

MONROE COUNTY PLAT COMMITTEE



**August 20, 2020
4:00 pm**

HELD VIA TELECONFERENCE

[https://monroecounty-
in.zoom.us/j/85166603833?pwd=ek84R3NhbXlhS3JTem5wVjgwTVlldz09](https://monroecounty-in.zoom.us/j/85166603833?pwd=ek84R3NhbXlhS3JTem5wVjgwTVlldz09)

Meeting ID: 851 6660 3833

Passcode: 578464

A G E N D A
MONROE COUNTY PLAT COMMITTEE

Telelink Conference:

[https://monroecounty-
in.zoom.us/j/85981074105?pwd=UUFrMjAvQUNvVjdxL2pJYVkvRUNPd09](https://monroecounty-in.zoom.us/j/85981074105?pwd=UUFrMjAvQUNvVjdxL2pJYVkvRUNPd09)

August 20, 2020

4:00 pm

REGULAR MEETING

OLD BUSINESS:

1. 2002-SSS-03

**Shuler Sliding Scale Subdivision Preliminary Plat
Plat Committee Decision.**

One (1) 20 +/- acre parcel in Section 24 of Bloomington Township at
3756 N Russell RD (Parcel #: 53-05-24-300-002.000-004).

Zoned AG/RR.

****CONTINUED BY STAFF****

NEW BUSINESS:

1. 2001-SMN-02

Peony Place Minor Subdivision

PAGE 4

Plat Vacation Request from Scherer Type E Administrative Subdivision.

Overhead Utility Waiver Request.

Sidewalk Waiver Request.

Right of Way Width Waiver Request.

Plat Committee Recommendation.

One (1) 3.42 +/- acre parcel in Section 18 of Bloomington Township at 4811 &
4815 N Maple Grove RD.

Zoned RE1.

2. 2005-SSS-06

Kari Davis Sliding Scale Subdivision Preliminary Plat

PAGE 49

Road Width Waiver Request.

Plat Committee Recommendation.

One (1) 10.9 +/- acre parcel in Section 12 of Bean Blossom Township at
9180 N Mt Pleasant RD (Parcel #: 53-03-12-400-001.000-001).

Zoned FR.

3. 2006-SSS-07

Walls Sliding Scale Subdivision

PAGE 67

Road Width Waiver Request.

Plat Committee Recommendation.

One (1) 10 +/- acre parcel in Section 21 of Washington Township at
800 W Willams RD (Parcel #: 53-02-21-300-010.000-017).

Zoned AG/RR.

4. 2006-SMN-05

Swinney-Anderson Minor Subdivision

PAGE 86

Overhead Utility Waiver Request.

Plat Committee Decision.

One (1) 53.01 +/- acre parcel in Section 9 & 10 of Bean Blossom Township at
9388 N Mt Tabor RD (Parcel #: 53-03-10-200-011.000-001 & 53-03-09-100-
008.000-001).

Zoned AG/RR.

One (1) 25.33 +/- acre parcel in Section 30 of Van Buren Township at
5140 S Stanford Rd (Parcel #: 53-09-30-100-013.000-015).

Zoned AG/RR.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, apurdie@co.monroe.in.us, as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.

PLANNER Tammy Behrman
CASE NUMBER 2001-SMN-02Peony Place Minor Subdivision Preliminary Plat
 ○ Plat Vacation Request from Scherer Type E Subdivision
 ○ Utility Underground Waiver Request
 ○ Sidewalk Waiver Request
 ○ Right of way Width Waiver Request
PETITIONER Kimberly Cramer and Richard Scherer
ADDRESS 4811 & 4815 N Maple Grove Road
REQUEST Preliminary Plat to subdivide one lot into two lots
ACRES 3.42+/-
ZONE RE1
TOWNSHIP Bloomington Township
SECTION 18
PLATS Scherer Type E Subdivision
COMP PLAN
DESIGNATION: MCUA Suburban Residential

EXHIBITS

1. Preliminary Plat Site Plan
2. Scherer Type E Subdivision Plat
3. Type E Letter and supporting documents
4. Sewer Easement
5. Highway Department Comments
6. Historic Inventory Documents
7. Petitioner's waiver findings

RECOMMENDATION

Staff recommends **approval** of the preliminary plat based on the Findings of Fact subject to the County Highway and Drainage engineer reports with the following three conditions below.

Staff recommends **approval** of the Plat Vacation of the lot from the Scherer Type E Subdivision.

Staff recommends **approval** of both the Sidewalk Waiver and Right of Way Width Waiver requests based on the findings of fact and Highway and Drainage engineer reports.

Three Conditions of approval:

1. All parties involved must come to a consensus of a driveway design that conforms with Highway Department regulations and complies with 856-9(D) *Driveways shall be designed to avoid requiring vehicles to back into traffic on arterial or collector streets, and this provision shall not be waived.*
2. Add a note to plat regarding the 15 required street trees to remain along the N Maple Grove Rd and be replaced if needed per 856-
3. Add a note to the plat regarding the 616 sf residence as a pre-existing non-conforming structure that encroaches into the front setback.

Staff recommends **denial** of the Utility Undergrounding Waiver request based on the Findings of Fact.

SUMMARY

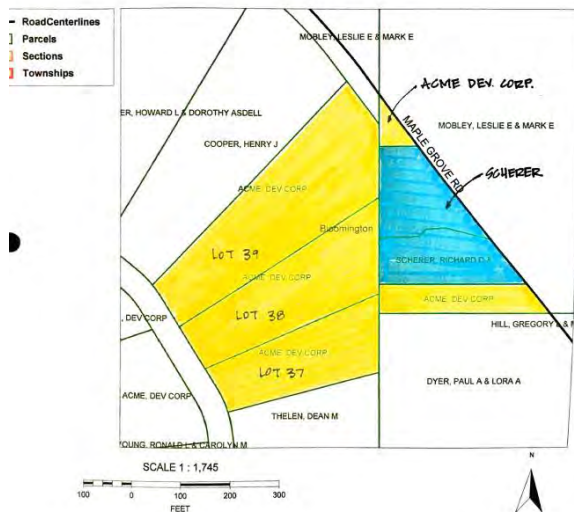
The petitioner requests a two lot minor subdivision for the purpose of allowing two existing residences to remain with each being on a separate lot of record. Currently the 2,656 sf home built in 1993 and the smaller 616 sf home built 1940 occupy the same lot making this a non-conforming use under the Monroe County Zoning Ordinance. The 3.42 acre lot was created in 2006 by the Scherer Type E Administrative Subdivision. A plat vacation request is included with this subdivision petition. Lot 1 acreage is 1.27 and Lot 2 acreage is 1.65. The petition site is within the National Register Historic District known as Maple Grove Road Rural Historic District (Exhibit 5). The smaller home also is listed as 'Contributing' in the ISSHI County Survey as well as the extensive amount of historic, dry stack limestone walls found on the petition site. These historic features are being taken into consideration by staff with regards to certain requirements under the Subdivision Control Ordinance. A Sidewalk Waiver request, Right of Way Width request and Utility request have been made by the petitioner in an effort protect the historic structures.

BACKGROUND

The petition site was created in 2006 by the Scherer Type E Administrative Subdivision (Exhibit 2). This one lot Type E merged several parcels (shown below blue below) and also obtained land from a platted lot in Muirfield Phase 2 to the west. This process appears to have combined both homes on one lot. See the images below for the lot configuration process.

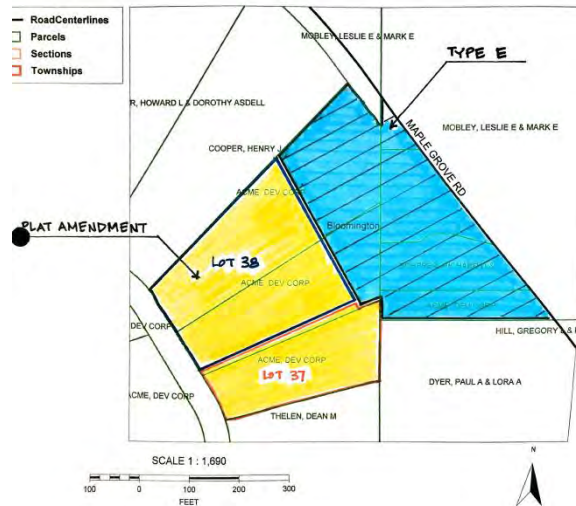
Muirfield Phase 2 Plat Amendment

EXHIBIT 3: 2006 Lot creation for petition site



Muirfield Phase 2 Plat Amendment

EXHIBIT 3: 2006 Lot creation for petition site

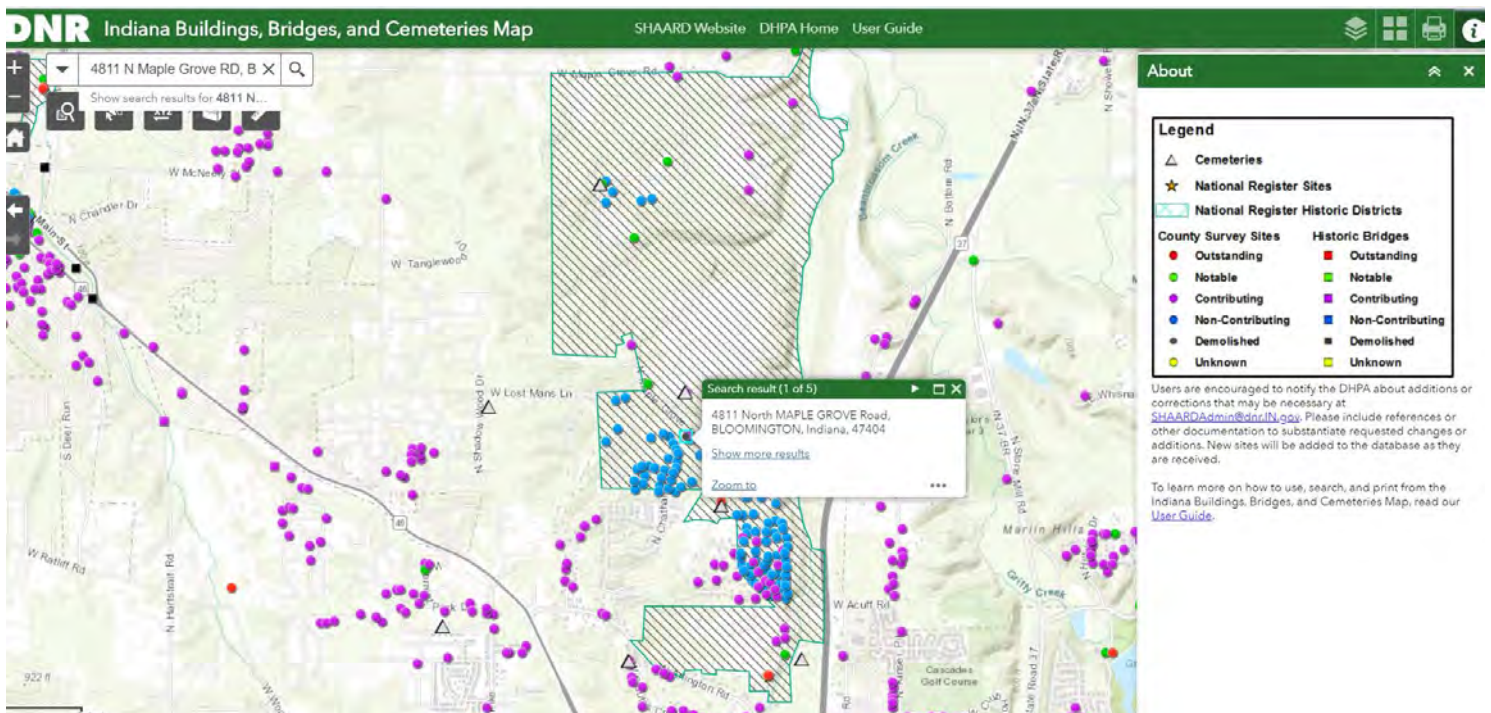


BACKGROUND Cont.

The petition site is within the National Register Historic District known as Maple Grove Road Rural Historic District (see image below). This site does not have local protection under the Historic Preservation Overlay. The Monroe County Historic Preservation Board of Review will review this petition on August 17, 2020 which is after the publication of this staff report. An update on any Board of Review Findings will be shared at the Plat Committee meeting August 20, 2020.

Both the Sidewalk and Right of Way Width requirements are impacted by the historic dry stack limestone walls on the petition site and just across the street. Without the waivers these structures could be located in the right of way. The width of N Maple Grove Road is 19' and the distance from limestone wall to limestone wall that border each side of the road is as little as 40' in some areas. The walls on the petition site extend into the previously dedicated right of way by about 5'. The process for reversing the previous right of way dedication is time consuming and costly and requires County Commissioner approval. The petitioner is not seeking to go through this process. However, the petitioners are requesting a right of way waiver width of 30' to keep the right of way the same as it is currently.

The historic 616 sf home (Exhibit 5) extends into the required 45' right of way and would need to be altered if the waiver to remain at a 30' dedication is not approved.



LOCATION MAP

The petition site is located on 4811 & 4815 N Maple Grove RD in Section 18 of Bloomington Township.

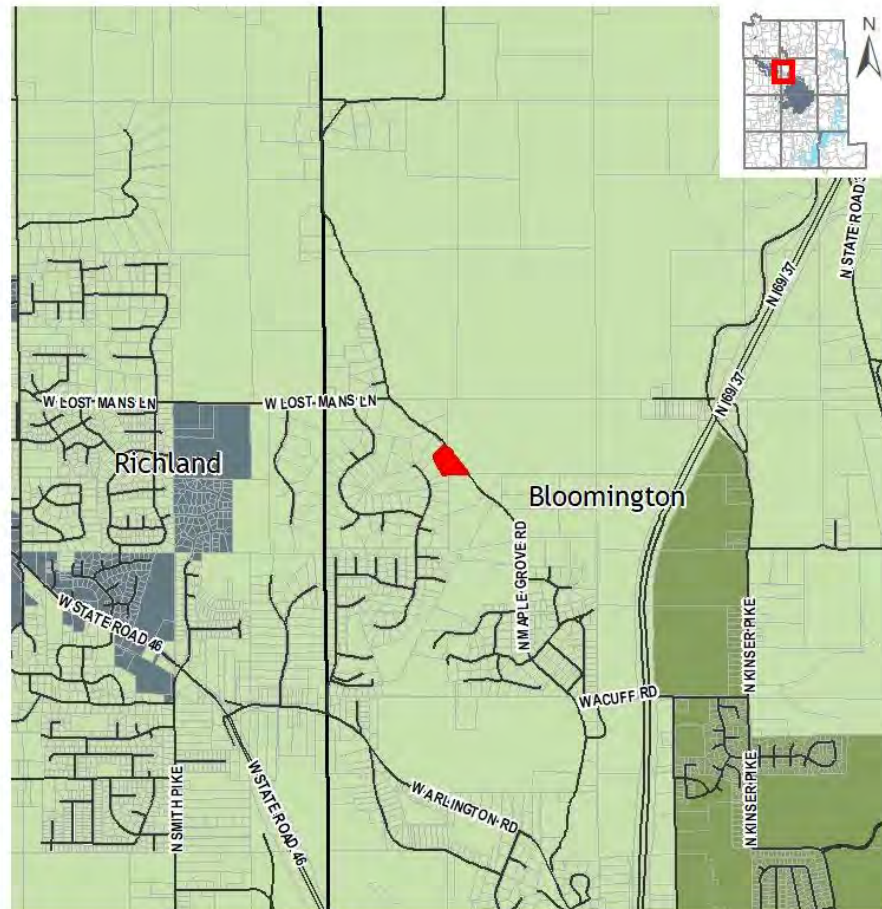
Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Incorporated Areas**
- Bloomington
- Ellettsville
- Parcels

0 0.2 0.4 0.8 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/5/2020



ZONING

The zoning for the petition site is a former fringe zone, Estate Residential 1 (RE1). The surrounding parcels are also zoned RE1 with some Agriculture / Rural Reserve to the north and west.

The use is single family residential (but currently with two dwellings) and the adjacent lot uses are either single family residential or agriculture use.

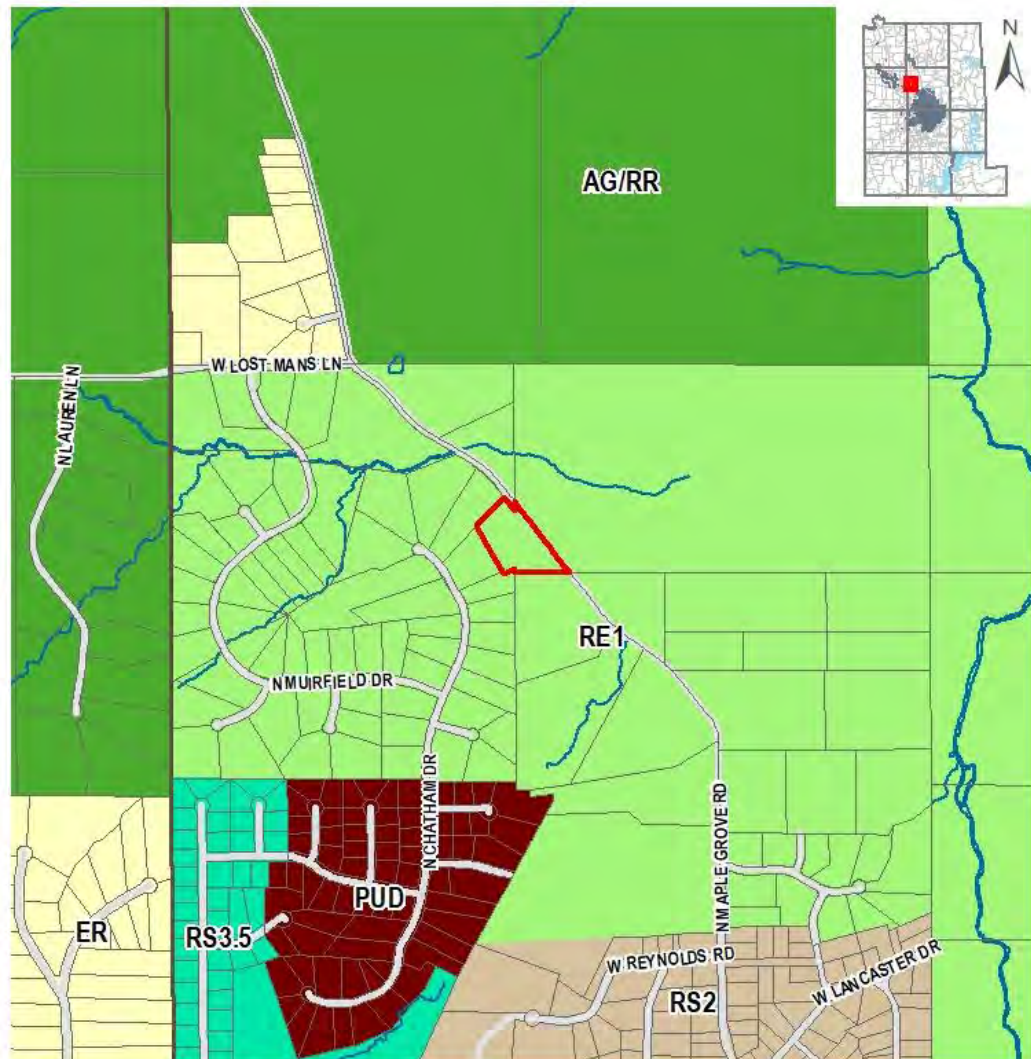
Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
- AG/RR - Agriculture/Rural Reserve
- ER - Estate Residential
- PUD - Planned Unit Development
- RE1 - Estate Residential 1
- RS2 - Single Dwelling Res. 2
- RS3.5 - Single Dwelling Res. 3.5

0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/5/2020



SITE CONDITIONS

The parcel currently contains a 2,656 sf single family dwelling (1993) and a smaller 616 sf dwelling (ca.1940). There is also a detached garage, shed and historic, dry stack limestone walls. Karst features are not visible and FEMA floodplain is not on the petition site. The site gains access currently through two driveways that connect to N Maple Grove Road, a Major Collector.

Site Conditions Map

- Major Collector [90']
- Petitioner
- Local Roads [50']
- Hydrologic Features
- Parcels



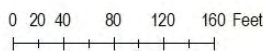
Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/5/2020

Summary of Improvements

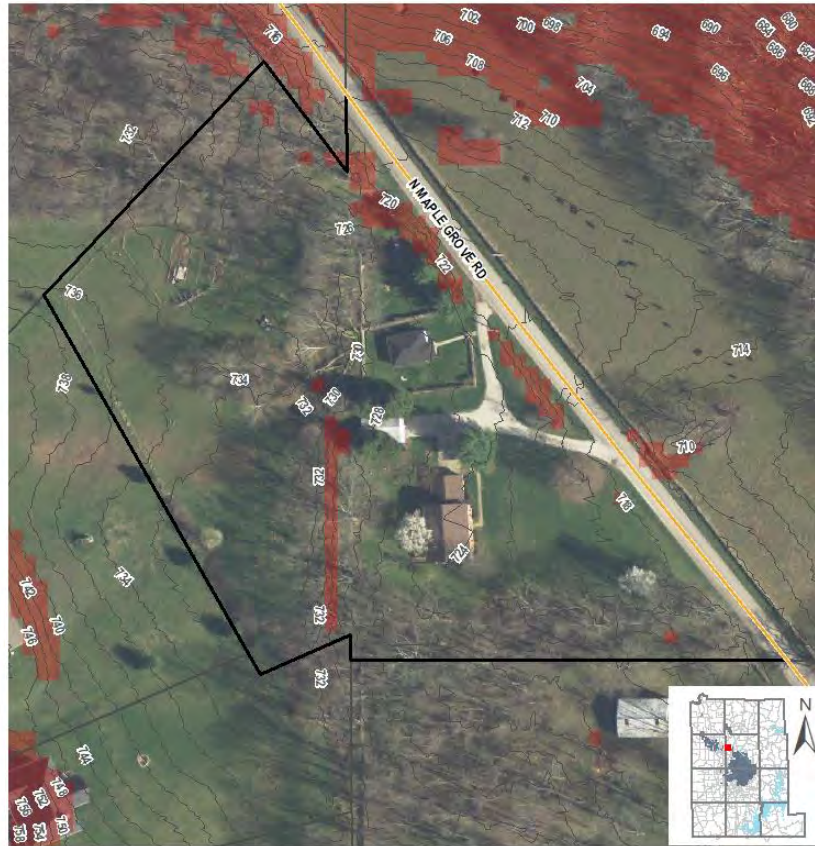
Buildings	Grade	Condition	Construction Year	Effective Year	Area
Detached Garage	D+1	A	1999	1999	720
Gazebo R 02	C	A	1996	1996	108
Single-family R 01	B-1	A	1993	1993	2,656
Single-family R 02	D+2	A	1940	1940	616

The petition site meets the Buildable Area requirements as stated in the Subdivision Control Ordinance for Chapter 856-7. There are very few slopes over 15 percent. Drainage mostly runs east towards the road from the site.

Slope Map



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/5/2020



INFRASTRUCTURE and ACCESS

Utilities: the two residences already have water and electric running to them. Capacity letters are on file. Electric lines are underground for the larger home on Lot 1. The smaller second home on Lot 2 is requesting a waiver from this undergrounding requirement. Sewer connection is required for this minor subdivision approval and must be connected prior to final platting. A recorded sewer easement is on file as well as a capacity letter from Eastern Richland Sewer Corp (Exhibit 4).

A sidewalk waiver has been requested due to the location of the historic dry stack limestone walls on the property. There are enough trees along N Maple Grove RD on the site to meet the required 15 street trees.

Access is by way of N Maple Grove Road a major collector. At the time of staff report publication there is not an ideal driveway configuration to approve. The northern existing driveway meets County Highway regulations but the southern driveway does not meet line of sight requirements and should be relocated further south by 74'. One idea is to have a shared driveway with the northern access. Additionally, ordinance 856-9(D) requires that *Driveways shall be designed to avoid requiring vehicles to back into traffic on arterial or collector streets,*

and this provision shall not be waived. Staff has conditioned that a conforming driveway and turnaround be designed and implemented prior to final platting.

SITE PICTURES



Figure 1. Facing north along N Maple Grove Rd. Staff is at the southeastern corner.



Figure 2. Current southern driveway that does not meet the Highway Department Standards for safety.



Figure 3. Facing north: view of the northern driveway that does meet sight distance requirements. Note utility pole and historic drystack stone wall in the pine trees. A portion of this wall is already in the 30' dedicated right of way.



Figure 4. Facing south: view of the northern driveway where it intersects with N Maple Grove Rd.



Figure 5. Facing west:
view of the detached
garage on the left and the
560 sf home. Also shown
is the northern driveway
and historic stone wall.



Figure 6. Facing north:
view of the shed within
the stone paddock.
Without the right of way
waiver this shed would
have to be relocated or
removed and more of
the stone walls would be
in the right of way.



Figure 7. Facing east:
view of the 560 sf home.
Shown is the utility
contact points to the
home.



Figure 8, Facing
southeast: view of the
larger home backyard
and historic stone wall in
the background found on
the southern lot line.



Figure 9. Facing north:
view of the northern
driveway and stone walls
that flank either side of N
Maple grove RD with a
distance of roughly 40'
in places.



Figure 10. Pictometry view facing north from April 2020.



Figure 11. Pictometry view from April 2020.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **MCUA Suburban Residential** designation of the 2015 Comprehensive Plan. The Comprehensive Plan states the following for this designation:

5.1.2 Suburban Residential

Suburban residential includes existing low- density single-family subdivisions and isolated multi-family apartment complexes. Different housing types are typically segregated, with multiple buildings having a similar or identical appearance. This development type is not recommended for extensive application beyond existing or currently planned developments.

In some locations, it may be appropriate to extend this development pattern if it is directly adjacent to existing Suburban residential subdivisions as an appropriate way to coordinate with those neighborhoods. However, the conservation community land use category offers a more appropriate alternative to the conventional suburban subdivision that balances the desire for non-urban living while also preserving rural character. The following guidelines should be considered if new suburban-style developments are approved; they also provide considerations for potential retrofitting of public infrastructure within existing neighborhoods.

