



## **CITY OF BUNKER HILL VILLAGE**

**THE PLANNING AND ZONING COMMISSION OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON TUESDAY, AUGUST 27, 2024, AT 11:30 A.M. IN THE CITY HALL COUNCIL CHAMBERS AT 11977 MEMORIAL DRIVE FOR THE PURPOSE OF DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:**

### **NOTICE OF MEETING BY TELEPHONE AND VIDEO CONFERENCE:**

In accordance with Texas Government Code, Sec. 551.127, on a regular, non-emergency basis, Board members may attend and participate in a meeting remotely by video conference. Should such attendance transpire, a quorum of the Planning and Zoning Commission will be physically present at the location noted above on this agenda.

This meeting agenda, and the agenda packet, are posted online at

[www.bunkerhilltx.gov](http://www.bunkerhilltx.gov)

### **Join Zoom Meeting**

<https://us06web.zoom.us/j/82664118805?pwd=kcpP5A8Nd15LS425GmqgLaaDU759af.1>

**Meeting ID:** 826 6411 8805

**Passcode:** 895174

**Dial by your location:** +1 346 248 7799 US (Houston)

The public will be permitted to offer public comments by video conference as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

- I. **CALL TO ORDER**
- II. **PUBLIC COMMENTS**
- III. **CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE MAY 28, 2024, MEETING MINUTES**
- IV. **DISCUSSION, FEEDBACK, AND DIRECTION REGARDING THE DISTANCE OF A GENERATOR PAD FROM A STRUCTURE AND CONSIDER ENCROACHMENT INTO SETBACK/ RESTRICTED GREENSPACE REQUIREMENTS – *Elvin Hernandez, Director of Public Works***
- V. **DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING THE CITY’S SUBDIVISION ORDINANCE TO ALLOW A LOT TO BE SUBDIVIDED THAT FRONTS A PRIVATE STREET (PUBLIC AND PRIVATE STREET DESIGNATION) – *Elvin Hernandez, Director of Public Works***
- VI. **DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING CHAPTER 4, ARTICLE IV AND APPENDIX A, SECTIONS 9.06, 9.07, AND 9.08 OF THE CITY’S CODE OF ORDINANCES (THE 50% IMPROVEMENT RULE) – *Elvin Hernandez, Director of Public Works***
- VII. **ADJOURN**

**I, Gerardo Barrera, City Administrator/ Acting City Secretary, for the City of Bunker Hill Village, certify that the above notice of meeting was posted in a place convenient to the general public in compliance with Chapter 551, Texas Government Code, by Friday, August 23, 2024, by 12:00 p.m.**

(SEAL)

  
\_\_\_\_\_  
Gerardo Barrera, City Administrator/ Acting City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to public meetings. Please contact the office of the City Secretary at 713-467-9762 for further information.

**MINUTES OF A PUBLIC MEETING  
OF THE CITY OF BUNKER HILL VILLAGE  
PLANNING AND ZONING COMMISSION  
TUESDAY, MAY 28, 2024**

**I. CALL TO ORDER**

Chair Bill Going called the Planning and Zoning Commission Meeting to order at 11:35 a.m. based on a quorum of members present:

Present

Bill Going, Chair  
John Gillette, Vice-Chair  
Jack Christiansen, Commissioner  
Billy Murphy, Commissioner  
Catherine Wile, Commissioner  
Paul Reinbolt, Commissioner (via Zoom)

Staff in Attendance

Gerardo Barrera, City Administrator  
Elvin Hernandez, Director of Public Works  
Loren Smith, City Attorney  
Keith Brown, City Council Liaison  
Mallory Pack, Management Analyst

Absent

Monica Muschalik, Commissioner

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE APRIL 23, 2024, MEETING MINUTES**

There was a discussion to add a comment under Agenda Item IV, last sentence of paragraph 3 to read: After variance approval, the final plat has satisfied all requirements of the City's ordinances.

