



TOWN OF JEROME

Special Meeting of the Jerome

UPDATED - Board of Adjustment Agenda

Post Office Box 335, 600 Clark Street, Jerome, Arizona (928) 634-7943

Wednesday, June 24, 2020 at 4:00 pm

Notice is hereby given pursuant to A.R.S. 38-431.02, that members of the Jerome Board of Adjustment and staff will attend by audio/video conference call. Members of the public are encouraged to participate in the meeting via Zoom conference by computer: <https://us02web.zoom.us/j/9286347943> or by telephone: **1-669-900-6833**, then enter the meeting ID: **928 634 7943** when prompted.

Questions and comments can be submitted, if attending by Zoom video conference, by clicking the chat button at the bottom of the screen and entering your name and the agenda item you would like to address. Written comments can be submitted two hours prior to the meeting by e-mail to John Knight (j.knight@jerome.az.gov).

The Board of Adjustment may recess the public meeting and convene in Executive Session for the purpose of discussion or consultation for legal advice with the town attorney, who may participate telephonically regarding any item listed on this agenda pursuant to A.R.S. § 38-431.03 (A)(3).

Item 1: Call to order/roll call

Item 2: Petitions from the public — Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda, but the subject matter must be within the jurisdiction of the board. All comments are subject to reasonable time, place, and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please state your name, and please observe the three (3)-minute time limit. No petitioners will be recognized without a request. The board's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.

Possible Direction to Staff

Item 3: Approval of Minutes: Minutes of the Board of Adjustment meeting of January 22, 2020
Discussion/Possible Action

Continued Items from Previous Meetings: None

New Business:

Item 4: Election of officers
Select a new chair and vice chair

Item 5: Update/Adopt BOA bylaws
Discussion/Possible Action - BOA Reso. 2020-01

~~**Item 6: Affirm Zoning Administrator decision regarding setbacks for access stairs**~~
~~**Discussion/Possible Action - BOA Reso. 2020-02 Removed from agenda**~~

~~**Item 7: Preliminary review of front setback variance - Withdrawn by applicant**~~

~~Applicant: Hunter Bachrach and Charlotte Page~~

~~Address: 139 Juarez Street~~

~~Zone: AR~~

~~Owner of record: China Cat Investments LLC~~

~~APN: 401-07-186~~

~~Applicant is seeking input on a potential variance to construct a garage.~~

~~**Discussion/Possible direction to staff and applicant**~~

Item 8: Preliminary review of rear setback variance

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 input on a potential variance to construct a small addition.

Discussion/Possible direction to staff and applicant

Informational Items (Current Event Summaries):

Item 9: 324 Queen Street (aka Cuban Queen) status update

Item 10: Future Items – potential variance applications for 139 Juarez Street and 639 Center Avenue

Item 11: Adjourn

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before 6 p.m. on _____
970 Gulch Road, side of Gulch fire station, exterior posting case
600 Clark Street, Jerome Town Hall, exterior posting case
120 Main Street, Jerome Post Office, interior posting case

Rosa Cays, Deputy Clerk, Attest

Persons with a disability may request reasonable accommodations such as a sign language interpreter by contacting Town Hall at (928) 634-7943. Requests should be made as early as possible to allow sufficient time to make arrangements. Anyone needing clarification on an agenda item may call John Knight at (928) 634-7943.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943

Petition to Speak

Name: _____

Address: _____

Signature: _____ Date: _____

Topic/Comments: _____

Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda, but the subject matter must be within the jurisdiction of the commission. All comments are subject to reasonable time, place, and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please step to the podium, state your name, and please observe the three (3) minute time limit. No petitioners will be recognized without a request. The commission's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

SPECIAL MEETING OF THE TOWN OF JEROME BOARD OF ADJUSTMENT

DATE: Wednesday, January 22, 2020 TIME: 4:00 pm
PLACE: JEROME CIVIC CENTER
600 Clark St., JEROME, ARIZONA 86331

MINUTES

ITEM 1: CALL TO ORDER/ROLL CALL

The meeting was called to order by Chair Gary Shapiro at 4:01.

Members present were Chair Gary Shapiro, Suzy Mound, Chris Babbage and Natalie Barlow. Absent was Vice Chair Carol Yacht. Staff present were John Knight, Zoning Administrator, and Rosa Cays, Deputy Clerk.

4:01 (00:47) ITEM 2: APPROVAL OF MINUTES: Regular Meeting of November 7, 2019 Discussion/Possible Action/ Possible Direction to Staff

Motion to Approve the Meeting Minutes of November 7, 2019

BOARD MEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
SHAPIRO			X			
YACHT					X	
BABBAGE	X		X			
BARLOW			X			
MOUND		X	X			

4:02 (1:19) ITEM 3: CONSENT TO EXTEND TOLLING AGREEMENT

APPLICANT: Windy Jones & Josh Lindner

MAILING ADDRESS: 2549 Haskell Springs Rd. Clarkdale, AZ 86324

PROJECT ADDRESS: 324 Queen Street

ZONE: C-1

OWNER OF RECORD: Cuban Queen Bordello LLC

APN: 401-06-127

The Applicant requests that the Board of Adjustment consent to a 90-day extension of the tolling agreement ("Tolling") to April 22, 2020. The Tolling was previously extended by the Board of Adjustment at their November 2019 meeting to January 23, 2020. The Tolling extends the appeal period regarding the upholding on July 18, 2019, by the Board of Adjustment of the Zoning Administrator's decision that a parking variance granted in 2009 to 324 Queen Street is no longer valid.

4:02 (1:19) Chair Shapiro introduced the item and asked if there was any discussion.

4:02 (1:40) Suzy Mound asked how many times the board will have to do this [extend the tolling agreement].

4:03 (1:58) Chair Shapiro explained it takes time to negotiate with the Town and the parking issues, submit design changes to comply with the ordinances, etc.

4:03 (2:35) Natalie Barlow asked if it would be fair to ask about the status of the project and the tolling agreement.

4:03 (2:57) Zoning Administrator John Knight explained that all the applicants were asking for is more time to resolve the issue with the parking. Progress is being made as the applicants, the attorney, and the council work toward a solution. If the board doesn't approve the tolling agreement, then the applicants have the option to walk away from the project, resubmit changed plans to the Council, or appeal to Superior Court. The staff recommendation is to approve the tolling agreement. Recent approvals from the Planning and Zoning Commission and the Design Review Board are contingent upon how the parking situation is resolved. The applicants still must go before Council for approval of the Conditional Use permit (CUP), which allows for a boarding house in the C-1 zone. This permit and the parking issue are what are left to finalize for this project.