A. Transportation

Streets

Suburban residential subdivisions are auto-oriented by design. To the extent possible, this approach to residential development should be de-emphasized within the Urbanizing Area to prevent continued expansion of isolated “leap- frog” subdivisions and sprawl development patterns that require continued reliance on the automobile. New Suburban residential streets should be designed to encourage interconnectivity to and through the neighborhood and to surrounding subdivisions. Cul-de-sacs should be discouraged unless necessary due to topographic or environmental constraints. Streets are typically designed with curb and gutter, but may also be designed to accommodate surface runoff with open street-side swales or ditches.

Bike, pedestrian, and Transit modes

Sidewalks and/or shared use paths should be provided on all streets, with connections to larger pedestrian and bicycle systems. Sidewalk retrofits in existing subdivisions should be considered after thorough consultation with and support from existing residents.

Given their remote location and low-density development pattern, opportunities to serve Suburban residential neighborhoods with public transportation are limited. Expansion opportunities for rural Transit routes should be explored, with pick-up locations considered near entries to subdivisions.

B. Utilities

Sewer

New development should be served by the public sewer system. Localized package systems for individual residential subdivisions should be discouraged. Retrofit and tie-ins should be encouraged for older neighborhoods on septic.

Power

Overhead utility lines should be buried within subdivisions. Where possible, existing overhead lines along arterial frontages should also be buried.

Communications

Communications needs will vary within the suburban residential developments, but upgrades to infrastructure should be a key consideration for future development sites. Creating a standard for

development of communications corridors should be considered to maintain uniform and adequate communications capacity.

C. Open space

Park Types

Many of the older suburban subdivisions in the Urbanizing Area were developed without dedicated open space. New developments, such as Stone chase, include platted open space reserves; these generally function to preserve natural features such as streams and tree stands, or to provide space for stormwater retention ponds. However, subdivisions are not currently required to provide usable park space, with the exception of voluntary cluster subdivisions. All new residential subdivisions should be designed to include neighborhood parks and/or greenways as a community amenity.

Urban Agriculture

Private residential gardens and local community gardens should be encouraged within commonly maintained open space areas or via conversion of undeveloped lots in established neighborhoods.

D. Public Realm Enhancements

Lighting

Lighting needs will vary by street type and width but safety, visibility and security are important. Local streets may be lighted, but lighting may be not be necessary in all low-density subdivisions.

Street/Site furnishings

Suburban residential neighborhoods typically have few street furnishings beyond street lamps.

E. Development Guidelines

Open Space

A minimum of 5% of total site area for new developments should be set aside for publicly accessible and usable open space areas. Open spaces may be designed as formal park settings or informal, naturalized reserve areas. Natural areas should be accessible with trails or paths where appropriate. if not accessible, additional open space area should be provided. Likewise, open space areas may include stormwater management features, but should not be dominated by large retention ponds with no additional recreational space.

Parking Ratios

Parking for single-family homes is typically accommodated on individual lots. On-street parking should also be permitted.

Site Design

Reverse frontage lots should be avoided. Homes should not back onto arterial or collector streets.

Building form

Modern suburban single-family construction has trended in two directions: either overly simplified (e.g. blank, windowless side facades) or overly complex (e.g. complicated building massing and roof forms). Homes should have recognizable forms and detailing appropriate to the architectural style, with an emphasis on “four-sided architecture”. Garages doors should not dominate the front facade; ideally garages should be set back from the front facade and/or side-loaded.

Materials

High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Vinyl and exterior insulated finishing Systems (eifS) may be appropriate as secondary materials, particularly to maintain affordability, but special attention should be paid to material specifications and installation methods to ensure durability and aesthetic quality.

Private Signs

Subdivision entry signs should be integrated into high-quality landscape designs.

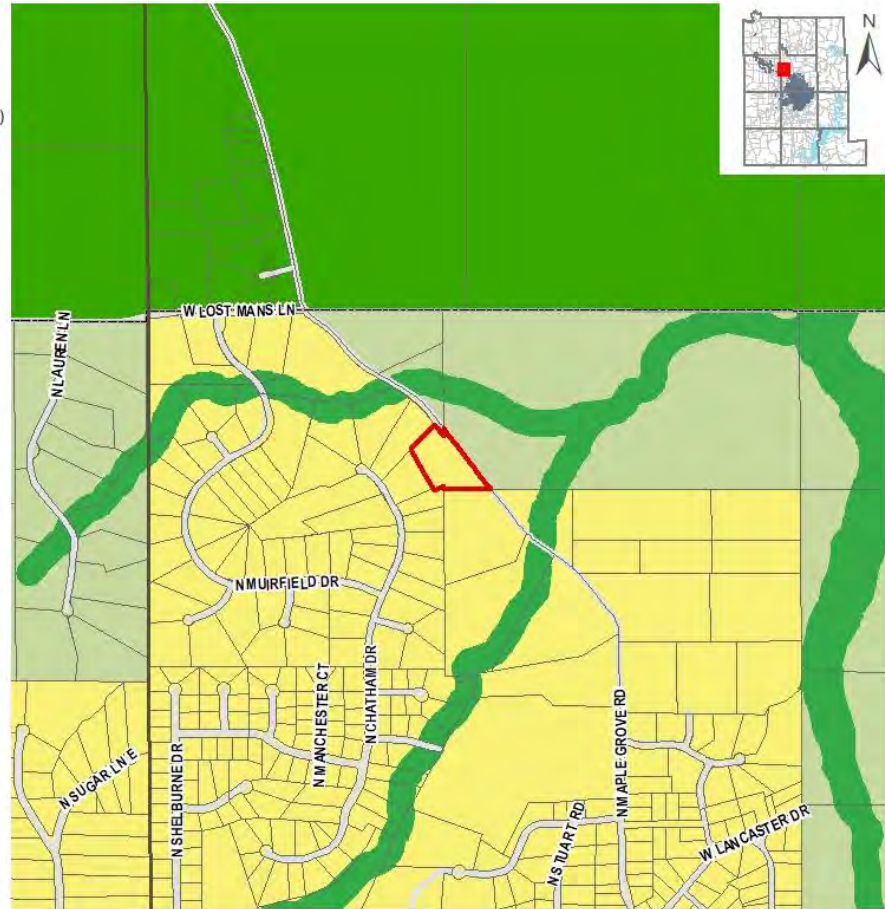
Comprehensive Plan

- Petitioner
 - Townships
 - Monroe Co. Urbanizing Area (MCUA)
 - Parcels
 - Roads
- Comp. Plan Land Use (Updated 2015)**
- Estate Residential
 - Farm and Forest
 - MCUA Open Space
 - MCUA Rural Transition
 - MCUA Suburban Residential

0 0.075 0.15 0.3 Miles

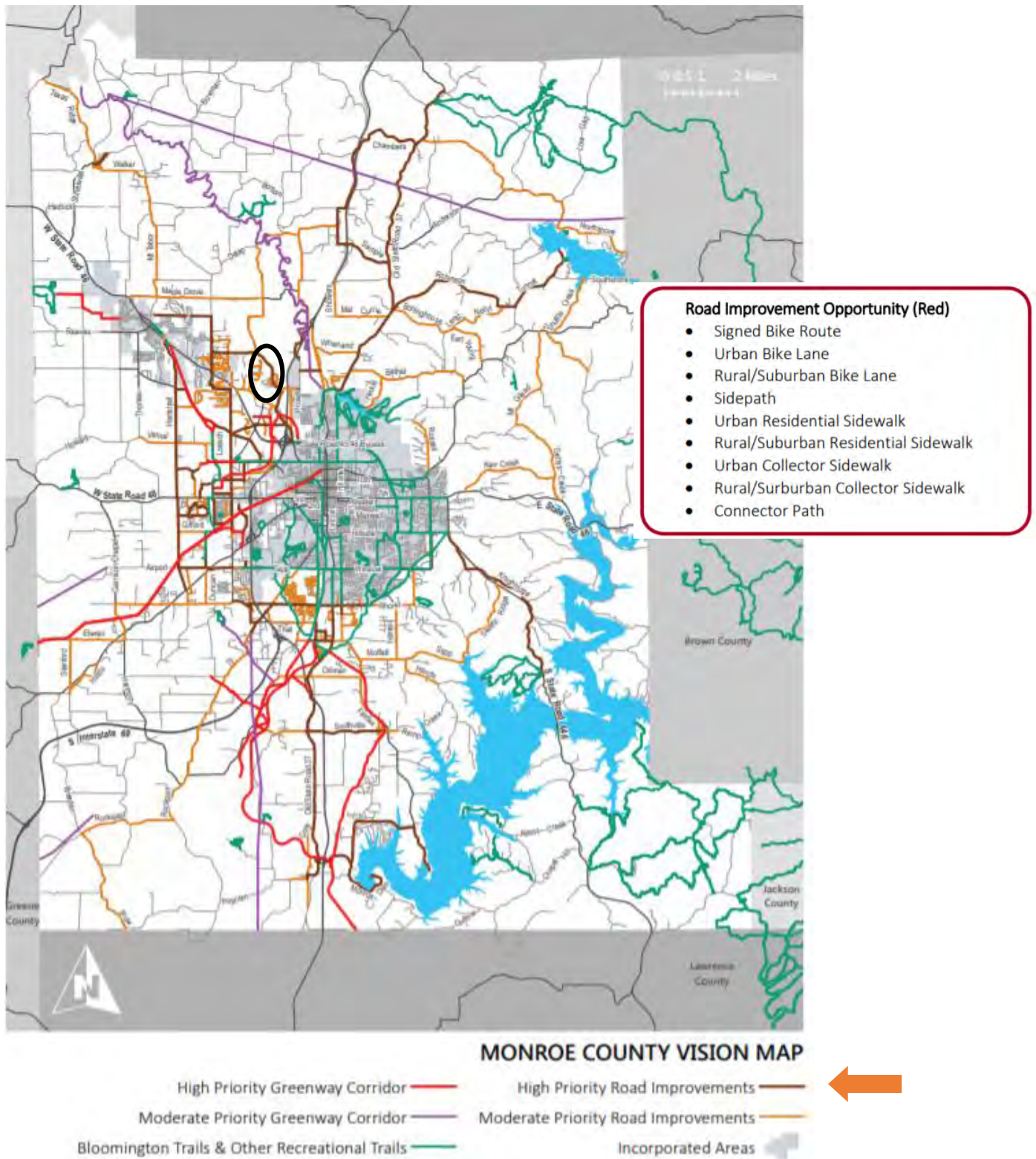


Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/5/2020



MONROE COUNTY TRANSPORTATION ALTERNATIVES

The [Transportation Alternatives Plan](#) shows N Maple Grove Road as a High Priority Road Improvements for Alternative Transportation. Improvement possibilities are in the red box below. Just this year N Maple Grove Road was repaved. Black circle is petition site area.



FINDINGS OF FACT - Subdivisions
850-3 PURPOSE OF REGULATIONS

- (A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- Approval of the subdivision would subdivide one lot into 2 lots and meet design standards if waivers and conditions are granted;
- There are currently two residences on this lot and the subdivision would allow one house per lot bringing the site to conformity;
- The two lots have 'will serve' letter for sewer, electric and water;
- A sewer easement was recorded for the subdivision;
- Fifteen required street trees exist along N Maple Grove RD;
- Each proposed lot meets buildable area design standard requirements;
- A Sidewalk waiver has been requested by the petitioner;
- A Utility Waiver has been requested by the petitioner;
- A Right of Way Width Waiver has been requested by the petitioner;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- The Comprehensive Plan designates the site as MCUA Suburban Residential;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- See findings under (A)
- The proposed use is residential;
- The surrounding uses are residential or agriculture in nature;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- The property is currently zoned Estate Residential 1 (RE1);
- Adjacent properties are zoned Estate Residential 1 (RE1);
- Minimum lot size is 1 acre and Lot 1 will be 1.27 acres and Lot 2 will be 1.65 acres;
- All other design standards can be met;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- See findings under Sections A & C & D;
- The Comprehensive Plan states, "Suburban residential includes existing low- density single-

family subdivisions.”

- The petition site is within the National Register Historic District known as Maple Grove Road Rural Historic District (Exhibit 5).
- There are 15 trees along N Maple Grove RD that can count for the street tree requirement;

(F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.
- The petition site was previously platted under the Scherer Type E Subdivision and a plat vacation has been requested as a part of this petition;

- (2) to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

- (3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder’s Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

FINDINGS OF FACT – OVERHEAD UTILITY WAIVER

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-41 (Utilities), which reads:

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. for Subdivisions of more than 4 Lots by the Plan Commission
2. for Subdivisions of 4 Lots or Less by the Plat Committee

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in

the case of adjoining lots that are to be retained in single ownership and that are to be developed for the same primary use.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner has requested an overhead utility waiver for the existing overhead utility line that requires undergrounding, an approximately 110’ run of electric line on proposed Lot 2;
- Lot 1 has a home and all of the utilities are buried already;
- Findings for the utility waiver request were submitted by the petitioner (Exhibit 6);
- The above ground electric line requires undergrounding, as per 856-41;
- The cost of burying the utilities may exceed the value of the structures it will serve;
- There is a gap in the dry stack limestone wall where utilities could be buried;
- There is large pine tree that the utility lines touch currently as depicted in staff photos #3 & #5;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section 1;
- The Comprehensive Plan states for properties in MCUA Suburban residential that “Overhead utility lines should be buried within subdivisions”;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions, except on public roads and rights-of-way or in easements serving other property;
- The Subdivision Control Ordinance provides the following definitions related to easements and right of way:

852-2. Definitions

Easement.

A right of use over designated portions of the property of another for a clearly specified purpose.

Right-of-way.

A strip of land (other than an easement) occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, drainage swale or for another special use. The usage of the term "right-of-way" for land platting and zoning purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the Subdivider on whose plat such right-of-way is established.

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- See findings under Section 1;
 - Occupants of the petition site served by the overhead utility will continue to be serviced regardless of the location of the lines above or below ground;
 - Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards;
 - Staff observed the utility lines to be running through the branches of a mature pine tree;
4. **Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

Findings:

- See findings under Section 1;
 - Waiver approval would permit existing conditions to persist;
 - This site is within the National Register Historic District known as Maple Grove Road Rural Historic District;
 - The home that is serviced by the aboveground utilities is listed as ‘Contributing’ in the ISSHI County Survey as well as the extensive amount of historic, dry stack limestone walls found on the petition site;
 - There will still be a utility line running above ground in the right of way;
5. **The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

Findings:

- See findings under Section 1 and 4;
6. **Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under Sections 2 and 3;
7. **The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- See findings under Sections 1 and 3;
 - The improvement is required due to the proposed subdivision of the property;
 - The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions – existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision;
 - Existing utility lines servicing residential structures shall be removed and placed underground unless waived for existing and future structures;
 - Occupants of the petition site served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;
8. **The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

Findings:

- The petitioners created the lot in 2006 under a Type E subdivision that placed two homes on the same lot and a subdivision is the only way to reverse this non-conformity;

9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- Not Applicable per 856-41;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-40 (A) (Sidewalks), which reads:

- (A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way when any of the following are applicable:
 - (3) the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner is requesting a waiver from the required 600’ of sidewalks along N Maple Grove RD;
- The sidewalk improvements are required due to the petition site meeting the criteria described in 856-40 (A) (3) above;
- The petition site is within the Monroe County Urbanizing Area (MCUA Suburban Residential) as shown in the Comprehensive Plan;
- The site gains access from N Maple Grove Road, designated a Major Collector in the Monroe County Thoroughfare Plan;
- Sidewalks do not currently exist adjacent to the petition site in either direction;
- The requirement is that sidewalks be constructed within the right-of-way along the petition site’s frontage of 600’ along N Maple Grove RD, unless the waiver is granted;
- There are existing physical constraints, including steep slopes and historic dry stack limestone walls;
- The total length of required sidewalk for which the waiver is requested is approximately 600’;
- The approximate width between the limestone walls on either side of N Maple Grove RD is around 40’ in some places;
- The sidewalk would conflict with the historic wall physically as they are installed at the edge of the right-of-way and border the property line.
- A Right of Way Width Waiver is being requested due to the constraints of the historic wall locations;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section (1);
- The Comprehensive Plan calls for transportation alternatives throughout Monroe County;
- The 2018 Monroe County Transportation Alternatives Plan lists N Maple Grove Road as “High Priority for Road Improvement Opportunity”;
- The 2018 Monroe County Transportation Alternatives Plan shows this area in the Monroe County Vision map as High Priority transportation alternatives;
- In 2020 N Maple Grove Road was repaved;

3. **Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

Findings:

- See finding under Sections (1) and (2);
- The absence of a sidewalk would not have a detrimental relationship to the delivery of governmental services (e.g. water, fire protection, etc.) to the proposed subdivision lots;
- Sewer will access the property from the west and would not impact the location of sidewalks;

4. **Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

Findings:

- See findings under Sections (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood, as there are no sidewalks that exist near the petition site and the proposed subdivision would only create two lots, one of which is not to be further developed;
- The petition site is within the National Register Historic District known as Maple Grove Road Rural Historic District known for the limestone dry stack walls;
- Altering the limestone walls to accommodate sidewalks along N Maple Grove Rd would substantially change the character of the neighborhood;

5. **The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

Findings:

- See findings under Section (1) and (4);

6. **Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under Sections (1), (2), and (3);
- Granting the requested modification would not contravene the policies and purposes of these regulations;

7. **The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- See findings under Sections (1), (2), and (3);

- The requested modification is necessary to ensure that substantial justice is done and represent the minimum modification necessary;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- See findings under Sections (1), (2) and (3);
- The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant;

9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- See findings under Section (1);
- Relocating the limestone walls to accommodate sidewalks would be a practical difficulty and staff can see no reasonable design alternative;
- Installing sidewalks would require the stone walls to be modified in four separate locations;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The site maintains frontage and gains access from N Maple Grove RD, a major collector;
- The Scherer Type E Administrative Subdivision was recorded in 2006 where N Maple Grove Road was classified as a ‘collector’ and a 30’ right of way was dedicated by the petitioner;
- The most recent Thoroughfare Plan was passed December 12, 2018 which major collector to dedicate 45’ when before it was 35’;
- Under the current Thoroughfare Plan a major collector has a 45’ right of way designation;
- The petitioner has filed a minor subdivision to create two lots to accommodate the two residences that occur on the single lot they created in 2006 which requires compliance with the to the right of way dedication under Chapter 856-28;
- Without a waiver from the right of way requirement the 616 sf house on Lot 2 will be in the right of way and will be non-conforming and likely altered;
- Most of the historic dry-stack walls along N Maple Grove RD would be within the required

45' right of way;

- The waiver approval will allow the minor subdivision to continue with a 30' right of way dedication along N Maple Grove Road keeping many of the historic dry stack walls out of the right of way along with the 616 sf home;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See Findings under # 1;
- The 2018 Thoroughfare Plan does not contain language to allow the Highway Department staff the ability to waive a right of way classification requirement based on individual road segments or findings;
- The Highway Engineer has supplied favorable comments to allow for a 30' right of way dedication along this petition site property to remain rather than increase the right of way to 45' (Exhibit 6);

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- The site is on septic currently but will be required to connect to sewer if the subdivision is approved and final platted. The sewer connection will be from the west;
- The Highway Engineer has supplied favorable comments to allow for a 30' right of way dedication along this petition site property to remain rather than increase the right of way to 45' (Exhibit 4);
- The Monroe County Transportation Alternatives Plan shows E Dillman Road as "High Priority Road Improvements" on the Visionary Map;
- A Sidewalk waiver has been requested by the petitioner that is supported by staff;

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- See Findings under #1, #2, #3;
- See findings under Sections (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood;
- The petition site is within the National Register Historic District known as Maple Grove Road Rural Historic District known for the limestone dry stack walls;
- Altering the limestone walls to accommodate road expansion along N Maple Grove Rd would substantially change the character of the neighborhood;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- See findings under #1 above;

6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under #1, #2 and #3 above;

- 7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- See findings under #1, #2 and #3 above;

- 8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

Findings:

- See findings under #1 through #7 above;

- 9. The practical difficulties cannot be overcome through reasonable design alternatives;**

Findings:

- See findings under #1 and #4 above;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

[illegible]

AREA FOR COUNTY
RECORDS

BLOOMINGTON TWP.
RANGE 1 W
SECTION 18

DEVELOPER: APPLICANT: AGENT: CHIEF:
KIM CRADLER & RICHARD SCHERER
INSTRUMENT NUMBER: 2006011393
4009 W. STATE ROAD 41
BLOOMINGTON, INDIANA 47403
812-323-6138

PEONY PLACE MINOR SUBDIVISION - PRELIMINARY PLAT
A PART OF THE NORTH HALF OF
SECTION 18, TOWNSHIP 9 NORTH, RANGE 1 WEST
MONROE COUNTY, INDIANA

SURVEYOR'S REPORT

In accordance with Title 865, I.A.C. 1-1-2 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

A). (Variations) in the reference monuments
B). (Discrepancies) in the record descriptions and plans
C). (Discrepancies) in the lines of occupation and
D). (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a subdivision survey (0.17 plus 100 PPM) as defined I.A.C. Title 865 "Relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurement in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level."

SUBJECT PROPERTY:
A Minor Subdivision was performed on the property now or formerly owned by Richard D. Scherer and Kimberly A. Scherer as found in Instrument Number 2006011393 in the Office of the Monroe County Recorder. The purpose of this survey is to remove the boundary lines of the subject property and to divide into two separate lots as located in Section 18, Township 9 North, Range 1 West, Monroe County, Indiana.

REFERENCE MONUMENTS:
A). A 12" x 12" limestone post 6 feet tall was found marking the Northeast corner of the Northwest quarter of Section 18, Township 9 North, Range 1 West, Monroe County, Indiana. This monument is referenced in the office of the Monroe County Surveyor as Corner I.D. "Bim C40" and was accepted and held as said corner.
B). Several railroad spikes were found to the southeast of N. Maple Grove Road marking the corners of the subject property (Instrument Number 2006011393). These spikes were believed to have been set in a survey performed by Edmund O. Poffus for M.D. Schuler dated August 23rd, 1990 and referenced in a Type I Administrative Subdivision performed by James D. Smole for Schuler dated May 10th, 2006 (Instrument Number 2006011393). These spikes were found to agree with other monuments in the area and were accepted and held as said corners.
C). A 5/8 inch diameter rebar with cap stamped "CR1408" was found 3 inches above grade marking a point on the south line of the subject property (Instrument Number 2006011393). The origin of this monument is unknown, however was found to be referenced in a Type I Administrative Subdivision performed by James D. Smole for Schuler dated May 10th, 2006 (Instrument Number 2006011393). This rebar was found to agree with other monuments in the area and was accepted and held as said corner.
D). A 5/8 inch diameter rebar was found 5 inches above grade on the south line on the subject property (Lot 1). The origin of this monument is unknown, however was found to be referenced in a Type I Administrative Subdivision performed by James D. Smole for Schuler dated May 10th, 2006 (Instrument Number 2006011393). This rebar was found to agree with other monuments in the area and was accepted and held as said corner.
E). A 5/8 inch diameter rebar was found 5 inches above grade marking the Southeast corner of the Northwest quarter of Section 18, Township 9 North, Range 1 West, Monroe County, Indiana. This monument is referenced in the office of the Monroe County Surveyor as Corner I.D. "Tina C41" and was accepted and held as said corner.
F). A 5/8 inch diameter rebar with cap stamped "SNA" was found marking the Southwest corner of the subject property (Lot 1). This rebar is believed to have been set in a Type I Administrative Subdivision performed by James D. Smole for Schuler dated May 10th, 2006 (Instrument Number 2006011393). This rebar was found to agree with other monuments in the area and was accepted and held as said corner.
G). A 5/8 inch diameter rebar with embedded cap was found flush with grade marking the south end of a 126.68 foot long line on the west line of the subject property (Lot 2). This rebar is believed to have been set in a Type I Administrative Subdivision performed by James D. Smole for Schuler dated May 10th, 2006 (Instrument Number 2006011393). This rebar was found to agree with other monuments in the area and was accepted and held as said corner. The record vs. measured distance between this monument and monument previously described in line "F" 326.81 feet versus 326.68 feet respectively.
H). A 5/8 inch diameter rebar with cap stamped "SNA" was found marking the north end of a 113.48 foot long line on the subject property along N. Maple Grove Road (Instrument Number 2006011393). This rebar is believed to have been set in a Type I Administrative Subdivision performed by James D. Smole for Schuler dated May 10th, 2006 (Instrument Number 2006011393). This rebar was found to agree with other monuments in the area and was accepted and held as said corner. The record vs. measured distance between this monument and monument previously described in line "G" 234.79 feet versus 234.73 feet respectively.

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

Richard D. Scherer and Kimberly A. Scherer owners of the real estate shown and described herein do hereby certify, lay off and plat Lots numbered 1 and 2 known as Peony Place Minor Subdivision. Right-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as Peony Place Minor Subdivision.

The right-of-way to be dedicated for N. Maple Grove Road shall measure 30 feet perpendicular to and parallel with the existing centerline of N. Maple Grove Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

There are building setbacks on this plat upon which no structures may be erected or maintained.

As owner(s) of Scheme Type I Administrative Subdivision (Instrument Number 2006011396), being a part of the North half of Section 18, Township 9 North, Range 1 West in Monroe County, Indiana, we by this instrument declare this plat to be valid.

Witness our hands and seals this _____ day of _____, 20____.

Kimberly A. Scherer (Owner)
4009 W. State Road 41
Bloomington, Indiana 47403
(812) 322-6136

Richard D. Scherer (Owner)
115 S. Clark Street
Bloomington, Indiana 47408

STATE OF INDIANA)
COUNTY OF MONROE) SS:

I, _____, Notary Public, in and for said County and State, personally appeared Kimberly A. Scherer and Richard D. Scherer (Owners), each separately and severally acknowledged the execution of the foregoing instrument in his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

Notary Public: _____

County of Residence: _____ (State)

My Commission Expires: _____

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in zone "X", and does not appear to be located in a special flood hazard area, according to FIRM, Panel Number 18105C0127D dated December 17th, 2010.

COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parties were created through the Minor Subdivision procedure and approved by the Monroe County Planning Commission on _____.

Monroe County Planning Commission:

Margaret Clements President: _____

Larry Wilson Secretary: _____

LINES OF OCCUPATION:

The lines of occupation, which affect this survey, are detailed as follows:

1). No lines of occupation were found along the north or west lines of the subject property.

