

BOARD of ADJUSTMENT



Joe Bazzoli
Board 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
February 7, 2023

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of December 13, 2022 Minutes (ACTION ITEM)

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

2. Public Comment

Time limit 15 minutes. Members of the Public may speak to the Board regarding matters NOT on the Agenda nor currently pending before the Board of Adjustment. Please state your name and resident city for the record and limit your remarks to three (3) minutes.

3. Election of Officers for 2023 (ACTION ITEM)

The Board will need to nominate officers for 2023.

PROPOSED ACTIONS: Nominate and elect a Chair and Vice Chair for 2023; or provide Staff with further direction if necessary.

4. Public Hearing: Conditional Use Permit Application for a Bed and Breakfast Inn Within an Existing Single-Family Home Located at 2518 Itani Drive (ACTION ITEM)

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 2518 Itani Drive within the Moderate Density, Single Family Residential (R-2) Zone, per Moscow City Code 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.

5. Public Hearing: Conditional Use Permit Application to Allow Six (6) Unrelated Individuals Within an Existing Single-Family Home Located at 402 N Lincoln St (ACTION ITEM)

Conditional Use Permit to allow six (6) unrelated individuals within an

NOTICE: It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at adacoordinator@ci.moscow.id.us at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

existing single-family home, at 402 N Lincoln St within the Moderate Density, Single Family Residential (R-2) Zone, per Moscow City Code 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.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on February 15, 2023.

ADJOURN

NOTICE: It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at adacoordinator@ci.moscow.id.us at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

BOARD of ADJUSTMENT



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

Public Meeting
~ Minutes ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

**Tuesday
December 13, 2022**

5:30 PM

**First Floor Conference
504 S Washington Street**

Bazzoli called the meeting to order at 5:30 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Steve Bush, Marshall Comstock, Tim Thomson
MEMBERS ABSENT: Tim Kinkeade, Jerry Schutz
STAFF: Jennifer Fleischman, Mike Ray

REGULAR AGENDA

1. Approval of November 29, 2022 Minutes (ACTION ITEM)

Thomson moved for approval of the minutes as written. The motion died for lack of a second.

Comstock moved for approval of the minutes as amended, seconded by Thomson. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

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

Conditional Use Permit application for a temporary Recreational Vehicle Park located at 2805 S Highway 95 within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 09-3A-4(C).

Comstock moved for approval of the Reasoned Statement of Relevant Criteria and Standards as amended, seconded by Thomson. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

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

Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 2730 S Highway 95 within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 9-3A-4(A).

Bush moved for approval of the Reasoned Statement of Relevant Criteria and Standards as amended, seconded by Comstock. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The meeting adjourned at 5:47 PM

Joe Bazzoli, Chair

Date

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

HEARING DATE: Tuesday, February 7, 2023

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2023-0001 – 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 2518 Itani Drive within the Moderate Density, Single Family Residential (R-2) Zone, per Moscow City Code 4-3-4.

Attachments:

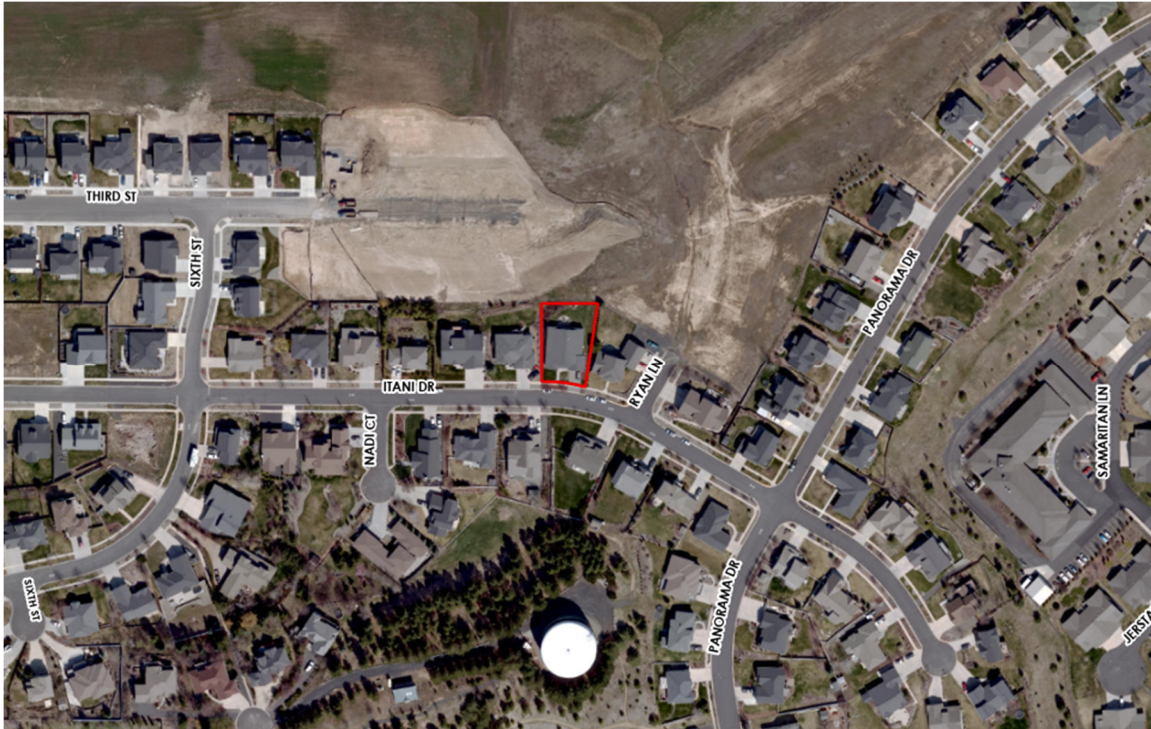
- A. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, January 21, 2023
- B. Conditional Use Permit Application

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 2518 Itani Drive within the Moderate Density Single Family Residential (R-2) Zone. Bed and Breakfast Inns are a conditionally permitted use within the R-2 Zone. The rental space is accessed via the same primary entrance to the residence. Guests will stay for between one and three nights. Guests will have access to two bedrooms and one bathroom. The space to be rented will accommodate no more than 4 adults per stay. There are at least two 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.

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 adjacent properties in all directions share the same zoning of Moderate Density, Single Family (R-2) Residential.



Zoning Map

Site and Area Land Use, Streets and Access: The subject property is a 10,963 square foot parcel located west of Ryan Lane with approximately 72 feet of frontage on the Itani Drive. Itani Drive is a 28-foot wide street with a tree lawn and sidewalk on both the north and south sides. Surrounding properties to the east south and west all consist of single-family dwellings. The property to the north is currently vacant land.

