



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

AGENDA
Special Meeting of the Board of Adjustment
CONDUCTED VIA ZOOM
Tuesday, September 21, 2021, at 5:00 pm

Members of the public are welcome to participate in the meeting via Zoom Conference:

- a. Computer: <https://us02web.zoom.us/j/9286347943>
- b. Telephone: 1 669 900 6833 Meeting ID: 928 634 7943

NOTE: FOR THOSE WITHOUT HOME INTERNET: A drive-up internet hotspot is now available in the parking lot in front of the Jerome Public Library. Bring your device and access the internet while sitting in your car. The network is Sparklight Yavapai Free Wi-Fi, and no password is required.

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 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: Election of Officers

Item 4: Approval of Minutes: Minutes of the Board of Adjustment meeting of June 24, 2020
Discussion/Possible Action

Continued Items from Previous Meetings:

Item 5: Adoption of Board of Adjustment bylaws
Applicant: Town of Jerome
Discussion/Possible action

New Business:

Item 6: Variance request to construct a 280-square-foot garage.
Address: 875 Gulch Road Zone: AR
Applicant/Owner: Cynthia Barber/Christina and Cynthia Barber APN: 401-09-013
Applicant is seeking a variance to the twenty- (20-) foot front (street) setback requirement to allow a garage to be constructed approximately five (5) feet from the front property line on Allen Springs Road.
Discussion/Possible action

Item 7: Variance request for construction of a new single-family home.
Address: 148 Juarez Street Zone: AR
Applicant/Owner: Mary (Liz) Gale APN: 401-06-140C
Applicant is seeking a variance to the twenty- (20-) foot front (street) setback requirement to allow a new home to be constructed approximately five (5) feet from the front property line.
Discussion/Possible action

Item 8: Variance request for a rear deck extension.
Address: 630 Main Street Zone: R1-5
Applicant/Owner: Adam Downey/Thomas Bauers APN: 401-07-151
Applicant is seeking a variance to the five- (5-) foot rear setback requirement to allow a deck to be constructed approximately one (1) foot from the rear property line.
Discussion/Possible action

Informational Items (Current Event Summaries):

Item 9: Future Items – none scheduled.

Item 10: 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

Special Meeting of the Jerome

Board of Adjustment

Held via videoconference (Zoom)

P.O. Box 335, 600 Clark Street, Jerome, AZ (928) 634-7943

Wednesday, June 24, 2020 at 4:00 pm

MINUTES

4:01 (0:08) Item 1: Call to order/roll call

Chair Gary Shapiro called the meeting to order at 4:01 p.m.

Deputy Clerk Rosa Cays took roll call. Board members present via videoconference were Chair Shapiro, Chris Babbage, Natalie Barlow, and Suzy Mound. Also present was John Knight, zoning administrator.

4:01 (0:36) Item 2: Petitions from the public – No petitions from the public.

4:01 (0:48) Item 3: Approval of Minutes: Minutes of the Board of Adjustment meeting of January 22, 2020

Motion to Approve the Meeting Minutes of January 22, 2020

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

Continued Items from Previous Meetings: None

New Business:

4:02 (1:17) Item 4: Election of officers

Select a new chair and vice chair

Mr. Knight reminded board members that no chair or vice chair can serve two consecutive terms.

Board member Chris Babbage asked who the vice chair was. Board member Suzy Mound said Carol Yacht had been the vice chair (she had resigned from the board). Discussion ensued about how long Chair Shapiro had served as chair.

Mr. Babbage moved that Mr. Shapiro continue as chair. He then asked Ms. Mound if she would like to be vice chair. [Chair Shapiro was having audio difficulties, but ultimately the votes were finalized.]

Motion to Elect Gary Shapiro as Chair

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

Motion to Elect Suzy Mound as Vice Chair

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

4:06 (5:40) Item 5: Update/Adopt BOA bylaws

Discussion/Possible Action - BOA Reso. 2020-01

Chair Shapiro asked if the board members had any questions.

Ms. Mound said the changes to the bylaws were fine but she had a question on item no. 9 [Section III D, no. 9, pg. 7] regarding written resolutions. She asked why resolutions were necessary when motions work and are recorded. Mr. Shapiro answered her question (audio garbled).

Mr. Knight explained that resolutions, although relatively new to Jerome, provide a better, additional way to document board decisions. He made it clear it was not required.

Chair Shapiro made a comment about the minutes missing regarding the Cuban Queen.

[Mr. Babbage started having technical difficulties and had to reconnect.]

Mr. Babbage said he agreed with Chair Shapiro would like to keep no. 9. in the bylaws [Mr. Babbage continued to have technical difficulties]. The meeting was paused while Mr. Babbage reconnected.

Town Manager Candace Gallagher joined the meeting at this point.

Meeting resumed at 13:38 on the audio recording.

Mr. Babbage reiterated his statement regarding no. 9 and recordkeeping and said he had other issues with the capitalization of titles (e.g., zoning administrator, board, etc.) and also the presence of town staff at executive sessions.

Ms. Gallagher commented that executive sessions, by law, need minutes taken.

Mr. Babbage also referred to grammatical errors on pg. 7, which were actually tracked changes (extra spaces removed) in MS Word, as pointed out by Ms. Cays.

Ms. Cays went on to explain her reason for not capitalizing titles such as zoning administrator. Mr. Babbage then pointed out inconsistencies in the bylaws where town and council were capitalized.

Ms. Cays said the titles could be capitalized and that it was not a hard, fast rule to lowercase them.

Ms. Mound said she liked the capitalization, as did Ms. Barlow.

Motion to Approve Changes to the BOA Bylaws with the exception stated

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

Chair Shapiro started to introduce Item 6 at 4:25 (24:24). Mr. Knight reminded him that Items 6 and 7 had been taken off the agenda. Chair Shapiro then saw the power was waning on his laptop. Mr. Knight said he would introduce Item 8 then assist Chair Shapiro.

4:25 (24:24) 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

(25:28) Mr. Knight introduced the item. He said the applicant was looking for preliminary approval/feedback and that no vote would be taken at this meeting and that the item would be continued. [26:53 Chair Shapiro lost connection. This portion of the recording was edited out as the meeting was paused until Chair Shapiro was back online.]

4:31 (26:56) Chair Shapiro returned to the meeting.

Mr. Knight continued to explain the situation with this property and referred to the illustration in the agenda packet, pointing out the changes to the lot line.

Chair Shapiro asked the applicant and homeowner Greg Worth for his input.

4:37 (30:05) Mr. Worth shared that the family has owned the house behind 639 Center Avenue for twelve years when the opportunity presented itself to buy the house in front of their property, which they are currently renovating. Mr. Worth explained that he did not realize that the lot line adjustment did not need to go before the BOA. He went on to explain the illustration showing the lot lines and the reasons for changing them. Mr. Worth said Jerome resident Lee Christensen is doing preliminary drawings of the renovation, which will take it back to 1928. Mr. Worth said the first step was to move the lot lines, and if the Board of Adjustment (BoA) agrees, then a surveyor will be brought in to take the project to the next step.

Mr. Babbage said that adjustment of the lot line was an issue to be brought up with the zoning administrator and that other modifications would need to go before P&Z and Design Review Board (DRB).

Chair Shapiro said the rear setback may have to come back to the BoA for a variance. Discussion ensued.

Mr. Worth said he wanted to go through the proper channels.

Mr. Shapiro reiterated what Mr. Babbage said. Discussion continued about the lot line adjustment.

Ms. Mound said the purpose of the BoA is to address appeals and make decisions and not to give advice. She said she was perplexed why this is was on the agenda and said it was inappropriate that it was being discussed.

(38:10) Mr. Worth said he was just trying to understand the process and get guidance on this. He said Mr. Knight had suggested going before the BoA. He explained what the goal was with the project. He asked if the board was saying Mr. Knight could approve moving the lot line.

Mr. Babbage said the county recorder takes advice from the zoning administrator on this, and from there Mr. Worth could find out if he needed a proper surveyor.

Ms. Mound reminded the board that advice could not be given.

Mr. Knight said this was a two-part process, and that the BoA would only get involved in the case of a requested variance. Discussion ensued. Mr. Knight recommended tabling the item.

Mr. Shapiro acknowledged Mr. Worth for wanting to take the right steps.

Discussion continued about what action—or not—needed to be taken.

Motion to Table Item 8

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

Informational Items (Current Event Summaries):

4:47 (46:50) Item 9: 324 Queen Street (aka Cuban Queen) status update

Mr. Knight updated the board on the status of the Cuban Queen and said the applicant did file a lawsuit. The Town Council agreed on an easement for five spaces at the old town yard, which the applicant has to purchase.

Mr. Babbage asked if the applicants still need to go before the other boards. Mr. Knight said the project has been approved and can move forward.

Board member Natalie Barlow asked if Mr. Knight could repeat the update. She summarized what he had said but was not sure she understood.

Mr. Knight confirmed that Ms. Barlow had heard the update correctly and offered to forward the legal document to all board members.

4:52 (50:11) Item 10: Future Items – potential variance applications for 139 Juarez Street and 639 Center Avenue

Mr. Knight said the application for 139 Juarez Street had been withdrawn and that the application for 639 Center Avenue would be up to the family if they decide to pursue a variance.

Ms. Mound reiterated what she had said about the role of the town's boards.

4:53 (51:47) Item 11: Adjourn

Motion to Adjourn at 4:53 p.m.

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

Approved: _____
Gary Shapiro, Chair

Date: _____

Attest: _____
Rosa Cays, Deputy Clerk

Date: _____

Town of Jerome Board of Adjustment Bylaws
Updated: September 21, 2021

I. Organization and responsibilities

A. Board, Officers and Staff

1. It 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 of the Town of Jerome, (the Zoning Ordinance) and to reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the 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 properties 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 properties are 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 shall consist of five (5) members, each of whom shall be a resident of the Town of Jerome, to be appointed by the Jerome Town Council (the Council). The members of the Board shall serve a term of three (3) years, beginning March 1 and ending February 28.
 - a. In the event of a death, resignation, or removal from the Board, the vacancy shall be filled by the Council for the unexpired term.
 - b. Members of the Board may, after 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 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 Council.
- 4. The Board shall elect a Chair and Vice 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 Board present. If the election is postponed, the current Chair and Vice Chair will remain in office until the election.
 - a. The term of Chair and Vice Chair shall be one (1) year. No individual may serve consecutively as Chair or Vice Chair for more than two (2) one-year terms.
 - b. Any vacancy in the office of Chair or Vice Chair shall be filled from the Board membership by majority vote of the Board members present at the next meeting. Any Chair or Vice Chair so elected shall serve for the remainder of the vacated term.
- 5. The Chair shall preside at all meetings and hearings of the Board, decide all points of order and procedure, and perform any duties required by law, ordinance, or these bylaws.
 - a. The Chair shall have the right to vote on all matters before the Board 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 Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the senior member based upon years of membership shall act as Chair.
- 6. The Zoning Administrator, or their designated representative, shall serve the Board as Secretary. The Zoning Administrator and/or Planning Staff shall furnish professional and technical advice to the Board.

II. Meetings

A. Hearings and Meetings

1. Hearings of the Board shall be held at the call of the Chair and at such other times as the Board or Zoning Administrator may determine.
2. Meetings may be held as necessary to address administrative issues of the Board.
3. Except for executive sessions authorized by law, all meetings of the Board shall be open to the public. Minutes of the proceedings, recording of its examinations, and showing the vote of each member shall be filed with the 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. 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 email or in person to individual Board members at least 24 hours before the date of the meeting, except where required by an actual emergency, when members may be notified by telephone by the Secretary.

C. Quorum

Pursuant to Section 105(D) of the Zoning Ordinance, three members of the 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 Zoning Administrator shall prepare an agenda for each hearing or meeting of the Board. The agenda shall include all matters of business as scheduled for consideration by the Board.

III. Order of Business

A. Parliamentary Procedure

1. The Chair shall call the meeting to order and the Secretary, or Secretary's designee, shall record the members present or absent. The 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, by majority vote, may change the order of the posted agenda to accommodate the Board, staff, and members of the public. Supporting evidence for and against each matter shall be presented to the Board.
2. The Chair shall conduct meetings under Robert's Rules of Order unless such rules are suspended by majority vote of the Board. The 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 and from staff.

B. Hearing Conduct

1. Public hearings shall be conducted in accordance with the procedures set forth in the 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 relying 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 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 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 may continue the hearing until the next regularly scheduled meeting or other meeting designated by the Board. If before the meeting the applicant submits a written request for the Board to act without their presence, the 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 may reverse, affirm wholly, affirm in part, or modify the order, requirement, or the 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 A.R.S. § 9-462.06 and Town of Jerome Zoning Ordinance. In lieu of the above, the 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 shall make findings of fact required by the Zoning Ordinance as set forth in A.R.S. § 9-462.06 and the 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.
4. The Zoning Administrator whose decision is being appealed from shall not participate in any discussion or vote of the Board but shall be available during the public hearing for questions from the 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. Ex parte communications are oral or written communications related to the matter to be heard by the Board that are made to or by any member of the Board, including in person, telephonic or electronic communications that occur outside of a public meeting of the Board.
6. A member who has a conflict of interest with a matter being considered, as described in A.R.S. § 38-501 through 38-511, shall recuse themselves, abstain from voting, and leave 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 their own official conduct, or where the member declares a conflict as described in Section III.D.(6) of these bylaws.
A member who is absent from any portion of a public hearing conducted by the Board may not vote on the matter at the time it is acted upon by the Board, unless they have reviewed the minutes or the recording of any portion of the hearing from which they were absent, and states for the record prior to voting that 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, provided that the member states for the record that they read the staff report and are familiar with it.
8. 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 shall include these bylaws, minutes of meetings, resolutions, and adopted reports, all of which shall be deposited with the Town Clerk and shall be available for public inspection as public records. All applications and other matters coming before the Board shall be filed in the Jerome Planning and Zoning Department in accordance

with that 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.

B. Recording of Meetings

All public meetings of the 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 their own expense. Advance notice to the 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, be stopped if it is disruptive.

V. Amendments

These bylaws may be amended by majority vote at any meeting of the 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.



TOWN OF JEROME

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

Zoning Administrator Analysis Board of Adjustment Tuesday, September 21, 2021

Item 6: Variance request to construct a 280-square-foot garage
Location: 875 Gulch Road
Applicant/Owner: Cynthia Barber/Christina and Cynthia Barber
Zone: AR
APN: 401-09-013
Prepared by: John Knight, Zoning Administrator
Recommendation: Discussion/possible action

Background and Summary: The applicant is seeking a variance to the twenty-foot front (street) setback requirement to allow a garage to be constructed approximately five (5) feet from the front property line on Allen Springs Road. Note that the property is located on a corner lot and has frontage on both Gulch Road and Allen Springs Road.

The proposal is for a one-story garage on an existing foundation. A garage previously existed in the same location, and the applicant intends to replace it with a similar size and design to what was previously there. The applicant has requested a variance request to allow a five (5)-foot front setback adjacent to Allen Springs Road. This setback is consistent with other accessory structures and garages constructed in the Gulch (see attached photos provided by the applicant).

Property Standards: Section 503.E of the zoning ordinance establishes the property development standards for the AR zoning district. Specifically, Section 503.E.5.a.2) states, "*Where lots have a double frontage on two (2) streets, the required front yard shall be provided on both streets.*" The ordinance also includes standards for accessory buildings. Section 503.E.7.c. states "*Detached accessory buildings shall meet all required setbacks and maintain a space of five (5) feet from the main building or other structures.*"

Response: This section requires a minimum twenty- (20-) foot setback from both Gulch Road and Allen Springs Road. While the proposed structure can meet the required setback on Gulch Road, it does not meet the setback on Allen Springs Road. It can only be constructed in the proposed location if the Board of Adjustment approves the variance.

Variance Criteria: To approve a variance, the board is required to consider criteria contained in Section 305 of the Jerome Zoning Ordinance covers Appeals and Variances. Key sections that apply to the proposed variance are noted below:

Section 305.A.6.: "*Any aggrieved person may appeal to the Board of Adjustment for a variance 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 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 zone in which such property is located.”

Response: The Board can grant a variance if the applicant can demonstrate that there are “special circumstances” that apply to the property. These could include the size of the property, the shape, the topography, location, or surroundings.

Section 305.A.7.: *“A variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of this Ordinance results in more than personal inconvenience and/or financial hardship and is not the result of actions by the appellant.”*

Response: The Board is not able to grant a variance if the alleged hardship is a self-imposed hardship caused by personal inconvenience and/or financial hardship.

