

Development Standards Committee Meeting
April 6, 2011 at 5:30PM
The Woodlands Township Service Center
2201 Lake Woodlands Drive
The Woodlands, Texas 77380
Minutes

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

Staff Present: Chris Feist, Pam Forde and Kim McKenna

I. Welcome/Call Meeting to Order

The meeting was called to order in regular session, open to the public by Chairwoman, Deborah Sargeant at 5:33 p.m.

II. Approve Minutes of Meeting of March 2, 2011

It was moved by Ken Parker and seconded by Chris Florack to approve the minutes of the regular meeting of March 2, 2011 as presented. Deborah Sargeant abstained from the vote. The motion carried.

III. Consideration and Action of the Summary List

Chairwoman Deborah Sargeant presented the Summary List as presented by Staff Recommendation. The list consisted of residential items 3, 4, 5, 11, 13, 14, 19, 20, 21, 22, 23, 24 and 25. It was moved by Ken Parker and seconded by Ken Anderson to approve the Summary List as presented by staff, which included the removal of item 18 from the summary. The motion carried unanimously.

IV. Review and Disposition of Commercial Items

There were no commercial items to present.

V. Review and Disposition of Residential Applications

1. Variance request for a revised proposed conceptual room addition which will exceed the maximum living area allowed.

Bharat Latthe

37 Leeward Cove Drive

Lot 02, Block 02, Section 24 Village of Panther Creek

This item was reviewed by the full committee. The owner and the adjoining neighbors were present to address the committee. The staff provided the committee with a PowerPoint presentation of the overall property showing the plans for the home and the proposed revised addition. The Committee asked questions regarding living area, placement of windows and use of each room. It was noted that the proposed improvement respects the setback and easements. However, the proposed conceptual room addition will exceed the maximum living area allowed by 100 square feet. The neighbors had no concerns with the proposed revisions. Ne owner requested he have an opportunity to review the final plans. It was then moved by Chris Florack and seconded by Robert Heineman to approve the conceptual room addition as proposed on the condition the owner must submit a final set of plans and applications consistent with the proposed conceptual plans. The committee granted the staff final review and approval without submitting to the committee, provided that the plans submitted represent the conceptual plans described. Additionally, the staff was instructed to allow the adjoining neighbors to review the final plans are submitted. The motion carried unanimously.

2. Variance request for a proposed boat dock, which is not one of the pre-approved dock designs; and will be located within the rear 10 foot rear utility easement and 20 foot lake maintenance easement.
Craig and Terry Mellington
6 East Racing Cloud Court
Lot 19, Block 01, Section 46 Village of Panther Creek
This item was heard by the full committee. The owner addressed the committee, noting he had no concerns with the attachment details provided and would use boat dock Standards Number 2, as it relates to attaching to the bulkhead. However, the design of the structure would vary. It was moved by Ken Anderson and seconded by Mike Bass to approval on the condition the owner obtains approval from the Lake Woodlands Property Owner's Association. The improvement must meet all other Standards. The motion carried unanimously.
3. Variance request for proposed pavers which would encroach into the five foot side yard easement.
Harold and Theresa Schambach
19 E Copper Sage Circle
Lot 05, Block 05, Section 12, Village of Cochran's Crossing
This item was heard under the summary list, as presented by Staff. It was noted that the item had been withdrawn from the agenda and the owner did not plan on proceeding with the proposed application. The motion carried unanimously.
4. Variance request to remove existing trees on the lot.
William Casey
11 Long Lake Place
Lot 27, Block 01, Section 24, Village of Cochran's Crossing
This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve as submitted. The motion carried unanimously.
5. Variance request to remove existing trees on the lot.
Melissa Chiang
26 Summer Port
Lot 11, Block 03, Section 42 Village of Panther Creek
This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the removal of the tree. The roots are growing on top of deck and lifting paving. The motion carried unanimously.
6. Variance request for a proposed detached building, which would exceed the maximum height allowed and would encroach into the five foot side and ten foot rear yard easements.
Ken and Karen Cole
156 W Amberglow Circle
Lot 01, Block 02, Section 26, Village of Cochran's Crossing
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the overall property showing the proposed detached building and the changes made from the previous proposal. It was then moved by Robert Heineman and seconded by Chris Florack to conditionally approve the detached building on the condition the owner plant and maintain vegetation on the interior of the fence. Additionally, the building must meet code and pass final inspection. Approval by this committee does not constitute approval by the additional easement holders and may be subject to removal by the additional easement holders. Mike Bass was opposed to the motion. The motion carried.
7. Variance request for a proposed wrought iron and brick column fence, which would be located beyond the 25 foot platted building line.

