

**REGULAR MEETING OF THE WALLACE PLANNING, ZONING
AND HISTORIC PRESERVATION COMMISSION
June 2, 2021**

Chairman Sherman called the meeting to order at 6:00 pm at Wallace City Hall in the Council Chambers.

Roll Call: Commission members present: Sarah Murphy, David Copelan, Dave Kuns, David Sherman, Courtney Frieh, and Scott Lewis. Absent Commission members: Katie Watterson

Minutes:

C. Frieh made a motion to approve the minutes of the May 5, 2021 meeting. Seconded by D. Copelan. All in favor, motion approved. No further Discussion.

Business:

149 King St. – Fence

Mark and Wink Houchin are requesting a certificate of appropriateness for a chain link fence. D. Sherman asked why they are choosing to do a chain link. Mr. Houchin said out of courtesy for his neighbor who has garden beds on the property line, so sun can get to her garden. Discussion held on whether it is visible from the street. D. Copelan stated other houses on King St. have chain link fences in the backyard. D. Sherman said he thinks the chain link is fine. C. Frieh made a motion to grant a certificate of appropriateness to Mark Houchin for a 4' galvanized chain link fence that runs between the properties on the side yard. D. Copelan seconded the motion. Roll call vote: Murphy; aye, Copelan; aye, Kuns; aye, Sherman; aye, Frieh; aye, Lewis; aye. All in favor, motion carries. No further discussion.

Cover over Third Street Bridge

Jon Ruggles was present regarding this project. D. Sherman stated the idea is to re-deck the bridge and put a roof over it to keep the snow off of it in the winter. Jon handed out a copy of the drawings. D. Sherman stated having open sides takes care of the light problem and makes people feel safe. He also stated an engineer needs to look at the footings and beams. Further discussion held about people possibly sleeping in the bridge. Steve Langer spoke on behalf of Jon Ruggles and said Jon would like to install solar lights to help with this problem. Further discussion held on lighting and design. D. Kuns asked what they are deciding tonight. D. Sherman stated they are deciding whether it will look historically appropriate. More discussion held regarding the lighting and if there are any other covered bridges in the area. C. Frieh asked what materials would be used. Jon said the roof will be metal and the sides would be vertical wood with cedar shakes. D. Sherman thinks it will be a nice addition. Discussion held on if it was approved by city council. Dick Caron stated P&Z usually deals with private residences, but this is a public thing. He stated no one, but the Commission, has seen what is going on. D. Sherman asked what he would like to know. C. Frieh asked Mr. Caron if he would like to see the drawings. Further discussion held. Mr. Caron is also concerned about the roof getting battered in the winter. More discussion held on the design and other covered bridges in the area. S. Lewis suggested Jon find some precedence to model it after. D. Copelan made a motion to grant a certificate of appropriateness to Jon Ruggles for the covered bridge over Third Street. C. Frieh seconded the motion. Roll call vote: Murphy; aye, Copelan; aye, Kuns; aye, Sherman; aye, Frieh; aye, Lewis; aye. All in favor, motion carries. No further discussion.

208 Cedar Street – Variance

D. Sherman stated this is under our new legal opinion that says the City can allow construction on lots that are smaller than 1/10 of an acre if there is good reason. C. Frieh asked if she should reiterate what

she wrote in the application. D. Sherman said the key thing is the narrative statement on the variance application. He then stated the variance is for the 1/10 of an acre lot size which works out to 4460 square feet per house. This is basically two city lots in the town because the lots are 25' x 100'. Obviously, there were lots of houses that were built on single lots back in the day and there are gaps in the neighborhoods where those houses used to be. D. Sherman then stated the variance is for a smaller lot which is 2285 sq feet. The second variance is for the 5' side yard setbacks. C. Frieh is asking that be reduced to 3', which is the minimum the building code allows. That setback requires a one-hour fire wall on the sides. Mr. Sherman read the following from C. Frieh's application –

1. Special conditions exist on this lot not applicable to other lots in the same district:
 - This lot has special conditions in that it is sandwiched between two other existing houses that straddle their property lines and have no side setbacks. The three houses were built so close together that they nearly touched in some places. There is no other similar situation on Cedar Street, or in the entire town as far as I am aware. Variances will allow construction of a historic looking home on this bare lot, which will improve the aesthetic of the entire block.

2. The literal interpretation of the ordinance deprives the applicant of the right enjoyed by other properties in the same district:
 - Other properties in this district enjoy minimum setbacks and space from their adjacent houses, including the houses on either side of the lot. If the setback requirements are interpreted literally, applicant will be unable to maximize the width of this very narrow lot, which is partly due to the fact that the neighboring houses are built on their property lines.

3. The special conditions that exist do not result from the actions of the applicant:
 - The three homes that stood so closely together were built around 1910, prior to the applicant owning the lot. Applicant did not create the special conditions that exist.

4. The granting of the variance will not confer a special privilege denied by the ordinance to others in the same district:
 - The granting of the minimum lot size and setback variances will not confer a special privilege that is denied to others in the same district. Others in the same district enjoy larger setbacks.

Mr. Sherman asked C. Frieh if she had anything to add. C. Frieh said the lot is 22' wide. Mr. Chilgren stated the variance on the website was different than the one mailed out. Ryder Gauteraux asked if Bob had come in about this. Mr. Chilgren said "Bob Jones". D. Sherman said no one from either side has talked to him. D. Sherman then asked if anyone was a neighbor with an opinion? Ed Chilgren then stated another neighbor had mailed something to City Hall. The clerk stated that nothing was received. Ryder stated Bob was 100% against this. C. Frieh stated that was hearsay because Bob was not present. D. Sherman said that we do not have the rules of district court procedure and he is going to let him speak. Dick Caron said he spoke to Bob, and he knows about it, and he is not present. D. Sherman asked, for the record, if owners on both sides of the property were sent a copy of the notice? The clerk stated "yes". D. Sherman then asked if the City received any testimony either by phone or written? The clerk answered "we did not".

