

MINUTES
TAHOE DONNER ASSOCIATION
SPECIAL BOARD OF DIRECTORS MEETING
MEMBER APPEAL HEARING

November 14, 2023
The Northwoods Clubhouse, Mezzanine and Zoom Webinar
12:00 p.m.

A special scheduled meeting of the Board of Directors of Tahoe Donner Association was held at The Northwoods Clubhouse, Mezzanine and via Zoom webinar on Tuesday, November 14, 2023. President Koenes called the meeting to order at 12:00 p.m. The following Directors were in attendance, thus constituting a quorum of the authorized number of Directors of the Association:

Directors Present: Don Koenes, President
Benjamin Levine, Vice President
Courtney Murrell, Secretary
Steve Mahoney, Treasurer (via Zoom)
Jim Roth, Director (via Zoom)

Directors Absent: None

Staff Present: Annie Rosenfeld, Interim General Manager
Patricia West, Recording Secretary
Kevin Finnen, Community Standards Manager
Lisa Purchard, Community Standards Supervisor

Additional Present: Eric Fayet-Faber (Member Appellant)
Don Fulda (Ward Young Architects)
Crystal Virrey (Ward Young Architects)
Rod Whitten, ASC Chair

1. Call to Order / Call for Quorum

2. Appeal Hearing

The Board of Directors considered an appeal request by the owners of Unit 3, Lot 233 to reverse the September 13, 2023 Architectural Standards Committee decision to deny the variance request for a driveway encroachment into the side setback and an exception request for eaves encroachment in the side setback.

Annie Rosenfeld presented a staff report and presentation.

Don Fulda, the architect on the project, spoke about Exhibit E and the alternate T-shaped driveway and how it is closer to house and snow shedding.

The Board asked if there are any hardships. Don Fulda answered that there were no hardships.

At 12:42 p.m., Director Mahoney made a motion to adjourn to Executive Session, seconded by Director Murrell. Motion passed 5 – 0.

3. Executive Session (Closed to Members)

4. Appeal Hearing, Continued

The meeting continued at 1:25 p.m. and started with the eaves encroachment exception request.

Director Murrell said as new construction, you are starting with a blank canvas.

Director Roth said he would vote against the appeal of this side setback variance because the Committee is the one who should consider approval and they didn't approve it. The property owner has to show special circumstances about a lot for a variance. This lot shows no unique differences or burdensome cost. The Committee acted within their authority.

Director Koenes said he agreed with comments and that the design is beautiful, but you are starting with a blank canvas. The committee members volunteer their time and expertise.

Director Mahoney said it is a smart design, but it doesn't meet our C&Rs. I am inclined to approve the appeal to the exception denial to draw attention to the exception language in our C&Rs.

Director Levine said cases like this are hard for the Board. Beautiful design versus the letter of our governing documents.

Director Roth made a motion to deny the appeal to the side setback exception decision, seconded by Director Murrell. Roll call – Roth Yes, Mahoney No, Murrell Yes, Koenes Yes, Levine Yes. Motion passed 4-1 (Mahoney No).

After discussion about the variance request for the driveway encroachment into the side setback, a motion was made.

Director Murrell moved to uphold the denial of a variance request for a driveway encroachment into the side setback, seconded by Director Roth. Roll call – Roth Yes, Mahoney No, Murrell Yes, Koenes Yes, Levine Yes. Motion passed 4-1 (Mahoney No).

5. Member Comments

Board President Koenes invited brief member comments on items that are not on the agenda.

Don Fulda commented that as the architect, he felt that the Committee did not consider the details in the project and that there is confusion in the process between ASC and the Board.

Director Murrell responded that she was at the Committee meeting and she thought there was good back and forth regarding the project.

Director Levine responded that Tahoe Donner could do a better job of enforcing C&Rs.

Eric Fayet-Faber commented that this review and appeal process needs to be reviewed. If you hold to the C&Rs, then no appeal is needed. He felt that the design details were not considered.

6. Executive Session (Closed to Members)

At 1:55 p.m., Director Mahoney made a motion to adjourn to Executive Session, seconded by Director Murrell. Motion passed 5 – 0.

7. Adjournment

There being no further business, there was consensus to continue the meeting at 3:07 p.m.

Submitted by:

SECRETARY'S CERTIFICATE

I, Courtney Murrell, Secretary of Tahoe Donner Association, do hereby certify that the foregoing is a true and correct copy of the minutes of the Tahoe Donner Association Board of Directors special meeting held on November 14, 2023 as approved by the Board members in attendance and constituting a quorum at a duly convened subsequent meeting of the Board.

Courtney Murrell, Board of Directors Secretary