

**MINUTES OF A PUBLIC MEETING  
OF THE CITY OF BUNKER HILL VILLAGE  
PLANNING AND ZONING COMMISSION  
FEBRUARY 24, 2025**

**I. CALL TO ORDER**

Chair Bill Going called the Planning and Zoning Commission Meeting to order at 11:53 a.m. based on a quorum of members present:

*Due to internet connectivity issues, the start of the meeting was delayed to 11:53 a.m. Internet connection was restored, and the Zoom recording began at 12:12 p.m.*

Present

Bill Going, Chair  
John Gillette, Vice-Chair  
Paul Reinbolt, Commissioner  
Catherine Wile, Commissioner  
Jack Christiansen, Commissioner

Staff in Attendance

Gerardo Barrera, City Administrator  
Elvin Hernandez, Public Works Director  
Loren Smith, City Attorney  
Mallory Pack, Management Analyst

Absent

Monica Muschalik, Commissioner  
Billy Murphy, Commissioner  
Keith Brown, City Council Liaison

**II. PUBLIC COMMENTS**

**There were no public comments.**

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE JANUARY 27, 2025, MEETING MINUTES**

**A motion was made by Commissioner Gillette and seconded by Commissioner Wile to approve the January 27, 2025, meeting minutes.**

**The motion carried 5-0**

**IV. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING PROPERTY MINIMUM LEASE LENGTH – *Elvin Hernandez, Public Works Director***

In response to feedback received from residents and recent events within the City, staff is reviewing the requirements regarding lease lengths, which are currently not regulated by ordinance. The goal is to ensure property leases are safe and compatible with the surrounding environment, address violations, and maintain the integrity of the City.

During the November 26, 2024 meeting, City Administrator Barrera addressed an event where a house was used for a private commercial event that quickly grew into a large event, resulting in rideshares causing congestion in the area and concerns about noise and security. City Attorney Smith stated that minimum lease length cannot be restricted but can be regulated. The Commission proposed that 30-day leases be required to include the City's noise ordinance in the lease agreement, and discussed the advantages and disadvantages of how this could be enforced. Although the commercial event was the catalyst of this discussion, a minimum lease length ordinance alone will not solve the issue of restricting commercial events or corporate leases. This would need to be enforced through other ordinances or potentially drafting a new ordinance for commercial and corporate leases

The intent is to protect community interests while establishing clear, enforceable guidelines that uphold the quality of life for all residents. Staff has reviewed how other municipalities have implemented similar regulations to address concerns effectively. This includes evaluating enforcement mechanisms, potential impacts on property owners and tenants, and ensuring any proposed changes align with the City's long-term goals.

At the January 27, 2025, meeting, staff presented proposed recommendations to the ordinance. The Commission recommended removing the provision that properties cannot be leased or rented for periods exceeding six (6) months. The Commission also discussed the possibility of requiring a permit or City approval for leased properties to host commercial-like events. City Administrator Barrera explained the challenges of enforcing such a permit.

City Attorney Smith stated that enforcement and regulation of short-term rentals are in a state of flux, as it is currently tied up in state legislation and ongoing court cases. There is no guarantee it can be enforced. The Commission recommended that it was better to have some regulations in place rather than none and agreed the ordinance could be revisited as state laws and judicial rulings evolve.

At the February 24, 2025, meeting, City Attorney Smith advised the Commission that property minimum lease length is a rapidly changing area of law and may not be enforceable. However, neighboring municipalities Hunters Creek and Spring Valley have adopted similar language without any challenges thus far. City Administrator Barrera reminded the Commission that while property lease length cannot be restricted, it can be regulated.

The Commission was in favor of the ordinance as presented. This item will be brought back for a public hearing at the March meeting as the ordinance amends the City's Zoning Ordinance.

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

**V. 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, Public Works Director***

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 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. At the August 2024 meeting, staff, in collaboration with the City’s contracted structural engineers, presented proposed amendments designed to allow projects to progress while avoiding any unintended consequences and ensuring the integrity of the reconstruction ordinance.

During the August 27, 2024, meeting, the Commission was in favor of amending 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. Additionally, the Commission recommended to reclassify ceiling and wall board changes as cosmetic (similar to painting and floor replacement) and not require a permit or inspection.