Comprehensive Plan: Chapter 2, Land Use and Community Character, designates f the subject property is currently designated as Auto-Urban Residential (AU-R). According to the Comprehensive Plan, AU-R 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.”

All surrounding properties are also designated as Auto-Urban Residential (AU-R).

Chapter 3, Community Mobility, identifies Itani Drive 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 2518 Itani Drive 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 2518 Itani Dr
Permit Application LUP2023-0001

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 at 2518 Itani Dr in the Moderate Density, Single Family Residential Zone (R-2) Zoning District per MCC 4-3-4.

HEARING DATE: Tuesday, February 7, 2023

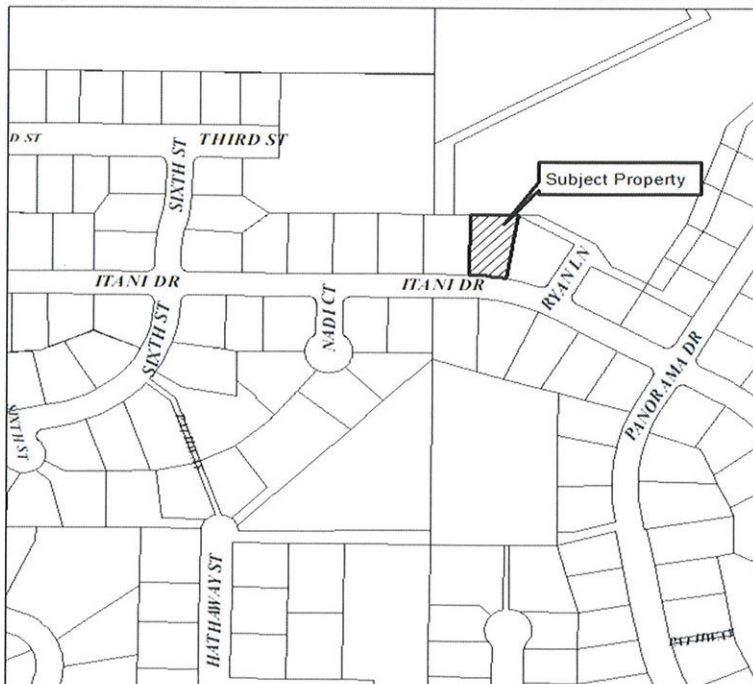
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 pm

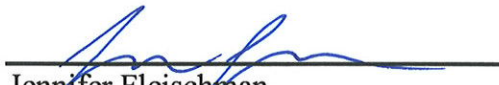
Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

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: <https://www.ci.moscow.id.us/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Jennifer Fleischman,
Deputy City Clerk

Publish: January 21, 2023



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**

Ph: 208-883-7035
Fax: 208-883-7033 504 S. Washington Street
jfleischman@ci.moscow.id.us

For City Use Only			
Date Received		1/6/23	
Dept	Fee Type	Fees	Paid
CDV	Application Fee	\$525.00 545.00	1/6/23
	Receipt Number	LUP2023-0001	

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: John & Candis Wright

Telephone: 360.593.8554

2518 Itani Dr, Moscow ID 83843
(home address)

Relationship to affected property (please check one):

Owner ☒

Purchaser ☐

Lessee ☐

Other ☐ (explain below)

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

Name: Same

Telephone: _____

(home address)

3. Location of Affected Property: 2518 Itani Dr, Moscow ID 83843

Legal Description: Rolling Hills 7th Add
(subdivision)

1
(block)

2 9395
(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:

As a bed and breakfast, short-term 1-3 day room rental only of a two bedroom/one bath suite at SW corner of residence as originally built – no structural modifications. Existing home is 4 bedrooms, 4 bathrooms. Significant prohibitions by B&B guests: 1) Cooking, 2) pets, 3) parties/loud noise events, or 4) smoking or illicit drugs. Anticipate average guest will be a visitor to Moscow area. Guests will enter via the home's primary entrance as is traditional.

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.

Short-term 1-3 day stay for visitors (not residents) to the Moscow area, in a residential home occupied by the owner. Maximum number of guests is four people within a single party, in a 1-2 bedroom suite with dedicated bath, with parking stipulation of two guest cars max during visit. Property has full-size two-car garage + two-car parking pad on premises + three same-side street parking spaces adjoining the property = 7 car capacity. By advance written disclosure of prohibitions (see question 4 above) and prior-to-arrival consent, prospective guests will conform to operational characteristics.

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 3-3, B&B is a permitted use in R2 zoning.

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: 1) No impacts from the B&B activity to the visual neighborhood or the exterior of the home; 2) Disruption: Owner's home is clearly addressed so neighbors will not be disrupted by location inquiries. 3) We and our neighbors, come and go at all times of day and night, but we will ask guests to arrive no later than 10:00pm. B&B activities will thus be seamless to 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: 1) Noise: while three immediate neighbors have dogs which may bark outdoors 24/7/365, this residence does not have or allow dogs or pets, 2a) Odors/Defecation: While the neighbors and pedestrians allow their dogs to defecate willy-nilly on Itani Dr lawns, we do not allow dogs so the B&B activity will not be contributing to neighbors' odors/defecation; 2b) While our neighbors are presently inclined to smoke marijuana within the confines of their yard, and the unpleasant odors taint our breathable air space, no smoking and no illicit drugs are permitted here; and 3) Public safety: While neighbors' dogs have periodic and loud/dangerous altercations on Itani sidewalks or allow their dogs to roam the neighborhood freely, guests are not allowed to bring dogs on our premises. The B&B activity will not generate nuisances, and we suffer through the detrimental effects of our neighbors' activities without grudge or retaliation.

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: Due to the limited and designated two-room/one bath for potential visitors:

- Streets: No new impact Facilities: No new impact Services: No new impact

We tested out this data by paying for a multi-day visit to a Lincoln St B&B here in Moscow, by direct observation and interaction, in a neighborhood with narrow roads and no on-prem parking. That entire home is rented to visitors.

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

Justification and compliance with criteria #5: In addition to the information provided in Criteria #3 above, no activity commonly associated with resting or sleeping in a residential home, with permissible B&B activity included, presents any endangerment to public health or safety.

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

Justification and compliance with criteria #6: Parking is a paramount priority for Moscow neighborhoods. This home has a full-size two-car garage + two-car parking pad on premises + three same-side street parking spaces adjoining the property = 7 car capacity. Visitors will be limited to two cars maximum at any given time. This is further supported by the fact that we will only rent to one party (of up to 4 people) at a time based on the room and bath configuration being offered.

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

Justification and compliance with criteria #7: The activities and services associated with even this tiny in-home B&B activity are consistent with city planning vision. The designated room space provides clean, safe, quiet, and comfortable stays with no adverse impact to city infrastructure or services. Within a visitor handbook located in the primary guest room, local businesses, historic sites, and points of interest in the Palouse region will be promoted. It is reasonable to expect that the average guest will be visiting students or family and spending tourist dollars in Moscow specifically. Based on interviews of other Moscow area homes that are rented in this fashion, we have every reason to believe that our guests will experience the finest room that Moscow has to offer and bolster a first-class impression of Moscow.

