

BOARD of ADJUSTMENT



Jerry Schutz
Board Chair
BOA@ci.moscow.id.us

Public Meeting
~ Agenda ~

Michael Ray
Staff Liaison
208.883.7008

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

Wednesday
June 4, 2025

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of Minutes from May 29, 2025 (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 for a Type II Accessory Home Occupation consisting of an in-house bakery with on-site customer service located at 943 Mabelle St within the Moderate Density Residential (R-2) Zoning District, per Moscow City Code 4-3-4.

PROPOSED ACTIONS: Review the draft Relevant Criteria and Standards document and approve; or approve the document 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 June 17, 2025.

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



Jerry Schutz
Board Chair
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Public Hearing
~ Minutes ~

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

Thursday
May 29, 2025

7:00 PM

Council Chambers
206 E Third Street

Schutz called the meeting to order at 7:01 PM

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

REGULAR AGENDA

1. Approval of Minutes from April 22, 2025 (ACTION ITEM)

Thomson moved for approval of the minutes as written, seconded by Dickinson. Roll Call Vote; Ayes: Dickinson, Schutz, Thomson (3) Nays: None. Abstentions: Bush, Comstock (2). 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 943 Mabelle Street. Permit Application LUP2025-0013 (ACTION ITEM)

Conditional Use Permit application for a proposed Type II Accessory Home Occupation consisting of an in-house bakery with on-site customer service located at 943 Mabelle St within the Moderate Density Residential (R-2) 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. Parking is available on both Mabelle and Blaine Streets, but there is a bus stop directly in front of the subject property. The shed shop structure was built code compliant, as far as building and electrical standards.

Bush arrived at 7:10 PM

The Public Hearing opened at 7:10 PM

Molly Rizzuto (applicant), Moscow, provided a brief presentation (see attached) for the Board explaining the purpose for opening a shed shop in a residential area. Home bakeries are part of the “cottage industry business” classification, which is not regulated by the Health District. The business is fully insured.

Nils Peterson, Moscow, was the owner of the commercial kitchen that the applicant previously used for years. Mentioned the article that was provided as part of his public comment in the Board packet regarding accessory commercial units. He offered support for the proposed conditional use permit.

Dulce Kersting-Lark, Moscow, spoke in favor of the proposed application and the owners of Goose House Bakery.

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

The Public Hearing closed at 7:23 PM

The Chair announced that there were 26 positive and 1 opposing comments submitted for the CUP hearing. The Board had a conversation about the local support for small businesses, and the great use for a large residential lot with in-fill uses. Complimented the applicant on working to develop a shed shop that was in character with the neighborhood.

Comstock moved to approve the CUP for the bakery shed shop located at 943 Mabelle St and directed Staff to prepare the draft Relevant Criteria and Standards document. The motion was seconded by Thomson. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

There was a brief discussion about the appeal period and when the bakery shed shop could open.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on June 4, 2025.

The meeting adjourned at 7:28 PM

Jerry Schutz, 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 A TYPE II
ACCESSORY HOME OCCUPATION LOCATED AT 943 MABELLE STREET IN THE
CITY OF MOSCOW, IDAHO WITHIN THE MODERATE DENSITY RESIDENTIAL (R-
2) ZONING DISTRICT PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on April 24, 2025; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on May 29, 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 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicant, Molly Rizzuto, has applied for a Conditional Use Permit (CUP) for a Type II Accessory Home Occupation located at 943 Mabelle Street.
3. The applicant is proposing to operate a bakery business out of her home and include a small physical space located in a shed building, where the community may purchase baked goods.
4. The retail space will be referred to as the Goose House Bakery Shed Shop and will be open approximately 6 hours per week for the public to purchase pre-packaged to-go bakery items displayed inside the Shed Shop.
5. The hours of operation are proposed to be Thursdays from 3pm-6pm and Sundays from 9am-12pm.

