

**Variance Request B**  
**Lone Eagle North Subdivision**

Lone Eagle North Subdivision is a proposed major subdivision in Yellowstone County. The applicant has requested a variance from Section 4.6.A.3. of the Yellowstone County Subdivision Regulations.

*3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel.*

Part of the proposed subdivision is north of the existing Lone Eagle Subdivision, 5<sup>th</sup> Filing. On the existing 5<sup>th</sup> Filing of Lone Eagle Subdivision, Lone Eagle Drive is depicted on the plat as a 60-foot-wide Private Access Easement. This easement for Lone Eagle Drive runs the entire western length of Lot 20, Lone Eagle Subdivision 5<sup>th</sup> Filing and the southern boundary of proposed Lot 3 and Lot 4, Block 5 of the proposed subdivision, Lone Eagle North Subdivision. It appears that the developer of the 5<sup>th</sup> Filing intended to continue connection to the north as the subdivision became larger with future filings.

The proposed Lone Eagle North Subdivision shows a private road on the northern side of Lots 3 and 4, Block 5 to be called Consuela Creek Lane. Lone Eagle Road is the only way in or out of the existing Lone Eagle Subdivision. A connection with Lone Eagle North Subdivision would provide a second way in and out of the existing Lone Eagle Subdivision, as well as an emergency access route to the proposed subdivision.

County Public Works stated in reviewing the variance requests that, “Public Works has reviewed the variances, and we will not support them”.

*1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.*

Staff believes a connection to the south would provide another way out of the proposed subdivision increasing the safety of those living in the subdivision. It will also provide a second way in and out of the existing Lone Eagle Subdivision to the south. Granting the variance could be detrimental to the public health, safety, or general welfare of the public.

*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 some logistical issues, topography, that would make it difficult to build the road. But it would benefit all residents already out there and the new ones proposed with the new subdivision.

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

The variance will not increase a tax burden on taxpayers.

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

Granting the variance would not place the subdivision in nonconformance with any adopted zoning regulations or the growth policy.

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

An alternative is to build the subdivision with the proposed layout. This filing does provide two ways in and out with both going to Alkali Creek Road.