

## ATTACHMENT C

### Variance Request/Analysis and Staff Response

#### FINDINGS OF FACT:

**Variance Request: 23-406B(6) to allow 56-foot right-of-way dedication for Monad Road west of Marillac Street in lieu of the required 74-foot right-of-way requirement for a collector.**

- 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 would not be detrimental to the public health, safety, or general welfare of the public or be injurious to other properties. It has been determined that a 39-foot wide roadway surface (measured from back-of-curb to back-of-curb) would be constructed and would have the capacity to accommodate the anticipated traffic volumes. The 56-foot right-of-way width would be consistent with what was approved for the Monad right-of-way width to the west of the subdivision.

By creating less open space along the street, speeding should be kept to a minimum. In addition, the creation of the 56-foot right-of-way would in fact help adjoining properties by creating more developable area.

- 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 regulations was enforced.**

By enforcing the 74-foot right-of-way requirement on Monad Road west of Marillac Street, the right-of-way width would be variable between this property and the property to the west (Lenhardt Square Subdivision). Variable right-of-way widths make it difficult to have consistent roadway and boulevard widths between the two subdivisions, which could potentially make the transition between the properties undesirable.

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

By allowing a 56-foot right-of-way, the City of Billings would actually be creating more developable area within the St. Vincent Healthcare Subdivision, thus creating a higher tax base for the City of Billings.

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

Allowing a 56-foot right-of-way would not place the subdivision in nonconformance with the adopted City of Billings Zoning regulations. In

addition, this variance would still allow the subdivision to be in compliance with the Growth Policy and the West Billings Plan.

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

A 56-foot right-of-way would still accommodate a 39-foot street (measured from back-of-curb to back-of-curb). This street width would be adequate to meet the projected traffic demands for Monad Road. In addition, this right-of-way width is consistent with property to the west, thus providing a seamless transition between the two properties.

**Staff Analysis:** Variance from Section 23-406.B.(6)

Based on the five subdivision variance review criteria Planning and Public Works staff are supportive of the granting of this variance. The applicant is requesting a reduction in right-of-way dedication for Monad Drive, west from Marillac Street. This reduction down to 56 feet makes a logical, consistent connection to Monad Road as it is immediately west within the Lenhardt Square Subdivision. The right of way amount proposed is sufficient to contain the proposed 39-foot wide street. Also, the adjacent land to the north is being dedicated to the City with this plat, so any needed street, sidewalk or trail expansion could be located within that area. Granting of this variance will not increase taxpayer burden or be in any way contradictory to the City Zoning Ordinance or Growth Policy. Staff is recommending approval of this variance request.