



Land Use Application

Check all permits you are applying for in the boxes provided. Submit this application form, the applicable materials listed in the corresponding permit application packet(s) and application fee payment.

<input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Binding Site Plan <input type="checkbox"/> Clearing Permit <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Critical Area Permit <input type="checkbox"/> Minor Critical Area Permit <input type="checkbox"/> Design Review <input type="checkbox"/> Grading Permit <input type="checkbox"/> Home Occupation <input type="checkbox"/> Institutional <input type="checkbox"/> Interpretation <input type="checkbox"/> Landmark – Historic Certificate of Alteration <input type="checkbox"/> Legal Lot Determination <input type="checkbox"/> Nonconforming Use Certificate	<input type="checkbox"/> Parking Adjustment Application <input type="checkbox"/> Planned Development <input type="checkbox"/> Rezone <input type="checkbox"/> SEPA <input type="checkbox"/> Shoreline Permit <input type="checkbox"/> Shoreline Exemption <input type="checkbox"/> Short Term Rental <input checked="" type="checkbox"/> Subdivision-Short Plat/Lot Line <input type="checkbox"/> Adjustment <input type="checkbox"/> Subdivision-Preliminary Plat <input type="checkbox"/> Subdivision-Final Plat <input type="checkbox"/> Variance <input type="checkbox"/> Wireless Communication <input type="checkbox"/> Zoning Compliance Letter <input type="checkbox"/> Other: _____	Office Use Only Date Rcvd: _____ Case #: _____ Process Type: _____ Neighborhood: _____ Area Number: _____ Zone: _____ Pre-App. Meeting: _____ Concurrency: _____
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Project Information

Project Address 530 38th St Bellingham, WA Zip Code 98229
 Tax Assessor Parcel Number (s) 370 306 487 445 0000
 Project Description Plat Alteration-2 lot short plat with a variance to BMC 23.08.060 for alley construction.

Applicant / Agent Primary Contact for Applicant

Name Trent Slusher-PRIMARY CONTACT/APPLICANT
 Mailing Address 512 40th St.
 City Bellingham State WA Zip Code 98229
 Phone 360-296-1089 Email trent@slusherhomes.com

Owner (s) Applicant Primary Contact for Applicant

Name Trent Slusher-PRIMARY CONTACT/APPLICANT
 Mailing Address 512 40th St.
 City Bellingham State WA Zip Code 98229
 Phone 360-296-1089 Email trent@slusherhomes.com

Property Owner(s)

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or inspection process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent , Date 3/01/2023
 City and State where this application is signed: Bellingham, WA
 City State



Permit Center

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382

Email: permits@cob.org Web: www.cob.org/permits

SHORT SUBDIVISION APPLICATION (Process Type II, III-A or III-B)

This application is for all short subdivisions and short cluster subdivisions that require a Type II or III-A process as stipulated in BMC 21.10.040(C), (D) and (E) including the following by process type:

Type II:

1. 5-9 lot short subdivision that does not include use of the cluster provisions;
2. Short cluster subdivision consisting of up to 4 lots not utilizing a density bonus; (Director may require Process Type III-A); and
3. Type I short subdivision application requiring a SEPA checklist.

Type III-A:

1. Short subdivision utilizing the rounding provision pursuant to BMC 23.08.040(D)(2) and not requiring a Type III-B process.

Pre-Application Steps:

- Pre-Application conference or waiver when critical areas permit is required. Identify permit number: PRE 2023-0021
- Transportation concurrency certificate, if applicable. Identify permit number: CON _____

Application Requirements:

- A completed Land Use Application form.
- A completed Short Subdivision Application form, including all information required by this form.
- A completed Legal Lot Application form, unless specifically waived.
- Written response to the performance criteria pursuant to BMC 23.08.030.
- Written response to the decision criteria pursuant to BMC 23.12.030.
- Written response to criteria that is applicable to the proposal specifically for the rounding provision and/or use of cluster provision.
- A completed Departure application form, if a departure and/or variance is requested.
- SEPA Checklist, if applicable.
- Application fee payment(s).
- Mailing list and labels as described in the attached mailing list instructions.

Project Data:

1. Name of Short Subdivision Alteration to Lot 2 of Luna Short Plat

2. Number of Lots 2

3. Description of proposal and intended use of the proposed lots:

The proposal is for a 2-lot short plat of the property located at 530 38th St.

The additional lot conforms to the current minimum lot size of the Samish Neighborhood

with the purpose and intent of the residential single use type

4. Developer information, if different than owner or applicant:

Name: _____

Address: _____

Phone number: _____

Email: _____

5. Civil Engineer information:

Name: _____

Address: _____

Phone number: _____

Email: _____

6. Surveyor information:

Name: Jepson & Associates

Address: 222 Grand Ave, Suite C

Phone number: 360-733-5760

Email: CMJEPSON@JEPSONENGINEERING.COM

Submittal Requirements:

All submittal requirements required by this application shall be prepared and submitted in electronic format as a .pdf document that conforms to the provisions of Title 23 BMC, unless otherwise determined by the city. The Short Subdivision Application form shall include the following:

- The application submittal materials required by this form.
 - A vicinity map that clearly identifies the proposal in relation to the surrounding land for a distance of at least a quarter of a mile and additional area, as necessary, to show connecting streets or arterials.
 - The names of all property owners adjacent to the proposed preliminary plat.

- A short plat map that includes the following:
 - Scale between 1" = 10' and 1" = 20'.
 - Proposed lots that are identified and labeled as Lot 1, Lot 2, etc.
 - Proposed area of each lot.
 - Existing and proposed public rights of way, state highways and public open space tracts, trails and parks pursuant to BMC 23.08.030(E), (F) and (G).
 - Existing and proposed utility easements that affect the land proposed for division.
 - Critical areas on and affecting the site, including buffers and building setbacks.
 - Existing structures on-site and their distances to proposed and existing property lines.
 - Location and dimensions of existing on-site parking areas.
 - Topography at 5-foot intervals.

