

**Bowker, Kristina J.**

---

**From:** McKenzie Funk <mf@mckenziefunk.com>  
**Sent:** Tuesday, January 14, 2025 4:58 PM  
**To:** Baldwin, Brent L.  
**Cc:** Bowker, Kristina J.  
**Subject:** Re: Neighbor comment for VAR2024-0009

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Thanks for sending. I'll plan to attend the hearing, if only to answer any questions the hearing examiner may have for me.

On Tue, Jan 14, 2025, at 2:06 PM, Baldwin, Brent L. wrote:

Please see attached staff memo that was submitted to the hearing examiner for the variance hearing. The memo was completed and sent prior to receiving and reviewing your correspondence however the hearing examiner has been provided your email below with attachments for her consideration.

She will also be accepting testimony at the hearing if you wish to add to it.

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Brent Baldwin  
Development Manager  
Bellingham Public Works

**From:** McKenzie Funk <mf@mckenziefunk.com>  
**Sent:** Monday, January 13, 2025 4:51 PM  
**To:** Grp.PL.Planning Mail (planning@cob.org) <planning@cob.org>  
**Cc:** Baldwin, Brent L. <bbaldwin@cob.org>  
**Subject:** Neighbor comment for VAR2024-0009

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Planning & Community Development  
210 Lottie Street  
Bellingham, WA 98225

Office of the Hearing Examiner  
Sharon Rice, Hearing Examiner  
City Hall, 210 Lottie Street  
Bellingham, WA 98225

Via Email

RE: VAR2024-0009

1/13/25

Dear Public Works staff and Ms. Rice,

I'm Scott Wicklund's immediate neighbor to the west. To date, my property at 1112 18th Street is the sole permitted user of the existing driveway in the 18th Street right-of-way, which from 2021 to 2023 I built and paid for and argued for during an appeal in front of the Hearing Examiner—a process I'm sure we all remember a little too well. I'm also a former resident of the house for which Mr. Wicklund seeks a variance\*, 1109 18th Street.

I'm writing to oppose the proposed variance in its current form. The Public Works Variance Request Application, echoing language from Bellingham Ordinance 2002-10-69 and the amended city code, explains that the burden of proof for a variance rests with the applicant. He must specifically prove that "the granting of said variance will not be materially detrimental to the public welfare or injurious to the property or improvements of the vicinity."

As I'll explain below, the variance as proposed raises real safety issues and will materially harm the use and enjoyment of my property at 1112 18th Street. With his current plans, Mr. Wicklund has not met the burden of proof.

I've told Mr. Wicklund he will have my support for a variance if he takes seriously my family's concerns about driveway usability and safety—and addresses them in his proposed variance. I'd like to reiterate that here: I don't want to block his use and enjoyment of his property, just don't believe it should come at the cost of our own use and enjoyment, or at an undue cost to public welfare. Once Mr. Wicklund sufficiently mitigates these issues, he'll have my backing and partnership.

## **EXISTING DRIVEWAY**

The existing driveway is 10 feet wide and 226 feet long and reaches a maximum grade of 24.6 percent as it snakes downhill from Knox Avenue. As Public Works staff and the Hearing Examiner will recall, its design dates to 1993. (See attached plans\*\*.) The surface is brushed concrete, but when it is wet or frozen or covered in fall leaves, or when there are loose rocks, it can be slippery. There are no curbs or guardrails.

In a May 18, 2021 email (see attached), Bellingham Fire Marshall Ron Richard described some of the narrow, steep driveway's inherent challenges: "It does not appear that the driveway was designed or ever intended to handle imposed loads of a fire apparatus," he wrote. "In addition, the width falls below the 12-foot required width for a fire apparatus access road, some turn radii are too small, and the grades throughout exceed 15%. Finally, if we were to attempt to use it, backing out would be very challenging on such steep surfaces with any amount of ice or water present and no turnaround on the property.... Essentially, each element indicated in the 1993 driveway design is non-conforming."

The driveway has two blind corners: One at the top and one about 50 feet from the bottom. (See attached photos.) When you drop in from Knox Avenue, you see little more than

horizon until you're in the steeps. The same is true when you head up from 1112: You can't see what's driving down\*\*\*. At no point between the two blind corners is the grade less than 20 percent, and at no point between them is there a pullout such that an ascending vehicle could squeeze past one that is descending—or vice versa.

So if two cars come around the corners and find themselves nose-to-nose, one of them must back up. That's to say, one of the cars must drive backward up or down a very narrow, very steep, sometimes slippery driveway, then backward back around a sharp blind corner.

Isn't the existing driveway already dangerous with just 1112 18th using it? It can be: Last year, a visiting vehicle stalled out on the steeps and slid backward over the edge of the lower blind corner, requiring a tow-truck rescue.

