



Department of Planning  
and Building

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# ZONING CODE BULLETIN

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**DATE EFFECTIVE: May 4, 2018**

**ZONING TOPICS: Does new habitable space within the existing building envelop<sup>1</sup> require a Variance?**

Background

The City often receives proposals to convert basement space to habitable space, particularly by “digging down” to create the additional ceiling height required by the Building Code. This type of proposal is common for older homes on small lots because they frequently contain a half-story basement (aka raised basement) or crawl space area below the first story of the building. These proposals can result in new habitable space in the required setback because they are often on small lots.

This bulletin determines whether creating this habitable space within the existing building envelop results in a Variance.

Determination

Section 17.09.040 defines a setback as “the horizontal distance between a facility and the lot lines of the lot on which it is located.” Creating habitable space does nothing to change the distance between a facility and a lot line. Therefore, the Zoning Manager has determined that the creation of habitable space within the building envelop does not require a Variance. This determination holds whether or not a new unit is created in the new habitable space.

**REVIEWED AND APPROVED BY:**

  
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**Robert Merkamp**  
**ACTING ZONING MANAGER**

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<sup>1</sup> For the purpose of this bulletin, underground space is not considered part of the building envelop.