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 approved 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 Planner I at least twenty-one days prior to the hearing at which the application is to be considered by the Board.

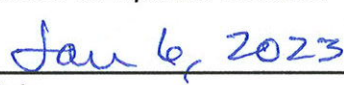
The following items must be submitted with this application before it will be processed:

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)

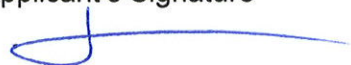
I understand this information is a public record and may be posted to a public website.



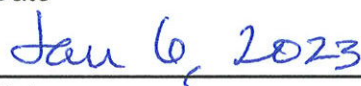
Applicant's Signature



Date

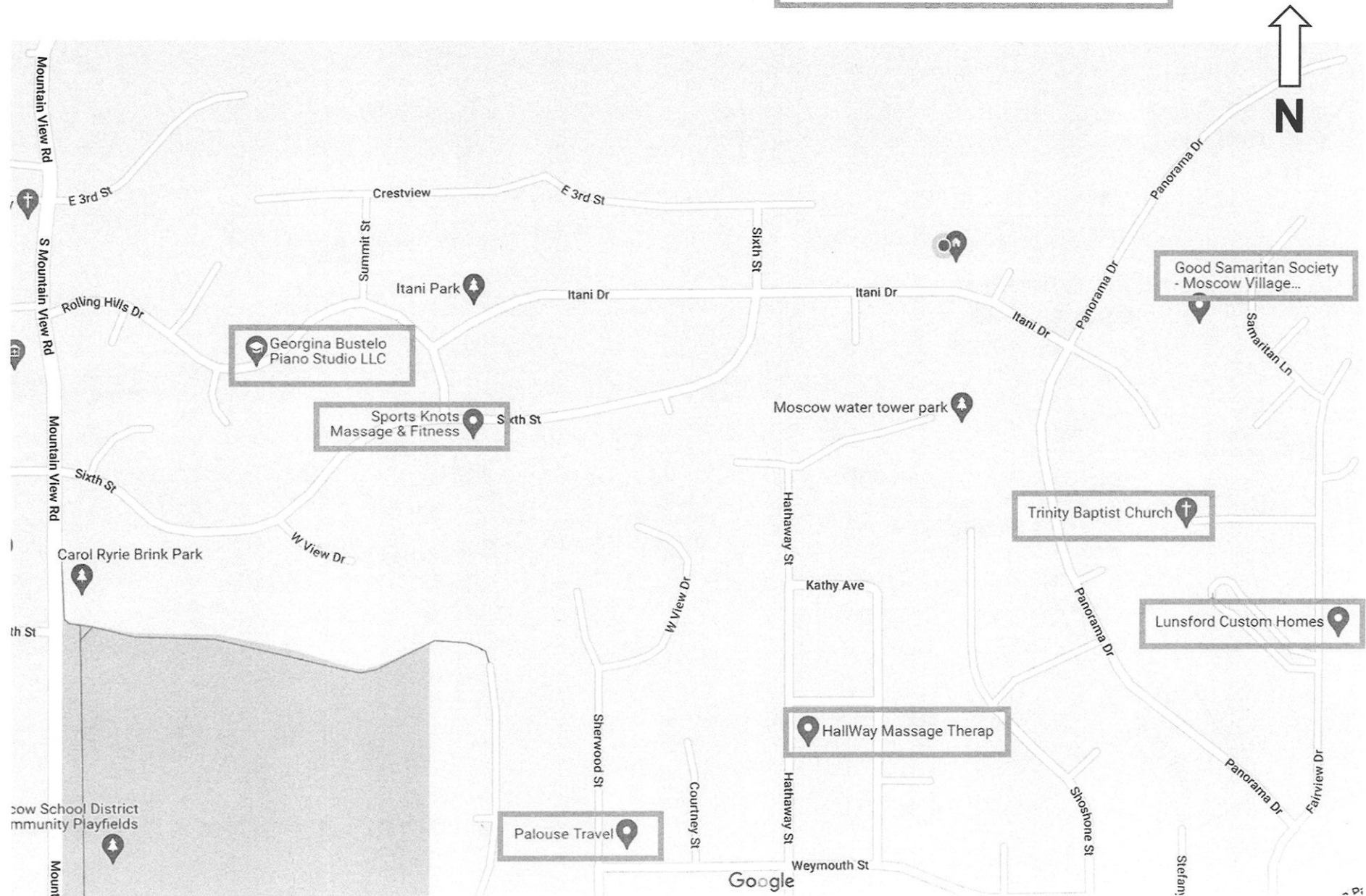


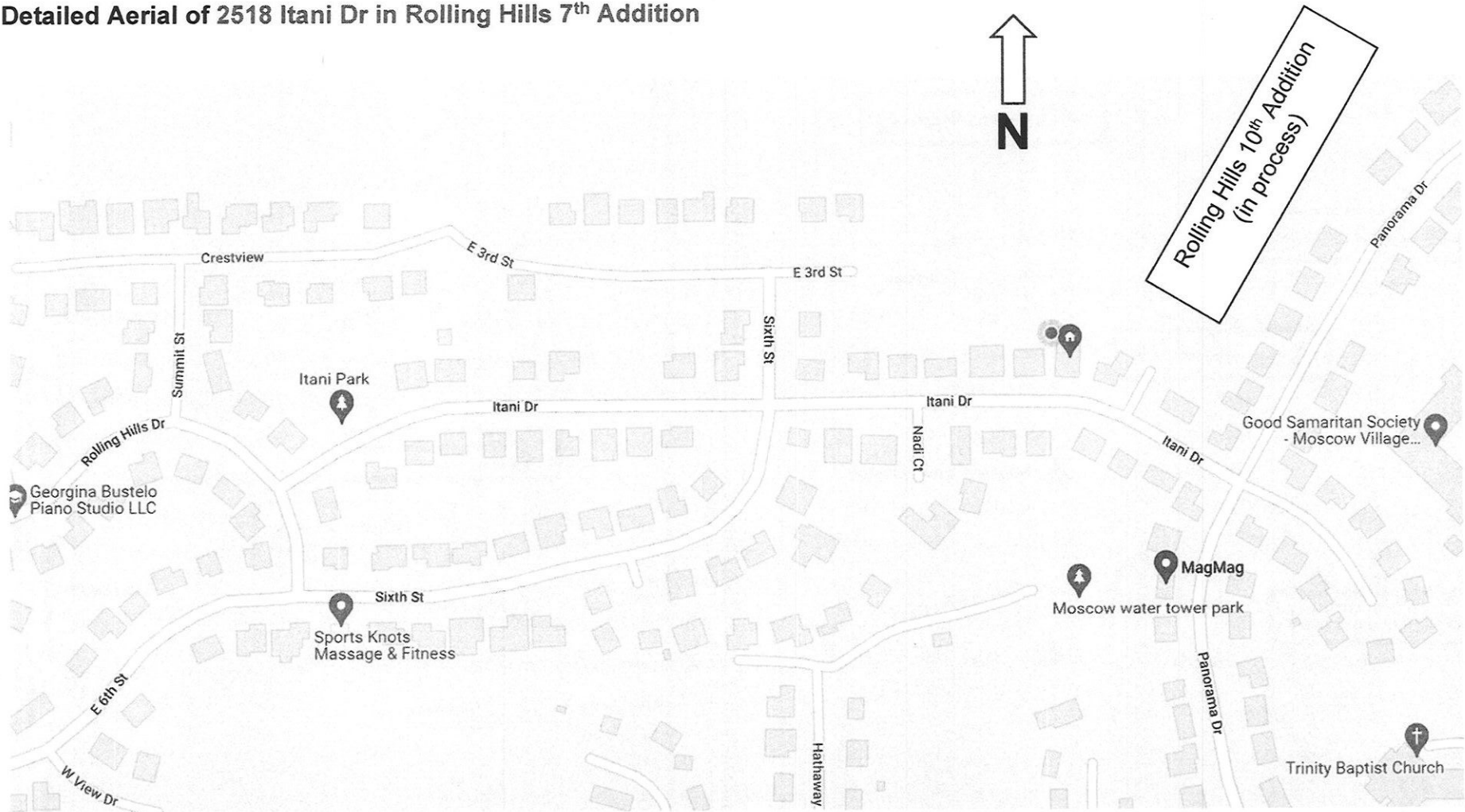
Owner's Signature



Date

High-level Map of the Rolling Hills Subdivisions with currently known Existing Neighborhood Activities



Detailed Aerial of 2518 Itani Dr in Rolling Hills 7th Addition

