



City of Lynden

Development Standards Variance Approval Process

Pre-application Meeting

Applicant or agent meets with the Technical Review Committee for a “feasibility review” and to discuss fees, time frames for completion of the project, and early issues with the project.

Application Review and Determination of Completeness

City staff reviews all application materials, makes a determination of completeness, and notifies the applicant within 14 days of receiving the application that the application is complete or what information is missing.

Publication of Legal Notice of Application and Project Proposal

City staff is responsible for publishing a legal notice of application and public hearing on the proposed project. Legal notices of application must be published at least 14 days prior to the public hearing.

Certified Mailing to Surrounding Property Owners

The proponent is responsible for notifying surrounding property owners within 300 feet of the project proposal. Property owners must be given 14 days written notice by certified or registered mail. In addition to the mailing, three copies of the legal notice must be posted within 300 feet of the project. A notarized affidavit of the postings and receipts for the certified mailings must be turned over to the Planning Department 10 days prior to the hearing date.

Technical Review Committee (TRC) Report and Recommendations

The TRC is notified of the application and reviews it for compliance with City plans and regulations, coordinates necessary permit reviews and identifies the development’s environmental impacts. The TRC consists of representatives from Fire, Parks, Public Works, Planning, and the Administration Department. The applicant is mailed a copy of the report, and it is also forwarded to the either the Planning Commission or to the City Council as part of the record for the hearing.

SEPA Determination and Publication of Legal Notice (if applicable)

All development permits require a SEPA checklist, except short plats and other projects exempted by WAC 197-11 and LMC 16.05.070. City Staff will be able to advise whether or not this is required for your project.

Public Hearing

The public hearing is held with either the Planning Commission or the City Council depending on the other development applications required. The City Council makes the final decision of approval or denial after reviewing and considering the project application materials, the TRC report, and any written or oral testimony in reference to the request. The City Council issues findings of fact and conclusions of law, outlining their decision.

Publication of Legal Notice of Decision

City staff is responsible for publishing a legal notice of final decision on the project. This legal notice, along with a copy of the findings of fact and conclusions of law is mailed to the applicant and forwarded to the City’s Building Official, specifying any conditions of the decision.



City of Lynden

Development Standards Variance Application Requirements

1. *Completed application form for variance request.*
2. *All applicable fees.*
3. *Project drawings showing the following:*
 - schematic for proposed variance (i.e. proposed street section, easement width)*
4. *Property site map showing the following:*
 - property dimensions and size*
 - street and alley dimensions*
 - footprint and dimensions of existing buildings*
 - setbacks to existing buildings*
 - other existing physical features*
 - north point and scale*
5. *Area map showing the following:*
 - adjacent properties*
 - zoning of adjacent properties if different than site zoning*
 - nearby structures and buildings*
 - streets/highways*
 - watercourses*
 - easements*
6. *Legal description of the property.*
7. *Names and addresses of all persons, firms and corporations holding interest in the property.*
8. *Written response to criteria for granting a variance (LMC 17.17.040).*
9. *Critical Areas Ordinance Checklist.*



City of Lynden

Development Standards Variance Application

Property Owner

Name: _____

Address: _____

Telephone Number: _____ Fax Number: _____

E-mail Address: _____

Applicant (Agent, Land Surveyor or Engineer)

Name: _____

Address: _____

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: _____

Variance Request:

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

Identify Desired Result: _____

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: _____ **Date:** _____

Property Owner's Signature: _____ **Date:** _____

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

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.