Section 305.A.8.: *“In granting [a] Variance, the Board may impose such conditions and safeguards as are appropriate to [e]nsure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a Variance is granted, shall be deemed a violation of this Ordinance.”*

Response: The Board can add conditions to ensure compliance with the ordinance requirements. If desired, any new conditions should be included in the Board’s motion.

Recommendation: Discussion/possible action.

Attachments:

- Application and plans



TOWN OF JEROME, ARIZONA
600 Clark Street, P.O. Box 335, Jerome, AZ 86331
(928) 634-7943

General Land Use Application - Check all that apply

- Site Plan Review \$100
Design Review \$50/\$200
Conditional Use Permit (CUP) \$100
Demolition \$50/\$200
Signage/Awning \$25
Paint/Roofing \$0
Time Extension \$0
Other: Variance \$200
Other:

Note: Refer to the corresponding Project Application Checklist/s for additional submittal requirements.

Table with 2 columns: Applicant/Owner information and Project details. Includes fields for name, address, phone, email, project address, and project description.

- I understand that review by the Jerome Design Review Board, Planning and Zoning Commission, and Town Council is discretionary.
I understand that the application fee is due at submission and review will not be scheduled until fee is paid to the Town.
I understand review criteria are used in evaluation by the Jerome Design Review Board and/or Planning and Zoning Commission.
I understand that this application will not be scheduled for consideration until all required materials have been submitted and the application is determined to be complete.

Applicant Signature: Cynthia R Barber Date: 7/12/21
Property Owner Signature: Cynthia R Barber Date: 7/12/21
Cynthia R Barber 7/12/21

For Town Use Only
Received from: Cynthia Barber Date: 7/28/2021
Received the sum of \$350.00 as: [] Check No. [] Cash [x] Credit Card
By: K.M. For: Variance / DRB / Site Plan
Tentative Meeting Date/s - DRB: P&Z:

Cynthia Barber
PO BOX 333
Jerome, AZ 86331
928-274-3508
cidrbarber@gmail.com

Proposal to rebuild a garage/barn/shed at 875 Gulch Road

The building would be a 280 square foot, 14' x 20' garage/barn/shed with a poured concrete slab floor, wood framing and trusses. We will use cinder block and corrugated metal siding with a corrugated metal roof. The building will be used as a garage and for a storage shed. We have no plans to run any electrical or sewer to the garage/barn/shed. We have designed the building with three 2' x 4' windows on the Southwest side for lighting and heat during winter. On the North side of the building, a 4' x 4' window and a standard sized door are for ventilation and easy access to the building. It is designed to be similar in size and footprint to the building that was originally on the 875 Gulch Road property, (this building design is very similar to the Jerome Fire Department Building at the end of the Gulch Road).

The building would be constructed on the exact location of the previous garage/barn/shed. There is an existing slab and stem wall that runs the length of what is left of the structure. The existing concrete floor will have rebar and 6 inches of new concrete poured over the old slab. There is an existing driveway leading to the garage. Because there is no roof left on the remaining structure, we must apply for a variance. The new structure does not fit the set back requirements laid out by the Planning and Zoning Ordinances, yet it would deprive this property of the same privileges enjoyed by the properties of the same classification in the same zoning district (pg 43, section A-6 of The Jerome Town Zoning Ordinance).

The property at 875 Gulch Road technically has double frontage on the Gulch Road and Allen Springs Road. Set back requirements state that the building must be 20 feet from

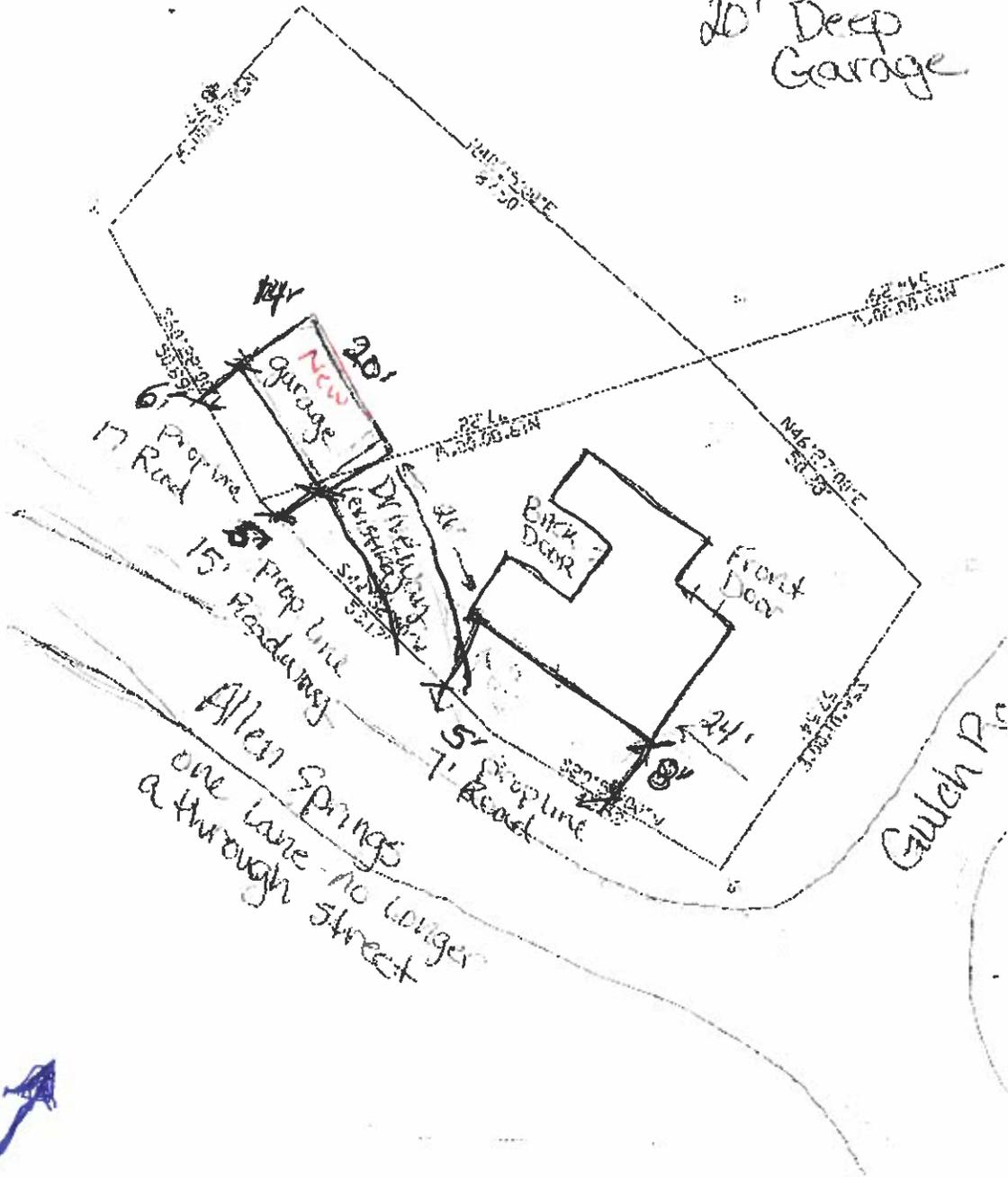
any roadway. Allen Springs Road is no longer a passable roadway to the public. The house sits 24 feet from the Gulch Road and 5 feet from Allen Springs Road. The garage/barn/shed would be 15 feet back from Allen Springs Road with a 5 foot setback from the property line.

I have attached photos of the original building and more about the actual proposed building plan. Please note that the set back criteria established by zoning ordinance for the Gulch neighborhood does not match the actual buildings in the Gulch. There are ten structures (see attached photos) that have a 5 foot setback in the Gulch. A 5 foot setback would actually fit the neighborhood. Whenever possible, the Town of Jerome has encouraged the saving, rebuilding, and preservation of outbuildings. I would appreciate your help preserving my piece of Jerome History.

Parcel # 401-09-013

875 Gulch Rd
Christina & Cynthia Bant

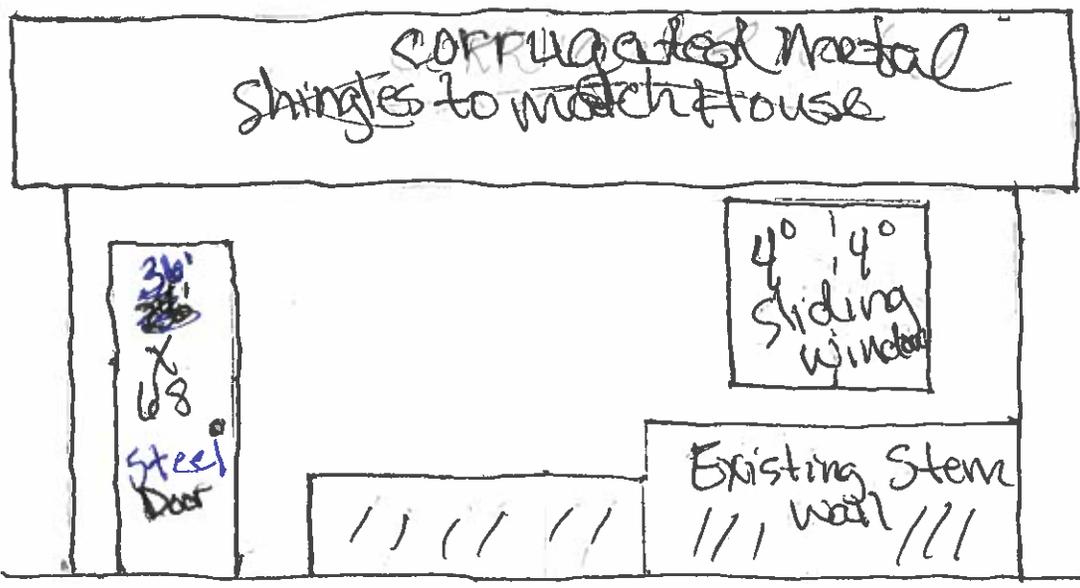
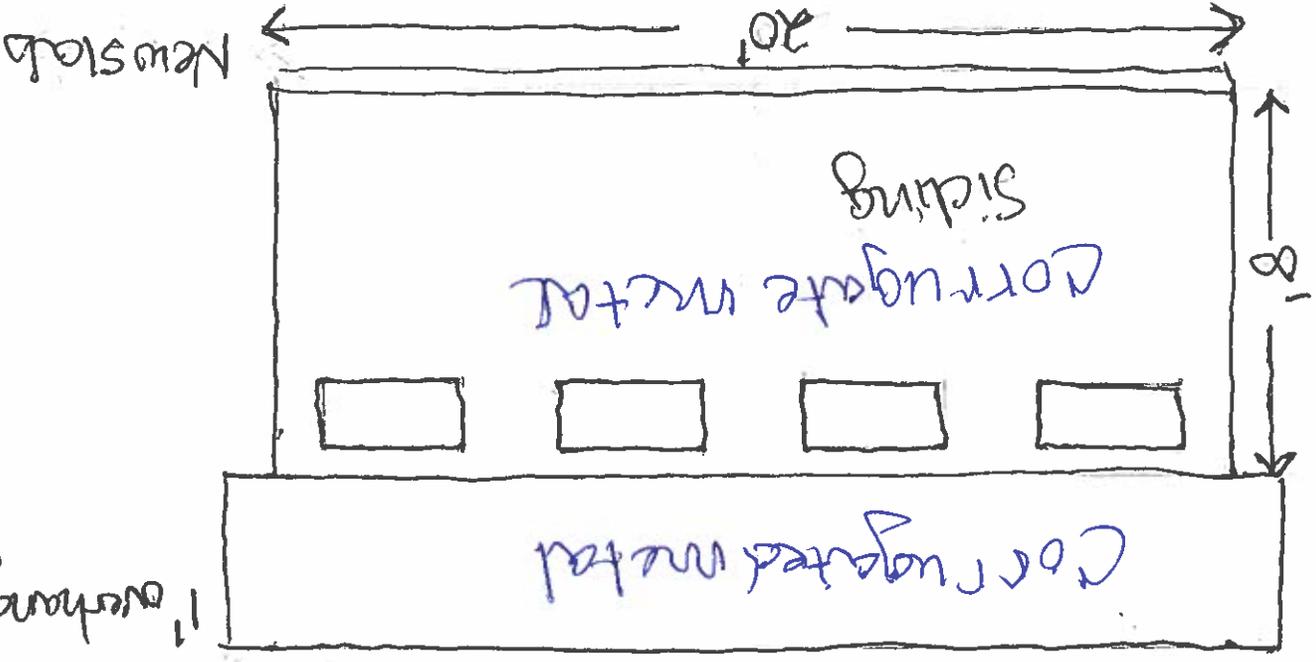
14' wide x
20' Deep
Garage



Allen Springs
one lane - no longer
a through street



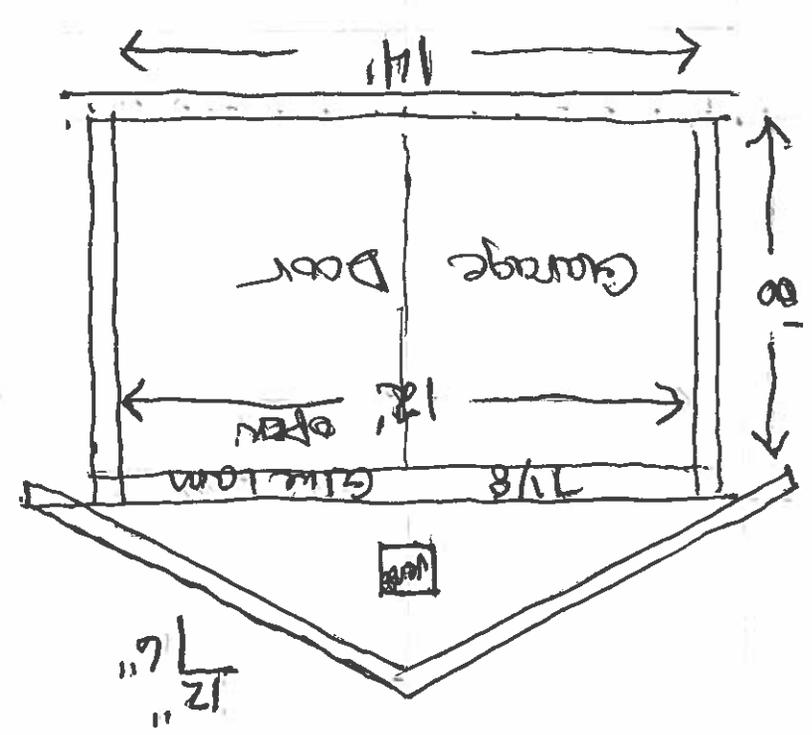
South elevation



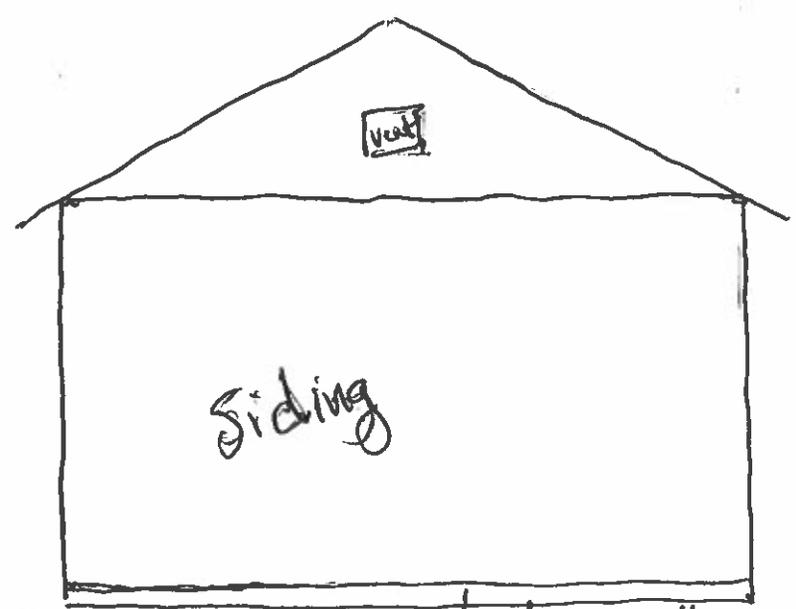
North Elevation

Scale 1/4" = 1'

