

BOARD of ADJUSTMENT



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

Public Hearing
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Tuesday
April 26, 2022

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of April 19, 2022 Minutes (ACTION ITEM)

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

2. Public Hearing: Conditional Use Permit located at 980 Hirschi Road in the Moderate Density, Single Family Residential (R-2) Zoning District per MCC 4-3-4. – LUP2022-0008 (ACTION ITEM)

Conditional Use Permit application to allow a Bed and Breakfast Inn located at 980 Hirschi Road in the Moderate Density, Single Family Residential Zone (R-2) Zoning District per MCC 4-3-4.

PROPOSED ACTIONS: Conduct the public hearing for the proposed Conditional Use Permit (CUP) request and upon consideration of any testimony received, approve the proposed CUP and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the proposed CUP with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the proposed CUP and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

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

Conditional Use Permit application to allow residential apartments on the ground floor of an existing Motel (Hillcrest Motel) located at 706 N Main Street in the Motor Business (MB) Zoning District 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
Board Chair
BOA@ci.moscow.id.us

Public Hearing
~ Minutes ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Tuesday
April 19, 2022

7:00 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 7:01 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Steve Bush, Cole Mize, Tim Thomson
MEMBERS ABSENT: Annette Bieghler, Marshall Comstock, Tim Kinkeade
STAFF: Jennifer Fleischman, Aimee Hennrich

REGULAR AGENDA

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

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

2. Election of Officers (ACTION ITEM)

This was seen as Agenda Item No. 3.

Bush nominated Bazzoli for Chair. Bazzoli communicated that he would not be able to attend the 5:30 PM meetings, but should be present to chair all the 7 PM hearings. Bush nominated Marshall as Vice Chair, and Thomson seconded the motion to elect Joe Bazzoli as Chair and Marshall Comstock as Vice Chair for the Board of Adjustment. Vote by Acclamation: Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

3. Public Hearing: Conditional Use Permit located at 706 N. Main Street in the Motor Business (MB) Zoning District per MCC 4-3-4. – LUP2021-0048 (ACTION ITEM)

Conditional Use Permit application to allow residential apartments on the ground floor of an existing Motel (Hillcrest Motel) located at 706 N Main Street in the Motor Business (MB) Zoning District per MCC 4-3-4.

This was seen as Agenda Item No. 2. Hennrich presented the Conditional Use Permit (CUP) as described above, and recommended approval with no conditions. Bazzoli clarified that the plan designs were completed by the company he works for, but he has not, nor will be, part of the project in any capacity.

The Public Hearing opened at 7:09 PM

Rob Jacobs and Dan Jacobs (applicants), Richland WA, talked about their work on the Idaho Inn which is being converted to The Empire. They emphasized their business's priority of purchasing older properties and making them into newer housing options that are desirable to tenants. Fortify Holdings is under contract to purchase Hillcrest and renovate it to make studio and one-bedroom apartments. They would upgrade electrical and plumbing, install new finishes, refinish the exterior with new paint, and update the landscaping and parking lot. The Empire should be completed by July 1st of 2022, and Hillcrest is estimated to be done around February 1st, 2023. Each individual unit would have a kitchenette.

Jane Pritchett, Moscow, expressed apprehension about removing low income housing and fixing up properties with subsequent higher prices. A lot of the current tenants do not have vehicles, and the property is walking distance to amenities. She asked that the new apartments be Equal Opportunity Housing, and that some of the units be set aside for low income, in particular. The current owners work with the Department of Corrections, Sojourner's, and Habitat with Humanity to providing short-term and long-term housing.

Joel Plaskon, Moscow, supports the proposed CUP but was concerned about the state of the parking lot and landscaping. He spoke on the potential increase of traffic, and was interested in the housing density numbers. He suggested making one-bedroom units instead of studio to decrease density for the Motor-Business Zone.

