



## Notice of Administrative Decision

Date: March 27, 2018

To: Tammy Mabry, [tammystattooostudio@gmail.com](mailto:tammystattooostudio@gmail.com)  
Interested Parties and Parties of Record

RE: Permit Number: 18-00333  
Project Name: Tammy's Tattoo Studio Type  
of Application: Home Business (HB)

**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.kitsapgov.com/dcd/FormsandBrochures/Appeals.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.

CC: Interested Parties:  
None  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD File # 18-00333



## Staff Report

Report Date: March 20, 2018

Application Complete Date: February 1, 2018 Application Submittal Date: January 24, 2018

**To:** Tammy Mabry, [tammystattooostudio@gmail.com](mailto:tammystattooostudio@gmail.com)  
**Interested Parties and Parties of Record**

**RE: Permit Number:** 18-00333  
**Project Name:** Tammy's Tattoo Studio  
**Type of Application:** Home Business

### **Project Request:**

The applicant is requesting a Home Business Permit to operate a tattoo/body piercing studio out of their primary residence. The tattoo/body piercing studio will utilize approximately 300 square-feet of the 2,312 square-foot residence, or 14% of the gross floor area of the home. Services will be provided by appointment only 7 days a week between the hours of 10:00AM and 8:00PM.

Ancillary accessories like body jewelry and tattoo and body piercing after care products may be sold on-site to tattoo/body piercing customers.

No employees or proprietors other than the applicant are proposed.

### **Project Location:**

3633 Kowalski LN SE  
Port Orchard, WA 98367  
South Kitsap County, Commissioner District #2

### **Assessor's Account #:**

302302-3-080-2008

### **Applicant/Owner of Record:**

Tammy & Shane Mabry  
3633 Kowalski LN. SE  
Port Orchard, WA 98367

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

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

### **Physical Characteristics:**

The property is currently developed with a single-family residence, barn and miscellaneous outbuildings. Livestock paddocks and pasture area are also existing. All access, driveway, and

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parking areas are also existing.

The parcel is square shaped and relatively flat, located in a slight depression with higher topography on the west and east. There are mapped moderate hazards slopes on the property.

The property is mostly cleared of vegetation except the required 25-foot native vegetation buffer around the south and west property lines. The north property line is also vegetated with a mix of evergreen and deciduous trees and shrubs.

**Comprehensive Plan Designation and Zoning:**

The Comprehensive Plan designation is Rural Residential and the Zoning designation is Rural Residential.

	Standard	Proposed
Zone	Rural Residential	
Minimum Density	N/A	N/A
Maximum Density	N/A	N/A
Minimum Lot Size	5 acres for newly created lots	2.51 (existing legally established lot)
Maximum Lot Size	N/A	N/A
Min. Lot Width	140-feet	330.95-feet (existing)
Min. Lot Depth	140-feet	330.90 (existing)
Max Height	35-feet	Single Story Manufactured Home (existing)
Max Impervious Surface Coverage	N/A	N/A No new impervious surfaces proposed
Max Lot Coverage	N/A	N/A No new lot coverage proposed

Applicable footnotes:

None

**Standard Setback for Zoning District:**

	Standard	Proposed
Front (East)	50-feet	60-feet (existing)
Side (North)	20-feet; 5-feet for accessory structures	120-feet (existing)
Side (South)	20-feet; 5-feet for accessory structures	235-feet (existing)
Rear (West)	20-feet; 5-feet for accessory structures	245-feet (existing)

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**Surrounding Land Use and Zoning:**

Surrounding Property	Land Use	Zoning
North	Single Family Residence	Rural Residential
South	Single Family Residence	Rural Residential
East	Vacant Land	Rural Residential
West	Single Family Residence	Rural Residential

**Public Utilities and Services:**

	Provider
Water	Washington Water
Power	Puget Sound Energy
Sewer	On-Site Septic
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
Schools	South Kitsap School District

**Access:**

The parcel accesses from SE Kowalski Lane 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.

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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
- 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>
Home Business Application	January 29, 2018
Supplemental Application	January 29, 2018
Site Plan	January 29, 2018
Narrative	January 29, 2018
Approved Building Clearance	January 29, 2018

**Public comments:**

As of the date of this report, no public comments have been received.

**Analysis:**

**Land Use and Zoning**

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.

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- 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 tattoo and body piercing by appointment only performed by a sole proprietor. Typically, only one client being served at a time. No outdoor storage or outdoor activities are proposed. No outside appearance of a business is anticipated.

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

The applicant, Tammy Mabry, is also a property owner. The applicant resides at the location, it is her 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.*

Patronage will be by appointment only.

