



## DEPARTMENT OF COMMUNITY DEVELOPMENT

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### SUMMARY SHEET

**Ralph Block House - Historic Register NO. 22  
HL13-01 (HL)  
Historic Landmark Removal  
Historic Preservation Commission**

**Action Requested:** Approval of a request to remove the historic landmark designation from the residence known as the "Ralph Block House", historic register number 22, located at 355 Arroyo Pinon Drive, Sedona.

**Staff Recommendation:** Approve the request to remove the historic landmark designation from the "Ralph Block House" historic register number 22, located at 355 Arroyo Pinon Drive, Sedona, due to economic hardship associated with the City of Sedona's Historic Preservation Ordinance and the related effects of the historic landmark designation.

**Parcel Number:** 408-11-431D

**Public Hearing Date:** September 23, 2013

**Public Notice Date:** September 6, 2013

**Applicant:** William R. and Pamela J. Gunning, property owners

**Site Address:** 355 Arroyo Pinon Drive, Sedona, AZ

**Lot Size:** 0.795 acres

**Community Plan Designation:** SFMD (Single-family medium density)

**Current Zoning:** RS-12 (Single-family Residential)

**Current Land Use:** Single-family residence

**Historical Land Use:** Single-family residence

**Prepared By:** Audree Juhlin, Assistant Director  
Department of Community Development

**Sections of Staff Report:**

<b>Section I:</b>	<b>Project Summary</b>
<b>Section II:</b>	<b>Background</b>
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<b>Section V:</b>	<b>Request to Remove Landmark Status</b>
<b>Section VI:</b>	<b>Review and Analysis</b>
<b>Section VII:</b>	<b>Staff Recommendation</b>
<b>Section VIII:</b>	<b>Exhibits</b>

- Exhibit A – Application and accompanying letter dated December 26, 2012**
- Exhibit B – Land Development Code Article 15 (Historic Preservation Ordinance)**
- Exhibit C – October 1, 2012 letter from the Gunnings**
- Exhibit D – 2009 Landmark Designation Application**
- Exhibit E – 2009 Landmark Designation Staff Report**
- Exhibit F – December 3, 2012 Meeting Minutes**
- Exhibit G – December 4, 2012 letter from the Gunnings**
- Exhibit H – December 21, 2012 Staff letter to the Gunnings**
- Exhibit I – December 26, 2012 letter from the Gunnings**
- Exhibit J – January 2, 2013 Staff letter to the Gunnings**
- Exhibit K – January 4, 2013 letter from the Gunnings to Staff**
- Exhibit L – August 28, 2013 email from the Gunnings to Staff**
- Exhibit M – Area Maps**
- Exhibit N – September 11, 2013 letter from the Gunnings to Staff**



## **Community Development Department**

### **STAFF REPORT**

**Ralph Block House - Historic Register NO. 022**

**HL13-01 (HL)**

**Historic Landmark Removal**

**Historic Preservation Commission**

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### **SECTION 1 - PROJECT SUMMARY**

Property owners, William R. and Pamela J. Gunning submitted a letter and an application on December 26, 2012 (Exhibit A) to the City of Sedona to remove the historic landmark designation (historic register number 022) from their property known as the "Ralph Block House" located at 355 Arroyo Pinon Drive in west Sedona.

Their request to remove the landmark status is based on several factors: 1) the financial hardship associated with the landmark designation to maintain the property; 2) underfunded City sponsored programs to help with maintenance costs; and, 3) the "very contentious and confrontational" atmosphere of the Historic Preservation Commission's December 3, 2012 meeting in which Mr. Gunning was an invited guest.

The Historic Preservation Commission has the authority to consider the removal of a landmark designation through the City of Sedona's Land Development Code (LDC), Article 15, Historic Preservation Ordinance (Exhibit B). Article 15, Section, 1507.06 (Removal of Landmark) of the LDC states: "The procedure to remove a landmark status to a property shall be the same as the procedure to designate. However, in the case of removal of a landmark designation, the Commission may initiate the application."

The Commission is required to hold at least one public hearing on an application and review the proposal with consideration given to the review criteria cited in Article 15 of the LDC. The Commission's approval, conditional approval, or denial of an application shall be based on the findings of the Commission as they relate to the criteria. The Commission's decision shall be final unless appealed to the City Council within 10 working days of the Commission's action as provided for in Section 1512 (Appeals) of Article 15 of the LDC.

### **SECTION II - BACKGROUND**

#### **Ralph Block House**

The following is a summary of the Ralph Block House as inspected and reported at the time of the landmark designation process in 2009 (see Exhibit E, the staff report for the 2009 landmark designation). While an extensive analysis has not been conducted since the 2009 landmark designation, staff did conduct a site visit on September 13, 2013. Based on this site visit, staff believes that the summary in the 2009 report is an accurate depiction of its current state. The property is in pristine condition. All structures have been maintained in

excellent condition with few changes having been made. Those that were completed are in accordance with the historical character and integrity of the property. The interior of the home has been immaculately preserved. The exterior of the home is also in excellent condition and remains true to its original nature; the grounds are well-maintained and manicured. The roof repair work completed in May of 2012 was performed by a roofing professional with knowledge of historic structures and the replacement material is as close to matching the original roof as possible using modern material.

The Ralph Block House was built in circa 1953 with regional materials and sits on a hillside lot with views in all directions in west Sedona. The orientation of the home maximizes views and was designed to minimize heat gain in the summer on the west side. This one-story home is approximately 1500 sq. ft., square-shaped and made from concrete block with a distinctive reddish-volcanic cinder believed to have been manufactured in Flagstaff. The corners of the house are rounded and wood shiplap siding is used as ornamental trim. The gabled roof is covered in asphalt shingle and the original operable casement windows are set in wood sills. There is a large fixed-pane "picture window" set between casement windows on the eastside that looks out towards the Mogollon Rim. The front door has three small staggered windows and appears to be original. There is a covered patio that extends along the east side of the house.

A second bathroom was added at some time between 1978 and 1986 on the northwest corner of home. It is covered on the exterior with narrow width horizontal wood siding and is distinguishable from and complementary to the original structure in scale and materials.

A former tractor barn that was originally open on two sides was remodeled into a fully enclosed art studio. A third small out-building was built as an archaeology workshop. The former tractor shed was not considered in the application for landmark designation due to substantial renovations that were made. The former art studio and archaeology workspace were also not considered in that application as they are relatively recent additions.

### **Condition**

The Ralph Block House is in excellent condition both inside and outside and has been carefully maintained by its current owners to insure its historic qualities.

### **Integrity**

There are two pre-1986 changes that have been made to the exterior of the house. These were not seen as significant enough to compromise integrity and include the following: the addition of the second bathroom and the removal of a kitchen door and replacement with a window on the south side of the structure. A window-mounted, air-conditioning unit was removed from the dining room window post 1986. The window opening itself remained the same as the original.

Since the Blocks purchased the property and later built their home, there have been many parcels sold off and lot splits over time. The Blocks platted the Arroyo Pinon subdivision in 1967 which included 30 lots. While the size of the parcel that the home is located on has been reduced over time, its hilltop location and vegetation suggest the context in which once existed.

### **Property Owners**

Current property owners William and Pamela Gunning have been strong supporters of historic preservation for many years. Mr. Gunning served as Vice Chairman of the original City of Sedona Historic Preservation Commission from 1997 to 1999. For the public hearing in November 2009, Mr. and Mrs. Gunning wrote, "My wife and I, as members of the National Trust for Historic Preservation and the Sedona Historical Society endorse the concept of preservation and enjoy the challenge of restoring older properties. Pam and I feel the Ralph Block Ranch House, our home, is a property that should be preserved for future generations. It is one of only a few of original Sedona Ranch Houses that remain. Sedona history needs to be saved. The early buildings must be preserved."

The Gunning's commitment to historic preservation has also been demonstrated by their continuing diligence in maintaining their home in its original condition throughout the years. Additionally, the Gunnings established a website (southweststudio@msn.com) to publicize their home, welcoming visitors by appointment. In 2011, Mr. Gunning also authored a book titled, *An Historic Sedona Home - Two Artists in Sedona*, which not only shows their artistic talents, but also their home. Additionally, the Gunning's opened their home for the public Centennial Tour in 2012.

## **SECTION III - HISTORIC LANDMARK DESIGNATION**

In 2009, the Gunning's submitted an application (Exhibit D) for consideration for Historic Landmark designation. As a result, on November 2, 2009, the Historic Preservation Commission held a public hearing for Case No. HL 09-03, regarding the Gunning's application to designate their property known as the "Ralph Block House" located at 355 Arroyo Pinon Drive on approximately 0.795 acres as a Historic Landmark.

In the November 2, 2009 staff report (Exhibit E) for the public hearing, staff indicated that the Ralph Block House met the following evaluation criteria for historic landmark designation:

- 1) The house possesses integrity of design, materials and workmanship and has maintained these qualities since it was constructed.
- 2) The house was built ca. 1953 and has achieved significance as an example of a modest mid-century dwelling designed for the high desert, situated on a magnificent hilltop setting.

In addition, staff felt that the Ralph Block House met the evaluation criteria (A) as identified below:

- A. Association with events that have made significant contributions to the broad patterns of our history.

This home was built in the early 1950's when there were approximately 500 people living in the Sedona area, development was scattered, and subdivisions had yet to carve up the land. This period of settlement in the late 1940's-1950's

was unique due to filming of western movies in and around Sedona, cattle ranching, and the character of the individuals who were drawn to the area such as artists Nassan Gobran and Max Ernst; educators such as Hamilton and Babs Warren, founders of the Verde Valley School; Helen and Jack Frye, community-minded Cecil Lockhart-Smith, and writers such as Elizabeth and Douglas Rigby.

Further, Marion and Ralph Block purchased their land and then almost 20 years later developed a subdivision. This part of the Block history is important and relates to the time when some of the earliest subdivisions were being developed in Sedona, including for example the Harmony Hills, Kachina and Oak Creek Cliffs subdivisions.

The staff report recommended to the Commission approval of the application to designate the Ralph Block House as a Historic Landmark. At the public hearing on November 2, 2009, Commissioner Wienges "moved to approve the landmark designation for Case Number HL 09-03 (Historic Register No. 022) to designate the Ralph Block House located at 355 Arroyo Piñon Drive as an historic landmark based upon the consistency with the historic landmark evaluation criteria outlined in the Sedona Land Development Code. Vice Chairman Ruland seconded the motion". The motion was approved unanimously with a four (4) in favor of and zero (0) opposed vote.

Additionally, a Deed Restriction for the Ralph Block House (ca. 1953 and property) and the Waiver of Rights and Remedies under A.R.S. §12-1134 were signed by the owners, William R. and Pamela R. Gunning, on November 2, 2009 and recorded by Yavapai County, with a notification to the City dated January 12, 2010.

#### **Effect of Landmark Designation**

With the approval of a landmark designation by the Commission, the property owners agreed to the requirements as set forth in the City of Sedona's Land Development Code (LDC), Article 15, Historic Preservation Ordinance. Section 1507.07 (Effect of a Landmark Designation) specifically states:

- A. Upon approval of a landmark designation, the affected property shall be included in the Historic Property Register and on any other applicable document as appropriate for its preservation.
- B. No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition or removal, in whole or in part, on any landmark, without first obtaining a Certificate of Appropriateness from the Commission.
- C. No person shall make any material change in the exterior appearance of any landmark, its color, materials, light fixtures, signs, sidewalks, fences, steps, paving or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness.
- D. Each property designated as a landmark shall be maintained in good condition and faithful to its historic character.
- E. Nothing in this article shall be construed to prevent normal maintenance and repair, which does not involve change in the exterior design, material, color or appearance.

## **SECTION IV – HISTORIC PRESERVATION COMMISSION SMALL GRANT PROGRAM**

The Sedona City Council approved \$4,000 as part of the 2012/2013 fiscal year budget to fund the City's Historic Preservation Commission Small Grant Program. The small grant program offers financial assistance to eligible property owners to improve the exterior of historic structures located within the City of Sedona city limits. The program reimburses eligible owners on a matching basis up to 50% of the cost for eligible pre-approved work, up to a maximum of \$4,000. While the program outlines the process for proactive maintenance and repairs, it does not specifically address situations that require immediate attention. Eligible work includes but is not limited to roofing, windows, siding, porches, foundations, chimneys, architectural ornamentation, masonry repointing and the reversal of inappropriate alterations and reconstruction of original architectural elements based on historic documentation.

In July 2012, City staff mailed a letter to eligible property owners inviting them to participate in the grant program. Because no responses were generated from the July 2012 letter, a second letter was mailed on October 1, 2012 again seeking participation from eligible property owners. As a result of this second invitation, the City received one application and a letter from Mr. Gunning regarding the small grant program; both correspondences were related to re-roofing eligible historic properties.

In response to staff's October 1, 2012 letter about the small grant program, Mr. Gunning sent staff a follow-up letter dated October 1, 2012 (Exhibit C). In this letter, Mr. Gunning outlines concerns about the small grant program as it related to his situation with emergency roof work performed on his home several months earlier (May 2012). Based on Mr. Gunning's experience, he suggested that the small grant program needed to be reformed. His point was that "when a roof on a historic home is leaking, it needs immediate attention" and cannot "wait several months for the City to respond". In Mr. Gunning's opinion, in this case, waiting for City approval meant risking the historical integrity of his home if the monsoon rains hit prior to the repair work being conducted. Mr. Gunning also states that he explained his situation to City staff in a previous letter. Mr. Gunning stressed that the City's Historic Preservation Ordinance fails to realize the real world problems related to the preservation and maintenance of historic properties. Mr. Gunning also attached a copy of a proposal and contract from R. Behmer Roofing, Inc. dated May 15, 2012 with copies of paid invoices and noted that the actual cost of the work was \$6,873.30. Mr. Gunning then suggested that if the City had a five-year plan for historic structure assistance, it would better serve the needs of the community and that perhaps another simple solution to help preserve historic properties would be to waive or refund county and city fees.

As a result of Mr. Gunning's October 1, 2012 letter, he was asked to attend the Historic Preservation Commission's December 3, 2012 meeting. Agenda Item #7 of the December 3, 2012 meeting allowed for the Commission to discuss the small grant program as a result of the issues brought forward by Mr. Gunning and another homeowner. City staff read Mr. Gunning's October 1, 2012 letter into the record and Mr. Gunning was asked to join the Commission's discussion.

The minutes for the December 3, 2012 meeting are provided in Exhibit F. In summary, two property owners spoke as part of this agenda item about the program and necessary work on their homes. Mr. Gunning described his roof and electrical problems to the Commission. Mr. Gunning further explained that he had the problems repaired in May of 2012 because he felt it was an emergency situation that required the work to be done prior to the beginning of the monsoon season because water damage to the original wood ceilings would have been a disaster to his historic home.

Mr. Gunning was told by the Commission that home maintenance is the responsibility of the property owner, and the Commissioners expressed differing opinions of what constitutes an emergency; however, City staff pointed out that roofing is an eligible project in the small grant program and the Commission agreed that when there is an emergency, the owners have to get the work done in a timely manner. The Commission indicated that a possible approach for the future might be for the property owner to photograph and document the damage, contact the City, and proceed with the emergency work needed to avoid procedural delays. The Commission advised Mr. Gunning to submit a grant application for reimbursement of the work completed in May 2012 for the Commission's consideration. Mr. Gunning noted that other forms of assistance could be helpful to historic property owners, such as reduced monthly sewer rates and reduced county and city taxes for historic homes. The Commission explained that reducing taxes would not be possible; however, Mr. Gunning indicated that he knew it had been done in other places. The Commission then asked Mr. Gunning to attend a future Commission meeting to share additional ideas he may have that might assist property owners of historic landmarks.

## **SECTION V – REQUEST TO REMOVE LANDMARK STATUS**

As a result of the Gunning's experience on December 3, 2012 with the Commission, the Gunnings felt compelled to draft a letter to the Commission (Exhibit G) dated December 4, 2012. In this letter the Gunnings described their impressions of the meeting. The Gunnings expressed that they were treated differently than the other property owner at the meeting (see Exhibit F, Commission December 3, 2013 minutes). The Gunnings also stated that "comments were made that implied contrived repair timing, improper home maintenance and whether or not we should be applying for a grant to begin with. The letter further stated, "We now realize that maintaining our property to the standards set forth by the Historic Preservation Commission is creating a 'financial hardship' for us and therefore, request that the above mentioned property be removed from the historical register". The Gunnings also returned the bronze plaque supplied by the City of Sedona identifying the property as a historic landmark.

As stated in the Gunning's December 4, 2012 letter and in subsequent phone conversations over the past nine months with various staff members, Mr. Gunning shared that contrary to the Commission's belief, he had made the City aware of the roof problems in May, June and July of 2012. Mr. Gunning also expressed their continuing disappointment in the way the Commission treated him at the December 3, 2012 meeting.

As a result of the Gunning's December 4, 2012 letter requesting removal of the historic designation from their home, City of Sedona staff sent the Gunning's a letter dated December 21, 2012 (Exhibit H) with an application for consideration to remove the landmark status from their property. In turn, the Gunning's submitted an application dated December 26, 2012 (Exhibit I) to the City with an accompanying letter listing the reasons for their request.

The following summarizes the applicant's December 26, 2012 letter (Exhibit I) stating the reasons for their request to remove the Historic Landmark designation:

1. The Historic Preservation Program has increased the maintenance costs to properly care for the property. These costs are directly attributable to the requirement for the homeowner to only use licensed and insured contractors to perform work on historic designated properties to be eligible for assistance.
2. When the applicants were approached [by the Commission] about designating their property as a historic landmark, they were told the City had programs that would help with the maintenance costs. The City has eliminated much of the funding for this program, which requires the property owners to front the financial burden, while the [Commission] still demands the application of city standards.
4. That the economic hardships now facing this country, state, county, city and residents have affected the applicant's planning efforts and they will be better able to afford the maintenance required, if they are released from this "underfunded, City sponsored program". This action will better assist the applicant to maintain a healthy, meaningful and more affordable lifestyle that should permit them to better maintain their property and protect their financial position for years to come.
5. The financial hardship caused by involvement with this [historic preservation] program makes it necessary for them to request that the City remove all liens placed on their property.
6. Should Mrs. Gunning's health continue not to improve, the applicants may find it necessary to sell their property to pay for additional health care costs.
7. The meeting Mr. Gunning attended on December 3, 2012 was very contentious and confrontational [on the part of the Commission] even though Mr. Gunning was an invited guest. The applicants indicate that they will not attend any future City meetings concerning their property. In their opinion, it would be too painful for them to be subjected to further humiliation.

As a follow-up to the Gunning's December 26, 2012 application and letter, City of Sedona staff responded with a letter dated January 2, 2013 (Exhibit J) to the Gunnings expressing regret that they had not reconsidered their decision to remove the landmark designation for their home and that it was unfortunate that they didn't feel heard nor treated well at the Commission's December 3, 2012 meeting. The letter also indicated that if the Gunnings felt that mediation services would help this effort this could be arranged by the City.

The applicants responded to staff's January 2, 2013 letter with a written response dated January 4, 2013 (Exhibit K), stating that they had no interest in attending meetings held by the City of Sedona concerning their property, and again, requested the removal of the Landmark Designation from their property. They further stated that "the meeting I attended on December 3, 2012 was very contentious and confrontational even though I was an invited guest. We therefore, will not attend any future city meetings concerning our property. It would be too painful for us to be subjected to further humiliation."

In response to the Gunning's request to remove the historic landmark designation, staff has had numerous conversations over the past nine months in hopes of finding a solution to the Gunning's request and associated concerns. Based on these conversations, the Gunnings agreed to waive the 60 day requirement for the Commission to consider their application. In part, this request by staff to wait on a public hearing to consider their request was based on the unknown certainty of the Commission's future existence related to City Council discussions concerning City commissions, committees and boards.

With somewhat certainty that the Commission would continue to perform functions related to the City's historic preservation program, staff contacted the Gunnings again in August 2013 to determine if they still wanted to move their application for consideration forward to the Historic Preservation Commission. The Gunnings responded through an email dated August 28, 2013 to staff. The email (Exhibit L) provided direction to staff to proceed with the public hearing process to consider the application for removal of the historic landmark designation status.

Additionally, as part of this email, the Gunnings again expressed their feeling that the City's historic preservation program has failed to meet their needs, that the related small grant program is underfunded and poorly managed. They further reiterated the scenario surrounding their decision to take immediate action to replace the roof in order to protect their home. They also indicate that they did contact City staff and were encouraged to get a quote for the work. Mr. Gunning indicates that the quote was submitted to the City; however, the appointed staff member was not available at the time due to vacation time off. Mr. Gunning indicated that it was his impression that no one on staff was covering in her absence as his email messages were ignored. Further, based on a visit to City Hall, he was told that no one was able to assist him except the appointed staff member. Mr. Gunning further reiterated their concerns about the historic preservation program's restrictions that he believes places extra costs on the property owner, with adverse financial implications. Specifically he states "Our involvement with this program has created a difficult "financial hardship" for us and as you know, past meetings with the City have been anything but productive".

On September 11, 2013, the Gunnings submitted an additional letter to staff regarding their request to remove the landmark designation (Exhibit N). The Gunnings again reiterate their concerns and reasoning for submitting the request to remove the landmark designation. They also state that "It is unfortunate that when a citizen appears in good faith before this Commission, members of the HPC make completely, unfounded accusations of misconduct against the applicant. I have been told that in a Court of Law, this type of treatment is referred to as 'Blaming the Victim'. The psychology of attribution biases

explains why people often blame other people for things which they usually have no control over.”

## **SECTION VI – REMOVAL OF HISTORIC LANDMARK DESIGNATION**

The Historic Preservation Commission has the authority to consider the removal of a landmark designation through the City of Sedona’s Land Development Code (LDC), Article 15, Historic Preservation Ordinance (Exhibit B). Article 15, Section, 1507.06 (Removal of Landmark) of the LDC states: “The procedure to remove a landmark status to a property shall be the same as the procedure to designate. However, in the case of removal of a landmark designation, the Commission may initiate the application.”

Additionally, per LDC, Article 15, Section 1507.04.A and B, the Commission is required to hold at least one public hearing on each application and review the proposal with consideration given to the review criteria. The Commission’s approval, conditional approval, or denial of an application shall be based on the findings of the Commission as they relate to the criteria. The Commission’s decision shall be final unless appealed to the City Council within 10 working days of the Commission’s action as provided for in Section 1512 of Article 15 (Appeals) of the LDC.

