



# TOWN OF JEROME

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**Planning and Zoning Commission**  
via videoconference (Zoom)  
Wednesday, August 5, 2020 Time: 6:00 pm  
**MINUTES**

**6:00 (2:14) Item 1: Call to order/roll call**

Chair Jessamyn Ludwig called the meeting to order at 6:00 p.m.

Roll call was taken by Rosa Cays, Deputy Clerk. Commissioners present were Chuck Romberger, Lance Schall, and Henry Vincent. Also present was John Knight, Zoning Administrator.

**6:01 (3:18) Item 2: Petitions from the public – There were no petitions from the public.**

**6:02 (3:45) Item 3: Approval of Minutes: Minutes of the meeting of June 3, 2020**

**Motion to Approve the Minutes of June 3, 2020**

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig	X		X			
Romberger			X			
Schall		X	X			
Vincent			X			

**Old (continued) Business:** none

**New Business:**

**6:03 (4:37) Item 4: Access stair setback interpretation/possible ordinance amendment**

Applicant: Town of Jerome

**Discussion and direction to staff – P&Z Resolution 2020-12**

Zoning administrator John Knight shared why this item was on the agenda: two projects to be discussed at this meeting include the addition of stairs near or up to the right of way (ROW). Mr. Knight thought the commission might want to initiate an ordinance amendment or leave this alone. He mentioned a few incidents where stairs are mentioned in the ordinance but that there was no identification of access stairs. Mr. Knight said he discussed this with the town attorney, Bill Sims, who said it would be difficult to require a setback now if has not traditionally been required. Mr. Knight said it does not exempt stairs from building or fire codes; there are some restrictions. He said he wanted the commission's input and referred to items on the agenda.

Commissioner Lance Schall said that he did not recall ever talking about stair setbacks before in all his years on the commission.

Mr. Knight said his sense is that it has not been an issue, and that he talked to Fire Chief Rusty Blair about the stairs on School Street (Item 6), which improve access to the building. Discussion ensued with Mr. Schall. Mr. Knight mentioned the familiar legal term "arbitrary and capricious" and said that if the town suddenly changes course without an ordinance amendment, it would be a problem.

Mr. Schall said the only staircase he could think of in town that would not be approved now is the one that lands on the sidewalk on Hull Avenue across from the House of Joy.

Mr. Knight said he was looking for direction from commission, not necessarily a change to the ordinance, especially after hearing Mr. Schall's comments.

**Motion that no setback is necessary [for access stairs]**

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger		X	X			
Schall	X		X			
Vincent			X			

**6:11 (13:12) Item 5: Yard setback interpretation**

Applicant: Town of Jerome

**Discussion and possible direction to staff**

Mr. Knight said that every code has its gray areas, and that interpretation of the code can vary. He referred to yards on the street side or corner yards and shared examples of lot configurations, which many are oddly shaped in Jerome. He shared an example of how yards are determined on a corner lot; that sometimes the address determines what is the front, back, or side yard; and that in some jurisdictions the front door establishes the front yard. He said access could also be a determinant. Mr. Knight went through examples and referred to photos in the agenda packet. He went on to say that it needs to be clarified in the ordinance or just let the property owners choose. He asked for input from the commission.

Mr. Schall said he remembered one example of this with a lot in the Gulch; it was a triangular lot that ended up having one front and two side yards. He said the concerns were the setback and easement/driveway. In the end, it was determined the lot had no rear yard. Discussion ensued. Mr. Schall said the applicant should be the one to define the yards and that the determination would be final. Discussion continued. Mr. Schall brought up a situation where an applicant has an odd lot and determines it has no back yard—is that acceptable? Applicant should be able to pick, but perhaps guidelines are needed.

Mr. Knight said that even if he were to revise the ordinance, it would be nearly impossible to cover every nuance in Jerome. He said based on a discussion with the town attorney, if the code is not clear, then the applicant chooses the yard parameters and once they build on the lot, they stay with those yard parameters. Mr. Knight said he was looking for direction from the commission, and that if it wants to see yard setbacks clarified, then it could be done by policy; an ordinance amendment would likely be needed for the future.

Mr. Schall suggested perhaps a memorandum of understanding would suffice for now. Mr. Knight said it may need to be run by the Council.

Commissioner Henry Vincent said that given the topography of Jerome, this should be handled on a case-by-case basis and to try to define or codify yards in Jerome considering the odd-shaped lots, it seemed like an exercise in futility.

Mr. Schall agreed with Mr. Vincent.

Mr. Knight mentioned there are also lots with two frontages (see Item 6) that also add to the unique challenge of defining yards in Jerome.

