

Variance Request B
Whitehorse Estates Subdivision, 2nd Filing

Whitehorse Estates Subdivision, 2nd Filing is a proposed major subdivision in Yellowstone County. As part of the proposed subdivision, the subdivider has requested a variance from Table 4.6.C.1 of the Yellowstone County Subdivision Regulations for constructed road width is being requested, regarding the constructed roadway width for S 52nd Street West. This variance is asking to build a standard 24-foot-wide road with two-foot shoulders on each side.

Staff, which include Planning, Public Works and County Legal, are recommending approval of the variance. Should Variance Request A be granted the developer is proposing that they build a standard county road, 24-foot paved surface with 2-foot-wide gravel shoulders on each side. At the current time this road will be only used by those that live in the Whitehorse Subdivision 1st and 2nd Filings. In the future should the land to the west be developed, they will provide the second half of the right-of-way and widen the road to accommodate the additional traffic.

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 be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. The developer is proposing a roadway, consisting of 24 feet of asphalt with 2-foot gravel shoulders on each side. This road width is a Yellowstone County standard road width, will adequately accommodate anticipated traffic volumes, provide safe two-way travel, and allow for emergency access and utility placement. The proposed roadway width is consistent with property to the north in Epsy Subdivision, Bridle Creek Estates Subdivision, and Diamond Falls Subdivision. These subdivisions have dedicated a 40-foot right-of-way for roads that will be constructed in the future. Constructing a 28-foot roadway within this requested right-of-way maintains alignment with existing improvements while avoiding unnecessary constriction or irregularities, thereby preserving safe, functional, and efficient transportation infrastructure. Additionally, the proposed roadway width is in alignment with residential roadways utilized throughout Yellowstone County, which South 52nd Street West will function as, until such time that undeveloped properties to the west and north of Whitehorse Estates 2nd Filing are developed and additional right-of-way and road width will be added by subsequent developers. Once there is development to the west and north additional road right-of-way will be added and the road can be widened out to function as a collector.

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 particular physical surroundings or topography that would restrict the subdivider from providing the entire 80-foot-wide right-of-way on his property. County Subdivision Regulations require the applicant to either obtain half of the required right-of-way from the neighboring property owner or provide the entire right-of-way on their own property. According to information provided by the subdivider's agent, the neighbor to the west has no interest in providing any road right-of-way. The subdivider is asking to dedicate half the needed right-of-way similar to what has been done to the north. The difference being the subdivider is proposing

to build a county standard road within the 40-foot dedication. 24-foot-wide paved area with 2 foot gravel shoulders on each side.

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

A half road width will not increase the taxpayer burden. An RSID will be created to maintain public roads as is standard practice in Yellowstone County.

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

The zoning is Rural Residential 1. Zoning does not have any regulatory input on roads within the county.

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

The alternative design is to have a road half right-of-way with a standard Yellowstone County Road built within that right-of-way.