



Department of Conservation and Development

County Zoning Administrator

Monday, May 5, 2025 – 1:30.P.M.

STAFF REPORT

Agenda Item #4a

Project Title:	3565 Willow Road Variance
County File:	CDVR24-01060
Applicant/Owner:	George Navarro (Applicant & Owner)
Zoning/General Plan:	F-1 Water Recreational District, -FH Flood Hazard Combining District / RLM Residential Low Medium Density
Site Address/Location:	3565 Willow Road in the Bethel Island area of unincorporated Contra Costa County (Assessor's Parcel Number: 029-100-014)
California Environmental Quality Act (CEQA) Status:	Categorical Exemption, CEQA Guidelines Section 15061(b)(4)
Project Planner:	Allison Seoane, Project Planner (925) 655-2871 Allison.Seoane@dcd.cccounty.us
Staff Recommendation:	Deny (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Variance Permit and Small Lot Design Review to allow a 750 square-foot detached garage (where 500 square-feet is the maximum size allowed for an accessory building) that is 15 feet, 5-inches in total height (where 15 feet is the maximum height allowed).

II. RECOMMENDATION

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Zoning Administrator DENY County File CDVR24-01060 based on staff not being able to make the necessary findings for

approval of a Variance, as required by Section 26-2.2006 of the County Ordinance Code.

III. GENERAL INFORMATION

- A. General Plan: RLM Residential Low Medium Density.
- B. Zoning: F-1 Water Recreational District, -FH Flood Hazard Combining District.
- C. California Environmental Quality Act (CEQA): CEQA Guidelines, Section 15061(4), Review for Exemption, exemption for projects that will be rejected or disapproved by a public agency.
- D. Previous Applications: There are no previous planning applications.

IV. SITE/AREA DESCRIPTION

The subject property is in a 9,250 square-foot trapezoid lot on the north side of Willow Road and southwest of Piper Slough and Franks Tract. The lot is developed with a two-story single-family residence with a dock to the rear of the property. The lot is similar to other properties in the vicinity along Willow Road. A detached garage has been built on the lot between the residence and Willow Road, as shown on the photos in Attachment C.

V. PROJECT DESCRIPTION

The applicant requests approval of a variance to allow the 750 square-foot detached garage (where 500 square feet is the maximum size allowed for an accessory building) with a height of 15 feet, 5-inches (where 15 feet is the maximum height allowed). The detached garage was constructed without obtaining prior planning or building approval. Approval of the variance will allow the applicant to obtain a building permit for the as-built accessory building.

VI. AGENCY COMMENTS

An Agency Comment Request packet was sent on December 19, 2024, to a number of public agencies, including Building Inspection Division, Environmental Health Division of the Health Services Department, Contra Costa County Flood Control District, Contra Costa County Fire Protection District, Ironhouse Sanitary District,

Bethel Island Municipal Advisory Council, Bethel Island Municipal Improvement District, Delta Protection Commission, and Contra Costa County Water Agency. Agency comments received by staff are included in Attachment E. The following are summaries of the comments received.

- A. Environmental Health Division: On December 24, 2024, the Environmental Health Division submitted a letter, stating that a permit is required for any well or soil boring; abandoned wells and septic tanks must be destroyed under a permit from the Division; if not served by sanitary sewer a septic system is required that complies with current standards.
- B. Bethel Island Municipal Advisory Council (MAC): On January 16, 2025, staff of the District 3 Supervisor's Office submitted an email stating that at its meeting on January 14, 2025, the Bethel Island MAC voted 5-0 recommending approval of the Variance.
- C. Contra Costa County Fire Protection District: On January 16, 2025, the Fire Protection District returned an Agency Comment Request form stating that it had no comments on the project.
- D. Bethel Island Municipal Improvement District (BIMID): On January 17, 2025, BIMID returned an Agency Comment Request form stating that there appears to be no direct impact to the levee prism or toe ditches but that a BIMID project application is required should there be any change to the project that would require work within the levee prism.