Commissioner Chuck Romberger said he would like to see a generous interpretation and let the owner define the yards as long as there are no violations.

Mr. Schall pointed out that applicants also need to keep the fire code in mind and work with the building inspector. He said working with them could help determine the yard parameters.

6:27 (29:05) Jerome resident Margie Hardie referred to the zoning ordinance and property development standards ("front, side, rear lots") and shared her interpretation and used the Worth property at Center Avenue and Fourth as an example. She then read from the ordinance regarding lots with double frontage and the required setback on the secondary road (pgs. 61–62). She said yard footage is applied but does not necessarily determine which yard is which. She mentioned the Worth house again and said the address has probably been the same for 100 years. Ms. Hardie said she is hearing the commission say that applicants doing reconstruction or construction can arbitrarily choose the configuration of their yards, thereby avoiding setbacks as stated in the ordinance. She referred to Center Avenue and said a change of address would likely have to go through county (outside her purview, she said) to create a new front yard. She differentiated between defining the front yard and applying front yard footage. Ms. Hardie said she completely disagreed with Mr. Knight and that the ordinance is not written in the negative and that it was written as what can be done. She referred again to pages 61–62 and that the only application of front, side, rear yard is in regard to the footage, not "turning a side yard into the front of the house." Ms. Hardie said allowing applicants to define the yards is ignoring the ordinance.

6:32 (33:32) Jerome homeowner Greg Worth introduced himself and his wife Barbara Nelson, then said he had questions, but first stated that they were not trying to change the address of their property at Center Avenue and Fourth Street or violate any rules. He explained their intention was to rehabilitate and improve the house Ms. Hardie was referring to, and that it needs a lot of work. He said the lot line goes right through the middle of it, so they are just trying to straighten that out. He said they were trying to make it better, not worse.

Mr. Knight proclaimed a point of order and said to Mr. Worth that it would be more appropriate to discuss this when the commission gets to the actual item (7).

Mr. Worth clarified that they are not initiating an address change.

Mr. Knight explained how addresses are determined. He said in some ways it is arbitrary and shared examples. Mr. Knight said addressing is not the best way to determine yards. He said Mr. Sims's opinion was that if the code is silent on the issue, the most appropriate course for now is to let the applicant determine the side and back yards, and that if it is important to the commission, they can initiate a code amendment.

Mr. Vincent reiterated his earlier opinion and said leave well enough alone and respect the ordinance on a case-by-case basis.

Mr. Schall referred to example 2 in the agenda packet, and said Margie raised a good point about two "fronts" at the Worth property, but that it does not really have two fronts, and said the one on Fourth Street is a side yard. He then shared examples of lots not addressed in the ordinance and agreed with Mr. Vincent, once again, to take these projects on one by one.

Chair Ludwig agreed that it would be best to address yard setbacks on a case-by-case basis.

Mr. Knight said a motion could be made but was not necessary and that he had enough direction. The commission agreed to move on.

**6:38 (39:52) Item 6: Preliminary/final site plan review for stairs and misc. improvements**

Applicant: Janet Bustrin

Address: 538 School Street

Owner of record: Bustrin Family Trust

Zone: C-1

APN: 401-06-092

Applicant is seeking preliminary and final site design approval to construct rear yard stairs and various yard improvements.

**Discussion/Possible Action – P&Z Reso. 2020-13**

Mr. Knight introduced the item and mentioned that the applicant homeowner, Janet Bustrin, was in the meeting. He said unsafe stairs are the main concern and referred to the application and photos in the agenda packet. He further explained the applicant's plans.

6:40 (41:51) Ms. Bustrin introduced herself and said again that the unsafe stairs were the main issue.

Mr. Knight clarified the only other improvement was the drainage swale and confirmed this with Ms. Bustrin. He said that he reviewed this project with the Fire Chief Blair, who thought it would improve access and did not contribute a fire hazard since the stairs were made of metal.

**Motion to Approve P&Z Resolution 2020-13**

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger			X			
Schall		X	X			
Vincent	X		X			

**6:42 (43:29) Item 7: Preliminary/final site plan review for a lot line adjustment, addition, and stairs for a single-family home**

Applicant: Greg Worth

Address: 639 Center Avenue

Zone: R1-5

Owner of record: Gregory A. Worth Living Trust

APN: 401-08-037

Applicant is seeking preliminary and final site design approval to adjust a property line, construct an addition, and construct second-story access stairs for a single-family home.