2). A stone wall was found running north and south along a portion of the east line of the subject property (Lot 2). This wall measures from +/- 21.0 feet east of line at the north end to +/- 14.6 feet east of line at the south end.

3). A stone wall was found running east and west along the south line of the subject property (Lot 1). This wall measures from +/- 2.0 feet south of line at the east end to +/- 1.7 feet south of line at the west end.

RECORD DESCRIPTIONS:

1). No discrepancies were found in the record descriptions.

OVERALL DESCRIPTION

A part of the North half of Section 18, Township 9 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

Commencing at a Stone post found marking the Northeast corner of the Northwest quarter of said section; thence along the east line of said Northwest quarter South 80 degrees 07 minutes 07 seconds East for a distance of 870.36 feet to a railroad spike in the centerline of N. Maple Grove Road, marking the Point of Beginning; thence leaving said east line and along the centerline of N. Maple Grove Road the following four (4) courses:

1). South 35 degrees 51 minutes 23 seconds East for a distance of 199.25 feet to a railroad spike.

2). South 38 degrees 13 minutes 50 seconds East for a distance of 236.84 feet to a railroad spike.

3). South 38 degrees 28 minutes 18 seconds East for a distance of 131.21 feet to a railroad spike.

4). South 34 degrees 14 minutes 02 seconds East for a distance of 77.60 feet;

Thence leaving said centerline North 89 degrees 35 minutes 58 seconds West for a distance of 239.32 to a rebar, thence North 09 degrees 07 minutes 07 seconds West for a distance of 52.40 feet to an "X" marked in a decorative rock; thence South 45 degrees 31 minutes 42 seconds West for a distance of 81.26 feet to an "SNA" rebar; thence North 30 degrees 00 minutes 17 seconds West for a distance of 326.68 feet to a rebar; thence North 42 degrees 52 minutes 00 seconds East for a distance of 254.73 feet to an "SNA" rebar; thence South 37 degrees 19 minutes 34 seconds East for a distance of 113.48 feet; thence North 00 degrees 07 minutes 07 seconds West for a distance of 50.02 feet to the Point of Beginning, containing to all 3.28 acres, more or less.

Subject to the right-of-way of N. Maple Grove Road and all legal encumbrances of record. Acreage less the isolated Right-of-Way is 3.92 acres, more or less.

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Encumbrances have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown herein was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-1-2 through 19.

Certified this _____ day of _____, 2000.

Eric L. Deckard
Registered Surveyor LS 29000012
State of Indiana

DECKARD
LAND SURVEYING
1000 N. STATE ROAD 41
BLOOMINGTON, INDIANA 47403
812-323-6138

PEONY PLACE
MINOR SUBDIVISION
A PART OF SECTION 18 T9N, R1W

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[illegible]

EXHIBIT 3: Type E Documents from 2006

Smith Neubecker & Associates, Inc.



May 19, 2006

Stephen L. Smith, P.E., L.S.
Daniel Neubecker, L.S.
Steven A. Brinkley, R.S., L.S.

Gregg Zody
Monroe County Planning Department
Monroe County Courthouse Room 306
Bloomington, IN, 47404

RE: Muirfield Phase 2 Plat Amendment
Scherer Type E Subdivision

Dear Gregg,

On behalf of our client, ACME Development Corporation, we respectfully request staff level approval of a Final Plat Amendment for Muirfield Phase 2 and a Type E Administrative Subdivision approval for the Scherer property located on N. Maple Grove Road.

The purpose of these two processes is to convey property currently owned by ACME Development Corporation to Scherer and to reconfigure lots within Muirfield Phase 2. The combined process will result in a decrease in the total number of lots in Muirfield Phase 2 and the transfer of property within Muirfield Phase 2 and additional property owned by ACME Development Corporation to Scherer. This process will also eliminate the temporary construction access road off of Maple Grove Road.

Plat Amendment

Lots 37, 38 and 39 in Muirfield Phase 2 will be part of the plat amendment. The north line of Lot 37 will be moved north approximately 20', thereby increasing the size of Lot 37. The east (back) half of Lots 38 and 39 will be transferred to Scherer. The west (front) half of Lots 38 and 39 will be combined into one lot which will be known as Lot 38. Each lot will exceed the minimum 1-acre requirement. No new infrastructure will be required.

Type E

Scherer will obtain the east (back) half of what was formerly Lots 38 and 39 in Muirfield Phase 2. Scherer will also obtain two remnant tracts owned by ACME Development Corporation located along Maple Grove Road that were not included in the Muirfield Subdivision. One tract is located south of the Scherer property. This tract is approximately 50' in width and was an access point to the property at one time. The second tract is a small triangular shaped parcel located north of the Scherer property. This tract is where the existing temporary construction access onto Maple Grove Road is located. One new deed containing all of the property currently owned and newly conveyed to Scherer upon completion of the process will then be created for Scherer.

953 S. Clarke Boulevard
Post Office Box 6555
Bloomington, Indiana 47407-0555
Telephone 812-336-6536
FAX 812-336-0513
www.sna-inc.com

RECEIVED
MAY 18 2006
MONROE COUNTY PLANNING

Smith Neubecker & Associates, Inc.



Should you have any questions concern the Plat Amendment or the Type E Administrative Subdivision, please contact me.

Sincerely,

Steve A. Brehob

SMITH NEUBECKER & ASSOCIATES, INC.

Cc: 3448 M-2 file

J:\3445\corresp\PlatAmend Type E.doc

EXHIBIT 4: Sewer easement and proof of capacity

Tammy Behrman

From: PHIL PEDEN <pjpeden@yahoo.com>
Sent: Monday, February 17, 2020 3:25 PM
To: kaylie.scherer@gmail.com; Tammy Behrman; Drew Myers
Cc: rshannonreed@comcast.net
Subject: ERSC sewer capacity

Dear County Planner,

This letter is in response to a sewer service request for the 4811 and 4815 N. Maple Grove Road properties. Eastern Richland Sewer Corporation does have capacity to serve these two properties. It should be noted that it will be necessary for the property owners to obtain an easement to run their low pressure service lines to N Chatham Drive where our forcemain exists. This is a low pressure forcemain system requiring an E-One Pump or equivalent and is not a gravity system.

EXHIBIT 4: Sewer easement and proof of capacity cont.

RECEIVED

FEB 10 2020

MONROE COUNTY PLANNING

202002026 EASE \$25.00
02/10/2020 10:52:18A 3 PGS
Eric Schmitz
Monroe County Recorder IN
Recorded as Presented


GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That Clint Spaulding and Nicole Stefanov (hereinafter collectively "Grantor"), of Monroe County, Indiana, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grant a non-exclusive easement for ingress and egress to Richard D. Scherer and Kimberly A. Cramer (hereinafter collectively "Grantee"), as follows:

1. Grantor's Real Estate.

Lot Number Thirty-eight (38) in Muirfield Subdivision, Phase 2, Amendment 1: Final Plat, as shown by the plat recorded in Plat Cabinet D, Envelope 41, in the Office of the Recorder of Monroe County, Indiana.

Parcel Number: 53-05-18-200-004.000-004 (012-22860-38)

Deed Reference: Instrument Number 2016011058, Office of the Recorder of Monroe County, Indiana.

2. Grantee's Real Estate.

Commencing at a 12" by 15" stone found at the Northeast corner of the Northwest quarter of Section 18, Township 9 North, Range 1 West, Monroe County, Indiana and running South 00 degrees 11 minutes 40 seconds West (basis of bearing is Muirfield Phase 2, Subdivision, Plat Cabinet "C" Envelope 381) for a distance of 870.58 feet to a railroad spike set in the center line of Maple Grove Road and to the Point of Beginning of this description; thence South 35 degrees 30 minutes 24 seconds East 109.28 feet along said center line to a railroad spike; thence South 37 degrees 54 minutes 12 seconds East 236.81 feet along said center line to a railroad spike; thence South 38 degrees 08 minutes 32 seconds East 130.65 feet along said center line to a railroad spike; thence South 38 degrees 08 minutes 32 seconds East 77.63 feet; thence leaving said centerline and running North 89 degrees 23 minutes 26 seconds West 339.46 feet to the West Section line of Section 18; thence North 00 degrees 11 minutes 40 seconds East 42.68 feet along said Section line; thence South 66 degrees 33 minutes 46 seconds West 86.85 feet; thence North 29 degrees 45

minutes 05 seconds West 326.81 feet; thence North 43 degrees 13 minutes 09 seconds East 254.79 feet to the West right-of-way of Maple Grove Road; thence along said right-of-way South 37 degrees 05 minutes 36 seconds East 113.60 feet to the said West Section line; thence following said Section line North 00 degrees 11 minutes 40 seconds East 50.05 feet to the point of beginning, containing 3.42 acres, more or less.

Parcel Number: 53-05-18-200-003.000-004 (012-05180-01)

Deed Reference: Instrument No 2006011393, Office of the Recorder of Monroe County, Indiana

3. **Easement Area.** The Easement Area is described as:

Situate in Section 18, Township 9 North, Range 1 West, Bloomington Township, Monroe County, State of Indiana; being a part of Lot 38, Muirfield Subdivision, Phase 2, Amendment 1: Final Plat, as recorded in Plat Cabinet D, Envelope 41, and also Instrument Number 2006011391 in the Office of the Recorder of Monroe County, Indiana, and being more particularly described as follows:

Said Easement being that area indicated, relative to landmarks and property lines, shown on a drawing marked Exhibit "A", attached hereto and becoming a part hereof (hereinafter referred to as "the Easement Area").

The sanitary sewer line shall be located within the Easement Area, but shall maintain separation from any electrical or telecommunication lines located in the Easement Area in accordance with the terms of the Grant of Easement identified by Instrument Number 2006013898 granted to Duke Energy ("Grant of Easement"). The location, installation, maintenance and repair of the sanitary sewer line shall not be permitted to interfere with or breach the terms of the Grant of Easement.

4. **Use.** The easement granted herein shall be to install, repair, maintain and use a sanitary sewer easement.

5. **Maintenance.** The Easement Area disturbed during any installation, maintenance or repair of the sanitary sewer line shall be promptly restored by Grantee to a condition that is comparable to the condition existing prior to the installation, repair or maintenance.

6. **Release and Waiver.** Grantor makes no warranty or representation as to fitness of the Easement Area for use for stated herein or for any other lawful purpose. All persons using the Easement Area arising out of this Grant of Easement, as a condition of use of the Easement Area and this Grant of Easement, release Grantor from all liability and waive any claim for themselves and for all guests and invitees for personal injury or property damage arising out of use of the Easement Area

7. **Duration.** This easement is perpetual and shall be appurtenant to Grantee's Real Estate subject to termination as provided herein.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals this 17 day of ~~December, 2019~~
January, 2020

GRANTOR:

Clint Spaulding
Clint Spaulding

Nicole Stefanov
Nicole Stefanov

STATE OF Florida)
COUNTY OF Seminole) SS:

~~2019~~ Before me, a Notary Public, in and for said county and state, this 17 day of ~~December~~
January, 2019, at which time Clint Spaulding and Nicole Stefanov personally appeared and acknowledged the execution of the above and foregoing Grant of Easement to be a voluntary act and deed.

My Commission Expires:

10/30/21



Macl Mason

Macl Mason

Notary Public

A resident of FL County, Seminole

Commission No.: GG 156470

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael L. Carmin

This Instrument Prepared By: Michael L. Carmin, Attorney at Law, CARMINPARKER, PC, 116 W. 6th St., Suite 200, P.O. Box 2639, Bloomington, Indiana 47402-2639, Telephone: (812) 332-6556

417739 / 24510-1

EXHIBIT 5: Highway Department comments

Tammy Behrman

From: Paul Satterly
Sent: Thursday, February 13, 2020 3:54 PM
To: Tammy Behrman
Cc: Ben Ayers
Subject: RE: Peony Place Minor Subdivision - review

Tammy,

The Highway Department supports the waiver for the right of way width. The existing 30 ft. dedicated right of way is sufficient to allow for the maintenance of the roadway, drainage along the roadway and signing along the roadway.

The Highway Department supports the waiver for the sidewalk requirement. Currently there are no sidewalks on N. Maple Grove Road.

Paul

Paul B. Satterly, P.E.
Highway Engineer
Monroe County Highway Department

501 N. Morton Street, Suite 216
Bloomington, Indiana 47404
psatterly@co.monroe.in.us
Office (812) 349-2554
Cell (812) 361-7918

EXHIBIT 6: HISTORIC INFORMATION

IN.gov

SHAARD

IHSSI (County Survey)



Survey Number: 105-055-21070

Rating: Contributing

Historic Name: House

Year Dataset Compiled: 2014

National Register File
Number: -

Survey County

County	Legal Township(s)	Quad Name(s)
Monroe	Bloomington	Bloomington

Address: 4815 Maple Grove Rd

City: -

Location Notes: -

Coordinates

Easting

Northing

537495

4341279

Common Name: -

Category: Building

Visible?: ☐Historic District?: ☒

Historic District Name: Maple Grove Road Rural Historic District

Ownership: private

Use: PresentResidence: ☒Commercial: ☐Vacant: ☐Other: ☐Other: ☐**Use: Past**Residence: ☒Commercial: ☐Vacant: ☐Other: ☐Other: ☐**Surveys/Legal Protections**National Register: ☒State Register: ☒Hoosier Homestead: ☐National Historic
Landmark: ☐Local Designation: ☐Protective
Covenants: ☐Other: ☐

Areas of Significance: ARCHITECTURE

Other Significance: -

Endangered: No

Explanation: -

Number of
Contributing 2
Resources:Number of
Non-
contributing 1
Resources:

Environment: Rural

Bibliography: -

Structure TypeBridge: ☐Cemetery: ☐Other: ☒

Time Period(s): c. 1900

Condition: Good

Year Demolished: -

Integrity: Severely Altered

Date Moved: -

Alterations: -

Style: -

Type/Vernacular: -

Architect/Builder**Architectural Firm****Affiliation**

ReplacementWindows: ☒Roof: ☒Other: ☐**Additions**Siding: ☒Wings: ☐Other: ☐

Removals: -

Stories1: ☒1 1/2: ☐2: ☐2 1/2: ☐Other: ☐**Plan**Rectangular: ☐Polygonal: ☐L: ☐T: ☐X: ☐U: ☐Irregular: ☐Other: ☐**Depth**Single-Pile: ☐Double-Pile: ☐Irregular/Massed: ☐Other: ☐**Number of Bays:** 2**Foundation:** CONCRETE**Foundation Description:** -**Walls Description:** -**Other Walls:** -**Roof**Side-Gable: ☐Front-Gable: ☐Cross-Gable: ☐Hip: ☒Pyramidal: ☐Mansard: ☐Other: ☐

Material: ASPHALT

Features: -

PorchesFront: ☒Side: ☐Back: ☐

Notes: across south bay, hip roof, wood columns, concrete floor

Openings: 6/6 double hung vinyl windows, decorative shutters, wood door.

Interior: -

Outbuildings: Shed,
Other

Description: stone walls

Notes: -

Statement of Significance: -

Architectural Description: -

2.0.1 © 2007 DNR-DHPA. All rights reserved.

EXHIBIT 7: PETITIONER'S WAIVER FINDINGS



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235
Fax 812.323-7536

December 26, 2019

To Members of the Monroe County Planning Commission

RE: RE: Kim Cramer

I have been asked personally by Kim Cramer to request a utility waiver.

These are my findings and recommendations.

- 1) There is an existing utility line that is serving an existing Home on Lot 2. My client wishes to have the exiting utility line to remain at its current location above ground and is hereby requesting a waiver for the utility to remain in place.
- 2). If the utility is hereby moved at that time the utility will be placed under ground.
- 3). Any new utility will be buried from the existing transformer to the new structure.

If there are any questions, please contact this office at (812)961-0235

Sincerely,

Eric L. Deckard L.S.

A handwritten signature in black ink, appearing to read "E. Deckard", written over the printed name.



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235
Fax 812.323-7536

December 26, 2019

To: Members of the Monroe County Planning Department:

RE: Cramer/Scherer Minor Subdivision

I have been asked by Kim Cramer to request a waiver to 856-40 (A).

These are my findings and recommendations.

Sidewalk Waiver. The property is within one mile of a school and is therefore required to provide sidewalks along the existing County road frontage. We respectfully request consideration by the Plan Commission to waive the sidewalk requirement. This section of road was found to contain narrow road shoulders and no existing walks in the nearby area.

Section 850-12 lists the findings that must be met for a modification of the subdivision requirements including waiver of the sidewalk requirement. The criteria and a description of how this modification meets those criteria are as follows:

1. Practical difficulties have been demonstrated:

The road in this area contains narrow shoulders with substandard horizontal curves. There is no reasonable or safe location to place a sidewalk. Removal of historical fencing would be required.

2. the requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County:

There is no other sidewalks in this rural area at this time.

3. granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery

of governmental services (e.g., water, sewer, fire protection, etc.):

There is no safe place to put the sidewalk at this time.

4. *granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties:*

Granting the modifications would leave the conditions as they presently exist. There are no sidewalks in the area.

5. *the conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties:*

This property was found to contain historical stacked limestone fencing that would need to be partially removed if sidewalks are requested.

6. *granting the requested modifications would not contravene the policies and purposes of these regulations:*

This is a very unique site; the opportunity for sidewalks should be evaluated versus the partial removal of a historic land mark.

7. *the requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done:*

Building the sidewalk with the present road configuration is impractical do to no other walk along this road for connectivity.

8. *the practical difficulties were not created by the Developer, Owner, Subdivider, or Applicant; and,*

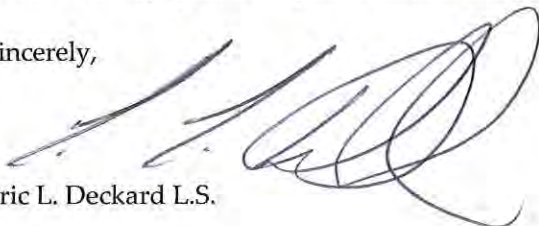
The practical difficulties are the result of the navigating narrow road shoulders and disturbing the historic fencing.

9. *the practical difficulties cannot be overcome through reasonable design alternatives:*

The placement of a sidewalk in this area would require the removal of the historical fence in 4 separate locations along this property.

If there are any questions, please contact this office at (812)961-0235

Sincerely,

A handwritten signature in dark ink, appearing to read 'Eric L. Deckard', with a large, stylized flourish at the end.

Eric L. Deckard L.S.

RECEIVED

FEB 05 2020

MONROE COUNTY PLANNING

Date: February 5, 2020

To: Monroe County Planning Department

From: Kim Cramer and Rick Scherer

RE: Scherer Minor Subdivision Right of Way Dedication Waiver Request

Dear Monroe County Planning Department,

We are requesting a waiver to the 45' right of way dedication under the Thoroughfare Plan. We request a reduction of the right of way from 45' to 30'. If the waiver request is approved, the necessary survey work will be completed to adjust the plat to reflect the change. We are requesting this waiver to accommodate: (1) the historic dry-stack stone fence that would be in the 45' right of way; (2) the existing shed on Lot 2 that would be in the 45' right of way; (3) the existing designated parking on Lot 2 that would be in the 45' right of way.

(1) Historic Dry-Stack Stone Fence

There is currently a historic dry-stack stone fence that would be in the 45' right of way. With a reduction to a 30' right of way, more of the stone fence would be on the property rather than in the right of way. A 30' right of way would reduce the Monroe County Highway Department's responsibility for having to maintain the historic dry-stack stone fence.



Figure 1. Historic dry-stack stone fence that would be in the 45' right of way.

(2) Existing Shed

There is currently an existing shed on Lot 2 that would be in the 45' right of way, and would have to be relocated or removed. With a 30' right of way this would not be an issue.



Figure 2. Existing shed that would be in the 45' right of way.

(3) Designated Parking

The 45' right of way would interfere with the current designated parking area on Lot 2. There are not currently other viable options for parking on Lot 2. With a 30' right of way this would not be an issue.



Figure 3. Designated parking on Lot 2 that would be in the 45' right of way.

MONROE COUNTY PLAT COMMITTEE MEETING**August 20, 2020**

PLANNER Drew Myers
CASE NUMBER 2005-SSS-06, Kari Davis Sliding Scale Subdivision Preliminary Plat
PETITIONER Kari Davis and Richard Brown, C/o Lynn Madden
ADDRESS 9180 N Mt Pleasant RD (53-03-12-400-001.000-001)
REQUEST Sliding Scale Subdivision Preliminary Plat to subdivide 1 parcel into 2 parcels.
Plat Vacation Required. Road Width Waiver Required. Plat Committee
Recommendation.
ZONE Forest Reserve (FR)
ACRES 10.9 +/- acres
TOWNSHIP Bean Blossom
SECTION 12
COMP. PLAN
DESIGNATION Farm and Forest

EXHIBITS

1. Kari Davis Sliding Scale Subdivision Preliminary Plat
2. Peach Minor Subdivision Final Plat

RECOMMENDATION

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat based on findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, County Surveyor reports, and the following condition:

1. The petitioner submit a formal Road Width Waiver request to accompany the Sliding Scale Subdivision petition before the next Plan Commission meeting on September 15, 2020.

PLAT COMMITTEE – August 20, 2020

TBD

SUMMARY

The petition site is one 10.9 +/- acre parcel located in Bean Blossom Township and contains an existing 3,000 sq. ft. pole barn, an existing 2,000 sq. ft. pole barn, and an existing 1,024 sq. ft. pole barn. The petition site maintains frontage along N Mt Pleasant RD (local).

The site is currently zoned Forest Reserve (FR), which requires a 5.0 acre minimum lot size and a minimum lot width of 200' at building line. The petitioner is proposing to subdivide the current 10.9-acre parcel into two new parcels that meet the minimum requirements and the lot development standards of Chapter 862 for Sliding Scale Subdivisions. Chapter 862 for Sliding Scale Subdivisions permits 2.5 acre minimum lot size.

Lot 1: 3.34 acres total, including 1.56 acres of buildable area;

Lot 2: 7.15 acres total (parent parcel), including 2.83 acres of buildable area; this lot contains the three (3) existing pole barns.

Lot 2 is designated as the Parent Parcel Remainder and shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance.

This sliding scale subdivision request is accompanied by a Plat Vacation request. The petition site is currently listed as Lot 1 of the Peach Minor Subdivision originally approved and recorded in January 2018.

INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along N Mt Pleasant RD, a 16' wide local road with 50' of dedicated right-of-way. Right-of-way dedication has been shown on the proposed preliminary plat. Lot 1 will utilize a new driveway cut off N Mt Pleasant RD as approved the Monroe County Highway Department, while Lot 2 will utilize the existing driveway cut off N Mt Pleasant RD.

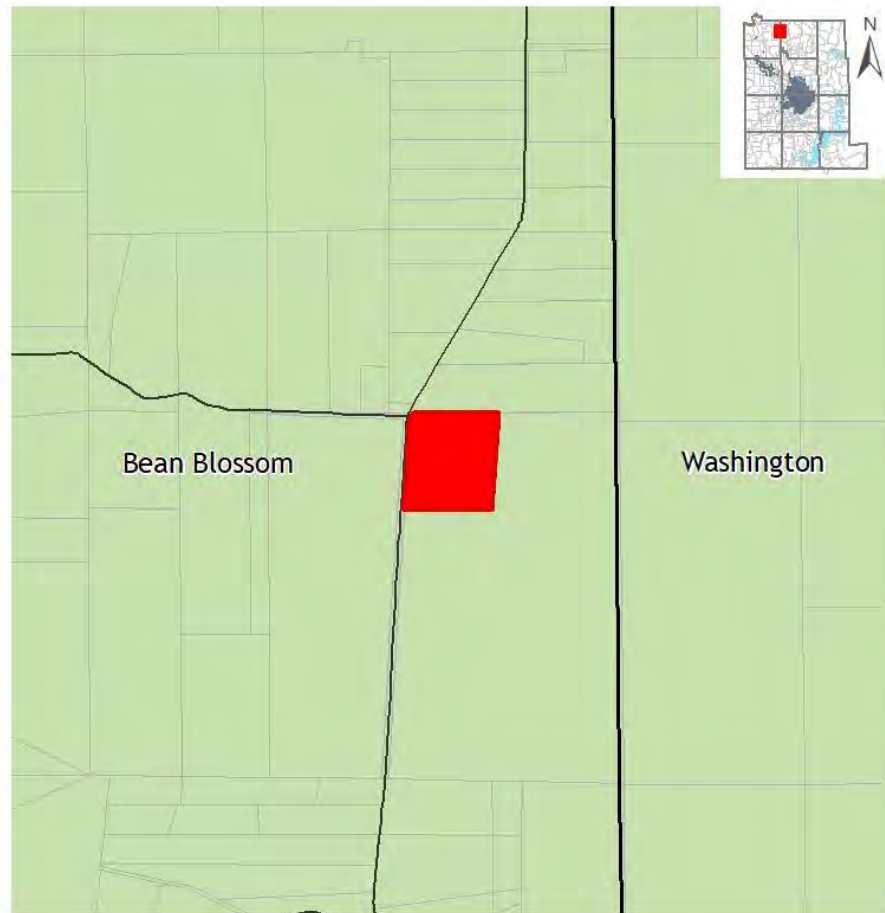
Septic permits have been submitted to the Planning Department for both Lots 1 and 2. The lots do not need to meet the sanitary sewer requirement of Chapter 856-39 because this provision does not apply to a Sliding Scale Option Subdivision under Chapter 862.

LOCATION MAP

The site is located at 9180 N Mt Pleasant RD in Section 12 of Bean Blossom Township (Parcel #: 53-03-12-400-001.000-001).

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels






SITE CONDITIONS

The site contains an existing 3,000 sq. ft. pole barn, an existing 2,000 sq. ft. pole barn, and an existing 1,024 sq. ft. pole barn. The neither the existing 3,000 sq. ft. pole barn nor the 1,024 sq. ft. pole barn will meet the new 60' front yard setback requirement as created by the Sliding Scale Subdivision process. These two structures are therefore classified as pre-existing nonconforming and may not be enlarged or otherwise changed, unless a variance form the terms of the Monroe County Zoning Ordinance is obtained through the Board of Zoning Appeals.




There are no known karst features on the property. There is no FEMA floodplain on the property. None of the property is within the Environmental Constraints Overlay. 100' drainage easements have been requested by the County MS4 Coordinator and will be displayed on the preliminary plat drawing. Although the petition site exhibits a considerable amount of slope greater than 15%, all two proposed lots meet the 15% buildable area requirements for each newly created lot per Chapter 862.

