

Development Standards Committee
July 7, 2010 at 5:30PM
The Woodlands Township Service Center
2201 Lake Woodlands Drive
The Woodlands, Texas 77380
Minutes

Members present: Mike Bass, Ken Anderson, Robert Heineman, Chris Florack, Ken Parker, and Deborah Sargeant

Staff Present: Amanda Cambron, Chris Feist, Hennie van Rensburg, and Vicki McGuire

Others in Attendance: As reflected by the attached Sign-in Sheet for July 7, 2010.

I. Welcome/Call Meeting to Order

The meeting was called to order in regular session, open to the public by Chair, Deborah Sargeant at 5:40 p.m. Ms. Sargeant welcomed Mike Bass as a new committee member.

II. Consideration and Action of election of Development Standards Committee Chair and Vice Chair
It was moved by Chris Florack and seconded by Ken Parker to elect Deborah Sargeant Chair and Robert Heineman Vice Chair. The motion carried unanimously.

III. Approve Minutes of Meeting of June 2, 2010

It was moved by Ken Parker and seconded by Chris Florack to approve the minutes of the regular meeting of June 2, 2010. The motion carried with Mike Bass abstaining from the vote.

IV. Consideration and Action of the Summary List

Committee Chair, Deborah Sargeant presented the Summary List as presented by Staff Recommendation. The list consisted of items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 28. Items 1, 2, 6, 7, 8, 9, 10, 11, 12, 13 and 21 were removed from the summary list. It was moved by Ken Anderson and seconded by Chris Florack to approve the Summary List as presented by staff, with the exceptions of items 1, 2, 6, 7, 8, 9, 10, 11, 12, 13 and 21.

V. Review and Disposition of Residential Applications

1. Variance request for a proposed Storage Building which would encroach into the 5' side yard and 10' rear yard easements of the lot and will exceed the maximum height allowed for buildings that do not match the dwelling.

Kornelia Sweetman

224 S Pathfinders Circle

Lot 51, Block 07, Section 01, Village of Cochran's Crossing

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation noting the proposed location of the Storage Building, view of the affected neighbors and potential alternate locations. The homeowner was present for the item and stated that the location was chosen due to the grade of the lot and the presence of standing water in other locations. The committee discussed concerns of the impact to the adjoining properties, the alternative locations with screening to soften the view. It was then moved by Mike Bass and seconded by Chris Florack to deny the variance and consent to delay enforcement based upon the execution of a memorandum of agreement which requires the owner to remove the storage

building from the lot, when the owner no longer owns the home, transfers title, or is no longer the primary resident, or when the structure is in disrepair and in need of repair and replacement. Additionally the storage building must not encroach into the 5' side yard easement and no more than 5' into the 10' rear yard easement. The home owner must plant and maintain evergreen shrubs between the fence and the adjacent property at the rear to soften the view of the shed. The Owner must ensure that the placement of the improvement and landscaping does not halt or materially impede drainage flowing off of a neighboring tract, and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s). Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

2. Variance request for a proposed pond which would exceed the maximum percent coverage of water surface allowed.

Ryan and Nancy Martin

7 Meadow Cove Drive

Lot 06, Block 03, Section 24, Village of Panther Creek

This item was heard by the full committee. The owner was present to address the committee. He noted that the pond was designed to create a balanced backyard ecosystem. It was noted that the pond met all Standard criteria except for the water surface percentage would be exceeded by 1% due to the addition of the recently approved pool. It was then moved by Ken Parker and seconded by Chris Florack to approve as presented. The Owner must ensure that the placement of the improvement and landscaping does not halt or materially impede drainage flowing off of a neighboring tract, and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s). The motion carried unanimously.

3. Variance request for an existing fence which is not set back 5' from the front façade of the home.

Jeff and Lonna Beers

3 Swan Song Place

Lot 19, Block 02, Section 11, Village of Cochran's Crossing

This item was heard under the summary list as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve the existing fence on the condition that the homeowner ensures that fence construction meets code and passes final inspection. The motion carried unanimously.