- (b) *Additional off-street parking.*

KCC 17.190.030 requires 1 space per every 200 square feet of gross floor area for personal services ( $300/300 = 1$ ). The applicant has an existing driveway that can accommodate the parking required for the single-family residence (3 spaces required) and the 1 additional space required for the home business. (See Attachment A - Site Plan)

- (c) *Screening of outside storage.*

No outside storage is proposed or authorized.

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- (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.*

Seventeen (17) conditions of approval are included later in this report.

### **Lighting**

No outdoor lighting is proposed or authorized.

### **Landscaping**

Kitsap County Code 17.500.010 exempts single-family lots from landscaping requirements.

### **Environmental**

This proposal was reviewed for compliance with applicable code requirements as they relate to environmental regulation. All proposed activities will occur inside existing structures. No proposed new hard surfaces or other impacts were identified.

The subject property does contain mapped moderate geologic hazard soils, however due to the nature of the proposal, no other requirements were identified.

### **Stormwater**

This proposal was reviewed for compliance with applicable code requirements as they relate to stormwater regulation. All proposed activities will occur inside existing structures. No proposed new hard surfaces or other stormwater related impacts were identified.

### **Solid Waste**

Home business solid waste will be handled through existing residential solid waste disposal methods. No other requirements were identified.

### **Water/Sewer**

The subject property is served by Washington Water Service Company for water service and an individual on-site septic system.

### **Fire Flow**

The Kitsap County Fire Marshal's office has reviewed the applicant's land use request for a home business and determined that fire flow was not required for the home business use. Additional review by the Fire Marshal's office will occur under the building permit. Structure specific requirements may apply.

### **Access, Roads and Traffic**

The parcel takes direct access from SE Kowalski Lane a private road.

An application for concurrency test was submitted with the project application and has been reviewed and approved by Public Works. They noted an estimated 10 additional Average Daily Trips (ADT) in Traffic Analysis Zone (TAZ) 237.

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### **Kitsap Public Health District**

The Kitsap County Public Health District has reviewed the home business request and proposal and approved the application with no conditions.

#### **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 Tammy's Tattoo Studio is **approved**, subject to the following 17 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 of the business.
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.



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10. Hours of operation are 10:00 AM to 8:00 PM, 7 days a week, by appointment.
11. A minimum of one parking space 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. A Certificate of Occupancy is required from the Kitsap County Fire Marshal's Office for the office/storage structure. A Commercial Tenant Improvement (TI) Major building permit is required prior to occupancy/operation.

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, Project Lead

3/20/2018

Date



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Shawn Aire, Development Services and  
Engineering Supervisor

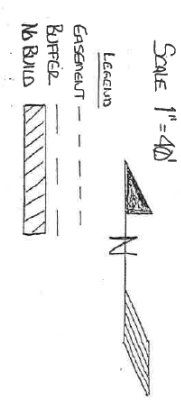
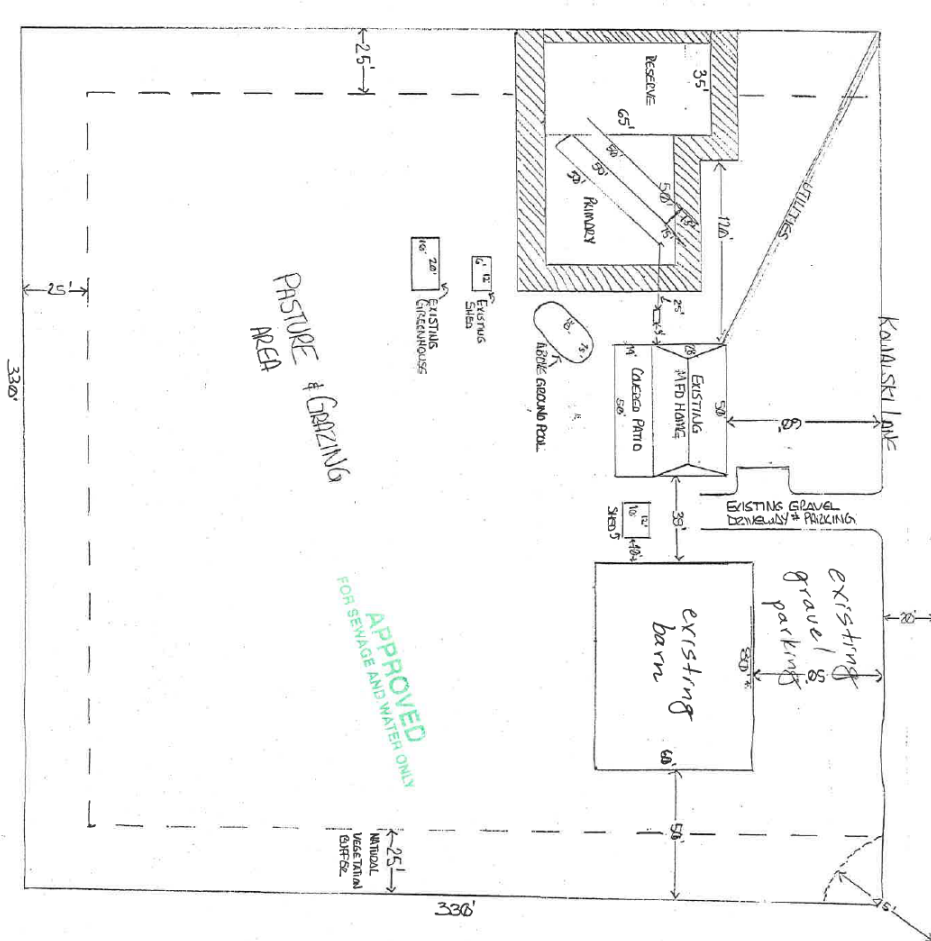
3/20/2018

