



DRAPER CITY HALL

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

May 11, 2026

*Draper City Planning Division
Administrative Interpretation*

RE: 1159 E 13400 S Hyde Addition, 2026-0088-ZVL

This letter evaluates the setback standards for a building addition on the property located at 1159 E 13400 South, parcel number 28-32-476-022. The property owner is seeking to build an attached garage onto the existing house and is proposing to match the existing building setback. The property is zoned RA2 (Residential Agricultural). This zone requires a minimum of 20,000 sq ft per lot. The property is 0.5-acres in size or 21,780 sq ft. It contains a single-family house, a shed structure and a barn in the rear yard. The house was built in 1984 and the property does not contain an attached or detached garage.

Draper City Municipal Code (DCMC) Section 9-10-090 Table 9-10-3 requires a 30-foot setback for front yards, as measured from the property line with 13400 South and the building.

<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>

9-3-040: DEFINITIONS:

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.

FRONT WALL PLANE: That face, side or elevation of a structure most closely oriented

toward the street, excluding porches, window bays and similar appendages.

The existing home has a roughly 12-foot setback from the front property line. The 13400 South Street is an approximately 67-foot-wide unimproved public roadway. There are not any curb, gutter, or sidewalk in this section of 13400 South, and the asphalt section ranges from 26-feet wide to 35-feet wide. Approximate 30-feet of land lays between the edge of asphalt and the front property line of the subject parcel, with the house sitting 42-feet back from the edge of asphalt. The street is a classified road, and is designated as a Residential Minor Collector Road. Per the City's Master Transportation Plan, Residential Minor Collector roads are planned to be 66-feet wide and include 5-foot of sidewalk, 7-foot parkstrip, 2.5-foot curb and gutter, 7.5-foot shoulder, and an 11-foot travel line on either side of the street center line. The plan calls for eventual improvements to the roadway.

In reviewing permit history on this property, along with aerial and Google Street view imagery, it was determined that the home used to have an attached garage. The 2007 Google Street view shows an attached garage on the home, with subsequent images showing the garage enclosed and an addition made in front of the garage in and around 2010. Staff was unable to locate a building permit for the enclosure of the garage and addition.

A 2012 building permit application, BR-2012-00431-DRA, was for a detached garage. Given the age of the permit, there are no drawings or plans on file, but there are notes. A June 14, 2012 note indicates that the then Zoning Administrator determined that the proposed garage would increase the degree of nonconformity and had to comply with setback standards. The applicant at that time picked up their permit application on July 16, 2012 for revisions pending their decision on how to address the determination. The permit was later voided out when no updated submittal was made.

Draper City Municipal Code (DCMC) Section 9-6-050 allows existing legal nonconforming homes to remain, but requires any expansion to comply with standards. It further allows the Zoning Administrator to determine if a proposed expansion would be an increase in the degree of nonconformity, and prohibits an addition if it increases the degree of nonconformity.

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 nonconformity 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.*
- 2. A structure that is legal and nonconforming as to height, area, or yard regulations may be added to or enlarged upon authorization by the zoning administrator; provided that the addition or enlargement does not increase the degree of nonconformity and the zoning administrator, finds the expansion is compatible with the character of the surrounding neighborhood, will not significantly adversely affect traffic, adjacent or nearby property values, or public facilities and services, and complies with all other applicable standards of this title.*

The existing home is nonconforming due to building setback, with approximately 60-feet of its front wall plane located within the required 30-foot front setback area. The proposed garage would increase the front wall plane of the house by roughly 41-feet, resulting in a structure that has 81-feet of front wall plane located within the required front setback. This would increase the amount of structure that is located within the front setback area. It is the Zoning Administrators decision that any addition to the home has to comply with the 30-foot front setback in order to not increase the degree of nonconformity.

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,



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