

PC 01/11/2024
ITEM #3

Objections to Variance Application V23-0001, Agenda Item 23-2032 Atkins 15 November 2023

10 PAGES

Cheryl Lee <cheryl2010@yahoo.com>

Mon 11/13/2023 9:58 AM

To: Planning Department <planning@edcgov.us>

Cc: Peter Lee <peter_sw_lee@yahoo.com>; Cheryl Lee <cheryl2010@yahoo.com>

📎 1 attachments (27 KB)

Objection_to_Atkins_Variance_V23-0001.pdf;

Hi,

We have received notification of a public hearing on 15 November 2023 for agenda item 23-2032, for variance V23-0001. We are submitting written objections here in advance of the meeting but also plan to attend the meeting, most likely via Zoom but possibly in person.

As the owners of the house located at 1625 Player Court, South Lake Tahoe (since 2009) and bordering neighbor to the west of the subject property, we are formally objecting to the request for a variance (V23-0001) on the grounds given below. The agenda item for the public hearing is identified as 23-2032 for 15 November 2023.

We object to and refute the following claims made in the application:

1. Attachment A, Staff Report, Paragraph 3.1, Zoning Findings Rationale states that the TRPA "VERIFIED" the Land Coverage in 2022, but our understanding is that the western side of the subject property was "RE-ZONED" to Class 5 from Class 1b in 2022. We feel the re-zoning it was done in error. We see water running through the Western part of the subject property very frequently (nearly constantly), especially in the snow melt this past Spring. Based on our observations, we believe the western portion of the subject property should still be classified 1b as an active waterway and thus should not have a structure placed upon it. As such, when we purchased our property 14 years ago, with the western portion of the subject lot classified as 1b, we had a VERY REASONABLE expectation that no structures would be added to the property immediately east of our property.

2. Attachment A, Staff Report, Paragraph 1.4 (but should be numbered 3.2) Rationale claims that the strict application of the zoning regulations would deprive the applicant of reasonable use of the property. This statement is blatantly false due to the fact that the house was built in 1973, 50 years ago, and has NEVER had a garage. All previous owners had reasonable use of the subject property, and in fact, the original owners only sold the subject property in 2019, so they had reasonable use of the subject property for 46+ years. We propose that no homeowner in their right mind would keep a home for 46+ years if they did not have reasonable use of their property. In addition, Mr. Atkins bought the property knowing full well that there was no garage, and he purchased the property anyway. Mr. Atkins has owned the property since April of 2021

and lives there full-time and has for most of the time he has owned it. Apparently, he has been getting reasonable use from the property already. In addition, it is not possible to deprive a homeowner of something they have never had or used, i.e., a garage.

3. Attachment A, Staff Report, second Paragraph 1.4 (but should be numbered 3.3) Rationale claims that the variance does not grant a special privilege. We strongly disagree with this claim. We believe it DOES grant a special privilege because the subject property was purchased by the applicant with full knowledge that the property had no garage, and this variance is requested in order to add a garage. The house on the subject property was designed and built without a garage and to fit the aesthetics of the rest of the neighborhood. We believe the variance would grant a special privilege because it would grant unfair advantage and approval of the setbacks which would harm the look and aesthetics of the neighborhood. No other property in the neighborhood has a garage that is so close to the street and so close to the adjacent property. The character and aesthetics of the the neighborhood would be gravely negatively impacted by the addition of such a structure. We also feel the addition of a structure so close to our property and house grants a special privilege for the applicant to willfully reduce the value of our home and property.

4. Attachment A, Staff Report, Paragraph 3.4 Rationale claims that the variance is compatible with the maps, objectives, policies, programs, and general land uses for the area nor will it be injurious to the other residences in the area. We strongly disagree with these statements. A variance would not be needed if the proposed project was compatible with the rest of the neighborhood. No other property in the neighborhood has a garage that is so close to the street and so close to the adjacent property. The character and aesthetics of the the neighborhood would be gravely negatively impacted by the addition of such a structure that is NOT COMPATIBLE with the rest of the neighborhood and would negatively alter the essential character of the neighborhood. In addition, we believe the addition of the proposed structure in the proposed location will severely negatively impact our property value as well as our enjoyment of our property and views from the eastern side of our property. Additionally, for fire safety, we have been told by the fire department not to have any trees or tree branches within 15 feet of our house, but this variance would allow a structure to be built closer than 15 feet to our house. We object to the proposed addition of a structure over which we have no control so close to our house.

