

MONROE COUNTY PLAT COMMITTEE



**October 21, 2021
4:00 pm**

**Monroe County Government Center
Planning Department
501 N. Morton Street, Suite 100B
Bloomington, IN 47404**

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](https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQOIFLazRTQT09)

October 21, 2021

4:00 pm

REGULAR MEETING

ADMINISTRATIVE: None.

OLD BUSINESS: None

NEW BUSINESS:

- | | | |
|--------------------|--|----------------|
| 1. SMN-21-9 | Sciscoe Minor Subdivision Preliminary Plat
Plat Committee Decision.
Three (3) parcels on 3.9 acres +/- located in Section 20 of Perry Township at 400
and 410 W Church LN.
Owners: Mary M & Jonathan L Siscoe
Zoned RS3.5/PRO6. Contact dmyers@co.monroe.in.us | PAGE 3 |
|
 | | |
| 2. SSS-21-8 | Marvin R Smith Sliding Scale Subdivision Preliminary Plat
Road Width Waiver Request.
Utility Waiver Request.
Plat Committee Recommendation.
Three (3) parcels on 26.89 +/- acres located in Section 1 of Bean Blossom
Township at 9620 N Bowman RD.
Owners: Marvin R & Karen M Smith
Zoned AG/RR. Contact tbehrman@co.monroe.in.us | PAGE 14 |

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

Public Meeting

Date: October 21, 2021

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-21-9	Sciscoe Minor Subdivision	3-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 type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
RECOMMENDED MOTION	Approval with Conditions	Planner: Drew Myers
<p><i>Recommended Motion Conditions or Reasoning:</i> Approve 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 storage building near the western property line and located within the 50' ingress/egress easement is to be removed/relocated prior to final platting 2. All existing residential dwelling units must be connected to City of Bloomington sanitary sewer prior to approval of final plat 3. Petitioner's representative submit a final preliminary plat detailing street tree and sidewalk installation 		

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 checked="" type="checkbox"/> No <input type="checkbox"/> Partial <input type="checkbox"/> Yes:

PETITIONER	Eric Deckard, Deckard Land Surveying	
OWNERS	Sciscoe, Mary M; Sciscoe, Jonathan Lee; Sciscoe, Kelly Diane	
ADDRESS	400 & 410 W Church LN; 53-08-20-400-058.000-008, 53-08-20-400-059.000-008, 53-08-20-400-061.000-008, and 53-08-20-400-071.000-008	
TOWNSHIP + SECTION	Perry; 20	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	3.9 +/- acres	
	PETITION SITE	ADJACENT
ZONING	RS3.5/PRO6	RS3.5/PRO6 and PUD
CDO ZONE	MCUA Mixed Residential	MCUA Mixed Residential, MCUA Open Space
USE	Residential	Residential, Cemetery

SUMMARY

The petitioner is proposing a 3-lot Minor Subdivision Preliminary Plat with no waiver requests. Street tree plants and sidewalk construction along the petition site's frontage to W Church LN are required per Chapter 856.

DISCUSSION

The proposed subdivision will create three lots out of 3.9 acres. Lot 1 will have 0.98 acres, Lot 2 will have 1.70 acres, and Lot 3 will have 1.22 acres. Lot 1 contains an existing ~2,040 sq. ft. single family residence and a ~188 sq. ft. gazebo. Lot 2 contains an existing ~1,462 sq. ft. storage building and a ~1,024 sq. ft. storage building. Without a primary residence on the property, Lot 2 is limited to 875 sq. ft. for storage buildings. Therefore, the structures within Lot 2 are classified as pre-existing nonconforming. Lot 3 contains an existing ~1,393 sq. ft. 2-story two-family dwelling. Access to Lot 1 is achieved via an existing driveway entrance off W Church LN near the southeast corner of the petition site. Access to proposed Lot 2 and Lot 3 will stem from a 50' ingress/egress easement off W Church LN near the southwest corner of the petition site. An existing storage building is located within the 50' ingress/egress easement. This structure's removal or relocation outside of the 50' easement is listed as a condition of approval to the subdivision petition. An existing 25' drainage easement extends underneath the 50' ingress/egress easement. Maintenance of the drainage easement is the responsibility of the Church Lane HOA. As such, the MS4 Coordinator has stated that there will be no need to modify the existing drainage easement. A sanitary sewer line is located along the north side of W Church LN along the southern property line of the petition site.

Location Map
 ■ Petitioner
 — Roads
 □ Civil (Political) Townships
 ■ Parcels

0 0.05 0.1 0.2 Miles
 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 9/5/2021



Below is a summary of the lot configurations and requirement.







	LOT 1	LOT 2	LOT 3
Acreage (+/-)	0.98 acres	1.70 acres	1.22 acres
Wastewater	Access to sewer	Access to sewer	Access to sewer
Property Access	W Church LN; existing driveway	50' ingress/egress easement and existing driveway	50' ingress/egress easement and existing driveway
R/W Dedication; W Church LN (local)	Yes = 25'	N/A	N/A
Environmental Conditions	Area >15% = 0.02 acres	Area >15% = 0.08 acres	Area >15% = 0.02 acres
Existing Structure(s)	~2,040 sf 1-story dwelling; ~188 sf gazebo	~1,462 sf storage building; ~1,024 sf storage building	~1,393 sf 2-story dwelling

EXHIBITS - Immediately following report

1. County Slope & Site Conditions Map
2. Site Photos
3. Planning Staff Findings of Fact
4. Sciscoe Minor Subdivision Preliminary Plat
5. Capacity Letters

