

Development Standards Committee
January 6, 2010 at 5:30PM
The Woodlands Township Service Center
2201 Lake Woodlands Drive
The Woodlands, Texas 77380
Minutes

Members Present: Deborah Sargeant, Robert Heineman, Chris Florack, Michael Sawran, Ken Anderson, Ken Parker and Kim Hess

Staff Present: Pam Forde, Chris Feist and Kim McKenna

Others in Attendance: As reflected by the attached Sign-in Sheet for January 6, 2010.

- I. Welcome/Call Meeting to Order
The meeting was called to order Chairwoman Deborah Sargeant at 5:40 p.m.
- II. Approve Minutes of Previous Meetings
It was moved by Michael Sawran and seconded by Ken Parker to approve the minutes of the previous meeting as presented. The motion carried unanimously.
- III. Presentation of Summary Approvals List
Chairwoman Deborah Sargeant presented the Summary List as presented by Staff Recommendation. The list consisted of residential items 6, 7, 8, 11, 12, 13, 14, 15 and 16. It was moved by Robert Heineman and seconded by Michael Sawran to approve the Summary List as presented by staff. The motion carried unanimously.
- IV. Review and Disposition of Commercial Applications
 - A. Request for Consideration and Action
New Monopole Cell Tower
T Mobile
12104 Sawmill Road
Village of Grogan's Mill
This item was reviewed by the full committee. After presentation by Kim Hess and discussion by the committee, a motion was made by Kim Hess and seconded by Ken Anderson to approve the item as submitted. The motion carried unanimously.
- V. Report on "Commercial Staff Approval List" for January 6, 2010.
The report was accepted as presented.
- VI. Review and Disposition of Residential Applications
 1. Consideration and Action for a conceptual new home construction
Van Teeters
5 Noontide Circle
Lot 3, Block 1, Section 19 Village of Grogan's Mill
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the proposed floor plans, elevations, and photos of the existing home and surrounding homes in noontide. The Committee discussed the varying housing designs

in the neighborhood and confirmed that all individuals in Noontide received notification of the owner's new home construction. The staff read the notice that was sent to the residents of noontide. The committee felt that the concept was acceptable from a conceptual standpoint. However, they felt at the preliminary and final stages, particular attention to materials and colors would need close review. It was then moved by Chris Florack and seconded by Ken Anderson to approve the new home construction plans on concept and require the owner return for the preliminary review with detailed information on the materials and colors to be proposed for the home. The motion carried unanimously.

2. Variance request for an existing and proposed fence, which is construction side visible, exceeds the maximum height, will encroach the 15 foot building line, and will not be 5 feet back from the front façade of the home.

Bradley Goodney

106 Blue Fox Road

Lot 33, Block 1, Section 26 Village of Grogan's Mill

This item was reviewed by the full committee. The staff provided the committee with a power point presentation noting the design and location of the proposed fence. The home owner and two Residential Design Review Committee members were present for the meeting. The committee discussed the fence backing to the ditch and the non woodland housing at the rear, as well as the necessity to build the portion of fencing at the front of the home, construction side out, so that it would appear smooth side out to the street of Blue Fox Road. The owner addressed the committee to explain his need for the fence, was to impede pedestrians from traveling through the area between the properties and to deter vandalism from his home, which had occurred on more than one occasion, since the property had been cleared by the adjoining entity. It was then moved by Chris Florack and seconded by Michael Sawran to deny the fence as proposed and require the owner to redesign the portion of fence extending from the house to the property line, to be smooth side out to the front of the street. However the portion that would extend from the side property line toward the front of the property where it adjoins the townhomes must be construction side out, so that it is smooth side visible from blue fox road. Finally the fence that exists at the rear of the property may remain construction side out while the owner resides at the residence. However, the fence must be corrected to smooth side out, when the owner no longer owns the home, transfers title, is no longer the primary residence or when the fence is in need of repair or replacement whichever comes first. The memorandum of agreement will be recorded at the court house and binding on the land. Finally all fencing with a riot board visible to the street must incorporate landscaping to the exterior of the fence, to screen the view of the riot board from the street. Approval by this committee does not constitute approval by the additional pipeline company or other easement and entity holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

3. Variance request for a proposed rear yard fireplace and related paving, which would cause the lot to further exceed the maximum hard surface area allowed.

