

NOTICE OF REGULAR TELEPHONE/VIDEO CONFERENCE MEETING

February 2, 2021

MONTGOMERY PLANNING AND ZONING COMMISSION

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE TO THE PUBLIC IS HEREBY GIVEN in accordance with the order of the Office of the Governor issued March 16, 2020, the Montgomery Planning and Zoning Commission will conduct its Public Hearings and Regular Meeting scheduled for **6:00 p.m. on Tuesday, February 2, 2021**, at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas via Zoom Teleconferencing.

This meeting will be closed to in-person attendance by the public. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Telephonic and videoconferencing capabilities will be utilized to allow individuals to address the Commission. *Members of the public who wish to submit their written comments on a listed agenda item must submit their comments by email to dmccorquodale@ci.montgomery.tx.us by 3:00 p.m. on February 2, 2021.*

Members of the public are entitled to participate remotely via Zoom Teleconferencing. Citizens may join the Zoom Meeting by logging on at: <https://us02web.zoom.us/j/83386957007> Meeting ID: **833 8695 7007**. They may also join by calling (346) 248-7799 and entering the Meeting ID: **833 8695 7007**. The Meeting Agenda Pack will be posted online at www.montgomerytexas.gov. The meeting will be recorded and uploaded to the City's website the following day.

Notice - any person(s) using profane, abusive, or threatening language may result in them being removed from the Teleconference Meeting.

CALL TO ORDER

VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. The Commission may not discuss or take any action on any item but may place the issue on a future agenda.

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action regarding regular meeting minutes of January 5, 2021.
2. Consideration and possible action regarding approval of construction plans for Town Creek Crossing Section One.
3. Consideration and possible action regarding a proposed wall sign for 3D's Deli located at 401 College Street Suite 170 in the Historic Preservation District.

4. Consideration and possible action regarding a proposed wall sign for One Property Group located at 302 John A Butler Street in the Historic Preservation District.
5. Consideration and possible action regarding a recommendation to City Council for a Special Use Permit Application by Cornerstone Community Church to locate a church in a "B" – Commercial Zoning District (20821 Eva Street, Suites. "K" and "L" at Montgomery Trace Shopping Center).
6. Consideration and possible action regarding a variance request to the visual barrier requirements of Section 78-162 of the City Code as submitted by Lone Star Cowboy Church.

COMMISSION INQUIRY:

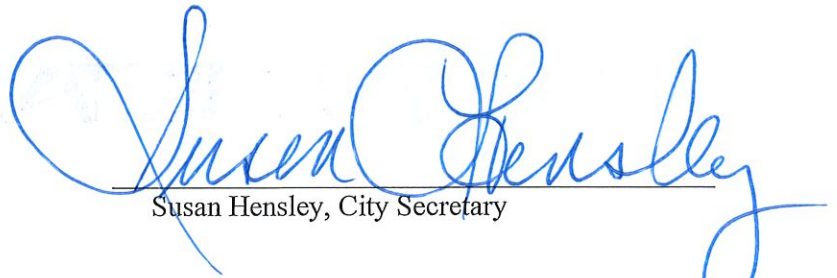
Pursuant to Texas Government Code Sect. 551.042 the Planning & Zoning Commission may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

EXECUTIVE SESSION:

The Planning and Zoning Commission reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. *(There are no items at this time.)*

ADJOURNMENT




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 29th day of January 2021 at 11:30 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 REGULAR MEETING

January 5, 2021

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Waddell declared a quorum was present and called the meeting to order at 6:10 p.m.

Present: Britnee Ghutzman, Jeffrey Waddell, Allyson Clark

Absent: Merriam Walker (joined at 7:15 after resolving computer connectivity issues)

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

VISITOR/CITIZENS FORUM

No comments given.

1. Consideration and possible action regarding regular meeting minutes of December 1, 2020.

Britnee Ghutzman moved to approve the minutes as presented. Commissioner Waddell seconded the motion, the motion carried unanimously. (4-0)

2. Consideration and possible action regarding a proposed outdoor playground for Living Savior Lutheran Church located at 309 Pond Street in the Historic Preservation District.

