

# BOARD of ADJUSTMENT



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

**Public Meeting**  
~ Agenda ~

Lucy Falcy  
Staff Liaison  
208.883.7095

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

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**Wednesday**  
**May 20, 2026**

**5:30 PM**

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

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## WELCOME AND ATTENDANCE

## REGULAR AGENDA

### 1. **Approval of Minutes from April 27, 2026 (ACTION ITEM)**

**PROPOSED ACTIONS:** Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

### 2. **Public Comment**

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

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

Denial of a Conditional Use Permit for the utilization of an existing building located at 513 South Main Street as a music, dance, and exercise class venue, not associated with an academic school, college, or university, within the Central Business (CB) Zoning District per Moscow City Code 4-3-4. Permit Application LUP2026-0010.

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

## REPORTS

## ANNOUNCEMENTS

## UPCOMING EVENTS/MEETINGS

## 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](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 Hearing**  
~ Minutes~

Lucy Falcy  
Staff Liaison  
208.883.7095

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

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**Monday**  
**April 27, 2026**

**7:00 PM**

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

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**Schutz called the meeting to order at 6:59 PM**

MEMBERS PRESENT: Jerry Schutz, Chair; Steve Bush, Marshall Comstock, Ivy Dickinson, Tim Thomson, Laura Weldon  
OTHER: Sandra Kelly  
STAFF: Nichoel Baird Spencer, Lucy Falcy, Jennifer Fleischman

## REGULAR AGENDA

### 1. Approval of Minutes from March 31, 2026 (ACTION ITEM)

Dickinson moved for approval of the minutes as written, seconded by Weldon. Roll Call Vote; Ayes: Bush, Comstock, Dickinson, Schutz, Weldon (5) Nays: None. Abstentions: Thomson (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.*

Kelly O'Neill, Moscow, talked in general about what a thriving downtown looks like and how that is reflected in Moscow.

### 3. Public Hearing: Proposal for a Conditional Use Permit at 513 S Main St. Permit Application LUP2026-0010 (ACTION ITEM)

*Conditional Use Permit application for the utilization of an existing building located at 513 South Main Street as a music, dance, and exercise class venue, not associated with an academic school, college, or university, within the Central Business (CB) Zoning District per Moscow City Code 4-3-4.*

Falcy presented the Conditional Use Permit (CUP) request as described above and recommended approval with no conditions. There was a short conversation about the CB Zoning District and how far out it extends from downtown, as well as the use of the public parking lots.

The Public Hearing opened at 7:12 PM

Roderick Olps (applicant), Moscow, introduced himself as a local real estate owner and manager and stated that he is seeking a CUP for arts-related instructional uses, including music, dance, and fitness classes, at the subject property. He explained that the proposal is intended as a lower intensity use with fewer occupants and less traffic than other permitted uses in the CB district. He also noted that the property is under contract, that he has consulted with potential tenants but has not finalized plans, and that he wishes to retain flexibility for future use of the space consistent with zoning regulations.

The Chair accepted into the hearing record five (5) comments written in opposition to the proposed application that were received after the deadline (see attached).

David Hall, Moscow, spoke in opposition and stated that the proposed use is inconsistent with the CB zoning intent, which prioritizes commercial activity and pedestrian-oriented retail.

Bev Bafus, Moscow, was against the project and expressed concern that increasing non-retail uses disrupts the continuity of downtown and diminishes its commercial vitality.

Cass Davis, Moscow, opposed the proposal and questioned the lack of enforcement of previous conditional use permits and argued that new ones should not be approved unless they can be meaningfully enforced.

Graham Brooks, Moscow, stated that he supports commercial uses such as retail and restaurants downtown and does not support additional educational uses.

Gayle Anderson, Moscow, commented on the success of downtown Moscow and urged the Board to deny the CUP to preserve its commercial character.

Paul Busch, Moscow, expressed support for arts-related uses but stated a preference for retail-oriented music businesses. He also suggested extending the public comment period.

Kaitlyn Anderson Dorius, Genessee, does not support the proposed project and stated that instructional uses generate traffic but do not significantly benefit surrounding businesses.

Karen Hansen, Viola, is against the proposal and cited concerns about additional instructional uses and potential tax implications of church-related activities.

Robert Todd Bailey, Moscow, expressed concern that the application may function as an extension of a religious institution and urged denial of the CUP.

Emmalynn Grace Clevenger, Moscow, spoke against the CUP and cited concerns about loss of inclusive public space and potential affiliation with a religious organization.

Kelly O'Neill, Moscow, stated that the proposed use would not contribute significantly to downtown activity due to limited occupancy.

Leah Latta, Moscow, was against the project and described the site as prime retail space and questioned the economic viability of the proposal.

Jamie Erhard-Hudson, Moscow, did not support the proposal and noted that similar instructional uses exist elsewhere and are not typically located in downtown retail spaces.

BJ Swanson, Troy, read a written comment into the record that was submitted earlier (see attached).

Mary Katherine Clancy, Moscow, emphasized the importance of supporting local retail businesses and opposed the CUP.

Katie Bilodeau, Moscow, opposed the application and raised concerns regarding public notice, adequacy of staff findings, and lack of supporting studies. She recommended denial or postponement in a written comment (see attached).

Jana Argersinger, Moscow, cited concerns about cumulative impacts of CUP approvals and urged denial or deferral for further analysis.

Sam Geronda, Moscow, emphasized the importance of maintaining a strong retail core and opposed the CUP.

Patricia Hartzell, Moscow, expressed concern about the loss of commercial businesses and opposed the CUP.

Ria Kumar, Moscow, opposed the CUP and cited concerns about impacts to small businesses, parking, and community character.

Emmalynn Grace Clevenger, Moscow, spoke again and reiterated her opposition, emphasizing her concerns about community identity and inclusivity.

Becky Dail, Moscow, requested clarification regarding potential tax implications if the property were used for religious purposes. Staff indicated that tax treatment would likely depend on ownership and lease structure, though no definitive determination was provided.

John Soule, Pullman, opposed the CUP and stated that the proposal would not contribute meaningful value to the community and would detract from existing local businesses.

Miles Butler, Moscow, does not support the application and cited a lack of a clearly defined plans and stated that the proposed use would not contribute to the vitality of the downtown core.

Chris Caudill, Moscow, spoke against the project and stated that the proposal is not the highest and best use of the property and questioned the speculative nature of the application.

Arlene Falcon, Moscow, does not agree with the proposal and emphasized the importance of retail uses in the CB zone and expressed concern about potential hidden intentions associated with the proposal.

David Wilder, Moscow, opposed the proposal and stated that downtown businesses rely on one another and that non-commercial uses weaken the economic ecosystem.

Bill LaVoie, Moscow, opposed the CUP and asked a question regarding whether connections to existing educational institutions would constitute institutional support under the code.

Finn Merley, Moscow, spoke against the project and stated that the proposal is not in harmony with surrounding uses and would not contribute to a vibrant, community-oriented downtown.

Rhoda Mack, Viola, was against the application and expressed concern that altering the use of a key downtown property could have broader negative impacts on the district.

Lisa Cochran, Moscow, was against the application and requested that the Board delay its decision due to insufficient public notice and the need for broader community input.

Alisa Bennett, Moscow, spoke against the CUP and stated that the proposal does not align with community values or the goal of maintaining a safe and inclusive downtown.

Carver Carver, Moscow, was against the application and raised concerns regarding parking impacts and requested that parking ratios be considered.

Susan Weaver, Moscow, spoke against the CUP and stated that retail uses better support the economic vitality of downtown.

Ariel Mack, Viola, opposed the application and stated that, while she supports arts and education, the proposed use is not appropriate for a central retail location and does not align with community values.

Jill Rinaldi, Moscow, was opposed to the application and cited concerns about transparency, adequate public notice, and long-term impacts on the character of downtown.

Sheri Six, Moscow, was against the CUP and expressed concern about the limited number of users relative to the size of the space and questioning the appropriateness of church uses within the CB zone.

Victoria Potts, Moscow, did not support the project and stated that continued trends of similar approvals could negatively impact community retention and the character of downtown.

Rebecca Rod, Moscow, was opposed to the proposed project and questioned the business plan, enforcement of CUP conditions, and potential for future church-related use.

Richard Gayler, Moscow, spoke against the application and noted the overwhelming public opposition and suggested that the applicant withdraw the request.

Sara Ashiglar, Moscow, was against the application and cited concerns about parking and traffic impacts associated with instructional uses.

Leah Latta, Moscow, asked the Board and Staff for clarification on the expiration of a CUP.

Ann Hart, Moscow, asked the Board what a Conditional Use Permit is.

Roderick Olps (applicant), Moscow, responded to some of the comments regarding retail space and mixed-use commercial spaces. He agreed with the space being key to the downtown vibrancy. The anticipated number of students using the classroom at one time was clarified.

The Public Hearing closed at 8:40 PM

The Chair informed the public about available City public notification resources and that broader policy questions should be addressed through the Planning & Zoning Commission. The Board discussed their responsibility to base the decision on the applicable Comprehensive Plan, zoning regulations, and CUP criteria, noting that broader policy issues are outside the scope of the application. It was clarified that a CUP runs with the land and may include conditions if supported by required findings.

The Board discussed each of the required criteria, focusing primarily on whether the proposed use is “in harmony” with the surrounding CB district. Some Board members expressed concern that the proposed low-intensity instructional use may not align with the retail-oriented character of downtown, while others noted the CB zone allows a mix of uses beyond retail.

Additional discussion addressed parking, pedestrian activity, potential impacts to downtown vitality, and whether sufficient information was provided to evaluate impacts such as noise or operational effects. Staff advised the Board to evaluate the application strictly against the code criteria and document findings accordingly.

Comstock moved to approve the CUP for 513 South Main Street with the condition that the CUP would expire in ten (10) years. The motion died for lack of a second.

The Board continued to review the criteria, agreeing that the proposal meets zoning requirements under a conditional use permit and is generally consistent with the district's allowed uses. Discussion focused primarily on whether the proposed use is in harmony with the surrounding downtown environment. Several members expressed concern that the proposal may not align with the area's retail-oriented character, citing public testimony largely in opposition, while others noted the district includes a mix of non-retail uses and that harmony does not require uniformity across all businesses.

Members also discussed potential nuisance impacts, particularly regarding hours of operation, noise from instruction or performances, and proximity to residential units, though some felt the concerns were largely speculative. Criteria related to public health and safety, infrastructure adequacy, and compliance with development standards were generally not viewed as problematic. The primary unresolved considerations identified were harmony with the neighborhood and potential nuisance impacts, with members divided on whether these criteria are met or can be adequately conditioned.

Thomson moved to deny the CUP at 513 South Main Street on the grounds that it does not meet Criteria No. 2 because it was not proven to be harmonious to the local neighborhood. The motion was seconded by Bush. Roll Call Vote; Ayes: Bush, Dickinson, Schutz, Thomson (4). Nays: Comstock, Weldon (2). Abstentions: None. Motion carried.

Thomson moved to direct Staff to prepare the draft Relevant Criteria and Standards document, seconded by Weldon. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

## **REPORTS**

## **ANNOUNCEMENTS**

## **UPCOMING EVENTS/MEETINGS**

*The next Board of Adjustment meeting is scheduled for 5:30 PM on May 6, 2026.*

**The meeting adjourned at 9:19 PM**

\_\_\_\_\_  
Jerry Schutz, Chair

\_\_\_\_\_  
Date

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

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS**

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS  
REGARDING A CONDITIONAL USE PERMIT APPLICATION TO USE AN  
EXISTING BUILDING TO OFFER MUSIC, FITNESS, AND DANCE CLASSES ON  
THE SITE LOCATED AT 513 SOUTH MAIN STREET WITHIN THE CENTRAL  
BUSINESS (CB) ZONING DISTRICT, PER MOSCOW CITY CODE 4-3-4.**

**WHEREAS**, the applicant filed an application for a Condition Use Permit on March 2, 2026; and

**WHEREAS**, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on April 27, 2026; and

**WHEREAS**, having reviewed the application, including all exhibits entered, the staff report, and having considered the issues presented; and

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

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

**I. RELEVANT FACTS AND CONCLUSIONS**

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, Comprehensive Plan, State Statutes, and Moscow City Code.
2. The applicant, Roderick “Rusty” Olps, requested a Conditional Use Permit to use the building located at 513 South Main Street to provide educational services not associated with an elementary school, secondary school, college, university, or professional school. Proposed educational services to include music, dance, and fitness classes.
3. Classes would be available to the general public, by membership, for all ages including minors.
4. Proposed classes would include music classes of up to four (4) students and four (4) instructors at a time, throughout the business day (9 a.m.- 6 p.m.) plus dance and fitness classes of up to twelve (12) students in the evenings (5p.m.-8p.m.) and weekends. Class times

would be an hour in length. Smaller music classes would occur within the thirteen (13) smaller instructional rooms upstairs on the mezzanine while dance and fitness classes would take place in the larger open area on the ground floor. Occasional performances and competitions would occur during evenings and weekends.

5. Other anticipated uses of the site include church service on Sundays and some private offices. Moscow City Code 4-8-4 permits religious services, and a variety of professional office uses by right in the Central Business (CB) Zone. These uses are not subject to the application.
6. Moscow Comprehensive Plan Chapter 2, Community Character and Land Use, designates the subject property's future land use as Urban Commercial. Urban Commercial areas "are intended to provide for the most intensive mix of commercial and residential uses in a pedestrian orientated manner. This is appropriately applied within the City's downtown urban core and the immediate surrounding area where deemed appropriate." Such areas are most appropriately zoned CB.
7. Moscow Comprehensive Plan Chapter 3, Community Mobility, identifies Main Street as a local street. Jackson Street, west of the adjacent parking area and alley, is also Highway 95, a National Highway.
8. A goal of Moscow Comprehensive Plan Chapter 6 is to, "Enhance and strengthen the regional economy utilizing the strengths and assets of the region.
9. The subject property is within the Central Business (CB) Zoning District. All surrounding properties are also located within the CB Zone. Per MCC 4-2-4-K, "The principal purpose of the CB Zoning District is to provide a location for groups of compatible commercial uses having the common characteristic of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, establishments dispensing retail commodities, and those providing professional and personal services to the individual. The CB Zoning District is the most intensive commercial Zoning District. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District."
10. Per MCC 4-1-6-D-52, Educational Services are "establishments that provide instruction and training in a wide variety of subjects. The instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers."
11. MCC 4-3-4 Land Use Table permits 'Educational Services' as a conditional use in the CB Zone if they are not associated with an elementary or secondary school, college, university or professional school. Educational services associated with any of those entities are not permitted in the CB Zone. The proposed music, dance, and fitness classes fall under the conditionally permitted NAICS code listed for educational services if they are not associated with the educational institutions noted above and are instead provided by "all other schools and instruction".
12. Per MCC 4-6-2. E. 4.a., there is no required parking for any use within the CB Zone.

13. The building meets the zoning requirements for the site. No external building modifications were proposed. Any future modifications would be required to be compliant with applicable city code provisions.
14. Anticipated interior building modifications would be subject to applicable building permits and City code.
15. The CB Zone covers properties adjacent to the subject property. Surrounding properties present a mix of public parking, restaurant, retail, office, church, and entertainment uses within the downtown core.
16. The subject property is 5,000 square feet in area and the two-story building, previously home to Paradise Creek Bicycles, fully covers the lot. The property has forty (40) feet of frontage on downtown Main Street as well as forty (40) feet of frontage along the alley to the west. The building has entrances on both the east and west frontages. The north and south edges of the building immediately abut the adjacent buildings.
17. The proposed building layout included waiting areas at both the east and west entrances of the building. For students that are dropped off, vehicle access exists both at the ten (10) minute parking spot on Main Street as well as in the Jackson Street parking lot to the west of the subject site.
18. The subject property access is via pedestrian doors from Main Street to the east and an alley to the west. There is no site navigation outside of the building. The west edge of the lot has connections to Jackson Street/Highway 95 via the adjacent alley and numerous access points throughout the public parking lot between them. The Main Street access point is ADA accessible.
19. The following external entities had the opportunity to comment on the application: Idaho Transportation Department, Moscow School District, Public Health – Idaho North Central District. The City did not receive any comments.
20. Prior to the public hearing and after release of the agenda packet, five (5) citizens submitted written comments opposing the application. One was read into the record at the meeting by the author. The Board accepted these comments into the hearing record and they are incorporated by reference.
21. During the public testimony portion of the public hearing, forty (40) citizens submitted verbal testimony which was generally opposed to the proposed project and conditional use permit.
22. During the public testimony portion of the public hearing, two (2) citizens submitted verbal testimony which was general in nature.
23. A large portion of the public comments received presented a preference to increase retail uses and decrease educational facilities downtown. Other concerns included: traffic, noise, conditional use permit enforceability, conditional use permit time limits, parking, parents dropping off and picking up minors without shopping downtown, lack of business plan

