

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 21, 2026

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of Minutes from July 14, 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)

Approval of a Variance for the reduction of required size yards on a nonconforming lot from five (5') to three feet (3') for a proposed single-family residence to be located at 102 N. Lilly Street within the Multi-Family Residential (R-4) Zoning District, per Moscow City Code 4-4-2. Permit Application LUP2026-0012.

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.

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

Approval of a Conditional Use Permit for the partial rebuild and enlargement of an existing accessory structure, to be a maximum of 1,481 square feet, located at 1228 Spruce Circle within the Low-Density Single-Family (R-1) Zoning District, per Moscow City Code 4-3-4. Permit Application LUP2026-0017.

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 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

Public Hearing
~ Minutes~

Lucy Falcy
Staff Liaison
208.883.7095

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

**Tuesday
July 14, 2026**

7:00 PM

**Council Chambers
206 E Third Street**

Schutz called the meeting to order at 6:59 PM

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

REGULAR AGENDA

1. Approval of Minutes from May 20, 2026 (ACTION ITEM)

Bush moved for approval of the minutes as written, seconded by Dickinson. Vote by Acclamation; Ayes: Bush, Dickinson, Schutz, Weldon (4) Nays: None. Abstentions: Comstock (1). Motion carried.

2. Public Comment

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

None offered.

3. 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.

Falcy presented the Variance (VAR) request as described above and recommended approval with no conditions. There was one (1) written comment in favor that was received before the deadline but after the packet was published (see attached). The City property to the south of the subject site does not have structures on it other than the public pathway, and it was not known if there are permanent landscaping features on the north side of the park. The house previously located on the subject site encroached on City owned parkland. A Conditional Use Permit (CUP) and VAR were previously approved for this site, allowing the owners to construct a residence up to 16 (sixteen) feet wide with reduced side yard setbacks on both sides.

The Public Hearing opened at 7:13 PM

Caleb Warner (applicant), Moscow, provided information about his family and background details that led to applying for the VAR request. He continued by addressing some of the comments that were submitted in opposition to the proposal. A contractor for the construction of the house has not been hired yet.

Micah Evans, Moscow, spoke in favor of the application, stating that a previous VAR was approved for a larger structure on the same property and that the proposed design would elevate the property and neighborhood.

Zachary Hurt, Moscow, was in favor of the application in light of the current housing market and prices for purchasing homes in Moscow. He agreed with creating attractive, smaller homes on small lots.

Josiah Roberts, Genessee, spoke in favor of the proposed development. He talked about the specific limitations that the property poses and that the current design would be feasible on a difficult lot.

Johannes VonderLuft, Moscow, was in favor of the application and provided details about the means for constructing a house without trespassing onto the properties to the north and south.

The Chair read into the hearing record two (2) comments written in favor of the proposed application that were received after the deadline (see attached).

Priscilla Wegars, Moscow, spoke in opposition to the VAR and read parts of her prior submitted written statement included in the packet. She encouraged the current owners to donate the lot to the City to add to the park property.

Jo Ellen Force, Moscow, was opposed to the proposed development because of the impact and potential damage to the adjacent park. The property owners should be required to fix the eroding soil and large pit left from the demolition of the previous house.

Victoria Seever, Moscow, spoke neutrally about the VAR request, stating she would like to see a positive outcome for the property but had some concerns about the proposed development. She is worried about the health of the trees on the southeast side of the property and encouraged the Board to require a fence be built.

Garrett LaCivita, Moscow, shared some comments of a neutral nature about concerns with the property possibly being a wetland. Did not think that the lot should be considered a buildable lot by the City because of that and its size. She also spoke at length about allowing houses to be built in the floodplain, about the potential for asbestos in the soil, as well as concerns about building and fire code after its construction.

The Public Hearing closed at 7:40 PM

There are current utility stubs provided for the property, such as water, sewer, and electric. The Board talked about how this proposal would be considered infill development and that it would make the property more attractive and less hazardous for the adjacent park users.

Comstock moved to approve the VAR at 102 N Lilly Street, with no conditions, and direct Staff to draft the Relevant Criteria and Standards document. The motion was seconded by Weldon.

The Board continued to discuss the proposed development in relation to the concerns that the public testimony provided. The applicant answered questions about how he proposed to build the structure regarding foundation type and landscaping methods. There was a conversation about the subject site and feasibility of the proposal. It was commented that a VAR has been approved prior for this same property but expired because it was not utilized.

Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

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.

Falcy presented the CUP request as described above and recommended approval with no conditions. The proposed structure would not exceed the maximum height allowed in the R-1 Zoning District. There was a conversation about what triggers the need for a CUP when replacing nonconforming structures.

The Public Hearing opened at 8:01 PM

Matthew Pollard (applicant), Moscow, introduced himself and his wife and talked briefly about the reasons behind the proposal. He demonstrated how the application meets all the required criteria and standards.

