

ADMINISTRATIVE DETERMINATION ~~2007-01~~ 2007-03

Rear yard setback encroachments

Background: A short plat in the R-1 zone was approved and recorded showing a 20-foot rear setback to an existing home on one of the lots. No special setback reductions were noted on the plat. A portion of the house is a second-floor uncovered deck. A request was made at the counter to perform a boundary line adjustment that would reduce the rear setback to 10 feet. Upon confirming that the deck exists to more than 18 inches from the grade, the applicant left and has since made verbal requests for clarification.

Code:

18.04.190 "Setback" means a horizontal separation between a structure and a lot line.

18.04.190 "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.

18.04.190 "Structure" is any building, sign, fence, wall, or similar item erected on and attached to a lot. (Ord. 1137 § 2, 2005; Ord. 1099 § 6, 2005; Ord. 988 § 2, 2003; Ord. 746 § 19, 1997; Ord. 740 § 2, 1997).

18.14.060 Setback and bulk regulations.

The following bulk regulations shall apply to the uses permitted in this district, subject to the provisions for yard projections included in BLMC 18.22.080:

...

E. Minimum rear setback shall be as follows. See also subsection H of this section.

1. Residence: 20 feet; other than residences on Lake Tapps, which shall have a rear setback of 30 feet.
2. A separate garage or accessory building: within 10 feet.
3. A boathouse, if approved, may be constructed with no rear yard setback.

... (Ord. 1099 §§ 12, 17, 2005; Ord. 740 § 4, 1997).

18.22.080 Yard projections.

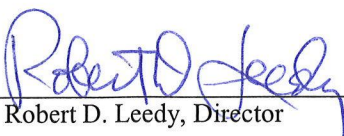
Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:

- A. Overhangs for roofs are permitted up to a maximum of 30 inches.
- B. Open, unenclosed, unroofed decks may extend into setbacks; provided, that said decks are constructed at grade elevations, or in no event shall exceed 18 inches above grade, and not closer than five feet from a property line.
- C. Fences and walls as specified in this chapter may project into front, rear and side yards. (Ord. 740 § 8, 1997).

Question: Can a second-story deck intrude into a rear setback? And if so, to what distance?

Determination:

An unenclosed, unroofed ^{2nd story} deck can intrude 30 inches into a rear yard, which is the same distance as for roof overhangs.


Robert D. Leedy, Director

3-12-07
Date