

Development Standards Committee

September 19, 2012 at 5:30 PM

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

Members Present: Deborah Sargeant, Robert Heineman, Ken Anderson, and Danie van Loggerenberg

Member absent: Herman Weindel, Kim Hess and Chris Florack

Staff Present: Neslihan Tesno, Sharlene Novak, Kim McKenna, and Hennie van Rensburg

I. Welcome/Call Meeting to Order

The meeting was called to order by Chair Deborah Sargeant at 5:31 p.m.

II. Consideration and Action of the minutes of Development Standards Committee Meeting on August 15, 2012.

It was moved by Ken Anderson and seconded by Robert Heineman to approve the minutes of the August 15, 2012 DSC meeting. The motion carried unanimously.

III. Consideration and Action of the Applications in Section V recommended for Summary Action.

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. Chairperson Deborah Sargeant presented the Summary List as presented by Staff. The list consisted of Items 1-5, and 7-21, 23-28. Item #6 was reviewed by full committee, item #22 was resolved. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the Summary List. The motion carried unanimously.

IV. Consideration and Discussion of proposed improvement at North Shore Park for a rowing facility.

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. Deborah Sargeant stated that she did not agree in reviewing this item until after the Township Board of Directors approved location of the proposed structure. One affected neighbor spoke in opposition to the structure due to impact of noise and visibility. Representatives of the Parati Rowing Club spoke about the proposed structure. Deborah Sargeant suggested that they speak to the neighbors. No action.

V. Review and Disposition of Residential Applications

1. Consideration and Action regarding the installation of a well for subsurface water for the purpose of irrigation.

Shane and Becky Bayless

231 Starlight Place

Lot 17, Block 4, Section 63 Village of Grogan's Mill

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve as follows the water well will be operated for the purposes of irrigation of residential lot 17, Block 4, Section 63, Village of Grogan's Mill, and that the owner sign a release and indemnity agreement whereby you indemnify the Development Standards Committee, 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. In addition the owner must plant and maintain significant vegetation to soften and screen the view of the pumps and equipment from the street and adjacent property. Approval by this committee does not constitute approval by any additional entities. The owner must obtain approval by The Woodlands Development Company and Lone star Groundwater Conservation District. The motion carried unanimously.

2. Variance request for an existing fence, portion of which are installed with the construction side members facing outward from the lot.
Colin Ocker
15 Crested Pines
Lot 21, Block 2, Section 35 Village of Panther Creek
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve on the condition the owner must modify the rear fence to comply with the Standards should the fence ever become visible to the public, due to any commercial development at the rear or exposure through the open space reserve. The fence must meet code and pass final inspection. The motion carried unanimously.
3. Request for approval for a home business.
Troy and Amy Salazar
22 Chippewa Trail
Lot 28, Block 4, Section 3 Village of Creekside Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve as follows: subject to all home business standards, permit is valid for 2 years. Owner must reapply if business is still in operation. The motion carried unanimously.
4. Variance request for a proposed Swimming Pool and Pergola do not respect 10 foot side platted building line
Freddy J. Anato
3 Picture Rock Place
Lot 20, Block 2, Section 14 Village of Creekside Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve as follows: Standard conditions/must meet code and pass all inspections. Plant and maintain sufficient evergreen vegetation to soften impact to street and neighboring properties. Vegetation must be at least 7 to 8 feet tall at time of planting. The motion carried unanimously.
5. Variance request for proposed summer kitchen that is not located at least ten feet from adjacent property line.
Eric Kocian
19 Amulet Oaks Place
Lot 41, Block 1, Section 8 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 Danie van Loggerenberg to conditionally approve as follows: meet code standard conditions. Maintain existing vegetation as screening. The motion carried unanimously.
6. Variance request for a proposed patio cover with summer kitchen that does not respect the rear 20 foot building setback.
Robert Breslin
50 South Victoriana Circle
Lot 8, Block 3, Section 7 Village of Creekside Park
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The contractor was present to address the committee. It was moved by Deborah Sargeant and seconded by Danie van Loggerenberg to conditionally approve the patio cover and summer kitchen - Standard conditions/must meet code and pass all inspections and to plant and maintain sufficient evergreen vegetation to soften impact to left and rear properties. Vegetation must be at least 7 to 8 feet tall at time of planting. The motion carried unanimously.

