

BOARD of ADJUSTMENT



Jerry Schutz
Board Chair
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>

Tuesday
December 16, 2025

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of Minutes from December 9, 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 939 North Mountain View Road. Permit Application LUP2025-0023 (ACTION ITEM)**

Variance application to reduce combined and street side yard setbacks on a nonconforming lot located at 939 N Mountain View Rd within the Single-Family Residential (R-1) 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.

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

Conditional Use Permit application to establish a sign at 2010 South Main Street as historically significant to allow its continued use and face change within the Motor Business (MB) Zoning District, per Moscow City Code 4-6-7-I. Permit Application LUP2025-0027

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

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 adaordinator@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.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on December 23, 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
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Public Hearing
~ Minutes~

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

Tuesday
December 9, 2025

7:00 PM

Council Chambers
206 E Third Street

Thomson called the meeting to order at 6:59 PM

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

REGULAR AGENDA

1. Approval of Minutes from November 10, 2025 (ACTION ITEM)

Comstock moved for approval of the minutes as written, seconded by Dickinson. Vote by Acclamation; Ayes: Unanimous (5) Nays: None. Abstentions: None. Motion carried.

2. Public Comment

Time limit 15 minutes. Members of the Public may speak to the Board regarding matters NOT on the Agenda nor currently pending before the Board of Adjustment. Please state your name and resident city for the record and limit your remarks to three (3) minutes.

None offered.

3. Public Hearing: Proposal for a Conditional Use Permit at 2010 South Main Street. Permit Application LUP2025-0027 (ACTION ITEM)

Conditional Use Permit application to establish an existing legally non-conforming sign located at 2010 S. Main St as historically significant in order to allow its continued use and modification per Moscow City Code 4-6-7-I.

Falcy presented the Conditional Use Permit (CUP) request as described above and informed the Board of the standards considered by the National Register of Historic Places for something to be deemed eligible for historic registry. There were no comments from Idaho Department of Transportation regarding this application. The plans and records for past widening of Highway 95 would be retained by the Engineering Division but are not readily available.

The Public Hearing opened at 7:10 PM

Steven Hacker (applicant), Moscow, provided a brief explanation of the proposed work the owners would like to do on the sign and the intent. There will not be structural changes to the sign.

Kyle Allison, Moscow, supported the proposed changes to the sign but wondered if the sign was originally built within city limits. A 1967 Moscow City map shows the property was within city limits and zoned Motor Business.

Sage McCetich, Moscow, was in favor with the proposed sign modifications.

The Public Hearing closed at 7:15 PM

The Board had a discussion about how the sign has become historically significant in how recognizable it is to long-time community members and that it has been on the subject property for over 50 years. There was a comment that the sign has not been a nuisance to traffic or other neighbors in the time it has been there. They were in agreement that the sign is a historical part of Moscow and culturally significant to many residents and they would like to encourage historical preservation.

Comstock moved to establish the free-standing sign at 2010 S Main St as historically significant and approve the CUP with no conditions and direct Staff to prepare the draft Relevant Criteria and Standards document. The motion was seconded by Bush. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

4. Public Hearing: Proposal for a Conditional Use Permit at 427 Troy Road. Permit Application LUP2025-0032 (ACTION ITEM)

Conditional Use Permit application for a proposed Fire Station to be relocated into an existing structure located at 427 Troy Rd, within the Motor Business (MB) Zoning District, per Moscow City Code 4-3-4.

The Vice Chair announced that the applicant has withdrawn their application, and the Hearing will no longer proceed as originally noticed.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 7:00 PM on December 16, 2025.

The meeting adjourned at 7:19 PM

Jerry Schutz, Chair

Date

CITY OF MOSCOW
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

HEARING DATE: Tuesday December 16, 2025

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2025-0023 – Variance application to reduce the street side yard setback on a nonconforming lot located at 939 North Mountain View Road within the Single-Family Residential (R-1) Zoning District, per Moscow City Code 4-4-2.

Attachments:

1. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, November 29, 2025
2. Variance Application and Site History Addendum

Prepared by: Lucy Falcy, Planner 1

STAFF REVIEW

Proposal:

The applicant, Alison Tompkins, is requesting a Variance to reduce the street side yard setback on a lot located at 939 North Mountain View Road within the Single-Family Residential (R-1) Zoning District. The applicant plans to construct a new single-family home on the lot. Specifically, the applicant is proposing to reduce the street side yard setback from seventeen (17) to five (5) feet on the northern side of the property. This Variance request is prompted by development challenges on the site that limit design options: undersize lot dimensions, steep topography and a vehicular barrier restricting access from N. Mountain View Road.



Vicinity Map



Subject Property

Site and Area Land Use:

The history of this lot is somewhat complex. County tax records and the deed for the property indicate that it is ninety (90) feet by 165 feet, totaling 14,850 square feet in area. The applicant maintains that those records are incorrect and due to right-of-way acquisition by the City on the north and east edges of the property, the actual dimensions are sixty (60) feet by 135 feet, totaling 8,100 square feet. We are using the applicant’s dimensions for this analysis.

The subject property is bound by N. Mountain View Road to the east and a potential future extension of Thatuna Avenue to the north. The site slopes steeply down towards the west, losing approximately twenty-nine (29) feet in elevation across the property. The property is undeveloped.



Site Topography

Streets and Access:

The subject property is accessed via North Mountain View Road to the east. Proposed improvements to N. Mountain View Road include a guard rail on the western edge of the curve as N. Mountain View Road turns to the east. This guard rail is currently proposed to cover the entirety of the eastern edge of the subject site, but Engineering is working with the consulting firm to reduce it enough along its southern portion to allow access to the subject site at its southeast corner. This restricts the site design options available to the applicant and is a reason for the Variance request.

On April 21, 2025, the Moscow City Council waived the requirement for the applicant to install street frontage improvements along the subject site’s Thatuna Avenue frontage. Frontage improvement along the N. Mountain View Road frontage is to be completed summer 2026 as part of a larger public improvement project.

North Mountain View Road is classified as an arterial street on the Moscow Comprehensive Plan and backing onto it is prohibited. Site driveway design will require a vehicle turnaround.

Comprehensive Plan:

Chapter 2 of the Comprehensive Plan, Land Use and Community Character, designates the subject property as Auto-Urban Residential (A-UR). A-UR designated areas,

“contain predominantly single-family detached homes on lots ranging from 7,000 to 11,000 square feet in size and are more isolated from surrounding uses which may require residents to rely more on automobile transportation. This designation includes those areas generally anticipated to be developed for low- to moderate-density residential uses at densities between three to six units per acre which could include a mix of detached single-family, twinhome, and townhome residential dwellings. Appropriate current zoning for Auto Urban Residential designated areas includes Low Density Residential (R-1), Moderate Density Single Family Residential (R-2) and Medium Density Residential (R-3) in order to include a mixture of attached and detached dwellings where appropriate.”

An objective of Chapter 2 is to, “provide a mix of housing that meets the economic and lifestyle needs of the diverse population of Moscow.”

Chapter 3 of the Moscow Comprehensive Plan, Community Mobility, designates North Mountain View Road as an arterial street. Reversing out of a driveway onto an arterial is prohibited per MCC 4-6-2-A-6-d. Site driveway design will require a vehicle turnaround.

