



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
 (928) 634-7943 FAX (928) 634-0715

REGULAR MEETING OF THE TOWN OF JEROME PLANNING AND ZONING COMMISSION

DATE: Wednesday, March 6, 2019 TIME: 7:00 pm

PLACE: JEROME CIVIC CENTER

600 Clark St., JEROME, ARIZONA 86331

MINUTES

Before calling the meeting to order, the Deputy Clerk administered the oath of office to Lance Schall.

ITEM 1: CALL TO ORDER/ROLL CALL

Chair Margie Hardie called the meeting to order at 7:03 p.m.

Roll call was taken by Charlotte Page. Commission members present were Chair Margie Hardie, Vice Chair Lance Schall, Joe Testone, Scott Hudson and Henry Vincent.

Staff present were Charlotte Page, Zoning Administrator and Joni Savage, Deputy Clerk.

7:03 (1:05) ITEM 2: PETITIONS FROM THE PUBLIC - There were no petitions from the public.

7:03 (1:18) ITEM 3: APPROVAL OF MINUTES: Minutes of two Executive Sessions, February 25, 2019
 If necessary, Commission may enter into executive session, pursuant to A.R.S. §38-431.01(A)(2), for the discussion or consideration of records exempt by law from public inspection.

Chair Hardie would like to move these prior to Item #9 or go into E session now, because she has found several errors.

Vice Chair Schall asked if they could have an executive session if it is not on the agenda.

It was explained that it was on the agenda.

Motion to Move Item #3 Prior to Item #9

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie			X			
Hudson			X			
Testone	X		X			
Schall		X	X			
Vincent			X			

8:11 (1:00) Approval of Executive Session Minutes of February 25, 2019 With Amendments

Item #3

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie			X			
Hudson		X	X			
Testone			X			
Schall	X		X			
Vincent			X			

Item #4

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie			X			
Hudson			X			
Testone		X	X			
Schall	X		X			
Vincent			X			

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7:06 (3:56) ITEM 4: APPROVAL OF MINUTES: Minutes of Regular Meeting February 6, 2019

Approval of Minutes of February 6, 2019

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie			X			
Hudson		X	X			
Testone			X			
Schall	X		X			
Vincent			X			

7:07 (4:58) ITEM 5: ELECTION OF OFFICERS

Commission to elect Chair and Vice Chair for 2019-2020 term.

Chair Hardie said she has been on the Planning and Zoning for 10 years. Before we go ahead with the election, she wants to say something very important to her. To be careful and to remember our primary purpose is to uphold the zoning ordinance and to give fair and impartial hearing to everyone who comes before the board. She listed the things she has done as the Chair. She asked who would like to be chair.

Vice Chair Schall said he would do it.

Motion for Lance Schall to be the Chair

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie		X	X			
Hudson	X		X			
Testone			X			
Schall			X			
Vincent			X			

Chair Schall asked who would like to be the Vice Chair.

Commissioner Testone said he would do it.

Motion to appoint Joe Testone as Vice Chair

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie	X		X			
Hudson			X			
Testone			X			
Schall		X	X			
Vincent			X			

7:11 (8:58) ITEM 6: APPOINTMENT OF DRB REPRESENTATIVE

Commission to appoint representative to Design Review Board for 2019-2020 term.

Commissioner Vincent volunteered for the position again.

Appointment of Henry Vincent to be the DRB Representative

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie			X			
Hudson			X			
Testone		X	X			
Schall	X		X			
Vincent			X			

7:12 (9:40) ITEM 7: FINAL SITE PLAN REVIEW, 222 FIRST AVE., ACCESSORY STRUCTURE, 16 X 16' PLATFORM

APPLICANT: Andrea Allen

ADDRESS: PO Box 1151

OWNER OF RECORD: Andrea Allen

ZONE: C-1

APN: 401-06-072A

Applicant requests final site plan review for a 16' x 16' platform, constructed prior to review, at the lower level of this property, on the northwest side of the building facing Diaz St.

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Ms. Page stated this item was before this commission last month. The building is historic, she was asked to find a Conditional Use Permit, however she couldn't provide a CUP.

