



TOWN OF JEROME

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

Special Meeting of the Town of Jerome

DESIGN REVIEW BOARD

Thursday, February 09, 2023, 6:00 pm

At 600 Clark Street

AGENDA

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Design Review Board and to the general public that the Design Review Board will hold the above meeting in Council Chambers at Jerome Town Hall. Members of the Design Review Board will attend either in person or by telephone, video or internet conferencing. The Design Review Board may recess the public meeting and convene in Executive Session for the purpose of discussion or consultation for legal advice with the Town Attorney, who may participate telephonically, regarding any item listed on this agenda pursuant to A.R.S. § 38-431.03 (A)(3).

Item 1: Call to order

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 speak into the microphone, state your name, and please observe the three (3)-minute time limit. No petitioners will be recognized without a request. The board's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.

Possible Direction to Staff

Item 3: Approval of Minutes: Minutes from the regular meeting of Tuesday, January 24, 2022.

Discussion/Possible Action

Continued Items/Old Business:

Item 4: Executive Session with Town Attorney to discuss the Demolition Permit process.

Item 5: Seeking Approval for new Sign

Applicant/Owner: Lizabeth Lord / Flagg Properties

Zone: C-1

Address: 405 Hull Avenue

APN: 401-06-020

Applicant is seeking approval to install a new projecting-hanging sign for the opening of their new business.

Discussion/Possible Action

Item 6: Seeking Approval for Demolition permit for the historic "Tamale Lady's House".

Applicant/Owner: Crested Construction / McWhirter Robert James & Huerta Maria Regina Trust.

Zone: R1-5

Address: 21 North Drive

APN: 401-11-008

Applicant is seeking approval to demolish the house at 21 North Drive.

Discussion/Possible Action

New Business:

No items

Meeting Updates:

Item 7: Updates of recent and upcoming meetings

- February 14 regular Council meeting- To be held.
- February 21st regular meeting of Planning & Zoning Commission – To be held.

Item 8: Future DRB Agenda Items for Tuesday, February 28, 2023: TBD

Item 9: Adjourn

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before 6:00 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

Regular Meeting of the Town of Jerome

DESIGN REVIEW BOARD

Tuesday, January 24, 2023, 6:00 pm

Via ZOOM

DRAFT MINUTES

6:17 (0:02) Item 1: Call to Order/Roll Call

Vice Chair Tyler Christensen called the meeting to order at 6:17 p.m.

Deputy Town Clerk Kristen Muenz called the roll. Present were Vice Chair Christensen and Board members John McDonald, Mimi Romberger, and Carol Wittner. Chari Brice Wood experienced technical difficulties but was able to join the meeting at 6:24 p.m.

Staff present included Zoning Administrator Will Blodgett and Deputy Clerk Muenz.

Members of the public present included Scott Hudson of Copperstar Remodeling and Mac, a Contractor of Crested Construction.

6:18 (0:53) Item 2: Petitions from the public – There were no petitions from the public.

Possible Direction to Staff

6:18 (1:01) Item 3: Approval of Minutes: Minutes from the regular meeting of Tuesday, November 25, 2022.

Discussion/Possible Action

Motion to approve the minutes of the regular meeting of November 25, 2022

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD	X		X			
ROMBERGER		X	X			
WITTNER			X			
WOOD					X	

Continued Items/Old Business:

No Items

(1:41) Before discussing Item #4, Mr. Christensen said he would like to make a motion to move Item #8 up on the agenda, taking place after item numbers 4, 5, and 6.

Motion to move up Item #8 on the agenda to take place after Item #6

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN	X		X			
MCDONALD		X	X			
ROMBERGER			X			
WITTNER			X			
WOOD				X		

New Business:

6:20 (2:25) Item 4: Seeking Approval for New Signage

Applicant/Owner: Lizabeth Lord / Flagg Properties

Zone: C-1

Address: 405 Hull Avenue

APN: 401-06-020

Applicant is seeking approval to install a new projecting-hanging sign for the opening of their new business.

Discussion/Possible Action

Vice Chair Christensen introduced the item: new signage by applicant Lizabeth Lord in the C-1 zone.

Zoning Administrator Will Blodgett explained it is a new business going into the location at 405 Hull Avenue that was previously the Rickeldoris candy shop. The applicants are seeking approval to install a projecting sign and a window sign, which our ZO calls a wall sign. He said the wall sign will be applied to the main window of the façade; it will be professionally designed and printed, and the graphic is shown in packet. It will be a vinyl decal with the dimensions of 5.3 ft by 2.3 ft, a total of 12 sf, which is well within the maximum of 16 sf. The 2nd sign, a projected hanging sign, will be laser cut MDF wood with the dimensions of 3 ft by 3ft, 9 sf of surface, which is also well under the 16 sf max. Pictures of the building show a photoshopped image of the window sign in relation to the windows. They also photoshopped an image of the projecting sign in place, utilizing the existing sign mount. Mr. Blodgett asked if there were any questions.

Mr. Christensen asked, looking at the image of the single-word window sign imposed over the mullioned window, if the "ghost" will be on one side of the window and "flower" on the other.

Mr. Blodgett said that the applicant had not given him that specific information. Mr. Blodgett asked if anyone was present on behalf of the item but he applicant was not present at the meeting.

Mr. Christensen said his other question was regarding to second sign. If it was wood, would it be a vinyl decal on top of the wood?

Mr. Blodgett replied that he believed it would be a vinyl decal applied to the wood and sealed.

Mr. Christensen asked if it would be possible to get some clarification on how exactly the window decal would be divided amongst the panes. He said that if they must cut it in half, it looked like it would be okay.

(6:24) At this point in the meeting, Chair Brice Wood was able to join.

Chair Wood said he had a question. He said that it looks like the window facing the street has a mullion and the graphic goes right over it. He asked, how does that work?

Mr. Christensen explained that he had the same question, and the applicant was not present. We assume the word would be divided in two, but do not have a final answer on that.

Mr. Wood said he had concerns about the stability of the projecting sign because it can be windy in that location and wanted to know if the applicants had taken that into account.

Mr. Blodgett responded that the existing mount was previously in use; if the previous sign did not have any issues, there shouldn't be problems with this one. He added that nature can take its course and we can adjust it needed.

Board member Carol Wittner asked if we should wait until we receive more information.

Mr. Wood replied that we can table items, and wait for input from the applicant.

Ms. Wittner asked if that was what Mr. Wood would like, and he said that we should table this.

Motion to table the item for clarification on the placement of the window sign

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD			X			
ROMBERGER			X			
WITTNER		X	X			
WOOD	X		X			

6:28 (10:42) Item 5: Seeking Approval for new Garden Signage

Applicant/Owner: Town of Jerome

Zone: C-1

Address: 301 Hull Avenue

APN: 401-06-015

Applicant is seeking approval to post a permanent garden sign in the Town of Jerome community garden.

Discussion/Possible Action

Mr. Christensen introduce the item, a new sign in the C-1 zone, and said with the applicant being the Town of Jerome, he assumed this was a courtesy review.

Mr. Blodgett confirmed the sign was for the community garden, and as he was not certain the garden had its own organization, he filed the application for review under the Town of Jerome. He said that if you look at the image in the packet, you will see a beautiful sign created by Mimi Romberger. Mr. Blodgett said there were two proposed locations for mounting the sign. One option is to mount on a shed that has yet to be approved, but there is intention to place a shed there. The other option would be to mount it on the fence. The dimensions are well within the max square footage requirements of the ZO. He also explained that it is not fully a rectangle, because of the corner containing the image of a bird.

