

# BOARD of ADJUSTMENT



Joe Bazzoli  
Board Chair  
[BOA@ci.moscow.id.us](mailto: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**  
**February 7, 2023**

**7:00 PM**

**Council Chambers**  
**206 E Third Street**

**Bazzoli called the meeting to order at 6:59 PM**

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

## **REGULAR AGENDA**

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

Schutz moved for approval of the minutes as written, seconded by Thomson. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

### **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.*

None.

### **3. Election of Officers for 2023 (ACTION ITEM)**

*The Board will need to nominate officers for 2023.*

Discussed as Agenda Item No. 5. Comstock nominated Joe Bazzoli for Chair and Schutz seconded. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

Schutz nominated Marshall Comstock for Vice Chair and Thomson seconded. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

### **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.*

Discussed as Agenda Item No. 3. Hennrich presented the Conditional Use Permit (CUP) application as described above, and recommended approval with no conditions.

The Public Hearing opened at 7:04 PM

John Wright (applicant), Moscow, introduced himself to the Board and offered to answer any questions. Three residents currently live in the house and that would continue if the CUP was approved.

Bazzoli entered a written comment from Anne and Duane Wessels into the public record (see attached).

John Wright (applicant), Moscow, responded to the letter and said that there are no other Airbnb's in the neighborhood. He spoke about the policy that would be implemented for guests regarding parking and noise. He talked about current noise levels in the neighborhood and was not sure how the proposed CUP would impact property values. The applicant would not be renting out the space on weekends, but primarily have it available for rental on week days. The person who submitted the comment is right next door, with the garage side facing them. The rental would be the front portion of the house with an enclosed porch. The occupants plan to use the space for visiting family on the weekends.

Pat Carney, Moscow, was opposed to the CUP and talked about the neighborhood being quiet and was concerned about an increase in traffic. There are multiple vehicles parked on the street now, and they would not want guests adding to it. One-sided street parking, snowplowing and trash days add to the crowdedness of parking in the neighborhood. They do not want any bed and breakfast inns in the neighborhood.

Charla Windley, Moscow, does not want the CUP approved because they want the neighborhood to have only single family occupied homes. They are worried about the number of Airbnb's increasing in Moscow. Street parking was a concern as parking is only allowed on one side.

Brant Schroeder, Moscow, wanted to keep the neighborhood as single family occupied homes only. Spoke about how he has a fairly noisy home with kids playing.

Cade Konen, Moscow, agreed about the parking problems and said that the applicant has two cars in the driveway and one on the street at all times. They have a Covenants, Conditions, & Restrictions (CC&Rs) that only allowed single-family residence. The car on the street appears to be the same car every time, and assumed to belong to the applicant. There was concern about the guests of the Airbnb also parking on the street.

John Wright (applicant), Moscow, mentioned that they do not have a CC&Rs attached to their house. He addressed the parking comments and talked about snow removal in the winter. The parking spots in the application would be for the guests. Mentioned the many cars park on the weekends when family visits. There are two parking stalls in the garage, two in the driveway, and then space for two more vehicles on the street directly in front of the house. There was a discussion about expanding the driveway width to accommodate additional parking off the street. The residents would not list the rental while they are out of town.

Hennrich clarified the differences between a short-term rental and a bed and breakfast inn. The conversation continuing about the possibility of expanding the driveway to accommodate more parking. The proposed use would require three (3) off-street parking spaces.

The Public Hearing closed at 7:34 PM

The zoning designation would not be altered during this process, as the application is a conditionally permitted use. The Board addressed the concerns about setting a precedent for future applications, as the Board considers each application on an individual basis. There was discussion about the width of the setback on the east side of the house and the street standards with parking on only one side. The Board mentioned the need for more bed and breakfast inns in Moscow. Zoning code requires that the applicant provide three (3) parking stalls for the CUP, which would be satisfied with the current garage and driveway.

The conditional use would be allowed to continue in perpetuity with no expiration date unless the use stopped or the Board placed a condition with the approval. The conditions that the Board could require were read. There was a discussion about the various conditions that could be required with the permit.

Comstock moved to approve the CUP for a bed and breakfast inn at 2518 Itani Drive, with the condition that the applicant accommodate six (6) off-street parking stalls. There was a discussion about the difficulties of expanding the driveway to a width to accommodate two more vehicles. Bush seconded the motion. Roll Call Vote; Ayes: Bush, Comstock, Thomson (3). Nays: Bazzoli, Schutz (2). Abstentions: None. Motion carried.

