

**NOTICE OF SPECIAL MEETING**

**October 22, 2018**

**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, October 22, 2018 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. Approval of the minutes from the Special Meeting and Public Hearing held on August 31, 2018.
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.
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).
4. Adjournment



*Susan Hensley*  
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 19<sup>th</sup> day of October, 2018 at 4:45 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.*



**MINUTES OF PUBLIC HEARING and SPECIAL MEETING**

**August 31, 2018**

**MONTGOMERY BOARD OF ADJUSTMENT**

**CALL TO ORDER**

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 3:05 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 held on August 13, 2018.

Carol Raica moved to approve the minutes. Rebecca Huss seconded the motion, the motion carried unanimously. (4-0)

**PUBLIC HEARING:**

**Convene into Public Hearing for the purpose of giving all interested persons the right to appear and be heard regarding the following:**

Chairman Cox convened the Public Hearing at 3:07 p.m.

2. Regarding a Parking Variance for Heritage Place Senior Housing located on Flagship Blvd., Montgomery, TX 77356, as submitted by property owner, Nantucket Housing, LLC.

Mr. Yates advised that the ordinance calls for two parking spaces per apartment unit. Mr. Yates said that he has confirmed with the City Attorney that the interpretation is based upon the assumption of one unit apartment as the conservative way of looking at it, but said it could be argued that there are 44 single family apartments and 36 two bedroom units, and on the basis of the ordinance it could be argued that one and a half parking spaces might be the right amount. Mr. Yates said the staff does not have a problem with 1.5 parking spaces per unit.

Mr. Matt Fuqua, Nantucket Housing and Blazer Building, stated he was present representing their application and development of Heritage Seniors. Mr. Fuqua said that they are requesting that the Board grant the variance to reduce the parking from the required two parking spaces to 1.5 spaces per unit. Mr. Fuqua said they feel like the request is based on evidence from engineering reports and criteria from other municipalities that have studied the number of cars that are frequently used on age restricted property. Mr. Fuqua said it was their preference to have added landscaping and enhanced grass and native plants, greenspace versus concrete and granting this variance will allow them to have what they would consider excessive planting and ample space for the plants and trees versus additional parking spaces that are currently required in the ordinance. Mr. Fuqua said they believe the ordinance does not differentiate between multi-family and age restricted, it is just for multi-family.

Rebecca Huss said that she could not really see on the map where the excessive planting would be located, should there be 25 fewer parking spaces. Mr. Fuqua showed the Board the plans if they were to be required to add the additional parking. Mr. Fuqua said the additional parking spaces would take up the space along Stewart Creek and the area along the Grill House, and would require them to shift the parking and the driveway. Mr. Fuqua said that he recently completed development to be built in the ETJ of Conroe, and it averaged just under 1.45 parking spaces per unit that was predicated off of 1.33 spaces per one bedroom unit and 1.667 spaces for two bedroom units. Rebecca Huss asked if those were her voters, would they be as happy as her voters are currently, here. Mr. Fuqua said he thought they would.

Mr. Fuqua said the first time that he asked for a variance from a municipality was in 2002 in the City of Houston, who had not implemented a senior ordinance into their regulations. Mr. Fuqua said they posted a landscape bond to prove that they were going to plant vegetation there versus just having to pour concrete, and since then they have taken the position that .75 spaces

per unit was adequate. Mr. Fuqua said they feel better and more on the safe side with 1.25 - 1.5, it is a little more conservative for guest parking. Mr. Bill Kotlan advised that he had copies of the City of Houston's parking ordinance, which provides .75 parking spaces per unit plus some spaces for employees, but stated that they were not asking for .75 they were asking for 1.5 spaces per unit. Mr. Kotlan said he also had a report on parking and trip generation for senior housing. Rebecca Huss stated that the City of Houston also has some level of public transportation that the City lacks completely.

Mr. Fuqua stated for the record they do intend on having onsite transportation on the property for errands and different trips that will help the seniors that are not capable of driving or not wanting to drive; they will have the ability to utilize that service through the property management. Mr. Kotlan stated the City of Houston requirements for regular apartments at 1.33 spaces for one bedroom apartments, 1.66 spaces for two bedroom units, which would put their development at 118 spaces and they are proposing 120 spaces. Mr. Kotlan said that his mother lives in the apartments and walks all around the area. Rebecca Huss said that she has seen her driving around. Mr. Kotlan said she was riding with her friends. Rebecca Huss said she also hears from the ladies that the City of Montgomery does not have enough sidewalks and Montgomery is not walkable. Mr. Kotlan said his Mother would appreciate more sidewalks, but said she does walk it.

