Structure’s Built over or up to a Property or Lot Line

- One of the basic principles of building code regulation is that buildings should be separately constructed and fire-protected when they are, or if they can be, under separate ownership. If a property line is defined by a recorded subdivision map, the International Building Code requires that buildings on both sides of that property line be structurally independent with individual fire-resistant protection based on the distance to property line. This avoids restrictions on one parcel and/or ownership because of conditions existing on an adjoining parcel and/or ownership. Each owner is allowed maximum latitude in the development of his/her property with the assurance of maximum protection from incidents involving mishap from and liability to adjoining property.

The Building Division cannot require the adjoining property owner to allow access for construction activity. Approval of construction plans does not bestow any right to enter upon or disturb the adjoining property without that owner’s permission. It is incumbent upon the applicant to obtain this permission.

- Multiple properties “under one ownership”. A new structure or an addition to an existing structure would be allowed to cross property/lot lines that are under the same ownership.

- Multiple properties “under more than one ownership”. A new structure or an addition to an existing structure would not be allowed to cross property and lot lines that are under separate ownership unless express written consent is provided by the adjoining property owner and is recorded within the applicable County Clerk’s Office. Within the recorded agreement, the adjacent property owner must establish a minimum open space area within their property that ensures that your new addition is in compliance with the fire separation requirements of the 2009 IBC, Table 602. The agreement must also establish the City of Aurora as a beneficiary with the right to enforce the agreement, and provide no amendment or release unless the City consents. A copy of this consent and recordation shall be submitted with new construction plans to be made a part of the permanent record.

  - Roof projections over a property line in an attached single family building are allowed if a "burn off" detail is used. This is essentially a condition where the IRC required wall rating is in place and extends up to the roof. The roof projection is then attached to the wall. In the event of a fire, the projection can burn and not affect the rated wall. Details of this condition are available from our office.
  - Roof drainage onto another property would be allowed. The City of Aurora has not required easements for drainage onto an adjacent roof. This approval would be given by the Public Works Department. NOTE: Watch for attic vent opening on that same wall which is not allowed.

- Structures built up to a property or lot line. A new structure or an addition to an existing structure can only be built up too an established property line when express written consent is provided by the adjoining property owner and is recorded within the applicable County Clerk’s Office. Within the recorded agreement, the adjacent property owner must establish a minimum open space area within their property that ensures that your new structure or addition is in compliance with the fire separation requirements of the 2009 IBC, Table 602. The agreement must also establish the City of
Aurora as a beneficiary with the right to enforce the agreement, and provide no amendment or release unless the City consents. A copy of this consent and recordation shall be submitted with new construction plans to be made a part of the permanent record.