

# BOARD of ADJUSTMENT



Jerry Schutz  
Board Chair  
[BOA@ci.moscow.id.us](mailto:BOA@ci.moscow.id.us)

**Public Hearing**  
~ Agenda~

Lucy Falcy  
Staff Liaison  
208.883.7095

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

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**Tuesday**  
**November 4, 2025**

**7:00 PM**

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

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## WELCOME AND ATTENDANCE

## REGULAR AGENDA

### 1. **Approval of Minutes from June 24, 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. **Public Hearing: Proposal for a Variance at 403 North Polk Street. Permit Application LUP2025-0024 (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.

**PROPOSED ACTIONS:** Conduct the Public Hearing for the Variance (VAR) request, and upon consideration of any testimony received, approve the VAR and direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards; or approve the VAR with conditions and direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards; or deny the VAR and direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards; or take other action as deemed appropriate.

## REPORTS

## ANNOUNCEMENTS

## UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on November 10, 2025.

## ADJOURN

**PACKET ADMENDMENT ON OCTOBER 31, 2025: PAGES 30-32 and 41-48 ADDED.**

**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](mailto: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  
[BOA@ci.moscow.id.us](mailto:BOA@ci.moscow.id.us)

Public Meeting  
~ Minutes~

Lucy Falcy  
Staff Liaison  
208.883.7008

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

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**Tuesday  
June 24, 2025**

**5:30 PM**

**Council Chambers  
206 E. Third Street**

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**Schutz called the meeting to order at 5:30 PM**

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

## REGULAR AGENDA

### 1. Approval of Minutes from June 17, 2025 (ACTION ITEM)

Thomson moved for approval of the minutes as written, seconded by Comstock. Roll Call Vote; Ayes: Bush, Comstock, Schutz, Thomson (4). Nays: None. Abstentions: Dickinson (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 offered.

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

*Conditional Use Permit for an accessory structure between 1,001 and 1,500 square feet in size, located at 1638 Christopher Lane within the Suburban Residential (SR) Zoning District, per Moscow City Code 4-3-4.*

Bush moved for approval of the Reasoned Statement of Relevant Criteria and Standards for the Conditional Use Permit at 1638 Christopher Lane as written, seconded by Thomson. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

## REPORTS

## ANNOUNCEMENTS

## UPCOMING EVENTS/MEETINGS

**The meeting was adjourned at 5:33 PM**

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Jerry Schutz, Chair

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Date

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

**HEARING DATE:** Tuesday, November 4, 2025

**GENERAL INFORMATION**

**Hearing Body:** Board of Adjustment

**Subject:** LUP2025-0024 – Variance application to reduce the rear yard setback for a proposed addition located at 403 North Polk Street within the Medium Density Residential (R-3) Zoning District per Moscow City Code 4-4-2.

**Attachments:**

1. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, October 18, 2025
2. Variance Application
3. Site Plan, Floor Plans, and Elevation Drawings

**Prepared by:** Lucy Falcy

**STAFF REVIEW**

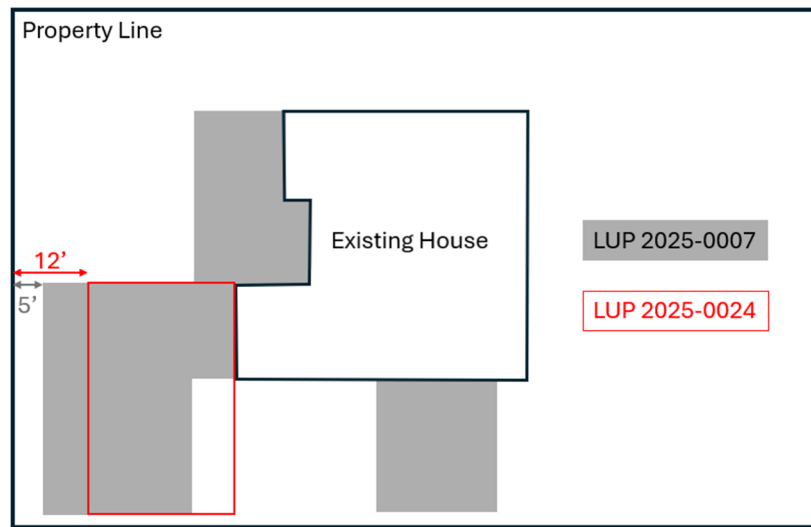
**Proposal:**

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. The applicants are proposing to reduce the required twenty-foot (20') rear yard setback to seventeen feet (17') to accommodate a proposed 2-story addition to the southwest corner of the existing house with a footprint of 912 square feet. The proposed addition is to include a two-car garage, mudroom, and bonus room.

The setback variance request is a result of the applicant wishing to switch what has historically been considered the front (Polk Street) and side (C Street) of the house which will cause the existing house to encroach upon the proposed rear yard to the north.

**History:**

The applicants brought a similar proposal before the Board on April 14, 2025. In that variance application (LUP 2025-0007) there were two primary differences from this application: the previous request had the proposed garage extending to five feet from the west property line and there were additional additions noted that are all permitted by right as the lot is currently situated. The Board denied LUP 2025-0007.



Comparison of previous and current proposed building additions.

**Site and Area Land Use:**

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. 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.

The property is relatively flat with a slight decrease in elevation toward the site’s northwest corner. The site contains a single-family house which is oriented towards Polk Street. Parking is accessed off of ‘C’ Street and goes behind the house to the west. There are numerous mature trees on the property, most of which are within the large public rights-of-way along C and Polk Streets.



Aerial



Subject Property

**Comprehensive Plan:**

Chapter 2 of the Comprehensive Plan, Land Use and Community Character, designates the subject property as Urban Residential. Urban Residential designated areas are,

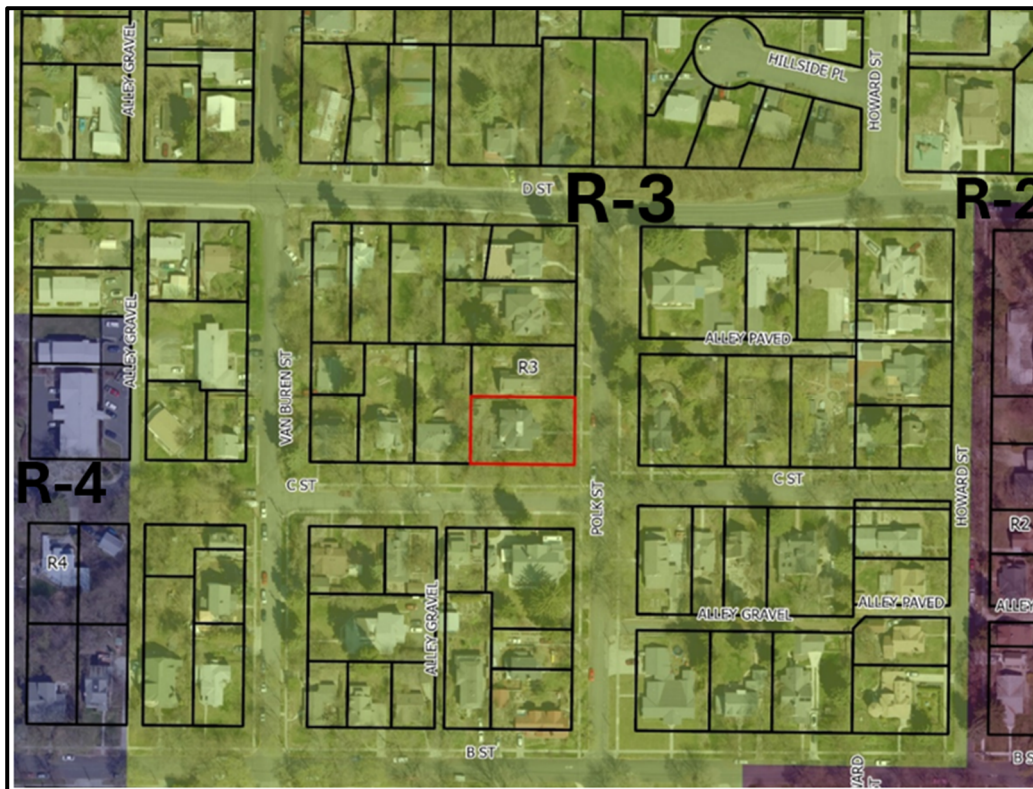
*“comprised of more compact residential development at densities of five to 15 units per net acre. This designation encompasses many of the older and historic residential*

*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).”*

**Zoning:**

The subject property is located within the Medium Density Residential (R-3) Zoning District. 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.

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.



Zoning Map

*Frontages:* 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. The subject property has historically designated the front property line along Polk Street and the rear property line as the west property line.

In order to accommodate the proposed addition, the applicants wish to declare the front property line to be the 'C' Street frontage and the rear property line as the north property line.

