



December 29, 2022

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

Re: Building Line Encroachment/Variance Request
Montgomery Summit Business Park
City of Montgomery

Dear Commission:

Montgomery Summit Business Park ("the Developer") is proceeding with construction of additional buildings on Reserve B. As stated in the enclosed letter, the Developer found a discrepancy in the survey which led to the buildings being located within the building line setback on the west and north sides of the property by approximately 6 inches.


The developer request approval to leave the buildings in the location they are encroaching the existing building lines and request a variance to allow the plat to be amended to reduce the building lines accordingly.

We offer no objection to this request.

Approval of the requested variance does not constitute plat approval and only allows the Developer to further refine the proposed plat, which will require the full review and approval of the City

If you have any questions or comments, please do not hesitate to contact me or Chris Roznovsky.

Sincerely,


Chris Roznovsky, PE
Engineer for the City

KMV/zlgt

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2022.12.27 MEMO to P&Z RE Montgomery Business Park Variance Request.docx

Enclosures: Variance Request

Cc (via email): Mr. Dave McCorquodale– City of Montgomery, Interim City Administrator & Director of Planning and Development
Ms. Nicola Browe – City of Montgomery, City Secretary
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



November 21, 2022

City of Montgomery
C/o Dave McCorquodale
101 Old Plantersville Road
Montgomery, TX 77316

RE: Variance request for Montgomery Summit Business Park regarding requirements for lot setback

The subject tract is a 2.262-acre property along Summit Park Drive and FM 1097 being Reserve B within Montgomery Summit Business Park Subdivision, Montgomery County, Texas. According to Section 98 of the City of Montgomery Code of Ordinances, commercial lots are required to have a 25' setback when adjoin R-1 district boundaries. The original development plans were provided to the City and approved in 2015, which included the 25' building line (BL) and vegetative buffer (VB). A 10' BL was included on the final recorded plat on the sides of this reserve.

Upon construction of the most recent four office buildings, a post construction survey was produced and the foundations were poured slightly inside the 25' BL/VB and 10' BL. Upon investigation, it was determined there was an error in placing the property pins at some point in time. The original surveying company is no longer in business, so a new surveyor was used to pin the building locations. Once the new surveying company was asked to produce a post construction survey, there was a slight discrepancy between the original survey and his. Ultimately it was revealed there were multiple property pin locations that led to the misplacement of the building. The new surveyor ultimately had to go back to the parent tract to determine the correct location for the pins and has since fixed the discrepancy.

The request is for the City to acknowledge and accept the 0.5' encroachment into the 25' BL/VB and 10' BL. We would request that we be allowed to record an amendment BL/VB at the Montgomery County Clerk's Office if the City accepts the requested variance.

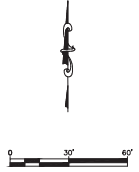
It is for the above-mentioned reasons that we feel the variance request should be considered and approved.

Thank you,

Jonathan White, PE
936-647-0420
Jwhite@L2engineering.com

Attachments: Variance Request Application, Encroachment Exhibit, Recorded Plat





MSBP - SECTION 1 - RESERVE B OFFICES ENCROACHMENT EXHIBIT

11/4/2022

DRAWING INFORMATION			
PROJECT	10193	TDR	**
DRAWN	RHM	CHECKED	JW
SCALE	SHEET		
1" = 30' (24x36)			
1" = 60' (11x17)			

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF:
E. LEI LOU, PE #19340
OR
JONATHAN WHEAT, PE #17058
FOR REVIEW PURPOSES ONLY
NOT FOR CONSTRUCTION



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 Developer(s): Summit Universal LP

Address: 15349 Summit Park Dr. St. 101, Montgomery, TX Zip Code: 77356

Email Address: michael@summituniversal.com Phone: 936-701-1977

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304

Email Address: jwhite@l2engineering.com Phone: 936-647-0420

Parcel Information

Property Identification Number (MCAD R#): R508869

Legal Description: 89.129 acres in the Owen Shannon Survey A-36

Street Address or Location: 15349 Summit Park Drive Montgomery Texas 77356

Acreage: 2.262 Present Zoning: Commercial Present Land Use: Commercial

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 98-181 (a)(3) - 2022 Section(s): 98-181

Ordinance wording as stated in Section (98-181):

(3)

Rear yard. A rear vard of 25 feet is required on all lots abutting an R-1 district or abutting any lot located in the District B that is being used for an R district purpose. No storage or similar use shall be allowed in any required rear yard adjoining or abutting an R district.

