



# TOWN OF JEROME

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

## SPECIAL MEETING OF THE TOWN OF JEROME BOARD OF ADJUSTMENT

DATE: Thursday, July 18, 2019 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: Minutes of Regular Meeting March 7, 2019 Discussion/Possible Action/ Possible Direction to Staff

### ITEM 3: APPEAL OF ZONING ADMINISTRATOR DECISION, VARIANCE GRANTED IN 2009 TO 324 QUEEN STREET FOR PARKING

*If necessary, Commission may enter into executive session, pursuant to A.R.S. §38-431.03(A)(3) and/or (A)(4), for discussion with the attorney and consideration of legal advice.*

APPLICANT: Windy Jones & Josh Lindner

MAILING ADDRESS: 2549 Haskell Springs Rd. Clarkdale, AZ 86324

PROJECT ADDRESS: 324 Queen St.

ZONE: C-1

OWNER OF RECORD: Cuban Queen Bordello LLC

APN: 401-06-127

Pursuant to Section 305, a review of Zoning Administrator decision is requested regarding her determination that the zoning variance granted in 2009 V2009-324Q is no longer valid.

**Discussion/Possible Action/ Possible Direction to Staff**

### ITEM 4: PARKING VARIANCE REQUEST, 324 QUEEN STREET

*If necessary, Commission may enter into executive session, pursuant to A.R.S. §38-431.03(A)(3) and/or (A)(4), for discussion with the attorney and consideration of legal advice.*

APPLICANT: Windy Jones & Josh Lindner

MAILING ADDRESS: 2549 Haskell Springs Rd. Clarkdale, AZ 86324

PROJECT ADDRESS: 324 Queen St.

ZONE: C-1

OWNER OF RECORD: Cuban Queen Bordello LLC

APN: 401-06-127

Pursuant to Section 305, a new parking variance may be requested by the property owner.

**Discussion/Possible Action/ Possible Direction to Staff**

**Public comment may be received on Item 4.**

### ITEM 5: ADJOURN

**Discussion/Possible Action**

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

\_\_\_\_\_  
JONI SAVAGE, DEPUTY TOWN CLERK, ATTEST

Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting Deputy Town Clerk Joni Savage at (928) 634-7943. Requests should be made as early as possible to allow sufficient time to make arrangements. Anyone needing clarification on an agenda item may call Jerome Town Hall at (928) 634-7943 and ask to speak with Candace Gallagher, Town Manager/Clerk.

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



# TOWN OF JEROME

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

## REGULAR MEETING OF THE TOWN OF JEROME

### BOARD OF ADJUSTMENTS

DATE: Thursday, March 7, 2019 TIME: 6:00 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 Gary Shapiro.**

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

*The meeting was called to order by Vice Chair Chris Babbage at 6:04 p.m.*

*Roll call was taken by Vice Chair Babbage. Members present were Gary Shapiro, Suzy Mound, Vice Chair Chris Babbage, Natalie Barlow and Carol Yacht was present telephonically. He welcomed Natalie Barlow to the Board. Staff present were Charlotte Page, Zoning Administrator and Joni Savage, Deputy Clerk/Minute Taker.*

#### (00:30) ITEM 2: APPROVAL OF MINUTES: Minutes of Regular Meeting April 5, 2018

**Gary Shapiro made a motion to approve the minutes of April 5, 2018. The motion was seconded by Suzy Mound and passed with 4 ayes and one abstention from Natalie Barlow.**

#### (01:00) ITEM 3: PETITIONS FROM THE PUBLIC – There were no petitions from the public.

#### (01:05) ITEM 4: ELECTION OF OFFICERS

Pursuant to Section 105 of the Town of Jerome Zoning Ordinance, the board shall elect a Chair and Vice Chair from among its own members.

**Carol Yacht made a motion to nominate Gary Shapiro as Chair and was seconded by Vice Chair Babbage and passed unanimously.**

**Vice Chair Chris Babbage nominated Carol Yacht for Vice Chair and was seconded by Suzy Mound and passed unanimously.**

#### (02:08) ITEM 5: FUTURE AGENDA ITEMS

*Vice Chair Yacht suggested moving the meeting time to 7:00 p.m.*

*Chair Shapiro and Mr. Babbage voted no. Mr. Babbage asked her if she would want to do it earlier.*

*Ms. Page thought the meeting time was in the ordinance.*

*Mr. Babbage and Chair Shapiro both said no.*

*Mr. Babbage suggested they meet earlier and then asked Vice Chair Yacht to consider that before their next meeting.*

*Vice Chair Yacht decided the time they met was okay.*

#### ITEM 6: ADJOURN

**Vice Chair Babbage moved to adjourn the meeting and was seconded by Gary Shapiro. The motion passed unanimously, and the meeting was adjourned at 6:08.**

Approval on next page.

# TOWN OF JEROME

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## REGULAR MEETING OF THE TOWN OF JEROME

### BOARD OF ADJUSTMENT

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

PLACE: JEROME CIVIC CENTER

600 Clark St., JEROME, ARIZONA 86331

### MINUTES

*Respectfully submitted by Joni Savage on March 7, 2020*

Approved: \_\_\_\_\_  
Board of Adjustment Chair

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

Attest: \_\_\_\_\_  
Board of Adjustment Vice Chair

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

**ITEM #3, APPEAL OF ZONING ADMINISTRATOR DECISION, VARIANCE GRANTED IN 2009 TO 324 QUEEN STREET FOR PARKING**

- 1) Application for Appeal
- 2) Letter of Decision from Charlotte Page, Zoning Administrator, to Windy Jones and Josh Lindner, 5/16/2019
- 3) Letter from Town Attorney William J. Sims to Charlotte Page, Zoning Administrator, 5/15/2019
- 4) Response from applicants to Mr. Sims, 6/21/2019
- 5) ORIGINAL VARIANCE:
  - a. Letter from Annie Kelly, Zoning Administrator, to Alan and Wendy Rackov, 6/9/2009
  - b. Variance Certificate for five parking spaces (Permit #V2009-324Q), 5/21/2009
  - c. Zoning Administrator's Report/Recommendation to Board of Adjustment, May 21, 2009

**SEE ALSO JZO and A.R.S. excerpts included in information provided with Item #5.**



**TOWN OF JEROME, ARIZONA**  
POST OFFICE BOX 335, JEROME, ARIZONA 86331  
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**APPLICATION FOR VARIANCE** *Appeal*

**APPLICANT'S NAME:** Windy Jones and Joshua Lindner

**MAILING ADDRESS:** 2549 Haskell Springs Rd, Clarkdale AZ 86324

**TELEPHONE #:** 714-306-8079

**SITE ADDRESS:** 324 Queen St, Jerome AZ 86331

**PARCEL #:** 401-06-127

**VARIANCE FOR WHAT PART IN ZONING ORDINANCE:** Parking - appeal

decision of Zoning Administrator - letter dated 5/16/19

**You must answer the following questions**

**WHAT SPECIAL CIRCUMSTANCES OR CONDITION APPLIES TO THE LAND OR**

**BUILDING REFERRED TO:** Because parking is geographically impossible on the lot, per original parking variance granted, current owners will not be able to re-create the Cuban Queen without parking.

**WHAT CREATED THESE SPECIAL CIRCUMSTANCES OR CONDITIONS:** In 2017 the Prior P&Z Planning Admin had confirmed that the parking certificate was valid and running with the land, even though the original building had fallen down. 5/16/19 letter declared the prior variance non-transferable.

**IF THE VARIANCE IS DENIED, WHAT HARDSHIP, OTHER THAN PERSON**

**INCONVENIENCE AND/OR FINANCIAL HARDSHIP WILL BE CREATED:** Re-creation similar

to the Cuban Queen with original front set back, using salvaged materials, will not be possible.

**HOW WILL YOU ASSURE, IF THE VARIANCE IS GRANTED, IT WILL NOT BE**

**DETRIMENTAL TO THE NEIGHBORHOOD, SPECIFICALLY AND THE PUBLIC WELFARE**

**IN GENERAL:** There is a large parking lot across the street and town

parking next door.

*6/4/19  
\$2002-pd  
credit card  
se*



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# TOWN OF JEROME

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

May 16, 2019

Windy Jones & Josh Lindner  
2549 Haskell Springs Road  
Clarkdale, AZ 86324

RE: APN 401-06-127

Dear Windy and Josh:

Regarding your recent application for Planning and Zoning review of a building project at 324 Queen Street, the historic variance (V2009-324Q) that was granted by the Jerome's Board of Adjustment in 2009 was contingent upon the applicant's completion of the building project. In addition, Section 305 of the Town's Zoning Ordinance states that "Every Variance granted shall be personal to the appellant therefore and shall be transferrable and shall run with the land only after completion of any authorized structure or structures." That project was never completed by the applicant, and the property was later sold.

In light of the above, our Town Attorney has submitted his written opinion (attached) that this variance is no longer valid. Therefore, I'm writing to inform you that the variance V2009-324Q may not be used with your current application for building at 324 Queen St., APN 401-06-127.

You have the following options at this point:

- You can appeal this decision to the Board of Adjustment through a formal appeal process. Section 105 B. of the Zoning Ordinance states:
  - 1. It shall be the duty of the Board of Adjustment to:
    - a. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of the zoning ordinance, and to reverse or affirm, wholly or partly, or modify the order requirement or decision of the zoning administrator appealed from, and make such order, requirement, decision or determination as necessary.
- You can request a new variance from the Board of Adjustment. In order to grant a new variance, the Board would consider the criteria outlined in Section 305 of the Zoning Ordinance:
  - 6. Any aggrieved person may appeal to the Board of Adjustment for a variance from the terms of the Zoning Ordinance only, if because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Windy Jones & Josh Lindner  
RE: APN 401-06-127

-2-

May 16, 2019

7. A variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of this Ordinance results in more than personal inconvenience and/or financial hardship, and is not the result of actions by the appellant.

8. In granting Variance, the Board may impose such conditions and safeguards as are appropriate to insure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a Variance is granted shall be deemed a violation of this Ordinance.

- You can arrange to obtain off-site parking sufficient to support your plan. Off-site parking is described as follows in Section 510.C.2a of the Zoning Ordinance:

Required off-street parking shall be located within the C.1. Zone. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements the owner shall submit as part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by deed restriction or recorded easement.

- You can petition the Town for changes in the Zoning Ordinance. Any change can be proposed. Amendments to the Zoning Ordinance are described in Section 301.A:

The Council may, from time to time as the public necessity, convenience, general welfare, or good zoning practice requires, change the district boundaries or amend, change, repeal or supplement the regulations herein established. Such change or amendment may be initiated by the Council or the Commission on its own motion or by petition of one or more owners of real property within the area proposed to be changed.

I will be happy to assist you with any of the above. Please call if you have any questions. Also, Mr. Sims has indicated that he would be available to speak with you and/or your attorney to answer any questions.

Regards,



Charlotte Page  
Town of Jerome  
Zoning Administrator.

cc: Candace Gallagher, Town Manager/Clerk  
Mayor Alex Barber  
Lance Schall, Chair, Planning & Zoning Commission ✓  
William J. Sims, Esq., Town Attorney



3101 NORTH CENTRAL AVENUE, SUITE 870  
PHOENIX, ARIZONA 85012  
(602) 772-5500 (O) • (602) 772-5509 (F)

WILLIAM J. SIMS, III  
DIRECT: (602) 772-5501  
WJSIMS@SIMSMACKIN.COM

May 15, 2019

Charlotte Page, Zoning Administrator  
Town of Jerome  
P.O. Box 335  
Jerome, Arizona 86331

Re: APN: 401-06-127

Dear Ms. Page:

I understand that in your capacity as the Zoning Administrator for the Town of Jerome you have received Application Number 401-06-127, an application for Preliminary Site Plan Review and a Residential CUP for property located at 324 Queen Street, Jerome, Arizona.

I have reviewed the file in this matter, particularly Permit # V2009-324Q (copy enclosed) purporting to authorize a variance for five parking spaces for the 324 Queen Street property. On the face of the Permit it expressly says: "Variance will run with the land upon completion of building project; all provisions pursuant to Section 305 apply."

The reference to Section 305 is a reference to subsection A.10 of Section 305 of the Town Zoning Code which states: "Every variance granted shall be personal to the appellant therefore and shall be transferrable and shall run with the land only after completion of any authorized structure or structures."

In light of the clear meaning of your Town Zoning Code, and in light of the express provisions of Permit # V2009-324Q, given that the initial applicant for the permit never completed the improvements on the property, and given that the property has been sold to the current property owners who have submitted APN: 401-06-127 without the improvements having been completed, I must advise you that in my opinion the conditions for having the variance run with the land have not been satisfied, and the variance is no longer applicable to the 324 Queen Street Property.

ANTHONY W. CONTENTE-CUOMO • KRISTIN M. MACKIN • WILLIAM J. SIMS, III  
CATHERINE BOWMAN, OF COUNSEL

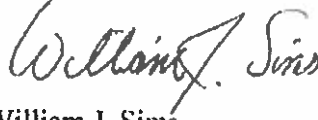


May 15, 2019  
Page 2

I ask that you inform the applicants for APN: 401-06-127 that in light of my opinion, your interpretation of the Town Zoning Code prevents you from further processing APN: 401-06-127.

Please advise the applicants that under Section 305.A of the Town Code, your decision, a decision that is informed by this opinion, may be appealed to the Board of Adjustment.

Sincerely,

A handwritten signature in cursive script that reads "William J. Sims".

William J. Sims  
Town Attorney

cc: Candace Gallagher, Town Manager

Josh Lindner  
Windy Jones  
2549 Haskell Springs Road  
Clarkdale, Arizona 86324

6/21/2019

RECEIVED  
6/24/19  
emailed to B. Sims 6/24  
↓  
on vacation till 6/28

Town of Jerome  
Town Attorney  
William J. Sims

RE: APN 401-06-127 Letter to Zoning Administrator May 15, 2019

Dear Attorney Sims,

To answer your letter, our intention to complete the 'authorized structure or structures' has been clear from the beginning when we purchased the lot from Wendy Racov/Jackson, and completed a pre-design meeting with Jerome on 6/19/2017. Your letter does address Section 305, and it is accurate that the project is not completed as of this date. We are moving ahead to complete the project that will satisfy Section 305.

1. Section 305 clearly allows the parking variance to transfer to the new owner by law when the authorized structure described in the ordinance is completed. However, there was no authorized structure described; please supply this information, if it exists.
2. Your statement that the conditions of the 'variance running with the land' not being satisfied indicate you may have not been informed that we are following the approved language of the Board of Adjustments approval as the new owners.
3. The Town's position appears to assume that the sale of the 324 Queen Street/A.P.N. 401-06-127 property prevents transfer of the parking variance. If so, this position lacks merit because it misinterprets the plain meaning of section 305.
  - a. The term 'authorized structure' could describe the structure in our application and the term project specific in Section 305.
  - b. The clear language of Section 305 describes an administrative path that would require transfer of the parking variance, as we have requested.

- c. Section 305 has three separate “shall” conditions. This specific word denotes a mandatory legal condition or duty.
    - i. First, the parking variance “shall be personal[.]” Because the parking variance was granted to a specific applicant for a specific project, it is premised on those facts rather than attaching automatically as a feature of 324 Queen Street/A.P.N. 401-06-127.
  - d. Second, however, the parking variance “shall be transferrable and shall run with the land[.]” This mandatory term alerts the Town Council that the Town has a **legal duty** to allow a project to project or person to person transfer of the issued variance for 324 Queen Street/A.P.N. 401-06-127. The reference to “shall run with the land” means that the sale of the property is not an impediment to this transfer of the parking variance, if required.
4. The transferability issue is a question of what “authorized structure or structures” we must complete in order to trigger the legal right to require the Town to transfer the parking variance.
- a. The term “authorized structure or structures” could describe the structure or structures in a new applicant’s project. This interpretation suits the transferability/runs with the land language referenced in Section 305.
  - b. Original variance granted does not provide the description; please provide this original description, if it exists.