*Required Setbacks in the R-3 Zone:*

- Front: fifteen feet (15')
- Rear: twenty feet (20')
- Interior side: five (5')
- Exterior (street) side: thirteen feet (13')

The house on the property currently meets all required setbacks with its historical frontages and associated setbacks. If the frontages are switched so that 'C' Street is the 'front' and Polk Street becomes the 'exterior side', the house will no longer meet the rear setback. This is the reason for the variance request.

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. The applicants have requested a three-foot (3') variance from the requirement in order to designate the north property line as the rear property line and the west property line the interior side. 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.

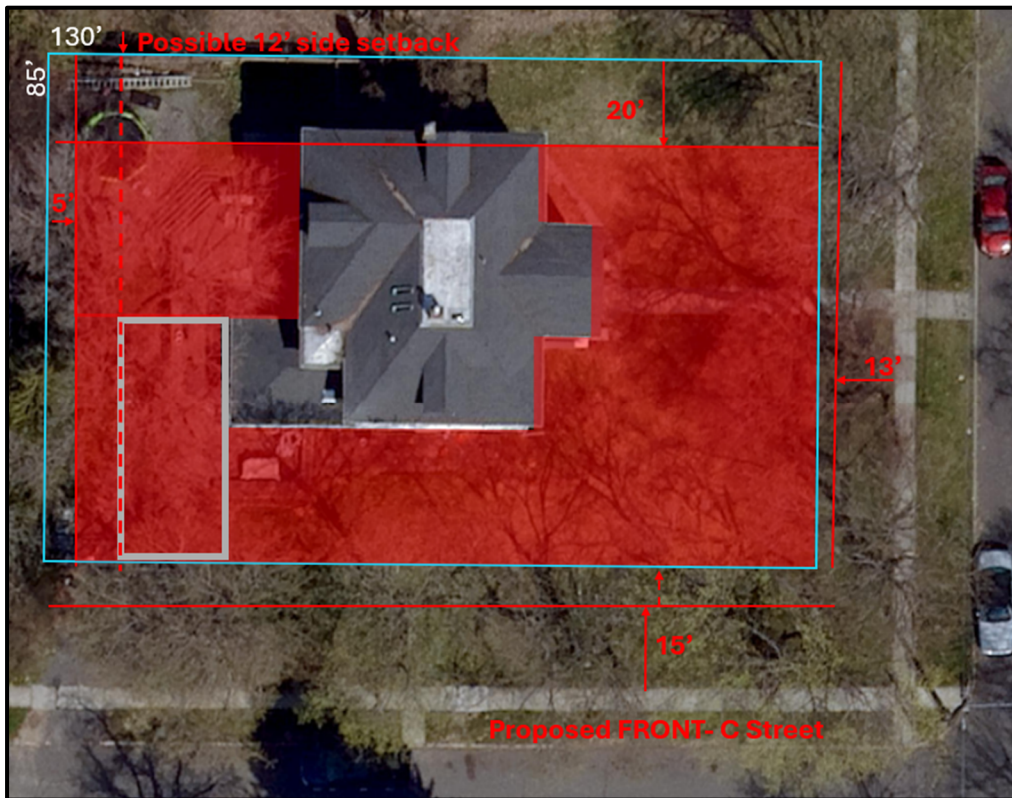
On both the 'C' Street and Polk Street frontages, the setbacks, regardless of whether they are considered front or exterior side yards, are short of the actual property line. The potential building footprint is limited to the applicants' own property on both of those frontages.

Within the existing lot configuration (Polk Street as the front), there exists slightly over fifteen feet (15') of buildable area (outside of setbacks) immediately west of the existing house at the proposed garage location and slightly over twenty-three feet (23') of buildable area closer to the house's northwest corner. Under the same configuration, there is approximately twelve feet (12') of buildable area (outside of setbacks) immediately north of the house.

The applicants have suggested that as compensation for the variance that reduces the rear yard setback from twenty (20') to seventeen (17) feet, that the side (western) setback be increased from five (5') to twelve (12') feet. If the Board decides to approve the variance request, they have the ability to establish a twelve (12') foot side yard setback as a condition of approval if they so choose.



Existing Setbacks and Buildable Area (yellow)



Proposed Setbacks and Buildable Area (red)

*Accessory Structures:* Accessory structures and additions that are attached to the main dwelling are required to meet setback and height requirements for the principal structure (house), which are the setbacks detailed above.

The applicant has noted that they wish for the garage to be attached to the house rather than detached, which would be allowed by right within the existing rear setback. Detached accessory structures such as garages which are at least two feet (2') away from the principal structure and under 1,000 square feet in area are permitted to be constructed five feet (5') from the rear and side property lines so long as the exterior walls don't exceed fourteen feet (14') in height and the total building height to the peak of the roof doesn't exceed thirty-five feet (35').

The proposed garage addition has a wall height of approximately seventeen feet (17') and an approximate total height slightly over twenty-five feet (25') and a total footprint of 912 square feet. As designed, it exceeds the permitted wall height allowed by right as a detached accessory structure within a rear setback. A similar detached garage with a different design could potentially be permitted by right within a required rear setback.

**Streets and Access:**

The subject property is adjacent to 'C' Street and Polk Street which are both local neighborhood streets.

**Input from other Departments/Agencies:**

No comments were received from other departments/agencies upon review of the request for the variance.

**RELEVANT CRITERIA AND STANDARDS**

Approval or denial of a variance application shall be based upon the following criteria:

- 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.**
- 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.**
- 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.**

## **RECOMMENDATION FOR VARIANCE APPLICATION**

Staff recommends that the Board of Adjustment conduct the public hearing and upon consideration of testimony received:

1. Approve the variance application; or
2. Approve the variance application with conditions; or
3. Deny the variance application; or
4. Take other such action as deemed appropriate.

The Board shall direct staff to develop Relevant Criteria and Standards based upon the Board's decision to be reviewed at an upcoming meeting.

# NOTICE OF PUBLIC HEARING

Proposal for a Variance at 403 N Polk Street.  
Permit Application LUP2025-0024

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow, at which time the following proposal will be considered:

Variance application to reduce the required 20-foot rear yard setback by 3 feet for a proposed addition to an existing single-family dwelling within the Medium Density Residential (R-3) Zoning District per MCC 4-4-2.

**HEARING DATE:** Tuesday, November 4, 2025

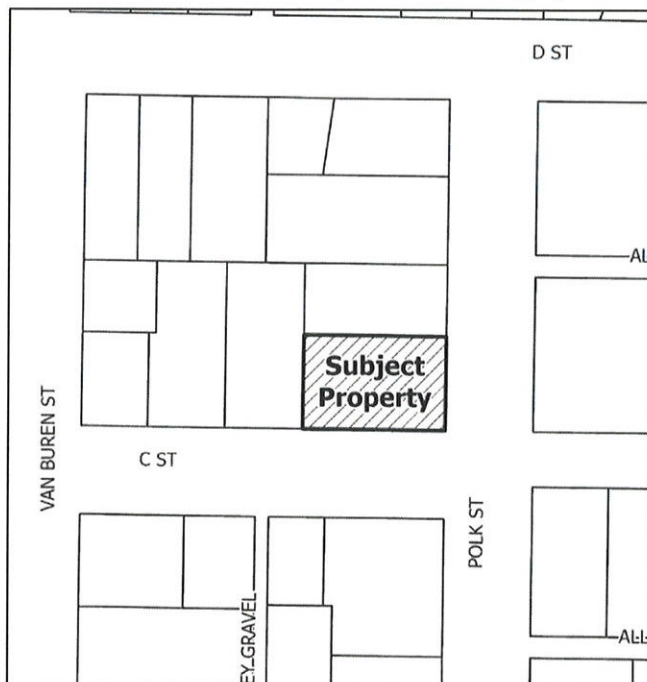
**HEARING LOCATION:** Council Chambers on the Second Floor of Moscow City Hall  
206 East Third Street, Moscow, Idaho

**MEETING TIME:** 7:00 pm

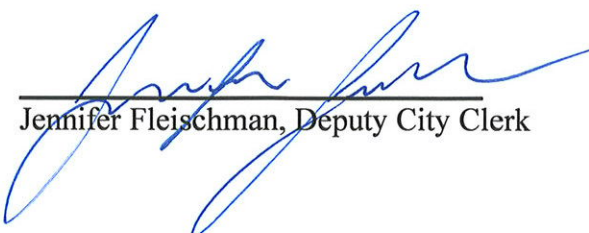
*Note:* Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting. The file containing information on this matter is available for public review at the Community Development Department located in the Haddock Building at 504 S Washington Street, Moscow, Idaho. Call 883-7035 for a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City Website at:

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



Laurie M. Hopkins, Moscow City Clerk

  
Jennifer Fleischman, Deputy City Clerk



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

For City Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
CDV	Application Fee	\$583.00	
Receipt Number			

### APPLICATION FOR ZONING VARIANCE

(Please type or print plainly with blue ink.)

