



# TOWN OF JEROME

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

## PLANNING AND ZONING COMMISSION

DATE: WEDNESDAY, November 4, 2015 TIME: 7:00 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 Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold the above meeting in Council Chambers at Jerome Town Hall. Members of the Planning and Zoning Commission will attend either in person or by telephone, video or internet conferencing. The Planning and Zoning Commission 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

Chair Leo Shakespeare called the meeting to order at 7:05 p.m.

Roll call was taken by Albert Sengstock, Zoning Administrator. Commission members present were Chair Leo Shakespeare, Lance Schall and Margie Hardie. Mike Parry was absent.

Staff present were Albert Sengstock, Zoning Administrator, and Jennifer Julian, Minute Taker.

Members of the public present were Deni Phinney, resident.

### ITEM 2: APPROVAL OF MINUTES FROM JULY 1, 2015 AND OCTOBER 7, 2015

*Tabled until the next meeting.*

### ITEM 3: PETITIONS FROM THE PUBLIC

There were no petitions from the public.

### ITEM 4: REQUEST FOR A USE PERMIT FOR A DUPLEX OR A B&B IN C-1

APPLICANT: DENI PHINNEY

ZONE: C-1

ADDRESS: 537 SCHOOL RD.

APN: 401-06-041 & 042

OWNER OF RECORD: ABOVE

The applicant asks for approval for a Use Permit to continue to operate a previously approved B&B, or to use the building as a Duplex within C-1 Zoning District.

The applicant was present.

Mr. Sengstock explained that the request is only for a duplex. The property received approval for a B&B last year, which has since expired. The owner now has to wait a year to do a B&B again. Her primary objective now is to do a duplex.

Mr. Sengstock presented pictures of the available three parking spaces. Chair Shakespeare clarified that it is one space in the driveway, one in front of the garage, and one in the garage.

Commissioner Hardie asked if the depth of the garage is 19 feet. Ms. Phinney said yes. Commissioner Hardie asked about the width of the garage. Ms. Phinney said 10 feet. Commissioner Hardie said that the depth of the parking space is supposed to be 20 feet.

Mr. Sengstock said that the parking plan was approved originally for the B&B. He believes that it works and accomplishes the intention of the parking standard.

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Commissioner Hardie asked for clarification of the measurements of each parking space. The required size of parking space is 8 feet x 20 feet. After some discussion, Commissioner Hardie accepted the explanation of the parking arrangement.

Mr. Sengstock believes that the applicant is considerate and will monitor the parking of any renters. However, there is nothing in the law that prevents a tenant from having more than one vehicle and parking it on the street.

Commissioner Hardie said that the Conditional Use Permit for the B&B required that the parking be off-street. Mr. Sengstock said that was a restriction on quasi-commercial use. A duplex, however, is essentially two apartments, so he recommends approval. Commissioner Hardie said that off-street parking could be a condition of the lease or the motion for approval.

Chair Shakespeare asked if there anything that stipulates the parking spots can't block each other. Mr. Sengstock said no, not for residential parking.

Commissioner Hardie asked which floor the applicant is considering renting. Ms. Phinney said both floors.

Chair Shakespeare wanted to confirm that the request is just for a duplex, not for a duplex or B&B. Mr. Sengstock said yes.

Commissioner Hardie moved to approve the Use Permit to operate a duplex with the condition that it has three off-street parking spaces. Commissioner Schall seconded. All were in favor and the motion passed.

## **ITEM 5: DISCUSSION PERTAINING TO THE HOME OCCUPATION ORDINANCE**

*(At this point the voice recorder stopped working.)*

Mr. Sengstock provided Home Occupation ordinances and/or applications from Sedona, Yavapai County, Bisbee, Prescott, and Prescott Valley. Some ordinances limit vehicles more than others. However the general rule is that no one should know home occupations are there. They should be invisible and silent.

If the Town were to allow a more intense use, the consideration is that it will change the character of the use of the property. For example, the Town cannot allow one-ton vehicles because there is no room. If it doesn't fit, it doesn't fit. You cannot disrupt or change the visible character of the neighborhood.

Commissioner Schall suggested limiting the number of deliveries per day. Commissioner Hardie suggested limiting the number of clients per day.

Mr. Sengstock said that in his opinion, the home occupation cannot bring more vehicles to the neighborhood unless there is a place for clients to park. Your clients cannot park on the street. Guests to a residence, however, may. Deliveries are another consideration.

Mr. Sengstock said that a Conditional Use Permit (CUP) could be considered for a property that has space for additional parking. On most Town lots, however, there is no space.

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Commissioner Schall said that the CUP could state there must be onsite parking. Chair Shakespeare said that some areas in Town do have space for additional parking.

