

BOARD of ADJUSTMENT



Board Chair
BOA@ci.moscow.id.us

Public Hearing
~ Minutes~

Michael Ray
Staff Liaison
208.883.7008

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

Monday
April 14, 2025

7:00 PM

Council Chambers
206 E Third Street

The meeting was called to order at 6:59 PM

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

REGULAR AGENDA

As there were no Elected Officers in attendance, the Board decided to elect a Temporary Chair for the duration of the meeting.

Bush moved to elect Tim Thomson as Temporary Chair of the meeting, seconded by Schutz. Vote by Acclamation; Ayes: Unanimous (4) Nays: None. Abstentions: None. Motion carried.

1. Approval of Minutes from November 4, 2024 (ACTION ITEM)

Schutz moved for approval of the minutes as written, seconded by Dickinson. Vote by Acclamation; Ayes: Unanimous (4) 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. Public Hearing: Proposal for a Conditional Use Permit at 2250 Augustine Avenue. Permit Application LUP2025-0005 (ACTION ITEM)

Conditional Use Permit application for a proposed Residential Assisted Living Facility located at 2250 Augustine Ave within the Residential Office (RO) Zoning District, per Moscow City Code 4-3-4.

Ray presented the Conditional Use Permit (CUP) request as described above, and recommended approval with no conditions. Augustine Avenue has been completely constructed up to the connection with Edington Avenue.

The Public Hearing opened at 7:11 PM

Nathaniel Bartlett (applicant), Moscow, provided some background information for the proposed project. He described his previous development on Mountain View Road, which was designed for memory care and been well received and high in demand.

The Public Hearing closed at 7:14 PM

The Board talked about the need for more geriatric assisted living residences in the community.

Schutz moved for approval of the CUP for 2250 Augustine Ave with no conditions and directed Staff to prepare the draft Relevant Criteria and Standards document. The motion was seconded by Thomson. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

4. Public Hearing: Proposal for a Variance at 403 North Polk Street. Permit Application LUP2025-0007 (ACTION ITEM)

Variance application to reduce the required 20-foot rear yard setback by 3 feet for a proposed addition to an existing single-family dwelling at 403 N Polk St within the Medium Density Residential (R-3) Zoning District, per Moscow City Code 4-4-2.

Ray presented the Variance (VAR) request as described above. Developed properties on a corner lot can choose which street to designate as the front, if all setbacks meet the minimum requirements. The address and front door location could stay the same if the front was re-designated, unless the developer chose to make those changes. There are no special development restrictions for building in the Fort Russell Historic District.

The Public Hearing opened at 7:27 PM

Lincoln Wilson (applicant), Moscow, provided a brief presentation (see attached) for the Board explaining their potential options for building an addition and a garage.

Manisha Wilson (applicant), Moscow, talked about working hard to be transparent for the Board and the neighbors. She talked about having specific needs for an attached garage as opposed to a detached. The property has an elevation drop on the northwest side which houses a daylight basement, but the development would not increase it.

There is a large maple tree on the west side of the property that will be removed for safety reasons. No other trees are planned to be removed, but the applicants would be willing to work with an arborist to ensure that other trees are not harmed during construction. The applicants argued that the size of the proposed addition is not completely out of character with some other Fort Russell Historic District homes. There was a discussion about building and zoning codes regarding attached versus detached garages. A minimum two-foot breezeway is required between all principal and detached structures. There continued to be discussion between the applicants and the Board about building code.

Cajus Rommens, Moscow, disagreed with the proposed development and said that it would not be good for the neighborhood.

Julie Thomas, Moscow, opposed the VAR request and read from their submitted comments (see attached).

Alexis Bailey, Moscow, opposed the project and read from their submitted comments (see attached). She pointed out differences between the proposed design and other attached garages on neighboring properties.

The Board and Staff had a conversation about building code requirements for garages and the height of residential buildings.

Tina Hilding, Moscow, spoke in opposition of the VAR, reading from their submitted comments (see attached).

Jay Johnson, Moscow, thanked the applicants for their transparency and following City Code. He talked about various properties on Polk Street and C Street with moderate sized homes compared to their lot size and didn't think the proposed development would fit with the character of the neighborhood.

Steve McGeehan, Moscow, disagreed with the proposed project and talked about how the addition wouldn't fit in with the neighborhood aesthetic.

Alison Petty, Moscow, was opposed to the proposal and read from their submitted comments (see attached).

Kenton Bird, Moscow, read the submitted comment in opposition from Phillip Mead (see attached).

Kristopher Waynant, Moscow, apologized for all the negative comments and wanted to encourage the applicants to work together so everyone could be pleased with the outcome.

Gary Reed, Moscow, was opposed to the plans and read from their submitted comments (see attached).

The Chair summarized and accepted into the hearing record two (2) other opposing written comments that were submitted after the public hearing comment deadline.

Brian Petty, Moscow, requested that the applicants consider modifying their plans to have a one-car garage instead of a two-car garage.

Alison Petty, Moscow, encouraged the applicants to work with the neighbors to find a solution that is beneficial to all.

Lincoln Wilson (applicant), Moscow, responded to the comments regarding their proposed project. He talked about how the proposed project meets building code and setback requirements, except the garage would need to be detached without the VAR approval. They are willing to work with the adjacent neighbors to ease any concerns about drainage, tree health, and other items as needed. The garage would need to be approximately 3 feet shorter if it were to be detached.

The Public Hearing closed at 8:51 PM

The Board recessed from 8:51 PM to 8:55 PM.

The Board talked more about the requirements for changing the front designation and how the applicants cannot meet them without a VAR. The Board expressed concern about the height of the proposed garage and addition so close to the property line. The criteria for a Variance were discussed, and it was mentioned that the criteria for approval have not been met. There continued to be discussion about the neighborhood and how approval of this variance request would not be in character with the neighboring properties. The Board understands the applicant's frustration of the different setback requirements for an attached versus a detached garage, but does not feel the application meets any of the three criteria for a VAR.

Schutz moved to deny the VAR to reduce the required 20-foot rear yard setback by 3 feet at 403 N Polk St and directed Staff to prepare the draft Relevant Criteria and Standards document. The motion was seconded by Bush. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

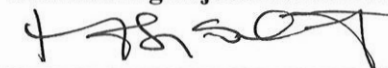
REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on April 22, 2025.