**A motion was made by Commissioner Wile and seconded by Commissioner Christiansen to approve the April 23, 2024, meeting minutes with revised comment.**

**The motion carried 4 - 0**

**IV. REVIEW, DISCUSSION, AND DIRECTION ON AMENDING THE CITY'S TREE ORDINANCE**

The purpose of the City's tree ordinance is to preserve and enhance the desirability of the city by requiring careful site planning; the protection of trees during construction to contribute to the long-term viability of existing trees; prohibiting indiscriminate cutting or clearing of trees; and encouraging the increase of the urban canopy.

During the January 2024 meeting, in response to feedback received from the Planning and Zoning Commission, residents, and building developers, staff presented a preliminary review of the City's tree ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommended addressing and clarifying discrepancies in section 4-183 – minimum tree requirement and section 4-185 – tree preservation, removal and replacement to ensure the code is clear, concise, and effective.

The Commission discussed the following:

- Incorporate provisions imposing a penalty/ punitive actions (ex. include penalty if a tree was removed that was not approved in the tree survey/ include penalty for failure to follow tree survey as approved) to deter contractors from having to pay low fines for failure to comply with ordinance requirements.
- Require proof from a qualified Urban Forester to remove dead and/or diseased tree.
- Revise procedure for minimum tree count and tree placement (ex. Off-Site Tree Fund) to ensure best canopy coverage.
- Suspension or revocation of contractor to build in City.

Based on this feedback, staff and the City Forester identified additional sections for review and developed proposed revisions to Chapter 4, Article VI of the Code of Ordinances. Staff presented proposed revisions to the following sections at the May 2024 meeting:

- Section 4-182 Definitions
- Section 4-183 Minimum tree requirements
- Sec. 4-185. Tree preservation, removal, and replacement
- Sec. 4-186. New construction, reconstruction, and expansion/additions
- Sec. 4-188. Approved tree planting list
- Sec. 4-189. Tree requirement list
- Sec. 4-190. Enforcement and penalties and fines

Commission discussion included the following:

- Noted concerns about increasing the minimum 1,000 sq. ft. requirement to 2,000 sq. ft. (in consideration of drainage and setback requirements for construction), and suggested an increase to 1,200 sq. ft. instead, if necessary. Commissioner Going spoke that many residents choose to live in the City because of the number of trees. There was no further interest from the Commission to change the minimum requirement.
- Review language and requirements for the removal of healthy trees versus unhealthy/damaged trees and the replacement requirement depending on if lot meets the minimum tree requirement.
- Incorporate suspending work and/ or contractor registration as a more punitive measure to deter contractors from having to pay low fines for failure to comply with ordinance requirements (ex. if tree was removed without a permit).

The Commission directed staff to continue to work with the City Forester to create a “redline” document with proposed amendments addressing topics discussed.

**No action was taken on this item.**

**V. ADJOURN**

**Chair Going adjourned the meeting at 12:54 p.m.**

Approved and accepted on August 27, 2024

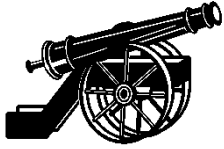
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William Going, Chair

ATTEST:

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Gerardo Barrera, City Administrator/ Acting City Secretary



**City of Bunker Hill Village  
Planning and Zoning Commission  
Agenda Request**

**Agenda Date:** August 27, 2024  
**Agenda Item:** IV  
**Subject:** Generator Installation  
**Exhibits:** Plan  
Letter dated July 17, 2024  
**Presenter(s):** Elvin Hernandez, Director of Public Works

**Executive Summary**

Generator installation must comply with Article IV, Section 4-76 (11) of the City's Code of Ordinances. At the July 24, 2024, City Council Special Meeting, the property owner at 4 Blalock Woods submitted an appeal request against subsections (d) and (f) of the ordinance.

**Appeal of Section 4-76 (11)(D)**

Section 4-76 (11)(D) of the City's Code of Ordinances requires a minimum clearance of 24" inches between the generator foundation and any other structures. The property owner requested to install a generator with a 12" inch clearance between the generator foundation and the main structure.

