

Variance Request #1 –Lots and Blocks Design Standards

A variance from Sections 3-030.1.C(3) proposing each lot must abut on and have access to a public or private street or road.

Rule (s):

3-030 Lots and Blocks

.1 Lots

C. The design of lots must meet the following standards:

(3) Each lot must abut on and have access to a public or private street or road

Request (s):

Approval of a proposed design standard which has lots fronting the proposed Open Space #1.

Reason (s):

Design standards within the Traditional Neighborhood Development Form-Based Code for the Sxwtpqyen Master Planned Area (FBC) prioritize pedestrian connectivity and aesthetic neighborhood design without sacrificing density and affordability. Those standards are not always congruous with the City subdivision regulations. Proposed lots 26, 27, and 28 within the Sapphire Place Subdivision highlight areas where such a conflict exists. Proposed lots 26, 27, and 28 and are directly adjacent to the east of proposed Open Space #1. These lots front the proposed Open Spaces and align with the intent of the FBC by prioritizing pedestrian access and aesthetically pleasing design. However, requiring a typical street or road to bisect the proposed open spaces in an effort to comply with 3-030.1.C(3) contradicts the objectives of the FBC. Proposed Open Space #1 will include a 20' Utility Easement and will be designed to provide adequate, safe, non-motorized transportation options to residents in the area. Additionally, addresses will be easily visible on the back of homes to ensure emergency services have ample identification and room to serve the homes fronting the Open Spaces.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 1.) *The granting of this variance does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.*

The proposed units on Lots 26, 27, and 28 are designed to be accessed via the alley and Open Space #1 on either side of the Lots. The alley will provide adequate traffic circulation and safe access to all proposed lots within the subdivision. The granting of this variance does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.

- 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 variance is based are unique in that the entire project must adhere to the Traditional Neighborhood Development Form-Based Code for the Sxwtpqyen Master Planned Area (FBC) which focuses on the “form” of proposals to ensure pedestrian-centric neighborhoods with aesthetically pleasing design are prioritized. This is accomplished by outlining specific design elements for each allowed building and road type with the allotted transect zones. In this case, the intent of the FBC is at odds with the regulation in the City of Missoula’s Subdivision Regulations. This contradiction is unique to the proposed subdivision as the FBC is not applicable outside of the Sxwtpqyen Master Planned Area.

- 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 letter of these regulations are enforced.*

Undue hardship to the property owner would result if the strict letter of the City of Missoula’s Subdivision Regulations were to be enforced as the intent of development within the Sxwtpqyen Master Planned Area is to follow the priorities outlined in the FBC.

- 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.*

This variance request will not violate the provisions outlined by Title 21, the Form Based Code, the Our Missoula 2035 Comprehensive Plan, or the Sxwtpqyen Master Plan established by the City of Missoula.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 6.) *The hardship has not been created by the applicant, or the applicant’s agent or assigns.*

The hardship has not been created by the applicant. The property is within the Sxwtpqyen Master Planned Area and must comply with the FBC.

