

Public Comment #35  
Bos Recd. 4-8-24

**From:** jennifer@gordonconsultinginc.com  
**Sent:** Friday, April 5, 2024 5:07 PM  
**To:** BOS-Clerk of the Board  
**Subject:** RE: Comments re: Appeal of Atkins Variance, Item 2400595 for 4/9/2024 BOS meeting  
**Attachments:** GCI letter to BOS for Atkins 4-9-2024 Variance Appeal.pdf; Attachments to GCI letter for Atkins hearing 4-9-2024 BOS.pdf

Hi again,

I may be too late but I just noticed a typo that could create some confusion. If possible, could you replace the previous submittal with the attached? (No change to Attachments, just included again for ease of reference).

Thanks!  
Jennifer

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**From:** jennifer@gordonconsultinginc.com <jennifer@gordonconsultinginc.com>  
**Sent:** Friday, April 5, 2024 4:57 PM  
**To:** 'edc.cob@edcgov.us' <edc.cob@edcgov.us>  
**Cc:** 'Joshua Atkins' <josh@ascendantcom.com>  
**Subject:** Comments re: Appeal of Atkins Variance, Item 2400595 for 4/9/2024 BOS meeting

Hello,

I am submitting the attached comments to be distributed to the Board of Supervisors for the Appeal of the Atkins Variance (V23-0001) at the 4/9/2024 hearing.

Please confirm receipt and distribution.

Thank you,  
Jennifer

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Jennifer Quashnick  
Gordon Consulting Inc.  
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297 Kingsbury Grade, Suite 1185 (Fedex/UPS)  
Stateline, NV 89449-4470  
(530) 577-4233 voice/text  
(888) 389-8072 fax



# GORDON CONSULTING INC.

El Dorado County Board of Supervisors  
330 Fair Lane, Building A  
Placerville, CA 95667

April 5, 2024

**Subject: Regarding Appeal of approved Variance to Setback, V23-0001, 1627 Player Court, El Dorado County, CA.**

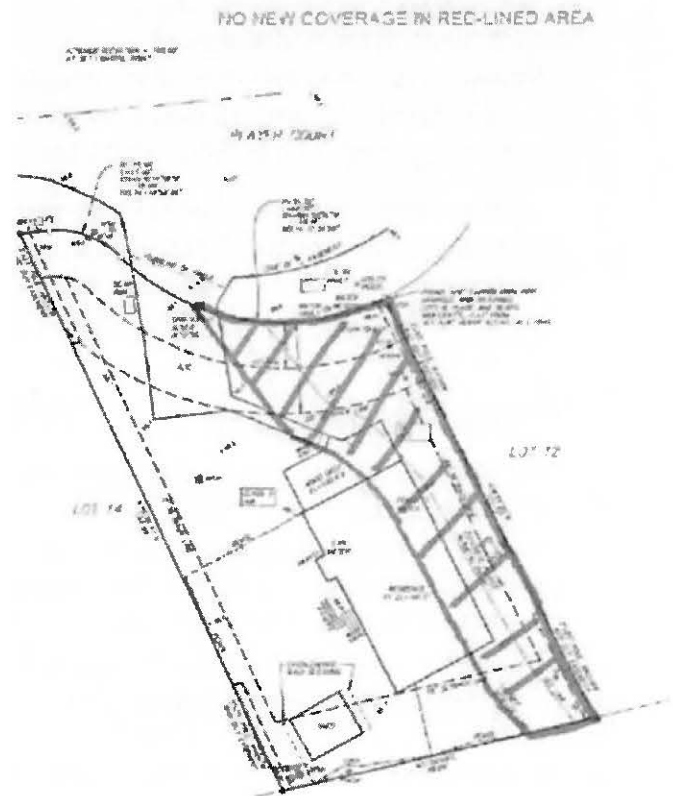
Dear Members of the El Dorado County Board of Supervisors,

Thank you for the opportunity to comment on the Appeal of the Atkins Variance (V23-0001). Gordon Consulting Inc. (GCI) has been hired by the owner, Joshua Atkins, to work with the affected agencies and utilities to pursue regulatory approvals for the proposed two-car garage associated with this variance request. GCI appreciates the discussion and consideration the Planning Commission (PC) gave to this item during their 1/11/2024 and 2/22/2024 hearings.

## TRPA Coverage Limits:

Coverage has been the primary factor in limiting where the garage could be located on the property. TRPA limits the total coverage and the amount of coverage in the Stream Environment Zone (SEZ) and 10' SEZ setback on the west side of the parcel.<sup>1</sup> As staff correctly noted, new coverage in the SEZ areas could not be approved. Further, for any square foot (SF) of existing 'verified' (or grandfathered) coverage that is moved around within these areas, ½ SF has to be permanently 'retired'. In other words, if 10 SF of the existing driveway in the SEZ setback is moved elsewhere, 5 SF of the SEZ/setback coverage has to be retired, thus requiring 15 SF of SEZ/setback coverage to relocate 10 SF.

Staff provided an illustration outlining the SEZ and SEZ setback areas where coverage could not be added that was included in Staff Exhibits to the PC.<sup>2</sup> Specifically, no coverage can be added to the red-lined areas noted in the illustration to the right.<sup>3</sup>



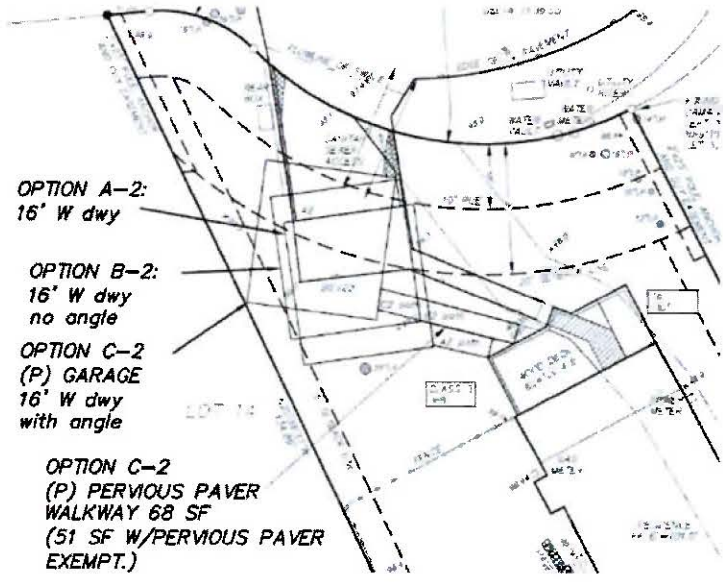
<sup>1</sup> Attachment 1 provides a general overview of these factors as they affect Mr. Atkins property.

<sup>2</sup> Attachment 2.

<sup>3</sup> Attachment 3.

**Options examined:**

GCI has spent considerable time examining the coverage implications of various adjustments to the location of the proposed garage structure. Initially GCI assessed the coverage implications of locating the garage outside of the setbacks, however it was immediately apparent that any iterations (including reducing the driveway width to the minimum possible) would exceed the allowed coverage. GCI then examined options that would involve reductions in the front and side setbacks. A site plan and coverage tables were included in the application submitted to the county in

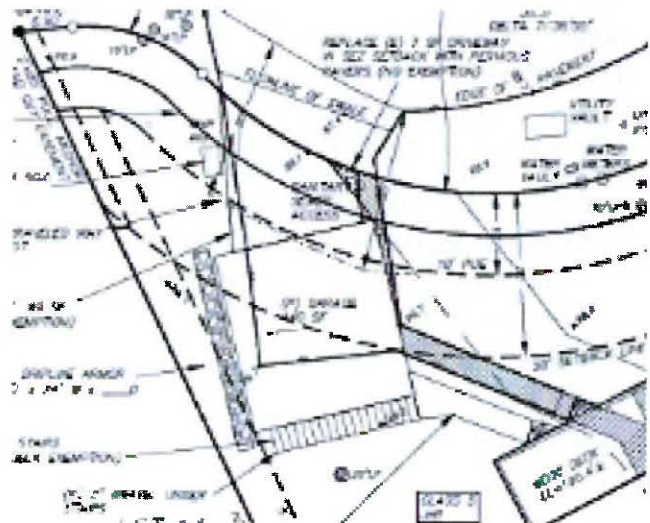


November 2022 for a Pre-Application Consultation.<sup>4</sup> Only one layout met the coverage limits that are set by TRPA (Option C-2 in below image), which resulted in the originally proposed location. The full plan and coverage tables are included in Attachment 4.

Locations with the garage located outside of the front setback (moved south or east) were not included in the Consultation materials because moving the garage any farther to the south would increase the coverage needed due to the increased driveway length, further exceeding TRPA’s coverage limits. Moving it east was not an option because this would increase coverage in the SEZ setback and would not be allowed by TRPA.

Planning Commission – revision:

Per discussion among the Planning Commission at the 1/11/2024 hearing, GCI revised the proposal to remove the garage from the side setback; this resulted in a slight shift forward into the front variance and minor driveway modification (the driveway would be slightly less than perpendicular with the garage).<sup>5</sup> This concept was presented to the PC for their 2/22/2024 hearing where the Variance was approved.

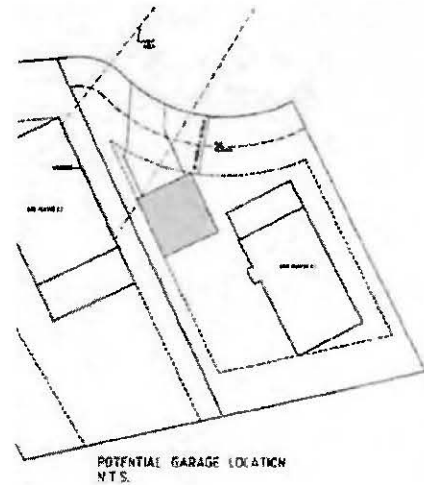


<sup>4</sup> Attachment 4.

<sup>5</sup> Attachment 5.

Conceptual review by BFD/Key Architecture:

Prior to the February PC hearing, the Appellants submitted a report prepared by Natalia Wieczorek of BFD/Key Architecture (BFD/KA)<sup>6</sup> that concluded a garage outside of the front setback would be possible. This report is included as part of the Appeal documentation. However, the report offers limited utility for the instant analysis. For example, it performs only a cursory review focused primarily on height, and does not provide any evidence or coverage calculations showing that the revised plan for the garage illustrated by BFD/KA (image on right) would even be a feasible option given the underlying coverage limitations. In fact, the report's conclusions were that a garage could be built outside of the front setback "*with design modifications*".<sup>7</sup> While the report did not specify what modifications would be required, the examples noted in the report include single-vehicle and/or one-story garages. The variance application is for a two-car garage with a second story, and these modifications are therefore outside the scope of this Appeal.



GCI evaluated the coverage associated with the BFD sketch and determined that the option detailed in the BFD/KA report would actually exceed the maximum coverage that would be allowed by TRPA regulations by approximately 139 square feet (see Scenario 2 below). Accordingly, this is not a viable alternative.

