



APPEAL REQUEST FORM

Project Number/Name of Decision being Appealed: 2022-0000050/APL & PARKING PAD

Type of Decision: (i.e. similar use determination, use permit, tentative map, variance, etc.)

PLANNING COMMISSION DENIED MY SBA APPEAL OF 3

Description of Decision: CONDITIONS & PUBLIC WORKS INCORRECTLY
CHARACTERIZED PARKING PAD AS A DRIVEWAY

I/we hereby appeal the decision as follows:

Appeal Description (**Attach additional sheets if necessary**):

1. Detail what is being appealed and what action or changes you seek. Specifically address the findings, mitigation measures, conditions and/or policies with which you disagree.

SEE ATTACHMENT

2. State why you are appealing—be specific. Reference any errors or omissions. Attach any supporting documentation.

SEE ATTACHMENT

3. Please provide a summation of your arguments in favor of the appeal.

SEE ATTACHMENT

4. State the changes or action requested of the appeal body.

THE PARKING PAD ISSUE AND THE PUD WIRE ENCROACHMENT
HAVE NOTHING TO DO WITH LOT SPLIT. THE TMC CODE ALLOWS
FOR WAIVER OF PARCEL MAP.

I/we certify that I/we are the: ☐ Legal owner(s) ☐ Authorized Legal Agent(s) ☐ Other Interested Persons

Name: ROBERT FERWERD Telephone: 530.214.8555

Address: 14379 EAST 12TH AVE, TRUCKEE

Appellant(s) Signature: Robert Ferwerd

April 18, 2022

APPEAL OF CONDITIONS FOR SB9 URBAN LOT SPLIT

1. This is an appeal of 3 conditions related to an urban lot split issued April 13, 2022 for 14379 East Reed Avenue. The conditions being objected to are:

“The parking pad on the southern side of the property was permitted through Building Permit 2016-00000587 as 240 square feet (10’ X 24’). The current configuration is shown as 550 square feet. This shall be brought back into compliance with the original permit.”

“Existing electric facilities run parallel (East/West) along the southern parcel line. The applicant shall verify that those existing utilities are located in the right of way or a utility easement, ensuring that they are in a protected location. **(Truckee Donner Public District)**”

Requirements for both a Legal Description and a Final Map.

2. **Parking Pad**

There is no reason to connect this issue with the urban lot split. None of the provisions of Chapter 18.95-URBAN LOT SPLIT AND TWO-UNIT PROJECTS (SENATE Bill 9) establish or enable such a requirement. This appears to be unnecessary overreaching.

This original situation was created when Town Engineering incorrectly deemed this parking pad a driveway. A driveway is “a short private road which provides vehicular access from a public street to a building or to a garage.” This parking pad does neither. A demand to remove a portion of the existing pavement is unreasonable and unnecessary. This parking pad provides 2 on-site parking spaces and does not exceed the allowable site coverage. This parking pad was in place when the Building and Grading Permits were finalized.

A very simple fix would be to obtain a permit for the additional coverage. However, I do not believe a permit is required for the placement of impervious coverage if it does not exceed the allowable lot coverage of 50%.

Electrical Facilities

There is a existing overhead secondary electrical line crossing the urban lot split parcel. It encroaches a few feet onto the parcel. This line has been in place openly and notoriously for a period of time greater than 5 years. Thus the TDPUD has established a basis for a prescriptive easement. Again nothing in Chapter 18.95 gives the Town standing to require resolution of this matter. This appears to be over reaching.

Legal Description/Final Map

This is a duplication to require both items. This should be an either/or requirement. Section 18.98.030.A. of the Development Code provides for: "Waiver of a Parcel Map may be requested by a subdivider and granted by the Zoning Administrator for a subdivision that results in the creation of only two parcels, and the boundaries of the original parcel has been previously surveyed and a map recorded, and are certain and recorded." The original parcel was surveyed as part of the Lakeview Subdivision.

The requirement for a Final Map is an unnecessary expense that has no benefit with regards to an urban lot split.

3. Basis for Appeal

The parking pad is a separate issue and should not be a condition of the urban lot split. The parking pad does not violate any provisions of the Development Code.

The electrical facility easement is not a Town issue. The TDPUD erred when the poles were installed by failing to have the line surveyed. The PUD refuses to cooperate on resolving the encroachment.

A Final Map should only be required by the Town when there are compelling circumstances.

4. All 3 conditions should be deleted from the urban lot split for 14379 East Reed Avenue.

September 26, 2022

APPEAL OF RIGHT TO HAVE A PARKING PAD ADJACENT TO DONNER AVENUE

My property at 14379 East Reed Avenue is a through lot that has street frontages on 2 sides. My residence and garage fronts on East Reed Avenue. A parking pad along Donner Avenue was constructed at the time that the home was built. This parking pad is on the rear portion of my lot. This parking pad is not a driveway and does not provide access to the residence. The pavement for the parking pad was enlarged from approximately 250 s.f. to about 500 s.f. This increase did not exceed the maximum allowable lot coverage of 50%. A permit was not required for this work by the Town since it is "Work Exempt from Permit" in which item 6. reads as follows: "Sidewalks and driveways not more than 30 inches ...above adjacent grade...." See attachment. It should also be stated that there are no provisions in the California Building Code requiring a permit for the placement of impervious surfacing such as portland cement concrete or asphaltic concrete.

It should be pointed out that parking pads and driveways wider than 24 feet are common in the Lakeview Subdivision. There are greater than 60 such situations. This is attributable to 3 factors: small lots, narrow streets and steep topography. The paved streets are only 12 feet wide and are not maintained by the Town. Parallel parking adjacent to the traveled roadway is typical.

Ultimately, I want to build a 800 s.f. residence and possibly a junior accessory dwelling unit on the parcel created by the urban lot split. It is likely that a portion of the parking pad will be removed when these residences are constructed.

The Director of Public Works incorrectly asserts that the parking pad is a driveway.

This is the second part of my appeal to the Town Council.