Commissioner Hardie suggested that Ms. Allen get a CUP or provide proof that the building has been in continuous use as an apartment prior to 1977 (legal nonconforming.) Once that is in place then she could get an approval for the structure.

Chair Schall questioned this when the agenda item is for an accessory structure.

Commissioner Hardie said according to the ordinance you can't have an exacerbation of a nonconforming situation. If it is an apartment, then it requires a conditional use in the commercial zone.

Ms. Page said there are a number of permits that show that it is an apartment building, since 1991 the Town is aware that there are three units there.

Commissioner Hardie said she doesn't see that there would be a problem.

Chair Schall said he is inclined to approve the deck tonight, move it off the agenda and bring it back later for the CUP.

Commissioner Hardie said, "That would be violating the ordinance then."

Ms. Page doesn't believe this is an isolated incident.

Chair Schall asked if this building wasn't an apartment what would it be? Was it ever used as retail?

Commissioner Hardie said there is nothing in writing to prove the continual use.

Vice Chair Testone asked can you rely upon historical documentation, because it was documented as a bordello.

7:19 (16:29) Ms. Allen responded that it was originally a bordello. It was salvaged and remodeled in 1983 and has been a three-apartment building since 1983.

Commissioner Vincent asked if a Certificate of Occupancy was ever given.

Ms. Page said she could not find anything in the file. There is a record of knowledge that it has been an apartment building.

Commissioner Hardie wishes to follow the ordinance and get the CUP.

Chair Schall asked, "What the use of the building would be if it wasn't an apartment? If the point is, we don't want to exacerbate the nonconforming condition, what nonconforming condition are we exacerbating?"

Commissioner Hardie said the building is not permitted in the C1 zone; you have to have a CUP.

Vice Chair Testone read from the zoning ordinance, (page 67, Permitted Uses) 19. Any other such uses as determined by the Planning and Zoning Commission and approved by the Town Council to be similar to those uses listed above and not detrimental to the public health, safety and general welfare in accordance with the provisions of this Ordinance.

Commissioner Hardie pointed out to Vice Chair Testone that "apartments" was listed under Conditional Uses. She does not believe they should circumvent the ordinance. Ms. Allen can get a CUP and an approval for her platform. The building gets to be on the up and up and we move on from there.

Chair Schall stated your position is a procedural matter, wants to move on with the deck approval.

Commissioner Hardie objects to the deck approval prior to getting a CUP.

Vice Chair Testone asked if she (Ms. Allen) had satisfied what she would need for a CUP with her site plan.

Ms. Page said she would need an application, a fee, it takes at least two months to go through the process. There is a chain of documentation that shows this building has been used for an apartment.

Commissioner Hardie doesn't think the lady is suffering because the platform was illegally built months ago.

Commissioner Vincent recapped, she contacted the prior Zoning Administrator and was told she didn't need to

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come before the board. He would move that this board approve the platform.

Commissioner Hardie said, "I'm going to repeal this."

Chair Schall stated, "I'd further like to point out that I object to the implication that I am trying to circumvent the ordinance of Jerome." He directed staff to assist the applicant with the Conditional Use Permit.

Motion to Approve the Platform

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie				X		
Hudson			X			
Testone			X			
Schall		X	X			
Vincent	X		X			

7:28 (26:20) ITEM 8: PRELIMINARY SITE PLAN REVIEW, 221 DUNDEE AVE., SINGLE FAMILY RESIDENCE

APPLICANT: Lee Christensen for Scott & Wendy Prior

ADDRESS: 3694 Via Bernado, Oceanside CA 92056

ZONE: R1-5OWNER OF

RECORD: Scott & Wendy Prior

APN: 401-11-019S

Applicant requests preliminary site plan review for a new home proposed at a 221 Dundee Ave.

Ms. Page introduced the project and talked about the preliminary site plan.

Commissioner Hardie said one plan doesn't give any numbers so she didn't know what it was for. She wished it had more comprehensive drawings. She can't tell how tall it is.

Ms. Page explained it is 25' from the midpoint.

7:32 (29:43) Mr. Christensen directed them to look at the floorplan and pointed out the midpoint.

Commissioner Hardie asked him where the 33 feet is.