As the creator of the sign, Board member Mimi Romberger explained that she had used wood that she had on hand, that is why she put the bird in there for fun. She said it has been sealed with 3 coats of water sealant on both sides and it was of 3/4-inch plywood painted with acrylic.

Mr. Christensen commented that it looked good, and he liked it.

Ms. Wittner said she loved the sign and thought it looked great.

Mr. Blodgett asked if there were any questions or comments.

In reference to location, Mr. Christensen said he would prefer it mounted on the fence, he felt that would be more visible.

Ms. Wittner responded that she agreed.

Mr. Christensen asked if the other board members agreed and Mr. Wood replied, yes.

Ms. Romberger said that she personally preferred the fence as well.

Mr. Christensen asked if there was a motion.

Board member John McDonald made motion to approve the sign as presented at to mount it on the fence.

Ms. Romberger asked to abstain from the vote because she had created the sign.

Motion to approve the new Garden Sign as presented with recommendation to mount on the fence

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD	X		X			
ROMBERGER						X
WITTNER		X	X			
WOOD			X			

6:32 (15:19) Item 6: Seeking Approval for new Garden Tool Shed.

Applicant/Owner: Town of Jerome

Zone: C-1

Address: 301 Hull Avenue

APN: 401-06-015

Applicant is seeking approval to build a tool shed for the Town of Jerome community garden.

Discussion/Possible Action

Mr. Christensen introduced Item #6 and said that the applicant is the Town of Jerome, and this will be a courtesy review. The applicant is seeking approval to build a new shed for the community garden.

Mr. Blodgett explained that the previous Zoning Administrator had been working with a resident to come up with designs for a shed, but this was not that shed. This is prefabricated shed, akin to a vinyl shed for an average yard. He said that he does have the first shed paperwork and designs, but he did not include them in the packet because this is what was presented to him by Councilmember Sage Harvey. So, there is an alternative option if this not approved. This shed is 8 ft by 4 ft and is called a lean-to style. It comes with a foundation, but it must be assembled. Mr. Blodgett explained the purpose of the shed would be to secure tools and equipment intended to be used in the community garden.

Mr. Christensen said he was curious about to know what the foundation was made of.

Mr. Blodgett said that it looks like an aluminum frame that you drop particle board into, but he can't confirm that from the specs.

Mr. Christensen said that he had also looked at the specs and the main thing that caught his eye is that the product weight was 126 pounds. He asked if we knew the cost of the shed.

Mr. Blodgett responded that he did not know.

Mimi Romberger said that she believed the cost was under \$1,000.

Mr. Christensen continued, the material is vinyl, the weight is 100-plus pounds, everything is made of plastic, including the roof. Looking at pictures of the door, and having assembled similar sheds in the past, he would say it is not a secure shed and is probably vulnerable to vandalism. He commented that if he was motivated, he could see pulling the door hard enough to open, even with a locking mechanism. He said he felt it would also be possible to pry the walls apart.

Mr. Blodgett asked, if the Board would like to table the item, if we would like to have him add the information for the design of the other shed.

Ms. Wittner replied that she thought we should do that.

Mr. Christensen said that he does like the lean-to style, except for the materials, the weight, and the fact that it doesn't seem secure. He thought that plastic would not fit in that area and if it were wood or metal, or a combination of those two, it would be much better. Also, though it is described as wind resistant up to 100 mph, he could not help but feel it could be torn apart. If it was okay with the Board, he would like to make a motion to table the item and request other options.

Ms. Wittner said she would second that.

Jerome resident Mark Krmpotich said we should look into having a concrete pad. Because of the weather here, he said a shed should be bolted onto a concrete pad.

Ms. Wittner replied to Mr. Krmpotich that she agreed.

Ms. Muenz asked to add a comment from personal experience. She said without a level foundation, the doors will not stay shut on a vinyl shed.

Mr. Krmpotich responded that would be the reason for a concrete pad, with metal anchors, for whatever design we have.

Mr. Christensen agreed that it did not seem strong enough.

Motion to table the item with direction to staff to gather information on a second option

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN	X		X			
MCDONALD			X			
ROMBERGER			X			
WITTNER		X	X			
WOOD			X			

6:43 (26:13) Item 7: Seeking Approval for Demolition permit for the historic "Tamale Lady's House".

Applicant/Owner: Crested Construction / McWhirter Robert James & Huerta Maria Regina Trust.

Zone: R1-5

Address: 21 North Drive

APN: 401-11-008

Applicant is seeking approval to demolish the house at

Discussion/Possible Action

Mr. Christensen introduced Item #7, an application to demolish a house. He asked Mr. Blodgett for an update.

First, Mr. Blodgett wanted the board to know that Building Inspector Barry Wolstencroft wished to take part in the meeting but had been unable to. He went on to explain that the Tamale Ladies house, while historic, is falling apart and is proving to be a health, safety, and fire hazard. Fire Chief Blair and Barry Wolstencroft both agreed that it poses those risks; in fact, many months ago, he and Mr. Wolstencroft talked about recommending condemnation for the building. He said the property owners reached out through the contractor, Mac, and asked that the property be demolished and then rebuilt. Mr. Blodgett said that he did not believe it would be rebuilt to the Federal requirements of a reconstruction; however, those designs have yet to be made and they are proceeding one step at a time. As it is, there is very little that is salvageable, perhaps some exterior treatments that could be used for the façade and maybe décor. Mr. Blodgett acknowledged that the house itself is famous. He said he looked, but did not find a property inventory survey from the Arizona Historic Properties for that building, so he and Scott from the Historic Society have discussed this and, if one is not found, he will make one. He said that he has already gathered some basic information and photographs of the exterior of the building and will continue to do so as the demolition progresses, which from what he understands will be more of a methodical dismantling. He asked Mac if that was correct.

Mac, the contractor representing the project, replied that it will be as safe as they can do it.

Mr. Blodgett added that Mac has kindly agreed to allow him to gather more information and historic date so that he can get all the historic gather he can gather for archaeological record standards. He said we will know open the item for discussion.

Ms. Wittner said it breaks my heart to see that building go down, especially with the history and the Tamale Ladies. She said she understands

what is going on, but it is a heartbreaker.

Mr. Wood said that he agreed with Ms. Wittner. He said we are a national historic monument, we are supposed to preserve things, not tear them down. This building was occupied recently, that it isn't on the historic survey is irrelevant, we know the people who lived there. Mr. Wood said that what he would like to do is table this progress so that we can have some other considerations. One of which, is that he would like to see what is going to be put in its place, if that is what happens. Also, he would like time for the community to hear about this. He said this will be a big issue in town, we are historic, so this is not trivial; we need further information about what will happen. He said we need drawings. This is one of a dozen buildings in Jerome, and Mr. Wood said that he has seen worse restored, fixed up, and made livable. He expressed amazement that Chief Blair said it was a hazard. He would like to put this off until we know more of what the plan is. It is easy to destroy something, if that is what we are going to do, but it is not that easy to put something in that will look appropriate for our historic town.

Mr. Blodgett briefly responded that, in terms of the final building that is going to be there, it shouldn't weigh-in with our decision at this point. Technically, if the property owner was worried about the fire and health hazard, they could demolish it simply to remove the liability the building is accruing without ever replacing it, and they would be well within their legal rights to do so.

Mr. Wood said that obviously we are having this discussion because you need a permit to demolish a building.

Mr. Blodgett answered, yes sir.

Mr. Wood continued by saying the fact that they, through neglect, have been demolishing this building is perhaps something we should look at; this is irresponsible. He said that he does not understand it being "non historic."

