

## **NOTICE OF PUBLIC HEARING**

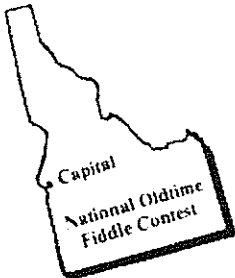
**NOTICE OF PUBLIC HEARING:** On May 20, 2024 at 7:00 p.m. in the City Council Chambers at 55 W Idaho the City of Weiser Planning and Zoning Commission will hold a public hearing to receive comment on a zone change request by the Weiser Historical Preservation Commission on behalf of affected property owners. Requesting the zone change from C-Commercial to A-Low Density Residential.

### **LEGAL DESCRIPTION**

154 W Main Lot 9-10 Blk 31 Watlington Add  
155 W Court Lot 1-2 W ½ Lot 3 Blk 31 Watlington Add  
137 W Court E ½ Lot 3 Lot \$ Blk 31 Watlington Add  
129 W Court Lot 5-6 Blk 31 Watlington Add  
535 W 1<sup>st</sup> S ½ Lots 7-8-9-10 Blk 31 Watlington Add  
547 W 1<sup>st</sup> N ½ Lots 7-8-9-10 Blk 31 Watlington Add

**ALL INTERESTED PERSONS** are invited to attend the hearing, or submit written comment seven (7) days before public hearing.

**FOR MORE INFORMATION:** Please contact Dave Loos, Planning & Zoning Administrator, at City Hall, 55 West Idaho Street, Monday through Friday, from 8:00 A.M. to 5:00 P.M., at (208) 414-1965. Thank you.



THE CITY OF WEISER, IDAHO

55 WEST IDAHO 83672 • (208)549-1965

OFFICE OF THE CLERK

APPLICATION FOR REZONE
(Not a business license or building permit)

NAME: WEISER HISTORIC PRESERVATION COMMISSION ON BEHALF OF AFFECTED PROPERTY OWNERS
(Owner or Holder of Valid Option)

PHONE (H) 208-550-7797
(B)

ADDRESS: 154 W. MAIN, 155, 139, 129 W. COURT, 535, 547 W. FIRST WEISER, ID
GENERAL LOCATION:

LEGAL DESCRIPTION OF PROPERTY (ATTACH IF NECESSARY):
SEE ABOVE ADDRESSES

ZONING CLASSIFICATION: PRESENT C PROPOSED A

FEE: A \$200 fee must accompany this completed application.
WAIVED

NARRATIVE: Attach a brief statement concerning the following:
1. How the land uses in the requested zone are related to the Comprehensive Plan;
2. Availability of public facilities such as streets, sewage, water, etc., to support the allowable uses; and
3. Compatibility of the allowable uses with the surrounding area.

VICINITY SKETCH: A vicinity map which is drawn to scale must be attached showing the location of the property under consideration.

PROOF OF OWNERSHIP OR VALID OPTION HOLDER: A copy of your property deed or option agreement should be attached.

Signature: [Signature] CHARMAN, WEISER HPC

The Administrator reserves the right to not officially accept this application until total review is accomplished and all required information is submitted. The date of the public hearing will be established by the Administrator upon the acceptance of a complete application.

-FOR OFFICE USE ONLY-

DATE RECEIVED: 4-22-24 ACCEPTED BY: Wane Loo  
RECEIPT NO: \_\_\_\_\_  
P&Z PUBLIC HEARING DATE: \_\_\_\_\_

Narrative of Proposed Rezone from "C" Commercial to "A" Residential for properties currently in use as private residences in the block encompassed by West First, West Second, West Court, and West Main Streets

04-20-24

Authority:

The Weiser Historic Preservation Commission was established by ordinance in 1987 and has met continuously through the years, following the guidelines and objectives defined in Title 4, Chapter 6 of Weiser City Code. Among other powers, duties, and responsibilities spelled out, we are directed to "Conduct a survey of historic properties, make recommendations in the planning processes undertaken by the county, the city, the state, or the federal government and agencies of these entities, and **recommend ordinances and otherwise provide information for the purposes of historic preservation in the city**". It is in this capacity that we are bringing this request before the Weiser City Planning and Zoning Commission to consider and recommend approval to the City Council.

