



## ADMINISTRATIVE ORDER #000012 091800

### INTERPRETATION OF DEVELOPMENT CODE

#### **CODE SECTION: Chapter VIII, 1. Critical Areas Overlay District – Administration, H. Partial Exemptions, H-1(b)**

**Request for Clarification of Critical Area Regulations:** Replacement and expansion of a single detached residence that is nonconforming with respect to setback from steep slope.

Specific Case: North Seattle Residence

Sukiya Guesthouse

Demolition of an existing guesthouse with a footprint of 1164 square feet and construction of a new guesthouse with a footprint of 1796 square feet within a steep slope hazard area. No portion is located closer to the shoring wall than the existing structure.

#### **Director's Response:**

#### **FINDINGS**

Under the Shoreline Development Code, the following are exempt from the provisions of the Critical Areas standards except for the Notice to Title provisions and the Flood Hazard Area provisions, if applicable:

*b. Structural modification of, addition to, or replacement of single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described buffer of building setback area by more than 750 square feet over that existing before November 27, 1990, and no portion of the modification is located closer to the critical area or, if the existing residence is within the critical area, extend farther into the critical area; and*

There is no definition of *single detached residence* provided in the Shoreline Development Code. Absent a more specific code definition, the stated use as a “guesthouse” and the related building permit application plans for the accessory dwelling unit appear to meet the standard dictionary definition of a *single detached residence* as included in Partial Exemption H-1(b).

Partial Exemption H-1(b) includes “structural modification of, addition to, or **replacement** of single detached residences”, emphasis added. The applicant proposes to replace the existing structure and therefore would qualify for this exemption.

Under, Chapter III (Procedures and Administration), 6. Nonconforming Uses, Lots, and Structures, (C), it states:

*Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance....*

***Discontinuation of nonconforming use:*** *A nonconforming use, when abandoned or discontinued, shall not be resumed, when land or building used for the nonconforming use ceased to be used for twelve (12) consecutive months...*

Based on review of the above code provisions, I have determined that if work is not begun on the replacement guesthouse for a period of twelve months (12) months following demolition, the nonconformance will be considered to be discontinued and the provisions contained in Chapter VIII, 1. Critical Areas Overlay District – Administration, H. Partial Exemptions, H-1(b) shall no longer apply.

The applicant proposes to replace the existing detached guesthouse with a new guesthouse in the approximate location. The new guesthouse is proposed to be approximately 632 square feet larger than the existing structure. The new structure will be approximately 5 feet further away from the existing shoring wall than the existing structure. The new structure is within the limits of modification outlined in Partial Exemption H-1(b), that is the footprint will not be expanded by more than 750 square feet and no part of the existing structure will be located closer to or extend farther into the critical area (steep slope).

### **INTERPRETATION**

Based on the information provided by the applicant, including the building plans, site plans, Letter from Kevin Gent dated September 5, 2000 and related documentation pertaining to Project #2000-1478 (Building Permit) and #2000-1481 (Request for Code Interpretation), I have determined that the existing guesthouse may be replaced by the proposed new guesthouse as specifically described and located in these documents, provided the applicant begins construction within one year of demolition and maintains an active building permit until final inspection.

original signature on file by Tim Stewart under file # AO-004

signed 9/18/2000

**Director's Signature**

**Date**