



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

AGENDA

Regular Meeting of the Planning and Zoning Commission

Tuesday, Aug 16, 2022, 6:00 pm

CONDUCTED VIA ZOOM

Members of the public are welcome to participate in the meeting via the following options: By computer at <https://us02web.zoom.us/j/9286347943> or by telephone at 1 669 900 683. The Meeting ID is 928 634 7943. A drive-up internet hotspot is now available in the parking lot in front of the Jerome Public Library. The network is Sparklight Yavapai Free Wi-Fi, and no password is required. Please submit comments/questions at least one hour prior to the meeting to Zoning Administrator William Blodgett at w.blodgett@jerome.az.gov.

Item 1: Call to order

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 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 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.

Possible Direction to Staff

Item 3: Approval of Minutes – Regular meeting of April 19, 2022, Regular meeting of July 19, 2022

Old (continued) Business: none

New Business:

Item 4: Seeking reapproval for Garage Remodel

Applicant/Owner: Kelly Foy

Zone: R1-5

Address: 121 Third Street

APN: 401-08-040

Applicant is seeking reapproval to remodel their Garage on 121 Third Street.

Discussion/Possible Action

Meeting Updates:

Item 5: Updates of recent and upcoming meetings

- July 26 DRB meeting –
- Aug 09 Council meeting –

Item 6: Potential items for September's Planning & Zoning meeting, Tuesday Sept. 20, 2022 – Nothing Planned

Item 7: 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

Kristen Muenz, Deputy Town 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 enough time to make arrangements.



TOWN OF JEROME

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

DRAFT MINUTES

Regular Meeting of the Planning and Zoning Commission

Tuesday, April 19, 2022, 6:00 pm

Jerome Civic Center, 600 Clark Street, Jerome Arizona, 86331

6:13 (0:10) Item 1: Call to order

Chair Ready called the meeting to order at 6:13 p.m.

Deputy Town Clerk Kristen Muenz called the roll. Present were Chair Jeanie Ready, Vice Chair Lance Schall, and Commissioner Jera Peterson. Commissioners Lori Riley and Chuck Romberger were absent. Also present were Zoning Administrator Will Blodgett and Town Manager/Clerk Candace Gallagher.

6:14 (1:16) Item 2: Petitions from the public – There were no petitions from the public.

Possible Direction to Staff

6:14 (1:27) Item 3: Approval of Minutes – Regular meeting of February 16, 2022, Joint Special meeting of February 22, 2022, and Regular meeting of March 16, 2022

Motion to approve the minutes of the February 16, 2022 regular P&Z meeting

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson	X		X			
Ready			X			
Riley					X	
Romberger					X	
Schall		X	X			

(2:42) Chair Jeanie Ready made a point of clarification on the February 22, 2022, special joint meeting minutes. In the call of order, the P&Z officers were listed as Chair Schall and Vice Chair Romberger when the new chair and vice chair had been voted in on the meeting of February 16, 2022. Because Chair Ready was not in attendance at the February 22nd meeting, she suggested the commission table the minutes until their next meeting.

Motion to table the minutes of the February 22, 2022 special joint meeting

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson			X			
Ready	X		X			
Riley					X	
Romberger					X	
Schall		X	X			

Motion to approve the minutes of the March 16, 2022 regular P&Z meeting

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson			X			
Ready	X		X			
Riley					X	
Romberger					X	
Schall		X	X			

Old (continued) Business: none

New Business:

6:19 (6:32) Item 4: Conditional Use Permit (CUP) for Apartments in C-1

Applicant/Owner: Dewayne Woodworth

Zone: C-1

Address: 123 Hill Street

APN: 401-07-169A

Applicant is seeking a conditional use permit for three residential apartments within the C-1 zone.

Discussion/Possible Action

Zoning Administrator Will Blodgett read his report that explained the scope of project.

Commissioner Peterson asked how many parking spaces there would be.

Member of the public Bob Woods spoke on behalf of Mr. Woodworth, the project manager. Mr. Woods described the number and location of parking spaces on the property.

Ms. Peterson commented that 15 spaces sounded adequate.

Vice Chair Schall explained that, originally, there were more apartments planned. He commented that the tandem parking on south side of building had previously been board approved. He also believes the change to fewer apartments would be less parking intensive.

Mr. Blodgett stated that he had overestimated the amount of required parking for the retail space because the actual number will be based on the final useable space.

Mr. Schall explained that, based on the current floor plan, the whole first floor will not be retail space. Therefore, there should be enough parking to fit requirements.

Ms. Peterson commented that she had walked around the building and it looked like plenty of parking.

(14:42) Chair Ready asked when they anticipate the finish-out to be done and people or businesses start moving in.

Mr. Woods explained that they have been working on repairs, fixing walls and ceilings. If they receive the CUP, they will present plans for a building permit, hopefully within the next few months. They are planning on starting at the bottom floor and working up, but some work is being done currently.

Vice Chair Schall asked about the fire escape for the building.

Mr. Woods explained his plans for the fire escape.

Member of the public Nancy Robinson suggested that they paint the red curb yellow if allowed to increase the parking inventory.

Motion to approve the conditional use permit for apartments in the C-1 zone at 123 Hill St.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson	X		X			
Ready			X			
Riley					X	
Romberger					X	
Schall	X		X			

6:33 (20:30) Item 5: Renewed approval for accessory feature (Generator)

Applicant/Owner: Mike Gray / James Keenan

Zone: R1-5

Address: 103 Dundee Avenue

APN: 401-11-015M

Applicant is seeking to install a back-up Generator at 103 Dundee. Project was previously approved, but the permit was allowed to expire, and the applicant is renewing the process to begin construction.

Discussion/Possible Action

Zoning Administrator Will Blodgett introduced the project and explained that the prior approval for the generator project had expired. He notified the commission that the applicant, Mike Gray, was present.

Commissioner Peterson commented that she had gone to the property and talked to Michael Gray. She explained that she had concerns due to the fact the generator would be in a residential area and could create a nuisance. Ms. Peterson felt that the residents should be allowed to comment.

Mr. Blodgett pointed out some of the safety features of the generator that would mitigate some noise and other concerns.

Mike Gray, representing the applicant, is introduced.

Chair Ready asked about sound attenuation measures.

Mr. Gray responded that they had gone to lengths to add features to mitigate noise and other issues.

Chair Ready asked if the neighbors had been asked about their feelings on the project.

Mr. Gray responded that he did not know.

