



King County
Department of Development and Environmental Services
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REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: May 22, 2003

TO: Building Services Division Staff
Jason King
Jim Chan
Pam Dhanapal
Ken Dinsmore
Chris Ricketts
Stephanie Warden, Director
Harry Reinert, Special Projects Manager
Tim Barnes, Prosecuting Attorney's Office

Land Use Services Division Staff
Joe Miles
Greg Borba
Lisa Pringle

FM: Harry Reinert, Co-Chair

Present: Lisa Pringle, Jim Chan, Ken Dinsmore, Steve Bottheim, Tim Barnes, and Harry Reinert

1. Are covered porches and covered breezeways considered part of the footprint of the residence as referred to in 21A.24.060A.2? Is there any limit on the size or length of a breezeway that could be considered part of the footprint of the residence?

Background

In the case that prompted this question (B02M1866), the permit applicant constructed a garage about 30 feet from an existing home. The garage is currently being reviewed under an ABC permit application. Both structures are a few feet from the top of a steep slope and also within the buffer and building setback of a Class 1 stream. The house dates from the 1980s. The garage is about two years old. The house is closer to the top of the slope by just a few feet.

Discussion

K.C.C. 21A.24.060 allows limited expansions of "single family detached residences" from many requirements of the sensitive areas code. The relevant provisions are:

21A.24.060 Partial exemptions. A. The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder,

except for the notice on title provisions, K.C.C. 21A.24.170 - 21A.24.180, and the flood hazard area provisions, K.C.C. 21A.24.230 - 21A.24.270:

1. Structural modification of, addition to or replacement of structures, except 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 structure lying within the above-described building setback area, sensitive area or buffer;
2. 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 or building setback area by more than 1000 square feet over that existing before November 27, 1990 and no portion of the modification, addition or replacement is located closer to the sensitive area or, if the existing residence is in the sensitive area, extends farther into the sensitive area; ...

Code Interpretation L03CI003 discussed this exemption in the context of a proposal to expand a carport. In that case, the conclusion was that the carport, which was replaced by a garage, did not meet the definition of a single family detached residence and was therefore not eligible for this particular exemption. In the present case, the garage is connected to the residence by a breezeway.

The Zoning Code does not define a single detached residence, nor does it define the footprint of a single detached residence. Typically, DDES has considered the footprint to be measured around the outside of the foundation or footing wall or its equivalent, allowing for 18-inch roof and other overhangs. In the case of covered porches and breezeways, where there may or may not be a foundation wall, DDES has considered these to be part of the footprint because of the roof structures. The roof structures require a building permit, and unlike uncovered decks or pavement, they are not specifically allowed within sensitive area building setbacks.

In the past, DDES has allowed detached garages to be “attached” to existing residences that are within sensitive area buffers and setbacks via the addition of a covered breezeway or walkway, and so thereby qualify for the 1000-square-foot partial exemption. Usually, the buildings in question are not widely separated and the breezeway is on the order of ten or so feet long. Staff has expressed concern that by connecting structures using long breezeways, the disturbed buffer area is increased beyond the intention of the exemption.

The committee concluded that K.C.C. chapter 21A.24 as written does not limit the length of breezeway that may be used to “attach” a garage or other accessory structure to the residence and thereby qualify the accessory structure for the 1000 square foot partial exemption.

Conclusion

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A garage that is “attached” by a breezeway to a residence may be expanded under the provisions of K.C.C. 21A.24.060, even though there is a considerable distance between the two structures. The Committee recommends that K.C.C. 21A.24.060 be amended to include additional limitations that will require compact development that will have smaller environmental impact than will a long linear structure such as the one proposed in this case.