4:06 (6:07) Chair Shapiro said he was glad to hear progress is being made.

4:06 (6:16) Chris Babbage commented that the board had already received the definition of tolling agreement. He then moved to approve the extension.

Motion to Extend the Tolling Agreement until April 22, 2020

BOARD MEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
SHAPIRO			X			
YACHT					X	
BABBAGE	X		X			
BARLOW			X			
MOUND		X	X			

ITEM 4: ADJOURN

Motion to Adjourn at 4:07 p.m.

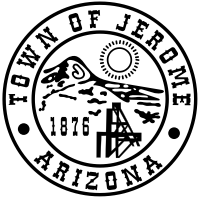
BOARD MEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
SHAPIRO		X	X			
YACHT					X	
BABBAGE			X			
BARLOW	X		X			
MOUND			X			

Approved: _____
Gary Shapiro, Board of Adjustment Chair

Date: _____

Attest: _____
Rosa Cays, Deputy Clerk

Date: _____



TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331
(928) 634-7943

Zoning Administrator Analysis Board of Adjustment Wednesday, June 24, 2020

ITEM 4: Election of Officers
Recommendation: Elect a chair and vice chair
Prepared by: John Knight, Zoning Administrator

Background and Summary: The Jerome Zoning Ordinance Section 105.C. requires that the Board of Adjustment elect a chair and vice chair annually in March (or the next available meeting).

Note that in July of 2014, the Town Council adopted Ordinance 410 (attached), which dictates that the chair and vice chair can serve no longer than two (2) consecutive years in the same position. Refer to Section 5 of Ordinance 410.

Recommendation: Elect a chair and vice chair

Attachments:
- Ordinance 410



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

Founded 1876
Incorporated 1899

ORDINANCE NO. 410

AN ORDINANCE TO AMEND SECTIONS 104 C., 105 C. AND 106 D. OF THE TOWN OF JEROME ZONING ORDINANCE TO PROVIDE THAT CHAIRS AND VICE CHAIRS OF THE PLANNING AND ZONING COMMISSION AND DESIGN REVIEW BOARD MAY ONLY SERVE TWO CONSECUTIVE ONE-YEAR TERMS AS CHAIR OR VICE CHAIR AND TO MAKE THOSE SECTIONS GENDER NEUTRAL, AND AMENDING SECTION 106 B. REGARDING MEMBERSHIP OF THE DESIGN REVIEW BOARD.

WHEREAS, the Mayor and Council have recommended an amendment to the Jerome Zoning Ordinance to provide that Chairs and Vice Chairs of the Planning and Zoning Commission, Board of Adjustment and Design Review Board may only serve two consecutive one-year terms;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. Paragraph C, "Selection of Officers," of Section 104, "Planning and Zoning Commission," of the Town of Jerome Zoning Ordinance is hereby amended as follows (additions in UNDERLINED CAPITAL LETTERS, deletions [in brackets]):

The Commission shall elect a Chair[man] and Vice Chair[man] from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. NO INDIVIDUAL MAY SERVE CONSECUTIVELY AS CHAIR, OR CONSECUTIVELY AS VICE CHAIR, FOR MORE THAN TWO ONE YEAR TERMS. The Chair[man] shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chair[man] shall have the power to administer oaths and to take evidence. The Vice Chair[man] shall perform the duties of the Chair[man] in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

Section 2. Paragraph C, "Selection of Officers," of Section 105, "Board of Adjustment," of the Town of Jerome Zoning Ordinance is hereby amended as follows (deletions [in brackets]):

The Board shall elect a Chair[man] and Vice Chair[man] from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chair[man] shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chair[man] shall have the power to administer oaths and to take evidence. The Vice Chair[man] shall perform the duties of the Chair[man] in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

Section 3. Paragraph B, "Composition; Terms of Members; Vacancies; Compensation of Members," of Section 106, "Design Review Board," of the Town of Jerome Zoning Ordinance is hereby amended as follows (additions in UNDERLINED CAPITAL LETTERS, deletions in [brackets]):

The Design Review Board of the Town of Jerome shall be composed of five (5) members. The membership shall consist of a Town Planning and Zoning Commission member and four (4) residents of Jerome, who shall be persons qualified by design background, training or experience, to be appointed by the Town Council. The member of the Planning and Zoning Commission shall [serve on the Board for as long as he or she serves on the Commission] BE DESIGNATED ANNUALLY BY THE COMMISSION, AND MAY NOT SERVE AS CHAIR OF THE DESIGN REVIEW BOARD CONCURRENTLY WITH SERVING AS CHAIR OF THE PLANNING AND ZONING COMMISSION. IN THE EVENT OF A VACANCY IN THE SEAT HELD BY THE MEMBER OF THE PLANNING AND ZONING COMMISSION, THE COMMISSION SHALL APPOINT ANOTHER MEMBER TO SERVE ON THE DESIGN REVIEW BOARD FOR THE REMAINDER OF THAT YEAR. The four (4) public members shall serve for a term of three (3) years. Members may, after a public meeting, be removed by the Council for inefficiency, neglect of duty, or unethical conduct in office. Three (3) absences, without prior notification during a year from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority and such action shall be final. In the event of death or resignation, or removal from the Board, the vacancy shall be filled by the Council for the unexpired term. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the Town Council.

Section 4. Paragraph D, "Selection of Officers," of Section 106, "Design Review Board," of the Town of Jerome Zoning Ordinance is hereby amended as follows (additions in UNDERLINED CAPITAL LETTERS), deletions in [brackets]):

The Board shall elect a Chair[man] and Vice Chair[man] from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. NO INDIVIDUAL MAY SERVE CONSECUTIVELY AS CHAIR, OR CONSECUTIVELY AS VICE CHAIR, FOR MORE THAN TWO ONE YEAR TERMS. The Chair[man] shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chair[man] shall have the power to administer oaths and to take evidence. The Vice-Chair[man] shall perform the duties of the Chair[man] in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

Section 5. Any person serving as Chair or Vice Chair of a Board or Commission who has served longer than two consecutive years in that position as of the effective date of this ordinance shall immediately relinquish his or her position as Chair or Vice Chair, and a new Chair and/or Vice Chair shall be appointed by the Board or Commission at their next meeting.

