

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

**APPLICATION FOR:** Variance to the Setback Requirement from a County Road Right-of-Way to a Structure

**PROPERTY OWNER  
& APPLICANT:** J. Reed Searle

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**Requested Action:** Property owner, J. Reed Searle, requested a variance of approximately 49 feet to the required 150-foot setback from a Bingham County Road Right-of-Way identified as E 850 N on the northern parcel boundary to a proposed potato cellar storage structure with a loading/unloading entrance located on the Applicant's property. Pursuant to Bingham County Code Section 10-6-3(A) *Setback From Road Right-of-Way or Front Property Line*, potato storage buildings with a loading and unloading entrance facing onto a road Right-of-Way shall maintain a one hundred fifty-foot (150') setback from the Right-of-Way.

According to the Applicant, meeting the setback requirement would force the building to shift to the south, which would eliminate a substantial portion of productive farmland and cause the center pivot irrigation system to strike the structure during operation. The potato cellar structure was under construction without a loading/unloading entrance. If a variance were to be granted, it would allow for the efficient loading and unloading from both sides of the building, with a door to be added on the north side, with the cellar being approximately 101 feet from the County Road Right-of-Way.

Pursuant to Bingham County Code Section 10-10-5 *Variances*, the Applicant needed to show an undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

**Property Locations:** 1.15 miles Northwest of 1426 N 475 E, Shelley, ID. Parcel No. RP0372702, consisting of approx. 5.06 acres.

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

## I. PUBLIC HEARING MEETING AND INFORMATION

1. The following was reviewed by the Commission:
  - a. Application and materials submitted by the Applicant; and
  - b. Staff Report and supplemental maps, notice, and other materials.
2. At the Public Hearing, the Staff Report was presented by Assistant Director/Lead Planner Addie Jo Jackman. She reviewed the requested action and acknowledged that before the Public Hearing, the Commissioners were provided the record of written testimony received, which included:

(T-1) Bingham County Surveyor submitted testimony in a neutral position and had no comments or concerns.

(T-2) Bingham County Public Works submitted testimony in a neutral position and has no objections, as it is a very rural and low-traffic location. The Applicant cannot impede a County road.

(T-2A) Bingham County Public Works submitted testimony in a neutral position and stated they have given this Application a lot of consideration, and due to the very rural and low volume of traffic at this location, and the tractor-trailer combination they measured didn't exceed eighty feet, they have no objections. The Applicant should be notified that at no time can they impede a county road.
3. After the Staff Report was presented, Commissioner Bingham asked Assistant Director Jackman at what stage during the building permit application process it was determined that a variance was needed for the structure. Ms. Jackman initially represented that the project was mid-construction, but later corrected the record to reflect that Mr. Searle requested two doors in his building plans. Ms. Jackman explained that for him to construct the cellars in time to store potatoes for harvest season, Planning and Development Services allowed him to proceed with construction pending the Variance Application for the second door. Mr. Searle understood that if the variance was not approved, he could not have a door on that side of the cellar because it was too close to the County road.
4. The Applicant was not in attendance at the Public Hearing. The Chairman called for testimony in a position of support, neutral, and in opposition to the Application, but none was received. Chairman Adams then closed the Public Hearing for this Application.
5. Commissioner Bingham reiterated he had no issues with the request, especially with the support of the Public Works Department.

## II. REASON

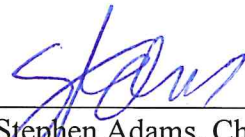
The Planning and Zoning Commission found:

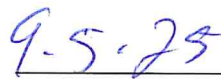
1. the Application met the requirements of Bingham County Code Section 10-10-5 as the Application was complete; and
2. Public Works Department had no objections to the requested variance as the area is very rural with low traffic volumes; and
3. that unique characteristics exist which were peculiar to the land involved and which are not applicable to other lands, as adherence to the required setback distance would result in significant loss of farmland and impede the operation of an existing irrigation pivot; and
4. granting the Variance requested would 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 as the proposed variance will not impact neighboring properties, supports agricultural productivity, keeps trucks off public roads longer, and reduces insufficiencies; and
5. 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 Bingham moved to approve the request of J. Reed Searle for a variance to the 150-foot setback requirement from a County Right-of-Way and allow a potato cellar structure with a loading/unloading entrance on the north side to be approximately 101 feet from the Right-of-Way, on land located southwest of 1480 N 475 E, Shelley, ID, as requiring a setback of 150 feet would interfere with the existing pivot and Public Works determined the proposed location would not present a hazard to the public.

Commissioner Jolley seconded the motion. Commissioners Bingham, Jolley, Carter, Johns, and Winder voted in favor, and the motion carried.

  
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Stephen Adams, Chairman  
Bingham County Planning and Zoning Commission

  
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Date