But the specific problem of cars ending up nose-to-nose is easily mitigated when the driveway is used by just one single-family home, as was its design. My wife and I often called each other before embarking up or down the driveway, just to be certain we wouldn't accidentally meet in the middle. We have also used the FindMy feature on our phones for the same purpose.

Our house is presently occupied by tenants, a young couple, and last month I witnessed them using the same system: Before descending, one called the other to make sure the driveway was clear. Like us, they are just two drivers in two cars, so they can make it work.

Would this problem be materially, significantly worse if more vehicles from more homes were using the driveway without any changes to its design? It would be. It's unreasonable to believe that multiple households could coordinate their arrivals and departures in the same way a single household does—and especially unreasonable, frankly, to believe it possible in this particular case: Mr. Wicklund has already proven reluctant to coordinate with us about the driveway at all.

### **EXTENDING THE DRIVEWAY TO 1109**

Last July, without any advance word to me or other affected neighbors, Mr. Wicklund began dumping truckloads of gravel in the 18th Street right-of-way and in an adjacent flat area on his property at 1109 18th Street. (He reached the site from below, where he owns other properties along 19th Street.) Alerted by a neighbor, I called Mr. Wicklund. He didn't pick up or reply to my voicemail. I then texted him. He didn't respond to the text.

When I saw Mr. Wicklund at the property later that day, he didn't admit, at first, that he was trying to build a permanent spur to 1109 from our existing driveway. Only when pressed, when I asked if what he was building would be regularly used to access 1109 from Knox, did he say: "Probably."

It turned out the project was being carried out without any permits, and Public Works soon posted a stop-work order. Mr. Wicklund continued periodic construction for another six weeks, however, until a second stop-work order went up. The disturbed area in the right-of-way and at 1109, new gravel where there was formerly grass and other vegetation, now spans well over a thousand square feet.

In September, I ran into Mr. Wicklund as he was shoveling gravel and said that if we were to potentially be sharing a driveway, we should talk through the safety and usage issues. He was dismissive of the idea of there being such issues. Since then, I have suggested multiple times that he and I talk in person or by phone about this, and he has declined to do so.

But since October, when it became clear there would need to be a variance hearing, Mr. Wicklund has periodically engaged with me via email, which I appreciate. He now seems to acknowledge my family's concerns about the blind corners and narrow steeps and increased traffic. He recently told me I should share these concerns with his consultant, Bruce Ayers, and I did so in a phone call last week.

Mr. Ayers was cordial and seemingly happy to hear me out. I outlined for him some design ideas we've had that we believe could mitigate the 1109 spur's impact on driveway usability and safety, as I've also done for Mr. Wicklund. I also made clear we don't mean to be prescriptive about the fix(es): It's Mr. Wicklund who is going for the variance and it's him who has the right and responsibility to mitigate these harms.

In the phone call, Mr. Ayers echoed something Mr. Wicklund had also told me via email: In their variance request, they don't want to propose certain safety and usability changes to the existing driveway because they don't want to trigger opposition from the uphill neighbors (Williamson at 1720 Knox and Lax/Burry at 1800 Knox), who previously, in 2021, appealed the existing driveway's construction. As Mr. Wicklund put it in an October 3, 2024 email: "Safety at the top has always been a big concern but very difficult without a buy in from the upper two households."

In essence, Mr. Wicklund and his consultant argue that it would be more expedient for them to propose a design that harms access to my property and poses safety risks than it would be to propose a safer and more usable design that could take more effort to achieve. I do not find this logic compelling, and I hope that Public Works and the Hearing Examiner will not, either.

## **DRIVEWAY USE BY OTHER WICKLUND PROPERTIES AND VEHICLES**

After his spur to the existing driveway is done, Mr. Wicklund intends to use this route for access to and from other properties he owns in addition to the subject property at 1109 18th Street. (See my marked-up CityIQ map, attached, for where they are sited.)

This only adds to my family's concerns. The more vehicles moving up and down the narrow driveway, the more harm to our property's existing access and the more chance two cars or trucks will end up nose-to-nose in a dangerous spot.

Today's variance request is for 1109 18th. So how do we know Mr. Wicklund plans to also use this route for his other properties? Because his insistence on it is why my family and I, who at the time of our last appearance before the Hearing Examiner resided at 1109 and were poised to purchase it, no longer live there. The background is something of a saga, and this is already a very long email. I'll try to keep it relatively brief.

In August 2021, my family moved to Bellingham from Oregon after reaching an agreement with Mr. Wicklund to purchase both 1109 and 1112 18th Street. We had settled on a combined price for the two and we had our lawyers draw up purchase-and-sale agreements for each. We were finalizing the two sales when the uphill neighbors filed a challenge to my construction of a driveway to (then-landlocked) 1112 based on that property's non-expiring 1993 variance. At that point, Mr. Wicklund and I mutually decided to carry out the 1112 purchase immediately but to complete the 1109 transaction after the driveway dispute was over.