Vice Chair Schall stated that the fire chief had reviewed the plans for fuel storage, and it met requirements. Also, the generator was meant as a back-up, and would not be run every day, only when needed for power outages.

Chair Ready agreed that it was a good point that it would be used only temporarily.

Mr. Schall commented that it was not unusual for a generator to be used for that purpose.

Chair Ready thanked Mr. Schall for his comments.

Ms. Peterson said that she didn't think the project had gone through Planning & Zoning the first time. She also felt they should give the neighborhood a chance to weigh in on the project.

(33:00) Vice Chair Schall recalled that it had gone through Planning & Zoning the first time, but as part of a larger building project.

Mr. Gray confirmed that was correct.

There was some discussion as how best to proceed.

Mr. Schall suggested that the correct procedure would be to table the issue and direct staff to set up a neighborhood meeting.

Motion to table a decision on the approval for accessory feature until a future meeting date and direct staff to set up a meeting for information gathering

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
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Peterson	X		X			
Ready	X		X			
Riley					X	
Romberger					X	
Schall			X			

Meeting Updates:

6:53 (40:12) Item 6: Updates of recent and upcoming meetings

- **March 30 BOA meeting** – Meeting cancelled until further notice.
- **April 4 DRB special meeting** – Approved the minutes of the regular meeting of February 7, 2022. Approved amendment to the DRB bylaws regarding meeting dates, changing to the fourth Tuesday of each month.
- **April 12 Council meeting** – Approved the minutes from both the February 22nd special meeting and the March 8th regular meeting. Approved Resolution 637 awarding the Dundee waterline contract. Approved Resolution 638 awarding contract for drainage improvements. No action was taken on resolution 639 and Ordinance 482 regarding the 2018 edition of the International Residential Code.

6:55 (42:30) Item 7: Potential items for May's Planning & Zoning meeting, Tuesday May 17 – Discussion of definitions within the Zoning Ordinance relating to land use.

Item 8: Adjourn

Motion to adjourn at 6:56 p.m.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson			X			
Ready		X	X			
Riley						
Romberger						
Schall	X		X			

Approved: _____ Date: _____
Jeanie Ready, Planning & Zoning Commission Chair

Attest: _____ Date: _____
Kristen Muenz, Deputy Town Clerk



TOWN OF JEROME

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

DRAFT MINUTES

Regular Meeting of the Planning and Zoning Commission

Tuesday, July 19, 2022, 6:00 pm

Jerome Civic Center, 600 Clark Street, Jerome Arizona, 86331

6:11 (0:11) Item 1: Call to order

Vice Chair Lance Schall called the meeting to order at 6:11 p.m.

Deputy Town Clerk Kristen Muenz called the roll. Vice Chair Schall, Commissioner Jera Peterson, and Commissioner Chuck Romberger were present. Chair Jeanie Ready and Commissioner Lori Riley were absent. Also present was Zoning Administrator Will Blodgett.

Vice Chair Schall lead the meeting in the absence of Chair Ready. He asked that the record show there were three members present, which is a quorum, and he reminded the other commissioners that every decision would need to be unanimously approved to pass.

6:11 (1:08) Item 2: Petitions from the public – There were no petitions from the public.

Possible Direction to Staff

6:12 (1:29) Item 3: Approval of Minutes – Regular meeting of April 19, 2022

Vice Chair Schall asked if there were any corrections or issues with the minutes.

Commissioner Romberger said that he was absent from the April 19, 2022, meeting, so he could not vote to approve the minutes.

Without a unanimous vote, Vice Chair Schall asked Mr. Blodgett to table the approval of the minutes to the next meeting.

Motion to approve the minutes of the regular meeting of April 19, 2022

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson	X		X			
Ready					X	
Riley					X	
Romberger						X
Schall		X	X			

Old (continued) Business: none

New Business:

Item 4: Conditional Use Permit (CUP) for continued Residential use in the C-1 District

Applicant/Owner: Heide Kaldor

Zone: C-1

Address: 511 School Street

APN: 401-06-028

Applicant is seeking a conditional use permit to continue Residential use within the C-1 zone.

Discussion/Possible Action

Vice Chair Schall asked if the commission had already approved a CUP for this property some time ago.

Mr. Blodgett explained that a CUP was approved originally with the construction of the property. Initially, the conditional use permit was to run with the property, but that ordinance had changed. The applicant was unaware that she needed to have a CUP that applied directly to herself.

Mr. Schall commented that he was not aware that we had changed that ordinance either.

Mr. Blodgett said it is a technicality, as the applicant thought the property had a CUP. She is asking for continued use as Residential in the C-1 zone. The building itself was built as residential property in the commercial zone but needs the CUP to continue to operate as such.

Mr. Schall asked if there was record of any complaints from the neighborhood.

Mr. Blodgett replied that he had no valid reasons to discontinue residential use on record.

Mr. Schall asked if the other commissioners had any problems.

Commissioner Peterson said there seemed to be no adverse effects on public health, safety, or general welfare.

Mr. Romberger said he agreed, it seemed to be a good, continued use.

Motion to approve the conditional use permit for continued residential use in the C-1 district at 511 School Street

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson			X			
Ready					X	
Riley					X	
Romberger		X	X			
Schall	X		X			

6:17 (6:20) Item 5: Seeking reapproval for Garage Remodel

Applicant/Owner: Kelly Foy

Zone: R1-5

Address: 121 Third Street

APN: 401-08-040

Applicant is seeking reapproval to remodel their Garage on 121 Third Street.

Discussion/Possible Action

Mr. Blodgett requested the commission table the issue for another month so that he could continue to explore other data that has come to light since he wrote his report.

Mr. Schall said it is traditional P&Z maneuver to table an issue if we don't have a complete packet. We don't want to corner an applicant with something that is not going to work for them if there is additional information to be collected. He asked Mr. Blodgett if he would have his report ready for the next month.

Mr. Blodgett replied that he would.

Motion to table the reapproval for Garage Remodel to the August 16, 2022, meeting

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson		X	X			
Ready					X	
Riley					X	
Romberger			X			
Schall	X		X			

6:19 (8:46) Item 6: Seeking Approval for exterior remodel (Door, Windows, and Siding)

Applicant/Owner: Rebekah Kennedy

Zone: R1-5

Address: 225 Third Street

APN: 401-07-027

Applicant is seeking approval to change the door, windows, and siding to their home at 225 Third Street.