**Adjourn Public Hearing.**

Chairman Cox adjourned the Public Hearing at 3:16 p.m.

**Convene into Regular Meeting.**

Chairman Cox convened into the Regular Meeting at 3:16 p.m.

3. Consideration and possible action regarding a parking variance request for Heritage Place Senior Housing located on Flagship Blvd., Montgomery, TX 77356, as submitted by property owner, Nantucket Housing, LLC.

Rebecca Huss stated that she did not find using the City of Houston's example is all that edifying because the largest municipality without zoning and just going through Hurricane Harvey in which everyone else thought the flooding was brought upon all of their terrible



regulations, she would hope we could do better on almost every aspect. Rebecca Huss said looking at the map, the units that are B2A, B1A, A1A and A2A are really far from the parking spaces and she would feel that if they were to be giving up parking spaces, one of the consequences would be that visitor parking would be much more impactful on the residents and that one of the things that might mitigate that is that you have assigned parking for the units, so that closest spot would be that person's parking spot. Mr. Fuqua said he was glad that was brought up because that was a concern that was raised through communication they have had with the residents and they do plan on having covered parking with assigned parking spaces. Rebecca Huss asked how soon the covered parking will be initiated versus the development. Mr. Fuqua said when they start construction those will be with the construction plans. Rebecca Huss asked to confirm at ribbon cutting there will be covered parking with assigned spaces with name tags on them. Mr. Yates asked if that would occur at the time of the Certificate of Occupancy. Mr. Fuqua said that would be correct. Rebecca Huss asked if that would be included for every apartment or is that a premium apartment price. Mr. Fuqua said each unit will have their own covered parking space. Rebecca Huss said those were the two things that she heard from the ladies that she met with. Mr. Fuqua said he felt those were valid points, and having parking on the far side of the lot was a concern that they feel will be handled with the assigned parking. Rebecca Huss said with the existing apartments parking has been an issue for some people regarding where they have to park in relation to where their apartment is located. Rebecca Huss said she was not necessarily adverse to the 1.5 versus 2 parking spaces especially because you assume 55+ age plus income restricted, and women generally live longer than their husbands so there could be many single occupants of these units or couples have consolidated to one vehicle, but the mobility part becomes so much more of an issue for them.

Carol Raica asked if there would be only one space per unit. Mr. Fuqua said there would be 1.5 assigned parking spaces per unit. Rebecca Huss said the parking spaces along the perimeter that are uncovered will not be numbered. Mr. Fuqua said that was correct. Carol Raica asked if this parking would be separate from the previous phase parking. Mr. Fuqua said that was correct, it will be a standalone property and will be its own gated community. Rebecca Huss asked if the people that stay at the original Heritage will be able to use the amenities like the bus, because some of the people that are seniors are going to stay in the first development. Mr. Fuqua said they plan on sharing those services, and at the end of the day he does not anticipate

every senior moving to the new location, because there are a handful that really like the bungalow units on the ground floor. Rebecca Huss said some of them like being with the younger families even though it is a bit louder. Rebecca Huss said it seems like they really care about the people that live there, which is a nice thing to see.

John Fox asked if they have surveyed the senior residents that they have now as to how many cars they have on average. Mr. Fuqua said they have not surveyed them but they have a feel for the number of seniors that are on property.

Chairman Cox asked if this will be added to the lease agreement that there are assigned parking spaces. Mr. Fuqua said he did not see why that would not be an exhibit that they are allocated that space, which is part of the rent, so he can say yes. Chairman Cox said the only reason he asked was because he did not want to see it argued about on the parking lot by a couple of 60+ seniors. Mr. Fuqua said it makes sense and they need to have an ability to enforce the matter, and by stipulating that in their lease. Chairman Cox stated a lease is a legal agreement so he felt it would be appropriate. Mr. Fuqua said it was a good point.

Rebecca Huss said the income restricted seniors are 65 and older not 55 and older. Mr. Fuqua said the standard restriction for age is 55+ but the average residents that are living on their properties is 72 years.

John Fox said that he liked the additional greenspace and said he did not think the age restricted people are going to have two cars, and he felt 1.5 was more appropriate.

