

**MINUTES OF A PUBLIC MEETING  
OF THE CITY OF BUNKER HILL VILLAGE  
PLANNING AND ZONING COMMISSION  
TUESDAY, AUGUST 27, 2024**

**I. CALL TO ORDER**

Vice-Chair Gillette called the Planning and Zoning Commission Meeting to order at 11:32 a.m. based on a quorum of members present:

Present

Bill Going, Chair (left before meeting started at 11:32 a.m.)

John Gillette, Vice-Chair (presided over meeting)

Jack Christiansen, Commissioner

Billy Murphy, Commissioner (left at 1:06 p.m.)

Catherine Wile, Commissioner

Paul Reinbolt, Commissioner

Staff in Attendance

Gerardo Barrera, City Administrator

Elvin Hernandez, Director of Public Works

Loren Smith, City Attorney

Mallory Pack, Management Analyst

Absent

Monica Muschalik, Commissioner

Keith Brown, City Council Liaison

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE MAY 28, 2024, MEETING MINUTES**

**A motion was made by Commissioner Murphy and seconded by Commissioner Wile to approve the May 28, 2024, meeting minutes.**

**The motion carried 5 - 0**

**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***

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.

Staff reported an increase in issued generator permits following the Derecho storm (May 2024) and Hurricane Beryl (July 2024). Commissioner Murphy stated that he supported the Commission taking any steps necessary to reduce the burden of generator installation, making it easier for residents to install them. The City understands emergency generators are becoming a necessity. The Commission agreed that residents should have the ability to install emergency generators.

The Commission discussed the item and agreed with amending minimum clearance between the generator foundation and other structures from 24” inches to 18” inches, in line with manufacturer specifications and the Fire Marshal & NFPA standards.

The Commission recommended a minimum clearance of 18” inches between the generator foundation and other structures must be met before allowing encroachment up to 1’ foot into the restricted greenspace. If placement and encroachment cannot be met, the request may be submitted to the Zoning Board of Adjustment (ZBOA) for further review and be evaluated on a case-by-case basis, rather than being submitted to City Council for review.

The Commission directed staff to develop proposed revisions to the ordinance that reflect Commission discussion. Staff will work with City Attorney to draft a “redline” document for Commission review. The item will be brought back for a public hearing at a later meeting date.

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

**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***

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.

Commission discussion included:

The Commission inquired about potential disadvantages to the City regarding private streets, and staff confirmed there were none. The Commission discussed the item, including potential changes to the property line (related to roadway/ lot requirements) and whether there could be negative impacts to neighboring properties. The Commission was in favor of amending the subdivision ordinance to allow a lot to be subdivided that fronts a private street.

The Commission directed staff to revise the 2014 subdivision ordinance to allow lots that front a private street to be subdivided and meet all other subdivision requirements. Staff will work with City Attorney to draft a “redline” document for Commission review. The item will be brought back for a public hearing at a later meeting date.

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

**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***

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.

Commission feedback included:

Revisions to Sections 9.07 and 9.08 are housekeeping measures to reflect legislative changes (can no longer be based on the value of the house).

- Agreed with on the intent to amend the 50% threshold to create an exception for small wall openings to allow/ encourage upgraded piping and duct work without having to include the entire square footage, which could otherwise exceed the 50% improvement of the project.
- Reclassify ceiling and wall board changes as cosmetic (similar to painting and floor replacement in Chapter 9) and will not require a permit or inspection.
- All plumbing, mechanical, and electrical will still require a permits and inspections.

The Commission directed staff to develop proposed revisions to the ordinance that reflect Commission discussion. Staff will work with City Attorney to draft a “redline” document for Commission review. The item will be brought back for a public hearing at a later meeting date.

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

**VII. ADJOURN**

**Vice-Chair Gillette adjourned the meeting at 1:18 p.m.**

Approved and accepted on September 24, 2024



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John Gillette, Vice-Chair

ATTEST:



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Gerardo Barrera, City Administrator/ Acting City Secretary