

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 29, 2020**

7:00 PM

**Council Chambers
221 E 2nd Street**

Call to order

1. **Approval of Minutes from September 17, 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 420 E. Second Street – LUP2020-0020 [ACTION ITEM]**

Conditional Use Permit Application to expand an existing Church (Unitarian Universalist Church of the Palouse) located at 420 E. Second Street in the Multiple Family Residential (R4) Zoning District per MCC 4-3-4.

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. **Public Hearing: Proposal for a Variance at 420 E. Second Street – LUP2020-0022 [ACTION ITEM]**

Variance Application to waive a portion of the additional off-street parking requirement for the proposed expansion of the Unitarian Universalist Church of the Palouse, located at 420 E Second Street.

ACTION: Conduct the public hearing for the proposed Variance and upon consideration of any testimony presented, approve the Variance without conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the Variance with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the Variance and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

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~
September 17, 2020

Aimee Hennrich
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

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

Bazzoli called the meeting to order at 5:37 PM

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

MEMBERS ABSENT: Annette Biegler, Tim Thomson

STAFF IN ATTENDANCE: Aimee Hennrich, Jennifer Fleischman

1. Approval of Minutes from September 15, 2020

Monson moved for approval of the minutes as discussed and modified, seconded by Bush. Motion carried by acclamation.

2. Approval of Relevant Criteria and Standards for a Property Located at 722 E First Street – LUP2020-0021

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.

Monson moved for approval of the Relevant Criteria and Standards as presented, seconded by Bush. Motion carried by acclamation.

3. Board Communications

The next hearing is scheduled for Tuesday, September 29th.

4. Other Business

None.

The meeting adjourned at 5:41 pm.

Joe Bazzoli, Chair

Date

AMENDED NOTICE OF PUBLIC HEARING

Proposals for Conditional Use Permit and Variance at 420 E Second St
Permit Applications LUP2020-0020 and LUP2020-0022

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:

1. Conditional Use Permit Application to expand an existing Church (Unitarian Universalist Church of the Palouse) located at 420 E. Second Street in the Multiple Family Residential (R4) Zoning District per MCC 4-3-4.
2. **Variance Application to waive a portion of the additional off-street parking requirements for the proposed expansion of the Unitarian Universalist Church of the Palouse, located at 420 E Second Street.**

HEARING DATE: ~~Tuesday, September 15, 2020~~ **Tuesday, September 29, 2020**

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

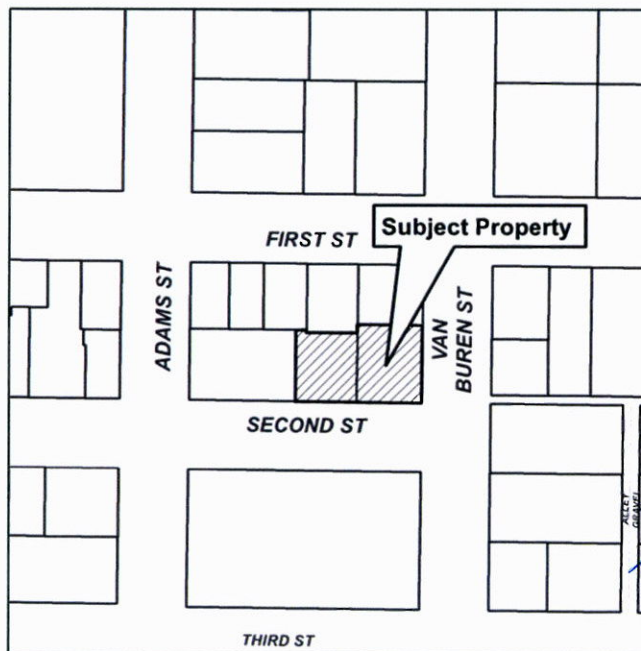
MEETING TIME: 7:00 pm

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


Jennifer Fleischman, Deputy City Clerk

Publish: September 12, 2020

For City Use Only			
Updated App Date Received		9/9/20	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$500	✓
	Receipt Number	WP2020-0020	

(Please type or print plainly with blue ink.)

5. **Authorization:** Section Title 4; Chapter 3 of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit and the proposed balcony, subject to a variance for the additional parking requirements.
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 church will continue to operate as it has since acquiring the site in 1985, with Sunday morning services and religious education as well as a variety of mid-week and evening small group activities, choir practice, and community events, such as weddings and concerts in the sanctuary. Remodeling of the sanctuary will provide a 28 seat increase in the sanctuary seating capacity. The church is also requesting a variance to reconstruct the historic balcony in the sanctuary which would have an additional 43 seats. The Balcony is an Alternate in the bid documents, to be constructed if finances allow. The Owner understands that the balcony seating requires a variance, which is being sought concurrently with this application. ___

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: ___ In Section 3-4 of the zoning code, the Land Use Table, identifies Religious Facilities as a qualified conditionally approved use. The proposal maintains the historic use of the site as a Religious Facility. ___

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 project is located within the Fort Russell Historic District. The neighborhood is a mosaic of zoning districts that capture the historic character of development of the area. The immediate neighborhood is a mix of residential uses (many historic houses) and "several prominent community institutions are located in the neighborhood, including the city library, John Russell Elementary, the old Moscow High School (1912 Building), and several churches including Moscow First Methodist Church, St. Mary's Catholic Church, St. Mark's Episcopal Church, [and the subject property], which are all notable within the district and the city for their distinctive architecture." [from Fort Russell Neighborhood Historic District (Boundary Increase and Additional Documentation) (2015)]

The small house to the west of the church (414 E 2nd St) was purchased by the Church in 1988 to be used for religious education and small group meetings. The Fort Russell Neighborhood survey dates the building between 1904-28 and notes "As indicated by Sanborn maps, the single-story bay window on the façade elevation, the enclosed porch beneath an extension of the roof on the façade, a corner, gable-roof bay on the southeast corner, and a covered stair on the west side are all nonhistorical alterations."

The proposed project will retain the historic church in its current form and will replace the small house with a new structure that matches the design elements and materials of the church. The resulting structures will be harmonious and continue to fit within the varied tapestry of the neighborhood.____

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 project does not request to change the use from its current use as a religious facility. This use does not presently generate nuisances that are injurious or detrimental to the adjoining neighborhood. The additional on-site parking will be provided to serve the proposed expansion of the sanctuary. Concurrently, a variance is being sought to provide additional balcony seating, for which additional on-site parking is not provided.

Further, maintaining the current use on the site is advantageous for the carbon footprint of the community, as opposed to having the church relocate to a greenfield site on the edge of the city. Presently many people walk or bike to the facility and fixed route transit comes within a block of the site.____

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 project does not substantially change the intensity of use on the site and it will continue to be adequately served by existing streets and public facilities. A modest expansion of seating in the Sanctuary is paired with newly constructed on-site parking subject to a joint facility agreement with Latah County (Latah County Historical Society's McConnell Mansion). The parking will be developed off an existing N-S drive that is shared between the Church and Latah County (Latah County Historical Society's McConnell Mansion). The shared parking agreement is attached to this application. Balcony seating is anticipated to mostly supply overflow capacity for occasional events.____

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

Justification and compliance with criteria #5: ____ The proposal will not endanger the public health or safety. Further, since the church is regularly used by the general public, the modernizations within the project will make it more accessible and safer for individuals with mobility impairments.____

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

Justification and compliance with criteria #6: ___ The proposal meets all the applicable development standards of the Zoning code, including setbacks, height, and parking requirements. The 28 new seats in the Sanctuary are provided with 7 new parking places (4:1 ratio) as required. The potential Balcony is a Bid Alternate. Concurrent with this application, the Owner is seeking a Variance for the parking required. ___

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

Justification and compliance with criteria #7: ___ The Comprehensive plan designates the site Urban Residential and anticipates the existing R-4 zoning. ___

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.

