



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

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"/> Subdivision-Short Plat/Lot Line 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-Ap. Meeting: _____ Concurrency: _____
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Project Information

Project Address _____ Zip Code _____

Tax Assessor Parcel Number (s) _____

Project Description _____

Applicant / Agent

Primary Contact for Applicant

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

Owner (s)

Applicant

Primary Contact for Applicant

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

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 J. Patrick Sutton, Date _____

City and State where this application is signed: _____, _____
City State



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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 _____

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

3. What impact will the proposed variance have upon the physical environment of the area?
4. Check one High Moderate Minimal Explain: _____

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: _____

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.

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.

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.

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.

The undersigned applicants (“the Suttons”) contend that the literal enforcement of § 20.10.037 (“STR ordinance”) involves practical difficulties and causes undue hardship unnecessary to carry out the spirit and intent of the STR ordinance. *See* § 20.18.010 (setting out standards for variance determination).

Background

The property at issue: 1017 Liberty Street

The Suttons, a family of five, bought 1017 Liberty Street in October 2017 as their planned permanent home and retirement home. This was a largely empty, rectangular 6970 sq. ft. lot fronting Liberty Street with an alley at the rear. On the site was a dilapidated, 700 sq. ft. rental dwelling set back against the alley.¹

It was a happy accident which opened up a largely empty lot in Sehome for sale. It had gotten posted for sale unintentionally, and the Suttons, having been on the lookout for several years for a suitable, in-town home, moved quickly to snap it up, recognizing its intrinsic land value for a home.

The Suttons originally intended to keep the small, original dwelling as an accessory structure which would be rented out for short terms when they themselves were not using it for visiting friends and family. And under the city ordinances in effect at that time, that was permissible. (The city began restricting such rentals in November 2018. *See* Ord. § 20.10.037). However, repairing the original dwelling and bringing it up to current building standards ultimately proved economically infeasible, and it was instead demolished as part of the approved site plan for 1017 Liberty Street. (The Suttons also planned for the accessory dwelling to accommodate a live-in caregiver in later years so that they can remain in their own home when their health declines.)

The Suttons began building the two new dwellings at 1017 Liberty Street in 2022 and completed work in 2023. They moved into the new main home in May 2023. The ADU was completed in November 2023.

The site was designed as a collection of related, small buildings with lots of natural light into each, and amidst these a central, landscaped courtyard for common use and enjoyment. As shown on the site plan,² the 6970 sq. ft. lot has a new, 2,112 sq. ft., 2-bedroom, single-family residence fronting Liberty Street.³ The two-car carport for the main home is attached to the ADU, not the main dwelling, and it is accessed from the alley, not the main house. This preserved the character of the surrounding homes, which are older and do not have street-accessible or street-visible garages.

¹ The SEPA report on that structure is attached hereto as Exhibit A.

² Exhibit B.

³ Exhibit C (pictures).

The new ADU lies along the back alley, approximately where the original main dwelling lay. The ADU comprises 624-sq. ft. and one bedroom, with a kitchen, living room, dining area, full bath, and open front porch.⁴

A third, open parking space designated for the ADU lies on the south side of the ADU, which adjoins the main entry door of the ADU.

All the buildings are closely related in style and readily accessible to one another with hardscaped pathways. That is intentional because the Suttons use the ADU as extra living and working space for themselves, family, and friends.

Finally, the Suttons retained -- but substantially improved -- the existing, freestanding garage of more recent construction, a 200 sq. ft. stick-framed structure. It now serves as a home office and studio.⁵ It lies a mere few feet from the ADU and is readily accessed from both from the ADU and the main house.

The neighborhood – Sehome

Sehome, being central and adjoining downtown Bellingham, is rapidly developing and getting more crowded. As recited in the neighborhood plan,⁶ Sehome is mixed residential and commercial and is among the most densely occupied parts of the city. The residential buildings are a mix of single-family and multi-family. Most of the single-family homes are not owner-occupied, but rental homes. Many have been converted to multi-family rentals. Many rentals of all types are occupied by students at nearby Western. There are also many new, large apartment complexes, with others under construction. New mixed-use complexes have sprung up nearby on the major arterial, Samish Way, two blocks from 1017 Liberty Street.

1017 Liberty Street lies in “Area 11” of Sehome, which is chiefly single-family homes with other detached structures, typically garages behind the homes, accessed from alleys. Most homes are not owner-occupied but rentals. A bed-and-breakfast lies nearby on Newell Street. In general, the homes are older and modestly-sized, and a mix of styles from various decades. Some newer homes are quite large. The streets of Area 11 lead up to the Arboretum; downtown is a short walk down Maple Street.