The Public Hearing closed at 8:04 PM

The Board had a short discussion about the proposed project and agreed that it makes sense to approve the CUP to rebuild the structure.

Bush moved to approve the CUP at 1228 Spruce Circle, with no conditions, and direct Staff to draft the Relevant Criteria and Standards document. The motion was seconded by Dickinson. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

REPORTS

Comstock requested additional information regarding policy on details provided by the public during the comment period.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

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

The meeting adjourned at 8:09 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 VARIANCE REQUEST TO REDUCE THE SIDE YARD SETBACKS ON
A NONCONFORMING LOT LOCATED AT 102 N LILLY STREET WITHIN THE
MULTIPLE-FAMILY RESIDENTIAL (R-4) ZONING DISTRICT PER MOSCOW CITY
CODE 4-4-2.**

WHEREAS, the applicant filed an application for a Variance on April 3, 2026; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on July 14, 2026; and

WHEREAS, having reviewed the application, including all exhibits entered, 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 approved the proposed Variance 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, and Moscow City Code.
2. 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) to construct a two-story single-family home.
3. Lots under 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. This would allow for construction of a ten-foot (10') wide residence allowed by right.
4. The applicant has stated that the ten-foot (10') combined yard side setbacks would restrict their right to have a reasonably sized home such as previously existed on the lot and which is enjoyed by neighbors.

5. There was a previously existing single-family dwelling on the subject property that had approximately one (1) foot north side-yard setbacks and slightly encroached upon the adjacent parkland to the south. This house was demolished following approval of a Variance (LUP2019-0022) request to reduce side-yard setbacks on the site to allow for a sixteen-foot (16') single-family home. Approval of LUP2019-0022 expired following a period of permit/building inactivity on the site.
6. Lots within the R-4 Zoning District require a minimum width of fifty feet (50') with an area of 5,000 square feet for a single-family house.
7. The lot is nonconforming because it is only twenty feet (20') wide with an area of 2,500 square feet.
8. Per Moscow Zoning Code 4-1-7(B) Nonconforming Lots of Record: *"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."* 102 N Lilly is permitted a single-family home by right.
9. 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."*
10. Adjacent properties to the north, south, east and west are all within the R-4 Zone.
11. Adjacent properties to the north and west are in residential use. Property immediately to the south and east is City-owned and used as Lillian Woodworth Otness Park. The property to the north of the subject site, 104/106 N. Lilly Street, has been under the same ownership since 1996.
12. 102 N Lilly Street has frontage on both N. Lilly Street as well as an alley to the east of the lot.
13. 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.”

14. Public testimony received at the public hearing as well as in writing prior to the public hearing was in favor of, in opposition to and neutral regarding the proposed Variance.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The 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 properties similarly situated in the same Zoning District.**
The subject property is currently only twenty feet (20') wide and 2,500 square feet in size, which is substantially less than existing properties in the area and the minimum lot width and size of the R-4 Zoning District for a single-family dwelling. Therefore, the Board finds that the existing size and width of the subject property is a special condition upon the property.
2. **The applicant has demonstrated that, because of the aforementioned special conditions of the property, application of the provisions of the Zoning Code would impose undue hardship and would deprive the property owner of rights commonly enjoyed by owners of other properties similarly situated in the same Zoning District.**
If the application of the Zoning Code were applied for setbacks, the applicant would be limited to a house that is ten-feet (10') in width, which is substantially more narrow than other dwellings in the R-4 Zoning District and surrounding area. The applicant has demonstrated that the site's dimensions would limit building options on the site in a way that would deprive the applicant of rights commonly enjoyed by other properties in the R-4 Zoning District.
3. **Granting of the Variance not be in conflict with the public interest or injurious to the property or persons in the vicinity of the subject property.**
The proposed residence is an improvement on the site and neighborhood over existing conditions. Building techniques will allow the residence to be built without encroaching on adjacent properties. The proposed residence will allow for infill development on a nonconforming lot that has proved challenging in the real estate market. The variance request is only for four-feet (4') of encroachment into the setback which is reasonable. The proposed north and south side-yard setbacks are greater than those which existed with the previous single-family dwelling on the lot.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Variance to reduce the side yard setbacks for a single-family dwelling on a nonconforming lot located at 102 N Lilly Street within the Multiple Family Residential (R-4) Zoning District, to a minimum of three (3) feet on both side yards with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE _____
DAY OF _____, 2026.

Jerry Schutz, Chairman
Board of Adjustment

* In accordance with Moscow City Code Section 4-6-5, any applicant, City representative or affected person, may appeal a final decision of the Board of Adjustment or of the Planning and Zoning Commission to the Council within ten (10) calendar days following a final decision of such Board or Commission regarding an interpretation of or administration of the Zoning Code by the Zoning Administrator, which includes: a variance application, conditional use permit, or PUD, by filing written notice of appeal specifying the grounds therefor with the City Clerk, or their designee. Grounds upon which an appeal to the City Council may be made following a final decision of the Board of Adjustment or of the Planning and Zoning Commission includes the following:

1. Decision violates statutory or constitutional provisions;
2. Decision exceeds statutory authority;
3. Decision was made upon unlawful procedure;
4. Decision was unsupported by substantial evidence in the records or as a whole; or
5. Decision was arbitrary, capricious, or an abuse of discretion.

