



# TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331  
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## SPECIAL MEETING OF THE TOWN OF JEROME

### BOARD OF ADJUSTMENT

DATE: Wednesday, November 30, 2022 TIME: 6:00 pm

PLACE: **JEROME CIVIC CENTER**  
600 Clark St., JEROME, ARIZONA 86331

## AGENDA

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

### ITEM 1: CALL TO ORDER/ROLL CALL

ITEM 2: **APPROVAL OF MINUTES:** Regular Meeting of February 17, 2022  
Discussion/Possible Action/ Possible Direction to Staff

ITEM 3: **Election to appoint Chair & Vice-Chair**  
Discussion/Possible Action/ Possible Direction to Staff

ITEM 4: **ADJOURN** Discussion/Possible Action

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.*

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



# TOWN OF JEROME

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

## DRAFT MINUTES

### Special Meeting of the Board of Adjustment Thursday, February 17, 2022 at 5:00 p.m. CONDUCTED VIA ZOOM

#### 5:03 (not recorded) Item 1: Call to order/roll call

Chair Shapiro called the meeting to order at 5:03 p.m.

Deputy Town Clerk Rosa Cays called the roll. Present were Chair Shapiro, Vice Chair Suzy Mound, and board members Chris Babbage, Natalie Barlow, and Margie Hardie. Also present was Zoning Administrator Will Blodgett.

[Recording of this meeting did not begin until partway through Item 4.]

5:04 (not recorded) Item 2: Petitions from the public – Chair Shapiro asked Jerome resident Nancy Robinson if she had any petitions from the public. She did not, she replied.

#### 5:04 ( Item 3: Approval of Minutes: Minutes of the Board of Adjustment meeting of September 21, 2021 Discussion/Possible Action

Mr. Babbage apologized, for the record, to Jerome resident and applicant Thomas Bauers and building inspector Barry Wolstencroft for making a motion regarding materials, which Mr. Babbage stated was beyond the authority of the board of adjustment.

Ms. Hardie said it was unclear in the minutes if Mr. Bauers is the property owner or not. Chair Shapiro clarified that the property in question is leased. [Mr. Bauers owns the property on which his house is located and leases the land east of it from UVX, with first option to buy.]

#### Motion to approve the minutes of the Board of Adjustment meeting of September 21, 2021

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

#### New Business:

#### 5:07 Item 4: Variance request to construct a 1664 square-foot, single-family home

Address: 776 East Avenue

Zone: R1-5

Applicants/Owners: Cynthia Barber and Eric Lurette

APN: 401-07-099B

Applicants are seeking a variance to the twenty- (20-) foot rear (street) setback requirement to allow a deck on their home to be constructed that would partially be approximately fifteen to sixteen (15 to 16) feet from the rear property line along Douglas Road. Most of the deck would comply with the 20-foot setback, but because of the angle of the lot and the historic stone wall the applicants hope to preserve, the west end of the deck would need to extend 4 to 5 feet into the 20-foot setback.

#### Discussion/Possible action

Chair Shapiro asked Jerome resident and applicant Ms. Barber if she had anything to say. Ms. Barber said the pertinent information is all in the packet but that she was happy to answer any questions.

Chair Shapiro introduced the item, read from the agenda, and asked if he should read the staff report.

Ms. Hardie asked if the new zoning administrator was present.

Mr. Blodgett announced his presence, then read from his staff report. He said if this was a case of a rear setback, then the board would have reason to be meeting for the variance. He referred to section 505.D.5, subsection 1 and read from the ordinance about double frontages. He said this property has two frontages, so it only needs a 10-foot setback.

[The audio recording started at this point in the meeting.]

(0:03) Chair Shapiro brought up the unbuildable strip of land, or easement, owned by the town of Jerome between Ms. Barber's property and Douglas Road and said he was aware that there was an objection from the town about "incurring" this section of land into the applicant's setback. He asked Ms. Barber about this strip of land, who replied that there is a Douglas Road easement. Chair Shapiro stated that the property does not abut Douglas, which is why the planning and zoning commission felt it necessary for the board of adjustment to review a variance request for this setback.

