

**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 not** a reasonable alternative.

This is based on:

This is in line with the City of Chubbuck ordinances and follows the blanket variance for phases 4 through 8 of the Westfield Subdivision.

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

This is based on:

The public interest is in the development of the subdivision per City of Chubbuck standards. This subdivision was built to those standards.

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

This is based on:

Letters of support from the adjoining neighbor and the neighbor across the street. The variance request is in line with phases 4 through 8 of the subdivision and the City of Chubbuck ordinance.

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:

Following Bannock County ordinance will unnecessarily incumber the back yard.

Conditions: None

### 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 SELLENEIT, seconded by ULRICH to adopt the foregoing Findings and Order.

#### ROLL CALL:

Councilperson Dimick  
Councilperson Madsen  
Councilperson Selleneit  
Councilperson Ulrich  
Councilperson Ward

Voted [Yes] [No] Absent/Recused  
Voted [Yes] [No] Absent/Recused  
Voted Yes [No] [Absent/Recused]  
Voted Yes [No] [Absent/Recused]  
Voted Yes [No] [Absent/Recused]

Motion carried by a 3 to 0 vote.

Dated this 17<sup>th</sup> day of SEPTEMBER, 2025.

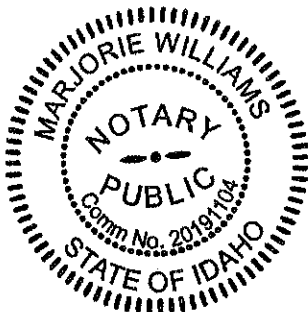
  
Signed by (Chairperson) (Vice Chair)

### ACKNOWLEDGEMENT CERTIFICATE

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

On this 17<sup>th</sup> day of September, in the year of 2025, before me Marjorie Williams, a notary public, personally appeared Stewart Ward 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.

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A  
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Marjorie Williams  
Notary Public  
My Commission Expires on 5/31 2031