



## Staff Report and Administrative Decision

Report Date: March 23, 2017

Application Complete Date: February 2, 2017 Application Submittal Date: January 31, 2017

**To: Christian & Nicole Schwenk, christian@schwenk.dk**  
**Interested Parties and Parties of Record**

**RE: Permit Number: 17 00367**  
**Project Name: Jauch Quartz America**  
**Type of Application: Home Business**

**Decision Summary:**

Request approved, subject to conditions

**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:  
<http://www.kitsapgov.com/dcd/forms/DocumentLibrary/applications/Appeals.pdf>.

**Project Request:**

The applicant requests moderate home business approval to permit an existing 1,200 square foot office and associated storage (600 square foot office, 600 square foot storage). The business hours are Monday through Friday 8:00AM to 5:00PM. The business employs a total of five people, including the applicants. All sales are done over the phone or online, customers do not visit the site. UPS deliveries are typically made one time per day.

**Project Location:**

14601 NW Arabian Way  
Seabeck, WA 98380  
Central Kitsap County  
Commissioner District #3

**Assessor's Account #:**

302501-4-038-1000

**Applicant/Owner of Record:**

Christian & Nicole Schwenk  
14601 NW Arabian Way  
Seabeck, WA 98380

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**SEPA (State Environmental Policy Act):**

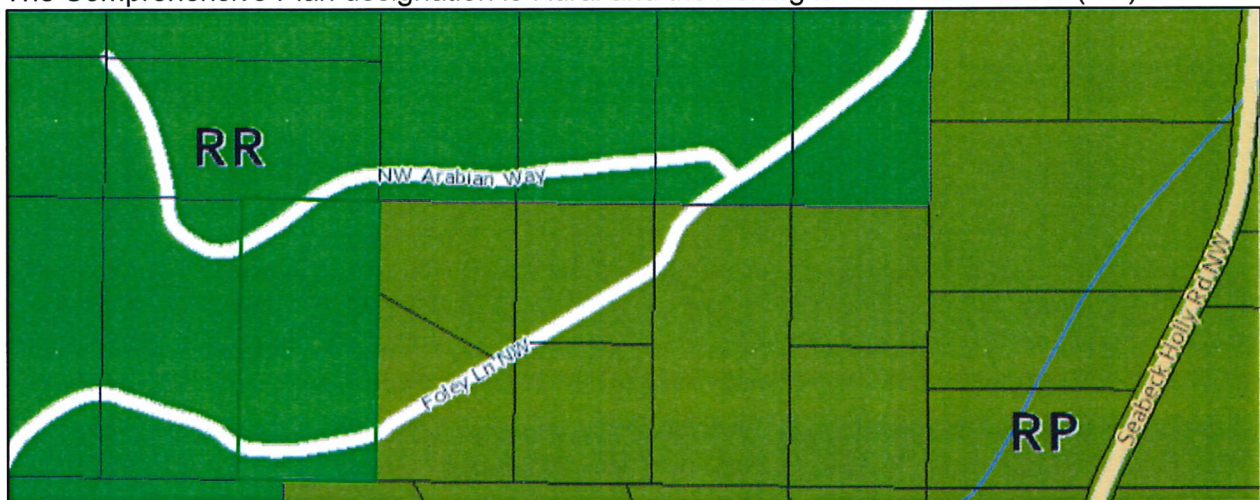
Pursuant to Washington Administrative Code (WAC) 197-11-800(2), this proposal is SEPA exempt.

**Physical Characteristics:**

The rectangular shaped property is 5.07-acres located off of NW Arabian Way in Central Kitsap County. The developed area of the property is relatively flat with sloping topography starting in the middle of the lot from north to south. The property is developed with a single family residence. NW Arabian Way runs through the property in the northwest corner and Foley Lane NW runs through the southern portion of the property. Both are private roads with 60-foot wide easements.

**Comprehensive Plan Designation and Zoning:**

The Comprehensive Plan designation is Rural and the Zoning is Rural Residential (RR).



Base/Maximum Density	Not Applicable
Minimum Lot Size	1 dwelling unit per 5-acres
Minimum Lot Width	140 feet
Minimum Lot Depth	140 feet
Maximum Height	35 feet

**Standard Zoning Setbacks**

Front	- 50 feet
Side	- 20 feet, 5 feet for an accessory structure
Rear	- 20 feet, 5 feet for an accessory structure

**Surrounding Land Use and Zoning:**

The surrounding properties are zoned Rural Residential (RR) and Rural Protection (RP). These large rural properties are typically developed with single family residences or are undeveloped.

**Public Utilities and Services:**

Water:	Seabeck Water System
Power:	Puget Sound Energy
Sewer:	Onsite septic

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Police: Kitsap County Sherriff  
Fire: Central Kitsap Fire & Rescue  
Schools: Central Kitsap School District #401

**Access:**

Access to the site is off of NW Arabian Way, a private road.

**Policies and Regulations Applicable to the Subject Proposal:**

The Growth Management Act (GMA) of the State of Washington, Revised Code 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 Goals and Policies:**

Economic Development Goal 1 – Promote a healthy and diverse economy that provides for a strong and divers tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business in Kitsap County.

**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.*

**Land Use Goals and Policies:**

Land Use Goal 14 – Foster rural businesses and business opportunities on designated commercial and industrial lands in the rural area, while balancing protection of rural character.