Mr. Sengstock said that if the home occupation draws customers, it should be by use permit so that parking can be controlled.

Commissioner Hardie suggested turning Home Occupations into CUPs to give more control.

Commissioner Schall agreed that a CUP gives more control but suggested requiring a CUP only if the home occupation has an impact on the neighborhood such as clients and parking. A consultant who works primarily online wouldn't need one.

Mr. Sengstock said that could be included in the ordinance. For example, if there is more than one delivery a day, then those Home Occupations have to go before Planning & Zoning for a CUP. But if you are selling insurance, a CUP would not be necessary.

Commissioner Schall said he would rather not require the majority of Home Occupations to get a CUP. It depends on the business and the property. For example, if it has delivery trucks and clients, it would need a CUP.

Mr. Sengstock said that the Town's roads and properties are unique and unable to support the same kinds of use as other communities.

Chair Shakespeare said that the purpose of CUP is for Planning & Zoning to consider each application.

*(At this point, the recording resumed.)*

Mr. Sengstock said that he takes the strictest view of home occupation businesses. They must be invisible, and they may not create additional traffic, noise, or order. If they cannot meet those guidelines, the answer is no.

Commissioner Hardie asked about a specific instance of a proposed home occupation that was turned down by the Zoning Administrator and Board of Adjustments. Mr. Sengstock said that it was a clean process. Had the homeowners chosen to appeal to the Superior Court, it would have found that the Town followed the process appropriately.

Mr. Sengstock said that he wants to create a document that can guide future Zoning Administrators by referring to the ordinance not just interpretation. What are the specific principles to make a decision on?

Commissioner Hardie liked the Prescott Valley home occupation application and wanted to include some of that into the ordinance. She appreciated the discussion and suggested that everyone go through the examples provided and bring back conditions they want to see in the Town's ordinance. Commissioner Hardie would like the ordinance to say specifically what a homeowner can or cannot do.

Mr. Sengstock said the ordinance needs to consider the intent of the law. For example, to prevent additional traffic and annoyances to neighbors. If there are areas in the Town where these do not apply, that needs to be said in the ordinance.

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Mr. Sengstock asked the commissioners to review the sample ordinances and applications and highlight things that they think fit the Town. Then they can discuss their findings and start putting together a draft.

Commissioner Hardie asked if her fellow commissioners are interested in updating the Town's home occupation ordinance.

Chair Shakespeare said that he doesn't have a problem with the current ordinance but it is interesting to compare it with that of other communities. He is looking forward to discussing the shortcomings the commissioners we see in the Town's law and talk about what is essential.

Mr. Sengstock said that the Town's current ordinance is simple and therefore easy for him to interpret. The underlying principle is you can't change the character of your neighborhood. He believes it could be fleshed out with specific limitations.

Commissioner Hardie said that home occupation now doesn't require any parking. But parking is an issue. Mr. Sengstock said if the home occupation is invisible, then it shouldn't trigger the need for additional parking.

Commissioner Hardie was surprised to hear that apartments could have a home occupation. In that case, would the landlord be involved?

Mr. Sengstock said yes, the landlord or owner could be required to give permission for their tenant's home occupation. Therefore if the tenant's home occupation violates a code, the landlord would be responsible.

Commissioner Schall said it is similar to a tenant regularly having loud parties. The police could charge the landlord. That is a violation not just of the lease, but of town code as well.

Mr. Sengstock summarized the conditions of allowable home occupations again: all uses are to be invisible, silent, and odorfree.

Commissioner Schall said the home occupation ordinance could limit the number of clients and vehicles. However, for a residence with no business involved, you can have five cars parked in the street if you want.

There was discussion about parking difficulties in Town.

The commissioners agreed to send their ideas to Mr. Sengstock for discussion at a future meeting. Mr. Sengstock will create a template for the home occupation ordinance and the application.

Commissioner Hardie said that it could be difficult to meet a requirement for off-street parking. Mr. Sengstock said that if the business meets the underlying premise of no negative impact on the neighborhood, additional parking may not be required.

## **ITEM 6: ZA PRESENTATION ON JEROME'S HISTORIC STATUS**

Mr. Sengstock wished to provide information for the Planning & Zoning Commission regarding draft Design and Review Board procedures as well as a presentation on the Town's historic status.

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Mr. Sengstock has proposed draft Design Review Board review procedures in order to provide consistency in the future. He has listed fundamental principles of what to be considered when a project goes before DRB. The first step is to go through Zoning. The next step is to consider how the modifications fit into the original architectural style and streetscape. For example, if you are repairing a porch, you need to be sure it is based on the vernacular architectural style and uses similar materials and colors.

