

MEETING AGENDA
CITY OF POCATELLO
HEARING EXAMINER

AUGUST 14, 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: CONDITIONAL USE PERMIT - FILE CUP25-0004

This time has been set aside for the Hearing Examiner to hear comments from the public regarding a request by Amy Delaney for a conditional use permit to extend the roof and add a porch to the front of the home with a reduced setback from 16 feet, 11 inches to ten (10) feet. The property is located at 390 Park Avenue, in a Residential Medium Density Single Family (RMS) Zoning District. Municipal Code 17.02.130.D allows for the expansion of a legal nonconforming use through the conditional use permit process. (Quasi-Judicial Public Hearing)

3. ACTION ITEM: PUBLIC HEARING: VARIANCE - FILE VAR25-0003

This time has been set aside for the Hearing Examiner to hear comments from the public regarding a request by Rodney Sortor for a variance to allow construction of garage that exceeds the house foot print of 864 square feet. The property is located at 8961 W. Shores Road in a Residential Medium Density Single Family (RMS) Zoning District. (Quasi-Judicial Public Hearing)

AGENDA ITEM 1



**HEARING EXAMINER
HEARING: AUGUST 14, 2025
STAFF REPORT**

FILE: CUP25-0004

APPLICANT: Amy Delaney
OWNER: Amy Delaney
REQUEST: Conditional Use Permit for home addition
LEGAL DESCRIPTION: S23-T6S-R34E LOTS 42 & 43 BLOCK 7 TOWNSITE OF FAIRVIEW
GENERAL LOCATION: 390 Park Ave
STAFF: Jennifer Flynn, Assistant Planner

SUMMARY & CONDITIONS:

In consideration of the application, staff concludes that the proposed addition is **compliant** with Pocatello City Code Section 17.02.130.D. A full analysis is detailed within this staff report.

Staff recommend the following conditions that are outlined in code for this type of expansion:

1. A building permit application shall be submitted and approved prior to any construction activities on the subject property.

OPTIONAL MOTIONS:

1. Approval of the Application: "Move to recommend **approval** of the Conditional Use Permit application to authorize expansion of the front porch, stairs and roof finding the application meets the standards for approval under section 17.02.130.D of Pocatello City Code.

2. Denial of the Application: "Move to recommend **denial** of the Conditional Use Permit application, finding the application **does not** meet the standards for approval under section 17.02.130.D of Pocatello City Code (**state reason for denial**).

GENERAL BACKGROUND:

Request: The Pocatello Hearing Examiner will hear comments from the public regarding a CUP for 390 Park Ave, submitted by Amy Delaney. Required setbacks for this zone in the front are 20'. The request is to expand further into the front setback by installing a covered porch and new stairs. Lastly this CUP's requirement is stated in 17.01.170.A.3.b, *Expansion or Change: Permits to expand or change existing nonconforming uses, land area, or density may be sought through the conditional use permit process regardless of the underlying zoning district. Further, any site modifications that could change or intensify a nonconforming use such as, but not limited to, parking spaces, traffic circulation, ingress/egress, curb cut location, landscaping removal, or similar items of change will require a conditional use permit.* And conditions are required per 17.01.170.B: *Required Improvements: All building permits and developments shall be brought into full compliance with current landscaping and parking standards except where additional parking spaces would be required and as determined by the Planning Director or their designee.*

Physical Characteristics of the Site: The subject property, known as 390 Park Ave, entails 0.14 acres (more or less) and is zoned Residential Medium Density Single Family (RMS) with a Future Land Use designation of Residential. The request is to expand further into the front setback by installing a covered porch, new stairs and extending the roof line. As required by City code, setbacks in this zone are 20' from property line to structure.

Notification: Notice was posted on the subject property and published in the Idaho State Journal on July 29, 2025. All property owners within three hundred feet (300') of the external boundaries of the subject property have been provided notice of the public hearing in order that they may provide comment on the proposed Conditional Use Permit. 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 deny an application for a Conditional Use Permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code section 67-6521) to the City Council pursuant to the process outlined in Pocatello City Code section 17.02.400: Appeals.

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. Conditional Use Permit Review Criteria Analysis

| REVIEW CRITERIA (17.02.130.D): | | | | |
|---------------------------------------|--------------------------|--------------------------|-----------------------------------|---|
| Compliant | | | City Code and Staff Review | |
| Yes | No | N/A | Code Section | Analysis |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.02.130.D1 | IS CONDITIONALLY PERMITTED WITHIN THE SUBJECT LAND USE DISTRICT AND COMPLIES WITH ALL OF THE APPLICABLE PROVISIONS OF THIS CODE UNLESS MODIFIED THROUGH THE CUP PROCESS. |
| | | | <i>Staff Review</i> | Conditional uses are uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the city an opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses. |
| | | | <i>Applicant Response</i> | Changing the stairs to face the street, also proposing extending and adding roof line and adding a porch on the front of the home. the home was built prior to current regulations of the 20 ft front set back and this would expand the legal non- |