## **SECTION VII – REVIEW AND ANALYSIS**

### **Sedona Land Development Code, Article 15 (Historic Preservation Ordinance)**

The procedure to consider removal of a historic designation is the same as the procedure to designate a historic designation as outlined in Article 15 (Exhibit B), Section 1507 (Historic Landmark Designation Process) of the Land Development Code (LDC).

#### ***Landmark Designation Criteria***

*Subsection 1507.03 (Landmark Designation Criteria) provides that the Commission shall evaluate each structure, site, building or property within an area that is included in an application and may designate it as a landmark if it is determined to possess integrity of location, design, setting, materials, workmanship, feeling and association; and, being at least 50 years old or having achieved significance within the past 50 years if the property is of exceptional importance; and exhibits 1 or more of the following:*

- A. Association with events that have made significant contributions to the broad patterns of our history; or*
- B. Association with the lives of persons significant in our past; or*
- C. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctiveness; or*
- D. Information important in the understanding of the pre-history or history of our community.*

The criteria stated in approval of the landmark designation are applicable today (see exhibit E, the staff report for the 2009 landmark designation). The currently designated

structure still meets all the criteria stated supporting the landmark designation in 2009. Prior to historic landmark designation and afterwards, the Gunnings have satisfactorily maintained the historic condition and integrity of the structure.

**Economic Hardship**

The Commission may also consider provisions in Article 15, Section 1511 (Economic Hardship) of the LDC as it applies to this case to remove the landmark designation. The applicant in part has indicated that the request to remove the historic landmark designation is related to financial burdens associated with participation in the City's Historic Preservation program.

The applicant has indicated that at the time he was approached by members of the Commission and staff, he was informed that the City had funds through the small grant program that he could apply for to help offset costs associated with maintaining his property in accordance with the standards and restrictions associated with the historic landmark designation. According to Mr. Gunning, the small grant funding incentive was in part a reason why they chose to officially landmark their property. Because the City has reduced the amount of funding available over the years to its current \$4,000 amount funded, the Gunnings believe that this method of assistance is far less of an incentive than it was at the time of designation.

Additionally, the Gunnings believe that the City's Historic Preservation Program is flawed because, in part, the program does not provide for situations that require immediate attention. The Gunnings feel that the City's designation requirements are too restrictive and that they can better protect the historic integrity and condition of his home, both physically and financially if he was not burdened by the effects of designation.

As outlined in Article 15 (Historic Preservation Ordinance) of the LDC (Exhibit B), before granting a request to remove the landmark status, the Commission must first study the historic or cultural value of the property. The Historic Preservation Ordinance further states that the Commission shall review options including incentives to the owner for restoration or recommendation to Council that the City purchase the property. The original application for consideration of landmark status is provided in Exhibit D.

The Historic Preservation Ordinance further states that separate standards and application requirements may be established by the City for granting economic hardship relief for income-producing properties and for non-income-producing properties. Currently, the Historic Preservation Ordinance states:

- A. Investment or Income-Producing Properties. For income producing properties, "economic hardship relief may be granted if the applicant satisfactorily demonstrates that a reasonable rate of return cannot be obtained from a property which retains features which contribute to its distinctive character in its present condition nor if rehabilitated, either by the current owner or a potential buyer."*
- B. Non-Income-Producing Properties. In this section it states that: "Economic hardship relief may be granted if the applicant satisfactorily demonstrates that the property has no reasonable use as a single-family dwelling or for institutional use in its present condition or if rehabilitated, either by the current owner or a*

*potential buyer. Economic hardship relief shall not be granted due to any of the following circumstances: willful destructive acts committed or caused by the owner; purchase of the property for substantially more than its fair market value; failure to perform normal maintenance and repair; or failure to diligently solicit and retain tenants or provide normal tenant improvements.*

### **Other Resources: National Historic Landmark and Recognition Programs**

Within the United States, there are currently several ways to recognize historic properties. Through the US Department of the Interior, the National Park Service oversees two national programs; the National Historic Landmark Program and the National Register of Historic Places. Both Programs have designation as well as removal or withdrawal processes. A brief overview of each program and their associated removal criteria are included below for the Commission's information and consideration.

#### *National Historic Landmarks*

*National Historic Landmarks are officially designated by the Secretary of the Interior after a lengthy nomination and selection process to determine eligibility. The properties are chosen due to their broad historic value from a nationwide perspective across the entire United States.*

*National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. This recognition does not, however, prevent changes from being made to the property that can completely alter its character. When a designated property is altered so that it has lost its ability to convey its national significance, the withdrawal of its NHL designation must be considered. The National Historic Landmark designation of a property can be considered for withdrawal either at the request of the owner or on the initiative of the Secretary of the Interior. Often, efforts to withdraw Landmark status develop from NPS regional and support offices as part of the NPS mission to monitor the status of nationally significant historic places.*

*There are four criteria which can be used to justify the withdrawal of a National Historic Landmark designation:*

- 1. The property has ceased to meet criteria for designation; the qualities for which it was originally designated have been lost or destroyed.*
- 2. Additional information forthcoming after the designation demonstrates that the property does not possess sufficient significance to be a National Historic Landmark.*
- 3. A professional error was made in the designation of the property.*
- 4. There was prejudicial procedural error in the designation process.*

#### *The National Register of Historic Places*

*The National Register of Historic Places is the official list of the Nation's historic places deemed worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. A property listed in the National Register, or*

*located within a National Register Historic District, may qualify for tax incentives derived from the total value of expenses incurred preserving the property. While National Register listings are mostly symbolic, their recognition of significance provides some financial incentive to owners of listed properties. Protection of the property is not guaranteed. During the nomination process, the property is evaluated in terms of the four criteria for inclusion on the National Register of Historic Places.*

*Grounds for removing properties from the National Register of Historic Places are as follows:*

- 1. The property has ceased to meet the criteria for listing in the National Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing;*
- 2. Additional information shows that the property does not meet the National Register criteria for evaluation;*
- 3. Error in professional judgement as to whether the property meets the criteria for evaluation; or*
- 4. Prejudicial procedural error in the nomination or listing process.*

Both programs offer the same criteria for removal consideration, but they do not provide provisions for “economic hardship” as outlined in the City’s Historic Preservation Ordinance.

## **SECTION VIII – APPEALS**

Article 15, Section 1512 (Appeals) provides that “any person or group of persons aggrieved by a decision of the Commission may appeal to the City Council within 10 working days of the Commission’s action, by filing with the City Clerk written notice of appeal and any applicable fee as may be adopted. The Council shall render a decision to sustain, conditionally overrule or overrule the Commission decision. The Council may choose to hold a public hearing if deemed appropriate.

## **SECTION IX – STAFF RECOMMENDATION**

Staff recommends approval of the request to remove the historic landmark designation from the residence known as the “Ralph Block House”, historic register number 22, located at 355 Arroyo Pinon Drive, Sedona due to economic hardships associated with the City of Sedona’s Historic Preservation Ordinance and the related effects of the historic landmark designation. The following constitutes staff’s reasons for its recommendation:

The City of Sedona’s Land Development Code, Article 15, Section 1511 (Economic Hardship) provides for consideration by the Commission regarding the removal of a historic landmark designation based on economic hardship. The Gunnings have indicated that the Historic Preservation Ordinance places burdensome restrictions on their ability to maintain their property in a timely manner and places additional financial costs that could be minimized if the historic landmark designation was removed.

Staff believes that the claims made by the Gunnings related to financial burdens associated

with participation in the City's Historic Preservation program are reasonable and supportable based on previous actions taken by the City that have impacted the functionality and robustness of the City's ability to financially support historic preservation efforts. Because the funds available through the small grant program have been significantly reduced over the years, these funds - originally designed to help offset costs associated with maintaining their property - no longer provide the original incentive designed to help property owners meet the Historic Preservation program requirements.

Additionally, staff believes that the Gunnings have consistently demonstrated a sincere commitment to maintaining their historic property in a manner that would not jeopardize its condition or integrity prior to the historic landmark designation and have continued to exercise the same commitment after its designation. Their commitment to historic preservation is outlined in greater detail under Section II - Background (property owner) of this staff report. Staff believes, based on past actions, the Gunning's will continue to maintain the integrity and condition at levels appropriate to protect the home's historic value.

Staff further believes that the Gunnings have brought forth valid concerns about the City's Historic Preservation Program that should be reexamined and revised.

#### **Sample Motions for Commission Use**

*(Please note that the motions are offered as samples only and that the Commission may make other motions as appropriate)*

#### **Draft Motion for Approval**

*I move to approve case number HL13-01 (HL), a request to remove the historic landmark designation from the residence known as the "Ralph Block House", historic register number 22, located at 355 Arroyo Pinon Drive, Sedona, due to the economic hardships associated with the City of Sedona's Historic Preservation Ordinance and the related effects of the historic landmark designation.*

*Or*

*I move to approve case number HL13-01 (HL), a request to remove the historic landmark designation from the residence known as the "Ralph Block House", historic register number 22, located at 355 Arroyo Pinon Drive, Sedona, for the following reasons:*

#### **Draft Motion for Denial**

*I move to deny case number HL13-01 (HL), a request to remove the historic landmark designation from the residence known as the "Ralph Block House", historic register number 22, located at 355 Arroyo Pinon Drive, Sedona, for the following reasons:*

**Exhibit A**  
**Application and accompanying letter dated**  
**December 26, 2012**

December 26, 2012

Cynthia Lovely  
Staff Liaison to the Historic Preservation Commission  
City of Sedona  
102 Roadrunner Drive  
Sedona, Arizona 86336

RE: Removal of Landmark Designation for the "Ralph Block House".

Dear Ms Lovely;

Please accept our application to remove the Ralph Block House from the "Historic Register" tax parcel number 408-11-431D 1 (copy of Tax Bill enclosed).

The Historic Preservation program, although well intended, has increased the maintenance costs for us to properly care for our property. These costs, we feel, are directly attributable to the requirement for the homeowner to only use licensed and insured contractors to perform work on historic Designated Properties (item b. Part IV: Costs Estimates/Proposals. page 6 of 8) to be eligible for assistance.

Twice this year we have had to have work done on our property. When taken together, the additional costs of these improvements (replacement of a failing twenty-seven year old roof and the replacement of a failed sixty-five year old water supply pipeline) is nearly double the cost as if we had hired an unlicensed contractor to perform the repair work.

The new roof cost \$6,873 and the new waterline (which is not on the Eligible List) was \$3,340 for a total of \$10,213. These costs in addition to several unexpected emergency medical expenses have made us reassess our participation in the Historic Preservation Program.

When we were approached about having our property designated historic, we were told that the city had programs that would help with maintenance costs. Recently, because of budget constraints, the city has eliminated much of the funding for this program. This action by the city requires us to go it alone while still demanding the use of city standards as a prerequisite to participation in any possible economic incentives.

The "economic hardships" now facing this country, state, county, city and residents are real. Since our initial involvement with the Historic Preservation Program these challenges have also affected our planning efforts. Personally, we feel that we would be better able to afford the maintenance required on our property if we are released from this ***"underfunded, city sponsored program"***.

Our income is mostly derived from Social Security. We, like the city, must make adjustments today to provide for a more intelligent and durable future. This action will better assist us to maintain a healthy, meaningful and more affordable lifestyle that should permit us to better maintain our property and protect our financial position for years to come.

**The “financial hardship” caused by our involvement with this program makes it necessary for us to request that the city remove all liens placed on our deed.** We have already returned the bronze plaque. Should my wife’s health continue not to improve, we may find it necessary to sell our property to pay for additional health care. We feel it would be unfair to the Historic Preservation Commission to place them in a position where they may need to decide between my wife’s well being and the long term goals and objectives of historical preservation.

**Please consider this our paper work for removing our property from your program.**

In my opinion, the meeting I attended on Dec. 3, 2012 was very contentious and confrontational even though I was an invited guest. We, therefore, will not attend any future city meetings concerning our property. It would be too painful for us to be subjected to further humiliation.

Respectfully submitted,



William R. and Pamela J. Gunning  
355 Arroyo Pinon Drive  
Sedona, Arizona 86336

cc: Tim Ernster, City Manager  
Michael Goimarac, City Attorney  
Brynn Burkee Unger, Historic Preservation Chair  
Kathy Levin, Associate Planner

enclosures: Tax Bill 355 Arroyo Pinon Drive Sedona, AZ  
Removal of Landmark Designation Application

**2012 PROPERTY TAX NOTICE**

**ARIZONA**

PARCEL #	AREA CODE	PRIMARY TAX RATE PER \$100 ASSESSED VALUE	SECONDARY TAX RATE PER \$100 ASSESSED VALUE	IRRIGATION DISTRICT	IRREPARABLE	2012 TAX SUMMARY	
408-11-431D 1	0976	5.2012	3.8270			PRIMARY PROPERTY TAX	1,060.54
<b>ASSESSMENT</b>						LESS STATE AID TO EDUCATION	114.00
INDIVIDUAL AND TRUSTS ETC.	203,902	10.0	20,390	0	5.2012	NET PRIMARY PROPERTY TAX	946.54
LIMITED PERSONAL PROPERTY	0	0.0	0	0	0.0000	SECONDARY PROPERTY TAX	780.32
IMPROVEMENTS	203,902		20,390	0		SPECIAL DISTRICT TAX	0.00
CASH LAND	82,700	10.0	8,270	0	3.8270	TOTAL TAX DUE FOR 2012	1,726.86
LAND CHANGES ETC.	121,202	10.0	12,120	0	3.8270		
UNIMPROVED PERSONAL PROPERTY	0	0.0	0	0	0.0000		
GRAND TOTALS	203,902		20,390	0			

ACREAGE:	JURISDICTION	2011 TAXES	2012 TAXES
.79	02000 Yavapai County	333.54	334.92
	02001 School Equalization	99.30	96.18
	07009 Sedona Unified SD #9	417.34	453.68
	07993 Minimum School Tax SD #9	92.86	0.00
	08150 Yav. Community College	377.16	384.88
	11208 Sedona Fire Dist	326.42	332.36
	11900 Fire Dist Assist Fund	21.64	20.38
	14900 Yav. Co. Library Dist	33.94	33.86
	15001 Yav. Flood Control Dist	57.88	60.40
	30000 Valley Acad. Ed. Dist.	11.86	10.20

0000000

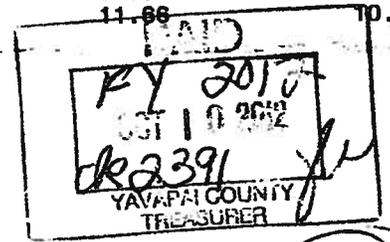
SITUS ADDRESS:  
355 ARROYO PINON DR

LEGAL DESCRIPTION:  
AN IRREG W/EB PTN E2SE4NE4. SW PCL COR IS SE COR L  
OT 7 AZUL CELESTE ESTADOS IN SEC 18-17-SE CONT .7  
9AC

This is the only notice you will receive.

Ross D. Jacobs  
Yavapai County Treasurer  
1015 Fair Street  
Prescott AZ 86305-1807

**THIS IS A  
CALENDAR YEAR  
TAX NOTICE**



TOTALS 1,771.74 **1,726.86**

408-11-431D 1  
0062137 02 AV 0.347 \*\*AUTO T7 0 0792 86339-180101 PAGE 0001 OF 0003 00073946 F

GUNNING WILLIAM R & PAMELA J JT  
PO BOX 1801  
SEDONA AZ 86339-1801

**PAYMENT INSTRUCTIONS**  
To pay the 1st half, send the 1st half coupon with your payment postmarked no later than Nov. 1, 2012. To pay the 2nd half installment, send the 2nd half coupon with your payment postmarked no later than May 1, 2013. To pay taxes for the full year, send the 1st half coupon with your payment postmarked no later than Dec. 31, 2012 and no interest will be charged for current year.

Make your check payable to and mail to:

Ross D. Jacobs  
Yavapai County Treasurer  
1015 Fair Street  
Prescott AZ 86305-1807

THERE WILL BE A CHARGE FOR EACH RETURNED CHECK  
AND YOUR TAXES WILL REVERT TO AN UNPAID STATUS.

PLEASE INCLUDE YOUR  
PARCEL NUMBER  
ON YOUR CHECK.



**SEDONA HISTORIC PRESERVATION  
REMOVAL OF LANDMARK  
DESIGNATION  
APPLICATION**

City of Sedona • 102 Roadrunner Drive • Sedona, AZ 86336  
928-282-1154 • 928- 204-7124 (fax)

HL No. 22  
Date Received 12/26/12  
Fee Amt. \_\_\_\_\_  
Initials WLG

**RECEIVED**  
DEC 26 2012  
CITY OF SEDONA  
COMMUNITY DEVELOPMENT

*December 26, 2012 wrq*

**1. Applicant Information:**

Name Mr. and Mrs. William Gunning Owner? Yes  No   
Mailing Address 355 Arroyo Piñon Dr Sedona Az.  
Phone No. 282-9429 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_  
Contact (if other than above) N.A.

**2. Identification of Designated Landmark:**

Historic Name Ralph Block House  
Location 355 Arroyo Piñon Dr  
Name of Owner Mr. + Mrs. William R. Gunning  
Address 355 Arroyo Piñon Drive  
Phone No. (if other than above) \_\_\_\_\_

Assessor's Parcel Number 408-11-431D

Please check desired historic designation:

- Landmark:
  - Structure(s), identify HOUSE
  - Property
  - Partial Property, describe \_\_\_\_\_
  - Other, explain \_\_\_\_\_
- District

**3. Historic Information:**

Historic Use(s) Cattle Ranch  
Present Use(s) Artist Studios and home for 27 yrs.  
Building Type Ranch House Construction Date(s) approx 1950  
Architect/builder Unknown / thought to be Mr. Block  
Integrity ORIGINAL

Condition: Excellent  Good  Fair  Poor  Condemned

Explain if necessary \_\_\_\_\_  
\_\_\_\_\_

Desired Eligibility Status: Local  State  National   Not Listed, remove.

**4. Description of Property (attach a separate sheet if necessary):**

**Site -**

Size of Parcel 0.79 acres  
Site Character trees and wonderful views

**Building -**

Number of Stories 1 Total Floor Area 1400-1600 sq ft.  
Foundation Material concrete and red rock  
Structural Material(s) Concrete Block  
Exterior Wall Material(s) Concrete Blocks and Pine  
Applied Ornamentation MIN.  
Roof Type \_\_\_\_\_ Roof Material brown shingle  
Eaves Treatment Yellow pine (stained)  
Windows SINGLE pane  
Entry \_\_\_\_\_  
Porch(es) Two (front + back) open  
Storefront N.A.  
Notable Interior extensive use of Yellow Pine  
Outbuildings Tractor barn, Doll house, shed  
Alterations MIN.

**5. Areas of Historic Significance:**

- Commerce  Community Planning  Economics  Exploration/settlement   
Governmental  Military  Religion  Science  Agriculture  Tourism   
Transportation  Arts & Culture  Other (explain)  Cattle Ranch

**6. Description of Historical Significance: (attach separate sheets if necessary)**

Prominent Occupant(s) Ralph Block,  
Historic Association First building used for archeology group  
Relationship to Community Development \_\_\_\_\_  
Cultural Affiliation \_\_\_\_\_  
Architecture \_\_\_\_\_  
District/Streetscape Contribution \_\_\_\_\_  
Context: Isolated/rural  Residential street  Commercial  Central Square   
CBD  Other (explain)  \_\_\_\_\_

**7. Additional Comments regarding request to remove Landmark designation: (attach separate sheet if necessary)**

attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant Signature William R Gunning Pamela J Gunning date Dec 26, 2012  
Approved by Owner/Agent \_\_\_\_\_ date \_\_\_\_\_  
Approved by HPC Chairman \_\_\_\_\_ date \_\_\_\_\_

# Aerial View

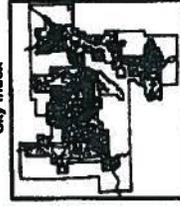
Parcel  
#408-11-431D  
Ralph Block  
Ranch House

- Parcel #408-11-431D
- Parcel Boundary
- Street Centerline

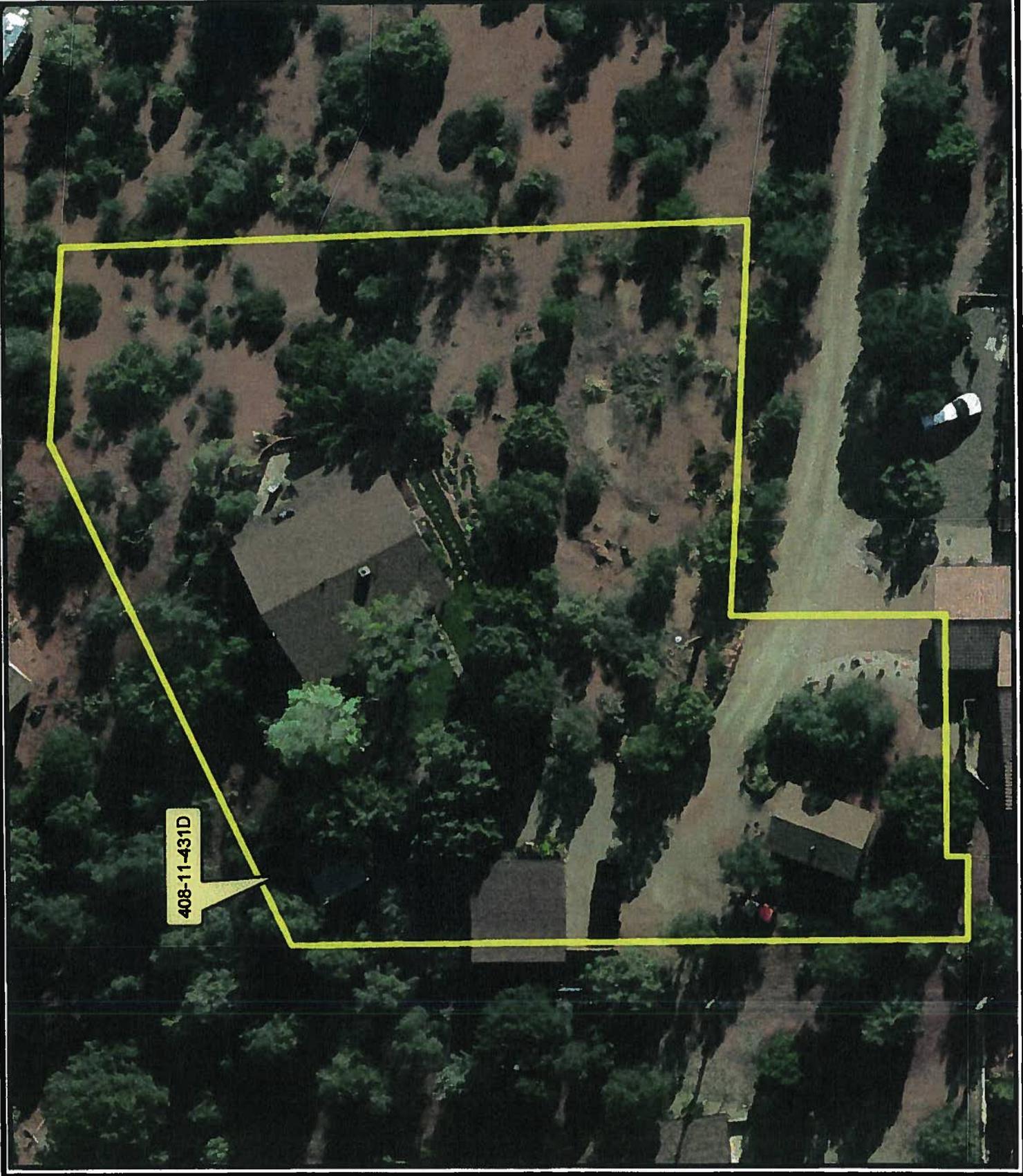


0 10 20 Feet

City Index



City of Boulder  
Aerial View  
408-11-431 (Ralph Block - 11-431D)  
This map is intended for public information and does not constitute a warranty of any kind. The City of Boulder is not responsible for any errors or omissions on this map. The City of Boulder is not responsible for any damages or losses resulting from the use of this map. The City of Boulder is not responsible for any damages or losses resulting from the use of this map.



