



STAFF REPORT

DATE: August 12, 2022

TITLE:

Appeal of the Architectural Standards Committee Decision for New House/Garage Located at Unit 08, Lot 296 – 11174 Mouggle Lane

RECOMMENDATION:

By Motion:

The Board of Directors denies the appeal made by the Owner of Unit 08, Lot 297 and upholds the decision of the Architectural Standards Committee.

The Board of Directors denies the appeal made by the Owner of Unit 08, Lot 295 and upholds the decision of the Architectural Standards Committee.

BACKGROUND:

The two adjacent properties to Unit 08, Lot 296 – 11174 Mouggle Lane are appealing the June 15, 2022, Architectural Standards Committee (ASC) decision to conditionally approval a new house/garage construction.

Appeal No. 1 Owners of Unit 08, Lot 297

The neighbors at Unit 08, Lot 297 are appealing the June 15, 2022, Architectural Standards Committee decision regarding a new house/garage submittal and conditional approval located on Unit 08, Lot 296. The appeal requests the conditions of approval for this permit be revised to require no eaves extend into the side setback and the house be moved forward away from greenbelt and TD trail.

Appeal No. 2 Owners of Unit 08, Lot 295

The neighbors at Lot 295 are appealing the June 15, 2022, ASC decision regarding a new house/garage submittal and conditional approval. The appeal requests the conditions of approval for this permit be revised to require no eaves extend into the side setback and the house be moved forward away from greenbelt and TD trail.

ANALYSIS:

At the June 15, 2022, ASC meeting the committee was considering approval of a new house/garage project located at Unit 08, Lot 296. Mr. Fellows, appellant No. 1 located at Lot 297, was present at the meeting, did not submit any comments prior for committee review but made verbal comments. The appellant requested the committee to consider requiring the owner to revise plans so that no eaves extend into the side setback and the house moved forward away from greenbelt and TD trail.





Similarly, Mr. Lacey, appellant No. 2 located at Lot 295, was present to make comment at the meeting and did not submit any comments prior for committee review. The appellant requested the committee's conditions of approval for this permit be revised to require no eaves extending into the side setback, reduce below at 35% footprint and the house moved forward away from greenbelt and TD trail.

During committee consideration of member comment and discussion, the committee explained that the owner would be required to recalculate the driveway area due to a calculation error on the original submittal showing 36%; thus, the coverage would be less than 35%.

The committee explained the eaves are to protrude to 8'8" on the left and 8'7" on the right yet the foundation is proposed within the building envelope. The committee also discussed if the building were to be pushed back to accommodate the eaves within the building envelope, then privacy could pose an impact instead. Due to the irregular shape of the lot, this is common practice for the committee to approve minor eave protrusions. The committee reviewed that the front of the lot has a length of 70' at a radius of 630' while the rear is 90.97' in length.

The committee reviewed the alternatives of requiring the owner to push the house back toward the rear of the building envelope however based on the neighbor comment of being too close (at 60.3' with rear setback measuring 33') to the greenbelt/trail this would have impacted the neighbor more with less privacy.

The Tahoe Donner ASC granted conditional approval based on revising the site plan for accurate coverage.

Committee Action

At the submittal review the Committee took action as follows:

Submittal ASC Decision – June 15, 2022

- Action 3:0 (Whitten, Hipkins, Phelps) The committee agreed to conditionally approve the project based on payment of the deposit and the above-noted revisions which can be submitted after the permit has been issued and before the final inspection.

ASC Submittal Proceedings

The Ross House/Garage submittal was held consistent with established procedures in the Covenants and Restrictions Article V Environmental and Architectural Regulation, section 6 Basis of Approval of Improvements:

- A neighbor notification notice of ASC Meeting dated May 24, 2022, was sent to adjacent owners.
- The adjacent neighbors were given the opportunity to submit written comments ahead of the ASC meeting and to attend an ASC meeting on June 15, 2022, to explain their project concerns.
- The committee heard the neighbor explanations at the meeting.
- The committee explained their reasoning based on appropriate site placement of the proposed house/garage.
- The committee deliberated and acted reasonably and in good faith at the submittal meeting granting conditional approval through motion and vote.





The committee and staff acted accordingly and consistent with the ASC Rules and practices. The recommendation to the board is to deny the appeal and uphold the committee's decision.

Appeal Processing

- Appeal No. 1
 - The appellant at Lot 297 did not request meeting minutes though received the digital appeal packet link to request an appeal from the neighbor at Lot 295. The appeal packet was submitted on July 9, 2022, ahead of the appeal deadline of July 13, 2022.
- Appeal No. 2
 - The neighbor at Unit 08, Lot 295 was provided a decision letter with minutes request and appeal information.
 - The neighbor was provided an appeal packet once requested and submitted the completed appeal packet on the approved deadline of July 13, 2022.

OUTREACH:

Architectural Standards Neighbor Notification Letter dated May 24, 2022

ASC Submittal Review Meeting – June 15, 2022

Site Inspection of Subject Property - June 28, 2022

Receipt of completed Appeal No.1 Fellows packet provided by owner on July 9, 2022

Receipt of completed Appeal No.2 Lacey packet provided by owner on July 13, 2022

FISCAL IMPACT:

None

ALTERNATIVE:

The board has a number of alternatives:

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

ATTACHMENTS:

Exhibit A: ASC Rules: Introduction, Plan Submittal Requirements,

Exhibit B: Map and Plot

Exhibit C: Street View of Lot 296

Exhibit D: Site Plan – ASC Conditionally Approved and Revision Proposed 34.2% w/ Driveway Reduction

Exhibit E: ASC Decision Letter

Exhibit F: Appeal No. 1 Fellows Request Form and Basis of Appeal

Exhibit F: Appeal No. 2 Lacey Request Form and Basis of Appeal

Prepared By: Sheryl Walker, Architectural Standards Office Manager

Reviewed By: Annie Rosenfeld, Director of Administrative Services

Board Meeting Date: August 24, 2022

General Manager Approval to Place on the Agenda: _____