Additional scenarios:

GCI examined multiple possible coverage scenarios associated with the proposed garage. Not all options would be feasible, but were evaluated to show various coverage-related outcomes:<sup>8</sup>

Scenarios included the following (full images attached<sup>9</sup>):

- 1) Locate garage entirely outside of all setbacks maintaining a 16' driveway with a narrowing at the entry to remove coverage from the SEZ setback;
- 2) Locate garage entirely outside of all setbacks with a narrowing of the driveway at approx. 16' in front of the garage (this aims to represent the illustration shown in the BFD/Key report);
- 3) Locate garage entirely outside of all setbacks with a narrowing of the driveway at approx. 10' in front of the garage to a 10' width and shortest distance to roadway (not safe for vehicle operation); and

<sup>6</sup> Attachment 6.

<sup>7</sup> "Per my professional opinion, the structure could easily be shifted further back on the parcel and fit within the existing 20' front setback while meeting coverage requirements. This would require a design change..." .... "It is my professional opinion that the overall site layout for the structure could be modified in a way where the encroachments are reduced, or eliminated, and for which there is still enough coverage to make it a viable garage-only build. Alternatively, the second floor living quarters could be eliminated, thereby reducing the height of the proposed garage and removing the injurious impacts on 1625 Player Court." [Emphasis added]

<sup>8</sup> Scenarios do not consider limitations or regulations beyond coverage that may impact the shown locations.

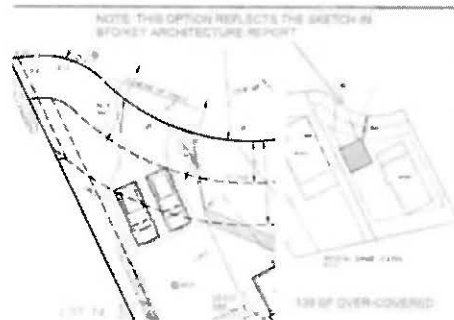
<sup>9</sup> Attachment 7 includes full site plans and coverage tables.

- 4) Reduce the front setback to 15', move the garage approx. 5' east, with narrowest/shortest driveway (not safe for vehicle operation and location abutting residence may not be allowed/feasible).

Scenario 1



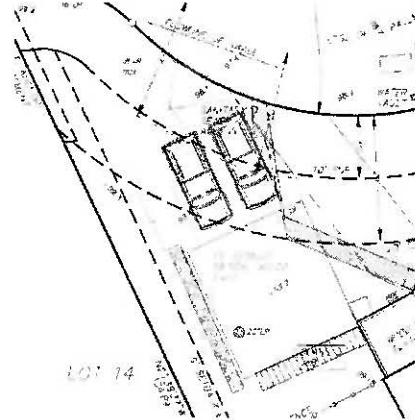
Scenario 2



Scenario 3



Scenario 4



Coverage results:

All scenarios would exceed the coverage limits.

Over-coverage:

Scenario 1	184 SF
Scenario 2	139 SF
Scenario 3	97 SF
Scenario 4	64 SF

The following items are applicable to all scenarios:<sup>10</sup>

- The owner would purchase as much coverage as allowed to transfer to the site (up to 1,800 SF; 1788 SF after retirement of SEZ coverage to bring a 23 SF portion of the front deck into conformance);

<sup>10</sup> Attachment 8 reflects areas of coverage that would be exempt per TRPA's allowable Coverage Exemptions.  
<https://www.trpa.gov/land-coverage/>

- The 17 SF of shed coverage that is not exempted per the original proposal is assumed to be removed to represent a minimal coverage option;
- Any new wood deck/stair coverage on Land Class 5 is exempted;
- A minimum 3'x3' landing is included from the man door on the garage and stairs (per building code); and
- Permeable pavers are used on the driveway and new walkway to provide a 25% 'credit' exemption as allowed by TRPA regulations.

Further examination of narrower driveway options:

- GCI evaluated various placements with a reduced-width driveway that matches the width of the garage doors to 10' out from the structure and then narrows down to a 10' width to the street (two iterations are represented by Options 3 and 4 above).
- Note that this would not be a feasible option for the safe operation of the owner's vehicles due to the vehicle length<sup>11</sup> and distance associated with backing out of the garage at an angle, or backing far enough away from the garage to then turn on to the 10' wide driveway segment. In addition, TRPA will typically require bollards/large boulders or other means to ensure that vehicles do not drive off the paved driveway, thus preventing vehicles from using any unpaved areas along the side of the driveway to assist in maneuvering the entry/exit to the garage. Of note is that in all of these scenarios, ***the coverage would still exceed the allowed limits*** with the garage located outside of the front setback.

## Conclusion:

The BFD/KA report is correct in that a different design such as a one-car garage could meet TRPA coverage requirements. However, the approved Variance is for a proposed two-car garage with living space above. The Atkins have two vehicles and thus have proposed a two-vehicle garage. A one-vehicle garage would not suit their needs, and would also likely create a tandem parking situation which would lead to a future of vehicle-shifting between the owners and their vehicles. El Dorado County staff and the Planning Commission have properly determined that this property meets the requirements for the approval of a setback variance, and we respectfully request that the Board deny the Appeal.

Thank you again for your consideration.

Sincerely,



Jennifer Quashnick

[jennifer@gordonconsultinginc.com](mailto:jennifer@gordonconsultinginc.com)

(530) 577-4233

## Attachments:

- 1) Tables from TRPA Code and notes

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<sup>11</sup> Mr. Atkin's largest vehicle is approx. 15.5' in length.

- 2) Land Capability Illustration from EDC staff in 1/11/2024 PC Exhibits
- 3) Red-lined site plan showing area additional coverage is not allowed due to land type
- 4) Site plan submitted to EDC for pre-application consultation and associated coverage table
- 5) Revised site plan for 2/22/2024 PC hearing (garage removed from side setback)
- 6) Report from BFD/Key Architecture with red-lines
- 7) Scenarios 1-4: site plans and coverage tables
- 8) Feb. 2024 site plan (approved variance) annotated to reflect coverage exemptions



- TRPA evaluates **land coverage** (e.g. hard surfaces, structures) and **land capability** (based on soil type and slope).
- **Land capability** determines the amount and location of where coverage can be placed.

TABLE 30.4.1-1: BASE ALLOWABLE LAND COVERAGE COEFFICIENTS	
Lands Located in Land Capability District*	Base Allowable Land Coverage
1a, 1b, 1c	1%
2	1%
3	5%
4	20%
5	25%
6, 7	30%

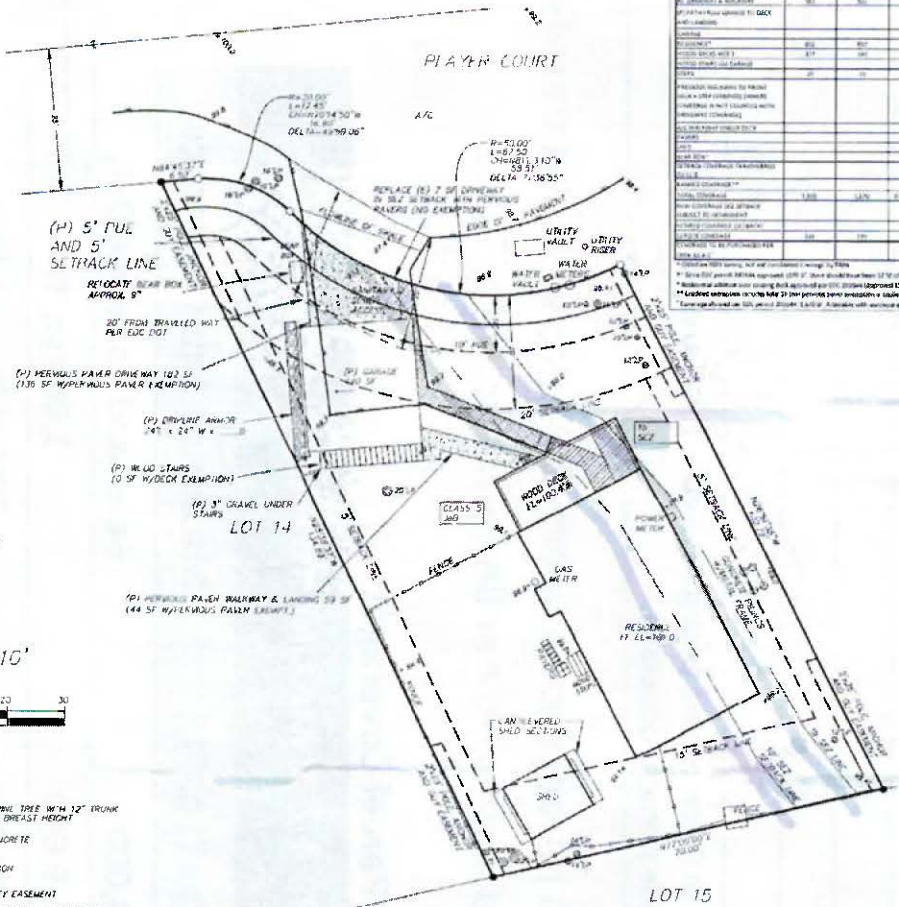
\* Lands located in Geomorphic Group I are classified Land Capability District 1 and are permitted one percent coverage.

- Based on parcel size, owners can purchase and transfer additional coverage per limits in the TRPA Code.

a. **Maximum Parcel Coverages**

TABLE 30.4.2-1: MAXIMUM PARCEL COVERAGE	
Project Area (Sq. Ft.)	Maximum Land Coverage
0 - 4,000	Base Land Coverage Only
4,001 - 9,000	1,800 sq. ft.
9,001 - 14,000	20% of Project Area
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,800 sq. ft.

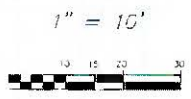
ASSUME ELEVATION = 1100'  
AT 1/2" VERTICAL SCALE



MIN. ALLOWED COVERAGE PER USE	VERIFIED COVERAGE BY LAND SURVEY	PROPOSED COVERAGE BY LAND SURVEY		EXISTING COVERAGE BY LAND SURVEY		PROPOSED COVERAGE BY USE		EXISTING COVERAGE BY USE		PROPOSED COVERAGE BY USE		COVERAGE DEFICIT	PROPOSED COVERAGE
		VERIFIED	PROPOSED	VERIFIED	PROPOSED	VERIFIED	PROPOSED	VERIFIED	PROPOSED	VERIFIED	PROPOSED		
100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	0%	100%

NOTES:  
 \* 1/2" VERTICAL SCALE  
 \*\* EXISTING COVERAGE BY USE IS BASED ON THE 1991 ZONING MAP AND THE 1991 ZONING ORDINANCE. THE PROPOSED COVERAGE BY USE IS BASED ON THE 2011 ZONING MAP AND THE 2011 ZONING ORDINANCE.  
 \*\*\* EXISTING COVERAGE BY USE IS BASED ON THE 1991 ZONING MAP AND THE 1991 ZONING ORDINANCE. THE PROPOSED COVERAGE BY USE IS BASED ON THE 2011 ZONING MAP AND THE 2011 ZONING ORDINANCE.

