



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT BUILDING DIVISION POLICY

EXEMPTION FOR ACCESSORY STRUCTURES UNDER 200 SQ.FT.

Description:

This Building Division administrative policy addresses and provides clarity for the 2015 International Residential Code (IRC) Section 105.2 and 2015 International Building Code (IBC) Section 105.2 building permit exemption for construction of accessory structures under 200 square feet within the City of Bainbridge Island.

Background:

Numerous accessory structures have been proposed or constructed throughout Bainbridge Island. Many of the structures may be under the “200 square foot exemption” for sheds, playhouses, and the like, but are not compliant with zoning setbacks, critical area buffers, shoreline setbacks, or other regulatory requirements. Other accessory structures which may have been exempt, now have been converted into habitable space without permits and utilized as vacation rental facilities. This policy provides the City interpretation of the code section and is meant to clarify the exemption.

2015 IBC Section 105.2, Work exempt from permit

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

- 1. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area is not greater than 120 square feet (11 m²).***

2015 IRC Section 105.2, Work exempt from permit

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

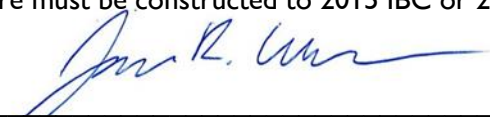
- 1. One story detached accessory structures provided the floor area does not exceed 200 square feet (18.58 m²)***

Implementation:

The implementation of this policy interprets the building code application within the jurisdiction and requires to be exempt from a building permit, in addition to being under the square foot maximum. Accessory structures must demonstrate that the following regulatory provisions of the jurisdiction have also been met:

1. The accessory structure must be located outside of any front, side, or rear yard zoning setback.
2. The accessory structure must not be located within any critical area, within any critical area buffer, within any open space tract, within any vegetation management tract, or within any critical area construction setback.
3. The accessory structure must not be located within 200 feet of any shoreline jurisdiction, otherwise both a Building permit and a Shoreline permit will be required.
4. The accessory structure must not be located within any FEMA Federal Floodway or Flood Zone.
5. The accessory structure must be a minimum of 10 feet or more from any other structures located on site and a minimum separation of six feet between eaves of any adjacent buildings on the site. Maximum eave overhangs shall not exceed 24 inches measured horizontally to remain exempt. (Excluding gutters.)
6. The residential accessory structure floor area must not exceed 200 square feet, measured outside wall to outside wall to remain exempt. The commercial, multifamily, or non-residential accessory structure floor area must not exceed 120 square feet, measured outside wall to outside wall to remain exempt.
7. The accessory structure must be one story, with no basement, and no lofts or mezzanines.
8. The accessory structure must not be located on vacant land, and must be accessory to an existing structure, residence, or building.
9. The accessory structure wall height must not exceed 10 feet. The accessory structure total height must not exceed the maximum zoning height for the parcel.
10. The accessory structure must not include any mechanical heating, habitable space, or conditioned space, otherwise a building permit will be required and compliance with the 2015 Energy Code will be required.
11. The accessory structure must not include plumbing improvements. Bathrooms are not allowed in a 200 or less square foot accessory structure without a building permit and sewer/water clearance and/or Kitsap Health Department approval.
12. The accessory structure must be constructed to 2015 IBC or 2015 IRC Code requirements.

APPROVED BY:



James R. Weaver, AICP/CBO, City Building Official
Date: March 6, 2017