



June 11, 2019

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

RE: 13225 South Fort Street Rapunzel Tower Interpretation

This letter is in regards to a requested interpretation as to the legal nonconforming status of a corn silo on the property located at 13225 South Fort Street and whether a requested alteration will increase the degree of nonconformity. The administrative interpretation application is APPL-677-2019. The subject property is located within the RA1 (Residential Agricultural, 40,000 square foot lot minimum) zoning designation.

The silo predates the city's incorporation in 1978 and is considered a legal nonconforming use. According to the Salt Lake County Assessor's Office, the home on the property was built in 1934. The silo appears in aerial photographs of the property in every aerial the city has on record, including one taken in 1977, prior to city incorporation. The silo is located roughly 80-feet from the front property line, 148-feet from the rear property line, and 20-feet from the south side property line. The silo is 38-feet tall.

Regulations for accessory structures are based on the size of the structure not on the use of the structure. This means that a playhouse, detached garage, or silo have to meet the same standards and the use of the structure is not in question, see Draper City Municipal Code (DCMC) Section 9-10-030(B). The current accessory structure standards for the RA1 zone can be found in DCMC Section 9-10-040(A)(2), wherein the code limits accessory structure height and setback based on building floor area. For accessory structures under 200 square feet in size, the structure shall be located behind the front wall plane of the main building, and no taller than 12-feet. For accessory structures over 200 square feet in size, the structure shall located behind the front wall plane of the main building, have a minimum 10-foot rear and side setback, a maximum 15-foot wall height and a maximum 25-foot roof height. The silo is nonconforming to building height.

9-10-040: DEVELOPMENT STANDARDS:

2. In addition to the requirements in subsection A1 of this section, the following requirements shall apply to accessory buildings:
 - a. Accessory buildings two hundred (200) square feet in floor area or under shall:
 - (1) Be located behind the front wall plane of the main building.
 - (2) Meet all applicable fire and building code requirements.
 - (3) Not exceed twelve feet (12') in height to the peak of roof, or highest roof point, whichever is greater.
 - b. Accessory buildings over two hundred (200) square feet shall:



- (1) Be located behind the front wall plane of the main building;
- (2) Be a minimum of ten feet (10') from the property lines;
- (3) Not have exterior walls exceeding fifteen feet (15') in height, measured from the average grade of the lot as found in the building code presently adopted by Draper City;
- (4) Not have a roof exceed a twelve to twelve (12:12) pitch; and
- (5) Not exceed twenty five feet (25') as measured from average finish grade of the lot to the peak of the roof. (Ord. 769, 8-7-2007)

According to DCMC Section 9-6-050(B) repairs and structural alterations may be made to a nonconforming structure within the existing footprint of the structure if the degree of nonconformity is not increased. The Zoning Administrator has the authority to determine if an alteration is an expansion in the degree of nonconformance per DCMC Section 9-6-050(C)(1). The DCMC defines a structural alteration as any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

9-6-050: NONCONFORMING STRUCTURES:

- A. Continuation: A nonconforming structure in any zone may be continued as provided in this chapter so long as no additions or enlargements are made thereto and no structural alterations are made therein, except as may be required by law. If any nonconforming structure is removed from the lot or parcel on which it was located, each future structure thereon shall conform to the provisions of this title.
- B. Maintenance And Repair: A nonconforming structure may be maintained. Repairs and structural alterations may be made to a nonconforming structure within the existing footprint thereof; provided, that the degree of nonconformity is not increased.
- C. Enlargement And Expansion: Any expansion of a nonconforming structure that increases the degree of nonconformance is prohibited, except as provided in this subsection:
 1. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the zoning administrator. (Ord. 394, 8-7-2001)
 2. A structure which is nonconforming as to height, area, or yard regulations may be added to or enlarged upon authorization by the appeals and variance hearing officer; provided, that the appeals and variance hearing officer, after a hearing, finds the expansion to be compatible with the neighborhood and not detrimental to the community, as determined by the effect of the expansion on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services. (Ord. 815, 4-1-2008, eff. 7-1-2008)



9-3-040: DEFINITIONS:

STRUCTURAL ALTERATIONS: Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

The applicant has provided drawings of the structural alterations they would like to make to the silo. In order to create a play structure modeled after Rapunzel's Tower, the silo would be cut down 14-feet in height and a new 14-foot tall play area, complete with pitched roof, would be added to the top of the silo. This would allow the interior of the silo to be altered with floors and stairs leading to the top play area. The change would not increase the height of the structure and it would remain 38-feet tall. The applicant would also bring up to 5-feet of fill at the base of the tower to reduce the appearance of building height. The fill would not alter the measured height from existing grade. The height measured from the final grade would be 34-feet 8.3-inches, which is lower than the existing height.

It is the Zoning Administrators position that the structural alteration of the corn silo at 13225 South Fort Street is not an increase in degree of nonconformity as to building height and is within the footprint of the existing building. The silo is nonconforming as to building height per DCMC 9-10-040(A)(2) and the alteration will not increase the height of the building.

