



February 25, 2025

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

Re: Variance Request  
Hills of Town Creek Section 5 (Dev. No. 2406)  
City of Montgomery

Dear Commission:

K. Hovnanian of Houston II, LLC (the "Developer") has identified some modifications on Lots 27 and 28 within The Hills of Town Creek Section 5 Subdivision, situated along Lone Star Parkway just west of Montgomery ISD Football Stadium. As a reminder, these plans were approved by Council at the May 14, 2024 meeting, and the final plat was approved by Council at the January 14, 2025 meeting. The reason for the variance is to create an access path to a reserve in order for them to create a park. The Developer is requesting the following variances from the City's Code of Ordinances:

- Section 98-122(a): The Code of Ordinances requires the rear yard to have a minimum depth 10' from the property line and side lot setbacks requiring a minimum of 10' from property line. Section 98-122(b): The Code of Ordinances requires the radial lots to have a minimum width of 75' and for a distance of 30' behind building line. The Developer is proposing Lots 27 and 28 to have a minimum frontage of 45' at the building line of the cul-de-sac lots. The 10' reserve strip would be dedicated to the HOA and used for a path to the proposed playground behind the lots. Lots 27 and 28 would maintain the approved variance side yard setback of 5', minimum lot depth of 120', and minimum lot area of 5,500 sf. The adjusted lot sizes would be Lot 27 being 10,774 sf and Lot 28 being 8,525 sf.
- Referenced Variance approval: December 14, 2021 allowed for 50 feet at building line and 5' side yard setbacks.

Enclosed you will find the request for variance as submitted by the engineer for the development. It is important to note that the Developer is proposing more than the minimum required compensating green space for the lot size variance.

We find no issue with the variance request as submitted, and will require that the Developer submit plans to the access path, and playgrounds to ensure that the City's waterline remains free of obstructions.

Approval of the requested variances does not constitute plan approval and only allows the Developer to further refine the proposed plat and site plans, 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.

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky".

Chris Roznovsky, PE  
City Engineer

Variance Request – Hills of Town Creek Section 5

City of Montgomery

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Enclosures: Variance Request

Cc (via email): Ms. Corinne Tilley – City of Montgomery, Planning & Development Administrator & Code Enforcement Officer

Mr. Anthony Solomon – City of Montgomery, Interim City Administrator, and Police Chief

Ms. Ruby Beaven – City of Montgomery, City Secretary

Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



February 11, 2025

City of Montgomery  
101 Old Plantersville Rd.  
Montgomery, TX 77356

To Whom It May Concern:

We are requesting a variance to the minimum lot frontage for platted lots 27 & 28 of The Hills of Town Creek Section 5 to have a minimum lot frontage of 45 feet at the building line of the cul-de-sac lots. The purpose of the variance request is to add a 10-foot reserve strip between the lots to connect the subdivision to a proposed playground behind lots 27 & 28. The 10-foot reserve would remove the property from the homeowner and on to the HOA for maintenance purposes. The proposed reserve would also allow the city unencumbered access to their waterline easement which also splits lots 27 & 28.

The resulting lots 27 & 28 would still meet the minimum lot depth of 100 ft and minimum lot area of 5,500 square feet set forth by variance for the development approved on December 14, 2021. The resulting area for lots 27 & 28 would equal 8,525 square feet and 10,774 square feet respectively.

Regards,

Nickolas Hemann, P.E.





# 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](mailto:dmccorquodale@ci.montgomery.tx.us)**

### Contact Information

Property Owner(s): K. Hovnanian of Houston II, LLC

Address: 13111 NW Fwy, Ste. 200 Houston, TX Zip Code: 77040

Email Address: fwilliams@khov.com Phone: 713-460-6239

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Ste. 100 Conroe, TX 77304

Email Address: NHemann@L2Engineering.com Phone: 936-647-0420

### Parcel Information

Property Identification Number (MCAD R#): 362324, 396538

Legal Description: Lots 27 & 28 within The Hills of Town Creek Section 5 Subdivision, Benjamin Rigsby Survey, A0031

Street Address or Location: 468 East Rose Marie Lane Montgomery, TX 77356

Acreage: 18.4998 Present Zoning: Residential (R1) Present Land Use: Single-Family Residential

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: Ch. 98, Article III, Division 2 Section(s): 98-122(a), (b)

Ordinance wording as stated in Section 98-122(a), (b):

(a) Size of yards. (3) Rear yard. There shall be a rear yard having a depth of not less than ten feet from the property line.

