

Section F: VARIANCE REQUESTS

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Remington Flats Subdivision

Variance Request #1 – Block Length

A variance is being requested from the City of Missoula Subdivision Regulations for the Remington Flats Subdivision concerning the block length between existing roadways adjacent to Phase 7A of the 44 Ranch Subdivision.

Regulation of Concern: Article 3.020.2 A (2) Blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Variance Request: Extend the maximum block length to 540 feet for the block fronting Lots 1-9 of the Remington Flats Subdivision.

Justification: In order to match the existing road layout and keep connectivity between existing and proposed subdivisions the block length between Chuck Wagon Drive and the existing Tenderfoot Way will need to be 540 feet. This will allow Remington Flats to keep the currently established grid of road systems traveling north to south as they are laid out in the existing 44-Ranch subdivision to the South.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- 1. The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** This variance will allow for a safer more connect route between adjoining subdivisions. Without the variance roads will either not connect or need to take sharp unnecessary curves.
- 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.** The existing location of street grid from 44 ranch subdivision is unique to this property as it is the only property that is in need of matching the already established Tenderfoot Way and Riata Road and Chuck Wagon Road.
- 3. Because of the physical surroundings, particular shape or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict requirements of the these regulations are enforced.** Due to the already established road grid, if the owner were to reduce the existing block size to meet current required block lengths additional unnecessary road and intersections would be required.
- 4. The variance will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy.** This variance will not violate zoning, previous variances, or the Missoula County Growth Policy.
- 5. The variance will not cause an increase in public costs.** This variance will no cause an increase in public costs.
- 6. The hardship has not been created by the applicant or the applicant's agent or assigns.** The hardship was not caused by the applicant, their agents, or assigns. This is the result of an existing condition, prior to the applicants involvement.

Remington Flats Subdivision

Variance Request #2 – Block Length

A variance is being requested from the City of Missoula Subdivision Regulations for the Remington Flats Subdivision concerning the block length north of Winchester Drive along Lots 122-135.

Regulation of Concern: Article 3.020.2 A (2) Blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Variance Request: Extend the maximum block length to 540 feet for the block north of Winchester Drive fronting Lots 122-135 of the Remington Flats Subdivision.

Justification: In order to match the existing road layout and keep connectivity between existing and proposed subdivisions the block length between Chuck Wagon Drive and the existing Tenderfoot Way will need to be 540 feet. This will allow Remington Flats to keep the currently established grid of road systems traveling north to south as they are laid out in the existing 44-Ranch subdivision to the South. For pedestrian mitigation, Remington Flats will provide a 10' sidewalk easement running north south between Lots 127 and 128 to break up the block and allow pedestrian connections. The 5' sidewalk located within the easement will end at the northern property boundary and connect to the pedestrian corridor of future development to the north.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- 1. The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** This variance will allow for a safer more connect route between adjoining subdivisions. Without the variance roads will either not connect or need to take sharp unnecessary curves.
- 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.** The existing location of street grid from 44 ranch subdivision is unique to this property as it is the only property that is in need of matching the already established Tenderfoot Way and Riata Road and Chuck Wagon Road.
- 3. Because of the physical surroundings, particular shape or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict requirements of the these regulations are enforced.** Due to the already established road grid, if the owner were to reduce the existing block size to meet current required block lengths additional unnecessary road and intersections would be required.
- 4. The variance will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy.** This variance will not violate zoning, previous variances, or the Missoula County Growth Policy.
- 5. The variance will not cause an increase in public costs.** This variance will not cause an increase in public costs.

6. **The hardship has not been created by the applicant or the applicant's agent or assigns.** The hardship was not caused by the applicant, their agents, or assigns. This is the result of an existing condition, prior to the applicant's involvement.

Remington Flats Subdivision

Variance Request #3: Remington Drive, Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road and Riata Road

A variance is being requested from the City of Missoula Subdivision Regulations for the Remington Flats Subdivision concerning the right-of-way for the proposed Low Density Urban Local Streets within the Subdivision.

Regulation of Concern: Article 3.020.2 table .2 A, Standards for Geometric Design of Roads and Streets; Low Density Urban Local Street. (less than 12 swelling units/ acre or greater than 80 feet average frontage)

Variance Request: Reduce the minimum right-of-way (ROW) from 70-feet to 64-feet as shown on the Preliminary Plat.

