

**Variance Request – Through Lots**  
**Whitehorse Estates Subdivision, 2<sup>nd</sup> Filing**

Whitehorse Estates Subdivision, 2<sup>nd</sup> Filing is a 13-lot major subdivision proposed between South 48<sup>th</sup> Street West and 56<sup>th</sup> Street West, along Hesper Road, just west of Whitehorse Estates Subdivision, 1<sup>st</sup> Filing. As part of the proposed subdivision, a variance from **Section 4.4.G**. This section states double frontage lots are allowable only when necessary due to topography and when a no access strip is provided. By providing a cul-de-sac in the middle of the development, thus creating the through lots, we can ensure the lots developed within the subdivision have access from a local road, as opposed to a future collector roadway.

*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 will not adversely affect public health, safety, or general welfare, nor will it be injurious to adjoining properties. The implementation of a one-foot-wide no-access easement along the frontage of 52<sup>nd</sup> Street West will effectively prevent uncontrolled vehicular access to the collector roadway, thereby preserving safe traffic operations and minimizing potential conflicts. This measure is consistent with the objectives of the Yellowstone County Subdivision Regulations to ensure roadway safety while accommodating the specific lot configuration. Furthermore, the variance facilitates orderly development without compromising the rights or safety of neighboring properties or emergency services.

*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.*

Strict adherence to the guideline discouraging double-frontage lots would create an undue hardship due to the unique configuration of the property. The affected lots are bounded by both 52<sup>nd</sup> Street West and western boundary of Whitehorse Estates, First Filing, making strict compliance impractical without significantly reducing lot functionality or creating irregular lot layouts. Applying the regulation in full would limit developable area and constrain the overall subdivision design, with minimal benefit to public safety or welfare.

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

The granting of this variance will not result in an increase in taxpayer burden. The proposed lot design, including the one-foot no-access easement, requires no additional public infrastructure beyond what would be necessary for a standard subdivision. Roadway improvements and maintenance responsibilities remain consistent with typical subdivision standards, and the variance avoids unnecessary modifications that could increase construction and long-term maintenance costs.

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

The granting of this variance will not result in nonconformance with any adopted zoning regulations or the Growth Policy. The subdivision fully complies with the RR1 zoning

requirements and all applicable Yellowstone County Zoning Regulations, including lot size, use, and development criteria.

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

The proposed alternative design is more effective in achieving the objectives of the subdivision standards. The inclusion of a one-foot no-access easement along 52nd Street West maintains safe and orderly traffic flow, preserves lot usability, and prevents direct access to the collector roadway, consistent with the intent of the regulations. This design allows for a functional and efficient subdivision layout while maintaining compliance with safety, accessibility, and connectivity goals. As such, the alternative design satisfies the purpose of the required improvements without compromising the safety or functionality of the roadway network.