Streetview -- 2518 Itani Dr (The visible SW corner of the home is where the bed/bath suite is located)



LEGEND:

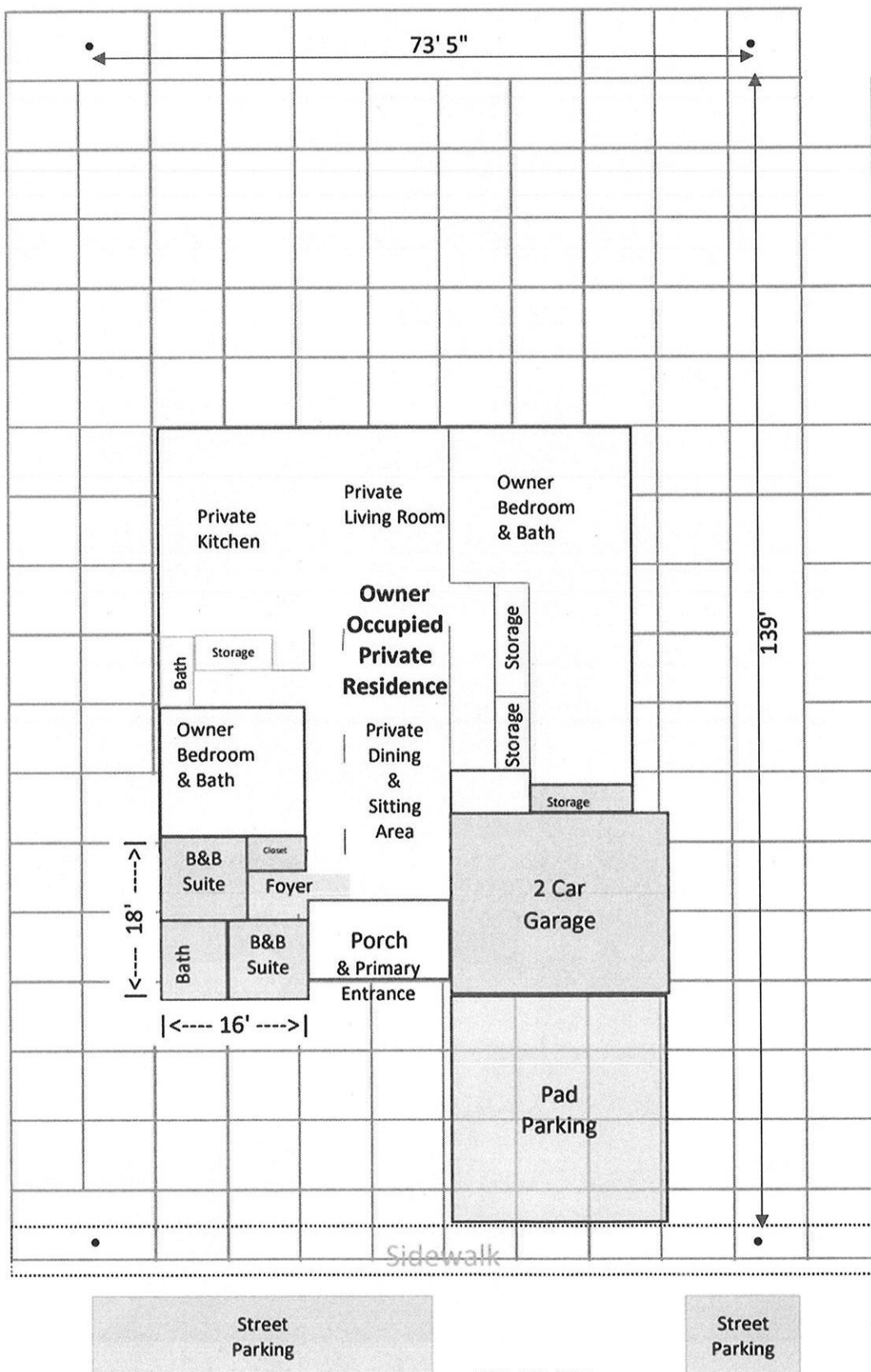
Scale:
8 Feet

• Survey
Marker

B&B
Area

Parking

Site Map



ITANI DR

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

HEARING DATE: Tuesday, February 7, 2023

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2023-0002 – Conditional Use Permit to allow six (6) unrelated individuals within an existing single-family home, at 402 N Lincoln St 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, January 21, 2023
- B. Conditional Use Permit Application
- C. Written Public Comment

Prepared by: Aimee Hennrich

STAFF REVIEW

Proposal: The applicant is proposing the occupancy of up to 6 unrelated individuals within an existing single-family home. According to MCC 4-6-4, single-family dwellings with up to six (6) unrelated individuals are permitted with the approval of a Conditional Use Permit.