Carol Raica asked how many parking spaces they would be losing. Mr. Fuqua said they would be losing 40 parking spaces. Mr. Fuqua said right now they are proposing 120 parking spaces that represents 1.5 spaces per unit. Rebecca Huss said some of the parking spaces look farther away because of the green space. Mr. Fuqua said there will be a sidewalk that runs out of elevator number two, with the property being fully ADA accessible. Mr. Fuqua said if they were to have to add the 40 spaces the parking spaces would be shifted further to the south. John Fox said if they could utilize more sidewalk space in with the greenspace it would give them more walking area. Mr. Fuqua said they are in the process of finalizing landscape plans, so that is something that they could take into account, having connectivity even if it is not



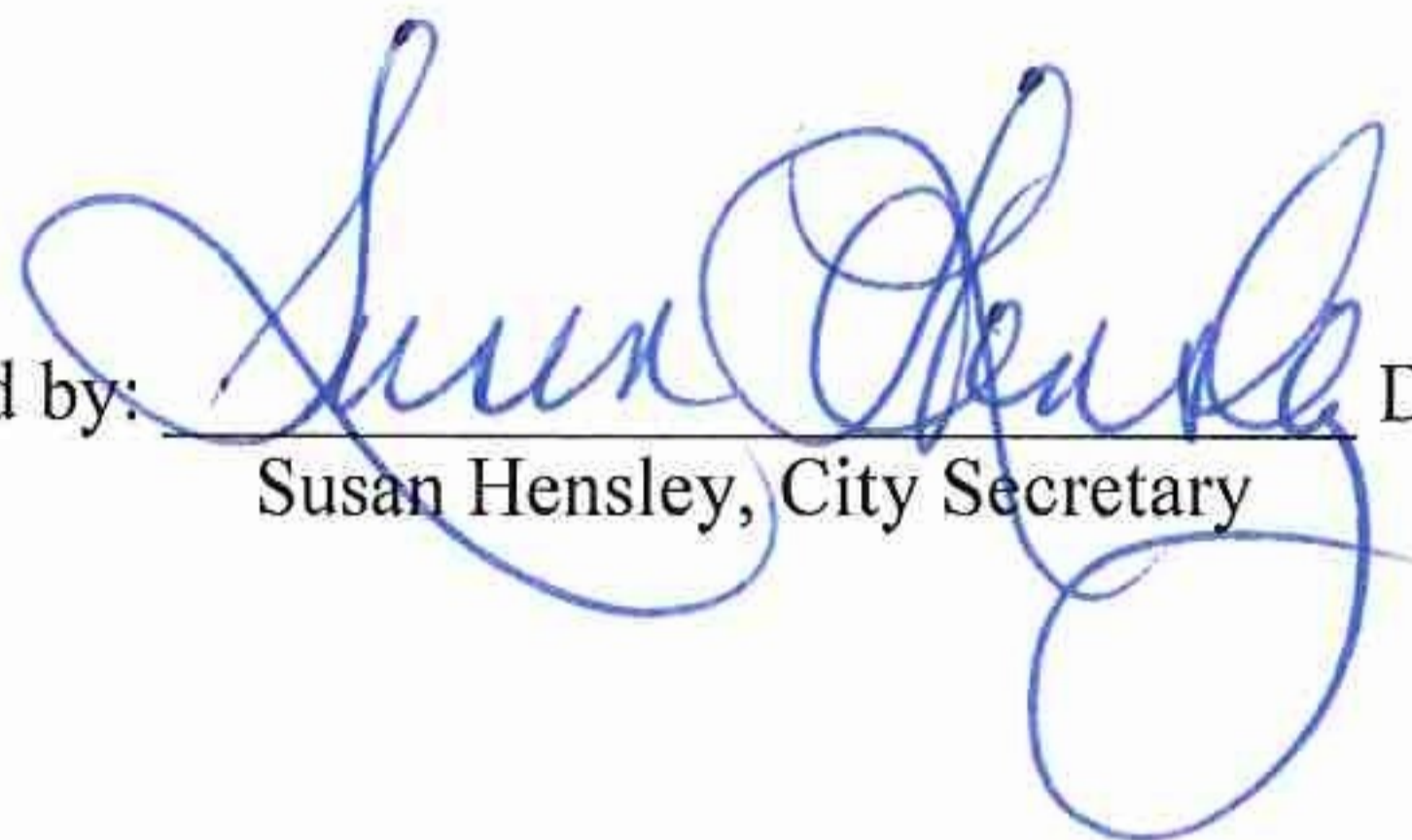
sidewalks some areas they will put decomposed granite walking paths and gardens. Mr. Fuqua said on the southwest side they envision some garden areas and some additional space for residents to have some amenities, which is a triangular piece that overlooks Stewart Creek.

