

RESOLUTION NO. R-2472

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-77-66(H), BY RICHARD STAFFORD FRO A HOME OCCUPATION TO USE A GARAGE OF A SINGLE FAMILY RESIDENCE FOR A PICTURE FRAMING WORKSHOP BEING WITHIN A RS8500 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 Richard Stafford, the owner of said property described in said application and located within a RS8500 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission and Houghton Community Council who held public hearings thereon at their regular meetings of October 4, 1977 and October 13, 1977 respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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 and Houghton Community Council after their public hearings 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 Chairman thereof and filed in the Department of Community Development File No. CUP-77-66(H) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council.

Section 3. 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 4. 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 5. 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 6. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Conditional Use Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore this Resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 days of the date of the passage of this Resolution.

Section 7. 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 7th day of November, 1977.



Mayor pro tem

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

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 garage of a single family residence for a picture framing workshop. The subject property is located at 11723 NE 70th Street. (Refer to Exhibit "A"-Application, and "B"-Vicinity Map).
2. The applicant proposes to utilize his garage as a picture framing studio grossing approximately \$2800 annually. The applicant proposes to serve approximately two customers per day. No structural modification will be necessary for the proposed use. (Refer to Exhibit "C"-Site Plan).

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION: (Not applicable)

D. EXISTING PHYSICAL CHARACTERISTICS:

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

E. PUBLIC UTILITIES:

4. Streets. The subject property is located between NE 69th and NE 70th Streets, and between 117th and 118th Avenues NE. Most of the surrounding streets are unimproved. However, NE 70th Street is improved as a two lane arterial. 118th Avenue NE, which contains a thirty foot right-of-way, is in a dirt and gravel condition, and provides access to the subject property from NE 70th Street.

F. NEIGHBORHOOD CHARACTERISTICS:

5. Zoning. The subject property is located in the RS 8500 zone. To the south, east, west, and northwest, the zoning is also RS 8500. To the north of NE 70th Street is King County.
6. Land Use. The subject's residence and garage are located on the 2½ acre tract. To the east of the subject property are a number of single family residences. Most of the properties to the south and west of the subject property are undeveloped. To the north and northwest are a few scattered single family residences, and an abandoned service station.

G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

7. The applicant has submitted an environmental worksheet which received a final negative declaration from the Responsible Official on September 27, 1977. (Refer to Exhibit "D"-Environmental Information).

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Findings, Continued

8. The Houghton Community Council, Kirkland 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 or modification requested by the Conditional Use Permit within the intent of the Kirkland Zoning Ordinance, and in the public interest?

Applicant's Response: "Proposed use is home occupation by 69 year old applicant and wife for hobby picture framing workshop in garage grossing approximately \$2800 annually, plus insurance agency handled largely through mail and telephone grossing approximately \$11,000 annually. Use is incidental to residence allowing applicant to remain active contributor to community with little or no impact on neighborhood."

- b. Indicate why the use or modification requested by this application for the operation of a permitted business in the residential zone will not do damage to adjacent residential property values, creating excessive noises, or creating nuisances.

Applicant's Response: "Home occupancy involves small business with no impact on residential neighborhood. Traffic is minimal. Rather than 'building up' a business, owner is mostly doing framing for friends or former customers as a hobby during semi-retirement."

- 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, 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: "NO."

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)

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Conclusions, Continued

D. EXISTING PHYSICAL CHARACTERISTICS:

2. Topography/Soil/Geology/Hydrology/Flora/Fauna. (Not applicable)

E. PUBLIC UTILITIES:

3. Streets/Parking. The applicant has not proposed to use any surrounding streets for customer parking. The applicant has instead indicated that a client will use the driveway while conducting business. The applicant further indicates that the driveway has a capacity of three vehicles, and that the average number of vehicles per day is two. It would appear that traffic generated by this proposal would be minimal, and would not seriously impact surrounding properties.

F. NEIGHBORHOOD CHARACTERISTICS:

4. Zoning. A Home Occupation Permit is a conditional use in an RS 8500 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. Due to the scale of the proposed business, it would appear that the use requested by the applicant is consistent with the intent of the Kirkland Zoning Ordinance, and is within the public interest.
- b. The proposed picture framing workshop should not do damage to adjacent residential property values, nor will it create a nuisance for surrounding residences. The proposal will generate approximately two visits per day, and has adequate on site parking to accommodate customer vehicles. 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:

Subject to the foregoing Findings and Conclusions and Exhibits "A" through "D", we hereby recommend that this application for a Conditional

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Recommendations, Continued

Use Permit and a Home Occupation Permit be approved subject to the following conditions:

1. The proposed use shall not encompass any area other than the applicant's garage.
2. 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 workshop, 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.
3. If, at any time during the life of this Home Occupation Permit, the applicant moves from his present residence, this permit will become null and void.
4. 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.