Ryder stated that he does not own the houses on either side, but he is the potential buyer of both of them. He thinks a house should be built there, but there are a lot of issues. Discussion held about applying for variances. Ed Chilgren then read a letter regarding his concerns with fire, snow and drainage. Ed asked for clarification on the distance of the setback. D. Sherman stated the variance is 3' from the walls. Mr. Chilgren then stated he could try to get neighbors Bob Jones and Marv Ordway to call into the meeting. Discussion held regarding giving notice to the public and correspondence received from the City. C. Frieh said the previous house that stood there had a set back of less than 1' foot, and this would increase the setback that were there. Mr. Chilgren said because it was unsafe before doesn't mean to continue it that way. Mr. Chilgren said they could find a compromise of maybe 4' variance and C. Frieh said she is asking for 3' not 4' because that is legal. Mr. Gauteraux said "...taking this down to 1.5' is ridiculous." Mr. Sherman stated the setback requirements are a tradeoff between working with the historical aspect of Wallace and the building code adopted by Wallace. Mr. Gauteraux stated 3' is pretty close to build to someone else. C. Frieh stated she has talked with Mark Magnus and Fire Chief Aaron Cagle and that's what the law says. Mr. Gauteraux stated what the law says and what the right thing to do (inaudible).

Steve Langer stated he supports C. Frieh's proposal based on letting the experts decide on the fire safety issue and maintaining the historic look of Wallace. Having a house on that lot makes sense. Mr. Chilgren said if the experts say 3 feet why are the setback 5 feet? Mr. Sherman stated experts say 5 feet with no special firewall and 3 feet is safe with a firewall. Further discussion held. Mr. Sherman reminded the Commission there are four items they are supposed to consider, not whether the building code is "smart" or not. D. Copelan stated Ed's concerns are valid but if the fire officials say this is safe the Commission should take their word for it. Mr. Copelan feels the concerns with fire have been addressed and it's "non-issue". D. Sherman stated a valid objection would be to say this lot is not special or that it grants them some privilege that other people don't get to have. D. Coplan stated special privilege was actually given to these historic properties because they have been built without setbacks. Mr. Gauteraux stated issuing this variance does damage to the houses on both sides with the snow way more than the fire issue. C. Frieh stated she has pictures and could ask for how it was built originally, based on historic pictures, but she is choosing to follow the 2021 code.

Mr. Flohrs stated he is selling the lot to C. Frieh and is in favor of a new house that complies with the ordinance and zoning being built on the lot.

Mr. Chilgren got Mr. Ordway on the phone. Mr. Ordway is the owner of 412 Second Street and has concerned with the setbacks. He believes reducing the setbacks to satisfy one person puts the entire town at in jeopardy. Also, snow build up between the buildings is an issue for emergency crews.

Jon Ruggles addressed the commission. Steve Langer stated Jon was trying to say that his house sits close to his neighbors and snow is not a problem. D. Sherman stated the building code requires snow stops. Jon Ruggles was speaking and was interrupted by Bob Jones. Mr. Ruggles was speaking about the fire code. Mr. Sherman stated the Commission is not judging the fire code. Bob Jones stated he owns the house at 206 Cedar Street and he was told this hearing was going to take place, but he did not receive any notice. Discussion held on the purpose of this meeting. Mr. Jones said he would hate to see a house built 3 feet from the property line. He would like to see it farther. D. Copelan asked why he would like it more than

3 feet? Mr. Jones stated his house has snow damage from the previous house. Further discussion held on damage to Mr. Jones house and the previous and proposed setbacks.

Mr. Sherman stated if anyone is not happy with what is decided it can appeal to the city council. Further discussion on fire code/building code, snow fall and standard of judgment. D. Copelan moved to grant a certificate of appropriateness for Variance #1: Variance from 13-6-2-3(A) which requires a minimum lot size of 4600 to make this a variance for 2265 sq ft lot size and also for Variance #2: Variance from Section 13-6-2-3(e)(2) which requires 5' side yard setback to 3-foot side yard setbacks on both sides and the house will have no windows on the sides, or fireproof windows that meet. Seconded by S. Lewis. Roll call vote: Murphy; aye, Copelan; aye, Kuns; nye, Sherman; aye, Frieh; abstained, Lewis; aye. All in favor, motion carries.

208 Cedar Street – New Home Construction – D. Sherman asked if there is going to be any substantial difference between what was submitted and what is going to be built. C. Frieh said no. It will be shake or horizontal siding. Discussions held on dimensions of new home and dimensions of houses on either side. D. Sherman stated it fits in with the style of the neighborhood. C. Frieh said she is not sure what color it will be. S. Murphy moved to grant a certificate of appropriateness for the house C. Frieh is proposing on that lot. Seconded by D. Copelan. Murphy; aye, Copelan; aye, Kuns; aye, Sherman; aye, Frieh; abstained, Lewis; aye. All in favor, motion carries.

Motion to adjourn was made by D. Copelan. C. Frieh seconded the motion. All in favor, motion carries. Adjourned at 7:05 pm.


David Sherman, Chairman of Commission

Attest:


Amanda Trogden, Deputy City Clerk