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FINAL CODE INTERPRETATION

CINT13-0002

BACKGROUND

On November 13, 2012, the Department of Permitting and Environmental Review (DPER) received a code enforcement complaint from John and Margaret Hughes concerning the operation of a motor vehicle transmission repair business as a home occupation on their neighbors' property. Their neighbors, the Garvins, own the property at issue which is approximately 85,813 sq. ft and is zoned RA-5. The Garvins' motor vehicle repair business is accessed via a private driveway.

The Hughes' code enforcement complaint focused on what they believed to be excessive parking, traffic and storage of vehicles on the Garvin property. Code enforcement staff concluded that the home occupation was generally being operated consistent with the code, and specifically with King County Code (KCC) 21A.30.085.

On May 28, 2013, DPER received a request from the Hughes' for interpretation of KCC 21A.30.085, pertaining to the scope of parking, traffic and storage of vehicles allowed for home occupations. The Garvins also submitted a response, via their attorney Mr. Trippett, on July 10, 2013. All of the information submitted to DPER was considered in this interpretation decision.

DISCUSSION

The relevant portion of KCC 21A.30.085 is as follows:

In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:

...

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed on-site; and
2. One stall for patrons when services are rendered on-site;

...

H. The home occupation or occupations do not:

...

3. Increase average vehicular traffic by more than four additional vehicles at any given time;

...

L. The home occupation or occupations may use or store vehicles, as follows:

1. The total number of vehicles for all home occupations shall be:

a. for any lot five acres or less: two;

...

2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and

1. KCC 21A.30.085.F.2

The Hughes' first urge that the department should read KCC 21A.30.085.F.2 to limit the number of cars allowed on the site at any given time. Specifically, they interpret the language "one stall for patrons when services are rendered on site" to allow only one car at a time to access the home occupation for services.

KCC 21A.30.085.F.2 is a requirement to provide a designated parking stall for patrons on-site. It does not contain any limitation on the number of cars that can access or park at the home occupation.

2. KCC 21A.030.085.H.3

The Hughes' next request interpretation of KCC 21A.030.085.H.3. The Hughes' believe that the phrase "increase in average vehicular traffic by more than four additional vehicles at any given time" is ambiguous. They further urge that the language "any given time" be read as "within a business day." Therefore, they assert that in any given business day, only four vehicles may travel to and from the home occupation.

The language adopted in KCC 21A.030.085.H.3 does very little to limit traffic going to and from the home occupation. We agree with the Hughes' that the phrase "at any given time" can be interpreted as "at any one time." Despite the fact that this allows the coming and going of many cars throughout the day as long as no more than four are accessing the site at any one time, this is the proper and literal reading of the code. The committee discussed a potential code amendment that would implement more meaningful language here and acknowledge the "limited-scale" restrictions of a home occupation.

KCC 21A.030.085.H.3 pertains to traffic. It does not address or limit parking or storage of vehicles.

3. KCC 21A.030.085.L.1.a

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The Hughes' also request interpretation of KCC 21A.030.085.L.1.a. This section limits the use and storage of vehicles to "two" for home occupations on any lot five acres or less. The question here is how to interpret the scope of "use and storage." The Hughes' suggest that this phrase should be read to limit the number of cars stored both "inside and outside of the out-building and residential garages." In this case, this would include the garage used for the home occupation (which accommodates up to six vehicles), the residential garage, the employee and patron parking spaces, and any outdoor carport or parking pad.

The limitation on use and storage of vehicles under KCC 21A.030.085.L.1.a pertains only to those vehicles that are used or stored in association with the home occupation. It does not include any limitation on cars associated with the residential use of the property. Residential parking and storage limitations are found in KCC 21A.18.110.I.

The limitation of use and storage of vehicles also does not pertain to those vehicles that are inside the out-building/garage associated with the home occupation. The outbuilding on the Garvin property is an allowed use in the RA-5 zone and storage of vehicles inside that building does not trigger KCC 21A.030.085.L.1.a. The limitation also does not include cars in the two parking stalls for employee and patron use. These are parking areas and are not intended for use or storage of vehicles being worked on for the home occupation.

DECISION

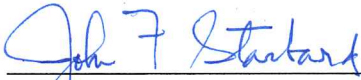
KCC 21A.30.085.F.2 requires the property owner to provide two parking stalls, one for employee use and one for patrons of the home occupation. This sub-section does not limit or apply to traffic or storage of vehicles. It also does not limit the number of vehicles associated with the home occupation that can park on-site.

KCC 21A.030.085.H.3 allows cars to come and go from the home occupation as long as there are not more than four cars moving to and from the property at any given time. We recognize that the language "at any given time" does not meaningfully limit potential traffic to and from the home occupation and the department will consider whether a code change would be useful.

KCC 21A.030.085.L.1.a limits the use and storage of vehicles associated with the home occupation that are outside the motor vehicle repair garage. It does not apply to residential vehicles or vehicles using the two designated parking stalls.

Finality of Code Interpretations

The Director determines that this code interpretation does not relate to a permit application or code enforcement case. Under KCC 2.100.040, a code interpretation that does not relate to a permit application or a code enforcement action is final when the Director of the Department of Permitting and Environmental Review issues the code interpretation.



John Starbard

Director

Permitting and Environmental Review

Date