The meeting adjourned at 9:08 PM



Jerry Schutz, Chair

22 APR 2025

Date



1



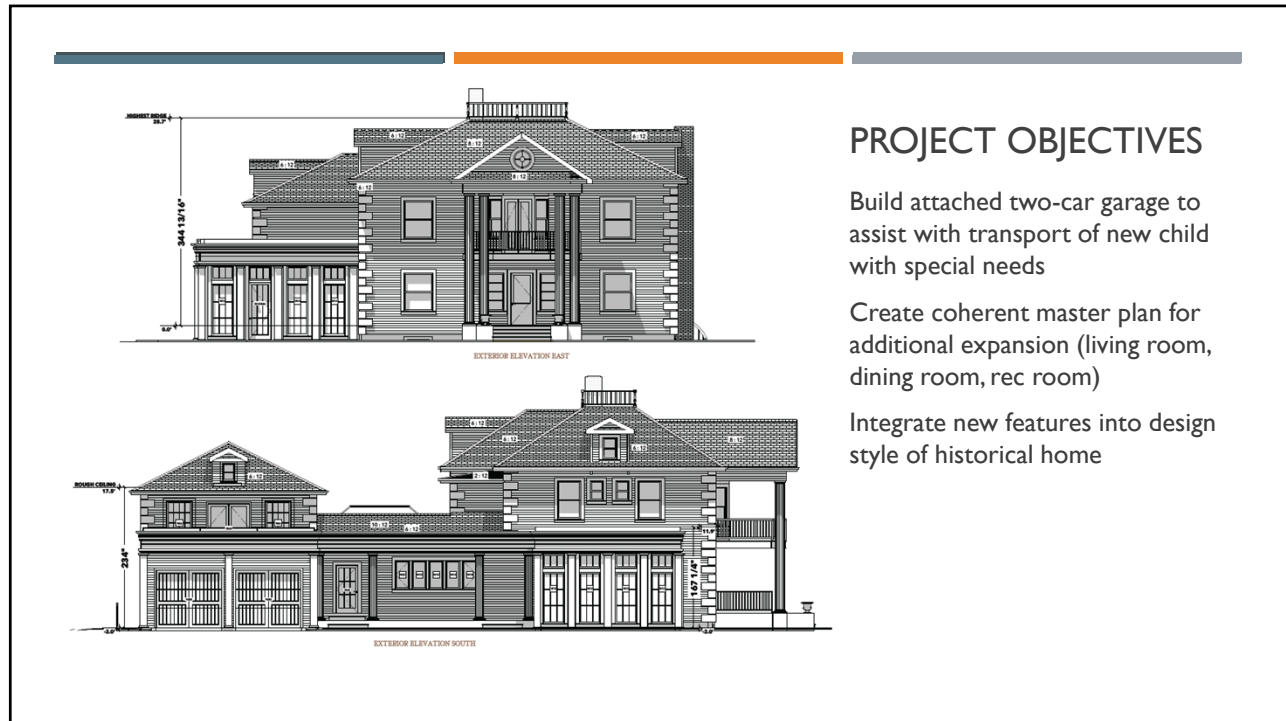
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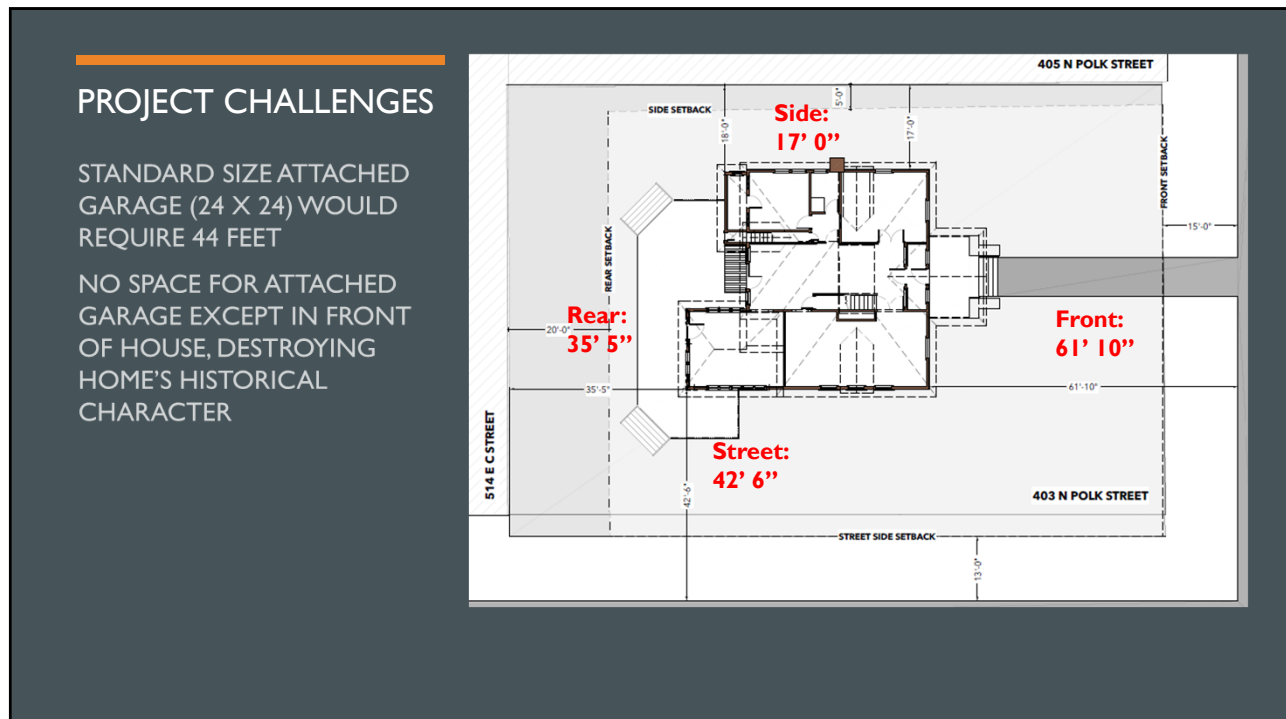
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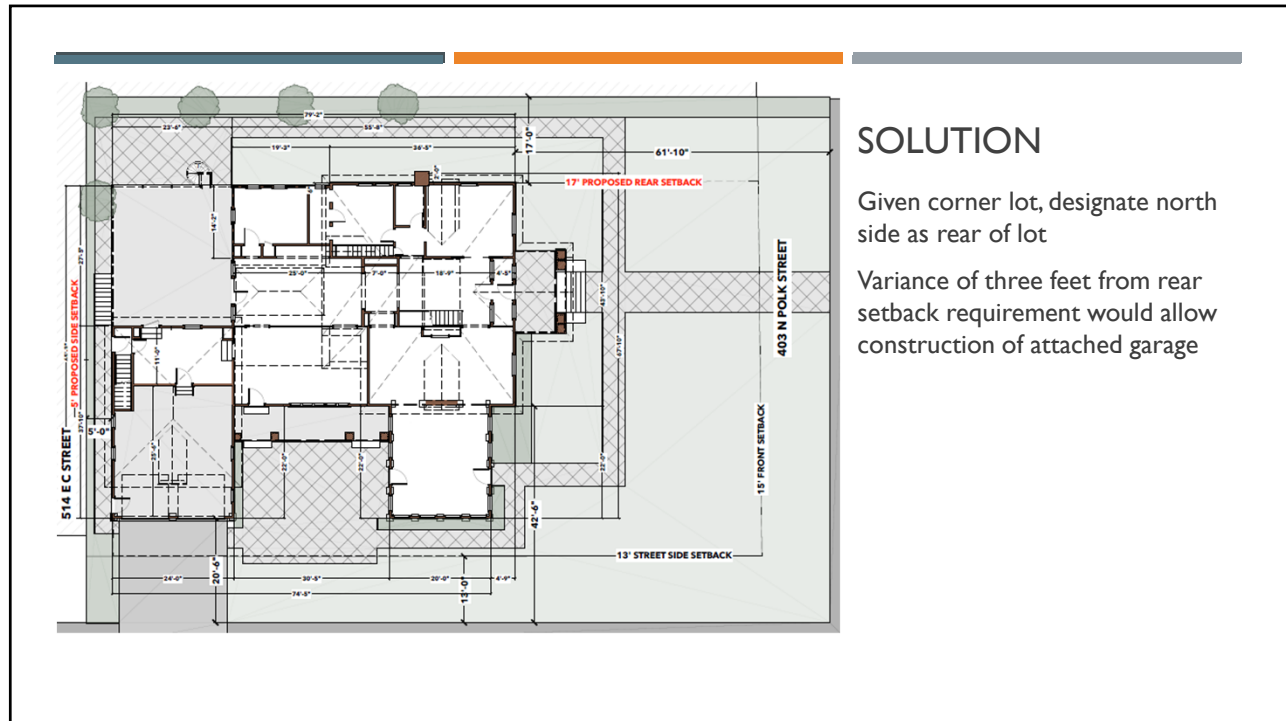
