

FINDINGS OF FACT AND DECISION

CITY OF POCATELLO

HEARING EXAMINER

HEARING HELD JULY 9, 2026

PROJECT: Proposed Student Housing Development

FILE NO.: VAR26-001

APPLICANT/OWNER: Shawn Benjamin/ICON Pocatello, LLC

REQUEST: Variance for building height, density, occupants, and parking

LOCATION: 651 Memorial Drive, Pocatello, ID

STAFF: Jennifer Flynn, Assistant Planner

REQUEST & BACKGROUND:

This project consists of the development of a multifamily, student housing facility that will offer studio and one-to-five-bedroom units to provide housing for upperclassmen and grad students. The efficient use of space and campus-like settings with varied amenities will provide a premier, Class A student housing complex for students not currently offered. The property is an infill parcel located directly adjacent to a major university campus.

This proposed development encompasses 3.97 acres and 7 parcels within the Residential Commercial Professional (RCP) Zone located within the Original Townsite Overlay. This site has gone through an approved variance process in the past (19-3492) however was never developed. Originally, Bannock Regional Medical Center (BRMC) was located on this site beginning in 1951. Numerous additions were completed over the years with the largest expansion occurring in 1994 when a Planned Unit Development (PUD94).

In 2001, BRMC submitted an application to amend the PUD to construct a 94,700 square foot addition to the existing hospital. The main hospital building was demolished in 2016. The student housing project and surface parking will not encroach beyond the 3.96-acre parcel where the original hospital and surface parking existed. The maximum height of the structure will not exceed 75-feet. In comparison, the main hospital building was approximately 72-feet in height at its highest point.

In 2019, another developer submitted a Variance application with similar requests and was approved. For reference, this past application number was 19-3492. According to 17.02.160.

The following summarizes the variance requests for this project:

1. The current zoning (RCP) allows for 45 foot building heights (17.03.600).
 - a. Applicant requests building maximum of 75 feet
2. The current zoning (RCP) allows for Multi-family density of 1,452 sf per unit (aligned with Residential High Density District (RH) uses per 17.03.600).

- a. Applicant requests a density target based on beds per acre of 135-150/acre which may allow the city to predict the actual density of residents on the site.
- 3. The current occupant per unit limitation is defined in section 17.01.150. In the definition of household, it indicates that ‘groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities’ are limited to ‘Not more than (4) unrelated people.’
 - b. Applicant requests specialized unit configurations to feature a shared-bedroom layout of up to 5 unrelated residents.
- 4. Based on the proposed unit count, land use regulations require a total of 290.5 parking stalls.
 - a. This project is current proposing 245 parking stalls comprised of 45 on-site stalls and 200 off-site stalls within the adjacent parking structure – representing slightly better than 50% parking ratio.

NOTIFICATION (17.02.300. A.3.b & Idaho Code §67-6512):

Notice was posted on the subject property on June 22, 2026. 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 zoning map amendment.

HEARING EXAMINER AUTHORITY TO GRANT:

The hearing examiner may approve, approve with conditions, 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 to the City Council, using the process outlined in Pocatello Municipal Code Section 17.02.400, Appeals.

Variances: 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.

A variance shall concern only the modification of a basic use permitted outright or other development regulation pertaining to the applicable zoning district of the subject property under the current provisions of City Code.

The granting of a prior variance or referencing property developed under prior regulations is not admissible evidence for the granting of a new variance. Each request for a variance shall be judged on its own facts and circumstances. The applicant must support their case with substantial and competent evidence.

Criteria For Review: The facts and circumstances of each proposal shall be reviewed, and a decision rendered, in the form of written findings of fact that address all of the following criteria:

1. 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.
2. The variance sought must be the result of unusual physical characteristics of the site in question.
3. 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.
4. 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.
5. The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.

ANALYSIS AND FINDINGS OF FACT: FINDINGS OF FACT

1. The Hearing Examiner discloses that he visited the site to observe the physical character and relationships of the subject property and surrounding area. Furthermore, no ex-parte communications took place prior to the public hearing or during the writing of this report beyond the information gathered or requested at said public hearing. The Hearing Examiner states that there is nothing personally or professionally that would not allow an impartial or unbiased decision.
2. City Staff have not received any written correspondence regarding this Variance Application.
3. A public hearing was held on Thursday, July 9, 2026, beginning at approximately 5:39 PM. and closing at approximately 5:43 PM. No comments were received in favor or neutral, to the application. One public comment was heard against the application.
4. The requested variances were analyzed individually against the criteria for review in the tables below.
 - a. Table 1. Building Height
 - b. Table 2. Multifamily Density
 - c. Table 3. Occupant Limitation
 - d. Parking Analysis: After further review, the amount of parking provided appears to meet City Code. The development is able to meet parking

standards given the 45 onsite spaces and the Parking Easement agreement for 200 spaces in the parking structure adjacent to this development.

