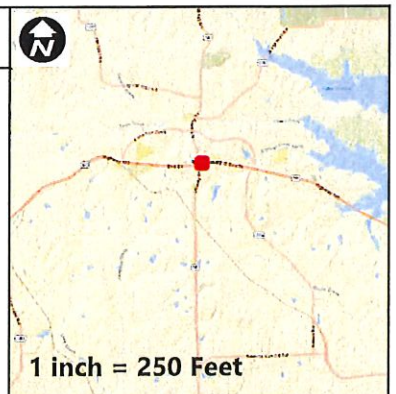
# Milestone 200-foot Notification Boundary Map



**LEGEND:**     Tract Boundary     200-ft Notification Boundary

Board of Adjustments Public Hearing:

July xx, 2019 at 3:00 p.m.  
Montgomery City Hall  
101 Old Plantersville Road  
Montgomery, Texas



1 inch = 250 Feet



Montgomery Board of Adjustment  
**AGENDA REPORT**

<b>Meeting Date: July 8, 2019</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Variance Request Application, owner letter, property survey, proposed site plan, notification boundary map</b>
<b>Date Prepared: July 5, 2019</b>	

**Subject**

Consideration and possible action calling a Public Hearing regarding a parking requirement variance from the required 11 parking spaces to 10 parking spaces located at 21012 Eva Street, Montgomery, as submitted by Michelle Cannon, RE/MAX Distinction.

**Description**

The new owner of the Old Schoolhouse building is remodeling the building for use as a real estate office. The remodel work has not added to the size of the building, and the existing site will not accommodate the number of spaces required by the zoning ordinance.



The first step in the process of considering a variance is for the Board of Adjustments to call a Public Hearing. Additionally, a notice announcing the Public Hearing must be published twice prior to the Public Hearing being held. A tentative outline of the schedule is:

- July 12: 1<sup>st</sup> legal notice published
- July 19: 2<sup>nd</sup> legal notice published
- July 29 – August 2: possible dates for Public Hearing & Special Meeting to act on variance request

**Recommendation**

Call the Public Hearing and Special Meeting for date conducive to Board member's schedules

**Approved By**

Asst. to City Admin.	Dave McCorquodale 	Date: 7/5/19
City Administrator	Richard Tramm 	Date: 7/5/19





# Variance Request Application

City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316  
(936) 597-6434

**Upon completion return application to shensley@ci.montgomery.tx.us**

### Contact Information

Property Owner(s): Michelle Cannon - RE/MAX Distinction

Address: 21012 Eva St., Montgomery, TX Zip Code: 77356

Email Address: michelle@remax-distinction.com Phone: 832-818-6621

Applicants: Michelle Cannon

Address: 2066 Graystone Hills Dr., Conroe, TX 77304

Email Address: michelle@remax-distinction.com Phone: 832-818-6621

### Parcel Information

Property Identification Number (MCAD R#): R474335

Legal Description: A0008 - Corner John, TRACT 42, ACRES 0.25

Street Address or Location: 21012 Eva St.

Acreage: 0.25 acres Present Zoning: Historic Preservation District (HD) Present Land Use: Commercial

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): 98-286

Ordinance wording as stated in Section (3 ):  
Commercial district (B) and Institutional (I) district. Each lot plan for professional or commercial use (B) or institutional use (I) shall have off-street parking at a ratio of not less than 0.75 square feet of parking space for each one square foot of gross building area, with the exception of family dining, which shall have one parking space for each six customer seats plus one parking space for each two employees on the maximum working shift.

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

The gross building area is 2,412 sq ft (excluding the porch and ADA ramp). The ordinance requires 11 spaces for the building size, the site will allow for 10 spaces. One of the proposed spaces is a van-accessible ADA parking space, which has 8 feet of side clearance. The renovation of this historic structure has not added to the size of the building or land area of the lot.

**Signatures**

Owner(s) of record for the above described parcel:

Signature:  Date: 6-25-19

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Signatures are required for all owners of record for the property proposed for variance. Attach additional signatures on a separate sheet of paper.*

**\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

**Date Received**

*Office Use*

## **\*Public Hearings\***

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Parties in interest and citizens shall have an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and the City Council before any variance to a district regulation, restriction, or boundary shall become effective. Regularly scheduled meetings are as follows and will be held accordingly unless public notice has been given of a change of dates:

Planning and Zoning Commission: **4<sup>th</sup> Monday of every month at 6:00 p.m.**

City Council: **2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month at 6:00 p.m.**

## **\*Finding of Undue Hardship\***

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In order to grant a variance, the Board must make the following findings to determine that an undue hardship exists:

1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
3. That the relief sought will not injure the permitted use of adjacent conforming property; and
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
5. Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district it is located in.