7. Variance request for an existing fountain and patio that is partially located in the rear ten foot easement.
Kevin J. Wyble
10 Nagshead Place
Lot 38, Block 1, Section 21 Village of Creekside Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve - 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 if determined necessary by easement holders. The motion carried unanimously.
8. Variance request for proposed putting green that is located in the rear ten foot easement.
Joseph Cordera
7 Driftdale Place
Lot 17, Block 1, Section 4 Village of Creekside Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve - 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 if determined necessary by easement holders. The motion carried unanimously.
9. Variance request for existing putting green that is located in the rear ten foot easement.
Michael Whisson
45 West Canyon Wren Circle
Lot 17, Block 1, Section 13 Village of Creekside Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve - 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 if determined necessary by easement holders. The motion carried unanimously.
10. Variance request for an existing patio and fireplace does not respect the rear ten foot easement.
Lillian Garcia
31 Mohawk Path Place
Lot 104, Block 1, Section 6 Village of Creekside Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as submitted – waiver form already signed. 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 if determined necessary by easement holders. The motion carried unanimously.
11. Variance request for an existing driveway extension that exceeds maximum width allowed.
Dale Groves
7 Ebony Oaks Place
Lot 36, 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 Ken Anderson and seconded by Danie van Loggerenberg to approve as submitted. The motion carried unanimously.
12. Variance request for an existing driveway extension that exceeds maximum width allowed.
Lisa and Shawn Moore
6 Poplar Pine Court
Lot 56, Block 3, Section 11 Village of College Park (Harper's Landing)
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as submitted. The motion carried unanimously.

13. Variance request for an existing play structure that is located partially in the rear ten foot easement.

Jaime Poliak

393 South Rush Haven Circle

Lot 7, Block 1, Section 8 Village of Indian Springs (TWA)

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg 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 if determined necessary by easement holders. The motion carried unanimously.

14. Variance request for an existing play structure and sandbox that are partially located in the rear ten foot easement and a playhouse that is partially located in both the side five foot and rear ten foot easements.

William and Hayli Friebel

106 West Lansdowne Circle

Lot 24, Block 1, Section 27 Village of Indian Springs (TWA)

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the play structure, sand box and play house 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, sand box or play house 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 if determined necessary by easement holders. The motion carried unanimously.

15. Variance request for an existing spa and paving that are located in the five foot side yard easement, portions of the left side walkway exceed the maximum width of four feet, and the front yard patio and fountain extend beyond the 25 foot front platted building line.

Lance M. LeBouef

202 West Greywing Circle

Lot 2, Block 2, 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 Danie van Loggerenberg to approve the walkway and fountain as submitted and to conditionally approve the front patio as follows: no plastic furniture, umbrellas or BBQ grills to be stored on the front patio. Additionally to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the spa and paving 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 spa and paving 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 if determined necessary by easement holders. The motion carried unanimously.

16. Variance request for existing patio located partially in the rear ten foot easement and an existing shed that has corrugated roofing material and will not be screened by a six foot high solid fence.

Jay R Hopewell

22 East Ardsley Square Place

Lot 20, Block 1, Section 70 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 Danie van Loggerenberg to conditionally approve the shed as follows: screen with evergreen vegetation to street and adjacent properties, and trim edge of visible corrugated roofing and to approve the patio 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. The improvement may be subject to removal if determined necessary by easement holders. 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.

