



TOWN OF JEROME

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MINUTES

Regular Meeting of the Planning and Zoning Commission

Tuesday, Sep 20, 2022, 6:00 pm

CONDUCTED VIA ZOOM

6:02 (0:01) Item 1: Call to order

Chair Jeanie Ready called the meeting to order at 6:02 p.m.

Deputy Town Clerk Kristen Muenz called the roll. Present were Chair Ready, Vice Chair Lance Schall, Commissioner Jera Peterson, Commissioner Lori Riley, and Commissioner Chuck Romberger.

Staff present included Zoning Administrator Will Blodgett, Ms. Muenz, and Candace Gallagher.

6:03 (0:50) Item 2: Petitions from the public

Possible Direction to Staff

There were 2 petitions from the public prior to the meeting; Jerome residents Gregory Worth and Mandy Worth had petitioned to speak. However, Ms. Worth was not in attendance and Mr. Worth's petition was in reference to Agenda Item #4, so it was decided to proceed with the meeting and allow him to speak during the discussion of that item.

6:04 (1:44) Item 3: Approval of Minutes – Regular meeting of August 16, 2022

Chair Ready pointed out that a correction was needed in the Roll Call section of the minutes; Ms. Ready's name had been listed twice, the second reference needed to be replaced with the missing name, Commissioner Chuck Romberger. With this correction, there was a motion to approve.

Motion to approve the minutes of the regular meeting of August 16, 2022, with minor change

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

Old (continued) Business: none

New Business:

6:05 (3:17) Item 4: Seeking reapproval for Garage Remodel

Applicant: Kelley Foy

Address: 121 Third Street

APN: 401-08-040

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

Discussion/Possible Action

Chair Ready introduced the item, a preliminary review of proposed garage remodel, and stated that some people would like to speak. She said she would like to maintain structure, it's a preliminary review, as there will be additional processes, and asked that everyone please keep that in mind. Ms. Ready asked to have admin give a summary; afterward the board can ask questions and discuss the matter, then the board will take statements from other people. She asked that, if you do want to speak, please raise your hand so we know who to acknowledge.

Commissioner Jera Peterson asked if the petitions from the public will wait until after the applicant speaks?

Ms. Ready replied that if they were separate issues, we would handle it in a different order.

There was some additional discussion as to how to proceed. Ms. Peterson agreed that the petitioners be given the normal 3 minutes to speak, and Ms. Riley stated that she would prefer to have the summary read first. Mr. Blodgett was invited to read his summary.

Mr. Blodgett said that there are a number of questions and concerns raised by many people. He said he would first like to acknowledge one mistake in part of the preliminary review and that we can address these issues before a final review. Mr. Blodgett said there was a mistake with the median grade calculation, which was based on the parcel should be based on the building footprint. If we proceed, one condition can be to recalculate based on the Zoning Ordinance before coming back for final review. Secondly, the garage is an existing garage and applicant wishes to demolish it and rebuild another on the existing footprint, which was an existing nonconforming structure and existed before the 1980s garage that is there now. It's where the building sits, the foundation and retaining wall, that's important for this process. The existing garage was rebuilt after previous one burnt down. Mr. Blodgett said he will verify with the applicant on whether the foundation and wall is historic, and this has added to complexity of the issue. Mr. Blodgett explained that the current Zoning Ordinance, that covers thresholds in remodels, has no set standard of percentages, or amounts maintained, to count as a remodel. Some thresholds can be as high as 50%, some are as low as maintaining 1 wall. We are thinking about nonconformity and a footprint that existed long before the current building. He asked, did the garage rebuild in 1980 go outside the current footprint? Mr. Blodgett explained that the remodel is hinging on this fact: using the existing footprint over the nonconforming footprint; that is what our consideration is. He said he will be digging into the archives to verify this before making a determination. Mr. Blodgett also said

that some of the terminology used has been an issue. The term 'reapproval' is not meant to be binding, it is meant to convey that the project is under review again, we need to remind ourselves that this project has previously been through parts of the process. Also, previous packets were large and confused the matter, so the current packet has less information to be less confusing.