After discussion, Rebecca Huss moved to approve the parking variance request for Heritage Place Senior Housing located on Flagship Blvd. as submitted by the property owner, pending their implementation of the parking space numbers with parking space covering for the individual space per individual unit to be included in the lease. Carol Raica seconded the motion, the motion carried unanimously. (4-0)

4. Adjournment

Rebecca Huss moved to adjourn the meeting at 3:35 p.m. Carol Raica seconded the motion, the motion carried unanimously. (4-0)

Submitted by:



Susan Hensley, City Secretary

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Nelson Cox, Chairman



Hensley, Susan &lt;shensley@ci.montgomery.tx.us&gt;

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**Fwd: Living Savior Steeple Dimensions**

1 message

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**Yates, Jack** <jyates@ci.montgomery.tx.us>  
To: shensley <shensley@ci.montgomery.tx.us>

Fri, Oct 19, 2018 at 3:56 PM

Here is the backup to the Lutheran Church for Bd. of Adjustment.  
Jack

----- Forwarded message -----

From: **Peter Hames** <phhames@earthlink.net>

Date: Thu, Oct 18, 2018 at 4:11 PM

Subject: Living Savior Steeple Dimensions

To: Yates, Jack <jyates@ci.montgomery.tx.us>

Cc: Chris Cheatham <ccheatham@consolidated.net>, KARL VOELKEL <jmjhouseinc@sbcglobal.net>

Dear Jack,

Thank you for meeting with me this afternoon.

I understand that the Board of Adjustments needs to approve our steeple height.

The board will meet next week where our request will be presented.

Letters will then be sent to neighbors outlining our request for a variance.

Then the board will meet on either November 12 or 13 to approve our variance.

I hope the Board will grant us a variance for this steeple because, if we have to eliminate it, I am sure we will decide not to renovate the church.

Attached is Karl Voelkel's drawing showing that the top of the steeple will be 57' 0" above the ground.

Please point out to the Board that we are replacing the existing steeple, which was blown off in a storm in 1918.

In addition, the Historical Society supports our renovation plans with the new steeple.

We already have a quote from a Texas company to fabricate and install the steeple and cupola.

Karl Voelkel's design duplicates the intricate woodwork of the original cupola and steeple erected in 1908.

We believe that our renovated church building will be a shining star in the Historic District of Montgomery, Texas.

Thank you for your assistance with our project.

Best regards,



Pete

Peter H. Hames

President



Living Savior Lutheran Church

Home: 936-890-3702

Mobile: 409-781-5059

***Our Mission:***

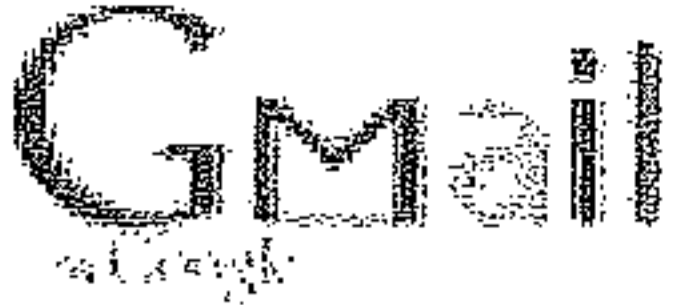
***"Making an eternal impact today through the love of Jesus Christ"***



Virus-free. [www.avg.com](http://www.avg.com)



**steeple dimensions.pdf**  
93K



Yates, Jack &lt;jyates@ci.montgomery.tx.us&gt;

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**Dustys Car Wash Flag Pole request**

1 message

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Porter, Jordan <JPorter@panopticians.com>  
To: Jack Yates <jyates@ci.montgomery.tx.us>  
Cc: "Porter, Jordan" <JPorter@panopticians.com>

Wed, Sep 26, 2018 at 9:44 AM

Hi Jack,

Hopefully all is well for you.

