

MONROE COUNTY PLAT COMMITTEE



**August 19, 2021
4:00 pm**

Teleconference Information

[https://monroecounty-
in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQIjFlazRTQT09](https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQIjFlazRTQT09)

**Meeting ID: 823 0548 5858
Passcode: 278851**

Phone Number: 312-626-6799

A G E N D A
MONROE COUNTY PLAT COMMITTEE

Telelink Conference:

<https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQOIFLazRTQT09>

August 19, 2021

4:00 pm

REGULAR MEETING

ADMINISTRATIVE: None.

OLD BUSINESS:

- 1. 2009-SMN-09 Deckard Farms Minor Subdivision Preliminary Plat** **PAGE 3**
Sidewalk Waiver Request.
Utility Waiver Request.
Plat Committee Recommendation.
Two (2) parcels on 37.08 +/- acres located in Section 23 of Richland Township at 3807 W Walcott RD.
Zoned AG/RR. Contact tbehrman@co.monroe.in.us

NEW BUSINESS:

- 1. SMN-21-4 Conder Minor Subdivision Preliminary Plat** **PAGE 23**
Plat Committee Decision.
One (1) parcel on 56.15 +/- acres located in Section 7 of Indian Creek Township at 7870 S Breeden RD.
Zoned AG/RR. Contact: acrecelius@co.monroe.in.us
- 2. SSS-21-7 Addison Sliding Scale Subdivision Preliminary Plat** **PAGE 31**
Partial Plat Vacation (all owners do not agree to sign)
Plan Commission Decision.
Three (3) parcels on 29.99 +/- acres located in Section 18 of Salt Creek Township at 3863 S Swartz Ridge RD.
Zoned Forest Reserve/ECO 3. Contact rpayne@co.monroe.in.us
- 5. SMN-21-10 Meska/Storms Minor Subdivision Preliminary Plat** **PAGE 38**
Sidewalk Waiver Request.
Street Tree Waiver Request.
Plat Committee Recommendation.
Two (2) parcels on 18.39 +/- acres located in Section 13 of Van Buren Township at 3110 S Leonard Springs RD.
Zoned RE1. Contact dmyers@co.monroe.in.us

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.

MONROE COUNTY PLAT COMMITTEE**August 19, 2021**

PLANNER Tammy Behrman
CASE NUMBER 2009-SMN-09 Deckard Farms Minor Subdivision
PETITIONER Mary Elizabeth Deckard Irrevocable Living Trust c/o Deckard Land Surveying
ADDRESS 3807 W Walcott LN
REQUEST Preliminary Plat to Subdivide (1) Parcel into Two (2) Lots
 o Sidewalk Waiver Request
ZONE Agriculture/Rural Reserve (AG/RR)
ACRES 36.89 acres +/-
TOWNSHIP Richland
SECTION 23
COMP PLAN DESIGNATION MCUA Conservation Residential

EXHIBITS

1. Preliminary Plat
2. Petitioner Side Walk Waiver Request
3. Petitioner Utility Waiver Request
4. John R & Mary Deckard Minor Subdivision Amendment 1 Final 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 with the following condition of approval:

1. Complete the driveway entrance along W Walcott prior to final platting.

Deny the Sidewalk Waiver request based on the findings of fact, specifically Findings 1 & 2, and subject to the Monroe County Highway Engineering.

Approve the Utility Waiver request based on the findings of fact and subject to the Monroe County Highway Engineering.

PLAT COMMITTEE

This petition was heard at the February 18, 2021 Plat Committee and was continued until there was a recorded easement to the site from W Walcott Road that was outside of the mapped Special Flood Hazard Area. Staff had recommended denial due to the access confusion.

BACKGROUND/DISCUSSION

The petition site totals 36.89+/- acres and is located in Richland Township. The site is currently zoned Agriculture/Rural Reserve (AG/RR). The petitioner is proposing to subdivide one (1) parcel into two (2) lots. Each proposed lot meets all design standards within the Monroe County Zoning Ordinance for the Agriculture/Rural Reserve (AG/RR) Zoning District. A waiver has been requested from the 5' wide and 180 linear feet of sidewalk required. Additionally a waiver from undergrounding utilities has also been requested. The proposed lots can be served by private septic systems per the septic permits on file. The petition has provided capacity letters.

The proposed acreage for the each lot is as follows:

- Lot 1 = 10 acres with 3.93 acres Buildable
- Lot 2 = 27.08 acres with 22.07 acres Buildable

The lots will be accessed by a shared driveway per submitted driveway permit applications RW-21-214 & 219 pending Highway Department specifications. The site maintains frontage along N Hartstrait Road, a major collector. An existing gravel driveway from W Walcott Rd accessed the site but was not within an

easement and also was within a Special Flood Hazard Area which interfered with 856-43(B) of the ordinance. Recently the petitioner recorded the John R & Mary Deckard Minor Subdivision Amendment 1 Final Plat which defines the ingress egress access and also reflects the relocation of the driveway entrance outside of the Special Flood Hazard Area. The petitioner is waiting on a metal pipe to complete the driveway and then decommission the existing driveway.

LOCATION MAP

The site is located off 3807 W Walcott Lane in Sections 23 of Richland Township. The property maintains frontage along N Hartstrait RD, which is classified as “Major Collector” per the Monroe County Thoroughfare Plan.

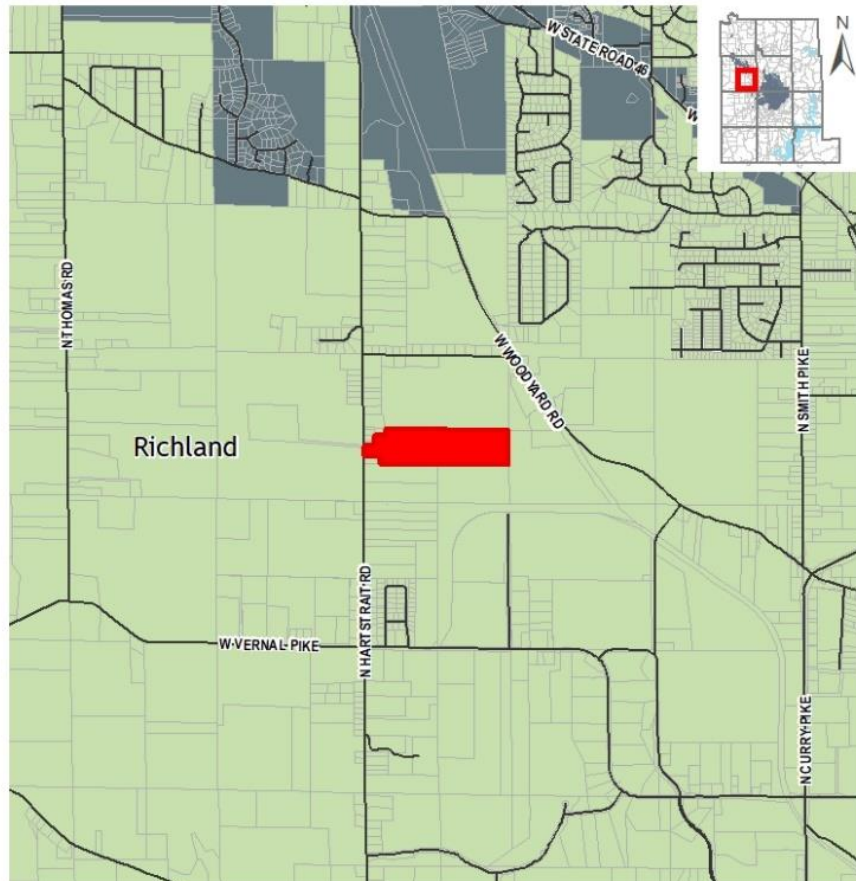
Location Map

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

0 0.2 0.4 0.8 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 1/12/2021

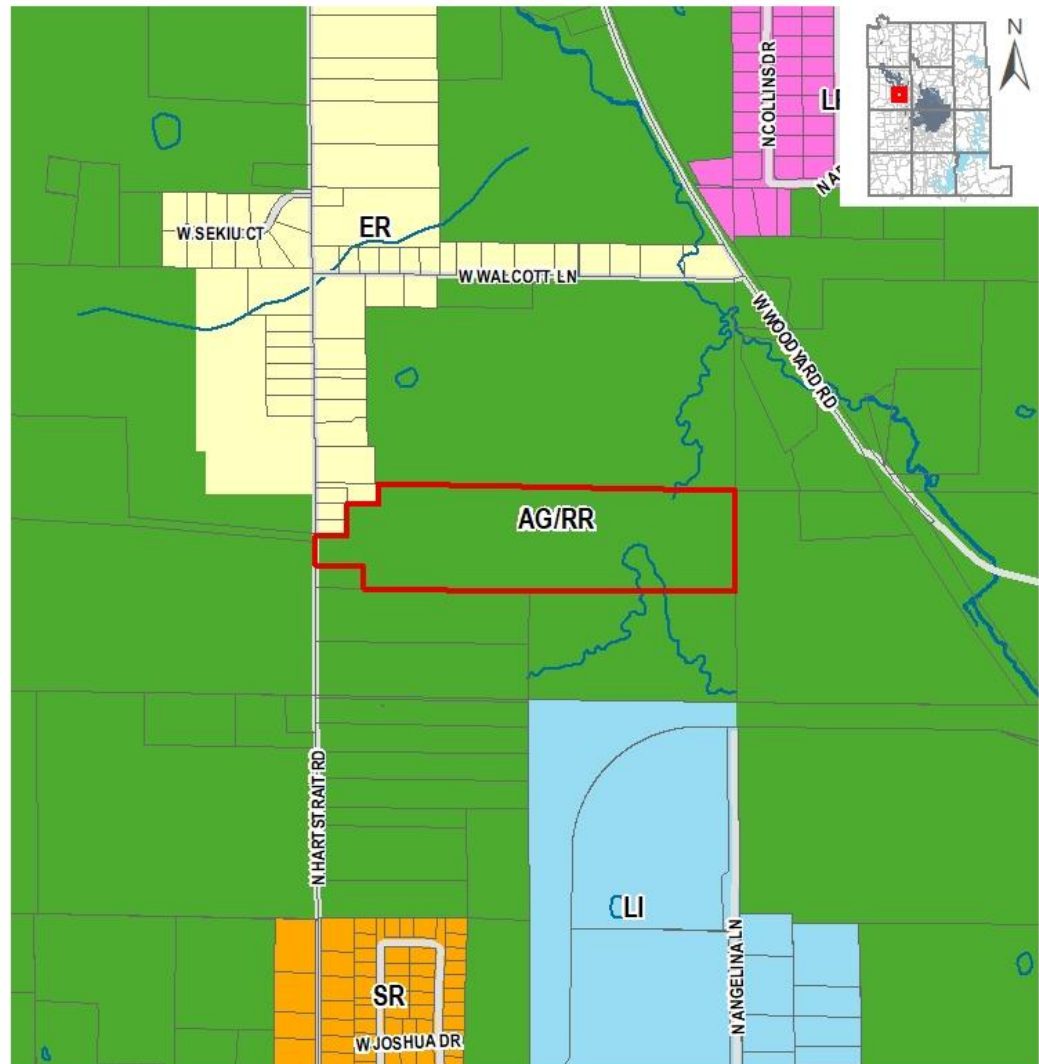


ZONING

The site is zoned Agriculture/Rural Reserve (AG/RR). Adjacent parcels are either AG/RR or Estate Residential (ER). Nearby uses are primarily residential and agricultural. Some commercial use is to the south.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ER - Estate Residential
-  LI - Light Industrial
-  LR - Low Density Residential
-  SR - Suburban Residential



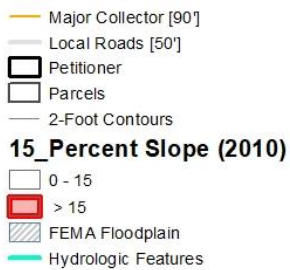
0 0.075 0.15 0.3 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 1/12/2021

SITE CONDITIONS

The site has a 1595 sf home (ca. 1958) with 1080 sf pole barn (ca. 1992). There many acres of agriculture fields and some forested areas. There is no floodplain on the petition site but there is a perennial stream that bisects the property. There are karst features on the property in the northeast portion of the property. The property has a substantial amount of Buildable Area. There is frontage along N Hartstrait Rd. Current access is through the petitioner's adjacent north property on a driveway the platted ingress/egresses easement off of W Walcott Lane.

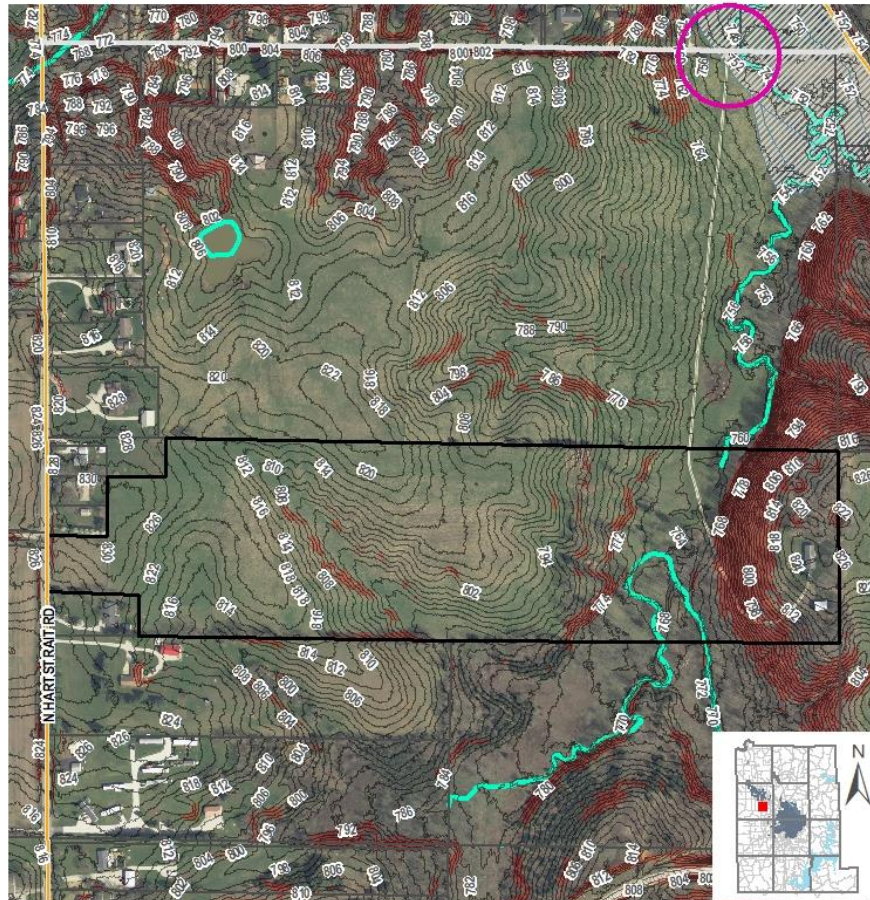
Slope Map



0 125 250 500 750 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 1/12/2021



SITE PHOTOS



Figure 1: Pictometry view from April 2020 of petition site.