- (P) PERVIOUS PAVERS
- COVERAGE TO BE REMOVED
- SETBACK COVERAGE PREVIOUSLY VERIFIED



- LEGEND**
- 12" DB LOGS/POLE PINE TREE WITH 12" TRUNK DIAMETER AT BREAST HEIGHT
  - A/C ASPHALT CONCRETE
  - SPOT ELEVATION
  - PUE PUBLIC UTILITY EASEMENT
  - 1/2" DIA 3/4" DB W/PLUG PICE 13710 OR AS NOTED
  - C 1/2" DIA 3/4" DB W/PLUG PICE 13710 OR AS NOTED

**OWNER & MAILING ADDRESS**  
 JOSH ATKINS  
 1627 PLAYER COURT  
 SOUTH LAKE TAHOE, CA 96150

**PROPOSED VARIANCE SITE PLAN**  
**LOT 13, COUNTRY CLUB HEIGHTS UNIT NO. 6**  
 1627 PLAYER COURT, A.P.N. 081-132-003-000  
 EL DORADO COUNTY, CA

**V23-0001/Atkins**  
**Exhibit E1 - Proposed Plans**

A 3 FT HEIGHT REDUCTION WAS USED IN THE COVERAGE CALCULATIONS FOR THE DECK, STAIRS, SHED AND DECK. THE 3 FT HEIGHT REDUCTION WAS USED IN THE COVERAGE CALCULATIONS AS UNDER THAT PORTION OF THE DECK THAT WAS NOT COUNTED DUE TO THE HEIGHT REDUCTION.

**LAND AREA**  
 7572 SQUARE FEET

**NOTES**  
 LAND CAPABILITY INFORMATION OBTAINED FROM MAP STAMPED LAND CAPABILITY VERIFICATION FILE 132-0001-0001, DATED 07/28/2022.  
 PROPOSED SITE PLAN DEVELOPED BY GEORGINA CORREIA, INC. FROM 2024 TOPOGRAPHIC MAP PROVIDED BY JAMES LAND SURVEY TO BE USED FOR VARIANCE APPLICATION TO EL DORADO COUNTY.

RECEIVED  
 APR 27 2023  
 EL DORADO COUNTY  
 PLANNING AND ZONING DEPARTMENT

PROPOSED VARIANCE  
 SITE PLAN

ATKINS, GARAGE  
 500 TH LAKE TAHOE CA 96150  
 APR 26 132-0001

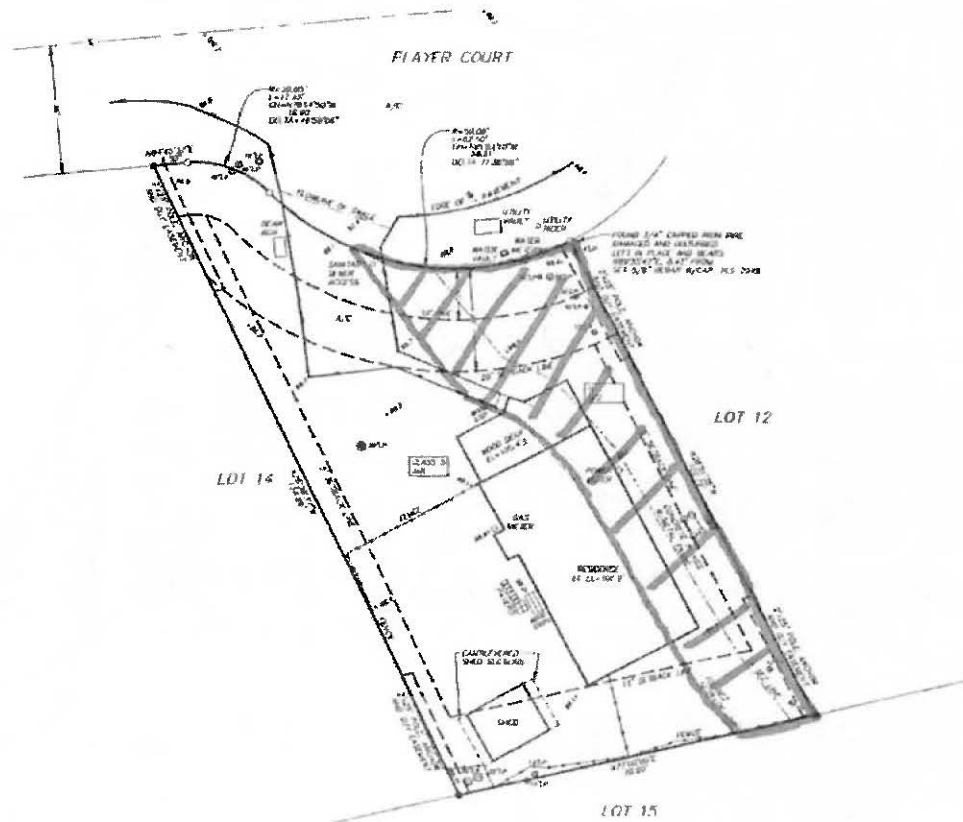
Sheet No. 01  
 Date: 4/14/2023

PSP

V23-0001

NO NEW COVERAGE IN RED-LINED AREA

ASSUMED ELEVATION - 780.00'  
AT SET CONTROL POINT



1" = 10'



**LEGEND**

- 1/2" DIA. IRON PIPE WITH 1/2" FLANG  
DIAMETER AT SPECIFIC HEIGHT
- A/C AIRWAY CONDUITE
- SPOT ELEVATION
- PUBLIC UTILITY EASEMENT
- FOUND 1/4" IRON PIPE 11" DIA  
ON AS NOTED
- SET 3/8" IRON SUCUP P.S. 2049  
ON SET 48 HOLE

**OWNER & MAILING ADDRESS**

JOHN A. WANG  
12 LAGUNA STREET  
SAN FRANCISCO, CA 94102

**COVERAGE**

RESIDENCE	1081
A/C AIRWAY & CONDUITE	519
WOOD DECK	218
SCULPT	14
A/C WALKWAY UNDER DECK	1
PAVING	1
CEILING	1
SEWER	1
10' DIA	10' DIA
A/C AIRWAY IN RIGHT OF WAY	228

A 1:1 HEIGHT REDUCTION WAS USED BY THE COVERAGE  
CONTRACTOR FOR THE DECK, STEPS, WALK AND PAVER  
DECK AND 1/2" DIA. A/C UNDER THE DECK. THIS  
WAS USED IN THE OVERHEAD CALCULATION IS UNLESS  
BLAT PORTION OF THE DECK THAT WERE NOT LOCATED  
DUE TO THE HEIGHT REDUCTION.

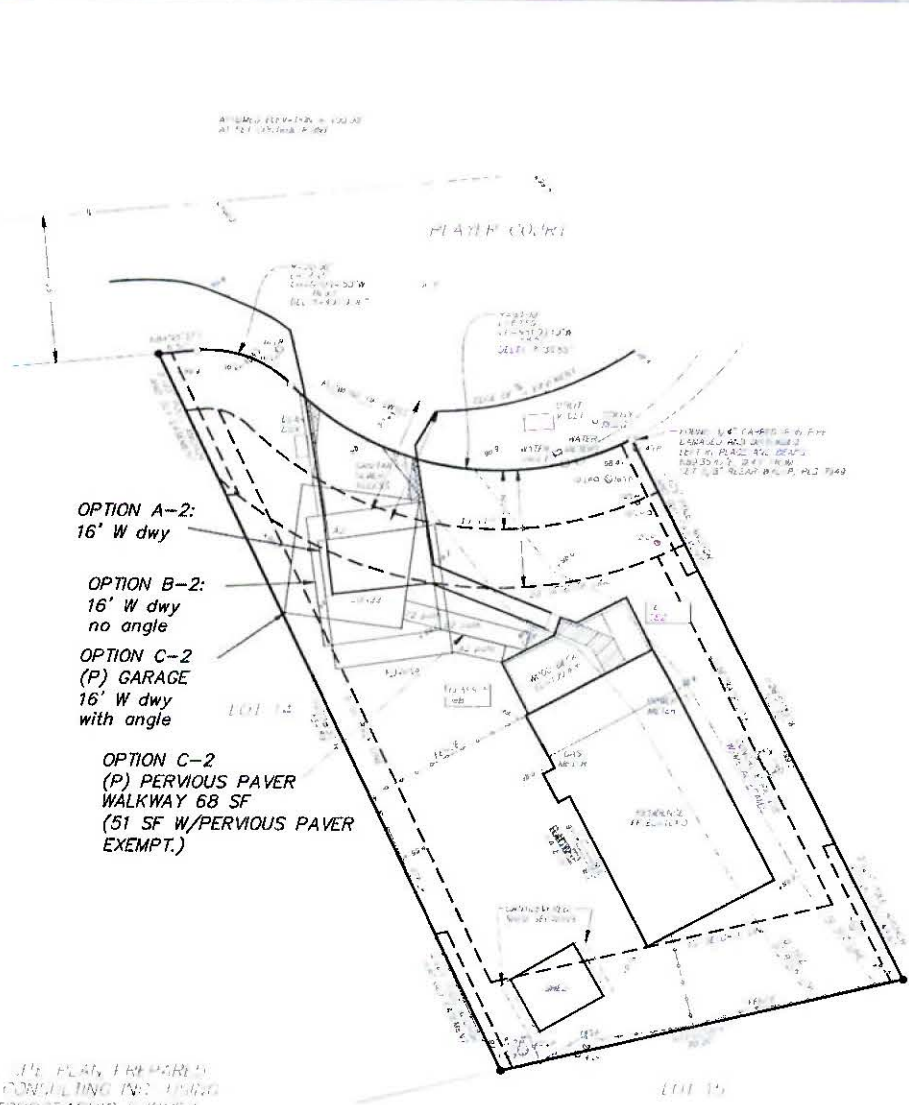
**LAND AREA**

1/22 SQUARE FEET

**NOTES**

LAND CAPABILITY INFORMATION OBTAINED FROM MAP SHEETS 2 AND  
CAPABILITY REFERENCE FILE L017823-001 DRAFT BY JAW  
JAW - DATED 07/26/2012

TOPOGRAPHIC MAP  
**LOT 13, COUNTRY CLUB HEIGHTS UNIT NO. 6**  
**1627 PLAYER COURT, A.P.N.081-132-003-000**  
 EL DORADO COUNTY, CA



**LEGEND**

- CONCEPTUAL DRIVE WITH 12" IRON MANHOLE AT 10' ON 10' SPACING
- ASPHALT DRIVEWAYS
- SIDE ELEVATION
- ▭ POWER METER CLOSURE
- FUTURE 1/2" W/ 8" RADIUS R.E. 15' TO 16' AS NOTED
- 1/2" R.E. 15' TO 16' AS NOTED

**OWNER & MAILING ADDRESS**

APN 011-13-000  
 1627 PLAYER COURT  
 SOUTH LAKE TAHOE, CA 96155

**COVERAGE**

DESCRIPTION	AREA (SQ. FT.)
PERVIOUS PAVEMENT	68
ASPHALT DRIVEWAY	1072
ASPHALT DRIVE	115
ASPHALT DRIVEWAY	14
PERVIOUS PAVEMENT	1
PERVIOUS PAVEMENT	4
PERVIOUS PAVEMENT	21
PERVIOUS PAVEMENT	10
TOTAL PERVIOUS PAVEMENT	120

A SITE PLAN INDICATES THE COVERAGE FOR THE PERVIOUS PAVEMENT. THE PERVIOUS PAVEMENT IS TO BE INSTALLED UNDER THE DRIVEWAY AND DRIVEWAY. THE PERVIOUS PAVEMENT IS TO BE INSTALLED UNDER THE DRIVEWAY AND DRIVEWAY. THE PERVIOUS PAVEMENT IS TO BE INSTALLED UNDER THE DRIVEWAY AND DRIVEWAY.