The car wash is coming along and we are making progress slowly but surely.

I wanted to send you a request for approval to install a flag pole of 80'.

I believe you said the city has a current limitation of 32' and if we want to do something taller than that we need to submit for approval.

I have experience with this company Kronbergs and they do a very good job. Kronbergs will complete the entire installation process for the flag pole to ensure stability and safety. I have a representative from Kronbergs come look at the site and they said the location of the flag pole should be fine regarding the distance from other structures such as the building or power lines.

It is our intention to fly the American Flag and the Texas Flag on one 80 foot flag pole. The care taken to raise and lower the flags and to ensure professional presentation is my utmost priority. We will do a good job representing the City of Montgomery with this flag pole. Please accept this as my request for approval to install this flag pole, and be assured you will be proud of the way it looks when we are done.

The location of the flag pole is noted on one of the attachments provided and the details and specifications are provided in the other attachment. I will be dropping off a check for \$500 dollars later today for this request. We also have decided to not install a marquis sign by the road as the space provided as originally planned is not going to work. So the only thing that would sit in the area that is specified in the attachment is the flag pole and a light at the base of the flag pole to keep it lit when needed.

If there is any way possible to have this request reviewed within 30 days it would be a huge help to our project.

Thanks Jack and have a great day.

Dusty's Car Wash

Jordan Porter



9/26/2018

The City of Montgomery Mall - Dustys Car Wash Flag Pole request

936-444-3377


19868 Eva Street

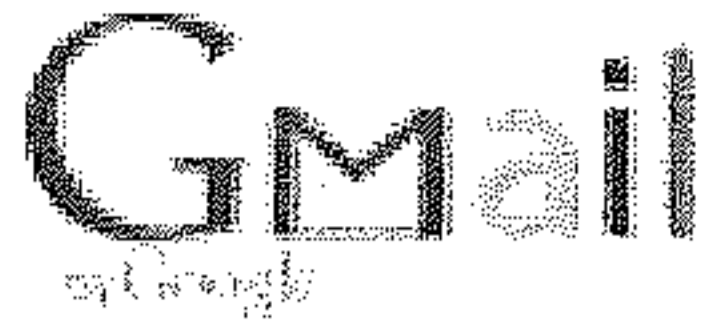
Montgomery TX 77356

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**2 attachments**

 **Kronbergs flag specifications and details.pdf**  
173K

 **Site Plan Flag Pole Location - Dustys Car Wash.pdf**  
426K



Yates, Jack &lt;jyates@ci.montgomery.tx.us&gt;

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**Fwd: FW:**

1 message

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**Yates, Jack** <jyates@ci.montgomery.tx.us>  
To: Jack Yates <jyates@ci.montgomery.tx.us>

Tue, Oct 2, 2018 at 12:16 PM

Regarding the size of the flags at Dusty's Car Wash

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**From:** Porter, Jordan <JPorter@panopticians.com>  
**Date:** Tue, Oct 2, 2018 at 11:47 AM  
**Subject:** FW:  
**To:** Yates, Jack <jyates@ci.montgomery.tx.us>

Here is the sizes for the flags.

Thanks,

Jordan

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**From:** Mickey Gerlach [mailto:mickey@kronbergsflagsandflagpoles.com]  
**Sent:** Tuesday, October 02, 2018 11:47 AM  
**To:** Porter, Jordan

Hey Jordan,

This quote does include flags.

(1) 10'x 15' US &amp; (1) 10'x 15' Texas.

Regards

Mickey

Mickey M Gerlach

Office Manager

Kronberg's Flags &amp; Flagpoles



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**From:** Porter, Jordan [mailto:JPorter@panopticians.com]  
**Sent:** Tuesday, October 02, 2018 11:30 AM  
**To:** Mickey Gerlach <mickey@kronbergsflagsandflagpoles.com>  
**Subject:**

Hi Mickey,

Thanks for sending over this quote.

