

MEETING AGENDA

CITY OF POCATELLO

HEARING EXAMINER

NOVEMBER 13, 2025 | 5:30 PM

POCATELLO CITY HALL | COUNCIL CHAMBERS | 911 NORTH 7TH AVENUE

In accordance with the Americans with Disabilities Act, it is the policy of the City of Pocatello to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require an accommodation, please contact Skyler Beebe with two (2) business days' advance notice at 208.234.6248, sbeebe@pocatello.gov or 5815 South 5th Avenue, Pocatello, Idaho. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

The Hearing Examiner is a citizen advisory group to the City Council. The Hearing Examiner is charged with making decisions for conditional use permit and variance applications. All Hearing Examiner meetings are recorded for record retention and transcription.

The following is the official agenda of the Hearing Examiner meeting. Discussion and action will be limited to those items on the agenda. Any citizen who wishes to address the Hearing Examiner shall first be recognized by the Hearing Examiner, and shall give his/her name for the record. If a citizen wishes to read documentation of any sort to the Hearing Examiner, he/she shall first seek permission from them. Oral testimony may be restricted to no more than 3 minutes per person.

1. DISCLOSURES.

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

2. ACTION ITEM: PUBLIC HEARING: VARIANCE – FILE VAR25-0006.

This time has been set aside for the Hearing Examiner to hear comments from the public regarding a request by Andrew Matkin for a building size variance and a northside setback variance for an accessory building at 165 Rosewood Avenue. The property is located within a Residential Medium Density Single Family (RMS) zoning district. Staff find this request is not compliant with Municipal Code 17.02.160 requirements. (Quasi-Judicial Public Hearing)

HEARING EXAMINER
HEARING: November 13, 2025
STAFF REPORT

FILE: VAR25-0006

APPLICANT: Andrew (Andy) Matkin
OWNER: Andy Matkin
REQUEST: Variance for Northside setback, RNW25-0049-0063
LEGAL DESCRIPTION: Lot 8, Block 6 West Pocatello Townsite 0.16 AC
GENERAL LOCATION: 165 Rosewood Ave
STAFF: Jennifer Flynn, Assistant Planner

SUMMARY & CONDITIONS:

In consideration of the application, staff concludes that the proposed Variance is **not compliant** with Pocatello City Code Section 17.02.160. A full analysis is detailed within this staff report.

OPTIONAL MOTIONS:

1. Approval of the Application: Move to recommend **approval** of the Variance application from Andy Matkin to reduce the required side setback, size and landscaping standards for an accessory structure in a Residential Medium Density Single Family zone (RMS), finding the application meets the standards for approval under section 17.02.160 of Pocatello City Code.

2. Denial of the Application: “Move to recommend **denial** of the Variance application from City of Pocatello, finding the application **does not** meet the standards for approval under section 17.02.160 of Pocatello City Code (**state reason for denial**).

GENERAL BACKGROUND:

Request: The request is to allow a Variance from the minimum setback of 5 foot requirement on the Eastside of the property in order to allow a detached structure to remain; for size of the structure; and for an exemption from landscaping standards. This detached structure has already been built and maintains a 2’ setback on the Eastside. The shop is ~1,079sf (22’4” wide x 48’5” long) and stands 15’8” tall. This shop violates the side setback and the size requirements as noted in 17.06.200.1. Dimensional Requirements: a. The combined footprint of all accessory structures shall be no larger than the square foot area of the primary structure; e. Accessory structures greater than two hundred (200) square feet shall maintain a minimum five foot (5') interior side and rear yard setback;

According to 17.02.160, A variance is a modification of the bulk and placement requirements of this title as to lot size, lot width, lot depth; front yard, side yard, rear yard setbacks; parking space requirements, height of buildings, or other ordinance provisions adversely affecting the development or use of property. 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 the characteristics of the site and that the variance is not in conflict with the public interest.

Physical Characteristics of the Site:

The subject property, known as RPWPO009000 on Rosewood Ave, entails 0.16 acres (more or less) and is zoned Residential Medium Density Single Family (RMS) with a Future Land Use designation of Residential. This lot is average size and shape for the neighborhood however the house sits back towards the rear lot line. The shop meets front setback standards and aligns with other homes on the street.

Notification:

Notice was posted on the subject property. All property owners adjacent to the subject property have been provided notice of the public hearing in order that they may provide comment on the proposed Variance. No written comments were received from the public prior to the publishing of this staff report.

Hearing Examiner Authority to Grant:

The hearing examiner may approve, approve with conditions, or modification, or deny an application for a variance. The decision may be appealed by the applicant or other affected persons according to the provisions of Idaho Code section §67-6521. Said appeal is to the city council pursuant to the process outlined in section §17.02.400, "Appeals", of this chapter.