Zoning:

The subject property is located within the Single-Family Residential (R-1) Zoning District. According to the Zoning Code 4-2-4(D): *“Low Density, Single Family Residential Zoning District (R-1). Purpose: The R-1 zoning district is a low-density residential zone appropriate where the following circumstances are present:*

- 1. Single family dwellings predominate in the area.*
- 2. The physical character of the area does not lend it to more intense development, either by virtue of irregular topography, restricted access, division of the land into subdivision lots of a size greater than the minimum lot size required by this zoning district, or the application of the Plan policies to the land in question”*

Adjacent properties to the north, south, east and west are all residential uses and are within the R-1 Zone.

MCC 4-4-2- Bulk and Regulations Table: In the R-1 Zone, the following setbacks apply to the subject site:

Front-	twenty-five (25) feet
Rear-	twenty (20) feet
Side-	five (5) feet
Street Side-	seventeen (17) feet
Combined Side-	fifteen (15) feet

Per M CC4-6-2-E, the prosed dwelling will require two (2) off-street parking spaces (excluding any potential Accessory Dwelling Unit). These parking spaces are prohibited

from backing onto N. Mountain View Road per MCC 4-6-2-A-6-d and the subject site will require a vehicle turnaround within the required front yard setback.



Zoning Map

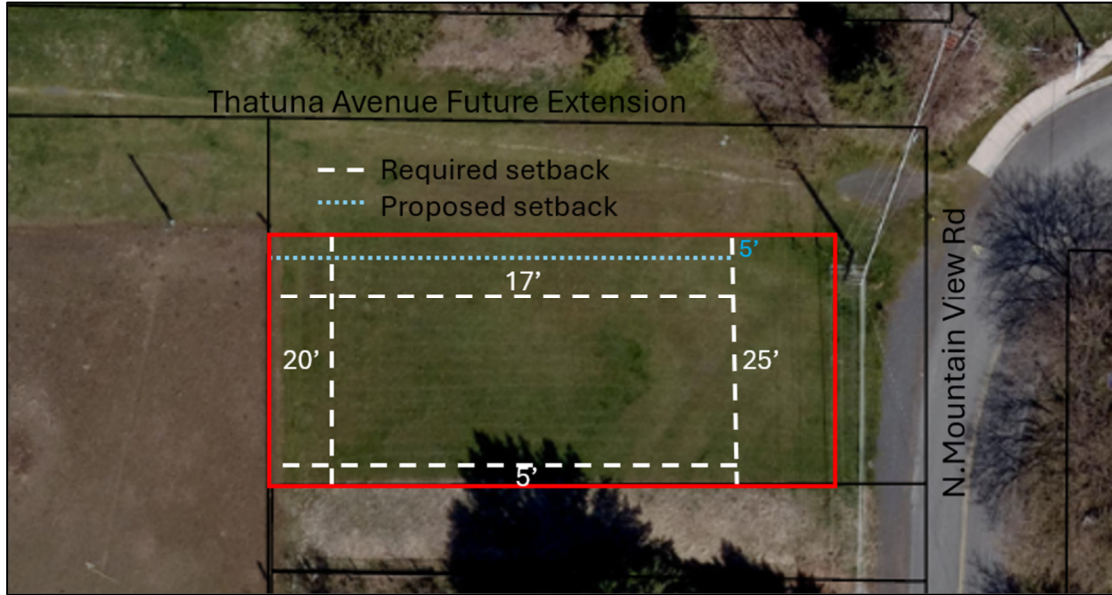
The subject site sits on the corner of N. Mountain View Road and what is currently mapped as an extension of Thatuna Avenue. The applicant is requesting a variance from the street side yard setback along the potential future extension of Thatuna Avenue to the north.

The City has no immediate or future plans to develop Thatuna Avenue, as connecting it in the future would require fairly substantial retaining walls, making the connection challenging and costly. Regardless, Thatuna Avenue remains a public right-of-way which prompts the subject site to be considered a corner lot and thus subject to the required exterior side yard setbacks.

For a single-family home in the R-1 Zone, the minimum lot size is 9,600 square feet and the minimum lot width is eighty (80) feet. At 8,100 square feet in area and sixty (60) feet in width, this lot is legally nonconforming. These smaller dimensions are another reason for the variance request. MCC 4-1-6-B allows legally nonconforming lots one (1) single-family dwelling.

The topographic and access challenges and nonconforming lot dimensions of the site are the reasons for this variance request. To accommodate the proposed single-family dwelling, the applicant is proposing to reduce the street side yard setback along the future extension of Thatuna Avenue from seventeen (17) to five (5) feet. This Variance request is

prompted by three primary challenges on the site that limit design options: narrow lot width, steep topography, and a vehicular barrier limiting access options to the site.



Proposed and Required Setbacks

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

The following are Staff’s comments relating to the criteria required for approval of a Variance. They may be used for the Relevant Criteria and Standards or changed to include or remove any statement deemed necessary or appropriate by the Board.

- 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 subject site is a nonconforming lot in that it does not meet the minimum width and area for a single-family lot in the R-1 Zone. Additional special conditions on the site include steep topography and the site’s location adjacent to a 90-degree turn in Mountain View Road requiring a guard rail to be installed along the northern portion of the site’s developed street frontage. These conditions, combined with the site’s restrictions on backing vehicles onto North Mountain View Road, create special conditions which are particular to the property.

- 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 applicant has adequately demonstrated that the site's dimension, slope, need for on-site vehicular turnaround utilizing a garage, and access restrictions would make a narrow house floorplan impractical and would significantly limit building options on the site in a way that would deprive the applicant to rights commonly enjoyed by other properties. This is a unique site and there are not many similarly situated properties.

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 setback requirement that the applicant is requesting a variance from is for a street-side setback abutting a street that the City has no immediate plans to develop due to the slope of the right-of-way and its cost-prohibitive development requirements. Permitting a five (5) foot northern setback will not be in conflict with the public interest or persons in the vicinity of the subject property as the private properties to the north are sixty (60) feet away. Engineering expressed no concern regarding the ability to maintain future clear-vision triangles if and when Thatuna Avenue is ever connected to Mountain View Road.

RECOMMENDATION FOR VARIANCE APPLICATION

The Board has the option to approve, approve with conditions, or deny the application subject to the Relevant Criteria and Standards and any public testimony provided at the public hearing. The Board may also table the decision for the application in order to request more information, including studies of social, economic, fiscal and environmental effects of the proposed Variance.

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

Staff recommends that the City of Moscow Board of Adjustment **approve** the Variance application at 939 North Mountain View Road with no conditions.

The Board of Adjustment's actions are to 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.

In accordance with the Board's decision, direct staff to prepare the Relevant Criteria and Standards document.

NOTICE OF PUBLIC HEARING

Proposal for a Variance at 939 North Mountain View Road.
Permit Application LUP2025-0023

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 combined side yard setbacks from 15 feet to 10 feet and to reduce the required street-side setback from 17 feet to five feet for construction of a proposed dwelling within the Single-Family Residential (R-1) Zoning District per MCC 4-4-2.

