

DSG Policy Memorandum  
Administrative Interpretation  
#07-02



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**TO:** DSG Staff  
**FROM:** Jeff Thomas, Interim Development Services Director  
**DATE:** April 2, 2007.  
**RE:** 40 Percent Exterior Wall Modification Limitation.

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The Code Official, pursuant to Section 19.15.010(C)(5)(a) of the Mercer Island City Code (MICC), is authorized to make this administrative interpretation. A final determination is needed of what constitutes structural alteration of exterior walls of nonconforming structures per 19.01.050(D)(1)(b)(i). The DSG Director is the code official for purposes of interpreting the MICC.

19.01.050(D)(1)(b)(i) limits exterior alteration or enlargement of legally nonconforming single-family dwellings to "...no more than 40 percent of the length of the dwelling's exterior walls..." being "structurally altered." 19.16.010, page 19-166, defines "structural alteration" to be:

Any change, addition, or modification to elements of a structure that are or relate to load-bearing members or the stability of the structure (as distinguished from screening or ornamental elements). Examples of structural alterations include, but are not limited to, any change in the supporting members of a structure, such as foundations, studs in exterior or bearing walls or bearing partitions, columns, beams, headers, girders, joists or rafters. Replacement of exterior cladding and replacement of glazing in exiting openings shall not be considered structural alterations.

## CONCLUSIONS

1. "Structural alterations", as defined by 19.16.010, include a wide variety of changes to an existing structure. Strictly interpreted, any new framing on top of or new studs in an existing exterior wall are "structural alterations".
2. The intent of the Planning Commission and City Council was for "structural alterations", for the purpose of limitation to 40% of exterior walls in 19.01.050(D)(1)(b)(i), to be complete removal of exterior walls. If 40% of the

length of exterior walls is removed, a legally nonconforming single-family dwelling must be made legally conforming. It was not the intent of the adopters for non-structural changes or additions to the top of existing walls to be cumulatively limited to 40% of the length of exterior walls. This was to prohibit removal of all but one or two walls while claiming new construction is grandfathered and qualifies as a remodel.

3. This interpretation is to be included in the 2007 amendments to MICC Title 19.

## **INTERPRETATION**

“Structural alterations” limited by 19.01.050(D)(1)(b)(i) are those lengths of exterior walls that are completely removed.