

**MINUTES OF A PUBLIC MEETING  
OF THE CITY OF BUNKER HILL VILLAGE  
PLANNING AND ZONING COMMISSION  
TUESDAY, SEPTEMBER 24, 2024**

**I. CALL TO ORDER**

Chair Bill Going 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

John Gillette, Vice-Chair

Jack Christiansen, Commissioner (arrived at 11:37 a.m.)

Billy Murphy, Commissioner

Catherine Wile, Commissioner

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

Paul Reinbolt, Commissioner

Monica Muschalik, Commissioner

**II. PUBLIC COMMENTS**

**There were no public comments.**

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE AUGUST 27, 2024, MEETING MINUTES**

**A motion was made by Commissioner Gillette and seconded by Commissioner Going to approve the August 27, 2024, meeting minutes.**

**The motion carried 4-0**

**IV. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A FINAL PLAT FOR 11718 WOOD LANE –**

*Gerardo Barrera, City Administrator*

During the plan review of a new home at 11718 Wood Lane, it was discovered that a final plat had not been recorded with Harris County. Representatives of the property owner submitted the plat for approval by the Planning and Zoning Commission and ultimately, City Council. The property is located on a private street and not within an existing public street circulation.

Staff reviewed the plat and found that it meets all requirements of the City's Code of Ordinances. Mario Colina, Probsfeldt representative was available to answer any questions.

**A motion was made by Commissioner Gillette and seconded by Commissioner Wile to recommend approval of a final plat for 11718 Wood Lane to the City Council.**

**The motion carried 4-0**

**V. 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.

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.

At the August 2024 Commission meeting, staff reported an increase in generator permits issued following the Derecho storm (May 2024) and Hurricane Beryl (July 2024), recognizing that emergency generators are becoming essential. The Commission agreed that residents should have the ability to easily install emergency generators.

The Commission recommended that 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 case-by-case evaluation, rather than being submitted to City Council for review.

Staff presented the following amendments at the September 2024 meeting:

- Minimum clearance between the generator foundation and other structures shall be 18 inches or greater, or as determined by the manufacturer's specifications, whichever is greater. At no time shall the clearance be less than 18 inches.
- Generator may encroach into a greenspace (excluding utility easements) provided it meets the following condition first:
  - Generator is placed no more than 18 inches from a structure.
- A manufacturer/ representative must be present to verify proper generator function or other components/ installations as needed by city representatives.

The Commission expressed concerns that the proposed amendment regarding a manufacturer/ company representative to be present during generator startup may be overly burdensome, discussing whether it is reasonable to expect them to attend, and the feasibility of coordinating scheduling between a manufacturer/ company representative and City inspectors. Public Works Director Hernandez clarified that the requirement would apply only to final inspections, specifically when the generator is commissioned for the first time. It was recommended to remove this condition. The commission recommended exploring the possibility of attaining a waiver from the generator installer confirming commissioning.

Staff will work the City Attorney to draft a “redline” document that reflects this feedback for Commission review and possible action at a later meeting date.

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

**VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING APPENDIX A, SECTION 5.08 (B) AND (ACCESSORY USE REGULATIONS) – *Elvin Hernandez, Director of Public Works***

The purpose of the City’s zoning ordinance is to preserve and enhance the desirability of the community by regulating the use and development of land within the city.

In response to feedback received from residents and building developers, staff is currently in the preliminary phase of reviewing the City’s accessory use regulations ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommend addressing and clarifying discrepancies to ensure that the code is clear, concise, and effective.

**§ 5.08. Accessory use regulations.**

The following regulations shall apply to all accessory buildings, structures, and uses:

- A. *Limitations on use.* An accessory building, structure, or use shall not be rented, shall not be used for commercial, or manufacturing purposes, and shall not contain any kitchen, living, or sleeping facilities. The foregoing notwithstanding, an accessory building or use subordinate to a main building may contain kitchen or living facilities for use in conjunction with recreational activities only.
- B. *Distance requirements from main building.* No wall of an accessory building or use shall be located less than six (6) feet from an outside wall of the main building. An accessory building or use may be connected to the main building by a covered walkway; provided, however, such covered walkway shall not be more than six (6) feet in width.
- C. *Restrictions on location.* Except as specifically permitted in this section or elsewhere in this ordinance, an accessory building, structure, or use shall not be erected, constructed, installed, placed, or maintained in any required yard. On an interior lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line. On a corner lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line; at least ten (10) feet from the interior side yard line (the side yard line farthest removed from the side street); and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the interior side lot line (the side lot line which abuts the side street).
- D. *Placement of windows and doors.* Windows and doors shall not be allowed on the side(s) of accessory structures which have less than the required main structure setback. Windows and doors on accessory structures can only face internally to the lot.

City Attorney Smith stated to also add the language “Appendix A, Section 6.08 (B)” to the agenda to include District B, as the provisions are the same for both District A and District B.

The Commission discussed the following:

- Clarify/ specify length and width measurements
- Structure (breezeway) should not be enclosed
- Consider impervious and pervious coverage requirements

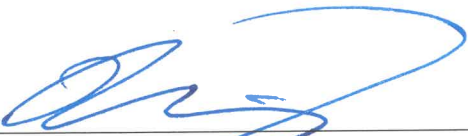
The Commission directed staff to review requirements (if applicable) of the other Villages and to examine and develop proposed revisions to the ordinance that reflect Commission discussion. The item will be brought back for Commission discussion and feedback at a later meeting date.

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

**VII. ADJOURN**

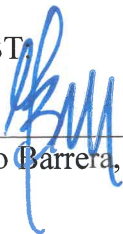
**Chair Going adjourned the meeting at 12:16 p.m.**

Approved and accepted on October 22, 2024



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William Going, Chair

ATTEST 

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Gerardo Barrera, City Administrator/ Acting City Secretary