7:34 (31:25) Mr. Christensen pointed it out to her and the other members of the commission.

Chair Schall summarized, we have set backs, heights and lot size.

Commissioner Hardie asked if the parking requirement is sufficient.

7:37 (34:27) Mr. Christensen said two in the garage and two on the driveway.

Chair Schall asked if there were any other questions.

Commissioner Hardie said she would prefer to see better drawings of the house.

Preliminary Site Plan Approval for the New Home at 221 Dundee Avenue

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie	X		X			
Hudson			X			
Testone		X	X			
Schall			X			
Vincent			X			

Motion to Go into E Session at 7:38 p.m.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie			X			
Hudson			X			
Testone		X	X			
Schall	X		X			
Vincent			X			

Chair Schall stated, "Let the record show that the Executive Session is over, and we resumed the meeting at 8:10 p.m."

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8:12 (1:40) ITEM 9: PRELIMINARY SITE PLAN REVIEW, 701 HULL RD., 2ND STORY ADDITION ON GARAGE

APPLICANT: Don & Kathi Feher

ADDRESS: PO Box 244

ZONE: R1-5

OWNER OF RECORD: Don & Kathi Feher

APN: 401-08-011A & 011B

Applicant requests preliminary site plan review for a second story addition over existing garage.

Chair Schall asked if this would have electric or plumbing.

Ms. Page responded there were no plans for that at this time.

Commissioner Hardie said this project is beginning to be typical of Jerome. It seems our ability to keep track of approvals, etcetera, using what we have available is the best we can do, whatever documents are available in the files. This garage was built in 1990 and she had documents to prove that. The prior zoning administrator had said it was built in 1917, however it had been demolished and rebuilt in 1990. It cannot be considered a legal non-conforming structure. We have no approvals from either Planning and Zoning or Design Review. On May 1, 1990 Nancy Smith, a Jerome resident, alerted the Planning and Zoning that it had been destroyed. Thorn and Dibble apologized to Design Review for destroying the garage. Sue Goodman, the owner at the time then applied for a permit in May of 1990. The Design Review Board gave no permission for demolition or rebuild. She presented further documentation to substantiate her claims. She read a letter signed by Harry Stewart and Rusty Blair who had worked on the project at 701 Hull Road. (attachment) She will vote no to the exacerbation of a nonconforming situation because we have a new structure with no permissions. It is an illegal building. This has nothing to do with the new owners, but lack of permissions from the Town in 1990. Pictures submitted by Ms. Page pointing to walls and floors (actually submitted by the owner) indicating from 1917. Her point is to present this information in hopes that it will be considered as well as the issue of the fire hazard. She spoke about the packet from the Fire Official. And she read the Fire Chiefs recommendations dated March 4, 2019 (attachment) She also read the memo from Barry Wolstencroft. (attachment)

Chair Schall asked if there was any other conversation. He would be inclined to vote for this, despite Commissioner Hardies excellent laying out the history of where the Town screwed up. He concurred, it looks like that is what happened, but what he goes back to is, he likes to go in favor of the applicant. While Commissioner Hardies discussion is clear, they built a structure with a building permit. There was no red tagging, so he's not sure if the Town has a good leg to stand on to say it is illegal. In the end there was a building permit and a building is built. We agree that it exists, he will not call it an illegal building. As far as the fire danger, it is legal to be there and does this additional footage make it significantly more of a problem. Does it increase the noncompliance? The input from the Fire Chief is clear, but if it burns it would already fall in the road.

8:36 (0:25:28) Kathi Feher, owner, approached the dais and spoke. She has listened and read the materials carefully. There are three different concerns being setback, height and expansion or safety. She gave supporting information for those three concerns. She finished by saying that she respects the Fire Chief and is concerned that they meet all standards for fire safety.

8:52 (0:41:39) Suzy Mound, a resident, spoke. While understanding the need for wanting to create the storage space, the way she sees it is a nonconforming building. She feels it would be a sad day when our boards don't listen to the recommendations of the person that we entrust, the Fire Chief that looks out for our safety. She believes all or our boards should listen to the Fire Chief.

Commissioner Hardie said she really appreciates what Ms. Mound said. She feels that the Fire Chief knows more about safety than anyone in the room.