6:17 Again, Mr. Blodgett reminded everyone that this is a preliminary, conceptual review, and is not going to end in a building permit as there are more steps to undergo. He said the process to get preliminary approval first makes sense for the applicant, because of the way the contractor releases information. The building proposed is colloquial called a pole barn, but this is not a great use of term because it sounds agricultural. It is essentially a post construction with siding; posts are sunk into the foundation and siding is attached to the posts. The term is used for the style of construction. Mr. Blodgett said that height is an issue; he needs to be sure the measurements are taken from the correct place on the building to create a median. After recalculating, the measurement may be well above the lowest part of the property, so it needs to be double-checked, but it also may not be different than what is currently in the packet. Another concern he addressed is the potential for occupation. He explained that Jerome does not allow occupation in a detached accessory building, and he has no concerns that it will be used as a dwelling unit. Should the applicant try to make it into a short-term rental, the town would deal with it at that time. One positive that everyone can agree on, is there's a town sewer line under the site and, if it is exposed, the town could potentially access it to repair and upgrade. The elevations and site lines were provided by the applicant and are conceptual; we'll have more once the contractor provides it, and that info will replace the preliminary info with more detail. Mr. Blodgett explained that he is also looking into the historical side of this as well. He said, when we look at the site, all the uses surrounding it are the same, there are no conflicting land uses. Mr. Blodgett said he hoped the Commissioners would agree that the packet contained good photos of site and surroundings as some he took himself. He also intends to search for more historical photographs to add to the packet should this pass preliminary review. Mr. Blodgett expressed hope that his brief overview and summary addressed to the applicant.

(21:39) Ms. Ready thanked Mr. Blodgett for his summary. She said one of the major questions about the project is, is it a new project or a renovation? She said she understood the footprint argument, that you are still nonconforming, but how does expanding the height affect that? I need more guidance on the issue and was hoping that I would get more guidance on it from the Zoning Ordinance, but it is not clear. She said she is looking for something to convince her one way or the other.

Mr. Blodgett said it was something he was looking into because the Zoning Ordinance doesn't define renovations or remodels. He said there are sections of the ZO that say nonconforming structures cannot be enlarged when rebuilt. When it comes to renovations, enlargements are permitted. We are a historic district and, as such, fall under historic preservation laws and Secretary of the Interior's guidelines. The question is, because we don't have guidance in the ZO, we must verify that we have a historic foundation. If we have a historic foundation, incorporating that historic wall as well, that could be satisfactory. Mr. Blodgett explained that we do have a preliminary approval from Council in 2018, but that approval has expired. When they voted, they chose to accept that project as a remodel using that same standard of threshold. He wanted to carry on with same standard of threshold, he asked if that explained the situation more.

Ms. Ready replied, somewhat, to the extent there's a historic foundation, and to preserve it you must build on the same footprint. She said, since I don't have anything in the ZO to guide me, historically, how has the town treated this situation? Have there been similar situations in the last 10 or 20 years? She asked if the other Commissioners might have more experience.

Ms. Peterson wanted to say that, back in the day, the zoning was light industrial. She felt, due to the nonconforming status, height would increase the size. She said that the limit must be 14 feet.

Mr. Blodgett said he will work with the applicant to determine the correct height.

Ms. Peterson wanted to point out that in the application, it says demolish and if you demolish, you must conform with setbacks.

Mr. Blodgett said that demolition can be a part of many processes, but it's not the whole process. It won't be considered as demolished if the historic footprint is verified, it will be considered a remodel.

Commissioner Lori Riley asked, does this go back to the fact it has a historic foundation and that's what saves the setbacks?

Mr. Blodgett responded, yes.

Ms. Ready said that was how she saw it too.

Ms. Peterson asked about the height again and Mr. Blodgett responded that the height itself isn't in question, it was the metrics used to calculate the median height and we will get that fixed. The 14-foot height is the maximum allowable height, the applicant is aware of this, and we will work with the applicant to recalculate.

Ms. Peterson said again that the garage was originally in industrial zoning, and now it was in residential, so it must comply with residential zoning regulations.

Mr. Blodgett said that he understood that, and there is no part of the building that is industrial. He said we have a lot of different types of uses that have been kept and retained their historic, nonconforming footprints despite undergoing adaptive reuses.

Of the original approval, Ms. Peterson said, "I'm in belief that once it expires, it starts all over again."

Mr. Blodgett confirmed that is why we are here.

6:36 (32:00) *There was a temporary pause in the meeting due to technical issues.

The applicant, Kelley Foy, asked Mr. Blodgett if he can confirm that height does not increase the nonconforming amount in the ordinance.

