



**ONEIDA COUNTY PLANNING AND ZONING
30 NORTH 100 WEST
MALAD CITY, IDAHO 83252**

July 2, 2025 Public hearing Appeal of Denied Building Permit

The meeting was a public hearing of the Oneida County Planning and Zoning Commission regarding an appeal of an administrator's decision to deny a building permit.

Acting Chairman Steve Daniels conducted the meeting with Commissioners Alaina, Vicki, and Talon (participating by phone) present. Chairman Josh Paskett and Commissioners Bucky Reeder and Rich More were excused.

The appeal was filed by Trent Sweeten, who owns a 15-acre property at 213 Deercres Lane on the Malad Summit. Sweeten had applied for a permit to build an accessory storage building (pole barn) on his property but was denied because the property is in a residential zone and, according to staff interpretation, an accessory building cannot be constructed before a primary dwelling exists on the property.

Trent Sweeten presented his case, explaining that he purchased the property in 2020, paid it off in 2022, and applied for the building permit in May 2025. He was unaware of a zoning change that had occurred, reclassifying his property from agricultural to residential. His initial application was denied for two reasons: 1) agricultural buildings are not permitted in residential zones, and 2) there is no primary structure on the property. Sweeten argued that while he understood the first reason and reapplied under residential zoning, he could not find any specific language in the county code that requires a primary structure to exist before an accessory building can be constructed. He presented various sections of the code to support his position.

Darla from the Planning and Zoning staff presented the staff report, explaining that the parcel is located in a residential zone where accessory structures are only permitted when there is an established primary use. She cited definitions from the code stating that an accessory building is "a building or structure fixed or portable accessory to and located in the same lot or parcel as the principal use for building" and that it "serves a purpose customarily incidental to the primary use or building." Staff recommended denial of the appeal unless conditions were attached requiring that a primary residential structure be permitted and under construction before or simultaneously with the accessory structure.

Several neighbors spoke in support of Sweeten's appeal, including George Sweeten (Trent's father), Jeff Nielsen, Jim Taufer, Wendy Taufer, Rich Finger, Shane Shafer, and Angie Sweeten (Trent's sister). They expressed concerns about the rezoning process, noting they were unaware their properties had been rezoned from agricultural to residential. They also argued that allowing accessory buildings before primary residences would help property owners store equipment and keep their properties tidy.

Two letters were read into evidence: one from David Lewis opposing the variance request and urging adherence to the code, and another from Brett Felter supporting Sweeten's application.

During deliberations, the commissioners acknowledged the confusion in the code language but ultimately determined they were bound to follow the code as written. They interpreted that in a residential zone, the primary use must be residential, and an accessory building must be accessory to that primary use. Without a primary residence, there is nothing for the building to be "accessory to."

The commission voted to deny the appeal based on the definition of an accessory storage building in the code. However, they expressed willingness to consider amending the code in the future to address this issue, particularly for larger parcels. They encouraged Sweeten and other property owners to submit an ordinance amendment application with specific suggestions for code changes.