The existing structure is a single-family home and is located at 402 N Lincoln within the Moderate Density, Single Family Residential (R-2) Zone. Current zoning code allows for four (4) unrelated individuals to reside in a single-family home as a permitted use. The applicant is requesting a Conditional Use Permit to allow up to six (6) unrelated individuals within the single-family dwelling. The subject property is currently occupied by the applicant's daughter and two unrelated individuals. The applicant is requesting the Conditional Use Permit to allow for up to 6 unrelated individuals and would like to use the basement as a short-term rental. 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 3 adults per stay.



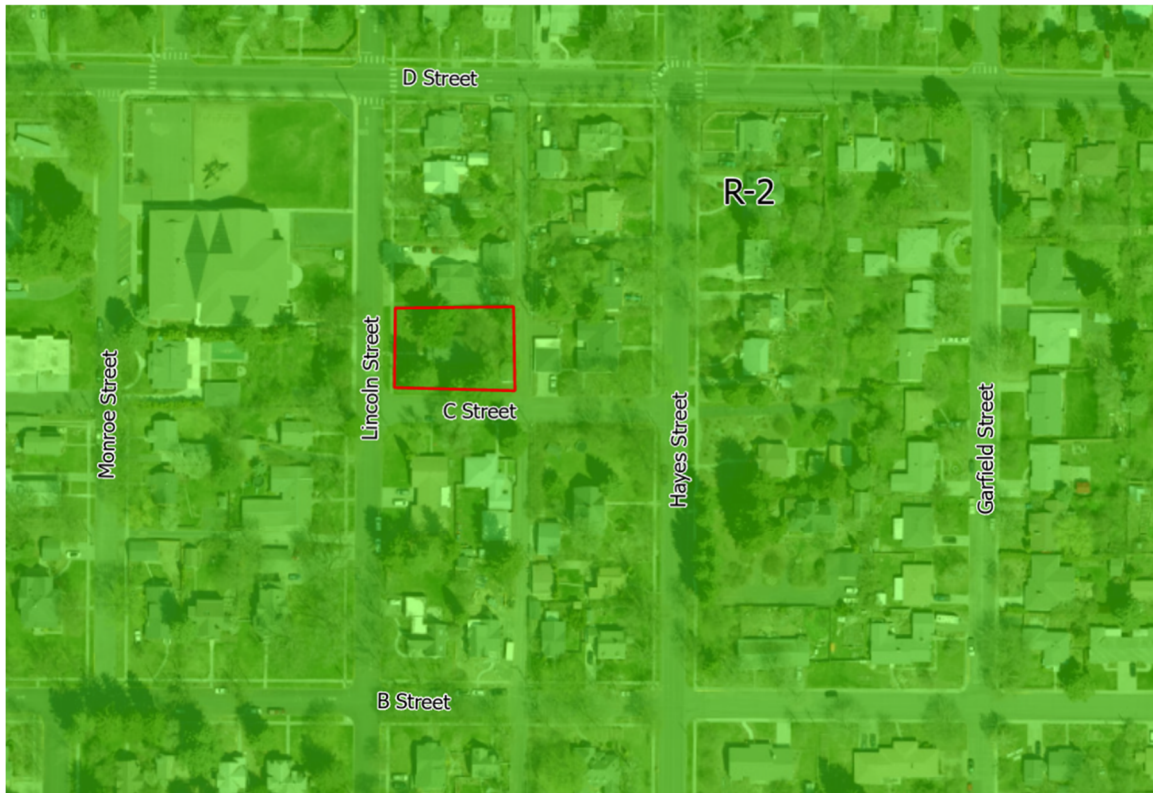
Aerial

Zoning: The subject property is located within both the Moderate Density, Single Family Residential (R-2) Zoning District.

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 adjacent properties in all directions share the same zoning of Moderate Density, Single Family (R-2) Residential.



Zoning Map

Site and Area Land Use, Streets and Access: The subject property is a 11,493 square foot parcel located on north Lincoln Street with approximately 100 feet of frontage on the Lincoln Street and 125 feet of frontage on C Street. Lincoln Street is a 30-foot wide street with a tree lawn, sidewalk curb and gutter on the east side and sidewalk, curb and gutter on the west side. The subject property is adjacent to a 20-foot wide alley at the rear.

Surrounding properties all share the R-2 zoning designation. Adjacent properties to the north, east and south all consist of single-family dwellings. The property to the west, across Lincoln Street, is the location of St Mary's School.

Parking Requirements: Per Moscow City Code 4-6-2, single-family dwellings with up to six (6) unrelated individuals require two (2) parking spaces per dwelling unit plus one (1) per bedroom in excess of four (4) bedrooms. Since the dwelling only contains four bedrooms, only two parking spaces are required. The site plan provided by the applicant shows three parking stalls on-site.

Comprehensive Plan: Chapter 2, Land Use and Community Character, designates the subject property as Auto-Urban Residential (AU-R). According to the Comprehensive Plan, AU-R 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, twin-home, 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.”

All surrounding properties are also designated as Auto-Urban Residential (AU-R).

Chapter 3, Community Mobility, identifies Lincoln St 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 up to six (6) unrelated individuals within a single-family dwelling located at 402 Lincoln St 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 402 North Lincoln St
Permit Application LUP2023-0002

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 six (6) unrelated individuals within a Single-Family Dwelling located at 402 N Lincoln Street in the Moderate Density, Single Family Residential Zone (R-2) Zoning District per MCC 4-3-4.

HEARING DATE: Tuesday, February 7, 2023

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

MEETING TIME: 7:00 pm

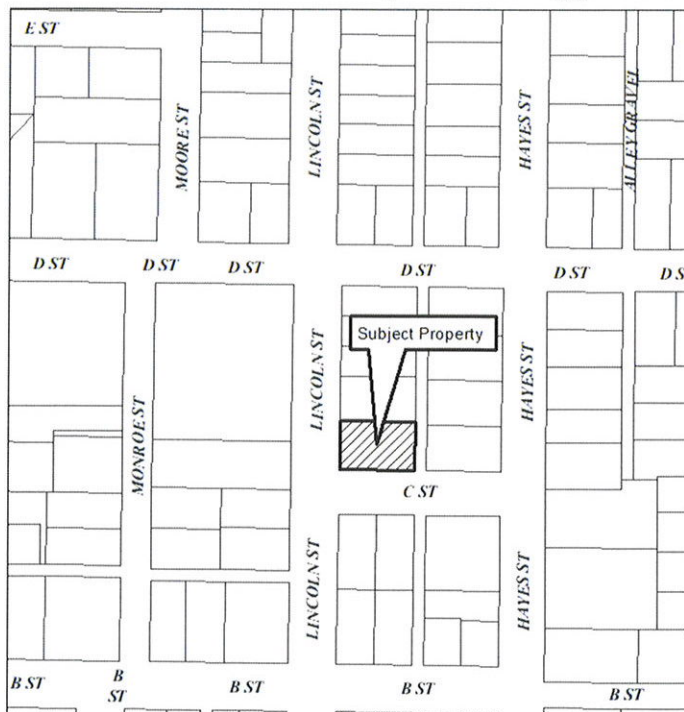
Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