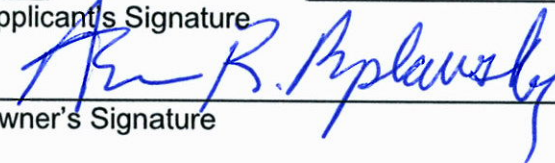
The following items must be submitted with this application before it will be processed:

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

Sept 8, 2020
Date


Owner's Signature

Sept. 9, 2020
Date



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

For City Use Only			
Date Received		9/04/20	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$500	\$500
Receipt Number		LUP2020-0022	

APPLICATION FOR ZONING VARIANCE

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Nils Peterson Telephone: 509/336-1664

 841 Travois Way, Moscow ID 83843
(home address)

alpopsky@gmail.com

Relationship to affected property (please check one):

Owner Purchaser Lessee Other ☒ (explain below)

 Applicant is serving as a representative of the Owner and Owner's building committee

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

Name: Unitarian Universalist Church of the Palouse, Inc Telephone: 208/882-3428

 420 & 414 East 2nd St, Moscow, ID 83843
(home address)

3. Location of Affected Property: 420 & 414 East 2nd St, Moscow, ID 83843

Legal Description: Russell's Addition block 1 Lots 8 & 9
(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:

 The applicant has submitted a CUP for a remodel of the Church sanctuary and a demolition and reconstruction of the "yellow house" as a more function facility for religious education and offices.

This Variance Request is to allow the construction of a balcony in the sanctuary with an additional 43 seats which would require 11 additional on-site parking spaces

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 Title 4 Sec 6-2 of the Moscow Zoning Ordinance which requires that:

 Minimum number of parking spaces for Civic & Social Organizations is 1 per 4 seats. The balcony with 43 seats would require an additional 11 on-site parking spaces. The applicant is requesting a variance from this parking requirement.

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: ___ The Unitarian Church is located within the Fort Russell Historic District. The neighborhood is a mosaic of zoning districts that capture the historic character of development of the area. The immediate neighborhood is a mix of residential uses (many historic houses) and “several prominent community institutions are located in the neighborhood, including the city library, John Russell Elementary, the old Moscow High School (1912 Building), and several churches including Moscow First Methodist Church, St. Mary’s Catholic Church, St. Mark’s Episcopal Church, [and the subject property], which are all notable within the district and the city for their distinctive architecture.” [from Fort Russell Neighborhood Historic District (Boundary Increase and Additional Documentation) (2015)]

The neighborhood was developed prior to the extensive use of the automobile and the lots were not sized for the inclusion of on-site parking. The renovations and replacement of the “yellow house” requested in the CUP application is providing 7 new parking places, related to additional seating to be provided in the sanctuary.

Historically the church had a balcony. When the current owner modernized the facility after their purchase in 1985, the balcony space was blocked off and a portion used for the Minister’s office. This request is to recreate the historic balcony use, with seating for 43. Site constraints prevent adding additional parking.

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: _____ The building has served as a church for most of its 100+ years. At the time of its construction and during most of its use, there were no on-site parking requirements. The Church is providing 7 new parking spaces (in a joint use arrangement with Latah County’s McConnell Manson historic house) to accommodate the expansion of seating in the sanctuary. It is not practical to provide additional on-site parking. The Church seeks to restore a historic balcony use, lost in a previous remodel. _____

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: ____ Granting of this variance will not be in conflict with the Public Interest or injurious to property or persons in the vicinity. The Church uses the sanctuary primarily on Sunday mornings for worship. This is a time when there is relatively less demand for street parking in the vicinity. The 1912 Center has indicated a willingness to share its parking when not needed for its own uses. The Church also uses the sanctuary on other occasions, for weddings, funerals, musical concerts and other events open to the community. These additional events may or may not use the balcony and will place only occasional demands on neighborhood parking.

The Church's location in the Historic District and in proximity to the downtown area make it a destination for people on foot or bicycle which can mitigate the actual demand for automobile parking. ____

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

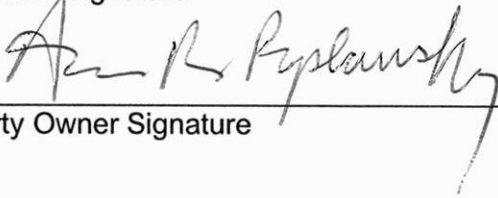
I understand this information is a public record and may be posted to a public website.



Applicant's Signature

Aug 31, 2020

Date

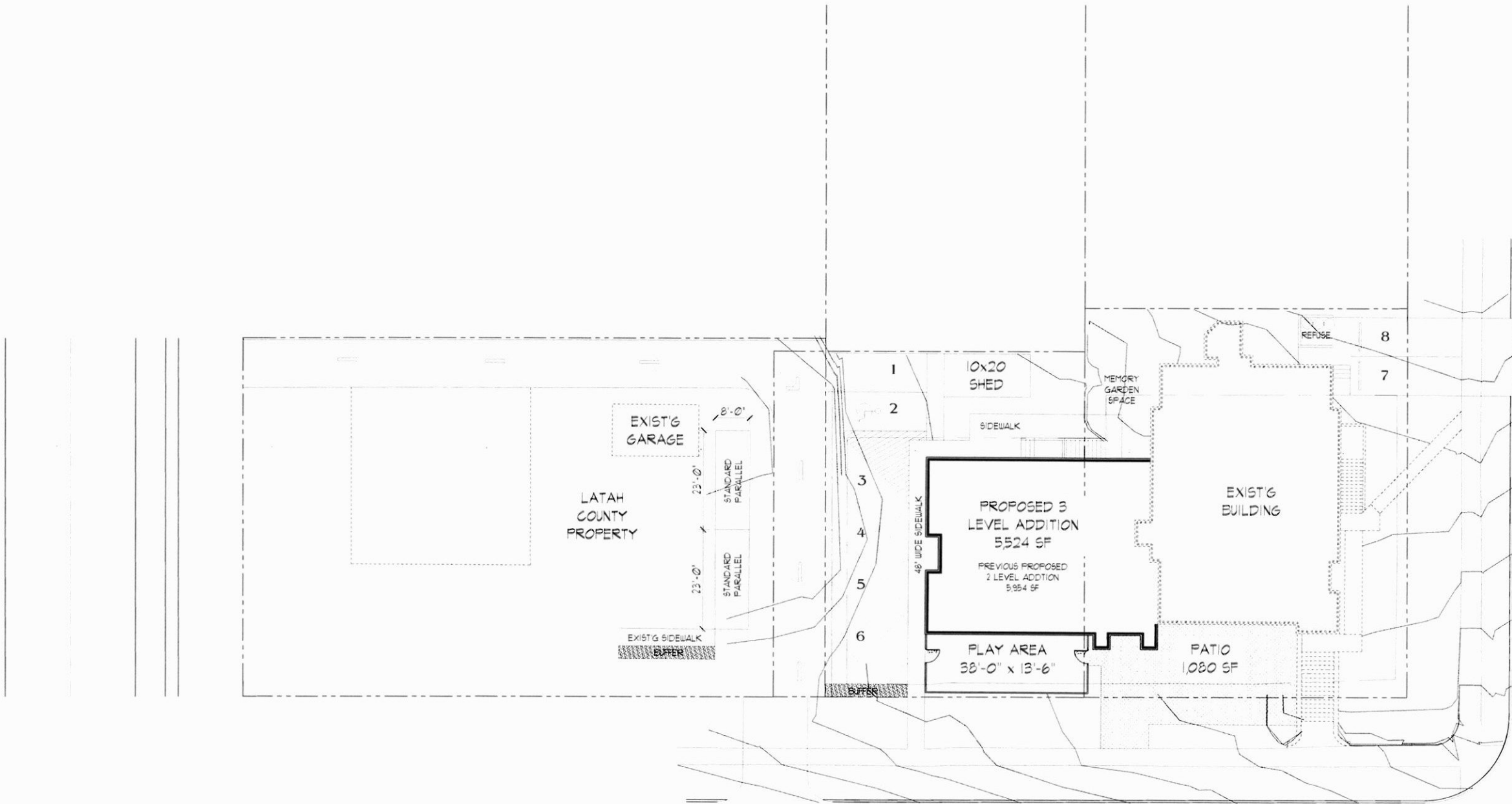


Property Owner Signature

Sept 4, 2020

Date

Unitarian Universalist Church of the Palouse
420 E 2nd St, Moscow Idaho



Proposed Site Plan

SCALE: 1/8" = 1'-0"

