



## **ADMINISTRATIVE ORDER #301133**

### **INTERPRETATION OF DEVELOPMENT CODE**

#### **CODE SECTIONS: 20.30.280.C.5 & 20.50.090**

Request for Clarification of Section 20.50.090: *“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)...When the addition is to the front façade of the existing house, the existing façade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line...”*

The applicant would like to extend a non-conforming front yard setback that is currently zero feet. The new addition would be 10 feet from the front property line, and 5 feet from the south side property line. An addition in the rear would also be 5 feet from the south side property line. The applicant would also like to reconstruct the existing non-conforming structure per code Section 20.30.280.C.

#### **FINDINGS:**

The existing site contains a house with a one-car garage that is non-conforming to front setback. In fact, it is over the property line and into the right-of-way. Many of the other houses on this block have similar non-conformances.

The side setbacks are also non-conforming as they do not meet the 15-foot side yard setback total. The north side setback is 5 feet for the majority of the façade; the south side has a non-conforming 5-foot setback that is less than 60% of the existing south façade.

20.30.280.C.5 allows reconstruction of non-conforming structures provided that the work is commenced within a year of the “damage or destruction.” This ostensibly pertains to disaster such as fire or earthquake, however, the Director has made a previous interpretation that it could pertain to damage occurring from age or weathering, and that the reconstruction could occur as long as it took place within a year of the discovery of the damage, and as long as the structure has

not been abandoned for more than a year.<sup>1</sup> The extent of the previously existing non-conformance cannot be increased.

**DECISION:**

The existing structure could be re-built in it's original footprint (except for the portion in the right-of-way) however, the height cannot be increased in those areas with non-conforming setbacks. The front non-conforming setback could be extended at 10 feet from the front property line, but could come no closer than 10 feet from the south side property line to conform to the current side setback rules. A zoning variance must be applied for to extend into the side setbacks as proposed, and to increase the height and extent of the non-conforming front yard setback.

*original signed by Anna Kolousek 01/24/03*

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Director's Signature

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Date

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<sup>1</sup> see "Rebuilds of Non-Conforming uses & Structures" Code Interpretations Section 20.30.280, dated 10/10/2000