

Variance Request C
Whitehorse Estates Subdivision, 2nd Filing

Whitehorse Estates Subdivision, 2nd Filing is a proposed major subdivision in Yellowstone County. 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. This variance is supported by staff.

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. Granting this variance will be beneficial to safety and general welfare of the public. By requiring a 1 foot no access strip along S 52 St W this will require lot owners to access internal roads and decrease future conflicts on a main road that is going to be moving a higher volume of traffic. This way it helps with public health and safety.

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 separation of lots and the S 52nd St W. S 52nd St W is proposed to be a collector street in the future. County policy has always been to restrict access to higher traffic streets to avoid unnecessary traffic conflicts. Allowing multiple accesses onto a higher traffic street creates multiple conflicts and increases the likelihood of car accidents. Strict adherence to the subdivision regulations would discourage double frontage lots in subdivisions. There are many subdivisions in Yellowstone County and the City of Billings with double frontage and the solution has been to require a 1 foot no access strip to control traffic access onto higher traffic roads. Strict compliance with subdivision regulations is 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.

Granting this variance will not increase the taxpayer burden. Restricting access to an internal road will be a safety measure that will help with people being less likely to be in an auto accident.

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 1 foot no access strip to require all driveways to be from internal local subdivision roads.