This also applies to side lot setbacks, which shall be 10' minimum. Variance approved December 14, 2021 allowed 5' side yard setbacks. (b) Size of lots. (2) Lot width. Radial lots shall have a minimum width of 75 feet at and for a distance of 30

feet behind the building line. Variance approved December 14, 2021 allowed for 50 feet at building line.

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

We are requesting a variance to the minimum lot frontage for Lots 27 & Lot 28 of The Hills of Town Creek Section 5 plat to have a minimum lot frontage of 45' at the building line of the cul-de-sac lots. The 10' reserve strip will be dedicated to the HOA and used for a path to a proposed playground behind the lots. The lots would maintain the approved variance side yard setback of 5', minimum lot depth of 100', and minimum lot area of 5,500 sq. ft. The adjustment to the lot sizes would result in lots 27 & 28 area to be 10,774 sq. ft. and 8,525 sq. ft respectively.

**Signatures**

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 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. **All fees paid by credit card are subject to a 5% merchant fee.**

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*

24-097-2\_HOTC SEC 5\_LT 27\_28 EX.dwg

**LONE STAR PARKWAY**  
 (180' R.O.W.) ASPHALT  
 C.F.N. 2006087874 O.P.R. M.C.T.

15' W.L.E.  
 CAB. Z, SHEET XXXX  
 M.R. M.C.T.

RESTRICTED RESERVE "A"  
 THE HILLS OF TOWN CREEK  
 SECTION 5  
 CAB. Z, SHEET XXXX  
 M.R. MC.T.

RESTRICTED RESERVE "A"  
 0.0287 ACRES  
 (1,251 SQ. FT.)

(OLD LOT 28)

LOT 2  
 0.196 ACRES  
 (8,525 SQ. FT.)

(OLD LOT 27)

LOT 1  
 0.247 ACRES  
 (10,774 SQ. FT.)

BLOCK 1  
 LOT 29  
 THE HILLS OF TOWN CREEK  
 SECTION 5  
 CAB. Z, SHEET XXXX  
 M.R. MC.T.

FND. 5/8" I.R.  
 W/CAP

CALLED 0.589 ACRES  
 MONTGOMERY INDEPENDENT  
 SCHOOL DISTRICT  
 C.F.N. 2010101628 O.P.R. M.C.T.

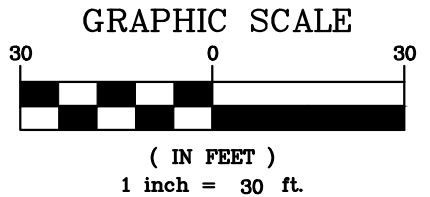
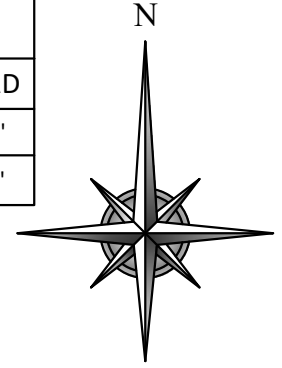
**WEST ROSE MARIE LANE**  
 (50' PUBLIC R.O.W. W/  
 28' PAVEMENT WIDTH)

**EAST ROSE MARIE LANE**  
 (50' PUBLIC R.O.W. W/  
 28' PAVEMENT WIDTH)

10' B.L. & E.E.  
 CAB. Z, SHEET XXXX  
 M.R. M.C.T.

BLOCK 1  
 LOT 26  
 THE HILLS OF TOWN CREEK  
 SECTION 5  
 CAB. Z, SHEET XXXX  
 M.R. MC.T.

CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
C1	71.71'	60.00	68°28'32"	N 72°48'54" W	67.52'
C2	12.86'	3,910.00	0°11'18"	N 48°07'22" E	12.86'



LINE TABLE		
NO.	BEARING	LENGTH
L1	S 02°33'39" E	21.64'

LOT 27 AND 28 REPLAT EXHIBIT  
 0.4718 ACRES (20,550 SQ. FT.)  
 ALL OF LOTS 27 AND 28  
 OUT OF THE HILLS OF TOWN CREEK  
 SECTION 5  
 RECORDED UNDER  
 CABINET Z, SHEET XXXX M.R. M.C.T.  
 IN THE  
 BENJAMIN RIGBY SURVEY, A-31  
 MONTGOMERY COUNTY, TEXAS



104 W. PAULINE ST.  
 CONROE, TX 77301  
 T: 936.443.0507

TBPLS REG NO. 10194866  
 ct@fulcrumsurveying.com  
 fulcrumsurveying.com