

**REGULAR MEETING OF THE WALLACE PLANNING, ZONING
AND HISTORIC PRESERVATION COMMISSION
Wallace City Hall-Council Chambers
October 4, 2023**

COMMISSIONERS PRESENT:

Emma Marlow, Chairman
Sarah Murphy, Vice Chairman
Courtney Frieh
Dave Kuns
Scott Lewis

STAFF MEMBERS PRESENT:

Ben Allen, City Attorney

COMMISSIONERS ABSENT:

None

CALL TO ORDER:

Chairman Marlow called the meeting to order at 6:02 p.m. at Wallace City Hall in the Council Chambers.

FLAG SALUTE:

APPROVAL OF MINUTES: (Action Item)

Chairman Marlow gave a brief history of the three meetings that needed approval.

S. Murphy motioned, D. Kuns seconded approval of the July 26, 2023, Special Meeting.

ROLL CALL:

| | | |
|---------------------|-------|-----------|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Abstained |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Abstained |

Motion to approve carried.

S. Murphy motioned, seconded by C. Frieh approval of the September 6, 2023, Regular Meeting.

ROLL CALL:

| | | |
|---------------------|-------|-----------|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Yes |
| Commissioner Kuns | Voted | Abstained |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Abstained |

Motion to approve carried.

S. Murphy motioned, seconded by C. Frieh approval of the September 14, 2023, Special Meeting.

ROLL CALL:

| | | |
|---------------------|-------|-----------|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Abstained |

Motion to approve carried.

STAFF COMMENTS:

Chairman Marlow read into the record a prepared response addressing the complaint issued by Patricia Anderson at the Regular September 6, 2023, Planning and Zoning Historic Preservation Meeting pertaining to 112 Cedar Street and the COA granted by the Commission in March of 2023.

All the commission members present were in agreement with the response and made no additional comments pertaining to 112 Cedar Street or the complaint. The written response will be kept as part of the record pertaining to the September 6, 2023 meeting materials.

Chairman Marlow also stated that because she has two items on the agenda, she will yield the Chair to Vice-Chair S. Murphy when she presents those applications.

COMMISSION COMMENTS:

PUBLIC HEARING

- 1. Applicant:** **Jamie Baker**
Location: **207 Fifth Street**
Request: **Certificate of Appropriateness – Installation of two doors (*Action Item*)**

Jamie Baker provided the following comments.

- Wants to install two doors on the exterior where the windows are located
- Under the new awning/carport that was just recently installed

Commission Comments:

C. Frieh asked to see the images provided by Jamie on the TV monitor.

Chairman Marlow stated that this is an alley-facing entrance.

Jamie Baker stated it was facing the gas station.

C. Frieh asked for clarification on the direction of the proposed door installation, because of the windows surrounding the building.

Jamie Baker stated it's under the new carport, facing the gas station.

C. Frieh wanted clarification that the existing windows will be replaced with doors, but the window openings are bigger than the doors.

Jamie Baker stated that the contractor would frame around the opening and put board and batten siding around the opening.

C. Frieh asked if the siding would go all the way down to ground level.

Jamie Baker stated that it would not, that it would go to the block ledge that is on the building.

S. Lewis confirmed that the block ledge is part of the existing structure.

Jamie Baker stated it was.

Public Testimony Open:

Public Testimony Closed:

Commission Comments:

C. Frieh asked if there was anything stopping the applicant from bringing the board and batten siding all the way down to the ground level.

Jamie Baker stated that the existing block ledge prevents that from happening.

S. Murphy motioned, seconded by S. Lewis to approve the installation of two doors at 207 Fifth Street.

ROLL CALL:

| | | |
|---------------------|-------|-----|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Yes |

Motion to approve carried by a 5 to 0 vote.

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2. **Applicant:** Bruce Baraby
Location: 902 Residence Street
Request: Certificate of Appropriateness – construction of a 10’x12’ shed (*Action Item*)

Bruce Baraby provided the following comments.

- Stated he would like to put in a little shed behind the house
- Provided images of the proposed look
- Stated what was previously there was unsafe
- Would like to install it in the same place
- Previous one had a dirt floor, would like to put a cement floor in the new one if approved and the back wall and half of the side wall still remain.
- Would like to install something nicer to possibly sell the house.

Commission Comments:

S. Murphy asked if the proposed shed was at the back of the property.

Bruce stated it was.

