



## **Zoning Variance Application Information**

1. What is a Variance?

A Variance is an adjustment to specific regulations that apply to a particular piece of property. A Variance is permission to modify certain development standards such as building setbacks, building height or lot coverage.

2. A pre-application meeting is not required for a variance application. PDS staff does however recommend a preliminary meeting with PDS staff or consultation with the Front Counter staff prior to an application for a variance.

3. This preliminary meeting will consist of an explanation of the requirements that must be met, the application and review process, an estimate of the time frames and the fees required at the time of application.

4. What you need to know:

- ◆ An appointment is required for submittal of the application
- ◆ The variance process cannot be used to amend the Official Whatcom County Zoning Ordinance (Title 20). It is exclusively for hardship situations. It cannot be for financial or design reasons or for convenience.
- ◆ In order for a variance to be granted by the Whatcom County Hearing Examiner it must be demonstrated that the hardship was not created by the applicant. The hardship generally shall be based on the special circumstances applicable to the property; such as size or shape of the property, topography, location of the property or the surroundings.
- ◆ PDS staff may recommend approval or denial to the Whatcom County Hearing Examiner. However, variances are granted at the discretion of the Whatcom County Hearing Examiner.
- ◆ Variances do not expire.

5. The Variance process cannot be used to allow the use of property in a manner not permitted by zoning regulations. For example: You cannot apply for a variance to permit an apartment complex in a zone that does not allow apartment uses.



## **Zoning Variance Submittal Requirements**

- 1) Completed, signed and notarized Master Land Use Application form
- 2) Completed and signed Supplemental Application form
- 3) Copy of the recorded deed for the property (available from title companies)
- 4) Completed, signed and notarized Fee Responsibility form
- 5) Completed, signed and notarized Agent Authorization form (if applicable)
- 6) Copy of any easement agreements (if applicable)
- 7) Written verification of water and sewage disposal from the utility provider and/or the Whatcom County Health Department
- 8) Completed and signed [SEPA Checklist](#) (if applicable)
- 9) Eight (8) copies of a site plan drawn to a standard engineering scale which depicts at a minimum all the following:
  - ◆ Dimensions of the property drawn to scale
  - ◆ Location of any wetlands and critical habitat areas if known
  - ◆ Location, setbacks and dimensions of all structures on the site
  - ◆ Location of septic tank/drain field, and well or utility lines
  - ◆ Locations, width and length of driveway (show 35 foot turning radius for emergency vehicles)
  - ◆ Location and dimensions of all parking areas
  - ◆ Names and locations of all public or private roads
  - ◆ North Arrow and scale
- 10) Distance from any structures to the Ordinary High Water Mark (OHWM) of any creeks, streams, rivers or lakes, if dimensions, uses, ingress and egress, storage areas etc.
- 11) Eight (8) copies of preliminary topographic drawings depicting the basic elevation features of your property OR a United States Geological Survey (USGS) quadrangle map

- 12) A list of names, mailing addresses, and parcel numbers of all persons owning property located within 300 feet of the property boundaries if within an Urban Growth Area **or** 1,000 feet if outside an Urban Growth Area of the subject parcel. (Addresses may be obtained from County Assessor's records or a local Title company.)
- 13) A list of names, mailing addresses, and parcel numbers of all persons owning
- 14) Self-adhesive mailing labels for each of the identified property owners noted above
- 15) Completed [Preliminary Traffic & Concurrency Information](#) form
- 16) Completed [Preliminary Stormwater Proposal](#) form
- 17) Completed Land [Disturbance Permit \(LDP\) application](#) form

**\* Note:        There may be additional fees associated with this permit application dependent upon the extent of the reviews required.**

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**David Stalheim**  
Director

**J.E. "Sam" Ryan**  
Assistant Director

## Master Land Use Application

File #(s): \_\_\_\_\_

Project Name: \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Administrative                | <input type="checkbox"/> Shoreline Substantial Development |
| <input type="checkbox"/> Binding Site Plan             | <input type="checkbox"/> Shoreline Conditional Use         |
| <input type="checkbox"/> Critical Areas Reasonable Use | <input type="checkbox"/> Shoreline Variance                |
| <input type="checkbox"/> Planned Unit Development      | <input type="checkbox"/> Zoning Conditional Use            |
| <input type="checkbox"/> Long Subdivision              | <input type="checkbox"/> Zoning Variance                   |

Receipt #: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Total Fees: \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone # ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_ Email \_\_\_\_\_

**Agent/Representative Name:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone # ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_ Email \_\_\_\_\_

**Owner's Name** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone # ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_ Email \_\_\_\_\_

Deed attached:  YES  NO FLOOD ZONE:  YES  NO

Property interest of the applicant:  Purchaser  Lessee  Other \_\_\_\_\_

Site address \_\_\_\_\_

Parcel size: \_\_\_\_\_ in acres

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Div \_\_\_\_\_ Plat \_\_\_\_\_

\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ W.M

Assessor's Parcel Number \_\_\_\_\_

Zoning: \_\_\_\_\_ Comp. Plan: \_\_\_\_\_ Shoreline: \_\_\_\_\_

Subarea: \_\_\_\_\_ Fire Dist. \_\_\_\_\_ School Dist: \_\_\_\_\_

Water source:       Well       District/Association: \_\_\_\_\_

Sewage Disposal:     Septic       Sewer \_\_\_\_\_

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## Supplemental Zoning Variance Application

File # \_\_\_\_\_

A zoning variance is requested in order to:

A) Reduce the minimum setback (s) as follows:

**Front**        from \_\_\_\_\_ feet    to \_\_\_\_\_ feet  
**Side**         from \_\_\_\_\_ feet    to \_\_\_\_\_ feet  
**Rear**         from \_\_\_\_\_ feet    to \_\_\_\_\_ feet  
**Flanking**    from \_\_\_\_\_ feet    to \_\_\_\_\_ feet

B) Increase the maximum building height from \_\_\_\_\_ feet    to \_\_\_\_\_ feet

C) Increase the maximum lot coverage from \_\_\_\_\_ percent to \_\_\_\_\_ percent

D) Other

This variance is needed to accommodate the construction of:

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Describe the circumstances that apply to your property, such as size, shape, topography, location or surroundings, which make it difficult or impossible to meet the standard requirements of the ordinance.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are such circumstances common to other properties in your area?

