



BUILDINGS BULLETIN 2012-008

Zoning

Supersedes: None

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Purpose: This document clarifies the permitted size of a cellar that is accessory to a residential use and used for non-dwelling purposes.

Related Code/Zoning Section(s): ZR 12-10

Subject(s): Accessory use; Cellar, non-dwelling purposes; Residential cellar, non-dwelling; Residential cellar, storage areas; Residential cellar, mechanical rooms; Residential cellar, laundry rooms; Residential, dwelling, cellar

INTRODUCTION

In BSA Cal. No. 14-11-A, the Board of Standards and Appeals agreed with the Department of Buildings that the Section 12-10 Zoning Resolution ("ZR") definition of "accessory use" limits the size of residential cellars containing space used for non-dwelling purposes (such as storage areas, mechanical rooms, laundry rooms, etc.). This bulletin sets guidelines for imposing that limitation.

SPECIFICS

1. For buildings containing one or more dwelling units, the use of the cellar for non-dwelling purposes may be considered accessory to the residential use where:
 - a. the perimeter walls of a cellar follow or are within the perimeter walls of the story above the cellar or;
 - b. the perimeter walls of a cellar extend beyond the perimeter walls of the story above the cellar, provided the entire cellar floor space devoted to non-dwelling purposes is less than 50 percent of the total residential floor area located anywhere in the building.

Where cellar space extends below the cellar to create multiple cellar levels (sub-cellars), use of the combined cellar and sub-cellar floor spaces for non-dwelling purposes may be considered accessory

to the residential use only if such combined space is less than 50 percent of the total residential floor area in the building.

2. For buildings containing two or more dwelling units, where a cellar is connected and used solely by an individual dwelling unit for non-dwelling purposes, such cellar may be considered accessory to the residential use provided such space is no larger than the floor area of such individual dwelling unit.
3. Portions of a cellar used for non-dwelling purposes shall not be included in floor area, shall comply with the limitations set forth herein, as applicable, and shall be considered accessory to the residential use.
4. Portions of a cellar used for dwelling purposes, such as rooms in which sleeping is permitted, shall be included in floor area, shall not be subject to the limitations set forth herein, and shall be considered part of the principal residential use.