The Site Issues – A long, narrow, urban lot between a street and an alley

The long, rectangular site posed problems for building a permanent retirement residence modest in scale, with accessibility features, and consistent with neighborhood character. The original dwelling was set so far back on the lot that it was not readily visible from the street nor part of the visual character of the neighborhood. It was an inconvenient walk from the main street. Any new home would necessarily join the

⁴ Exhibit D (pictures).

⁵ Exhibit D (pictures).

⁶ Accessed at: <https://cob.org/wp-content/uploads/sehome.pdf>

conversation and front the street, while not being massive in scale. It would have an entry door essentially level with the land for easy access from the front. And so, as shown on the site plan, the new main house fronts Liberty Street with the minimum possible setback distance and with the front entry area level with the land.

It is a modestly-sized main dwelling with an unobtrusive roof line. The Suttons needed a home easy to use and maintain as they age, and mainly ground-level for anticipated accessibility issues. While the current master bedroom is upstairs, it (and its bathroom) are the only things upstairs; the downstairs bedroom, which adjoins the second bathroom, is planned for future use as the master bedroom should incapacity or mobility issues arise.

The Suttons, having taken up permanent residency in Bellingham in late 2022, also needed additional living space for themselves, other family, and friends from other places. The lot could only reasonably accommodate that as a separate, small structure, and of necessity that would have to lie at the other end of the lot. Because the City required three parking spaces, these would need to flank the ADU along the alley to avoid rendering the landscaped center of the lot a parking lot.

Reasons for Granting a Variance

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 title is found to deprive the property of rights and privileges enjoyed by other property in the area and under the identical land use classification.

The Suttons anticipated their future needs for a main retirement home and secondary, accessory dwelling when buying 1017 Liberty Street. Originally, the secondary dwelling was anticipated to be the existing, alley-situated dwelling, though its extreme dilapidation rendered that infeasible. It was only after the Suttons purchased that the City adopted a ban on the use of detached accessory dwellings as short-term rentals. That is, the rules changed after the Suttons had invested in the land.

The size and shape of the lot, in the context of its surroundings, reasonably require a modestly-sized home of traditional character which fronts the street, in the manner of surrounding homes. Avoiding massing and bringing light into the main home from all sides requires creating separation of additional, intermittently-used living space. The ADU answers these needs by abutting the alley and lending its roof to a carport for the main house.

Unlike the original, 700 sq. ft. main dwelling at 1017 Liberty Street, which was essentially valueless owing to its dilapidated condition, the surrounding homes – all of which front the street and lend the neighborhood its character – are in good repair and therefore of significant intrinsic value. So permanent residential use of 1017 Liberty

Street required construction of an all-new home in a more reasonable, useful situation on the lot. Other homes on the street, being well-kept, well-situated, and of reasonable size, are already capable of adaptation and extension; 1017 Liberty, by contrast, required wholesale site consideration and planning, and significant new investment in the site and improvements.⁷

In sum, 1017 was a blank slate amidst an established, developed older neighborhood. Development reasonably suggested and required separate, modestly-sized dwelling structures at either end of the lot, with a main dwelling street-side, and an ADU with the mandated parking alley-side.

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.

The intermittent use of the ADU by renters causes no detriment or injury to anyone. The reasons are as follows:

- There is no impact on the long-term rental vacancy rate. That is because the ADU will never be available as a long-term rental: the Suttons use the ADU for themselves, family, and friends. Therefore, it can only be available for rental intermittently.
- Relatedly, if a variance is not granted, the ADU will lie empty for days or weeks at a time. That provides use for no one, consumes energy to no purpose, and prevents the Suttons from earning any rent whatsoever. Worse, an unoccupied dwelling backing up to the alley is a security risk both for itself and the neighborhood. Experience has already demonstrated that the alley attracts opportunity-seekers. Far better for the small house to be occupied at all times.
 - The ADU has already been approved as a small dwelling. It accommodates – and was designed for – two adults. The granting of a variance does not change how the ADU is used; it merely ensures that people will be using it.
 - Relatedly, the length of stay of a given occupant – whether owner, guest, or renter; and whether one person or two – has no bearing on injury or detriment to the surrounding area or residents. No data, study, or evidence exists which shows that a short duration of a rental occupant’s stay causes more or different harms than that of a longer-term occupant.

⁷ Among the site difficulties was drainage, which required significant engineering and excavation work from the back of the lot to the street-side main drain.

