

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> June 1, 2021	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Admin	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action regarding a variance request to the vegetative setback requirements of Section 78-162(a) of the City Code of Ordinances for Commercial Reserve “D” in Town Creek Crossing Section One as submitted by LeFevre Development, Inc.

**Recommendation**

Consider the request and make a recommendation to City Council on whether to approve or deny the request.

**Discussion**

The developer is requesting this variance based on the expectation that a departure from the text of Subdivision Ordinance will allow for greater adherence to the spirit of the Ordinance. The primary reason given for the request is the elevation change between the commercial and residential properties. The commercial reserve is approximately 7-feet higher than the future home slabs. By allowing the vegetative buffer on the residential lots – which have been made correspondingly larger to account for the vegetative buffer being added to them – the fence between the properties can be built at the top of the slope where it will provide the greatest amount of screening for the homeowners.

The variance process is described by Section 78-28 of the City Code:

*“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.”*

**Approved By**

Asst. City Administrator	Dave McCorquodale	Date: 05/27/2021
City Administrator	Richard Tramm	Date: 05/27/2021