Mr. Blodgett replied that we are not saying it is not historic, we are just saying the record is not there, so we are going to rectify that. He said that he understands it has great local, cultural significance, that is not lost on him, but from planning perspective, and the health and safety perspective, these are things he must consider. Even though we are a federally protected archaeologic district, historic buildings and archaeology do not have to be in a time capsule. If something needs to be destroyed all it means is that there are requirements for data collection and gathering so that the information survives. As long as we follow all the requirements from a historical perspective, as heartbreaking as it is, they are well within their legal rights to demolish the building and even leave a vacant lot simply to remove their liability. Mr. Blodgett said that the time for it to have been rehabbed was probably 10 or 15 years ago. As to the particulars of how bad the interior is, Mac could probably give you a better description.

Mac said that the whole objective is to rebuild the structure. Externally it will be redone with metal very similar to what is there. He explained that it can't be exact because that metal is not made anymore, but it will be wrapped in metal and structurally almost a replicate. From talking to the homeowners, he understands it will be just a little bigger and still multilevel. He said structurally, the building is not sound. He said he has been in it a few times, and is not sure how to structurally support it in a manner to leave it all there and rebuild it like he has on a Center Street house. He can't figure out a way to do it without someone getting hurt, because everything is so rotted, and worn out, it is not safe at all.

Mr. Christensen thanked Mac, and said he had a couple of questions for Will Blodgett. He read from a portion of the Property Standards, subsection B, that the Design Review Board can postpone for up to a permit for up to 180 days. He asked if that was correct.

Mr. Blodgett said that is correct.

Mr. Christensen said that he thinks we should take full advantage of that time. This board would like to see multiple things, and what he would like to see in writing from the Fire Chief and Building Inspector, the fire hazard, and structural problems, so that it is on the record. Also, depending on how appropriate it is, a letter of intent from the contractor or owners. We would like to see some drawing of what this building will look like.

Mr. Blodgett commented that we need to be careful, we are reaching too far with that requirement on this aspect. We cannot take into account what they are going to do in the future for this particular consideration because the projects are not connected at this time.

Mr. Wood asked to speak. He said that in 1979, he bought the Rosie Salas House above Main Street. That house was condemned, and he bought it for \$10,000. It had been saved through community action; it was due to be torn down and enough people from Jerome took action that they could not do that. He suggested that could be another possibility, and said that house had at least the structural issues you see here. It was a lot of work, but it is a perfectly good house that was the piano teacher's house in those days. This was the Tamale Ladies' house; these things have history. He said he has seen restoration for worse. Mr. Wood said we need to see what the plan is.

Ms. Wittner said she also agreed with that, we should see more.

Mr. Christensen said we definitely want more details. He knows we cannot go into full plans, drawings, and numbers but he would like to know what the materials will look like, how many stories will it be, and how much bigger in square footage by percentage.

Mr. Blodgett responded that the problem is, while that might be the intention of the homeowner in the end, the project that is in front of us, legally, is the demolition. We need to keep our minds focused on the fact that this is the legal issue in front of us and that the new construction, as a separate project, is not in front of us yet, so we can't consider it at this point. We need to talk about the demolition and whether we want to allow it to proceed or whether we want delay it and what we would like to see happen if it was delayed. Mr. Blodgett explained that we must stay narrowly focused on this.

Ms. Wittner said she does not think we should demolish the building yet.

Mr. Christensen agreed, and said he would like to see, in writing from the Fire Chief and Building Inspector, so we have it on record, and it is not just word of mouth. We would like to take all steps at our disposal to delay demolition and make sure we are doing our due diligence to preserve as much as we can.

To which, Ms. Wittner said yes. She asked, should we make a motion?

The contractor, Mac, said what he does know is that the structure will be rebuilt, he is under contract to rebuild the structure. In order to do that safely and in a manner that does not cause harm to himself or anyone who works for him, or create any issue with any neighboring properties or City property because of its location, it needs to be taken down to be rebuilt. He said that is no way to safely do that right now. From what he has been told, there is a hole in the roof that has been there 10 to 15 years and all the water and exposure has caused everything to be dry rotted and unsafe. What he is trying to do is take it down before it falls down and we can't use anything that is there now. Mac said that structurally, the metal can be reused, and the homeowner plans to use it as a fence around the property. The intent is to use metal on the exterior that is very similar to

what is there now and not change it that much. It is not the plan to build an elegant large castle, they want to maintain a similar size and structure. He said that, right now, we are just trying to move forward to get things so up so that when we do have the rest of the plans finished, which are being worked on now, we can proceed with the other parts of the process.

Ms. Wittner asked, is there any way that we can see those plans?

Mac replied that they are not done and, like Mr. Blodgett said, it is irrelevant right now. Right now, the only legal aspect is the fact that the building, which he cannot believe has not fallen over after being inside, is not structurally safe.

Mr. Wood commented that neither was the Rosie Salas house. He thinks we can combine our concerns into a motion to table this matter until we have the information that Mr. Christensen is asking for. Mr. Wood said he would like to make a motion that we table the matter until we have satisfied Mr. Christensen's questions.

Mac made a point of order, he said he wanted to know exactly what the board is asking for before we move forward with the vote. He said that, by law, he can ask for.

Mr. Christensen replied that first would be Fire Chief Blair's concerns with fire safety and structural concerns in terms with people being around it during destruction, and the Building Inspector concerns with general structural integrity. Then, if possible, a letter of intent from the owner. He asked Mr. Blodgett to look into the appropriateness of that.

Mr. Blodgett responded that he is not sure that would be legally appropriate, but he will check with the town attorney.

Mac said you are trying to make a requirement of someone with private property rights, you are trying to dictate what can and can't happen with a private property. Just because you don't want to see a building be torn down that is going to fall over if we don't do something with it. And the intention of the owners is to rebuild the structure.

Mr. Wood replied that you understand, we have an ordinance here, we have rules. We are trying to follow the Secretary of the Interior's guidelines in this matter.

Mac said, but you also can't dictate private property rights.

Mr. Wood replied that he is not in a hurry to do this. Is that relevant to me, that you are in a hurry?

Mac repeated that private property rights come into play to which Mr. Wood replied that private property also has rules attached. You are working in a community, in a state, please.

Mac said he will make it clear right now, because he is under contract with the homeowners, that no one is allowed on the property, in any way, shape or form, without the express written permission from himself. He repeated that no one is allowed on the premises and, if there are trespassers, he will press charges to the fullest extent of the law.

Mr. Wood asked if he thought that would help him.

Mac answered that it does not matter, he is just making sure that no one goes on the property so that none gets here because there is liability associated with the structural integrity of the building. It is not safe. He said that the board was trying to condemn the building prior to his starting this process. So, he is trying to eliminate a problem, through the town, by being able to take down a building, use as much of the material in the new structure as he can, and rebuild a building that looks very similar that is usable. Mac said, you are saying that I can't do that for people who are willing to pay for it to be done.

Mr. Wood said that what he was saying is that he would like to table this issue for a later time. He explained that we do this, we take our time.

(46:26) Mr. Blodgett asked to interject and clarify exactly what they wanted.

Mr. Christensen said that, based on the letters from Rusty Blair and Barry Wolstencroft, we will be able to make a better decision when it comes to potentially granting a permit. He said the motion would be to table the item with a request to get letters from Blair and Wolstencroft regarding the safety of the structure prior to granting a permit.

Ms. Wittner said she would second that.

Mr. Christensen asked if there was any more discussion. He clarified that we want to make sure we are doing due diligence and that this building is indeed unsafe in its current condition and the best option moving forward is to potentially grant a permit for demolition with the idea to rebuild it best as possible. And the best way to do that, like you said, is to take it apart as fast as possible before it falls down and we lose even more historical data. Mr. Christensen asked again if there were any more comments and, hearing none, he called the vote.