Mr. Wicklund helped us move into 1109 when we arrived in town, using his truck to haul some of our belongings up from Mill Avenue via 19th Street and via his driveway at 1116 19th, which abuts 1109 18th. (The one-bedroom home at 1112 is presently too small for our family of 4; we planned to live at 1109 until we could one day expand at 1112.)

Starting in the fall of 2021, at my insistence because I worried the driveway dispute could drag on, we paid Mr. Wicklund a monthly rent. But he repeatedly told us we would live there as owners, and he told passersby the likes of, "Ask them, they're the owners." My family was responsible for all maintenance at 1109, which we had agreed we would buy "as is." We replaced boards on the decks, replaced the broken dishwasher (twice), replaced the broken garbage disposal, replaced the broken washer and dryer, called in and paid for maintenance on the finicky gas stove, and did much more indoors and out.

The driveway dispute ended in September 2022 after the uphill neighbors' appeal to the Hearing Examiner was denied. Construction of the driveway to 1112 18th Street began that fall and was substantially finished by early November 2022. (One concrete panel had to be repoured in the spring.)

Mr. Wicklund, who spends much of the winter in Mexico, was out of the country as the work wrapped up. Upon his return to Bellingham, he and I set out to complete the purchase and sale of 1109. There was some back and forth about financing: In 2021, he'd originally wanted to seller-finance the purchase; by 2023, interest rates had spiked and I hoped he would again be willing to seller-finance — but he said he was unable to. We sought external financing instead. By April 2023, it was in place, and we were moving forward.

On May 1, 2023 Mr. Wicklund sent me a text message about 1109: "Sold! Will include a topographical survey and minor easement to upper part of 1116." Mr. Wicklund came down with an illness soon thereafter but said I should have my lawyer update our 2021 purchase and sale agreement, which we did as he recovered.

I didn't know what Mr. Wicklund meant by "minor easement." It had never over the years been part of any of our discussions. It was not included in the purchase and sale agreement my lawyer and his hammered out in 2021, which Mr. Wicklund had been eager to sign before the driveway dispute delayed us. I naively assumed he wanted to grant us an easement to the spot at upper 1116 where we sometimes parked a trailer.

Mr. Wicklund explained it in a May 23 email: "Feeling better... the fog left me unable to respond adequately but I need a twenty foot easement from the alley to 18th Street and an additional easement that would include access from the 1116-19th driveway."

He said he needed to secure his ability to drive up the existing driveway and 18th Street right-of-way with his large 4WD truck, which he typically parks at his at 1116 19th Street property or at one of his other properties, which include two adjacent ones he also reaches via 19th Street: 1122 19th and 1115 18th. He finds it more convenient when hauling brush or other items to drive up to Knox Avenue than to turn the truck around and descend 19th Street to Mill Avenue.

Mr. Wicklund said he additionally wanted to secure access to the upper part of 1116 19th because he had hopes to split that lot and develop the new parcel. Instead of reaching the new parcel from 19th Street, it could be necessary, he said, to access it via the 18th Street right-of-way and via a driveway extension that would bisect the 1109 property from west to east. He hired the land surveyors Christie & Christie to prepare an easement. "This easement is very important for an alternative," he wrote.

Given our good relationship with Mr. Wicklund and many discussions over the previous 3 years about the purchase and sale of 1109, my family was surprised at this new condition. An easement had never been part of our agreement, and we did not believe it now should be. We asked Mr. Wicklund to reconsider. We suggested various alternatives for upper 1116 in the weeks and months to follow. But he was dead set on being able to use the 18th Street right-of-way and our newly built driveway for his other properties. He wouldn't budge.

In an email to me on August 4, 2023, Mr. Wicklund formally closed the door on the purchase: "There will be no further discussion of 1109... It's time to move on." He followed up with more the next day: "I will resume stewardship of 1109 and work to integrate it with the other property." My family ended our tenancy at 1109 18th Street on August 31.

The upshot of the above saga is this: Mr. Wicklund was so committed to having his other properties be able to use the 18th Street right-of-way that he shut down his deal with us and retained ownership of 1109 18th Street. He can now, of course, give himself an easement at any time.

## **DISCUSSION AND A REQUEST FOR CONDITIONS**

It's not in anyone's interest to require the development of 18th Street to full street standard. But it's also not in anyone's interest — including Mr. Wicklund's — to rush a design that materially adds risk and usability problems to the existing driveway. I ask that Public Works recommend against the proposed variance in its current form, and I ask that the Hearing Examiner either deny the variance or condition its approval on a design that mitigates the risks I've described.

The problems posed by adding traffic from 1109 alone are reason enough to impose such conditions on the variance. Mr. Wicklund's plan to extend the access to his other properties only heightens the stakes.

Mr. Ayers and Mr. Wicklund may argue that the issue of other properties using the 1109 spur to reach Knox is speculative and not ripe.

