

**Development Standards Committee**

**August 18, 2010 at 5:30PM**

The Woodlands Township Service Center  
2201 Lake Woodlands Drive  
The Woodlands, Texas 77380

Members Present: Deborah Sargeant, Robert Heineman, Ken Anderson, Kim Hess, Mike Bass, Ken Parker and Chris Florack.

Members Absent: None

Staff Present: Neslihan Tesno and Jill Barnes

Others in Attendance: As reflected by the attached Sign-in Sheet for August 18, 2010.

**I. Welcome/Call Meeting to Order**

The meeting was called to order by Chairwoman Deborah Sargeant at 5:30 p.m.

**II. Consideration and Action of Approvable Roof Colors**

Staff presented roof samples for review. Committee members wanted to review samples outdoors with natural light. Samples were moved to outside front doors of building to review. Upon returning to meeting room, it was moved by Chris Florack and seconded by Michael Bass to accept the following roof color samples as approvable roof types:

GAF ELK: Golden Sunset, Shakewood;

GAF ELK - "COOL COLORS": Cool Weatherwood, Cool Barkwood;

OWENS CORNING: Teak, Desert Tan and Sand Dune;

CERTAINTEED SOLARIS: Aged Cedar, Sunset Shake, Crystal Gray, Dusky Clay.

The following roof color samples were not approved:

GAF ELK: Sienna Sunset; GAF ELK - "COOL COLORS": Cool Antique Slate; OWENS CORNING:

Autumn Brown Orange, Terra Cotta, Summer Harvest were not approved.

The motion carried unanimously.

**III. Approve Minutes of DSC Meeting on July 21, 2010.**

It was moved by Chris Florack and seconded by Ken Anderson to approve the minutes of the previous meeting as presented. The motion carried unanimously.

**IV. Consideration and Action of the Summary List**

Chairwoman Deborah Sargeant presented the Summary List as presented by Staff Recommendation. Item #4 was tabled. The list consisted of Residential Items 1,2,3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31. It was moved by Ken Anderson and seconded by Chris Florack to approve the Summary List as presented by staff. The motion carried unanimously.

**V. Review and Disposition of Residential Applications**

1. Variance request for a proposed fireplace structure does not respect the rear 25' building line.  
Lee and Wendy Fletcher  
70 North Veilwood Circle

Lot 18, Block 1, Section 65, Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve, meet code and standards. Maintain existing vegetation. The motion carried unanimously.

2. Variance request for a proposed driveway expansion which exceeds the width allowed.

Lawrence Parra

239 North Vershire Circle

Lot 9, Block 1, Section 91, Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve, reduce angle on left side to match angle of right side. The motion carried unanimously.

3. Variance request for a proposed walkway which exceeds the widths allowed.

Robert and Melinda Ylagen

2 Glade Bank Place

Lot 28, Block 3, Section 6, Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve that the expansion and the existing walkway match (both patterned or both concrete). The motion carried unanimously.

4. Variance request for a proposed shed which exceeds the maximum height allowed.

Zbigniew and Malgorzata Fedko

43 Delphinium Place

Lot 52, Block 2, Section 29, Village of Sterling Ridge

TABLED

5. Variance request for a proposed fence design with puppy bars which is not an approvable fence style.

Dennis Goldwood

76 West Sandalbranch Circle

Lot 15, Block 01, Section 18, Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted. The motion carried unanimously.

6. Variance request for a proposed fence will not comply with Neighborhood Criteria in regard to height, style and location.

Derek and Heather Webster

27 West Cottage Green Street

Lot 12, Block 3, Section 35, Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted. Meet Code. The motion carried unanimously.

7. Variance request for proposed room additions will exceed the maximum living area allowed.

David & Tamara Stansbury

31 East Hobbit Glen Drive

Lot 19, Block 02, Section 76, Village of Alden Bridge

8. Variance request for an existing wooden gardening bench/potting station which is located in the rear 10' easement.

David and Barbara Lockwood

58 North Belfair Place

Lot 53, Block 1, Section 53, Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the gardening bench and potting station from the property, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, or when the gardening bench and potting station is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land.

Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal.

Additionally owner is to address any drainage or pest issues. The motion carried unanimously.

9. Variance request for an existing trellis that is located in the side 5' easement.

Thomas and Sandra Dignes

27 Orchard Pines Place

Lot 18, Block 3, Section 56, Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted. Approval by this committee does not constitute approval by the additional easement holders or the county. The owner must obtain approval by those entities and may be subject to removal. The motion carried unanimously.

10. Variance request for an existing putting green that is located in the rear and side easement and has artificial turf.