Additionally, the recently adopted Weiser Comprehensive Plan states in Chapter 2, Special Areas and Sites section, that we should "focus on identifying and inventorying certain assets within the community to ensure that they are given appropriate consideration with respect to building and development". Goal 2.D states "Enhance and maintain the quality and contributions of the City's special areas and sites through preservation and smart management". Objective 2.D.1 states, "Evaluate additional sites and historical areas to be included on the National Register of Historic Places" and Policy 2.D.1.b states, "Evaluate existing design review guidelines for development that is proposed in the proximity of historic places".

Background:

One of the most intact and historical residential neighborhoods in Weiser exists just west of downtown, encompassing sections of West Idaho, West Main, West Court, and West Liberty Streets. Many, if not most of the Weiser's National Register listed residential properties are in this neighborhood. The continuous and ongoing residential use of these properties both contribute to and protect their ongoing historic value both in context and character. This further enhances their potential as a historic district.

So far as we can tell, these neighborhoods have been assigned residential zoning since Weiser adopted land use ordinances. We believe that properties within the block identified in this request were originally zoned A residential like the residential properties surrounding them. For some unknown reason, they were later rezoned to "C" Commercial. Research has been unable to determine when this change occurred, but at one time, a property management business operated out of one of these residences. That use ceased years ago

and the property reverted back to residential use and remains so today. When the Historic Preservation commission reached out to the affected property owners to poll their interest in rezoning back to A residential, many or all were unaware their property was zoned anything but residential. What alarmed both they and the commission most, is that there are no defined commercial uses listed under "C" designation. Unlike C1, C2, & C3 which spell out what is and is not allowed, "C" is open for debate. When we brought this anomaly to the attention of our former City Clerk and asked for clarification of use within this zoning classification, we were told "anything which has existed before is allowed!"

East Main Street from downtown to Highway 95 contains several examples of the compromise which comes from allowing mixed or commercial uses within a historically residential neighborhood. Though a number of our historic homes on east Main Street have recently been restored and again reflect the pride and value of our historic heritage, those converted to businesses have installed illuminated signage, asphalt parking lots, and added other commercial features that degrade both the historic and residential character of that street. Additionally, allowing commercial uses in established residential streetscapes, compromise and undermines the economic vitality that should be channeled into our downtown central business district, instead of competing with revitalization efforts such as our recent Main Street program currently under development for our downtown.

#### Proposal:

The Historic Preservation Commission's priority was to educate affected property owners and get their support for rezoning their property back to A residential. Of the six residential properties proposed for rezone back to residential use, four (identified as A, B, C & D on the attached map) have signed letters of support attached to this request. Property owner E gave verbal support but never returned his signed letter before they moved to McCall. The owner of property F is a widow who employs a property manager to whom we spoke and agreed to notify the owner of our proposal. No opposition has been received from them since. Additionally, we solicited neighboring property owners for their support or opposition and all who responded (identified as #1-13 on the attached map) provided signed support letters attached to this request. We have encountered no opposition to this proposal. These property owners understand that a rezone back to A will not affect their current or ongoing use nor change their taxation status. Rather, they are motivated to protect the residential and historic integrity of their neighborhood from unrestricted commercial uses which should be channeled to our central business district. The affected property owners and your Historic Preservation Commission request your support for this rezoning request.

## CHAPTER 6

### HISTORIC PRESERVATION CODE

#### SECTION:

#### 4-6-1: Purpose

#### 4-6-2: Definitions

#### 4-6-3: Historic Preservation Commission

#### 4-6-3-1: Organization, Officers, Rules, Meetings

#### 4-6-3-2: Powers, Duties And Responsibilities

#### 4-6-4: Special Restrictions

#### 4-6-1: PURPOSE:

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public of the city through identification, evaluation, designation and protection of those buildings, sites, areas, structures and objects which reflect significant elements of the city's, the state's and the nation's historic, architectural, archaeological and cultural heritage. (Ord. 963, 3-16-1987)

#### 4-6-2: DEFINITIONS:

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the following meanings:

**CITY:** The city of Weiser, Idaho.

**COMMISSION:** The historic preservation commission of the city of Weiser, Idaho.

**HISTORIC PRESERVATION:** The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.

**HISTORIC PROPERTY:** Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, state or the nation. (Ord. 963, 3-16-1987)

#### 4-6-3: HISTORIC PRESERVATION COMMISSION:

A. There is hereby created a historic preservation commission which shall consist of five (5) members who shall be appointed by the mayor with the advice and consent of the council.