EXHIBIT 1: Slope Map

Slope Map

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

PARCEL #:
 53-08-20-400-058.000-008,
 53-08-20-400-059.000-008,
 53-08-20-400-061.000-008,
 53-08-20-400-071.000-008

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

0 30 60 120 180 240 Feet



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 8/11/2021

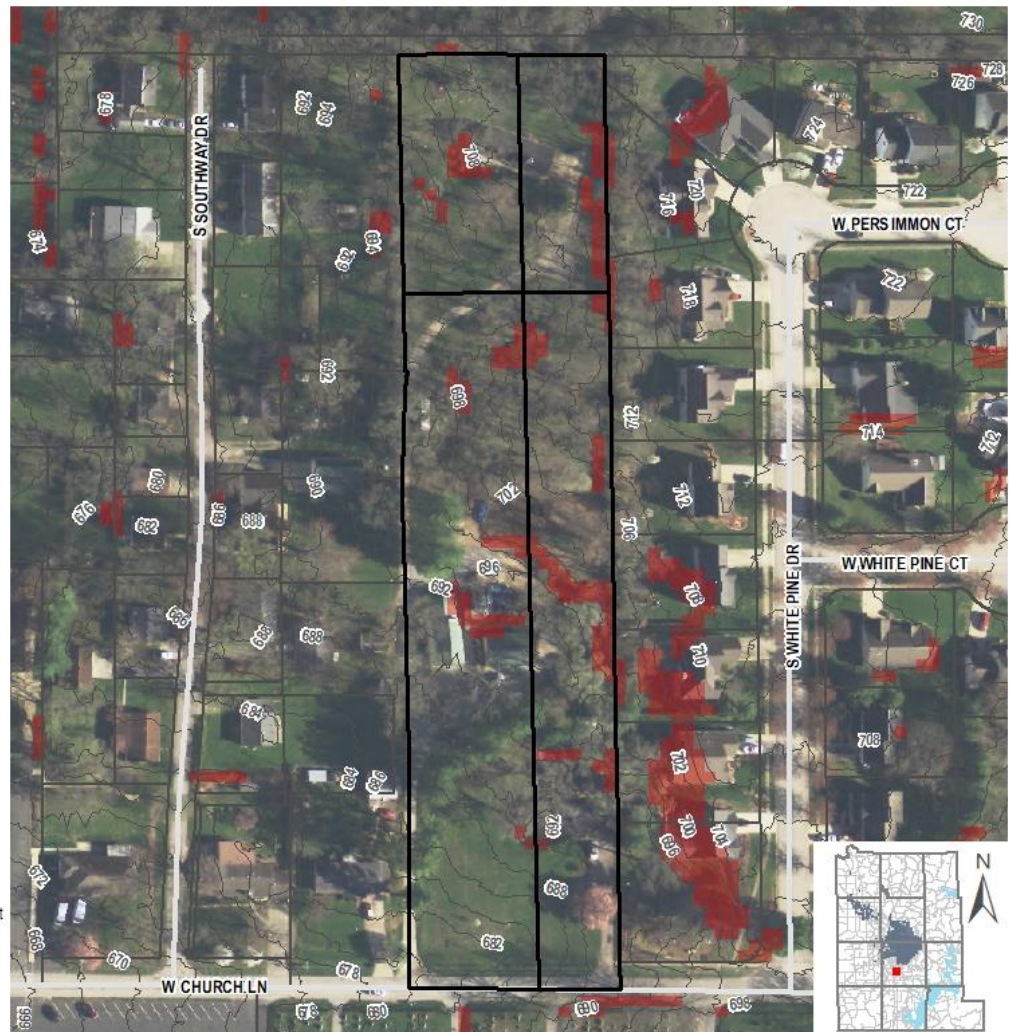


EXHIBIT 2: Site Photos

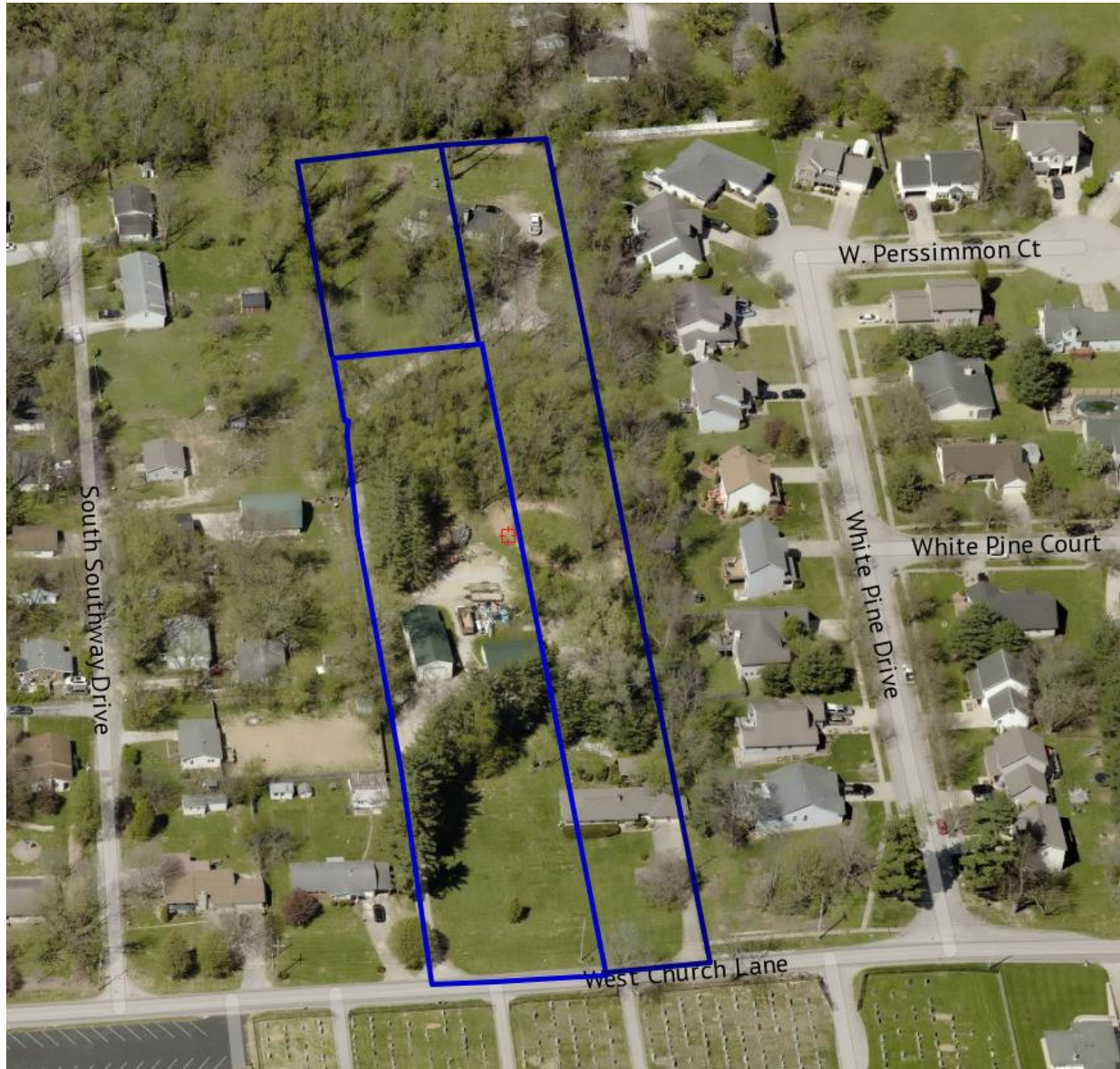


Photo 1: Aerial pictometry from the south

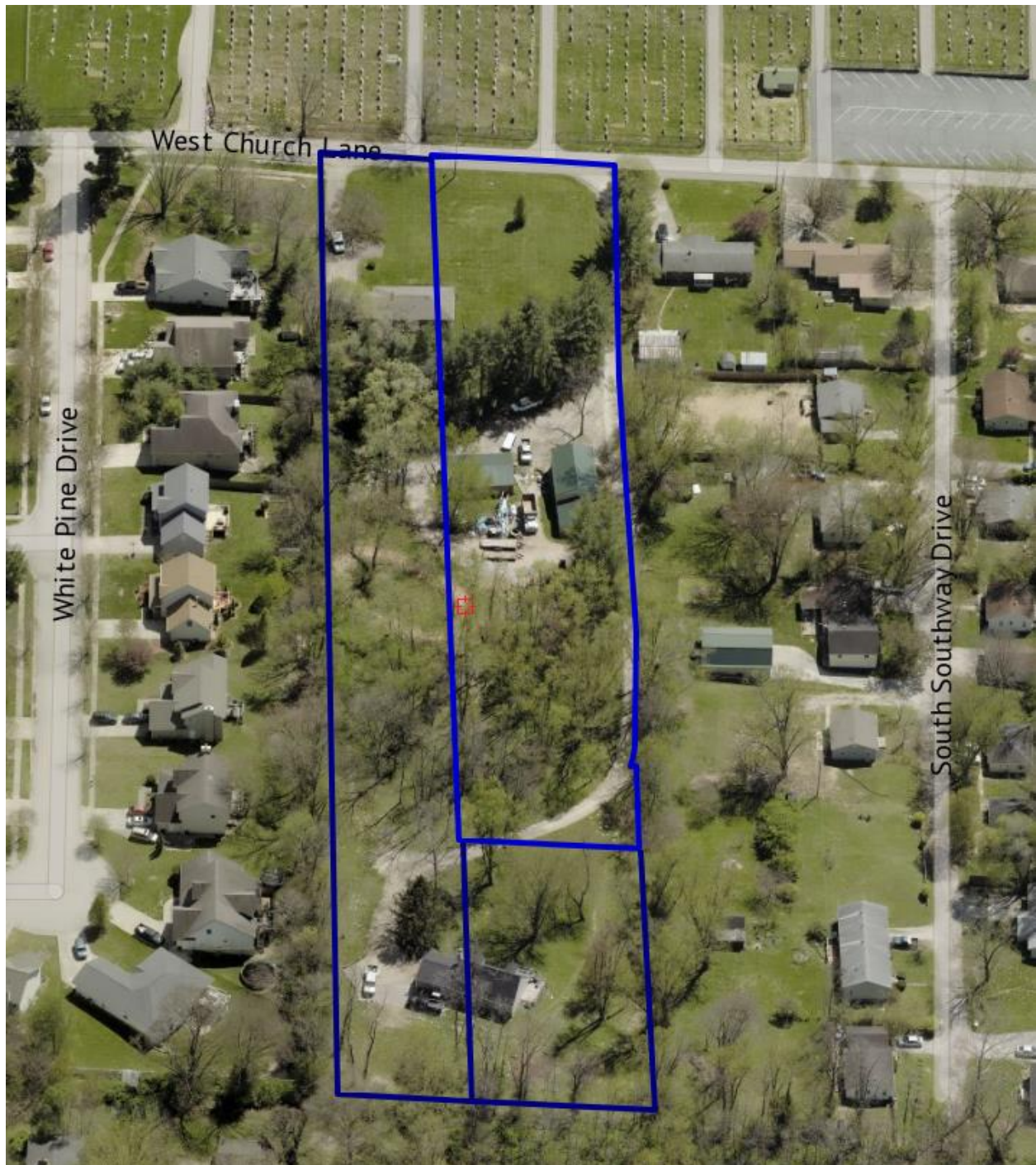


Photo 2: Aerial pictometry from the north



Photo 3. Google Maps street view



Photo 4. Google Maps street view

EXHIBIT 3: Findings of Fact

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 3.9 +/- acres currently depicted as four parcels;
- The petition site is not in a platted subdivision;
- The site is zoned Single Dwelling Residential 3.5 (RS3.5/PRO6);
- The preliminary plat request is to subdivide the property into three lots with the following details:
 - LOT 1: 0.98 acres; LOT 2: 1.70 acres; LOT 3: 1.22 acres;
- The preliminary plat does not request any waivers to the Subdivision Control Ordinance;
- Sidewalks and street trees along W Church LN frontage are to be installed per requirements of Chapter 856;
- Existing overhead power lines along W Church LN for the length of the petition site will be located within the 25' dedicated right-of-way;
- A 50' ingress, egress, and utility easement is delineated on the proposed preliminary plat, which satisfies the definition of Minor Subdivision;
- The existing storage building on proposed lot 2 is to be removed/relocated outside of the 50' ingress, egress, and utility easement;
- A sewer connection lines runs along the north side W Church LN at the location of the proposed subdivision;

