

BOARD *of* ADJUSTMENT



Joe Bazzoli
Commission Chair

~ Meeting Agenda ~

Aimee Hennrich
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

<http://www.ci.moscow.id.us/agendacenter>

**Tuesday
September 15, 2020**

7:00 PM

**Council Chambers
221 E 2nd Street**

Call to order

1. Approval of Minutes from August 31, 2020 [ACTION ITEM]

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

2. Public Hearing: Proposal for a Conditional Use Permit at 722 E. First Street – LUP2020-0021 [ACTION ITEM]

Conditional Use Permit application to convert the garage of a non-conforming duplex into living space within the Moderate Density, Single Family Residential (R2) Zoning District.

ACTION: Conduct the public hearing upon the proposed conditional use permit request and upon consideration of any testimony presented, approve the conditional use permit and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the conditional use permit with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the conditional use permit request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

3. Board Communications

4. 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~
August 31, 2020

Aimee Hennrich
Staff Liaison

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208.883.7095

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

The meeting was called to order at 5:30 PM

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

MEMBERS ABSENT: Steve Bush, Marshall Comstock, Laurene Sorensen

STAFF IN ATTENDANCE: Aimee Hennrich, Jennifer Fleischman

1. Approval of Minutes from August 26, 2020

Monson moved approval of the minutes as corrected, seconded by Thomson. Motion carried by acclamation.

2. Approval of Relevant Criteria and Standards for a Property Located at 1410 S Blaine Street – LUP2020-0019

Monson moved and Thomson seconded approval of the RCS as corrected. Motion carried by acclamation.

3. Board Communications

None.

4. Other Business

The next hearing is scheduled for Tuesday, September 15th.

Adjournment

The meeting adjourned at 5:32 pm.

Joe Bazzoli, Chair

Date

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

HEARING DATE: Tuesday, September 15th, 2020

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2020-0021 – Conditional Use Permit application to convert the garage of a legally non-conforming duplex into living space within the Moderate Density Residential (R-2) Zoning District

Attachments: A. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, August 29, 2020

B. Conditional Use Permit Application

C. Site Plan & Floor Plans

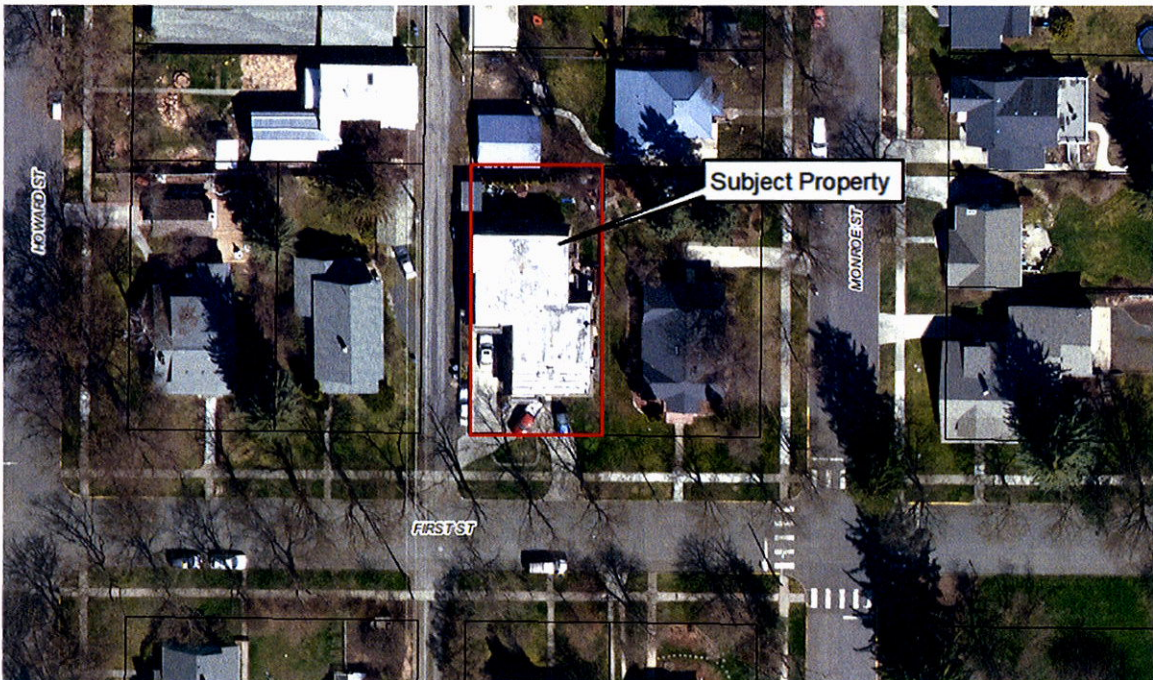
Prepared by: Aimee Hennrich, Planner I

Proposal: The applicant, Gabe Hathaway, and owner, Gayle Rogalski, have applied for a Conditional Use Permit (CUP) to convert the garage of an existing non-conforming duplex located at 722 E. First Street into living space. The existing garage is approximately 231 square feet. The applicant proposes to construct a wheelchair accessible bedroom and bathroom in the existing garage space. The City of Moscow's current zoning code identifies this address as Moderate Density Residential (R-2). Two family dwellings are not permitted in the Moderate Density Residential Zone. Per Moscow City Code 4-1-7(D)(4), a nonconforming structure may be enlarged or altered with the same zoning non-conformities through the issuance of a Conditional Use Permit.

Background: The subject property was originally built in in 1974 by the current owner. At that time two family dwellings were permitted in this location. There were changes made to the zoning of the property in or around 1980 making the existing two-family dwelling legally non-conforming. In 1981, the owners applied for a Variance in order to expand the legally non-conforming structure by enclosing a covered patio which would encroach into the rear yard setback. The variance was approved by the Board of Adjustment on May 15, 1981.

