



DEPARTMENT OF ADMINISTRATIVE SERVICES

I-05-19

April 30, 2019

Greg Smith, Building Official
Town of Manchester
41 Center Street
PO Box 191
Manchester, Connecticut 06045-0191

Re: Interpretation of 2018 CT State Building Code
For existing two dwelling buildings

Mr. Smith,

In your email dated March 14, 2019 you requested a formal interpretation of several questions associated with the following scenario:

The subject property according to the Municipal Assessor's records was constructed in 1880. The Assessor's field cards from 1948 and 1966 identify two dwelling units contained within the structure. The Building Department has no records pertaining to the original construction of the building, nor the original approved use and occupancy, nor evidence the building did not lawfully exist prior to October 1, 1945.

The first floor dwelling unit is provided with independent means of egress with a door which opens directly into a yard that opens to a public way. Means of egress from the second floor dwelling unit relies on two stairs enclosures that in addition to having doors that open to the yard, have doors which open to the 1st floor dwelling unit. The configuration allows passage between dwelling units without traveling outdoors to get to the second unit.

Electrical equipment included separate metering and service panels for each dwelling unit, along with an owner's meter and panel had been installed in ~2001. It was found recently that electrical usage was no longer separately metered for each dwelling unit and wiring between the service panels had been added in order to carry loads thru a single service panel.

Question #1) Does the second floor dwelling unit's reliance on egress stairs that do not provide exiting from the building independent of 1st floor dwelling unit alone, preclude evaluating this existing structure as either an existing two-family dwelling as defined by the IRC or as an R-3 with two dwelling units as defined by the IBC?

No it does not. The building legally exists as a two dwelling building.



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Question #2) Does the ability to pass between dwelling units alone, without going out of doors preclude evaluating this existing structure as either a two-family dwelling as defined by the IRC or as an R-3 with two dwelling units as defined by the IBC?

No it does not. The building legally exists as a two dwelling building.

Question #3) Does the elimination of independent electrical metering alone, preclude evaluating this existing structure as having separate dwelling units as defined in either the IRC or as an R-3 with two dwelling units as defined by the IBC?

No it does not. The building legally exists as a two dwelling building. However the elimination of the separate services without a permit is a violation of the State Building Code.

Question #4) Based on information provided, and the fact that the archaic fire separation between the dwellings and supporting structures have an indeterminable fire resistance value and total occupant load exceeds six persons and more often than not is closer 12 persons, is the appropriate use and occupancy classification of this structure an R-2?

No the building legally exists as a two dwelling building, so the fire separations, or lack thereof, are existing and can legally remain. The number of occupants may be a violation of town zoning law, but is not a violation of the State Building Code.

Question #5) Lastly, Does the IRC preclude installation of 1-hr rated door assemblies thru dwelling unit separation walls in two-family dwellings.

Yes, the IRC prohibits openings thru the dwelling unit separation.

Sincerely,

Joseph V. Cassidy, P.E.
State Building Inspector

C: D. Tierney