DSG Policy Memorandum

DEVELOPMENT SERVICES GROUP
9611 SE 36 St., Mercer Island, WA 98040
(206) 236-5300 Fax: (206) 236-3599

TO: DSG Staff
FROM: Richard Hart, Development Services Director
DATE: June 12, 2000
RE: Removal of existing non-conforming accessory structures

This memo is intended to document the Development Services Group’s current policy related to the removal of existing non-conforming accessory structures on property involved with a subdivision (both formal and short), lot line revision (including a lot consolidation), or when the primary single family residential (SFR) structure is demolished or remodeled by 50% or more of the assessed value of the primary structure in Residential zones.

NONCONFORMING ACCESSORY STRUCTURES

Formal Subdivisions, Short Subdivisions and Lot Line Revisions

Any nonconforming accessory structure(s) and use(s) on property involved in a formal or short subdivision or Lot Line Revision (including lot consolidations) shall be removed or brought into conformance as a condition of approval. The City Code Official may grant an exception if the primary or accessory structure is non-conforming only by means of a setback associated to a property line not affected by the subdivision or lot line revision. (Requests for exceptions shall be made in writing as part of the request for subdivision or lot line revision approval.)

Demolition of the primary SFR structure

If the primary SFR structure is demolished or removed, all existing non-conforming accessory structure(s) or use(s) shall also be removed or brought into conformance with no option for granting an exception.

Alterations of the primary SFR structure

If the primary structure is remodeled/enlarged/altered by 50% or more of the assessed value of the primary structure, then all existing non-conforming accessory structure(s) or use(s) shall also be removed or brought into conformance.
EXCEPTIONS FOR NONCONFORMING ACCESSORY STRUCTURES LOCATED WATERWARD OF THE OHWM

Nonconforming uses and the associated structure(s) located waterward of the Ordinary High Water Mark (OHWM), such as residential uses over water, or more than one pier or dock per lot will not be permitted to continue if the primary SFR structure is removed or altered by 50% or more of the assessed value of the structure, or if the property is part of a subdivision or lot line revision (including lot consolidations).

Demolition and alterations of the primary SFR structure:

When a SFR structure is demolished or altered by 50% or more of the assessed value of the structure, an exception may be granted for non-conforming accessory structures located waterward from the OHWM, based on the following criteria: (1) these structures are permitted uses, and (2) these structures are nonconforming by means of width, length, height, area or setback(s) no greater than 50% of the requirements specified in the Mercer Island Shoreline Management Master program.

An exception may be granted by the Code Official for nonconforming covered moorage, with enclosed sides, if the covered moorage facility meets the height and area requirements or is nonconforming by no greater than 50% of the requirements specified for the maximum height and area of covered moorage.

Formal or Short Subdivisions

On waterfront property that is part of a subdivision, any non-conforming accessory structures or uses, located waterward of the OHWM, shall be brought into conformance as a condition of approval. The code official may grant an exception if the non-conformance is due only to a setback associated with a property line not affected(moved) by the subdivision.

Covered moorage on property involved in a subdivision that is non-conforming because it exceeds the allowed maximum area or height requirements or has enclosed sides shall be removed or brought into conformance as a condition of approval, with no option for an exception.

Lot Consolidation

On waterfront property that is part of a lot consolidation, any non-conforming accessory structures or uses, located waterward of the OHWM, shall be brought into conformance as a condition of approval. The code official may grant an exception if the non-conformance is due to a setback associated with a property line not affected(moved) by the lot consolidation.

Covered moorage associated with property involved in a lot consolidation that is non-conforming because it exceeds the allowed maximum area or height requirements or has enclosed sides shall be removed or brought into conformance as a condition of approval, with no option for an exception.

Lot Line Revision

On property subject to a lot line revision (not including lot consolidations), any non-conforming accessory structures or uses, located waterward of the OHWM, shall be brought into conformance as a condition of approval. A non-conforming pier or dock may continue in its existing configuration, if the lot line revision does not increase the non-conformance in relation to any setback and the non-conformity is not greater than 50% of the required width or length of the dock or pier.

Covered moorage on property involved in a lot line revision that is non-conforming because it exceeds the allowed maximum area or height requirements or has enclosed sides shall be removed or brought into conformance as a condition of approval, with no option for an exception.

Please Note: Any request for an exception shall be made in writing by the applicant at the time they apply for a building permit, demolition permit, and subdivision or lot line revision. Nothing in this policy memo should be construed to allow for the creation or enlargement of a non-conforming accessory structure.