**Land Use Policy 59**

*Allow or conditionally allow home-based cottage-type business and industries in the rural areas that do not negatively affect rural level of service or rural character.*

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

**Kitsap County Code (KCC)**

Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction

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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

**Documents Consulted in the Analysis:**

**Applicant submittals:**

<u>Document</u>	<u>Dated or date stamped</u>
Health District Exemption Approval	January 17, 2017
Home Business Application	January 30, 2017
Site Plan	January 31, 2017

**Public comments:**

No public comments were received.

**Analysis:**

**Land Use**

A Home Business within the Rural Residential (RR) zone requires an administrative conditional use permit as specified in KCC Table 17.410.040 (A) Rural, Resource and Urban Residential Zones, subject to footnotes 1 and 52. Footnote 1 indicates a home business is subject to compliance with Section 17.410.060 provisions applying to special uses. Footnote 52 refers to aggregate extraction facilities and is not applicable. KCC 21.04.100 includes a specialized permit for home businesses. This request was processed as a home business permit in accordance with KCC Title 21.

**Moderate Home Business Standards**

Moderate home businesses are required to meet the provisions in KCC 17.410.060.(B)(1)(c) – Moderate home business shall be permitted in RW, RP, and RR zones subject to approval by the director. Criteria from KCC 17.410.060(B)(1)(c) are listed below (*italics*), with a discussion of the individual standard immediately following:

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

The nature and extent of the expected business activity will be relatively minimal. Therefore, the business use is expected to be incidental and secondary to the residential use.

- ii. 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;*

Business activities are limited to clerical/office work by employees. No outdoor storage or outdoor activities are proposed. No outside appearance of a business is anticipated.

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

The property owner is the President of Jauch Quartz America which is wholly owned by Jauch Quartz GmbH (Germany). As the President, the applicant is responsible for the day to day operations of Jauch Quartz America, Inc. The applicants reside at the location, it is their primary residence.

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

Based on the project proposal this business is not expected to adversely impact neighboring residents or keep them from enjoying the peaceful occupancy of their homes. All business activities will take place indoors and all parking is on-site.

v. *No more than five employees (or independent contractors) are allowed;*

No more than five employees are proposed or authorized.

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

No signage is proposed for this home business.

vii. *In order to ensure compatibility with the dominant residential purpose, the director may require:*

(a) *Patronage by appointment.*

No patronage is proposed.

(b) *Additional off-street parking.*

KCC 17.190.030 requires 1 space per every 300 square feet of professional office space ( $600/300 = 2$ ). The applicant has proposed 6 parking spaces.

(c) *Screening of outside storage.*

No outside storage is proposed or authorized.

(d) *A conditional use permit (required for engine or vehicle repair or servicing).*

No engine or vehicle repair or servicing is proposed or authorized, therefore, no conditional use permit is required.

(e) *Other reasonable conditions.*

Eighteen (18) conditions of approval are included later in this report.

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**Setbacks**

The home business will be conducted entirely within an accessory structure that is attached to the main dwelling by a deck/bridge only. The setbacks for the accessory structure were determined during building permit approval. The structure and associated off-street parking comply with the required setbacks for the zone which are noted earlier in this report.

**Access, Roads and Traffic**

No comments or conditions received.

**Off-Street Parking**

The existing driveway provides adequate off-street parking.

**Signage**

No signs are proposed.

**Kitsap County Health District**

The Kitsap County Health District issued a building clearance for the home office.

**Findings:**

1. The Director has review authority for this home business permit application under KCC 21.04.100
2. The proposal is consistent with the Comprehensive Plan.
3. The proposal complies with or will comply with requirements of Title 17 and complies with or will comply with all of the other applicable provision 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.
4. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity.
5. 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.

**Decision:**

Based upon the above findings, the moderate home business permit request for Jauch Quartz America is **approved**, subject to the following conditions:

1. The home business permit is not transferable to any individual, future property owner or location.
2. The business 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 (President) of the business.

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5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.
6. No more than five employees (including proprietors and/or independent contractors) are allowed.
7. Signage is limited to one non-illuminated sign not to exceed four square feet subject to a sign permit approved by the director.
8. No outside business storage shall be allowed.
9. All business patronage shall be by appointment only.
10. Hours of operation are 8:00 AM to 5:00 PM, Monday – Friday.
11. A minimum of two parking spaces shall be provided for the business.
12. The business shall comply with all applicable Health District requirements.
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. 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 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.
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 precedent 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 moderate home business permit.
17. No plumbing is allowed in the detached office.
18. A Certificate of Occupancy is required from the Kitsap County Fire Marshal's

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Office for the office/storage structure. The building permit (16 01982) for the office structure has been reactivated and an inspection, to be performed by the Fire Marshal, has been added. This inspection must be requested, performed and approved within 30 days of the date of this decision. Information on what is required for this inspection to be approved can be found by visiting the Risk Check website at:

<https://spf.kitsapgov.com/dcd/Documents/Pre%20Inspection%20Tenant%20Check%20List.pdf>

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](mailto: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.

  
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Holly Roberts, Staff Planner

3/23/2017  
Date

  
\_\_\_\_\_  
FOR  
Scott Diener, Development Services and  
Engineering Manager

3/23/17  
Date

CC: Interested Parties: None  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Holly Roberts  
DCD File 17 00367



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