Figure 2. Pictometry view from 2020 of east half of petition site.

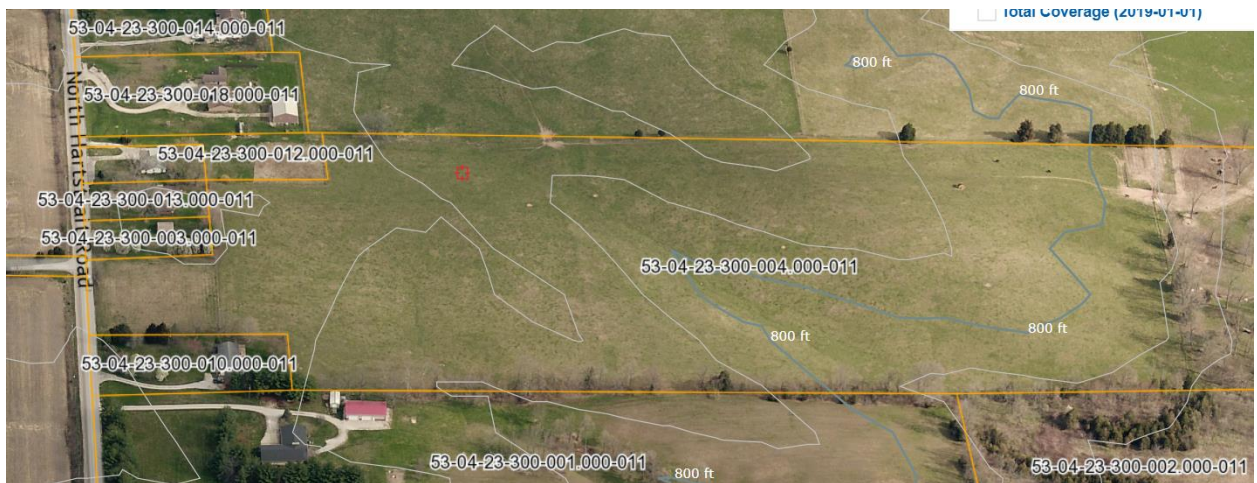


Figure 3. Pictometry view from 2020 of west half of petition site.



Figure 4. View of existing home and pole barn on proposed Lot 2.



Figure 4. Facing north: view of N Hartstrait RD and petition site on the right.



Figure 5. Facing east: view of the petition site.

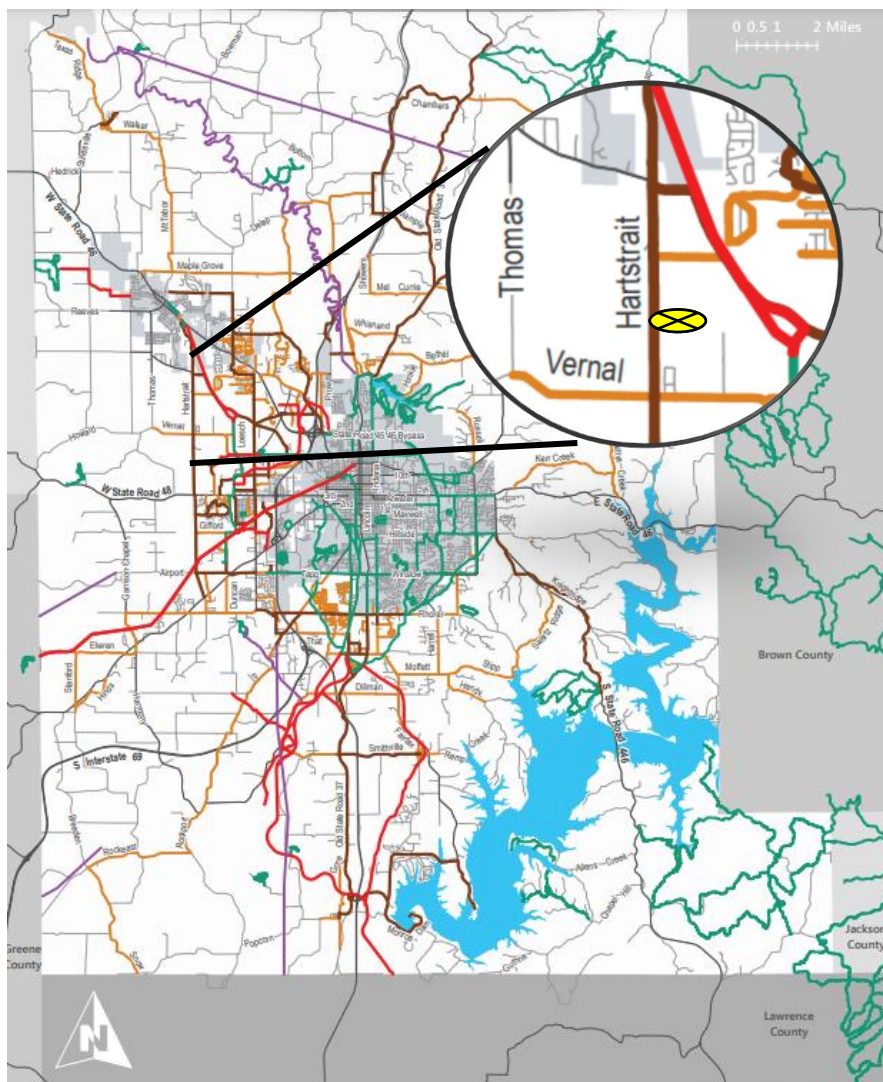
INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along N Hartstrait Road, which is classified as “Major Collector” per the Monroe County Thoroughfare Plan. Right of Way dedication will be 45’ from centerline. There will be one shared driveway to access both Lot 1 and Lot 2 as reviewed by the Highway Department permit process off of W Walcott Road; permit applications RW-21-214 and RW-21-219.

There is a preservation area for the 5 required street trees.

A Utility waiver has been requested to forgo the underground ground requirement for the existing and future utilities on the petition site.

Each proposed lot in the subdivision can be served by private septic systems; Permit #22392 & Real Estate Inspection #6855. The petitioner has submitted proof of capacity letters for the proposed subdivision from Duke Energy and Van Buren Water.



MONROE COUNTY VISION MAP



Sidewalks are required, per 856-40(A)(3) the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan. They are required to be 5’ wide as they are within a collector street.

- The [Monroe County Transportation Alternatives](#) Plan shows Hartstrait Road as a High Priority Road Improvement on the Vision Map.
- Hartstrait Road is 4.47 miles long and there is one property along this stretch of road with sidewalks.

Road Improvement Opportunity (Red)

- Signed Bike Route
- Urban Bike Lane
- Rural/Suburban Bike Lane
- Sidepath
- Urban Residential Sidewalk
- Rural/Suburban Residential Sidewalk
- Urban Collector Sidewalk
- Rural/Suburban Collector Sidewalk
- Connector Path

NOTE: Karst Greenway extension is just east of the petition site.

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 two (2) 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 = 27.08 acres and Lot 2 = 10 acres;
- The proposed use in the subdivision is residential and agricultural;
- Each lot can be served by a private septic system;
- Capacity letters for electric and water have been provided;

- (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;
- The surrounding uses are primarily agricultural and residential in nature;

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

Findings

- See findings under Section (A) & (B);
- The property maintains frontage along N Hartstrait 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 Hartstrait Road is classified as a "Major Collector" per the Monroe County Thoroughfare Plan and 45' of right of way has been dedicated on the plat;
- A driveway permit application has been reviewed and a shared driveway off of W Walcott Road is pending approval;

- (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);
- There a sidewalk waiver being requested with this petition;

- An undergrounding utilities waiver has been requested;
- There are karst features on the property and have been platted with a Sinkhole Conservancy Area;
- There is a perennial stream in the northeast portion of the lot but it is not considered a regulated floodplain;
- 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 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 N Hartstrait Road required 5' sidewalks along 180 linear ft;
- The sidewalk improvements are required due to the petition site meeting the criteria described in 856-40 (A) (3) above;
- The site gains access from N Hartstrait RD, 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 N Hartstrait for 180', unless the waiver is granted;
- There are no obvious existing physical constraints, including steep slopes and vegetation, where the sidewalk would be required along N Hartstrait Road;
- The total length of required sidewalk for which the waiver is requested is approximately 180';
- Practical difficulties have not been demonstrated;

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 petition site is located in the Monroe County Urbanizing Area as designated by the Comprehensive Plan;
- The Comprehensive Plan calls for transportation alternatives throughout Monroe County;
- The 2018 Monroe County Transportation Alternatives Plan lists N Hartstrait Road as "High Priority for Road Improvement Opportunity";

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;
- There is one additional property with sidewalks along the 4.43 miles of N Hartstrait Road;

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 one additional lot;

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);

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) and (7);
- 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);

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 UNDERGROUND OF 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:

- A perennial stream bisects the petition site;
- The stream runs between the existing driveway and the existing home on Lot 1;
- There are slopes greater than 15% leading up to the existing home and if utilities are buried could result in some erosion issues;
- To underground electric under the perennial stream and up the steep sloped terrain is a practical difficulty;

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 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.

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 and the perennial stream that bisects the petition site;
- The existing overhead utility line does not appear to serve another property and is not exempt from undergrounding provisions;
- 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 and future lines 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;
- Burying in flooded area may make the lines be more vulnerable to damage from water intrusion;

- 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 line serves only the petitioner's parcels as it travels south from the north property line;
- 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.

EXHIBIT 1: Preliminary Plat



AREA FOUR COUNTY
RECORDER

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:

- (Variances) in the reference monuments
- (Discrepancies) in the record description and plats
- (Inconsistencies) in lines of occupation and
- (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 (0.17 plus 160 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 Minor Subdivision was performed on the property now or formerly owned by The Mary Elizabeth Deckard Irrevocable Living Trust Dated June 10th, 2019 as found in Instrument Number 2019008833 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 2 lots as located in Section 23, Township 9 North, Range 2 West, Monroe County, Indiana.

REFERENCE MONUMENTS:

- A square head railroad spike was found 5 inches below grade marking the Northeast corner of the Southwest quarter of Section 23, Township 9 North, Range 2 West. The origin of this spike is unknown, however was found to be referenced in a survey performed by Joss A. Oheim for Deckard dated October 25th, 2007, a survey performed by Eric L. Deckard for Davidson dated August 10th, 2016, and a survey performed by Michael D. Mundy for White dated June 23rd, 1994. This spike was found to agree with other monuments in the area and was accepted and held as said corner.
- No monument was found at the Northeast corner of the North half of the South half of the Southwest quarter of Section 23, Township 9 North, Range 2 West. This position was calculated per an equal distance split between the monuments described in lines "A" and "D". A rebar was set 3 inches above grade at this location.
- No monument was found at the Southwest corner of the North half of the South half of the Southwest quarter of Section 23, Township 9 North, Range 2 West. This position was calculated per an equal distance split between the monuments described in lines "D" and "D". A rebar was set 3 inches above grade at this location.
- A 3"x4" stone was found 1 inch below grade marking the Southeast corner of the Southwest quarter of Section 23, Township 9 North, Range 2 West. The origin of this stone is unknown, however was found to be referenced in surveys performed by Douglas E. Curry for Ahmann dated January 12th, 2017 and for Bloomington Economic Development corporation dated January 6th, 2009. This stone was found to agree with other monuments in the area and was accepted and held as said corner.
- A railroad spike was found 3 inches below grade marking the Southwest corner of Section 23, Township 9 North, Range 2 West. The origin of this spike is unknown, however was found to be referenced in a survey performed by Eric L. Deckard for Dodds dated March 2nd, 2020 and surveys performed by Douglas E. Curry for Ahmann dated January 12th, 2017 and for Bloomington Economic Development corporation dated January 6th, 2009. This spike was found to agree with other monuments in the area and was accepted and held as said corner.
- The Southwest corner of the Southwest quarter of Section 23, Township 9 North, Range 2 West was calculated per county ties. A brass plate is referenced in the office of the Monroe County Surveyor as Corner I.D. "C-15". A signal was found in the centerline of Hartstrait Road (2nd Asphalt) just north of the intersection of Waldorf Lane (2nd Asphalt), but due to the high traffic was not excavated. The signal was found to agree with said tie and the location was accepted and held.

LINE OF OCCUPATION:

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

- A wire fence was found running east and west along the north line of the subject property (lot 1). This fence meanders from +/- 3.0 feet north of the line at the west end to +/- 1.7 feet south of the line at the east end of said fence.
- A wire fence was found running north and south along the east line of the subject property (lot 1). This fence meanders from +/- 10.4 feet east of the line at the north end to +/- 1.7 feet west of the line at the south end of said fence.
- A wire fence was found running east and west along the south line of the subject property (lots 1 & 2). This fence meanders from +/- 14.9 feet north of the line at the east end to +/- 13.7 feet north of the line at the west end of said fence.
- The centerline of N. Hartstrait Road was found running along the west line of the subject property. This centerline meanders from +/- 3.5 feet east of line at the south end to +/- 4.6 feet east of line at the north end.

RECORD DESCRIPTIONS:

- The final exception described in the subject description (Instr. 2019008833) was found to not come out of subject property.

DECKARD FARM MINOR SUBDIVISION - FINAL PLAT A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST MONROE COUNTY, INDIANA

EIGHT AND TWO
TOWNSHIP 9 N
RANGE 2 W
SECTION 23

DECKARD FARM MINOR SUBDIVISION
APPLICANT: LORRAINE DECKARD
INSTRUMENT NUMBER: 2019008833
1100 E. HARTSTRAIT ROAD
DECKARD, INDIANA 47041
812-272-0114

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

The Mary Elizabeth Deckard Irrevocable Living Trust Dated June 10, 2019, Stephen Deckard (Representative) of the real estate shown and described herein do hereby certify, lay off and plat Tract numbered 1 and 2 to be known as Deckard Farm Minor 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 Deckard Farm Minor Subdivision.

