

# Residential Shed or Accessory Building

- **Permit Required**

- A permit is required for residential sheds, garages, or other accessory structures that are larger than one hundred forty (140) square feet. This includes stationary and portable carports, docks<sup>1</sup>, sheds, and boathouses<sup>2</sup>.
  - <sup>1</sup> Docks or any other construction in the water require a permit from the NYS Department of Environmental Conservation (DEC) and the United States Army Corp of Engineers (USACE).
  - <sup>2</sup> Boathouses are not allowed to be constructed without variances from the Zoning Board of Appeals and a permit from USACE.

- **Applying for a Permit**

- The following information is required to obtain a building permit:
  - One (1) set of construction drawings showing the construction details of the shed or accessory structure, including the foundation, building walls, posts, headers at windows and doors, beams, and roof framing.
  - One (1) copy of the survey showing the proposed location of the shed or accessory structure. The survey should include any recorded easements or wetland delineations.
  - One (1) copy of a lot grading plan showing the property lines, proposed shed or accessory structure, and any drainage easements. The plan shall show the proposed lot grading and any existing or proposed drainage elements such as yard drains, drainage piping, and drainage swales.
  - Insurance Requirements:
    - The contractor performing the construction shall provide proof of liability insurance, working compensation, and disability insurance by providing the following:
      - Liability Insurance:
        - Provide a Certificate of Insurance.
      - Workers Compensation:

- Provide either Form C-105.2, Certificate of Workers' Compensation Insurance, or
      - Form SI-12, Certificate of Workers' Compensation Self-Insurance, or
      - Form CE-200, Certificate of Attestation for New York Entities With No Employees and Certain Out of State Entities, That New York State Workers' Compensation Insurance Coverage is Not Required.
    - Disability Benefits:
      - Provide either Form DB-120.1, Certificate of Disability Benefits Insurance, or
      - Form DB-155, Certificate of Disability Benefits Self-Insurance, or
      - Form CE-200, Certificate of Attestation for New York Entities With No Employees and Certain Out of State Entities, That New York State Disability Benefits Insurance Coverage is Not Required.
  - Homeowners performing the construction shall fill out an Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance.
  - Allow up to ten (10) working days for the permit application to be reviewed. A staff member will contact you when the permit is ready or if additional information is required.
- **Fees**
    - \$100 up to 750 square feet
    - \$0.10 per square foot over 750 square feet
  - **Definitions**
    - Structure:
      - Anything constructed, the use of which requires permanent or temporary location on the ground or attachment to something having permanent or temporary location on the ground, including stationary and portable carports, docks, sheds, boathouses, towers, and structures of a similar

nature. Also including swimming pools, both in-ground and above ground, decks, flagpoles over 20 feet in height, antennas. Excludes patios, walkways and pavements at ground level.

- Building:
  - Any improvement having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels; mobile home; or
  - Any other structure, including anything constructed, the use of which requires permanent or temporary location on the ground or attachment to something having permanent or temporary location on the ground, including stationary and portable carports, docks, sheds, boathouses, towers, and structures of a similar nature; also including swimming pools, both in-ground and aboveground, decks, flagpoles over 20 feet in height and antennas.
  
- Building Height:
  - The vertical distance measured from the mean level of the ground surrounding the building or structure to the highest point of the roof, but not including chimneys, spires, towers, tanks and similar projections.
  
- Maximum Building Coverage:
  - The maximum percentage of a lot to be covered by the combined footprint of all buildings, structures, and uses.
  
- Start of Construction:
  - The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement,

footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- **Structural Requirements**

- All structures shall meet the requirements of the NYS Building Code for loading conditions including:
  - Floor Live Load – 40 psf
  - Ground Snow Load – 50 psf
  - Wind Load – 115 mph
- Any type of foundation is permitted as long as it can support the building loads.
- Any type of framing materials are acceptable as long as they can support the building loads.

- **General Requirements**

- All accessory uses and structures shall observe the front yard requirements applicable to principal buildings in the district. All accessory uses and structures shall observe a five-foot side yard setback in residential districts, and the same requirements applicable to principal buildings in all other districts.
- All accessory uses and structures shall observe a five-foot side yard setback in residential districts, and the same requirements applicable to principal buildings in all other districts.
- All accessory uses and structures in residential districts shall observe a minimum five-foot rear yard setback. In all other districts, accessory uses and structures shall observe the rear yard setback for principal uses and structures in that district.

