SDCI | Director's Rule 8-2019

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City of Seattle **Department of Construction and Inspections**	**Publication:** 4/11/19	**Effective:** 5/22/19
Subject: Location of Property Lines Used to Determine Required Wall, Projection, and Opening Protection for Properties Using Easements and Other Legal Instruments to Meet Side Yard Standards in Single Family Zones.	**Code and Section Reference:** Seattle Residential Code Section [W]R302.1 and Land Use Code, Section 23.44.041	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Land Use Code	**Approved** **Date** (signature on file) 5/17/19 Nathan Torgelson, Director, SDCI	

PURPOSE

This rule clarifies the separation requirements of the Seattle Residential Code (SRC) when an easement or agreement provision of the Land Use Code is exercised between neighboring lots in a Single Family zone, allowing a single family dwelling unit or accessory structure to extend into a required side yard where it would not otherwise be allowed. *This Rule does not allow any part of any structure to extend over a lot line onto an abutting property.*

BACKGROUND—LAND USE CODE

Accessory Structure Agreements

The Land Use Code provides an exception from yard requirements for Single Family zones, allowing certain accessory structures in locations where they would not otherwise be allowed, upon recording of an agreement between the owners of the abutting properties. (See Figure 1.) This agreement allows the location of certain accessory structures in required yards within Single Family Zones. The allowance is contained in a Land Use Code exception. The Agreement is between owners of abutting properties and must be recorded in the property records at the King County Assessor's Office.

Side Yard Easements for Principal Structures

The Land Use Code provides another exception from yard requirements for Single Family zones allowing principal structures to extend into a required side yard abutting a side or rear lot line of a neighboring lot, upon recording of an easement ensuring a ten-foot separation between the principal structures on the two lots. (See Figure 2.) This easement effectively reduces the side yard requirement for the property served by the easement but doesn't diminish the fire separation distance between principal structures on two lots, nor does it change the location of the lot line. *Neither the Land Use Code nor the Seattle Residential Code intends to allow any part of any structure extend over a lot line onto an adjacent property.*

BACKGROUND—RESIDENTIAL CODE

The Seattle Residential Code defines fire separation distance as the distance between the exterior wall or foundation and an interior lot line, centerline of a street an alley or public way, or an assumed line between two buildings on a lot.

Accessory Structures

The SRC allows detached accessory structures to be built in the required yard of a principal structure without applying fire separation distance (FSD) requirements between the principal and accessory structure. Detached tool sheds, storage sheds, playhouse, or similar accessory structures, which are exempted from obtaining building permits, do not need to provide fire-rated walls, projections, openings in walls, and penetrations regardless of their location on the lot. Where a building permit is required for dwellings and accessory structures located on the same lot, fire-resistive protection on the exterior walls of the principal and accessory structures facing each other on the lot are not required. However, the exterior walls of these structures facing property or lot lines must be protected with fire resistance-rated construction. (See Figure 1.)

An accessory structure or its projections, such as eaves, are not permitted to extend over the actual lot line.

Principal Structure

The SRC allows minimum fire separation distance (FSD) to be measured between two buildings located on the same property. An imaginary lot line (an "assumed" property

line) line is created between the two buildings, and the fire separation distance is the measured to it rather than to actual lot lines. This concept is extended by interpretation to include situations where an owner of an abutting property grants the use of their yard in an easement to the owner of a receiving lot extending the receiving lot's principal structure into its own side yard. In these cases, the exterior wall rating, opening limits, and projections of the extension of the receiving lot's principal structure are required to meet the SRC fire separation requirements based on the location of the assumed line. (See Figure 2.) *In no case may the principal structure or its projections extend over the lot line.*

RULE

Definitions:

Receiving lot: A lot that receives the benefit of an accessory structure agreement or side yard easement, allowing an accessory or principal structure to extend into a yard where it would not otherwise be allowed under the Land Use Code.

Granting lot: A lot where the owner has entered into an accessory structure agreement or granted a side yard easement allowing an accessory or principal structure on a neighboring lot to extend into a yard where it would not otherwise be allowed under the Land Use Code.

Accessory structures and receiving lots: When an accessory structure is proposed in a required side yard on a receiving lot with an accessory structure agreement, the Code review of the construction and location of projections, walls, and openings of the structures on the receiving lot that face the lot line shall be based on the actual location of the property line.

Principal structures and receiving lots: When a principal structure on the receiving lot receives the benefit of a side yard easement on an abutting property to meet side yard requirements, the review of the construction and location of the projections, walls, and openings of the principal structures on both lots shall be based on an assumed property line) as described in the definition of *fire separation distance*.