Stevens Aballay

111 North Delta Mill Circle

Lot 49, Block 1, Section 1 Village of College Park (Harper's Landing)

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg 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 and storing the trash and recycle carts 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.

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

Estate of Rogelio Pena

147 West Misty Dawn Drive

Lot 19, Block 1, Section 5 Village of College Park (Harper's Landing)

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg 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 repairing the garage door) 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.

Christopher Clark

78 North Creekmist Place

Lot 9, Block 2, Section 4 Village of College Park (Harper's Landing)

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg 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 improvement –deck and screening the two ac units) 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.

James F. Bull

3 Sentinel Place

Lot 20, Block 2, 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 Danie van Loggerenberg 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 the trash and recycle carts out of public view and maintaining them out of 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.

Juan I. Ariztmendy

27 Barn Lantern Place

Lot 71, Block 2, Section 5 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 Danie van Loggerenberg 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 the trash and recycle carts out of public view and maintaining them out of 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.

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

Susan Schmitz

6 Churchdale Place

Lot 42, Block 1, Section 7 Village of Alden Bridge

Resolved prior to meeting.

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

Ozz H. Chukumerije

45 South Piney Plains Circle

Lot 16, 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 Ken Anderson and seconded by Danie van Loggerenberg 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 mowing, weeding and edging the yard and continually maintaining the yard in good repair which includes mowing, weeding, edging and defining the beds, by removing the mold and algae from the exterior of the dwelling, by maintaining the pool in good repair and removing dead vegetation) 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.

Tommy Jernigan

7 Glen Erin Drive

Lot 40, Block 1, Section 61 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 Danie van Loggerenberg 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 and storing the trash and recycle carts 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.

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

Stephen R. Sorge

55 South Crisp Morning Circle

Lot 14, Block 1, Section 93 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 Danie van Loggerenberg 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 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.

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

David A. Allan

90 Harvest Wind Place

Lot 24, Block 1, Section 62 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 Danie van Loggerenberg 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 stone pathway) 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.

27. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Kirby A. Ogloff
15 Townsend Place
Lot 47, Block 2, Section 3 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 Danie van Loggerenberg 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 an application for the fence) will result in a lawsuit filed & court hearing scheduled. Furthermore we recommend The Township Board authorize funding of legal action. The motion carried unanimously.
28. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Marie Carmen Campos Paredes
74 Rhapsody Bend Drive
Lot 2, Block 1, Section 27 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 Danie van Loggerenberg 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 new application and documentation of Garage conversion inspection passing from a qualified third party inspector) will result in a Lien being placed on the property. The motion carried unanimously.
29. Variance request for proposed sports court that projects into the rear 25 foot building line.
Robert Studebaker
82 Garnet Bend Court
Lot 16, Block 1, Section 8 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 is planning on planting around the sports court. It was moved by Robert Heinemann and seconded by Deborah Sargeant to conditionally approve, must submit landscape plan the screen sports court. Staff to review plan for sufficient screening. The motion carried unanimously. Danie van Loggerenberg suggested that all sports court application require a landscape plan.
30. Variance request for proposed driveway extension that will exceed the maximum width allowed and may have an adverse impact to the neighborhood's existing character.
Michael D. Calizzi
72 Benton Woods Court
Lot 3, Block 1, Section 43 Village of Alden Bridge
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. The homeowner stated it was difficult to maneuver down the long driveway and out of garage with existing driveway design. It was moved by Robert Heineman and seconded by Ken Anderson to conditionally approve as follows: allow section of concrete at back of existing driveway, rest of proposed to paving must be in grass-crete block or similar type pervious material that allows for grass to grow on top. Plant and maintain evergreen vegetation along left side of grass-crete area. The motion carried unanimously.

