

## Development Standards Committee

March 21, 2012 at 5:30 PM

The Woodlands Township  
2801 Technology Forest Drive  
The Woodlands, Texas 77381

Members Present: Deborah Sargeant, Robert Heineman, Ken Anderson, Chris Florack, Herman Weindel and Kim Hess

Staff Present: Neslihan Tesno, Kim McKenna O'Donoghue and Sharlene Novak

### I. Welcome/Call Meeting to Order

The meeting was called to order by Chair Deborah Sargeant at 5:32 p.m.

### II. Consideration and Action of Minutes of DSC Meeting on February 15, 2012.

It was moved by Chris Florack and seconded by Ken Anderson to approve the minutes of the February 15, 2012 DSC meeting. The motion carried unanimously.

### III. Consideration and Action of Minutes of DSC Meeting on February 20, 2012.

It was moved by Chris Florack and seconded by Herman Weindel to approve the minutes of the February 20, 2012 DSC meeting. The motion carried unanimously.

### IV. Consideration and Action to approve Neighborhood Criteria for the Village of Alden Bridge, Section 6

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

### V. Consideration and Action of the Summary List

Chairperson Deborah Sargeant presented the Summary List as presented by Staff. The list consisted of Item IV and Residential Items 1-16, 18, 20-23. Item 17 and 19 were resolved. Items 28 and 29 were tabled. It was moved by Herman Weindel and seconded by Chris Florack to approve the Summary List as presented by staff. The motion carried unanimously.

### VI. Consideration and Action regarding the promulgation of rules for trash cans and recycle bins.

Staff presented the feedback from the RDRCs concerning the revisions to the trash can and recycle bin enclosures standards. **Clarence Wallace of Cochran's Crossing RDRC stated that the encroachment allowed into the side setback was not sufficient- allow 2.5' or 5'.** It was moved by Ken Anderson and seconded by Chris Florack to table this item till the end of the agenda. The motion carried unanimously. Discussion continued after review of all residential items. Committee agreed to increase easement **encroachment to 3', set a minimum height at 4.5', change wording in regard to the transparent fences** section and to require screening from golf course and lake view. It was determined that staff should measure and take pictures at a residence to determine feasibility of the amount of setback required for the screening structure before final decision is made by the DSC.

### VII. Review and Disposition of Commercial Applications

#### A. Report on "Commercial Staff Action List" for March 21, 2012

The list was accepted as presented.

### VIII. Review and Disposition of Residential Applications

#### 1. Approval request for a proposed home business.

Ben Stallings

150 Golden Autumn Place

Lot 11, Block 3, Section 84 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to conditionally approve for 2 years - must reapply in

2014 if business still in operation. Standard conditions, no employees and no clients traveling to the home. The motion carried unanimously.

2. Variance request for two proposed summer kitchens that are not at least ten feet from the side property lines.  
Charles and Courtney Davison  
10 North Player Manor Circle  
Lot 23, Block 1, Section 82 Village of Sterling Ridge  
This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to conditionally approve; plant and maintain evergreen screening (must be at least 5-6 feet tall at time of planting) to screen view of the summer kitchen area under the pergola from the street and both summer kitchens to sides. Staff to approve upon completion. Standard conditions and meet code. The motion carried unanimously.
3. Variance request for proposed pool equipment that will encroach further into the side yard easement than allowed by Standards.  
Jose Antonio Bandin  
43 North Spinning Wheel Circle  
Lot 11, Block 1, Section 56 Village of Sterling Ridge  
This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to conditionally approve; Meet code and standards. Spa and decking not to encroach any easement. Must move fence forward to screen pool equipment. Verify all CenterPoint Energy rear easements as they may differ with the covenant easements. Approval by this committee does not constitute approval by the additional entities. It is the **owner's** responsibility to obtain approval by those entities. The improvement may be subject to removal at their discretion. The motion carried unanimously.
4. Variance request for proposed fence stain that is not an approvable color.  
Brett Buchanan  
70 South Sage Sparrow Circle  
Lot 17, Block 4, Section 11 Village of Creekside Park  
This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to conditionally approve; plant and maintain evergreen plants to screen and soften view of stained fence. Fence stain must be maintained in good repair on a regular basis. The motion carried unanimously.
5. Variance request for proposed patio cover/cabana and summer kitchen that will encroach into the rear 40 foot building line.  
Mark A. Ciaglia  
11 Shimmering Aspen Circle  
Lot 1, Block 1, Section 19 Village of Creekside Park  
This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to conditionally approve; plant and maintain evergreen vegetation to the rear of the cabana, patio cover and sunken bar to screen and soften view to the rear. Staff to approve upon completion of planting. Meet code and standard conditions. The motion carried unanimously.
6. Variance request for proposed patio cover and summer kitchen that will encroach into the rear 25 foot building line.  
Alberto Agostini  
3 Folklore Court  
Lot 1R, Block 2, Section 2 Village of Creekside Park  
This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to conditionally approve; maintain existing evergreen vegetation to screen view. Standard conditions and meet code. The motion carried unanimously.