Chair Schall has two considerations, would our opinion be changed if we made a stipulation that it be constructed of a fire proof material and require that it has a fire sprinkler in it.

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Commissioner Hardie thought those were interesting compromises. She believes it could be proposed to the Fire Chief, it isn't something she would know.

Vice Chair Testone asked if Ms. Page could coordinate that with the Fire Chief and if that would make a difference.

Commissioner Hardie interjected and said it is up to the applicants first and foremost.

Chair Schall said if they have a proposal, we could turn down or we could ask for them to modify it with Chief Blair.

Ms. Page added, "The note from the building inspector said it has to qualify for one-hour construction. A note from the 1990 construction says it is cement board."

9:01 (0:51:20) Mr. Donald Feher, another owner, said the siding is redwood. He went on to say they would be more than happy to explore some ideas that Chief Blair might have. It is about safety for him and maybe they could incorporate it into the construction.

9:02 (0:52:10) Ms. Mound suggested the existing garage might be on Town property. She believes a survey should be done.

9:03 (0:52:51) Mr. Feher said they talked to a surveyor, it is a minimum of \$5,000 and no guarantees. He would like to talk with Chief Blair about a compromise.

Commissioner Hardie stated this is an illegal building and therefore she would not consider adding to it. There is a field appraiser, they do assessments for our properties, maybe they would have information in regard to the survey.

9:05 (0:54:30) Ms. Feher said they worked with the County Assessors office, they do not do surveys.

9:06 (0:54:48) Mr. Feher added they had assessed the square footage of the home incorrectly.

Chair Schall moved to table for further instruction with the Fire Chief and perhaps to derive a solution with the Fire Chief.

Motion to Table Addition on Garage at 702 Hull Road

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie				X		
Hudson			X			
Testone		X	X			
Schall	X		X			
Vincent			X			

Commissioner Hardie voted nay because of the status of the building.

9:07 (0:56:52) ITEM 10: DRAFT TEXT AMENDMENT, R-2 & ZONING ORDINANCE

Commission to review proposed text amendment to Article II Definitions and Article V Use Regulations, about R-2 Zone and possible creation of additional zones.

Ms. Page began to explain the text amendment.

Commissioner Hudson asked if he could make a motion to table because of timing.

Ms. Page wanted to say she thought this amendment was better.

Motion to Table Item 10

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie				X		
Hudson		X	X			
Testone	X		X			
Schall			X			
Vincent			X			

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9:09 (0:58:35) ITEM 11: FUTURE AGENDA ITEMS

Commissioner Hardie would like to ask for a report on any and all conditional use permits that require the Zoning Administrator's inspection. For example, the winery, the outdoor patio and see what's going on and how things are going.

ITEM 12: ADJOURN

Adjourned at 9:10

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie			X			
Hudson		X	X			
Testone	X		X			
Schall			X			
Vincent			X			

Approval on next page.

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REGULAR MEETING OF THE TOWN OF JEROME PLANNING AND ZONING COMMISSION

DATE: Wednesday, March 6, 2019 TIME: 7:00 pm

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

Respectfully submitted by Joni Savage on April 3, 2019

Approved: _____


Planning & Zoning Commission Chair

Date: _____

4/3/2019

Attest: _____


Planning & Zoning Commission Vice Chair

Date: _____

4/3/2019



Jerome Fire Department

P.O. Box 1025 Jerome, AZ 86331 Tel. (928) 649-3034 Fax (928) 649-3039
e-mail: blair@jeromefire.us

March 4, 2019

As code enforcement officers we rely on our combined codes in order to make decisions regarding projects. The zoning code sets, lot coverage, setbacks, lot sizes, different zones, height of structures, determines whether it is a legal nonconforming structure and much more.

Fire Department codes dictate Fire Protection Systems, Building Services, Interior finishes decoration materials and furnish, Means of Egress, Fire service features, Fire Department access considerations, numbers of hydrants and distances from hydrants and much more.

Building code dictates how these projects are constructed.

All of these department's also rely on stamped architectural plans and engineers stamped plans to do their jobs.