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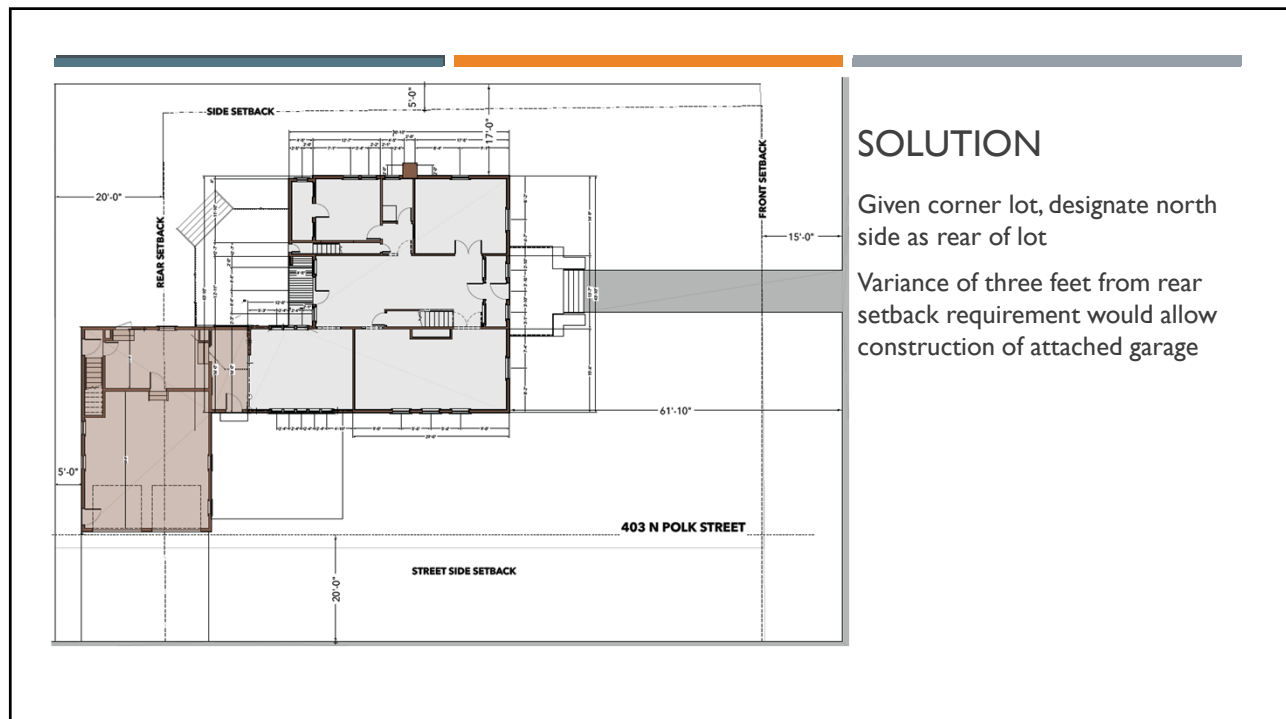
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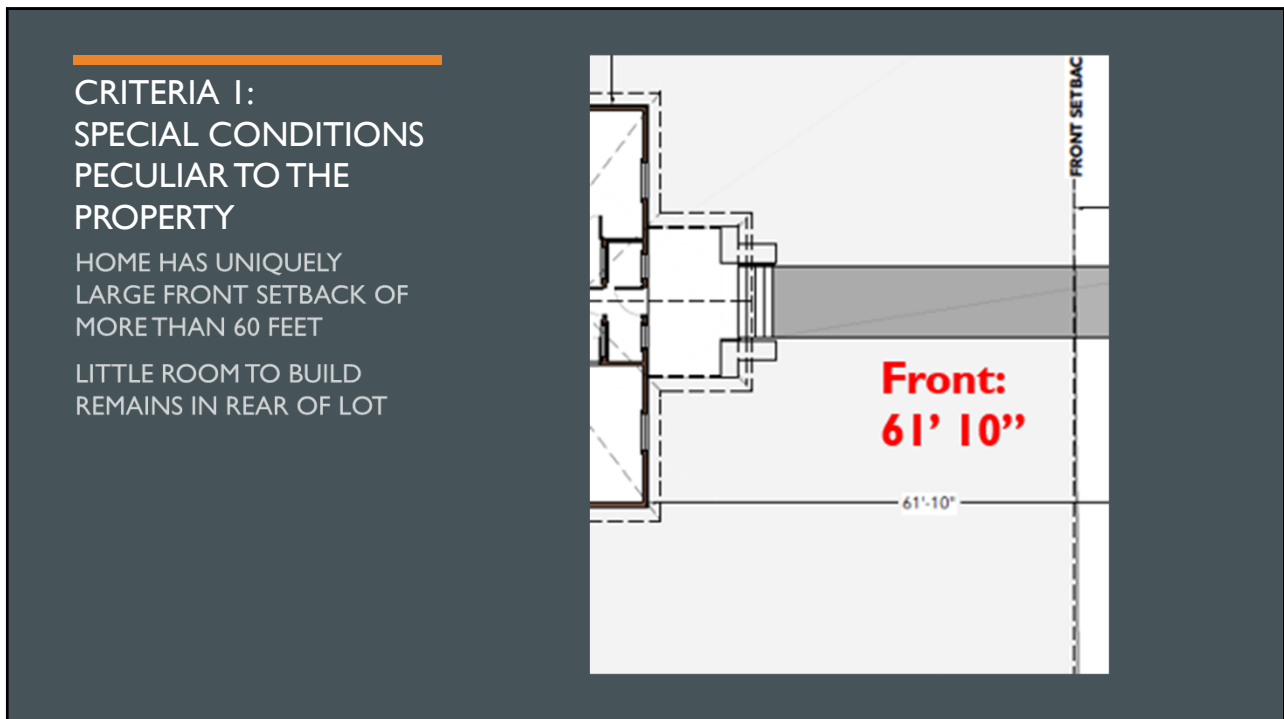
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COMPARISON OF NEARBY HOMES