The Public Hearing closed at 7:22 PM

The applicants plan on paving the east parking lot, effectively removing any gravel concerns. Habitat for Humanity indicated that our community was short 1400 residential units this last year. The Board talked about refurbishing older buildings to make residential units that more people would be inclined to use. There was some discussion about the availability of current apartments versus cost and quality, as well as an overall visible need for more housing. Staff said that if the subject property was zoned as R-4, it would meet the standards as far as housing density. Motor-Business does allow for high density housing, but only behind or above commercial use. This CUP is specifically for the 15 units that are on the bottom floor of the building facing Main Street.

Thomson moved for approval of the Conditional Use Permit for 706 N Main Street and directed Staff to draft the Relevant Criteria and Standards with no conditions, as recommended. Motion seconded by Mize. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

The two new Board of Adjustment members were announced and welcomed.

UPCOMING EVENTS/MEETINGS

Next Board of Adjustment hearing is scheduled for Tuesday, April 26th, 2022.

Two more applications will be scheduled in the coming weeks.

The meeting adjourned at 7:32 PM

Joe Bazzoli, Chair

Date

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

HEARING DATE: Tuesday, April 26, 2022

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2022-0008 – Conditional Use Permit application for a Bed and Breakfast Inn within an existing single-family home, including the rental of one bedroom and bathroom for short-term stays at 980 Hirschi Road within the Moderate Density, Single Family Residential (R-2) Zone, per Moscow City Code 4-3-4.

Attachments:

- A. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, April 2, 2022
- B. Conditional Use Permit Application

Prepared by: Aimee Hennrich

STAFF REVIEW

Proposal: The applicant is proposing to rent one bedroom and one bath within their existing single-family home for short-term stays, operating as a Bed and Breakfast Inn. A Bed and Breakfast is defined within Moscow City Code 4-1-6(D)(16), as “Establishments primarily engaged in providing short-term lodging (durations of less than twenty-one (21) consecutive days per guest) for compensation in private homes or accessory buildings where the owner resides upon the property and where breakfast may or may not be provided”.

The existing structure is a single-family home and is located at 980 Hirschi Road within the Moderate Density Single Family Residential (R-2) Zone. Bed and Breakfast Inns are a conditionally permitted use within the R-2 Zone, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood. The rental space is accessed via a separate entrance on the east side of the home. Guests will stay for a maximum of seven nights. Guests will have access to one

bedroom, one bathroom, a living area and a small kitchenet. The space to be rented will accommodate no more than 4 adults per stay. There is at least one parking space available on the site for guest use.



Aerial

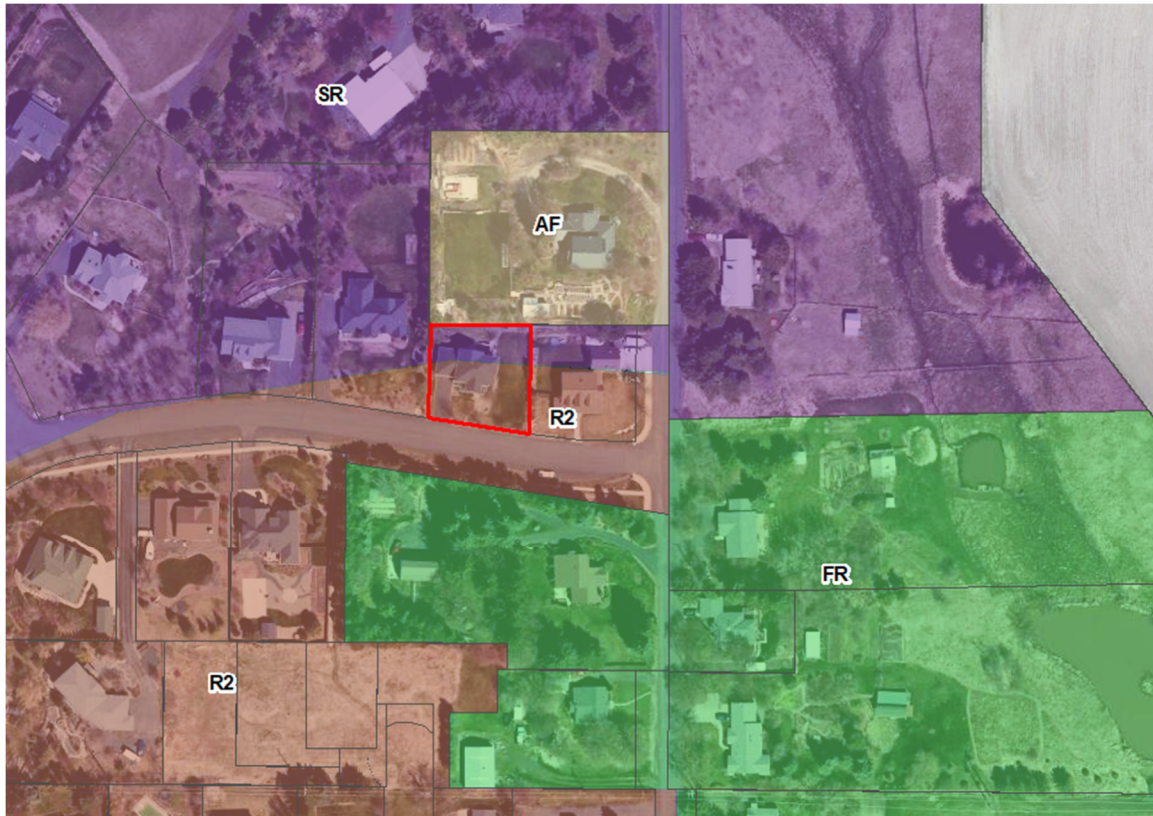
Zoning: The subject property is located within both the Moderate Density Single Family Residential (R-2) Zoning District and the Suburban Residential (SR) Zoning District. According to the Zoning Code 4-2-3(G):

