



December 9, 2021

The Honorable Mayor and City Council
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Variance Request
The Hills of Town Creek Sec. 5 (Dev. No. 2102)
City of Montgomery

Dear Mayor and City Council:

The Hills of Town Creek, LLC (the "Developer") plans to proceed with construction of a new residential development along Emma's Way, north of SH-105. The Developer is requesting the following variance from the City's Code of Ordinances:

- Section 98-122 (b): The Code of Ordinances requires single-family residential developments to have a minimum 75' lot width, 120' lot depth, and 9,000 SF lot area. The Developer is proposing to provide 50' wide lots with sizes ranging from 5,500 to 22,490 SF. Additionally, several lots are proposed to have average depths of as little as 100'. The Developer is requesting a variance to allow a 50' lot width, 100' lot depth, and to allow the minimum lot area to be 5,500 SF.
- Section 98-122 (a): The Code of Ordinances requires single-family residential developments to have a minimum 10' side lot setback. The Developer is requesting a variance to allow a 5' side lot setback.

Enclosed you will find the request for variance as submitted by the engineer for the development. The lot size and side lot setback variances are consistent with the variance previously approved for Hills of Town Creek Sections 2, 3, & 4. It is important to note that the Developer is currently proposing more than the minimum required compensating green space for the lot size variance and the total green space provided for all sections of Hills of Town Creek exceeds the minimum requirement, given all previously granted lot size variances. We offer no objection to the Developer's request on the grounds that the proposed variances are in line with what was previously approved in the existing sections of the same development.

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.

Variance Request – Hills of Town Creek Section 5
The Honorable Mayor and City Council
City of Montgomery
Page 2 of 2
December 9, 2021

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

Sincerely,



Chris Roznovsky, PE
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2021.12.08 MEMO to Council RE Hills of Town Creek Sec. 5 Variance Request.docx

Enclosures: Variance Request

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



November 24, 2021

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

RE: Variance request for Hills of Town Creek Section 5 regarding requirements for minimum lot area, lot width, and side yard

According to Sections 78 and 98 of the City of Montgomery Code of Ordinances, residential lots are required to have a minimum lot width of 75', minimum lot size of 9,000 square feet (SF) and a side lot line of 10'. The proposed development will consist of approximately 72 single-family residential lots, with lot sizing ranging from 34,000 SF to 6,000 SF, 50' x 120' lot average with 5' side lot setbacks. We feel that variance requests are warranted for the following reasons:

- The proposed development is intended to be an extension of the existing Hills of Town Creek Sections 2, 3, and 4; which is being built out by Stylecraft Builders. Stylecraft has been very successful with the product they have been producing and would like to continue with the same product. Sections 2, 3, and 4 were previously approved with 50' lots and we request that we continue with 50' lots for this section. The Future Land Use Plan also shows the subject tract expected to be high density residential, which align with the proposed development plan.
- Section 5 will be connected to sections 2, 3, and 4 with the extension of Emma's Way to Lonestar Parkway. A sidewalk will be included to allow residents to utilize the existing amenities within these other sections.
- According to Section 78-95, compensating green space is required for all lots that have less than the minimum lot area (9,000 SF). We have calculated the total amount of SF of all lots with less than the required minimum lot area within Section 2-5, which totals 333,273 SF. There have been several dedicated green spaces between all sections, which totals 335,191 SF. We have provided the backup for these calculations as an attachment to this letter.

It is for the above-mentioned reasons that we feel the variance requests should be considered and approved. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

Jonathan White, PE
L Squared Engineering
Senior Project Manager, Partner
936-647-0420
Jwhite@L2Engineering.com

Attachments: Variance Request Applications, Site Plan, Compensating Green Space Calculations





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): Chris Cheatham, Cheatham Management

Address: P.O. Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

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#): R396538 and R362324

Legal Description: Tracts 64B-1 and 63A1-A, within the Ben J Rigsby Survey, Abstract 31

Street Address or Location: Emma's Way and Lone Star Parkway

Acreage: 16.41 Present Zoning: Commercial Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): ~~78-88~~ 98-122(b)(2)

Ordinance wording as stated in Section (~~78-88~~ 98-122):

(C) Minimum Width is 75'

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

Lot sizes will have minimum lot width of 50' similar to Hills of Town Creek Sections 2, 3, and 4.

