

**BINGHAM COUNTY PLANNING & ZONING COMMISSION  
REASON AND DECISION**

**APPLICATION OF:** Variance from Setback Requirement from a Right-of-Way to a Structure

**PROPERTY OWNERS:** Randy and Lana Line

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**Requested Action:** Property owners Randy and Lana Line requested a variance to the required 50-foot setback for a structure from the I-15 Interstate Right-of-Way for placement of storage unit buildings at 20 feet from the Applicants property. The Applicants received a Conditional Use Permit to construct and operate a Storage Facility, Outside and Self Service/RV Facility at the Planning and Zoning Commissions May 22, 2024 Public Hearing which included ITD’s permission to be closer than allowed by Bingham County Code Section 10-6-3 but the application materials did not include this specific variance request. ITD’s letter, dated May 21, 2024, is included herewith and states “the Idaho Transportation Department (ITD) has no objection with local/Bingham County building/structure setback requirement(s) of 20-feet from the I-15/Randy Line property line(s).”

Pursuant to Bingham County Code Section 10-10-5 *Variances*, the Applicant must show an undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Additionally, a Building Permit for the structures in question was applied for on June 3, 2024 which is pending contingent upon this Application. A Building Permit will not be issued without approval of this Variance Application and/or compliance with applicable Bingham County Codes.

**Property Location:** South and East of 599 E 1500 N, Shelley, Idaho, Parcel No. RP0373303 & RP0454802, Lot 1/Parcel 3: Township 1 North, Range 36 East, Section 24, Lot 2/Parcel 4: Township 1 North, Range 37 East, Section 19, consisting of 3.03 acres

**Applicable Regulations:** Bingham County Comprehensive Plan dated November 20, 2018  
Bingham County Zoning Ordinance 2012-08

**Public Hearing Date:** July 10, 2024



## I. PUBLIC HEARING MEETING AND INFORMATION

1. The following was reviewed by the Commission:
  - a. Application;
  - b. Staff Report; and
  - c. Testimony presented prior to the Public Hearing which included:
    - (T-1) Bingham County Surveyor; and
    - (T-2) New Sweden Irrigation Company; and
    - (T-3) Bingham County Public Works; and
    - (T4) Department of Environmental Quality
2. Testimony received at the Public Hearing included (T-5) Applicant Lana Line, 1194 W 100 S Blackfoot, ID, who stated if the variance isn't approved, the storage buildings won't be able to be constructed due to the distances needed.
3. No testimony was received and the Public Hearing portion for this item was closed.
4. The Commission confirmed with Staff that the request was only for the distance from a structure to the ITD Right-of-Way and expressed no other concerns with the Application.

## II. REASON

The Planning and Zoning Commission found:


1. the Application met the requirements of Bingham County Code Section 10-10-5 as the Application was complete; and
2. the Applicant received an approved Conditional Use Permit to construct and operate a Storage Facility, Outside and Self Service/RV Facility at the Planning and Zoning Commissions May 22, 2024 Public Hearing which included ITD's permission to be closer than allowed by Bingham County Code Section 10-6-3 but the application materials did not include this specific variance request. ITD's letter, dated May 21, 2024, was provided with the record which states "the Idaho Transportation Department (ITD) has no objection with local/Bingham County building/structure setback requirement(s) of 20-feet from the I-15/Randy Line property line(s)"; and
3. granting the variance requested will not confer on the Applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zone and that the public interest will not be harmed with the desired location of the accessory structure. Further, with ITD's permission, the Commission had no concerns with the request; and
4. the Application met the notice requirements of Idaho Code Title 67, Chapter 65 and Bingham County Code Title 10 Chapters 3 and 5.

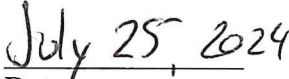
### III. DECISION


Based on the record, Commissioner Jolley moved to approve the request of Randy and Lana Line to place storage unit buildings within the 50-foot setback distance from the I-15 Interstate Right-of-Way located at 599 E 1500 N, Shelley, Idaho, as presented based on:

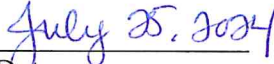
1. the unique characteristics of the property and that the Idaho Transportation Department has provided written permission for the structures to be 20-feet from the property line/ITD Right-of-Way; and
2. that the desired location will not cause harm to the public.

Commissioner Bingham seconded the motion. Commissioners Jolley, Bingham, Butler, Carroll Jewett and Johns voted in favor and the motion carried.

  
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William Aullman, Chairman  
Bingham County Planning and Zoning Commission

  
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Date

  
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Tiffany G. Olsen  
Planning & Development Director

  
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Date