



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | [www.bannockcounty.us](http://www.bannockcounty.us)

## AGENDA

### BANNOCK COUNTY

### PLANNING & DEVELOPMENT COUNCIL MEETING

SEPTEMBER 17, 2025 – 5:15 PM

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The public meeting will be held in Conference Room 1, Office of Planning and Development Services, 5500 S 5<sup>th</sup> Ave, Pocatello, ID 83204.

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Any citizen who wishes to address the Council, must first complete a sign-up sheet and give their name and address for the record. If a citizen wishes to read documentation of any sort to the Council, they must have a copy available to submit as part of the record. There will be a three (3) minute time limitation for presentations by citizens. The purpose of this agenda is to assist the Council and interested citizens in the conduct of this public meeting. **Citizens should examine the agenda for the item of their interest. However, citizens are advised that only Public Hearings allow for public comment during the discussion / consideration process.** Citizens have an opportunity to be heard by the Council if the item meets the criteria as described in the agenda. *You must sign in at the start of the meeting to be recognized.*

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**RECESS:** The Council Chair or Vice Chair may call a recess, as they deem necessary, to allow Council members and participants a brief rest period.

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Bannock County complies with requirements of the Americans with Disabilities Act. Special accommodations can be provided with three (3) days advance notice by calling 208.236.7230, emailing [development@bannockcounty.gov](mailto:development@bannockcounty.gov), or coming into the office.

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|-----------------|----|---|
| AGENDA ITEM NO. | 1. | <p>ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST – EX-PARTE COMMUNICATION AND SITE VISIT</p> <p>Disclose any communication, including who was there and the basic substance of conversation. Disclose if a site visit was made, location(s) of the site visit and what was seen.</p> |
| AGENDA ITEM NO. | 2. | <p>PRELIMINARY BUSINESS</p> <p>a) Agenda Clarification and Approval (<b>Action Item</b>)</p> <p>b) Adopt Amendment to 2025 Council Meeting Schedule</p>   |



allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker.

AGENDA ITEM NO.            7.        WORK SESSION  
   a) None

AGENDA ITEM NO.            8.        ADJOURN

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The application for each item will be available to the public by request at Planning and Development Services office and on the department's website at [www.bannockcounty.us/planning](http://www.bannockcounty.us/planning). Written testimony of fewer than two (2) pages must be received by the Planning and Development Services office no later than September 9, 2025. Written testimony may also be sent to [development@bannockcounty.gov](mailto:development@bannockcounty.gov). Any written testimony not received by the deadline must be brought to the council meeting and presented at the public hearing. All submitted testimony shall be considered public record. Discriminatory testimony shall not be permitted. Written testimony must comply with standards established in §560.7 of the Bannock County Zoning Ordinance.

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#### **PUBLIC HEARING PROCEDURE**

1. A presentation is made by the applicant.
2. An explanation of the subject of the hearing is presented by the Planning and Development Service staff. (No time limit)
3. Testimony is given by the audience in favor of the proposal and then neutral on the proposal and against the proposal. Questioning of the participants, and rebuttals are entertained by the Planning and Development Council
4. The applicant may rebut the arguments offered by the opposition.
5. The Planning and Development Council discusses the hearing subject; they may direct questions to the staff, the applicant and the audience during this stage of the hearing process.
6. The hearing is closed to oral testimony from the applicant and the audience. The hearing process is concluded.

The Council accepts oral testimony and may accept limited written testimony from those in attendance, but only if the parties have filled out the testimony sign-in sheet. **If you have submitted written testimony as part of the packet, you cannot also give an oral testimony unless it is to read the written testimony into the record.** In order to keep a clear audio recording of this hearing, when testifying, a person must come to the podium and state their full name and address. Comments will not be accepted from the audience seats and discriminatory testimony shall not be permitted. There shall be no booing, hissing, or cheering.

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## AGENDA ITEM NO. 3

### Approval of Minutes

- August 20, 2025

## **BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL**

**DRAFT** MEETING MINUTES | August 20, 2025

**BANNOCK COUNTY STAFF PRESENT:** Tristan Bourquin, Assistant Planning Director, Annie Hughes Williams, Zoning Planner, and Alisse Foster, Subdivision Planner.

Ward calls the meeting to order at 5:15 p.m.

### **1. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:**

Present Council Members: Stewart Ward, Ed Ulrich, Chad Selleneit, Molly Dimick, and Krystal Madsen.

Stewart Ward recused from Agenda Item No. 4.

### **2. PRELIMINARY BUSINESS AGENDA CLARIFICATION AND APPROVAL:**

Tristan Bourquin, Assistant Planning Director, update agenda to discuss October meeting date as a work session.

Ulrich makes motion to approve agenda as outlined. Dimick seconds. All in favor.

### **3. APPROVAL OF MINUTES:**

Ulrich makes motion to approve minutes as written for July 16, 2025.

Dimick seconds. All in favor.

### **PUBLIC HEARING:**

Selleneit makes motion to open public hearing. Madsen seconds. All in favor.

### **4. SUBDIVISION CONCEPT PLAN – CHESTNUT HILL:**

Pursuant to Section 302 of the Bannock County Subdivision Ordinance, Stewart Ward proposes a lot line adjustment to adjust a portion of the common line between Lots 3 and 4 in the Cinnamon Springs Subdivision. The subject properties are parcels RPRRCIN000401 and RPRRCIN000301. All lots will utilize existing individual culinary wells and septic systems.