**Appeal of Section 4-76 (11)(F)**

Section 4-76 (11)(F) of the City's Code of Ordinances prohibits the placement of a generator in any restricted area or required green space. The property owner requested to install a generator that encroaches 7" inches into the 5' foot greenspace.

**Sec. 4-76. International Residential Code for One- and Two-Family Dwellings.**

(11) Standby and emergency generators shall be installed in accordance with the National Electrical Code, 2020 and the following restrictions:

- a. All wiring shall meet all requirements outlined in this code.
- b. Maximum sound level at anytime shall be 70db or less measured at the property line.
- c. Generator shall be positioned so that no structure, roof or overhang is over any portion of the generator enclosure.
- d. Minimum clearance between generator foundation and other structures shall be twenty-four (24) inches or greater as determined by manufacturers' specifications. At no time shall the clearance be less than twenty-four (24) inches.
- e. No portion of the generator or wiring may be located in an easement or right-of-way.

- f. Generator may not be located in any restricted area or required green space.
- g. Generator may not be located within the required front yard of a lot.
- h. A generator cannot be visible from view from a public or private street.
- i. A load analysis, generator specifications and one-line electrical diagram must be posted with the permit on the project site.

Per Chapter 4, Section 4-76 (2) of the City's Code of Ordinances, appeals of the Building Official's decisions related to the Building Ordinance are directed to the Board of Appeals, which is composed of the City Council.

Council voted 0-4 to grant the appeal request, noting potential safety concerns related to fire hazards and ventilation. To consider potential amendments to the ordinance, Council directed staff to consult with the Fire Marshal to determine safety standards for the distance between a generator and a structure and encroachment into setback and greenspace requirements.

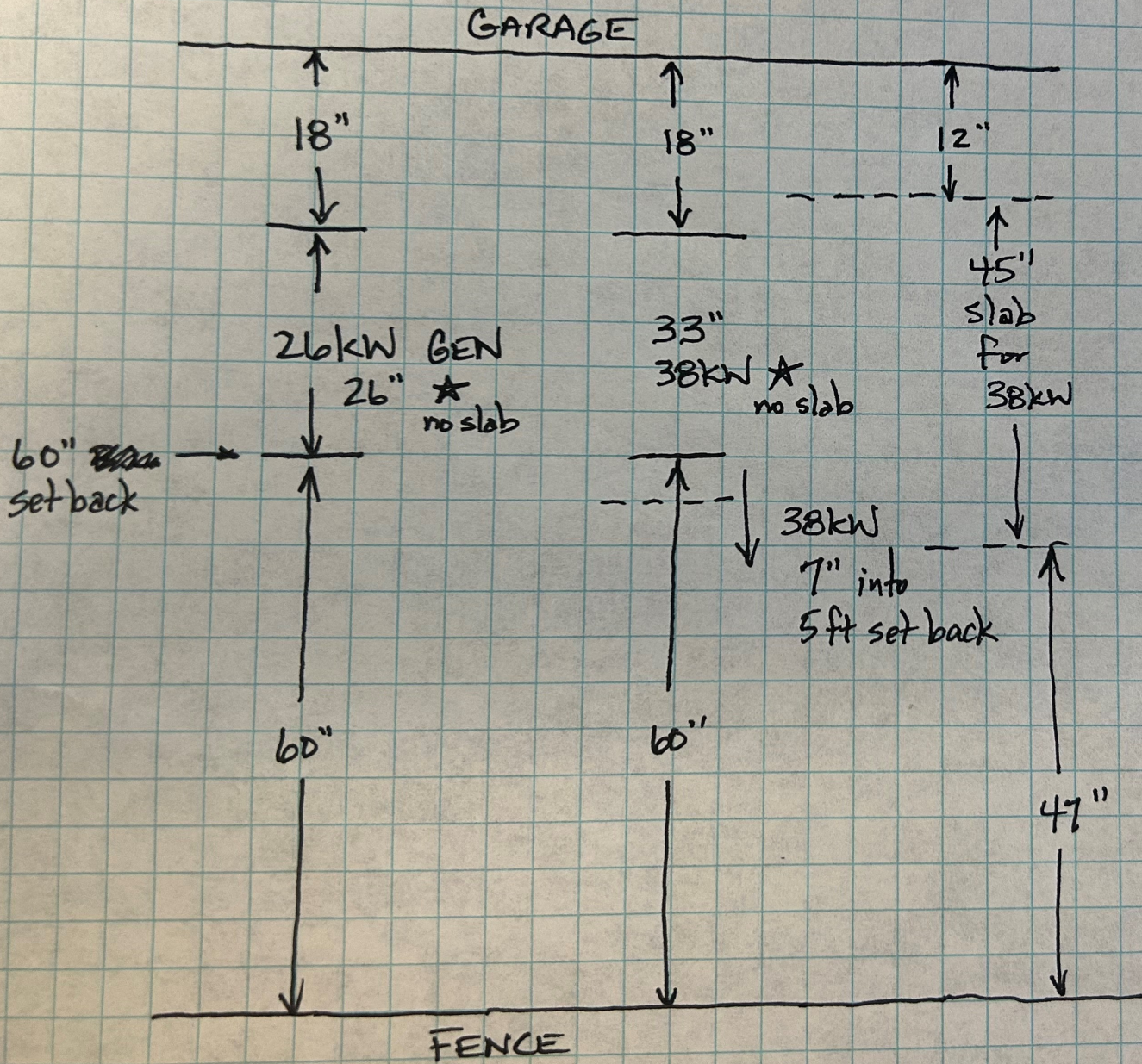
During the August 5, 2024, City Council Special Meeting, Council directed this item to the Planning and Zoning Commission for further review based on the following feedback:

- Consider amending the minimum clearance between the generator foundation and other structures to 18" inches, in line with manufacturer specifications and the Fire Marshal & NFPA standards.
- Explore the possibility of allowing the generator to encroach at least 1' foot into the restricted greenspace. This would apply only to generator pads and not to any other accessory structures.

#### **Recommended Action**

This is a discussion item only. Staff recommends the Planning and Zoning Commission review the ordinance and provide feedback and direction.

# DANIEL HARRISON



- per drawing/survey  
8.7 ft = 104"

- per measurement  
100"  
fence to garage

26RCA  
26" X 47"  
w/ slab (pre-poured)

38RCLC  
33" X 74"  
+ pad 6" all around  
45" X 86"

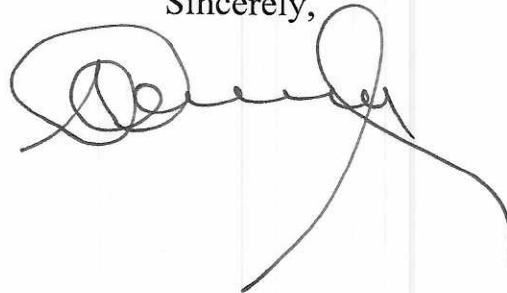


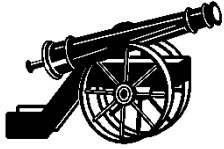
July 17, 2024

To whom it may concern,

My name is George McCall Secrest, Jr. My wife, Caprice Cosper, and I reside at 3 Blalock Woods Street in Bunker Hill Village. It is our understanding that our next door neighbors, Daniel and Geneva Harrison, who reside at 4 Blalock Woods, Houston, Texas, 77024, are planning on installing a generator on their property within the setback requirements of Bunker Hill Village close to our shared fence line. Caprice and I have no objection to their plans to do so and are hoping that the City of Bunker Hill Villages will allow them to proceed with their project. If you have any questions of me, please feel free to contact me at 713-906-0648 (cell) or 713-757-0679 (my law office).

Sincerely,

A handwritten signature in black ink, appearing to read "George McCall Secrest, Jr.", with a long, sweeping underline that extends to the right.



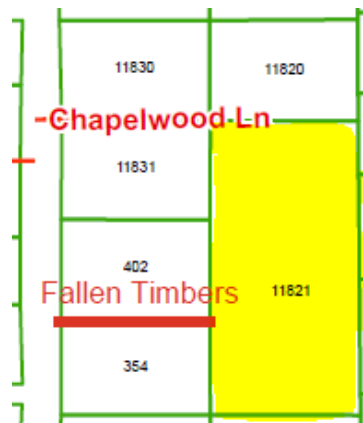
**City of Bunker Hill Village  
Planning and Zoning Commission  
Agenda Request**

**Agenda Date:** August 27, 2024  
**Agenda Item:** V  
**Subject:** Subdivision Ordinance – Public and Private Street Designation  
**Exhibits:** N/A  
**Presenter(s):** Elvin Hernandez, Director of Public Works

**Executive Summary**

At the July 24, 2024, City Council Special Meeting, the property owner at 11821 Chapelwood Ln. presented a request to subdivide the property into either three one-acre lots or two lots.

The property was originally three separate lots before being platted into one single lot in 2009. The subdivision ordinance was revised in 2014, and no longer allows lots facing private streets to be subdivided.



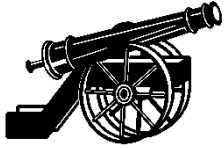
Per the current ordinance, the only way to subdivide the lot is to make both Chapelwood Ln. and Fallen Timbers into public streets. This would be at the expense and full responsibility of the property owner, and would require final acceptance of the streets, drainage, etc. from the City. There is no variance process to allow the subdividing of the lot otherwise, and one would need to be established to explore alternative options.

During the meeting, Councilmember Brown provided background on the ordinance, stating that the reasoning for preventing lots facing private streets from being subdivided was a “vindictive” act when it was created and passed in the subdivision ordinance.

No action was taken on this item at the meeting. Council directed this item be referred to the Planning and Zoning Commission for further review and discussion of potential amendments to Chapter 14 of the City's Subdivision Ordinance.

### **Recommended Action**

This is a discussion item only. Staff recommends the Planning and Zoning Commission review the ordinance and provide feedback regarding potential amendments.



**City of Bunker Hill Village  
Planning and Zoning Commission  
Agenda Request**

**Agenda Date:** August 27, 2024  
**Agenda Item:** VI  
**Subject:** 50% Rule  
**Exhibits:** Proposed Revisions  
**Presenter(s):** Elvin Hernandez, Director of Public Works

**Executive Summary**

During the June 18, 2024, City Council meeting, staff provided an update on recent appeal requests approved by the Zoning Board of Adjustments (ZBOA) concerning remodel projects exceeding the 50% improvement threshold. At the ZBOA meeting on April 25, 2024, the Board recommended reviewing the ordinance to create an exception for small wall openings, such as those required for installing piping and duct work. They noted that the entire room should not be included in the overall square footage calculation. In response, Council directed staff to review the ordinance for potential amendments.

City staff has since conducted a thorough review of historical projects and examined where and how the “50%” threshold is referenced in the ordinance, including its context and intent. In collaboration with the City’s contracted structural engineers, staff has drafted amendments designed to allow projects to progress while avoiding any unintended consequences and ensuring the integrity of the reconstruction ordinance.

**Recommended Action**

This is a discussion item only. Staff recommends the Planning and Zoning Commission review the ordinance and provide feedback and direction.

### **§ 9.06. - Nonconforming use of buildings.**

The nonconforming use of a building which use was in lawful existence on the effective date of this ordinance may be continued, subject to the following conditions and limitations:

A. Voluntary cessation or removal. If a nonconforming use of a building is voluntarily ceased or removed, the future use of such building and premises must conform with the provisions of this ordinance.

B. Discontinuance. If a nonconforming use of a building is discontinued for a continuous period of one (1) year, further use of such building and premises must conform with the provisions of this ordinance.

C. Change of use. If a nonconforming use of a building is changed to a conforming use, it may not thereafter be changed back to a nonconforming use.

