



# 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, May 5, 2016 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 6:01 p.m.

Roll call was taken by Albert Sengstock, Zoning Administrator. Members present were Chair Carol Yacht, Jane Moore, Vice Chair Gary Shapiro, Suzy Mound, and Chris Babbage.

Staff present were Albert Sengstock, Zoning Administrator (via internet conference); Joni Savage, Deputy Clerk; and Jennifer Julian, Minute Taker.

### **ITEM 2: APPROVAL OF MINUTES FROM JULY 2, 2015**

Ms. Moore made a motion to approve the minutes of July 2, 2015 with one minor correction. The motion was seconded by Mr. Shapiro. The motion passed unanimously.

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

### **ITEM 4: VARIANCE TO PERMIT OFF-SITE PARKING**

APPLICANT: HENRY P. VINCENT

PARCEL: 401-07-015A

ADDRESS: 203 3<sup>RD</sup> ST.

ZONING: R1-5

The applicant asks for a variance from Section 510 C. 1. of the Town of Jerome Zoning Ordinance, which prohibits off-site parking within a residential district, due to the lay of the land of his home site at 203 3<sup>rd</sup> Street, which prevents on-site parking.

The applicant was present.

Chair Yacht read the item.

There was a discussion about the transposition on the original agenda, which read "Section 501 C. 1." rather than the correct "Section 510 C.1." Corrected agendas were emailed and reposted more than 24 hours in advance of the meeting. Mr. Sengstock pointed out that the newspaper notice and the narrative explaining the request were correct. Considering this, the Board agreed that there was no problem with the revised agenda.

Mr. Shapiro asked that Mr. Sengstock's analysis be inserted into the record:

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*This request is due to the lay of the land of Mr. Vincent's home site, which does not allow for on-site parking absent major excavation, which in my opinion would have a negative impact on the visual history of this site. The property where the paved parking will take place is owned by Mr. Vincent, and is not a legally buildable lot, since the parcel does not meet the current district standards, which were adopted prior to the creation of this parcel. The parking spaces will transfer with any sale of the home site.*

Mr. Shapiro said he believes the variance should be granted because it fulfills the spirit of the ordinance. He asked Mr. Vincent if it had been registered with the county as a parking spot with Mr. Vincent's property across the street. Mr. Vincent said it is a separate parcel. Mr. Shapiro said that the Board's decision goes with the land. This is not a buildable lot, so Mr. Vincent may be required to register the property with the county as dedicated parking for his parcel across the street, so that if he were to sell, it would go with the home site.

Mr. Sengstock said that the Town is invested in preserving existing historical home sites. He believes that the lay of the land is such that making on-site parking possible would be adverse to the home site. It is rare that someone has a parcel of land that can be used for parking right across the street. The parcel is not usable for anything else because of its size. It was created after the zoning districts were in place and it is too small for a primary use, so the parcel is only usable for parking. The primary intention of the parking ordinance is to keep vehicles off the street and preserve visual impact, which this would accomplish. Should the Board grant the variance, Mr. Sengstock proposed these conditions: 1) The property be used for parking licensed roadworthy vehicles only, not to be used as an open storage yard; 2) within one year, it be recorded with the county on each deed that the parking goes with the primary home site so that it transfers with any sale, and 3) that the lot be kept in reasonably good order, free of weeds and storage.

Chair Yacht asked Mr. Sengstock if Mr. Vincent would have to go before the other boards in order to build the parking lot. Mr. Sengstock said no. There is old paving on the lot and Mr. Vincent is going to pave it more efficiently. It is at ground level and there is no visual impact vertically, so no other approvals are necessary.

Chair Yacht asked Mr. Sengstock to clarify his remarks about the lot having to be used for parking. Mr. Sengstock said that the lot should be used for parking licensed roadworthy vehicles, not for the storage of equipment or miscellaneous items.

Ms. Moore asked Mr. Vincent if what was stated was agreeable to him. Mr. Vincent said that he can't understand the restriction of parking only licensed vehicles on the property and asked for an explanation. Ms. Moore said she understood it to mean that junk vehicles wouldn't be sitting there. Mr. Vincent said that seems reasonable. Mr. Sengstock explained that it would not be allow four or five vehicles that are not roadworthy being stored there, because the variance is not granting open storage rights, it is granting a use as a parking area. Mr. Vincent said again that seems reasonable.

Chair Yacht asked if other storage would be allowed, such as a shed. Mr. Shapiro said that a shed would be a structure above the ground level and would require other approvals and permits.

Mr. Sengstock said that this condition is not necessarily meant for Mr. Vincent. It is meant for future owners of the property. If the property changes hands, the conditions go with it. Mr. Vincent said that seems reasonable.

Ms. Moore asked if the variance precludes building a garage on the property sometime in the future. Mr. Sengstock said no buildings and no accessory use can be placed on a vacant lot before a primary use has been established, and no primary use can be established because the lot is too small based on the zoning ordinance minimum size and dimensions.

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Ms. Moore said if it is used for a parking, what if he wanted to build a roof? [inaudible]

Mr. Sengstock said if that were the case, Mr. Vincent would have to come back before the Board of Adjustment to make that request.