At the November 26, 2024, meeting, staff presented a redline version of Chapter 4, Sec. 4-3-Definitions (A) that revised the definition of “reconstruction” and adds a new section (B) that includes certain utilities (i.e. re-piping, re-wiring, duct work) that would be considered part of a remodel rather than be classified as reconstruction, which would trigger the 50% threshold requirement.

The Commission was in favor of amending the ordinance to enable property owners to modernize potential outdated utilities or replace sheet rock/ wall board without meeting the City’s current reconstruction requirements. Additionally, the Commission discussed including language to ensure installation methods comply with applicable codes.

At the January 27, 2025, meeting, staff presented proposed revisions to the ordinance that incorporated Commission feedback from the November 26, 2024 meeting. Commission discussion included the following:

- Consider establishing/ implementing policy to ensure consistent interpretation of the ordinance across different city administrations.
- Incorporate language specifying that the “smaller room” should be included in the square footage calculation (i.e., if a small closet is removed without impacting structural integrity, only the closet should count and not the entire room square footage).
- Keep language that states properties are allowed to remodel only once every two (2) years.
- City Council Liaison Keith Brown inquired if this would reduce the number of required inspections and subsequently decrease revenue for the City. Director Hernandez clarified inspections would still be required as this work requires a permit.
- Remove “auxiliary items” language

Director Hernandez noted that these exceptions will lead to fewer reconstruction projects, but an increase in remodel projects is expected. The 24-month requirement for any additional remodel projects will remain unchanged.

At the February 24, 2025, meeting, Public Works Director Hernandez explained that the purpose of the revisions is to enable property owners to modernize outdated utilities for safety upgrades and replace/ remove wall or ceiling boards without triggering the City’s

reconstruction requirements. For these non-cosmetic utility work improvements to be excluded from the reconstruction calculation, a signed and certified letter from a licensed professional would be required. The Commission was in favor of the revisions and had no additional recommendations.

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

*Internet connection was restored, and the Zoom recording began at 12:12 p.m.*

**VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING APPENDIX A, SECTION 5.08 (B) AND SECTION 6.08 (B) (ACCESSORY USE REGULATIONS) OF THE CITY’S CODE OF ORDINANCES – Elvin Hernandez, Public Works Director**

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.

During the September 24, 2024 meeting, in response to feedback received from residents and building developers, staff presented a preliminary review of the City’s accessory use regulations ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommended 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.

The Commission discussed the following during the September meeting:

- Clarify/ specify length and width measurements (6' feet)
- Structure (breezeway) should not be enclosed
- Consider impervious and pervious coverage requirements

During the November 26, 2024 meeting, staff presented proposed revisions to the ordinance that reflect Commission discussion. Public Works Director Elvin Hernandez stated that the updates aim to clarify requirements for covered walkways, restrict the distance an accessory structure/ building can be from the main structure, and provide flexibility with respect to the existing setback requirements.

The Commission was in favor of amending the ordinance, provided the structure is within the existing setback requirements, and the structure is at least 6' ft. minimum from the main structure.

At the January 27, 2025, meeting, the Commission discussed the criteria for determining whether a structure is considered “open” or “closed” and whether the use of screens is allowed. Director Hernandez explained the goal is to allow a walkway connecting a main building and an accessory structure, with the ability to increase the size from the current 6 ft. regulation. However, the space cannot be habitable or climate-controlled. The Commission agreed the space should be limited to recreational uses. Director Hernandez emphasized that the primary use of the space should be transient, serving as a passageway between structures.

At the February 24, 2025, meeting, staff presented the final redline proposed revisions for Commission feedback and discussion. Director Hernandez explained that the walls of an accessory structure cannot be located less than six (6) feet from the main building. Additionally, this includes requirements for covered walkways, which cannot be climatized. It was noted that lot coverage requirements will not change. The Commission was in favor of the revisions and no additional feedback was received.


This item will be scheduled for a public hearing at the March meeting as this amendment is in the Zoning ordinance and a public hearing is required to be held before P&Z.

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

**VII. ADJOURN**

**Chair Going adjourned the meeting at 12:27 p.m.**

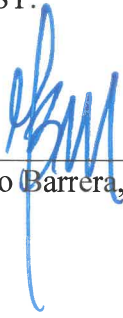
Approved and accepted on March 24, 2025.



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William Going, Chair

ATTEST:



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Gerardo Barrera, City Administrator/ Acting City Secretary