Chairman Marlow asked if the shed was to go beyond the boundary of the existing concrete.

Bruce stated that he was maintaining the same lines, but making it slightly wider on the inside towards the back of the house.

D. Kuns asked how far it was from the property line.

Bruce pointed to an image provided to the commission on the monitor and pointed to where he believed the property stake was.

D. Kuns confirmed that Bruce was going to stay within the boundaries of his own property.

Bruce stated he was.

Chairman Marlow asked if there was any communication with the neighbor about rebuilding the shed.

Bruce stated that he hasn't talked with him pertaining to the rebuild, but he has a good relationship with his neighbor.

Ben Allen, the legal counsel, asked if Chairman Marlow or Deputy Clerk Trogden speak to whether or not we have knowledge or verification that the proposed platted 9th Street has been vacated.

Bruce Baraby thought that the property had been vacated sometime in the 1980s.

Deputy Clerk Trogden offered to look the property up on the GIS County Website.

S. Murphy asked if the structure was prebuilt or if would he be building it himself.

Bruce stated he would prefer to build it and then put it on a concrete pad.

Chairman Marlow stated what the requirements are according to the W.C.C.

Discussion was held regarding the property lines and how to verify a vacation of a public right-of-way.

Chairman Marlow recommended that Bruce Baraby bring in paperwork showing that the street was vacated so that the city can have that as part of the record and application.

Public Testimony Open:

Public Testimony Closed:

Commission Comments:

C. Friehe motioned, seconded by S. Lewis to approve a Certificate of Appropriateness at 902 Residence Street for the construction of a 10'x12' shed.

ROLL CALL:

| | | |
|---------------------|-------|-----|
| Commissioner Murphy | Voted | Yes |
| Commissioner Friehe | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Yes |

Motion to approve carried by a 5 to 0 vote.

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- 3. Applicant: Heather Barnhart**
 - Location: 124 River Street**
 - Request: Certificate of Appropriateness – demo of existing front porch roof and deck to reconstruct new roof with gable (Action Item)**

Heather Barnhart provided the following comments.

- Stated she has lived in the Silver Valley most of her life
- Co-owner and operator of the Woodland Market in town
- Husband James Barnhart is the general manager of the Wallace Inn
- Purchased 124 River Street in 2013 and have slowly been making improvements
- Requesting permission to rebuild the front porch with a gable and have a welcoming entrance to the home
- Based on the design of other front porches in town
- Hire contractors as well as purchase materials that are from the Silver Valley
- Deferred all other questions to the builder Mike Baker

Commission Comments:

Mike Baker pointed to pictures on the monitor provided by the applicant stating the design that he wanted for the house was very similar to that with the stairs being covered with a gable roof. The owners are still deciding on the design of the columns. Possibly shakes for siding for the gable and on the bottom portion. Discussed the size of the footings and stairs as well as the roof pitch.

Heather Barnhart stated that the gable's look will mirror the house's other side.

Chairman Marlow stated that a building permit would be required and to consult with the building inspector if a demolition permit was needed as well.

Discussion was held as to other permits required from other agencies.

S. Lewis stated he is in favor of the design and making improvements.

C. Frieh stated that the improvements on the house look great and wanted to know what elements of the design have not been decided on.

Heather Barnhart stated that just the design of the front posts, either a tapered look or a block look.

Public Testimony Open:

Public Testimony Closed:

Commission Comments:

S. Lewis motioned, seconded by S. Murphy to approve the demolition and rebuild the front porch with the addition of a gable at 124 River Street.

ROLL CALL:

| | | |
|---------------------|-------|-----|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Yes |

Motion to approve carried by a 5 to 0 vote.

4. Applicant: Kimberley Fisher
Location: 178 King Street

Request: Certificate of Appropriateness – New construction of garage/duplex (Action Item)

Kimberly Fisher provided the following comments.

- Stated her property is partly in city limits and county
- Designed the new build to match the existing house
- Proposed to build a two-car garage with attached carports on the side with an upstairs apartment
- Provided images with the packet to commission detailing design
- Will be attaching a breezeway from the house to the garage which can also be used as a carport

Commission Comments:

C. Friehe asked if she was going to demolish the existing garage.

Kimberley stated she was going to keep that.

C. Friehe asked for more clarification on the design of the breezeway in relation to the new building and existing house.