**LAND AREA**

1.00 ACRES (43,560 SQ. FT.)

**NOTES**

LAND SURVEYED AND BOUNDARIES FROM MAP DATED 1984. THE SURVEY WAS CONDUCTED BY IN-SITE LAND SURVEYS, P.O. BOX 551085, SOUTH LAKE TAHOE, CA 96155. THE SURVEY WAS CONDUCTED BY IN-SITE LAND SURVEYS, P.O. BOX 551085, SOUTH LAKE TAHOE, CA 96155.

**OPTION A-2:**  
16' W dwy

**OPTION B-2:**  
16' W dwy  
no angle

**OPTION C-2**  
(P) GARAGE  
16' W dwy  
with angle

**OPTION C-2**  
(P) PERVIOUS PAVER  
WALKWAY 68 SF  
(51 SF W/PERVIOUS PAVER  
EXEMPT.)

51 SF BACK COVERAGE  
PREVIOUSLY VERIFIED

CONCEPTUAL SITE PLAN PREPARED BY GORDON CONSULTING INC. USING JULY 2022 TOPOGRAPHIC SURVEY PREPARED BY IN-SITE LAND SURVEYS

SITE PLAN PREPARED FOR DISCUSSION PURPOSES ONLY WITH PERMITTING AGENCIES

**TOPOGRAPHIC MAP**  
**LOT 13, COUNTRY CLUB HEIGHTS UNIT NO. 6**  
**1627 PLAYER COURT, A.P.N.081-132-003-000**

EL DORADO COUNTY, CA

PROPOSED CONCEPTUAL SITE PLAN (REVIEWED OPTIONS)

IN-SITE LAND SURVEYS  
 551085 SOUTH LAKE TAHOE, CA 96155  
 TEL: 530-577-4815



DATE: 08/18/2022

PSP-1





# BFD/KEY ARCHITECTURE

Architect: Natalia Wiczorek (NV 8503, CA 39332)

Mailing Address:  
PO Box 6093  
Stateline, NV 89449

Office Address:  
225 Kingsbury Grade, Suite B  
Stateline, NV 89449  
(775) 580-6288  
architect@bfdkey.com

DATE: February 5, 2024

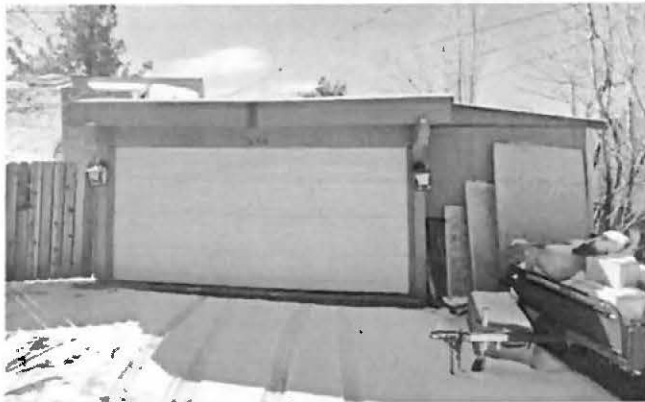
To the El Dorado Planning Commissioners:

I was asked to review the proposed detached garage/living addition at 1627 Player Ct. and to provide a professional opinion regarding the overall site layout, proposed encroachments, and overall height of the structure. It appears that the proposed project will require a major variance at the front setback and a minor variance at the side setback as part of the project. The current proposal involves a two-story structure, where the bottom floor is the garage and the top story is additional living space. It is not clear why the proposed structure includes a living space since the requested variances are for garage encroachment only. In my professional opinion, the proposed garage could be placed and built where it would not impair the views and privacy of the neighboring Lee property at 1625 Player Ct.

The proposed height is a major subject of contention, since if the structure encroaches into the setbacks as proposed, and is as tall as proposed, it will significantly affect the adjacent property at 1625 Player Ct. Per the TRPA Code of Ordinances, Ch. 37, Table 37.4.1, maximum allowed height for any structure is determined by both the slope of the parcel and the slope of the roof. TRPA **does not** have a minimum height requirement; in theory, a structure that is under 8' tall is permissible, and a single-story garage would have no issues being approved at the building department.

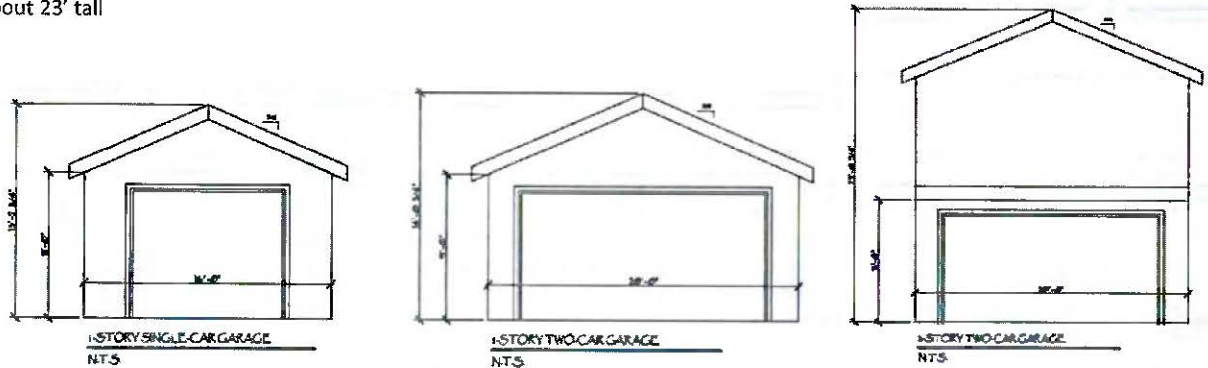
A typical floor to ceiling height, for either homes or garages, is anywhere between 8'-10'. Although El Dorado County encourages a roof pitch of 5:12 for snow shed, this is not mandatory and multiple examples exist of structures with a roof-pitches lower than that throughout the Tahoe Basin.

Local examples of 1-story, 2-car garages with flat or pitched roofs:



Potential height differences for 1 & 2 story garages:

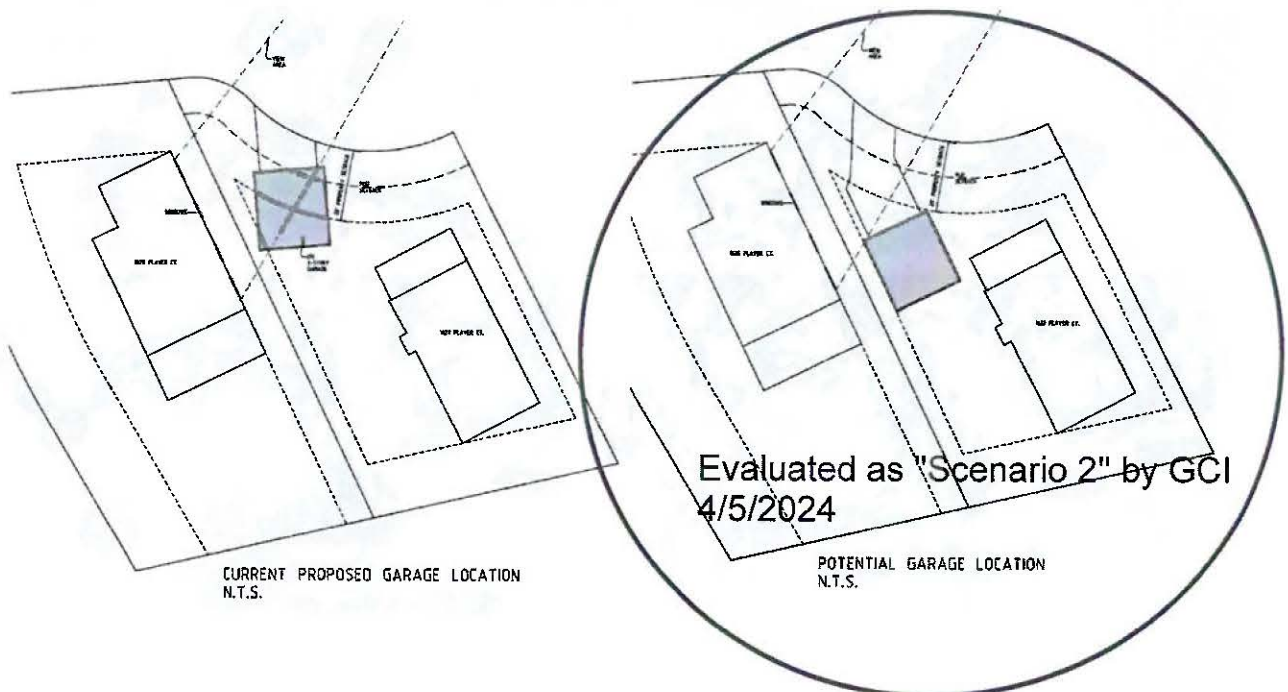
1. A single-story garage with a flat roof would be feasible on this lot, and would likely be 10' tall
2. With a steeper pitch, such as a 5:12, a single car garage would be feasible and about 13' tall
3. With a steeper pitch, such as a 5:12, a two-car garage would be feasible and about 14' tall
4. A double car garage, with a full second floor and a 5:12 pitch roof, would be almost 10 feet higher than the previous options, or about 23' tall



In other words, it is the addition of the second-floor area which creates the massive 23' barrier to views and affecting the privacy of the adjacent residence. If the space above the garage becomes a living area, as currently proposed, it will further affect the privacy of the neighboring property since its windows will be directly in the view line of the existing house. Again, it is not clear why a variance for a garage must include living space above, when it is the additional living space that creates the problem. The requested variances are for a garage, not living area.

For the front setback encroachment: this appears more intrusive as it proposes to place a portion of the garage not only within the front setback, but also within a 10' Public Utility Easement. Per my professional opinion, the structure could easily be shifted further back on the parcel and fit within the existing 20' front setback while meeting coverage requirements. This would require a design change, but as this is a preliminary planning proposal, it is at the Commission's discretion whether or not to enforce the setbacks before the project is fully completed and engineered for construction. The larger encroachment would likely necessitate a Major Variance, for which there has to be sound reasoning outside "just because."

