



Location of HVAC units, etc.

**Citizen Meeting
May 4, 2010**

Meeting Agenda

- **Welcome and Introductions**
 - **Housekeeping**
- **Background Information**
 - **Current regulations and interpretations**
 - **Examples**
- **Group Discussion**
 - **Options**
 - **Issues**
 - **Solutions**
- **Wrap Up**

Introduction

- **Name**
- **Organization or Interest you represent**



Role of Citizen Advisory Group and Staff

Citizen Advisory Group

- Educate and Inform
- Identify Issues and Concerns
- Identify Possible Solutions
- Provide Feedback on Staff Recommendations
- Attend and Participate in Meetings

Staff

- Educate and Inform
- Identify Issues and Concerns
- Identify Possible Solutions
- Develop and Draft Recommendations
- Attend and Facilitate Meetings



Ground Rules

- **All meetings will begin and end on time.**
- **Everyone's opinion is important.** We want to hear from everyone equally. Please do not monopolize the conversation nor just listen without participating.
- **Please identify yourself before speaking.** This will be helpful in learning names.
- **Don't be afraid to ask questions.**
- **Be courteous and polite.** Please don't interrupt others and limit side conversations.

Why Are We Here?

- Last year, staff received a neighborhood complaint that HVAC units were being installed in the required side yards of lots in conflict with the Zoning Ordinance requirements.
- Staff researched the complaint and determined that approximately 1/3 of the lots did have the HVAC unit located within the required side yard.
- Further investigation determined that this was not unique to this neighborhood but was occurring throughout the City's jurisdiction in numerous neighborhoods.
- Staff met with the building permitting staff, plan reviewers, and zoning inspectors to alert them of this issue and stop the occurrence.

Why Are We Here?

- Contact was also made with the building industry to alert them of this issue and the conflict with the Zoning Ordinance.
- Staff was instructed to research and propose a Zoning Ordinance text amendment to clarify the requirements for HVAC, etc. location.
- Any proposed text amendment will “grandfather” all existing encroachments.
- A citizen’s group would be formed to discuss and explore possible modifications to the Zoning ordinance related to the location of heating, ventilation, and air conditioning (HVAC) equipment, gas packs, and gas meters on a lot.

Background Information

- Long standing interpretation that HVAC units, etc. are part of the building structure.
- Zoning Ordinance does not specifically state this but various provisions support the interpretation.

- Section 4.107(2):

(2) Yard, Buffers, and Appurtenant Encroachments

The Zoning Administrator shall also have the administrative authority to approve deviations from yard and buffer requirements. To approve a deviation, the Zoning Administrator must determine that there has been a surveying error, a misunderstanding about a property line, an action of Land Use and Environmental Services Agency (LUESA), Neighborhood Development, Engineering and Property Management, and/or the Planning Commission, or other similar basis that demonstrates an inadvertent error. Any approval for a reduction shall not exceed two feet, **except an approval for air conditioning units, which shall not exceed three feet.** The Zoning Administrator shall have the authority to apply subsection (1) or (2) but not both sections. The Zoning Administrator shall have the authority to attach any condition for a fence, screening, or a similar requirement, if deemed necessary.

Background Information

- **Section 12.112 :**

- **Existing Nonconforming Accessory Utility Structures**

- An existing nonconforming accessory utility structure such as a heating, ventilation, and air conditioning unit or backflow preventer may be replaced provided the replacement structure does not increase existing nonconforming yards or separation distances or exceed 42 inches in height if located in the required setback or the required yard along a public street.

- **Section 12.106**

- **Uses and structures prohibited and allowed in required setbacks and yards**

- (1) No principal building or principal structure shall be located within any setback or yard required by these regulations except as provided in this Section and elsewhere in these regulations.
 - (2) (a) No accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard.