Staff introduced Mrs. Cheryl Bailes from the church for a brief overview and discussion with the Commission regarding details of the project. Points from the discussion were the well-used condition of the existing playset, the surrounding buildings that will screen the playground location from most surrounding properties, and the desire of the church to begin work as soon as practical.

Britnee Ghutzman moved to approve the proposed playground for Living Savior Lutheran Church as presented. Allyson Clark seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action regarding temporary banners and signs in the Historic Preservation District.

Staff introduced the item and stated the item was first brought up during Commission Inquiry at the December 5, 2020 meeting and was asked to be placed on a future agenda for discussion. The topic centered around the proliferation of temporary banners primarily in the downtown area. Staff provided examples photos of unpermitted and/or unauthorized banners at several downtown locations. Staff stated that the City's enforcement of the sign ordinance regulations related to temporary banners has been somewhat relaxed during 2020 given the COVID-19 pandemic and the struggles many small businesses have experienced. Mr. McCorquodale added that the City does not want to be a hinderance to business and also recognizes the need to protect the City and is planning to contact businesses about finding ways to achieve compliance and maintain the integrity of the Historic Preservation District without negatively impacting the business visibility.

Commissioner Waddell thanked staff for the way the information was put together and suggested that a sign ordinance review with businesses could be integrated into a discussion/introduction of the Downtown Design Project currently underway and funded by the MEDC.

Allyson Clark asked about the distinction between vinyl signs that are temporary and those used for permanent signage. Mrs. Clark also inquired about political signs downtown and whether the City can require political signs to be removed. Staff advised they had a recent opinion from the city attorney stating that cities cannot regulate political signs on private property that are under a certain size and height. Staff also mentioned that the City could improve the language of the sign ordinance to clarify that point. Mrs. Clark also mentioned the "coffee" pennant flags recently put up in downtown. Mr. McCorquodale stated he noticed one had fallen over several days earlier and placed both flags on the shop's front porch and contacted the owner about the provisions of the ordinance. The owner asked to convey she had a difficult time with visibility from FM149 and hoped the flags would help. Mrs. Clark inquired about the food trailer recently located to downtown and if it had been approved by P&Z. After detailed discussion about the previous actions taken by the Commission related to the property, Commissioner Waddell circled back to the idea of the need to continually educate new and existing businesses about Historic District regulations along with all other City efforts in the downtown area. Commissioner Waddell suggested the Commission could look at a tentative timeline at the next meeting on contacting businesses.

Merriam Walker joined the meeting at 7:15 and added to the discussion on temporary signs. Her impression of the existing non-compliant signage in the downtown area is that it shares a common trait of being repetitive, redundant, and duplicated. Mrs. Walker stated multiple signs on the same property

create visual clutter in the downtown area and suggested a 30-day period be given for non-compliant properties. No formal action was taken and staff indicated updates would be provided on the item.

4. Consideration and possible action regarding visual enhancements in the Historic Downtown District.

Staff introduced the item and provided pictures taken in the downtown area of dumpsters and trash bins in highly visible locations. The conversation was centered around the overall visual quality of downtown and what opportunities exist to improve the aesthetic environment. Staff suggested several possibilities to enclose trash from public view including MEDC grants, shared/consolidated trash facilities, and updates to the Historic Preservation Ordinance. Mr. McCorquodale asked for feedback on the topic and direction as necessary. The Commission expressed desire to find ways to screen service-related items like trash and utilities from public view and discussed several examples of properties downtown that illustrated the potential challenges on small sites. Commissioner Waddell stated he appreciated the discussion and good ideas brought up by the Commission. No formal action was taken, and direction was given to keep moving the idea forward.

Commission Inquiry

None.

Adjournment

Britnee Ghutzman moved to adjourn the meeting at 7:50 p.m. Allyson Clark seconded the motion, the motion carried unanimously. (4-0)

Prepared by: _____ Date approved: _____
Dave McCorquodale

Chairman Jeffrey Waddell

Attest: _____
Susan Hensley, City Secretary

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: February 2, 2021	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Construction plans & engineer's memo

Subject

Consideration and possible action regarding approval of construction plans for Town Creek Crossing Section One.



Description

The Commission reviewed and approved the preliminary plat of the subdivision in May 2020. The city engineers have worked with the developer to review the construction drawings through feedback and revisions, and the drawings are now complete and have been approved by the city engineer.

