

**REGULAR MEETING OF THE WALLACE PLANNING, ZONING  
AND HISTORIC PRESERVATION COMMISSION**  
Wallace City Hall-Council Chambers  
February 7, 2024

**COMMISSIONERS PRESENT:**

Emma Marlow, Chairman  
Sarah Murphy, Vice Chairman  
Dave Kuns

**STAFF MEMBERS PRESENT:**

Britney Jacobs, Legal

**COMMISSIONERS ABSENT:**

Scott Lewis  
Courtney Frieh

**CALL TO ORDER:**

Chairman Marlow called the meeting to order at 6:00 p.m. at Wallace City Hall in the Council Chambers.

**FLAG SALUTE:**

**APPROVAL OF MINUTES: (Action Item)**

Minutes could not be approved due to not having a quorum of the Commission members present from that meeting.

**STAFF COMMENTS:**

**COMMISSION COMMENTS:**

Chairman Marlow stated that she met with Alison and Hannah from J-U-B, along with legal and the clerk to discuss the process moving forward with the Comp Plan redo. After discussion, it was decided that by the March 2024 P&Z meeting, J-U-B would present a proposal for a total revision of the Comprehensive Plan excluding the work already done in updating for review, input, and comments and then present the possible revision at the March City Council meeting.

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**PUBLIC HEARING**

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|---------------|---|
| 1. Applicant: | Kimberley Fisher  |
| Location:     | 178 King Street   |
| Request:      | Certificate of Appropriateness – construction of tree house |

Kimberley Fisher made the following comments.

- Stated that she began construction after communicating with the county regarding the tree house being under 200 sq ft. and not needing a permit, but because a deck was needed to access the tree house a building permit would be needed

- Stated she did not think that the tree house was under the purview of the City of Wallace Historic Preservation Planning and Zoning Commission due to the structure not being in City Limits
- Has been in communication with the building inspector for permitting and he will not issue a permit without the P&Z approval first
- Has cedar shingles and will match the house and new addition but is barely visible from the street

**Commission Comments:**

Chairman Marlow wanted clarification that the deck makes the tree house over 200 sq ft.

Kimberley stated that it does.

S. Murphy asked the applicant to clarify the comments made in the application regarding “based on a stake on the front edge of the two lots” Is that a stake from a survey?

Kimberley stated she is in the process of getting a survey for a lot line adjustment so that the tree house and the new structure will be a separate parcel and the only part of her property that is in the city limits is on the other parcel at the very back corner of the lot.

Chairman Marlow stated that at a prior meeting where the applicant Kimberley Fisher was seeking a COA for another project, public comment was asked after the applicant left. Chairman Marlow stated that she wanted the applicant to know that a public member had concerns about the color of the house painted at 178 King Street.

Kimberley stated that the color she chose was based on other historic houses she saw on the East Coast.

Chairman Marlow reminded the applicant that the approved color chart is at City Hall.

**Public Testimony Open:**

Dick Caron commented and wanted to know what the connection was between the tree house and the structure being built in front of it.

Kimberley stated it is not connected, basically a shed on stilts, free-standing, technically not attached to the tree.

Dick Caron asked if she could sell it.

Kimberley stated no, she could not because it is on the same lot as the structure in front.

Dick asked who is using it.

Kimberley stated the tree house is for her use.

Dick Caron wanted to know if she had planned on using it for a rental and if neighbors had given her permission for that use and stated that there are problems with Airbnb in town.

Kimberley stated that there are no bathrooms, and no plumbing, it’s just a shed for her personal use.

Chairman Marlow stated that in the code it would fall under the category of accessory structure.

Dick asked if there is going to be heat and lights.

Kimberley stated no heat, but lights.

**Public Testimony Closed:**

**Commission Comments:**

**S. Murphy motioned, seconded by D. Kuns to approve the construction of the tree house located at 178 King Street.**

ROLL CALL:

Commissioner Murphy                      Voted    Yes

Commissioner Kuns                         Voted    Yes

Chairman Marlow

Voted Yes

Motion to approve carried by a 3 to 0 vote.

2. Applicant: Ian James  
Location: 224 Cedar Street  
Request: Certificate of Appropriateness – dormer addition

Jeff Lish, representative for 224 Cedar made the following comments.