Background Information

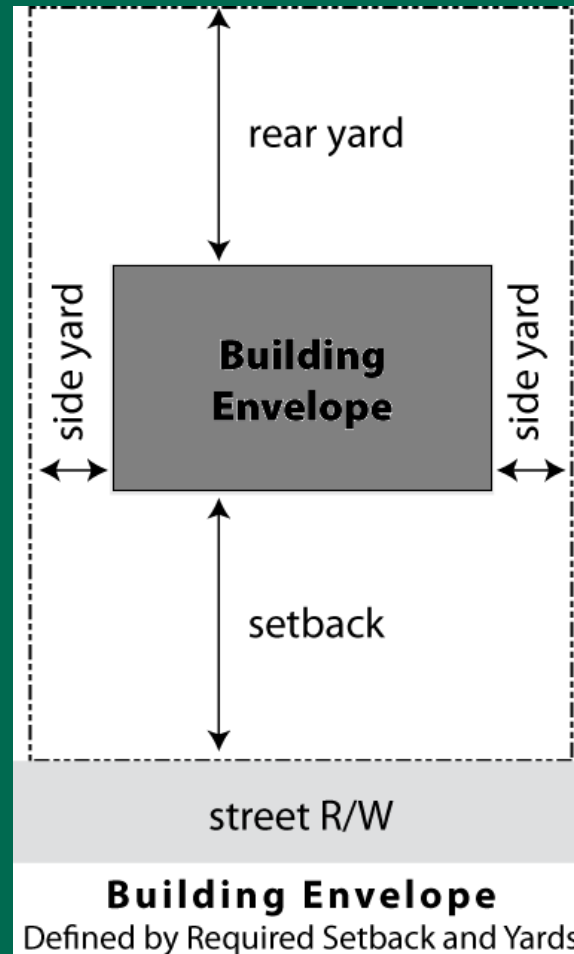
- **Section 12.106 (continued)**

- Uses and structures prohibited and allowed in required setbacks and yards**

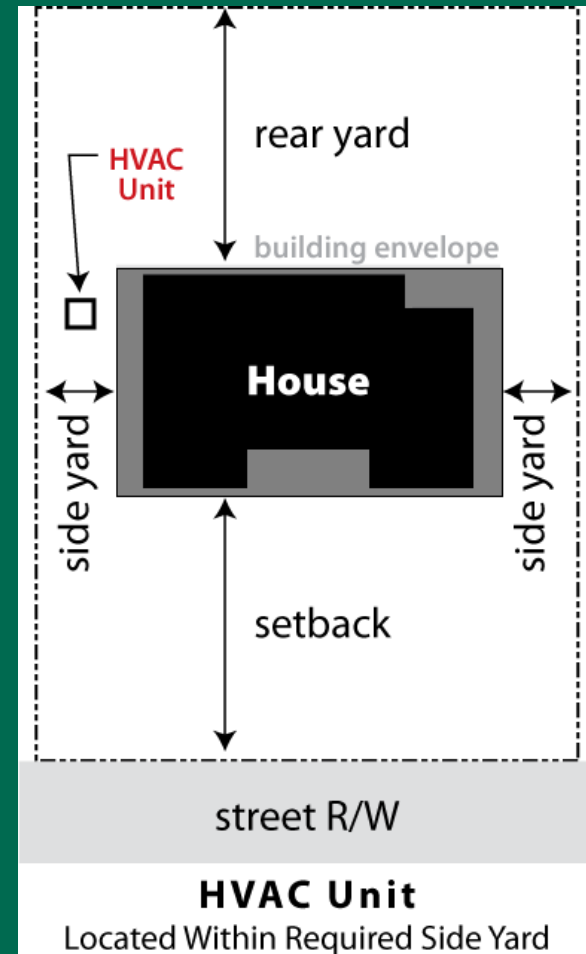
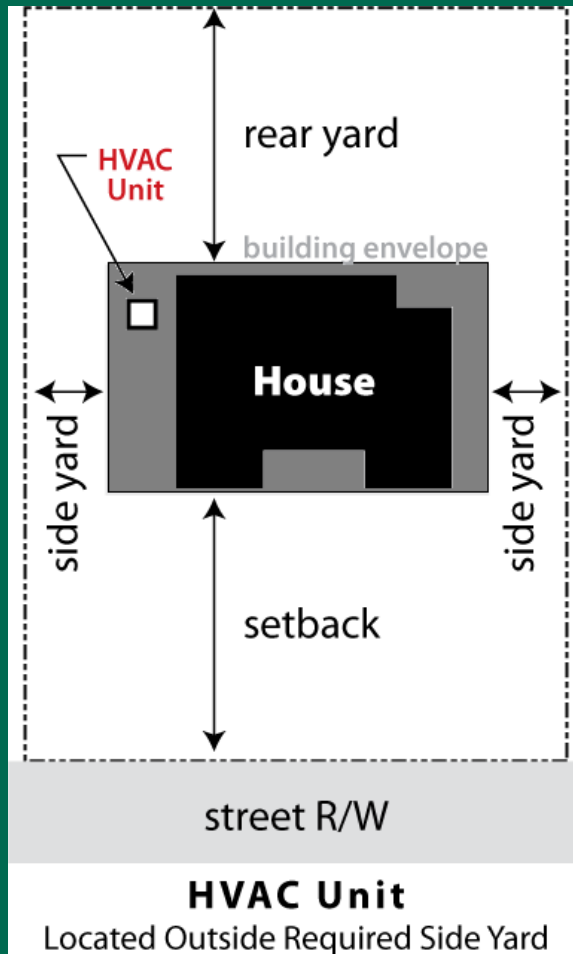
- (5) In respect to a principal structure, architectural features such as cornices, eaves, steps, gutters, and fire escapes may project up to **three feet into any required yard**, unless they would obstruct driveways, which might be used for service and emergency vehicles. This does not apply to accessory structures.

