

Administrative Determinations 2007-02

Front Yard Setbacks

BLMC 18.14.060(C), 18.16.050(C), & 18.18.050(D)

Background.

In the execution of building permits, certain zoning elements must be determined to approve or deny the building permit. One element is setbacks. The zoning code provides requirements for front, rear and two side yard setbacks. All property lines adjacent to a street are designated front property lines from which a front yard setback is required. Some lots have no front yard; others have two or three front yards. The orientation of the house is irrelevant for determining setbacks.

Plats that were planned and approved in the county used particular sections of county code that allowed the second front yard on corner lots to be reduced from 25 feet to 15 feet, if approved by the hearing examiner. These plats sometimes carry "corner lot" provisions in their notes.

Short plats contain nine or fewer lots and provide access to all the lots through one access way. Front yards may be required for new plats in such a way that existing buildings on parent lots no longer conform to zoning. When streets are created into lots along property lines, the adjoining parcels become subject to front yard setbacks in what was formally a rear yard and can conceivably create a non-conforming situation.

The following BLMC definitions are relevant to these determinations. Only the zoning code for residential zones is examined here. Please note that different definitions exist for subdivisions, short plats and public works codes.

18.04.190 "S".

- "Setback" means a horizontal separation between a structure and a lot line.
- "Setback, front" means the setback between a structure and any street right-of-way line. In lots adjoining two or more streets, including corner lots, the minimum front setback shall apply to all such street frontages.
- "Setback, rear" means the setback between a structure and the lot line opposite the street right-of-way line. Four-sided lots adjoining more than one street shall have no rear setback. In triangular lots with one street frontage, the rear setback shall be measured from the shorter of the lot lines not adjoining the street.
- "Setback, side" means the setback between a structure and any lot line to which neither the front nor rear setback applies. Four-sided corner lots abutting streets on two sides shall have two side setbacks and no rear setback. Ord. 1230
- "Street" is any right-of-way designed and dedicated for general public use to provide a principal means of travel for vehicles or pedestrians, and includes public and private easements and land over which the public has acquired by use prescriptive rights-of-way.

18.04.250 "Y".

- "Yard" means an open area, required by setbacks of this title. (Ord. 740 § 2, 1997).

~~Problem #1~~

~~In short plats, what constitutes a "street" from which a front setback is required?~~

~~Analysis for Problem #1~~

~~Per the "setback, front" definition, the setback is measured from any street right of way line, public or private. But the "street" definition is confusing regarding private easements. Clearly a drive serving one house is not a street. But how many houses must be served before it is a street?~~

Rescinded
by the
Director per
recension
memo
dated May
18, 2021

~~At least one former Bonney Lake current planner measured setbacks from the property line, meaning there was no setback from private streets existing in an easement. But that is not supported by either the spirit or the letter of the law. Another unwritten interpretation has been that any accessway serving two or more lots is a street, and setbacks would be measured from the street's easement or tract line. But requiring setbacks from accessways serving two or three lots would make infill development unnecessarily difficult in many cases.~~

~~The City's street standards become more formal once the accessway serves four or more lots, so this seems the best out-off.~~

~~**Determination for Problem #1**~~

~~For the purpose of requiring setbacks along private streets, a "street" shall be an accessway serving four or more lots and setbacks are measured from the right of way.~~