From an architectural perspective, it appears that the proposed side encroachment is not necessary – the building could be modified or rotated without affecting the existing home or any defensible space requirements.





Per the El Dorado County Planning Services, variances require the following findings:

1. There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application which circumstances or conditions do not apply generally to land, buildings, or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.

*This parcel does not have any exceptional conditions or circumstances that would prevent the owner from enjoying residential uses within the existing setbacks*

2. The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone.

*Enforcing the setbacks would not deprive the applicant from enjoying residential uses on their property*

3. The variance is the minimum necessary for the reasonable use of the land or building.

*The variances are not necessary to build residential space as a primary house already exist, and may not be necessary for a garage either.*

4. The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood.

*The proposed location of the additional residential space is injurious to the neighborhood in that it is unnecessarily tall, blocks views, and invades privacy.*


It is my professional opinion that the overall site layout for the structure could be modified in a way where the encroachments are reduced, or eliminated, and for which there is still enough coverage to make it a viable garage-only build. Alternatively, the second floor living quarters could be eliminated, thereby reducing the height of the proposed garage and removing the injurious impacts on 1625 Player Court.

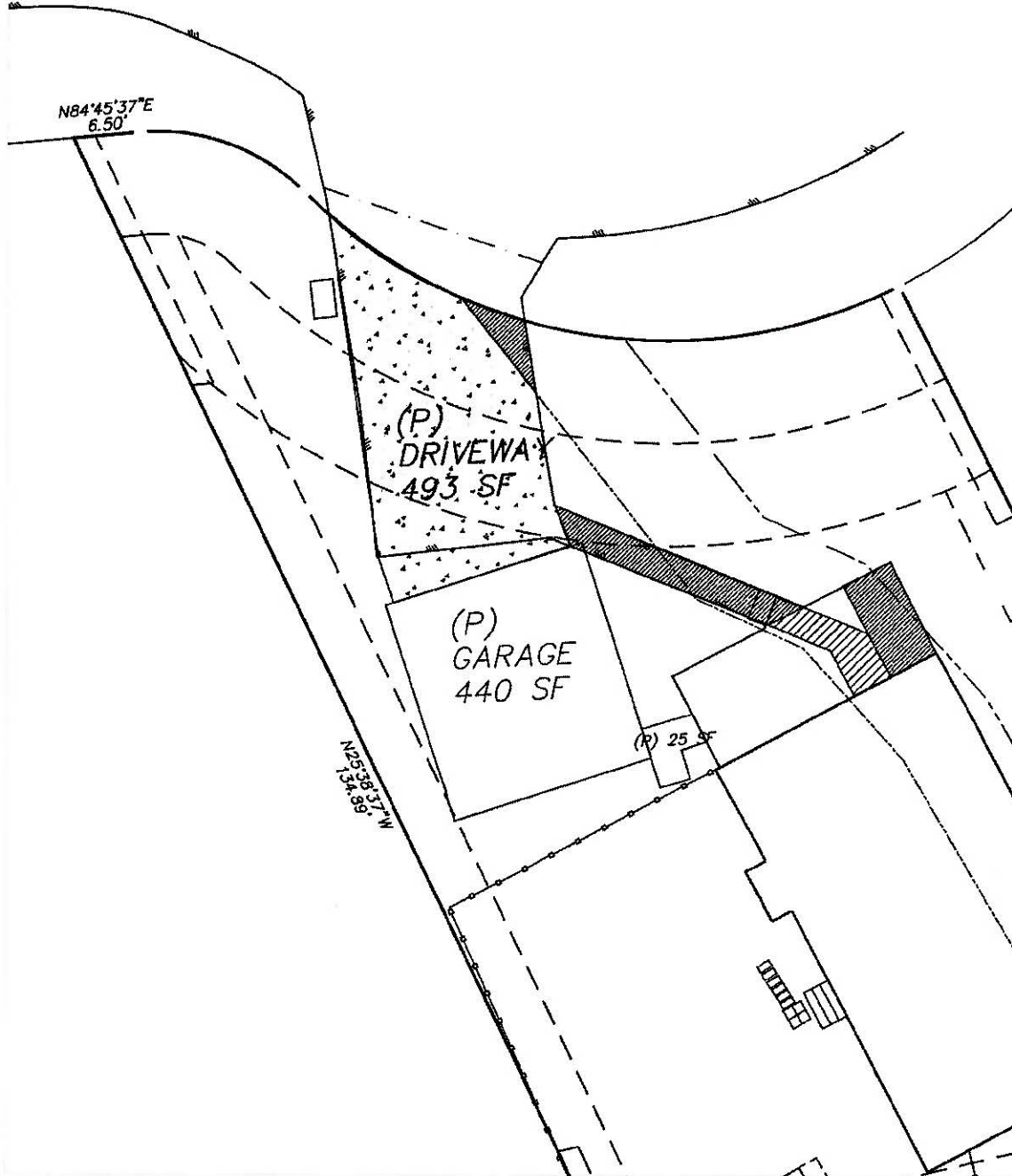
Thank you for your consideration,

  
- Natalia Wieczorek



# Scenario 1

 TO BE REMOVE

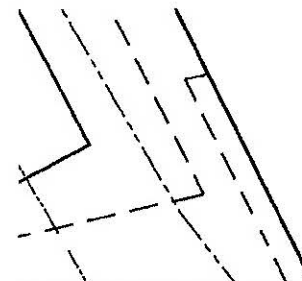


# GARAGE OUTSIDE OF SETBACKS

184 SF OVER-COVERED

BASIC PRELIMINARY REVIEW

MAX. ALLOWED COVERAGE PER EDC SITE ASSESSMENT 10/23/2007: 1,655 SF/1,670 SF*	PROPOSED COVERAGE BEFORE EXEMPTIONS			COVERAGE EXEMPTIONS		PROPOSED COVERAGE
	1B	LC 5		Actual exemption (Max. allowed 527 SF)	Credited Exemption** (Max. allowed 527 SF)	
		5' SETBACK	0' TO 10' LC 5			
AC DRIVEWAY & WALKWAY	0	402	402	228	402	372
(P) PATH FROM GARAGE TO DECK AND LANDING		75	75	0	23	79
GARAGE		440	440			440
RESIDENCE*	319	764	1,083			1,083
WOOD DECK W/3-1	60	115	175	175	115	60
WOOD STAIRS ON GARAGE		54	54	54	54	0
STEPS		0	0	0	0	0
PREVIOUS WALKWAY TO FRONT DECK + STEP (VERIFIED) [WHERE COVERAGE IS NOT COUNTED WITH DRIVEWAY COVERAGE]						
A/C WALKWAY UNDER DECK	0	0	0			0
PAVERS	0	0	0			0
SHED		137	137	120	120	3
BEAR BOX^		0	0			0
SETBACK COVERAGE TRANSFERRED TO LC 5	73					
BANKED COVERAGE**						0
TOTAL COVERAGE	379	1,012	1,416	428	514	1,392
OVER-COVERAGE						184
NEW COVERAGE SET SETBACK SUBJECT TO RETIREMENT	23					
RETIRED COVERAGE (SETBACK)	12					
OFFSITE COVERAGE						105
COVERAGE TO BE PURCHASED PER TRPA 30.4-2						180

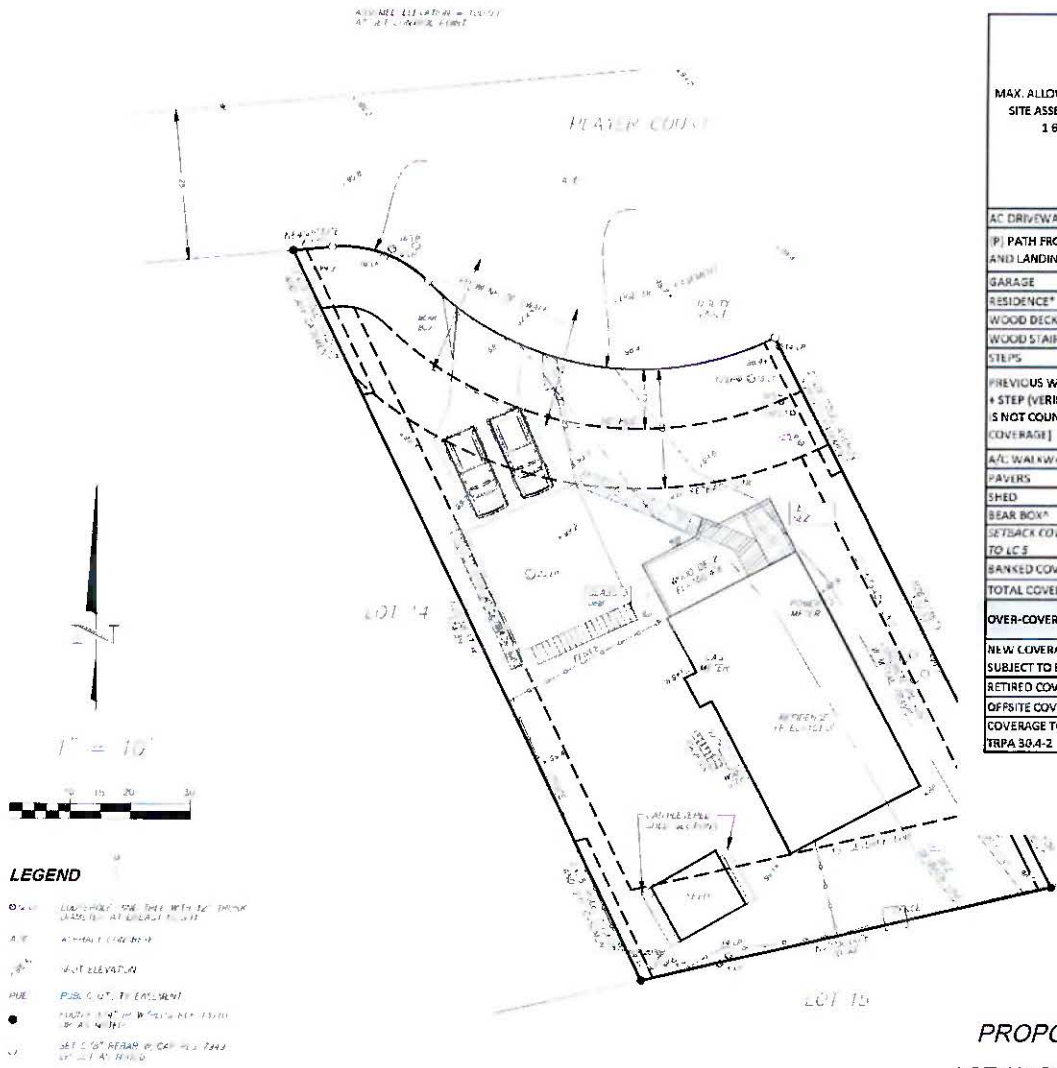


# Scenario 1

## BASIC PRELIMINARY REVIEW

MAX. ALLOWED COVERAGE PER EDC SITE ASSESSMENT (9/23/2007): 1,655 SF/1,670 SF*	PROPOSED COVERAGE BEFORE EXEMPTIONS			COVERAGE EXEMPTIONS		PROPOSED COVERAGE
	1B	LC 5		Actual exemption	Credited Exemption**	
	SEZ SETBACK	S	TOTAL LC 5	(Max. allowed: 627 SF)	(Max. allowed: 627 SF)	TOTAL:
AC DRIVEWAY & WALKWAY	0	493	493	123	493	370
(P) PATH FROM GARAGE TO DECK AND LANDING		25	25	6	23	19
GARAGE		440	440			440
RESIDENCE*	319	764	1,083			1,083
WOOD DECKS W/3:1	60	115	175	115	115	60
WOOD STAIRS ON GARAGE		54	54	54	54	0
STEPS			9	9	9	0
PREVIOUS WALKWAY TO FRONT DECK + STEP (VERIFIED) [WHERE COVERAGE IS NOT COUNTED WITH DRIVEWAY COVERAGE]						
A/C WALKWAY UNDER DECK	0		0			0
PAVERS	0		0			0
SHED		137	137	120	120	0
BEAR BOX^		0	0			0
SETBACK COVERAGE TRANSFERRED TO LC 5	73					
BANKED COVERAGE^^						0
TOTAL COVERAGE	379	2,028	2,416	428	814	1,972
OVER-COVERAGE						184
NEW COVERAGE SEZ SETBACK SUBJECT TO RETIREMENT	23					
RETIRED COVERAGE (SETBACK)	12					12
OFFSITE COVERAGE						185
COVERAGE TO BE PURCHASED PER TRPA 30.4-2						130

