

BOARD *of* ADJUSTMENT



Joe Bazzoli
Commission Chair

~Agenda~

Leah Carlson
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

<https://www.ci.moscow.id.us/354/Board-of-Adjustment>

**Tuesday
June 18, 2019**

7:00 PM

**Council Chambers
206 E 3rd Street**

Call to order

1. Approval of Minutes from May 22, 2019

ACTION: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. Public Hearing: Proposal for a Variance at 1021 Harold Street – LUP2019-0018

Proposal for a Variance to construct a six-foot chain-link fence located at the Latah County Fairgrounds property at 1021 Harold Street within the Medium Density Residential (R-3) Zoning District per Moscow City Code 4-6-8 (A)(2)(a).

3. Public Hearing: Proposal for a Conditional Use Permit to enlarge an existing non-conforming garage at 206 N Van Buren Street – LUP2019-0019

Proposal for a Conditional Use Permit to enlarge an existing non-conforming garage located at 206 N Van Buren Street within the Medium Density Residential (R-3) Zoning District per Moscow City Code 4-1-7 (D)(4).

4. Board Communications

5. Other Business

Adjournment

NOTICE: Moscow City Council Commission meetings can be televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
May 22, 2019

Leah Carlson
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

The meeting was called to order at 5:35 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Mark Monson, Tim Thomson

MEMBERS ABSENT: Annette Bieghler, Steve Bush, Marshall Comstock, Laurene Sorensen

STAFF IN ATTENDANCE: Leah Carlson, Anne Peterson

1. Approval of Minutes from May 15, 2019.

Thomson moved acceptance of the minutes as corrected.

RESULT:	ACCEPTED BY ACCLAMATION [UNANIMOUS]
MOVER:	Thomson
SECONDER:	Monson

2. Approval of Relevant Criteria and Standards for a Conditional Use Permit at 1021 Harold Street – LUP2019-0012

Monson moved approval of the RCS as presented.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Monson
SECONDER:	Thomson

3. Approval of Relevant Criteria and Standards for a Variance at 1021 Harold Street – LUP2019-0013

Monson moved approval of the RCS as presented.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Monson
SECONDER:	Thomson

4. Board Communications

None.

Adjournment

The meeting adjourned at 5:41 pm.

Joe Bazzoli, Chair

Date

NOTICE OF PUBLIC HEARING

Proposal for a Variance at 1021 Harold Street
Permit Application LUP2019-0018

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow at which time the following proposals will be considered:

Variance application to construct a six-foot tall chain-link fence along Harold Street.

HEARING DATE: Tuesday, June 18, 2019

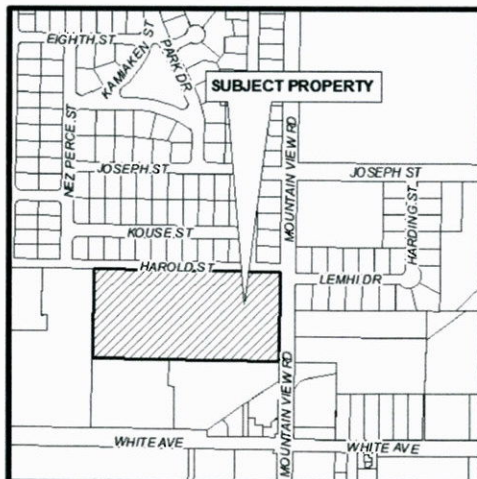
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 pm

Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

The file containing information on this matter is available for public review at the Community Development Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 883-7035 for a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Anne Peterson, Deputy City Clerk

Publish: Saturday, June 1

**CITY OF MOSCOW
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

HEARING DATE: Tuesday, June 18, 2019

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2019-0018 – Variance application to construct a six-foot chain link fence along Harold Street within the Medium Density, Single Family Residential (R-3) Zoning District per Moscow City Code 4-6-8(A)(2)(a).

Attachments:

1. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, June 1, 2019
2. Variance Application
3. Site Plan

Prepared by: Leah Carlson, Planner I

STAFF REVIEW

Proposal: Latah County is requesting a Variance to construct a six-foot tall chain link fence along Harold Street, specifically located at 1021 Harold Street, on the property of Latah Fairgrounds and Events Center. The fence would be setback one foot (1') from the back edge of the adjacent sidewalk and would be a total length of 650 feet. Typically, fences constructed in the front yard of a property within the Medium Density, Single Family Residential (R-3) Zoning District are limited to a fence of 4' 6" tall where materials do not constitute more than 60% of the fence area per Moscow City Code 4-6-8(A)(2)(a). Identical fencing will also continue around the subject property along Mountain View Road and the adjacent Fire Access Road, however a six-foot tall fence is permitted by-right at these locations.

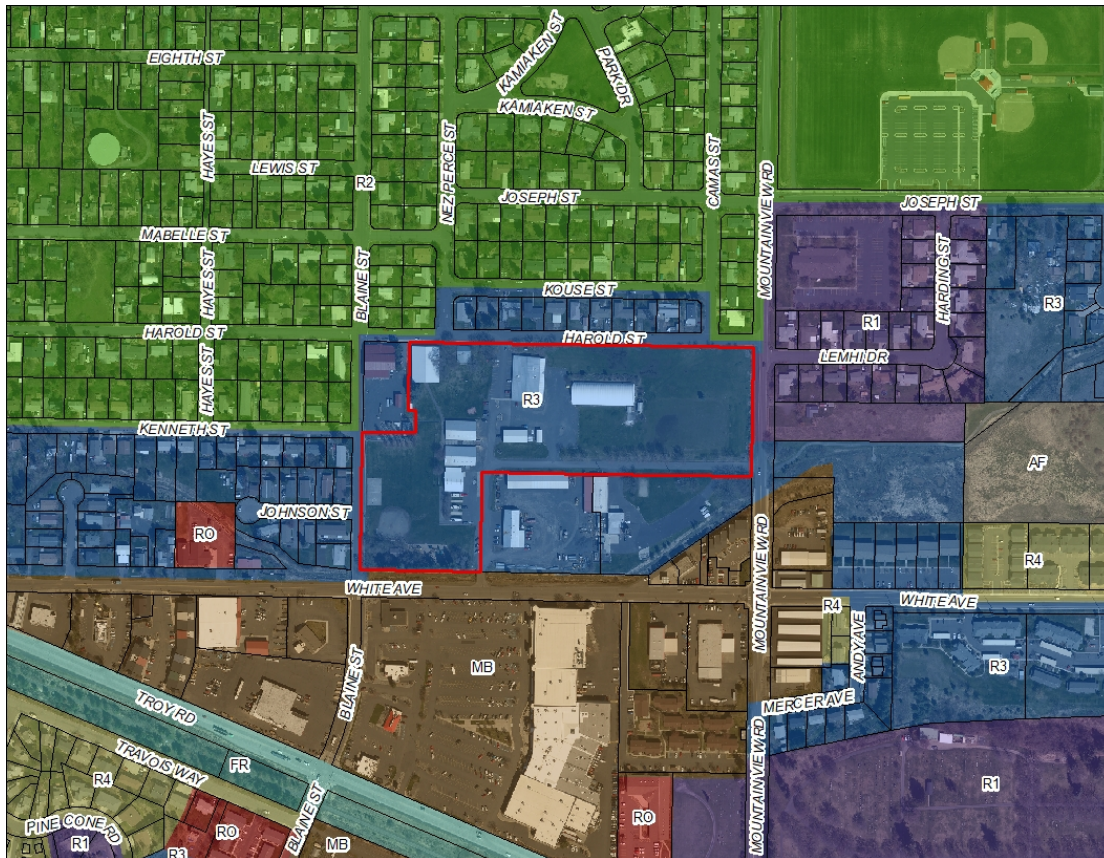
The fence would provide year-round security for the east field and allow space renters options for crowd control for private events. The fence would also allow for livestock security and safety during the Fair and other events.



