TO: DSG Staff
FROM: Richard Hart, Development Services Director
DATE: September 19, 2006
RE: Building Setbacks for Irregularly Shaped Lots

The Code Official under Section 19.15.010(C)(5)(a) of the Mercer Island City Code (MICC) makes this administrative policy determination and interpretation of the MICC of Mercer Island.

The purpose of this administrative interpretation is to clarify how building setbacks are determined for irregularly shaped lots.

MICC 19.02.020(C)(1) specifies four minimum building setbacks on single family zoned properties. MICC 19.02.020(C)(2) outlines how to apparently apply these setbacks to lots with four sides where a setback can be easily assigned to each side (“regular shaped lots”) without addressing lots with less than or more than four sides (“irregular shaped lots”). By default, “irregular shaped lot” has come to mean a 3, 5 or more sided lot.

MICC 19.02.020(C)(2)(a) states, in part, for front setbacks, “If this definition does not establish a front yard setback, the code official shall establish the front yard based upon orientation of the lot to surrounding lots and the means of access to the lot”. This same discretion is not so stated for side and rear yard setback determinations.

Confusion exists among applicants, citizens and staff as to how to determine building setbacks for irregularly shaped lots. This administrative policy clarifies that the code official, by reasonable extension of MICC 19.02.020(C)(2)(a), shall establish setbacks for irregularly shaped lots based upon orientation of the lots to surrounding lots, existing development on the lots, and unusual, or unreasonable, constraints caused by literal application of only the four building setbacks of MICC 10.02.020(C)(1).