Scenario 2



**OWNER & MAILING ADDRESS**  
 1627 PLAYER COURT  
 SOUTH DAKOTA PARKWAY, SOUTH DAKOTA 57055

BFD option - outside of setbacks

MAX. ALLOWED COVERAGE PER EDC SITE ASSESSMENT (8/23/2007): 1,655 SF/1,670 SF*	PROPOSED COVERAGE BEFORE EXEMPTIONS			COVERAGE EXEMPTIONS		PROPOSED COVERAGE
	JOB	E, S		Actual exemption	Created Exemption**	
		AC Pathway	P			
AC DRIVEWAY & WALKWAY		0	435	435	0	0
(P) PATH FROM GARAGE TO DECK AND LANDING			23	23	6	17
GARAGE			442	442	0	0
RESIDENCE*		339	794	1,088	0	1,088
WOOD DECKS W/3:1		60	113	173	113	60
WOOD STAIRS ON GARAGE			34	34	34	0
STEPS			0	0	0	0
PREVIOUS WALKWAY TO FRONT DECK + STEP (VERIFIED) [WHERE COVERAGE IS NOT COUNTED WITH DRIVEWAY COVERAGE]						
A/C WALKWAY UNDER DECK			0	0	0	0
PAVERS			0	0	0	0
SHED			137	137	120	17
BEAR BOX*			0	0	0	0
SETBACK COVERAGE TRANSFERRED TO LOTS		75				
BANKED COVERAGE**						0
<b>TOTAL COVERAGE</b>		379	1,959	2,337	412	1,925
<b>OVER-COVERAGE</b>						133
NEW COVERAGE SETBACK SUBJECT TO RETIREMENT		28				
RETIRED COVERAGE (SETBACK)						72
OFFSITE COVERAGE						185
COVERAGE TO BE PURCHASED PER TRPA 30.4-2						150

**PROPOSED VARIANCE SITE PLAN**  
 LOT 13, COUNTRY CLUB HEIGHTS UNIT NO. 6  
 1627 PLAYER COURT, A.P.N.081-132-003-000  
 T.L. DORADO COUNTY, CA

A 10% BUFFER FROM DRIVEWAY SHALL BE MAINTAINED AT ALL TIMES. THIS BUFFER SHALL BE MAINTAINED AT ALL TIMES. THIS BUFFER SHALL BE MAINTAINED AT ALL TIMES.

**LAND AREA**  
 15,000 SQUARE FEET

**NOTES**  
 1. LAND AREA IS BASED ON THE DEED RECORDS AND THE DEED RECORDS ARE THE ONLY SOURCE OF INFORMATION FOR THE LAND AREA. THE LAND AREA IS BASED ON THE DEED RECORDS AND THE DEED RECORDS ARE THE ONLY SOURCE OF INFORMATION FOR THE LAND AREA.

PROPOSED VARIANCE SITE PLAN

ATTORNEY AT LAW  
 1627 PLAYER COURT, UNIT NO. 6  
 SOUTH DAKOTA PARKWAY, SOUTH DAKOTA 57055

PSP

# Scenario 2

BFD option - outside of setbacks

MAX. ALLOWED COVERAGE PER EDC SITE ASSESSMENT (9/23/2007): 1,655 SF/1,670 SF*	PROPOSED COVERAGE BEFORE EXEMPTIONS			COVERAGE EXEMPTIONS		PROPOSED COVERAGE
	1B	LC 5		Actual exemption	Credited Exemption**	
	SEZ SETBACK	S	TOTAL LC 5	(Max. allowed: 627 SF)	(Max. allowed: 627 SF)	TOTAL
AC DRIVEWAY & WALKWAY	0	436	436	109	436	327
(P) PATH FROM GARAGE TO DECK AND LANDING		23	23	6	23	17
GARAGE		440	440			440
RESIDENCE*	319	764	1,083			1,083
WOOD DECKS W/3:1	60	115	175	115	115	60
WOOD STAIRS ON GARAGE		54	54	54	54	0
STEPS			9	9	9	0
PREVIOUS WALKWAY TO FRONT DECK + STEP (VERIFIED) [WHERE COVERAGE IS NOT COUNTED WITH DRIVEWAY COVERAGE]						
A/C WALKWAY UNDER DECK	0		0			0
PAVERS	0		0			0
SHED		137	137	120	120	0
BEAR BOX^		0	0			0
SETBACK COVERAGE TRANSFERRED TO LC 5	73					
BANKED COVERAGE^^						0
TOTAL COVERAGE	379	1,969	2,357	413	757	1,927
OVER-COVERAGE						139
NEW COVERAGE SEZ SETBACK SUBJECT TO RETIREMENT	23					
RETIRED COVERAGE (SETBACK)	12					12
OFFSITE COVERAGE						185
COVERAGE TO BE PURCHASED PER TRPA 30.4-2						130

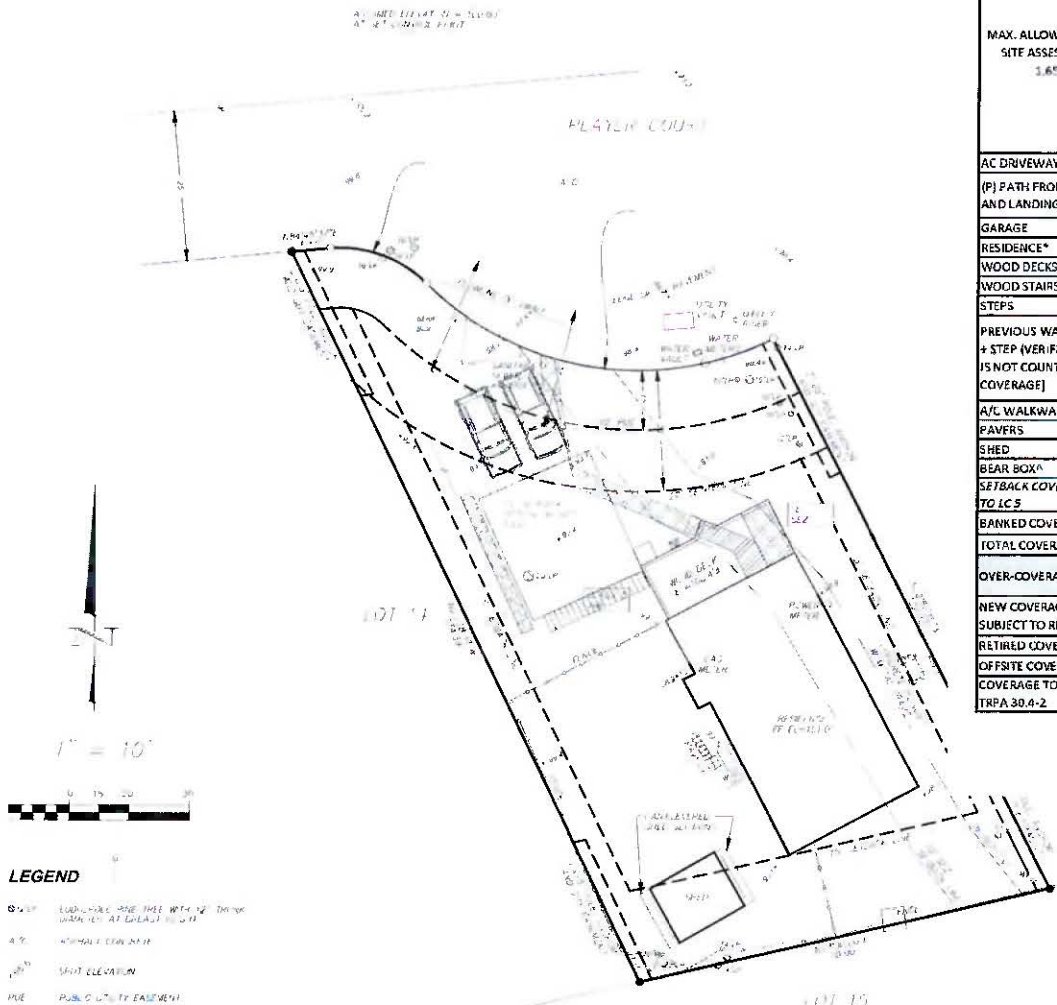


# Scenario 3

Outside of setbacks & minimal driveway area

MAX. ALLOWED COVERAGE PER EDC SITE ASSESSMENT (9/23/2007): 1,655 SF/1,670 SF*	PROPOSED COVERAGE BEFORE EXEMPTIONS			COVERAGE EXEMPTIONS		PROPOSED COVERAGE
	1B	LC 5		Actual exemption	Credited Exemption**	
	SEZ SETBACK	5	TOTAL LC 5	(Max allowed: 627 SF)	(Max allowed: 627 SF)	TOTAL:
AC DRIVEWAY & WALKWAY	0	380	380	95	380	285
(P) PATH FROM GARAGE TO DECK AND LANDING		23	23	6	23	17
GARAGE		440	440			440
RESIDENCE*	319	764	1,083			1,083
WOOD DECKS W/3:1	60	115	175	115	115	60
WOOD STAIRS ON GARAGE		54	54	54	54	0
STEPS			9	9	9	0
PREVIOUS WALKWAY TO FRONT DECK + STEP (VERIFIED) [WHERE COVERAGE IS NOT COUNTED WITH DRIVEWAY COVERAGE]						
A/C WALKWAY UNDER DECK	0		0			0
PAVERS	0		0			0
SHED		137	137	120	120	0
BEAR BOX^		0	0			0
SETBACK COVERAGE TRANSFERRED TO LC 5	73					
BANKED COVERAGE^^						0
TOTAL COVERAGE	379	1,913	2,301	399	701	1,885
OVER-COVERAGE						97
NEW COVERAGE SEZ SETBACK SUBJECT TO RETIREMENT	23					
RETIRED COVERAGE (SETBACK)	12					12
OFFSITE COVERAGE						185
COVERAGE TO BE PURCHASED PER TRPA 30.4-2						130