Discussion/Possible Action

Mr. Blodgett read his report, explaining the replacements the applicant wished to make to windows, door, and siding. Mr. Blodgett said that, while most of the changes belong to Design Review, the Zoning Ordinance does require that alterations to an existing building come before P&Z before it goes to DRB. This is not changing its location or use, but the applicant is changing the number of windows on the front of the building, which is considered an alteration.

Mr. Schall thanked Mr. Blodgett for the clarification, because he did look at it as mostly a Design Review approval except for a little bit of framing.

Ms. Peterson asked if it was going from 3 windows to 1 window on the front and 1 on each side.

The applicant, Rebekah Kennedy, replied that right now there are single pane, double hung windows, the type you might see on a mobile home, to enclose the porch. She would like to replace them with 4 windows rather than the 27 panes of glass that are there now.

Ms. Peterson commented that it makes sense, it is basically a wall of windows going down to 2 on the front and 2 on either side.

Ms. Kennedy clarified that it will be 2 windows on the front and 1 on each side, 4 in total.

Ms. Peterson asked Mr. Blodgett if, as Planning and Zoning Commission, we are looking at the footprint to make sure it hasn't changed.

Mr. Blodgett responded that our primary consideration was to look at the placement on the lot, location, and the intended use.

Mr. Schall said we know that hasn't changed, the only thing that has changed is some of the structure around the windows and there will be a building permit for that to make sure it is done well.

Ms. Peterson commented that it is basically changing from an enclosed porch to a room.

Ms. Kennedy replied that it is already a room, it was just done poorly, and we would like to do it right.

Mr. Schall said that he understands this because he has a room like it with the same windows.

Ms. Peterson said that she does not have an issue with this and moved to approve the remodel.

Motion to approve the exterior remodel (door, windows, and siding)

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson	X		X			
Ready					X	
Riley					X	
Romberger		X	X			
Schall			X			

Meeting Updates:

6:24 (13:53) Item 7: Updates of recent and upcoming meetings

- **July 18 BOA meeting** – Update pending meeting at time of this writing.
- **June 28 DRB meeting** – Approved aesthetic changes (paint and awning) for the Sullivan Apartment building and approved a request to change the exterior paint color for 141 North Drive.
- **June 14 Council meeting** – First reading of Ordinance 483 (Amending traffic code), approved two intergovernmental agreements (1 for drainage improvements, 1 for Center Ave. improvements) and approved an agreement with Verde

Exploration regarding use of town water.

Mr. Blodgett gave updates on recent and upcoming meetings.

Item 8: Potential items for August's Planning & Zoning meeting, Tuesday Aug. 16 – Nothing Planned

Mr. Schall said that they will be discussing the tabled items from this meeting: the approval of the April 19, 2022, minutes and the Foy project at 121 Third street, at the next meeting.

Item 9: Adjourn

Motion to adjourn at 6:26 p.m.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Peterson	X		X			
Ready					X	
Riley					X	
Romberger		X	X			
Schall			X			

Approved: _____ Date: _____
Jeanie Ready, Planning & Zoning Commission Chair

Attest: _____ Date: _____
Kristen Muenz, Deputy Town Clerk



TOWN OF JEROME

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

Zoning Administrator Analysis Planning & Zoning Commission Tuesday, July 19, 2022

Item : 4

Location: 121 Third Street

Applicant/Owner: Kelley Foy

Zone: R1-5

APN: 401-08-040

Prepared by: Will Blodgett, Zoning Administrator

Recommendation: Discussion/possible action

Background and Summary: The applicant is seeking approval to remodel and restore the existing garage at 121 Third Street. The project was approved originally in 2018 but has undergone changes in design and material since the original was approved. Specifics as to the project are contained within a letter submitted by the applicant and presented on the following page. There were a number of questions regarding setbacks, is this a new construction, or a Remodel? In short it was decided that the project is legally a Remodel as it was utilizing an existing historic rock-wall in situ, and to that affect consultation with SHPO and coordination of Secretary of the Interior Standards are being done. In addition, it was previously determined that the project met the setback requirements and did not expand the footprint and increase the discrepancy for nonconforming status. This project has been redesigned since the initial approval, lowering the maximum height of the building (from grade) to 15' 8" from the original approved height of 22'.

Purpose: The purpose of the site plan review is to provide for the public health, safety and general welfare, and to protect the environment and the historical character of the Town of Jerome. The plan review will include an examination of all proposed site work, and excavation and grading regulations, with special regulation of work sites with extreme slope or unstable soils. Essential to this purpose is the review of possible impacts on surrounding properties.

Property Standards: The Town of Jerome Zoning Ordinance in section 303.1.B.a says that; *"Projects requiring preliminary site plan review shall include but not be limited to: Lot splits, lot line adjustments, new construction, alterations, accessory buildings, grading and excavation and clearing and grubbing."*