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:

<https://www.ci.moscow.id.us/593/Public-Hearing-Notices>

Laurie Hopkins, Moscow City Clerk




Jennifer Fleischman,
Deputy City Clerk

Publish: January 21, 2023



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph: 208-883-7035
504 S. Washington Street
jfleischman@ci.moscow.id.us

For City Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
CDV	Application Fee	\$545.00	
Receipt Number			

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: MARCE ALYSON HODGES Telephone: 208 800 1205
14115 RUSKA RD MCALL ID 83638 Email: _____
 (home address) marc@risenhomebuilders.com

Relationship to affected property (please check one):

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

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

Name: SAME Telephone: _____
 _____ Email: _____
 (home address)

3. Location of Affected Property: 402 N LINCOLN ST, MOSCOW
 Legal Description: * SEE ATTACHED (SA)
 (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:

* SA

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.

* SA

5. **Authorization:** Section _____ 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.

* SA

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: _____

* SA

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: _____

* SA

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: _____

* SA

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: _____

* SA

MH 1/5/23

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

Justification and compliance with criteria #5: _____

* SA

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

Justification and compliance with criteria #6: _____

* SA

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

Justification and compliance with criteria #7: _____

* SA

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.

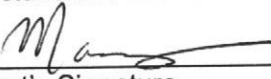
Application Submittal:

This application must be completed and submitted with the below described items to the Moscow Community Development Planner I at least twenty-one days prior to the hearing at which the application is to be considered by the Board.

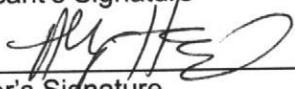
The following items must be submitted with this application before it will be processed:

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

1/5/23
Date


Owner's Signature

1/5/2023
Date

City of Moscow, ID, Conditional Use Permit Application Supplement

1, 2. Applicants/Property Owners: Marc and Alyson Hodges, 14115 Ruska Rd, McCall ID 83638
 (208) 800-1205
marc@risenhomebuilders.com

Applicants have a successful business and operations history in the hospitality sector while maintaining excellent relations with neighbors:

- 2010-2016: developed and managed the Haiku Cannery Inn B&B, Maui HI; recognized by TripAdvisor as among top 10% of businesses nationwide for customer satisfaction.
- 2013-2020, developed and managed the Paia Bay Suites vacation rental; rated 5 Stars on Trip Advisor, AirBnB, and VRBO for customer satisfaction.

3. Location of Affected Property:

Address: 402 N Lincoln St, Moscow, ID

Legal Description: Situate in Latah County, State of Idaho, to-wit: The South half of Lot 5 and all of Lot 6, Block 1, Park Addition to the City of Moscow, also a portion of vacated Hayes Street, described as follows: Beginning at the southwest corner of Lot 6, Block 1, Park Addition to the City of Moscow, thence East 125 feet along the south line of said Lot 6; thence South 5 feet; thence West along a line parallel to and 5 feet South of the above south line of said Lot 6, Block 1, 125 feet; thence North 5 feet to the Point of Beginning.

4. Proposal: The proposal is to enhance current long-term rental to include short term rental for a total of up to six unrelated individuals at one time.

Property Description: The subject property is a 3-bed, 2-bath single story home built in 1924. The ground floor has three bedrooms and one bathroom. Real property tax records indicate the ground floor is 1057 sf. The basement, which is accessed from the ground floor via a stairway within the building envelope, has the laundry facilities, a kitchen, one bathroom, a dining area, a sitting area, a supplemental sleeping area, and a utility room which contains the furnace. Real property tax records indicate a finished area of 793 sf. See attached Site Plan.

Current Usage: The ground floor is currently occupied by three (3) individuals: a daughter of the applicants and two unrelated individuals, all who attend the University of Idaho.

Proposed Usage: Provide for short term rental of the basement area for up to one party at a time such that the total number of unrelated persons at the property at one time does not exceed six (6). Long term rental of the ground floor area is expected to continue as is.

5. Authorization: Title 4, Section 3-4 of the Moscow Zoning Code authorizes the proposed use, subject to a Conditional Use Permit.

6. Operating Characteristics: The basement area of the subject property will be let on a short term basis to up to three persons at a time. Based on the current market, the anticipated clientele will include visitors to Moscow, U of I alumni, persons visiting U of I students, and prospective U of I students and relatives. It is anticipated that bookings will be most common on weekends, at the start and end of

semesters, and during U of I and WSU athletic and special events. Accordingly, it is anticipated that the total occupancy rate will be about 35%.

The property has two off-street parking stalls. When the garage door is repaired, a third off-street parking stall will become available. There is ample parking along C Street. While there is typically parking available along Lincoln Street, guests will be directed to avoid parking on Lincoln St to avoid any potential parking/traffic conflict with the customers of the parochial school on Lincoln Street. The long-term tenants are each allowed one car. Short term guests will typically have one car. Thus a total of four cars is anticipated to be associated with the property.

House rules explicitly prohibit subletting, loud conduct, and illegal activity such as illegal use of drugs and alcohol. The long-term tenants are all dedicated students and the house has a quiet atmosphere.

Based on extensive past experience managing short term rentals and a bed and breakfast property, short term rental guests typically only sleep and rest at a short term rental property. Guest meals are usually taken by dining out, and most of the guests' time is spent away from the property.

A maximum of three guests present on 35% of the total available days is comparable to one long-term tenant present full time. The current zoning allows the property to be rented to up to four unrelated persons. With three long-term tenants currently residing at the property, and with the short term operation anticipated to generate impact comparable to a fourth long-term tenant, the impact of the proposed short term operation, together with the scope of the existing long term operation, is comparable to full utilization of allowable long-term rental capacity.



402 N Lincoln St, Moscow, ID. Photo credit: Intermountain MLS

7. Compliance:

Criteria #1: THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT

The subject property is zoned R-2. Single family use with up to 6 unrelated individuals is permitted with a Conditional Use Permit (CUP) (Moscow City Code Title 4, Sec 3-4).

Criteria #2: THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USE

The subject neighborhood is a residential area with a mix of homeowners, long-term tenants, short term rentals, and public and quasi-public facilities. The proposed use of supplementing long-term rental with short-term rental is compatible with existing characteristics 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):

Short term rental guests, who will be present primarily on weekends, are not anticipated to cause any greater impact than a fourth long-term tenant (see #6 above). House rules prohibit loud and illegal activity. Applicants' adult daughter lives at the property and will ensure guest compliance.