Section 6. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 7. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.


Section 8. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, any provision incorporated by reference and any other provision of the Town Code as a whole or any part thereof other than the part so declared invalid.


PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY,
ARIZONA, THIS 8 DAY OF July 2014.


Nikki Check, Mayor

ATTEST:

APPROVED AS TO FORM:


Candace Gallagher, Town Manager/Clerk


William J. Sims, Esq.
Town Attorney

Date of First Reading: 3/11/2014	Date of Adoption: 7/8/14			
	Ayes	Nays	Absent	Abstain
	5	0	0	0
Date Published: 7/16, 7/23				
Date Posted: N/A				



TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331
(928) 634-7943

Zoning Administrator Analysis Board of Adjustment Wednesday, June 24, 2020

ITEM 5: Update/Adopt bylaws

Recommendation: Discuss proposed bylaw changes and adopt updated bylaws

Prepared by: John Knight, Zoning Administrator

Resolution: **BOA Reso. 2020-01**

Background and Summary: The Jerome Zoning Ordinance Section 105.E. requires the Board of Adjustment to "...make and publish rules and regulations to govern its proceedings...". These are commonly referred to as bylaws. The Board's bylaws were last reviewed and adopted in January 2014 (minutes attached).

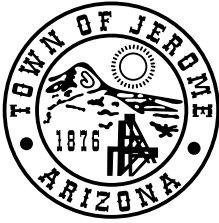
Updates to the bylaws are relatively minor. These include inserting gender-neutral terms, adding the requirement for audio recordings, allowing meetings to be held electronically (eg: via Zoom), and documenting Board decisions by resolution.

Note that the Planning and Zoning Commission and Design Review Board have recently updated their bylaws (pending final adoption by Council).

Recommendation:

Attachments:

- BOA Reso. 2020-01
- Redline changes to bylaws
- January 9, 2014 BOA Minutes



TOWN OF JEROME

Post Office Box 335, Jerome, AZ 86331
(928) 634-7943

BOA Resolution No. 2020-1 Approving Revised Board of Adjustment Bylaws

WHEREAS, the Board of Adjustment has the authority under Section 105.E. of the Jerome Zoning Ordinance to make and publish rules and regulations (bylaws) to govern its proceedings; and

WHEREAS, on January 9, 2014, the Board of Adjustment previously approved bylaws; and

WHEREAS, on June 24, 2020, the Board of Adjustment reviewed a draft of proposed revisions to its bylaws and wishes to make those changes; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Town of Jerome, Arizona, that the revised bylaws attached hereto and made a part hereof are hereby adopted; and

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the Town Clerk.

ADOPTED AND APPROVED by a majority vote of the Board of Adjustment on the 24th day of June 2020.

ATTEST:

APPROVED:

Rosa Cays, Deputy Town Clerk

Chair

Attachment – Draft Bylaws

Town of Jerome Board of Adjustment Bylaws

Updated: ~~January 9, 2014~~ June 24, 2020

I. Organization and responsibilities

A. Board, Officers and Staff

1. It ~~shall~~shall be the duty of the Board of Adjustment (the board) to:
 - a. Hear and decide appeals in which it is alleged there is an error in an order, requirement, or decision made by the zoning administrator in the enforcement of the zoning ordinance, and to reverse or affirm, wholly or partly, or modify the order requirement or decision of the ~~Zoning Administrator~~zoning administrator appealed from, and make such order, requirement, decision, or determination as necessary.
 - b. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning where such property is located.
2. The Board of Adjustment may not:
 - a. Make any changes in the uses permitted in any zoning classification of zoning district, or make any changes in the terms of the zoning ordinance provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to this article.
 - b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.
3. The ~~Board~~board shall consist of five (5) members, each of whom shall be a resident of the Town of Jerome, to be appointed by the Town Council. The members of the ~~Board~~board shall serve a term of three (3) years, beginning March 1st and ending ~~in the month of March~~February 28th.
 - a. In the event of a death, resignation, or removal from the ~~Board~~board, the vacancy shall be filled by the Council for the unexpired term.
 - b. Members of the ~~Board~~board may, after ~~Public Hearing~~a public hearing, be removed by the Council for inefficiency, neglect of duty, or malfeasance in office. The Council shall file a written statement of the reasons for removal.

- c. Three (3) unexcused absences during a term from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice, and such action shall be final.
 - d. All members shall serve without pay. However, members of the Boardboard may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Boardboard and approval of such expenditures by the Town Council.
4. The Boardboard shall elect a Chairchair and Vice-Chairvice chair annually from among the appointed members at its first meeting in March of each year. If the board does not meet in March, then officers shall be elected at the next meeting. The election may be postponed by a majority vote of the members of the Boardboard present. If the election is postponed, the current Chairchair and Vice-vice Chair will remain in office until the election.
- a. The term of Chairchair and Vice-Chairvice chair shall be one (1) year. Any member serving No individual may serve consecutively as Chairchair or Vice-Chair shall be eligiblevice chair for re-electionmore than two (2) one-year terms.
 - b. Any vacancy in the office of Chairchair or Vice-Chairvice chair shall be filled from the Boardboard membership by majority vote of the Boardboard members present at the next meeting. Any Chairchair or Vice-Chairvice chair so elected shall serve for the remainder of the vacated term.
5. The Chairchair shall preside at all meetings and hearings of the Boardboard, decide all points of order and procedure, and perform any duties required by law, ordinance, or these bylaws.
- a. The Chairchair shall have the right to vote on all matters before the Boardboard and shall also have the right to make or second motions in the absence of a motion or a second made by a member.
 - b. The Vice-Chairvice chair shall act as Chairchair in the Chair'schair's absence. In the absence of the Chairchair and Vice-Chairvice chair, the senior member based upon years of membership shall act as Chairchair.
6. The Zoning Administrator,zoning administrator or his or hertheir designated representative, shall serve the Boardboard as Secretarysecretary. The Zoning Administratorzoning administrator and/or Planning Staffplanning staff shall furnish professional and technical advice to the Boardboard.