“Where a district boundary line appearing on the Moscow Zoning Map divides a platted lot which was in single ownership at the time of passage of this Chapter, the requirements of the less restrictive zoning district shall apply to the whole thereof, provided that such extension shall not include any part of such lot more than thirty (30) feet beyond a zoning district boundary line.”

According to the Zoning Code 4-2-6(A):

“The R-2 Zoning District is a moderate density residential zone appropriate where the following circumstances are present: 1) Single family dwellings are predominate; 2) Terrain is not harshly irregular and smaller lot sizes can be accommodated without extensive earthwork; 3) Utilities and other public facilities are adequate for the densities allowed; 4) Existing lot development patterns and policies embodied in the Plan will also guide application of this zoning district.”

The property to the north is zoned Agriculture/Forestry and adjacent properties to the west and east share the same zoning combination of Moderate Density, Single Family (R-2) Residential and Suburban Residential (SR). The property to the south is zoned Farm, Ranch and Outdoor Recreation.



Zoning Map

Site and Area Land Use, Streets and Access: The subject property is a 11,493 square foot parcel located west of Orchard Ave with approximately 110 feet of frontage on the Hirschi Road. Hirschi Road is a 60-foot wide street with a tree lawn and sidewalk on the south side. There is no rear vehicle access to the subject property.

Surrounding properties have a mix of different zoning designations, but all consist of single-family dwellings.

Comprehensive Plan: Chapter 2, Land Use and Community Character, designates the subject property as Suburban Residential. Suburban Residential designated areas are appropriate for larger lot and fringe area development generally at gross densities ranging from 0.85 to 1.55 dwelling units per acre. These areas are generally located within the northern reaches of the City along north Polk Road and Almon/Mix Road where public services are limited, topography is somewhat challenging, and streets are currently developed to a lesser standard. Clustered development with preservation of open spaces and sensitive areas or steep topography should be promoted within these areas. The use of

this designation should be limited to areas that will not impede more intense development in the future where such more intense development can be accommodated.

Chapter 3, Community Mobility, identifies Hirschi Road as a neighborhood street.

Input from other Departments/Agencies: None.

Other Considerations: None

RELEVANT CRITERIA AND STANDARDS

The following are Staff's comments relating to the criteria required for approval of a Conditional Use Permit. See the attached worksheet for each of the criteria. The following statements may be used for the Relevant Criteria and Standards or changed to include or remove any statement deemed necessary or appropriate by the Board.