The Board continued to talk about the neighborhood zone, as well as issues with parking. Staff reported that no Bed and Breakfast Inns in the Rolling Hills subdivision have gone through the CUP process and does not have information on how many short-term rentals may be in the area. Board members deliberated on the parking concerns. The condition would need to be fulfilled before the bed and breakfast starts. There was a conversation about how the condition could be enforced.

Bush directed Staff to prepare the Relevant Criteria and Standards, seconded by Thomson. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

**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 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.*

Discussed as Agenda Item No. 4. Hennrich presented the CUP application as described above, and recommended approval with no conditions. There are three unrelated individuals currently living within the residence. Hennrich provided the definition of 'family' for the Board. By right, single family homes are allowed to have up to four (4) unrelated people in a house. The basement has a legally nonconforming kitchen and the parking requirements would be two (2) parking stalls in total. There was a discussion about how many parking stalls could be needed and also about where the six (6) people would theoretically be sleeping. The Board asked about the St. Mary's bus route and the snow plow route.

The Public Hearing opened at 8:16 PM

Alyson Hodges (applicant), McCall, talked about purchasing the house for their daughter's use, as well as wanting to provide more Airbnb's in Moscow. The house already had a basement apartment when it was bought. The current tenants use the off-street parking spots but only one party could rent the basement, so it would usually be one extra vehicle. The use would primarily be during the weekend and the guidelines would prevent guests parking on Lincoln Street because of the congestion concerns. The garage door is inoperable at the moment. There is an alley on the east side of the property but it does not have parking. The garage door would not necessarily be a difficult problem, but has not been high on the priority list. The gravel parking spaces can accommodate up to two (2) cars.

Bazzoli entered a written comment from Michael Irvin into the public record (see attached).

Elizabeth Khosravi, Moscow, was neutral about the proposed CUP, but concerned about congestion on Lincoln Street. Wanted to know if there is an egress window in the basement bedroom and mentioned that the current tenants are very nice, however does have concerns about parking. There are at least two other Airbnb's in the neighborhood that contribute to the parking problems. She was also worried for the safety of school age kids getting of the bus and walking home.

Sara Pepper, Moscow, does not want the CUP to be approved and said that parking, as well as parents dropping off kids at St. Mary's, adds to congestion issues. Another daycare operates on C Street, and she fears that D Street will become busier with more traffic soon. There was a discussion about where the second daycare is located.

Hennrich clarified that the CUP would be tied to the property and not the applicant. If the use ceases for 24 consecutive months, then it would expire.

Renae Bafus, Moscow, was opposed to the CUP, and read a letter outlining the reasons (see attached).

Timothy Daulton, Moscow, was opposed to the CUP because it would be crowded to have six (6) people in the house. The CUP would be attached to the property and would take the house out of circulation of single-family home use and could be bought and used perpetually for short-term rentals. He disagreed with changing the use of the property long term, and mentioned another house in the neighborhood that underwent a similar process.

Roberta Radavich, Moscow, did not want the CUP approved because of the parking issues related to St. Mary's. Lincoln Street has congestion when school gets out and there was concern for the safety of children. Does not want the house converted to something other than single-family, and was wary about developers making promises that will not be kept.

Spencer Martin, Moscow, was opposed because the CUP would be tied to the property and once the current owner sells the house, it could continue to be used as a short-term rental. Parking and traffic were a concern, as well as the safety of children walking to and from school.

Alyson Hodges (applicant), McCall, addressed the opposing comments that were made. The basement studio does have an egress window. She talked about supporting the University and parents who want to come see their kids and need a place to stay. Wanted to provide a regular income for daughter and roommates to manage the Airbnb, as well as son growing up and would probably attend the University. The rental would be a studio, intended for one family to rent periodically and for the owners to use as well. The owners estimate a 35% occupancy rate, would not allow parking on Lincoln Street, and anticipate only one (1) extra vehicle. The Board asked a couple clarifying questions about the off-street parking spaces.

The Public Hearing closed at 9:09 PM

The property is not within the Fort Russell Historic District. The Board talked about parking along Lincoln Street and within the neighborhood. Board liked the idea of tying the CUP to the applicant and not the property. There was continued concern and discussion about the impact on parking and traffic congestion.