Owen and Sheila Joyner

6 Lantana Trail

Lot 13, Block 1, Section 4, Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted. Approval by this committee does not constitute approval by the additional easement holders or the county. The owner must obtain approval by those entities and may be subject to removal. The motion carried unanimously.

11. Variance request for an existing storage shed which is located in the rear 10' easement and exceeds height allowed.

Robert Ritchie

11 Shady Pond Place

Lot 34, Block 2, Section 1, Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the shed from the property, when the owner no longer owns the home, transfers title or when the

owner is no longer the primary residence, or when the shed is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

12. Variance request for an existing walkway which is located in side 5' easement.

John and Christine Guidot

31 Pendleton Park Point

Lot 8, Block 1, Section 64, Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements and current conditions. The homeowner was present to address the committee. The adjacent neighbor was also present to address the committee about drainage concerns. It was moved by Chris Florack and seconded by Ken Parker to conditionally approve, install subsurface drain pipe from fence to street along the side of the walkway with drains and install gutters from rear of house to front. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

13. Variance request for an existing play structure which extends into the rear 10' easement.

James Bonham

2 East Scribewood Circle

Lot 1, Block 3, Section 40, Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the play structure from the property, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, or when the play structure is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

14. Variance request for an existing play structure and deck are located in the 10' rear yard easement.

Yvette Bass

18 Larksberry Place

Lot 54, Block 2, Section 1, Village of Alden Bridge

These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to disapprove the play structure and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the play structure from the property, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, or when the play structure is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. Additionally, It was moved by Ken Anderson

and seconded by Chris Florack to approve the deck as submitted - Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

15. Variance request for an existing deck and walkway which encroach upon the 10' rear yard and 5' side yard easements

Patrick & Amy Laughrey

227 South Maple Glade Circle

Lot 13, Block 01, Section 38, Village of Alden Bridge

These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted - Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

16. Variance request for existing paving which extends into the rear 10' easement.

Susan Durgapersad and Simeon Gokool

127 West Crystal Canyon Court

Lot 65, Block 01, Section 01, Village of Creekside Park

These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve – Plant and maintain evergreen vegetation (at least 5' tall at planting) alongside of paving once fence has been moved when adjacent house has been completed. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

17. Variance request for an existing driveway extension/walkway that encroaches into the side 5 ft utility easement and exceeds the maximum width allowed.

David and Jennifer Balusek

14 Mohawk Path Place

Lot 93, Block 1, Section 6, Village of Creekside Park

These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

18. Variance request for proposed swimming pool will exceed the maximum allowed Hard Surface Area.

Ryan and Traci Sims

10 Split Rail Place

Lot 26, Block 1, Section 24, Village of Indian Springs

These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve, meet code, standard conditions, Plant and maintain 3 - 30 gallon native trees. Palm trees are not considered native and will not be counted toward required 3 trees. Waterfall and decking are not to encroach into side or rear easements. The motion carried unanimously.

19. Variance request for an existing gazebo that is partially located in the rear 10' easement and does not respect the rear 30' building line.

Keith and Laura Millheim

62 Thistle Wind Court

Lot 6, Block 2, Section 15, Village of Indian Springs

These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the gazebo from the property, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, or when the gazebo is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. Additionally the owner must meet code and plant and maintain evergreen vegetation to screen view of gazebo from street. Maintain existing vegetation to rear and side. The motion carried unanimously.

20. Variance request for an existing play structure and deck are located in the 10' rear yard easement.

Cameron and Sherena Welch

22 Pintuck Place

Lot 55, Block 1, Section 12, Village of Creekside Park

These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the play structure from the property, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, or when the play structure is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

21. Variance request for an existing shed are located in the 10' rear yard easement.

Cameron and Sherena Welch

22 Pintuck Place

Lot 55, Block 01, Section 12, Village of Creekside Park

These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the shed from the property, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, or when the shed is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. Additionally owner must plant and maintain evergreen vegetation at least 6' in height at time of planting to screen shed from view of front street. The motion carried unanimously.

22. Variance request for an existing fountain which extends into the rear 10' easement.  
Joshua and Cherie Blunt  
7 Wenoah Place  
Lot 39, Block 1, Section 04, Village of Creekside Park  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted, meet code. The motion carried unanimously.
23. Variance request for an existing patio which extends into the rear 10' easement.  
Giorgi and Ann Lemis  
26 Kayak Ridge Drive  
Lot 22, Block 1, Section 1, Village of Creekside Park  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.
24. Variance request for an existing summer kitchen which extends into the rear 10' easement.  
Giorgi and Ann Lemis  
26 Kayak Ridge Drive  
Lot 22, Block 1, Section 1, Village of Creekside Park  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve. Meet code. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.
25. Variance request for an existing pergola which extends into the rear 10' easement.  
Giorgi and Ann Lemis  
26 Kayak Ridge Drive  
Lot 22, Block 1, Section 1, Village of Creekside Park  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve as submitted. Meet Code. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.
26. Variance request for an existing garage conversion which does not have sealed plans as required.  
Teresa Martelon  
63 South Taylor Point Drive  
Lot 33, Block 3, Section 13, Village of Alden Bridge  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve, meet code. No sealed plans required. The motion carried unanimously.