Dated 03-04-20

Second & Van Buren
Moscow, Idaho

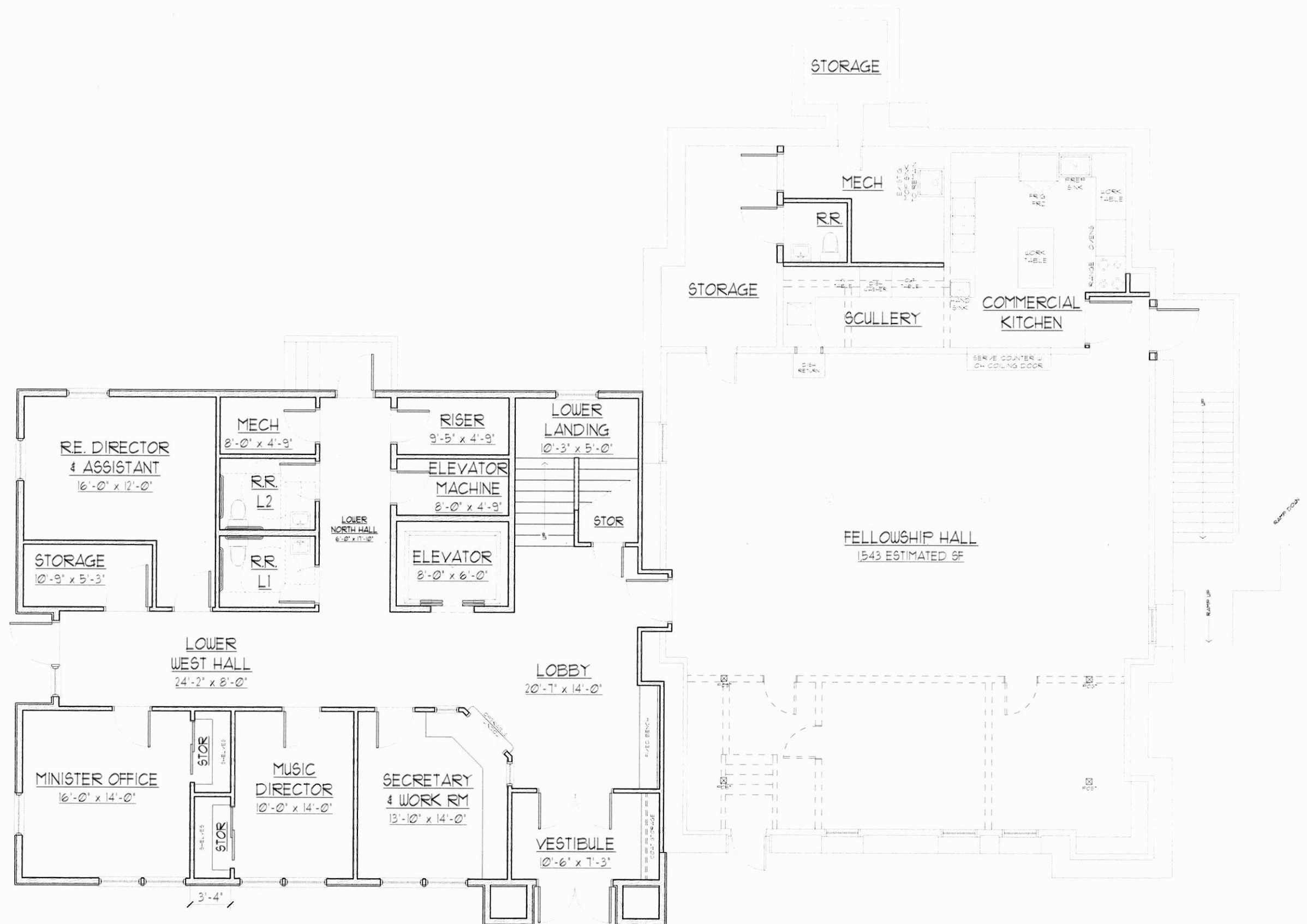
Addition & Remodel
Unitarian Universalist Church of the Palouse

Job Number: 00-104518
Drafted by: John H. Paul
Date: 01/02/09
Sheet Contents:
Site Plan

Unitarian Universalist Church of the Palouse Fellowship Ground Level

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

Dated 03-20-20



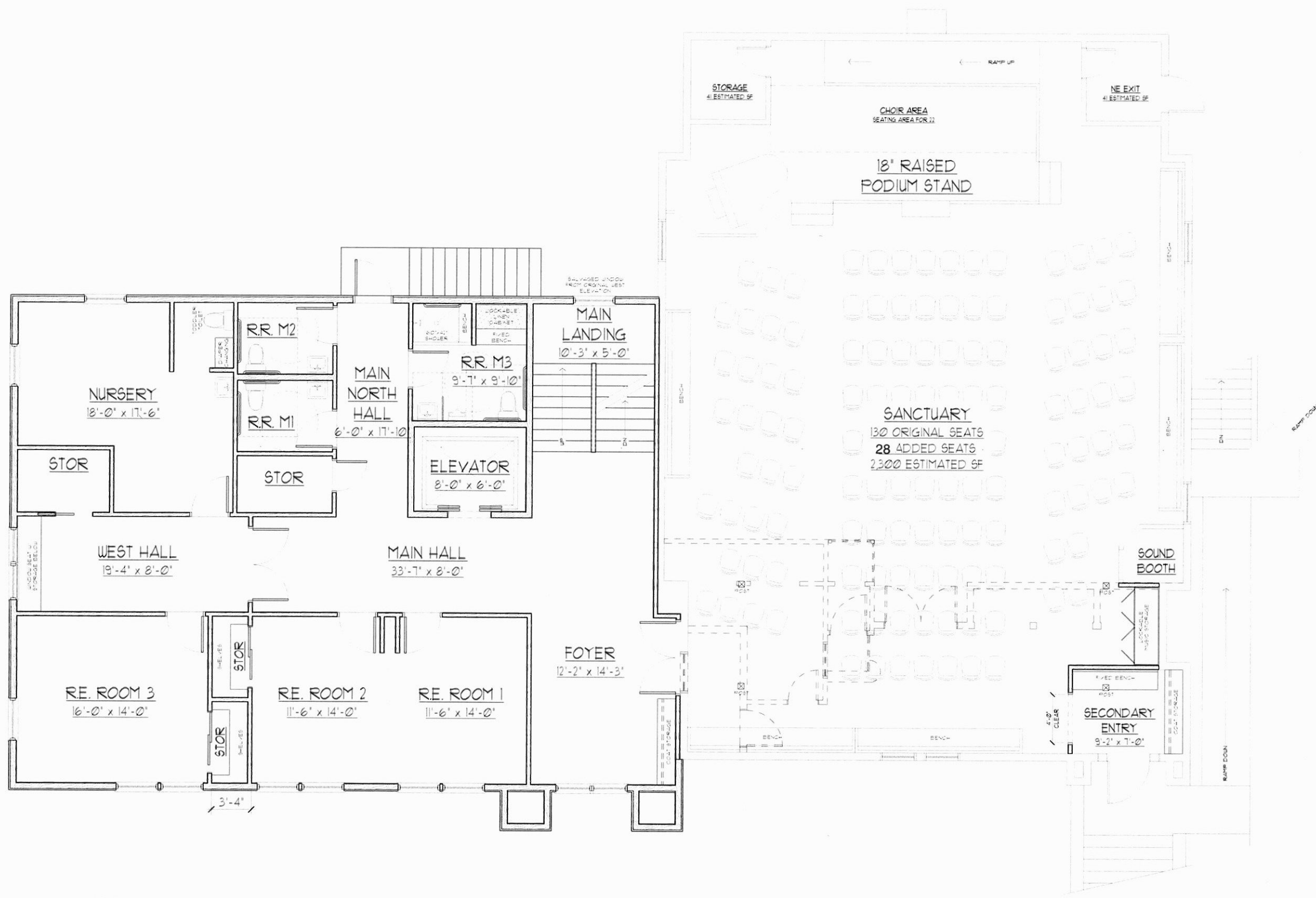
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Second & Van Buren
Moscow, Idaho