The letters from yourself and Ms. Page do not entirely address the legal issues presented in our position that the parking variance is transferable to us. The Towns letter does not address the administrative path of Section 305 at all; even to rule it out of consideration. From our perspective, section 305 allows the parking variance to transfer to us (new owners) by law when the “authorized structure or structures” described in the ordinance are complete. Former owner Wendy Jackson/Rackov was not able to save the building in its dilapidated condition that led to its collapse. Our intent is to go through the standard town processes of review and approval to have “authorized structure or structures”. Our desire is to complete a project with the same front location, use of original salvaged materials, a façade to include the same façade as the original Cuban Queen building, and the same historical theme to preserve the Cuban Queen history in Jerome.

Respectfully,



Josh Lindner



Windy Jones



**TOWN OF JEROME, ARIZONA**  
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(928) 634-7943 FAX (928) 634-0715  
zoning@tojaz.us

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June 9, 2009

Alan and Wendy Rackov  
P.O. Box 466  
Cayucos, CA 93430

RE: Cuban Queen Building, 324 Queen St.

Dear Mr. and Mrs. Rackov:

Please find the enclosed certificate granting 324 Queen St. a variance for five (5) parking spaces. Keep this certificate for your records. Once the project is completed, the variance will run with the land and is transferable to subsequent property owners if applicable.

These parking spaces are granted to the building and will be used to meet the requirements pursuant to Jerome Zoning Ordinance §510 (D) Parking Schedule. These spaces will allow the building to be renovated/restored and reasonably used in a commercial capacity.

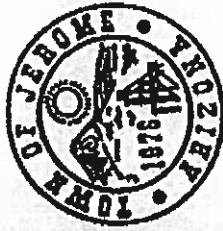
If you would like copies of the minutes from the meeting on May 21, 2009, please let me know and I will send a transcript as soon as it becomes available.

Thank you so very much for your time and patience during this long process. I look forward to working with you in the future on this project. If I can be of any assistance during the application and permitting process for the Planning Department, please do not hesitate to contact me.

Sincerely,

Annie M. Kelly, M.A.  
Zoning Administrator

Enclosure: Variance Certificate for Five (5) Parking Spaces



*Town of Jerome*

*Permit #: V2009-3242*  
*Effective Date: 5/21/2009*

*Approved by the Board of Adjustment*

*Name: Alan and Wendy Rackov*

*Address: 324 Queen St.*

*Parcel #: 401-06-127*

*Zone: C-1*



*Variance for Five (5) Parking Spaces*

*\* Variance will run with the land upon completion of building project; all provisions pursuant to Section 305 apply*

*Signed:*

*Annie M. Kelly*  
Annie Mae Kelly, Planning & Zoning Administrator and Historic Preservation Officer

# TOWN OF JEROME

## BOARD OF ADJUSTMENT

Item #

3

Zoning Report

**TO:** Board of Adjustment

**FROM:** Annie M. Kelly, Zoning Administrator

**MEETING DATE:** May 21, 2009

**SUBJECT:** Variance for structure at 324 Queen St.

### APPLICATION PROVISIONS

**Location:** 324 Queen St. (formerly Rich St.)

**APN:** 401-06-127

**Owner of Record:** Alan and Wendy Rackov

**Applicant/Representative:** Alan and Wendy Rackov

<b>Land Use Designation</b>		
<b>Street Map Classification</b>	<b>Street: Queen St.</b>	<b>Type: Town Right-of-Way</b>
<b>Neighborhood/District Element</b>	<b>G.W. Hulls Plat of Jerome</b>	
<b>Applicable Elements</b>	<b>Historic Overlay District</b>	

### Ordinance Compliance

<b>Ordinance Section</b>	<b>Provisions</b>	<b>Per Application</b>	<b>Issues</b>
<b>Sect. 105(B)(1)(b)</b> <b>Power and Duties</b> <i>(Page 9)</i>	It shall be the duty of the Board of Adjustment to: Hear and decide appeals for variances from the terms of the [ZO] only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surrounds the	Parking is geographically impossible on the lot without changing the footprint of the historic building. The Board of Adjustment has purview over the granting of variances.	A variance may be applicable to this situation as this property cannot be reasonably utilized by the property owner due to the parking requirements under the ZO

	strict application of the [ZO] will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.		
<b>Sect. 305 (A)(6)</b> <b>Appeals to the Board of Adjustment</b> <i>(Page 42)</i>	Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.	Property is located within the C-1 Zone. There are several permitted and conditional uses for this zone, including retail, studio, restaurant/bar, residential, etc. The adjacent property is utilized as a residence as well as a retail gallery (The Queen's Neighbor).	To grant a variance for parking does not appear to permit any special privileges as long as the number of parking spaces granted is the <i>minimum</i> number in order to restore the building and enable <i>reasonable</i> use. To give a variance for a large number of parking spaces (a restaurant/bar, for example) may be considered a granting of special privileges not afforded to others within the C-1 Zone.
<b>Sect. 305(A)(7)</b> <b>Appeals to the Board of Adjustment</b> <i>(Page 42)</i>	A variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of this Ordinance results in more than personal inconvenience and/or financial hardship, and is not the result of actions by the appellant.	The property cannot currently be utilized in any capacity within the C-1 Zone without parking. Literal application of the Zoning Ordinance causes the property owners the inability to utilize their property in any reasonable way.	The building cannot be restored or rehabilitated without providing the proper parking. The physical impossibility of parking on this lot was not created by the owners of the property. This condition is not self-imposed.
<b>Sect. 305(A)(8)</b> <b>Appeals to the Board of</b>	In granting a variance, the Board may impose	Board may stipulate conditions on the variance.	ZA suggests that the Board reiterate that the building may



<b>Adjustment</b> <i>(Page 42)</i>	such conditions and safeguards as are appropriate to insure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a variance is granted shall be deemed a violation of this Ordinance.		only be restored or rebuilt to its original condition and if a variance is granted, it must comply with Section 501 Nonconforming Situations. In addition, all plans for restoration and rebuilding <b>MUST</b> go through the regular Planning & Zoning and Design Review Board procedures. <i>A variance does not grant exemption from regular procedures for construction and site plan review.</i>
<b>Sect. 305(A)(9) Appeals to the Board of Adjustment</b> <i>(Page 42)</i>	No nonconforming use or violations of this Ordinance with respect to neighboring lands, structures, or buildings, in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for a variance.	The lot is a legal nonconforming lot of record; nonconforming buildings may be repaired or restored as long as the discrepancy at the time of the passage of the Ordinance is not increased. This means the property owners must restore the building to its original character and cannot increase the footprint, height, yards, square footage, etc. (Section 501(C)(6&7)).	Any permitted and conditional use within the C-1 Zone would not be considered a nonconforming use by legal definition. While the lot and building are both physical nonconforming situations, JZO allows for these types of buildings to be restored and maintained without intensifying the nonconformity. As long as the building is restored in a manner that is compliant with the Zoning Ordinance, the variance does not grant a nonconforming use or situation.
<b>Sect. 305(A)(10) Appeals to the Board of Adjustment</b>	Every variance granted shall be personal to the appellant therefore	The variance, if granted, must be granted to the current property	The Board might consider adding a condition that upon sale or transference



(Page 42)	and shall be transferable and shall run with the land only after completion of any authorized structure or structures.	owners and will only be transferable upon completion of the restoration or rebuilding.	of title of this property, the owners acknowledge that unless the building project is complete (i.e. the issuance of a final Certificate of Occupancy), to sell the property prior to completion would be a violation of the terms of the Ordinance.
Sect. 510(C)(2)(a) Design and Location of Parking Spaces (Page 79)	Required off street parking shall be located within the C-1 Zone. Whenever the use of a separate lot or parcel is proposed for the fulfillment of the minimum parking requirements the owner shall submit as part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by deed restriction or recorded easement.	Applicants have sought other avenues in order to meet the parking requirement in the ordinance. Verde Exploration, Ltd. agreed at one point to lease land for parking.	Parking must be within the C-1 Zone and must be dedicated to parking through deed or recorded easement. <i>Leasing</i> does not meet these criteria. In addition, it is my understanding that the land in question was in the AR Zone and therefore, even if deeded or dedicated through an easement, could <i>not</i> be applied to the parking requirement because it is located in a different zone.

### BACKGROUND / DISCUSSION

The applicants have tried for well over a year to be able to restore and rehabilitate the structure at 324 Queen St., otherwise known as the Cuban Queen. Due to the geographical location of the parcel, its size, topography, and the location of the building, creating parking spaces for use of the building on said property is impossible. Without the parking, the building cannot be restored or used under our Zoning Ordinance as any project of this nature requires a site plan under Section 303 and must provide off-street parking pursuant to Section 510.

The issuance of variances is not solely governed by the Jerome Zoning Ordinance; The Arizona Revised Statutes also dictate that certain conditions must exist in order for any

variance to be granted. Overall, a variance cannot violate the Zoning Ordinance, but more importantly, it cannot violate State Law.

ARS § 9-426.06 provides for the requirements of a variance. Firstly, there must be special circumstances or conditions that apply to the land, building, or use of the property which do not apply to other similar properties in the same zoning district. This includes an unusual lot size, shape, and topography. This must be considered a property hardship and it must be a condition relating to the property that is unique and not replicated within the same zone. The Cuban Queen was built in 1904 and has remained standing for over 100 years. The lot is small and is considered a nonconforming lot of record. At the time of construction, there were no provisions in place dictating set backs, parking, or other zoning regulations. Parking is a physical impossibility on the lot due to the location of the structure and topography of the lot. It is my understanding that the Cuban Queen is the only building in the C-1 Zone that cannot be restored or rebuilt because of a lack of space for the required parking.

Secondly, under State Law, the hardship/special conditions cannot be self-imposed. The conditions set forth above were not imposed by the owners. Arguably, they were imposed by the builders in 1904 when cars were all but nonexistent in Jerome. The property owners wish to restore/rebuild the structure; they did not abandon the use as they bought it with the intent to restore it.

Thirdly, the State dictates that authorization of a variance must be necessary in order for the owner to enjoy reasonable and substantial property rights. Without a variance for parking, this property cannot be utilized in any capacity. The owners would like to restore the building and do not wish to see it demolished because of its historic integrity and importance in the Town of Jerome. They have, as stated above, attempted to obtain parking in other ways and have not been able to do so that would be in compliance with the Zoning Ordinance.

Lastly, a variance cannot be granted if it would be detrimental or incompatible with the surrounding development. A variance for parking at this location would not be detrimental to the surrounding properties as it is located in the C-1 Zone and there are large parking lots located nearby provided by the Town of Jerome (unlike the residential zones where such a variance would arguably be detrimental to neighboring properties). It does not grant any special privileges that are not enjoyed by neighboring properties as the adjacent property is utilized as a residence and gallery.

Ultimately, the Cuban Queen appears to meet the State of Arizona's requirements for a variance. In addition, there is no provision within the Jerome Zoning Ordinance that prohibits the granting of a variance for parking. Resolution #287 repealed Section 510(F) from the Zoning Ordinance in January of 1997 that allowed for an in-lieu parking fund; an applicant was required to pay a fee per space and would buy as many spaces as needed to fulfill the parking requirement. It is my understanding that repealing this provision was misinterpreted by residents and previous Town staff to mean that a property owner could no longer get a variance for parking in any capacity.

This assumption is incorrect. As there is no provision prohibiting such a variance (in fact, a property owner is able to get a variance for backing out onto a public street under Section 510), it can be argued that if the State and the Jerome Zoning Ordinance requirements are met for a variance, one can be granted by the Board of Adjustment. Additionally, in 1996 when discussion first began in regards to repealing the in-lieu parking variance provision, the Town Attorney stated at that time the provision was "at odds with itself" and "the Board of Adjustment can deal with parking variances in the same way they deal with other variances as outlined in

JZO" (Minute Record from October 22, 1996). Therefore, the repeal of the in-lieu parking waiver was never meant to prohibit property owners from receiving a variance for parking.

It should be noted that granting a variance for parking in this case would be "setting a precedent" for the future. In my experience, most parking issues arise as a property or business owner wishes to increase the usage for their current commercial establishment (such as introducing beer and wine service, or adding chairs to an existing restaurant). A variance would not be applicable any of these circumstances as increasing the usage is entirely self-imposed by the business owner. The owner already enjoys reasonable property rights in a similar manner to those also located within the same zone. To grant variances for parking in these cases would be granting special privileges to the property/business owners. Therefore, these situations would not ever be considered for a variance as to do so would violate most of the provisions found under the Jerome Zoning Ordinance and the Arizona Revised Statutes.

#### **STAFF RECOMMENDATION**

The square footage of the Cuban Queen is approximately 1450 sq. ft. according to the applicant. The Board of Adjustment should take into consideration that only a *minimum* number of parking spaces should be assigned if the variance is granted (for example, granting enough parking spaces for a residence or a retail shop, which would reflect the usage of the closest property in the C-1 Zone). The Board of Adjustment should stipulate that once completed, if the current owners or any future owners of said property wish to increase the usage (to a restaurant or bar, for example) then they would be required to provide parking pursuant to Section 510(D).

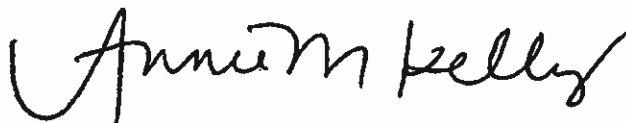
Retail/service reflects the majority of uses within the C-1 Zone as well as the nearest adjacent business (The Queen's Neighbor). The number of spaces to be granted through a variance is left to the discretion of the Board of Adjustment but should be no more than five (5) spaces. This is the requirement for parking for retail/service based on the square footage (1450 sq. ft. / 300 sq. ft. per 1 parking space = 4.8 parking spaces).

Not all the square footage will be "usable" area under the Zoning Ordinance. Usable area does not include kitchens, bathrooms, hallways, staircases, entrances, area behind counters, etc. However, without a floor plan, exact usable area cannot be determined until submitted to Planning and Zoning. The parking requirement only applies to usable area. As a result, the Board may grant fewer spaces and still allow the building to be restored and utilized in a reasonable manner.

Residential use would require a Conditional Use Permit from the Planning & Zoning Commission as well as two (2) spaces for the building (or 1.5 spaces per apartment if more than one dwelling unit).

To permit more spaces under a variance may be considered granting special privileges under ARS and the Jerome Zoning Ordinance.

Respectfully submitted,



#### **ITEM #4, PARKING VARIANCE REQUEST, 324 QUEEN STREET**

- 1) Application for Variance
- 2) Zoning Administrator's Report/Recommendation to Board of Adjustment, prepared by Charlotte Page prior to her departure
- 3) JZO Section 105, Board of Adjustment
- 4) JZO Section 305, Appeals and Variances
- 5) JZO Section 507, C-1 Zone
- 6) JZO Section 510, Parking and Loading Requirements
- 7) A.R.S. §9-462.06, Board of Adjustment
- 8) Board of Adjustment bylaws (approved January 2014)
- 9) Documents provided by applicant:
  - a. Letter from Glenn Odegard, Nordic Builders, Inc.
  - b. 324 Queen Street timeline (parking items only)
    - i. 5/9/17 Email thread, "Re: The Next 30 days" - Carol Anne Teague/Windy Jones
    - ii. 6/2/17 Email thread, "I can't upturn this on my phone" – Carol Ann Teague/Kyle Dabney/Windy Jones
    - iii. 6/27/17 Email, "Cuban Queen" – Kyle Dabney
    - iv. 5/6/19 Letter from Windy Jones and Josh Lindner "324 Queen Street letter for executive session"
    - v. Results of Public Records Request completed 7/3/19
    - vi. 4/6/17 Board of Adjustment meeting minutes

SEE ALSO information included in Item #3 regarding original variance granted in 2009.



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

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Incorporated 1899

**APPLICATION FOR VARIANCE**

APPLICANT'S NAME: Windy Jones and Joshua Lindner  
MAILING ADDRESS: 2549 Haskell Springs Rd, Clarkdale AZ 86324  
TELEPHONE #: 714-306-8079  
SITE ADDRESS: 324 Queen St, Jerome AZ 86331  
PARCEL #: 401-06-127  
VARIANCE FOR WHAT PART IN ZONING ORDINANCE: Parking

You must answer the following questions

WHAT SPECIAL CIRCUMSTANCES OR CONDITION APPLIES TO THE LAND OR  
BUILDING REFERRED TO: Because parking is geographically impossible  
on the lot.

