



# Department of Planning & Zoning

County Building Two

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## M E M O R A N D U M

**TO:** Zoning Policy File  
Planning and Zoning Staff

**FROM:** Anne Ducey-Ortiz, AICP, Director of Planning and Zoning,  
Zoning Administrator

**DATE:** May 2, 2014 Revised 11-15-16

**SUBJECT:** Setbacks and Detached Accessory Structures

**Issue:** How far does an accessory structure need to be from the principal structure for it to utilize accessory setbacks?

The County's Zoning Ordinance has setback requirements for principal and accessory structures. The ordinance does not indicate how much of the yard may be occupied by a detached accessory structure but requires an attached accessory structure to provide the required rear yard setback. Traditionally, the zoning office has recommended that if a detached structure is within five (5) feet of the principal structure, it should meet the principal structure setbacks. In attempting to provide a consistent response to questions regarding accessory structures and setbacks, staff researched the zoning and other codes to determine a justifiable separation since the ordinance does not expressly state a minimum distance.

However, when the use, such as a deck, whether attached or detached and in close proximity, is functionally an extension of the primary structure, it makes sense to have the principal setbacks applied. And a "yard" which is established by the required setbacks, is defined as "*An open space on a lot other than a court, **unoccupied and unobstructed from the ground upward**, except as otherwise provided herein.*" Use of the terms "unoccupied and unobstructed" implies a space of some passable width or separation between structures. Requirements for such a separation to determine setbacks for accessory structures appears to be a standard practice in other localities as a "loose", unwritten policy, a written policy or included in the ordinance.

Therefore, in order to provide consistency in review and approval of applications as well as efficiency in staff response to inquiries regarding setbacks, the following policy was applied **until such time that the ordinance is updated to expressly indicate the requirements for the setbacks of detached accessory structures in proximity to principal structures:** *Policy - accessory structures located closer than five (5) feet to the principal structure, whether connected to the main building or not, shall observe the required front, side and rear yard regulations applicable to the principal structure.*

This policy was discussed and endorsed by the Gloucester County Planning Commission at their May 1, 2014 regular meeting (<http://www.gloucesterva.info/channels47and48>). Subsequently, the ordinance was modified by an ordinance adopted June 2, 2015 which defines *Accessory structure, attached:* "*An accessory structure or an accessory dwelling which is connected to the principal structure in substantial manner, as by a wall or roof, shall be considered a part of the principal structure.*" **Therefore, the policy is no longer needed and only accessory structures meeting the definition of attached shall be required to meet principal setbacks and from a zoning perspective, there is no distance requirement to determine attached or detached in the current ordinance.**