

STATE BUILDING CODE INTERPRETATION NO. I-32-99

December 28, 1999

The following is offered in response to your letter in which you seek official interpretations to the following questions:

Question A: “Why are basements, root cellars, fallout shelters, and similar spaces not storage or utility spaces?”

Answer A: Section 310.1 of the 1994 State Building Code states, in part, “All buildings and structures, or parts thereof, which are primarily used for the storage of goods, wares or merchandise shall be classified as Use Group S. This includes, among others, warehouses, storehouses and freight depots.” Section 311.1 of the code states, in part, “Utility and miscellaneous uses shall include fences over 6 feet high, tanks, cooling towers, retaining walls and buildings such as private garages, carports, sheds and agricultural buildings.” The spaces you enumerate do not coincide with those listed in the code as storage or utility spaces and may be more appropriately considered as accessory uses to the dwelling.

Question B: “Is a porch used as a storage or utility space a storage or utility space?”

Answer B: No. See answer A above.

Question C: “Is a garage in which living, sleeping, eating, or cooking occurs not a storage or utility space?”

Answer C: A garage in which living, sleeping, eating or cooking occurs is no longer a garage. When those activities take place, the garage becomes habitable space.

Question D: “Does section 29-261 C.G.S. qualify the prohibition against entry to a single family residence?”

Answer D: I am not authorized to interpret statute and cannot, therefore, answer this question.

Question E: “Where does the B.C. define the meaning of “occupied” as used in section 110.1.1 B.C.?”

Answer E: Section 201.1.

Question F: “Where does the C.G.S. or B.C. define the meaning of “residence” as used in section 110.1.1 B.C., section 115.4 B.C., and section 29-261 C.G.S.?”

Answer F: In accordance with Answer D above, I confine my response to the State Building Code. Section 309.1 states that all buildings and structures in which families or households live shall be classified as Use Group R, Residential Uses. In accordance with Section 309.4, all buildings arranged for the use of one- or two-family dwelling units are Use Group R-3.

Question G: “Does a building official have a right of entry to fields, gardens, forests, swamps, ponds, and similar unoccupied portions of a single family residence?”

Answer G: Section 110.1.1 of the 1994 State Building Code only prohibits the right of entry to “occupied portions of single family residences.”