



Notice of Administrative Decision

Date: 10/16/18

To: Leslie Schnorenberg, leslie@leslietutoring.com
Mike Fortman, mike@tomherstad.com
Interested Parties and Parties of Record

RE: **Permit Number:** 17-03296
Project Name: Leslie's Tutoring
Type of Application: Minor Home Business

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <https://www.cognitofrms.com/KitsapCounty1/AppealObjectionOfAnAdministrativeDecision>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

CC: Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer
DCD File 17-03296



Administrative Staff Report

Report Date: October 9, 2018

Application Submittal Date: August 22, 2017

Application Complete Date: August 22, 2017

Project Name: Leslie's Tutoring

Type of Application: Minor Home Business

Permit Number: 17-03296

Project Location

4224 Phillips Road SE
Port Orchard, WA 98366

Assessor's Account

6009-000-002-0105

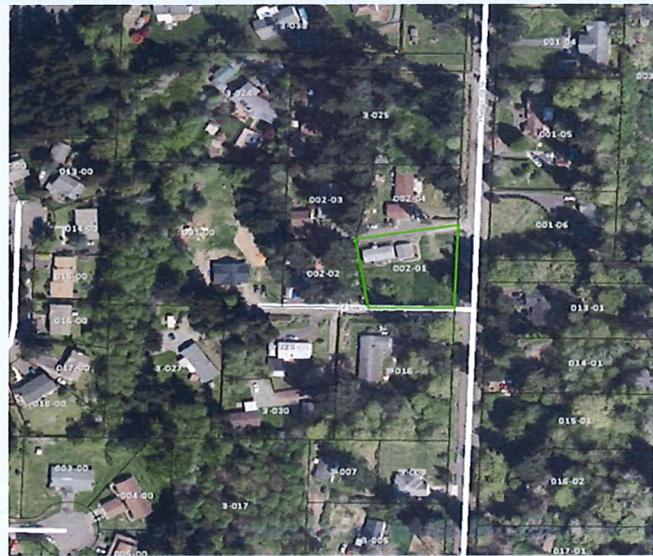
Applicant/Owner of Record

Leslie Schnorenberg
4224 Phillips Road SE
Port Orchard, WA 98366

Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

VICINITY MAP



1. Background

Leslie Schnorenberg, owner of "Leslie's Tutoring" is requesting approval for a Minor Home Business Permit. The 0.47-acre parcel is located at 4224 Phillips Road SE in Port Orchard. The subject property is zoned Urban Low Residential (UL). The business occupies 1,080 square feet of a proposed 3,608 square foot single-family residence. The existing single-family residence will be removed.

The business will have two employees which includes the proprietor and homeowner. Hours of operation will be Monday through Friday, 2:00PM to 7:00PM. The applicant proposes 5 students per tutor per day resulting in a maximum of 10 students per day. Tutoring sessions will last 1 hour. Some tutoring will be done online.

2. Project Request

The applicant is requesting approval for a Minor Home Business Permit.

3. SEPA (State Environmental Policy Act)

This project was State Environmental Policy Act (SEPA) exempt.

4. Physical Characteristics

The parcel is 0.47 acres and is shaped like a trapezoid.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low-Density Residential Zone: Urban Low	Standard	Proposed
Minimum Density	5 dwelling units	1 dwelling unit
Maximum Density	9 dwelling units	
Minimum Lot Size	2,400 square feet	Existing Lot
Maximum Lot Size	9,000 square feet	Existing Lot
Minimum Lot Width	40 feet	Existing Lot
Minimum Lot Depth	60 feet	Existing Lot
Maximum Height	35 feet	2 stories, under 35'
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes:

Kitsap County Code 17.420.052 Footnote 5: The Design Standards for the Community of Kingston sets forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards. A copy of the Design Standards for the Community of Kingston may be referred to on the Kitsap County web page or at the department of community development front counter.

Staff Comment: Proposal is not within the Design Standards for the Community of Kingston and does not apply to this project.