II. Meetings

A. Hearings and Meetings

1. Hearings of the ~~Board~~board shall be held at the call of the ~~Chair~~chair and at such other times as the ~~Board~~board or ~~Zoning Administrator~~zoning administrator may determine.
2. Meetings may be held as necessary to address administrative issues of the ~~Board~~board.
3. Except for executive sessions authorized by law, all meetings of the ~~Board~~board shall be open to the public. Minutes of the proceedings, recording its examinations, and showing the vote of each member, shall be filed with the ~~Town Clerk~~town clerk as a public record.
4. Board members are expected to attend hearings and meetings unless prior notice of an inability to attend is provided to the ~~Chair or Zoning Administrator~~chair or zoning administrator. Meetings may be attended in person, telephonically, or by other digital means, with advance notice to the chair or zoning administrator.

B. Notice of Meetings and Hearings

Written notice of all meetings shall be delivered by ~~mail~~email or in person to individual ~~Board~~board members at least 24 hours before the date of ~~the~~ meeting; ~~except that~~ where required by an actual emergency, members may be notified by telephone by the ~~Secretary~~secretary.

C. Quorum

Pursuant to Section 105(D) of the Town of Jerome Zoning Ordinance, three members of the ~~Board~~board shall constitute a quorum for transacting business at any regular meeting. No action shall be taken at any regular meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date.

D. Agenda

The ~~Secretary~~zoning administrator shall prepare an agenda for each hearing or meeting of the ~~Board~~board. The agenda shall include all matters of business as scheduled for consideration by the ~~Board~~board.

III. Order of Business

A. Parliamentary Procedure

1. The ~~Chair~~chair shall call the ~~Board~~board to order and the ~~Secretary~~secretary, or secretary's designee, shall record the members present or absent. The ~~Chair~~chair may call each matter of business in the order of the approved agenda and shall announce the name of the applicant, the location of the property involved, and the nature of the request. The ~~Board~~board, by majority vote, may change the order of the posted agenda to accommodate the ~~Board~~board, staff, and members of the public. Supporting evidence for and against each matter shall be presented to the ~~Board~~board.
2. The ~~Chair~~chair shall conduct meetings under ~~Robert's~~Robert's Rules of Order unless such rules are suspended by majority vote of the ~~Board~~board. The ~~Chair~~chair shall direct questions to the applicant or any person speaking, in order to bring out all the relevant facts, circumstances, and conditions affecting the matter being considered, and then call for questions from other members of the ~~Board~~board and from staff.

B. Hearing Conduct

1. Public hearings shall be conducted in accordance with the procedures set forth in the Jerome Zoning Ordinance and Arizona law.
2. Hearings are quasi-judicial in nature as defined in Arizona Revised Statutes (A.R.S.)~~§~~ § 38-431(7). Relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
 - a. All exhibits shall be clearly labeled and made a part of the record of the Board of Adjustment hearing. Evidentiary objections shall be waived unless made timely to the hearing.
 - b. The ~~Chair~~chair may exclude evidence that is irrelevant, immaterial, or repetitious.

C. Public Hearing Testimony

1. Any person may appear at a public hearing and submit oral or written evidence related to the application, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall state his or her name, address, and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.
2. The ~~Chair~~chair may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
3. In the event testimony or evidence is excluded as irrelevant, immaterial, or repetitious, the person offering such testimony or evidence shall have an opportunity to offer a written statement in regard to such testimony or evidence for the record. Such a written statement shall be presented to the town clerk within three (3) working days of the hearing.
4. If an applicant fails to appear at the hearing, the ~~Board~~board may continue the hearing until the next regularly scheduled meeting or other meeting designated by the ~~Board~~board. If, before the meeting, the applicant submits a written request for the ~~Board~~board to act without ~~his or her~~their presence, the ~~Board~~board may hear those persons requesting to speak in response to the notice of hearing and make a decision without the applicant attending the meeting.
5. The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

D. Voting

1. In taking action on any appeal, the ~~Board~~board may reverse, affirm wholly, affirm in part, or modify the order, requirement, or the ~~Zoning Administrator's~~zoning administrator's decision being appealed from, and make such order, requirement, decision, or determination as necessary. Decisions of the Jerome Board of Adjustment shall meet the statutory requirements set forth in the ~~Arizona Revised Statutes Section A.R.S. §~~ 9-462.06 and Town of Jerome Zoning Ordinance. In lieu of the above, the ~~Board~~board may remand the matter to the original decision-making body for reconsideration, for additional information, or to cure a deficiency in the record or proceeding.
2. When making a decision to approve, approve with modifications and/or conditions, or deny a variance, or when acting on an appeal, the ~~Board~~board shall make findings of fact required by the ~~Zoning Ordinance,~~zoning ordinance as set forth in A.R.S. ~~Section §~~ 9-462.06 and the Jerome Zoning Ordinance Section 105.B., Powers and Duties, as stated in Section 1.1. of these bylaws.
3. Three (3) members shall constitute a quorum. The affirmative vote of three (3) members shall be required for passage of any matter before the ~~Board,~~board.
4. The ~~Zoning Administrator,~~zoning administrator whose decision is being appealed from shall not participate in any discussion or vote of the ~~Board,~~board but shall be available during the public hearing for questions from the ~~Board,~~board members.
5. Prohibition Against Ex Parte Communications. To ensure a fair and impartial decision-making process, members of the Board of Adjustment shall not, directly or indirectly, participate in any ex parte communication relevant to an application pending before the ~~Board~~board. Ex parte communications are oral or written communications related to the matter to be heard by the ~~Board~~board that are made to or by any member of the ~~Board~~board, including in person, telephonic or electronic communications that occur outside of a public meeting of the ~~hearing body~~board.

6. A member who has a conflict of interest with a matter being considered, as described in ~~Arizona Revised Statutes A.R.S. §§-38-501~~ through 38-511, shall recuse ~~himself~~themselves, abstain from voting, and leave the ~~the~~meeting chambers during discussion and action of the matter.
7. Each member attending shall be entitled to one vote. The minutes of the proceedings shall indicate the vote of each member on every matter acted upon, and shall indicate any absence or failure to vote. No member shall be excused from voting except on matters involving the consideration of ~~his~~their own official conduct, or where the member declares a conflict, as described in Section III.D.(6) of these bylaws.
- ~~8.~~—A member who is absent from ~~any portion of a public hearing~~ conducted by the ~~Board~~board may not vote on the matter at the time it is acted upon by the ~~Board~~board, unless ~~he or she has~~they have reviewed the minutes or the recording of any portion of the hearing from which ~~he or she was~~they were absent, and ~~states~~state for the record prior to voting that ~~he or she deems himself or herself~~they deem themselves to be familiar with the record. A member who misses only the presentation of the staff report may vote on the matter at the time it is acted upon by the ~~Board~~board, provided that the member states for the record that ~~he or she~~they read the staff report and ~~is~~are familiar with it.
9. Whenever practical, board decisions should be documented by written resolution. Copies of the resolutions shall be maintained at Town Hall.

