



## Notice of Administrative Decision

**Date:** 10/16/18

**To:** Sherry Peck, [sherrypeck7182@yahoo.com](mailto:sherrypeck7182@yahoo.com)  
Interested Parties and Parties of Record

**RE:** **Permit Number:** 18-03543  
**Project Name:** A Bit of Heaven Massage  
**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.cognitofirms.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](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 Staff Planner: Meg Sands  
DCD File # 18-03543



## Administrative Staff Report

**Report Date:** October 8, 2018

**Application Submittal Date:** July 18, 2018

**Application Complete Date:** July 25, 2018

**Project Name:** A Bit of Heaven Massage

**Type of Application:** Home Business (HB)

**Permit Number:** 18-03543

### Project Location

7183 Sidney Road SW  
Port Orchard, WA 98367  
South Kitsap County  
Commissioner District 2

### Assessor's Account #

142301-3-025-2007

### Applicant/Owner of Record

Applicant: Sherry Peck  
Owner: Matthew & Sherry Peck  
7183 Sidney Road SW  
Port Orchard, WA 98367

### VICINITY MAP



### Recommendation Summary

Approved subject to 21 conditions listed under section 13 of this report.

#### 1. Background

The Department of Community Development has reviewed the applicant's Moderate Home Business application to establish a massage business in an existing attached garage. The business will be by appointment only; hours of operation are Tuesday through Friday from 10:00 AM to 7:00 PM and Saturday from 10:00 AM to 5:00 PM. The maximum number of massage therapists working at one time is two. The maximum number of customers per day is eight. The business will have three employees, the sole proprietor, Sherry Peck, plus two additional employees that don't live on the property. The massage business will occupy 384 square feet within the attached garage; the garage area is 768 square feet according to Building Permit 17-05118 and the applicant's home business floor plan. According to the Assessor's records, the subject property is Lot A of Short Plat 7126 and the 4.77-acre parcel is developed with a 1,901 square foot single-family residence (SFR) built in 2005 and a 976 square foot detached garage built in 2018. The Assessor's detached garage is the same as the attached garage under Building Permit 17-05118. The property is zoned Rural Residential (RR)

and located at 7183 Sidney Road SW in Port Orchard. The property is served by public water and an onsite septic system.

**2. Project Request**

The applicant is requesting a Moderate Home Business Permit for a massage business. The business will include incidental sales of associated massage related products such as knee pillows and tennis balls.

**3. SEPA (State Environmental Policy Act)**

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

**4. Physical Characteristics**

The 4.77-acre rectangular parcel is developed with a single-family residence and attached 2-car garage with office space that will be converted to a massage therapy room and a craft room that will be converted to a reception area for the home business. There are also a couple of accessory buildings for personal use. The parcel, Lot A of Short Plat 7126, was cleared in the past of a majority of trees; however, the short plat required a 25-foot buffer along the north and west property lines of this parcel and there are trees on the entire west side along the road frontage of Sidney Road NW, except for access, and along a majority of the north property line. It appears a significant number of trees are located within the right-of-way along the west property line. There are also many coniferous trees near the center of the parcel and a patch of deciduous shrub and small tree vegetation near the southeast corner. A majority of the parcel is mostly grass with some small shrubs. The property slopes downward from the west to the east.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Residential Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	Not Applicable (NA)	Not applicable, request is not for a land division
Maximum Density	1 dwelling unit per 5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140 feet	NA
Minimum Lot Depth	140 feet	NA
Maximum Height	35 feet	NA
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: none

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (West)	50 feet	Existing buildings SFR 60 feet Garage ~80 feet
Side (North)	20-feet, 5 feet for accessory structures	Garage over 140 feet
Side (South)	20-feet, 5 feet for accessory structures	SFR over 80 feet
Rear (East)	20-feet, 5 feet for accessory structures	SFR over 520 feet Garage over 510 feet

Applicable footnotes: 17.420.060(A)(29) One-hundred-foot setback required for single-family buildings abutting FRL or RW zones.

