

SOUTH SALT LAKE

PLANNING COMMISSION STAFF REPORT

MEETING DATE: February 5, 2026

REQUEST: An appeal to a denial of a Land Use Determination for a Variance to the minimum residential lot width standards as set forth in the R-1 land use district for a proposed Detached Accessory Dwelling Unit.

ADDRESS: 604 E Leland Avenue

PARCEL NUMBERS: 16-30-279-020-0000

APPELLANT: Ashley Chapman; Timothy Chou

TYPE OF APPLICATION: Variance

PREPARED BY: Spencer Cawley, Senior Planner

STAFF RECOMMENDATION:

Staff recommends the Planning Commission consider denying the appeal and affirming the Community & Economic Development ("CED") Director's decision to deny the Variance based on the Findings of Fact and Conclusions of Law outlined in the staff report.

SYNOPSIS:

On December 22, 2025, Ashley Chapman and Timothy Chou ("Appellants") appealed an administrative decision denying a variance for the property at 604 E Leland Avenue. The subject property is legally non-conforming with a street frontage of 45.38 feet, falling short of the R-1 District's 50-foot minimum width requirement.¹ While the Appellant's proposal to construct a 995-square-foot Detached Accessory Dwelling Unit ("ADU") meets all design, massing, height, and setback standards, the underlying lot width deficiency prohibits the use. The CED Director denied the variance request on December 5, 2025, finding that the Appellant failed to meet the statutory burden of proof required by the State and Municipal Codes.



The Appellant contends that the denial misapplied the variance criteria. They argue that the hardship is land-based rather than personal, citing the lot's historic subdivision and existing structural encroachments as unique physical constraints that render the property uniquely burdened.

The Planning Commission is the Land Use Authority for all appeals to Land Use decisions. Acting as the Appeal Authority, the Planning Commission shall conduct a *de novo* review of the application.

EXISTING ZONING	EXISTING USE	SURROUNDING LAND USE DISTRICTS	SIZE OF PROPERTY
R-1	Single-Family Residential	North: R-1 South: R-1 East: R-1 West: R-1	0.25 acres 10,890 square feet

¹ Land Use and Development [§ 17.03.020\(C\)\(2\)](#).

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SALT LAKE**
PLANNING COMMISSION STAFF REPORT

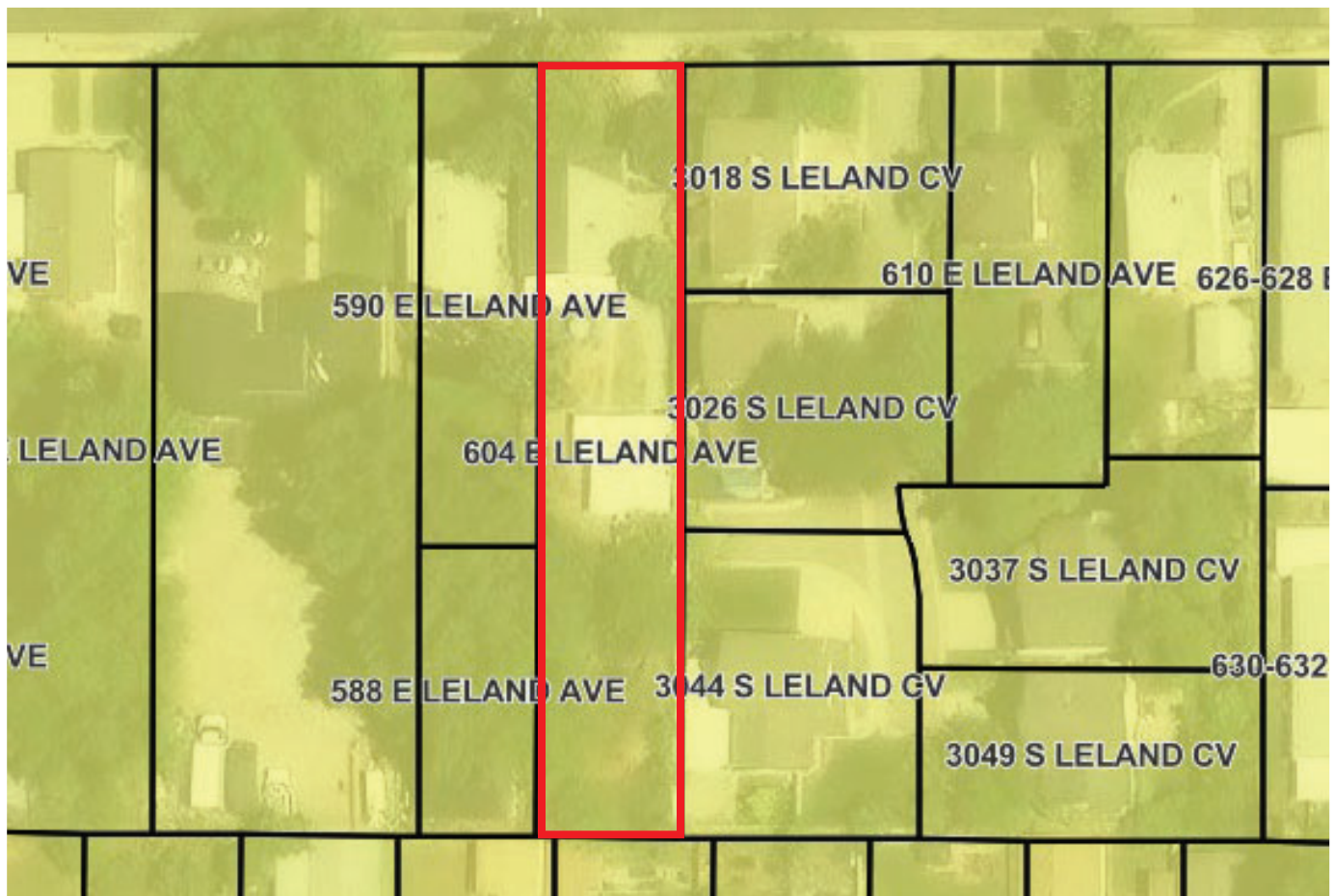
GENERAL INFORMATION

Location: 604 E Leland Avenue

Parcel Size: 0.25 acres (10,890 square feet)