Addition & Remodel
Unitarian Universalist Church of the Palouse

Job Number: 00-104518
Drafted by: Jon H. Paul
Date: 01/20/20
Sheet Contents:
As-Built Plans

A-2



Unitarian Universalist Church of the Palouse Sanctuary Level

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

Dated 03-20-20

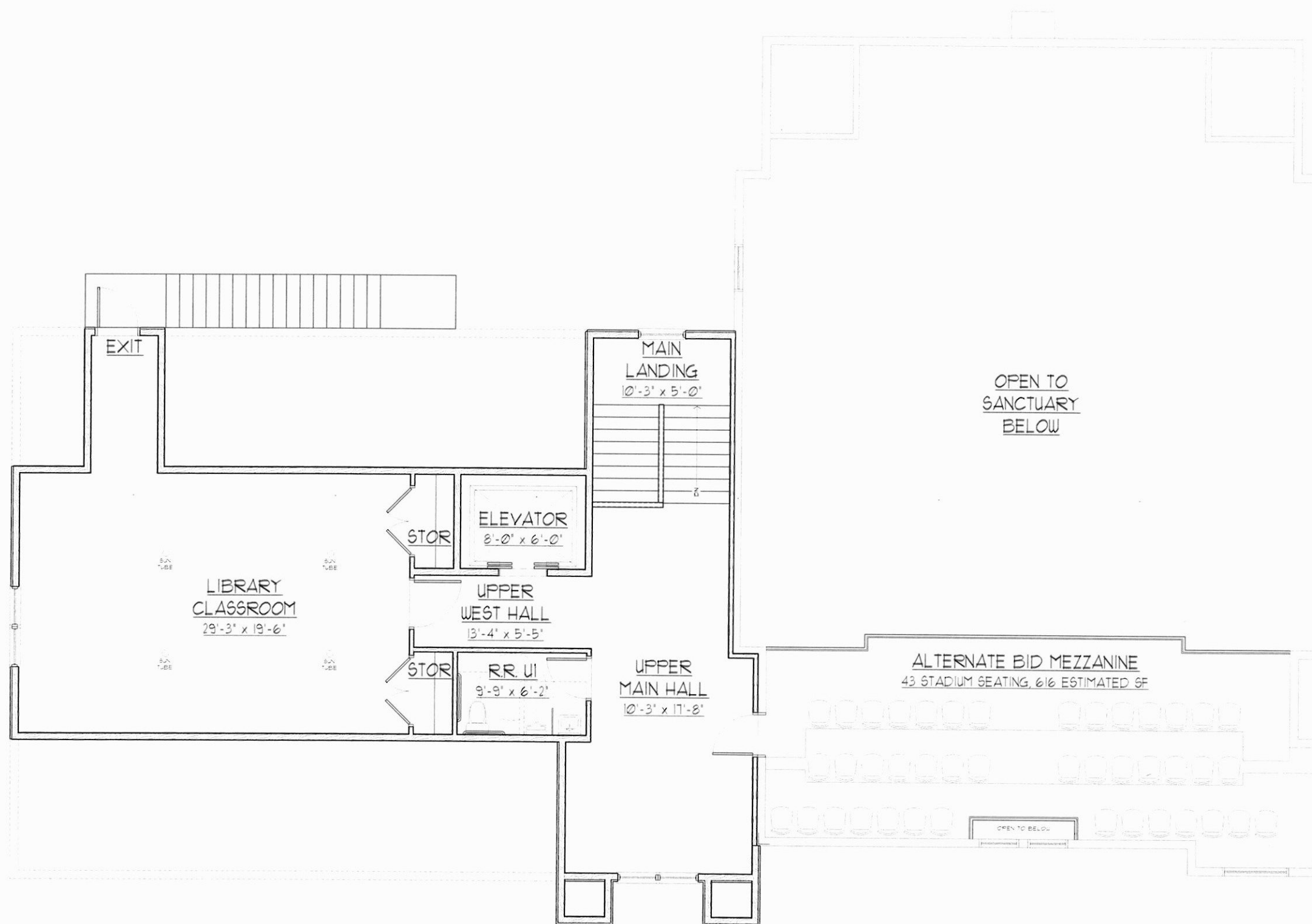
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Second & Van Buren
Moscow, Idaho

Addition & Remodel Unitarian Universalist Church of the Palouse

Job Number: 00-10459
Drafted by: John H. Paul
Date: 01/02/09
Sheet Contents:
Basement Plan

A-3



Unitarian Universalist Church of the Palouse Balcony Level

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

Dated 03-18-20

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Second & Van Buren
Moscow, Idaho

Addition & Remodel Unitarian Universalist Church of the Palouse

Job Number: 00-0459
Drafted by: John M. Paul
Date: 01/30/18
Sheet Contents:
Basement Floor Plan

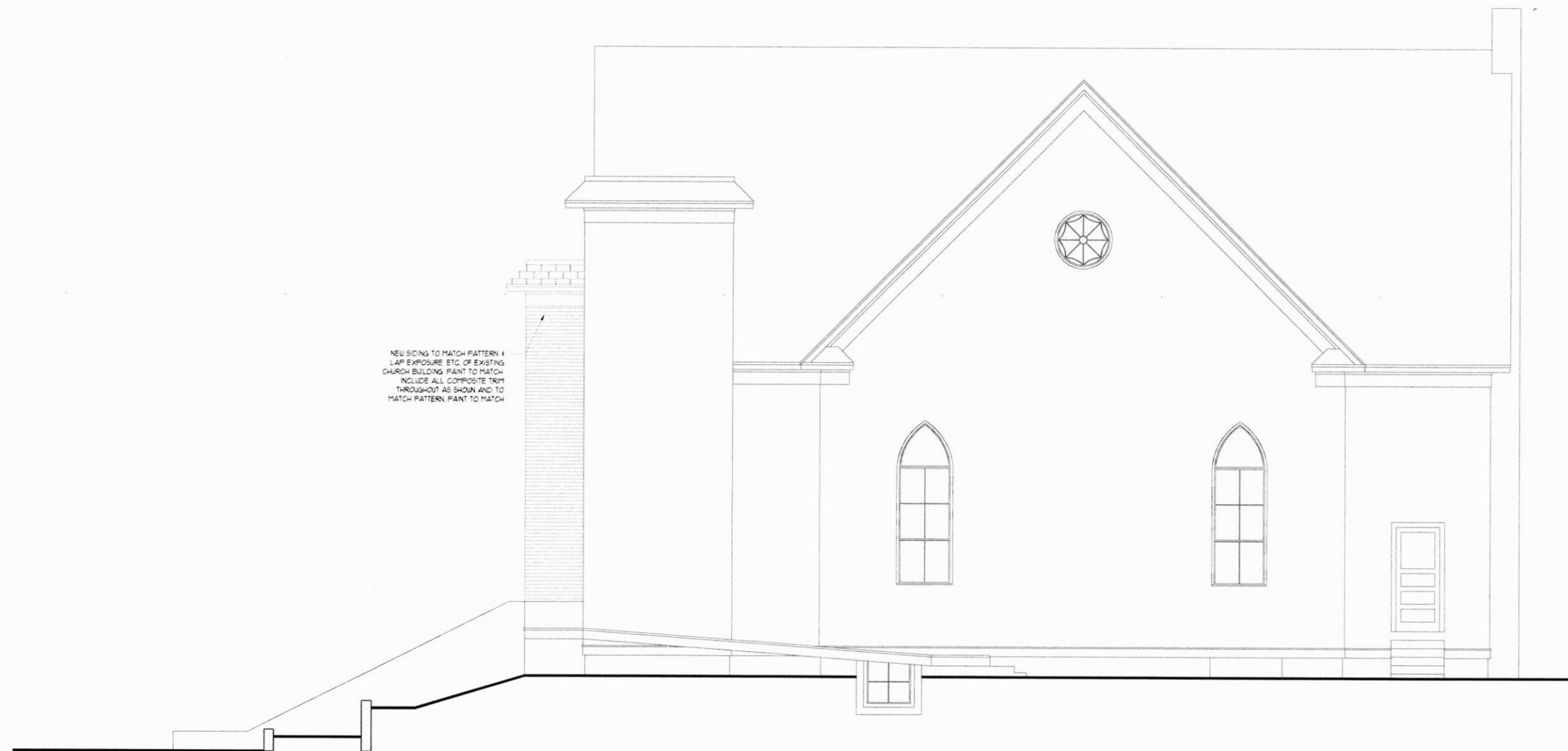
A-4



South Elevation

SCALE 1/4" = 1'-0"

