Development Standards Committee
September 16, 2015 at 5:30 PM
The Woodlands Township
2801 Technology Forest Boulevard
The Woodlands, Texas 77381

Members Present: Deborah Sargeant, Robert Heineman, Danie van Loggerenberg, Kim Hess Chris Florack, Walter Lisiewski, and Ken Anderson

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

Legal counsel: Brett Strong and Kyla Wilder, The Strong Firm P.C.

I. Welcome/Call Meeting to Order
The meeting was called to order by Chair Deborah Sargeant at 5:31 p.m.

II. Consideration and Action of the minutes of the Development Standards Committee (DSC) Meeting on August 19, 2015.
The minutes were reviewed by the committee. It was moved by Chris Florack and seconded by Walter Lisiewski to approve the minutes as presented. Danie van Loggerenberg abstained due to his absence from that meeting. The motion carried.

III. Consideration and Action of the Applications and Violations in Section VII 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. Item 12 was placed on review as the owner was present. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the summary list. The motion carried unanimously.

IV. Recess to Executive Session to consult with the Development Standards Committee's attorney pursuant to 551.071, Texas Government Code.
Chair Deborah Sargent recessed the committee to Executive Session at 5:35 pm.

V. Reconvene in Public Session
The committee was reconvened in Public Session at 6:22 pm.

VI. Consideration and Discussion regarding lot to lot drainage concerns, including but not limited to, 63 Glentrace Circle in the Village of Alden Bridge and the surrounding properties.
This item was heard by the full committee. Staff provided the committee with a presentation of the conditions of the property at 63 Glentrace and the two surrounding (one to the rear and one to the left side). Candy Altena (owner of 63 Glen Trace) stated she and her husband were owners since 2000 and just recently started having drainage issues when new owners moved in adjacent to them. They came to The Township to try to resolve issues – staff sent out a courtesy notice to the neighbors informing of their responsibility in maintaining the correct drainage. They understand that the Standards and State law state that enforcement of drainage issues is between the affected parties but would like the DSC to review to see if the Standards can be amended to restrict easement encroachments in regard to affecting drainage. The DSC asked staff to place this on a future agenda with an executive session to consult with the attorney.

VII. Review and Disposition of applications and violations.

1. The proposed pool barrier fence replacement would not be located entirely on the owner's property.
   Ken Williams/NuWay Homes, LLC
   32 Whisper Lane
   Lot 09, Block 01, Section 02 Village of Grogan's Mill - Millbend Village
   This item was reviewed by the full committee. The owner was present to address the committee. The Woodlands Township legal counsel was also present to answer any questions regarding the revocable license agreement submitted by the property owner. The staff provided the committee with a presentation noting the current fence, the improvements made to the property and the proposed location of the fence with revocable license agreement submitted. The committee deliberated regarding the agreement submitted noting it was revocable at any time by The Woodlands Country Club. The location of the fence, the replacement needed and the current Standards were addressed. It was then moved by Deborah Sargeant and seconded by Ken Anderson to deny the variance for the fence as presented and require the owner resubmit an application noting the fence entirely on the owner's lot or resubmit an agreement from the adjacent property owner that will be reviewed by legal counsel and determined to be a non-revocable allowable agreement for the location of the fence off of the property. Chris Florack was opposed to the motion. The motion carried.

2. Variance request for the proposed monument sign.
   Woodlands Resort & Conference Center
   2301 North Millbend Drive
   Lot 0470, Block 0547, Section 0006 Village of Grogan's Mill
   This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented on the following conditions: The sign must not to exceed an overall height of 7 feet 3 inches with a sign base of 18 inches, a planter bed must be installed and maintained around the base of the sign, any additional tenant placement or modification would require review and approval prior to the installation. The motion carried unanimously.

3. Variance request for the proposed home reconstruction due to casualty damage repairs without required sealed plans.
   Davena Liepman
   10809 West Timberwagon Circle
   Lot 15, Block 07, Section 06 Village of Grogan's Mill
   This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented on the condition the improvement must meet code and pass final inspection. (This property sustained casualty damage due to the tornado in the area. The repair is exact replacement of what was existing and the owner provided a substantial pre- inspection report from a certified inspector for the requirements of replacement.) The motion carried unanimously.

4. Variance request for a proposed attached patio cover that will not respect the rear 25 foot building setback.
   David Dunaway
   30 English Heather Place
   Lot 56, Block 1, Section 3 Village of Sterling Ridge

This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve with submitted location; Standard conditions must meet code and pass all inspections. VERIFY ALL CENTERPOINT ENERGY EASEMENTS AS THEY MAY DIFFER FROM THE COVENANT EASEMENTS. The motion carried unanimously.