Surrounding Land Use Districts: North: R-1
South: R-1
East: R-1
West: R-1

Figure 1: Zoning Map



Figures 2: Existing Parcel Lines



The following images, taken from Google Earth, show the site's existing conditions:

Figures 2-3: Existing Site Conditions

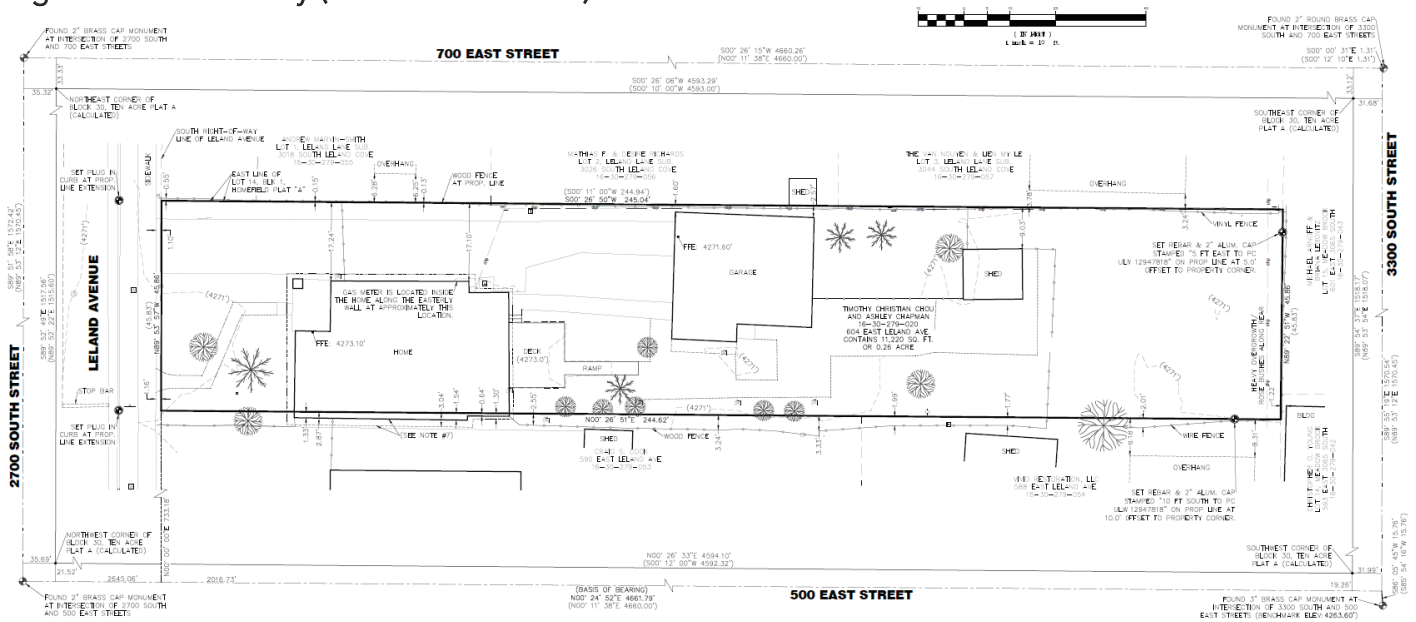


Aerial view looking southwestward



Street view looking south from Leland Avenue

Figure 4: ALTA Survey (Also see Exhibit A.)



PLANNING COMMISSION AUTHORITY

§ 17.12.020 Appeals.

- B. An appeal from the Community Development Director's decision regarding an interpretation of this Title, or on any Land Use Application, shall be made to the Planning Commission by any person aggrieved by the interpretation or decision within 10 days of the Community Development Director's written Land Use Decision, stating each fact and every theory of relief on appeal.
 1. The Planning Commission conducts each appeal de novo.
 2. The Planning Commission shall act as a quasi-judicial body and shall afford due process to the parties on appeal.

3. Each party may prepare [and] call such witnesses and present such evidence as it deems appropriate.
4. Only witnesses called by a party may testify.
5. After hearing all evidence and legal arguments presented by the parties, the Planning Commission shall apply the plain language of the Code and issue written finding of facts, conclusions of law, and a decision on the merits of all theories of relief the appellant has raised in the appeal.
6. If a Land Use Regulation does not plainly restrict a Land Use Application, the Planning Commission shall interpret and apply the Land Use Regulation to favor the Land Use Application.
7. The Planning Commission shall reverse the decision of the Community Development Director only if the Director's decision is not supported by substantial evidence in the record or is otherwise arbitrary, capricious or illegal.
8. Final Order of the Planning Commission acting as an appeal authority is a final decision, appealable to district court.
9. Unless otherwise stated in the Planning Commission's final decision, an order following a de novo review vacates any official determination made by the land use authority.
10. No further administrative appeals are permitted from a final order of an appellate authority, and any subsequent review is to be made by the district court.
11. Appeals to district court shall be made within 30 days of the final decision.

VARIANCE PROCEDURE AND STANDARD OF EVIDENCE TO CONSIDER

[§ 17.12.010](#) Variances of the Land Use and Development Ordinance states, "Where strict compliance with the provisions of Title 17 would cause an unusual and unnecessary hardship on the [property owner] because of peculiarities regarding the size of the tract to be Developed, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, the [property owner] may petition for a variance from such provisions."

