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, Skagit County Auditor

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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: SPECIAL USE APPLICATION SU 99 0252

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: DAVID WEINKE and TRUDY ZIMMERMAN

ASSESSOR PARCEL NO: P62357

ABBREVIATED LEGAL DESCRIPTION: located at 11228 Peter Anderson Road,
Burlington, WA; within Section 33, Township 35 North, Range 4 East, W.M., Skagit
County, Washington.

UNOFFICIAL DOCUMENT

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the Matter of the Application of)	
DAVID WEINKE and TRUDY)	SU 99 0252
ZIMMERMAN)	
)	FINDINGS OF FACT,
For a Special Use Permit to Operate a)	CONCLUSIONS OF LAW,
Home Occupation in an Accessory)	AND DECISION
Structure at 11228 Peter Anderson)	
Road within the Urban Growth Area for)	
The City of Burlington)	
)	

THIS MATTER, an application for a Special Use Permit, came on regularly for hearing on November 8, 2000, after due notice. Brandon Black appeared for the Planning and Permit Center. David Weinke represented the applicants. Members of the public were given an opportunity to be heard.

Testimony was given, exhibits were entered, and argument was made. On the basis thereof, the Examiner enters the following:

FINDINGS OF FACT

1. David Weinke and Trudy Zimmerman (applicants) seek permission to operate a bicycle repair business in an accessory structure on residential property at 11228 Peter Anderson Road.
2. The property is located within a portion of Sec. 33, T35N, R4E, W.M. It is inside the Urban Growth Area for the City of Burlington. The zoning is residential.
3. Under Interim Ordinance #17375, the County reviews projects located within the Burlington UGA using the City's development standards. The County has adopted Burlington's development standards for the R-1 land use district. Section 17.15.040 of Burlington's code requires a Conditional Use Permit for a home occupation. The County did not adopt Burlington's home/occupation/conditional use criteria and so the project is reviewed under the County's criteria for such a use. This implicates the County's Special Use criteria.
4. The property is about 3.75 acres in size and is located adjacent to the west side of the Peter Anderson Road and to the south side of State Route 20. Access is from the Peter Anderson Road. An existing residence is located along the southeast property line. There are two accessory structures west of the residence. The most westerly of these is a garage. The applicants seek to operate the bicycle repair business in a 26 by 32 foot area of this structure (832 square feet).



5. The business, called Ree-cycle Bicycle Shop, will be operated by Weinke and will have no employees. The business hours are to be 4:30 to 6:30 p.m. on Tuesday through Friday and from 9:00 to 3:30 p.m. on Saturday. There is currently a 60 by 100 foot graveled parking lot by the garage which will provide adequate parking for anticipated customers. Traffic impacts will not exceed what is normal for residential use.

6. All the work will be performed within the building. Outside lighting will be typical of a residential shop building. No outside storage is proposed.

7. The property is served normal urban level public facilities. There is an approved septic system for the property. There will be no public bathroom in the shop, only one for the owner's personal use.

8. The immediate vicinity is currently residential in nature. There are a number of small businesses located along State Route 20. The proposed business will be unobtrusive and compatible with its surroundings. The only identification will be a sandwich board in the driveway when the shop is open and a small sign on the building stating the business name.

9. The business will be clearly incidental and secondary to the use of the property for dwelling purposes. The business will create no unusual noise nor will it result in other significant environmental effects. A Determination of Non-significance (DNS) under the State Environmental Policy Act (SEPA) was issued for this proposal on August 24, 2000. The DNS was not appealed.

10. Reviewing departments and agencies sought standard information and expressed no concerns in comments. The City of Burlington indicated that it has no problems with the proposal so long as the site is neatly maintained. There were no adverse comments from members of the public.

11. The Staff Report reviewed the application for compliance with home occupation criteria of SCC 14.04.030(40) and with the special use criteria of SCC 14.04.150. The Staff found that the proposed operation will meet these criteria. The Examiner concurs in the Staff's analysis and adopts the same.

12. Any conclusion herein which may be deemed a finding is hereby adopted as such.



CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter of this proceeding. SCC 14.04.150(2)(g).
2. The requirements of SEPA have been met.
3. The facts found support a conclusion that the proposal, as conditioned below, will be consistent with home occupation and special use criteria of the zoning code. SCC 14.04.040(40), 14.04.150(3)(d).
4. The following conditions should be imposed:
 - a. The home occupation shall be situated and conducted as described in the application materials.
 - b. The permittee shall obtain all other necessary permits or approvals.
 - c. There shall be no outside storage in connection with the home occupation. The premises shall be neatly maintained.
 - d. Any sign on the building identifying the business shall not exceed four (4) square feet.
 - e. Operations shall comply with Chapter 173-160 WAC, Environmental Noise Limits.
 - f. If any major change in the intensity of the use is proposed, the permittee shall contact the Planning and Permit Center for review thereof.
 - g. If the home occupation is not commenced within one year of this decision, the permit shall become void.
 - h. If the use is abandoned for a period of one year, the permit shall become void.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.



DECISION

The requested Special Use Permit is **APPROVED**, subject to the conditions set forth in Conclusion 4 above.

Wick Dufford

Wick Dufford, Hearing Examiner

Date of Action: November 28, 2000

Copy transmitted to Applicants: November 28, 2000

RECONSIDERATION/APPEAL

A request for reconsideration may be filed as provided in SCC 14.06.180. The decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Clerk of the Board within 14 days after the date of the Examiner's decision, or decision on reconsideration if applicable.

