

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
July 18, 2019

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Staff Liaison

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

The meeting was called to order at 7:00 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Annette Bieghler, Steve Bush, Marshall Comstock, Mark Monson

MEMBERS ABSENT: Laurene Sorensen, Tim Thomson

STAFF IN ATTENDANCE: Mike Ray

1. Approval of Minutes from June 25, 2019.

Bieghler moved approval of the minutes as presented.

RESULT:	ACCEPTED BY ACCLAMATION
MOVER:	Bieghler
SECONDER:	Bazzoli
AYES:	Bazzoli, Bieghler
ABSTENTIONS:	Bush, Comstock, Monson

2. Public Hearing: Proposal for a Variance at 102 North Lilly Street – LUP2019-0022

Variance application to reduce side yard setbacks on a nonconforming lot within the Multiple Family Residential Zoning District (R-4) per Moscow City Code 4-4-2.

Ray presented the application, explaining the applicant wishes to demolish the existing house and build a new single family home with sideyard setbacks of three feet on the north side with 18" eaves, and one foot on the south side with no eaves. Current setbacks in the R-4 zone require five feet on both sides. The nonconforming lot is only 20 feet wide and a total area of 2,505sf. City code allows one single family dwelling and customary accessory buildings on nonconforming lots of record within a zone where single family dwellings are permitted. Subject lot is primarily surrounded by residential development including single family dwellings, duplexes, apartments and condos currently under construction. Applicant's proposed structure will be 70ft x 16ft. Attached garage will be accessed off the rear alley. Staff recommended approval of the proposal with one condition:

- 1) The applicant shall be required to maintain a three-foot (3') setback on the both sides of the subject property where the building eaves may encroach up to twelve inches (12") into the setback. (Changed from what appeared in the packet.)

Bazzoli said fire code requires building walls within 10 feet of each other have a one-hour fire rating, so a setback of less than five feet would impact the adjacent property owners' options if the applicant doesn't have fire-rated walls. Ray said a structure within three feet of the property line would be required to have a one-hour rated wall, and the designs included in the application were just conceptual but at the building permit stage the applicant would need to meet all building and fire code requirements. Ray suggested if the Board wished to allow one foot on one side and three feet on the other, that the three-foot setback should be on the south side because it would be easier to make the north side wall fire rated. Ray added that staff's

concern with a one-foot setback is the ability to do maintenance in that narrow of an area without trespassing onto the neighbor's property. Bazzoli asked about building height maximums in relation to property lines, and whether the south side roof peak created any problems. Ray said the zone has a blanket 40-foot height restriction. Comstock asked how far the current structure on the adjoining parcel to the north was from its south property line. Ray thought it was surveyed at around 7.5 feet from the property line.

The public hearing opened at 7:16 p.m.

Wulf Costello, 2279 Poleline Road East in Twin Falls, stated his goal is to build a safe and comfortable dwelling for his kids as they attend the university. His initial idea of building on the footprint of the current home was unfeasible so his proposed dwelling ended up 16 feet wide. He believes a new, aesthetically pleasing structure in the area would likely increase the home values in the neighborhood. Staff's recommendation of three-foot setbacks would limit him to a 14-foot wide house which is narrower than a single-wide trailer. His options if the variance is not approved would be 1) losing the \$1500 in planning and deposits, or 2) leave the property as is which he didn't think would be ideal for anyone. His proposal would also eliminate the current encroachment issue with the neighboring park.

Comstock asked Costello if he was comfortable with staff's recommendation of one foot on the north and three on the south. Costello said yes. Bazzoli confirmed with Costello that his ultimate goal is a 16-foot exterior which would allow for more usable interior space. Bush asked about Costello's proposed path that encroaches on the park property. Costello said that was an earlier idea that didn't get updated on his final submission.

Victoria Seever, 121 N Lilly, wished to see the application approved with staff's recommendation of three feet on each side. She has lived across the street for 30 years and is very familiar with the existing structure. Building a new dwelling within the property lines would provide a good opportunity to reclaim the park land. She said there is a drainage area in the back that would need to be protected. She said many houses on Lilly are on the same size lots but have more livable square footage, so the applicant doesn't face any undue hardship. She thought the proposed structure would be a nice addition to the neighborhood.

The public hearing closed at 7:30 p.m.

In terms of practical usable space, Bazzoli said a 16-foot exterior would provide room for a three-foot hallway and roughly 11.5-foot wide room. A 14-foot exterior would allow for a hallway and 9.5-foot room. Comstock small lots are very problematic. He moved approval of the variance with the recommendation from staff for a one-foot setback on the north and three-foot setback on the south, to allow the 16-foot structure. Bazzoli said a 16-foot wide structure could actually have two feet on each side depending on the wall construction. Comstock then restated his motion to approve the variance to allow a 16-foot structure and leave the placement decision to the applicant.