#### GENERAL INFORMATION

**1. Applicant**

Name: Lincoln and Manisha Wilson Phone: 509-338-5715  
Address: 403 N Polk St Email: lincolndaviswilson@gmail.com

Relationship to affected property (please check one):

Owner  Purchaser  Lessee  Other  (explain below)

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

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_

**3. Location of Affected Property:** 403 N Polk St

*If described by Metes and Bounds, please attach deed on a separate sheet.*

Legal Description: \_\_\_\_\_  
(Subdivision) (Block) (Lot)

#### INFORMATION ON REQUESTED VARIANCE

**4. Proposal:** The applicant proposes the following construction and/or use for the above-described property:

To facilitate construction of two-car attached garage, this application proposes a 3-foot variance from the 20-foot rear setback requirement so that north side of corner lot can be designated as rear, but on condition that the side setback shall be increased from 5 feet to 12 feet per attached plans.

*Existing and proposed site conditions shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot, driveway(s) and fencing. The site plan should also show topography and landscaping if pertinent to the Variance.*

5. Reason(s) for Variance Request: The proposed construction and/or use described in Question 4 above would be in violation of Section 4-2 of the Moscow Zoning Ordinance which requires that: Rear setbacks be at least 20 feet.

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6. In order for the Board of Adjustment to issue a Variance, the Board of Adjustment must make findings of compliance with the following three Relevant Criteria and Standards. Please describe in the spaces provided below how your requested Variance is in compliance with each of the Relevant Criteria and Standards.

**Criteria #1.** 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.

See attached addendum.

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**Criteria #2.** BECAUSE OF THE AFOREMENTIONED SPECIAL CONDITIONS OF THE PROPERTY, 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.

See attached addendum.

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**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.

See attached addendum.

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CONDITIONS OF APPROVAL

In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards that enable the Board of Adjustment or the Commission to approve the Variance application and ensure the Variance is consistent with the purposes and intents of the Zoning Code.

COMPLIANCE

1. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions of a Variance approval, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Variance, modifications of the original plans may be required by the Board of Adjustment as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board of Adjustment. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board of Adjustment for an additional public hearing as an amendment to the Variance application.

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Variance is not obtained for the subject property within one (1) year from the date of the Board of Adjustment’s final decision, such Variance shall be immediately revoked and shall be automatically null and void.

**Application Submittal:**

This application must be completed and submitted with the below described items to the Community Development Department at least sixteen (16) days prior to the hearing at which the application is to be considered by the Board of Adjustment. Applicant will be notified by the City Planner I as to the time, date, and place of the hearing pertaining to this application.

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

1. Application Fee
2. Legal description (deed) of subject property, if it is not subdivision, block and lot
3. Site Plan, drawn to scale
4. Floor Plan(s) (drawn to scale), if applicable
5. Elevation Drawing(s) (drawn to scale), if applicable

*I understand this information is a public record and may be posted to a public website. I declare and certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct and that I have legal authority to submit this Application.*

/s/ Lincoln Davis Wilson  
Signature of Applicant

8/25/25  
Date

\_\_\_\_\_  
Signature of Property Owner (if different)

\_\_\_\_\_  
Date

**Lincoln and Manisha Wilson**  
**Variance Application for 403 N Polk St**

**PROPOSAL**

We request a 3-foot variance from the rear setback requirement to facilitate construction of two-car attached garage, subject to the condition that our side setback requirement be increased from 5 feet to 12 feet, as reflected in the attached plans.

This proposal is a modified version of a previous request. We have adjusted our plans consultation with our neighbors, designers, and historic preservation experts to develop a solution that serves everyone's interests. We believe that this proposal accomplishes those objectives.

**BACKGROUND**

For eight years, we have lived at 403 N Polk St, a historic Greek Revival home in the heart of the Fort Russell neighborhood. We have sought to preserve the home's historic character and previously won an Orchid award for our work in renovating it.

In 2023, we were surprised to become parents again when our fourth child was born. She was born with special needs, and as older parents, we have found it increasingly important to have easy access to take her to our cars for appointments and other travel, particularly in cold weather. For that reason, we retained designers to prepare plans for us to build a two-car attached garage. We added a floor above the garage to use for a caretaker to live with us on site, and long term, for our daughter to live in when she reaches adulthood.

The site of our home makes this difficult to do within the existing code requirement of a 20-foot setback for attached structures. Unlike nearly all other lots in the surrounding neighborhood, our home was built with a very large front setback of nearly 62 feet. Attaching a garage at the front of the home would be permitted as of right, but would be an eyesore in this neighborhood. But little space remains to build in the rear of our lot. We could build a two-story detached two-car garage at 5 feet from the property line as of right, separated from the house with a 2-foot breezeway. However, this would not serve our need for a smooth transition to the car with our daughter in the winter months. And under existing regulations, the rear of our lot could at most accommodate a single-story one-car attached garage, a feature that would look strange architecturally appended to the back of a large Greek revival home.

Our plans could be accommodated, however, if we exercised our right to redesignate the north side of our corner lot as the rear. This would require only a 3-foot variance from the 20-foot setback requirement, since the house is currently sitting at 17 feet

from the north property line. We applied for that variance in March 2025. Several community members objected, and the board of adjustment denied a variance.

Based on that feedback, we went back to the drawing board to look for a way to meet our needs while accommodating neighbor concerns. Most of the neighbor concerns related to the placement of the garage next to the west property line—for example, the amount of light that will reach the neighbor on the west side of the lot, and the health of the trees in that area. But as noted above, the code already authorizes us to build a two-story detached structure at 5 feet from the property line. In light of this, we determined the most sensible solution was to reapply for the variance to allow us to build an attached garage, but with the condition that the new side setback on the west side be enlarged to 12 feet.

This new proposal helps both us and our neighbors. For us, it ensures that we get an attached two-car garage, even if it diminishes the expansion of our kitchen we would otherwise have built. For our neighbors, an expanded side setback minimizes the concerns raised regarding sunlight, trees, and drainage. An attached garage at 12 feet is materially better for our neighbors than a detached garage at 5 feet. Granting a variance under these conditions would actually provide more total setback space than the code would otherwise require—a combined total of 29 feet rather than 25 feet.

After our designers prepared the new plans, we shared them with our west-side neighbor, Julie Thomas, and sought her feedback. She requested that we share the plans with Nels Reese, chair of the Historic Preservation Commission, and with our other neighbors. We met with Mr. Reese, who commended the work of our designers and expressed his personal approval of the project. We then held a neighborhood meeting with Mr. Reese and invited our neighbors to come and see the plans and speak with Mr. Reese. We worked with Ms. Thomas and Caius Rommens to review a written summary of the meeting, which Mr. Rommens then forwarded to neighbors who could not attend.

At the meeting, Mr. Reese suggested that it would help to have renderings that showed what Ms. Thomas's home would look like in relation to ours. Our designers prepared those renderings and shared them with Ms. Thomas and Mr. Rommens, who in turn shared them with other neighbors.

As of this date, no neighbor has informed us that they oppose this request. We believe that this variance is supported under all three criteria under the code.

