

BOARD *of* ADJUSTMENT



Joe Bazzoli
Board Chair
BOA@ci.moscow.id.us

Public Meeting
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

<https://www.ci.moscow.id.us/581/Agendas-and-Minutes>

Tuesday
May 25, 2021

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of May 18, 2021 Minutes (ACTION ITEM)

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

2. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

A Conditional Use Permit application for a Type 2 Accessory Home Occupation to conduct a Personal Care Service (hair salon) within the Agriculture/Forestry Zoning District (AF) per MCC 4-3-4.

PROPOSED ACTIONS: 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.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

ADJOURN

NOTICE: Moscow City Council and 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
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Public Hearing
~ Minutes ~

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

Tuesday
May 18, 2021

7:00 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 7:00 PM

MEMBERS PRESENT: Mark Monson, Vice Chair; Joe Bazzoli (virtual), Steve Bush, Marshall Comstock, Laurene Sorenson (virtual), Tim Thomson
MEMBERS ABSENT: Annette Bieghler
STAFF: Jennifer Fleischman, Aimee Hennrich

REGULAR AGENDA

1. Approval of April 29, 2021 Minutes (ACTION ITEM)

Thomson moved for approval of the minutes as presented, seconded by Bush. Vote by Acclamation; Ayes: Bazzoli, Bush, Comstock, Thomson (4). Nays: None. Abstentions: Monson, Sorenson (2). Motion carried.

2. Public Hearing: Proposal for a Conditional Use Permit at 1500 N Main Street – LUP2021-0018 (ACTION ITEM)

Conditional Use Permit application for a Type 2 Accessory Home Occupation to conduct a Personal Care Service (hair salon) within the Agriculture/Forestry Zoning District (AF) per MCC 4-3-4.

Hennrich presented the proposed application as described above, recommending approval of the Conditional Use Permit with no conditions.

The property is within City Limits and not in the Area of City Impact. Variances stay with the property and Conditional Use Permits expire when ownership changes. The application did not propose any signs, but those would be considered separately via a sign permit application. The vehicle standard applies to vehicles owned by, and used for, the business, not employees or clients. No landscape buffers would be needed between this property and other surrounding properties.

The Public Hearing opened at 7:11 PM

Toni Latham (applicant), Moscow, gave an overview of the reasons for requesting a Conditional Use Permit for the property. The business would be based solely on appointments, and not accommodate walk-in services. It is proposed that another cosmetologist who would rent a station for their own clientele.

David Latham, Moscow, was in favor of the proposal.

Brenden Gilliland, Moscow, spoke in favor of the application. Was not concerned about an increase of traffic or noise.

The Public Hearing closed at 7:15 PM

Comstock moved for approval of the Conditional Use Permit at 1500 N Main Street and directed Staff to draft the Relevant Criteria and Standards, with no conditions as recommended by Staff. Motion seconded by Sorenson. Vote by Acclamation; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

ANNOUNCEMENTS

City Council remanded the appeal of the Board's decision for the Conditional Use Permit application at 1400 E. Seventh Street back to the Board.

UPCOMING EVENTS/MEETINGS

The meeting adjourned at 7:18 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 FOR A TYPE II
ACCESSORY HOME OCCUPATION LOCATED AT 1500 N MAIN STREET IN THE
CITY OF MOSCOW, IDAHO WITHIN THE AGRICULTURE/FORESTRY (AF)
ZONING DISTRICT PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a conditional use permit on April 16, 2021; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on May 18, 2021; and

WHEREAS, during the public hearing and having considered the matter including all testimony presented, the Moscow Zoning Board of Adjustment voted to approve the proposed Conditional Use Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria and Standards 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 operate a personal care service business, designated as a Type II Accessory Home Occupation, from her home location at 1500 N. Main Street.
3. The subject property is located within the Agriculture Forestry (AF) Zoning District, where a CUP is required for Type II Accessory Home Occupations per MCC 3-4.
4. The applicant is proposing to operate a hair salon business out of her home, with one additional employee.

5. The hours of operation will be Tuesday through Saturday from 9AM to 5PM by appointment only, and will offer services such as, haircuts, hair color, perms, pedicures and waxing.
6. The proposed personal care facility will operate out of the existing basement and utilize an area that is approximately 500 square feet in size. The proposed salon will have two hair wash sinks and one restroom for customer use.
7. The subject property provides ample parking for the additional employee as well as clients while receiving services.
8. The subject property is approximately 1.04 acres in size and has 108 feet of frontage along Main Street.
9. The subject property is accessed from Main Street and the lot has approximately 108 feet of frontage along Highway 95. Main Street has a 117-foot wide right-of-way with gravel shoulders on both sides and no sidewalk, curb or gutter on either side of the street.
10. Chapter 3 of the City's Comprehensive Plan, Community Mobility, identifies Main Street (Hwy 95) as a National Highway.
11. The application meets all required performance standards for a Type II Accessory Home Occupation outlined in MCC 4-3-5(B)(4).

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:** Type II Accessory Home Occupations are conditionally permitted per MCC 3-4 within the Agriculture/Forestry (AF) Zoning District.
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 use will take place completely within the applicant's home and will not have any impact on the surrounding neighborhood.
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 frequency of client visits and length of appointments would create no greater traffic or nuisances than already exist currently.

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. The proposed site provides ample space for client and employee parking.
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 a Type II Accessory Home Occupation located at 1500 N Main Street with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2021.

Joe Bazzoli, Chair
Board of Adjustment