Furthermore, this development is required to have 250 parking spaces. Half of the parking can be on street parking but that on street parking must be adjacent to the property being developed (17.04.220.4). Otherwise, required parking standards can be met in a lot within 500-feet of development (17.05.570.C) .

However, the allowance for on-street parking will likely exceed available spaces in the area. For this purpose, applicant will be required to submit a parking analysis and traffic analysis to City engineering for approval.

Table 1. Variance Review Criteria Analysis for Building Height

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>Review</i>	This parcel has been considered for development numerous times and in the past has been approved for a Variance that closely resembles those being created as part of this project. Applicant appears to take reasonable steps to comply with the height restrictions of the ordinance and this variance does not provide a hardship on others.
			<i>Applicant Response</i>	Given the economics involved in developing student housing, maximizing the number of leasable beds is of critical importance. Various test fits have been studied, but none make development of this site viable without the increased height being requested.
☒	☐	☐	17.02.160.F2	The variance sought must be the result of unusual physical characteristics of the site in question.
			<i>Review</i>	This site sits adjacent to several university related buildings that are also tall. In the past, it has had helicopter landing pad, slope, and its unique location abutting Idaho State University while in a residential zone and adjacent to the University neighborhood. Therefore, it is determined that the height variances is of unusual physical characteristics of the site.
			<i>Applicant Response</i>	This site has particularly challenging grade changes, but appears to have been zoned to protect residential proximities that are not relevant to the proposed use. The property has an elongated section that is an access for the property rather than a developable portion of the lots. The restriction appear unnecessary for the location.
☒	☐	☐	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.

			Review	This land has been vacant since the hospital was demolished in 2016. Without approval for increased height, building in this location would likely not be economically feasible.
			Applicant Response	This site is uniquely positioned in a part of the city surrounded by university uses. The proposed use most closely fits the campus character in terms of building massing, height and scale. However, the specific site challenges of the grade and limitations of the superimposed zoning limit the use unnecessarily. The proposed use would be a good fit for the location if not for the current and somewhat arbitrary limits.
☒	☐	☐	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.
			Review	ICON Pocatello LLC purchased this property with conditions existing.
			Applicant Response	The hardship is not something that is self-imposed. The owner had nothing to do with establishing the zoning or changing the OTO overlay requirements for building height. These constraints are not appropriate for the location.
☒	☐	☐	17.02.160.F5	The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.
			Review	This development appears to fit in with surrounding development patterns and increased height will not adversely affect adjacent/nearby properties.
			Applicant Response	The adjacent properties are campus, medical and assisted living facilities. The proposed use would not directly impact their enjoyment of their property; especially when viewed through the lens of the prior owner/use of the land. An almost 80' building was previously on site and enjoyed the use of a helicopter pad. We do not believe we are proposing heights in excess of that and certainly will make for a quieter neighbor in the absence of frequent helicopter trips.

Table 2. Variance Review Criteria Analysis for Multi Family Density

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.
			Review	The development will likely provide housing for students and as such, density amounts don't appear to significantly to exceed ordinance requirements.
			Applicant Response	Given the economics involved in developing student housing, maximizing the number of leasable beds is of critical importance. Various test fits have been studied, but none make development of this site viable without the increased height being requested.
☒	☐	☐	17.02.160.F2	The variance sought must be the result of unusual physical characteristics of the site in question.

			Review	The development will likely provide housing for students and as such, density amounts don't appear to significantly to exceed ordinance requirements.
			Applicant Response	This site has particularly challenging grade changes, but appears to have been zoned to protect residential proximities that are not relevant to the proposed use. The property has an elongated section that is an access for the property rather than a developable portion of the lots. The restriction appear unnecessary for the location.
☒	☐	☐	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.
			Review	This land has been vacant since the hospital was demolished in 2016. Without approval for increased density, building in this location would likely not be economically feasible.
			Applicant Response	This site is uniquely positioned in a part of the city surrounded by university uses. The proposed use most closely fits the campus character in terms of building massing, height and scale. However, the specific site challenges of the grade and limitations of the superimposed zoning limit the use unnecessarily. The proposed use would be a good fit for the location if not for the current and somewhat arbitrary limits.
☒	☐	☐	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.
			Review	ICON Pocatello LLC purchased this property with conditions existing. The development will likely provide housing for students and as such, density amounts don't appear to significantly to exceed ordinance requirements.
			Applicant Response	The hardship is not something that is self-imposed. The owner had nothing to do with establishing the zoning or changing the OTO overlay requirements for building height. These constraints are not appropriate for the location.
☒	☐	☐	17.02.160.F5	The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.
			Review	This development will fit in with surrounding development patterns and compliment Idaho State University by providing housing for students and does not appear to significantly differ from student housing densities already in existence.
			Applicant Response	The adjacent properties are campus, medical and assisted living facilities. The proposed use would not directly impact their enjoyment of their property; especially when viewed through the lens of the prior owner/use of the land. An almost 80' building was previously on site and enjoyed the use of a helicopter pad. We do not believe we are proposing heights in excess of that and certainly will make for a quieter neighbor in the absence of frequent helicopter trips.