Scenario 4



LEGEND

- 2" x 4" EOOD-COVERAGE (SEE TRPA 30.4-2) DRIVING SURFACES AT DRIVEWAY ENDS
- A/C NORMAL ELEVATION
- 10'0" SPOT ELEVATION
- PUE PUBLIC UTILITY EASEMENT
- 1" x 6" x 8" x 16" WOOD POSTS (SEE TRPA 30.4-2)
- ✓ SET 1.5' SET FROM W/ CAR HOOD (SEE TRPA 30.4-2)

OWNER & MAILING ADDRESS

JOHN ATKINS  
1627 PLAYER COURT  
SOUTH LAKE TAHOE, CA 96150

**PROPOSED VARIANCE SITE PLAN**  
**LOT 13, COUNTRY CLUB HEIGHTS UNIT NO. 6**  
**1627 PLAYER COURT, A.P.N. 081-132-003-000**  
 LL BORADO COUNTY, CA

15' front setback = shorter narrower driveway

MAX. ALLOWED COVERAGE PER EDC SITE ASSESSMENT (9/23/2007): 1,655 SF/1,670 SF*	PROPOSED COVERAGE BEFORE EXEMPTIONS			COVERAGE EXEMPTIONS		PROPOSED COVERAGE
	SEZ SETBACK	S	TOTAL CCS	Actual exemption (Max allowed 527 SF)	Credited Exemption** (Max allowed 6,755)	
AC DRIVEWAY & WALKWAY	0	322	322	0	421	243
(P) PATH FROM GARAGE TO DECK AND LANDING		9	30	2	23	28
GARAGE		440	440			440
RESIDENCE*	215	764	1,085			1,085
WOOD DECKS W/3:1	50	115	175	115	115	60
WOOD STAIRS ON GARAGE		54	54	54	54	0
STEPS			9	9	9	0
PREVIOUS WALKWAY TO FRONT DECK + STEP (VERIFIED) [WHERE COVERAGE IS NOT COUNTED WITH DRIVEWAY COVERAGE]						
A/C WALKWAY UNDER DECK	0		0			0
PAVERS	0		0			0
SHED		137	137	120	120	0
BEAR BOX <sup>1</sup>		0	0			0
SETBACK COVERAGE TRANSFERRED TO CCS	73					
BANKED COVERAGE <sup>2</sup>						0
<b>TOTAL COVERAGE</b>	<b>279</b>	<b>1,841</b>	<b>2,250</b>	<b>361</b>	<b>752</b>	<b>1,852</b>
<b>OVER-COVERAGE</b>						<b>64</b>
NEW COVERAGE SEZ SETBACK SUBJECT TO RETIREMENT	25					
RETIRED COVERAGE (SETBACK)	32					12
OFFSITE COVERAGE						155
COVERAGE TO BE PURCHASED PER TRPA 30.4-2						130

LAND AREA

1.2 AC 32,676 FEET

NOTES

1. ALL COVERAGE IS TO BE SETBACK FROM THE DRIVEWAY ENDS AS SHOWN ON THIS PLAN. THE DRIVEWAY ENDS SHALL BE SETBACK FROM THE DRIVEWAY ENDS AS SHOWN ON THIS PLAN. THE DRIVEWAY ENDS SHALL BE SETBACK FROM THE DRIVEWAY ENDS AS SHOWN ON THIS PLAN.

PROPOSED VARIANCE  
SITE PLAN

ATTORNEY AT LAW  
1627 PLAYER COURT  
SOUTH LAKE TAHOE, CA 96150  
PH: 530-937-1100

PSP



# Scenario 4

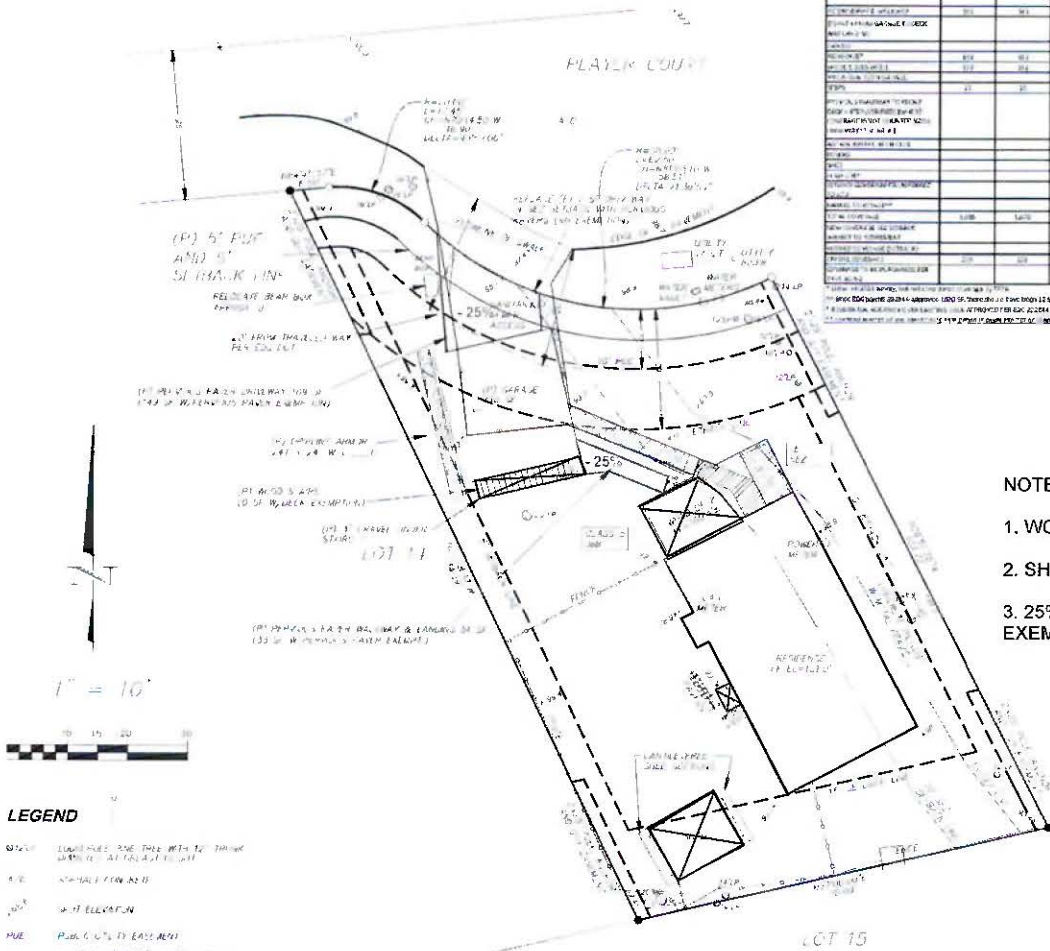
15' front setback = shorter narrower driveway

MAX. ALLOWED COVERAGE PER EDC SITE ASSESSMENT (9/23/2007): 1,655 SF/1,670 SF*	PROPOSED COVERAGE BEFORE EXEMPTIONS			COVERAGE EXEMPTIONS		PROPOSED COVERAGE
	1B	LC 5		Actual exemption	Credited Exemption**	
	SEZ SETBACK	S	TOTAL LC 5	(Max. allowed: 627 SF)	(Max. allowed: 627 SF)	TOTAL
AC DRIVEWAY & WALKWAY	0	322	322	81	411	242
(P) PATH FROM GARAGE TO DECK AND LANDING		9	30	2	23	28
GARAGE		440	440			440
RESIDENCE*	319	764	1,083			1,083
WOOD DECKS W/3:1	60	115	175	115	115	60
WOOD STAIRS ON GARAGE		54	54	54	54	0
STEPS			9	9	9	0
PREVIOUS WALKWAY TO FRONT DECK + STEP (VERIFIED) [WHERE COVERAGE IS NOT COUNTED WITH DRIVEWAY COVERAGE]						
A/C WALKWAY UNDER DECK	0		0			0
PAVERS	0		0			0
SHED		137	137	120	120	0
BEAR BOX^		0	0			0
SETBACK COVERAGE TRANSFERRED TO LC 5	73					
BANKED COVERAGE^^						0
TOTAL COVERAGE	379	1,841	2,250	381	732	1,852
OVER-COVERAGE						64
NEW COVERAGE SEZ SETBACK SUBJECT TO RETIREMENT	23					
RETIRED COVERAGE (SETBACK)	12					12
OFFSITE COVERAGE						185
COVERAGE TO BE PURCHASED PER TRPA 30.4-2						130

Att - 7, S4

**PROPOSED SITE PLAN FOR VARIANCE AS APPROVED BY PLANNING COMMISSION**  
 Annotated to reflect coverage exemptions

APN 081-132-000  
 1627 PLAYER COURT



- LEGEND**
- PERVIOUS PAVERS
  - ▨ COVERAGE TO BE REMOVED
  - ▧ SETBACK COVERAGE EXEMPT
  - 5' SIDEWALK
  - 5' DRIVEWAY
  - 5' FRONT DECK
  - 5' SHED
  - 5' PATIO
  - 5' PORCH
  - 5' STAIRS
  - 5' UTILITY
  - 5' GARAGE
  - 5' DRIVEWAY
  - 5' FRONT DECK
  - 5' SHED
  - 5' PATIO
  - 5' PORCH
  - 5' STAIRS
  - 5' UTILITY
  - 5' GARAGE

**OWNER & MAILING ADDRESS**  
 JOHN ADAMS  
 1627 PLAYER COURT  
 SAN DIEGO, CA 92116

APN	AREA	AREA TYPE	PERVIOUS PAVERS		WOOD DECK/STAIR COVERAGE		SETBACK COVERAGE		TOTAL		TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
			AREA	AREA	AREA	AREA	AREA	AREA	AREA	AREA								
081-132-000	LOT 15	RESIDENTIAL	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120

**NOTES:**

- WOOD DECK/STAIR COVERAGE IS EXEMPT AND DOES NOT COUNT TOWARD (P) COVERAGE
- SHED COVERAGE IS EXEMPT TO 120 SF (SHED WILL BE MOVED OUT OF SETBACK)
- 25% OF THE COVERAGE FOR THE DRIVEWAY AND PATH TO FRONT DECK WOULD BE EXEMPT DUE TO USE OF PERVIOUS PAVERS

- ▨ PERVIOUS PAVERS
- ▨ COVERAGE TO BE REMOVED
- ▨ SETBACK COVERAGE EXEMPT

**PROPOSED VARIANCE SITE PLAN**  
**LOT 13, COUNTRY CLUB HEIGHTS UNIT NO. 6**  
**1627 PLAYER COURT, A.P.N.081-132-000-000**  
 11 DONADO COUNTY, CA

**LAND AREA**  
 SQ. FEET

**NOTES**  
 1. ALL AREAS SHOWN ARE APPROXIMATE AND SHOULD BE VERIFIED BY A PROFESSIONAL SURVEYOR.  
 2. THE TOTAL AREA OF THE LOT IS APPROXIMATELY 10,000 SQ. FEET.  
 3. THE TOTAL AREA OF THE DRIVEWAY AND PATH TO FRONT DECK IS APPROXIMATELY 1,200 SQ. FEET.  
 4. THE TOTAL AREA OF THE WOOD DECK AND STAIRS IS APPROXIMATELY 1,200 SQ. FEET.  
 5. THE TOTAL AREA OF THE SHED IS APPROXIMATELY 1,200 SQ. FEET.  
 6. THE TOTAL AREA OF THE PATIO IS APPROXIMATELY 1,200 SQ. FEET.  
 7. THE TOTAL AREA OF THE PORCH IS APPROXIMATELY 1,200 SQ. FEET.  
 8. THE TOTAL AREA OF THE STAIRS IS APPROXIMATELY 1,200 SQ. FEET.  
 9. THE TOTAL AREA OF THE UTILITY IS APPROXIMATELY 1,200 SQ. FEET.  
 10. THE TOTAL AREA OF THE GARAGE IS APPROXIMATELY 1,200 SQ. FEET.