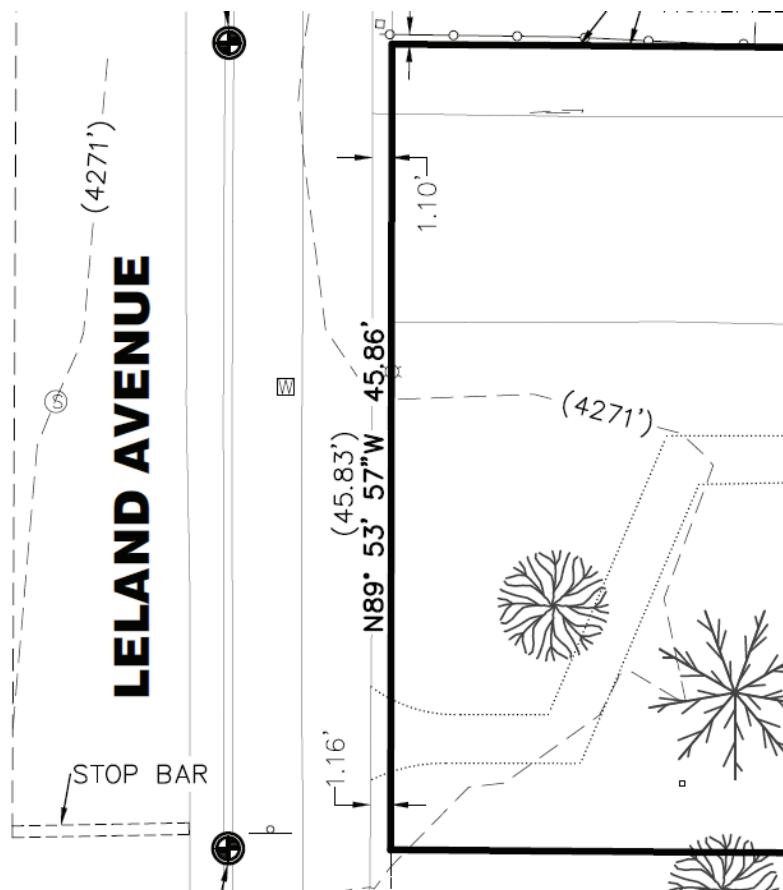
A variance may be granted only if:

1. Literal enforcement of the Land Use Regulations would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Use Regulations;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and,
5. The spirit of the land use ordinance is observed, and substantial justice done.

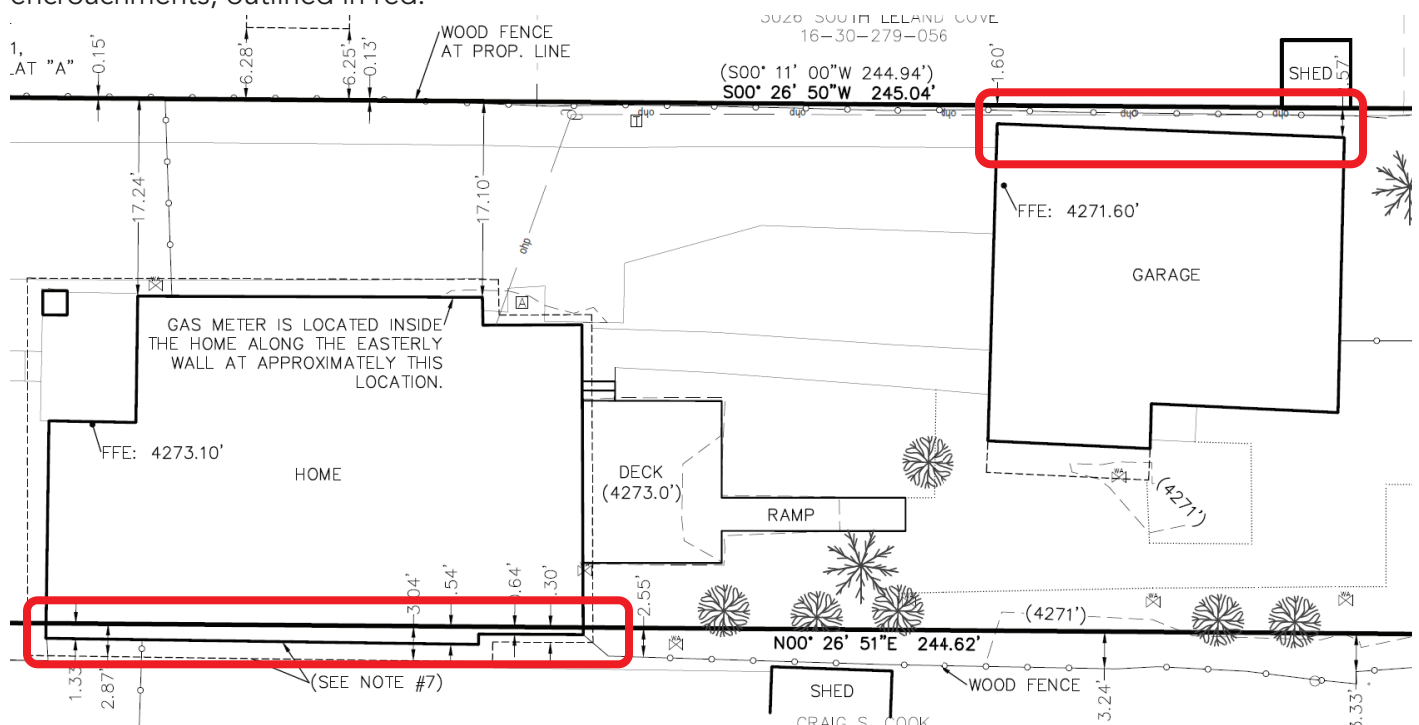
BACKGROUND

604 E Leland Avenue is a portion of Lot 14 of Homefield Plat A and is in the R-1 Zoning District. The property consists of the eastern 45.83 feet of Lot 14 and contains 0.25 acres (10,890 square feet). Homefield Plat A was established in 1913, and Lot 14 was divided sometime between 1913 and 1924, resulting in the western 37.5 feet of Lot 14 becoming 590 E Leland Avenue. As a result of this division, the subject property's overall width was reduced to 45.83 feet, which is confirmed by the ALTA Survey. The Lot and Subdivision were established under the jurisdiction of unincorporated Salt Lake County and were annexed into South Salt Lake in 1978.

The image below, taken from the ALTA Survey, shows the width of the property.



604 E Leland Avenue contains a Single-Family Dwelling constructed circa 1917, a detached garage constructed circa 1955, and a shed. The Single-Family Dwelling crosses the western property line, encroaching onto the property at 590 E Leland Avenue by 1.54 feet. Additionally, the detached garage encroaches into the side setback by 1.4 feet. The image below, taken from the ALTA Survey, shows these encroachments, outlined in red.