7. Variance request for proposed gazebo and fireplace that will not respect the 40 foot rear setback.  
 Carl E. Pittman  
 120 Trinity Oaks Circle  
**Lot 1, Block 2, Section 14 Village of Indian Springs - TWA**  
 This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to conditionally approve the concept, submit final plans and fees, add to existing vegetation by planting and maintaining evergreen vegetation to screen structure to the rear. Staff to review upon completion of plantings to determine sufficient screening. Meet code and standard conditions. The motion carried unanimously.
  
8. Variance request for an existing fence stain that is not an approvable color.  
 Carel and Annelie Du Toit  
 51 North Queenscliff Circle  
 Lot 35, Block 2, Section 13 Village of Sterling Ridge  
 This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to approve the current fence stain (post power washed) The motion carried unanimously.
  
9. Variance request for an existing summer kitchen that is not at least ten feet from the side property line.  
 Phil and Amber Gallaway  
 95 Wood Manor Place  
**Lot 33, Block 1, Section 12 Village of College Park (Grogan's Forest)**  
 This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to conditionally approve; meet code, standard conditions. The motion carried unanimously.
  
10. Variance request for an existing play structure that is located in the ten foot rear yard easement.  
 Art Rosa  
 15 Snow Woods Court  
**Lot 46, Block 1, Section 3 Village of College Park (Harper's Landing)**  
 This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 resident, 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. The improvement may be subject to removal at their discretion. The motion carried unanimously.
  
11. Variance request for existing play structure located in the rear ten foot easement and exceeds maximum height allowed by ten inches.  
 Chad Walter  
 47 South Piney Plains Circle  
 Lot 17, Block 1, Section 7 Village of Alden Bridge  
 This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 resident, 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. The improvement may be subject to removal at their discretion. The motion carried unanimously.
  
12. Variance request for existing driveway borders that cause the driveway to exceed the maximum width

allowed.

Charles McClain Jr.

114 South Abram Circle

Lot 20, Block 2, Section 24 Village of Sterling Ridge

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

13. Variance request for existing detached building that exceeds the maximum height, is located in the five foot side yard and ten foot rear yard easements and is not screened by a solid fence

Debera Hawkins Bertrand

51 South Bristol Oak Circle

Lot 49, Block 1, Section 11 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 resident, 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. The motion carried unanimously.

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

Michael J. Hoiden II

34 Murmuring Creek Place

**Lot 32, Block 2, Section 6 Village of College Park (Harper's Landing)**

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 removing or applying for the storage shed) 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 home.

Charles B Mack

23 Milepost Court

Lot 32, Block 1, Section 73 Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to approve a Notice of Lien 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 submission of documentation of Pool inspection passing from a qualified third party inspector) will result in a Lien being placed on the property. 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 home.

Kevin Moran

35 Juniper Grove Place

Lot 9, Block 1, Section 44 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 if the owner does not comply by May 5, 2012; 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 planting and maintaining an evergreen screen between loggia and fence on side and changing the rear windows of loggia to glass block style or similar) 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 home.

James Carlton

31 North Goldenvine Circle

Lot 39, Block 2, Section 65 Village of Alden Bridge

This item was resolved prior to meeting.

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

Michael Gerds

71 Roslyn Bend Court

Lot 13, Block 2, Section 17 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 planting and maintaining 3 x 30 gallon native trees on lot as a condition of the pool approval) 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.

Charles Riggs

6 Howell Creek Place

Lot 69, Block 3, Section 36 Village of Alden Bridge

This item was resolved prior to meeting.

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

Jose A Fuentes Jr.

75 East Whistlers Bend Circle

Lot 17, Block 2, Section 81 Village Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 if not cured by May 1, 2012; 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 removing the trash can out of public view and keeping it out of public view) 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.

Ray Scarborough

50 North Auburn Path Drive

Lot 25, Block 1, Section 47 Village Alden of Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 applying for the fence and removing the dead tree) 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.

Scott K. Green

148 South Winterport Circle

Lot 9, Block 1, Section 5 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel 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 ceasing all business operations) 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.

23. Variance request for a proposed conceptual room addition with covered patio area, which may cause an impact on neighboring properties and may not be architecturally compatible with the dwelling.