- In addition, given the level of fit and finish of the ADU, it is not suitable for anything but traditional residential uses by respectful tenants, and it would not be rented out to persons who would harm it or cause disturbances. It has no features which lend itself to events or the creation of nuisances.
- Finally, experience suggests that the longer-term, student renters in surrounding homes and buildings are more prone to causing disruptions and nuisances than would be singles and couples renting a small house adjoining an owner-occupied one.
- The attached/detached distinction which bars use of the Sutton ADU for short terms of leasing is arbitrary in this case, on these facts. The ADU lies very close to the main home; faces it with large windows and the main entry door; houses the main dwelling's parking spaces under its roof; and forms part of a living arrangement around a common garden area. That the ADU is not physically connected to the main home does not render it any less capable of being monitored and maintained. In addition, there is no place for tenants (of whatever duration) to engage in any activity on the land which is not open and obvious since the ADU faces the courtyard. The main home is the Suttons' permanent residence – they were indeed required, as part of getting a permit to build the new home, to make one of the two dwellings their permanent home.⁸ So the owner is always present and close.
- All sorts of people, for all sorts of reasons, need short-term housing in Bellingham. That is particularly true in central Bellingham, which is hard- by a major university, medical facilities, and an attractive downtown.
- The ADU is similar in size, scale, and site placement to many other garages, outbuildings, and accessory dwellings in Sehome.
- The Suttons intend to comply with all the objective requirements for a short-term rental license.

The subject ADU cannot be reasonably used under the regulations as written.

As already noted, the Suttons will have to leave the ADU vacant and unused for days and weeks at a time unless they can rent it out when they are not themselves using it.

⁸ Exhibit E (restrictive covenant).

EXHIBIT A

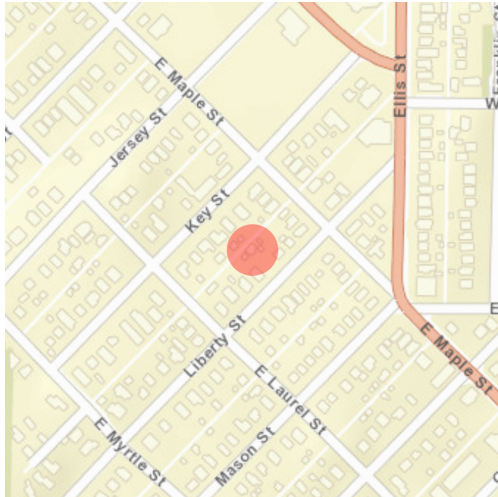


Historic Property Report

Resource Name: Evans, Elsie A. and Thomas H., House

Property ID: 439016

Location



Address: 1017 Liberty St, Bellingham, WA, 98225, USA

Tax No/Parcel No: 3803313363920000

Plat/Block/Lot: ELDRIDGE-BARTLETT'S ADD TO SEHOME LOT 21 BLK 18

Geographic Areas: Whatcom County, BELLINGHAM SOUTH Quadrangle, Bellingham Certified Local Government, T38R03E31, Whatcom County, BELLINGHAM SOUTH Quadrangle

Information

Number of stories: 1.00

Construction Dates:

Construction Type	Year	Circa
Built Date	1922	<input type="checkbox"/>
Remodel	1932	<input checked="" type="checkbox"/>

Historic Use:

Category	Subcategory
Domestic	Domestic - Single Family House
Domestic	Domestic - Single Family House

Historic Context:

Category
Architecture

Architect/Engineer:

Category	Name or Company
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Historic Property Report

Resource Name: Evans, Elsie A. and Thomas H., House

Property ID: 439016

Districts

District Name	Contributing
Sehome Hill Historic District	<input checked="" type="checkbox"/>

Thematics:

Local Registers and Districts

Name	Date Listed	Notes
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Project History

Project Number, Organization, Project Name	Resource Inventory	SHPO Determination	SHPO Determined By, Determined Date
2011-08-00130, , Assessors Data Project: Bellingham 2	8/2/2011	Not Determined	
2013-08-00137, , Sehome 2013 B	2/27/2013	Not Determined	
2022-01-00292, , 1017 Liberty St ILS	1/14/2022	Survey/Inventory	

Photos



East facade.



Hallway, looking north.



South bedroom, looking east.



South bedroom, looking west.



Hallway, built in shelves.



Central bedroom, looking southwest.

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Central bedroom, looking west.



Kitchen, looking west.



Kitchen, looking southwest.



Bathroom, looking west.



Living room, looking northwest.



Living room, looking east.

Historic Property Report

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Porch, looking south.



Porch, looking east.



Porch, looking northeast.



South facade, looking west.



Southwest corner.



Northwest corner.

Historic Property Report

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Northeast corner.



Southeast corner.



Site, looking west.



Northeast corner.

