

Development Standards Committee

February 19, 2014 at 5:30 PM

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

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

Member absent: Danie van Loggerenberg, Chris Florack

Staff Present: Hennie van Rensburg, Kim McKenna, Neslihan Tesno 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 the minutes of the Development Standards Committee Meetings on January 15, 2014.** It was moved by Kim Hess and seconded by Ken Anderson to approve the minutes. The motion carried unanimously.
- III. Consideration and Action of the Applications and legal items in Section V recommended for Summary Action.** This item was heard by the full committee. Chair Deborah Sargeant presented the Summary List as presented by Staff. The list consisted of Items 2-11 and 13-15. Item 16 was removed from summary to be reviewed by the full committee since the owner was in attendance. Item 12 was resolved prior to the meeting. It was moved by Ken Anderson and seconded by Mark Bacon to approve the Summary List as presented. The motion carried unanimously.
- IV. Review and Disposition of applications and violations.**
1. Variance request for an in-ground pool, spa and retaining wall which exceeds the maximum amount of hard surface area allowed and may cause an impact to adjacent properties.
Fadi Issa
43 North Lakemist Harbour Place
Lot 04, Block 01, Section 38, Village of Panther Creek
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The affected neighbor and a representative for the home owner were present to address the committee. It was moved by Deborah Sargeant and seconded by Mark Bacon to approve the pool, paving and integrated retaining walls on the following conditions: A sealed drainage plan, sealed by a licensed and registered civil engineer must be submitted to the staff for review and final action. All improvements must meet code and pass final inspection. The owner must not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.
 2. Consideration and action for conceptual approval for a two story office addition and two story parking garage addition with integrated fitness center.
Geosouthern Campus Phase II
1425 Lake Front Circle
Lot 0350, Block 0599, Section 0999 Village of Town Center
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Mark Bacon to approve the conceptual site plan as proposed subject to obtaining an easement from the property owner to the south in order to access from their site. Approval is for the conceptual plans only and requires final review and approval by the committee. The motion carried unanimously.

3. Variance request for a proposed summer kitchen that is not at least ten feet from the adjacent property line.
 Jeff Moss
 34 Lake Reverie Place
 Lot 9, Block 1, Section 17 Village of Creekside Park West
 This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Mark Bacon to conditionally approve - plant and maintain evergreen shrubs at least 6' in height at time of planting to screen to the adjacent property, additionally meet code and standards. The motion carried unanimously.

4. Variance request for a proposed summer kitchen that is not at least ten feet from the adjacent property line.
 Flint Hindman
 18 South Swanwick Place
 Lot 8, Block 2, Section 3 Village of Creekside Park West
 This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Mark Bacon to conditionally approve - plant and maintain evergreen shrubs at least 6' in height at time of planting to screen to the adjacent property, additionally meet code and standards. The motion carried unanimously.

5. Variance request for a proposed shed that may cause negative impact.
 Robert Baumgartner
 67 North Seasons Trace
 Lot 17, Block 1, Section 19 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 Mark Bacon to approve as submitted. The motion carried unanimously.

6. Variance request for proposed patio cover with bath that will not respect the rear 20 foot building setback and will exceed the maximum allowed living area.
 Luis Barrenechea
 26 Shallowford Place
 Lot 21, Block 1, Section 11 Village of Creekside Park West
 This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Mark Bacon to conditionally approve - standard conditions must meet code and pass all inspections additionally plant and maintain sufficient evergreen vegetation to soften impact to rear and left properties. Vegetation must be at least 7 feet tall at time of planting. Staff to review upon completion to determine sufficient screening. The motion carried unanimously.

7. Variance request for an existing play structure that does not respect the five foot side easement.
 Sonya Fitzpatrick
 107 North Delta Mill Circle
 Lot 48, Block 1, Section 1 Village of College Park
 This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Mark Bacon 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.

8. Variance request for an existing shed that does not respect the side five foot easement.
Vannak Marroquin
51 Orchid Grove Place
Lot 15, Block 2, Section 7 Village of College Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Mark Bacon 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.
9. Variance request for an existing play structure that does not respect the side five foot and the rear ten foot easements.
David L Stetson
23 Pine Island Place
Lot 25, Block 3, Section 36 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 Mark Bacon 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.
10. Variance request for an existing waterfall/slide exceeds the maximum height and appealing requirements to plant and maintain evergreen vegetation to screen waterfall/slide from right side neighbor.
Kenneth W Hammock
18 Pleasant Bend Drive
Lot 15, Block 2, Section 23 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 Mark Bacon to approve the slide/waterfall as built. The motion carried unanimously.
11. Consideration and action to appeal the conditions of approval regarding an existing driveway that exceeds the maximum width allowed.
Christopher Ryan Bearb
26 Broadweather Place
Lot 81, Block 1, Section 50 Village Alden Bridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Mark Bacon to approve as submitted. The motion carried unanimously.
12. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Keith Wolf
107 West Arbor Camp Circle
Lot 58, Block 1, Section 4 Village of Creekside Park
Resolved prior to meeting.

13. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Brent Doucette
7 Silk Tree Place
Lot 34, Block 2, Section 81 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 Mark Bacon 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 window ac unit) 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.

14. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Larry Holliday
35 Cypress Bayou Court
Lot 31, Block 1, Section 24 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 Mark Bacon 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 and by removing algae/mildew from exterior of home and continually maintaining the home in good repair) 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.
Rex Tucker
11 Ambassador Bend
Lot 40, Block 1, Section 33 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 Mark Bacon 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.

16. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Dennis Zaiser
50 Whetstone Ridge Court
Lot 20, Block 1, Section 74 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The owner stated that the trash can was not in violation in his opinion since it was not visible to a public street – it was on an alley way. Staff informed owner that the Standards state that trash cans may not be visible from alleys. It was moved by Deborah Sargent 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 cart 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. Robert Heineman was not in the room during the vote. The motion carried. The motion carried unanimously.

17. Consideration and Action to appeal the original decision of the DSC to require screening for a patio cover.

Jason Blake

22 Mohawk Path Place

Lot 91, Block 1, Section 6 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 Deborah Sargent and seconded by Ken Anderson to disapprove the request to not plant screening – the original condition stands. The motion carried unanimously.

18. Request for a rehearing for a proposed sports court that will not respect the rear 25 foot setback and may create negative neighbor impact.

Daniel Simoni

75 Nocturne Woods Place

Lot 19, Block 1, Section 44 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 homeowner stated that he was able to get feedback from all but one of his neighbors and they had no objection. It was moved by Deborah Sargent and seconded by Mark Bacon to approve a rehearing for the next DSC meeting on March 5. The motion carried unanimously. The committee asked staff to contact the remaining adjacent owner if possible and get feedback.

19. Variance request for a proposed patio cover that does not respect the rear 20 foot building setback and may have mass, scale proportion concerns.

Johnny Greene

79 West Canyon Wren Circle

Lot 28, Block 1, Section 13 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. The owner stated that detached garages were allowed to project back into the setback and this encroachment would be similar. It was moved by Kim Hess and seconded by Mark Bacon to conditionally approve as follows: reduce the encroachment on right corner to meet the setback of 20' and reduce the left corner to allow max encroachment of 3'. Plant and maintain sufficient evergreen trees or shrubs to soften impact to rear and right properties. Vegetation must be at least 7 feet tall at time of planting. Staff to review upon completion to determine sufficient screening. Meet code and standard conditions. The motion carried unanimously.

20. Variance request for a patio cover and fireplace that does not respect the rear 40 foot building setback.

Richard Harper

22 Nesting Crane Court

Lot 32, Block 1, Section 6 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. The owner stated she was not aware of the 40' setback when she purchased home and that there are multiple homes on the lake that have patio covers in the setback. It was moved by Deborah Sargeant and seconded by Ken Anderson to table this item for a DSC site visit – return for March 5 DSC meeting. The motion carried unanimously.

21. Variance request for a proposed patio cover with fireplace that does not respect the rear 20 foot setback, summer kitchen is not at least ten feet from the adjacent property line and the pool equipment may cause negative impact.

Matthew Breedlove

10 Dewlight Place

Lot 9, 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 not present to address the committee. It was moved by Deborah Sargeant and seconded by Kim Hess to conditionally approve the patio cover – Plant and maintain sufficient evergreen trees or shrubs to soften impact to rear and left properties. Vegetation must be at least 7 feet tall at time of planting. Staff to review upon completion to determine sufficient screening. Meet code and standard conditions, Fireplace & Summer Kitchen – approve as submitted, meet code and standard conditions, Pool & Equipment – conditionally approve, move pool equipment to rear yard. Verify all CenterPoint Energy rear easements as they may differ with the covenant easements. Improvement not to encroach into any easements. Meet code and standards. All conditions must be met within 120 days of approval. The motion carried unanimously.

22. Variance request for a proposed water fountain that may have negative impact and a patio that does not respect the rear ten foot easement.

