

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

**VARIANCE PERMIT- KRystal CHANDA
PUBLIC HEARING: MARCH 18, 2026**

FILE #: VAR-26-1
LOCATION: RPR4225001107 and is currently unaddressed

APPLICANT:	OWNER:
Krystal Chanda P.O. Box 1327 Pocatello, ID 83204	Joshua J. Burkman 2888 Silverwood Pl. Pocatello, ID 83201

REQUEST & BACKGROUND: Krystal Chanda requests a variance for a riparian area setback from 100' to 30' to build a single-family residence and retaining wall.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Rural
PROPERTY SIZE: ~ 80.46 acres
VIEWS: The property is visible from Harkness Canyon Road
EXISTING STRUCTURES: Residential accessory structures
AREA OF CITY IMPACT: No

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 due to the topography of the site and the limited area of development available on the property. Placing the structure 100' from the riparian area would place the structure in areas sloped greater than 15%, which will add restrictions to development opportunities according to Zoning Ordinance §490.B.2.

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

This is based on:

Potential impacts associated with the reduced setback may be mitigated through conditions of approval, including erosion control measures, engineered design of the retaining wall, preservation of remaining riparian vegetation, and compliance with applicable agencies when working near waterways. Additionally, there were no public comments received in opposition.

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

This is based on:

The building site is in the middle of an 80-acre property and there will be no impact to adjacent properties based on this request. This use is also compatible with neighboring properties.

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:

Strict adherence to the setback standard would significantly limit the applicant's ability to reasonably develop the property for residential use due to the steep slopes present across much of the parcel. Based on the topography constraints described in the application, reducing the setback from 100' to 30' places the structure in the only reasonably buildable portion of the parcel. The physical characteristics are not self-created but are natural features.

Conditions:

1. The dwelling and retaining wall shall be located no closer than 30' from the top of the creek bank.
2. The area between the structure and the creek shall remain in a natural vegetated state. Construction disturbance will be allowed.
3. The property owner shall implement permanent stormwater management measures (such as swales, infiltration areas, or similar improvements) to ensure that runoff from the residence does not discharge directly into the creek or cause erosion.
4. This variance applies to the dwelling, retaining wall, and driveway fill. No additional structures, fill, or grading shall occur within the riparian setback without separate approval.

5. The applicant shall obtain all necessary permits from Idaho Department of Water Resources, Army Corps of Engineers, and Idaho Department of Lands prior to the issuance of any building permits.
6. The retaining wall shall be engineered and constructed to prevent erosion, bank destabilization, or redirection of creek flows.

ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Krystal Chanda for a variance for a 30' riparian setback, as described in the application, shall be **approved**.

Motion by Chad Selleneit, seconded by Mollie Dimick to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Dimick	Voted Yes
Councilperson Madsen	Voted Yes
Councilperson Selleneit	Voted Yes
Councilperson Ulrich	Voted Yes
Councilperson Ward	Voted Yes

Motion carried by a 5 to 0 vote.

Dated this 18th day of March, 2026.



 Signed by Chairperson (Vice Chair)

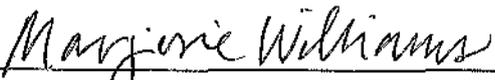
ACKNOWLEDGEMENT CERTIFICATE

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

On this 18th day of March, in the year of 2026, before me Marjorie Williams a notary public, personally appeared Stewart Ward as 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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 Notary Public
 My Commission Expires on 5/31 2031