- (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 petition site as Mixed 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 no comments in regards to the subdivision petition;
- The MS4 Coordinator states that there is no issue with the existing drainage easement and no need to modify its current configuration;
- 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 Single Dwelling Residential 3.5 (RS3.5/PRO6);
- Neighboring properties are zoned RS3.5/PRO6 to the north and west, PUD – Whispering Pines to the east, and ER to the south;
- The proposed subdivision will meet the applicable requirements of the Subdivision Control Ordinance;
- The proposed lots will meet the design standards for property zoned RS3.5/PRO6;

- 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

- The existing drainage easement from 1993 appears to be for access for the City to install a new driveway culvert;
- The existing drainage easement was likely created as a part of the Whispering Pines subdivision that was platted in 1994;
- The existing drainage easement states that the Church Lane HOA is responsible for maintenance;
- 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;

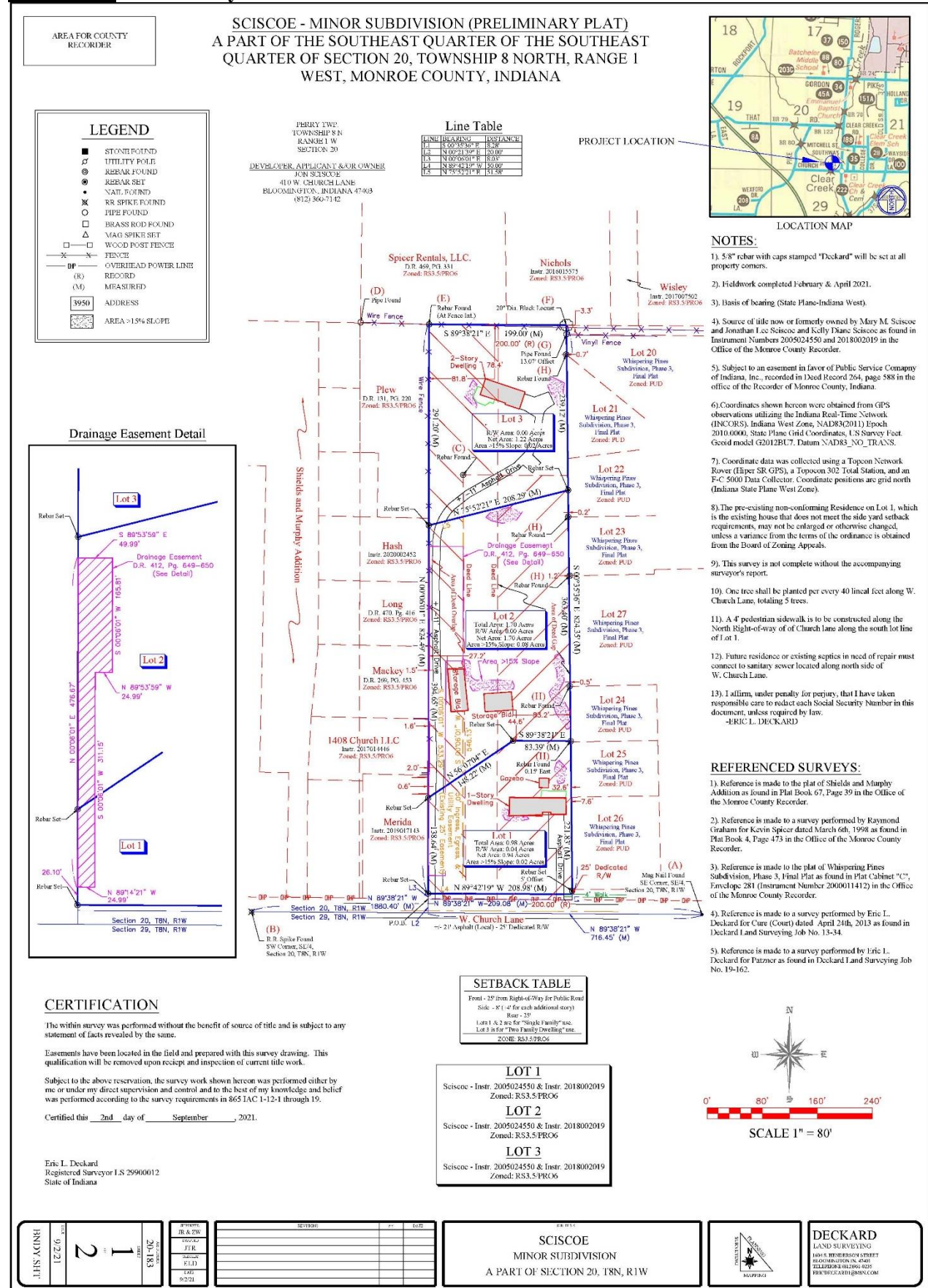


EXHIBIT 5

ericdeckard1@msn.com

From: Jon Sciscoe <jonsciscoexcavating@gmail.com>
Sent: Wednesday, June 02, 2021 7:51 AM
To: ericdeckard1@msn.com
Subject: Fwd: 400 W Church Ln, water/sewer

----- Forwarded message -----

From: Nancy Axsom <axsomn@bloomington.in.gov>
Date: Fri, May 7, 2021 at 9:56 AM
Subject: Fwd: 400 W Church Ln, water/sewer
To: <jonsciscoexcavating@gmail.com>

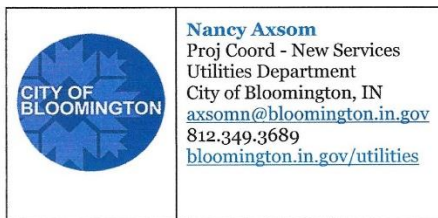
John,

CBU is the water and sewer provider for 400 W Church Ln.

Feel free to contact me if you have any questions.

Nancy

[Click Here to sign up for the Smart Meter Customer Portal!](#)



--
Kelly Sciscoe
Jon Sciscoe Excavating
410 W. Church Lane
Bloomington, IN. 47403
812-360-7142



MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date: October 21, 2021

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-21-8	Marvin Smith Sliding Scale Subdivision	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.