408-11-431D

# 300ft Owners

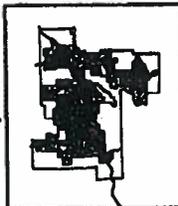
Parcel #408-11-431D  
Ralph Block  
Ranch House

- Parcel #408-11-431D
- Parcel within 300ft
- Parcel Boundary
- Street Centerline



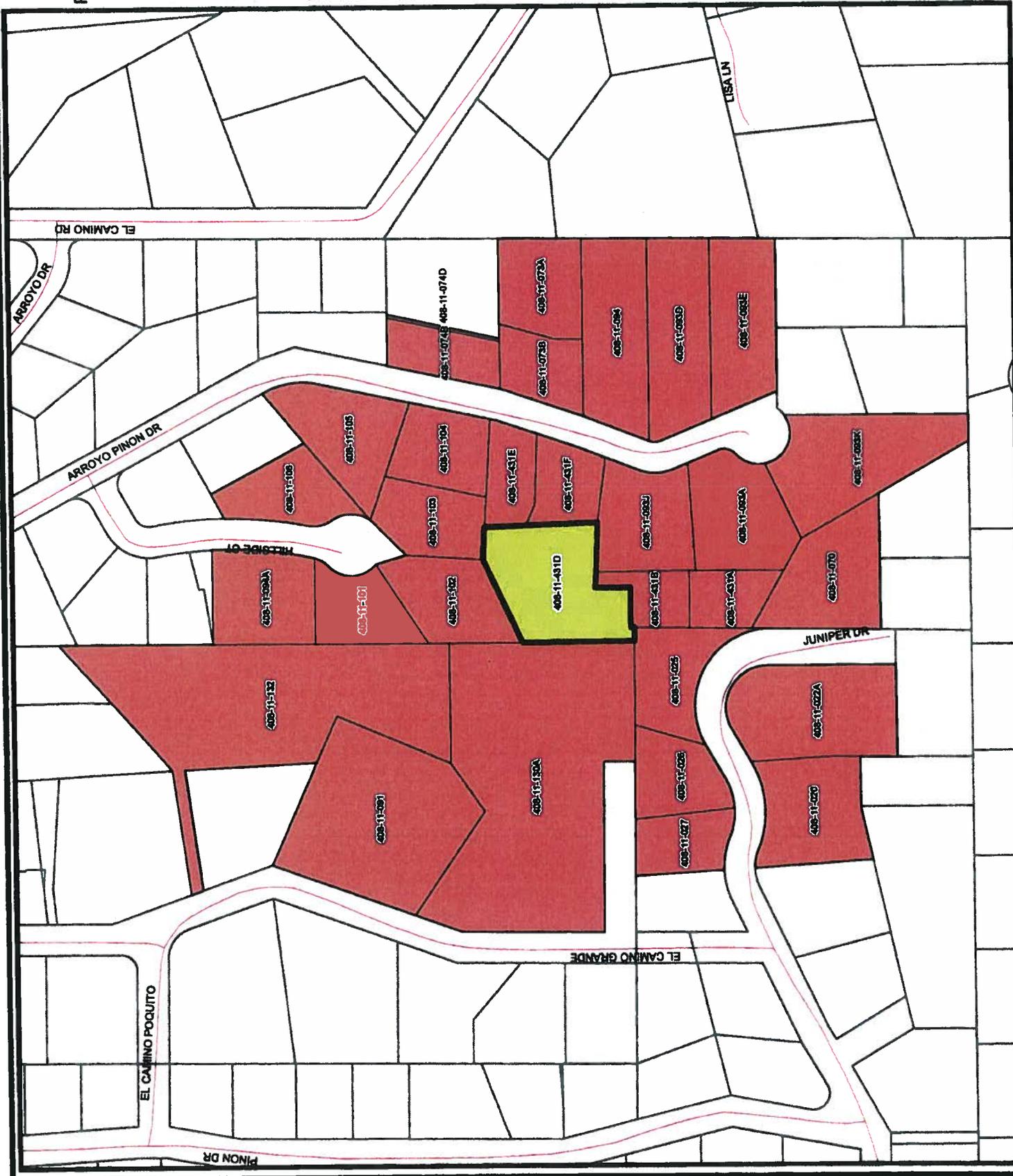
0 70 140 Feet

City Index



City of Belton  
2014/02/13  
C:\projects\300ft\300ft.mxd  
408-11-431 (Urban)  
408-11-431 (Owners.mxd)

This map is intended to provide information and does not constitute a warranty of any kind. The City of Belton is not responsible for any errors or omissions on this map. The information is provided as is. The City of Belton is not responsible for any errors or omissions on this map. The information is provided as is.



**Exhibit B**  
**Land Development Code Article 15**  
**(Historic Preservation Ordinance)**

## **Sedona Land Development Code Article 15 Historic Preservation Ordinance**

### **1501 Purpose.**

A. It is hereby declared as a matter of public policy that the City of Sedona joins with the United States of America and the State of Arizona in promoting the protection, enhancement, and perpetuation of properties and areas of historic, cultural, archaeological and aesthetic significance as being necessary for the economic, cultural, educational and general welfare of the public. This is done pursuant to the provisions of the National Historic Preservation Act of 1966 as amended, and A.R.S. Section 9-462.01.

B. Inasmuch as the identity of a people is founded on its past, and inasmuch as Sedona has many historic, archaeological and cultural resources which constitute its heritage, this article is intended to:

1. Identify and preserve the historic properties which represent distinctive elements of Sedona's historic, archaeological, architectural and cultural heritage. Maintain and foster their unique identities, which in turn helps to make the community a desirable place to live, work and visit;
2. Promote the use of historic properties for the education, pleasure, and welfare of the people of the city;
3. Foster civic pride in the accomplishments of the past;
4. Protect and enhance Sedona's attractiveness to visitors and the support and stimulus to the economy thereby provided;
5. Stabilize and improve property values of rehabilitated and protected sites;
6. Provide incentives for restoration by owners of landmarks or historic properties;
7. Provide standards for restoration of designated properties and new construction within Historic Districts.

### **1502 Relation to Community Plan.**

The administration of this article shall be pursued in accordance with the recommendations set forth in the Sedona Community Plan.

### **1503 Definitions.**

For the purpose of this article, certain words, phrases and terms used herein shall have the meaning assigned to them by this section. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural and those in the plural include the singular. The word "**shall**" signifies mandatory; the word "**may**" is permissive.

**"Alteration"** means any aesthetic, architectural, mechanical or structural change to the exterior surface of any significant part of a designated property, as defined herein.

**"Archaeological site"** means a site containing any structure, articles or remains resulting from historic human life, habitation or activity, including but not limited to petroglyphs, pictographs, paintings, pottery, tools, ornamentation, jewelry, textiles, ceremonial objects, weapons, armaments, vessels, vehicles or human remains.

**"Building"** means a structure created to shelter any form of activity, such as a house, barn, church, hotel, or similar structure. **"Building"** may also refer to a historically related complex, such as a courthouse and jail, or a farmhouse and barn.

**"Cemetery"** means any site which contains at least 1 burial, marked or previously marked, considered a dedicated cemetery under Arizona state statutes, even though it may be currently suffering neglect and abuse.

**"Certificate of Appropriateness"** means a document issued by the Commission, following prescribed review procedures, certifying that proposed work on a designated property is compatible with the historic character of the property, and therefore may be completed as specified in the Certificate of Appropriateness, and any building permits needed to do the work specified in the Certificate may be issued.

**"Construction"** means the act of adding to a structure, or the erection of a new principal or accessory structure on a lot or property, which requires a city building permit.

**"Chairman"** means the Chairman of the Historic Preservation Commission or his/her designee.

**"City"** means the City of Sedona, Arizona.

**"Commission"** means the Historic Preservation Commission of the City of Sedona, Arizona, as described in this article.

**"Construction"** means any site preparation, assembly, erection, repair, alteration or similar action (excluding demolition) for or of sites, structures, public or private rights-of-way, utilities or other improvements.

**"Contributing"** means a classification applied to a building site, structure or object within a Historic District or landmark property signifying that it contributes to the defining characteristics of the Historic District or landmark.

**"Demolition"** means any intentional act or process, which totally or partially destroys a designated property.

**“Designated property”** means a property which has received city designation as a landmark, or as a contributing property within a Historic District, according to the provisions of this article.

**“Director”** means the Director of Community Development or his/her designee for the city pursuant to Article 3 SLDC.

**“Historic District”** means a geographical area whose boundaries are defined by a Historic District zoning designation which contains properties, structures, sites or objects which are considered to have historic or cultural value.

**“Historic Property Register”** means the listing and defining of designated properties of Sedona as provided in this article.

**“Historic Resource Survey”** means the official Historic Resource Survey books of the city as produced by the Commission, listing and describing properties, structures, sites or objects (whether designated or not) which are considered by the Commission to have historic or cultural value.

**“Integrity”** means a measure of the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic or prehistoric period in comparison with its unaltered state. For example, a historic building of high integrity has few alterations or ones that can be easily reversed, and an archaeological site with high integrity is one that is relatively undisturbed; criteria evaluated include association, design, feeling, location, and materials.

**“Landmark”** means a designation, as a result of processes provided in this article, applied by the Commission to an individual property, structure, site or object, which has a historic value or expresses a distinctive character worthy of preservation.

**“Maintenance”** means regular, customary or usual care for the purpose of preserving a property and keeping it in a safe, sanitary and usable condition, without causing any alteration to the distinctive exterior character of the property.

**“Noncontributing”** means a classification applied to a property, site, structure or object within a Historic District or landmark property signifying that it does not contribute to the defining characteristics of the Historic District or landmark.

**“Planning and Zoning Commission”** means the Planning and Zoning Commission of the City of Sedona, Arizona.

**“Preservation”** means the act or process of applying measures to sustain the existing form, integrity and material of a structure, and the existing form and vegetative cover of a site. It may include stabilization work where necessary, as well as ongoing maintenance of the historic materials.

**“Preservation covenant”** means a deed restriction filed with the appropriate county, which identifies the property as a landmark or a contributing property within a Historic District.

**"Reconstruction"** means the act of reproducing by new construction the exact form and detail of a vanished structure or object, or part thereof, as it appeared at a specific period of time.

**"Rehabilitation"** means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

**"Removal"** means any relocation, in part or whole, of a structure on its site or to another site.

**Renovation.** See **"Rehabilitation."**

**"Repair"** means any physical change that is not alteration, construction, removal or demolition.

**"Restoration"** means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time, by the removal of later work or by the replacement of missing earlier work.

**"Review criteria"** means the standards, tests, norms or guidelines applied by the Commission during any review process, including but not limited to surveys, designations, or Certificates of Appropriateness.

**"Secretary of the Interior Standards"** means standards developed and published by the office of the United States Secretary of the Interior, as part of the Department of the Interior regulations. They pertain to historic buildings of all materials, construction types, sizes and occupancy, and encompass the interior and exterior.

**"Stabilization"** means the act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property, while maintaining the essential form as it exists at present.

**"Structure"** means anything constructed or erected, the use of which requires a permanent or semi-permanent location on or in the ground, including but not limited to bridges, dams, water distribution systems, buildings, garages, fences, gazebos, advertising signs, antennas, satellite sending or receiving dishes, paved parking or circulation areas, sculpture, and recreational facilities.

### **1504 Historic Property Register.**

A Historic Property Register is hereby established for the purpose of listing and defining the landmarks and Historic Districts to be designated under the provisions of this article.

This Register may be periodically amended by the Commission and shall be held available for public reference and historical study.

## **1505 Historic Preservation Commission.**

Pursuant to Ordinance 97-09, there is hereby created a Commission to be known as the Sedona Historic Preservation Commission of the city.

### **1505.01 Membership.**

A. The Historic Preservation Commission shall be composed of 7 members, 5 of which shall be residents of the city, and up to 2 of which need not be residents of the city; provided, that the City Council finds at the time of their appointment that they have substantial ties within the corporate limits of the city, such as owning real property, owning a business, being employed within the city limits, or based on any other factors deemed relevant by the Council. The members of the Commission shall be appointed by the Mayor and Council.

B. Prospective members should have demonstrated significant interest in and commitment to the field of historic preservation, evidenced either by involvement in a local historic preservation group, current nonconflicting or previous employment or volunteer activity in the field of historic preservation, or other serious interest in the field. To the extent possible, it is desirable that 2 members be current or previous professionals in the areas of architecture, history, planning or archaeology.

C. Immediately prior to assumption of the duties of office, each member shall take and subscribe to the oath of office.

D. All Commission members shall serve without pay, except that members may be reimbursed for actual expenses incurred in connection with their duties, upon authorization.

### **1505.02 Term of Office.**

A. Membership appointment to the Commission shall be for a period of 3 years. Terms shall be staggered so that no more than 3 members' terms shall expire in any given year. All terms shall begin on December 1 and shall end on November 30 or until a successor is appointed and qualified.

B. In the event of a resignation, removal or death of a member, the Council shall fill the vacancy for the unexpired term.

C. The Council may remove any member of the Commission by a majority of the Council, or as otherwise provided by ordinance or the City Code.

**1505.03 Officers.**

A. The members of the HP Commission shall elect from among themselves a Chairperson and a Vice Chairperson. These officers shall serve a 1-year term and until their successors are elected. Officers may serve successive terms, if so chosen by the Commission.

B. The Chairperson shall preside at meetings and exercise the usual rights, duties and prerogatives as the head of similar organizations. The Chairperson shall serve as Commission liaison with the city staff, and shall also be responsible for other duties as described in this article.

C. The Vice Chairperson shall perform the duties of Chairperson in the latter's absence or disability.

D. The members shall fill a vacancy in either office for the unexpired term through a new election.

**1505.04 Meetings.**

A. The Commission shall meet a minimum of 4 times per year, and more often if needed.

B. Four members shall constitute a quorum. The affirmative vote of the majority of members present shall be required for passage of any matter before the Commission. Any member may abstain from voting on a matter by declaring a conflict of interest, in which case such member shall step down and take no part in discussions or deliberations on that matter.

**1505.05 Rules.**

A. The Commission shall make and publish rules to govern its proceedings, subject to ratification by the City Council. All meetings of the Commission shall be open to the public and noticed as provided by Arizona law.

B. Minutes shall be kept of all meetings. The minutes shall include all issues considered and shall record the individual votes of members on each action item.

**1505.06 Powers and Duties.** The responsibility of the Commission is to promote the purposes and objectives of this article and shall include, but not be limited to, the following:

A. Maintain and periodically update, as needed, a plan for historic preservation.

B. Maintain review criteria to assure fair and impartial evaluation and designation of properties as landmarks and Historic Districts. The Commission shall periodically review these criteria, and make such adjustments or updates as may be required.

**C. Maintain criteria to assure fair and impartial review of applications for Certificate of Appropriateness. Such criteria shall be subject to review by the Planning and Zoning Commission and ratification by the City Council.**

**D. Review properties proposed for designation as landmarks, explain to the owners thereof the potential effects of designation as known to the Commission at that time and make a decision to designate, conditionally designate, or deny designation.**

**E. Review property nominations for designation as a Historic District, explain to the owners thereof the potential effects of designation as known to the Commission at that time and make recommendations regarding rezoning to a Historic District to the Planning and Zoning Commission and City Council.**

**F. Propose design guidelines appropriate to individual Historic Districts.**

**G. Review and approve, conditionally approve or deny applications for a Certificate of Appropriateness.**

**H. Maintain the Historic Property Register.**

**I. Determine and cause to be created a system of markers for designated properties.**

**J. Recognize the owners of designated properties. Issue commendations to owners of historical properties who have rehabilitated their property in an exemplary manner.**

**K. When City Council approval is appropriate, make recommendations to the City Council regarding the acquisition of property suitable for preservation. Such acquisition may include the purchase or acceptance of donated property.**

**L. Make recommendations to the City Council regarding the utilization of federal, state, city or private funds to promote historic preservation.**

**M. Make recommendations to the City Council to accept gifts, grants, funds, contributions, and bequests from individuals and public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions.**

**N. Cooperate with and enlist the assistance of persons, organizations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse, with City Council approval as appropriate.**

**O. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs.**

P. Annually prepare written reports of Commission activities; submit such reports to the City Council and the State Historic Preservation Office (SHPO). These reports shall be available for public review.

Q. Conduct detailed studies and surveys of properties and areas and assess their potential for designation.

R. Periodically review the Historic Resource Survey and consider the inclusion of any properties, which may have come to meet the requirements herein, and the deletion of any properties which may no longer exist.

S. Work with and assist departments of the city in matters affecting historic preservation.

T. Assist property owners, on request, on the restoration, rehabilitation, alteration, decoration, landscaping, or maintenance of any historic property.

U. Encourage and assist property owners of historic properties on procedures for inclusion on state historic listings and the National Register of Historic Places.

V. Carry out such other duties as may be determined by the City Council, and present other such recommendations as may be deemed pertinent.

**1505.07 Committees.** Advisory Committees may be created by the Chairperson or by the Commission to study and report on pertinent matters. Such Committees may include citizens who are not members of the Commission, but shall include at least 1 Commission member who shall serve as Chair of the Committee. Committees appointed for a specific task shall dissolve when the task is completed and its report has been presented to the Commission.

### **1506 Incentives.**

It is the intent of the city to make ownership of a landmark or contributing property within a Historic District as beneficial as possible. In addition to the intangible benefits of owning a property recognized as an important community resource, the Commission may, when applicable and possible, provide such owners with 1 or more of the following:

A. Recommendation to the Department of Community Development that an alternate or transitional use be considered;

B. Advice in locating potential sources of financial assistance and tax credits;

C. Advice in preparing grant applications and potential third party sponsorship;

D. Technical information and referrals;

E. Assistance in locating buyers and/or sellers;

F. Assistance in the formulation of a neighborhood association;

G. Assistance in obtaining other benefits as may become available;

H. Waiver of fees. Fees for applications as they pertain to this article may be waived or reduced by the Director upon a request from the property owner, or an authorized agent or by the Commission, if it is determined that such a waiver or reduction of fees would further the intent and purpose of this article.

### **1507 Historic landmark designation process.**

The Commission may designate as a landmark an entire property, an identified portion of a property, or 1 or more individual structures on a property.

**1507.01** Application Submittal and Review Requirements. An application for a landmark designation shall be submitted by the owner of the subject property or agent and involves the following steps:

A. Pre-Application Consultation. Prior to the submittal of an application for a landmark designation, the applicant should consult with the Director to explain the application submittal requirements.

B. Application Submittal Requirements. An application for a landmark designation shall contain at a minimum the following, any of which may be waived by the Director:

1. Completed application.

2. Location and description of property.

3. Filing fee.

4. Statement or letter of authorization from the property owner, if different from the applicant.

5. An ownership map of property owners within 300 feet of the exterior boundaries of the subject property as shown on the last assessment of the property. A list of these property owners shall also be provided on mailing labels and keyed to the map showing the location of the identified properties.

6. A written description of the proposed property. Description should include special aesthetic, cultural, architectural, archaeological or engineering interest or value of a historic nature, including information about the architecture, notable construction features and other information indicating the historical significance of the property. Sketches, drawings, photographs, or other descriptive materials.

7. A written statement of condition of property and/or structure(s) including any known threats.

8. Other Information as may be requested.

C. Incomplete Applications. Incomplete applications may be returned to the applicant and not processed until all materials have been submitted. If all the required materials have been submitted, the application shall be considered complete and shall be accepted by the Director. Following acceptance of a complete application, the Director shall conduct a formal review and prepare a comprehensive report which shall be submitted to the Commission and made available to the applicant, media and general public at least 7 days prior to the Commission's public hearing on the landmark application.

D. Application Acceptance. Upon acceptance of a complete application, no building or demolition permits affecting the proposed landmark shall be issued by the city until the process as described herein has been completed and the Commission has made its decision.

**1507.02 Notice of Commission Hearing.**

A. Upon receipt of a complete application for a landmark designation, the Chairperson of the Commission shall place it on the agenda for a public hearing within 60 days. Public notice of this hearing shall be given as prescribed by Arizona law. The city shall give notice of the date, time, and place of a public hearing for consideration of a proposed landmark, including general explanation of the matter to be considered and a general description of the area affected at least 15 days before the hearing in the following manner:

1. Publication at least once in a newspaper of general circulation in the city.
2. Posting on the affected property so that the words "Public Hearing" and the date and time of the hearing are visible from a distance of 100 feet. It shall be the responsibility of the applicant to maintain the posting once erected.
3. Notification by first class mail shall be sent to each real property owner as shown on the last assessment of the property within 300 feet of the property to be landmarked.
4. In addition to notice by the means set forth above, the city may give notice of the hearing in a specific case in such other manner as it deems necessary or appropriate.
5. As provided in A.R.S. Section 9-462.04(A)(7), or any successor statute, the failure of any person or entity to receive notice as set forth in the statute or SLDC 400.05 shall not constitute grounds for any court to invalidate the actions of the city.

B. Persons with specific issues or concerns regarding a proposed landmark are encouraged to contact the Department of Community Development in writing, by phone or in person prior to the hearing.

