

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

June 23, 2005

SUBJECT:

Text Amendment Application TXT2005-00216

Applicant: Mayor and Council of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Planning Commission Review Date: June 28, 2005
Mayor and Council Public Hearing: July 11, 2005

REQUEST:

This application is for a Zoning Text Amendment that is intended to change the size and setback standards for accessory buildings in single-family detached residential zones.

BACKGROUND:

Recent building permit applications have revealed a trend for larger accessory buildings. Some applications have included accessory buildings footprints that are nearly as large as the footprint of the house. Since accessory buildings are meant to be subordinate to the main dwelling, this Text Amendment proposal is meant to reduce the size of a permitted accessory structure to a size that is compatible with the existing houses and neighborhoods.

DISCUSSION:

The proposed Text Amendment would limit the maximum size of an accessory building to six hundred square feet in all single-family detached residential zones. It further proposes to retain the existing maximum height of fifteen feet but proposes new setbacks regulations for structures over twelve feet in height.

Current Requirements

Accessory buildings within residential zones are currently limited to one story, fifteen feet in height and may not cover more than ten percent of the area of the smallest lot allowed in the zone. As a result, the largest accessory building allowed in the R-40 is 400 square feet, 600 square feet in the R-60 Zone, 750 square feet in the R-75 Zone, 900 square feet in the R-90 Zone, 1,500 square feet in the R-150 Zone, 2,000 square feet in the R-S Zone and 4,000 square feet in the R-E Zone. The size is further restricted by a rear yard coverage limitation of twenty-five percent in the R-40, R-60, R-75, R-90 and R-S Zones and fifteen percent in the R-150 and R-E Zones.

Assessment

The aerial photos of the City were referenced in an effort to determine if there was any pattern or high concentrations of accessory buildings and what sizes appeared to be common. The Twinbrook and East Rockville neighborhoods have the highest concentration of accessory buildings, in a variety of sizes. Except for the Rose Hill, Rose Hill Falls, King Farm and Fallsgrove, the developments that took place from around 1965 to the present have very few accessory buildings and most are modestly sized.

Prior to modern subdivision development, properties were larger and homes had a cellar or basement and often had outbuildings. Post World War II development in the area led to the “cookie cutter” type of subdivisions that were quickly erected to serve returning veterans and provide housing for governmental agencies in the Washington area. The homes were often erected on concrete slabs or crawl spaces and did not contain an outbuilding of any type. As time passed, the later generation of houses often included a basement and/or a carport. Later development almost always included a basement and an attached carport or garage.

If the Twinbrook, Twinbrook Forest and Hungerford similarly styled houses are compared, the need for an accessory building becomes clear based on whether the house has a basement or a carport. In the Twinbrook development there are few houses with basements and few with carports but many accessory buildings in a variety of sizes. In the Twinbrook Forest subdivision, there are some basements with most of the properties containing carports but fewer and smaller accessory buildings. In the Hungerford development, most of the houses have basements and garages and there are few and smaller yet accessory buildings. It is therefore clear that the need for an accessory building is tied to the need for vehicle coverage and storage even if you just compare older neighborhoods to newer ones.

Recommendation

It is recommended that the maximum size of an accessory building be limited to four hundred square feet in the R-40 Zone and six hundred square feet in all other single-family residential zones. Since most families own two cars and because there is always a need for storage space, six hundred square feet seems to be a reasonable limitation on the size of an accessory structure. This is based on the idea that most two-car garages measure twenty feet wide by twenty-four feet deep, for a total of four hundred eighty square feet. If six feet were added onto the depth of the structure for work or storage space, for the full width, it would bring the total square feet of the building to six hundred.

Approximately eighteen years ago, the size limitations for accessory buildings was looked at and the Zoning Ordinance was changed to reduce the accessory building size to ten percent of the smallest lot allowed in the zone rather than ten percent of overall individual lot. Because so few large accessory buildings exist in the R-75, R-90, R-150, R-S and R-E Zones, it is not anticipated that allowing the maximum accessory building to be six hundred square feet will make any additional existing accessory structures nonconforming.

The one thing that may make additional structures nonconforming is that proposed limitation that any accessory building that exceeds twelve feet in height would have to be setback an additional two feet for every foot it exceeds twelve feet up to a setback of ten feet for accessory buildings reaching the maximum height of fifteen feet. Because accessory structures are deemed uninhabitable they have traditionally been allowed to come to within three feet of the side or rear property line and required to be placed in the rear yard, which is behind the rear wall of the house or any projection from the house, such as an eave, porch or deck. The three-foot setback allows for maintenance around the structure. Increasing the setback for taller structures will provide for a greater separation between the property line and the higher massing of the taller structure. It is not clear how many structures would be made nonconforming by increasing the setback. For the last ten or eleven years, the City has had a computer program in place for permit issuance. Within the program, data is entered that indicates the setbacks proposed. Prior to that time, there is no easy way to assemble the data.

Staff, therefore, recommends approval of the reduced maximum size for accessory buildings as well as the increased setbacks for accessory buildings that exceed twelve feet in height.

NOTIFICATION:

A letter was sent to all of the civic associations and homeowners association notifying them of the proposed Text Amendment. A copy of the Text Amendment was included with the letter.