Aerial

Zoning: The subject property is located within the Medium Density Residential (R-3) Zoning District. According to the Zoning Code 4-2-4(F): *“The R-3 Zoning District provides for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan.”*

Adjacent properties to the north, west and south are mostly residential uses also in the R-3 Zone. Beyond the immediate areas to the north, east, and west, are residential uses located within the Low Density and Moderate Density Single Family Residential (R-2 and R-3) Zones. To the south, beyond White Avenue is a Motor Business (MB) Zoning District where a variety of commercial uses are located, including the Eastside Marketplace Mall.



Zoning Map

Site and Area Land Use: The subject property is located on the Latah County Fairgrounds property, a parcel 634,408 square feet in size, and roughly bounded by Blaine Street, Harold Street, Mountain View Road and White Avenue. The ice rink facility is located on the north side of the parcel, mostly adjacent to Harold Street and approximately mid-block on Harold between Mountain View Road and Blaine Street. Other uses on the subject property include multiple fairgrounds buildings or exhibit halls, parking areas, and the Lions Club Park and ballfield bordered by Blaine Street and White Avenue.

Streets and Access: The subject property is accessed primarily from White Avenue, the main access to the fairgrounds site. There is a service road, which provides access to the fairgrounds and the ice rink facility off Mountain View Road, and also a curb cut and vehicle approach from Harold Street near one of the fairgrounds buildings. Both White Avenue and Mountain View Road are designated minor arterial streets, Blaine Street is designated a collector street, and Harold Street is designated a local residential street.

Comprehensive Plan: Chapter 2 of the Comprehensive Plan, Land Use and Community Character, designates the subject property's existing land use character as Public/Semi-public. An objective of the Land Use and Community Character Section 2.7.7 is to provide a continuum of land uses that allow a variety of uses and housing to meet the needs of the community while ensuring the preservation of neighborhood character.

Chapter 6, Economic Development, Section 6.5.2 discusses leveraging existing assets that create quality of place and draw businesses to Moscow.

Input from other Departments/Agencies: No comments were received from other departments/agencies upon review of the request for the Variance.

RECOMMENDATION FOR VARIANCE APPLICATION

Staff recommends **approval** of the Variance application at 1021 Harold Street with no conditions.

The board shall direct staff to develop Relevant Criteria and Standards to be reviewed at a following meeting.



CITY OF MOSCOW
COMMUNITY DEVELOPMENT
 Ph: 208-883-7035
 Fax: 208-883-7033
 apeterson@ci.moscow.id.us

For City Use Only			
Date Received		5-15-19	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$475	5-15-19
Receipt Number		LUP2019-0018	

APPLICATION FOR ZONING VARIANCE

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Latah County Telephone: 208-883-7208
522 S. Adams, Moscow ID 83843
 (home address)

Relationship to affected property (please check one):

Owner ☒ Purchaser ☐ Lessee ☐ Other ☐ (explain below)

2. Owner of Affected Property (if other than applicant)

Name: _____ Telephone: _____
 (home address)

3. Location of Affected Property: Fairgrounds & Events Center, 1021 Harold St, Moscow ID 83843

Legal Description: See Attached Survey
 (subdivision) (block) (lot)

If described by Metes and Bounds, please attach copy of deed.

INFORMATION ON REQUESTED VARIANCE

4. Proposal: The applicant proposes the following construction and/or use for the above-described property:

Installation of 6ft chain-link fence along Harold St. Approximately 650ft, as part of a perimeter fence for the east field area. Fence will be continued
along Mt. View road and the Fire Station access lane, a variance is not needed for those sections. Fence will provide security and crowd control
for private events, animal and livestock security during public events.

Existing and proposed site conditions shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot and driveway(s) and fencing. The site plan should also show topography and landscaping if pertinent to the Variance.

5. Reason(s) for Variance Request: The proposed construction and/or use described in Question 4 above would be in violation of Section 4-6-8 (A)(2)(A) of the Moscow Zoning Ordinance which requires that:

Fences shall not exceed four feet six inches (4' 6") in height for open fences where the posts and material constitute not more than sixty percent (60%)
of the fence area.

6. *In order for the Board of Adjustment to issue a Variance, the Board must make findings of compliance with the following three relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.*

Criteria #1. SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO THE PROPERTY (SUCH AS SIZE, SHAPE, TOPOGRAPHY OR LOCATION) WHICH ARE NOT APPLICABLE TO OTHER PROPERTY SIMILARLY SITUATED IN THE SAME ZONING DISTRICT.

Justification and compliance with criteria #1: _____

This property is the only Fairgrounds and Events Center inside the Zoning District.

This fence would provide year-round security for the east field and allow space renters options for crowd control for private events. This fence also allows for livestock security and safety during Fair and other events.

Criteria #2. BECAUSE OF THE AFOREMENTIONED SPECIAL CONDITIONS OF THE PROPERTY, APPLICATION OF THE PROVISIONS OF THIS ZONING CODE WOULD IMPOSE UNDUE HARDSHIP AND WOULD DEPRIVE THE PROPERTY OWNER OF RIGHTS COMMONLY ENJOYED BY OWNERS OF OTHER PROPERTY SIMILARLY SITUATED IN THE SAME ZONING DISTRICT.

Justification and compliance with criteria #2: A 4ft 6inch fence does not provide the necessary crowd control for private events and is not sufficient for livestock control, safety, and security. Animals, espically cattle, sheep, and goats can easily jump a 4'6" fence. There are many 6' fences in the neighborhood, allowing this use would be consistant with other properties nearby, and this fence shall match existing fences already in place on the property.