Site Conditions Map

-  Petitioner
-  Local Roads [50']
-  Parcels



Slope Map

-  Petitioner
-  Roads
-  Parcels
-  2-Foot Contours
- 15% Slope (2010)**
-  0 - 15
-  > 15

PARCEL #:
53-03-12-400-001.000-001

NOTE:
Areas > 15% slope are classified as
nonbuildable area per Chapter 804.

0 25 50 100 150 200 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020




ADJACENT USES / ZONING

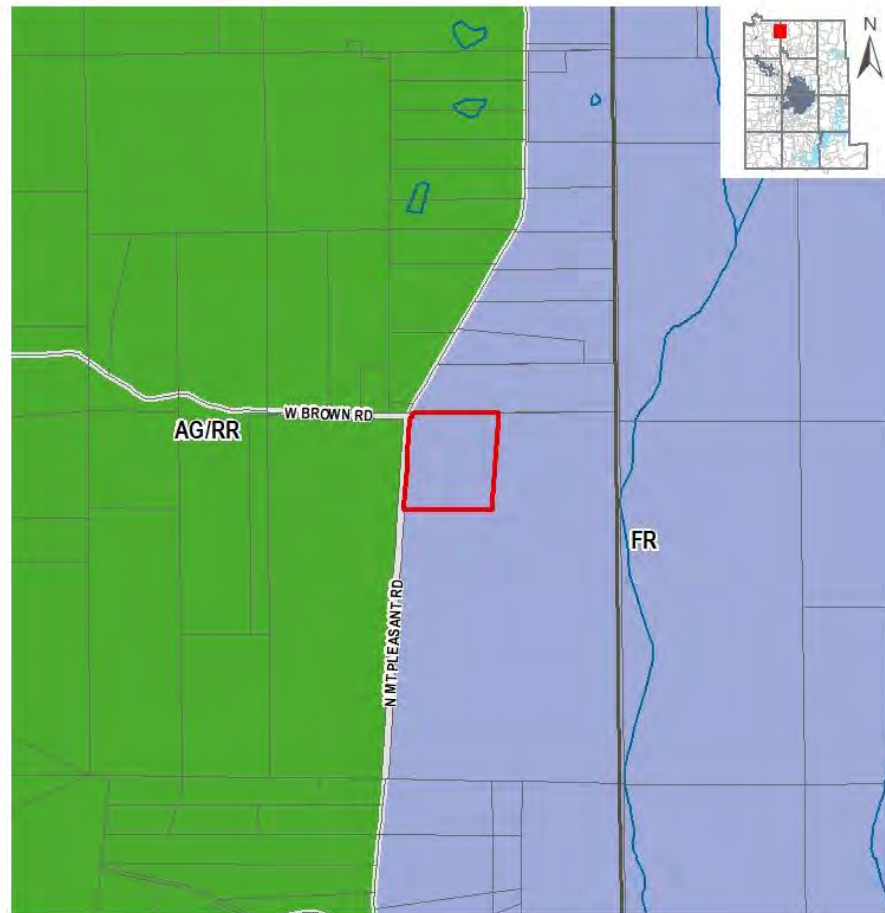
The parcel is zoned Forest Reserve (FR). The neighboring properties are zoned either FR or Agriculture/Rural Reserve (AG/RR). The proposed use on Lot 1 and Lot 2 is designated as “Single Family Use”.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  FR - Forest Reserve

0 0.075 0.15 0.3 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020



SITE PICTURES

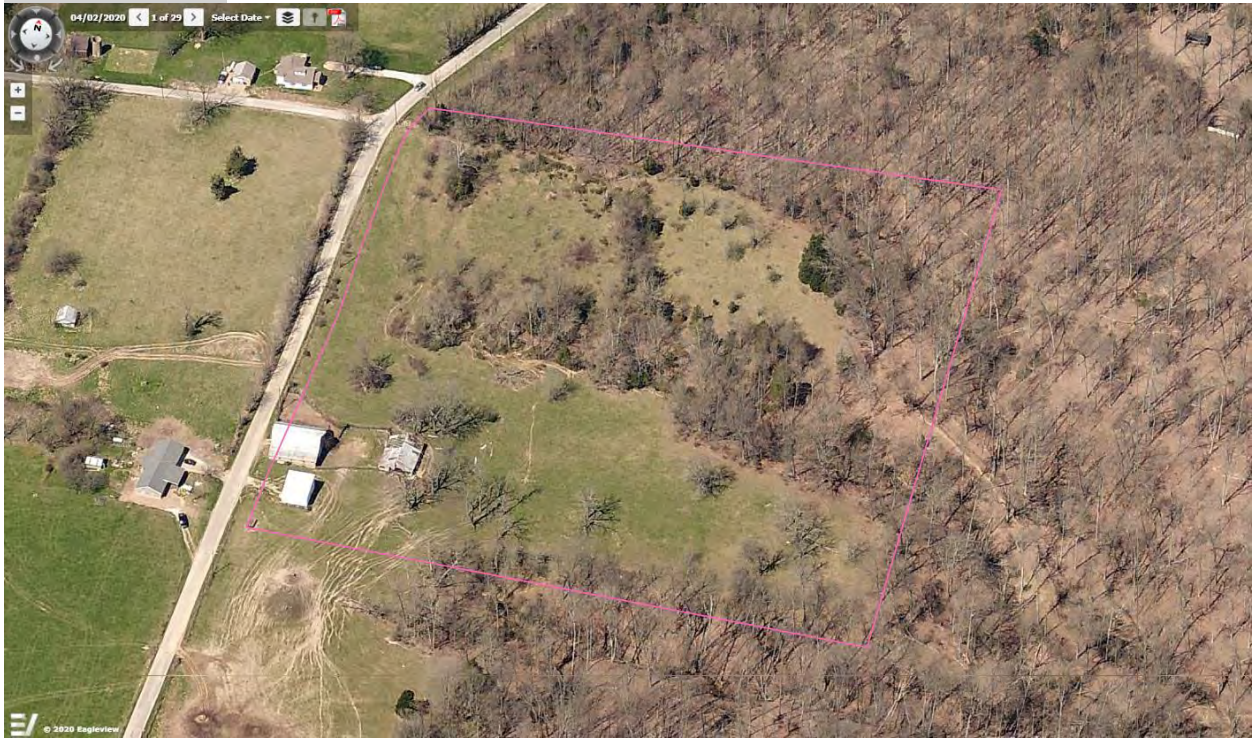


Photo 1. Pictometry view from the south



Photo 2. Pictometry view from the east



Photo 3. Pictometry view from the north



Photo 4. Pictometry view from the west

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Farm and Forest Comprehensive Plan designation, which states:

Farm and Forest

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:



- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey sections shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadways shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads

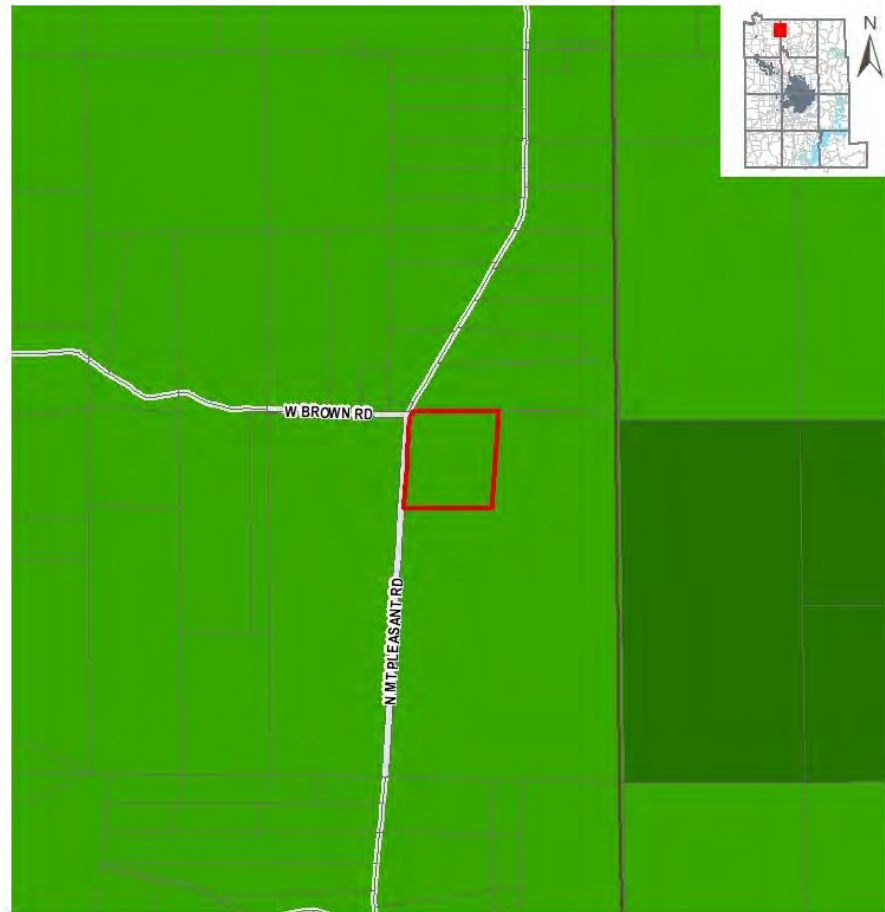
Comp. Plan Land Use (Updated 2015)

-  Farm and Forest
-  Managed Lands

0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020



FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

- (A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The property is currently zoned Forest Reserve (FR);
- Approval of the subdivision would create two (2) lots that meet the design standards for the Sliding Scale Subdivision and Forest Reserve zoning district where applicable;
- The petitioner currently has one lot of record and would like to add one additional lot of record;
- Approval of the subdivision would result in the following:
 - Lot 1: 3.34 acres total, including 1.56 acres of buildable area;
 - Lot 2: 7.15 acres total (parent parcel), including 2.83 acres of buildable area; this lot contains the three (3) existing pole barns.
- The proposed use category for the lots is single family;
- Per Chapter 862, the parent parcel could not be subdivided for a period of 25 years unless access to public sewer became available;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- The Monroe County Comprehensive Plan designates the site as Farm and Forest which supports low density residential development;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- The surrounding uses are residential in nature;
- See findings under Section A;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- The property is currently zoned Forest Reserve (FR);
- Adjacent properties are zoned Agriculture/Rural Reserve (AG/RR) and Forest Reserve (FR);
- The property does not require street trees or sidewalks;
- Approval of the subdivision would create two (2) lots that meet the design standards for the Sliding Scale Subdivision and the zoning designation FR where applicable;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- See findings under Sections A & C & D;

- (F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

- (2) to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

- (3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

FINDINGS OF FACT – Waiver of the Road Width Requirement

The petitioner has requested a waiver from Chapter 862 *Sliding Scale Option Subdivision* outlined in 862-4(A)5 (General design considerations for Sliding Scale Option). The standard states:

(5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The site gains access from N Mt Pleasant RD, a designated Local Road;
- N Mt Pleasant RD is measured by surveyor as 16 feet wide. Per Chapter 862, the road width is required to be 18 feet wide;
- The petition site has approximately 649.46’ of frontage along N Mt Pleasant RD;
- The existing road serves properties to the north, west, and south of the petition site, as well as the proposed petition site itself;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- N Mt Pleasant RD begins in the south at N Bottom RD and continues north until it ends at W Burma RD;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section 1;
- The additional net density of 2 dwelling units within Section 12 of Bean Blossom Township is consistent with the Comprehensive Plan’s Rural Residential designation and the Forest Reserve (FR) Zoning District;

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- See the findings submitted by the petitioner (Exhibit 2);

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- See findings under Section 1;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- See findings under Section 1;
- All property owners on N Mt Pleasant RD would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;
- The petitioner could not have applied for a minor subdivision, which does not have 18 foot road width requirement, due to the property not having enough acreage for two 10 acre minimum lots;

6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under Section 1, 2, and 3;

7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;

Findings:

- See findings under Section 1;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- See findings under Section 1;
- N Mt Pleasant RD is a public road in its current condition maintained by the County;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- See findings under Section 1;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 1: Kari Davis Sliding Scale Subdivision Preliminary Plat

KARI DAVIS SLIDING SCALE SUBDIVISION PRELIMINARY PLAT

A PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST MONROE COUNTY, INDIANA

(ASSUMED NORTH)
SCALE: 1" = 100'

LOCATION MAP

LEGEND

SECTION CORNER	△
5/8" REBAR W/ CAP	○
STAMPED "SBDS"	○
MAG. NAIL FOUND	○
MAG. NAIL SET	○
1/4" REBAR FOUND	○
RAILROAD SPIKE FOUND	○
EXISTING DWELLING	□
FLATTED	□
CALCULATED	(C)
FARM FIELD TYPE FENCE	(FF)

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 36B, ARTICLE 1, CHAPTER 12, FORMERLY RULE 12 TO SECTION 1 THROUGH 24 OF THE INDIANA NONNOSTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND CONCLUSIONS ARE SUBMITTED REGARDING THE VARIOUS INDICATORS IN THE LOCATION OF LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

- NO VARIANCES IN THE REFERENCE MONUMENTS
- NO DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS
- NO INCONSISTENCIES IN LINES OF OCCUPATION
- NO RANDOM ERRORS IN MEASUREMENTS (THEORETICAL UNCERTAINTY)

THE THEORETICAL UNCERTAINTY (DUE TO RANDOM ERRORS IN MEASUREMENTS) OF THE CORNERS OF THE SUBJECT TRACT IN THIS SURVEY IS WITHIN SPECIFICATIONS FOR A MONUMENT SURVEY AS DEFINED IN 36B I.A.C.

THE BASIS OF BEARINGS IS THE NORTH LINE OF THE SOUTHEAST QUARTER.

SUBJECT PROPERTY:

AN ORIGINAL SURVEY WAS PERFORMED ON THE LAND OWNED BY RICHARD L. BROWN JR. AND KIMBERLY BROWN. THIS PROPERTY IS LOCATED IN SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST, DEER CREEK TOWNSHIP, MONROE COUNTY, INDIANA AND RECORDED AS INSTRUMENT #201800709 IN THE OFFICE OF THE MONROE COUNTY RECORDER. THE PURPOSE OF THIS SURVEY IS TO REVEAL THE BOUNDARY LINES OF THE SUBJECT PROPERTY AND TO DIVIDE INTO TWO SEPARATE LOTS.

REFERENCE MONUMENTS:

THE FOLLOWING REFERENCED MONUMENTS WERE RECOVERED DURING THE COURSE OF THIS SURVEY:

1. A REBAR WITH CAP STAMPED "TOWNSHIP" WAS FOUND FLUSH WITH GRADE MARKING THE SOUTHWEST CORNER OF SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST.
2. A REBAR WAS FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST.
3. A REBAR WITH CAP STAMPED "DEER CREEK" WAS FOUND MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST.
4. A RAILROAD SPIKE WAS FOUND MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST.

LINE OF OCCUPATION:

1. A WIRE FENCE WAS FOUND MARKING EAST AND WEST ALONG THE NORTH LINE OF THE SUBJECT PROPERTY.

NOTES

1. REBAR WAS FOUND AT ALL PROPERTY CORNERS.
2. APPARENT ENCROACHMENTS OVER SETBACKS, EASEMENTS, OR BOUNDARY LINES ARE AS SHOWN ON THE DRAWING.
3. INFORMATION REGARDING THE DIRECTION OF THE SUBJECT AND ADJACENT PROPERTIES IS THAT AS SHOWN IN LOCAL GOVERNMENT RECORDS OBTAINED FROM THE MONROE COUNTY RECORDER'S OFFICE OR AS FURNISHED BY OTHERS.
4. THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
5. REFERENCE IS MADE TO PEACH MINOR SUBDIVISION FINAL PLAT PERFORMED BY ERIC L. FIDLER DATED JANUARY 3, 2008 (INSTR. #200800705).
6. LOT 2 IS THE DESIGNATED PARTIAL PARCEL REMAINDER SAID LOT SHALL NOT BE FURTHER SUBDIVIDED FOR A PERIOD OF TWENTY (20) YEARS FROM THE DATE OF RECORDING OF THE FINAL PLAT UNLESS CONNECTED TO A PUBLIC SEWER DISPOSAL SYSTEM OR FURTHER SUBDIVISION OF THE PROPERTY IS AUTHORIZED BY ORDINANCE.
7. EXISTING STRUCTURES LOCATED ON LOT 2 IN THE FRONT YARD SETBACK ARE CLASSIFIED AS PRE-EXISTING NONCONFORMING & MAY NOT BE ENLARGED OR CHANGED UNLESS A VARIANCE FROM THE TERMS OF THE ORDINANCE IS OBTAINED FROM THE BOARD OF ZONING APPEALS.
8. I AFFIRM UNDER PENALTY FOR PERJURY THAT I HAVE TAKEN RESPONSIBLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT UNLESS REQUIRED BY LAW. -RICHARD L. FIDLER

SETBACK TABLE

FRONT - 25' FROM RIGHT-OF-WAY
SIDE - 15' FOR RESIDENTIAL/ACCESSORY STRUCTURES
REAR - 35' FOR OTHER STRUCTURES
REAR - 35' FOR RESIDENTIAL/ACCESSORY STRUCTURES
REAR - 35' FOR OTHER STRUCTURES
THESE LOTS ARE FOR "SINGLE FAMILY" USE

ZONE: FOREST RESERVE (EAST OF MT. PLEASANT RD.)
ZONE: AGRICULTURAL RESERVE (WEST OF MT. PLEASANT RD.)

LEGAL DESCRIPTION:

LOT 1 IN PEACH MINOR SUBDIVISION AS RECORDED IN PLAT CABINET PAGE 15 IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.

LOT 2 IN PEACH MINOR SUBDIVISION AS RECORDED IN PLAT CABINET PAGE 15 IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.

DEDICATION OF PUBLIC RIGHTS-OF-WAYS

WHEREAS, RICHARD L. BROWN JR. AND KIMBERLY BROWN, JOINT OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY, LIST, OFF, AND PLAT LOTS NUMBERED 10 AND 11 BEING PART OF PEACH MINOR SUBDIVISION, RIGHTS OF WAYS NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO MONROE COUNTY, INDIANA.

THERE ARE BUILDING SETBACKS ON THIS PLAT UPON WHICH NO STRUCTURES MAY BE ERECTED OR MAINTAINED.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 2020.

RICHARD L. BROWN JR.
9548 N. MT. PLEASANT ROAD
COBURN, IN 47432

STATE OF INDIANA,)
COUNTY OF MONROE,)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICHARD L. BROWN JR., OWNER OF THE REAL ESTATE, WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AND WHO HAVING BEEN DULY SWORN, STATED THAT ANY REPRESENTATIONS HEREIN CONTAINED ARE TRUE.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2020.

NOTARY PUBLIC: _____
COUNTY OF RESIDENCE: _____
MY COMMISSION EXPIRES: _____

STORM & SURFACE DRAINAGE:

NONE OF THE SUBJECT PARCELS SHOWN LIES WITHIN THAT SPECIAL FLOOD HAZARD ZONE "V" AS SHOWN IN COMMUNITY PARK MAPS OR ZONE D OF THE FLOOD INSURANCE RATE MAPS FOR MONROE COUNTY, INDIANA MAPS DATED DECEMBER 15, 2018.

COMMISSION CERTIFICATE:

UNDER THE AUTHORITY OF CHAPTER 15A, ACT OF 1947, AS AMENDED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND THE MONROE COUNTY SURVEYING CONTROL ORDINANCE, THESE LOTS WERE CREATED THROUGH THE SLIDING SCALE SUBDIVISION PROCEDURE.

MONROE COUNTY PLAT COMMISSION:

PRESIDENT: _____
SECRETARY: _____

This 15th day of July, 2020

Richard L. Fidler, PLS #50257

PREPARED BY:

CROSS COUNTY CONSULTING, LLC
RESIDENTIAL - COMMERCIAL
COMPLETE SITE DEVELOPMENT SERVICES
5201 COLUMBIA DRIVE
INDIANAPOLIS, INDIANA 46201
317-598-4721 - 317-597-4041

Title:

PRELIMINARY PLAT

FIELD SURVEY COMPLETED: 6-22-20

DATE: 6-24-20

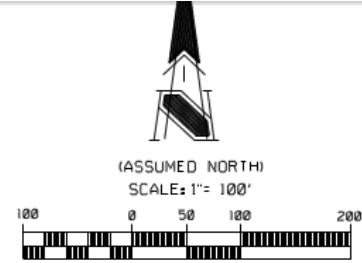
OWNER: SUBMITTER: KARI DAVIS-RICHARD BROWN
9548 N. MT. PLEASANT ROAD
COBURN, IN 47432
317-598-4721 - 317-597-4041

SCALE: 1" = 100' SHEET 1 OF 1

63

Zoomed-in:

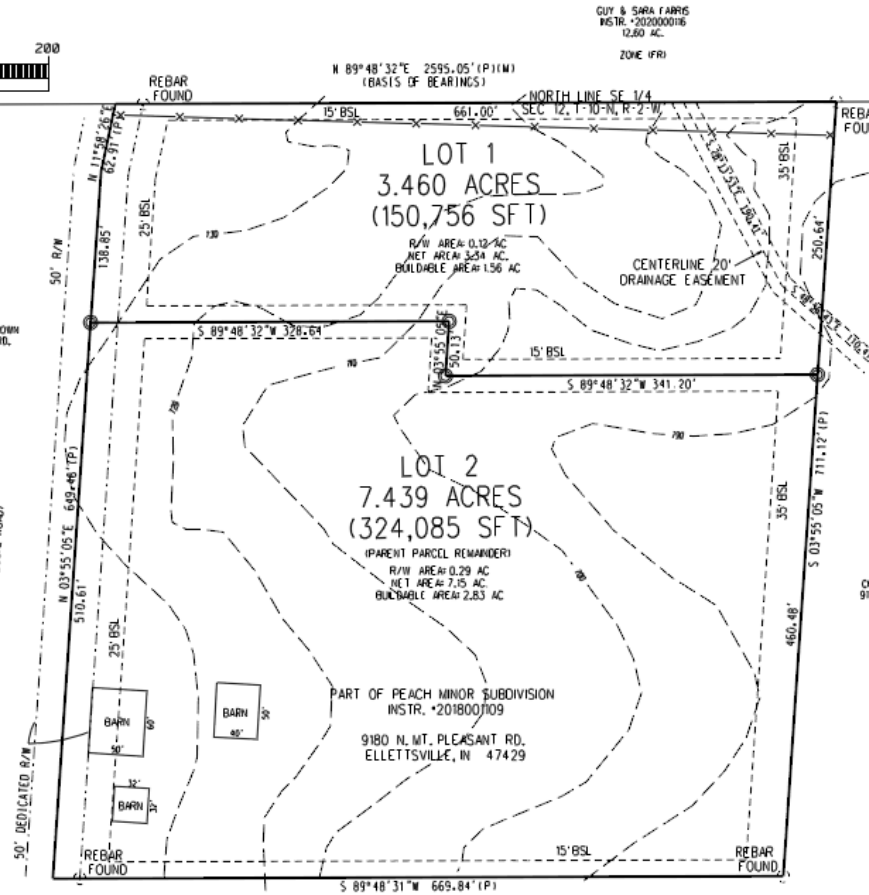
MONROE COUNTY, INDIANA



NW Corner SE 1/4
Sec 12, T-10-N, R-2-W
(Rebar Found)

LOT 3
RICHARD & HUBERLY BROWN
9175 N. MT. PLEASANT RD.
INSTR. *2018000175
57.74 AC.
ZONE IAG/FR

N. MT. PLEASANT ROAD
(16 ASPHALT LOCAL ROAD)



LOT 2
CHARLES & SARA FARRIS
9188 N. MT. PLEASANT RD.
INSTR. *2018000175
90.24 AC.
ZONE IAG/FR

SECTION CORNER
5/8" REBAR W/CAP
STAMPED '50251'
MAG NAIL FOUND
MAG NAIL SET
5/8" REBAR FOUND
RAILROAD SPIKE FOUND
EXISTING DWELLING
PLATTED
CALCULATED
FARM FIELD TYPE FEN

NE Corner SE 1/4
Sec 12, T-10-N, R-2-W
(Rebar Found)

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 36, ARTICLE 1, CHAPTER 12, (FORMERLY RULE 12) SECTION 1 THROUGH 34 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATION OF LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

- VARIANCES IN THE REFERENCE MONUMENTS;
- DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS;
- INCONSISTENCIES IN LINES OF OCCUPATION AND;
- RANDOM ERRORS IN MEASUREMENT (THEORETICAL UNCERTAINTY).

THE THEORETICAL UNCERTAINTY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT IN THIS SURVEY IS WITHIN SPECIFICATIONS FOR A RURAL SURVEY AS DEFINED IN 36S I.A.C.

THE BASIS OF BEARINGS IS THE NORTH LINE OF THE SOUTHEAST QUARTER.

SUBJECT PROPERTY:

AN ORIGINAL BOUNDARY SURVEY WAS PERFORMED ON THE LAND OWNED BY RICHARD AND HUBERLY BROWN. THIS PROPERTY IS LOCATED IN SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST, DEAN BLOSSOM TOWNSHIP, MONROE COUNTY, INDIANA AND RECORDED AS INSTRUMENT *2018000175 IN THE OFFICE OF THE MONROE COUNTY RECORDER. THE PURPOSE OF THIS SURVEY IS TO RETRACE THE BOUNDARY LINES OF THE SUBJECT PROPERTY AND TO DIVIDE INTO TWO SEPARATE LOTS.

REFERENCE MONUMENTS:

THE FOLLOWING REFERENCED MONUMENTS WERE RECOVERED DURING THE COURSE OF THIS SURVEY.

1. A REBAR WITH CAP STAMPED "ZIMMER" WAS FOUND FLUSH WITH GRADE MARKING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST.
2. A REBAR WAS FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST.
3. A REBAR WITH CAP STAMPED "DECKARD" WAS FOUND MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST.
4. A RAILROAD SPIKE WAS FOUND MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST.