WHAT CREATED THESE SPECIAL CIRCUMSTANCES OR CONDITIONS: The Cuban  
Queen bordello was constructed before cars

IF THE VARIANCE IS DENIED, WHAT HARDSHIP, OTHER THAN PERSON  
INCONVENIENCE AND/OR FINANCIAL HARDSHIP WILL BE CREATED: Re-creation similar  
to the Cuban Queen with with original front set back, using salvaged  
materials, will not be possible.

HOW WILL YOU ASSURE, IF THE VARIANCE IS GRANTED, IT WILL NOT BE  
DETRIMENTAL TO THE NEIGHBORHOOD, SPECIFICALLY AND THE PUBLIC WELFARE  
IN GENERAL: There is a large parking lot across the street and town  
parking next door.

6/4/19  
\$2000.00 PD  
credit card  
RE



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# TOWN OF JEROME

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

## **ITEM 5: PARKING VARIANCE REQUEST, QUEEN STREET**

APPLICANT: Windy Jones & Josh Lindner

MAILING ADDRESS: 2549 Haskell Springs Rd. Clarkdale, AZ 86324

PROJECT ADDRESS: 324 Queen St.

OWNER OF RECORD: Cuban Queen Bordello LLC

ZONE: C-1

APN: 401-06-127

Pursuant to Section 305, a new parking variance is requested by the property owner.

In 2009 a variance granting five (5) parking spaces was granted by the Board of Adjustment. The analysis of the 2009 Zoning Administrator is provided.

A new variance may be applicable to this property due to the unique hardships presented by the location and the topography of the undeveloped land. The parcel has only one lot line that is accessible by road. This southwest border of the lot then drops off ten feet at this road accessible area to the basement level of the historic structure. The existing basement ruin is located near the front lot line. This further complicates providing any parking at this front lot line. The available space here, at Queen St., does not provide adequate parking at the only road access in the current situation. The rear and side lot have no access.

The lot is 30.8' wide allowing no more than two (2) legal spaces to be developed and these would necessarily have to be at the front of the lot. ADA space is required if parking is developed on the property this would require more than half the width of the available space. There is no room in this area to provide parking adequate for a commercial use as it currently exists.

There is no nearby property that would be easily accessed to provide parking that could be obtained under easement and little available in the current market for sale that could be justifiably developed for parking for this parcel.

The property is in the C-1 Zone, there are a variety of permitted and conditional uses in the zone including retail, studio, restaurant, bar, and residential uses.

One adjacent property, to the west is town owned. This property would not be available for parking easement or outright purchase without consent of Council.

The other adjacent property is a mixed-use retail gallery with residential use. Near neighbors have multifamily residential use, light manufacturing and commercial galleries. To the rear of this lot properties are AR Zoned properties which would not be allowed for use as parking in the C-1 Zone. Road access to these AR properties to the north is limited.

Granting a variance for parking would not allow special privilege in this case in the same way that it was justified in 2009. The parking could be granted as a minimum number for reasonable future use of a building at this site.

Vacant land for sale in the C-1 Zone is rare and acquiring land for parking may not be feasible. Due to the geographical location of the parcel, size, topography and location in the zone, creating parking spaces for use on the site may be impossible.

**ITEM 5: PARKING VARIANCE REQUEST, QUEEN STREET**  
**APPLICANT: Windy Jones & Josh Lindner**

**APN: 401-06-127**

State law provides specific requirements of a variance. Special circumstances do apply to this land and the use of the property which do not apply to similar properties in the area. Specifically, the size of the lot, access to it and the existing basement ruin create hardships. These conditions are not imposed by the current owners.

State law dictates that variance must be necessary for owner to enjoy reasonable and substantial property rights. Without a variance for parking, this property may not be able to consider redevelopment suitable to the zone.

If granted, would a variance be detrimental or incompatible with surrounding development? In the specific site there are currently large parking lots nearby that are provided by the Town of Jerome.

Other properties in this area utilize on street parking and the nearby lots provided by the Town. Granting a variance for parking in this situation would not represent granting special privileges that are not currently enjoyed by neighboring property owners.

This parcel, 324 Queen St., seems to meet criteria required by state statute to allow a variance to be granted. There are no provisions prohibiting a parking variance in Jerome's Zoning Ordinance.

In 2009, staff recommend a five-space parking variance to service the needs of a 1450 sq. ft. building located at this site. This number would allow development of reasonable use for retail, service or possible mix use of a project for this site today.

The validity of the 2009 variance is not a condition imposed on the situation by the property owner.

The current owner made many efforts assure the validity of the parking variance issued in 2009. The challenge to the 2009 variance comes nearly two years after the property acquisition and is not solely the responsibility of the present owner. Unless the Item 4 Appeal on today's agenda overturns the Zoning Administrator's decision, it should be noted that the validity of the 2009 variance is not a condition imposed on the situation by the property owner.

Board of Adjustment members were made aware of the existing variance in 2017 prior to this property owner taking possession of the parcel. No action was taken at that time.

In Council meetings in March and April of this year, Council reviewed possible development of ADA parking at the adjacent town owned lot. Council was informed by the property owner of their due diligence to ensure the validity of the existing variance, and although Councilmember Worth suggested this matter be reviewed in executive session a legal review in executive session was not scheduled until after the property owner brought the development project to Planning & Zoning using the 2009 variance as evidence of legal parking.

Charlotte Page  
Zoning Administrator

## ZONING ORDINANCE EXCERPT:

### **SECTION 105. BOARD OF ADJUSTMENT**

#### **A. ESTABLISHMENT; COMPOSITION; TERM OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS**

There is hereby established a Board of Adjustment of the Town of Jerome, to consist of five (5) members, each of whom shall be a resident of the Town of Jerome, to be appointed by the Town Council. The members of the Board shall serve for three (3) years, except as hereinafter provided. The members of the first Board appointed hereunder shall serve for the following terms: two (2) members shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of three (3) years. In the event of a death, resignation, or removal from the Board, the vacancy shall be filled by the Council for the unexpired term. Members of the Board may, after a public hearing, be removed by the Council for inefficiency, neglect of duty, or malfeasance in office. For any reason other than absence, the Council shall file a written statement of the reasons for removal. A Board member who is absent four (4) regular meetings of a year beginning March 1st and ending February 28th shall be deemed to have vacated his or her appointment without further action being taken by the Board or Council. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the Town Council.

[Ord. No. 445]

#### **B. POWER AND DUTIES**

1. It shall be the duty of the Board of Adjustment to:
  - a. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of the zoning ordinance, and to reverse or affirm, wholly or partly, or modify the order requirement or decision of the zoning administrator appealed from, and make such order, requirement, decision or determination as necessary.
  - b. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning in which such property is located.
2. The Board of Adjustment may not:
  - a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to this article.



- b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

#### C. SELECTION OF OFFICERS

The Board shall elect a Chair and Vice Chair from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chair shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chair shall have the power to administer oaths and to take evidence. The Vice Chair shall perform the duties of the Chair in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

[Ord. No. 410]

#### D. QUORUM; VOTING

Three (3) members shall constitute a quorum. The affirmative vote of three (3) members shall be required for passage of any matter before the Board. In this connection, the minutes of the meeting shall reflect the "ayes" and "nays" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

#### E. RULES; REGULATIONS; RECORDS; MEETINGS

The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Board shall be open to the public. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk.

## **ZONING ORDINANCE EXCERPT:**

### **SECTION 305. APPEALS AND VARIANCES**

#### **A. APPEALS TO THE BOARD OF ADJUSTMENT**

1. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or department of the Town affected by any decision of the Zoning Administrator.
2. Applications for any matter to be considered by the Board shall be filed with the Zoning Administrator on forms furnished for the purpose within thirty (30) days after the action appealed from, and shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
3. The appeal stays all proceedings in the matter appealed from, unless the Zoning Administrator, certifies to the board that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board, or by a court of record on application and notice to the Zoning Administrator.
4. The Board shall hear the appeal within thirty (30) days, and shall give notice of hearing by publication of a notice in the official newspaper of the Town and by posting the property affected not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered.
5. Any party may appear at the hearing in person or by agent or attorney. Parties in interest shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts.
6. Any aggrieved person may appeal to the Board of Adjustment for a variance from the terms of the Zoning Ordinance only, if because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
7. A variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of this Ordinance results in more than personal inconvenience and/or financial hardship, and is not the result of actions by the appellant.
8. In granting Variance, the Board may impose such conditions and safeguards as are appropriate to insure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a Variance is granted shall be deemed a violation of this Ordinance.

9. No nonconforming use or violations of this Ordinance with respect to neighboring lands, structures, or buildings, in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for granting a variance.
10. Every Variance granted shall be personal to the appellant therefore and shall be transferrable and shall run with the land only after completion of any authorized structure or structures.
11. Nothing herein contained shall be construed to empower the Board to change the terms of this Ordinance, to authorize uses which violate any other Town Ordinance, to effect changes in the Zoning Map, or to add to the uses permitted in any zoning district.

#### **B. APPEALS FROM THE BOARD**

The decision of the Board shall be final; provided, however, that any person aggrieved by a decision of the Board, or a taxpayer, or a municipal officer may, at any time within thirty (30) days after the filing of the decision in the office of the Board, petition the court for a writ of certiorari for review of the Board's decision. Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board, and for good cause shown, grant a restraining order, and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.

#### **C. FEES**

1. Upon filing an application for appeal, the appellant shall pay a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the petitioner is the Town, County, State or Federal Government.
2. In the case of an appeal for a variance to more than one provision of this Ordinance, the filing fee shall equal the total amount chargeable for all provisions as prescribed by the fee schedule.

## **ZONING ORDINANCE EXCERPT:**

### **SECTION 507. "C-1" ZONE, GENERAL COMMERCIAL**

#### **A. PURPOSE**

This district is intended to provide for and encourage orderly development in existing and future commercial areas within the Town.

#### **B. PERMITTED USES**

1. Retail sales of apparel and accessories, dry goods, foods, drugs, flowers and plants, garden supplies, hardware, gifts and novelties, pet and hobby supplies, art and art supplies, jewelry, liquor, tobacco, newspapers and magazines, music and records, household supplies, stationary, books, paint, wallpaper and glass, sporting goods, toys, variety store goods, appliances, auto parts and supplies, furniture, office supplies, leather and leather products, carpet, antiques, fabrics, photo supplies, second hand and used goods and similar convenience goods.
2. Repair services such as, but no more objectionable or intensive in character than, watches, jewelry, shoes, locksmith, minor household appliances.
3. Personal services such as: barbers, beauty shops, health clubs, laundries and cleaners, mortuaries.
4. Hotels and motels.
5. Establishments serving food or beverages inside a building such as: restaurants, cafes, coffee shops, bars, taverns, cocktail lounges, excluding entertainment and dancing in connection therewith.
6. Manufacturing incidental to a permitted use is permitted, but subject to the following limitations:
  - a. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold at retail only and on the premises only.
  - b. Such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building allocated to the permitted use.
7. Pawn shops.
8. Printers and print shops.
9. Radio and TV studios, provided that no masts, towers or antenna used for transmission or broadcasting purposes are erected on the premises.
10. Banks, stock brokerage firms, savings and loan associations, loan companies and credit unions.
11. Governmental services, public utility offices and exchanges, excluding storage or repair services.
12. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate and sales.
13. Medical and dental offices and clinics.

14. Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sales of corrective garments, prosthetic devices and optical goods, medical and dental laboratories.
15. Establishments whose principal function is basic research, design, and pilot or experimental product development, when conducted within an completely enclosed building.
16. Business and trade schools, dancing, art and music schools and studios.
17. Headquarters buildings of charitable, philanthropic, and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
18. Accessory buildings, structures and other uses customarily incidental to a permitted use except as otherwise provided in this Ordinance.
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.

[Ord. No. 293]

#### C. CONDITIONAL USES

1. Any "Permitted" or "Conditional" Uses in the "R1-10", "R1-5" or "R-2" Zones.
2. Establishments serving food or beverages for consumption on the premises, but outside of an enclosed building.
3. Establishments serving food or beverages which include entertainment or dancing.
4. Temporary outdoor sales, displays and other outdoor activities
5. Indoor commercial recreation establishments, such as bowling alleys, billiard parlors, skating rinks and similar establishments.
6. Outdoor commercial recreation establishments
7. Indoor theaters, assembly halls, ballrooms and similar places of assembly.
8. Taxi stand, bus stop, parking lots and garages
9. Gas service stations.
10. Outdoor sales of nursery stock.
11. Pet shops.
12. Any such other 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.
13. Residential use of a building, including boarding houses, rooming houses, lodging houses, apartments and Bed and Breakfasts, when in the opinion of the Planning and Zoning Commission, said use has little or no adverse affect on the public health, safety and general welfare. Residential use with historic precedence in the subject buildings are exempt from the well-being criteria but remain subject to nonconforming use clauses.
14. RESERVED
15. Spirituous Liquor Tasting Facility.

#### **D. ZONE RESTRICTIONS**

1. All activities, except as otherwise addressed herein, shall be conducted entirely within enclosed buildings.
2. Outdoor storage or display of goods or materials shall be prohibited.
3. Warehousing or indoor storage of goods or materials, exceeding that normally incidental to permitted uses, shall be prohibited.

[Ord. No. 293]

#### **E. PROPERTY DEVELOPMENT STANDARDS**

1. **MINIMUM LOT AREA:** None, provided all other provisions of the ordinance are met.
2. **MINIMUM LOT WIDTH:** None, provided all other provisions of the ordinance are met.
3. **MINIMUM SQUARE FOOTAGE OF MAIN BUILDING:** None, provided all other provisions of the Ordinance are met.
4. **MAXIMUM LOT COVERAGE:** None provided all other provisions of the ordinance are met.
5. **YARDS:**
  - a. **Front Yard:**
    - 1) There shall be a front yard of not less than ten (10) feet in depth except when the following conditions prevail:  
  
The front yard is required equal to that established by any commercial building within one hundred (100) feet on either or both sides of the lot. Where more than one such building is within one hundred (100) feet of the lot then the front yard of the nearest such building shall be the required front yard of the lot, except that where the lot is between two (2) such buildings, each within one hundred (100) feet of a lot, then the front yard of this lot shall be that established by a line joining the nearest front corner of the other such building. Nothing in the above shall require that a front yard in this district exceed twenty (20) feet.
    - 2) Where lots have a double frontage on two (2) streets, the required front yard shall be provided on both streets.
  - b. **Side Yard:**
    - 1) Where the side lot line is in common with the side lot line of a property in a commercial or industrial zone, no side yard shall be required on that side.
    - 2) Where a side lot line abuts a street, the side yard shall be considered a front yard for the purpose of determining width.
    - 3) Where the side lot line is in common with the side lot line of a property in a residential zone, the side yard requirements of the residential zone shall apply to that side yard, provided nothing shall require such a side yard to be greater than ten (10) feet in width.
  - c. **Rear Yard:**

- 1) There shall be a rear yard of not less than twenty (20) feet in depth, except where the rear lot line is in common with or separated by an alley from the side lot line of a lot in a commercial or industrial zone, there shall be a rear yard of not less than ten (10) feet in depth.
  - 2) Where the rear lot line abuts an alley, the required rear yard shall be measured from the centerline of the alley.
6. **MAXIMUM BUILDING HEIGHT:** The maximum building height shall not exceed the height of twenty-five (25) feet except when the following conditions prevail:
  - a. The maximum building height shall not exceed that established by any building within one hundred (100) feet on either or both sides of the lot. Where more than one such building is within one hundred (100) feet of the lot then the maximum building height of the nearest such building shall be the maximum building height of the lot. Except that where the lot is between two (2) such buildings, each within one hundred (100) feet of the lot, then the maximum building height of the center of this lot shall be that established by a line joining the highest point of the other such buildings. Nothing in the above shall require that the maximum building height in this district be less than twenty-five (25) feet. (see Appendix for diagrams).
  - b. Notwithstanding these provisions no face of any building shall exceed thirty-five (35) feet above the low point of original grade as defined in "original grade."
7. **ACCESSORY BUILDINGS**
  - a. Accessory buildings shall be considered in determining yard, lot and area requirements.
  - b. Accessory buildings shall not be used for human habitation.
  - c. Detached accessory buildings shall meet all required setbacks and maintain a space of five (5) feet from the main building or other structures.
  - d. Detached accessory buildings shall be constructed to a height not greater than fourteen (14) feet to the peak or highest point of the roof, as defined in "Accessory Building, Height of."