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
REGARDING A CONDITIONAL USE PERMIT APPLICATION FOR A 1,481 S.F.
PRIVATE DETACHED ACCESSORY STRUCTURE LOCATED AT 1228 SPRUCE
CIRCLE IN THE CITY OF MOSCOW, IDAHO WITHIN THE LOW-DENSITY SINGLE-
FAMILY RESIDENTIAL (R-1) ZONING DISTRICT PER MOSCOW CITY CODE 4-3-4.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on June 11, 2026; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on July 14, 2026; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant; and

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

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

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant City of Moscow Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicants, Matthew and Jennifer Pollard, submitted a Conditional Use Application for the property currently addressed as 1288 Spruce Circle to rebuild a 610 square foot garage/accessory dwelling unit portion of their 1,100 square foot detached accessory structure (ADU) that was damaged by a neighbor's tree. They propose to replace the damaged portion with a 991 square foot garage with no ADU that will bring the total size of the accessory structure to 1,481 square feet in area. The rebuilt portion of the structure will be twelve feet (12') from the property's west property line.

3. The subject property is within the Evergreen Hills subdivision, is irregularly shaped, 38,189 square feet in area and is located at the end of the Spruce Circle cul-de-sac. At its widest, the lot is approximately 225 feet long and 250 feet deep. The site sloped down gradually to the east. In addition to the existing 1,100 square foot accessory structure, there is a single-family dwelling on the site.
4. Primary residential access to the subject property is from Spruce Circle which is a local street. The existing accessory structure also gains access off of Spruce Circle and will continue to do so following the proposed rebuild.
5. The City's Comprehensive Plan designates the subject property as Auto-Urban Residential. 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. 1228 Spruce Circle is oversized within this designation.
6. Chapter 3, Community Mobility, identifies Spruce Circle as a Local Street.
7. The subject property and all adjacent properties are located within the Low-Density Single-Family Residential (R-1) Zoning District. A detached accessory structure between 1,001 and 1,500 square feet is a conditionally permitted use in the R-1 Zone.
8. The proposed dimensions and setbacks of the proposed structure meet the standards of the R-1 Zone.
9. The minimum lot width for the R-1 Zone is eighty feet (80'). 1228 Spruce Circle meets this standard.
10. The proposed garage is slated to be used for vehicle storage, and the upstairs area is slated to be used for hobby studio space.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

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

Garages and workshops up to 1,500 square feet in size are conditional uses within Low-Density Single-Family Residential (R-1) Zone. The Board determines that the application before the Board of Adjustment is for a detached, 1,481 square foot accessory structure housing a garage, studio space and shop, which is a conditionally permitted use within the R-1 Zone.

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

The proposed use is a rebuild and slight enlargement of an existing use which has historically been compatible with the neighborhood. The removal of the Accessory Dwelling Unit will reduce potential impacts on the neighborhood.

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

The existing use which is being rebuilt has historically been 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.

The proposed reconstruction and enlargement of the existing use will not endanger the public health or safety.

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

The proposed use meets all applicable development standards for the City Code, including setbacks, building height, and size limitations. The proposed use is a conditionally permitted use within the Low-Density Single-Family Residential (R-1) Zone.

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

The Board finds that the proposed use is consistent with the Comprehensive Plan as it relates to Chapter 2, Land Use and Community Character, designating the subject property as Auto-Urban Residential.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Conditional Use Permit for a 1,481 square foot detached private garage/shop located at 1228 Spruce Circle within the low-density single-family Residential (R-1) Zoning District, with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE _____
DAY OF _____, 2026.

Jerry Schutz, Chair
Board of Adjustment

* In accordance with Moscow City Code Section 4-6-5, any applicant, City representative or affected person, may appeal a final decision of the Board of Adjustment or of the Planning and Zoning Commission to the Council within ten (10) calendar days following a final decision of such Board or Commission regarding an interpretation of or administration of the Zoning Code by the Zoning Administrator, which includes: a variance application, conditional use permit, or PUD, by filing written notice of appeal specifying the grounds therefor with the City Clerk, or their designee. Grounds upon which an appeal to the City Council may be made following a final decision of the Board of Adjustment or of the Planning and Zoning Commission includes the following:

1. Decision violates statutory or constitutional provisions;
2. Decision exceeds statutory authority;
3. Decision was made upon unlawful procedure;
4. Decision was unsupported by substantial evidence in the records or as a whole; or
5. Decision was arbitrary, capricious, or an abuse of discretion.