

Development Standards Committee Minutes

November 14, 2012 at 5:30 PM

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

Members Present: Deborah Sargeant, Robert Heineman, Kim Hess and Ken Anderson,

Member absent: Chris Florack Herman Weindel, and Danie van Loggerenberg

Staff Present: Neslihan Tesno, Sharlene Novak, and Kim McKenna

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 the minutes of Development Standards Committee Meetings on October 3, 2012, October 17, 2012 and October 30, 2012.

It was moved by Ken Anderson and seconded by Kim Hess to approve the minutes of the October 3, 2012, October 17, 2012 and October 30, 2012 DSC meetings. The motion carried unanimously.

III. Request for approval for The Indian Springs Village Association to have Boy Scout Troop 772 install American Flags in the Indian Springs Village at the Chandler Creek entrance and at Forest Gate Park and Falconwing Park.

It was moved by Deborah Sargeant and seconded by Robert Heineman to conditionally approve, as long as the location is coordinated with Township Park's staff and the Village Association abides by the United States Code Title 4 – "The Flag Code" and that the locations in the parks were approved by The Township Board. The motion carried unanimously.

IV. 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 1-28 and item 31. Items #13 and #28 were removed from the summary list to be reviewed by the full committee. Item #37 was tabled. It was moved by Ken Anderson and seconded by Kim Hess to approve the Summary List as presented. The motion carried unanimously.

V. Review and Disposition of Applications

1. Variance request for proposed rear yard elevated decks that will be located beyond the thirty foot rear setback and would encroach into the ten foot rear easement.

Marvin Haass and Nikki J. Post

5 North Autumnwood Way

Lot 45, Block 02, Section 31 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 Kim Hess to approve on the condition the elevation of the decking is reduced in accordance with the modified plan. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.

2. Variance request for proposed paver pathways, that will be located in the five foot side and ten foot rear yard easements, will cause the driveway to exceed the maximum width allowed and exceeds the maximum amount of hard surface area allowed for the lot.
Marvin Haass and Nikki J. Post
5 North Autumnwood Way
Lot 45, Block 02, 31 Section 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 Kim Hess to approve as presented. Approval by this committee does not constitute approval by the additional easement holders or other entities. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.
3. Variance request for a proposed driveway that will exceed the maximum width allowed.
Jim and Carolyn Ritchie
6 Watertree Ct
Lot 23, Block 03, Section 44 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 Kim Hess to approve as presented on the condition the owner must plant and maintain vegetation in the front yard to soften and screen the view from the street. The motion carried unanimously.
4. Variance request for a proposed second story balcony that would be located beyond the twenty five foot rear building setback.
Gregg and Teri Johnson
106 South Timber Top Drive
Lot 03, Block 01, Section 15 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 Kim Hess to approve as presented on the condition the owner meets code and passes final inspection. The motion carried unanimously.
5. Variance request for a proposed trash and recycle cart screen, which will not be set back three feet from the front facade of the dwelling.
Janet & Nancy Nufer
15 West Mistybreeze Circle
Lot 3, Block 5, Section 1, Village of Cochran's Crossing
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Kim Hess to approve on the condition the owner must complete the trash and recycle cart screen to screen the view from the street and adjacent property. The motion carried unanimously.
6. Variance request for a proposed six foot fence replacement, which would be located less than five feet back from the front facade and located beyond the ten foot platted building line.
Nicholas De Simone/Heidi E De Simone
109 South Golden Arrow Cir
Lot 1, Block 3, Section 12, Village of Cochran's Crossing
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Kim Hess to approve as presented, on the condition the owner must plant and maintain the existing vegetation to the exterior of the fence to soften and screen the view from the street. The motion carried unanimously.
7. Consideration and Action to proceed with legal action for outstanding covenant violations on the home.
Norma Amaya
61 North Deerfoot Circle
Lot 14, Block 2, Section 28 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 Kim Hess to approve the pursuit of legal action by authorizing our attorneys and staff to continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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.

8. Variance request for a proposed wood deck that will be located on the zero-lot-line side of the property will not be a minimum of two feet from the property line and will be immediately adjacent to the fence that is located on the property line.