Kitsap County Code 17.420.052 Footnote 33: Except for the height and density requirements reflected in Section 17.420.058, Silverdale regional center and design district density and dimension table, all development within the Silverdale design district boundaries must be consistent with the Silverdale Design Standards.

Staff Comment: Proposal is not located in Silverdale and the Silverdale design standards do not apply.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front: North	20 feet	20 feet
Side: East	5 feet	70 feet
Side: West	5 feet	13.5 feet
Rear: South	10 feet	84 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residence	Urban Low (UL)
South	Single-family residence	Urban Low (UL)
East	Single-family residence	Urban Low (UL)
West	Single-family residence	Urban Low (UL)

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sherriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

5. Access

The property is access off a driveway off Phillips Road SE which is a County Maintained Road.

6. Site Design

Site design is analyzed in Section 10 of this report.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016.

The following Comprehensive Plan goals and policies are most relevant to this application:

Economic Development Policy 3.

Provide a diverse mix and appropriate range of commercial, industrial and business land uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.

Economic Development Policy 10.

Develop standards for industrial and commercial development that identify appropriate site size for different types of areas, appropriate types of uses, and standards for design that encourage attractive and efficiently functioning areas.

The County's development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Project Application	August 22, 2017
Supplemental Application	August 16, 2017
Concurrency Application	August 16, 2017
Site Plan	July 2, 2018
Floor Plans	September 13, 2018
Parking Analysis	August 16, 2017
Building Elevations	August 16, 2017
Email from Applicant (regarding employees)	July 12, 2018

<u>Staff Communication</u>	<u>Dated</u>
None	

9. Public Outreach and Comments

No public comments were received.

10. Analysis

a. Planning/Zoning

Kitsap County Code 17.410.060.b Minor home business, as defined below, shall be permitted in all residential zones subject to approval by the director. Said approval is not transferable to any individual, future property owner or location.

- i. Business uses shall be incidental and secondary to the dominant residential use;

Staff Comment: The tutoring business activities will occur in an existing accessory structure and not within the primary residence. The applicant and owner of the property lives in the primary residence.

- ii. The residential character of the building shall be maintained and the business shall be conducted in such a manner as not to give an outside appearance of a business;

Staff Comment: The application includes building elevations which show the primary residence as a single-family residence and does not appear like a business from the outside.

- iii. The residence shall be occupied by the owner of the business;

Staff Comment: The applicant and owner of the business reside in the single-family residence.

- iv. The business shall occupy no more than thirty percent of the gross floor area of the residence;

Staff Comment: The proposed home and existing office is 3,608 square feet. 30% of the area is 1,082.4. The area needed for the home business is 1,080 which meets the gross floor area requirement.

- v. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;

Staff Comment: Condition 8 addresses the neighboring residents and protects their rights.

- vi. No more than two employees, including proprietors (or independent contractors), are allowed;

Staff Comment: The proposal is for two employees which includes the proprietor. Email from the applicant dated July 12, 2018 states this. Condition 9 enforces this requirement.

- vii. Nonilluminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director;

Staff Comment: If a sign is required, a sign permit is required. Condition 10 reflects this requirement.

viii. No outside storage shall be allowed; and

Staff Comment: No outside storage is proposed.

ix. In order to assure compatibility with the dominant residential purpose, the director may require:

- (a) Patronage by appointment.
- (b) Additional off-street parking.
- (c) Other reasonable conditions.

Staff Comment: The project is conditioned that patronage will be by appointment - see Condition 12. The proposed off-street parking is sufficient, and no additional spaces will be required. Other "reasonable" conditions include the order of permits - see Condition #2.

b. Lighting

Lighting requirements are no applicable to this application.

c. Off-Street Parking

Parking requirements are listed below in Table 5. There is a driveway in front of the existing garage that provides two parking spaces. To the east of the existing garage, there is a parking area that has 10 spaces for a total of 12 spaces. The application proposes 2 employees and 5 students per tutor per day. 12 spaces will be sufficient for the use.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family Residence	3 per unit per 17.490.030 17.410.060.b.ix(b) the director may require additional off-street parking	3 per unit per 17.490.030 17.410.060.b.ix(b) the director may require additional off-street parking	2 spaces proposed in front of the proposed single-family residence and 10 existing spaces on the eastern portion of the property.