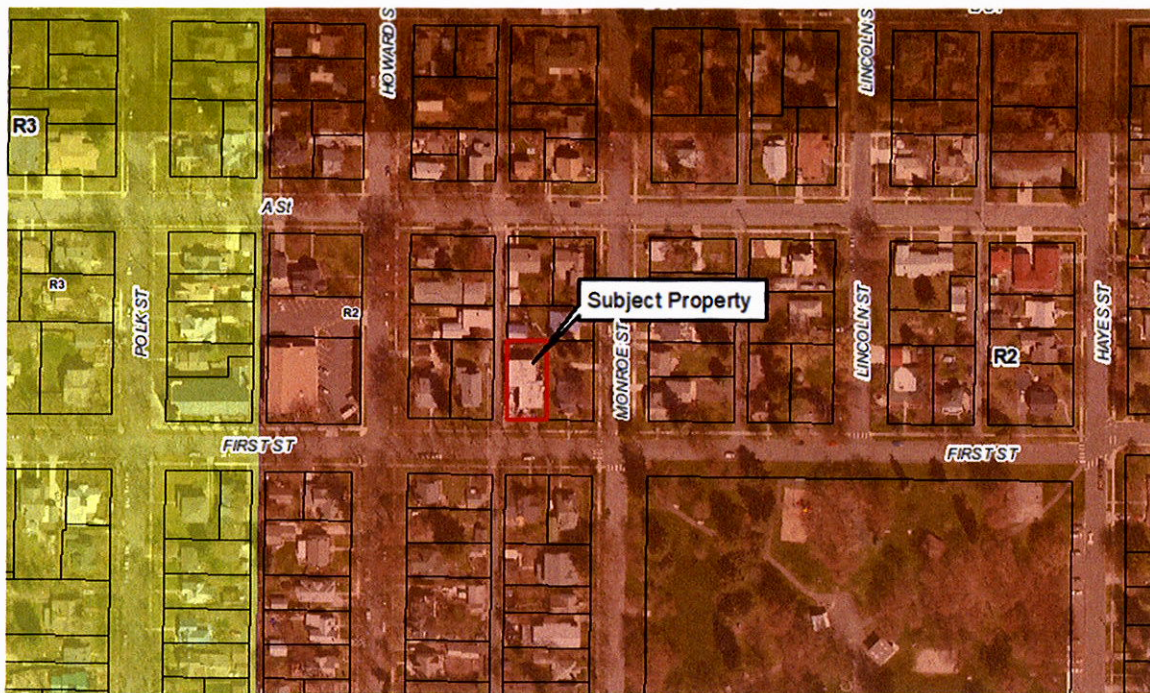


Vicinity Map



Subject Property

Zoning: The subject property is located within the Moderate Density Residential (R-2) Zoning District. Adjacent properties to the north, south, east, and west are also in the R-2 Zone. All surrounding uses are residential, with the exception of East City Park that is located approximately 150 feet to the southeast of the subject property and Saint Mary's Catholic Church located 300 feet to the west of the subject property.



Zoning Map

Site and Area Land Use: The subject property is approximately 6,612 square feet in size. The property was originally subdivided in the early 1880's as part of Park Addition and is located within the Fort Russell Historic District.

Streets and Access: The subject property is located on First Street and has 57 feet of street frontage. First Street is identified as a local neighborhood street. First Street has an 80 foot right of way with a sidewalk, tree lawn, curb, gutter and on-street parking on both sides of the street. The property can also be accessed by a 20-foot gravel alley to the west adjacent to the property.

Parking Requirements: According to MCC 4-6-2 two family dwelling units are required to provide two parking spaces for each dwelling unit, plus one per bedroom in excess of four bedrooms. The proposed floor plan provided by the applicant would require a total of four parking space. The applicant has provided a site plan that demonstrates compliance with the required parking spaces.

Comprehensive Plan: Chapter 2, Land Use and Community Character, designates the subject property as Urban Residential. The Urban Residential designation encompasses many of the older and historic residential neighborhoods of town which are located in close proximity to the City core and are developed in a traditional grid street pattern with alley access. Lands designated as Urban Residential are generally appropriately zoned Medium Density Residential (R-3) or Multiple Family Residential (R-4).

Chapter 3, Community Mobility, identifies First Street as a local neighborhood street.

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 conversion of the garage of a legally non-conforming duplex into living space located at 722 E First Street with no conditions.

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

NOTICE OF PUBLIC HEARING

Proposals for Conditional Use Permit at 722 E First Street
Permit Applications LUP2020-0021

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 convert the garage of a non-conforming duplex into living space within the Moderate Density, Single Family Residential (R2) Zoning District.

HEARING DATE: Tuesday, September 15, 2020

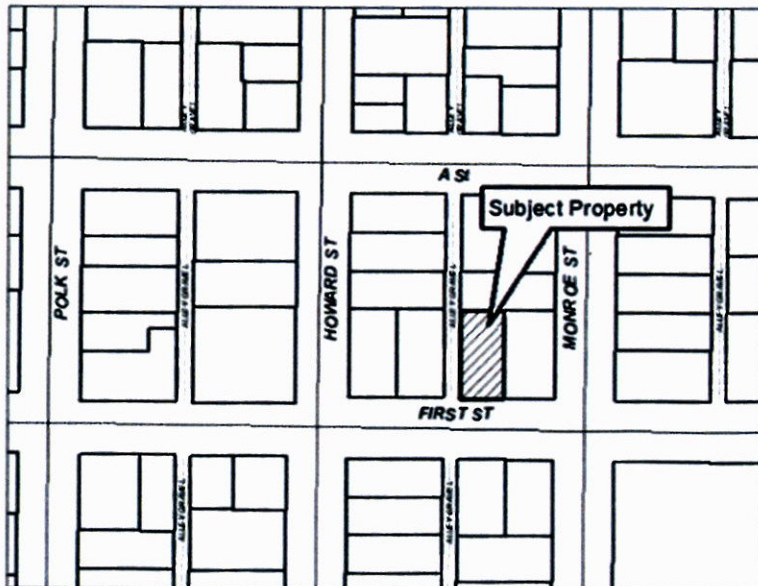
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

