



# 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): H-E-B, LP  
Address: 646 S Flores St, San Antonio TX Zip Code: 78204  
Email Address: wilson.brad@heb.com Phone: 210-912-5816  
Applicants: Westwood Professional Services  
Address: 2901 Dallas Parkway, Suite 400, Plano TX 75093  
Email Address: hector.leon@westwoodps.com Phone: 972-265-4862

## Parcel Information

Property Identification Number (MCAD R#): 0008-00-01202  
Legal Description: J. Corner Survey, Abstract No. A-6  
Street Address or Location: Property located at the southeast corner of FM 2854 Rd and HWY 105 W.  
Acreage: approx 18.2 AC Present Zoning: Commercial Present Land Use: Undeveloped

## Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: \_\_\_\_\_ Section(s): \_\_\_\_\_

Ordinance wording as stated in Section ( ): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Variance request if for the following items:

- No utility 16' utility easement and 0' landscape setback along the HWY 105 frontage.
- 20' landscape setback required along back property line.
- Retaining Wall and utilities are allowed within landscape setback.
- No trees will be installed within 150' of the grocer's front doors.

Signature: BS Date: 03/24/25

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### \*Additional Information\*

- ☐ Cover letter on company letterhead stating what is being asked. ☐

- [ ] 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

## **\*Public Hearings\***

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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: **2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month at 6:00 p.m.**

## **\*Finding of Undue Hardship\***

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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\***

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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.