Ms. Muenz asked for confirmation that Mr. Blodgett had Mac's contact information, which he confirmed.

Mr. Christensen said that he knows this is a very contentious item, no one in this town likes to see a building demolished. We all, from the bottom of our heart, if it is demolished would like to see it brought back to a state that reminds us of what it once was. Obviously, we do not want to see a completely different structure here, but he does not think that is the intent at all. We just want to make sure we do our due diligence because, as Mr. Wood said, our role is to preserve. So, we do not want to miss an opportunity to fulfill that duty. Mr. Christensen thanked Mac for joining the meeting.

Mac replied, you're welcome.

Mr. Blodgett offered to answer any questions, historical or otherwise, about the house that people may have going forward. He expressed hope to discover historical building techniques if or when the project moves forward and, while the potential destruction may symbolize the end of an era, it is an opportunity to learn more about the house.

Mr. Christensen added that hopefully, this will be a very beautiful property in Jerome.

Motion to table to a future meeting with directions to get a letter from Fire Chief Rusty Blair and Building Inspector Barry Wolstencroft regarding the safety of the structure.

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD			X			
ROMBERGER			X			
WITTNER		X	X			
WOOD	X		X			

6:38 (21:32) Item 8: Seeking approval for new windows

Applicant/Owner: Janet Bustrin (Copperstar Remodeling/ Scott Hudson)

Zone: R1-5

Address: 538 School Street

APN: 401-06-092

Applicant is seeking approval for remodels to the home at 538 School Street that involve a change in the windows.

Discussion/Possible Action

Mr. Christensen introduce the item, saying the applicant sought to install new windows at 538 School Street.

Mr. Blodgett explained it was a small remodel project that Scott Hudson has been working on. Last week it went before Planning & Zoning and was approved and he had to add the item as an addendum because the windows, being on the exterior, require DRB review. He said there will be some siding replaced in the project, but the exterior is going to be like for like replacement. He said there will be two windows being installed, and asked Mr. Hudson if that was correct.

Mr. Hudson replied that was correct.

Mr. Blodgett continued that they are Anderson double-hung windows, and there was an example from manufacture showing the intended color of forest green. He pointed out the intended location and dimensions of the proposed windows in the application and asked if there were any questions.

Mr. Christensen asked the applicant, Scott Hudson, if he would like to have a word for the record.

Mr. Hudson said the windows that are going in are same brand, type, and color as rest that have already been replaced on the house. He said there is a French door on the front that will be removed and replaced with one window; that will be the major change. The other window to be replaced is located on the side of the building, which is not visible from the street.

Mr. Christensen said we will open the item up for discussion.

Ms. Wittner stated that she thought we should approve.

Mr. Christensen commented that he liked the presentation and does not have any questions or concerns.

Ms. Wittner motioned to approve the item as presented.

Motion to approve new windows at 538 School Street

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD			X			
ROMBERGER			X			
WITTNER	X		X			
WOOD		X	X			

Meeting Updates:

7:09 (52:02) Item 9: Updates of recent and upcoming meetings

- **January 10 regular Council meeting-** Tabled a meeting regarding the community garden until March, to await DRB's final decision for the tool shed and sign review. Resolutions focused on one-way streets failed due to a lack of motion. Approved an agreement with Lexington Law Firm PLC for prosecution services. Discussed possible regulations for mobile food vendors, and held an E-session to consider taking bids for town owned property.
- **January 17th regular meeting of Planning & Zoning Commission –** To be held.

Mr. Blodgett read the updates of recent meetings to the members of the board.

7:10 (53:01) Item 10: Future DRB Agenda Items for Tuesday, February 28, 2023: TBD

Mr. Blodgett said the Tamale Ladies house would likely appear on the next regularly scheduled meeting agenda unless we decide to schedule a special meeting.

Mr. Christensen said he was not sure yet, it may be on the agenda for the next month's meeting unless that agenda is already very full. We will make that decision as the time approaches. He thanked everyone for joining the Zoom call meeting and apologized for the technical difficulties at the beginning. He said we have some work going forward and we want to do our due diligence. He thanked Mac for his contribution and Mr. Wood for his experience.

Item 11: Adjourn***Motion to adjourn at 7:11 p.m.***

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD			X			
ROMBERGER		X	X			
WITTNER	X		X			
WOOD			X			

Approved: _____ Date: _____
Brice Wood, Design Review Board Chair

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



TOWN OF JEROME

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

Zoning Administrator Analysis Design Review Board Thursday, February 09, 2023

Item : 5

Location: 405 Hull Avenue
Applicant/Owner: Lizabeth Lord / Flagg Properties
Zone: C-1
APN: 401-06-020
Prepared by: Will Blodgett, Zoning Administrator
Recommendation: Recommend Approval

Background and Summary: The applicant is seeking approval to install a projecting sign for their new business located at 405 Hull Avenue, as well as a wall (window in this instance) sign, on the front façade.

Building Background: This 1,380sq ft building was constructed in 1910, and is described by the Arizona State Historic Property Inventory as; *"A rectangular building with exterior walls of concrete veneered with brick on the west and south, and stucco on the east. It's three stories are plain except for balconies on the east (street) façade. The Windows are double hung wood sash with flat wood trim on the east elevation. Access to the upper floors is by a single run strait stair, floor to floor. The porches are supported by steel struts and wood columns. The flat roof has a parapet surround and is surfaced with mopped-on built up roofing."*

Purpose and Considerations: The Design Review Board shall review a submitted application for Design Approval of Signs and shall have the power to approve, conditionally approve, or disapprove all such requests, basing it's decisions on the following criteria; Materials- signs made of durable, weather resistant materials such as acrylic, resin, steel, aluminum, or composite materials are preferred. Lettering- Lettering and symbols on signs should be routed, applied or painted on the surface of the sign material. Colors- Colors of a sign shall be visually compatible to the colors of buildings, structures, and signs to which the sign is visually related. Exceptions- The design review board may waive the requirements of this section and section 507 in order to allow the preservation or restoration of signs or commercial graphics which are determined to be of historical significance or of particular interest.

Signage Regulations: Section 509.G establishes the requirements for signage in the C-1 Commercial district. Subsection 2 states; *"The area of any single wall, projecting, free-standing or canopy sign shall not exceed sixteen (16) square feet.* Subsection 4 also states: *"The bottom part of any projecting sign shall be no lower than eight (8) feet above the ground directly below it."*

Response: There are two proposed signs, the first a wall/window sign to be applied directly to the main window on the façade that sits adjacent to the double doors. The second sign is a projecting-hanging sign over the sidewalk which is to be installed above and adjacent to the doors. The first sign is a professional vinyl-decal that measures 70" in length by 28" in height (5.3' x 2.3'), roughly 12.1 sq. ft. in surface area, well within the maximum of 16 sq. ft. The second sign, a two-sided projecting wall mounted, made from laser-cut MDF wood, measures 36" x 36" (3' x 3') or 9 sq. ft. of surface area, once again under the Town's maximum area of 16 sq. ft.

This area intentionally left blank



View of the Façade at 405 Hull Avenue, taken from the road and facing Southwest.

Source: W. Blodgett



View of the Façade at 405 Hull Avenue focused on the window, with a representation of the window signage as well as the measurements of the sign. The signage measures 5.3' x 2.3' (70" x 28") and totals 12.1sq. ft. which is within the requirements.

Source: L. Lord



View looking east down Hull Avenue, along the south side with the façade of 405 Hull Ave. on the right. The proposed sign is superimposed to show placement, and colors. The sign is double sided and measures 3' x 3' (36" x 36") which totals to 9sq. ft. which is within the Town's requirements.