On October 22, 2025, the Community Development Department received an ADU Predevelopment Application (PRE25-040) from the property owner of 604 E Leland Avenue to construct a 995-square-foot Detached Accessory Dwelling Unit (ADU) in the rear yard. The proposed location is approximately 120 feet from the primary dwelling and meets the required side and rear setbacks. The rear yard lot coverage, including the proposed detached ADU, is approximately eight percent. Staff analysis of the ADU Predevelopment Application found that the proposed ADU is compliant with all bulk, massing, height, and lot coverage standards of the R-1 District. However, the lot does not meet the minimum lot width standard of 50 feet for the zone.

On November 5, 2025, the Community Development Department received a Variance Application from the property owner of 604 E Leland Avenue. The property owner requested a Variance to reduce the minimum lot width by approximately 4.17 feet to allow the construction of the Detached ADU. On December 5, 2025, the Community and Economic Development (CED) Director reviewed the request and denied the Variance and stated, in part, that the Applicant did not meet the burden of proof necessary to justify granting the Variance (see **Exhibit A**).

On December 22, 2025, the Appellants submitted a formal request for a de novo appeal hearing with the Appeal Authority (**Exhibit B**). The Appellants contend that the denial is a misapplication of the Variance criteria by characterizing the hardship as personal rather than land-based, arguing instead that the property faces cumulative and historical constraints.

The Appellants present the following arguments regarding the five variance criteria:

1. The hardship is inherent to the land, not merely a desire for expansion. They cite specific physical constraints, including a historic substandard width of 45.83 feet, a primary dwelling that encroaches onto the western property line, and a detached garage that encroaches into the side setback. They assert these fixed nonconformities make any further expansion or addition impossible, leaving the detached ADU as the only viable path for additional living space.
2. While other lots may be narrow, this property possesses a unique combination of constraints (i.e., width plus existing encroachments) that do not generally apply to other properties. They further argue that the width deficiency cannot be cured because adjacent properties also have limited space or existing improvements (e.g., a driveway) that make acquiring additional land infeasible.
3. Because the Land Use Ordinance recognizes ADUs as a permitted accessory use, denying the variance results in disparate treatment. They note that nearby properties, including narrower lots, already enjoy multiple dwelling units, and argue that granting the variance restores parity rather than creating a special privilege.
4. The proposed ADU is modest in size and meets all setbacks, bulk, and coverage standards. They argue that the 50-foot width is a “fixed numerical threshold” rather than a functional determinant of safety, and that the project advances the General Plan's goals regarding housing choice and infill development.
5. The spirit of the Land Use Ordinance is observed because the ADU meets all development standards. They contend that denial based on a 4.17-foot deficiency elevates “form over substance” and that substantial justice is served by allowing a safe, code-compliant use of a constrained property.

The Appellants assert that rigorous enforcement in this application does not promote any public safety goal, and that approval would constitute a narrow, fact-specific determination, thereby not establishing a general precedent.

ANALYSIS OF APPEAL AND VARIANCE CRITERIA

The Appellants' argument rests on the premise that the inability to expand (i.e., build an ADU) constitutes a hardship. However, the property currently supports a Single-Family Dwelling and a garage. Therefore, the hardship is not inherent to the land's viability but is self-imposed by the owners' desire to add density to a nonconforming lot. Granting this variance would effectively rezone the property through administrative action, bypassing the legislative intent behind the 50-foot width requirement.

The table below outlines the variance criteria and Staff's rebuttal to the Appellants' arguments.

Variance Review Criteria	Analysis
1. Literal enforcement of the Land Use Regulations would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Use Regulations.	<p>The Appellant argues that the denial prevents additional residential use. However, the property currently supports a Single-Family Dwelling and garage, constituting a reasonable and profitable use of the land. They also argue that the lot's configuration creates a hardship preventing "reasonable use". However, the facts show the opposite. The subject property is approximately 0.25 acres (10,890 sq. ft.) and over 244 feet deep.</p> <p>The large lot size undermines the claim of a hardship. Typically, a hardship involves a lot of small size or irregular shape that a standard home cannot be accommodated. Here, the lot is deep and spacious, easily accommodating the existing structures with ample outdoor space. The fact that the lot has excess depth is an amenity, not a hardship. The desire to maximize the development potential of this excess area by adding a second dwelling unit is a choice, not a necessity. Enforcement of the ordinance does not place a limitation on a reasonable use (the existing Single-Family Dwelling).</p> <p>While the Appellants claim the ADU is for personal use, zoning rights run with the land, not the owner. Granting a variance for permanent increased density that will exist long after the current personal need has passed. The inability to further intensify the use of the property beyond the primary dwelling does not constitute a hardship related to the land itself.</p> <p>Although the lot has sufficient area for reasonable use, it lacks the legal lot width for increased density. The code requires both. Possessing one does not grant a waiver for the other.</p>
2. There are special circumstances attached to the property that do not generally apply to the other properties in the same district.	<p>The Appellant asserts that "special circumstances" exist because the lot has a unique combination of constraints including a historic substandard width, a primary dwelling crossing the property line, and a garage in the setback. They argue this unique</p>