Mike and Sherry Kremheller

41 North Turtle Rock Court

Lot 50, Block 02, Section 32 Village of Panther Creek

This item was reviewed by the full committee. The staff provided the committee with a power point presentation noting the design and location of the proposed rear yard fireplace and related paving. The owner was present for this item. The staff noted that one response was received in favor of the proposed improvement, at that neighbor was noted across the street. The committee asked if we received anything from the neighbor most immediately impacted. The staff had not received anything, however, it was confirmed that a letter was sent to that owner notifying them

of the issue proposed for review at tonight's meeting. It was then moved by Chris Florack and seconded by Michael Sawran to approve on the condition that the fireplace does not exceed the required height in order to comply with code. In addition the owner must plant and maintain vegetation around the fireplace and patio area to soften and screen the view from adjacent property. The Owner must ensure that the placement of the improvement and landscaping does not halt or materially impede drainage flowing off of a neighboring tract, and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s). The motion carried unanimously.

4. Variance request for a proposed patio cover and covered walkway with related fireplace and paving, which includes a roofed area greater than 200 square feet, will be attached to the dwelling, and is submitted without the required sealed plans.
Robert and Wendy Mead
43 Lucky Leaf Court
Lot 21, Block 03, Section 30 Village of Panther Creek
This item was reviewed by the full committee. The staff provided the committee with a power point presentation noting the design and location of the proposed patio cover and covered walkway with related fireplace and paving. The owner was present with the contractor to address the committee. It was then moved by Chris Florack and seconded by Ken Anderson to deny the variance and require the owner submit a set of sealed drawings in accordance with the Standard. The manager can review the plans for completeness and accuracy. The motion carried unanimously.
5. Variance request for a living tree proposed for removal.
William and Vicki Pipkin
35 N Pathfinders Circle
Lot 20, Block 04, Section 01, Village of Cochran's Crossing
This item was reviewed by the full committee. The staff provided the committee with a power point presentation noting the tree, the surrounding vegetation and the proximity to the home. The home owner was present for the item and discussed with the committee his concerns that the tree would cause considerable damage to the home should it fall during a hurricane. The committee asked how the tree held during the recent hurricane. The owner said the tree was fine. It was then moved by Deborah Sargeant and seconded by Chris Florack to deny the proposed tree removal. However, allow the owner to be reheard at a future meeting, if the owner obtained a statement from a certified arborist or individual qualified with a background in forestry, in which the statement identifies the tree requested for removal is a diseased, damaged, and/or poses a hazard to existing property. The motion carried unanimously.
6. Variance request for an existing roof, which is not within the acceptable range of roofing samples approvable by the Residential Design Review Committee.
Hans and Nancy Haendler
15 West Misty Morning Trace
Lot 05, Block 03, Section 31 Village of Panther Creek
This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to approve the roof as presented. The motion carried unanimously.
7. Variance request for an existing color change, which was not considered to be compatible with the dwelling and neighborhood.

George Dunham
72 Trummel Court
Lot 28, Block 01, Section 12 Village of Panther Creek

This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to table the item until and allow the owner to attend the meeting. The motion carried unanimously.

8. Variance request for an existing garage door color, which is not the same color as the siding or trim of the house.

Thomas Price
180 S. Deerfoot Circle
Lot 48, Block 1, Section 28 Village of Grogan's Mill

This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to table the item until and allow the owner to attend the meeting. The motion carried unanimously.

9. Variance request for an existing trellis, which was not considered to be appropriate in scale to the architectural character of the dwelling and neighborhood; and was not considered to be located to minimize impact on neighboring properties according to the Residential Design review Committee.

Leonard and Laurie Reinsmith
15 Treasure Cove Drive
Lot 38, Block 01, Section 24 Village of Panther Creek

This item was reviewed by the full committee. The staff provided the committee with a power point presentation noting the existing trellis. The owner and affected neighbor were present for the meeting. The owner noted that the trellis would be covered with vegetation on both sides of the trellis and was installed to allow for privacy between the homes. The affected neighbors addressed the committee, concerned the view of the trellis above the fence line was not aesthetically appealing from the back yard. It was then moved by Chris Florack and seconded by Ken Parker to deny the variance as presented and require the owner resubmit the application with a the suggestion the owner should locate the trellis further away from the adjoining properties, reduce the overall height and add vegetation to the rear of the proposal. The committee required the revision be submitted back to the Development Standards Committee for final review and action. The motion carried unanimously.

10. Variance request for an existing storage building, which exceeds the maximum height and number of buildings allowed.

Glenn and Janet Helton
316 E Golden Arrow Circle
Lot 63, Block 02, Section 18, Village of Cochran's Crossing

This item was reviewed by the full committee. The staff provided the committee with a power point presentation noting the existing storage building. The staff noted the other building was approved by The Development Standards Committee in early 2009. At which time the owner noted that they would remove the smaller shed if he was allowed to keep the larger shed. The committee discussed concern of precedence by allowing to buildings. The owner was present to address the committee. He noted that he did not feel it was an impact to the adjoining properties and was not all that visible from the street. It was then

moved by Chris Florack and seconded by Michael Sawran to deny the variance as proposed; and require the owner remove the shed. Ken Parker was opposed to the motion. The motion carried.