Stewart Ward, 4880 Clover Dell Road, Chubbuck, ID 83202 representing applicant and owner. Replat of two (2) lots in the Cinnamon Springs Subdivision. Lot line adjustment. Both parcels were affected by the Charlotte fire in 2012. Parcel to south has not been built on. Applicant is currently building a home. Found out lot line was not along fence line. Adjust lot line to provide

access to a corral. It adjusts that lot line 20' to the south. All utilities are stubbed to both lots from previous development. Setbacks have been accounted for with adjustments.

#### STAFF

Alisse Foster, Subdivision Planner, recommended conditions. Parcel to the south has broken ground, footings have been placed for dwelling, and setbacks are met. Condition No. 2 is not necessary, as it has been verified. Condition No. 4, comment that is currently on the plats and existing subdivision and recommend to be on plat.

Ulrich, "Was there a house currently on this property that burned down?"

Ward, "Yes."

Discussed staff recommended conditions.

#### PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

#### FINDINGS

1. The proposed tentative plan is in conformance with the Bannock County Comprehensive Plan; is in conformance with applicable provisions of this Ordinance, other County Ordinances, and Idaho Code. It meets goal 2.2.4 of the Comprehensive Plan and is in conformance with the provisions of the Idaho Code.
2. The proposed roads and bridges are designed and constructed according to Section 402 of the Subdivision Ordinance. A design deviation was not requested and was not granted to equal or exceed these standards for its purpose. The roads are already existing to both lots with no requested changes.
3. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads. The roads are already existing to both lots with no requested changes.
4. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition. The 10' utility easement to the north will be addressed in the conditions.

5. The blocks of lots are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities. The lots were already laid out in the previous subdivision and the concept is for a minor lot adjustment on the north side.
6. The proposed property is physically suitable for the type and proposed density of development and does conform to existing zone standards. There no change in the proposed density and development other than a minor lot line adjustment.

Selleneit, based on the record and the discussion this evening, I move to approve the request for the Chestnut Hill Subdivision Concept Plan as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

**CONDITIONS 3 & 4 OF THE STAFF REPORT:**

3. At preliminary plat, provide and meet written comment requirements from Pocatello Valley Fire District. If no comments are received, the applicant may submit proof of at least two contact attempts.
4. All subsequent plats shall state that the 10' easement is for public utilities, roadway slopes, and drainage.

Dimick seconds.

Roll call. Madsen – yes. Selleneit – yes. Dimick – yes. Ulrich – yes.

Motion approved 4-0.

**5. VARIANCE FROM §475.13 – DRIVEWAYS – ACTION ITEM:**

Dakota Worrell requests a variance from the driveway standards. The current standard requires the driveway to be built no less than 20' wide at all points. The applicant proposes a 10' width at all points. The affected properties are labeled as parcels RPR3851027600 and RPR3851027702, currently unaddressed.

Dakota Worrell, 11601 N. Ross Avenue, Oklahoma City, OK 73120. Driveway is about ¾ of a mile long and 96 percent of which is not on applicant's land and runs through other people's land. Parcel has already been developed in past with house. Road has been there for at least seventy

years with 10' radius. Natural constraints of land with steep drop-offs. Widening road is not feasible.

Selleneit, "Is it a current 10' easement?"

Dakota Worrell, "No the easement is quite wide at 100' and classified specifically for driveway use and utilities."

Selleneit, "You mentioned other landowners. How many other landowners are there to ¾ of a mile to your property?"

Dakota Worrell, "Two (2) landowners."

Discussed access to property, easement, and slopes. Widening road could impact other people's land. Other landowner requests to keep current easement. Discussed fees to widen road being around \$350,000.00 to widen to 20' with gravel. Discussed fire district and possible turnaround in the future and pullouts to accommodate emergency services. No agency comments. Dakota plans to create firebreaks.

Ward, "If this variance is approved, do you still plan on improving from dirt to a good gravel road so the fire truck could get up there?"

Dakota Worrell, "Yes."

STAFF

Annie Hughes, Zoning Planning, "Do you have any questions regarding the staff report?"

Ward, "Does staff have any concerns with this?"

Tristan Bourquin, Assistant Planning Director, "I think the biggest thing is our standards come from Fire District from fire code standards and can emergency services still get there? If applicant meets the four (4) criteria for approval, it should be approved. If it does not meet them, then it should be denied."

#### PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: Bob Scharfen, 5365 Bannock Hwy, Pocatello, ID 83204. Rented the property and had horses on it for close to 40 years. Bob has no problems with what Dakota wants to do. The roadway that has been there, Dakota is working on it and it does not affect Bob. Biggest concern is horses getting out.



Payton Hampton, 2752 Jerome Street, Pocatello, ID 83201, attorney for property owner, Morgan Wolf Development, LLC, which is the ownership group that owns the property where the horses are at. Sees a benefit to where there is a wider easement not widening that out. It will simplify future development. Talked with Dakota about the horse and fence issue and are working with him on that. Do not want this to affect client's private property rights and do not think it does. We do ask that it meet any and all code requirements, including fire trucks being able to get up there.

Public testimony opposed: None.

#### FINDINGS

1. The applicant has shown there is not a reasonable alternative. This is based on: Topography of parcel, it's an existing established access, multiple landowners will be affected, and would make any change unreasonable.
2. The variance is not in conflict with the public interest. This is based on: This meets the goals of 2.2.4 of the Comprehensive Plan which supports diversity uses and needs while maintaining rural character of the property. There were no public comments in opposition received.
3. The variance will not adversely affect adjacent property. This is based on: It's an existing road and we will place a condition to improve emergency access. The adjacent landowner was represented as neutral.
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: Widening the road to the 20-foot requirement would make for substantial financial hardship due to the characteristics of the site.