**1507.03 Landmark Designation Criteria.** The Commission shall evaluate each structure, site, building or property within an area that is included in an application and may designate it as a landmark if it is determined to possess integrity of location, design, setting, materials, workmanship, feeling and association; and, being at least 50 years old or having achieved significance within the past 50 years if the property is of exceptional importance; and exhibits 1 or more of the following:

A. Association with events that have made significant contributions to the broad patterns of our history; or

B. Association with the lives of persons significant in our past; or

C. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctiveness; or

D. Information important in the understanding of the pre-history or history of our community.

**1507.04 Commission Public Hearing and Designation.**

A. The Commission shall hold at least 1 public hearing on each landmark application. At the public hearing, the Commission shall review the proposal with consideration given to the review criteria. Approval, conditional approval or denial of a landmark application shall be based on the findings of the Commission as they relate to the criteria.

B. The Commission's decision shall be final unless appealed to the City Council as provided for in this article. A recommendation for approval may be subject to conditions as the Commission deems applicable.

**1507.05 One-Year Bar on Refiling.** If the Commission denies an application, the Commission may refuse to accept another application for the same or substantially the same landmark on the same property or any part of it within a year of the date the original application was filed on the same property or a portion of it.

**1507.06 Removal of Landmark.** The procedure to remove a landmark status to a property shall be the same as the procedure to designate. However, in the case of removal of a landmark designation, the Commission may initiate the application.

**1507.07 Effect of Landmark Designation.**

A. Upon approval of a landmark designation, the affected property shall be included in the Historic Property Register and on any other applicable documents as appropriate for its preservation.

B. No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition or removal, in whole or in part, on any landmark, without first obtaining a Certificate of Appropriateness from the Commission.

C. No person shall make any material change in the exterior appearance of any landmark, its color, materials, light fixtures, signs, sidewalks, fences, steps, paving or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness.

D. Each property designated as a landmark shall be maintained in good condition and faithful to its historic character.

E. Nothing in this article shall be construed to prevent normal maintenance and repair, which does not involve change in the exterior design, material, color or appearance.

[Ord. 2009-15, 10-13-2009].

### **1508 Historic District designation.**

A. A rezoning approval is required in order to receive a Historic District designation. The rezoning process to receive a Historic District designation is set forth in Article 4 SLDC, Review Procedures.

B. The Historic District is an overlay zone which designated properties retain the uses of and are subject to the regulations of the underlying zoning. The underlying zoning, which relates primarily to land use and density, continues to be administered by the Planning and Zoning Commission. The Historic Preservation Commission administers the regulations as they relate to the Historic District designation. In the case where historic preservation and zoning regulations conflict, the Historic Preservation Ordinance takes precedence.

C. The Commission, the Planning and Zoning Commission, City Council, a property owner or agent of property owner of the area subject to the request may initiate a request to rezone to a Historic District.

#### **1508.01 Application Submittal and Review.**

A. Pre-Application Consultation. A pre-application consultation with the Director is required in order for the Director to explain the rezoning review process and application submittal requirements.

B. Application Submittal Requirements. In addition to the submittal requirements set forth in SLDC 400, all Historic District rezoning applications shall include the following:

1. Written description of the proposed Historic District. Description should include approximate construction dates, special aesthetic features, cultural, architectural, archaeological or engineering interest or value of a historic nature, including information about the architecture, notable construction features, and other information indicating the historical significance.
2. Identification of prospective contributing properties and how they each meet 1 or more of the Historic District criteria.
3. Current sketches, photographs or drawings.
4. Statement of condition of all structures.
5. Explanation of any known threats to any property or structures involved.

**1508.02** Notice of Public Hearing. Notice of the Commission's public hearing shall be the same as set forth in SLDC 400.

**1508.03** Historic District Designation Criteria. Each structure, site, building or property within an area that is included in a Historic District rezoning application will be evaluated using the following criteria to determine if it has historical or other cultural significance or integrity, and is suitable for preservation:

- A. Association with events that have made significant contributions to the broad patterns of our history.
- B. Association with the lives of persons significant in our past.
- C. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctions.
- D. Yielding information important in the understanding of the pre-history or history of the community.
- E. Being at least 50 years old, or having achieved significance within the past 50 years if the property is of exceptional importance.
- F. Possessing integrity of location, design, setting, materials, workmanship, feeling or association.

**1508.04** Adoption of Historic District.

- A. Action by the Historic Preservation Commission. Upon completing its public hearing on the Historic District application, the Historic Preservation Commission shall transmit its

recommendation to the Planning and Zoning Commission. The Historic Preservation Commission's recommendation shall include the following:

1. A map showing the proposed boundaries of the Historic District and identifying all structures within the boundaries, including classification as contributing or noncontributing.
2. An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries.
3. A set of findings documenting the recommendation of the Historic Preservation Commission.
4. Proposed design guidelines for applying the criteria for review of Certificate of Appropriateness to the nominated Historic District.
5. The recommendations of the Historic Preservation Commission may include reasonable additional conditions and/or modifications to the proposed district property boundaries as deemed necessary to promote the purpose of the district.

**B. Action by the Planning and Zoning Commission.** The Planning and Zoning Commission shall hold a public hearing to consider the Historic Preservation Commission's recommendations. Following conclusion of its public hearing, the Planning and Zoning Commission shall transmit its recommendation to the City Council.

**C. Action by the City Council.** Following conclusion of its public hearing, the Council may approve the Historic District as recommended or in a modified form, stipulating those conditions it deems necessary to carry out the purpose of this district and this Code.

**D. Approval and Adoption.** The supporting statements, design guidelines and documents submitted with the application for a Historic District shall be approved and adopted by the Council and included in the ordinance establishing the Historic District.

**1508.05 Effect of Historic District Designation.**

A. Upon approval of a Historic District designation by the City Council, the affected property(ies) shall be included in the Historic Property Register and on any other applicable documents as appropriate for its preservation. The City's Zoning Map shall be updated to reflect the new zoning district boundaries. The city's parcel information database shall be updated to include those properties identified within the Historic District as contributing and noncontributing.

B. No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition or removal, in whole or in part, without first obtaining a Certificate of Appropriateness from the Commission.

C. No person shall make any material change in the exterior appearance of a designated property, its color, materials, light fixtures, signs, sidewalks, fences, steps, paving or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness.

D. Each property designated as a contributing property shall be maintained in good condition and faithful to its historic character.

E. Nothing in this article shall be construed to prevent normal maintenance and repair which does not involve change in exterior design, material, color or appearance.

F. In addition to any other required review and/or approval, any proposed construction within a Historic District shall also be subject to Commission review according to any design guidelines which may have been applied to that district and other applicable criteria.

### **1509 Certificate of Appropriateness.**

A Certificate of Appropriateness is required before commencing any exterior improvements or development, including alteration, restoration, renovation, reconstruction, new construction, demolition or removal, in whole or in part, of any landmark or property located within a Historic District, whether or not the work will require a building permit. Building permits for exterior work on landmarks or properties within Historic Districts cannot be issued without first obtaining a Certificate of Appropriateness. If a building permit is sought from the city without a Certificate of Appropriateness, the issuance of the permit shall be deferred until after a Certificate of Appropriateness is issued by the Historic Preservation Commission.

**1509.01 Application Submittal and Review Procedure.** An application for Certificate of Appropriateness shall be submitted by the owner of the subject property or agent and involves the following steps:

A. Pre-Application Consultation. Prior to the submittal of an application for a Certificate of Appropriateness, the applicant should consult with the Director to explain the application submittal requirements.

B. Application Submittal Requirements. An application for a Certificate of Appropriateness shall contain at a minimum the following, any of which may be waived by the Director:

1. Completed application.
2. Location and description of property with photographs of areas affected by proposed project.
3. Filing fee.

4. A letter of intent describing the overall project specifically addressing architectural style, its compatibility within its context area, building materials, colors, exterior lighting, signage and landscaping if applicable.

5. Site Plan identifying all existing and proposed structures.

6. Scaled illustrations showing all existing and proposed site improvements and conditions, landscaping, signage and building elevations.

7. Samples of all proposed exterior paints or stains and colors and samples of roof and other exterior materials to be used, with an explanation on how they relate to existing colors and materials.

8. If the proposal includes signs or lettering, a scale drawing showing dimensions, lettering, colors, materials and any illumination.

9. Any additional information which the Commission may require to visualize the proposed work.

**C. Acceptance of Application.** Upon receipt of an application for a Certificate of Appropriateness, the Director shall complete a preliminary review within 2 working days to ensure that all the required materials have been submitted. Incomplete applications may be returned to the applicant and not processed until all materials have been submitted. If all the required materials have been submitted, the application shall be considered complete and shall be accepted by the Director.

**1509.02 Notice of Public Hearing.**

A. Upon receipt of a complete application for a Certificate of Appropriateness, the Chairperson of the Commission shall place it on the agenda for a public hearing within 30 days. Public notice of this hearing shall be given as prescribed by Arizona law. The city shall give notice of the date, time and place of a public hearing for consideration of a Certificate of Appropriateness, including a general explanation of the matter to be considered and a general description of the area affected at least 15 days before the hearing in the following manner:

1. Publication at least once in a newspaper of general circulation in the city.

2. Posting on the affected property so that the words "Public Hearing" and the date and time of the hearing are visible from a distance of 100 feet. It shall be the responsibility of the applicant to maintain the posting once erected.

3. Notification by first class mail shall be sent to each real property owner as shown on the last assessment of the property within 300 feet of the subject property.

B. Following acceptance of a complete application, the Director shall conduct a formal review and prepare a comprehensive report, which shall be submitted to the Commission and made available to the applicant, media and general public 7 calendar days prior to the Commission's public hearing. Commission members shall make every effort to inspect the property prior to the hearing.

C. At the hearing, concerned persons may present testimony and/or documentary evidence which will become part of the record of the hearing and the deliberations of the Commission.

**1509.03 Commission Review and Decision.**

A. It is the intent of this article to ensure, insofar as possible, that properties designated as a landmark or a property within an Historic District shall be in harmony with the architectural and historical character of the property or district.

B. When reviewing an application for a Certificate of Appropriateness, the Commission may approve, conditionally approve or deny a Certificate of Appropriateness based on the following:

1. The proposed work does not detrimentally alter, destroy or adversely affect any architectural or landscape feature; and
2. The proposed work will be compatible with the relevant historic, cultural, educational or architectural qualities characteristic of the structure or district and shall include but not be limited to elements of size, scale, massing, proportions, orientation, surface textures and patterns, details and embellishments and the relationship of these elements to one another; and
3. The proposed work conforms with review guidelines and/or other applicable criteria; and
4. The exterior of any new improvement, building or structure in a designated Historic District or upon a landmarked site will not adversely affect and will be compatible with the external appearance of existing designated buildings and structures on the site or within a Historic District.

**C. Review Guidelines and Criteria.**

1. The Commission may utilize the following documents and criteria as guidelines when considering an application for a Certificate of Appropriateness:
  - a. Approved design guidelines for a designated Historic District.
  - b. Secretary of the Interior's Standards for Rehabilitation.

c. Secretary of the Interior's Preservation Briefs and other information developed by U.S. Department of the Interior Park Service, Arizona Historic Preservation Office, National Trust for Historic Preservation, National Alliance of Preservation Commissions, Association of Preservation Technology, and the Old House Journal.

d. Any other guidelines as adopted by the city.

D. No change shall be made in the approved plans of a project after issuance of a Certificate of Appropriateness without resubmittal to the Commission and approval of the change in the same manner as provided.

E. A Certificate of Appropriateness expires 6 months from the date of issuance unless work is started within that time.

F. If work exceeds that specified in the Certificate of Appropriateness, the Certificate of Appropriateness shall be revoked.

G. The Certificate of Appropriateness required by this article shall be in addition to any other permit(s) or review required for the proposed project.

**1509.04 Demolition of Historic Landmark or a Contributing Property within a Historic District.**

A. No person shall demolish a landmark or contributing property within a Historic District or cause or permit such demolition to be done, nor shall any permit for such demolition be issued, unless the demolition is approved by the Commission and a Certificate of Appropriateness is issued.

B. A landmark or contributing property may be demolished if:

1. The Chief Building Official has determined that an imminent safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or

2. The Commission finds, after review, that maintenance, use and/or alteration of the designated property in accordance with the requirements of this article would cause immediate and substantial hardship on the property owner(s) because rehabilitation in a manner which preserves the historic integrity of the resource:

a. Is infeasible from a technical, mechanical, or structural standpoint; and/or

b. i. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, and the cost of compliance with applicable local, state and federal requirements.

ii. Costs necessitated by the neglect or failure of the current owner(s) to maintain the property need not be considered in making this finding; or

c. The Commission finds that the demolition of a contributing property would not have a substantial adverse impact on the historic significance or integrity of a Historic District.

C. The applicant shall bear the burden of proof for all findings required for approval of a Certificate of Appropriateness for demolition.

D. If demolition is approved, the property owner(s) may be required to publish notice at least 10 days prior to the scheduled demolition date, in a newspaper of general circulation, of the availability of materials for salvage. Upon request, the Commission may make this information available to persons who may be interested in contacting the owner(s) to arrange for possible salvage of historic building materials.

### **1510 Maintenance and repair.**

Each property designated as a landmark, and properties designated as contributing properties within a Historic District, shall be maintained in good condition and faithful to its historic character.

Nothing in this article shall be construed to prevent normal maintenance and repair of any exterior feature of any structure designated as a landmark or contributing property within a Historic District, which does not involve change in design, material, color or outward appearance. The Commission shall not consider the interior arrangements or alterations to the interior of a building, unless designation specifically includes the interior or a portion thereof.

### **1511 Economic hardship.**

An application for demolition or removal of a landmark or property within a Historic District may, if appropriate, be accompanied by a request for relief from economic hardship.

Before granting such request, the Commission shall study the historic or cultural value of the property and shall review options including incentives to the owner for restoration or recommendation to Council that the city purchase the property.

Separate standards and application requirements may be established by the city for granting economic hardship relief for income-producing properties and for non-income-producing properties.

A. Investment or Income-Producing Properties. Economic hardship relief may be granted if the applicant satisfactorily demonstrates that a reasonable rate of return cannot be obtained from a property which retains features which contribute to its distinctive character in its present condition nor if rehabilitated, either by the current owner or a potential buyer.

**B. Non-Income-Producing Properties.** Economic hardship relief may be granted if the applicant satisfactorily demonstrates that the property has no reasonable use as a single-family dwelling or for institutional use in its present condition or if rehabilitated, either by the current owner or a potential buyer. Economic hardship relief shall not be granted due to any of the following circumstances: willful destructive acts committed or caused by the owner; purchase of the property for substantially more than its fair market value; failure to perform normal maintenance and repair; or failure to diligently solicit and retain tenants or provide normal tenant improvements.

### **1512 Appeals.**

Any person or group of persons aggrieved by a decision of the Commission may appeal to the City Council within 10 working days of the Commission's action, by filing with the City Clerk written notice of appeal and any applicable fee as may be adopted. The Council shall render a decision to sustain, conditionally overrule or overrule the Commission decision. The Council may choose to hold a public hearing if deemed appropriate.

### **1513 Violations and enforcement.**

All work performed pursuant to a Certificate of Appropriateness under this article shall conform to requirements thereof. Compliance shall be confirmed by inspections made by the Building Inspector and the Commission Chairperson or his designee. Certain requirements of the Certificate, such as signs, lighting, landscaping and site development, shall be reviewed for compliance.

Any action regarding a violation of any provision of this article shall be brought to the City Attorney. Any person, firm, corporation or other entity found to be in violation of any provision of this article shall be guilty of a Class 1 misdemeanor, punishable in accordance with Article [14](#) SLDC.

Any person who causes unauthorized demolition, alteration, construction, or permits degradation or disrepair of a designated property as defined in this article may be required to restore the property and site to its condition prior to the violation. The civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

### **1514 Severability.**

This article and its sections are hereby declared to be severable. If any section, subsection, clause, word or phrase of this article is held to be void, unlawful or unconstitutional, such holdings shall not affect the validity of the remainder of this article or of the Land Development Code.

**Exhibit C**  
**October 1, 2012 letter from the Gunnings**

william gunning

p.o. box 1801  
Sedona, Az 86339  
Tel. 928.282.9429

southweststudio@msn.com

October 1, 2012

Kathy Levin  
Associate Planner, Historic Preservation Commission  
City of Sedona  
102 Roadrunner Drive  
Sedona, Arizona 86336



Dear City of Sedona,

Thank you for your letter dated October 1, 2012 concerning financial assistance for historic properties. It is my opinion that the City program as structured is in need of very real reform.

**When a roof on a historic home is leaking it needs immediate attention.**

For the city to write an ordinance that fails to realize the real world problems of maintenance of historic properties is curious. I do understand budgeting concerns. I am a twenty-seven year resident of Sedona. I feel, "Ordinances should accomplish the goal for which they are intended." If they fail in this mission what good are they?

I have enclosed a copy(s) of the bills from R. Behmer Roofing, Inc. dated May 31, 2012 to better illuminate a few problems. The actual costs was \$6,873.30. As I explained in an earlier letter the work needed to be done before the Monsoon Season hit because the roof was leaking. For me to wait several months for the city to respond would have been a disaster for my historic property.

**Suggestion:**

**If the city had a five year plan for Historic Structure Assistance it would better serve the needs of the community. Also, the Tax for replacing my roof was \$400.23. Perhaps another simple solution for helping preserve historic Sedona properties would be to waive or refund these county and city fees.**

Sincerely yours,

A handwritten signature in blue ink that reads "William Gunning". The signature is written in a cursive style with a long, sweeping tail on the letter "g".

William Gunning

Enc.



102 Roadrunner Drive  
Sedona, Arizona 86336  
TDD (928) 204-7102  
www.SedonaAZ.gov

October 1, 2012

Dear Property Owner:

The City Council appropriated \$4,000 for fiscal year 2012-2013 to implement the 7th year of the Historic Preservation Commission Small Grant Program. According to our records, you own a property that is either a designated local landmark or is possibly eligible to be a landmark, and is identified in the City's Historic Resource Survey.

However, we did not hear from you or any other property owner when we sent a similar letter out on July 27<sup>th</sup>. We would be disappointed if you did not seriously consider a small grant or missed the last deadline to apply.

Therefore, we are re-noticing the program with a new application deadline of Friday, November 2, 2012.

The Historic Preservation Small Grant Assistance Program offers grants to property owners to rehabilitate, preserve or restore historic properties. This program will provide financial assistance to help owners improve the exterior of historic structures that are located in the City of Sedona, thus improving the overall historic character of the community. The program reimburses owners on a matching basis up to 50% of the cost for pre-approved work. The awards will be for a minimum of \$1000 up to a maximum of \$4000.

Eligible rehabilitation, restoration, or repair includes but is not limited to roofing; windows, siding, porches, foundations, chimneys, architectural ornamentation, masonry re-pointing and the reversal of inappropriate alterations and reconstruction of original architectural elements based on historic documentation.

The Application and Program Requirements are available in the Community Development Department and on the City's website. Completed applications must be received by Friday, November 2, 2012 at 5:00 p.m. and will be reviewed within the following 45 days. All work must be completed by June 1, 2013. If you are interested in this program, you must meet with me to determine eligibility prior to submitting an application.

I would be happy to answer any questions you may have and to meet with you. Kindly give me a call at (928) 203-5035 or email at [KLevin@SedonaAZ.gov](mailto:KLevin@SedonaAZ.gov).

Sincerely,

Kathy Levin

Associate Planner, Staff Liaison to the Historic Preservation Commission

Approved Applicators  
Licensed & Insured

Res. Lic #82509  
Comm. Lic. #81493

# R. Behmer Roofing, Inc.

Physical - 3149 Shelby Dr. Milling - P.O. Box 3090 Sedona, AZ. 86340  
Phone: 928-233-5322 Fax: 928-233-3195 Email: rbehring@esedona.net

## Proposal & Contract

Name: Bill Gunning Date: May 15, 2012

Address: 355 Arroyo Pinon Dr Sedona, AZ. 86336 Phone: 282-9429

Job Address: Same as above Email: southweststudios@msn.com

I propose to furnish materials and perform all labor necessary to completing the following:

Roofing: (Reroof, Shingles and Built-up)

Shingles: Strip entire roof to plywood  
Install new roof consisting of;  
30yr Dimensional shingles  
with 1-15lb felt underlayment  
all new flashing included

Built-up: Polyglass modified bitumen rubber roofing  
with 1-40lb felt underlayment  
Color to match shingles

*Handwritten:* Hickory color

*Handwritten:* Check # 2375  
\$ 3000

IF BID IS ACCEPTED,  
PLEASE SIGN AND  
RETURN THIS COPY

*Handwritten:* Approx. start May 2012

**\*\* Any plywood replacement will be charged at \$50 an hour plus material \*\***

**Clean up and haul away all debris**

**\*\* 5 year labor warranty included and shingles to be mechanically nailed \*\***

Payment: 50% to start Balance due upon completion

As of April 1, 2012 there will be an up charge of 1.5% if payment is made by credit card

The above work to be completed in a substantial & workmanship manner, for the sum of:

\$5,655.00  
400.23 Tax

Six thousand fifty-five dollars 23/100

\$6,055.23

Terms: Net cash on completion

Any alterations or deviations from the above specifications or building plans involving extra cost of labor or material will become an additional charge over the price quoted in the free estimate.

This bid is based on current price of labor and material and if not accepted within 30 days from the date hereof, the right is reserved to submit a new bid. All agreements are contingent upon strike, accidents or delay beyond control.

This proposal, if accepted, shall constitute a contract.