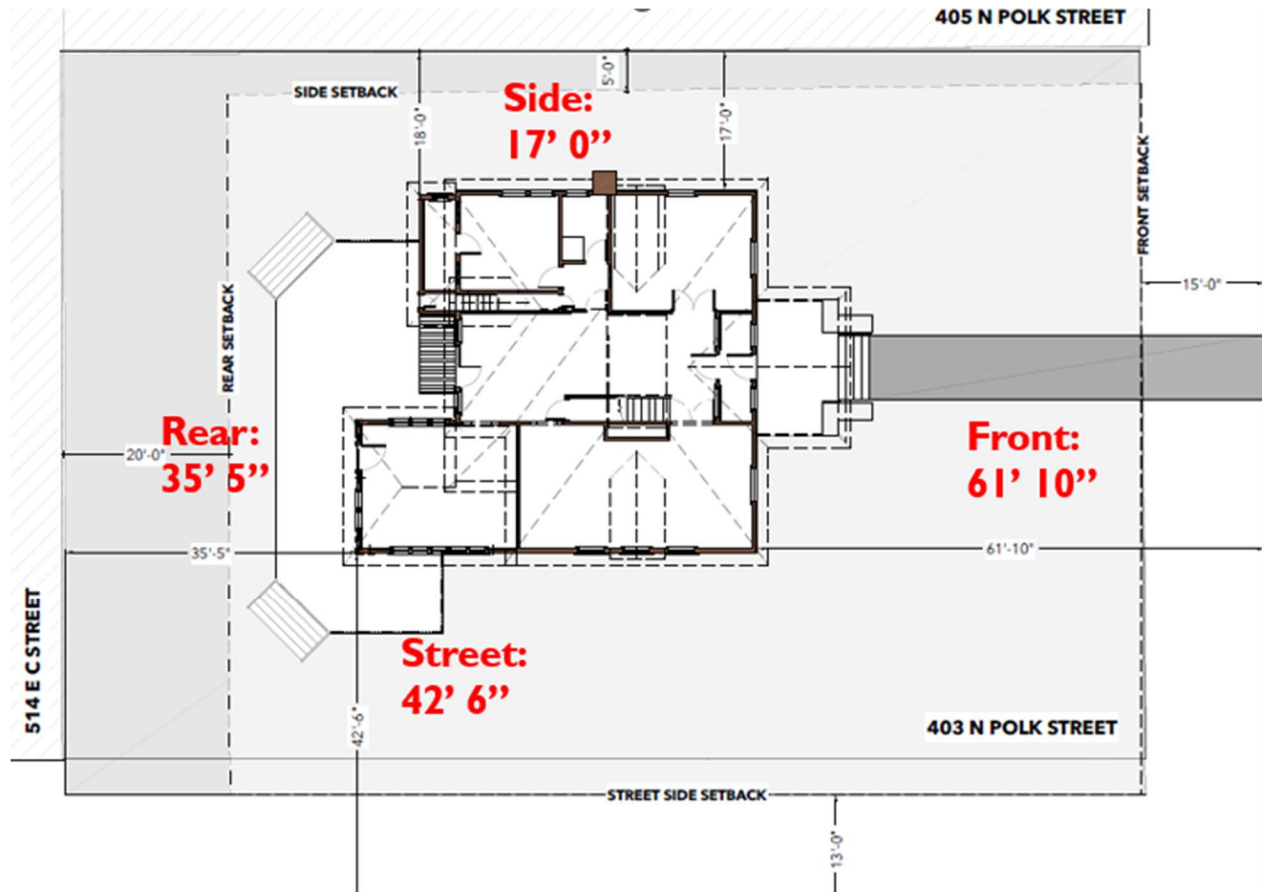
#### **CRITERION 1: SPECIAL CONDITIONS PECULIAR TO THE PROPERTY**

This historic home has a uniquely large front setback of nearly 62 feet.



***Fig. 1.1: Photo of front setback at subject property.***

As a consequence of this large setback, there is little space remaining in the rear of the lot to build within the setback. This problem is compounded by the fact that the home neighboring to the west, 514 E C street, has an extension that appears to encroach within its five-foot side setback. In addition, while the side setback is a generous 17 feet, well in excess of the required 5 feet, it is not large enough to accommodate a redesignation as the rear of the lot without a variance.



*Fig. 1.2: Existing setbacks at subject property.*

No other single-family home in the neighborhood (i.e., one-block radius) has so large a setback.



*Fig. 1.3: Setbacks at comparator homes in neighborhood.*

Thus, the unique characteristics of this lot and its exceptionally large front setback warrant a variance.

**CRITERION 2: DENIAL WOULD DEPRIVE RIGHTS COMMONLY ENJOYED**

Attached garages are quite common in our area of Fort Russell. There are 40 single-family homes within a one-block radius of our home. Of those 40 homes, 9 have attached garages, and 5 of those are two-car garages.



***Fig. 2.1. Comparator neighborhood homes with attached garages.***

In addition, 4 of the homes with attached garages have the garage at 5 feet from the rear of the property, and all 4 of those garages are on corner lots. Those 4 homes are 328 N Polk St, 415 N Polk St, 323 N Howard St, and 634 E B St.



***Fig. 2.2: Attached garages at 328 N Polk, 415 N Polk, 323 N Howard, 634 E B.***

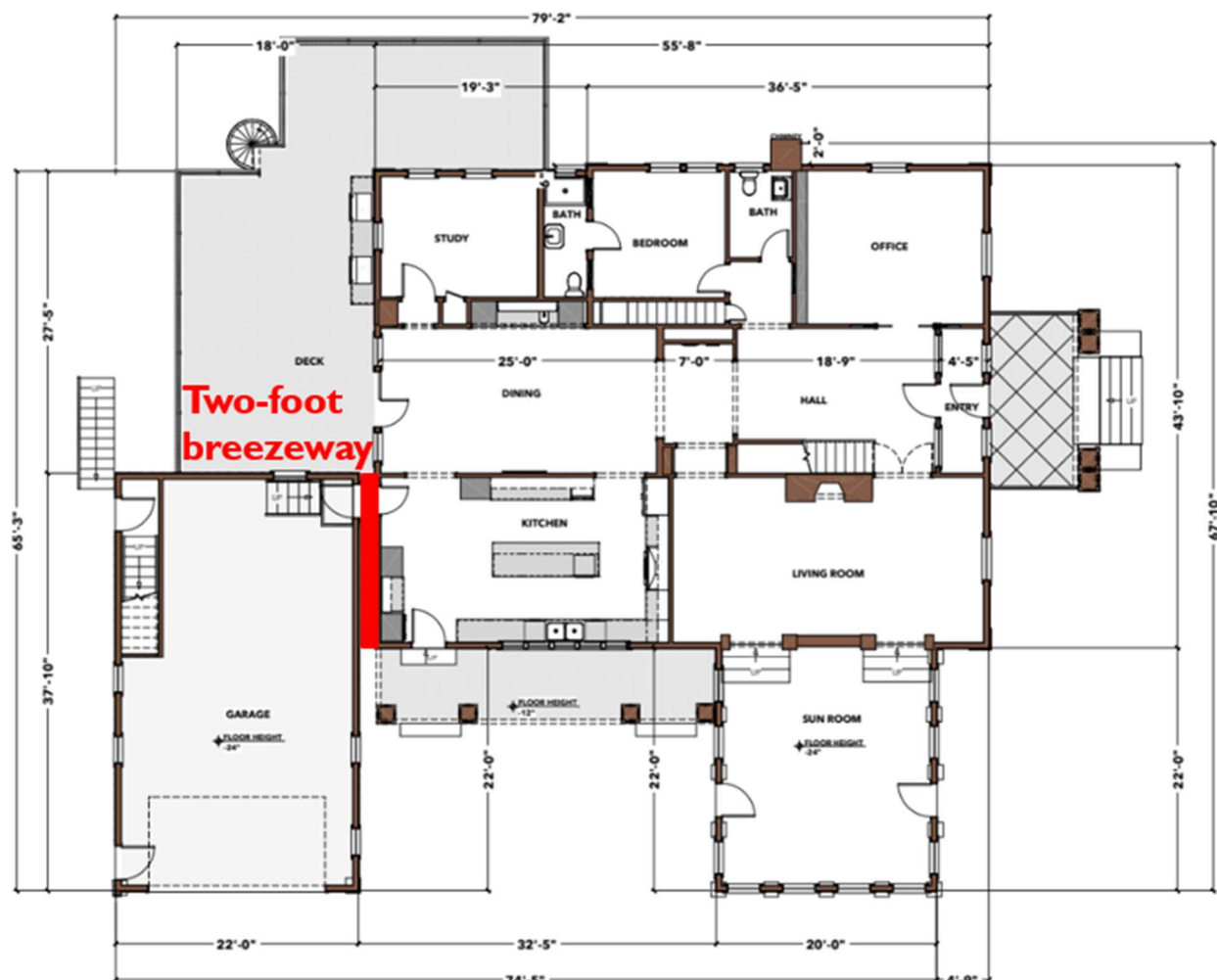
Thus, roughly 1 in 4 single-family homes in our neighborhood (9/40) have an attached garage, more than half of which are two-car garages. Plus, exactly 1 in 4 corner lots in our neighborhood (4/16) have an attached garage at 5 feet from the rear setback. Thus, to deny us the ability to build this proposed attached garage—at 12 feet, not 5 feet, from our property line—would deny us rights commonly enjoyed by others in the area.

### **CRITERION 3: NO HARM TO PUBLIC OR TO NEIGHBORS**

The prevalence of attached garages at 5 feet from the property line within our neighborhood shows that building an attached garage at 12 feet from the property line does not cause harm to the public or to neighbors.

Further, to measure any potential harm from a proposed variance requires a comparison between what could be built as of right and what is proposed to be built with the variance. Here, the code would permit us to build as of right a two-story, two-car detached garage at 5 feet from the west property line, detached from the principal structure through a two-foot breezeway. Because building that structure

would not constitute harm to neighbors or to the public, building a two-car attached garage even further back, at 12 feet from the west property line, necessarily does not harm neighbors or the public.



**Fig. 3.1: Detached garage with 2-foot breezeway permitted by code.**

In connection with our prior application to build an attached garage at 5 feet from the property line, neighbors expressed concern that doing so might harm an existing cedar tree. While that tree appears to be within our property line and subject to our control, that tree is not under any threat from a garage built at 12 feet from the property line. We have no intent to cut the tree down in connection with our plans.

The same is true of drainage concerns expressed by neighbors. While our plans will make sure to appropriately manage drainage to prevent harm to neighbors, whatever concerns may exist would be at their highest for a detached garage at 5 feet from the property line. And while the roof plate for our attached garage would be 17 feet rather than the 14 feet permitted for a detached garage, that would not impact drainage, tree, or light concerns when it is built at 12 feet from the property line.

Finally, in connection with these plans, neighbors requested that our designers prepare renderings depicting our home with its proposed additions (including other improvements not requested with this proposed variance). These renderings illustrate the lack of any significant impact from the construction of an attached garage at 12 feet from the property line (particularly when a detached garage at 5 feet would be permitted as of right).