**Discussion/Possible Action – P&Z Reso. 2020-14**

Mr. Knight introduced the item and said the owners are rehabilitating and remodeling the home. They also are interesting in building an addition on the rear (or side) of the property and relocation of the lot line. He referred to the town's subdivision ordinance, which does not mention lot line adjustments, but one place in the ordinance does mention that lot line adjustments do need to go through a site plan review process. He explained that the owners/applicants, who own both lots, want to adjust the line 7 feet to the west so it does not run down the middle of the existing structures. He said the main issue to determine was the rear yard—is it opposite Fourth or Center Street? He then explained the setback requirements and that with the applicants' proposed lot line adjustment, the setback would be 5 feet, and the back yard would be the one opposite Fourth Street. Mr. Knight said this would be recorded and a permanent determination. He referred to the table that shows the required setbacks in the agenda packet.

Mr. Vincent asked about the proposed addition and its dimensions. Mr. Knight said it would be a 4-by-4-foot closet.

Mr. Schall was inclined to approve the applicants' proposal.

6:46 (48:23) Mr. Worth made a point of clarification and said the main priority is the lot line adjustment so that it does not intersect the other house. He said the addition would be a small request but not mandatory. He said he wants the decision to be made about the lot line. He then asked if it was just a matter of adjusting the lot line, did he still need approval from the commission.

Mr. Knight started to explain that if it's determined that the area between the two houses is a side yard, then a variance would not be needed to build the addition.

Mr. Worth interrupted and asked what if he abandoned the addition and just focused on moving the lot line and proposed the addition and the front stairs as two separate projects (three separate projects total).

Mr. Vincent said let's clean up the lot line and put it behind everyone. He commented about the odd technicalities regarding the setbacks and yards, then suggested making three separate motions. He asked the commission to expeditiously help the Worths and restrike the lot line.

Mr. Schall asked about the garage and if it was too close to its lot line at the side/rear yard, that it does not comply to either setback. Mr. Knight said this was true. Mr. Schall said they cannot change its footprint. Mr. Knight said it depended on if they were renovating or rebuilding the garage—if they were demolishing it, the new garage would need to comply to new standards. Mr. Schall said the applicants could move the lot line, call that lot the side, build the closet, leave the garage alone, and the commission can approve the front stairs and porch.

Mr. Knight said Mr. Vincent's suggestion for three separate motions made sense since these were three "different animals."

Mr. Vincent said if the commission supports all three aspects of the project, then he was fine with one motion to approve everything. He said let's allow the citizens to move on with their project. He said he doesn't care about a 16-square-foot addition barely seen from the street unless there is some technicality that Mr. Knight is aware of; then he would respect following the ordinance.

Mr. Schall said he would be inclined to approve the resolution. Chair Ludwig concurred.

Mr. Vincent asked if the stairs land right at the lot line, at the street, and if he would be stepping onto municipal property at the last step.

6:54 (56:30) Mr. Worth made remarks about the traffic on Fourth Street, then explained that they had surveyors determine that everything was correct, and explained where the stairs would land and how they were bringing them back to their original placement.

Mr. Knight reminded Mr. Worth that the stairs would need to meet building and fire code requirements. Mr. Worth pointed out that the stairs would be an additional exit for the building.

**Motion to Approve P&Z Resolution 2020-14**

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger			X			
Schall	X		X			
Vincent		X	X			

**6:57 (59:16) Item 8: Preliminary/final site plan review for rear deck**

Applicant: Mary and Andrew Chinander

Address: 860 Hampshire Avenue

Zone: R1-5

Owner of record: Andrew and Mary Chinander

APN: 401-07-133

Applicant is seeking preliminary and final site design approval to construct a rear deck.

**Discussion/Possible Action – P&Z Reso. 2020-15**

Mr. Knight introduced the deck project and went over the dimensions and setback. He clarified that the deck will be at the second story above the existing first-story deck and would be the same size. He said coverage and setbacks are not issues. The stairs and the existing deck will be rehabilitated, meeting all ordinance requirements.

6:59 (1:01:04) Property owner Andrew Chinander said plans are being drawn and that they are at the preliminary design stage at this point. Mr. Knight said those plans will go by the building department.

Mr. Chinander said the existing deck (10 by 20 feet) will be expanded "out" from the house by two feet and will then be 12 by 20 feet.

Mary Chinander told Mr. Knight the plans he has (that they submitted) show the new deck dimensions of 12 by 20 feet, and that they had decided to mirror the old deck to be the same size.

Mr. Knight said this was not included in the application and would be up to the commission to decide if this was an issue.

Mr. Schall said it was not a problem and that it was clear they were well within the setback requirements. Chair Ludwig agreed.