The right-of-way to be dedicated for N. Hartstrait Road shall measure 45 feet perpendicular to and parallel with the existing centerline of N. Hartstrait 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 created or maintained.

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

Stephen Deckard (Owner)
3807 W. Walcott Lane
Bloomington, Indiana 47404
(812) 272-0114

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Stephen Deckard (Owner), 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 PHMSA Panel Number 1810530120D 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 Wilcox Secretary: _____

SURVEY DESCRIPTION

A part of the Southwest quarter of Section 23, Township 9 North, Range 2 West, Monroe County, Indiana, being more particularly described as follows:

Commencing at a spike marking the Northeast corner of the Southwest quarter of said Section 23; thence along the east line of said quarter section South 00 degrees 26 minutes 02 seconds East for a distance of 1377.83 feet to a rebar stamped "Deckard" marking the Northeast corner of the North Half of the South Half of the Southwest quarter of said Section 23, said point also being the Point of Beginning; thence continuing along the east line of said quarter section South 00 degrees 26 minutes 02 seconds East for a distance of 665.91 feet to a rebar stamped "Deckard" marking the Southeast corner of the North Half of the South Half of the Southwest quarter of said Section 23; thence leaving said east line and along the south line of the North Half of the South Half of the Southwest quarter of said Section 23 North 89 degrees 06 minutes 30 seconds West for a distance of 2342.71 feet to a rebar stamped "Deckard"; thence leaving said south line North 01 degrees 50 minutes 46 seconds West for a distance of 136.70 feet to a rebar stamped "Deckard"; thence North 87 degrees 12 minutes 17 seconds West for a distance of 255.55 feet to a rebar stamped "Deckard" on the east right-of-way of N. Hartstrait Road; thence continuing South 89 degrees 06 minutes 19 seconds East for a distance of 150.51 feet to a rebar stamped "Deckard"; thence North 00 degrees 29 minutes 02 seconds West for a distance of 200.00 feet to a rebar stamped "Deckard"; thence South 89 degrees 06 minutes 09 seconds East for a distance of 200.00 feet to a rebar stamped "Deckard"; thence North 00 degrees 29 minutes 02 seconds West for a distance of 130.00 feet to the Southwest quarter of said Section 23; thence along said north line South 89 degrees 06 minutes 09 seconds East for a distance of 2250.62 feet to the Point of Beginning, containing 37.29 acres more or less.

Subject to the 45 feet dedicated right-of-way of N. Hartstrait Road and all legal encumbrances of record. Acreage less dedicated right-of-way is 37.08 acres, more or less.

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statements 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 1-12-1 through 19.

Certified this ____ day of _____, 2021.

Eric L. Deckard
Registered Surveyor I.S. 29000012
State of Indiana

DECKARD
FARM MINOR SUBDIVISION
APPLICANT: LORRAINE DECKARD
INSTRUMENT NUMBER: 2019008833
1100 E. HARTSTRAIT ROAD
DECKARD, INDIANA 47041
812-272-0114



DECKARD FARM MINOR SUBDIVISION
MINOR SUBDIVISION
A PART OF SECTION 23 T9N, R2W

DATE	TIME	BY	REMARKS

DATE & TIME
20-114
2
2
07/26/21
BNDY SLIT

EXHIBIT 2: Petitioner Sidewalk Waiver Findings



Eric L. Deckard, LS

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

January 20, 2021

To: Members of the Monroe County Planning Department:

RE: Deckard Farms Minor

I have been asked by Stephen Deckard to request a waiver to 856-40 (3).

These are my findings and recommendations.

Sidewalk Waiver. The property is within Urban Service boundary as shown in the comprehensive plan, and is therefore required to provide sidewalks along the existing County road frontage. The preliminary plat shows the sidewalk along the frontage near the proposed drive. We respectfully request consideration by the Plan Commission to waive the sidewalk requirement. This section of Hartstraight Road no sidewalks exist between the town of Ellettsville and State Road 48. The likely hood of sidewalk connectivity is believe to be slim, due to the need of right-of-way purchases by the county from individual land owners in order to allow for the construction of a new sidewalk. This area is moderately developed with small and large lots and it would be challenging to get land owners to agree to sell property to build a sidewalk.

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

Sincerely,

Eric L. Deckard L.S.

EXHIBIT 3: Petitioner Utilities waiver findings



Eric L. Deckard, LS

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

August 13th, 2021

To Members of the Monroe County Planning Commission

RE: John R. & Mary Deckard Minor Subdivision

I have been asked by Stephen Deckard to respectfully request a utility waiver

FINDINGS OF FACT - WAIVER for buried utility

The petitioner has requested a waiver to continue using the existing overhead power line to the existing property and house. The cost to bury +/- 2,000 foot of overhead utility across a rural farm pasture used for cattle with no current houses is very cost prohibited to bury the overhead lines and to add several transformers for little to no human safety protection added.

The property is located in a rural area of the county and bounded by a N. Hartstraight Road along the west and W. Walcott Lane along the North.

Section 850-12(A) 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. Walcott Lane, a designated local road (low traffic).
- The existing house was built in 1958 along with a detached pole barn that also has drop built in 1992.
- Replacing the utilities and burying them underground would be a large financial undertaking and unnecessary due to the safety vs cost.

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:

- There is an overhead power line running thru the subject property to service one house, but would impose a financial burden for the client to bury from said line to the existing house.

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 overhead utility line poses no threat to public safety, health, or welfare;

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

Findings:

- The existing home has had overhead power since it was built. Other homes located along W. Walcott Lane are served by an overhead utility line.



Eric L. Deckard, LS

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

-
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;
- The current extreme length of the overhead vs the small benefit to safety concern is not finically feasible.

Findings:

The overhead utility line crosses over N. Walcott Road and would create practical difficulties to bore under said road instead of using exiting overhead lines.

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

Findings:

Granting this waiver would not contravene the purposes for these regulations as the site has existing utilities on it now.

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:

- The land owners purchased the property 2001. The house and garage existed before purchase and have used the overhead utilities and current road since completion.

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

Findings:

- See #1 and #5 above.

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

Sincerely,

Eric L. Deckard, LS

Red circle denotes changed access under permits RW-21-219; RW-21-214.





MONROE COUNTY PLAT COMMITTEE

Public Meeting Date: August 19, 2021

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-21-4	Conder Minor Subdivision	2-Lot Minor Subdivision Preliminary Plat

The Subdivision Control Ordinance shall be interpreted, administered and enforced in a manner that is consistent with Chapter 850-3.

RECOMMENDED MOTION	Approval with Conditions	Planner: Anne Crecelius
<i>Recommended Motion Conditions or Reasoning:</i> Approval based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance with the following condition(s): 1. Meet the Highway Dept. requests regarding Right of Way Activity Permits RW-21-86 & 87		

Waiver(s) Requested:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes:
Waiver of Final Hearing Requested:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> No <input type="checkbox"/> Yes
Plat Vacation:	<input type="checkbox"/> No <input type="checkbox"/> Partial <input checked="" type="checkbox"/> Yes:

PETITIONER	c/o Eric Deckard, Deckard Land Surveying	
ADDRESS	7870 S Breeden Rd, 53-10-07-400-005.002-007	
TOWNSHIP + SECTION	Indian Creek, 7	
PLATS	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Breeden Road Type A Admin. Subdivision (2009)	
ACREAGE +/-	55.6	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
CDO	Farm and Forest	Farm and Forest
USE	Agricultural	Residential/Agricultural

SUMMARY

The petitioner is proposing a 3-lot Minor Subdivision with no waiver requests and a partial plat vacation. Plat vacation may be required to approved by the Plan Commission pending petitioner's representative. Alternatively, the owners in the prior subdivision to be partially vacated and sign the final plat to allow for Plat Committee final decision.

DISCUSSION

The petitioner is requesting to subdivide one (1) lot of record into two (2) buildable lots using the Minor Subdivision process with no waiver requests. The property was originally subdivided in 2009 using the Type A Administrative Subdivision process.

The proposed subdivision doesn't require any waivers and is therefore considered a by-right subdivision under the Subdivision Control Ordinance. Adjoining property owners will be notified of the Plat Committee's decision and instructions to appeal the subdivision. An appeal that is deemed valid must be submitted 10 days of mailing and reference the specific portion(s) of the Monroe County Subdivision Control Ordinance that the appellant believes are not met by the petition. If the proposed subdivision and plat vacation are approved, the proposed subdivision

may file a Minor Subdivision Final Plat and must wait 30 days before recording upon approval by Planning Staff.

	Lot 1	Lot 2
Acreage / Buildable Area (+/-)	45.52 / 38.14	10 / 8.10
Wastewater	Proposed septic WW-21-68	Proposed septic WW-21-69
Property Access	Relocate existing entrance off of S Breeden Rd RW-21-86 & 87	Proposed shared I/E easement from S Breeden RD RW-21-86 & 87
RoW Dedication	Yes	Yes
Environmental Conditions	Some steep slopes	Some steep slopes
Existing Structure(s)	undeveloped	undeveloped

Right of Way Activity Engineer: Ben Ayers comments – April 30, 2021:

Pre-existing driveway entrance does not meet the specifications of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way. The pre-existing driveway entrance needs to be removed and re-located 74' to the south to meet the sight distance requirements.



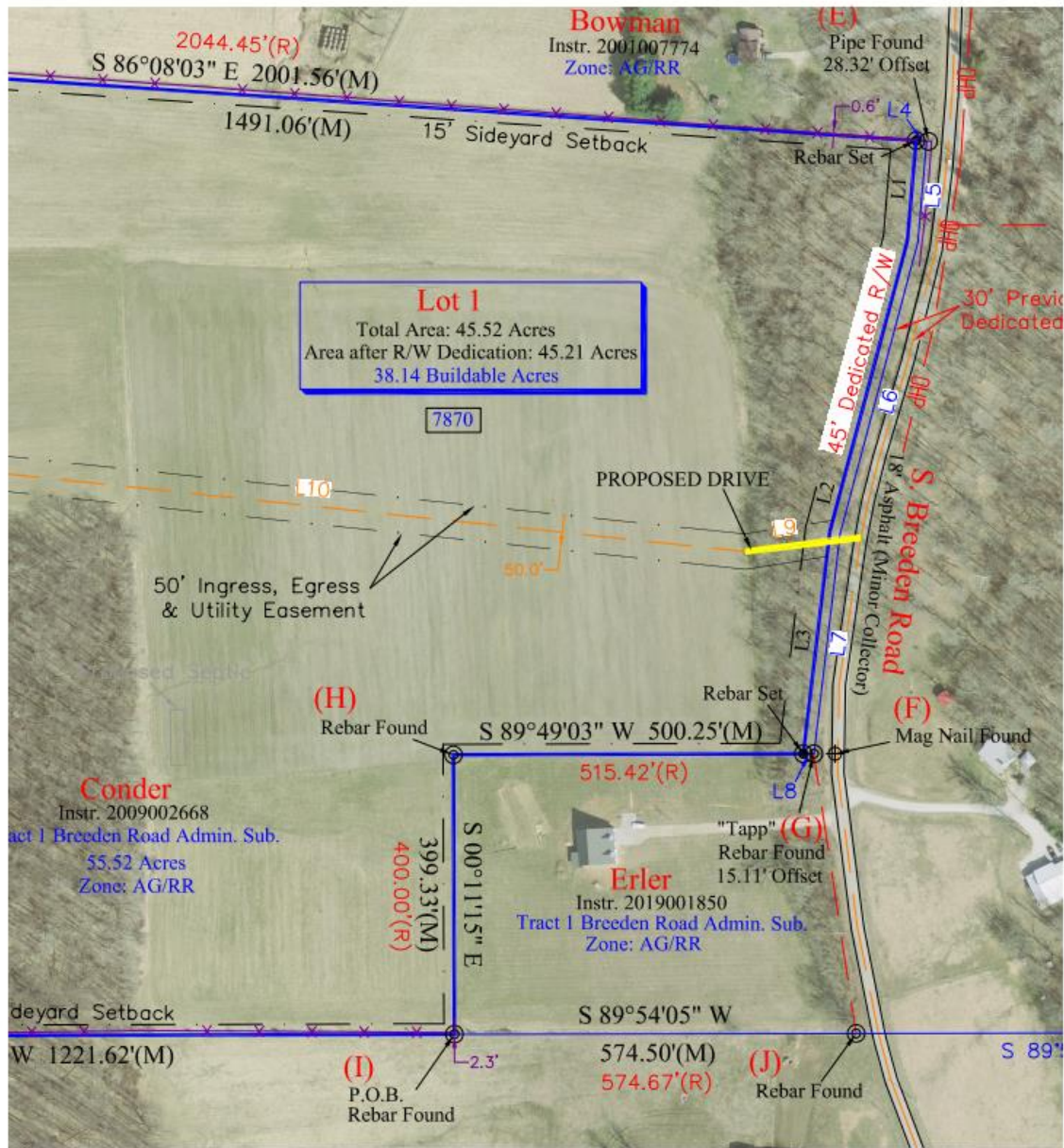




EXHIBITS - Immediately following report

1. Driveway Permit Applications Exhibit

2. Preliminary Plat
3. Breeden Road Type A Administrative Subdivision



DALLAS & JANET CONDER MINOR SUBDIVISION - PRELIMINARY PLAT
A PART OF THE SOUTHEAST QUARTER AND A PART OF THE
SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 7 NORTH,
RANGE 2 WEST, MONROE COUNTY, INDIANA

AREA FOR COUNTY
RECORDER

NOTES:

