



*Town of Oro Valley  
Development and Infrastructure Services Department*

**Date:** September 18, 2015

**Subject:** Interpretation - Accessory Building Height (OV1501289)

**APPLICABLE REFERENCES**

Section 23.6.A.3.b. of the Zoning Code provides the following:

- b. Accessory buildings shall not exceed the height of the main building nor be any closer to the front lot line than the main building.

Chapter 31 provides the following applicable definitions:

**Building, Height of**

Shall mean the vertical distance measured from the grade found along the outside walls of a building to the highest point of the building, excluding any chimney. This definition applies only to a building footprint where the natural cross-slope is less than six (6) percent.

**Building Height (Sloped Area)**

Shall mean the maximum vertical distance measured from natural grade to the highest point of the building directly above, excluding any chimney. This definition applies only to a building footprint where the natural cross-slope is six (6) percent or more.

**Accessory Building**

Shall mean a building, the use of which is subordinate to that of a dominant use by the occupants of the main building or by their non-paying guests and employees.

Merriam-Webster Dictionary provides the following definitions:

**Accessory:** A thing of secondary or subordinate importance.

**Subordinate:** Placed in or occupying a lower class, rank or position.

**INTERPRETATION**

The intent of the Zoning Code limitation under Section 23.6.A.3.b. is to ensure adjacent single-family residential uses are not negatively impacted by an accessory building which is greater in height than the main building. Based on Zoning Code and Dictionary definitions, an accessory building is intended to be subordinate to the main building in terms of use, size and height.

*Oro Valley, it's in our nature.*

The phrase "Accessory buildings shall not exceed the height of the main building" can be interpreted in two ways:

- 1) Strict use of building height measurements for each building.
- 2) Relative height of each building when elevation, topography and grade is taken into consideration.

Each method of measurement is appropriate, dependent on the following conditions:

Relative Building Height Measurement: This method is applied when the proposed accessory building is at a lower elevation than the main building and the only view impact is from a non-residential property. If the accessory building is lower in height in relation to the elevation of the main building when viewed from a non-residential land use such as commercial, then the absolute height of the accessory building may exceed the absolute height of the main building, up to the maximum building height allowed in the applicable zoning district. If the accessory building is at a greater elevation height than the main building, then the absolute height of the accessory building may not exceed the absolute height of the main building.

Absolute Building Height Measurement: This method is applied when there is a potential "view impact" from an adjacent or potential residential use. In this case, the absolute building height of the accessory building cannot exceed the absolute height of the main building on the property.

The term "view impact" in the above two paragraphs is intended to describe the perception that the accessory building no longer appears to be subordinate to the main building and from the vantage point of adjacent properties, is perceived as the dominate or main building on the property.

#### APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.

  
for

Bayer Vella, LEED-AP, AICP

Planning and Zoning Administrator

9/18/15

Date