D. Obsolescence or destruction of building. If the building in which a nonconforming use was in lawful existence on the effective date of this ordinance becomes obsolete or is totally destroyed by fire or other force or means, such use shall not be extended or continued on the premises and such building shall not be rebuilt except in conformity with the provisions hereof and for a use permitted in the district in which it is located. In the event such building is partially destroyed by fire or other force or means to the extent that ~~the cost of repair exceeds fifty (50) percent of the value~~ the partial destruction exceeds fifty-percent (50%) of structure at the time of its partial destruction, it shall not be restored, rebuilt, or repaired unless it is made to conform to the regulations of the district in which it is situated and it and the premises upon which it is located are changed to a permitted use in such district. ~~For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District.~~

### **§ 9.07. - Nonconforming buildings and structures.**

A building or structure lawfully existing on the effective date of this ordinance which is made nonconforming by the provisions of this ordinance for the reason that it could not be built under the terms hereof because of restrictions set forth herein relating to building area, lot coverage, height, yards, setback requirements, its location on the lot, or other requirements pertaining to buildings and structures, it may be continued as long as it remains otherwise lawful, subject to the following limitations and conditions:

A. Enlargement or alteration. No such nonconforming building or structure shall be enlarged or altered in a manner which increases its nonconformity; however, such building or structure may be altered to decrease its nonconformity.

B. Destruction. In the event such nonconforming building or structure or the nonconforming portion thereof should be destroyed by any force or means to the extent that ~~the cost of repair exceeds fifty (50) percent of the value~~ the partial destruction exceeds fifty-percent (50%) of the structure at the time of such destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. ~~For purposes of this subsection, the value of the structure shall be the~~

~~average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District, as set forth in the City of Bunker Hill Village Fee Schedule as adopted by city council.~~

C. Moved or relocated. Should any such nonconforming building or structure be relocated or moved any distance whatever for any reason, it shall thereafter be made to conform to the regulations of the district in which it is relocated or to which it is moved.

This section shall not apply to the reconstruction of accessory or driveway structures whereby the reconstruction consists of the same, or less, land use, location, and size as the improvements previously in place. Reconstruction of the main structure requires all nonconforming aspects of the lot to be resolved.

#### **§ 9.08. - Repairs, modifications, and maintenance.**

A. On any nonconforming building or structure, work may be done on ordinary maintenance and repair.

B. On any nonconforming building or structure, the modification or replacement of nonbearing walls, fixtures, wiring, plumbing, and similar items shall be allowed after the owner thereof or his duly authorized representative has obtained any and all necessary permits to perform such work, only under the following conditions:

1. The cubic content of such building or structure existing at the time it became nonconforming shall not be increased; and

2. The modification of an existing structure involves structural modifications, including wall or ceiling board replacement, in rooms constituting no more than fifty (50) percent of the climate controlled square footage of the structure; provided, however, that this subsection shall not apply to situations where the wall board replacement is for the lowest forty-eight (48) inches of the first floor of the structure within sixty (60) days of a verifiable water damage event.

This section shall not apply to remodel or alteration areas which are limited to purely cosmetic modifications, such as but not limited to installing cabinets or appliances, painting interior walls, or replacing flooring, are specifically excluded from this calculation. Such areas are not counted when determining whether a project will be considered as reconstruction. The following non-cosmetic improvements shall also be excluded from the reconstruction determination:

- (1) Re-piping for imminent danger to personnel or property with signed certified letter from licensed master plumber or plumbing company;
- (2) Re-wiring for imminent danger to personnel or property with signed certified letter from licensed master electrician or electric company; or
- (3) Mechanical changes for imminent danger to personnel or property with signed certified letter from licensed master electrician or electrical company.

NOTE: The above work cannot be conducted simultaneously with any other permit/project (i.e. remodel). The safety concerns are to be addressed before any other permit/project can be applied for; and

~~3. The cost of repair or modification does not exceed fifty (50) percent of the value of the structure prior to the repair or modification. For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District, as set forth in the City of Bunker Hill Village Fee Schedule as adopted by city council.~~

This section shall not apply to the reconstruction of accessory or driveway structures whereby the reconstruction consists of the same, or less, land use, location, and size as the improvements previously in place. Reconstruction of the main structure requires all nonconforming aspects of the lot to be resolved.