*Fig. 3.2: Renderings of 514 E C next to proposed additions at 403 N Polk.*

#### CONCLUSION

In summary, this proposed variance addresses unique challenges from the large front setback in our lot to give us an amenity commonly enjoyed by others in the neighborhood under conditions that ensure even less harm to neighbors' interests than what would be permitted as of right. We urge the board to approve it.



DESIGN BY:  
**Harby + Points, LLC**

120 East Third St.  
Moscow, ID 83843

**Lead Designer**  
Monique Harby  
monique@harbypoints.com  
(208) 596-9556

**Designer/Project Coordinator**  
Morgan Points  
morgan@harbypoints.com  
(208) 301-3007

**Design Draftsman**  
Shea Sullivan  
Shea@harbypoints.com  
(808) 450-0033

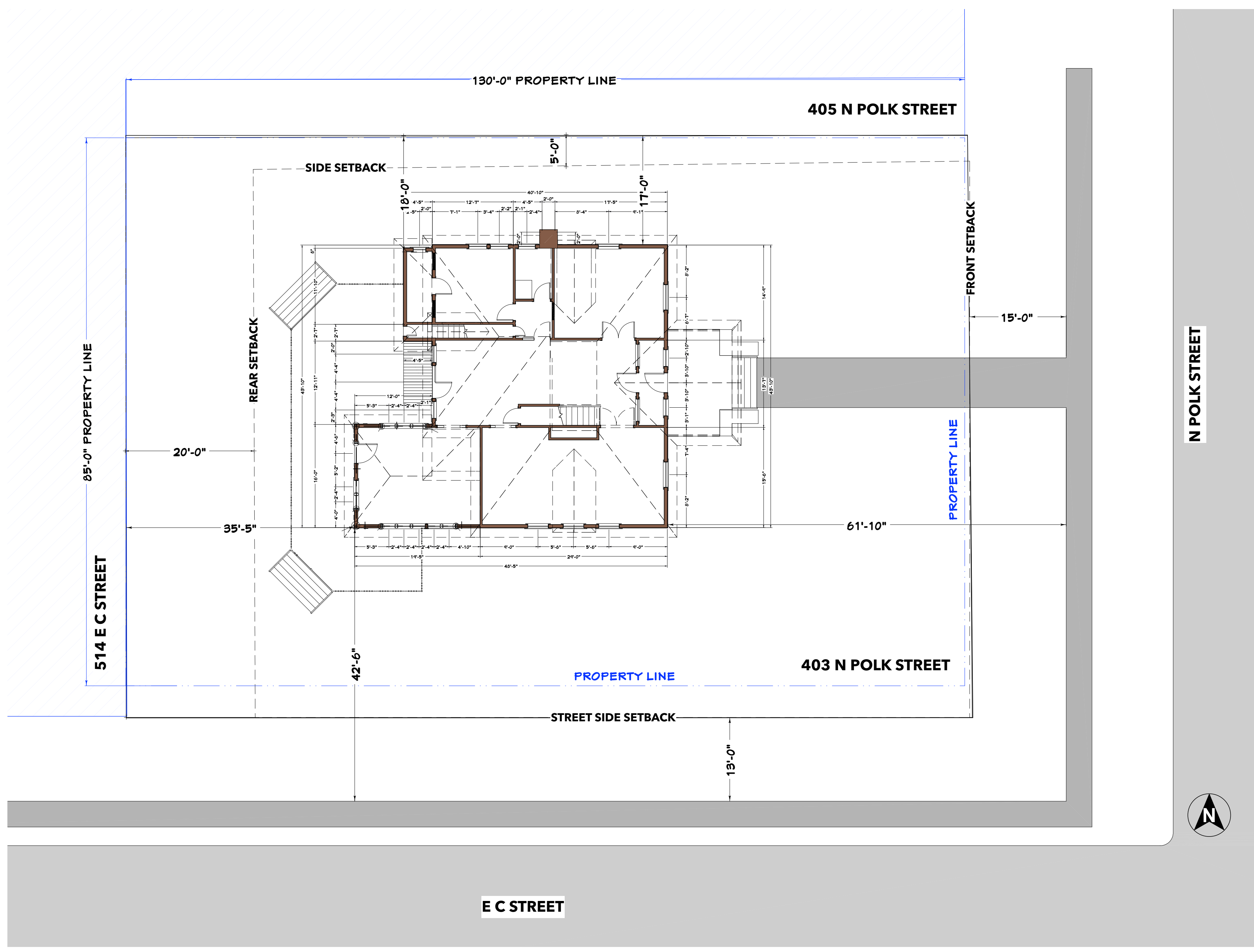
**WILSON RESIDENCE ADDITIONS**

403 N. POLK ST.  
MOSCOW, ID 83843

CLIENT:  
DAVIS AND MANISHA  
WILSON  
lincoln@daviswilson@gmail.com

DATE:  
9/8/25

**A1**



1  
A1

**AS-BUILT SITE PLAN**

SCALE: 1" = 10'  
EXISTING BUILDING FOOTPRINT: 2,023 SQ. FT.



DESIGN BY:  
**Harby + Points, LLC**

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Moscow, ID 83843

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Monique Harby  
monique@harbypoints.com  
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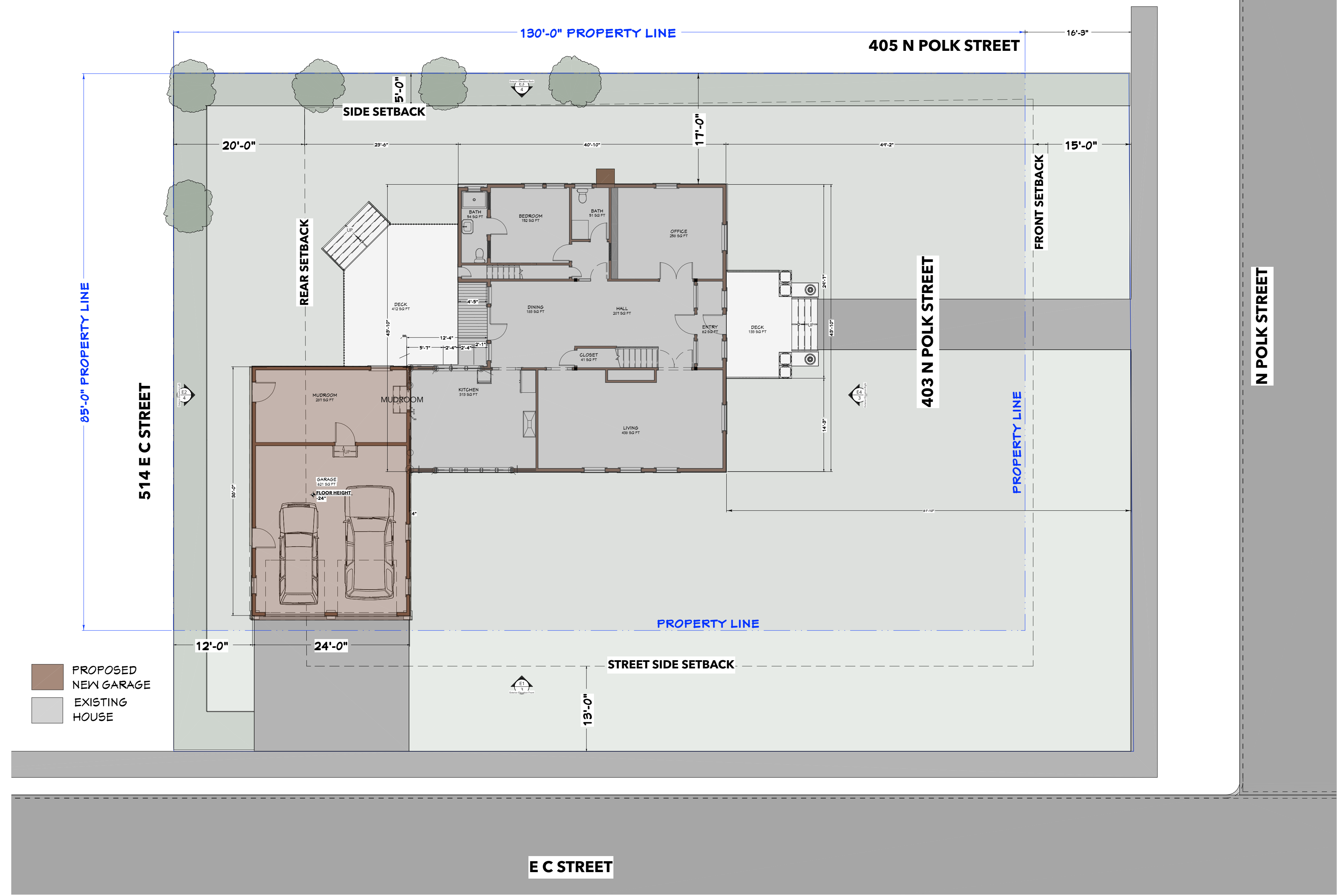
# WILSON RESIDENCE ADDITIONS