Ulrich, based on the record and discussion this evening, I move to approve the request by Dakota Worrell requesting a variance for the driveway to be built 10' at all points, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

## CONDITIONS

1. Provide written approval from the Fire District on the 10-foot driveway width and any other requirements for Fire District access.
  2. If needed, provide an updated site plan showing the Fire District requirements.
- Selleneit seconds.

Roll call. Madsen – yes. Selleneit – yes. Ward – yes. Ulrich – yes. Dimick – yes.

Motion approved 5-0.

### **6. VARIANCE FROM §316 – BUILDING BULK AND PLACEMENT STANDARDS – ACTION ITEM:**

Conrad Jensen requests a variance for side yard setbacks for an addition to the single-family dwelling. The current side yard setback is 20' and the applicant is proposing a 10' side yard setback. The affected property is labeled as parcel RPR4015029900 and is currently addressed as 228 N. Indian Creek Road, Inkom, ID 83245.

Conrad Jensen, 228 N. Indian Creek Road, Inkom, ID 83245. Requesting variance on the west side setback to possibly build an attached garage to the house. Adding the extra 10' is the difference of building a garage or not building a garage.

Ward, "How far is the house from the property?"

Conrad Jensen, "It would be 40' from it now. I do not have another place to put the garage because of septic and leach field. Barely 100' from the creek and to close to slope behind house."

Ulrich, "The property owner on the South, who owns that property?"

Conrad Jensen, "Prather is their last name. My lot is the smallest lot on Indian Creek."

Ulrich, "Have you had conversations with them?"

Conrad Jensen, "Yes, I have had conversations with all of my neighbors, as soon as the sign went up and everyone was fine with it."

## STAFF

Annie Hughes, Zoning Planning, "Do you have any questions regarding the staff report?"

No questions.

## PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

## FINDINGS

1. The applicant has shown there is not a reasonable alternative. This is based on: The existing creek, septic, and topography of the site.
2. The variance is not in conflict with the public interest. This is based on: Applicant states all neighbors support this and no public comments were received.
3. The variance will not adversely affect adjacent property. This is based on: Applicant states all neighbors support this and no public comments were received.
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 existing creek, septic, and topography of the site.

Dimick, based on the record and discussion this evening, I move to approve the request by Conrad Jensen requesting a variance for a 10' side yard setback, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Selleneit seconds.

Roll call. Madsen – yes. Selleneit – yes. Ward – yes. Ulrich – yes. Dimick – yes.

Motion approved 5-0.

## **7. VARIANCE FROM §327 – BUILDING BULK AND PLACEMENT STANDARDS – ACTION ITEM:**

Ted Van Horn requests a variance for right-of-way setbacks for a single-family dwelling and two (2) residential accessory structures. The current right-of-way setback is 30' and the applicant is proposing a 20' right-of-way setback off of Aubrey Lane and Utah Drive for the single-family dwelling. The current setback is 50' and the applicant has proposed 12' right-of-way setback from Old Hwy 91 for the two (2) residential accessory structures. The affected property is labeled as parcel RPRRSGP003202, currently addressed as 3670 Utah Drive, Inkom, ID 83245.

Ted Van Horn, 3670 Utah Drive, Inkom, ID 83245. Bought the property to build a shop and later build a house. Storage containers in front of property are on railroad ties and gravel. Received

letter from Bannock County in violation of not meeting setback requirements for storage containers and need to move them 40' inward south on the property and there is no way to do that. Applied for variance to leave storage containers there. They are not permanent structures. Discussed Utah and Aubrey Lane being private drives, access, setbacks, septic, and drain fields.

Ward, "Are you using storage containers for personal storage for all your stuff for the house?"

Ted Van Horn, "My intention was to have the two (2) containers parallel on the property."

Ward, "They can be moved, but it is a pain to move them."

Ted Van Horn, "Yes, but I do not know where I would put them."

If variance gets approved for the house, discussed different placements for storage containers, setbacks, and fencing being more permanent than the containers.

Ward, "When you built the shop, when everything was laid out, I am assuming that you accounted for a future home."

Ted Van Horn, "Yes."

Ward, "Something must have changed and that is why you need to move the house."

Ted Van Horn, "No, nothing really changed. Well, I guess two things changed, one it wasn't a county road so there were no setbacks.

Ward, "Technically there are still setbacks even on a private road."

Ted Van Horn discussed parents' health issues and adjusted the house size to facilitate vehicle, make house a little bigger, and put in ramp.

Ward, "The other thing I will to tell you, is you might want to look at your side yard setback for that Conex. You may be to close to the property line."

Ted Van Horn, "Is it technically a permanent structure?"

Ulrich, "Conex's are permanent structures, right?"

Tristan Bourquin, Assistant Planning Director, "all structures in the county have to be permitted and all structures have to meet setbacks, permanent or temporary."

Ulrich, if we move the front setback 5 feet, it clears up an issue with the front and I cannot see why he needs a side yard setback from Aubrey Lane. I have an issue with the container because it is a major collector with a 50' setback and if they ever have to widen that road.

## STAFF

Annie Hughes, Zoning Planning, Keil Burmester, Director of Road & Bridge expressed some concerns to us. He is okay with setbacks off of Aubrey Lane and Utah. He is concerned about setbacks for Conex boxes due to safety and high-speed traffic road.

## PUBLIC TESTIMONY

Public testimony in favor: Brian Martin, 1636 Baldy Avenue, Pocatello, ID 83201. Friend and general contractor in the area. Discussed concrete fence across property line and setbacks.

