



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 checked="" 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"/> Subdivision-Short Plat/Lot Line Adjustment <input type="checkbox"/> Subdivision-Preliminary Plat <input type="checkbox"/> Subdivision-Final Plat <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Wireless Communication <input type="checkbox"/> Zoning Compliance Letter <input type="checkbox"/> Other: _____	Office Use Only Date Rcvd: <u>5.25.23</u> Case #: <u>CAP2023-0021 / VAR2023-0009</u> Process Type: <u>TYPE I & TYPE III-A</u> Neighborhood: <u>SAMISH</u> Area Number: <u>5</u> Zone: <u>R-5</u> Pre-App. Meeting: <u>NA</u> Concurrency: <u>NA</u>
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Project Information

Project Address 4205 Padden Hills Ct Zip Code 98229
 Tax Assessor Parcel Number (s) 3703080823620000
 Project Description New house

Applicant / Agent

Primary Contact for Applicant

Name Jane Dieveney-Hinkle
 Mailing Address 4209 Padden Hills Ct
 City Bellingham State Wa Zip Code 98229
 Phone 360-739-2830 Email jdievhink@msn.com

Owner (s)

Applicant Primary Contact for Applicant

Name Jane Dieveney-Hinkle
 Mailing Address 4209 Padden Hills Ct
 City Bellingham State Wa Zip Code 98229
 Phone 360-~~739-2830~~ 739-2830 Email jdievhink@msn.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 Jane Dieveney-Hinkle Date 2/2/23
 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

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 Variance for a 10 foot Front yard set back versus 20 feet.

2. Can the subject property be reasonably used under the existing regulations of the Land Use Ordinance? Explain: Not without a variance to the set back, because of a ~~city~~ city wetland abutting the back property line.

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

4. Check one High Moderate Minimal Explain: The 10 foot set back sets my house behind that of the neighbor's house to the west.

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: _____

None of my neighbor's views will be impacted by the proposed set back. The home across the street from me was constructed in ^{about} 1997. They have encroached the 20' set back by roughly 10 feet. They are directly across the street from my lot.

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.

Northwest Ecological Services was hired to do a critical area study. The buffer from Wetland A forces the house towards the front property line in order to maintain a reasonable buffer.

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.

I have reduced the footprint of my proposed home to mitigate encroachment of the wetlands. Northwest Ecological Services recommends moving the home 10 feet forward to add 10 feet to the buffer.

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.

The proposed home is still in line with the other homes down the street. It is setbackⁱⁿ comparison to the neighbor on the west. The home across the street is encroaching on the 20 foot setback by roughly 10 feet.

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.



Address Information Verification

I / We Jane Dieveney-Hinkle, being duly sworn on oath, hereby certify that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, that the foregoing statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief, and that the list of names and addresses of property owners within 500' of the subject is complete and correct according to the records of the Whatcom Assessor's Office as of May 9, 2023. I understand that if this list does not contain accurate information as listed in the Assessor's Office, this application may be successfully challenged and result in the necessity to reapply.

Signature: Jane Dieveney-Hinkle
 Date: 5/9/2023
 Signature: _____
 Date: _____

STATE OF WASHINGTON)
) SS
 COUNTY OF WHATCOM)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF May, 2023.



Emilia M Lopez
 Signature of Notary Public:

Emilia M. Lopez
 Name Printed

10/15/2026
 My appointment expires