[Ord. No. 446]

#### **F. GENERAL PROVISIONS**

The provisions of Section 502 shall apply.

#### **G. SIGNS**

The provisions of Section 509 shall apply.

#### **H. PARKING AND LOADING**

The provisions of Section 510 shall apply.

#### **I. PLAN REVIEW**

The provisions of Section 303 shall apply.

#### **J. DESIGN REVIEW**

The provisions of Section 304 shall apply to all property, buildings and structures within the Historic Overlay District.



Excerpt: Zoning ordinance Section 510 D.

**D. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES**

1. Off-street parking spaces shall be provided for each specified use in accordance with the following schedule. "Usable area" as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.). If the use of any structure is changed, off-street parking shall be required and provided under the new use.

	USE	SPACE REQUIRED
a.	Boarding House	1 space per unit
b.	Bowling alley	4 spaces per alley or lane
c.	Church or other place of worship	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus 1 space per 50 sq. ft. of usable area not used for seating
d.	Day care center	2 spaces plus 1 space per 500 sq. ft. of usable floor area
e.	Home occupation	No additional space
f.	Hospital or nursing home	1 space per 2 beds
g.	Hotel or motel	1 space per rental unit
h.	Manufacturing, industry	1 space per 500 sq. ft. of wholesaling usable area
i.	Medical, dental office, or clinic	3 spaces per doctor
j.	Offices	1 space per 300 sq. ft. of usable area
k.	Public assembly place such as auditorium meeting hall or theater	1 space per 6 seats (each 30 inches of bench space is considered 1 seat), plus. 1 space per 100 sq. ft. of usable area
l.	Residential (except apartment)	2 spaces per dwelling unit
m.	Residential (apartment)	1 ½ spaces per dwelling unit
n.	Restaurant or bar	1 space per 6 seats (each 30 inches of bench space is considered seat) plus 1 space per 100 sq. ft. of usable area
o.	Retail and service uses	1 space per 300 sq. ft. of usable area
p.	School (elementary and middle)	1 space per employee
q.	School (other than elementary and middle)	1 space per 10 seats in main auditorium or 3 spaces per classroom whichever is greater
r.	Service station	2 spaces, plus 1 space per service bay
s.	Warehouse	1 space per 2,000 sq. ft. of usable area
t.	Studio	1 space per 500 sq. ft. of usable area
u.	Spirituuous Liquor Tasting Facility	1 space per 300 sq. ft. of usable area



## ARIZONA REVISED STATUTES

### 9-462.06. Board of adjustment

A. The legislative body, by ordinance, shall establish a board of adjustment, which shall consist of at least five but no more than seven members appointed by the legislative body in accordance with provisions of the ordinance, except that the ordinance may establish the legislative body as the board of adjustment. The legislative body may, by ordinance, delegate to a hearing officer the authority to hear and decide on matters within the jurisdiction of the board of adjustment as provided by this section, except that the right of appeal from the decision of a hearing officer to the board of adjustment shall be preserved.

B. The ordinance shall provide for public meetings of the board, for a chairperson with the power to administer oaths and take evidence, and that minutes of its proceedings showing the vote of each member and records of its examinations and other official actions be filed in the office of the board as a public record.

C. A board of adjustment shall hear and decide appeals from the decisions of the zoning administrator, shall exercise other powers as may be granted by the ordinance and adopt all rules and procedures necessary or convenient for the conduct of its business.

D. Appeals to the board of adjustment may be taken by persons aggrieved or by any officer, department, board or bureau of the municipality affected by a decision of the zoning administrator, within a reasonable time, by filing with the zoning administrator and with the board a notice of appeal specifying the grounds of the appeal. The zoning administrator shall immediately transmit all records pertaining to the action appealed from to the board.

E. An appeal to the board stays all proceedings in the matter appealed from, unless the zoning administrator certifies to the board that, in the zoning administrator's opinion by the facts stated in the certificate, a stay would cause imminent peril to life or property. On the certification proceedings shall not be stayed, except by restraining order granted by the board or by a court of record on application and notice to the zoning administrator. Proceedings shall not be stayed if the appeal requests relief that has previously been denied by the board except pursuant to a special action in superior court as provided in subsection K of this section.

F. The board shall fix a reasonable time for hearing the appeal, and shall give notice of hearing by both publication in a newspaper of general circulation in accordance with section 9-462.04 and posting the notice in conspicuous places close to the property affected.

G. A board of adjustment shall:

1. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of a zoning ordinance adopted pursuant to this article.

2. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

3. Reverse or affirm, in whole or in part, or modify the order, requirement or decision of the zoning administrator appealed from, and make the order, requirement, decision or determination as necessary.

H. A board of adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.

2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

I. If the legislative body is established as the board of adjustment, it shall exercise all of the functions and duties of the board of adjustment in the same manner and to the same effect as provided in this section.

J. In a municipality with a population of more than one hundred thousand persons, the legislative body, by ordinance, may provide that a person aggrieved by a decision of the board or a taxpayer who owns or leases the adjacent property or a property within three hundred feet from the boundary of the immediately adjacent property, an officer or a department of the municipality affected by a decision of the board, at any time within fifteen days after the board has rendered its decision, may file an appeal with the clerk of the legislative body. The legislative body shall hear the appeal in accordance with procedures adopted by the legislative body and may affirm or reverse, in whole or in part, or modify the board's decision.

K. A person aggrieved by a decision of the legislative body or board or a taxpayer who owns or leases the adjacent property or a property within three hundred feet from the boundary of the immediately adjacent property, an officer or a department of the municipality affected by a decision of the legislative body or board, at any time within thirty days after the board, or the legislative body, if the board decision was appealed pursuant to subsection J of this section, has rendered its decision, may file a complaint for special action in the superior court to review the legislative body or board decision. Filing the complaint does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay and on final hearing may affirm or reverse, in whole or in part, or modify the decision reviewed.

*Approved by BOA, ~~Feb~~ Jan 2014*

## **TOWN OF JEROME BOARD OF ADJUSTMENT BYLAWS**

### **I. ORGANIZATION AND RESPONSIBILITIES**

#### **A. Board, Officers and Staff**

1. It shall be the duty of the Board of Adjustment to:
  - a. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of the zoning ordinance, and to reverse or affirm, wholly or partly, or modify the order requirement or decision of the Zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary.
  - b. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning where such property is located.
2. The Board of Adjustment may not:
  - a. Make any changes in the uses permitted in any zoning classification of zoning district, or make any changes in the terms of the zoning ordinance provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to this article.
  - b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.
3. The Board shall consist of five (5) members, each of whom shall be a resident of the Town of Jerome, to be appointed by the Town Council. The members of the Board shall serve a term of three (3) years, beginning and ending in the month of March.
  - a) In the event of a death, resignation, or removal from the Board, the vacancy shall be filled by the Council for the unexpired term.

- b) **Members of the Board may, after Public Hearing, be removed by the Council for inefficiency, neglect of duty, or malfeasance in office. The Council shall file a written statement of the reasons for removal.**
  - c) **Three (3) unexcused absences during a term from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice, and such action shall be final.**
  - d) **All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the Town Council**
4. **The Board shall elect a Chair and Vice-Chair annually from among the appointed members at its first meeting in March of each year. The election may be postponed by a majority vote of the members of the Board present. If the election is postponed, the current Chair and Vice-Chair will remain in office until the election.**
- a) **The term of Chair and Vice-Chair shall be one (1) year. Any member serving as Chair or Vice-Chair shall be eligible for re-election.**
  - b) **Any vacancy in the office of Chair or Vice-Chair shall be filled from the Board membership by majority vote of the Board members present at the next meeting. Any Chair or Vice-Chair so elected shall serve for the remainder of the vacated term.**
5. **The Chair shall preside at all meetings and hearings of the Board, decide all points of order and procedure, and perform any duties required by law, ordinance, or these bylaws.**
- a) **The Chair shall have the right to vote on all matters before the Board and shall also have the right to make or second motions in the absence of motion or a second made by a member.**
  - b) **The Vice-Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice-Chair, the senior member based upon years of membership shall act as Chair.**

6. The Zoning Administrator, or his or her designated representative, shall serve the Board as Secretary. The Zoning Administrator and/or Planning Staff shall furnish professional and technical advice to the Board.

## **II. MEETINGS**

### **A. Hearings and Meetings**

1. Hearings of the Board shall be held at the call of the Chair and at such other times as the Board or Zoning Administrator may determine.
2. Meetings may be held as necessary to address administrative issues of the Board.
3. Except for executive sessions authorized by law, all meetings of the Board shall be open to the public. Minutes of the proceedings, recording its examinations and showing the vote of each member, shall be filed with the Town Clerk as a public record.
4. Board members are expected to attend hearings and meetings unless prior notice of an inability to attend is provided to the Chair or Zoning Administrator.

### **B. Notice of Meetings and Hearings**

Written notice of all meetings shall be delivered by mail or in person to individual Board members at least 24 hours before the date of meeting; except that where required by an actual emergency, members may be notified by telephone by the Secretary.

### **C. Quorum**

Pursuant to Section 105(D) of the Town of Jerome Zoning Ordinance, three members of the Board shall constitute a quorum for transacting business at any regular meeting. No action shall be taken at any regular meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date.

### **D. Agenda**

The Secretary shall prepare an agenda for each hearing or meeting of the Board. The agenda shall include all matters of business as scheduled for consideration by the Board.

### **III. ORDER OF BUSINESS**

#### **A. Parliamentary Procedure**

1. The Chair shall call the Board to order and the Secretary shall record the members present or absent. The Chair may call each matter of business in the order of the approved agenda and shall announce the name of the applicant, the location of the property involved, and the nature of the request. The Board, by majority vote, may change the order of the posted agenda to accommodate the Board, staff and members of the public. Supporting evidence for and against each matter shall be presented to the Board.
2. The Chair shall conduct meetings under Robert's Rules of Order unless such rules are suspended by majority vote of the Board. The Chair shall direct questions to the applicant or any person speaking, in order to bring out all the relevant facts, circumstances, and conditions affecting the matter being considered, and then call for questions from other members of the Board and from staff.

#### **B. Hearing Conduct**

1. Public hearings shall be conducted in accordance with the procedures set forth in the Zoning Ordinance and Arizona law.
2. Hearings are quasi-judicial in nature as defined in Arizona Revised Statutes § 38-431(7). Relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
  - a. All exhibits shall be clearly labeled and made a part of the record of the Board of Adjustment hearing. Evidentiary objections shall be waived unless made timely to the hearing.
  - b. The Chair may exclude evidence that is irrelevant, immaterial, or repetitious.

#### **C. Public Hearing Testimony**

1. Any person may appear at a public hearing and submit oral or written evidence related to the application, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall state his or her name, address, and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

2. The Chair may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
3. In the event testimony or evidence is excluded as irrelevant, immaterial, or repetitious, the person offering such testimony or evidence shall have an opportunity to offer a written statement in regard to such testimony or evidence for the record. Such written statement shall be presented to the town clerk within 3 working days of the hearing.
4. If an applicant fails to appear at the hearing, the Board may continue the hearing until the next regularly scheduled meeting or other meeting designated by the Board. If, before the meeting, the applicant submits a written request for the Board to act without his or her presence, the Board may hear those persons requesting to speak in response to the notice of hearing and make a decision without the applicant attending the meeting.
5. The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

**D. Voting**

1. In taking action on any appeal, the Board may reverse, affirm wholly, affirm in part, or modify the order, requirement, or the Zoning Administrator's decision being appealed from, and make such order, requirement, decision or determination as necessary. Decisions of the Board of Adjustment shall meet the statutory requirements set forth in the Arizona Revised Statutes Section 9-462.06 and Town of Jerome Zoning Ordinance. In lieu of the above, the Board may remand the matter to the original decision-making body for reconsideration, for additional information, or to cure a deficiency in the record or proceeding.
2. When making a decision to approve, approve with modifications and/or conditions, or deny a variance, or when acting on an appeal, the Board shall make findings of fact required by the Zoning Ordinance, as set forth in A.R.S. Section 9-462.06 and the Jerome Zoning Ordinance Section 105.B., Powers and Duties, as stated in Section I.1. of these bylaws.
3. Three (3) members shall constitute a quorum. The affirmative vote of three (3) members shall be required for passage of any matter before the Board.
4. The Zoning Administrator whose decision is being appealed from shall not participate in any discussion or vote of the Board, but shall be available during the public hearing for questions from the Board members.

5. **Prohibition Against Ex Parte Communications.** To ensure a fair and impartial decision-making process, members of the Board of Adjustment shall not, directly or indirectly, participate in any ex parte communication relevant to an application pending before the Board. Ex parte communications are oral or written communications related to the matter to be heard by the Board that are made to or by any member of the Board, including in person, telephonic or electronic communications that occur outside of a public meeting of the hearing body.
6. A member who has a conflict of interest with a matter being considered, as described in Arizona Revised Statutes §§ 38-501 through 38-511, shall recuse himself, abstain from voting, and leave the dais during discussion and action of the matter.
7. Each member attending shall be entitled to one vote. The minutes of the proceedings shall indicate the vote of each member on every matter acted upon, and shall indicate any absence or failure to vote. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where the member declares a conflict, as described in Section III.D.(6) of these bylaws.
8. A member who is absent from any portion of a public hearing conducted by the Board may not vote on the matter at the time it is acted upon by the Board, unless he or she has reviewed the minutes or the recording of any portion of the hearing from which he or she was absent, and states for the record prior to voting that he or she deems himself or herself to be familiar with the record. A member who misses only the presentation of the staff report may vote on the matter at the time it is acted upon by the Board, provided that the member states for the record that he or she read the staff report and is familiar with it.

#### **IV. OFFICIAL RECORDS**

##### **A. Retention of Files**

The official records of the Board shall include these bylaws, minutes of meetings and its adopted reports, all of which shall be deposited with the Town Clerk and shall be available for public inspection as public records. All applications and other matters coming before the Board shall be filed in the Planning and Zoning Department in accordance with that Department's general file system. Original papers of all applications and other matters shall be retained in compliance with the Town's Document Retention Schedule.



**B. Recording of Meetings**

All public meetings of the Board will be recorded in written form. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, may do so at his own expense. Advance notice to the Zoning Administrator to arrange facilities for such recording shall be made at least 72 hours prior to commencement of the meeting. Such recording shall not disrupt the proceedings and may, at the discretion of the Chair, be stopped if it is disruptive.

**V. AMENDMENTS**

These bylaws may be amended by majority vote at any meeting of the Board provided that notice of said proposed amendment is given to each member in writing at least 5 days prior to said meeting. Such amendment shall become effective at the next meeting or hearing of the Board.

# NORDIC BUILDERS, INC.

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July 8, 2019

Josh and Windy Lindner

RE: Cuban Queen Bordello, LLC

324 Queen St.

Parcel # 401-06-127

Jerome, Az 85331

It is my understanding that the Town of Jerome is asking the feasibility of providing on site parking spaces within the building envelope of the above referenced project.

The building lot is 30' wide and 75' deep. Typical ADA required parking spaces are a standard 8' wide and an additional 15' wide for van accessibility. In addition to the two sizes, regulations require a 5' aisle for unloading the vehicles. Should those regulations be set forth in this particular case, the overall cumulative width of the ADA required parking would be 28'. This overall width at the street side would only allow for an additional 2' (30' - 28') of non used public access to the facility. The 2' of dedicated space would not allow for a typical minimum width of 3' to access the entry doors.

