



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): Milestone 105 Investments LTD, a Texas limited partnership.

Address: 9800 Richmond Ave., Suite 490, Houston, TX Zip Code: 77042

Email Address: Jordan.Corbitt@kimley-horn.com Phone: (770) 545-6103
The Home Depot U.S.A., Inc.

Applicants: Kimley-Horn as project representative for both Owner and Home Depot

Address: 11720 Amber Park Dr, Suite 600, Alpharetta, GA, 30009

Email Address: Jordan.Corbitt@Kimley-Horn.com Phone: (770) 545-6103

Parcel Information

Property Identification Number (MCAD R#): 3014-02-00500

Legal Description: provided to city via land survey

Street Address or Location: NEQ Hwy 105 and Buffalo Springs Drive

Acreage: 11.81 Present Zoning: B - Commercial Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: Article IV Section(s): 98-286

Ordinance wording as stated in Section (98-286):

Commercial District (B). Each lot plan for professional or commercial use (B) shall have off-street parking at a ratio of not less then 0.75 square feet of parking space for each one square foot of gross building area.

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

Per Section 98-286 & 98-289, the prototypical Home Depot store is required to provide a minimum of 605 parking stalls with 9'x18' dimensions. The Home Depot requires 9'x19' parking stalls and a minimum 25' drive aisle to ensure safety and provide a better customer experience. Using 9'x19' stalls, and due to topography constraints, Home Depot's site can only accommodate 442 stalls, 43 of which will be needed by Home Depot for storage/display of their typical outdoor uses such as rental trucks, trailers, equipment, and other display items. Total parking available to customers will be 399 stalls. The intent of this variance request is to allow Home Depot to operate beneath code parking requirements by 206 stalls.

Signatures

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

Signature: Jordan Carlett Date: 05/12/2023

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.

<p>Date Received <i>Office Use</i></p>	
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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.