403 N. POLK ST.  
MOSCOW, ID 83843

CLIENT:  
DAVIS AND MANISHA WILSON  
lincolndaviswilson@gmail.com

DATE:  
9/8/25

# A2

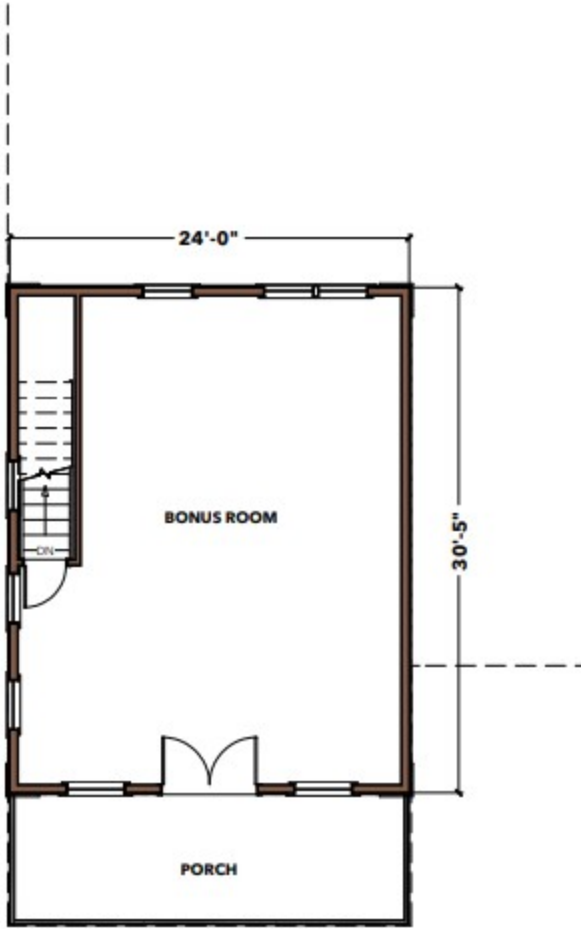


PROPOSED NEW GARAGE  
 EXISTING HOUSE



1  
A2

**SITE PLAN WITH ADDITION**  
SCALE: 1" = 10'



NEW BONUS ROOM  
ABOVE GARAGE ADDITION



DESIGN BY:  
**Harby + Points, LLC**

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Moscow, ID 83843

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EXTERIOR ELEVATION EAST



EXTERIOR ELEVATION SOUTH

WILSON RESIDENCE ADDITIONS

403 N. POLK ST.  
MOSCOW, ID 83843

CLIENT:  
DAVIS AND MANISHA  
WILSON  
lincolndaviswilson@gmail.com

DATE:  
9/8/25

A3

1  
A3

EXTERIOR ELEVATIONS  
SCALE: 3/16" = 1'



DESIGN BY:  
**Harby + Points, LLC**

120 East Third St.  
Moscow, ID 83843

**Lead Designer**  
Monique Harby  
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**Design Draftsman**  
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Shea@harbypoints.com  
(808) 450-0033



EXTERIOR ELEVATION WEST



EXTERIOR ELEVATION NORTH

WILSON RESIDENCE ADDITIONS

403 N. POLK ST.  
MOSCOW, ID 83843

CLIENT:  
DAVIS AND MANISHA  
WILSON  
lincolndaviswilson@gmail.com

DATE:  
9/8/25

# BOARD of ADJUSTMENT



Board Chair  
[BOA@ci.moscow.id.us](mailto: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.

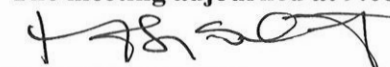
**REPORTS**

**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

October 19, 2025



**To the Moscow Board of Adjustment**

**Re: Opposition to Variance Application by Davis Wilson (LUP2025-0024)**

Dear Members of the Board,

A few months ago, our neighbor, Mr. Davis Wilson, submitted a Variance Application requesting:

1. To re-designate his true west rear yard as a side yard and to label the north side yard as a *rear yard in name only*; and
2. To allow a 3-foot reduction in the 20-foot setback requirement for this nominal “rear yard,” enabling a massive expansion along the property’s genuine rear boundary.

This proposal would have disrupted the property’s historic configuration and violated the clear intent of Moscow’s zoning regulations. After hearing extensive neighborhood opposition—unanimous except for Wilson’s parents, who live across the street and remained neutral—the Board of Adjustment **unanimously denied** the application for failing to meet all three statutory criteria:

**1. Lack of Special Conditions.**

The petitioner’s claim of limited buildable space due to setbacks is *not unique*. Many homes in the Fort Russell district share these same constraints and lack garages entirely—an essential part of the district’s historic charm. Mr. Wilson purchased his property with full knowledge of these conditions. While Mr. Wilson has recently cited examples of homes with unpermitted expansions, those transgressions do not justify further erosion of the code’s intent.

**2. Absence of Undue Hardship.**

A personal desire for an attached garage—even to accommodate a child with special needs—does not constitute undue hardship specific to the land. Countless families in similar circumstances have adapted responsibly within zoning limits. The hardship claimed is therefore *self-imposed* and avoidable.

**3. Harm to the Public Interest.**

Approval of such a variance would set a troubling precedent, inviting piecemeal exceptions that would steadily degrade the historic character, scale, and value of this neighborhood. The proposed two-story structure would crowd its western neighbor, increase impervious surfaces, and risk altering natural drainage. Without engineered mitigation, runoff could be directed toward the neighbor’s **century-old basement**, potentially causing long-term water damage.

The structure would also **shade and visually dominate** the adjacent historic home, undermining both livability and aesthetic integrity. These impacts extend far beyond private inconvenience—they threaten the district’s environmental balance and historic identity.

Now, only a few months later, Mr. Wilson has resubmitted essentially the same proposal, altered in name but not in nature<sup>1</sup>. The new application again seeks to reclassify the same yards and to reduce the rear setback by three feet.

We are therefore compelled—reluctantly but firmly—to restate and strengthen our opposition. The neighborhood devoted many hours in good faith to the April hearing, only to find the petitioner disregarding both the Board’s decision and the community’s unanimous concern. His persistence places an unnecessary burden on his neighbors and the City.

Even if the details differ slightly, the substance remains the same—and so does our conclusion: **this variance must again be denied.**

**Additional Concerns (Points 4 and 5)**

**4. Disputed Property Boundaries and the Cedar Tree.**

The current application relies on a questionable **reinterpretation of long-established property lines** between the Wilson and western neighbor lots. For decades, a fence has defined that boundary—recognized and respected by both parties. Yet, Wilson’s architects now assert that he owns an additional four feet currently within the neighbor’s property, including the base of a mature cedar tree that has long stood as a shared landmark.

If that claim were accepted, the Wilson’s property would encroach **to within four feet of the neighbor’s house**, provoking a boundary dispute and undermining neighborhood trust. Using the *historic, factual* boundary, the open space between the two large, two-story homes would be reduced from **39.5 feet to only 16 feet**—a drastic and visually jarring change.

**5. Feasible Alternatives Exist.**

Contrary to the applicant’s assertions, there are practical ways to add a spacious garage **without any variance**. For instance, a structure built directly **south of the kitchen**, with a west-facing garage door, would meet functional needs while respecting zoning limits and neighborhood character (see Figure 1).

---

<sup>1</sup> In the revised application, the proposed addition toward the western property line was reduced from 31 feet to 24 feet.

**Expert Assessments**

Even professionals consulted by the applicant recognize the issue. Mr. Nelse Reese, an acquaintance of Wilson’s architects, described the design as “good in isolation”—that is, acceptable only when ignoring its impact on the neighbor—and recommended more realistic visualizations of its actual context. Such a drawing (Figure 2) clearly shows the overshadowing and disproportionate effect on the adjacent home.

In addition, Professor Phil Mead of the University of Idaho’s School of Architecture provided an expert assessment opposing the April proposal (see Appendix). His analysis, which remains fully applicable, underscores the incompatibility of the design with the district’s scale and its architectural integrity.

**Conclusion**

The applicant has already received a fair and thorough hearing. The Board’s earlier unanimous decision was correct, justified, and well-grounded in law and fact. Nothing in the revised submission alters that.

We therefore urge the Board to **again deny** Mr. Wilson’s Variance Application—

- to uphold the integrity of Moscow’s zoning principles,
- to protect the Fort Russell district’s historic and environmental character, and
- to affirm that persistence does not substitute for compliance.