At the street level, the existing grade up to the current foundation wall is not long enough to accommodate the parking stalls size. In addition to the overall width for parking required, the depth of 18' per stall would require a substantial structural concrete or concrete precast prestressed "floor" to accommodate the vehicle traffic and parking load. This concrete structure would have to be built approximately 8' higher than the lower "basement" empty space. In addition to the two issues above, by requiring on site parking it would reduce the remaining usable building depth down to 43'. This entails a reduction in usable retail space of almost 37%.

The owners are desiring to recreate this historical Jerome landmark back to its original prominence. Creating a full width parking area of 30' X 22' of black asphalt and parking line stripes at the street elevation would greatly detract from the overall visual impact of the front and side elevations.

It would be most appropriate to recreate the building in its original footprint state that stood for almost one hundred years. There are few, if any, buildings in Jerome that have a street named after them. A historically similar façade, within SHPO guidelines not to be a reproduction of the Cuban Queen, would greatly preserve and promote the unique Jerome environment.

Glenn Odegard

Nordic Builders, Inc.

## 324 Queen Street timeline and emails pertinent to BOA meeting

(prepared by Windy Jones & Josh Lindner)

**5/7/2017** – Josh Lindner and I (Windy Jones) put down earnest money on 324 Queen Street with 30 day escrow to investigate if parking was still in place and could have reasonable use when building. Seller advised us to find out from Jerome if the parking variance was transferable.

**5/9/2017** – Carol Ann Teague (our Realtor) and Sherry McMayhon (Josh's mother in law) met with Kyle Dabney (P&Z Administrator 2017).

- Per Kyle, the 5 parking spaces acquired by Wendy Jackson (seller of 324 Queen St) run with the property, are secure and according to the Town's attorney "can't be jerked away"
- Kyle to check with his contact at SHPO to determine if original building must be rebuilt (note: later confirmed that SHPO does not want original building rebuilt.)
  - See email from Carol Anne to Windy: **Item 01 \_ 5-9-2017 Re The next 30 days.pdf**

**5/10/17** – Carol Anne (our Realtor) and Curtis Lindner (Josh's father) met with Kyle Dabney (P&Z Administrator 2017). Carol Anne and Curtis separately recapped information to Windy, and both said that Kyle advising the 5 parking spaces were still in place and running with the land.

**5/16/2017** – Kyle advised that "New construction will require ADA standards to be set in place as far as the design of the exterior portion of the building is concerned." Kyle made no mention of parking ADA requirements. *Email can be provided upon request.*

**5/19/2017** – Following Curtis and Kyle's meeting regarding the 5 parking spaces that are still running with 324 Queen Street, Kyle emails Curtis a copy of the parking certificate, that was running with the land. Kyle made no mention of any concerns or questions regarding the validity of the variance granted in 2009.

**5/25/2017 10:30am** – As part of due diligence during escrow period, Josh and Windy completed a pre-scheduled phone conference call with Kyle, Rusty Blair (fire chief) and Barry Wolstencroft (Jerome building inspector) to ask questions primarily regarding parking and construction requirements. Windy took notes during the meeting, then send a recap and follow up email to Carol Anne with some additional questions.

**6/2/2017** – Carol Ann forwarded Windy an email from Kyle that responds to the questions Windy had emailed Carol Ann following the conference call on 5/25/2017. Kyle's responses are in red.

- Kyle confirms 3 story can be permitted
- Regarding the parking, Kyle advises "One ADA space would be required at the building with an accessible route to the entrance. This space needs to be 16 FT. wide. The 5 ghost spaces will not work for this because those are considered public right of way - anyone can park there."
  - Note: In 2019 we find out this was not accurate and we did not have to figure out how to develop an ADA space on "ghost spaces"

- See email from Carol Anne to Windy (fwd from Kyle): **Item 02 \_ 6-2-2017 I can't upturn this on my phone. Fwd Re Follow up questions.pdf**

**6/19/2017** - Pre-Design meeting at the Jerome Firehouse with Windy, Carol Ann, Curtis, Kyle, Barry, Marty, and Rusty. Windy and Josh are advised their drawings/plans are liked. Kyle, Barry, Rusty and Marty provided feedback on Windy and Josh's preliminary drawings including fire safety, building height, required setbacks, and Contractor requirements.

- During this meeting Windy and Josh asked if the 5 spaces were intended to be the town land adjacent to their property.
  - Jerome employees believed the 5 spaces were "ghost spaces" meaning no specific location.
  - Windy and Josh advised for the building to look right, and be of reasonable use, they will not be able to set the building back for an ADA space.
  - Kyle advised the town may allow Windy and Josh enough of the town owned land immediately adjacent to 324 Queen Street, to accommodate the 1 ADA space needed. Or the town may allow the ADA space to be on the town own land, if the land cannot be given. (When this was later explored with Jerome Town Council in 2019, we find out Kyle was incorrect about the necessity of an ADA space being developed if parking is existing town parking).
  - Note: I took my own notes, but nothing was available from the Town of Jerome regarding notes taken by building officials documenting this meeting.
  - PDF of what was presented can be provided upon request.

**6/27/2017** – Following a Verde Independent article where Windy used the word "hotel" Windy received an email from Kyle that a neighbor saw the newspaper article and is upset "a hotel" is planned. The issue is that Jerome defines a "hotel" as 9 or more rooms. Windy learns not to use the word "hotel", as the intent is only to have 4 rooms. In this key correspondence, Kyle provides the parking certificate again, and says "according to the attorney" which should be sufficient proof that the town is still of the understanding that Windy and Josh are owners of the 5 parking spaces. Kyle writes the following:

**This is the Variance for the 5 parking spaces**

**My suggestions according to permitted and conditional uses and their definitions.**

- Also, according to the Town attorney - Using one of those parking spaces as an ADA space - He asked me to find out from ADA what they require -
- I called ADA - As long as there is a space within proximity of the building, that is what they're looking for.
- The Town would have to approve using one of those spaces as ADA - Good thing you are approaching Council first!

- See email from Kyle: **Item 03 \_ 6-27-2017 Cuban Queen**

**July 2017 through August 2018** - Following the very positive pre-design meeting, Windy and Josh work toward relocation to AZ and on the 324 Queen Street project. Our actions included: Having 324 Queen Street surveyed, Shop AZ commercial contractors/architects, Salvage concrete detail and usable brick from the original Cuban Queen Bordello, Resign from their substantial careers (Windy 12 years and Josh 20 years), Sell their home and relocate their family, for the purpose of working on the Cuban Queen project as their new careers, Have many conversations and meetings with Glen Odegard (AZ Commercial Contractor) and our architect, 8/14/2018 we became AZ residents and enrolled our daughter in Clarkdale Jerome School and get settled.

**12/12/2018 through 12/17/2018** Windy meets with Charlotte Page (who had replaced Kyle) to discuss what had taken place with the project so far. Charlotte requested Windy discuss the ADA parking space with the architect to determine if the town own land at the end of the street would also be an option. Windy then contacts the architect, who advises it must be "reasonably accessible", meaning the land immediately adjacent would be best option. Windy emails Charlotte about the adjacent land being best. Charlotte emails Windy back and Cc's Candice Gallagher (Jerome Town Manager) because of the request being on town owned land. Town owned land had already been addressed with Kyle previously, but Jerome had a change in staff and elected officials due to their standard 2 year terms of office, and also Kyle leaving. Charlotte was not part of the original meetings with Kyle, but she advised "I think we can have a plan together and possibly begin to address this through Council at the February meeting." *Email can be provided upon request.*

**2/4/2019** - Charlotte worked with Windy on getting on the Town Council agenda regarding Windy and Josh's request to use town land for an ADA parking space. The origins of this request came from suggestions by Kyle and the town attorney referenced in Kyle's email on 6/27/2017, and the pre-design meeting attempt to work out ADA parking. *Email can be provided upon request.*

**2/12/2019** - Windy and Josh's parking request was on the Town Council agenda, but was tabled so the town can do more research. We were told in may not be accurate that a new ADA space is needed.

- This was good news, in that Kyle may have been wrong and no ADA space is required as the parking certificate is for existing parking and the town has existing ADA spaces.

**3/14/2019** - Windy received a call from Candice (Jerome Town Manager) that Barry (building inspector) had called the ADA and confirmed no new ADA parking space will be required. Also, she advised that they town had received a suggestion from a Jerome resident to take away our 5 parking spaces, and that Charlotte would get back to Windy regarding this.

- The following week I called Charlotte since I had not received an update.
  - Charlotte advised she would not be the appropriate party to make a decision to take away parking.
- No other notification on parking was provided to Josh or Windy by any Jerome employee, so preliminary architectural drawings were submitted to Planning and Zoning with the assumption that the 5 parking spaces are still running with the property.

**5/1/2019** - Windy, Josh and Glen (Contractor) attend the P&Z meeting.

- Our agenda items are tabled for Executive Session with the Town Attorney. Glen asked what the concerns are, and the response is that they don't know.
  - Following the tabling, Curtis and Carol Ann sent emails to be included in the Executive Session, regarding the parking already being confirmed by Kyle.
  - Following the tabling, Windy emails Alex and Candace a letter to be included with their documents.
    - **See page 3: Item 04 \_ 324 Queen Street letter for Executive Session**

**5/9/2019** - Executive Session was held. What was discussed is unknown to Windy, Josh and others not in the meeting, however their assumption is that it is regarding the 5 parking spaces.

**5/10/2019** - Windy received a phone call from Charlotte, that the Mr. William (Bill) Sims (Jerome Town Attorney) would like a meeting with just Windy, Charlotte and himself.

- Windy initially attempted to accommodate the request, but was already at work and could not find another employee to relieve her.
- Windy advised Charlotte of her availability on the next business day 5/13/2019, and Charlotte was going to check on the Attorney's availability.
- Later that night, Windy and Josh discussed the potentially unusual nature of a private meeting, and determined since they are not attorneys, it would not be a good idea to attend a closed door meeting.

**5/11/2019** - Windy sent an email to Candace Cc Charlotte that she and Josh are not comfortable meeting with the Jerome Town Attorney, where they will not have their own representation. *Email can be provided upon request.*

**5/16/2019** - Charlotte sent email (also put paper copy in mail) of letters from herself and town attorney stating their opinion that the original parking variance was only applicable to the original applicant and is not transferable.

**6/10/2019** - Pre-scheduled in person meeting with Charlotte, Windy & Curtis, per Windy's request, in preparation appeal and application to the Board of Adjustments. Discussed what the Board of Adjustments can take in to consideration for new parking variance requests. Per Charlotte's request, Candace Gallegher attended, as Charlotte was resigning from her position in the near future.

**6/21/2019** - Windy sent email to Candace Gallegher (Candace filling in as P&Z manager until the position is filled) requesting for information regarding what memo had caused the P&Z memo to be tabled and for minutes from 2017 BOA meeting regarding revocation of parking variance granted to Wendy Rackov 2009.

**6/24/2019** - Windy brought a response letter for Mr. Bill Sims (responding to his/Charlotte's 5/16/2019 letter) to Rosa and the Jerome office and requested it be given to Mr. Sims and also included in our Board of Adjustments Meeting.

**7/8/2019** - Windy picks up a completed request for information from Jerome regarding BOA meeting that was seen in a previous request for information. What we found was very surprising and confusing. There was a 4/6/2017 BOA Item 5: REVOKE VARIANCE that was written by Kyle, but he never advised us of any concern over the parking. To the contrary, he always worked with us on the basis that parking was running with the land despite the building falling down. In these items we also found a 3/29/2017 email from Kyle to BOA members advising the Cuban Queen Variance item was removed from the Agenda due to "legal concerns". The 2017 BOA meeting did have a review of variances, so it appears there was concern about variances in general but nothing was done to revoke the 324 Queen Street parking. We were never made aware of any of this, so perhaps the town had intentions that were never followed through on. We cannot know as we were not part of this process. If we had been advised the parking was anything other than secure and running with the land, we would not have purchased the property.

- **See: *Jerome Public Records completed 7/3/2019 and 2017 BOA meeting minutes.pdf***

### **People referenced in timeline:**

**Windy Jones and Josh Lindner** – current owner of 324 Queen Street, Jerome AZ. Purchased from Wendy Jackson (former married name of Wendy Rackov)

**Carol Anne Teague** – Windy and Josh's realtor for the purchase of 324 Queen Street.

**Glen Odegard** – Windy and Josh's intended AZ Commercial General Contractor

**Curtis Lindner** – Josh's father and Jerome resident assisting with meetings and communications regarding the project, as Windy and Josh were living/employed out of state.

**Sherry McMayhon** – Josh's mother-in-law assisting with meetings and communications regarding the project, as Windy and Josh were living/employed out of state.

**Kyle Dabney** – 2017 Planning & Zoning Administrator / Historic Preservation Officer for the Town of Jerome. Not sure when, but left Jerome for a different career opportunity.

**Charlotte Page** – New Planning & Zoning Administrator following Kyle Dabney.

**Rusty Blair** – Jerome Fire Chief

**Marty** – Jerome Public Works

**Barry Wolstencroft** – Jerome Building Inspector

**Candice Gallagher** – Jerome Town Manager

**Alex Barber** – Jerome Mayor

**William (Bill) Sims** – Jerome Town Attorney



## Re: The next 30 days

From: Carol Anne Teague (catinarizona@gmail.com)

To: socalwindyj@yahoo.com; jalindner@yahoo.com; catinarizona@gmail.com

Date: Tuesday, May 9, 2017, 08:24 AM MST

AWESOME! Thank you. I'll try to meet with Wendy today. I'll keep you posted.

- How can the existing sewer situation and our future ability to hook up be confirmed?
- Is it on a historic registry?
  - If so, what guide lines are we held to?
  - Or if so, does it still apply (can it be removed) since the original structure fell down?

I will talk to Kyle / Town about that today.

- The elephant in the room questions is why would a successful and savvy business woman walk away from this? What does she know that we may not? Wouldn't it be her saving grace that the building fell down, and with it all the road blocks?

My thoughts are twofold: When I spoke to Wendy yesterday she said that if you (or somebody) doesn't buy the Queen she will rebuild her herself. She also said that she will have to sell something to do so. She may not be as wealthy as she presents.

My feeling is the real reason is that Wendy needs to divest herself of the Queen, and possibly the Miner's Cottage. The hatred and vitriol directed at her by the locals when the Queen came down was amazing and disconcerting. She might feel like she needs to get out of town. I would.

I wanted to recap Sherry's and my conversation with Kyle. He said 2 things that I focused on:

The 5 parking spaces that Wendy got a variance to get are secure. They run with the property, and according to the Town's attorney can't be jerked away just because the Town is mad at Wendy. The words about having until June 1 were just posturing on the Town's part.

The reason that I'm glad that Curtis is on our side: Kyle said that the State of Arizona historic guidelines require that when you rebuild the Queen you replicate her exactly. This means no expanding the footprint to get more square footage. If you expand the footprint the finished product can't look like the original Queen. Stupidity, I say! Anyway, Kyle is going to talk to his guy at the State and see if we can't get some sort of hardship variance to that guideline. He will talk to his guy and me today.

**Carol Anne Teague, REALTOR®**

**Associate Broker, Realty One Group  
GRI, ABR, AHWD, CNE, MRE, e-Pro  
2006 SVVAR REALTOR® of the Year  
2010 SVVAR President  
certified feng shui consultant**

**direct phone: 928-300-9031**

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**[CATinArizona@gmail.com](mailto:CATinArizona@gmail.com)**

**[www.realestatewithcarolanne.com](http://www.realestatewithcarolanne.com)**

**(Click above to go to my website.)**

Do or not do – there is no try. ~Yoda



On Tue, May 9, 2017 at 6:58 AM, Windy Jones <[socalwindyj@yahoo.com](mailto:socalwindyj@yahoo.com)> wrote:

Good morning :)

Josh and I signed the contract this morning and have the questions below (other than the obvious of, is it a giant paper weight)

- How can the existing sewer situation and our future ability to hook up be confirmed?
- Is it on a historic registry?
  - If so, what guide lines are we held to?
  - Or if so, does it still apply (can it be removed) since the original structure fell down?
- The elephant in the room questions is why would a successful and savvy business woman walk away from this? What does she know that we may not? Wouldn't it be her saving grace that the building fell down, and with it all the road blocks?