But Mr. Wicklund's desire to use this route for truck traffic up from his other properties is not a matter of speculation: He has, multiple times, put it in writing. Mr. Wicklund's willingness to build and try to use driveways without securing the necessary variances or permits is also not, unfortunately, a matter of speculation; he has just done so at 1109.

If Mr. Wicklund is allowed a variance for 1109 to use the existing driveway without any attempt to mitigate the harms to safety and usability, this also sets a precedent for any future actions he may take to extend the spur. There is every reason to address the issues in this proceeding.

Finally, I would also ask Public Works and Hearing Examiner to consider the phrase "integrate it with the other property" from Mr. Wicklund's August 5, 2023 email. His other holdings on the hillside all have access from 19th Street. As has been well established in previous proceedings before the Hearing Examiner, his 1116 19th property has a driveway that ends at the edge of 1109 18th Street. See, for instance, VAR2019-000. In a variance application dated 1/23/18, our downhill neighbor Sean Crosby wrote: "Parcel 3702013781580000 (1109 18TH ST) is owned by Scott Wicklund. Wicklund also owns parcel 3702013901580000 (1116 19TH ST). Because these two parcels abut one another (they are technically separated by an undeveloped alley), Wicklund accesses his property at 1109 18th St. from the 1116 19th St. property (which is accessed via 19th St.)"

To be clear, 1109 18th Street does not have developed access beyond the end of the 1116 driveway. As a former resident, I can confirm that it's dirt and grass thereafter. The point is, Mr. Wicklund could choose to try to develop access from that direction. For reasons of his own convenience and preferences, he chooses to propose a variance down the 18th Street right-of-way instead. This way, the impacts of his chosen route are felt more heavily by his neighbor than by him.

I do not question Mr. Wicklund's right to seek an 18th Street variance and, as I've said, would not oppose such a variance if safety and usability issues are addressed. But the impacts of his current plan are disproportionate and ultimately unnecessary, given that a more thought-out plan could substantially address the issues.

Because the 1993 variance did not expire, the design of the existing driveway down the right-of-way was, for better and for worse, baked in. But it's now 2025, and Mr. Wicklund's new proposed variance is an opportunity to make this route safe — perhaps even safer — for all. Let's take it.

Sincerely,

McKenzie Funk

\*The public notice for the January 22 hearing contains a mistake. The subject property for this variance request is 1109 18th Street (rather than 1115) and is legally described as LOT 30-EXC S 5 FT THEREOF-LOTS 31 THRU 33 BLK 89 FAIRHAVEN LAND CO'S FIRST ADD TO FAIRHAVEN-TOG WI VAC E 10 FT 18TH ST ABTG AS VAC ORD 6817 AKA LOT A WICKLUND LLA AS REC AF 2021-0404152

\*\*In addition to the attached photos and other documents, I have copies of all emails and text messages quoted here. I'd like the Hearing Examiner's guidance before submitting the full documents for the record, as some also contain personal information — both Mr. Wicklund's and that of my family.

\*\*\*It should be noted that the view of the existing driveway from 1109 is better than from 1112; vehicles ascending the proposed spur from 1109 would likely see incoming traffic.

**Attachments:**

- 1109 18th street variance PW memo\_final.docx





THIS MAP IS NOT TO BE USED FOR NAVIGATION

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**Legend**

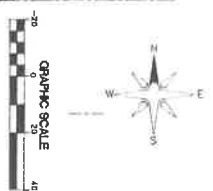
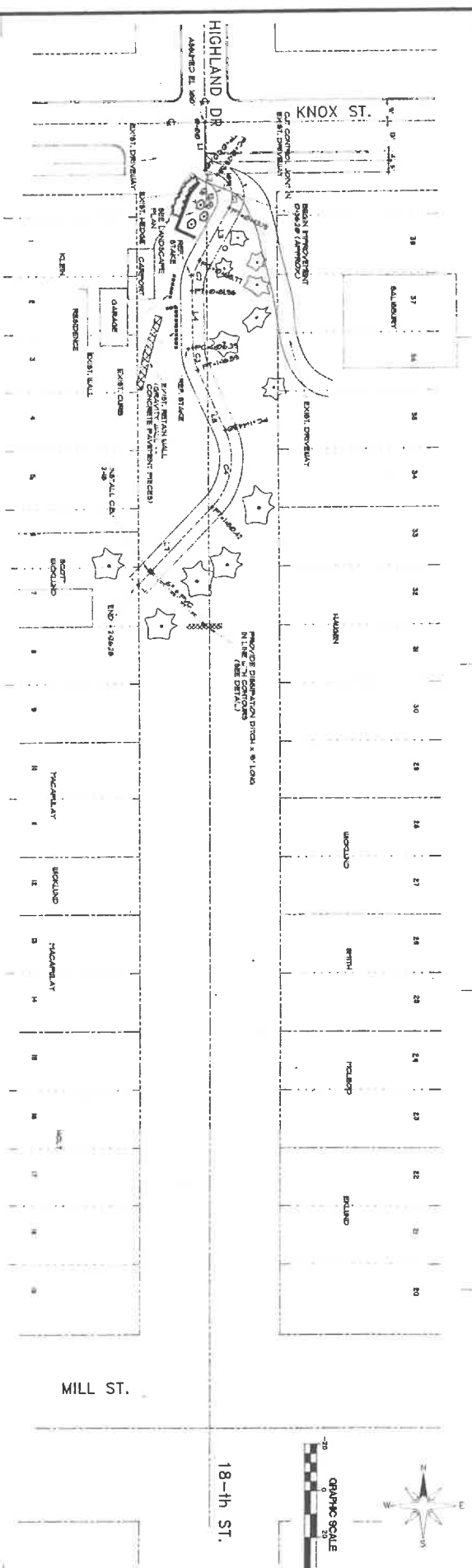
- Buildings
- Docks
- Washington Roads Labels
- Bellingham Streets Detail View
- County Roads Detail
- Tax Parcels
- Care Facility
- Hospital
- Schools
- <all other values>
- Schools
- Colleges/Universities
- Elementary, Middle, High Schools
- Private School or Preschool
- Fire Stations
- City Boundary
- Urban Growth Area
- Trails
- Railroads
- Ferries
- Street
- Interstate
- Airport
- Open Channel Streams
- Parks