Source: L. Lord

Application & Related Information



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

- ☐ Site Plan Review \$300 ☐ Design Review \$25 to \$500 ☐ Conditional Use Permit (CUP) \$500
☐ Demolition \$50/\$200 ☒ Signage/Awning \$50 ☐ Paint/Roofing \$25
☐ Time Extension \$25 to \$200 ☐ Other: ☐ Other: _____

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

Applicant: <u>Lizabeth Lord</u>	Owner: <u>Flagg Properties</u>
Applicant mailing address: <u>PO Box 1003</u>	Property owner mailing address: <u>PO Box Q</u>
Applicant role/title: <u>business owner</u>	
Applicant phone: <u>928 910 9643</u>	Owner phone: <u>928 301 0418</u>
Applicant email: <u>ghostflowerjerome@gmail.com</u>	Owner email: <u>flaggrichard@yahoo.com</u>
Project address: <u>405B Hull Ave</u>	Parcel number:
Describe project: <u>street + window signage for new retail jewelry store "Ghostflower Jerome" - one 36" x 36" hanging sign + one 28" x 70" window decal</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: 12/16/22
 Property Owner Signature: [Signature] Date: 12/20/22

For Town Use Only	
Received from: <u>Lizabeth Lord</u>	Date: <u>12/20/22</u>
Received the sum of \$ <u>50.00</u> as: <input type="checkbox"/> Check No. <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Credit Card	
By: <u>KM</u>	For: <u>Sign/DRB</u>
Tentative Meeting Date/s - DRB: _____	P&Z: _____



TOWN OF JEROME

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

Zoning Administrator Analysis Design Review Board Thursday, February 09, 2023

Item : 6

Location: 21 North Drive
Applicant/Owner: Mcwhirter Rober James & Huerta Maria Regina Trust
Zone: R-2
APN: 401-11-008
Prepared by: Will Blodgett, Zoning Administrator
Recommendation: Discussion/possible action

Background and Summary: The applicant is seeking approval to demolish the structure at 21 North drive, known locally as the "Tamale Lady's House". The house has been vacant since at least 2006, and has deteriorated significantly over that time. The property owners wish to remove the structure, as it is both a liability and financially unreasonable to rehabilitate at this point. The intention is to rebuild in a close fashion to the original structure, however this is not applicable to this permit.

Building Background: The Arizona State Historic Property Inventory 2007 survey was found and has been included with the Application documents at the end of this analysis.

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 304.H.3 states; *"The Design Review Board shall review a submitted application for approval of demolition, partial demolition, or removal of existing buildings or structures, and shall have the power to approve, conditionally approve, or disapprove, all such requests; in accordance with the following procedures and criteria."*

Subsection a states that; *"In passing on an application for demolition, partial demolition, or removal, the Design Review Board shall consider, among other things, the architectural or aesthetic quality or significance of the building or structure to the public interests of the town."*

Subsection b states that; *"If the Design Review Board finds that the preservation and protection of historic places and the public interest will be best served by postponing the demolition, partial demolition, or removal of a building or structure, it may postpone such action for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application and shall notify the applicant of such postponement. Within the period of postponement such demolition or alteration of any building, the Design Review Board shall take steps to ascertain what the Town Council can or may do to preserve such buildings, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Design*

Review Board shall then make such recommendations thereabout to the Town Council as the Board may determine to submit.”

Federal regulations & Secretary of the Interior’s Standards

Purpose and authority.

The purpose of the National Historic Landmarks Program is to identify and designate National Historic Landmarks and encourage the long range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. These regulations set forth the criteria for establishing national significance and the procedures used by the Department of the Interior for conducting the National Historic Landmarks Program.

(a) In the Historic Sites Act of 1935 (45 Stat. 666, 16 U.S.C. 461 *et seq.*) the Congress declared that it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States and

(b) To implement the policy, the Act authorizes the Secretary of the Interior to perform the following duties and functions, among others:

(1) To make a survey of historic and archeological sites, buildings and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States;

(2) To make necessary investigations and researches in the United States relating to particular sites, buildings or objects to obtain true and accurate historical and archeological facts and information concerning the same; and

(3) To erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archeological significance.

(c) The National Park Service (NPS) administers the National Historic Landmarks Program on behalf of the Secretary

What are the effects of designation as a National Historic Landmark?

The purpose of the National Historic Landmarks Program is to focus attention on properties of exceptional value to the nation as a whole, rather than to a particular State or locality. The program recognizes and promotes the preservation efforts of Federal, State and local agencies, as well as of private organizations and individuals and encourages the owners of landmark properties to observe preservation precepts. Properties designated as National Historic Landmarks are listed in the National Register of Historic Places upon designation as National Historic Landmarks. Listing of private property (Or in this case a private property that is contributing to the Landmark) on the National Register does not prohibit under federal law or regulations any actions which may otherwise be taken by the property owner with respect to the property.

The National register was designed to be and is administered as a planning tool. Federal agencies undertaking a project (Note: a Federal “Undertaking” is a project that has a Federal nexus, or federal money involved) having an effect on a listed or eligible property must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment pursuant to section 106 of the National Historic Preservation Act of 1966, as amended. This section 106 (and section 110) process is not applicable to the project, as it is a private project funded solely by private money.

So what are the impacts of the designation to this project and property?

- 1- Listing in the National Register makes property owners eligible to be considered for Federal grants-in-aid and loan guarantees (when implemented) for Historic Preservation.
- 2- If a property is listed in the National Register, certain special Federal income tax provisions may apply to the owners of the property pursuant to section 2124 of the Tax Reform act of 1976, the Economic Recovery Tax act of 1981, and the Tax treatment Extension act of 1980.

Additional impacts or effects of designation involve surface mining, coal deposits and application for inclusion into the National Park System, all aspects of the regulation not applicable to this project.

Let us look at some key definitions from Title 54, subtitle III division A: Historic Preservation:

(1) Designation.—The term "designation" means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) Protection.—The term "protection" means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

