

Administrative Building Code Interpretation

Administrative interpretation for additions that alter or enlarge a building that is 7' or more from a side lot line, and the new construction is not closer to the side lot line than the wall of the existing building.

The Issue:

How and where does the Town measure setbacks for additions along a non-conforming wall?

From the Code:

b. A building that is seven (7) feet or more from a side lot line may be altered or enlarged if:

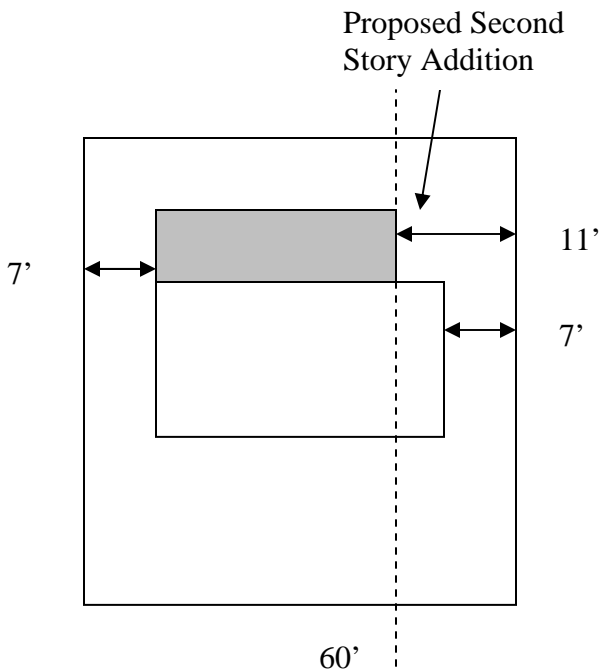
1. the new construction is no closer to the side lot line than the wall of the existing building;
2. the sum of the side setbacks equals or exceeds thirty (30) percent of the width of the lot at the location of the new construction or sixteen (16) feet, whichever is greater; and
3. at least seventy (70) percent of the existing exterior walls in existence as of February 22, 2006 are retained.

What Montgomery County Says:

Additions to buildings with non-conforming side setbacks must conform to the current County setback standard.

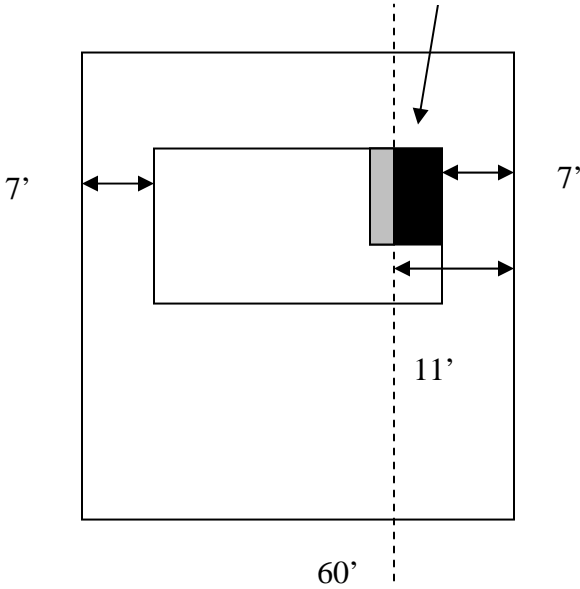
What the Town Says:

See the following diagrams:



In this case, the addition would be allowed.

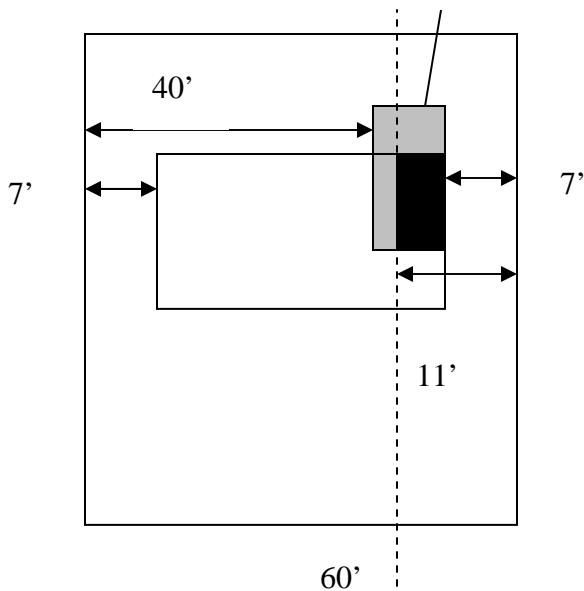
Proposed Second Story Addition



In this case, the addition would have to be set back a total of 11' so that the total setbacks are 18' (7' and 11').

The portion shown in black would not be allowed.**

Proposed Addition



In this case, the portions of the addition that are shown in grey would be allowed (total setbacks of 18' and 47'). The portion shown in black would not be allowed.**

**A variance may be requested by an applicant if the provisions of Section 4-7 of the Town Code are satisfied.