

**REGULAR MEETING OF THE WALLACE PLANNING, ZONING  
AND HISTORIC PRESERVATION COMMISSION  
September 1, 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: Courtney Frieh, David Kuns, David Sherman, Scott Lewis, Sarah Murphy, Emma Stayduhar, and Katie Watterson present at 6:02 pm.

**Minutes:**

S. Murphy made a motion to approve the minutes of the August 4, 2021 meeting. C. Frieh seconded the motion. All were in favor, motion carries. No further discussion.

**Informational:**

Sherman addressed the visitors present and stated that anyone who wants to speak needs to first sign in. Also, only one person should speak at a time.

Sherman also stated he has received questions/comments about Lana's Hippy Juice Bar regarding the painting over a mural on the back door which will be replaced at a later date. Also, the Lucky Horseshoe sign was taken down without the Commission's approval. She stated she is currently storing the sign in the building. The owner stated she is going to have a new sign designed and will come for approval hopefully in the October Planning and Zoning meeting with a certificate of appropriateness application before purchasing/installing.

**528 Cedar Street- Installation of awning over ATM.**

Jazmin Sauer, US Bank Branch Manager, is requesting a certificate of appropriateness for the placement of an awning in the color of midnight blue over the ATM to block the sun. Discussion was held.

Sherman asked about the temporary box that was put up on the building about ten years ago and asked if Jazmin had any say with regards to taking it down. Jazmin stated she would ask her superiors. C. Frieh made a motion to grant a certificate of appropriateness to US Bank to install an umbrella/small awning over the ATM to block the sun from the ATM screen. Seconded by D. Kuns. Roll call vote: Watterson; aye, Frieh; aye, Kuns; aye, Sherman; aye, Lewis; aye, Murphy; aye, Stayduhar; aye. All in favor, motion carries. No further discussion.

**Specific Location Unknown, Wallace, Idaho- Deck, Excavation of Pathway, and Staircase Development and Installation**

Sherman stated that because of the number of items on the application, the commission can separate them and hear them individually. There is a sketch provided on the approximate location of where the deck would go. Stayduhar asked if it would be possible to discuss the two applications submitted by Ryder Gauteraux in conjunction with each other because they are related to the assumed same area and the same location. Ryder Gauteraux stated that he submitted two separate applications and wants to discuss them individually. S. Murphy asked if Ryder could confirm that the two applications, one with the construction of the deck, land grading/clearing, and stairs as well as the construction of the pole barn are referring to the same property? Ryder stated that they are on the same property. C. Frieh stated that she would prefer that the commission go through each different item listed on the application. E. Stayduhar stated that to confirm, the commission would discuss application 2021-22, #1- 16x20 deck with handrail, 2021-22, #2- Remove brush and grade existing path approximately 6ft wide, and 2021-22, #3-construction of stairs from existing street to existing path on Pearl St. All were in

agreement. Ryder went on the state that he believes the construction of the deck is self-explanatory and simple to understand. The size will be 16'x20' that will be on the ground with a handrail to match most historic decks built in Wallace, and will be built to code with a handrail and decorative spindles. D. Sherman asked if Ryder had included a picture indicating the design of the railing. Ryder stated that he did and they will match the stair railing with caps on the posts included in the application.

Discussion was held with regards to the location of the deck placement in regards to the property line and if a survey has been done. Ryder then asked D. Sherman if he has had any conversations about this deck outside this meeting? D. Sherman stated he had conversations with Ryder Gauteraux prior to the meeting which he stated he is disclosing now. E. Stayduhar spoke and stated that she has reviewed both of the applications brought forth by Ryder Gauteraux and has submitted and read a written statement and it has been attached to the minutes as part of the record. Ryder then asked who she has shared that written statement with and if she has had any prior conversations pertaining to his applications. E. Stayduhar stated she has not shared her written statement with anyone and has not had any conversations about his applications. More discussion was held as to where the placement of the deck was going to be in relation to property lines and the scale of the drawings submitted. C. Friehe asked Ryder if there was vegetation, shrubs or trees where he plans on placing the deck. Ryder stated there was small shrubbery, no large trees where he plans on building the deck. More discussion was held on the cutting down of trees and why they were on the application. Also, C. Friehe asked if there was to be additional permitting or a site disturbance permit if there is to be digging/excavation for the placement of the deck. Sherman then stated 11-1-8(a) in Wallace City Code Title 11 and believes that is the exception. Kuns made a motion to table until more information is provided. C. Friehe seconded motion. Ryder then asked if C. Friehe has had any conversations about his application outside of tonight's meeting. C. Friehe stated she had not. D. Sherman then asked the if anyone on the commission has had any conversation about Ryder's application with anyone apart from tonight's meeting. All stated that they had not discussed his application. Discussion was held. A. Trogden, Deputy Clerk asked for clarification on if the motion was for the deck only or for the whole application. D. Kuns stated it was for the deck only. Roll call vote: Watterson; abstain, Friehe; yes, Kuns; yes, Sherman; no, Lewis; no, Murphy; yes, Stayduhar; yes. Majority in favor, motion carries.

