



## STAFF REPORT

**DATE:** September 3, 2021

### **TITLE:**

Unit 10, Lot 228 Appeal of Architectural Standards Committee (ASC) Decision

### **RECOMMENDATION:**

#### **By Motion:**

The Board of Directors deny the appeal made by the Owner of Unit 10, Lot 288 and uphold the decision of the ASC.

### **BACKGROUND**

Property owner of Unit 10, Lot 228 submitted for the following landscaping project in the rear setback that would require a variance: "Landscaping of backyard to include the following: Retaining wall installed before the setback line, planting of trees and grass. Adding a few decorative rocks."

The current processing procedure is for any variance item to go before the committee as a preliminary review prior to paying project fees and sending out the plan packet for an extended neighbor notification to all neighbors within 500 feet. This allows both the owner to garner if the committee is potentially supportive of the variance and for the committee to give feedback on the project regarding the scope, details, materials, finishes of the proposed project as well as outlining the variance process with the extended neighbor comment requirement.

The committee conducted the preliminary review on June 23, 2021, where the committee reviewed the proposed site plan and discussed they would consider approving the variance after receiving neighbor comments at a future meeting. The committee members present were: Whitten, Sonder, Hipkins.

The committee conducted the formal variance review on July 28, 2021, and the variance was disapproved due to the proposed irrigation in the rear setback, the proposed planting with tree removal in the rear setback, and the proposed tree removal outside the scope of the committee's authority. The committee members present were: Whitten, Phelps, Hipkins

The committee discussed the use of irrigation with the owner. The committee advised to further review the proposed planting to select drought resistance species (review not to include invasive species) so as not to install irrigation in the rear setback.

The property owner of Unit 10, Lot 228 is appealing the Architectural Standards Committee decision to be granted the variance. The property owner requests the board approve the variance to irrigate the rear setback with six sprinklers on two lines for the approved sod.





## ANALYSIS:

The proposed project application that required a variance included:

- Approximately 900 sq.ft. of disturbance in the rear setback for sod, tree removal plus planting trees/grass, and installing boulders in the rear setback.
- Sprinkler head locations were not noted on the site plan or on the application details and came up in discussion at the meeting as an improvement also to be installed with the proposed project.
- The variance hardship stated included erosion control and an area for his children to play. The variance application noted two trees to be removed for the retaining wall to be installed within the building envelope and six additional trees will be added.
- The variance application explained the variance will not be materially detrimental to the adjacent properties or to the environment of the development with the additional trees, boulders, some grass, and perennial shrubs added, no hardscape will be added, or coverage, and added trees will add privacy.
- There were two neighbor comments received from Lot 217 in favor and Lot 262 not in favor of the project requiring a variance.

The following ASC Rules that apply from the Tahoe Donner Architectural Standard Rules, Procedures and Restrictions for Land Use include:

- 1). Rear Yard Setback that notes no structure or improvement shall be constructed, erected, placed, or maintained within setback areas and the rear yard setback is intended to be preserved as a greenbelt area. (Section III Specific Building Requirements, B. Setbacks 3). Rear Yard Setback (pg.9)
- 2). Variances where the C&Rs grant to the ASC the power to allow reasonable variances in order to overcome practical difficulties and to prevent unnecessary hardships, provided that the variance will not be materially detrimental to adjacent properties or Tahoe Donner, in general. (Section XII Variances (pg.20)

The Committee has not approved any new construction variances since the board denied a request for a rear set back variance for a patio with fire pit in early 2020. Prior to the 2020 appeal hearing, the committee approved rear setback improvements on a very limited basis and differing scope without any neighboring visibility or neighbor comments submitted than indicated on this proposal.

Given the property owner was present at the review meeting via Zoom, the committee conducted discussion to reduce the impact of developing in the rear setback. Therefore, the decision letter reflected the committee disapproving the variance and offering alternatives to revise the site plan for resubmittal with the following:

- Provide updated site plan to update approvable trees for removal.
- Provide updated site plan to reduce the impact of improvement in the rear setback and eliminate irrigation and revise to drought tolerant planting.

## OUTREACH:

N/A





## **FISCAL IMPACT**

N/A

## **ALTERNATIVE:**

The board has a number of alternatives:

1. The board may deny the appeal with modifications
2. The board may choose approval the appeal
3. The board may choose to approve the appeal with modifications

## **ATTACHMENTS:**

Exhibit A: Tahoe Donner Architectural Standard Rules, Procedures and Restrictions for Land Use: Rules for Rear Yard Setback Rules and Variances.

Exhibit B: Map, Photos, and Site Plan

Exhibit C: Variance Application

Exhibit D: ASC Preliminary Review Letter and ASC Decision Letter

Exhibit E: Appeal Request and Basis of Appeal Letter

Exhibit F: Variance Neighbor Notification Comments Received (Redacted)

Prepared By: Sheryl Walker, Architectural Standards Office Manager

Reviewed By: Brian Yohn, Interim Director of Risk Management and Real Property

Board Meeting Date: September 17, 2021

General Manager Approval to Place on the Agenda: \_\_\_\_\_