IV. Official Records

A. Retention of Files

The official records of the ~~Board~~board shall include these bylaws, minutes of meetings, resolutions, and ~~its~~ adopted reports, all of which shall be deposited with the ~~Town Clerk~~town clerk and shall be available for public inspection as public records. All applications and other matters coming before the ~~Board~~board shall be filed in the ~~Planning~~planning and ~~Zoning Department~~zoning department in accordance with that ~~Department's~~department's general file system. Original papers of all applications and other matters shall be retained in compliance with the Town's ~~Document Retention Schedule~~document retention schedule.

B. Recording of Meetings

All public meetings of the ~~Board~~board will be recorded in written and audio form. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, may do so at ~~his~~their own expense. Advance notice to the ~~Zoning Administrator~~zoning administrator to arrange facilities for such recording shall be made at least 72 hours prior to commencement of the meeting. Such recording shall not disrupt the proceedings and may, at the discretion of the ~~Chair~~chair, be stopped if it is disruptive.

V. Amendments

These bylaws may be amended by majority vote at any meeting of the ~~Board~~board provided that notice of said proposed amendment is given to each member in writing at least five (5) days prior to said meeting. Such amendment shall become effective at the next meeting or hearing of the ~~Board~~board.



Founded 1876
Incorporated 1899

TOWN OF JEROME, ARIZONA

POST OFFICE BOX 335, JEROME, ARIZONA 86331
Rebecca Borowski, Planning & Zoning Administrator
Historic Preservation Officer

Office: (928) 634-7943 Fax: (928) 634-0715 r.borowski@jerome.az.gov
Celebrating Our 114th Anniversary
1899 – 2013

MEETING OF THE TOWN OF JEROME

BOARD OF ADJUSTMENT

DATE: Thursday, January 9, 2014 TIME: 6:00 P.M.
PLACE: JEROME CIVIC CENTER, 600 CLARK STREET
Minutes

ITEM 1: CALL TO ORDER/ROLL CALL

Vice Chair, Carol Yacht called the meeting to order at 6:04 pm.

Roll call by Zoning Administrator Rebecca Borowski

Members present:

Carol Yacht, Vice Chair

Chris Babbage

Ron Richie

Margie Hardie

Members absent: Chair Gary Shapiro (excused)

Staff Members present: Rebecca Borowski, Zoning Administrator; Jennifer Shilling, Record keeper.

ITEM 2: APPROVAL OF MINUTES: Minutes of December 5, 2013

Motion was made by Chris Babbage to approve the minutes as presented. Second was made by Margie Hardie. **Motion** carried unanimously

ITEM 3: PETITIONS FROM THE PUBLIC – NONE

*****OPENING OF PUBLIC HEARING*** 6:05 pm**

ITEM 4: APPLICATION FOR VARIANCE.

Address: 841 Gulch Road.....OWNER OF RECORD: Mary Beth Barr and Kathleen Keller

APPLICANT: Mary Beth Barr.....APPLICANT'S AGENT: Abe Stewart

ASSESSOR'S APN: 401-09-020.....ZONING: AR

The applicant requests a Variance for the Town of Jerome Zoning Ordinance Section 502.H.10., requiring a 5' setback. Proposed deck construction would encroach upon the setback by 2' to 3' (reducing setback from 5' required to 2'-3'). Applicant presented photos, site plan and letter from the owner explaining the 10' wide deck is required to allow vehicular access to the rear yard for septic maintenance. There were no comments from the public. The board discussed provisions of the application in terms of the Jerome Zoning Ordinance and ARS 9-462.06 and issued the finding that topography is the special circumstance applicable to the property and the variance does not grant special privileges.

*****CLOSE OF PUBLIC HEARING*** 6:15pm**

Motion made by Margie Hardie to approve the application for variance. Second was made by Chris Babbage. **Motion** carried unanimously.

ITEM 5: BYLAWS – The Board reviewed and discussed the Town of Jerome Board of Adjustment Bylaws.

Motion made by Ron Richie to approve the revised bylaws and referred them to the Town Council for adoption. Second was made by Chris Babbage. **Motion** carried unanimously.



For TTY Access, Call the Arizona Relay Service at 1-800-367-8939 and Ask for Town of Jerome at 634-7943



Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

ITEM 6: ELECTIONS AND APPOINTMENTS

Zoning Administrator, Rebecca Borowski announced that Board members Yacht and Babbage terms expire in February. She requested they let her know of their intent to renew their positions so she can bring renewals to Town Council in February. Board elections for Chair and Vice Chair will be held in March.

ITEM 7: ADJOURNMENT

Motion made by Margie Hardie to adjourn. Second was made by Ron Richie. Motion carried unanimously.

The meeting adjourned at 6:40 pm

Respectfully submitted by Rebecca Borowski on the 6th day of March, 2014.

Approved: Excused / Gary Shapiro Date: 3/6/14
Board of Adjustment Chair

Attest: Carol Yacht Date: 3-6-14
Board of Adjustment Vice-Chair



TOWN OF JEROME

Post Office Box 335, Jerome, Arizona 86331
(928) 634-7943

Zoning Administrator Analysis Board of Adjustment Wednesday, June 24, 2020

ITEM 8: Preliminary review of rear setback variance
Location: 639 Center Avenue
Applicant/Owner: Greg Worth/ Gregory A. Worth Living Trust
Zone: R1-5
APN: 401-08-037
Recommendation: Review, discuss, and provide direction
Prepared by: John Knight, Zoning Administrator

Background and Summary: The applicant owns two adjacent homes, 639 Center Avenue and 116 4th Street. The shared lot line between the two homes is approximately three (3) feet inside the home located at 639 Center Avenue. Although uncommon, this situation is not unheard of in Jerome. Since both homes were constructed many years before the zoning ordinance was adopted, the setbacks would be considered “legal nonconforming.”