| | | | | |
|---|---|---|---------------------------|--|
| | | | | conforming setback. the current home set back is 16'-11" with the addition the new set back would be approximately 10 '. |
| ☒ | ☐ | ☐ | 17.02.130.D2 | IS CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN OF THE CITY. |
| | | | Staff Review | Future Land Use Map designates this property to be residential for future use. This designation denotes projected or existing residential areas of various densities and forms. These areas include a range of residential uses from suburban to urban neighborhoods. |
| | | | Applicant Response | This meets the desire for the city to meet the infill development. specifically addressed in the planning approach for the comprehensive plan regarding infill development. |
| ☒ | ☐ | ☐ | 17.02.130.D3 | IS COMPATIBLE WITH EXISTING AND PERMITTED LAND USES WITHIN THE GENERAL AREA. |
| | | | Staff Review | Other homes within this block have reduced setbacks as many older homes were built under different standards. Our code does allow for Building projections such as eaves, bay windows, and chimneys may extend a maximum of two feet (2') into designated setbacks (side, rear or front). Non-enclosed porches, steps and decks less than thirty inches (30") in height from finished grade may extend a maximum of six feet (6') or fifty percent (50%), whichever is less, into the required front and rear setbacks, and may extend a maximum of two feet (2') into required side yard setbacks, according to note 4 in 17.03.600. While this request extends beyond what dimension codes require, this request is appropriate given its legal non-conforming status. |
| | | | Applicant Response | There are similar setbacks in the neighborhood. nothing in our plan would be inconstant with the general neighborhood. |
| ☒ | ☐ | ☐ | 17.02.130.D4 | COULD BE ADEQUATELY SERVED BY PUBLIC FACILITIES AND SERVICES SUCH AS THOROUGHFARES, TRANSPORTATION FACILITIES, POLICE AND FIRE PROTECTION, DRAINAGE, REFUSE DISPOSAL, WATER/SEWER AND SCHOOLS, TO ENSURE THAT THE PROPOSED USE WOULD NOT BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY, AND WELFARE. |
| | | | Staff Review | All utilities and services are currently available up to the subject property. |
| | | | Applicant Response | This is an already developed neighborhood. all services are available. |
| ☒ | ☐ | ☐ | 17.02.130.D5 | WOULD BE HARMONIOUS IN SCALE, MASS, COVERAGE, DENSITY, AND INTENSITY WITH ALL ADJACENT PERMITTED LAND USES. |
| | | | Staff Review | Adjacent land uses are similar, such as setbacks and size of the subject property, and fit within the residential category. |

| | | | | |
|-------------------------------------|--------------------------|--------------------------|---------------------------|--|
| | | | Applicant Response | There are similar setbacks in the neighborhood. nothing in our plan would be inconstant with the general neighborhood. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.02.130.D6 | WOULD NOT ADVERSELY AFFECT THE ENVIRONMENT TO A GREATER DEGREE THAN HAD A USE PERMITTED OUTRIGHT BY THE ORDINANCE BEEN ESTABLISHED. |
| | | | Staff Review | This expansion would not intensify the environmental impact. |
| | | | Applicant Response | There are similar setbacks in the neighborhood. nothing in our plan would be inconstant with the general neighborhood. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.02.130.D7 | WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTERESTS, HEALTH, SAFETY, OR WELFARE OF THE CITY IN ITS PROPOSED LOCATION, SIZE, DESIGN, AND OPERATING CHARACTERISTICS. |
| | | | Staff Review | This expansion would not be detrimental to public interests, health, safety, or welfare of the city. |
| | | | Applicant Response | There are similar setbacks in the neighborhood. nothing in our plan would be inconstant with the general neighborhood. |

Recording Requested By:

And When Recorded Mail To:
AMY DELANEY
736 WEST 25 SOUTH
BLACKFOOT, ID 83221

T.S. No.: ID-24-994419-BB

TRUSTEE'S DEED

Robert W. McDonald, Esq., (herein called Trustee) as Trustee under the Deed of Trust hereinafter particularly described, does hereby bargain, sell and convey, without warranty, to **Amy Ann Delaney and Joseph D Delaney**, herein called Grantee whose current address is:

Amy DELANEY
736 West 25 South
Blackfoot, ID 83221

all of the real property situated in the County of **BANNOCK**, State of Idaho described as follows:

LOTS 42 AND 43 IN BLOCK 7 OF FAIRVIEW TOWNSITE, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF BANNOCK COUNTY, IDAHO.

This conveyance is made pursuant to the powers conferred upon the trustee by the Deed of Trust between **STEPHAN RAY MOORE AND LAURA ANN FISHER MOORE, HUSBAND AND WIFE**, as Grantor, and **U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION**, as trustee, and **U.S. BANK, NATIONAL ASSOCIATION**, as Beneficiary, Recorded **6/19/2003**, as Instrument No. **20316092**, in **Book 832 Page 7-1** Mortgage records of **BANNOCK** County, **Idaho**, and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

(a). Default occurred in the obligations for which such Deed of Trust was given as security and the Beneficiary made demand upon the trustee to sell property pursuant to the terms of said Deed of Trust. Notice of Default was recorded **8/23/2024**, as Instrument No. **22408944**, Mortgage records of **BANNOCK** County, **Idaho** and in the office of each other county in which the property described in said Deed of Trust, or any part thereof, is situated, the nature of such default being as set forth in said Notice of Default. Such default still existed at the time of sale.

(b). After recording the Notice of Default, notice was given of the time and place of the sale of the property by registered or certified mail, by personal service upon the occupants of the real property, by posting in a conspicuous place on the real property and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to the date of sale. In accordance with Idaho Code § 45-1505, additional notice alerting delinquent homeowners of foreclosure rescue schemes was presented.

(c). The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) and the Affidavits referred to in paragraph (b) are incorporated herein and made an integral part for all purposes as though included in length.

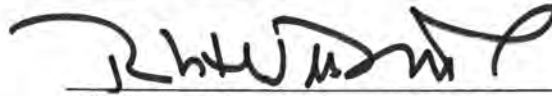
(d). All requirements of law regarding the mailing, personal service, posting, publication and recording of the Notice of Default, and Notice of Sale and for all other notices have been complied with.

(e). Not less than 120 days elapsed between the giving of Notice of Sale by registered or certified mail, return receipt requested and the sale of the property.

(f). The trustee's authorized agent, at the time and place fixed in the Notice of Sale, at public auction, in one parcel, was sold on 2/20/2025 to Grantee, being the highest bidder, the property herein described, for the sum of \$88,000.00, subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole amount of principal, interest, advances, and costs.

TS No: ID-24-994419-BB

Dated: this 26TH day of FEBRUARY, 20 25.



By: Robert W. McDonald, Esq., Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of: Washington

County of: King

On FEB 26 2025 before me, Knicole Morin a notary public, personally appeared Robert W. McDonald, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under *PENALTY OF PERJURY* under the laws of the State of Washington that the foregoing paragraph is true and correct.