RECOMMENDED MOTION	Approval	Planner: Tammy Behrman
<p><i>Recommended Motion Conditions or Reasoning:</i></p> <p><u>Approve</u> based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance.</p> <p><u>Approve</u> the Road Width Waiver request based on the findings of fact. Staff requires a report from the Highway Department to complete the findings.</p> <p><u>Deny</u> the Utility Waiver request based on the findings of fact.</p> <p>PLAT COMMITTEE: TBD</p>		

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Right of Way Width & Underground Utility
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	Marvin R and Karen K Smith	
ADDRESS	9620 N Bowman RD; 53-03-01-300-004.000-001	
TOWNSHIP + SECTION	Bean Blossom; 1	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	26.74	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
CDO ZONE	Farm and Forest	Farm and Forest
USE	Residential / Agriculture	Residential / Agriculture

SUMMARY

The petitioner is proposing a 3-lot Sliding Scale Subdivision with two waiver requests for Road Width and Undergrounding of Utilities.

DISCUSSION

Below is a summary of the lot configurations and requirement. Additionally the plat demonstrates a tree preservation area and no sidewalks are required in this area. One item to note on Lot 1 is to be for recreational uses only and Note 16 states *Lot 1 in this subdivision is for recreational uses at this time and will remain as "No Residential Dwelling Permitted" under 856-39(F) until septic and driveway permits are provided.*

A Rule 5 is not required for this development because one of the lots will remain vacant and used for Recreation use only.

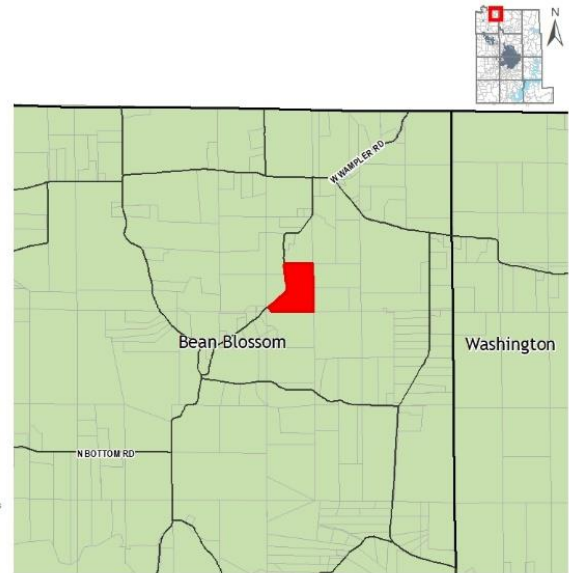
There is roughly 200' of overhead utilities lines do not serve other properties and are eligible to be required to be underground should the waiver request not be granted.

The road width is 15' and does not meet the 18' requirement for width. A waiver has been requested.

Location Map

■ Petitioner
— Roads
 Civil (Political) Townships
 Parcels

0 0.2 0.4 0.8 Miles
 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 10/12/2021



	Lot 1 (Parent Parcel)	Lot 2	Lot 3
Acreage / Buildable Area (+/-)	14.85/2.02	3.29/1.88	8.61/5.22
Wastewater	Proposed septic N/A (Recreational Use Only)	Existing; repair permit septic #WW-21-202	Proposed Septic # WW-21-203
Utility Access / Capacity	South Central Indiana REMC / Washington Township Water		
Property Access	RW-21-229	RW-21-201 Existing	RW-21-202
ROW Dedication; N Bowman Road; Local	Yes = 25'	Yes = 25'	Yes = 25'
Environmental Conditions	Steep slopes / Drainage Easements	Steep slopes, pond	Steep slopes
Existing Structure(s)	Vacant	Residence and accessory structures	Vacant



Paul Satterly

Remove Comment • Oct 14, 2021 at 2:08 pm

The Highway Department supports a road width waiver for this sliding scale subdivision. Traffic will increase approximately 10 vehicles per day on a road that has approximately 80 vehicles per day.

EXHIBITS - Immediately following report

1. County Slope & Site Conditions Map
2. Site Photos
3. Marvin Smith Sliding Scale Subdivision Preliminary Plat (2 pages)
4. Petitioner Findings for Waivers
5. Staff Findings of Fact

Site Conditions Map

- Petitioner
- 2-Foot Contours
- 15% Slope (County/EC02)
 - 0 - 15
 - > 15
- Local Roads [50']
- Hydrologic Features
- Parcels