The applicant proposes a lot line adjustment to improve the nonconforming setback and remove the lot line from the middle of 639 Center Avenue (see attached narrative and map). The applicant proposes to relocate the lot line so that 639 Center Avenue has a five- (5-) foot setback and 116 4th Street has a 10-foot-6-inch setback.

Analysis: The R1-5 zoning requires a five- (5-) foot side yard setback and a twenty- (20-) foot rear yard setback (Section 505.D.5.). The shared property line would be considered a side yard for 116 4th Street and a rear yard for 639 Center Avenue. To comply with the current code standards, the buildings would need to be at least 25 (twenty-five) feet apart. The space between the two buildings is approximately 15 (fifteen) feet. The only way to meet current code standards would be to demolish part of one or both structures.

The applicant’s proposal to relocate the property line would dramatically improve the situation by removing the property line out of the middle of the building and would also meet minimum fire code setbacks (a minimum of 3 feet is required). To accomplish this, the applicant would require approval of a variance from the Board of Adjustment. The home at 116 4th Street would meet the setback standard (5 feet is required) but the home at 639 Center Avenue would need a variance from twenty (20) feet to five (5) feet. This is significantly less than the current requirement but a vast improvement over the current situation with the property line in the center of the structure.

In addition to moving the lot line, the applicant would like to construct a small addition at the back of the house (see conceptual map). This addition would “square off” the rear of the structure and would meet the proposed five- (5-) foot set back.

Note that the applicant has also submitted a site plan review from the Jerome Planning and Zoning Commission and design review from the Jerome Design Review Board. The applicant will be upgrading the windows, doors, porch, roof, and exterior of 639 Center Avenue (see attached narrative and pictures). The applicant also proposes to reconstruct the original access stairs that were located at the front left corner of the home (southeast corner).

To approve a variance, the board is required to consider criteria contained in Section 105.B of the Jerome Zoning Ordinance. Excerpts of the relevant code sections are noted below.

1. Special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings.
2. The strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
3. Any variance granted is subject to such conditions and will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning in which such property is located.

The Board of Adjustment may not:

- a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to this article.
- b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

Response: In general, it is difficult to justify the need for a variance and meet the criteria related to “special circumstances.” However, having a lot line in the middle of the home is unique and could be considered special circumstances. Moving the lot line would dramatically improve the situation and allow both buildings to meet fire code requirements.

Board Options: The board may wish to consider the following options.

Option 1 – No decision: The board can postpone the decision and direct the applicant to return with a formal application.

Option 2 – Rear variance without addition: The board can provide direction to the applicant that they may be willing to support a variance but only for the existing structure and not the small addition.

Option 3 – Move the lot line: The board can provide direction to the applicant that they may be willing to support a variance but would like the lot line moved to a different location.

Option 4 – Support the applicant’s proposal: The board can provide preliminary direction that they may be willing to support the applicant’s proposal and to return with a formal application.

Note that the board's decision on this matter is nonbinding. The board is simply providing preliminary input and possible direction to staff and the applicant on this matter. Until the applicant returns with a formal application, the board cannot decide on the variance.

Recommendation: Discuss the proposed variance and provide direction to staff and the applicant.

Attachments:

- Narrative and conceptual plans for lot line adjustment
- Narrative and pictures for site plan review and design review

Request for lot line adjustment
Gregory Worth and Barbara Nelson
June 16, 2020

Background:

When the lots were divided up as part of the Copper Chief Claim into the Mountain View subdivision, a single owner bought lots 64,65 and 66. On these three lots, they eventually build two houses with little regard to the lot lines in between the houses since they were owned by one person. The house at 116 4th Street, Parcel 401-08-036 and the house at 639 Center street, parcel 401-08-037 both occupy part of lot 65.

When the houses were eventually sold to different owners , in 1941, the lot line was not adjusted and currently the lot line goes through the back of 2 feet of the house at 639 Center street. This does not give the house at 639 proper fire department clearance and causes confusion over ownership and access.

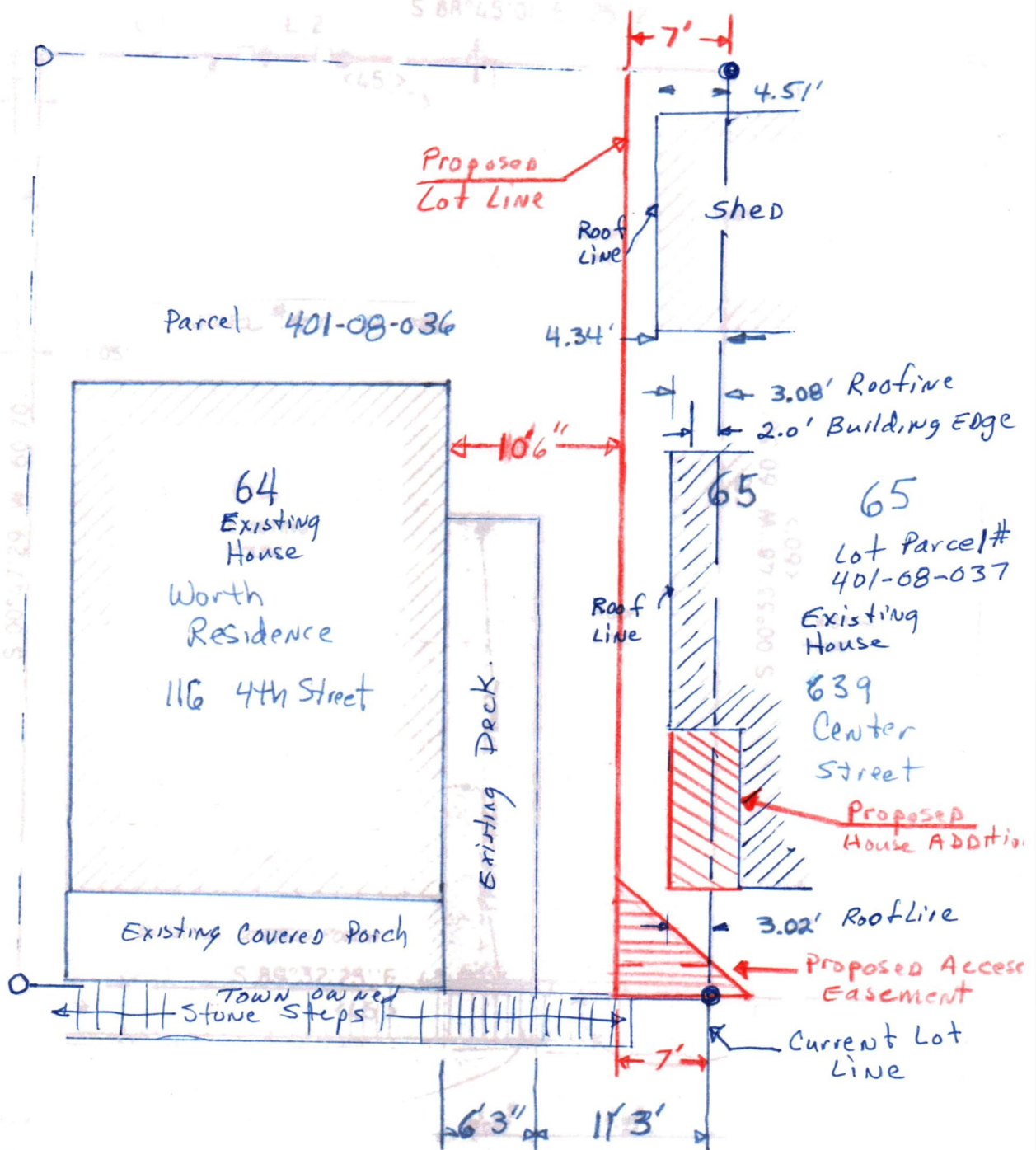
We recently bought the house at 639 Center Street and have owned the house at 116 4th street for the past 12 years. Now, since we own both, we have an opportunity to rectify this issue and make the houses more compliant.

