




# MEMO

To: City-County Planning and Yellowstone County Public Works

From: Taylor Jay Kasperick, PE, Project Manager 

Date: 4.23.2025

Re: Statement of Hardship – Variance Request for WWB Subdivision

---

This memo is submitted in support of a request for a variance from the Yellowstone County Subdivision Regulations requiring the construction of sidewalks along the frontage of the proposed WWB Subdivision, a two-lot subdivision of land originally part of the R.F. Development Properties Subdivision. As outlined below, the request meets all criteria for the granting of a variance under the applicable regulations.

---

**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 proposed variance will not negatively impact public health, safety, or welfare, nor will it be injurious to neighboring properties. The surrounding area, including both the R.F. Development Properties Subdivision and the adjacent Harnish Trade Center Subdivision, has been developed without sidewalks. As a result, the absence of sidewalk along the WWB Subdivision's frontage will be consistent with the character and development pattern of the area and will not introduce any additional safety risks or disruptions to public access.

---

**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.**

The parcel proposed for subdivision is part of a previously platted subdivision (R.F. Development Properties Subdivision, platted in 2000) that did not require sidewalks. The existing development pattern and infrastructure do not support sidewalk connectivity in this location. Requiring sidewalk construction at this time would impose an undue financial burden on the owner, with minimal practical benefit, as adjacent

properties are unlikely to connect sidewalks in the foreseeable future. This disconnection would render any such construction premature and functionally ineffective.

---

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

Approval of this variance will not shift any cost burden to taxpayers. In fact, to ensure that the property contributes its fair share to future infrastructure improvements, the owner/developer is prepared to execute and record a Waiver of Right to Protest the formation of a Special Improvement District (SID). This Waiver allows Yellowstone County to include the property in any future SID and ensures that the owner will pay their proportionate share for sidewalk construction at the appropriate time, without reliance on public funding.

---

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

The proposed subdivision and variance request are fully compliant with all applicable zoning regulations. The request pertains solely to a subdivision improvement standard and does not involve any changes to land use, density, or development entitlements established by the zoning code.

---

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

The intent of the sidewalk requirement is to promote walkability and safe pedestrian movement. In this instance, given the lack of existing or planned sidewalk infrastructure in the immediate area, constructing isolated sidewalks would not achieve this goal. Instead, the long-term objective of a connected sidewalk network will be better served through coordinated public planning and implementation via a future SID. The owner/developer's agreement to waive the right to protest such a district ensures participation in a future, more comprehensive and effective pedestrian infrastructure solution.

---

**Conclusion:**

Based on the unique context and history of this property, the proposed variance is both reasonable and justified. The requested relief avoids an unnecessary hardship, aligns with surrounding development, maintains consistency with County regulations, and preserves future infrastructure planning options without increasing taxpayer burden.

We respectfully request approval of the variance, conditioned upon filing of the Waiver of Right to Protest the creation of a future SID