

## **VAR2024-0009: LIST OF EXHIBITS**

Exhibit 1: Public Works Memorandum dated January 14, 2025, with the following attachments:

Attachment A – Variance Application

Attachment B – HE-21-PL-016 Findings, Conclusions and Decision dated 9/6/22

Attachment C – HE-21-PL-016 Ruling on Appellants’ Request for Reconsideration dated 9/26/22

Exhibit 2: Notice of Public Hearing and Mailing List

Exhibit 3: Email from Applicant dated 1/13/24 with legal description of lot

Exhibit 4: Public Comment:

A. Email from McKenzie Funk dated 1/14/25



**City of Bellingham**  
Public Works Department

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## MEMORANDUM

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**To:** HEARING EXAMINER  
**From:** Brent Baldwin, Development Manager  
**Subject:** 1109 18<sup>TH</sup> STREET VARIANCE  
**Date:** January 9, 2025

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Public Works submits this memorandum in support of applicant Scott Wicklund's request for a street variance benefitting his property at 1109 18<sup>th</sup> Street, Bellingham.

### **Background**

The subject property is known as 1109 18<sup>th</sup> Street, despite the street not being developed. Unimproved 18<sup>th</sup> Street is located between Knox Avenue to the north and Mill Avenue to the south. Unimproved 18<sup>th</sup> Street slopes steeply down from Knox Avenue to the subject property, levels off slightly, and then continues to slope down steeply to Mill Avenue.

An existing single-family home is located on the subject property, constructed in 1889. The subject property does not abut upon a developed street or alley. The neighboring property (at 1112 18<sup>th</sup> Street) accesses Knox Avenue via a driveway constructed within unimproved 18<sup>th</sup> Street. Applicant is seeking to extend this driveway to the subject property to establish access to Knox Avenue. To accomplish this, applicant must obtain a variance from the City's minimum street construction standards, which establish minimum widths, etc.

The existing driveway was constructed in or around 2021 pursuant to a 1993 street variance granted by the Bellingham City Council, allowing a driveway to be built rather than a minimum standard street due to the steep topography in this area. The approved driveway is relatively narrow compared to a minimum standard street and is able to traverse the right of way in an "S" curve fashion thus reducing its slope.

Neighboring property owners appealed the 2021 driveway permit to the Hearing Examiner, arguing, among other things, that the 1993 variance had expired. The appeal was denied. See HE-21-PL-016, *Findings, Conclusions, and Decision*. The decision is noted here because it provides additional background on the steep topography and critical areas issues within unimproved 18<sup>th</sup> Street which may assist the Hearing Examiner in her consideration of the instant variance request.

Another noteworthy aspect of the 2021 appeal is that appellants asked the Hearing Examiner

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to specify that the driveway could be used only by 1112 18<sup>th</sup> Street. The Hearing Examiner denied the request, ruling as follows:

The variance approval as issued and upheld in the instant appeal is already limited to the subject property (1112 18<sup>th</sup> Street). Any other parcel that desires to obtain vehicular access by the same route as the driveway would need its own relief – in the form of a variance – from the current City Code requirement to abut a minimum standard street.

See HE 21-PL-016, Ruling on Request for Reconsideration.

That brings us back to the instant variance request.

### **Variance Request**

Applicant Scott Wicklund is seeking a variance from minimum street standards so that he may establish access to the subject property by extending the existing driveway within unimproved 18<sup>th</sup> Street in lieu of constructing a minimum standard street.

Applicant cites the same steep terrain and critical areas issues that warranted the 1993 variance granted to the neighboring parcel.

Applicant is not currently seeking to develop the subject property, other than to establish driveway access.

### **Staff Analysis**

The City's minimum street standards are contained in Bellingham Municipal Code Chapter 13.04. All roadway improvements must meet these minimum standards unless a variance is obtained pursuant to BMC 13.04.110, which provides as follows:

A variance from any of the standards specified by this chapter may be granted by the hearing examiner. Such variance may be granted when practical difficulties arise in the design and construction of streets due to topography, geological limitations, and other problems inherent or peculiar to the area upon the recommendation from the city staff and when in the best interest of the public welfare

The same topographic conditions that warranted the 1993 variance for 1112 18<sup>th</sup> Street warrant a variance for the subject property. The general slope of the unimproved 18<sup>th</sup> Street right of way is in excess of 22% grade. The City of Bellingham has a maximum allowable grade of 15% for street construction. Therefore, it does not appear that the 18<sup>th</sup> Street right of way could be constructed within acceptable standards.

Unimproved 18<sup>th</sup> Street currently has a driveway access constructed from Knox Avenue to the adjacent single-family residence located at 1112 18<sup>th</sup> Street. The driveway is approximately 10 feet wide and constructed from concrete. Applicant proposes to install a gravel spur off this existing driveway connecting to the subject property.

The existing driveway was constructed by the owner of 1112 18<sup>th</sup> Street. However, because it is located within the public right of way, it is open to the public, including the applicant. Otherwise, such "private" driveways, which occupy substantial portions of the right of way, would physically block other property owners from using the right of way to access their

properties. That would be inconsistent with the fundamental purpose of dedicated rights of way; namely, public transportation and ingress and egress to abutting properties.

**Recommendation**

Approve a variance authorizing applicant to establish access to the subject property by extending the existing driveway within unimproved 18<sup>th</sup> Street in lieu of constructing a minimum standard street.

**Attachments**

1. Variance Request Application
2. HE-21-PL-016, *Findings, Conclusions, and Decision*
3. HE 21-PL-016, Ruling on Request for Reconsideration