



City of Lynden

Development Standards Variance Application

2101

Property Owner

Name: CADAR BROOK PARTNERS (SHANE BASUMA / BOB LIBOLT)
 Address: 131 E CADAR DRIVE, LYNDEN, WA 98264
 Telephone Number: 360 410 1554 Fax Number: _____
 E-mail Address: bajemashane@gmail.com

Applicant (Agent, Land Surveyor or Engineer)

Name: SHANE BASUMA / BOB LIBOLT
 Address: 5 Apple
 Telephone Number: _____ Fax Number: _____
 E-mail Address: _____

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): 131 E CADAR DR, LYNDEN, WA

Variance Request:

Section of the Municipal Code or Engineering Design and Development Standards to be varied: _____

LMC 18.14.020 A - SEAMING VARIANCE

Identify Desired Result: DESIRED RESULT IS TO ALLOW FOR THE 3 NEW LOTS BEING DESIGNED TO BE CREATED DEAPER THAN 3 TIMES ITS WIDTH.

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 until all final review costs are paid in full.

Applicant's Signature: [Signature] Date: 4/30/2021

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: 5-17-21 RECEIPT # _____

350.00 paid 5-17-21

§ 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 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;

Criteria applied: This request is not a special privilege, given other vicinity properties are not typically developed in a shoreline condition. The use of vicinity properties is primarily unrestricted by shoreline setbacks and other critical area limitations nor do they have the responsibility for care and upkeep. In this case, allowing for the variance affords practically adding limited use areas within shoreline buffer and watershed to lots rather than awkwardly leaving them associated with the original home and lot which is impractical and unnecessary. Further, the usable portion of space on each new lot is similar in shape, and proportions to vicinity properties. In essence, the unusual "extra" length being proposed allows for inclusion of the limited use portions to the logical lots near and associated with the space and does not constitute a "special privilege" .but rather mitigates unnecessary difficulty in maintaining the resultant spaces.

- 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;

Criteria applied: The addition of extra length beyond 3 times is necessary due to the special circumstance of surroundings being that each lot is part of and would otherwise only be beside a large portion of shoreline land. Given this extra land is limited in use, it remains to be important however it be associated with its logical nearby lot for care, maintenance and security. Leaving this land associated with another lot such as the original home exposes the new lots to not being able to manage their own surroundings. Examples such as overgrowth in shoreline view corridors, managing invasive species spread and a limit to their ability to maintain a safe perimeter to the east end of the three lots to name a few.

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

Criteria applied: Not only will the granting of such a variance be void of any material detriment to the public health, safety and welfare it actually significantly enhances by contrast the public health, safety and general welfare. Adding the extra length to the lots allows for the eventual owners to responsibly maintain the spaces being added. Such maintenance affords aesthetic, preventative, safe and overall positive care along the Kaemingk trail which is a high use easement across each added portion of the lots. Without adding this to personal property most proximate, one could argue the northern and eastern most portions of the overall plat might be neglected and could foster less than ideal public health and safety concerns along the included trail easement.

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.

Criteria applied: Again, the granting of requested extra length to each lot has the opposite effect on the property being injured by the variance approval. Existing improvements such as the trail easement / lease area will benefit from having the proximate lot owners care for the space rather than alternatively leaving the space to the not so proximate original residence and owner. I cannot think of any injury to vicinity properties associated with the variance approval.

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

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.

Criteria applied: According to a Critical Areas report written August 19, 2019 by Miller Environmental Services, the area associated with the "extended lots" is all within shoreline and critical area. Essentially within the Fishtrap Creek watershed. Pairing the lots with the area within watershed affords sound judgement and specific accountability for monitoring and maintaining the spreading of non-native invasives such as primarily cutleaf and Himalayan blackberries and reed canarygrass identified in this area in the Miller report. These existing conditions grow out of control if they are not maintained and could not only overcome the existing trail easement but also further unwanted impact to the watershed ecology. I would offer that as a condition of variance approval the development process include a one-time requirement to remove the above named invasive species associated with the expanded lot lengths area.