



King County

Department of Local Services Permitting Division

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FINAL CODE INTERPRETATION CINT25-0008

Background

On November 4, 2025, Cliff Low of Nehem Properties, LLC filed a code interpretation request with the Department of Local Services Permitting Division (DLS Permitting). The application requested an interpretation regarding the status of the two existing single detached residences at 10928 26th Ave SW (parcel number 8151600100), namely whether:

1. The two houses that were built in the 1920s¹ are recognized by code as legally established single-family dwellings under King County Code (K.C.C.) Chapter 21A.32; and
2. Two detached accessory dwelling units (ADUs) may be added to the property in accordance with K.C.C. 21A.08.030, without expanding a nonconforming use.

The code interpretation also asked for "the code section(s) that govern the allowance of accessory structures such as detached garages, carports, and storage buildings on properties with lawful nonconforming uses."

Code Sections Subject to Interpretation:

- K.C.C. 21A.06.800²: Nonconformance: a use, improvement or structure established in conformance with King County's rules and regulations and other applicable local and state rules and regulations in effect at the time the use, improvement or structure was established that no longer conforms to King County's rules and regulations or other applicable local and state rules and regulations due to changes in the rules and regulations or their application to the subject property.
- K.C.C. 21A.08.030³: Residential land uses. "Single Detached Residence" permitted in R12-R48 zone.
- K.C.C. 21A.06.013: Accessory use. a use, structure or activity that is:
 - A. Customarily associated with a principal use;
 - B. Located on the same site as the principal use; and
 - C. Subordinate and incidental to the principal use.

¹ The applicant's letter states that the houses were built in 1921. Assessor property cards provided by the applicant show that the existing residences were built in 1928.

² K.C.C. 21A.06.800, https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm#_Toc122352136

³ K.C.C. 21A.08.030, https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm#_Toc122352137

Discussion & Analysis

The applicant provided documentation supporting the establishment of two separate residences on the lot, including assessor records designating both as “principal” buildings and separate utility accounts. The subject property measures about .36 acres, is in the R-12 zone, and is in the Urban Growth Area.

King County began its zoning program in 1937 when state legislation authorized local land use planning.⁴

In the urban area, present-day standards allow only one single detached residence as a principal use per lot, according to K.C.C. 21A.08.030. The presence of two single detached residences on the lot is inconsistent with present-day standards, which distinguish between principal and accessory uses. But the subject residences were constructed prior to the County's adoption of its zoning program in 1937. Based on the records provided, neither single detached residence appears to be subordinate or incidental to the other. Under present-day standards, only one single detached residence would be allowed as a principal use and thus be considered conforming, and the other would be considered a nonconformance, as defined by K.C.C. 21A.06.800.

Since the second single detached residence itself is the nonconformance (as opposed to, for example, the lot), detached ADUs constructed consistent with all applicable codes would not be subject to K.C.C. 21A.32, the K.C.C. chapter containing standards that apply to nonconformances.

Decision

Question 1: Are the two houses built in the 1920s recognized by code as legally established single-family dwellings under K.C.C. Chapter 21A.32?

Both residences were built prior to 1937, the date of the County's first zoning standards, when limits on the number of residences were not in effect. Thus, both appear to have been legally established.

Since only one single detached residence per lot would be allowed as a principal use under present standards⁵, one single detached residence is conforming, and the second is a nonconformance.

Question 2: Can two detached ADUs be added to the property in accordance with K.C.C. 21A.08.030, without expanding a nonconforming use?

⁴ Historical zoning records

<https://kingcounty.gov/en/dept/executive-services/data-information-services/archives/find-it-in-archives/property-land-use/neighborhood-history/zoning>

⁵ K.C.C. 21A.08.030: https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm#_Toc122352137


Two ADUs are allowed per lot pursuant to K.C.C. 21A.08.030.7.a.(7). Neither existing single detached residence is subordinate or incidental to the other, and up to two ADUs may be added to the property. The ADUs would be subject to all other applicable code requirements, including but not limited to zoning, building, and critical area standards. Whether two detached ADUs can be constructed on this specific property depends on compliance with the code standards listed below.

Code section(s) that govern the allowance of accessory structures such as detached garages, carports, and storage buildings on properties with lawful nonconforming uses include, but are not limited to:

- Zoning (Title 21A)
 - K.C.C. 21A.06.013, definition of "Accessory use"
 - K.C.C. 21A.06.020, definition of "Accessory use, residential"
 - K.C.C. 21A.08.025, accessory uses prohibited if not expressly permitted
 - K.C.C. 21A.08.030.B.7, residential accessory structures
 - K.C.C. 21A.09.030, North Highline subarea geography residential zones - density and dimensional standards
 - K.C.C. 21A.09.060 North Highline subarea geography off-street parking
 - K.C.C. 21A.24, critical areas
- Building code (Title 16)
- Fire code (Title 17)
 - K.C.C. 17.04.370 through 17.04.425, fire apparatus access roads
 - K.C.C. 17.04.520 through 17.04.572 automatic sprinkler systems

Finality of Code Interpretations

Pursuant to K.C.C. 2.100.050.A, the director’s decision is the County’s final decision, and there is no administrative appeal.

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2/20/2026

Mark Rowe
Acting Director, Permitting Division
Department of Local Services

Date

Cc: File CINT25-0008
Yolanda Ho