Recommendation

Approve the construction plans per the engineer's recommendation.

Approved By

Asst. City Administrator	Dave McCorquodale 	Date: 01/28/2021
City Administrator	Richard Tramm 	Date: 01/28/2021

Due to the large file size of the construction plans, a download link has been emailed to the Commission, please contact Dave McCorquodale for assistance.



1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

January 29, 2021

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316


Re: Approval of Construction Drawings
Town Creek Crossing Sec. 1 (Dev. No. 2008)
City of Montgomery

Dear Commission:

We reviewed plans for the proposed Town Creek Crossing Sec. 1 development on behalf of The City of Montgomery (the "City"). We offer no objections to the plans as submitted to us. We are still in the process of reviewing the accompanying drainage analysis however any of the improvements coming out of the analysis will impact improvements to Town Creek and its tributaries and not necessarily improvements within this section. We expect to have our review complete and provide an update at the meeting. We recommend the Commission approve the construction plans as provided all comments from the drainage analysis are addressed prior to the City's acceptance of the public infrastructure and the issuance of any building permits for the homes.

If you have any questions or comments, please contact me.

Sincerely,


Chris Roznovsky, PE
Engineer for the City

CVR/ab

K:\W5841\W5841-2008-00 Town Creek Crossing Sec. 1\Project Management\Letters\MEMO to PZ RE Town Creek Crossing Sec. 1 Approval 01292021.docx

Enclosure: Construction Plans – Town Creek Crossing Sec. 1
Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Mike Muckleroy – City of Montgomery, Director of Public Works
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: February 2, 2021	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Sign application, image of proposed sign and picture of building

Subject

Consideration and possible action regarding a proposed wall sign for 3D's Deli located at 401 College Street Suite 170 in the Historic Preservation District.

Description



The new deli will be in the suite previously occupied by The Meating Place BBQ. The sign will be located to the right of the entry doors on the wall of the building in the same location as the former restaurant's sign.

This P&Z reviews signs as an exterior modification to a property in the Historic Preservation District. The submittal meets the requirements of the sign ordinance and staff has no objections to the proposed sign.

Recommendation

Consider the proposed sign and act as you see fit.

Approved By

Asst. City Administrator	Dave McCorquodale 	Date: 01/28/2021
City Administrator	Richard Tramm 	Date: 01/28/2021



WWW.MONTGOMERYTEXAS.GOV

Sign Permit Application

CITY OF MONTGOMERY

101 Old Plantersville Road
Montgomery, Texas 77356
936-597-6434

permits@ci.montgomery.tx.us

SIGN PERMIT APPLICATION EXPIRES IN
180 DAYS (NON-TRANSFERABLE)

TEMPORARY SIGN?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PERMANENT SIGN?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Pre-Existing OR New	Pre-Existing <input type="checkbox"/>	NEW <input checked="" type="checkbox"/>

Permit:

Date: 1/26/2021

JOB ADDRESS: 401 College st Montgomery, TX 77356 **BUSINESS NAME:** 3Ds Deli LLC

BUSINESS OWNER: Davinna Williams-Lomax **MAILING ADDRESS:** 401 College st Montgomery, TX 77356 **TELEPHONE:**

APPLICANT: Davinna Williams-Lomax **MAILING ADDRESS:** 11 dr Spring TX 77388-4902. **TELEPHONE:** 541-801-9900

CONTRACTOR LICENSE (if electrical):

IS THE SIGN IN THE HISTORIC PRESERVATION DISTRICT? YES NO IS THE SIGN ILLUMINATED? YES NO

SIGN PLACEMENT: Side of the building on the corner **VALUATION:**

SIGN DESIGN & COLOR SCHEME: 3DD deli black letters red star over "i"

SIGN TYPE		SIGN DIMENSIONS	
FREESTANDING MONUMENT SIGN	<input type="checkbox"/>	SIGN HEIGHT	4' 4x4
BUILDING WALL SIGN	<input checked="" type="checkbox"/>	SIGN WIDTH	4'
BANNER	<input type="checkbox"/>	TOTAL SQ FT	16'
OTHER	<input type="checkbox"/>	SET BACK	
		LOT LINEAR FOOTAGE	

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction.