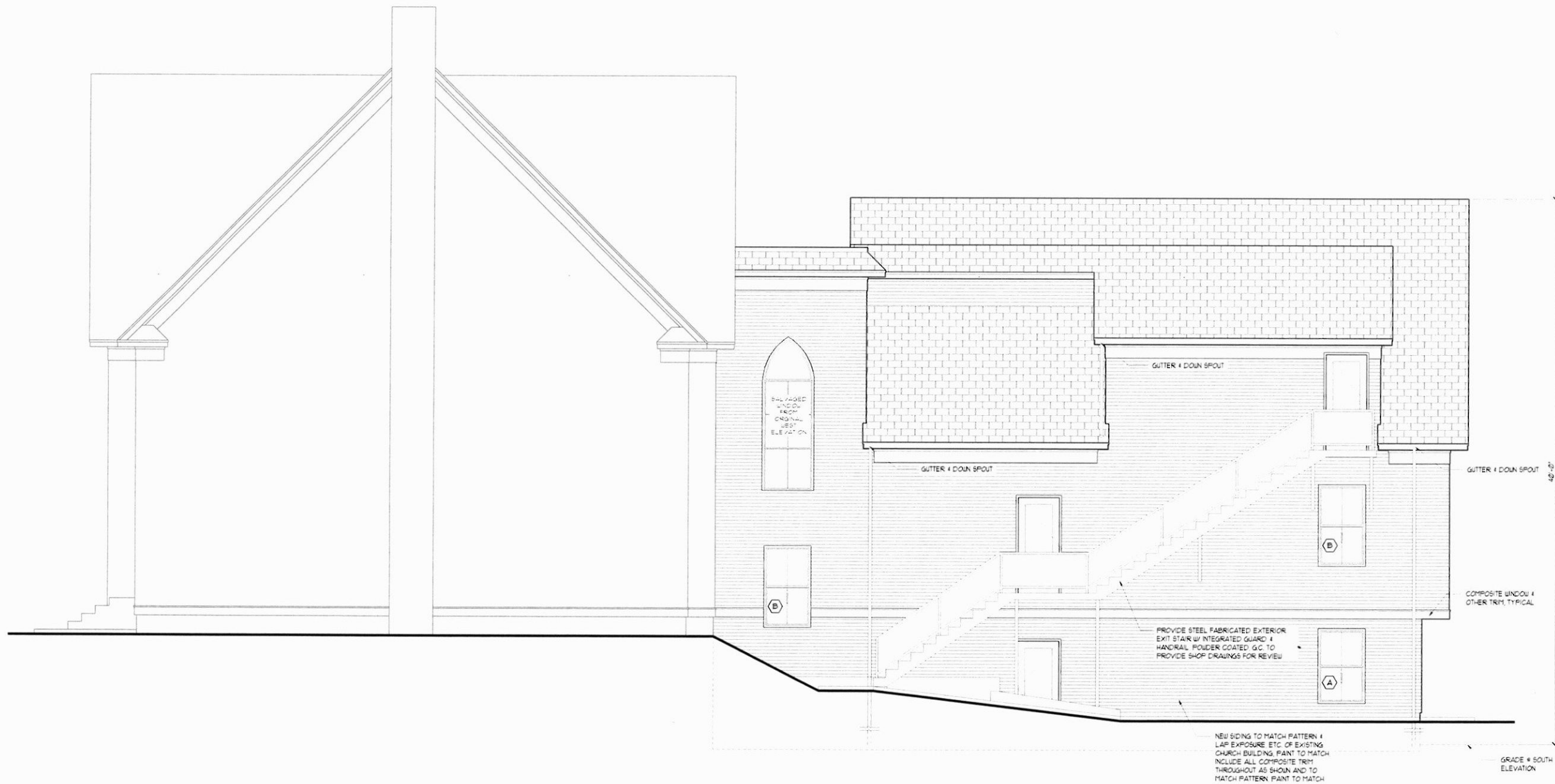
Job Number:
 Drafted by:
 Date:
 Sheet Contents:
 Exterior Elevation



East Elevation

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

Job Number:
Drafted by:
Date:
Sheet Contents:
Exterior Elevation



North Elevation

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

Job Number:
Drafted by:
Date:
Sheet Contents:
Exterior Elevation

A-11



West Elevation

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

Job Number:
Drafted By:
Date:
Sheet Contents:
Exterior Elevation

T 39 N, R 5 W, S 8

RECORD OF SURVEY

A Partial Re-Survey of Block 1 of the
Plat of Russel's Addition to Moscow
Section 8, T39N, R5W, Boise Meridian
City of Moscow
Latah County, Idaho



ORIGINAL SCALE : 1" = 50 FEET
CADD FILE : Barker ROS.dwg

LEGEND

- Set 5/8" X 30" long rebar w/ aluminum cap LS 10162
- Found Property Corner as Described
- Calculated Position - Nothing Found or Set
- ⊕ Found Section or 1/4 Section Corner
- Subject Property Boundary Line
- Section Line
- City Street Centerline
- City Street Right of Way Line
- Easement Line
- - - - - Fenceline

- 1 Block Number
- 5 Lot Number

BASIS OF BEARINGS

The Basis of Bearings for this survey is the Idaho Coordinate System, West Zone, NAD 83, as shown between the found SW corner and S 1/4 corner of Section 8, said bearing being S 89° 20' 36" E.

SURVEY REFERENCES

1. Plat of Russel's Addition to Moscow, Book 1 of Plats, Page 3
2. Warranty Deed, Instrument Number 574987
3. Warranty Deed, Instrument Number 512175
4. Warranty Deed, Instrument Number 578046
5. Warranty Deed, Instrument Number 366026
6. Warranty Deed, Instrument Number 373520
7. Warranty Deed, Instrument Number 400390
8. Deed, Instrument Number 227186

SURVEYOR NOTES

1. The purpose of this survey was to locate and re-monument (if necessary) the corners of the property described in Warranty Deed, Instrument Number 574987.
2. All measurements made to found monuments were found to match the original plat dimensions in close conformity. Consequently, dimensions shown hereon are record dimensions.

SURVEYOR CERTIFICATION

This map correctly represents a survey made by me or under my direction in conformance with the Survey Recording Act and at the request of D. Ray Barker in July, 2016.



