



ADMINISTRATIVE DETERMINATION 2019-01
ADUs and Storage Spaces

PURPOSE:

The purpose of this Administrative Determination is to provide a response to the code interpretation request file under PLN-2019-02335 requesting a determination as to whether or not a storage area attached to a detached accessory dwelling unit (ADU), but only accessed via an exterior door, counts toward the allowable square footage of the ADU.

AUTHORITY:

The authority to interpret the Development Code is provided for in Bonney Lake Municipal Code (BLMC) 14.10.140. For consistent interpretations of the Development Code, the Director as defined in BLMC 14.10.130.M shall render code interpretations in writing. Such interpretations shall include at a minimum the BLMC citation, the context, the interpretation, and the reasoning for the interpretation.

CITATIONS:

BLMC 18.04.010 “A”

“Accessory dwelling unit” is a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate structure on the same lot as the primary dwelling for use as a complete, independent living facility with provision within the accessory unit for cooking, eating, sanitation, sleeping and entry separate from that of the main dwelling. Such a dwelling is an accessory use to the main dwelling. Accessory units are also commonly known as “mother-in-law” units or “carriage houses”.

BLMC 18.04.040 “D”

“Dwelling unit” means one or more rooms designed or occupied by one family for living or sleeping purposes, and containing kitchen and bath facilities for use solely by one family. A bachelor apartment constitutes a dwelling unit within the meaning of this zoning code.

BLMC 18.22.090 Accessory dwelling unit

...

- B. Any property owner seeking to establish or construct an ADU shall obtain an ADU permit in addition to any required building permit: ...
 - 5. An ADU whether within the primary residence or in a detached structure shall not contain more than 1,200 square feet, excluding any related garage and stair areas. ...

CONTEXT:

The applicant has submitted an Application for Code Interpretation requesting to exclude an attached storage space, only accessible from the exterior of the building, from the allowable square footage of the detached ADU.

INTERPRETATION:

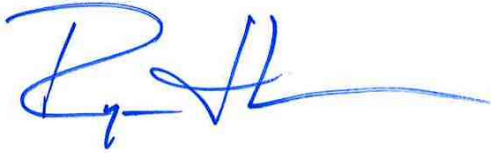
Currently, the City limits detached ADUs to 1,200 square feet excluding the area of a garage or internal stair cases. However, the code is silent on whether or not other accessory spaces physically connected to an ADU, but not designed or occupied for living or sleeping purposes, should be included in the calculation of the allowed square footage of the ADU. An attached storage space, which is only accessed from the exterior of the building and not intended for living or sleeping, will not be included in the calculation of the square footage of the detached ADU. However, if the storage space was accessible from the interior of the ADU, the area of the storage space would be included within area of the detached ADU.

REASONING:

BLMC 18.04.010 defines accessory dwelling unit, in part, as a second dwelling unit. The term “dwelling unit” is defined as one or more rooms designed or occupied by one family for living or sleeping purposes in BLMC 18.04.040. The intent of excluding garages from the calculation of the area of a detached ADU is that garages are not intended to be used for living or sleeping purposes. Another reason that the area of the garage was excluded is that ADU’s can be constructed in conjunction with a detached garage and both uses are accessory to the principle dwelling unit on the property. Storage spaces are similar to a garage in the term of function, would be considered an accessory use, and are also not intended for living or sleeping. Therefore, an accessory storage space attached to a detached ADU but accessible only from an exterior door would not be included in the calculation of the square footage of the detached ADU.

However, a storage space accessible from the interior of the building would be included in the calculation of the area of the detached ADU because it could easily be used as living space without any permits. The reason is that the International Building Code (IBC) section 311.1.1 provides that

storage spaces that are less than 100 square feet are classified under the same occupancy as the structure it is attached to. The storage spaces could look very similar to a bedroom. Therefore, the City will include a storage space that is accessible from the interior of the ADU within the calculation



Ryan Johnstone, P.E., Interim Director

September 6, 2019

Date

FINAL ACTION:

All final actions of the Director, including code interpretations shall be final and conclusive unless the applicant, a department of the city or county, or other party of record or agency with jurisdiction files a written appeal with the Public Services Department within 15 days following the decision. BLMC 14.120.020(A). Appeals shall contain all grounds on which error is assigned to the decision and shall be accompanied by the appropriate fee. BLMC 14.120.020(C); 3.68.010(D)(1) (stating that the cost of an appeal of an administrative decision is \$750.00).

Following the timely filing of an appeal, notice of the date, time and place for the Hearing Examiner's consideration shall be mailed to the applicant and to all other parties of record. BLMC 14.120.020(E).