

Development Standards Committee  
April 7th, 2010 at 5:30PM  
The Woodlands Township Service Center  
2201 Lake Woodlands Drive  
The Woodlands, Texas 77380  
Minutes

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

Staff Present: Pam Forde, Chris Feist and Kim McKenna

Others in Attendance: As reflected by the attached Sign-in Sheet for April 7<sup>th</sup>, 2010.

**I. Welcome/Call Meeting to Order**

The meeting was called to order Chairwoman Deborah Sargeant at 5:41 p.m.

**II. Approve Minutes of Previous Meetings**

It was moved by Michael Sawran and seconded by Chris Florack to approve the minutes of the previous meeting as presented. The motion carried unanimously.

**III. Consideration and Action of the Summary List**

Chairwoman Deborah Sargeant presented the Summary List as presented by Staff Recommendation. The list consisted of commercial items A and B and residential Items 2-6, 10-14, 16, 17, 19-21, 24-28 and 30. It was moved by Chris Florack 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**

**Directional Sign**

Woodlands Shell Auto Care – 01-020-0040-0045-0290-0000  
4725 W. Panther Creek Drive  
Village of Panther Creek

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the Summary List as presented by staff. The motion carried unanimously.

**B. Request for Consideration and Action**

**Patio/Walkway and Arbor**

Shrieve Chemical – 01-010-0036-0599-0263-0000  
1755 Woodstead Ct.  
Village of Grogan's Mill

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the Summary List as presented by staff. The motion carried unanimously.

**V. Report on "Commercial Staff Approval List" for April 7<sup>th</sup>, 2010**

The list was accepted as presented.

**VI. Review and Disposition of Residential Applications**

1. Variance request for a proposed gazebo with summer kitchen, which would be located beyond the 40 foot rear building setback; and the Residential Design Review Committee, felt the gazebo was not architecturally compatible with the home or the neighborhood.

Annett Christian Rolland de Moreno

55 Hollymead Drive

Lot 07, Block 02, Section 09, Village of Cochran's Crossing

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the proposed gazebo with summer kitchen. The contractor was present to address the committee. The committee discussed concerns regarding the pitch of the roof and columns. It was then moved by Chris Florack and seconded by Ken Anderson to approve the improvements on the following conditions. The owner must submit a revised drawing that modifies the pitch of the roof to match the home, the columns must be redesigned to match or be similar to the columns at the front of the home. However, the columns do not have to be entirely stucco, they could be designed at ¾ stucco material. The structure must be shingled to match the existing roof of the home and the improvements must meet code and pass final inspection. The motion carried unanimously.

2. Variance request for a proposed second story deck addition with bar-be-que grill, which will encroach the rear ten foot easement.

Hamid Afshari

1 Dunloggin Lane

Lot 15, Block 1, Section 11 Village of Grogan's Mill

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve as presented. The home owner must meet code and pass final inspection. Additionally, approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

3. Variance request for a proposed stairway, which will encroach the right side easement, which is not in keeping with the Residential Standards.

Hamid Afshari

1 Dunloggin Lane

Lot 15, Block 1, Section 11 Village of Grogan's Mill

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve as presented. The home owner must meet code and pass final inspection. Additionally, approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

4. Variance request for a proposed concept garage addition and room additions, which would exceed the maximum living area allowed and may be located beyond the 40 foot rear building setback, as determined by the Neighborhood Criteria.

Frank and Cinda Redmond

39 Leeward Cove Drive

Lot 03, Block 02, Section 24, Village of Panther Creek

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the conceptual addition. Owner must

submit final permit in accordance with the Standards. Improvement must meet code and pass final inspection. The motion carried unanimously.

5. Variance request for a proposed driveway widening, which would exceed the maximum width allowed and would be located within the 10 foot rear utility easement.  
Adam and Leihuanani Watson  
39 Crescent View Court  
Lot 40, Block 03, Section 29 Village of Panther Creek  
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve on the condition the owner plant and maintain native vegetation to the front of the extended paved area to soften and screen the view of the paving from the street. The motion carried unanimously.
  
6. Variance request for a proposed driveway widening, which would exceed the maximum width allowed.  
Sean Childress  
141 West White Willow Circle  
Lot 26, Block 02, Section 03 Village of Panther Creek  
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve as presented. The motion carried unanimously.
  
7. Variance request for an existing driveway widening, which encroaches the five foot side yard easement, causes the driveway to exceed the maximum width allowed, and is constructed of flagstone, which is not an approved hard surface for parking.  
Clayton and Stephanie Hall  
14 Pebble Hollow Court  
Lot 59, Block 02, Section 32 Village of Panther Creek  
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the existing driveway widening. The home owner and an affected neighbor were present to address the committee. The committee shared concerns of setting a precedent and causing an impact to the adjacent property. It was then moved by Chris Florack and seconded by Ken Parker to deny the driveway widening as proposed and require the owner submit a redesigned driveway expansion to reduce the overall encroachment to the side easement. The motion carried unanimously.
  