Criteria #4: THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREET, PUBLIC FACILITIES AND SERVICES

The proposed use is to be within existing improvements. The impact will be comparable to adding a fourth long-term tenant as permitted under current code (see #6 above).

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

Long-term and short-term rental operations with on-site management are not known to pose public health and safety concerns.

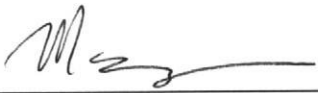
Criteria #6: THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE

The proposed use is within the existing improvement.

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

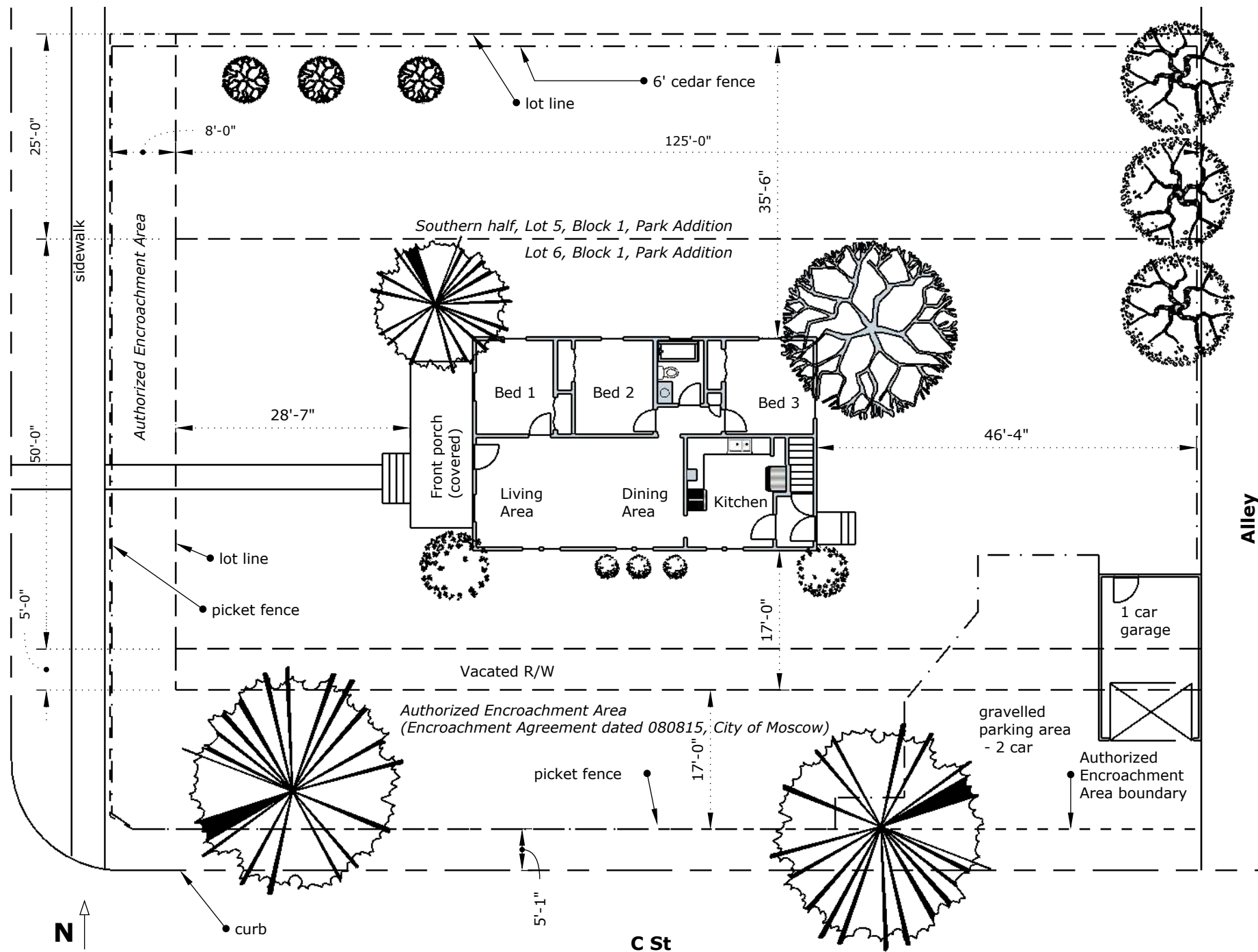
The proposed use is compatible with the character of the neighborhood and community. By providing short-term accommodation, the proposed use supports the economic health of the City in general and supports the operation and development of one of the City's most important assets: the University of

Idaho. The proposed use is supportive of the goals of the Comprehensive Plan which include diverse and integrated economic opportunities while maintaining neighborhood quality and characteristics.