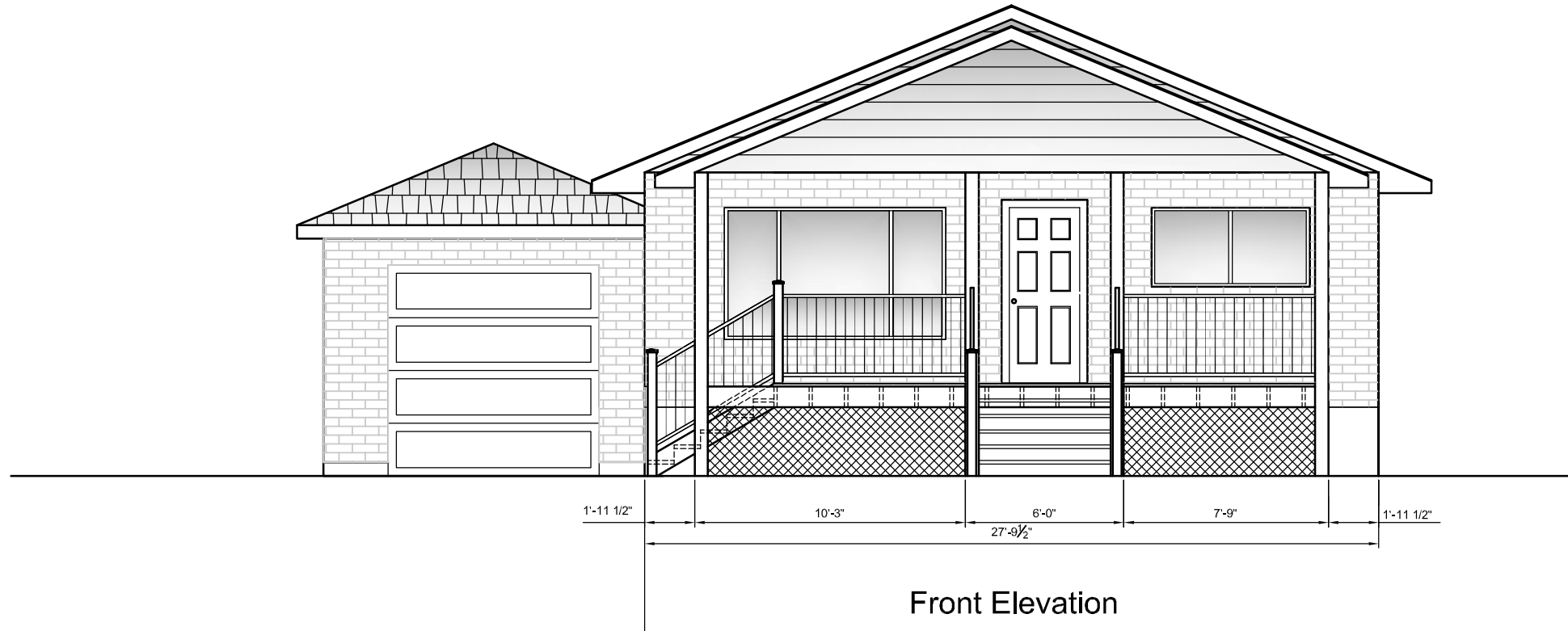
WITNESS my hand and official seal.

(Seal)

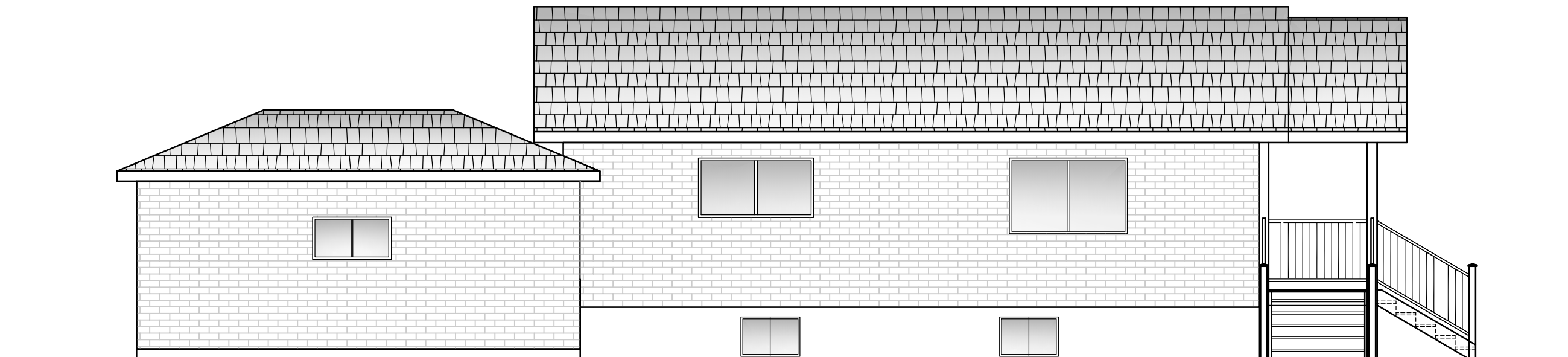


Signature





Front Elevation



North Elevation

OM Designs

For
Amy & Joe Delaney
 390 park Avenue
 Pocatello Idaho 83401
 Phone 208- 680-3450

