



ADMINISTRATIVE ORDER #301050

INTERPRETATION OF DEVELOPMENT CODE

CODE SECTIONS: 20.50.020, 20.50.070, 20.30.280 (C-6) & 20.50.090.

Request for Clarification of allowed modifications and additions to non-conforming structure.

An existing house does not meet current side yard setback standards. The existing carport, attached to the house, does not meet front yard setback requirements. The questions are:

1. Can a second floor be added to the home?
2. Can this carport be converted into a garage under the “Modifications to Nonconforming Structures” section of the code (20.30.280 C-6)?
3. Could a second floor be added on to the nonconforming carport under 20.50.090, “Additions to single-family house?”
4. Can the detached shed be re-built in place?

Director’s Response:

1. Yes, under Code Section 20.50.090 (A): *“Additions to existing single-family house may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming façade must be at least 60 percent of the total length of the respective façade of the existing house (prior to the addition)”.....the additions may extend up to the height limit...”* The house meets this criteria, as it’s nonconforming walls comprise 100% of the length of the façade. A second story may be added to the house.
2. No. Section 20.30.280 C-6 states that *“Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity.”* Enclosure of the carport and conversion of the open carport to a closed garage would increase the degree of the existing nonconformity, in that walls not

previously existing would be constructed. Such a modification would have to meet the minimum front setback of 20 feet.

3. No. The existing carport is not at least 60 percent of the existing front façade of the house, per Section 20.50.090, therefore it may not be added on to under this code section. Any addition would have to meet the front setback of 20 feet.
4. Yes. Because the shed is detached from the house, it's minimum side yard setback is five feet. The site plan shows it being set back approximately 7 feet from the property line, so it meets the minimum setback and may be re-built in place. Also, under Section 20.50.100, "*...one uninhabited structure less than 10 feet high and 120 square feet in footprint area, such as a storage shed or greenhouse, may be located within the required rear or side yard setback.*"

Note: Exceptions 20.50.020(2), *zero lot line developments*, and 20.50.070, *exceptions to front yard setbacks*, do not apply to this development. By definition, a zero lot line structure must have one or more sides resting directly on a lot line. Section 20.50.070 allows reductions to front yard setbacks if: 1) "*...the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed.*" or, 2) "*...provided there is no...driveway on the street and vehicle access is from another street or an alley.*" This development does not meet these criteria.

original signed by Tim Stewart

Director's Signature

Date 9/10/01