

**APPEAL HEARING  
ARCHITECTURAL STANDARDS COMMITTEE DECISION  
NEW CONSTRUCTION UNIT 05 / LOT 181**

JANUARY 27, 2025

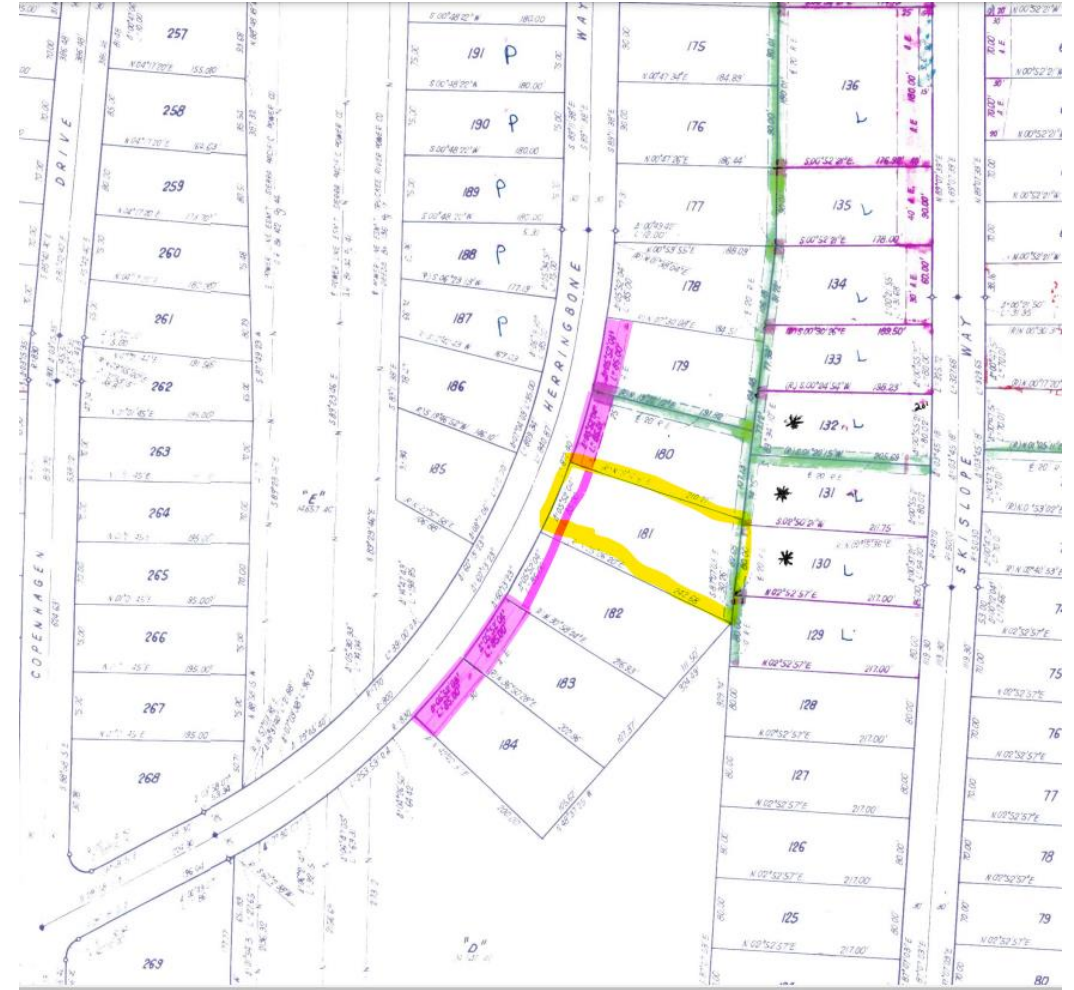
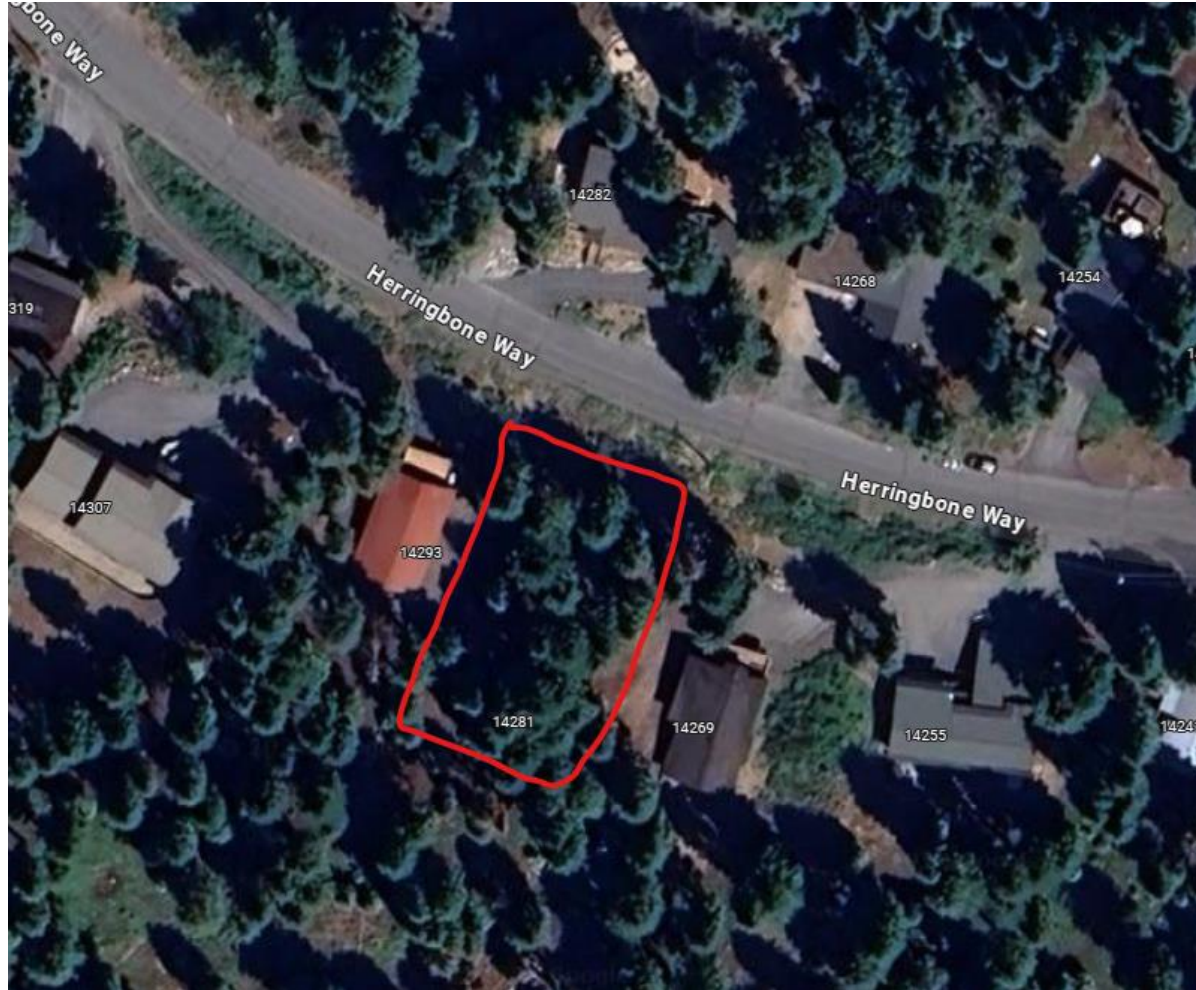
# APPEAL HEARING PROCEDURES