Thank you both for going to the town yesterday! We appreciate you help immensely.

I can't upturn this on my phone. Fwd: Re: Follow up questions to call with Kyle, Barry, and Rusty

From: Carol Anne Teague (catinarizona@gmail.com)  
To: socalwindyj@yahoo.com; jalindner@yahoo.com  
Date: Friday, June 2, 2017, 10:33 AM MST  
Carol Anne Teague, REALTOR  
Realty One Group  
928-300-9031

----- Forwarded message -----

From: "Kyle Dabney" <K.Dabney@jerome.az.gov>  
Date: Jun 1, 2017 5:28 PM  
Subject: Re: Follow up questions to call with Kyle, Barry, and Rusty  
To: "Carol Anne Teague" <catinarizona@gmail.com>  
Cc:

Answered questions are in **RED**  
Let me know if you need anything else

## Kyle Dabney

Planning & Zoning Administrator / Historic Preservation Officer  
Town of Jerome  
600 Clark St.  
Jerome, Arizona 86331  
928-634-7943

On May 26, 2017, at 9:13 AM, Carol Anne Teague <catinarizona@gmail.com> wrote:

Heelllp! See questions in blue, below.  
The parking issue might be blowing the deal.

----- Forwarded message -----

From: Windy Jones <socalwindyj@yahoo.com>  
Date: Thu, May 25, 2017 at 7:16 PM  
Subject: Follow up questions to call with Kyle, Barry, and Rusty  
To: Carol Anne Teague <catinarizona@gmail.com>  
Cc: Joshy Lindner <jalindner@yahoo.com>, Curtis Lindner <curtisindner@hotmail.com>, Sherry McMahon <antiqueez@hotmail.com>

Hello Carol Anne,

As we talked about, the call today with Kyle, Barry and Rusty went mostly good except for the new information on the parking spaces. Below are my notes from Sherry's measurements and below that the notes/questions from today's call (with those immensely helpful men!)

Thank you very much for your help.

Sherry's Measurement Notes from walk with Wendy (Tue 5/23 I think)

Front wall of original building is touching front lot line. The 5.5' from iron fence to front it land that has always assumed part of it, but not part of the actual lot.

30' 7" across from width from yellow marker to yellow marker.

22' was original building; closer to east side (Queens Neighbor).

Retaining wall on west side (parking spaces) is 6' 10" from retaining wall to building.

Survey shows Husbands Alley (Diaz Street) is on property; access through Dino (Denise). Has locked gate.

Approximately 30' width at back yellow markers, but east side has additional 5' kind of behind the Queens Neighbor.

Husband's Alley (Diaz Street) is approximately 6' deep.

Back retaining wall is 17" thick.

From front pin to inside of back retaining wall is 70'. We think stay 10' from back retaining wall for safety and back yard/patio.

Notes and questions from 5/25/17 call with Kyle, Barry, Rusty

Per Kyle, next Design Review meeting is July 5th, but we should submit initial drawings by June 20th.

Neighborhood meeting for 300' proximity; Kyle to assist with mailings. We or town can mail.

No elevator required if each floor is under 3000sqft.

If multiple stories are retail, all floors must be ADA, unless both floors have identical inventory.

If only 2nd story (street level) is retail and there are no more than 4 hotel rooms, only the retail floor must be ADA.

ADA access could be on front or back of building. I believe he said 36" entrance. I forgot to ask if there need to be 1 or 2 ADA doors on the retail. If 2, is there a location requirement of 2 different walls? If the grade level is retail, only one exit is required until you exceed 1500 SQ FT. All required exits must be ADA accessible.

Employee bathroom must be ADA, unless it is entered through a private bathroom.

We would just do the bathroom ADA, so no worries here.

We must use licensed AZ commercial contractor and architect.

We must have steel sprinklers (all stories).

Fire line currently stops at Spook Hall. We would have to install 4" water line the rest of the way (Rusty thinks 300' -500'). I assume this would be the Licensed AZ

Commercial Contractor? That is correct – Must be a licensed commercial contractor

If vehicles dropping off building materials are on Queen Street, there is less of concern. If on Main Street, we would have to work with the Town to determine a solution. They recommended working something out with neighbors so no one gets mad. What do you recommend?

They said we will need to figure out where materials are being dropped. We do not have any convenient idea for this, except stacked inside the gate up front. What do you think? Inside the gate up front is fine; however, you would only be able to get a certain amount of material to be staged there. The only other option is to speak with your neighbors, Town Manager, and Jerome Historical Society about utilizing some of the large parking areas around the volleyball court – keep in mind that you can't block traffic flow.

I forgot to ask Barry if he thinks we could do footings and get plans approved for 3 stories, but build the 3rd story later. We ask this because we don't know if we will

have enough money to build the 3rd story right away. Yes you can have the building designed as a three story and do it in phases. You may want to consider building it as a three story and leaving the upper level unfinished. The money spent on the second story roof could be put towards the third level.

5 spaces should not really be used only by Cuban Queen; Barry recommends leaving as is used by other people in area.

Now the bad news.... Parking space requirements:

Retail and Service - 1 space per 300sqft of usable space. We need to understand

"useable" **D. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES**

1. Off-street parking spaces shall be provided for each specified use in accordance with the following schedule. "Usable area" as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.). If the use of any structure is changed, off-street parking shall be required and provided under the new use. In other words for the retail uses, when you are figuring for square footage, don't include kitchens, restrooms or hallways.

- Apartments - 1.5 spaces per unit
- Hotel - 1 space per room/unit (if there was a 2 bed suite rented by only 1 family, that only counts as 1)
- I forgot to write down, what parking required if down stairs or 3rd story is residential? **2 spaces per dwelling unit**

I am a little unclear on the ADA handicap parking space requirements; I think they said 16'.

Is this width? Does the 5 ghost spaces accomplish the 1 ADA space requirement? If not, could we at least use the land next to it to make the 1 ADA space? and the other 4 spaces can be where ever around town? **One ADA space would be required at the building with an accessible route to the entrance. This space needs to be 16 FT. wide. The 5 ghost spaces will not work for this because those are considered public right of way – anyone can park there.**

If we have to put in more parking, it requires 8' wide per space and 20' deep (please confirm). **That is correct**

If anything could be a deal breaker news, this is it. We really don't think the build is worth it if you now have a 40' deep building set 20' back with cars parked in front of it, blocking it's beautiful historic look. What are our options? **See next:**

Is there any other land we can buy or lease to accommodate the parking requirements? **The only property I can think of that you could utilize for parking would be directly across the street from the Queen. You would have to contact the owner of that land and work out development for it as well. I would need to research that property and see what the stipulations might be. Parcel # 401-06-074 / Owners – Randy and Cathy Brazil**

14509 W Hope Dr.

Surprise, AZ 85379

Purchasing that part of the property would involve a Lot split and development – I am not sure what a lease with them would involve other than development of the land.

We asked if Jerome issues other "ghost" parking spaces and were told no.

Please confirm. **That is Correct – This can no longer occur**

## Cuban Queen

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From: Kyle Dabney (K.Dabney@jerome.az.gov)  
To: jeromelibrary.jarvis@gmail.com; curtislindner@hotmail.com  
Cc: socalwindyj@yahoo.com; jalindner@yahoo.com  
Date: Tuesday, June 27, 2017, 05:27 PM MST

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Earlier today, I received word that the Mayor had been receiving complaints about this being a Hotel - Unfortunately, I was looking at permitted uses and a Hotel is one of them. In our ???definitions???, it describes a Hotel as 9 or more rooms - My apologies for not catching this, but it shouldn't be a deal breaker - Please see attached and let me know when you've all had a chance to discuss.

This is the Variance for the 5 parking spaces  
My suggestions according to permitted and conditional uses and their definitions.

- Also, according to the Town attorney - Using one of those parking spaces as an ADA space - He asked me to find out from ADA what they require -
- I called ADA - As long as there is a space within proximity of the building, that is what they're looking for.
- The Town would have to approve using one of those spaces as ADA - Good thing you are approaching Council first!

Let me know when a good time to talk about this would be - Thursday I have a meeting at 10:00AM this week - other than that, I'm free  
Town Hall hours: Monday-Thursday - 8:00 - 5:00 pm

**Kyle Dabney**

Planning & Zoning Administrator / Historic Preservation Officer  
Town of Jerome  
600 Clark St.  
Jerome, Arizona 86331  
928-634-7943



cuban queen.pdf  
462kB



Cuban letter.docx  
98.9kB

### 324 Queen Street letter for Executive Session

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From: Windy Jones (socalwindyj@yahoo.com)

To: a.barber@jerome.az.gov; c.gallagher@jerome.az.gov

Date: Monday, May 6, 2019, 01:08 PM MST

---

Hello Alex and Candace,

For the upcoming executive session regarding our property, I would like the attached letter to please be included.

Thank you very much for your assistance.

-Windy Jones



Windy Jones Josh Lindner Town of Jerom letter.5-6-19.pdf  
45.3kB

Windy Jones

Josh Lindner

Town of Jerome

Mayor Alex Barber

Manager Candace Gallagher

RE: Cuban Queen Preliminary Site Plan for Construction Submitted and Tabled by Planning and Zoning.

Dear Alex and Candace,

We want to thank you in advance for all your help regarding the Parking Certificates issued for 5 spaces for the Cuban Queen. As you go into executive session with the city attorney we hope you will consider what is best for Jerome and remember that we are good people with good intentions. We have a long family history connected to Jerome and the Verde Valley and would not do anything to ruin the historic nature of this special place.

We are not requesting special treatment. We are asking that the 5 parking spaces issued to the property on May 21, 2009, and guaranteed to us repeatedly, not be arbitrarily taken away. The fact that the property came with these 5 parking spaces was the # 1 determining factor in our purchase of the collapsed Cuban Queen. Once the parking spaces were confirmed by Kyle Dabney, the Jerome Planning and Zoning Director (and town attorney, we were told), Josh and I resigned from significant careers, 12 years for me and 20 years for Josh. We sold our lovely forest home which we restored from near ruin, and took our daughter away from a wonderful school and friends. We did this because we love Jerome and purchasing a buildable commercial lot with 5 spaces would enable us to have a business and be near family. Josh Lindner, who is a 6th generation Verde Valley native, and I are very excited to do this project and keep the memories and the experience of the Cuban Queen alive in Jerome. The proposed Cuban Queen will resemble the original iconic land mark and be in the same location, thus telling the story of its place in Jerome history.

The invalidation or modification resulting in the loss of our 5 parking spaces by the Jerome Town Council will result in a huge financial burden and loss of property value. We cannot go forward with our plans without at least these 5 parking spaces. We feel our monetary investment in the Cuban Queen, purchase price, contractor time, site work, rubble removal, cleaning, stacking and securing the original bricks from theft are all adding up.

Josh and I are very much willing to attend any work sessions with Mayor Barber, Manager Gallagher, any Council Members and the city attorney as we are committed financially now and on a time table to get the plans we submitted approved.

We want to thank the Jerome Historical Society, members of the Jerome Council, Jerome Fire Dept. and so many other Jerome residents for their encouragement and support.

Sincerely,

Windy Jones

Josh Lindner



Founded 1876  
Incorporated 1899

# TOWN OF JEROME, ARIZONA

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

COPY

## PUBLIC RECORDS INSPECTION AND COPY REQUEST FORM

Name of person making request: Windy Jones

Address: 2549 Haskell Sp Rd Clarkdale Az 86324

Email address: socalwindy@yahoo.com

Date of Request: 6/21/19

Telephone No: 714-306-8079

I, the person named above, hereby request the custodian of records for the Planning & Zoning <sup>Town Manager</sup> Department of the Town of Jerome to provide for inspection and/or copying or other reproduction, the public record(s) which are specifically described as follows:

Any emails/memos/documents between Kyle & the BOA regarding the 2017 agenda item for the BOA to revoke the parking variance for 324 Queen St,

Please provide the records in the following format: ☒ Hard copy ☐ Electronic copy - CD ☐ Email attachment ☐ Other Black & White

Indicate whether the records are to be used for: ☐ Commercial Purpose ☒ Non-Commercial Purpose

Signature: [Signature]

### COMPLETE THIS SECTION ONLY IF THE COPY REQUEST IS FOR A COMMERCIAL PURPOSE:

Specifically state the purpose of your request: \_\_\_\_\_

I, \_\_\_\_\_, declare that I have read the Information and Instruction Sheet on page 2 of this form, or A.R.S. 39-121.03 itself, and understand its contents. I further declare under oath that the information I have provided on this Form is true and correct.

\_\_\_\_\_  
Requesting party's signature

STATE OF ARIZONA )

) ss.

County of Yavapai )

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

FOR TOWN USE ONLY

No. of pages \_\_\_\_\_ Amount Charged \_\_\_\_\_ Date Provided \_\_\_\_\_



**From:** Kyle Dabney <[K.Dabney@jerome.az.gov](mailto:K.Dabney@jerome.az.gov)>  
**Sent:** Thursday, April 6, 2017 7:23 PM  
**To:** Carol Yacht <[carol@carolyacht.com](mailto:carol@carolyacht.com)>  
**Subject:** Re: BOA Agenda packet

Hi Carol,

I just got through looking at the files - There are years missing for BOA minutes! The closest I have jumps from " June 2007 " to " December 2010 " We have over 3 years of BOA minutes missing...

**Kyle Dabney**

Planning & Zoning Administrator / Historic Preservation Officer  
Town of Jerome  
600 Clark St.  
Jerome, Arizona 86331  
928-634-7943

On Apr 6, 2017, at 7:05 PM, Carol Yacht <[carol@carolyacht.com](mailto:carol@carolyacht.com)> wrote:

Kyle,

What was the BofA meeting *after* the May 21, 2009 meeting. I found my folder for the May 21, 2009 meeting but have not found minutes for that meeting. Knowing the date of the meeting after 5-21-09 will help.

Thanks,

Carol Yacht |

**From:** Kyle Dabney [<mailto:K.Dabney@jerome.az.gov>]  
**Sent:** Wednesday, March 29, 2017 8:57 AM  
**To:** [cbabbage1@g.com](mailto:cbabbage1@g.com); Carol Yacht <[carol@carolyacht.com](mailto:carol@carolyacht.com)>; Jane Moore <[Janemoore@mac.com](mailto:Janemoore@mac.com)>; Suzy Mound <[findsuzy@gmail.com](mailto:findsuzy@gmail.com)>  
**Subject:** BOA Agenda packet

Hello everyone,

Attached you will find your Agenda packet and there are also hard copies in the Library should you need them.

Per Bill Sims the town attorney, the Cuban Queen Variance item has been removed due to legal concerns. If you would like to speak with me about this, my door is always open.

Thank you all.

**Kyle Dabney**

Planning & Zoning Administrator / Historic Preservation Officer  
Town of Jerome  
600 Clark St.  
Jerome, Arizona 86331  
928-634-7943

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**From:** Candace Gallagher <[c.gallagher@jerome.az.gov](mailto:c.gallagher@jerome.az.gov)>

**Sent:** Tuesday, April 2, 2019 1:32:45 PM

**To:** Charlotte Page

**Cc:** Kyle Dabney

**Subject:** Re: BOA and Cuban Queen

We have since found another agenda for the same date without that item.  
Joni found a note from AI about this too ...

On Apr 2, 2019, at 1:10 PM, Charlotte Page <[c.page@jerome.az.gov](mailto:c.page@jerome.az.gov)> wrote:

Kyle,

Sorry to bug you, but...

There is a agenda item in 2017 for BOA to revoke the variance for the Cuban Queen.  
But the minutes don't mention it at all???

Any recollection you may have of this would be greatly appreciated.