HEARING DATE: Tuesday, December 16, 2025

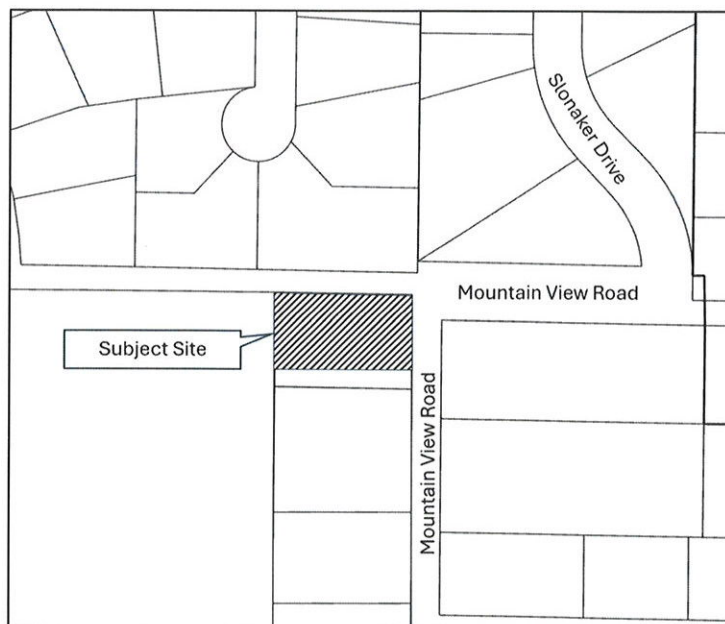
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

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 to get a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Public participants desiring to submit textual materials to the decision-making board shall make that submission at least five (5) calendar working days in advance of the scheduled meeting. Materials provided tardy may be admitted for consideration subject to the discretion of the decision-making board. You may obtain further information about the public hearing process and procedures on the City's Website at:

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



Laurie M. Hopkins, Moscow City
Clerk


Jennifer Fleischman, Deputy City
Clerk

Published: Saturday, November 29, 2025



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph: 208-883-7035
504 S. Washington Street
jfleischman@ci.moscow.id.us
ahennrich@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: Alison Tompkins Phone: 208-301-7133
Address: 257 Southview Ave #301 Moscow ID 83843 Email: atompkins2882@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: Jena Malm & Jill Malm & Doug Malm Phone: _____
Address: _____ Email: _____

3. Location of Affected Property: RPM000000080106, legal description attached.

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

Legal Description: N/A (Subdivision) (Block) (Lot)

INFORMATION ON REQUESTED VARIANCE

4. **Proposal:** The applicant proposes the following construction and/or use for the above-described property:
Applicant proposes to construct a residence a minimum of 5' from north and south property lines. Variance is requested to provide flexibility in design (house width and placement) to minimize cut & fill on this steeply sloping, non-conforming lot bounded by Thatuna and Mountain View street ROW and an unusually narrow, vacant, and unbuildable parcel to the south.

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:

Street side yard setback of 17' in the R-1 zone and combined minimum side yard setback of 15'.

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.

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.

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.

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.

Alison Tompkins
 Signature of Applicant

7/28/2025
 Date

Douglas P. Malm
 Jill L. Malm
 Jena M. Malm
 Signature of Property Owner (if different)

7/28/2025
 Date

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.

The parcel is located at the 90-degree corner of Mountain View Road and the platted ROW for Thatuna. Parcel is a non-conforming, 60' wide x 90' deep lot in the R-1 zone, in which the minimum lot width is 80'. Property slopes steeply to the west. City Engineering Dep. does not anticipate that Thatuna will ever be constructed due to the extremely steep slope, and a waiver from Thatuna frontage improvements was approved by City Council on April 21, 2025. (See attached City Council minutes, pgs. 4-5.) Thatuna ROW is used by the public as an informal trail/public open and vacation of the ROW is not desired, nor could any building be constructed within it. Several utilities are located within the Thatuna ROW, including overhead power and underground sewer service lines; an overhead power pole is located at the northeast corner of the parcel.

Due to traffic volume on Mountain View Road, the City will require a vehicle turnaround on the parcel, outside of street ROW. This will ensure safe ingress/egress to/from the property. When combined with required front yard setbacks and steep topography, the building envelope is further constrained. The south property line is adjacent to an unoccupied, unbuildable, narrow strip of property ~ 20' wide (see attached snip from Latah County parcel viewer) and provides a generous buffer between the subject property and neighbors to the south.

The above site conditions (primarily slope and front yard turnaround) drive the need for a wider (north to south) building footprint that is not permitted under current setback requirements. The steep slope, in combination with increased corner lot setback requirements, the required turnaround, and the narrow lot width compared to other conforming lots in the R-1 zone result in an even narrower, steeper building envelope.

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.

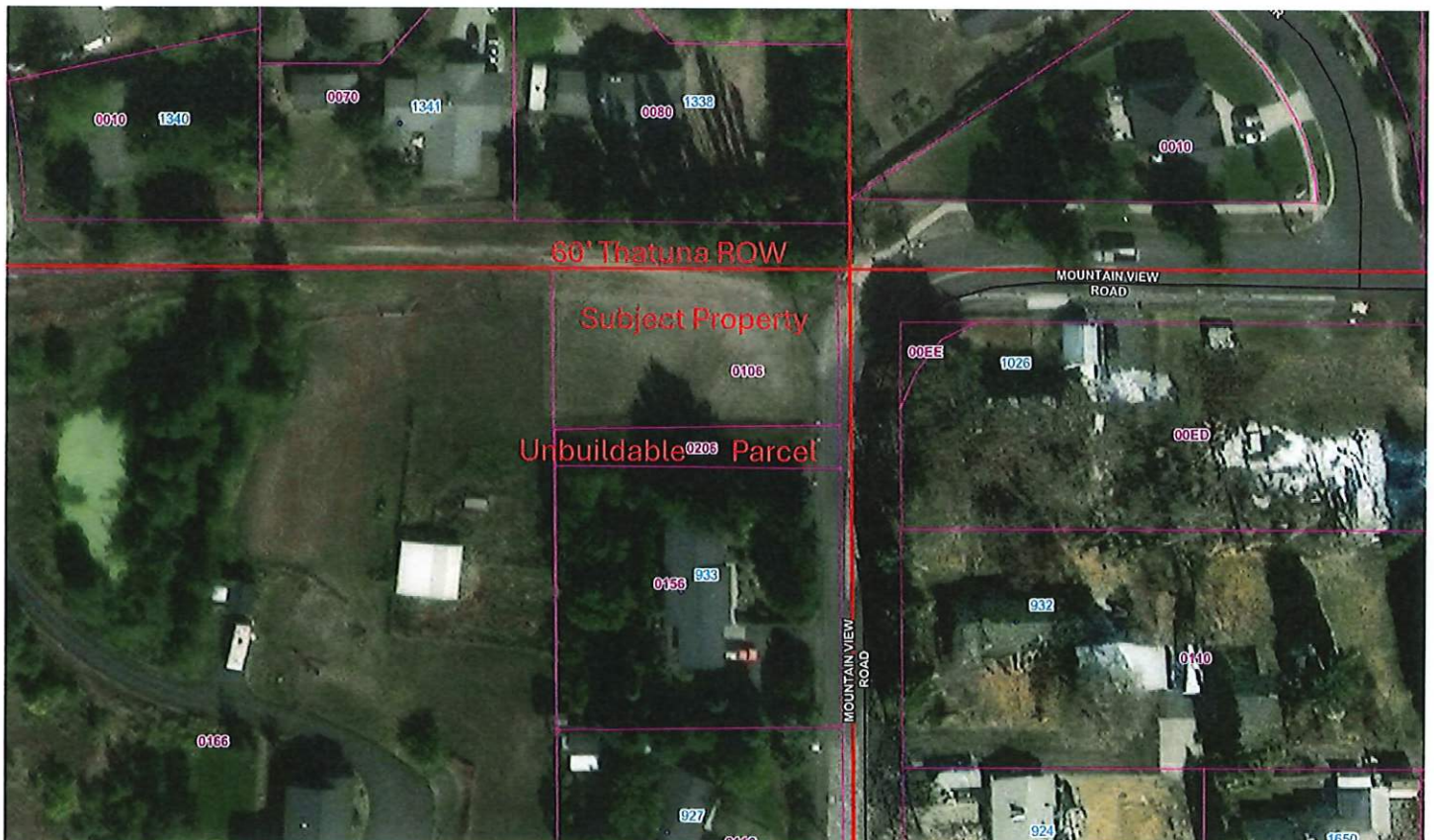
Due to the steep slope, non-conforming lot width, and corner lot setback requirements, a narrow floorplan is impractical and a wider floorplan is needed to accommodate off street parking (garage and turnaround space). If the lot was a conforming width (80'+) or off-street parking was not required, the variance would not be necessary.