VII. REQUEST FOR HEARING

A Notice of Intent to Recommend Denial of Variance Review Application was sent to the applicant on January 29, 2025 that included a February 10, 2025 deadline to request a public hearing. On February 8, 2025, a request for a public hearing was received from George Navarro of 3565 Willow Road, who is the applicant and owner of the subject property. The hearing request is included in Attachment F. The following is a summary of the comments in the hearing request along staff responses:

- A. Comment #1: "The structure is consistent with other structures on the island and in the land use district. See attached pictures."

Staff Response: One photo submitted by the applicant (see Attachment F) was provided of an accessory building that appeared to be oversized. The applicant did not provide an address and therefore, staff cannot review its location and permit history, or determine if the building referenced is in the neighborhood or permitted. Otherwise, no evidence has been submitted to prove that neighboring properties contain permitted, oversized accessory buildings.

- B. Comment #2: "The unique location of our property faces the opening to Piper Slough from Frank's Tract, which is in the direct path of the north winds and storms that are prevalent throughout the year. These storms bring 3- or 4-foot waves, causing damage to my dock and boat and posing a risk to my boat breaking loose from the lift. All of the other homes along the Slough have some protection from the weather. My property takes the brunt of all of the storms. See the attached map of my location."

Staff Response: The location of the accessory building is not topographically challenged as it is relatively flat, thereby providing ample space for boat storage by means of an attached garage. As the developable area of the property is not topographically challenged, and there is enough space for an attached garage that can be 750 square feet in area and 15 feet, 5-inches in height, as it would not be subject to the requirements of the County Ordinance Code for accessory buildings.

Comment #3: "The intent and purpose of the land use district is for a single-family residence (use code 11), and a garage is a standard structure that is a part of a single-family residence. The size and height of the structure are essential for accommodating my boat, trailer, and truck. There have been numerous thefts on the island, including incidents involving immediate neighbors. Although we have recently installed security cameras, they have not deterred criminal activity. Additionally, we do not reside on the island full-time, which leaves our property vulnerable for extended periods. The view from our neighbors' homes remains unobstructed, as the garage is positioned close to the front of the house facing the street. There is ample driveway space on our property, eliminating the need for street parking. The design of the houses in the neighborhood maximizes water views, and the structure does not hinder these views or their sightlines to the street. Neither neighborhood has raised concerns regarding the structure."

Staff Response: An attached garage is considered to be part of the primary building on a property. A detached garage is a separate auxiliary building from

the primary building (the single-family residence), and as defined in County Ordinance Code Section 82-4.212, is subject to the accessory building square footage and height limits. As discussed in the staff response to Comment #2 above, an attached garage of the same dimensions could be built on the lot such that the requirements of the County Code are met.

VIII. STAFF ANALYSIS

The subject property is located along the north side of Willow Road where lots in the F-1 Water Recreational District are less than 20,000 square feet and accessory buildings are subject to the size limitations of County Ordinance Code Section 82-4.212(1) of 500 square feet. Accessory buildings are also limited to a height of 15 feet pursuant to County Code Section 82-4.212(2). In this neighborhood, accessory buildings have been constructed in compliance with the restriction in the County Code. There appears to be no precedence in the vicinity for permitting an accessory building to be larger than 500 square feet in size and taller than 15 feet in height. Consequently, approval of the requested variance would be considered a grant of special privilege.

The subject property as well as the surrounding lots on the north side of Willow Road are predominantly flat, with an elevation of 0 feet that rises to 10 feet near Piper Slough. There does not appear to be any special circumstance applicable to the subject property due to its size, shape, topography, location or surroundings that support relief from the zoning regulations for accessory buildings. The lack of physical constraints on the property does not show that the applicable zoning regulations would deprive the subject property of the rights enjoyed by other properties in the vicinity and in the F-1 District.

The F-1 District allows a detached single-family dwelling and auxiliary accessory structures. The detached garage could be consistent with the residential uses allowed in the F-1 District provided it meets the accessory building regulations in County Ordinance Code Section 82-4.212 that restricts the size of the accessory building to a maximum size of 500 square feet and a maximum height of 15 feet. The intent of the size and height limitations is to maintain a certain scale for an accessory building to be considered as subordinate to the single-family residence. Therefore, approval of a variance to allow the previously constructed oversized accessory building would not meet the intent and purpose of the F-1 District.