NAME: Davinna Williams-Lomax **SIGNATURE:**

OFFICE USE ONLY

APPROVED		TOTAL FEE:	\$
DATE			

COMMENTS:



3D Deli
LLC

401 College St STE 170 Montgomery, TX 77356
Phone: 936-449-1164
Call For Catering/Delivery

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: February 2, 2021	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Sign application with images

Subject

Consideration and possible action regarding a proposed wall sign for One Property Group located at 302 John A Butler Street in the Historic Preservation District.



Description

The new sign is replacing the existing sign and will be the same size and in the same location. This work would not typically require a sign permit, and would be considered a change in the "ad copy" of the existing sign. It does, however, still require P&Z approval as an exterior modification to a property in the Historic Preservation District.

Recommendation

Consider the proposed sign and act as you see fit.

Approved By

Asst. City Administrator	Dave McCorquodale 	Date: 01/29/2021
City Administrator	Richard Tramm 	Date: 01/29/2021



Client Name: <u>One Property Group</u>	Start Date: <u>1/25/2021</u>	Client Approval _____	Sales Rep <u>M. Hopkins</u>
Location: <u>302 John A Butler, Montgomery, TX 77356</u>	Last Revision & Count _____	Landlord Approval _____	Designer <u>T. Saunders</u>
	Job# <u>1</u>		
	Drawing# _____		

NOTE: DRAWING IS FOR REPRESENTATION PURPOSES ONLY. EXACT DIMENSIONS (FIELD SURVEY) REQUIRED PRIOR TO FABRICATION

SIGN A	
SIGN TYPE:	Flush Mount Building
ILLUMINATION:	N/A
SQ FT:	50 sqft

Color Specification: TBD

Specifications: 5x10 MAX METAL 3mm
Direct Mount

- 3mm pre-painted ACM panel
- 6 studs (3 top; 3 bottom)
- .20mm aluminum panel faces
- Solid polyethylene core
- Great for bending & routing
- Resists scratch & dent more than wood
- Vinyl, screen print, paint, & cut ready
- Specifications may change per requirements



Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: February 2, 2021	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: SUP Application and map

Subject

Consideration and possible action regarding a recommendation to City Council for:

A Special Use Permit Application by Cornerstone Community Church to locate a church in a "B" – Commercial Zoning District (20821 Eva Street, Suites. "K" and "L" at Montgomery Trace Shopping Center).

Description

You may recall Cornerstone Community Church requesting a Special Use Permit (SUP) for a property in downtown on Liberty St last fall. The Church currently meets in the MHS cafeteria on Sundays and at the Community Building on Wednesday evenings. They are considering leasing space between the US Post Office and the Subway restaurant in the Montgomery Trace/Brookshire's Shopping Center.


The property is zoned "B" – Commercial and the proposed use is "I" – Institutional, which is not allowed without City Council approval. This request is coming before the P&Z to study and provide a recommendation to City Council on the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood.

Also included is the section of the City Code dealing with the SUP process for reference.

Recommendation

Consider the request and provide a recommendation to City Council as you see fit.

Approved By

Asst. City Administrator	Dave McCorquodale 	Date: 01/29/2021
City Administrator	Richard Tramm	Date: 01/29/2021

Sec. 98-27. - Special use permits.

- (a) The city council, by an affirmative four-fifths vote, may by ordinance grant a special permit for special uses in any district, for those uses listed under "CC" in the table of permitted uses in section 98-88, or which are otherwise not expressly permitted by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect property and property values in the neighborhood. A special use permit may be revoked or canceled by the city council upon violation of any permit granted. Before authorization of any of such special uses, the request therefor shall be referred to the planning and zoning commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood. A public hearing shall be held in relation thereto before the city council, and notice and publication of the time and place for which shall conform to the procedure prescribed in subsection (b) of this section.
- (b) A public hearing shall be held by the city council before adopting any proposed special use permit. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the city stating the time and place of hearing, which time shall not be earlier than 15 days from the date of publication.