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, August 29, 2020



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

LOT 2020-0021

For City Use Only			
Date Received		8-25-20	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$500	8-25-20
Receipt Number		LUP2020-0021	

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Gabe Hathaway
722 E 1st St., Moscow, Idaho 83843
(home address)

Telephone: 208-850-7827
gabe98@gmail.com

Relationship to affected property (please check one):

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

Son-in-law and power-of-attorney for owner: Gayle Rogalski

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

Name: Gayle Rogalski
722 E 1st St., Moscow, Idaho 83843
(home address)

Telephone: 208-882-4439

3. Location of Affected Property: 722 E 1st St., Moscow, Idaho 83843

Legal Description: Park Add 17 W 57.5' of lots 6&7
(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:

Construction of wheelchair accessible bedroom and ensuite bath combo
in existing garage space. Close in garage door and install egress
window.

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 4-1-7 of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit.

- LOT 2020-0021
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.

Space will be used as the master bedroom for the aging owner in place
of the current master bedroom on the second floor.

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: _____

Each unit of the duplex will continue to be used as a single family
residential unit in compliance with current zoning.

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: _____

Impact to the neighborhood will be minimal during construction only. The
front of the structure will only be changed to remove the garage door and
install a window. No additions are being made to the structure.

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 added bedroom will not generate any nuisance to the neighbors

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: _____

The added bedroom will not impact any public facilities or services

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

Justification and compliance with criteria #5: _____

The added bedroom will not endanger the public in any way

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

Justification and compliance with criteria #6: _____

The added bedroom will comply with all development standards and
current code requirements.

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

Justification and compliance with criteria #7: _____

The added bedroom will not conflict with the comprehensive plan

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

LOT 2020-0021

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

722 E 1ST ST Remodel

Project Description:

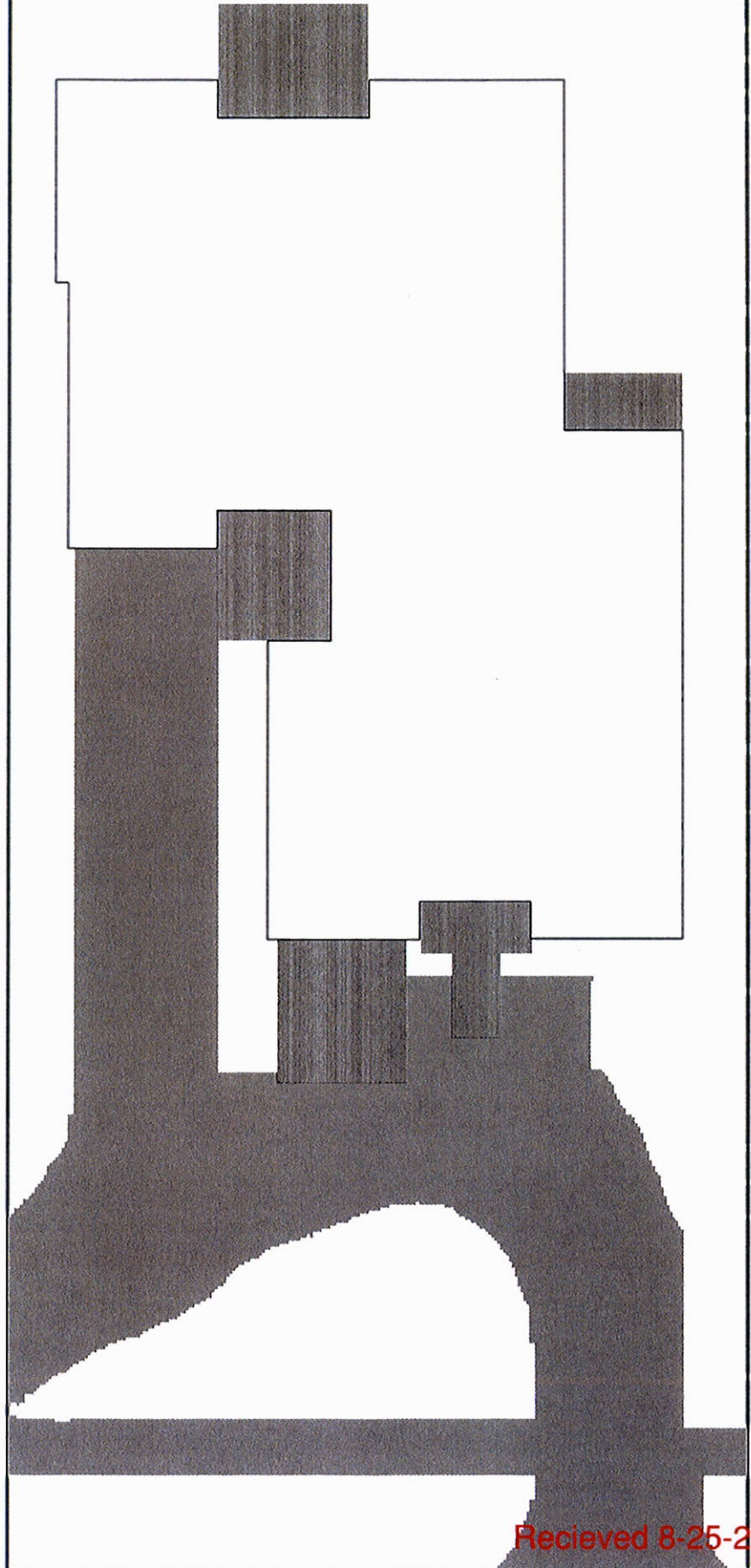
- Conversion of 231 sq ft garage space into bedroom, closet and bathroom
- Bedroom to consist of roughly 11'x11' space with 36" framed opening to closet and 36" pocket door entry to bathroom
- Closet to consist of roughly 6'x6' space attached to northeast corner of bedroom
- Northwest wall past back of closet to include placement of direct-vent gas tankless hot water system and apartment style laundry unit with 42" framed opening
- Tankless hot water system and apartment style laundry unit will vent directly to the west wall
- Accessible bathroom roughly 5'x10' to be built in Northeast corner of former garage space connected to bedroom by 36" pocket door
- Bathroom to include 5'x3' tiled curbless shower, chair height toilet, 36" vanity/sink, appropriate lighting and ventilation
- Bathroom vent to be directed directly to the west wall
- Door to be relocated from existing northeast corner of the space to be centered on the east bedroom wall, entry to space will be from the foyer of the main home through a framed 36" door with sistered 2x10 header
- South wall framing will be 2x6 construction with base consisting of pressure treated lumber ramset into concrete over sill seal. Seams to be caulked and waterproofed
- South wall garage door will be framed in to include 4'x8' window with two 2'x4' screened openings
- Can lights will be used in all spaces, a shower-safe recessed light will be installed in the shower
- Heating/cooling to be provided by ductless mini-split installed on west wall
- Supplemental heating to be provided by cadet heater installed in the bathroom
- Water will be provided to all fixtures and appliances via pex extension to existing water system entering the space via intrusion from the crawlspace on the north wall
- Sewer will collect from all locations in bathroom and laundry machine and connect to existing drainage through the north wall
- Sewer vent location TBD pending consultation with licensed plumber
- Floor joists to be installed into pressure treated stringers using joist hangers 12" on center over 6mil plastic sheeting moisture barrier
- R-30 insulation to be installed between floor joists
- R-21 insulation to be installed in all walls and ceiling between 1st and 2nd floor