Accepted by: \_\_\_\_\_

Date of acceptance: \_\_\_\_\_

Bob Behmer, Contractor

R. BEHMER ROOFING, INC.

# Invoice

P.O. Box 3996  
West Sedona, AZ 86340  
928/282-5323

DATE
5/17/2012

DESCRIPTION	AMOUNT
Roofing: 355 Arroyo Pinon Dr Total bid \$6,055.23 Billing 50% now to start	2,801.71T
Thank you !!! Sales Tax, Sedona Yavapai County, AZ	198.29

<b>BILL TO</b>
William Gunning 355 Arroyo Pinon Dr Sedona, AZ. 86336

<b>Total Due</b>	<u>\$3,000.00</u>
------------------	-------------------

5/17/12 pd \$3000  
KB  
#2375

R. BEHMER ROOFING, INC.

# Invoice

P.O. Box 3996  
West Sedona, AZ 86340  
928/282-5323

DATE
5/31/2012

DESCRIPTION	AMOUNT
Roofing: 355 Arroyo Pinon Dr Total bid \$6,055.23 Already paid \$3,000 May 2012 Job 100% complete Balance due now Extra: Materials and labor	2,853.29T 764.00T
Thank you !!! Sales Tax, Sedona Yavapai County, AZ	256.01

**PAID**  
**06/06/2012**

BILL TO
William Gunning 355 Arroyo Pinon Dr Sedona, AZ. 86336

<b>Total Due</b>	<b>\$3,873.30</b>
------------------	-------------------

KB  
# 2377

**Exhibit D**  
**2009 Landmark Designation Application**



**SEDONA HISTORIC PRESERVATION  
DESIGNATION of LANDMARK  
APPLICATION**

City of Sedona • 102 Roadrunner Drive • Sedona, AZ 86336  
928-282-1154 • 928-204-7120

HL No.	_____
Date Received	_____
Fee Amt.	_____
Initials	_____

**1. Applicant Information:**

Name William and Pamela GUNNING Owner? Yes  No

Mailing Address P.O. BOX 1801 Sedona, AZ 86339

Phone No. 282-9429 Fax No. SOUTHWESTSTUDIO@MSN.COM

Contact (if other than above) \_\_\_\_\_

**2. Identification of Proposed Landmark:**

Historic Name Arroyo Piñon Ranch

Location 355 Arroyo Piñon Drive

Name of Owner William and Pamela GUNNING

Address 355 Arroyo Piñon Drive, Sedona 86336

Phone No. (if other than above) \_\_\_\_\_

Assessor's Parcel Number 408-11-431 D

Please check desired historic designation:

Landmark:

- Structure(s), identify Ranch House
- Property
- Partial Property, describe \_\_\_\_\_
- Other, explain \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

District

**3. Historic Information:**

Historic Use(s) Cattle Ranch  
Present Use(s) Artist Studios and Home  
Building Type Ranch house Construction Date(s) 1947-1950  
Architect/builder Ralph Block (cowboy)  
Integrity 99% original  
Condition: Excellent  Good  Fair  Poor  Condemned   
Explain if necessary \_\_\_\_\_  
Desired Eligibility Status: Local  State  National  As appropriate

**4. Description of Property (attach a separate sheet if necessary):**

**Site -**

Size of Parcel 0.79  
Site Character Hill Top

**Building -**

Number of Stories 1 Total Floor Area 1700 (+/-)  
Foundation Material CONCRETE and STONE  
Structural Material(s) \_\_\_\_\_  
Exterior Wall Material(s) NATIVE CONCRETE BLOCK  
Applied Ornamentation "ROUND CORNERS"  
Roof Type SHINGLE Roof Material ASPAALT  
Eaves Treatment SHIPLAP - PINE  
Windows STEEL CASEMENT  
Entry \_\_\_\_\_  
Porch(es) FRONT AND BACK  
Storefront —  
Notable Interior RED ROCK FLOORS and Fireplace  
Outbuildings THREE  
Alterations TRACTOR BARN - enclosed

5. Areas of Historic Significance:

Commerce  Community Planning  Economics  Exploration/settlement   
Governmental  Military  Religion  Science  Agriculture  Tourism   
Transportation  Arts & Culture  Other (explain)  Cattle Ranch

6. Description of Historical Significance: (attach separate sheets if necessary)

Prominent Occupant(s) Bill + Pam GUNNING  
Historic Association ORIGINAL Ranch property.

Relationship to Community Development cowboy culture  
and Artists studios.

Cultural Affiliation \_\_\_\_\_

Architecture Ranch House

District/Streetscape Contribution \_\_\_\_\_

Context: Isolated/rural  Residential street  Commercial  Central Square

CBD  Other (explain)  \_\_\_\_\_

7. Additional Comments: (attach separate sheet if necessary)

(see attached sheet about Ranch)

also own two adjacent lots:

408-11-431 E

408-11-431 F

Applicant Signature William R Gunning (Pam Gunning) date Aug 3, 2009

Approved by Owner/Agent \_\_\_\_\_ date \_\_\_\_\_

Approved by HPC Chairman \_\_\_\_\_ date \_\_\_\_\_

## **Arroyo Pinon Ranch (1947-2009)**

**Bill Gunning**

The Arroyo Pinon Ranch was originally 69 acres in size. An additional 2000 acres of adjacent forest service land also was leased by Mr. Block to run cattle on. The ranch eventually extended all the way to Red Rock Crossing.

Ralph Block used money received from his veteran's bonus from serving in World War II to purchase the original tract of land. Ray Steele remembers seeing Mr Block ride into town on a horse. Apparently, Mr Block rode his horse all the way from the Wyoming or Montana territories in the late 1940's.

Mr. Block and his family (wife and one daughter) would build and reside at the ranch for approx. eighteen years.

The ranch as built by Mr. Block in 1947-1953 originally consisted of a house, a corral, a three horse barn and a tractor building. Two additional out buildings have been added to the property although their exact origins remain unclear. The dump for the ranch was located on the last lot on Arroyo Pinon Drive. It is reported that several horses were buried there as was years of household trash.

Reed and Betsy Hallock purchased some of the property from Mr. Block.

They purchased the original ranch house and two adjacent lots which was approx. two acres in size. By 1970 much of the land had already been subdivided by Mr Block into the Arroyo Pinon Subdivision. The Hallocks resided in the old ranch house until 1986. Some of the land was kept as "metes and bound" property and was located outside the subdivision. Mr. Hallock added a second bath to the house in the 1970's. We think that the Hallock's built one or possibly both of the out buildings now on the property. Betsy used one building as her studio. She use to make doll houses and would sometimes sell her crafts from there.

Reed Hallock was active in local archeology and coordinated the "Woodsite Dig" which was an Anasazi encampment located in Sedona near Back-o-Beyond.

Pamela and Bill Gunning purchased from the Hallock's the house and two lots in 1986.

Bill converted the tractor barn and the doll house studio into two new Art Studios in 1986. Pam's weaving studio is in the doll house and Bill's painting studio is located in the old tractor building. The Gunnings have updated the old home by adding central heat and air conditioning to the house. They also put the home on city sewer. Unfortunately, they did replaced the original, electric, green kitchen stove made by General Motors with a new gas stove from Sears. They also removed the two propane wall heaters that at one time served to heat the entire house. A natural gas line was brought up the hill in 1986 so the new central heater and gas stove could be hooked up. The original bath has also had some minor updating.

The Gunnings have been careful to preserve most of the original Arroyo Pinon Ranch house. It remains today much as it was when first built by rancher Ralph Block. The home and out buildings are important historic structures. They embody the simplicity and beauty of "early Sedona ranch life" in Arizona.

YAVAPAI COUNTY GOVERNMENT, ARIZONA  
Home Employment Mapping Meetings Services Search  
Locate Property Information Tool

GISHome ContactGIS

Property Search By:

- Parcel Number
- Owner Name
- Address
- Subdivision

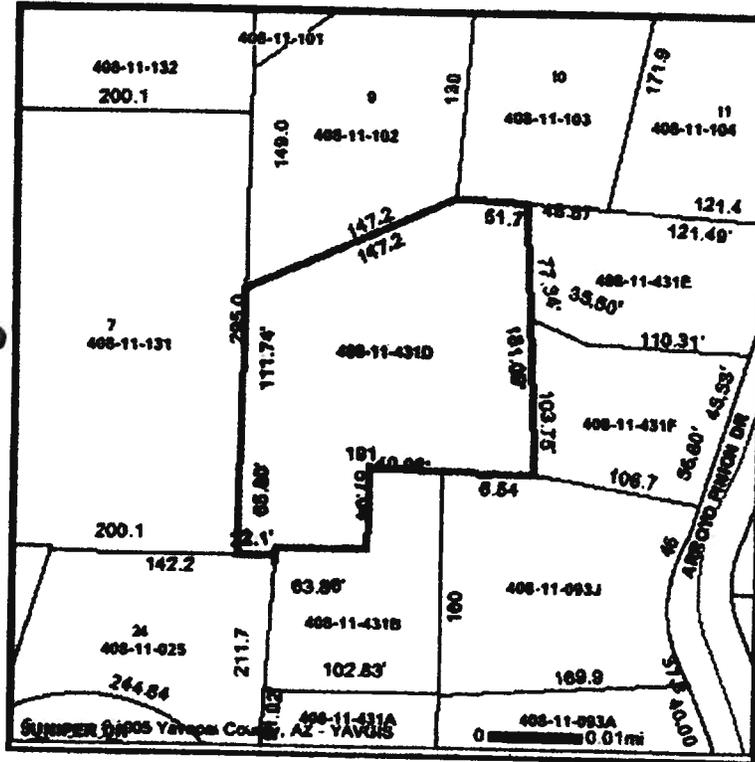
Map Options

- Map
- Satellite
- Size
- Photo



Map Scale

1:1461



Active users  
76

<b>Parcel ID</b>	<b>Tax Parcel ID</b>
408-11-431D	N/A

**Parcel Information**

N/A

? Field Descriptions ->

Parcel 408-11-431D has been recorded by Yavapai County and is displayed on the map. However, Arizona Department of Revenue Information is still being processed. Please check back in 1-2 weeks.

New House lot # and  
configuration  
"Arroyo Piñon Ranch"

**Exhibit E**  
**2009 Landmark Designation Staff Report**

## STAFF REPORT

**To:** Historic Preservation Commission  
**From:** Kathy Levin, Associate Planner  
Department of Community Development  
**Subject:** HL 09-03 (Historic Register No. 022)  
Ralph Block House – Arroyo Pifion Ranch (ca. 1953)

**Meeting**  
**Date:** November 2, 2009

The Historic Preservation Commission has the authority to review property nominations for designation as Historic Landmarks in accordance with the Sedona Land Development Code, Article 15, Section 1505.06D. The Landmark review criteria are outlined in Section 1507.03 of the Code and included at the end of this report. The Commission renders its decision based upon consistency with the criteria.

The application for Designation of Landmark for the Ralph Block House is attached for Commission review.

The current owners prepared a history of "Arroyo Pinion Ranch 1948-2009" and it is also attached.

### **Background**

Case number HL 09-03 proposes to designate the Ralph Block House as an Historic Landmark. The property is located at 355 Arroyo Pifion Drive and is approximately 0.79- acres in size.

### *History*

According to records on file with the Yavapai County Recorders' Office, a one-acre and a 36-acre parcel was sold by homesteaders Frank and Bessie Gibson to Ralph and Marion Block on May 3, 1948 in west Sedona.

The Ralph Block house was built ca. 1953 and is thought by its current owners to have been part of a cattle ranch. According to the current owners, a corral, three-horse barn and a tractor building were also built on the property.

In February 1967, the Coconino County Board of Supervisors approved the public dedication of Arroyo Pinon Drive conveyed by the Blocks, Mrs. Arthur Carlson, Noble Johnson and Gladys Lauer. At this time, the map filed with the County shows that the Blocks retained three large, separate, non-contiguous parcels (a portion of the 37 acres) and there were four other smaller parcels owned by the parties mentioned above.

**In April 1967, the Blocks deeded their metes and bounds property to create the 30-lot Arroyo Piñon Subdivision in which this property is located.**

**Staff has not been able to substantiate that the Ralph Block House was part of a small or large cattle ranching operation, although the present owners have had this information passed onto them over the years. The Coconino National Forest District office researched their archives on the grazing leases held during the period when the Blocks purchased the land in 1948, later built their home and up to the 1990's. The USFS cattle grazing leases, known as the "Sedona Allotments", were held by Cecil White from 1921-1938; Otto Hallerman from 1938-1953; and Pete Michelbach and Zelda Hallerman from 1954 up until Michelbach died at the age of 92 in 1998.**

**Staff also contacted the State Land Department to determine whether there were cattle grazing leases held by Ralph Block on State trust lands. Due to staff shortages, the State Land Department was unable to do any research; however, their records are available to the public in Phoenix.**

**Ralph and Marion Block moved to Sedona in 1954 from Auburn Hills, Michigan where Mr. Block owned a car dealership. They had three daughters, one of whom was a secretary at the Verde Valley School for two years before she returned to Michigan in 1957 and then married two years later.**

**While in Sedona, Mr. Block was an active member of the Coconino County Sheriff's Posse and a continuing member of Rotary International. When he retired, he and his wife moved from Sedona to Scottsdale where he died in 1989.**

**In 1978, Reed and Betty Hallock (the second owners) purchased the house and two adjacent lots. Reed Hallock was born in Wheeling, W. Va. in 1916 and served in the US Army in the Philippines and Japan during WWII. After the war, he moved his family to Marietta, Ohio where he worked for Cisler Corp. at the new Union Carbide Metals plant. He was well known as an amateur archaeologist. In 1970, he and his wife Betty moved to Sedona where they resided until 1986. Hallock's interest in amateur archaeology spanned 40 years and during the time he resided in Arizona, he established the Verde Valley Archaeological Society, served as Chairman of the Board of Directors of the Arizona Archaeological Society and was a member of the Public Information Subgroup of Governor Babbitt's Archaeological Advisory Group. Hallock is credited with coordinating the "Woodsite Dig" in Sedona. Betty Hallock was known for building doll houses; a studio on the property was built for that purpose.**

**In 1986, current owners Pamela and William Gunning moved from Massachusetts to Sedona and purchased the property and two additional lots. Pamela is a fiber artist and weaver. She has continued to use and improve Betty's studio for her own work. Bill has worked as a real estate professional and painting artist. He served on the Planning and Zoning Commission from 1990-1994 and as Vice-Chairman of the original City of Sedona Historic Preservation Commission in 1997-1999.**

**Description**

The Ralph Block House was built with regional materials and sits on a high hillside lot with commanding views in all directions. The orientation of the home not only provides views but it is also designed in such a way as to minimize heat gain in the summer on the west. This mid-century one-story home is approximately 1500 sq. ft., square-shaped and made from concrete block with a distinctive reddish-volcanic cinder color believed to have been manufactured in Flagstaff. The corners of the house are rounded and wood shiplap siding is used as ornamental trim. The gabled roof is covered in asphalt shingle and the original operable casement windows are set in wood sills. There is a large fixed-pane "picture window" set between casement windows on the eastside that looks out towards the Mogollon Rim. The front door has three small staggered windows and appears to be original. There is a covered patio that extends along the east side of the house.

A second bathroom was added sometime between 1978-1986 on the northwest corner of home when the Hallocks owned the property. It is covered on the exterior with narrow width horizontal wood siding and is distinguishable from and complementary to the original structure in scale and materials.

The interior of the home has seen very little change since it was first constructed and has several notable architectural details. These include the local yellow knotty-pine wall treatment throughout the house; built-in bookcases and linen closets, red-rock flagstone floors, original green kitchen sink countertop and pine cabinetry, and an attractive stacked flagstone, functional fireplace with heatilator vents and rock shelves.

A former tractor barn that was originally open on two sides was remodeled into a fully enclosed art studio for Bill Gunning in 1986. The former doll-house studio was improved as an artist studio with north facing glass doors and a wall heating/cooling unit. A third small out-building was built by and served as Reed Hallock's archaeology workshop. The former tractor shed is not considered in the application for landmark designation due to the substantial renovations that were made. The former doll-house studio and archaeology workspace are also not considered in this application as they are relatively recent additions.

**Condition**

The Ralph Block House is in excellent condition both in and out and has been carefully maintained by its current owners to insure its historic qualities.

**Integrity**

There are two pre-1986 changes that have been made to the exterior of the house. These are not seen as significant enough to compromise integrity and include the following: the addition of the second bathroom and the removal of a kitchen door and replacement with a window on the south side of the structure. A window-mounted, air-conditioning unit was removed from the dining room window post 1986. The window opening itself remained the same as the original.

Since the Blocks purchased the 37 acres of property and later built their home, there have been many parcels sold off and then lot splits over time. The Blocks platted the Arroyo

Pinon subdivision in 1967 with 30 lots. While the size of the parcel that the home is located on has been reduced over time, its hilltop location and vegetation suggest the context in which once existed.

**Consistency with Landmark Criteria**

In staff's opinion, the Ralph Block House meets the evaluation criteria for designation as a Historic Landmark in accordance with the Land Development Code, Article 15, §1507.03 as follows:

- 1) The house possesses integrity of design, materials, and workmanship and has maintained these qualities since it was constructed.
- 2) The house was built ca. 1953 and has achieved significance as an example of a modest mid-century dwelling designed for the high desert, situated on a magnificent hilltop setting.

In addition, the Ralph Block House meets evaluation criteria (A) below:

- A. Association with events that have made significant contributions to the broad patterns of our history.

This home was built in the early 1950's when there were approximately 500 people living in the Sedona area, development was scattered, and subdivisions had yet to carve up the land. This period of settlement in the late 1940's-1950's was unique due to filming of western movies in and around Sedona, cattle ranching, and the character of the individuals who were drawn to the area such as artists Nassan Gobran and Max Ernst; educators such as Hamilton and Babs Warren, founders of the Verde Valley School; Helen and Jack Frye, community-minded Cecil Lockhart-Smith, and writers such as Elizabeth and Douglas Rigby.

Further, Marion and Ralph Block purchased their land and then almost 20 years later developed a subdivision. This part of the Block history is important and relates to the time when some of the earliest subdivisions were being developed in Sedona, including for example the Harmony Hills, Kachina, and Oak Creek Cliffs subdivisions.

**Staff Recommendation**

Staff is supportive of designating the Ralph Block House as an historical landmark. Accordingly, staff recommends approval of Case No. 09-03 (Historic Register No. 22).

**Recommended Motion**

I, (Commission member), move to approve the landmark designation for Case Number HL 09-03 (Historic Register No. 022) to designate the Ralph Block House located at 355 Arroyo Pifon Drive as an historic landmark based upon the consistency with the historic landmark evaluation criteria outlined in the Sedona Land Development Code.

**OR**

I, (Commission member) move to deny Case Number HL 09-03 based upon its inconsistency with the historic landmark evaluation criteria outlined in the Sedona Land Development Code.

---

**Landmark Designation Criteria (Land Development Code §1507.03)**

**1507.03 Landmark Designation Criteria.** The Commission shall evaluate each structure, site, building or property within an area that is included in an application and may designate it as a landmark if it is determined to possess integrity of location, design, setting, materials, workmanship, feeling and association; and, being at least 50 years old or having achieved significance within the past 50 years if the property is of exceptional importance; and exhibits one or more of the following:

- A. Association with events that have made significant contributions to the broad patterns of our history; or
  - B. Association with the lives of persons significant in our past; or
  - C. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctiveness; or
  - D. Information important in the understanding of the pre-history or history of our community.
- 

**References**

Obituary for Ralph E. Block

Obituary for Reed Hallock

Arroyo Pifion Subdivision Plat Map, City of Sedona

Yavapai County, AZ Recorder's Office website and microfiche records

First American Title, Flagstaff, AZ

Historic Resource Survey # 278, City of Sedona



**Ralph Block House, ca. 1953**

**Exhibit F**  
**December 3, 2012 Meeting Minutes**

**Small Grants Program Discussions  
City of Sedona  
Historic Preservation Commission Meeting  
Monday, December 3, 2013 – 4:00 p.m.  
Finance Conference Room – 106 Roadrunner Drive, Sedona**

- 1. Verification of notice, call to order, roll call and Pledge of Allegiance.**  
Chairman Unger called the meeting to order at 4:00 p.m.

**Roll Call:**

**Commissioners:** Chairman Brynn Burkee Unger and Commissioners Ann Jarmusch, Allyson Holmes, Jane Grams, Steve Segner and Charlie Schudson.

**Staff:** Kathy Levin

**Council Members:** Councilor Dan McIlroy

- 2. Public forum for items not on agenda. Limit of 3 minutes per presentation. (Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public).**
- 3. Commission and staff announcements and summary of current matters.**
- 4. Election of officers for Chairman and Vice-Chairman of the Commission.**

*Note: The Chairman and staff suggested moving agenda items 6 and 7 ahead of agenda item 5 and there were no objections.*

- 6. Discussion/possible action on application for the Historic Preservation Commission Small Grants Program for FY 2012-2013.**

**Presentation by Kathy Levin:** We received one application from Warren and Patsy Zeitlin who own the Doodlebug Ranch at 10 Ranch House Circle, and they have proposed to repair and seal and repaint the original porch that runs along the front of their home, and they would like to return the color to match what is on the roof right now. They submitted two bids and their preferred contractor is Hahn Roofing LLC with a bid of \$2,085.94 for this scope of work, and Behmer Roofing Inc. bid \$3,001.35. Two Commissioners went out to the site to look at the proposed scope of the project, Commissioners Grams and Segner, and they will make a recommendation on funding.

The Small Grants Program, as you know, was funded by City Council with \$4,000 for this fiscal year, and in the first cycle, when we sent out applications, we didn't receive any. We received inquiries but not any applications, so we re-noticed it and sent it again and notified all the owners of historic properties, and one application was received by the deadline. This is a 50-50 matching grant program. It's intended only for local historic landmarks and/or listed on the National Register of Historic Places or those that choose to submit a Landmark Designation application with their request for small grant funding. In this case, the Doodlebug Ranch is already a local historic landmark. I think most of you know that and have visited that beautiful home. So, Commissioners Grams and Segner would you like to add anything about your site visit and about the scope of the project.

**Commissioner Segner:** No, I'm good.

**Kathy Levin:** And do you have a recommendation for the Commission?

**Commissioner Segner:** Mine was go ahead and match it.

**Commissioner Grams:** Mine too. I think it is a good investment.

**Kathy Levin:** Okay. Typically we ask the applicants if they want to speak or if there are any questions from the Commission either about the application or the scope of the work or how it gets done, so if you have any, we could invite the applicant to the table. If you don't, we don't need to,

**Commission's Questions/Comments:**

**Commissioner Jarmusch:** I have a question you may be able to answer. They're saying they want to match the metal roof, what is the original color and material of the porch roof?

**Kathy Levin:** I don't know the original. What is on there now is white and their metal roof, I believe, is brown. Am I correct?

**Commissioner Grams:** Yes, the metal roof on the house is brown and this roof is flat.

**Commissioner Segner:** Yeah, it looks like a hot-mop roof that was coated over with a whitening surface and I think when they put the new one back on, it will be more a little deeper brown to match the roof above. It won't have these two looks.

**Commissioner Grams:** The white is visible from the street.

**Commissioner Jarmusch:** I'm not in favor of getting rid . . . I'm just (audio unclear).

**Commissioner Grams:** An ounce of prevention is worth a pound of cure.

**Commissioner Jarmusch:** But if we are matching a non- . . . if by chance, we are matching a non-original roof, we don't really want to go down that road, I don't think. I think we would rather find out what the roof should be and . . .

**Kathy Levin:** Maybe we should ask the applicant if they know what the original color was.

**Chairman Unger:** Do you want to come forward and you can get a card in a little bit, but if you want to come forward and just let us know your name and the city you live in, so that we have that.