**PROPOSED VARIANCE SITE PLAN**

APN 081-132-000-000

**PSP**

---

**From:** Marissa Fox <fox@scalefirm.com>  
**Sent:** Friday, April 5, 2024 9:01 PM  
**To:** BOS-Clerk of the Board  
**Cc:** Joshua Atkins; Melissa Davis Balough  
**Subject:** Correspondence re Atkins Variance Appeal (V23-0001)  
**Attachments:** Scale LLP to El Dorado County Board of Supervisors Re Atkins Variance Appeal (V-A24-0001) (04.05.24).pdf

Good evening,

Attached, please find correspondence relating to the Atkins variance appeal (V23-0001) submitted in connection with the hearing scheduled for April 9, 2024. Should you have any questions, please do not hesitate to reach out to me directly anytime.

Thank you, and I hope you have a nice weekend.

Best,  
Marissa

Marissa C. Fox  
**Partner**  
Scale LLP | [www.scalefirm.com](http://www.scalefirm.com)  
[fox@scalefirm.com](mailto:fox@scalefirm.com)  
O: 530.298.0886  
M: 530.686.7230



# SCALE LLP

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P.O. Box 1036  
Zephyr Cove, NV 89448  
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Marissa C. Fox  
[fox@scalefirm.com](mailto:fox@scalefirm.com)

Melissa H.D. Balough  
[melissadb@scalefirm.com](mailto:melissadb@scalefirm.com)

April 5, 2024

*By Electronic Mail Only*

El Dorado County Board of Supervisors  
330 Fair Lane, Building A  
Placerville, CA 95667

**Re: Appeal V-A24-0001 (Atkins Variance V23-0001)**

Honorable Chair and Members of the El Dorado County Board of Supervisors:

This office represents Joshua Atkins, the owner of the real property commonly known as 1627 Player Court, South Lake Tahoe, CA 96150 ("*Atkins Property*") with respect to variance V23-0001 ("*Variance*") and this appeal ("*Appeal*"). We appreciate the diligent efforts of Staff, the Planning Commission, and this Board. Thank you for your thoughtful consideration of this matter.

The Variance authorizes the construction of a small garage within allowable setbacks because of the unique characteristics of the Atkins Property and applicable TRPA coverage limitations. As this Board is aware, the County routinely grants variances in similar circumstances. Consistent with the Planning Commission's prior approval, the Staff Report, and Section 13.52.070 of the County's Code of Ordinances, the Variance is necessary for the reasonable use of Mr. Atkins's property and will not be detrimental to the health, safety, or welfare of the local neighborhood. The vehement opposition to Mr. Atkins's modest garage is based on the design of the structure rather than its encroachment into the setback, and Appellant has provided no statutory or practical authority to support its position. The Appeal is entirely without merit and we respectfully request that it be denied.

Mr. Atkins is a full-time resident of South Lake Tahoe. He is involved in local community efforts and makes significant contributions to the neighborhood, and he has no interest in engaging in acrimonious land use campaigns. This is his family home and his only home, and the modest garage that is the subject of this Appeal is intended to not only support his full-time residency, but also to allow him to accommodate visits from his elderly parents for extended stays. At some point in the future, should it meet his and his family's future needs, Mr. Atkins is also amenable to

converting the residential portion of the garage to an Accessory Dwelling Unit (ADU) for workforce housing that would be used for long-term residents.

Over the past several months, Appellant has attempted to characterize the Variance as an existential threat to the character of the neighborhood. These efforts are disingenuous at best. To illustrate, the Property is a modest 1,639 square foot residence that was originally constructed in 1973. Consistent with the “Tahoe Chalet” architectural style that is common within the Lake Tahoe region, the maximum height of the Atkins Property is 29 feet, 3 inches.



Appellant is the owner of the adjacent 1627 Player Court (“*Lee Property*”). The Lee Property is a 2309 square foot home with an existing garage that was constructed in 2002. Appellants, who are residents of the greater Los Angeles Area, acquired the property in a foreclosure sale and currently utilize it as a second home. Consistent with its modern architectural style, the maximum height of the Lee Property is 31 feet, 10 inches.



The crux of Appellant's concern relates to the potential impact on their view. This position is not supported by state or local law. The Staff Report correctly notes that neither the El Dorado County Code of Ordinances nor the TRPA Code of Ordinances protect views from private property. Similarly, California law declines to recognize implied easements for air, light or view. Thus, the blockage of light or view to a neighbor's property does not constitute a valid nuisance claim even if it infringes on the neighbor's privacy, and even if it causes material injury. (*Sher v. Leiderman* (1986) 181 Cal.3d 867, 876.; *Wolford v. Thomas* 190 Cal.App. 3d 347 (1987).)

Even if Appellant's position was legally supportable, it is devoid of common sense. The Lee Property is 31 feet, 10 inches tall. The garage proposed by Mr. Atkins is 26 feet, 10 inches tall. Page 4 of the Staff Report provides, in part:

*The appellant's structure will be 5 feet higher than the proposed garage. The proposed garage will not be the tallest building in the vicinity nor out of character with other structures in the neighborhood.*

(Emphasis Added.)

Given that Appellant's home is *taller than the proposed garage*, Appellant's argument that it will impact the character of the neighborhood is disingenuous at best and misleading at worst. As a practical matter, the only structure that is inconsistent with the character of the neighborhood is Appellant's second home.

To resolve this matter, Appellant has offered a "compromise" that would require Mr. Atkins to reduce the height of his garage. This is neither consistent with the Variance that was approved nor feasible for Mr. Atkins. However, Appellant's proposed resolution demonstrates that Appellants do not, in fact, object to the garage's encroachment into the setback at all. Rather, the crux of Appellant's objection is based entirely on the hypothetical design of the proposed structure, namely its height and the placement of its windows.

As correctly noted in the Staff Report, "[v]ariance findings are designed to be applicable to any type of project. The findings for this project are specifically made for the garage but once approved, the same reduced setback is applicable in the future." The County approved the Variance "to allow for the construction of a two-car garage with dwelling space above." The height complies with TRPA standards, and the parcel's R1 zoning designation provides for single-family detached dwellings and accessory structures as allowable uses. Indeed, save for the setback variance, the garage is allowed *by right* in the R1 zoning district. In short, this Appeal amounts to nothing more than a poorly veiled attempt to disguise Appellant's subjective design preferences as objections to a setback variance. Such an attempt must fail.

The remainder of the Appeal consists of unsupported allegations that are entirely devoid of merit and represent an extraordinary waste of Staff time and County resources. The claims raised by Appellant range from purported CEQA violations that demonstrate a vast

misunderstanding of California law, to somewhat bizarre allegations that the County should disregard TRPA regulations entirely. The Planning Commission's decision and the conclusions reached by County staff are accurate and comprehensive, and we see no reason to expend additional time or resources disputing Appellant's claims.

Finally, Appellant's reliance on the analysis submitted by BFD/KEY ARCHITECTURE ("**BFD**") is indicative of the strength of their argument. BFD's opinion is limited to "overall site layout, proposed encroachments, and overall height of the structure," and provides no substantive analysis for coverage calculations in support of its analysis. None of the alternatives proposed by BFD take into account TRPA regulations or coverage limitations. In fact, the only conclusion reached by BFD is that Mr. Atkins should change the design of his garage entirely. Although this analysis may be intended to further support Appellant's design objectives, it is largely irrelevant for the instant appeal.

Despite the obvious disparities between the existing structures, the lack of legal or logical support for Appellant's position, and Appellant's part-time residency, Appellant has inexplicably mounted a significant and acrimonious campaign to deny Mr. Atkins his garage. This has not only required Mr. Atkins to expend substantial resources to defend a routine variance, it has also been an exceptionally challenging experience for Mr. Atkins and his family. For example, it is our understanding that Appellant engaged in a campaign to obtain signatures on a petition that was distributed over approximately 5 square miles from Christmas Valley to Montgomery Estates. We find it unlikely that Mr. Atkins's garage will have any impact on the owners of property located several miles away. Because Mr. Atkins works full time to support his family, he did not engage in a comprehensive effort to submit public comment in connection with this Appeal. These aggressive tactics by Appellant are entirely inappropriate in the context of this tight-knit community, and we regret that we feel compelled to bring this conduct to the Board's attention.

Mr. Atkins has met all statutory requirements for a variance, and his proposed garage is consistent with the character of the community that he is proud to be a part of. We respectfully request that the Board uphold the Planning Commission's 4-0 approval of the variance so that Mr. Atkins may proceed with this exceedingly reasonable request. Thank you for your time and thoughtful review of this matter, and should you have any questions, please do not hesitate to reach out to me directly anytime.

Sincerely,



Marissa C. Fox  
Scale LLP



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**From:** Raquel Yu <raquelcyu@gmail.com>  
**Sent:** Sunday, April 7, 2024 8:19 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Public comments for 24-0595; Atkins garage variance

To whom it may concern,

Homeowners who follow all the rules and get approval shouldn't be hindered by the aesthetic preferences of a second home owner who's rarely present. Setback requirements should be flexible to accommodate this reasonable structure and allow Josh reasonable use of this land.

Sincerely,

Raquel Yu  
(Resident of South Lake Tahoe)



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**From:** Emily Maitino <emilymaitino@gmail.com>  
**Sent:** Monday, April 8, 2024 1:12 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Public Comments for 24-0595; Atkins Garage Variance

To Whom it May Concern,

The neighbors that are trying to stop Josh's construction of a garage are being unreasonable. They clearly value having plenty of living space and a garage for themselves, as evidenced by their recently built large house with a garage in a neighborhood of modest homes. Josh simply wants to use his land in the same way that they have done and should not be prevented from doing so by second homeowners who only visit a few times per year.

Thank you,  
Emily