Total	3	3	12
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d. Signage

Nonilluminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director.

e. Landscaping

Landscaping was not required for this project.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	N/A	N/A
Required Buffer(s) 17.500.025	N/A	N/A
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A
Street Trees	N/A	N/A

f. Frontage Improvements

Frontage improvements were not required for this project.

g. Design Districts/Requirements

The subject property is not located within a design district.

h. Development Engineering/Stormwater

Development Engineering reviewed this project and approved with 2 conditions.

i. Environmental

No critical areas or concerns were found on this parcel.

j. Access, Traffic and Roads

Access to this property is off a driveway from Phillips Road SE. Traffic generated from the proposed home business will have a minimal impact.

k. Fire Safety

Kitsap County Fire Marshal's Office has reviewed and approved the permit.

l. Solid Waste

Solid Waste review was not needed for this project.

m. Water/Sewer

Subject property is connected to water and sewer. Review was not needed from Public Works Sewer.

n. Kitsap Public Health District

Kitsap County Health District reviewed this permit and approved.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

12. Findings

The proposal is consistent with the Comprehensive Plan.

The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards

and design guidelines, through the imposed conditions outlined in this report.

The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.

The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.540.040.A, the Department of Community Development recommends that the Minor Home Business request for Project Name be **approved**, subject to the following 21 conditions:

a. Planning/Zoning

1. A Commercial Major Tenant Improvement Permit is required for your project.
The project will be required to meet ADA requirements.
2. A building permit for the new proposed single-family residence is required to be

- submitted, approved and issued, prior to issuance of the Commercial Major Tenant Improvement permit for the home business can be issued.
3. The Minor Home Business Permit for the Leslie's Tutoring is not transferable to any individual, future property owner or location.
 4. The tutoring use shall be incidental and secondary to the dominant residential use.
 5. The residential character of the building shall be maintained, and the business shall be conducted in such a manner as to moderate any outside appearance of a business.
 6. The residence shall be occupied by the owner of the business.
 7. The business shall occupy no more than thirty percent of the gross floor area of the residence.
 8. The business shall not infringe upon the right of the neighboring resident to enjoy the peaceful occupancy of their homes.
 9. No more than two employees (including proprietors and/or independent contractors) are allowed.
 10. Signage is limited to one non-illuminated sign not to exceed four square feet subject to a sign permit approved by the director.
 11. No outside business storage shall be allowed.
 12. All business patronage shall be by appointment only.
 13. Hour of operation are limited to those proposed by the applicant, Monday-Friday, 2PM-7PM.
 14. A minimum of two parking spaces shall be provided for the site and business.
 15. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code. Unless in conflict with the conditions stated above and/or any regulations, all terms and specification of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive use other utilization of the subject property.
 16. This Minor Home Business Permit approval shall become void if no building permit application is accepted as complete by the Department of Community Development within 1 year of this decision.
 17. The decision set forth herein is based upon representations made and exhibits contained in the file. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County.
 18. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirements of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval

granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

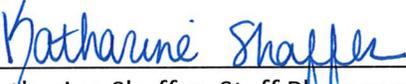
19. Any violation of the conditions of approval shall be grounds to initiate revocation of this Minor Home Business Permit.

b. Development Engineering

20. The structure intended to house the Home Business is existing and will be connected to a future single-family residence. Submittal, approval and completion of the future single-family residence and its connection to the Home Business structure is a condition of approval of the Home Business permit. With the submittal of the single-family residence permit application, the applicant shall demonstrate compliance with the provisions of Kitsap County Code Title 12, Stormwater Drainage.

21. If the project proposal is modified from that shown on the submitted site plan dated July 2, 2018 Development Services and Engineering will require additional review and potentially new conditions.