- 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 FOR CUP APPLICATION

The Board has the option to approve, approve with conditions, or deny the application subject to the Relevant Criteria and Standards and any public testimony provided at the public hearing. The board may also table the decision for the application in order to request more information, including studies of social, economic, fiscal and environmental effects of the proposed Conditional Use Permit.

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 on- or off-site 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.

Staff recommends **approval** of the application for a Conditional Use Permit for a Bed and Breakfast Inn at 908 Hirschi Road with no conditions.

In accordance with the Board's decision, direct staff to prepare the Relevant Criteria and Standards document.

NOTICE OF PUBLIC HEARING

Proposal for Conditional Use Permit at 980 Hirschi Road
Permit Application LUP2022-0008

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 proposal will be considered:

Conditional Use Permit application to allow a Bed and Breakfast Inn located at 980 Hirschi Street in the Moderate Density, Single Family Residential Zone (R-2) Zoning District per MCC 4-3-4.

HEARING DATE: Tuesday, April 26, 2022

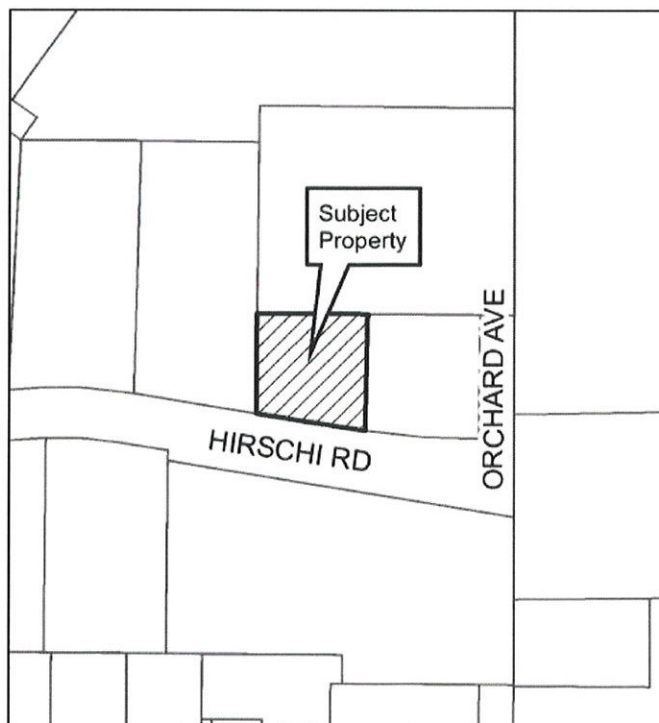
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

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 Haddock Building at 504 S Washington 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: April 2, 2022



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

For City Use Only			
Date Received		2-25-22	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$500	\$525
Receipt Number		LUP2022-0008	

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Jennifer and Timothy Ewers Telephone: 208-608-2871
980 Hirschi Rd., Moscow, ID 83843
 (home address)

Jennifer.ewers@ewerslaw.com

Relationship to affected property (please check one):

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

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

Name: _____ Telephone: _____

 (home address)

3. Location of Affected Property: 980 Hirschi Rd., Moscow, Idaho

Legal Description: Christopher's Crossing A 2
 (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:

Air BNB vacation rental

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 3-3 of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit.

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.
Rental of basement apartment to guests visiting Moscow for maximum 7 day stays, up to maximum of four people.

BNB has separate keyed entry on east side of home. One bed, optional air mattress, kitchen sink, refrigerator, microwave, toaster oven (no stove). One full bathroom and a separate TV room included. Stair door to main living area locks from guest side and from owner side. Parking is available on site in addition to owner 2-car garage. Guests are out for most of their stay, shopping, dining and engaging in activities in the Moscow area.

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: Title 4, Section 3-3 Land Use Table shows Bed & Breakfast as a Conditional Use permitted in R-2 Zoning Districts

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: Our neighborhood is single family residences on larger than average lots. Our home is large enough for a family of 5 or more, but is occupied by two, so we have extra space. BNB guests may use on-site driveway parking (2 spaces in addition to 2-car garage). Our BNB guests use the BNB space primarily to sleep and bathe.