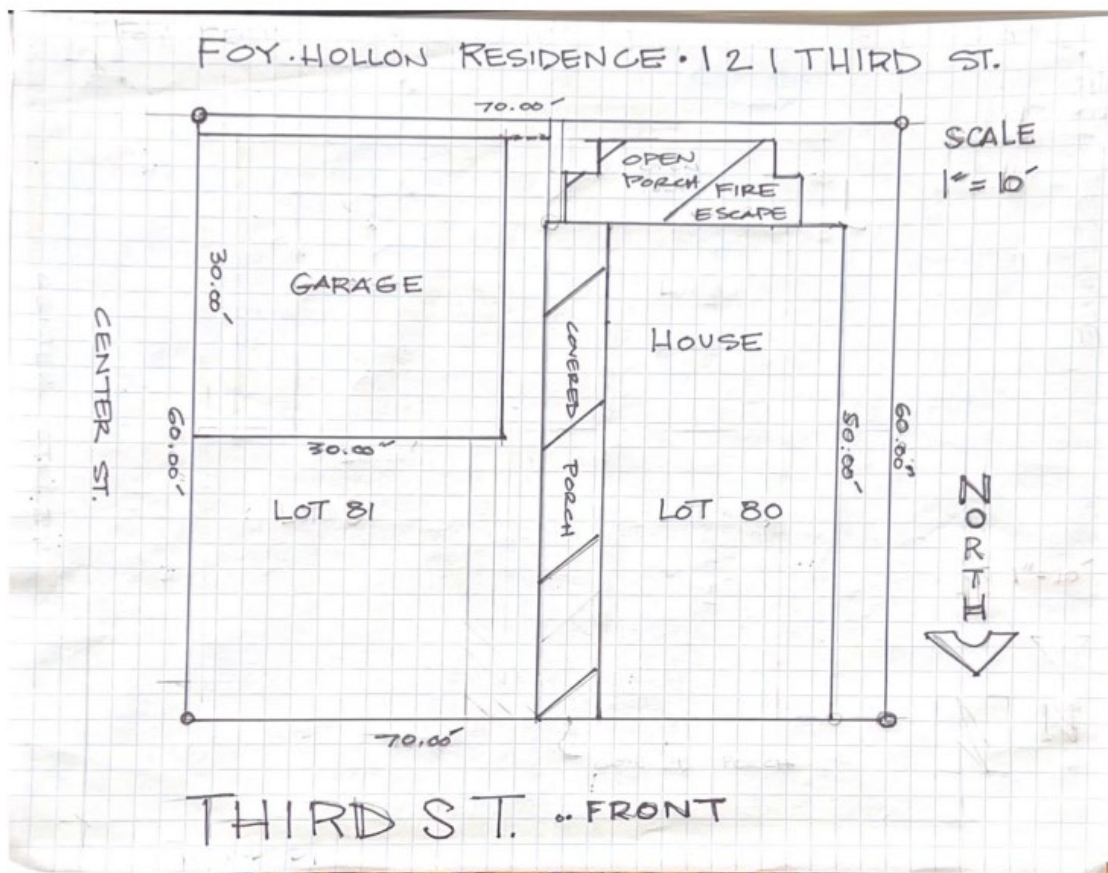
Response: The Planning & Zoning Commission shall approve, conditionally approve, or deny said plan. Once denied the original plan shall not be resubmitted. The Planning & Zoning Commission may, if the preliminary drawings and data are sufficiently clear and explicit waive the requirements of section 303.2 and/or Grant final approval at the preliminary review session, provided all other requirements of this section are conformed with.

Applicants Letter:

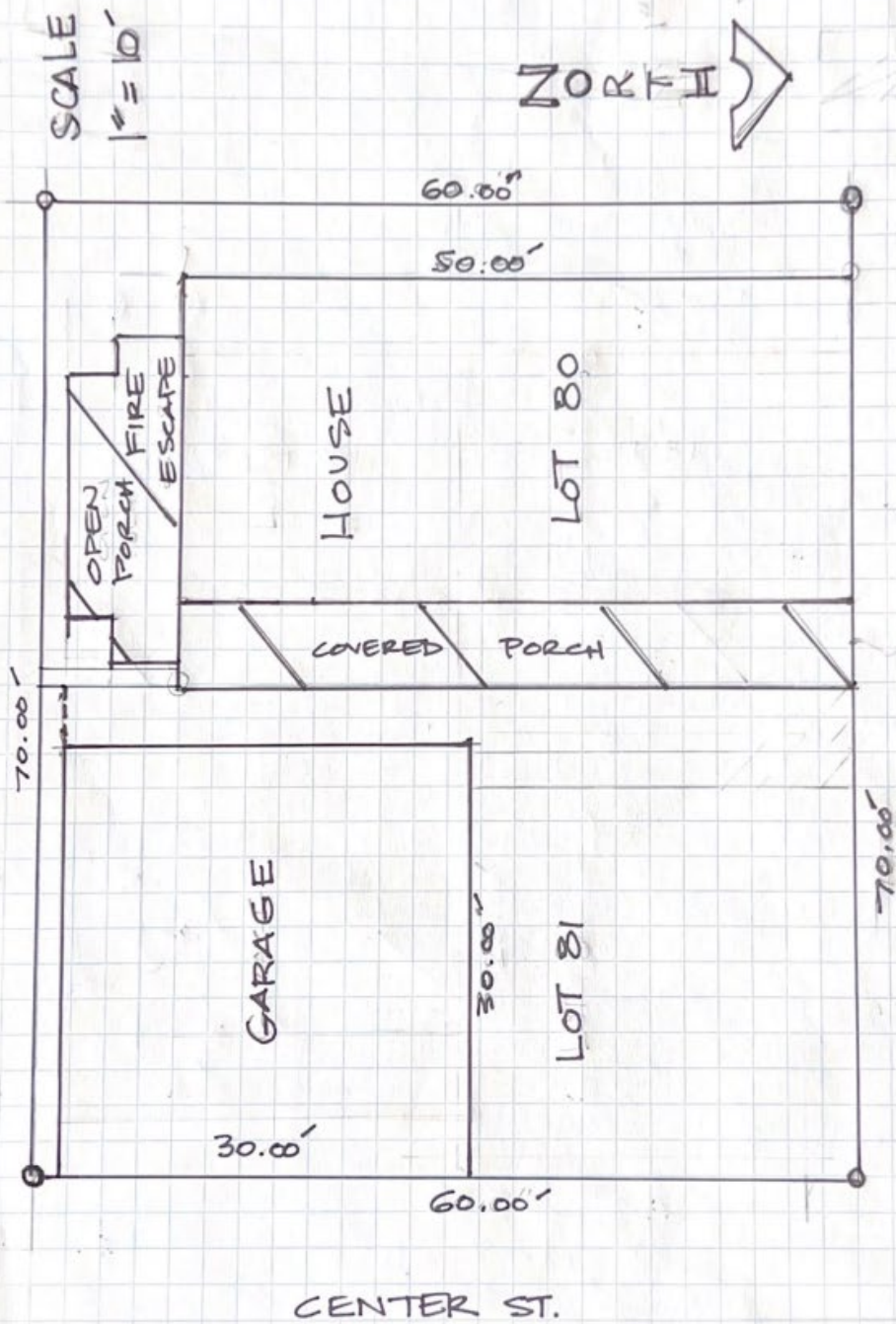
"We are submitting our application to remodel our existing garage at 121 Third Street. We were approved for a similar garage remodel in 2018, albeit the changes in material. In light of the current material shortages and height changes to the Jerome ordinance after our first approval, we are returning with a revised design that meets all updates in the current Jerome Ordinances. We would like to create a historically compatible corrugated metal structure built as a pole barn, with garage doors, an access door, and 3 East facing windows to vent the structure. The new garage will be two story similar to the building that historically sat in its place. (See photo of an old Jerome market and apartment building where our existing garage and open flagstone is now). This proposed building is similar to multiple existing structures in our neighborhood and another across the highway off of Rich street (See photos provided). It will require a demolition permit and a building permit. We are keeping the existing West concrete wall and all utilities. This structure, will be built with a time tested pole barn construction with concrete footings and a new concrete pad. The garage currently has all necessary utilities but will require some coordination with the Town to preserve the existing sewer in the garage that connects with three other properties before reaching our home or existing garage and terminating in the town sewer.