0 62.5 125 250 Feet


 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 10/12/2021

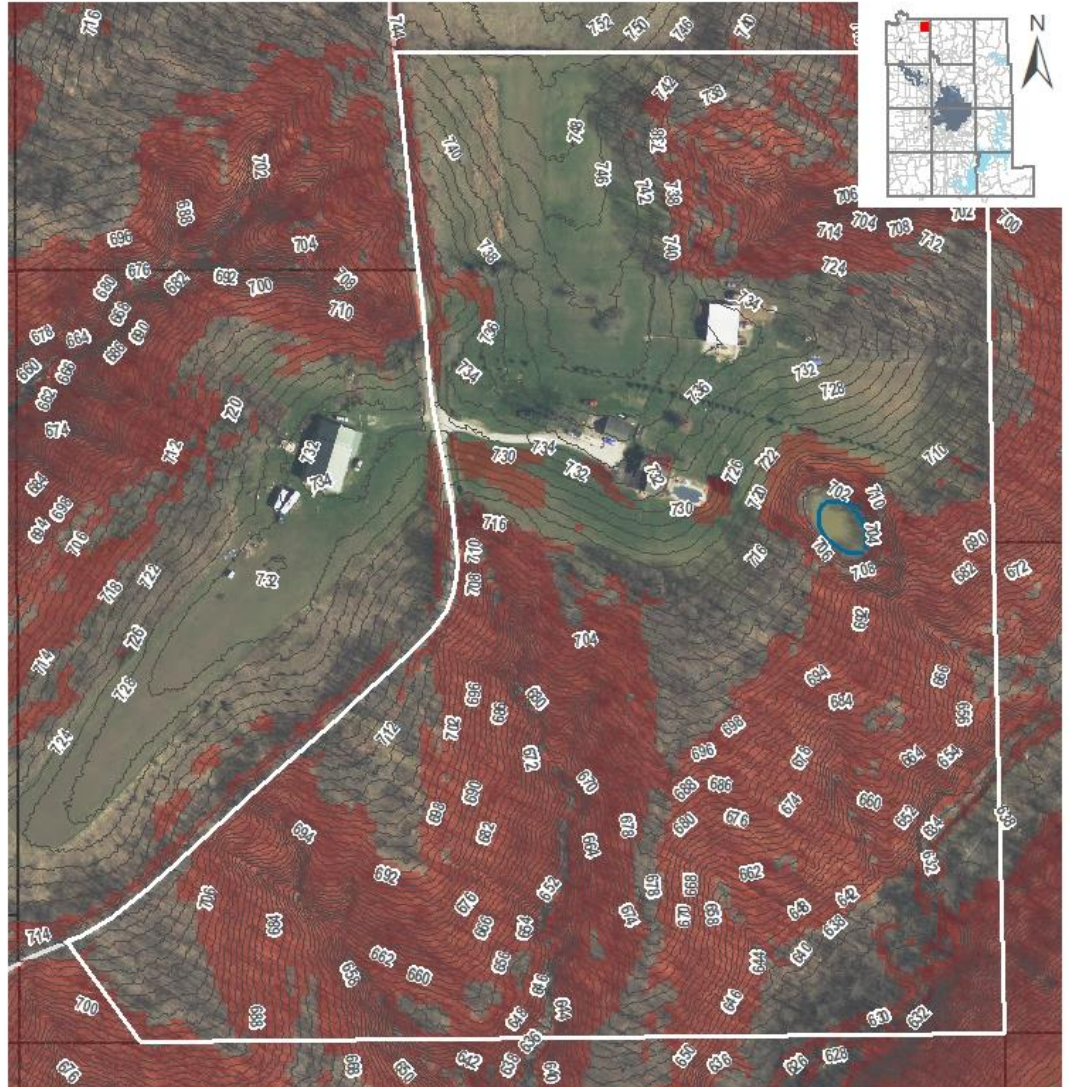




Photo 1: Looking south along N Bowman RD. Driveway on the left.



Photo 2: Looking north along N Bowman RD. Petition site on the right.



Photo 3. View of N Bowman Road facing north. Proposed driveway for Lot 3 on the right. Road Width Waiver requested for this 15' wide road.



Photo 4. Facing east. View of the existing residence, detached garage and driveway.



Photo 5. Facing south: view of the proposed Lot 3 building area. Utility lines are located under evergreen trees.



Photo 6: aerial view of the petition site facing north. April 2020.

MARVIN SMITH SLIDING SCALE SUBDIVISION - PRELIMINARY PLAT
A PART OF THE SOUTHWEST QUARTER OF SECTION 1
TOWNSHIP 10 NORTH, RANGE 2 WEST
MONROE COUNTY, INDIANA

AREA FOR COUNTY RECORDER

IRVAN BLOSSOM TWP.
TOWNSHIP 10 N
RANGE 2 W
SECTION 1

DEVELOPER, APPLICANT & OWNER
MARVIN & KATHY SMITH
9620 N. BOWMAN ROAD
GOSPORT, IN 47435
(765) 318-1696

PROJECT LOCATION



NOTES: LOCATION MAP

1. Fieldwork completed May 2021.
2. Basis of bearing (State Plane Indiana West).
3. Source of title Map or Township created by Marvin R. Smith and Karen K. Smith as found in Deed Record 444, Page 65-66 in the Office of the Monroe County Recorder.
4. Reference is made to a survey performed by Leo L. H. for the Smiths dated August 26, 2002 as found in Instrument Number 2002051461 in the Office of the Monroe County Recorder.
5. Reference is made to a survey performed by Michael F. Shewhart the Smiths dated June 26th, 2003 as found in Instrument Number 2003051461 in the Office of the Monroe County Recorder.
6. Reference is made to a survey performed by Clay C. Cobb for the Smiths dated July 19th, 1980 as found in the Office of the Monroe County Recorder.
7. Reference is made to a survey performed by Clay C. Cobb for the Smiths dated July 19th, 1980 as found in the Office of the Monroe County Recorder.
8. Coordinates were obtained from GPS observations using the Indiana State Plane (NAD83) Indiana West Zone, NAD83(2011) Epoch 2010.0000, State Plane Unit Coordinates, U.S. Survey Feet, GDA 84 datum (GDA84). Datum NAD83, NAD_83.
9. Coordinates data was collected using a Topcon Network Rover (Hiper) in OPN. Topcon N2T antenna and a C-5000 data collector. Coordinates positions are given in Indiana State Plane West Zone.
10. Per Monroe County Subdivision and Control Ordinance Chapter 863.40(A)(1) The designated Forest Fenced Remainder (EFF) shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the final plat that connects to a public sewage disposal system or further subdivision of the property as indicated by ordinance. This shall not prevent reconstruction, proposed only. This restriction shall be recorded on the Plat and incorporated as a Recorded Covenants (which states the day, year and month in which the Forest Fenced Remainder (EFF) becomes eligible for further subdivision) referenced on any deed conveying the Forest Fenced Remainder (EFF).
11. Subject to a Right-of-Way Easement to American Telephone and Telegraph Company recorded January 17, 1972, as map 117 of Deed Record 209 in the Office of the Recorder of Monroe County, Indiana. (Unpublishable)
12. Subject to a grant to American Telephone and Telegraph Company by contract, options and easements as noted on and 20 feet in width recorded October 18, 1972, as page 416 of Deed Record 215 in the Office of the Recorder of Monroe County, Indiana. (Unpublishable)
13. Subject to a right-of-way easement to American Telephone and Telegraph Company recorded January 17, 1972, as map 117 of Deed Record 209 in the Office of the Recorder of Monroe County, Indiana. (Unpublishable)
14. Subject to a right-of-way easement to American Telephone and Telegraph Company recorded January 17, 1972, as map 117 of Deed Record 209 in the Office of the Recorder of Monroe County, Indiana. (Unpublishable)
15. Subject to a right-of-way easement to American Telephone and Telegraph Company recorded January 17, 1972, as map 117 of Deed Record 209 in the Office of the Recorder of Monroe County, Indiana. (Unpublishable)
16. Subject to a right-of-way easement to American Telephone and Telegraph Company recorded January 17, 1972, as map 117 of Deed Record 209 in the Office of the Recorder of Monroe County, Indiana. (Unpublishable)
17. This survey is not complete without the accompanying survey report.
18. I, the undersigned, under penalty for perjury, that I have taken reasonable care to make this Social Security Number in this document, unless required by law.
19. I, the undersigned, under penalty for perjury, that I have taken reasonable care to make this Social Security Number in this document, unless required by law.