Criteria #3. GRANTING OF THE VARIANCE WILL NOT BE IN CONFLICT WITH THE PUBLIC INTEREST OR INJURIOUS TO PROPERTY OR PERSONS IN THE VICINITY OF THE SUBJECT PROPERTY.

Justification and compliance with criteria #3: By approving this variance, you will be enhancing the public interest with better security for the fairgrounds by ensuring better security for events. Consistently sized fencing would also be more asthetically pleasing to the public and better enhance use of the area. Use is not in conflict with public interest.

Conditions of Approval: In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards that enable the Board or the Commission to approve the Variance application and ensure the Variance is consistent with the purposes and intents of the Zoning Code.

Compliance:

1. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions of a Variance approval, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Variance, modifications of the original plans may be required by the Board as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board for an additional public hearing as an amendment to the Variance application.

Revocations: If a building permit or occupancy permit pertaining to the Variance is not obtained for the subject property within one (1) year from the date of the Board of Adjustment's final decision, such Variance shall be immediately revoked and shall be automatically null and void.

Application Submittal: This application must be completed and submitted with the below described items to the Moscow Community Development Director at least sixteen (16) days prior to the hearing at which the application is to be considered by the Board of Adjustment, or the application will not be processed. Applicant will be notified by the City Planner as to the time and place of the hearing pertaining to this application.

The following items must be submitted with this application:

1. Application Fee
2. Legal description (deed) of subject property, if it is not subdivision, block and lot.
3. Site Plan (drawn to scale)
4. Floor Plan(s) (drawn to scale), if applicable
5. Elevation Drawing(s) (drawn to scale), if applicable

I understand this information is a public record and may be posted to a public website.

Kathie L. Fortin ulms
Applicant's Signature

Date

Kathie L. Fortin ulms
Property Owner Signature

Date

J. Pogo

ATTEST:

Jennifer Pupo 5/15/19

Latah County Fair and Events Center

LUP2019-0018

1021 Harold St, Moscow, Idaho 83843

(208) 883-5722

fair@latah.id.us

www.latahcountyfair.com

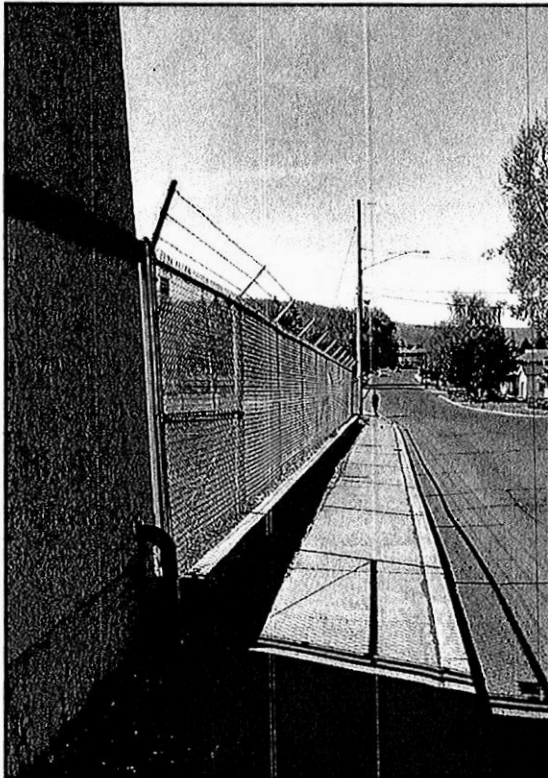
May 10, 2019

Request to put in a 6ft chain link fence along Harold St, with a one foot setback from the adjacent public sidewalk. Current zoning code for R3 only allows for a 4ft 6inch fence.

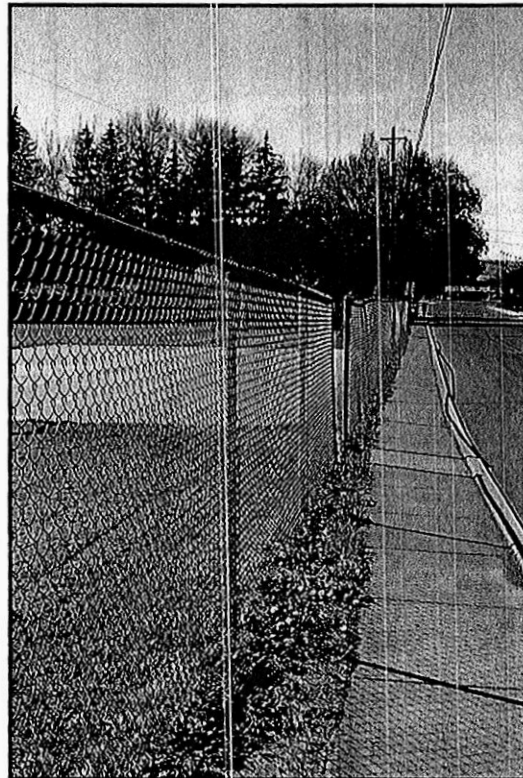
Identical fencing will continue along Mountain View and the Fire Station Access road. The fence will be on the outside of existing tree lines along Harold and Mountain View road, but will be on the inside of the tree line along the Fire Station Access road, to accommodate the current drainage ditch in that area.

Fencing will match current fences that are already on the Fairgrounds, and adjacent properties along Blaine St.

National Guard Armory Fence:



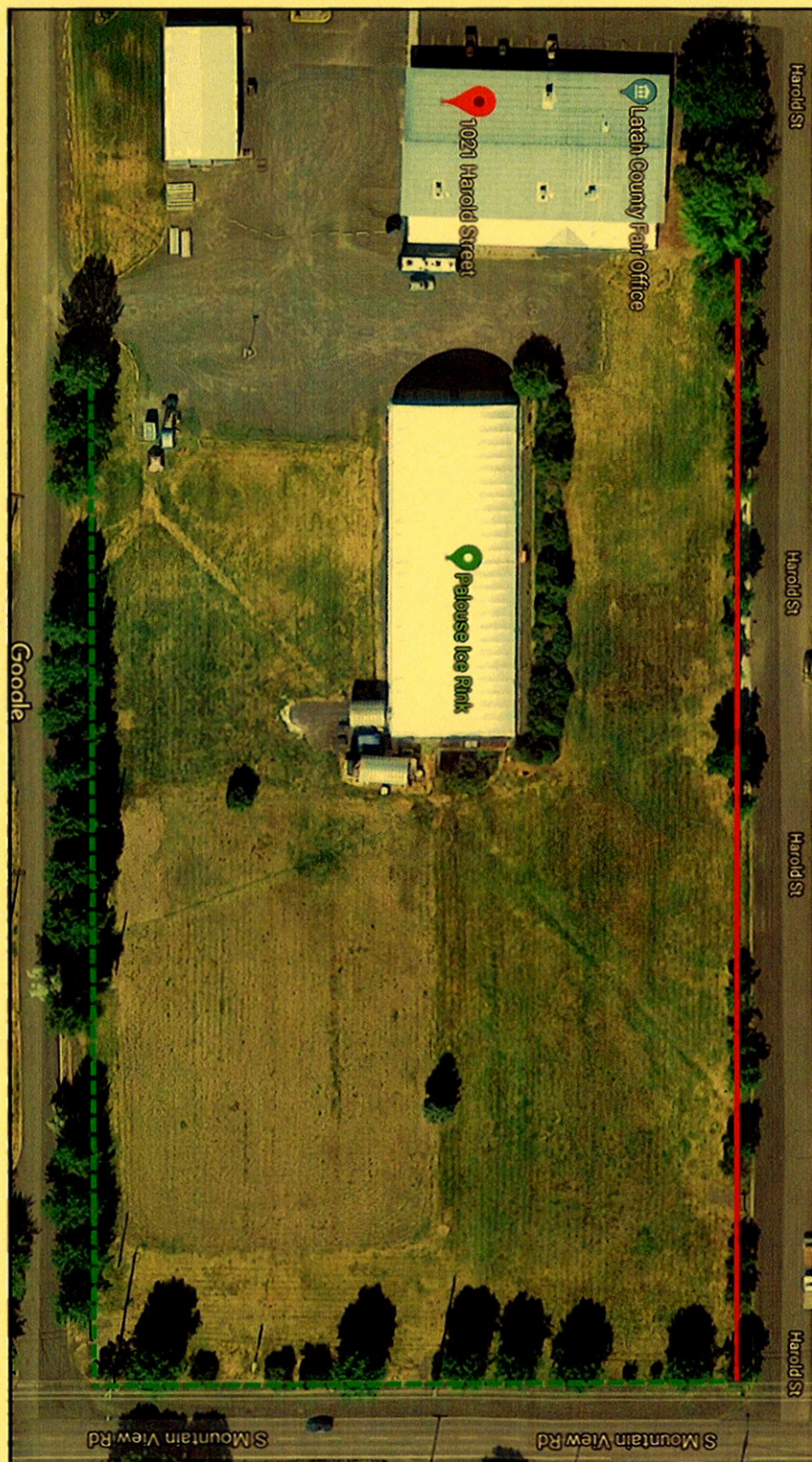
Fairgrounds Ball Field Fence:



The Latah County Fairgrounds and Events Center is a unique property within the R3 Zoning District with unique event offerings, programing opportunities, safety/security concerns, and facility needs.

Received 5-15-19

Map of planned fence. The red line is the section of fencing requesting the variance, the green lines are sections of planned fence that do not require a variance. Multiple gates for vehicle and foot traffic will be installed as part of this fencing plan.



NOTICE OF PUBLIC HEARING

Proposals for Conditional Use Permit at 206 North Van Buren Street
Permit Applications LUP2019-0019

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow at which time the following proposals will be considered:

Conditional Use Permit application to enlarge an existing non-conforming garage.

HEARING DATE: Tuesday, June 18, 2019

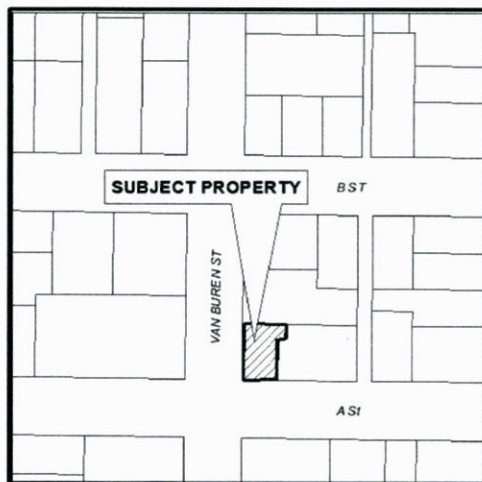
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 pm

Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

The file containing information on this matter is available for public review at the Community Development Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 883-7035 for a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Anne Peterson, Deputy City Clerk

Publish: Saturday, June 1

**CITY OF MOSCOW
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

HEARING DATE: Tuesday, June 18th, 2019

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2019-0019 – Conditional Use Permit application to expand an existing non-conforming garage within the Medium Density, Single Family Residential (R-3) Zoning District per Moscow City Code 4-1-7(D)(4).

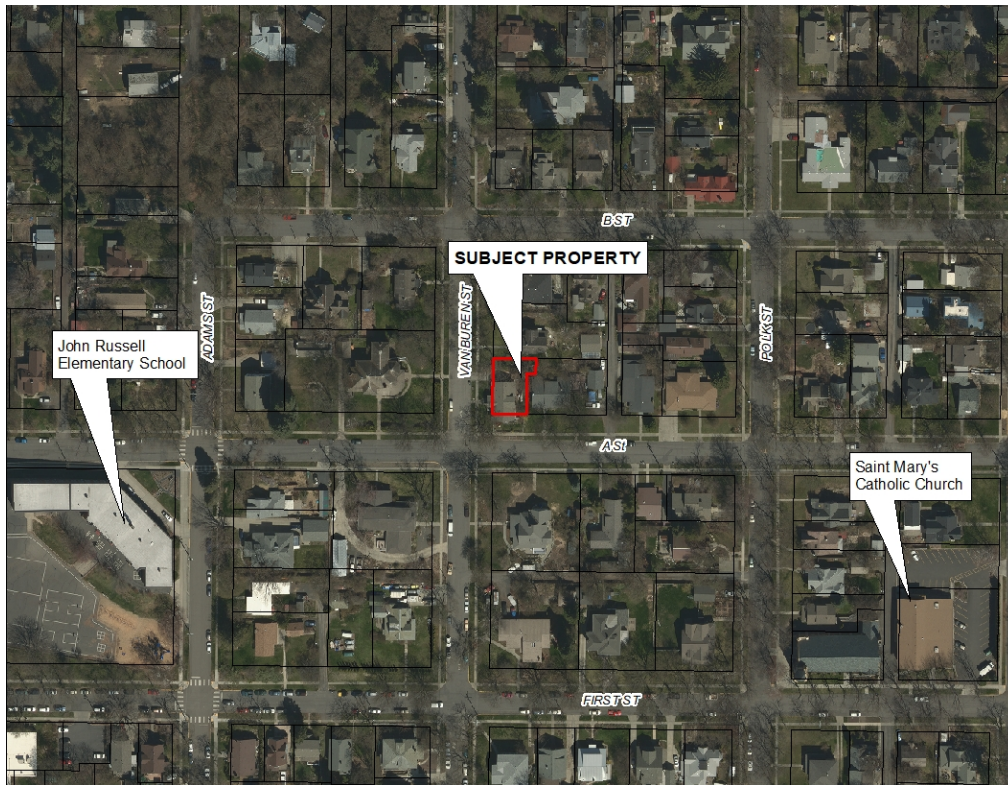
Attachments: A. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, June 1, 2019

