



## Building Code Determination

### MEMORANDUM

To: Daniel McGinn, AICP, Interim Director of Development Services

DM

From: Gene Delauro, Building Official GFD

Date: January 28, 2016

Subject: Two Family Duplex House<sup>1</sup> re-platted into a Two Family Attached Townhouse<sup>2</sup>

#### **Background:**

Plat application submissions are being processed during and after the issuance of residential two family duplex building permits. The applicant proposes to re-plat a single lot into two lots, one for each dwelling thereby enabling each unit to be sold to different owners. Development Services typically issues a single building permit and a single water and wastewater tap for a two-family duplex building on a single lot. The approved plans indicate a common utility system for both units within the building and underground across the lot. A one hour fire rated common wall is typically proposed.

Two family attached townhouses require individual platted lots, individual building permits and individual water and wastewater taps. Utilities systems are required to be independent of each other and utilities may not cross lot lines. Structural independent two hour fire rated walls are required if the townhouse has no fire sprinkler system with limited exception permitted. There are additional parapet wall and fire resistant roof covering requirements as well.

There are economic advantages realized when comparing two family duplex construction versus two family townhome construction. The proposed subdivision by re-plat of one lot into two lots enable subsequent sale of half a building not constructed per the required standards. This non-conformity can lead to future issues for prospective individual building / property Owners.

---

<sup>1</sup> Two-Family House: Two attached dwelling units under single ownership, in a single structure and on a single lot (often called a duplex). The two units may be located on separate floors or side-by-side. Source: Corpus Christi Unified Development Code.

<sup>2</sup> Attached House: two attached single-family units located on two separately owned lots that share a common wall along the lot line, providing for fee-simple ownership. Source: Corpus Christi Unified Development Code.

Non-conforming issues may include damaged or blocked utility piping affecting both building Owners, private utility pipe service lines crossing lot lines, no structural independence of units and reduced fire rated wall and roof construction. Initial cost savings realized during construction of the duplex would not adequately compensate costs associated with remediating non-conforming issues future owners could incur upon occupancy of the structure.

**Findings:**

The two family duplex house does not meet minimum technical Building Code requirements for a townhome subdivision. City staff support of a re-plat application would cause a conforming two family duplex building to become a nonconforming two family townhome building.

Therefore, City staff recommendation will be for denial of all plats that would bring a conforming structure into non-compliance with the replatting of the property.

This determination applies to all duplex buildings presently under construction prior to the issuance of a Certificate of Occupancy or existing duplex buildings having previously received a Certificate of Occupancy. Property re-plat applications should not serve as a means to convert previously conforming buildings to non-conforming. The mission of the Department of Development Services is, in part to promote orderly development and protect public safety. City staff support of the creation of substandard buildings is not in the interest of public safety.

---