



TOWN OF JEROME, ARIZONA
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MEETING OF THE TOWN OF JEROME

BOARD OF ADJUSTMENT

DATE: Thursday, January 13, 2011 TIME: 6:00 P.M.

PLACE: JEROME CIVIC CENTER, 600 CLARK STREET

NOTE: PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION SUCH AS A SIGN LANGUAGE INTERPRETER, BY CONTACTING THE TOWN CLERK, AT (928) 634-7943. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.

Minutes

ITEM 1: ROLL CALL/CALL TO ORDER

The meeting was called to order by Chairman Shapiro. It was noted that Board member Babbage was in an accident and was not present at the meeting. Present were Gary Shapiro, Carol Yacht, Ron Ritchie and Joan Kennedy.

ITEM 2: EXECUTIVE SESSION: The Board's attorney, Mr. William Ring, Esq. will meet with the Board in executive session for legal advice with regard to administrative appeals. Pursuant to A.R.S. § 38-431.01 et. seq., notice is hereby given to the Board and to the General Public that the Board plans to hold the above meeting. The Town of Jerome Board of Adjustment will vote to go into executive session on this agenda item pursuant to A.R.S 38.431.03 for the purpose of meeting and conferring with legal counsel. The merits of any matter before the Board will not be discussed in executive session. "A public vote shall be taken before any legal action binds the public body" A.R.S. § 38-431.03.D.

A motion was made to go into executive session. Member Richie made the motion, Member Kennedy seconded and the motion passed unanimously.

ITEM 3: APPROVAL OF MINUTES: December 22, 2010 Discussion and Possible Action.

A motion was made to approve the minutes by Kennedy, seconded by Yacht and Shapiro called the question. The motion passed unanimously.

ITEM 4: PETITIONS FROM THE PUBLIC - Please complete a request form with your name and subject and submit to the Chair. When recognized by the Chair, please come to the front and state your name. Please observe the five minute time limit per speaker pursuant to the Jerome Town Code. Petitions or comments should be limited to matters over which the Board of Adjustment has jurisdiction.

There were no petitions from the public.

ITEM 5: APPEAL OF ZONING ADMINISTRATOR'S DECISION

ADDRESS: 208 Fifth Street.....OWNER OF RECORD: Jack & Lisa Rappaport
APPLICANT: Mr. Jon Paladini, Esq., for the Rappaports
ASSESSOR'S APN: 401-07-029ZONING: R1-5

The Zoning Administrator, who is also the Planning Director and Historic Preservation Officer, will read a report that contains information pertinent to the agenda item. Applicant called upon the Planning/Zoning Administrator to make a interpretation under Zoning Ordinance Section 107. B. as to whether the subject property can be used as a duplex. Applicant now alleges error(s) by Zoning Administrator in expressing opinion in letter addressed to Mr. Paladini dated November 10, 2010 in which the Zoning Administrator determined that (1) the referenced property was not designed or occupied as a legal nonconforming duplex in 1977 when the Zoning Ordinance was adopted as defined in Section 201, and (2) that, even if there was a "duplex" at the time of the adoption of the Zoning Ordinance, such use of the property has been abandoned and must conform to the current Zoning Ordinance which permits only a single family residence per Section 501 C. 2. **Discussion and Possible Actions regarding this alleged error.**

Carol Yacht, recused herself because she filed the complaint against the Rappaports. In a unanimous vote of the three members of the five-member board who were present, the Rappaports' appeal was denied.

Gary Shapiro, Joan Kennedy and Ron Richie, all voted to uphold the zoning administrator's decision. The meeting was recorded by Lott Reporting, Inc. of Prescott, AZ and a full copy of the transcript is available for viewing at the Jerome Town Hall.

Pursuant to A.R.S. § 38-431.01 et. seq. , notice is hereby given to the Board and to the General Public that the Board plans to hold the above meeting. The Town of Jerome Board of Adjustment may vote to go into executive session on this agenda item pursuant to A.R.S 38.431.03 for the purpose of conferring with legal counsel. "A public vote shall be taken before any legal action binds the public body" A.R.S. § 38-431.03 . D.

ITEM 6: ADJOURNMENT .

Kennedy made a motion to adjourn, Richie seconded and Shapiro called the question. The motion passed unanimously.

Anyone needing clarification on a Board of Adjustment agenda item may call Jerome Town Hall at 634-7943 and ask to speak with Bill Jensen, Planning & Zoning Administrator and Historic Preservation Officer.

Posted 4th day of January, 2011 before 5:00 p.m. by /s/ Wm. Jensen, Zoning/Planning Admin.,
Attest

Approved: _____ Date: _____
Board of Adjustment Chair

Attest: _____ Date: _____
Planning & Zoning Administrator