**Notes**

Printed 9/30/2021 12:46:37 PM  
Annotations showing driveways and proposed driveways are approximate







PLAN VIEW  
SCALE: 1" = 12'

### ROAD CENTERLINE & CURVE TABLES

Line	Length	Bearing
L1	5.58'	S 88° 41' 57" E
L2	5.58'	S 88° 41' 57" E
L3	25.58'	S 88° 41' 57" W
L4	24.43'	S 89° 31' 49" E
L5	28.82'	S 21° 53' 37" E
L6	43.88'	S 44° 43' 31" W

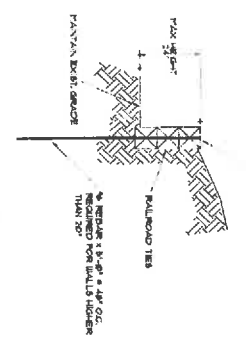
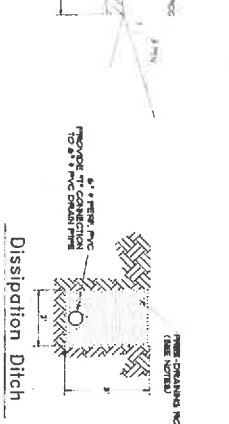
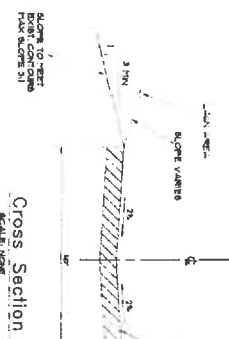
Curve	Delta	Radius	Length	Tangent
C1	98° 17' 39"	100'	17.21'	11.67'
C2	28° 20' 42"	210'	10.17'	6.71'
C3	67° 48' 59"	300'	18.53'	12.17'

TOTAL CURVE = 224'-28"

### PLANT LEGEND

Symbol	Description
[Star]	EXISTING TREES
[Circle]	PROPOSED TREES
[Square]	PROPOSED SHRUBS
[Triangle]	PROPOSED PLANTINGS
[Diamond]	PROPOSED PLANTINGS
[Hexagon]	PROPOSED PLANTINGS
[Octagon]	PROPOSED PLANTINGS
[Circle with dot]	PROPOSED PLANTINGS
[Square with dot]	PROPOSED PLANTINGS
[Triangle with dot]	PROPOSED PLANTINGS
[Diamond with dot]	PROPOSED PLANTINGS
[Hexagon with dot]	PROPOSED PLANTINGS
[Octagon with dot]	PROPOSED PLANTINGS
[Circle with cross]	PROPOSED PLANTINGS
[Square with cross]	PROPOSED PLANTINGS
[Triangle with cross]	PROPOSED PLANTINGS
[Diamond with cross]	PROPOSED PLANTINGS
[Hexagon with cross]	PROPOSED PLANTINGS
[Octagon with cross]	PROPOSED PLANTINGS

LANDSCAPE PLAN  
SCALE: 1" = 4'