#### 2021-22 #2-grading/clearing existing path

Sherman stated he does not understand why this part of the application has even come before the commission because it appears to be on city-right-way. Discussion was held as to which portion of the clearing/grading is on Ryder Gauteraux's property and what the P&Z Commission can approve. C. Friehe stated that without a survey, how can the Commission give approval for this without knowing where the city line starts and ends and the applicant's property line starts. C. Friehe stated she cannot grant permission without more information. Discussion was held. Sherman asked if Ryder wanted to amend his application to only ask for a grading/land clearing permit that is on his property. Ryder stated "yes." He wants to amend that portion of his application to only apply to his property. E. Stayduhar stated that in her opinion, in order to grant approval for grading on Ryder's property, we would have to understand how the grading equipment would get to your property and that it is not clear at this time how that would happen. Ryder indicated he would carry a chainsaw and do it by hand. More discussion was held as to which trees/brush would get cut down. Sherman suggested to amend the application to only a tree cutting permit and not a land clearing/grading permit. Discussion was held. E. Stayduhar stated that since Ryder Gauteraux is not going to be doing grading on his property, she requests a motion to deny grading on existing path. Chris Bischoff spoke and stated she is in favor of requiring a survey for Ryder's application request along with a complete application to be submitted to be consistent with most other applications that have come before planning and zoning. D. Cooper stated that he feels the public is being deprived the opportunity to comment on the application or prepare for comment because of all the inaccuracies that were submitted on this application. He stated he is very concerned

about the requests on the application because he lives below the applicant's property. Discussion was held regarding public notice and the amending of applications during the meeting. Ryder then asked what would the Commission like to see pertaining to the deck permit. Sherman stated he needs to see a plan view to scale that shows the property lines as they really are and an elevation view from all sides. S. Murphy stated she would also like to see an "X" marking exactly which trees the applicant is requesting to remove. Discussion was held. C. Frieh made a motion to table the 2021-22 #2-grading/clearing existing path portion of the application until the applicant provides more information as to where the path starts in relation to city-right-of-way and the applicant's property. Discussion was held as to requiring a survey to confirm property boundaries. C. Frieh stated she wanted to retract her first motion and to make a new motion to send this application up to City Council for their consideration because it is the City of Wallace's property and P&Z doesn't have authority to grant permission for building on their right-of-way. More discussion was held. Mindy Beener spoke and stated her concerns with regard to the application submitted and how it was being heard as three different components. She stated she didn't feel it gave the public adequate notice as to what was being discussed. E. Stayduhar stated she wanted to withdraw her first motion to deny grading of existing path and to make a new motion to ask for a survey from the applicant for his property located at parcel #B-0000-035-2700 before any more decision making can be made from P&Z. C. Frieh stated that she was going to withdraw both of her motions and second E. Stayduhar's motion. More discussion was held. Roll call vote: Watterson; no, Frieh; yes, Kuns; yes, Sherman; no, Lewis; no, Murphy; yes, Stayduhar; yes. Majority in favor, motion carries. More discussion was held about the need to require a survey.

#### 2021-22, #3-construction of stairs from existing street to existing path on Pearl St

Proposed stairs are entirely on city property. Sherman stated that the Commission can make a decision on the historic look of the stairs pending City Council approval of it being built on city street right-of-way. Discussion was held regarding the submitted drawings/pictures. D. Kuns asked what was the purpose of the stairs. R. Gauteraux stated they would be a way to access his property. Clarification was asked as to where exactly the stairs would lead. E. Stayduhar stated that for the record to be clear, "the map that has been provided that describes the location and where it accesses is entirely inconsistent with the statement from the applicant regarding 'stairs lead to my property.' The stairs as shown and as written lead to a path, which may or may not exist on city property, and the path leads to his private property." E. Stayduhar again stated that to be clear, "the stairs do not give him access to his property." Discussion was held. D. Cooper spoke and stated he disputes the proposed markers of the property line in the application. D. Cooper also asked if these steps were to get city approval, would they be built to code and subject to a building permit? Sherman stated yes. S. Murphy made a motion to approve the historical appropriateness of the stairs in the drawing on application 2021-22 page #4. Seconded by C. Frieh. Roll call vote: Watterson; yes, Frieh; yes, Kuns; yes, Sherman; yes, Lewis; yes, Murphy; yes, Stayduhar; yes. All in favor, motion carries. No further discussion.