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,

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

Attachments

Cc File



WALKER HOME DESIGN
801-930-9499 office
www.walkerhomedesign.com

KEYNOTES

TYPICAL OVERHANG
12"

NOTE:
TRUSS COMPANY TO MEET WITH BUILDER & HOME OWNER BEFORE TRUSSES ARE BUILT

NOTE:
These plans shall be built according to the building standards in the state they are built in

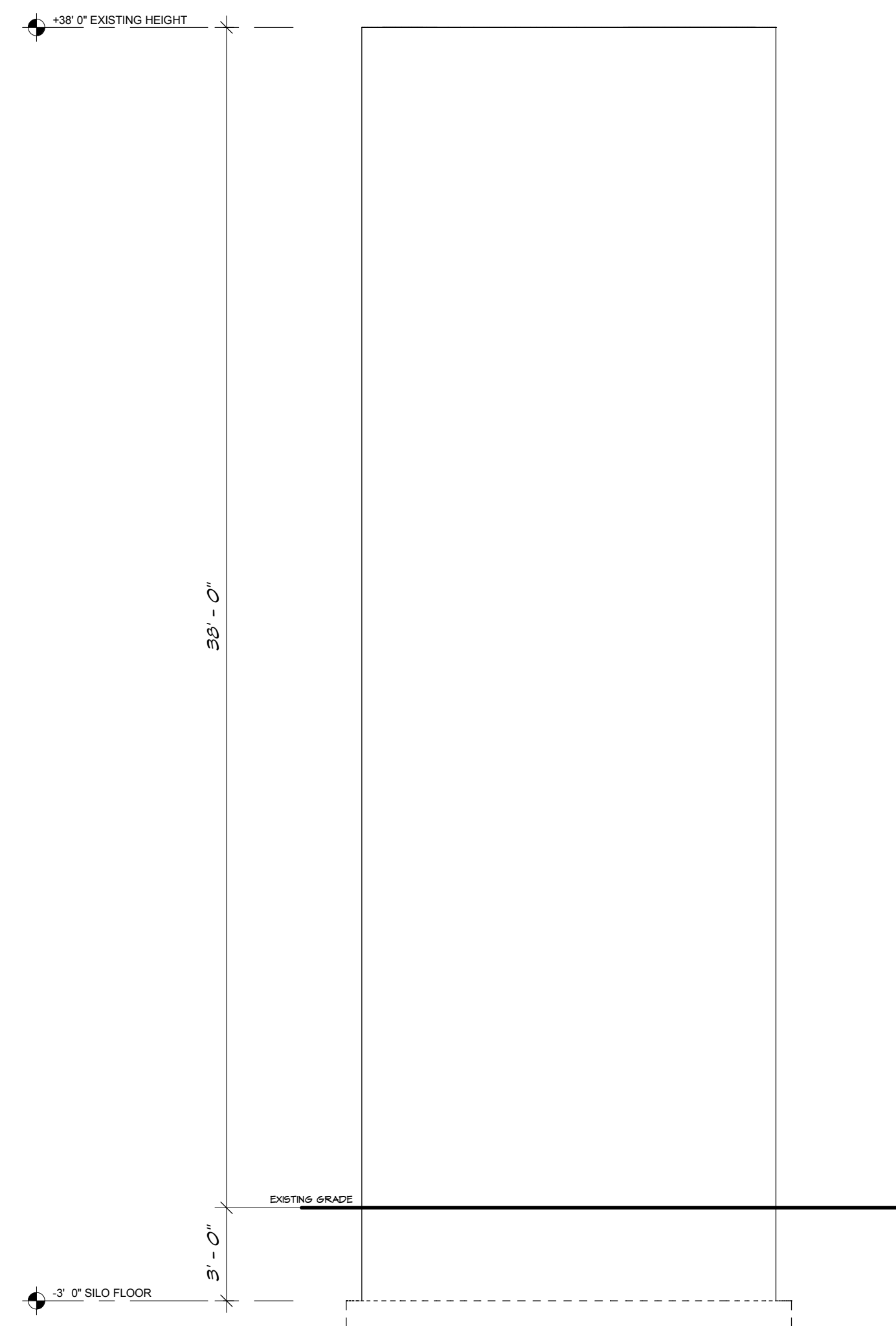
WINDOW HEAD HEIGHTS	
LOWER LEVEL	X'-X" UNO
MAIN LEVEL	X'-X" UNO
UPPER LEVEL	X'-X" UNO