- **Fire Department Staff has stated there is not a emergency access issue with the location of HVAC units, etc. in the side or rear yards.**

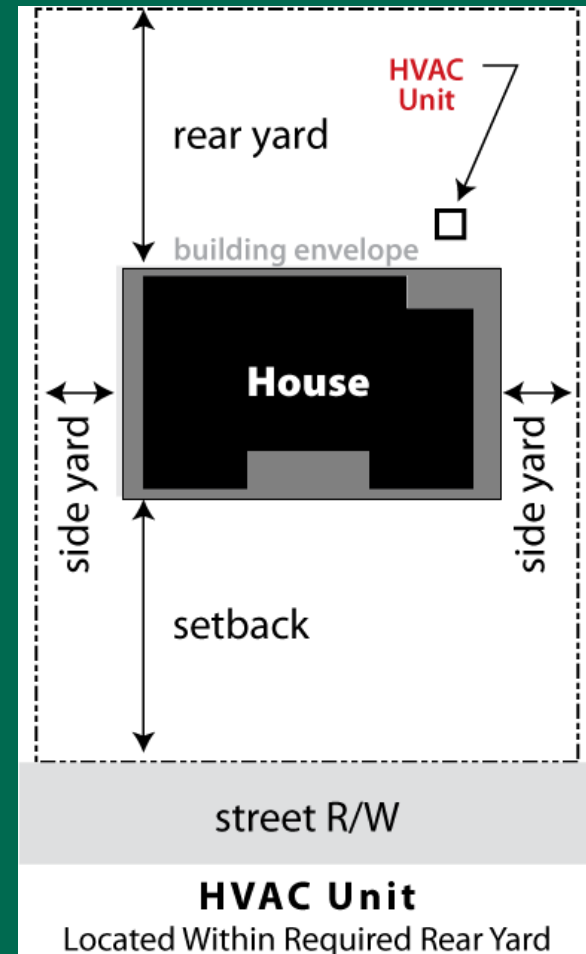
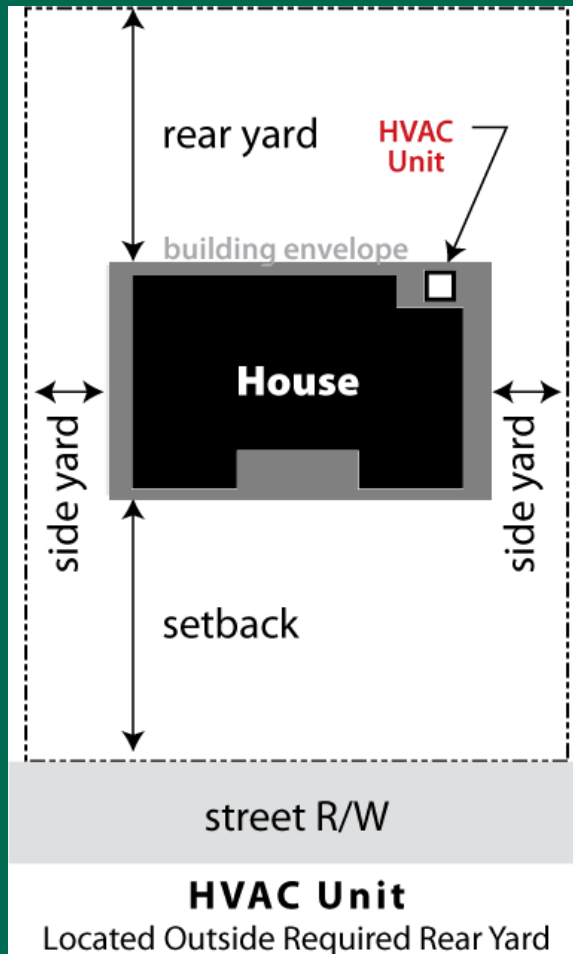
Current Regulations



