



## DRAPER CITY HALL

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

November 19, 2025

*Draper City Planning Division  
Administrative Interpretation*

**RE: 12640 South Relation St.**

This letter evaluates whether the property located at 12640 South Relation St., parcel number 28-33-126-027 is a corner lot and what setbacks are required for home construction on the property, including configuration of the garage and front entry. The property is zoned RA2 (Residential Agricultural, 20,000 sq ft lot minimum) and is 0.25 acres (10,890 sq ft) in size. The application number is 2025-0244-ZVL. There is a single-family home on the property that was built in 1944.

The first question that needs to be addressed is the legal status of the parcel. It is currently about half the size of the lot size requirements for the RA2 zone. While the parcel existed at the time of City incorporation, its property line configurations were different. There appears to be several deeds between the subject property and properties to the north and west altering property line locations over the years. This includes a January 24, 1980 Board of Adjustment approval to move 15-feet of the property to the parcel to the north. The application files for the Baker Cove (Larkin) Subdivision, to the west of the subject property, addressed the various property line changes over the years and found that they could be remedied by the proposed plat. For these reasons the Zoning Administrator believes that the subject property is a legal nonconforming parcel.

Draper City Municipal Code (DCMC) Section 9-6-060 covers the continuation of nonconforming lots or parcels.

***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.*

*B. New Single-Family Dwelling: A new single-family dwelling may be constructed on a legally established lot or parcel which is nonconforming as to area and/or width, provided:*

- 1. The lot or parcel was legally nonconforming when the area or width requirements were changed;*
- 2. The use is for the sole purpose of a single-family residence;*
- 3. There is only one primary building on the lot or parcel; and*
- 4. The dwelling shall conform to all other requirements as to frontage, yard setbacks, building heights, street improvements, fire protection, and building codes.*

According to the December 28, 2000 Zoning Administrator approval of Bakers Cove (Larkin) Subdivision, there was a 50-foot private right of way running along the north side of the subject property from Relation St. to the west. The property to the north of the subject site used this right of way for access, but the subject property obtained legal access from Relation St. In 2000 the DCMC limited private roadways to 4 lots or less. The Baker Cove (Larkin) Subdivision created three lots that access the private roadway in addition to the existing access for the property to the north. The subdivision approval required the subject property and Lot 1 of the Baker Cove (Larkin) Subdivision to continue obtaining access to Relation St. and restricted the access to the private right of way. The 50-foot wide right of way was also reduced to 34-feet in width, renamed June Circle, and the excess 16-feet was deeded to the subject property bringing it from 0.18 acres in size to the current 0.25 acres in size, removing an encroachment of the existing home into the 50-foot wide right of way. The Baker Cove (Larkin) Subdivision construction drawings show the existing home on the subject property as having a 13.5-foot setback from the private right of way asphalt and a 11.6-foot setback from the private right of way easement. Given the approvals, the subject property's setback from the private right of way is considered legal nonconforming. The Baker Cove (Larkin) Subdivision Approval Report and Baker Cove Subdivision Plat has been attached to this letter for reference.

DCMC Section 9-10-090 Table 9-10-3 requires a 30-foot setback for front yards and 12-foot setbacks for side yards. The rear setback standards are dependent on if a property is a corner lot or an interior lot, and are either 12-feet or 20-feet, respectively.

<i>Table 9-10-3 Development Standard</i>	<i>Zones</i>
	<i>RA2</i>
<i>Setback standards - front yard:</i>	
<i>Main buildings on interior and corner lots</i>	<i>30'</i>
<i>Setback standards - rear yard:</i>	
<i>Main buildings on interior lots</i>	<i>20'</i>
<i>Main buildings on corner lots</i>	<i>12'</i>
<i>Setback standards - side yard:</i>	
<i>Main buildings on interior lots</i>	<i>12'</i>

The DCMC Section 9-3-040 classifies corner lots as abutting two intersecting streets and having two front yards and two rear yards. It further calls for setbacks to be measured from the building and the property line on public streets, and when on a private street, or encompassing an access easement for another lot, the distance between the building and the private right of way line or easement. The term street includes both public and private rights of way. The subject property is adjacent to two streets, which intersect at an angle not exceeding 135 degrees. It is the Zoning Administrators determination that the subject property is a corner lot under the DCMC as the DCMC does not distinguish between private and public streets in the definitions.