When the zoning official states that they have a nonconforming situation that tells the fire code official that it does not meet the minimum zoning code standards for setbacks or other reasons.

The garage located at 701 Hull Rd is nonconforming issue is due to lack of setbacks. According to the zoning code states (See information sent to fire code official on 2-27-19 by the zoning administrator). This structure is bordered on 2 sides on one street. Which means it should have a set back of 10 feet on the front and the side of the street. The fire code official has not received any documentation regarding whether the structure does or does not fall within the town easement on Hull Rd, which already does not meet minimum Fire Code requirements of a 20 foot easement, grade or surface requirements.

As a fire code officer, trained professional firefighter and Fire Chief, I question any approval of the doubling the size of this structure. This already bad situation should it be allowed to be made worse by increasing the height of the structure from its current height to 19 feet would make it dangerous for Fire Department personnel fight fire in this area.

1. According to the Zoning Administrator this project does not meet current set back requirements.
2. Does not meet the minimum Fire Department access fire code requirements.
3. If made taller it would increase the collapse zone into the already noncompliant one lane street and would collapse closer to the structure on the downhill side.
4. Would increase the fuel load in this already nonconforming structure.
5. Make it extremely dangerous for firefighters to advances Fire Protection lines around the structure to the structure on the downhill side and the main structure.
6. Due to the topography in this area it would be difficult to formulate a different fire attack.

All of these considerations have been a part of the Fire Code Official formulating an opinion. All of these code officials Zoning, Building, and Fire Code Officers are supposed to work together in order to provide for life safety. This does not appear to be happening and should be reviewed.

Rusty Blair,
Fire Code Officer, Professional firefighter and Fire Chief.
Jerome Volunteer Fire Department

3-4-19

Whom it may concern

Rusty Blair and Harry Stewart both worked on the concrete pertaining to this project 701 Hull Rd in 1990. This previous garage was completely demolished. We excavated the site for footings, set Symons forms on both uphill side and the side closest to the house approximately 6 foot high. We also excavated the site for footings and a small wall on the Downhill side of the project. There were existing concrete paver blocks on the floor which we had to remove in order to excavate these footings. These pavers we're set back in place after the garage had been completed. The contractor had us pour the uphill retaining wall about 1 ½ foot too long and we had to cut back the little wing portion of the wall. Barry Wolstencroft who is our current building inspector, was also the inspector for this project.

Rusty Blair



Harry Stewart, Concrete contractor





Founded 1876
Incorporated 1899

TOWN OF JEROME, ARIZONA

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Barry Wolstencroft , Building Official

Office: (928) 634-7943 Fax: (928) 634-0715 b.wolstencroft@jerome.az.gov

The current adopted 2012 international residential code states that any new structure that requires a permit and is to be built within five feet of a property line, must be constructed of materials to qualify a one hour construction. Referenced from 2012 IRC Table R302.1(1) Exterior walls.



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Founded 1876
Incorporated 1899

CLOSED SESSION MINUTES

Note: Because this session was conducted without the Town Attorney present, these minutes are a public record, available for public review and will be filed accordingly

Date:	March 6, 2019
Time:	7:38 PM
Location:	Council Chambers, Jerome Town Hall
Members present:	Planning & Zoning Chair Lance Schall, Vice Chair Joe Testone, Commissioners Margie Hardie, Henry Vincent and Scott Hudson
Members absent:	
Others present:	Zoning Administrator Charlotte Page
Statutory authority:	A.R.S. § 38-431.03 (A)(3) and (A)(4)
Purpose:	Review minutes from Feb 25 th , 2019 Executive Session

Two executive session minutes were reviewed. Commissioner Hardie asked for Planning & Zoning to be indicated on the both 'Member present lists' and add 'Commissioners' instead of Board Members.

In the minutes of the first session (2nd story addition on garage) no changes were made to the minutes.

In the minutes of the second session (Rezoning) the following change was made to the minutes in the fifth full paragraph on page 2. "In addition to the delay of the process the continued interest of others including property owned by the Mine was discussed."

The session ended around 8:00 PM.

Attest:

Charlotte Page
Town Zoning Administrator

Approved:

Lance Schall, Chair
Planning & Zoning Commission