Also see Attachment B, Staff Report Exhibits, page 6 of 7, Proposed Variance Site Plan. Note how close the proposed garage structure would be to our property and our house. Note also the increased coverage of the proposed structure over and above the coverage of the existing driveway. We challenge whether the existing house, driveway, added (without first obtaining a permit and TRPA approval?) deck, added (without first obtaining a permit and TRPA approval?) shed already exceed the TRPA allotted 1,800 square feet of land coverage even without the proposed garage. If they do not exceed the 1,800 square feet, we challenge whether the additional coverage of the proposed structure would exceed the 1,800 square feet of allowed coverage. In fact, we would like to request a review of the current land coverage on the subject property. Note, also, that the existing shed grossly violates the minimum required 15 foot rear setback and possibly the five foot side setback (which drives our suspicion that the large shed was built on the property without obtaining any of the proper approvals).

1. Furthermore, we argue that:

A. The Atkins garage will provide a hardship to our enjoyment of our property and views. The subject property has been without a garage since it was built (50 years ago), and that was a factor in our purchase of our property 14 years ago. We believe the variance would seriously negatively impact the value of our home.

B. The rezoning of the subject lot should not have been allowed since the area is a natural waterway.

C. The subject property has been in the current configuration, which means it has had reasonable use, for 50 years. This variance is not needed to provide reasonable use of the subject property. Mr. Atkins knew there was no garage when he bought the property in 2021, and he bought the property anyway. If he needed a garage, there are plenty of comparable properties in the vicinity that have a garage that Mr. Atkins could have purchased. In addition, we believe the proposed structure to be added is a 2-story "garage", which will seriously negatively impact the character of our street, the surrounding neighborhood, the value of our property, and the enjoyment of our current forest views from the east side of our house.

2. Mr. Atkins could have asked for a variance to build on the other side of his lot (the side furthest from our house) which would have less of an impact to us and any other neighbor.

3. The applicant is causing an unnecessary hardship to us by infringing on our reasonable expectation that no buildings would ever be added to the subject property adjacent to the east side of our house.

4. The variance ALTERS the essential character of the neighborhood and permanently impairs the enjoyment of our property. The subject property was built 50 years ago without a garage and never had the approval to build any structure. The applicant could have built on the other side of his lot and the County should have considered that (I.e. removed the existing driveway and developed the other side of the property furthest from any neighbor's house). Adding a garage will permanently impair the enjoyment of our property, which we have owned for 14 years, and will destroy all of the views that we currently have on the east side of our property. As well, it allows a huge structure to be built extremely close (six feet) to the street (which we believe is proposed to be a 2-story "garage"), which cannot be found anywhere else in the neighborhood, thus altering the essential character of the neighborhood. We believe it will just look awful to have a 2-story structure 6 feet from the street on our small, quiet cul-de-sac as well as a structure so close to our house that does not meet the existing minimum setbacks.

5. The variance should not be allowed as it creates the most negative impact to our enjoyment of our property and the environment of the neighborhood.

There is a potential environmental impact due to additional coverage of the property. There must be additional required coverage for this structure that covers more than just the driveway, because a variance would not be required to build only on top of the driveway. We challenge if TRPA has approved the additional coverage, keeping in mind that a large shed and a large deck were already added to the property in the past few years that we believe were NOT permitted nor approved by TRPA (thus why the shed is grossly in violation of the zoned setbacks).

Additionally, the garage would be too close to our house and pose a fire threat to our structure because of lack of defensible space and additional proximity of a structure over which we have no control. Here, we disagree with the Lake Valley Fire Prevention District (LVPFD) analysis. The variance application states that no violation was found, but the inspection was done in the current configuration ("A Defensible Space Inspection was performed, and no violations were observed") but the inspection could not easily anticipate exactly how close the proposed structure would be to our house. We find the proximity of the proposed structure to our house to be unacceptable from a fire safety perspective.

We plan to attend the meeting via Zoom, but may decide to attend in person on 11/15/23 at 3pm. We request confirmation of the Zoom link. In the agenda, it is listed as:

<https://edcgov-us.zoom.us/j/86333939402>.

Thank you,

Peter & Cheryl Lee

1625 Player Court

South Lake Tahoe, CA 96150

818-207-2663

Peter Lee

As the owners of the house located at 1625 Player Court, South Lake Tahoe (since 2009) and bordering neighbor to the west of the subject property, we are formally objecting to the request for a variance (V23-0001) on the grounds given below. The agenda item for the public hearing is identified as 23-2032 for 15 November 2023.

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