## **\*Factors not Considered\***

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A variance shall not:

1. Be granted to relieve a self-created or personal hardship,
2. Be based solely upon economic gain or loss,
3. Permit or allow any person a privilege or advantage in developing a parcel of land not permitted or allowed by these Regulations to other parcels of land in the same particular zoning district,
4. Result in undue hardship upon another parcel of land.



June 25, 2019

City of Montgomery  
101 Old Plantersville Rd.  
Montgomery, TX 77316  
936-597-6434

RE: Parking Variance Request

To Whom It May Concern,

RE/MAX Distinction, located at 21012 Eva St., Montgomery, TX 77356 is requesting a parking variance. The Ordinance requires 11 parking spaces according to the size of the building, however, we are only able to get 10 parking spaces in the existing parking lot.

The remodeling of the building has not made any changes to the current building or land. All existing square footage is being utilized.

We hope that the city will grant us the parking variance.

Sincerely,



Michelle Cannon  
Broker/Owner  
RE/MAX Distinction







SCALE: 1" = 30'

fn. 1/2" Iron rod

JOHN A. BUTLER STREET

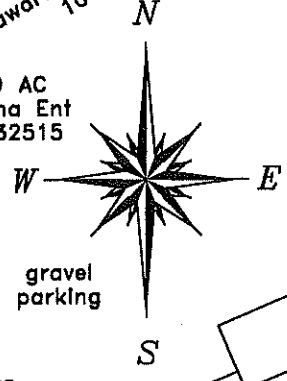
**JOHN CORNER**  
A-8  
John (28) & Prussia (19) arrived in Tx (Mex) Dec 1829 & awarded 1 sitio (4404 AC) 10 May 1831

POINT OF BEGINNING  
1/2" IR at NWC  
0.539 AC

S 89°32'29" E  
71.80'

set spike w/cap

0.289 AC  
Samdana Ent  
2017032515



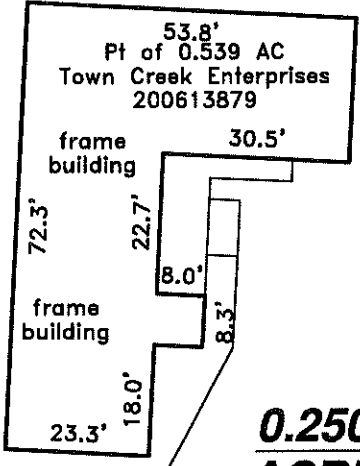
gravel parking

MCCOWN STREET

Margaret Cameron  
CF 8358314

S 02°18'50" E 176.55'

N 00°10'18" E 143.60'



**0.250 ACRE**  
2017016843

Reciprocal Access  
ESmt 2017016844

gravel parking

scribed "x" in concrete walk

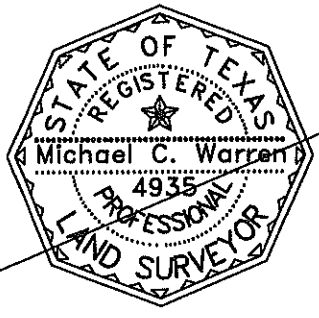
set spike w/cap

STATE HIGHWAY 105  
(EVA STREET)

S 68°16'02" W 31.03'

110.44'  
S 67°12'06" W

CANNON REALTY & ASSOCIATES  
21012 EVA STREET  
MONTGOMERY, TEXAS 77356



BEING a 0.250 acre tract of land situated in the John Corner Survey, Abstract No. 8, City of Montgomery, Montgomery County, Texas, and being the westerly portion of a 0.539 acre parent tract described in deed to Town Creek Enterprises, LLC recorded under County Clerk's File No. 2006103879 of the Official Public Records of Montgomery County, Texas, said 0.250 acre tract being more particularly described by attached Metes and Bounds.

