

Development Standards Committee
August 3, 2011 at 5:30 p.m.
The Woodlands Township Service Center
2201 Lake Woodlands Drive
The Woodlands, Texas 77380
Minutes

Members present: Deborah Sargeant, Robert Heineman, Kim Hess, Herman Weindel and
Chris Florack,

Staff Present: Chris Feist and Kim McKenna

I. Welcome/Call Meeting to Order

The meeting was called to order in regular session, open to the public by Chairperson Deborah Sargeant at 5:35 p.m.

II. Approve Minutes of Meeting of July 6th, 2011

It was moved by Chris Florack and seconded by Kim Hess to approve the minutes of the regular meeting of July 6, 2011 as presented. The motion carried. Mike Bass and Herman Weindel abstained from the motion.

III. Consideration and Action of the Summary List

Chairwoman Deborah Sargeant presented the Summary List as presented by Staff Recommendation. The list consisted of commercial item A and residential items 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 16, 17, 22, 24 and 25. It was moved by Mike Bass and seconded by Chris Florack to approve the Summary List as presented by staff. The motion carried unanimously.

IV. Review and Disposition of Commercial Applications.

A. Request for Consideration and Action

Preliminary & Final Approvals

Dairy Queen

2300 Buckthorne Place – File #01-010-0006-0547-0700

Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to table this item. The motion carried unanimously.

V. Consideration and Action of the Summary List

VI. Review and Disposition of Residential Applications

1. Variance request for a proposed patio cover/pergola, which does not respect the thirty foot rear setback.

Jose Bernal & Avril Sanchez

171 West Black Knight Drive

Lot 31, Block 1, Section 84 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the location of the improvement, how it relates to adjoining properties and the Standards applied to the improvement. The contractor was present for the item and discussed the materials proposed for the improvement.

Additionally, the contractor asked the committee to review the Standards related to the setback requirements of patio covers versus arbors; and how the improvement could be considered as either. The affected neighbor was also present to address the committee.

She shared her concerns regarding visibility, adherence to standards and impact. It was then moved by Deborah Sargeant and seconded by Chris Florack to approve the proposed patio cover/pergola on the condition the owner reduce the overall improvement to

fourteen feet, in order to respect a setback of 25 feet from the rear. The motion carried unanimously.

2. Consideration and Action for a proposed home business.

Joseph Di Francesco

70 N Floral Leaf Circle

Lot 47, Block 01, Section 28, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the home business. The home business approval will be for two years; and is subject to revocation by the committee at any time. Additionally, a home business is subject to revocation if a violation of the Standards or condition of approval occurs. The home owner must resubmit an application to continue the use of the home business, if the business still exists after August of 2013. The motion carried unanimously.

3. Variance request for a proposed six foot wrought iron fence, which would be located less than five feet back from the property line; and located beyond the twenty five foot Building Line.

Henry and Louise Bethea

92 Hollymead Drive

Lot 19, Block 04, Section 09, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the fence on the condition the owner must maintain vegetation in front of the fence to soften and screen the view to the street and obtain a K.N.O.X. box for emergency vehicle access. Approval by this committee does not constitute approval by the additional easement holders or the county. It is the owner's responsibility to obtain approval from the county or the easement holders and may be subject to removal. The motion carried unanimously.

4. Variance request for a proposed room addition, which would exceed the maximum square footage of Living Area allowed as established by the Neighborhood Criteria for the lot.

David and Kathleen Curtin

85 Speckled Egg Place

Lot 75, Block 01, Section 37, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the room addition on the condition the owner must meet code and pass final inspection. Additionally, the improvement must not affect drainage as defined in the Residential Development Standards. The motion carried unanimously.

5. Variance request for the proposed concrete driveway widening, which would exceed the maximum width allowed.

James Huckabay

42 Bristol Gate Place

Lot 12, Block 02, Section 69 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the driveway widening on the condition the owner must modify the portion of paving that joins the walkway to the front door. The tree nearest the walkway must remain and is not approved for removal. Approval by this committee does not constitute approval by the additional easement holders or the county. It is the owner's responsibility to obtain approval from the county or the easement holders and may be subject to removal. Additionally, the improvement must not affect drainage as defined in the Residential Development Standards. The motion carried unanimously.

6. Variance request for a proposed water well, which will be used for the purposes of irrigation.

Glenn Lively

78 South Tranquil Path

Lot 05, Block 02, Section 61 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the issuing of a permit by the Development Standards Committee for the operation of a proposed subsurface water well, conditioned upon: (1) the permit containing an indemnity provision agreed to by the Owner indemnifying the DSC, the Woodlands Township and all related parties from and against any third party claims in any manner associated with the construction, operation, use or maintenance of the water well and (2) the submission by the property owner and the approval thereof of a fully executed written agreement and/or permit with any and all third parties claiming an interest in or authority to regulate the construction, operation, use or maintenance of sub-surface well and/or the water extracted there from. Furthermore, the approval hereof shall not be deemed approval by any other entity or person having rights to approve or regulate the construction, operation, use or maintenance of the water well. The motion carried unanimously.

7. Variance request for a proposed patio, which would encroach into the ten foot rear and five foot side yard easements.

Jim and Carolyn Ritchie

82 N Concord Forest Circle

Lot 44, Block 02, Section 41, Village of Cochran's Crossing

This item was reviewed by the full committee. The contractor was present to address the committee. The staff provided a PowerPoint presentation noting the proposed location of the improvement. The committee discussed the location and questioned what the hardship was. It was then moved by Chris Florack and seconded by Robert Heineman to deny the patio as proposed and require the owner redesign a submission that allows for placement that respects the easements; and consider planting additional vegetation as needed to acquire shaded areas. The motion carried unanimously.

8. Variance request for proposed walkways, which would be located within the street right-of-way.

Franklin Rhoad

201 W Shadow Point Circle

Lot 02, Block 04, Section 08, Village of Cochran's Crossing

This item was reviewed by the full committee. The home owner was present to address the committee. It was moved by Mike Bass and seconded by Chris Florack to approve the walkways on the condition the owner plant and maintain landscape beds at each side of the walkway to soften and screen the view of the walkway from the street.

Additionally, the owner must contact the staff and confirm a specified material. The motion carried unanimously.

9. Request for a Rehearing regarding the original committee's action to screen the power generator with a solid brick wall.

Robert Kopal

10 Shoreline Point Drive

Lot 11, Block 01, Section 26 Village of Panther Creek

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the generator without the wall on the condition the owner maintain the all ready existing vegetation at the front and rear of the unit, to screen the view from the adjacent property and the street. The generator must meet code and pass final inspection. The motion carried unanimously.

10. Variance request for the existing fence panel located beyond the five foot front façade of the dwelling.

Panayota Churchwell

2907 Laurel Cherry Way

Lot 18, Block 07, Section 06 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the existing fence as presented. The fence must remain

double sided; and the construction side must not be visible from the street. The motion carried unanimously.

11. Variance request for the existing room addition, which is located within the ten foot rear easement.

Greg Wiggins
14 Bellbird Court

Lot 12, Block 06, Section 25 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the room addition as presented on the condition the owner must meet code and pass final inspection. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval from the easement holders and may be subject to removal. Additionally, the improvement must not affect drainage as defined in the Residential Development Standards. The motion carried unanimously.

12. Variance request for the existing paving extension on each side of the driveway, which causes the driveway to exceed the maximum allowed width,

Dorothy Fields
64 Breezy Point Place

Lot 09, Block 14, Section 01 Village of Indian Springs

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the paving extension as presented. The motion carried unanimously.

13. Variance request for an existing color change, which was modified from the original proposal when the addition was proposed.

Frank Serna
2 Crownberry Court

Lot 08, Block 01, Section 39 Village of Panther Creek

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the color change as presented. The motion carried unanimously.

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

William Stanley
75 N. Misty Morning Trace

Lot 11, Block 01, Section 31 Village of Panther Creek

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the existing paving as presented. Approval by this committee does not constitute approval by the additional easement holders or the county. It is the owner's responsibility to obtain approval from the county or the easement holders and may be subject to removal. Additionally, the improvement must not affect drainage as defined in the Residential Development Standards. The motion carried unanimously.

15. Variance Request for the second rehearing regarding the existing flagstone pavers that are located within the street right-of-way beyond the platted building line.

Steven Ward
19 Silent Brook Court

Lot 68, Block 02, Section 02, Village of Cochran's Crossing

This item was heard by the full committee. The owner was present to address the committee. The committee discussed concerns about setting a precedent. Additionally they discussed the proposed changes to the waste management contract and how that will affect the storage of trash receptacles. The committee discussed the option of home owners keeping their trash cans on their drives for the trash pick-up day. After much deliberation it was moved by Deborah Sargeant and seconded by Herman Weindel to affirm the action of the meeting of May 4, 2011 by requiring the owner to reduce the overall size of the flagstone section in crushed granite. The area should

extend no further than 30” in depth measured from the curb toward the house. Additionally the area may be no longer than 5’ long, measured from the driveway to across the front yard. The motion resulted in a tie vote and failed. It was then moved by Mike Bass and seconded by Chris Florack to allow the improvement condition upon the owner being allowed to coordinate with staff member Kimberly McKenna-O’Donoghue to reduce the overall size of the area and only allow a section at the street right of way, to accommodate the trash cans. Additionally, the owner must landscape the rear of the border to soften the view. The space should only accommodate the trash receptacle at the curb’s edge, the committee felt additional space for turning the trash cans or moving them was not necessary and the curbs or street could be used as necessary. Deborah Sargeant opposed the motion. The motion carried.

16. The owner is requesting a hearing to determine whether the stacked bricks in the right side yard are considered to be stored in view and in need of removal to comply with the home maintenance standard as documented by staff and affirmed by the Grogan’s Mill RDRC.

Michael A. Chernekoff
10405 Treeridge Place

Lot 55, Block 10, Section 12 Village of Grogan’s Mill

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to deny the request to store the bricks in public view and consent to delay enforcement by one year, to allow the owner to apply for and construct a walkway made of the stored bricks or relocate the bricks out of public view. However, should staff receive complaints regarding the storage of the bricks, the owner must move them out of public view within 15 days. The motion carried unanimously.

17. Consideration and action regarding the homeowner’s appeal of the conditions of approval; that two (2) 15 gallon native trees are planted and maintained anywhere on the lot.

Mark and Lynn Schmidt
58 Edgemire Place

Lot 49, Block 02, Section 23, Village of Cochran’s Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the owner’s request to appeal the RDRC decisions. The owner will not be required to plant additional trees based on the review of the existing trees on the lot, the placement of the equipment and the easements. The motion carried unanimously.

18. Variance request for existing brick paving that is located within the street right-of-way beyond the platted building line.

David Winters
71 W Indian Sage Circle

Lot 31, Block 01, Section 12, Village of Cochran’s Crossing

This item was reviewed by the full committee. The committee discussed concerns regarding the placement of the improvement, it’s impact on the neighborhood character and the aesthetics of the improvement not tying into the home. It was then moved by Mike Bass and seconded by Chris Florack to deny the variance as proposed and require the owner remove the bricks from the street right of way. The motion carried unanimously.

19. Variance request for an existing fence color, which was considered to be not architecturally appropriate according to the Residential Design Review Committee.

Jeannette Bloomfield
186 Golden Shadow Circle

Lot 11, Block 03, Section 04, Village of Cochran’s Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to table the item until the meeting of September 7, 2011. The motion carried unanimously.

20. Variance request for an existing detached storage shed, which exceeds the maximum height allowed for detached buildings made of metal or materials that do not match the

dwelling.
Greg Harbin
5 Roserush Court

Lot 06, Block 02, Section 15 Village of Grogan's Mill

This item was reviewed by the full committee. The committee reviewed the response received from the affected neighbor and the home owner's request to relocate the shed and consider a seven inch variance. The committee reviewed the home, the placement of the shed and the adjoining properties. It was then moved by Mike Bass and seconded by Robert Heineman to approve the storage shed on the condition the owner must plant and maintain native evergreen trees and shrubs to the side and rear of the shed to soften and screen the view to adjacent properties. The motion carried unanimously.

21. Variance request for the existing fence, which was built with the construction side facing out from the lot.

Matthew Martin
61 W. Tallowberry Drive

Lot 11, Block 02, Section 07 Village of Panther Creek

This item was reviewed by the full committee. The staff provided a PowerPoint presentation noting the proposed location of the improvement. The committee reviewed the response received from the affected neighbor and the home owner's request. It was then moved by Mike Bass and seconded by Herman Weindel to approve the fence as presented. The motion carried unanimously.

22. Variance request for the existing walkway, which exceeds the maximum width allowed.

Matthew Martin
61 W. Tallowberry Drive

Lot 11, Block 02, Section 07 Village of Panther Creek

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to approve the walkway as presented by staff. The motion carried unanimously.

23. Variance request for the existing solid fence, which is located within five feet of the front façade of the dwelling; and was built with the construction side facing outward from the lot at the rear and sides.

Jim Nored
110 Blue Fox Road

Lot 35, Block 01, Section 26 Village of Grogan's Mill

This item was reviewed by the full committee. The staff provided a PowerPoint presentation noting the proposed location of the improvement. The committee discussed concerns regarding the fence at the front of the home. It was then moved by Mike Bass and seconded by Kim Hess to deny the fence located at the front of the home, in front of the front door and allow the construction side fencing at the side and rear to remain as it currently exists. The motion carried unanimously.

24. Variance request for the existing home business, which is due for renewal.

Distribution & Allocation of Assets LP
7 Roserush Court

Lot 05, Block 02, Section 15 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack to deny the request for a home business and revoke the existing home business permit because the property and business have failed to comply with the condition of approval. Direct the Covenant Administration Department to enforce the Covenant and Standards for any continued violations related to continued operation of a business. The motion carried unanimously.

25. Consideration and Action to proceed with legal action for outstanding violations on the home.

Robert Duane Vessey / Current Owner

87 Huntsman's Horn Circle

Lot 40, Block 01, Section 35 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Mike Bass and seconded by Chris Florack 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.

VII. Public Comments

There were no public comments.

VIII. Member Comments

Mike Bass asked the staff what is accepted in regards to the variance request and would like to see the committee focus on what the owner specifies as the hardship in the appeal request. Chris Florack requested the staff send a notice to the fence contractors, who have constructed a fence incorrectly and without obtaining approval. Chris Florack, Deborah Sargeant, Mike Bass and Robert Heineman all noted they would not be able to attend the meeting of August 15th, 2011. Deborah Sargeant requested the staff contact her regarding the scheduling of a special meeting. The committee identified dates in which they would not be available. Deborah Sargeant also requested that the commercial signs issue be posted at the September 21st or October 5th meeting.

IX. Staff Reports

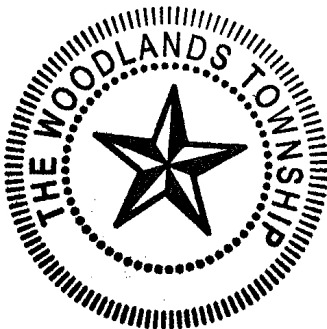
The staff provided a report to the committee regarding previous conditions of approval related a pool that was converted to a pond. The committee was pleased with the outcome of the pool and the dip test related to mosquito larvae.

X. Consideration and Action to call a special meeting of The Development Standards Committee, regarding the promulgation of rules and revisions to The Residential Development Standards.

The committee discussed possible dates for a special meeting. The committee agreed to review their calendars and see if everyone was available for September 14, 2011. They asked the staff to place the item on their next agenda for consideration and action.

XI. Adjourn

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



A handwritten signature in black ink that reads "Kimberly C. McFerris-ODonoghue". The signature is written in a cursive style.

Property Compliance Manager
Covenant Administration Department
The Woodlands Township