Ms. Carol Anne Teague, resident, asked if that approval could be done now. Mr. Shapiro said no, it is not part of the application. Mr. Vincent would need to come back with an application for a carport or garage, which would be difficult because it would require variance of setbacks. The application is for a cement surface, and that is all the Board can potentially grant. Mr. Vincent said that is fine, it is parking.

Ms. Moore agreed with Mr. Shapiro that the request meets the intent of the ordinance. She commended Mr. Vincent for doing it.

Ms. Mound said that there is commercial-looking parking lot in her neighborhood, complete with cement parking blocks. It is an eyesore. She hopes that what Mr. Vincent has planned is in keeping with residential character of the neighborhood.

[Board members, Mr. Sengstock and Mr. Vincent talking over each other.]

Mr. Babbage insisted "No white stripes." Chair Yacht agreed with Ms. Mound and said concrete bumpers would be inappropriate.

Mr. Sengstock said it is just going to be a cement pad for parking.

Ms. Margie Hardie, resident, asked how many parking spaces are being allotted for on the property. Mr. Vincent said that it fits two. Ms. Hardie said that parking spaces should be 8 feet by 20 feet. Chair Yacht said the property is 600 square feet.

Chair Yacht said that she appreciated Mr. Vincent's explanation and the sentiment behind "promoting the public welfare by providing off-street parking."

Mr. Vincent said his is not the only example of this situation in Town. He named several specific properties where the parking is not contiguous to the parcel owned by the property owner. He is the first person who has made a request to pour a concrete pad. He does not wish to have input into rewriting the ordinance, but there are several properties in Town with noncontiguous parking to the residence. He named additional specific properties. He is trying to play by the rules and park on his property where he has already been parking for 22 years.

Mr. Sengstock said that Mr. Vincent is one of the few with a legitimate right to park. For example, if this request had not occurred, and future property owner tried to verify that the parking was legitimate, he wouldn't be able to say that it was. The new owner and the seller would have to go through the steps Mr. Vincent is going through now. Mr. Sengstock said that there are individuals in Town with informal agreements regarding parking off-site which will not move forward in the event they sell their property. In this case, that will not occur.

Mr. Vincent said that his intent in suggesting these items to the Board was not to be difficult, but to alert members to the fact that there could be other applications like his in the future. He is trying to cooperate with the intent of the ordinance and be a good citizen and good neighbor.

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Ms. Moore said that it is a great start to clear up some of these issues and provide legitimate parking.

Ms. Moore moved to grant Henry Vincent the variance from Section 510 C. 1. in providing parking for his home that has no parking on the property and this is in keeping with the intent of the ordinance to provide off-street parking with the conditions ...

[There was discussion among Ms. Moore, Chair Yacht and Mr. Babbage about reading the conditions. Ms. Savage asked Mr. Sengstock to read the conditions.]

Mr. Sengstock said he suggests adding "as part of the motion that both properties have recorded on their deeds that the parking goes with the home site, that it only be used for parking of running and licensed vehicles, not to be used as an outside storage spot, and I would say that the recordation should be accomplished any time within the next year."

Chair Yacht asked Ms. Julian to read the motion back. Ms. Moore said that the motion would be what she said with the conditions that ... Ms. Julian read, "with the conditions that the parking goes with the home site and that he parking can only be used for licensed roadworthy vehicles with recordation to be accomplished within one year."

Chair Yacht asked for the complete motion to be read.

Ms. Moore moved to grant Henry Vincent the variance from Section 510 C. 1. in providing parking for his home that has no parking on the property is in keeping with the intent of the ordinance to provide off-street parking with the conditions that the parking goes with the home site and the parking can only be used for licensed roadworthy vehicles with recordation to be accomplished within one year. Mr. Babbage seconded the motion. Chair Yacht called the vote and the motion passed unanimously.

## ITEM 5: FUTURE AGENDA ITEMS

Chair Yacht asked for an update on the vacation rental lawsuit. Mr. Sengstock explained that the lawsuit is on hold due to the fact that the state legislature is considering legislation which would permit vacation rentals as a matter of law. A result is expected within the next month. If the legislation passes, it eliminates the Town's ability to prohibit vacation rentals.

Chair Yacht asked if the legislation applies even though the lawsuit precedes the legislation. Mr. Sengstock said yes.

Chair Yacht recommending using a speaker at the next meeting. Mr. Sengstock said that he will use wired internet, not Wi-Fi next time.

## ITEM 6: ADJOURNMENT

Mr. Shapiro moved to adjourn the meeting. The motion was seconded by Ms. Mound. The motion passed unanimously and the meeting was adjourned at 6:25pm.

*Approval on next page.*

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## MINUTES

Respectfully submitted by Jennifer Julian on ~~July 7, 2016~~ <sup>April 6, 2017</sup>

Approved: Carol Yacut Date: 4/6/17  
Board of Adjustment Chair

Attest: Sam Shapiro Date: 4/6/17  
Board of Adjustment Vice Chair