

INTERPRETATION REQUEST

SETBACKS FOR "FLAG" LOTS

Code Sections:

- 20.06.1030 and 21.06.1030 (Definition of Setback, Front)
- 20.06.1040 and 21.06.1040 (Definition of Setback Line)
- 20.06.1050 and 21.06.1050 (Definition of Setback, Rear)
- 20.06.1060 and 21.06.1060 (Definition of Setback, Side)
- Chapters 20.62 and 21.62 (Height and Setback Exceptions)

Date: December 4, 2008
Requested by: Laura Lawrence
Subject: Setbacks for "flag" lots

What is the Question?

Where are the setbacks for "flag" lots?

Short Answer:

The front setback (F) distance is measured from the center line of the access or "pole" portion of the lot where it meets the "flag" shaped portion of the lot in an arc shape within the "flag" portion of the lot. The side (S) and rear (R) of a flag lot shall be defined by the shape of the "flag" portion. See the attached illustration (Attachment A).

Discussion:

Flag lots are lots set behind other lots with a long "pole" like portion that provides access to the main portion of the parcel from a public or private road right-of-way. To understand where the setbacks are located, we need to review the definitions. *Setback line* is defined as the line formed on a lot by the measurement of required front, side, or rear setback areas required by Title 20 or 21. *Front setback* is defined as a setback from the edge of a private or public road right-of-way or adopted Official Plan Line to the nearest point of a structure. *Rear setback* is defined as a setback measured between the rear property line of the lot and the nearest point of the structure. *Side setback* is defined as a setback between the side property line of the lot and the nearest line of a structure and extending between the required front and rear setbacks.

Front Setback

The distance measurement of the front setback is defined by the zoning district, General Development Plan, Planned Unit Development, Zoning Map, or approved subdivision map. Because the majority portion of flag lots are not located near the edge of a private or public road right-of-way or adopted Official Plan Line, the defined front setback needs further refinement. To define the front setback across the entire "flag" portion of the lot, closest to the right-of-way, may severely constrain development of the lot. To allow the maximum developable area, the front setback of a "flag" lot shall be measured from the center line of the access or "pole" portion of the lot where it meets the "flag" shaped portion of the lot. The setback distance is measured in an arc shape within the "flag" portion of the lot.

Side and Rear Setbacks

Defining the side and rear setbacks on a flag lot will depend upon the shape of the "flag" portion of the lot. The rear property line would normally be the property line opposite the front access. In cases where a house is misaligned to the property lines, the rear setback shall be determined by the

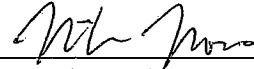
applicant and all setbacks shall be memorialized as a note on the parcel in the Planning permit database.

Facts of the situation:

In Chapters 20.62 and 21.62 of the Zoning Code (Height and Setback Exceptions), the setbacks for flag lots are not codified. Because of the shape of a flag lot, the front or rear of the structure may be built to face a side or rear lot line. In that case, Sections 20.62.040.G and 21.62.040.G specify that the setback for a dwelling where the front or rear thereof faces any side lot line, the setback for the dwelling shall not be less than 10 feet from such lot line. If the access road goes through the lot, then the front setback shall be measured from the access road easement.

Interpretation Prepared By: Laura Lawrence

Interpretation/Opinion Confirmed by Managers:



Mike Novo, Director

1/16/09

Date

Attachment A

Illustration of Setbacks for "Flag" Lots