Vince Rossitto

6 Deerberry Court

Lot 15, Block 01, Section 16 Village of Grogan's Mill

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the overall property showing the proposed fence and homes and fences in the surrounding area. The owner was present to address the committee. He shared his concern regarding what has been allowed on other properties and what he should be allowed to have at his own home. The committee reviewed the Standards and the intent of the rules regarding proximity of fences to the street. It was then moved by Mike Bass and seconded by Ken Parker to deny the fence as proposed and require the owner comply with the Standard as it relates to the location of the front yard fencing. The motion carried unanimously.

8. Variance request for a proposed patio cover with fireplace and related summer kitchen, which would be located beyond the 40 foot rear building setback and the 15 foot side building setback.

James and Patricia McGrew

86 Northgate Drive

Lot 19, Block 06, Section 49 Village of Grogan's Mill

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the overall property showing the proposed improvements. The committee discussed impact to adjoining properties and possible revisions to the location and design of the structure to reduce the overall impact, since the item was proposed to encroach into the rear setback. It was then moved by Mike Bass and seconded by Chris Florack to approve the proposed summer kitchen and related improvements on the condition the owner modify the fireplace to a direct vent fireplace which does not require a chimney. Additionally the owner must remain ten feet away from the side property line. The cupola must be removed from the top of the structure and vegetation must be planted around the structure to soften and screen the view to adjacent properties. Additionally, the owner must meet code and pass final inspection. The owner must ensure that the placement of any improvement or 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 drainage from each lot should be directed to the street where possible. In instances where the rear area of a lot is lower than the elevation of the street, a lot-to-lot drainage solution may be needed. In these situations, a lot cannot block drainage from an adjacent lot that naturally flows across that lot on a path to a drainage swale, stream, or outlet. Enforcement of this requirement is by the affected property owner(s). The motion carried unanimously.

9. Variance request for an existing fence, which was constructed with the construction side facing outward and with a rot board taller than the maximum height allowed.

Robert Jaynes

150 West Woodstock Circle Drive

Lot 89, Block 01, Section 2 Village of Panther Creek

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the overall property showing the proposed improvements. The committee discussed impact to adjoining properties. The owner was present to address the committee. The staff informed the committee of the affected neighbor responses received. It was then moved by Mike Bass and seconded by Ken Anderson to deny the variance as proposed and require the owner modify the portion of fencing that adjoins the neighbor and correct it to smooth side facing outward, which complies with the Standard. The correction must be made within 6 months of the Committee action. Furthermore, the portion of fencing that faces outward to the open space, the committee had denied a variance but consented to delay enforcement to correct the fence based upon the execution of a memorandum of agreement, requiring the owner to correct the fence to comply with the Standards on or before the owner sells or transfers title to the home, is no longer the primary resident or when the

fence is in disrepair and requires replacement, whichever comes first. The memorandum of agreement will be recorded at the court house and binding on the land. Deborah Sargeant was opposed to the motion. The motion carried.

10. Variance request to appeal the Residential Design Review Committee's conditional approval, requiring the existing fence to meet the Residential Standards.

Leonard and Laurie Reinsmith

Daniel E. Lewis (affected neighbor)

15 Treasure Cove Drive

Lot 38, Block 01, Section 24 Village of Panther Creek

This item was heard by the full committee. The owner and affected neighbor were present to address the committee. The owner discussed her concerns with accessing the affected neighbor's property. The affected neighbor discussed their desire to have the fence corrected to be smooth side out to the rear. It was then moved by Ken Parker and seconded by Kim Hess to require the fence be corrected to comply with the Standards. The motion carried unanimously.

11. Variance request for an existing fence, which is not located at least 5 feet back from the front façade of the dwelling.

NPC Properties, LLC. Nancy P Combs

7 Gambrel Oak Place

Lot 32, Block 01, Section 14 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the existing fence on the condition the owner plants and maintains vegetation to soften the view of the fence from the street.

12. Variance request for an existing fence, which was built with the construction side facing outward from the lot and is not located at least 5 feet back from the front façade of the dwelling.

Randall Cochran

96 North Deerfoot Circle

Lot 27, Block 01, Section 28 Village of Grogan's Mill

This item was heard by the full committee. The committee reviewed the fence and the fencing located on the surrounding properties. It was then moved by Ken Parker and seconded by Robert Heineman to take no further action on the item. The fence will not be enforced as a violation of the Standard nor will it be acted on by The Development Standards Committee. The motion carried unanimously.

