



Department of Conservation and Development

County Zoning Administrator

Monday, April 7, 2025 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	4486 Sandmound Boulevard Variance
County File(s):	CDVR23-01032
Applicant/Owner:	Ryan Byrkit (Applicant & Owner)
Zoning/General Plan:	F-1 Water Recreation District / RLM Residential Low-Medium Density
Site Address/Location:	4486 Sandmound Boulevard in the Oakley area of unincorporated Contra Costa County (Assessor's Parcel Number: 032-240-045)
California Environmental Quality Act (CEQA) Status:	Categorical Exemption, CEQA Guidelines Section 15061(b)(4)
Project Planner:	Grant Farrington, Planner III (925) 655-2868 grant.farrington@dcd.cccounty.us
Staff Recommendation:	Deny (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Variance Permit to allow a 585-square-foot metal carport (where 500 square feet is the maximum size allowed for an accessory building) that is 18-feet 2-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 CDVR23-01032 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 Code.

III. GENERAL INFORMATION

- A. General Plan: RLM Residential Low-Medium Density.
- B. Zoning: F-1 Water Recreation District.
- C. California Environmental Quality Act (CEQA): CEQA Guidelines Sections 15061(b)(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 12,160 square-foot rectangular lot on the east side of Sandmound Boulevard and west of the Sand Mound Slough. The lot is developed with a two-story single-family residence. An attached second story deck includes a walkway to the levee access road behind the residence. The lot is similar to other properties in the vicinity on the east side of Sandmound Boulevard that abut the Sand Mound Slough and the levee road.

The surrounding area beyond the immediate vicinity includes a mixture of single-family residential and agricultural land uses with some recreational areas inland and adjacent to the waterfront. To the immediate west is the Oakley city limit. The San Joaquin County line is approximately 2.42 miles to the east.

IV. PROJECT DESCRIPTION

The applicant requests approval of a variance to allow a 585 square-foot accessory building (where 500 square feet is the maximum size allowed) with a height of 18-feet 2-inches (where 15 feet is the maximum height allowed) for a metal carport. The carport was constructed without obtaining prior planning or building approval. The applicant states that the carport is a prefabricated design that does not allow for modifications that would otherwise conform to the size and height limitations of the County Ordinance Code. 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 June 10, 2023 to a number of public agencies, including Building Inspection Division, Application Permit Center Staff of the Public Works Department, East Contra Costa County Habitat Conservancy, Environmental Health Division of the Health Services Department, Contra Costa County Flood Control District, Contra Costa County Fire Protection District, Ironhouse Sanitary District, City of Oakley, Reclamation District #799, Bethel Island Municipal Advisory Council, Delta Protection Commission, and Contra Costa Mosquito and Vector Control District. Agency comments received by staff are included in Attachment 3. Following are summaries of the comments received.

- A. Contra Costa Mosquito and Vector District (CCMVCD): On June 10, 2023, the CCMVCD returned an Agency Comment Request form stating it has no comments on the project.
- B. City of Oakley: On June 13, 2023, City staff sent an email stating they have no comments on the project.
- C. Contra Costa County Fire Protection District (CCCFPD): On June 28, 2023, the Fire Protection District returned an Agency Comment request form stating it has no comments on the project.
- D. Bethel Island Municipal Advisory Council (MAC): At the July 11, 2023 Bethel Island MAC meeting, MAC members voted 5-0 to approve the project.

VII. REQUEST FOR HEARING

A Notice of Intent to Render Administrative Decision was mailed on July 18, 2024 that included a July 29, 2024 deadline to request a public hearing. On July 25, 2024, a request for a public hearing was received from Ryan Burkit of 4486 Sandmound Boulevard, who is the applicant and owner of the subject property. Two letters were attached to the hearing request. The hearing request and letters are included in Attachment D. The following is a summary of the comments received along staff responses:

A. Letter from Chris and William Seib of 0 Sandmound Boulevard

Request for Hearing Comment: Mr. and Mrs. Seib support the installation of the carport because of the aesthetic appeal, and state that the carport does not present a safety issue for the lot or the surrounding area.

Staff Response: The carport is subject to the size and height limitations established by the County Ordinance Code for accessory buildings. The request for a variance from these zoning regulations must meet the requirements set forth in Section 26-2.2006, Variance permit standards. Staff has not found any special circumstances regarding the property that creates the need for the accessory building to exceed the height and size limitations of the County Code.

B. Letter from Linda and Darrell Jeung of 4508 Sandmound Boulevard

Request for Hearing Comment: Mr. and Mrs. Jeung have no objections to the size of the carport and state that it provides privacy between the two residences.

Staff Response: The carport is subject to the limitations of County Ordinance Code Section 82-4.212 for size and total height. In order to support a variance request, staff is required to make findings outlined in Section 26-2.2006 of the County Code for modifying the zoning regulations. The findings are based on special circumstances of the subject property and not on the personal preferences of property owners.

VII. STAFF ANALYSIS AND DISCUSSION

The subject property is located along the east side of Sandmound Boulevard where lots in the F-1 Water Recreation District are less than 20,000 square feet and accessory buildings are subject to the size limitation 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 area, accessory structures have been constructed in compliance with the restrictions 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 east side of Sandmound Boulevard are predominantly flat, with an elevation of 0 feet that rises to 10 feet near Sand Mound 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 metal carport could be consistent with the residential uses allowed in the F-1 District provided it meets the accessory building regulations in County 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.

VIII. CONCLUSION

The subject property is predominantly flat lot in the F-1 Water Recreation 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 585 square feet (where 500 square feet is the maximum allowed) and 18-feet 2-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.

FINDINGS FOR DENIAL OF COUNTY FILE CDVR23-01032; RYAN BYRKIT (APPLICANT & OWNER)**VARIANCE FINDINGS**

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: Approval of the requested variance would allow for an accessory building that is 585 square feet in size and 18-feet 2-inches in height. The subject property is located along the east side of Sandmound Boulevard where lots in the F-1 Water Recreation District are less than 20,000 square feet and accessory buildings are subject to the size limitation 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 area, accessory structures have been constructed in compliance with the restrictions 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.

2. *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The subject property is a 12,160 square-foot lot in the F-1 Water Recreation District. The subject property as well as the surrounding lots on the east side of Sandmound Boulevard are predominantly flat, with an elevation of 0 feet that rises to 10 feet near Sand Mound Slough. The subject property has been developed with a single-family residence with two covered off-street parking spaces. Thus, 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.

3. *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Project Finding: The subject property is located within the F-1 Water Recreation District. The uses allowed in the F-1 District are set forth in Section 84-34.402 of the County Ordinance Code, which includes a detached single-family dwelling and the accessory structures and uses normally auxiliary to it. The metal carport could be consistent with the residential uses allowed in the F-1 District provided it meets the accessory building regulations in County 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.