Charlotte

## **From “AL’S LIST”**

(a list of outstanding items prepared by Zoning Administrator Al Sengstock before his departure)

### **Cuban Queen, Wendy Jackson (Rackov), 401-06-127**

Barry and I met with Wendy in early March, 2016, when she stated that she has finally found an “Earthquake Engineer,” able to do the structural work, and she showed us his initial drawings. She indicated that she was going to begin moving forward with this project within 90 days. To recap, she was granted a Variance for parking, which granted her credit for 5 parking spaces, with the condition that she must finish the project and get a C of O in order to be able to sell the property with the parking credit.....we’ll see.

# **ZA BOA Review/Analysis**

**Kyle Dabney, Zoning Administrator**

**04/06/2017**

## **ITEM 5: REVOKE VARIANCE**

**APPLICANT: WENDY JACKSON**

**ADDRESS: 324 QUEEN ST.**

**OWNER OF RECORD: ABOVE**

**APN: 401-06-127**

**ZONE: C-1**

**ZA is asking for removal of a variance granted in 2009**

### **ZA Analysis:**

I have reviewed the information on the variance that was granted in 2009 for parking privileges under the conditions that the building be renovated/restored and used in a commercial setting. The building was never restored and on March 5, 2017 the SE facing wall collapsed jeopardizing the remaining structure. I visited the site many times with local authorities including the Building Inspector and Fire Chief. The conclusion drawn by those parties was that the structure was a public health and safety emergency requiring a demolition permit to be issued. The structure has been taken down and no longer qualifies for the variance that was granted. I recommend revoking this variance.

From: **Kyle Dabney** K.Dabney@jerome.az.gov  
Subject: **Re: BOA Revoke parking variance newspaper article**  
Date: **March 23, 2017 at 3:33 PM**  
To: **Candace Gallagher** c.gallagher@jerome.az.gov



No your not missing anything - I looked into it as well, but was going off of Jen's instructions for BOA - these instructions are for what she does regarding meetings ( it does say to get with the ZA on publishing needs ) just wanted to make sure I was covering all my bases even though this was not a requirement in the Zoning Ordinance. Thank you for letting me know - I've made preparations to cover everything Jen used to do with the exception of Minutes.

## **Kyle Dabney**

Planning & Zoning Administrator / Historic Preservation Officer  
Town of Jerome  
600 Clark St.  
Jerome, Arizona 86331  
928-634-7943

On Mar 23, 2017, at 3:28 PM, Candace Gallagher <c.gallagher@jerome.az.gov> wrote:

Kyle -

In looking at this, it seems to me that all we really need to do is post the agenda online as we typically would. I can also put it on FB. I don't see the need to publish it, as it seems (to me) that revoking a parking variance for a building that literally no longer exists is redundant at best and should not be controversial. Am I missing something?

Thanks,  
C.

## *Candace B. Gallagher, CMC*

Town Manager/Clerk  
Town of Jerome  
600 Clark Street  
P.O. Box 335  
Jerome, AZ 86331  
(928) 634-7943

[c.gallagher@jerome.az.gov](mailto:c.gallagher@jerome.az.gov)

**Please note: To ensure compliance with Open Meeting Law, recipients of this message should not forward it to other members of the Council or Board. Members of the Council or Board may reply to this message, but they should not send a copy of their reply to other members.**

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From: **Kyle Dabney** kyle.dabney@outlook.com  
Subject: **Re: BOA and Cuban Queen**  
Date: **April 3, 2019 at 6:35 PM**  
To: **Charlotte Page** c.page@jerome.az.gov  
Cc: **Candace Gallagher** c.gallagher@jerome.az.gov



If I remember correctly, the parking was deeded to the land - but you'll have to confirm because the question did come up - i just cant be certain

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**From:** Charlotte Page <c.page@jerome.az.gov>  
**Sent:** Wednesday, April 3, 2019 12:25:43 PM  
**To:** Kyle Dabney  
**Cc:** Candace Gallagher  
**Subject:** RE: BOA and Cuban Queen

Kyle,

There are questions now if the parking variance even is valid since the building doesn't exist.

Another Jerome project and associated drama! I may be back to you on this next week.

Thanks again,

Charlotte

---

**From:** Kyle Dabney <kyle.dabney@outlook.com>  
**Sent:** Tuesday, April 2, 2019 7:47 PM  
**To:** Candace Gallagher <c.gallagher@jerome.az.gov>; Charlotte Page <c.page@jerome.az.gov>  
**Subject:** Re: BOA and Cuban Queen

I don't recall having any discussions about revoking the parking variance.

When Curtis and his family first visited, it was very unclear on what they wanted or could do with the Cuban Queen. Several discussions led to definitions of hotel, motel, bed and breakfast, etc ... ( and i don't remember what those definitions were ) The last I heard from them they were deciding on what to do.... it kind of dropped off and I didn't hear from them again. Part of the issue with whatever they decide is going to be an ADA parking spot and they need a certain amount of parking to go along with the designation of what they build - i.e. bed and breakfast with an art gallery or something like that. ( you'll need to talk with Barry about those codes for ADA). I cant remember how many spots were designated in the deed to the Cuban Queen (4 or 5). There was also an issue with how tall they wanted to build - they were thinking of a 3rd story but they stated that there might not be enough money. In that case you would need to look at height restrictions- something like no taller than the closest building within 100'???? Finally, there was a discussion about the setbacks but i don't remember if we came to a conclusion on that - they were trying to move the front of the building back for either more parking or maybe ADA access? I just don't remember much.

Hopefully that helps - let me know if there are more specific questions you may have.

Good to hear from you all.



# TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331

(928) 634-7943 FAX (928) 634-0715

REGULAR MEETING OF THE TOWN OF JEROME

**BOARD OF ADJUSTMENT**

DATE: Thursday, April 6, 2017 TIME: 6:00 pm

PLACE: **JEROME CIVIC CENTER**

600 Clark St., JEROME, ARIZONA 86331

## MINUTES

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 BOA will hold the above meeting in Council Chambers at Jerome Town Hall. Members of the BOA will attend either in person or by telephone, video or internet conferencing. The BOA 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/ROLL CALL

The meeting was called to order by Chair Carol Yacht at 6:05 p.m. April 6, 2017.

Roll call was taken by Kyle Dabney, Zoning Administrator. Members present were Chair Carol Yacht, Jane Moore, Vice Chair Gary Shapiro, Suzy Mound. Chris Babbage was absent. Staff present were Kyle Dabney, Zoning Administrator; and Jamie Vander Horst, Minute Taker.

### ITEM 2: APPROVAL OF MINUTES FROM April 5, 2017

Vice Chair Shapiro made a motion to approve the minutes of May 5, 2016. The motion was seconded by Ms. Moore. The motion passed unanimously.

### ITEM 3: PETITIONS FROM THE PUBLIC – There were no petitions from the public.

### ITEM 4: ELECTION TO APPOINT A CHAIR OF BOARD OF ADJUSTMENTS

Chair Yacht made motion to nominate Ms. Moore for Chair the motion was seconded by Vice Chair Shapiro, and approved unanimously. Mr. Babbage was nominated for Vice Chair, this motion was seconded by Ms. Moore, and approved unanimously.

### ITEM 5: FUTURE AGENDA ITEMS

Ms. Yacht says she would like to review (local/granted) variances. Mr. Shapiro mentioned a workshop to review variances that had reached the supreme court (won and lost) to get a better handle on variance history. Mr. Dabney stated that he had reviewed all minutes that he could find on the Board of Adjustments and if the board would give him the years they would like to review he could provide them. Mr. Dabney will work with Ms. Moore to identify a future time to begin this project for variance reviews.

### ITEM 6: ADJOURNMENT

Mr. Shapiro moved to adjourn the meeting. The motion was seconded by Ms. Moore. The motion passed unanimously, and the meeting was adjourned at 6:30.

Approval on next page.

# TOWN OF JEROME

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

## REGULAR MEETING OF THE TOWN OF JEROME BOARD OF ADJUSTMENT

DATE: Thursday, April 6, 2017 TIME: 6:00 pm

PLACE: JEROME CIVIC CENTER

600 Clark St., JEROME, ARIZONA 86331

## MINUTES

*Respectfully submitted by Jamie Vander Horst on July 7, 2016.*

Approved:



Board of Adjustment Chair

Date: 4-5-18

Attest:



Board of Adjustment Vice Chair

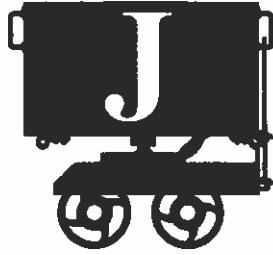
Date: 4-5-18

member



**ADDITIONAL INFORMATION INCLUDED:**

- 1) Letter of support from the Jerome Historical Society
- 2) Photo (by Ron Chilston) of the Cuban Queen
- 3) Architectural plans submitted by applicant: Cuban Queen Bordello Rooming House, along with street view feedback from applicant to architect



RECEIVED  
7/1/19

## Jerome Historical Society

P.O. Box 156, Jerome Arizona

928-634-1066

[www.jeromehistoricalsociety.com](http://www.jeromehistoricalsociety.com)

June 24<sup>th</sup>, 2019

To: Jerome Town Council

P.O. Box 335

Jerome, Az. 86331

### Re. Proposed Cuban Queen Project

It has come to the attention of the Jerome Historical Society that the buyer of the Cuban Queen property is planning to restore this historic building, utilizing the original materials and facade salvaged from the collapse of the structure. It is our understanding that the owners are currently working their way through the approval and permitting process with the Town of Jerome.

The loss of this building was a tragedy for our Town. Not only did this structure contribute incredible historic significance to our status as a National Historic District, but it was possibly one of the most photographed buildings, and a favorite of many of our citizens and visitors.

JHS is grateful that a private citizen, utilizing private funds, is committed to bring this structure back to life. This effort represents a unique opportunity for our Town. The purpose of this letter is to officially express support for this project by the Jerome Historical Society. We urge similar support and commitment from all Boards and individuals who have a role in moving this project forward. It is our desire that we are all working toward the same goal: To do what it takes to make the restoration of the Cuban Queen a huge success.

Regards,

Steve Pontious, President

Jerome Historical Society

An Arizona 501c3 Non-Profit Organization

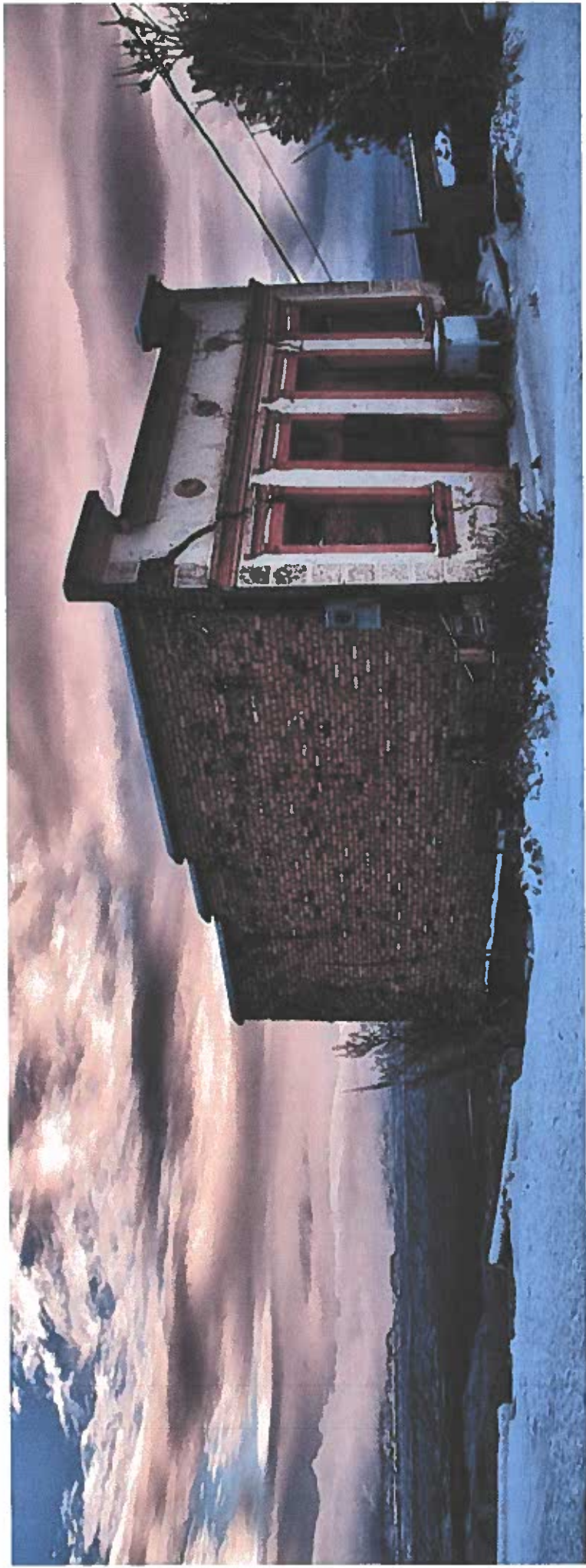
CC: C. Gallagher, Town Manager

Planning & Zoning Commission

Design Review Board

Board of Adjustment

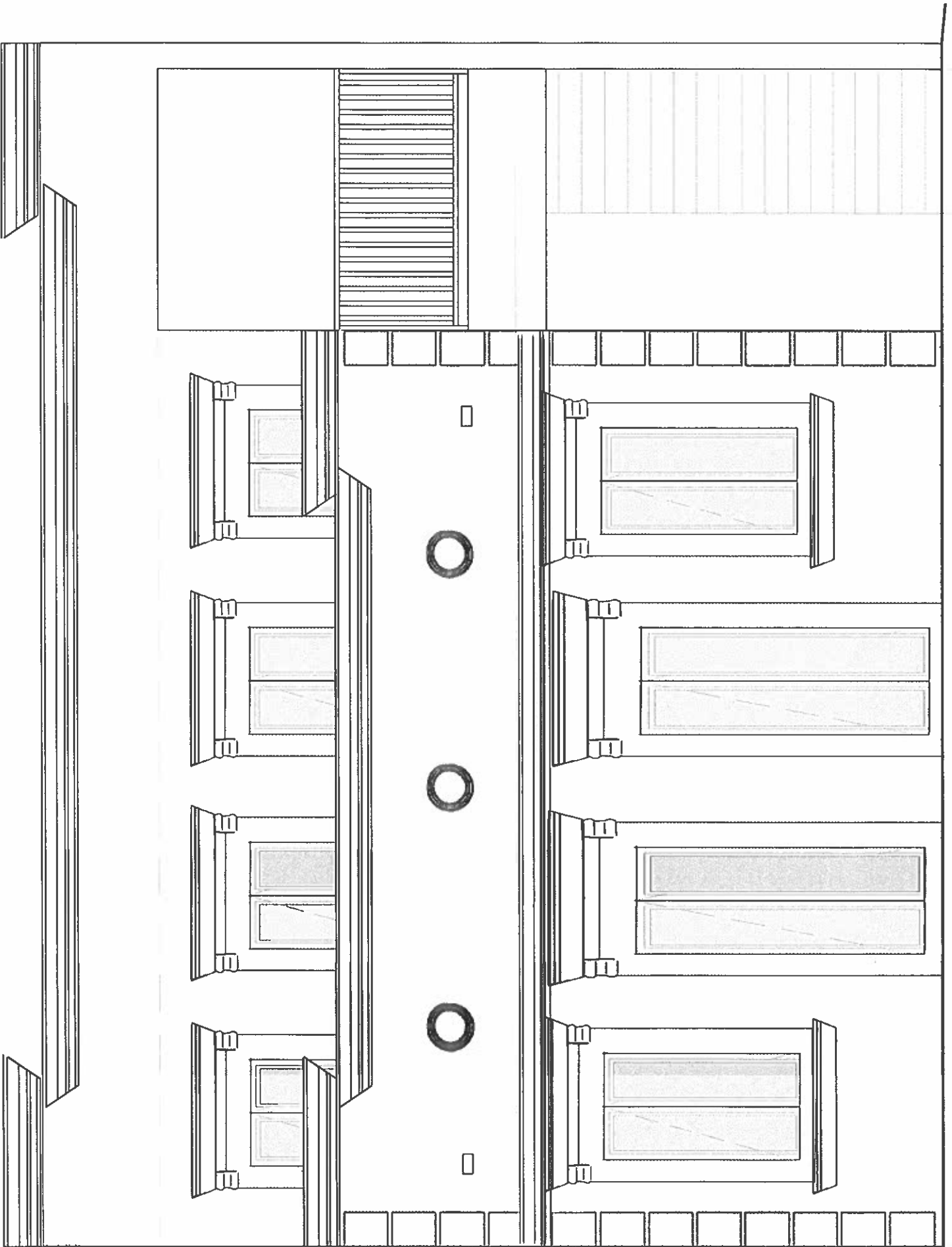
C. Linder – P.O. Box 272, Jerome, Az. 86331



*The Cuban Queen*

*Photo by Ron Chilston*









Margy Parisella <mparisella@azstateparks.gov>

## 324 Queen Street Project - Jerome AZ

1 message

Windy Jones <socalwindyj@yahoo.com>

To: "mparisella@azstateparks.gov" <mparisella@azstateparks.gov>

Cc: Joshy Lindner <jalindner@yahoo.com>

Wed, Jun 26, 2019 at 9:06 AM



Hello Margy,

Thank you for reviewing our proposed project for 324 Queen Street in Jerome AZ.