Comstock moved to approve the CUP for to allow six (6) unrelated individuals within a single-family home, with three (3) conditions: the permit expires once the property sells, the applicant accommodates three (3) off-street parking spaces in addition to the garage, and the CUP would come back before the Board for reconsideration in two (2) years. The motion was seconded by Schutz. Roll Call Vote; Ayes: Bazzoli, Bush, Comstock, Schutz (4). Nays: Thomson (1). Abstentions: None. Motion carried.

Comstock moved to direct Staff to prepare the Relevant Criteria and Standards, seconded by Thomson. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

Bazzoli called a 5-minute recess at 9:30 PM

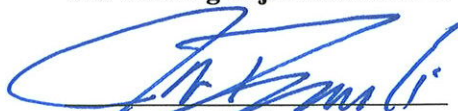
## **REPORTS**

## **ANNOUNCEMENTS**

## **UPCOMING EVENTS/MEETINGS**

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

**The meeting adjourned at 9:41 PM**

  
Joe Bazzoli, Chair

2/15/2023  
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 TO ALLOW A BED AND BREAKFAST INN  
WITHIN THE MODERATE DENSITY SINGLE FAMILY RESIDENTIAL (R-2) PER  
MOSCOW CITY CODE 4-3-4.**

**WHEREAS**, the applicant filed an application for a Conditional Use Permit on January 6, 2023; and

**WHEREAS**, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on February 7, 2023; 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, Moscow City Code, and current adopted street standards.
2. The subject property is located within the Moderate Density Single Family Residential (R-2) Zoning District, where Bed and Breakfast Inns are a conditionally permitted use.
3. All surrounding properties are also located within the R-2 Zone. Surrounding properties to the east, south, and west all consist of single-family dwellings. The property to the north is currently vacant land.
4. The subject property is an 10,963 square foot parcel located on the north side of Itani Drive, west of Ryan Lane.
5. A Bed and Breakfast Inn 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.”
6. Short term rentals, where the home is not owner occupied, are permitted by right within the City of Moscow.
7. The applicant’s bed and breakfast would be accessed via the main entrance of the home. Guests will have access to two bedrooms and one bathroom. The space to be rented will accommodate no more than 4 adults per stay, primarily on weekdays.

8. The use of a single-family home requires two (2) parking stalls. The use of a bed and breakfast requires .5 parking spaces per bedroom. The total amount of parking required for the property is three (3) stalls.
9. The subject property has a two-car garage as well as a driveway that will provide two (2) additional parking stalls. A total of four (4) parking stalls will be provided on site.
10. Standard parking stall dimensions are nine (9) feet wide by twenty (20) feet long.
11. The subject property has approximately 72 feet of frontage on Itani Drive.
12. Driveway standards for residential use allow for a thirty (30) foot approach.
13. Itani Drive is a 28-foot wide street with a tree lawn and sidewalk on both the north and south sides. On street parking is allowed only on the north side of the street.
14. There was verbal testimony given by four (4) people and one (1) letter that was read into the record in opposition to the proposed Bed and Breakfast. Concerns included parking, snow removal and not wanting the character of the neighborhood to change.

**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/is not) a conditionally permitted use within the Zoning District.** The proposal to operate a Bed and Breakfast Inn within an existing single-family residence, for short-term stays is a conditionally permitted use.
2. **The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.** The proposed use of a Bed and Breakfast Inn, as presented by the applicant, will be in harmony with the area in which it is located. The Board found that the neighborhoods on street parking would be negatively impacted by the increased use without inclusion of additional on-site spaces.
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).** The proposed use of a Bed and Breakfast Inn, as presented by the applicant, is not determined to generate nuisances that would be injurious or detrimental to adjoining properties or the neighborhood. This is ensured through the inclusion of additional on-site parking.
4. **The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services.** The proposed use is determined to be a benefit to the public as it provides an alternative option for overnight accommodations for visiting professionals, parents, or alumni when local hotels do not have vacancies, or if guests desire more private and quiet accommodations. The Board found that the use would have a negative impact on the neighborhoods on street parking. This is mitigated with the requirement for additional on-site spaces.

5. **The proposed use (will/will not) endanger the public health or safety if located where proposed.** The proposed use of a Bed and Breakfast Inn will not endanger the public health or safety.
6. **Proposed use (meets/does not meet) all applicable development standards of the Zoning Code.** The proposed use meets all development standards.
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 Bed and Breakfast Inn at 2518 Itani Drive with one condition.

1. The applicant provide four (4) parking stalls on site in addition to the two (2) stalls provided in the garage.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW this 15 day of FEBRUARY, 2023.

