

MINUTES
CITY OF POCATELLO
HEARING EXAMINER MEETING

AUGUST 14, 2025 · 5:30 PM
COUNCIL CHAMBERS | 911 NORTH 7TH AVENUE

Hearing Examiner Kathleen Lewis, called the meeting to order at 5:30 p.m.

1. DISCLOSURE OF EX-PARTE COMMUNICATION AND SITE VISIT.

Disclose who was talked to, the basic substance of the conversation and whether the conversation had any influence. Disclose if a site visit was done, the location, and what was seen.

Lewis stated she visited the both agenda item sites and had no ex-parte communication or conflicts.

Lewis opened the public hearing at 5:33 PM.

2. PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP): FILE CUP24-0004

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 an expansion of a legal nonconforming use through the conditional use permit process.

Amy Delaney stated she purchased this building earlier this year and are rehabbing the building and would like to add a staircase and porch into the legal non-conforming setbacks, use that is permitted through the CUP hearing process.

Assistant Planner **Jen Flynn** of the City of Pocatello, summarized the staff report.

At this time, no written public comments were received regarding this application.

Staff finds that the proposed addition is compliant with Pocatello City Code Section 17.02.130.D. A full analysis is detailed within this staff report and recommends the following condition that is 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.

Lewis opened the public hearing for public comment at **5:37 PM**.

With no public comments, **Lewis** closed the public hearing at 5:37 PM and stated the decision would be delivered to the Planning and Department Services Department by 12:00 PM on Tuesday, August 19, 2025, and that there will be a 14-day appeal period from the recorded decision date.

Lewis opened the public hearing at 5:38 PM.

3. 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.

Lacey Madson explained the property was annexed into the City November 2024 and need to build a shop to keep equipment to maintain the building. There is a few out buildings, and a railcar-container unit that must be removed before a building permit would be issued.

Assistant Planner **Jen Flynn** of the City of Pocatello, summarized the staff report and noted that the railcar-container unit is not permitted and must be removed before a building permit would be issued. Any permits for out buildings are the responsibility of the owner and proof of Bannock County permits falls on the property owner.

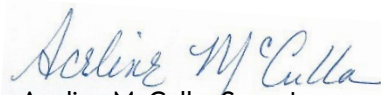
At this time, no written public comments were received regarding this application.

Staff finds 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; and **3a)** City Code outright bans container units in residential zones (17.06.200.A.1.d), and staff asks that this unit be removed before the building permit is issued.

Lewis opened the public hearing for public comment at **5:46** p.m.

With no public comments, **Lewis** closed the public hearing at **5:46** PM and stated the decision would be delivered to the Planning and Department Services Department by 12:00 PM on Tuesday, August 19, 2025; and that there will be a 14-day appeal period from the recorded decision date.

Submitted by:


Aceline McCulla, Secretary

Dated: August 14, 2025