- There shall be no more than two accessory buildings per lot allowed in any residential district.
- In residential and business districts, the height of accessory buildings and uses shall not exceed 18 feet. In manufacturing districts, accessory buildings shall comply with height regulations for principal buildings and accessory uses shall not exceed 18 feet.
- No accessory use or structure shall be allowed unless a principal use or structure already exists on the lot, except business accessory uses that otherwise comply with the requirements applicable to accessory structures and uses generally, as set forth in § 407-142A, B, C and E, shall be permitted on lots that are contiguous lots to the lot with a principal use or structure, provided the contiguous lots are part of a common operational scheme and receive site plan approval together.
- No more than two accessory storage buildings, including a detached garage, shall be allowed. The aggregate total square footage shall not exceed 25% of the required rear yard.
- Front Yard Requirements:
  - Front Yard Setback Requirements
    - R-1A – 50 feet
    - R-1B – 50 feet
    - R-1C – 50 feet
    - R-1D – 35 feet
    - R-1E – 30 feet
- Special Setback Requirements
  - In addition to the other setbacks established in this code and delineated on Schedules I and II,[1] the following additional setbacks apply in all districts to all buildings and structures, provided that where the district front yard requirements establish a greater setback, the district front yard requirements shall apply.
  - On the following roads, measured from the center of the right-of-way to the building line, the minimum setback, subject to the exception of Subsection B of this section, shall be:

<b>Name of Road</b>	<b>Minimum Setback (feet)</b>
• Alt Boulevard	100
• Baseline Road	100
• Bedell Road	80
• Bush Road	80
• East River Road	90
• Ferry Road	80
• Fix Road	80
• Grand Island Boulevard	115
• Harvey Road	80
• Huth Road	80
• Long Road	80
• Love Road	80
• Ransom Road	80
• Staley Road	80
• Spaulding Road	80
• Stony Point Road to Elsie Lane)	100 (except Love Road to Elsie Lane)
• Stony Point Road Lane)	80 (Love Road to Elsie Lane)
• Whitehaven Road	100

- In the North, South, and Center Business Districts, in accordance with the powers authorized to the Town by Town Law § 274-a(5), the Town Board may approve a site plan with smaller setbacks than those required in Subsection A of this section for structures and uses complying with the rules and goals of the design requirements for the North, South, and Center Business Districts.
- On shoreline lots, structures other than riverside accessory uses, shall be no closer to the river shoreline (measured at the top of the bank) than:
  - Riverside accessory uses and structures on shoreline lots such as pools or other structures, less than four feet high, and which do not obstruct the views of the Niagara River, may be placed in the rear yard of a shoreline lot in accordance with the regulations for placement of accessory structures and uses. Fences in rear yards of shoreline lots shall not be opaque and shall not exceed four feet in height. This subsection, limiting accessory uses and structures,

applies to shoreline lots and does not apply to the portion of riverside lots, if any, not adjacent to the Niagara River.

- Exceptions:
  - Yard requirements.
    - Rear yard exceptions for through lots. On a through lot where the rear lot line coincides with a street line, a front yard equivalent shall be provided. The rear yard depth requirements in the district regulations shall not apply on that portion of a through lot where the front yard equivalent is required; and
    - Side yard rule for corner lots. On corner lots, all structures shall be no closer to the right-of-way than the minimum front yard setback of the adjacent lots.
    - Exceptions to frontage requirements. Any legal nonconforming lot separately owned and recorded on the Tax Map of the Town of Grand Island at the time of enactment of this chapter which has frontage of less than the prescribed number of feet permitted in an applicable district may be used as a building lot if it has sufficient area to permit the required setbacks within such district.
  - Height limitations.
    - The height restrictions of this code do not apply to the following, except as stated herein:
      - Chimneys, flues, spires, tanks, steeples, communications towers, ornamental towers or spires and belfries on otherwise conforming buildings, provided that such structures, other than church steeples or towers on a public building, do not exceed the height limitation by more than 40%;
  - Exceptions to setback requirements.
    - Notwithstanding the failure to comply with the setback and minimum yard requirements of this code, no variance shall be required when:
      - When a structure is replaced in its entirety within 12 months of demolition by another structure with the same footprint as the replaced structure, and there is no increase in

the amount of noncompliance with the minimum yard or height requirements.

- **Exceptions to the Grading Plan Requirement**

- A grading plan is required for all projects unless the project meets any of the following exceptions (Note impervious area includes the structure and any paving that is to be constructed as part of the project):
  - The impervious area is less than 200 square feet and no new construction or regrading of the land will occur within 5 feet of the property line or is located within a drainage easement.
  - The impervious area is less than 300 square feet and no new construction or regrading of the land will occur within 10 feet of the property line or is located within a drainage easement.
  - The impervious area is less than 500 square feet and no new construction or regrading of land will occur within 15 feet of the property line or is located within a drainage easement.
  - No new construction or regrading of land will occur within 20 feet of the property line or is located within a drainage easement.

- **Requirements in Special Flood Hazard Areas**

- Elevation:
  - Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
    - Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
    - Be floodproofed so that the structure is watertight below two feet above the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.



- Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
      - Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
      - Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).
    - Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
    - Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.
- If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- Anchoring:
  - New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- Construction materials and methods.
  - New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

- New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- Enclosed areas.
  - For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH and also Zone A, if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
    - A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
    - Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.