1. **Impact of easements on granting lots:** In the future, after the easement between the granting and receiving lots has been recorded, the owner of the receiving or granting lot may choose to propose an accessory structure or addition to the principal structure in the side yard which is the subject of an easement. The Code review of the construction and location of walls, projections, and openings in the accessory structure or addition to the principal structure shall be based on the fire separation distance of these elements from the imaginary lot line used when the easement was created.
2. **Rule applies to single family dwellings in single family zones:** The method of determining the location of this assumed line to calculate fire separation distance

between buildings or structures applies only to single-family dwellings and accessory structures located on adjacent lots in Single Family zones.

3. **Buildings and structures shall not extend over lot lines:** No principal or accessory structure, including eaves and other projections, on a receiving or granting lot, shall extend over a lot line. The granting and receiving lot property owners who agree to a side yard easement are not allowed to put an addition onto or to extend the structure into the easement once the easement is provided, except as specifically provided in the Building and Land Use Codes for features such as porches, eaves, or chimneys. The fire separation distance between the principal structures on the receiving and granting lots must be maintained.

Figure 1: Side yard agreement: Detached accessory structures

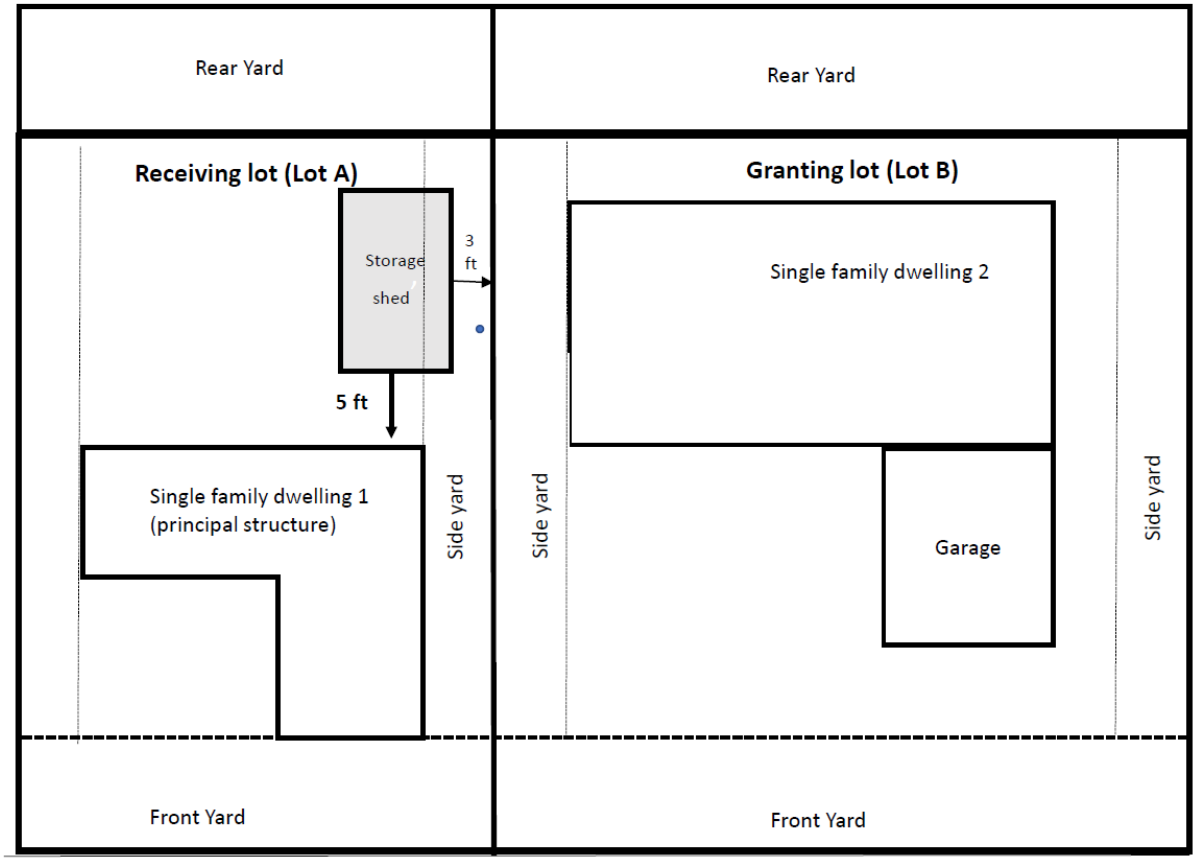


Figure 1: The owner of the receiving lot (Lot A) needs a side yard agreement with the owner of the granting lot (Lot B) to build an accessory structure (storage shed) into the required side yard of receiving lot.

The proposed storage shed is >120 sq ft in area and will need 1-hour fire-resistive protection for openings, projections, and penetrations on the wall facing single family dwelling #2.

The proposed storage shed, a detached accessory structure, shall be separated from the nearest structure on the same lot by 5 ft.