East Elevation



Scale 1/4" per foot



West Elevation

↓ New 6" Concrete slab
5/8" Rebar tied in 2' grid

NEW Structure
where old structure
was.
= Buildings with a 5' setback

GUTCH RD
89A

871 -
SET -
← 5' JAMES
STUDIO

711 Studio

garage -
5'

838
5'

820 Home
5'

930
Times Studio
5ft setback

970 GUTCH RD
Fire Station
5' setback

875 GUTCH RD
HOUSE
5' SETBACK
Rebuild garage should be 5' setback

N ↓

← 89A



875 Gulch Road
5 ft. off prop line
15 ft. off Road

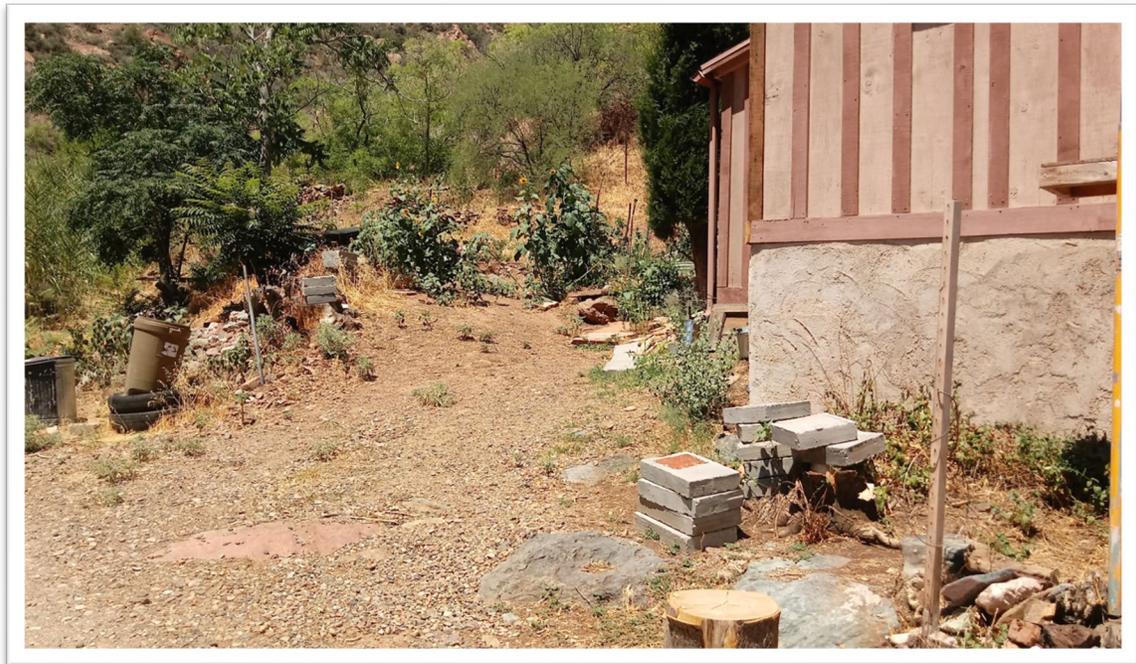
5 ft

Existing home

Allen Springs Road on the left. Garage location is just to the left of the house.



Existing access to garage pad





garage

Old picture of 875 Gulch



I was the main housing for the UVCC miners and to do with how high up the status he had. There are the houses to denote the

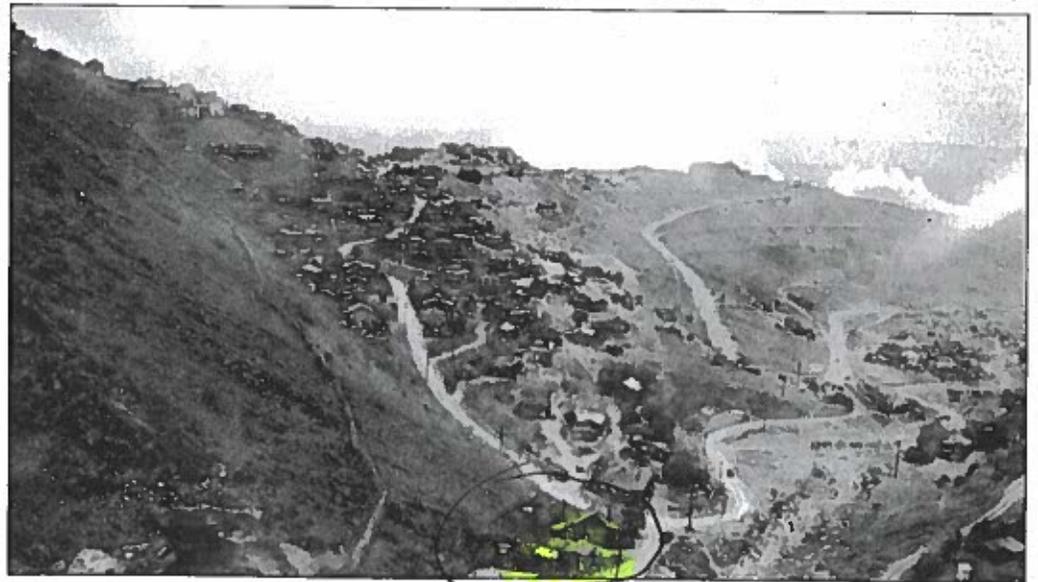
GULCH, 1912. The Gulch was a thriving area of town in 1912, with two general stores, a dance hall, an elementary school, and a smelter. Jerome was covered with pine, oak, and manzanita trees in the late 1880s. After the trees were gone (see photograph below), Jerome had a tremendous erosion problem and was seeded with ailanthus (or paradise) trees on Cleopatra Hill in 1964.



garage →



housing below Jerome's main building, though many of



GULCH, 1941. This relatively late photograph of the Gulch shows the complete absence of trees in Jerome at the time. The trees had all been either harvested for building, burned, or prevented from growing by the reportedly high sulfur content in the soil deposited from the mines. In 1917, a reported 60 homes were destroyed by fire in the Gulch.

garage & house

page out of images of America
Jerome

by Midge Steuber and the JHS

NEXT 3 MILES

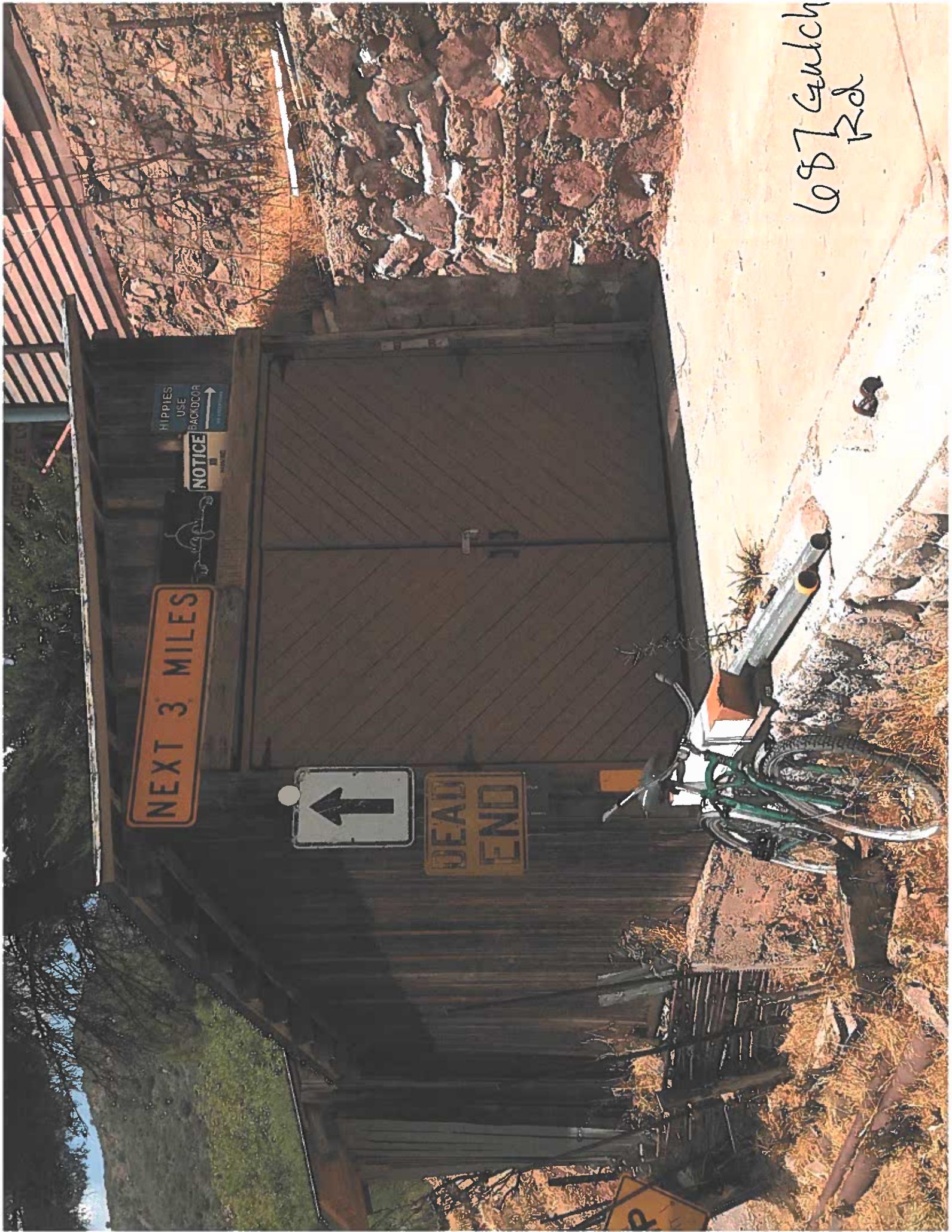


DEAD END

HIPIES USE BACKDOOR



687 Gutch Rd



Bottomplate treated 2x4

Framing:

2x4x8 walls

Double 2x8 Ridge Rafter

2x6 Roof Rafters

1/2" 4x8 OSB

2x6 Facia

Siding Corrugated Metal

Roof corrugated metal

color to match the house

3/8 or 1/2" x 4x8 Roughsawn Siding -
to match look and color of house

Paint to match house

Alternative

corners

1x3 same as
house

Doug
Fir

687. Gulch Rd

NEXT 3 MILES



BEAR
END

DIP

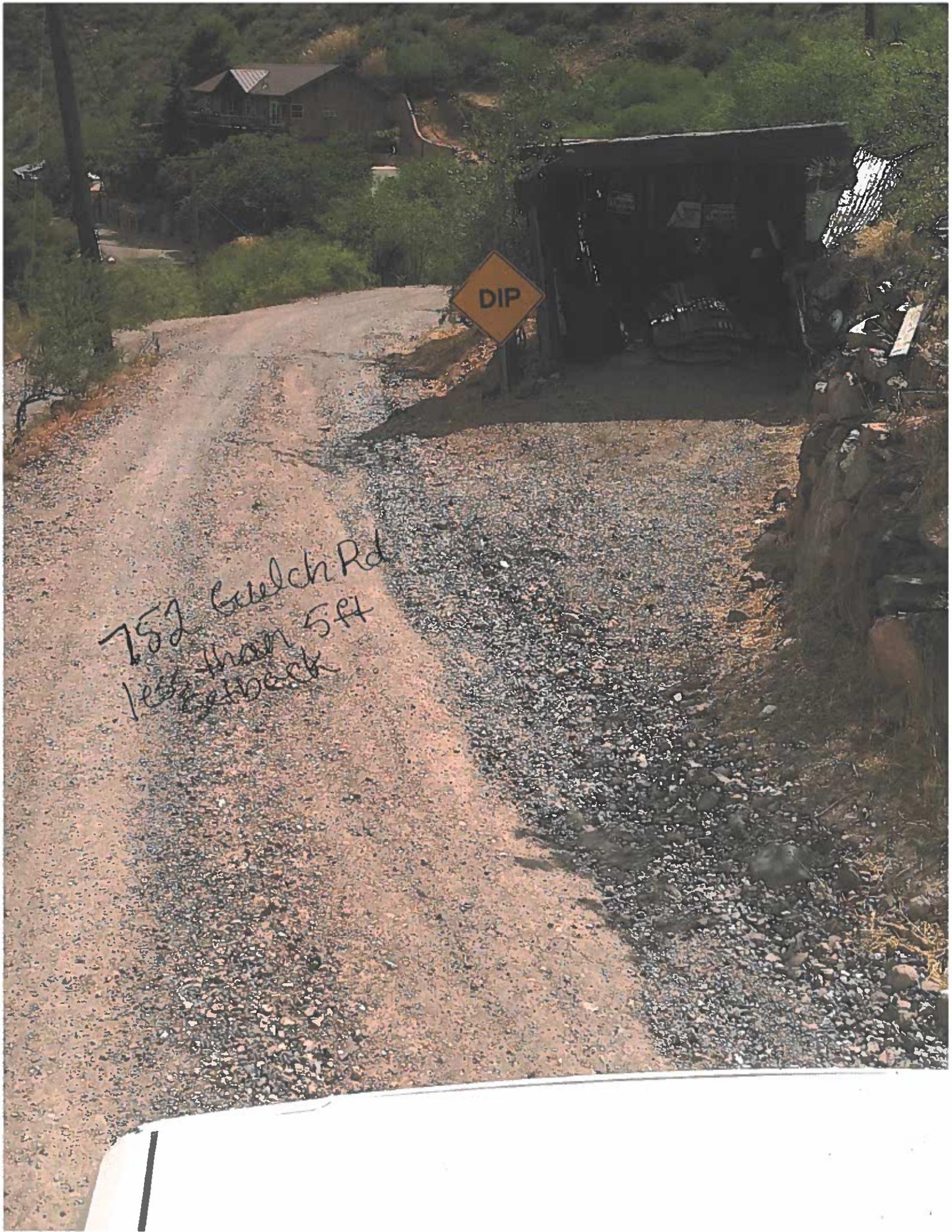




Below Jones House
church & off Roadway
50

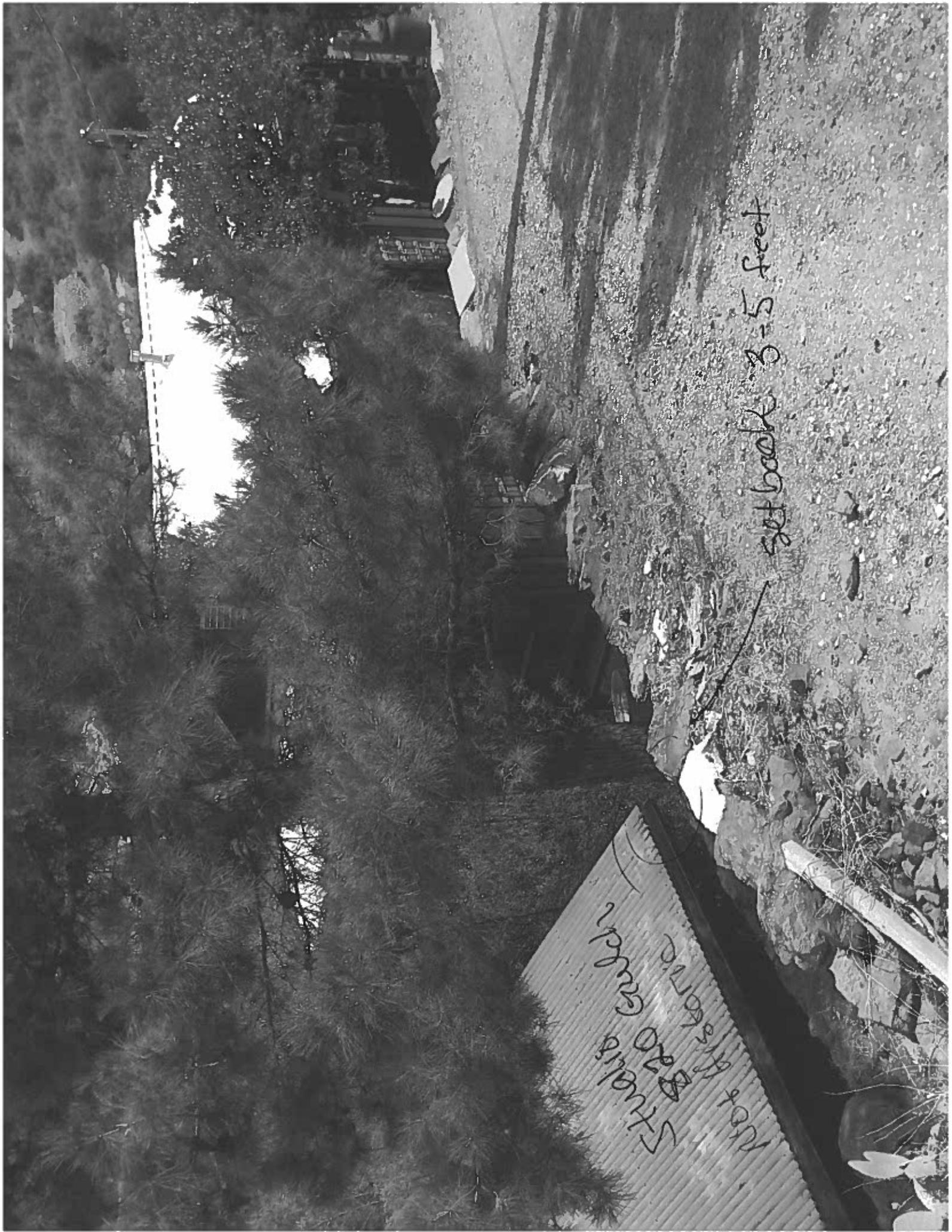
757 Gulch Rd
less than 5 ft
back

DIP





Approx. 5 foot
Studio



Not Airstaria
Stuall's 820 Gaultin

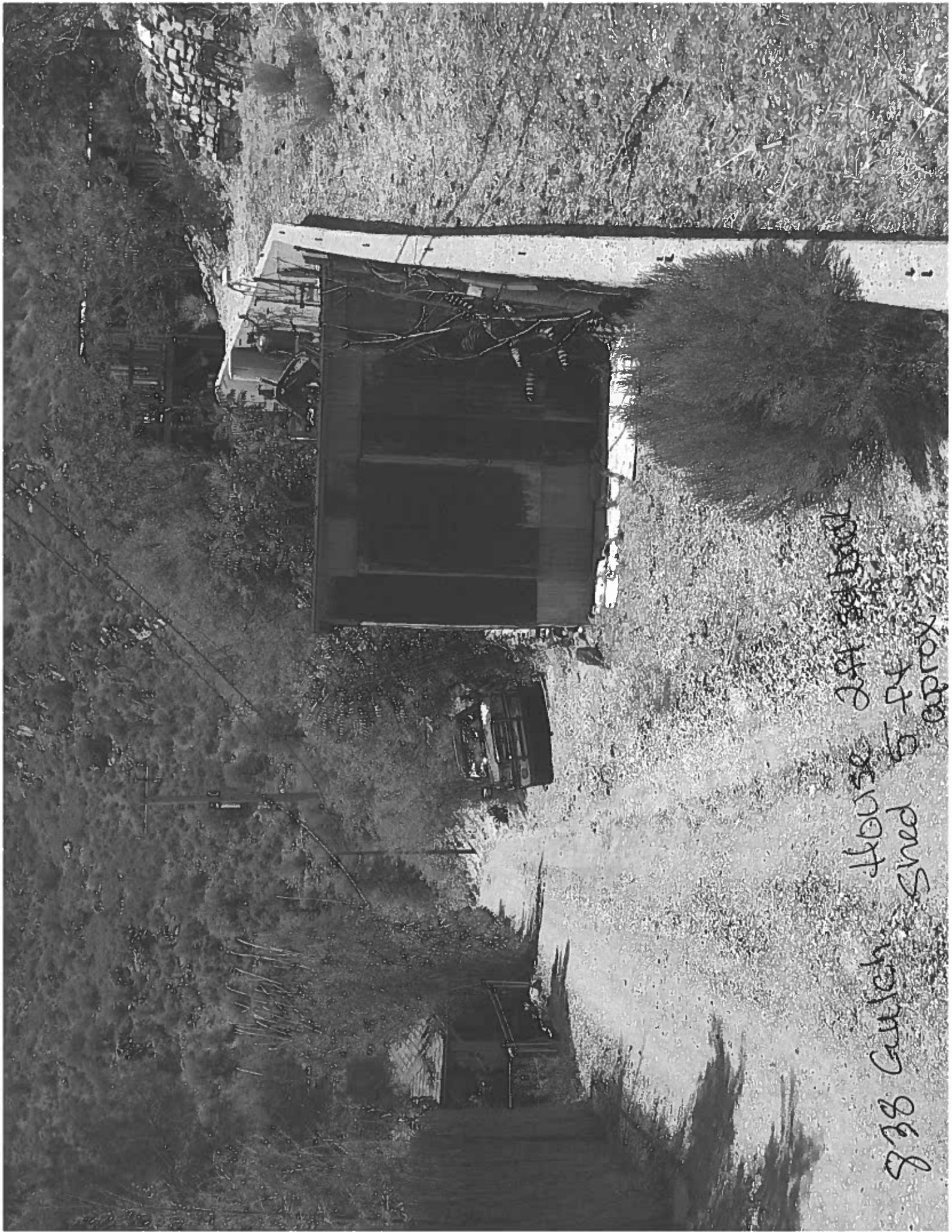
set back 3-5 feet

820 Gwich Rd

Galuda Road

← 1000' Long Highway St set back





838 Gulch House 2ft shed
Shed 5 ft approx

838
South
Red



188 186





Fire Station
5 ft sidewalk

**NO
THRU
TRAFFIC**
Residents
Only

Your GPS is WRONG!

**SPEED
LIMIT
5**

Gulch Fire
Station



RECORD OF SURVEY

OF A PORTION OF LONE STAR, M.S. 1374 & No. THREE, M.S. 1285

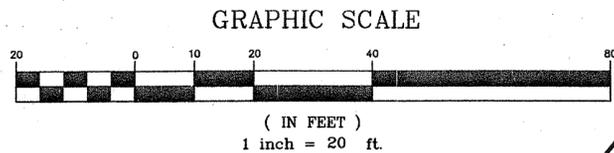
NORTHWEST 1/4, SECTION 26, T16N, R2E, G&SRB&M, YAVAPAI COUNTY, ARIZONA

****Notes****

1. Slanted dimensions indicate record data.
2. This Map does not purport to verify ownership or identify Easements or other Encumbrances affecting any of the property shown.
3. Owner Grantee of Record per document recorded in Book 3477, of Official Records, Page 255 on 4/6/2008: Christina R. Barber and Cynthia R. Barber.
4. Assessor's Parcel Number per Yavapai County on 4/6/2008 is: 401-09-013.
5. A title report was not provided and plotting of easements was not a part of this survey. A competent title company representative or land attorney should be consulted.

***** LEGEND *****

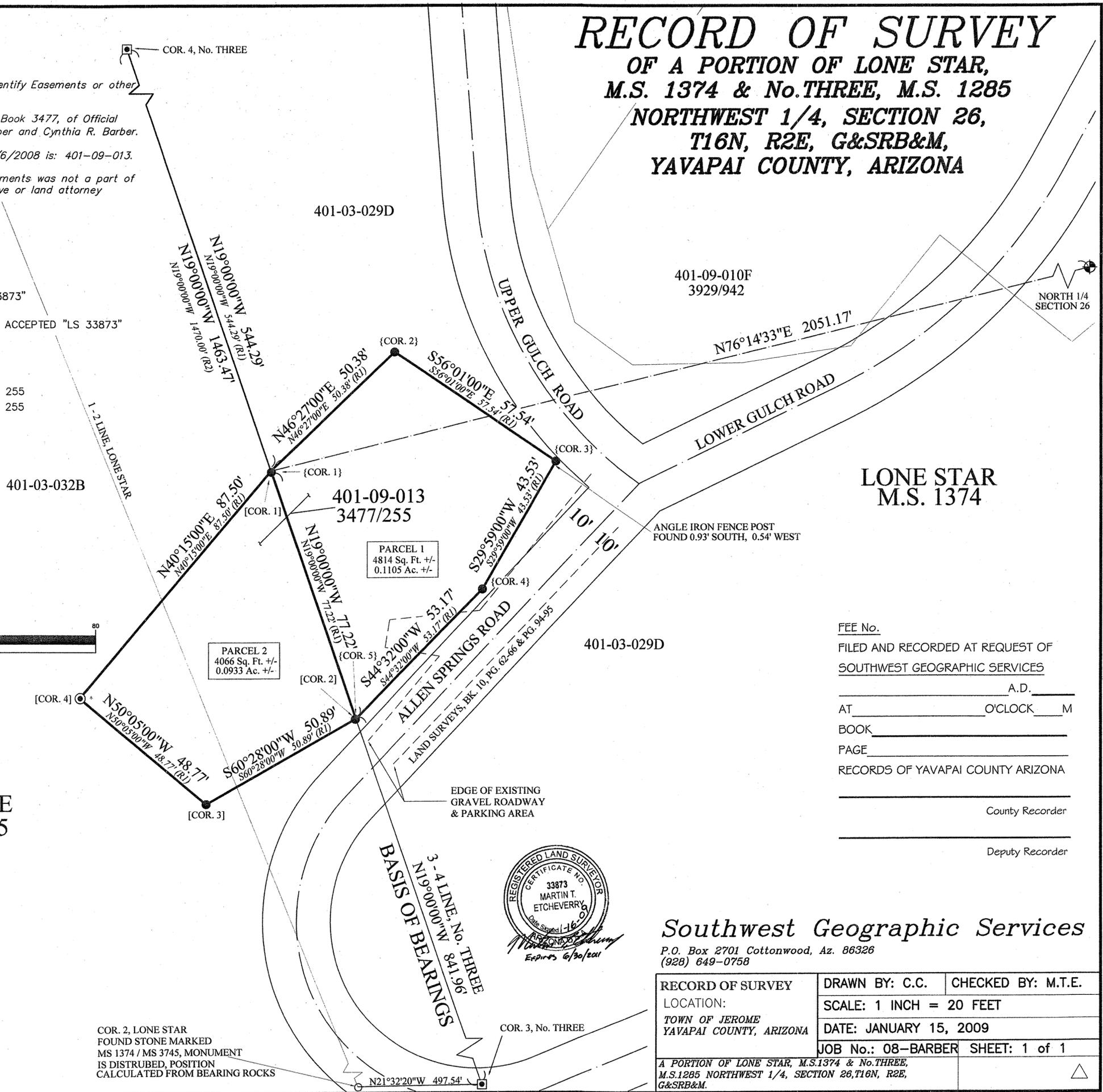
- ⊕ - FOUND GLO BRASS CAP
- ⊠ - FOUND 2" IRON PIPE IN CONCRETE
- ⊙ - FOUND 1" DRILL STEEL BAR NO IDENTIFICATION
- - SET 1/2" REBAR W/PLASTIC CAP STAMPED "LS 33873"
- - FOUND AS NOTED
- * - AFFIXED ALUMINUM WASHER STAMPED FOUND AND ACCEPTED "LS 33873"
- R1 - BK. 3477 OFFICIAL RECORDS, PG. 255
- R2 - RECORD DATA FROM No. THREE, M.S. 1285
- M.S. - MINERAL SURVEY
- XXX-YY-ZZZ - ASSESSOR'S PARCEL NUMBER
- {COR X} - PARCEL 1 BK. 3477 OFFICIAL RECORDS, PG. 255
- [COR X] - PARCEL 2 BK. 3477 OFFICIAL RECORDS, PG. 255



**No. THREE
M.S. 1285**

This Plat was prepared for the benefit of a specific user and for a specific purpose pursuant to an agreement with the Client and as such, may be misleading as to purpose by others. Therefore, use by others is prohibited without the express written consent of the undersigned and no liability will be accepted by the undersigned for its use by others. This document should only be reproduced in total to maintain the integrity of the intended purpose.

This Plat was prepared from the field notes of actual surveys made under my direct supervision during the month of April 2008 and is True and Correct to the best of my knowledge and belief.



COR. 2, LONE STAR
FOUND STONE MARKED
MS 1374 / MS 3745, MONUMENT
IS DISTURBED, POSITION
CALCULATED FROM BEARING ROCKS



FEE No. _____
FILED AND RECORDED AT REQUEST OF
SOUTHWEST GEOGRAPHIC SERVICES
A.D. _____
AT _____ O'CLOCK _____ M
BOOK _____
PAGE _____
RECORDS OF YAVAPAI COUNTY ARIZONA
County Recorder _____
Deputy Recorder _____

Southwest Geographic Services
P.O. Box 2701 Cottonwood, Az. 86326
(928) 649-0758

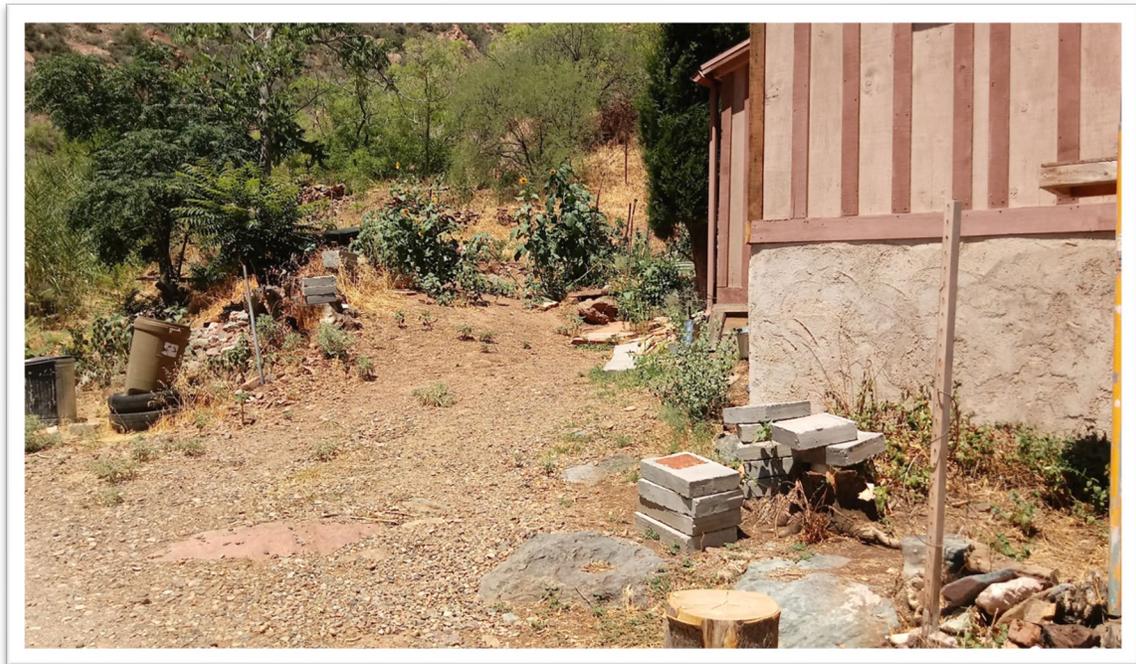
RECORD OF SURVEY	DRAWN BY: C.C.	CHECKED BY: M.T.E.
LOCATION: TOWN OF JEROME YAVAPAI COUNTY, ARIZONA	SCALE: 1 INCH = 20 FEET	DATE: JANUARY 15, 2009
JOB No.: 08-BARBER SHEET: 1 of 1		
A PORTION OF LONE STAR, M.S. 1374 & No. THREE, M.S. 1285 NORTHWEST 1/4, SECTION 26, T16N, R2E, G&SRB&M.		

Existing home

Allen Springs Road on the left. Garage location is just to the left of the house.



Existing access to garage pad





TOWN OF JEROME

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

Zoning Administrator Analysis Board of Adjustment Tuesday, September 21, 2021

Item 7: Variance request to construct a new single-family home
Location: 148 Juarez Street
Applicant/Owner: Mary (Liz) Gale
Zone: AR
APN: 401-06-140C
Prepared by: John Knight, Zoning Administrator
Recommendation: Discussion/possible action

Background and Summary: The applicant is seeking a variance to the twenty- (20-) foot front (street) setback requirement to allow a new home to be constructed approximately five (5) feet from the front property line.

The proposal is for a two-story home with a garage. Two off-street parking spaces are provided in the garage and an additional two spaces are provided adjacent to the garage. The home has an average height of approximately 23 feet, 6 inches, and meets all coverage and setback standards (except for the front setback). Note that the proposed setback is consistent with other homes previously constructed on Juarez Street.