Simon Boddison

138 North Camellia Grove Circle

Lot 6, Block 1, Section 80 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 Kim Hess to conditionally approve – portion in easement must be palletized. 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 a proposed gazebo will extend beyond the rear 20 foot building setback.

Shawn Paul Tupper

71 Alden Glen Drive

Lot 18, Block 1, Section 20 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 Kim Hess to approve as submitted. The motion carried unanimously.

10. Variance request for a proposed patio cover that will not respect the rear 20 foot setback.

William Harness

3 Antico Court

Lot 10, Block 1, Section 61 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 Kim Hess to conditionally approve, plant and maintain tall evergreen trees or shrubs at least 7' tall at time of planting to rear and side – staff to approve planting upon completion. The motion carried unanimously.

11. Variance request for a proposed detached patio cover that encroaches into the 20 foot rear setback.

Chris Laney and Kelli Brenham

58 Spincaster Drive

Lot 17, Block 1, Section 30 - 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 Kim Hess to conditionally approve, plant and maintain evergreen trees and shrubs at least 7' tall at time of planting. Meet code and standard conditions apply. The motion carried unanimously.

12. Variance request for a proposed summer kitchen is not located a minimum of 10 feet from the adjacent property line.

Chris Laney and Kelli Brenham

58 Spincaster Drive

Lot 17, Block 1, Section 30 - 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 Kim Hess to conditionally approve, plant and maintain evergreen trees and shrubs at least 7' tall at time of planting. Meet code and standard conditions apply. The motion carried unanimously.

13. Variance request for an existing deck that is located in the ten foot rear yard easement.

Glenn R Higginbotham

50 North Brooksedge Circle

Lot 28, Block 2, Section 58 Village of Alden Bridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner and affected neighbors were present to address the committee. The neighbors were concerned about impact and precedent. The owner stated that he hired a contractor to put in deck on a quick visit from out of the country and did not follow up and verify about the permit. It was moved by Ken Anderson and seconded by Kim Hess to conditionally approve – must plant and maintain evergreen shrubs at least 7' tall at planting to rear of swing, can be staggered. 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 storage shed exceeds the maximum height of seven feet allowed for a plastic shed.

Troy Herrera

99 North Merryweather Circle

Lot 59, Block 1, Section 82 Village Alden of Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Kim Hess 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.

15. Variance request for an existing storage shed is located in the five foot side yard easement, exceeds the maximum height of seven feet for a plastic shed, and is not completely screened by a six foot solid fence.

Scott M Floco

95 North Merryweather Circle

Lot 58, Block 1, Section 82 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 Kim Hess 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.

16. Variance request for existing paving that does not respect the ten foot rear easement.

Martin Smith

58 North Arrow Canyon Circle

Lot 7, Block 2, 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 Kim Hess to approve as submitted. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities. The improvement may be subject to removal if determined necessary by easement holders. The motion carried unanimously.

17. Variance request for existing steps that do not respect the ten foot rear easement.

Mark 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 Ken Anderson and seconded by Kim Hess to approve as submitted. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities. The improvement may be subject to removal if determined necessary by easement holders. The motion carried unanimously.

18. Variance request for an existing play structure that does not respect the rear ten foot easement and the tarp is patterned.

Jeremy Stumpf

26 South Crisp Morning Circle

Lot 14, Block 3, 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 Kim Hess 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. Additionally owner must replace tarp with solid muted tone color if it is in disrepair and need replacement. The motion carried unanimously.

19. Appeal of RDRC decision to require relocation for an existing play structure and trampoline that does not respect the rear ten foot or side five foot easements.

Michael and Meghan Bostic

70 West Lasting Spring Circle

Lot 1, Block 21, Section 1 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 Kim Hess to Disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the play structure and trampoline 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 and trampoline are 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.

20. Variance request for an existing play structure that does not respect the rear ten foot easement

Christopher and Jennifer 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 Kim Hess 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.

21. Request for approval of a Home Business

Charles Dressler

67 Degas Park Drive

Lot 96, Block 1, Section 21 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 Kim Hess to conditionally approve – must renew permit in 2 years. Standard Conditions. 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.