N

□=1FT

720/722 E 1st St.
Moscow, Idaho 83843

Site Map

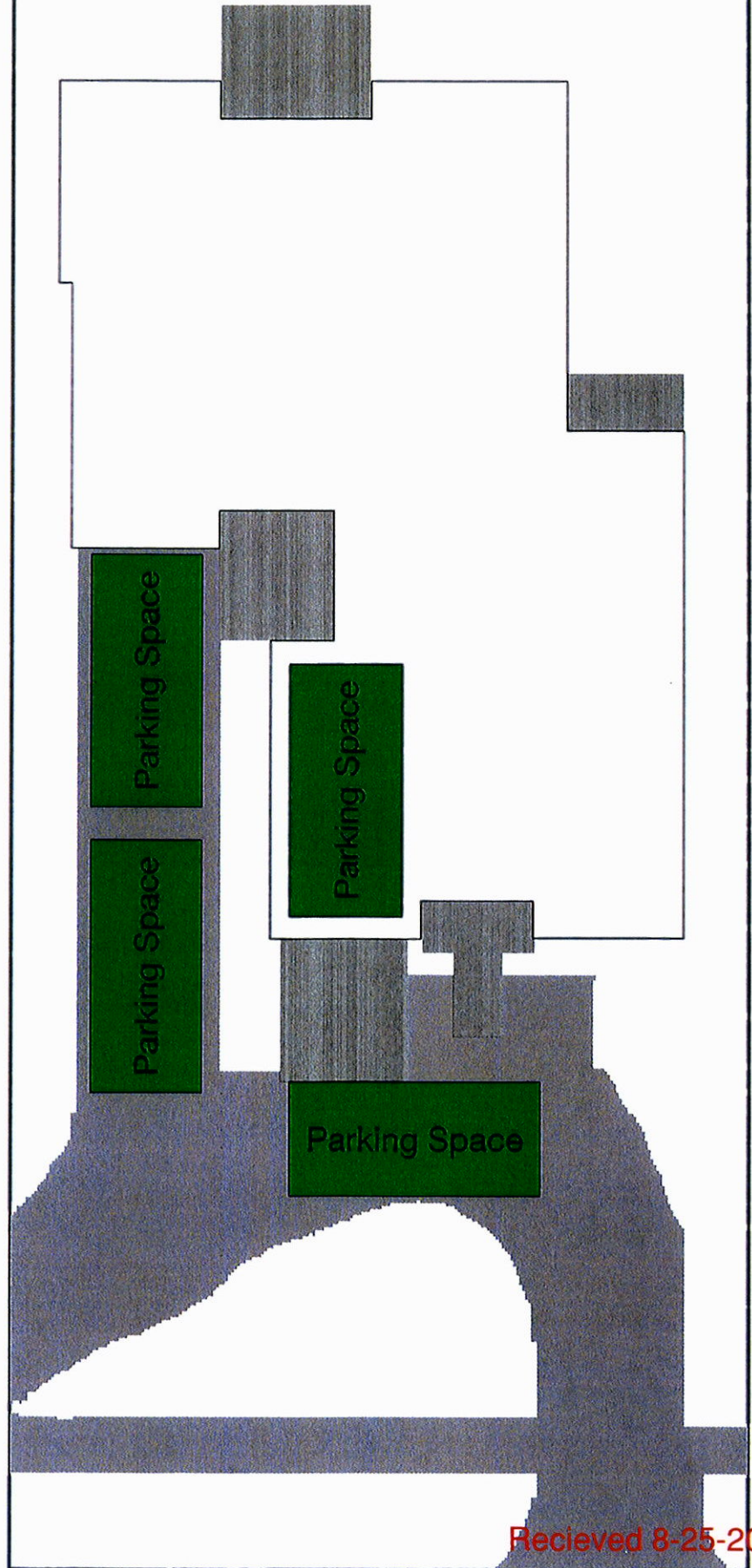


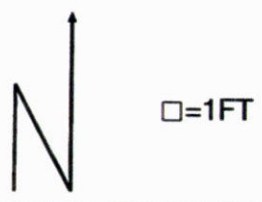


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Moscow, Idaho 83843

