

# EDGEHILL SUBDIVISION Lots 22A & 22B

Missoula, Montana

## VARIANCE REQUEST

Expressway is a City Street adjoining the south boundary of Lot 22, and proposed Edgell Subdivision. Expressway is classified as an Urban Collector Street. The street was platted in 1981 with a sixty foot wide right-of-way for Expressway. An additional 10 feet of right-of-way was added along the southerly R/W by MDT project 2163-001.

As shown on the preliminary plat, Expressway has five foot curb-side sidewalks both sides; and curb & gutter both sides. The north side of the street has eight foot wide parallel parking against the curb; then a six foot wide painted bike path; then 12 foot wide west-bound driving lane. The south side of the street has a seven foot wide painted bike path up against the curb, and a 12 foot wide east-bound driving lane. Back to back of curb width is 45 feet. All of the streetscape is contained within a 70 foot wide right-of-way.

City of Missoula Subdivision Regulations Article 3-020, Table 2A requires the following for a street classified as an Urban Collector, specific to this proposal:

- 80 foot wide right-of-way; 90 foot r/w with parking both sides
- Seven foot boulevard
- 47 foot width back of curb to back of curb with parking both sides

This proposed subdivision seeks to vary from Subdivision Regulations, Article 3-020, Table 2A, to the extent that the existing, as-built, streetscape does not comply with said City requirements. Variance review criteria are address as follows:

1. ***The granting of this variance does not result in a threat to public safety, health or welfare, and is not injurious to other persons' property.*** Expressway in this area was designed and constructed by MDT, and while certain aspects do not comply with City requirements applicable to a new subdivision street, the existing off-site road was designed to safely accommodate vehicular traffic, as well as non-motorized travel. Expressway infrastructure is in very good condition and has been well maintained. This portion of Expressway sees frequent pedestrian/bike use, and connects several existing public roads and trail systems. There are no known problems with the existing streetscape related to public health, safety or welfare, and continued use of the street, as is, is not injurious to adjacent properties.
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.*** Unlike a street being proposed as part of this subdivision, Expressway was designed and built by MDT, outside the realm of control of the applicant. This publicly funded street, and streetscape are unique as a review criterion for this subdivision, given that the street already exists, adjacent to the subject property. The street's non-compliance with the City subdivision regulations, is unique, given that the road was designed and built through a State MDT design, not being subject to the City subdivision regulations.

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.*** Strict compliance with the City standards for an Urban Collector Street would require grant of additional right-of-way, and construction retrofit of the existing streetscape. Such a requirement would be of significant financial hardship to the adjacent property owner, and additional right-of-way grants would impact the already developed commercial use of the property.
4. ***The variances 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.*** Approval of the variance would not result in a violation the provisions of the Missoula City Zoning ordinance, or City / County Growth policies.
5. ***The variance will not cause an increase in public costs.*** Granting of a variance from the streetscape outlined in Table .2A of Section 3-020 will not result in any increase in public costs. Should densities reach a level where such facilities are warranted, an SID for improvements could be supported.
6. ***The hardship has not been created by the applicant or the applicant's agent or assigns.*** The applicant seeks to split an existing lot such that two existing commercial structures are each on an individual lot. The fact that the adjacent off-site street (Expressway), designed and built by MDT, does not comply with City Subdivision standards for streets, is not a hardship created as a result of the proposed subdivision, and is not a hardship created by the applicant.