

Variance Request
Shop House Acres Subdivision
Attachment A

Shop House Acres is a proposed major subdivision in Yellowstone County. The applicant has requested a variance from Section 4.6.B.1, of the Yellowstone County Subdivision Regulations, which outlines connection to undeveloped / under developed land surrounding proposed subdivisions. The maximum distance between those connections is 600 feet.

This variance is being pursued to limit the number of connections to the south. One connection could be made with the entry/exit on the south in the public right of way area. The southern entrance has a section of it that is public right of way. Part of that road right of way is immediately adjacent to the property line, providing a future connection. The south border would require two connections at one every 600 feet.

The applicant is specifically requesting one connection to the south stating that the land to the south is marshy and has a high-water table.

In correspondence with County Public Works staff received the following email after requesting their input about the variance request.

Dave, summary as follows:

- They will seek a variance for connectivity to the south.
- They will include language to allow future connection to the west in the SIA – the right of way is immediately adjacent to the property line. No variance needed for west connection.

Monica Plecker, AICP
Public Works Director

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 the general welfare of adjoining properties. The point of multiple internal connections to adjacent property is to allow movement of people through developments without having to go out onto arterial roads to get to another property in the subdivision next to them. One connection to the south and west will help accomplish that goal.

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.

According to the applicant's agent, the land very near the south border of this project is marshy and has shallow groundwater on the property. This would make development difficult to accomplish. A portion of the right of way for the southern access, to the subdivision, runs along the southern property line. This would allow a future connection to the south. With the land conditions on the southern property, one connection to the proposed subdivision would be acceptable. County Public Works is supportive of the variance request. To the north is a large lot residential subdivision. All the lots to the north of this proposed subdivision have been developed. The subdivision to the north, Homestead Acres, recorded October of 2020, received a variance to not provide a connection to its south from the Board of County Commissioners.

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

The granting of this variance would not increase taxpayer burden.

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

The granting of this variance would not put this proposed subdivision in nonconformance with any adopted County zoning. They are outside of the County zoning jurisdiction.

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

The option of the single connection to the south and a connection to the west will work for future connections to other subdivisions that may come along in the future.