***9-3-040: DEFINITIONS:***

*LOT, CORNER: A lot or parcel abutting two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°). Corner lots shall have two (2) front yards and two (2) rear yards.*

*SETBACK: The distance on a lot between a building and a property line or, where adjacent to a public street, a designated right-of-way line as shown on the master traffic and transportation plan. For a lot on a private right of way or encompassing an access easement for another lot or parcel, the setback shall be the distance on a lot between a building and the private right of way line or access easement boundary closest to the building.*

*STREET: A public or private right of way, including avenues, highways, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways, that provides access to adjoining property. The street definitions set forth in section 17-1-040 of this code shall apply to this title.*

As for the orientation of a potential future home, or addition to the existing home, any new construction on the property must conform to the setback standards for corner lots. The applicant has asked for clarification if the code would allow a garage to face Relation St., with a front door facing the private right of way and a walkway leading from Relation St. to the front door. The DCMC, when reviewing setbacks and lot configuration, looks exclusively at the property configuration and its relationship to the street. The front door of the house can face any direction and the setbacks will remain the same.

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](mailto: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

Inclusions:  
Baker Cove (Larkin) Subdivision Approval Report  
Baker Cove Subdivision Plat

# City of Draper

12441 South 900 East, Draper, UT 84020, (801) 576-6539

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## Staff Report

June 16, 2000 (Revised 8/24/00)

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To: Paul Glauser, Zoning Administrator

From: Brian W. Maxfield, Planning Division Manager  
Community Development Department

Re: Larkin Minor Subdivision - Phase A & B Final Plat Approval

Application No.: 00-23  
Applicant(s): Pete Larkin  
Project Location: 12740 S. 1565 E.  
Acreage: 1.92  
Zoning: RR-22  
Request: The applicant is requesting minor subdivision approval which includes preliminary and final plat approval for two, two-lot single family subdivisions.

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### **BACKGROUND**

The applicant has submitted a minor subdivision application including a preliminary plat. The plat includes the reconfiguration of two lots, and the subdivision of those two lots into four total lots. Technically, the plat represents two minor subdivisions, each consisting of two lots. Rather than require several separate documents to deal with lot line adjustments and two separate subdivision plats, staff asked the applicant to include all changes on the same plat.

### **ANALYSIS**

As per Chapter 17-8 of the Draper Municipal Code, the Zoning Administrator may approve a development which qualifies as a Minor Subdivision. Though the Zoning Administrator may require this plat to be reviewed by the Planning Commission and the City Council, staff believes the intent of the Ordinance in allowing Minor Subdivisions is to be facilitative where the conditions of the minor subdivision can be met. The following items were considered in the review and should be considered in the approval:

*Lot Requirements* - The property is currently zoned RR-22. In an RR-22 zone, the minimum lot size allowed is 20,000 square-feet and the required minimum width at the front setback line is 90 feet. All of the lots meet or exceed the minimum lot size requirements of the RR-22 zone. It should be noted that the listed lot area for each of the four lots seems to also include the area of the private right-of-way. Except for "Lot 1," sufficient area would remain with the lots to meet the minimum area requirements if the right-of-way were excluded, and, in the case of "Lot 1," the western lot line could be adjusted to meet the area requirements without the right-of-way. However, in any case, the Land Use and Development Regulations seem to only require the exclusion of a *public* right-of-way from the required lot area.

Except for "Lot 1," all of the lots meet the width requirements for the zone as outlined in the minor subdivision ordinance and in Section 9-4-080. As the width and basic configuration of "Lot 1" was created prior to the adoption of the Draper Land Use and Development Regulations, it is deemed to be an existing, non-conforming lot in terms of width. The Land Use and Development Regulations addresses non-conforming uses, buildings, and structures, however, that ordinance does not directly address non-conforming lots. The common interpretation and treatment regarding non-conforming lot widths, especially those on which a dwelling is already constructed, is that they can be maintained or expanded, but where otherwise restricted, they do not have to come into total conformance for development, as long as any newly created lot meets all standards. In this case, the existing property lines and developed lots to either side do not allow the practical expansion of the width of "Lot 1" to bring it into conformance.

