ZT-4-2009

West Valley City

Amending Section 7-6-305(6) which addresses the placement and setbacks of accessory buildings in the R-1 Zones.

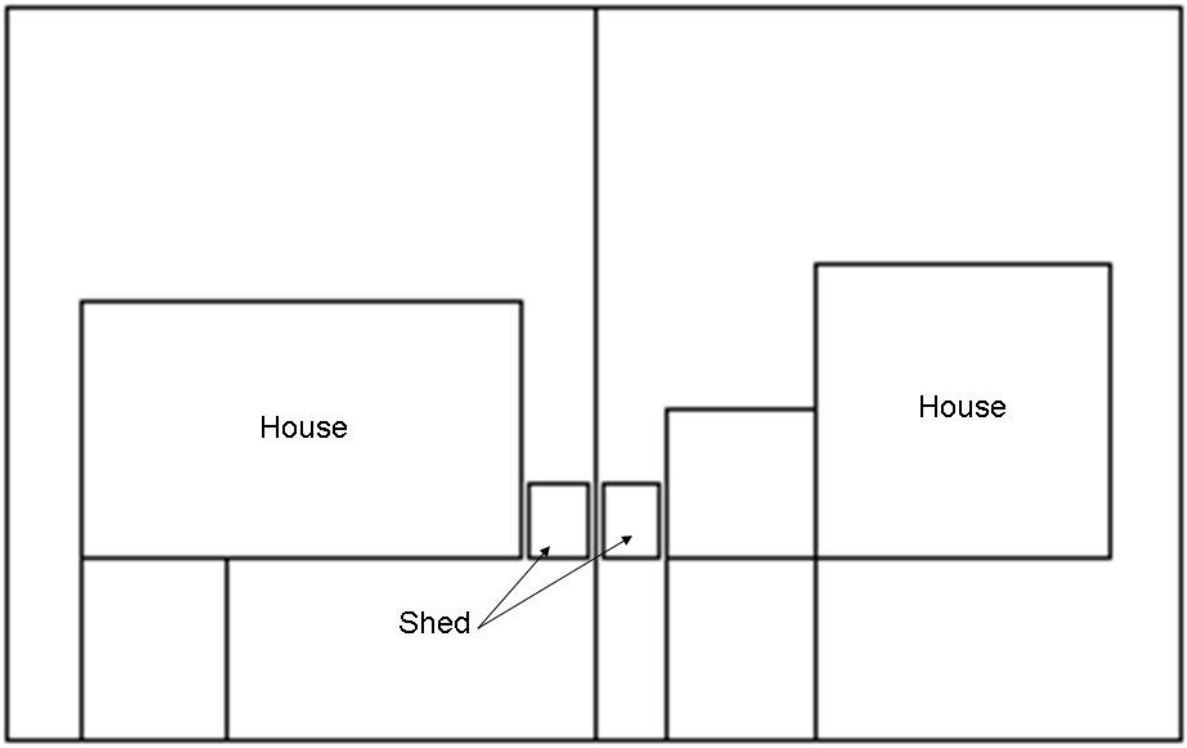
This application was continued during the public hearing on July 8th.

City staff is proposing an amendment to Section 7-6-305(6) of the Zoning Ordinance which regulates the placement and setbacks of accessory buildings in the R-1 Zones. The definition of an accessory building is "a detached building clearly incidental to and located upon the same lot occupied by a primary building and subordinate in height and area to the primary building, but can be at least 14 feet in height.

Toward the end of 2008, the City began proactive code enforcement in certain neighborhoods including building code violations. As a result of these enforcement efforts, many properties were found with accessory buildings (mostly sheds) placed in side yards that did not meet the side yard setbacks. The City Council received several complaints from residents about the setback requirements and the costs associated with having to move sheds. After a review of the issues with staff, the City Council directed staff to prepare an ordinance revision that would allow a shed to be placed on one side of a lot and that would include appropriate limitations on these sheds.

The proposed ordinance, which is attached, would allow one shed in one side yard with requirements for setbacks, limitations on size and height, material requirements, and placement restrictions. Below are a couple of photos of 8' x 10' sheds from shed manufacturers that have 6' doors and would meet the 8' height limitation.

The basic question here is whether or not the minimum side yard setback should be free from any structures. If this ordinance is adopted, the drawing below illustrates what could potentially happen. It is possible that you could have a house, 1', a shed, 2', a shed, 1', and another house.



The following changes were made to the proposed ordinance since the last draft:

- Language was added that clarifies that only one accessory building is allowed on one side of the house.
- Metal as an exterior material was excluded (only applies to sheds in the side yard).
- Wood must be painted or stained and maintained so there is no cracking or peeling paint.

During the study session fire concerns were discussed. Staff sent a copy of the draft ordinance to the Fire Department for their feedback. Below is a response from Kris Romijn, the City's Assistant Fire Chief:

"As we see the new proposed ordinance to shed setbacks from fire prevention:

1. In answer to RV's that may follow a like scenario as pictured above, we don't see the sheds vs RV's as any more or less of a fire hazard.
    - We believe that sheds are less likely to have power ran to them than an RV.
    - Both the RV and the shed are likely to have compressed gas stored in, or used as part of the operation of the vehicle.
    - The shed is likely to have various flammables, pesticides, and insecticides.
    - The materials used to manufacture a RV are more toxic than the ordinary combustibles of a shed.
2. While the scenario above would create a problem because of the close proximity of each structure causing a exposure problem

- The problem exists in like fashion already - i.e. mobile home parks, PUD's w/ small, narrow side yards, etc.

3. Likelihood and frequency of fire hazard occurrence:
   - The frequency in which the homeowner, renter, landlord, contractor etc. would build in the manner in which is suggested we believe is low.
   - The likelihood that a fire would occur in a structure that is following the proposed new ordinance and spread to the other structure while there is a exposure problem we feel the likelihood is low.

Conclusion, Suggestions, and Recommendation

1. A possible solution would be to not allow the construction of two sheds to be built on the same common side yard, unfair to one or the other occupants.
2. Go ahead with the proposed change based on the points listed above."

Another consideration for this ordinance is the size of the sheds involved in the City's enforcement cases. According to Ed Domian, the City's Chief Building Official, most of the sheds involved in enforcement cases are approximately 100 to 120 square feet in area.

Staff Alternatives:

1. Approval of the ordinance to allow more flexibility for accessory buildings.

2. Approval of the ordinance with a change to item 6bi so that it reads: "The accessory building is less than 120 square feet in area."

3. Continuance, for reasons determined at the public hearing.

4. Denial, the City should continue to enforce the current ordinance.

Applicant:
West Valley City

Discussion: John Janson presented the application. Harold Woodruff clarified that the new proposed ordinance allows one shed, less than 120 square feet, in the side yard and prohibits a neighbor the option of building a shed in the same side yard. John agreed but stated that a neighbor is allowed to construct a shed in the same side yard if he/she chooses. Brent Fuller asked what the existing ordinance allows. John replied that the existing ordinance makes it difficult for sheds to be allowed on most residences in West Valley City because it requires a large side yard. Mary Jayne Davis questioned whether people who have two sheds in each side yard will be grandfathered in or if they will need to address the problem if this ordinance is approved. John stated that two sheds in each side yard is currently not allowed and will not be allowed in the new ordinance so it will need to be addressed and corrected.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval of the ordinance with a change to item 6bi so that it reads: "The accessory building is less than 120 square feet in area."

Commissioner Garcia seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Chairman Woodruff	No

Majority -ZT-4-2009– Approved