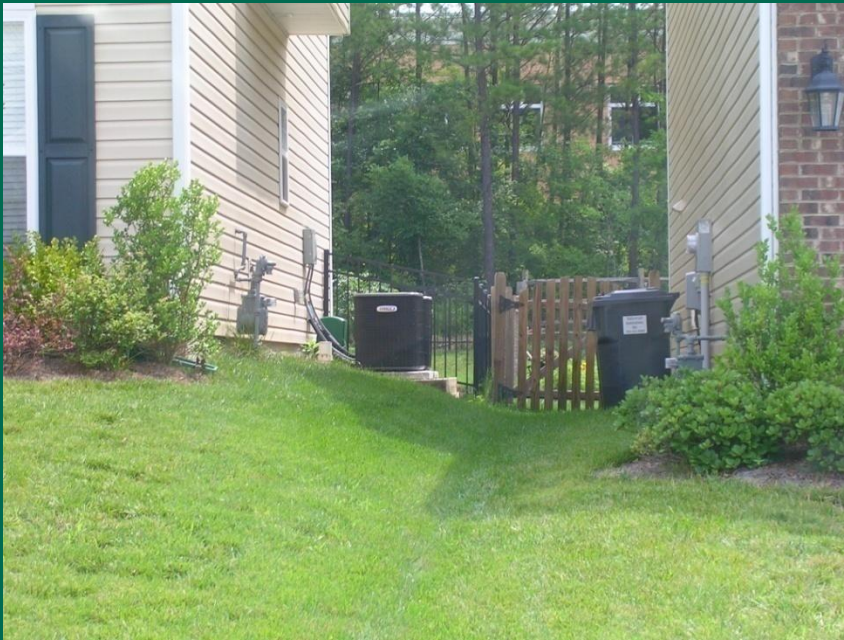
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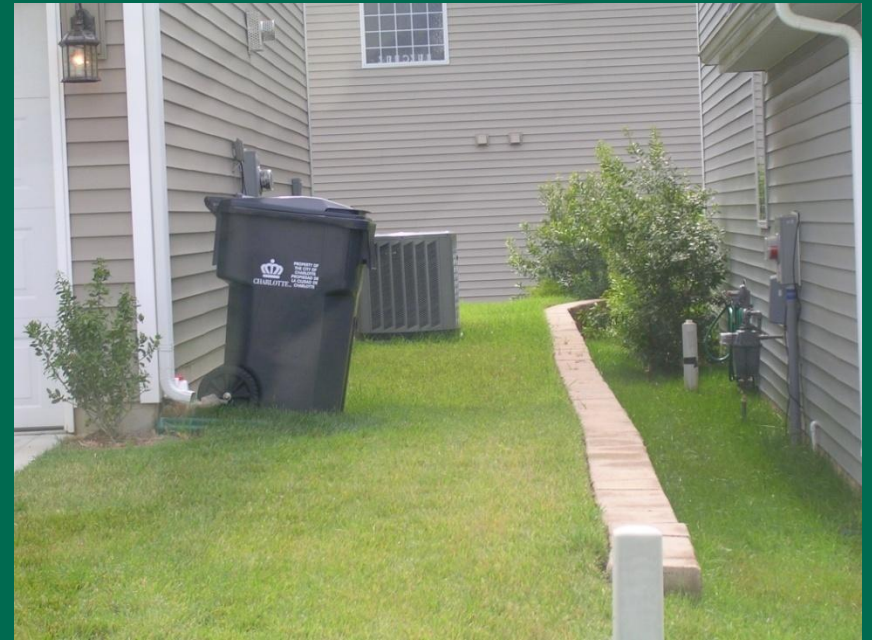
Current Regulations



