

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards: If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

(B) Alternatives you considered that require a lesser variance: If you reject such alternatives, provide the reasons you rejected them.

Answer

1.

- a. Consideration 1. Putting the driveway access further east to comply with the 75 foot setback from the delineated wetland boundary. Rejected by the DOT for traffic safety reasons as it would be too close to the neighboring driveway. Consideration 2. Use the neighbors driveway entrance. We sent a letter to the neighbor asking them to consider allowing us to use their driveway entrance from the highway. We are waiting for an answer and will have a consent or rejection written and signed asap. Although we will consider using the neighbors entrance, in our minds it creates even more run off because it is a longer driveway. We would also have to cut down trees, plants and fencing that are in between our property and the neighbors property. This would not be a good way to conserve the property and native plants that are already there.
- b. We made a request to the DOT asking them to allow us to construct the driveway entrance 75 feet away from the wetlands. They would not approve this request due to where the neighboring driveway stands because having driveways too close to each other poses safety risks on the highway. They did allow the driveway to be put 385 feet from the neighboring driveway instead of the standard 500 feet.

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance? Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary

hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

Answer

2. Yes, without the variance of the 75 foot setback, a driveway access off of Highway 51 cannot be constructed. Without a driveway, we will not be able to move forward with building our home. We made sure to design the driveway in a way that only the entrance is in violation of current standards. We have it set up so we can safely get off of the highway and then immediately drive away from the wetlands and towards our home.

(3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain. The required Site Plan and/or Survey submitted with your application must show these features. Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances.

Answer

3. The unique characteristic is wetlands. Our driveway access is as far away from the wetlands as allowed by the DOT, but it still puts us inside of the 75 foot wetland setback for our driveway entrance. Only a small portion of the driveway will be in the wetland setback. Then we are able to turn the driveway and quickly get it 75 feet away from the setback.

(4) What would be the effect on this property, the community or neighborhood, and the general public interest if the variance were granted? Describe how negative impacts would be mitigated. The required Site Plan and/or Survey submitted with your application must show any proposed mitigation features. These interests may be listed as objectives in the purpose statement of an ordinance and may include: Promoting and maintaining public health, safety and welfare; protecting fish and wildlife habitat; maintaining scenic beauty; minimizing property damages; ensuring provision of efficient public facilities and utilities; requiring eventual compliance for nonconforming uses, structures and lots; drainage; visual impact; fire safety and building code requirements; and any other public interest issues.

Answer

4. If this variance were granted, we see a positive affect on the property and general public for several reasons which are laid out below:

- For many years, this property has been used for crop farming. This means the soil may have been regularly sprayed with pesticides, herbicides and/or fertilizer. The runoff from these chemicals can be detrimental to wetlands. If we are allowed to construct a driveway, we plan to disturb the land as little as possible at the time of construction and then it will not be disturbed again.
- We are working with conservation specialist Shawn Esser in planting native wetland plants and trees that will help the wetlands thrive. These plants will also help with standard erosion control in the future.
- We have been working with Jason Tuggle with the water resource engineering division and will be applying for a shoreland erosion control permit. Our permit will need to be stamped by a professional engineer. This promises that we will have the correct erosion control that is needed to preserve the wetlands.
- Currently, there is an “ag” approved property access off of the highway to this property. There is no culvert under this access and sometimes you can see rain water sitting in the ditch with nowhere to go. If a new driveway access is approved, we will be able to add a culvert under the new driveway which will greatly improve the flow of rain water.