Timothy Seay

2614 South Wildwind Circle

Lot 3, Block 10, Section 1 **Village of Grogan's Mill**

This item was reviewed under the summary approval list as presented by staff. It was moved by Herman Weindel and seconded by Chris Florack to approve the revised conceptual room addition on the following conditions:

1. A complete application, with a set of sealed drawings representing the revised concept must be submitted to the CAD staff and reviewed for final approval.
2. The Owner must re-plant trees and vegetation to the side of the home to soften and screen the view to the front and adjacent property.
3. The owner may not halt or materially impede drainage as defined in The Residential Development Standards; and must adhere to the drainage diagram provided in the permit.
4. The addition should include gutters that redirect the flow of the water away from the adjacent property, where drainage concerns currently exist.

The improvement must be constructed to comply with code, pass final and all other Residential Standards. The motion carried unanimously.

24. Request for approval of a portable basket ball goal in a street right of way.

2, 7, 10, 11, 14, 15, 18, 19, 22, 23, 27, 31, and 35 Wildever Place

Lots 23-36 excluding lot 27, Block 1, Section 36 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The requesters were not present to address the committee. This item had been tabled **from the previous DSC meeting to consult with the DSC's attorney concerning the DSC's authority to allow and if The Township could incur liability.** It was moved by Herman Weindel and seconded by Robert Heineman to disapprove the request to allow the basketball goal to stay in the cul-de-sac island/street right of way. The motion carried. Chris Florack voted in opposition.

25. Request for rehearing for a **proposed sign that may have an adverse impact to the neighborhood's character.**  
Michael M Tower  
2 South Hawthorne Hollow Circle  
Lot 86, Block 1, Section 86 Village of Alden Bridge  
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner and another resident were present to address the committee. Mr. Mike Tower (homeowner) stated he complied with the standards by applying for the sign and that the disapproval should not be based on the message. He wanted the committee to tell him what kind of sign was approvable. It was moved by Deborah Sargeant and seconded by Kim Hess to approve the rehearing for the April 18, 2012 DSC meeting. The motion carried unanimously.
26. Request for rehearing for a proposed shade canopy that is not in keeping with the character of the neighborhood.  
Alfonso Madrid  
15 Shimmering Aspen Circle  
Lot 2, Block 1, Section 19 Village of Creekside Park  
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. Mr. Madrid requested the committee to grant the rehearing since he could not attend previous meeting due to family emergency out of the country. It was moved by Chris Florack and seconded by Ken Anderson to approve the rehearing; staff will work with Mr. Madrid to select a date when he would be in the country to attend. The motion carried unanimously.
27. Request for rehearing of a conditional approval of a variance request for proposed driveway that will exceed the maximum width allowed of 16 feet.  
Amber Brawner  
6 Archbriar Place  
Lot 30, Block 1, Section 3 Village of Alden Bridge  
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. It was moved by Deborah Sargeant and seconded by Chris Florack to disapprove the rehearing request. The motion carried unanimously.
28. Variance request for proposed patio cover/cabana and summer kitchen that may create a negative impact due to mass, scale and proportion.  
Wilbert Gilberto Orlaineta Argente  
2 Yarbrough Court  
Lot 24, Block 5, Section 15 Village of Creekside Park  
**This item was tabled as a summary item at owner's request; he was not able to attend.**
29. Variance request for a proposed pool bath that would not allow garage to provide adequate parking for **3 cars - a requirement of the Development Criteria and provide at least 135 sq. ft. of storage space per the standard.**  
Wilbert Gilberto Orlaineta Argente  
2 Yarbrough Court  
Lot 24, Block 5, Section 15 Village of Creekside Park  
**This item was tabled as a summary item at owner's request; he was not able to attend.**