LINE OF OCCUPATION:

1. A WIRE FENCE WAS FOUND RUNNING EAST AND WEST ALONG THE NORTH LINE OF THE SUBJECT PROPERTY.

NOTES

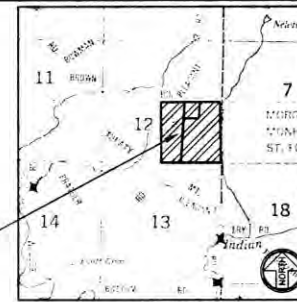
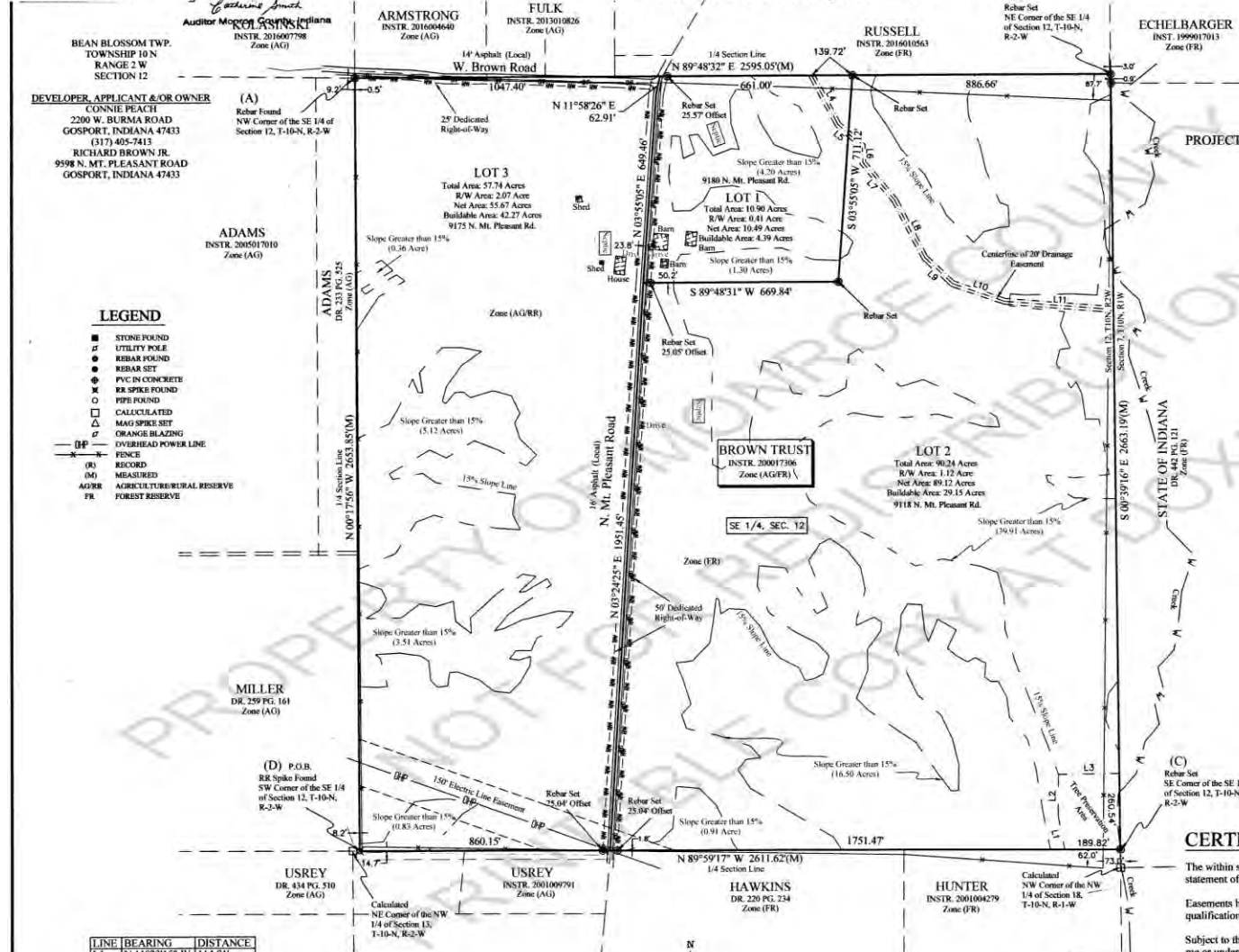
1. REBAR WAS FOUND AT ALL PROPERTY CORNERS.
2. APPARENT ENCROACHMENTS OVER SETBACKS, EASEMENTS, OR BOUNDARY LINES ARE AS SHOWN ON THE DRAWING.
3. INFORMATION REGARDING THE OWNERSHIP OF THE SUBJECT AND ADJOINING PROPERTIES IS THAT AS SHOWN IN LOCAL GOVERNMENT RECORDS OBTAINED FROM THE MONROE COUNTY RECORDER'S OFFICE OR AS FURNISHED BY OTHERS.
4. THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
5. REFERENCE IS MADE TO PEACH MINOR SUBDIVISION FINAL PLAT PERFORMED BY CRC DECKARD DATED JANUARY 5, 2018 (INSTR. *2018000175).
6. LOT 2 IS THE DESIGNATED PARENT PARCEL REMAINDER, SAID LOT SHALL NOT BE FURTHER SUBDIVIDED FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDING OF THE FINAL PLAT UNLESS CONNECTED TO A PUBLIC SEWAGE DISPOSAL SYSTEM OR FURTHER SUBDIVISION OF THE PROPERTY IS AUTHORIZED BY ORDINANCE.
7. EXISTING STRUCTURES LOCATED ON LOT 2 IN THE FRONT YARD SETBACK ARE CLASSIFIED AS PRE-EXISTING NONCONFORMING & MAY NOT BE ENLARGED OR CHANGED UNLESS A VARIANCE FROM THE TERMS OF THE ORDINANCE IS OBTAINED FROM THE BOARD OF ZONING APPEALS.
8. I, AFRIM, UNDER PENALTY FOR PERJURY, THAT I HAVE TAKEN RESPONSIBLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.
-RICHARD L. FIDLER

EXHIBIT 2: Peach Minor Subdivision Final Plat – from which to be vacated

2018000175 SPL \$25.00
01/05/2018 10:45:36 2 PGS
Eric Schmitz
Monroe County Recorder - IN
Recorded as Presented

DULY ENTERED
FOR TAXATION
JAN 04 2018

PEACH MINOR SUBDIVISION FINAL PLAT A PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 WEST MONROE COUNTY, INDIANA



NOTES:

- 1) Rebar will be set at all property corners.
- 2) Fieldwork completed July 2017.
- 3) Basis of bearing (State Plane - Indiana West).
- 4) Source of title now or formerly owned by Richard T. Brown Sr. and Geraldine F. Brown, Co-Trustees, The Richard T. Brown Sr. and Geraldine F. Brown Revocable Living Trust, dated the 10th day of October, 2000 as found in Instrument Number 200001730 in the Office of the Monroe County Recorder.
- 5) Reference is made to a survey performed by James Ziemer for Alan Backer dated August 21st, 2009 (Instrument Number 2009015282).
- 6) Reference is made to a survey performed by Michael E. Sheppard for Joan Miller dated March 17th, 2006 (Instr. 2006010463).
- 7) The pre-existing non-conforming structure on Lot 1, which is the existing house that does not meet front yard setback requirements, may not be enlarged or otherwise changed, unless a variance from the terms of the ordinance is obtained from the Board of Zoning Appeals.
- 8) The pre-existing non-conforming structure on Lot 3, which are the two existing barns that do not meet front yard setback requirements, may not be enlarged or otherwise changed, unless a variance from the terms of the ordinance is obtained from the Board of Zoning Appeals.
- 9) All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision. A waiver for any existing overhead lines was not applied for or obtained during the platting of this subdivision. Any existing overhead lines will need to be buried.
- 10) I affirm, under penalty for perjury, that I have taken reasonable care to reduce each Social Security Number in this document, unless required by law.

SETBACK TABLE

Front - 25' from Right-of-Way
Side - 15' for Residential / Accessory Structures
50' for Other Structures
Rear - 35' for Residential / Accessory Structures
50' for Other Structures

These lots are for "Single Family" use.

ZONE: FOREST RESERVE (East of Mt. Pleasant Rd.)
ZONE: AGRICULTURAL RESERVE (West of Mt. Pleasant Rd.)

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in IAC 1-12-1 through 19.

Certified this 20th day of November, 2017.

Eric L. Deckard
Registered Surveyor LS 29900012
State of Indiana



DECKARD
LAND SURVEYING
1000 N. 10th St.
Bloomington, IN 47404
TEL: 317.344.3333
FAX: 317.344.3334
WWW.DECKARDLANDSURV.COM

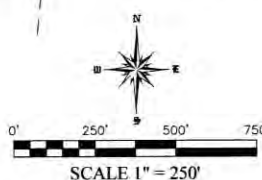
PEACH
MINOR SUBDIVISION
A PART OF SECTION 12 T10N, R2W

NO.	DATE	REVISION
1	11/25/17	1

NO.	DATE	REVISION
1	11/25/17	1

BNDY.SHT

LINE	BEARING	DISTANCE
1.1	N 11°23'15" W	114.91'
1.2	N 00°17'44" E	145.45'
1.3	N 89°20'44" E	208.80'
1.4	S 28°13'53" E	190.41'
1.5	S 48°30'43" E	110.41'
1.6	S 02°39'09" E	59.16'
1.7	S 40°19'30" E	169.00'
1.8	S 27°27'15" E	222.35'
1.9	S 46°46'35" E	131.18'
1.10	S 71°09'55" E	188.70'
1.11	S 85°40'18" E	374.97'



MONROE COUNTY PLAT COMMITTEE MEETING**August 20, 2020**

PLANNER	Drew A. Myers
CASE NUMBER	2006-SSS-07, Walls Sliding Scale Subdivision Preliminary Plat
PETITIONER	Robin and Margie Walls, C/o Eric Deckard, Deckard Land Surveying
ADDRESS	800 W Williams RD (53-02-21-300-010.000-017)
REQUEST	Sliding Scale Subdivision Preliminary Plat to subdivide 1 parcel into 2 parcels. Road Width Waiver Requested.
ZONE	AG/RR
ACRES	10.00 +/- acres
TOWNSHIP	Washington
SECTION	21
COMP. PLAN	
DESIGNATION	Farm and Forest

EXHIBITS

1. Walls Sliding Scale Subdivision Preliminary Plat
2. Petitioner Submitted Findings of Fact – Road Width Waiver Request

RECOMMENDATION

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat and the Road Width Waiver request based on findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, County Surveyor reports, and the following condition:

1. The petitioner adjust the final lot acreage for the parent parcel to equal 55% or greater of the total subdivision acreage after right-of-way dedication (i.e. 9.35 acres).

PLAT COMMITTEE – August 20, 2020

TBD

SUMMARY

The petition site is one 10.00 +/- acre parcel located in Washington Township and contains an existing ~2,100 sq. ft. greenhouse and an existing lean-to shed. The petition site maintains frontage along W Williams RD (local).

The site is currently zoned Agriculture/Rural Reserve (AG/RR), which requires a 2.5 acre minimum lot size and a minimum lot width of 200' at building line. The petitioner is proposing to subdivide the current 10.00-acre parcel (9.73 acres after right-of-way dedication) into two new parcels that meet the minimum requirements and the lot development standards of Chapter 862 for Sliding Scale Subdivisions:

Lot 1: 5.50 acres total (5.23 acres after R/W dedication), including 3.94 acres of buildable area; this lot is designated as the parent parcel and exhibits a proposed home site, a proposed barn site, and a proposed septic area.

Lot 2: 4.50 acres total, including 3.05 acres of buildable area; this lot contains the existing greenhouse and lean-to shed.

Lot 1 is designated as the Parent Parcel Remainder and shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance.

INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along W Williams RD, a 12.5' wide local road paved with asphalt. Right-of-way dedication has been shown on the proposed preliminary plat of 25'. Both Lot 1 and Lot 2 will receive access off of the existing 10' gravel driveway the runs north-south along the western property line.

A large overhead powerline traverses both proposed Lot 1 and Lot 1 and has been placed in a 20' utility easement as shown on the proposed preliminary plat.

Septic permits have been submitted to the Planning Department for both Lots 1 and 2. The lots do not need to meet the sanitary sewer requirement of Chapter 856-39 because this provision does not apply to a Sliding Scale Option Subdivision under Chapter 862.

LOCATION MAP

The site is located at 800 W Williams RD in Section 21 of Washington Township (Parcel #: 53-02-21-300-010.000-017).

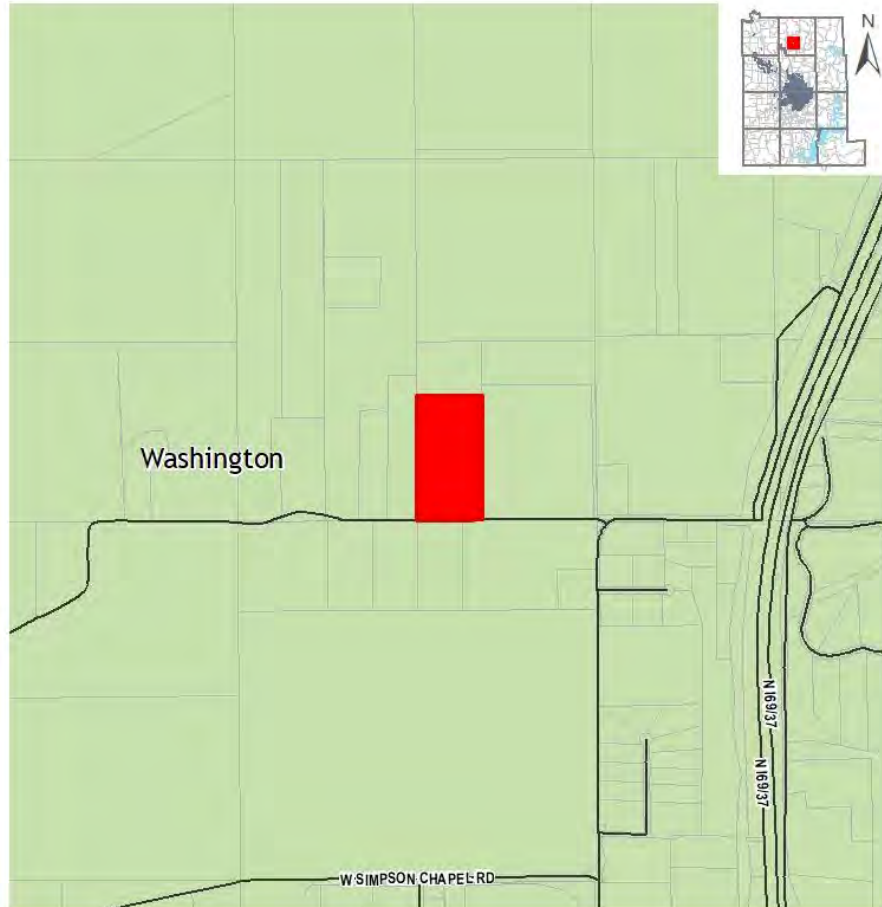
Location Map

-  Petitioner
-  Roads
-  Civil (Political) Townships
-  Parcels

0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020






SITE CONDITIONS

The site contains a ~2,100 sq. ft. greenhouse and a lean-to shed. The existing greenhouse and lean-to shed will meet the setback standards of the sliding scale subdivision and the AG/RR zoning district.

The petition site is fairly flat with some slopes greater than 15% in the northeast corner of proposed Lot 2 and along the frontage to W Williams RD on proposed Lot 1. There are no known karst features on the property. There is no FEMA floodplain on the property. None of the property is within the Environmental Constraints Overlay. All two proposed lots meet the 15% buildable area requirements for each newly created lot per Chapter 862.

Site Conditions Map

-  Petitioner
-  Local Roads [50']
-  Hydrologic Features








0 35 70 140 210 280 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020



Slope Map

-  Petitioner
-  Roads
-  Parcels
-  2-Foot Contours
- 15% Slope (2010)**
-  0 - 15
-  > 15
-  Hydrologic Features

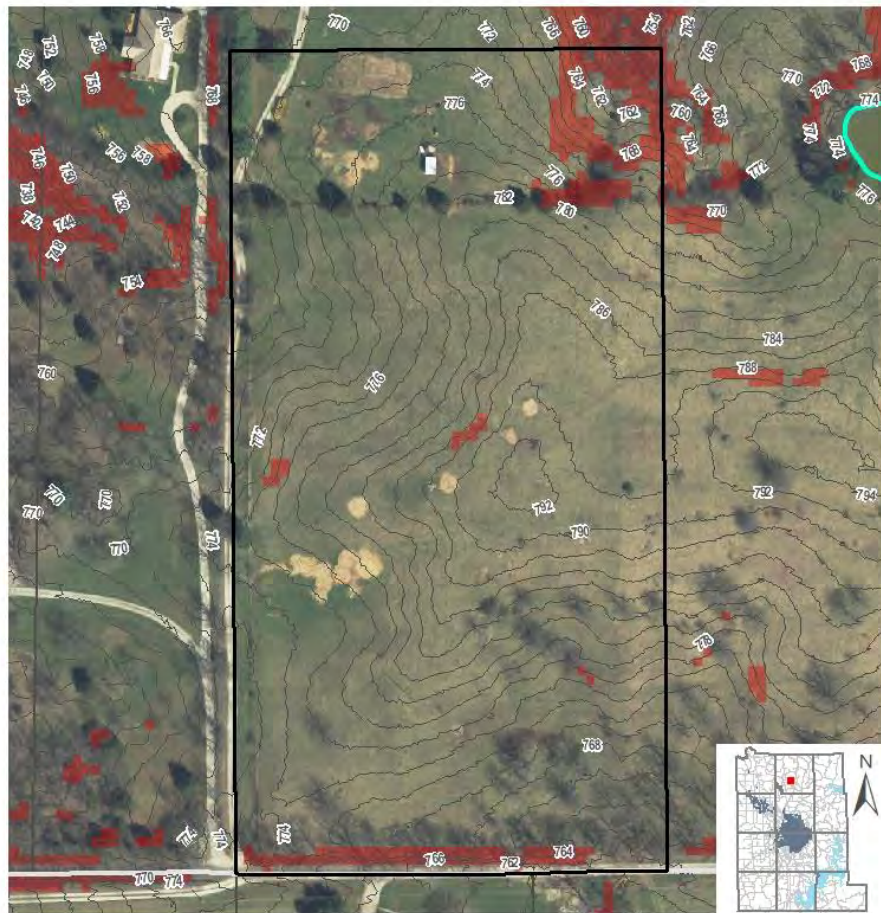
PARCEL #:
53-02-21-300-010.000-017

NOTE:
Areas > 15% slope are classified as
nonbuildable area per Chapter 804.

0 30 60 120 180 240 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020

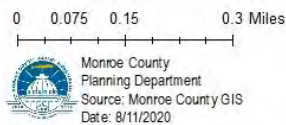


ADJACENT USES / ZONING

The parcel is zoned Agriculture/Rural Reserve (AG/RR). The neighboring properties are also zoned AG/RR. The proposed use on Lot 1 and Lot 2 is designated as “Single Family Use”.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ER - Estate Residential
-  PB - Pre-Existing Business
-  SR - Suburban Residential



SITE PICTURES



Photo 1. Pictometry view from the south



Photo 2. Pictometry view from the east



Photo 3. Pictometry view from the west

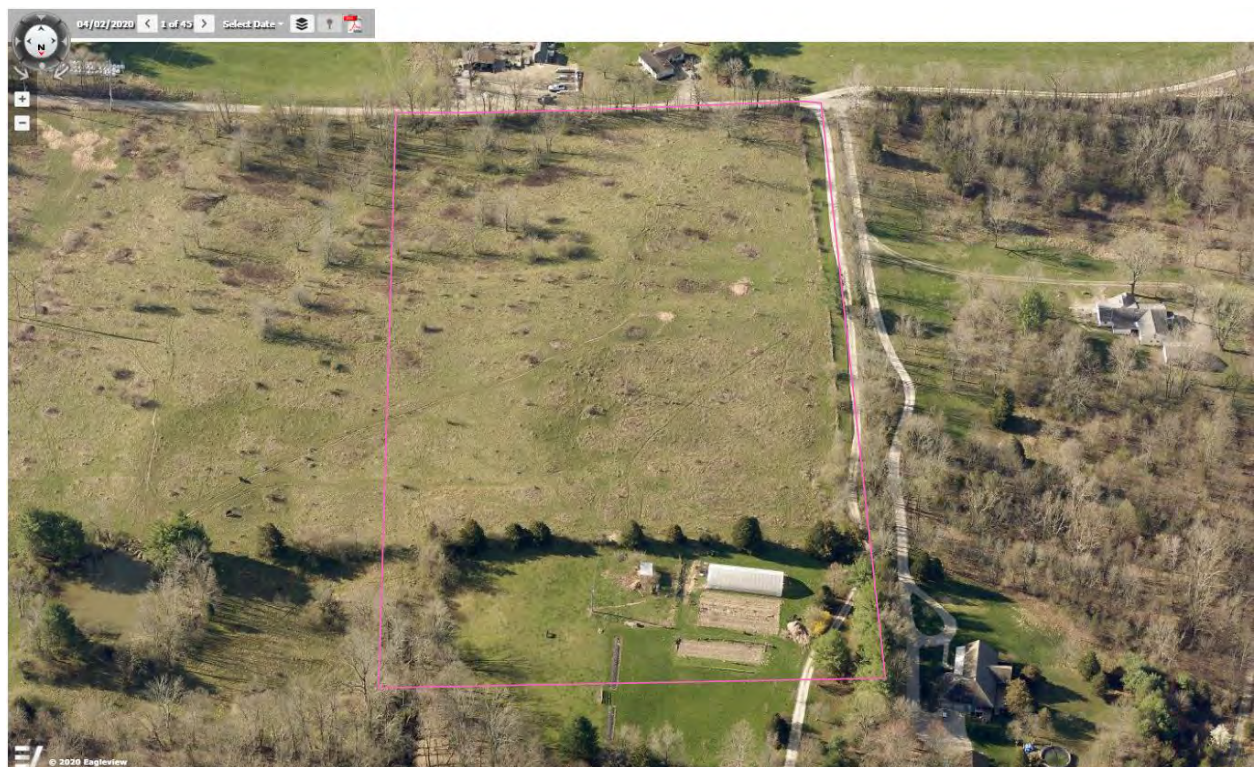


Photo 4. Pictometry view from the south

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Farm and Forest Comprehensive Plan designation, which states:

Farm and Forest

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:



- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadways shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads

Comp. Plan Land Use (Updated 2015)

-  Farm and Forest
-  Rural Residential

0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020



FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

- (A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The property is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation Agriculture/Rural Reserve;
- The petitioner currently has one lot of record and would like to add one additional lot of record;
- Approval of the subdivision would result in the following:
 - Lot 1: 5.50 acres total (5.23 acres after R/W dedication), including 3.94 acres of buildable area; this lot exhibits a proposed home site, a proposed barn site, and a proposed septic area.
 - Lot 2: 4.50 acres total, including 3.05 acres of buildable area; this lot contains the existing greenhouse and lean-to shed.
- The proposed use category for the lots is single family;
- Per Chapter 862, the parent parcel could not be subdivided for a period of 25 years unless access to public sewer became available;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- The Monroe County Comprehensive Plan designates the site as Farm and Forest which supports low density residential development;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- The surrounding uses are residential or agricultural in nature;
- See findings under Section A;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- The property is currently zoned Agriculture/Rural Reserve (AG/RR);
- Adjacent properties are zoned Agriculture/Rural Reserve (AG/RR);
- The property does not require sidewalks;
- Tree preservation area is indicated along W Williams RD where twelve (12) trees will be preserved;
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation AG/RR;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- See findings under Sections A & C & D;

(F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

- (2) to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

- (3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

FINDINGS OF FACT – Waiver of the Road Width Requirement

The petitioner has requested a waiver from Chapter 862 *Sliding Scale Option Subdivision* outlined in 862-4(A)5 (General design considerations for Sliding Scale Option). The standard states:

(5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The site gains access from W Williams RD a designated Local Road;
- W Williams RD is measured by surveyor as 12.5 feet wide. Per Chapter 862, the road width is required to be 18 feet wide;
- The petition site has approximately 178.50’ of frontage along W Williams RD;
- The existing road serves properties to the east, west, and south of the petition site, as well as the proposed petition site;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- W Williams RD begins in the east at W Simpson Chapel RD Strain Ridge Rd and continues west until it ends at N Bottom RD;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section 1;
- The additional net density of 2 dwelling units within Section 21 of Washington Township is consistent with the Comprehensive Plan’s Rural Residential designation and the Agriculture/Rural Reserve (AG/RR) Zoning District;

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- The Monroe County Department of Highway recommended the following with respect to the driveway permit:
 - Clear brush and cut down bank to the east for sight distance requirements;
 - Remove trees to the east for sight distance requirements;
- See the findings submitted by the petitioner (Exhibit 2);

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- See findings under Section 1;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- See findings under Section 1;
- All property owners on W Williams RD would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;
- The petitioner could not have applied for a minor subdivision, which does not have 18 foot road width requirement, due to the property not having enough acreage for two 10 acre minimum lots;

6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under Section 1, 2, and 3;

7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;

Findings:

- See findings under Section 1;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- See findings under Section 1;
- W Williams RD is a public road in its current condition maintained by the County;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