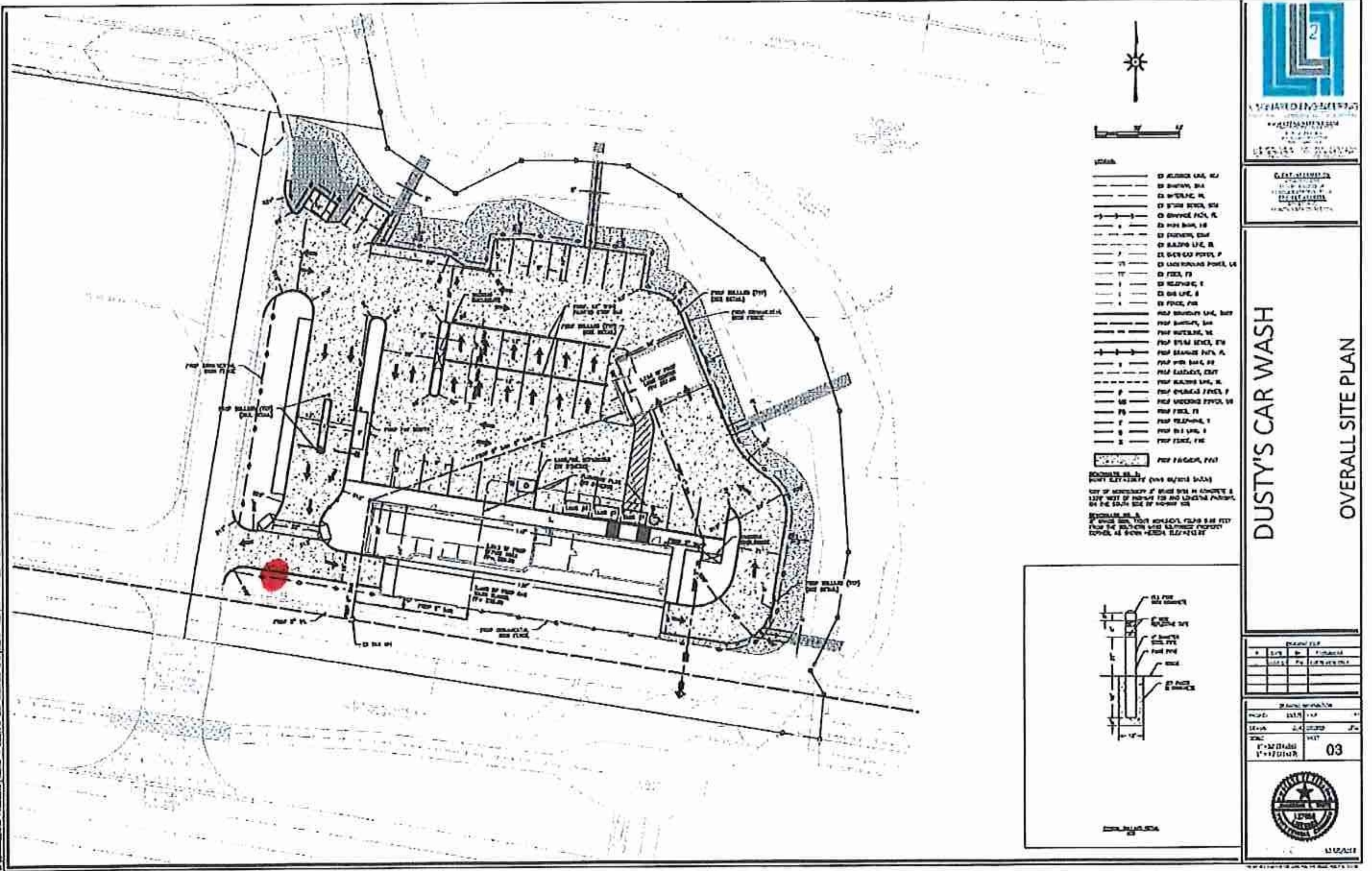
Can you please confirm if this quote includes the flags? And if so can you please confirm the size of the flags that are quoted?

Thanks and have a good day.

Dusty's Car Wash

Jordan Porter





● = location of flag pole



## Flagpole Quotation Confirmation

<b>Job Name:</b>	COOK CUSTOM HOMES	<b>Phone #:</b>	936-444-3377
<b>Company:</b>		<b>Fax #:</b>	
<b>Attention:</b>	JORDON	<b>Bid Date:</b>	09/10/2018
<b>Address:</b>	19868 EVA STREET	<b>Quoted by:</b>	MICKEY M GERLACH
<b>City/State/Zip:</b>	MONTGOMERY 77356	<b>Date:</b>	09/10/2018

