



Freeland and Associates, Inc.

220 W. Champion St., Suite 200  
Bellingham, Washington  
(360) 650-1408

**Plat of Barkley Heights  
Variance Request  
BMC 20.30.045 (G)(1)**

The Plat of Barkley Heights development at 3615 Chandler Parkway requests a variance from BMC 20.030.045(G)(1). We are requesting a modification to reduce the Front Yard Setback to 10' from 15'. This modification is consistent with the criteria for variances under BMC 23.48.040(A)(1)(a) and BMC 23.48.040(A)(2). Please accept this memorandum as a supplement to the project application narrative.

According to BMC 23.48.040(A)(1)(a) and 23.48.040(A)(2), *"The hearing examiner may grant a variance from any term of this title, except minimum lot size, if it is shown that the proposal is consistent with the following criteria"*:

1. a. *Because of unusual shape, the location of preexisting improvements, other extraordinary situation or condition, or physical limitation including, but not limited to, exceptional topographic conditions, geological problems, or environmental constraints, in connection with a specific piece of property, the literal enforcement of this title would involve difficulties, result in an undesirable land division or preclude a proposal from achieving zoned density; or*

**Comment:** The subject Property is clearly limited due to unusual shape, topography, easements, sensitive areas, and shallow bedrock. The property features curved boundaries that do not run parallel, slopes ranging from 15-50%, trail and access easements, wetlands within the western half, and bedrock typically 4' below ground surface. Enforcement of this title would require unnecessary difficulties to construct the proposed houses 5' further back into the site because it would result in steeper driveways or deeper excavation into the shallow bedrock.

- b. *The granting of the variance will establish a better lot design resulting in a development pattern found to be consistent with the neighborhood character including, but not limited to, development orientation to the street, setbacks, lot orientation, or other contextual element associated with the proposed development; and*

**Comment:** The setbacks on the proposed cluster single family lots are 10' in front, and 30' in the rear. The front setback is 5' less than required and the rear setback is 20' more than required. The rear setback has been increased to minimize impact to existing trees and views currently enjoyed by the existing houses east up the slope. Maintaining the front yard setback at 15' will cause the proposed rear setback to be decreased by 5'. Granting of the

**variance will allow for a better lot design by preserving the existing neighborhood's territorial views to the west.**

2. *The granting of any variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and subarea in which the subject property is located. [Ord. 2018-12-036 § 2 (Exh. A)].*

**Comment: The granting of the variance will not be unduly detrimental to the public welfare; in fact, it will improve public welfare by preserving the existing neighborhood's territorial views to the west. Also, the granting of the variance will allow the attached garages to be located 10' from the right-of-way which is consistent with the Infill Toolkit garages that are proposed elsewhere on Sussex Drive. This will allow for a more consistent neighborhood feel throughout the development.**

