



August 5, 2019

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

RE: Summerhays Lot Interpretation

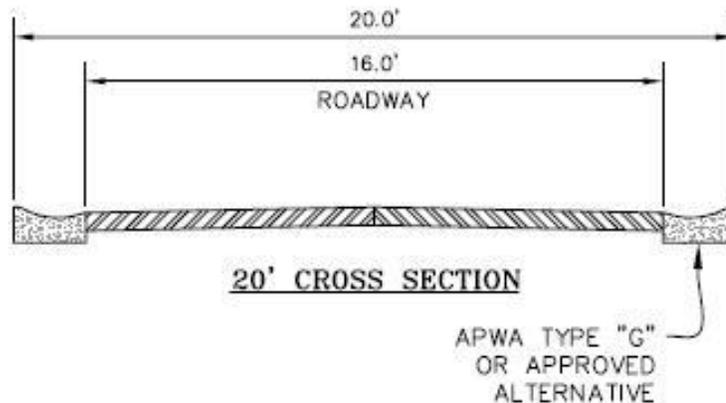
This letter is in regards to an application for an interpretation as to the legal status of property located at 947 East Tripp Lane, application number APPL-707-2019. The subject parcel number is 34-05-126-026. The subject property is located within the RA1 (Residential Agricultural, 40,000 square foot lot minimum) zoning designation. Each parcel is 1.26 acres in size.

The property has historically been accessed from a private lane, Tripp Lane, that is 10-feet to 20-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 one additional parcel that does not currently have a home on it, including the subject parcel.

9-27-150: PRIVATE RIGHTS OF WAY:

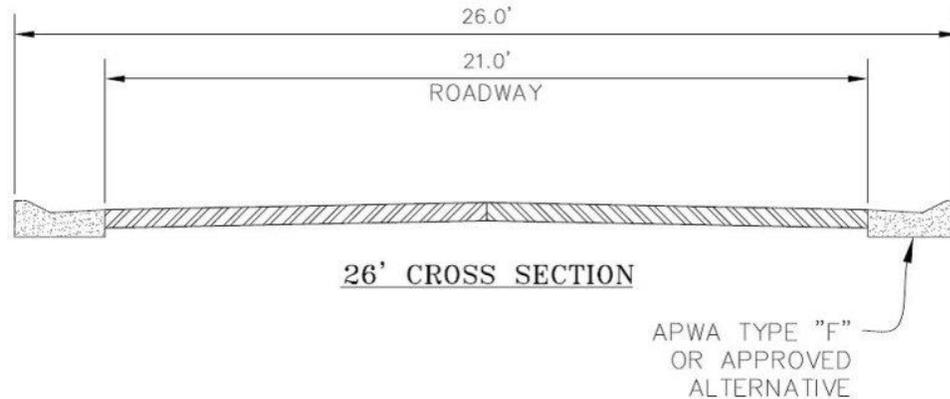
B. Width And Cross Section: The minimum right of way width and cross section design of a private right of way shall be:

- 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 property was created in 1986. The adjacent parcels, 34-05-126-007, 34-05-126-028 and 34-05-126-029, on the same lane were created around the same time, in 1986, and further divided in 1996. Homes were built on the adjacent parcels in 1976, 1986 and 1974. 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 property located at 947 East Tripp Lane is a legal nonconforming parcel. Per DCMC Section 9-6-060)A) a legally existing parcel may continue to be occupied and used. The subject parcel maybe developed with a single-family home, in conformance with the RA1 zoning standards. The existing private lane, Tripp Lane, is also considered legal nonconforming and may remain as it. Any new sections to the private road shall comply with City standards. *If the subject parcel is to be altered with access from 13450 South, that private lane shall be brought into conformance with current 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