

STATE BUILDING CODE OPINION 23-xxx

CODE: 2018 International Building Code

SECTION: 3202.3 Encroachments 8 feet or more above grade.

3202.3.3 Encroachments 15 feet or more above grade.

QUESTION 1: Does Section 3202.3 allow for features such as floors and exterior walls to project into the public way?

ANSWER 1: No. Pursuant to the 2018 IBC Code and Commentary, published by the International Code Council, architectural features such as columns, pilasters, belt courses, lintels, sills, architraves, and pediments, as well as awnings, canopies, marquees, signs, windows, balconies, and mechanical equipment, are all superficial elements of the building. Placement of the wall itself beyond a wall below does not qualify as a projection and would decrease the *fire separation distance*.

QUESTION 2: Does Section 3202.3 allow for projections over a lot line?

ANSWER 2: No, Pursuant to the 2018 IBC Code and Commentary, published by the International Code Council, the provisions of Chapter 32 apply only to encroachment of structures into the public right-of-way, not interior lot lines.

The location of the street lot line (public right-of-way) is determined through a variety of methods based on the regulations of local jurisdictions and, often, the state. The location and width of streets are often established when an area is platted and the land is subdivided into a series of blocks, lots, and streets. While subdivision and zoning laws may provide for standard street and right-of-way width, many areas of a jurisdiction may predate those standards. Streets and highways are often established by state and local government transportation agencies. Such agencies can create new streets or widen existing streets by either purchasing or condemning land of sufficient width. In other circumstances, public streets are not owned by a city, but they are easements across privately owned lands. Because of the wide variety of ways in which a public right-of-way can be established, it is important for the building official to know how rights-of-way were established within the jurisdiction and to be able to provide this information to permit applicants.

QUESTION 3: If the answer to Question 1 is "No", does Section 3202.3.3 allow for features such as floors and exterior walls to project into the public right of way?

ANSWER 3: **Option 1:** No, Section 3202.3.3 is a subsection of 3202.3. As such it applies to superficial elements like those allowed in Section 3203.3

Option 2: Yes. Pursuant to the 2018 IBC Code and Commentary, encroachments into the public right-of-way that are 15 feet or more above grade do not interfere with or impede pedestrian or vehicular traffic, they are not regulated by the provisions of this chapter.

SUPERSEDES: None

REQUESTED BY: City of Bellingham