



MEMORANDUM

To: Development Services staff
From: Matthew Seubert for Tina Axelrad, Zoning Administrator
Date: May 24, 2018 (Revised: 5/14/2020)
Re: **Denver Zoning Code Clarification — Roof Overhang and Building Coverage**

Summary

This memo provides a written clarification that addresses the following related questions:

- At what point is an eave or roof overhang so large that it is considered the roof of a partially enclosed structure?
- When does a roof overhang count towards building coverage?

In general, and as explained below, a Roof Overhang or Eave that is 3' or less does not count towards building coverage. A Roof Overhang of 3' or less may be permitted to encroach into required Setbacks, depending on the zone district and the allowed setback encroachments. A Roof Overhang in excess of 3' is considered a roof of a Partially Enclosed Structure and counts towards allowed building coverage of the Zone Lot.

Discussion – Code Analysis

Relevant DZC sections include Sections 4.3.7.4.B.1 and similar provisions in the DZC, Articles 3-9, which specify requirements for setback encroachments. For example, Gutters and Roof Overhangs are permitted to encroach up to 3' into the Primary and Side Street Setback area in all E Zone Districts, because they are considered minor architectural elements that do not negate the intent of setbacks remaining open to the sky.

The Rule of Measurement (ROM) (DZC 13.1.5.13) for Building Coverage, Gross Area of Footprint, states: For purposes of building coverage, 'gross area of footprint' shall include:

1. The gross area of the actual footprint measured to the exterior faces of the structure and any enclosed projections beyond the footprint of all Primary and/or Accessory:
 - a. Structure, Completely Enclosed;
 - b. Structure, Partially Enclosed;
 - c. Deck, Raised; and
 - d. Balcony, Exterior

Definitions of Key Terms (13.3)

Structure, Partially Enclosed:

A structure that is:

1. Enclosed by a roof (e.g. carport, gazebo, porch); or
2. Enclosed on three or more sides with Fences or Walls that are greater than 6 feet in height and less than 50% open.

Roof Overhang:

For purposes of setback encroachments: Eaves or the lower edge of the roof which overhang the walls. This includes the eave or edge of the roof which overhangs the gable end walls.

Eave:

The underpart of a sloping roof overhanging a wall.

If an Eave or Roof Overhang extends over the external wall by more than 3', the entire overhang should be considered as "cover," will meet the definition of Partially Enclosed Structure, and will count towards maximum building coverage. This is because when a roof eave/overhang projects more than 3 feet, the roof design moves beyond the impact we would expect from the more typical minor roof eave or overhang the Code anticipates. When these overhangs extend beyond 3', coverages are measured to the edge of the overhang (not the pillars/supports underneath). Typical Eaves extend 2 or 3', although some architectural styles might have a greater dimension. Do not count the overhang as building coverage if 3' or less if part of a covered/Partially Enclosed Structure like a Porch.

Examples

Example #1:

An applicant has proposed a 4' roof overhang typical of a particular architectural style in a U-SU Zone District. Is this overhang included in the building coverage calculations?

A: Yes. If any portion the overhang extends beyond 3', the entire overhang is counted towards building coverage (not just the portion that extends beyond 3'.)

Example #2:

An applicant has plans for a 10' patio cover that will encroach 3' into the required side interior setback in an S-SU Zone District. Is this allowed?

A: No. DZC 3.3.7.4.B.1 allows Patios to encroach into Primary and Side Street Setbacks, however, it does not permit encroachment into the Side Interior Setback. A patio cover in excess of 3' is not a Roof Overhang, it is a cover, therefore it cannot encroach into the required side interior setback.

If you have any questions, please ask your supervisor or Zoning Administration staff.