



Planning & Development Services Dept.

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ADMINISTRATIVE ORDER

#000115-092410

CODE INTERPRETATION

CODE SECTION: Table 20.50.020(1)

I. **ISSUE:** How to apply the provision for 15 foot total sum of two side setbacks in the R-4 and R-6 zones when a residence or accessory structure overlaps with another detached structure on the parcel that is closer than the minimum sum would allow for.

II. **FINDINGS:**

Shoreline Municipal Code (SMC) Table 20.50.020(1) sets the dimensional standards for residential zones. In the R-4 and R-6 zones the Minimum Side Yard Setback must be a minimum of 5 feet and a total sum of the two sides not less than 15 feet.

SMC 20.50.080(B) details how to apply the total sum of two sides provision to irregular lots when there are more than two sections of side property lines. However, no code language explains how to apply this provision when there are multiple structures on a single lot.

SMC 20.20.016 defines “detached” as “buildings with exterior walls separated by a distance of 5 feet. To be consistent with this definition, projections between buildings must be separated by a minimum of 3 feet.”

III. **DISCUSSION:**

Shoreline staff has applied the total sum of two sides provision separately to the residence and accessory structure when the two structures do not overlap from one side of the property to the other. For example, consider a residence is 5 feet from the south side and 15 feet from the north side and a detached garage over 3 feet from the rear wall of the residence which is five feet from the north side and over 10 feet from the south side. If an applicant wanted to add onto the house so that the west side setback is now 10 feet, this would be allowable. The total of the two sides for the

residence would be $5 + 10 = 15$, while the garage would still be $>10 + 5 = 15$. See attached illustration. Projects have been approved so long as at no point do the structures overlap in the same plane from one side of the parcel to the other.

No clear guidance exists in the regulations or in interpretations of the development code regarding application of the total of two sides provision when two structures which meet the definition of detached overlap from one side of the parcel to the other. However if the setbacks for two such structures were evaluated independently of each other then the structures were later approved for changes that would attach the two buildings, a non-conformance would be created. See attached illustration.


IV. CONCLUSIONS:

Consistent application of the standard that the sum of the two side yard setbacks total no less than 15 feet would mean that the setbacks for an individual structure be evaluated independently from any other detached structure on the parcel whether or not they overlap from one side of the parcel to the other.

However, approval of building permits cannot create a non-conformance so evaluation of any proposal that would render the structures so they no longer meet the definition of detached would require evaluation of the setbacks as if it were one structure.

V. DECISION:

The SMC Table 20.50.020(1) requirement in R-4 and R-6 zones that the minimum side yard setbacks be a minimum of 5 feet and 15 feet total sum of two sides may be applied separately to detached structures on a parcel. Any changes or proposals that would render the structures so they no longer meet the definition of detached require evaluation of the setbacks as if they were one structure.



Director's Signature

9/24/10

Date

Juniper Nammi

Prepared by

09/24/10

Date

AO # 000115-092410 Residential sum of two sides setback requirement – Illustrations

Illustration A: No overlap

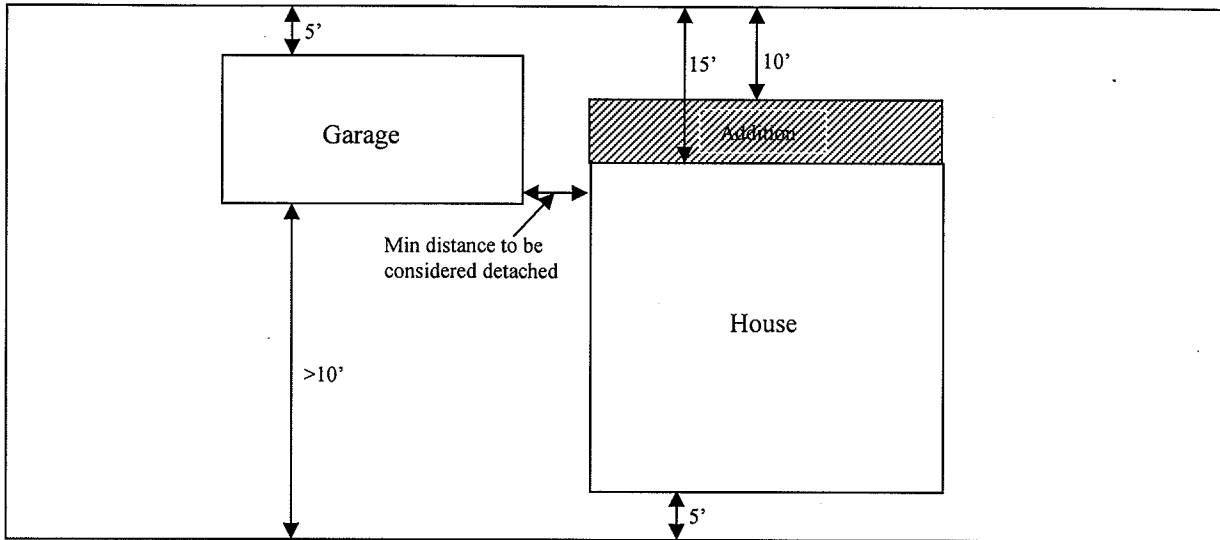


Illustration B: Overlapping structures

