

Attachment A

Staff Analysis and Recommendation

County Planning, County Public Works, County Legal staff and Laurel Fire Department have reviewed the request for a variance from Yellowstone County Subdivision Regulations Section 4.14.C. 2, Major, Commercial, and Subsequent Minor Subdivision. The subdivider shall provide a minimum of one of the following mechanisms for fire suppression. An approved, single, minimum ten thousand (10,000) gallon underground water storage tank for fire suppression.

The variance request is for this subdivision to use a 30,000-gallon dry hydrant system in the Fire Rock Subdivision to the north.

Billings Fire Department has stated they are supportive of the variance. The dry hydrant in the Fire Rock Subdivision to the north is just over ½ road mile from the farthest point in the proposed Olive Grove Subdivision.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

The granting of this variance would allow the use of a 30,000-gallon tank that is in the near vicinity to the north. The Billings Fire Department is supportive of the proposed variance and feels that it will not be detrimental to the public health, safety, or general welfare.

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.

There are no surrounding physical conditions that would result in an undue hardship to the developer.

3. The variance will not result in an increase in taxpayer burden.

The variance will not increase taxpayer burden.

4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.

Approval of this variance will not place this subdivision in nonconformance of adopted zoning regulations or the growth policy. This subdivision is outside of the Yellowstone County Zoned area.

5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.

The alternate option for the required 10,000-gallon dry hydrant system is the use of a 30,000-gallon dry hydrant system in the Fire Rock Subdivision to the north. The tank in Fire Rock subdivision is a functioning tank and the Billings Fire Department inspects it on a rotating basis to ensure it is functional.

Therefore, staff is recommending approval of the proposed variance and recommends that the Planning Board recommend approval to the Board of County Commissioners.

Applicant Variance Request

The Request for Variance

Requesting a variance from Yellowstone County Subdivision Regulations, Section 4.14 "Fire Protection Requirements", B. Minor Subdivisions, 2. An approved, single, minimum ten (10,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one-half (1/2) road mile from the furthest structure in the subdivision. If an approved existing underground water storage tank is located within the one-half (1/2) road mile from the furthest structure of the proposed subdivision, it may be used to meet this requirement.

Olive Grove Minor Subdivision, Lots 3B,3C and 3D all fall within the one-half (1/2) road mile from an existing 30,000-gallon dry hydrant which has been approved by the Fire Department.

The request for the variance is for Lot 3A. The distance from the one-half (1/2) mile surveyed point from the 30,000-gallon dry hydrant is 191.83 feet to the proposed structure site.

1. The granting of the variance will not to be detrimental to the public health, safety, or general public welfare or injurious to other adjoining properties.

The location of the residential structure site, being only 191.83 feet from the one-half (1/2) road location will not compromise the public health, safety, or general welfare or injurious to other adjoining properties. The extra travel time to cover the additional 191.83 feet for fire equipment to be on site, would non-significant.

2. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulations was enforced.

The physical conditions of the property do not result in an undue hardship but enhances the request for the variance as the level ground conditions supports the argument that the fire equipment will not be hindered in reaching the residential in a very short period of time.

3. The variance will not result in an increase in taxpayer burden.

No increase in taxpayer expenses will occur if the variance request is granted.

4. The variance will not on any manner place the subdivision in nonconformance with any adopted zoning regulations.

There is no zoning on this parcel of land.

5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

The selected building site on Lot 3A can easily be served by the fire department equipment because of a flat topography, an asphalt road surface to the lot and being only 191.83 feet from the one-half (1/2) road mile requirement shows that the request for this variance will meet the objectives of the improvements for fire safety in Olive Grove Minor Subdivision.