- Stated that the owner intended to purchase the house and put an elevator in for family use, but after further inspection from engineering, a dormer would be needed to give adequate space
- Been in communication with the building inspector regarding the interior shaft construction
- An architect has been hired to design the dormer to make it historically appropriate and in rhythm with the rest of the house

**Commission Comments:**

S. Murphy stated that from the architect’s renderings, it’s very clear where the dormer will be and would look more balanced with what is there now, it looks well-proportioned and original to the house.

Jeff Lish stated that they would replicate the scalloped cedar shakes exactly to what was there, match the paint color, and the roofing shingles would match as well.

S. Murphy asked about how the dormer will be built regarding the close property boundary with neighboring properties.

Stated that will use scaffolding on the side of the house for construction, but for the demo, it will be done on the inside because of the shaft going down to the first floor.

D. Kuns asked if the roof peak would be in alignment with the new dormer.

Jeff Lish stated it would match exactly.

S. Murphy wanted confirmation that the roofing peaks would match.

Jeff stated yes and Shoshone Glass will be replacing a window that will replicate the rest of the windows.

Chairman Marlow stated that she was unclear on why a dormer addition was needed, but since Jeff was able to clarify the installation of an elevator, the addition makes sense.

**Public Testimony Open:**

Dick Caron wanted to know if the dormer going to be higher than the roof peak.

Jeff Lish stated it was the same height.

Discussion was held with the drawings provided and Jeff Lish spoke to about the design.

**Public Testimony Closed:**

**Commission Comments:**

**S. Murphy motioned, seconded by D. Kuns to approve the construction of an exterior dormer located at 224 Cedar Street.**

ROLL CALL:

Commissioner Murphy

Voted Yes

Commissioner Kuns

Voted Yes

Chairman Marlow Voted Yes

Motion to approve carried by a 3 to 0 vote.

Jeff Lish has asked the commission if repair of the fascia and window ledges needs to be brought before the commission for approval.

S. Murphy stated that repair and maintenance are allowed without commission approval as long as the design and look stay the same.

Chairman Marlow agreed and stated that it is considered a "duty to keep in good repair" in the code and is allowed, but only if replacing windows, fencing, siding, or roofing. However, if it is preapproved, a COA application still needs to be filled out and filed with the clerk.

Dick Caron wanted to address the commission and stated he came to tonight's meeting because of the last item that was on the agenda but was taken off before the public hearing. Stated he has been dealing with the City of Wallace about a property that has been left to deteriorate and asking them to make the property owner comply with the code, which led to a certain property owner coming before City Council to address the property this spring, especially the roof. Dick stated his complaint is at 611, 613, and 615 Cedar Street. Stated the roof on 613 Cedar Street has been leaking badly for many years and the internal structure is compromised because of it. Stated he thinks that the P&Z Commission can do something about structural damage to property based on the code. Dick stated he's tired of always being the guy to bring to the commission bad reports, but he's frustrated with property owners just fixing things up cosmetically. Wants the Commission to take action on properties that have issues such as 613 Cedar Street.

S. Murphy thanked Dick Caron for bringing his concerns to the Commission and stated she knows that the owner at 611 Cedar Street contacted the owners about the leaking of the roof from the 613 Cedar Street property and believes that something is being done about that.

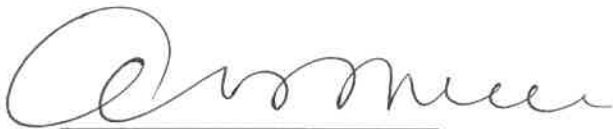
More discussion was held about the history and state of the buildings.

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**ADMINISTRATIVE/BUSINESS: (Action Item)**

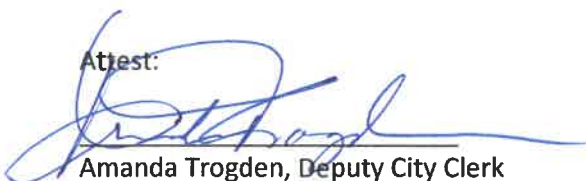
**There being no further business to come before the Commission, S. Murphy motioned, seconded by D. Kuns to adjourn.**

Motion approved. The meeting adjourned at 6:36 p.m.



Emma Marlow, Chairman of the Commission

Attest:



Amanda Trogden, Deputy City Clerk