13. Variance request for the existing driveway, which exceeds the maximum width allowed.

Craig and Susan Daniell

2306 Chestnut Oak Place

Lot 14, Block 06, Section 03 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the existing driveway as presented. The motion carried unanimously.

14. Variance request for existing backyard paving, which encroaches the five foot left side easement.

Darren and Nickole Boble

16 Mayfair Grove Court

Lot 08, Block 02, Section 10 Village of Panther Creek

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the existing paving on the condition there are no neighbor concerns and the owner plant and maintain vegetation on each side of the concrete paving to soften the view. The motion carried unanimously.

15. Variance request for an existing play structure (rope swing), which is located in the front yard; is not screened and may cause an unreasonable impact to neighboring properties.
James and Erin MacDonald
255 S. Crimson Clover Court
Lot 30, Block 01, Section 30 Village of Panther Creek
This item was heard by the full committee. The owner was present to address the item. The staff provided the committee with a PowerPoint presentation of the property and the swing. The Committee asked question regarding use of the swing. The staff informed the committee of an affected neighbor letter which was received. It was then moved by Mike Bass and seconded by Ken Parker to take no action on the swing. The motion did not carry. It was then moved by Deborah Sargeant and seconded by Chris Florack to approve the swing on the condition the owner removes the swing when the swing is no longer being used, or when the owner no longer resides at the home. The memorandum will be recorded at the court house and binding on the land. Mike Bass and Ken Parker opposed the motion. The motion carried.
16. Variance request for an existing fence color.
Husein and Masuma Salehmohamed
99 N Summer Cloud Drive
Lot 06, Block 05, Section 28, Village of Cochran's Crossing
This item was heard by the full committee. The staff provided the committee with a PowerPoint presentation of the property. The owner also addressed the committee. The committee discussed options to include painting the adjoining fence, staining the fence a different color or adding vegetation to screen the view. It was then moved by Mike Bass and seconded by Chris Florack to deny the request for a variance and require the owner comply with The Standards. The motion carried unanimously.
17. Consideration and Action regarding siding that may or may not be in need of repainting/ or staining, due the Development Standards Committees' action on February 1, 2006, which allowed siding to remain without repainting or staining.
David McDow
23 E. White Willow Circle
Lot 21, Block 02, Section 3 Village of Panther Creek
This item was brought forward to the committee. The owner was present to address this item. He discussed the notices he received. The staff provided the committee with the previous actions of The Development Standards Committee. It was then moved by Mike Bass to take no action on the item. The motion failed for lack of a second. It was then moved by Ken Parker and seconded by Mike Bass to table the item until May 4, 2011 and allow the committee an opportunity to view the property. The motion carried unanimously.
18. Discussion regarding the status of the existing driveway and related improvements, which do not comply with the Standard.
Michael and Theresa Soliz
1903 Old Field Place
Lot 31, Block 03, Section 04 Village of Grogan's Mill
This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to allow the owner 30 days to correct the items or require the staff to pursue the items in violation of The Standards. 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.
Celso M Trujillo Jr.
7 Emery Cliff Place
Lot 15, Block 04, Section 06, Village of Cochran's Crossing
This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the 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 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.

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

Kimberly Bristow

1 River Birch Lane

Lot 28, Block 03, Section 28 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the 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 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.

Dante Coppola

6 Rain Walk Court

Lot 43, Block 06, Section 38, Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the 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 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.

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

Mattheus Kremer

83 South Longspur Drive

Lot 08, Block 01, Section 45 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to withdraw the item from the agenda. The items on the property have been resolved.

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

Natalia A Waight

99 North Deerfoot Circle

Lot 21, Block 02, Section 28, Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the pursuit of legal action, if the items have not been resolved by The Strong Firms original agreement of April 15th, 2011. Include 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 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.

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

Victoria Fisher Price

11606 Pinyon Place

Lot 20, Block 03, Section 04 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to approve the 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 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.

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

Jimmy D. Robbins

6 Meadow Star Court

Lot 46, Block 01, Section 15 Village of Panther Creek

This item was heard under the summary list, as presented by Staff. It was moved by Ken Parker and seconded by Ken Anderson to withdraw the item from the agenda. The items on the property have been resolved.

VI. Public Comments

Everett Ison addressed the committee to inform them of the status of the Hammond Property at 9 Indian Cedar Lane. Mr. Ison provided the committee with photos regarding the progress of the home and all outstanding items left to be corrected.

VII. Member Comments

There were no member comments.

VIII. Staff Reports

There were no staff reports.

IX. Adjourn

There being no further business it was moved by Mike Bass and seconded by Ken Anderson to adjourn the meeting at 8:15p.m.