Other homes within one block of property have much smaller front setbacks

No nearby single-family home has as large a front setback

15

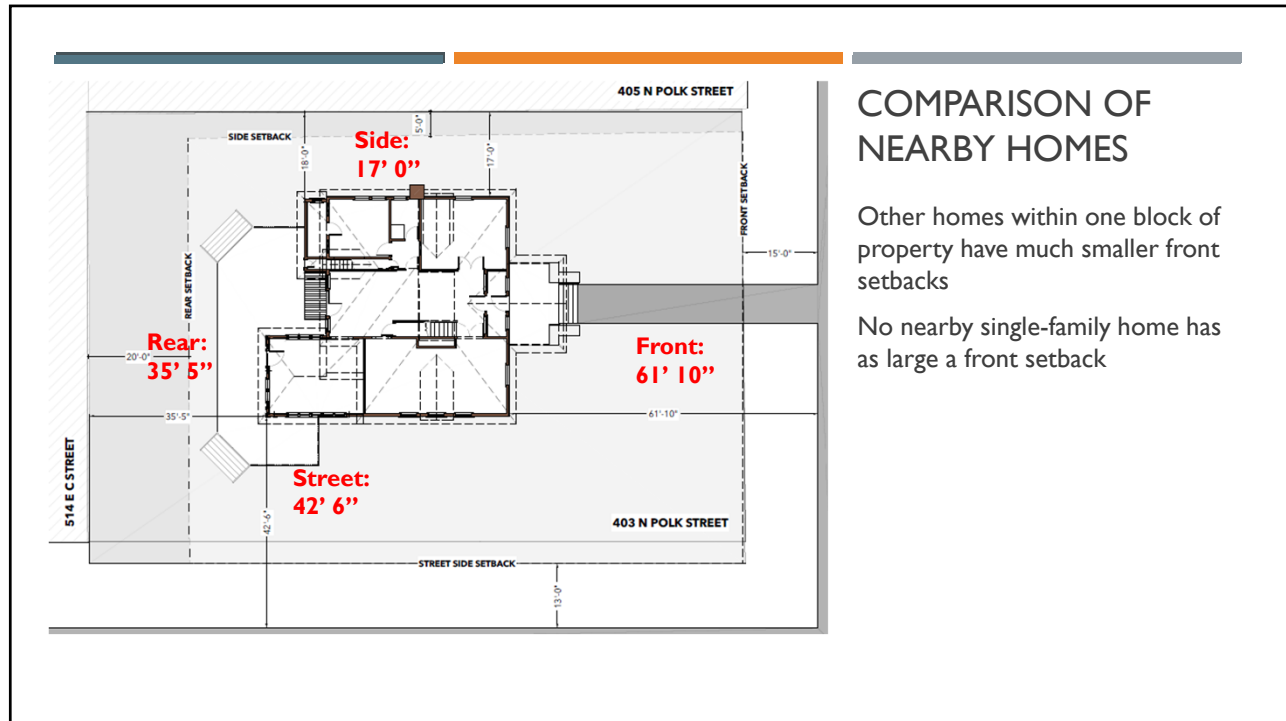


COMPARISON OF NEARBY HOMES

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16



17

**CRITERIA II:
DENIAL WOULD DEPRIVE
RIGHTS COMMONLY
ENJOYED**

40 SINGLE-FAMILY HOMES
EXIST WITHIN ONE-BLOCK
RADIUS

9 HOMES HAVE ATTACHED
GARAGES (5 TWO-CAR)

4 HOMES HAVE ATTACHED
GARAGES AT 5 FEET FROM
REAR SETBACK

ALL 4 OF THOSE ATTACHED
GARAGES ARE ON CORNER
LOTS

18



328 N POLK ST

Attached garage at five feet from property line

19



323 N HOWARD ST

Attached garage at five feet from property line

20



415 N POLK ST

Attached garage at five feet from property line

21



634 E B ST

Attached garage at five feet from property line

22

CRITERIA III: NO HARM TO PUBLIC OR NEIGHBORS

PERVASIVENESS OF
ATTACHED GARAGES IN
NEIGHBORHOOD SHOWS
THAT USE IS CONSISTENT
WITH PRECEDENT

NO AESTHETIC HARM

NO PROPERTY VALUE HARM

NO OFF-STREET PARKING
HARM



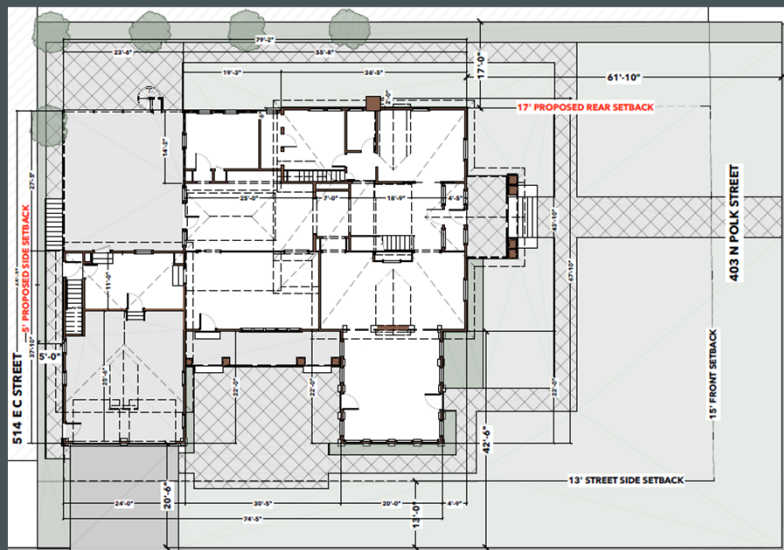
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CRITERIA III: NO HARM TO PUBLIC OR NEIGHBORS

EFFECT ON NORTH
NEIGHBOR IS SAME AS WHAT
ALREADY EXISTS

EFFECT ON EAST NEIGHBOR
IS SAME AS PERMITTED WITH
DETACHED GARAGE

OTHER CONCERNS RELATE
TO BUILDING PERMITS, NOT
TO GRANT OF VARIANCE



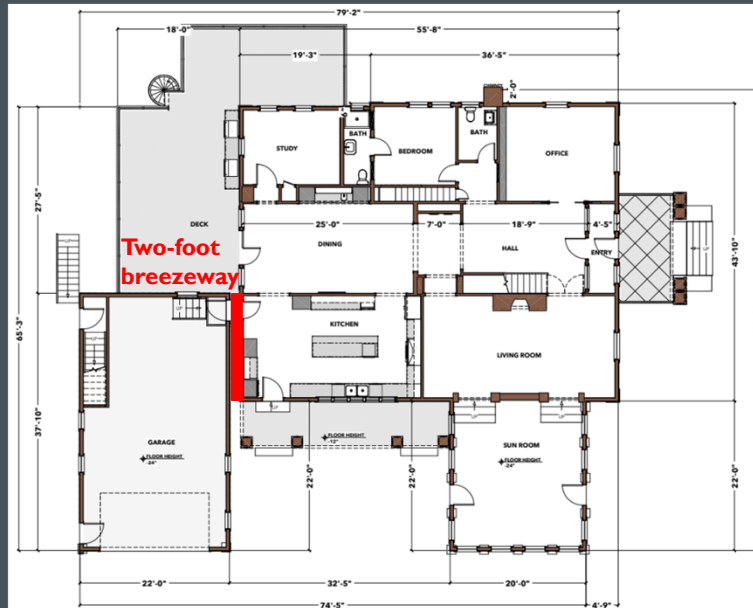
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OTHER CONCERNS RELATE
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TO GRANT OF VARIANCE



25

403 N POLK ST

Lincoln & Manisha Wilson

Seeking Three-Foot Variance from Rear Setback to
Construct Attached Garage in Lieu of Detached
Garage with Two-Foot Breezeway



26

April 9, 2025

To:

City of Moscow Board of Adjustment

504 S. Washington Street
Moscow, ID 83843

Subject: Serious Concerns regarding the Setback Variance Request - 403 North Polk Street

Dear Members of the Board,

I am the owner of 514 E. C St., the property directly west of the requesting property. The Notice of Public Hearing was my introduction to this proposal. I am responding here to Criteria #3.

The Wilsons are asking for a variance that would allow them to place their garage, mudroom, patio and second story bonus room, 5' from my property line. Upon reviewing the architectural drawings the expansion they are choosing to build will directly impact my home and property. I have four major concerns:

- 1) As a result of the size of the build I think the issue of drainage is most concerning to me. My home is over one hundred years old and is very susceptible to the intrusion of water. I have had minor issues to date with no desire for major ones. The expansion of 403 N Polk will result in a major disturbance of the soil and the creation of new drainage pathways which will flow directly toward my foundation.
- 2) A part of my decision to invest in a home in this area was due to the thoughtful attention to the spacing of homes and green spaces. I am concerned that the size and location of the expansion of my neighbor's home will substantially reduce the appeal of my home when I am ready to sell. Rather than enhancing my property value it will likely lower it. If this two car, two story garage, mudroom and patio had been in place when I was first viewing the property, I would not have purchased the home.
- 3) Sunlight is precious. I love waking up to the the sunlight in the morning in my living room and upstairs bath. The proposed expansion will shade my house, eliminating all light from the east. Trees allow for filtered light, buildings do not.

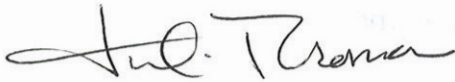


- 4) I am very concerned about the health of the trees in the area, particularly my Cedar tree and Kentucky Coffeetree. The excavation will slice into the root systems and experts have told me these trees will die.

The current plan turns a beautiful historic home into an indulgent estate that does not belong in the middle of the Fort Russell Historic District. The property does not have the space around it that such an expansive home demands. Having grown up in Moscow I remember Fort Russell as an enchanting and inviting neighborhood to enjoy as a member of the Moscow community, particularly as seasons changed. I was lucky enough to be able to purchase a home in this district. I did so, assuming the responsibility to uphold and protect its history for the community and for the city of Moscow.

I respectfully request you deny this request for variance.