DECKARD

LAND SURVEYING

REGISTERED SURVEYOR

NO. 11111

DATE OF EXPIRATION

12/31/2025

STATE OF INDIANA

MONROE COUNTY

TOWNSHIP 10 NORTH

RANGE 2 WEST

SECTION 1

PLAT NO. 1

DATE OF RECORDING

7/22/21

BY: BNDY, SHT

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

7/22/21

SCALE 1" = 120'

120' 240' 360'

Drainage Easement

LEGEND

STONE FOUND

UTILITY POLE

REBAR FOUND

REBAR SET

NAIL FOUND

NR SPIKE FOUND

PIPE FOUND

WOOD POST FOUND

MAG SPIKE SET

WOOD POST FENCE

FENCE

OVERHEAD POWER LINE

RECORD

MEASURED

AGRICULTURE/RESERVE

3950

ADDRESS

NON-BUILDABLE AREA

SETBACK TABLE

Front - 60' for R/W or 50' if no direct frontage

Side - 10' for Residential & Accessory Structures/50' for Non-Residential Structures

Rear - 10' for Residential & Accessory Structures/50' for Non-Residential Structures

"Single Family" use for Lots 2 & 3

Lot 1 is a Residential Use

ZONING: AGRICULTURE/RESERVE

CERTIFICATION

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

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

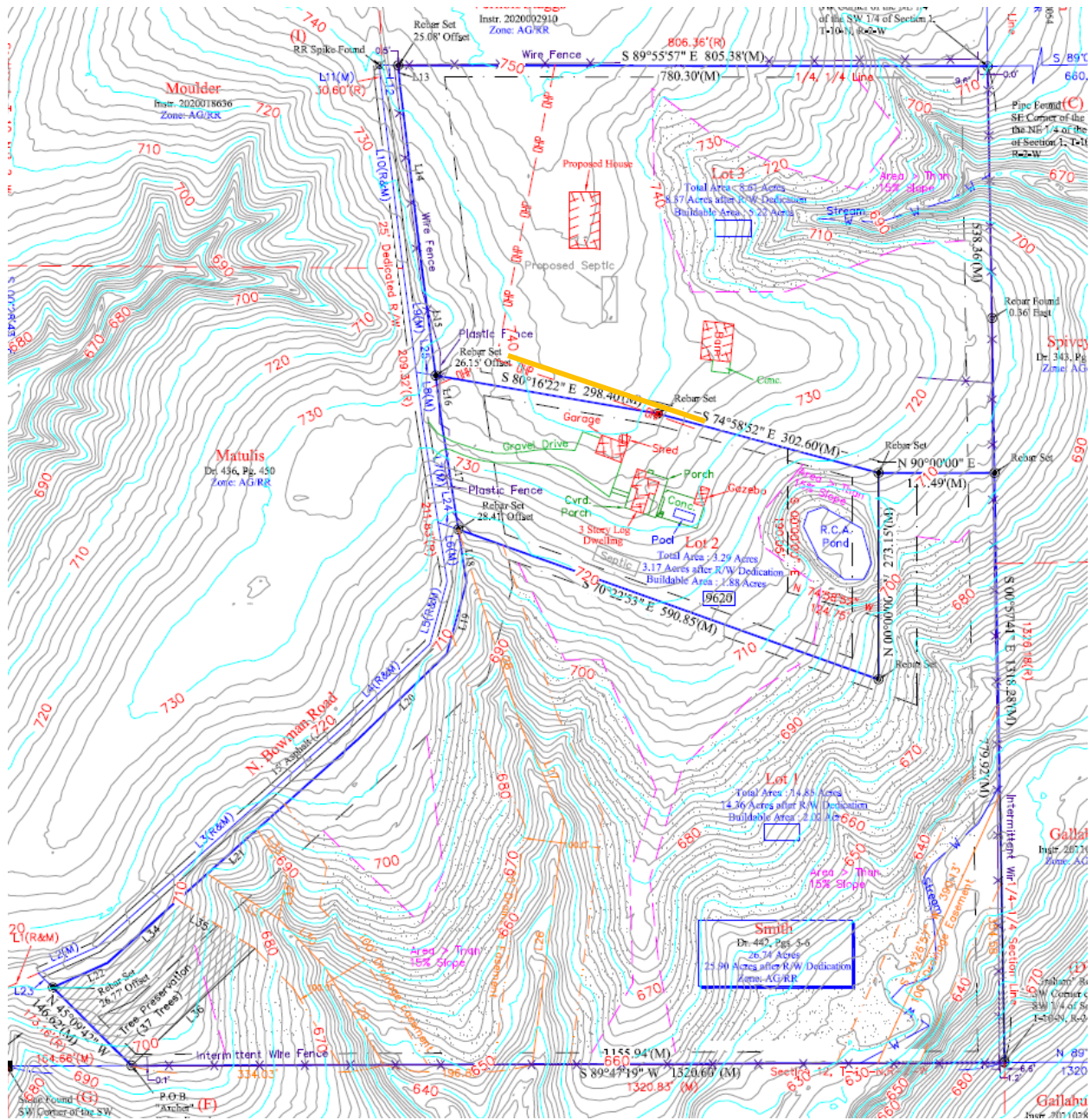
Subject to the above reservation, the survey work shown herein was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this _____ day of _____, 2021.