27. Variance request for an existing storage shed is over 7 feet tall with materials (plastic) that do not match the dwelling and is not screened by a solid wood fence.  
Michael and Christeal Selles  
6 Pleasant Point Place  
Lot 51, Block 1, Section 8, Village of Creekside Park  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve, plant and maintain native evergreen vegetation. Vegetation must be at least 6 feet tall at time of planting. Two tiers of vegetation may be required consisting of shrubs and trees. Staff is to approve screening upon completion. The motion carried unanimously.
28. Variance request for a tree removal which does not meet the standards for approvable removal.  
Michael Ademek  
21 Wishbonebush Road  
Lot 13, Block 2, Section 20, Village of Grogan's Mill  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve plant and maintain 1-30 gallon native tree. The motion carried unanimously.
29. Request for approval for existing room addition.  
Donna Grundy  
102 Thistle Brook Place  
Lot 40, Block 1, Section 13, Village of Alden Bridge  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve, meet code. The motion carried unanimously.
30. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.  
Jay T. Frank  
23 Merit Woods Place  
Lot 4, Block 3, Section 8, Village of Alden Bridge  
These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions; what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these violations (by submitting application for roof change) 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.
31. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.  
Scott A. Wybro  
10 Sentinel Place  
Lot 12, Block 2, Section 4, Village of Alden Bridge



These items were reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Chris Florack to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions; what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these violations (by submitting application for play structure and removing striped tarp for solid color muted shade) 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.

32. Variance request for trellises which were conditionally approved by RDRC with 6' height, requested height is 8'.

Tierce Green

14 South Concord Valley Place

Lot 14, Block 1, Section 25 Village Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner was not present to address the committee. It was moved by Chris Florack and seconded by Ken Anderson to conditionally approve; plant and maintain evergreen vegetation to grow on trellis, maintain in good repair and screen with evergreen vegetation from street. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. Michael Bass and Ken Parker abstained. The motion carried.

33. Variance request for an existing swimming lesson business in the home.

Scott Milward

22 Mirror Ridge Drive

Lot 21, Block 1, Section 18, Village of Indian Springs

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the request. The homeowner was present to address the committee. The homeowner stated that this was not a business since he was not profiting however the instructor charged for the lessons. The instructor is certified to teach infants how to float in water in an emergency. The lessons would only be for 6 weeks twice a year. Discussion followed concerning the amount of traffic due to the lessons – 10 to 20 vehicles within 3 hour period. It was moved by Michael Bass and seconded by Chris Florack to disapprove. The motion carried unanimously.

34. Variance request for a proposed pool and decking which exceeds the maximum allowed hard surface area and the maximum allowed water area.

Jose Fuentes, Jr.

75 East Whistlers Bend Circle

Lot 17, Block 2, Section 81, Village of Alden Bridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowners were present to address the committee. It was moved by Chris Florack and seconded by Ken Anderson to conditionally approve, with the following conditions: reduce width of pool 2', reduce HSA by 1%,

resubmit plans, meet code, and standard conditions, plant and maintain 6 30 gallon native trees. Pool equipment light needs to be below fence line and shielded down. The motion carried unanimously.

35. Variance request for a proposed cabana, summer kitchen and fireplace which will extend beyond the 25 foot rear yard building setback.

Mark and Kathy Robinson

31 Orchard Pines Place

Lot 19, Block 3, Section 56, Village of Alden Bridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was not present to address the committee. It was moved by Robert Heineman and seconded by Ken Parker to conditionally approve as submitted the cabana, fireplace and summer kitchen with the following conditions: Replant 8x30 gal native trees (total), palm trees not included in tree count. Trees to be planted behind and on side of cabana, fireplace, summer kitchen and arbor to lesson impact to neighbors; meet code and standards conditions apply. Additionally the pool was conditionally approved with conditions to plant and maintain 4 30 gallon native trees, meet code, standard conditions, maintain existing vegetation to screen pool equipment from street and adjacent properties. The arbor was approved as submitted. The motion carried unanimously.

36. Variance request for existing retaining walls that are not setback 18" from the pavement and are taller than 8" in the street right of way.