S. Murphy asked if the front porch would still be seen.

Kimberley stated it would still be visible.

S. Murphy wanted clarification on the duplex.

Kimberley stated that it was the county's designation and that there would only be one apartment dwelling above the garage.

Kimberley also discussed roofing material and how the gables on the new structure would mirror the existing house.

Chairman Marlow asked if there were any setback issues.

Kimberley stated there wasn't.

Chairman Marlow asked legal if there were any issues with the W.C.C. about a duplex being allowed in the R-1 district.

Ben Allen, legal counsel, stated that the commission is considering a COA, design only.

C. Friehe asked where the entrance to the apartment would be.

Kimberley stated that there will be a back entrance that you can access up the stairs onto a landing as well as a garage entrance.

C. Friehe wanted clarification that the greenhouse is no longer part of the design.

Kimberley stated that is correct.

S. Lewis discussed if there were other houses in town that didn't have a front door entrance.

Chairman Marlow stated she could think of a couple.

Public Testimony Open:

Public Testimony Closed:

Commission Comments:

S. Lewis motioned, seconded by S. Murphy to approve the construction of a new garage/duplex at 178 King Street.

ROLL CALL:

Commissioner Murphy Voted Yes

Commissioner Friehe Voted Yes

Commissioner Kuns Voted Yes
Chairman Marlow Voted Yes
Commissioner Lewis Voted Yes

Motion to approve carried by a 5 to 0 vote.

Chairman Marlow asked if the public had any comments as she had forgotten to ask at the designated time.

A member of the audience asked if the color was historic at 178 King Street.

Chairman Marlow gave a brief history about the preapproved paint chart and that the commission is encouraging residents to apply for a COA and follow the guidelines of the W.C.C.

C. Frieh stated that a sliver of 178 King Street is within the city and the other is county and there is much ambiguity with what the city can govern regarding Historic Preservation.

Chairman Marlow also stated that the preapproved paint chart is varied and has a wide pallet of approved colors.

S. Lewis stated it is not restrictive.

Emma Marlow vacated the position of Chairman of the Planning and Zoning Historic Preservation Commission and instructed the Vice-Chair Sarah Murphy to conduct the meeting while she presents her applications.

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- 5. Applicant: Emma Marlow**
Location: 141 King Street
Request: Certificate of Appropriateness – demo/reconstruction of attached garage (Action Item)

Emma Marlow provided the following comments.

- Stated will be demolishing the existing garage and constructing a new attached garage in its place
- Lives in the house behind proposed
- Stated there are no property boundary issues
- Provided images to the commission detailing the extent of the damage
- Will not be changing the dimensions other than adding a slight slope to allow for drainage
- Will apply for a building permit when plans are finalized from the builder

Commission Comments:

S. Murphy asked what direction the slope would be.

Emma stated that the slope would be to the neighbors. Doesn't anticipate the snow piling up on his property, only hers.

Public Testimony Open:

Public Testimony Closed:

Commission Comments:

C. Frieh motioned, seconded by S. Lewis to approve the construction of a new garage/duplex for Emma Marlow located at 141 King Street.

ROLL CALL:

| | | |
|---------------------|-------|-----|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | |
| Commissioner Lewis | Voted | Yes |

Motion to approve carried by a 4 to 0 vote.

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- 6. Applicant: Emma Marlow**
Location: 141 King Street
Request: Certificate of Appropriateness – replacement of exterior front door (*Action Item*)

Emma Marlow provided the following comments.

- Stated the door is an interior door
- Bad shape
- Replace it with a 6-panel door
- Provided images of an example of what she is proposing
- The existing door is not standard size and will change the opening to make sure a standard-size door will fit

Commission Comments:

Public Testimony Open:

Public Testimony Closed:

Commission Comments:

C. Frieh motioned, seconded by D. Kuns to approve the replacement of the exterior front door for Emma Marlow located at 141 King Street.

ROLL CALL:

| | | |
|---------------------|-------|-----|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | |
| Commissioner Lewis | Voted | Yes |

Motion to approve carried by a 4 to 0 vote.

Ben Allen, legal counsel for the City of Wallace stated that S. Murphy, the acting Chair, needed to make a notation on the applications indicating the correct address and then initial.

