



December 15, 2021

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

RE: Pugh Interpretation

This letter interprets Draper City Municipal Code (DCMC) as it pertains to the yard area and setback designations, accessory structure and detached accessory dwelling unit (D-ADU) setbacks, and fencing allowances on an odd shaped lot. The applicant's property is located at 12939 South Boulter St. The property contains split zoning and is located within the RA1 (Residential Agricultural, 40,000 square foot lot minimum) and RA2 (Residential Agricultural, 20,000 square foot lot minimum) zones. The property has the Tax ID number of 28-33-176-085.

The subject property is not located within a subdivision. While the parcel is addressed off of Boulter St, it is actually located off of an old unimproved private lane which predates the City incorporation in 1978. The lane does not have a name and all five parcels located on the lane are addressed off of Boulter St. A house was built on the property in 1953 and demolished in September 2021. The current owners would like to build a new house, along with a swimming pool, pool house, and a D-ADU on the property. The concept site plan is attached.

The applicant's architect reached out to Draper City Planning Staff in October 2021 seeking guidance as to what would be classified as the front, side, and rear property lines in order to determine setbacks for the property for a new house, swimming pool, pool house, and D-ADU. The Zoning Administrator provided an informal determination on October 29, 2021, and the applicant was informed that an Administrative Interpretation can be applied for to review the matter further.

The application for interpretation includes an analysis of the definitions of the rear lot line. The DCMC definitions for front, rear, and side lot lines are listed below.

DCMC Section 9-3-040: DEFINITIONS:

LOT LINE, FRONT: A lot line separating a lot or parcel from an existing street right-of-way or, where a new street or street widening is proposed, the proposed street right-of-way line as shown on the master traffic and transportation plan. For an interior lot, the lot line adjoining the street; for a corner lot, the lot lines adjoining both streets; for a double frontage lot, a lot line adjoining one of the streets as elected by the City; for a lot accessed from a private right-of-way or access easement, the easement or right-of-way line.

LOT LINE, REAR: The lot line generally opposite and most distant from the front lot line. In the case of a triangular, gore, or irregular shaped lot with five (5) or more sides at angles



less than a 90-degrees per side, the rear line is a "constructive" line ten feet (10') in length within the lot or parcel, generally parallel to the front lot line which intercepts the side lot lines at points most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a front lot line or rear lot line. A side lot line separating one lot or parcel from another is an interior side lot line.

The applicant's analysis of the term "Lot Line, Rear" concentrates on the specific wording of "generally opposite and most distant from the front lot line". There is no disagreement on where the front property line is. The front property line is the southernmost property line adjacent to the private lane. The Zoning Administrators original interpretation in October was that the rear property line was the northernmost property line as that was opposite the front property line. The applicant's analysis states that the Merriam-Webster definition of "opposite" reads as follows:

"Set over against something that is at the other end or side of an intervening line or space."

The analysis further states that the term "generally" in front of "opposite" allows for interpretation as to where the "opposite" line may be from the front lot line. When taking into account the Merriam-Webster definition of "opposite" and the fact that the property has a unique shape where it moves both north/south and east/west within different legs of the property, the intervening space is through the entire property, not just the north/south leg. The applicant further states that the definition of "Lot Line, Rear" requires the line to be "most distant" from the front lot line. The most distant property line from the front lot line is the east property line. That is also the opposite property line if one takes into account the Merriam-Webster definition of "opposite". The Zoning Administrator does not find any fault with this analysis.

It is the Zoning Administrators interpretation that the eastern property line is considered the rear lot line as it is generally opposite and most distant from the southern front property line. This would make all other property lines side lot lines. Under this interpretation, the D-ADU, swimming pool, and pool house all have to be located within the rear yard area. This means they shall be located in the eastern leg of the parcel, to the east of the proposed home. Per DCMC Sections 9-31-040(B), 9-27-18(B), and 9-10-040(A)(2) D-ADUs, swimming pools, and accessory structures have to be located in the rear yard area.

9-31-040(B):

3. A D-ADU shall be located within the rear yard area of the lot or parcel and is prohibited within the front yard area.

9-27-180(B):

Pools which are accessory to a dwelling unit shall not be located within the front yard setback.

9-10-040(A)(2):



(1) Be located behind the front wall plane of the main building;

As for fencing, any fencing within a required front yard area is limited to 4-feet in height, unless a Conditional Use Permit is obtained for greater height. The required front yard is 30-feet back from the private lane easement.

9-27-080(A):

1. When located within the required front yard a fence, wall, or other visual obstruction, not including trees shall not exceed four feet (4') in height unless a greater height is allowed by a conditional use permit or as otherwise permitted in this title.

There are a couple other 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 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@draper.ut.us or at 801-576-6328.

Respectfully,


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Cc File

ESTABLISH