Respectfully submitted,

**The Fort Russell Neighborhood**  
(On behalf of the undersigned residents)

Kenton Bird 517 E B Street, Moscow, ID



Leon Blood 510 E C Street, Moscow, ID



Gail Cochran 520 E B Street, Moscow, ID





Tara Hudiburg

511 E C Street, Moscow, ID

Kristen Lee



310 van Buren Street, Moscow, ID

Gary Reed



503 E C Street, Moscow, ID

Marilyn Reed



503 E C Street, Moscow, ID

Caius Rommens



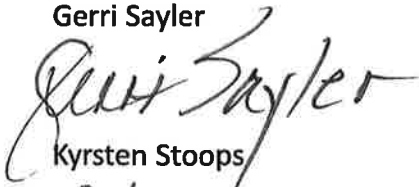
517 E C Street, Moscow, ID



Heather Rommens

517 E C Street, Moscow, ID

Gerri Saylor



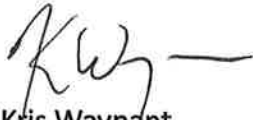
517 E B Street, Moscow, ID

Kyrsten Stoops



510 E C Street, Moscow, ID

Julie Thomas



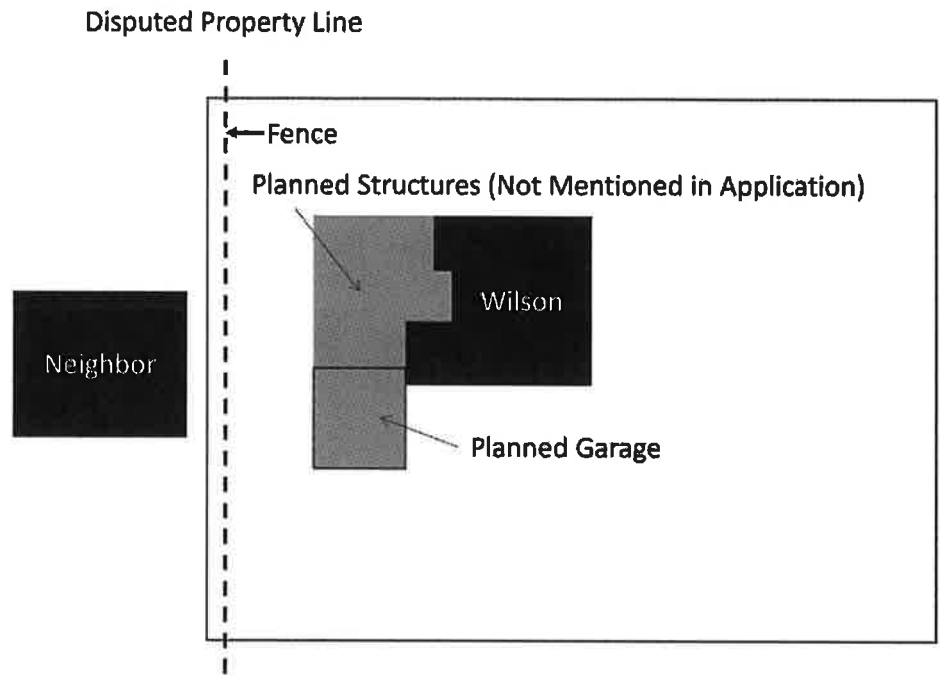
514 E C Street, Moscow, ID

Kris Waynant

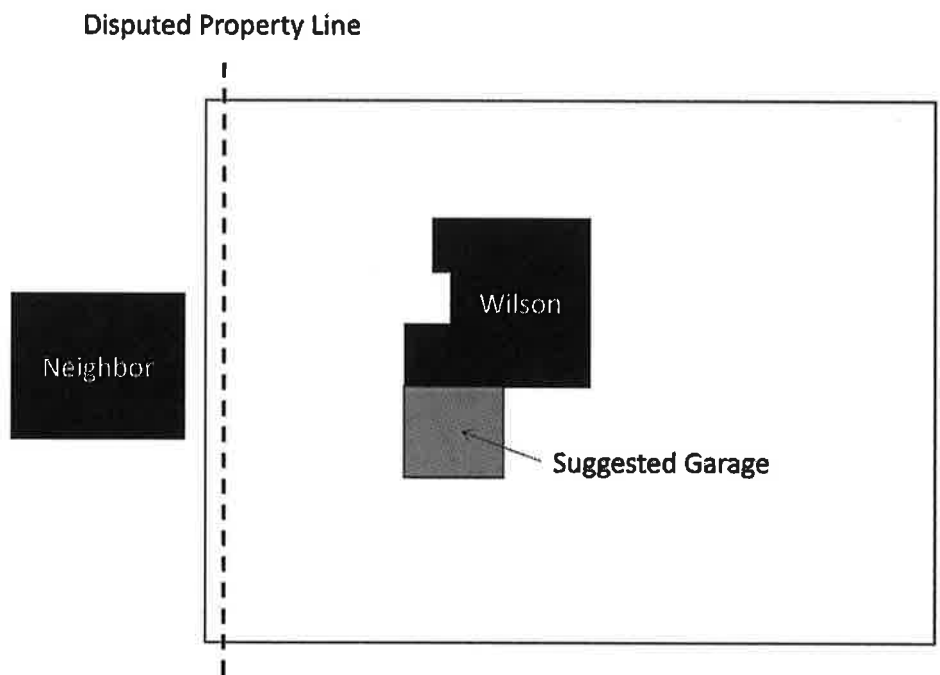
511 E C Street, Moscow, ID

Figure 1.

### 1. Wilson's Plan: Requiring Variance Application



### 2. Alternative: Not Requiring Variance Application



**Figure 2. Impact of the Proposed Addition**



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**

City of Moscow Board of Adjustment



RE: Proposal for a Variance at 403 N Polk Street

October 29th, 2025

To the Members of the Board,

I am writing to oppose the proposed variance at 403 N Polk Street. My family and I live at 419 N Howard Street, one street over, where we've resided since 2017. My husband and I 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.

**Criteria #1: Hardship – “Unusually Large Front Setback”**

The applicants claim hardship because their lot has a deeper front setback than others, leaving them with less rear yard space. However, this is not a *hardship*, it's a direct result of how the lot was originally designed and how they are now attempting to *redefine* it.

The property has functioned for decades with Polk Street as its front. There has been no hardship preventing normal use of the home under those conditions. The decision to reorient the “front” of the house to C Street is a *choice*, not a necessity, and appears intended solely to manipulate setback designations to allow for a larger structure.

If reorientation is permitted for the sake of convenience, it undermines the very intent of the zoning ordinance. Every corner lot owner could reclassify their front yard at will to gain buildable space, essentially nullifying setback rules citywide.

**Criteria #2: Hardship – “Other Attached Garages Exist Nearby”**

The presence of other attached garages in the neighborhood does not justify approving this variance. Many of those homes were built decades ago under different zoning codes and review standards, and there is no public record confirming whether setbacks or variances were approved, or even challenged, at that time. What matters now is compliance with *today's* zoning laws and community standards.

Each variance must stand on its own merits and be evaluated based on current ordinances and neighborhood context, not historical exceptions that may or may not have met regulations. The applicants' design should align with the same rules every other current homeowner must follow.

In this case, the proposed addition exceeds the allowable building envelope and would alter the established rhythm of spacing and sightlines that define Fort Russell. Approving it would invite incremental overbuilds that erode neighborhood cohesion and the historic scale over time.

**Criteria #3: Public Interest – “Reduced Impact on Light, Drainage, and Trees”**

While the applicant has moved the garage edge slightly, that adjustment does not address the broader impact. The issue is not just proximity, it's *precedent*. Once a property owner successfully reclassifies the front and rear of their lot to accommodate a structure, nothing prevents them, or others, from doing so again in the future.

This reorientation is not a small administrative change; it's a fundamental rewrite of how setbacks function. Future property owners could continue flipping orientations to justify additional expansions, resulting in a piecemeal dismantling of Fort Russell's historic spatial character and protection standards.

**This proposal is not about hardship, it's about creating flexibility where none is warranted. The lot is fully usable under current zoning. Approving this variance would reward an intentional workaround and set a precedent that weakens the city's ability to uphold its own zoning rules.**

We moved to this district because of its charm, community feel, and commitment to preservation. Projects like this fundamentally undermine what makes Fort Russell special. They signal a shift toward individual interest outweighing collective good, and I 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.

For these reasons, we respectfully urge the Board to **deny the variance request** and preserve the intent of the setback regulations that protect our historic neighborhood.

Sincerely,

**Brian and Alison Petty**  
419 N Howard Street  
Moscow, Idaho 83843

October 29, 2025

To: Moscow Board of Adjustment  
Re: Opposition to the Variance Application LUP2025-0024



Dear Members of the Board,

I am writing to you in opposition to the aforementioned variance application due to be presented to the board on November 4<sup>th</sup> 2025. This application has gone before the board previously and was unanimously denied as it was found that the applicant did not meet the burden of hardship, and there were large levels of opposition from the neighborhood. I am hoping to persuade you to stand by your previous ruling. We have lived in the neighborhood for over 7 years and we believe it to be one of the most beautiful neighborhoods in Moscow. There is ample space between houses, mature trees and large set backs showcasing the historical beauty.

The applicant is requesting a 3 foot variance from the existing rear setback so they can re-orient their house and build a large addition, though this application is specifically for the larger garage and living space. If this variance is granted I would like to point out that it would establish precedent and open them up to build however they see fit based on the new orientation of their home. The applicant also questions the location of the property line, though the application does not provide any evidence such as a survey drawing to demonstrate this claim. The applicant states in their application that the new proposal helps them and their neighbors because it infringes less than previously proposed. They mention that they shared this design with their neighbors and are not aware of any opposition, but as I am sure you will see by the letters you are receiving and the attendance at the upcoming hearing that this could not be further from the truth.