- 1) Basis of bearing (State Plane-Indiana West)
- 2) Fieldwork completed March 2021.
- 3) Source of title Now or Formerly owned by Dallas G. Conder & Janet S. Conder as found in Instrument Number 2009002668 in the Office of the Monroe County Recorder.
- 4) Reference is made to Ben & Lorene Grubb Type "E" Administrative Subdivision performed by Eric L. Deckard dated November 19th, 2012 as found in Instrument Number 2012021294 in the Office of the Monroe County Recorder.
- 5) Reference is made Grubb Type "E" Administrative Subdivision performed by Eric L. Deckard dated June 11th, 2020. (Job No. 12-116)
- 6) Reference is made to Broaden Road Administrative Subdivision performed by Phillip O. Tapp dated January 8th, 2009 as found in Instrument Number 2009002667 in the Office of the Monroe County Recorder.
- 7) Reference is made to a survey performed by Matthew G. Badger for Glasgow dated December 6th, 2010 as found in Monroe County Auditor records.
- 8) Reference is made to a survey performed by Matthew G. Badger for Cornwell site dated June 21st, 2011 as found in Instrument Number 2011008104 in the Office of the Monroe County Recorder.
- 9) Reference is made to a survey performed by Raymond Graham for Bowman dated December 18th, 1975.
- 10) Reference is made to a survey performed by Raymond Graham for Conder dated December 18th, 1975.
- 11) All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located under ground through out the subdivision per 856-41.
- 12) Coordinates shown hereon were obtained from GPS observations utilizing the Indiana Real-Time Network (INCORS). Indiana West Zone, NAD83(2011) Epoch 2010.0000, State Plane Grid Coordinates, US Survey Feet, Goid model G2012BUT, Datum NAD83_NO_TRANS.
- 13) Coordinate data was collected using a Topcon Network Rover (Over the GPS, Topcon 302 total station, and a P-C-5000 data collector). Coordinate positions are grid north (Indiana State Plane West Zone).
- 14) This survey is not complete without the accompanying surveyor's report.
- 15) I affirm, under penalty for perjury, that I have taken responsible care to reduce each Social Security Number in this document, unless required by law.
-Eric L. Deckard

CERTIFICATION

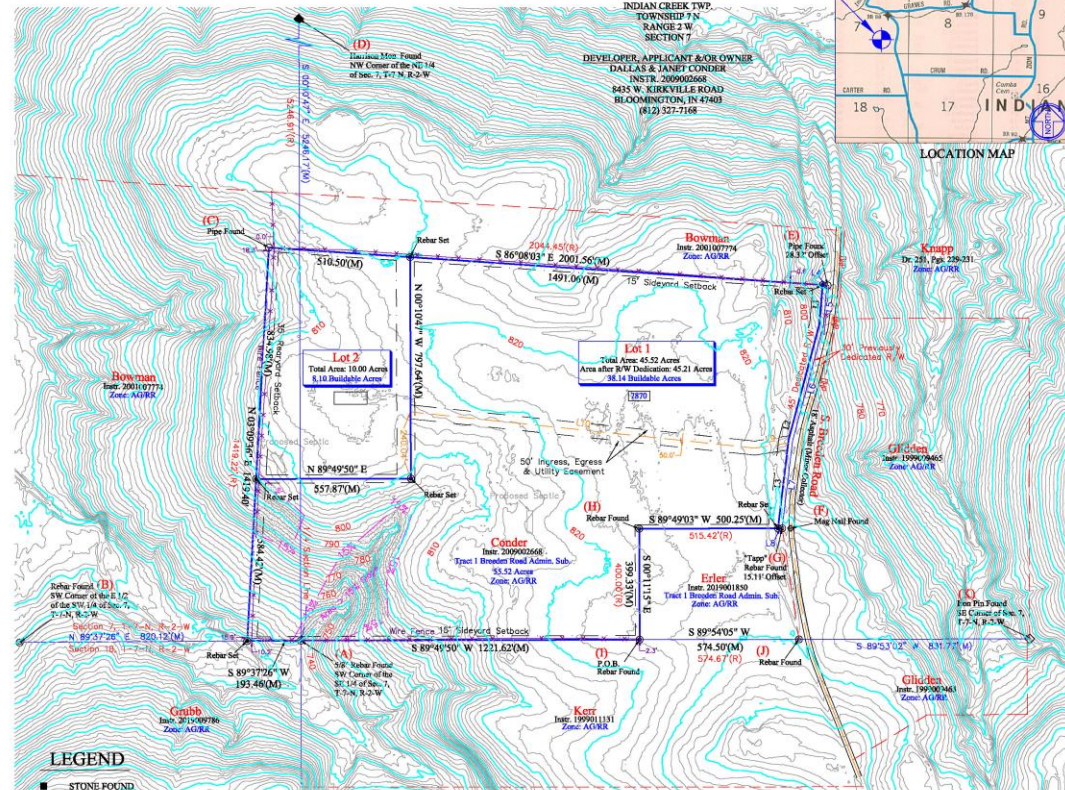
The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

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.

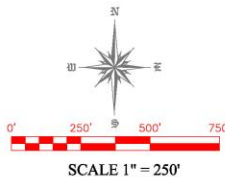
Certified this _____ day of _____, 2021.

Eric L. Deckard
Registered Surveyor LS 29900012
State of Indiana



LEGEND

- STONE FOUND
- ⚡ UTILITY POLE
- ⊙ REBAR FOUND
- ⊙ REBAR SET
- ⊙ MAG NAIL FOUND
- ⊙ IRON PIN FOUND
- ⊙ PIPE FOUND
- ⊙ CALCULATED
- ⊙ MAG SPIKE SET
- OVERHEAD POWER LINE
- FENCE
- TREE LINE
- (R) RECORD
- (M) MEASURED
- 1234 ADDRESS
- Non-Buildable Area

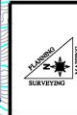


SETBACK TABLE

Front - 35' from R/W for buildings (Minor Collisions)
Side - 15' for Residential & Accessory Structures / 50' for other
Rear - 35' for Residential & Accessory Structures / 50' for other
These are for "Single Family" use.
ZONE: AGRICULTURAL RESERVE

LINE	BEARING	DISTANCE
1	S 89°49'03" W	500.25(M)
2	S 89°49'03" W	500.25(M)
3	S 89°49'03" W	500.25(M)
4	S 89°49'03" W	500.25(M)
5	S 89°49'03" W	500.25(M)
6	S 89°49'03" W	500.25(M)
7	S 89°49'03" W	500.25(M)
8	S 89°49'03" W	500.25(M)
9	S 89°49'03" W	500.25(M)
10	S 89°49'03" W	500.25(M)

DECKARD
LAND SURVEYING
1400 W. MONROE ST. SUITE 100
BLOOMINGTON, IN 47403
PHONE: 317.346.1000
FAX: 317.346.1001
WWW.DLSURV.COM



DALLAS & JANET CONDER
MINOR SUBDIVISION
A PART OF SECTION 7 T7N, R2W

ACRES	FEET	INCHES
1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
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20-189
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2
03/25/21
BNDY.SHT

DALLAS & JANET CONDER MINOR SUBDIVISION - PRELIMINARY PLAT
A PART OF THE SOUTHEAST QUARTER OF SECTION 7
TOWNSHIP 7 NORTH, RANGE 2 WEST
MONROE COUNTY, INDIANA

AREA FOR COUNTY
RECORDER

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

DECKARD
LAND SURVEYING
604 S. HENDERSON STREET
BLOOMINGTON, IN 47401
TELEPHONE: (317) 961-0235

LINE OF OCCUPATION:

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

- Dallas G. Conder & Janet S. Conder, 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 Conder Minor 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 Conder Minor Subdivision.

The right-of-way to be dedicated for S. Breeden Road shall measure 45 feet perpendicular to and parallel with the existing centerline of S. Breeden Road. Any interest that said parties have within said right-of-way is hereby dedicated to the State of Indiana.

As owner(s) of Tract 2 in Breeden Road Administrative Subdivision, Monroe County, Indiana, we by this instrument declare this platted tract vacated.

Witness our hands and seals this day of , 20

Dallas G. Conder (Owner)
8431 W. Kirksville Road
Bloomington, Indiana 47403
(812) 825-9052

Janet S. Conder (Owner)
8431 W. Kirkville Road
Bloomington, Indiana 47403
(812) 825-9052

STATE OF INDIANA)
COUNTY OF MONROE) ss:

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Dallas G. Conder & Janet S. Conder (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 FHBM, Panel Number 1810SC0225D 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 Minor Subdivision procedure and approved by the Monroe County Plan Commission on

Monroe County Plan Commission:

Margaret Clements President:

Larry Wilson Secretary:

H). A 5/8 inch diameter rebar was found 4 inches below grade marking the North end of a 399.93 foot long line on the subject property. This monument was believed to have been set in the platting of Breeden Road Administrative Subdivision performed by Phillip O. Tapp For Condor dated January 8th, 2009. The record versus measured between this monument and the monument described in line "I" is 400.00 feet versus 399.33 feet respectively. This monument was accepted and held as said corner.

1) A 5/8 inch diameter rebar was found 1 inch above grade marking the south end of a 399.33 foot long line on the subject property and the Southwest corner of the land now or formerly owned by Erlar (Instr. 2019001850). This monument was believed to have been set in the platting of Breeden Road Administrative Subdivision performed by Phillip O. Tapp For Condor dated January 8th, 2009. The record was measured between this monument and the monument described in line "J" is 574.67 feet versus 574.50 feet respectively. This monument was accepted and held as said corner.

J. A 5/8 inch diameter rebar was found flush with grade marking the Southeast corner of the land now or formerly owned by Erler (Instr. 2019001850) and on the prior 30.00 foot dedicated right-of-way for S. Breeden Road. This monument was believed to have been set in the platting of Breeden Road Administrative Subdivision performed by Phillip O. Tapp For Condor dated January 8th, 2009. This monument was accepted and held as said corner.

KJ. A 3/4 inch diameter iron pin was found 16 inches above grade marking the Southeast corner of Section 7, Township 7 North, Range 2 West. The origin of this pin is unknown, however was found to be referenced in a survey performed by Matthew G. Badger for Cornwell dated June 21st, 2011. This iron pin was believed to have replaced a stone that was called for in several surveys in the area and was found to agree with the monument record in the office of the Monroe County Surveyor as Corner I.D. "InCr E-09". This monument was accepted and held as said corner.

SURVEY DESCRIPTION

A part of the Southeast quarter and a part of the Southwest quarter of Section 7, Township 7 North, Range 2 West of the Second Principal Meridian in Monroe County, Indiana, being that 55.52 acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of survey as Deckard Land Surveying Job No. 20-189, being more particularly described as follows:

Commencing at an iron marking the Southeast corner of said Section 7, Township 7 North, Range 2 West; thence along the south line of said Section 7 South 89 degrees 53 minutes 02 seconds West for a distance of 831.77 feet to a rebar on the west right-of-way of the Milwaukee & Wisconsin River Railroad; thence South 89 degrees 53 minutes 02 seconds West for a distance of 574.50 feet to a rebar marking the Point of Beginning, thence continuing along said south line South 89 degrees 49 minutes 50 seconds West for a distance of 110.00 feet to a rebar marking the Southeast corner of said Section 7, the quarter of said Section 7; thence continuing along said south line of Section 7 South 87 degrees 37 minutes 26 seconds West for a distance of 193.6 feet to a rebar stamped "D" on the west right-of-way of the Milwaukee & Wisconsin River Railroad; thence South 87 degrees 37 minutes 26 seconds West for a distance of 1419.40 feet to a pipe; thence South 86 degrees 08 minutes 03 seconds East for a distance of 2001.56 feet to a rebar stamped "Deckard" on the west right-of-way of the Milwaukee & Wisconsin River Railroad; thence South 86 degrees 08 minutes 03 seconds East for a distance of 15.00 feet to the prior dedicated west-right-of-way of S. Brecken Road, thence the following three (3) courses along said prior dedicated right-of-way: 1. South 86 degrees 08 minutes 03 seconds East for a distance of 423.87 feet; 2. South 86 degrees 57 minutes 09 seconds West for a distance of 423.87 feet; 3. South 06 degrees 47 minutes 09 seconds West for a distance of 316.26 feet to a rebar stamped "Tipp" on the west right-of-way of the Milwaukee & Wisconsin River Railroad; thence South 06 degrees 47 minutes 09 seconds West for a distance of 515.36 feet to a rebar, passing through a rebar stamped "Deckard" on the west right-of-way of S. Brecken Road at N 11.1 feet; thence South 06 degrees 47 minutes 09 seconds West for a distance of 199.35 feet to the Point of Beginning, containing an area of 55.52 acres, more or less.

Subject to the 45 foot dedicated right-of-way of S. Breeden Road and all legal easements of record. Acreage less dedicated right-of-way is 55.21 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 _____, 2021.

Eric L. Deckard
Registered Surveyor LS 29900012
State of Indiana

DALLAS & JANET CONDER
MINOR SUBDIVISION
A PART OF SECTION 7 T7N, R2W

[illegible]

SUBMITTED	RECEIVED	DATE
ZW & CD	ZHW	ELD

20-189
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OF
2
03/25/21
BNDY.SHT

2889022667 MSPL \$20.00
02/23/2009 02:19:48P 1 P03
Eric Schmitz
Nonroe County Recorder IN
Recorded as Presented

REPORT OF SURVEY
#6128

In accordance with Title 865, 1-12-1 through 1-12-29 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- Variances in the reference monuments;
- Discrepancies in record descriptions and plans;
- 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 established this survey is within the specifications for a Class D Survey (1.00 feet) as defined in IAC 865.

This survey was performed at the request of Dallas Conder to do a 2 lot administrative subdivision on his property in DOC. NO. 2007008487, Office of the Recorder, Monroe County, IN. The west and north line of the subject tract will not be surveyed since it does not affect the new boundary for the new 5 acre tract.

MONUMENTS FOUND:

1. Southeast corner, Section 7, Township 7 North, Range 2 West. Stone, 6-in x 6-in, 18" tall leaning south.
2. Southwest corner, Southeast quarter, Section 7, Township 7 North, Range 2 West. 1/2-in-toe called for in adjoining deed to the south. Also found a stone 4 feet north of road that is 6-in x 6-in, 12-in tall, which would appear to be the actual old monument.
3. Actual location of fence lines and road centerline of Brodus Road.
4. Southeast corner of subject tract, railroad spike, 0.2 feet deep.

ESTABLISHMENT OF LINES AND CORNERS

1. Held the stone at the southeast corner of Section 7 and the red at the south quarter corner as good. Also used the railroad spike at subject southeast corner as good. The railroad spike was on line with the stone and red and at the record distance.
2. Held the subunit location of Brecken Road and adjusted the deed calls to fit the centerline.
3. Set the lines of the new 5-acre tract as requested per client. Did not survey the subject west and north line as requested by client since they had no effect on the new parcel being created.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

Due to variances in reference monuments; 1 foot in all directions

Due to discrepancies in the record description, The subject legal misclosed 6 feet north and south. This was adjusted along road centerline to match road and close mathematically.