Property Standards: Section 503.E of the zoning ordinance establishes the property development standards for the AR zoning district. Specifically, Section 503.E.5.a.1) states, *“There shall be a front yard not less than twenty feet in depth.”*

Response: This section requires a minimum twenty- (20-) foot setback from Juarez Street. Except for the front setback, the applicant can meet all other setback requirements and standards. The home can only be constructed in the proposed location if the Board of Adjustment approves the variance.

Variance Criteria: To approve a variance, the board is required to consider criteria contained in Section 305 of the Jerome Zoning Ordinance that covers Appeals and Variances. Key sections that apply to the proposed variance are noted below:

Section 305.A.6.: *“Any aggrieved person may appeal to the Board of Adjustment for a variance 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 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 zone in which such property is located.”*

Response: The Board can grant a variance if the applicant can demonstrate that there are “special circumstances” that apply to the property. These could include the size of the property, the shape, the topography, location, or surroundings.

Section 305.A.7.: *“A variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of this Ordinance results in more than personal inconvenience and/or financial hardship and is not the result of actions by the appellant.”*

Response: The Board is not able to grant a variance if the alleged hardship is self-imposed or caused by personal inconvenience and/or financial hardship.

Section 305.A.8.: *“In granting [a] Variance, the Board may impose such conditions and safeguards as are appropriate to [e]nsure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a Variance is granted, shall be deemed a violation of this Ordinance.”*

Response: The Board can add conditions to ensure compliance with the ordinance requirements. If desired, any new conditions should be included in the Board’s motion.

Recommendation: Discussion/possible action.

Attachments:

- Application and plans



TOWN OF JEROME, ARIZONA
600 Clark Street, P.O. Box 335, Jerome, AZ 86331
(928) 634-7943

General Land Use Application – Check all that apply

- Site Plan Review \$100
- Demolition \$50/\$200
- Time Extension \$0
- Design Review \$50/\$200
- Signage/Awning \$25
- Other: Variance
\$200
- Conditional Use Permit (CUP) \$100
- Paint/Roofing \$0
- Other: _____

Note: Refer to the corresponding Project Application Checklist/s for additional submittal requirements.

Applicant: <u>MARY GALE</u>	Owner: <u>MARY E. GALE</u>
Applicant mailing address: <u>P.O. BOX 606 CLARKDALE, AZ</u>	Property owner mailing address: <u>SAME</u>
Applicant role/title: <u>OWNER 86324</u>	
Applicant phone: _____	Owner phone: _____
Applicant email: <u>928 300 2947</u>	Owner email: <u>lizgalenail@gmail.com</u>
Project address: <u>149 JUVARE ST.</u>	Parcel number: <u>1401-06-1401K</u>
Describe project: <u>REQUESTING PRELIMINARY SITE PLAN REVIEW AND A VARIANCE TO ALLOW CONSTRUCTION OF A SINGLE FAMILY HOME - ON A NARROW LOT.</u>	

- I understand that review by the Jerome Design Review Board, Planning and Zoning Commission, and Town Council is discretionary.
- I understand that the application fee is due at submission and review will not be scheduled until fee is paid to the Town.
- I understand review criteria are used in evaluation by the Jerome Design Review Board and/or Planning and Zoning Commission. These criteria are included in the Jerome Zoning Ordinance.
- I understand that this application will not be scheduled for consideration until all required materials have been submitted and the application is determined to be complete.

Applicant Signature: _____ Date: 7/28/21

Property Owner Signature: _____ Date: 7/28/21

For Town Use Only

Received from: Mary Gale Date: 7/28/2021

Received the sum of \$ 300.00 as: Check No. 9784 Cash Credit Card

By: K.M. For: Variance & Site Plan

Tentative Meeting Date/s - DRB: _____ P&Z: _____

July 28, 2021

Town of Jerome
Planning and Zoning Board

Re: Request for a Variance for 148 Juarez Street Jerome, AZ 86331

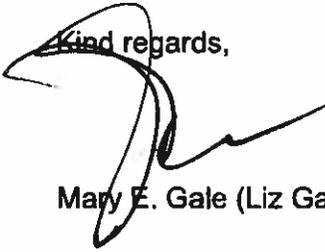
To Whom It May Concern:

I am requesting that you consider granting a variance of the setbacks for the property of 148 Juarez Street. The property is located at the end of Juarez Street and it measures 125' in length and is 50' deep. It is zoned AR, as are the other houses on the street, with prescribed setbacks of 20' front/back and 10' on the sides. The current setbacks make it unlikely to build a habitable structure as it leaves a space of 105' in length and 10' in depth. This would be a very long and skinny house. Upon surveying the neighborhood it is evident that the other houses on Juarez street are not set back 20' from the street. Please review the following pictures of said houses with the estimated set back noted.

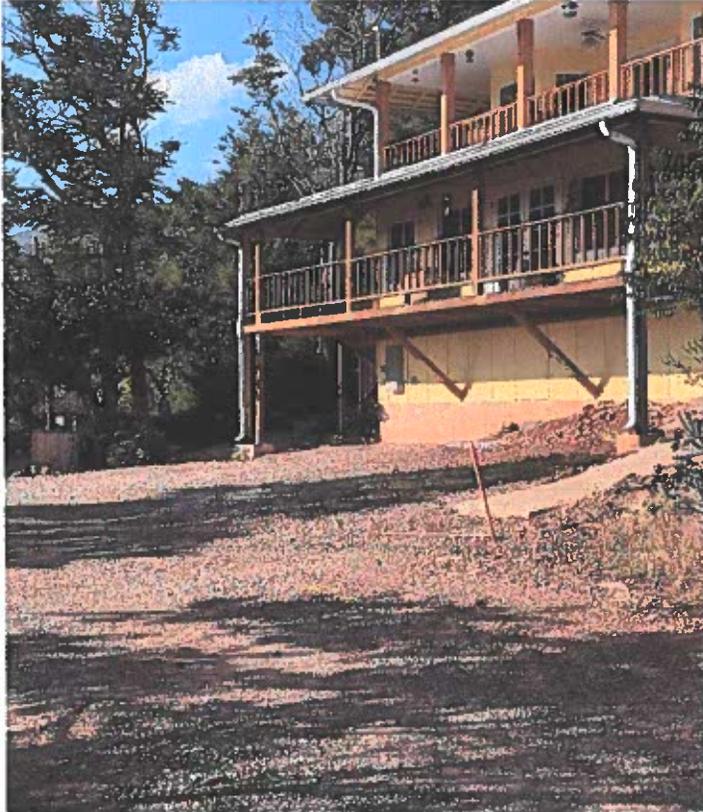
Please review the drawings that show a proposed 5' setback on the front, a 20' setback on the rear and 10' setback for both sides. With this setback for the property a habitable single family home can be built in the custom of other houses on the street.

I appreciate your consideration of this matter.

Kind regards,



Mary E. Gale (Liz Gale)



This is the Porchowski House with the survey marker showing the edge of the property. The house is set back less than 13' from the ROW



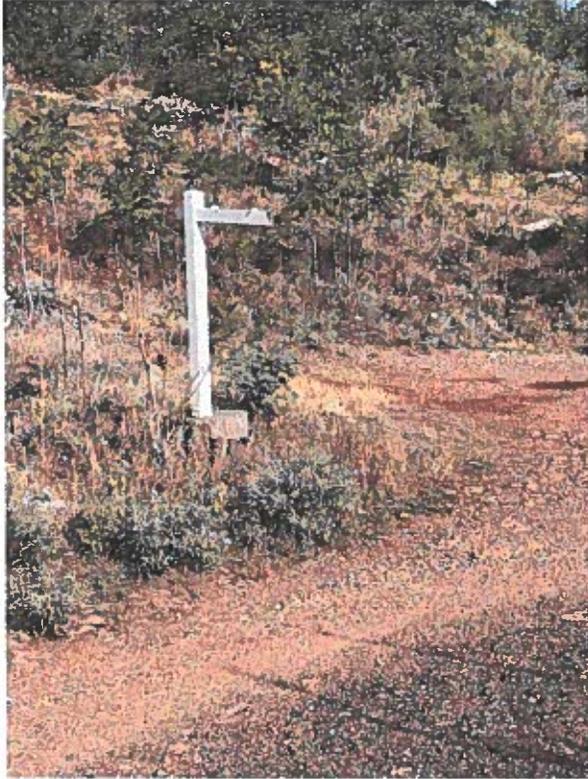
This is formerly Phils house which has a negative set back from the street and in the ROW .



This is the Cheifetz family home. It is likewise set back 5' to 10' from the ROW

This is formerly Rose and Walter's place, now owned by the Cheifez family that shows a previous variance approved of a 5' setback.

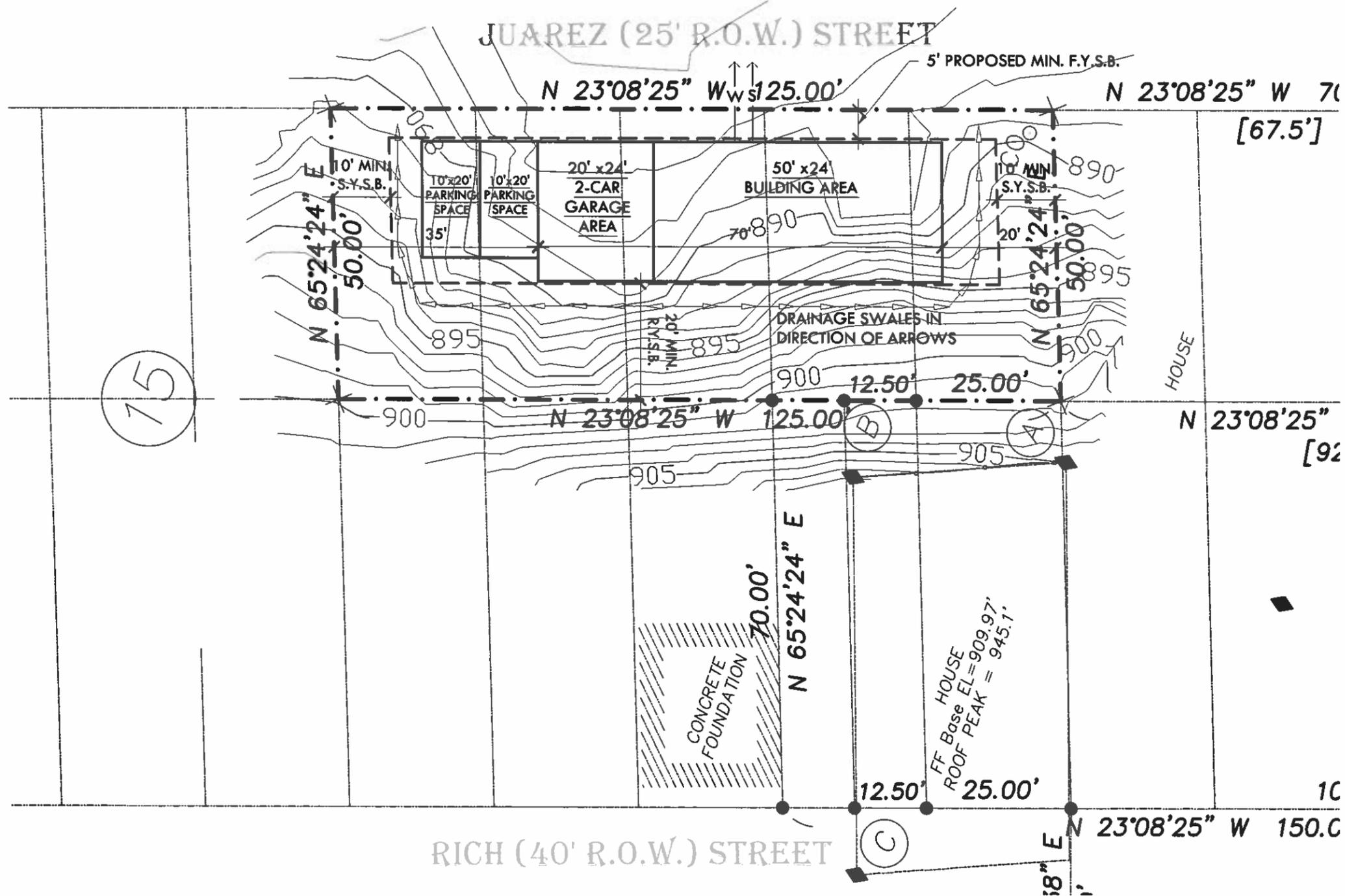




This is a picture of the property from the road



This shows the property from the street below Jay Kinsella's House
The property is 125' long and 50' Deep. With current set backs of 20' on the front and back, 10' setback on the sides the space left on which to build is 105' x10'
The average 2000 sq foot house measures 28' deep and 50' wide.



PROJECT INFORMATION

ADDRESS	= 148 Juarez St.
PARCEL #	= 401-06-140C
LOTS	= 23, 24, 25, 26 & 27
LOT SIZE	= .15 Acre or 6,534 Sq. Ft.
ZONING	= AR
MAIN BUILDING SETBACKS	= Front 5' Sides 10' Rear 20'
MAX LOT COVERAGE %	= 40%
MAX BLDG HEIGHT	= 25'

SQUARE FOOTAGES OF A POTENTIAL RESIDENCE

1ST LEVEL	= 1,200 Sq. Ft.
2ND LEVEL	= 1,200 Sq. Ft.
GARAGE	= 480 Sq. Ft.
TOTAL NEW SQUARE FEET	= 2,880 Sq. Ft.



