

**EXCERPT FROM:
Architectural Standards
Committee Meeting In
Person/Teleconference
Minutes for November 15,
2023**

Members Present: Rod Whitten (Chair), Nick Sonder, Mitch Clarin

Alternates Present: Joe Veni, Graham Reid

TDA Staff Present: Laurie Hyde, Lisa Purchard, Kevin Finnen, Annie Rosenfeld

Others Present: Ted Noble, Kevin Duff, Bret Wightman, Bob O'Neil, Ron Mooiweer, Stacy and Keith Jackson, Doug Mastri, Aaron Pessah

Meeting called to order: 9:00 am

Member Comments: None.

Unit 4, Lot 312

SUBMITTAL: Attached garage 481SF w/ addition 1,865SF

The owner and designer (zoom) were present. Staff provided historical project information.

- The committee reviewed the survey and had no comments.
- The committee reviewed the site plan and discussed the coverage percentage at 25%.
- The committee reviewed the variance request for eaves in the recreational easement, noting that the eaves are proposed 8'8" from the south side property line.
- The committee reviewed the exception request for those same eaves in the side setback, noting that the Tahoe Donner C&Rs allow for a side yard exception on a case by case basis
- The committee reviewed the plat map and inspection photos, noting that there is a 20-foot wide recreational easement overlapping lots 312 and 313, with 10 feet on each lot.
- The committee reviewed the Tahoe Donner C&Rs and the ASC Rules with respect to recreational easements, requiring that they be open and accessible to the entire membership, their guests and invitees at all times
- The committee also reviewed Article IX, Section 2 of the Tahoe Donner C&Rs which states that, within recreational easements, "no structure of any kind shall be placed, erected, constructed or maintained, and no tree or vegetation shall be felled, cut, trimmed, pruned or removed, except as may reasonably be required by the Association to construct and maintain trails and park sites therein and/or for the construction and maintenance of public and private utility easements shown on the Subdivision Maps."
- The committee discussed whether eaves (which may or may not block easement access) constitute an encroachment, versus a vertical structure such as a wall
- The committee discussed the ASC Rule requiring that all new houses be constructed with room for a 2-car garage and in this case the builder did not leave enough room for a 2-car garage within the

building envelope

The committee agreed that the test for hardship was met given the location of the existing house and the fact that a two car garage cannot fit outside of the 10-foot recreational easement/side setback.

- The committee concluded that, while it can approve an exception request for eaves in a side setback, it is unclear whether the committee has the authority to approve a variance request for eaves encroaching into a recreational easement and that this would need to be reviewed at the Board of Directors level with a possible legal opinion.

- Rod Whitten moved to approve the exception for eaves in the side setback but to deny the variance for those same eaves in the recreational easement with a recommendation that the variance be approved by the Board of Directors in the event an appeal is filed by the applicant, due to the hardship of having to build a substandard garage if the variance were denied. Mitch Clarin seconded the motion.

(Passed 3:0)

- The committee reviewed the proposed tree removal and agreed approvable.

- The committee reviewed the elevation plans and advised that the north elevation requires a window to be added to break up the siding.

- The committee reviewed the proposed exterior light and agreed approvable.

- The committee require the following revisions:

- o Updated plans to remove the eave encroachment from the recreational easement

- There were no neighbor comments submitted and no neighbors attended this meeting.

- The site inspection is complete.

- The deposit has not been paid.

- Mitch Clarin moved to approve the project conditional upon payment of the deposit and upon updated plans submitted for one member review showing the removal of the eaves out of the recreational easement before permit issuance. Rod Whitten seconded the motion. (Passed 3:0)

- The committee stated the owners may appeal any decision to the Board of Directors.

- Action 3:0 (Whitten, Sonder, Clarin) The committee agreed to approve the project conditional upon payment of the deposit and to approve the exception for eaves in the side setback but to deny the variance for those eaves in the recreational easement, requiring updated plans for one member review before permit issuance with a recommendation that the variance be approved by the Board of Directors in the event an appeal is filed by the applicant, due to the hardship of having to build a substandard garage if the variance were denied