Furthermore, the increased side yard setback for corner lots (17') is intended to provide increased visibility at street intersections for safety. This is not applicable at this location because Thatuna is not intended for construction. The combined minimum side yard setback (15') is intended to provide separation from neighboring structures and property. This is not applicable due to the 60' platted ROW of Thatuna to the north and the narrow, unbuildable parcel to the south.

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 proposes to maintain a 5' minimum building setback from north and south property lines. Site conditions to the north and south demonstrate that approval of the variance will not negatively impact surrounding property owners or the public ROW. Approval of the variance as proposed will preserve current use of the platted ROW for utilities and recreation, allow infill development of a non-conforming lot challenged by a combination of narrow width and steep topography, and does not create any detrimental impacts to public health, safety, or welfare.

Latah County Parcel Viewer – July 28, 2025



Jennifer Fleischman

From: Alison Tompkins <atompkins2882@gmail.com>
Sent: Thursday, November 20, 2025 10:21 PM
To: Jennifer Fleischman; Lucy Falcy; Michael Ray
Subject: Mountain View Rd Variance - information requested

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This message originated from outside the City of Moscow's network. Exercise caution when clicking links or opening attachments. If in doubt, please contact Information Systems at extension 7004.

Thanks Jennifer, I reviewed the documentation again and the 60'x90' dimension is a typo. It should read 60'x135'. I found the same issue with County parcel mapping and legal description on the deed that Lucy did. I spent quite a bit of time researching the parcel history, and this is what I found.

History

Instr. #318918 dedicated the south 30' of Thatuna ROW to the City, making it a full 60' ROW.

Instr. #419090 conveyed the parcel from Lefors to Malm with a description of 90' x 165'. The legal description with that deed did not say anything about it being subject to ANY easements or rights of way of record, but it begins at the section corner which is more or less in the middle of the 60' ROW for Thatuna, which you don't see until you map it out.

Instr. #517815 was a record of survey which noted that *"The purpose of this survey is to accomodate a boundary line adjustment along the northerly line of the Lefors parcel, "Lefors to Malm", and the locate and monument the resulting Lefors parcel boundary."* The problem is that a record of survey doesn't convey property, and it doesn't look like either party ever recorded a deed to transfer the 22' strip from Lefors to Malm. Since the strip was never conveyed, it remained under ownership of Lefors, so when Lefors later conveyed 933 Mountain View to Hughes (Instr. #519214) and that description excluded the strip they thought had gone to Malms, the strip remained with Lefors yet again, resulting in the current circumstances.

What this means is that the property is 60' x 135', constrained by City building setbacks on two 60' ROW street frontages, with additional easements from existing utilities (overhead power & underground gas) on the north (Thatuna) property line. It also explains the creation of the orphaned strip on the south property line.

If this answers the questions raised in the initial review, can we proceed with scheduling a public hearing? If so, when can I expect that to be scheduled?

Feel free to contact me by phone or email if there are any additional questions. Thank you,

Alison Tompkins
 (208)301-7133



EXHIBIT A

LEGAL DESCRIPTION

Seller(s): Jena Malm & Jill Malm & Doug Malm _____

Buyer(s): _____

A parcel of land located in the northeast quarter of Section 8, T39N R5W, BM, and being more particularly described as follows:

Beginning at the northeast corner of Section 8, T39N R5W, BM, and the TRUE POINT OF BEGINNING.

Thence along the east line of said Section 8, S 0°14'45" W, 90.00 ft;
Thence leaving said line N 89°03'35" W, 165.00 ft;
Thence N 0°14'45" E, 90.00 ft to a point on the north line of Section 8;
Thence along said north line S 89°03'35" E, 165.00 ft to the TRUE POINT OF BEGINNING.

Seller signature: _____ Date: _____

Seller signature: _____ Date: _____

Seller signature: _____ Date: _____

Buyer signature: _____ Date: _____

Buyer signature: _____ Date: _____

60'

LUP2025-0023

5' req. side setback

17' req. street setback

20' rear setback

NOTE: 50' BUILDING WIDTH IS PROPOSED. ACTUAL DIMENSIONS OF ROOMS MAY VARY SLIGHTLY ON FINAL ARCHITECTURAL PLANS.

(BACK YARD)

MAIN FLOOR PLAN

THATUNA ROW

Overhead power + prt. sewer service lines

90'

GARAGE 19 x 25

LIVING 19' x 17' (15' x 17' minus stairs)

MASTER 12' x 11'

MASTER BATH 7' x 14'

closet 5' x 9'

1/2 Bath

5' x 5'

DINING 14' x 11'

KITCHEN 12' x 11'

5' x 3' ENTRY

25' front setback

OFF-STREET PARKING/TURNAROUND

utility pole

20' approach

future guardrail by city

N →

1" = 10'

MOUNTAIN VIEW ROW

Received 07-31-2025

60'

5'

side setback

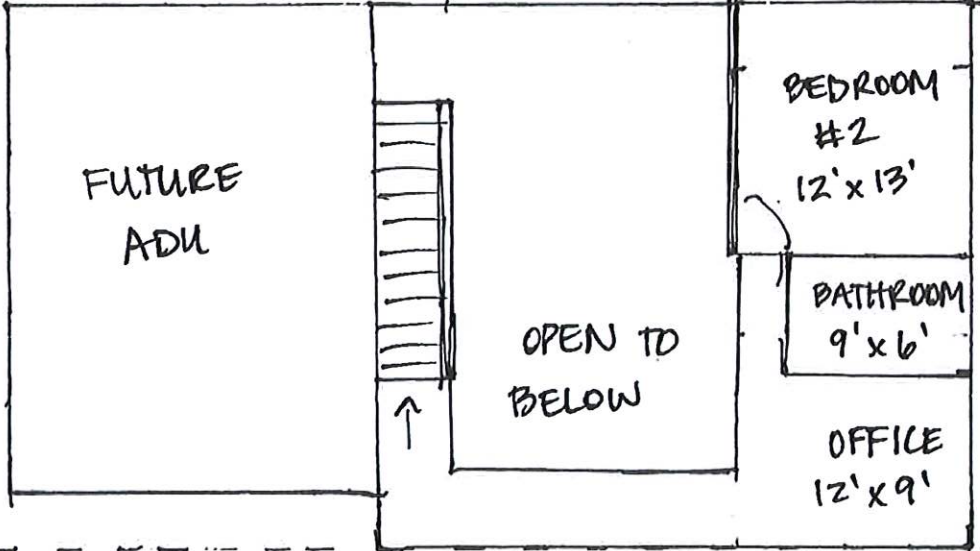
17' street setback

20' rear setback

90'