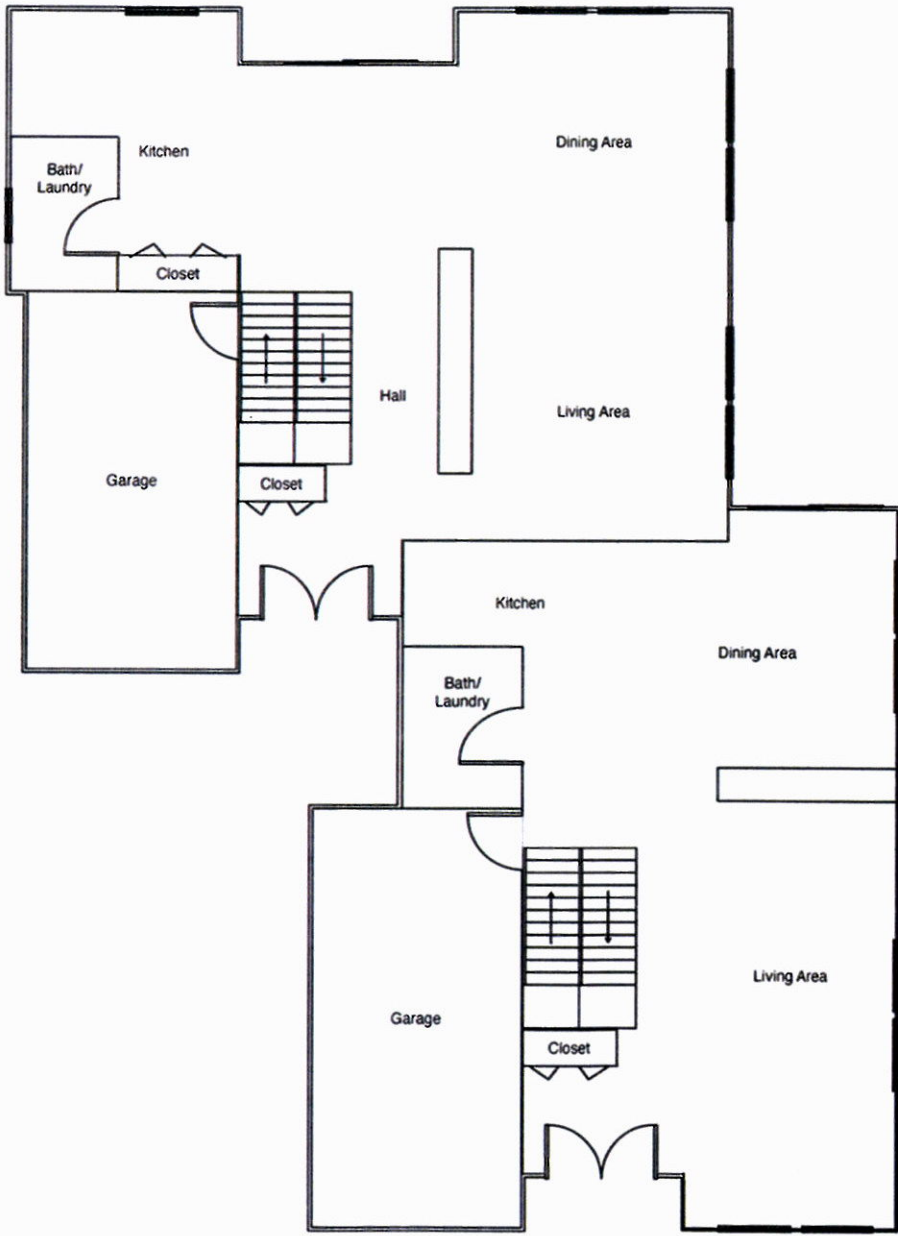
Site Plan: Parking Map





720/722 E 1st St.
Moscow, Idaho 83843

Current Floorplan: Lower Level

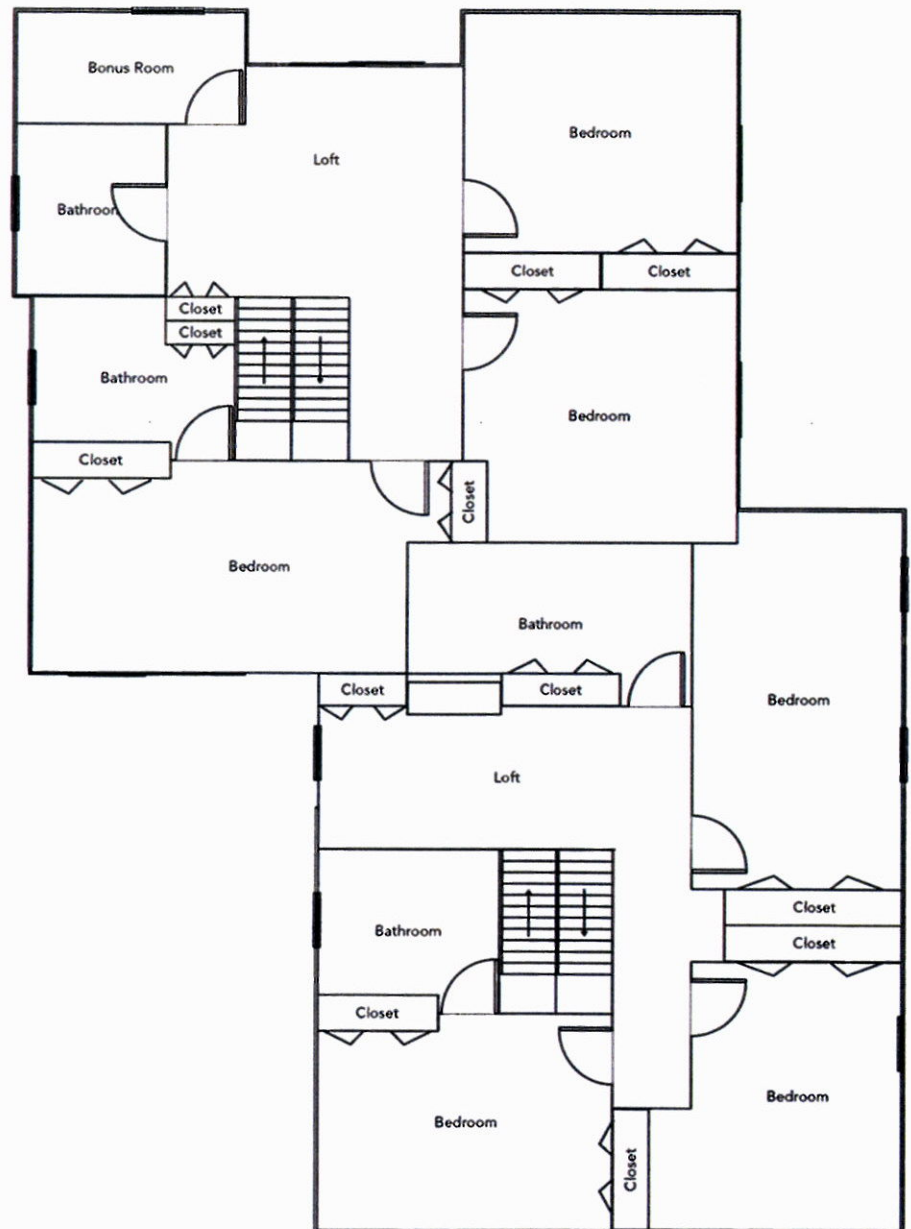


