

**SPECIAL MEETING OF THE WALLACE PLANNING, ZONING
AND HISTORIC PRESERVATION COMMISSION**
Wallace City Hall-Council Chambers
July 11, 2023

COMMISSIONERS PRESENT:

Emma Stayduhar, Chairman
Sarah Murphy, Vice Chairman
Courtney Friehe
Dave Kuns

STAFF MEMBERS PRESENT:

Ben Allen, City Attorney

COMMISSIONERS ABSENT:

Scott Lewis

CALL TO ORDER:

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

FLAG SALUTE:

APPROVAL OF MINUTES:

Motion by S. Murphy, seconded by D. Kuns to approve the June 7, 2023 minutes of the Regular Meeting Wallace Planning and Zoning Historic Preservation Commission as written. Motion approved.

STAFF COMMENTS:

COMMISSION COMMENTS:

PUBLIC HEARING:

1. **Applicant:** Kori Crook
Location: 119 Pine Street
Request: Certificate of Appropriateness – Construction of 8’x10’ greenhouse at the back of the property

The applicant was not present to speak about the proposed construction.

Commission Comments:

Chairman Stayduhar stated that the application start date has passed.

D. Kuns wanted confirmation if this building has already begun and they are asking for permission after construction.

Chairman Stayduhar indicated that they had begun the work and last she saw the building was framed in.

S. Murphy wanted clarification on the dimensions of the structure.

It was determined that it was 10' high, 12' wide, and 8' deep and below the threshold for a building permit with all glass and 20" eaves all around.

S. Murphy asked C. Frieh if she knew what color the roof was. C. Frieh stated all she knew was that it was framed.

C. Frieh asked the commission if a decision can be made with the information provided without the applicant present. Also, on the application, it stated that the design is not finalized.

D. Kuns asked if there was any way to stop construction until it gets approved.

Chairman Stayduhar stated that because it is under 200 ft², it is unlikely the building inspector could do anything, and that if we go to the sheriff's office about this, it is unlikely they'll do anything either. Stated that it would be a good thing to have a discussion at some point with all the commissioners regarding accessory buildings and what the level of enforcement should be.

C. Frieh asked legal if it was possible to issue a stop work order if it was in our code, and wouldn't that be an easier way of dealing with people instead of calling the sheriff's office?

Ben Allen, the legal counsel, stated that his office can draft a "notice of violation" or a "formal notice of violation" with basically all levels of scrutiny within that notice. And whether this commission or the city council has been displeased with the sheriff's dept and the degree of representation from that agency in the past, the city does have a contract in place and would encourage this commission to use that contract to your understanding of its enforcement when you deem necessary.

The commission held more discussion pertaining to small structures, greenhouses, and accessory buildings that exist in town and what W.C.C. requires for design standards.

D. Kuns stated that his concern is setting a precedent by continuing to allow people to build first, then ask for permission later.

Discussion was held regarding approving, denying, or tabling the application.

C. Frieh motioned to approve the greenhouse located at 119 Pine Street.

More discussion was held.

At the request of Ben Allen, legal counsel, a recommendation to entertain a motion to go into executive session pursuant to IC 74-206 (1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

C. Frieh motioned at 6:27 pm, seconded by S. Murphy pursuant to IC 74-206 regarding matters likely to be litigated to enter into executive session.

ROLL CALL:

Commissioner Murphy	Voted	Yes
Commissioner Kuns	Voted	Yes
Chairman Stayduhar	Voted	Yes
Commissioner Frieh	Voted	Yes

Motion to approve carried by a 4 to 0 vote.

C. Frieh motioned at 7:34 pm, seconded by D. Kuns to exit the executive session.

ROLL CALL:

Commissioner Murphy	Voted	Yes
Commissioner Kuns	Voted	Yes
Chairman Stayduhar	Voted	Yes
Commissioner Frieh	Voted	Yes

Motion to approve carried by a 4 to 0 vote.

Commission Comments:

Chairman Stayduhar stated that the public hearing is resumed and will continue with applicant #1 Kori Crooks located at 119 Pine Street for the construction of an 8’x12’ greenhouse.

C. Frieh stated that to clarify the record, her prior motion died and that looking further at the application, it appears that information is missing. For example, on the provided narrative, it states the design is not finalized. Also, have questions about colors, roof material, and general questions.

Public Testimony Open:

No public comments were received

Public Testimony Closed:

C. Frieh motioned, seconded by S. Murphy to conditionally deny the certificate of appropriateness application at 119 Pine Street pending further information from the applicant and agrees to present that information at the next regular scheduled Planning and Zoning Meeting and also request legal review for options pertaining to work started prior to approval.

ROLL CALL:

Commissioner Murphy	Voted	Yes
Commissioner Kuns	Voted	Yes
Chairman Stayduhar	Voted	Yes
Commissioner Frieh	Voted	Yes

Motion to approve carried by a 4 to 0 vote.

- 2. Applicant:** Sixth Street Melodrama
- Location:** 212 Sixth Street
- Request:** Certificate of Appropriateness – Already installed neon-lit exterior sign

Commission Comments:

The applicant was not present to speak about the application. Chairman Stayduhar stated the sign has already been installed to the best of our knowledge in January of 2022 by Ryder Gauteraux. The application was submitted by Ed Warren who, we believe, is the President of the Board of Sixth Street Melodrama. Based on the appearance of the sign, Chairman Stayduhar encouraged the commissioners to make a determination based on the criteria required for a certificate of appropriateness, however, I would also request we ask for legal counsel to pursue an investigation into the hanging of the sign in 2022.

Public Testimony Open:

No public comments were received

Commission Comments:

Public Testimony Closed:

S. Murphy motioned, seconded by D. Kuns to approve a certificate of appropriateness to Sixth Street Melodrama for the already installed exterior lit sign that is cantilevered off the building.

ROLL CALL:

Commissioner Murphy	Voted	Yes
Commissioner Kuns	Voted	Yes
Chairman Stayduhar	Voted	Yes
Commissioner Friehe	Voted	Yes

Motion to approve carried by a 4 to 0 vote.

Chairman Stayduhar stated that next on the agenda was an executive session, however, the commission previously held that executive session which included issues pursuant to IC 74-206 (1)(f), so at this time we would entertain a motion to adjourn.

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

Motion approved. The meeting adjourned at 7:40 pm.



Emma Stayduhar, Chairman of the Commission

Attest:



Amanda Trogden, Deputy City Clerk