4. Variance request for an existing flagstone paving located within the five foot side yard easement.

Cynthia Miksch

15 South White Pebble Court

Lot 20, Block 04, Section 38, Village of Grogan's Mill

This item was heard under the Summary List as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as presented. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

5. Variance request for existing driveway widening (pavers) which is located within the 5' side yard easement, causes the driveway to exceed the maximum width allowed, and is composed of flagstone which is not an approved hard surface for parking.
Danie van Loggerenberg
18 Pebble Hollow Court
Lot 60, Block 02, Section 32, Village of Panther Creek
This item was heard under the Summary List as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve on the condition that vegetation is planted and maintained at the front of the extended paved area to soften and screen the view of the paving from the street. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

6. Variance request for an existing arbor that was determined to be not architecturally compatible with the dwelling and the neighborhood when viewed from the street.
Danie van Loggerenberg
18 Pebble Hollow Court
Lot 60, Block 02, Section 32, Village of Panther Creek
This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation and noted that the owner had removed the shade cloth covering from the arbor. It was moved by Mike Bass and seconded by Chris Florack to approve on the condition that the arbor is not covered and that evergreen vegetation is planted and maintained on the arbor to soften and screen the view of the arbor from the street. The motion carried unanimously.

7. Variance request for an existing trash can screen that was determined to be not architecturally compatible with the dwelling and the neighborhood when viewed from the street.
Danie van Loggerenberg
18 Pebble Hollow Court
Lot 60, Block 02, Section 32, Village of Panther Creek
This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation. It was moved by Mike Bass and seconded by Chris Florack to approve the trash can screen as presented. The motion carried unanimously.

8. Variance request for existing almond colored garage doors which do not match the siding or trim color of the dwelling.
Laura Camille Lovins Sumter
36 East Bigelow Oak Court
Lot 49, Block 01, Section 03, Village of Panther Creek
This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation. It was noted that the existing almond colored garage doors compliment the brick color of the home. It was moved by Robert Heineman and seconded by Chris Florack to approve as presented. The motion carried unanimously.

9. Variance request for an existing fence constructed of wire which is an unacceptable construction material as determined by the Standard.
Carmen Ovejas
40 Trummel Court

Lot 36, Block 01, Section 12, Village of Panther Creek

This item was heard by the full committee. The owner was not present to address the committee. The staff provided the committee with a PowerPoint presentation. The committee discussed acceptable fencing materials and noted that chain link, wire, or wire mesh is unacceptable. It was moved by Ken Parker and seconded by Chris Florack to deny the variance as proposed and require the owner to remove the wire fencing. Additionally, the owner must submit an application for a new fence to comply with the Standard prior to installation if they choose to maintain a fence. The motion carried unanimously.

10. Variance request for an existing fence constructed of wire which is an unacceptable construction material as determined by the Standard.

Angel Velez Caton

36 Trummel Court

Lot 37, Block 01, Section 12, Village of Panther Creek

This item was heard by the full committee. The owner was present and addressed the committee. They stated that they do live in the home most of the year and enjoy the property as a vacation home. The wire fencing was installed to secure the property as an inexpensive way to enjoy the view of the reserve. The staff provided the committee with a PowerPoint presentation. The committee discussed acceptable fencing materials and noted that chain link, wire, or wire mesh is unacceptable. It was moved by Ken Parker and seconded by Ken Anderson to deny the variance as proposed and require the owner to remove the wire fencing. Additionally, the owner must submit an application for a new fence to comply with the Standard prior to installation if they choose to maintain a fence. The motion carried unanimously.

11. Variance request for an existing tan roof that is not within the acceptable range of samples and is not in keeping with the Standard.

Vickie Coleman

5 Torch Pine Court

Lot 12, Block 02, Section 05, Village of Panther Creek

This item was heard by the full committee. The owner was not present to address the committee. The staff provided the committee with a PowerPoint presentation. The committee discussed their concerns that the existing color change that was approved by the Panther Creek Residential Design Review Committee was not compatible with the existing tan roof. It was moved by Chris Florack and seconded by Mike Bass to approve the roof color on the condition that trim on the home is repainted a color that is compatible with the siding and roof. Additionally, the owner must submit an application for the new color to be reviewed by the Development Standards Committee prior to repainting. The motion carried unanimously.

12. Variance request for existing paver driveway widening which causes the driveway to exceed the maximum width allowed, is not an approved hard surface for parking, and is located within the five foot side yard easement.

