



February 3, 2023

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

Re: Variance Request
Montgomery Bend Subdivision (Dev. No. 2203)
City of Montgomery

Dear Commission:

Pulte Homes of Texas, LP ("the Developer") plans to proceed with construction of approximately 79.9 acres of land located along FM 1097. The Developer is requesting the following variances from the City's Code of Ordinances:

- Section 98-122: The City's Code of Ordinances requires all R-1 single family residential side yards to be no less than 10 feet from the property line.

Enclosed you will find the request for variance as submitted by the engineer for the development. As stated in the application, the Developer is requesting to reduce the width of side yards between adjacent lots within their subdivision to be reduced from the required 10' to 5'. This is consistent with lot size in the subdivision. The size variance previously approved (45') and required in order to build the size house they originally presented to the City. We offer no objection's to the Developer's variance request.

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

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is written in a cursive, flowing style.

Chris Roznovsky, PE
Engineer for the City

CVR/zlgt

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\02.03.2023 MEMO to P&Z RE Montgomery Bend Variance Request.docx

Enclosures: Variance Application

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



January 31st, 2023

Dave McCorquodale
City Manager
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas, 77316

Re: Montgomery Bend – Variance Request

Dear Mr. McCorquodale,

On behalf of The Pulte Group, we META Planning + Design LLC respectfully submit a variance application for the above listed Montgomery Bend Development. We are requesting a variance from section 98-122 of the City of Montgomery's Code of Ordinances to reduce the minimum side setback requirement from 10 feet to 5 feet. This request is will not be injurious to the public health, safety, or welfare.

We request this be considered at the February 7th Planning and Zoning Commission Meeting.
Please contact me if you need any additional information.

Sincerely,

Colin Davidson

Colin Davidson
cdavidson@meta-pd.com
(281)-895-3041



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): Pulte Homes of Texas LP

Address: 1311 Broadfield Boulevard, Suite 100, Houston, Texas Zip Code: 77084

Email Address: Connor.Young@Pulte.com Phone: _____

Applicants: META Planning + Design

Address: 24285 Katy Freeway, Suite 525, Katy, Texas

Email Address: cdavidson@meta-pd.com Phone: 281-895-3041

Parcel Information

Property Identification Number (MCAD R#): R35187

Legal Description: A0036 - Shannon Owens, Tract 30, 31, 79.9 Acres

Street Address or Location: Southeast of FM 1097 and east of Terra Vista at Waterstone Sec 1.

Acreage: 79.9 Present Zoning: R-1 Single Family Residentil Present Land Use: Undeveloped

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): 98-122 (a.) (2)

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

Side yard on main thoroughfare. There shall be a side yard on each side of the lot having a width of not less than ten feet.
A side yard adjacent to a side street shall not be less than 15 feet from the property line to the building line, except, where
the lots side on a major street, the building line shall be not less than 25 feet from the side street property line.

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

The request is to reduce the width of the side yard from 10 feet to 5 feet for all of the Montgomery Bend development.

Signatures

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

Signature: Colin Davidson Date: 1/31/2023

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

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.