

BOARD of ADJUSTMENT



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Public Hearing
~ Minutes ~

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Monday
April 27, 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, Tim Thomson, Laura Weldon
OTHERS: Sandra Kelly
STAFF: Nichoel Baird Spencer, Lucy Falcy, Jennifer Fleischman

REGULAR AGENDA

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

Dickinson moved for approval of the minutes as written, seconded by Weldon. Roll Call Vote; Ayes: Bush, Comstock, Dickinson, Schutz, Weldon (5) Nays: None. Abstentions: Thomson (1). Motion carried.

2. Public Comment

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

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

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

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

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

The Public Hearing opened at 7:12 PM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Public Hearing closed at 8:40 PM

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

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

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

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

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

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

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

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

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

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

The meeting adjourned at 9:19 PM


Jerry Schutz, Chair


Date