



APPEALS AND VARIANCE HEARING OFFICER AGENDA

Tuesday, September 23, 2025, 11:00 AM
1020 E Pioneer Rd.
Draper, Utah 84020
Council Chambers

1. Approval of Previous Meeting Minutes

1.a March 25, 2025 Minutes

2. Items for Consideration

2.a Public Meeting: Rohr Family ADU Variance Request

On the request of Bob Rohr for a Variance at 763 West 11560 South to modify the minimum rear setback standard for an Accessory Dwelling Unit in the RA1 zone. Application 2025-0183-VAR. Staff contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastremsky@draperutah.gov.

3. Adjournment

I, the City Recorder of Draper City, certify that copies of this agenda for the **Draper Appeals and Variance Hearing Officer** meeting to be held **September 23, 2025**, were posted at Draper City Hall, Draper City website www.draperutah.gov, and the Utah Public Notice website at www.utah.gov/pmn.



A handwritten signature of Nicole Smedley.

Nicole Smedley, CMC, City Recorder
Draper City, State of Utah

In compliance with the Americans with Disabilities Act, any individuals needing special accommodations or services during this meeting shall notify Nicole Smedley, City Recorder at (801) 576-6502 or nicole.smedley@draperutah.gov, at least 24 hours prior to the meeting.

MEMO



To: Appeals and Variance Hearing Officer
From:
Date: 2025-09-23
Re: March 25, 2025 Minutes

Comments:

ATTACHMENTS:

[AVH Draft Minutes 032525 for approval.pdf](#)

MINUTES OF THE DRAPER CITY APPEALS AND VARIANCE HEARING HELD ON THURDAY, MARCH 25, 2025 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Tim Pack of Clyde, Sessions & Snow, J. Michael Burrows

STAFF PRESENT: Jennifer Jastremsky, Spencer DuShane, Todd Draper, and Nicole Smedley

Tim Pack, Appeals and Variance Hearing Officer, called the meeting to order at 9:01 a.m.

1. Action Item: Approve Appeals and Variance Hearing Officer Meeting Minutes for January 5, 2023 (Administrative Action)

Mr. Pack stated he reviewed the minutes and they are correct.

Mr. Pack APPROVED the minutes from January 5, 2023.

2. Public Meeting: Burrows Nonconforming Expansion Request

On the request of J. Michael Burrows for the expansion of a nonconforming detached garage on property located at 1191 East 13200 South in the RA2 zone. Application 2025-0460-ZVL. Staff contact is Jennifer Jastremsky, 801-576-6328, jennifer.jastresky@draperutah.gov.

Mr. Pack introduced the next item and asked the applicant to speak.

Mr. J. Michael Burrows read a statement regarding his two-car attached garage and needed additional space for party supplies. He reviewed photos of the structure explaining the layout and plans for similar stucco on the structure.

Mr. Burrows stated he was looking at a non-conforming structure that the city had previously approved.

Mr. Pack inquired about the requirements about the value of the nearby properties.

Mr. Burrows stated it adds to the value of the neighborhood.

Mr. Pack asked if there were similar structures like this and is there an additional living area.

Mr. Burrows said it was a gathering room for family get togethers. He said he also provides breakfast for firefighters on Christmas morning for approx. 30-40 firefighters. He stated he was injured and the city has given him latitude due to his injury.

Once a year firefighters come to the property and family comes every couple of months. Mr. burrows reviewed the amount of parking he had on the property.

Mr. Pack asked about the neighbors and stated there was a complaint from the neighbor.

Mr. Burrows stated his complaint was that it was too close to his property line however, he has sold that portion of the property to his brother and he hasn't had any complaints from him. Mr. Burrows stated he had a positive letter from another neighbor and submitted it to Mr. Pack.

Mr. Burrows asked for his variance.

Spencer DuShane, Assistant City Attorney, stated in 2020 Mr. Burrows asked for a variance for a jut out part of the building that wasn't originally in the 2015 building permit. This portion increased the degree of non-conformity. Draper City Municipal Code (DCMC) Section 9-6-050(C)(2) doesn't apply to this portion. Mr. DuShane stated there isn't a portion of the code for this type of non-conformity. He states the hearing officer may establish rules but those need to be approved by the City Council first. Or they could rewrite the code to allow the hearing officer jurisdiction but that would also require City Council ordinance amendment approval. Mr. DuShane said that he didn't think the applicant has met his burden. Mr. DuShane stated he thinks the adjacent property values would be detrimentally affected.

Mr. Pack inquired about the gaps in the code. Mr. DuShane stated he thinks Mr. Pack lacks jurisdiction as it is a set-back issue. Mr. Pack stated that DCMC Section 9-4-050 gives him the authority to do three things.

Discussion ensued regarding City code.

Mr. Burrows stated back in 2005 as it sits right now, it would have been fine under the code. And as he understands it, the only issue is that the setback was 2-ft. He referenced an applicant about this time last year, a similar structure at 3 ½-feet. And wants to add 26-ft and have it flush to the property line and it was granted and why this code wasn't brought up back then.

Mr. Pack stated this time they caught the hole or the gap in the code. And he doesn't have jurisdiction and he would be violating the code and he doesn't want to do it.

Mr. Pack said he would have the decision in a week.

Mr. Pack adjourned the meeting.

The meeting was adjourned at 9:49 a.m.