

BOARD of ADJUSTMENT



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

Public Meeting
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Monday
May 6, 2024

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of April 30, 2024 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. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

Conditional Use Permit application to allow a Private Garage in excess of 1,000 square feet located at 1315 Ridgeview Drive within the Low Density, Single Family Residential (R-1) Zoning District per MCC 4-3-4.

PROPOSED ACTIONS: Review the draft Relevant Criteria and Standards documents and approve the documents; or approve the documents with modifications; or provide Staff further direction as deemed necessary.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 7:00 PM on May 13, 2024.

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
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Public Hearing
~ Minutes~

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

Tuesday
April 30, 2024

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, Ivy Dickinson, Jerry Schutz, Tim Thomson
MEMBERS ABSENT: Tim Kinkeade
STAFF: Jennifer Fleischman, Aimee Hennrich

REGULAR AGENDA

1. Approval of April 25, 2024 Minutes (ACTION ITEM)

Thomson moved for approval of the minutes as written, seconded by Bush. Roll Call Vote; Ayes: Bazzoli, Bush, Dickinson, Schutz, Thomson (5) Nays: None. Abstentions: Comstock (1). 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. Public Hearing: Conditional Use Permit Application at 1315 Ridgeview Drive. Permit Application LUP2024-0014 (ACTION ITEM)

Proposal for a Conditional Use Permit to allow a Private Garage in excess of 1,000 square feet located at 1315 Ridgeview Drive within the Low Density, Single Family Residential (R-1) Zoning District per Moscow City Code 4-3-4.

Hennrich presented the Conditional Use Permit (CUP) request as described above, and recommended approval with no conditions. The area proposed to be used as a garage is 769 square feet and the additional space would be used as a workshop. There has not been a new zoning code change regarding accessory structure definitions since at least 2016. The majority of the proposed garage and workshop space would be underground. The total accessory structure size is over the limit of 1000 square-feet, but only because the workshop is adjacent and accessed through the garage and not through the house.

The Public Hearing opened at 7:08 PM

Ken Bertapelle (applicant), Moscow, talked about the workshop proposed to be connected to the garage and the planned uses for that. The Board asked questions regarding the building plans and the potential for converting some of the rooms into extra bedrooms. There will also be a functional elevator installed in the house.

The Public Hearing closed at 7:14 PM

The Board agreed that because the garage and proposed workshop would be mostly submerged it would not be a nuisance for the neighbors. The proposed house and accessory structure would conform with the surrounding properties.

Comstock moved for approval of the CUP to exceed maximum garage size with no conditions as recommended by Staff, and directed Staff to prepare the draft Relevant Criteria and Standards document. The motion was seconded by Schutz. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

4. Approval of Reasoned Statements of Relevant Criteria and Standards (ACTION ITEM)

- 1. Conditional Use Permit to exceed the maximum building height for the proposed school buildings located at 1515 N. Mountain View Road within the Moderate Density, Single Family Residential (R-2) Zoning District per Moscow City Code 4-3-4.*
- 2. Amending the Conditional Use Permit for a school and church facility that was approved on November 17, 2021 and located at 1515 N. Mountain View Road within the Moderate Density, Single Family Residential (R-2) Zoning District per Moscow City Code 4-3-4. Amendment to the school design and phasing plan that was approved as part of the original Conditional Use Permit application.*

Bazzoli informed the Board that a minor correction had been made to the draft Relevant Criteria and Standards (RCS) document for the school design and phasing plan CUP, after the packet was published. The draft RCS to exceed maximum height aligned with what was proposed in the submitted building plans.

Schutz moved to approve the RCS for the phasing plan and school design CUP amendment, as corrected. The motion was seconded by Thomson. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

Schutz moved to approve the RCS for the CUP to exceed the maximum building height, seconded by Bush. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on May 6, 2024.

A public hearing has been scheduled for 7:00 PM on May 13, 2024, with a public meeting following on May 22nd at 5:30 PM. There will also be several more meeting scheduled sometime in June.

The meeting adjourned at 7:24 PM

Joe Bazzoli, Chair

Date

**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MOSCOW,
COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
REGARDING A CONDITIONAL USE PERMIT APPLICATION FOR AN ACCESSORY
STRUCTURE EXCEEDING 1,000 SQUARE FEET LOCATED AT 1315 RIDGEVIEW
DRIVE WITHIN THE SINGLE-FAMILY LOW DENSITY RESIDENTIAL (R-1)
ZONING DISTRICT PER MOSCOW CITY CODE 4-3-4. CITY OF MOSCOW, IDAHO.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on April 1, 2024; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on April 30, 2024; 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, State Statutes, and Moscow City Code.
2. The site is 11,227 square feet in size. The site is currently undergoing excavation to construct a single-family home.
3. The applicant is proposing to construct a 1,203 square foot accessory structure attached to the future home. The proposed garage is designed to contain two (2) vehicles. The bulk of the garage measures 769 square feet, with the north section of the garage extending an additional 434 square feet accessed via a rollup interior door.
4. The subject property is located within the Low Density, Single Family Residential (R-1) Zoning District where accessory structures above 1,000 square feet require a Conditional Use Permit, per MCC 4-3-4.
5. According to Moscow City Code, Building or Structure, Accessory is defined as,
“A subordinate building or structure, the use of which is incidental to the use of the main building on the same lot, attached to or located adjacent to a home, or on the same lot, including awnings, steps, porches, carports, garages, and storage buildings. Accessory buildings or structures may contain incidental uses such as but not limited to workshops, artist studios, hobby spaces, and accessory living spaces for residents of the

main building which are not to be rented out for compensation unless otherwise permitted by this Code. Size limitations contained within this Code pertaining to accessory buildings or structures shall apply to the enclosed building footprint (the enclosed land area occupied by such accessory structure).”

6. The parcel has 90 feet of frontage along Ridgeview Drive and varies in depth from 105 feet on the western property line to 115 feet at the western property line.
7. A building permit has been applied for to construct a for a 3,117 square foot single-family home.
8. Adjacent properties to the north, east, south and west are also in the R-1 Zone. Properties adjacent to the north and south contain single-family residential dwellings. The property to the west is vacant land and the property to the east has a single-family home currently under construction.
9. According to the Comprehensive Plan designates the subject property as Auto Urban Residential (A-UR) which appropriately corresponds with the R-1 Zoning of the property.
10. The only access to the subject property is from Ridgeview Drive as there is no alley or other adjacent right-of-way. The lot has approximately 90 feet of frontage on Ridgeview Drive. The Ridgeview Drive right-of-way is 60 feet wide with a sidewalk, tree lawn, curb and gutter on both sides.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed use is a conditionally permitted use within the Zoning District:** Accessory Structures in excess of 1,000 square feet are conditionally permitted in the Single-Family Low-Density Residential Zoning District per City of Moscow Zoning Code.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed accessory structure is consistent with the existing character of the uses within the surrounding area. The subject property is primarily surrounded by single-family dwellings.
3. **The proposed use as approved, or as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like):** The proposed use will not generate nuisances to the adjoining properties or the neighborhood through noise, dust, glare, vibrations, or odors.

4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The proposed accessory structure will be adequately served by existing streets.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The proposed use will not endanger the public health or safety on the proposed site.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The proposed use meets pertinent applicable development standards of the zoning code.
7. **The proposed use will not be in conflict with the Comprehensive Plan:** The use is consistent with the Comprehensive Plan as it supports the goals and strategies of multiple chapters and does not conflict with other sections of the Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for an accessory structure in excess of 1,000 square feet located at 1315 Ridgeview Drive, with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2024.

Joe Bazzoli, Chair
Board of Adjustment