Major collector. Site distance, all kinds of reasons that went into this requirement. Structure has to be permitted through the county. Setback off of highway with containers is biggest concern for council members. Discussed placement of Conex boxes, setbacks, and options. Setting precedence for subdivision.

Public testimony neutral: None.

Public testimony opposed: None.

## FINDINGS

1. The applicant has shown there is a reasonable alternative. This is based on: To relocate or remove the Conex boxes to meet set back requirements of Bannock County ordinance and Road & Bridge.
2. The variance is in conflict with the public interest. This is based on: Traffic safety and concerns from Road & Bridge.
3. The variance will adversely affect adjacent property. This is based on: Concerns with setting a precedence for current county setback requirements in a developing neighborhood as well as traffic visibility.

4. If the variance is not granted, the applicant will not suffer undue hardship caused by the physical characteristics of the site. This is based on: The ability to relocate or remove the Conex structures.

Ulrich, based on the record and discussion this evening, I move to deny the request by Ted Van Horn for a variance for a 12' right-of-way setback from Old Hwy 91 for the two (2) Conex structures, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Selleneit seconds.

Roll call. Madsen – yes. Selleneit – yes. Ward – yes. Ulrich – yes. Dimick – yes.

Motion denied 5-0.

#### FINDINGS

1. The applicant has shown there is a reasonable alternative. This is based on: The dwelling can be moved to the west to meet the 30 ft setback requirement.
2. The variance is in conflict with the public interest. This is based on: Traffic safety on the corner of Utah and Aubrey.
3. The variance will adversely affect adjacent property. This is based on: Traffic safety on the corner of Utah and Aubrey and concerns for setting precedence for county setback requirements in a developing neighborhood.
4. If the variance is not granted, the applicant will not suffer undue hardship caused by the physical characteristics of the site. This is based on: The dwelling can be moved to the west to meet the 30 ft setback requirement.

Selleneit, based on the record and discussion this evening, I move to deny the request by Ted Van Horn for a variance for a 20' right-of-way setback off of Aubrey Lane, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Madsen seconds.

Roll call. Madsen – yes. Selleneit – yes. Ward – yes. Ulrich – yes. Dimick – yes.

Motion denied 5-0.

## FINDINGS

1. The applicant has shown there is not a reasonable alternative. This is based on: Location of the existing septic system and the required setback from the septic tank.
2. The variance is not in conflict with the public interest. This is based on: The traffic off of Utah will be less than the traffic off of Aubrey or US Old Hwy 91 and a 25' setback from Utah will provide sufficient distance from the septic tank.
3. The variance will not adversely affect adjacent property. This is based on: It does not adversely affect the adjacent property. The side setbacks will be maintained. The setback request was adjusted through a condition to minimize the impact.
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: Location of the existing septic system and the required setback from the septic tank.

Dimick, based on the record and discussion this evening, I move to approve the request by Ted Van Horn for a variance for a 25' right-of-way setback off of Utah Drive for the single-family dwelling, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

## CONDITION

1. The right-of-way setback along Utah Drive will be no less than 25 feet.

Ulrich seconds.

Roll call. Madsen – yes. Selleneit – yes. Ward – yes. Ulrich – yes. Dimick – yes.

Motion approved 5-0.

Selleneit makes motion to close public hearing.

Dimick seconds.

## **8. ITEMS OF INTEREST:**

Tristan Bourquin, Assistant Planning Director, no updates for recommendations to commission and upcoming hearing items for September 17, 2025, variance. Staff is working on ordinance rewrite.

## **9. CITIZEN COMMENTS:**

None.

## **10. WORK SESSION:**

Stewart Ward is not available on October 15, 2025, and has multiple items. Selleneit is not available on October 15, 2025. Requesting meeting to be moved to October 22, 2025, with same deadlines as October 15, 2025.

## **11. MEETING ADJOURNED**

The public meeting was held in Conference Room 1, Office of Planning and Development Services, 5500 S. 5th Avenue, Pocatello, ID 83204.



# PUBLIC HEARING ITEMS

## AGENDA ITEM NO. 4

### Variance – Michael Hess

- Side yard setback



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | [www.bannockcounty.gov](http://www.bannockcounty.gov)

## VARIANCE PERMIT PUBLIC HEARING: SEPTEMBER 17, 2025 STAFF REPORT

**FILE #:** VAR-25-12  
**LOCATION:** RPRRWE1000100 and is currently addressed as 14955 Kensington Ln., Pocatello, ID 83202

**APPLICANT:**

Michael G. Hess  
14955 Kensington Ln.  
Pocatello, ID 83202

**OWNER:**

Michael G. Hess  
14955 Kensington Ln.  
Pocatello, ID 83202

**RECOMMENDATION:** Bannock County Planning and Development recommends the following:

- Denial, or;
- Approval

**REQUEST & BACKGROUND:** Michael Hess requests a variance for a side yard setback for a shed. The current side yard setback is 10' and the applicant is proposing a 5' side yard setback.

### SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Suburban

PROPERTY SIZE: ~ 0.40 acres

VIEWS: The property is visible from Kensington Ln.

EXISTING STRUCTURES: Residential dwelling

AREA OF CITY IMPACT: Chubbuck

### SURROUNDING LAND USES AND ZONING

NORTH: The site is within the Residential Suburban zoning district and consists of residential uses.

EAST: The site is within the Residential Suburban zoning district and consists of residential uses.

SOUTH: The site is within the Residential Suburban zoning district and consists of residential uses.