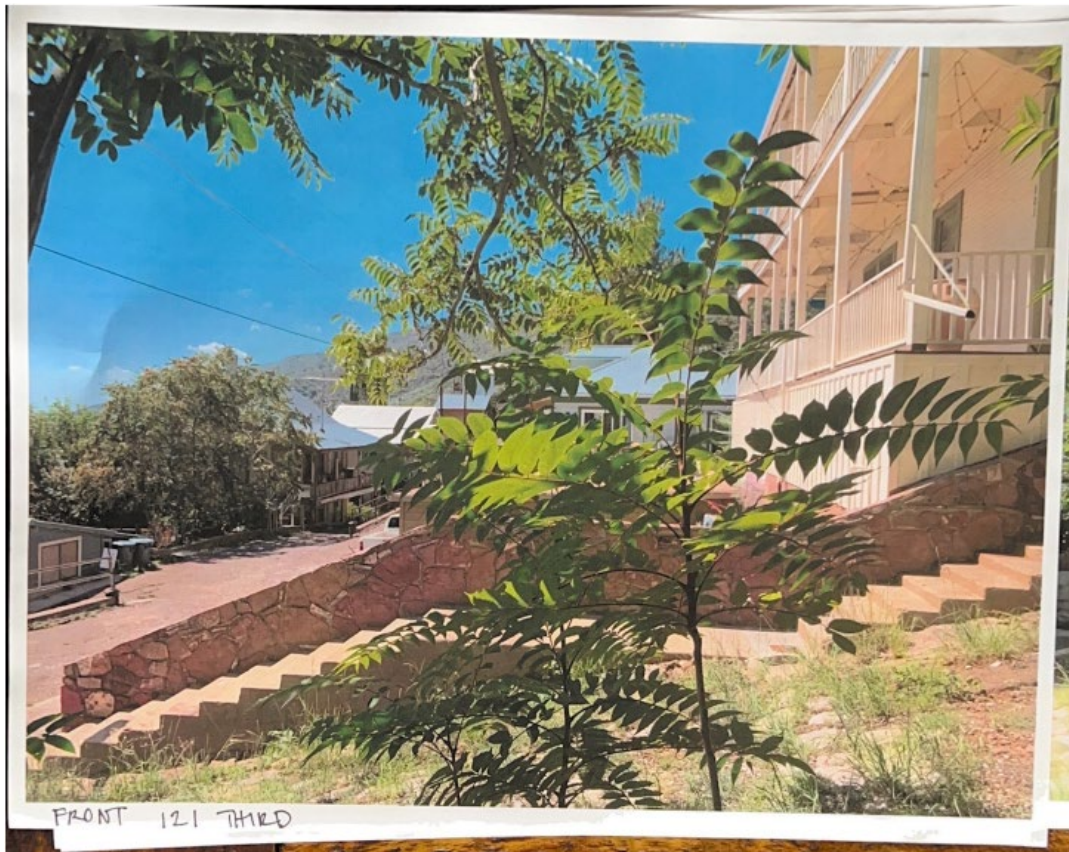
Thank you for your consideration for this beloved project, we have waited 18 years to build.
Sincerely,

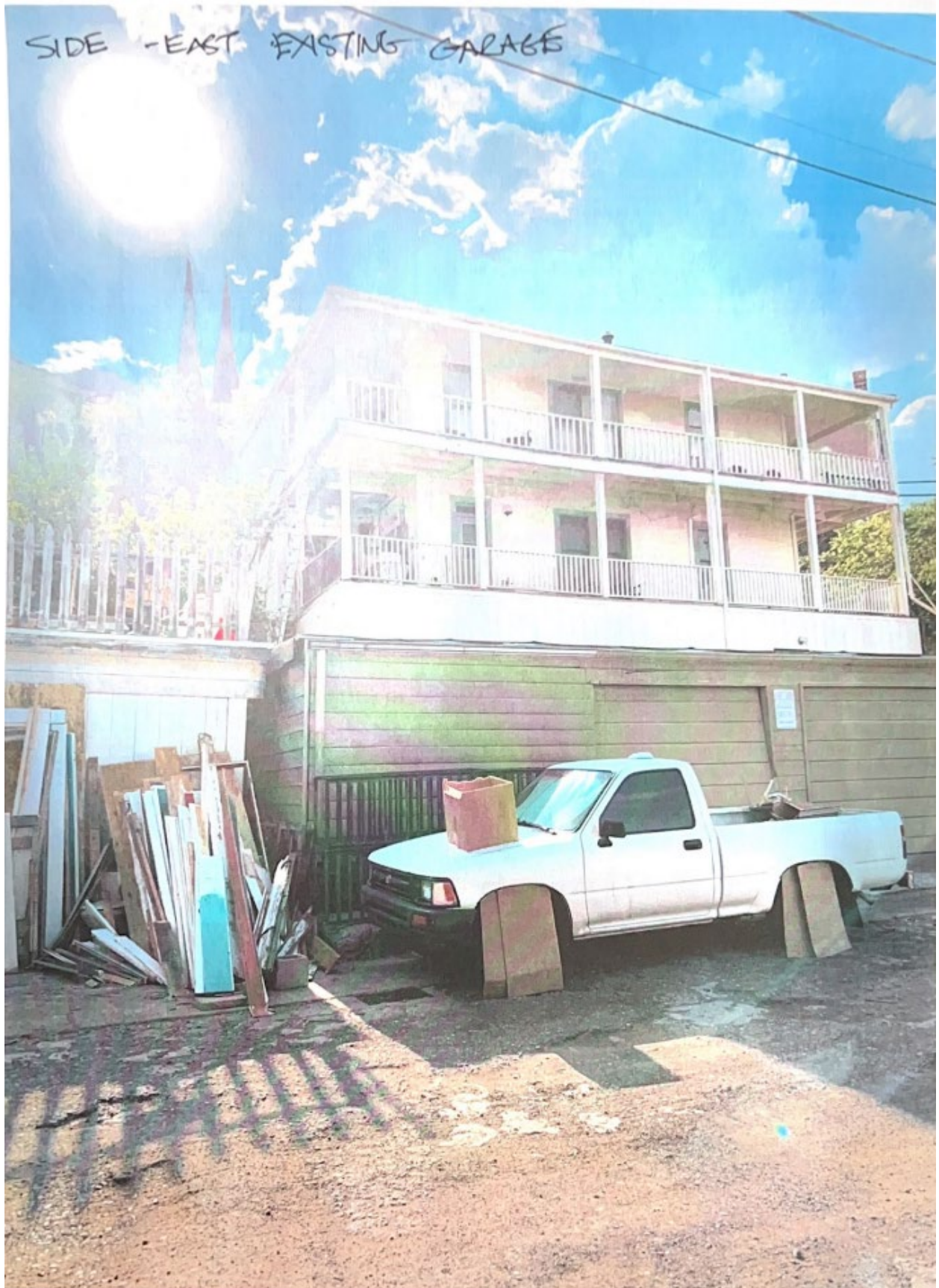
Kelley Foy
& Leta Hollon"



FOY-HOLLON RESIDENCE • 121 THIRD ST.