Sincerely,



Julie Thomas
514 E. C St.
Moscow



April 13, 2025

To The Board of Adjustments of the City of Moscow,

I am writing to you in regards to the variance application for 403 N Polk St. I live at 323 N. Howard street, one of the properties mentioned as an example in the application. I am writing to voice my strong objection to this application as it does not meet the required criteria for an exception and I believe it would have a significant negative impact on the neighborhood.

Criteria #1.

The lot in question is quite large and there are other options that would not require a variance. The topography is similar throughout and as this is a corner lot they have street access from 50% of the property. This leaves several options to build an attached garage that will not violate the variance. The answer provided by the applicant claims hardship for the large setbacks in the front leaving little room in the rear of the property when it is clear from looking at the property that an attached garage could be built on either side of the structure (north or south) without requiring a variance application

Criteria #2

As permit documents are only retained for so long at our local building department, it is impossible to know what the zoning laws were at the time of construction and whether a variance was required at the time. Additionally, the neighboring houses cited by the applicant are not as relevant as they would hope. 323 N Howard has a garage that uses the support of the original structure but does not have access to the garage from inside the dwelling. 328 Polk has a garage that is closer than is currently permitted by code, but the addition to the dwelling still observes a large set back. The garage portion stands next to the neighboring dwellings garage and thus would not impede on any light, views or mature trees that may be enjoyed by the neighboring tenant. This current applicant would be significantly impacting their neighbor to the West. The scale of the proposed addition is far out of proportion from the examples stated in their application.

Criteria #3

The subject property is already one of the largest dwellings in the neighborhood. The changes reflected in the plans would not compliment the neighborhood as the applicant claims. The Fort Russel neighborhood is celebrated for its typically smaller, beautiful homes with different architectural styles and more space between them than will be

found in new developments. The preservation of this is important to the entire neighborhood but most notably to their direct neighbors. The application appears misleading as it requests permission to add a two-car garage when in fact they are more than doubling the existing footprint of the dwelling. Additionally, they are requesting the setback with the standards of a detached garage. These plans are grossly out of scale to be considered as such. The proposed variance would most certainly allow a greater intrusion on the neighboring lots than is already permitted by code or a variance application would not be needed. Currently the front of the subject dwelling is on Polk street, and the rear of the home has an appropriate distance from the neighboring property to the West. The applicant would like you to disregard this not because it is needed, but because it is what they want.

The neighborhood would be more than willing to support plans for an attached garage for the applicant to help their child, but the request exceeds this purpose and it should not be at the detriment of others when alternate solutions are apparent. As it is clear that the applicant has not met the criteria for a variance or explored the options that are within code compliance and more respectful to the neighborhood, I humbly request you deny this request.

Sincerely,

Alexis Bailey

April 14, 2025

To members of the Moscow Board of Adjustment:

My name is Tina Hilding. I live at 411 N. Howard Street. We greatly enjoy living in the historic Fort Russell district. I would like to express my concern and opposition to the proposed variance for 403 N. Polk Street.

Looking at the proposed variance, I do not believe that the applicant meets the 3 criteria required for a variance. In particular:

1. Regarding criteria #1: Special conditions and or circumstances exist which are peculiar to the property.

The applicant stated that they have "little room in the back of the house for an architecturally appropriate garage, unless the garage is detached."

I believe many people in the Fort Russell neighborhood do, in fact, have detached garages, including our home. There is no reason specified why a detached garage wouldn't work. Furthermore, a 2-car garage is a rarity (if unknown) in the Fort Russell area. I think a large, 2-car garage would be out of place. Furthermore, it seems there *is* room for an addition of a small garage on the property.

Regarding criteria #2: APPLICATION OF THE PROVISIONS OF THE CITY ZONING CODE WOULD IMPOSE UNDUE HARDSHIP AND WOULD DEPRIVE THE PROPERTY OWNER OF RIGHTS COMMONLY ENJOYED BY OWNERS OF OTHER PROPERTY SIMILARLY SITUATED IN THE SAME ZONING DISTRICT.

I do not believe that the current setbacks cause undue hardship. Many families in the neighborhood have small, detached garages in keeping with the historic nature of the district. The garages are often behind homes, again, in keeping with the historic area.

The addition proposed is very large and includes much more space than a garage, including 1,400 square feet for a rec room and storage, 1200-square feet for a mudroom, dining room, study, sunroom and side porch, and a 700-square foot bonus room. *It is not properly explained in the application how this applicant faces undue hardship and how they are deprived.*

Criteria #3. GRANTING OF THE VARIANCE WILL NOT BE IN CONFLICT WITH THE PUBLIC INTEREST OR INJURIOUS TO PROPERTY OR PERSONS IN THE VICINITY OF THE SUBJECT PROPERTY.



The applicant states that the addition will be consistent with the neighborhood character. I do not believe this is the case, and I believe the size of the addition would impose significantly on neighbors.

The Fort Russell is a historic district on the national historic register, valued for its older homes that pre-date automobiles. Large garages are not appropriate for the neighborhood. The neighborhood is well known for its feeling of walkability, which is largely because of its narrow streets, lack of large garages, and front porches that face the street.

I believe there are many other neighborhoods in the region where large garages and large additions do work much better.

In consideration of the applicant not meeting these criteria, I hope you will not support this variance.

Thank you. Sincerely,

Tina Hilding



City of Moscow Board of Adjustment

RE: Proposal for a Variance at 403 N Polk Street

April 10, 2025

To whom it may concern,

We are writing to strongly oppose the proposed variance at 403 N Polk Street. We live at 419 N Howard Street, one street over, where we've resided since 2017. We are raising our two children (ages 12 and 14) here, and we specifically chose to live in the Fort Russell Historic District for its character, charm, and sense of neighborhood integrity.

Regarding Criteria #1: No special conditions exist to justify this variance.

The lot in question is already generously sized, especially by Fort Russell standards. While the applicants cite street-side setbacks as limiting, there is still sufficient space to build within existing zoning requirements. The claim of unusually large setbacks is not sufficient justification, especially when the applicants are attempting to reorient the home's front door in order to reclassify setbacks and fit an outsized structure. That approach demonstrates that the plan is simply too large for the property and does not reflect a special circumstance, it reflects overreach.

Regarding Criteria #2: Application of the zoning code does not impose undue hardship that would deprive the owners of rights commonly enjoyed by others.

The claim of undue hardship is not supported by the proposed design. While we support reasonable accommodations for accessibility, this request calls for a substantial expansion, adding over 5,000 square feet, far exceeding what is needed for accessibility alone. This request is not comparable to other variances or garage additions in the area and should not be treated as such. The scale and scope of the proposed project go well beyond what similar lots and homes can reasonably support. Other families in Fort Russell, including those with children with special needs, have successfully made necessary accommodations without the need for such an extensive addition, demonstrating that the proposed expansion is not justified by the circumstances.

Regarding Criteria #3: This variance would be injurious to the public interest and surrounding properties.

The proposed structure is grossly out of scale for the neighborhood and incongruent with the historic character of Fort Russell. It infringes on neighboring properties by pushing up

against property lines, threatening mature trees, and altering the sense of space and privacy. The impact on light, drainage, and visual cohesion will be felt across adjacent homes. Additionally, there is already a large boarding house directly across from this proposed addition, which has contributed to increased parking congestion and traffic. Adding another large-scale residence on this block, particularly with a year or more of disruptive construction on narrow, historic streets, would further strain the infrastructure, traffic flow, and daily livability of our community.

We chose to purchase a home in Fort Russell because of its charm, community feel, and commitment to historic preservation. Projects like this fundamentally undermine what makes Fort Russell special. They signal a shift toward individual interest outweighing collective good, and we find that deeply disappointing.

A structure of this size would be far more appropriate for a large rural or county lot, where setbacks, traffic, and neighborhood integrity are less of a concern. The zoning codes exist precisely to protect historic districts like this one from overbuilds that disrupt the established scale and character of the area. Approving this variance would set a troubling precedent for Fort Russell and could jeopardize the future character and livability of our historic neighborhood.