- Staff provides an overview of the appeal– 10 min
- Appellant Unit 05 / Lot 181 states their case – 10 min
- Board asks questions of staff, committee chair and appellant – 15 minutes
- The board will then deliberate and act on the appeal in open session – 10 minutes
- The appellant will receive the written decision from the board within 10 days of the hearing

# PURPOSE

The Board of Directors will consider an appeal request by the owners of Unit 05 / Lot 181 to reverse part of the November 20, 2024 Architectural Standards Committee decision denying the use of Hardie Board sheet siding on the street side of the proposed structure.

# LOCATION



# RENDERING



# ARCHITECTURAL STANDARDS COMMITTEE DECISION

## NOVEMBER 20, 2024

### **Submittal:**

2,961SF House/Garage, located at Unit 5, Lot 181

### **Committee Action:**

Action 3:0 (Whitten, Clarin, Phelps) The committee agreed to approve the project as a whole, including an exception to the siding rule to allow more than 50% sheet siding on the sides and back given that it is a Hardie Board product, but to deny the proposed siding on the street side (aside from the east elevation side with the garage) and require a resubmittal to staff for one member review, along with an approved site inspection, before permit issuance. The committee also require a revision to the lights on the west elevation which can be submitted after permit issuance but before the final inspection.

# GOVERNING AUTHORITY

## A. ASC SOURCE OF AUTHORITY:

The authority of the ASC is derived from the recorded Covenants and Restrictions (“C&Rs”), which govern and protect Tahoe Donner. It is the ASC’s responsibility to enforce the C&Rs and Architectural Standards (AS) Rules.

## C&RS, ARTICLE V - SECTION 1 Environmental Control Committee Approval of Improvements.

(a) Approval Generally. Before commencing construction or installation of any Improvement (as defined in Article I, section 20 hereof) on any Separate Interest within the Properties, the Owner planning such Improvement must submit a written request for approval to the Association's Environmental Control Committee. *\*Environmental Control Committee was renamed as the Architectural Standards Committee*

The committee is entitled to allow reasonable exceptions from specific regulations including but not limited to exterior siding and sheeting.

The committee is also entitled to allow reasonable variances “in any procedures specified in...Article V and the (AS Rules), the minimum construction standards specified in Article IV or in any land use restrictions specified in Article VIII in order to overcome practical difficulties, avoid unnecessary expense or prevent unnecessary hardship to Owner-applicants.”