*Lot Access* - Besides the standard RR-22 zoning requirements, the subdivision must also meet the requirements of Section 9-3-060 regarding access and development on private right-of-ways. A portion of the private right-of-way runs from Relation Street through a property which is not a part of the subdivision, however, the applicant has provided information suggesting that he has the right to use the entire length of the right-of-way.

Besides other criteria, development on a private right-of-way requires that the right-of-way have a minimum width depending on the number of lots accessed, and that no more than four dwellings be accessed from the right-of-way. The right-of-way has a current width of 50 feet which exceeds the 30 foot minimum width required for access to four lots. However, because there are currently two lots outside the subdivision that are accessed by the private right of way (the Ika lot and the Baker lot to the south of the right-of-way), the private lane could potentially be accessed by six lots. Staff believes this issue can be addressed and rectified.

Three of the four lots (Lots 2-4) would be accessed from the east by a private right-of-way connecting to Relations Street. The right-of-way runs through the Ika property which is not part of the proposed subdivision, but which would be the fourth property accessed on the private right-of-way. By a technical interpretation, "Lot 1" of the proposed subdivision does not have actual frontage along the private right-of-way because the property length is less than the required 50 foot minimum, however, it could obviously still be accessed from the private right-of-way. Access could be restricted or eliminated through a condition of approval to not allow the primary access from the lot to the private lane, and possibly a requirement to fence the private lane frontage. Another alternative could be to require the redrawing of the lot line between "Lot 1" and "Lot 2" so that "Lot 1" does not adjoin the private lane.

In addition to limiting access from "Lot 1," access to the Baker property on the south of the right-of-way could be eliminated by restricting access from the private right-of-way. According to the applicant, the Baker lot has no legal use of the right-of-way. The Baker property fronts on Relations Street and has apparently used the right-of-way as a convenient rather than a necessary or legal access. Without legal access, the Baker property does not technically have access from the private lane. Although, without the placement of physical barriers, the property could still be accessed from the private lane, it would not seem to be a need of the city to monitor or enforce trespass if none is claimed by the property owner.

Improvements to the private right-of-way will be required as per the Draper City Development Standards and Technical Specifications, and as required by the Draper City Engineer.

*Landscape Plan* - Since the development will occur on a private lane, no public land or public parkstrips exist. Therefore, the applicant is not required to submit a landscape plan.

**Other Review Comments**

*City Engineer* - Please see attached comments.

*Salt Lake County Fire Department* - The Fire Department approved the plans as drawn. Please see attached comments.

*Neighborhood Association* - The subject properties are located within the Pioneer Neighborhood Association, however, minor subdivisions are not required to be routed to neighborhood associations.

*Parks and trails* - This subdivision is not affected by the Parks and Trails Master Plan.

**RECOMMENDATION**

Staff believes that the proposed subdivision meets the requirements of the Draper Land Use and Development Regulations for a Minor Subdivision and that approval should be considered by the Zoning Administrator. Although it would be desirable to include all adjoining properties into the subdivision to complete improvements to a larger area, the applicant cannot be required to obtain control over adjoining properties when the standards and requirements of the ordinance can otherwise be met. Staff also believes that requiring the applicant to go through an individual and separate process for each property or to require the typical subdivision process including concept, preliminary and final plat approval by the Planning Commission and City Council, is unnecessary and would not meet the intent of the allowance for Minor Subdivisions. Therefore, it is recommended that the "Larkin/Settlers Cove" subdivision located at approximately 12740 S. 1565 E., application number 00-23, be approved with the following conditions.

1. Meet all requirements of the City's Engineering Department.
2. Meet all requirements of the Salt Lake County Fire Department.
3. Meet all requirements of the Draper City Building Department.
4. Restrict the primary access of Lot 1 from the private lane through noting the restriction on the plat.
5. Obtain approval from Salt Lake County for a street name for the private lane.
6. That all other City Ordinances be met.

  
\_\_\_\_\_  
Zoning Administrator

28 Dec 00  
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Date