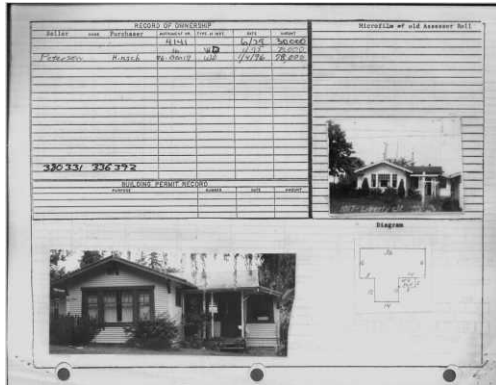




Historic Property Report

Resource Name: Evans, Elsie A. and Thomas H., House

Property ID: 439016



Register nomination form



Historic Property Report

Resource Name: Evans, Elsie A. and Thomas H., House

Property ID: 439016

Inventory Details - 8/2/2011

Common name:

Date recorded: 8/2/2011

Field Recorder: Artifacts Consulting, Inc.

Field Site number: 3803313363920000

SHPO Determination

Detail Information

Characteristics:

Category	Item
Cladding	Wood
Form Type	Single Dwelling
Foundation	Post & Pier
Roof Material	Asphalt/Composition

Surveyor Opinion

Significance narrative: Data included on this historic property inventory form (HPI) detail stemmed from County Assessor building records imported by the Washington State Department of Archaeology of Historic Preservation (DAHP) into WISAARD in 2011. This upload reduces data entry burden on community volunteers and historical societies participating in the survey and inventory of their communities. The intent of this project is directed specifically to facilitating community and public involvement in stewardship, increasing data accuracy, and providing a versatile planning tool to Certified Local Governments (CLGs).

Project methodology entailed use of the University of Washington's State Parcel Database (<http://depts.washington.edu/wagis/projects/parcels/development.php>) to provide the base parcel layer for CLGs. Filtering of building data collected from each county trimmed out all properties built after 1969, as well as all current, previously inventoried properties. Translation of building data descriptors to match fields in HPI allowed the data upload. Calculation of point locations utilized the center of each parcel. Data on this detail provides a snapshot of building information as of 2011. A detailed project methodology description resides with DAHP. Project team members: Historic Preservation Northwest, GeoEngineers, and Artifacts Consulting, Inc. (project lead).

Physical description: The house at 1017 Liberty Street, Bellingham, is located in Whatcom County. According to the county assessor, the structure was built in 1922 and is a single family dwelling. The 1-story building has a roof clad in asphalt composition. The walls of the single-family form are clad principally in wood. The building sits on a post & pier foundation. There is an attached garage clad in wood siding.



Historic Property Report

Resource Name: Evans, Elsie A. and Thomas H., House

Property ID: 439016

Inventory Details - 2/27/2013

Common name:

Date recorded: 2/27/2013

Field Recorder: Bernadette Niederer

Field Site number: 3803313363920000

SHPO Determination



Historic Property Report

Resource Name: Evans, Elsie A. and Thomas H., House

Property ID: 439016

Inventory Details - 1/14/2022

Common name:

Date recorded: 1/14/2022

Field Recorder: Spencer Howard

Field Site number:

SHPO Determination

Detail Information

Characteristics:

Category	Item
Foundation	Post & Pier
Form Type	Single Dwelling - Cross Gable
Roof Type	Gable - Cross
Roof Material	Asphalt/Composition - Shingle
Cladding	Wood - Clapboard
Cladding	Wood - Shingle
Structural System	Wood - Platform Frame
Plan	T-Shape

Styles:

Period	Style Details
Early 20th Century American Movements (1900-1940)	Craftsman

Surveyor Opinion

Significance narrative: The Evans, Thomas and Elsie, House at 1017 Liberty Street (house) is associated with the Evans and Neher families beginning with the purchase of the land by the William and Maria Evans. The Evans' association continued through their son (Thomas) and daughter-in-law (Elsie Neher) and their grandchildren.

On February 23, 1907, William D. and Maria A. Evans purchased three undeveloped lots (19-21) in block 18 of the 1889 plat Eldridge and Bartlett's Addition to Sehome (deed, volume 91, page 166). The house at 1017 Liberty resides on lot 21, with the other two lots located to the south. By 1913 a small shed stood on the northwest corner of the 1017 Liberty property along the alley. The Evans held onto the three lots for the next 17 years before selling two of the lots. They sold lot 20 in 1924 (1013 Liberty, built ca. 1926) and lot 19 in 1925 (1011 Liberty, built ca. 1927), but held onto lot 21.

According to the 1910 Census, William D. Evans was born ca. 1860 in England and immigrated to the United States as a child in 1865. William married Maria Croken in November 1890. Maria was born ca. 1871 in Illinois to Irish- and Canadian-born parents. In 1910, the couple lived in and owned their house at 117 Jersey Street (two blocks northwest of Liberty Street). William worked as a brakeman for a railroad. The couple had



Historic Property Report

Resource Name: Evans, Elsie A. and Thomas H., House Property ID: 439016

five children: Thomas H. (born ca. 1892, worked as machinist at the iron works), William C. (born ca. 1894), Mabel (born ca. 1897), Elizabeth H. (born ca. 1899), and Violet M. (born ca. 1906).