*Staff Response: The subject property does not abut a FRL or RW zone.*

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	2 single-family residences (SFRs), NE lot includes several accessory buildings	Rural Residential (RR)
South	Undeveloped	Rural Residential (RR)
East	SFR	Rural Residential (RR)
West	2 SFRs, SW lot includes an accessory building	Rural Residential (RR)

**Table 4 - Public Utilities and Services**

	Provider
Water	Public Water Supply: Vanderstaay Water
Power	Puget Sound Energy
Sewer	Onsite septic system
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #400

**5. Access**

Access to the property is from Sidney Road SW, a paved county road classified as an urban minor arterial.

**6. Site Design**

The massage business will be located in the recently constructed attached garage with office space. Associated parking for the residence and business is in front of and next to the garage.

There is a 25-foot evergreen tree buffer along the north and west property lines.

**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 Goal 14*

*Foster rural business 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 businesses and industries in the rural areas that do not negatively affect rural level of service or rural character.*

*Economic Development Goal 1*

*Promote a healthy and divers 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)
Title 19	Critical Areas Ordinance

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>
Application: Home Business	July 18, 2018
Building Elevation	July 18, 2018
Residential Building Clearance Exemption	July 25, 2018
Floor Plan	July 25, 2018
Parking Analysis	July 18, 2018
Site Plan	July 25, 2018

**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**

The project proposal is for a Moderate Home Business to operate a massage therapy business. There is an existing SFR constructed under Permit 03-13228 that was finalized in 2005 and a recently attached garage constructed under Permit 17-05118 that was finalized 08.31.2018. The business will occupy 384 square feet in a portion of the recently constructed attached 2-car garage. The business will be operated by one of the property owners, Sherry Peck, and two additional employees. The business will also have a small amount of incidental sales of massage related items such as knee pillows and tennis balls to help clients continue therapy related activities at home. Sherry Peck modified the hours of operation from that listed in the application during a conversation on September 11, 2018, with the staff planner. The hours were reduced by two hours to end early Tuesday through Friday. The business will operate by appointment only, Tuesday through Friday, from 10:00 AM to 7:00 PM and Saturday from 10:00 AM to 5:00 PM. There may be two customers receiving therapy at the same time. The maximum number of customers per day is eight.

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)(c) Moderate home business provides other standards and requirements:

c. Moderate home business, as defined below, shall be permitted in RW, RP, and RR zones subject to approval by the director. Said approval is not transferable to any individual, future property owner or location. Criteria from 17.410.060(B)(1)(c) are listed below, with a discussion of the individual standard immediately following:

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

*Staff Response: The nature and extent of expected business activity for five days of the week, up to nine hours each day except Saturdays, which is seven hours, and serving a maximum of eight customers per day, will be relatively low to moderate. 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;

*Staff Response: The business will be located in an existing garage building that is attached to the single-family residence; all business activity will take place within the living space located in the garage building. Customer traffic will be relatively low 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. The building is well screened from the road by a significant stand of trees along Sidney Road NW.*

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

*Staff Response: The residence is occupied by the property owners Sherry and Matthew Peck. Sherry Peck is the sole proprietor of the business, A Bit of Heaven Massage.*

iv. 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, existing vegetation and location of adjacent homes, this business is not expected to adversely impact neighboring residents or keep them from enjoying the peaceful occupancy of their homes.*

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

*Staff comment: There are only three employees, the business proprietor that lives onsite and two employees that live offsite.*

vi. Non-illuminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director; and

*Staff comment: No signage has been proposed. If signage is desired in the future it shall comply with the non-illumination and size requirements outlined above and obtain a sign permit prior to its installation.*

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

- (a) Patronage by appointment.
- (b) Additional off-street parking.
- (c) Screening of outside storage.
- (d) A conditional use permit (required for engine or vehicle repair or servicing).
- (e) Other reasonable conditions.