Mr. Blodgett brought to the board's attention page 55 of the zoning ordinance, Section 502. General Provisions, subsection H., Yard, Lot, and Area Requirements, item 10. He read item 10 aloud, then stated that if a 10-foot setback is required, then there is no conflict with this requirement in the ordinance.

(3:03) Ms. Barber said the existing, historic rock wall is at the 20-foot setback. If 20 feet is the required distance, they want to build the deck slightly further out and into the setback so they do not compromise the rock wall. She said they would still be more than 10 feet away from the property line, and even further from the easement and Douglas Road.

Ms. Hardie said to Chair Shapiro that if she understood correctly, he stated that the property does not abut Douglas Road. Ms. Hardie pointed out that it does not abut East Avenue either. She said in the case of the front yard (the East Avenue side), there is a sidewalk, and in the back is a strip of land between Douglas Road and the end of the lot. Ms. Hardie said it does not seem that the zoning ordinance requires the property to abut the right of way or the street. She said at the previous meeting [September 21, 2021], the board considered the setback variance for the garage to be built on property owned by Ms. Barber and her sister, Alex Barber, which was also on a double frontage on Gulch and Allen Springs roads, and in that case, it was not discussed if the property abutted the road or not. Ms. Hardie said it seemed to her that the board did not need to proceed with any action because the applicant, Ms. Barber, has met the setback required for a double-frontage lot.

Chair Shapiro said P&Z probably sent it to BOA because "they were in a quandary" about the deck being proposed for the property. He referred to the easement owned by the town that separates the lot from Douglas Road. Ms. Hardie said the easement was unbuildable as it was only 10 inches wide. Mr. Babbage questioned this. She further explained the dimensions of the easement and said she had walked the property to see for herself. Ms. Hardie said in most cases, there is some sort of obstruction between a property and the road.

(9:11) Ms. Barber reiterated that the property below theirs is unbuildable because the sewer is entrenched in that strip of land, and that Douglas Road abuts that strip of land.

Chair Shapiro said part of the sidewalk on East Avenue seems to be on the property. Ms. Barber said a small strip of it is and pointed out that the lot is odd shaped.

Mr. Blodgett said he did not see any problems regarding the setbacks that would restrict the deck; that it was still far enough from the easement. Chair Shapiro said, "Nor do I."

Chair Shapiro asked, if there were no further comments, "Do I hear a motion?"

Ms. Hardie said she did not think the board could make a motion if no variance is required. Her suggestion was to drop the item and refund the money to the applicant. She said, "I don't think the applicant needed to come to us in the first place."

Mr. Babbage said Ms. Barber wants to build a deck less than 20 feet from the back of her property; she does need a variance to get a permit, and he believed the variance should be granted.

Ms. Barlow asked the board to consider what Mr. Blodgett had pointed out regarding the perception that a variance is not needed, that two points of view were before them.

Chair Shapiro said he thought a variance was in order because a 5-foot portion of the proposed building "does not satisfy the ordinance as written."

Vice Chair Mound said given "the special circumstances" and "just to cover the applicant" and "with the town's approvable," that the board should go ahead and approve the applicant's request for a variance.

Mr. Babbage said the applicant also needs a variance for the front yard. He said this was a "no brainer" since everyone on the street was also "right next to the front."

Mr. Blodgett interjected and explained why Ms. Barber does not need a variance for the property line along East Avenue. He said there was language in the ordinance regarding keeping a level of conformity and unity within residential communities. He said this was considered a second frontage and referred to former zoning administrator Al Sengstock's report about properties with double frontages, which used the property next to Ms. Barber's as an example. Mr. Blodgett said he hoped this helped inform the decision.

(15:54) Ms. Barber said the zoning ordinance states that in zone R1-5, the setback is 10 feet unless otherwise established by setbacks on neighboring properties within 100 feet, so no front setback is needed for the East Avenue side of her property. She made a point about the Alexander House and the shack at the Koerner residence, then brought up the historic rock wall that they did not want to disturb. Ms. Barber said she was uncertain about the double frontage and would leave it up to the board to decide. She thanked everyone for being present.