NOTE:
INSPECTIONS ARE REQUIRED FOR ALL STUCCO & EIFS SYSTEMS

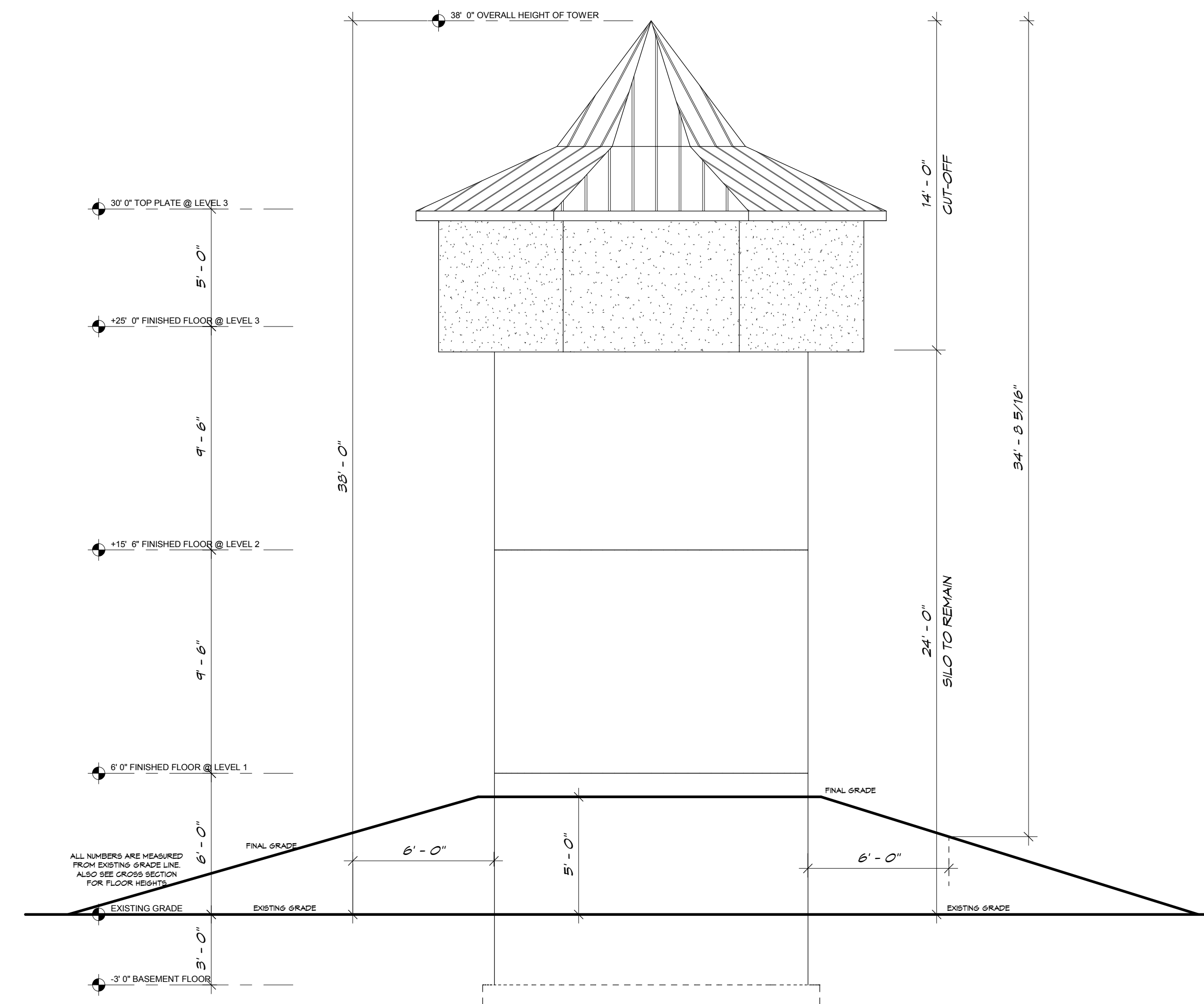
NOTE:
NO MECHANICAL VENTS ON FRONT OF HOME

NOTE:
ELEVATIONS AND GRADE ARE CONCEPT ONLY. CIVIL ENGINEER MUST BE CONSULTED FOR ACCURATE SITE AND GRADING PLAN

NOTE:
WHD RECOMMENDS THAT NO MORE THAN 6" OF FOUNDATION IS EXPOSED IN THE FRONT OF HOME. ADJUST GRADE OR LANDSCAPE APPROPRIATELY



EXISTING STRUCTURE



PROPOSED TOWER

FINAL REVIEW CHECK LIST

- Window locations match floor plans
- Exterior material, locations and heights
- Trim details: cornices, window trim, door trim, garage trim, etc.
- Covered decks and patios
- Roof pitch

client signature _____

client signature _____

builder signature _____

w/h/d signature _____

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Rapunzel Tower

Designed for

Jim & Michelle Bonner

ABOVE GRADE FOOTAGE: 8888

Date **June 2019**

Drawn by **CLH**

PRINTED: 6/27/2019 8:47:18 AM

BONUS: 8888

OPT. STORAGE: 8888

FRUIT ROOM: 8888

LOWER LEVEL: 8888

UPPER LEVEL: 8888

TOTAL: 8888

SCALE: 1/4" = 1'-0"