Due to inconsistencies on lines of occupation; Fence lines not shown

DULY ENTERED
FOR TAXATION

FEB 23 2009

Auditor Monroe County, Indiana

This survey was executed according to survey requirements contained in Sections 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of encasement have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown herein was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this 10 day of سول, 200

Plp-32

Philip D. Tapp
Registered Land Surveyor No. LS87900014
State of Indiana



app & Company, Inc. I

5040 Lizzy Lane
Bloomington, IN 47403
908.640.0000 • Fax: 908.625.8700

3.21-2022 17783.812/3422-2100

DATE: 1-06-09
JOB NO. 6128
SHEET 1 OF 1

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Philip O. Tapp

Philip C. Tapp & Company, Inc.
5040 Lizzy Lane
Bloomington, IN 47403
Phone: 812-327-8622 • Fax: 812-825-5700



MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date: August 19, 2021

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-21-7	Addison Sliding Scale Subdivision Preliminary Plat	3-Lot Sliding Scale Subdivision Preliminary Plat

The Subdivision Control Ordinance shall be interpreted, administered and enforced in a manner that is consistent with Chapter 850-3.

PLAT COMMITTEE	<input checked="" type="checkbox"/> Recommendation	<input type="checkbox"/> Decision
RECOMMENDED MOTION	Approval	Planner: Rebecca Payne
<i>Recommended Motion Conditions or Reasoning:</i> Positive recommendation to the Plan Commission based on the finding that the proposed preliminary plat and plat vacation from the Swartz Ridge Subdivision meets the Subdivision Control Ordinance and subject to the MS4 Coordinator and Highway Engineer reports.		

Waiver(s) Requested:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes:	Sidewalk waiver and street tree waiver
Waiver of Final Hearing Requested:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Plat Vacation:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Partial <input type="checkbox"/> Yes:	

PETITIONER	Eric Deckard, Deckard Land Surveying	
OWNERS	Rinker, Teri Addison; Deckard, Cletis M	
ADDRESS	3863 S Swartz Ridge Rd; 53-07-18-400-009.000-014	
TOWNSHIP + SECTION	Salt Creek; 18	
PLATS	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Swartz Ridge Subdivision Final Plat	
ACREAGE +/-	22.26 +/- acres	
	PETITION SITE	ADJACENT
ZONING	Forest Reserve (FR)/ECO Area 3	FR/ECO Area 3
CDO ZONE	Rural Residential; Farm & Forest	Rural Residential; Farm & Forest
USE	Residential	Residential

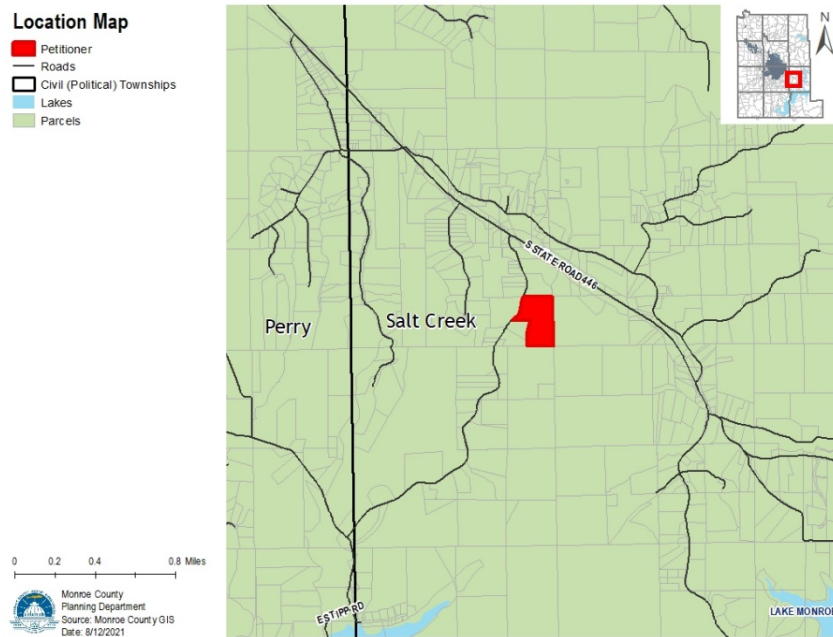
SUMMARY

The petitioner is proposing a 3-lot Sliding Scale Subdivision Preliminary Plat with a partial plat vacation and no waiver requests.

DISCUSSION

The proposed subdivision will create three lots out of 22.26 acres. Lot 1 will have 3.76 acres, Lot 2 will have 6.12 acres and Lot 3 will have 12.36 acres. Lot 3 is the designated Parent Parcel Remainder. 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. This restriction shall be recorded on the Final Plat and incorporated as a Recorded Commitment (which states the day, year and month in which the Parent Parcel Remainder becomes eligible for further subdivision) referenced on any deed conveying the Parent Parcel Remainder.

Driveway permit applications have been submitted and will be approved pending Final Plat. Existing driveway entrance is to be shared between Lot #1, Lot #2 & Lot #3 and shall meet the specifications of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way within one (1) year of recording the Final Plat. See permit #'s RW-21-197, RW-21-198 & RW-21-199. Lot 1 contains a Sinkhole Conservancy Area (SCA).



Below is a summary of the lot configurations and requirement.

	Lot 1	Lot 2	Lot 3 (Parent Parcel Remainder)
Acreage / Min Req'd. (+/-)	3.76 acres / 2.5 acres	6.12 acres / 2.5 acres	12.36 Acres/2.5 required
Wastewater	WW-21-200	WW-21-199	WW-21-198
Property Access	S Swartz Ridge RD; existing driveway; Centerline 50' Ingress/Egress & UE	S Swartz Ridge RD; existing driveway; Centerline 50' Ingress/Egress & UE	50' wide Ingress/Egress off of S Swartz Ridge RD
R/W Dedication; S Swartz Ridge RD (minor collector)	Yes = 75'	Yes = 50'	No
Environmental Conditions	Sink hole; steep slopes > 15%	Steep slopes > 15%	Steep slopes > 15%
Existing Structure(s)	SFR with porch, Pond, Gravel Drive	Shed	Vacant

EXHIBITS - Immediately following report


1. County Slope & Site Conditions Map
2. Site Photos
3. Addison Sliding Scale Subdivision Preliminary Plat (2 pages)


4. Swartz Ridge Subdivision Final Plat
EXHIBIT 1

Site Conditions Map

- Minor Collector [60']
- Petitioner
- 2-Foot Contours
- 15% Slope (County/ECO2)**
- 0 - 15
- > 15
- 18% Slope (ECO3)**
- 0 - 18
- > 19
- Local Roads [50']
- Hydrologic Features
- Parcels

0 60 120 240 Feet



 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 8/12/2021

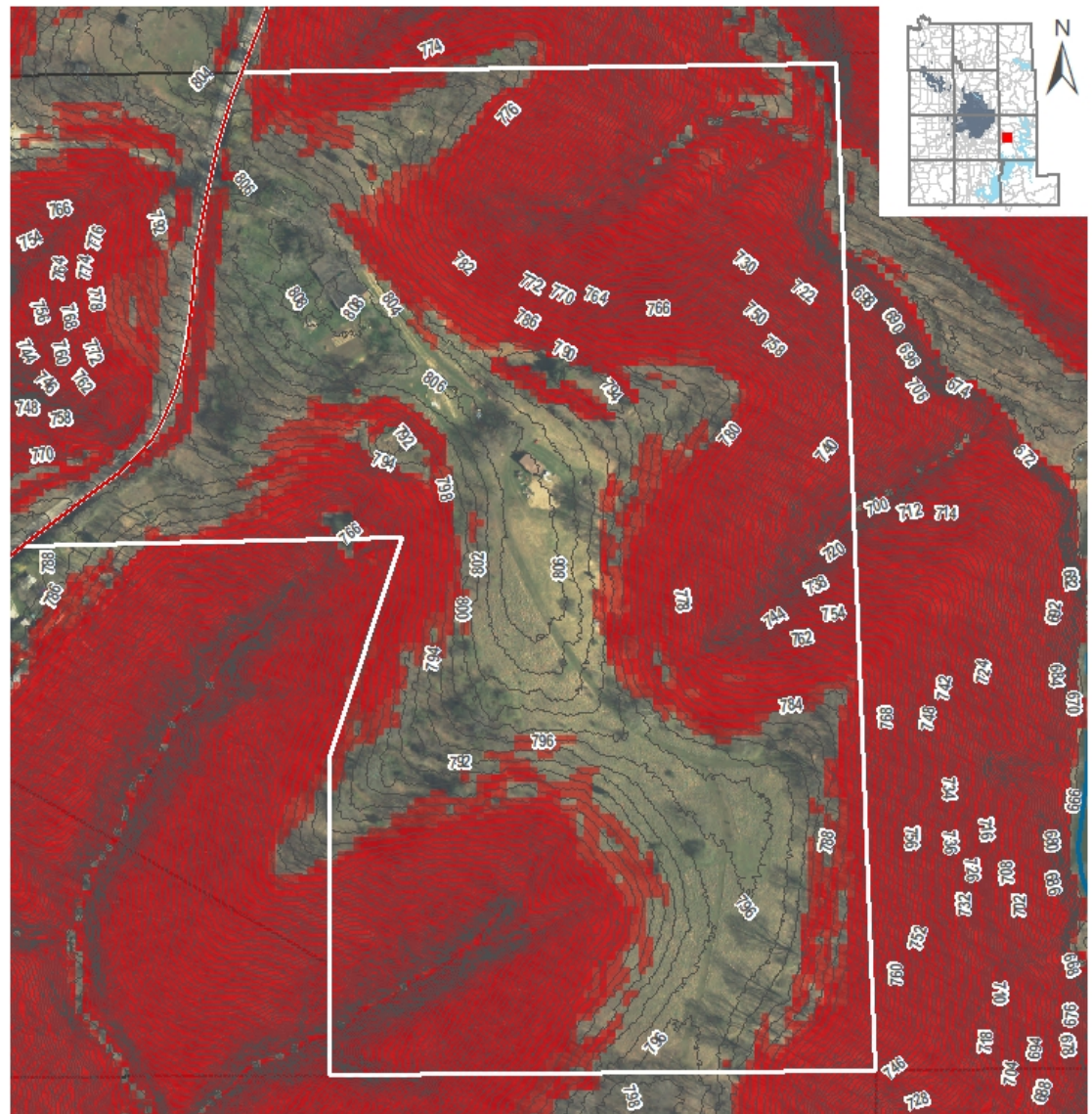


EXHIBIT 2



Figure 1: Aerial photo

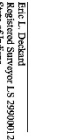
LOW INSLIF 6.4
RANGE 1 E
SECTION 18

- DEVELOPER, APPLICANT &/OR OWNER**
CLETIS DECKARD
 3463 S. SWARTZ RIDGE ROAD
 BLOOMINGTON, IN 47401
 (812) 360-6990

3

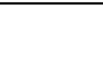
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"Crestmont"
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	DATE	EX-117
		ADDISON
		SLIDING SCALE SUBDIVISION
		A PART OF SECTION 18 T8N, R

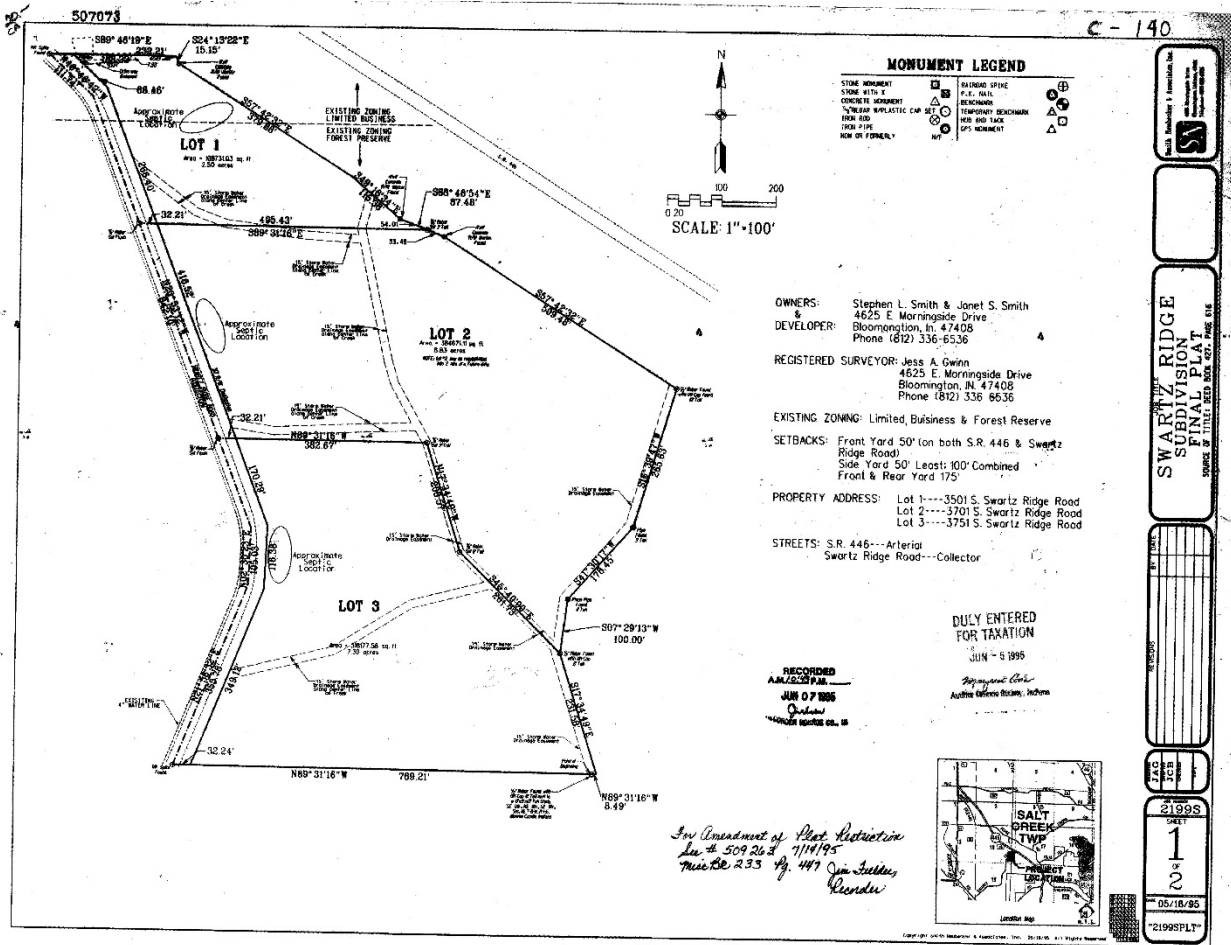


THE PHONE (812) 641-4031
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THE PHONE (812) 641-4031
FAX (812) 641-4031



EXHIBIT 6





MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date:

August 19, 2021

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-21-10	Meska/Storms Minor Subdivision	2-Lot Minor Subdivision Preliminary Plat

The Subdivision Control Ordinance shall be interpreted, administered and enforced in a manner that is consistent with Chapter 850-3.