John L. Dunn - Idaho Professional Land Surveyor

COUNTY RECORDER CERTIFICATE

STATE OF IDAHO, COUNTY OF LATAH
RECORDED AT THE REQUEST OF RIM ROCK
AT 4:14 THIS 18th DAY OF JULY, 2016
RECORDER S. Chapman 5.00 ref fee
DEPUTY

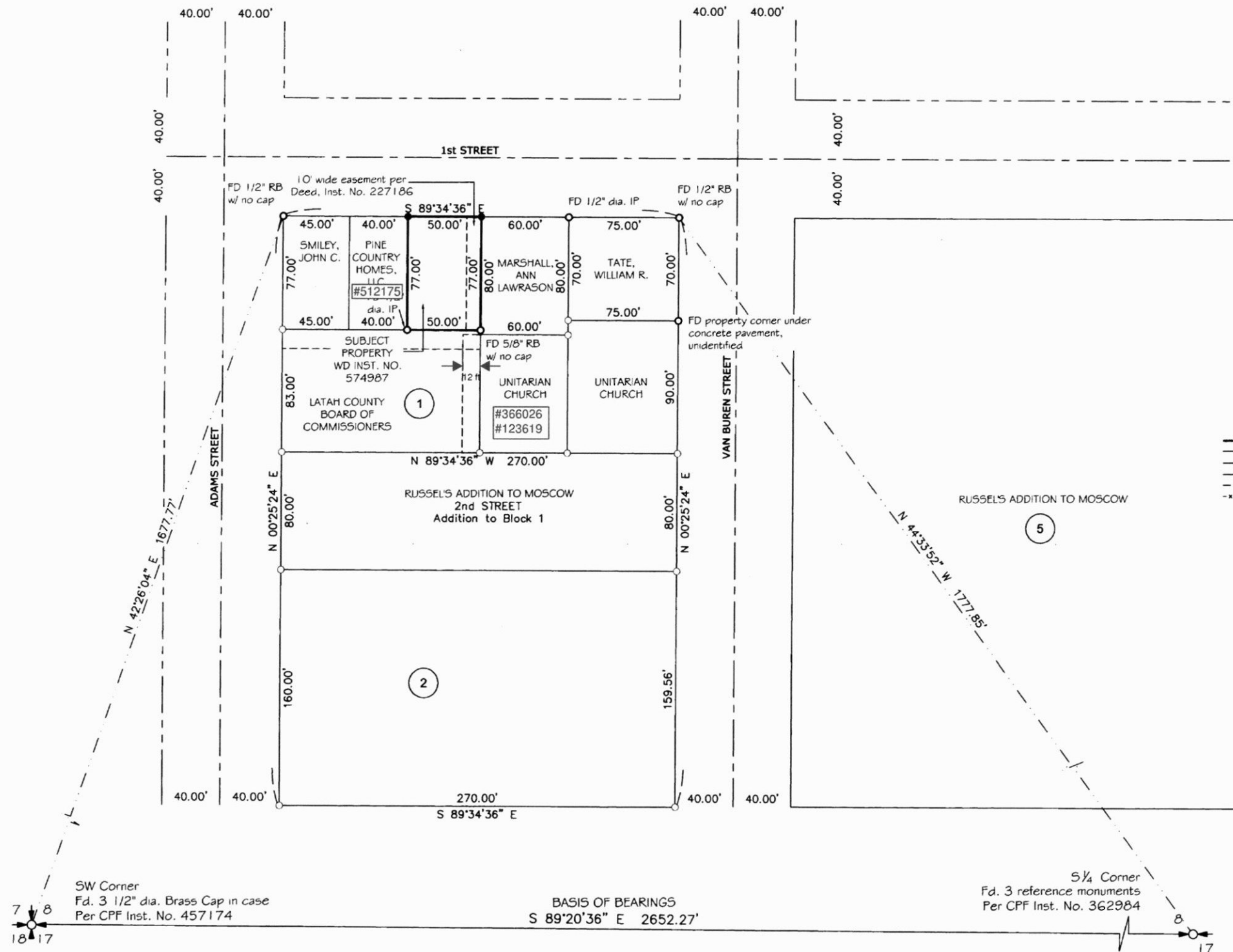


RIM ROCK CONSULTING, INC.

Land Surveying
Site Planning
Mapping

1008 West 3rd Street #102 Moscow, Idaho 83843 208-883-5339 rimrock@rimrockconsulting.net

SHEET
1
OF
1



SW Corner
Fd. 3 1/2" dia. Brass Cap in case
Per CPF Inst. No. 457174

BASIS OF BEARINGS
S 89° 20' 36" E 2652.27'

S 1/4 Corner
Fd. 3 reference monuments
Per CPF Inst. No. 362984

DATE	STATE	COUNTY	PROJECT	DRAWN BY
JULY 2016	ID	LATAH	BARKER ROS	JLD

NO. 607380
AT THE REQUEST OF
Latah County Prosecutor's Office
DATE & HOUR
7/30/20 2:05 PM
HENRIANNE K. WESTBERG
LATAH COUNTY RECORDER
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SHARED PARKING AGREEMENT

The Parties to this Agreement are the Latah County Board of Commissioners, "County," and the Unitarian Universalist Church of the Palouse, Inc. "UUCP."

UUCP owns a parcel of land in Moscow, Idaho, bounded on the east by Van Buren Street and on the south by Second Street, with the following legal description:

Beginning at a point 80 feet South of a point 75 feet West of the Northeast corner of Block 1 of Russell's Addition to the City of Moscow, as shown by the recorded plat thereof, thence South 80 feet; thence West 60 feet; thence North 80 feet; thence East 60 feet to the PLACE OF BEGINNING.

TOGETHER WITH the strip of land 12 feet wide along the West side of said tract to be used jointly as driveway or alley by the properties abutting thereon.

SUBJECT TO sewer easement, as more fully set out in Book 6 of O.A.R.E at page 97, records of Latah County, Idaho.

"the UUCP property."

County owns a contiguous parcel of land in Moscow, Idaho, commonly referred to as the McConnell Mansion, bounded on the west by Adams Street and on the south by Second Street with the following legal description:

Commencing at a point on the West line of Block One (1) of Russell's Addition to the city of Moscow, 77 feet southerly from the Northwest corner thereof; thence southerly a distance of 83 feet more or less, to the southwest corner of said block; thence easterly along the south boundary line of said block a distance of 135 feet, more or less; thence northerly a distance of 83 feet, more or less; thence westerly a distance of 135 feet, more or less, to the point of beginning, in Latah County, State of Idaho.

"the County property."

A twelve-foot strip of land lies on the east of the County property and adjacent to the west border of the UUCP property running seventy feet north to south. The parties have shared the use of the driveway for many years. In this Agreement, the twelve-foot easement is referred to as "the North-South driveway."

In order to provide more safe and efficient parking and ingress and egress to their respective properties, the parties create and execute this agreement to provide more detailed terms for the shared use of parking spaces on the property of each of the parties and shared rights to the use of alleys for ingress and egress, as well as the

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maintenance of the shared property.

For the mutual benefits received, County and UUCP therefore agree:

1. UUCP will create five parking spaces in the parking area configured approximately as shown on the Proposed Site Plan dated June 2020, shown at the end of this document, and incorporated by reference.
2. County grants UUCP an easement for use by members, staff, and visitors of UUCP property over and to the two parallel parking spaces on the west side of the North-South Driveway. County will not be responsible for any required signage on these spaces.
3. UUCP grants County an easement over and to the parking area created by UUCP as shown on the Proposed Site Plan for the use by employees, staff, and visitors of the County property.
4. County grants UUCP an easement for use by UUCP members, staff, and visitors of the property over and to the South 13 feet of the North 90 feet of the West 123 feet in Block 1, Russell's Addition to the City of Moscow, as shown by the recorded plat thereof, all being located in the County of Latah, State of Idaho. In this Agreement, the thirteen-foot easement is referred to as "the East-West driveway."
5. UUCP will pay for any costs associated with the construction and maintenance of the parking spaces and any costs required to pave them.
6. UUCP will pay for any required costs to pave and maintain the North-South driveway.
7. UUCP will be responsible for the cost of snow removal from and any similar periodic upkeep to the pavement of the North-South driveway and parking spaces referenced in this Agreement.
8. The East-West driveway will be designated for Eastbound travel only. The North-South driveway will be designated for Southbound travel only. County will not be responsible for any signage regarding this designation.
9. UUCP will have priority for the use of the parking spaces detailed in this Agreement from two hours before until two hours after UUCP's Sunday services, excluding the last Sunday in July of each year.
10. County will have priority for the use of the parking spaces detailed in this Agreement during hours when the McConnell Mansion is open on Saturdays. County will also have priority for the use of these spaces for its Ice Cream Social on the last Sunday of July in each year.

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11. **INSURANCE AND INDEMNIFICATION:** Each Party will be responsible for maintaining its own insurance for coverage of any liabilities which might arise under from this Agreement. Further, each Party agrees to be responsible, and to indemnify the other party, for the acts of its officers, agents or employees in performing the duties described in this Agreement.

12. **CHOICE OF LAW:** This Agreement will be governed by and interpreted in accordance with the laws of the State of Idaho, with venue for any action brought pursuant to this Agreement to be in the Second Judicial District, State of Idaho.