B. All members of the commission shall have a demonstrated interest, competence or knowledge in history or historic preservation. The council shall endeavor to appoint at least two (2) members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law or other historic preservation related disciplines.

C. Initial appointments to the commission shall be made as follows: one 1-year term; two (2) 2-year terms; two (2) 3-year terms. All subsequent appointments shall be made for three (3) year terms. Commission members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder

of the unexpired term.

D. Appointments to the commission shall be as follows: All appointments will be from persons residing in the city or within three (3) miles thereof, and two (2) of those persons so appointed shall be appointed to sit on the Washington County historical preservation commission. (Ord. 963, 3-16-1987)

#### **4-6-3-1: ORGANIZATION, OFFICERS, RULES, MEETINGS:**

A. The commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this chapter. Rules of procedure and bylaws adopted by the commission shall be available for public inspection.

B. The commission shall elect officers from among the commission members. The chairman shall preside at meetings of the commission. The vice chairman shall, in the absence of the chairman, perform the duties of the chairman.

C. All meetings of the commission shall be open to the public and follow the requirements of Idaho's open meeting laws<sup>1</sup>. The commission shall keep minutes and other appropriate written records of its resolutions, proceedings and actions.

D. The commission may recommend to the council, within the limits of its funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the commission. (Ord. 963, 3-16-1987)

#### Notes

<sup>1</sup> 1. IC § 67-2341 et seq.

#### **4-6-3-2: POWERS, DUTIES AND RESPONSIBILITIES:**

The commission shall be advisory to the council and shall be authorized to:

A. Conduct a survey of local historic properties.

B. Recommend the acquisition of fee and lessor interests in historic properties, including adjacent or associated lands by purchase, bequests or donation.

C. Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the city.

D. Recommend the lease, sale, other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.

E. Contract, with the approval of the council, with the state or federal government, or any agency of either, or with any other organization.

F. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

G. Make recommendations in the planning processes undertaken by the county, the city, the state or the federal government and the agencies of these entities.

H. Recommend ordinances and otherwise provide information for the purposes of historic preservation in the city.

I. Promote and conduct an educational and interpretive program on historic preservation and historic properties in the city.

J. Commission members, employees or agents of the commission may enter private property, buildings, or structures in the performance of their official duties only with the express consent of the owner or occupant thereof.

K. Review nominations of properties to the national register of historic places for properties within the city's jurisdiction. (Ord. 963, 3-16-1987)

**4-6-4: SPECIAL RESTRICTIONS:**

Under the provisions of Idaho Code section 67-4612, the city may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of historic properties. (Ord. 963, 3-16-1987)





W Court St Rezone Progress Notes

West First Street	Main Street			West 2nd Street	
		Old Sears Catalog Building / Apartments / Future Spa?	Ken & Lindsay (small white house on SW corner of block) <i>SIGNED LETTER</i>		<i>COLLEEN SIGNED</i>
	Alley				
	Historic Anderson house, twin to next door Elwell house – has been a duplex for years – owner lives in CA, property manager in Weiser	Stephanie ? (Grindstaff's old house) – house is stopover place for her as she travels – home is in Idaho Falls – has teenage son and husband is state trooper <i>DENNIS PUT NOTE IN MAILBOX</i>	John & Kate (house was former B&D property management office) <i>SIGNED LETTER</i>		Steve & Pam Borglund (Willis Rae's old house) <i>SIGNED LETTER</i>
Taylor & Tawny Eckert (Fern Meyer's old house) – owners moved to McCall; house appears to be rented to another couple				<i>DAVE &amp; DA SIGNED (DENNIS NOT)</i>	
West Court Street					

*MIKE & CHEL SIGNED  
ED & GINGER SIGNED*

Notes:

1. Dennis and I made the rounds to people on this block. The first time we contacted them (October?), we took Tony's letter and a map showing the block that had been zoned for commercial use. We explained our (WAPC and personal) concerns for threats to the historic nature of the area if the commercial zoning remains in place and our intent to get the commercial zoning changed back to residential. We emphasized our willingness to set up a meeting if they had any questions and explained that we would come back to let them know about next steps, such as signing a petition.
  - a. Cheri talked to John and Kate – they were very receptive and offered to do all they could to help remove the commercial zoning – they also offered to visit with their new neighbor Stephanie on our behalf when they saw her next
  - b. Cheri talked to Taylor Eckert – he seemed receptive and "on board" with removing the commercial zoning
  - c. Dennis talked to Steve & Pam
  - d. Dennis talked to Ken & Lindsay
  - e. Neither of us pursued the owner of the old Sears Catalog building since we'd heard the owners planned to put in a massage parlor

*STEVE & CHEL SIGNED*

2. Next, we went back (November?) to all the owners and asked them to sign a letter (printed ahead of time by us – see last page) stating that they were in agreement with having the zoning revert to residential.
  - a. Cheri talked to John and Kate. Both of them signed the letter. They also kept a copy for their neighbor Stephanie. [Nothing has been received from Stephanie.]
  - b. Cheri talked to Taylor and Tawny, asking them to sign the letter, if they agreed. They didn't sign it immediately. Cheri asked them to discuss it and return the letter to her or Dennis. [Nothing has been received from the Eckerts. We've been told they moved to McCall.]
  - c. Cheri went to the courthouse assessor's office (Nov. 19) to find the owner of the duplex on W 1<sup>st</sup> St. She was told the owner is Jon Nichols, at 13 Short St. in Weiser. On Nov. 20, Cheri drove to the Short St. address and asked for Jon Nichols. She was told he is deceased, but his widow (now remarried) is the owner of the W. 1<sup>st</sup> St. house. The woman answering the door (Glenna Scheidell) at the Short St. house is the 88-year-old property manager of the W. 1<sup>st</sup> St. house. Cheri was invited inside where she visited with Glenna (making the usual Weiser connections) and explained our position on the commercial zoning. Glenna said she would talk to the property owner and get back to us after Thanksgiving. [No word back yet.]
  - d. Dennis received signatures from Steve and Pam.
  - e. Dennis received signatures from Ken and Lindsay.
3. Dennis followed up by having additional, nearby residents sign the letter.
  - a. Dennis received signatures from Coleen and Lowell.
  - b. Dennis received signatures from Dave and Danielle Davis (brick house next west of Dennis and Lynda).
  - c. Dennis received signatures from Mike and Cheryl Sullivan.
  - d. Dennis received signatures from Ed and Ginger Fields.
  - e. Cheri and Steve will sign the letter.

#### Next steps?

1. See if we can obtain the address for the Eckerts, mail the letter and ask them to sign if they are willing.
2. Mail a letter to Stephanie at her Court St. house – surely, she will pick up her mail sometime.
3. Go see Glenna Scheidell again and ask if she will share our letter with the owner of the W. 1<sup>st</sup> St. duplex – or if she'll give us the address of the owner and we can mail the letter ourselves.
4. Follow up with any other nearby neighbors and ask them to sign the letter?
5. Present signatures to P&Z?
6. Attend P&Z meeting to plead our case?

NOTICE OF SUPPORT TO  
REZONE

The Weiser Historic Preservation Commission (WHPC) and your neighbors in the West Court Street historic residential area are asking for your support to petition the Weiser Planning and Zoning Commission to rezone the residences between West 1<sup>st</sup> and West 2<sup>nd</sup> Streets and West Main and West Court Streets from C-1 (commercial) to B (residential) (see attached Plat).

The purpose of the rezone is to retain the historic residential neighborhood in the aforementioned block and preclude the migration of commercial businesses from the Weiser Central Business District into the adjacent residential area. The business district currently has numerous empty buildings as well as several vacant lots that are available for future commercial growth. This rezone would deter further degradation of the Central Business District.

The rezone would not change the usage of the residences within the area under consideration from their current usage. B residential allows for single family as well as duplexes.

If you support a request to rezone the above referenced residential area, currently zoned commercial, to B residential, please sign below and fill in your address as owner of the property. If you have comments of support, or concerns, regarding this proposed rezone, please add them in the space provided below.