	<p>combination makes the lot “materially different” from other narrow lots.</p> <p>While the Appellant cites the lot’s unique dimensions as a special circumstance, the primary unusual feature is its extreme depth (approx. 244 feet). This is a benefit, not a burden. A special circumstance is generally a physical feature that hinders development, not a feature that provides ample open space.</p> <p>The specific constraint at issue is the lot width of 45.83 feet. The City’s Land Use Ordinance specifically requires a 50-foot width to manage density and spacing between developments. Acknowledging the lot’s depth does not negate the failure to meet the lot width deficiency.</p> <p>Additionally, the existence of various encroachments is a separate non-conformity. Relying on existing zoning violations to justify a new deviation from the ordinance further compounds the site’s non-conformity rather than curing it.</p>
3. Granting the Variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District.	<p>The Appellant claims the denial ignores that ADUs are a permitted accessory use in South Salt Lake. They argue that denying the variance results in disparate treatment because nearby properties, some narrower, already enjoy multiple dwelling units.</p> <p>The right to build an ADU is not absolute. It is contingent upon meeting specific dimensional standards. The ordinance allows ADUs on lots that are both large enough and wide enough.</p> <p>The Appellant is effectively asking for a special privilege to build an ADU on a 45-foot lot that is denied to other owners of similarly narrow lots in the R-1 District. Granting this variance would create inequality, not cure it.</p> <p>The existence of other multi-unit properties nearby likely reflects legal non-conforming uses or lots that meet the width standards. Zoning compliance is judged on the subject property’s own merits, not on the neighborhood’s historic deviations.</p>
4. The Variance will not substantially affect the General Plan and will not be contrary to the public interest.	<p>The Appellant argues the ADU is modest in size, covers only eight percent of the rear yard, and is located 120 feet from the primary dwelling. They assert that the 50-foot width is just a fixed numerical threshold that does not determine safety or compatibility.</p>

	<p>The Appellant argues that because the lot is large enough to fit the ADU physically, the width requirement is irrelevant. This ignores the planning purpose of width standards. The 50-foot width requirement ensures adequate separation between properties and honors the predominant development pattern in the R-1 District.</p> <p>The argument that 50 feet is not a functional determinant is an argument against the Ordinance itself, not a justification for a variance. The Appellant is asking the Appeal Authority to legislatively rewrite the code rather than adjudicate a unique hardship.</p>
5. The spirit of the Land Use Ordinance is observed, and substantial justice done.	<p>The Appellant claims the spirit of the ordinance is to promote orderly development and safety, not to impose blanket prohibitions due to minor dimensional deviations. They argue that denying the variance elevates form over substance since all setbacks and design standards are met.</p> <p>The spirit of the ordinance is effectuated through its specific standards. The 50-foot width is the City's legislative determination of when an ADU is appropriate. Ignoring clear numerical standards creates uncertainty and arbitrary enforcement.</p> <p>If the City intended for ADUs to be allowed on any lot with sufficient area, the ordinance would strictly use square footage as the metric for approval. Instead, the ordinance explicitly demands both area and width.</p> <p>Substantial justice requires that the law be applied equally. It would be unjust to neighbors and other compliant property owners to allow the Appellant to bypass the width standard simply because they have a deep backyard. Justice is upheld by maintaining the integrity of the R-1 zoning standards for all properties.</p>

STAFF RECOMMENDATION

Based on the information submitted with the appeal and the staff analysis of the relevant code sections, staff recommends that the Planning Commission move to deny the Appellants' request for a variance from the minimum lot width requirement in the R-1 District from 50 feet to 45.83 feet based on the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. The Site is located at 604 E Leland Avenue and is in the R-1 Zoning District.
2. The property consists of the eastern 45.83 feet of Lot 14, Block 1 of Homestead Lot A Subdivision, and contains 0.24 acres (10,890 square feet).
3. The property contains a Single-Family Dwelling constructed circa 1917, a detached garage circa 1955, and a shed.

4. The Single-Family Dwelling crosses the western property line, encroaching onto the property at 590 E Leland Avenue by 1.54 feet.
5. The detached garage encroaches into the side setback by 1.4 feet.
6. The Appellant proposes constructing a 995-square-foot detached ADU in the rear yard, approximately 120 feet from the primary dwelling, and meets the required side and rear setbacks.
7. The rear yard lot coverage, including the proposed detached ADU, is approximately eight percent.
8. The proposed ADU is compliant with all bulk, massing, height, and coverage standards of the R-1 District as confirmed through the Predevelopment Application review.
9. The lot does not meet the minimum lot width standard, which is 50 feet in the R-1 District.
10. The property owner requests a variance from the minimum lot width to allow the construction of the Detached ADU.
11. To grant the requested Variance, the CED Director must find that all five criteria in § 17.12.010(B) are met.
12. The Appellant bears the burden of proving that all conditions justifying a Variance have been met.
13. On December 5, 2025, the CED Director reviewed the request and denied the Variance and stated, in part, that the Applicant did not meet the burden of proof necessary to justify granting the Variance.
14. On December 22, 2025, the property owner appealed the CED Director's determination of denial.

CONCLUSIONS OF LAW:

1. Literal enforcement of the Land Use Regulations for this Property does not cause unreasonable hardship and is not necessary to carry out the general purpose of the Land Use Regulations.
2. Special circumstances are not attached to the Property that do not generally apply to other properties in the same district.
3. Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other Properties in the same zone.
4. The proposal is not consistent with the General Plan and is contrary to the public interest.
5. The spirit of the Land Use Ordinance is not observed, and substantial justice is not done.
6. The Applicant did not meet the burden that all conditions justifying a Variance have been met.

PLANNING COMMISSION OPTIONS

Option 1: Denial

Move to deny the appeal by Ashley Chapman and Timothy Chou and uphold the CED Director's determination to deny the Variance request to reduce the minimum lot width requirement for the property at 604 E Leland Avenue from 50 feet to 45.83 feet based on the Findings of Fact and Conclusions of Law as enumerated on the record.