Sheet **6** of **20x**



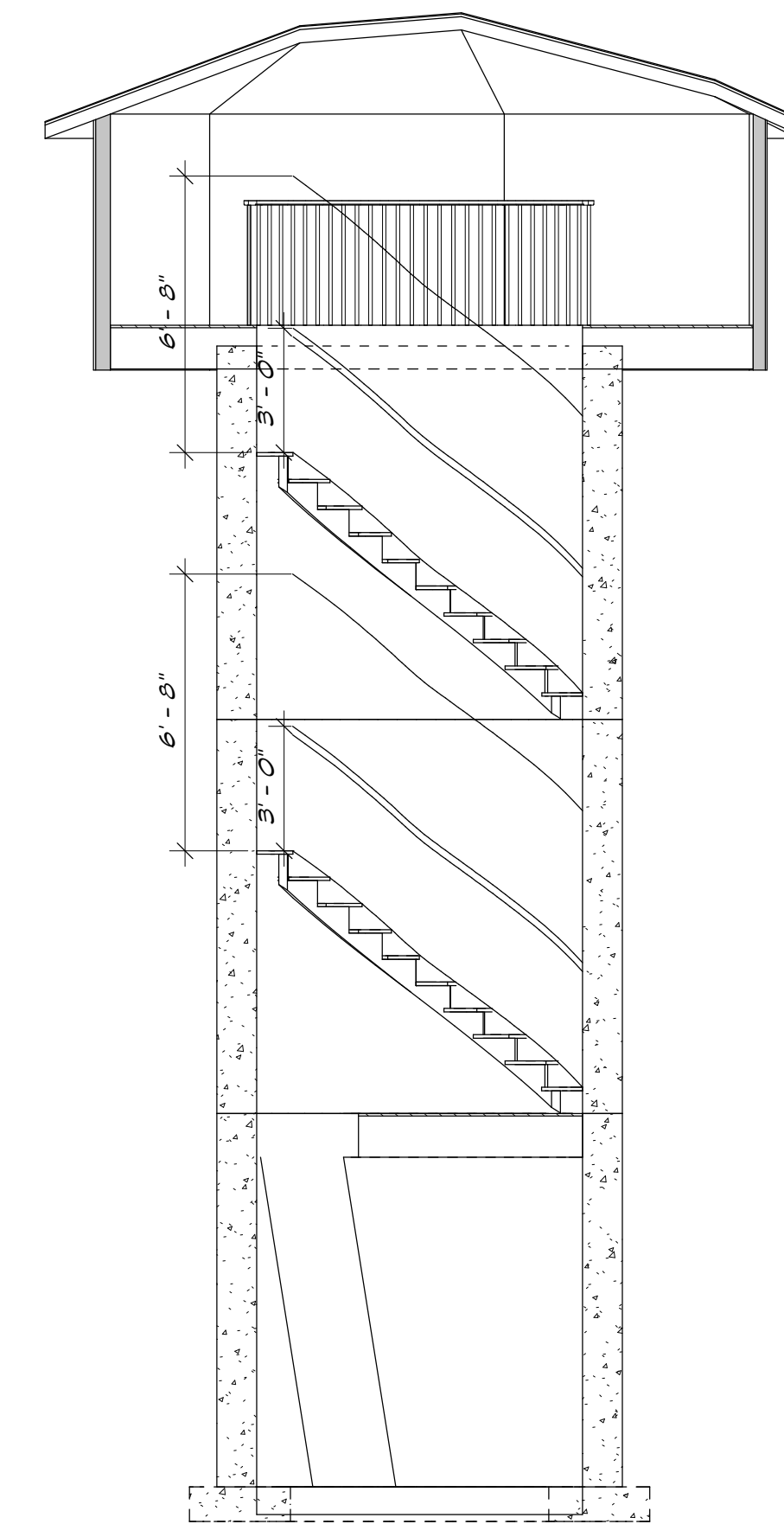
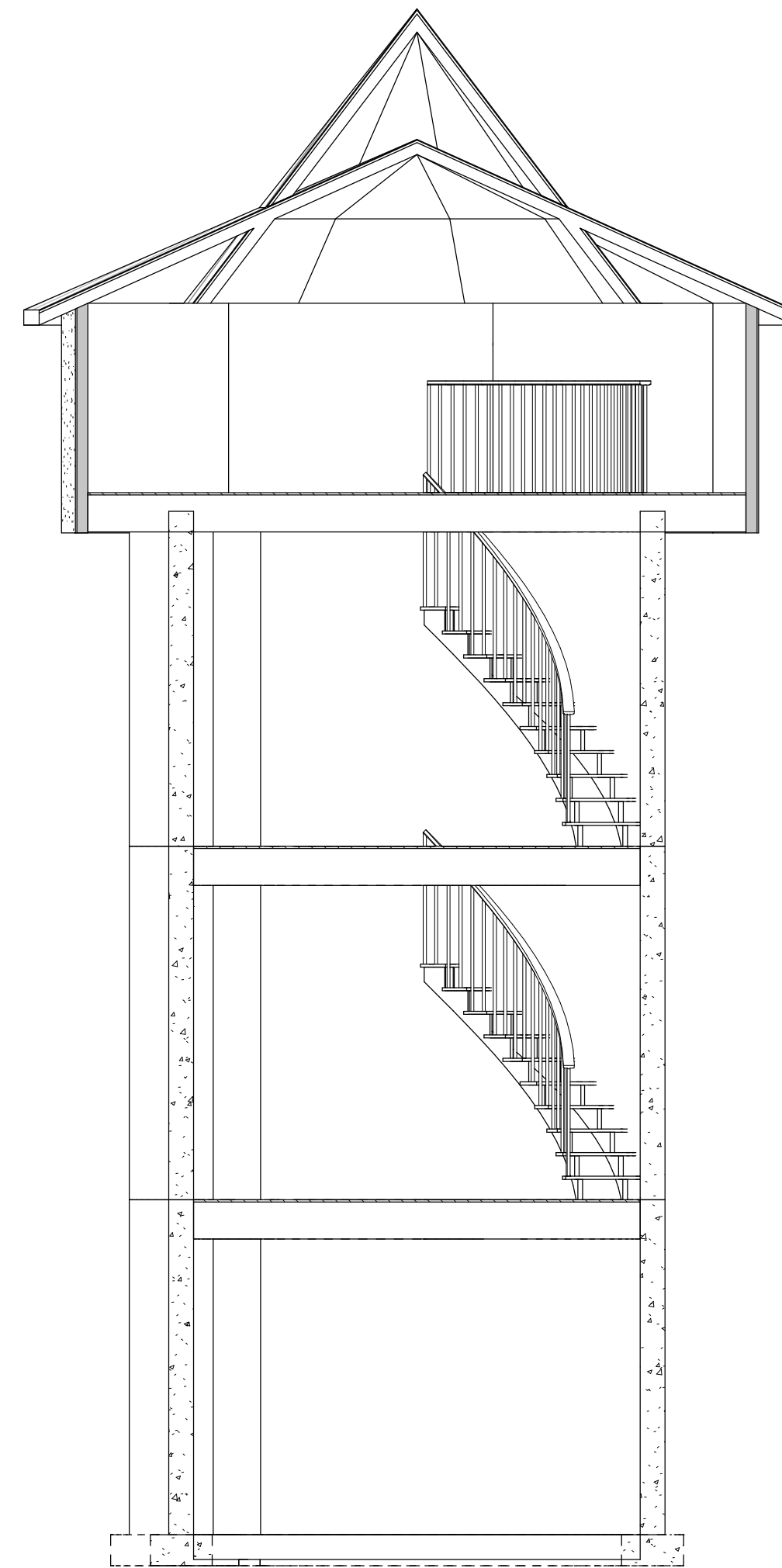
WALKER
HOME DESIGN

