



August 5, 2019

***Draper City Planning Division
Administrative Interpretation***

RE: Summerhays Lot Interpretation

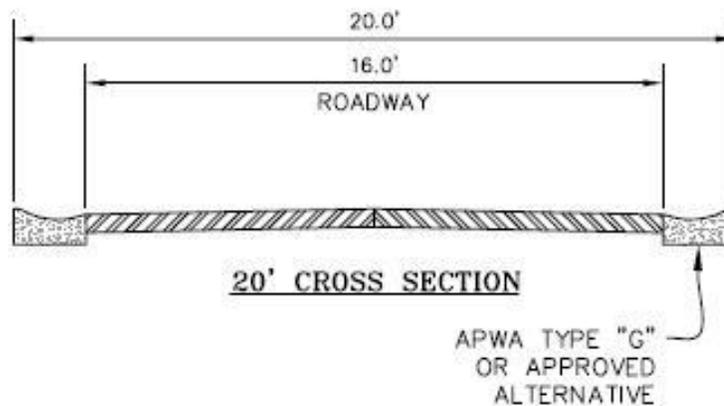
This letter is in regards to an application for an interpretation as to the legal status of property located at 980 East, 984 East, and 997 East 13450 South, application number APPL-707-2019. The subject parcel numbers are 34-05-126-016, 34-05-126-020 and 34-05-201-017, respectfully. The subject properties are located within the RA2 (Residential Agricultural, 20,000 square foot lot minimum) zoning designation. Each lot is about one acre in size.

The properties are accessed from a private lane that is 13-feet to 21-feet wide depending on where you are along the lane. This lane was built in the 1970's and does not conform to current city standards. Current private roadway standards date to 2001 and require a 20-foot wide roadway serving up to five homes and a roadway of at least 26-feet wide to serve up to ten homes (see DCMC Section 9-27-150(B) below). There are currently four homes that access the private lane, and an additional four parcels that do not currently have homes on them, including the subject parcels.

9-27-150: PRIVATE RIGHTS OF WAY:

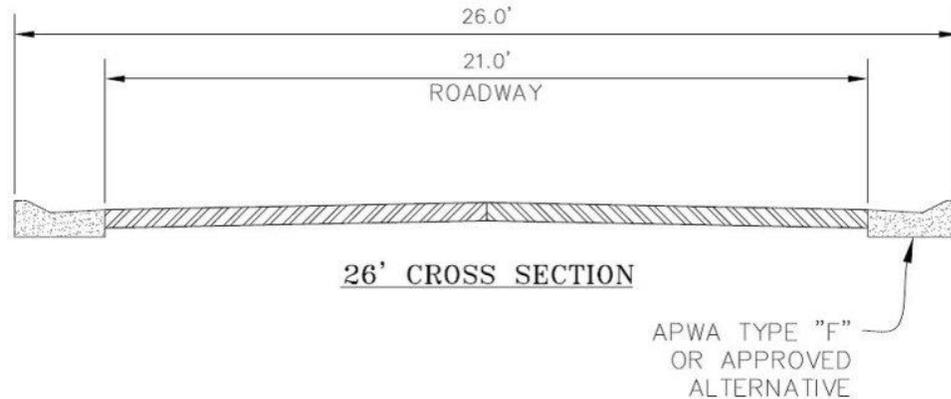
B. Width And Cross Section: The minimum right of way width and cross section design of a private right of way shall be:

- 1. Twenty feet (20') wide for two (2) to five (5) single-family residential lots;***





2. Twenty six feet (26') wide for six (6) to ten (10) single-family residential lots; and



According to Salt Lake County parcel history records, the subject properties were created in 1981, 1983, and 1985. The adjacent parcels, 34-05-126-014 and 34-05-126-013, on the same lane were created around the same time, in 1981 and 1982, respectively. Homes were built on the adjacent parcels in 1983 and 1981. At that time the City recognized those parcels as legal lots.

Utah State Code allowed the subdivision of properties into two lots without city approval in the 1980's and early 1990's. Due to the fact that no parcels were divided into more than two lots would suggest that these parcels were created under former state law which allowed subdivision without city approval.

It is the Zoning Administrators position that the properties located at 980 East, 984 East, and 997 East 13450 South are legal nonconforming parcels. Per DCMC Section 9-6-060)A) a legally existing parcel may continue to be occupied and used. The subject parcels maybe developed with a single-family home, in conformance with the RA2 zoning standards. The existing private lane is also considered legal nonconforming and may remain as it. Any new sections to the private road shall comply with City standards.

9-6-060: NONCONFORMING LOTS OR PARCELS:

A. Continuation: A nonconforming lot or parcel may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this title, subject to the provisions of this chapter.

There are a couple options available to you if you believe this interpretation has been made in error. You may seek a text amendment in order to change the code, or you may appeal this determination. An appeal is subject to DCMC Section 9-5-180 and 9-6-140 and shall be made within 14 days of the decision which is appealed. Applications for both options can be found on the city's website.



If you have further questions, please contact me at jennifer.jastremsky@draper.ut.us or at 801-576-6328.

Respectfully,

A handwritten signature in black ink, appearing to read "Jennifer Jastremsky", is written over the typed name.

Jennifer Jastremsky, AICP
Senior Planner/Zoning Administrator
Community Development Department

Cc File