

# City of Lynden

## Development Standards Variance Application

### Property Owner

Name: Badger North, LLC. – Robert Langei

Address: 5052 Samish Way, Bellingham, WA 98229

Telephone Number: (360) 303-2568 Fax Number: \_\_\_\_\_

E-mail Address: boblangei1111@gmail.com

### Applicant (Agent, Land Surveyor or Engineer)

Name: Compass Point Survey – Richard Lane

Address: 523 Front Street, Lynden, WA 98264

Telephone Number: (360) 354-8320 Fax Number: (360) 354-8321

E-mail Address: richard@compasspointsurvey.com

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner  Applicant

### Property Information

Project Location (street address / block range: 1583 E Badger Rd., Lynden, WA 98264)

### Variance Request:

Section of the Municipal Code or Engineering Design and Development Standards to be varied: Engineering Design and Development Standards, Division 4, Street Design Standards, Access Street Minimum Standards and LMC 18.14.030 regarding right-of-way requirements.

Identify Desired Result: We would like to build a public access street to private street minimum standards.

### DSV Criteria must be attached

BY SIGNING THIS APPLICATION, I CERTIFY THAT ALL THE INFORMATION SUBMITTED IS TRUE AND CORRECT. I ALSO UNDERSTAND THAT NO FINAL APPROVAL WILL BE ISSUED UNFIL ALL FINAL REVIEW COSTS ARE PAID IN FULL.

SUBMITTED BY: [Signature] DATE: 10-09-19

PROPERTY OWNER SIGNATURE: BADGER NORTH LLC [Signature] DATE: 10-3-19

PROPERTY OWNER PRINTED NAME BADGER NORTH LLC DATE: 10-3-19

PRE-APPLICATION MEETING DATE: \_\_\_\_\_ HEARING DATE: \_\_\_\_\_

(APPLICATIONS WILL NOT BE ACCEPTED WITHOUT A PRE-APPLICATION MEETING)

FEE'S (DSV \$300.00 BASE FEE OR FINAL REVIEW COST) DATE PAID: \_\_\_\_\_ RECEIPT # \_\_\_\_\_

#### 17.17.040 Standards and Criteria for Granting a Variance

Where there are unnecessary hardships and practical difficulties which render it difficult to carry out the provisions of the development standards of the City of Lynden as listed in Section 17.17.010, the City Council shall have power to grant a variance in harmony with the general purpose and intent of the provisions contained therein. Such variances may vary the rules, regulations or provisions of the development standards so that the spirit of those standards will be observed; public safety secured; and substantial justice done. However, the City Council shall not vary any of the rules, regulations or provisions of those development standards unless it shall approve findings that all of the following conditions exist in each case:

A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity in which the property on behalf of which the application was filed is located;

*This variance does not constitute a grant of special privilege inconsistent with the limitation upon uses of the other properties in the vicinity because normally multifamily housing projects similar to this project are already accessing off of easements and or private road standards.*

B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with rights and privileges permitted to other properties in the vicinity in which the subject property is located;

*This variance is necessary because of special circumstances relating to the size shape, topography and location to provide it with the rights and privileges permitted to other properties in the area. The site is located north of the newly built Brome Street in North Prairie Phase 7, Division 2 plat. It is located in the RM-3 zoning. Because of existing buildings on the site, the buildable site is roughly 1.4 acres, which has proposed plans to create 3 multifamily housing lots. The City Planning Department has stated they are adopting a policy of accepting fewer private streets especially when they are at the terminus of a public roadway system like what we have on our proposed. Reducing the normal public 60' right-of-way to a 41' right-of-way greatly increases the proposed lot sizes, creating more potential for building density in the zone.*

C. That the granting of such a variance will not be materially detrimental to the public health, safety and general welfare;

*The granting of this variance will not be materially detrimental to the public health, safety and general welfare. Private road standards still require 22 feet of travel lanes, 8 feet of parking and a side walk on one side, which is normally what is required for this type of multifamily project.*

D. That the granting of such a variance will not be injurious to the property or improvements in the vicinity and zone in which the subject property is located.

*The granting of this variance will not be injurious to the property or improvements in the vicinity. There is future planning for the property to the west to possibly go through the same variance process to connect the road to the newly built Currant Street in the North Prairie Phase 7, Division 2 plat, creating a loop.*

E. That the variance request is based on sound engineering judgement and includes additional mitigation sufficient to offset adverse impacts to the public interest likely to result from granting the variance.

