



**Application for Variance from the Yellowstone County Subdivision Regulations'  
Requirement to Provide an Additional Stub Street to the Adjacent Undeveloped Land  
South of the Residential Area at Maplewood Estates (Section 4.6.B.1)**

A. A variance is requested to allow two stub street accesses to the undeveloped Lot 5, Block 5 (61.793 acres) on the Preliminary Plat of Maplewood Estates instead of the three that would be required by the Yellowstone County Subdivision Regulations. The section of the regulations from which a variance is requested is 4.6.B.1, which reads: "The maximum distance between connections to undeveloped lands shall not exceed 600 feet." The length of the northern boundary of the undeveloped parcel, Lot 5, Block 5, that is adjacent to the residential lot area within Maplewood Estates is 2443 feet. If 3 stub streets were provided to Lot 5, Block 5, each being 60 feet in right-of-way width, 4 blocks would be created with an average of 565.75 feet between connections. This variance is to request that two stub streets be allowed instead of three, which creates the following distances between connections to Lot 5, Block 5: 707 feet between 72<sup>nd</sup> Street West and 71<sup>st</sup> Street West, 874 feet from 71<sup>st</sup> Street West to Maple Leaf Trail, and 743 feet from Maple Leaf Trail to S. 68<sup>th</sup> Street West. Providing two accesses as proposed accomplishes the intended purpose of the cited section of the Subdivision Regulations, which is to encourage grid connectivity, and the resultant block lengths are not unreasonably long. Because Lot 5, Block 5 is within and a part of Maplewood Estates, and because it will be able to access South 72<sup>nd</sup> Street West along its entire frontage, and because it will also be able to access South 68<sup>th</sup> Street West along its entire frontage, another stub street is not deemed necessary besides the two proposed on the preliminary plat (S. 71<sup>st</sup> Street West & Maple Leaf Trail).

1. The granting of this variance will not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. The undeveloped parcel has more than adequate access and grid connectivity as described above and will provide adequate traffic circulation in the future.
2. A unique condition to this specific site that presents an undue hardship to the owner if the strict interpretation of the cited section of the Subdivision Regulations were followed to the letter is the topography of the site. The land slopes downward to the southeast. Since storm runoff is not allowed to be stored within the public road right-of-way, a retention pond is needed in the southeast corner of the proposed residential area. This retention pond takes 225 feet of the frontage adjacent to the undeveloped land on Lot 5, Block 5, which otherwise could be developed into 2 buildable lots. At the same time, the retention pond provides open space connectivity, which is a mitigating factor in that it reduces the effective block length between Maple Leaf Trail and S. 68<sup>th</sup> Street West to 517.6 feet. Another hardship is having a principal arterial street, South

72<sup>nd</sup> Street West, running along the entire west boundary of the subdivision. This requires greater right-of-way dedication than a local street would require while at the same time restricting access to all lots along the west boundary of the subdivision. This results in a much greater cost, due to both the additional land given up for the dedication itself and the cost of constructing an additional parallel internal road necessitated by the access restriction. If another stub street were required to the south above the 2 proposed, it would either cause the loss of a buildable lot or a narrowing of the lots along the south boundary to accommodate the additional stub. For these reasons, along with those stated in the first paragraph above, another stub street to the south is not warranted. The two proposed stub street accesses provide adequate grid connectivity to the adjacent undeveloped land in this case.

3. This variance will not result in any increase in taxpayer burden.
4. This variance will not place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy. This subdivision is outside the MPO zoning area.
5. Because the objective of neighborhood connectivity is still satisfied by the two proposed stub street accesses provided to the undeveloped adjacent land (Lot 5, Block 5), and because the resulting three block lengths are not unreasonably long, the design of the preliminary plat as shown is equally effective.

Thank you for your consideration of this variance.



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