(Ord. No. 2014-03, § 1, 5-20-2014)



Special Use Permit

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

Upon completion return application to dmccorquodale@ci.montgomery.tx.us

Contact Information

Property Owner(s): PD Montgomery Trace LP

Address: 5700 Legacy Dr. STE #10 Plano, Tx

Zip Code: 75024 Phone: _____

Email Address: _____

Applicants: Cornerstone Community Church of Montgomery

Address: PO Box 1734 Montgomery, Tx

Zip Code: 77356 Phone: 713-299-4628

Email Address: colemang2611@gmail.com

Parcel Information

Type of Business: Strip Center that utilizes Retail, Banking, Government, etc

Legal Description: Cornerstone Community Church of Montgomery

Street Address or Location: 20821 Eva St. Montgomery, Tx 77356

Special Use Permit Request

Description of request: Spaces K&L to be utilized by Cornerstone Community Church of Montgomery. Cornerstone Community Church waives any restrictions that the TABC puts onto new businesses that are located within 300' of a church and leaves all new businesses to be opened at the discretion of City of Montgomery.

Submission Information

This application is to be submitted to the City of Montgomery Director of Planning & Development:

**City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316**

Additional Information

Date Application received by the City of Montgomery: _____

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

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

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

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

<p style="text-align: center;">Date Received <i>Office Use</i></p>	
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Public Hearings

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 amendment 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: **1st Tuesday of every month at 6:00 p.m.**

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

Protests

If a protest against a proposed zoning change including PDD and SUP requests has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending two hundred feet (200) there from, such zoning change shall not become effective except by a three-fourths (3/4) vote of governing body in accordance with the provisions of Section 211.006 of the Texas Local Government Code.

Resubmission

Rezoning requests which have been heard and decided by the Council of the City of Montgomery may not be re-filed with the city for six (6) months after the date of such decision by the Council, absent a change in circumstances.

Rezoning requests for the same property to a different classification than the denied request may be re-filed prior to the expiration of six (6) months.



Suites K & L



Suites K & L

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: February 2, 2021	Budgeted Amount: N/A
Prepared By: Dave McCorquodale	Exhibits: Variance Application, map exhibit and photos

Subject

Consideration and possible action regarding a variance request to the visual barrier requirements of Section 78-162 of the City Code as submitted by Lone Star Cowboy Church.

Description

The Lone Star Cowboy Church (LSCC) owns approximately 59 acres in the City as shown on the attached aerial image. While much of the property borders SH105 and abuts commercial property to the east and west, the southern portion of the property extends into large-lot residential homes on roughly 10-acres each. The church has cleared several acres to convert into pasture and overflow parking while leaving a wooded area abutting a neighboring residence.

The church plans to leave the upper vegetation along the property line to help screen the home from the church property but needs to clear an 8-foot wide access path to erect a barbed wire fence on the property line. The church is asking for a variance to the the City Code that requires a 6-foot tall visual barrier between Institutional and Single-Family Residential land uses.


The church is asking the P&Z to consider that the property will be grazing pasture and overflow parking and will not have a measurable impact on the neighboring property. Other properties in the area are used for pasture and the use is consistent with the neighborhood character.

The city engineer will provide his opinion to the Commission at the meeting as part of the staff introduction of the item.

Recommendation

Consider the request and provide a recommendation to City Council as you see fit.

Approved By

Asst. City Administrator	Dave McCorquodale 	Date: 01/29/2021
City Administrator	Richard Tramm	Date: 01/29/2021



Variance Request Application

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

Upon completion return application to dmccorquodale@ci.montgomery.tx.us

Contact Information

Property Owner(s): Lone Star Cowboy Church

Address: PO Box 714, Montgomery, Texas Zip Code: 77356-0714

Email Address: bradd@lonestarcowboychurch.org Phone: 936-597-5742

Applicants: Brad Dorsey

Address: PO Box 714, Montgomery, Texas 77316-0714

Email Address: bradd@lonestarcowboychurch.org Phone: 936-597-5742

Parcel Information

Property Identification Number (MCAD R#): R33423

Legal Description: Abstract 22, Tract 45-B, Landrum Zacharias Survey

Street Address or Location: On Huffman Road West of Cedar Crest Mobile Home Park

Acreage: 12.13 Present Zoning: R1-Single Family Resid. Present Land Use: Institutional/agricultural

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2011-09 Section(s): 78-162(c)

Ordinance wording as stated in Section (78-162(c)):


The [25-foot] vegetative setback must also provide a visual barrier.

