

**Custer County Commissioners
Public Hearing Appeal Minutes
Kraczek Rezone
July 11, 2022**

Call to Order at 6:00 p.m. by Chairman Wayne Butts.

Roll Call

Present: Commissioner Wayne Butts, Commissioner Steve Smith, Clerk Lura Baker, Planning & Zoning Administrator Jessica Clemenhausen. Also attending were Whitney and Jeff Kraczek as well as Theresa and Craig Wornek. Commissioner Randy Corgatelli is excused due to illness.

Public Hearing Called to Order to hear the Re-zone request for Kraczek to change from Agriculture to Residential zoning. (Recorded) Whitney Kraczek testified. She is currently living at 4427 Beaverland Lane, Mackay, 83251. I am representing Justin Kraczek who could not be present. We would like to rezone parcel RP#07N24E208500A which is within the area of city impact, and is not in a flood plain. In 2020 a family partnership was created to purchase the old Countryside Assisted Living Center at 4427 Beverland Lane, just outside the city limits of Mackay, Idaho. We had to get a high interest commercial mortgage due to the number of dwellings on the property. Before of requesting the re-zone of this property, we attempted to get a lot split in order to be able to refinance the northern 1.08 acres and one dwelling. This was not possible, as property is zoned "agricultural" needs to be 20 acres before it can be split. Therefore, we are requesting a rezone in order to split the existing 3.775 acres into one residential parcel of 1.08 acres with one existing dwelling. We would like to keep the remaining 2.7 acres zoned as agricultural. The purpose of this re-zone request is to obtain a traditional mortgage on the 1.08 acres parcel and existing house. We will not be making any physical changes to the property, but is simply for financial purposes. The north property is currently being used as a residence, and hooked into the City of Mackay water and sewer systems. Access is via a small driveway off of Beverland Lane. One existing dwelling on the southern property is being rented out as an office and the dwelling near the office is living quarters for an employee. The buildings to the east are being used as storage. The south lot is accessed by private driveway near the junction of College Lane and Beverland Ave. These dwellings on the southern property are also connected to the City of Mackay water and sewer systems. We would like to address the following questions from the re-zoning application. No physical changes will be made, and no affect will be made to the adjoining properties in any way. The proposed road access will remain the same, and the Highway District has already signed off with an approval. The water and septic will continue to be part of the City of Mackay system. There will be no wells on the property and no changes in water use will be made. Currently there are no plans for installation of curbs, gutters or sidewalks. This is simply a re-zoning request so the northern most dwelling can be on a separate parcel and a traditional mortgage can be obtained for the residence.

Commissioner Butts inquired if this was the old Antelope Living Center? It was previously the Countryside Assisted Living Center.

Planning & Zoning Administrator's Testimony: Jessica Clemenhagen presented her testimony on the application to rezone the parcel from Agriculture to Residential. Parcel number RP#07N24E208500A is located at 4427 Beverland Lane, Mackay, Idaho, contains 3.775 acres. A Public Hearing notice was posted in the Challis Messenger and the Arco Advertiser in the public notice section on March 31, 2022. Notices were mailed to all property owners within 300 feet of the property boundary. The property was physically posted on April 13, 2022. Notices were posted on the Custer County Courthouse doors and uploaded to the Custer County Planning and Zoning page. Notices were also given to Mackay City Hall, Lost River Highway District, South Custer Fire Department, South Custer Ambulance District, Custer County Sheriff's Office, Eastern Idaho Health Department and Lost River Electric.

The application was received on January 31st, 2022 and found to be complete. The parcel is zoned agriculture and exists within the Mackay area of city impact, as it sits just outside the Mackay City limits. There are currently multiple dwellings and structures on the parcel. All the structures are connected to the City of Mackay water and sewer systems and will remain so. One dwelling is being used as a commercial office, with a dwelling next to it that is being used as rental property for the office's employee. One dwelling is currently being used as a private dwelling and the rest of the structures are being used for storage. The owners wish to split the private dwelling from the rest of the property. The proposed rezone request seems to be in compliance with the Custer County Zoning Ordinances 2007-009. No letters or comments were received by the Custer County Planning and Zoning Department.

On April 21st, 2022 the Planning and Zoning Commission held a public hearing, deliberated, and made the decision to give the Custer County Board of Commissioners their recommendation of rezoning this property from Agriculture to Residential.

There were no questions from the Board.

Support testimony was heard from Jeff Kraczek. There were 5 homes built in the area by Randy Pierson for shelter homes. Valley Vista has not operated this shelter home for almost 10 years. The Kraczek family has been living in the home for almost 5 years. The house on the north end of the property has been there for quite a few years. (maps were consulted) He would like to get the rezone completed as soon as possible.

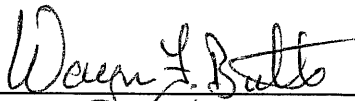
Support testimony was heard from Theresa Wornek. I am in support of this change. My son and his wife currently live in the home on the north property and they would like to be able to call the house their own.

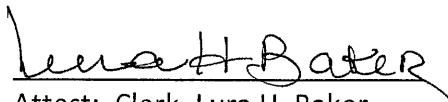
This concluded the support testimony. There was no Neutral testimony or Opposition testimony. Chairman Wayne Butts then concluded the public hearing.

Deliberation was begun between Commissioner Butts and Commissioner Smith.

Commissioner Smith moved that parcel RP#07N24E208500A be rezoned from agriculture to residential. Commissioner Butts seconded the motion. The motion passed unanimously.

Public Hearing and Meeting Adjourned at 6:15 P.M.


Chairman, Wayne F. Butts


Attest: Clerk, Lura H. Baker

