



**San Juan County
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POLICIES / PROCEDURES / INTERPRETATIONS

**Measuring & Verifying Set Backs and Architectural
Appendages**

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ISSUE: Concerns and disagreements have arisen on how setbacks are to be measured relative to roof eaves, overhangs, and other similar architectural appendages.

ANALYSIS: The issue primarily revolves around the definitions of “setback” and “structure.”

Section 18.20.090 of the San Juan County Code (SJCC) provides the following definitions.

“Setback” means the distance a structure is placed behind a specified line or topographic feature.

“Structure” means a permanent or temporary edifice or building or any piece of work artificially built up or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (WAC 173-27-030).

The broad definition of structure is silent on the matter of architectural appendages and the measurement of setbacks. One interpretation of “structure” is that the “edifice or building” is defined by its exterior walls and so architectural appendages are not to be considered in the measurement of setbacks. A different interpretation is that the eaves and overhangs are pieces “of work artificially built up or composed of parts joined together in some definite manner” and qualify as one facet of the “structure” and should be used to measure setbacks. While the SJCC is generally silent on this matter, the Eastsound Subarea Plan provides for the following:

Architectural appendages (i.e., roof overhangs, chimneys, bay windows, and decks not over 30 inches above grade) may extend two feet into required yards.

Past established practice has been to allow eaves, overhangs and other minor architectural appendages to penetrate two (2) feet into the required setbacks. This was partially due to the nature of submitted site plans used to verify setbacks. These plans are drawn from a top-down perspective, reflect exterior wall locations, and typically do not include roof overhangs or other minor architectural appendages. Additionally, when verifying setbacks in the field, building inspectors commonly measure to the foundation edge prior to significant construction.

Prior to the adoption of the Uniform Development Code (UDC) in 1998 there were no specified land use setbacks (except for Eastsound). Rather, setbacks were controlled by the local amendments to the building code. However, building code setbacks are “fire separation distances” and can be modified with the installation of fire rated construction and protected openings. With the adoption of the UDC, land use setbacks became established which were not modifiable or controlled by the building code.

The past building code amendments allowed cornices, eaves, overhangs, exterior balconies, and similar architectural appendages to extend, within limits, into the required setbacks. These amendments also specified

that “*Setback distance shall be measured at right angles from the property line to the closest wall.*” These past building code amendments continued in force until early 2006 with the updated adoption of the building codes.

Due to the ambiguity of the term “structure,” the lack of clarity on how to measure setbacks in the UDC, and past practice; there is the potential for inconsistent application of setback determination in the current code.

Another consideration is Footnotes 5 of Tables 6.1 and 6.2 of SJCC Section 18.60.050 (which is also repeated in Footnotes to SJCC Sections 18.30.320-Table 3.9, 18.30.440-Table 3.12, and 18.30.450(F)-Table 1) which specifically authorizes the administrator to exempt “*other items*” from setback requirements.

POLICY:

In order to insure consistency and uniformity of application, and to clarify how setbacks are to be measured, the following policy is adopted:

1. Setbacks for buildings and structures shall be measured from the exterior wall face of the building to the specified line or topographic feature (i.e. lot line, center line of road, margin line of road, top-of-bank, etc.).

Exception:

For buildings and structures without enclosing walls, setbacks shall be measured from the vertical supporting members (i.e. post, beams, columns, etc.) to the specified line or topographic feature.

2. Architectural appendages (i.e., roof overhangs, chimneys, bay windows, and decks not over 30 inches above grade) may extend two feet into required yards.

This policy does not apply to setbacks specified within SJCC Chapter 18.50 for the Shoreline Master Program; or setbacks and buffers regulated by the Critical Area Provisions of SJCC Chapter 18.50-Article III.