*Staff Response: Patronage shall be by appointment only. The business owner has shown three parking spaces for the business adjacent to the garage building and there is potential for a couple more spaces to the north of the marked spaces; therefore, the available parking is determined to be sufficient for the proposed business. However, van accessible parking will be required. No outside storage is proposed, and none will be allowed without additional review and approval by the Director of Community Development.*

*Building Code Review has indicated the business will also be required to provide access and accommodations for persons with accessibility issues.*

*All conditions are outlined at the end of this report.*

**b. Lighting**

No lighting shown on building elevation or site plan.

**c. Off-Street Parking**

The SFR requires three spaces and the business requires an additional two spaces per Kitsap County Code. There is existing hard surface area that can provide the required spaces and potentially several more spaces.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces

Single-family	3 parking spaces per unit	3 spaces	3 spaces in front of garage
Medical and Dental Office or Clinic	1 parking space per 200 square feet of gross floor area	2 spaces	3 spaces next to garage
Total		5 spaces	6 spaces

**d. Signage**

No signage has been proposed. If signage is desired in the future it shall be non-illuminated and not exceed four square feet. A separate sign permit will be required prior to installation.

**e. Landscaping**

There is an existing 25-foot buffer along the north and west property lines of this parcel that has a significant stand of trees on the entire west side along the road frontage of Sidney Road NW, except for access, and along a majority of the north property line. No additional perimeter landscaping is required or warranted because the proposed use will occur entirely within the attached garage, there is no outside business activity proposed except the parking of employee and customer vehicles, and adjacent residences are shielded by the existing vegetation or are a considerable distance from the business structure.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	Not applicable in this case.	No new landscaping proposed. Existing landscaping adequate.
Required Buffer(s) 17.500.025		
North	NA	Existing Separation Buffer
South	NA	NA
East	NA	NA
West	NA	Existing Separation Buffer
Street Trees	Not required	

**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**

The parking spaces for the business is located on an existing hard surface area and the project falls below the threshold requiring any stormwater quantity or water quality controls or mitigation.

**i. Environmental**

Environmental review noted there is an internal change in use only - no change in the building footprint. The only critical area is a Critical Aquifer Recharge Area (CARA) II, but the use is massage only - not a beauty salon that would have chemical discharging into groundwater. As such there is no concerns or mitigation required.

**j. Access, Traffic and Roads**

Access to the property is direct from Sidney Road SW, a paved county-maintained road classified as an urban minor arterial.

A residence is attributed 10 average daily trips (ADT). Traffic is expected to be an additional 10 ADT for the home business. The county road can handle the expected traffic generate by the business. Overall the traffic generated by the business is expected to be like that of a single-family residence and low to moderate at most. No traffic mitigation is required.

**k. Fire Safety**

The Fire Marshal indicated there were no fire requirements for the home business.

**l. Solid Waste**

Any solid waste generated by the home business will be picked up with the residential solid waste.

**m. Water/Sewer**

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

**n. Kitsap Public Health District**

The Kitsap Public Health District reviewed the application and approved it without stipulating any conditions.

**11. Review Authority**

The Department of Community Development Director has review authority for this Moderate Home Business Permit application under KCC, Sections 17.410.060(B)(1)(c) 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 Moderate 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 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. Recommendation**

Based upon the analysis above and the decision criteria found in KCC 17.410.060(B)(1)(c), the Department of Community Development approves the Moderate Home Business Permit for A Bit of Heaven Massage, subject to the following 21 conditions:

### **a. Planning/Zoning**

1. The Moderate Home Business Permit for A Bit of Heaven Massage is not transferable to any individual, future property owner or location.
2. The A Bit of Heaven Massage 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, Sherry Peck.
5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.
6. The business is limited to the owner and proprietor, Sherry Peck, and no more than three (3) employees, including the owner.

