



DRAPER CITY HALL

Community Development | 1020 E. Pioneer Rd. Draper, UT 84020

February 17, 2021

Draper City Planning Division Administrative Interpretation

RE: 12216 South 800 East Duplex Status

An application has been submitted requesting analysis of whether a two-family dwelling unit is legal on the property located at 12216 South 800 East, parcel number 28-29-305-004. The property currently contains a two story house, which has been split into a duplex. The property is 0.34 acres in size and located within the CN (Neighborhood Commercial) zone. The CN zone does not allow for residential uses, including multi-family dwellings per Draper City Municipal Code (DCMC) Section 9-11-110, Table 9-11-1.

**TABLE 9-11-1
PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES
(Except CSD Zones)**

Uses	Zones	
		CN
<i>Residential uses:</i>		
<i>Assisted living facility</i>		<i>P</i>
<i>Dwelling, multiple-family</i>		<i>NP</i>
<i>Dwelling, single-family</i>		<i>NP</i>
<i>Home occupations</i>		<i>See chapter 34 of this title</i>
<i>Residential facility for elderly persons</i>		<i>NP</i>
<i>Residential facility for persons with a disability</i>		<i>P</i>

According to records from the Salt Lake County Assessor’s Office, the home on the property was built in 1934, well before the City of Draper’s incorporation in 1978. A perspective buyer of the property has provided property appraisals from 1935, 1945, 1955, 1978, and 1987 from Salt Lake County. The appraisal from 1935 lists the dwelling as a single-family dwelling. The appraisal from 1945, and subsequent appraisals, call out the dwelling as a duplex, or reference there being two dwelling units on the property. In addition an appraisal dated January 22, 2021 has been submitted showing the property currently contains a duplex. Per DCMC Section 9-6-040, a nonconforming use which pre-dates the code prohibiting the use may continue.

9-6-040: NONCONFORMING USES:

A. Continuation: A nonconforming use of any conforming or nonconforming structure which was legally existing when such use became prohibited may be continued as provided in this chapter.

The two-family home pre-dates the incorporation of the City, and therefore pre-dates any zoning regulations the City has prohibiting two-family dwellings on the property. The two-family dwelling is hereby classified as legal nonconforming and may continue.

If the use is ever removed from the property, any new use shall comply with DCMC, per DCMC Section 9-6-030. If the structure is damaged by fire, wind, tornado, earthquake, or other disaster, the structure may be restored as it exists per the parameters found in DCMC Section 9-6-050.

9-6-030: CHANGE IN NONCONFORMING STATUS:

A nonconforming use, structure, lot, parcel, or other nonconformity may not be changed except in conformance with the provisions of this title. When any nonconforming use, structure, lot, parcel, or other nonconformity becomes conforming, it shall not be changed back to the previously existing nonconforming condition.

9-6-050: NONCONFORMING STRUCTURES:

E. Restoration: A nonconforming structure damaged by fire, wind, tornado, earthquake, or other disaster may be restored as it existed previously and its use may be continued so long as restoration is complete within one year, except that buildings on the state or Draper City historic register may be restored so long as restoration is initiated within twelve (12) months and complete within twenty four (24) months.

If you believe this interpretation has been made in error, you may appeal this determination. An appeal is subject to DCMC Section 9-5-180 and shall be made within 14 days of the decision which is appealed. An application can be found on the city's website.

If you have further questions, please contact me at jennifer.jastremsky@draperutah.gov or at 801-576-6328.

Respectfully,



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