6. The shed contains 80 sf of interior space, which can accommodate only a few people at a time, including the applicant.
7. The only employees are people currently residing within the residence. No deliveries are made to the property, aside from typical FedEx/USPS/UPS deliveries to the home's front door.
8. The subject property is located within the Moderate Density, Single Family Residential (R-2) Zoning District along with most of the surrounding properties. Within the R-2 Zone there are two types of home occupations, Type I and Type II. A Type I Accessory Home Occupation is a non-residential use conducted solely by the inhabitants of the dwelling within such dwelling unit, or allowable accessory structure thereto; where there are no on-site employees or customer services provided; and where the conduct of the use does not change the character or nature of the dwelling or surrounding area.
9. A Type II Accessory Home Occupation is a non-residential use conducted by the inhabitants of the dwelling with up to one (1) additional on-site employee, and/or with on-site customer service provided upon the subject property, and where the conduct of the use does not change the character or nature of the dwelling or surrounding area. Type II Accessory Home Occupations are a conditional use within the R-2 Zone.
10. The subject property is approximately 7,000 sf in size and is located on the corner of Mabelle Street and Blaine Street. All surrounding uses are primarily residential with the exception of the Fairgrounds and National Guard Armory to the southeast.
11. The main driveway access to the subject property is via Mabelle Street which is designated as a local neighborhood street. The property also has approximately 67 ft of frontage on Blaine Street which is designated as a collector street. Both streets are paved with curbing, but only Blaine Street has sidewalks.
12. Accessory Home Occupations are subject to performance standards within MCC 4-3-5(B)(4), which are as follows:
 - 1) Outdoor Activities: All activities shall be conducted wholly within the principal structure or a permitted accessory structure thereto. External storage or display of goods or equipment shall be prohibited.

The Board finds that there are no outdoor activities proposed with this application. The baking will occur within the main dwelling and the retail sales and pick-up will occur within the Goose House Bakery Shed Shop.
 - 2) Appearance of Structure and Site: The dwelling and subject property shall remain residential in character and the Accessory Home Occupation use shall not be discernable from the exterior of the principal structure or permitted accessory structure thereto. No alterations of the structure or subject property which would change the residential appearance of the dwelling and subject property shall be

permitted. Examples of such prohibited alterations include construction of parking lots, paving of setbacks, external signage not otherwise permitted by this Code, or adding commercial exterior lighting.

The Board finds that the application and site plan show no exterior alterations to the site that would change the residential character or make the accessory home occupation use discernable from the outside of the principal structure or accessory shed structure.

- 3) Vehicles: No more than one (1) vehicle shall be discernable as being used in association with the Accessory Home Occupation. The maximum size of such vehicle used in association with the Accessory Home Occupation shall be no more than one (1) ton capacity and shall not include any trailer.

The Board finds that there are no vehicles associated with the accessory home occupation which are discernable as being used for the business.

- 4) Deliveries: Deliveries and/or pick-ups of supplies or products associated with the Accessory Home Occupation shall be allowed only between 8:00 a.m. and 6:00 p.m. local time.

The Board finds that no deliveries are made to the property, aside from typical FedEx/USPS/UPS deliveries to the home's front door.

- 5) Nuisances: Unless otherwise permitted by law, no Accessory Home Occupation shall produce any detectable fumes, odors, dust, heat, noise, vibration, glare, electro-magnetic field, electrical interference, or other effects outside the dwelling which is incompatible with the characteristics of the residential Zoning District or is otherwise a violation of this Code.

The Board finds that there will be no nuisances generated by this accessory home occupation.

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:** Type II Accessory Home Occupations are conditionally permitted use within the Moderate Density Residential (R-2) Zoning District per MCC 4-3-4.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The Board finds that the proposed use will be in harmony with the neighborhood and surrounding land uses. The proposed use will take place completely within

the applicant's home and accessory shed structure and will not have any impact on the surrounding neighborhood.

3. **The proposed use, 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 Board finds that the proposed use is not anticipated to generate nuisances detrimental to the neighborhood. The limited hours of retail traffic will likely create a slight increase in activity, but not so much as to create a nuisance to the neighborhood.
4. **The location, design, and size of the proposed use is adequately served by existing streets, public facilities, and services:** The Board finds that the proposed use is adequately served by existing streets, public facilities, and services. The proposed property provides adequate space and on-street parking for customers during the limited retail hours. Blaine Street is a collector street and is intended to accommodate higher activity levels.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The Board finds that the proposed use will not endanger the public health or safety.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that the proposed use meets all applicable development standards of the City Code including the Accessory Home Occupation performance standards.
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 Type II Accessory Home Occupation located at 943 Mabelle Street with no conditions.

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