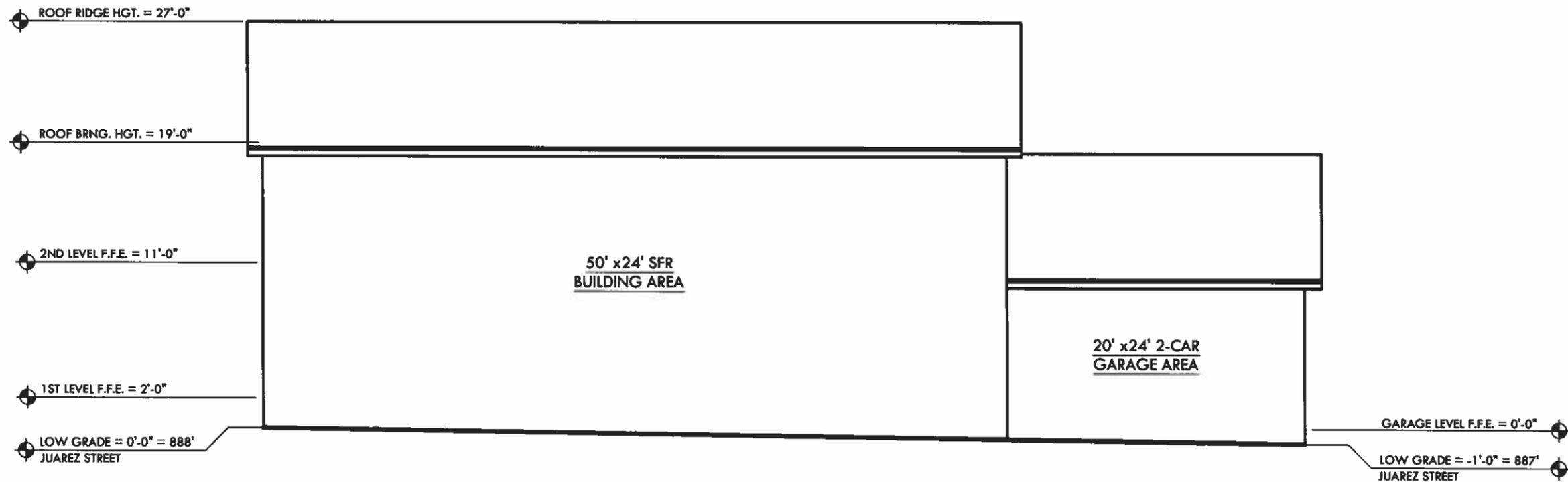
SITE PLAN
1" = 20' SCALE

PROJECT OWNER:
MARY ELIZABETH GALE

PROJECT ADDRESS:
**148 JUAREZ ST.
JEROME, AZ. 86331**

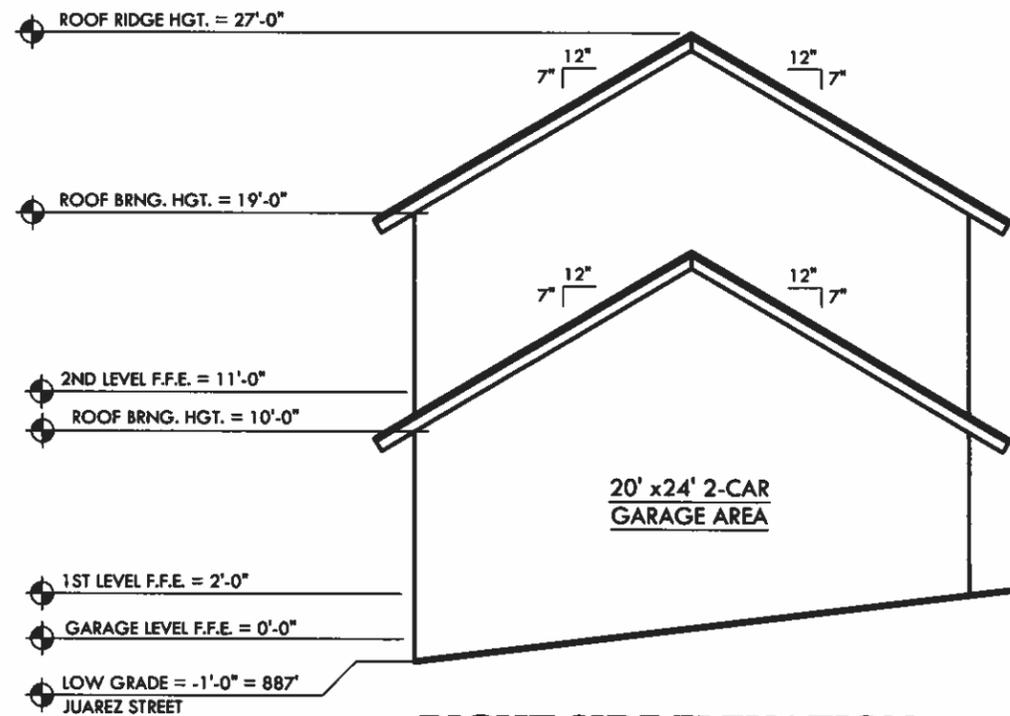
SCALE: **AS NOTED**
DATE: **7-28-21**

SHEET TITLE:
SITE PLAN



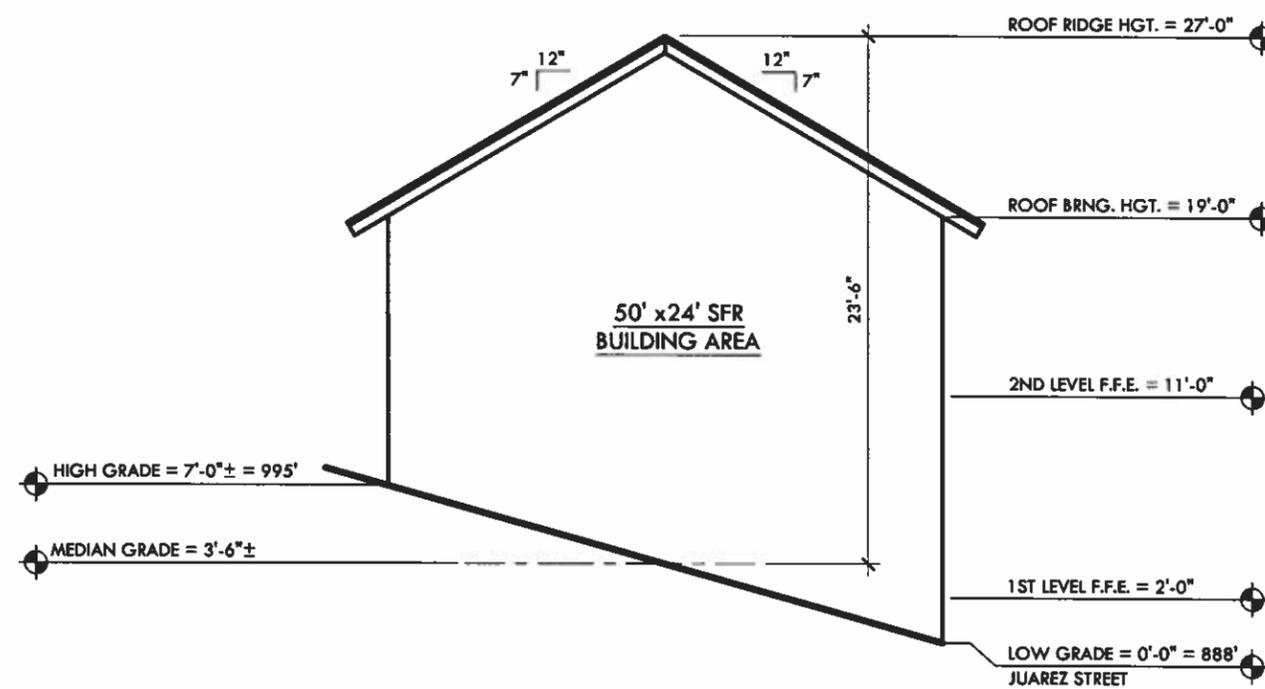
STREET/FRONT ELEVATION

1/8" = 1'-0" SCALE



RIGHT SIDE ELEVATION

1/8" = 1'-0" SCALE



LEFT SIDE ELEVATION

1/8" = 1'-0" SCALE

PROJECT OWNER:
MARY ELIZABETH GALE

PROJECT ADDRESS:
**148 JUAREZ ST.
JEROME, AZ. 86331**

SCALE: **AS NOTED**
DATE: **7-28-21**

SHEET TITLE:
**BUILDING
ELEVATIONS**

RESULTS OF SURVEY

Surveyor's Notes

- (1) This plat was prepared for the sole benefit of Elizabeth Gale. It was prepared for specific users and for a specific purpose pursuant to an agreement with the client and as such its purpose may be misleading to others. For these reasons, use by others is forbidden without the express written consent of the certifier signed hereon.
- (2) The Surveyors Certification is subject to a limitation of liability. The General Public are on notice that this Results of Survey is subject to a limitation of liability not to exceed the price of the original proposal dated 6/08/2021 between Capstone Professional Services Corporation, an Arizona Corporation and Elizabeth Gale. By reliance the acceptance of these terms is effectuated. Copies of the original proposal are available upon request.
- (3) Bracketed dimensions represent record dimensions as defined in legend. All un-bracketed dimensions represent measured dimensions.
- (4) All measured bearings and distances shown hereon are grid values based upon the projection definition shown hereon. The projection was defined such that grid distances are nearly equivalent to ground distances in the project area. The basis of bearings is Geodetic North. However, measured grid bearings shown hereon (or implied by grid coordinates) do not equal geodetic bearings due to meridian convergence.
- (5) This survey is subject to all conditions, restrictions, reservations, easements, rights of way and all other matters which may be revealed by a current title report.

of Lots 23, 24, 25, 26 & 27, Block 15, G.W. Hulls Plat of Jerome, recorded in Book 2 of Maps and Plats, Page 18, in the Office of the County Recorder, in the County of Yavapai, in the State of Arizona, being a portion of Section 23, Township 16 North, Range 2 East of the Gila and Salt River Meridian

ABBREVIATIONS USED:

- LS - LAND SURVEYOR
- N - NORTHING COORDINATE
- E - EASTING COORDINATE
- LAT - LATITUDE - NORTH
- LONG - LONGITUDE - WEST
- TYP - TYPICAL
- BRDR - BORDER
- RET. - RETAINING
- RR - RAILROAD
- RK - ROCK
- CONC. - CONCRETE
- W - WEST
- E - EAST
- NNLS./ANN - BOOK/PAGE OF LAND SURVEYS

COORDINATE SYSTEM DEFINITION
 LINEAR UNIT : INTERNATIONAL FEET
 GEODETIC DATUM : NAD83 (2011)
 VERTICAL DATUM : N/A
 SYSTEM : CAPSTONE-VLDP
 ZONE : VERDE VALLEY

PROJECTION:
 TRANSVERSE MERCATOR
 LATITUDE OF GRID ORIGIN : 34°40'N
 LONGITUDE OF CENTRAL MERIDIAN: 112°00'W
 NORTHING AT GRID ORIGIN: 80,000.00 FT
 EASTING AT CENTRAL MERIDIAN: 80,000.00 FT
 CENTRAL MERIDIAN SCALE FACTOR: 1.000185 EXACT

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, DURING THE MONTH OF JUNE 2021, IN CONFORMANCE WITH THE ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS ADOPTED IN FEBRUARY OF 2002.

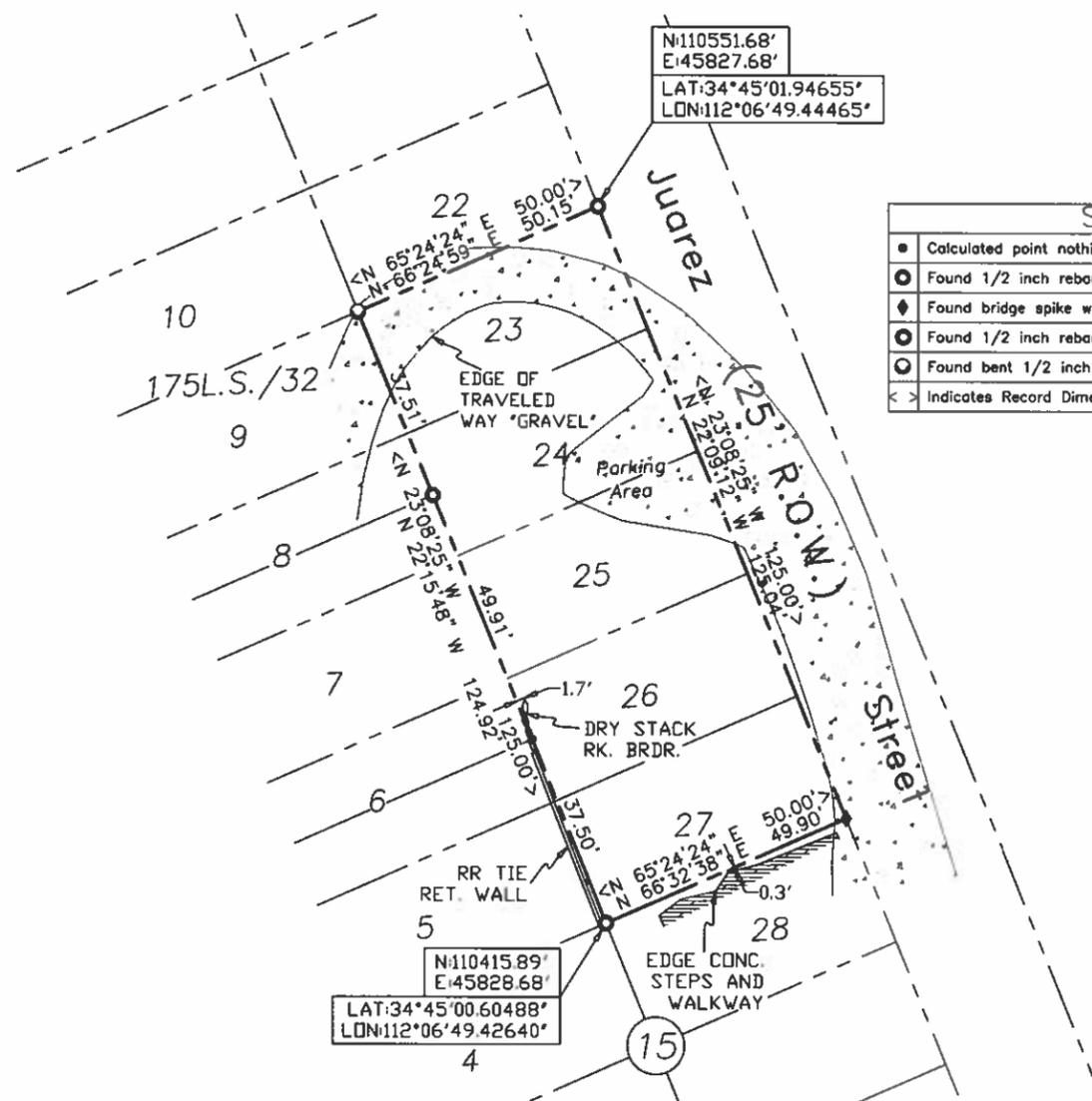
STAN DICKEY
 LS 32224



DATE OF SURVEY: 6/11/2021

SYMBOL LEGEND	
●	Calculated point nothing found or set
⦿	Found 1/2 inch rebar with aluminum cap stamped "LS 27253"
⦿	Found bridge spike with aluminum washer stamped "LS 32224"
⦿	Found 1/2 inch rebar with aluminum washer stamped "LS 32224"
⦿	Found bent 1/2 inch rebar affixed brass tag stamped "LS 32224"
< >	Indicates Record Dimensions per Book 107 of Land Surveys, Page 61

	NAME	DATE
DESIGN	S. DICKEY	6/11/2021
DRAWN		
CHECKED		
REVISED		
DWG. NAME: 21-06112-GALE.DWG		



The Basis of Bearings for this survey is Geodetic North as determined from GPS observations. See Surveyor's Note 4 above.

RESULTS OF SURVEY

of Lots 23, 24, 25, 26 & 27, Block 15, G.W. Hulls Plat of Jerome, recorded in Book 2 of Maps and Plats, Page 18 in the Office of the County Recorder, in the County of Yavapai, in the State of Arizona.



PROFESSIONAL SERVICES CORPORATION
 116 WEST SALT MINE ROAD
 CAMP VERDE, ARIZONA 86322

JOB NUMBER: 21-06112 APN: 401-06-140C

CLIENT	SHEET	SECTION	TOWNSHIP	RANGE
GALE	1 of 1	23	16N	2E
Gila & Salt River Meridian				

PROJECT OWNER:
MARY ELIZABETH GALE

PROJECT ADDRESS:
**148 JUAREZ ST.
 JEROME, AZ. 86331**

SCALE:
AS NOTED

DATE:
7-28-21

SHEET TITLE:
SURVEY PLAN



TOWN OF JEROME

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

Zoning Administrator Analysis Board of Adjustment Tuesday, September 21, 2021

Item 8: Variance request for a rear deck extension
Location: 630 Main Street
Applicant/Owner: Adam Downey/Thomas Bauers
Zone: R1-5
APN: 401-07-151
Prepared by: John Knight, Zoning Administrator
Recommendation: Discussion/possible action

Background and Summary: The applicant is seeking a variance to the five- (5-) foot rear setback requirement to allow a deck to be constructed approximately one (1) foot from the rear property line.

The proposal is to rebuild the existing deck and extend it an additional five (5) feet toward the rear property line. The existing deck is approximately twenty-two (22) feet by five (5) feet. The new deck would be approximately twenty-two (22) feet by ten (10) feet. The new decking and existing wood deck boards are proposed to be replaced with composite decking.

Property Standards: Section 502 of the Zoning Ordinance, under General Provisions, establishes standards for decks. Specifically, Section 502.H.10. states, *“No portion of any deck shall be located within five (5) feet of the lot line except in those districts where residential use is not a permitted use. In those districts, decks should conform to the required yard for that zone. Decks shall not encroach into any public easement. Square footage of decks shall be included in lot coverage for each zoning district.”*

Response: This section requires a minimum five- (5-) foot setback from all property lines. Except for the rear setback, the applicant can meet all other setback requirements and standards. The deck can only be constructed in the proposed location if the Board of Adjustment approves the variance.

Variance Criteria: To approve a variance, the board is required to consider criteria contained in Section 305 of the Jerome Zoning Ordinance that covers Appeals and Variances. Key sections that apply to the proposed variance are noted below:

Section 305.A.6.: *“Any aggrieved person may appeal to the Board of Adjustment for a variance 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 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 zone in which such property is located.”*

Response: The Board can grant a variance if the applicant can demonstrate that there are “special circumstances” that apply to the property. These could include the size of the property, the shape, the topography, location, or surroundings.

Section 305.A.7.: *“A variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of this Ordinance results in more than personal inconvenience and/or financial hardship and is not the result of actions by the appellant.”*

Response: The Board is not able to grant a variance if the alleged hardship is self-imposed or caused by personal inconvenience and/or financial hardship.

Section 305.A.8.: *“In granting [a] Variance, the Board may impose such conditions and safeguards as are appropriate to [e]nsure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a Variance is granted, shall be deemed a violation of this Ordinance.”*

Response: The Board can add conditions to ensure compliance with the ordinance requirements. If desired, any new conditions should be included in the Board’s motion.