Yes     No

Describe how a strict application of the ordinance causes a hardship and deprives your property of rights and privileges enjoyed by other properties in the vicinity and within the same zoning classification.

Explain: \_\_\_\_\_

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Would granting of the requested variance be materially detrimental to the public welfare or injurious to the property improvements in the vicinity?

Explain: \_\_\_\_\_

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Is the variance request based on arbitrary convenience, a self-imposed hardship or financial consideration?

Explain: \_\_\_\_\_

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\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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## Fee Responsibility

Venue and Jurisdiction: The parties hereto recognize and agree that the venue of any action involving their rights or obligations related to this application shall be in Whatcom County, and the parties' rights and obligations hereunder shall be determined, in accordance with the laws of the State of Washington.

Fee Guaranty: Notwithstanding that this application has been submitted in the name of a company, I personally guarantee payment of fees accrued according to the terms listed in the Whatcom County Unified Fee Schedule and that my personal guarantee is part of the consideration for review of the application.

I/we \_\_\_\_\_ hereby certify that the above statements and the information contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge, and that the list of surrounding property owners is complete and current.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated \_\_\_\_\_

Notary Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Notary Public in and for the State of Washington

Residing at \_\_\_\_\_

My appointment expires: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Application received by: \_\_\_\_\_

Date: \_\_\_\_\_

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### Agent Authorization

If you are authorizing an agent to apply for permits on your behalf you must complete this form, which will provide authorization for a designated agent to apply for permits on your behalf. This form is required for the protection of the property owner. Planning and Development Services will not accept an application that is not either signed by all property owners or accompanied by this form.

I/we, \_\_\_\_\_, the owner(s) of the subject property, understand that by completing this form I hereby authorize \_\_\_\_\_ to act as my agent. I understand that said agent will be authorized to submit applications on my behalf. I also understand that once an application has been submitted that all future correspondence will be directed to the agent.

\_\_\_\_\_  
Property Owner(s) Printed Name

\_\_\_\_\_  
Property Owner(s) Signature

\_\_\_\_\_  
Date

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated \_\_\_\_\_

Notary Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public in and for the State of Washington  
Residing at \_\_\_\_\_  
My appointment expires: \_\_\_\_/\_\_\_\_/\_\_\_\_

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_



**Instructions for Obtaining Names, Addresses and Parcel Numbers of  
Property Owners within 300 – 1,000 Feet  
Of Your Property for Notice Purposes**

It is the applicant's responsibility to obtain a complete, up-to-date list of all owners of property located within 300 feet of the property boundaries (if within an Urban Growth Area) or 1,000 feet (if outside an Urban Growth Area) of the subject parcel in this application. Failure to provide a complete list may result in a delay of the processing of the application or a continuance of a scheduled hearing.

The above information may be obtained either from a Title Company or the Whatcom County Assessor's Office located in the Whatcom County Courthouse. The Assessor's Office staff will assist you in locating the required maps and scaling the 300 or 1,000 foot distance. There is a public computer available for your use. These instructions will aid you in locating the required information:

- ◆ Locate the subject parcel (your property) on the appropriate map using your Assessor's Parcel number from you tax notice.
- ◆ **Carefully** measure 300 feet or 1,000 feet from the subject property boundaries in all directions (including across and roads). List the complete 12 digit parcel numbers of all properties located within the required 300 or 1,000 foot area.
- ◆ Using the assessment roll on the computer, find the owner of each parcel.
- ◆ If the owner listed is a bank, savings and loan or other financial institution, you must also record the title owner's name and loan number from the listing. If there is no name other than the loan number and the financial institution, list the name and address of the financial institution, as they may be able to forward the notice if they are provided with the loan number.
- ◆ Make sure you obtain the most up-to-date assessment roll, in case a property may have been recently sold.
- ◆ Using the name and address master file, locate the mailing address of each parcel owner. Those not in the name index may be located through the telephone directory, city directory or other sources. This address is vitally important and must be complete and legible.
- ◆ This list of property owners, their mailing addresses and parcel numbers must be submitted with your permit application. County ordinances and due process requirements make the provision of proper notice to property owners within 300 feet or 1,000 feet (depending upon whether it is located within a Urban Growth Area) of the subject parcel mandatory. No permit can be granted if the notice is defective. The Hearing Examiner requires strict compliance with the notice provisions of the ordinances.

- ◆ The applicant is also required to submit typed, self-adhering (self-stick) mailing labels containing the name and address of each of the above property owners, with the permit application. If one person owns more than one parcel of land please do not provide multiple labels, one label will suffice as we only send out one notice to the property owner.

I/we \_\_\_\_\_ hereby certify that the above statements and the information contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge, and that the list of surrounding property owners is complete and current.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_ .

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
\_\_\_\_\_ is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: \_\_\_\_\_

Notary Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Notary Public in and for the State of Washington

Residing at: \_\_\_\_\_

My appointment expires: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_