

BOARD *of* ADJUSTMENT



Joe Bazzoli
Commission Chair

~ Meeting Agenda ~

Aimee Hennrich
Staff Liaison

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Thursday
September 17, 2020

5:30 PM

City Hall, Council Chambers
221 E 2nd Street

Call to order

1. **Approval of Minutes from September 15, 2020**

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

2. **Approval of Relevant Criteria and Standards [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: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with modifications; or provide Staff further direction as deemed necessary.

3. **Board Communications**

- Upcoming meeting September 29th 2020.

4. **Other Business**

Adjourn

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~
September 15, 2020

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

Bazzoli called the meeting to order at 7:01 PM

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

via Zoom: Laurene Sorensen

MEMBERS ABSENT: None

STAFF IN ATTENDANCE: Aimee Hennrich, Jennifer Fleischman

1. Approval of Minutes from August 31, 2020

Bieghler moved for approval of the minutes as presented, seconded by Thomson. Motion carried by acclamation with Comstock abstaining.

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.

Hennrich presented the Conditional Use Permit application, including background information about how the property became legally non-conforming. Detailed information on the floor plan and the proposed changes were provided with image references. Parking requirements will be met with applicants proposed parking site plan.

Bazzoli asked if the City will require the applicant to insulate the walls and ceiling of the garage and Staff said that the Building Department review will happen if the CUP is approved by Board of Adjustment. Bazzoli had more concerns regarding the modifications that would make it seem like another apartment being added: adding HVAC, out-swinging door, laundry room, insulation, etc. Staff assured the Board that all building code would be followed and required by the Building Department to make this a compliant additional room instead of a separate dwelling.

Bazzoli opened the public hearing at 7:10 p.m.

Gabe Hathaway (Applicant), 722 E. First St, said he is the son-in-law of the 81-year-old woman who will be moving into the garage converted bedroom to keep her in her own home. Background given as to why this decision was made in order to keep the woman in her own home for as long as possible, while providing space for the family to move in to assist. Only family is residing in both sides of the duplex. Bazzoli asked why HVAC, laundry, insulation, etc. would be added. Gabe said that a heating and cooling professional recommended that it would be best to have an independent system for the added room so the occupant can adjust heating and cooling to specific temperature needs. He also said that having her own laundry room and bathroom would assist with the proposed occupants independence and immediate access to facilities.

Shelley Stone (Email), 116 N Howard St, expressed disapproval of the proposed CUP. She had concerns regarding parking around the duplex and garbage disposal. Does not want to have the zoning allowance approved as is concerned that it will add to the already stressed garbage and parking situation. Bazzoli clarified that the zoning will not be altered with this application. Reminder to citizens that parking in public areas, such as streets and in alleyways, are a first come-first serve situation.

Bazzoli closed the public hearing at 7:17 pm.

Comstock and Monson thought that the proposal to change the space is straight-forward and agreeable. Bazzoli wanted to add that it will be using the same water supply and sewer system, and would not be viable as a separate apartment. Bush agreed about the concern about it being an additional apartment, but after the presentation and comments does not have a problem with approving the application. Thomson and Beighler did not have objections.

Comstock moved approval of the proposal with no conditions as recommended by Staff, and to direct Staff to prepare the Reasoned Statement of Relevant Criteria and Standards. Monson seconded the motion which carried unanimously.

3. Board Communications

Thank you cards from Jubilee School children to the Commission read by Bazzoli.
The next meeting is scheduled for Thursday, September 17th for the RCS approval.
The next hearing is scheduled for Tuesday, September 29th.

4. Other Business

None.

The meeting adjourned at 7:23 pm.

Joe Bazzoli, Chair

Date

**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
REGARDING A CONDITIONAL USE PERMIT APPLICATION TO CONVERT THE
GARAGE OF A NON-CONFORMING DUPLEX INTO LIVING SPACE LOCATED AT
722 EAST FIRST STREET IN THE CITY OF MOSCOW, IDAHO WITHIN THE
MODERATE DENSITY, SINGLE FAMILY RESIDENTIAL (R-2) ZONING DISTRICT
PER MCC 4-1-7(D)(4).**

WHEREAS, the applicant filed an application for a conditional use permit on August 25, 2020;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on September 15, 2020; and

WHEREAS, during the public hearing and having considered the matter including all testimony
presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use
Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board's
review and approval; and

WHEREAS, having reviewed the application, including all exhibits entered, and having
considered the issues presented by the applicant and the opponents:

**THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO, AFTER DUE
DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant City of Moscow Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicant proposes to convert the garage of a non-conforming duplex into living space located at 722 E First Street.
3. The subject property is located within the Moderate Density, Single Family Residential (R-2) Zoning District, where a nonconforming structure may be enlarged or altered with the same zoning nonconformities through the issuance of a Conditional Use Permit per MCC 4-1-7(D)(4).

4. 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.
5. The applicant proposes to create a bedroom, bathroom, and closet within the existing garage. This will create an additional 231 square feet of living space, while maintaining the nonconformities of the existing structure.
6. The applicant has provided a site plan showing the required four on-site parking spaces.
7. Existing land uses include single-family housing to the north, east, south, and west. In close proximity to the southeast is East City Park and to the 300 feet to the north is St Mary's Catholic Church.
8. The subject property is located west of Monroe on East First Street and is accessed from First Street.
9. Chapter 3 of the City's Comprehensive Plan, Community Mobility, identifies First Street as a local neighborhood street.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed use is a conditionally permitted use within the Zoning District:** According to 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."
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The Board finds that the proposed use will be in harmony with the neighborhood and surrounding land uses. The proposed addition will not change the footprint or the exterior of the home.
3. **The proposed use, as approved with conditions, 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):** The Board finds that the proposed use is not anticipated to generate nuisances detrimental to the neighborhood. The use of the structure will remain the same.
4. **The location, design, and size of the proposed use is adequately served by existing streets, public facilities, and services:** The Board finds that the proposed use is adequately served by existing streets, public facilities, and services.

5. **The proposed use will not endanger the public health or safety if located where proposed:** The Board finds that the proposed use will not endanger the public health or safety.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that the proposed use meets all applicable development standards of the City Code.
7. **The proposed use will not be in conflict with the Comprehensive Plan:** The use is consistent with the Comprehensive Plan as it supports the goals and strategies of multiple chapters and does not conflict with other sections of the Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for the expansion of an existing non-conforming garage located at 206 North Van Buren Street with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2020.

Joe Bazzoli, Chair
Board of Adjustment