Andy and Jeannie Drake

45 Pebble Hollow Court

Lot 73, Block 02, Section 32, Village of Panther Creek

This item was heard by the full committee. The owner was not present to address the committee. The staff provided the committee with a PowerPoint presentation. It was moved by Mike Bass and seconded by Chris Florack to approve as presented. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain

approval by those entities and may be subject to removal. The motion carried with Ken Parker voting in opposition.

13. Variance request for existing paver driveway widening which causes the driveway to exceed the maximum width allowed, is not an approved hard surface for parking, and is located within the five foot side yard easement.

Peter Anderson

42 Pebble Hollow Court

Lot 66, Block 02, Section 32, Village of Panther Creek

This item was heard by the full committee. The owner was not present to address the committee. The staff provided the committee with a PowerPoint presentation. It was moved by Mike Bass and seconded by Chris Florack to approve as presented. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried with Ken Parker voting in opposition.

14. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.

Rudy Jimenez

31 East Bigelow Oak Court

Lot 46, Block 01, Section 03, Village of Panther Creek

This item was heard under the Summary List as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve pursuit of legal action by authorizing TWT attorneys and staff to send letters to the owner notifying them of the actions of the Development Standards Committee; the requirements to cure the violations and to establish a reasonable time frame for resolution. The letter will include notice that failure to correct these violations will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion carried unanimously.

15. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the lot.

Gerald F. Locke

1 Ground Brier Court

Lot 13, Block 05, Section 01, Village of Panther Creek

This item was heard under the Summary List as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve pursuit of legal action by authorizing TWT attorneys and staff to send letters to the owner notifying them of the actions of the Development Standards Committee; the requirements to cure the violations and to establish a reasonable time frame for resolution. The letter will include notice that failure to correct these violations will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion carried unanimously.

16. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the lot.

Mohammed I Farooq

11 North Circlewood Glen

Lot 15, Block 01, Section 09, Village of Panther Creek

This item was heard under the Summary List as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve pursuit of legal action by authorizing TWT attorneys and staff to send letters to the owner notifying them of the actions of the Development Standards Committee; the requirements to cure the violations and to establish a reasonable time frame for resolution. The letter will include notice that failure to correct these violations will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion carried unanimously.

17. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the property.

Steven Russum

36 Otter Pond Place

Lot 37, Block 03, Section 01, Village of Cochran's Crossing

This item was heard under the Summary List as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve pursuit of legal action by authorizing TWT attorneys and staff to send letters to the owner notifying them of the actions of the Development Standards Committee; the requirements to cure the violations and to establish a reasonable time frame for resolution. The letter will include notice that failure to correct these violations will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion carried unanimously.

18. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.

Pamela Unger

89 East Timberspire Court

Lot 97, Block 2, Section 38, Village of Grogan's Mill

This item was heard under the Summary List as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve pursuit of legal action by authorizing TWT attorneys and staff to send letters to the owner notifying them of the actions of the Development Standards Committee; the requirements to cure the violations and to establish a reasonable time frame for resolution. The letter will include notice that failure to correct these violations will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion carried unanimously.

19. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.

David A. Thomas

140 Eagle Rock Circle

Lot 07, Block 01, Section 05, Village of Indian Springs

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation, describing the covenant violations on the home. The homeowner was present and addressed the committee. He stated that although he planned on repairing the driveway, due to financial hardships, he would need additional time to make the repairs. The committee discussed the condition of the driveway. It was then moved by Ken Anderson and seconded by Chris Florack to allow the home owner additional time to obtain estimates and a schedule of repairs to the driveway to be submitted at the August 4, 2010 meeting. The Committee did note that if the owner did not submit the schedule of repairs by the following meeting on August 4, 2010 the staff should place the item on the agenda to consider proceeding with legal action. The motion carried unanimously.

20. Consideration and Action to proceed with legal action regarding failure to comply with the Covenants and Standards for outstanding violations on the home.

Hilarie Kilpatrick

202 South Berryline Circle

Lot 13, Block 02, Section 36, Village of Panther Creek

This item was heard under the Summary List as presented by Staff. It was moved by Ken Anderson and seconded by Chris Florack to approve pursuit of legal action by authorizing TWT attorneys and staff to send letters to the owner notifying them of the actions of the Development Standards Committee; the requirements to cure the violations and to establish a reasonable time frame for resolution. The letter will include notice that failure to correct these violations will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion carried unanimously.

21. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.

Bradford Leigh

118 South Timber Top Drive

Lot 09, Block 01, Section 15, Village of Grogan's Mill

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation, describing the covenant violations on the home. The homeowner was present and addressed the committee. He stated that although he was unaware of some of the outstanding violations, he planned on making repairs to the home and deck and that the yard was being maintained. He also noted that he would need additional time to make the repairs. The committee discussed the condition of the home, deck and the presence of debris and the trash can stored in view. It was then moved by Mike Bass and seconded by Chris Florack to allow the home owner up to 90 days to 1) repair the deck, 2) power wash the home and remove the algae/mildew, 3) paint the garage door to an approvable color, and 4) remove all debris and store trash can out of view of street and surrounding properties. The Committee did note that if these

requirements were completed by the meeting of November 3, 2010 the staff should place the item on the agenda to consider proceeding with legal action. The motion carried unanimously.

22. Variance request for a proposed detached storage shed which would exceed the maximum height allowed for buildings constructed of materials that will not match the dwelling and will not be screened from adjacent public or private property by a 6' high solid fence
John and Anne-Marie Bebak
230 South Crimson Clover Circle
Lot 01, Block 02, Section 30, Village of Panther Creek
This item was heard by the full committee. The owner was not present to address the committee. The staff provided the committee with a PowerPoint presentation noting the proposed location of the storage building and the visibility from adjacent properties. The committee discussed alternate locations, concerns of the impact to the adjoining property and the need for additional screening. It was moved by Mike Bass and seconded by Chris Florack to approve on the condition that the storage building is moved to a location behind the garage and that sufficient evergreen vegetation is planted and maintained on the side and the rear to screen the storage building from view. The Owner must ensure that the placement of the improvement and landscaping does not halt or materially impede drainage flowing off of a neighboring tract, and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s). Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

23. Variance request for a proposed fence that would be constructed of a recycled composite material which is not considered to be acceptable for fencing and would not be set back 5' from the front façade of the home.
Brian and Mary McCarthy
62 Driftoak Circle
Lot 09, Block 02, Section 40, Village of Cochran's Crossing
This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation and a sample of the proposed recycled composite material. The homeowner and manufacturer's representative were present. The manufacturer's representative addressed the committee, distributed materials and answered questions on the material. The committee discussed the product colors available. It was then moved by Ken Anderson and seconded by Mike Bass to approve the fence in the "Weathered Pine grey" color sample submitted on the condition that the owner insures that the fence meets code and passes final inspection. The motion carried unanimously.

24. Variance request for a proposed second story room addition which would cause the lot to exceed the maximum living area allowed as determined by the Neighborhood Criteria and Initial Land Use Designation and may not be architecturally compatible with the residence and neighborhood.
Amanda Enriquez
2 East Racing Cloud Court
Lot 20, Block 01, Section 46, Village of Panther Creek
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the view of the location of the proposed second story room addition on the home. The homeowner was also in attendance. It was moved by Mike Bass and seconded by Chris Florack to allow the owner to pursue amendment to the Initial Land Use

Designation to include up to 4400 square feet of living area, upon successfully receiving notarized signatures from 2/3 of the owners of record of the numbered lots recorded under the same document and require the owner to submit final drawings in accordance with the Standards, for review and final approval. Final review of plans for approval may be by committee or staff. Additionally, the improvements must meet code and pass final inspection. The improvements must not halt or materially impede drainage flowing onto a neighboring tract and must not redirect the flow or significantly increase the amount of water flowing off of a neighboring tract. Enforcement is through the affected property owners. The motion carried unanimously.