801-930-9499 office

www.walkerhomedesign.com

WINDOW HEAD HEIGHTS	
LOWER LEVEL	X'-X" UNO
MAIN LEVEL	X'-X" UNO
UPPER LEVEL	X'-X" UNO

KEYNOTES



REVIEW CHECK LIST

- Window sizes and locations line up with foundation page
- Ceiling heights are correct
- Door sizes are correct
- Fire Location

client signature _____
 client signature _____
 builder signature _____
 whd signature _____

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Rapunzel Tower

Designed for

Jim & Michelle
Bonner

ABOVE GRADE FOOTAGE: 8888

Date June 2019

Drawn by CLH

PRINTED: 6/2/2019 2:10:35 PM

BONUS: 8888

OPT. STORAGE: 8888

FRUIT ROOM: 8888

LOWER LEVEL: 8888

MAIN LEVEL: 8888

UPPER LEVEL: 8888

TOTAL: 8888

SCALE: 1/4" = 1'-0"

1/8" SCALE ON SIZE B SHEET

CROSS SECTIONS

30
of 20x

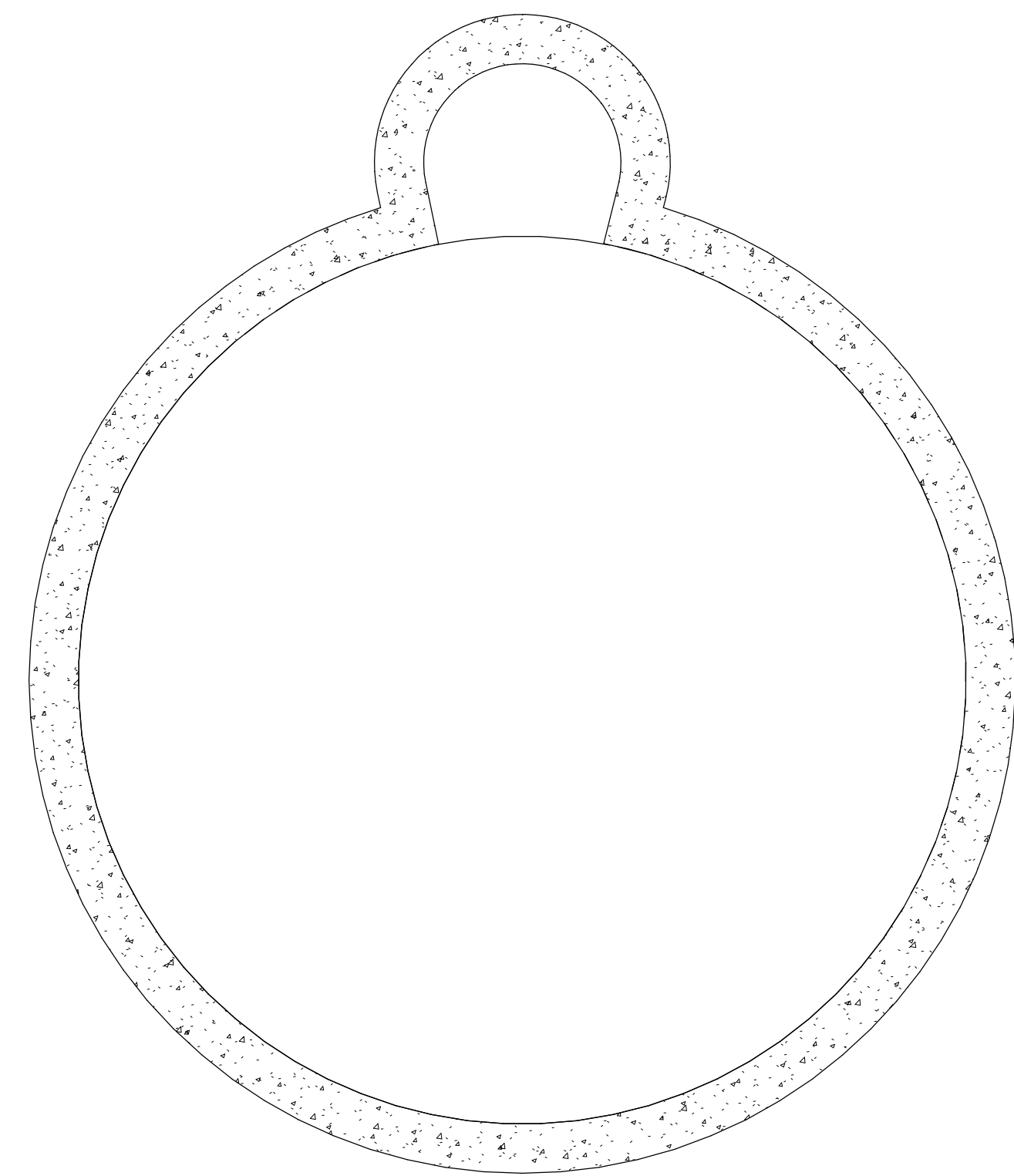


WALKER HOME DESIGN

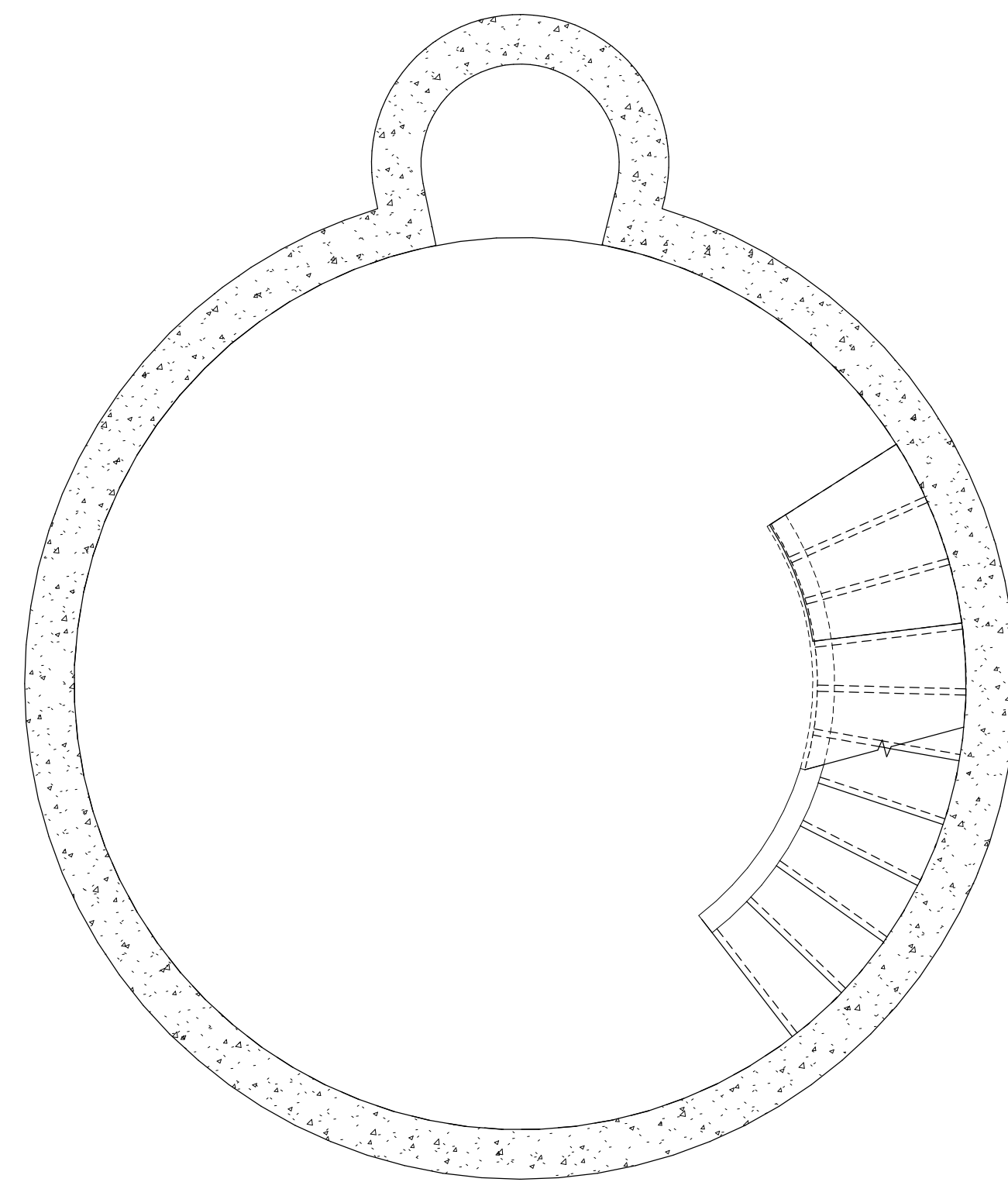
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WINDOW HEAD HEIGHTS	
LOWER LEVEL	X'-X" UNO
MAIN LEVEL	X'-X" UNO
UPPER LEVEL	X'-X" UNO