5. Variance request for a proposed attached patio cover with summer kitchen that will not respect the rear 15 foot building setback
   Shannon Barker
   135 East Jagged Ridge Circle
   Lot 24 Block 5, Section 14 Village of Creekside Park
   This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve with submitted location; Standard conditions must meet code and pass all inspections. Plant and maintain evergreen trees or shrubs at least 7' tall at time of planting to screen to the rear and left side. VERIFY ALL CENTERPOINT ENERGY EASEMENTS AS THEY MAY DIFFER FROM THE COVENANT EASEMENTS. The motion carried unanimously.

6. Variance request for a proposed spa and pad that will not respect the rear ten foot easement.
   Matthew G Bullard
   27 Harvest Wind Place
   Lot 7 Block 1, Section 62 Village of Alden Bridge
   This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve, meet code and standards. 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.

7. Variance request for an existing fence that does not respect the ten foot side building line.
   Christy Leahey
   19 Hearthshire Circle
   Lot 1 Block 2, Section 99 Village of Sterling Ridge
   This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve location as submitted. Maintain the evergreen planting bed along street side of fence. The motion carried unanimously.

8. Variance request for existing patio cover with paving that does not respect the side five foot easement.
   Sambo Prak
   34 East Misty Dawn Drive
   Lot 55 Block 2, Section 5 Village of College Park
   This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg 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.

9. Consideration and action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
   Julie Hannibal
   11 Bellisima Court

Lot 19 Block 1 Section 97 Village of Alden Bridge
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions; what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these violations (by removing and storing the trash and recycle carts out of public view) will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion carried unanimously.

10. Consideration and action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
    Jorge A Ortiz
    51 Tidwillow Place
    Lot 22 Block 2, Section 2 Village of Creekside Park West
    This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions; what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these violations (including but not limited to: removing the dog run & house from the property, or by complying with the standards and submitting an application with them located in an approvable location, or by requesting and obtaining a variance. Also by removing the seasonal light from the front of the house) 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.

11. Consideration and action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
    Jefferey M Graffagnino
    22 Silk Tree Place
    Lot 40, Block 2, Section 81 Village of Alden Bridge
    This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions; what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these violations (by removing the trailer and jet skis from being stored in 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.

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

Abendstern Holdings Inc.
18 Valley Oaks Circle
Lot 5 Block 1 Section 51 Village of Alden Bridge
This item was heard by the full committee. Staff provided the committee with a presentation concerning the home business activities at this property. The homeowner, Josie Baker was present to address the committee. She stated she does not advertise the business or the address. She did clarify that no one lived at the dwelling and that it was only used for the sole purpose of the day trading business. It was moved by Deborah Sargeant and seconded by Chris Florack to approve the 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 ceasing all business activity in the dwelling or by applying for the home business and receiving an approved home business permit) 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 committee discussed the motion and Chris Florack pointed out that the home was only being used for commercial use and not as single family as required by the Covenants. The motion failed unanimously. It was then moved by Chris Florack and seconded by Deborah Sargent 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 resolving the issue of the home not being used for a single family residential use and ceasing all business activity on the property until an application for a home business has been approved) 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.

13. Consideration and action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
    Newman 2008 Descendants TR
    6 Wintergrass Place
    Lot 18, Block 1, Section 41 Village of Alden Bridge
    Withdrawn - Resolved prior to meeting.

14. Appeal of the Residential Design Review Committees decision of a color change.
    Ramona Wheeler
    118 East Foxbriar Forest Circle
    Lot 9, Block 1, Section 79 Village of Alden Bridge
    This item was heard by the full committee. The staff provided the committee with a presentation. The owner was not present to address the Committee. It was moved by Deborah Sargeant and seconded by Danie van Loggerenberg to approve as submitted – Behr Subtle White 790E-1 for trim, garage doors and shutters and Behr Porpoise 790E-3 for the siding. The motion carried unanimously.

15. Variance request for proposed pool with decking that does not respect the rear ten foot easement and may exceed the maximum percent coverage of hard surface area for the lot.

Jason and Yvonne Cowham
6 Cayuga Pond Court
Lot 35 Block 1, Section 2 Village of Creekside Park
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. It was moved by Chris Florack and seconded by Danie van Loggerenberg to conditionally approve, **not allowed in rear ten foot easement,** may add to the left side of pool out of easements, and submit revised plan and survey. Transplant small tree in back yard to another area. Standard conditions, must meet code and pass all inspections. Maintain sufficient evergreen vegetation to screen pool equipment from the view of STREET AND NEIGHBORING PROPERTIES. Pool may not encroach into any easement. VERIFY ALL CENTERPOINT ENERGY EASEMENTS AS THEY MAY DIFFER FROM THE COVENANT EASEMENTS. 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 those entities. The motion carried unanimously.