7. Signage is limited to one (1) non-illuminated sign not to exceed four (4) square feet subject to a sign permit approved by the director.
8. No outside business storage is allowed.
9. All business patronage shall be by appointment only.
10. Business hours are limited to those proposed by the applicant; hours of operation are Tuesday through Friday, 10:00 AM to 7:00 PM, and Saturday 10:00 AM to 5:00 PM.
11. The maximum number of appointments/customers per day shall be limited to eight.
12. Three (3) exterior parking spaces shall be provided for the residential use and two (2) 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 18-03543. 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 Moderate Home Business Permit.

**b. Building Code**

17. A home business commercial building permit shall be obtained prior to conducting the massage business.
18. A van accessible parking stall shall be provided for the home business. Signage is not required for accessible parking and can be utilized by any customer, when total number of parking stalls for the business is 4 or less.
19. Van accessible parking stalls shall be 11 feet x 20 feet with access aisle of 5 feet x 20 feet. Exception: Van parking stall may be reduced to 8 feet x 20 feet with an access aisle of 8 feet x 20 feet.
20. A ramped access shall be provided to allow ADA compliance. Ramps shall not exceed 1:12 slope with cross slopes not steeper than 1:48.

21. Accommodations shall be made available to provide services for persons with accessibility issues.

**Report prepared by:**



\_\_\_\_\_  
Meg Sands, Staff Planner / Project Lead

8 October 2018

Date

**Report approved by:**



\_\_\_\_\_  
Shawn Alire, Department Manager / Supervisor

10/8/2018

Date

**Attachments:**

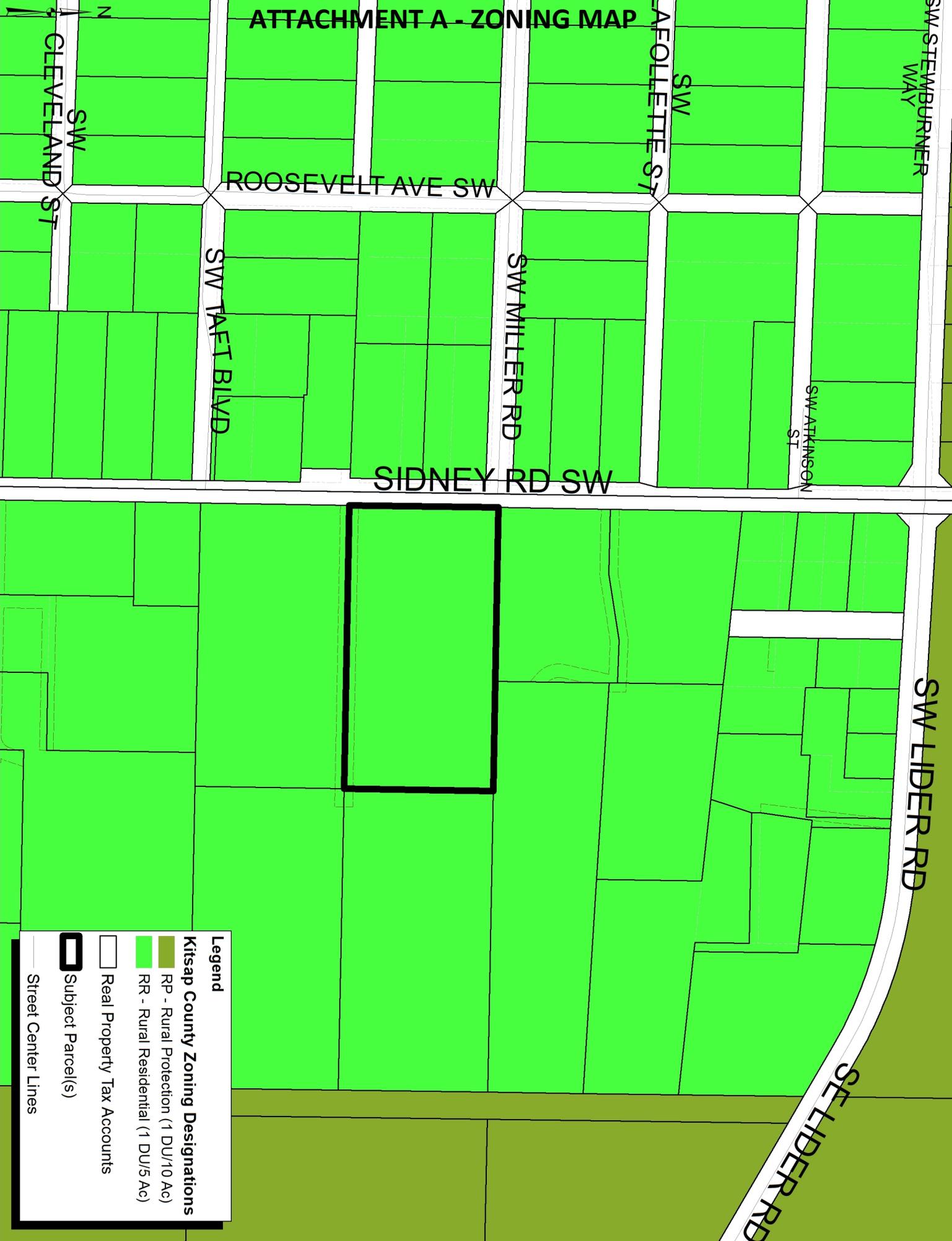
Attachment A – Zoning Map

Attachment B – Massage Business Floor Plan

CC: Applicant/Owner email  
Interested Parties: none identified to date  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Meg Sands