Commissioner Hardie wondered if Mr. Sengstock could include a glossary. Mr. Sengstock said yes, the document contains a list of architecture found in this town and describes differences between them. He also recommends going online to look at examples of each style or element. Commissioner Hardie recommended having a book for people who are unable to go online.

Mr. Sengstock said the document is for the zoning administrator, who will be able to provide photos and examples when presenting to DRB. He will identify if a modification fits the neighborhood. Modifications do not have to be literal, but they should be of the period.

Commissioner Schall pointed out that modifications to an existing Victorian, for example, should be of the same style. Infill on a neighboring lot should not be counterfeit Victorian.

There was discussion of a proposed new home on Magnolia.

Mr. Sengstock gave the example of a house on East Avenue that was renovated with approvals from DRB. However, the house changed appearance so much that it was delisted from the historical inventory. It looked like an old house, but it was completely different from the original. At that time, the DRB did not have clear historic preservation guidelines to follow.

Mr. Sengstock has reviewed historic preservation around the state. Jerome is unique in that people actually live here and we need to protect the visual impact, but not be so literal that people cannot afford to take care of their homes. He asked SHPO for advice. The main thing to protect the Town as a historical landmark is visual impact. The material is irrelevant as long as visual impact is maintained. But if a property is listed and the owner wants to keep or obtain tax consideration, then the owner needs to be in direct contact with SHPO to meet the historical standards.

Commissioner Hardie asked how one house could affect the Town's status. Mr. Sengstock explained that every building built before 1952 is automatically a historical building. One house will not affect the Town's status, only individual status. You can have vinyl siding as long as it resembles the original. However, if you want to keep your tax break, you can't use vinyl siding, you would have to use a more historically appropriate material.

Commissioner Hardie asked if houses built after 1952 can get the tax break. Mr. Sengstock said no. In his opinion, modifications to houses built after 1952 need not even go to DRB as long as the design maintains the visual impact.

Commissioner Schall said that an addition to a house has the same rules as infill, according to SHPO.

Mr. Sengstock agreed that SHPO's position is that anything new should look new. Temporary structures such as decks should match in architectural style but the main historic building must maintain integrity. You cannot replace six double-hung windows with a picture window.

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Commissioner Schall said he would like to see more window muntins. It can be done with a single pane of glass, but it always looks fake. Mr. Sengstock pointed out that fake muntins would satisfy SHPO to protect the Town's status, but would not meet SHPO's requirement for the tax break.

Mr. Sengstock said that SHPO doesn't care about materials, only visual impact. But if you want the tax break, you have to use historical materials. The Town is concerned with visual impact. The choice to do literal preservation is between the property owner and state.

Commissioner Hardie asked who observes and reports changes to SHPO.

Mr. Sengstock said that SHPO does inventories by coming to Town and inspecting each property. When historic landmark status was first awarded in 1967, there was an inspection every year for several years.

Chair Shakespeare said it is confusing that there are two sets of standards: one for the Town's status and one for an individual property's tax status.

Mr. Sengstock said that the guidelines allow people to afford to protect their property while protecting visual impact of the Town. Those who want to protect their tax break have a higher standard.

Commissioner Hardie asked how the Town could lose its landmark status. Mr. Sengstock said only if we quit protecting the general visual impact of the Town.

Commissioner Hardie asked if SHPO is a federal or state agency. Mr. Sengstock said that each state has an office that answers to the federal office.

Commissioner Hardie asked if an identical replacement would have to go through DRB. Mr. Sengstock said that if it is the same material and color, he wouldn't require it to go to DRB. He tries to apply common sense.

There was discussion about specific properties and neighborhoods.

In summary, Mr. Sengstock stated that the Town's landmark status is in great standing. The new review process will ensure consistency going forward. The guidelines will ensure that delisting is not a concern. He will ask the DRB to be more specific in their decisions and reflect that in the minutes.

## **ITEM 7: REVIEW DRAFT ZA DRB REVIEW PROCEDURE**

Discussed above.

## **ITEM 8: FUTURE AGENDA ITEMS**

Mr. Sengstock will present a draft home occupation depending on what the commission provides.

There is no business for a December P&Z meeting.

A new home on Magnolia will come before the commission after the new year.

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## **ITEM 9: ADJOURNMENT**

Commissioner Hardie made a motion to adjourn. Commissioner Schall seconded. The vote was unanimous and the meeting adjourned at 8:49.

*Approval on next page.*

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## Minutes

*Respectfully submitted by Jennifer Julian on February 3, 2016.*

Approved: C. Shah Date: Feb 3 2016  
Chair

Attest: [Signature] Date: 2/3/16  
Vice Chair