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

We are building a ranch type fence along the south most part of our property, along the eastern boundary. The plan is for this fence to be barbed wire. We will need to clear an 8 ft width of brush to complete the fence. We will maintain the upper vegetation to help meet the visual barrier for the resident in question.

Signatures

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

Signature:  Date: 01/28/2021

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 form 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

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: **1st Tuesday of every month at 6:00 p.m.**

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

Finding of Undue Hardship

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

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.

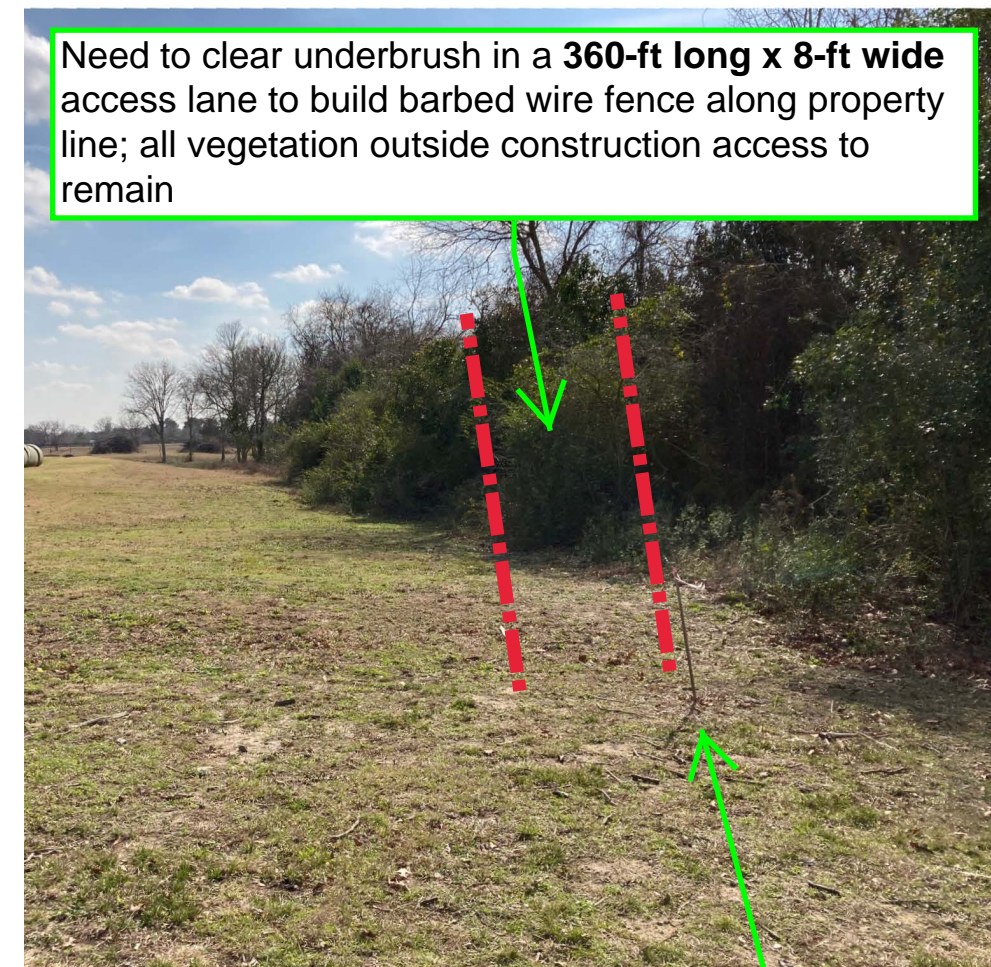