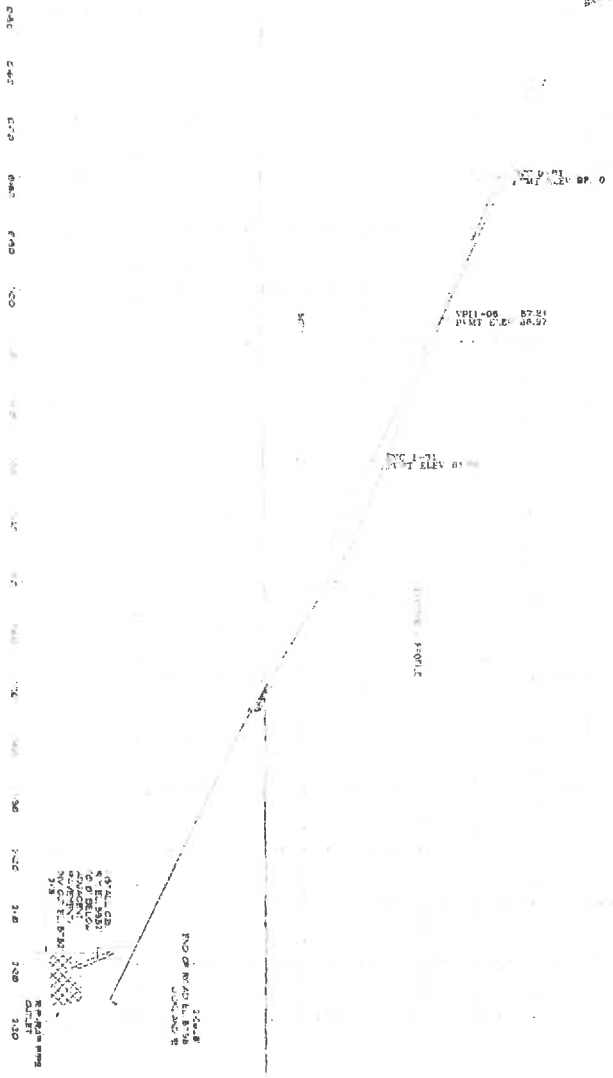


Scott Wicklund  
DRIVEWAY & DRAINAGE PLAN  
1115 18th St.  
NOV 17 2017

ERIC DIBBLE & ASSOC.  
CONSULTING ENGINEERS  
1011 W. 14th St.  
BILLY, WA 98225

PROPOSED DRIVE WAY  
CENTER LINE PROFILE

1/2" = 100' VERT  
1" = 100' HORIZ



- GENERAL NOTES
1. All work shall be in accordance with the 1991 Standard Specifications for Road and Bridge Construction and the Standard Specifications for Highway Construction and the Standard Specifications for Highway Construction and the Standard Specifications for Highway Construction.
  2. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
  3. The contractor shall be responsible for maintaining access to all existing utilities and structures during the construction process.
  4. The contractor shall be responsible for providing adequate drainage and erosion control measures throughout the project.
  5. The contractor shall be responsible for providing adequate lighting and safety measures during the construction process.
  6. The contractor shall be responsible for providing adequate signage and traffic control measures during the construction process.
  7. The contractor shall be responsible for providing adequate safety measures for all workers and the public during the construction process.
  8. The contractor shall be responsible for providing adequate safety measures for all workers and the public during the construction process.
  9. The contractor shall be responsible for providing adequate safety measures for all workers and the public during the construction process.
  10. The contractor shall be responsible for providing adequate safety measures for all workers and the public during the construction process.

- STREET AND STORM DRAIN SPECIFICATIONS
1. Street gutter profile shall be in accordance with the 1991 Standard Specifications for Road and Bridge Construction and the Standard Specifications for Highway Construction and the Standard Specifications for Highway Construction.
  2. All gutters shall be installed in accordance with the 1991 Standard Specifications for Road and Bridge Construction and the Standard Specifications for Highway Construction and the Standard Specifications for Highway Construction.
  3. Contractor shall provide adequate drainage and erosion control measures throughout the project.
  4. Contractor shall provide adequate lighting and safety measures during the construction process.
  5. Contractor shall provide adequate signage and traffic control measures during the construction process.
  6. Contractor shall provide adequate safety measures for all workers and the public during the construction process.
  7. Contractor shall provide adequate safety measures for all workers and the public during the construction process.
  8. Contractor shall provide adequate safety measures for all workers and the public during the construction process.
  9. Contractor shall provide adequate safety measures for all workers and the public during the construction process.
  10. Contractor shall provide adequate safety measures for all workers and the public during the construction process.

Scott McMillin  
1000 W. 10th Street  
Des Moines, IA 50319  
515.281.1100  
www.scottmcmillin.com



Riley Marcus &lt;riley@avtplanning.com&gt;

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**Fwd: driveway for 1112 18th Street**

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Ali Taysi <ali@avtplanning.com>  
To: Riley Marcus <riley@avtplanning.com>

Wed, Aug 4, 2021 at 11:50 AM

Here is the approval email from Ron at Fire. He says no fire permit needed. I would screen shot this email and include it as a pdf with our application.