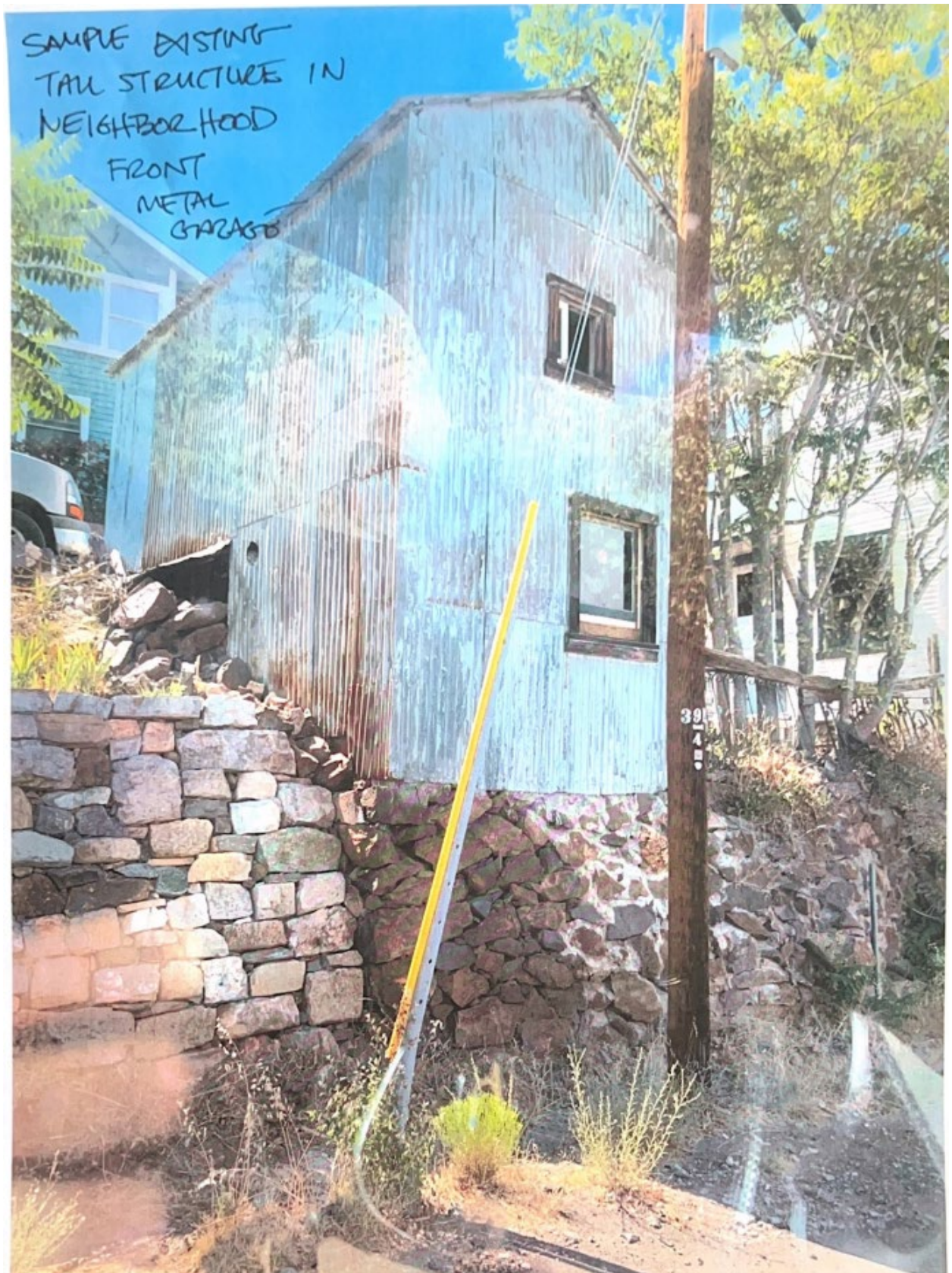


















TOWN OF JEROME, ARIZONA

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

File #:

Town Use

General Land Use Application – Check all that apply

- | | | |
|---|--|---|
| <input type="checkbox"/> Site Plan Review \$300 | <input type="checkbox"/> Design Review \$25 to \$500 | <input type="checkbox"/> Conditional Use Permit (CUP) \$500 |
| <input type="checkbox"/> Demolition \$50/\$200 | <input type="checkbox"/> Signage/Awning \$50 | <input type="checkbox"/> Paint/Roofing \$25 |
| <input type="checkbox"/> Time Extension \$25 to \$200 | <input type="checkbox"/> Other: | <input type="checkbox"/> Other: |

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

Applicant: <u>KELLEY FOY</u>	Owner: <u>KELLEY FOY</u>
Applicant mailing address: <u>PO BOX 1234</u>	Property owner mailing address: <u>SAME</u>
<u>CRESTED CONSTRUCTION</u>	
Applicant role/title: <u>OWNER</u>	
Applicant phone:	Owner phone: <u>602-410-4444</u>
Applicant email:	Owner email: <u>KELLEYEFOY@GMAIL.COM</u>
Project address: <u>121 THIRD ST</u>	Parcel number: <u>401-08-040</u>
Describe project: <u>BULD NEW GARAGE / POLE BARN</u>	
<u>WHERE EXISTING GARAGE SITS ON SIDE OF</u>	
<u>PROPERTY - DEMOLITION REQUIRED</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: [Signature] Date: 6-29-22

Property Owner Signature: [Signature] Date: SAME

For Town Use Only

Received from: _____ Date: _____

Received the sum of \$ _____ as: ☐ Check ☐ No. _____ ☐ Cash ☐ Credit Card

By: _____ For: _____

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

Documents from Earlier Approval



Founded 1876
Incorporated 1899

Town of Jerome, Arizona

P.O. Box 335, Jerome, Arizona 86331
Charlotte Page, Zoning Administrator
Historic Preservation Officer

Office: (928) 634-7943 Fax: (928) 634-0715

c.page@jerome.az.gov

Celebrating Our 120th Anniversary
1899-2019

File
COPY

Kelley Foy
P.O. Box 1234
Jerome, AZ 86331

Re: 121 Thrid St.

