

**DSG Policy Memorandum  
Administrative Interpretation  
#08-02**



**DEVELOPMENT SERVICES GROUP**  
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**TO:** DSG Staff  
**FROM:** Steve Lancaster, Development Services Director  
**DATE:** September 15, 2008  
**RE:** Private Gymnasium in a Single Family Zone  
**CC:** City Attorney  
Michael J. Murphy  
David Sandwith

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**MICC SECTION INTERPRETED**  
19.02.010(A)(2 and 3)

**QUESTION**

On August 8, 2008, the City of Mercer Island Development Services Group received a letter requesting a formal code interpretation, from Michael J. Murphy. The letter states in part:

*"By this letter, I request an official interpretation from the City Building and Planning Department on the question of whether a full-size gymnasium constitutes a valid accessory building and valid accessory use in the R-15 zone under the Mercer Island Zoning Code."*

**FINDINGS**

1. The Code Official, pursuant to MICC 19.15.010(C)(5)(a) of the Mercer Island City Code (MICC), is authorized to make this administrative interpretation subject to the procedures established by MICC 19.15.020(L).
2. MICC 19.02.010(A) states:
  - A. *Uses Permitted in Zones R-8.4, R-9.6, R-12, and R-15.*
    1. *Single-family dwelling.*
    2. *Accessory buildings incidental to the main building.*
    3. *Private recreational areas.*
    4. ....
3. While Mr. Murphy's letter questions if a gymnasium is a "valid accessory use", a use does not necessarily need to meet the definition of "Accessory Use" to be permitted in the R-8.4, R-9.6, R-12, or R-15 pursuant to MICC 19.02.010, if the use meets a defined permitted use in MICC 19.02.010.

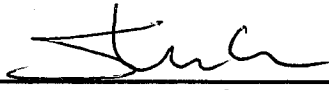
4. The term "Accessory Use" is not used in defining "accessory buildings" or "private recreational areas".
5. MICC 19.16.010 defines "Accessory Buildings" as: *A separate building or a portion of the main building, the use of which is related to and supports that of the main building on the same lot.*
6. Engaging in non-commercial recreation is a common and expected right consistent with the normal use and occupancy of a single family dwelling. Private recreation is therefore related to and supports the use of a residential building on the same lot. A separate building or a portion of the main building used for private recreational purposes is therefore an "Accessory Building" as defined by MICC 19.16.010.
7. Webster's New World Dictionary, Third College Edition, definition of "incidental" includes "1 a) happening as a result of or in connection with something more important; casual [incidental benefits] b)likely to happen as a result or concomitant (with to) [troubles incidental to divorce] 2 secondary or minor, but usually associated [incidental expenses]".
8. MICC 19.16.010 defines "Recreational Area" as: *For single-family and multifamily residential zones, an area, including facilities and equipment, for recreational purposes, such as swimming pool, tennis court, a golf course or a playground.* Webster's New World Dictionary, Third College Edition, definition of "facility" includes "a building, special room, etc. that facilitates or makes possible some activity".
9. The definition of a "Recreational Area" for single-family residential zones includes "facilities and equipment, for recreational purposes..." A gymnasium is a facility for recreational purposes.
10. MICC 19.01.040(A) defines R-15 as a single-family zone

## **CONCLUSIONS**

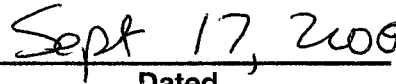
1. The Mercer Island Municipal Code does not require a gymnasium to meet the definition of "Accessory Use" to be a permitted and valid use in the R-8.4, R-9.6, R-12, and R-15 zones, pursuant to MICC 19.02.010(A). A "private recreational area" is a "permitted use" in these zones.
2. A private gymnasium meets the definition of a "Recreational Area", as the definition includes "facilities and equipment".
3. A gymnasium must meet the definition of an "Accessory Building" and be incidental to the main building or "Private Recreational Area" to be a permitted use in the R-8.4, R-9.6, R-12, and R-15 zones, pursuant to MICC 19.02.010(A)(2 and 3).
4. A private non-commercial gymnasium is an "Accessory Building" incidental to the main building if on a residentially zoned lot that includes a single family dwelling unit, as it is related to and supports the single family dwelling on the same lot and is subordinate or secondary in importance to the residence.

**INTERPRETATION**

Based upon the above Findings and Conclusions, the Code Official hereby determines that a private, non-commercial gymnasium on a R-8.4, R-9.6, R-12, or R-15 zoned lot that includes a single family residential unit, is permitted as it meets the definition of a Recreational Area and the definition of an Accessory Building for a single family zone.



Signed



Dated

**FINALITY OF DECISION & APPEAL/REVIEW**

This Code Interpretation constitutes a final decision. Pursuant to MICC 19.15.020(L), this decision may be subject to review by the Planning Commission. A request for review must be made in the form and within the time limits of administrative appeals pursuant to MICC 19.15.020(J).