

November 10, 2025

Mr. Steven D. Taylor
2523 Jessica Street
Billings, MT 59106

Re: Variance Request 2523 Jessica Street (Driveway Width and Fill)

Dear Mr. Taylor,

This letter is in response to your request for a variance regarding the 57-foot driveway serving your property within the Makenzie Meadows Subdivision and additional fill placed in the right of way. Your request for this correspondence to be made part of the official County record is acknowledged. Should you wish to pursue an appeal, this letter will be included as an attachment to the staff report and will become part of the formal record.

The roads within Makenzie Meadows Subdivision, 2nd filing are public roads maintained by Yellowstone County through a Rural Special Improvement District (RSID). In June 2021, the plat of Mackenzie Meadows Subdivision 2nd Filing was filed with the Yellowstone County Clerk and Recorder. (Plat Attached). The developer dedicated the roads in the subdivision to the public. As dedicated public roads, Yellowstone County manages the roads in the subdivision. All internal roads were formally dedicated as right of way to the public and Jessica Street is expressly mentioned per the language shown on the Final Plat in the owner's certification. Accordingly, all drive approaches connecting to public right of way are subject to County approach permitting and inspection per the County's Road Policy (Attached).

The subdivision had a stormwater plan that conveyed stormwater to retention ponds through swales on the side of the roads and culverts under driveways. (DEQ Approval/Stormwater Plan/SIA Attached). In May 2024, you purchased 2523 Jessica Street, Lot 13, Block 8 of the subdivision. (Deed Attached).

In June 2024, at your request the Yellowstone County Public Works Department issued you an approach permit to build a 30-foot-wide driveway over the right-of-way of Jessica Street. Approach Permit No. 22002 (Attached) was issued on June 28, 2024, and expired on December 28, 2024. At the time the permit was issued, the maximum allowable approach width was 30 feet. Per your letter, home construction began in August 2024, while the driveway work was not completed until April 2025. In May 2025, the County Road Policy was amended to allow 50-foot residential driveways for lots with frontage exceeding 150 feet. However, this policy update occurred after the permit was issued and after installation of your approach, which exceeds the previously approved 30-foot limit. Even with the newly allowable 50' approaches, your driveway exceeds the maximum width allowable by 7'

Additionally, in August 2025, fill material was brought into the County right of way without a permit to facilitate a sprinkler system installation. This fill work occurred within the public right-of-way and required prior County authorization. No permit was applied for. In September 2025, the Department advised you that the driveway was too wide and the stormwater swale had been filled in and requested you rectify the issues. (Letter 1 Attached). In September and October 2025, you provided the Department with letters on the issues and requested variances for the issues. (Letter 2; Letter 3 Attached).

Staff has reviewed all the information provided by you (Letter dated September 30 and letter dated October 22, 2025). After thorough review, staff could not find unique circumstances to justify approval of a variance allowing the existing 57-foot approach and the excess fill within the right-of-way. The reasons for denial of the variance include:

- The approach was not constructed as permitted and is not in compliance with county policy. Uncontrolled access points have a direct relation to safety.
- Allowing the fill material to remain as is will have an adverse impact on both available flow and storage capacity of roadside ditches. It is critical to retain the integrity of these roadside ditches as they help mitigate flooding in larger runoff events.
- Long-term maintenance issues of the culvert could arise, as the longer the culvert the more difficult to maintain.
- The fill was placed to facilitate irrigation. The County would prohibit private water lines and sprinklers in its right of way. These private lines and systems when placed in the right of way create a maintenance burden and hardship for maintaining the right of way.

As a result, 7 feet of concrete must be removed to reduce the total approach width to 50 feet, consistent with the current Road Policy. Staff will provide to the you an updated permit to reflect the 50' authorization because you have lot frontage greater than 150'. However, prior to granting the updated permit, a plan to remove the excess fill and approach width must be in place. To be clear, this corrective work must occur from the edge of pavement to the property line. Improvements located beyond the property line are not part of the variance request and are not regulated under the County Road Policy.

Please contact our office to coordinate the corrective work and permit reissuance. Based on recent telephone conversations, it is my understanding you wish to appeal the decision within this letter to the Board of County Commissioners. As such, I have scheduled this item for discussion November 20, 2025, no action occurs at this meeting. The item is subsequently scheduled for a regular business meeting on November 25, 2025. If these dates need to be rescheduled to accommodate your schedule, please reach me directly at mplecker@gmail.com or 406-256-2730.

Sincerely,

A handwritten signature in black ink, appearing to read 'MPlecker', written in a cursive style.

Monica Plecker
Director
Yellowstone County Public Works

Attachments

Plat
DEQ Approval/Stormwater Plan
Deed.
Permit
Road Regulations
Subdivision Improvement Agreement
Letter 1
Letter 2
Letter 3



Mackenzie
Meadows Plat.pdf



DEQ and
Stormwater Approva



SIA.pdf



Deed.pdf



Permit.pdf



Yellowstone County
Road Policy.pdf



Letter 1.pdf



Letters 2 and 3.pdf