

## BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

### VARIANCE PERMIT- JEREMY MANSKA PUBLIC HEARING: AUGUST 21, 2024

**FILE #:** VAR-24-7  
**LOCATION:** RPRRWE3001700, addressed as 14792 Hamilton Lane, Pocatello, Idaho 83202

| <b>APPLICANT:</b>   | <b>OWNER:</b>  |
|---|--|
| Jeremy Maska<br>1655 N. 2 <sup>nd</sup> Avenue<br>Pocatello, ID 83201 | Clearwater Custom Homes<br>14792 Hamilton Lane<br>Pocatello, Idaho 83202 |

**REQUEST & BACKGROUND:** Jeremy Maska requests a variance from the table of building bulk and placement standards. The current standard requires the side yard setback to be 10' and the rear yard setback to be 20' at all points. The applicant proposes a 5' side yard setback and a 5' rear yard setback at all points. The affected property is labeled as parcel RPRRWE3001700 and is currently addressed as 14792 Hamilton Lane, Pocatello, ID 83202.

#### **FINDINGS:**

#### **JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

##### **SITE CHARACTERISTICS AND ZONING:**

**ZONING:** Residential Suburban  
**PROPERTY SIZE:** ~ 0.52 acres  
**VIEWS:** The property is visible from the road  
**EXISTING STRUCTURES:** None  
**AREA OF CITY IMPACT:** Chubbuck

##### **NOTICE AND TESTIMONY REQUIREMENTS:**

Notice of the public hearing was completed according to statutory requirements. Public comment was taken according to statutory requirements.

## REQUIRED FINDINGS FOR VARIANCE PERMIT, §540

1. The applicant has shown there **is not** a reasonable alternative.

This is based on:

The size of the lot and because previous variances have been granted in this subdivision. The proposed location is in line with the existing driveway and garage.

2. The variance **is not** in conflict with the public interest.

This is based on:

It meets the future requirements after annexation by the city of Chubbuck and previously granted variances in phases 1-3, as well as the blanket variance for phases 4-8.

3. The variance **will not** adversely affect adjacent property.

This is based on:

It meets the future requirements after annexation by the city of Chubbuck and previously granted variances in phases 1-3, as well as the blanket variance for phases 4-8.

4. If the variance is not granted, the applicant **will** suffer undue hardship caused by the physical characteristics of the site.

This is based on:

The size of the lot and the proposed location is in line with the existing driveway and garage.

Conditions:

1. The variance to be approved for one residential accessory structure.

### ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Jeremy Maska for a variance to reduce the side yard setback to 5' and a rear yard setback to 5' at all points and shall be **approved**.

Motion by Barbara Hill, seconded by Edward Ulrich to adopt the foregoing Findings and Order.

#### ROLL CALL:

|                         |                  |
|-------------------------|------------------|
| Councilperson Hill      | Voted <b>Yes</b> |
| Councilperson Selleneit | Voted <b>Yes</b> |
| Councilperson Ulrich    | Voted <b>Yes</b> |
| Councilperson Ward      | Voted <b>Yes</b> |

Motion carried by a 4 to 0 vote.

Dated this 21st day of August, 2024.

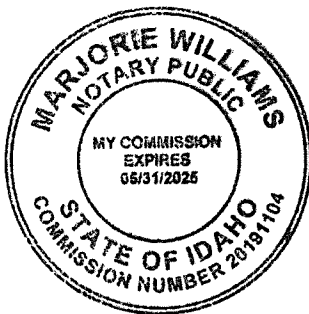
  
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Signed by (Chairperson) (Vice Chair)

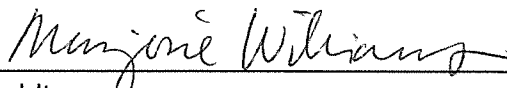
### ACKNOWLEDGEMENT CERTIFICATE

State of Idaho       )  
ss.                       )  
County of Bannock   )

On this 21st day of August in the year of 2024, before me Marjorie Williams, a notary public, personally appeared Stewart Ward, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.

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Notary Public  
My Commission Expires on 5/31 2025