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

Signatures

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

Signature: Bridgewell Industrial Portfolio, LLC - Summit Series Date: 11/21/22

Signature: By: Brad Egan, Manager 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.

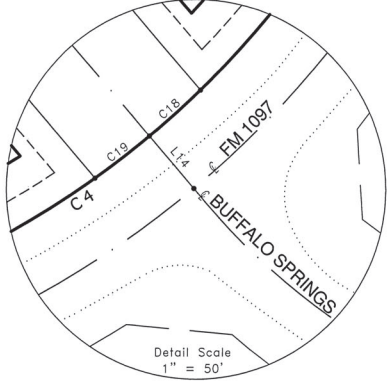
A site plan.

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.

<p style="text-align: center;">Date Received</p> <p style="text-align: center;"><i>Office Use</i></p>	
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Ogorchock ATH, LLC
Residual of 89.129 Acres
CF 2014-034915



Brain Lee Mosler
Called 9.7 Acres
CF 2002-061259

Ogorchock Investments, LP
Residual of 7.954 Acres
CF 2014-056486

Set I.R.
N 10,141,881.92
E 3,759,920.13

Set I.R.
N 10,141,331.35
E 3,759,979.59

Tie to "MONT #3" Control:
S 47°35'12"W 8,947.62'

100 Year Floodplain
(See Note #4)

Philip & Holly Lefevre
Residue Of A Called 734.72 Acres
CF 99058838

Cabinet Z
Sheet No. 3062
File No. 2014-095246

TEMPORARY
A.E. & D.E.

TEMPORARY
80' D.E.
Set I.R.
N 10,143,077.87
E 3,760,572.17

N 26°01'49"E 412.62'
SUMMIT PARK DRIVE
(80' R.O.W.)

RESERVE "C"
(BUSINESS)
2.139 Acres
(93,167 Sq. Ft.)

RESERVE "D"
(INDUSTRIAL STORAGE)
4.221 Acres
(183,866 Sq. Ft.)

RESERVE "F"
(INDUSTRIAL WAREHOUSE & OFFICE)
5.346 Acres
(232,879 Sq. Ft.)

RESERVE "E"
(BUSINESS)
2.883 Acres
(124,708 Sq. Ft.)

RESERVE "B"
(BUSINESS)
2.262 Acres
(98,529 Sq. Ft.)

RESERVE "A"
(BUSINESS)
1.238 Acres
(53,929 Sq. Ft.)

Winjeet Development, Inc
1.15 Acres
CF 2009-082477

RESTRICTED RESERVE "D"
AMENDING PLAT OF WATERSTONE ON LAKE CONROE
Cabinet Z, Sheet 1356
MRMCT

RESTRICTED RESERVE "A"
AMENDING PLAT OF WATERSTONE ON LAKE CONROE
Cabinet Z, Sheet 1356
MRMCT

FINAL PLAT
**MONTGOMERY SUMMIT
BUSINESS PARK**

A Subdivision of 21.227 acres of land,
situated in the
Owen Shannon Survey, Abstract Number 36
in Montgomery County, Texas,
being out of the
Ogorchock Investments, LP, 7.954 acre tract recorded under
C.F. No. 2014056486 Real Property Records,
and out of the
Ogorchock ATH, LLC, 89.129 acres recorded under
C.F. No. 2014034915 Real Property Records.