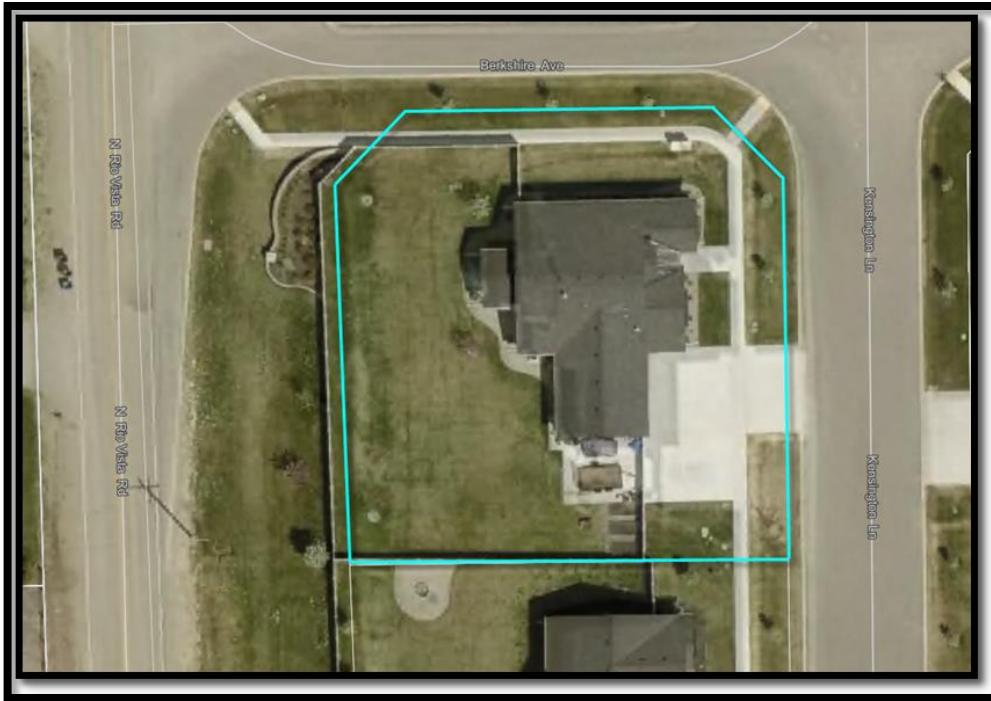
WEST: The site is within the Residential Suburban zoning district and consists of residential uses.

### APPLICABLE LAWS AND PLANS:

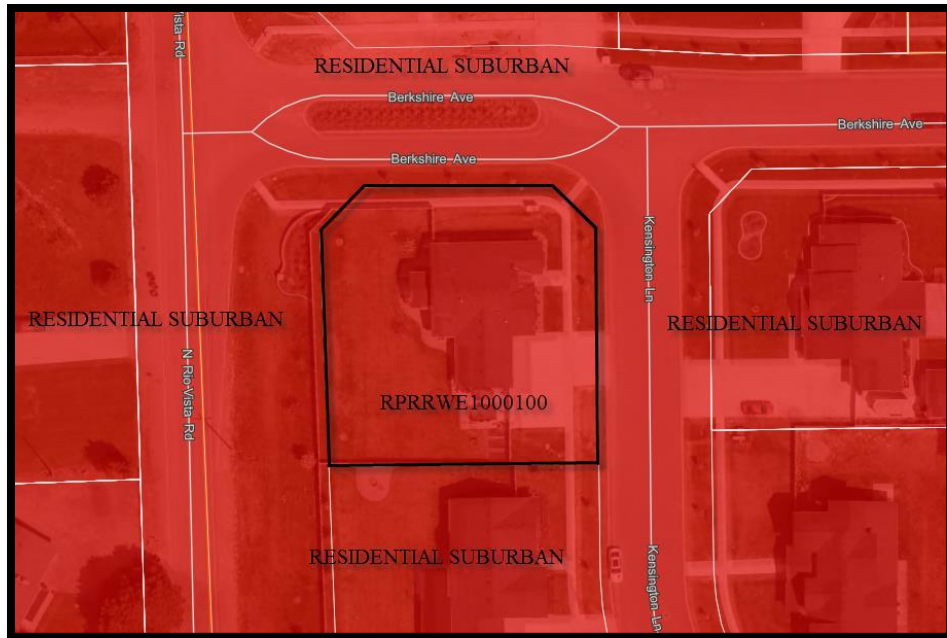
1. Idaho Code §67-6516, Variance – Definition – Application – Notice – Hearing.
2. Bannock County Comprehensive Plan, 2025-27

STAFF REPORT  
VARIANCE PERMIT- HESS  
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3. Bannock County Zoning Ordinance, 1998-1, specifically:
  - a. §330 RESIDENTIAL SUBURBAN DISTRICT
  - b. §337 BUILDING BULK AND PLACEMENT STANDARDS
  - c. §540 VARIANCES



**SITE MAP**



**ZONING MAP**

**STANDARDS FOR GRANTING A VARIANCE (ZONING ORDINANCE §540.4)**

The Planning and Development Council may grant a variance if it makes affirmative findings on each of the following standards:

**A. The applicant has shown that there is no reasonable alternative.**

Staff Findings of Fact

The applicant states that, due to the existing driveway and cement pad, the proposed shed should be located adjacent to the garage to avoid the need for additional driveway construction. As a result, there is no reasonable alternative location other than placing the shed closer to the side yard.

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

Staff Findings of Fact

The applicant has stated that the placement of the shed does not impact the public interest. Staff finds that the requested variance does not appear to be in conflict with the public interest, as no public comments have been received at the time this report was prepared. Council should consider the applicant's justification and any public testimony to determine whether any aspect of the proposed variance is inconsistent with the public interest.

