

HVAC Citizen Advisory Group meeting May 4th 2010

Charlotte Mecklenburg Government Center Room 267

6:00- 8:00 pm

Linda Beverly presented information regarding the current Zoning regulations for HVAC units. The Zoning Administrator has a long standing interpretation stating HVAC units are not allowed in the required setbacks and yards in any zoning district. Although this requirement has existed, it has not been enforced. The purpose of this meeting is to discuss a possible text amendment to make the zoning regulations for HVAC units more clear. Please see the presentation for more information. The following are questions and statements heard during the meeting.

Q. If HVAC units are considered part of the principle structure, why has the mechanical inspector not stop their placement in the sideyard?

A. Although it has been a long standing interpretation that the HVAC units are part of the principle structure. Interpretations are not in the zoning ordinance, they are not available for reference. If the Zoning administrator was not advised, someone may not know an HVAC unit was not allowed in the side yard.

Q. Does the interpretation (that HVAC is part of the principle structure) apply to residential only?

A. No, it could be applied to all zoning districts.

Q. Would these regulations being proposed have to apply to all zoning districts?

A. No, new regulations can be written differently for different zoning districts.

Q. Is there anything in the zoning ordinance that says what side of a structure the HVAC units can be on?

A. No, there is no requirement for placement.

Q. As units become more efficient they tend to get larger, is that part of the problem?

A. It may, that is part of the reason that we need to revise the zoning ordinance.

Ms. Beverly asked if the zoning ordinance should include a definition of HVAC, and if so should that definition include other items often located in side yards including gas meters, electric meters, cable and phone boxes.

Several representatives from Piedmont Natural Gas explained that all though meters are located on the side of a structure they are not the property of the owner of the structure. Meters for natural gas,

electricity, and cable and phone boxes are commonly referred to as transfer points because after a utility passes through the “transfer point” the utility is no longer the property of the utility company it becomes the property owner’s maintenance responsibility.

It was suggested that since HVAC units are owned by the property owner they should not be grouped with utility transfer points that are the property of the utility company.

Ms. Beverly projected several photographs of HVAC units located in the required side yard in single family subdivisions to facilitate the discussion.

Q. In single family zoned areas eaves area permitted to project into the side yard, does this apply to HVAC units?

A. No, HVAC units are not listed as part of the principle structure that are allowed to project into the side yard.

Staff: Should HVAC units be considered part of the principle structure? Keep interpretation?

Q. Would that solve the problem? If they were not considered part of the principle structure?

A. It might solve part of the issue, but if project is developed with 3 foot side yards and the HVAC units are on the side of the structure, is there enough room for ingress?

Group: Perhaps Gas packs are part of the structure, but an air conditioning compressors and heat pumps are not.

Some members of the group consider HVAC units like an appliance they can be unplugged and replaced.

As a homeowner, I have never thought of my HVAC unit as part of my house.

Whether part of the structure or not, we can regulate where located.

Q. Can we say that HVAC units can be in the side yard, but only a certain distance?

A. Yes, that is possible.

Q. Who uses the zoning ordinance? Most people know what setbacks are and that you cannot put anything in a setback.

Group: We need to keep in mind that multifamily developments have limited space for the placement of HVAC units. They may have to be in the side yard. It is much safer for the technician if the units are on the ground instead of on the roof.

Q. Restrictions? Allow as an encroachment?

Group: Systems may get larger with efficiency. Need to allow space for servicing, regulate clearance to property line? Need to allow for accessibility to units and between units.

Q. Aesthetics? Require screening with fence or landscaping if viewed from right-of-way?

Group: Need to allow for air flow requirements for HVAC. Need 12" from house, 18" with a fence, 12" for bushes. There is limited space to put everything.