Guy and Michelle Giadina

22 Dovewing Place

Lot 20, Block 1, Section 6, Village of Alden Bridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. It was moved by Chris Florack and seconded by Michael Bass to conditionally approve, move retaining wall back 18" from curb, reduce height to no more than 12" in height. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. Members Ken Parker and Ken Anderson voted in opposition. The motion carried.

37. Variance request for a proposed patio cover and fireplace that encroach past the rear 25' building line.

Michael Bradley

6 English Heather Place

Lot 62, Block 1, Section 3, Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner was present to address the committee. It was moved by Michael Bass and seconded by Chris Florack to conditionally approve with following conditions: reduce chimney height to no more than the plate height of patio cover, meet code, standard conditions, plant and maintain heavy vegetation (6'-8' in height) as screening to rear. Staff to approve upon completion. No decking or paving to encroach easements. The motion carried unanimously.

38. Variance request for a proposed patio cover/cabana does not have an approvable roof type and will exceed the maximum living area allowed.

Daniel and Pauline Roeske  
66 North Spring Trellis Circle

Lot 5, Block 1, Section 20, Village of Indian Springs

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner was not present to address the committee. It was moved by Chris Florack and seconded by Ken Anderson to disapprove the proposed improvements. The motion carried unanimously.

39. Variance request for driveway lighting which do not shield visibility and are not directed upward or downward.

Steen Christensen

26 Renoir Trail Place

Lot 43, Block 1, Section 21 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was present to address the committee. The owner explained that since his garage is set back from street it is very dark in that area. It was moved by Robert Heineman and seconded by Michael Bass to approve as submitted. The motion carried unanimously.

40. Variance request for an existing fence which is not setback 5' from the front façade of the home.

Charles & Leila Sewell

55 North York Gate Court

Lot 15, Block 2, Section 19 Village of Alden Bridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was not present to address the committee. It was moved by Michael Bass and seconded by Robert Heineman to disapprove the fence that was not set back 5' from front façade of dwelling. Ken Parker abstained. The motion carried.

41. Variance request for an existing interior wooden fence was constructed inside the wrought iron fencing and is visible to the street which is not an approvable fence type in the Village of Creekside Park.

Eduardo Munoz

55 North Rocky Point Circle

Lot 24, Block 2, Section 5, Village of Creekside Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was not present to address committee. It was moved by Ken Parker and seconded by Chris Florack to conditionally approve, maintain existing vegetation to screen wood fencing. The motion carried unanimously.

42. Variance request for a patio cover is not an approvable color.

Eduardo Munoz

55 North Rocky Point Circle

Lot 24, Block 2, Section 5, Village of Creekside Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvement. The building contractor was present to address the committee. It was moved by Ken Parker and seconded by Ken Anderson to

disapprove the dark color and to paint outside of patio cover to match trim of dwelling, columns can be natural wood. The motion carried unanimously.

43. Variance request for an existing storage shed encroaches into the 10 ft rear utility easement and the 5 ft side utility easement; and exceeds the maximum allowed height.

David Lobos

262 Tortoise Creek Place

Lot 73, Block 1, Section 8, Village of Creekside Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. It was moved by Chris Florack and seconded by Robert Heineman to conditionally approve, move shed out of side 5' easement, replace the cinder blocks with flat cement pads (2"). Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. Michael Bass voted in opposition. The motion carried.

#### **VI. Public Comments**

John Nanninga mentioned he had several comments:

- 1) He was concerned about the wattage of the lights of the driveway lights at 26 Renoir Trail being too bright,
- 2) When reading out the addresses he thought the chair failed to also read out the agenda item number as she had mentioned she would.
- 3) He stated that there might be a liability in regard to the retaining wall's proximity to the street at 22 Dovewing,
- 4) He felt the committee should ask residents what they wanted to do instead of trying to engineer a solution for them,
- 5) He believed it could have been a violation of the Open Meetings Act when the committee stepped outside to review roof samples without inviting public,
- 6) He asked the committee if they had taken the state sponsored Open Records Act Course/ now known as the Public Information Act.

#### **VII. Member Comments**

Chris Florack mentioned that representatives of Panther Creek Village Association were concerned about proposed rules regarding generators. Deborah Sargeant mentioned she had spoke to Peggy Haussmann and clarified the generator regulations. Deborah will be attending next Panther Creek meeting to discuss issue with residents.

#### **VIII. Staff Reports**

There were no staff reports.

#### **IX. Adjourn**

There being no further business it was moved by Kim Hess and seconded by Chris Florack to adjourn the meeting at 7:45 p.m. The motion carried unanimously.

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