David Heup

23 Libretto Court

Lot 28, Block 1, Section 27 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 Ken Anderson and seconded by Kim Hess to conditionally approve the Water feature - wall not to exceed 7' in height. Plant and maintain sufficient evergreen trees or shrubs to soften impact the right adjacent property. Vegetation must be at least 7 feet tall at time of planting. Staff to review upon completion to determine sufficient screening. Meet code and standard conditions 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.

23. Variance request for a proposed patio cover that does not respect the rear 25 foot setback.

Joseph La Canfora

43 Amulet Oaks Place

Lot 47, 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 not present to address the committee. It was moved by Robert Heineman and seconded by Deborah Sargeant to conditionally approve, Plant and maintain sufficient evergreen trees or shrubs to soften impact to rear and left properties. Vegetation must be at least 7 feet tall at time of planting. Staff to review upon completion to determine sufficient screening. Meet code and standard conditions. The motion carried unanimously.

24. Variance request for a proposed basketball goal that will not respect the side five foot easement.

Bryan Chappelle

15 Pondera Point Drive

Lot 15, Block 1, Section 13 Village of Creekside Park West

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 Robert Heineman and seconded by Ken Anderson to conditionally approve, Plant and maintain sufficient evergreen vegetation to screen to right of goal. The motion carried unanimously.

25. Variance request for an existing patio cover that does not have sealed plans drawn by a licensed and registered structural engineer, licensed architect or a certified professional building designer with accreditation through The American Institute of Building Design (A.I.B.D.), Texas Institute of Building Design (T.I.B.D.) or The National Council of Building Designer Certification (N.C.B.D.C.) and may have an adverse impact on the neighborhoods existing character and neighboring properties.

Christine Salvador

15 Columberry Court

Lot 24, Block 2, Section 84 Village of Alden Bridge

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. The Owner stated that they had an architect seal the plans and also talked to all the neighbors and they had no issues. Discussion followed about the breezeway and why it was incorporated into the design instead of removal (electrical conduit to the house). It was moved by Deborah Sargeant and seconded by Mark Bacon to disapprove – return to DSC with revised plans that have the breezeway removed and the structure integrated with dwelling and compatible with the existing architecture. The motion carried unanimously.

26. Variance request for an existing dog run that not located a minimum of three feet from all perimeter fencing or the property line, is located immediately adjacent to a property line of another residential lot and may have an adverse impact on neighboring properties or residents

Manuel Calero

15 Taupewood Place

Lot 43, Block 3, Section 74 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 have concerns of continual dog barking since the dogs are out more and nuisance issues. The owner stated the gate is there to put the dogs there when they have guests. It was moved by Robert Heineman and seconded by Deborah Sargeant to disapprove –remove fence within 15 days of the decision. The motion carried unanimously.

27. Variance request for an existing gazebo and pavers that do not respect the rear ten foot easement.

John E Kacher

39 Webb Creek Place

Lot 10, Block 1, Section 46 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 had concerns about the removal of a lot of vegetation (yaupons) that previously screened the properties. The owner stated that the foliage was removed since it was very dense and they had a new landscape plan designed with the new gazebo and pavers. It was moved by Kim Hess and seconded by Mark Bacon to conditionally approve, move the structure at least 5' away from fence line, however there must be sufficient space to plant and maintain evergreen trees or shrubs at least 7' tall at time of planting to screen to rear and sides. Remove all paving in easement that is not under the structure. The motion carried unanimously.

28. Variance request for existing pavers that do not respect the five foot side and ten foot rear yard easements, the existing gazebo encroaches into the ten foot rear yard easement and extends beyond the 20 foot rear setback. The summer kitchen also does not respect the rear 20 foot setback. Additionally all improvements exceed the maximum percent coverage of hard surface area allowed for the lot.

James C Carlton

31 North Goldenvine Circle

Lot 39, Block 2, Section 65 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. It was moved by Deborah Sargeant and seconded by Kim Hess to conditionally approve : **Gazebo with pavers** — plant and maintain evergreen trees or shrubs at least 7' tall at time of planting, meet code and standard conditions, **Summer Kitchen** - meet code and standard conditions., **Paving** – Reduce at least one foot of paving along the side fence line.

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.

- V.** Consideration and Action regarding the Residential Development Standards.
Staff gave a short update and requested clarification of the Standard concerning pergolas and solid roofs. It was determined that by the current standards a pergola does not have a solid roof except a polycarbonate cover is allowed.
- VI.** Public Comments
There were no public comments.
- VII.** Member Comments
There were no member comments.
- VIII.** Staff Reports
There were no staff reports.
- IX.** Adjourn
There being no further business it was moved by Ken Anderson and seconded by Kim Hess to adjourn the meeting at 7:57 p.m. The motion carried unanimously.