25' front setback

2ND FLOOR PLAN

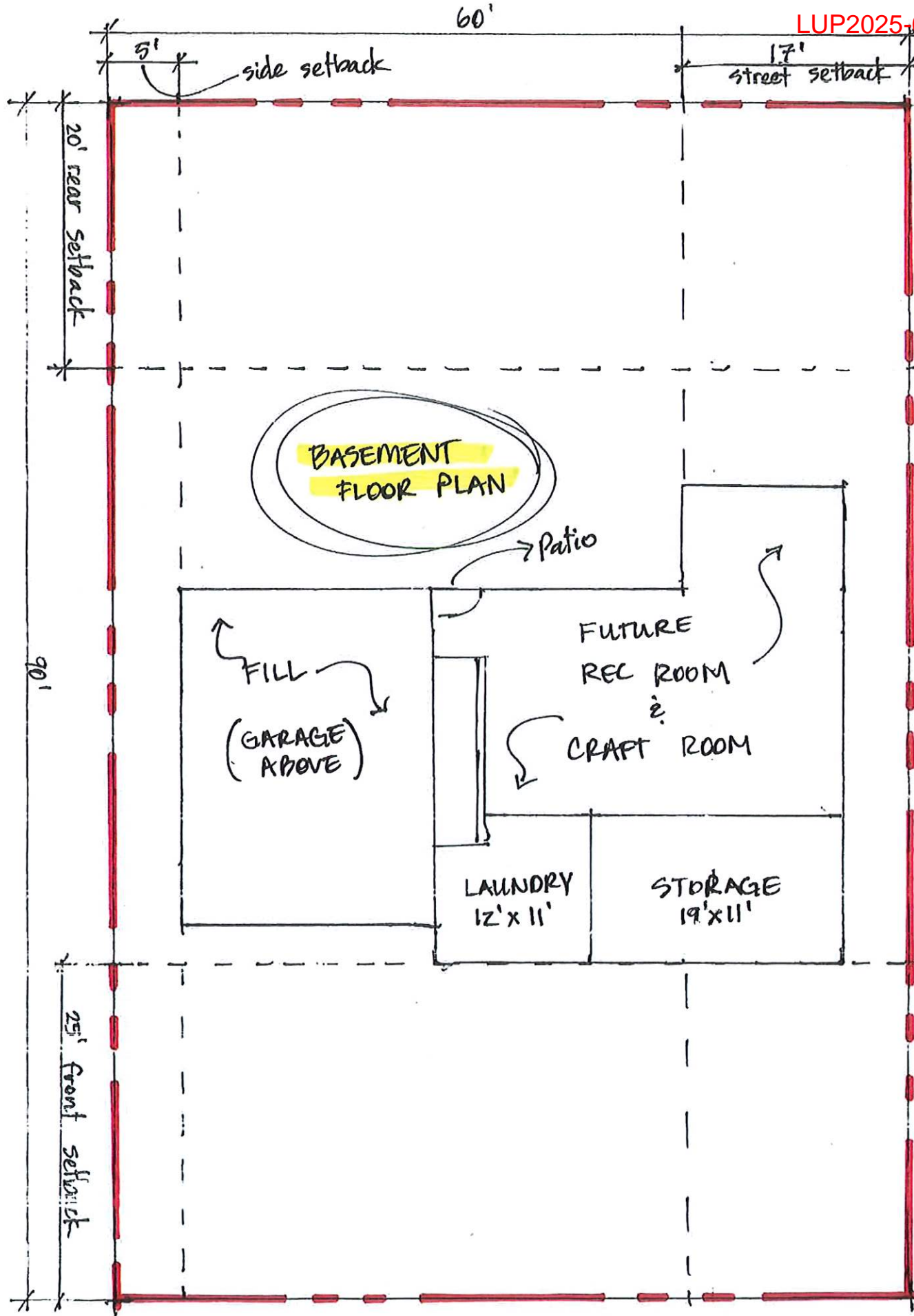


THATUNA ROW



1" = 10'

MOUNTAIN VIEW ROW



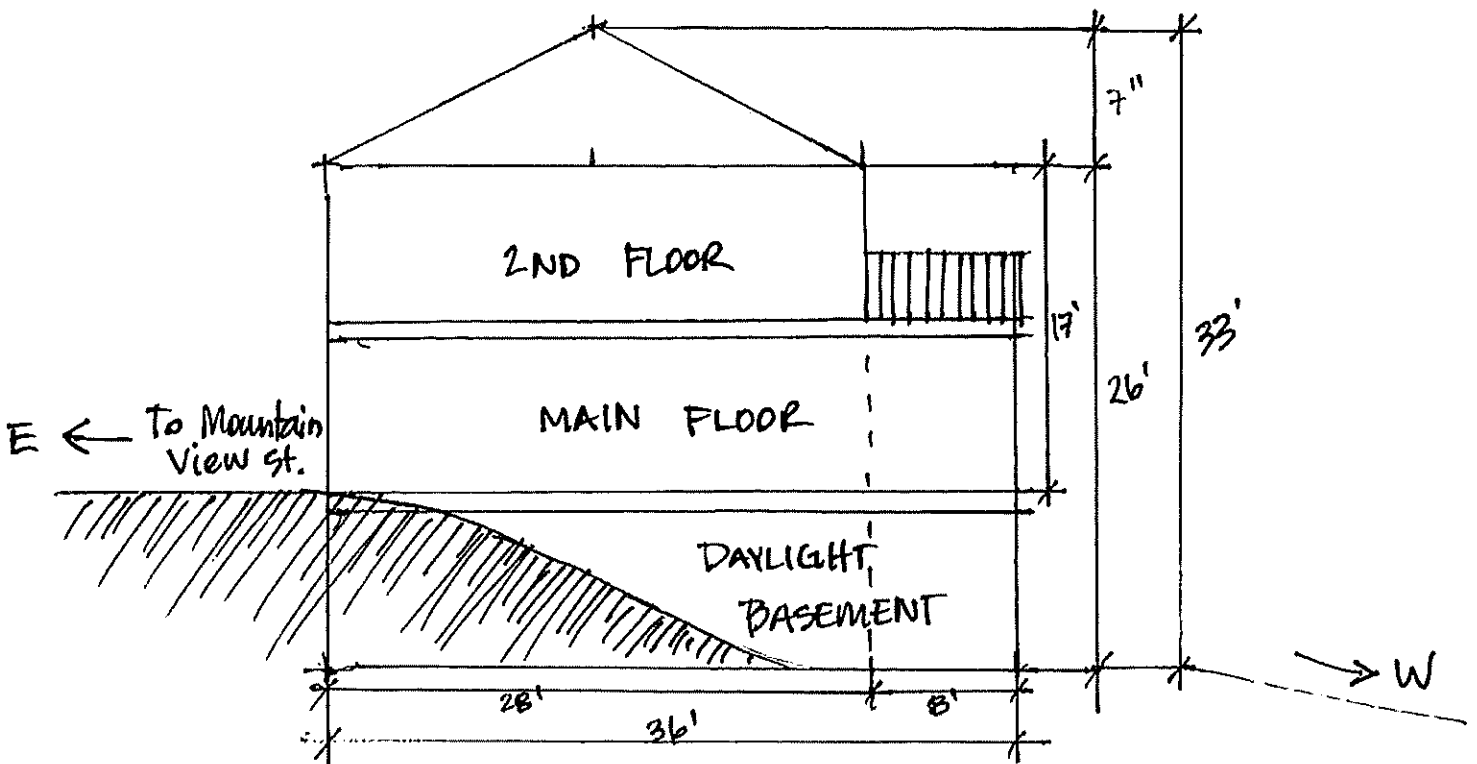
THATUNA ROW



MOUNTAIN VIEW ROW

NORTH ELEVATION

1" = 10'



- NOTES:
1. 8' CEILINGS
 2. 6:12 ROOF PITCH
 3. SLOPE OF LOT IS NTS

Pictures of Subject Property – TBA North Mountain View Road



View from Mountain View ROW, looking west across parcel, 60' Thatuna ROW pictured on right.