**Motion to Approve P&Z Resolution 2020-15**

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger			X			
Schall		X	X			
Vincent	X		X			

**7:03 (1:04:25) Item 9: Discussion about mixed-use in C-1 Zone**

Applicant: Town of Jerome

**Discussion and possible direction to staff**

Mr. Knight shared the background on this item. He said a discussion with a potential business owner at 415 Main St (the Flatiron patio) brought up a lot of questions about the building: Was it residential? Commercial? Both? How was it treated in the past? He said it could be considered a mixed use or live-work use. He went on to explain the benefits of mixed use. He referred to Commissioner Romberger's property (Lola building, 420 Hull Avenue) and his situation. Mr. Knight said the ordinance does not address mixed use and that it has been dealt with on a case-by-case basis in the C-1 district. As an example, he referred to the Cuban Queen project as a potential mixed-use property.

Mr. Knight said he would like to prevent the street level in the business district from being filled with residential units and taking away business space, and see this addressed in the ordinance. He said it seemed as if mixed use had simply been allowed in the past. He used Retro Roadrunner Resale as example, and what would happen if the business left and the space became a residence, and say the next tenant wanted to revert to mixed use again. Including something in the ordinance about mixed use would affect this specific building but also brings up the broader question of how the town wants to treat mixed use in the C-1 zone.

Chair Ludwig said she would love to see a mixed-use category, and that as Jerome grows, sees this happening more and more.

Mr. Knight referred to the "Smart Growth" principles in his staff report.

Mr. Schall said he would like to encourage mixed use, so maybe a code amendment would be in order.

Mr. Knight said he mostly wanted to bring it to the commission's attention and could bring back the item for further discussion at a subsequent meeting. He said mixed use could be allowed but sees some restrictions would be needed.

Mr. Schall said street-level use would be a concern and would want to restrict it to commercial use.

Mr. Vincent said he believed the marketplace would dictate that the street level would be commercial. He said the C-1 is replete with mixed use presently, and that maybe codifying conditions would be a good idea, and even encourage mixed use in the commercial zone.

Mr. Knight referred to the Lola building as an example of mixed use once again and said that if the commission wants to allow and encourage mixed use, it should be clarified in the zoning ordinance. He said one option would be to continue to allow mixed use through the conditional use permit (CUP) process.

Mr. Vincent said he would like to allow it in the C-1 district.

Mr. Romberger said yes, keep the street level as commercial use and residential use on other levels. He agreed mixed use should be encouraged.

Mr. Knight said he can come back with additional information and initiate the process to amend the code.

**Informational Items (Current Event Summaries):**

**7:13 (1:14:40) Item 10: Updates of recent and upcoming meetings – John Knight, Zoning Administrator**

- a. **June 8, 2020 DRB Meeting** – 446 Clark Street apartments and parking structure; change meeting date to first Monday of the month
- b. **June 9, 2020 Council Meeting** – first reading of residential parking ordinance
- c. **July 13, 2020 DRB Meeting** – approved garage remodel 11 Rich Street; discussed adopting design guidelines
- d. **July 14, 2020 Council Meeting** – approved P&Z and DRB bylaws and changed meeting dates

Mr. Knight went through the above list of updates and topics of recent meetings. He mentioned SHPO setting up a design guidelines workshop on August 31 with DRB and thought P&Z may like to participate. He also announced that the meeting date changes have been approved, effective September.

**7:15 (1:16:53) Item 11: Potential items for Wednesday, September 16, 2020 (Note meeting date change to third Wednesday):** Possible ordinance amendments for a sidewalk encroachments, temporary signs, residential lodging, and stair setbacks.

**Discussion/Possible Direction to Staff**

Mr. Knight listed the topics above, crossed off stair setbacks, and added mixed use in the C-1 zone. He said at this point the next meeting will mostly focus on code amendments.

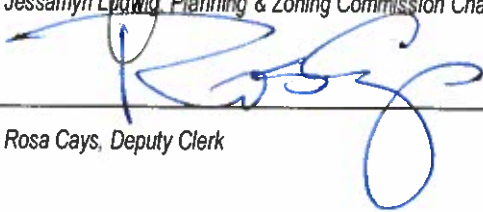
**Item 12: Adjourn**

**Motion to Adjourn at 7:16 p.m.**

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig	X		X			
Romberger			X			
Schall		X	X			
Vincent			X			

Approved:   
Jessamyn Ludwig, Planning & Zoning Commission Chair

Date: 9.28.2020

Attest:   
Rosa Cays, Deputy Clerk

Date: 9/28/2020