13. **SEVERABILITY:** In the event that any provision of this Agreement is found for any reason to be unenforceable, the remainder of this Agreement will remain in full force and effect and will be binding upon the Parties.

14. **SURVIVAL:** All covenants, conditions, indemnifications, and other elements in this Agreement that might involve performance subsequent to any termination or expiration of this Agreement or that cannot be reasonably ascertained or fully performed until after termination or expiration of this Agreement will survive.

15. **MODIFICATIONS:** This Agreement may be modified or amended only by a writing duly executed by both Parties.

16. **PERFORMANCE/WAIVER:** The failure of a Party hereto to insist upon strict performance or observance of the terms of this Agreement will not be a waiver of any breach of any terms or conditions of this Agreement by the other Party.

17. **FORCE MAJEURE:** Neither Party will be liable for any failure to perform as required by this Agreement to the extent that such failure to perform is caused by any reason beyond the Party's control, or by reason of any of the following: labor disturbances or disputes, accidents, failure of any required governmental approval, civil disorders, acts of aggression, acts of God, failure of utilities, mechanical shutdowns, material shortages, disease, or similar occurrences.

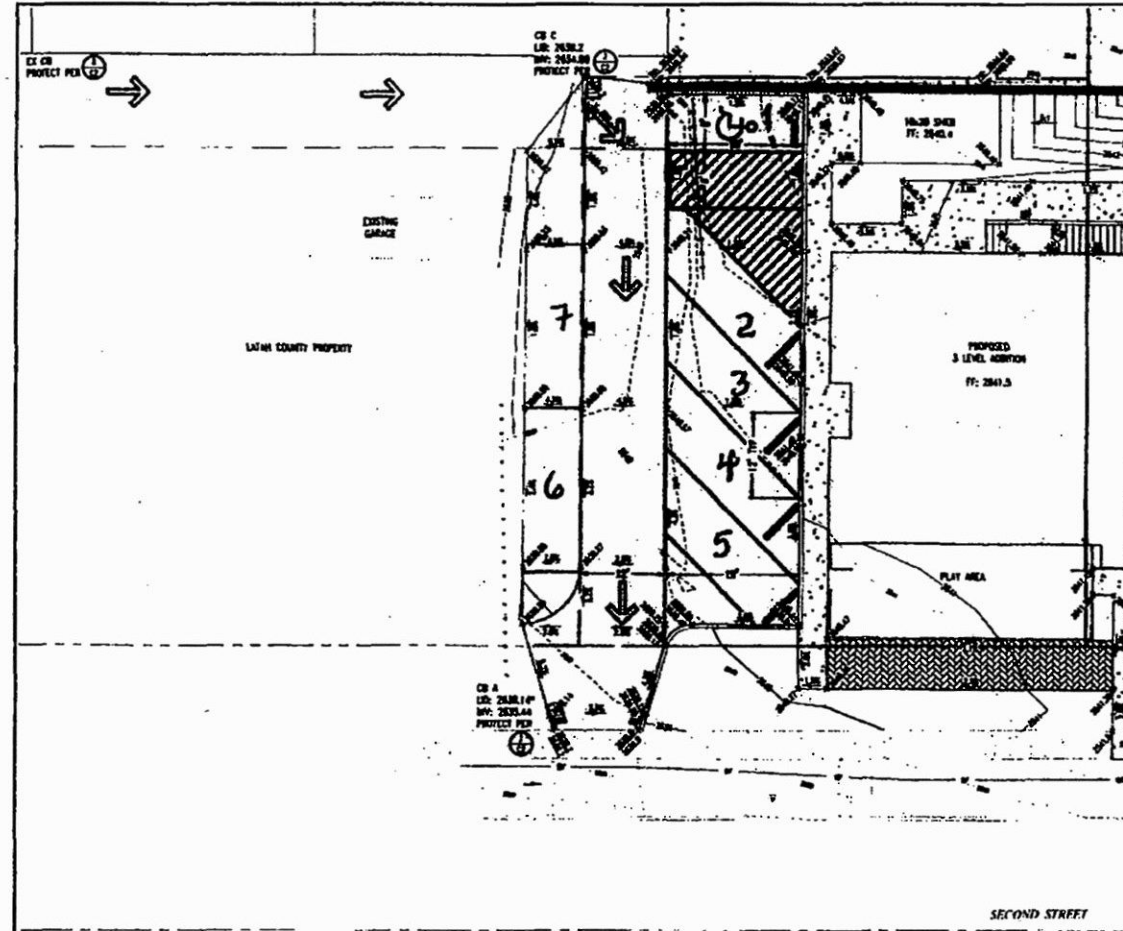
18. **ATTORNEY FEES:** In the event a controversy, claim, or action arises between the Parties to this Agreement regarding the enforcement of its terms and conditions, or the breach of any of its provisions, the prevailing Party will be entitled to recover from the other Party all costs and expenses incurred by the prevailing Party, including reasonable attorney fees, regardless of whether such controversy, claim, or action is prosecuted to judgment or appealed.

19. **MERGER AND INTEGRATION:** This writing embodies the whole agreement of the Parties.

20. There are no promises, terms, conditions, or obligations other than those contained in this Agreement. All previous and contemporaneous communications, representations, or agreements, either verbal or written, between the Parties are

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superseded by this Agreement.



Latah County/UUCP Shared Parking Agreement – June 2020 Site Plan.

IN WITNESS WHEREOF, the Parties have executed this Agreement on July 13, 2020.

Rich Alldredge
Rich Alldredge, President
Unitarian Universalist Church of the Palouse, Inc.

STATE OF IDAHO)
) ss.
County of Latah)

This record was acknowledged before me on 7/19/2020 by Richard Alldredge, as
President of Unitarian Universalist Church of the Palouse, Inc.



Debbie L. Olson
Notary Public for Idaho
Commission Expires March 2, 2023

Board of Latah County Commissioners

By: [Signature]
Thomas C. Lamar, Chairman

By: [Signature]
David McGraw, Commissioner

By: [Signature]
Kathie LaFortune, Commissioner

STATE OF IDAHO)
) ss.
County of Latah)

On this 27th day of July, 2020, before me, a notary public, personally appeared the above Latah County Commissioners, known or identified to me to be the people whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public for Idaho
Commission Expires 04-13-23

COMMUNITY DEVELOPMENT AND DESIGN STAFF REPORT

HEARING DATE: September 29, 2020

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: Expansion of the existing Church (Unitarian Universalist Church of the Palouse) located at 420 East Second Street with the Multiple Family Residential Zoning District (R-4)

Attachments: A. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, September 12, 2020

B. Conditional Use Permit Application
1. Site Plan, Elevations and Floor Plan

C. Variance Permit Application

Prepared by: Aimee Hennrich, Planner I

STAFF REVIEW

Proposal: The applicant, Unitarian Universalist Church of the Palouse, is proposing to construct a 5,917 square foot addition on to the existing church located at 420 East Second Street. The project will include the removal of an existing administrative building owned and used by the Unitarian Church located at 414 E. Second Street. The removal of the administration building will facilitate the addition and renovations to the main church building including the addition of new balcony seating. The applicant proposes seven new parking spaces to satisfy a portion of the parking required for the expansion, and has applied for a variance to waive the eleven additional parking spaces required. The subject property is located within the Multiple Family Residential Zoning District (R-4) where Religious Facilities are permitted as a Conditional Use per MCC 4-3-4.



Aerial

Zoning: The subject property is located within the Multiple Family Residential Zoning District (R-4). Adjacent properties to the north and west are also within the R-4 Zoning District. The adjacent property to the south is located within the Medium Density Residential Zoning District (R-3). The adjacent property to the south is located within the General Business Zoning District (GB).

