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TO: Jefferson County Environmental Health Staff

FROM: Gillian Beach, RS, CPO-I, Environmental Health Manager

SUBJECT: EH Policy S-5: Garage Apartments and Mother-In-Law Suites

DATE: August 7, 2020

PURPOSE

The purpose of this policy is to create a procedure to guide the Jefferson County Health Department (JCHD) Environmental Health (EH) Division Staff on how to handle applications for garage apartments and mother-in-law suites.

Jefferson County has received numerous applications and requests for garage apartments and mother-in-law suites from individuals that are not required to subdivide their property per Jefferson County Engineering, Planning, and Zoning Department's regulations. The *Sewer Systems Sewage Treatment Systems and Sewage Tank Cleaners Legislative Rule 64CSR09* require a subdivision any time a tract of land has been divided for the purpose of dwelling or by act of construction.

Our office reached out to the Head of West Virginia's Onsite Program, Rick Hertges to ask if and when an exception might be made to our rule. He stated that an exception could be made for garage apartments or mother-in-law suites if the garage is next to the house, and there is no plan to sell the buildings separately. He also stated that the property owners should be cautioned that they will need to establish another septic reserve area that is entirely useable and can be approved by the health department at such time in the future that they may change their mind and want to sell the buildings separately.

RESPONSIBILITIES

All Jefferson County Health Department (JCHD) EH Division staff are responsible for adhering to this policy.

PROCEDURES

When an application is received for a septic system for a garage apartment or mother-in-law suite where a separate dwelling already exists or will also be built, a Sanitarian shall thoroughly review the application to determine if it meets the following requirements:

- Both dwellings are owned by same individual(s)
- The garage apartment or mother-in-law suite is within 100 feet of the primary residence or dwelling and/or attached to the primary residence or dwelling
- The garage apartment or mother-in-law suite has no more than one bedroom
- Not more than one garage apartment or mother-in-law suite will be permitted per lot.
- The application shows useable (will be determined by a soils evaluation) septic reserve areas for both dwellings- septic reserve area sizing to be determined by the date the lot was created

When all of the above requirements are met, a subdivision will not be required. If all of the above requirements cannot be met, the Sanitarian will instruct the applicant that they must apply for a subdivision. When a subdivision is required 2 copies (4 certified copies if the subdivision is also required in the Jefferson County Department of Planning and Zoning) of each of the following documents must accompany the *ES-76 Subdivision Approval Application Form*:

- Plat plan of property (show lot layout, lot dimensions, lot numbers, streets, location of percolation test holes and six-foot observation trench, location of wells and public water lines, location of septic reserve area sized as required by the most recent requirements for new subdivisions)
- Percolation test report sheet with results for each proposed lot

When a permit is issued for a lot with two dwellings, the Sanitarian must note on the permit that if the building with the garage apartment or mother-in-law suite is sold to a separate party, the lot must be subdivided and each lot including the residue must have a septic system and septic reserve area within the boundaries of the lot serving the dwelling on that lot. The septic reserve areas must be sized based on the most recent requirements for new subdivisions.