ATTACHMENTS:

- A. Application Documents

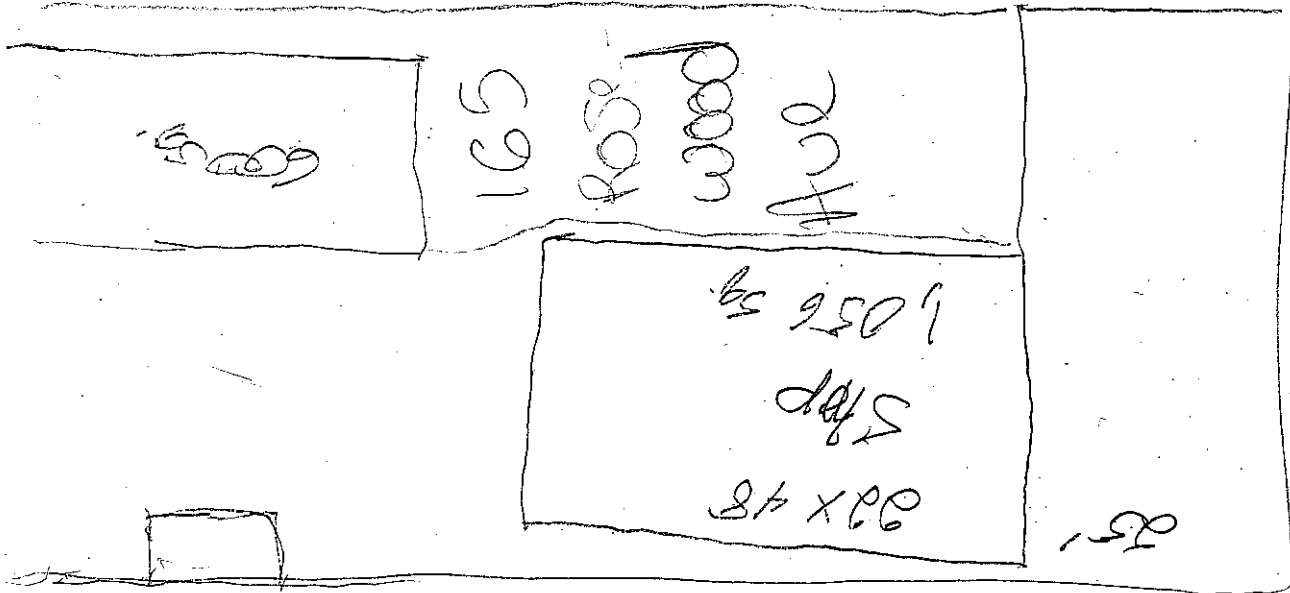
CRITERIA FOR REVIEW: The Hearing Examiner shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Variance Review Criteria Analysis

REVIEW CRITERIA (17.02.160.F):				
Compliant			City Code and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	17.02.160.F1	The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests the variance.
			<i>Applicant Response</i>	Hired a contractor and the contractor said they got a permit.
			<i>Staff Review</i>	Once a code enforcement case was opened on this property, the property owner has been responsive. As the structure was built before being reviewed by City Staff, there was no way to ensure it's placement and size met standards.
☐	☒	☐	17.02.160.F2	The variance sought must be the result of unusual physical characteristics of the site in question.
			<i>Applicant Response</i>	The house is setback unusually far from front property line
			<i>Staff Review</i>	Staff do not find anything unusual about the physical characteristics of this site.
☐	☒	☐	17.02.160.F3	The circumstances surrounding the variance request shall be due to an undue hardship as related to the characteristics of

				the land, and the applicant shall show that, absent a variance, he/she would be deprived of rights commonly enjoyed by other properties in the identical zoning district under the terms of this title.
			Applicant Response	House was built in 1930 and is a small square footage (600sf).
			Staff Review	The is not an undue hardship. The unique aspect of this development is that the home is located close to the rear of the property. The home on this parcel is smaller than most on the block. During a site visit staff noted that the structure in question was not out of conformity with front setbacks on Rosewood Ave.
☒	☐	☐	17.02.160.F4	The undue hardship cited as the basis of a variance request did not result from the actions of the applicant, or the current, or a prior landowner, or any of their agents.
			Applicant Response	Contractor said they had a permit.
			Staff Review	Contractor said they had the permits needed to complete the job. Landowner did not verify with City as he trusted the Contractor
☒	☐	☐	17.02.160.F5	The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.
			Applicant Response	Applicant will ask neighbors for notes saying this will not bother them.
			Staff Review	This variance will not adversely affect abutting property owner.

Rosewood



VARIANCE QUESTIONS

1. EXPLAIN HOW ALL REASONABLE STEPS TO COMPLY WITH THE STRICT TERMS OF THE ORDINANCE HAVE BEEN TAKEN.
 - a. Hired a contractor and the contractor said they got a permit
2. EXPLAIN HOW THE VARIANCE SOUGHT IS THE RESULT OF UNUSUAL PHYSICAL CHARACTERISTICS OF THE SUBJECT PROPERTY.
 - a. na
3. EXPLAIN HOW THE CIRCUMSTANCES SURROUNDING THE VARIANCE REQUEST IS DUE TO AN UNDUE HARDSHIP AS RELATED TO THE CHARACTERISTICS OF THE LAND, AND THAT ABSENT A VARIANCE, THE PROPERTY OWNER WOULD BE DEPRIVED OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTY OWNERS IN THE IDENTICAL ZONING DISTRICT UNDER THE TERMS OF THIS TITLE.
 - a. House was built in 1930 and is a small square footage
4. EXPLAIN HOW THE UNDUE HARDSHIP CITED AS THE BASIS OF A VARIANCE REQUEST DID NOT RESULT FROM THE ACTIONS OF THE APPLICANT, OR THE CURRENT OR PRIOR LANDOWNER, OR ANY OF THEIR AGENTS.
 - a. Contractor said they had a permit
5. EXPLAIN HOW THE PROPOSED VARIANCE DOES NOT ADVERSELY AFFECT ADJACENT OR NEARBY PROPERTIES.
 - a. Applicant will ask neighbors for notes saying this will not bother them