Scale: 1/4" = 1'-0"
 Drawn: O. Morgan
 Date: 3-18-2025

1018 West 125 North
 Blackfoot, Idaho 83221
 Phone: (208) 684-5318

Revision

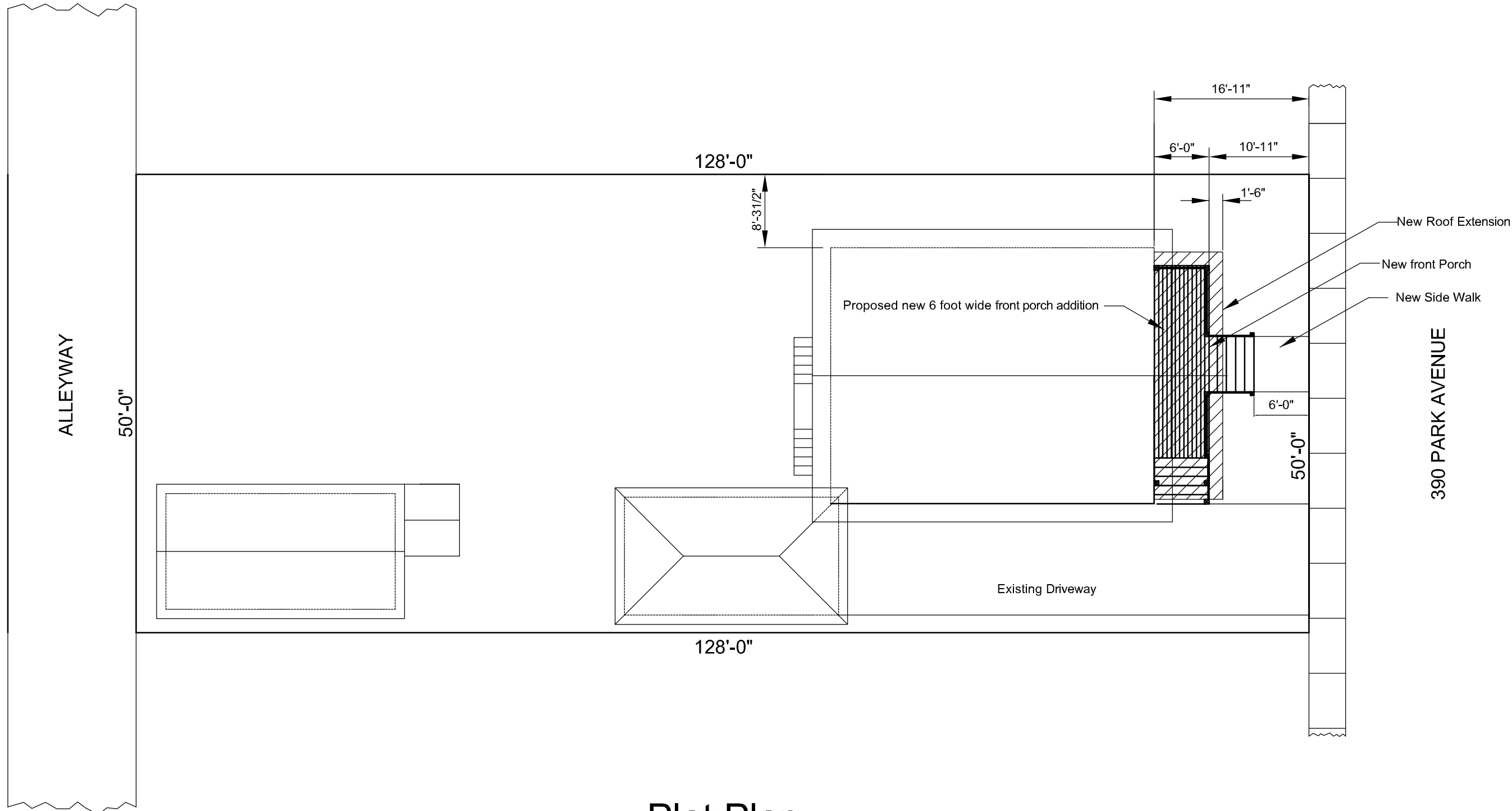
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H-908