#### 1101 Pearl St-Fence

Dean Cooper was present to discuss his application. He stated the current chain link fence that is on the property has fallen into a state of disrepair and would like to replace with a white vinyl 4' picket fence professionally installed. Discussion was held. Ryder Gauteraux stated that for the record, he believes part of the fence is on city property. D. Cooper stated he believes that part of the existing fence is on city-right-of-way at the end of his driveway. Discussion was held. S. Murphy made a motion to approve a certificate of appropriateness Dean and Jill Cooper at 1101 Pearl Street for the replacing of an existing chain link fence with a new 4' white vertical vinyl picket fence. E. Stayduhar seconded the motion. Roll call vote: Watterson; yes, Frieh; yes, Kuns; yes, Sherman; yes, Lewis; yes, Murphy; yes, Stayduhar; yes.

**20 Weyer Gulch address is stated (Specific Location Unknown map identifies areas in the vicinity of High Street and Elm Street) -Pole Barn Construction**

R. Gauteraux stated that he didn't know why this application was before the commission since it was outside of the historic district. Sherman asked R. Gauteraux where the proposed construction of the pole barn would be. Ryder stated that it would be at the same place as the proposed deck in application 2021-22. Discussion was held. C. Frieh stated that in the City of Wallace Municipal Code, section 12-2-6 of the Historic District, subdivision H states even though it resides out of the Historic District, it still applies to neighboring properties within public view. More discussion as held. R. Gauteraux is requesting to withdraw his application. D. Cooper asked that if the application is withdrawn, can R. Gauteraux build the structure without P&Z approval. Sherman stated that it is his understanding that if the structure is within viewshed relative to the Historic District, it is in the jurisdiction of the P&Z, unless the City Attorney states otherwise. C. Frieh made a motion to table application until further information is provided by the city attorney pertaining to Historic Preservation ordinance. C. Frieh would like the record to show that the P&Z is not approving anything tonight, building or historic nature with regards to this application and that the Commission is unclear with regards to the City Code *Historic District section 12-2-6 (h)* and how this might apply or not apply to this application. Seconded by K Watterson. Roll call vote: Watterson; yes, Frieh; yes, Kuns; yes, Sherman; yes, Lewis; yes; Murphy; yes, Stayduhar; yes. All in favor, motion carries.

**422 High Street-Lean to East Side of house, garage door on carport**

C. Frieh made a motion to table application until applicant can be present to discuss application. K. Watterson seconded motion. Roll call vote. Watterson; yes, Frieh; yes, Kuns; yes, Sherman; yes, Lewis; yes, Murphy; yes, Stayduhar; yes.

**Informational: -**

Motion to adjourn was made by D. Kuns. S. Lewis seconded the motion. All in favor, motion carries. Adjourned at 7:59 pm.



David Sherman, Chairman of Commission

Attest:



Amanda Trogden, Deputy City Clerk

9/1/21

Dear commissioners and public witnesses,

I wish for the following comments to be entered into the public record and provided to the City Council as my recommendations in regards to the recent applications for approval or permit by Mr. Gauteraux regarding construction of a stairway and a deck and a pole barn.

There are multiple obvious issues regarding the nature and formulation of these petitions.

To begin with, there are multiple technical errors including:

1. Inconsistent address labeling, and possible fabrication of address (on petition 2021-24: 20 Weyer Gulch)
2. Spelling errors in address labeling (on petition 2021-24 re: 20 Wyear Gultcht)
3. Diagrams labeling uninvolved structures (on petition 2021-24: Elm and High Street diagram)
4. Fabricated geographic features (on petition 2021-21: "existing path on Pearl Street")

Furthermore, the proposed location of the staircase is located on known private property. Wilson Street was vacated by the city and transferred to Greg Nickel at a recent City Council meeting. Mr. Gauteraux was in attendance at that meeting, and is aware of this fact. The proposed staircase would not only exist on private property, but also lead to property which is not owned by Mr. Gauteraux. Examination of aerial maps reveals that the staircase leads to city property, which would need to be traversed prior to reaching the Gauteraux holding. This area is heavily wooded, and lays on a steep grade. The intended area of development would require substantial grading prior to the construction of structures, and there is no mention of plans for this, or an impact statement. Furthermore, the transportation of the equipment required for construction of said structures would require travel on a road which does not exist. Additionally, the transportation of these items to the planned location would require trespass through private property.

Following review of these applications and attached diagrams I find Mr. Gauteraux's request to be entirely unreasonable and not permissible. The proposal is inconsistent with existing property boundaries, with the geography of the land, and inconsistent with recent developments regarding the vacation of Wilson Street. Additionally, it involves trespassing on private property. The titled duty of the members of the Planning and Zoning Commission includes acting in public faith and for the public good. The proposals by Mr. Gauteraux do not meet these standards, and are not supported by this commission member.

Sincerely,

Emma Stayduhar

Planning and Zoning Commissioner