In 1914, the Evans' son, Thomas, married Elsie A. Neher, linking the Evans and Neher families. Elsie was the eldest daughter of Martin Neher (ca. 1868-1947) and Henrietta/Hannah P. Geschke Neher (ca. 1877-1922). According to the 1910 Census, Martin worked as a meat cutter (butcher) with his own shop. The Neher family owned their house at 2015 A Street, just over a mile north of 1017 Liberty, where they lived since at least 1904, and remained through 1930. Martin was born ca. 1868 in Pennsylvania. Henrietta/Hannah was born ca. 1877 in Washington. Both sets of their parents were born in Germany. Martin's father, John Neher (born ca. 1833), lived with the family in 1910 and had immigrated to the United States in 1884. Martin and Hannah had two sons Herbert (born ca. 1898, worked as an automobile blacksmith) and William (born ca. 1900, worked as a machinist at a laundry), and three daughters Elsie A. (born ca. 1895), Clara A. (born ca. 1904, worked as a saleswoman at a grocery store by 16), and Louise M. (born ca. 1909, attended school in 1920).

In 1914, Thomas H. Evans and Elsie A. Neher married, linking the two families. The couple rented a house at 2517 Franklin by 1915. The couple had two children, Maxine (born ca. 1916) and William (Billy, born ca. 1919). By 1920 the couple rented a house at 2101 New Street with Thomas working as a machinist for a packing company.

In 1922 the city directory first listed Elsie and Thomas as residing at the newly constructed house at 1017 Liberty. William and Maria, Thomas' parents, remained the owners of the property, but Thomas took out the building permit to construct the \$600 4-room house in January 1922. During their initial two years in the house (1922-1923) the city directories also listed Martin Neher, Elsie's father, as a resident. Thomas worked as a machinist at the Bloedel Donovan Lumber Mills. Then on September 11, 1924, at age 32, Thomas died from surgical complications leaving Elsie a widow at age 30. ("Deaths," The Seattle Daily Times, September 13, 1924: 11). At the time of his death, Thomas worked as a machinist for the Pacific American Fisheries and the Hoonah Packing company. He was also a member of the Bellingham Elks' Lodge ("Thomas Evans Gets His Final Summons," The Bellingham Herald, September 13, 1924: 10)

Elsie and the children remained in the house. From 1925 through 1927, Elsie worked as a stenographer at Diehl Motor Company. During this period, her youngest sister Louise Neher lived with Elsie at the house. Louise worked as a cannery worker at Pacific American Fisheries.

On November 21, 1927, William and Maria Evans sold lot 21, including the house, to their daughter-in-law Elsie (deed, volume 199, page 31). Elsie took out a mortgage through Bellingham National Bank (mortgage, volume 147, page 560) to pay for the property. She filed a declaration of homestead on October 13, 1931, (volume 218, page 476) for the house. On March 19, 1932, the Columbia Valley Lumber Company placed a lien on the property with Elsie as the grantor (lien, volume 11, page 108) which was satisfied by November 18, 1932. Elsie paid off the mortgage on August 1, 1933 (mortgage, volume 170, page 419).

By 1930, Elsie continued working as a stenographer but worked at a lumber mill. From at least 1932 through 1938 she worked as the secretary-treasurer for the Lakeway Golf Course, Inc. In 1937 she also worked as a stenographer for the County Welfare Department.



Historic Property Report

Resource Name: Evans, Elsie A. and Thomas H., House

Property ID: 439016

On April 4, 1936, Elsie took out a mortgage on the house through the Home Owner's Loan Corporation (mortgage, volume 179, page 547), which was later paid off. From 1937 to 1938, Elsie's children, Maxine and William were listed in the city directories at 1017 Liberty. Maxine worked as a nurse at St. Joseph's Hospital and William was a student.

Elsie lived in the house through 1938 based on city directory listings. By 1939 Elsie had moved to Seattle, living at 705 Pike Street (apartment #215) and worked as a docket clerk for the US Government, making \$1,380 a month per the 1940 Census entry.

By 1939 through at least the early 1970s a series of different occupants transitioned through the house. Otto E. and Freda H. Thompson rented the house from 1939 through at least 1941. Otto worked as a cook at Hotel Leopold by 1939, and in 1941 worked at the Bellingham Hotel Coffee Shop. By 1941 Freda worked as a clerk at Horn-Whitson Company. The 1940 Census identified Freda as born ca. 1906 in Illinois and having completed high school. Otto was born ca. 1897 in Illinois. They rented the house in 1940 for \$21 per month.