Sheet

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Plot Plan

OM Designs

For
Amy & Joe Delaney
390 park Avenue
Pocatello Idaho 83401
Phone 208- 680-3450

Scale: None
Drawn: O. Morgan
Date: 5-23-25

1018 West 125 North
Blackfoot, Idaho 83221
Phone: (208) 684-5318

Revision

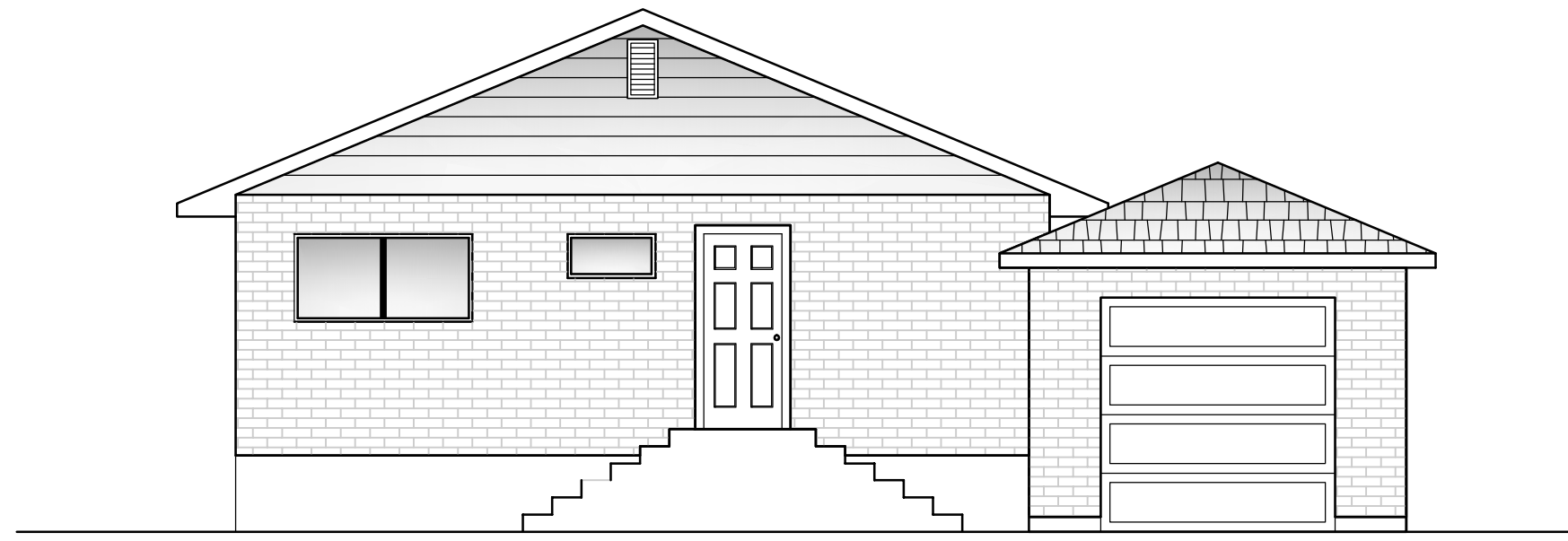
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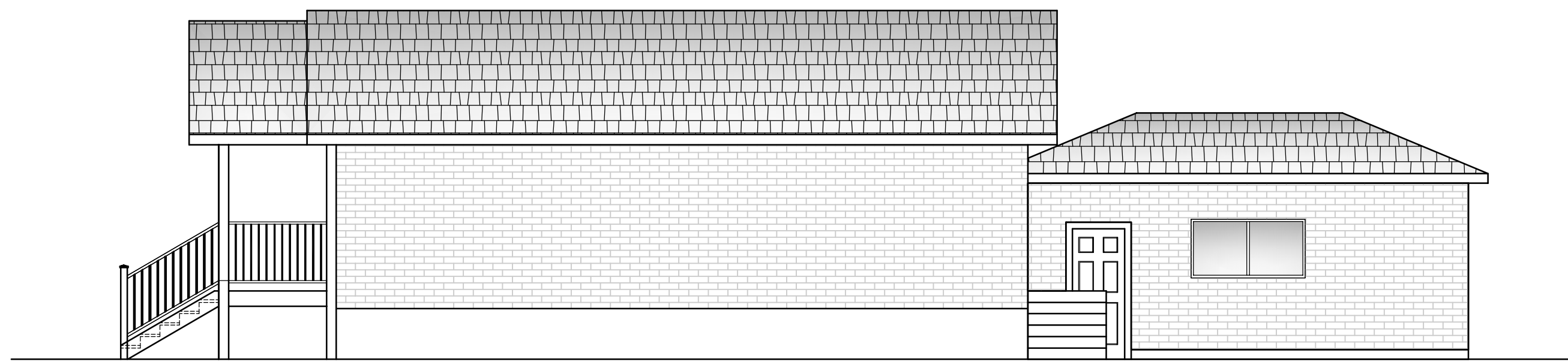
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Rear Elevation



South Elevation

OM Designs

For
Amy & Joe Delaney
390 park Avenue
Pocatello Idaho 83401
Phone 208- 680-3450

Scale: 1/4"=1'-0"
Drawn: O. Morgan
Date: 3-18-2025

1018 West 125 North
Blackfoot, Idaho 83221
Phone: (208) 684-5318

Revision

0

H-908

Sheet
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CONDITIONAL USE PERMIT QUESTIONS

1. EXPLAIN HOW THE REQUESTED USE COMPLIES WITH ALL OF THE APPLICABLE PROVISIONS OF POCATELLO CITY CODE UNLESS MODIFIED THROUGH THE CUP PROCESS.
 - a. CHANGING THE STAIRS TO FACE THE STREET, ALSO PROPOSING EXTENDING AND ADDING ROOF LINE AND ADDING A PORCH ON THE FRONT OF THE HOME. THE HOME WAS BUILT PRIOR TO CURRENT REGULATIONS OF THE 20 FT FRONT SET BACK AND THIS WOULD EXPAND THE LEGAL NON CONFORMING SETBACK. THE CURRENT HOME SET BACK IS 16'-11" WITH THE ADDITION THE NEW SET BACK WOULD BE APPROXIMATELY 10 '.
2. EXPLAIN HOW THE REQUESTED USE IS CONSISTENT WITH THE GOALS AND POLICIES OF THE CITY'S COMPREHENSIVE PLAN.
 - a. THIS MEETS THE DESIRE FOR THE CITY TO MEET THE INFILL DEVELOPMENT. SPECIFICALLY ADDRESSED IN THE PLANNING APPROCH FOR THE COMPRESIVE PLAN REGARDING INFILL DEVELPOMENT.
3. EXPLAIN HOW THE REQUESTED USE IS COMPATIBLE WITH EXISTING AND PERMITTED LAND USES WITHIN THE GENERAL AREA.
 - a. THERE ARE SIMILAR SET BACKS IN THE NEIGHBORHOOD. NOTHING IN OUR PLAN WOULD BE INCONSTANT WITH THE GENERAL NEIGHBORHOOD
4. EXPLAIN HOW THE REQUESTED USE COULD BE ADEQUATELY SERVED BY PUBLIC FACILITIES AND SERVICES SUCH AS THOROUGHFARES, TRANSPORTATION FACILITIES, POLICE AND FIRE PROTECTION, DRAINAGE, REFUSE DISPOSAL, WATER OR SEWER AND SCHOOLS, TO ENSURE THE PROPOSED USE WOULD NOT BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY, AND WELFARE.
 - a. THIS IS AN ALREADY DEVELOPED NEIGHBORHOOD. ALL SERVICES ARE AVAILABLE.
5. EXPLAIN HOW THE REQUESTED USE WOULD BE HARMONIOUS IN SCALE, MASS, COVERAGE, DENSITY, AND INTENSITY WITH ALL ADJACENT PERMITTED LAND USES.
 - a. THERE ARE SIMILAR SET BACKS IN THE NEIGHBORHOOD. NOTHING IN OUR PLAN WOULD BE INCONSTANT WITH THE GENERAL NEIGHBORHOOD
6. EXPLAIN HOW THE REQUESTED USE WOULD NOT ADVERSELY AFFECT THE ENVIRONMENT TO A GREATER DEGREE THAN HAD A USE PERMITTED OUTRIGHT BY ORDINANCE BEEN ESTABLISHED.
 - a. THERE ARE SIMILAR SET BACKS IN THE NEIGHBORHOOD. NOTHING IN OUR PLAN WOULD BE INCONSTANT WITH THE GENERAL NEIGHBORHOOD
7. EXPLAIN HOW THE REQUESTED USE WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, OR WELFARE IN ITS PROPOSED LOCATION, SIZE, DESIGN, AND OPERATING CHARACTERISTICS.
 - a. THERE ARE SIMILAR SET BACKS IN THE NEIGHBORHOOD. NOTHING IN OUR PLAN WOULD BE INCONSTANT WITH THE GENERAL NEIGHBORHOOD