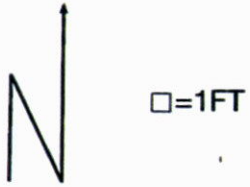


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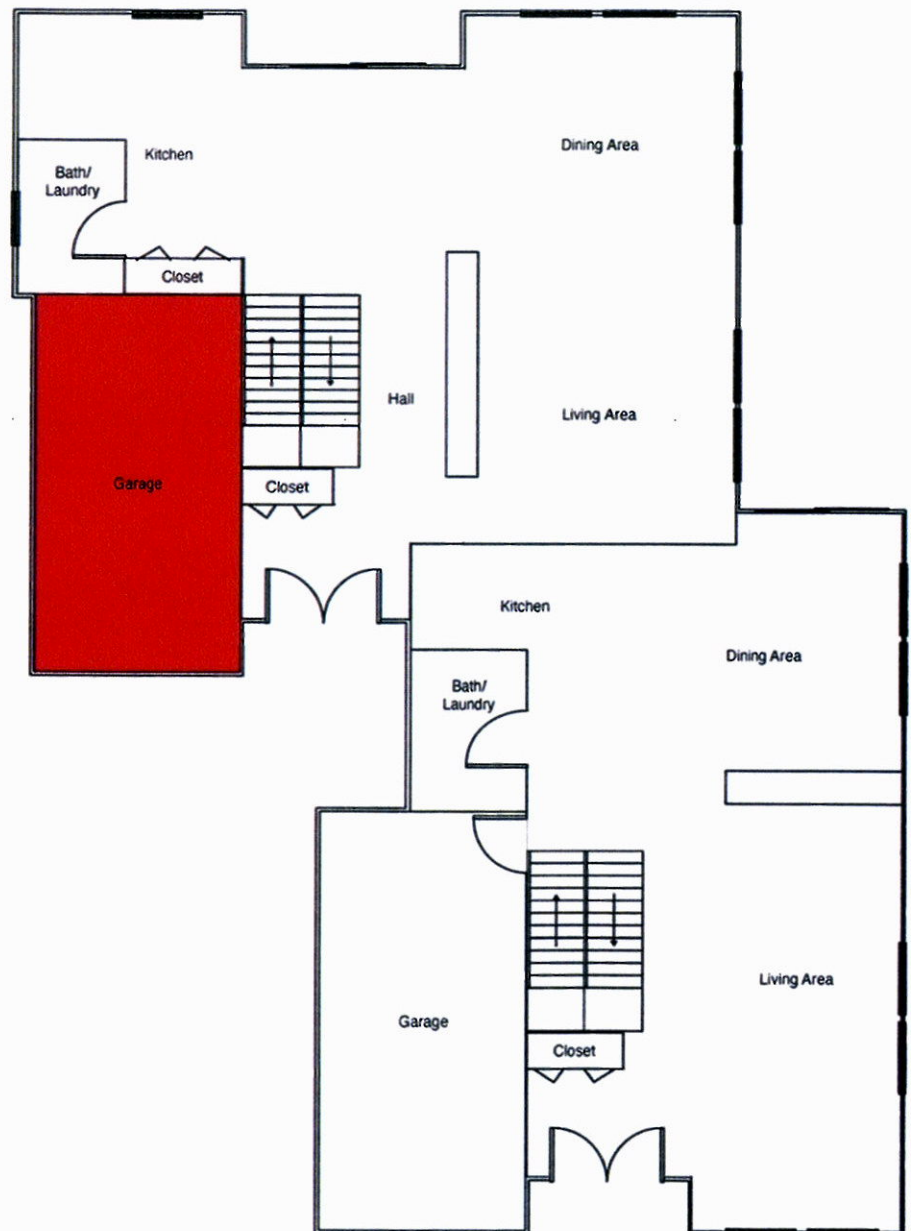
Current Floorplan: Upper Level





