

Administrative Interpretation No. 2013-01

Date: May 15, 2013

Topic: Interpretation of minimum lot width applicable to duplexes

Staff is seeking Council confirmation of an Administrative Interpretation of the minimum lot widths applicable to duplexes under NBMC 18.10.040, to determine that the per-dwelling unit lot width requirement applies only to side-by-side duplexes, and not to back-to-back oriented units.

Per NBMC 18.34.030, administrative interpretations clarifying the intent of provisions of the zoning code may be made subject to review and confirmation by resolution of the City Council.

Background

NBMC 18.10.040 establishes minimum lot widths for all uses. The minimum lot widths applicable to duplexes under this section are as shown below (note highlighted text).

NBMC 18.10.040:

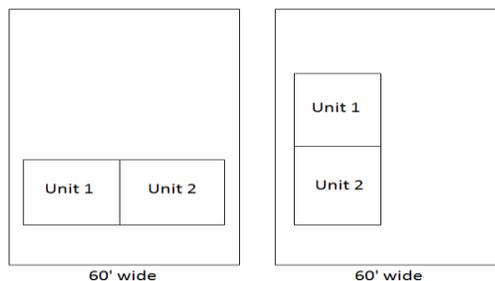
3. Minimum Lot Width:	LDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF
d. Duplex (per dwelling unit)		30'	30'	30'	30'		30'				

An applicant has come in for a pre-application review for a short plat to create a new lot on the east side of Ballarat Avenue and construct a back-to-back duplex, with one unit facing Ballarat and the other unit facing toward the alley. The applicant has indicated that the duplex would appear as a traditional single-family home, and provided the attached image depicting the appearance that the duplex would be similar to.

The new lot to be created with the short plat would be approximately 45 feet wide. Under the minimum lot width requirements in NBMC 18.10.040 section 3, the applicant would not be able to construct a duplex on the lot due to insufficient width necessary for 2 units.

Analysis

The intent in establishing a per-dwelling minimum lot size in NBMC 18.10.040 section 3 was to ensure a reasonable lot width to accommodate two units. However, this assumed that duplexes would be side-by-side. When duplexes are back-to-back, it does not make sense to require a 60 foot wide lot, as only one unit is fronting to the street.



Interpretation

The per-dwelling unit lot width requirement for duplexes established in NBMC 18.18.040 section 3 is intended only to apply to side-by-side duplexes. Back-to-back duplexes shall be subject only to the 30' lot width requirement applicable to a single unit.