

DSG Policy Memorandum
Administrative Interpretation
#06-03



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TO: DSG Staff
FROM: Richard Hart, Development Services Director
DATE: April 18, 2006
RE: On-Land Airplane Storage in Residential Zones

MICC does not specifically mention enclosed airplane storage structures as a permitted or accessory use on single family zoned property upland from Lake Washington.

MICC 19.02.010.A lists uses permitted outright in single family zones. Airplane storage is not included in the list. However, included are:

2. Accessory buildings incidental to the main building.

Accessory buildings are defined at MICC 19.16.010 as:

Accessory Buildings: A separate building or a portion of the main building, the use of which is related to and supports that of the main building on the same lot.

1. **Attached Accessory Building:** An accessory building that shares a portion of one of its walls with the main building, is separated from the main building by less than five feet, or is attached to the main building by a structure other than a fence.
2. **Detached Accessory Building:** An accessory building that does not share a portion of any of its walls with the main building and is separated from the main building by more than five feet and is not attached to the main building by a structure other than a fence or a pedestrian walkway.

A storage structure, whether detached or attached to a residence including kitchen and bath ("main building"), is a use that does support the use of the main building, regardless of what is stored within the structure. Storage might be boats, trailers, lawn equipment, water or snow ski equipment and trailers, or even airplanes. Mercer Island is an island surrounded entirely by Lake Washington. Float planes can be considered a use which is related to and supports the main building consistent with the MICC, if used by individuals who live on waterfront property. Storage of an airplane is equally

convenient to homeowners as is the common storage of cars, boats and motorcycles, jet and snow skis, etc.

Airplanes, by their physical nature, require storage buildings to significantly exceed common bulk and dimensions of accessory buildings. However, bulk and dimensional parameters for such buildings or accessory buildings are not contained in the Mercer Island City Code.

The line of question then flows to whether or not a storage facility is customarily incidental and accessory to the principal use of a site or a building located on the same lot. Such language and use is defined in MICC 19.16.010 as:

Accessory Use: A use customarily incidental and accessory to the principal use of a site or a building or other structure located upon the same lot.

Webster's New World Dictionary, 1978, defines "customarily" as "...according to custom; usually." Throughout the history of the City of Mercer Island, boats, jet skis, and even float planes have been a custom of ownership by waterfront property owners. Airplanes and helicopters have usually landed, been moored and stored on lake Washington. Landing pads for helicopters have been denied on single family residential property and any other property on Mercer Island. The closest similar proposed use was for a helipad which was denied. However, these prior proposals included landing on property upland from Lake Washington, with the attendant noise, wind, and safety impacts. None of these proposals featured towing of immobile, silent aircraft upland to a storage building.

Based upon the above, it's reasonable to conclude that a storage facility of any size, that is incidental to a primary use of a dwelling on a lot could house any number of uses including boats, jet skis and silenced, inoperable aircraft in a residential zone.

Therefore, the city will interpret the land use code MICC 19 to allow a storage building for boats, jet skis and silenced inoperable aircraft on single family property in residential zones, provided there is a primary dwelling on the lot associated with the storage building and provided other nuisance codes relating to noise are met, and the silenced, inoperable aircraft is moved quietly, not under it's own power, from the water to the land and placed within the storage facility.