View from Thatuna ROW, looking south across parcel.



View from (approximate) northwest property corner of subject property, looking east across parcel; 60' Thatuna ROW pictured on left.

Moscow City Council



Regular Meeting
~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, April 21, 2025

7:00 PM

Council Chambers
206 E. Third St.

The meeting was called to order at 7:00 p.m.

PRESENT: Mayor Art Bettge, Bryce Blankenship, Drew Davis, Sandra Kelly, Hailey Lewis, Julia Parker, Gina Taruscio

STAFF: Bill Belknap, Mia Bautista, David Schott, Anthony Dahlinger, Bob Buvel, Kelli Cooper, Amanda Argona, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Council President Davis led the Pledge of Allegiance.

PROCLAMATION

Arbor Day Proclamation

Mayor Bettge read the Arbor Day proclamation and presented it to David Schott. Schott invited all to attend the celebration and to plant a tree.

Earth Day Proclamation

Mayor Bettge read the Earth Day proclamation and presented it to Victoria Seever and Kelli Cooper.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council April 7, 2025 Minutes - Laurie M. Hopkins

B. Approval of Payment of Claims - Sarah Decker

C. Disbursement Report March 2025 - Sarah Decker

Staff presented the March 2025 Accounts Payable Report to the Public Works / Finance Committee on April 14th, 2025. The Committee received the report and recommended approval of the disbursement report.

ACTION: Accept the Disbursements Report for the month of March 2025.

D. Second Quarter Financial Report January 1, 2025 to March 31, 2025 for FY2025 - Sarah Decker

Staff presented the financial report for the Second Quarter of Fiscal Year 2025 (January 1, 2025 to March 31, 2025) to the Public Works/Finance Committee on April 14th, 2025. The Committee received the financial report and approved it as presented.

ACTION: Accept the FY2025 Second Quarter Financial Report.

E. Lot Line Adjustment for 210 and 214 N Grant Street - Mike Ray

The applicants, Donna Hime and Mark Townsend, are requesting a lot line adjustment between two properties located at 210 and 214 N Grant Street. The proposed lot line adjustment would increase the lot addressed as 210 N Grant St from 8,410 sf to 8,624 sf and decrease the lot addressed 214 N Grant St from 8,555 sf to 8,339 sf. The applicants are requesting the lot line adjustment to accommodate the construction of a carport/garage. Both properties contain single-family dwellings and are located within the Moderate Density, Single Family Residential (R-2) Zoning District which requires a minimum lot area of 7,000 sf and a minimum lot width of 60 feet. The proposed lot line adjustment meets all zoning code requirements including building setbacks. This item was reviewed by the Public Works and Finance Committee on April 14, 2025 and recommended for approval.

ACTION: Approve the lot line adjustment request with no conditions.

F. Woodbury Lots 1, 2, 3, and 4, Block 5, Lot Line Adjustment – Mike Ray

The Woodbury 1st Addition is a subdivision and Planned Unit Development (PUD) that received final approval from the City Council on October 17, 2022. The development includes 79 lots ranging from 3,823 to 16,321 square feet in size and is the first phase of a master-planned subdivision that has a new urbanist design. Slonaker Drive has been extended into the subdivision and the infrastructure for the first phase of the subdivision has been constructed which includes Woodbury Drive and Picotee Circle. There are currently approximately 15 single-family homes that are under various stages of construction. On April 1, 2025, the applicant submitted a Minor PUD amendment to consolidate four lots into three lots to accommodate larger house plans of lots identified as “Estate” lots. On April 9, 2025, staff administratively approved the proposed Minor PUD amendment and the applicant has subsequently requested a lot line adjustment in order to complete the process. The existing lots are Lots 1, 2, 3, and 4 of Block 5, which are currently 16,322 sf, 11,655 sf, 11,294 sf, and 10,917 sf in size. The proposed lot line adjustment would consolidate the four lots into three lots of 22,215 sf, 17,857 sf, and 10,115 sf in size. The proposed lot line adjustment is consistent with what has been approved through the Minor PUD amendment process. This item was reviewed by the Public Works and Finance Committee on April 14, 2025 and recommended for approval.

ACTION: Approve the lot line adjustment request with no conditions.

G. Artwalk Season Finale Alcohol Use Request in Entertainment District - Amanda Argona

The City of Moscow Arts Department is hosting the Artwalk Season Finale on Thursday, June 26th, from 4:00 pm to 8:00 pm on Main Street between 3rd and 6th Streets. This annual event concludes the 2024-2025 Artwalk Season in an artistic and festive manner. As a City-hosted event, the Arts Department has facilitated the registration of Main Street vendors and demonstrators, as well as business and non-profit host locations. No more than 5 (five) licensed vendors will be authorized for beer/wine sales, and a variety of activities will take place including live music, Kidwalk, food sales, art demonstrations, and more. The event has been reviewed and approved as of February 25, 2025. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Artwalk is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Section 10-1-12; a draft resolution has been prepared for Council's consideration. This was reviewed by the Public Works/Finance Committee on April 14, 2025 and recommended for approval.

ACTION: Approve the resolution allowing for the temporary suspension of the open container law within the event footprint of the Artwalk Season Finale for the duration of the event.

H. Moscow Renaissance Fair Alcohol Use Request in East City Park - Amanda Argona

Moscow Renaissance Fair LLC is hosting the annual Moscow Renaissance Fair on Saturday, May 3 and Sunday, May 4 in East City Park. The applicant anticipates 1 (one) licensed vendor offering beer and wine in the beer garden, which is estimated to be 40'x20' in size. Following standard operating procedures for events with alcohol within a City Park, Moscow Renaissance Fair LLC is requesting the allowance of attendees to possess and consume alcoholic beverages within the beer garden from 12:00-8:00 pm on Saturday and 12:00-5:00 pm on Sunday. Per Moscow City Code, Section 5-13-4, a draft resolution has been prepared by the Community Events Division and reviewed by the Legal Department for the Council's consideration to permit this typically prohibited activity. This was reviewed by the Public Works/Finance Committee on April 14, 2025 and recommended for approval.

ACTION: Approve the resolution allowing for the possession and consumption of alcoholic beverages in the designated beer garden in East City Park for Moscow Renaissance Fair for the listed dates and times during the event.

I. Miicor purchase agreement for Barracuda XDR computer, network, and email security services - Chris Caylor

Staff is requesting authorization for the purchase of enhanced endpoint, server, network, and email security software, and a 24-hour per-day monitoring solution. This specific expense was not anticipated in the FY2025 Budget, but staff have identified savings within the IS Fund, including non-renewal of other software applications and equipment replacements to fund this purchase. The 3-year agreement for this solution is \$35,873.32 per year for a total commitment of \$107,619.94, subject to annual Council appropriation each year. This was reviewed by the Public Works / Finance Committee on April 14, 2025 and recommended for approval.

ACTION: Approve the agreement with Miicor Inc. for the purchase of Barracuda XDR licensing and security services.