AGENDA ITEM 2

**HEARING EXAMINER
HEARING: AUGUST 14, 2025
STAFF REPORT**

FILE: VAR25-0003

APPLICANT: Lacee Harger and Rodney Sortor
OWNER: Rodney Sortor
REQUEST: Variance for Accessory Structure, DET25-0008
PARCEL #: RPCPP155200
GENERAL LOCATION: 8961 Shores Road
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. If the Hearing Examiner elects to approve this application, staff recommend the following conditions:

1. Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to;
2. A building permit application shall be submitted and approved prior to any construction activities on the subject property;
3. Based on imagery between 2000 and 2024 all accessory structures are considered legal non-conforming with exception of the container unit.
 - A. City Code outright bans container units in residential zones (17.06.200.A.1.d) and we ask that this unit be removed before the building permit is issued.

OPTIONAL MOTIONS:

1. Approval of the Application: Move to recommend **approval** of the Variance application from Rodney Sortor to allow construction of an accessory structure that exceeds the footprint of his home to be built

2. Denial of the Application: “Move to recommend **denial** of the Variance application from Rodney Sorter, 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 Pocatello Municipal Code Section 17.03.200.A.1.a which states *The combined footprint of all accessory structures shall be no larger than the square foot area of the primary structure* for Residential Medium Density Single Family Zoning district (RMS). The applicant is requesting a variance to:

1. Build an accessory structure (1440 square feet) that exceeds the square footage of the primary structure at 8961 Shores Rd.

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 RPCPP155200 located at 8961 Shores Rd, entails 7 acres (more or less) and is zoned Residential Medium Density Single Family (RMS) with a Future Land Use designation of Residential. Currently, this property hosts: a 26’x26’ carport, a container unit, a “meat shop”, and a shed in addition to the home. This property was annexed into the City on June 6th, 2024. The County does not have record of any of the accessory structures currently on this land being permitted. The footprint of the home, is 864sf; including the screened in porch, it’s ~1,080sf.

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 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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> | Applied for building permit, still in review due to size of garage is bigger than the house which is only 864 sq. ft. |
| | | | <i>Staff Review</i> | The applicant reached out to City staff to explore options once the building permit was denied. It was determined that attaching the garage would not work as there are other structures in the way. Building a smaller shop was discussed but not an attractive option for the applicant. Through discussion, staff and applicant agreed that a variance was appropriate. The applicant applied for a variance before starting to build the shop. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.02.160.F2 | The variance sought must be the result of unusual physical characteristics of the site in question. |

| | | | | |
|-------------------------------------|-------------------------------------|--------------------------|---------------------------|---|
| | | | <i>Applicant Response</i> | 7 acres of land to build on |
| | | | <i>Staff Review</i> | This property is much larger than most found within City limits as it was recently annexed from Bannock County. It's important to note that staff found various cases of similar situations that had their variances approved given the large amount of land. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| | | | <i>Applicant Response</i> | Garage is needed to store equipment that will be used take care of the 7 acres of land. |
| | | | <i>Staff Review</i> | Being annexed into the City has changed the rules for this piece of property. The goal is to find balance in permitting the land owner to utilize their property while beautifying our community |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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. |
| | | | <i>Applicant Response</i> | The undue hardship did not result from previous actions or actions of the current owner who inherited the 7 acres that's been in his family for over 50 years. The hardship is due to the land being annexed into the city last summer which is now restricting the owner to build a shop that will be large enough to house equipment to take care of the 7 acres. |
| | | | <i>Staff Review</i> | The land owner did not elect to be annexed. This being noted, all residents of Pocatello are subject to the same standards. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.02.160.F5 | The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property. |
| | | | <i>Applicant Response</i> | The garage will not affect any adjacent or nearby properties as it will be located on a private road and will not be visible to the public unless they go through no trespassing signs. |
| | | | <i>Staff Review</i> | If this variance is granted, and conditions are required, this variance would benefit the community as the property would get cleaned up. |

VARIANCE QUESTIONS

1. EXPLAIN HOW ALL REASONABLE STEPS TO COMPLY WITH THE STRICT TERMS OF THE ORDINANCE HAVE BEEN TAKEN.
 - a. Applied for building permit, still in review due to size of garage is bigger than the house which is only 864 sq ft
2. EXPLAIN HOW THE VARIANCE SOUGHT IS THE RESULT OF UNUSUAL PHYSICAL CHARACTERISTICS OF THE SUBJECT PROPERTY.
 - a. 7 acres of land to build on
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. Garage is needed to store equipment that will be used take care of the 7 acres of land.
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. The undue hardship did not result from previous actions or actions of the current owner who inherited the 7 acres that's been in his family for over 50 years. The hardship is due to the land being annexed into the city last summer which is now restricting the owner to build a shop that will be large enough to house equipment to take care of the 7 acres.

One other thing I was hoping may help. Currently the square footage of the house is only going off the upstairs. It is missing the enclosed porch and basement. Measurements for everything is broken out below:
Enclosed attached porch/sunroom 24 x 12
Upstairs living area 39 1/2 x 20
Basement 32 1/2 x 19
Total sq footage = 1695.5
5. EXPLAIN HOW THE PROPOSED VARIANCE DOES NOT ADVERSELY AFFECT ADJACENT OR NEARBY PROPERTIES.
 - a. The garage will not affect any adjacent or nearby properties as it will be located on a private road and will not be visible to the public unless they go through no trespassing signs.

