

**REGULAR MEETING OF THE WALLACE PLANNING, ZONING  
AND HISTORIC PRESERVATION COMMISSION  
October 2, 2019**

Chairman Sherman called the meeting to order at 6:02 pm in the council chambers.

**Roll Call:** Commission members present: David Bond, David Copelan, Sarah Murphy, David Sherman, Gail Featherstone and Bill Hood. Absent commission members: Katie Watterson

**Flag Salute**

**Minutes:**

D. Bond commented that he was not present at the September 4<sup>th</sup>, 2019 meeting, therefore he could not second a motion to adjourn. Discussion was held as to who made the motion. After review of notes, K. Watterson made the motion to adjourn, and D. Copelan seconded. G. Featherstone made a motion to approve the minutes as presented with the corrections of adjournment. B. Hood seconded the motion. All in favor, motion carries. No further discussion.

**Business:**

417 Second Street-Variance

Mr. Langer, owner of the property located at 417 Second Street, is requesting a 1' variance for the purpose of building a garage on his property. Currently, a variance would be required due to the size of the garage he is proposing to build as well as not meeting the current set-backs of 5' on the sides of the property. D. Sherman stated that this matter does not seem so straight-forward due to a dispute between property lines. The dispute is regarding 2 ½ feet of a boundary line.

Mr. Henry Madsen, of Madsen Law Offices located at 1044 NW Blvd. Suite B, Coeur d'Alene Idaho, 83814, is representing Mr. Langer on the matter. Mr. Madsen states that the boundary line is established on the plat map and has been recorded with the County. He believes that the lines are clear and just because a fence had been built years ago does not mean that establishes property lines.

Mr. Langer feels that if a variance is not granted to him for the purpose of building a garage, he is not able to enjoy to the full extent the value of his property. D. Sherman asked if any legal paperwork has been filed. Mr. Madsen stated that Ed Chilgren and his attorney have filed a complaint. D. Sherman read from the City Municipal Code Title 13-12-8 regarding variances. Ed Chilgren, owner of 207 Bank Street, abuts the property of Mr. Langer, stated that he purchased his house in 2006 and has never had any issue with his neighbor until April of 2019. May of 2019 Mr. Chilgren filed a complaint with the courts against 417 Second Street. Ed stated that it was only today that Mr. Langer and his attorney have responded to that complaint. Ed is asking that the commission hold off on making any decision until the dispute is settled. James McMillan, of James McMillan Attorney At Law PLLC 512 Cedar Street Wallace Idaho, representing Ed Chilgren argued that by adverse possession, the property line goes along the fence. Mr. McMillan stated that until either by agreement or by a judge, the commission cannot make any decisions for a variance until the dispute is resolved. Discussion was held regarding a current survey. Dawn Edmonds, manager of the property located at 415 Second Street, spoke on behalf of the owners of 415 Second Street, expressed their concern regarding the issuance of a variance. They feel it would decrease the value of the property, the enjoyment of the property, as well as possible damage of flooding and broken windows from snow accumulation. John Ruggles, contractor for Mr. Langer, argues that he doesn't believe the fence could have been at the property as long as Ed Chilgren states due to the sewer system. Mr. Ruggles also argues that not granting a variance today will hinder and cause a hardship to his construction business. More discussion was held. Motion was made by D. Copelan to

table the variance until the property line dispute is resolved. Seconded by B. Hood. Roll call vote: Bond: aye, Copelan: aye, Murphy: aye, Sherman: aye, Featherstone: aye, Hood: aye. All in favor, motion carries.

19-47: 116 Cypress Street- partially covered back deck

Keith Dary, owner of 116 Cypress Street is requesting a certificate of appropriateness for a partially covered deck in the back. Discussion was held, however the owner was not present to answer the questions from the commission. S. Murphy made a motion to table the back deck until the owners can be present for discussion. D. Copelan seconded the motion. Roll call vote: Bond: aye, Copelan: aye, Murphy: aye, Sherman: aye, Featherstone: aye, Hood: aye. All in favor, motion carries. No further discussion.

19-46: 420 Cedar Street-Replace siding

Bonnie Adermann, owner of 420 Cedar Street is requesting a certificate of appropriateness for the replacement of siding on the bottom portion of siding 4' up due to the weathering and costly repairs of the current siding being damaged by the snow and ice. Discussion was held. S. Murphy made a motion to award a certificate of appropriateness to Bonnie Adermann, owner of 420 Cedar Street, for the replacement of the lower portion of siding with metal placed horizontally in a complimentary/similar color of the house 2' to 3' from the ground. G. Featherstone seconded the motion. Roll call vote. Bond: aye, Copelan: aye, Murphy: aye, Sherman: Recused, Featherstone: aye, Hood: aye. All in favor, motion carries. No further discussion.

**Informational:**

D. Copelan wanted to inform the commissioners that on Friday October 4, 2019 at 7:00pm at the Sixth Street Theatre, Dan Eberhard from the State Historic Preservation Office will be present to discuss tax credits for commercial buildings.

Motion made by S. Murphy to adjourn. Seconded by B. Hood. All in favor, motion carries. Meeting adjourned at 7:20pm.

  
David Sherman, Chairman of Commission

Attest:

  
Amanda Trogden, Deputy City Clerk