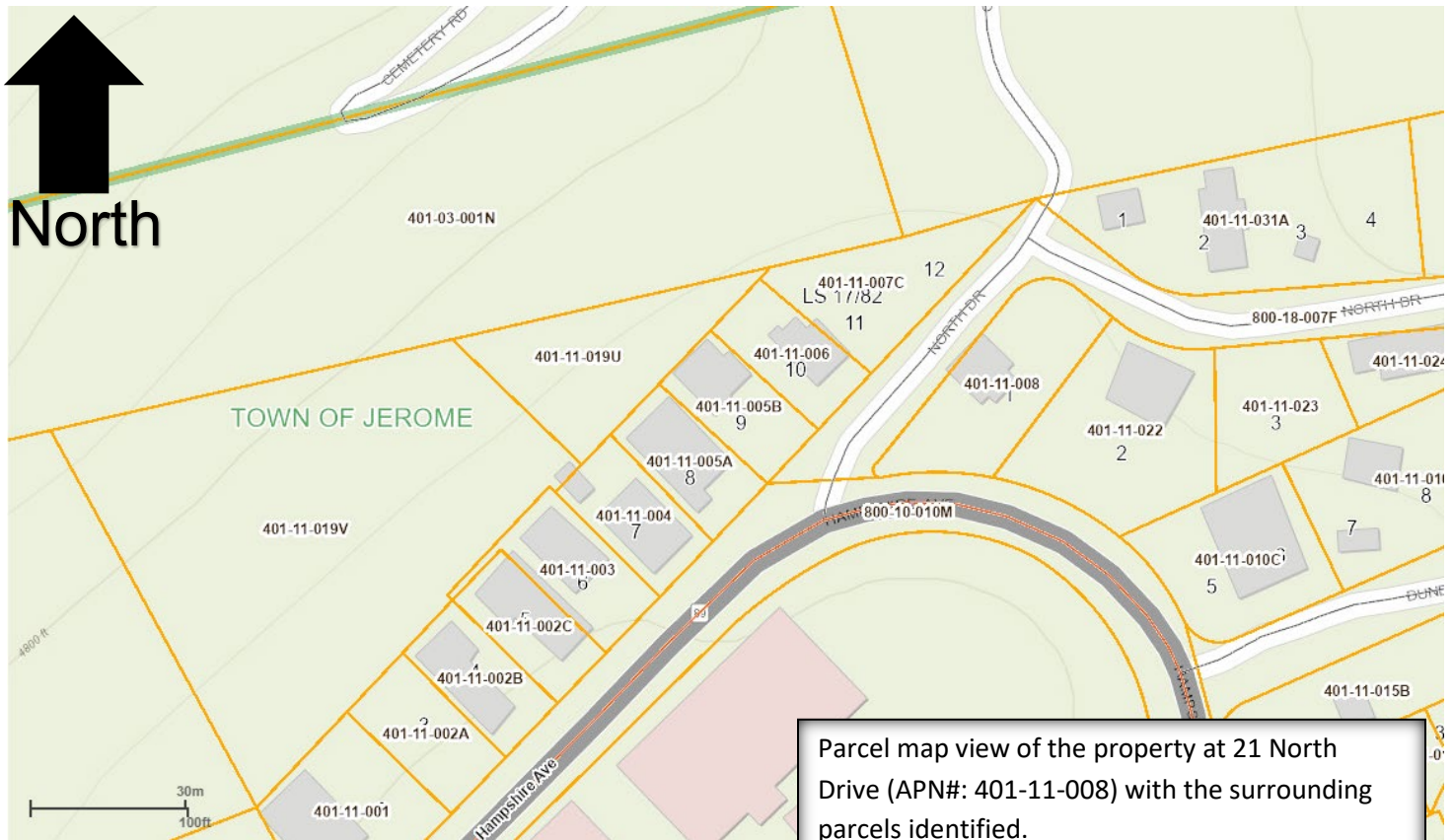
As Jerome is a Certified Local Government, within a Historic Landmark it is important here to recognize that the definition of “protection” is the review process itself conducted by the Town’s Design Review Board. This process and the considerations applied during the Design Review process are intended to keep our Historic Landmark while balancing life-safety and continued habitation and change over time. Let me also point out the sentence;

“Listing of private property on the National Register does not prohibit under federal law or regulations any actions which may otherwise be taken by the property owner with respect to the property.”



Aerial view of the property at 21 North Drive (APN#: 401-11-008) with the parcel outlined and shown in relation to the neighboring properties.

Source: Google Maps



Parcel map view of the property at 21 North Drive (APN#: 401-11-008) with the surrounding parcels identified.

Source: Yavapai County GIS











Application & Related Information



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

- ☐ Site Plan Review \$300 ☐ Design Review \$25 to \$500 ☐ Conditional Use Permit (CUP) \$500
☒ Demolition \$50/\$200 ☐ Signage/Awning \$50 ☐ Paint/Roofing \$25
☐ Time Extension \$25 to \$200 ☐ Other: ☐ Other: _____

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

Applicant: <u>Crested Construction</u>	Owner: <u>Robert James + Marie Regina Hurta Trust</u>
Applicant mailing address: <u>116 W Quail Trail</u>	Property owner mailing address: _____
<u>Cottonwood AZ 86326</u>	<u>2730 S Morrow St Tempe AZ 85282</u>
Applicant role/title: <u>General Contractor</u>	
Applicant phone: <u>928-963-1162</u>	Owner phone: <u>480-980-0696</u>
Applicant email: <u>crestedconst@gmail.com</u>	Owner email: <u>bob@robertjmcwhirter.com</u>
Project address: _____	Parcel number: <u>406-11-008</u>
Describe project: <u>complete demo of existing structure</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: Thomas R. Date: Dec 1, 2022

Property Owner Signature: _____ Date: _____

For Town Use Only	
Received from: <u>Mac</u>	Date: <u>12/1/22</u>
Received the sum of \$ <u>50</u> as: <input checked="" type="checkbox"/> Check No. <u>1383</u> <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card	
By: <u>T. Card</u>	For: _____
Tentative Meeting Date/s - DRB: _____	P&Z: _____



2007 Town of Jerome Arizona
HISTORIC PROPERTIES SUMMARY SURVEY

PROPERTY IDENTIFICATION

For properties identified through survey: Site No. 200 Survey Area Dundee Place

Historic Name(s)
(Enter the name(s). If any, that best reflects the property's historic importance.)

Address 21 North Drive

City or ☐ Town ☒ Jerome ☐ vicinity County Yavapai Tax Parcel No. 401-11-008

Township 16 Range 2E Section 23 Quarters Acreage 0.2
Block Lot(s) 1 Plat (Addition) Year of plat (addition)
UTM reference: Zone Easting Northing
USGS 7.5' quadrangle map:

ARCHITECT ☐ not determined ☐ known Source

BUILDER ☐ not determined ☐ known Source

CONSTRUCTION DATE 1938 ☐ known ☐ estimated Source Co. Assessor, 81 Survey

STRUCTURAL CONDITION

☐ Good (well maintained; no serious problems apparent)

☐ Fair (some problems apparent) Describe:

☒ Poor (major problems; imminent threat) Describe: Missing roofing causing wood framing exposure to elements. Raised porch steps, railings, and framing with structural hazards. Chimney flue cap missing.

☐ Ruin/Uninhabitable

USES/FUNCTIONS

Describe how the property has been used over time, beginning with the original use.

Residential Dwelling

Sources Co. Assessor

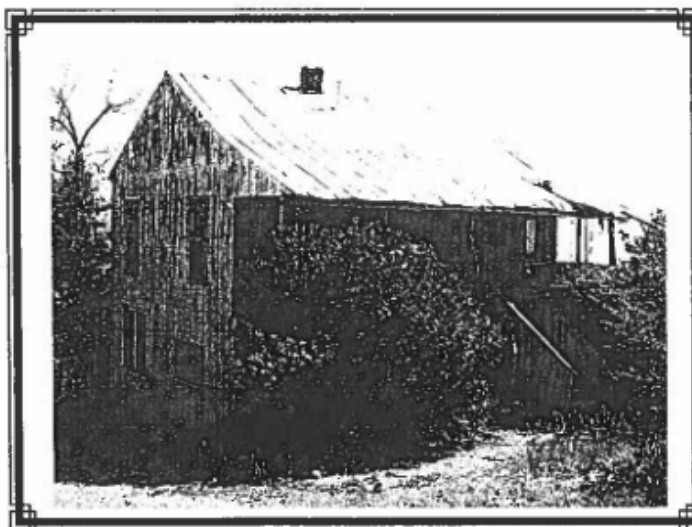
PHOTO INFORMATION

Date of photo 2007

View Direction (looking towards)

South East

Negative No. 21 North Drive





2007 Town of Jerome Arizona

HISTORIC PROPERTIES SUMMARY SURVEY

A. HISTORIC EVENTS/TRENDS. *Describe any historic events/trends associated with the property.*

B. PERSONS. *List and describe persons with an important association with the building.*

C. ARCHITECTURE. Style Vernacular

☐ no style

Stories 2 w/, attic ☒ Basement Roof form End Gable w/, Front dual pitched Hip.