8. Request for a rehearing regarding an existing storage shed/greenhouse which does not meet the conditions of approval.  
Felipe Arteaga  
105 Grogan's Point Road  
Lot 2, Block 1, Section 49 Village of Grogan's Mill  
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the existing storage shed/greenhouse. The home owner was not present for this item. However, affected neighbors were present and addressed the committee. The adjoining property owners shared photos of the view of the structure from their homes. Additionally the concern of impact and aesthetics was addressed with the committee. The committee discussed concerns regarding impact to neighbor, materials on the structure, height and overall concern of setting a precedent. Committee member Robert Heineman felt the committee should table the item and allow the home owner to attend. The staff confirmed that the home owner was notified through written correspondence, that the item would be heard at his

agenda. It was noted that the letter was the same as the letter sent to the affected neighbors. It was then moved by Chris Florack and seconded by Deborah Sargeant to deny the rehearing request, as new information had not been received that would warrant the committee to change their original action. The committee affirmed their original action. Robert Heineman was opposed to the motion. The motion carried.

9. Variance request for an existing garage door which is white and is not the same color as the siding or trim of the dwelling.  
Mr. and Mrs. Robert Smith  
65 South Brookberry Court  
Lot 29, Block 03, Section 12 Village of Panther Creek  
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the existing garage door color. The committee reviewed the color of the home and commented on other colors in the neighborhood. It was then moved by Chris Florack and seconded by Kim Hess to approve as presented. The committee felt the garage door color was compatible with the front door and shutters. The motion carried unanimously.
10. Variance request for an existing roof color, which is not within the acceptable range of samples approvable by the Residential Design Review Committee.  
Walker  
29 East Bigelow Oak Court  
Lot 45, Block 01, Section 03 Village of Panther Creek  
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the existing roof color as presented. The motion carried unanimously.
11. Variance request for existing pavers, which encroach into the 10 foot rear and 5 foot side yard easements.  
Scott and Kelly Shank  
26 Swiftstream Place  
Lot 30, Block 01, Section 16, Village of Cochran's Crossing  
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the existing pavers as presented. Additionally, approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.
12. Variance request for an existing spa, which encroaches into the 5 foot side yard easement.  
Scott and Kelly Shank  
26 Swiftstream Place  
Lot 30, Block 01, Section 16, Village of Cochran's Crossing  
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve an existing spa. The spa must comply with code. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.
13. Variance request for an existing wood deck which encroaches into the 10 foot rear and 5 foot side yard easements.  
Scott and Kelly Shank  
26 Swiftstream Place

Lot 30, Block 01, Section 16, Village of Cochran's Crossing

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the wood deck as presented.

Additionally, approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

14. Variance request for an existing garage door color which is not painted to match the siding or the trim color of the home.

William and Patricia Kutsche

23 Lake Leaf Place

Lot 46, Block 02, Section 30, Village of Cochran's Crossing

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the garage door color as presented.

The motion carried unanimously.

15. Variance request for an existing retaining wall, which is located within the 5 foot side yard easement.

William and Patricia Kutsche

23 Lake Leaf Place

Lot 46, Block 02, Section 30, Village of Cochran's Crossing

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the existing retaining wall. The home owner was present to address the committee and noted that the retaining wall was a replacement. The committee discussed concerns in regards to the proximity of the retaining wall to the adjacent property and whether or not it caused a security barrier issue for the adjacent neighbors. It was then moved by Chris Florack and seconded by Ken Anderson to approve the retaining wall on the condition the owner must obtain an inspection report from the third party qualified inspector, in accordance with our standard, to verify the retaining wall complies with code for both his property and the adjacent property. The motion carried unanimously.

16. Variance request for an existing trampoline, which encroaches into the 5 foot side and 10 foot rear yard easements.

William and Patricia Kutsche

23 Lake Leaf Place

Lot 46, Block 02, Section 30, Village of Cochran's Crossing

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to disapprove the trampoline and consent to delay enforcement, based upon the execution of an memorandum of agreement, requiring the owner to remove the trampoline out of the easement, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, or when the trampoline is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Additionally, approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

17. Variance request for an existing room addition/attic conversion, which was completed without complete construction drawings in accordance with the Residential Development Standards.

Mauricio Garcia de Luca

14 Lyric Arbor Circle

Lot 21, Block 01, Section 38, Village of Cochran's Crossing

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve on the condition the owner must obtain a final inspection for the attic conversion; improvement must meet code and pass final inspection. The motion carried unanimously.

