

RESOLUTION NO. R-2411

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-76-79(P), BY CHRISTINE JOHNSON TO PERMIT A HOME OCCUPATION FOR A MODEL AND CHARM STUDIO IN HER HOME AT 134 6TH AVENUE N.E., BEING WITHIN A RESIDENTIAL SINGLE FAMILY 7,200 (RS 7.2) ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit filed by Christine Johnson the renter of said property described in said application and located within an RS 7.2 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of December 9, 1976, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 concerning environmental policy of the State Environmental Policy Act, an environmental worksheet has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental worksheet and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental worksheet and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Conditional Use Permit subject to the specific conditions set forth in said recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. CUP-76-79(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Conditional Use Permit or evidence thereof delivered to the permittee.

Section 3. Nothing in this section shall be construed as excusing the applicant from compliance with any federal, state or local statutes ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following:

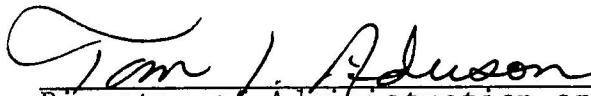
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

ADOPTED in regular meeting of the City Council on the 20th day of December , 1976.



 Mayor

ATTEST:



 Director of Administration and Finance
 (ex officio City Clerk)

Findings, Cont'd:

- F. 7. Land Use. The majority of the surrounding properties, in both the RS 7.2 and RM 1800 zones, are used for single family residences. There is a church to the west as well as some undeveloped properties.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
- 8. The applicant has submitted an environmental worksheet which did receive a final negative declaration from the Responsible Official on November 15, 1976. (Refer to Exhibit "E" - Environmental Information).
- 9. The Planning Commission and City Council shall be guided by the following standards and provisions in granting a Conditional Use Permit: (Section 23.56.080 of the Kirkland Zoning Ordinance)

- a. Is the use of modification requested by the Conditional Use Permit within the intent of the Kirkland Zoning Ordinance, and in the public interest?
Applicant's response: "Yes. The proposed use is to make one bedroom into a model and charm studio for purposes of teaching modeling and self-improvement classes. My husband and I will still reside in this home as normal. The part-time studio will be in the spare bedroom which isn't used for sleeping purposes anyway."
- b. Indicate why the use or modification requested by this application for the operation of a permitted business in a residential zone will not do damage to adjacent residential property values, creating excessive noises, or creating other nuisances; the applicant for a Conditional Use Permit in any zone, for any business use, shall also provide the Planning Commission with an economic feasibility study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate this study as consideration for approval or denial.
Applicant's Response: "A model and charm studio in one room of a house that teaches self-improvement and modeling classes cannot possibly damage adjacent property. Other property owners won't even be able to see the studio or tell it exists from outside of the house. There will be no added noise or nuisance created by this. Attached is an economic feasibility study to show the soundness of my business venture."
- c. Is the use or modification requested by this application for the continuation or enlargement of a non-conforming use? If so it shall be made on the basis of a site plan showing proposed landscaping, building renovation,

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Findings, Cont'd:

- G. 9. c. (cont'd)
and other site improvements. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.
Applicant's response: "Not applicable."

CONCLUSIONS:

- A. SUMMARY OF THE PROPOSED ACTION:
1. This application for a Home Occupation Permit is generally consistent with the City of Kirkland Zoning Ordinance.
- B. HISTORICAL BACKGROUND: (Not applicable)
- C. GOVERNMENTAL COORDINATION: (Not applicable)
- D. EXISTING PHYSICAL CHARACTERISTICS:
2. Topography/Soils/Geology/Hydrology/Flora/Fauna. (Not applicable).
- E. PUBLIC UTILITIES:
3. Streets. The streets in the vicinity of the proposed studio have the capacity to handle the additional vehicular traffic resulting from use of the studio. There is also adequate parking areas on the sides of the street to accommodate the additional cars resulting from use of the studio. Although parking along the street is common of the residents in the vicinity of 6th Avenue, there is still adequate room for additional vehicular parking during the daylight hours.
- F. NEIGHBORHOOD CHARACTERISTICS:
4. Zoning. A Home Occupation is a condition permitted use in an RS 7.2 zone. Due to the scale of the proposed operation, it is apparent that the proposal would not interfere with the development and usage of adjacent properties.
5. Land Use. A Home Occupation is not a common use within the vicinity of the subject property. However, it appears that the proposal should not do damage to adjacent residential property values, nor will it create a nuisance.

- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
6. Regarding the review of a Home Occupation under a Conditional Use Permit, the following comments are relevant (Section 23.56.080):
a. The use requested by the applicant is consistent with

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DEPARTMENT OF COMMUNITY DEVELOPMENT
ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
 XX RECOMMENDED BY _____ DATE December 9, 1976
 ADOPTED BY _____ DATE _____

STAFF _____
 BOARD OF ADJUSTMENT _____
 HOUGHTON COMMUNITY COUNCIL _____
 XX PLANNING COMMISSION _____
 CITY COUNCIL AS INCORPORATED IN _____
 DAVID RUSSELL, Chairperson

RESOLUTION _____ ORDINANCE _____
 NUMBER _____
 DATE _____

FILE NUMBER CUP-76-79(P)
 APPLICANT JOHNSON, CHRISTINE
 PROPERTY LOCATION 134 6th Ave. N.E.
 SUBJECT Home Occupation Permit for Modeling Studio

HEARING/MEETING DATE December 20, 1976
 BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Attachment to Application "C" Site Plan "D" Zoning/Vicinity Map "E" Environmental Information "F" Financial Data "G" Neighborhood Map

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit and a Home Occupation Permit to use a portion of a single family residence for a model and charm studio. The subject residence is located at 134 6th Ave. N.E. (Refer to Exhibit "C" - Site Plan).
2. The applicant proposes to utilize a spare 9 foot by 11 foot bedroom as a model and charm studio for the purposes of teaching modeling and self improvement classes. The applicant proposes to conduct three classes a day, two days a week. There will be a maximum of three students in each class. Interior modifications to the house include the placement of mirrors on two walls of the studio, a cosmetic counter and mirror on the third wall, and construction of a walking ramp. There will be no exterior modifications to the structure.
3. Justification. This request is justified by the applicant in the following: "I know there is a need for this in the Kirkland-Bothell area. I have had students from high schools, where I substitute teach in Home Economics, come to me and ask if I know where they can take modeling and self-improvement classes. Also, since I've mentioned to friends the desire to open my own school, they and their friends have indicated that they want to be some of my first students."

B. HISTORICAL BACKGROUND: (Not applicable)
C. GOVERNMENTAL COORDINATION: (Not applicable)

D. EXISTING PHYSICAL CHARACTERISTICS:

4. Topography/Soils/Geology/Hydrology/Flora/Fauna. (Not applicable)

E. PUBLIC UTILITIES:

5. Streets. The subject property fronts on 6th Ave., which is a fully improved right-of-way, between 1st Street and 2nd Street. The street is presently wide enough to support two moving lanes of traffic and parking on each side. In addition, there is an alley serving the rear of the property.

F. NEIGHBORHOOD CHARACTERISTICS:

6. Zoning. The subject property is located in the RS 7.2 zone. To the south of the subject property, as well to the northeast of the site, are properties zoned RM 1800. The remainder of the surrounding properties are zoned RS 7.2. (Refer to Exhibit "D" - Zoning/Vicinity Map).

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ATTACHMENT TO CONDITIONAL USE PERMIT
APPLICATION FOR HOME OCCUPATION PERMIT

All relevant questions on the Conditional Use Permit and all submittals required on the cover sheet must be submitted to the City of Kirkland with this attachment for all Home Occupation Permit applications:

The Kirkland Zoning Ordinance defines Home Occupation as:

An occupation or profession which is customarily incidental to be carried on in a dwelling place and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by a member of the family residing within the dwelling place.

Please answer the following questions completely:

In one or two paragraphs, please describe in detail the use that you intend for this property. Please include as many facts as possible, such as the area that will be put to use, total area involved, number, types and sizes of buildings, and what means you are going to take to protect the adjacent property owners from this use. (i.e., screening, fencing, etc.)