Lewis moved and Taruscio seconded to approve the consent agenda as presented. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REGULAR AGENDA**2. Mayors Appointments (ACTION ITEM)**

None offered.

3. Public Comment (limit 15 minutes)

Steevie Steelie Johnson (Rural Moscow) invited everyone to the fourth annual Earth Day celebration at East City Park this coming Saturday. They will be extending hours at the solid waste processing facility to now close at 5:30 p.m. from April 1 to October 1.

4. Earth Day Awards

With the assistance of Kelli Cooper, the Mayor presented the 2025 Earth Day awards. See attached list of winners.

5. Consideration of Janitorial Bid Results (ACTION ITEM) - David Schott

The City published an invitation to bid for custodial services for certain City buildings on February 15, 2025 and February 22, 2025. Bid opening for custodial services took place on March 5, 2025, at which time five (5) bids were received. GG Gutters, Inc. dba Creative Cleaning Connections was the low bidder for Module #1, Module #6, and Module #7 in the amount of \$203,513.49 for the three (3) year

proposed agreement from October 1, 2025 through September 30, 2028. EVCAR, Inc. dba Service Master Building Maintenance was the low bidder for Module #2, Module #3, Module #4, and Module #5 in the amount of \$329,568.00 for the three (3) year proposed agreement from October 1, 2025 through September 30, 2028. The Public Works and Finance Committee considered and recommended approval on April 14, 2025.

PROPOSED ACTIONS: Approve the low bid from GG Gutters, Inc. dba Creative Cleaning Connections for Module #1, Module #6, and Module #7 in the amount of \$203,513.49 and approve the low bid from EVCAR, Inc. dba Service Master Building Maintenance for Module #2, Module #3, Module #4, and Module #5 in the amount of \$329,568.00; reject the bids; or take other action deemed appropriate.

Schott introduced the item as written above adding Staff grouped all City buildings into seven modules for the purposes of bidding and bidders were allowed to bid on one module, multiple modules, or all the modules. The bid took into account the new shop beginning October 1, 2026 and the new parks and fleet shop beginning March 1, 2026. While each module may be more or less, the overall cost of janitorial services has decreased from last year. A few years back Staff looked at in-house cleaning but wouldn't save the City money. The current janitor services are going well so there would be no justification to not go with the low bidder. Taruscio reiterated, it isn't a matter that the city isn't happy with service, it is all about accepting the low bidder.

In answer to Blankenship's question, Schott said if there were issues during a park event, the event sponsor would contact the Parks Division, not janitorial services. Belknap added he recalled the event organizer was taking on the responsibility of resupplying toilet paper, paper towels, etc but had difficulty getting access to resources. Employees are now staffed during events to ensure the high volume events are being taken care of.

Parker moved to approve the low bid from GG Gutters, Inc. dba Creative Cleaning Connections for Module #1, Module #6, and Module #7 in the amount of \$203,513.49 and approve the low bid from EVCAR, Inc. dba Service Master Building Maintenance for Module #2, Module #3, Module #4, and Module #5 in the amount of \$329,568.00. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

6. Request for Waiver of Thatuna Right of Way Improvements (ACTION ITEM) - Bob Buvel

Alison Tompkins is the potential buyer of Parcel RPM00000080106 (933 N Mountain View Rd) in the City of Moscow and has plans to construct a single family home on the parcel. The north boundary of the parcel abuts the 60' wide right-of-way of Thatuna Avenue, which is currently unimproved land. On March 10, 2025 the City received a letter from Alison Tompkins requesting a waiver of the requirement to improve Thatuna Avenue Right-of-Way, citing significant cost and a lack of intent to construct the remaining portion of the undeveloped right-of-way. The applicant has estimated the Thatuna frontage improvement construction cost would be approximately \$107,000. Frontage improvements would still be required on Mt. View and the applicant has not requested a waiver from those requirements. Approval of the waiver would not prevent the future extension of Thatuna adjacent to the subject property, where adequate right-of-way exists. This could be required in association with further development, or as part of a City-initiated project. This item was considered by the Public Works/Finance Committee on April 14, 2025 and forwarded to City Council with no recommendation.

PROPOSED ACTIONS: Consider the request for waiver of public improvements to Thatuna Avenue and approve of the waiver request; deny the waiver request; or take other action deemed appropriate.

Buvel introduced the item as written above and went through the utility and street requirements. There are a few private sewer systems and a water line running through the right-of-way. In order to construct the road to a collector, it would require retaining walls. Another option would be using a 2:1 fill slope, rather

than retaining walls, however additional slope easement would be required and would have a significant impact on the subject property. A current cost summary to construct Thatuna from Ponderosa to Mountain View would be \$1.5 million with \$255,000 being Thompkins's portion. The property owner west of the subject property asked for a waiver from street improvements on Thatuna in 2011 and was issued a waiver. A waiver does not mean Thatuna will never be improved. It does release the property owner from building the frontage improvements. The right-of-way is not being vacated. When the City determines to construct Thatuna, it would be fully funded by the City.

The waiver nor development of the street would change setbacks requirements for the property. The thoroughfare map is a component of the comprehensive plan and is reviewed on a 5-10 year cycle, most recently updated in 2019. An update would evaluate the city's vision of future roadway networks and update changes due to street construction and developments. When a subdivision is submitted, the thoroughfare map is reviewed and discussed. Staff would not suggest vacating as this particular right-of-way is loaded with utilities, sewer services, a public water line and as the northeast is developed, it could be needed for future options. The development of this portion of Thatuna is not currently in the capital improvement plan.

Parker moved to approve the waiver request. Kelly seconded. Lewis commented that she likes infill and as the western property owner was provided a waiver, would have a hard time requiring this property owner to develop the frontage. Also, since development of Thatuna is not planned and the City doesn't have \$1.5 million, she is in favor. She appreciates someone being creative to a tricky lot. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. MPD Annual Report – Anthony Dahlinger

Dahlinger provided an organizational chart showing the different divisions which encompass Operations, Services, Campus and Administration. They began 2024 with 28 Sworn Officers of 33 budgeted positions (2 officer positions remained held back). By the end of the year the department had 24 sworn officers with 3 in training and 3 undergoing background investigations. The department continues to have a few specialty positions vacant due to low staffing. There were four retirements in 2024: James Fry, Tyson Berrett, Jay Waters, and Dianna Erickson. The department presented three lifesaving awards: Cpl. Tesdahl for administering a dose of Naloxone to an individual who had overdosed and was not breathing; Detective Fox for deploying a drone to locate a lost child; and Officer Rosinsky, while on the road with Latah County Deputy Jordan Welch, stopped at a vehicle on the side of the road and administered CPR until medical units arrived. Other awards included Officer Nate Rosendahl received Officer of the Year; Detective Andrew Fox received Services Staff Member; Corporal Nunes received the Ironman Award; and Officer Sneve received Top DUI. Detectives Payne and Vargas investigated a total of 35 criminal cases in 2024. Detectives Fox and Mowery managed eighty (80) cases, primarily involving internet crimes against children (ICAC).

The department participated in many events including the Newbill Safety Fair, National Night Out, Shop With a Cop and the annual Citizen's Police Academy. The Cadet Program was expanded to 12 members and to date, it is the best recruiting tool the department has. The Department is seeing crimes decrease

Crimes against persons went down as did crime against property and crimes against society. Total calls for service in 2024 was 10,328, which was down by 319 calls from 2023. Drug enforcement has been trending down since 2022. To date, MPD officers, with the help of K9 Ragnar, have seized enough Fentanyl to potentially kill 446,260 people, over 16 times the population of Moscow. Traffic enforcement provided five emphasis patrols including aggressive driving, impaired driving and seat belt use.

