



Notice of Administrative Decision

Date: 07/29/2019

To: Jamey Van Ruth, jmvanruth@gmail.com
Interested Parties and Parties of Record

RE: **Permit Number:** 19-00878
Project Name: Body Utopia Massage
Type of Application: Minor Home Business

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY 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.cognitofirms.com/KitsapCounty1/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

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: Anna Bausher
DCD File 19-00878



Administrative Staff Report

Report Date: July 12, 2019

Application Submittal Date: March 11, 2019

Application Complete Date: April 2, 2019

Project Name: Body Utopia Massage

Type of Application: Minor Home Business

Permit Number: 19-00878

Project Location

5617 Harlow Drive
Bremerton, WA 98312
Commissioner District 3

Assessor's Account

162401-3-037-2000

Applicant/Owner of Record

Jamey Van Ruth
5617 Harlow Drive
Bremerton, WA 98312

Decision Summary

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

VICINITY MAP



1. Background

The proposal is for a minor home business permit for massage services provided in the existing single-family residence. The existing single-family residence and attached garage is 1,900 sq/ft, the proposed square footage to be used for the business is 300 sq/ft in a single room based off the permit application materials. Appointments are made by phone and scheduled for no more than one-hour visits. The only employee is the current resident of the home, so appointments are spaced far enough apart for there to be no overlapping appointments. The maximum number of clients per day is four, with an average of two to three clients scheduled a day. Appointments are only scheduled on Tuesday through Friday, from 10:00 am to 5:00 pm. The property is zoned Urban Medium Residential (UM) and located at 5617 Harlow Drive, Bremerton, WA 98312. The property is served by public water and an onsite septic system.

2. Project Request

The application seeks approval for the Minor Home Business Permit for a massage business.

3. SEPA (State Environmental Policy Act)

The project was found to be exempt from SEPA review under WAC 197-11-800(6)(b) and (1)(b)(i).

4. Physical Characteristics

The 0.58 acre rectangular parcel is developed with a single-family residence and attached garage with associated residential appurtenances. The residence was built in 1942. A single room of the residence will be used for the proposed home business. The parcel has a large parking area and is mostly developed, including with residential landscaping and lawn. Some mature trees remain on the southern and western property lines.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Medium-Density Residential Zone: Urban Medium Residential	Standard	Proposed
Minimum Density	10 (0.58 acres of net developable acreage x 10 = 5.8 or 6 required units)	Not applicable, request is not for a land division.
Maximum Density	18 (0.58 acres x 18 = 10.44 or 10 maximum units)	
Minimum Lot Size	NA for multifamily; 2,400 sq/ft for single family	NA, no changes proposed
Maximum Lot Size	NA	NA, no changes proposed
Minimum Lot Width	NA for multifamily; 40 feet for single family	NA, no changes proposed
Minimum Lot Depth	NA for multifamily; 60 for single-family	NA, no changes proposed
Maximum Height	45 feet	NA, no changes proposed
Maximum Impervious Surface Coverage	85%	NA, no changes proposed
Maximum Lot Coverage	85%	NA, no changes proposed

Applicable footnotes: none

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (north)	10 feet for multifamily; for single-family: 20 for garage or carport, 10 for habitable area.	NA, existing building
Side (east)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances.	NA, existing building
Side (west)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances.	NA, existing building
Rear (south)	10 If on an alley, 20 feet for a garage or carport opening directly onto the alley.	NA, existing building

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residential and undeveloped land	Across Harlow Drive is Urban Low Residential
South	Single-family residential	Urban Medium Residential
East	Single-family residential	Urban Medium Residential
West	Single-family residential	Urban Medium Residential

Table 4 - Public Utilities and Services

	Provider
Water	City of Bremerton
Power	Puget Sound Energy
Sewer	None - Onsite Sewage Disposal
Police	Kitsap County Sheriff

Fire	Central Kitsap Fire & Rescue
School	Bremerton

5. Access

Access to the property is from Harlow Drive, a paved county road.