#### Criterion1: Special Conditions Peculiar to the Property

The applicant claims that having the 62 foot set back at the existing front of the property is a hardship. While they do have a very large setback, this is not unique to the neighborhood and is seemingly proportionate to their large house. The topography of the site is level and there are ample opportunities to add an attached garage within their existing setbacks. Though it would need to be smaller. If they built it within the existing setback parameters there would be room for a single car garage, mudroom and an apartment above for the future. They would not be limited to the accessory dwelling wall heights and could treat this as a typical addition to the existing dwelling. It seems this would rectify the issue of having to walk out in the elements to reach the garage, and would provide a living space for the future. However the applicant seems to want more than is permitted by code. It seems clear to me that does not demonstrate hardship.

#### Criterion 2: Denial Would Deprive Rights Commonly Enjoyed

The applicant claims they are being deprived because 22.5% of the homes in the area have attached garages (12.5% being 2 car garages). While 10% of the homes infringe on the property lines based on the current code, it is impossible to say what the circumstances were at the time of permitting as these records are only kept at the city for so long. Having a small percentage in the neighborhood with no clear examples of precedent can hardly be considered common.

### Criterion 3: No Harm to Public or to Neighbors

As you can clearly see in the renderings, the applicant plans to double the size of their house, thus dwarfing the historic neighboring homes. This would be largely out of scale and an eyesore in our beautiful neighborhood. This proposed addition moves our neighborhood closer to the new way of building where you try to build as much square footage as possible out of every site, resulting in houses stacked on top of one another, and would create a dangerous precedent for the Fort Russel area. While the applicant has reduced the amount they are encroaching on the neighboring property, the addition is still so large it would be impossible for it to not affect the light this neighbor currently enjoys in their longtime residence. While perhaps they will design to retain the existing mature trees, it is very likely this large scale project will put the surrounding trees at risk.

The applicant continues to claim that the a 2 foot breezeway would make this a detached garage, but they would not be allowed to build what they are proposing as an accessory dwelling. If the client builds a detached garage, while they will be permitted to build within 5 feet of the property line, they will not be able to build the walls higher than 14' and they will not be able to occupy more than 50% of the area required for the rear yard. Based off their drawings this would be a footprint of 625.5 square feet, which is significantly less than the proposed 912 square foot addition.

The burden of proof of hardship is on the applicant, and I believe it is clear that they have not met that bar. I don't accept the reasoning of because I want it, is the same as demonstrating hardship. I believe we have zoning laws to protect homeowners and the collective good from the wants of individuals. I implore you to uphold your previous ruling and maintain our charming historic neighborhood.

Thank you for your time,

Alexis Bailey  
323 N. Howard St. Moscow



Dear Board of Adjustment members,

Please consider our comments in opposition to Variance application to reduce the rear yard setback for a proposed addition located at 403 North Polk Street, as pertains to the Relevant Criteria and Standards required for approval. Permit Application LUP2025-0024

Criteria #1 is not met: 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. There is nothing special or peculiar about this lot in terms of size, shape, topography or location. Where the house was originally built on the lot, and the resultant setbacks that resulted from home placement is not listed as a special condition or circumstance for variance consideration by the Board of Adjustment. All lots in this same zoning district, including corner lots, have the same setback requirements. Most homes on corner lots in Fort Russell, including our own just two blocks away (which has the original one story, detached single car garage), were built with setbacks that exceed the current zoning requirements, and this is generally viewed as a positive feature of these homes. As the applicant pointed out, their home, having such a large front setback, allows for building a two-story, two-car attached garage in the front (east side) by right with no variance, and alternatively the current side setback also allows for an attached garage to be built to the south of the existing footprint by right without a variance, as shown in the letter submitted October 19 in opposition to the variance. Many homes in this zoning district do not have these options since they do not have such large setbacks, and this seems to be an advantage that this lot has rather than a disadvantage when comparing to other nearby lots. Our home, for example, has about half the front set back, yet we do not have an increased rear setback as a result. Like the applicant's home, our lot does not have enough rear set back to construct a two car attached garage in its' configuration, despite not having the large front setback that the applicants' home does. Also like the applicants, if we were to reorient our home so the current front would be designated as the side adjacent to the street, in order to build a garage on what is currently the rear, we too would need a variance to reduce the newly designated rear setback, as it would not meet the required rear set back. We would need an even greater reduction in our rear set back, based on our home placement on the lot, and then the question becomes how much of a decrease in setback is acceptable and how much is too much when it comes to granting a variance? As much as we would like to have a 2-car attached garage, it is not permitted on our lot without a variance. Unlike the applicant's home, ours does not have enough current rear setback to build a single-story one-car attached garage, or enough current side setback to build an attached garage, so in comparison, the applicants lot has options that are not available to many other lots in the same zoning district, including ours, and is more advantaged than disadvantaged as compared to other lots.

Criteria #2 is not met. BECAUSE OF THE AFOREMENTIONED SPECIAL CONDITIONS OF THE PROPERTY, 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.

There being examples that do not meet code is not one of the relevant criteria and standards to be met for granting a variance. Many other homes within the Fort Russell District (including three of the four lots on our corner, which is two blocks from the subject property) do not have attached garages, as they would encroach on the setback requirement. The oldest and most historic neighborhoods in the city often do not come with the conveniences of newer developments, but that's no surprise or undue hardship, rather is one of the many features that a home buyer considers when purchasing a home. Finding an example of another property that is out of compliance with current zoning requirements does not equate to depriving the property owner of rights commonly enjoyed by owners of other properties similarly situated in the same zoning district. It merely serves as an example of what went wrong and because one can find an out of compliance example, doesn't mean the zoning requirements should be overridden and that additional out-of-compliance requests should be granted. Fortunately for the applicants, it appears that they have plenty of room to entertain options to add an attached 2 car garage within the required setbacks, and without a variance.

**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 .**

I acknowledge the applicant's efforts to reduce the impact on their neighbor to the west, as opposed to their initial request in April, by proposing that the new side setback on the west side be enlarged to 12 feet. If this were to be approved, is there a mechanism for ensuring that this 12 foot setback (which is greater than the 5 foot required by code) be preserved in the future, for example if there are different owners? Would there be special and lasting unique setback restrictions for the side of this particular lot that are more restrictive than the zoning code?

In conclusion, we appreciate the applicant's efforts to reduce the impact on their neighbors, however still find that the Relevant Criteria and Standards that are required to approve this Variance application have not been met, and hope that one of the options permitted by right within the zoning code is acceptable to them.

Thank you for considering our comments. While we do live on Polk Street, we can not see the subject home and do not know it's direct neighbors. Rather we have concern for the domino effect that could follow of others requesting variances throughout this and other neighborhoods if a decision to approve this variance is made.

Respectfully,

Jack and Brandy Sullivan  
121 N Polk Street  
Moscow Idaho 8384



October 30, 2025

**Moscow Idaho Board of Adjustment**

**Re: Support of Variance Application by Lincoln and Manisha Wilson  
(LUP2025-0024)**

Dear Members of the Board:

We are writing to express our interest and concern regarding the application of Lincoln and Manisha Wilson of 403 N Polk for an adjustment of their setbacks for the purpose of building an attached garage. We, the below residents, are neighbors who would like to be considered as supporters of their effort. Their home is a grand element of the Fort Russell area and we, having seen the high-quality design images they have had produced, think the proposed addition would be a blessing for both them and those who regularly walk by.

The project is both in keeping with the neighborhood and with the style of the home. Its scale is suitable with the other great homes in the immediate vicinity, as it sits across the street from the aptly named Big Haus of 325 N Polk. The Wilsons have labored to include the neighbors in discussion and examination of their efforts. Particularly in this second request to the board of adjustment, they have offered concessions from their original plans and invited input from the neighbors on multiple occasions.

It seems to us that there is no visible harm to the neighbors in a sophisticated architectural expansion set back further than the code would allow for an attached garage. The Wilsons' desire to help serve their special needs child with a connected garage ought to place highly in the city's measure. The lot they have is limited, since most of it is a front yard and any use of that area would be an insult to the grand home itself. As a result, the ability to make any further improvements is relegated to the side and back areas of the lot, as reflected in the Wilsons' proposal. We believe their plans do a good job in meeting those limits in a way that is consistent with the design of the home respectful of neighbors' interests.

These plans are a welcome addition to a grand home on a famous corner in Moscow, often a target of architectural student tours and pleasant walks by Moscow's citizens. We recommend you grant the requested variance.

**On Behalf of the Fort Russell Neighborhood, via the following residents:**

Joel Cohen  
418 E B St

Christine Cohen

418 E B St

Mark Reagan  
605 E B St

Corinne Reagan  
605 E B St

Ryan Sundlie  
313 N Van Buren St

Colleen Sundlie  
313 N Van Buren St

Evan Wilson  
325 N Polk St

Leslie Wilson  
325 N Polk St