



Planning and Community Development Department

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ACCESSORY DWELLING UNIT PERMIT AUTHORIZATION for TYPE II PROJECTS

Application/file #: ADU2025-0006

Associated Development Permit #(s): BLD2025-0047

Project Location: 2404 H Street, Bellingham, WA 98225. Lettered Streets Neighborhood, Area 1, Zoned Residential Single with a 5,000 square foot (sq. ft.) minimum detached lot size.

Applicant & Contact Information: Lora Finnigan, 2404 H Street, Bellingham, WA 98225, (360) 739-8441, lfinnigan53@gmail.com

Project description: Land use approval for a single-story, one-bedroom, approximately 719 square foot (building total) detached accessory dwelling unit (DADU) in and attached to the existing garage on the northeast corner (rear) of the property. The existing garage portion of the proposed DADU is within the side yard setback and is 1.5' from the side property line and is within the rear yard setback and is 2.5' from the rear property line. Public notice was required under a type II process because the existing portion of the garage which is attached to the proposed DADU is within the required 5' side and rear yard setbacks.

The project represented in the above referenced application/file was reviewed under BMC 20.10.036 and found to be in compliance with those regulations.

DECISION: Approved with Conditions

ATTACHMENTS:

- Attachment A – DADU Application
- Attachment B – Plan Set
- Attachment C – Notice of Complete Application
- Attachment D – Request for Information
- Attachment E – Notice of Application
- Attachment F – Public Comment

FINDINGS:

The ADU application was reviewed under Bellingham Municipal Code (BMC) 20.10.036 and determined to comply with all applicable rules and regulations.

1. This ADU permit is subject to all applicable rules and regulations governing such operations in BMC 20.10.036 and BMC 20.30.
2. The proposed development included a minor modification request in accordance with BMC 20.10.036.B.3 to utilize the existing portion of the garage which is within the 5' side and rear yard setbacks, pursuant to BMC 20.10.036.B.7.b.ii.(B)(4). The minor modification request is granted pursuant to BMC 20.10.036.B.3, as the proposal is utilizing the existing development on site, will not result in a development which is less compatible with adjacent neighborhood land

uses, will not be materially detrimental to the public welfare or injurious to other land or improvements in the vicinity and district in which the property is situated, and is consistent with the purpose and intent of BMC 20.10.036.

3. On 2/27/2025, the City issued a Notice of Application (NOA) in accordance with BMC 21.10.200.D and the site was posted in accordance with Title 21.
4. In response to public notice, the City received one comment against the proposal due to stormwater related matters. The City responded that stormwater and Title 16 is reviewed with the building permit, not under the subject land use permit.
5. The proposed development is not subject to SEPA review.

CONDITIONS:

1. Owner occupancy is required for properties that include an ADU (or ADUs) in areas zoned residential single until occupancy requirements are preempted by the state law. Prior to implementation of state law, the following applies. The property owner shall submit an affidavit, approved by the director, acknowledging the owner occupancy requirement for as long as the ADU is maintained on the property or until owner occupancy requirements are preempted by the implementation of state law. The property owner shall submit the affidavit to the city prior to issuance of the building permit. The rental of an ADU may be subject to the Landlord Tenant Act, RCW 59.18.
2. The address of the DADU shall be 2402 H Street.
3. The applicant shall be required to obtain construction permits to construct the proposed DADU, which shall be generally consistent with the DADU approval.
4. If the property is to be a residential rental unit, pursuant to BMC 6.15.040: no person shall make available for rent, or rent, lease, or let, to the public any residential housing unit without registering and maintaining registration of the rental property at which the unit is located. Registration can be completed online at <https://www.cob.org/epermits> or submitted in person at the Permit Center. Please review exemptions to ensure accurate registration.

Authorized by: Emy Scherrer

Date: 3/24/2025

Expiration: In accordance with BMC [21.10.260](#), this permit shall expire two (2) years from the date of decision unless a complete building permit application is filed before the end of the 2-year term. In the event the applicant or a person completing the project fails to comply with the terms or conditions herein, the permit may be rescinded.

Appeal: Any party aggrieved by this decision may file an appeal, per BMC 21.10.250, at the City of Bellingham Permit Center within 14 days of this permit decision date. There is a filing fee associated with an appeal and those forms are available at the Permit Center or on line at <http://www.cob.org/documents/planning/applications-forms/appeal-director-decision-fill-in.pdf>. Please note, an appeal will not be accepted or considered filed unless the required forms are submitted and the fees are paid by the timeline specified above.