 Date 1/5/23
Applicant Marc Hodges

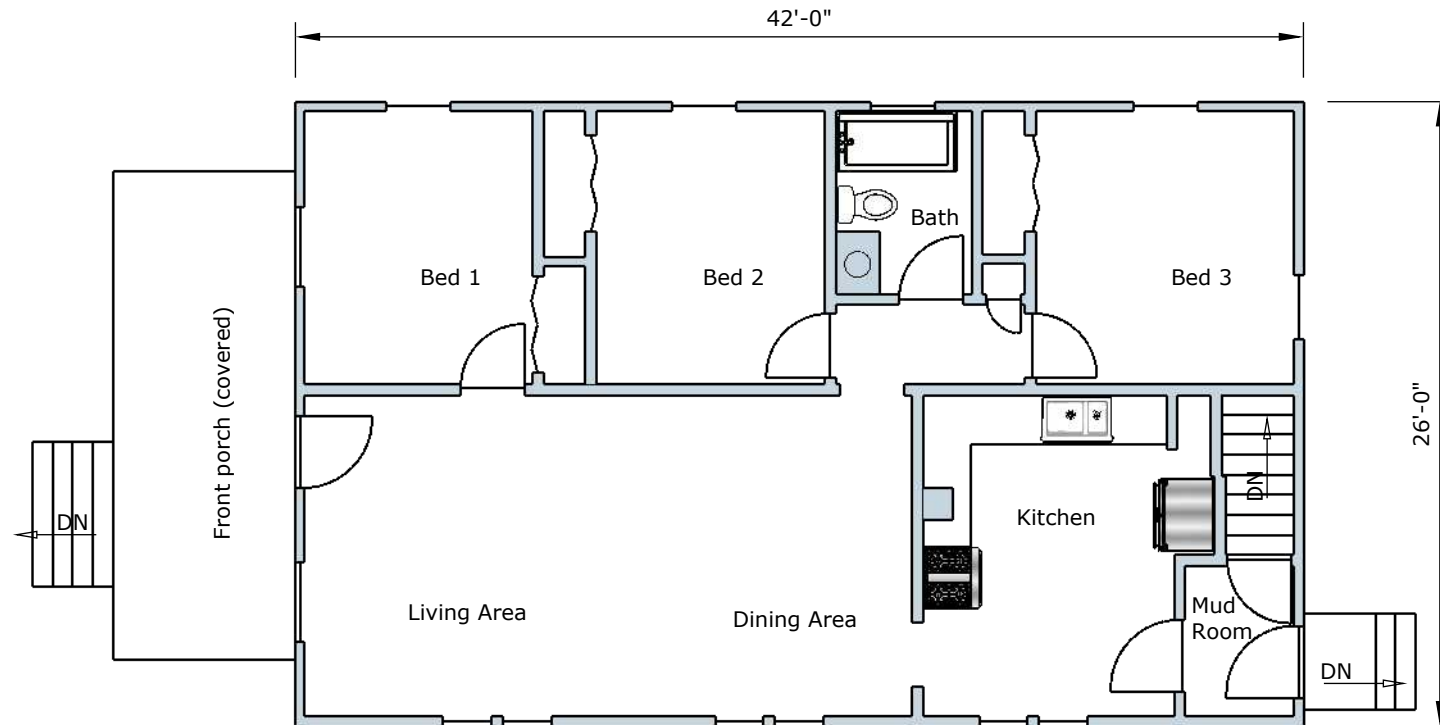
 Date 1/5/2023
Applicant Alyson Hodges

Lincoln St

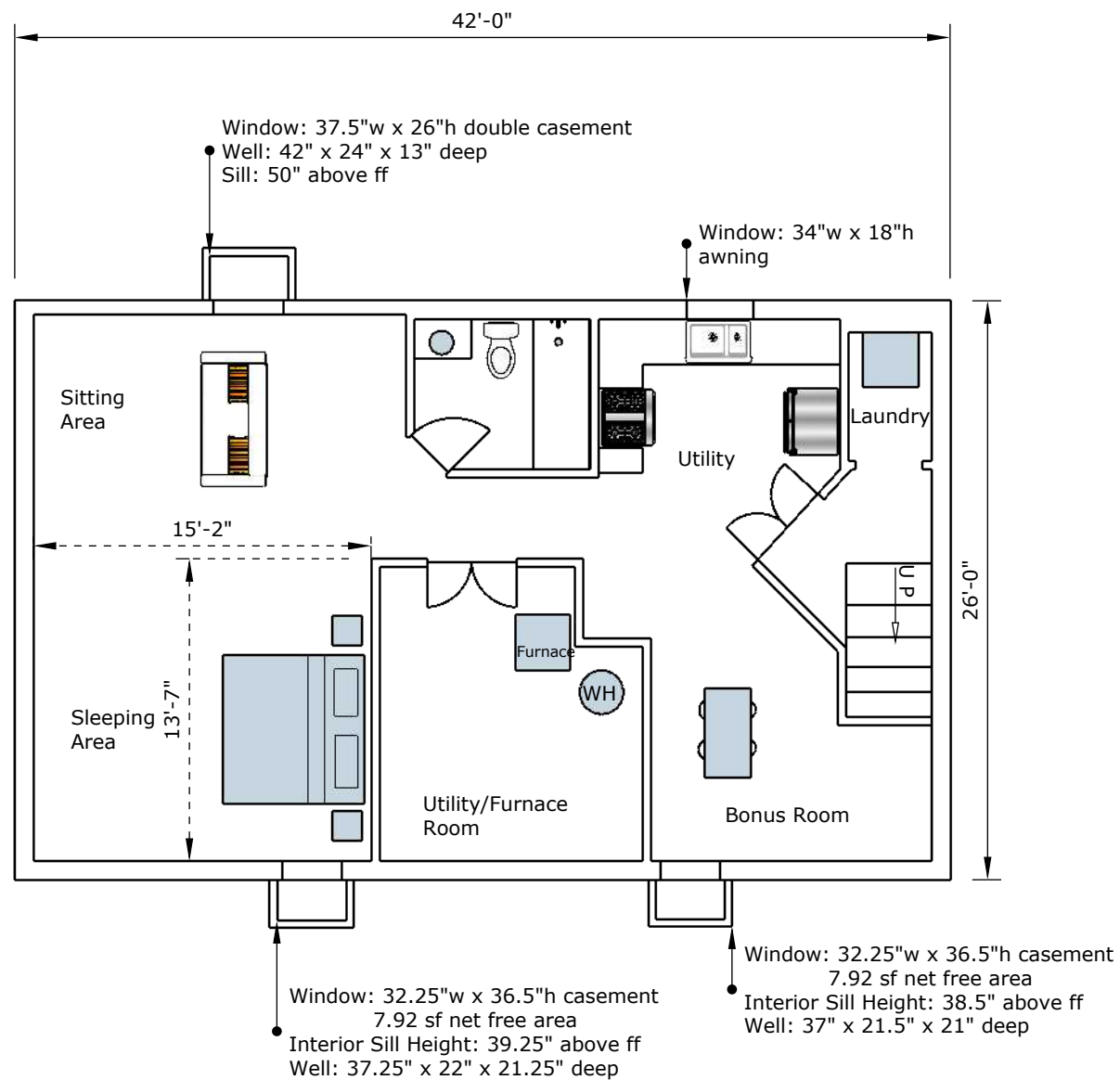


Alley

Site Plan - 402 N Lincoln St, Moscow ID
Scale: 1/16" = 1'



Floor Plan - Grnd Floor - 402 N Lincoln St, Moscow ID
Scale: 1/8" = 1'



Floor Plan - Basement - 402 N Lincoln St, Moscow ID
Scale: 1/8" = 1'

January 30, 2023

Comments related to Permit Application LUP2023-0002

We live at 408 N Hayes St – Across Hayes from the subject property on Lincoln

Hayes has very limited parking, especially on snow days when there is no parking allowed. Hayes has relatively high levels of traffic and residents tend to always avoid parking on Hayes because of the danger from passing cars. That means that parking on cross streets like C is heavily used by residents living on Hayes. Parking is even worse when children are being delivered and picked up from the school across the street from the subject property. There is inadequate parking for the up to 6 cars associated with the subject property should the variance be approved.

While the owner (living remotely in McCall) may well believe that 6 unrelated students living in the house would not result in loud parties, there is nothing to prevent that from happening. Loud parties would be very disruptive to the quiet residential neighborhood preferred by all the neighbors. Zoning exists to prevent these kinds of problems, approving the proposed variance would essentially gut the purpose of residential zoning.

Please do not approve the variance.

John and Sandra Stoops

408 N Hayes

Moscow, Idaho 83843