18. Variance request for an existing fence, which was built with the construction side facing outward from the lot.

Carl Pittman

12220 Gun Oak Place

Lot 10, Block 8, Section 3 Village of Grogan's Mill

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting existing fence. It was moved by Chris Florack and seconded by Deborah Sargeant to deny the variance as proposed and require the owner modify the portion of CSO fencing visible to the street to comply with the Standards. Double sided, shadowboxed or flipped. The motion carried unanimously.

19. Variance request for an existing fence, which was built with the construction side facing outward from the lot.

Balakrishna R. Medavarapu

2827 W. Wildwind Circle

Lot 17, Block 10, Section 12 Village of Grogan's Mill

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to withdraw the item from the agenda. The motion carried unanimously.

20. Variance request for an existing fence, which was constructed with a rot board that is visible from an adjacent street right-of-way.

Wilson and Carol Yancey

39 Carriage Pines Court

Lot 11, Block 02, Section 35 Village of Panther Creek

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the fence on the condition the owner maintains the existing vegetation at the corner of the fence, to soften and screen the view of the rot board from the front of the street. Home owner would not be required to plant vegetation on the adjoining property owner's lot.

21. Variance request for an existing fence, which was built with the construction side facing outward from the lot.

Larry Ainsworth

11015 Ellwood Street

Lot 16, Block 7, Section 7 Village of Grogan's Mill

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to table the item. The motion carried unanimously.

22. Variance request for a proposed fence encroaches past the 25 foot building line.

John Bible

2 Lazy Lane

Lot 1, Block 1, Section 3 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 fence and the fences in the surrounding area. The

home owner was present to address the committee. It was moved by Michael Sawran and seconded by Chris Florack to approve the fence as presented. The motion carried unanimously.

23. Variance request for an existing fence, which was built with the construction side facing outward from the lot.

John Bible  
2 Lazy Lane

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

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the fence. It was noted that the home owner intended to install the fence with the construction members in compliance with the Standard. However, his contractor was approached by the adjoining property owner and requested he remain on the owner's property line. As a result he instructed his contractor to complete the work, with the construction members facing outward. It was moved by Michael Sawran and seconded by Chris Florack to approve the fence on the condition a fence be constructed at the adjoining property owner's lot to screen the view of the unfinished side of the fence from the street. The motion carried unanimously.

24. Variance request for an existing arbor, which exceeds the first floor plate height of the dwelling.

Tim O'Neill  
138 Rushwing Place

Lot 07, Block 15, Section 01 Village of Indian Springs

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the existing arbor on the condition the owner plants and maintains native evergreen trees and/or shrubs to the exterior of the fence, to soften and screen the view of the arbor from the street. The motion carried unanimously.

25. Variance request for existing and proposed rock bollards in the street right-of-way, which are not in keeping with the Standard.

Joel Gillet  
18 Mayfair Grove Court

Lot 09, Block 02, Section 10 Village of Panther Creek

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran approve the existing and proposed rock bollards on the condition the rocks do not exceed 8 inches in height and are located no closer to the street than the existing wood posts and existing rock bollards. Additionally, approval by this committee does not constitute approval by the additional entities, such as the county or the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

26. Variance request for existing and proposed rock bollards in the street right-of-way, which are not in keeping with the Standard.

Margaret Moorehead  
35 North Rushwing Circle

Lot 08, Block 08, Section 01 Village of Indian Springs

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to table the item to the meeting of May 5, 2010. The motion carried unanimously.

27. Variance request for existing and proposed rock bollards in the street right-of-way and exceeds the maximum allowed height, which is not in keeping with the Standard.

John Echols  
27 Nightfall Place  
Lot 25, Block 01, Section 28, Village of Cochran's Crossing

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to approve the existing and proposed rock bollards as presented. Additionally, approval by this committee does not constitute approval by the additional entities, such as the county or the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

28. Variance request for a deck in the rear, which encroaches into the rear 10 foot rear easement.

Carlos Liendo  
11433 Slash Pine Place  
Lot 16, Block 1, Section 8 Village of Grogan's Mill

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to disapprove the deck and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner to remove the portion of the deck from the easement when the owner no longer owns the home, transfers title, is no longer the primary residence or when the deck is in need of repair and replacement. The Memorandum will be recorded at the court house and binding on the land. Additionally, it is the home owner's responsibility to obtain approval from the owner's of the open space reserve. Approval by this committee is for the portions of the deck located on the home owner's property. Approval by this committee does not constitute approval by the additional entities or easement holders. It is the owner's responsibility to obtain approval by the additional entities and may be subject to removal. The motion carried unanimously.

29. Variance request for an existing paved parking pad, which is located in the street right-of-way and causes the drive to exceed the maximum allowed width.