31. Variance request for a proposed garage addition that encroaches into the 15 foot side building line.
Patricia Mullen
75 Heritage Hill Circle
Lot 30, Block 1, Section 14 Village of Indian Springs (TWA)
This item was heard by the full committee in conjunction with item #32. Staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. It was moved by Ken Anderson and seconded by Robert Heineman to conditionally approve the garage addition and conversion as follows: maintain existing evergreen vegetation, meet code and standard conditions. The motion carried unanimously.
32. Request for approval for dormer additions and driveway widening that were disapproved by previous Residential Design Review Committee action.
Patricia Mullen
75 Heritage Hill Circle
Lot 30, Block 1, Section 14 Village of Indian Springs (TWA)
This item was heard by the full committee in conjunction with item #31. Staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. It was moved by Ken Anderson and seconded by Robert Heineman to approve as submitted the dormers windows and driveway addition. Meet code and standard conditions. The motion carried unanimously.
33. Request for an appeal of RDRC's decision to require a proposed pool to be stepped down 12 inches.
Catherine Lindahl
11 Clare Point Drive
Lot 3, Block 1, Section 96 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. The owner wanted to utilize his property and intends to making sure his property has privacy. The contractor stated that they did not want to have steps since lot was not wide and was already lower than adjacent lot and a family member was disabled. It was moved by Ken Anderson and seconded by Deborah Sargeant to approve as submitted – meet code and standards. The motion carried unanimously.
34. Variance request for a proposed patio cover will be located in the 15 foot building setback and roof does not match the dwelling.
Mauricio Jiminez
7 South Whistling Swan Place
Lot 26, Block 1, Section 21 Village of Creekside Park
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The contractor was present to address the committee. The contractor stated that the rear of the property abutted property outside of The Woodlands and that they are willing to change color. It was moved by Robert Heineman and seconded by Ken Anderson to conditionally approve as follows: color of roof to match dwelling roof, hide edge of metal roofing that is visible to the street with trim, plant and maintain native trees. Staff to review plantings. The motion carried unanimously.
35. Variance request for a proposed cabana with attached pergola, summer kitchen and pool bath that will exceed the maximum living area allowed per the development criteria and does not respect the 40 foot rear building setback.
Mauricio Franzoni
74 South Freemont Ridge Loop
Lot 6, Block 1, Section 23 Village of Creekside Park
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner and the contractor were present to address the committee. Owner stated he just moved in to the property and he was not aware of a setback requirement. He spoke to the adjacent neighbors and they had no

objection. It was moved by Deborah Sargeant and seconded by Ken Anderson to conditionally approve, plant and maintain evergreen vegetation to right, meet code standard conditions. Plant and maintain 3 30 gallon native trees (a total of 6 with trees required for pool). The motion carried unanimously.

36. Variance request for existing shed that is located in the rear ten foot and side five foot easements.

Charles Dressler

67 Degas Park Drive

Lot 96, Block 1, Section 21 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. The owner stated that the structure has been there 7 to 8 years and was used as a greenhouse. He has had no complaints from neighbors and after reviewing past DSC minutes is requesting a MOA from the committee. It was moved by Deborah Sargeant and seconded by Ken Anderson 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. 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 if determined necessary by easement holders. The motion carried unanimously.

37. Variance request for existing shed that is located in the side five foot easement.

Leonardo Ballesteros

82 South Scribewood Circle

Lot 16, Block 1, Section 40 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 Deborah Sargeant and seconded by Danie van Loggerenberg to disapprove – move the shed out of the easement and screen. The motion carried unanimously.

- VI.** Consideration and action in regard to changing the DSC meeting date of the November 21, 2012 meeting. It was moved by Deborah Sargeant and seconded by Danie van Loggerenberg to reschedule the November 21 DSC meeting to November 14, 2012.

- VII.** Public Comments

There were no public comments.

- VIII.** Member Comments

There were no member comments.

- IX.** Staff Reports

There were no staff reports.

- X.** Adjourn

There being no further business it was moved by Deborah Sargeant and seconded by Ken Anderson to adjourn the meeting at 7:07 p.m. The motion carried unanimously.