



# Memorandum


**Date:** May 18, 2021  
**To:** Administrative Determinations File  
**From:** Jason Sullivan – Planning and Building Supervisor  
**Re:** **Administrative Determination 2007-02 Partial Recension**

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## **PURPOSE:**

The purpose of this memorandum is to rescind the portion of Administrative Determination 2007-02 labeled Problem #1 related what is considered a street in the context of measuring a front setback.

## **APPROVAL:**

DocuSigned by:  
  
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Ryan Johnstone, P.E.  
Public Services Director

## **ATTACHMENTS:**

1. Administrative Determination 2007-02

## **BACKGROUND:**

The section of Administrative Decision 2007-02 labeled Problem #1 issued on June 4, 2007 provided that the City would not require a setback from private access easement or private streets that serve 2 or 3 lots.

## **DISCUSSION:**

As provided in BLMC 14.10.140, the purpose of a code interpretation is to interpret provisions of the adopted development regulations. In reviewing the portion of Administrative Determination 2007-02 labeled Problem #1, it does not interpret a provision of the code where ambiguity exists as to its meaning or implementation, but establishes policy assumed to be

needed to support infill development. The definition of street codified in BLMC 18.04.0190 and referenced in the interpretation specifically provides that a street includes a private easement. The definition is not ambiguous on its face; a street includes a private easement. Additionally, not requiring a front setback from a private easement or private street that serves two or three lots would mean that garages could be built right at the edge of the easement. Without a setback, vehicles could park in front of the garage and block emergency access to other lots that also utilize the private access easement or private street. Additionally, BLMC 18.14.060(C) and 18.16.050(C) specifically requires that a garage door is twenty feet from a front property line. These code sections were developed to ensure that the driveway is of sufficient length to provide parking spaces in case the property owner chose not to park the vehicle in the garage.

Therefore, the portion of Administrative Determination 2007-02 labeled Problem #1 is hereby rescinded as it did not interpret an existing code provision, could impact emergency access, and is inconsistent with the City's adopted development regulations.