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: Our guests come to visit UI/WSU students, to move students in/out, to attend family events, and to work. Their use of our BNB is similar to any other residential use. All guests are quiet, clean and respectful and are accepted only with a history of positive reviews. There is no impact on the neighborhood. We have had no issues with noise or other problems with our guests.

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: Our BNB space adequately serves our guests (see attached), and the on-site driveway parking provides adequate parking for guests. Our BNB is not visible from any other residence as a fence separates the east (BNB) side of our home from the adjacent neighbor.

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

Justification and compliance with criteria #5: There is no activity associated with our BNB that would endanger the public health or safety.

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

Justification and compliance with criteria #6: Bed and Breakfast Inns are a conditionally permitted use in our Zoning District.

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

Justification and compliance with criteria #7: Our BNB provides a service that is consistent with the Vision of the Comprehensive Plan to promote a sense of community by allowing family members of students and other Moscow residents to stay in a safe, affordable and comfortable place while enjoying Moscow, using our existing space and services with no adverse impact on the neighborhood or community. Our BNB also contributes to Moscow's economic development by promoting local businesses, recreational activities and tourism in general.

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.

James A. Evers
Applicant's Signature

2/24/22
Date

Owner
Owner's Signature
Applicant

2/24/22
Date



RECEIVED

FEB 25 2022

BY: 2500

MAIN ST US HWY 95

PAVEL CT

CITY

LIMIT

CITY LIN

ORCHARDVIEW
ACRES 3rd

CITY LIMIT

PHEASANT RUN ADD'N.

PHEASANT RUN

LANE

CHRISTOPHER'S
CROSSING

CHRISTOPHER'S

HIRSCH

ROAD

QUAIL RUN 2nd

PLEASANT PLACE

DRIVE

NORTH PARK

BRITTON LN

PETERSON

EVERGREEN HILLS REPLAT

Received: 02-25-2022

10' UTIL.
EASEMENT

2 107.50'

1 111.50'

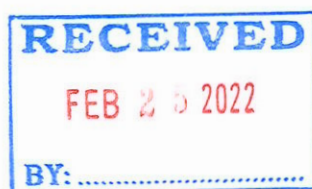
98.71'

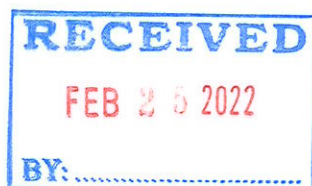
980 Hinch Rd.
11,493 SF

114.95'

1002 Hinch Rd.
11,406 SF

ROAD







City of Moscow

504 S. Washington St.

Moscow, ID 83843

Phone (208) 883-7022 / Fax (208) 883-7033

CERTIFICATE OF COMPLETION

Friday, February 11, 2022

JENNIFER A W/H EWERS
980 HIRSCHI RD
MOSCOW, ID 83843

Dear JENNIFER A W/H EWERS:

The City of Moscow Building Department is pleased to issue this Certificate of Completion for your permit, in the City of Moscow. This Certificate of Completion is limited to the Description of Work as described as follows:

Permit Number:	BLD2022-0067
Permit Type:	RES - ALT - BLD
Address:	980 HIRSCHI RD, MOSCOW
Description of Work:	Compliance inspection for kitchenette & second bathroom that was added to existing home.
Occupancy Group:	R-3
Code Year:	RESIDENTIAL CODE 2018

This certificate of completion represents closure to these permits. Please keep this letter for your records. If you have any questions, don't hesitate to contact this office at (208) 883-7022.