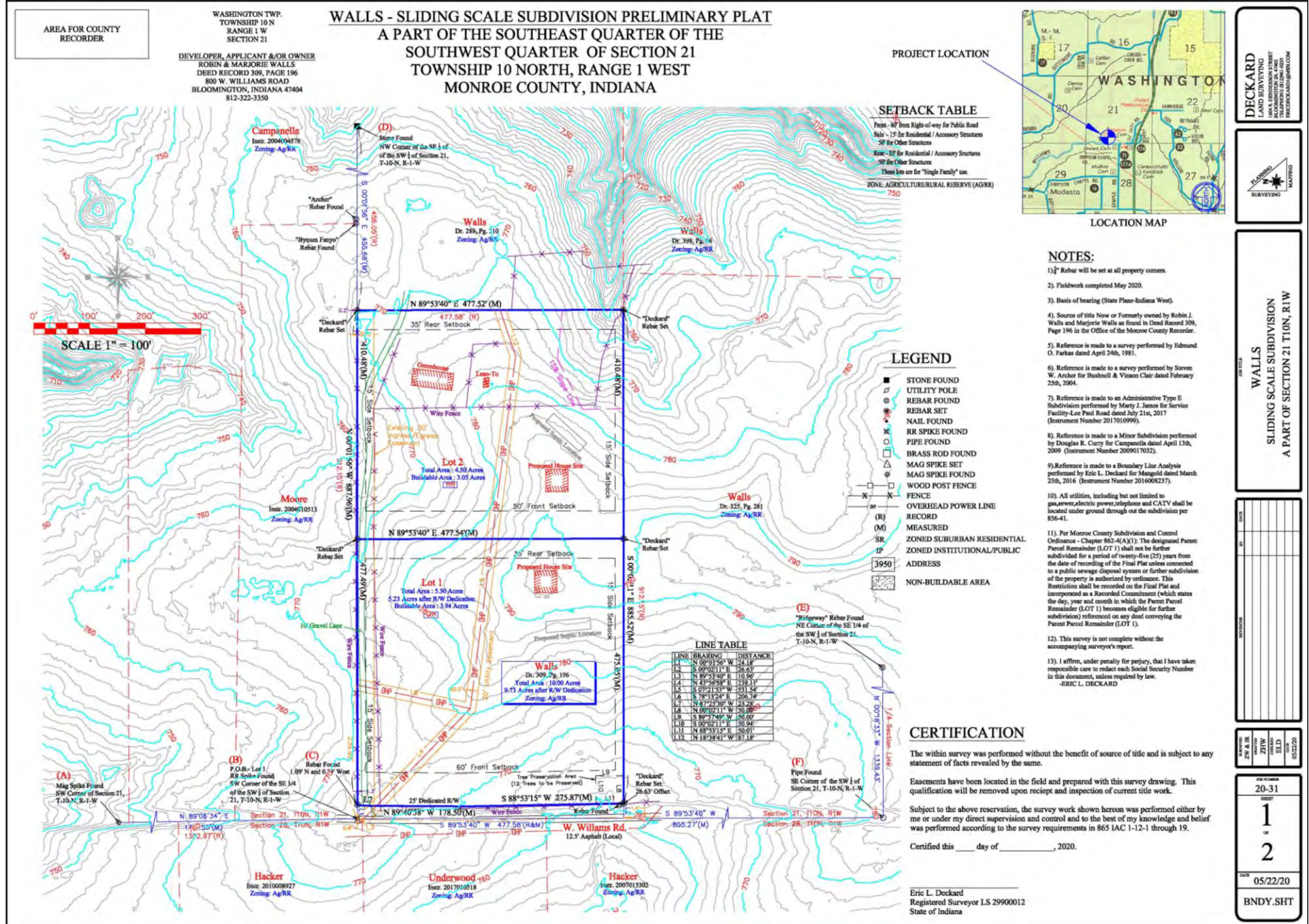
9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

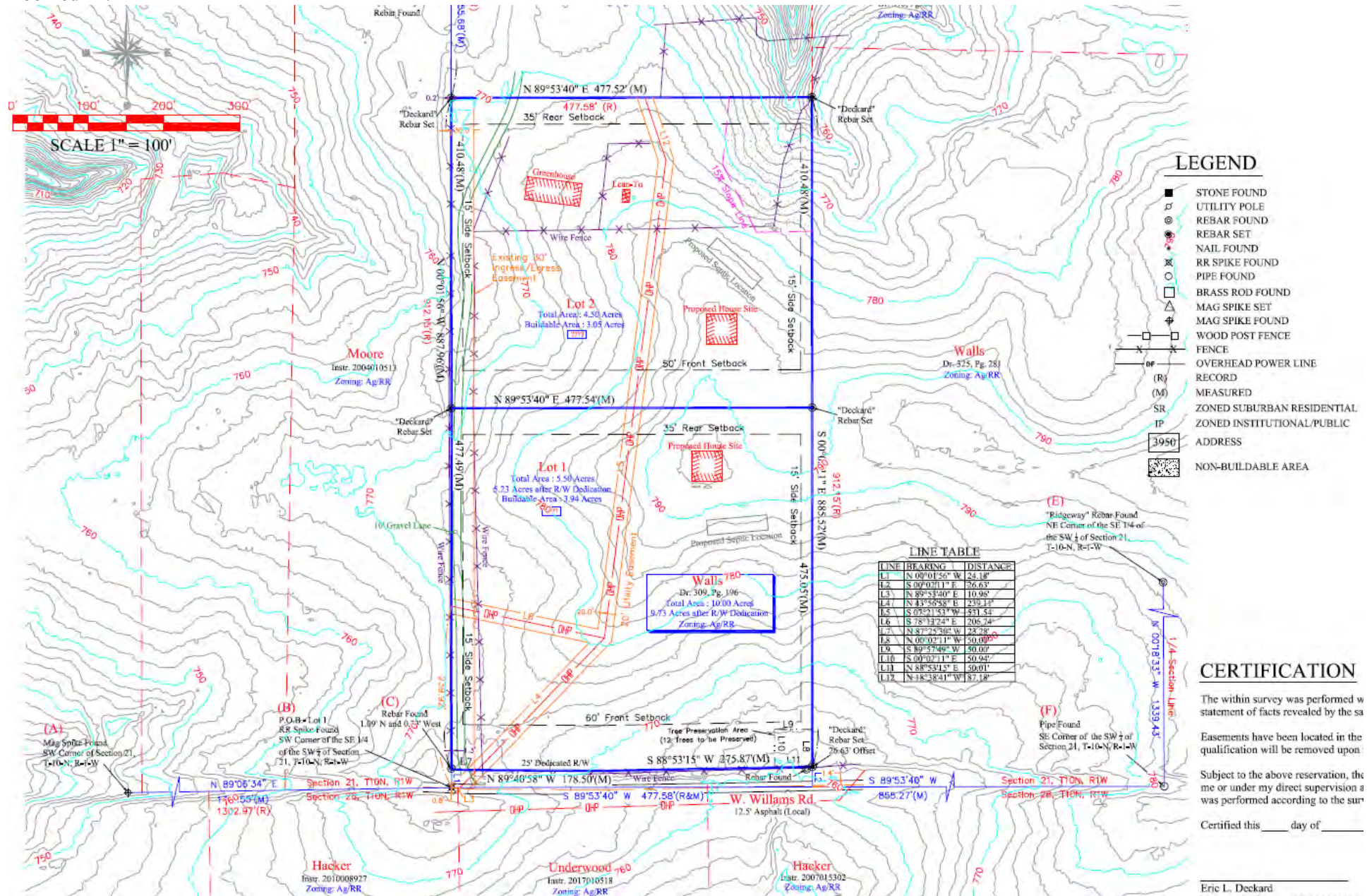
- See findings under Section 1;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 1: Walls Sliding Scale Subdivision Preliminary Plat



Zoomed-in:



AREA FOR COUNTY
RECORDER

WALLS - SLIDING SCALE SUBDIVISION PRELIMINARY PLAT
A PART OF THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 21
TOWNSHIP 10 NORTH, RANGE 1 WEST
MONROE COUNTY, INDIANA

WASHINGTON TWP.
TOWNSHIP 10 N
RANGE 1 W
SECTION 21

DEVELOPER, APPLICANT &/OR OWNER
ROBIN & MARJORIE WALLS
DEED RECORD 309, PAGE 196
800 W. WILLIAMS ROAD
BLOOMINGTON, INDIANA 47404
812-322-3350

SURVEYOR'S REPORT

In accordance with Title 865, IAC, 1-12 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

- A). (Variances) in the reference monuments
- B). (Discrepancies) in the record description and plats
- C). (Inconsistencies) in lines of occupation and;
- D). (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban class survey (0.13' plus 100 PPM) as defined I.A.C. Title 865 ("relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.)

SUBJECT PROPERTY:

A Sliding Scale Subdivision was performed on the property now or formerly owned by Robin J. Walls and Marjorie Walls as found in Deed Record 309, Page 196 in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property and to separate into two lots as located in Section 21, Township 10 North, Range 1 West of the Second Principal Meridian, Monroe County, Indiana.

REFERENCE MONUMENTS:

A). A mag spike was found flush with grade in the centerline of Williams Road (asphalt) marking the Southwest corner of Section 21, Township 10 North, Range 1 West. This spike was found to be referenced in a Boundary Line Analysis performed by Eric L. Deckard for Mangold dated March 25th, 2016. This spike was also found to be of record in the Office of the Monroe County Surveyor as Corner I.D. "Wash 1-17" and was accepted and held as said corner.

B). A Railroad Spike was found 7 inches below grade marking the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 21, Township 10 North, Range 1 West. The origin of this spike is unknown, however was found to be referenced in a survey performed by Edmund O. Farkas dated April 24th, 1981 and a survey performed by Steven W. Archer for Bushnell dated February 25th, 2004. This spike was found to agree with other monuments in the area and was accepted and held as said corner.

C). A 5/8 inch diameter rebar with mangled cap was found flush with grade near the southwest corner of the subject property (Lot 1). This rebar was believed to have been set in a survey performed by Steven W. Archer for Bushnell dated February 25th, 2004.

D). A 5 inch x 8 inch stone was found 5 inches above grade marking the Northwest corner of the Southeast quarter of the Southwest quarter of Section 21, Township 10 North, Range 1 West. The origin of this monument is unknown, however was found to be referenced in a survey performed by Edmund O. Farkas dated April 24th, 1981. This stone was found to agree with other monuments in the area and was accepted and held as said corner. The record versus measured between this monument and monument previously described in line "B" is 1368.20 feet versus 1367.83 feet respectively. This monument and monument previously described in line "B" were used to establish the west line of the subject property (Lots 1 & 2).

E). A 5/8 inch diameter rebar with cap stamped "GS Ridgeway" was found marking the Northeast corner of the Southeast quarter of the Southwest quarter of Section 21, Township 10 North, Range 1 West. The origin of this rebar is unknown, however was found to be referenced in a Type "E" Administrative Subdivision performed by Marty J. James dated July 21st, 2017. This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

F). A 1 inch diameter pipe was found flush with grade in W. Williams Road marking the Southeast corner of the Southwest quarter of Section 21, Township 10 North, Range 1 West. The origin of this pipe is unknown, however was found to be referenced in a Type "E" Administrative Subdivision performed by Marty J. James dated July 21st, 2017. This pipe was found to agree with other monuments in the area and was accepted and held as said corner.

LINE OF OCCUPATION:

The lines of occupation, which affect this survey, are detailed as follows:

- 1). The centerline of W. Williams Road (Asphalt) was found running east and west along the south line of the subject property (Lot 1). This centerline meanders from 1.4 feet north of line at the east end to 0.8 feet south of line at the west end.
- 2). A wire fence was found running north and south along the west line of the subject property (Lots 1 & 2). This wire fence meanders from 1.3 feet west of line at the south end to 0.2 feet west of line at the north end.
- 3). No lines of occupation were found along the north and east lines of the subject property.

RECORD DESCRIPTIONS:

- 1). No discrepancies were found in the record descriptions.

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

Robin J. Walls and Marjorie Walls owners of the real estate shown and described herein do hereby certify, lay off and plat Lots numbered 1 thru 2 to be known as Walls Sliding Scale Subdivision. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as Walls Sliding Scale Subdivision Subdivision.

The right-of-way to be dedicated for West Williams Road shall measure 25 feet perpendicular to and parallel with the existing centerline of West Williams Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

There are building setbacks on this plat upon which no structures may be erected or maintained.

Witness our hands and seals this ____ day of _____, 20__.

Robin J. Walls (Owner)
800 W. Williams Road
Bloomington, Indiana 47404
(812) 322-3350

Marjorie Walls (Owner)
800 W. Williams Road
Bloomington, Indiana 47404
(812) 322-3350

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the undersigned Notary Public, in an for said County and State, personally appeared Robin J. Walls and Marjorie Walls (Owners), each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this ____ day of _____, 20__.

Notary Public: _____

County of Residence: _____ (Seal)

My Commission Expires: _____

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in zone "X", and does not appear to be located in a special flood hazard area, according to FHBMA, Panel Number 18105C0045D dated December 17th, 2010.

COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Administrative Subdivision procedure and approved by the Monroe County Plan Commission on _____.

Monroe County Plan Commission:

Margaret Clements President: _____

Larry Wilson Secretary: _____

SURVEY DESCRIPTION

A part of the Southeast quarter of the Southwest quarter of Section 21, Township 10 North, Range 1 West of the Second Principal Meridian in Monroe County, Indiana, being that 10.00 acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of that survey as Deckard Land Surveying Job No. 20-31, being more particularly described as follows:

Commencing at a mag spike marking the Southwest corner of said Section 21; thence along the south line of said Southwest quarter North 89 degrees 06 minutes 34 seconds East for a distance of 1311.55 feet to a railroad spike marking the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 21, said point also being the Point of Beginning; thence leaving said south line and along the west line of the Southeast quarter of the Southwest quarter of said Section 21 North 00 degrees 01 minutes 56 seconds West for a distance of 912.15 feet to a rebar stamped "Deckard", passing through a rebar stamped "Deckard" at 501.67 feet; thence leaving said west line North 89 degrees 53 minutes 40 seconds East for a distance of 477.52 feet to a rebar stamped "Deckard"; thence South 00 degrees 02 minutes 11 seconds East for a distance of 912.15 feet to the south line of said Section 21, passing through a rebar stamped "Deckard" at 410.48 feet and 885.52 feet; thence along said south line South 89 degrees 53 minutes 40 seconds West for a distance of 477.58 feet to the Point of Beginning, containing 10.00 acres, more or less.

Subject to the 25 foot dedicated right-of-way of W. Williams Road and all legal easements of record. Acreage less right-of-way dedication 9.73 acres, more or less.

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown herein was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this ____ day of _____, 2020.

Eric L. Deckard
Registered Surveyor LS 29900012
State of Indiana

DECKARD
LAND SURVEYING
ERIC L. DECKARD, REGISTERED
SURVEYOR, INDIANA
TELEPHONE: 812-322-3350
EMAIL: ERIC@DECKARDLANDSURVEYING.COM



WALLS
SLIDING SCALE SUBDIVISION
A PART OF SECTION 21 T10N, R1W

DATE	BY	REASON

DATE	BY	REASON

AS ORDERED
20-31
2
2
DATE 05/22/20
BNDY.SHT

EXHIBIT 2: Petitioner Submitted Findings of Fact



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235
Fax 812.323-7536

February 5th, 2020

To: Members of the Monroe County Planning Department:

RE: Walls Sliding Scale

I have been asked by Robin Walls to request a waiver to 856-40 (A).

These are my findings and recommendations.

Road Width Waiver. The property is located in a rural area of the county and bounded by a 12.5 foot wide county road (W. Williams Road). We are respectfully requesting a waiver of Chapter 862-4 (5). The code states "Subdivision on roads less 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12".

Section 850-12 lists the findings that must be met for a modification of the subdivision requirements including waiver of the road width requirement. The criteria and a description of how this modification meets those criteria are as follows:

1. Practical difficulties have been demonstrated:

The road width of W. Williams Road was found to not measure the required 18 feet in width at the far east end of the property to the far west end of the property.

2. the requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County:

No other area of this road currently meets these standards.

3. granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.):

This area can be accessed from two directions, one from the east at W. Simpson Chapel Road and one from the West at N. Bottom Road.

granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties:

The acceptance of this waiver would leave the conditions as they presently exist. Road width of 12.5 feet

5. the conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties:

This parcel is bounded by W. Williams Road on the south side of the

property. Given the amount of road frontage and existing size of W. Williams Road it would be impractical to widen this road 5.5 feet to comply when +/- 2 miles of this existing road configuration do not meet these standards as well.

6. *granting the requested modifications would not contravene the policies and purposes of these regulations:*

This property is close to the minimum size for a two lot sliding Scale Subdivision and only one additional lot is being added. Further subdivision of this lot is highly unlikely due to the Subdivision and Control Ordinance and location of buildable area.

7. *the requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done:*

To widen only +/- 477 feet of W. Williams Road that measures +/- 2 miles with the present road configuration is impractical. Adding one additional lot would not increase vehicle volume significantly. Widening this road would not be practical and this additional cost to the county would outweigh the benefit.

8. *the practical difficulties were not created by the Developer, Owner, Subdivider, or Applicant; and,*

The practical difficulties are the result of the existing narrow road conditions.

9. *the practical difficulties cannot be overcome through reasonable design alternatives:*

Without disturbing drainage ditches with existing usage the road in question can not be altered.

If there are any questions, please contact this office at (812)961-0235

Sincerely,

Eric L. Deckard L.S.



MONROE COUNTY PLAT COMMITTEE**August 20, 2020**

PLANNER Drew Myers
CASE NUMBER 2006-SMN-05 Swinney-Anderson Minor Subdivision
PETITIONER Mary Swinney and Joyce Anderson; C/o Eric Deckard, Deckard Land Surveying
ADDRESS 9388 N Mt Tabor RD (53-03-09-100-008.000-001 & 53-03-10-200-011.000-001)
REQUEST Preliminary Plat to Subdivide (1) Parcel into (3) Lots
 o Utility Waiver Request
 o Plat Committee Decision
ZONE Agriculture/Rural Reserve (AG/RR)
ACRES 53.01 +/- acres
TOWNSHIP Bean Blossom
SECTION 9 & 10
COMP PLAN
DESIGNATION Farm and Forest

EXHIBITS

1. Preliminary Plat

RECOMMENDATION

Approve the Minor Subdivision Preliminary Plat based on the findings of fact, subject to the Monroe County Highway Engineering and Drainage Engineering Reports.

Deny the utility waiver request based on the findings of fact, particularly Finding 1: Practical difficulties have not been demonstrated.

SUMMARY

The petition site totals 53.01 +/- acres and is located in Bean Blossom Township. The site has an existing ~1,456 sq. ft. single family residence, an existing detached garage, and an existing utility shed. The site maintains frontage along N Mt Tabor Road. The petition site appears to be two separate parcels on Elevate GIS when the site is actually one single parcel with a section line dividing the property in two.

The site is currently zoned Agriculture/Rural Reserve (AG/RR). The petitioner is proposing to subdivide one (1) parcel into three (3) lots. Each proposed lot meets all design standards within the Monroe County Zoning Ordinance for the Agriculture/Rural Reserve (AG/RR) Zoning District. The proposed acreage for the each lot is as follows:

Lot 1: 10.54 acres, including 4.98 acres of buildable area; this lot contains the existing single family residence, detached garage, and utility shed;

Lot 2: 16.84 acres, including 11.63 acres of buildable area;

Lot 3: 24.32 acres, including 22.03 acres of buildable area;

INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along N Mt Tabor RD, an 18' wide local road paved with asphalt. Right-of-way dedication has been shown on the proposed preliminary plat of 25'. Lot 1, Lot 2, and Lot 3 will all share access from N Mt Tabor RD via the existing driveway entrance to the south. The Monroe County Highway Department has requested the removal of the existing driveway entrance to the north for sight distance requirements, which is noted as "to-be-removed" on the preliminary plat document.

The proposed lots will be served by private septic systems and septic permits have been submitted to the Planning Department. There is a waiver request for the undergrounding of utilities requirement with this petition for a service line that connects to the existing single family residence. The service line measures approximately 80' from the main power line to the existing single family residence on Lot 1. The image below depicts the utility service line in question.



Image 1: Utility service line (approx.. 80') on proposed Lot 1

LOCATION MAP

The site is located off 9388 N Mt Tabor RD in Sections 9 & 10 of Bean Blossom Township. The property maintains frontage along N Mt Tabor RD, which is classified as “Local Road” per the Monroe County Thoroughfare Plan.

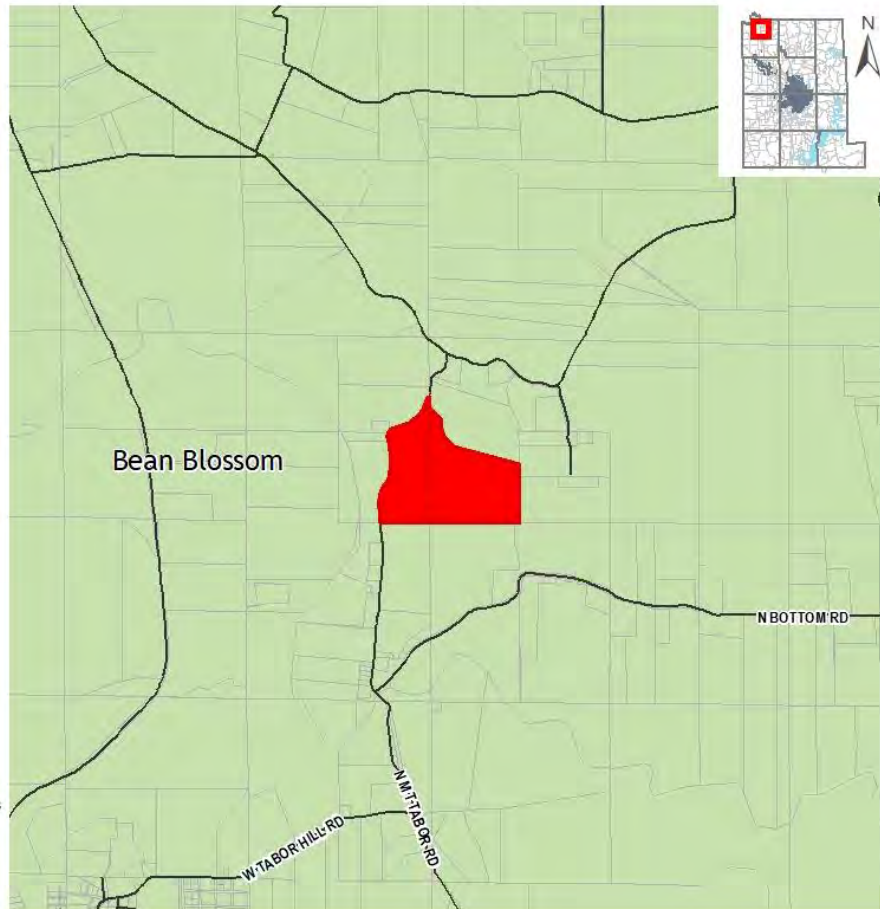
Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels

0 0.175 0.35 0.7 Miles










Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020

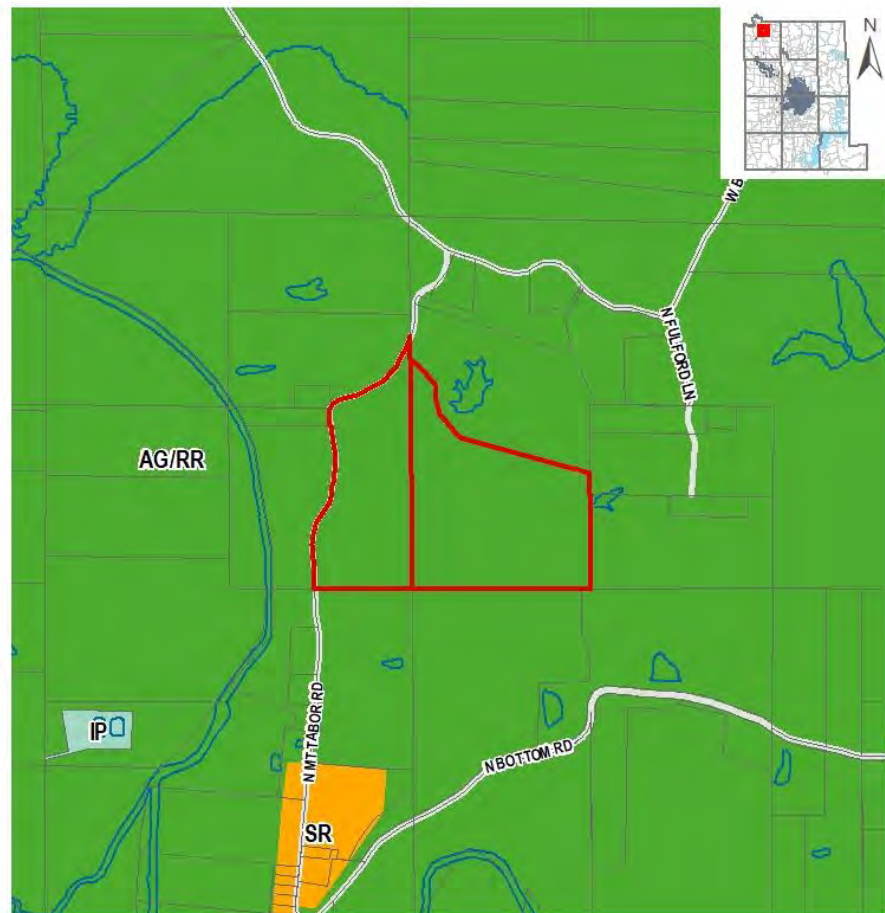
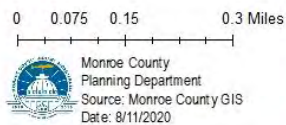


ZONING

The site is zoned Agriculture/Rural Reserve (AG/RR) along with all the other adjacent parcels. Nearby uses are primarily residential and agricultural.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  IP - Institutional/Public
-  SR - Suburban Residential



SITE CONDITIONS

The site contains an existing ~1,456 sq. ft. single family residence, an existing detached garage, and an existing utility shed. The proposed Lot 1 and Lot 2 both exhibit a considerable amount sloped area that is greater than 15 percent. Proposed Lot 3 is fairly flat with only a small area of 15 percent slopes present near the eastern property line. There is no FEMA Floodplain on the petition site. There are no visible karst features. A creek runs north-south through the southeast corner of proposed Lot 1 and all the way through proposed Lot 3. A 100' drainage easement has been included on the plat for this creek system.

Overall, the property has a substantial amount of Buildable Area. Buildable area for each lot receives access by several proposed 50' driveway easements that stem from the existing gravel drive entrance located on proposed Lot 1.