Mr. Blodgett responded that according to the town attorney, in terms of setbacks, increasing the height does not increase the discrepancy. What it's specifically referring to are changes to the 2-dimensional setbacks.

The applicant's associate, Leta, thanked Mr. Blodgett for the summary. She asked for clarification on the site in the Jerome ordinance regarding moving past the physical, existing footprint.

Mr. Blodgett it was not related to the project, it was just the potential that the garage, when it was rebuilt after it was burnt, moved beyond the historic footprint. He said, for the sake of being accurate I'd like to settle it.

Leta asked, would you do that through town records.

Mr. Blodgett said he will get help from the Historic Society and the homeowner using photographs, records, maps, and looking at the site itself to make a determination.

Ms. Peterson asked to address the nonconforming situation; she then read a section of the Zoning Ordinance regarding prohibiting enlargements of discrepancies. She said that she felt an enlargement would include height.

Mr. Blodgett replied that it was the town attorney's opinion that increasing the height does not increase the discrepancy, the ordinance is referring

to the two-dimensional footprint.

Ms. Ready said that it does state that if the height increases the discrepancy, it's a problem. In response to Ms. Peterson, Ms. Ready replied that she felt that the enlargement was more of a set-back issue.

Ms. Peterson said there was no information stating what the attorney interpreted. She stated again that her interpretation is that when you are going higher you are enlarging the structure and it does change the discrepancy.

Mr. Blodgett explained that as the town's Zoning Administrator, he must follow the legal advice of the town attorney.

There was some continued discussion about the historic footprint of the structure and the differing interpretations of the Zoning Ordinance.

(39:02) Ms. Ready asked what would happen if the historic foundation is different than they thought it was.

Mr. Blodgett responded that if they determine the historical footprint does not exist, there are a couple of options. The applicant can make changes to the plans to meet set-back requirements, and she also has the option to withdraw or appeal. He said that, if the footprint is not there, a redesign of the project would suffice.

Ms. Peterson asked what would be considered historical.

Mr. Blodgett explained that typical standards have a cutoff date of about 50 years; those are the federal standards that we must follow. A garage built in the 1970s would count, however, we do know there were buildings there far before that. We must trace what building existed where and when.

Ms. Peterson commented that there used to be houses all over and if we allow for everything historic to be nonconforming there would be houses all over.

Mr. Blodgett replied that our town was designed with small setbacks, and this is something that we occasionally must deal with. In the instance of a new house construction, it would not fulfill setbacks. With existing, historic structures, we can find ways to mitigate concerns and work with the applicants.

Ms. Peterson asked if, to go with the historic footprint, part of the existing building must remain.

Mr. Blodgett said that we must be careful as to what we define as the building. What we are talking about preserving is the historic wall in the back and the historic footprint that is under the existing concrete.

Ms. Ready asked if the applicant would like to speak.

Ms. Foy asked to clarify that what they are asking to maintain is the existing layout of the building. They are not keeping the concrete; they are keeping existing footprint and historic wall. She said in the application packet, there is a demolition application.

Mr. Blodgett reiterated that what we're concerned with is the historic footprint and the concrete wall. We have no thresholds, but many places have a one-wall policy that counts as a remodel or renovation.

Ms. Ready asked if there any more questions from the commissioners; seeing none she asked the applicant if she would like to make her presentation.

6:50 (45:45) Ms. Foy said she would like to talk about it and asked to be able to respond to questions from the public. She mentioned the drawings included in the application and said the plan as well as the median grade is based on the physical location on Third Street. It's a garage, it was approved previously, and she was hopeful that with more modern materials that are fire-proof it would be a straight-forward approach. She said there's always a new angle to consider, but what we need to look at is that we have applied based on the ordinance, and we tried to make it historically compatible. Ms. Foy said it would be useful and it makes sense on the property. There's an architectural drawing to give you a sense of the scale. She said they also adjusted the height based on the updated Zoning Ordinance and would like that to be considered. She said she was happy to take questions and thanked the Commission.

Ms. Ready said she had one comment on the median grade, the ordinance does state to calculate based on the grade under the structure. She said it does need to be recalculated.

Ms. Foy responded that it was the first time she heard this interpretation of median grade. She had always interpreted it based on the median grade of the home from the front. Ms. Foy said that, before a neighbor mentioned that was a new way, she had never heard about recalculating it. She said she would like clarification on where that is in the ordinance.