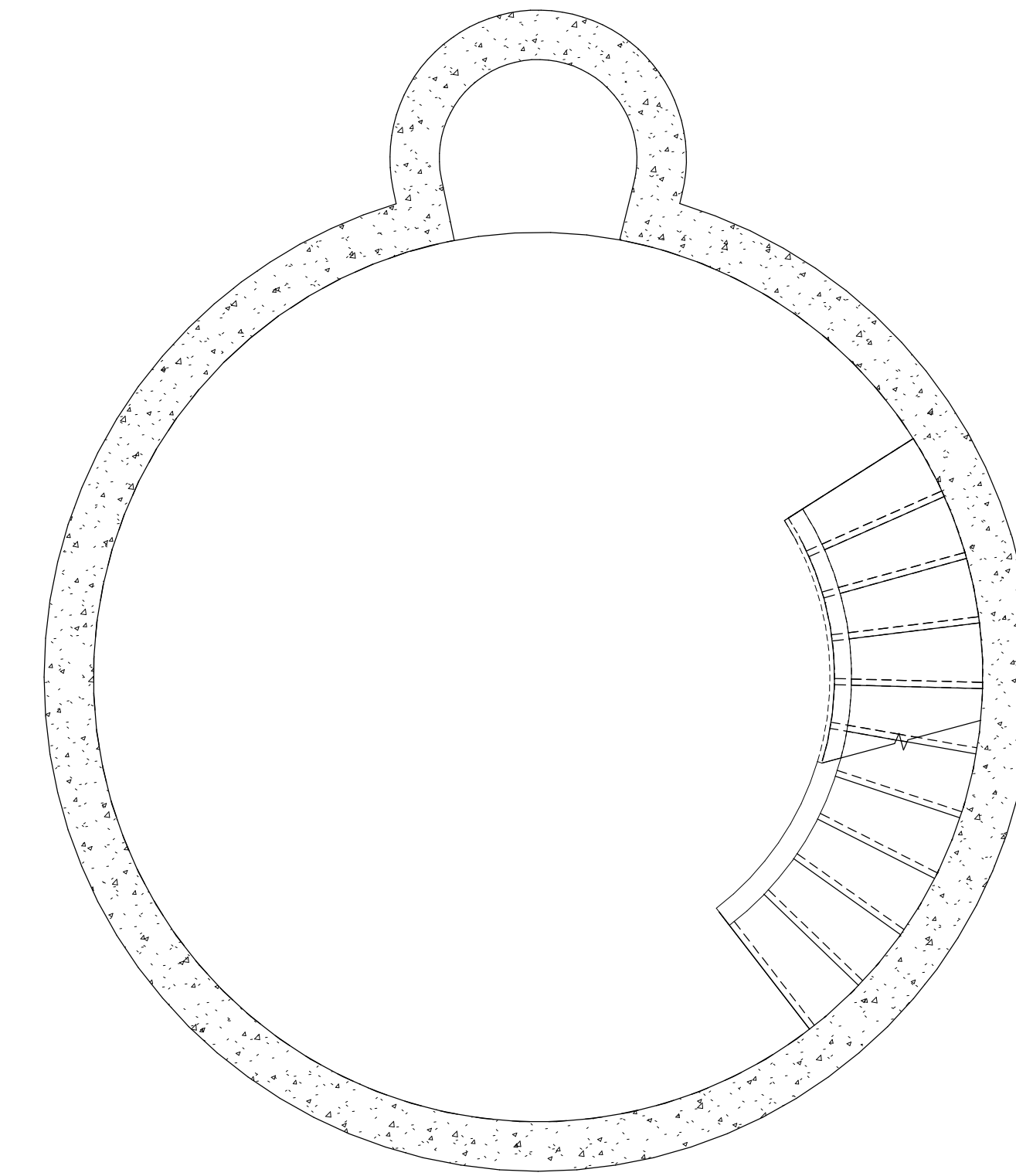
KEYNOTES



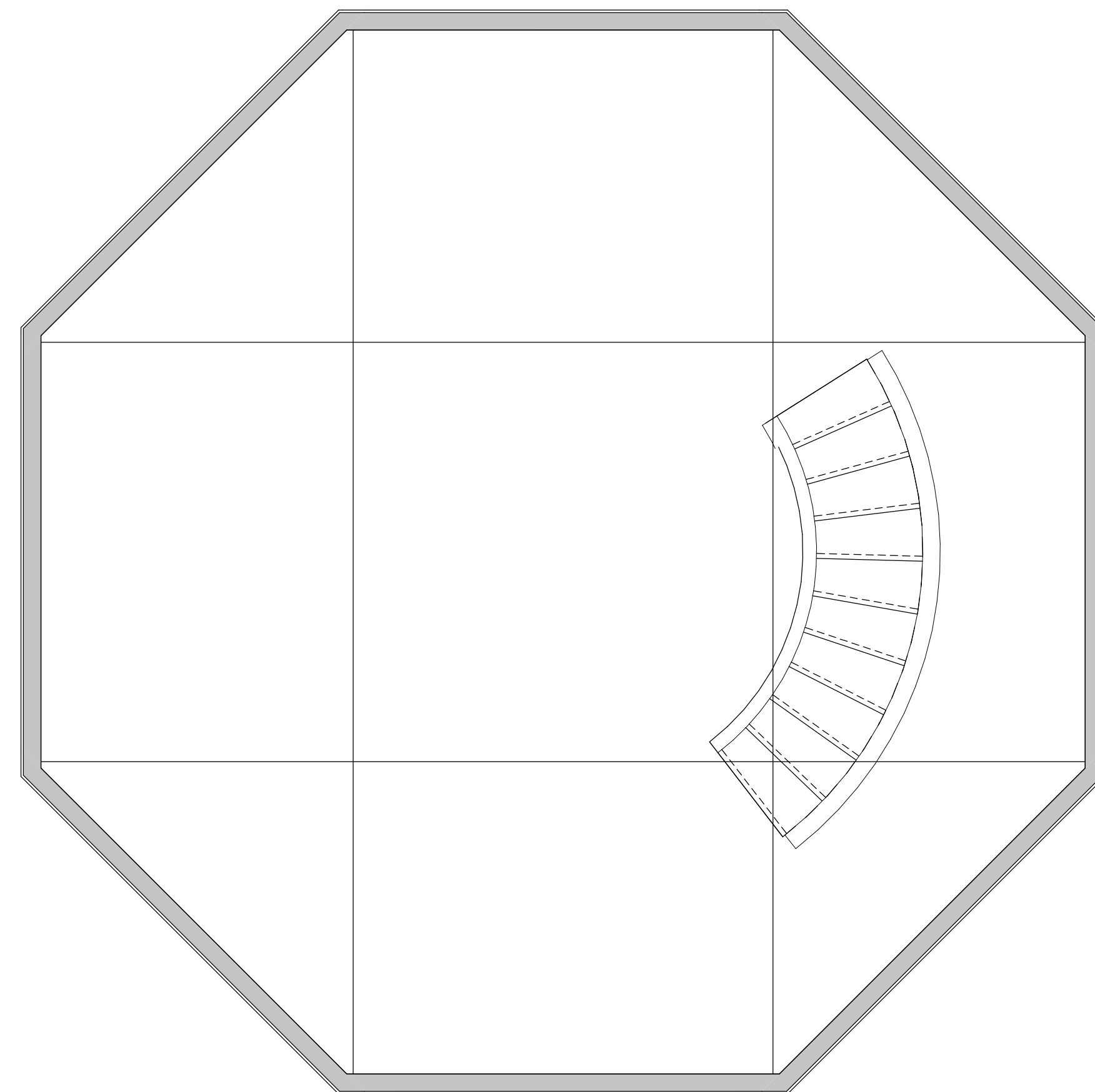
BASEMENT



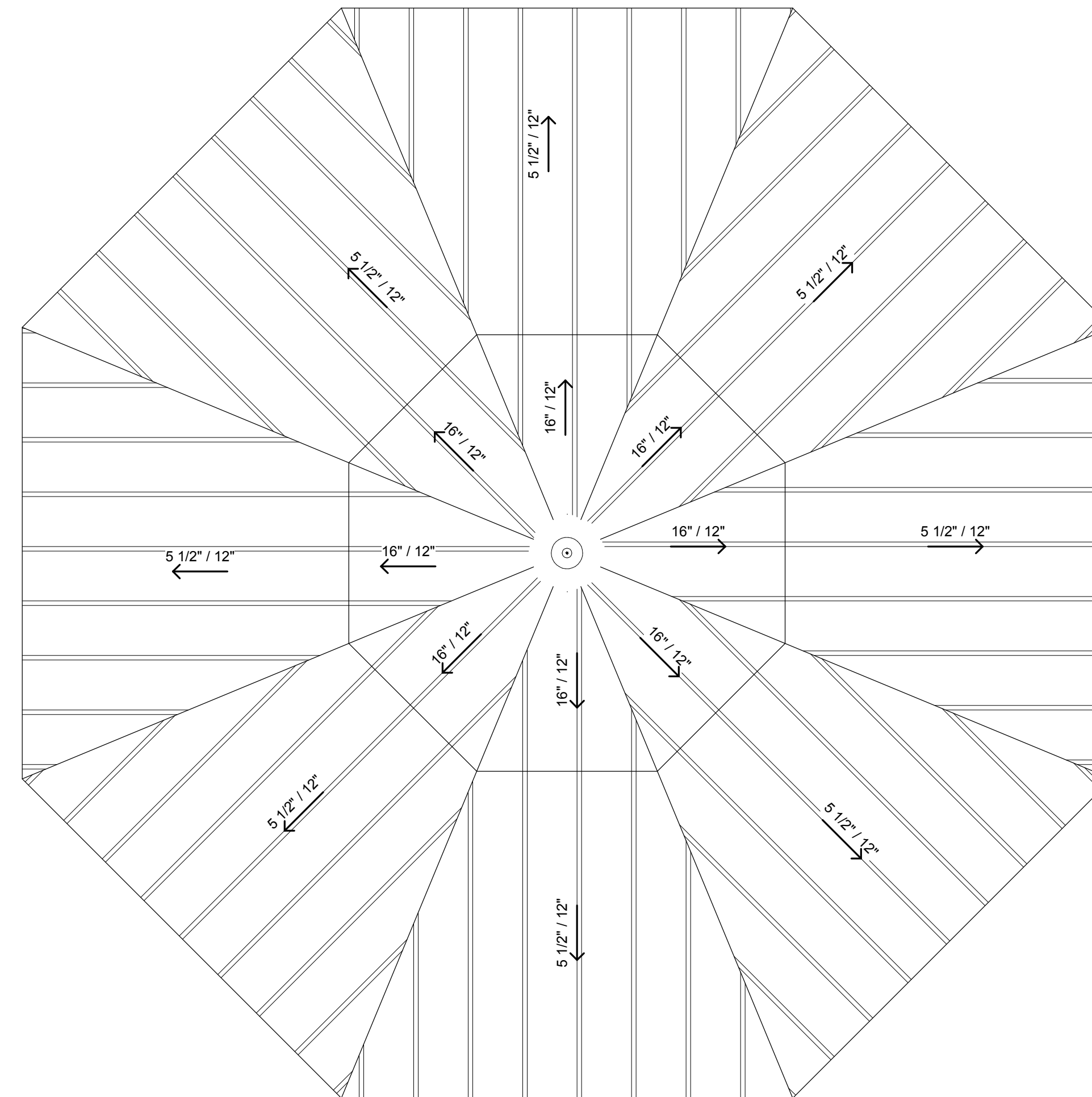
LEVEL 1



LEVEL 2



LEVEL 3



ROOF

RAPUNZEL TOWER FLOOR PLANS

REVIEW CHECK LIST

- Window sizes and locations
- Door sizes
- Ceiling heights are accurate: trays, coffered, etc.
- Flooring materials are correct
- (Garage door sizes)
- Flue Chase Location

client signature _____
 client signature _____
 builder signature _____
 whd signature _____

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Rapunzel Tower

Designed for

Jim & Michelle Bonner

ABOVE GRADE FOOTAGE: 8888

Date June 2019

Drawn by CLH

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 Sheet 31 of 20

BONUS: 8888
 OPT. STORAGE: 8888
 FRUIT ROOM: 8888
 LOWER LEVEL: 8888
 MAIN LEVEL: 8888
 UPPER LEVEL: 8888
 TOTAL: 8888

SCALE: 1/2" = 1'-0"

1/8" SCALE ON SIZE B SHEET