Ali

----- Forwarded message -----

From: **Richard, Ron C.** <rRichard@cob.org>  
Date: Tue, May 18, 2021 at 4:38 PM  
Subject: RE: driveway for 1112 18th Street  
To: McKenzie Funk <mf@mckenziefunk.com>, Baldwin, Brent L. <bbaldwin@cob.org>  
Cc: Jenny Woo <jennifermwoo@gmail.com>, Scott Wicklund <splashoil@gmail.com>, Ali Taysi <ali@avtplanning.com>, Richard, Ron C. <rRichard@cob.org>

McKenzie,

Thank you for the email and for sending the driveway design PDFs. I first became aware of the non-expiring, 1993 variance when Mr. Wicklund reached out to discuss installation of the new fire hydrant a month or so ago.

As I look at the approved engineering specifications, it does not appear that the driveway was designed or ever intended to handle imposed loads of a fire apparatus (in fact, I do not see any mention of Fire review/approval/consultation mentioned in the variance commentary). Typically, when engineered to meet the 75,000 lbs of imposed loading, I see a 10" gravel base with required 95% compaction on the cross-section. In addition, the width falls below the 12-foot required width for a fire apparatus access road, some turn radii are too small, and the grades throughout exceed 15%. Finally, if we were to attempt to use it, backing out would be very challenging on such steep surfaces with any amount of ice or water present and no turnaround on the property.

Essentially, each element indicated in the 1993 driveway design is non-conforming as a fire apparatus access road. Given this, I cannot support considering it as a fire apparatus access. Fire department access to 1112 18<sup>th</sup> Street will remain as it is today: parking and staging on Knox Street. This in no way is meant to discourage you from providing your own access to the property. I think it makes a great deal of sense to follow through on the driveway approved in the variance.

Since the home is already in existence and was presumably approved without Fire access, you do not require Fire approval or a Fire permit to construct the approved driveway and will not require any permit from the fire department for your access to the existing home. However, I want to make sure you are aware that future remodeling, demolition/reconstruction, addition of an ADU, or subdivision of the property will likely require fire apparatus access mitigation or may result in the placement of limits on the amount of development (i.e. number of dwelling units, size of structure, etc) on the property. An important mitigation step, a much closer fire hydrant, has been recently been installed by the current owner. Other potential mitigation items may include sprinklering any newly-constructed/remodeled structures with an NFPA 13D sprinkler system and possibly the addition of steps leading down to the property.

Thanks,

*Ron Richard*

Fire Marshal / Division Chief – Life Safety Division

Bellingham Fire Department

(360) 778-8422

[r-richard@cob.org](mailto:r-richard@cob.org)

Due to COVID-19 and in compliance with City and Health Department guidance, the front counters that serve the public for the Fire Department and Permit Center are closed until further notice. Please utilize the Permit Center's online resources via <https://www.cob.org/services/permits>

*My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56*



## Bowker, Kristina J.

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**From:** Baldwin, Brent L.  
**Sent:** Wednesday, January 15, 2025 2:37 PM  
**To:** Bowker, Kristina J.  
**Subject:** Fw: 1109 18th Street Notice

Additional written comment for the hearing

Get [Outlook for iOS](#)

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**From:** Skip Williamson <skip@eatcarnal.com>  
**Sent:** Wednesday, January 15, 2025 1:23:40 PM  
**To:** Baldwin, Brent L. <bbaldwin@cob.org>  
**Subject:** Re: 1109 18th Street Notice

You don't often get email from skip@eatcarnal.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Hi Brent,

Appreciate the response.

The issue is and has been the entire time that the "owner" is Scott Wicklund who owns all the properties including the previous one and now this one. His plan the entire time has been to develop the whole area and have numerous addresses use the unsafe, wildly steep, terrible sight lines to the sidewalk/street "driveway" as the equivalent of a "street".

This was all laid out clearly to the city by me, my neighbors and our attorney during the city's approval of the unsafe driveway.

By the way, we all know the reality is by some goofy oversight, he did all this with a permit issued in 1996. There is no way that permit would be issued today. And now this is just pure abuse of that oversight.

As we stated in our lengthy appeal, we knew this was his master plan. The city assured us it was for one home. And now here we go a short time later adding more addresses.

It's super frustrating having fought with a ton of time and money to prevent even one home using a driveway dangerous to our children and neighbors who walk on the sidewalk having no idea when a vehicle is coming up the driveway and the fact the driver can't see the sidewalk until one day when it's too late.

Considering the city implicitly told us the driveway was for one address, adding another address should be a non-starter.

At some point we would appreciate if you could visit the site and see for yourself how unsafe it is. To add numerous cars going up and down daily is unacceptable from a safety perspective.

Skip

On Jan 15, 2025, at 10:39 AM, Baldwin, Brent L. <bbaldwin@cob.org> wrote:

Good morning Skip,

The variance request was made by the owner of the existing residence at 1109 18<sup>th</sup> to allow access to the residence via the existing driveway. The variance would be to waive the requirement to construct a city street in the 18<sup>th</sup> Street right of way. The previous variance for the other existing residence at 1112 18<sup>th</sup> Street was the same type of request.

