



July 9, 2021

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

***RE: Robinson Pool Interpretation***

This letter interprets Draper City Municipal Code (DCMC) as it pertains to the front yard area restrictions for swimming pools. The applicant's property is located at 1132 East Cabot Lane. The property is located within the RA2 (Residential Agricultural, 20,000 square foot lot minimum) zone. The property has the Tax ID number of 28-32-255-001.

The subject property is Lot 304 of the Somerville in Draper No. 3 Subdivision. Lot 304 is a corner lot. The front door of the house faces north, with a side loaded garage and pedestrian door facing west. It was built in 1996. The home is addressed off the north street.

The applicant applied for a building permit on November 16, 2020 in order to construct a swimming pool on their residential property. The pool was to be located on the east side of the home. The Planning Division conducted a review of the permit application on December 3, 2020 and found that the proposed swimming pool was to be located partially within the front yard area of the property.

DCMC Section 9-27-180 prohibits swimming pools within the front yard setback. For the purposes of locating a swimming pool, the DCMC states that corner lots only have one front, which is defined as parallel with the side of the structure containing the primary entrance.

**DCMC Section 9-27-180: SWIMMING POOLS:**

Swimming pools of permanent construction not enclosed within a building shall be set back at least five feet (5') from all property lines and shall be completely surrounded by a fence or wall having a lockable self-closing gate and a height of at least six feet (6') which conforms to international building code requirements. This required fence or wall may encompass any amount of the lot or parcel, except that a swimming pool on the same lot and which is accessory to a dwelling unit shall not be located within the front yard setback. For purposes of locating swimming pools on corner lots, a corner lot shall have one "front", which is defined as parallel with the side of the structure containing the primary entrance. A swimming pool shall not be located within a public utility easement or clear view area (section [9-27-080](#) of this chapter) located along the side or rear property lines without prior written permission of all affected utility companies or in accordance with section [9-27-070](#) of this chapter.

The front yard is defined in DCMC Section 9-3-040 as the area between the front building line and the front lot line. Per the definitions found within DCMC Section 9-3-040, corner lots



contain two front yards and two rear yards. The intent is that a home has the same front yard setback from both streets. Per DCMC Section 9-10-090 corner lots are required to have a minimum front setback of 30-feet. The City does not have a copy of the site plan approved with the building permit due to the age of the home. Based on aerial photos it appears the home complies with the 30-foot setback from both streets.

**DCMC Section 9-3-040: DEFINITIONS:**

**BUILDING LINE, FRONT:** A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the entire width of the lot or parcel.

**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 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.

**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.

**YARD, FRONT:** A space extending across the full width of a lot or parcel between the front building line and the front lot line. The depth of the front yard is the minimum distance required by this title between the front lot line and the front building line.

The interpretation application asserts that the term “primary entrance” as it is used in DCMC Section 9-27-180 is ambiguous. The applicant asserts that while the designed front door of the house faces north, the house has a second entrance facing the west street. The family utilizes the west entrance and does not utilize the north entrance. Therefore the primary entrance to the home is to the west, as it is the one utilized by the property owners. The DCMC does not contain a definition for “primary entrance”. There is a reference to this term in DCMC Section 9-10-040(A)(1)(e), accessory building development standards, which provides provisions for accessory detached structures to be built within the front yard area on a corner lot and provides a description of what constitutes a “primary entrance” as the entry point to the main building designed to receive the public and is usually located on the street bearing the main building's formal postal address. DCMC Section 9-10-040(A)(1)(e) does not include provisions for swimming pools, however; and does not apply in this instance.



It is the Zoning Administrators interpretation that the “primary entrance” standard for swimming pools is ambiguous and could be interpreted to be either property line based on how a home is utilized by the property owner. Regulations for swimming pools on corner lots are contingent on the direction a home faces. If a corner lot can contain two possible front yard areas, a common sense interpretation of the code would find that the area not containing the “primary entrance” is not considered a front yard in relationship to swimming pools. Where the code does not offer a definition of the term “primary entrance”, the Zoning Administrator should look to how the property is utilized. Based on the info provided by the applicant, the subject properties “primary entrance” and front yard is on the west side of the lot and the swimming pool may be located to the east of the home.

There are a couple other options available to you if you believe this interpretation has been made in error. You may also 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 9-6-140 and shall be made within 14 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](mailto:jennifer.jastremsky@draper.ut.us) or at 801-576-6328.

Respectfully,

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Cc File