<b>Quantity:</b> 1	<b>Type:</b> <input checked="" type="checkbox"/> Cone Tapered Aluminum <input type="checkbox"/> Cone Tapered Fiberglass	<b>Other:</b> PRICED TO FLY 2 FLAGS
<b>Height:</b> <b>Exposed:</b> 80' <b>Overall:</b> 88'	<b>Manufacturer:</b> <input checked="" type="checkbox"/> American Flagpole Co. <input type="checkbox"/> Other	<b>Freight:</b> <input type="checkbox"/> FOB Jobsite <input checked="" type="checkbox"/> FOB Warehouse
<b>Butt Diameter:</b> 12"	<b>Halyard:</b> <input checked="" type="checkbox"/> External <input checked="" type="checkbox"/> Single <input type="checkbox"/> Double	<b>Truck:</b> <input checked="" type="checkbox"/> Revolving <input type="checkbox"/> Fixed
<b>Wall Thickness:</b> .375	<input type="checkbox"/> Internal <input type="checkbox"/> Winch with Cable <input type="checkbox"/> Rope with Cam Cleat	<b>Spec Seen:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Finish:</b> BRUSHED SATIN FINISH	<b>Sleeve:</b> STANDARD GROUND SET	<b>Addendum Seen:</b> NO

Quantity:	Notes:	Price Each:	Total Poles Price:
1	FLAGPOLE	\$10,400.00	\$10,400.00
1	LOCK BOX	\$135.00	\$135.00
1	10X US & TX NS 1 EA	\$595.00	\$595.00
<b>Add for Installation:</b>			\$3,150.00

In natural earth with standard footing size. No breakout of concrete, asphalt or rock. No formwork or rebar. Must be truck accessible. Any mileage over 40 miles from our Houston office will be additional. Standard insurance coverage included. Extra charges for customer caused dry runs or waiting may be added. Customer responsible to locate underground utilities prior to our digging holes.

**Additional Notes:** **Total Price: \$14,280.00**

FLAGPOLE IN STOCK TODAY



Sales Tax not included. Any changes to the specifications could void quotation. Pricing good for 90 days.

**"A Full Service Company for the Flag Waver"**  
**In Business Since 1954**

7106 Mapleridge • Houston, Texas 77081

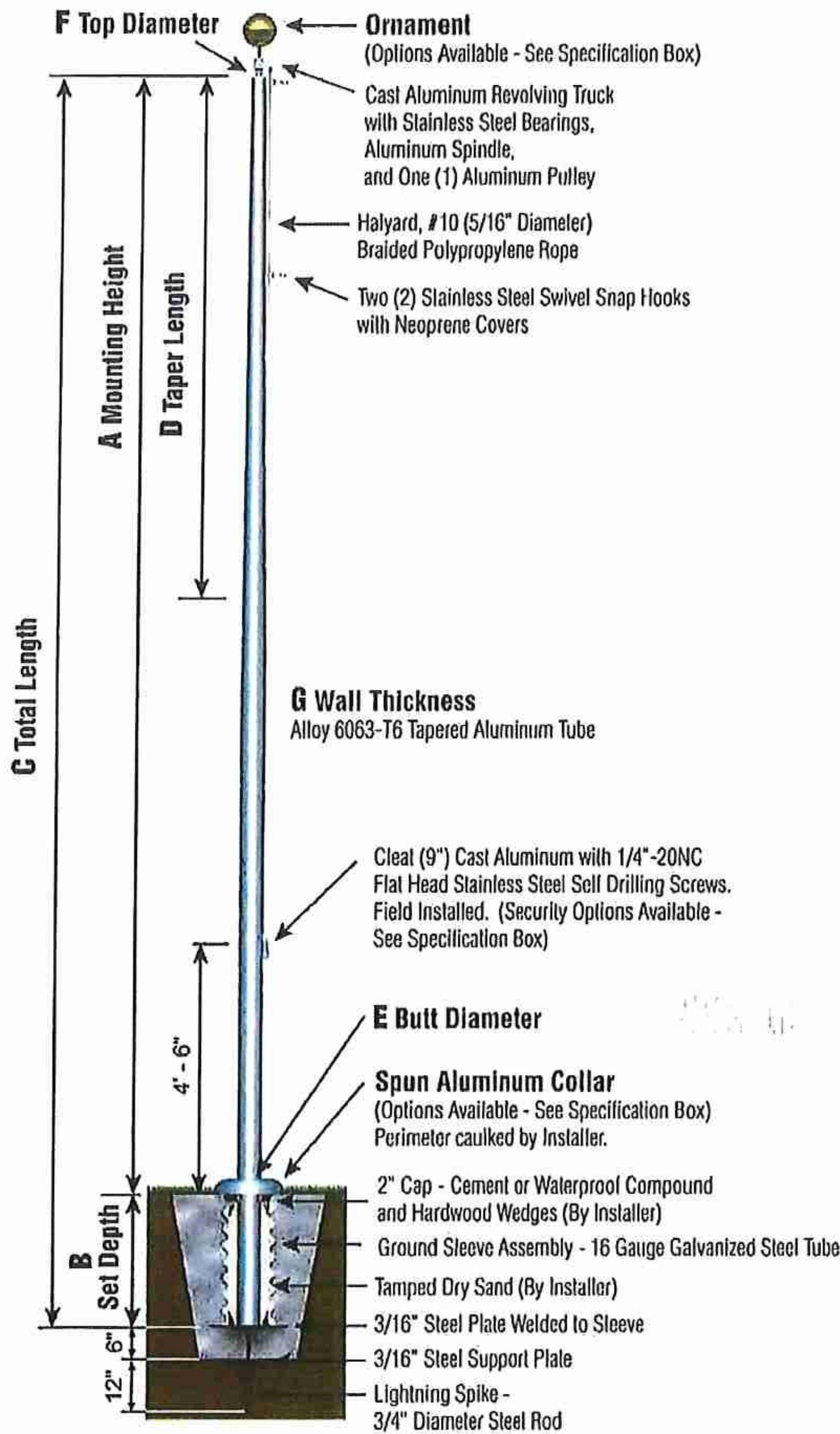
713 / 661-9222 • 800 / 344-3524 • Fax 713 / 666-4702