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

Staff Findings of Fact

The proposed 5' variance will not encroach upon neighboring properties or obstruct access, views, or privacy, as the adjacent property contains only one window on the north side of the home. Council should evaluate whether any aspect of the requested variance conflicts with the interests of the adjacent property owner, based on the applicant's submission and any public testimony received.

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

Staff Findings

The applicant has stated that similar variances have been granted within the surrounding subdivision, which would support consistency with adjacent uses. As there are not alternative locations to place the structure without the requested variance, Council should consider the information provided and determine whether denial of the variance would result in an undue hardship due to the physical characteristics of the site.

**IDAHO CODE REGARDING VARIANCE PERMITS**

IC 67-6516: VARIANCE — DEFINITION — APPLICATION — NOTICE — HEARING. Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in section 21-501, Idaho Code. Denial of a variance permit or approval of a variance permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

**AGENCY COMMENTS:**

1. City of Chubbuck

**PUBLIC COMMENTS:**

1. None at time of report

**REPORT BY:**

Annie Hughes Williams, Zoning Planner  
[annieh@bannockcounty.gov](mailto:annieh@bannockcounty.gov)  
208-236-7230

**REPORTED DATE:** September 10, 2025

*\*Staff comments in this report are based solely upon evidence available at the time of the report. Additional information may be brought to light at or before the hearing.*

**EXHIBITS:**

1. Application and Site Plan
2. Applicable Laws (on file with Staff)
3. Evidence of Notices (on file with Staff)
4. Agency/Public Comments (if any)




# EXHIBIT 1

## Application & Site Plan



**VAR-25-12**

Submitted On: Aug 18, 2025

 Michael Hess  
  


## Parcel & Variance Information

**Parcel Number**

RPRRWE1000100

**My property is zoned:**

Residential Suburban

What variance are you requesting? Please select all that apply:

**Rear yard setbacks**

--

**Side yard setbacks**

true

**Riparian area setbacks**

--

**Right-of-way setbacks**

--

**Lot size**

--

**Other**

--

**Please describe your variance request in detail:**

5' side yard set back for one shed.

## Application for Variance

**Narrative addressing how your application meets criterion 1: The applicant has shown there is no reasonable alternative.**

Due to the existing driveway and cement pad, the shed should be located next to garage to avoid additional development of driveway.

**Narrative addressing how your application meets criterion 2: The variance is not in conflict with the public interest.**

No. We have a letter from the south neighbor agreeing with the setbacks.

**Narrative addressing how your application meets criterion 3: The variance will not adversely affect adjacent property.**

No. The property to the south has only one window on north side of the home.

**Narrative addressing how your application meets criterion 4: If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.**

Surrounding subdivision has similar variances granted. This would allow for conformity of surrounding uses.

## Certification

**Electronic Signature [Typed name of applicant]**

Michael Hess

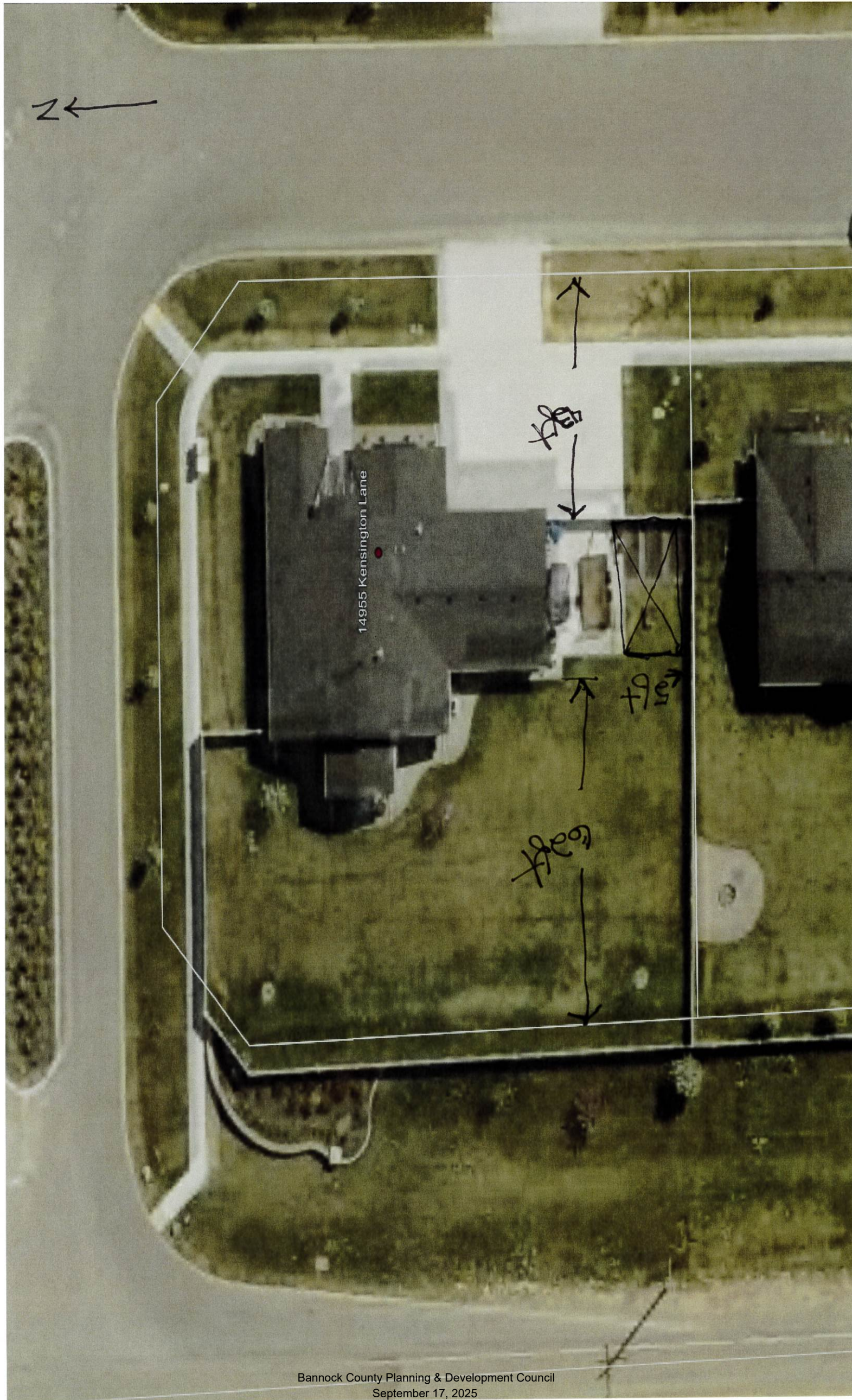
I agree that my electronic signature above is equivalent to a handwritten signature and is binding for all purposes related to this transaction