Mr. Blodgett said he would be happy to send info to her. Again, it was a concern brought to him by many people and he determined they may be using the wrong metrics.

Ms. Foy said she can confirm that her house is on Third Street and the median grade is based on that.

Mr. Blodgett explained that the high and low points need to be based on the footprint of the building, not entire parcel. We will adjust these things as the ordinance requires.

Ms. Foy said, I have been through this process, and on these boards. She wanted to note that because there are so many misunderstandings, she brought in a Land-Use attorney that understands these ordinances and she will be seeking her feedback throughout the process.

Ms. Ready stated that if you look at the article 2 definitions, under section 201 "accessory building, height of," it specifies the grade is under the enclosed structure.

Ms. Peterson said also, under accessory building, a detached accessory building shall be constructed at a height not greater than 14 feet to the peak of the highest point of the roof. It is an accessory building.

Mr. Blodgett said the applicant has always been striving to achieve that 14-foot maximum, however the calculations may have been incorrect, but that can be fixed.

Ms. Ready asked the Commissioners if they had any further questions or comments.

Mr. Blodgett said that he would like to add one more comment. There were concerns raised by Chief Blair from the Fire Department and we have spoken about it. The building going in will be a metal sided building, I don't think you can set that on fire, a stick-built building is much more flammable. We talked about the requirement of a firewall installation, but a metal building doesn't need that protection, a firewall would increase flammability. His other concern was the possibility of collapse, but the style of construction will have significant footings sunk into the foundation. Again, should this be preliminary review be approved, all final plans will be looked at by Chief Blair.

6:59 (55:00) Jerome resident Greg Worth spoke. He said a lot of his concerns have been addressed. In August and September, he provided 2 letters to Mr. Blodgett with questions about the project. Mr. Worth said he thought we were going for final approval tonight, so most of the questions were directed at things he thought were missing for a final approval. He asked to have his letters included in the packet so that everyone

can see and respond and wanted to say that he wasn't opposed to the construction but would like done properly. He also wanted to point out that the project was not approved before, but it had gone through the process before. He said it had been rejected by P&Z and DRB, then it was appealed to Council and was issued a preliminary approval based on meeting conditions. He said conditions were never met and later, a letter was sent indicating that approval was expired.

Ms. Ready thanked Mr. Worth for participating. She asked if there were any questions for Mr. Worth or other commentary. She also wanted to say that everyone is interested with this structure being improved, and we're all on the same page that we want it done right. Ms. Ready said she understands that, to maintain the historic footprint, it must stay in that footprint to preserve the existing nonconforming status. She is interested to see what happens with the height in relation to corrected parameters. Ms. Ready said we can approve with conditions that need to be met, so she would appreciate feedback and proposed motions from the other board members.

Ms. Foy asked to address Mr. Worth's concerns. There was a denial by P&Z but there was also an approval. She had a letter for both, and they were conflicting, and it was confusing. She wanted to be clear that there was an approval, it was a preliminary approval. She is excited to hear that we care about the structure, and the goal is to make it a good structure.

Ms. Ready stated that, regardless of the history, we are here today for a new application.

Ms. Peterson asked Mr. Blodgett about the roof, she was confused by it changing to be more historic but improved.

Mr. Blodgett replied that we don't want to make a facsimile of history, because that is frowned upon, but we do want to keep a historic aesthetic intact. This ensures that even a new building can maintain the historic aesthetic for the neighborhood.

Ms. Peterson asked if the guidelines are that it must be a similar material to the historic neighborhood.

Mr. Blodgett said, yes, and Jerome had a lot of metal-sided buildings.

Commissioner Lori Riley commented that if this is going to be a 2-story building at 14 feet maximum, each level won't be very tall. She said she did not see elevation details for how tall the garage would be as opposed to the upper area.

Mr. Blodgett explained that the final building construction plans will have these details. It will be up to code and addressed by the building inspector and if not to specifications, it will not be approved until changes are made. The process itself should take care of itself, that is part of final site plan review.

Ms. Peterson asked, so are we just in preliminary discussion?

Mr. Blodgett said, yes, this is just conceptual approval. Final approval will be based on conditions to be met such as verifying the accuracy of the historic foundation.

Commissioner Lance Schall pointed out that the height calculation is based on an elevation which, due to the grade, is slightly above the garage doors. That height is what is in question based on what the grade is, so it may be necessary for the plans to change.