# ARCHITECTURAL STANDARDS RULES, PROCEDURES AND RESTRICTIONS FOR LAND USE

## III. SPECIFIC BUILDING REQUIREMENTS H. EXTERIOR SPECIFICATIONS 5) EXTERIOR SIDING OR

**SHEATHING AND TRIM:** It is critical that the design of the exterior siding, trim and finish system be congruent on all sides of the structure and that the design coordinates the material and detailing of all sides with the design of the front elevation (street side(s)). All types of natural wood solid sawn siding are allowed alone, as well as with stucco, stone and split faced or textured concrete masonry units. Alternative exterior materials will be considered on a case-by-case basis. Samples and specifications must be submitted for ASC evaluation. The ASC may impose restrictions as to the grade, design and area where certain materials may be used. **No type of plywood or sheet siding is allowed on any street side(s) or on any golf course side(s) where visible from the golf course. This includes the use of such siding with battens.** On all other individual sides of the building, a maximum of 50% of the siding area may be plywood or sheet siding only to the extent that it is in harmony with the street/golf course view side(s) of the building, and it is appropriately coated or treated to minimize discoloration and deterioration. **EXCEPTIONS: Plywood or sheet siding exceeding the above 50% maximum may be allowed as an exception, on a case-by-case basis, on those sides not facing a street** or the golf course only if: a) the design is in harmony with the street/golf course view side(s); and b) the plywood or sheet siding is properly coated or treated to minimize discoloration and deterioration. Where the proposed project involves an addition to, or remodeling of, an existing structure, a determination must be made as to the extent of the new work. While the objective with a new project is a general reduction in the use of plywood siding, a less substantial addition/remodel should be allowed to maintain some congruity with the remainder of the structure. Where the amount of exterior surface (exterior walls) represented in the addition/remodel is 50% or more of the original exterior surface areas of the building, the revised siding rules should be applied. Where the new area (either addition or remodel) is less than this 50% threshold, the new rules need not be imposed.





# ARCHITECTURAL STANDARDS MEETING PROCEDURES

Did the Committee Act Accordingly?

- ✓ Meeting Proceedings – Did the committee follow meeting procedures and guidelines?
- ✓ Project Submittal– Did the committee review the submittal criteria and make a determination?
- ✓ Meeting Decision – Were the actions taken by the committee within their authority, consistent with rules, regulations, and practices, and fair and reasonable?

# APPELLANT APPEAL BASIS

*(Excerpt from appellant's full statement of appeal)* We proposed to use Hardie Panel Select vertical siding and battens with Cedarmill wood grain texture, primed to paint with Benjamin Moore Vintage Vogue. We selected Hardie siding to help harden the house against fire. It's noncombustible and will not burn. It's listed as CalFire compliant for exterior wall siding for wildland urban interface, as shown in the CalFire certification attached as Exhibit 2. It's also extremely weather resistant and holds no appeal for pests like woodpeckers or termites. Overall, it's a high quality and robust product for extreme weather areas like Truckee...Hardie Panel is far different from what's intended to be prohibited by the rule...Hardie Panel and battens are high quality and have an aesthetic appeal that are fitting for the height standards of Tahoe Donner. Unlike plywood or T1-11, Hardie Panel will not burn, rot, or discolor. Additionally...the Hardie Panel product has the same texture as the Hardie Plank product which is a board product that's certainly not prohibited by Rule III.H(5)...For the reasons above, we respectfully submit that the proposed siding is not prohibited by ASC Rule III.H(5). Permitting use of Hardie Panel helps further the goals of Tahoe Donner to harden structures against fire, while also maintaining a visually appealing look.

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# RECOMMENDED ACTION

## By Motion:

1. The Association recognizes the need to permit and promote up-to-date fire-resistant home construction material standards for both new construction and improvement projects to existing homes.
2. Tahoe Donner C&Rs, which cannot be modified without a member vote, are based on out-of-date construction material standards from the late 1980s and early 90s.
3. Within the legal parameters established by the C&Rs, the Association may develop standards and procedures to permit and promote up-to-date fire-resistant home construction materials.
4. At the ASC's November 20, 2024 meeting, the committee took the following action:
  - a) The committee agreed to approve the project as a whole, including an exception to the siding rule to allow more than 50% sheet siding on the sides and back given that it is a Hardie Board product, but to deny the proposed siding on the street side (aside from the east elevation side with the garage) and require a resubmittal to staff for one member review, along with an approved site inspection, before permit issuance. The committee also requires a revision to the lights on the west elevation which can be submitted after permit issuance but before the final inspection. (3:0 - Whitten, Clarin, Phelps)
5. The ASC's November 20, 2024 decision is affirmed with the following modifications:
  - a) The ASC's denial of "the proposed siding on the street side" is suspended, and
  - b) Staff and the ASC and/or its Chair are directed to find a timely, mutually agreeable variance for this project that balances existing standards, aesthetic harmony, fire resistance, and construction quality, and
  - c) Using this project and variance as a case study, staff and the ASC shall develop objective changes to the Association's standards and procedures to more effectively permit and promote the use of up-to-date fire-resistant home construction materials in future projects and
  - d) Staff and the ASC shall report to the Board of Directors on implementing these updated standards and procedures.

**THANK YOU**