TO: DSG Staff  
FROM: Steve Lancaster, Development Services Director  
DATE: July 31, 2008  
RE: Roof Eave Overhangs and Gutters Over Existing Impervious Surfaces  
CC: City Attorney  
     Nadim and Marcie Spahi  
     Martin Koenigs  

MICC SECTION(S) INTERPRETED  
19.01.050(F)(1)  

ISSUE  
For a single family residence, may a property that is currently over the allowed impervious surface limit percentage add eave overhangs and gutters over existing decks, patios, porches, walkways or driveways?  

FINDINGS  
1. The Code Official, pursuant to Mercer Island City Code (MICC) 19.15.010(C)(5)(a) is authorized to make this administrative interpretation subject to the procedures established by MICC 19.15.020(L). The Development Services Group Director or the Director’s duly authorized designee is designated as the Code Official under MICC 19.16.010.  

2. MICC 19.01.050(F)(1) states, “Impervious Surface Coverage Limitation. A structure on a site that is legally nonconforming because the maximum allowable surface coverage has been exceeded can be increased in height (up to the maximum height permitted) if it does not expand beyond the existing building footprint. Expansion is not permitted over impervious surfaces such as decks, patios, porches, walkways, and driveways.” (emphasis added)  

3. MICC 19.16.010 defines the building footprint as “That portion of the lot that is covered by building(s).”
4. MICC 19.16.010 defines a building as, “A structure having a roof, but excluding trailers, mobile homes, and all other forms of vehicles even though immobilized. Where this code requires, or where special authority granted pursuant to this code requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding “and enclosed on all sides.”

5. MICC 19.16.010 defines a structure as, “That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.”

6. MICC 19.02.020(D)(1) defines the maximum impervious surface limits for residentially zoned properties as, “The total percentage of a lot that can be covered by impervious surfaces (including buildings) is limited by the slope of the lot for all single-family zones as follows:

<table>
<thead>
<tr>
<th>Lot Slope</th>
<th>Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 15%</td>
<td>40%*</td>
</tr>
<tr>
<td>15% to less than 30%</td>
<td>35%</td>
</tr>
<tr>
<td>30% to 50%</td>
<td>30%</td>
</tr>
<tr>
<td>Greater than 50% slope</td>
<td>20%</td>
</tr>
</tbody>
</table>

CONCLUSIONS
I. MICC 19.01.050(F)(1) allows a homeowner to expand or increase the height of their structure, including but not limited to a roof as long as there is no further expansion of the building footprint.

II. Pursuant to the definition of “building footprint” as defined in MICC 19.16.010, adding eave overhangs and gutters increases the building footprint of a structure.

III. The code official finds that a proposal to add roof eave overhangs and gutters over areas of existing impervious surfaces including decks, patios, porches, walkways and driveways does not meet the requirements of MICC 19.01.050(F)(1).

INTERPRETATION
An existing flat-roofed single family residence that is currently over the required impervious surface coverage requirement may not expand the building footprint with the addition of eave overhangs until the property is brought into compliance with the impervious surface coverage percentages listed in MICC 19.02.020(D)(1), pursuant to MICC 19.01.050(F)(1).