



DRAPER CITY HALL

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

July 31, 2026

*Draper City Planning Division
Administrative Interpretation*

RE: *Nechatel Deck, 2026-0147-ZVL*

This letter evaluates the status of a deck and whether said deck can be enlarged for a townhouse located at 303 E Nechatel Dr., parcel number 34-07-332-007. The property is zoned RM1 (Multi-family Residential). This zone allows multi-family homes up to 8 dwelling units per acre. The property is Lot 25 of the Traverse Chateau Phase A Amended Subdivision.

The Traverse Chateau Phase A Amended Subdivision was approved by the Draper City Council on May 10, 2005. A building permit for Lot 25 was issued in 2006 under Building Permit Number BP-2006-0125. Lot 25 is 36-feet wide by 76-feet deep. The subdivision plat does not label any specific setbacks on the lots, but contains Note 10 outlining general setback requirements.

**10. THE DRAPER CITY APPROVED MINIMUM MAIN
BUILDING SETBACK LINES FOR THIS SUBDIVISION HAVE
BEEN SHOWN HEREON. WHERE NOT SPECIFICALLY
LABELED, ALL MAIN BUILDING SETBACKS MUST CONFORM
TO DRAPER CITY ZONE R3 SETBACK STANDARDS:
LOTS
FRONT HOUSE =15 FEET TBC (MIN.) IF ADJACENT TO A
SIDEWALK
FRONT HOUSE =10 FEET TBC (MIN.) IF NO ADJACENT
SIDEWALK
REAR=9.5 FEET (MIN.)
SIDES=5 FEET (MIN.) FOR OUTSIDE BUILDING PERIMETER**

When Traverse Chateaux Phase A Amended was developed, each of the townhome units was built with a deck on the back of the unit. These decks ranged from 14-feet to 16-feet wide and up to 12-feet deep, depending on the unit type and lot depth. These decks were shown on building elevations and site plans in the development application and were built within the rear setback area identified on the subdivision plat. Staff reviewed all digital and paper files from the subdivision and site plan applications, as well as building permit records and did not locate any documents that directly discussed the decks and their setback standards. Since the decks were shown on the application drawings, the existing decks were considered part of the original approval and approved and built at that time.

Draper City Municipal Code (DCMC) Section 9-27-140(F) requires decks that are over 3-feet in height, or covered or enclosed on two or more sides, to comply with setbacks for the home. In the case of Traverse Chateaux Phase A Amended that is a 9.5-foot rear yard setback and a 5-foot side yard setback.

DCMC 9-27-140: LOTS AND YARDS:

F. Setback; Decks And Patios: Any part of a deck or patio covered with a roof or enclosed on two (2) or more sides, or which exceeds three feet (3') in height at any point above finished, shall conform to applicable yard setback requirements.

Staff reviewed the code that was in place at the time of the subdivision approval in 2005. It was the same as the current code.

2001 DCMC 9-27-140 Lots and Yards

(f) Setback - Decks and Patios. Any part of a deck or patio covered with a roof or enclosed on two (2) or more sides, or which exceeds three (3) feet in height at any point above finished shall conform to applicable yard setback requirements.

The International Residential Code (IRC) classifies the existing structure as a balcony, as it does not provide any egress from the dwelling unit. Under the IRC, balconies are considered an architectural feature of the home.

Given the application file review and code standards in place in 2005, Staff is unsure of how the existing decks were approved as they appear to be in violation of the code. While the mechanism for their approval is unknown, it is clear that the City did allow them. As the decks were shown in the application submittal and approved and permitted for construction, the Zoning Administrator can find that they are legal nonconforming. The deck for Lot 25 is specifically legal nonconforming for its encroachment into the rear setback.

DCMC Section 9-6-050 allows for the continuation and maintenance and repair of nonconforming structures, but does not allow for the increase to the degree of nonconformity. It requires any expansion to comply with standards of the code.

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.

If the deck is expanded to the west an additional 10-feet, as is being proposed, it would place the deck in the required 5-foot side yard setback area and increase the degree of nonconformity.

Setbacks are defined in DCMC Section 9-3-040 and is the distance between the building and property line.

DCMC 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.

Under DCMC Section 9-27-140(F), any deck extension over 3-feet in height has to comply with the required side yard setback standards of 5-feet. The existing deck may remain, and the property owner may do maintenance and repairs to the existing deck. Any addition has to comply with the setback standards of the side yard. An expansion within the rear yard would not increase the degree of nonconformity as long as the expansion does not place the deck closer to the property line than it already is.

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,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Jennifer Jastremsky.

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