

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
September 7, 2021

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of August 30, 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 an accessory cottage in excess of 900 square feet located at 3400 Robinson Park Road within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 03.01.02(14)(H).

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



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Public Hearing
~ Minutes ~

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

Monday
August 30, 2021

7:00 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 7:02 PM

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

REGULAR AGENDA

1. Approval of August 24, 2021 Minutes

Thomson moved for approval of the minutes as modified, seconded by Comstock. Vote by Acclamation; Ayes: Unanimous (3). Nays: None. Abstentions: None. Motion carried.

2. Approval of Reasoned Statement of Relevant Criteria and Standards

City Council remand in part of a Conditional Use Permit application for a proposed 80' Wireless Communication Facility (WCF). The WCF will accommodate three carriers within a fully enclosed 800 sf lease area and would resemble a church tower per MCC 4-3-5(H).

The Board discussed the residential structure directly to the south of the proposed WCF.

Comstock moved to approve the Relevant Criteria and Standards as amended, seconded by Thomson. Vote by Acclamation; Ayes: Unanimous (3). Nays: None. Abstentions: None. Motion carried.

3. Public Hearing: Proposal for a Conditional Use Permit at 3400 Robinson Park Road – LUP2021-0033

Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 3400 Robinson Park Road within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 03.01.02(14)(H).

Hennrich presented the application as described above, and recommended the Board put forth a recommendation for approval to Latah County with no conditions. The prior owner of the subject property was issued a Conditional Use Permit for a dance studio in the detached garage.

The Public Hearing opened at 7:08 PM

Jonathan Brownell (applicant), Moscow, explained that the accessory dwelling would be built to house elderly parents. Talked about the previous Conditional Use Permit issued for the dance studio. A separate septic system would be built to service the cottage, and the water would be connected to the main residence well. The proposed accessory dwelling would be built recessed into the hill, with minimal retaining wall work needed. There continued to be discussion regarding previous remodels, drainage tiles, and the pond located on the property.

The Public Hearing closed at 7:14 PM

Comstock moved that the Board put forth the recommendation to Latah County to approve the Conditional Use Permit at 3400 Robinson Park Road, with no conditions as recommended by Staff, and for Staff to prepare the Relevant Criteria & Standards. Thomson seconded the motion. Vote by Acclamation; Ayes: Unanimous (3). Nays: None. Abstentions: None. Motion carried.

ANNOUNCEMENTS

Public Meeting to approve the Relevant Criteria and Standards will be scheduled for the week of September 7th.

UPCOMING EVENTS/MEETINGS

The meeting adjourned at 7:22 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 AN ACCESSORY
COTTAGE HOUSE IN EXCESS OF 900 SQUARE FEET LOCATED 3400 ROBINSON
PARK ROAD WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW,
IDAHO.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on August 3, 2021;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on August 30, 2021; and

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

**THE MOSCOW 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 to the City of Moscow Zoning Code, City of Moscow 2019 Comprehensive Plan, the Moscow Area of City Impact Agreement, and other applicable development regulations.
2. Per the Moscow Area of City Impact Agreement with Latah County, the Moscow Board of Adjustment is to conduct one hearing and forward a recommendation on to Latah County.
3. The applicant is proposing to construct a 1,293 square foot accessory cottage setback, 63 feet from the western property line and 37 feet from the southern property line. The proposed floor plan shows two bedrooms, two bathrooms, a living area and a kitchen.
4. The subject property is located within the Agriculture/Forestry (AF) Zoning District in the Area of City Impact where accessory cottage houses above 900 square feet require a Conditional Use Permit, per Latah County Code 03.01.02(14)(H).
5. The site has an existing single-family home and a detached garage and sits on 212,967 square feet (4.79 acres) of land.
6. The subject property is primarily surrounded by agricultural lands and rural single-family dwellings that are within the Area of City Impact.

7. Within the Area of City Impact, the County's AF has been adopted. According to Latah County Zoning Code, the purpose of the AF Zoning District is,
"established to achieve the purposes of this ordinance and the goals and policies of the Latah County Comprehensive Plan by accommodating, providing opportunities for, and the continuation of agricultural and forest land uses. Uses allowed in this zone include those that are integral to agriculture and forestry, uses which will not conflict with accepted farm and forest practices, and uses which will not result in the excessive conversion of productive farm and forest land to uses which can be more appropriately located in other zoning designations, and which are consistent with Idaho's Agricultural Protection Act."
8. The 2019 City of Moscow Comprehensive Plan Land Future Use and Growth Plan Map designates the subject property and surrounding properties as Auto Urban Residential.
9. According to Chapter 2 of the Comprehensive Plan, Community Character and Land Use, Auto Urban Residential designated areas,
"contain predominantly single family detached homes on lots ranging from 7,000 to 11,000 square feet in size and are more isolated from surrounding uses which may require residents to rely more on automobile transportation. This designation includes those areas generally anticipated to be developed for low- to moderate-density residential uses at densities between three to six units per acre which could include a mix of detached single-family, twinhome, and townhome residential dwellings. Appropriate current zoning for Auto-Urban Residential designated areas include Low Density Residential (R-1), Moderate Density Single Family Residential (R-2) and Medium Density Residential (R-3) in order to include a mixture of attached and detached dwellings where appropriate."
10. The subject property is accessed via Robinson Park Road which is a 24-foot-wide paved road with two travel lanes and minimal gravel shoulders on both sides.
11. The proposed plan meets pertinent Latah County Planning and Zoning requirements.
12. Latah County to verify remaining requirements at the time of permitting.
13. Upon review of the submitted materials, it is the Board's determination that the proposal conforms to the proper zoning requirements.

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:** Accessory Cottage Houses in excess of 900 square feet are conditionally permitted in the Agriculture/Forest Zoning District per Latah County Zoning Code and the Area of City Impact Agreement.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed accessory cottage house is consistent with the existing

character of the uses within the surrounding area. The subject property is primarily surrounded by agricultural lands and rural single-family dwellings that are within the Area of City Impact.

3. **The proposed use as approved, or 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 proposed use will not generate nuisances to the adjoining properties or the neighborhood through noise, dust, glare, vibrations, or odors.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The proposed accessory cottage will adequately be 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 proposed use will not endanger the public health or safety on the proposed site.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The proposed use meets pertinent applicable development standards of the zoning code. Latah County to verify remaining requirements at the time of permitting.
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 recommends approval of the proposed Conditional Use Permit for an accessory cottage house in excess of 900 square feet located at 3400 Robinson Park Road to Latah County.

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

Joe Bazzoli, Chair
Board of Adjustment