RESERVES: 6
BLOCKS: 2

SCALE 1"=100'
DATE: SEPTEMBER, 2014

ENGINEER:
L SQUARED ENGINEERING
21123 EVA STREET No. 200
MONTGOMERY, TEXAS 77356
936-647-0420

OWNER:
OGORCHOCK ATH, LLC,
A TEXAS LIMITED LIABILITY
COMPANY OGORCHOCK
INVESTMENTS, LP,
A LIMITED PARTNERSHIP
22 LAKE ESTATES DRIVE
MONTGOMERY, TEXAS 77356

Surveying Southeast Texas since 1987
GLEZMAN SURVEYING, INC.
1938 Old River Road
Montgomery, Texas
Office (936) 582-6340 www.glezmansurveying.com

STATE OF TEXAS
COUNTY OF MONTGOMERY

That Ogorchock Investments, L.P, a Texas Limited Partnership, and Ogorchock ATH, LLC, a Texas Limited Liability Company (collectively, Owner) herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating the herein described real property as the MONTGOMERY SUMMIT BUSINESS PARK Subdivision, and does hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements therein shown, and dedicate to public use forever all areas shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the City of Montgomery, Texas, and that a rough proportionality exists between the dedications, improvements, and exactions required under such regulations and projected impact of the subdivision.

WITNESS my hand in Montgomery, Montgomery County, Texas,
this 19th day of SEPTEMBER, 2014.

John M. Ogorchock
John M. Ogorchock, Member
Ogorchock Investments, LP

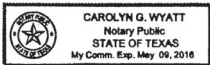
WITNESS my hand in Montgomery, Montgomery County, Texas,
this 19th day of SEPTEMBER, 2014.

John M. Ogorchock
John M. Ogorchock, Member
Ogorchock ATH, LLC

STATE OF TEXAS COUNTY OF MONTGOMERY
Before me, the undersigned authority, on this day personally appeared John M. Ogorchock, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this 19th day of SEPTEMBER, 2014

Carolyn G. Wyatt
Notary Public in and for Montgomery County, Texas
My Commission Expires 5-09-2016



I, THE UNDERSIGNED, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which his approval is required.

William J. Kotlan
William J. Kotlan, P.E.
City Engineer

I, THE UNDERSIGNED, City Administrator for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which his approval is required.

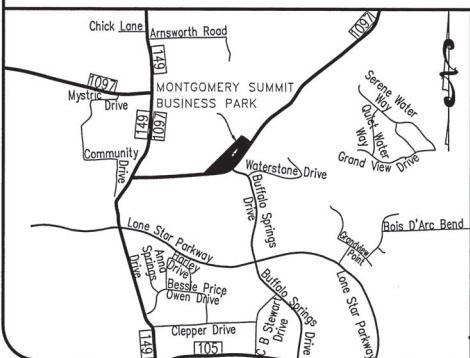
William J. Kotlan
William J. Kotlan, P.E.
City Administrator

This plat and subdivision has been submitted to and considered by the City Planning and Zoning Commission and the City Council of the City of Montgomery, Texas, and is hereby approved by such Commission and Council.

Dated this 20th Day of Sept, 2014.

ATTEST:
By: *Carol Sandley*
Mayor
Carol Sandley
City Secretary

VICINITY MAP
N.T.S.



I, Mark Turnbull, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office

on September 29, 2014, at 3:40 o'clock, P. M.,

and duly recorded

on September 29, 2014, at 3:37 o'clock, P. M.,

in Cabinet Z, Sheet 3061-3062 of record of said Montgomery County.

WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

Mark Turnbull
Mark Turnbull, Clerk, County Court
Montgomery County, Texas

By *Francine Nichols* Deputy



Cabinet Z
Sheet 16: 3061
File 16: 2014-095246

CURVE TABLE						
CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	24°29'24"	760.00'	324.85'	164.94'	322.38'	N 13°47'07"E
C 2	27°06'14"	840.00'	397.36'	202.47'	393.67'	N 15°05'33"E
C 3	5°22'01"	2925.22'	274.00'	137.10'	273.90'	S 35°36'07"W
C 4	49°23'48"	533.00'	459.52'	245.13'	445.42'	N 59°15'51"E
C 5	66°24'35"	300.00'	347.72'	196.35'	328.58'	N 07°10'28"W
C 6	24°29'24"	800.00'	341.94'	173.62'	339.35'	N 13°47'06"E
C 7	27°06'14"	800.00'	378.44'	192.83'	374.92'	N 15°05'34"E
C 8	24°29'24"	840.00'	359.04'	182.31'	356.32'	N 13°47'06"E
C 9	27°06'14"	760.00'	359.52'	183.19'	356.18'	N 15°05'34"E
C 10	4°24'46"	340.00'	26.19'	13.10'	26.18'	N 38°10'22"W
C 11	61°59'48"	340.00'	367.90'	204.28'	350.21'	N 04°58'05"W
C 12	66°24'35"	260.00'	301.36'	170.17'	284.77'	N 07°10'28"W
C 13	11°51'39"	840.00'	173.89'	87.26'	173.58'	N 20°06'02"E
C 14	12°37'45"	840.00'	185.15'	92.95'	184.78'	N 07°51'14"E
C 15	2°59'02"	2925.22'	152.34'	76.19'	152.32'	S 36°47'38"W
C 16	2°22'58"	2925.22'	121.66'	60.84'	121.65'	S 34°06'35"W
C 17	11°15'53"	533.00'	104.79'	52.57'	104.62'	S 40°11'54"W
C 18	4°18'09"	533.00'	40.03'	20.02'	40.02'	S 47°58'55"W
C 19	4°18'20"	533.00'	40.05'	20.04'	40.04'	S 52°17'10"W
C 20	29°31'25"	533.00'	274.65'	140.45'	271.62'	S 69°12'02"W
C 21	66°24'34"	340.00'	394.08'	222.53'	372.39'	S 07°10'28"E

LINE TABLE		
LINE	BEARING	DISTANCE
L 1	S 83°56'05"W	109.16'
L 2	N 01°32'26"E	99.89'
L 3	S 61°21'20"E	80.00'
L 4	S 72°28'53"E	95.49'
L 5	N 40°22'53"W	137.04'
L 6	N 01°32'26"E	99.89'
L 7	N 40°22'53"W	135.90'
L 8	N 01°32'26"E	99.89'
L 9	N 40°22'53"W	135.18'
L 10	N 54°02'01"E	81.50'
L 11	S 61°21'20"E	40.00'
L 12	S 61°21'20"E	40.00'
L 13	N 26°01'49"E	02.54'
L 14	S 40°22'53"W	40.00'

- NOTES:
1. Plat Scale 1" = 100'
2. The bearings for this survey are based on City of Montgomery control monuments:
NAD83 Texas State Plane, Central Zone
MONT 3, Northing: 10,136,017.2481327
Easting: 3,753,640.54927586
MONT 7, Northing: 10,136,278.4291219
Easting: 3,758356.4600
3. All distances are ground.
4. Property lies in Zone "X" and Zone "AE" as shown on FEMA FIRM 48339C0200G, with an effective date of August 18, 2014.
5. Property subject to the following easements of record as shown on Planning Letter by Old Republic Title, dated 08/14/2014. Easements recorded in Volume 741, Page 445 and in Volume 669, Page 743 of the Deed Records of Montgomery County, Texas; those recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No(s). 8805799, 2014-034912, 2014-034915, and 2014-056486; and those as may be set out on proposed plat of Summit Business Park.
6. Rear of building to be no closer than 85' from front property line to drainage way.

SURVEYOR'S ACKNOWLEDGEMENT
That I, Michael Glezman, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereof were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

Michael Glezman
Michael Glezman, R.P.L.S.
Texas Registration No. 4627



FINAL PLAT
**MONTGOMERY SUMMIT
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DATE: SEPTEMBER, 2014

ENGINEER:
L SQUARED ENGINEERING
21123 EVA STREET No. 200
MONTGOMERY, TEXAS 77356
936-647-0420

OWNER:
OGORCHOCK ATH, LLC,
A TEXAS LIMITED LIABILITY
COMPANY OGORCHOCK
INVESTMENTS, L.P,
A LIMITED PARTNERSHIP
22 LAKE ESTATES DRIVE
MONTGOMERY, TEXAS 77356

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