25. Variance request for a proposed 6' brick fence which would be located beyond the 25' Platted Building Line.

Michael Maher

39 Fernglen Drive

Lot 01, Block 03, Section 40, Village of Grogan's Mill

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed fence location and noted that the building line was a 10' platted building line and not a 25' building line. The homeowner was present and addressed the committee. He stated that the proposed brick fence would match the brick on the home and that the location was selected due to the new pool and the desire to save trees. The committee discussed the location and the building line encroachment. It was moved by Robert Heineman and seconded by Mike Bass to approve on the fence on the condition that it is located 5-10 feet between the Building Line and the property line to avoid damaging the existing vegetation and the location is verified by staff. Additionally, a continuous landscaping bed must be installed and maintained along the exterior of the fence to soften and screen the fence from view of the street and the fence meets pool barrier code and passes final inspection. The motion carried unanimously.

26. Variance request for proposed driveway widening which would cause the driveway to exceed the maximum width allowed and would not be necessary to provide direct access to the garage.

Randal and Bobbie Schmelter

82 Crystal Lake Lane

Lot 11, Block 04, Section 05, Village of Grogan's Mill

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed driveway. The owner was not present. The committee discussed the proposed location and dimensions of the driveway. It was moved by Chris Florack and seconded by Deborah Sargeant to approve the driveway on the condition that the maximum driveway width is 19'4" at the garage entrance. The driveway must taper to 16' in width after one car length from the garage and can flare at the street to the existing width of 20'5". Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried with Ken Parker voting in opposition.

27. Variance request for a proposed room addition which would be located beyond the 30' rear building setback as determined by the Neighborhood Criteria for the lot.

Rami Shami

34 North Brokenfern Drive

Lot 09, Block 01, Section 40, Village of Grogan's Mill

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed room addition. The owner was not present. The committee

discussed concerns of the impact to the adjoining properties and the proposed location beyond the 30' rear building setback. It was moved by Ken Anderson and seconded by Chris Florack to deny the room addition as proposed. The motion carried unanimously.

28. Variance request for a proposed front yard concrete patio which would be located beyond the 20' Platted Building Line.
Stephen and Peggy Pierce
8 Sandlily Court
Lot 06, Block 01, Section 13 Village of Grogan's Mill
This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed front yard concrete patio which would replace an existing wood deck located beyond the 20' Platted Building Line. The owner was not present. It was moved by Mike Bass and seconded by Chris Florak to approve the patio on the condition that the patio does not encroach into the 10' easement and that the existing vegetation is maintained. Upon completion, additional trees and/or shrubs may be required to further screen the view of the patio from the street. Determination of this requirement will be made by the staff. The motion carried unanimously.

29. Variance request for existing driveway widening which causes the driveway to exceed the maximum width allowed and does not provide direct access to the garage.
Daniel Hlebowicz
31 Bitterwood Circle
Lot 08, Block 01, Section 20, Village of Panther Creek
This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the existing driveway. The owner was not present. A discussion followed on the width and location of the portion of the driveway in the street right of way. It was moved by Mike Bass and seconded by Chris Florak to approve the driveway on the condition that the portion that is constructed over the drainage culvert is removed and that the driveway tapers from the street back to the property line. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

30. Variance request for an existing trellis which may not be appropriate in scale to the architectural character of the dwelling and the neighborhood and may not be located to minimize impact on neighboring properties.
Leonard and Laurie Reinsmith
15 Treasure Cove Drive
Lot 38, Block 01, Section 24, Village of Panther Creek
This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the existing trellis. The owner and the affected neighbor were both present to address the committee. The home owner noted that the trellis has been lowered in height to 6'6" to comply with the committee decision of January 6, 2010. She stated that she feels that the trellis is compatible with the house and neighborhood and that the vegetation will grow on both sides of the trellis and will screen the trellis from the rear neighbor's view. Mrs. Lewis, rear property owner, then addressed the committee with her concerns. She feels that the trellis is obtrusive when viewed from their yard and the slanted trellis is unsightly. The committee reviewed the photos taken of the view of the trellis from the rear neighbors yard and discussed the construction of the trellis and the vegetation that has been planted. As a result it was then moved

by Chris Florack and seconded by Ken Parker to approve the trellis on the condition that staff determines that the trellis is level and that the existing jasmine is maintained, to cover both sides of the trellis, as proposed. In addition, a site inspection by the staff is to be made in six months to determine that the trellis remain levels and that the vegetation is maintained. The motion carried with Mike Bass voting in opposition.

31. Variance request for an existing front yard deck that is located beyond the owner's lot and extends into the common area.