PLAT COMMITTEE	<input checked="" type="checkbox"/> Recommendation	<input type="checkbox"/> Decision
RECOMMENDED MOTION	Approval with Conditions	Planner: Drew Myers
<p><i>Recommended Motion Conditions or Reasoning:</i></p> <p><u>Approve</u> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The petitioner address the concerns stated by the MS4 Coordinator by submitting a certified site plan for the construction of the driveway to ensure no potential SCAs are encroached upon. 2. The petitioner submit appropriate Rule 5 permit documentation if construction of cul-de-sac and private access drive disturb more than 1 acre. <p><u>Approve</u> the sidewalk waiver request based on findings of fact.</p> <p><u>Deny</u> street tree waiver request based on findings of fact.</p>		

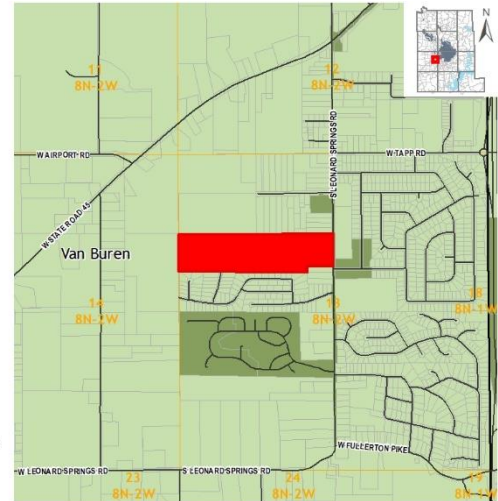
Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Sidewalk waiver and street tree waiver
Waiver of Final Hearing Requested:	<input type="checkbox"/> N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Plat Vacation:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Partial <input type="checkbox"/> Yes:	

PETITIONER	Eric Deckard, Deckard Land Surveying	
OWNERS	Meska, Michael J & Kathleen E; Storms, Jason & Katie	
ADDRESS	3110 S Leonard Springs RD; 53-09-13-200-037.000-015	
TOWNSHIP + SECTION	Van Buren; 13	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	37.85 +/- acres	
	PETITION SITE	ADJACENT
ZONING	RE1	RE1, RM15, PUD-Cedar Chase, AG/RR
CDO ZONE	MCUA Mixed Residential; MCUA Conservation Residential	MCUA Mixed Residential, MCUA Conservation Residential, MCUA Suburban Residential, MCUA Open Space
USE	Residential / Agricultural	Residential / Agricultural

SUMMARY
The petitioner is proposing a 2-lot Minor Subdivision Preliminary Plat with two waiver requests: sidewalk waiver and street tree waiver.

DISCUSSION

The proposed subdivision will create two lots out of 37.85 acres. Lot 1 will have 18.39 acres while Lot 2 will have 19.46 acres. Access to proposed Lot 2 will stem from S Omaha Crossing Drive to the south via a new cul-de-sac. A 50' ingress/egress easement will extend from the cul-de-sac to provide access to property adjacent to the north owned by Phillips. If the construction of the cul-de-sac and driveway within the easement will disturb more than 1 acre, that work will require a Rule 5 permit. MS4 Coordinator has stated concern regarding SCAs near ingress/egress easement and may request an alternative route based upon surveyed topographical lines.



Two waiver requests were submitted with this subdivision petition: sidewalk and street tree waivers. The sidewalk waiver is requested only for the length of property along S Leonard Springs RD. Sidewalks are to be constructed around the proposed cul-de-sac (Exhibit 6).

Below is a summary of the lot configurations and requirement.








	Lot 1	Lot 2
Acreage / Min Req'd. (+/-)	18.39 acres / 10 acres	19.46 acres / 10 acres
Wastewater	Access to sewer (capacity letter needed)	Access to sewer (capacity letter needed)
Property Access	S Leonard Springs RD; existing driveway	S Omaha Crossing DR; proposed cul-de-sac
R/W Dedication; S Leonard Springs RD (minor arterial) S Omaha Crossing DR (local)	Yes = 75'	Yes = 50'
Environmental Conditions	Sink holes; steep slopes > 15%	Sink holes; steep slopes > 15%
Existing Structure(s)	SFR, pole barn, 3 utility sheds	Vacant

EXHIBITS - Immediately following report

1. County Slope & Site Conditions Map
2. Site Photos
3. Planning Staff Findings of Fact
4. Petitioner Waiver Findings of Fact
5. Meska/Storms Minor Subdivision Preliminary Plat (2 pages)
6. Cul-de-sac Design Plans
7. Alternative Transportation Plan

EXHIBIT 1

Slope Map

-  Minor Arterial [100]
-  Petitioner
-  Roads
-  Parcels
-  10-Foot Contours
- 15% Slope (2010)**
-  0 - 15
-  > 15