Date

CC: Interested Parties:  
None  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26

Attachments:  
A – Site Plan  
B – Zoning Map

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THIS IS NOT A SURVEY. PROPERTY LINES AND DIMENSIONS REPRESENTED BY DIMENSIONS OF THEIR NEARBY.

NO KNOWLEDGE OR POSSESSION OF ANY UNLAWFUL USES OR ANY OTHER VIOLATIONS, OR ANY OTHER VIOLATIONS.

PROTECT ADDRESS:

3633 KAWAISEE LN SE  
 PORT ORCHARD, WA 98367  
 KITSAPO PUBLIC HEALTH DISTRICT

OCT 20 2017  
**RECEIVED**

TRK 10# 302302-3-0880-2008  
 LOT D SHED PART 5340 AS PER APN 9105162081

GIS 07/19/14

Attachment A – Site Plan

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### Tammy's Tattoo Zoning Map



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

Kitsap County Zoning Designations		Kitsap County 1998 Zoning Designations		OTHER	
<b>RURAL</b>	<b>COMMERCIAL</b>	<b>URBAN</b>	<b>INDUSTRIAL</b>	<b>CITY OF POULSBORO</b>	<b>OTHER</b>
RR - Rural Residential (1 DU/5 Ac)	Commercial (10-30 DU/Ac)	UR - Urban Restricted (1-5 DU/Ac)	LI - Light Industrial	RL - Residential Low	Airport
RP - Rural Protection (1 DU/10 Ac)	Regional Center	UL - Urban Low Residential (5-9 DU/Ac)	U - Urban	HTC - Highway/Tourism Commercial (10-30 DU/Ac)	CITY - Incorporated City
RW - Rural Wooded (1 DU/20 Ac)	NC - Neighborhood Commercial (10-30 DU/Ac)	UM - Urban Medium Residential (10-18 DU/Ac)	UR - Urban Restricted (1-5 DU/Ac)	UM - Urban Medium Residential (10-18 DU/Ac)	CITY - Incorporated City
FRL - Forest Resource Lands (1 DU/40 Ac)	Low Intensity Commercial (10-30 DU/Ac)	UH - Urban High Residential (19-30 DU/Ac)	UR - Urban Restricted (1-5 DU/Ac)	UL - Urban Low Residential (5-9 DU/Ac)	MIL - Military
<b>COMMERCIAL</b>	RCO - Rural Commercial	UVC - Urban Village Center (up to 18 DU/Ac)	URS - Urban Reserve (1 DU/10 Ac)	BP - Business Park	T - Tribal Land
BC - Business Center	REC - Rural Employment Center	KEYPORT VILLAGE	BP - Business Park	HTC - Highway/Tourism Commercial (10-30 DU/Ac)	Lake
BP - Business Park	RI - Rural Industrial	RURAL HISTORIC TOWN	HTC - Highway/Tourism Commercial (10-30 DU/Ac)	UM - Urban Medium Residential (10-18 DU/Ac)	INDUSTRIAL
IND - Industrial	TTEC - Twelve Trees Employment Center				IND - Industrial

Comments Parcel No: 302302-3-080-2008 TaxPayer: MABRY SHANE & TAMMY Site Address: 3633 SE KOWALSKI LN

Kitsap Co. Parcel Search Application



Printed March 19, 2018

### Attachment B – Zoning Map