Stephen and Jackie Robertson

38 Sawmill Grove Lane

Lot 38, Block 112, Section 41, Village of Grogan's Mill

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the existing front yard deck. The owner was not present. It was moved by Chris Florack and seconded by Ken Anderson to approve the deck on the condition that it is painted to match the siding and trim of the home to be consistent with other existing decks in the area. The motion carried unanimously.

32. Variance request for an existing paver walkway and retaining wall which are located within the street right-of-way and were constructed without prior approval from Montgomery County or the Development Standards Committee.

Les and Deb Seibert

35 Dunlin Meadow Drive

Lot 07, Block 02, Section 18, Village of Panther Creek

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the existing paver walkway and retaining wall which are located within the street right-of-way. The owner was not present. The committee discussed the requirements for improvements constructed in the Street right-of-way. It was moved by Mike Bass and seconded by Chris Florack to approve the retaining wall on the condition that the stacked paver stone on the right side are removed and to approve the walkway on the condition that it is redesigned to allow two rows of pavers installed on each side of the driveway with the long side of the paver parallel to the driveway. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

33. Consideration and action for time extension to comply with the actions of Development Standards Committee, regarding the conditions of approval for a driveway expansion and basketball goal.

Nancy Manning

46 Acorn Cluster Court

Lot 10, Block 02, Section 35, Village of Panther Creek

This item was heard by the full committee. The staff provided the committee with an update regarding the status of the property. The homeowner was not present for the item. It was moved by Deborah Sargeant and seconded by Mike Bass to allow the owner a 60 day time extension in order to come into compliance with the committee decision of May 5, 2010 at which time the driveway expansion and basketball goal were approved on the following conditions: 1) the owner must remove portions of the driveway nearest the fence line and install a planter bed no less than 18 inches in width that spans the entire length of the fence nearest the pool and adjacent to the driveway. 2) The owner must plant and maintain additional vegetation, as submitted in her proposal, behind the basketball and along the adjoining fence to soften and screen the view of the

basketball goal. 3) the owner must sign and execute a memorandum of agreement demonstrating that basketball in the current location is a violation of the Standards and the committee will consent to delay enforcement of the relocation or removal of the goal, based upon the execution of a memorandum of agreement which requires the owner to remove the goal from the lot or relocate the goal in accordance with the Standards, when the owner no longer owns the home, transfers title, or is no longer the primary resident, whichever comes first. All conditions of approval were granted 60 days to come into compliance prior to pursuing legal action. The motion carried unanimously. Ken Parker abstained from the vote.

34. Consideration and action to proceed with legal action, regarding failure to comply with the actions of Development Standards Committee, regarding the conditions of approval for a driveway expansion and basketball goal.

Nancy Manning

46 Acorn Cluster Court

Lot 10, Block 02, Section 35, Village of Panther Creek

This item was heard by the full committee. It was moved by Deborah Sargeant and seconded by Mike Bass to table the item for review in 60 days. The motion carried unanimously.

35. Variance request for a proposed Garage/ Workshop Expansion which would be located beyond the 40' Rear Building Setback.

Robert and Pamela Heineman

55 Chancery Pines Place

Lot 03, Block 03, Section 46, Village of Cochran's Crossing

This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed Garage/ Workshop Expansion. The owner was present. The committee discussed the encroachment of the proposed Garage/ Workshop Expansion into the 40' Rear Building Setback and viewed photos of the dense vegetation which blocks the view of the addition from the adjacent neighbor's and the golf course. It was moved by Chris Florack and seconded by Mike Bass to approve the addition on the condition that the owner ensures that construction meets code and passes final inspection. The Owner must ensure that the placement of the improvement and landscaping does not halt or materially impede drainage flowing off of a neighboring tract, and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s). The motion carried unanimously. Robert Heineman abstained from the vote.

VI. Public Comments

John Naninga complimented the committee and thanked them for their time and commitment.

VII. Member Comments

There were none.

VIII. Staff Reports

There were none.

IX. Adjourn

There being no further business it was moved by Chris Florack and seconded by Deborah Sargeant to adjourn the meeting. The meeting was adjourned at 9:17 p.m.

****The Above Schedule Represents an Estimate of the Order for the Agenda Items Listed and is Subject To Change****