

PROJECT DESCRIPTION FOR VIRANI LYNNWOOD

The proposed project Virani Lynnwood is a proposed 3 story, 12-unit apartment building at 6625 204th St SW in Lynnwood. The site area is 0.29 ac/ 12,632 sf, and the site is flat and currently occupied by a duplex and some scattered trees. The zoning of the site is CDM (College District Mixed Use). 17 parking spaces are proposed; 16 are required, with there being 4 studio units and 8 1 bedrooms. The density of the site is $12/0.29 = 41.38$ dwelling units per acre. The FAR is $6,973/ 12,632$, or 0.55. No other permits have yet been submitted concurrently, although a later land use permit will be filed depending on the outcome of this variance request. This is intended to be done in one phase, upon receipt of all appropriate permits.

The goal of this proposal is to provide a greater amount of housing to the community around the College compared to what is available now. As there are other apartment buildings to the north and east of this parcel, another development with apartments is not unprecedented. The location of the parking and building shown in the site plan is currently the most conducive to the end of providing housing.

We are requesting a variance on two levels for an apartment project in the CDM zone in Lynnwood. The first is around the minimum lot size (from LMC 21.57.400.A.1) , the second is to be able to be exempt from the requirement for there to be a commercial use on the ground floor (from LMC 21.57.400.B.4.b). The criteria for each variance is the same, and each one will be gone over below.

For a variance with the city of Lynnwood, there are eight criteria that must be satisfied per LMC 17.35.060 (which are the same as in LMC 21.26.350). We have presented them below, with our responses in italics, for the lot size issue:

- (1) The variance for the subject property will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and the zone in which the property is located;

With regards to size, being allowed to develop on this lot is not a grant of special privilege. There are several parcels smaller than 0.5 acres throughout the zone. However, few are like the subject parcel, in a situation where combination with much larger neighboring parcels already developed with apartments is difficult. So, as this is an existing parcel in this zone that was already 0.29 acres when the code passed, the zoning lot size requirement came after the parcel was established. We are not asking to split a parcel into a lot smaller than 0.5 acres, it is rather an existing condition.

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- (2) The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use zone in which the subject property is located;

As mentioned, the size of the parcel was established long before the code's minimum lot size requirement. It is therefore an existing condition, and a variance to minimum lot size is necessary in order to be able to develop at all. The current use is a duplex, which is far below the use imagined for the zone.

- (3) The granting of the variance will not be materially detrimental to the public welfare or 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 materially detrimental to the public welfare or injurious to neighboring properties. In fact, it will be less materially detrimental to the public welfare by allowing development to proceed in the zone, and without any of the nearby parcels being required to purchase it to develop it. It is less materially detrimental

- (4) The special circumstances of the subject property make the strict enforcement of the provisions of this code an unnecessary hardship to the property owner;

Essentially, without a minimum lot size variance, developing this parcel would be impossible without grafting it onto another neighboring parcel. The neighboring parcels, being over 0.5 acres, do not need this parcel to redevelop. In other words, to develop strictly in accordance with the code, this parcel needs its neighbors but its neighbors do not need it. This could lead to a situation where this parcel is otherwise never developed in accordance with the zone.

- (5) The special circumstances of the subject property are not the result of the actions of the applicant or a predecessor in interest:

The size of the parcel came before the CDM zoning, and they were brought at that size at the time. The applicant has never subdivided the site after they originally bought it.

- (6) The variance is the minimum necessary to fulfill the purpose of a variance and the need of the applicant;

The variance is merely asking for the lot size to be reduced to the size of the existing parcel, and no further.

- (7) The variance is consistent with the purpose and intent of the zoning code;

This variance will allow for higher density development to take place on the parcel. The intent of the code was not to freeze the smaller parcels in the zone out of being developed, but rather to encourage larger assemblages, which are not as possible on this site as they are to the more single family neighborhood in the zone further north.

(8) The variance is in accord with the comprehensive plan.

The variance allows for development of higher density on the parcel, which is in accordance with the comprehensive plan. A duplex is generally held as development far too low-density for the zone, and in that this variance enables higher density, it enacts the code.

Now, the same exercise will be conducted for the commercial use variance.

(1) The variance for the subject property will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and the zone in which the property is located;

The lack of commercial space on the first floor does not represent a special grant of privilege for several reasons. For the first, the resultant space would be approximately 700 sf, so small as to be non-viable for most businesses. This is due to parking as well as the small size of the parcel. Every property along 204th, 68th between 200th and 204th, and 202nd is also subject to this criterion. However, unlike many of those properties, this property is not easily combinable with neighbors. Because the others are either large enough on their own or are easily combinable, this is not a special privilege.

(2) The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use zone in which the subject property is located;

The variance is necessary because of the parcel's small size. The parking regulations plus the small size of the parcel necessitate a limited area on the building, which at best produces 700 square feet of area available for commercial. While other parcels in the is pedestrian oriented area are also small, they are more readily combined with their neighbors. As 700 sf is generally too small for a viable commercial part of a building, that would prevent this site from being redeveloped.

(3) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located;

The variance will not be materially detrimental to the public welfare. An ADA unit and housing can still be provided on the first floor, and there are several other parcels that can be combined or are big enough to develop with viable commercial areas.

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- (4) The special circumstances of the subject property make the strict enforcement of the provisions of this code an unnecessary hardship to the property owner;

As mentioned, strict enforcement of the commercial provisions would make there be a 700 sf space at best. This is generally not enough for a viable lease. Adding it on would be a hardship for the owner.

- (5) The special circumstances of the subject property are not the result of the actions of the applicant or a predecessor in interest

The size of the parcel is not the applicant's fault. The zoning came after the parcel was made.

- (6) The variance is the minimum necessary to fulfill the purpose of a variance and the need of the applicant

The variance is the minimum needed to create a building, eliminating the need for commercial is the minimum needed to redevelop the parcel.

- (7) The variance is consistent with the purpose and intent of the zoning code

The intent of the code is to create a walkable, pedestrian-oriented community around the college. The introduction of higher density alone can accomplish this, without the need to drag the building down with 700 sf of space that is not viable as a commercial entity. The higher density residential alone helps accomplish the goal of the zone.

- (8) The variance is in accord with the comprehensive plan.

The presence of higher density housing near the college is in keeping with the comprehensive plan. Non-viable commercial space is not necessarily conducive to the vision of a more mixed-use, pedestrian-oriented area around the college.