

Request for Appeal

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This is a Request for Appeal from a Decision of the Following Committee

Architectural Standards

Covenants

Committee Decision Information

Date of Meeting

7/27/2022

Result of Decision

The committee denied the variance and instructed the owner to move the shed at least 5 feet from the side property line. This will result in unnecessary financial hardship.

Subject Property

Tahoe Donner Property Address

16917 Northwoods Blvd

Unit

1

Lot

171

Appellant Information

Property Owner Name Requesting Appeal

Jeffrey

First

James

Last

Mailing Address

Redacted

Address Line 1

Example: 12345 Street Name, Truckee, CA 96161

Primary Phone

Redacted

Email

Redacted

Appeal Hearing

Name of owner(s) or designee(s) to appear at the hearing

Owner or designee 1

Name

Jeffrey

First

James

Last

I request that the hearing be closed (check box if applicable)

Attached is a written statement why I believe I have a basis for appeal. I understand that all decisions of the Appeal Board shall be final and binding.

Date

8/21/2022

Signature



I understand this is a legal representation of my signature.

Reason for Appeal/Additional Comments

The ASC did not take into consideration the mitigating circumstances that the project was completed during the Covid 19 pandemic, the lack of responsiveness of the Tahoe Donner ASO during the pandemic, the inaccurate original survey markers, the supply chain constraints and the lack of resources for local business to do the work for the completion of the project. During their review, the ASC dismissed the financial hardship the additional cost would put on the project, and the esthetic placement of the shed. The variance is necessary to overcome practical difficulties

Letter to the Board - Basis of Appeal

Tahoe Donner Variance for Shed.docx

From:

Jeffrey James

16917 Northwoods Blvd

Truckee, CA 96161

To Tahoe Donner Board of Directors.

August 21, 2022

On July 27, 2022, the Tahoe Donner Architectural Standards Committee (ASC) reviewed the submitted project for a variance of the placement of an 8X10' shed within the 10' side set back of my property at 16917 Northwoods Blvd Lot 1/ 171. The variance was denied by the ASC and they ruled that the shed must be moved to no closer than 5' within the side set-back. I am appealing the decision of the ASC to the Tahoe Donner Board of Directors. In not granting the variance, the ASC will cause an unnecessary financial hardship on the project and places the shed in an obtrusive position on the property with street exposure.

The C&Rs of Tahoe Donner allow for a variance of the set-back rule to prevent unnecessary hardship and if there is provided evidence that the variance will not be materially detrimental to adjacent properties or Tahoe Donner. During the ASC review meeting, I presented that the cost to move the already built shed a few feet would cause unnecessary hardship with considerably increase the cost of the project, as well place the shed in a less favorable position on the property creating a greater amount of impact on the beautiful surroundings.

During their review, the ASC dismissed the financial hardship the additional cost would put on the project, and the esthetic placement of the shed. The ASC did not take into consideration the mitigating circumstances that the project was completed during the Covid 19 pandemic, the lack of responsiveness of the Tahoe Donner ASO during the pandemic, the inaccurate original survey markers, the supply chain constraints and the lack of resources for local business to do the work for the completion of the project. These were extraordinary times and efforts were made as best as possible to appropriately place a shed to the community's standards.

Currently, the street facing corner of the shed is approximately 8" over the 5' set-back (image 1&2) and the back corner is about 2.5' over the side set-back (image 3). The shed is well outside of all other setbacks on the property.

Image 1: Front Corner of Shed



Image 2: Front corner of shed approximately 8 inches into 5' setback



Image 3: Back corner of shed



The request to move the shed less than 3 linear feet adds additional unreasonable financial hardship; introducing an additional cost of \$2,500 for re-scraping, leveling and moving the shed. This project has already far exceeded a reasonable amount to be spent on a minor project. The original cost of the shed was \$3,600. The move request would result in more than \$10,000 beyond the cost of the shed being spent attempting to meet the C& R's. To date, I spent \$3,000 for the original scraping, installation of rock, and leveling the pad. There was additional \$3,500 cost for survey fees and plot map drawings because none existed when the house was originally built, as well as \$1,100 in permit fees to Tahoe Donner. The total cost to date for this minor shed project is over \$11,000.