Describe other character-defining features of its massing, size, and scale This 1272 two story box Extended front eve covers full front façade one story raised porch.

INTEGRITY

To be eligible for the National Register, a property must have integrity, i.e., it must be able to visually convey its importance. The outline below lists some important aspects of integrity. Fill in the blanks with as detailed a description of the property as possible.

LOCATION. ☒ Original Site ☐ Moved: date original site

DESIGN. *Describe alterations from the original design, including dates.*

MATERIALS. *Describe the materials used in the following elements of the property.*

Walls (structure) Wood

Walls (sheathing) Batten Board

Windows Wood

Describe window structure Dbl Hung

Roof Standing Seam metal

Foundation Conc., Masonry, Wood

SETTING. *Describe the natural and/or built environment around the property.*

How has the environment changed since the property was constructed?

WORKMANSHIP. *Describe the distinctive elements, if any, of craftsmanship or method of construction.*

NATIONAL REGISTER STATUS (if listed, check the appropriate box)

☐ Individually Listed; ☒ Contributor ☐ Noncontributor to

Historic District

Date Listed ☐ Determined eligible by Keeper of National Register (date)

RECOMMENDATIONS ON NATIONAL REGISTER ELIGIBILITY (opinion of SHPO staff or survey consultant)

Property ☐ is ☐ is not eligible individually.

Property ☐ is ☐ is not eligible as a contributor to a listed or potential historic district.

☐ More information is needed to evaluate.

If not considered eligible, state reason:

FORM COMPLETED BY

Name and Affiliation:

Mailing Address:

Gregory C. Hunt

D.A.P.A. Studio

P.O. Box 8 Cottonwood, AZ. 86326

Date: Nov., Dec., 2007

Phone #: 928-646-9205

Additional Photographs









An Article on Historic Preservation and Demolition

The Following is an excerpt from a blog “Coate’s Canon’s NC Local Government Law” written by Richard Ducker.

Although the Article may come from North Carolina, the Federal laws and processes remain the same, and this is a fantastic article explaining some of the complications and conflicts with Demolition of Historic structures. The original article can be found here: [Demolition and Code Enforcement Involving Historic Districts and Landmarks - Coates’ Canons NC Local Government Law \(unc.edu\)](#)

Demolition and Code Enforcement Involving Historic Districts and Landmarks

Published: 11/14/13

Author Name: [Richard Ducker](#)

You know the old Jones house down on 4th Street in the town's historic district, don't you? Well, it's a real shame that it is in such bad shape. I remember when that house was right at the center of a very charming neighborhood. Now? Well, I hear that there is a realty company that now owns it. Na, I don't think they have much interest in restoring it. They'd probably love to tear it down and put up something new. That lot is probably worth something. Can the town stop them, you say? Well, what do you think?

I think that, as usual, the answer will depend on the circumstances. But the answer should not be as complicated and involved as it is, particularly since such situations occur over and over in this state.

(1) I've heard that the town's historic preservation commission has to approve changes to buildings within a local historic district, and landmarks as well. Doesn't the commission have a say in whether such a property is demolished?

The town's governing board may provide for a local historic preservation program in the zoning ordinance or unified development ordinance, designate local historic districts and landmarks, and appoint members of a historic preservation commission. After adopting design guidelines, the preservation commission is authorized to require that a certificate of appropriateness be granted by the commission for work done on any exterior feature of a landmark or structure located within a historic district. A certificate of appropriateness (COA) from the commission is

required in order to erect, construct, alter, restore, move, or demolish features of these structures.

(2) If property is located in a local historic district or has been designated a landmark, does the historic preservation commission have the right to postpone the demolition of a building?

Yes, as a general rule the commission is authorized to delay the effective date of a certificate of appropriateness for a period of up to 365 days from the date it is approved ([G.S. 160A-400.14\(a\)](#)). The delay period allows the commission to negotiate with the owner and other parties so that the property may be preserved.

There are, however, several exceptions to the demolition-delay rule. The delay period may be reduced if the commission finds that because of the delay in demolition the owner would suffer extreme hardship or be “permanently deprived of all beneficial use or return from such property.” Furthermore, if property within a historic district has “no special significance or value toward maintaining the character of the district” (i.e., is not a contributing structure), then the commission must waive all or part of the delay period and allow earlier demolition or removal. In contrast, if the State Historic Preservation Officer determines that a landmark or property within a local historic district has “statewide significance,” then a certificate of appropriateness to demolish may be denied outright, unless the owner would suffer extreme hardship or be permanently deprived of all beneficial use.

The preservation commission appears to enjoy flexibility, then, when it comes to determining when and how demolition of historic property will be delayed, although that flexibility may be as much a curse as a blessing. Keep in mind that the authority described above involves balancing the interests of historic preservation with the economic interests of the property owner. It does not involve consideration of the interests of code enforcement.

(3) You mention code enforcement. I have heard of both local minimum housing codes and the power to condemn buildings. Aren't they pretty much one in the same? Isn't it true that a local government housing or building inspector can issue an order requiring a building to be removed or demolished under either approach?

It is true that both minimum housing orders and building condemnation orders may direct the owner to remove or demolish the building. But the circumstances for doing so differ. The minimum housing inspector is concerned with whether a dwelling is “unfit for human habitation.” An order directing removal or demolition is based on a determination that it is economically infeasible for the building to be repaired. The order need not be based on a threat to the general public. In contrast the condition of a building eligible for condemnation is more serious. A condemnable house is dangerous and constitutes a threat to the safety of the general public. Action may be taken to remove the threat regardless of the economic feasibility of repair.

In weighing the interests of historic preservation and code enforcement, the law treats housing code demolition orders and condemnation demolition orders differently. Read on.

(4) Suppose that the Jones house has attracted the attention of the inspector that enforces the local minimum housing code. He determines that the house is “unfit for human habitation” and that it is economically infeasible to repair or improve the building. As a result, he orders the owner to remove or demolish the building. Does that mean the owner is off the hook and that the inspector’s order necessarily supersedes the demolition delay provisions mentioned above?

Not so fast. Since the Jones house is in a local historic district, a special provision of [G.S. 160A-443\(3\)b.](#) comes into play. (The provision does not apply to landmarks outside of historic districts.) If the preservation commission gets wind of the housing inspector’s order and acts before the removal or demolition is carried out, it may hold a public hearing on the question of whether the property should be preserved. It must then determine (1) whether the house is of “particular significance or value in maintaining the character of the district,” and (2) whether the house has not “been condemned as unsafe.” If it finds that both propositions are true, then the housing inspector is authorized (but not compelled) to change the enforcement order “to require that that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a).”

If the housing inspector chooses to amend the housing-code order as provided above, the effect will typically be to close the building and to

allow the demolition-delay period of G.S. 160A-400.14(a) to run its course.

(5) Doesn't this place considerable power in the hands of the minimum housing code inspector?

It does. If the preservation commission is unaware that a historic property is to be demolished under a housing code order, it cannot follow the procedures outlined above. Even if the commission makes the necessary findings, the housing inspector can choose to ignore them or to decide that the interests of code enforcement demand more immediate demolition action. If the owner is eager to demolish the building, the inspector may be more influenced to stick with the original demolition order.

(6) O.K., let's assume that the owner of the Jones house wants to demolish it, but it has not been condemned as unsafe. Can we review how the demolition delay provisions of G.S. 160A-400.14(a) work together with the housing code enforcement provisions of G.S. 160A-443(3)b.?

These are the rules of thumb:

(a) If the house has no particular or special significance to the district and is subject to no housing inspector's demolition order, then the effective date of any certificate of appropriateness issued by the preservation commission to demolish the house may be delayed for one year.