S. Murphy yielded the Chair back to Emma Marlow to conduct the remaining of the meeting.

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- 7. Applicant: James Stahl**
Location: 132 King Street
Request: Certificate of Appropriateness – construction of a driveway and driveway approach to the front of the property (*Action Item*)

James Stahl provided the following comments.

- Stated he owned the property since 2017 and the parking is terrible up King Street
- Is requesting a driveway

Commission Comments:

C. Frieh asked if the property is for sale currently.

James stated that it is, but whoever looks at it states that parking is an issue, even for the renters.

Stated that if approved, he would hire a concrete company out of Kellogg.

C. Frieh stated that as far as she knew, the Historic Code doesn't speak about driveways and understands the need for a driveway.

Public Testimony Open:

Public Testimony Closed:

Commission Comments:

C. Frieh motioned, seconded by S. Murphy Seconded to approve a Certificate of Appropriateness at 132 King Street for the construction of a driveway and driveway approach.

ROLL CALL:

| | | |
|---------------------|-------|-----|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Yes |

Motion to approve carried by a 5 to 0 vote.

Ben Allen, legal counsel, stated that based on the nature of the construction, dirt is obviously being removed, which requires a separate site disturbance application and may require the applicant to come back to a separate hearing.

Discussion was held regarding when a site disturbance permit application was needed when it comes to sidewalks and driveways.

Chairman Marlow made the following recommendation to the applicant:

Measure the proposed driveway's square footage as well as the entire yard within the property and determine if the proposed driveway is more than 1/3 the square footage of the entire yard. If it is, then hold off on the work, and come back and apply for a site disturbance permit application.

Also, the applicant will need to apply for an application through the Panhandle Health District for the removal of any dirt over one yard.

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- 8. Applicant: Tanner Marshall**
Location: 410 High Bank
Request: Certificate of Appropriateness – construction of a 20' awning off the exterior of the house (*Action Item*)

Tanner Marshall provided the following comments.

- Provided an image of the proposed design of the awning as well as the existing house.
- Was unable to provide an ariel view due to the tree cover
- Owners are concerned about snow from the roof coming down and damaging the house as well as blocking the side entrance and stairs.

Commission Comments:

Chairman Marlow confirmed that the awning would be over the side entrance.

Tanner stated yes, it will be wide enough to just cover over the concrete steps and landing. Discussed where he would put the footings, roof pitch, and post placements. He is unsure yet of the roofing color because the owners will be replacing the existing roof soon and they have yet to decide.

C. Friehe asked how far the roof would extend from the house.

Tanner stated it would come out enough to cover the sidewalk.

S. Murphy asked with the provided drawing what the triangle off the awning was.

Tanner stated it was the break, he tried to remove it, but the program wouldn't let him.

Public Testimony Open:

Public Testimony Closed:

Commission Comments:

C. Friehe motioned, seconded by S. Lewis to approve a certificate of appropriateness at 410 High Bank for the construction of a 20' awning off the exterior east side of the house.

ROLL CALL:

| | | |
|---------------------|-------|-----|
| Commissioner Murphy | Voted | Yes |
| Commissioner Friehe | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Yes |

Motion to approve carried by a 5 to 0 vote.

Public Hearing Closed

ADMINISTRATIVE/BUSINESS: (Action Item)

1. Area of City Impact:

Consider, review, and comment on the draft ordinance from the Shoshone County Planning and Zoning Administration "Private Road and Driveway Standards for Residential Properties within the unincorporated areas of Shoshone County."

A review of the Draft Ordinance and discussion was held by all Commission members present.

C. Frieh motioned, seconded by S. Murphy to support the County's adoption of the "Draft Ordinance" with more examination of SECTION 1: A. 4 & 5 regarding the language and some correction of typos found in SECTION 2.

ROLL CALL:

| | | |
|---------------------|-------|-----|
| Commissioner Murphy | Voted | Yes |
| Commissioner Frieh | Voted | Yes |
| Commissioner Kuns | Voted | Yes |
| Chairman Marlow | Voted | Yes |
| Commissioner Lewis | Voted | Yes |

Motion to approve carried by a 5 to 0 vote.

There being no further business to come before the Commission, S. Murphy motioned, seconded by C. Frieh to adjourn.

Motion approved. The meeting adjourned at 7:49 p.m.



Emma Marlow, Chairman of the Commission

Attest:



Amanda Trogden, Deputy City Clerk