IX. CONCLUSION

The subject property is predominantly flat lot in the F-1 Water Recreational District that can accommodate an accessory building that does not require a variance to the size and height restrictions of County Ordinance Code Section 82-4.212. Staff is unable to make the required findings for recommending approval of the Variance to allow an accessory building that is 750 square-foot (where 500 square-feet is the maximum allowed) and 15 feet, 5-inches in total height (where 15 feet is the maximum height allowed). Staff recommends that the Zoning Administrator deny the Variance because the findings required by the County Ordinance Code Section 26-2.2006 cannot be made.

February 8, 2025

To: Contra Costa County Department of Conservation and Development

Attn: Allison Seoane

RE: Notice of Intent to Recommend Denial of Variance Review Application

Site Address: 3565 Willow Road, Bethel Island; APN: 029-100-014

County File: #CDVR24-01060

I am writing to you to request a public hearing regarding a variance review application for a detached garage, county file #CDVR24-01060. The garage is necessary due to the unique location of my property, which faces Piper Slough and is significantly affected by north winds and storms coming through Frank's Tract that cause damage to my dock and boat. I plan to use the garage to store my boat, trailer, and truck to protect them from theft and damage, especially since I do not reside on the island full-time. The size of the structure is needed to accommodate the size of my boat/trailer and is consistent with the neighborhood, does not obstruct views from neighboring homes, and aligns with the intent of the land use district. I acknowledge my initial oversight in not obtaining a permit and want to clarify that the structure will not be used for business or rental purposes.

Based on the two county code sections referred to in the notice I received from the County, the following findings support granting a variance.

Code 26-2-2006

1. The structure is consistent with other structures on the island and in the land use district. **See attached pictures.**
2. The unique location of our property faces the opening to Piper Slough from Frank's Tract, which is in the direct path of the north winds and storms that are prevalent throughout the year. These storms bring 3- or 4-foot waves, causing damage to my dock and boat and posing a risk to my boat breaking loose from the lift. All of the other homes along the Slough have some protection from the weather. My property takes the brunt of all of the storms. **See the attached map of my location.**
3. The intent and purpose of the land use district is for a single-family residence (use code 11), and a garage is a standard structure that is a part of a single-family residence. The size and height of the structure are essential for accommodating my boat, trailer, and truck. There have been numerous thefts on the island, including incidents involving immediate neighbors. Although we have recently installed security cameras, they have not deterred criminal activity. Additionally, we do not reside on the island full-time, which leaves our property vulnerable for extended periods. The view from our

neighbors' homes remains unobstructed, as the garage is positioned close to the front of the house facing the street. There is ample driveway space on our property, eliminating the need for street parking. The design of the houses in the neighborhood maximizes water views, and the structure does not hinder these views or their sightlines to the street. Neither neighborhood has raised concerns regarding the structure.

Code 26-2-2008

1. The structure is not detrimental to the health, safety or general welfare of the county. It will only be used to park my boat, trailer and vehicle.
2. The architecture on the island is distinctive, and our structure contributes positively to the environment. The structure does not adversely affect the orderly development of property within the county. It is one structure on one residential lot that is not in the way of new developments.
3. The structure adds value to the property, increasing property values for the neighborhood. Many homes on the street are cluttered with excessive vehicles and debris, creating an eyesore for the community. **See attached pictures.** Rodents and wildlife have been observed emerging from these properties at night. The structure itself is a beautiful addition, consistent in color and architectural style with nearby homes.
4. The structure does not affect the policy and goals as by the general plan because it part of the single-family residence on the property.
5. The structure does not create a nuisance or enforcement problem within the neighborhood. Neither neighborhood has raised concerns regarding the structure.
6. The structure does not encourage marginal development within the neighborhood. It is a garage to store my boat, trailer and truck when they are not in use.
7. The property characteristics are unique in its exact location and positioning on the protruding corner in direct line with the opening of Piper Slough from Frank's Tract and is not protected from the strong winds and storms. The rest of the homes along Piper Slough have some sort of protection from the weather, making my property unique.

Regards,

George Navarro, Jr

Owner of 3565 Willow Road and Applicant for Variance Request

Map of Home Location and Wind Direction



Similar Structures



Neighboring Eye Sore Properties



Project Photo (garage requesting variance)