16. Variance request for proposed outdoor living area that will extend beyond the side and rear setbacks for the dwelling. In addition, the outdoor living area and paving will exceed the maximum percent coverage of hard surface area for the lot.
Edward D Arens
47 South Taylor Point Drive
Lot 36 Block 3, Section 13 Village of Alden Bridge
This item was heard by the full committee. The staff provided the committee with a presentation. The owner and contractor were present to address the Committee. The contractor submitted calculations in regard to the size of the project, house footprint and hard surface area calculations. It was moved by Chris Florack and seconded by Deborah Sargent to deny the Concept as presented – submit revisions as follows: must not encroach the side setback, reduce size of patio cover in proportion to the dwelling, consult with staff for guidance, and resubmit revised concept for DSC review. The motion carried unanimously.

17. Appeal of the Residential Design Review Committee's conditions regarding the driveway widening.
Chris Butler
3 Petaldrop Place
Lot 30 Block 1 Section 64 Village of Alden Bridge
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. Homeowner stated he wanted to avoid the right side of the driveway due to existing utility lines and maneuverability. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve - allow 3' on the left side for a maximum of 16' driveway – also can allow driveway border but must do so on both sides of driveway and border must be no wider than 18" and be of contrasting material or design. The motion carried unanimously.

18. Variance request for a proposed patio cover with summer kitchen and fireplace that does not respect the rear yard setback. Additionally, plans were sealed by a civil engineer, not a structural engineer as required per the standard.
Nicholas V. Colletti
7312 Lake Paloma Trail
Lot 9 Block 1, Section 11 Village of Creekside Park
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. Owner said he spoke to neighbors to the right and they

indicated they had no objection – he also stated he is willing to plant more for screening. It was moved by Robert Heineman and seconded by Danie van Loggerenberg to conditionally approve – submit landscape plan with screening of the patio cover (to rear and side) for staff review, meet code and standards. Additionally allow Mark Dell Taylor – Engineer (civil branch) with Jaymark Engineering Corporation to stamp plans that require structural engineer's seal per the standards as long as he is an active engineer licensed by the State of Texas. The motion carried unanimously.

19. Variance request for an existing fence that is not an approvable style per the Development criteria and exceeds the maximum height allowed, existing pool decking that does not respect the easements, existing trellis that does not respect the easement and exceeds the height allowed and an existing fireplace that has not been constructed as approved.
    Tom and Jeanette Harris
    51 East Crystal Canyon Circle
    Lot 46 Block 1, Section 1 Village of Creekside Park
    This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. It was moved by Robert Heineman and seconded by Chris Florack to disapprove the fence and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to reduce the height of the fence to 6', when the owner no longer owns the home, transfers title or when the owner is no longer the primary resident, or when the fence is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Additionally the trellises, decking, and fireplace were approved as submitted. Fireplace must meet code and standards. 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 existing wood deck that does not respect the rear ten foot and side five foot easements.
    Joseph Kovacs
    102 Buck Trail Place
    Lot 58 Block 3, Section 4 Village of Creekside Park
    This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. The owner asked that he be allowed to move the deck to 3'8" due to the existing supports. It was moved by Deborah Sargeant and seconded by Chris Florack to conditionally approve – deck must be moved out of side five foot easement. Plant and maintain evergreen trees or shrubs at least 7' tall at time of planting to screen to the right of the deck. Staff to review upon completion. 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 for a patio cover that was not built as approved by the Development Standards Committee.
    Barrenechea Rafael and Salas Mariana
    42 Shallowford Place
    Lot 17, Block 1, Section 11 Village of Creekside Park West
    This item was heard by the full committee. The staff provided the committee with a presentation. The owner was not present to address the Committee. It was moved by Chris Florack and seconded by Ken

Anderson to conditionally approve with the cedar wood doors, plant and maintain evergreen trees and shrubs at least 7' at time of planting to screen to side and rear. – Staff to review – additional planting is needed with current plantings. The motion carried unanimously.

VIII. Public Comments

There were no public comments.

IX. Member Comments

Deborah Sargeant said she would not be in attendance at the October DSC meetings. Chris Florack asked about a status report on the Grogan's Point property.

X. Staff Reports

Staff reminded committee about Joint Meeting on September 22, 2015 at 5:00 – Walter Lisiewski and Kim Hess indicated they could not attend.

XI. Adjourn

There being no further business it was moved by Chris Florack and seconded by Walter Lisiewski to adjourn the meeting at 8:35 p.m.