**Applicant, Patricia Zeitlin, Sedona, AZ:** I have no idea what the original roof was, because it is now a metal roof and it is brown, and in all of the old pictures that we have, it is hard to discern, but I don't think it was a metal roof. It was whatever, it was probably shingle at one point and that would have been brown too, so we're trying to get back to a color that is compatible with the property and what is there, instead of white elastomeric.

**Commissioner Jarmusch:** The porch is metal also?

**Applicant, Patricia Zeitlin, Sedona, AZ:** No, it is elastomeric. It is like he said, a hot-mop or whatever they . . ., I don't know, whatever is on there.

**Commissioner Jarmusch:** Oh, okay.

**Applicant, Patricia Zeitlin, Sedona, AZ:** And it is white and its ugly, and it is separated from the roof, and the porch is original, so that roof has to be protected so water doesn't get in there and

destroy the original roof. So, this is just a procedure to keep it up-to-date, and then to match it, so it doesn't stand out. It is kind of two reasons for doing it.

**Chairman Unger:** And I would bet the original was not elastomeric. I mean this was done in the '30s or '40s

**Applicant, Patricia Zeltlin, Sedona, AZ:** No, I'm sure it wasn't. It was probably, gosh I remember growing up in that era. There was wood shingles, but then there was also sort of an asphalt shingle that I remember on my house when I was a little girl. They kind of, whether it was flat or overlapped, it was just a sort of stuff that dried out and got crumbly, so I image it was something like that, but I have no idea, because none of the pictures show the roof itself.

**Chairman Unger:** Yeah and I think that roof probably originally, knowing the timeframe it was built and the construction they were doing around here then, was probably wood shingles, and then that would have been probably something that was similar to that. It may have been asphalt, but I doubt that it was white.

**Applicant, Patricia Zeltlin, Sedona, AZ:** It may have been something like tar back in those days.

**Commissioner Segner:** Well, that is a hot-mop and I think it was hot-mop, because it is too flat for shingles. I'm sure it was just a composite hot-mop roof and I think it has been done over, and they put elastomeric on it to keep the heat, reflect the heat a little better, and make it so it lasts a little longer.

**Applicant, Patricia Zeltlin, Sedona, AZ:** Whatever was done, it is time, doing it.

**Chairman Unger:** But your only question I think, Commissioner Jarmusch, is whether or not we're being appropriate in putting something other than white there, and I would say yes, we are. I would seriously doubt it was white originally.

**Commissioner Jarmusch:** Yes, I really . . .

**Kathy Levin:** And we're looking at matching materials.

**Commissioner Jarmusch:** And materials yes, but I understand now. I'm sorry.

**Commissioner Segner:** I have a question on 50-50. Is it always 50-50?

**Chairman Unger:** Not always.

**Commissioner Segner:** Meaning the amount we want as far a match.

**Kathy Levin:** Up to 50%.

**Commissioner Segner:** Okay, that is fine.

**Councilor McIlroy:** If I could follow-up on Commissioner Segner's question. We have two bids; one two and one three, do we always take the low bid, and then the City would decide half of that?

**Chairman Unger:** No, we don't.

**Kathy Levin:** We take the bid that is the homeowner's preference, as long as it is a licensed contractor and it may be the higher or it may be the lower.

**Councillor McIlroy:** And then half of that more or less would be what the City would contribute.

**Kathy Levin:** Right.

**Councillor McIlroy:** Thank You.

**Chairman Unger:** So, does anybody else have any questions of Patsy, and I thank you for approaching the (audio unclear) and telling about your applying. I think at this point, we can probably, unless anybody else has questions about the process or anything else here, we can proceed to a motion if that's true. Does anybody have any questions about what is happening here with this move? Okay, well I have a motion on the table here. Would somebody like to read it, and then could I get a second on that?

**MOTION:** *Commissioner Jarmusch moved to approve the Historic Preservation Small Grant Program application submitted by Patsy and Warren Zeitlin for the Doodlebug Ranch to seal, repair and paint the porch roof with the paint color to match the metal roof in the amount of \$1, 042.97. Commissioner Grams seconded the motion. VOTE: Motion carried six (6) for and zero (0) opposed.*

**Commissioner Segner:** That's red tape at its worst and its best.

**Chairman Unger:** What?

**Commissioner Segner:** That is red tape at its best.

**Chairman Unger:** Do we need to sign anything for them right now?

**Kathy Levin:** I will send you a Notice of Award tomorrow.

**Applicant, Patricia Zeitlin, Sedona, AZ:** Could I have a copy of the bid thing; a copy of the bid back?

**Kathy Levin:** Oh sure; you didn't keep them. Sure. And then, when the work is completed, then you'll call staff and they will come out and inspect the work that is done to your standards and to the expectations of the grant program. And at that point, then we put in a request to the Finance Department for the amount of \$1,042.97.

**Applicant, Patricia Zeitlin, Sedona, AZ:** Yeah, we'll go ahead and pay the contractor, then you can reimburse us.

**Kathy Levin:** That is how it works and all work needs to be completed by June 1.

**Applicant, Patricia Zeitlin, Sedona, AZ:** I'll have it done by January 15th.

**Chairman Unger:** Now, we can move on to item 7.

**7. Discussion/possible action of program requirements and eligible projects for the Historic Preservation Commission Small Grants Program.**

**Kathy Levin:** I had brought to the Commission's attention a couple of months ago that the City received application from Bill Gunning for work already completed, and we talked and he had a really valid thesis, which was if the City wants to stand behind and help protect historic resources, then we ought to have the capability to do that in an emergency. We ought to have a way to

receive an application and evaluate it, even if it is after the fact, so that is why it is on today's agenda and Jill Sands brought forward a similar issue a couple of weeks ago.

In Bill's case, it involved reroofing his house, which he felt was imminent and got the work done, and in Jill's case, it was also imminent, although it was not an eligible project, and that was replacing a heat pump, which she had to do or she would have no heat this winter, and she needed to do it immediately.

That is why it is on today's agenda and I want to just share with you what the existing language is in our Small Grant Program, to discuss whether you feel it needs to be amended or not, and then see where that takes us in this discussion, so I would just like to lay that out, and then maybe you would have both parties, who are here today, express to you their concerns about this and what they feel is right and what they would like to see the City be able to do. Let me start with the program guidelines, these were amended in 2009 following a major flooding event at the Hart Store.

I am going to read the 2nd paragraph, so that you get a sense for how these guidelines are in part discretionary and discretionary to interpretation by the Director of Community Development. I'm not going to read all seven or eight pages of the requirements, just the germane portion.

"At the recommendation of the Historic Preservation Commission, the Director of Community Development has the discretion to modify or waive, on a case-by-case basis, any requirements as outlined in the grant program requirements due to special circumstances such as financial hardship, significant structural damage, or other exigent circumstances. The exercise of discretion places an emphasis on addressing the needs of local historic landmark properties and those listed on the National Register of Historic Places. Such modification or waiver considerations may include, but are not limited to, eligibility requirements, total grant amount awarded, owner contribution, and reimbursement requirements."

That is the language that we have that we can apply to a project that comes to us after the fact. In Bill's case, he felt it was in imminent danger. He got a single bid and got the work done, and then he submitted a letter of request asking if we could consider this for the Small Grant Program, and we're a little bit different, if a homeowner called or a property owner called and said this is imminent, I need to do it right now, staff could say to that person, great, go ahead and do it with one or two bids, try to get two, make sure they are from licensed contractors, document it before the work starts -- document the condition you are trying to address if it is an emergency situation. So then after the fact, because we always reimburse, I mean we review before the work is done, we would be reviewing after the work was done -- we could be in a good position to determine that that would be an eligible project.

It is just because it was an emergency and we have this tight little application timeframe, that doesn't apply. It can't apply to situations that come up overnight or maybe they have been brewing and they've just become aware -- you've just become aware of them.

Clearly in Jill Sands case, the heat didn't work. She had to have heat -- end of story. The heat pump is not -- and we can look at that as well -- it does not appear to be on the list of eligible projects; the roof clearly is. So, that is staff's point of view.

**Commissioner Schudson:** Thus, the existing language allows us to clear the timing hurdle.

**Kathy Levin:** Yes, clear the time hurdle, clear the discretion, and the amount awarded and the owner contribution.

**Commissioner Schudson:** What are your thoughts about the eligibility of the project?

**Kathy Levin:** It is eligible --- roofing, not the heating.

**Commissioner Schudson:** If we wanted to encompass that, we would have to modify the language.

**Kathy Levin:** Yes, right.

**Chairman Unger:** The one thing that I think we have to be aware of too is that even if they apply prior to the timeframe, they usually do, when it comes to making that decision as to whether or not these are going to be funded, my question is then, do we stay on the same schedule we would have for the actual funding? I mean basically did . . .

**Kathy Levin:** I think the time just evaporates; it is an open application period. When it is an emergency, it would have to be. You can't schedule them and say Cycle 1 or Cycle 2, and if we had any residual funds, we certainly could use them.

**Commissioner Segner:** That is my question -- residual funds, because in other words, I don't know how much money we have in a year.

**Kathy Levin:** We have \$4,000.

**Commissioner Segner:** So really what our job is, is to weigh the \$4,000 and put it to where we think it is best useful, where in an emergency situation, it kind of like goes to the top of the list, so that is my only concern with it. The other concern I have in the wording is I really think it should be tighter in saying that it has architectural integrity of the building or something along that line, because it is not a grant just to keep the building together, it is a grant to keep the roof on, the windows tight or whatever -- not to fix the heat pump, not to fix a back porch that is a little crooked. At least my view is it is to keep it architecturally together.

**Kathy Levin:** Yes.

**Chairman Unger:** My concern is exactly what Commissioner Segner's is and that is why I was concerned about the timeframe, because if we are talking about the timeframe, obviously it probably is that if it is an emergency, it should come to the top of the list and we can't plan that.

**Commissioner Segner:** I also do see that it is a -- I don't want it to turn into a roofing fund, because every home needs roofs on a 30-year or 25-year basis. It is just the way it is and I just don't want to see this become, oh well, I can get some of my roof done with this -- that is the way it is kind of looking.

**Kathy Levin:** But, a roof project is eligible for a small grant for a local historic landmark, for all of the obvious reasons.

**Commissioner Segner:** I understand; that is why I asked earlier about the 50% of what amount you could fund to, because repairing a roof to get you through to what . . . you need your roof -- I can kind of see that. If it's bad winter and you need \$1,800 to get through to a new roof, maybe. I need a \$22,000 roof, will you give me \$1,000, I am thinking no. That would be my feeling, because what I am thinking is there are other projects that we can't fund at that point, and I am really worried frankly about the Hummingbird House -- that is going to be an expensive project and I guess we are going to have to get a secondary funding for that, if we do anything. I am just worried about how much funds we have.

**Kathy Levin:** We have \$4,000; you have committed \$1,000 today by your decision on the Doodlebug Ranch, so there is still \$3,000.

**Commissioner Schudson:** (Audio unclear) . . . see something like this playing out, let's say we have a grant application made in the normal course of things, not an emergency, and we are making our site investigation; it's pending, likely to be approved, and then boom in comes an emergency that could trump the use of the funds.

**Kathy Levin:** It wouldn't trump if you had made your decision. What I am saying is emergencies could occur at any time during, inside a fiscal year, but if you let the grant program or if you set it up the way we have before, which is as soon as it gets funded by City Council, July 1 those funds are available, I send out notifications, so we can get a cycle going right away.

**Commissioner Schudson:** But indeed, it could happen where we have a regular application and an emergency application in conflict and we might only have enough money for one.

**Kathy Levin:** Or none, so it makes me wonder if what we really need is an emergency fund, which is different than the regular small grant fund, because you use up the one, and then it fails to help you assist a flood-related, fire-related, whatever, a roof catastrophe, and we set ourselves up for failure.

**Chairman Unger:** I sort of see that as maybe being, I mean I don't know though if, where we will have to then go to City Council with this and this would have to be part of our funding.

**Commissioner Segner:** The problem with the emergency is it takes the deliberation out of it to a point . . .

**Kathy Levin:** It does, right.

**Commissioner Segner:** . . . and right now, if we could go over and talk about the property on Brewer with the broken windows, and to him, that could be used to fix that place up, and that is a deliberative process so we could think about what is most important. Under an emergency, somehow it is just like, I've got to get it done and this is important and we don't really go through that process.

**Kathy Levin:** Well, we do it retroactively by funding it, by saying this is valuable, this project needs to be done. We should step up and protect the historic resource, but for the emergency, they would be in a regular cycle asking to reroof the house, but because if this and any other situation came to us, because it comes without planning or within our little window for applying, we box ourselves in, so this year we didn't have a lot of applications. We actually had funds available this year, but some other year you may not, so maybe . . .

**Commissioner Grams:** We're not through the year; we've got to go to June, so we've got six or seven more months to go, so we're not even half-way through. What establishes an emergency? If a limb falls through the roof, that's an emergency. If a rock or somebody crashes into a house and part of the roof, but is a normal roof repair considered an emergency? Is it leaking, ruining the floor?

**Kathy Levin:** Even if it weren't an emergency, a roof would be an eligible project.

**Commissioner Grams:** I understand that, but we are talking about changing our rules and regulations in applying, had we applied at the proper time. Now, do you want to make this open to emergencies and we have to determine every time something comes up, is it an emergency?

**Chairman Unger:** That is the other side of this, actually making a determination of what an emergency is. And, if you have not roofed your house for 10 to 15 years, and then all of a sudden it is leaking, does that constitute an emergency that we then are responsible for, because it was allowed to be not taken care of before that. Those are difficult questions that we have to take a look at. Certainly, I can see us having an emergency fund for it. I think the other difficulty that I have with it, but it is not really a difficulty, one of the things, we will have to let all of the people who own historic buildings, landmark buildings, is that this is available to them in an emergency, but that they are going to have to still have two bids and all of the other things, because if they only get one bid, the reality is we have no way of determining that bid was an appropriate bid for what was being done.

**Commissioner Segner:** It is not even that, it is doesn't look good. It doesn't look good, when we pay on a one bid after the fact, and I hate putting too much on paper of what constitutes an emergency and what doesn't, because then we just get into the lawyer world, and I really think this means this and this means that. That is why I think a body like this is the best determination. I like the idea if you had a little . . ., but I like your point too. To be an emergency is a window got broken out, a limb came down, something happened immediately and it needed to be worked on immediately. Okay fine, you can walk up and go through this procedure and we will call a special meeting or do something quick. I still think it has to be discussed.

**Kathy Levin:** We had talked months ago about using National Historic Preservation Month as a month to both communicate with the property owners about their responsibilities for preservation and maintenance, but also to inform them that there is a Small Grant Program. That would be the time also to tell them that if an emergency situation arose that they should contact staff, so there is an understanding that this body could respond to their needs.

**Commissioner Schudson:** I like that, though I have to say, I am less enthusiastic about the prospect of setting up a separate emergency fund for a couple of reasons. First, I think once we establish that in a formal sense, we actually unconsciously take a step toward motivating emergencies. The second thing is I don't see how we do that without going back to the City Council and saying allocate more money for something that we don't know what will be needed and we've introduced kind of a bureaucracy level there that may not be needed. After all in any event, we are talking about a relatively small amount of money and whether we have it segmented into two funds or keep it as one, everybody needs to know that funds are limited and by the time your need arises or your emergency arises, the funds may be exhausted or they may not be . . ., and hopefully, there will be some money there and we will do our best, so I kind of like the unified fund, but I like a nice communication to let people know what apparently we are inclined to do here and that is to say you are not precluded from getting a grant in an emergency just because you had to go forward and had to do this before you could come to the Commission.

**Kathy Levin:** Right. I guess that is the message I wanted to get across.

**Chairman Unger:** I think you are right too about not breaking it up, because it does and although it seems like maybe a good idea, it is going to make it more difficult.

**Councilor McIlroy:** Does the Commission have the power to modify the requirements of eligibility yourselves?

**Chairman Unger and Kathy Levin:** Yes.

**Councilor McIlroy:** So if you wanted to have a heat pump, you could modify the rules now and have a new application for the heat pump. Now, you can't because a heat pump is not eligible.

**Chairman Unger and Kathy Levin:** Yes.

**Commissioner Schudson:** What about the prospect of amending our language to include at least a catch-all or other projects meriting Commission resources, so we don't automatically preempt projects that right now we can't even imagine. We don't want to open the door to everything.

**Kathy Levin:** Can you look at this second paragraph (audio unclear) to see if that provides the kind of guidance we need without anything?

**Commissioner Schudson:** Any requirements due to special circumstances, then it has a "such as", but that is not exclusive -- so far, so good. Any requirements and special circumstances pretty much takes in everything. Waiver and considerations may include, but are not limited to, so I think this is expansive enough to allow for anything, so I don't think it is broke.

**Kathy Levin:** That was my feeling.

**Vice Chairman Holmes:** There are requirements on there about like you have to apply within a certain period of time and all that stuff.

**Chairman Unger:** Now, we don't have any requirements in there if it is an emergency and you have done it, and basically we do have requirements for having something done within a limited amount of time from the point we accept the fact that we are going to give a grant. Do we have something to sort of reverse that from that, so that if for example, they had this thing happen last summer and they come to us now, do we have anything in there that would allow us, or stop there from being . . .

**Commissioner Segner:** I really think there ought to be a notification, no matter what happened. I don't like going back after the fact. It ought to be if you have emergency, as long as you notify us in writing; let us know there is an emergency, and then do what you've got to do; you can then come back and apply, but I think we have to be notified. And then, if we are officially notified, somebody can go out and look at it the same day or next day. It is not like we are not close by, so if someone says wow, a window is blown out, a tree hit my roof, I might need a grant in the next cycle or this cycle, fine, you tell us, we go out and document it, take a few pictures, and then we say do what you've got to do and we'll do the best we can.

**Chairman Unger:** Then they still have to come up with two bids, so we have that as a balance.

**Commissioner Segner:** At least we are notified at the front, not four months later or whatever.

**Commissioner Schudson:** Then, we have the chance to at least participate in the evaluation. We go there saying that we can't guarantee what the Commission would do, but consider this and that. Basically, I hate to draw this comparison, but it's that insurance card. You are out of town and your insurance company says call us right away. If you need emergency services get them, but call us right away.

**Chairman Unger:** Right, it is the same thing.

**Commissioner Segner:** We'll get there within a day; we can always . . . and the other thing is in an emergency; they put in the wrong window. After the fact, they put in the wrong window. At least we can be upfront saying, hey it's . . .

**Kathy Levin:** I want to bring this full circle and share with you Bill Gunning's letter again, which was why we placed this on the agenda, and this had been distributed before. This is dated October 1, 2012.

**Bill Gunning:** I have a new letter (audio unclear), it has a little more detail if you don't mind.

**Kathy Levin:** If you'll wait just a minute Bill, and then I would love for you to participate in this discussion.

"Dear City of Sedona,

Thank you for your letter dated October 1, 2012 concerning financial assistance for the historic properties. It is my opinion that the City program, as structured, is in need of very real reform. When a roof on a historic home is leaking, it needs immediate attention. For the City to write an ordinance that fails to realize the real world problems of maintenance of historic properties is curious. I do understand budgeting concerns. I'm a 27 year resident of Sedona. I feel "ordinances should accomplish the goal for which they are intended". If they fail in this mission, what good are they?

I've enclosed copies of the bills from Behmer Roofing dated May 31st, 2012 to better illuminate a few problems. The actual cost was \$6,873.30. As I explained in an earlier letter, the work needed to be done before the monsoon season hit, because the roof was leaking. For me to wait several months for the City to respond would have been a disaster for my historic property.

Suggestion: If the City had a 5-year plan for historic structure assistance, it would better serve the needs of the community. Also, the tax for replacing my roof was \$400.23, perhaps another simple solution for helping preserve historic Sedona properties would be to waive or refund these county and city fees.

Sincerely Yours,  
William Gunning"

So, he wrote this letter in October. The bid was in May of 2012, and there is a date stamp here on the bill. Oh, it was paid in part on May 17th and then again to fulfill the job contract -- all paid for.

**Chairman Unger:** Bill, do you have anything to add to that. I suppose now is the time. Do you want to join us at the table?

**Bill Gunning:** I did write this letter and I thought it was a little better articulated perhaps. Sometimes I go on a little too long. I apologize . . .

**Councilor McIlroy:** If a person has an emergency, doesn't know about your rules, goes ahead and gets something repaired, and then there is no time period that I understand when that person has to approach the Commission. Do you have any kind of time, like you have to do it within a year or six months?

**Chairman Unger:** We don't have any of that established yet, and that is what we are trying to do now, but the reality is and this is my concern, is that a lot of these property owners don't know this. And for us, one of the things we are going to be doing in January, now that we are looking at this more carefully, is to let every single property owner know and keep enforcing that with them that they really need to do this the way Commissioner Segner is saying. Give us a call when they have an emergency, let us evaluate it then, because it does become far too hard for us to make a

determination without some recognition of what exactly is going on with it, so yeah, I understand what your question is certainly and that is one of my concerns too. A lot of these property owners think they could come two years after the fact and say well, you should have done this then, and there is no documentation as to exactly what happened, whether it really had to happen. We need those . . .

**Commissioner Segner:** Otherwise, my brother-in-law fixed the house and here is the bill and none of us want to sign on something like that, and if somebody has enough time to get the bid on a roof, they have enough time to ask us frankly.

**Chairman Unger:** Yes.

**Commissioner Segner:** I think if we did a registered letter to everybody saying you are officially notified that this is the process, so they know upfront, it will alleviate the problem. The question I have again is what constitutes an emergency as opposed to maintenance or repair?

**Chairman Unger:** I think your point too though is that in essence we're going to have to make that determination as a body and that is what we are going to have to do. It is a strain I know and sometimes may not be . . . (audio unclear).

**Councillor McIlroy:** What you are doing is setting a statute of limitations. You have six months from the event and if you don't act within that six months, we're not going to honor your request. You can't sleep on your rights.

**Commissioner Segner:** What we're telling them is no, you have to tell us upfront; they need to at least notify us.

**Councillor McIlroy:** Okay, well you are doing something different.

**Commissioner Segner:** Tell us upfront that you have a problem; fix it, then you can come back.

*Note: Councillor McIlroy left the meeting at this time.*

**Chairman Unger:** I think that is sort of what we're going to have to, and I don't know that we necessarily have to put wording in this for that. I think we can easily just notify and maybe send this wording again to all of the homeowners and I think maybe a certified letter is not a bad idea.

**Commissioner Segner:** Just so you know your rights here, if you have an emergency -- a tree limb falls, a leaky roof or something and you have to fix it immediately, you must notify the City immediately. They will get back to you in 48 hours, and then at least we are notified. We have time to go out and take pictures and if we don't, then it is our fault.

