

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: 500 E. Camellia Shed Waver
DATE: March 15, 2023

The applicant at 500 Camellia Avenue is requesting relief from the Town's location requirements for sheds based upon impacts to trees if the shed is placed directly behind the residence as required by code. Section 5.01.09 F of the land development code allows the Planning Board to grant relief if conditions warrant. The full code section is provided at the end of this report and the specific waiver language is as follows:

F. The Planning Board may approve the placement of a shed in another location on the subject property based upon a finding that a location complying with Subsections B and C above is not practical due to specific site conditions such as steep slopes, tree preservation, site access limitations or other conditions that the Planning Board finds relevant. In no case shall the Planning Board approve a shed location in any front yard. This section is not intended to prohibit a property owner from seeking variance to the code using the procedures set forth in Chapter 4.

The shed is existing on the property and the applicant has provided a copy of the survey showing the house and the shed location. The applicant has also provided photographs of the property showing the shed, tree locations, and landscaping. An examination of the survey shows the shed protrudes beyond the edge of the house by about half the width of the shed. By code, the shed should be fully behind the principal structure. The applicant's notes identify that the shed cannot be shifted behind the house without impacting an existing tree. To be fully compliant the shed will need to be shifted to the area of the lot behind the house. This likely means shifting the shed to the Camellia Avenue side of the existing tree. There do not appear to be any obstructions to placing the shed in this area, and the survey shows the ground is gently sloping to the rear property line.

Where the shed is located currently provides the most screening from adjacent properties and the public right-of-way as opposed to the fully conforming area of the lot, however, the shed should be fully compliant to meet code standards.. If the applicant

can demonstrate that moving the shed to a conforming area of the lot will result in the removal of trees that factor can be considered in the planning board deliberations.

Action:

Should the Board agree the impacts to the existing trees justify the waiver, the Board should grant the waiver.

5.01.09 Storage Sheds

- A. Storage sheds are permitted as an accessory structure subject to the provisions of Section 5.01.03 and the provisions of this section.
- B. Storage sheds shall not be permitted in front of the rear plane of the principal structure and shall not be permitted beyond the plane of the side of the principal structure on a street side yard.
- C. Storage sheds shall be placed in rear yards at least five (5) feet from rear property lines and shall not extend beyond the plane of the sides of the principal structure.
- D. Storage sheds that exceed 144 square feet shall be painted a neutral color matching the base color of the dwelling. Where the principal structure is constructed of a natural material such as brick or stone, sheds exceeding 144 square feet shall be painted a neutral color matching primary structure or complementary to the color of the principal structure. Sheds which are site built shall use the same materials and colors as the principal structure whenever possible. Sheds over 144 square feet shall comply with the setback requirements for accessory structures as set forth in Section 5.01.03F.
- E. Storage cabinets measuring less than 30-inches in depth and 36-inches in width and less than 72-inches in height may be placed on a property without permit provided the storage cabinet is placed adjacent to the rear of the principal structure, detached garage, or storage shed. Storage cabinets shall not count towards the two permitted accessory structures.
- F. The Planning Board may approve the placement of shed in another location on the subject property based upon a finding that a location complying with Subsections B and C above is not practical due to specific site conditions such as steep slopes, tree preservation, site access limitations or other conditions that the Planning Board finds relevant. In no case shall the Planning Board approve a shed location in any front yard. This section is not intended to prohibit a property owner from seeking variance to the code using the procedures set forth in Chapter 4.