720/722 E 1st St.
Moscow, Idaho 83843

Highlighted Remodel Space



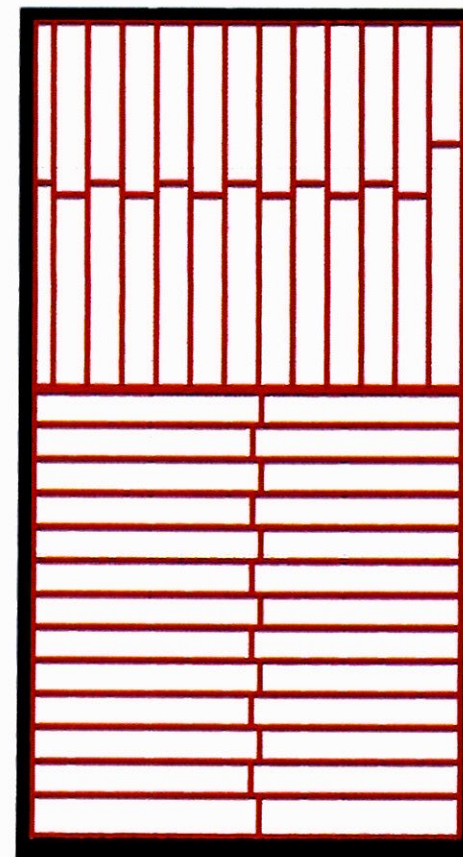


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720/722 E 1st St.
Moscow, Idaho 83843

Remodel Floor Joist Plan

- Joist Materials:
- 2x10 PT lumber for rim joists attached via 3-1/2" Structural wood screws
- 2x10 lumber for floor joists
- 2x10 LUS ZMAX joist hangers
- 6mil plastic sheeting over concrete
- R-30 insulation in floor
- 3/4 OSB sheeting subfloor



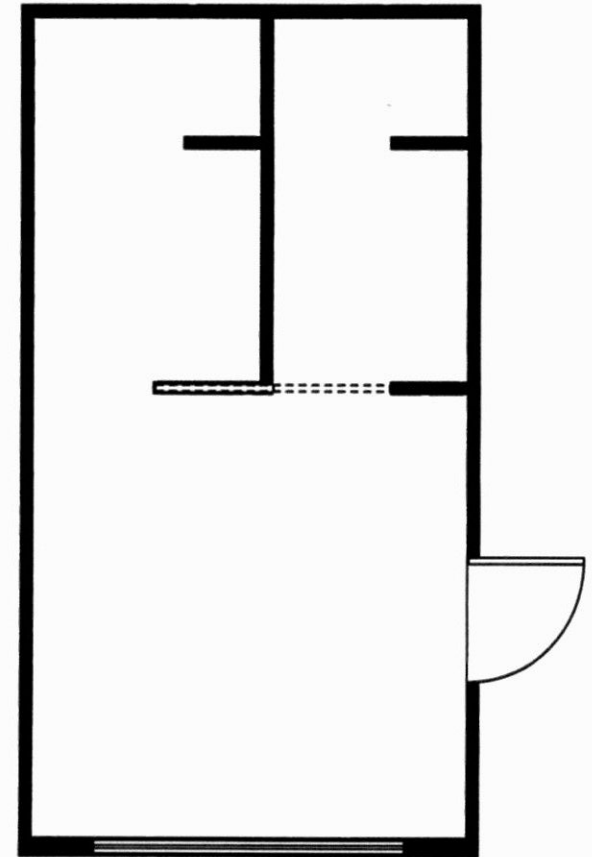


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720/722 E 1st St.
Moscow, Idaho 83843

Remodel Floor Plan

- Wall Materials:
- South wall 2x6 lumber
- South wall install 8'x4' egress window
- Interior walls 2x4 lumber
- 5/8" drywall, texture, paint
- Pocket door to bathroom



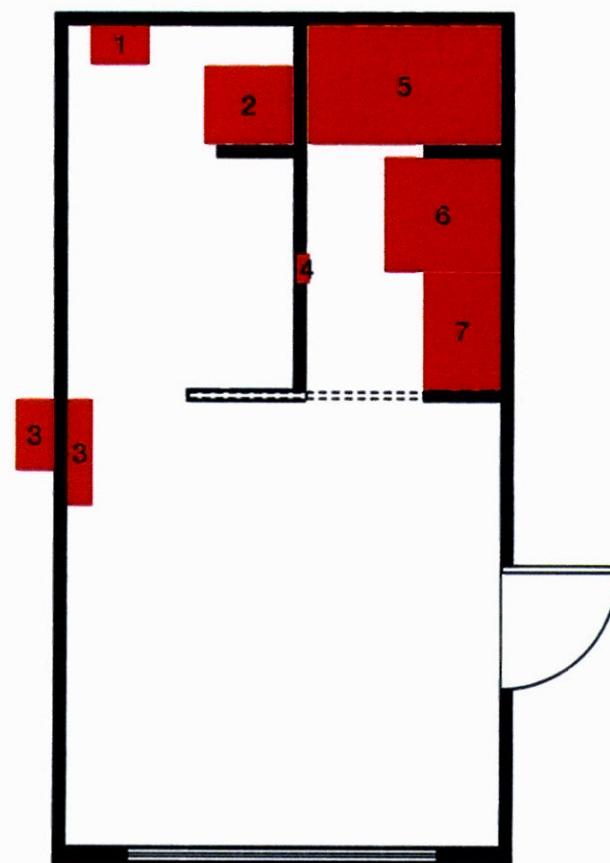


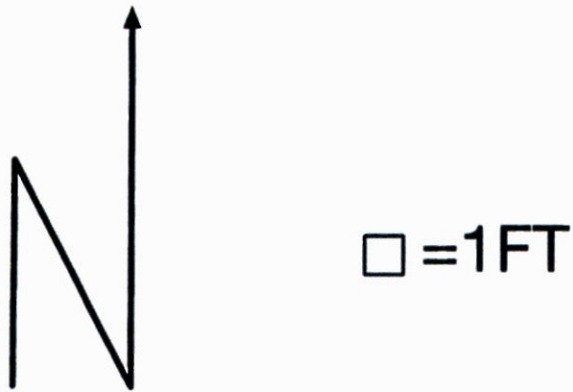
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720/722 E 1st St.
Moscow, Idaho 83843