6. Site Design

The massage business will be located in a room located behind the garage. Associated parking for the residence and business is in front of and next to the garage. No signs are proposed. The residence is currently landscaped with lawn and some shrubs on the north property adjacent to Harlow Drive and the driveway, with some mature native trees on the south and west.

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:

Land Use Policy 57

Unlimited expansion of commercial and industrial uses in the rural areas is not appropriate. Accordingly, only limited new commercial and industrial uses will be permitted in the rural areas. Such commercial and industrial uses must be consistent with the Growth Management Act and Comprehensive Plan requirements for rural areas, preserve Kitsap County's rural character, and shall not allow urban-type uses or services.

Economic Development Goal 1

Promote a healthy and diverse economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business to the County.

Economic Development Policy 3

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

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 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Water	March 15, 2019
Concurrency Test	March 15, 2019
Health District	March 15, 2019
Floorplan	March 15, 2019
Home Photos	March 15, 2019
Sewage Disposal Letter	March 15, 2019
Parking Analysis Worksheet	March 29, 2019
Stormwater Worksheet	March 29, 2019
Application	March 29, 2019
Site Plan	March 29, 2019
Customer Response	June 20, 2019

9. Public Outreach and Comments

No public comments received on this project.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.

Issue Ref. No.	Issue	Staff Response

10. Analysis

a. Planning/Zoning

A Home Business is defined under Kitsap County Code (KCC) 17.110.345; "Home business" means a commercial or industrial use (excluding retail) conducted within a dwelling, which use is clearly secondary to the use of the dwelling for residential purposes. In addition, KCC 17.410.060(B)(1)(b) Minor home business provides other standards and requirements:

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 response: The nature and extent of expected business activity is for four days of the week, Tuesday - Friday, up to seven hours each day between the hours of 10am and 5pm. The maximum number of clients per day will not exceed four, on average, two to three clients scheduled per day, with no more than one-hour visits. The only employee of the business resides in the 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 response: The business will be located in an existing single-family residence; all business activity will take place within the living space located in the structure. Customer traffic will be minimal and occur only around appointment times. Based on the proposed business use, this business is expected to maintain the residential character of the residence and attached garage building and have a relatively low appearance of a business.

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

Staff response: The residence is owned and occupied by the sole proprietor single business owner and employee, Jamey VanRuth.

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

Staff response: The business is not occupying more than 30 percent of the gross floor area of the residence. The total square footage of the residence is 1,900 with only 300 square feet of the residence proposed to be used, as provided on the application materials.

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

Staff response: Based on the project proposal and all business activity occurring within an existing building, aside from a single parking space, is not expected to adversely impact neighboring residents or keep them from enjoying the peaceful occupancy of their homes. The proposal has low volume during a short amount of the day, only four days a week

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

Staff response: The home owner that resides in the residence, is the only employee for the home business.

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

Staff response: No signs are proposed. If signage is desired in the future, it shall comply with the non-illumination and size requirements and obtain a sign permit prior to installation.

viii. *No outside storage shall be allowed; and*

Staff response: 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 response: Patronage shall be by appointment only. The applicant has identified one parking space for the business located in the area adjacent to the home in addition to the required three parking spaces for single family residential use.

b. Lighting

No special lighting for the use has been identified in the application.

c. Off-Street Parking

The single-family residence requires three spaces and the business requires an additional one space, per Kitsap County Code.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Professional Office	1 per 300 square feet of gross floor area	1 space	1 space
Single-family residential	3 spaces	3 spaces	3 spaces
Total		4 spaces	4 spaces

d. Signage

No signage has been proposed. If signage is desired in the future it shall conform with applicable standards. A separate sign permit will be required prior to installation.