Report prepared by:



Katharine Shaffer, Staff Planner and Project Lead

10.8.18
Date

Report approved by:



Shawn Alire, Development Services Engineering, Supervisor

10.8.18
Date

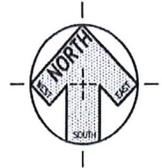
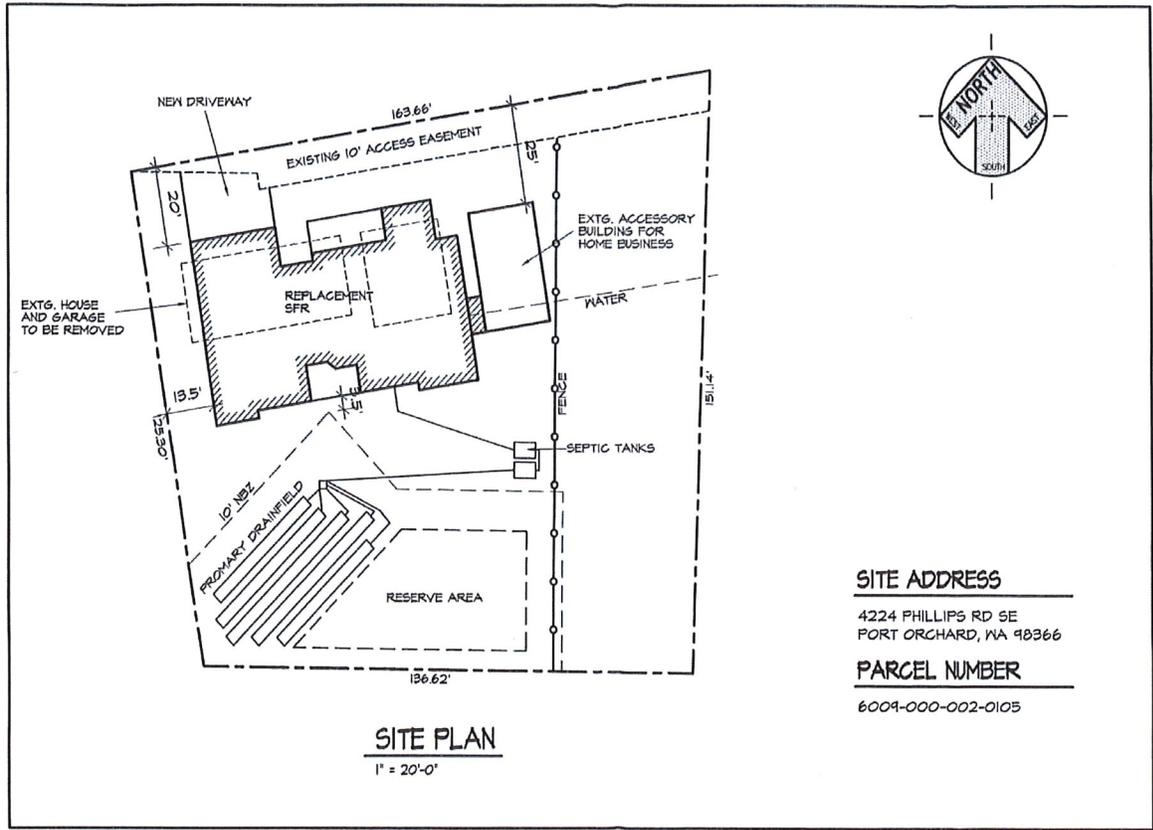
Attachments:

Attachment – Zoning Map (Required)

CC: Applicant/Owner: Leslie Schnorenberg, leslie@leslietutoring.com
Project Representative: Mike Fortman, mike@tomherstad.com
Interested Parties: None
Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer

Site Plan



SITE ADDRESS
4224 PHILLIPS RD SE
FORT ORCHARD, WA 98366

PARCEL NUMBER
6009-000-002-0105



Comments

** This map is not a substitute for field survey ** Map Scale: 1 inch = 200 feet

Parcel No: 6009-000-002-0105 TaxPayer: SCHNORENBERG LESLIE Site Address: 4224 PHILLIPS RD SE

Kitsap Co. Parcel Search Application



Printed October 8, 2018