Remodel Appliances and Fixtures

1. Tankless hot water heater (gas, direct vent to west wall)
2. Apartment style laundry combo
3. Ductless mini-split
4. Cadet heater
5. Tiled curdles shower
6. Toilet
7. Vanity

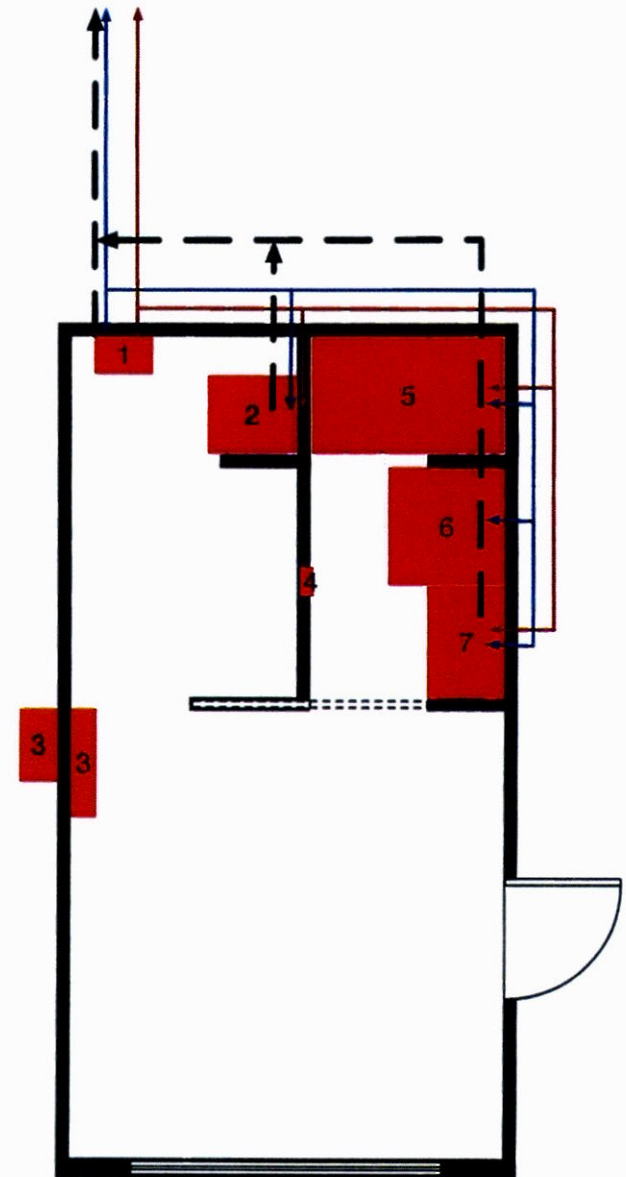




720/722 E 1st St.
Moscow, Idaho 83843

Remodel Plumbing Plan

1. Extend existing copper system with pex
2. Run 3/4" pex to locations, tee off with 1/2" pex to fixtures
3. 3/4" pex input/output to tankless water heater
4. Drain pipes to tie into existing main



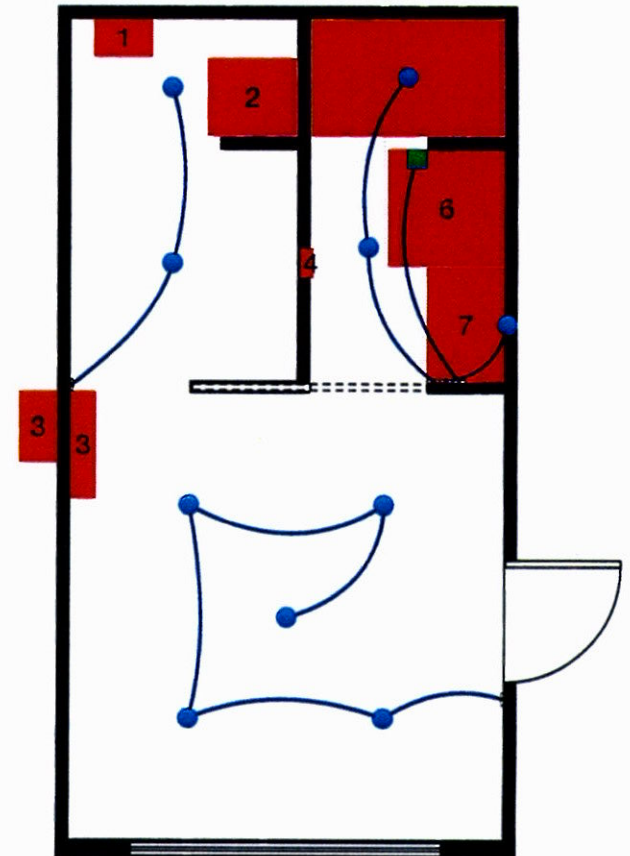


□ = 1 FT

720/722 E 1st St.
Moscow, Idaho 83843

Remodel Lighting Plan

1. Light = ●
2. Fan = ■





□ = 1 FT

720/722 E 1st St.
Moscow, Idaho 83843

Remodel Electrical Plan

1. * = existing electric panel