e. Landscaping

No landscaping is required or warranted because the proposed use will occur entirely within the existing structure, there is no outside business activity proposed except the parking of customer vehicles. The volume of vehicles is predicted to be low and is not expected to have an impact on the adjacent residence. Only the adjacent property to the east is located close to the proposed parking area and this area is currently used for parking already. The number of parking spaces is only four which does not require landscaping, pursuant to KCC 19.490.020(H)(1). The primary use of the parcel is single family residential, which is exempt from landscaping requirements, pursuant to KCC 17.500.010.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	Not applicable	No new landscaping proposed.
Required Buffer(s) 17.500.025	Not applicable	Not applicable
North	Not applicable	Not applicable
South	Not applicable	Not applicable
East	Not applicable	Not applicable
West	Not applicable	Not applicable
Street Trees	Not applicable	Not applicable

f. Frontage Improvements

None required for a home business in a rural zone.

g. Design Districts/Requirements

Not applicable; property not located within a design district.

h. Development Engineering/Stormwater

No review was needed as the entire home business will take place in the existing building. No new hard surface areas or ground disturbance proposed.

i. Environmental

No mapped critical areas or concerns.

j. Access, Traffic and Roads

Reviewer identified increase in traffic is minimal and no new parking area proposed or needed. No need for additional review needed.

k. Fire Safety

The proposal was reviewed and approved by a fire marshal.

l. Solid Waste

Solid waste disposal will be handled through residential pick-up. No additional review needed.

m. Water/Sewer

Public water and an onsite septic system serves the subject property.

n. Kitsap Public Health District

The proposal received a Building Clearance exemption on January 28, 2019.

11. Review Authority

The Department of Community Development Director has review authority for this Minor Home Business Permit application under KCC, Sections 17.410.060(B)(1)(b) 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 a Minor Home Business Permit.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. 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.

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

Based upon the analysis above and the decision criteria found in KCC 17.410.060(B)(1)(b), the Department of Community Development recommends that the Minor Home Business Permit request for Body Utopia Massage be approved, subject to the following 17 conditions:

a. Planning/Zoning

1. The Minor Home Business Permit for Body Utopia Massage is not transferable to any individual, future property owner or location.
2. The Body Utopia Massage Home Business uses shall be incidental and secondary to the dominant residential use.
3. 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.
4. The residence shall be occupied by the owner of the business, Jamey VanRuth.
5. The business shall occupy no more than thirty percent of the gross floor area of the residence.
6. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.
7. The business is limited to no more than two (2) employees, including proprietors.
8. A single nonilluminated sign not exceed four square feet is allowed, subject to a sign permit approved by the director.
9. No outside business storage is allowed.
10. All business patronage shall be by appointment only.

11. Business hours are limited to those proposed by the applicant; hours of operation are Tuesday through Friday, 10:00 AM to 5:00 PM.
12. Three (3) exterior parking spaces shall be provided for the residential use and one (1) exterior parking spaces shall be provided for the business.
13. 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 (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications 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 or other utilization of the subject property.
14. The decision set forth herein is based upon representations made and exhibits contained in the project application 19-00878. Any 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 and potentially the Hearing Examiner.
15. 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 to the approvals granted and is a continuing requirement 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.
16. Any violation of the conditions of approval shall be grounds to initiate revocation of this Minor Home Business Permit.
17. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.

b. Development Engineering

None

c. Environmental

None

d. Traffic and Roads

None

e. Fire Safety

None

f. Solid Waste

None

g. Kitsap Public Health District

None

Report prepared by:



Anna Bausher, Staff Planner / Project Lead

7/23/19
Date

Report approved by:



Shawn Alire, Department Supervisor

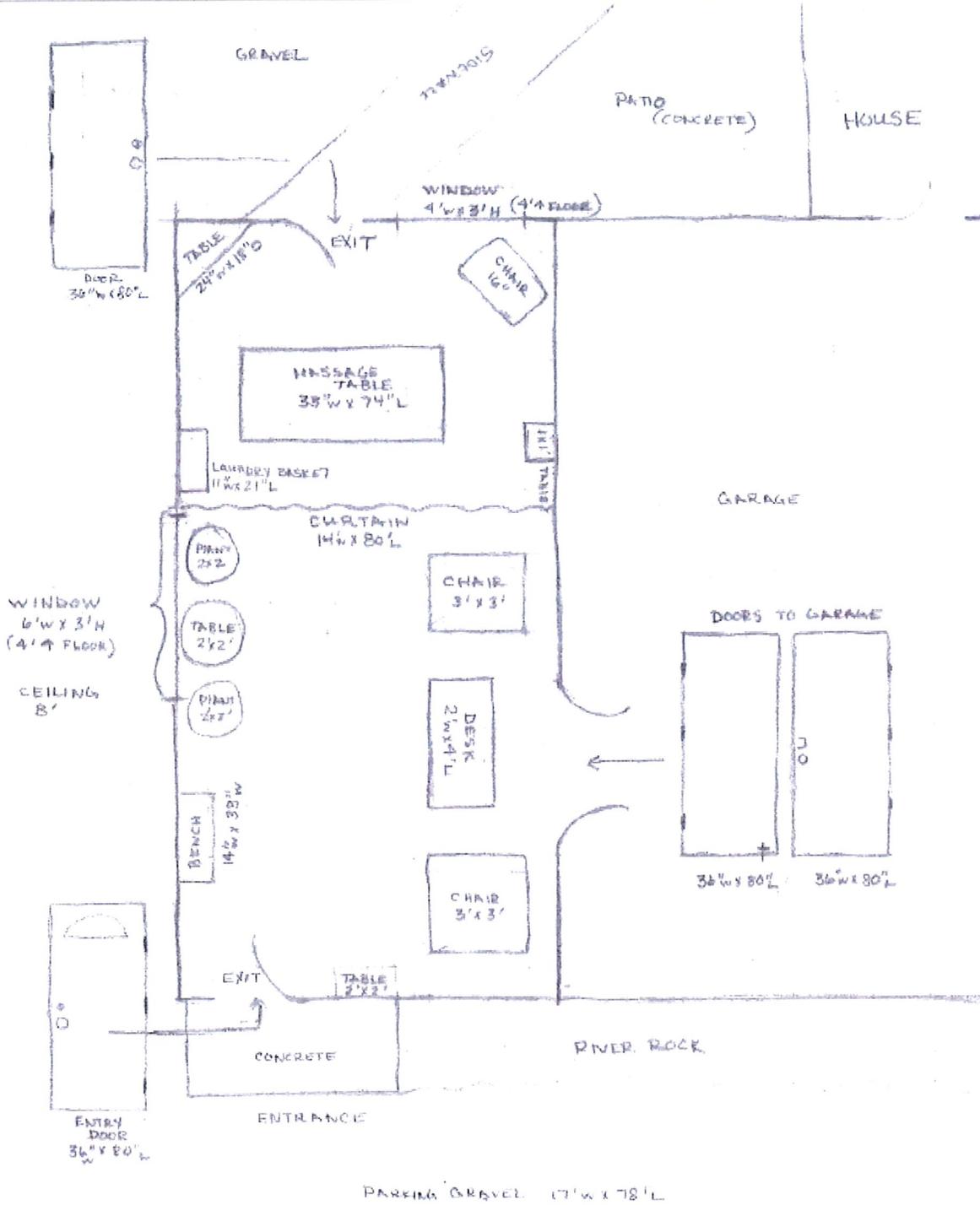
7/23/19
Date

Attachments:

- Attachment A - Floor Plan
- Attachment B - Zoning Map

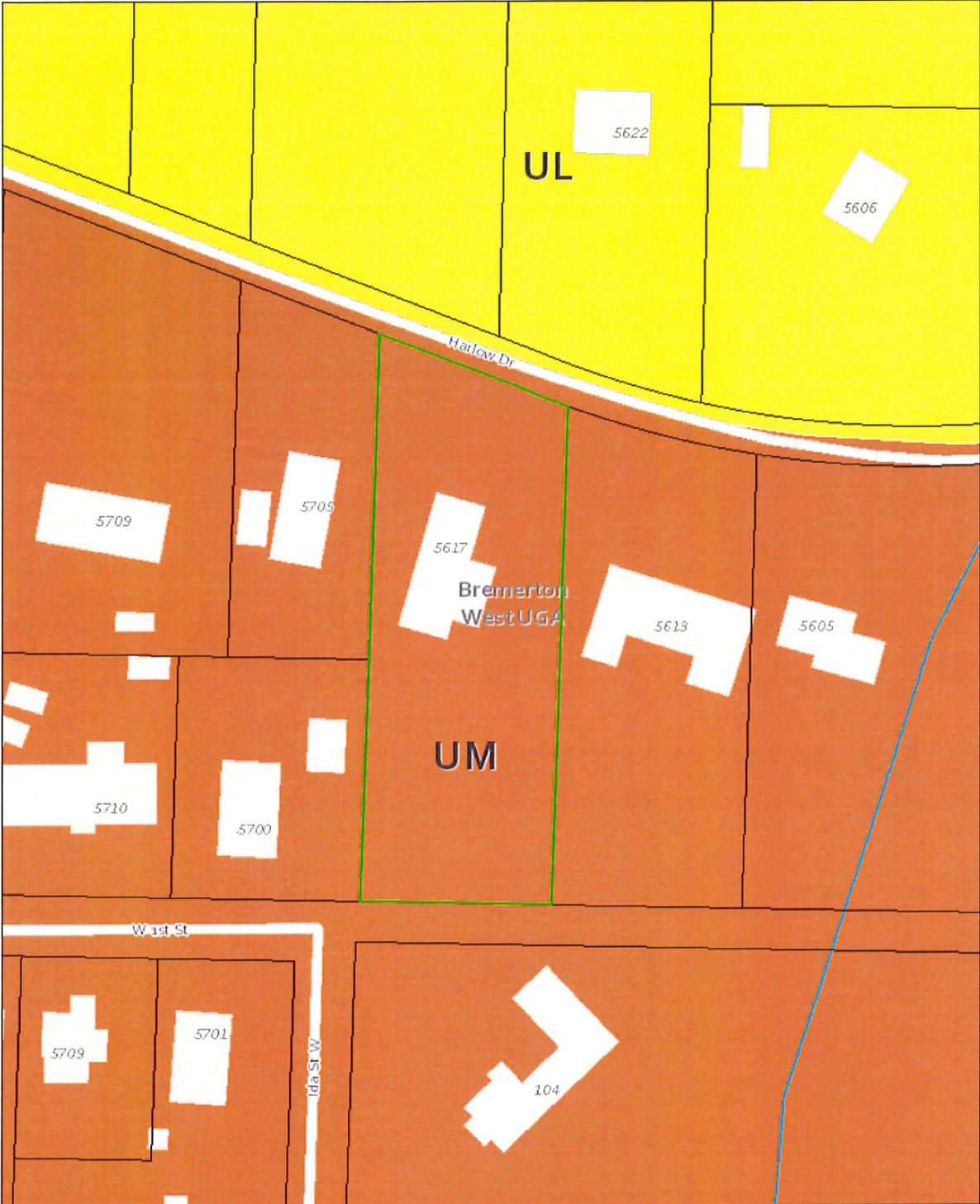
CC: Applicant/Owner: Body Utopia Massage, Jamey VanRuth, jmvanruth@gmail.com
Kitsap County Health District, MS-30
DCD Staff Planner: Anna Bausher

Attachment A – Floor Plan:



3-037
 5617 HARLOW DR BREMERTON 98312

Attachment B – Zoning Map:



Comments

Parcel No: 162401-3-037-2000 TaxPayer: VAN RUTH JAMEY M Site Address: 5617 HARLOW DR

** This map is not a substitute for field survey ** Map Scale: 1 inch = 60 feet

Kitsap Co. Parcel Search Application



Printed April 26, 2019