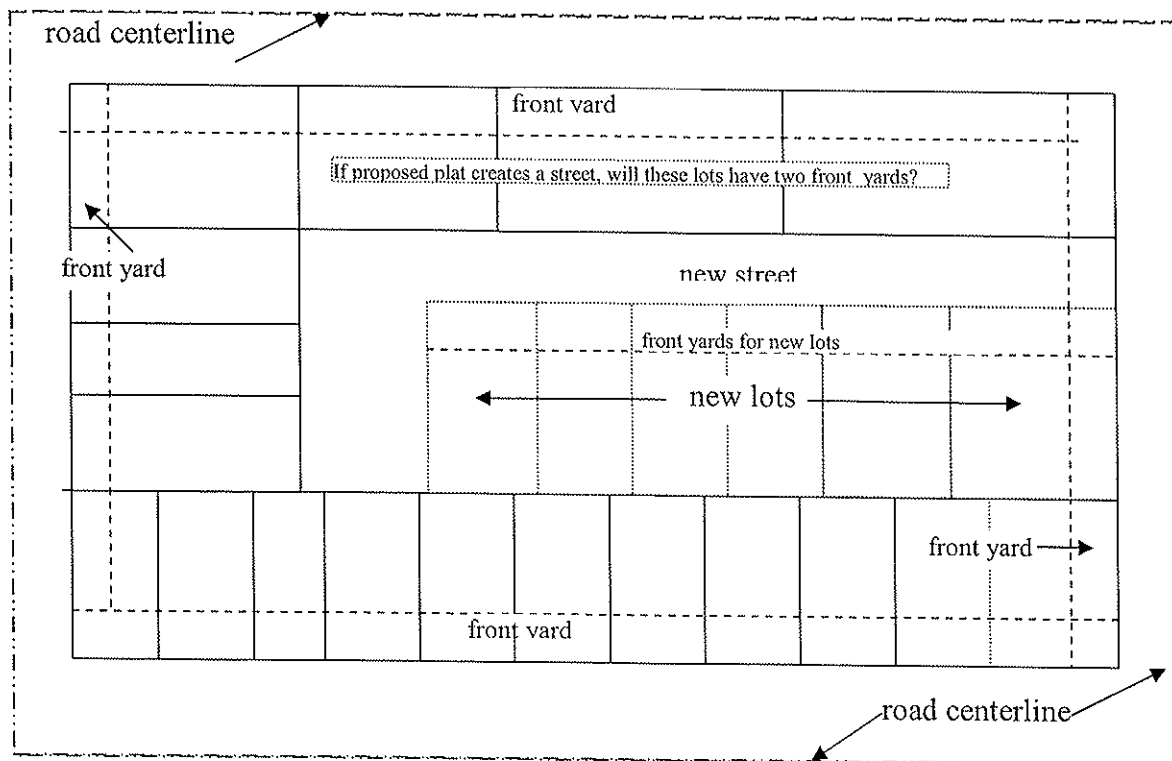
Rescinded by the Director per recension memo dated May 18, 2021

Problem #2

Can a plat or short plat be approved if its street right of way is closer to existing structures than code allows? That is, can new setback non-conformities be created?

Analysis for Problem #2

In the following diagram, a short plat is proposed in the interior of a city block. The short plat includes a new street (public or private doesn't matter). Does the new street create an additional front yard setback requirement for the adjoining parcels to the north? That is, do these rear yards become additional front yards?



Determination for Problem #2

No, the City cannot create nonconforming situations.

~~Problem #3~~

~~For corner lots in plats, what setback is required for the "second" front setback if the plat is silent?~~

~~Analysis for Problem #3~~

~~The following table shows two plats' setback requirements. Whether they obtained preliminary plat approval in the County or City is irrelevant.~~

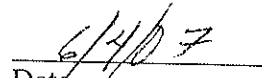
Plat	Minimum setback requirements	
Woodland Meadows	Front	25 feet
	Side	5 feet except 15 feet from adjacent street right-of-way on corner lots
Sky Island Div. 5	Front	20
	Side on corners	15

~~In these instances (there may be others), the decision-maker for preliminary plats (the Hearing Examiner until recently) reduced the "second" front setback on corners to 15 feet. In other instances he did not. The City's assumption is that if it allowed, the applicant would have placed the approval on the face of the plat for future use. Without such evidence, the city must assume the approval was not given.~~

~~Determination for Problem #3~~

~~For plats that say nothing about one of the two street frontages in a corner lot getting a reduced front setback, none shall be given.~~


Marvin Vialle, Interim Director


Date

Superseded by
Administrative
Determination 2021-01

Note: these determinations are based on current BLMC definitions. Future changes to the Code could make these determinations obsolete.