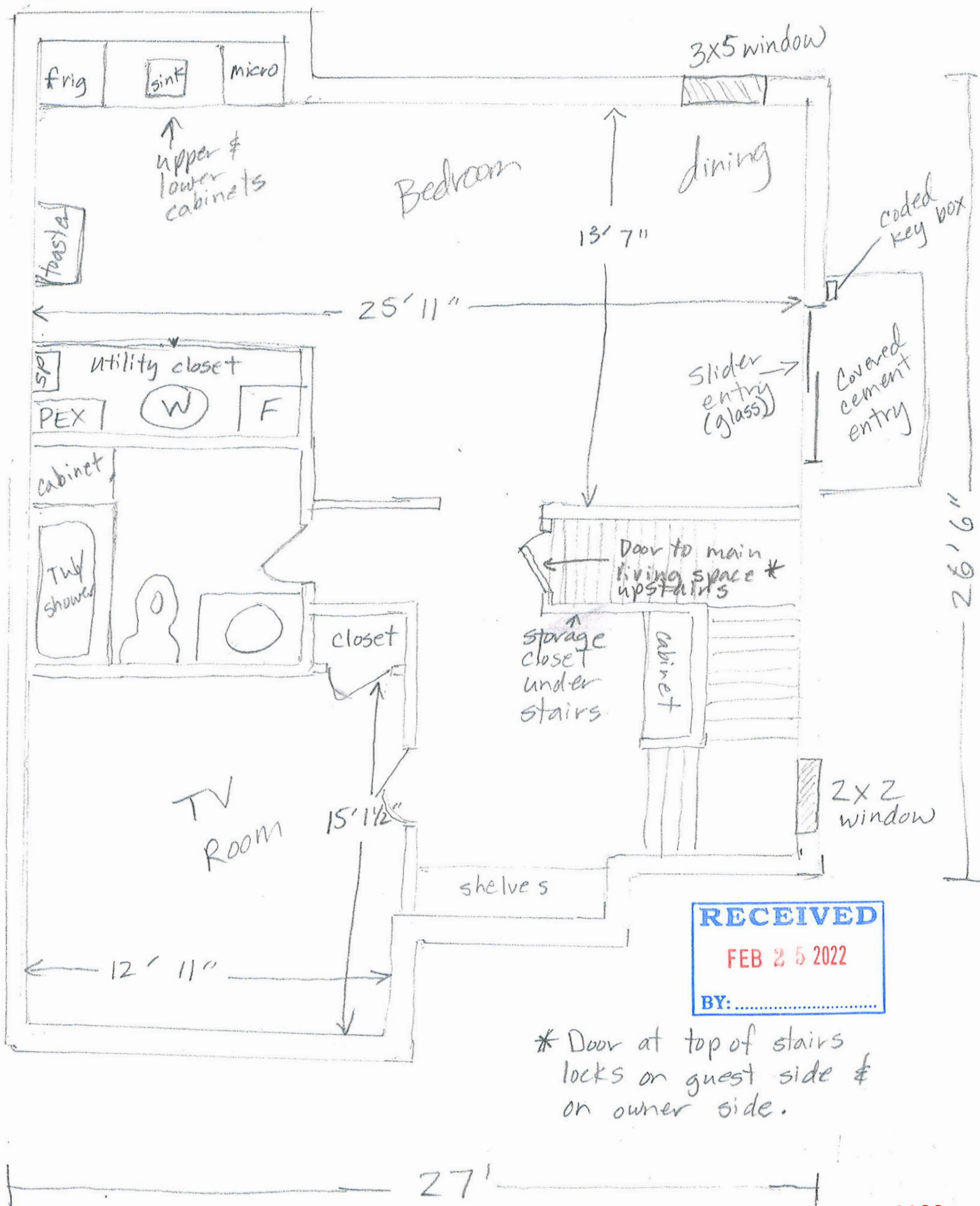


Building Official or Designee

2/11/22

Date



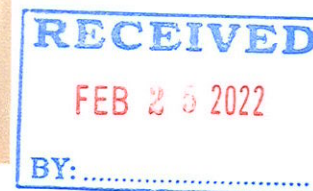


RECEIVED

FEB 25 2022

BY:

* Door at top of stairs locks on guest side & on owner side.