By 1945, Harry J. Deck and his daughter Verna M. Deck lived at the house. Harry worked as a shipyard worker at Bellingham Iron Works Marine Division. Verna worked as a teacher at KVOS Inc. The 1940 Census identified Harry as born ca. 1897 in Indiana. He had married Mary L. and worked as a truck driver in 1940. In 1940 the couple had owned their house at 1421 Victor Street and had their daughter, Vernamae (Verna M., born ca. 1927).

By 1947, Odin R. and Tillie Johnson lived at the house. Odin worked as a carpenter.

From 1948 through 1950, T. Glenn and Othelia R. Travis lived at the house. Glenn worked as an office manager for Puget Sound Freight lines by 1950.

By 1955 through 1957, Alan O. and Marilyn G. Hansen lived at the house. Alan worked as a trimmer at Crawford Auto Upholstery and was a student in 1955.

Gerald Q. Nelson lived at the house in 1959.

In 1960 the city directory identified Donald and Janet Amsberry as residents. Donald was a student in 1960.

By 1974 Patricia A. Friedland owned the house.

Physical description:

Built in 1922 according to the Whatcom County Assessor and newspaper coverage of building permits, this one-story Craftsman style single-family bungalow features a T-shaped plan. A post and pier foundation supports the platform structure. Painted clapboards (narrow exposure) with corner boards clad the house with a coursed wood shingle skirt wrapping the foundation. A projecting water table transitions between the siding and foundation skirt. An access door on the north facade provides access to the crawl space below the house. All plumbing and heating run through this crawl space with the heating unit for the building located in this area. The main electrical power connect is on the north end of the house.

The building features a low-pitch, cross gable roof with asphalt composition shingles. Eaves have broad overhangs with exposed rafter ends and tongue and groove board



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soffits. Gable ends have broad overhangs with similar soffits, narrow barge boards, and knee braces at gables. A shed roof portion projects on the north side of the house, with a narrow barge board and a knee brace on the front outer corner at the roofline. Louvered vents occur in the gable ends of the attic. Metal gutters and downspouts extend along the eaves.

The house's original windows are wood and feature exterior wood storm windows. Window openings feature projecting sills, tapered casings, and decoratively angle cut headers. Openings feature interior painted casings with a raised outer molding, projecting stool, and apron below the stool. Bedroom and kitchen windows have tapered casings.

North facade windows provide day lighting (from west to east along the facade) to the bathroom, vestibule, and living room. The bathroom window is a ca. 1970s replacement aluminum horizontal slider. No original casings exist at this location, suggesting the opening may have been an addition. The vestibule window features an 8:1 double hung wood sash. The living room window is short in height, an 8-pane wood sash window set at the same wall height as the upper sashes of the living room's main east window.

The south facade window provides day lighting to the living room only. The bedroom area at the south end of the house does not have a window on the south facade. The living room window consist of 8:1 double hung wood sash.

East facade windows provide day lighting (from south to north along the facade) to a bedroom, the living room, kitchen, and vestibule. The bedroom window is a ca. 1970s replacement aluminum horizontal slider, though the original exterior casings remain. The living room windows consist of a central opening with 14:1 double hung wood sashes flanked by narrow 4:1 double hung wood sashes. The upper sashes are all short, functioning like transoms, with taller lower sashes. Mullions separate the sashes. The kitchen window features a pair of 6:1 double hung wood sashes separated by wood mullions. The vestibule window features an 8:1 double hung wood sash.

West facade windows provide day lighting (from north to south along the facade) to the kitchen, bedroom, and the closet of the south bedroom. The kitchen window consists of a single pane wood sash with a two-pane exterior wood storm window. The bedroom window consists of a pair of 1:1 double hung wood sashes separated by a wood mullion. The closet window is a small, cased opening with a door in the closet that can be opened to provide cross ventilation for the bedroom.

A small front porch provides access to both the kitchen and the living room. Short sections of open baluster wood railings extend along the north and east sides of the porch. Plywood serves as the deck and skirting material. Wood posts support a shed roof projecting out over the porch and extending from the main roof rafters. Plywood clads the roof soffit. An original wood door with diagonal upper panes provides access to the kitchen. A replacement flush panel door with an original exterior screen door provides access to the living room.

The interior layout consists of the living room within the east leg of the T-shaped plan. The length of the T consists of short hallway off the west side of the living room that connects to the south bedroom, central bedroom, kitchen (east of the central bedroom), the vestibule (northeast corner of the plan) and the bathroom (northwest corner of the plan and accessed through the vestibule).



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Interior finishes within the house consist of painted plaster walls and ceilings with wood baseboards. Flooring in the living room, bedrooms, and hallway consists of narrow Douglas fir boards with added metal floor vents for the forced air heating system. Previous sheet material flooring has been removed from the kitchen, vestibule, and bathroom leaving the wood board sub floor and metal vents for forced air heating. A pointed arched uncased opening occurs between the living room and hallway. Doorways between other rooms are cased with tapered wood casings.