Per MCC 4-2-4(G), *“The R-4 zoning district provides for the most intense residential land uses permitted in the community. It is to be applied where activity levels are high and adequate public facilities are available, especially near the University of Idaho campus or the City Central Business Zoning District. Adequate transportation access should be given high priority in determining the appropriate location for R-4 zoning districts.”*

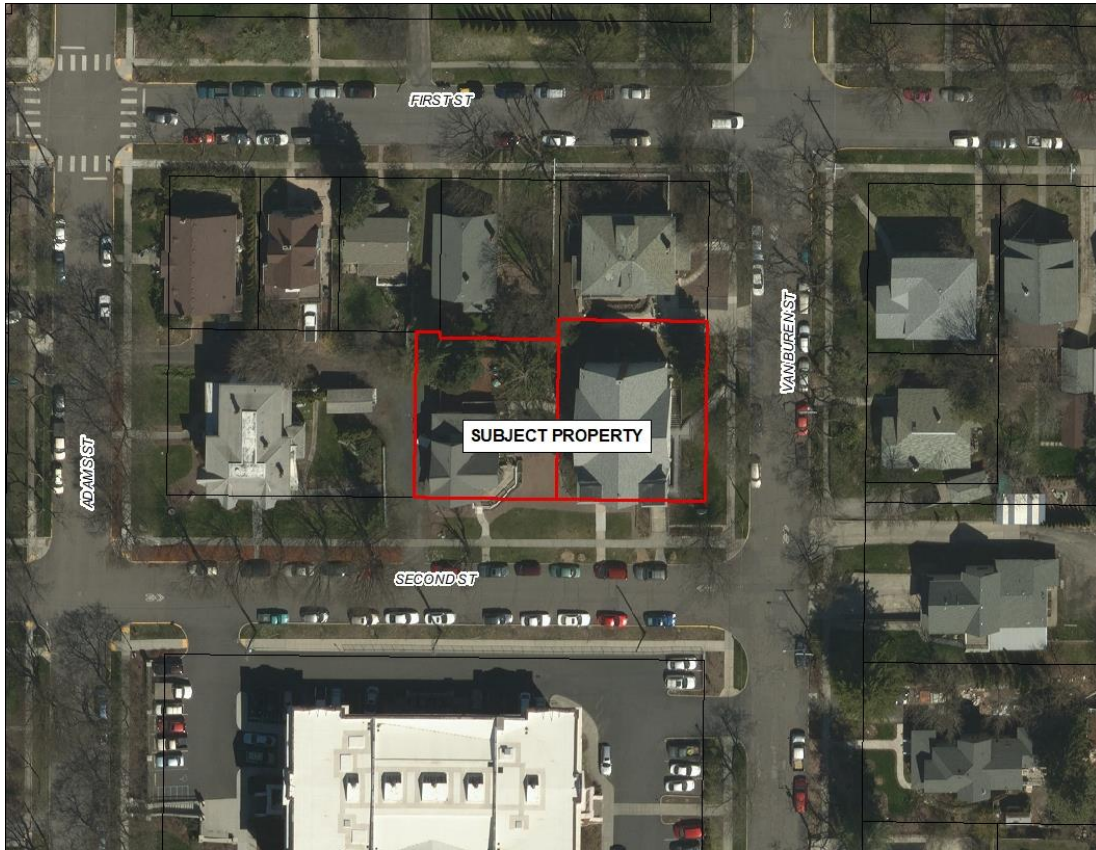


Zoning Map

Site and Area Land Use: The subject property currently consists of two separate parcels, to be combined into one parcel upon development. The larger parcel, which contains the current church is approximately 6,705 square feet. The smaller parcel which contains one building is approximately 5,756 square feet. The approximate size of both lots combined totals 12,461 square feet (.286 acres). The parcel to the west of the subject property is Latah County Historical Society's McConnell Mansion. The 1912 Center occupies the parcel to the south across East Second Street. Parcels to the north and east are both occupied by two-family and single-family dwelling units.

Streets and Access: The subject property has 146 feet of frontage along Second Street. Second Street is a local neighborhood street and has an 80 foot right of way with a tree lawn, curb, gutter, and sidewalk. Along Van Buren Street the property has 90 feet of frontage and is also a local neighborhood street and has an 80 foot right of way with a tree lawn, curb, gutter, and sidewalk. The subject property can be accessed via one existing vehicular approach on Second Street. This driveway has been used jointly between the McConnell Mansion to the west and the subject property 414 E. Second for many years.

Comprehensive Plan: Chapter 2, Community Character and Land Use, designates the subject property's existing land use as Urban Residential. Urban Residential (Moderate Density) is for the neighborhoods that abut downtown and where there is a high incidence of multiple-family dwellings. Multiple Family Residential (R-4) is the primary current zoning for this area.



Subject Property

Background: The existing church building on the property dates back to the early 1900s. It was acquired by the Unitarian Universalist Church of the Palouse in 1985. The small house to the west, located at 414 E Second Street was purchased by the Church in 1988 and is currently used for administrative purposes. In September of 2008, the Unitarian Church applied and was approved for a Variance to allow a reduction in the front and street side yard setbacks in order to expand an existing accessibility ramp to meet required ADA standards.

Parking: According to MCC 4-6-2, Religious Facilities require one parking space per four seats, plus one per 100 square feet of open assembly area. The existing church does not provide any on-site parking. MCC 4-6-2(3)(d) states in part, in the case of enlargements or expansions triggering requirements for additional parking, additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use. With the remodel and expansion of the existing church, current plans include an additional 28 seats in the sanctuary, and 43 new seats in the balcony level, resulting in a requirement of seven new parking spaces for the sanctuary and 11 new spaces for the balcony. According to MCC4-6-2(C), subject to approval by the Zoning Administrator, deviation from parking standards may be allowed with a joint use agreement provided that:

1. The applicant demonstrates that there is no substantial conflict between the principal operating hours of the building, structure or use for which the joint use of parking spaces and/or lots is proposed.

2. The parking spaces and/or lots for such proposed joint use is not farther than five hundred feet from any building it is to serve.
3. Up to one hundred percent of the parking spaces and/or lots required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking spaces and/or lots provided by uses primarily of a “daytime” nature.
4. The parties concerned in the joint use of off-street parking spaces and/or lots shall submit a written agreement for such joint use in a form to be recorded, which shall be approved by the City Attorney as to form and content. Such agreement, when approved by the Zoning Administrator as conforming to the provisions of this Section, shall be recorded in the office of the Latah County Recorder and copies thereof filed with the Clerk.

The applicant has proposed a site plan showing five new parking spaces located on the west side of the subject property adjacent to the north/south access drive that is shared between the Unitarian Church and the McConnell Mansion. On the west side of the north/south access drive are two parallel parking spaces that are proposed to be entirely on the McConnell Mansion property. The applicant has provided a recorded shared parking agreement between the Unitarian Church and Latah County (owner of the McConnell Mansion). The agreement details the shared use of the seven parking spaces and also allows for rights of access.

Per the joint use provision of the Zoning Code above, the Zoning Administrator is required to review and determine whether there is a substantial conflict between the principal operating hours of the two uses and the parking spaces that are proposed to be shared. Based upon the operating hours that have been submitted for the McConnell Mansion and the Unitarian Church, it is Staff’s determination that there isn’t a substantial conflict between the hours of operation of the two uses. Per the Zoning Code, the City will draft a joint use agreement that documents the decision, which will be signed and recorded at the Latah County Recorder.

The proposed parking lot satisfies seven parking spaces, with a total of eleven spaces that are still required as part of the proposal. With no area on the property to create additional parking spaces, the applicant has applied for a Variance to waive the requirement for the remaining eleven parking stalls required as a result of the balcony addition.

The 1912 Center to the south of the subject property applied for a Variance to waive one-hundred and thirteen (113) additional off-street parking spaces for the renovation and future occupancy of the remaining floors of the 1912 Center, which was approved by the Board of Adjustment on August 8, 2019.

Input from other departments/Entities: None.

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** of the application for a Conditional Use Permit at 420 E Second Street for the expansion of the existing Unitarian Universalist Church and approval of the Variance application to waive the requirement for eleven additional off-street parking spaces with the following condition:

1. The applicant enters into a joint use agreement which satisfies the provisions of the Joint Use Parking Section of the City Code for the seven parking spaces that are proposed to be constructed as part of the proposal.

Board shall direct staff to prepare Relevant Standards and Criteria to be reviewed at an upcoming meeting.