Option 2: Approval

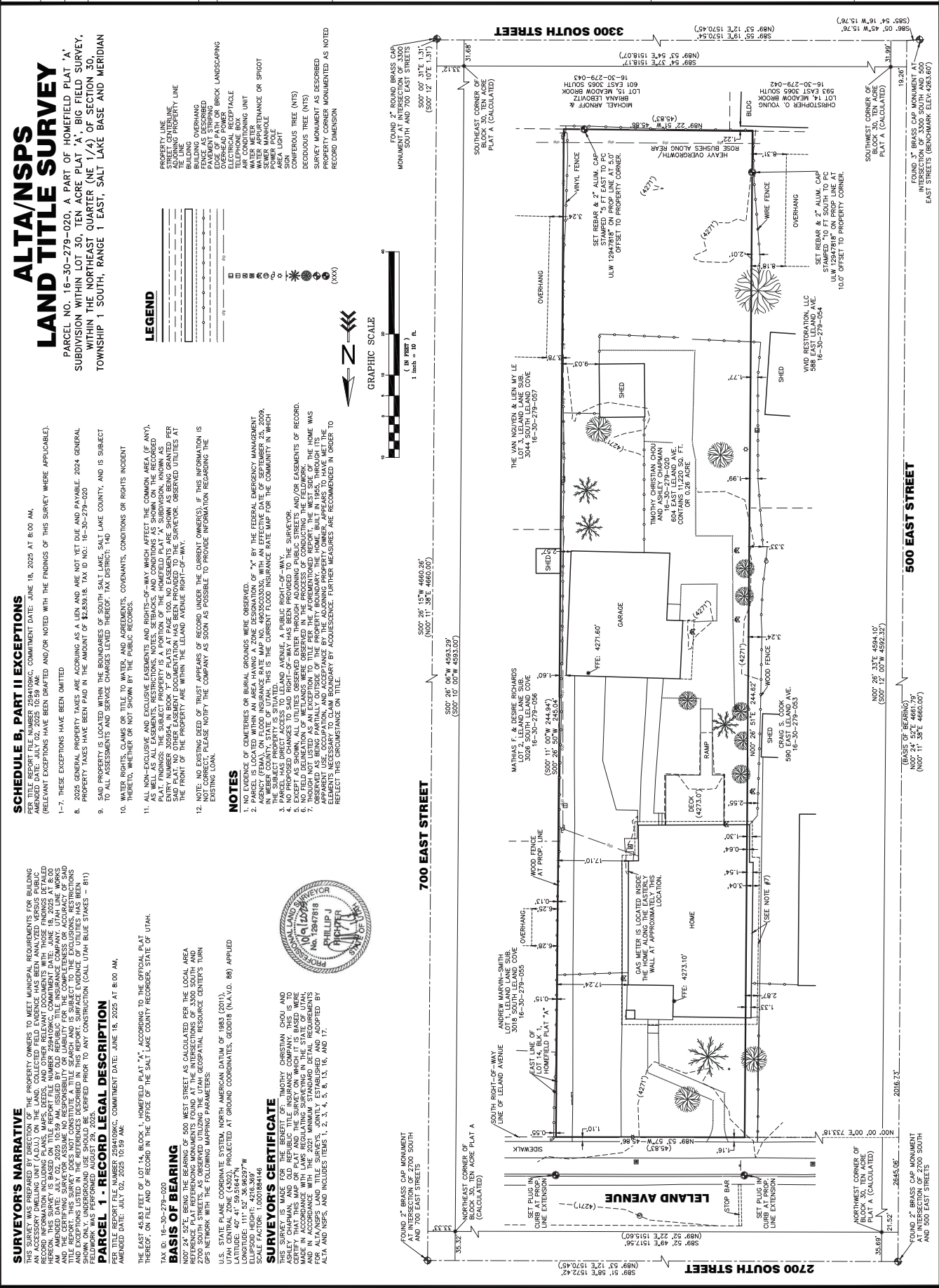
Move to grant the appeal by Ashley Chapman and Timothy Chou and overturn the CED Director's determination and approve the Variance to reduce the minimum lot width from 50 feet to 45.83 feet for a Detached ADU, based on the Findings of Fact and Conclusions of Law, as enumerated on the record.

Option 3: Continuance

Move to table the appeal by Ashley Chapman and Timothy Chou for a Variance from the minimum lot width in the R-1 District to a date certain to allow the Appellants and Staff time to respond to specific inquiries or concerns raised by the Appeal Authority, or to allow the Appeal Authority more time to consider the proposal.

EXHIBITS

- A. ALTA Survey
- B. Notice of Variance Denial
- C. Appellants' Letter to Appeal Authority – Dated December 22, 2025





**JONATHAN
WEIDENHAMER**
COMMUNITY AND
ECONOMIC
DEVELOPMENT
DIRECTOR

December 10, 2025

Ashley Chapman

Timothy Chou

Sent via email: ash.shoe@gmail.com; christian.shoe@gmail.com

NOTICE OF VARIANCE DENIAL

Address: 604 E. Leland Avenue
Tax ID: 16-30-279-020-0000
Legal Description: E 45.83 FT OF LOT 14 BLK 1 HOMEFIELD PLAT A

On November 5, 2025, South Salt Lake City Staff received a Variance Application from the property owner of 604 E Leland Avenue. The Applicant requests a Variance from the 50-foot minimum lot width requirement as found in § 17.03.020(C)(2)(a) to construct a Detached Accessory Dwelling Unit (ADU). The Community & Economic Development Director reviewed the Applicant's request and denied the Variance based on the following Findings of Fact and Conclusions of Law.

Findings of Fact

1. The Site is located at 604 E Leland Avenue and is in the R-1 Zoning District.
2. The property consists of the eastern 45.83 feet of Lot 14, Block 1 of Homestead Lot A Subdivision, and contains 0.25 acres (10,890 square feet).
3. In the Homestead Lot A Subdivision, lot widths range from 43.08 feet to 85 feet.
4. The Subdivision was established in 1913, and lot 14 was divided sometime between 1913 and 1924, resulting in the western 37.5 feet of lot 14 becoming 590 E Leland Avenue.
5. As a result of the division of Lot 14, the subject property's overall width was reduced to 45.83 feet, which is confirmed by the ALTA Survey.
6. The property and the subdivision were established under the jurisdiction of unincorporated Salt Lake County and were annexed into South Salt Lake in 1978.
7. 604 E. Leland Avenue contains a Single-Family Dwelling constructed circa 1917, a detached garage constructed circa 1955, and a shed.
8. The Single-Family Dwelling crosses the western property line, encroaching onto the property at 590 E Leland by 1.54 feet.
9. The detached garage encroaches into the eastern side setback by 1.4 feet.
10. The Applicant proposes constructing a 995-square-foot detached ADU in the rear yard, approximately 120 feet from the primary dwelling, and meets the required side and rear setbacks.
11. The rear yard lot coverage, including the proposed detached ADU, is approximately eight percent.
12. The proposed ADU is compliant with all bulk, massing, height, and coverage standards of the R-1 District as confirmed through the Predevelopment Application review.