PARCEL #:
53-09-13-200-037.000-015

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

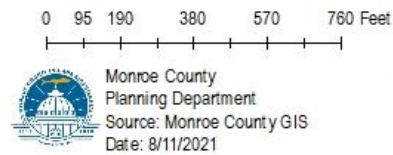


EXHIBIT 2

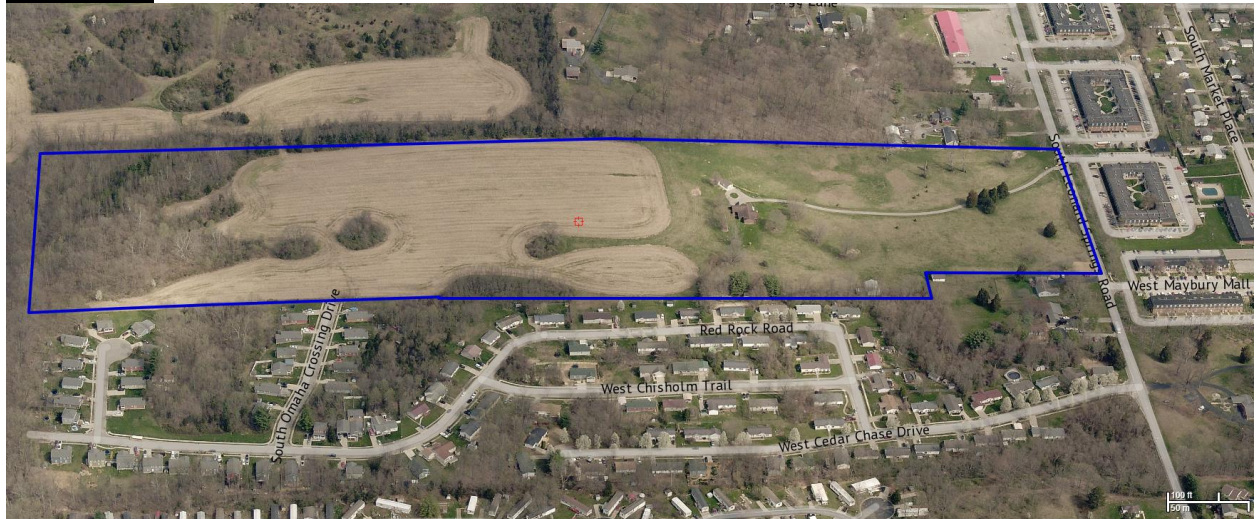


Photo 1: Aerial pictometry from the south

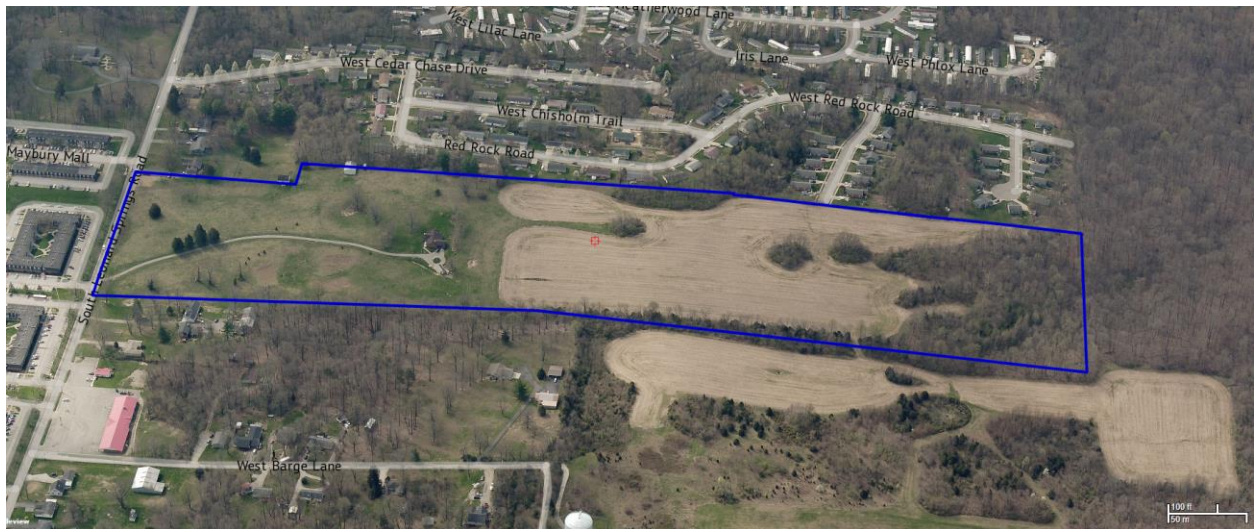


Photo 2: Aerial pictometry from the north

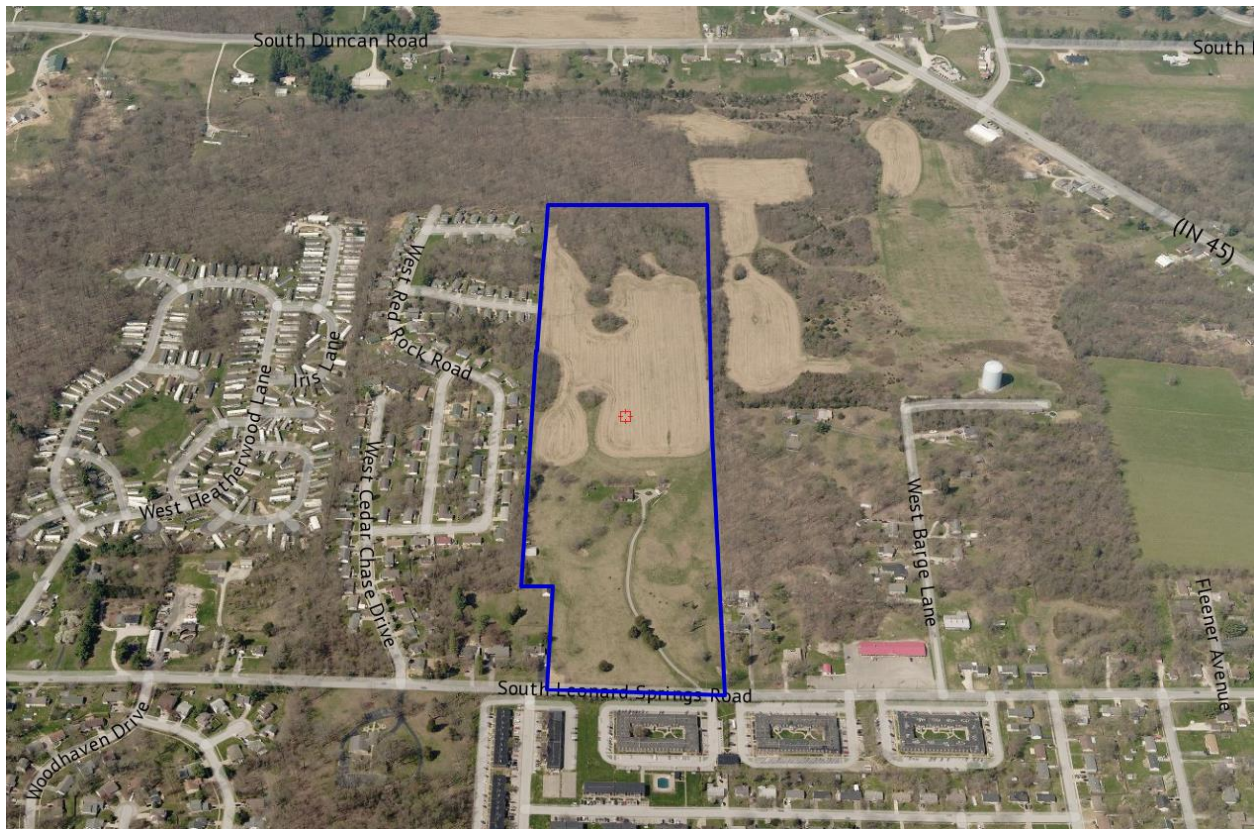


Photo 3. Aerial pictometry from the east

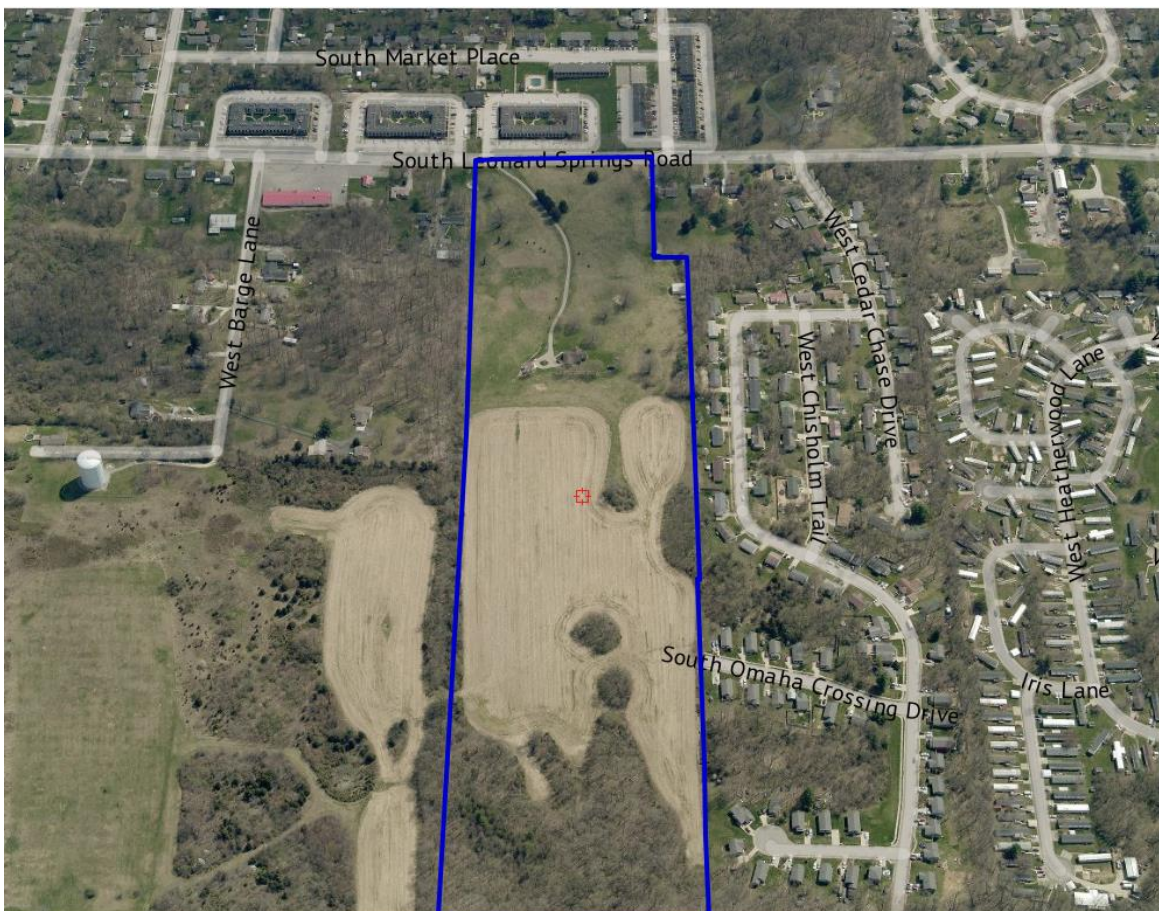


Photo 4. Aerial pictometry from the west

EXHIBIT 3
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 petition site is one 37.85 +/- acre parcel;
- The petition site is not in a platted subdivision;
- The site is zoned Estate Residential 1 (RE1);
- The preliminary plat amendment request is to subdivide the property into two new lots with the following details:
 - LOT 1: 18.39 acres (17.43 acres after R/W dedication); LOT 2: 19.46 acres (19.27 acres after R/W dedication);
- The preliminary plat amendment requests to waive the sidewalk requirements along S Leonard Springs RD and the street tree requirements;
- The construction of a cul-de-sac on S Omaha Crossing Drive is required to establish access to proposed LOT 2;

- (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 eastern half of the petition site as Mixed Residential in the Monroe County Urbanizing Area Plan;
- The Comprehensive Plan designates the western half of the petition site as Conservation Residential in the Monroe County Urbanizing Area Plan;
- See findings under Section A;

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

Findings

- The Highway Department has submitted comments in regards to the completion of public improvements including the buildout of a cul-de-sac on S Omaha Crossing DR;
- The Highway Department requests that the sidewalks along the cul-de-sac are ADA compliant;
- The MS4 Coordinator requests a reevaluation of the surveyed topography along the 50' ingress/egress easement through proposed LOT 2, to ensure no sinkholes are disturbed;
- See findings under Section A;

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

Findings

- The site is zoned Estate Residential 1 (RE1);
- Neighboring properties are zoned RE1 to the north, RM15 to the east, PUD – Cedar Chase to the south, and AG/RR to the west;
- 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

- Sinkhole Conservancy Areas (SCAs) are delineated on the preliminary plat;
- See findings under Sections A & C;

(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. County Surveyor has also reviewed the plat for survey accuracy;

(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, a final plat will be required to be recorded as the result of the proposed preliminary plat amendment process;

FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT

The petitioner has requested a waiver from the Sidewalks requirement, outlined in Ch. 856-40 which reads:

- A. Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way on both sides of all streets when any of the following are applicable:
- (1) **The proposed subdivision has road frontage or the streets will connect with an existing or proposed subdivision or business development that has sidewalks, or;**
 - (2) A proposed major subdivision will be located within an area that is subject to the Business and Industrial Overlay as defined in Chapter 802 of the Zoning Ordinance, or;
 - (3) **The proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;**
 - (4) The proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or;
 - (5) The proposed subdivision has frontage on a street that provides direct access to destinations such as schools, recreational facilities, etc. OR a proposed subdivision is within 1 mile radius of destinations such as schools, recreational facilities, etc., or;
 - (6) A proposed subdivision will result in the creation of at least five lots where any of the lots in the proposed subdivision are less than 2.5 acres in size.
- B. Additionally, the Plan Commission may approve an alternate circulation plan, outside of the right-of-way, if sidewalk and/or access easement (for sidewalks, bikepaths, public access, private access, etc.) locations are clearly identified on the plat. This alternative circulation network may be constructed with an alternative material, approved by the County Highway Engineer that does not comply with Sections C - G of this section.
- C. Concrete curbs, with ramped access, are required for all streets where sidewalks are required.
- D. A grassed or landscaped median strip at least two (2) feet wide shall separate all sidewalks from adjacent curbs. The median strip shall be improved in accordance with these regulations. This requirement may be waived if the sidewalk widths specified below are increased by two (2) feet and a concrete barrier curb is used.

- E. In order to facilitate pedestrian access from the street to schools, parks, playgrounds, or other nearby streets, the Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Such easements shall be indicated on both the preliminary and final plats.
- F. For residential subdivisions, sidewalks shall be constructed to the following widths:
- (1) four (4) feet for local streets;
 - (2) five (5) feet for collector streets; and,
 - (3) five (5) feet for arterial streets.
- For non-residential subdivisions, sidewalks shall be constructed to a width of five (5) feet.
- G. All sidewalks shall be reinforced with steel and shall be designed and completed in accordance with Americans with Disabilities Act standards and in accordance with the Indiana Department of Transportation Road Design Manual.

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:

(Also see EXHIBIT 4 Petitioner Findings of Fact)

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner is requesting the sidewalk provisions of Chapter 856-40 to be waived along the frontage of S Leonard Springs RD;
- The petitioner is required to install sidewalks along the frontage of the two proposed lots as the property...
 - Has road frontage or the streets will connect with an existing or proposed subdivision or business development that has sidewalks;
 - Is within the Urban Service boundary as shown in the comprehensive plan;
- The property adjoins the Bloomington rail trail and could provide an easement for the neighborhood to more easily access the trail;
- There are sidewalks all throughout the Cedar Chase PUD subdivision adjacent to the south;
- There are no sidewalks along the west side of S Leonard Springs RD between W State Road 45 and W Heatherwood LN;
- There are sidewalks along the east side of S Leonard Springs RD, but do not begin for approximately 827’ north and approximately 1,080’ south of the petition site;

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:

- The petitioner is meeting the requirements of the Zoning Ordinance, Comprehensive Plan, and Subdivision Control Ordinance other than the two requested subdivision waivers for sidewalks and street trees;

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:

- Utilities are already installed for proposed Lot 1
- See Findings 1 & 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 1, 2, & 3;

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:

- There are practical difficulties in installing sidewalks along the frontage of S Leonard Springs RD;
- The area where sidewalks would be installed along the frontage of S Leonard Springs RD is not part of the Alternative Transportation Plan (Exhibit 7);
- Sidewalks do not exist on the west side of S Leonard Springs RD between W State Road 45 and W Heatherwood LN;
- Sidewalks exist on the east side of S Leonard Springs RD, but do not begin for approximately 827' north and approximately 1,080' south of the petition site;

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

Findings:

- The purpose of the sidewalk requirement is to allow for pedestrian connectivity and safety that adds value to the County;
- The petitioner still intends to construct sidewalks along the cul-de-sac to establish pedestrian connectivity with the Cedar Chase PUD subdivision;

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 sidewalk waiver is the one of two modifications requested for this subdivision;

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

Findings:

- Practical difficulties have been identified;

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.

FINDINGS OF FACT – WAIVER OF STREET TREE REQUIREMENT

The petitioner has requested a waiver from the Street Tree requirement, outlined in 856-43 which reads:

(B) As a requirement of final approval, the applicant shall plant and/or preserve trees on the property or the subdivision in accordance with the following:

(1) Street trees shall be planted or preserved within five (5) feet of the right-ofway of the street or streets within and abutting the subdivision, or at the discretion of the Plan Commission and the County Engineer, within the rightof-

way of such streets. One tree shall be planted or preserved for every forty (40) feet of frontage along each street. Such trees shall be planted or preserved when any of the following are applicable:

- a. the proposed subdivision will connect with an existing or proposed subdivision or business development that has street trees, or has adjoining road frontage to a street that has street trees, or;
- b. a proposed major subdivision will be located within an area that is subject to the Business and Industrial Overlay as defined in Chapter 802 of the Zoning Ordinance, or;
- c. the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;**
- d. the proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or
- e. a proposed subdivision will result in the creation of at least five lots where any of the lots in the proposed subdivision are less than 2.5 acres in size**

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 the street tree provisions of Chapter 856-43 to be waived that require the installation of street trees every 40 feet within 5 feet of right-of-way;
- For 560’ of road frontage along S Leonard Springs RD, the petitioner is required to plant fourteen (14) street trees;
- For 314’ of road frontage along the cul-de-sac of S Omaha Crossing DR, the petitioner is required to plant eight (8) street trees;
- Street trees are present intermittently along both the east and west sides of S Leonard Springs RD between W State Road 45 and W Fullerton Pike;
- The Cedar Chase PUD Subdivision adjacent to the south exhibits intermittent street trees throughout the subdivision;

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:

- The petitioner is meeting the requirements of the Zoning Ordinance, Comprehensive Plan, and Subdivision Control Ordinance other than the two requested subdivision waivers for sidewalks and street trees;

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:

- Utilities are already installed for proposed Lot 1;
- There are other current mature trees and landscaping on the proposed lots that match the other lots in Hays 1st Addition

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

Findings:

- Street trees are present intermittently along both the east and west sides of S Leonard Springs RD between W State Road 45 and W Fullerton Pike;
- The Cedar Chase PUD Subdivision adjacent to the south exhibits intermittent street trees throughout the subdivision;

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:

- There are no practical difficulties for street trees along S Leonard Springs RD or along the cul-de-sac stemming from S Omaha Crossing DR;

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

Findings:

- The purpose of the street tree requirement is to allow for preservation or planting of trees that add value to the County, provide environmental services, and are aesthetically pleasing;
- Requesting to waive the street tree requirement because planting street trees would change the look of the property or because it is expensive is not a practical difficulty;

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 street tree waiver is one of two modifications requested for this subdivision;

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

Findings:

- Practical difficulties have not been demonstrated;

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 4



Eric L. Deckard, LS

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

July 22, 2021

To: Members of the Monroe County Planning Department:

RE: Meska/Storms Minor Subdivision

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

These are my findings and recommendations.

Sidewalk Waiver. The property is within Mcua Mixed Residential boundary as shown in the comprehensive plan and is therefore required to provide sidewalks along the existing County Road frontage "Leonard Springs". We respectfully request consideration by the Plan Commission to waive the sidewalk requirement. This section of Leonard Springs Road does not contain sidewalks along the west side of the road, between State Road 45 and the subject property. The likely hood of sidewalk connectivity is believed to be slim, due to the need of right-of-way purchases by the county from individual landowners, approximately 28 owners, to allow for the construction of a new sidewalk. This area is moderately developed with small and large lots, and it would be challenging to get landowners to agree to sell property to construct new sidewalks. This minor subdivision will be creating two large lots mostly used for agriculture use, in a county zone of "RE1" that allows for 1 acre residential lots. It is my client's belief if or when this property is divided into smaller mostly for residential use lots would be the appropriate time to construct new sidewalks, that would allow the offset in cost and to distribute between the newly created parcels. Sidewalks in this area are mostly along the east side of Leonard Spring that propose problems to safety to cross the street to use a sidewalk on the subject property that does not have connectivity north or south of the subject property.

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 proposed area for the sidewalk is near to a very busy road that currently does not have sidewalks. The location of the sidewalk would require crossing Leonard Springs two times in order to continue using sidewalks in the area as a means of transportation.

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:

The purpose for the sidewalk requirement is for foot traffic to safely commute to and from areas. The current sidewalk location in the area are all along the east side of Leonard Springs. The possibility of future connectivity of the sidewalk is most unlikely.

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.):*

Leaving this area in its current condition would not negatively impact this area.

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 on west side of Road.

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:*

The location of the site would require a pedestrian to cross Leonard Spring at some point in order to walk to and from the areas. In order to cross Leonard Spring during busy times of travel would not be safe.

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

The opportunity for sidewalks should be evaluated on a case by case basis, and safety in this case should be considered.

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.

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

The practical difficulties are the result of the location of a public highway.