Other considerations: One of the overarching principles of the Zoning Ordinance is to promote public health and safety. Section 103 states, *“In its interpretation and application, the provisions of this ordinance shall be held to be minimum requirements for the promotion of a comprehensive plan, and for the promotion of the public health, safety, and general welfare.”*

Response: If a deck or other structure is allowed to project into the setback, it’s critical that access and fire safety be considered. The proposed one- (1-) foot rear setback could potentially block fire access and allow a fire to spread from the adjacent property to the deck and house. Should the Board wish to approve this variance, the Fire Chief has requested that:

1. The deck be constructed of fire-resistant materials and
2. Access for emergency service personnel be provided both under and over the deck.

These two items could be added as conditions if the Board approves the proposed variance.

Recommendation: Discussion/possible action.

Attachments:

- Application and plans

File #:

Town Use



TOWN OF JEROME, ARIZONA
600 Clark Street, P.O. Box 335, Jerome, AZ 86331
(928) 634-7943

General Land Use Application - Check all that apply

- Site Plan Review \$100
Demolition \$50/\$200
Time Extension \$0
Design Review \$50/\$200
Signage/Awning \$25
Other: Variance \$200
Conditional Use Permit (CUP) \$100
Paint/Roofing \$0
Other:

Note: Refer to the corresponding Project Application Checklist/s for additional submittal requirements.

Table with applicant and owner information: Applicant: Adam Downey, Owner: Tom Bauers, Address: Jerome, AZ 86331, Project: Deck Extension and Rebuild

- I understand that review by the Jerome Design Review Board, Planning and Zoning Commission, and Town Council is discretionary.
I understand that the application fee is due at submission and review will not be scheduled until fee is paid to the Town.
I understand review criteria are used in evaluation by the Jerome Design Review Board and/or Planning and Zoning Commission.
I understand that this application will not be scheduled for consideration until all required materials have been submitted and the application is determined to be complete.

Applicant Signature: Adam Downey Date: 7/28/21
Property Owner Signature: Thomas R. Bauers Date: 8/10/21

For Town Use Only
Received from: Adam Downey Date: 8/3/2021
Received the sum of \$100.00 as: [X] Cash [] Credit Card
By: For: Site Plan / BOA
Tentative Meeting Date/s - DRB: P&Z:

Note: \$200 already paid - SK

Bauers Deck Project

Project Overview

The Bauers residence was built with a Ten Foot Setback from the property line on the East side of the property. The existing deck extends Five feet beyond the house. The new deck will extend off existing framing to a total width of Ten feet.

Length and height of the deck will not change only the width.

The new deck addition will total 220 square feet. We will replace all deck planking with 2x6 composite decking boards in a light green/gray color (Foggy Wharf, Trex Brand). All hand rails and pickets will be replaced with the same material as well.

Existing deck has 2x6 floor joists that span no more than Five Feet and are sixteen inch on center. New joists are to be sistered off existing joists extending no more than Ten Feet. Four new Pillar points will be added.

Total deck height will be 109 inches above the stone patio. The railing will be an additional 36 inches above the deck planking for a total height of 145 inches.

The project will take no longer than four weeks to be completed and will require four employees.

The new deck addition will not have lighting or electrical work; no utility lines will be moved.

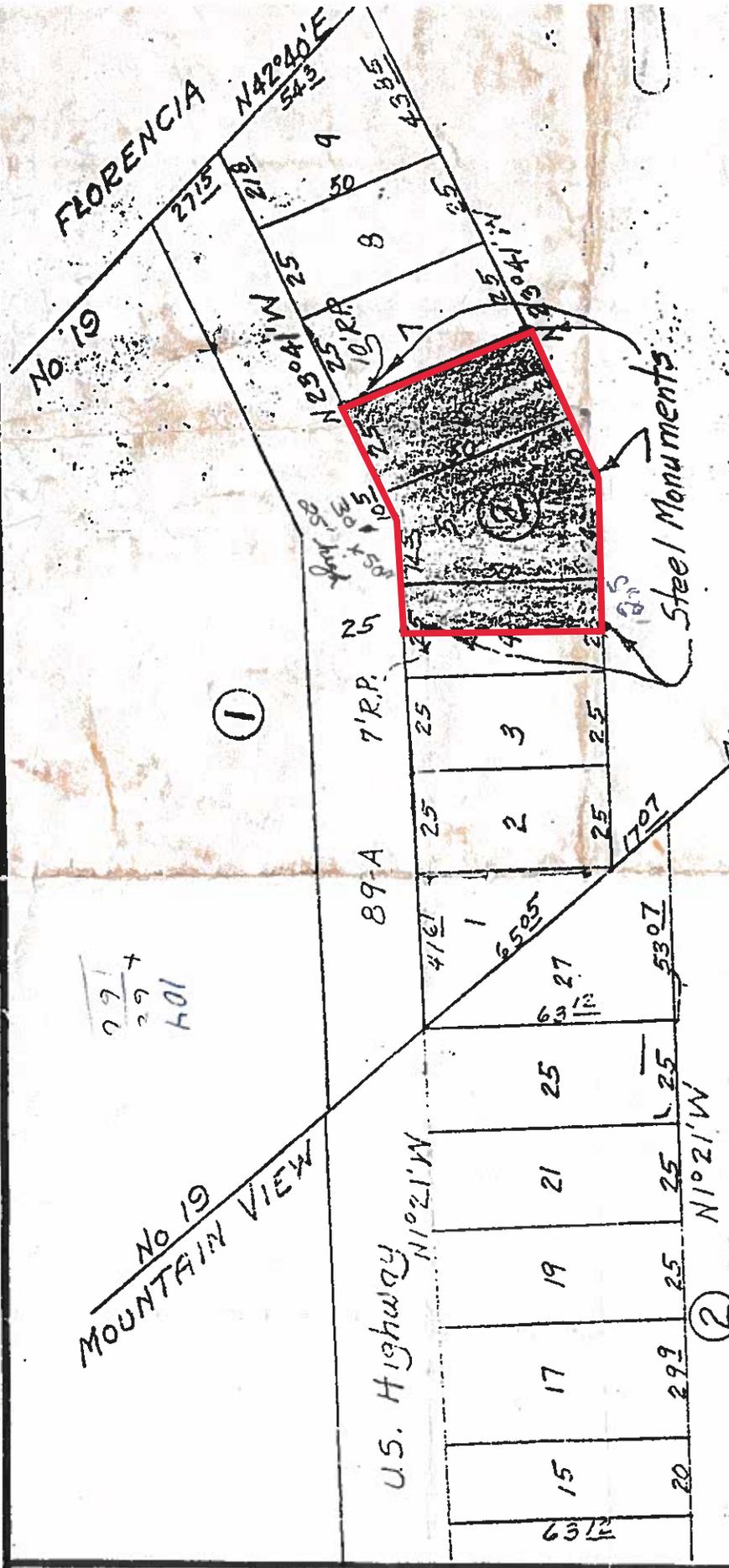
The new deck addition will not extend beyond existing stone patio.

Justification of Variance

Tom Bauers has leased the property adjacent to the proposed deck addition for many years.

There will be no dispute between property owners as Tom has written permission to extend his new deck to the property line.

Owners of adjacent property have given signed permission to build to the property line with no dispute.



971
297
601

①

②

75x50

John McDonald
Town Hall
634-7943



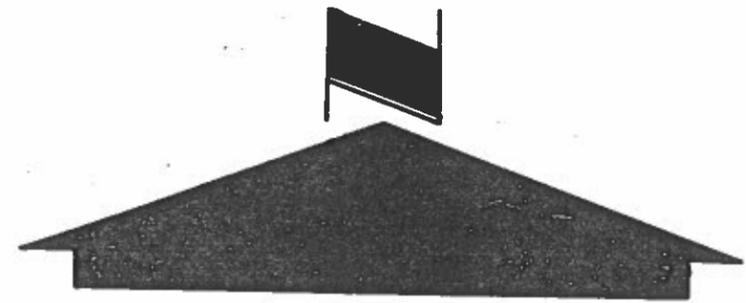
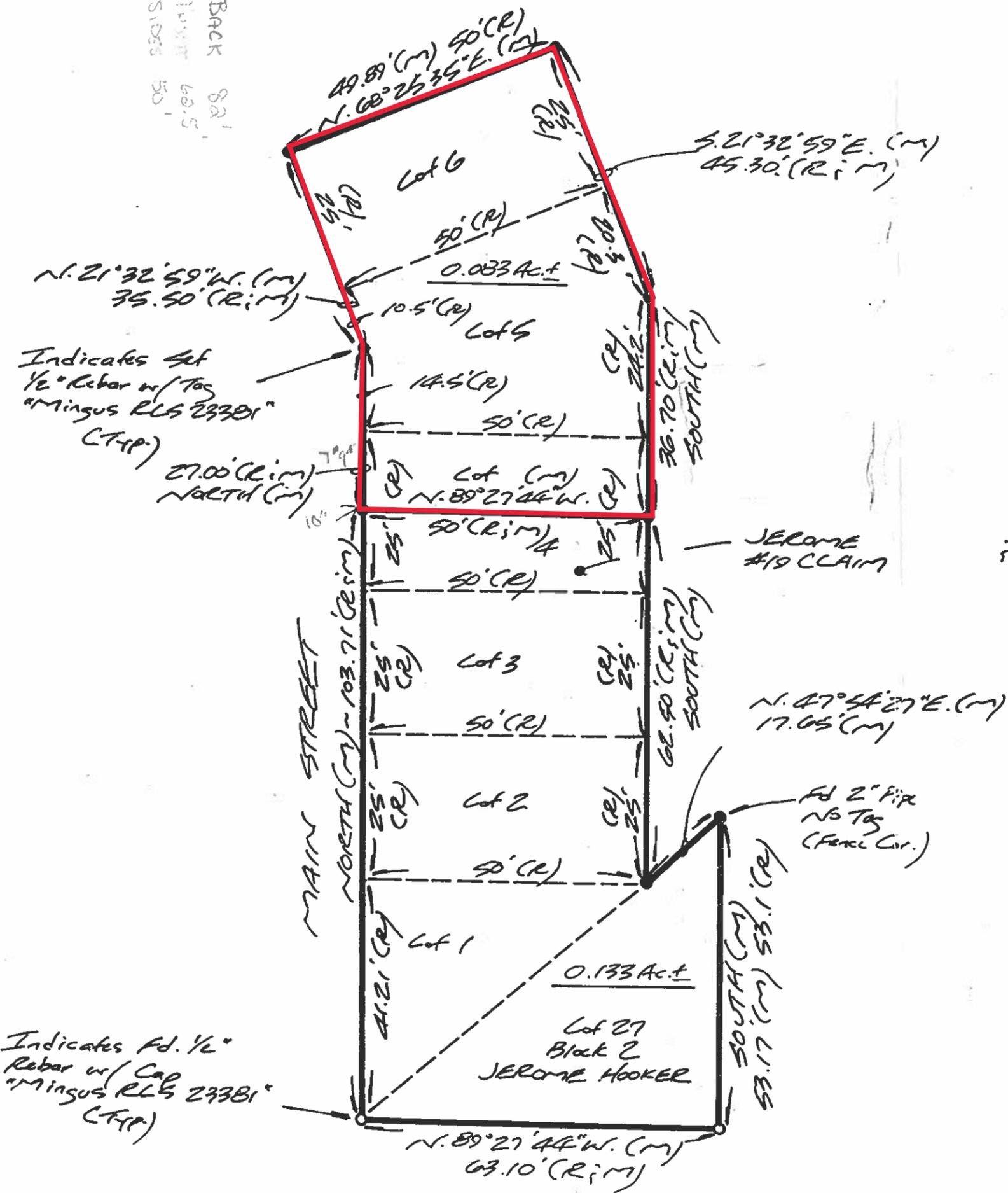
J.O. 4366

SKETCH OF LOTS IN BLOCK 2, MOUNTAIN VIEW LODE AND BLOCK 2 IN NO. 19 LODE CLAIMS, JEROME, ARIZONA. FROM RECORDS

Scale: 1" = 40'

BACK SIDE
 60.5'
 50'

Beginning 21 A CORNER
 10" from base
 7"9" to leading edge of color change



Scale 1"=20'

RESULTS OF SURVEY
 LOTS 1, 2, 3, 4, 5 & 6, JEROME #19 CLAIM
 & LOT 27, BLOCK 2, JEROME HOOKER
 TOWN OF JEROME,
 YAVAPAI COUNTY, ARIZONA



Prepared for: John Carcellas 10-13-95

Mingus Associates

CONSULTING ENGINEERS & LAND SURVEYORS, INC.