**Architectural Elite Series - ESR**  
 External Single Revolving  
 Rope Halyard  
 Ground Set Installation



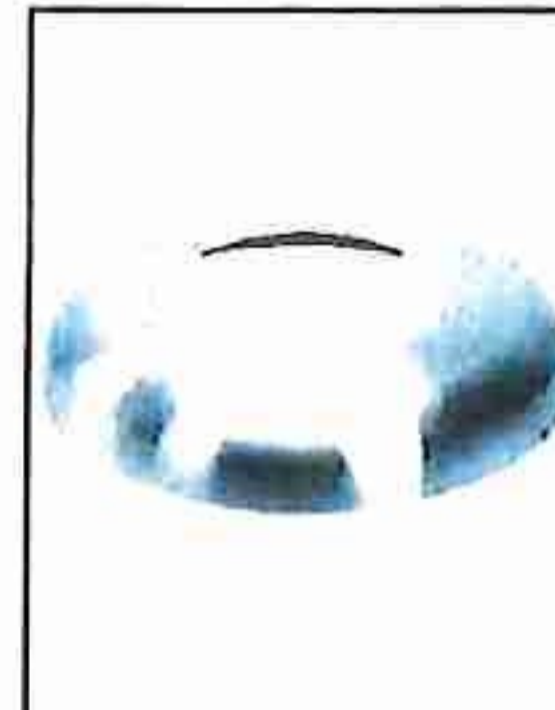
**ESR80H24 - 02**



Gold Anodized



Satin Aluminum



Spun Collar



Cleat Cover

Accessory Specifications
Satin Aluminum (02), Standard Gold Anodized Ball (90056-007), Standard Spun Collar (94508-009), Cleat Cover - Cylinder Lock (Lock and Keys included) with 9" HD Alum. Cleat (96016)

Specifications
A. Mounting Height: 80'
B. Set Depth: 8'-0"
C. Total Length: 88'-0"
D. Taper Length: 52'-4"
E. Butt Diameter: 12.000"
F. Top Diameter: 4.000"
G. Wall Thickness: 0.375"
Flagpole Sections: 4
Flagpole Weight: 1,320 lbs.
Max Flag Size: 15' x 25'
Max Wind Speed w/ Flag: 105 mph
Max Wind Speed No Flag: 140 mph

Notes
KRONBERGS FLAGS 7106 MAPLERDIGE HOUSTON TX 77081 713-661-9222

Customer Name: JORDAN
Dealer: MICKEY M GERLACH
Project: COOK CUSTOM HOMES   Location: MONTGOMERY TX