I plan to use one of the two bedrooms in this house for a model and charm studio. The size of the room is 9' x 11'. My husband and I reside in this rented home and don't use the room for sleeping purposes anyway. Three students can occupy this size room very comfortably. I plan to have three classes a day, two days a week. This will be a part-time studio.

In order to make a studio from this room I need to put mirrors on 2 walls, put a cosmetic counter and mirror on the third wall, and build a walking ramp with two steps up and down. From the outside of the house nobody

Continued on BACK

2. A model and charm studio in one room of a house that teaches self-improvement and modeling classes cannot possibly damage adjacent property. Other property owners won't even be able to see the studio or tell it exists from outside the house. There will be no added noise or nuisance created by this Attached is an economic feasibility study to show the soundness of my business venture, and the continuation or enlargement of a non-conforming use? If so it shall be made on the basis of a site plan showing proposed landscaping, building renovation, and other site improvements. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.

3. NOT APPLICABLE

STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF KIRKLAND)

A F F I D A V I T

I, Betty Jean Klein, being duly sworn depose and say, that I am (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

x Betty Jean Klein (Owner)
Betty Jean Klein (Owner)

Subscribed and sworn to before me this 16th day of October, 1976.

Margaret F. Blaylock
Notary Public in and for the
STATE OF WASHINGTON, residing at
Seattle

Conclusions, Cont'd:

- G. 6. a. (cont'd)
the intent of the Kirkland Zoning Ordinance, and would not be a detriment to the public interest.
- b. The proposed studio should not do damage to adjacent residential property values, nor will it create nuisances to surrounding residences. The business is to be conducted during the day, two days per week, and therefore will have minimal, if any, adverse impacts on neighboring properties. The increased noise resulting from additional vehicular traffic to and from the applicant's residence should not be to an extent which is noticable or harmful to the applicant's neighbors.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions we hereby recommend that this application for a Home Occupation Permit be approved subject to the following conditions:

- 1. The bedroom in which the proposed studio is to be located shall not be used for any business purpose other than the proposed studio.
- 2. The proposed studio shall not encompass any area other than the 9 foot by 11 foot bedroom indicated in the applicant's request.
- 3. The number of classes held shall be limited to three classes per day, two days per week. There shall be a maximum of three students in each class.
- 4. This permit shall be subject to review one year from the date of issuance, at which time all relevant factors, including, but not limited to, any possible damage to surrounding property values and other nuisances resulting from the use of the proposed studio, shall be considered. If, at that time, it is found that the requested use is no longer consistent with the Kirkland Zoning Ordinance, the Home Occupation Permit shall be revoked.
- 5. If, at any time during the life of this Home Occupation Permit, the applicant moves from her present residence, this permit will become null and void.
- 6. If, for any reason, this Home Occupation Permit is revoked or becomes null and void, any individual wishing to reinstate the presently proposed use shall submit an entirely new and separate application.

APPLICATION FOR A CONDITIONAL USE PERMIT

NOTE: Before preparing this application, please read information on cover page of this form.

Before 9:00 AM

Name of Applicant Christine A. Johnson Phone 827-1814
 Company Name Christine Johnson Modeling Studio Bus # 97-626
 Mailing Address 134 6th Ave. City Kirkland Zip 98033

X The undersigned applicant(s) is(are) the owners of the property described as follows:

LOT 13 - Block 191 - CODE 1700-KIRKLAND ADD.

X The above property was acquired by the applicant on the 1 day of JULY, 1971. The present zoning is ?

- 1. Does the use or modification requested by the conditional use fit within the intent of the Kirkland Zoning Ordinance, and in the public interest? If so, indicate the proposed use and how it fits the above: Yes. The proposed use is to make one bedroom into a model and camera studio for purposes of teaching modeling and self-improvement classes. My husband and I will still reside in this home as normal. The part-time studio will be in the spare bedroom which isn't used for sleeping purposes anyway.
- 2. Indicate why the use or modification requested by this application for the operation of a permitted business in a residential zone will not do damage to adjacent residential property values, creating excessive noises, or creating other nuisances; the applicant for a conditional use permit in any zone, for any business use, shall also provide the Planning Commission with an economic feasibility study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate the application for approval or denial. EXHIBIT "A" APPLICATION CUP-76-79(P)

(Answer on following page: Christine Johnson)
(over)