11. Variance request for an existing Gazebo, which is located beyond the 20 foot rear Building Setback Line.

Eugene and Cynthia Hathaway

34 Nightfall Place

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

This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to disapprove the gazebo and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner to remove the gazebo when the owner transfers title, is no longer the primary residence. Or when the gazebo is in need of repair and replacement, whichever comes first. The memorandum of agreement will be recorded with the court house and binding to the land. The motion carried unanimously.

12. Variance request for an existing Play Structure, which encroaches into the 10 foot rear yard easement and exceeds the maximum height allowed.

Eugene and Cynthia Hathaway

34 Nightfall Place

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

This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to disapprove the play structure and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner to remove the play structure from the lot when the owner transfers title, is no longer the primary residence. Or when the play structure is in need of repair and replacement, whichever comes first. The memorandum of agreement will be recorded with the court house and binding to the land. The motion carried unanimously.

13. Variance request for existing landscape rocks located in the street right-of-way and less than 18 inches from the pavement edge.

Eugene and Cynthia Hathaway

34 Nightfall Place

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

This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to approve the existing landscape rocks located in the street right-of-way as presented. Approval by this committee does not constitute approval by the additional easement holders or the county. It is the owner's responsibility to obtain approval by the additional entities and may be subject to removal. The motion carried unanimously.

14. Variance request for an existing retaining wall on each side of the drainage culvert, which are made of landscape timbers and located in the street right-of-way

Laura Koch

40 East White Willow Circle

Lot 69, Block 01, Section 03 Village of Panther Creek

This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to approve the existing retaining wall as presented. Approval by this committee does not constitute approval by the additional easement holders or the county. It is the owner's responsibility to obtain approval by the additional entities and may be subject to removal. The motion carried unanimously.

15. The existing landscape timber retaining wall is located in the street right-of-way and was placed in the right-of-way.

Laura Koch

40 East White Willow Circle

Lot 69, Block 01, Section 03 Village of Panther Creek

This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to approve the existing landscape timber retaining wall, located in the street right-of-way, as presented. Approval by this committee does not constitute approval by the additional easement holders or the county. It is the owner's responsibility to obtain approval by the additional entities and may be subject to removal. The motion carried unanimously.

16. The existing landscape timber retaining wall is located in the street right-of-way and was placed in the right-of-way.

Daniel Harrison

44 East White Willow Circle

Lot 68, Block 01, Section 03 Village of Panther Creek

This item was heard under the summary approval list as presented by staff. It was moved by Robert Heineman and seconded by Michael Sawran to approve the existing landscape timber retaining wall, located in the street right-of-way, as presented. Approval by this committee does not constitute approval by the additional easement holders or the county. It is the owner's responsibility to obtain approval by the additional entities and may be subject to removal. The motion carried unanimously.

17. Variance request for an existing fence, which was built Construction side facing outward from the property.

Ruth Pinney

18 Starviolet Street

Lot 71, Block 1, Section 17 Village of Grogan's Mill

This item was reviewed by the full committee. The staff provided the committee with a power point presentation noting the existing fence. The affected neighbor was present for the meeting as well as a Residential Design Review Committee Member. It was noted that the owner did not attend the meeting. The committee discussed the issues between the properties, and the affected neighbor's requirement to comply with the code for a pool barrier. The affected neighbor addressed the committee to note his approved application with the Residential Design Review Committee and his proposal to install a fence as soon as the owner corrects or removed her fence. The committee then agreed the issue of the affected neighbor's pool barrier compliance should remain separate from the owner's requirement to build a fence in accordance with the Standards. It was then moved by Chris Florack and seconded by Ken Anderson to deny the variance request as proposed and require the owner remove her fence and require her to submit a permit and install a fence that is complaint with the Standards. The committee noted the owner should be granted 60 days to correct her fence or remove it. The motion carried unanimously.

VII. Public Comments

An owner, who received a letter regarding an item at the agenda, noted that her letter was incorrect. Additionally the affected neighbor for item 17 also noted his letter was incorrect. The staff apologized for the incorrect letter, made copies of the letters and stated they would follow up with the staff.

VIII. Member Comments

Chairwoman Deborah Sargeant thanked the committee for all of their hard worked, and noted that as a result of the Township action regarding the appointments to the Development Standards Committee. She was pleased they would be working together for at least another year.

IX. Staff Reports

There were no staff reports.

X. Adjourn

There being no further business it was moved by Michael Sawran and seconded by ken Parker to adjourn the meeting at 8:00 p.m. The motion carried unanimously.