*This variance is based on sound engineering judgment and includes additional mitigation to sufficiently offset adverse impacts to the public likely to result from this variance. The addition of a crosswalk at the transition of the right-of-ways will allow flow of pedestrian traffic and additionally parking will be created on site.*

Findings shall include a report which may contain pertinent information regarding any existing conditions relating to topography, geology, utilization of property, and such conditions set forth by the official plans, development plans, and the comprehensive plans.



# Shiflett Short Plat

## Legend

- BASE
- BASE MAP-PROPERTY-PHASE 7
- CPS-BLDG-LIN
- CPS-EASE LINE
- CPS-PROPOSED CURB
- Feature 1
- RD-CRCG-PROP-LIN

El Badge

599

596

4149

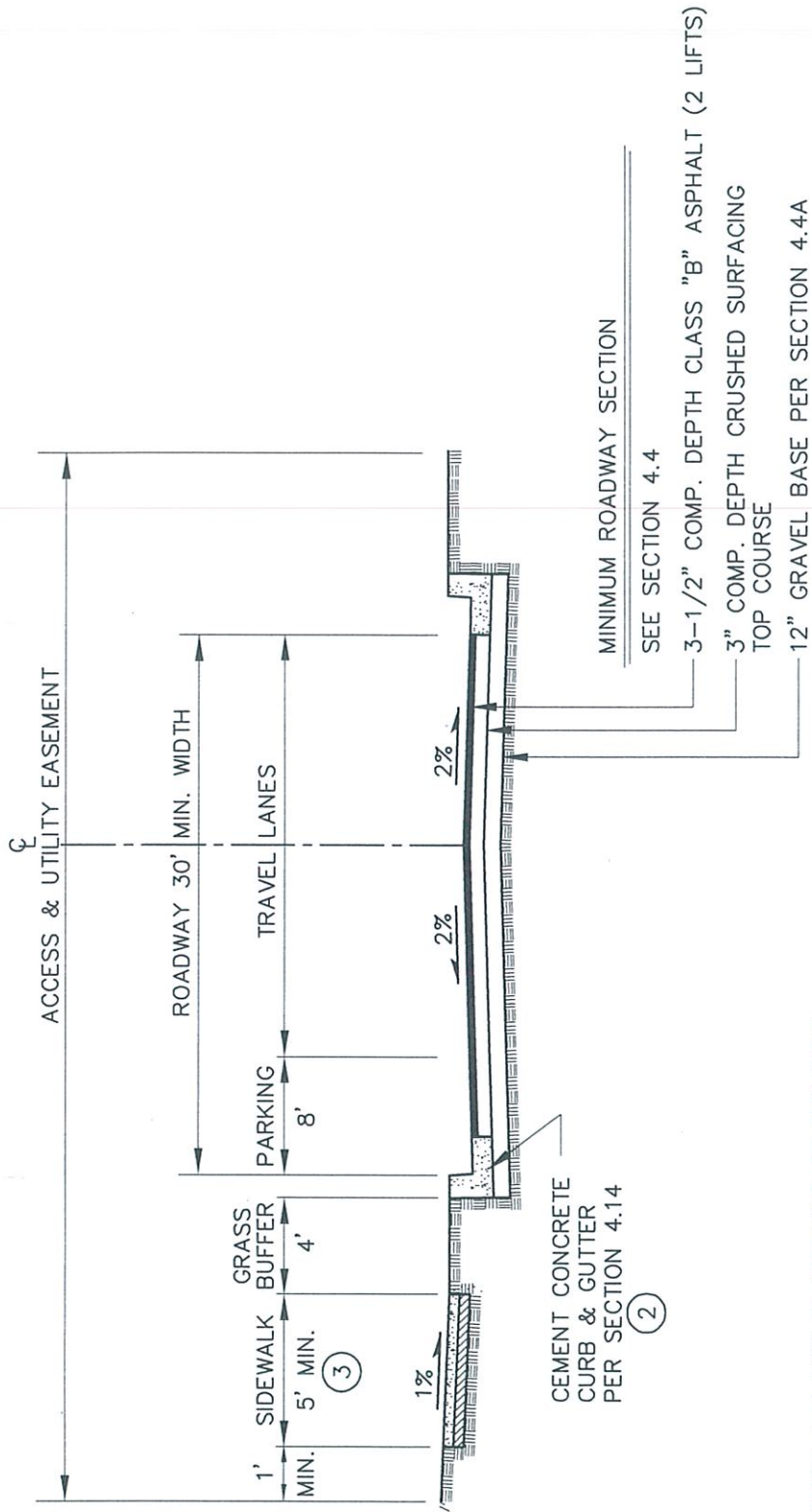
5391

302

2150

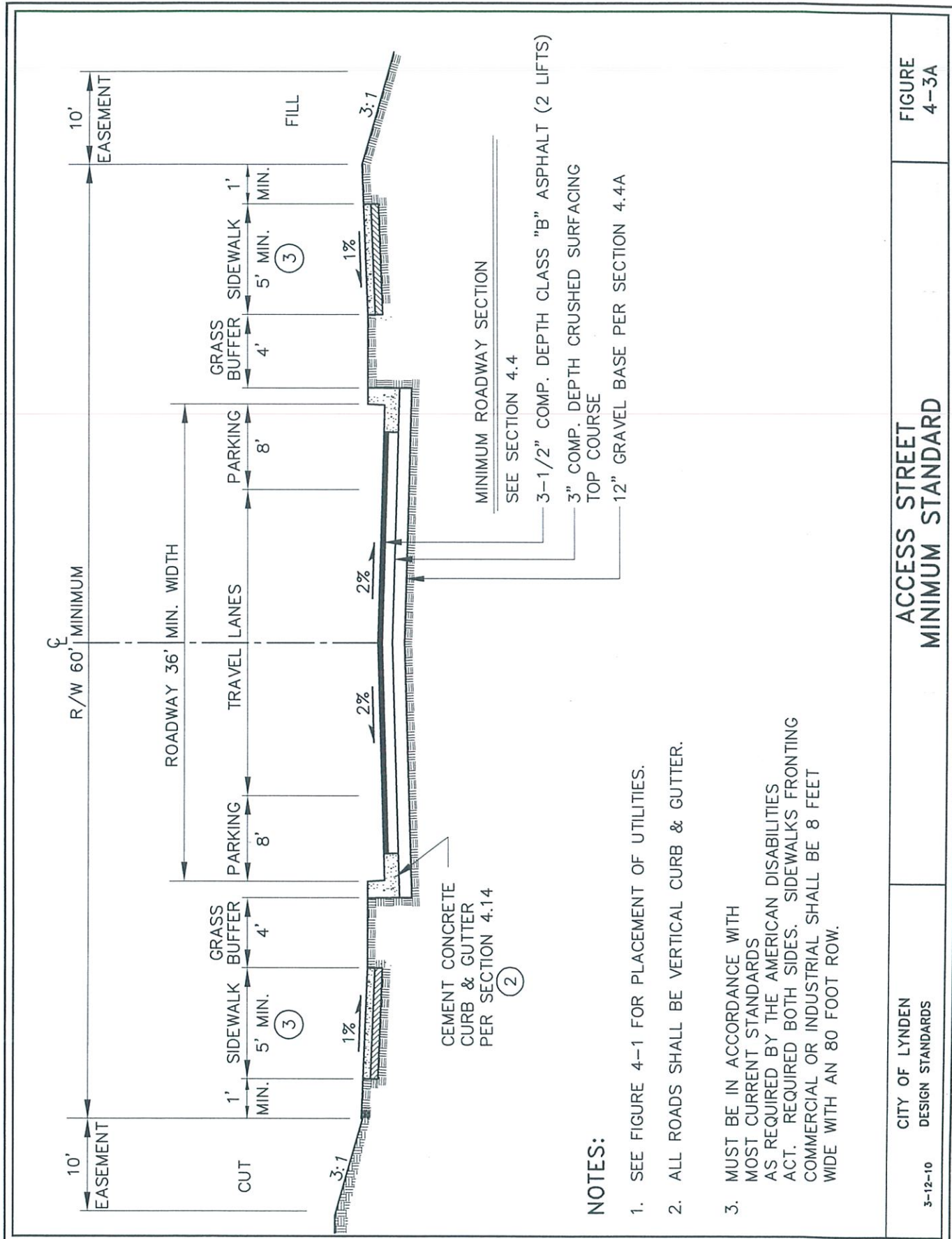
300 ft





**NOTES:**

1. SEE FIGURE 4-1 FOR PLACEMENT OF UTILITIES.
2. ALL PRIVATE ROADS SHALL HAVE VERTICAL CURB & GUTTER ON BOTH SIDES.
3. MUST BE IN ACCORDANCE WITH MOST CURRENT STANDARDS AS REQUIRED BY THE AMERICAN DISABILITIES ACT. REQUIRED ON ONE SIDE ONLY.



