



## DRAPER CITY HALL

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

March 24, 2026

*Draper City Planning Division  
Administrative Interpretation*

**RE: 919 East 13800 South Lot Status, 2026-0056-ZVL**

This letter evaluates whether the property located at 919 East 13800 South, parcel number 34-05-177-010, is a corner parcel or an interior parcel for the purpose of locating setbacks for a proposed residential structure. The property does not currently contain any dwelling units. The property is zoned RA1 (Residential Agricultural). This zone requires a minimum of 40,000 sq ft per lot. The property is 0.9-acres in size or 39,046 sq ft. It also contains a driveway along the western property line which serves a parcel to the north. An Administrative Interpretation done on October 7, 2025 evaluated whether the parcel was a legal parcel. That interpretation found that it was legal nonconforming as it predates the City incorporation in 1978 and does not conform to the minimum 40,000 sq ft lots size in the RA1 zone.

Draper City Municipal Code (DCMC) Section 9-6-060 requires new homes on legal nonconforming parcels to comply with setbacks standards.

***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.*

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>RA1</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 warranty deed records reviewed in the October 7, 2025 interpretation showed the property includes a 25-foot wide right-of-way for ingress and egress along the western property line. This easement serves as driveway access to the property located directly north of the subject parcel. It is a land locked parcel with its sole access to 13800 South via this easement. The improved driveway is 10-feet wide.

Corner lots by definition includes those that abut two intersecting or intercepting streets. Streets themselves are defined to include public or private rights-of-way including easements or other ways. The existing access easement was listed as a right-of way in the original deed documents, and more specifically in an updated easement agreement from 2025 as a right-of-way and access easement.

***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.*

*LOT, INTERIOR: A lot or parcel other than a corner lot.*

*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.*

The Subdivision code in DCMC 17-1-040 provides additional definitions for types of streets, including private and public streets. A private street includes a right-of-way which provides access to serve property. It does not distinguish between who has access to the private right-of-way.

***17-1-040: DEFINITIONS:***

*STREET, PRIVATE: A right-of-way which has been reserved by dedication unto the subdivider, lot owners, or homeowners' association to be used as a private access to serve property and complying with the adopted street cross section standards of the City. All private streets shall be approved by the City and maintained by the subdivider or other private entity.*

*STREET, PUBLIC: A right-of-way which has been dedicated to the City and accepted by the City Council, or which the City has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.*

The key question is if the existing 25-foot wide right-of-way easement is considered a street. It has historically served one piece of property and does not conform to street design standards. Under the definitions in DCMC Sections 9-3-040 and 17-1-040 for *Street*, and *Street, Private* the access easement is considered a street as it is an access way and provides private access to serve property. It is the Zoning Administrator's position that the property at 919 East 13800 South is a corner lot.

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