Figure 2-Easement for any portion of a principal structure extending into a side yard

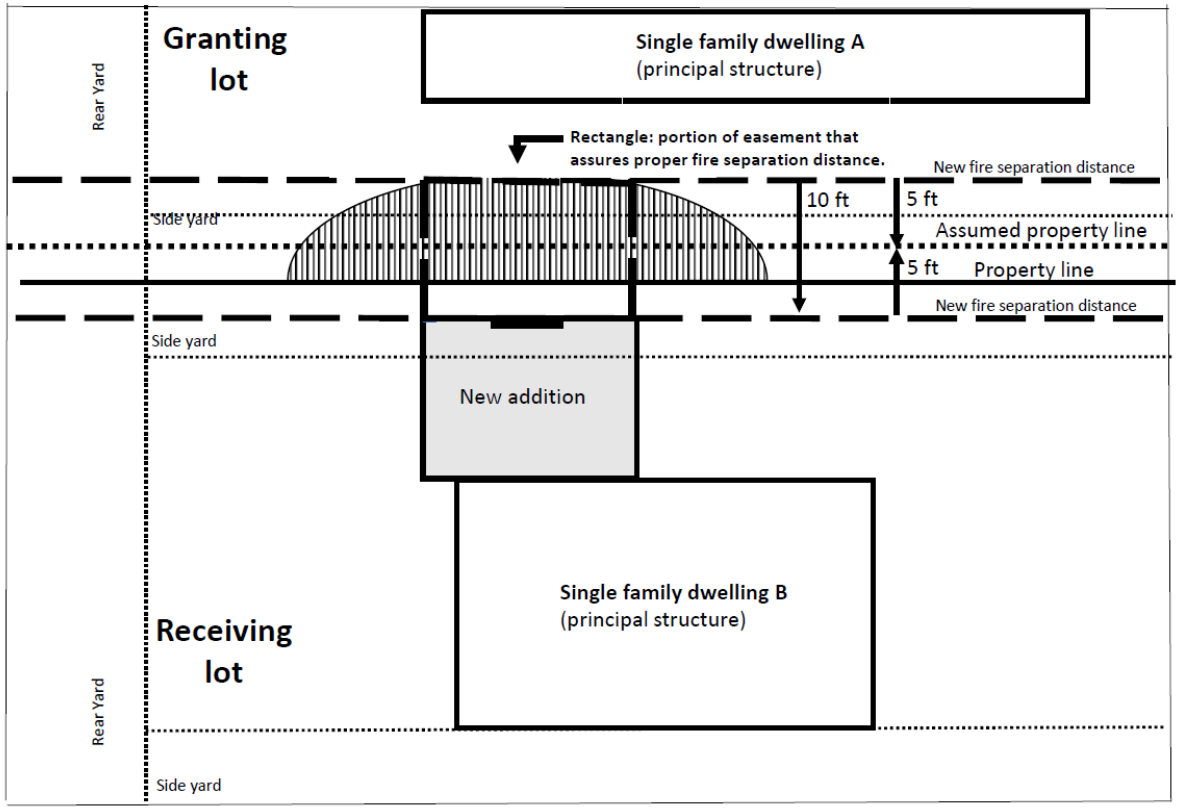
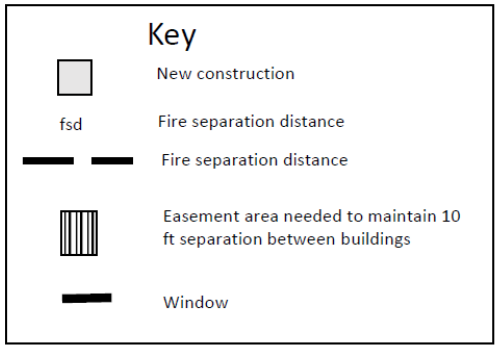


Figure 2:
An exterior wall is usually required to be constructed with a one hour fire-resistance rating where located less than 5 feet from a lot line (R302 Seattle Residential Code). Normally, openings would not be allowed in the new addition's wall in Figure 2 within 5 ft of the property line, however, the window can remain if the receiving lot's owner obtains an easement from the granting lot's owner.

The easement changes the line used to measure fire separation distance from the property line to the new assumed property line labeled in the drawing.

The easement also ensures that 10 feet between principal structures on abutting lots will be maintained (Seattle Municipal Code 23.44.014 D.3).



REASON

Agreements. Because Land Use Code provisions for side yard agreements allow an accessory structure to be constructed in a receiving lot's side yard without requiring separation between the accessory structure and any other structures on the granting lot, the fire separation requirements of the SRC for the receiving and granting lots must be based on the actual property line.

Easements. Because Land Use Code provisions for side yard easements require 10 feet of separation between principal structures for the life of those structures, adherence to the strict definition of the property line while applying Residential Code requirements does not increase the fire and life safety of either property.

Because principal structures separated by an easement more nearly approximate the conditions intended by the SRC definition of fire separation distance, this principle will be used to determine fire-resistive wall construction, projection, and opening protection requirements for principal and accessory structures in Single Family zones where a side yard easement has been used.