

Village Council Considers Streamlining Shed Compliance

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Jan. 21, 2009 – Sheds, sheds, sheds. Our January Council Meeting seemed to be all about sheds. Many of us who live in Palmetto Bay have sheds and have had them for years. Sheds either were already in our yards when we bought our homes, installed in an emergency after Hurricane Andrew or other storms to store our possessions, or purchased for needed extra storage. Some of them actually have electric and water and are used as extra project rooms. They are just a necessary fact of life in South Florida. We don't give them much thought and we take them for granted - so little thought, in fact, that many of the sheds in our Village were installed or constructed without permits. Sheds were never a high priority for Palmetto Bay's compliance division. They only became a real issue if someone complained or if a homeowner called for a permit inspection that drew attention to them. That is what happened in Palmetto Bay.

Sheds are governed by the Florida Building Code, which regulates sheds for wind load, anchorage, size, height, and any inclusive electrical work. Palmetto Bay's Zoning Code defines access, lot coverage, set back, and location. A shed **does** require a building permit. Minimum rules regarding sheds are spelled out and required by State Law. Local municipalities may customize the laws according to their own needs but may not be more lenient than State Law.

Palmetto Bay's focus on sheds began several months ago when one of our residents was given a warning by a Code Compliance Officer to bring his shed into compliance. At the request of the homeowner, the Officer had gone to a residence to perform a permit inspection not related to the shed. During the normal course of the inspection the inspector noticed that a shed on the property was not in compliance. The homeowner questioned this and pointed to several homes with similar shed configurations. As is customary, and the rule, when a code compliance inspection is requested, (not just because the homeowner pointed them out) the inspector looked at the surrounding residences and issued warnings to eight homeowners. They were "noticed" in the course of a standard permit inspection not through any planned sweep or "hunt."

It was at the point of receiving the warning that one of the residents contacted me for assistance. He told me that he didn't understand why his shed was now an issue. He had the shed for about 20 years, it lasted through Andrew, no one had complained about it and he believed it was in good condition.

It was apparent by the time I met with this individual that the issue of un-permitted sheds was not unique to those eight homeowners; there may be many similar circumstances throughout the Village. It was also easy to see that a simple permit was not going to be the answer for the majority to come into compliance. The shed under discussion was out of compliance for a number of reasons, including no proof of permit, size of the shed, and

location. These issues would trigger a need for a variance hearing. In fact, several of the initial eight homeowners who had been given warnings would require a hearing under the current ordinances and had applied for the hearings. This resident, who expressed his appreciation of the Council for their work on the issue, experienced firsthand the need for the Ordinance under discussion and the resolution it will provide. He felt the solution to his compliance issue was just too complicated for just a shed.

I felt that the Village residents deserved a better solution than what was currently available for those needing shed permits and requiring hearings, as well. Currently, there would be charges and penalties for permits after the fact. A variance hearing could cost approximately \$1,200, plus \$30 for mailing notices, plus double permit fee plus \$100 (penalty of approximately \$550-\$650), plus having to pay to relocate or dismantle your shed (if necessary), and time and effort on the part of the homeowner.

The proposed Ordinance coming up for second reading in February removes the penalties for permit applications made after the fact. It more clearly and simply spells out the requirements for a shed to make it easier for our residents to comply. For instance, a shed purchased from Ted's Sheds 10 years ago has different structural requirements than today. The proposed Ordinance provides a simplified Building Permit procedure: the resident must provide evidence of when the shed was constructed – this evidence could be a receipt of when the shed was purchased or a dated aerial photograph, tax record, or a survey. If there is no evidence of when the shed was constructed, the shed shall comply with the current version of the Florida Building Code. Additionally, the resident must provide two copies of as-built plans. The plans can be hand-drawn by the homeowner, but must include the following: site plan, floor plan, sufficient detail, where applicable, of structural, electrical, mechanical, plumbing and roofing components.

Minimum safety requirements must be met; however, the proposed Ordinance reduces the required set-backs and adjusts the shed size so that fewer sheds trigger a required variance hearing (previously, a hearing was required for any shed over 100 square feet, rather than the proposed 150 square feet; and set back requirements were five to seven feet, rather than the proposed three feet). This part of the Ordinance itself simplifies a great number of homeowners' difficulties with compliance with their sheds.

Once a Variance Hearing is triggered, the Ordinance has provided for hearings to be grouped to limit the cost to the residents. The cost may be reduced to as little as \$100 per hearing participant from the current approximate cost of \$1,200. This is based on the approximate pro rata cost of the required advertising. Notification and sign-off by the immediate neighbors has been made much simpler and may even be eliminated.

Your Council is attempting to make this process as simple as possible to bring as many residents into compliance as possible. Our residents have the right to expect us to provide them with a safe environment, zoning that protects the values of their properties, and to uphold the law. Yes, they are only sheds; but, during Hurricane Andrew, many sheds and their contents became missiles. The canal behind my house was full of sheds. Sheds located without proper set backs on a property can detract from the neighborhood and become a point of contention between neighbors. We are a community that prides itself on how green

we are in terms of foliage, trees, and lot coverage. Huge oversized sheds that are really buildings defeat the lot coverage percentage and are detrimental to our overall appearance. Additionally, structural and building code concerns must, by law, be addressed for the safety of our neighbors.

To date, there have been few complaints to Village Hall about the sheds in our community. This is not the beginning of “sweeps for sheds” or a “witch hunt” program. The reality is that a home owner’s problem with compliance may be noticed when someone calls for an inspection on an un-related permit, tries to close out an old permit when they sell a house, or if a neighbor calls for an inspection. The 18-month Amnesty Program is meant to make it easy for those residents who need it and hopefully everyone who does will take advantage of it. The Village staff is ready to work with you to make it an easy, simple, cost effective process.

Yes, they are only sheds. Let the new Ordinance keep them just a shed - not an expensive, complicated, dangerous problem.