Leanne Gonzales

7 English Lavender Place

Village of Sterling Ridge, Section 24, Block 2, Lot 33

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Kim Hess 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 all mold from the exterior of the home) 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. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.

Helen L De Paep

42 Spinning Wheel Circle

Village of Sterling Ridge, Section 56, Block 3, Lot 4

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Kim Hess 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 all mold from the exterior of the home) 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.

Julie Ann McDaniel

2 Ginger Springs Place

Lot 17, Block 1, Section 14 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 Kim Hess 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 a variance for the batting cage) 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.
Carmen Angles Prats – El Caobo Inc.
177 Bauer Point Circle
Lot 6, Block 3, 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 Kim Hess 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 raised floor of the garage and returning it to garage space or submitting the final sealed plans as required by the DSC and completing the proposed construction.) 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.
Alfred Amparan Garza
110 East Cove View Trail
Lot 85, 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 Kim Hess 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 patio cover, pergola and summer kitchen) 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.
Richard M Starley
27 Forest Perch Place
Lot 28, 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 Kim Hess 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) by 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.
28. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Sergio Cesar
30 Long Hearth Place
Lot 33, Block 2, Section 5 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 owner asked the committee for additional time to cure the violation. It was moved by Deborah Sargeant and seconded by Robert Heineman to grant an extension to owner till January 31, 2013 to cure violations. The motion carried unanimously.

29. Consideration and Action for Concept Approval of a one story general office building with approximately 10,800 square feet of office space.

OCS Office Bldg.

Parcel 5KK-1b2, Village of Grogan's Mill

Westridge Road & South Park Drive

This item was reviewed by the full committee. Kim Hess presented the item to the committee and provided the renderings for the design, location and overall improvements. It was then moved by Deborah Sargeant and seconded by Ken Anderson to approve the concept for the improvement on the condition the final plans are submitted for review and final action. The motion carried unanimously.

30. Consideration and Action to allow temporary directional signs

BYRD Automotive

2445 High Timbers Drive

Lot 0630, 0910 Block 0547, Section 6, Village of Town Center.

This item was reviewed by the full committee. The staff provided a presentation of the location of the signs and the design and type. The staff informed the committee, the request for the signs is due to the road construction and the requirement to reroute customers while the road is under construction. The Committee noted they had no concern with the sign design. However, the location would require review and action by Montgomery County and may also, due to the location in the street right of way, be removed by individuals other than Township staff in accordance with the ordinance for signs located in the street right of way. It was then moved by Ken Anderson and seconded by Deborah Sargeant to approve the signs on a temporary basis, only to be used till the road construction is complete. Approval by this committee does not constitute approval by county or any other entity. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.

31. 2 West Isle – Sneller Custom Homes – Variance request for a pool located in the easement and beyond the rear platted building line.

This item was reviewed under the summary items list as presented by staff recommendation. It was moved by Ken Anderson and seconded by Kim Hess to approve the pool location on the condition the owner meets code and passes final inspection. Approval by this committee does not constitute approval by the additional easement holders, sub home owner's association or any other entity. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.

32. Variance request for a proposed kitchen addition that will be located beyond the twenty five foot rear building setback; and will cause the lot to exceed the maximum living area allowed.

Carlos Girault Ruiz and Susana Bernardi

10603 Whisper Willow Place

Lot 34, Block 07, Section 06 Village of Grogan's Mill

This item was reviewed by the full committee. The staff presented the plans, location and presentation noting the location of the improvement. The committee discussed concerns regarding the use of materials and the support for the stone structure. It was then moved by Ken Anderson and seconded by Deborah Sargeant to approve the addition on the condition the owner meets code and passes final inspection. Additionally, the owner should coordinate with his inspector and contractor to ensure the plans provide sufficient structural support to stone siding. The motion carried unanimously.