Great American Title  
G.F. No. 68788GAT86

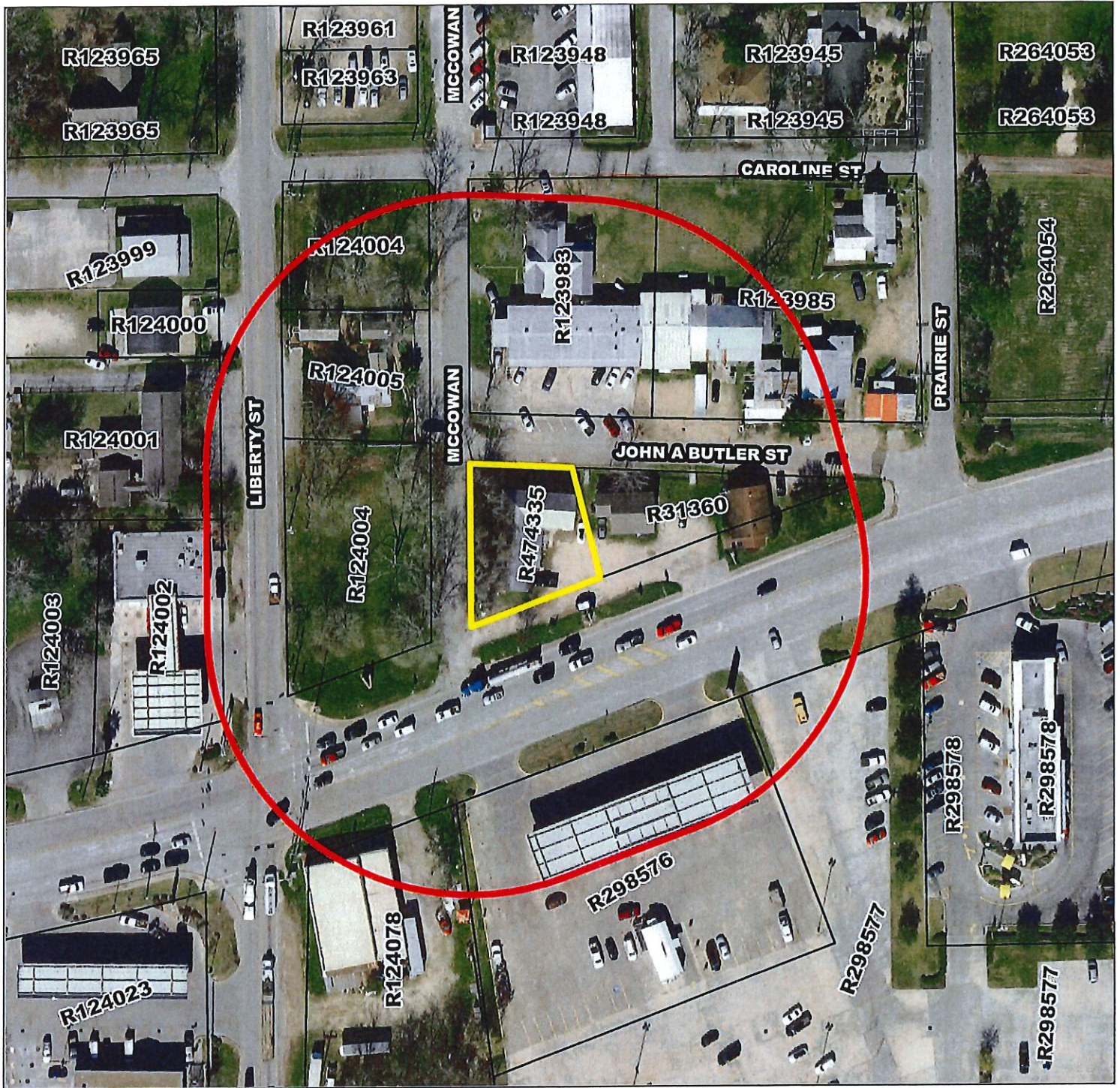
QUADRANT SOLUTIONS SURVEYORS  
& BEARIN' TREE SEMINARS (TBPLS ACCREDITED)  
PO 1343 WILLIS 77878  
936 856 8989  
PROJECT NO. 128217A

I hereby certify that this survey was made on the ground under my supervision and that this drawing correctly represents the facts found 27 February 2017  
Updated 06 February 2019

Michael C. Warren  
Registered Professional Land Surveyor No. 4935



# RE/MAX Distinction 200-ft Notification Boundary Map



**LEGEND:**  Tract Boundary  200-ft Notification Boundary

Board of Adjustments Public Hearing:

July xx, 2019 at 3:00 p.m.  
 Montgomery City Hall  
 101 Old Plantersville Road  
 Montgomery, Texas