Ms. Ready asked, does this project also go through a design review for additional review?

Mr. Blodgett replied, absolutely.

Ms. Peterson asked if it would then go before Council.

Mr. Blodgett said that will depend on certain factors, there are several potential outcomes.

Chair Ready asked if there were any other petitions from the public and Mr. Blodgett said there had been one from Mandy Worth, but she was not in attendance.

Mr. Worth explained that Mandy declined to speak, as her questions were answered in the process. He said he would like to know when to expect the information to be posted for the final review so that he can plan to attend.

Mr. Blodgett replied that final review process won't begin until he has received the final application. A preliminary approval will start the process with the applicant, who will get the information from the contractor. Once he has received it, he will review it, and then establish a timeline. He said he will try to notify everyone in a timely manner.

Mr. Worth asked, what does preliminary review mean?

Mr. Blodgett explained, it's a conceptual review. He said Mr. Worth's process was probably different because preliminary review was handled in-house. They felt wasn't necessary for additional review at that time, so then sent to final review, which is permissible per the Zoning Ordinance. He said it is also permissible to do the preliminary review in a public format such as we've done here, which we have done to get comments and feedback from the public.

7:19 (1:10:50) *There was another temporary pause in the meeting due to technical difficulties, after which the meeting resumed.

Mr. Worth repeated that he was asking about the preliminary review process before the pause.

Mr. Schall explained that typically what we do with a preliminary is get a rough outline of the project defined before the applicant spends a lot of money on the architect and so on. With your [Worth's] project, you knew a lot of that beforehand, and moved directly to final review. With a situation like this, the applicant may want to get a general idea before spending the money.

Mr. Worth responded, so I took a risk because I spent about 15 grand before getting to that final meeting. He said he understood and thanked him.

Ms. Ready asked if there were any other comments or questions from the board or attendees. There were no responses. She said that she would like to make a motion to give preliminary approval on the application with the conditions that the height of the structure be recalculated based on the correct parameters and that we verify the historic footprint of the structure.

Mr. Schall seconded the motion for approval with conditions.

Edit: Ms. Ready asked if there were any opposed to the motion.

(1:15:50) Ms. Peterson voted nay. She then said her reasoning is that until everything is brought forth it might change completely if the wall is a different age or is not historic. She said there is so much to say that approving it doesn't make sense.

- At the November 15, 2022, regularly scheduled meeting of the Planning and Zoning Commission, Commissioner Peterson asked that her comment to explain her vote be added to the minutes.

Ms. Ready responded that we cannot get to that stage until we have gotten past this one. She said that she thinks we have the vote and asked if all the responses had been registered.

Ms. Peterson said that she doesn't understand voting and approving it if we don't know about the height and if the wall is historic. She said, "so, that changes everything if it's not historic, it's a new build and then the setbacks are different and everything, so I'm voting no."

Ms. Ready responded that she was entitled to her vote.

Motion to approve the preliminary review of the application for garage remodel with the conditions that the height of the structure be recalculated based on correct parameters and the historic footprint be verified

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

Meeting Updates:

7:24 (1:17:07) Item 5: Updates of recent and upcoming meetings

- **Tue Aug 09 Council regular meeting-** Approved resolution No. 644 (regarding tax valuation of property within the Town) and approved an agreement for professional engineering services for the wastewater treatment plant. Approved renting a town property to a town employee and approved two special event permits, one for "Art in the park" and the other for "Jerome indie film & music festival". Council approved a CUP for continued residential use at 511 School Street.
- **Tue Aug 23 Council special meeting-** Approved resolution no. 645 (declaring and adopting the results of the primary election) and appointed Sonia Sheffield to fill council vacancy and administered the oath of office.
- **Tue Aug 23 DRB regular meeting** – Meeting cancelled, no items.
- **Tue Aug 30 P&Z special meeting** – Meeting postponed to the September regular meeting.

Mr. Blodgett read updates of recent and upcoming meetings to the P&Z Commission.

7:25 (1:18:34) Item 6: Potential items for September's Planning & Zoning meeting, Tuesday Oct 18, 2022 – Nothing currently Planned

Item 7: Adjourn

Motion to adjourn at 7:25 p.m.

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

Approved:


Chair Ready, Planning & Zoning Commission Chair Lance Schall, Vice Chair

Date:

1/17/2023

Attest:


Kristen Muenz, Deputy Town Clerk

Date:

1/17/2023