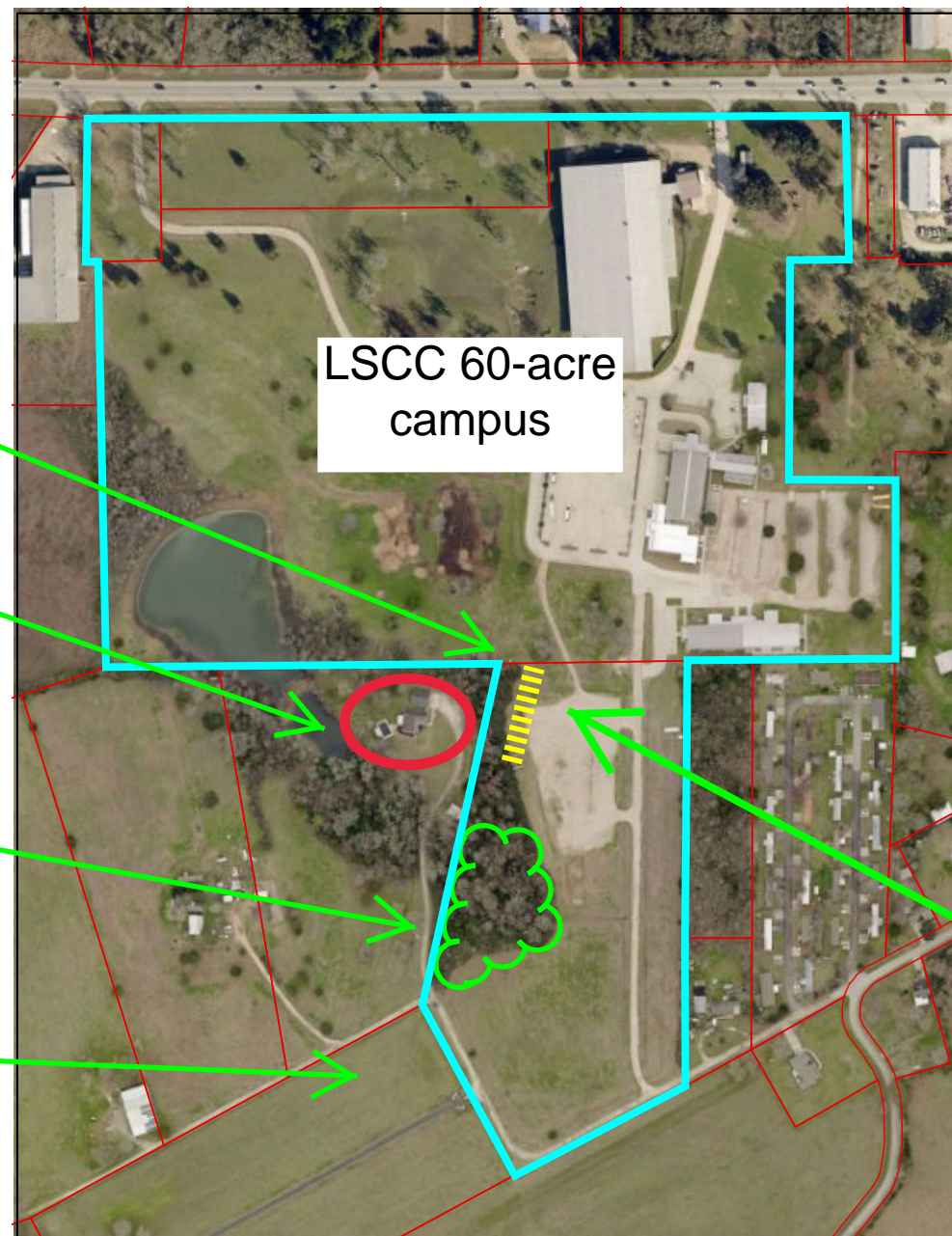
Visual Barrier Variance Request by: Lone Star Cowboy Church

Property corner stake

Adjacent residence

Underbrush removed Spring 2020;
mature specimen trees remain

Surrounding residential acreage
home sites with agricultural use



Property corner stake

ASKING FOR VARIANCE HERE;
(+/- 200 FEET)

Sec. 78-28. - Variances.

When a subdivider or developer can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to, or where because of some condition peculiar to the site or the unique nature of the development compliance with this chapter is not consistent with or required by good engineering and planning practices, and if in the opinion of the city council, planning and zoning commission and the city engineer, a departure from this chapter may be made without destroying the intent of this chapter, the city council may authorize a variance.

(Ord. No. 2011-09 , § 1, 7-26-2011)

