

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDVR25-01053; ROBERT WEEDON (APPLICANT & OWNER)

FINDINGS

I. Variance Findings

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

Project Finding: The subject parcel located in the R-20 Single Family Residential District wherein a front yard setback of 25' is required and a minimum secondary front yard setback of 20' is required. The parcel is a 14,400-square-foot corner lot facing Hadden Road (primary frontage) to the north and east and Blackwood Drive (secondary frontage) to the south. The project is to allow the construction of a new approximately 192-square-foot shed which will be placed at the most southeastern corner of the lot, facing the primary and secondary frontage. Development on the parcel is constrained by the substandard size and is further constrained by its corner lot configuration and variation of topography (the property rises approximately 230 feet above mean sea level at the south corner of the parcel to 250 feet above mean sea level at the north of the parcel) and location of existing trees which are placed around the lot. These physical constraints limit the viable building area on the property. The variance for a 15' front yard setback rather than the required 25' front yard setback and a variance for a 14' secondary front yard setback rather than the required 20' front yard setback requirement in the R-20 District, allows for the reasonable placement of the shed in an area that is flat and does not require removal of any trees. Moreover, the variance allows for the placement of a building within the front setback which other properties within the immediate vicinity have historically been allowed due to topography constraints. Approval of this variance is not a grant of special privilege, rather, variances for reduced front setbacks are common occurrences within this area of the County. This variance is consistent with the intent of the zoning code to allow flexibility in unique situations, ensuring that all property owners have the opportunity to develop their land in a reasonable manner and does not constitute a grant of special privilege.

- 2. Required Finding: 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 rights enjoyed by other properties in the vicinity and within the identical land use district.***

Project Finding: The subject parcel has special circumstances, including its substandard size, corner lot configuration, existing trees and elevation increases. These circumstances

combine to create a severely constrained building area which limits where the shed can be placed. The shed needs to be placed on an area that is relatively flat and will not require the removal of any trees. Photographic evidence provided to Staff by the applicant (see Attachment D) and County GIS maps shows that the property slopes steeply starting at the southern most property line around 230 feet above mean sea level and slopes upward to approximately 250 feet above mean sea level at the northern most property line. The area where the shed is proposed is flat whereas the rest of the property slopes upwards which creates a topography constraint. Lots in the R-20 zoning district are typically 20,000 square feet in size. The subject property is 14,400 square feet which is 28% less than the 20,000 square feet required in the R-20 zoning district. Moreover, the parcel is constrained on the north, south and eastern side by frontages which makes this parcel a corner lot. Therefore, the strict application of the front and secondary front yard setback regulation deprives the subject parcel of the right to pursue any reasonable type of development near the front of the parcel, a right enjoyed by other properties in the R-20 zoning district that are not burdened by such unique physical constraints.

3. **Required Finding: That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.**

Project Finding: The variance as authorized substantially meets the intent and purpose of the R-20 Single-Family Residential District. The purpose of any front yard setback or secondary front yard setback is to provide for a consistent streetscape, ensure adequate light and air, and maintain separation between structures and public rights-of-way. The reduction in the front and secondary front setback will not compromise these objectives and will allow the property owner to develop their property with an accessory structure (shed) which is a permitted use within the R-20 Single-Family Residential District. Therefore, the variance substantially meets the intent of the zoning ordinance.

II. Small Lot Design Review Findings

County Code Section 82-10.002(c) states that all of the following findings must be made to approve the Small Lot Design Review permit application.

1. Location: The proposed 192-square-foot accessory structure is appropriately sited given the unique physical constraints of the subject property and the established character of the surrounding neighborhood. While the shed is located within the front and secondary frontage setbacks of this corner lot at Hadden Road and Blackwood Drive, this placement is necessitated by significant topographic and environmental constraints. Specifically, the site's steep upward slope from south to north limits the buildable area to the southernmost portion of the property.

Furthermore, the placement is consistent with the existing development pattern of the immediate vicinity. Similar encroachments into the front setback are present at 2180 Blackwood Drive and 2196 Hadden Road. Therefore, the location is dictated by the unique geometry and topography of the lot and remains compatible with the neighborhood's established land use character.

2. Size: County Code 82-4.212-Building, Accessory (1) limits accessory buildings to five hundred square feet on lots less than twenty thousand square feet. The shed will be 192 square feet in size which does not exceed the maximum square footage allowance. Therefore, the size of the shed is compatible with the surrounding neighborhood.
3. Height: County Code 82-4.212-Building, Accessory (2) limits accessory buildings to fifteen feet in height. The shed will have a maximum height of 12 feet which does not exceed the maximum height allowance. Therefore, the height of the shed is compatible with the surrounding neighborhood.
4. Design: The surrounding neighborhood is characterized by single-family homes with detached accessory buildings including carports and sheds. The exterior façade of the proposed 192-square-foot structure is compatible with the rural-residential character of unincorporated Walnut Creek because the shed will utilize vertical siding and a non-symmetrical mono-slope roof which aligns with the modern and "craftsman" architectural styles prevalent in this area of unincorporated Walnut Creek. Many homes along Hadden Road also utilize vertical siding for the exterior façade and as such, the project will match the exterior façade. The project also incorporates substantial window features and a residential style door detailing which will maintain the visual quality of a predominantly residential neighborhood.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDVR25-01053:

Project Approvals

1. A Variance Permit to allow a 15' front yard setback to Hadden Road (where 25' is the required minimum) and a 14' secondary front yard setback to Blackwood Drive (where 20' is the required minimum) and a small lot design review for the construction of a 192-square-foot shed is APPROVED, as generally shown and based on the following documents:
 - Application materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on October 22, 2025.
 - Revised project plans received on December 16, 2025.

General Provisions

2. Any deviation from the approved plans shall require review and approval by the CDD and may require the filing of a new Variance Permit and/or Small Lot Design Review application.

Payment of Fees

3. The application was subject to an initial application deposit of \$3,250.00 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Building Permits

4. No construction is approved with this permit. Any construction at the project site will require issuance of building permits from the Department of Conservation and Development, Building Inspection Division, prior to commencement of work.

Construction Period Restrictions and Requirements

All construction activity shall comply with the following restrictions, which shall be included in the construction drawings.

5. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
6. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
7. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
8. A publicly visible sign shall be posted on the property with the telephone number and

person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.

9. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual date the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov/locations/holiday-schedule/)

[California Holidays: State Holidays \(ca.gov\)](https://www.ca.gov/legislature/legislation/statutes/2019-2020/2019-2020.html)

10. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

- Department of Conservation and Development, Building Inspection Division
- Contra Costa County Public Works Department
- Contra Costa Health, Environmental Health Division
- Contra Costa County Fire Protection District
- Central Contra Costa Sanitary District
- East Bay Municipal Utility District

The applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project.