33. Variance request for a proposed deck that will be located within the ten foot rear easement.
Carlos Girault Ruiz and Susana Bernardi
10603 Whisper Willow Place
Lot 34, Block 07, Section 06 Village of Grogan's Mill
This item was reviewed by the full committee. The staff presented the plans, location and presentation noting the location of the improvement. The committee discussed concerns regarding the use of materials and the support for the stone structure. It was then moved by Ken Anderson and seconded by Deborah Sargeant to approve on the condition the portions of decking located in the easement are constructed of palletized sections which can be easily removed from the easement as needed. Additionally, the owner must reduce the decking area to resemble a walkway, with a width no greater than four feet. The approval does not allow for any trees to be removed. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal. Approval by this committee is only for improvements located within the owner's property. Any improvement located off of the owner's property should be removed or an agreement with the adjacent property owner should be adopted and recorded at the courthouse. The owner must ensure that the improvements do not halt or materially impede drainage as defined in the Standards.
34. Variance request for a proposed shed that will not be screened by a six foot solid fence; and will be located in the five foot side yard easement.
Aisa Sanders
6 Roseling Rd.
Lot 68, Block 02, Section 13 Village of Grogan's Mill
This item was reviewed by the full committee. The staff presented the plans, location and presentation noting the location of the improvement. It was then moved by Deborah Sargeant and seconded by Kim Hess approve the proposed shed on the condition the owner must plant and maintain significant vegetation to soften and screen the view of the shed from the street and the golf course. The motion carried unanimously.
35. Request for a rehearing for an existing shed located in the rear easement previously disapproved by the DSC on September 19, 2012.
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 as he was out of the country on business. It was moved by Deborah Sargeant and seconded by Ken Anderson to approve a rehearing for the December 19, 2012 DSC meeting. The motion carried unanimously.
36. Variance request for proposed summer kitchen that is less than ten feet from the adjacent property line and both the proposed summer kitchen and attached arbor will project past the six and a half foot side building setback.
John C. Flaughner
71 Vintage Path Place
Lot 13, Block 2, Section 11 Village of College Park (Grogan's Forest)
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 stated that the yard was small and tried to design to maximize use and comply with regulations. It was moved by Ken Anderson and seconded by Deborah Sargeant to conditionally approve, meet code and standard conditions. Plant and maintain tall evergreen (at least 7' tall at time of planting) trees or shrubs to screen to side property. The motion carried unanimously.
37. Variance request for an existing detached patio cover is located in the five foot side yard easement and has an unacceptable corrugated roofing material.
Lawrence D Loomis Price

46 Firethorn Place
Lot 23, Block 3, Section 3 Village of Alden Bridge
TABLED at Owners Request – he is out of town.

38. Variance request for a proposed pool with pool equipment that will encroach upon the five foot side yard easement on the non a/c side more than the two foot allowance
Kenneth R Stein
174 Lattice Gate Street
Lot 35, Block 1, Section 55 Village of Alden Bridge
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner's contractor was present to address the committee. He said that that this side of the house was a high traffic area and placing the pool equipment here would be problematic for access. It was moved by Deborah Sargeant and seconded by Ken Anderson conditionally approve, pool equipment to be relocated on left side and not to project more than 3 feet into side 5' easement, submit revised drawings and survey, plant and maintain evergreen shrubs to screen from view of street and adjacent property. Standard conditions and meet code. The motion carried unanimously.
39. Variance request for an existing play structure that does not respect the rear ten foot easement.
Robert & Jennifer Kulis
14 Rosy Finch Place
Lot 10, Block 4, Section 11 Village of Creekside Park
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 Robert Heineman and seconded by Kim Hess 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. Additionally plant and maintain an evergreen tall shrub at least 7' in height to rear of fort. The motion carried unanimously.
40. Variance request for an existing play structure that does not respect the rear ten foot easement.
David A Allan
90 Harvest Wind Place
Lot 24, Block 1, Section 62 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 Kim Hess 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. Additionally plant and maintain evergreen tall shrubs at least 7' in height to rear of play structure to screen view. Staff to determine if sufficient screening upon completion. The motion carried unanimously.

VI. Consideration and Action to modify the Neighborhood Criteria for the Village of Panther Creek Section 20, Block 1 Lots 1-34 Village of Panther Creek

This item was heard by the full committee. It was moved by Robert Heineman and seconded by Deborah Sargeant to approve the proposed revision to the Criteria and submit the revised criteria to the courthouse. The motion carried unanimously.

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 Kim Hess and seconded by Ken Anderson to adjourn the meeting at 7:01 p.m. The motion carried unanimously.