B. Conditional Use Permit Application

C. Site Plan & Floor Plans

Prepared by: Leah Carlson, Planner I

Proposal: The applicants, Ann & Thomas O'Mally, have submitted an application for a Conditional Use Permit (CUP) to expand an existing non-conforming garage located at 206 North Van Buren Street. The existing garage is approximately 225 sf in size and is located approximately two feet (2') and two inches (2") from the property line. The City of Moscow's current zoning code required a minimum five-foot (5') setback from adjacent side and rear property lines, making the structure legal nonconforming. The applicant proposes to construct a 250 sf addition to the existing garage with the dimensions of 20 feet by 12.5 feet. The subject property is within the Medium Density, Single Family Residential (R-3) Zoning District. Per Moscow City Code 4-1-7(D)(4), a nonconforming structure may be enlarged or altered with the same zoning nonconformities through the issuance of a Conditional Use Permit.

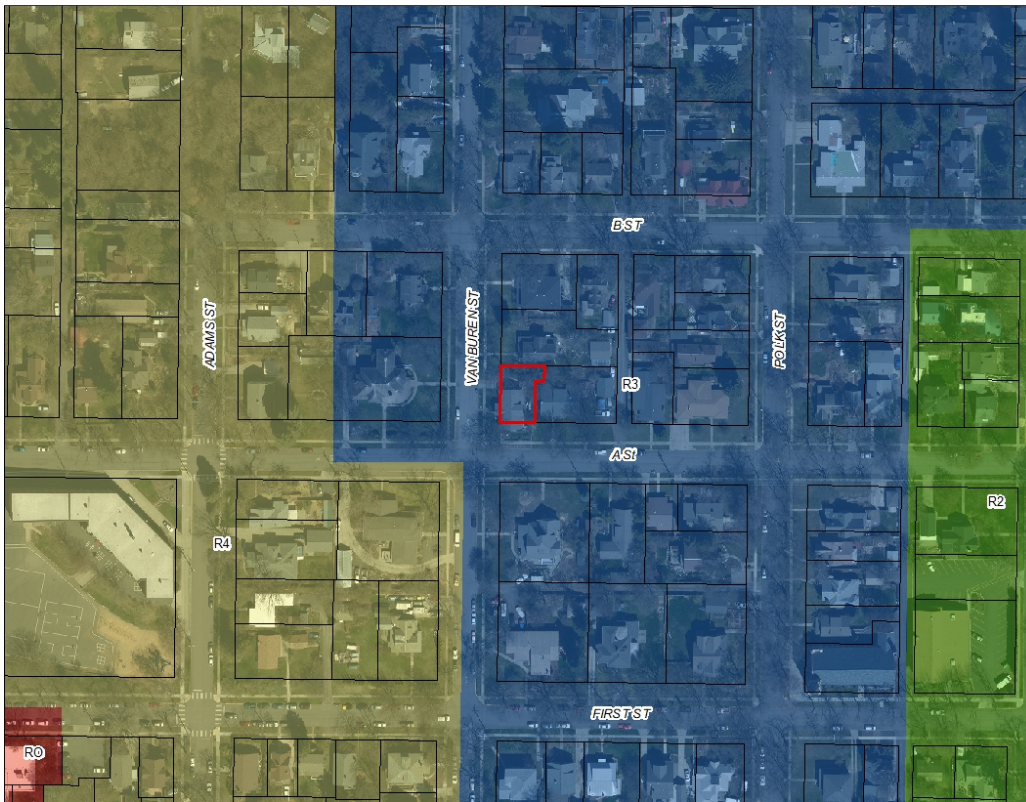


Vicinity Map



Subject Property

Zoning: The subject property is located within the Medium Density, Single Family Residential (R-3) Zoning District. Adjacent properties to the north, south, east, and west are also in the R-3 Zone. Properties to the west of the R-3 Zone are located within the Multiple Family Residential Zoning District (R-4). Residential properties located to the east of the R-3 zone are located within the Medium Density Residential Zoning District (R-2). All surrounding uses are residential, with the exception of John Russell Elementary School that is located 445 feet to the southwest of the subject property and Saint Mary's Catholic Church located 550 feet to the southeast of the subject property.



Zoning Map

Site and Area Land Use: The subject property is approximately 3,690 sf in size and measures 75 feet wide by 58 feet long on the north end and 46 feet long on the south end. The subject property was originally subdivided in the early 1880's as part of Russell's Second Addition. The subject property is located within the Fort Russell Historical District.

Streets and Access: The subject property sits at the corner of Van Buren Street and 'A' Street, although primary access to the site is from Van Buren Street. The lot has approximately 75 feet of frontage with Van Buren Street and 46 feet frontage on 'A' Street. Van Buren Street has an 80-foot wide right-of-way with on-street parking on both sides of the street.

Comprehensive Plan: Chapter 2, Land Use and Community Character, designates the subject property as Urban Residential. Urban Residential is the near-downtown

neighborhoods that have garage access via alleys and also where zoning in the area is mostly R-2, Moderate Density Single Family and R-3, Medium Density Residential.

Chapter 3, Community Mobility, identifies both Van Buren Street and 'A' Street at local neighborhood streets.

RELEVANT CRITERIA AND STANDARDS

- 1. The proposed use (is/is not) a conditionally permitted use within the Zoning District.**
- 2. The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.**
- 3. The proposed use as approved, or as approved with conditions, (will/will not) generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like).**
- 4. The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services.**
- 5. The proposed use (will/will not) endanger the public health or safety if located where proposed.**
- 6. Proposed use (meets/does not meet) all applicable development standards of the Zoning Code.**
- 7. The proposed use (will/will not) be in conflict with the Comprehensive Plan.**

RECOMMENDATION

Staff recommends **approval** for the proposed expansion of the existing nonconforming garage located 206 N Van Buren Street with no conditions.

The board shall direct staff to develop Relevant Criteria and Standards to be reviewed at a following meeting.



CITY OF MOSCOW
COMMUNITY DEVELOPMENT
 Ph: 208-883-7035
 Fax: 208-883-7033
 apeterson@ci.moscow.id.us

For City Use Only			
Date Received		5-20-19	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$475	5-20-19
Receipt Number		LUP2019-0019	

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: THOMAS & ANN O'MOLLY Telephone: (208) 310-5031
206 N VAN BUREN, MOSCOW
 (home address)

Relationship to affected property (please check one):

Owner ☒ Purchaser ☐ Lessee ☐ Other ☐ (explain below)

2. Owner of Affected Property (if other than applicant)

Name: _____ Telephone: _____

 (home address)

3. Location of Affected Property: 206 N VAN BUREN

Legal Description: SEE ATTACHED _____
 (subdivision) (block) (lot)

If described by Metes and Bounds, please attach deed on a separate sheet.