**Chairman Unger:** Yes, we should probably have some idea for us that we have to be there like within five days of the time we are notified. We need to be there and take a look at it, because it will probably in any of these instances take a least a few days. The other thing we could also do is ask them to please take pictures and document the damage too, but they need to document the damage and get in touch with us right away, just like the insurance companies -- the same thing.

**Commissioner Segner:** I think that is a good analogy. You have to call your insurance company; you have to notify us. Here is the procedure, you do it. If you don't do it, then we can't reimburse you. If you do it, at least we will put you in the process. Now, you are still going to have to write the bill and pay it yourself, but we may be able to reimburse you down the line.

**Chairman Unger:** Right, and we can't guarantee the reimbursement either, because that is going to have to be something that has to go through the process before . . . , just because we are there does not mean that we are going to . . .

**Commissioner Segner:** Yes; we don't know our budgeting year to year.

**Kathy Levin:** I'm going to pose a challenging question to you; don't answer immediately, think about this. Since Bill is suggesting something to us on the heels of his experience, are we in a position, based on what we know now on how we would act going forward if we had the same inquiry, do you want to entertain Bill Gunning's request for funding for the Small Grant Program.

**Commissioner Schudson:** Have we received such an application?

**Kathy Levin:** No; he was not told to file.

**Commissioner Schudson:** For clarification, the letter's reference to "a poorly worded ordinance" is referring to the very paragraph that we were just looking at or something else?

**Kathy Levin:** No, that is not an ordinance. Our ordinance is Article 15 in the Land Development Code, which creates the Commission and gives us the authority, but these are guidelines that were promulgated by this group and did not need to be ratified by Council.

**Commissioner Schudson:** Is there an ordinance that is a problem for us?

**Chairman Unger and Kathy Levin:** No.

**Commissioner Schudson:** Okay.

**Vice Chairman Holmes:** So can we legally make an exception for him?

**Kathy Levin:** That is what I'm asking.

**Commissioner Segner:** I say fill out an application and we'll look at it.

**Chairman Unger:** I think that is the best way to actually handle this at this point . . .

**Kathy Levin:** I would support that.

**Chairman Unger:** . . . just go ahead and make the application, and then we can take a look at it, because we can't just . . . , I wouldn't really want to off the cuff make that decision.

**Kathy Levin:** We wouldn't really be making that decision.

**Commissioner Schudson:** That is why I was asking my question. I think we can say, with whatever relative confidence you gain from my quick read of this, that our guideline does not preclude ex-post facto funding. So, my only question was is there some ordinance out there, poorly worded or otherwise, that would preclude it.

**Kathy Levin:** No.

**Commissioner Schudson:** Then, if that is the case, I think we can say to Bill that we would entertain the application . . .

**Kathy Levin:** Okay.

**Commissioner Schudson:** The fact of the problematic timing here does not preclude funding. Do we have money?

**Kathy Levin:** We do.

**Chairman Unger:** We do. The other question is going to be then, and this is going to have to come in front of us again and once we have the application, there are not two bids in there and we are going to have to decide whether we are willing to sort of allow that in this instance, because that will be going against what we have.

**Kathy Levin:** But that would be going forward.

**Chairman Unger:** And we can possibly do that, but the best thing is probably to have Bill fill that application out, turn it in with all of the paperwork, and then we can look at it again possibly in January.

**Commissioner Schudson:** Let me just offer one other thought and see what the general sense of the Commission is. It seems to me at the very least, Bill has rendered a service by bringing this situation to our attention. Can we at least assure him that his application can be an expedited one, by that I mean he fills out whatever cover sheet is necessary, staples to it things that have already been created, so he doesn't have to waste an hour doing -- telling us things we already know.

**Kathy Levin:** Well, I would ask him to fill out the application, the Small Grant application. He has documentation from the roofer. He has supporting letters.

**Commissioner Schudson:** So it can be pretty much a "see attached" application.

**Kathy Levin:** Yes, but he would have to describe the project, the scope of the project and how he went about taking care of it, just like any other applicant would . . .

**Chairman Unger:** Yeah, I think we need to do that.

**Kathy Levin:** . . . and I don't think we have to treat it as expedited, since the work has been done, but we could encourage him . . .

**Commissioner Schudson:** I don't mean our process; I just don't want him to have to fill out more forms than he needs to fill out.

**Kathy Levin:** Well, he would have to fill out the application.

**Chairman Unger:** We need it for our records too.

**Kathy Levin:** And that is the only way you would want to consider it.

**Commissioner Grams:** When was the first contact, Bill, with the City on this?

**Kathy Levin:** When he submitted this letter.

**Commissioner Grams:** In October, from May to October. What prompted the delay then? There was no contact, nothing said, and then in October you get the request.

**Kathy Levin:** He had gotten the letter that all property owners received advising him that Small Grant funds were available. He has it right there.

**Bill Gunning:** July . . . and that truly is what . . .

**Kathy Levin:** Right, because we had two cycles.

**Chairman Unger:** So, that is what prompted him to do it. He didn't just all of a sudden decide to contact us.

**Commissioner Grams:** But there have been previous -- haven't you sent out letters previously for this year's to all of the . . .

**Kathy Levin:** I sent them out there to everyone in our historic resource survey.

**Commissioner Grams:** So even though, if I have a historic home and it has been a historic home for 10 years, so I have previously gotten letters on that grant.

**Kathy Levin:** Yes, you have.

**Commissioner Grams:** But, when I had my repair done, I didn't think about the grant.

**Kathy Levin:** Yes.

**Commissioner Grams:** Okay, I got it.

**Kathy Levin:** Would that be true Bill? Is that an accurate representation?

**Chairman Unger:** Is that accurate that you didn't think of it.

**Bill Gunning:** Well you see, it is . . . the perspective is curious, because I have a perspective that says my house is amazing and I have a picture of the interior of my house. I have wood ceilings in the house and for 70-year-old wood ceilings to get wet would be a monumental disaster.

**Commissioner Segner:** But the responsibility for your house is you.

**Bill Gunning:** Yes and I put a new roof on it.

**Commissioner Segner:** But you have every right, if we have a program, to ask us to help you, but we can't be proactive in a body like this, I don't think.

**Bill Gunning:** Yeah, but I did the math. When I discovered the problem, my first phone call wasn't to Kathy; it was to Behmer, because Bob supports historic preservation personally and he is a good friend. He came right over that afternoon and said Bill, you've got to do something. Your electrical wires are shorting, your roof is leaking in four or five spots and the thing that holds the electrical wires is rotted out and ready to let go, which could cause an electrical fire.

**Commissioner Segner:** Well, I'm not saying you shouldn't have done it. I'm saying that you did the right thing. I don't see where we did anything wrong or what we're not doing. I don't understand.

**Bill Gunning:** Oh, I came in to May and June to make the decision remember. The monsoons were coming.

**Chairman Unger:** I know, well I think you are talking on two different levels. I think what Commissioner Segner is saying is that we don't feel as a body we did anything that really sort of should be confronted by you. We are now addressing what your problem is with the way we are going forward, and we certainly are going to be doing that. I don't think we have any doubt that you didn't do the right thing in getting the guy to do that.

**Bill Gunning:** I appreciate that and I understand it is a curious position that I'm putting you in, but the reality is, if I was doing the math. When the problem occurred, I was doing the math. I've got to go to two meetings to get approval to do a roof and the monsoon is upon me. What am I going to do? Am I going to wait a month for the first meeting?

**Commissioner Segner:** But you still were going to do it; you still have to do it. I mean what I'm getting at is that it is your home and you do whatever you have to do to take care of the problem.

**Bill Gunning:** It was a 30-year roof that was on there and it had only been on there for 27 years.

**Commissioner Segner:** I understand, but what I'm getting at is we don't want to hold you back from your decision one way or the other; you have to do whatever you have to do. What we want to do is if we can support you, we will. The process we talked about was when you decided that you had a bad roof, and this is after the fact, you call the City and say, by the way I've got an emergency. I've got to put a new roof on it and we would come out and photograph it and start the application. You still would have to do what you have to do. You don't have to wait to see if you are going to hear from us, because we don't know. We're still going to have to deliberate and go through the process, but at least you are not left out of it.

**Bill Gunning:** I felt like I was in a curious position, because I saw the problem. I own the house, obviously, I'm responsible for it. I also have saved the house from destruction several times by developers over the years and I took a proactive role to save it, my wife and I, and now we're just saying . . .

**Commissioner Segner:** Let me ask you a question. What if you had come to us and we had spent all the money on all of the other projects and we didn't have any funds. We would say no to you. I mean that is just saying . . .

**Bill Gunning:** Well if you say no to me, then maybe the next time you want to do a home tour and bring 300 people through my house, I might have to say no to them.

**Commissioner Segner:** I understand. What I'm getting at . . .

**Bill Gunning:** You know it is this ripple thing that happens. I'm helping you. The last home tour I raised \$8,000. They came to our house and said it was the nicest house on the tour.

**Commissioner Segner:** But that is where I have a hard problem in the sense that it is your home. It is your responsibility to take care of it. We are happy to help when we can, but we aren't in a situation where we are obligated to help. Maybe I'm wrong.

**Chairman Unger:** Well the reality is . . .

**Bill Gunning:** Well, this thing I printed off of the Internet says significance of an urgency, and it tells you yes. If this is off of the City website . . .

**Chairman Unger:** Yeah, that is our Endangered Places list, but let me just say something to you Bill. The reality is the City only gives us \$4,000 a year. If we run out of the money, we run out the

money. Now, I guess the other question for the Commission is that if he actually had to do this work and we were out of the money for that particular period, do we then move it to the next period? Because we are not allowed to ask the City for more money than we have in that account Bill.

**Bill Gunning:** I understand it is peculiar.

**Chairman Unger:** I mean the question I guess would be, can we then retro at that point and phase it into our next funding period. That would be something we are going to have to consider, but I think what Commissioner Segner is just trying to tell you is the fact that that is a possibility. There is a possibility that no matter what the emergency is, if we have actually used all of our funding, we're not going to have any money left to give anybody, and that doesn't really . . ., unless you want to go to the City Council and argue that, that is a different situation.

**Commissioner Segner:** Yeah, they only give us X amount of money with a little bit of authority and that is all we have, so if there were four people ahead of you, then what we have to do is vote. And then, I think the idea is that we have to go back and relook at this and probably come up with how we are going to handle it. If it can be rolled over to another year and we found it necessary, I don't see why we couldn't roll it over. What I am trying to get at is that an emergency to me is not a roof, okay. I have roofs, they leak and usually I know they are going to leak and I've got to patch them up. An emergency to me is like you mentioned, a tree falls down and breaks a window and something is going to happen, and you've got to do something right now today, then we need to have a policy where you take care of it, you fix it and you go to the City and you say look I had to fix it. I'm sorry it couldn't wait. Here is my application; time stamp it. Now, you are in the line

**Bill Gunning:** Well, I actually think that this whole idea of just writing a check is not a good idea anyway. I like the idea of decreasing the cost to the homeowners, making it streamlined, getting the County and the City to waive fees to improvements. Take the cost of a sewer connection down to \$5 or something for 10 years, so the homeowner gets a benefit from something like that. You don't have to administer it at that point. Suddenly, it is no longer on your backs; it is on the City's back and you are providing a service that would have value to the owners.

**Chairman Unger:** That is a very good point. Now, the reality is we have not addressed that and that would be something we would have to address outside of what we are talking about here. That is something that I would say, and I would ask you to bring that back to us for an idea, only because this is not something that we are going to be able to do. This is actually going to have to go, if we can come up with the idea, we are going to have to make a presentation to the City Council, and they are going to have to decide whether this is a viable thing. You don't know how long it took us to get this grant thing through. It took us about two years to get the grant thing through, so we can start structuring something, it's true, but it is going to take us quite some time to figure out how to structure it so that we can do that. I think it is not a bad idea. I mean we have over the years tried to figure out ways to make it more attractive to those people who have historic homes to actually landmark them. Those would be very good ideas. I mean the only thing we have come up with so far, because the City does not have land tax, we can't do anything that way, so the only thing we came up with . . .

**Bill Gunning:** That is not necessarily true; you could write a letter to the County.

**Chairman Unger:** No you can't.

**Bill Gunning:** You could have the Mayor write a letter and say we would like to propose these solutions to entice historic preservation properties. It happens in other states and in other towns that I've been in and I know it happens.

**Commissioner Segner:** In this state that is all determined by the legislature. All those things, when you fall back, it goes to the legislature. I agree with you, it is easy; it sounds simple. I agree with you; I'd like to do it. I keep running into the same thing. I'm sorry but that is set with the state, and when we start dealing with two different counties, and which county to do it, it just doesn't happen. Now the sewer thing, I like the idea of the sewer thing, because that might be in our realm; maybe that is something we could do.

**Chairman Unger:** I think there are things in our realm that we could do, and actually Bill, I'm not trying to put you off or anything, because we are talking here about you making the application and us talking about this going forward, but I do think there are probably other things and I welcome anybody in the town that comes up with ideas that can make it that much more attractive for people to landmark their houses, and the sewer thing is a great idea. I mean I think that is not a bad idea at all and that is something that we can actually do. That is something that we can bite into and maybe there is something that we can do retro for that too, but I think that those things, moving forward, this is sort of outside of what we are talking about right here. We're really sort of beyond the scope of what we're supposed to be facing with this agenda, but I would ask you to please think about bringing this back to us in another format at another meeting, because I think it would be a good idea.

**Bill Gunning:** Well I'd be happy to, but the reality from my perspective is the City does things one way, the property owner has to do something another way and these things have to mesh a little more. I decided it is Catch 22. I want to see the next person not get into a situation where they are going to be steamrolled from the City saying we haven't got any money. I'm not really necessarily asking for money, but I would certainly like to see an ordinance that is workable, and if that is too much, and I was on Planning & Zoning for six years . . .

**Kathy Levin:** If I can respond, I think we have decided, therefore have agreed, that our current requirements would enable you to submit an application for consideration, and if you would like to fill one out and have this Commission consider it for funding, for retroactive funding, at a level that is determined by the Commission, then we will accept that application. And, then I would like to move on to Jill Sands.

**Chairman Unger:** Yeah, let's move on to Jill. And thanks Bill, and like I say, please if you have more ideas with this, I would really appreciate it, okay, and did you give him an application?

**Kathy Levin:** Yes.

**Chairman Unger:** The application is also online if you want.

**Kathy Levin:** I haven't seen this.

**Chairman Unger:** That is really nice. (Audio unclear)

*Note: Bill Gunning gave Kathy a copy of his book.*

**Bill Gunning:** It is in the library on historic preservation.

**Chairman Unger:** Come on up Jill and Commissioner Jarmusch has a question.

**Commissioner Jarmusch:** I wonder, Bill was on the record with his suggestions, can't we work with that?

**Kathy Levin:** Yes.

**Commissioner Jarmusch:** Does he have to come back and say those things again?

**Chairman Unger:** No, all he has to do is bring in the application.

**Commissioner Jarmusch:** Okay, but his suggestions about the County and the sewer; he is on the record, so can't we say that we will consider that.

**Chairman Unger:** We will consider it and I would say if he has any other considerations, please let us know too. We'd appreciate it.

**Bill Gunning:** Okay. Thank you.

**Kathy Levin:** You don't think you want to join us at the table?

**Jill Sands:** If you don't mind, the light is really not for me, if I can . . .

**Kathy Levin:** We can turn the lights down.

**Jill Sands:** You could?

**Kathy Levin:** Certainly. Jill has an extreme sensitivity to light. We're in the dark, but we'll talk in the dark.

**Jill Sands:** Thank you very much.

**Kathy Levin:** Is that better?

**Jill Sands:** Infinitely, thank you.

**Kathy Levin:** Jill also contacted me, maybe three weeks ago, four weeks ago, and her heat pump had stopped working, and I went through our guidelines and said to her that, on page 4, this is what our requirements say,

"Eligible rehabilitation, preservation or restoration included, but is not limited to, approved windows, doors, siding, porches, foundations, chimneys, architectural ornamentation, masonry repointing, reversal of inappropriate alterations and reconstruction of original architectural elements based on historic documentation."

And, I said to her that I didn't believe that the heat pump was an eligible item, so I would like Jill to speak to that point.

**Jill Sands:** I understand that it may or may not be. My situation was definitely extreme in that the Tuesday before Thanksgiving I lost heat, and Wednesday I frantically scrambled to, well it's going on 30 days and it is impacting not only my health, but I'm scared that it might have had some impact on the structure of the house. I mean it is the whole heating and cooling system, and I immediately called Goettl's High Desert Heat Pump, who I had purchased a heat pump from 12 years earlier, and they had maintained the system for me all along, so it just died out of nowhere, and I had four different people come out from their company. I made calls all day long to other places in Flagstaff and Prescott trying to find a part that would (audio unclear), and that was Wednesday, the day before Thanksgiving. It was determined that there is just no company nowhere around offering it in anyway shape or form. I had to replace the entire unit and that was going to cost \$9,000, and we were rather shocked, and because of Thanksgiving, they had no parts, they had no units. They had to order a unit from Phoenix, and I had to go through almost immediately for the part to even (audio unclear), and so in the meantime, I guess it was that (audio unclear), when I contacted you and said that I think this and it is an emergency, the work hasn't

been paid for yet and I need help, so that is where I stood and it is still ongoing. Tomorrow morning, I hope that the . . .

**Kathy Levin:** I forgot to say that Jill Sands owns the Madole home on Pony Soldier Circle in West Sedona, designed and built by Howard Madole, and it was landmarked in what year?

**Jill Sands:** 2006 and I have lived there since 1994, and I have no (audio unclear) to maintain this; I mean we have not waited for something to go bad before I fix it. This just kind of (audio unclear), so . . .

**Chairman Unger:** Now, I sort of have a question of you Kathy. Given, generally speaking, what we do is we don't make any judgments or pass anything before we have an actual request for a grant in front of us. In this case, Jill is coming I think to find out whether it is even feasible for her to do that.

**Kathy Levin:** Right.

**Chairman Unger:** So, I guess the discussion then is more just to decide whether or not it is worth it for her to actually submit an application for a grant. Am I not correct in that?

**Kathy Levin:** That's right. I made a staff decision. I thought in all fairness to Jill, it is important to have the Commission discuss this, if they saw it any differently.

**Chairman Unger:** Okay, so I'm leading on, does anybody have a comment to make?

**Commissioner Segner:** Well, it really does fall outside the lines. The house is what 55 or 60 years old?

**Kathy Levin:** Sixty-two is it Jill?

**Jill Sands:** Fifty.

**Commissioner Segner:** So, it didn't come with a heat pump; it's been added. There was probably another way of doing it in those days.

**Jill Sands:** Actually no.

**Commissioner Segner:** I don't think they had heat pumps in those days, not 60 years ago.

**Jill Sands:** It is very simply designed; it's up at the ceiling.

**Commissioner Segner:** Oh, I understand the design is probably there, but I meant the heat pump itself. The heat pump itself is relatively from the '60s and '70s, usually even later. What I'm getting at is it is not architectural, it is not windows. My question is what happens if a pipe burst, would we fix the pipe? If the sewer backed-up, would we fix the sewer, even though it makes the house stink and it could cause damage to the floor. We pretty much . . .

**Vice Chairman Holmes:** Part of our problem here is we haven't defined well enough. For you it was an emergency; for the home I don't think it was.

**Chairman Unger:** Yeah and I think there was this point made, how do we actually, do we try to isolate the emergency, but I think basically emergencies that we have to look at have to be concerning the structure -- emergency of the structure, not an emergency of something . . . and I

guess Jill's point was that she thought that if the temperature dropped so low, then there would be something happening to the structure. I can see that probably happening in some environments; I don't know that I see it happening here.

**Commissioner Jarmusch:** I was thinking that if this were in New England, it would definitely be an issue, but I also think it might be under consideration here assuming the amount of glass in the house and the wood structure.

**Kathy Levin:** As to habitability?

**Commissioner Jarmusch:** Habitability is one thing, because of maintenance, but also contraction, expansion and contraction.

**Commissioner Segner:** It was designed to do that. Those homes built in the '50s were designed to be free-standing. Some of them just had a fireplace; some of them didn't really have good heaters and certainly many of them didn't have air conditioning, some had swamp coolers. It goes back to my question again, is where do we draw the line? If the water pipes had burst, if the sewer backed-up, if the toilet had backed-up and gone over the floor, that can damage the home, but where do we draw the line, I guess. I mean I've always seen it as the outside and the look of the structure in his mind.

**Chairman Unger:** Well, the reality is it is the outside of the structure, because anybody can do whatever they want to on the interior. That is part and parcel of how we look at structures, so they can actually be reused in different ways and stabilized.

**Commissioner Segner:** So she wouldn't have to come to us, if she wanted to change this over, because as long as it is nothing has changed from the outside and we haven't seen it, we wouldn't be involved with this, would we?

**Kathy Levin:** It is on the outside.

**Chairman Unger:** The heat pump is on the outside.

**Commissioner Segner:** But if we were just replace the pump, they wouldn't normally come to us to . . .

**Kathy Levin:** Actually they would, because we would want to see the design to make sure it is the same as it was before, or if she proposed to put it on the ground.

**Chairman Unger:** We would be looking at it, so from that standpoint . . .

**Kathy Levin:** But that is different than is it within our list of eligible activities, or should it be?

**Commissioner Segner:** Or should it be, that is the question.

**Kathy Levin:** Or is it, you know, because it says, but it is not limited to, is it something that should have been on that list, because it could potentially either cause structural damage or harm the home.

**Commissioner Segner:** I just really have a hard time that this doesn't become a maintenance fund, and to me, maintenance and keeping a property up . . . if a tree had knocked out her front window, I would say I understand that or if it knocked down a shutter and the shutter had to be

rebuilt to match the other shutter, I can understand that, but to have a pipe burst underneath the house and we have to dig up the foundation to get to it. How do we draw that line?

**Kathy Levin:** For six years Commissioner Segner, we've assisted homeowners in painting the structure, reroofing, changing windows out, redoing the flagstone patio at a Madole home, repointing it, stabilizing that, because that was a unique feature to that home, replace glass, replace stoves . . .

**Commissioner Segner:** Those are all things I can agree with.

**Kathy Levin:** Ceiling, repointing chimneys, replacing roofs; they've been all related to structural integrity, which is one of the issues, so I am raising the issue if, does the heat pump have a relationship to the integrity of that home? And Commissioner Jarmusch raised the point, well if it were on the east coast you would be worrying about water point, pipes freezing or any number of things that might turn into a sour situation . . ., but is there something about the heat pump here that falls within these guidelines that would make it an acceptable eligible project.