The kitchen is organized with the sink and cabinets along the west wall around the window, with the stove on the south wall and additional cabinets for storage on the north wall. The cabinets are replacements, installed ca. 1960s to 1970s based on their material and hardware. A single overhead ceiling fixture provides lighting. The closed off former chimney is evident on the south wall of the kitchen.

The bathroom consists of a sink and toilet along the north wall, with a tub at the west end of the room. A ceiling vent provides ventilation.

The central bedroom has a small closet with tapered casings and a single panel door above a low drawer. Wall mounted cabinets are located east of this closet. The east wall of the hallway has multiple built-in shelves. The south bedroom has a walk-in closet at the west end with a cased opening. Single overhead ceiling fixtures provide lighting in both bedrooms.

Secondary resources within the parcel include a detached garage northeast of the house. The single car garage is a platform frame structure clad with fiber cement board and corner boards. An asphalt composition shingle gable roof clads the building. A metal roll up garage door provides interior access. The garage does not have windows.

The site consists of a large open yard with lawn extending between the house and the sidewalk along Liberty Street due to the house placement along the alley. A narrow concrete pathway extends to the sidewalk from the porch. A small urban apple tree orchard (4 trees) occupies the east central portion of the yard, with at least one of the trees previously removed. A small added raised planting bed (pressure treated wood posts) is located along the east side of the yard. A smaller planting bed extends from the south side of the garage.

The house appears to have been remodeled in 1932 based on the March 19, 1932, lien by the Columbia Valley Lumber Company (lien, volume 11, page 108) which was satisfied by November 18, 1932. Work attributed to this remodel includes enclosing the open frame shed roof portion at the north end of the house to create the bathroom and vestibule; the living room addition; and construction of the existing porch. It is not known why the 1913 Sanborn Fire Insurance Map, inclusive updates through 1950, does not show this work. Based on the materials and design the work did not occur post 1950.

The bathroom and vestibule at the north end of the house were shown in the 1913 (inclusive 1950 updates) Sanborn Fire Insurance Map (Sanborn) as an open frame portion of the house. The continuity of exterior and interior design and materials with the living room suggests the enclosure and living room addition occurred at the same time.

The Sanborn showed an open frame porch at the current living room location with a projection of just 4 feet beyond the front of the house. The extant living room projects 13



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feet. The materials used in the living room interior and exterior finishes correspond to a 1932 timeframe and do not match the type of design that would generally be expected with 1940s to 1950s remodels.

The Sanborn did not have a porch in the current location. The extant porch with cased doorways to the kitchen and the living room is attributed to the 1932 remodel based on functional connections, design, and materials.

The porch has been repaired with added plywood serving as the deck and soffit. This work is attributed to 1950s-1970s based on the materials.

Replacement of the east window in the south bedroom and installation of the north window in the bathroom are attributed to 1970s work based on window configuration and materials.

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Sanborn Fire Insurance Map from Bellingham see also Fairhaven and Sehome, Whatcom County, Washington. Sanborn Map Company, - Oct 1950, 1950. Map.
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EXHIBIT B
(Plans
Attached
Separately)

EXHIBITS C, D
(Photos
Attached
Separately)

EXHIBIT E



AFTER RECORDING RETURN DOCUMENT TO:

City of Bellingham - Planning and Community
Development Department
210 Lottie Street
Bellingham, WA 98225

DOCUMENT TITLE: COVENANT OF OWNER OCCUPANCY

REFERENCE NUMBER OF RELATED DOCUMENT: ADU2022-0010, BLD2022-0329

GRANTOR(S): JAMES P SUTTON & KATHRYN A SUTTON

GRANTEE(S): CITY OF BELLINGHAM

ABBREVIATED LEGAL DESCRIPTION: ELDRIDGE-BARTLETT'S ADD TO SEHOME LOT 21 BLK 18

ASSESSOR'S TAX/PARCEL NUMBER(S): 3803313363920000

COVENANT OF OWNER OCCUPANCY

We, JAMES P SUTTON & KATHRYN A SUTTON, are the owner(s) in fee of the property described above, for and in consideration of being granted the right to establish an authorized accessory dwelling unit at this location by the City of Bellingham, the receipt of which is hereby acknowledged, do hereby generally covenant that the primary residence or the accessory dwelling unit shall be owner occupied for the lot generally described above, and we, or our successors in interest who shall be owner(s) in fee of the property will continue to occupy either the primary dwelling unit or the accessory dwelling unit at this location as the owner(s) principal and permanent residence and that at no time will rent be collected for the owner occupied unit.