CEMENT CONCRETE CURB & GUTTER PER SECTION 4.14 (2)

MINIMUM ROADWAY SECTION SEE SECTION 4.4

3-1/2" COMP. DEPTH CLASS "B" ASPHALT (2 LIFTS)  
 3" COMP. DEPTH CRUSHED SURFACING TOP COURSE  
 12" GRAVEL BASE PER SECTION 4.4A

**NOTES:**

1. SEE FIGURE 4-1 FOR PLACEMENT OF UTILITIES.
2. ALL ROADS SHALL BE VERTICAL CURB & GUTTER.
3. MUST BE IN ACCORDANCE WITH MOST CURRENT STANDARDS AS REQUIRED BY THE AMERICAN DISABILITIES ACT. REQUIRED BOTH SIDES. SIDEWALKS FRONTING COMMERCIAL OR INDUSTRIAL SHALL BE 8 FEET WIDE WITH AN 80 FOOT ROW.





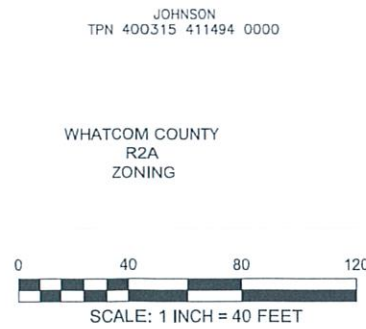
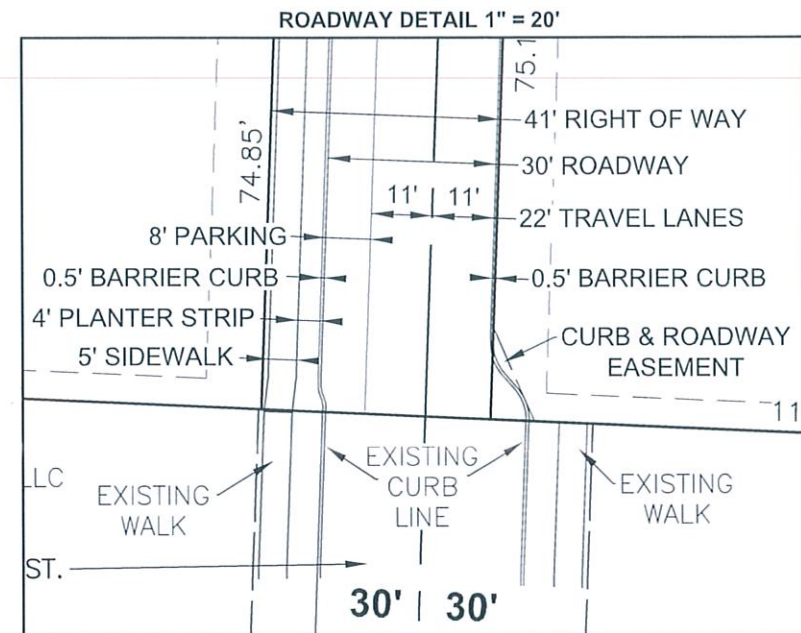
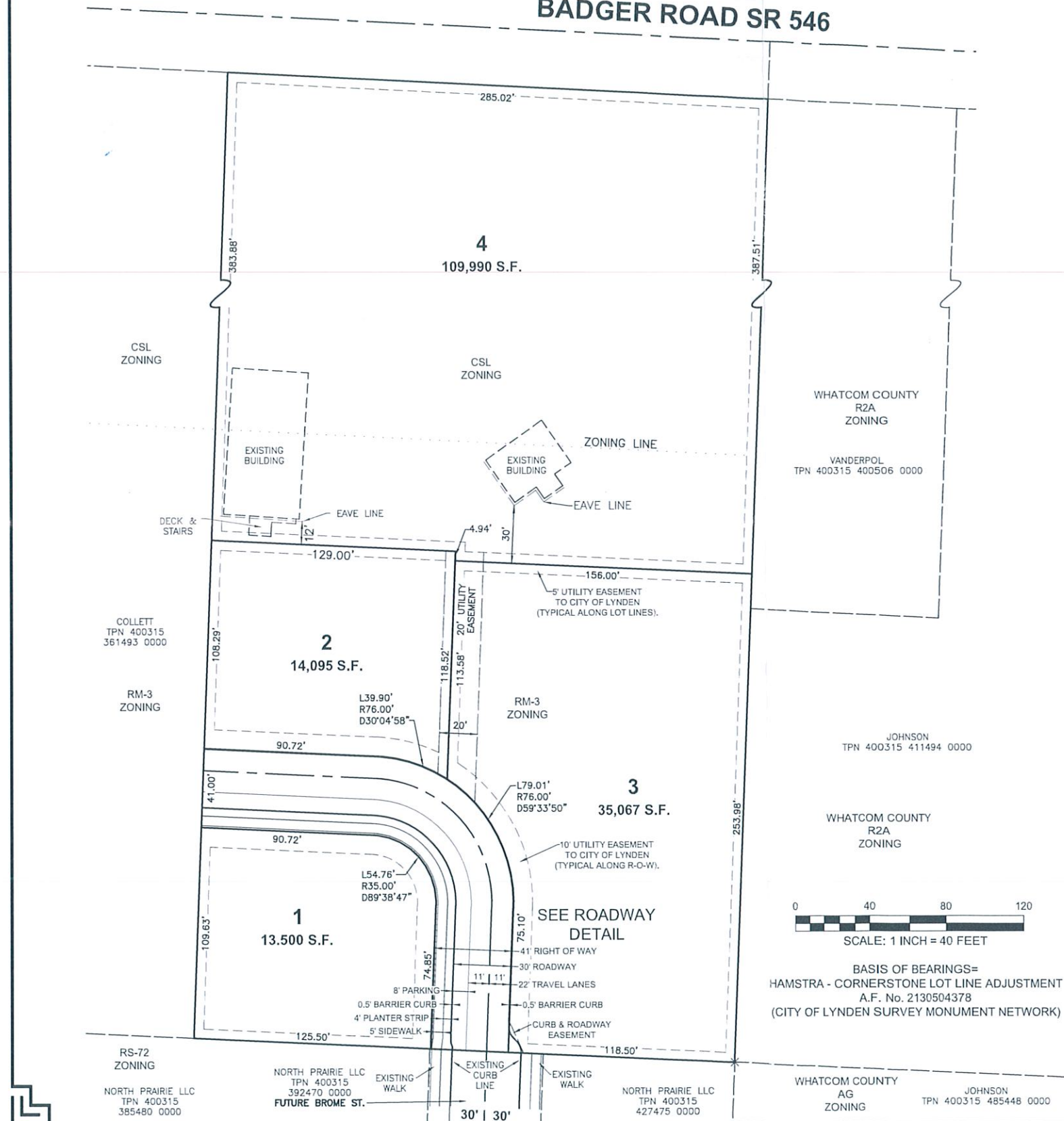
# PROPOSED BADGER SOUTH SHORT PLAT

PORTION OF THE NW 1/4, NE 1/4, SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.  
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

BADGER ROAD SR 546

### SURVEYOR'S NOTES:

1. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED SHIFLETT SHORT PLAT LOT CONFIGURATION AND PROPOSED ROADWAY VARIANCE DEMINSIONS. COMPASS POINT SURVEY, LLC ASSUMES NO LIABILITY IF THIS SURVEY IS USED FOR ANY PURPOSE OTHER THAN STATED ABOVE.



BASIS OF BEARINGS= HAMSTRA - CORNERSTONE LOT LINE ADJUSTMENT  
A.F. No. 2130504378  
(CITY OF LYNDEN SURVEY MONUMENT NETWORK)



Sheet: 2 of 2	Date: 10/02/19
Drawn by: JD & RL	Drawing: SHIFLETT SP2-070219.dwg
Reviewed by: RL & DL	Dir: G:\154003- 2008-SHIFLETT Crd: 154003-05 SOUTH.CRD



**COMPASS POINT SURVEY, LLC**  
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