

DENIAL OF VARIANCE APPEAL

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 February 5, 2025, the Planning Commission, acting as the Appeal Authority, reviewed, de novo, a request for a variance submitted by Ashley Chapman and Timothy Chou ("Appellants") to reduce the minimum lot width requirement from 50 feet to 45.83 feet to accommodate a detached ADU for the property at 605 E. Leland Avenue. The matter came before the Planning Commission on an appeal of the Community and Economic Development Director's determination to deny the variance request. The Planning Commission, after hearing the arguments presented in writing and orally make 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 constructed 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 appeal authority must find that the five criteria in § 17.12.010(B) are met:

- a. That 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;
- b. That there are special circumstances attached to the property that do not generally apply to other properties in the same district;
- c. That granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
- d. That variance will not substantially affect the general plan and will not be contrary to the public interest; and
- e. That the spirit of the land use ordinance is observed, and substantial justice done.

12. The Appellants bear the burden of proving that all conditions justifying a variance have been met.

13. On December 5, 2025, the CED Director reviewed the variance request and denied the variance and stated, in part, that the Applicants did not meet the burden of proof necessary to justify granting the variance.

14. On December 22, 2025, the property owners and Applicants appealed the CED Director's determination of denial.

CONCLUSIONS OF LAW:

- 1. The literal enforcement of the land use regulations, i.e., the minimum lot width requirement for an external ADU for this property, does not cause an unreasonable hardship that is not necessary to carry out the general purpose of the Land Use Regulations, where appellants still have a single-family dwelling and detached garage on the property.
- 2. There are not special circumstances attached to the property that do not generally apply to other properties in the same district, where there are other properties that are similarly deficient of the 50-foot width requirement to develop an external ADU.
- 3. Granting the variance is not essential to the enjoyment of a substantial property right possessed by other properties in the same zone, where there are other properties that do not meet the width requirement to develop an external ADU and the property maintains a single-family dwelling use.
- 4. The variance would substantially affect the General Plan and is contrary to the public interest, where the orderly growth and development of the R-1 zone has been planned for, and the width requirements of the zoning is part of the planning.
- 5. The spirit of the Land Use Ordinance is observed, and substantial justice is done where the width requirement would only be reduced by less than five feet.

6. Because Appellants did not meet all five criteria justifying a variance, the Appellants have not met their burden to prove that a variance should be granted, and therefore, the request for a variance is denied.

This Final Order of the Planning Commission, acting as the Appeal Authority, is a final decision, appealable to District Court. No further administrative appeals are permitted from a Final Order and any subsequent review is to be made by the District Court. Appeals to District Court shall be made within 30 days of this final decision.

Jeremy Carter, Planning Commission Chair

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