This Covenant shall run with the land and shall be binding upon our heirs, devisee, executors, administrators, successors, and assigns. This covenant will remain in effect until released in writing by the City of Bellingham after a determination by the City that the accessory dwelling unit is no longer in existence and the permit is rescinded.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

Any new owner must register with the Planning and Community Development Department within 30 days of purchase. Failure of a new owner to so register or failure of the owner(s) of the property to occupy either the primary or accessory dwelling unit as the owner's principal and permanent residence shall render the accessory dwelling unit permit null and void.

EXECUTED this 29th day of April 2022

[Signature]
JAMES P SUTTON
[Signature]
KATHRYN A SUTTON

Texas
STATE OF WASHINGTON)
Travis)SS
COUNTY OF WHATCOM.)

I certify that I know or have satisfactory evidence that JAMES P SUTTON signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

4/29/2022
DATE

(Seal or stamp)



[Signature]
SIGNATURE OF NOTARY PUBLIC

TARA Gillespie
NAME PRINTED

Notary Public
TITLE

5/18/2025
DATE APPOINTMENT EXPIRES

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

Texas
STATE OF WASHINGTON)
Travis)SS
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that KATHRYN A SUTTON signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

4/29/2022
DATE

(Seal or stamp)



Tara Gillespie
SIGNATURE OF NOTARY PUBLIC

Tara Gillespie
NAME PRINTED

NOTARY PUBLIC
TITLE

5/18/2025
DATE APPOINTMENT EXPIRES

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MAILING LIST INSTRUCTIONS:

As you get ready to prepare your labels keep the following checklist in mind:

- The information was acquired from the Assessor's office or database
- Addresses for the following members have been included on the label sheet
 - Property Owner Applicant / Contact for Proposal Bellingham Herald
 - All property owners within the required 500' radius (100' for Home Occupation Applications)
 - Applicable Mayor's Neighborhood Advisory Commission Representatives
 - Applicable Neighborhood Association Representatives (This information can be found at <http://www.cob.org/documents/planning/applications-forms/nbrhd-media-notification-list.pdf>)
- Mailing information has been printed on Avery 5160 labels (*see attached example*)
- All of the information **completely fits** on a single label
- Notarized **Address Information Verification form** has been completed

NOTE: Errors in mailing labels may result in process delays and re-notice fees.

Obtain Property Ownership Information from the Whatcom County Assessor's Office

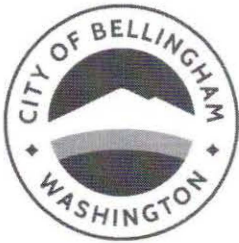
- The Assessor's Office is located on the first floor of the Whatcom County Courthouse, 311 Grand Avenue, Bellingham, 360-676-6790.
- Bring enough information to identify all of the property in the project site, such as tax parcel numbers, legal descriptions, address(es) or boundary on a plat map. Assessor's Office staff can help you find the Assessor's map(s) containing the project parcel(s).
- Utilize the Assessor's map to measure the required ownership notice distance (listed on the application) and record the parcel number for each property within or partially within the required distance of 500 feet (*100 feet for Home Occupation*) from the boundary of the project parcel. If the owner of the project property owns other property within the notice distance but not included in the project site, contact the Planning Division to determine whether the notice radius must be increased.
- Record the property owner's name and mailing address by accessing each parcel number via the computer terminals at the Assessor's Office or through the Internet by accessing the database under "Real Property Search" at www.whatcomcounty.us/assessor/index.jsp. Click on the parcel number in the first data screen to bring up a screen with the owner's full address and zip code. The maps are also available at this site if you wish to check a parcel number.
- If the site is a condominium, include the owner of each unit.

Print addresses on Avery 5160 labels

- Labels **must** include the address and fit on one Avery 5160 label:
- Please **DO NOT**
 - o **Repeat names** on the mailing list. If someone is listed as owning more than one property, only list the owner's name and address once on the mailing list.
 - o **List** the tax parcel number on the labels

Address Information Verification form:

Form must be notarized and include a copy of the parcel numbers and property owner's name and mailing address information attached.



Address Information Verification

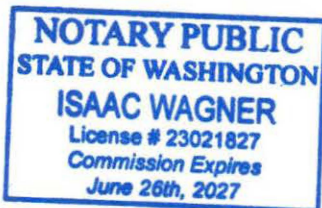
I / We JAMES TREFOK SUTTON being duly sworn on oath, hereby certify that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, that the foregoing statements and the statements contained in any papers or plans submitted herewith are true to the 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 1/28, 2024. 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: _____
 Date: 1/29/24
 Signature: _____
 Date: _____

STATE OF WASHINGTON)
) SS
 COUNTY OF WHATCOM)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF January, 2024.

[Signature]
 Signature of Notary Public:



Isaac Wagner
 Name Printed

June 26th, 2027
 My appointment expires

6 of 8

TYPE III PROCESS
(Hearing Examiner Decision)

