

## Jurisdiction Survey on Zero Setback parcels

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Question: This specific subdivision has Zero setbacks on one side and 10' setbacks on the opposite side. Does anyone allow the Zero Side to be non-rated with openings because the homes still have 10' separation or do they make them setback the home 3' on the Zero Side to allow limited openings?

Responses:

1. If these lots are on PUD envelopes, then yes, as long as the structure is within that envelope. If not, then no it would only be approved by the planning department which I have never seen approved.
2. We have a subdivision with setbacks as described in the question and we allow the zero setback side to measure to the middle of the setback of the adjacent property. The intent of the subdivision setting it up this way was so that everyone would get a big yard on one side of their house and no yard on the other side (but access is granted for maintenance, etc). No one will ever be able to build within the set back so it shouldn't be an issue...or so we hope.
3. Footnote a to Table R302.1(2) states, "For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the fire separation distance for exterior walls not fire-resistance rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line". So, if the dwelling units are provided with automatic sprinklers, you can have unprotected openings. Otherwise, the openings would not be permitted on the zero-lot line condition. The lot lines would need to be placed at least 3 feet from the face of the wall to get the openings.
4. I would have to say that the subdivision zoning should not affect how we administer the fire separation requirements of the IRC. We would not permit the zero side to be non-rated or to have openings. There are reasons you would want or need to have your building away from the property line – BBQ grills, wood piles, fire pits, etc. Not sure if this subdivision is sprinklered. That may change my mind – footnote a on table R302.1(2)
5. Create a 5 ft no build easement on the 10 ft setback. On the opposite adjoining lot.
6. On separate lots, setbacks are required based on fire separation distance, period. Not building-to-building separation.
7. Currently we are requiring the home to be setback 3' to allow some openings, 5' to be non-rated. I have been attempting to educate our planning staff, I've asked to be involved in preliminary meetings to educate the applicants.
8. We would still do our code requirements based on FSD from the property line with no regard to setbacks on other property.

9. I've only encountered this once, Zoning does NOT trump the Building Codes. Everything was reviewed per Table 602 and Chapter 7.
10. Footnote a of IRC table R302.1(2) would allow openings and non-rated exterior wall.... but all homes in the sub-division would be required to have a fire suppression system. I personally would ignore what the zoning setbacks are and find compliance with the IRC. Zoning rules can change.....just like codes do.
11. The code is clear about rated walls and protected openings. The developer would have to provide setbacks to allow for openings, or I have also seen no construction easements filed with the county to prevent any construction in yard that provides separation as a work around.
12. If there is a zero setback, no openings or penetrations or overhangs would be permitted. The wall would need to comply with Tables R302.1 (1) and R3021.1 (2)
13. Zero setback construction needs to meet code requirements, in my opinion, and should not be based on whether the current adjoining owners are okay with letting them build close to the property line. Plans change. And why would they draw subdivision lines so oddly (0' one side, 10' on the other)? Why not move them to be 5' off the building on both sides?  
That said, I take an expansive view of Fire Separation Distance, which only refers to lot lines, imaginary lines between buildings, and the centerline of a street, alley or public way. What about railroad tracks? An irrigation ditch? Publicly dedicated open space? A private travel/road easement? To me, if the adjoining property is unbuildable, as they would be in all these cases, fire spread is not a concern so neither is fire-rated construction close to the property line.
14. The zero-side yard setback needed to be protected per Section 302. We will apply the fire-resistive requirements based on the fire separation distance, which by definition is measured to the lot line. Separation between structures means nothing if you don't have control over that piece of property.  
We have had developments propose "use easements" in which the neighbor, by agreement, is given access to your property, across the lot line, up to the exterior wall of your home even though the lot line may be 5' away. We don't disallow this approach, but will require the home to be constructed as a zero-side yard setback. Again, this "agreement" requires the homeowner to give up control over the property directly adjacent to their home without any fire-resistive protection. We will not allow them to circumvent the intent of the code by "agreement."