Ms. Hardie asked if the town owned the strip of land between Ms. Barber's property and Douglas Road. A brief discussion ensued.

Mr. Blodgett said he checked the county GIS and that the strip of land is owned by the town.

Margie questioned that if the strip of land owned by the town of Jerome is considered an easement, like a sidewalk, what would inhibit the board from accepting that the property has double frontages? She said she wanted this to go forward but wants this decision done right.

Chair Shapiro said it is an interesting point that Mr. Blodgett is making about the setbacks on East Avenue, some with sidewalks and some not. If the variance is granted, then a front setback variance would also be needed, but based on where the new house is positioned in the plans, a variance would not be needed for the front.

(21:26) Ms. Barber said her understanding is that no variance is needed for the front because it is already established by the neighboring properties within 100 feet. She said this is what it says in the zoning ordinance.

Chair Shapiro said, "That works for me. So do I hear a motion from any of the board members?"

Mr. Babbage motioned that they approve her request "to build as planned."

Ms. Hardie said a clearer motion was needed; that it needs to state that the applicant is getting a variance and why. She asked Ms. Barber if she was requesting a 10-foot variance and that the information in the packet also said the applicant needed closer to a five-foot variance.

(23:08) Ms. Barber said in the process of getting the variance for the garage in the Gulch, that the former zoning administrator had suggested she ask for a specific number of feet for a setback variance.

Ms. Hardie asked if the variance being granted was for a 20-foot setback. Mr. Babbage said it was.

(24:40) To clarify, Ms. Barber asked that if she did indeed need a setback variance that would be granted at this meeting, if it would be for a 10-foot setback instead of a 20-foot setback so she could build her porch.

Chair Shapiro asked Mr. Babbage if he wanted to clarify his motion. Mr. Babbage said he was not sure how to amend it.

Chair Shapiro confirmed with Ms. Barber that the deck would be built 5 feet into the 20-foot setback. He then asked Mr. Babbage if he wanted to amend his motion. Mr. Babbage amended his motion. Mr. Shapiro interpreted what Mr. Babbage said: the motion was to approve the variance of the 5-foot intrusion into the 20-foot setback on the rear of the property. Mr. Babbage added, "Because the rear of her property abuts town property that is unbuildable."

(27:38) Ms. Barber explained that the reason she was asking for a 10-foot setback as a buffer was in case the property's topography prevented her from keeping to the 5-foot intrusion.

Chair Shapiro asked Ms. Cays to read back Mr. Babbage's motion. She said she could not. Mr. Babbage suggested someone else make the motion. Ms. Hardie offered to make a motion if Mr. Babbage would withdraw his, which he did.

Ms. Hardie made a motion to approve a 10-foot rear setback variance along Douglas Road for the property owned by Ms. Barber and Mr. Lurette.

**Motion to approve a 10-foot rear setback variance along Douglas Road for the property owned by Ms. Barber and Mr. Lurette**

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

**Informational Items (Current Event Summaries):**

**5:42 (30:04) Item 5: Future Items – election of new chairs at the next meeting**

Chair Shapiro said Jerome resident Jeff Koppelmaa's proposal, which was originally on this agenda, would be addressed at the next meeting on March 23, along with electing a new chair and vice chair.

Ms. Hardie said she could not make it on March 23 but had not responded to the notice about the proposed date. Mr. Shapiro asked Ms. Cays to confirm the date, who said it was not set in stone as she had not heard from everyone. Once she did hear from everyone, then a date would be confirmed. [The date is now set for March 30.]

**Item 6: Adjourn**

**Motion to adjourn at 5:44 p.m.**

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

Approved: \_\_\_\_\_  
*Chair Shapiro, Chair*

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
*Kristen Muenz, Deputy Clerk*

Date: \_\_\_\_\_

DRAFT