P.O. BOX 1447
 COTTONWOOD, ARIZONA 86326
 (602) 634-3624

MCP

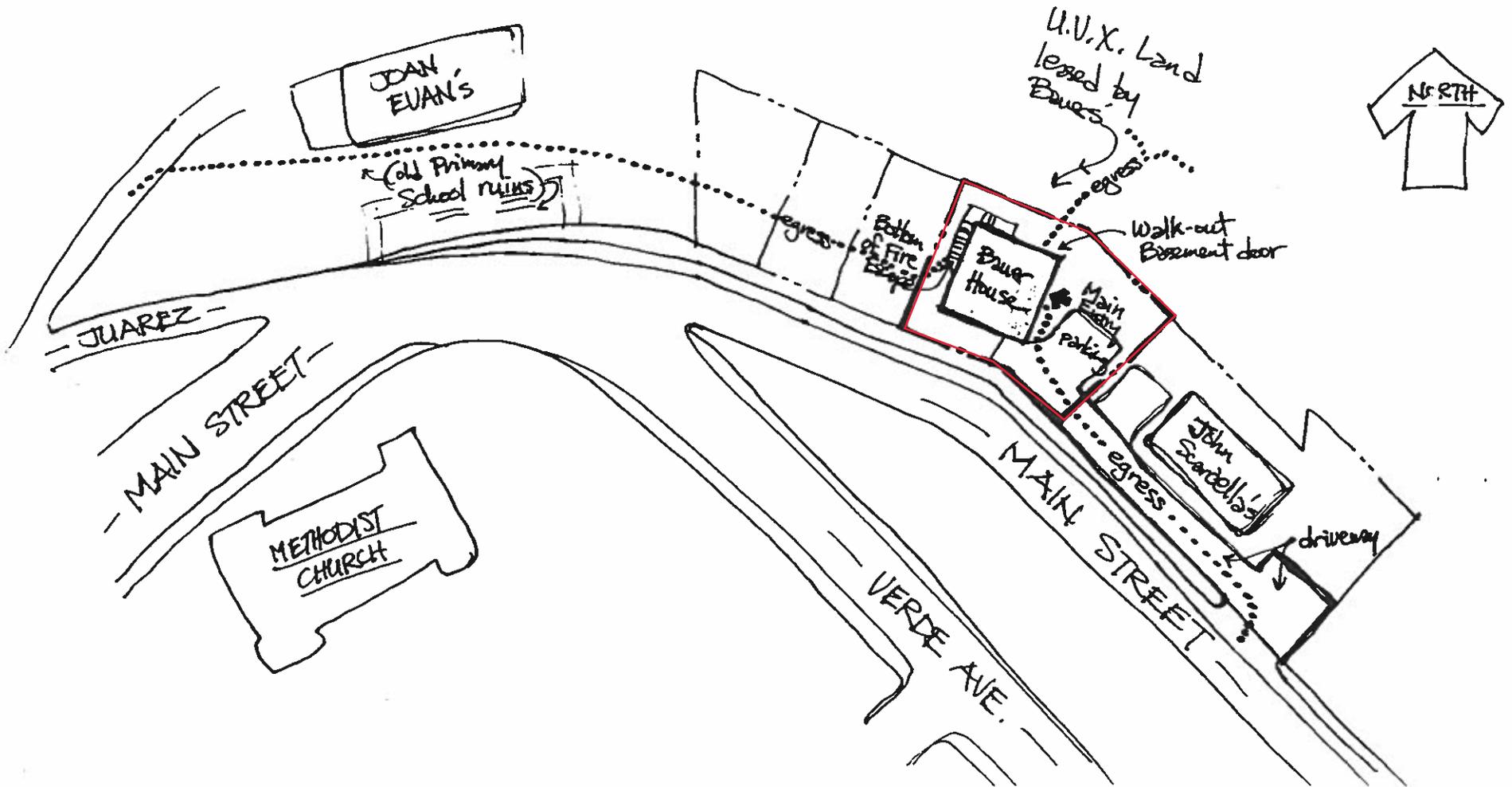
PROPOSED BAUER RESIDENCE

VICINITY MAP

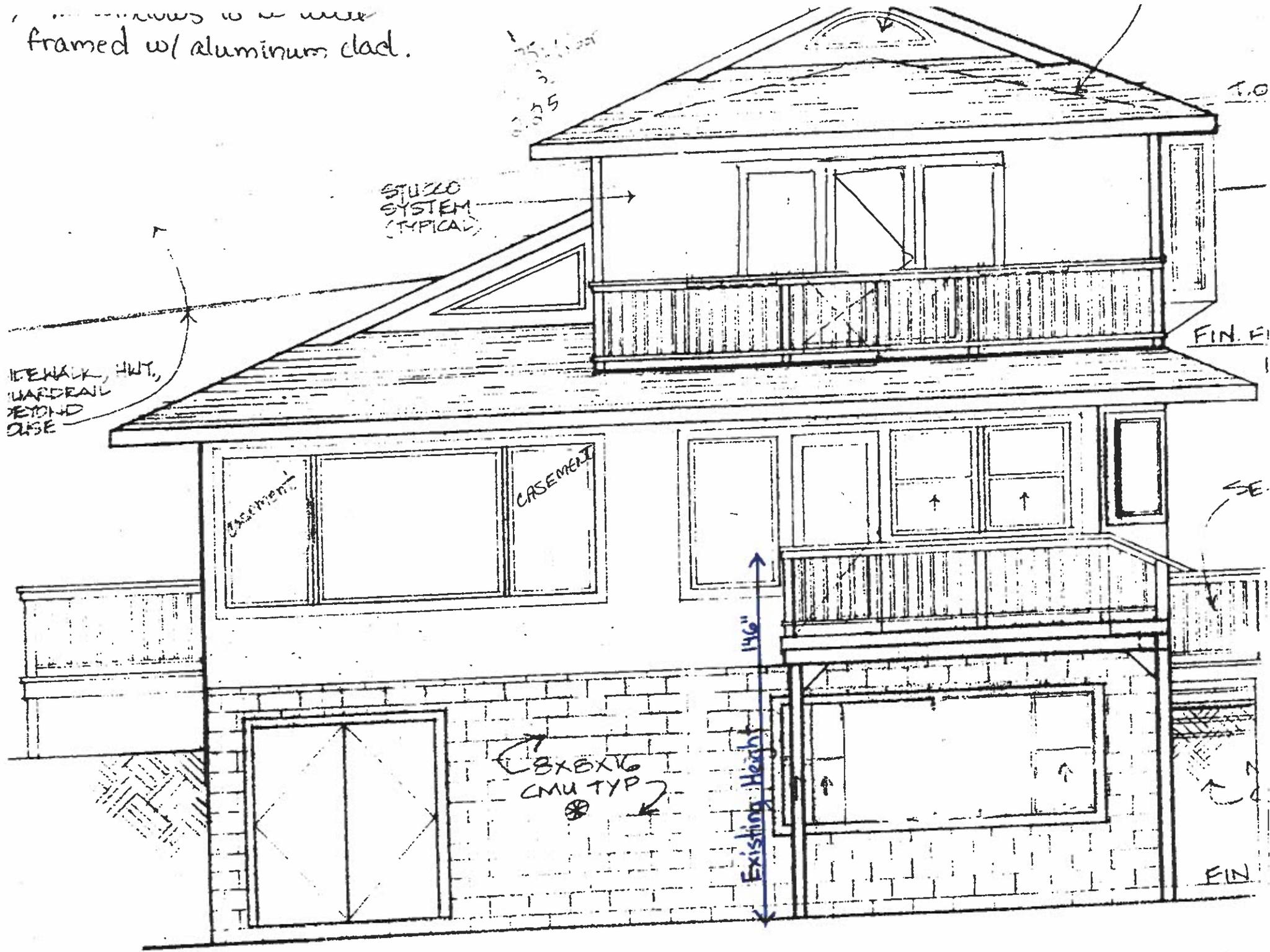
1" = 50'

10-30-96

w/ ROUTES OF EGRESS
BY FOOT IN CASE OF
EMERGENCY



Windows w/ wood framed w/ aluminum clad.



STUCCO SYSTEM (TYPICAL)

ICEWALK, HWY, WARDRAIL BEYOND CURB

CASEMENT

CASEMENT

EXISTING CMU TYP

Existing Height 146"

FIN. F

FIN

CASEMENT

EXISTING WALL

Property Line

5' SET BK. TYP.

Existing

Deck to Property Line
1' 2 1/2" from New Property Line

6'-1"

16' 3 1/2"

6'

2'

Deck

32'

29' 3 1/2"

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

32'

From House to edge of Property Line of Ratio making 13' 8" Another 51'

10' SET BK. TYP.

PARKING

12'

14' 6"

20'

20'

20'

50'

STREET

ALBA

SCARFELLA PARKING

Existing Deck Dimensions 22.3' x 5'

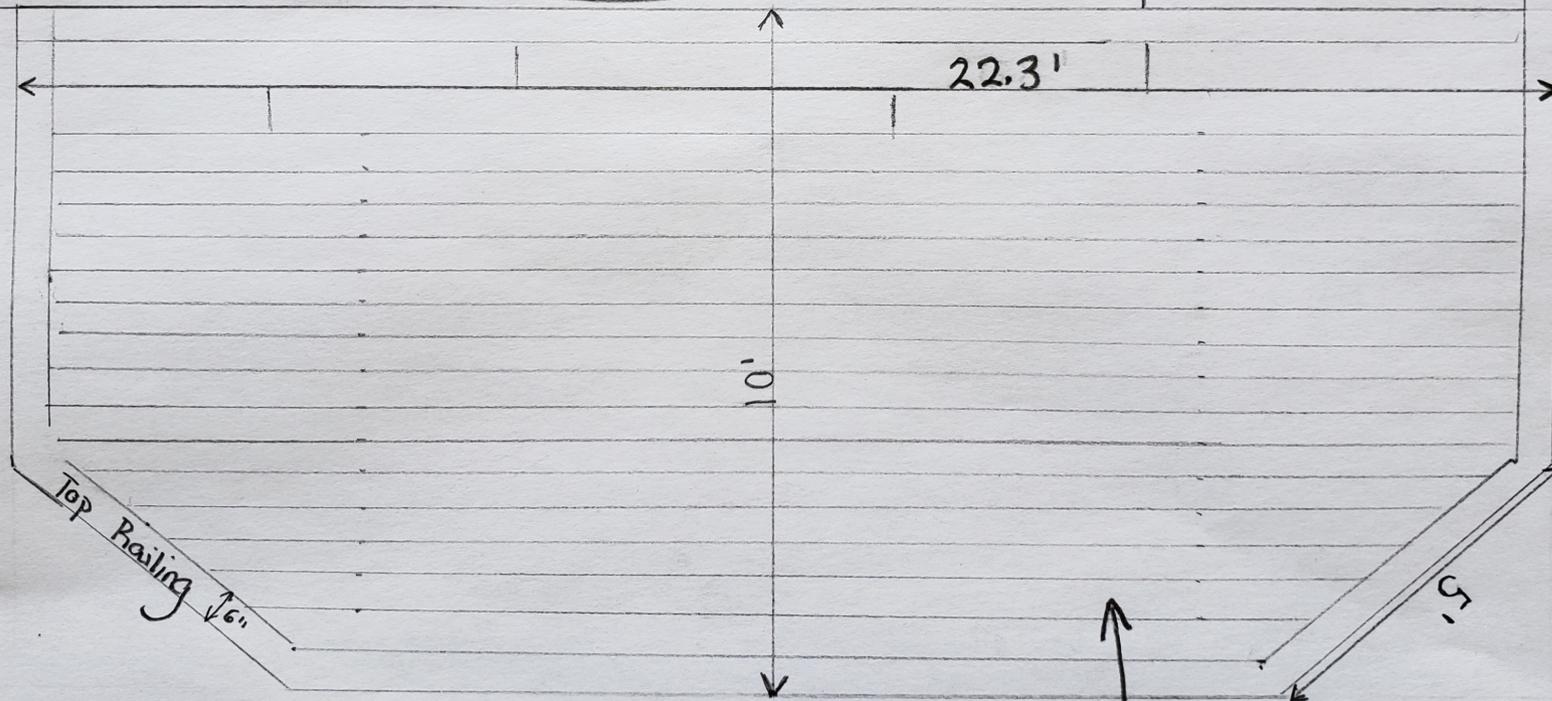
New Deck Dimensions 22.3' x 10'

6/9/21

Back Stairway

House

Top View



Scale $\frac{1\text{cm}}{\text{---}} = 1\text{ft}$

New Deck

Existing deck that extends 5' from house



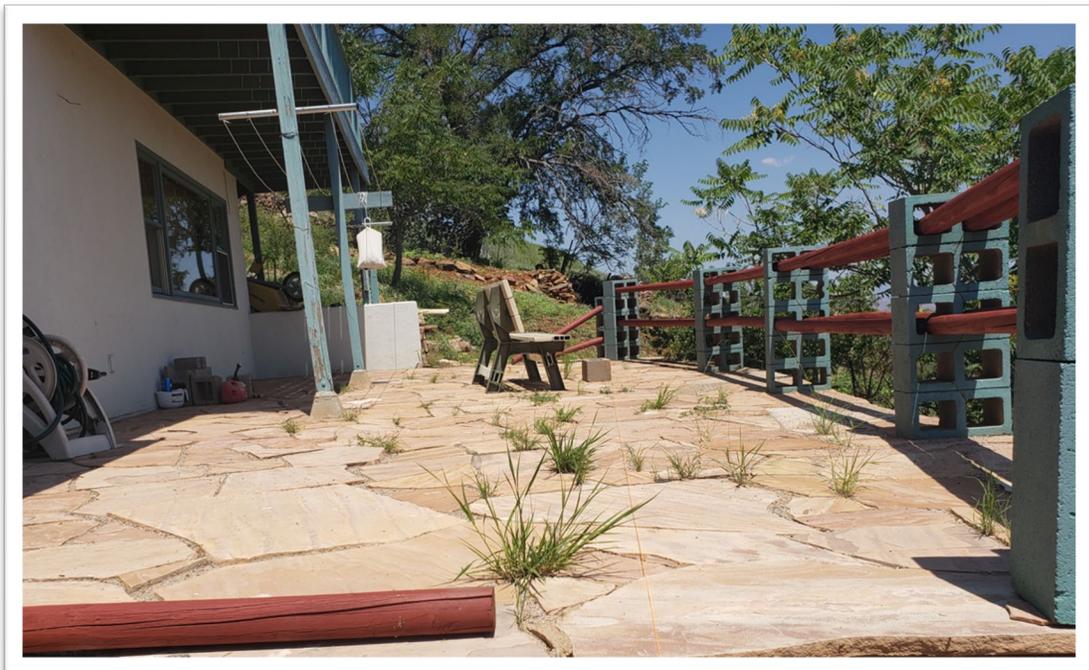
Existing deck and patio - note that patio extends across rear property line.



Looking back toward house



String is the approximate location of the rear property line



VERDE EXPLORATION, LTD.

PO Box 384
Clarkdale, Arizona 86324

PHONE 928-634-5657
westcott@wildapache.net

June 12, 2021

To Whom It May Concern:

Thomas Bauers has approval from Verde Exploration, Ltd. to extend his deck close to the property line, following Town and County codes.

A handwritten signature in cursive script that reads "Roberta Westcott". The signature is written in dark ink and is positioned above the printed name and title.

Roberta Westcott

Property Manager

Lease

Date 6-11-2021

LESSOR: VERDE EXPLORATION, LIMITED, A Delaware Corporation

LESSEE: THOMAS BAUERS PO BOX 752 JEROME 86331

Lessor hereby leases to Lessee, on the terms and conditions hereinafter provided, the surface rights, to a depth of ten feet, certain parcel of land situated in or near the town of JEROME, Yavapai County, Arizona, particularly described as follows:

APPROX. 3,000 SF adjacent to back side of lessee's parcel, 401-07-151. CLAIM #19, near FLORENCIA

as platted and shown on a map of said district on file in the office of Lessor at Jerome Arizona.

TO HAVE AND TO HOLD, the above described premises unto Lessor for the term commencing on 9-1-19 and ending on 8-31-21, unless sooner terminated, as hereinafter provided.

259. 8
270. 8-

I.

The rent for the leased premises is the sum of \$ 529.00, payable in 1 installments of \$ 529.00 in advance, at the office of the Lessor in Jerome, Arizona.

II.

LESSEE AGREES:

1. That he will promptly pay, before delinquent, all taxes, assessments and water, gas, electric and other charges assessed against said premises, or any improvements erected thereon during the term of this lease, or as long as he shall occupy said premises.

2. To comply with all laws, regulations and ordinances respecting the use and occupancy of said premises, and any rules and regulations from time to time prescribed by Lessor respecting such use or occupancy.
3. To insure and keep insured, any improvements upon said premises against loss by fire, such insurance to be payable to Lessor and Lessee as their interests may appear.
4. To keep the premises free from garbage, ashes or litter, and in a neat and sanitary condition during the term thereof.
5. That he will not sublet the leased premises in whole or in part, or assign this lease or any interest therein, without the written consent of Lessor.
6. That he will not erect any building or structure or change, alter, or remodel any building or structure on the leased premises during the term of this lease without the written consent of Lessor; and in the event such permission is obtained, any work done shall be done under the supervision of Lessor, and Lessee shall keep the premises free and clear of liens and encumbrances.
7. That he will, and does hereby, release Lessor from any and all liability for personal injuries or property loss sustained by him, his family, tenants or guests while on or about said premises, by reason of the condition of said premises or any operation or business carried on by Lessor, or any cause whatsoever.
8. THAT UPON THE EXPIRATION OF THIS LEASE, OR ITS CANCELLATION BY LESSOR, HE WILL REMOVE FROM THE PREMISES ANY BUILDINGS OR STRUCTURES PLACED BY HIM UPON SAID PREMISES; IT BEING UNDERSTOOD THAT THE FAILURE OF LESSEE TO EXERCISE SUCH RIGHT OF REMOVAL AND ACTUALLY REMOVE ANY STRUCTURES WITHIN THIRTY DAYS AFTER THE TERMINATION OF THIS LEASE OR LESSEE'S ABANDONMENT OF THE LEASED PROPERTY, SHALL VEST THE OWNERSHIP OF ANY SUCH STRUCTURES IN LESSOR, IN REMOVING ANY STRUCTURES BY HIM ERECTED AS HEREIN PROVIDED, LESSEE SHALL LEAVE THE BUILDING OF LESSOR IN REASONABLY GOOD AND TENANTABLE CONDITION, AND AT HIS OWN EXPENSE, PERFORM ALL WORK NECESSARY TO ACCOMPLISH THIS RESULT.

III

IT IS MUTUALLY UNDERSTOOD AND AGREED:

1. That the Lessor shall have access to the leased premises, and every part thereof, at all reasonable times for the purpose of examination thereof.

2. That as one of the conditions of this lease, Lessor reserves the right to cancel and terminate the same upon giving thirty days notice in writing to Lessee; which right shall be at the option of Lessor without the necessity of giving any cause for such cancellation. Notice of such cancellation may be given by posting same on the leased premises, or by mailing a copy thereof to Lessee at Jerome, Arizona.
3. That in the event of the neglect or failure of Lessee to pay when due any installment of rent, or to make any other payment, as herein provided or fully to perform any covenant herein contained by him to be performed, Lessor may at its option, in addition to any other remedy, forthwith terminate this lease and reenter and retake possession of the leased premises; it being further understood that Lessor shall have the right to pay any tax, assessment, insurance premium, or other charge against the leased premises, in which event Less shall promptly repay Lessor for such disbursement.

IV.

IT IS UNDERSTOOD AND AGREED that Lessee may erect on the leased premises, at his own expense, and subject to all of the condition hereof, the following described building or structure:

to be used solely for the purpose of yard & gardening

VERDE EXPLORATION, LIMITED

By Roberta Westcott
Lessor

Thomas A. Bauer
Lessee

VERDE EXPLORATION, Ltd.

PO Box 384

Clarkdale, AZ 86324

Phone: 928-634-5657

~~Fax: 928-649-5196~~

westcott@wildapache.net

Gallery

Videos



Trex Sample



nd offers.



vienna