In 2017, my partner Josh Lindner and I purchased the C-1 zoned lot APN 401-06-127 with a literal pile of brick/rubble that had previously been the Cuban Queen bordello. When we started our due diligence in 2017, Kyle Dabney (the prior Jerome Planning and Zoning Manager) had called SHPO and advised us there would be no requirement to rebuild the exact prior building since it had fallen down.

We are in process with the town of Jerome, and are proposing the attached project. Please note, we have only gotten as far as submitting initial drawings to P&Z, so we do not yet know if they (or the Design Review Board, in the future) will request changes. Our desire is to complete a project with the same front setback, use of original salvaged materials, a façade to include the same façade as the original Cuban Queen building, and the same historical theme to preserve the Cuban Queen history in Jerome. We are gathering historic 1920s antiques and furniture to create a memorable experience for our guests.

We would also like to have a metal plaque on the front of the building with an image of the original Cuban Queen and wording like:

"Former site of The Cuban Queen Bordello - Originally constructed in 1922. Once the site of a brothel frequented by the hard working copper miners of Jerome. Her walls that could tell tales and keep secrets, gave way in 2017. Resurrected in her shadow now sits The Cuban Queen Bordello Rooming House."

Attachments are:

### 1) Feedback to architect\_324 Queen Street Proposal.pdf

- These are my drawings of what we would like the street view to be.
  - Page 1 contains an overlaid photograph of the original Cuban Queen.
- I created these drawings as feedback to our architect following his preliminary drawings for P&Z, which were just about height/footprint/etc.

### 2) 324 Queen Street Proposal given to Jerome PZ.pdf

- This is what Jerome P&Z is in possession of.
- If you look at the street view on A300, this street view was prior to our feedback to the architect, as the architect will make updates once we have other feedback from P&Z.

3) 20170506\_110609.jpg

- This is a picture of the collapsed building before we purchased the lot.
- With great expense and effort, we are very excited to have saved the usable brick!

Thank you again for your review, and please let me know if you have any questions.

Windy Jones

2549 Haskell Springs Rd

Clarkdale AZ 86324

714-306-8079

**CONCUR** 7/9/19

Margy Parisella  
Arizona State Historic Preservation Office


*This project as designed  
can meet the "Secretary  
of Interiors" standards  
as an infill project in  
a Historic District/NHL.*


---

3 attachments



20170506\_110609.jpg  
5776K

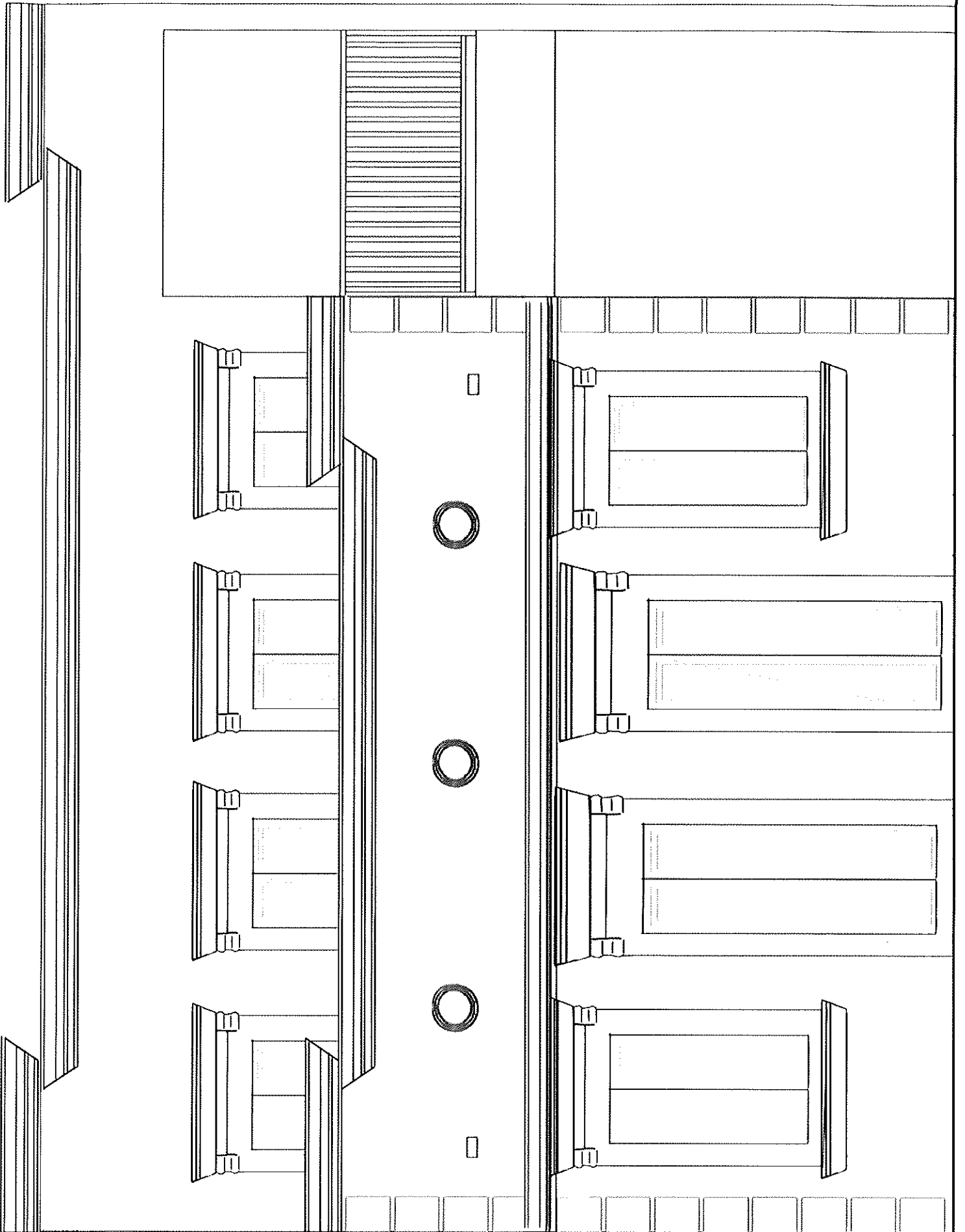
 Feedback to architect\_324 Queen Street Proposal.pdf  
310K

 324 Queen Street Proposal given to Jerome PZ.pdf  
406K









PROJECT:  
CUBAN QUEEN  
BORDELL O  
ROOMING HOUSE

324 QUEEN ST.  
JEROME, AZ 86331



ANOTHER LOOK  
ENGINEERING  
2600 E. CAMPBELL AVE  
PHOENIX, AZ 80016  
TEL: 602.998.1111  
T: 480.208.8190  
nath.harte@gmail.com

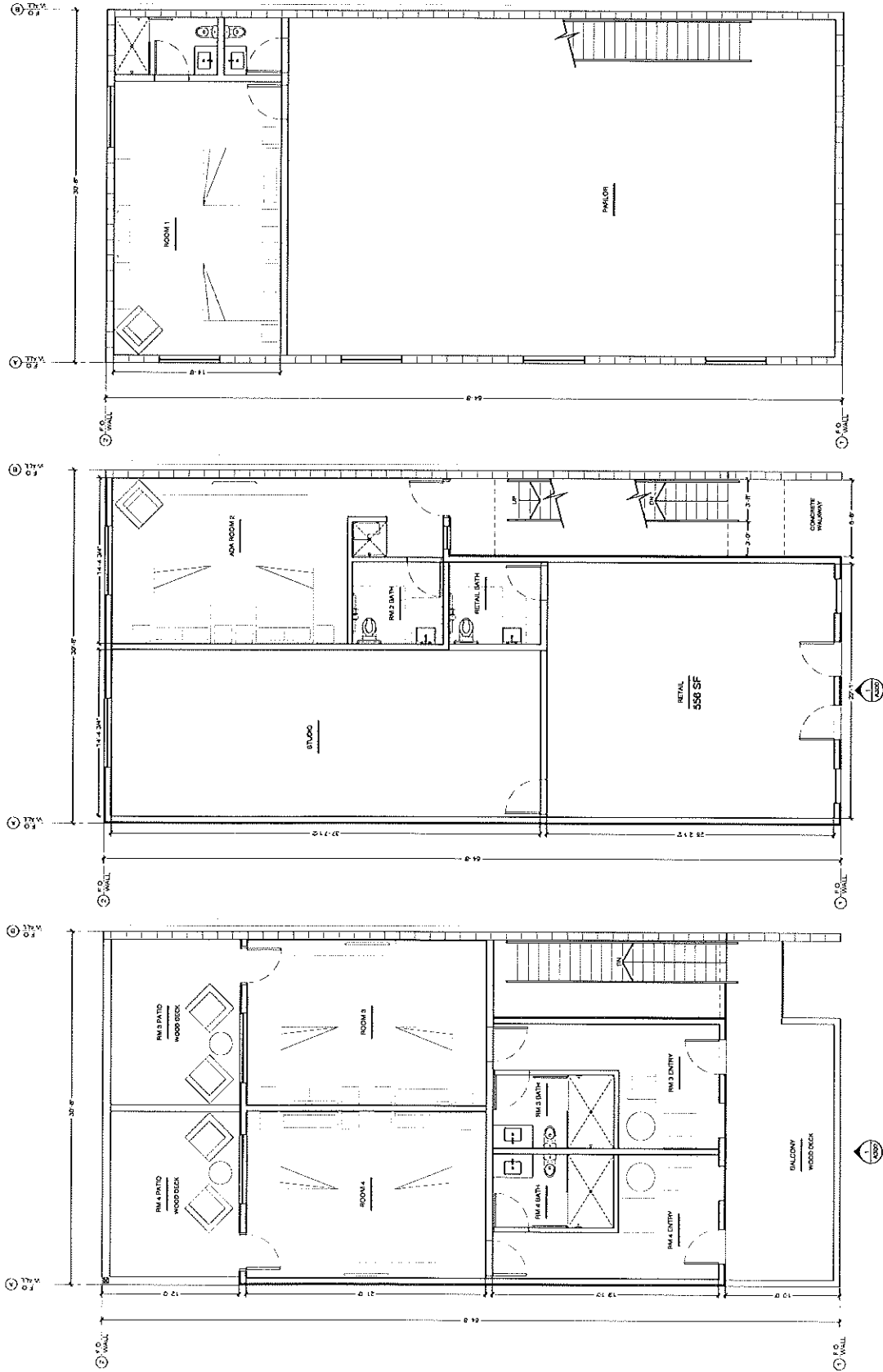
NAME	REV	DATE
CITY SUBMITTAL		

# FLOOR PLAN

Drawing Title

AS NOTED  
Basis

**A200**  
Drawing No.



LEVEL 1 (BASEMENT) FLOOR PLAN  
SCALE: 1/4"=1'-0"

LEVEL 2 (STREET) FLOOR PLAN  
SCALE: 1/4"=1'-0"

LEVEL 3 (UPPER) FLOOR PLAN  
SCALE: 1/4"=1'-0"







**Additional documents  
for Board of Adjustment packets  
provided by applicant**

From: **Carol Anne Teague** catinarizona@gmail.com   
Subject: Cuban Queen  
Date: March 18, 2019 at 8:44 AM  
To: **Candace Gallagher** c.gallagher@jerome.az.gov, **Charlotte Page** c.page@jerome.az.gov, **Windy Jones** socalwindyj@yahoo.com,  
**Alex Barber** a.barber@jerome.az.gov

---



I'm copying Windy Jones on this email.

Hi, Candace and Charlotte and Alex.

GREAT news on the ADA parking space not being necessary! That's fantastic. It doesn't mean much if the Cuban Queen suddenly has no parking at all, but it's a start.

I saw Margie Hardie's email about the Queen's parking spaces in last Tuesday's Council agenda. I had an eye roll at the ludicrousness of basically saying "Wendy Rakov didn't develop, so now let's make it so that Windy Jones can't ever develop the property at all!"

I then forgot about it because it's just ridiculous.

Windy now tells me that since Margie Hardie communicated an opinion, we're at a standstill again. I understand that you're looking at the feasibility of removing the 5 parking spaces from the Cuban Queen.

Let me tell you the sequence of Windy Jones' and my involvement with these parking spaces so that you have more facts at your disposal. Please share this email with Bill Sims - I'm sure that he will confirm my recollection.

When Windy and Josh Lindner were in the due diligence phase of buying the collapsed Cuban Queen and figuring out how to resurrect her we had numerous conversations with Kyle Dabney, the Town of Jerome's Planning and Zoning Administrator and Historic Preservation Officer at the time.

We were assured by Kyle repeatedly that the parking spaces could not ever be in jeopardy because they're deeded to the property. (We understood that this was coming straight from Bill Sims.) I just looked at an email from Kyle that includes the 5 spaces parking certificate that Wendy Rakov obtained from the Town - Kyle sent it as proof that the parking spaces could not be denied.

Sherry McMahon and I met with Kyle and he again confirmed that these 5 parking spaces "ran with the land," according to my notes. Windy and I met with Kyle, Rusty, and Marty where this information was again confirmed. I have numerous emails from Kyle on this subject, all confirming that the sale included 5 parking spaces.

Based on this information from the Town of Jerome Planning and Zoning Administrator, Josh and Windy proceeded and closed the deal with Wendy Rakov and bought the Cuban Queen. They would never have completed the purchase without these 5 parking spaces because, as you know, the property is worthless without parking.

On the one hand, we have property owners that would like to take a collapsed eyesore and embarrassment to our Town and turn her into a gorgeous revenue and sales tax producing business. On the other hand, we have Margie Hardie.

Please don't hesitate to email or call if you have any questions.

Thank you for your time,

Cordially,

**Carol Anne Teague, REALTOR®**  
**Broker Associate**

**Realty One Group Mountain Desert**  
**GRI, ABR, AHWD, CNE, MRE, e-Pro**  
**2006 SVVAR REALTOR® of the Year**  
**2010 SVVAR President**  
**certified feng shui consultant**  
**direct phone: 928-300-9031**

Curtis Lindner

PO Box 272

Jerome, Arizona 86331

928 300 3306

Town of Jerome

Charlotte Page

Planning Administration Officer

RE: Parking for Cuban Queen Project

Dear Ms. Page

My remembrance of my conversations with Kyle Dabney the former Zoning Officer for Jerome I believe would be helpful to resolve the parking issue for the new owners of the Cuban Queen property.

On or before the date 5/10/17 I talked to Kyle Dabney regarding parking and the ADA requirements for the proposed rebuilding and early ideas upcoming from the new owners. This conversation was in his office at Town Hall. To the point when I brought up the parking granted to the former owner, Kyle said he was not aware of that and would get back to me and would run it by the Town Attorney. Our subsequent meeting at Town Hall which Ms. Teague attended, Kyle told us that the 5 space parking was approved and the ADA access would be needed and then we went on to talk about other issues.

I sincerely hope this is not something we have to reinvent.

Sincerely,

Curtis Lindner