APN: 401-08-040

The appeals granting preliminary approvals by Town Council in May of 2018 for an addition to your garage on Third Street have expired.

The project to expand your garage would have to be resubmitted to both Planning & Zoning Commission and Design Review Board to be considered in the future.

Signed Charlotte Page Date: 3-28-19

Charlotte Page
Zoning Administrator

Any approval is subject to limitations, including termination provisions set forth in the Jerome Zoning Ordinance. Approval becomes void if building permits are not issued within 6 months from the date of final approval. If you have any questions regarding this please contact Charlotte Page, Zoning Administrator.

Minutes of the Regular Meeting of the Jerome Town Council, May 08, 2018

ITEM #9D: APPEAL OF PLANNING & ZONING COMMISSION DECISION

Council will hear, and may act on, an appeal by Kelley Foy regarding denial on May 2, 2018, of her application to the Planning & Zoning Commission for approval of a second story garage addition.

Mayor Vander Horst said that he would allow the public to speak after Mr. Dabney and the Council have discussed this.

Mr. Dabney said that when Ms. Foy came to him originally, he requested that this structure be considered new construction and asked for setbacks, according to the Zoning Ordinance. She did provide the plans and he approved them, and then it went to Planning and Zoning. The setbacks were all fine, he said, and everything looked good. There was a discrepancy in the definition of a deck and how close the garage was. The Zoning Ordinance reads that, if there is a roof or enclosure that keeps out the elements, then the deck is considered part of the main structure. His argument was that, "If you sit on the deck in a rainstorm, you're going to get wet. A roof does not keep out the elements." He said that he did not, therefore, consider the deck as part of the main structure, and as such, she met all setback requirements.

At P&Z, the plan was denied with a vote of two "yea" to one "nay."

Mr. Dabney said that he had contacted the Town Attorney and was told that what she wanted would be okay. If she demolishes the building but keeps one wall up, it would legally constitute a remodel, and she will not lose the legal nonconforming status of the building. By building up, and not out, she is not increasing the discrepancy of that nonconforming status. He asked the attorney to provide a letter stating what they had discussed, and he asked Ms. Foy "to do a new plan so that it stays in its same spot and the footprint would not change."

Councilmember Currier asked, in regard to discrepancy, "Changing the height of a building does not affect the discrepancy? Where does that definition come from?"

Mr. Dabney said that there is no definition of "discrepancy" in the Zoning Ordinance. Councilmember Currier then asked for an example or a precedent.

Mr. Dabney said that, in one instance, a gentlemen wanted to build out and enlarge the footprint of his building. He had a legal nonconforming structure. Mr. Dabney denied that because it was taking up more of the lot and increasing the discrepancy.

Mayor Vander Horst noted that the letter from the Attorney states that Ms. Foy's plan doesn't increase the discrepancy.

The Mayor then opened the floor to the public and noted that he had a petition from Rebekah Kennedy.

Ms. Kennedy, a Jerome resident said that her petition was regarding a "big hole at the bottom of 3rd Street" that is getting bigger and bigger.

Mayor Vander Horst noted that her petition was not related to this topic.

"No," Ms. Kennedy said, "not unless her project might have something to do with extra traffic on 3rd Street." She then asked if we might put a "No Turn Around" sign at that location.

Kelley Foy read aloud a letter to the Town:

Dear Council Members and the Town of Jerome,

I am seeking an appeal regarding a remodel application that was presented to the Planning and Zoning Commission. In case you don't already know me, my name is Kelley Foy. I am a long-term resident of Jerome for close to 14 years now. I am a self-employed artist and master craftsman as well as a chef and past family restaurant owner. I have owned businesses in Jerome, I am a property owner, and I have served on the Planning and Zoning Commission as well. I am a passionate creator and fell in love with Jerome's aesthetic, history. I am committed to preserving the uniqueness of this special town.

Nearly 14 years ago when I first bought my home on Third Street, I dreamed of creating my own studio space in the existing garage so that I could someday work on my craft from my home in Jerome. I immediately went to the Planning and Zoning office in the Town Hall to clarify with the P&Z administrator at that time that my garage/studio remodel was possible and legal. It was my understanding that my neighborhood had been zoned I-1 (light industrial) for many years. The town sawmill was at one time located across the street from my home. The town's administrator at the time, Ellen, informed me that the zoning had changed but looked over my plans and assured me that remodeling and adding a second floor to my current garage was well within the town code, as long as it did not increase the existing footprint.

With a lot of hard work and 14 years later, fast forward to 2018, I came to the Town Hall once again to review my application with the current P&Z administrator with the goal of remodeling my current garage/studio, and to add a second-floor studio for my ceramic art studio, above my newly remodeled garage to continue using as my woodworking studio.

The current P&Z administrator, Kyle, was respectful, thorough, and direct. He offered to help as much as possible to see if the Town Code would permit a remodel. He suggested that I should present my application as a "new construction" and see if the Commission will accept it.

I presented the required eight (8) copies of plans and additionally included my own certified survey of the property. Although a remodel of the existing property would not require additional setbacks, I agreed to provide all setbacks under this application, including the five-foot setback of the garage from my house structure. From my existing garage/studio to the structure of my home is measured ten feet, ten inches with a six-foot, three-inch porch.

The discussion began whether the porch is included in the five-foot setback and there was some debate whether a porch or deck is an enclosure, protects you from the elements, or is included in the setback requirement.

With a majority vote, all but one member of the Planning and Zoning Commission agreed that it was reasonable to allow and voted yes. However, because there is currently only a three-commissioner board, instead of a usual majority vote, a unanimous vote was required.

Commissioner Hardie stated that, for this reason, she voted NO. The five-foot setback of my garage from my own house, required only for a 'new construction' application, was not met with this application by five inches. When this was suggested to her, she emphatically stated that it was too late because the applicant had already been denied.