Regarding international students who are worried about deportation, Dahlinger said the campus division is fostering relationships with many divisions on campus, including the international students. He suggested sharing with them that they should reconnect with the officers and also explain there is a difference between federal and local officers.

Responding to a question from Davis, parking fees go into the general fund and help pay for parking enforcement.

Narcan was deployed in each patrol vehicle two or three years ago. All officers are CIT trained within the first year and several officers have been to autism specific training.

Dahlinger contributes the decline in drugs to K9 Ragnar. Moscow is becoming known for drug enforcement. The department has representatives on the drug court and mental health court.

The Mayor and Council thanked Chief Dahlinger for the report and all the department does.

8. Strategic Plan Report - Bill Belknap

Belknap explained that strategic planning formalizes desired community goals and objectives and aligns the City's efforts and finite resources toward achieving these outcomes. It is a continuing and ongoing process to measure the effectiveness of the strategies and reassess/adjust these strategies as necessary to meet the changing community needs and desires. The City updates and revises the plan every four years in the Fall of the year following a mayoral election. There is annual reporting each spring prior to budget development with the opportunity to add additional issues that might arise. When new issues are developed they are ranked in priority at the next year's report session. If a new issue is an unforeseen emergency, the Council can choose to rank at the time of introduction. Some goals and objectives are achievable but may be ongoing while others are continuous. See attached presentation. The FY2026 budget will most likely be a maintenance year.

REPORTS

City Council

Human Rights Commission – Parker reported they are working on engagement with students for the fall.

Moscow Urban Renewal Agency – Davis said there will be an open comment brain storming session for 6th and Jackson at the end of May.

Moscow Volunteer Fire Department – Kelly said the Department is fixing stuff around the stations and the new radios are getting programmed.

Planning and Zoning Commission – Blankenship said the Commission discussed tiny homes.

Sustainable Environment Commission – Blankenship said the Commission had a presentation on pesticides in the parks.

Palouse Basin Aquifer Committee – Lewis said the Committee had a presentation from a UI Faculty who is studying the aquifers replenishment rates.

SMART Transit – Lewis said the in-house dispatch is gone and the app PASO is doing much better. The social media page is being updated again.

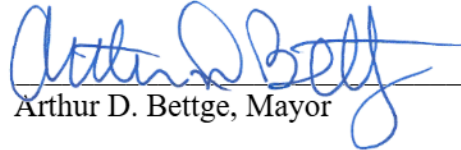
Council members spoke on other meetings and events they attended.

Mayor

Mayor Bettge said he attended the North Idaho Mayor's meeting where they exchanged ideas and spoke on the legislature. He toured the Home Depot. The ribbon cutting is May 21 and the store will be open the 22nd. He delivered a presentation to the Board of Realtors. The airport will have a presentation Saturday with fun and games and a chance to provide feedback on their 25 year plan.

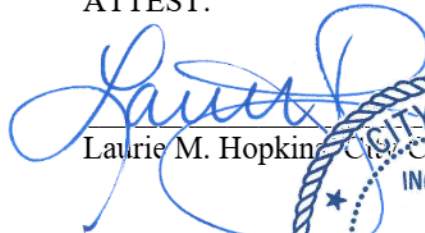
ADJOURN

It was mutually agreed upon to adjourn at 9:00 p.m.




Arthur D. Bettge, Mayor

ATTEST:



Laurie M. Hopkins, City Clerk



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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
REGARDING A CONDITIONAL USE PERMIT APPLICATION TO ALLOW REPAIR
AND MODIFICATION OF A NONCONFORMING SIGN AS A HISTORICALLY
SIGNIFICANT SIGN WITHIN THE MOTOR BUSINESS (MB) ZONE PER MOSCOW
CITY CODE 4-6-7-I.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on October 22, 2025; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on December 9, 2025; and

WHEREAS, during the public hearing and having considered the matter including all testimony presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board's review and approval; and

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

THE 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 and Comprehensive Plan.
2. The subject property is designated Auto-Urban Commercial in the Moscow Comprehensive Plan.
3. The subject property is located within the Motor Business (MB) Zoning District.
4. All surrounding properties are also located within the MB Zone and comprise various commercial uses.
5. The subject property is a 27,346 square foot parcel located on the east side of South Main Street, south of East Palouse River Drive.

6. Per MCC 4-6-7-M, properties within the MB Zone are permitted a single freestanding sign per street frontage, each not to exceed twenty-five (25) feet in height.
7. The existing freestanding sign on the subject site is thirty-three (33) feet in height as measured from the grade at the base of the sign and is considered a nonconforming sign as it exceeds the permitted sign height.
8. The grade of the highway adjacent to the subject sign is approximately six (6) feet in elevation above the grade at the base of the sign. The height of the sign over the adjacent road grade is twenty-seven (27) feet.
9. Per MCC 4-6-7-F, as a nonconforming sign, the subject sign is prohibited from being repaired or modified without coming into compliance with the Moscow Sign Code.
10. Per MCC 4-6-7-I, an existing sign which an applicant can demonstrate as having significant historical value to a neighborhood or to the community at large may be repaired and/or relocated, regardless of applicable zoning district and nonconformity regulations, subject to the issuance of a Conditional Use Permit.
11. There are no records on file for the subject sign. Estimated sign installation year is between 1967-1969.
12. The subject property housed a Chinese restaurant between 1967-2025.
13. The subject sign that served the Chinese restaurant has Chinese styling.
14. There was verbal testimony given by two (2) people in support of the application.
15. The Board of Adjustment finds that the subject sign is historically significant.

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:

Existing signs which an applicant can demonstrate as having significant historical value to a neighborhood or to the community at large may be repaired and/or relocated, regardless of applicable zoning district and nonconformity regulations, subject to the issuance of a Conditional Use Permit (CUP). The Board has determined that the existing sign has significant historical value based upon its affiliation with the Chinese Village which was originally constructed sometime in the 1960's and is therefore eligible for a CUP for its repair and refacing.

2. The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:

The existing use of the site and the subject sign predates much of the surrounding development and is appropriately zoned. With the exception of its height, the subject sign is within the allowed freestanding sign dimensions for the MB Zone.

3. The proposed use as approved 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 subject sign will be required to meet all current sign illumination standards as part of its plan review for replacing the face plates. No other nuisances are expected as a result of the continued existence of the subject sign.

4. The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:

The subject site has been and will continue to be adequately served by existing streets, public facilities, and services.

5. The proposed use will not endanger the public health or safety if located where proposed:

As part of the required sign permit process, the Building Department will review the sign for compliance with current structural requirements. The sign has stood without endangering the public since at least 1969. It is not causing any traffic visibility issues.

6. Proposed use meets all applicable development standards of the Zoning Code:

The Board finds that the proposed sign is a “Historically Significant Sign” and is therefore permitted to be repaired with the current zoning nonconformities, subject to a CUP. There are no other development standards which are currently not being met.

7. The proposed use will not be in conflict with the Comprehensive Plan:

The subject sign is not in conflict with the comprehensive plan as the existing and proposed use of the subject site is an appropriate use for the Auto-Urban Commercial (AU-C) designation and the signage that goes with the subject use is designed to be visible to the adjacent highway.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment determined the subject sign at 2010 South Main Street to be historically significant and approves the application for a Conditional Use Permit for its proposed sign face change with no conditions.

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

Jerry Shutz, 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.