Sincerely,

Brian and Alison Petty

419 N Howard Street

Moscow, Idaho 83843

April 13, 2025

City of Moscow Board of Adjustment

Dear Members of the Board,

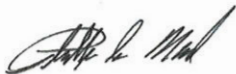
My name is Philip Mead, and I am an associate professor of architecture at the University of Idaho. I am writing in regard to the upcoming Public Hearing on the Variance Application for a 20-foot rear yard setback for a proposed addition at 403 N Polk Street. As an architectural historian and educator who is sensitive to the relationship between the built environment and its cultural and aesthetic context, I strongly urge the Board to reconsider this variance request.

Because this variance is located in one of Idaho's most distinguished historic districts, this particular Fort Russell neighborhood demonstrates a rare historical charm free of garage door dominated roads so often found in newer neighborhoods. The proposed variance would wreck the character of the existing street front aesthetic by imposing two garage doors on a cherished street front that typically has one car garages set well away from the street front. The new double car garage would also compromise its eastern neighbor's morning light and views to the southeast. Additionally, building so close to this neighbor would most likely kill the existing neighbor's tree's root systems and thereby kill the trees that lend additional character to the street front. The owner's two examples of neighboring variances of garages do not help his case because these examples are sensitive to their neighbors and the street front; this two car garage addition is not for reasons stated above.

I sympathize with the owner's need for an attached garage, but I believe a more sensitive addition can be proposed in order to preserve the beautiful character of this neighborhood. If the owner were to push back the garage 12 more feet resulting in a setback of 32 feet from the south property line AND eliminate the west parking space in the garage (approx. 10 feet) then this would ensure the root system of the western neighbor's trees, to survive. Based on the owner's reasons for the variance, I believe a one car garage addition separated roughly 20 feet from its western neighbor is a reasonable compromise for the neighborhood and the owner.

Allowing this variance to stand without compromise would also establish a troubling precedent. In my professional opinion, the preservation of this district requires a more nuanced understanding of the zoning and setback requirements designed to maintain the character and beauty of one of Moscow's finest neighborhoods.

Sincerely,

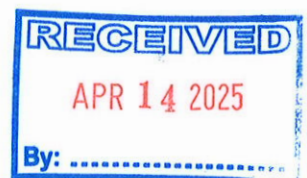


Phillip G. Mead AIA

Assoc. Prof. Architecture Program



875 Perimeter Dr.
PO Box 442451
Moscow, Idaho 83844
Cell 208-596-5861
Office, AAS 307
University of Idaho



Subject: Strong Opposition to Variance Request at 403 N Polk Street (LUP2025-0007)

April 13, 2025

Dear Members of the Board of Adjustment,

Our neighbors at 403 N Polk Street have requested a variance that would allow them to build a more than 3,000-square-foot addition to their home. If permitted, the expansion would eliminate most of the open space between the petitioner's home and the adjacent property. It would remove several old-growth trees and threaten the survival of others. The massive structure would disrupt the balance of buildings and open space that is a hallmark of our historic Fort Russell neighborhood. For the house next door, the intrusive addition would forever curtail privacy and could trigger damaging water runoff problems.

We urge you to oppose this variance request.

A proposal that's not what it seems

The proposal uses clever gymnastics in an apparent effort to skirt the intent of Moscow's zoning code.

It calls the proposed addition a "garage." In reality, the new structure would be far more extensive. It is a two-story expansion with *more square footage than our entire house* (which is located at the opposite end of the block). In addition to a two-car garage, plans include space for a mudroom, recreation area, study, dining room, kitchen extension, bonus room, and storage.

The proposal would have you believe that the space to the rear of the house is not actually a rear yard, but a side yard. It erroneously designates the smaller yard on the north side of the house as the "rear." Switching the yard designations flies in the face of logic, since the original rear yard is undeniably located behind the house. However, the switch may be an effort by the petitioners to manipulate setback requirements.

If the variance were granted, petitioners would expand their house to the west. The structure would extend into the real back yard (falsely designated a "side yard") by 24 feet. That would trim the current 20-foot rear-yard setback to a 5-foot sliver.



The falsely designated “rear yard,” located at the side of the house, is only 17-feet deep—three feet shy of the 20-foot rear yard setback requirement. The proposal asks for a 3-foot variance to allow for the difference.

The variance requests are based on a devious twist of the truth: that the side yard is in the back of the house and that the back yard is on the side.

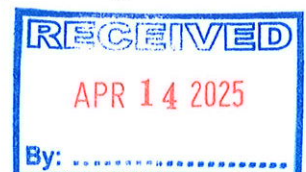
Criteria for exemption not met

We considered whether the proposal complies with requirements for setback variance approval. It appears to fall short on all three counts:

- **Existence of special conditions peculiar to the property:** The petitioner argues that setback requirements limit their ability to add an attached garage. This is not unusual among Fort Russell homes. Many neighboring properties have constraints imposed by setbacks. The absence of garages is part of what preserves the district’s charm. Surely the homeowner must have been aware of layout and zoning limitations when purchasing the property.
- **Undue hardship would be imposed by application of provisions of the zoning code:** The petitioner cites the desire for an attached garage to assist with care for their one-year-old child with special needs. Having raised our own child with special needs in the Fort Russell neighborhood, we have tremendous empathy for the parenting challenges that the petitioner faces. However, the petitioner fails to deliver a compelling argument as to why an attached garage is important to the care of their one-year-old—or why lack of one presents an undue hardship.

We raised our child in a home with a detached garage. In no way did the garage configuration limit our son’s development or the quality of his childhood. The petitioner’s child’s unique needs might be met in creative ways: with ramps or thoughtful interior modifications, for example. It should not be necessary to compromise the historic character of the community.

- **Proposal not in conflict with the public interest or injurious to property or persons:** What we love about our Fort Russell neighborhood is its historic charm. Old-growth trees shade the walkways and yards. Houses and outbuildings exist in harmonious proportion to open space—and to one another. This proposal violates the principles that define the neighborhood’s character.
- **Trees:** The proposal would require removal of multiple mature trees on the petitioner’s property. It would jeopardize the root systems of legacy cedar and other trees on the neighbor’s lot to the west, potentially leading to their decline or death.



- **Spatial balance:** The home's massive footprint would consume most of the open space that currently separates it from the neighboring home to the west. It would loom as a colossal structure, without a halo of open space to counterbalance its imposing size.
- **Injurious to neighboring home:** For the adjacent home to the west, the proposed structure could have far-reaching negative consequences. It would impair views, light, and privacy. It would introduce a large new roof and impervious surface directly beside the neighboring home, potentially altering stormwater drainage patterns. It risks funneling runoff into the neighboring century-old basement, causing long-term water damage.

Dangerous precedent

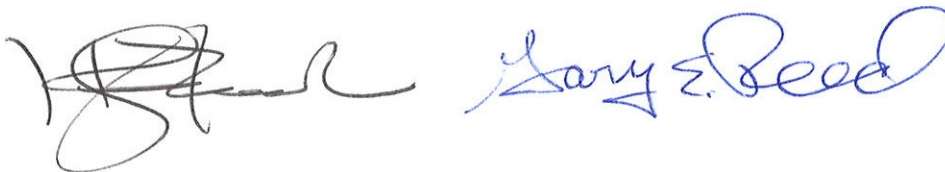
Approving this variance would set a harmful precedent. It could lead to green-lighting similar proposals in the future. Collectively, they would erode the charm and quality of life in the Fort Russell neighborhood that we value so deeply.

Please deny this variance request

This proposal risks destroying the unique qualities that make Fort Russell such a treasured place to live. Zoning laws exist to guard against exactly this kind of overreach. We respectfully urge the Board to deny the requested variance.

Thank you for your time and consideration.