4. Proposal: The applicant proposes the following use and/or construction for the above-described property:

ENCLOSED RESIDENTIAL PARKING GARAGE

The proposed activities and use shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot and driveway(s), fencing and landscaping. A site topography map shall be provided when appropriate.

5. Authorization: Section BY of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit.

6. **Operating Characteristics:** Detail the operating characteristics of the proposed use. In other words, provide specific information which describes and defines how the proposed use will be conducted and what will be involved in the day to day operations of the proposed use. Applicable information may include hours of operation, number of people (employees, customers, students, etc.) involved, traffic and/or delivery information, services provided, equipment or machinery which may be involved, or any other information which helps describe and define the proposed use and impacts which it may have.

THE PROPOSED EXISTING GARAGE ADDITION WILL PROVIDE ENCLOSED PROTECTED PARKING FOR 2 VEHICLE.

7. Before the Moscow Board of Adjustment may issue a Conditional Use Permit, the Board must first make findings of compliance with the following seven relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Justification and compliance with criteria #1: _____

THE SMALL RESIDENTIAL LOT OF 3,690 SF IS EXTREMELY LIMITING FOR ADEQUATE PROTECTED OFF STREET PARKING

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

Justification and compliance with criteria #2: _____

THE PROPOSED STRUCTURE ADDITION IS VERY SMALL IN SCALE TO NOT OVER POWER ANY EXISTING STRUCTURES ON SITE OR ON NEIGHBORING SITES

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

Justification and compliance with criteria #3: _____

THE SCALE OF THE PROPOSED STRUCTURE LIMITED AND SHOULD NOT IMPACT ANY CURRENT VIEWS FROM NEIGHBORING LOTS, NOR CREATE ANY NUISANCE

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

Justification and compliance with criteria #4: _____

NO CHANGE IS REQUIRED TO THE EXISTING CURB CUT OR DRIVEWAY WIDTH

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

Justification and compliance with criteria #5: _____

THE NEW GARAGE ADDITION WILL STILL
ALLOW A VEHICLE TO PARK IN THE REMAINING
DRIVEWAY WITHOUT BLOCKING THE SIDEWALK

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

Justification and compliance with criteria #6: _____

ALL CODES PERTAINING TO ACCESSORY STRUCTURES
WILL BE MET MINUS THE SIDE YARD
SET BACK REQUIREMENT.

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

Justification and compliance with criteria #7: _____

IT WILL NOT BE IN CONFLICT.

CONDITIONS OF APPROVAL

The Board of Adjustment may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for onsite or offsite public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

COMPLIANCE

1. In the event of failure to comply with the plans proof by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be required by the Board as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board for an additional public hearing as an amendment to the Conditional Use Permit application.

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Conditional Use Permit is not obtained for the subject property within one year from the date of the Board of Adjustment's final decision, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the Conditional Use Permit is approved ceases for a period of twelve consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

Application Submittal:

This application must be completed and submitted with the below described items to the Moscow Community Development Director at least twenty-one days prior to the hearing at which the application is to be considered by the Board or the application will not be processed.

The following items must be submitted with this application before it will be processed:

1. Application Fee
2. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. Elevation Drawings, drawn to scale (for new construction only)

I understand this information is a public record and may be posted to a public website.

Applicant's Signature

Date

Owner's Signature

Date

589709

LUP2019-0019

NO. _____
AT THE REQUEST OF
MOSCOW TITLE INCDATE & TIME
12.15.17 3:23
RECORDING OFFICE
LATAH COUNTY RECORDER
FEES 15.00 BY [Signature]RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:Moscow Title, Inc.
127 S. Washington Street, Ste 1
Moscow, ID 83843

18989

(Space Above For Recorder's Use)

WARRANTY DEED

For good and valuable consideration, the receipt of which is hereby acknowledged, JOSHUA R BRANEN and KATHERINE JENEILLE BRANEN, ("Grantors"), sell, convey, grant and warrant to ANN STORY BLOMMER-O'MALLEY and THOMAS J O'MALLEY, wife and husband, ("Grantees"), whose address is 206 N Van Buren Street, Moscow, ID 83843, real property located in the County of Latah, State of Idaho, and legally described as follows:

Beginning at the Southwest corner of Block 3 of RUSSELL'S SECOND ADDITION to the City of Moscow, as shown by the recorded plat thereof; thence East 46 feet; thence North 55 feet; thence East 12 feet; thence North 20 feet to the South line of the A.J. Johnson property; thence West 58 feet to the East line of Van Buren Street; thence South along the East line of Van Buren Street 75 feet to the Place of Beginning.

SUBJECT TO taxes and assessments for the year 2017 and subsequent years, together with easements as per the recorded plat thereof; to any off-records facts, encumbrances, easements or possessory claims, a survey or inspection would disclose; to material and labor liens or liens created or authorized by law of which no notice is of record; to any and all existing easements, rights-of-way, reservations, restrictions, covenants, conditions, declarations and encumbrances of record; to any existing tenancies; and to all zoning laws and ordinances.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

The Grantors covenant to the Grantees that Grantors are the owners in fee simple of said property; that the property is free from all encumbrances, excepting those as may be herein set forth, and excepting those of record; and that Grantors will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 14 day of December, 2017.

GRANTORS:

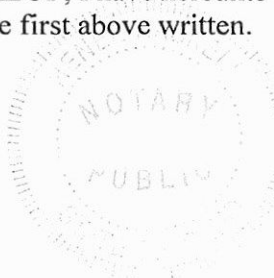
[Signature]
 JOSHUA R BRANEN

[Signature]
 KATHERINE JENEILLE BRANEN

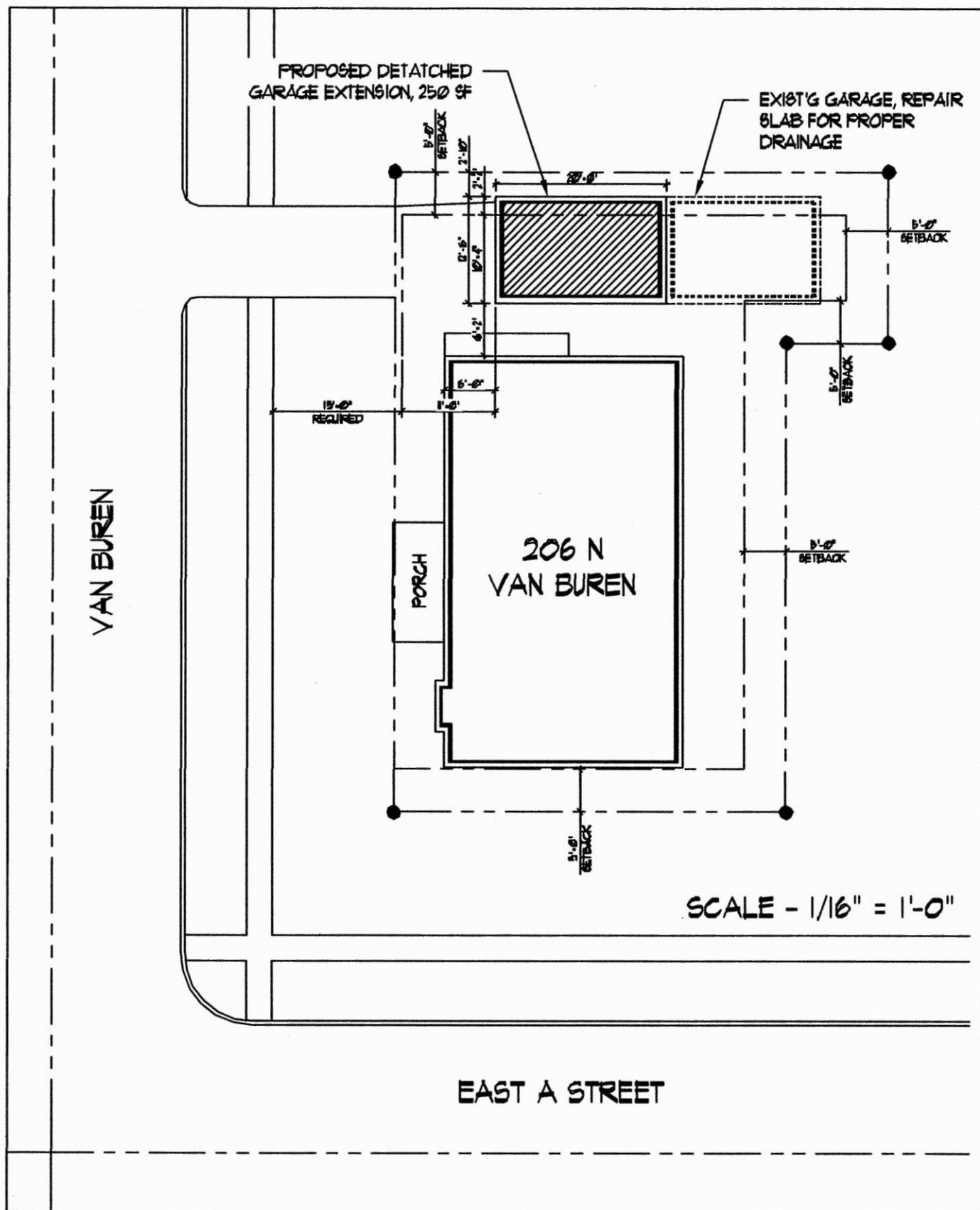
STATE OF Idaho)
) ss.
 County of Latah)

On this 14th day of December, 2017, before me, Renee Gaskill, a Notary Public in and for said State, personally appeared JOSHUA R BRANEN and KATHERINE JENEILLE BRANEN, known to me to be the persons whose names are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same.

