



Zoning Variances

Discretionary Permits

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What is a zoning variance?

A zoning variance allows an exception to the rules described in the official zoning ordinance. Variances are designed to allow minor modifications on a site, such as increasing the amount of impervious surface on a property over the permissible amount, or decreasing setbacks or lot coverage requirements in order to accommodate construction on lots where there is a physical hardship. Before any variance is granted, it shall be shown that the following circumstances are found to apply:

- Any variance granted shall not constitute a grant of special privilege, be based upon reasons of hardship caused by actions of the property owner, nor be granted for pecuniary (financial) reasons alone.
- A variance can be granted because of special circumstances applicable to the subject property including, size, shape, topography, location or surrounding.
- Hardships do not include aesthetic considerations or design preferences unrelated to restrictions based upon the physical characteristics of the property.

Variances are only permitted upon public review and approval by the Whatcom County Hearing Examiner.

When do I need a variance?

A variance may be required when the subject lot is too small to allow the construction of a use normally permitted in the same zoning designation. Other physical constraints resulting in the need for a variance may include steep or unstable slopes, required location of septic systems and wells, property which abuts two roads with high classifications and setbacks, irregularly shaped lots, etc. Variances are not granted for design considerations.

Do I need an appointment for submittal?

Yes, you will need to schedule an appointment to obtain the necessary forms. At that time, staff will review the application forms with you and explain the process including fees, timelines, and types of review. You will be required to complete the application and obtain any additional documentation, such as the deed, easement agreement, plans, and information pertaining to adjoining property owners, required as part of the application submittal. A second appointment is required for the actual submittal.

What information do I need to provide at the first appointment?

Please bring your tax parcel number and a conceptual site plan showing the physical constraints.

What is the review process for my project?

Following submission of the application packet and payment of the required fees, the PDS staff will review the application and mail you a "Determination of Completeness" letter, at which time the review period begins. The entire file is copied and the originals are routed to the Hearing Examiner's Administrator who will eventually schedule the hearing. Public notices are sent to the Bellingham Herald and to all persons owning property within 300 feet of the boundaries of the subject site. A notice is also sent to all applicable agencies including Health, Fire, Engineering, and so on, asking for their comments and conditions of approval. During that time, the critical areas administrator also reviews the file. After the review period, the zoning administrator drafts a report and recommendation for either approval or denial, and forwards copies of the report to the applicant and the Hearing Examiner.

When and where is the public hearing held?

Public hearings are currently held in the Council Chambers in the Whatcom County Courthouse at 311 Grand Avenue, Bellingham. The Hearing Examiner's office will notify you in writing of the date and time of the hearing, and they will also provide you with posting notices to be placed on the property in a location visible to public roads. You or your agent are required to attend the public hearing.

When can I apply for my building permit?

You cannot apply for your building permit until you have received the Hearing Examiner's written approval. You must bring a copy of that written approval with you when submitting your building permit application.

Will my variance expire?

No, a variance is attached to the parcel. However, the use cannot commence until all of the conditions have been satisfactorily completed and a Certification of Occupancy or Completeness has been issued by PDS (Planning and Development Services). It is the responsibility of the applicant, at his or her expense, to request the applicable certificate from PDS once all the conditions of approval have been completed.

Fees

Please refer to the current Whatcom County Unified Fee Schedule.

Information

Due to the administrative complexity of these regulations, it is usually best to visit with PDS counter staff or contact a Planner to answer any additional questions.

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