



**San Juan County
Community Development & Planning**

135 Rhone Street, P.O. Box 947 Friday Harbor, WA. 98250
(360) 378-2354 (360) 378-2116 Fax (360) 378-3922
cdp@sanjuanco.com | www.sanjuanco.com

POLICIES / PROCEDURES / INTERPRETATIONS

Freestanding residential structures

**John Geniuch
Deputy Building Official / Plans Examiner**

**Number BP-2012-02
Issued 03/28/2012**

ISSUE:

The International Residential Code (IRC) section **R101.2 “Scope”**, provides (in part), “*detached one- and two-family dwellings.....and their accessory structures.*” The IRC Definitions provide: “**ACCESSORY STRUCTURE.** *A structure not greater than 3,000 square feet in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.*” This definition would include non-habitable garages, workshops and barns, but currently would also include detached habitable spaces such as studios, offices, bunkhouses, hobby rooms and similar.

A number of IRC code sections specifically refer to “dwelling” or “dwelling unit”, which initially would appear to exclude their application to accessory structures.

How should “dwelling”, “dwelling unit” and “accessory structure” be interpreted as it pertains to the application of the codes, in order to maintain enforcement consistent with the intent of the codes?

ANALYSIS:

In a generic instance of having several detached structures with one containing a kitchen, another containing a living room and yet another containing the bedrooms, all on the same site, the code would not recognize any one of these individual structures as the “dwelling unit”; rather, the combination of them would comprise the “dwelling unit”. It is appropriate and reasonable to consider habitable accessory structures, whether detached or attached, as part of the “dwelling unit”.

Several IRC code provisions specifically mention “dwelling” or “dwelling unit”. These include, but are not limited to **R308.8 “Required heating”** and **R612.2 “Window sills”**. The intent of the code is to “...provide minimum requirements to safeguard public safety, health and general welfare...” From the stated intent, it is reasonable to conclude that these code sections, and others not listed, would be applicable to habitable spaces, whether attached or detached.

We can look to other local ordinances for additional guidance. San Juan County Code (SJCC) 15.04.500 (Owner Builder Ordinance) provides a definition of an “**Appurtenant structure**”. The definition (in part) provides:

“Appurtenant structure” means a structure that is necessarily connected to the use and enjoyment of a single family residence. The use of an appurtenant structure supplements the primary residence and shall be considered habitable space for the purposes of this article. Appurtenant structures shall include, but are not limited to, studios, libraries, accessory dwelling units and/or guestrooms (internal, attached or freestanding).” (The remainder of the definition was omitted as it contained non-applicable OB specific requirements)

When an accessory structure or space is constructed as a garage, workshop, or barn, it is clear that the use will be non-habitable. These spaces are occupied infrequently and are used for purposes other than “living, sleeping, eating and cooking”. Due to these circumstances, items such as required heating and fall protection from window sills, among others, would not be necessary to serve the intent of the code.

POLICY:

It shall be the policy of San Juan County to classify residential structures as dwellings, appurtenant structures, or accessory structures. The criteria and associated requirements of the classification shall be in accordance with the following:

- 1) A structure meeting defined as an “Appurtenant Structure”, (per SJC 15.04.500), shall conform to all of the IRC requirements, including those that are specific to “dwellings” and “dwelling units”. The energy code requirements for habitable accessory structures shall be those as described in WSEC for single family residences.
 - a. EXCEPTIONS:
 - i. A chapter 9 energy credit is not required for appurtenant structures.
 - ii. A blower door test is not required for appurtenant structures
- 2) Accessory structures, as defined in the IRC, clarified by this policy, are not required to comply with the IRC requirements for required heating or 2nd floor window sill protection, as described in IRC R308.8 & R612.2.
- 3) Accessory structures which the owner desires to provide heat may use the energy code provisions as detailed in San Juan County Policy BP-2012-03 “Heated Garage/Workshops”.
- 4) Accessory structures shall not have configurations or combinations of fixtures that would be consistent with a habitable use.
- 5) Where special circumstances exist, at the request of the permit applicant, reconsideration of the classification of a structure may be performed.
- 6) Compliance with all other applicable codes, laws, rules, and regulations is required.