Proposed Improvement to the situation:

These two historic designated houses were built to the standard current in 1900 and 1928 and while we cannot comply with current new-build requirements, we propose to adjust the lot line to add seven (7) additional feet to the house at 639 Center street. This would place the lot line five (5) feet from the back of the Center street house and would leave 10 ½ feet from the back of the house at 116 4th to the new lot line. (see attached diagram). This will improve on the current situation, give proper fire department clearances to each house and reduce any ambiguity over property ownership, access and responsibility

We also plan to create an access easement so that both parcels will have continued access to 4th street for personal and utility/fire purposes. This easement is also shown on the attached diagram.

Worth Proposed Lot Line Adjustment June 16, 2020



Note:

1. Proposed new Lot Line is 5' from 639 Center Street House Edge.
2. Utility Access Relocation may be Necessary.

4th STREET

**Narrative of the Proposed Project at 639 Center Avenue,
Jerome, Az, 86331
May 31, 2020
By Gregory A. Worth and Barbara J. Nelson, Owners**

On May 21st, we purchased the historic home on 639 Center Avenue. The house was built in 1900 as a family residence and the historical society has many photos of the house in its early years. We plan to return it to its historic Jerome look while honoring the history of the house. The porch in particular is not historically correct and we have attached historic photos showing what we plan to do to make the home compliant with the look of other houses in our neighborhood.

The lower portion of the home has been rented for several years and the upper part of the house has been empty for the past 12 years as the owner moved out of the state and has not returned. The house and garage have been poorly maintained for many years by the owner and rental agency and are in need of immediate repairs for safety and preservation purposes. We plan to complete safety repairs as soon as possible and then over the next several months, restore this home to its former glory. Our intention is to keep this as a family property.

We will be using a variety of specialty contractors working during standard business hours to stabilize the foundation, replace the front porch which is rotting and pulling away from the house (due to a 10-year leaking roof and poor maintenance) , replace the electrical wiring, rework the plumbing, install new HVAC equipment, repaint the house and put on new roof.

We will be using similar materials and colors on the exterior of the house and garage as we wish to maintain its historic look. Windows will be restored where possible and replaced with like windows where needed.

We also need to stabilize the attached garage by reinforcing the garage structure and redoing the deck surface. We will also put up railings to match the new porch which are historically appropriate but meet current safety standards. We also plan to replace the existing single door with two garage doors, like the garage immediately to the right of our garage. (See attached photos)

We plan to remove paradise trees and other impinging vegetation to comply with Firewise standards and to stabilize the structure of the house. (there are paradise trees pushing on the house and foundation.) There are no other notable trees or notable features in the homes landscaping.

We will be updating existing exterior lighting. The home has existing gas and electricity connections and they are shown in the attached photos.



Front view of House and Garage



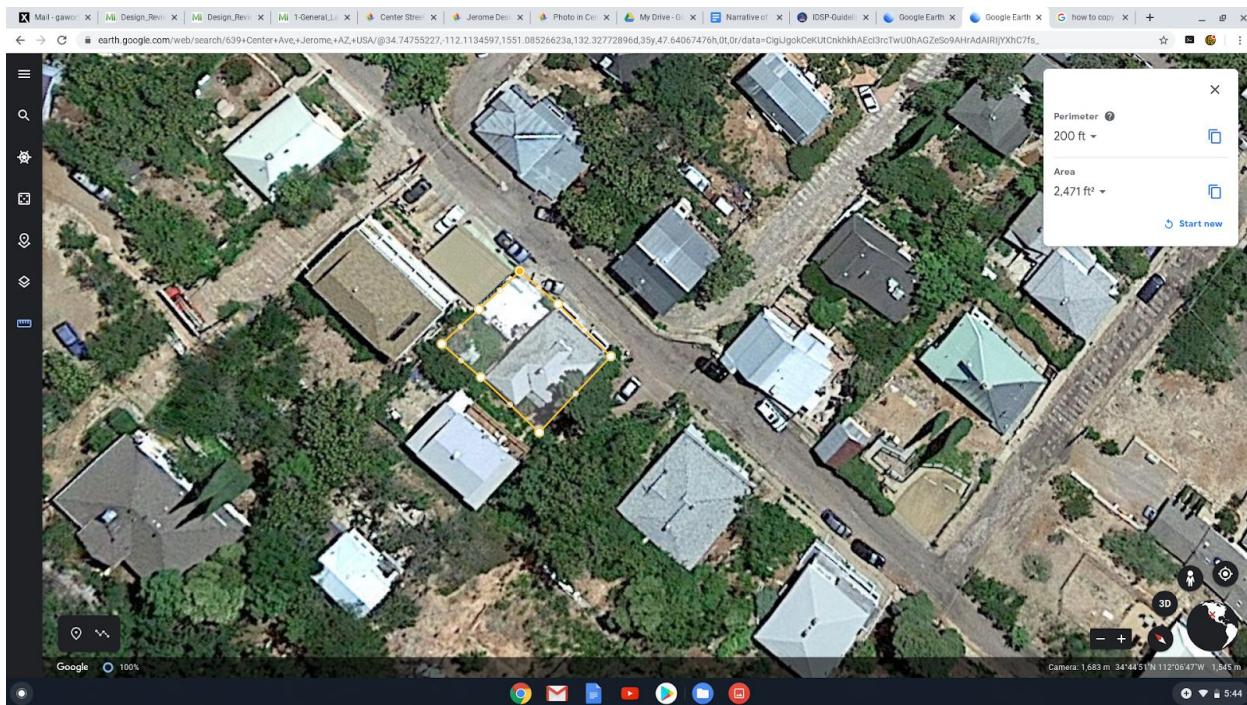
Left side view of house from Fourth/Center street corner.