- A preliminary clearing and grading plan pursuant to BMC 23.08.030(C) and (D) that shows retention of natural features and existing and proposed grades of lots and public rights of way.

- Preliminary stormwater management report consistent with Chapter 15.42 BMC for proposals that will generate 5,000 square feet of new or replaced impervious surfaces.

- Legal description of the area being subdivided.

- All other applications determined necessary to process the proposed preliminary plat consistent with the Bellingham Municipal Code.

- Additional material as determined by the city to review the proposal consistent with the Bellingham Municipal Code.



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Name _____

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Signature by Owner/Applicant/Agent Trent Slusher, Date 3/01/2023

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VARIANCE PROCEDURE - ZONING

(PROCESS TYPE III-A)

(PLEASE PRINT CLEARLY OR TYPE IN BLUE OR BLACK INK)

Application Requirements:

- A completed Land Use Application form
- All of the materials and information required by this form
- SEPA Checklist, if applicable
- Application fee payment
- Transportation concurrency certificate, if applicable
- Mailing list and labels for 500 foot radius

Project Data:

1. Nature of Request _____
See "Land Use Variance Application Appendices"

2. Can the subject property be reasonably used under the existing regulations of the Land Use Ordinance? Explain: _____
See "Land Use Variance Application Appendices"

3. What impact will the proposed variance have upon the physical environment of the area?

4. Check one High Moderate Minimal Explain: _____
See "Land Use Variance Application Appendices"

5. What impact will your proposed variance have upon the character and quality of the neighborhood, aesthetic considerations, views, etc?
Check one High Moderate Minimal Explain: _____
See "Land Use Variance Application Appendices"

APPLICANT JUSTIFICATION

20.18.010 - General Provisions

- A.** A variance is a modification of the terms of this ordinance. The Hearing Examiner may grant a variance only if the applicant proves to the Hearing Examiner's satisfaction that because of the unusual shape, exceptional topographic conditions, or other extraordinary situation or condition in connection with a specific piece of property the literal enforcement of the ordinance would involve practical difficulties and cause undue hardship unnecessary to carry out the spirit and intent of this ordinance.
- B.** An application for a variance may be submitted for modification of any term or requirement of this ordinance except for the following:
- (1) To allow a use not generally permitted (either as a principal or conditional use) in the general use type in which the subject property is located, or
 - (2) To authorize a permitted use upon less site area than what is specified as the minimum site area.
 - (3) Sign code modifications, except that holders of billboard relocation permits may apply for variances to performance standards for height, setback, and spacing (as below). Variances to the Billboard Overlay Zone designations, Bellingham Municipal Code 20.08.020, Figure 15 shall not be granted. No variances to billboard face size, number of billboard faces, or number of billboard structures shall be granted. Variances from minimum spacing requirements shall not exceed 10% of the minimum spacing requirement.
 - (4) Definitions of this code.

20.18.020 - Variance Criteria

- A.** Variances can be granted by the Hearing Examiner if the applicant proves to the Hearing Examiner that the following criteria are satisfied:
- (1) Because of special circumstances, not the result of the owner's action, applicable to the subject property, (including size, shape, topography, location, or surroundings) the strict application of the provisions of this ordinance is found to deprive the property of rights and privileges enjoyed by other property in the area and under the identical land use classification; and
 - (2) That the granting of the variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and subarea in which the subject property is located.
 - (3) That the subject property cannot be reasonably used under the regulations as written.

THE BURDEN OF PROOF FOR THE VARIANCE SHALL BE THE SOLE RESPONSIBILITY OF THE APPLICANT.

State the facts relating to the subject property in a clear and precise manner.

1. Explain what exceptional or extraordinary circumstances or conditions exist in connection with the subject property (including size, shape, topography, location, or surroundings) which would cause undue hardship or involve practical difficulties if the Land Use Ordinance is strictly enforced. The plight of the applicant must be unique and not be the result of the applicant's own action.

See "Land Use Variance Application Appendices"

2. Explain why the strict application of the Land Use Ordinance would deprive you of privileges possessed by owners of other property in the same land use designation and vicinity.

See "Land Use Variance Application Appendices"

3. Explain why the granting of said variance will not be materially detrimental to the public welfare or injurious to the property or improvements of the vicinity or land use designation in which the subject property is located.

See "Land Use Variance Application Appendices"

PLANS REQUIRED

Submit three (3) sets of scaled plans and one 8 1/2 x 11 reduction illustrating the following:

1. A standard scaled site plan showing:
 - a. Subject site property lines.
 - b. All existing and proposed buildings.
 - c. Adjoining streets.
 - d. Parking facilities and access: Label proposed and existing, show surfacing, drainage and parking stall dimensions.
 - e. Show any physical features of consequences (creeks, wetlands, topography or grade changes, significant trees or vegetation, etc.)
2. Scaled building plans, if applicable to request, showing:
 - a. A side view(s) (elevation) of the building.
 - b. Floor plans.
3. Any plans, drawings, or photos that help illustrate the variance.

Depending on the nature of the project, additional plans may be required.

NOTE:

1. Staff will schedule applications on the Hearing Examiner's agenda, allowing sufficient time for staff review and legal notifications. This time will vary, but the minimum amount of time required is four (4) weeks prior to the hearing/meeting date.
2. Under no circumstances should the applicant discuss the application with the Hearing Examiner prior to the public hearing.
3. The applicant or an authorized representative must be present at the public hearing.