Justification: This variance still allows all improvements to fit within the right-of -way. The proposed street section of Remington Drive, Winchester Drive, Browning Road, Tenderfoot Way, Ruger Road and Riata Road meets all requirements of the Low Density Urban Local Street as stated in the Missoula City Subdivision Regulations with the exception of the right-of-way width. This would provide a road right-of-way, per Remington Flats Road Design, that is back of sidewalk to back of sidewalk plus 1-foot on each side. This ROW would be slightly larger but match in context the current ROW of Tenderfoot Way and Riata Road. This will keep a standard of design similar for entire neighborhood.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- 1. The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** Reducing the Right-of-Way will not reduce or limit any physical infrastructure for the proposed subdivision, it will accommodate the proposed street section which is wider and safer than the required per Article 3.020.0 table .2 A.
- 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.** The conditions upon which this request for a variance are based are unique to the property because of the existing infrastructure to the south of which this subdivision will be connecting to, and providing a similar design standard of streets for the neighborhood.
- 3. Because of the physical surroundings, particular shape or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict requirements of the these regulations are enforced.** Undue hardship would result to the owner, if strict requirements of the regulations were enforced, by creating smaller lot sizes in which to build homes due to an unnecessary portion of Right-of-Way taking up portions of each lot.

4. **The variance will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy.** This variance will not violate zoning, previous variances, or the Missoula County Growth Policy.
5. **The variance will not cause an increase in public costs.** This variance will no cause an increase in public costs.
6. **The hardship has not been created by the applicant or the applicant's agent or assigns.** The hardship was not caused by the applicant, their agents, or assigns. This is the result of an existing condition, prior to the applicant's involvement.

Remington Flats Subdivision

Variance Request #4: Chuck Wagon Drive

A variance is being requested from the City of Missoula Subdivision Regulations for the Remington Flats Subdivision concerning the right-of-way for Chuck Wagon Drive within the subdivision.

Regulation of Concern: Article 3.020.2 table .2 A, Standards for Geometric Design of Roads and Streets; Urban Collector (with parking)

Variance Request: Reduce the minimum Right-of-Way (ROW) from 90-feet to 40-feet as shown on the Preliminary Plat.

Justification: This variance is necessary to accommodate the existing conditions of Chuck Wagon Drive. Chuck Wagon Drive has been Pre-Platted in the 44 Ranch subdivision as an 80' right-of-way centered on the west property line of Remington Flats. Chuck Wagon Drive is planned as an urban collector road. The right-of-way for an urban collector road is 90' per subdivision regulations. Remington Flats is proposing an identical layout and continuation due to the already established condition and layout of Chuck Wagon Drive from 44 Ranch. Due to recent ongoing issues with acquiring the west most 40' of right-of-way from the Airport Authority, only the east half of the needed 80' ROW is acquired. This easement acquisition is believed to be temporary. Rather than drastically alter Chuck Wagon Drive we are proposing to construct a half road of Chuck Wagon Drive on the Remington Flats with a 40' right-of-way. The proposed half road cross section will consist of a 2.5' temporary gravel shoulder at the property line, two 10' driving lanes, curb and gutter, a 10' boulevard, a five-foot sidewalk and a 0.5-foot strip of land for maintenance. The remaining 40' of right-of-way to the west will be acquired at a later date and Chuck Wagon Drive will be completed to urban collector road standards. Once the needed easement is acquired the additional Right-of-Way can be dedicated and match the existing 44 Ranch road section for Chuck Wagon Drive.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- 1. The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** Reducing the Right-of-Way will not reduce or limit any physical infrastructure for the proposed subdivision. The proposed road section will accommodate the estimated traffic volumes until additional right-of-way is secured.
- 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.** The conditions upon which this request for a variance are based are unique to the property because of the existing infrastructure to the south of which this subdivision will be connecting. Providing a similar design standard of streets for the neighborhood. Along with the needed easement from the Airport to Complete the full Road ROW.
- 3. Because of the physical surroundings, particular shape or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict requirements of these regulations are enforced.** Undue hardship would result to the owner, if

strict requirements of the regulations were enforced, by creating smaller lot sizes in which to build homes due to an unnecessary portion of Right-of-Way taking up portions of each lot.

4. **The variance will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy.** This variance will not violate zoning, previous variances, or the Missoula County Growth Policy.
5. **The variance will not cause an increase in public costs.** This variance will not cause an increase in public costs.
6. **The hardship has not been created by the applicant or the applicant's agent or assigns.** The hardship was not caused by the applicant, their agents, or assigns. This is the result of an existing condition, prior to the applicant's involvement.