Site Conditions Map

- ▬ Petitioner
- ▬ Local Roads [50']
- ▬ Hydrologic Features


0 80 160 320 480 640 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020



Slope Map

-  Petitioner
-  Roads
-  Parcels
-  2-Foot Contours
- 15% Slope (2010)**
-  0 - 15
-  > 15
-  Hydrologic Features

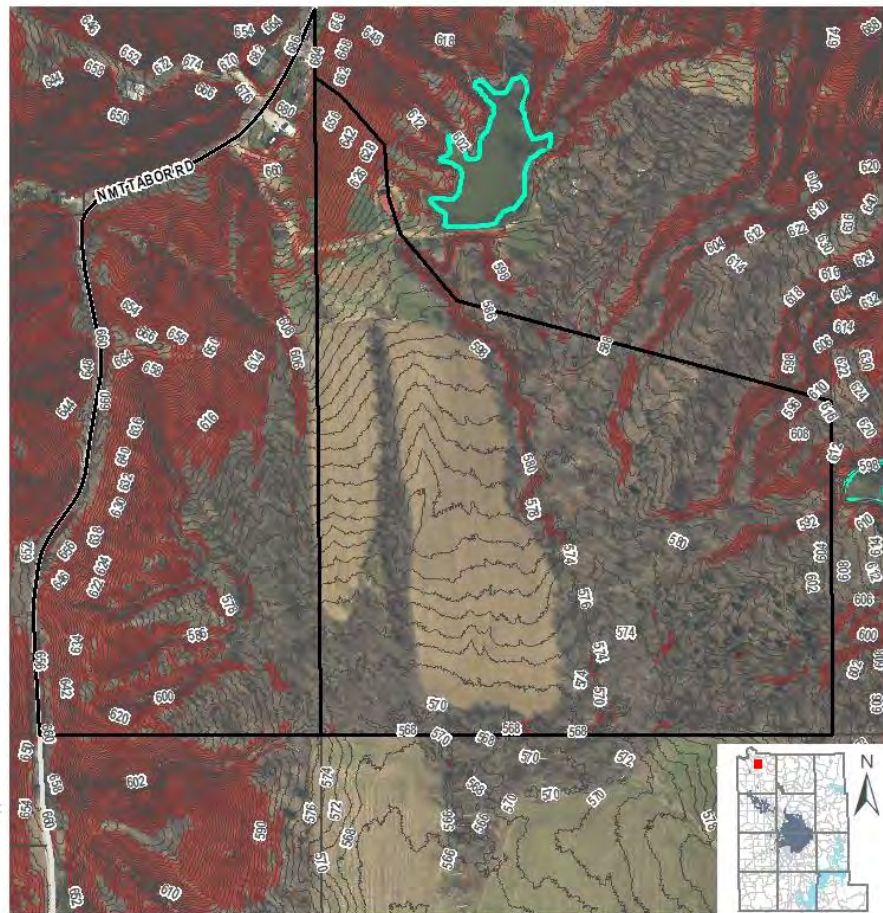
PARCEL #:
53-03-09-100-008.000-001,
53-03-10-200-011.000-001

NOTE:
Areas > 15% slope are classified as
nonbuildable area per Chapter 804.

0 75 150 300 450 600 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/12/2020



SITE PHOTOS



Figure 1: Pictometry view from the south (April 2020)



Figure 2. Pictometry view from the east (April 2020).



Figure 3. Pictometry view from the north (April 2020).

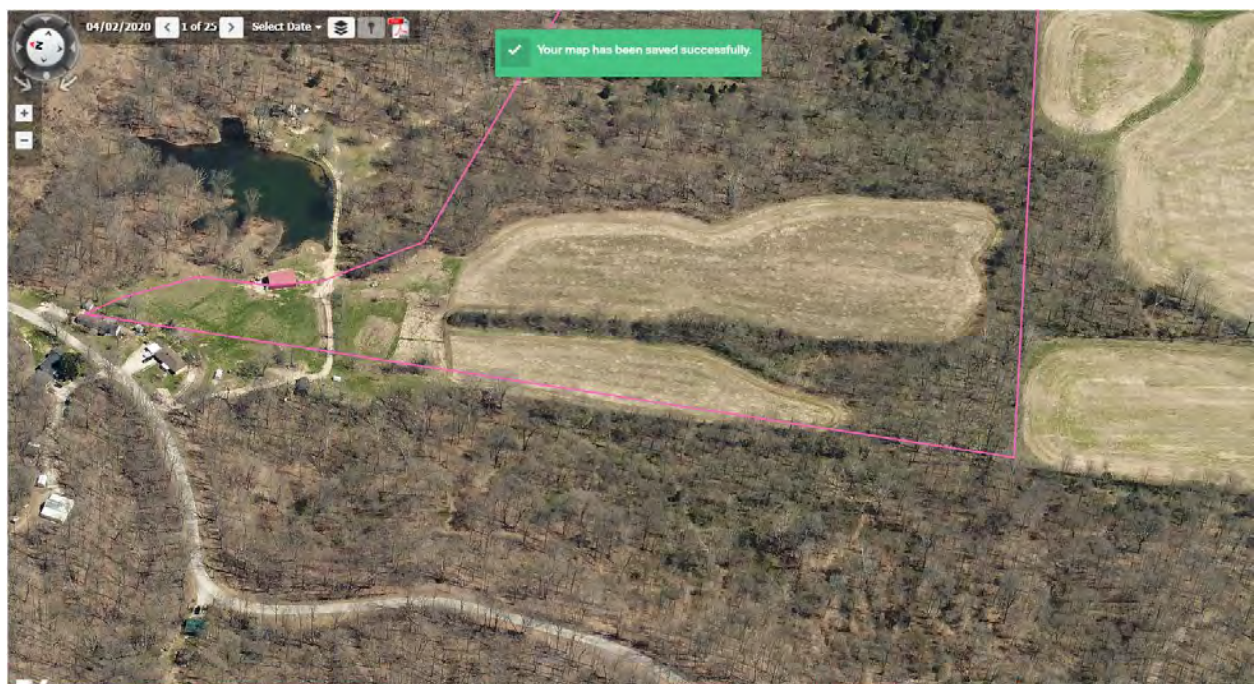


Figure 4. Pictometry view from the west (April 2020).

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Farm and Forest Comprehensive Plan designation which states:

Farm and Forest Residential

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadway shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

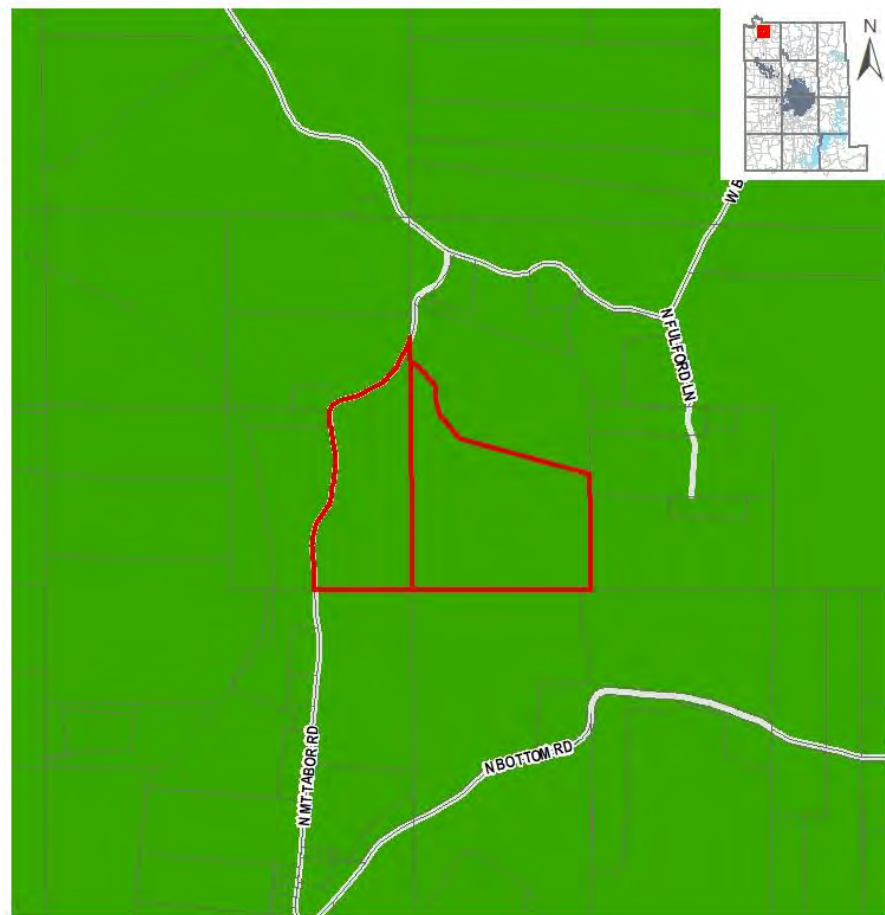
Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)
-  Farm and Forest

0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/11/2020



FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

- (A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The site is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would create three (3) lots that exceed the minimum lot size requirement for the Agriculture/Rural Reserve (AG/RR) Zoning Designation;
- Approval of the subdivision would result in:
 - Lot 1: 10.54 acres, including 4.98 acres of buildable area; this lot contains the existing single family residence, detached garage, and utility shed;
 - Lot 2: 16.84 acres, including 11.63 acres of buildable area;
 - Lot 3: 24.32 acres, including 22.03 acres of buildable area;
- The proposed use in the subdivision is residential and agricultural;
- Each lot can be served by a private septic system;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- See findings under Section (A);
- The Comprehensive Plan designates the site as Farm and Forest, which is described in this report;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- See findings under Section (A);
- The surrounding uses are primarily agricultural and residential in nature;
- The property maintains frontage along N Mt Tabor Road;
- The proposed subdivision is meeting the Monroe County Zoning Ordinance's Buildable Area requirement;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- See findings under Section (A);
- The adjoining properties are zoned Agriculture/Rural Reserve (AG/RR);
- N Mt Tabor Road is classified as a "Local Road" per the Monroe County Thoroughfare Plan;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- See findings under Sections (A), (C), and (D);
- A waiver for undergrounding utilities has been requested with this petition;
- There are no visible karst features on the property;

- There is a stream that travels north-south through the southeast corner of proposed Lot 1 and bisects proposed Lot 3;
- Drainage easements have been placed on the plat per recommendation from the MS4 Coordinator;

(F) To provide proper land boundary records, i.e.:

- (1)** to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

- (2)** to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate the parcel. The petitioner has provided staff with a copy the recorded deed of the petition site;

- (3)** to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded;

FINDINGS OF FACT – WAIVER OF UNDERGROUNDING UTILITIES

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-41 (Utilities), which reads:

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. for Subdivisions of more than 4 Lots by the Plan Commission
2. for Subdivisions of 4 Lots or Less by the Plat Committee

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots that are to be retained in single ownership and that are to be developed for the same primary use.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner has requested an overhead utility waiver for the existing overhead utility line that requires approximately 80’ of existing electric line on proposed Lot 1;
- No findings for the utility waiver request were submitted by the petitioner;
- The above ground electric line requires undergrounding, as per 856-41;
- An overhead powerline utility travels within the right-of-way along N Mt Tabor RD and continues on past the petition site to provide service to other property;
- There appear to be no practical difficulties with the underground of a utility service line in question;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section 1;
- The Subdivision Control Ordinance calls for utilities to be placed underground in Minor subdivisions, except on public roads, in rights-of-way, or in easements serving other property;

- 3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

Findings:

- The Subdivision Control Ordinance calls for utilities to be placed underground in Minor subdivisions, except on public roads, in rights-of-way, or in easements serving other property;
- The ordinance states ‘Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived’;
- The petitioner has applied for a waiver from Chapter 856-41 due to the rural nature of the petition site;
- The existing overhead utility line stems from a main power line that serves other property on N Mt Tabor Road;
- Occupants of the petition site will continue to be serviced regardless of the location of the lines above or below ground;
- Any future power lines needed for further development would have to be buried;
- If the overhead utility line waiver is approved, it will apply to the existing line only;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards.

- 4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

Findings:

- Waiver approval would permit existing conditions to persist;

- 5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

Findings:

- See findings under items 1-4 above;

- 6. Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under #2 and #3 above.

- 7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all Minor subdivisions, except on public roads, rights-of-way, or existing easements that serve other

property;

- The existing overhead utility service line appears to serve only the petitioner's existing single family residence on proposed Lot 1; however the main power line continues along N Mt Tabor Road to service other nearby property;
- Occupants of the petition site and sites served by the overhead utility lines will continue to be serviced regardless of the location of the lines above or below ground;
- The installation of utilities underground is consistent with the policies and purposes of all relevant regulations.

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- (See findings under #1 & #7 above);

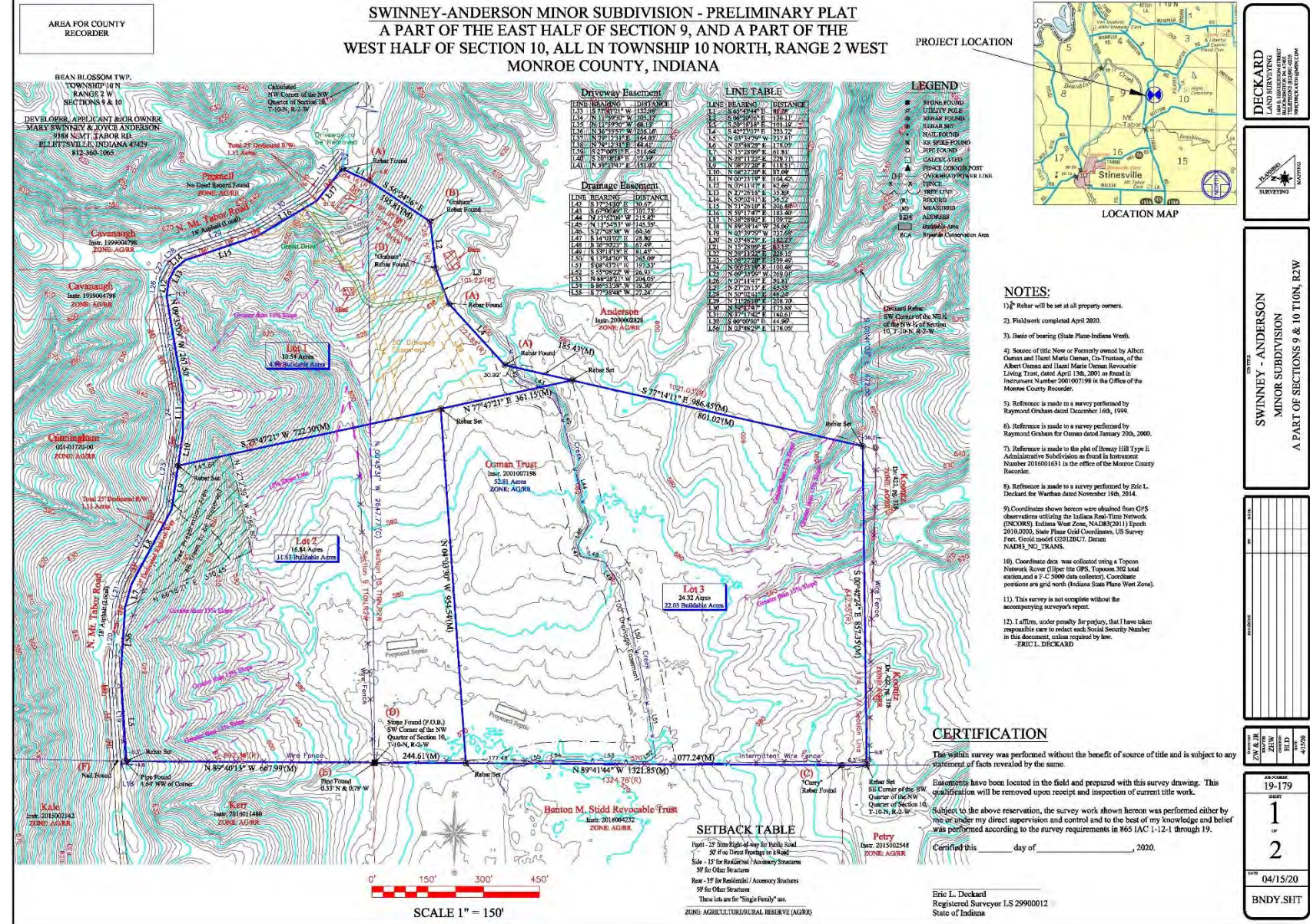
9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- (See findings under #1 & #7 above);
- The installation of utilities underground is consistent with the policies and purposes of all relevant regulations.

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 1: Preliminary Plat



AREA FOR COUNTY
RECORDER

SWINNEY-ANDERSON MINOR SUBDIVISION - PRELIMINARY PLAT
A PART OF THE EAST HALF OF SECTION 9, AND A PART OF THE
WEST HALF OF SECTION 10, ALL IN TOWNSHIP 10 NORTH, RANGE 2 WEST
MONROE COUNTY, INDIANA

SURVEYOR'S REPORT

In accordance with Title 865, IAC, 1-12 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

- A). (Variances) in the reference monuments
B). (Discrepancies) in the record description and plat
C). (Inconsistencies) in lines of occupation and;
D). (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban class survey (0.13' plus 100 PPM) as defined I.A.C. Title 865 ("relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other points on the same survey at the 95 percent confidence level.")

SUBJECT PROPERTY:

A Minor Subdivision was performed on the property now or formerly owned by Albert Osman and Hazel Marie Osman, co-trustees of The Albert Osman and Hazel Marie Osman Revocable Living Trust as found in Instrument Number 2001007198 in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property and separate into 3 lots as located in Sections 9 & 10, Township 10 North, Range 2 West, Monroe County, Indiana.

REFERENCE MONUMENTS:

A). Several 5/8 inch diameter rebar were found marking the corners of the subject property (Lot 1). These rebar were believed to have been set in a survey performed by Raymond Graham dated December 16th, 1999 and were accepted and held as said corners.

B). Two 5/8 inch diameter rebar with caps stamped "Graham" were found marking the corners of the subject property (Lot 1). These rebar were believed to have been set in a survey performed by Raymond Graham dated December 16th, 1999 and a survey performed by Raymond Graham dated January 20th, 2000. These rebar were found to agree with other monuments in the area and were accepted and held as said corners.

C). A 5/8 inch rebar with cap stamped "Curry" was found 3 inches above grade marking the Northwest corner of the land now or formerly owned by Petty (Instrument Number 2015002548). This rebar was believed to have been set in a survey for Brezey Hill Type E Administrative Subdivision performed by Douglas R. Curry dated January 29th, 2016 and was accepted and held as said corner and a point on the south line of the subject property (Lot 3).

D). A 12"x 2 1/2" stone was found 6 inches above grade marking the Southwest corner of the Northwest quarter of Section 10, Township 10 North, Range 2 West, Monroe County, Indiana. The origin of this stone is unknown, however was found to be referenced in said Brezey Hill Type E Administrative Subdivision performed by Douglas R. Curry dated January 29th, 2016 and was accepted and held as said corner and a point on the south line of the subject property (Lot 2).

E). A 3/4 inch pipe was found near the Southwest corner of the Northwest quarter of Section 10, Township 10 North, Range 2 West, Monroe County, Indiana. The origin of this pipe is unknown, however was found to be referenced in a survey performed by Raymond Graham dated December 16th, 1999 and a survey performed by Raymond Graham dated January 20th, 2000. This pipe was not accepted as said Southwest corner of the Northwest quarter of Section 10, Township 10 North, Range 2 West, Monroe County, Indiana.

F). A nail was found flush with grade in the centerline of N. Mount Tabor Road marking the Southwest corner of the subject property (Lot 2). The origin of this nail is unknown, however was found to agree with other monuments in the area and was accepted and held as said corner.

LINES OF OCCUPATION:

The lines of occupation, which affect this survey, are detailed as follows:

- 1). The centerline of N. Mount Tabor Road (asphalt) was found to occupy the entire west line of the subject property (Lots 1 & 2). No uncertainties are associated with this road.
- 2). A wire fence was found running north and south along a portion of the west line of the subject property (Lots 1 & 2). This fence meanders from +/- 4.6 feet west of the line at the South end to +/- 11.7 feet west line at the north end.
- 3). A wire fence was found running north and south along the east line of the subject property (Lot 3). This fence meanders from +/- 36.2 feet east of the line at the north end to +/- 6.5 feet east line at the south end.
- 4). An intermittent wire fence was found running east and west along the south line of the subject property (Lots 2 & 3). This fence meanders from +/- 9.6 feet north of the line at the east end to +/- 0.3 feet north of line at the west end.

RECORD DESCRIPTIONS:

- 1). The Southwest corner of the Northwest quarter of Section 10, Township 10 North, Range 2 West was found to be referenced incorrectly in a survey performed by Raymond Graham dated December 16th, 1999 and a survey performed by Raymond Graham dated January 20th, 2000. A stone was found near the pipe that Raymond Graham had found in his surveys, which resulted in a discrepancy on the south line of the subject property (Lot 3). A new legal description was prepared for the overall subject property (Instrument: 2001007198) to correct the erroneous corner.

INDIAN CREEK TWP.
TOWNSHIP 7 N
RANGE 2 W
SECTION 22

DEVELOPER, APPLICANT &/OR OWNER
MARY SWINNEY & JOYCE ANDERSON
INSTRUMENT NUMBER 777777
9388 N. MT. TABOR RD.
ELLETTSVILLE, INDIANA 47429
812-360-1065

DECKARD
LAND SURVEYING
1004 S. UNIVERSITY AVENUE
ELLETTSVILLE, INDIANA 47403
(812) 255-0000



SWINNEY - ANDERSON
MINOR SUBDIVISION
A PART OF SECTIONS 9 & 10 T10N, R2W

SECTION	10	9	8	7	6	5	4	3	2	1
TOWNSHIP										
RANGE										

APPROVED BY THE
ZONING BOARD
DATE: 04/15/20

PREPARED BY
19-179
2
2
DATE: 04/15/20
BNDY.SHT

DESCRIPTION

A part of the East Half of Section 9, and a part of the West Half of Section 10, Township 10 North, Range 2 West of the Second Principal Meridian, Monroe County, Indiana, more specifically described as follows:

Commencing at a stone found marking the Southwest corner of the Northwest quarter of Section 10, Township 10 North, Range 2 West; thence along the south line of the Northeast quarter of Section 9, Township 10 North, Range 2 West North 89 degrees 40 minutes 13 seconds West for a distance of 667.99 feet to a rebar stamped "Deckard" on the east right-of-way of N. Mount Tabor Road; thence continuing along said south line North 89 degrees 38 minutes 14 seconds West for a distance of 25.06 feet to a nail in the centerline of said road; thence leaving said south line and along the centerline of said N. Mount Tabor Road the following (13) thirteen courses: 1). North 03 degrees 39 minutes 29 seconds West for a distance of 237.68 feet 2). North 03 degrees 48 minutes 29 seconds East for a distance of 182.23 feet 3). North 15 degrees 28 minutes 09 seconds East for a distance of 57.15 feet 4). North 28 degrees 11 minutes 22 seconds East for a distance of 228.15 feet 5). North 08 degrees 27 minutes 20 seconds East for a distance of 199.49 feet 6). North 00 degrees 23 minutes 19 seconds East for a distance of 100.48 feet 7). North 09 degrees 35 minutes 09 seconds West for a distance of 269.01 feet 8). North 07 degrees 11 minutes 47 seconds East for a distance of 50.81 feet 9). North 27 degrees 26 minutes 13 seconds East for a distance of 45.35 feet 10). North 30 degrees 02 minutes 41 seconds East for a distance of 46.24 feet 11). North 71 degrees 26 minutes 10 seconds East for a distance of 208.70 feet 12). North 59 degrees 17 minutes 47 seconds East for a distance of 175.88 feet 13). North 37 degrees 17 minutes 42 seconds East for a distance of 140.61 feet; thence leaving said centerline South 00 degrees 00 minutes 00 seconds East for a distance of 44.96 feet to a rebar on the east right-of-way of N. Mount Tabor Road; thence South 65 degrees 43 minutes 44 seconds East for a distance of 81.28 feet to a rebar; thence South 56 degrees 24 minutes 36 seconds East for a distance of 195.81 feet to a rebar stamped "Graham"; thence South 06 degrees 30 minutes 06 seconds East for a distance of 126.11 feet to a rebar stamped "Graham"; thence South 30 degrees 18 minutes 18 seconds East for a distance of 101.19 feet to a rebar; thence South 42 degrees 23 minutes 07 seconds East for a distance of 223.72 feet to a rebar; thence South 77 degrees 14 minutes 11 seconds East for a distance of 986.45 feet to a rebar stamped "Deckard" on the east line of the Southwest quarter of the Northwest quarter of said Section 10; thence along said east line South 00 degrees 42 minutes 24 seconds East for a distance of 857.35 feet to a rebar stamped "Deckard" marking the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 10; thence leaving said east line and along the south line of the Northwest quarter of said Section 10 North 89 degrees 41 minutes 44 seconds West for a distance of 1321.85 feet to the Point of Beginning, containing 52.81 acres, more or less.

Subject to the 25 foot dedicated right-of-way of N. Mt. Tabor Road and along legal easements of record. Acreage less dedicated right-of-way is 51.70 acres, more or less.

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this ____ day of _____, 2020.

Eric L. Deckard
Registered Surveyor LS 29900012
State of Indiana

PROJECT LOCATION

RECEIVED	DATE	4/15/20
ZW & JR	19-179	
TREATED	1	
ZFW	OF	
CLASSICAL	2	
ELD		
	DATE	04/15/20
		BNDY.SHT

EXHIBIT 2: Petitioner Findings for Utility Waive

MONROE COUNTY PLAT COMMITTEE**August 20, 2020**

PLANNER	Anne Crecelius
CASE NUMBER	2007-SSS-08 Pitcher Sliding Scale Subdivision Preliminary Plat
PETITIONER	Jay Pitcher, C/O Doug Graham, Bynum Fanyo
ADDRESS	5140 S Stanford Rd
REQUEST	Road Width Waiver Request
	Preliminary Plat to subdivide one (1) lot into two (2) lots
ACRES	25.33 +/- acres
ZONE	AG/RR
TOWNSHIP	Van Buren Township
SECTION	30
PLATS	Unplatted
COMP PLAN	Farm and Forest
DESIGNATION	

EXHIBITS

1. Preliminary Plat Site Plan
2. Utility Capacity Letters
3. MC Highway Dept. Driveway Application Requirements
4. Drainage Easements

RECOMMENDATION

Staff recommends **approval** subject to the granting of a Road Width Waiver by the Monroe County Plan Commission. Staff approval is recommended based on findings of fact and subject to the following conditions at the time of recording a final plat:

1. Add drainage easements per the MS4 Coordinator;
2. Meet driveway permit application conditions per the Monroe County Highway Department;

PLAT COMMITTEE

Road Width waiver requested – no decision by Plat Committee.

