
ADMINISTRATIVE DETERMINATION 98-03

September 25, 1998

To Whom It May Concern:

The Planning and Community Development Department Director has made the following administrative decision in regard to establishing a non-livable unit associated with an existing non-permitted accessory dwelling unit:

APPLICABLE CODE SECTION

BLMC 18.22.090 (B) (4) - Memorandum of Deed Restriction (2) (H), states as follows:

All owners of illegal ADUs shall also be required to either legalize the unit, remove the kitchen or bathroom so the ADU is not habitable or entirely remove the ADU.

The question has come up to determine what extent does the kitchen or the bathroom have to be removed in order to consider the unit non-habitable.

ANALYSIS

The Memorandum of Deed Restriction does not clarify the specific requirements for removing a kitchen or bathroom to make the unit non-habitable.

DETERMINATION

Based on the above analysis, the Planning and Community Development Department has determined that the following criteria establishes the conditions of approval for the removal of a kitchen or bathroom from a non-permitted accessory dwelling unit and to establish the structure to be non-habitable:

- 1. The kitchen shall have the range and plumbing completely removed. The plumbing shall be capped off at floor level within the interior wall and the wall is to be re-finished. This process involves two inspections. The first inspection is to verify the removal of the range and plumbing and that the plumbing is appropriately capped. The final inspection is to verify the re-finishing of the wall, or;**
- 2. The bathroom shall have the plumbing completely removed. The plumbing shall be capped off at floor level within the interior wall and the wall is to be re-finished. This process involves two inspections. The first inspection is to verify the removal of the plumbing and that the plumbing is appropriately capped. The final inspection is to verify the re-finishing of the wall.**

The Planning and Community Development Department Director shall administer this interpretation on a case by case basis.

Craig Flamme, Acting Director

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