(b) If the dwelling has no particular or special significance but is under a housing inspector's condemnation order to demolish, then the inspector's demolition order is enforceable immediately.

(c) If the house is of particular or special significance but is under a housing inspector's demolition order, then the inspector's order can be changed to require the dwelling to be vacated and closed during a one-year period during which demolition is postponed.

(d) If the house is of particular or special significance to the historic district and is not under a housing inspector's demolition order, then the preservation commission must take some appropriate action to reduce the one-year period of demolition delay.

(7) Wait a minute. In order for the housing inspector to alter the demolition order, the preservation commission must conclude that the dwelling “has not been condemned as unsafe.” How can the housing inspector issue a demolition order without condemning the building as unsafe?

Review the answer to question #3 above. A careful reading of G.S. 160A-443(3)b. and other statutes makes clear that the drafters of this subpart did not equate minimum housing demolition orders (the dwelling is unfit for human habitation) with a condemnation order (the building is unsafe). Otherwise the reference to buildings “condemned as unsafe” in subpart G.S. 160A-443(3)b. would be superfluous. Instead it is likely that the reference is to buildings condemned as unsafe pursuant to [G.S. 160A-426](#) et seq. It is thus important to distinguish between an order adopted under a minimum housing ordinance and an unsafe-building condemnation order.

(8) Are the rules any different if the Jones house has been condemned as unsafe?

They surely are. An often-overlooked provision in the historic preservation statutes (the first sentence of [G.S. 160A-400.13](#)) provides as follows:

“Nothing in this Part (the historic preservation enabling statutes) shall be construed . . . to prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such (exterior architectural) feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition.” (Language in parentheses added.)

Property that has been condemned as unsafe and is subject to a demolition order is exempt from the demolition delay provisions of G.S. 160A-400.14(a), at least in certain circumstances. The key to the exemption above seems to lie in the nature of the condemnation order issued by the building inspector. G.S. 160A-400.13 refers to an order that is required “by the public safety because of an unsafe or dangerous condition.” The emphasis on dangerous conditions and safety seems to presuppose that the building inspector is exercising authority under the unsafe building statutes (G.S. 160A-426 to G.S. 160A-432). If so, the nature of the inspector’s order is crucial.

If a valid order calls for demolition as the only course of action, then the owner's compliance with the order would appear to preempt or override the demolition delay of G.S. 160A-400.14. The legal defensibility of an order mandating demolition only has been upheld in the North Carolina Court of Appeals case of [Coffey v. Town of Waynesville](#).

Suppose, however, that a condemnation order provides options to the owner. The order might call for the removal of dangerous conditions either by simply repairing certain troublesome features, or by vacating and closing off the dangerous area, or by demolishing the entire structure. Is the demolition delay overridden? The answer is unclear. It is possible to imagine circumstances in which an owner who voluntarily wishes to demolish an entire building might rely on the demolition option to claim that the demolition delay of G.S. 160A-400.14 did not apply. When it comes to condemnation orders there is no administrative board or official that is authorized to balance the governmental interests in protecting historic buildings on the one hand with the governmental interests in conducting effective code enforcement on the other hand.

The legal potency of the first sentence of G.S. 160A-400.13 to supersede a demolition delay may depend on the nature of the condemnation order and the nature of the historic structure. Nonetheless, if the Jones house has been condemned because it is fundamentally dangerous and unsafe and a building inspector has issued a simple demolition order, then the demolition order must be obeyed. The significance of the house for historic preservation purposes and the possible economic hardship that is suffered by the owner are essentially irrelevant.

(9) Would “demolition by neglect” provisions in a local ordinance affect any of this?

G.S. 160A-400.14(b) authorizes ordinance provisions designed to “prevent the demolition by neglect” of any landmark or of any structure within a historic district. (See the provisions in the Rocky Mount ordinance [here](#).) These regulations address situations in which an owner of a key property for historic preservation purposes fails to maintain it and its condition declines to an extent that it is tantamount to demolition. These provisions impose affirmative maintenance standards on owners. They typically provide remedies for violations that allow orders of abatement. Local governments may thereby make

arrangements to take on necessary private preservation work if the owner refuses to do so and to charge the costs to the owner.

These regulations may indirectly bear on the possible conflict between historic preservation and code enforcement interests by helping to prevent the deterioration of properties to such an extent that code enforcement actions are necessary.

... So, can the Jones house be saved? It will surely depend on the condition of the house and whether code enforcement procedures have been initiated. But it will also depend on the extent to which historic preservation authorities and code enforcement staff cooperate, share information, and work together to pursue their various objectives.

End of Article.

Letter from Fire Chief Blair



Jerome Fire Department

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2730 S Morrow St.
Tempe AZ 85282

Parcel number: 410-11-008
21 North Dr
Jerome Az 86331

UNSAFE BUILDINGS [A] 111.1 General. If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

[A] 111.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress, that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

[A] 111.4 Abatement. The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

VACANT PREMISES 311.1 General. Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.6. 311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code and the International Building Code.

By definition from the 2018 IFC, adopted by the town of Jerome, the structure at 21 N Drive would be considered an unsafe structure.

From visual inspection it has been noted that the front porch area has collapsed and portions of the roof in the front are missing. There are also portions of the roof missing on the backside of the structure on the east side.

This structure has been vacant since the mid-2000s and has been deteriorating since then. Per the building inspector who had made entry into the structure it was noted that it was full of rat feces and the construction was balloon frame with 2x4 studs being 32 inch on center. Visible from the outside of the structure you can see the roof construction is 2X4, 48 inches on center, with the entire structure



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wrapped with steel siding. There is heavy fuel loading from vegetation and other debris around the structure, which also constitutes an unsafe condition.

This structure's unsafe conditions should be abated or corrected, either by repair, rehabilitation, demolition, or other approved corrective action.

The town has run into similar situations involving other structures such as the Verdugo house at 704 Gulch Rd. The abatement process for this structure started in 1997 and was not resolved until 2010 when the property sold to a new owner, who decided to rehab the structure. Essentially the structure was left standing while individual walls were completely removed and rebuilt with new material. By the end of the project there may have been 10% of the original structure left. This process required the structure to be jacked up and supported while new footings were poured all the way around the structure, this process can be extremely dangerous. I know of at least two structures in Jerome that fell over during this stage of construction. One being at 581 Main St. and the other one at 123 Beale Street where a new structure stands now.

There are many other structures in Jerome that have become unsafe or need some kind of abatement before they become unsavable.

110 Jerome Ave. Liberty theater, commercial structure front facade is falling away from the building.

402 Main St. Copper Star commercial structure front facade is failing, and roof is missing on the southwest corner of the building.

219 Diaz St. Residents occupied, under construction over 30 years.

220 Diaz St. unoccupied structure.

593 Main St. Unoccupied collapsing structure, which was issued a demo permit.

Town owned structures above 569 Main St., three sheds not in use.

640 Center Ave. unoccupied, Missing windows and need some structural repair.

Structures across from 701 Verde St. needs repair, heavy fuel loading around the structure.

710 Clark occupied, under construction over 30 years.

874 Hampshire Ave. unoccupied

3 structures on upper Lozano lane, 101, 111 and 121 unoccupied.

107 R Deception Lane unoccupied.

231 Allen springs Rd. Occupied unsafe conditions heavy fuel loading.

1219 Highway 89A Mohawk gas station, unoccupied, front porch collapsing.



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I'm sure there's a few more that I have missed, mainly sheds that need attention.

Jerome Fire Chief

Rusty Blair