Table 3. Variance Review Criteria Analysis for Occupant Limitation

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>Review</i>	The variance requests up to 5 unrelated residents per housing unit. This appears to be in harmony with the intended use of the project of providing housing for students who are not generally related.
			<i>Applicant Response</i>	Given the economics involved in developing student housing, maximizing the number of leasable beds is of critical importance. Various test fits have been studied, but none make development of this site viable without the increased height being requested.
☒	☐	☐	17.02.160.F2	The variance sought must be the result of unusual physical characteristics of the site in question.
			<i>Review</i>	The variance requests up to 5 unrelated residents per housing unit. This appears to be in harmony with the intended use of the project of providing housing for students who are not generally related.
			<i>Applicant Response</i>	This site has particularly challenging grade changes, but appears to have been zoned to protect residential proximities that are not relevant to the proposed use. The property has an elongated section that is an access for the property rather than a developable portion of the lots. The restriction appear unnecessary for the location.
☒	☐	☐	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>Review</i>	This land has been vacant since the hospital was demolished in 2016. Without approval for increased density, building in this location would likely not be economically feasible.
			<i>Applicant Response</i>	This site is uniquely positioned in a part of the city surrounded by university uses. The proposed use most closely fits the campus character in terms of building massing, height and scale. However, the specific site challenges of the grade and limitations of the superimposed zoning limit the use unnecessarily. The proposed use would be a good fit for the location if not for the current and somewhat arbitrary limits.
☒	☐	☐	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>Review</i>	ICON Pocatello LLC purchased this property with conditions existing.
			<i>Applicant Response</i>	The hardship is not something that is self-imposed. The owner had nothing to do with establishing the zoning or changing the OTO overlay requirements for building height. These constraints are not appropriate for the location.
☒	☐	☐	17.02.160.F5	The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.

			<i>Review</i>	This development will fit in with surrounding development patterns and compliment Idaho State University by providing housing for students and similar densities of unrelated occupants.
			<i>Applicant Response</i>	The adjacent properties are campus, medical and assisted living facilities. The proposed use would not directly impact their enjoyment of their property; especially when viewed through the lens of the prior owner/use of the land. An almost 80' building was previously on site and enjoyed the use of a helicopter pad. We do not believe we are proposing heights in excess of that and certainly will make for a quieter neighbor in the absence of frequent helicopter trips.

DECISION:

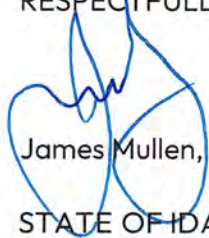
Based on the review of Application the proposed variance, analysis of the staff report, applicant's presentation, and public comment, the Hearing Examiner has determined that the Variance Request is compliant with the intent of Pocatello City Code Section 17.02.160 and hereby approves this request contingent on the following conditions.

1. Applicant submits a traffic analysis prepared by a Professional Engineer to the City of Pocatello to be reviewed and approved prior to a building permit is issued.
2. Applicant submits a parking analysis prepared by a Professional Engineer to the City of Pocatello to be reviewed and approved prior to a building permit is issued.

APPLICANT NOTICE:

Notice is hereby given that this 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, using the process outlined in Municipal Code Section 17.02.400 pursuant to Idaho Code Section 67-8003 within 14 days of this recorded decision.

RESPECTFULLY SUBMITTED this 14th day of July 2026.



James Mullen, City of Pocatello Hearing Examiner

STATE OF IDAHO)

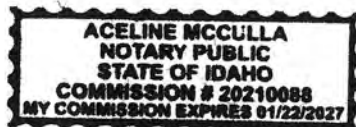
ss:

County of Bannock)

On this 14th day of July 2026, before me, the undersigned, a Notary Public in and for the State, personally appeared Hearing Examiner James Mullen on behalf of the City of Pocatello, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

Seal



Aceline McCulla
Notary Public for Idaho
Residing at Pocatello, Idaho

MY COMMISSION EXPIRES 06/12/2021
COMMISSION # 20210004
STATE OF IDAHO
NOTARY PUBLIC
JENNIFER A. WOODWARD
JENNIFER A. WOODWARD