



DRAPER CITY HALL

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

July 10, 2026

*Draper City Planning Division
Administrative Interpretation*

RE: Old Farm (Adamo) Development, 265 East 13275 South, 2026-0109-ZVL

This letter evaluates three questions on conforming status of the overall property located at 265 East 13275 South. The parcel numbers are 28-31-376-007 and 28-31-376-053. The property is located in the RA1 (Residential Agricultural, 40,000 sq ft lot) zoning designation. This zone requires a minimum of 40,000 sq ft per lot. The larger of the two parcels is 1.0 acres in size, and the smaller property is 0.08-acres in size. The larger parcel has a house, one detached garage, and a barn on it. There is another detached garage that overlaps the property line of the two parcels. The house was originally built in Salt Lake City in the 1930's and was later moved to the subject property in Draper. There is not paperwork verifying exactly when the house was moved to Draper, but there is Salt Lake County Assessor's information showing it was at its current location in 1970.

The applicant has asked the following questions:

1. Are the parcels legal?
2. Are the two detached garage structures legal?
3. What is the required process for creating two parcels that can each contain a house and one of the detached structures?

1. Are the Parcels Legal?

The larger parcel was created in 1988. There are no City records of a subdivision or parcel boundary adjustment from that time. The 1984 Zoning Map shows the property as zoned RR-43, which was a single-family zone that required a minimum of one acre lot size and is an equivalent of today's RA1 zone. Subdivision code records are unavailable from that time. When the City initially incorporated in 1978, they adopted the Salt Lake County codes. A zoning and subdivision code was later adopted in 1981. No copy of that code is on file so staff is unable to verify the subdivision or parcel boundary regulations. The earliest copy of a subdivision code is from 1990. The parcel complied with the lot size standards of the RR-

43 zone that was in place at the time it was created.

The smaller parcel was created on September 22, 2006. The warranty deed is recorded in the Salt Lake County Recorder's Office under document entry number 9854113. The subdivision regulations in 2006 required a subdivision plat approval process with the city in order to create lots. Lot line adjustment applications were required to adjust common property lines of lots within subdivisions, but not parcels. The applicant has stated that the creation of parcel 28-31-376-053 was legal because the 2006 subdivision code did not require city review in order to adjust parcel property lines. That is true; however, it did require a subdivision plat review and approval in order to create new property. The 2006 warranty deed did not adjust the common property line, but split a parcel into two pieces, one of which was sold to the then owner of the larger subject property. The piece that was split did not meet the zoning lot size standard or frontage requirements at the time of subdivision, nor did it receive city approval.

2002 Draper City Municipal Code (DCMC) Section 17-1-070 Compliance Required.

(a) It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the City except in compliance with the Title. No plat of any subdivision shall be recorded until it has been submitted and approved as herein. A plat shall not be approved if the City Council determines such plat to be in conflict with any provisions or portion of the General Plan, Master Traffic and Transportation Plan, Zoning Ordinance, this Title, or any other State law or City ordinance.

2002 DCMC Section 17-9-060 Lot Line Adjustments.

Petitions to adjust lot lines between adjacent properties within a subdivision may be executed upon the recordation of an appropriate deed if:

- (a) no new dwelling lot or housing unit results from the lot line adjustment;*
- (e) the adjoining property owners consent to the lot line adjustment;*
- (e) the lot line adjustment does not result in remnant land that did not previously exist; and*
- (d) the adjustment does not result in violation of applicable zoning requirements.*

The Zoning Administrator shall review the proposed lot line adjustment prior to recording, to verify that the requirements for zoning compliance have been met.

Given the ambiguity of code standards from 1988, the Zoning Administrator is willing to recognize parcel 28-31-376-007 as a legal conforming parcel because it complied with the zoning lot size standards at the time of its creation. As for parcel 28-31-376-053, the Zoning Administrator cannot find that it was legally created. It appears from the record the then property owners attempted to do a boundary adjustment but in fact actually subdivided the property. A boundary adjustment could be done now to rectify the situation, but the parcel would have to be adjusted so that it complies with the minimum lot size of the

zoning district. The applicant currently has an application with the City to rezone both parcels to the RA2 zone which requires a minimum lot size of 20,000 sq ft. If that rezone application is successful, the applicant will need to adjust the parcel boundaries so that there are two parcels of at least 20,000 sq ft in size. If the rezone request is not approved, the applicant will need to combine the two parcels into one in order to create one property that complies with zoning lot size standards, which should have been what resulted in 2006 if the warranty deed was properly done.

2. Are the two detached garage structures legal?

Staff was unable to find any building permits for either detached structure on the property. The City does have record of a building permit from 2005 for an addition to the home. The site plan that is part of that permit shows an existing structure in the northeast corner, located about 3-feet room the north and east property lines. It does not show a structure in the northwest corner.

Based on aerial photographs compiled from City GIS records, the Salt Lake County Assessor's Office, and Google, the garage in the northwest corner was built in 2005. The structure in the northeast corner was built in 2007. There used to be a garage in the same location of the northeast corner, but it was torn down around 2006. The area was used as a paved driveway for about a year and a new structure is seen in that location in August 2007 google street view.