Bedroom and kitchenette [Edit](#)Bedroom and kitchenette [Edit](#)Queen bed [Edit](#)Entry and expandable dining table/d... [Edit](#)Vanity dresser and hall to bathroom ... [Edit](#)Bathroom with tub/shower [Edit](#)Bathroom [Edit](#)Hall to game shelf and TV room (stair... [Edit](#)TV room with couch and loveseat [Edit](#)TV room with space for blow-up mat... [Edit](#)Front of hosts' home. [Edit](#)Side yard entrance to guest apartment. [Edit](#)

**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 ALLOW RESIDENTIAL USE TO BE
LOCATED ON THE GROUND FLOOR AND NOT LOCATED BEHIND A COMMERCIAL
USE WITHIN AN EXISTING BUILDING LOCATED AT 706 NORTH MAIN STREET
WITHIN THE MOTOR BUSINESS (MB) ZONING DISTRICT.**

WHEREAS, the applicant filed an application for a conditional use permit on March 3, 2022; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on April 19, 2022; 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, Comprehensive Plan, and Moscow City Code.
2. The subject property is an existing motel (Hillcrest Motel) that is located at 760 N. Main Street in the City of Moscow.
3. The applicant is proposing to use an existing motel (Hillcrest Motel) located at 706 N Main Street in the City of Moscow, within the Motor Business Zoning District as long term (residential) dwellings.
4. The subject property is located within the Motor Business (MB) Zoning District, where residential uses located on the ground floor which are not located behind commercial uses are permitted with a conditional use permit.
5. The applicant has applied for a CUP for the ground floor units to be used as apartments, and the CUP is required because the dwelling units are not located behind a commercial use.
6. The Hillcrest Motel was built in 1958 and many rooms were previously used for extended stays.
7. In 1995, the motel was sold and the new ownership operated the motel with long-term stay rooms on the ground floor behind the motel units and on the second floor.

8. The applicant Fortify Holdings, LLC seeks to purchase the Hillcrest Motel from the current owner and proposes to renovate and use all units as residential studio and one-bedroom housing units.
9. Adjacent properties to the north, south and west, are also located within the MB Zone, with nearby properties to the east zoned as Multiple Family Residential (R-4).
10. The subject property is approximately 1.7 acres, with 300 feet of frontage along Main Street (Hwy 95), and 275 feet of frontage on McKinley Street. The parcel meets all required development standards including lot width and lot area.
11. The proposed multi-family residential use for studio and one-bedroom apartments has a minimum off-street parking requirement of 1.25 spaces per dwelling unit.
12. The total minimum off-street parking requirement for the proposed uses is 78 spaces. The applicant has provided a site plan showing 78 spaces including four (4) ADA accessible spaces.
13. The Board determined that the proposed residential use located on the ground floor and not located behind commercial uses is consistent with the historical use of the subject property and existing building and will be of benefit to the public.

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:** The current zoning of the subject property is Motor Business, which requires a conditional use permit for residential uses located on the ground floor that are not located behind commercial uses.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land use:** The character of the proposed use will be in harmony with the area since the existing structure will continue to be utilized and the multi-family residential use is similar to the current and historical motel use on the property.
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).** The proposed residential use to be located on the ground floor and not located behind a commercial use will not endanger the public health or safety and will not result in nuisances.
4. **The location, design and size of the proposed use will be adequately served by existing streets, public facilities and services:** The proposed use is adequately designed to comply and be serviced 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 does not create endangerment to public health or safety. The applicant is proposing to use the existing structure for a similar type of use as currently exists. Residential uses

on the ground floor and not located behind a commercial use on the subject property creates no endangerment to public health or safety.

6. **The proposed use meets all applicable development standards of the Zoning Code:** The proposed use meets all applicable development standards including setbacks, building height, and minimum lot area and width. The required functional open space of seventy-five square feet per dwelling unit is shown on the site plan and exceeds the minimum square footage per dwelling unit.
7. **The proposed use will not be in conflict with the comprehensive plan:** The proposed use is not in conflict with the Comprehensive Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Conditional Use Permit for a residential use located on the ground floor and not located behind a commercial use at 706 North Main Street, with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THIS ____ DAY OF _____, 2022.

Joe Bazzoli, Chairman
Board of Adjustment