# ATTACHMENT A - ZONING MAP



ROOSEVELT AVE SW

LAFOLETTE ST

SW STEWBURNER WAY

CLEVELAND ST

SW

SW TAFT BLVD

SW MILLER RD

SIDNEY RD SW

SW ATKINSON ST

SW LIBBER RD

SE LIBBER RD

### Legend

#### Kitsap County Zoning Designations

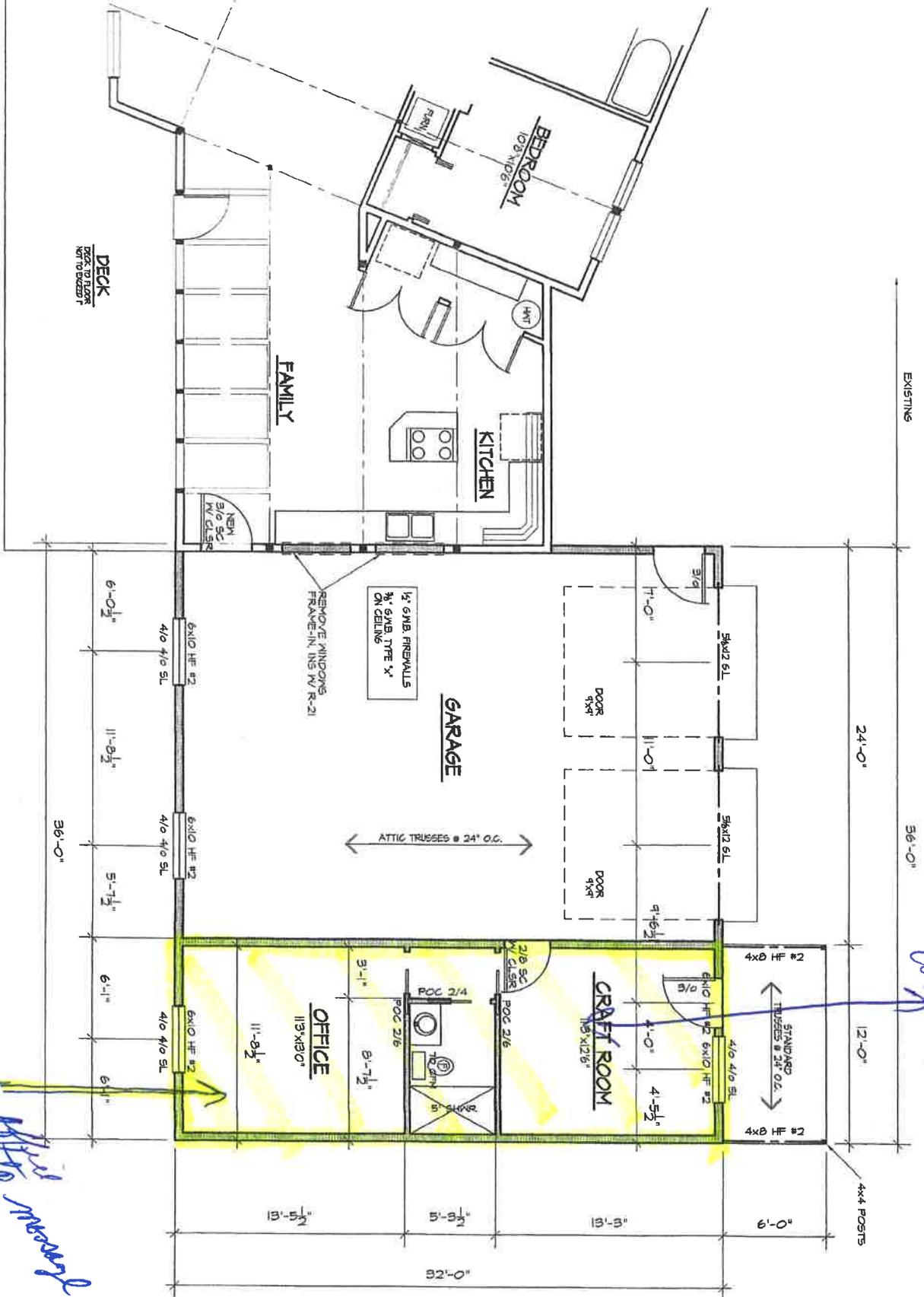
- RP - Rural Protection (1 DU/10 Ac)
- RR - Rural Residential (1 DU/5 Ac)

Real Property Tax Accounts

Subject Parcel(s)

Street Center Lines

# ATTACHMENT B - MASSAGE BUSINESS FLOOR PLAN



EXISTING

24'-0"

36'-0"

12'-0"

4x4 POSTS

*Respond to owner to prefer plan*

**FLOOR PLAN**  
1/4" = 1'-0"

*Handwritten notes:*  
"Add window" (with arrow pointing to the Office)  
"Add window" (with arrow pointing to the Craft Room)  
"Add window" (with arrow pointing to the Garage)