I've attached a copy of the Staff memo provided to the Hearing Examiner for you with associated attachments. The hearing is scheduled for Wednesday, January 22 at 6:00. You can provide additional testimony at the hearing or email me written comments and I will make sure the Hearing Examiner receives the information.

The Hearing Examiner's office will also have the staff memo and other comments received to date on their website later today.

-----  
Brent Baldwin  
Development Manager  
Bellingham Public Works

**From:** Skip Williamson <skip@eatcarnal.com>  
**Sent:** Wednesday, January 15, 2025 9:56 AM  
**To:** Baldwin, Brent L. <bbaldwin@cob.org>  
**Subject:** 1109 18th Street Notice

[You don't often get email from [skip@eatcarnal.com](mailto:skip@eatcarnal.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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Brent,

Would like some clarity on the notice just posted at 1109 18th Street. Photo attached.

This is a dangerous "driveway" that was approved for single use home after a massive amount of contesting, legal fees and documentation by my myself and neighbors.

I can't imagine that now it's going to have further homes and or uses added to it when the approved use was for one home, but that seems like it might be the case.



Please advise at your earliest convenience

Skip Williamson  
1720 Knox Avenue  
323-493-1353

<image001.jpg>

<1109 18th street variance PW memo\_final.docx>

<application.pdf>

<Lax Burry Williamson Appeal - Recon Ruling.pdf>

<Lax-Burry-Williamson Appeal - Decision (full version).docx>

## Bowker, Kristina J.

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**From:** Baldwin, Brent L.  
**Sent:** Wednesday, January 22, 2025 1:55 PM  
**To:** Skip Williamson  
**Cc:** smpy; Bowker, Kristina J.  
**Subject:** RE: Contesting variance at 1109 18th Street

Thank you, I am ccing the Hearing Examiner's office on this response for inclusion into the record.

-----  
Brent Baldwin  
Development Manager  
Bellingham Public Works

**From:** Skip Williamson <skipwilliamson@icloud.com>  
**Sent:** Wednesday, January 22, 2025 12:49 PM  
**To:** Baldwin, Brent L. <bbaldwin@cob.org>  
**Cc:** smpy <alexissmpy@gmail.com>  
**Subject:** Contesting variance at 1109 18th Street

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**CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.**

Subject: Variance Request Objection - 1109 18th Street - Continued Safety Concerns

Attention: Brent Baldwin, Development Manager City of Bellingham Public Works Department

This letter serves as a formal objection to the variance request for the driveway at 1109 18th Street, specifically regarding the proposed addition of adjacent driveway connections serving other home sites. We previously invested considerable time and resources, including legal fees, contesting the construction of this very driveway. We explicitly outlined numerous safety concerns *and* voiced our belief that the applicant, Scott Wicklund, intended to use this driveway for multiple properties. These concerns were dismissed during the permitting process and subsequent hearing. Now, the property owner himself, Mackenzie Funk, has documented the very dangers we foresaw, as detailed in his submitted letter. It appears Mr. Wicklund is proceeding with his original plan for multi-property access, further validating our initial concerns. It is, frankly, unconscionable that, after dismissing our well-founded objections, the City would now consider a variance to *increase* the traffic burden on this demonstrably hazardous driveway.

Mr. Funk's letter describes the driveway as a 10-foot wide, 226-foot long access with a maximum 24.6% grade, two blind corners, and a slippery brushed concrete surface. He cites a previous incident where a vehicle slid backward off the driveway, requiring a tow truck. He explains how he and his

tenants currently coordinate usage to avoid collisions on the narrow, steep incline where passing is impossible. He asserts that adding more vehicles from multiple households would make this coordination impractical and dramatically increase the risk of accidents. Further, Mr. Funk expresses serious concern, mirroring our own, that Mr. Wicklund intends to use the driveway for access to *additional* properties beyond 1109 18th Street, further compounding the safety issues. Mr. Funk also details Mr. Wicklund's unwillingness to engage in meaningful discussions regarding these safety concerns and potential mitigations.

We strongly suggest that a representative from the Public Works Department conduct a site visit to 1109 18th Street to assess the current conditions and the potential impact of increased traffic. The existing dangers are readily apparent. As residents adjacent to this driveway, we witness daily the near-misses and precarious maneuvers required to navigate this steep and narrow access. Of particular concern is the safety of pedestrians and cyclists, including our two young sons who frequently skateboard and ride bikes on the sidewalk at the top of the driveway, completely hidden from drivers ascending the blind corner. The current situation is already an accident waiting to happen; increasing the traffic flow will only make it more likely that someone will be seriously injured.

Given the pre-existing safety issues, validated by Mr. Funk's own experience, and our previously stated concerns about Mr. Wicklund's intentions, approving this variance to increase traffic on this driveway would be a grave error in judgment. We urge you to prioritize public safety and deny this request.

Sincerely,

Skip and Alexis Williamson  
1720 Knox Ave  
Bellingham WA