

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. The offsite project to the east known as “Badger North LLC” has recently been approved to the same design standards requested herein. The proposed road will tie in to that project which was approved at a reduced width. The road will then widen at the corner and extend to the south at full width to connect into existing Currant Street. We also propose to match the approved reduced 41’ right of way width to the property to the east and extend this right of way width around the corner and to the south. These widths and roadway sections are detailed in the attached exhibits. Additional 20% parking will also be incorporated into the design to allow extra room for vehicles to help reduce any unlawful parking and roadway obstructions.

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 and shape, topography and location to provide it with the rights and privileges permitted to other properties in the area. The site is located at the end of Currant Street and will tie into the proposed road connecting to Brome Street matching both the existing widths of each street. This is a terminus street which will have minimal through traffic. Road widths proposed are tying into existing roadways widths already constructed. The proposed roadway is in the RM-3 zoning.

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 improvements in the area. This piece of roadway will complete the loop between Brome and Currant Streets and will match the previously granted variance to the east. This will provide a fluid street section through the entirety of this 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.

Additional parking in excess of 20% greater than minimum standard for the two buildings units along this loop. Pedestrian connectivity will be integrated into the plan and allow full access of pedestrian movement along this corridor.

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.