<b>PECK</b>	REVISIONS	DATE <b>OCT 2017</b>	ALL WORK SHALL CONFORM TO ALL APPLICABLE REQUIREMENTS OF LOCAL, STATE OR FEDERAL AGENCIES WITH APPROXIMATE ESTIMATED ASSUMED TO BE RESPONSIBILITY FOR THE CONTRACTOR OR PRINTER PRODUCTION OF THE WORK SHOWN ON THESE DRAWINGS. VERIFY ANY EXISTING CONDITIONS AND DIMENSIONS ON SITE. DIMENSIONS SHOWN ARE TO TAKE PRECEDENCE OVER RECALCULATED OFF-DRAWING DIMENSIONS AND FROM PROVIDED PAZE OF STUDS UNLESS NOTED OTHERWISE. ANY CHANGES, CHOICES OR REVISIONS IN THESE DRAWINGS ARE TO BE REPORTED TO THE DESIGNER BEFORE WORK IS TO COMMENCE. THE USER ACKNOWLEDGES THAT THESE PLANS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	<b>TOM HERSTAD BUILDING DESIGN INC.</b> 246 TREMONT AVE., FORT ORCHARD, PA 17366-4130   610-654-8448 FAX - 610-1441   EMAIL - HERSTAD@VBL.COM
	SV 10/9/2017	DRAWING <b>2013-124</b>		