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



[Signature]
 NOTARY PUBLIC FOR Idaho
 My Comm. Expires: 11/24/18

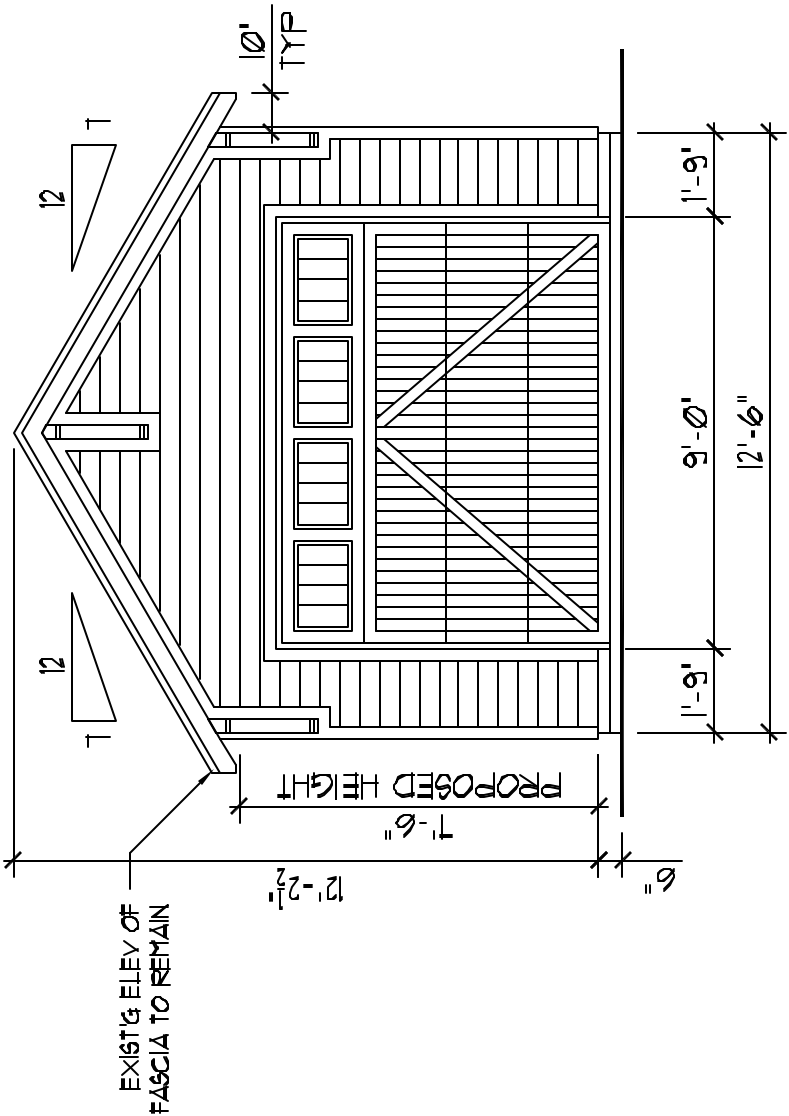


LUP2019-0019



Sheet A-1

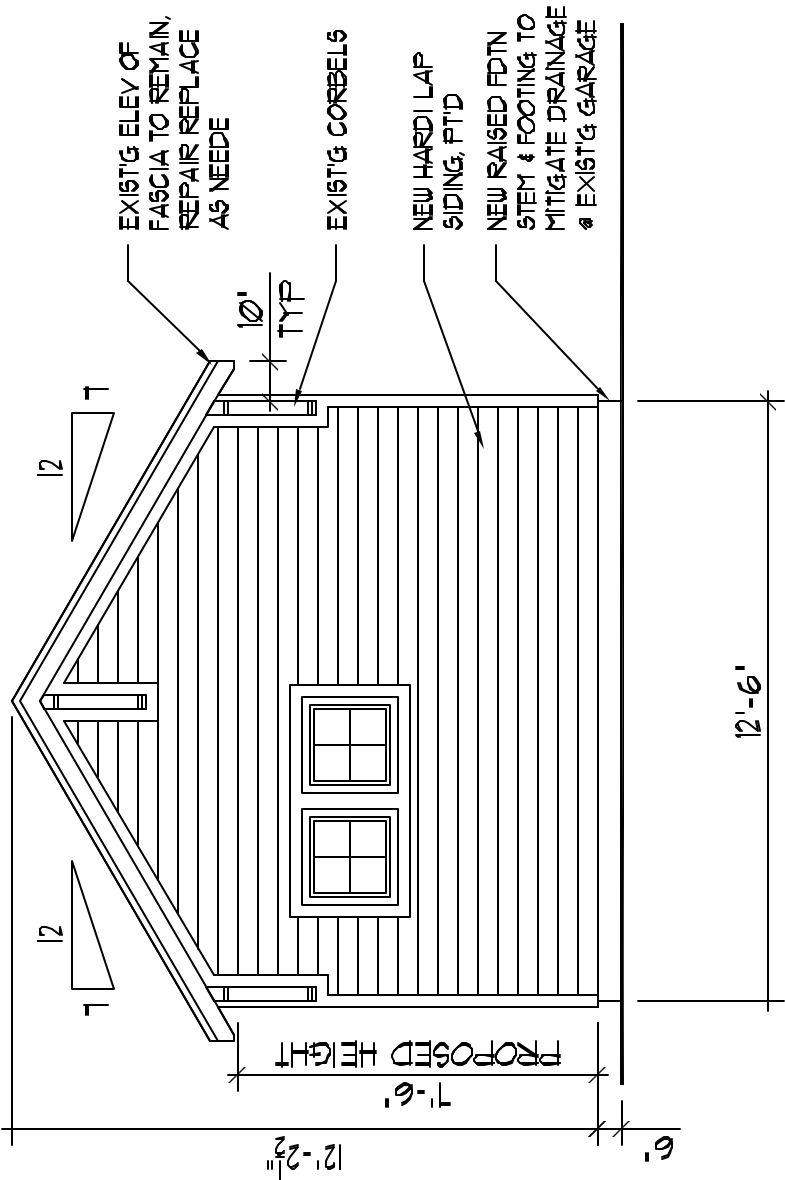
SCALE: 1/4" = 1'-0"



West Elevation Sheet A-2

SCALE: 1/4" = 1'-0"

05-21-19



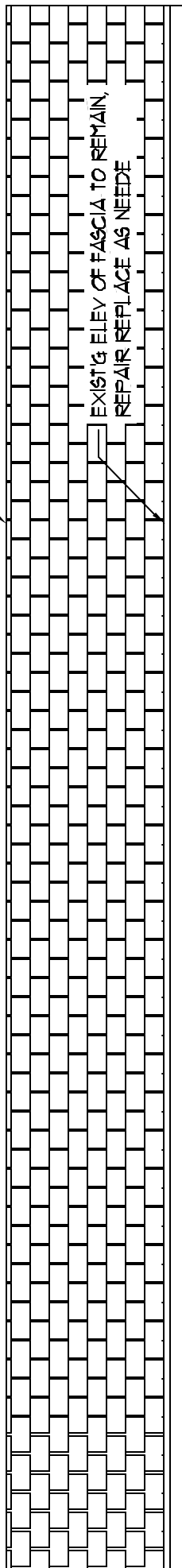
East Elevation

Sheet A-3

05-21-19

SCALE: 1/4" = 1'-0"

PROVIDE CONT RIDGE VENT



NEW 36" WIDE
RESIDENTIAL
DOOR

NEW HARDI LAP
SIDING, PT'D

NEW RAISED FOUNDATION STEM &
FOOTING TO MITIGATE DRAINAGE
@ EXIST'G GARAGE

14'-5"

5'-7"

20'-0"

18'-0"
EXIST'G

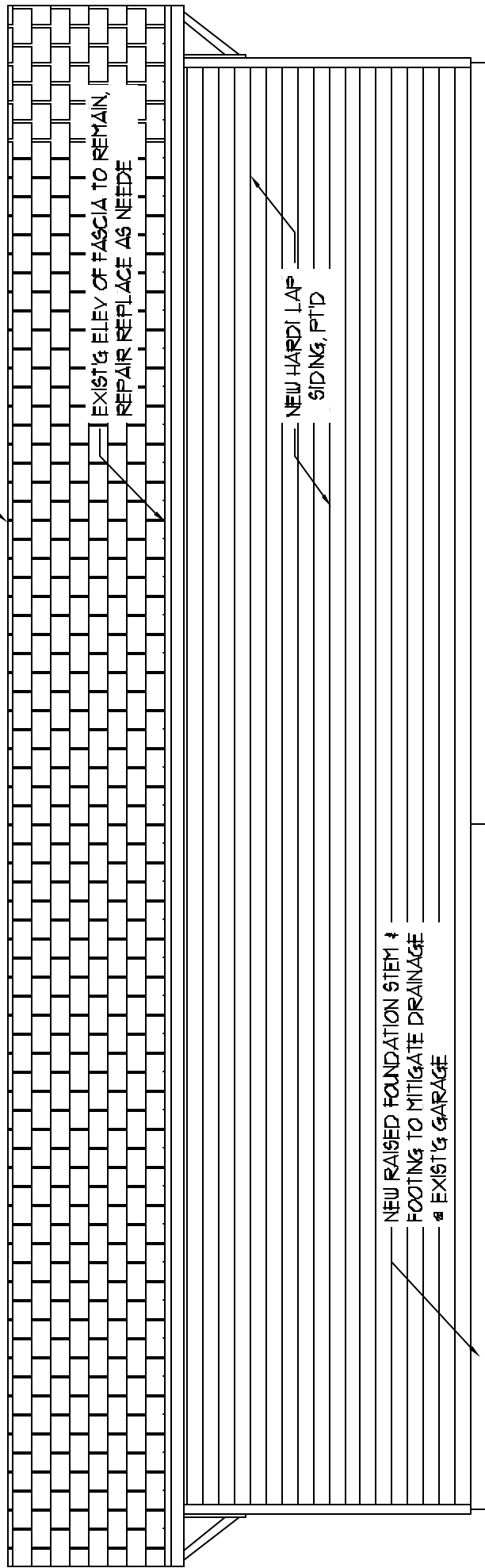
South Elevation

Sheet A-4

SCALE: 1/4" = 1'-0"

05-21-19

PROVIDE CONT RIDGE VENT



North Elevation

Sheet A-5

SCALE: 1/4" = 1'-0"

05-21-19