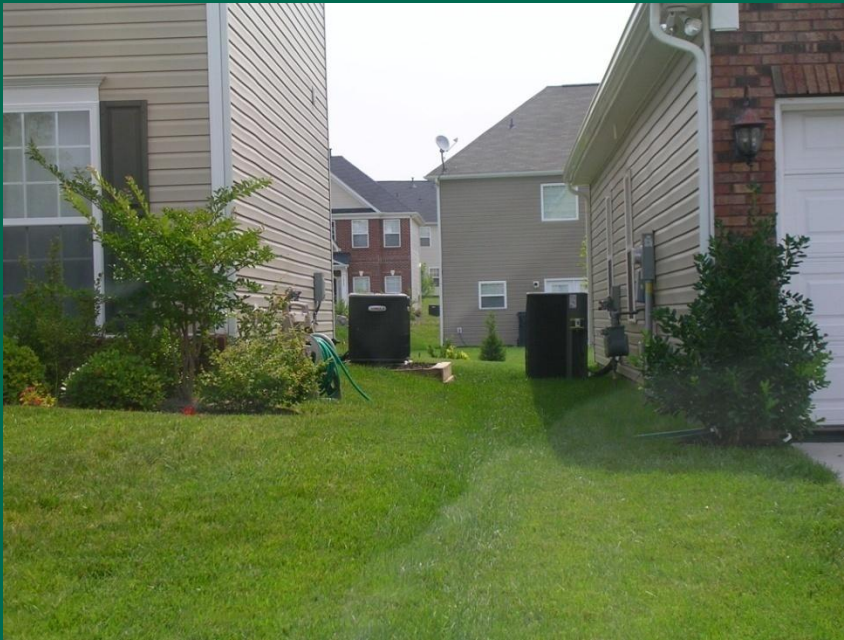
Examples



Examples



Examples



Examples



Examples



Examples



Examples



Examples



Group Discussion Topics

- **Do we need a definition that covers HVAC units, etc.?**
 - Current regulations appear to use different terms:
 - Section 4.107(2) “Appurtenant”
 - Section 12.112 “Accessory Utility Structures”
 - Why?
 - Why Not?
 - Suggestions?
- **Should a definition include HVAC units, etc. as part of the structure ?**
 - Why?
 - Why Not?

Possible locational requirements for HVAC units, etc.

- **Required side yard ?**
 - Not allowed in required side yard
 - Allowed in required side yard with no restrictions
 - Allowed in required side yard with restrictions, i.e.
 - x Feet from property line?
 - Encroach x feet into required side yard?
 - Others?
- **Same for required rear yards?**



Wrap-Up/Next Steps

- **Next Meeting Date ?**
- **Next Steps**

Thank You

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