



August 30, 2019

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

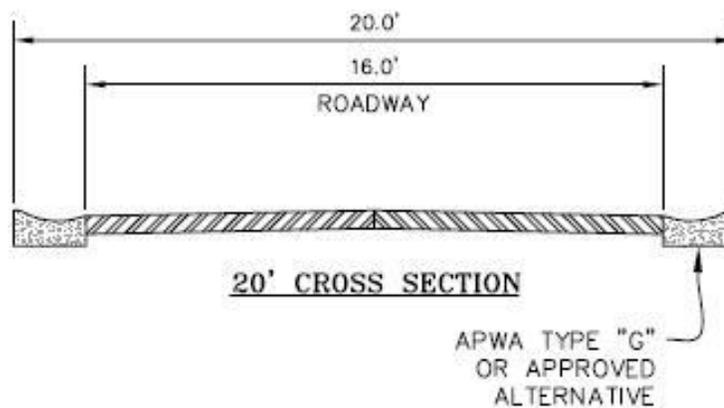
RE: Summerhays Lot Interpretation

This letter is in regards to an application for an interpretation as to the legal status of 13450 South Street, application number APPL-707-2019. This road runs from Fort Street to approximately 997 Eat and is located within the RA2 (Residential Agricultural, 20,000 square foot lot minimum) zoning designation. The 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. The lane is considered legal non-conforming as it predates current city code. 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 Draper City Municipal Code (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.

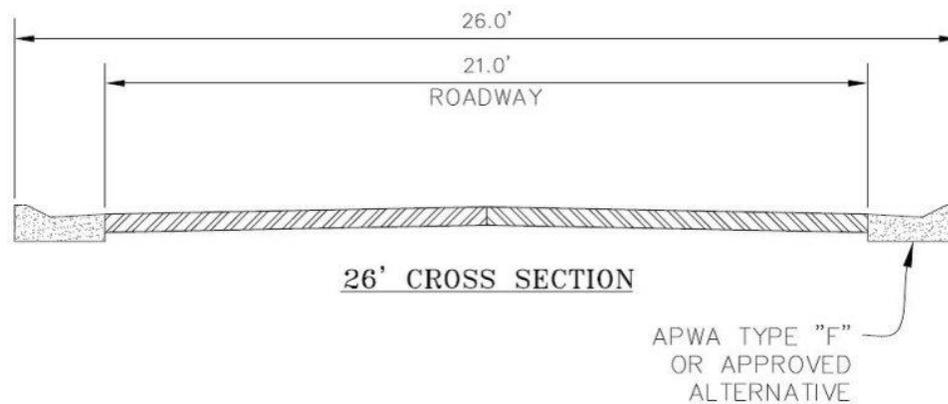
9-27-150: PRIVATE RIGHTS OF WAY:

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*



Three of the properties along the lane were created via subdivision, and the remaining lots were created by meets and bounds division in the 1980's. 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. All properties along the lane are considered either legal conforming lots or legal nonconforming parcels.

DCMC Section 9-27-150 allows for the expansion of existing private rights-of-way if they conform to or are brought up to the current private roadway standards outlined in DCMC Section 9-27-150(B). The code also allows the City Council to grant a deviation for curb, gutter, and sidewalk standards if the private road-way already serves at least six lots and the increase in lots is not greater than 25%.

9-27-150: PRIVATE RIGHTS OF WAY:

J. Expansion Of Existing Subdivisions: Residential subdivisions approved prior to 2010 and which are accessed by a private right of way may add more residential lots consistent with subsection B of this section. Deviations from adherence to the curb, gutter and sidewalk requirements in subsection B of this section in such existing subdivisions may be granted by the city council if:

- 1. The existing subdivision has six (6) or more lots; and*
- 2. The increase in the number of lots does not exceed twenty five percent (25%) of the existing single-family homes within the subdivision.*

It is the Zoning Administrators determination that the private right-of-way of 13450 South would be eligible for the deviation to curb, gutter, and sidewalk requirements per DCMC Section 9-27-150(J), subject to approval of a deviation by the City Council, and only for up to two additional lots along the lane. The private right-of-way would still have to comply with asphalt with standards, which is 21-feet of asphalt for a roadway that serves 6-10 lots.

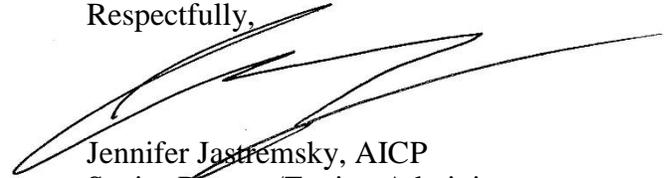
There are a couple options available to you if you believe this interpretation has been made in error. You may seek a text amendment in order to change the code, or you may appeal this determination. An appeal is subject to DCMC Section 9-5-180 and 9-6-140 and shall be made



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