The 2001 zoning code allowed detached structures to be built to the property line, unless there was roof overhangs or water runoff that would cross the property line, then a structure had to be at least 3-feet away from the property line. The City updated the code on August 7, 2007 to require a 10-foot side and rear setback from property lines.

2001 DCMC Section 9-10-040 Development Standards

(a) Accessory Buildings. The following requirements shall apply to any accessory building in a residential zone.

(3) An accessory building may be located on a side or rear property line provided water runoff does not infringe onto adjoining property and

(A) The building roof does not overhang the property line;

(B) The building is constructed of fire resistant materials which conform to applicable building code requirements; and

(C) The building is not located within ten (10) feet of any dwelling or main building located on an adjoining lot or parcel.

(4) An accessory building not meeting the requirements of Subsection 9-10-040(a)(2)(B) above shall be set back three (3) feet or more from any side or rear property line.

The Building Official inspected the northwest building on June 15, 2026 in order determine

setbacks. The structure is setback 4-feet on the west side and 5-feet on the north side. It also complies with the height standards at the time of construction. He found that the structure was well built and had pre-manufactured trusses with hurricane ties on every other truss as currently required in the Residential Building Code. He was unable to verify if the shear nailing of exterior walls or straps for foundation connections met code because the walls were covered up. No inspection was done on the garage in the northeast corner of the property.

Based on the records, these structures most likely complied with code at that time, but no building permit was obtained. In order to be considered legal conforming all steps for approval would have needed to been complied with at the time of construction, including obtaining a permit and meeting code standards. The process for reconciling a building that was built without a building permit is to obtain a permit from the Building Division, with the Building Official conducting an inspection to verify safety of the structure. Given the age of the structures, the City can verify setbacks and building height requirements were followed at the time they were constructed.

3. What is the required process for creating two parcels that can each contain a house and one of the detached structures?

The property is currently zoned RA1, which requires each parcel to be at least 40,000 sq ft. The two properties combined equal 1.08 acres, or 47,044 sq ft. Under the current zoning designation, the option to rectify the illegal subdivision done in 2006 is to combine the two parcels together so there is one 1.08 acre parcel.

The applicant could apply for a simple boundary adjustment in conformance with DCMC Section 17-9-060(A) if they are able to comply with all land use regulations, including lot size standards.

Current DCMC Section 17-9-060: BOUNDARY ADJUSTMENTS:

A. Simple Boundary Adjustment: The owners of adjoining property may apply for a simple boundary adjustment.

- 1. An application for a simple boundary adjustment shall:*

- a. Include a conveyance document that complies with Utah Code Annotated Section 57-1-45.5; and*

- b. Describe all lots or parcels affected by the proposed boundary adjustment.*

- 2. The Zoning Administrator shall consent to the proposed simple boundary adjustment if the simple boundary adjustment:*

- a. Meets the requirements of subsection A1; and*

- b. Does not: affect a public right-of-way, municipal utility easement, or other public property; affect an existing easement, onsite wastewater system, or an*

internal lot restriction; or result in a lot or parcel out of conformity with land use regulations.

3. *If the Zoning Administrator determines that a proposed simple boundary adjustment does not meet the requirements of subsection A2, a full boundary adjustment is required.*

Current DCMC Section 9-3-040: DEFINITIONS:

BUILDING, ACCESSORY: *A detached subordinate building located on a lot with a main building, the use of which is incidental to the use of the main building.*

LOT AREA: *The total land area of a lot or parcel measured on a horizontal plane, reduced by the area of any of the following:*

- A. *Public or private street rights-of-way dedicated or recorded after December 1, 1981;*
- B. *Railroad rights-of-way; and*
- C. *Slopes greater than forty percent (40%).*

Utah State code further has the following process for simple boundary adjustments.

Utah State Code Section 10-20-906. Simple boundary adjustment -- Full boundary adjustment -- Process -- Review by land use authority.

- 1) A person may propose a simple boundary adjustment to a land use authority as described in this section.
- (2) A proposal for a simple boundary adjustment shall:
 - (a) include a conveyance document that complies with Section 57-1-45.5; and
 - (b) describe all lots or parcels affected by the proposed boundary adjustment.
- (3) A land use authority shall consent to a proposed simple boundary adjustment if the land use authority verifies that the proposed simple boundary adjustment:
 - (a) meets the requirements of Subsection (2); and
 - (b) does not:
 - (i) affect a public right-of-way, municipal utility easement, or other public property;
 - (ii) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
 - (iii) result in a lot or parcel out of conformity with land use regulations.

- (4) If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Subsection (3), a full boundary adjustment is required.

There are a couple options available to you if you wish to pursue this matter further. 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 shall be made within 10 days of the decision which is appealed. Applications for all options 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,

A handwritten signature in black ink, appearing to read 'Jennifer Jastremsky', written over a horizontal line.

Jennifer Jastremsky, AICP
Community Development Director / Zoning Administrator
Community Development Department