Sincerely,

The block contains two handwritten signatures in blue ink. The signature on the left is stylized and appears to be 'Marilyn'. The signature on the right is more legible and appears to be 'Gary Reed'.

Marilyn and Gary Reed
503 East C Street
Moscow, ID 83843



City of Moscow
Board of Adjustment

RE: Proposal for a Variance at 403 N Polk Street

April 11, 2025

To whom it may concern:

I am writing to express my concerns about the variance proposed at 403 N Polk Street. I am the owner and resident across the street at 511 E C St along with my husband, my daughter (age 14), and previously my son (age 22). I have lived at this address for 11 years and have thoroughly enjoyed and continue to be happy with our neighborhood dynamics, collegiality, and ethics – particularly those related to culturing a safe and nurturing environment for everyone's children. However, based on the information provided by the application for the variance, it is clear to me that the applicants have little regard for the opinions and properties of the other residents in the neighborhood. The proposed modifications to the current residence are a) not respectful, b) are not necessary for the care of a disabled child, are most importantly c) unprecedented.

- A) It is not respectful to increase the size of one's residence where it will infringe on the light, trees, drainage, and visibility of neighboring properties.
- B) I am empathetic to the request to have an attached garage to facilitate the needs of a disabled child. If there are physical mobility issues (e.g., wheelchair), then the need for a ramp or covered walkway seems perfectly reasonable. However, I find it concerning that nearly 4000 square feet of finished square footage is being used as justification for a disabled child. My sister has Down's Syndrome (she lives just around the corner at 304 N. Van Buren) and does not need an attached garage (nor a media room, or an in-home gym, or a conservatory, etc).
- C) The application lists two residences with garages (as precedent) that are on corner lots where there is a violation of the variance. However, to my knowledge (based on requests to the city) there is no record of permits or hearings having been carried out for these modest additions and therefore precludes them from being 'precedents'. Second, the garage on 323 N. Howard while seemingly 'attached', there is actually no entry for the house into the garage from the interior. One must actually 'go outside' to enter this garage.

If this application is approved and the plans put forth are carried out, it will become a dangerous precedent for our neighborhood and the City of Moscow. I am disheartened and disappointed that the applicants did not discuss their needs and wishes with the neighbors. I am sure that through communication and collaboration we could facilitate a path forward that will allow for a safe and respectful addition to their home to assist with the care of their child.

Sincerely,
Tara Hudiburg

Attn: Board of Adjustment of the City of Moscow
RE: Permit application LUP2025-0007 for a Variance

April 12, 2025

To Whom It May Concern,

I am writing to formally oppose the variance request submitted by the owners of 403 N Polk Street. I reside at 323 N Howard Street—listed as a “precedent” property in the application—and have been a part of this community since August 2019. One of the defining qualities of our neighborhood is its small-town character and the mutual respect among neighbors, particularly when it comes to decisions that impact surrounding properties.

Unfortunately, the proposed variance deviates from this spirit. The applicants have changed the orientation of their home in a way that disproportionately affects their west-side neighbors at 514 E C Street, rather than the north-side property. This appears to be a deliberate attempt to minimize perceived impact and demonstrates a lack of consideration for adjacent homeowners.

Response to Variance Criteria:

1. Special Conditions

The lot at 403 N Polk does not present any unique physical conditions that prevent the construction of a garage on the E C Street side, where the owners already park. While concerns about natural light are understandable, these are trade-offs commonly faced by homeowners seeking attached structures. *Their comparison to our garage is inaccurate*—we do not have direct indoor access from our garage, nor did its construction alter neighboring drainage or topography.

2. Undue Hardship

There is ample space on the property to construct a garage consistent with others in the zoning district. The *variance appears to facilitate plans that extend beyond a basic garage*, which suggests the request is not rooted in necessity but in preference.

3. Public Interest & Neighbor Impact

The proposal negatively impacts neighbors at 514 E C Street by altering drainage, reducing sunlight, and compromising privacy—particularly due to the elevation and proximity of new living spaces. Moreover, *reorienting the home to justify this construction is misleading and undermines transparency in the process.*

For these reasons, I respectfully urge the Board of Adjustments to deny the requested variance. I appreciate your consideration and the thoughtful precedent your decision will establish for our neighborhood.

Sincerely,
Joshua Bailey
323 N Howard Street

A handwritten signature in black ink, appearing to read 'JTB', with a long horizontal flourish extending to the right.

**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 A NURSING AND
RESIDENTIAL CARE FACILITY LOCATED AT 2250 AUGUSTINE AVENUE IN THE
CITY OF MOSCOW, IDAHO, WITHIN THE RESIDENTIAL OFFICE (RO) ZONING
DISTRICT PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on March 6, 2025;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on April 14, 2025; 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 applicant is proposing to construct an assisted living facility at 2250 Augustine Avenue. The proposal is for a 16-bedroom assisted living facility for the elderly/disabled with not more than 16 residents. Caregivers will be limited to 3 during the day and 2 at night.
3. Assisted Living Facilities are categorized as Nursing and Residential Care Facilities within the Land Use Table in the Zoning Code. Nursing and Resident Care Facilities are defined within Moscow City Code as, "Establishments that provide residential care combined with either nursing, supervisory, or other types of care as required by the residents. In this subsector, the facilities are a significant part of the production process, and the care provided is a mix of health and social services with the health services being largely some level of nursing services."
4. The subject property is a 36,600 square foot parcel located within the Edington 1st Addition Subdivision on the east side of Augustine Ave.
5. The site is currently vacant along with adjacent lots to the north, east, and south.

6. The property to the west of the subject property has existing agricultural/shop buildings located upon it. The South Fork of the Palouse River is located to the north on property owned by the City of Moscow for park purposes.
7. The subject property is located within the Residential Office (RO) Zoning District. Properties adjacent to the east, south, and west are also located within the RO Zone. The City of Moscow property to the north which contains the South Fork of the Palouse River is currently zoned Farm Ranch (FR).
8. According to the City of Moscow Zoning Code, the RO Zone is a moderately intensive zone including both offices and high-density housing. It serves as a transitional Zoning District between residential Zoning Districts and commercial or industrial Zoning Districts. The RO Zoning District is appropriately applied in the following circumstances:
 1. On the perimeter of commercial or industrial districts where they abut residential land uses;
 2. Where transportation network use is greater than desirable for lower density residential uses;
 3. Where landforms create sites which are reasonably accessible by transportation systems and which are buffered from nearby residential areas; and
 4. Where the development patterns in a neighborhood will allow development of moderate intensity to occur without producing adverse visual impact or harm to the transportation network.
9. Chapter 2 of the Comprehensive Plan, Land Use and Community Character, designates the subject property as High-Density Residential.
10. According to the Comprehensive Plan, the High-Density Residential designated areas,
“allow the highest density residential development at common densities between 15 and 26 units per acre. Areas appropriate for this designation include those located adjacent to areas of higher activity where there is a range of uses. High-Density Residential areas should be located adjacent or in close proximity to designated arterial or collector streets. New areas of high-density residential development should be located near mixed-use activity areas and corridors that accommodate multi-modal transportation. Lands designated as Urban Residential are generally appropriately zoned Medium Density Residential (R3), Multiple Family Residential (R-4), or Residential Office (RO).”
11. Chapter 3, Community Mobility, identifies Augustine Ave as a collector street and Palouse River Drive as a minor arterial street.
12. The proposed facility will be accessed via Augustine Ave which is a 34-foot wide street with curb, gutter, tree lawns, sidewalks, and bike lanes on both sides.
13. Nursing and Resident Care Facilities require off-street parking be provided at a rate of one parking space per three beds, which requires six parking spaces based upon the sixteen beds that are proposed. The proposed site plan includes sixteen parking spaces, which exceeds the minimum parking that is required.
17. The new facility will be serviced by an existing water main located within Augustine Ave and an existing sewer main located in the alley to the south.