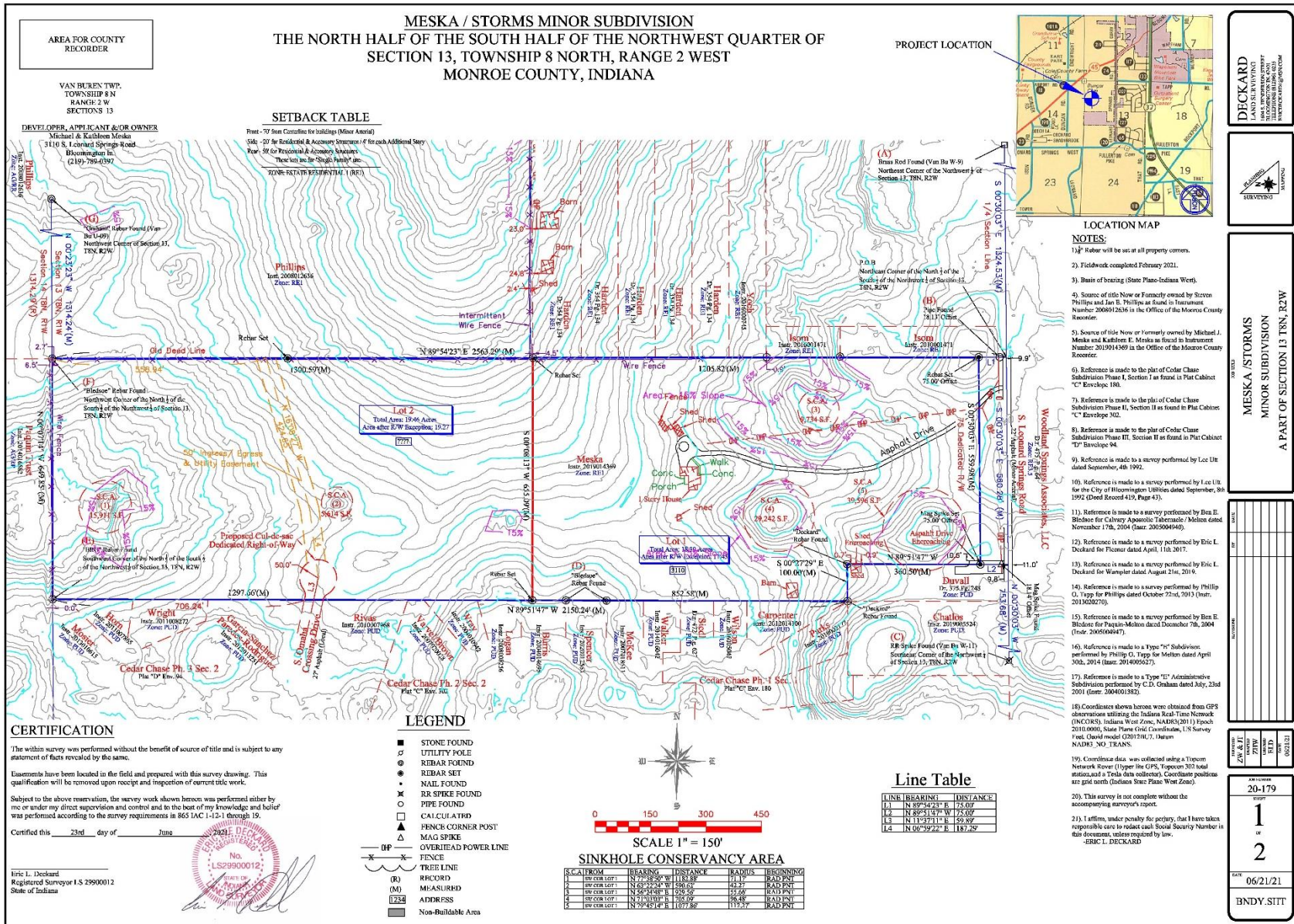
9. *the practical difficulties cannot be overcome through reasonable design alternatives:*

No other practical location for a sidewalk exists on this site at this time. Sidewalks would be better served at the time of future development.

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

Sincerely,
Eric L. Deckard L.S.

EXHIBIT 5



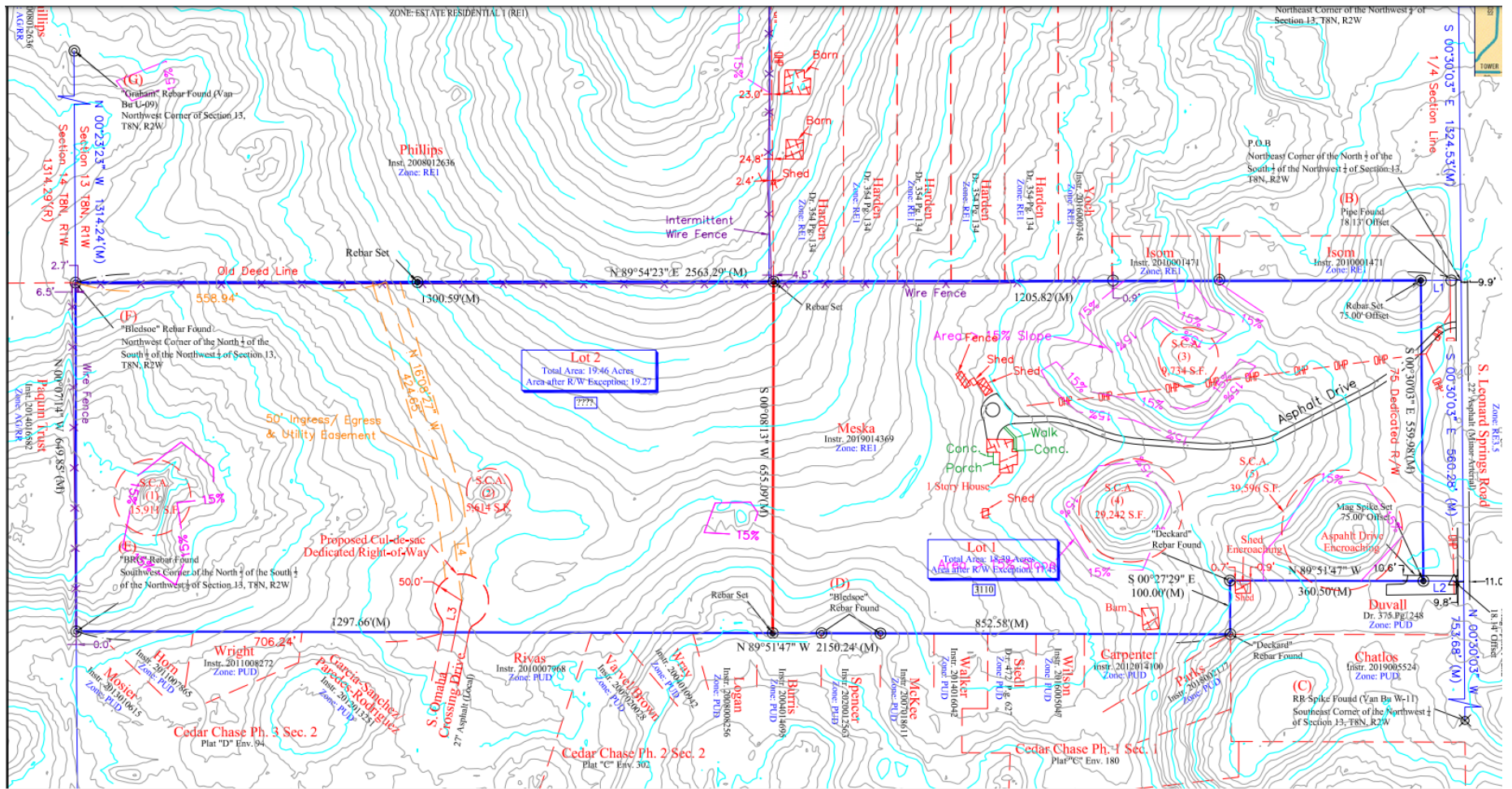


EXHIBIT 6

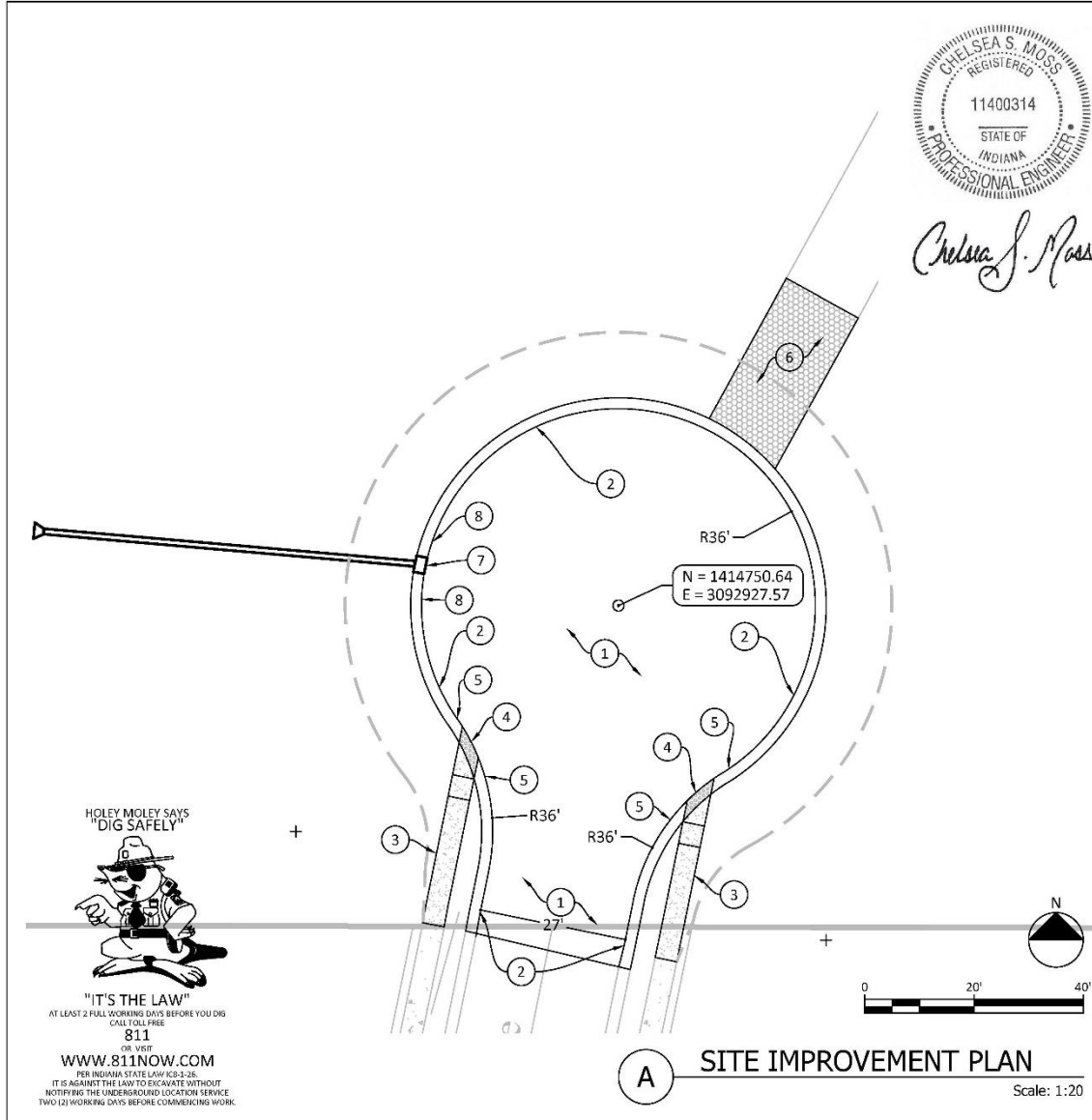
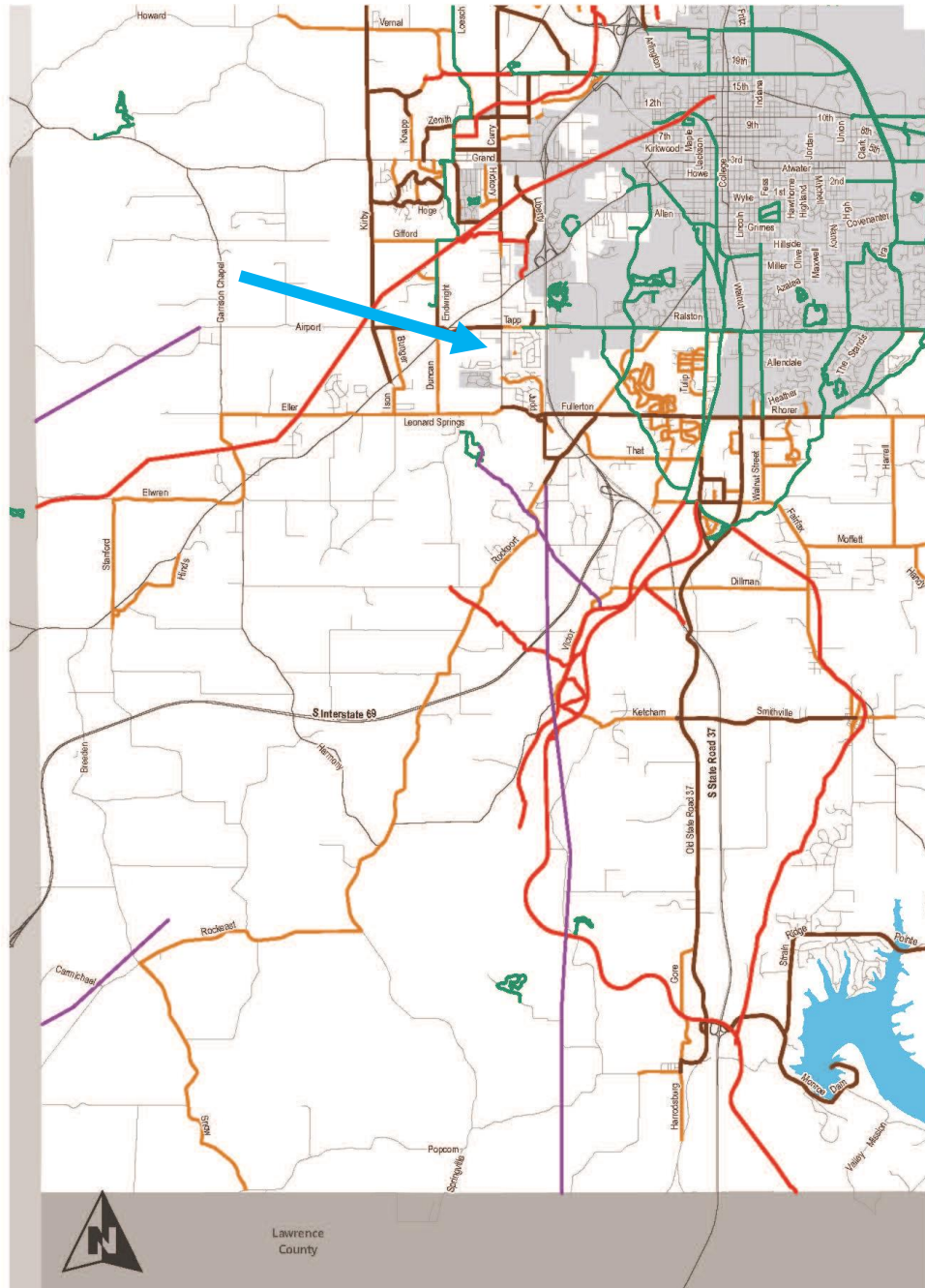


EXHIBIT 7



MONROE COUNTY VISION MAP -- SOUTH WEST