I returned home to once again redraw the plans with my original intended plan to remodel my existing garage/studio and add a clay studio above within the height requirements and without increasing my current, legal non-conforming structure's footprint. At this time, the Town Attorney presented a letter for presentation at the next meeting to support that the legal way to approach my garage/studio was in fact, as a remodel.

At this point, Ms. Foy began to read from the Attorney's letter.

"I'm going to read the final conclusion he came to," she said. "'Section 501.B.2 of the Zoning Code establishes the predicate that no structure that continues a non-conforming use may be altered or enlarged in a manner that would increase the discrepancy that existed at the time that the Zoning Ordinance was adopted, between the conditions existing at the time of Zoning Ordinance adoption and the requirements of the Zoning Ordinance. Section 501.C.6 elaborates on this point – A nonconforming building may not be altered to an extent to which it would increase the discrepancy between conditions existing at the time of the adoption of this Ordinance and the standards prescribed in this Ordinance. Given the proposed modifications to the garage will not increase the discrepancy between the conditions existing at the time of the adoption of the Ordinance and the standards prescribed in this Ordinance, neither Section 501.B.2 nor Section 501.C.6 would prohibit the proposed alteration. Section 501.C.7 prohibits the alteration of a nonconforming building if the building is "demolished." This may explain why the applicant is leaving one wall in place. The applicant can argue that the term 'demolish' means to destroy totally. As a result, the applicant can argue that Section 501.C does not apply."

Ms. Foy then continued reading her letter:

On May 3, I returned to present a new application, this time for a 'remodel' of my existing garage. In this application packet, the attorney's letter was included.

The new application for remodel, under the Town Code, no longer required any setbacks. After a short discussion between the Commission, they put the new packet to a vote.

Commissioner Hardie was reminded that this was a new packet, when she mentioned that she did not bring hers to the meeting. She did not ask me any questions about the new application.

A call was made for a vote. Commissioner and Chair Lance Schall once again voted yes, additionally Commissioner Mike Parry voted yes. Commissioner Hardie once again voted no and after, read a letter she wrote prior to the meeting as to why she voted no.

Despite a majority vote on both of my applications, meeting all requirements on my second application and getting a supporting letter from the Town of Jerome's own legal counsel, I have been denied my application twice to remodel my existing garage/studio. I request that you please take careful consideration of this appeal request and grant my application to improve my property and remodel my garage/studio.

Ms. Foy went on to say, "I wanted to mention something. As someone who has served on Planning and Zoning, I'm aware there is a 24-hour requirement that anything brought to the attention in a meeting or read or included in a packet be presented 24 hours in advance. I did not know that Margie, once again, had stepped outside of protocol and written another letter requiring more things to be considered in your vote today to further postpone your vote. She wrote this six hours in advance and rather than drag this out again, because I've worked very closely with the Town and followed all of the requirements, please disregard Ms. Hardie's letter. Please make the vote today and not drag it out any longer."

Councilmember Currier said, "I should know this, but are we the Board of Appeals?"

Mayor Vander Horst confirmed that they were. He asked if there were any other public comments.

Suzy Mound, a neighbor, commented that she is "late to the game," but is just hearing about it. She said that she thought that neighbors would be informed if there was a big change. She referred to a drawing and asked if it was along Center Street.

Ms. Foy responded, "That is where the existing garage is."

Ms. Mound asked, "Is there a door there now?"

Ms. Foy replied that there used to be. It was rotting, and she replaced it with a board.

Ms. Mound said, "I'm just trying to understand. You want it as a studio. Will it have a bathroom?"

"Yes," Ms. Foy said.

Ms. Mound said, "Because it is so close to the street, to me it seems kind of towering, because it's like right there. Thank you for answering my questions."

Ms. Foy said, "It is my understanding the public meeting is not required unless it is new construction, or I would have done that."

Mr. Dabney interjected, "That's correct."

Councilmember Bachrach said that he believes our discussion here is whether it is legal or not. He said, "I thought it wouldn't contain plumbing, is that correct?"

Ms. Foy replied that it does have some plumbing already, it just doesn't have a bathroom. She said that it was in her plans.

Councilmember Bachrach said that he didn't see that in her plans.

Ms. Foy said, "This is just a preliminary plan."

Councilmember Bachrach said, "That is an important detail."

Mayor Vander Horst said, "Not for Design Review. It's exterior isn't it?"

Vice Mayor Kinsella said, "This is for P&Z. Planning and Zoning is where the placement of the building is on the property and has nothing to do with the interior."

Councilmember Bachrach asked if utilities weren't a part P&Z.

Vice Mayor Kinsella replied, "No, placement on property."

Mr. Dabney said that he had told Ms. Foy that a stove is not to be installed. He had talked with the attorney about this and that would constitute a problem.

Councilmember Bachrach asked, "There is no functioning plumbing in the building now. Is that correct?"

Mr. Dabney said that there is water.

Ms. Foy said, "There is water and an old sewer line. There is not a functioning toilet in it now."

Councilmember Bachrach commented that he thought that garage should have been torn down 14 years ago, and added that he doesn't think the height will interfere with her house.

Councilmember Currier said that he has no problem with the structure.

Councilmember Barber said, "If we're leaving one wall, it's new construction. So, I hate to be a stickler, but I believe there should be a neighborhood meeting." She said that she would like to see a picture of how tall it will be, and asked how Diane Freer felt about this.

Mayor Vander Horst stated that, legally, this is not new construction.

Councilmember Bachrach asked for clarification on the wall being moved. "Is that the existing wall?" he asked.

Ms. Foy said that no wall will be moved.

Mr. Dabney said that that was the original argument. It was determined that the footprint would stay the same.

Councilmember Currier said, "This idea of talking to the neighbors is great, but if it's not on the books, then it's not on the books."

Ms. Foy said, "It's been on the agenda for three meetings now as well. It has been public. I wasn't required, and I didn't bring it to my neighbors. The neighbors that I talked to said they supported it."

Motion: Vice Mayor Kinsella made a motion to vote in favor of the Kelly Foy appeal going against the denial on May 2, 2018 and it was seconded by Councilmember Currier. The motion passed with 4 ayes and 1 nay (by Councilmember Barber).

Jane Moore said that she had had her hand up for a question.

Mayor Vander Horst replied that they had closed the public comments.

Ms. Moore said that she had her hand up prior to that, and would like to ask a question about the vote.

"No," Mayor Vander Horst responded. "The vote is over."