CHERIE WOOD
MAYOR
220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE
UTAH
84115

13. The lot does not meet the minimum lot width standard, which is 50 feet in the R-1 District.
14. The Applicant requests a Variance as follows: Reduce the minimum lot width by approximately 4.17 feet to allow the construction of the Detached ADU.
15. To grant the requested Variance, the Community & Economic Development Director must find that all five criteria in § 17.12.010(B) are met.
16. The Applicant bears the burden of proving that all conditions justifying a Variance have been met.
17. The five criteria found in § 17.12.010(B) are outlined below with staff analysis:
 - i. **Literal enforcement of the Land Use Regulations would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Use Regulations.**

Analysis: Literal enforcement of the Land Use and Development Ordinance prevents the Applicant from constructing a Detached ADU as proposed, and the Applicant has not demonstrated an unreasonable hardship associated with the land itself.

The subject property is currently occupied by a Single-Family Dwelling and a detached garage, proving that the property is capable of reasonable economic use without the Variance. The inability to construct an additional detached ADU is not a hardship related to the land, but rather a limitation on the owner's desired expansion. A self-imposed hardship or a desire for economic or personal convenience does not constitute an unreasonable hardship under the law.

- ii. **There are special circumstances attached to the property that do not generally apply to the other properties in the same district.**

Analysis: The Applicant has failed to identify a special circumstance related to the physical condition of the land. While the lot is narrower than the current 50-foot standard, this condition is not unique to the subject property. As noted in the Finding of Fact No. 3, other lots within the Homestead Lot A Subdivision and the surrounding R-1 District share similar non-conforming widths.

Furthermore, a lack of lot width is a standard dimensional non-conformity, not a unique physical circumstance. Granting a Variance based solely on lot width would effectively re-zone the property rather than address a unique physical anomaly.

- iii. **Granting the Variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District.**

Analysis: The Applicant currently enjoys the same substantial property right possessed by others in the R-1 District, which is the use of the land for a Single-Family Dwelling. The ability to construct a Detached ADU is an accessory right contingent upon meeting specific bulk and dimensional standards, including lot width.

Because other properties in the R-1 District with lot widths under 50 feet are also prohibited from constructing a detached ADU, denying this request maintains equal enforcement within the District. The Applicant is not being denied a right that other similarly situated lots possess. Instead, granting this Variance would create a special

privilege denied to other owners of narrow lots. The Applicant can still enjoy the same property rights as other properties in the R-1 District and retains the primary right to use the existing Single-Family Dwelling.

- iv. **The Variance will not substantially affect the General Plan and will not be contrary to the public interest.**

Analysis: Granting this Variance would be contrary to the public interest and the intent of the General Plan. The 50-foot minimum lot width requirement for ADUs is established to ensure adequate separation between structures, prevent overcrowding, and maintain the low-density character of the R-1 District.

The subject property already contains non-conforming encroachments as addressed in Findings of Fact 8 & 9. Adding additional density and lot coverage to an already physically constrained and non-conforming site undermines the zoning ordinance's goal of orderly development. Furthermore, granting a Variance for lot width deficiency sets a negative precedent, potentially encouraging the overdevelopment of other substandard lots in the neighborhood, which is contrary to the public interest.

- v. **The spirit of the Land Use Ordinance is observed, and substantial justice done.**

Analysis: The spirit of the Land Use Ordinance is to apply regulations uniformly to ensure fairness and safety. The ordinance explicitly restricts ADUs to lots with sufficient width to accommodate them without impacting neighbors. Circumventing the clear standards in the code violates the spirit of the ordinance, which seeks to limit density on substandard lots.

Substantial justice requires that the law be applied equally. It would be unjust to the neighbors and to other property owners who have adhered to the lot width requirements to allow this Applicant to bypass the standards. Justice is best served by upholding the code requirements to protect the integrity of the zoning district.

Conclusions of Law

1. Literal enforcement of the Land Use Regulations for this Property does not cause unreasonable hardship and is not necessary to carry out the general purpose of the Land Use Regulations.
2. Special circumstances are not attached to the Property that do not generally apply to other properties in the same district.
3. Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other Properties in the same zone.
4. The proposal is not consistent with the General Plan and is contrary to the public interest.
5. The spirit of the Land Use Ordinance is not observed, and substantial justice is not done.
6. The Applicant did not meet the burden that all conditions justifying a Variance have been met.

Denial of the Variance by the Community and Economic Development Director is determined for the reasons stated above and the property does not qualify for a Variance. Therefore, your request for an exception to the minimum lot width requirement of 50 feet is hereby denied.

You have the right to appeal this decision to the Appeal Authority. Your appeal must be submitted in writing to the City Recorder's office within ten (10) days of the date of this decision and must state each fact and every theory of relief on appeal. The Appeal Authority will conduct an appeal de novo. The Appeal Authority shall afford due process to the parties on appeal, including allowing each party to call witnesses and present evidence as each deems appropriate. See § 17.12.020 of the Land Use and Development Ordinance for more information regarding your rights on appeal.

Sincerely,



Jonathan Weidenhamer
Community and Economic Development Director

CC: Spencer Cawley, Project Planner

Dear Appeal Authority and Planning Commission Members,

We submit this letter as a formal appeal of the Community & Economic Development Director's denial of our variance request for 604 E. Leland Avenue. Pursuant to § 17.12.020 of the Land Use and Development Ordinance, we request a de novo appeal hearing and reversal of the decision denying a variance from the 50-foot minimum lot width requirement to allow construction of a detached Accessory Dwelling Unit (ADU).

We respectfully contend that the Director's conclusions misapply the variance criteria by narrowly characterizing our hardship as personal rather than land-based and thus overlooking the cumulative and historic physical constraints unique to this parcel. When the evidence is considered in full, all five variance criteria are met.

1. Literal enforcement causes an unreasonable hardship related to the land:

The denial concludes that our hardship is merely a "desired expansion" rather than a land-based constraint. This characterization overlooks the physical and legal constraints inherent to the property.