true

**Date**

08/18/2025







# EXHIBIT 2

## Agency Comments

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## Variance Request at 14955 Kensington Ln

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**From** Don Matson <dmatson@cityofchubbuck.us>

**Date** Thu 9/4/2025 11:29 AM

**To** Bannock County Planning and Development <development@bannockcounty.gov>

Thank you for the opportunity to comment on the variance request at 14955 Kensington Ln, within the City of Chubbuck Urban Services Area. The City of Chubbuck is not opposed to the request; a 5' setback for shed is the same requirement within the city limits.

Regards-

*Don Matson, AICP | MSP  
Planning Manager | Public Works Department  
290 E Linden Avenue, Chubbuck, ID 83202  
Phone 208-239-3252*



# EXHIBIT 3

## Ordinance Excerpts

**330 RESIDENTIAL SUBURBAN DISTRICT (RS)****331 PURPOSE:**

The Residential Suburban zoning district is established to provide small (one acre or less) residential estates on municipal sewage treatment facilities and/or water systems, or larger lot development where sewer effluent and water systems can be provided. The RS district is located on the boundaries of the County's cities where municipal services are expected to be extended, and usually within a city's area of impact.

**332 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

The Residential Suburban designation is to be applied to existing smaller lot neighborhoods which are currently developed for residential use and are designated to remain so by the Comprehensive Plan, and for areas of undeveloped land which are deemed suitable and appropriate for development of residential uses according to criteria set forth in the comprehensive plan. Factors to be considered in designating land for Residential Suburban districts should include, but not be limited to, availability of county services and roads, surrounding land uses, the suitability of the land for extension of municipal services.

**333 USES PERMITTED - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN (SECTION 503)**

Uses permitted in the Residential Suburban district shall be as follows:

- A. Single-family dwellings.
- B. Duplexes.
- C. Livestock on one acre or more of land.
- C. Parks.
- D. Livestock pens or runs located a minimum distance of 50 feet from a neighboring house, or the minimum setback for a residence if no house yet exists.
- E. Accessory buildings, structures and uses which are customarily incidental to residential uses.
- F. Home occupations as defined in this Ordinance.
- G. Public Schools – primary and secondary.
- H. Fire Stations.
- I. Churches.

J. State licensed day care for up to 6 client children at any one time in the day care operator's primary residence or a day care center.

K. Golf courses.

L. Private, noncommercial recreational facilities.

### 334 USES CONDITIONALLY PERMITTED:

The following land uses may be permitted conditionally in the Residential Suburban district subject to conditions established elsewhere in this Ordinance.

A. Public utility installations, not including business offices, repair or storage facilities.

B. State licensed day care for more than six client children at any one time to a maximum of 20 children in the day care operator's primary residence; licensed day care for over 20 children may be conditionally permitted in a structure which was not initially constructed for residential purposes.

C. Cemeteries.

D. Institutional housing.

E. Multi-family dwellings.

### 335 PARKING STANDARDS:

Parking spaces for residential uses within the Residential Suburban district shall be required in accord with the standards established by this section.

335.1 Developers of residential structures shall provide parking spaces as required by the following table:

PARKING SPACES REQUIRED PER UNIT DWELLING UNITS/STRUCTURE (read across)				
Number of Bedrooms/Unit	1	2	3-6*	7 or more
1	2	2	1.6	1.5
2	2	2	1.8	1.6
3	2	2	2.0	1.8
4	3	3	2.2	2.0
5 or more	3	3	2.4	2.0

\*Applies to congregate parking for apartments in the Residential Suburban district. Attached single-family units on individual lots shall provide parking in accord with standards for

single-family dwellings.

335.2 All congregate parking areas shall be separated from adjacent lands by a sight proof fence or hedge at least four feet in height. No paving for congregate parking areas shall be placed any closer than five feet from an adjacent residentially-zoned property line.

335.3 Landscaping for congregate parking lots in the Residential Suburban district shall contain at least one-and-one-half-inch caliper tree per fifty square feet for all required landscaping within the bounds of the parking lot.

335.4 Any trash collection or storage facilities for multi-family residential uses shall be located at least ten feet from adjacent residential property and at least ten feet from any windows in the walls of the buildings they serve.

335.5 Congregate parking lots shall be located behind the front setback line of the buildings they serve.

335.6 Congregate parking lots shall have direct driveway access to a public or private road.

335.7 Parking lots shall be maintained in a dust-free condition.

335.8 Parking lot landscaping equal to ten percent of the total parking lot area shall be provided in residential parking lots. Said landscaping shall be placed within the perimeter of the actual parking area.