**Chairman Unger:** And I think one of the difficulties is that I don't know if any of us can answer that. It would really have to go to an architect. We would probably have to ask an architect whether or not that is a feasibility thing, whether or not it will structurally affect a building over a certain period of time. It is interesting because I had a house in Phoenix that I was working on and the air conditioning went out in the summer, and inside, they had things fall down off of the walls. I mean it really became a total disaster, because it got up to over 120° inside the house, probably even higher than that. So the question is, but that was inside, you know nothing on the outside was hurt, but then again, is that something that given we would probably never be faced with that here, but that is something that can happen, but the question is I think for Jill, is it feasible for her to give us this or should we ask an architect whether this is a feasibility thing? Could it cause that kind of damage?

**Commissioner Segner:** You can do that and I think all you are going to do is postpone it. I think it is pretty hard to say that having cold nights into the 30s, I mean I sleep with my bedroom open all night and the room gets down. I can think of twice in seven years where we have gotten in February or March, where we got down to 0° and it blew some pipes. Yeah, that could happen, but if you close the house up and you run your water, it won't even freeze your pipes up. Pretty hard in this environment to hurt your house by cold -- pretty hard. You would really have to work at it. The question is do we fix mechanical things -- that is really what it comes down to. The core is it is a mechanical thing, do we fix it and what happens when someone says, I have a 1952 GE garbage disposal that went out. I mean where do we draw the line?

**Commissioner Grams:** But you have a gas furnace in an old house . . .

**Commissioner Segner:** Yeah and they may all go bad after 15 years to 30 years. Furnace is 30, air conditioner is 10.

**Chairman Unger:** And it is true. In my house in Cottonwood, I had a fireplace and I didn't heat the house at night. It would be down to about 30° in the morning, when I went in to light up the fire and get it warmed up.

**Kathy Levin:** Pioneer Unger.

**Commissioner Jarmusch:** I have one more question of Jill. May I ask you one more question? If this is mounted on the roof, correct, and a crane had to come to put it there.

**Jill Sands:** Right.

**Commissioner Jarmusch:** Did Mr. Madole design that?

**Jill Sands:** As far as I know, he did, because . . . yes, the duct work was up and I had to purchase a new heat pump in the late '90s or whenever that was.

**Kathy Levin:** So it was ducted from the roof.

**Jill Sands:** It was definitely from the roof.

**Kathy Levin:** And not retrofitted after the fact.

**Commissioner Jarmusch:** It seems like it is a point against buying a historic home. You know if you are going to have a crane come in and fix it.

**Commissioner Segner:** Oh, a lot of homes are that way.

**Chairman Unger:** Oh, you have to do that even without historic homes. Half the homes in my neighborhood that are brand new, in fact one just last week . . . that is not uncommon.

**Commissioner Schudson:** What is pretty common?

**Chairman Unger:** To have the heat pump on the roof and have a crane come in . . .

**Vice Chairman Holmes:** In my neighborhood, with a remodeling job, the crane came in.

**Kathy Levin:** Pricy.

**Chairman Unger:** Yeah, it is much nicer to have them on the ground I think, but they don't always do that.

**Commissioner Segner:** I hate to set here before the fact and deliberate this.

**Kathy Levin:** Well my question is, goes back to is it eligible or ineligible. I wanted the Commission to weigh-in on that.

**Commissioner Segner:** Okay.

**Kathy Levin:** That is step one. The second step would be if you find that it is eligible, then I would encourage her to file an application, but I thought it was fair to Jill to have her come here.

**Chairman Unger:** I think we sort of heard from Commissioner Segner and his feeling on it. Commissioner Grams, do you have anything you would like to say about that?

**Commissioner Grams:** I just think you . . . if you do it in this case, you'll get it in the next case and the next case. I just think the heating of a home, unless it is somehow directly related to our guidelines here, that we should not open that Pandora's box. That's my feeling.

**Commissioner Schudson:** I've used that the language of the guideline is elastic and that allows anyone to make the application and make the best case possible for the application, so to answer your first question, the elasticity of the language allows for the application. If that is so, she can

make the application, and then we will have it. We'll have all the information and it will be more right for discussion. If she chooses not to make application, okay.

**Vice Chairman Holmes:** I think Commissioner Schudson is right that the elasticity allows for it, but I think the chances of it being okayed has a body of pretty slim, because it is a mechanical issue rather than a structural issue and I'm sorry that this happened to you, by the way.

**Commissioner Jarmusch:** I think I've said everything I could say.

**Chairman Unger:** And I too agree with Commissioner Schudson, after having gone through what we just went through with not only number 7 on our agenda, but also number 6 on our agenda, it is perfectly up to you to make that application, if you feel you want to and you want to make that argument. I have a feeling though, as Vice Chairman Holmes said, it probably would be a very difficult thing, I think, for us to find in favor of you. It is totally up to you if you think, certainly we will address it and we will look at it even closer if you would like us to, but I have a feeling that given the momentum of what we've discussed so far, it probably would be a difficulty for us to be in favor of it, but on the other hand, quite frankly, it is good to have these things introduced to us, so we actually have a clearer look and actually start defining the parameters of what we are doing more.

**Kathy Levin:** We haven't had these challenging questions before, in six years.

**Chairman Unger:** No, I mean for the most part it has been things that have been fairly critical for us to make a decision, and this one is very difficult, and of course, Bill's is difficult for another reason, because he came after the fact, but this is something we have not looked at yet and so it is up to you whether you feel like doing that or not, and you can certainly bring that into the City and we'll take a look at it if you would like us to.

**Commissioner Segner:** That is why I mentioned that I was uncomfortable here, because I don't have any problem with the application coming across, because then we can deliberate it and if we have to drive by, you can look at it and if you have to make a phone call, you can look at it. Here we are kind of forced to make a decision on . . .

**Kathy Levin:** Oh, no.

**Commissioner Segner:** We don't know that much. Well, I feel like we were kind of making a decision.

**Chairman Unger:** Yeah, but I think what we were trying to do is actually sort of vet a little bit of it, you know make it a little bit easier and allow you to, because we do eventually we're going to have to look at how it looks on the house too and that is the other standard part.

**Commissioner Schudson:** The process is interesting in this sense. There are times when commentators, reporters, and PR will sit in on an oral arguments at the Supreme Court, and they will glean certain information from the nature of the questions and comments by the Justices to the lawyers, and lo and behold, ninety days later the decision is not what they forecasted, so there is a lot that happens in this kind of generating process, so I wouldn't want you to feel encouraged or discouraged. You have to kind of read these or feel these vibrations, and that gives you a forecast and a sense of alright, well this is some of the questions they asked. If I want to make this application, how do I make the best pitch I can?

**Chairman Unger:** That is exactly it. I mean you know the things that we find difficult with it are the things that you can possibly address, so take it home, take a look at it, but I think Commissioner Schudson is right. It doesn't necessarily mean . . . I've had that happen in this Commission before,

where I thought it was dead in the water, and then when we came to vote, it wasn't and one of them actually came around, so it can happen.

**Jill Sands:** I fully understand and I appreciate very much your consideration and deliberation process. It is unusual and I just wanted to present the situation and the query. I have no attachment to outcome, so . . .

**Chairman Unger:** And I thank you so much for bringing it to our attention too Jill. Do you have all the paperwork?

**Jill Sands:** I do. I thank you very, very much, all of you.

**Kathy Levin:** Thank you for coming in Jill.

**Chairman Unger:** And thank you for coming in Jill.

5. **Discussion/possible action on feedback to the Citizens Steering Committee for the Community Plan update.**
8. **Discussion/possible action on proposed FY2012-2013 Sedona's Most Endangered Places list.**
9. **Discussion/possible action on recognition of historic buildings or sites which are not eligible for local historic landmark designation.**
10. **Discussion/possible action of proposed draft work program and budget for FY 2013-14.**

**Budget Discussion:**

**Kathy Levin:** Small Grant Program. We have gotten \$4,000 for the last two years. It went from \$15,000 to \$12,000 to \$4,000, \$4,000, \$4,000.

**Commissioner Segner:** That is good to know. We need to apply back to the \$15,000 level.

**Kathy Levin:** Well, we can't actually document that by need and maybe I should provide you the six-year summary I've done.

**Chairman Unger:** You know the thing is we could document it by need, if we're talking about now the Hummingbird House.

**Commissioner Segner:** But that is going to be a special project and a special funding.

**Kathy Levin:** Yeah, we don't have to . . .

**Commissioner Segner:** . . . because it is going to be a big amount.

**Vice Chairman Holmes:** I think the Mayor made it real clear that it needed to be a special grant.

**Kathy Levin:** Yeah, right. So I think what you might best do, I would recommend that with staff you look at the 6-year summary and determine what amount you should be asking for, because we had to go out twice to get one application this year. You would need to defend that you are getting more applications than you have money and we haven't experienced that since we . . .

**Commissioner Segner:** I think the idea of sending this letter out of a certified letter to everybody and letting them know what they are entitled to will be good and it might bring some people in wanting to get some stuff done.

**Vice Chairman Holmes:** Yeah and with real specific language, and we aren't going to fix your . . .

**Commissioner Segner:** Yeah, no mechanical.

**Chairman Unger:** Yeah, right.

**Kathy Levin:** Okay, so I'm going to provide you with . . .

**Commissioner Segner:** Commissioner Schudson is great as an attorney, isn't he? He saw right through the big hole.

**Kevin Levin:** I'm going to provide you that 6-year summary. The budget for Small Grant Program will stay at \$4,000, unless you provide staff a new number.

**11. Discussion/possible action regarding future meeting dates and future agenda items.**

**12. Adjournment.**

Prepared by:

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Donna A. S. Puckett, *Administrative Assistant*

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Date

**Exhibit G**  
**December 4, 2012 letter from the Gunnings**

December 4, 2012

City of Sedona  
Historic Preservation Commission

Re: Ralph Block Ranch House, site #22

To Whom It May Concern:

It is telling to us that when two property owners respond to a *city invitation* to participate in The Historic Preservation Small Grant Program for the same purpose (leaky roofs), one applicant is approved within two minutes, while the second applicant was asked a multitude of questions that often seemed to us to be demeaning and/or insulting.

Comments were made that implied contrived repair timing, improper home maintenance and whether or not we should be applying for a grant to begin with.

However, the City was made aware of our roof problems in May, June and July 2012 and on Monday December 3, 2012 we were told that we, the owners, were not acting in a timely manner.

New Commissioners may not realize the importance of this program.

When a historic property is identified, it is often to provide the owner with incentives not to sell the their property to developers. We have been approached several times to sell our property for redevelopment. One time, I asked what will happen to the house if we sign the papers. The developer said it would be torn down. When I said to him that the city would like to see the house preserved, he said. "The land is too valuable."

We declined his generous offer.

Early Commissioners and City Council members understood full well that these modest homes are targets for redevelopment, that is why the program was initiated. The first property saved was the Jordan Apple Ranch house and sheds. The man sitting in my living room with his check book in hand, said he would bulldoze our house on a Saturday while the city was asleep. By Monday morning the house would be gone.

We now realize that maintaining our property to the standards set forth by the Historic Preservation Commission is creating a "financial hardship" for us and therefore, request the above mentioned property be removed from the historical register.

Please find enclosed "the Bronze plaque for the Ralph Block Ranch house, site 22."

  
Mr. and Mrs. William R. Gunning 355 Arroyo Pinon Drive Sedona, Arizona 86336

RECEIVED  
DEC 05 2012  
CITY OF SEDONA  
OFFICE OF CITY MANAGER

**Exhibit H**  
**December 21, 2012 Staff letter to the Gunnings**



102 Roadrunner Drive  
Sedona, Arizona 86336  
TDD (928) 204-7102  
[www.SedonaAZ.gov](http://www.SedonaAZ.gov)

December 21, 2012

Mr. and Mrs. Bill Gunning  
355 Arroyo Pinon Drive  
Sedona, AZ 86336

RE: Removal of Landmark Designation for the "Ralph Block House"

Dear Pam and Bill,

At your request, enclosed is an application for you to complete and return to start the process to remove the local Landmark Designation on your home.

Once the application has been filed, a staff report will be prepared and the Historic Preservation will consider your request in a public hearing. Your property will be posted with the notice of the meeting date, time and purpose and neighbors will be notified by mail. It will be important for you to be present at the public hearing.

If you have any questions, don't hesitate to call me at 203-5035 or email [klevin@sedonaaz.gov](mailto:klevin@sedonaaz.gov) up until January 4, 2013. After that date, please contact Cynthia Lovely at 203-5035 or [clovely@sedonaaz.gov](mailto:clovely@sedonaaz.gov)

Thank you.

Sincerely,

Kathy Levin  
Associate Planner  
Staff Liaison to the Historic Preservation Commission

**Exhibit I**  
**December 26, 2012 letter from the Gunnings**

December 26, 2012

Cynthia Lovely  
Staff Liaison to the Historic Preservation Commission  
City of Sedona  
102 Roadrunner Drive  
Sedona, Arizona 86336

RE: Removal of Landmark Designation for the "Ralph Block House".

Dear Ms Lovely;

Please accept our application to remove the Ralph Block House from the "Historic Register" tax parcel number 408-11-431D 1 (copy of Tax Bill enclosed).

The Historic Preservation program, although well intended, has increased the maintenance costs for us to properly care for our property. These costs, we feel, are directly attributable to the requirement for the homeowner to only use licensed and insured contractors to perform work on historic Designated Properties (item b. Part IV: Costs Estimates/Proposals. page 6 of 8) to be eligible for assistance.

Twice this year we have had to have work done on our property. When taken together, the additional costs of these improvements (replacement of a failing twenty-seven year old roof and the replacement of a failed sixty-five year old water supply pipeline) is nearly double the cost as if we had hired an unlicensed contractor to perform the repair work.

The new roof cost \$6,873 and the new waterline (which is not on the Eligible List) was \$3,340 for a total of \$10,213. These costs in addition to several unexpected emergency medical expenses have made us reassess our participation in the Historic Preservation Program.

When we were approached about having our property designated historic, we were told that the city had programs that would help with maintenance costs. Recently, because of budget constraints, the city has eliminated much of the funding for this program. This action by the city requires us to go it alone while still demanding the use of city standards as a prerequisite to participation in any possible economic incentives.

The "economic hardships" now facing this country, state, county, city and residents are real. Since our initial involvement with the Historic Preservation Program these challenges have also affected our planning efforts. Personally, we feel that we would be better able to afford the maintenance required on our property if we are released from this ***"underfunded, city sponsored program"***.

Our income is mostly derived from Social Security. We, like the city, must make adjustments today to provide for a more intelligent and durable future. This action will better assist us to maintain a healthy, meaningful and more affordable lifestyle that should permit us to better maintain our property and protect our financial position for years to come.

**The “financial hardship” caused by our involvement with this program makes it necessary for us to request that the city remove all liens placed on our deed.** We have already returned the bronze plaque. Should my wife’s health continue not to improve, we may find it necessary to sell our property to pay for additional health care. We feel it would be unfair to the Historic Preservation Commission to place them in a position where they may need to decide between my wife’s well being and the long term goals and objectives of historical preservation.

**Please consider this our paper work for removing our property from your program.**

In my opinion, the meeting I attended on Dec. 3, 2012 was very contentious and confrontational even though I was an invited guest. We, therefore, will not attend any future city meetings concerning our property. It would be too painful for us to be subjected to further humiliation.

Respectfully submitted,



William R. and Pamela J. Gunning  
355 Arroyo Pinon Drive  
Sedona, Arizona 86336

cc: Tim Ernster, City Manager  
Michael Goimarac, City Attorney  
Brynn Burkee Unger, Historic Preservation Chair  
Kathy Levin, Associate Planner

enclosures: Tax Bill 355 Arroyo Pinon Drive Sedona, AZ  
Removal of Landmark Designation Application

**Exhibit J**  
**January 2, 2013 Staff letter to the Gunnings**



102 Roadrunner Drive  
Sedona, Arizona 86336  
TDD (928) 204-7102  
[www.SedonaAZ.gov](http://www.SedonaAZ.gov)

January 2, 2013

Mr. and Mrs. Bill Gunning  
355 Arroyo Pinon Drive  
Sedona, AZ 86336

RE: Removal of Landmark Designation for the "Ralph Block House"

Dear Pam and Bill,

I'm very sorry that you have not reconsidered your decision to remove the landmark designation for your lovely home. I know that both of you were very proud of that distinction and enjoyed sharing the history of the "Ralph Block House".

It is most unfortunate that you did not feel heard nor treated well at the last Historic Preservation Commission meeting. I hope that you will give this more thought and change your mind. And, if you feel that mediation services would help this effort, they can be arranged by the city.

Since I am retiring on January 4<sup>th</sup>, please contact Cynthia Lovely at 203-5035 or [clovely@sedonaaz.gov](mailto:clovely@sedonaaz.gov)

It has always been a pleasure to work with you and get to know you and your life's passion for the arts.

Sincerely,

Kathy Levin  
Associate Planner  
Staff Liaison to the Historic Preservation Commission

**Exhibit K**  
**January 4, 2013 letter from the Gunnings to Staff**

January 4, 2013

City of Sedona  
102 Roadrunner Drive  
Sedona, Az. 86336

Attn. Cynthia Lovely, Staff Liaison to the Historic Preservation Commission

**RE: Removal of Landmark Designation for the "Ralph Block House"**

Dear Cynthia Lovely,

We are in receipt of your letter dated January 2, 2013 (from Kathy Levin).

We have no interest in attending other meetings held by the city of Sedona concerning our property.

Please **remove** the Landmark Designation from our property identified as the "Ralph Block House".

In my opinion, the meeting I attended on December 3, 2012 was very contentious and confrontational even though I was an invited guest. We, therefore, will not attend any future city meetings concerning our property. It would be too painful for us to be subjected to further humiliation.

Sincerely,

A handwritten signature in blue ink, appearing to read "William R. Gunning Pamela J. Gunning". The signature is written in a cursive style and spans across two lines.

William R. and Pamela J. Gunning  
355 Arroyo Pinon Drive  
Sedona, Arizona 86336

**Exhibit L**  
**August 28, 2013 email from the Gunnings to Staff**

**From:** william gunning <southweststudio@msn.com>  
**To:** "Kevin Snyder" <KSnyder@sedonaaz.gov>  
**Date:** 8/28/2013 3:25 PM  
**Subject:** Re: Ralph Block Historic property... please remove historic designation.

28 August 2013

Dear Mr Snyder,

Pam and I want you to proceed with removing our house, The Ralph Block house from the Sedona Historic Landmark designation program.

We returned the plaque placed on our house to the City on December 16, 2012. in a letter to the Staff Liaison to the Historic Preservation Commission dated December 26, 2012. We expressed to the City why we feel the program has failed us.

In summation, the city program we feel is way underfunded and too poorly managed.

We were told when we signed on to the program that there would be funding to assist us to help preserve the house.

After a series of very, violent rain and hail storms that destroyed much of our roof, I asked the city if we would qualify for assistance in repairing the damage?  
Lightning actually struck the telephone pole within seventy-five feet of our home completely destroying the pole, wires and connections. Even the transformer exploded while i watched in horror. The wood pole needed to be entirely replaced and my poor roof needed immediate attention.

I was encouraged to get a quote for the work, which i did. I submitted the quote, but the person I was dealing with wasn't available because it was summer and she was on vacation. Apparently, she didn't have anyone watching her messages because my email were just ignored...I even went to city hall and was told that no one was there that could help me.

This city sponsored program dictates that "only licensed and insured contractors are to perform work on Historic Designated Properties to be eligible for assistance". These extra cost to have work done is hurting us financially. So much for City of Sedona financial incentives for historic properties owners.

Our involvement with this program has created a difficult "financial hardship" for us, and as you know, past meetings with the city have been anything but productive.

How much longer will these problems be ignored?

Sincerely,

Pamela and William Gunning  
355 arroyo pinon drive  
sedona, arizona 86336

Tel 928-282-9429

**Exhibit M**  
**Area Maps**



**Vicinity Map**

Parcel #  
408-11-431D  
Ralph Block  
House

- Parcel 408-11-431D
- Zoning Boundary
- Building Footprint
- Parcel Boundary
- Trail
- Road Centerline



0 55 110 Feet

City Index



City of...  
 Planning Department  
 1234 Main Street  
 City, State 12345  
 Phone: (555) 123-4567  
 Fax: (555) 987-6543  
 Website: www.cityof...  
 Date: 12/31/2023





**Exhibit N**  
**September 11, 2013 letter from the Gunnings to Staff**

City of Sedona, HPC Commission, Sedona City Council  
Public Hearing  
Monday, September 23, 2013 4:00 pm

RECEIVED  
SEP 11 2013

CITY OF SEDONA  
COMMUNITY DEVELOPMENT

12:52 pm  
PSL

Case Number HL 13-01

Request to remove the Historic Landmark designation for the Ralph Block House  
Historic Register No. 022 at 355 Arroyo Pinon Drive, Sedona, Arizona 86336

Dear Sedona HPC,

Prior to signing the HPC documents on November 2, 2009, my wife and Kathy Levin talked about Pam's medical problems. Kathy assured Pam that "financial hardship" would be grounds for release from the HPC program if we requested it.

Our finances have gotten worse due to the costs of Pam's medical procedures. After two additional operations at the Verde Valley Medical Center since we joined this program we are having a very difficult time. We can no longer afford to care for the Ralph Block House to the expensive standards that HPC requires of homeowners.

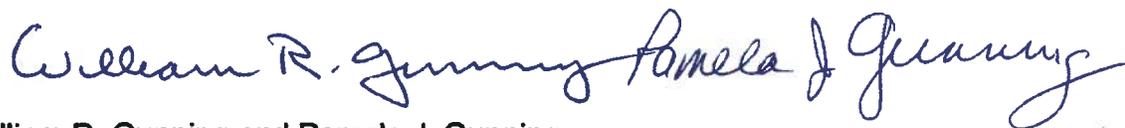
*We request the City release us from this program because of "financial hardship". It should be noted that we **have not** received any financial incentives from the HPC or the City.*

Before we signed on to the HPC program, we were promised incentives for Historic Preservation.

It is unfortunate that when a citizen appears in good faith before this Commission, members of the HPC make completely unfounded accusations of misconduct against the applicant. I have been told that in a Court of Law, this type of treatment is referred to as "Blaming the Victim". The psychology of attribution biases explains why people often blame other people for things which they usually have no control over.

Respectfully submitted by two Senior Citizens who are thirty-year residents of Sedona.

Thank you for your time and consideration.



William R. Gunning and Pamela J. Gunning  
355 Arroyo Pinon Drive  
Sedona, Arizona 86336