The subject parcel is burdened by:

A substandard historic width (45.83 feet) created by a pre-1924 subdivision;

A primary dwelling that legally encroaches across the western property line;

A detached garage that encroaches into the side setback.

These nonconformities are fixed and cannot be remedied without demolition or boundary alteration, neither of which is reasonably feasible given existing site conditions. As a result, no expansion, reasonable internal conversion, or attached addition is possible on this lot.

The ordinance permits ADUs as a reasonable accessory residential use. However, strict enforcement of the 50-foot width standard—despite full compliance with every other ADU regulation—eliminates the only viable path to additional residential use on this parcel. This is not a matter of convenience or preference; it is a direct consequence of the land's historic configuration and physical limitations. These constraints are inherent to the parcel itself and would affect any owner, regardless of identity or personal circumstances.

A property need not be rendered valueless to establish unreasonable hardship. Rather, hardship exists where strict application of dimensional standards prevents a reasonable use otherwise contemplated by the ordinance. That is the case here.

2. Special circumstances exist that do not generally apply to other properties:

While other lots in the subdivision may be narrow, very few share the same *combination* of constraints present here:

Historic substandard width;

A primary structure crossing a property line; and

A garage encroaching into required setbacks.

The lot width deficiency cannot be reasonably cured. Acquisition of additional width from adjacent properties is not a feasible option due to existing site conditions on both sides of the parcel. To the east, neighboring yards are already limited in size and contain existing improvements that would be adversely affected by any reduction in width. To the west, the adjoining property's driveway occupies the area where additional width would be required, making boundary adjustment impracticable. As a result, the substandard width is a permanent condition inherent to the parcel and cannot be remedied through lot line adjustment or consolidation.

These conditions are not self-created and are inseparable from the land itself. The *unique combination and cumulative effect* of these constraints make this property materially different from other narrow lots that may still have expansion or reconfiguration options available. The variance process exists precisely to address such exceptional physical circumstances.

3. The variance is essential to the enjoyment of a substantial property right:

The denial asserts that the only substantial property right in the R-1 District is a single-family dwelling. However, South Salt Lake's ordinance explicitly recognizes ADUs as a permitted accessory use when standards are met.

Nearby properties—including narrower parcels on Leland Avenue—already enjoy the benefit of multiple dwelling units or detached accessory structures. Denying this variance results in disparate treatment of legacy parcels, where similarly situated lots are functionally allowed modest additional housing while this property is categorically excluded due to a minor dimensional deficiency.

Granting the variance does not create a special privilege; it restores parity.

4. Granting the variance is consistent with the General Plan and public interest:

The proposed ADU:

Is modest in scale (995 square feet);

Meets all setback, height, coverage, and separation standards;

Covers only approximately 8% of the rear yard; and

Is located over 120 feet from the primary dwelling.

Concerns regarding overcrowding or loss of neighborhood character are unsupported by the facts. The site already accommodates legal, long-standing residential structures in a manner that has functioned safely and compatibly with the surrounding neighborhood, and the ADU would occupy an underutilized rear portion of our large lot. The proposed ADU neither relies upon nor expands any existing nonconforming conditions and complies independently with all applicable setbacks and bulk standards.

Importantly, the 50-foot minimum lot width standard is a fixed numerical threshold, not a functional determinant of whether an ADU can be safely and compatibly accommodated. In this case, there is no qualitative difference between a lot measuring 45.83 feet wide and one measuring 50 feet wide with respect to building separation, open space, access, or neighborhood impact. All substantive performance standards intended to protect the public interest—setbacks, height, coverage, privacy, and massing—are fully met. The requested variance therefore seeks relief from a technical dimensional standard, not from the underlying safety or compatibility goals of the ordinance.

The proposal does not increase allowable density under the zoning ordinance and remains fully consistent with R-1 development standards. This project directly advances the City's stated goals for ADUs and the General Plan, which include expanding housing choice, supporting attainable and affordable housing options, and encouraging gentle infill development within established neighborhoods. Allowing a modest, owner-occupied ADU on a large, well-situated lot is fully consistent with those objectives and serves the broader public interest.

5. The spirit of the ordinance is observed and substantial justice is done:

The spirit of the Land Use Ordinance is to promote orderly, fair, and context-sensitive development—not to impose blanket prohibitions on historic parcels due to minor dimensional deviations.

The purpose of the minimum lot width requirement is to ensure sufficient space for livability, safety, and neighborhood compatibility. That purpose is achieved here. The 50-foot figure itself is an administratively selected benchmark, not a point at which a property meaningfully changes in character or functionality. Where, as here, the objectives of the standard are met in practice, rigid adherence to the numerical threshold defeats the ordinance's intent rather than advances it.

Here, the intent behind the lot width standard—adequate spacing, safety, and compatibility—is fully achieved. Denial based solely on a 4.17-foot deficiency, despite compliance with all functional standards, elevates form over substance and results in inequitable treatment.

The variance process exists precisely to address historic lot patterns where strict dimensional compliance would defeat reasonable use without advancing the ordinance's purpose. Substantial justice is served by recognizing that this property can safely and responsibly accommodate an ADU without undermining the ordinance's purpose.

Conclusion:

This appeal presents a narrow, fact-specific request grounded in the parcel's historic configuration and physical limitations. Approval of this variance would not establish a *general* precedent, as any future request would remain subject to the same individualized findings required under §17.12.010. Strict enforcement of the lot width standard in this instance advances no identifiable public safety, welfare, or planning objective. Granting the variance would not alter zoning, increase density beyond what is contemplated by the ordinance, or harm the public interest. It would simply allow a reasonable, code-compliant use of a uniquely constrained property.

We are also willing to work with staff on modest refinements to the ADU's footprint or placement as a condition of approval, should the Appeal Authority find that helpful in addressing any remaining concerns.

We respectfully request that the Appeal Authority reverse the Director's decision and approve the requested variance.

Thank you for your time, consideration, and service to the community.

Sincerely,

Ashley Chapman and Christian Chou

December 22, 2025