Back view of house



Overhead Google Earth view of House/Garage and Garden Shed.

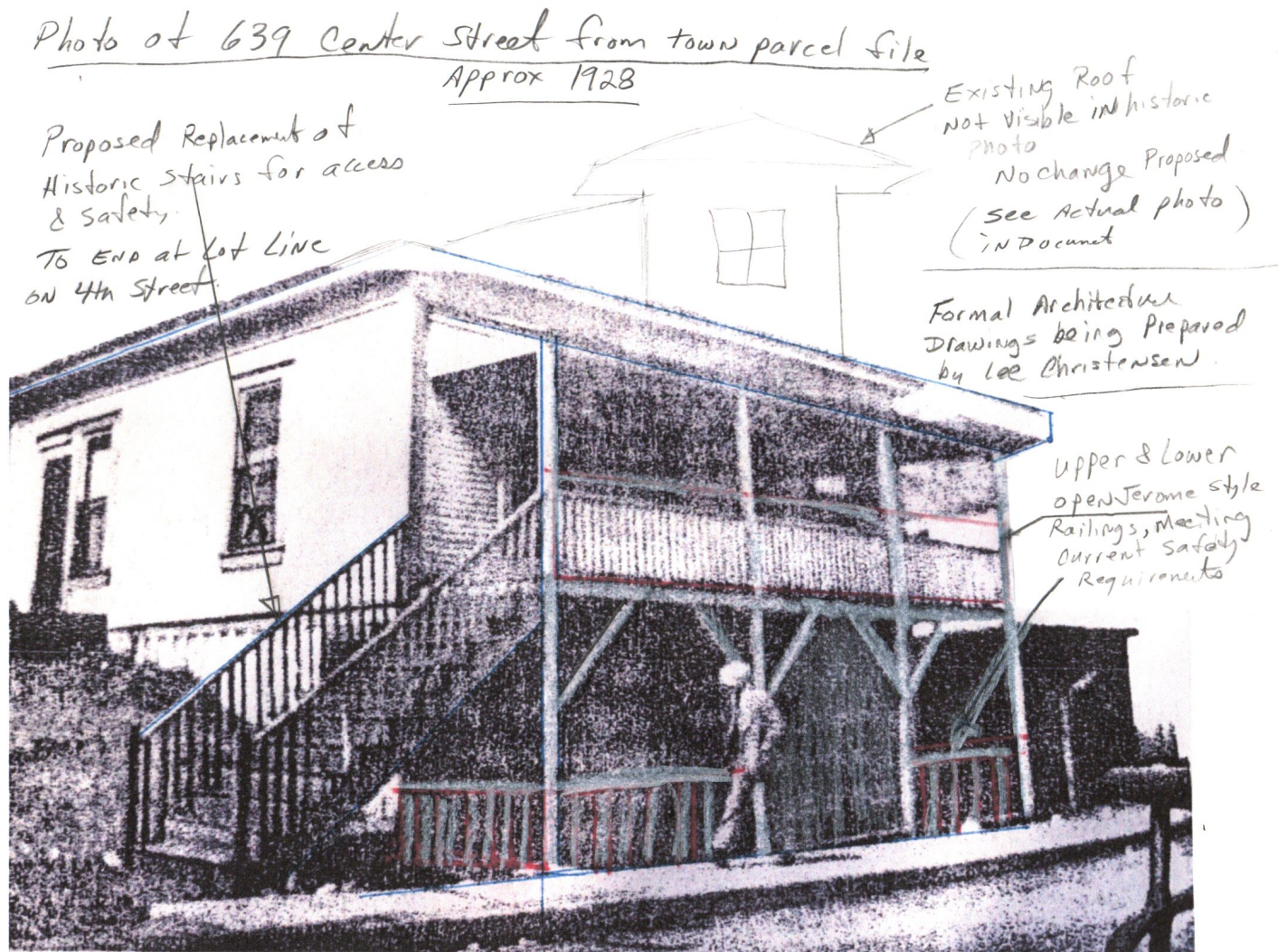


Porch Restoration

Current deteriorating Non-Historic Front Porch on 639 Center Ave. Posts are rotting, the roof is leaking, the decking is rotting and the porch is pulling away from the house. It is currently unsafe to walk on the upper level and the roof is starting to sag.



Original Front Porch and stairway to 4th street - From Jerome Historical Society archive Photo. We hope to get a better photo from archives and provide by Tuesday. We propose to put it back to this look but with safety compliant rail height and spacing of balusters. We will also put a Jerome style open railing on the lower level porch to match the upper.



This will be a good match to the neighborhood porch & design styles - see photo below of the historic house to the left of the house.(at 641 Center.)



Garage Restoration / Improvement

Current garage / deck with deteriorating front and support structure. It also shows the lack of a proper and historic safety railing on the deck.



We propose to reinforce the deck with vertical support beams and internal horizontal support beams running from the front of the garage to the back concrete wall to support the deck more completely. We plan to replace the one garage door and deteriorating front with 2 garage doors. This will then look similar to the garage immediately to the right of our garage on Center Ave.



End of Document.