Michael and Elizabeth Eppler  
4 Wedgewood Point  
Lot 05, Block 03, Section 11 Village of Panther Creek

This item as reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the paved area in the street right of way. It was noted by the home owner to have been in place for more than a year. Staff noted the paved area as a result of monitoring in the neighborhood. The home owner noted the area is used for parking. The paved area was primarily installed for his father's vehicle, when his father had moved in with the family. Additionally, the committee distributed a letter from the Montgomery County noting that the home owner obtained approval for the additional parking in the street right of way. It was then moved by Chris Florack and seconded by Ken Parker to deny the paved area in the street right of way. The motion carried unanimously.

30. Home owner request for a hearing regarding notices sent for outstanding covenant violations on the property

Elizabeth Arrambide  
219 South Deerfoot Cir  
Lot 1, Block 3, Section 28 Village of Grogan's Mill

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Michael Sawran to table the item per the home owner request. The motion carried unanimously.

31. Consideration and action to proceed with legal action for failure to comply with action of Development Standards Committee regarding a second story room addition.

Mark Haug

7 Hickory Oak Drive

Lot 04, Block 02, Section 15 Village of Panther Creek

This item was heard by the full committee. The home owner was present to address the committee. The staff provided the committee with an overview of the property and the outstanding conditions of approval that had not been verified as met. It was noted during the staff PowerPoint presentation, that the staff has not been able to access the interior of the property to confirm the view of the films the home owner had placed on the windows. It was then moved by Deborah Sargeant and seconded by Chris Florack to table the item and allow the staff a chance to verify the conditions of approval. The motion carried unanimously.

32. Consideration and action to proceed with legal action for failure to comply with the action of Development Standards Committee, regarding the conditions of approval for a driveway expansion and basketball goal.

Nancy Manning

46 Acorn Cluster Court

Lot 10, Block 02, Section 35 Village of Panther Creek

This item was heard by the full committee. The home owner was present to address the committee. The staff provided the committee with an overview of the property, the previous actions of the committee and provided a PowerPoint presentation, noting the conditions of approval and the modifications made to the driveway and landscaping beds. The home owner and several friends and family addressed the committee to note the importance of allowing the basketball goal in the current location. The committee discussed concerns regarding setting a precedent and concerns regarding the view. After deliberating on the item and reviewing the conditions of approval as cited in the letter sent to the owner, it was moved by Chris Florack and seconded by Ken Parker to table the item and allow the staff to complete a site inspection and review each condition of approval, take measurements and report to the committee all items noted, including the basketball goal. The motion carried unanimously. It was noted the item would be heard at the Mat 5, 2010.

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

Nicholas Jiga

4 North Circlewood Glen

Lot 02, Block 02, Section 09 Village of Panther Creek

This item was heard by the full committee. The home owner was present to address the committee. The staff provided the committee with a PowerPoint presentation of the home and the outstanding violations. The home owner addressed the committee regarding some of delays due to family matters, financial constraints and delays with the insurance companies. He requested the committee draft a letter to his insurance company noting that they would only allow for a complete replacement of the siding in need of repair instead of allowing the insurance company to only cover the portion that were damaged and in need of replacement. The committee felt it was necessary to do require all siding to be replaced. The committee agreed to allow for partial replacement. However, they would consult their legal counsel regarding the request. It was then moved by Deborah Sargeant and seconded by Chris Florack to table the item until the meeting of May 5, 2010 and require the owner return with a complete timeline, noting when work should commence on the property and a completion date. Additionally, the committee requested The Revitalization Specialist attend the following meeting and provide the committee with a status

report representing any work through the revitalization program. The motion carried unanimously.

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

John Jiga

6 North Circlewood Glen

Lot 3, Block 2, Section 9, Village of Panther Creek.

This item was heard by the full committee. The home owner was present to address the committee. The staff provided the committee with a PowerPoint presentation of the home and the outstanding violations. The home owner addressed the committee regarding some of delays due to family matters, financial constraints and delays with the insurance companies. Mr. Nicholas Jiga, spoke on behalf of his family and mentioned that he had power of attorney over the property. The committee felt it was necessary to do require al siding to be replaced. The committee agreed to allow for partial replacement. However, they would consult their legal counsel regarding the request. It was then moved by Deborah Sargeant and seconded by Chris Florack to table the item until the meeting of May 5, 2010 and require the owner return with a complete timeline, noting when work should commence on the property and a completion date. Additionally, the committee requested The Revitalization Specialist attend the following meeting and provide the committee with a status report representing any work through the revitalization program. The motion carried unanimously.

**VII. Public Comments**

A home owner addressed the committee regarding a staff member not providing the excerpts in his letter regarding the meeting and regarding an issue in which staff member visiting his property, let his dog out loose. The staff requested to have the home owner contact information so we could follow up with him.

**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 Chris Florack and seconded by Deborah Sargeant to adjourn the meeting. The meeting was adjourned at 8:45p.