

September 24, 2010

Ms. Juliet Spalding  
Planner II/Subdivision Coordinator  
City of Billings  
Planning and Community Services Department  
510 North Broadway, 4th Floor  
Billings, MT 59101



Reference: Amended Plat of the East Half of Lot 17, Except the South 100 feet Thereof  
McKay Acres - Variance Request  
Project No. 04032.03

Dear Juliet:

On behalf of Kincaid Land LLC, we are requesting a variance from the provisions of Section 23-406(B)(6) of the City of Billings Subdivision Regulations requiring the dedication of a 35-foot strip of land along Rimrock Road which is a principal arterial. The City of Billings Public Works Department has approved a 10-foot strip of land to be dedicated in order to meet the future right-of-way needs along this portion of Rimrock Road. Therefore, we are requesting that the 10-foot strip of land be dedicated in lieu of the 35-foot strip of land required by the subdivision regulations. The following information has been provided to address the variance request:

**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 variance will not be detrimental to the public health, safety, or general welfare, or injurious to other adjoining properties. The City of Billings Public Works Department has requested that a 10-foot strip of land be dedicated to meet the future right-of-way needs of Rimrock Road, therefore the 35-foot dedication required by the subdivision regulations is not required.

**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 City of Billings Public Works Department has requested that a 10-foot strip of land be dedicated to meet the future right-of-way needs of Rimrock Road, therefore the 35-foot dedication required by the subdivision regulations is not required.

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

This variance will not result in an increase to taxpayers. By allowing the variance, there will be more private property that is taxable.

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

Granting this variance would not place the subdivision in any nonconformance with the adopted City of Billings zoning regulations or growth policy. The 2003 growth policy has several goals including the following:

**A. Visually appealing rights-of-way that serve the needs of all modes of travel**

The City of Billings Public Works Department has requested that a 10-foot strip of land be dedicated to meet the future right-of-way needs of Rimrock Road, therefore the 35-foot dedication required by the subdivision regulations is not required.

**B. Well maintained network of safe and interconnected sidewalks**

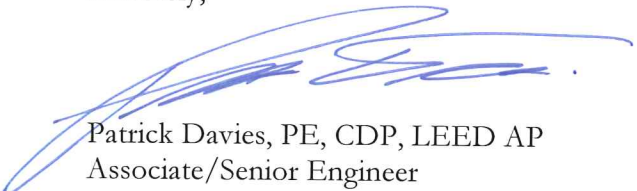
The City of Billings Public Works Department has requested that a 10-foot strip of land be dedicated to meet the future right-of-way needs of Rimrock Road, therefore the 35-foot dedication required by the subdivision regulations is not required.

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

The City of Billings Public Works Department has requested that a 10-foot strip of land be dedicated to meet the future right-of-way needs of Rimrock Road, therefore the 35-foot dedication required by the subdivision regulations is not required.

Please review the above information, and feel free to contact me at 406/656-5255 if you have any questions.

Sincerely,



Patrick Davies, PE, CDP, LEED AP  
Associate/Senior Engineer

PD/tsc

c: Gene Culver, Kincaid Land, LLC

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