Please return the completed document to either:  
Dennis Lance, 548 W. 2<sup>nd</sup> St., or call 208 550 7896 for pickup, or  
Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name Kenneth Mitchell  
Name Lindsey Mitchell  
Address 134 W. Main St

" A "

Comments:

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Name *John Paul*  
Name *Mikah*  
Address 155 W. Court St

" B "

Comments:

Rezoning could have financial impacts:

1. Effect our property value.
2. Raise concerns with our property insurance companies.
3. May bring up other issues we are not aware of, for instance our alley way is paved because we are zoned commercial and the post office uses it.

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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name AND DAVE Y  
Name Karen D. Dole  
Address 137 W COURT ST  
WEISER, ID 83672

"C"

Comments:

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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name *[Signature]*  
Name \_\_\_\_\_  
Address 129 W. COURT STREET, W 574672 "D"

Comments:

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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name Coleen & Lowell Grant  
Name Coleen Grant Lowell Grant  
Address 206 W. Main St Weiser, Id.

"1"

Comments:



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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name Dennis Lance  
Name Synda Bruce  
Address 548 W. 2nd St. Weiser, ID

"2"

Comments:

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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name W. J. Davis  
Name Cheri Clausen  
Address 231 W. Court Street, Weiser, ID 83172

" 3 "

Comments: We are in support of this rezone.

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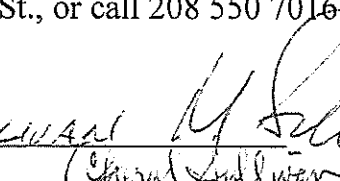
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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name MICHAEL SULLIVAN  "4"

Name CHERIL SULLIVAN 

Address 241 W COURT ST  
WEISER, ID 83672

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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name Ed & Gwyn Fields  
Name Edward Fields  
Address 240 W. Court

"5"

Comments:

Concerned about impact of commercial traffic on our street - also want to preserve the historic nature of the neighborhood.

## NOTICE OF SUPPORT TO REZONE

The Weiser Historic Preservation Commission (WHPC) and your neighbors in the West Court Street historic residential area are asking for your support to petition the Weiser Planning and Zoning Commission to rezone the residences between West 1<sup>st</sup> and West 2<sup>nd</sup> Streets and West Main and West Court Streets from C-1 (commercial) to B (residential) (see attached Plat).

The purpose of the rezone is to retain the historic residential neighborhood in the aforementioned block and preclude the migration of commercial businesses from the Weiser Central Business District into the adjacent residential area. The business district currently has numerous empty buildings as well as several vacant lots that are available for future commercial growth. This rezone would deter further degradation of the Central Business District.

The rezone would not change the usage of the residences within the area under consideration from their current usage. B residential allows for single family as well as duplexes.

If you support a request to rezone the above referenced residential area, currently zoned commercial, to B residential, please sign below and fill in your address as owner of the property. If you have comments of support, or concerns, regarding this proposed rezone, please add them in the space provided below.

Please return the completed document to either:  
Dennis Lance, 548 W. 2<sup>nd</sup> St., or call 208 550 7896 for pickup, or  
Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name Will MacNeill  
Name W-M  
Address 236 W. Court

"6"

Comments: Support rezoning on the condition that all the property owners of the properties in question are in favor.

Weiser's house.jpg

12/24/23, 4:15 PM

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Name Steve Clausen Steve Clausen  
Name Cheri Clausen Cheri A. Clausen  
Address 206 W. Court St.  
218 W. COURT

"7 1/8"

Comments:

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Name Anna Stark  
Name \_\_\_\_\_  
Address 1203 County Rd 70, Weiser

"9, 10, 11"

Comments: we own 136, 138, 140 W. Court and - would like to see the street stay a residential neighborhood. Efforts need to be made to preserve the downtown core for commercial use rather than leaving the method in place to reduce residential areas.

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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name *Kurt Kisse*  
Name *Kurt Kisse*  
Address *54 West Third Weiser Id 83672*

# 11/2"

Comments:



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Cheri Clausen 206 W. Court St., or call 208 550 7016.

Name D. Nicole Sharp  
Name Dawn Nicole Sharp  
Address 137 W. Liberty

"13"

Comments: