

BOARD of ADJUSTMENT



Jerry Schutz
Board Chair
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>

Tuesday
July 14, 2026

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of Minutes from May 20, 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. **Public Hearing: Proposal for a Variance at 102 North Lilly Street. Permit Application LUP2026-0012 (ACTION ITEM)**

Variance application to reduce the required side yard setbacks from five (5) feet on each side to three (3) feet for construction of a proposed dwelling on a nonconforming lot at 102 N. Lilly St within the Multi-Family Residential (R-4) 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. **Public Hearing: Proposal for a Conditional Use Permit at 1228 Spruce Circle. Permit Application LUP2026-0017 (ACTION ITEM)**

Conditional Use Permit application for an accessory structure between 1,001 and 1,500 square feet in size located at 1228 Spruce Circle within the Single-Family Residential Low Density (R-1) Zoning District, per Moscow City Code 4-3-4.

PROPOSED ACTIONS: Conduct the Public Hearing for the Conditional Use Permit (CUP) request, and upon consideration of any testimony received, approve the CUP and direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards; or approve the CUP with conditions and direct Staff to prepare a Reasoned Statement of Relevant Criteria and

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.

Standards; or deny the CUP and direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards; or take other action as deemed appropriate.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on July 21, 2026.

ADJOURN

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BOARD of ADJUSTMENT



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

Public Meeting
~ Minutes~

Lucy Falcy
Staff Liaison
208.883.7095

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

Wednesday
May 20, 2026

5:30 PM

Council Chambers
206 E. Third Street

Schutz called the meeting to order at 5:32 PM

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

REGULAR AGENDA

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

Bush moved for approval of the minutes as written, seconded by Weldon. Vote by Acclamation; Ayes: Bush, Schutz, Weldon (3). Nays: None. Abstentions: Dickinson (1). Motion carried.

Dickinson arrived at 5:33 PM

2. Public Comment

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

None offered.

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

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.

Dickinson moved for approval of the Reasoned Statement of Relevant Criteria and Standards for the Conditional Use Permit as written, seconded by Bush. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The meeting was adjourned at 5:36 PM

Jerry Schutz, Chair

Date

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

HEARING DATE: Thursday, July 14, 2026

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2026-0012 – Variance application to reduce the required side yard setbacks on a nonconforming lot located at 102 North Lilly Street within the Multiple Family Residential Zoning District (R-4), per Moscow City Code 4-4-2.

Attachments:

1. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, June 27, 2026
2. Variance Application
3. Site Plan, Floor Plan, & Elevation Drawings

Prepared by: Lucy Falcy – Planner 1

STAFF REVIEW

Proposal:

The applicant, Caleb Warner, is requesting a Variance to reduce side yard setbacks on a nonconforming lot located at 102 North Lilly Street within the Multiple Family Residential Zoning District (R-4). Specifically, the applicant is proposing to reduce the side yard setbacks to three feet (3') on the northern and southern sides of the property with overhangs encroaching a six (6") additional inches on both sides. Typically, lots under fifty feet (50') wide within the R-4 Zoning District would require a minimum five-foot (5') side setback on both sides of a dwelling, creating a minimum ten foot (10') combined side yard setback.

The lot is nonconforming because it is only 20 feet wide with an area of 2,500 square feet. Typically, a lot within the R-4 Zoning District would require a minimum width of 50' with an area of 5,000 sf for a single-family house. The previously existing house on the subject property had no setbacks, even slightly encroaching upon the adjacent parkland to the south.



Vicinity Map



Subject Property

Zoning:

The subject property is located within the Multiple Family Residential (R-4) Zoning District. According to the Zoning Code 4-2-4(G): *"The R-4 zoning district provides for the*

most intense residential land uses permitted in the community. It is to be applied where activity levels are high and adequate public facilities are available, especially near the University of Idaho campus or the City Central Business Zoning District. Adequate transportation access should be given high priority in determining the appropriate location for the R-4 zoning districts.”

Adjacent properties to the north, south, east and west are all residential uses and also reside within the R-4 Zone.



Zoning Map

Per MCC 4-4-2 Bulk and Regulations Use Table, the minimum lot size for a lot with a single-family dwelling in the R-4 zone is 5,000 square feet. The minimum setbacks as they pertain to this application are:

- Front: fifteen (15) feet for house, twenty (20) feet for a garage door
- Rear: twenty (20) feet
- Side: five (5) feet

The lot, at 2,500 square feet, is a legally nonconforming lot.

The maximum height limit for the R-4 zone is forty (40) feet. The applicant is proposing a residence twenty-four-and-a-half (24.5) feet in height.

Per MCC 4-1-7-B, *“In any zoning district in which single family dwellings are permitted, where any single lot of record existing as of the effective date of adoption of this Zoning Code has been previously approved by the City, a single family dwelling and customary accessory buildings may be erected on such lot. This provision shall apply even if such lot otherwise fails to meet the requirements for area or width, or both, which are generally applicable in the district. Such lot shall conform to yard dimensions and requirements other than those applying to lot area or width for the zoning district in which such lot is located. Variance of yard requirements may be granted only pursuant to the procedure set forth in this Zoning Code.”*

This lot is eligible for a single-family dwelling the applicant is pursuing a variance of yard requirements via this application.

Site and Area Land Use:

The subject property is approximately 2,500 square feet in size and is bounded by Lilly Street to the west and an alley directly to the east. It has twenty (20) feet of frontage along Lilly Street and the alley. It is 125 feet deep.

There is a single-family residence, 104 N. Lilly Street, immediately north of the subject site which has been under the same ownership since 2015. The neighboring house appears to meet the required five-foot (5') side yard setback along its south property line. The property to the south has been developed by the City of Moscow into Lillian Woodworth Otness Park.

There was a previously existing house on the property that was twenty feet (20') wide and slightly encroached upon the Lillian Woodworth Otness Park to the south. That house was demolished following the approval of the previous Variance request on the site (LUP2019-0022) that requested setback requirements of three feet (3') on the property's northern edge and one foot (1') on the south side. The 2019 Variance approval allowed for the construction of a sixteen foot (16') wide building with a setback not to be less than one foot (1') on either side. Due to inactivity following approval of the 2019 Variance request, the approval expired per MCC 4-8-3-H.

The site is not located within a Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA).

Streets and Access:

The subject property is accessed primarily via the adjacent alley to the east. Vehicular access from Lilly Street is restricted due to the location of a fire hydrant outside of the northern corner of the site.

Comprehensive Plan:

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

“intended to provide for the infill development and adaptive re-use of areas that surround downtown. Within these areas, a mix of residential and limited commercial

uses should be promoted through the development of small urban apartments, townhomes, and two- to three-story vertically mixed-use buildings. The urban mixed area should provide a pedestrian connection between the University of Idaho and downtown, and provide space for a variety of housing alternatives, niche retail, restaurants, artist studios, and personal and professional services. Off-street parking should be required, but the requirements should be reduced in this area due to the likely number of non-motorized travel the uses will attract.”

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.”

Input from other Departments/Agencies:

No comments were received from other agencies upon review of the request for the variance. The Fire Department provided a comment: “Approved with any corrections made at Building Official's request.”

Other Considerations:

None

RELEVANT CRITERIA AND STANDARDS

The following are Staff's comments relating to the criteria required for approval of a Variance. The following statements 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-4 Zone. This is a special condition which is 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 dimensions would significantly limit building options on the site in a way that would deprive the applicant of the rights commonly enjoyed by other properties. This is a unique site and there are not many similar sized and dimensioned residential 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 proposed reduced setbacks will not be in conflict with the public interest or injurious to the property or persons in the vicinity of the subject property as the proposed structure will be further from the property line than the house that was previously on the property. The proposed reduced height of the residence is significantly below the permitted height and also helps mitigate the impact of the decreased setback.

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 prescript conditional safeguards that enable the Board to approve the Variance application and ensure the Variance is consistent with the purposes and intents of the Zoning Code.

Staff recommends **approval** of the application for a Variance to reduce side yard setbacks on the nonconforming lot located at 102 North Lilly Street 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 102 N Lilly Street.
Permit Application LUP2026-0012

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:

A Variance application to reduce the required side yard setbacks from five (5) feet on each side to three (3) feet for construction of a proposed dwelling at 102 N. Lilly Street within the Single-Family Residential Low Density (R-1) Zoning District, per MCC 4-4-2.

HEARING DATE: Tuesday, July 14, 2026

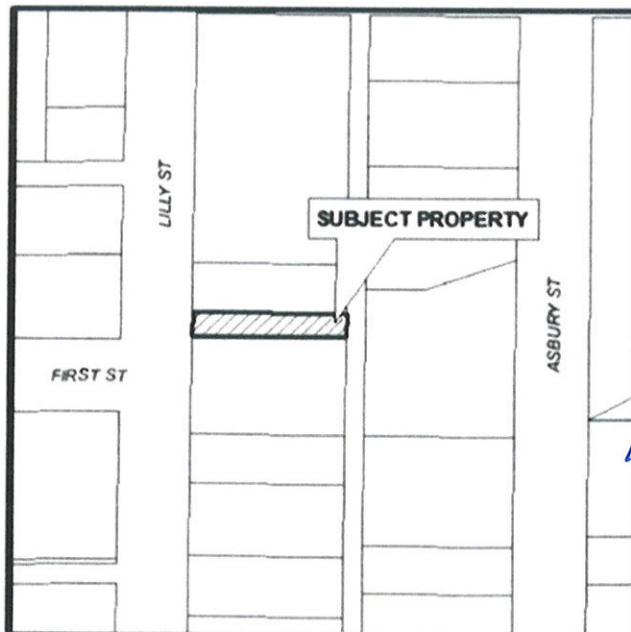
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

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. Emailed comments can be received at BOA@ci.moscow.id.us. 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 R. Fleischman, Deputy City Clerk

Published: Saturday, June 27, 2026

For City Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
CDV	Application Fee	\$600.00	
	Receipt Number		

(Please type or print plainly with blue ink.)

5. **Reason(s) for Variance Request:** The proposed construction and/or use described in Question 4 above would be in violation of Section 4.4 of the Moscow Zoning Ordinance which requires that:

Side yard setbacks are no less than 5' from the property line.

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.

102 N. Lily St. is less than 1/2 the width of the minimum standard lot width. Standard lots within the R4 Zoning District require a minimum width of fifty ft (50') with an area of 5000 sf for a single-family home. The lot is nonconforming because it is only twenty ft (20') wide with an area of 2505 sf.

Lots under fifty ft 50' wide within the R-4 Zoning District require a minimum five ft (5') side side setback on both sides of the building, creating a minimum ten ft (10') combined side yard setback. If no variance request was granted on 102 N Lilly, this would allow for a structure no wider than ten ft (10') wide.

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.

We would like to build a modest single-family dwelling that is aesthetically pleasing and harmonious with the neighborhood, which has a similar but farther setback structure on both sides than the two structures previously associated with this property. The original residence on this lot was twenty feet (20') wide and encroached upon the Lillian Woodworth Otness Park to the south. We'd also like to note the Board of Adjustment's previous decision to approve a variance request for a sixteen ft (16') wide structure on 102 N. Lilly St. for the previous owner. If current setback requirements are enforced, we would not have the same rights to a reasonably sized code-compliant home as historically existed on the lot, and as enjoyed by our neighbors.

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.

Given that our request is even further setback than the two previous structures associated with this property, there should be little concern from neighboring property owners regarding privacy, access, or hardship. Instead, a single-family home constructed on this property will positively impact the values of their property, improve land that is currently in a blighted condition, and in general will make both the park and the neighboring properties more pleasant places to be. We value our privacy as much as our neighbors and constructing this house will be no more injurious than if a new neighbor were to move into a neighboring property.

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.

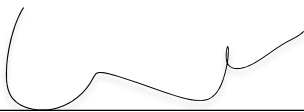
Application Submittal:

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.



 Signature of Applicant

5.29.2026

 Date

 Signature of Property Owner (if different)

 Date





674 Pullman Road
Moscow, ID 83843

LUP2026-0012
NO 642506
AT THE REQUEST OF
PIONEER TITLE CO OF LATAH COUN
DATE AND HOUR
10-30-2025 01:29:48 PM
Julie Fry
LATAH COUNTY RECORDER
Fee: \$15.00 BY Jan. White

File No. 888418 AJ/JM

WARRANTY DEED

For Value Received **Wilf Costello, a married man**
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
AND LYDIA VONDERLUFT, HUSBAND AND WIFE
Caleb J Warner, a married man
hereinafter referred to as Grantee, whose current address is [REDACTED]
The following described premises, to-wit:

Lot 65, Block 4, Lieualsens Third Addition to the City of Moscow, according to the plat thereof, filed
in Book 1 of Plats at page(s) 22, records of Latah County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), that the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises
are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and
those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: Oct. 21/25

Wilf Costello
Wilf Costello

State of ID, County of Twin Falls

This record was acknowledged before me on October 21, 2025 by Wilf Costello

Ryan L Franco
Signature of notary public
Commission Expires:

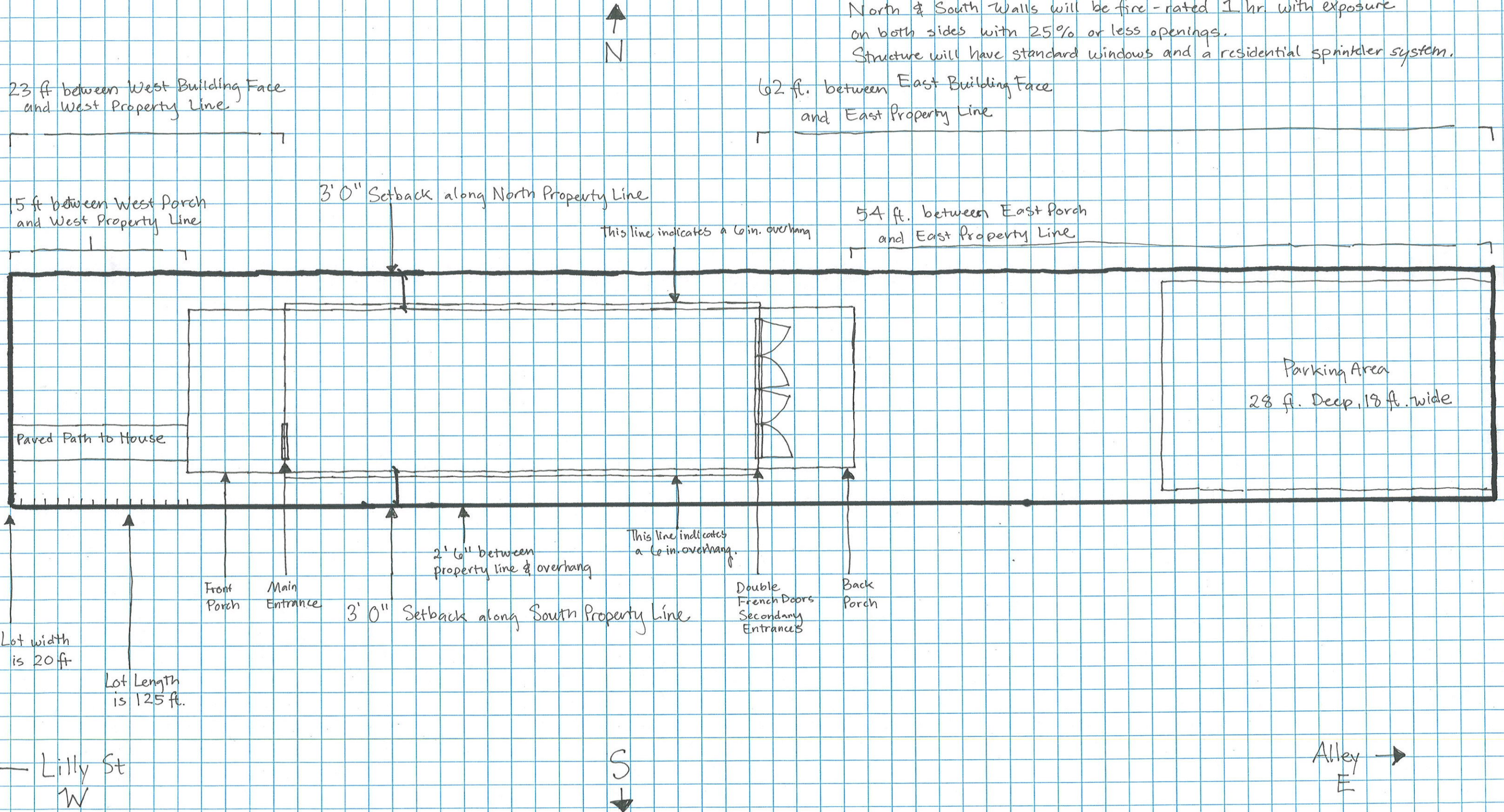
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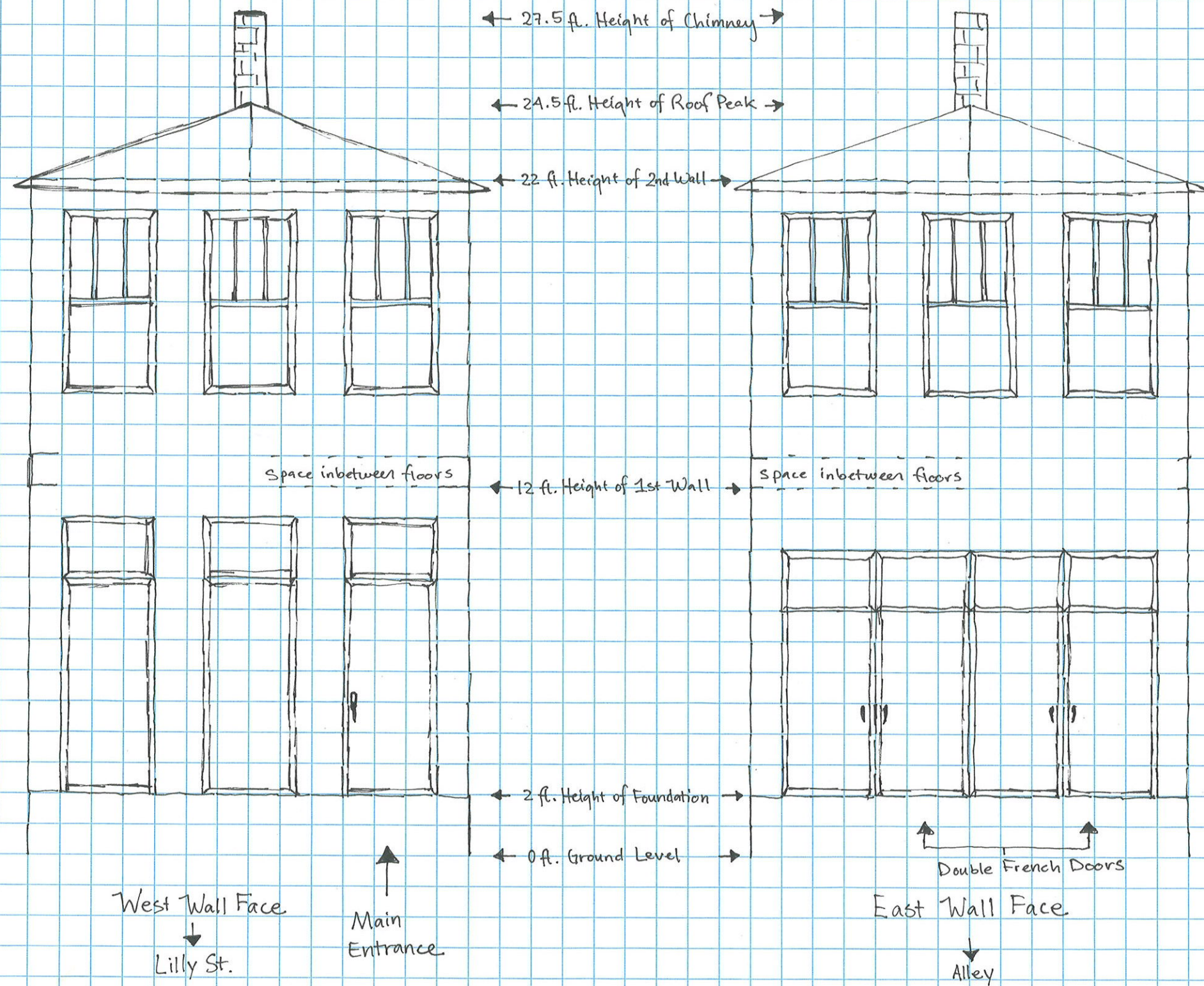


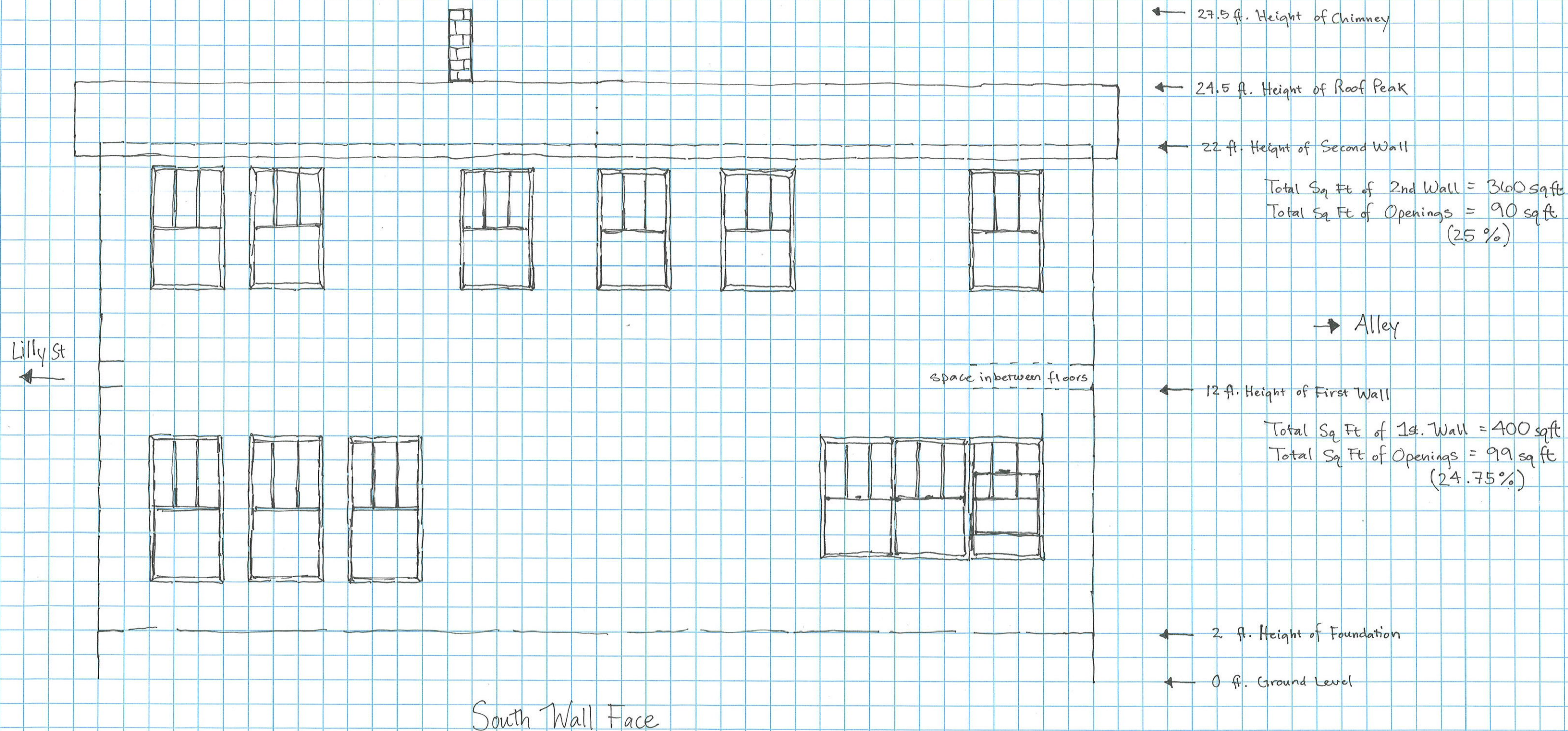
Received 04-03-2026

102 N Lilly Site Plan

Structure Dimensions are 14x40ft with a 6 in. overhang on North & South Sides.
 North & South Walls will be fire-rated 1 hr. with exposure on both sides with 25% or less openings.
 Structure will have standard windows and a residential sprinkler system.

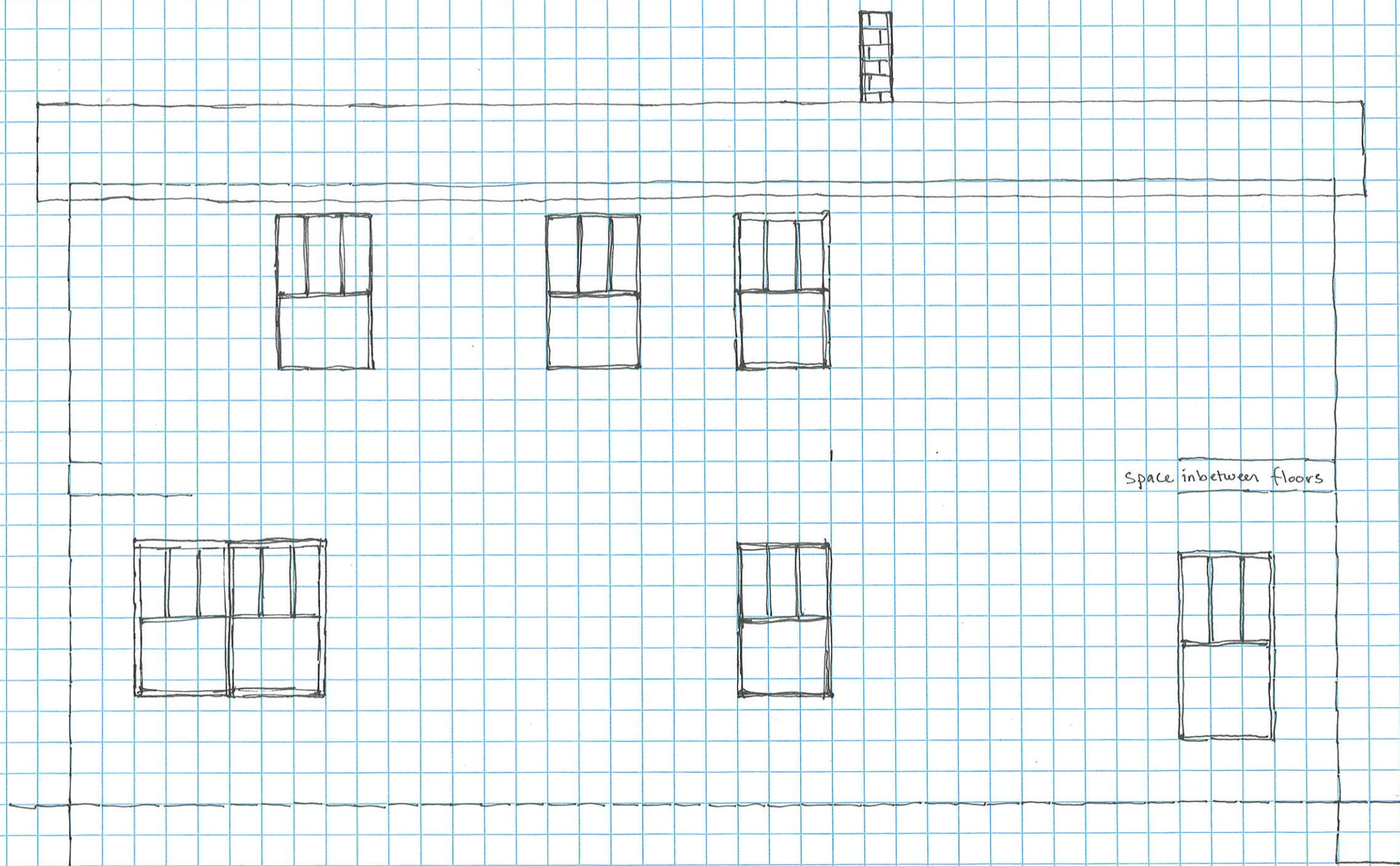






← Alley

Lilly St. →



← 27.5 ft. height of chimney

← 24.5 ft. height of roof peak

← 22 ft. height of second wall

Total Sq. ft. of 2nd wall = 360 sq ft
Total Sq. ft. of openings = 45 sq ft
(12.5%)

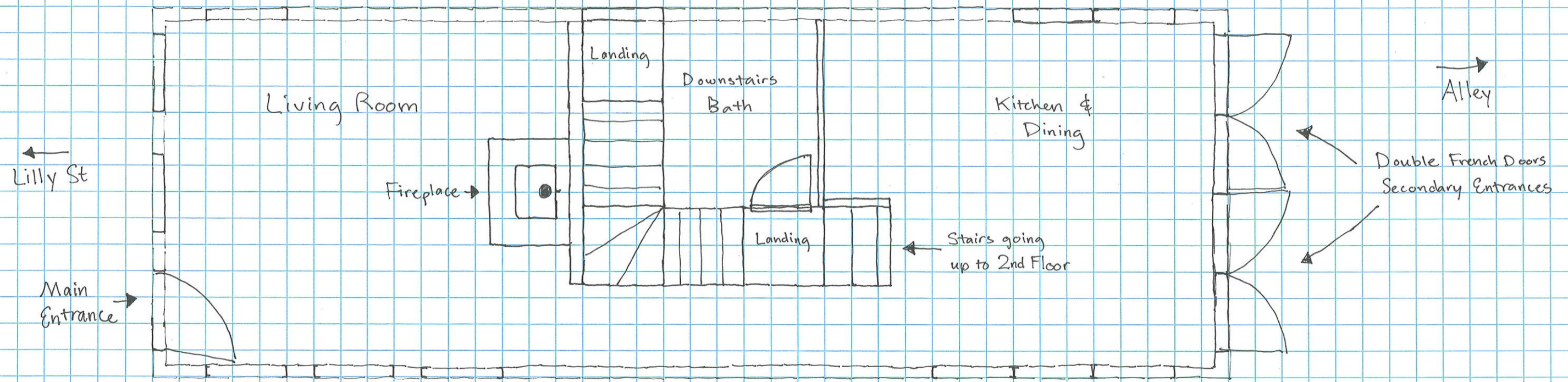
← 12 ft. height of first wall

Total Sq. ft. of 1st wall = 400 sq ft
Total Sq. ft. of openings = 63 sq ft
(15.75%)

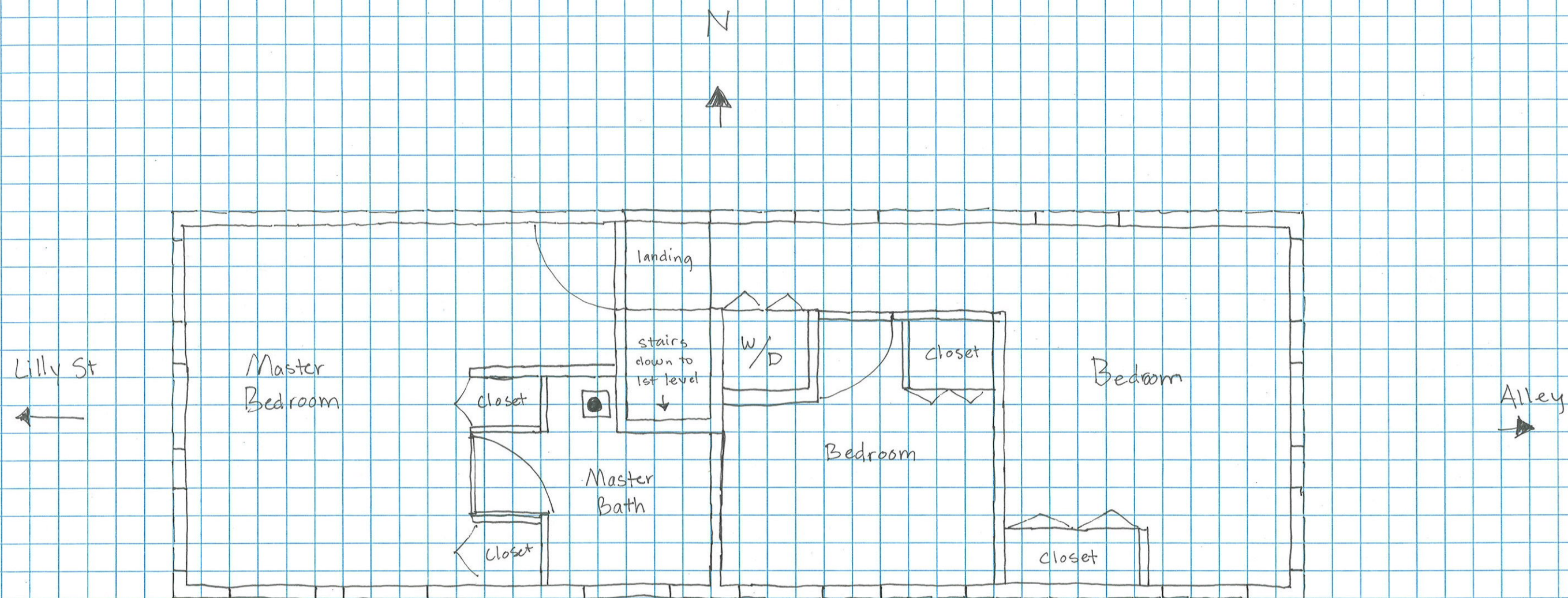
← 2 ft. height of foundation

← 0 ft. ground level

North Wall Face



First Floor



Second Floor

Structure Dimensions are 14 ft. x 40 ft.

TO: Board of Adjustment, City of Moscow
FROM: Jo Ellen Force, 109 N. Almon St., Apt. 204, Moscow, 208-874-3208
DATE: July 8, 2026
SUBJECT: Opposition to Proposed Variance for 102 N. Lilly Street, LUP2026-0012

I live in the Barley Flats condominiums. I am fortunate that I live in a condo with a full view of the Lillian Woodworth Otness Park. It is a joy to have this park as my primary view from several windows in my home. This park is small, but it is an important neighborhood park in this otherwise fairly dense residential neighborhood near downtown Moscow. It is frequently used year around by families in the neighborhood with young children, college students who live nearby, elderly residents in the neighborhood who enjoy the opportunity to be in a city park in the neighborhood, dog-walkers (who are very good about picking up dog droppings), nearby office workers (some of whom I know) who often eat lunch at the picnic table, and other visitors to the park.

This 20' wide private property piece of land at 102 N. Lilly St. should have been condemned by the City several years ago when the original small house that was falling down was removed. There has been a large, ugly hole in the ground and piles of dirt and debris beside the hole on the property for the last 5+ years. Besides being ugly, the entire site is also a danger to people who use the park because it often has enough water in it that a person, especially a child, could easily drown if a ball or something being used in the park goes into the hole/water and someone attempts to get it out.

Trespass on public property (the City Park) will occur if this variance is granted. It will probably occur even if the approved city code for such structure is followed. It is physically impossible to dig the foundation, pour concrete, bring in all the building materials, allow equipment and construction workers, etc., to build this structure without trespassing on the adjoining private property and on the city park property, which all of us in Moscow own and can enjoy. If constructed, any residents or visitors may not be able to enter the house from the south side without trespassing on the city park lawn.

I also serve on the City of Moscow Fair and Affordable Housing Commission. I am aware of the challenge that is facing many Moscow residents who are seeking affordable housing in Moscow. The City has developed possibilities of "tiny houses" and other options to address some of our housing challenges. Although even one or two "tiny" houses (up to 400 square feet or 10' x 40' one-story units) with 5' variances on both the north and south sides on this site would be almost impossible to construct without violating trespass laws, they would be more aesthetically acceptable to fit into the existing neighborhood than the proposed structure. They would provide small homes for two families.

Thank you for your consideration of my request to deny a variance to 102 North Lilly Street.

Sincerely,

Jo Ellen Force



InterOffice Memo

To: Board of Adjustment, City of Moscow
From: Priscilla Wegars, 735 East 6th Street, Moscow, 208-882-7905
Date: July 9, 2026
Subject: Opposition to Proposed Variance for 102 N. Lilly Street, LUP2026-0012

Greetings,

As a Moscow resident and the owner, since 1996, of two rented, affordable, single-family homes on the same lot at 104 and 106 North Lilly Street, immediately north of the subject property, 102 N. Lilly, I strenuously oppose the proposed variance for 102 North Lilly Street, reducing the side yard setbacks from five (5) feet each on the north and south sides to three (3) feet per side, for the following reasons:

1. Moscow's Zoning Code, Chapter 1, General Provisions, Section 1-5, Scope of Zoning Code, Section A states, "No building ... shall be ... constructed ... except in conformity with all of the regulations herein specified for the zoning district in which it is located." Section B states, "No building or other structure shall hereafter be erected or altered: 3. to have narrower or smaller ... side yards ... than herein required." The question then is, **Why do we have a Zoning Code if people can ask for special treatment?**
2. Setbacks exist for various purposes. One is aesthetic, to avoid a "crowded" look. Another is for builders' access. With the setback so close to the property line, I cannot imagine how builders could construct a two-story dwelling without trespassing on my property and on that owned by the City.
3. In consulting a contractor of my acquaintance, he stated emphatically that **a building of the proposed size could not possibly be built, and maintained, without trespassing on my property and on City of Moscow property.** Even putting up a ladder or erecting scaffolding requires room not only for the feet of the ladder or base of the scaffold, but also needs room for workers to walk around them. With the requested variance from the setbacks, that would be impossible without trespassing. They cannot build the building they want to build and stay completely on their own property.
4. The contractor also wondered that if a worker fell from a ladder, or the roof, onto my property or onto the City's property, and was badly injured, **would I be liable if an injury occurred on my property? Is the City willing to take the risk** for that to happen on City property?
5. With two properties so close together, there is the **danger of fire spreading** more easily from one to the other.
6. In addressing the **Relevant Criteria and Standards for issuing a variance, Criteria #1**, I argue that the fact that the lot is only 20 feet wide does make it unbuildable, especially given the requirement of a five-foot setback on both north and south sides.
7. Under **Relevant Criteria and Standards for issuing a variance, Criteria #2**, the application of the provisions of the zoning code will NOT "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." Just because there was once a house on this 20-foot-wide lot doesn't mean that it is currently a buildable lot! According to City staff members Lucy Falcy and Jennifer

Fleischman (emails, July 8, 2026), "in 2019 a Variance application to reduce the side yard setback to three (3) feet on the northern side and one (1) foot on the southern side was approved by the Board of Adjustment. [I must have been out of town at that time because I did not learn of it to oppose it.] Because the proposed dwelling was not constructed within two years of approval, the permit expired in 2021." Another application, in 2024, was withdrawn before it reached the Board of Adjustment. In both cases, **did the builders realize that they couldn't actually build there without trespassing on my property and on the City's property?** Now the current applicant wants a variance for an additional two feet on the City side.

8. Under **Relevant Criteria and Standards for issuing a variance, Criteria #3**, I strongly believe that granting the variance **will** "be injurious to the property or persons in the vicinity of the subject property." I am that person and it is my property, and my long-term tenants' quality of life, that will be harmed. For example, if setbacks are allowed for this property, that will likely mean the removal of several mature fruit and shade trees, a haven for songbirds, that are on, near, or within the property lines. **If these trees are removed, the value of my property will diminish.** In addition, Moscow's Comprehensive Plan, Section 2.5.4, Scale, Density, and Building Design, mentions "**the availability of solar access.**" Light is already blocked from the north side of my property because of a three-story apartment house there, and the proposed two-story dwelling would block light from the south side of my property, thus diminishing my tenants' quality of life. **The lack of light on both sides would definitely lower the value of my property.**

9. Also according to Moscow's Comprehensive Plan, Section 2.5.4, Scale, Density, and Building Design, "The massing and design of buildings is an important factor in how the community looks and feels with scale, height, and **setbacks** [emphasis added] all being important factors. They can impact compatibility with existing development [my houses are bungalows dating to 1918 and 1930; many neighborhood ones are similar]. "The architectural design of buildings adds to the character, continuity, and interest in an area." I submit that the **design of the proposed dwelling would be completely IN**"compatible with existing development."

10. Finally, the lot at 102 North Lilly should never have been offered for sale as a buildable lot. When the previous dwelling at 102 North Lilly was removed, some years ago, the site was not leveled; a mound and a pit remain. Although my tenants erected a fence inside the property line, for privacy and pet confinement, they have had to move it several times because my property is eroding into the pit. I suggest, instead of trying to build on a nonconforming lot, that the owner donate it to the City to add to the existing Lillian Woodworth Otness Park and take a tax write-off. If I owned that lot, that is what I would do.

Thank you for your consideration of my request to deny a variance to 102 North Lilly Street.

Sincerely,

Priscilla S. Wegars

Priscilla Wegars, Owner, 104 and 106 North Lilly



To the Members of the Moscow Board of Adjustment and City Council,

We are the long-term tenants of the property immediately adjacent to the proposed variance at 102 North Lilly Street. Although we are currently traveling internationally and are unable to attend the hearing in person, we respectfully ask that this letter be entered into the record as our strong opposition to the requested variance.

We are deeply grateful to live in this neighborhood, particularly because of its proximity to Lillian Woodworth Otness Park, Hogg Creek, and the mature trees and wildlife that make this area one of the city's essential natural spaces. As the people who experience this property every day, we have significant concerns about the precedent, safety, environmental impacts, and quality of life implications of approving a variance to build on this exceptionally narrow lot.

First, we support the concerns raised by our landlord regarding zoning setbacks, compatibility with the surrounding neighborhood, fire safety, construction access, and the practical impossibility of constructing and maintaining a two-story home on such a constrained site without repeated encroachment onto neighboring properties or City right-of-way. We ask that those concerns be given serious consideration.

In addition, we wish to share our own firsthand observations.

We witnessed the demolition of the previous home on this lot. Rather than being completed with what appeared to be appropriate environmental mitigation or professional demolition practices, the structure was torn down by a single individual using rented equipment. Given the age of the home, we were extremely concerned about the potential release of asbestos, lead paint, and other hazardous building materials into the surrounding environment. The property sits immediately adjacent to Hogg Creek and its associated floodplain, raising concerns about contamination reaching nearby soils, water, neighboring yards including ours, and the places where our pets spend time. Whether or not regulations were followed, the demolition demonstrated how environmentally sensitive this location is and how easily impacts can extend beyond the property itself.

Following demolition, a large excavation pit was left on the property and remains today. Rather than being restored, it has become a seasonal collection point for stagnant water and invasive vegetation. Because the lot borders Lillian Woodworth Otness Park and a heavily traveled pedestrian corridor, we regularly observe children and dogs playing near or in the excavation. We're unsure where the responsibility of liability lies, but our concern is that the pit poses a liability risk to the City due to its immediate adjacency to the park. In addition, the pit has been slowly eroding away the property line of our home and neighboring home at 104 N Lilly and 106 N Lilly, respectively. While we're currently unable to measure it due to our travel, I believe it has eroded a minimum of a foot into the property line, if not more in some areas. As it currently exists, the site presents an ongoing safety hazard and public nuisance. Approving additional development on such a challenging site without fully addressing these underlying issues is concerning.

We are also extremely concerned about the ecological impacts of development on this property. The proximity of the site to Hogg Creek and the surrounding floodplain deserves careful scrutiny. Moscow's Stormwater Best Management Practices Handbook emphasizes the importance of protecting waterways through appropriate buffers, erosion control, stormwater management, and mitigation measures for development adjacent to sensitive water resources. Given the location of this parcel immediately adjacent to a moving water body, these requirements deserve particularly careful consideration. The environmental constraints of this site should not become reasons to weaken existing zoning protections.

Additionally, wetlands, riparian areas, and associated habitats receive important protections under federal law, including the Clean Water Act, because of their ecological significance. Even where development may be technically permissible, these areas require thoughtful planning, appropriate buffers, and mitigation to avoid unnecessary degradation. We urge the Board to carefully consider whether a project requiring multiple exceptions on such a constrained site can realistically meet these environmental responsibilities.

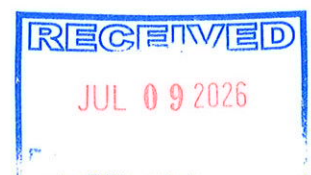
Another significant concern is the likely loss of the mature maple tree adjacent to the property. To the best of our understanding, this tree is located within the public right-of-way. Beyond its aesthetic value, it functions as a critical piece of neighborhood habitat. Throughout the year we regularly observe migratory songbirds, resident birds, waterfowl, squirrels, and other wildlife using this tree as shelter and as a stopover while moving through the connected green spaces surrounding Lillian Woodworth Otness Park and Hogg Creek. Trees of this age and size cannot simply be replaced; decades of ecological value would be lost if it were removed. There are also a number of fruit and smaller deciduous trees near the back of the lot, some of which may actually be on City property, as well.

Finally, approving this variance would reward the continued effort to force development onto a parcel that appears fundamentally constrained by its size and environmental context. Variances should exist for exceptional circumstances, not to make an otherwise unsuitable lot conform to a desired building footprint. Existing zoning standards protect neighboring property owners, public safety, environmental resources, and neighborhood character. We respectfully ask that those protections be upheld.

We care deeply about this neighborhood and hope to continue calling it home. We respectfully request that the Board deny the requested variance and instead encourage a future use of this property that is compatible with its environmental sensitivity, surrounding neighborhood, and proximity to Lillian Woodworth Otness Park. Thank you for your time and consideration.

Respectfully,

Mindy McAllister and Jon Carson, Residents of 104 North Lilly Street



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

HEARING DATE: Tuesday, July 14, 2026

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2026-0017 - Conditional Use Permit application for a proposed detached private garage not to exceed 1,500 sf located at 1228 Spruce Circle within the Single-Family Residential-Low Density (R-1) Zoning District, per Moscow City Code 4-3-4.

Attachments:

1. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, June 27, 2026
2. Conditional Use Permit Application
 - a. Building Plans
 - b. Site Plan

Prepared by: Lucy Falcy, Planner I

STAFF REVIEW

Proposal:

The applicants, Matthew and Jennifer Pollard, have submitted an application for a Conditional Use Permit (CUP) for an accessory structure which exceeds 1,000 square feet in size, located at 1228 Spruce Circle. Last winter, a portion of the applicant's existing 1,100 square foot garage/shop was demolished by a tree. The applicants are proposing to replace the destroyed 610 square foot garage portion of the structure with a 991 square foot garage. This will bring the combined area of the accessory structure to 1,481 square feet. The proposed rebuilt garage height is 28.5 feet tall. The destroyed garage portion had an accessory dwelling unit above the garage, and this proposal does not include a replacement of the accessory dwelling unit. The subject property is within the Single-Family Residential -Low Density (R-1) Zoning District that requires that accessory structures between 1,000 and 1,500 square feet in area to be reviewed as a conditional use.



Vicinity Map



Subject Property

Site and Area Land Use:

The subject property is within the Evergreen Hills subdivision and is approximately 38,189 square feet in size and is located at the end of the Spruce Circle cul-de-sac. The lot is irregularly shaped and at its widest, is approximately 255 feet long and 250 feet deep. The site slopes gradually down to the east. The residence is centrally located on the property, and the existing/proposed accessory structure is located to the west of the house.

Streets and Access:

Primary access to the subject property is from Spruce Circle, a local residential street, which gains access off the east side of Orchard Avenue, north of Thatuna Avenue.

Comprehensive Plan:

Chapter 2, Land Use and Community Character, designates the subject property as Auto-Urban Residential as both an Existing (Map 2.1.) and Future (Map 2.2) Land Use. The Auto-Urban Residential designation predominantly consists of single-family detached homes on lots ranging from 7,000-11,000 square feet in area and that may be in areas that are more dependent upon automobile transportation. The R-1, R-2, and R-3 Zoning Districts all fall within this designation.

Chapter 3, Community Mobility, identifies Spruce Circle as a local street.

Zoning:

The subject property is located within the Single-Family Residential – Low Density (R-1) Zoning District. All adjacent properties are also in the R-1 Zone and are developed with single-family dwellings. Approximately 150 and 250 feet to the south and west, respectively, properties are within the Moderate Density, Single Family (R-2) Zoning District.

Per MCC 4-2-4-D, the R-1 Zoning District is a low-density residential zone appropriate where single-family dwellings predominate and the physical character of the area does not lend it to more intense development.

Within the R-1 Zoning District, private accessory structures, including garages and workshops, between 1,000 square feet and 1,500 square feet in area are listed as a conditionally permitted use (MCC 4-3-4 Land Use Table) and are subject to the following development standards (MCC 4-4-2):

Height limit: thirty-five feet (35')

Required setbacks:

- Front - twenty-five feet (25')
- Rear - twenty feet (20')
- Side yard – five feet (5')
- Combined side yard – fifteen feet (15')

The proposed accessory structure meets these development standards. The applicants propose to increase the height of the damaged garage portion by three feet (3') to twenty-eight-and-a-half feet (28.5'). The damaged garage is located twenty-two feet (22') from the west property line and the proposed rebuilt garage portion will be located twelve feet (12') from the west property line. The only other setback affected is that to the front of the property where the proposed addition will remain approximately sixty feet (60') from the front property line.



Zoning Map

Input from other Departments/Agencies:

A building permit will be required for construction of the new building and all minimum requirements of the Building, Plumbing, Fire, and Electrical Codes as adopted by the City of Moscow shall be satisfied. No departments within the City had comments.

Other Considerations:

None

RELEVANT CRITERIA AND STANDARDS

The following are Staff's comments relating to the criteria required for approval of a Conditional Use Permit. The following statements 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 proposed use (is/is not) a conditionally permitted use within the Zoning District.

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

2. The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.

The proposed reconstruction is a slight enlargement of an existing structure. It is designed to appear residential in nature and meets all of the setback and height

requirements of the R-1 Zoning District. The proposed reconstruction will likely reduce impacts on the neighborhood as it provides more usable vehicle storage space and removes the accessory dwelling unit. It is in harmony with the neighborhood and surrounding land uses.

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

The proposed garage rebuild is for the storage of vehicles and as such will not generate nuisances to the adjoining properties or neighborhood.

4. The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services.

The proposed garage is adequately served by existing streets, and public facilities and services.

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

The proposed use is adequately separated from adjacent properties and will not endanger the public health or safety.

6. Proposed use (meets/does not meet) all applicable development standards of the Zoning Code.

The proposed use meets all applicable development standards.

7. The proposed use (will/will not) be in conflict with the Comprehensive Plan.

The proposed use is not in conflict with the Comprehensive Plan.

RECOMMENDATION FOR CONDITIONAL USE PERMIT 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 Conditional Use Permit.

The Board of Adjustment may impose conditions including, but not limited to those 1) minimizing adverse impact on other development; 2) controlling the sequence and timing of development; 3) controlling the duration of development; 4) assuring that development is maintained properly; 5) designating the exact location and nature of development; 6) requiring the provision for on- or off-site public facilities or services; 7) requiring more restrictive standards than those generally required in an ordinance; and/or 8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

Staff recommends **approval** of the application for a Conditional Use Permit for the proposed 1,481 square foot detached private garage/shop located at 1228 Spruce Circle with no conditions.

The Board of Adjustment's actions are to conduct the public hearing and upon consideration of testimony received:

1. Approve the Conditional Use Permit application; or
2. Approve the Conditional Use Permit application with conditions; or
3. Deny the Conditional Use Permit 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 Conditional Use Permit at 1228 Spruce Circle.
Permit Application LUP2026-0017

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:

A Conditional Use Permit application for a proposed accessory structure between 1,001 and 1,500 square feet in size located at 1228 Spruce Circle within the Single-Family Residential Low Density (R-1) Zoning District, per Moscow City Code 4-3-4.

HEARING DATE: Tuesday, July 14, 2026

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

MEETING TIME: 7:00 p.m.

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. Emailed comments can be received at BOA@ci.moscow.id.us. 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 R. Fleischman, Deputy City Clerk

Published: Saturday, June 27, 2026



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

For City Use Only			
Date Received		6/11/20	
Dept	Fee Type	Fees	Paid
CDV	Application Fee	\$600.00	
Receipt Number		LUP2026-0017	

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: MATTHEW & JENNIFER POLLARD Phone: [REDACTED]
 Address: [REDACTED] Email: [REDACTED]

Relationship to affected property (please check one):

Owner ☒ Purchaser ☐ Lessee ☐ Other ☐ (explain below)

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

Name: _____ Phone: _____
 Address: _____ Email: _____

3. Location of Affected Property: 1228 SPRUCE CIRCLE, MOSCOW

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

Legal Description: EVERGREEN HILLS ADDITION #1 #19
 (Subdivision) (Block) (Lot)

INFORMATION ON REQUESTED CONDITIONAL USE

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

SEE ATTACHED

The proposed activities and use 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), fencing, and landscaping. A site topography map shall be provided when appropriate.

5. **Authorization:** Section _____ of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit.
6. **Operating Characteristics:** Detail the operating characteristics of the proposed use. In other words, provide specific information which describes and defines how the proposed use will be conducted and what will be involved in the day-to-day operations of the proposed use. Applicable information may include hours of operation, number of people (employees, customers, students, etc.) involved, traffic and/or delivery information, services provided, equipment or machinery which may be involved, or any other information which helps describe and define the proposed use and impacts the proposed use may have.

PLEASE SEE ATTACHED

7. Before the Board of Adjustment may issue a Conditional Use Permit, the Board of Adjustment must first make findings of compliance with the following seven **Relevant Criteria and Standards**. Please describe in the spaces provided below how your requested Conditional Use is in compliance with each of the relevant criteria and standards.

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

PLEASE SEE ATTACHED

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

PLEASE SEE ATTACHED

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

PLEASE SEE ATTACHED

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

PLEASE SEE ATTACHED

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

PLEASE SEE ATTACHED

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

PLEASE SEE ATTACHED

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

PLEASE SEE ATTACHED

CONDITIONS OF APPROVAL

The Board of Adjustment, pursuant to Moscow City Code Title 4, Chapter 8, Sec. 8-4.D., may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for onsite or offsite public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

COMPLIANCE

1. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, 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 Conditional Use Permit, 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 Conditional Use Permit application.

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Conditional Use Permit is not obtained for the subject property within one (1) year from the date of the Board of Adjustment's final decision, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the Conditional Use Permit is approved ceases for a period of twelve consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit 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 twenty-one (21) 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. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. Elevation Drawings, drawn to scale (for new construction only)

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.



 Signature of Applicant

10 JUNE 2026

 Date

 Signature of Property Owner (if different)

 Date

Conditional Use Permit Application for Replacement of Storm-damaged Garage

Address: 1228 Spruce Circle

Homeowners: Matt & Jen Pollard

General Information**#4 Proposal**

In December 2024 our neighbor's large Spruce tree uprooted, and landed on our detached garage, see attached photos. The impact caused extensive damage including a cracked foundation and racking. Upon inspection and evaluation by contractors, a Professional Engineer and insurance adjusters, our homeowner's insurance totaled the building. We have not had a usable garage since that time. The garage is attached to a workshop; the workshop is salvageable and will not be demolished. These two building have a combined area of ~1100 sq ft. In addition, there was an ADU above the garage.

The best we can tell, the workshop was original with the house (c. 1952) and the garage with the ADU was added in the early 1970's.

It is proposed to remove the existing garage (~610sq ft), leaving the conjoined workshop intact, and build a new garage in the same location, attached to the workshop. The new build will not include an ADU, rather a second-floor workshop / hobby area. The rebuilt garage will be roughly the same size and location, however, the new build includes an interior staircase versus the existing exterior weather-prone staircase. In addition the garage bays have been slightly increased slightly to better accommodate 3 cars. These two changes increase the overall area from about ~1100 sq ft to ~1481 sq ft. In addition, the overall height will increase from ~25'6" to ~28'6", with most of this height in the 1st floor to accommodate taller vehicles.

#6 Operating Characteristics

This structure is a replacement of an existing structure. Its intentions of use remain the same: personal vehicle storage. However, the new structure *will not* have an ADU, rather the second floor will be a hobby / workspace. The operational characteristics are in the same spirit as the existing and damaged structure. The new structure is expected to have less impact on the neighborhood due to the elimination of the ADU.

#7, Criteria #1:

The proposed accessory structure is ≤ 1500 sq ft permitted land use per MCC 4-3-4 land use table.

#7, Criteria #2:

The new structure's intended use (personal vehicle storage and a personal workspace) is similar in size, and location to the previously existing structure and is in harmony with the neighborhood. Aesthetics are important to us and the design is intended to be classy and timeless, though also functional. The new building has been designed to have zero impact on the harmony and spirit of our neighborhood (a R1-zoned residential neighborhood).

#7, Criteria #3:

The proposed project is little more than replacing a damaged garage that was used for personal vehicle storage and a hobby space. There is no expected impact on our neighbors, the neighborhood, or community to the best of our analysis. Its use is intended exclusively for our personal and private use with no intension of operating a business, or operating a manufacturing, meeting, or teaching facility.

#7, Criteria #4:

The existing (to be demolished) structure is approximately 22' from the closest property line, ~87' from the street / curb and over 50' to the closest-neighbor's house. The new structure will be in essentially the same location, connected to the workshop on the south wall. The new structure will be ~10' closer to the property line (12' from property line) and ~3' closer to the street / curb. Its location is intended to have minimal impact on the aesthetics of the neighborhood, neighbors and our house, and property.

The new structure will have zero impact on the community, and the existing access, roads, and emergency access to the best of our knowledge.

#7, Criteria #5:

The structure, its location, and its use will have zero impact on public health or safety to the best of our knowledge.

#7, Criteria #6:

Per MMC 4-3-4, we are in accordance with the applicable development standards for R-1 zoning.

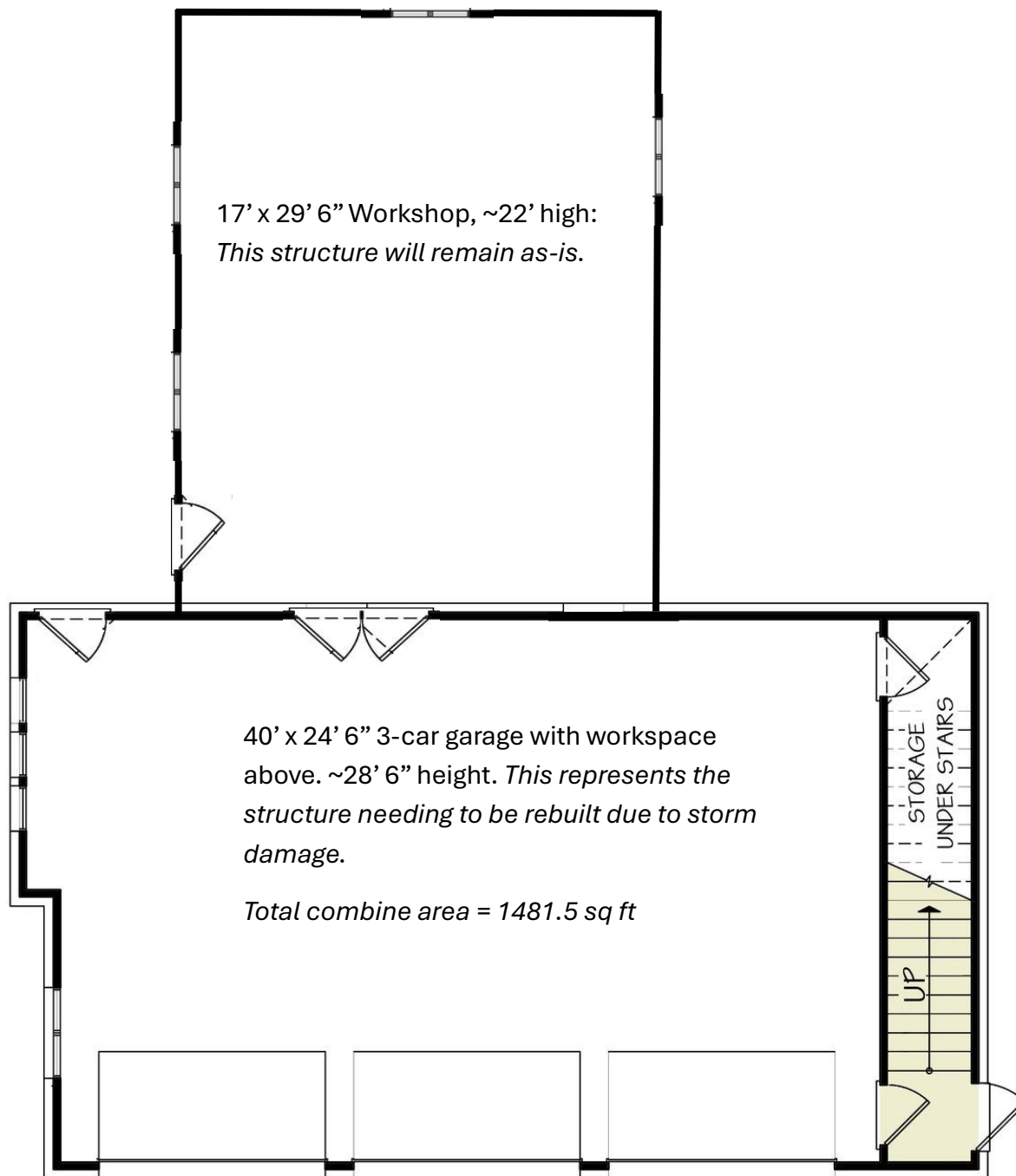
#7, Criteria #7:

It is with our best intention to build within the vision of Moscow's Comprehensive Plan; we feel these plans respect that vision. In addition, we strive to respect the vision of the Environmental and Sustainable Climate Action Working Group and the Sustainable Environment Commission by designing with and planning for the eventual installation of roof-top photovoltaics.

Photos, Plot plan, and building details below**12/2024 Storm Damage!**

Building Layout / Plot Plan



Proposed Main floor and existing Workshop

Proposed 2nd Floor



Workshop to Remain

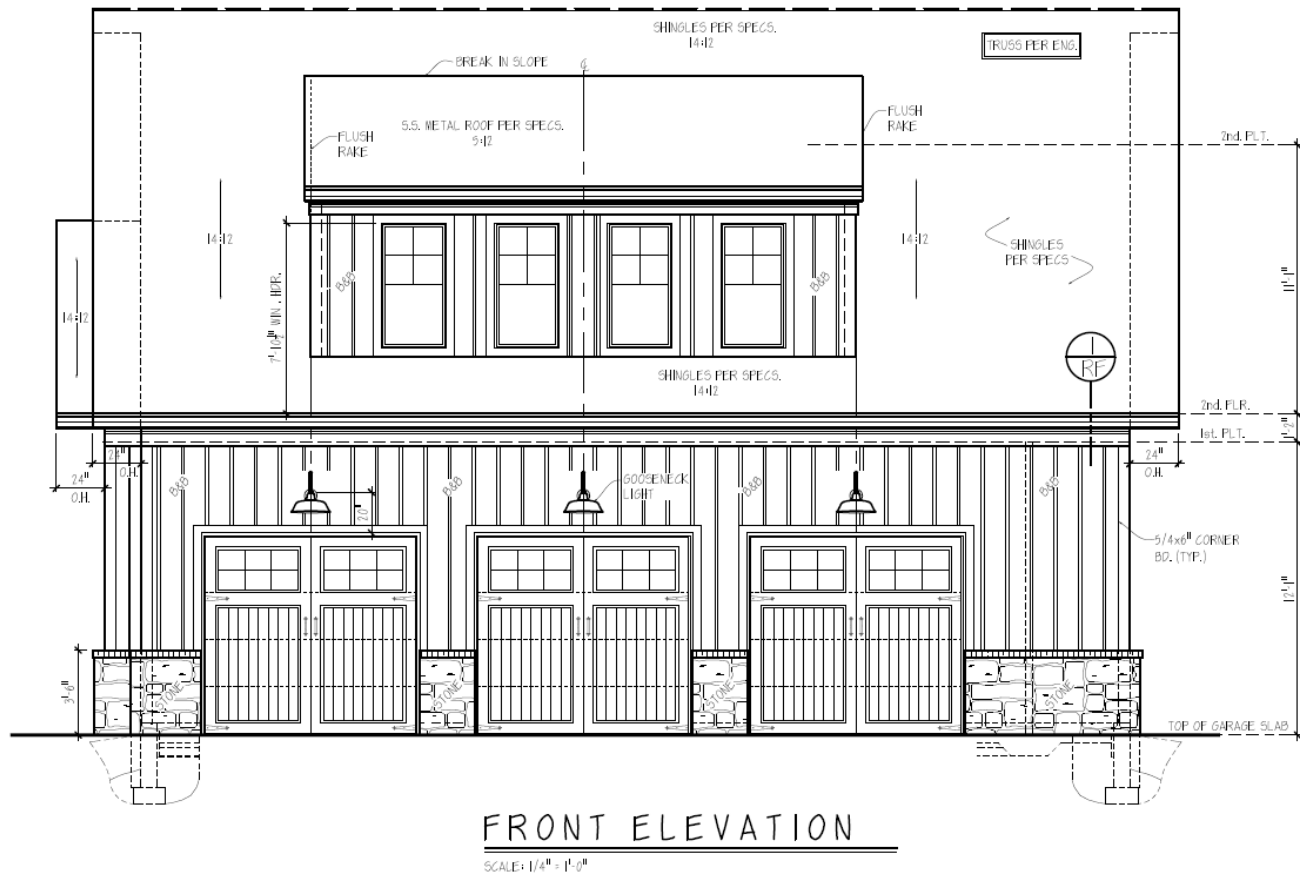
Portion destroyed by tree to be replaced



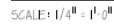
Proposed Garage Addition to workshop



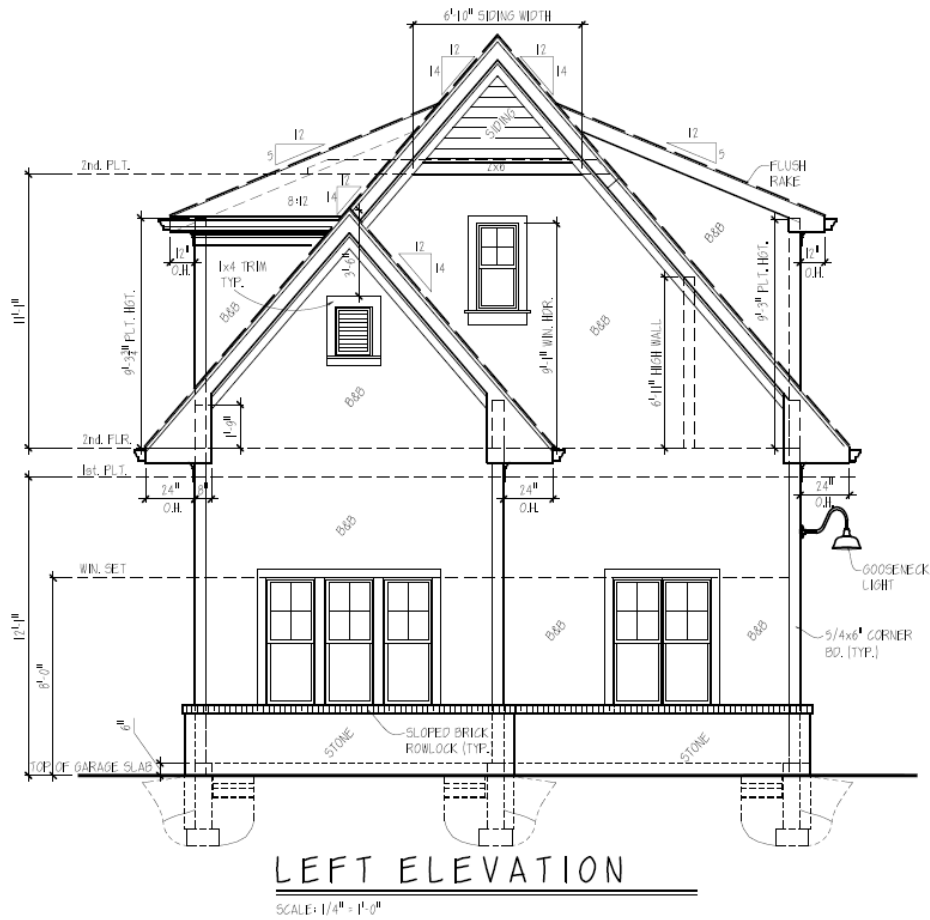
North / Front view of proposed garage as seen from the driveway & Spruce Circle.



LOCATED ON REAR OR SIDE OF ROOF ONLY -
COORDINATE VENT SIZES WITH
SUB-CONTRACTORS & G.C.



East / Left view of proposed garage.



West / Right view of proposed garage.