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:

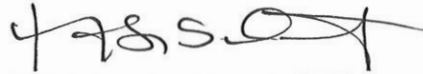
II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed use is a conditionally permitted use within the Zoning District:** Nursing and Residential Care Facilities are conditionally permitted in the Residential Office (RO) Zone per MCC 4-3-4.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed Nursing and Residential Care Facility is consistent with the existing character of the uses within the surrounding neighborhood. The residential character of the proposed use will coincide with the mixture of single-family dwellings, townhomes, and townhouses currently being developed in the Edington Subdivision.
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. The nursing and residential living facility is not expected to generate a significant amount of additional traffic to the neighborhood. Augustine Ave, which is designated as a collector street, is sufficient to accommodate any additional traffic that the proposed facility will generate.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The primary access to the facility will be via Augustine Ave, which is a collector street and is intended to carry high volumes of traffic. The existing water and sewer infrastructure is sufficient to accommodate the demand of the proposed facility.
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 use meets all applicable development standards of the zoning code. The proposed facility exceeds the minimum parking required by the code and provides a sufficient number of ADA parking spaces. The proposed facility will conform to the overall height and setback requirements in the RO Zone and will meet floodplain development requirements.
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 a Conditional Use Permit for a Nursing and Residential Care Facility at 2250 Augustine Avenue with no conditions

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW this 22 day of April, 2025.



Jerry Schutz, Chair
Board of Adjustment

* In accordance with Moscow City Code Section 4-6-5, any applicant, City representative or affected person, may appeal a final decision of the Board of Adjustment or of the Planning and Zoning Commission to the Council within ten (10) calendar days following a final decision of such Board or Commission regarding an interpretation of or administration of the Zoning Code by the Zoning Administrator, which includes: a variance application, conditional use permit, or PUD, by filing written notice of appeal specifying the grounds therefor with the City Clerk, or their designee. Grounds upon which an appeal to the City Council may be made following a final decision of the Board of Adjustment or of the Planning and Zoning Commission includes the following:

1. Decision violates statutory or constitutional provisions;
2. Decision exceeds statutory authority;
3. Decision was made upon unlawful procedure;
4. Decision was unsupported by substantial evidence in the records or as a whole; or
5. Decision was arbitrary, capricious, or an abuse of discretion.

**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 VARIANCE REQUEST TO REDUCE THE REAR YARD SETBACK
FOR A PROPOSED ADDITION TO A SINGLE-FAMILY DWELLING AT 403 NORTH
POLK STREET WITHIN THE MEDIUM DENSITY RESIDENTIAL (R-3) ZONING
DISTRICT PER MOSCOW CITY CODE 4-4-2.**

WHEREAS, the applicant filed an application for a variance on March 25, 2025; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on April 14, 2025; and

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

**THE MOSCOW BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO,
AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, Comprehensive Plan, and Moscow City Code.
2. The applicants, Lincoln and Manisha Wilson, are requesting a variance to reduce the rear yard setback for a proposed building addition on a lot located at 403 North Polk Street within the Medium Density Residential (R-3) Zoning District.
3. The applicants are proposing to reduce the required twenty-foot (20') rear yard setback to seventeen feet (17') to accommodate a proposed 3,370 sf addition.
4. The proposed addition includes a recreation room, two-car garage, mudroom, study, dining area, storage area, bonus room above the garage, and small increase to the kitchen area.
5. The existing lot is located on the corner of Polk Street and 'C' Street. Since corner lots have two street frontages, property owners are able to choose which street frontage to designate as the front property line and which to designate as the street side property line. The rear property line is always the opposite of the designated front property line.
6. The subject property has historically designated the front property line along Polk Street and the rear property line as the west property line. The current setbacks are fifteen feet (15') for the front setback measured from the back edge of the sidewalk closest to the lot on Polk Street, thirteen feet (13') for the street side setback measured from the back edge

of the sidewalk closest to the lot on 'C' Street, five feet (5') for the side property line to the north, and twenty feet (20') for the rear property line to the west.

7. In order to accommodate the proposed addition, the applicants wish to declare the front property line along 'C' Street and the rear property line as the north property line. The existing house is currently seventeen feet (17') from the north property line, which does not meet the twenty-foot (20') rear yard setback requirement.
8. The applicants have requested a three-foot (3') variance in order to designate the north property line as the rear property line. The minimum side yard setback is five feet (5'), which would allow the proposed addition to be constructed five feet (5') from the west property line if the variance is approved. The fifteen foot (15') front setback would be measured from the back edge of the sidewalk closest to the lot on 'C' Street and the thirteen foot (13') street side setback would be measured from the back edge of the sidewalk closest to the lot on Polk Street.
9. The subject property is located within the Medium Density Residential (R-3) Zoning District.
10. The R-3 Zone provides for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan.
11. Uses permitted within the R-3 Zone include single-family dwellings, two family dwellings, twinhomes, townhouses, market and community gardens, group and small childcare facilities, and public parks and recreation facilities. All surrounding properties are also located within the R-3 Zone.
12. The subject property is approximately 11,050 square feet in size and is bound by 'C' Street to the south and Polk Street to the east.
13. The subject property is within the Fort Russell Historic District and is listed as a contributing building. Surrounding properties are primarily single-family dwellings which are also located within the Fort Russell Historic District.
14. The subject property is adjacent to 'C' Street and Polk Street which are both local neighborhood streets.
15. Chapter 2 of the Comprehensive Plan, Land Use and Community Character, designates the subject property as Urban Residential.
16. Urban Residential designated areas are,

"comprised of more compact residential development at densities of five to 15 units per net acre. This designation encompasses many of the older and historic residential neighborhoods of town which are located in close proximity to the City core and are developed in a traditional grid street pattern with alley access. Prevailing lot sizes within existing neighborhoods generally range between 5,000 to 7,000 square feet in size. Lands designated as Urban Residential are generally appropriately zoned Medium Density Residential (R-3) or Multiple Family Residential (R-4)."

17. During the public testimony portion of the public hearing there were eleven (11) neighbors who submitted verbal testimony which was generally opposed to the proposed project and variance.
18. There were ten (10) written comments which were submitted prior to the meeting which were all generally opposed to the proposed project and variance.
19. The Board took into consideration all of the public testimony that was received on the proposal and also the applicant's testimony and determined that the proposal would be detrimental to the surrounding area.
20. The Board finds that there are similarly sized lots within the surrounding area and the subject property contains no special circumstances or conditions.

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 applicant has demonstrated that special conditions and/or circumstances exist which are peculiar to the property (such as size, shape, topography or location) which are not applicable to other property similarly situated in the same zoning district.** The Board finds that the property is comparable in size to other lots within the surrounding neighborhood and is larger than many. The Board finds that there is nothing peculiar about the size, shape, and topography of the subject property which would warrant a variance. There are options within the existing code to construct a similarly sized detached garage five (5) feet from the west property line, and also options within the current setback requirements to construct an addition onto the existing house.
2. **The applicant has demonstrated that, because of the aforementioned special conditions of the property, application of the provisions of this Zoning Code would impose undue hardship and would deprive the property owner of rights commonly enjoyed by owners of other property similarly situated in the same zoning district under the terms of this Zoning Code.** The owners purchased the property knowing the location of the house on the lot and there are no special conditions or hardships that have been identified on the property. There are currently options for expansion within the existing setback requirements which would allow for the construction of a detached garage and additions onto the house. Detached garages are common within the Fort Russell Historic District and the size of the existing house is similar to most of the houses in the surrounding area.
3. **Granting of the variance will not be in conflict with the public interest or injurious to property or persons in the vicinity of the subject property.** There has been a substantial amount of public testimony in opposition to the variance which indicates that granting of the variance would be in conflict with the public interest in the surrounding area.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment denies the application for a Variance to reduce the rear yard setback for a proposed building addition on a lot located at 403 N Polk Street.

DENIED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 22
OF Apr, 2025.



Jerry Schutz, Chair
Board of Adjustment

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