Eric L. Deckard

Registered Surveyor LS 29900012

State of Indiana



The yellow symbol above represents the overhead powerline that is required to underground unless a waiver is granted. It is approximately 200'.



Eric L. Deckard, LS

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

May 18th, 2021

To Members of the Monroe County Planning Commission

RE: Marvin Sliding Scale Subdivision: 9620 N Bowman Rd Gosport, In 47433

I have been asked personally by Marvin Smith to request a road width waiver.

FINDINGS OF FACT - WAIVER for buried utility and road width.

The petitioner has requested a waiver to continue using the existing overhead power line drop to the existing house and barn located on proposed lot 2 &.

The property is located in a rural area of the county and bounded by a 15 foot wide county road (N. Bowman Road). We are respectfully requesting a waiver of Chapter 862-4 (5). The code states "Subdivision on roads less 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12".

Section 850-12(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 N. Bowman, a designated Local road (low traffic).
- The existing house was built in 1982 along with a detached garage that also has drop built in 1982. The owners were not made aware at the time of burying the new utility line that the old drop to the home and garage needed to be buried as well.
- Replacing the utilities and burying them underground would be a large financial undertaking and unnecessary due to the age of the overhead line.

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 along the East side of N. Bowman Road the entire length of the property to service other properties but would impose a financial burden for the client to bury from said line to the existing house.
- N. Bowman Road is +/-15 feet wide throughout the entire length of the +/- 2 mile long road. It would be difficult and costly to get N. Bowman Road wide enough to meet the ordinance standards.

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;
- No other road in this area of the county meets these standards.

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 N. Bowman are served by an overhead utility line.
- This Property gains access from, N. Bowman.

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:

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

This parcel has been accessed for many years from N. Bowman Road and the addition of one more proposed lot would not greatly affect the amount of vehicles using said road.

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.

Granting this waiver for road width would leave conditions as they presently exist. N. Bowman Road at 15 feet wide.

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 1996. 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

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 result in (3) lots that exceed the minimum lot size requirement for the Agriculture/Rural Reserve (AG/RR) Zoning Designation;
- Approval of the subdivision would result in Lot 1 = 14.85 (parent parcel); acres, Lot 2 = 3.29 acres, and Lot 3 = 8.61 acres;
- The proposed use in the subdivision is residential and recreation for Lot 1 only;
- Each Lots 2 & 3 can be served by a private septic system. Lot 1 does not require a septic at this time due to the Note 16 on the plat declaring the recreational use;

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

Findings

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

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

Findings

- See findings under Section (A);
- The surrounding uses are primarily agricultural and residential in nature;
- The property maintains frontage along N Bowman 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 Bowman Road is classified as a "Local Road" per the Monroe County Thoroughfare Plan;

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

Findings

- See findings under Sections (A), (C), and (D);
- A Utility Waiver and a Road Width Waiver have been requested with this petition;
- There are no visible karst features on the property;
- There is no floodplain on the property;
- There is a pond on the petition site (Lot 2);
- 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 ROAD WIDTH REQUIREMENT

The petitioner has requested a waiver from the *Improvement, Reservation and Design Standards* outlined in in 862-4 (A) (General design considerations for Sliding Scale Option), which reads:

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

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

1. Practical difficulties have been demonstrated:

Findings:

- Note Exhibit 4 for Petitioner Submitted Finding;
- The site gains access from N Bowman RD, a designated Local Road;
- N Bowman RD is measured by surveyor as 15 feet wide;
- The petition site has approximately 1450' of frontage along N Bowman RD;
- The existing road serves properties to the north and south of the petition site, as well as the proposed petition site;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- N Bowman RD connects to W Burma Rd to the north and N Liberty Hollow Road to the south;
- The petitioner did submit findings for the waivers (Exhibit 4);

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;
- Net density of 2 dwelling units per approximately 26+ acres is consistent with the Comprehensive Plan's Farm and Forest designation and the Agriculture/Rural Reserve (AG/RR) Zoning District;

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

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- The Monroe County Highway Department has provided comments for the Road Width Waiver that indicate support for the waiver request;
- See the findings submitted by the petitioner (Exhibit 2);

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

Findings:

- See findings under Section 1;

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

Findings:

- See findings under Section 1;
- All property owners on N Bowman RD would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;

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

Findings:

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

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

Findings:

- See findings under Section 1;

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

Findings:

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

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

Findings:

- See findings under Section 1;

In approving modifications, the Commission may impose such conditions as will in its judgment

substantially secure the objectives of these regulations.

FINDINGS OF FACT – OVERHEAD UTILITY WAIVER

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

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

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

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

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

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

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

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

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner has requested an overhead utility waiver for the existing overhead utility line that requires undergrounding, an approximately 200’ run of electric line on proposed Lot 2;
- From the petitioner’s representative it is interpreted by staff that they intend to comply with the underground requirement for new development;
- Findings for the utility waiver request were submitted by the petitioner (Exhibit 4);
- The above ground electric line requires undergrounding, as per 856-41;
- The cost of burying the utilities may exceed the value of the structures it will serve.

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;
- There are lines across proposed Lot 3 that serve the property to the north and is not included in the waiver since it is exempt.

- The Subdivision Control Ordinance provides the following definitions related to easements and right of way:

852-2. Definitions

Easement.

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

Right-of-way.

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

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

Findings:

- See findings under Section 1;
- Occupants of the petition site served by the overhead utility will continue to be serviced regardless of the location of the lines above or below ground;
- Staff observed that there is a row of evergreen trees directly below the utility lines in this discussion and it is unclear what the intended maintenance of those trees will be as they continue to grow up into the overhead powerlines;
- 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:

- See findings under Section 1;
- Waiver approval would permit existing conditions to persist;
- Approval of the waiver would not substantially alter the essential character of the neighborhood;

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

Findings:

- Not Applicable per 856-41;

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

Findings:

- See findings under Sections 2 and 3;

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

Findings:

- ;
- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions – existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision;
- Existing utility lines servicing residential structures shall be removed and placed underground unless waived for existing and future structures;
- Occupants of the petition site served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;

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

Findings:

- Not Applicable per 856-41;

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

Findings:

- Not Applicable per 856-41;

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