

STATE BUILDING CODE INTERPRETATION NO. I-15-03

September 26, 2003

The following is offered in response to your September 22, 2003 letter to me in which you seek an official interpretation with respect to the proper classification of a home occupation.

Question: "Would a room in a single-family dwelling or detached garage require a separate use group classification for a home occupation? E.g.: office, studio, beauty salon, catering business."

Answer: Yes. You present two different scenarios in that you ask about a room within a single-family dwelling as well as a detached garage. The detached garage scenario is the simplest, so I will deal with that first. When first constructed, I presume that the garage was accessory to the single family dwelling. Once the garage is used for a home occupation, a change of occupancy has occurred. All of the uses in your example fall into the Use Group B category. Once the detached garage undergoes a change of occupancy to Use Group B, Section 3405.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code requires that the building be evaluated to determine that the building meets the intent of the provisions of the laws governing building construction for the new occupancy. Thus, the code official would be required to investigate floor live load capacity, means of egress, accessibility for persons with disabilities, toilet facilities, etc., to determine if those items were compliant with code requirements for the new occupancy.

Bringing the business use into the home may potentially require evaluation of an additional item; mixed uses. Since it is unlikely that the business activity is necessary for proper function of the single-family residence, and since it is apparent that the business use could reasonably exist apart from the single-family residence, it is not appropriate to deal with the business occupancy as an accessory use. That means that the business use must be evaluated as a non-separated mixed use, a separated mixed use or be made to exist in a separate building by virtue of construction of a fire wall. Given that we are most often talking about construction classification 5B when dealing with a single-family residence, we see that Table 503 of the referenced code allows 2 stories and 7200 square feet per floor for Use Group B and two stories and 4800 square feet per floor for Use Group R-3. Since the R-3 occupancy is more restrictive, the business occupancy can exist in the same building as the residence under the provisions of Section 313.1.1, nonseparated mixed uses. This means that no fire separation is required between the two uses, but that all other requirements of the code shall apply to each portion of the building based on the use group of that occupancy.