South 5th

Trailer Park

1000 ft +

1000 ft +

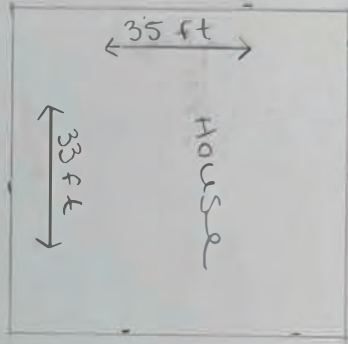
W. Shore Rd →

Property line to trailer park

Yard

32 ft

Water

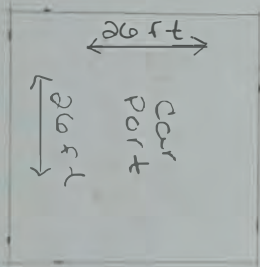


Power

100 ft +

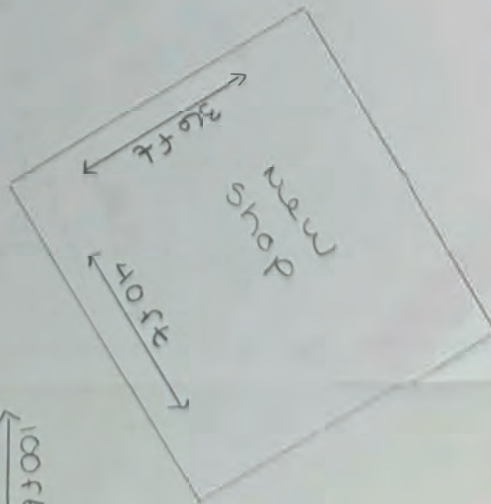
Porch

17 ft

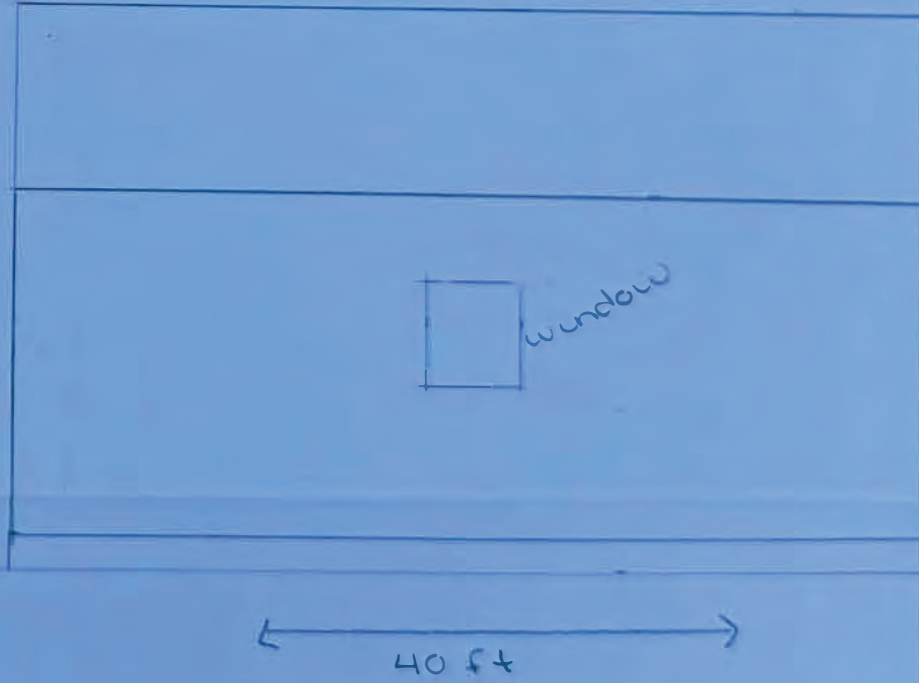
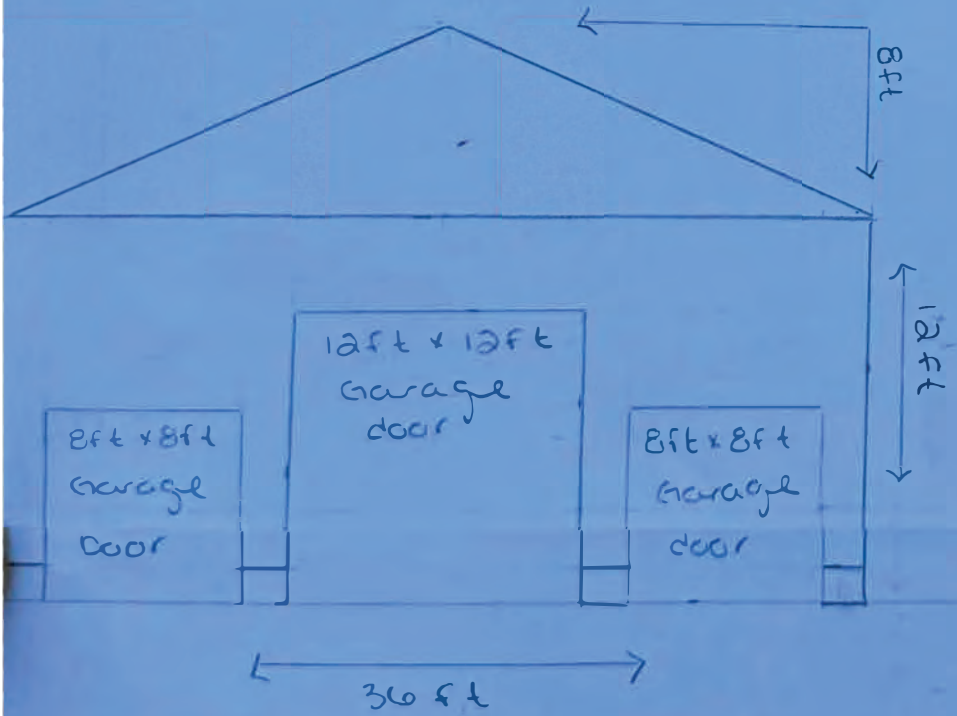
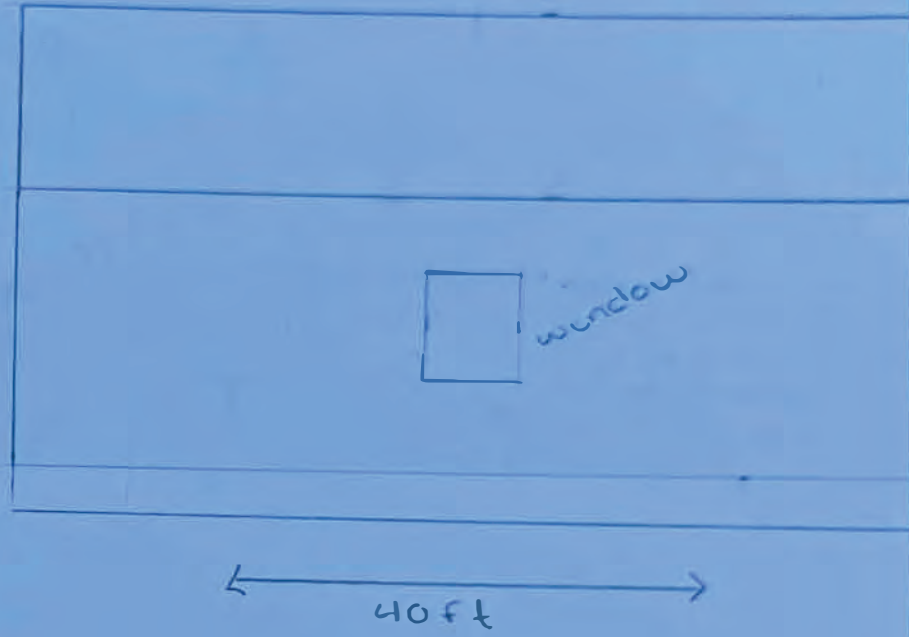
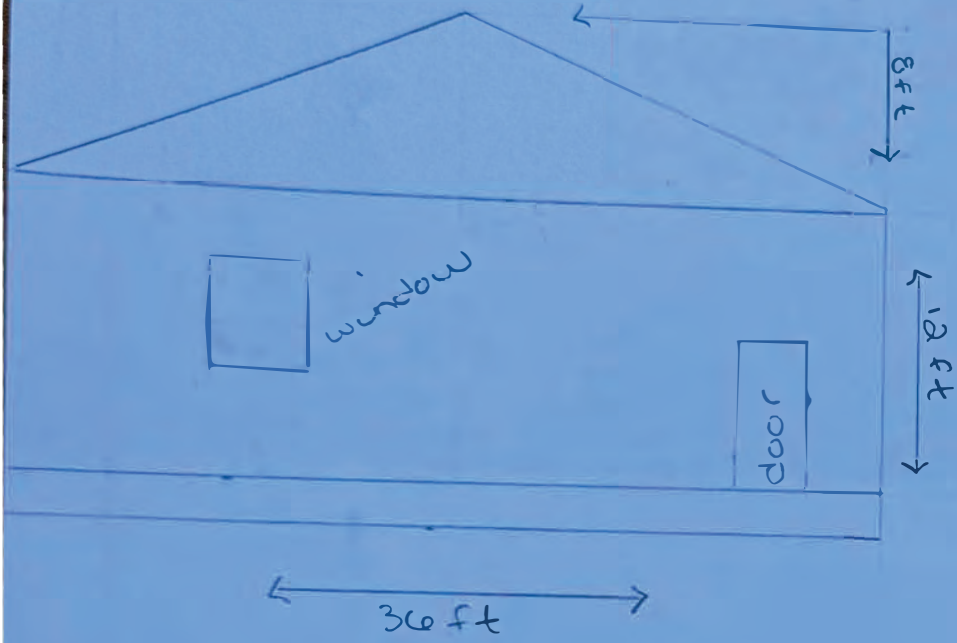


100 ft +

Private Rd



100 ft +



Parcel: RPRPCPP155200

Owner & Land Information:

Parcel Owner: SORTOR, RODNEY

Legal Description: S8-T7S-R35E

TR NW4NW4 TAX 215 7.00 AC

COUNT PROP IN POCA

Approximate Acreage: 7.01

Deed: 22411004E

Flynn, Jennifer

From: lacee madsen <laceeharger@gmail.com>
Sent: Tuesday, July 15, 2025 6:40 PM
To: Flynn, Jennifer
Subject: Re: Follow up on VAR25-0003

Hi Jennifer,

Justin checking in to see if there's are any updates or if you need anything else from us.

Thanks
Lacee Madsen

Sent from my iPhone

On Jul 11, 2025, at 11:08 AM, lacee madsen <laceeharger@gmail.com> wrote:

Hi Jennifer,

Thank you for your help. Below is the answer to question 4.

The undue hardship did not result from previous actions or actions of the current owner who inherited the 7 acres that's been in his family for over 50 years. The hardship is due to the land being annexed into the city last summer which is now restricting the owner to build a shop that will be large enough to house equipment to take care of the 7acres.

One other thing I was hoping may help. Currently the square footage of the house is only going off the upstairs. It is missing the enclosed porch and basement. Measurements for everything is broken out below:

Enclosed attached porch/sunroom
24 x 12

Upstairs living area
39 1/2 x 20

Basement
32 1/2 x 19

Total sq footage = 1695.5

Let me know if you need anything else. Again, I appreciate your help.

Thanks

Lacee

Sent from my iPhone

On Jul 10, 2025, at 10:00 AM, Flynn, Jennifer <jflynn@pocatello.gov> wrote:

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.



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