  
\_\_\_\_\_  
Joe Bazzoli, Chair  
Board of Adjustment

**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 SIX (6) UNRELATED INDIVIDUALS WITHIN AN EXISTING SINGLE-FAMILY HOME, LOCATED IN THE MODERATE DENSITY SINGLE FAMILY RESIDENTIAL (R-2) PER MOSCOW CITY CODE 4-3-4.**

**WHEREAS**, the applicant filed an application for a Conditional Use Permit on January 10, 2023; and

**WHEREAS**, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on February 7, 2023; 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, Moscow City Code, and current adopted street standards.
2. The subject property is located within the Moderate Density Single Family Residential (R-2) Zoning District, where six (6) unrelated individuals in a single-family home are a conditionally permitted use.
3. All surrounding properties are also located within the R-2 Zone. Surrounding properties to the north, east, south, all consist of single-family dwellings. The property to the west is currently the location of St Mary's School.
4. The subject property is currently occupied by the applicant's daughter and two unrelated individuals.
5. 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.
6. Short term rentals, where the home is not owner occupied, are permitted by right within the City of Moscow.
7. Guests will have access to one bedroom, one bathroom, a living area and a small kitchenet in the basement. The space to be rented will accommodate no more than 3 adults per stay.
8. The subject property is an 11,496 square foot parcel located on north Lincoln Street and contains a single-family home.

9. The subject property has 100 feet of frontage on the Lincoln Street and 125 feet of frontage on C Street.
10. 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.
11. The use of a single-family home with six (6) unrelated individuals requires two (2) parking stalls per dwelling unit, plus one per bedroom in excess of four (4) bedrooms. The total amount of parking required for the property is two (2) stalls.
12. The subject property has a one-car garage as well as a gravel parking area that will provide two (2) additional parking stalls. A total of three (3) parking stalls will be provided on site.
13. There was verbal testimony given by six (6) people, one (1) neutral and five (5) in opposition of the proposal. The Chair read one (1) letter into the record also in opposition to the proposal. Concerns included parking, safety due to increase in traffic, proximity to the school and other day care facilities, not wanting the character of the neighborhood to change and concerns of residential turnover.

**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/is not) a conditionally permitted use within the Zoning District.** The proposal to allow up to six (6) unrelated individuals within an existing single-family residence, is a conditionally permitted use.
2. **The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.** The proposed allowance of (six) 6 unrelated individuals as presented by the applicant, will be in harmony with the area in which it is located. The Board found that the neighborhoods on street parking would be negatively impacted by the increased use without inclusion of additional on-site parking. Additionally, the Board found that to ensure the character of the neighborhood would not be adversely impacted, the Conditional Use Permit would expire if the property were to be sold.
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).** The proposed use, as presented by the applicant, is not determined to generate nuisances that would be injurious or detrimental to adjoining properties or the neighborhood. This is ensured through the inclusion of additional on-site parking. Additionally, in order to ensure that increased use would not generate nuisances the Board found that the Conditional Use Permit would need to be renewed in two years from the date of issuance if the applicant wanted to continue the use.
4. **The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services.** The proposed use is determined to be a benefit to the public as it provides an alternative option for overnight accommodations for

parents, or alumni when local hotels do not have vacancies, or if guests desire more private and quiet accommodations. No structural changes are being proposed to the dwelling at this time. The Board found that the use would have a negative impact on the neighborhoods on street parking. This is mitigated with the requirement for an additional on-site parking space.

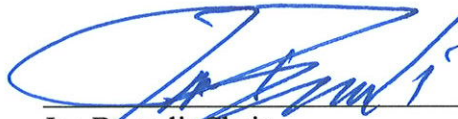
5. **The proposed use (will/will not) endanger the public health or safety if located where proposed.** The proposed use, as presented, will not endanger the public health or safety.
6. **Proposed use (meets/does not meet) all applicable development standards of the Zoning Code.** The proposed use meets all development standards.
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 to allow up to six (6) unrelated individuals in an existing single-family home at 402 Lincoln Street with three condition.

1. The applicant shall provide three (3) parking stalls on site in addition to the one (1) stalls provided in the garage.
2. This Conditional Use Permit shall terminate immediately upon sale or transfer of title of the property.
3. The applicant shall apply for renewal the Conditional Use Permit after a term of two (2) years. Should the applicant fail to do so the Conditional Use Permit shall terminate and the occupancy would be limited to what is permitted by right.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW this 15 day of FEBRUARY, 2023.



Joe Bazzoli, Chair  
Board of Adjustment