The shed's current position is in the best location to conceal it from the street view and pleasing to the adjacent homeowner's view. Additionally, there are two significantly sized boulders rendering the setback otherwise unusable without significant cost.

Image 4: Massive Boulders in Setback



The shed's current placement has no impact on adjacent properties. The homeowner, Corey Smith, on the adjacent lot of the side set back, has communicated that he has no problem with the current placement of the shed. As noted in the ASC minutes, there were no objections by any of the property owners within 500 feet of the property for its placement. The current position and paint color scheme, creates the most harmonious conditions with the forest environment and allows it to blend into its soundings. To the contrary, moving the shed would increase the street exposure making it clearly visible to pedestrians and motorist on Northwoods Boulevard.

Image 5: Shed obscured from view by natural obstructions



Image 6: Proposed new location of shed



There were a series of unfortunate events and extenuating circumstances that led to the shed being placed in the side setback prior to receiving approvals from Tahoe Donner. In the summer of 2020, to avoid storing everything on the front deck, I needed to replace the older shed which had collapsed during the winter. This was at the height of Covid 19 when employees of Tahoe Donner were furloughed, supply chains were constrained and business throughout the Truckee area were shut down or could not keep up with demand. Also, the online application portal that the ASO uses today had not been upgraded, was extremely difficult to navigate and there was conflicting information online between the C&Rs requirements for the shed and the portal. In July 2020, I reached out to Tahoe Donner ASO office via email and contacted Darren Davis to assist me in this process and hopeful clear up my questions. Darren explained that the ASO was extremely busy but assured me he would get back to me with the information I needed. With the guarantee to help from Darren, I contracted with Tuff Shed for an 8X10 shed to be delivered in October 2020.

In August, when I had not received a reply to my email, I contacted Darren via email as well as leaving voice mail on his office phone. I did not receive a reply back to either my email or phone call. In September, I sent another email to Darren explaining that I need to confirm the order with Tuff Shed and needed his help. I then contacted Tuff Shed to see if I could postpone the shed to early November. Tuff Shed told me that if I was not able to take delivery in October, then they would not be able to deliver until March 2021 as there had been a high demand for their product because of Covid. I again emailed Darren and explained that I needed his help as I could not cancel the order otherwise I would not get the shed until the following Spring and could not store everything on the deck over Winter. To my dismay, Darren never replied leaving me to navigate the process on my own and without help from Tahoe Donner.

When trying to place the shed, I contacted the City of Truckee to see if they had any plans for my house and if there were any permitting requirements for the shed. I was told that unfortunately they could not find any plans and that I should contact Nevada County as the house was built before the City was incorporated. Also, they stated because of the size of the shed, I did not need a permit. I then contacted Nevada County and they told me that no plans had been submitted and no plot map was ever completed on the property. They did tell me how to get a lot map online. I then contacted several survey companies in the area. However, they either did not return my calls, or explained that they were too busy for my request.

At this point, and with no help from Tahoe Donner, I had to place the shed myself or have no viable place for storage. I used the broken off wooden marker for the front placement, the drive way edge as a guide, the original pad grading between the two lots and a straight line to determine the placement on the property. I also considered the esthetic of the surrounding area to place the shed in what I thought would be the least impactful place for the neighbors and Tahoe Donner.

In January 2021, Darren contacted me and said that there was an unpermitted shed placed on my property. I replied to Darren that it was correct, and that I had asked him on several occasions to help me with this process, but my original emails were not returned. His reply to this was that the ASO is here to help you and I would need a survey to apply for a permit. Again, I replied with questions to Darren and again there were no replies back. I contacted a survey company to do a survey and plot map of the property, they were not able to send someone out until spring of that year. Until I had received the plot map from the survey, I did not know I was in the 10 foot set back.

It was not until December 2021 that I received a call from Tahoe Donner saying that I had an unpermitted shed on the property. I responded but had to leave a voicemail as the office was not picking up. My calls and messages were never returned. Then in March of 2022, Lisa from the ASO contacted me and we started the process of documenting the shed and getting a permit. Unfortunately, the shed had already been placed and was inside the side set back.

I urge the Board of Directors that the granting of the variance is necessary to overcome practical difficulties and prevent unnecessary financial hardships and doing so does not adversely impact the adjacent priorities.

Sincerely,

Jeffrey A James

Appendix A - Estimate for moving, placing and releveling of Shed