335.9 Parking spaces shall have an effective width of nine feet and an effective length of eighteen feet. Maneuver space for parking spaces shall be provided on the site in question. Parking spaces shall be arranged in such fashion that circulation is convenient and well integrated with off-site traffic flow.

336 SUBDIVIDING IN THE RESIDENTIAL SUBURBAN DISTRICT: The following methods of subdividing are permitted in the RS zone:

A. Open Space Designed Subdivision (Sec. 401 of Subdivision Ordinance) with density of one dwelling per acre.

1. OPEN SPACE designed subdivisions are required in the RS zone if 25% or more of the proposed development is 5000 feet elevation or more or if proposal includes lands designated important wildlife habitat.

B. Conventional Subdivision: (**Amendment #4 Ordinance # 2000-2**)

1. Within a city's area of impact, a minimum lot size of five acres is required where septic tank and drainfield sewage disposal systems are proposed. Such lots may not be further subdivided, and the plat and deeds must so indicate. Lots of less than five acres must employ municipal treatment of sewage or private sewage treatment systems which treat



sewage such that the effluent is equal to or less contaminated than that of the City of Pocatello sewage treatment facility. Such treatment facilities shall be built to the design standards of the city whose impact area it is within.

2. Outside a city's area of impact, the usual lot size of one acre may be proposed for on-site sewage disposal where soil type, distance to ground water and other factors are adequate to prevent ground or surface water contamination.

C. Planned Unit Development provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI); density may be up to one dwelling per 1/3 acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development. **(Amendment #19 Ordinance #2008-4)**

1. Developments for uses other than residential and neighborhood commercial shall not be permitted in the RS district.

2. The increased density allowed in a PUD shall be offset by provision of common open space equal to at least ten percent of the net developed area of the project. The open space shall be usable ground.

3. Minimum size for a planned unit development in the RS district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. **(Amendment #19 Ordinance #2008-4)**

D. All subdivisions on a city boundary must be annexed into that city which has designated that land to be within its "Area of City Impact".

1. In the event the City declines, in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

**337 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

The following table sets forth building bulk and placement standards for the Residential Suburban district:

**RESIDENTIAL SUBURBAN DISTRICT****MINIMUM SETBACKS (FT)<sup>(1)</sup>**

	MINIMUM LOT AREA (a)	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT. (FT)
PERMITTED USES:						
Single-Family Residence	1 acre*	30	50	20	10	35
Two-Family Residence	3\4 D.U.*	30	50	20	10	35
Residential Accessory Structures (see section 401.C.4)	-	30	50	20(c)	10(c)	35
Farm Animal Structure		30	50	30	30	15
Non-residential Buildings	-	30	50	20(b)	20(b)	-

**CONDITIONAL USES  
TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL**

(1) Setback for all structures shall be 100' from any stream or riparian area.

\*Five acres is minimum lot size where well and or septic tank/drainfield system is used within a city's area of impact. See Section 336.B.1.

(a) Larger lot sizes may be required by the District Health Department.

(b) Or height of building, whichever is greater.

(c) Or height of structure, whichever is greater.

# FINDINGS

**BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER**

**VARIANCE PERMIT- MICHAEL G. HESS  
PUBLIC HEARING: SEPTEMBER 17, 2025**

**FILE #:** VAR-25-12  
**LOCATION:** RPRRWE1000100 and is currently addressed as 14955 Kensington Ln., Pocatello, ID 83202

<b>APPLICANT:</b>	<b>OWNER:</b>
Michael G. Hess 14955 Kensington Ln. Pocatello, ID 83202	Michael G. Hess 14955 Kensington Ln. Pocatello, ID 83202

**REQUEST & BACKGROUND:** Michael Hess requests a variance for a side yard setback for a shed. The current side yard setback is 10' and the applicant is proposing a 5' side yard setback.

**FINDINGS:**

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

**SITE CHARACTERISTICS AND ZONING:**

ZONING: Residential Suburban  
PROPERTY SIZE: ~ 0.40 acres  
VIEWS: The property is visible from Kensington Ln.  
EXISTING STRUCTURES: Residential dwelling  
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]** **[is not]** a reasonable alternative.

This is based on:

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

This is based on:

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

This is based on:

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

This is based on:

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Conditions:

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**ORDER: CONCLUSION AND DECISION**

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Michael G. Hess for a variance for a 5' side yard setback, as described in the application, shall be **[approved]** **[denied]** **[tabled]**.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the foregoing Findings and Order.

**ROLL CALL:**

Councilperson Dimick	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Madsen	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Selleneit	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Ulrich	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Ward	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>

Motion carried by a \_\_\_\_\_ to \_\_\_\_\_ vote.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Signed by (Chairperson) (Vice Chair)

**ACKNOWLEDGEMENT CERTIFICATE**

State of Idaho)  
S.S.  
County of Bannock)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_ as chair/vice-chair on behalf of the Bannock County Planning and Development Council, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

S  
E  
A  
L

\_\_\_\_\_  
Notary Public  
My Commission Expires on \_\_\_\_\_ 20\_\_\_\_

# MOTION

### **MICHAEL G. HESS VARIANCE EXAMPLE MOTION**

Based on the record and discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Michael G. Hess requesting a variance for a 5' side yard setback, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

(IF ADDING APPROVAL CONDITIONS) with the following conditions of approval,

1. ....
2. ....



# AGENDA ITEM NO. 5

## Items of Interest

- a) Update on recommendations to Commissioners
- b) Discussion of upcoming hearing items
- c) Announcements