30. Variance request for proposed cabana, summer kitchen and pergola that may possibly create negative neighbor impact due to mass, scale, proportion.  
Miguel Angel Orlaineta Argente  
2 Freestone Stream Place  
Lot 13, Block 5, Section 15 Village of Creekside Park  
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner and his translator were present to address the committee. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve, exterior to match the dwelling, submit final drainage plan, plant and maintain evergreen vegetation (tall shrubs and trees) to screen view from right side adjacent property, staff to approve upon completion of planting. Standard conditions, meet code. Additionally, The Owner must ensure that the placement of the improvement 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.
31. Variance request for a proposed bath that would not allow garage to provide adequate parking for 3 cars - a requirement of the Development Criteria and provide at least 135 sq. ft. of storage space per the standard.  
Miguel Angel Orlaineta Argente  
2 Freestone Stream Place  
Lot 13, Block 5, Section 15 Village of Creekside Park  
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner and his translator were present to address the committee. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve - Standard conditions, meet code. The motion carried. Herman Weindel and Robert Heineman voted in opposition.
32. Variance request for proposed room addition that will exceed the maximum allowed living area.  
Mark and Dana Falloon  
7 Pendleton Park Point  
Lot 2, Block 1, Section 64 Village of Sterling Ridge  
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. Owner did not understand why he was required to amend ILUD if other homes had more living area. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve **the concept**, must obtain approval for ILUD increase from Development Company prior to starting on ILUD process. Submit final sealed plans, standard conditions, meet code. The motion carried unanimously.
33. Variance request for proposed play structure that is located in the rear ten foot easement and rock ground cover in rear yard is not used in limited quantities.  
Kevin Delahunty  
34 Columbia Crest Place  
Lot 24, Block 1, Section 1 Village of Sterling Ridge  
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. Mr. Delahunty stated he just closed on property on February 1, 2012 and the rear yard was in very poor condition. The yard is small and the play structure will encroach due to size; there is no other location. He wanted to provide a safe place for his child so they placed pea gravel in the yard. There are planting beds surrounding the perimeter of the rear yard so he would be agreeable to planting additional evergreen screening. It was moved by Robert Heineman and seconded by Ken Anderson to disapprove and consent to delay enforcement of the play structure, 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 resident, 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 the** improvement may be subject to removal. Additionally homeowner must plant and maintain tall



evergreen vegetation along rear to screen view of play structure. The pea gravel material in the yard was approved. The motion carried unanimously.

34. Variance request for proposed pool exceeds hard surface area allowed, the fireplace does not respect **25' rear setback and the summer kitchen is not located a minimum of 10' from adjacent property.**

John and Stevi Venable

18 West Old Sterling Circle

Lot 89, Block 1, Section 3 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve- Owner to verify all Centerpoint Energy rear easements as they may differ with the covenant easements. The improvement was not to encroach into any easements; meet code and standards. Must replant and maintain 6, 30 gallon native trees. Additionally the owner must screen the fireplace with dense evergreen vegetation from view of neighbors. The motion carried unanimously.

35. Variance request for proposed color change to paint the brick white which is not in keeping with the neighborhood character.

Arturo Trevino and Bertha Prestamo de Trevino

30 Veilwood Circle

Lot 8, Block 1, Section 65 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. It was moved by Chris Florack and seconded by Herman Weindel to disapprove the color change. The motion carried. Ken Anderson was not in the room.

36. Variance request for existing Paving exceeds hard surface area allowed and front yard walkway encroaches into SROW and building line.

Derek and Theresa Sandberg

14 Carlyle Place

Lot 10, Block 1, Section 1 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowners were present to address the committee. Mrs. Sandberg stated that the reason for the request was due to her disability and need to have flat surfaces for stability. Mr. Sandberg stated he could reduce some of the hard surface area in the rear by making some raised beds for gardening. It was moved by Chris Florack and seconded by Ken Anderson to conditionally approve as follows: install planter beds along rear wall of dwelling, staff to approve location and size of beds. **Approval by this committee does not constitute approval by the County. It is the owner's responsibility to obtain approval by the County.** The improvement may be subject to removal if determined necessary by the County. The motion carried unanimously.

37. Variance request for existing attached cover was constructed so that it extends into the side five foot easement.

Raul Luzardo

94 Wood Manor Place

**Lot 34, Block 1, Section 12 Village of College Park (Grogan's Forest)**

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowners and an affected neighbor were present to address the committee. Mr. and Mrs. Luzardo stated the rear yard had sun all day and the dogs needed some shade. They were willing to paint and reduce height to **6'**. The neighbor, Mr. Randy Williams was concerned about the drainage since the gutters were pointing toward his property and that he could see structure from his bedroom and kitchen. It was moved by Herman Weindel and seconded by Chris Florack to disapprove, remove structure and concrete pad. After discussion Herman amended his motion with Chris Florack seconding to disapprove the structure, remove within 60 days; approve the concrete pad, and additionally drainage (gutters) must be tied directly into pipes between dwelling and fence (no

percolation drainage). The motion carried unanimously.

**IX.** Public Comments

There were no public comments.

**X.** Member Comments

Herman Weindel asked about the Covenants and whether State and Federal Laws override. Staff informed him that they did.

Chris Florack asked if the DSC could grant small variances to the ILUD. Staff informed him that the DSC does not have that authority.

**XI.** Staff Reports

There were no staff reports.

**XII.** Adjourn

There being no further business it was moved by Kim Hess and seconded by Herman Weindel to adjourn the meeting at 8:56 p.m. The motion carried unanimously.