SUMMARY

The petition site is one (1) lot of record totaling 25.33 +/- acres. The petitioners have proposed subdividing into two (2) lots with no waiver requests. The site is located in Section 30 of Van Buren Township. The site maintains frontage on S Stanford Road which is classified as a Local road.

The preliminary plat meets all subdivision control standards except for the minimum road width requirement of 18' S Stanford Rd is measured at 17' in width. The petition site currently holds one (1) existing Single Family Residence which would be located on the proposed Parent Parcel, Lot 1. If approved, the Parent Parcel shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance.

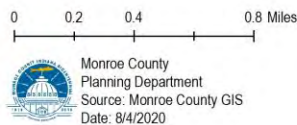
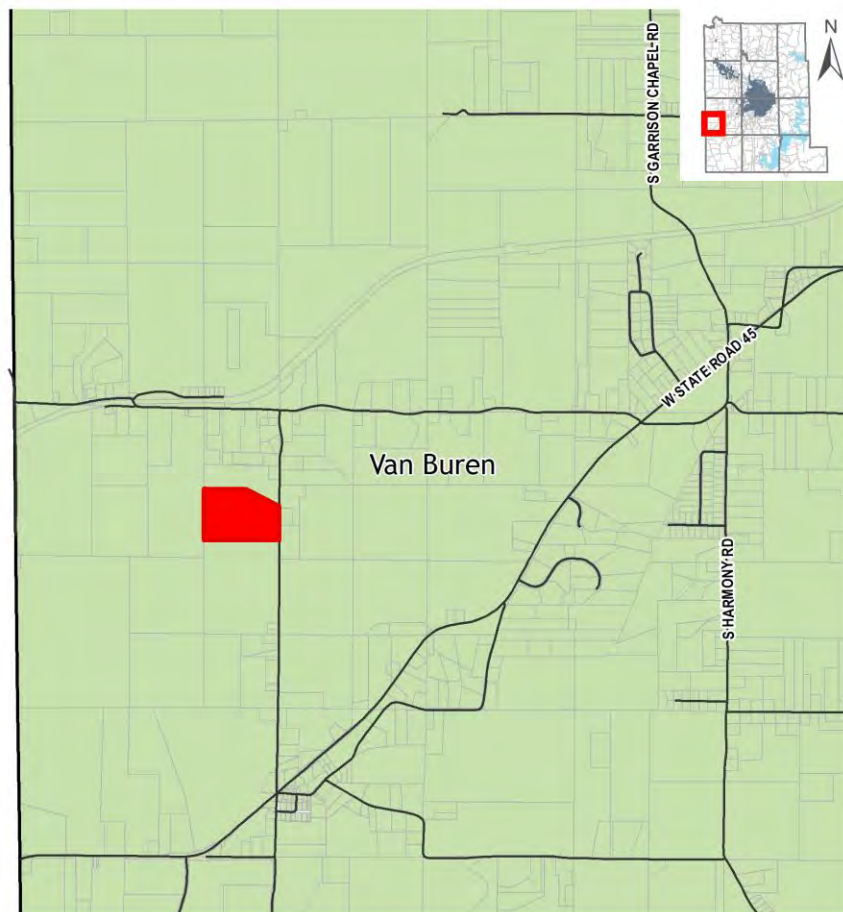
	Lot 1 - Parent Parcel	Lot 2
Total Acreage	22.47 acres	2.77 acres
Buildable Area	15.75 + acres of buildable area	1.52 acres of buildable area
Septic	Approved existing permit	Approved proposed permit location
Utility	Yes	Yes
Access Single/Shared	Clear brush to the north and south for sight distance requirements.	Clear brush and cut bank down to N and S for sight distance requirements. Driveway is 217' north of existing driveway.
ROW Dedication	25' of ROW dedicated	25' of ROW dedicated
Environmental	Steep slopes present.	Steep slopes present.
Structures	Ex. SFR and acc. structure	None

LOCATION MAP

The petition site is one lot of record, parcel number: 53-09-30-100-013.000-015. The site is located on S Stanford Road in Section 30 of Van Buren Township.

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels




ZONING

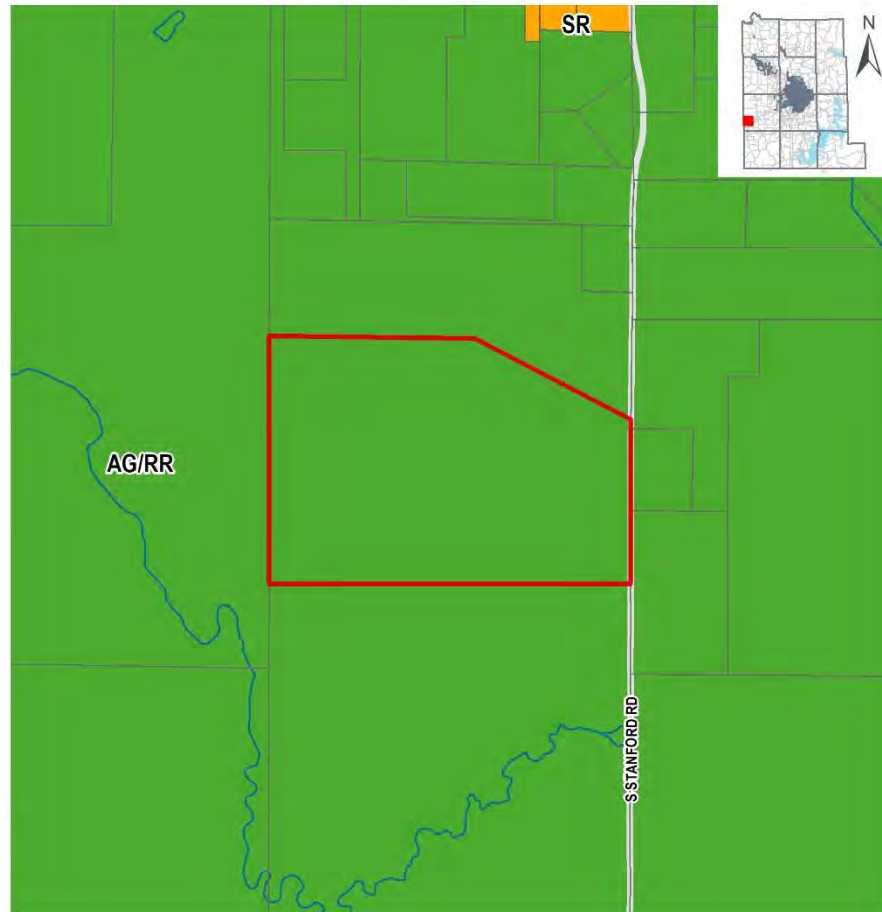
The zoning for the petition site is Agricultural Rural Reserve (AG/RR). The adjacent zoning is also AG/RR. The petitioner site use is currently Single Family Residential.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural
-  SR - Suburban Residential

0 0.04 0.08 0.16 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/4/2020



SLOPE MAP

The parcel is 25.33 +/- acres and currently holds an existing SFR on Proposed Lot 1. Both proposed lots contain steep slopes greater than 15% but has adequate Buildable Area that meets the requirements as stated in the Subdivision Control Ordinance for Chapter 856-7.

The MS4 Coordinator has requested two 100' drainage easements added to the preliminary plat, see Exhibit 3.

Slope Map

Local Roads [50']

Petitioner

Parcels

2-Foot Contours

15_Percent Slope (2010)

0 - 15

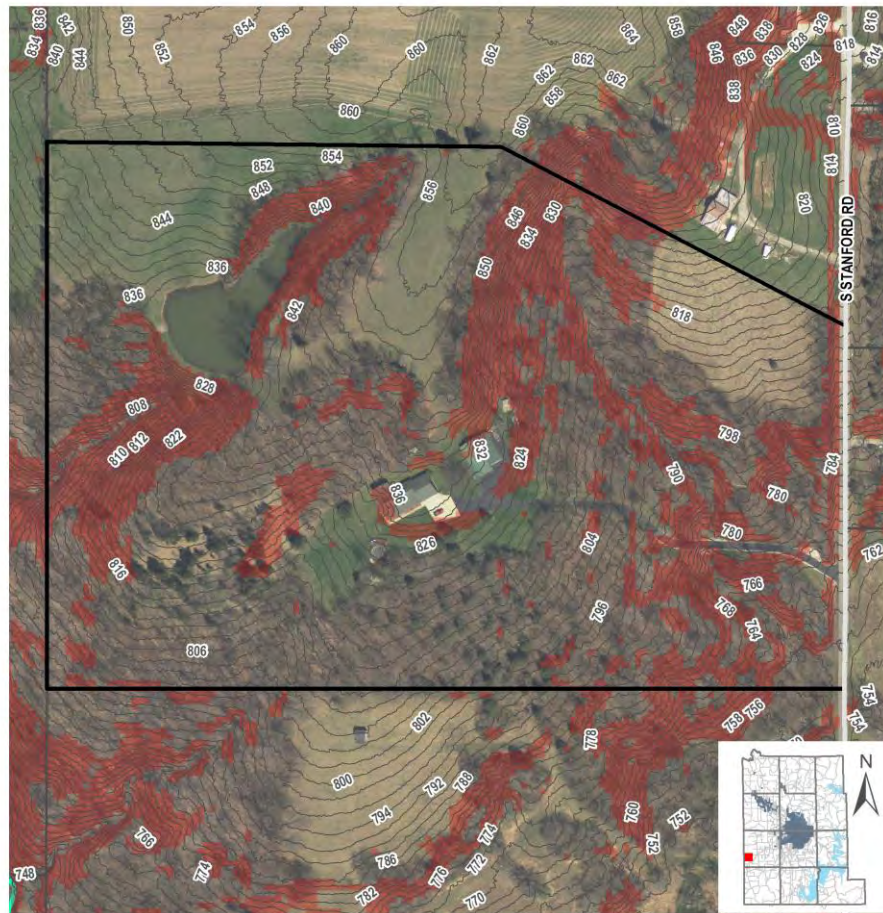
> 15

Hydrologic Features

0 45 90 180 270 360 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/4/2020



INFRASTRUCTURE and ACCESS

Both proposed lots have either an approved septic permit or location. The site has access to utilities and access to a public road. The Highway Dept. has requested brush and vegetation be removed between the existing driveway and the proposed driveway in order to meet sight distance requirements. See Exhibit 2.

Upon review S Stanford Road was identified as not meeting the minimum 18' road width requirement for a Sliding Scale Subdivision. The road currently measures 17'. The petitioner's representative will be applying for a road width waiver.

Site Conditions Map

- Petitioner
- 2-Foot Contours
- Local Roads [50']
- Parcels

0 50 100 200 300 400 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/4/2020



SITE PICTURES



Photo 1. Pictometry photo of existing SFR.



Photo 2. Proposed lot 1 existing driveway looking North. Vegetation to northwest of S Stanford is required to be removed to meet sight distance requirements.



Photo 3. Proposed lot 1 existing driveway looking southeast



Photo 4. Proposed lot 1 existing driveway looking towards SFR.



Photo 5: Proposed lot 2.



Photo 6: Pictometry of proposed lot 2. Approximate proposed lot line in red.

COMPREHENSIVE PLAN DISCUSSION

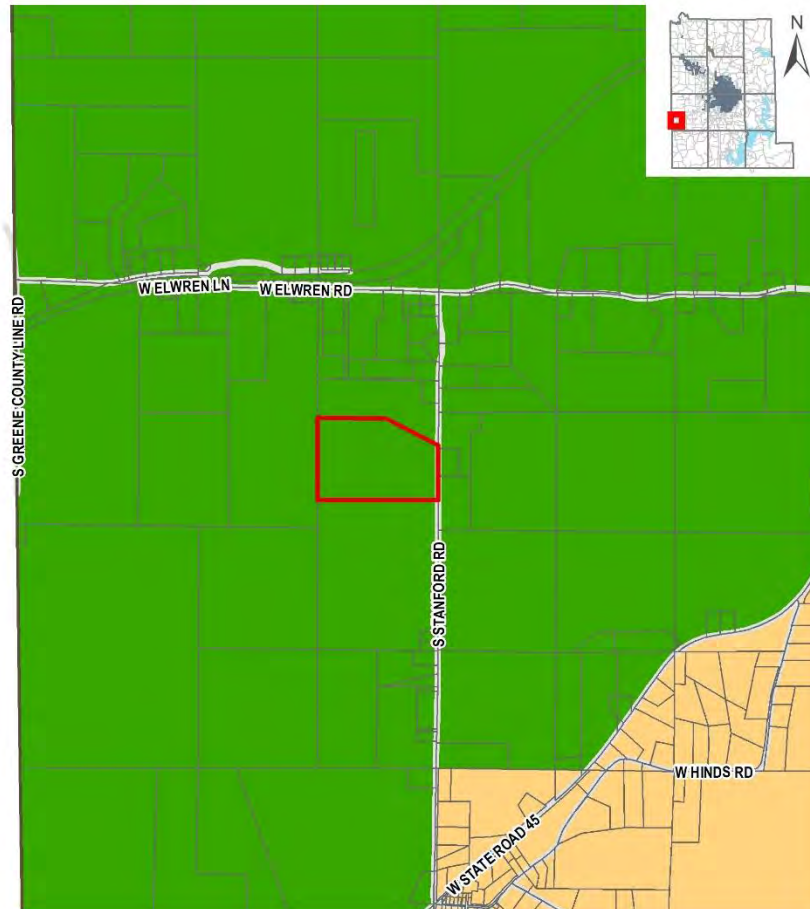
The petition site is located within the **Farm and Forest** designation of the Comprehensive Plan. The Comprehensive Plan states the following for this designation:

Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
-  Farm and Forest
-  Rural Residential

0 0.125 0.25 0.5 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/4/2020



Farm and Forest Residential

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and

to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadway shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

- (A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- Approval of the subdivision would subdivide one lot into two (2) lots which will meet all design standards;
- Proposed lot 1, the Parent Parcel, would be 22.47 +/- acres, and proposed lot 2 would be 2.77 +/- acres;
- Lot 1, the designated Parent Parcel Remainder, shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance;
- Steep slopes are present on both proposed lots but each meets Buildable Area design standard requirements;
- Proposed lots have either an approved septic permit or an approved septic location;
- Proposed lots 1 and 2 have received approved with conditions driveway permits off of S Stanford Road;
- Both the existing driveway for Proposed Lot 1 and the new driveway for Proposed Lot 2 will require vegetation removal in order to meet sight distance requirements;
- The MS4 Coordinator has requested two (2) drainage easements be added to the
- S Stanford Road is 17' wide and doesn't meet the minimum width required for a Sliding Scale Subdivision, which requires minimum of 18' per Chapter 862;
- 25' of right-of-way will be dedicated along S Stanford Road, a Local road;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- The Comprehensive Plan designates the site as Farm and Forest, which includes low-density single-family subdivisions;
- The site has access to utilities;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- See findings under (A);
- The proposed use is residential;
- Structures may not cover more than 65 percent of the lot;
- The surrounding uses are residential or agricultural;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- The property is currently zoned Agricultural Rural Reserve (AG/RR) and is used for Single Family Residential;
- Adjacent properties are zoned Agricultural Rural Reserve (AG/RR) and are used for Single Family Residential or agriculture;
- Approval of the subdivision would create two (2) lots that meet the design standards for the

- zoning designation AG/RR;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- See findings under Sections A & C & D;

- (F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

- (2) to provide for the identification of property; and,

Findings:

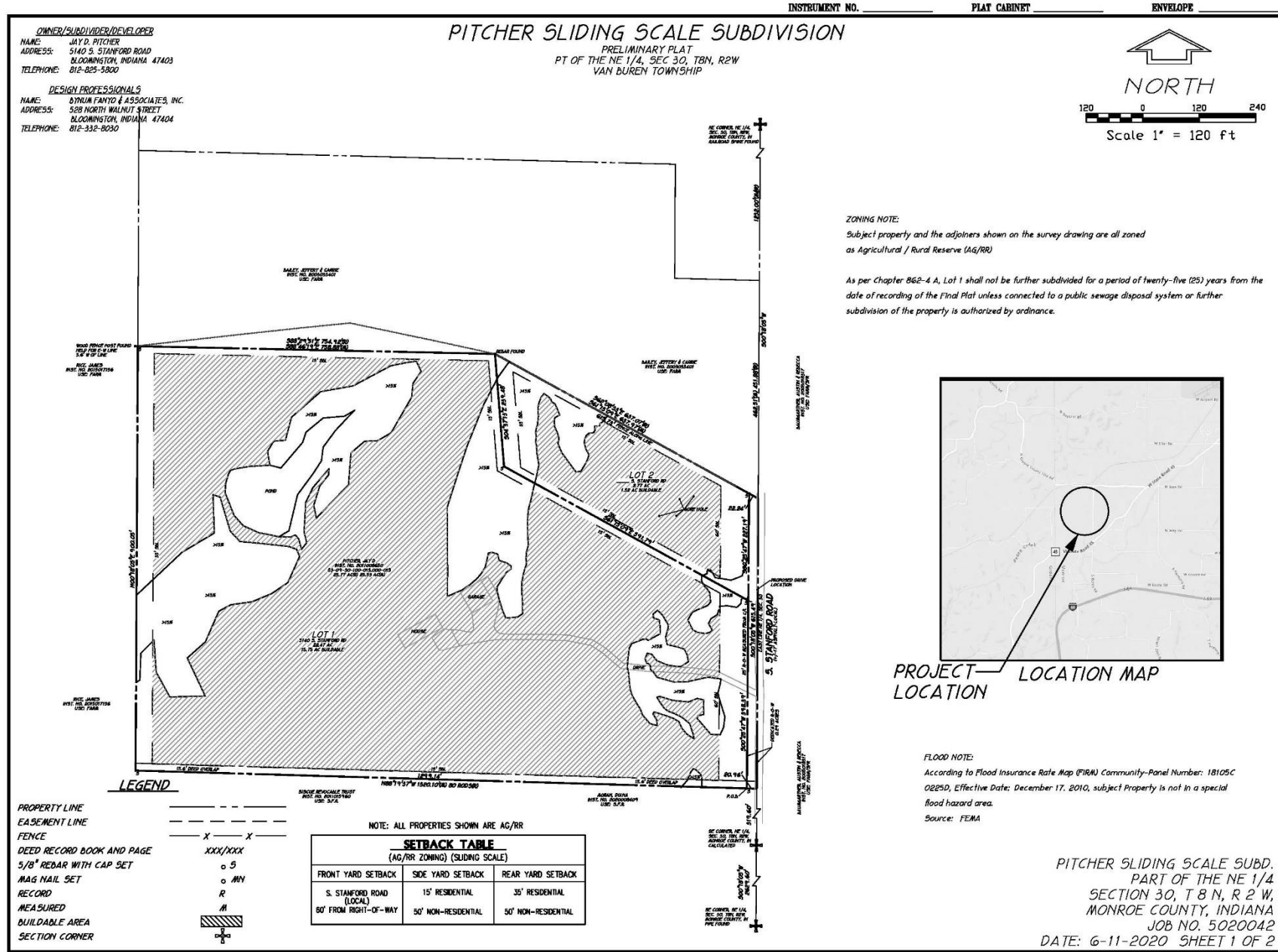
- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

- (3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

EXHIBIT 1: Petitioner Preliminary Plat



I, Jay D. Pitcher, the owner of the real estate described below, certify that I have subdivided and plotted it according to this plat.

This subdivision is called PITCHER SLIDING SCALE SUBDIVISION, an addition to Monroe County, Indiana, and consists of 2 lots numbered 1-2. The streets and alleys shown, as far as they have not already been so dedicated, are dedicated to the public.

Front, rear and side yard setback lines are established as shown on the plat. Between them and the property lines of the adjacent streets no building or other structure shall be erected or maintained.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines and wires. Buildings or other structures shall not be erected or maintained on these strips.

Signed and Sealed this _____ day of _____, 20____.

BY: _____ Signed _____ BY: _____ Printed _____

STATE OF INDIANA)
COUNTY OF MONROE)

Before me, the undersigned Notary Public, in and for the said County and State, personally appeared Jay D. Pitcher, and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 20____.

County of Residence _____ Commission Expires _____

Notary Public Signature _____ Notary Public Printed _____

This parcel was created through the Sliding Scale Subdivision procedure and approved by the Monroe County Plan Commission on _____.

MONROE COUNTY PLAN COMMISSION

PRESIDENT _____

SECRETARY _____

Under the authority of Chapter 174, Acts of 1947, as amended, General Assembly of the State of Indiana, and Monroe County Subdivision Control Ordinance, this plat was approved by the Monroe County Plan Commission at a meeting held _____, 20____.



DRAINAGE MAP

PITCHER SLIDING SCALE SUBDIVISION

PRELIMINARY PLAT
PT OF THE NE 1/4, SEC 30, T8N, R2W
VAN BUREN TOWNSHIP

LEGAL DESCRIPTION - Source of Title: Instrument Number 2011008650

A part of the Northeast quarter of Section 30, Township 8 North, Range 2 West, Monroe County, Indiana, described as follows:

Commencing at a spike in the Northeast corner of said Section 30; thence along the East line of said Section South 00 degrees 18 minutes 05 seconds West (bearings based on SPCS IN West NAD 83) 1694.51 feet; thence continuing along said East line South 00 degrees 18 minutes 05 seconds West 615.49 feet; thence leaving said East line North 88 degrees 19 minutes 37 seconds West 20.96 feet to a rebar in the West right of way of South Stanford Road being 25 feet from the apparent centerline of said road and the Point of Beginning; thence continuing North 88 degrees 19 minutes 37 seconds West 1299.14 feet to a rebar; thence North parallel with the said East Section line North 00 degrees 18 minutes 05 seconds East 900.05 feet to a rebar; thence South 88 degrees 46 minutes 19 seconds East 758.88 feet to a rebar; thence along an existing fence South 61 degrees 15 minutes 09 seconds East 615.73 feet to a rebar in the said West right of way; thence along said right of way South 00 degrees 25 minutes 47 seconds West 625.58 feet to the Point of Beginning. Containing in all 25.24 acres, more or less.

According to Indiana Administrative Code (865 IAC 1-12-12), the following is the theory of location applied in establishing the lines established this survey:

1. The North line of Section 30 was established by a line through monuments on record at the County Surveyors office for the Northeast and Northwest corners of the section.
2. The South line of the subject parcel was constructed parallel with the North line of the section at the distance called for in the vesting deed.
3. The East line of Section 30 and the subject parcel was constructed through monuments on record at the County Surveyors office for the Northeast and Southeast corners of the section.
4. The West line of subject parcel was constructed parallel with the East line at called distance from the East line.
5. The North line was constructed from a rebar found in the North point and called for in Vesting deed and an existing fence along Northeast line.

The following is a professional opinion of the cause and amount uncertainty in the lines and corners of the surveyed parcel because of the following:

- A. Availability and condition of reference monuments.
 - a. Rebars as shown on North point held to construct other corners.
Uncertainty = 0.0 FT
 - b. Fence post West of Northwest corner as shown on the plat.
Uncertainty = 5 FT
- B. Occupation or possession lines
 - a. Fence lying North of North line as shown on plat.
Uncertainty = 85 FT.
- C. Clarity or ambiguity of record description and adjoiners' record descriptions.
 - a. Exception to vesting deed for parcel to North does not close mathematically.
Uncertainty = 9.5 FT.
 - b. 15.6 feet title overlap with Moran parcel to the South as shown on the plat.
- D. Relative positional accuracy of the measurements is 0.26 feet (79mm) +/- 200 ppm, consistent with a "Rural Survey" as defined by Indiana Code.

Certification:

I certify that the survey as shown by plat was performed wholly under the direction of myself, a registered land surveyor in the State of Indiana, and to the best of my belief and knowledge was executed according to 865 IAC 1-12.

C.D. Graham

IN PS 9500014

C.D. Graham

Charles D. Graham

Indiana L.S. 29500014

within the State of Indiana

Bynum Fanyo & Associates, Inc.

528 N. Walnut St.

Bloomington, IN 47404

812-332-8030 tel

812-339-2990 fax



July 1, 2020

Date of Map

PITCHER SLIDING SCALE SUBD.
PART OF THE NE 1/4
SECTION 30, T 8 N, R 2 W,
MONROE COUNTY, INDIANA
JOB NO. 5020042
DATE: 6-11-2020 SHEET 2 OF 2

EXHIBIT 2: Driveway Permit Requirements

Summary

Name	Count	Area(ft ²)	Length(ft)
Driveway Points	1	N/A	N/A
Parcels	1	N/A	N/A

Driveway Points

#	Creation Date	Creator	Driveway Permit Number	Existing Drainage	Required Drainage
1	4/20/2020, 3:29 PM	hibayers		Pipe	Pipe

#	Sight Distance	Road Classification	Speed Limit	ADT	Mailbox Compliant	Comments	Count
1	OK	Local Road	35 MPH	108		Clear brush to the north and south for sight distance requirements.	1

Parcels

#	Parcel Number	Tax ID	Owner	Street Address	City, State, & ZIP
1	53-09-30-100-013.000-015	016-30090-00	Pitcher, Jay D	5140 S Stanford Rd	Bloomington, IN 47403

#	Property Street	Property City, State, & ZIP	Area(ft ²)
1	5140 S Stanford RD	Bloomington, IN 47403-9241	N/A

Summary

Name	Count	Area(ft ²)	Length(ft)
Driveway Points	1	N/A	N/A
Parcels	1	N/A	N/A

Driveway Points

#	Creation Date	Creator	Driveway Permit Number	Existing Drainage	Required Drainage
1	4/20/2020, 12:22 PM	hibayers			Pipe

#	Sight Distance	Road Classification	Speed Limit	ADT	Mailbox Compliant	Comments	Count
1	OK	Local Road	35 MPH	108		Clear brush and cut bank down to north and south for sight distance requirements. Driveway is 217' north of existing driveway.	1

Parcels

#	Parcel Number	Tax ID	Owner	Street Address	City, State, & ZIP
1	53-09-30-100-013.000-015	016-30090-00	Pitcher, Jay D	5140 S Stanford Rd	Bloomington, IN 47403

#	Property Street	Property City, State, & ZIP	Area(ft ²)
1	5140 S Stanford RD	Bloomington, IN 47403-9241	N/A

EXHIBIT 3: Drainage Easements

8/10/2020

PITCHER SUBD.

Elevate