Signatures

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

Signature: Christina L. Chestnut Date: 11/12/21

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.

<p>Date Received <i>Office Use</i></p>	
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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): Chris Cheatham, Cheatham Management

Address: P.O. Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

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

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Street Address or Location: Emma's Way and Lone Star Parkway

Acreage: 16.41 Present Zoning: Commercial Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): 98-122

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

(a)(2) There shall be side yard on each side of the lot having a width not less than 10'

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

Side yards will have a setback on each side of the lot of 5' similar to Hills of Town Creek Section 4.

Signatures

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

Signature: Ernest C. Weather Date: 11/12/21

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



Variance Request Application

City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316
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Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: P.O. Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

Applicants: L Squared Engineering

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Parcel Information

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Legal Description: Tracts 64B-1 and 63A1-A, within the Ben J Rigsby Survey, Abstract 31

Street Address or Location: Emma's Way and Lone Star Parkway

Acreage: 16.41 Present Zoning: Commercial Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): ~~78-88~~ 98-122(b)(1)

Ordinance wording as stated in Section (78-88):

~~(c)~~ No building shall be constructed on or moved onto any lot of less than 9,000 square feet.

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

Lot sizes will range in the development with a minimum of approximately 6,000 square feet (SF) to over 34,000 SF.

Signatures

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

Signature: Christian C. Quatman Date: 11/18/21

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.

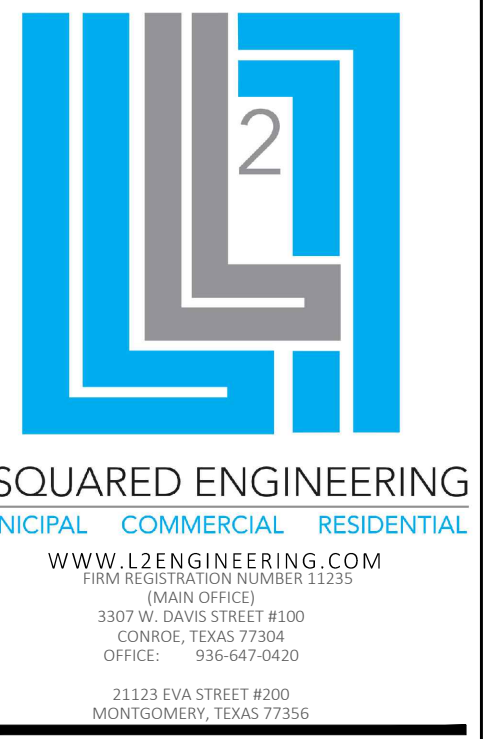
Date Received

Office Use

S:\ENGINEERING PROJECTS\10752 - HILLS OF TOWN CREEK SECTION 5\03 CAD\DESIGN SET\Y-BASE-10752-COPY.DWG Nov. 18, 2021-3:20 PM



±0.13 AC. LOTS
 TOTAL 72 LOTS
 16.45 ACRE SITE
 ±2,712 LF PAVEMENT



HILLS OF TOWN CREEK

NEW SITE EXHIBIT

11/18/2021

DRAWING INFORMATION			
PROJECT	10600	TDLR	**
DRAWN	MCV	CHECKED	JTW
SCALE	SHEET		1
1" = 100' (24x36)			
1" = 200' (11x17)			

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF:
 E. LEVI LOVE, PE #99340
 OR
 JONATHAN WHITE, PE #127058
 FOR REVIEW PURPOSES ONLY
 NOT FOR CONSTRUCTION

Hills of Town Creek 5 Section 2 Lot Summary

L Squared Engineering - Job No. 10752

Prepared by: Jonthan White, PE



Lots in Section 2:

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
1	2	1	1	9255.92	0
2	2	1	2	7653.68	1346.32
3	2	1	3	6812.47	2187.53
4	2	1	4	6362.04	2637.96
5	2	1	5	6601.37	2398.63
6	2	1	6	6520.53	2479.47
7	2	1	7	6540.79	2459.21
8	2	1	8	6540.75	2459.25
9	2	1	9	6541.05	2458.95
10	2	1	10	6541.82	2458.18
11	2	1	11	6541.38	2458.62
12	2	1	12	6540.6	2459.4
13	2	1	13	6166.06	2833.94
14	2	1	14	5998.6	3001.4
15	2	1	15	7479.67	1520.33
16	2	1	16	8849.41	150.59
17	2	1	17	9890.74	0
18	2	1	18	8543.97	456.03
19	2	1	19	6632.72	2367.28
20	2	1	20	6000	3000
21	2	1	21	6000	3000
22	2	1	22	6000	3000
23	2	1	23	6000	3000
24	2	1	24	6000	3000
25	2	1	25	6737.24	2262.76
26	2	1	26	6793.44	2206.56
27	2	1	27	6768.18	2231.82
28	2	2	1	8760.71	239.29
29	2	2	2	6645.66	2354.34
30	2	2	3	13069.35	0
31	2	2	4	11110.46	0
32	2	2	5	10159.9	0
33	2	2	6	10327.81	0
34	2	2	7	7216.73	1783.27
35	2	2	8	8265.87	734.13
36	2	2	9	6062.99	2937.01
37	2	2	10	6616.66	2383.34
38	2	2	11	8162.48	837.52
39	2	2	12	9176.67	0
40	2	2	13	9164.29	0

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
41	2	2	14	8677.06	322.94
42	2	2	15	7742.17	1257.83
43	2	2	16	6000	3000
44	2	2	17	6545.05	2454.95
45	2	2	18	8387.53	612.47
46	2	2	19	11773.59	0
47	2	2	20	9675.2	0
48	2	2	21	7895.45	1104.55
49	2	2	22	6970.31	2029.69
50	2	2	23	6270.55	2729.45
51	2	2	24	8265.1	734.9

Total: 83,350

Hills of Town Creek 5 Section 3 Lot Summary
 L Squared Engineering - Job No. 10752
 Prepared by: Jonthan White, PE



Lots in Section 3:

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
52	3	3	1	8271	729
53	3	3	2	6004	2996
54	3	3	3	6322	2678
55	3	3	4	7394	1606
56	3	3	5	7516	1484
57	3	3	6	7575	1425
58	3	3	7	7564	1436
59	3	3	8	7485	1515
60	3	3	9	7220	1780
61	3	3	10	6006	2994
62	3	3	11	6006	2994
63	3	3	12	6045	2955
64	3	3	13	6358	2642
65	3	3	14	6988	2012
66	3	3	15	6528	2472
67	3	3	16	7601	1399
68	3	3	17	10030	0
69	3	3	18	7822	1178
70	3	3	19	9105	0
71	3	3	20	16265	0
72	3	3	21	10016	0
73	3	3	22	6609	2391
74	3	3	23	6288	2712
75	3	3	24	6000	3000
76	3	3	25	6000	3000
77	3	3	26	6000	3000
78	3	3	27	6000	3000
79	3	3	28	11585	0
80	3	3	29	10536	0
81	3	3	30	6667	2333
82	3	3	31	6372	2628
83	3	3	32	6394	2606
84	3	3	33	6710	2290
85	3	3	34	6612	2388
86	3	3	35	6759	2241
87	3	3	36	7783	1217
88	3	3	37	8213	787
89	3	3	38	12962	0
90	3	3	39	7708	1292
91	3	3	40	7803	1197

92	3	3	41	8481	519
93	3	3	42	8372	628
94	3	3	43	6314	2686
95	3	3	44	6798	2202
96	3	3	45	7621	1379
97	3	3	46	7275	1725
98	3	3	47	6727	2273
99	3	3	48	6658	2342
100	3	3	49	9753	0
				Total:	84,131

Hills of Town Creek 5 Section 4 Lot Summary
 L Squared Engineering - Job No. 10752
 Prepared by: Jonthan White, PE



Lots in Section 4:

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
101	4	4	1	6916	2084
102	4	4	2	5658	3342
103	4	4	3	7476	1524
104	4	4	4	11219	0
105	4	4	5	6547	2453
106	4	4	6	7295	1705
107	4	4	7	11403	0
108	4	4	8	18192	0
109	4	4	9	7209	1791
110	4	4	10	8275	725
111	4	4	11	12687	0
112	4	4	12	12376	0
113	4	4	13	14185	0
114	4	4	14	8641	359
115	4	4	15	10444	0
116	4	4	16	7997	1003
117	4	4	17	5751	3249
118	4	4	18	5855	3145
119	4	4	19	5939	3061
120	4	4	20	6190	2810
121	4	4	21	7503	1497
122	4	4	22	9175	0
123	4	4	23	8739	261
124	4	4	24	11456	0
125	4	4	25	8272	728
126	4	4	26	11383	0
127	4	4	27	14296	0
128	4	4	28	8732	268
129	4	4	29	5951	3049
130	4	4	30	5888	3112
131	4	4	31	7417	1583

Total: 37,749

Hills of Town Creek 5 Section 5 Lot Summary

L Squared Engineering - Job No. 10752

Prepared by: Jonthan White, PE



Lots in Section 5:

Total # of Lots	Section	Block	Lot #	Lot SF	SF < 9k
132	5	5	1	9533	0
133	5	5	2	6023	2977
134	5	5	3	8290	710
135	5	5	4	7291	1709
136	5	5	5	6575	2425
137	5	5	6	6323	2677
138	5	5	7	6283	2717
139	5	5	8	6183	2817
140	5	5	9	6649	2351
141	5	5	10	11386	0
142	5	5	11	8861	139
143	5	5	12	6052	2948
144	5	5	13	6795	2205
145	5	5	14	7018	1982
146	5	5	15	7002	1998
147	5	5	16	7038	1962
148	5	5	17	7070	1930
149	5	5	18	6985	2015
150	5	5	19	7632	1368
151	5	5	20	6870	2130
152	5	5	21	6980	2020
153	5	5	22	6447	2553
154	5	5	23	6002	2998
155	5	5	24	6003	2997
156	5	5	25	5898	3102
157	5	5	26	9696	0
158	5	5	27	22490	0
159	5	5	28	15796	0
160	5	5	29	7547	1453
161	5	5	30	6016	2984
162	5	5	31	6031	2969
163	5	5	32	6063	2937
164	5	5	33	5967	3033
165	5	5	34	6153	2847
166	5	5	35	6040	2960
167	5	5	36	6037	2963
168	5	5	37	6065	2935
169	5	5	38	6081	2919
170	5	5	39	6112	2888
171	5	5	40	6077	2923

Hills of Town Creek 5

L Squared Engineering - Job No. 10752

Prepared by: Jonthan White, PE



Lots in Section 5 (continued):

172	5	5	41	6000	3000
173	5	5	42	6135	2865
174	5	5	43	6373	2627
175	5	5	44	5860	3140
176	5	5	45	8438	562
177	5	5	46	13060	0
178	5	5	47	5490	3510
179	5	5	48	6065	2935
180	5	5	49	10934	0
181	5	5	50	9030	0
182	5	5	51	7802	1198
183	5	5	52	6313	2687
184	5	5	53	6849	2151
185	5	5	54	8840	160
186	5	5	55	8252	748
187	5	5	56	6238	2762
188	5	5	57	12439	0
189	5	5	58	7822	1178
190	5	5	59	6958	2042
191	5	5	60	6128	2872
192	5	5	61	6755	2245
193	5	5	62	7949	1051
194	5	5	63	6799	2201
195	5	5	64	5993	3007
196	5	5	65	8439	561
197	5	5	66	12319	0
198	5	5	67	9389	0
199	5	5	68	11216	0
200	5	5	69	15598	0
201	5	5	70	10608	0
202	5	5	71	9640	0
				Total:	128,043

Hills of Town Creek 5 Greenspace
Summary
L Squared Engineering - Job No. 10752
Prepared by: Jonthan White, PE



Grand Total Lots < 9,000 SF	333,273
Green Spaces Areas (SF)	
Section 1 Reserve B	234,485
Section 2 Reserve A	49,085
Section 2 Reserve B	3,149
Section 2 Reserve C	6,059
Section 2 Reserve D	4,898
Section 3 Reserve A	17,811
Section 4 Reserve A	9,271
Section 4 Reserve B	10,433
TOTAL	335,191