

**REGULAR MEETING OF THE WALLACE PLANNING, ZONING
AND HISTORIC PRESERVATION COMMISSION**
Wallace City Hall-Council Chambers
September 6, 2023

COMMISSIONERS PRESENT:

Emma Stayduhar (Marlow), Chairman
Sarah Murphy, Vice Chairman
Courtney Friehe

STAFF MEMBERS PRESENT:

Ben Allen, City Attorney

COMMISSIONERS ABSENT:

Dave Kuns
Scott Lewis

CALL TO ORDER:

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

FLAG SALUTE:

APPROVAL OF MINUTES:

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

S. Murphy motioned to approve all meeting minutes as presented.

C. Friehe stated that she was not present for the July 26, 2023, Special Meeting and could not vote on approving those minutes since she did not request the recording to review them.

S. Murphy motioned, seconded by C. Friehe to approve the July 11, 2023, Special Meeting, and the August 2, 2023, Regular Meeting of the Wallace Planning and Zoning Historic Preservation Commission. Motion passed.

Chairman Stayduhar stated that the July 26, 2023 minutes will be added to the agenda at the next regular meeting for approval.

STAFF COMMENTS:

COMMISSION COMMENTS:

PUBLIC HEARING

1. **Applicant:** Kori Crook
Location: 119 Pine Street
Request: Certificate of Appropriateness – Construction of lean-to off garage

Tanner Marshall provided the following comments.

- Stated picture was provided

Commission Comments:

C. Friehe wanted confirmation that the lean-to was off the garage with an open stall concept.
T. Marshall confirmed that it was and it would match the garage in color and siding.
C. Friehe asked about the house and garage's roofing and the different colors.
T. Marshall stated that the owners used an inferior product and are in dispute with the manufacturer and eventually the whole roof will need to be replaced.
S. Murphy asked if Tanner knew what the dimensions of the lean-to were.
T. Marshall stated that it was going to extend 6' out and the whole length of the garage, which is 20', to fit 4 cords of wood.

Public Testimony Open:

No public comments were received

Public Testimony Closed:

Commission Comments:

C. Friehe motioned, seconded by S. Murphy for the construction of a lean-to off the existing property located at 119 Pine Street.

Chairman Stayduhar stated that she was not familiar with the house or where it was located and asked the applicant to provide a site plan, along with images of where the proposed work will be situated on the property in the future.

S. Murphy stated she is familiar with the property and that there are no issues of setbacks or property lines.

ROLL CALL:

Commissioner Friehe	Voted	Yes
Chairman Stayduhar	Voted	Yes
Commissioner Lewis	Voted	Yes

Motion to approve carried by a 3 to 0 vote.

2. Applicant: Tracy Maravilla
Location: 120 Second Street
Request: Certificate of Appropriateness – Construction of a fence

Tracy Maravilla provided the following comments.

- Stated he was trying to prevent further damage to the arborvitae trees due to snow sliding off from the neighbor's roof.
- Would be 6' tall
- Provided pictures of fences in the surrounding neighborhood that he would like to use as a design.
- Stated that previous neighbors had heat tape on the roof that prevented the snow from crashing down, but current neighbors do not have it.

Commission Comments:

S. Murphy stated that looking at the proposed fence materials, W.C.C. does not address the use of corrugated metal for fencing, but understands that because the houses are so close together, those materials are preferable to wood due to it not deteriorating as quickly.

Tracy stated that a few people in the neighborhood are using those materials due to the snow sliding off the roof. Stated he feels that is the only way to protect the trees.

S. Murphy stated those materials are usually frowned upon because it is not historic looking at all.

Public Testimony Open:

City Hall received a complaint from the owners of 116 Second Street prior to the meeting which was disclosed as part of the public testimony and read by S. Murphy.

Tracy Maravilla responded to the complaint and stated that in the pictures provided, there was an existing fence that still has remnants of concrete in the ground and he would use that as his guide and that the trees would make the fence less visible.

C. Frieh stated that W.C.C. doesn't make a distinction for the Commission to make a determination on less visibility means the materials don't have to be historic.

C. Frieh asked Tracy if he would be opposed to doing a wood fence as she is hesitant, based on the code, to approve the fence he is proposing to construct.

Tracy stated he is concerned about the snow and ice that come off the roof and that the wood fence would not withstand that.

Tracy then stated that his proposed work is more of a snow guard as opposed to a fence.

S. Murphy asked what the setbacks were from his house to the trees.

Tracy stated 5' or less.

S. Murphy stated she was concerned about the fire code and access.

Chairman Stayduhar stated with a known complaint, a fence that is inconsistent with the code, and even though the upkeep of a wood fence is potentially more,

Tracy interrupted and stated what is to be done about my arborvitae which are 30 years old and being destroyed by the neighbor's snow sliding onto them. Stated a simple fix would be for the neighbors to put up heat tape, but they do not respond to his inquiries.

Tracy asked if a wood fence would be preapproved.

Chairman Stayduhar stated that vertical slat wood fences with a height of no more than 6' on the sides and 4' in the front were preapproved.

S. Murphy asked about the issue of the boundary that the complaint had brought up and asked for further clarification on where the placement of the fence would be.

Tracy explained and pointed to the pictures provided that there are existing concrete pads that used to have fence posts attached and that he would use those as guides, which are on his property.

Public Testimony Closed:

Commission Comments:

Chairman Stayduhar stated that it is likely that the commission will not approve the application as presented and has asked the applicant if he would like to withdraw his application and re-apply as previously indicated for a style that is preapproved.

Tracy wanted clarification on what was needed for an application to be preapproved that didn't require a hearing.

Chairman Stayduhar explained the necessary information required prior to issuing a COA.

Tracy stated he would withdraw and reapply.

ADMINISTRATIVE/BUSINESS:

Chairman Stayduhar stated that she was going to allow Patricia Anderson to address the commission prior to the executive session.

Patricia Anderson asked to speak to the P&Z Commission pertaining to 112 Cedar Street and the carport replacement being done. Stated she is the neighbor and gave a brief description of her recollection of the timeline of events and has requested two PRRs from City Hall pertaining to the COA and Building Permit as well as filling out a P&Z Complaint form, which she also submitted to City Hall. Believes there is erroneous information on the COA application and would like to know how City Hall will manage what she believes to be misinformation. Also, is concerned about what will happen to the property after she leaves to go back to her other property in California.

Patricia Anderson concluded and asked for a follow-up response from the Commission and City Hall about her concerns.

C. Frieh motioned at 6:52 p.m., seconded by S. Murphy to exit the meeting and enter 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.

ROLL CALL:

Commissioner Frieh	Voted	Yes
Chairman Stayduhar	Voted	Yes
Commissioner Lewis	Voted	Yes

Motion to approve carried by a 3 to 0 vote.

C. Frieh motioned at 7:47 p.m., seconded by S. Murphy to exit the executive session and enter back into the Regular Meeting of the Planning Zoning Historic Preservation Commission.

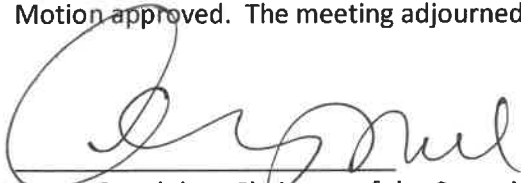
ROLL CALL:

Commissioner Frieh	Voted	Yes
Chairman Stayduhar	Voted	Yes
Commissioner Lewis	Voted	Yes

Motion to approve carried by a 3 to 0 vote.

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 7:48 p.m.



Emma Stayduhar, Chairman of the Commission

Attest:



Amanda Trogden, Deputy City Clerk