RESULT:	APPROVED BY ROLL CALL [UNANIMOUS]
MOVER:	Comstock
SECONDER:	Bush

Ray asked for clarification on the motion and Comstock said the applicant could choose two-foot setbacks on either side, or three feet on one side and no less than one foot on the other. Bazzoli said that would provide flexibility depending on windows, fire ratings, etc.

Comstock moved to direct staff to prepare the Reasoned Statement of Relevant Criteria and Standards.

RESULT:	APPROVED BY ROLL CALL [UNANIMOUS]
MOVER:	Comstock
SECONDER:	Bieghler

3. Public Hearing: Proposal for a Conditional Use Permit at 1428 South Blaine Street – LUP2019-0018

Conditional Use Permit application to operate a large childcare facility within the Motor Business (MB) Zoning District per Moscow City Code 4-3-4.

Happy Horizons is requesting approval for a large daycare in classrooms within the Real Life Ministries building. Facility hours would be 7am-6pm, Monday through Friday, serving 21 or more newborn to kindergarten-aged children with 10-20 employees. Subject property is located in the Motor Business zone, as are the properties to the east and west. R-3 zoning exists to the north and south. Off-street parking requirements have been met with the existing Eastside Marketplace parking lot which is owned by Real Life Ministries. Applicant is proposing to locate the two required loading zone spaces at the curb near the front of the building, leaving 22 feet of drive aisle width which meets standards. Reserved staff parking will be provided elsewhere in the parking lot. Ray said the daycare *license* had initially been denied because the proposed playground did not meet the code requirement of being adjacent to the daycare space. Applicant appealed that denial to City Council, and on May 6th the Council unanimously approved this deviation from the standard. The approved playground area is in the island at the center of the Eastside Marketplace. Staff recommended approval of the CUP with no conditions.

Comstock asked about the distance restriction of a school or daycare being from an establishment that serves liquor, citing two restaurants in the area. Ray said it was 500 feet, but the restriction is specifically for bars rather than restaurants that serve alcohol. Monson asked if there had been discussion about the play area being in the middle of a parking lot. Ray said staff had not discussed it and he wasn't sure what discussion Council had, but that they approved its location. Bieghler pointed out the Council minutes in the packet indicated Council Member Sullivan expressed concern, but that the play area would have a four-foot fence around it.

The public hearing opened at 7:44 p.m.

Art Garro, 1941 Crestview Drive, said he has worked 30 years in city government and they've always encouraged use of existing facilities whenever possible. The classrooms within Real Life Ministries are not used during the week so the proposal is to use them to provide daycare services for low income people in the community. They are seeking partners to help fund it. With regard to the play area, crossing guards will help the children across the drive and a four-foot high fence will be installed around the play area. He said there is a great need for affordable daycare so he thought this proposal was a win-win.

Alisa Anderson, from the Happy Horizons Board of Directors, said they have established a non-profit organization separate from the church and will be leasing the space. They will also use the kitchen to provide two meals a day, or maybe three depending on need. The children will wear reflective vests when they are outside and will be escorted by staff to the crosswalk, which will be flagged with "kid alert" warning signs. They hope to leave the playground open to the public on evenings and weekends, which would be another win-win for the community. They are hoping to team with other agencies in town to help fill the gaps they see in the community such as parents who can't currently afford or find a daycare spot, and care on non-school days when other daycares are typically closed.

The public hearing closed at 7:57 p.m.

Bazzoli said parking is typically a problem for daycares, but in this instance the staff report shows there is actually a surplus. He added that the use is allowable in the Motor Business zone and Council has already debated the playground location issue and approved it. Comstock thought it was a great facility for a daycare. Monson said Criteria #5 asks whether "the proposed use would endanger the public health or safety if located where proposed", but he feels the applicant has mitigated those concerns so he didn't have any objections. Bush asked whether two loading spaces were sufficient. Ray said that's what the Code requires and he hasn't heard any issues with it not being enough at other large daycares. Bush said other daycares have been required to provide ADA parking spaces and Ray said several already exist within the mall parking lot area.

Bush moved approval of the application as presented.

RESULT:	APPROVED BY ROLL CALL [UNANIMOUS]
MOVER:	Bush
SECONDER:	Comstock

Monson moved to direct staff to prepare the Reasoned Statement of Relevant Criteria and Standards.

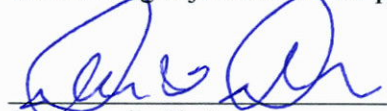
RESULT:	APPROVED BY ROLL CALL [UNANIMOUS]
MOVER:	Monson
SECONDER:	Bieghler

4. Board Communications

Ray reminded Board members of the next meeting on August 8th to hear a Variance application from the 1912 Center. Board members and both applicants were fine with holding the RCS approvals until that meeting.

Adjournment

The meeting adjourned at 7:57 pm.



Joe Bazzoli, Chair

Mark Monson

8-8-19
Date