details, and the possibility of allowing a non-retail use that would reduce the commercial viability of downtown.

24. During the public testimony portion of the public hearing, two (2) citizens identified themselves as downtown business owners. They spoke in opposition to the proposed application and noted the need for additional retail downtown.

**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**

**Consistent with Moscow City Code Section 4-8-4-B, the following criteria and standards must be met or met through the implementation of conditions in order to approve the application:**

**1. The proposed use is a conditionally permitted use within the Zoning District.**

The proposed uses are listed within the Other Schools and Instruction category of the Educational Services sector and are therefore a conditionally permitted use within the CB Zone.

The Board found that the educational services not associated with elementary or secondary schools, colleges, universities or professional schools are conditionally permitted within the Central Business Zone.

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

There was a substantial amount of public testimony in opposition to the conditional use permit which indicated that granting of the conditional use permit would not be in harmony with the neighborhood and surrounding land uses. Concerns were raised during the public hearing regarding the low-intensity use proposed in the application and the associated potential loss of economic vitality downtown. Concerns were also raised regarding high-intensity traffic patterns during drop-off and pick-up times and the impact on downtown traffic patterns.

The Board found that the proposed educational services were not in harmony with the neighborhood and surrounding land uses.

**3. The proposed use as approved, or as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like).**

There was some discussion regarding noise associated with the proposed use. Noise associated with the proposed use is unlikely to be any louder than other uses permitted outright in the neighborhood such as bars, shooting ranges, and dance halls.

The Board's discussion regarding nuisance was inconclusive regarding the proposed use as a potential nuisance. This criterion was not listed as a reason for denial of the application.

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

The proposed small class size, together with the public parking lot immediately adjacent to the site, facilitates the handling of the cyclical nature of the site's loading and parking needs: transition times between classes will have the highest parking and traffic burden.

The Board found the proposed use 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.**

Testimony and discussion mentioned safety concerns about children going to and from classes. There is a loading-zone parking space in front of the building and public parking immediately adjacent.

The Board found that the proposed use would not endanger public health or safety.

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

The existing structure meets zoning code standards. The proposed use meets all parking standards and is a conditionally permitted use in the CB zone. Any future modifications to the site would be required to meet applicable Zoning Code.

The Board found that the proposed use met all applicable development standards of the zoning code.

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

Public testimony addressed concerns regarding increased vehicle traffic and decreased pedestrian traffic associated with the proposed use.

The Board found that the proposed use was not in conflict with the comprehensive plan.

**III. COMMISSION DELIBERATION**

Upon closing the public hearing, the Board made a motion based upon the information provided by staff and the testimony received. The deliberation can be found at the following link (YouTube time: 1:43:23):

<https://www.youtube.com/watch?v=ota6G6Nu49Q&list=PLFaiNAV02ViJdImW5rp0QXRJp6j-3PUvr>

**IV: DECISION**

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment denies LUP 2026-0010 for a Conditional Use Permit to use an existing building for music, fitness, and dance classes not associated with an academic school, college, or university at 513 South Main Street within the Central Business (CB) Zoning District.

DENIED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE \_\_\_\_\_  
OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
Jerry Schutz, Chair  
Board of Adjustment

\* In accordance with Moscow City Code Section 4-8-5, 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.