

MONROE COUNTY PLAT COMMITTEE



**March 24, 2022
4:00 pm**

Hybrid Meeting

In-person

Monroe County Government Center
Planning Department
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Virtual

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

If calling into the Zoom meeting, dial: 312-626-6799

Meeting ID #: 823 0548 5858

Password: 278851

A G E N D A
MONROE COUNTY PLAT COMMITTEE
of the Monroe County Plan Commission

Monroe County Planning Department
HYBRID

When: March 24, 2022 at 4:00 PM

Where: 501 N Morton St, Suite 224

Or via Zoom: <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQiFLazRTQT09>

If calling into the Zoom meeting, dial: 312-626-6799.
When prompted, enter the Meeting ID #: 823 0548 5858
Password: 278851

ADMINISTRATIVE: None.

OLD BUSINESS: None.

NEW BUSINESS:

- | | | |
|---------------------|---|----------------|
| 1. SSS-21-9 | Rust Road Sliding Scale Subdivision Preliminary Plat
Road Width Waiver Requested.
Preliminary Hearing. Waiver of Final Hearing Requested.
Plat Committee Recommendation.
Four (4) parcels on 32.59 +/- acres in Section 33 of Benton North Township at Parcel no. 53-01-32-400-002.000-003, 53-01-33-200-006.000-003, 53-01-33-300-006.000-003, and 53-01-33-300-007.000-003.
Owner: Rhett Elliott
Zoned FR. Contact: dmyers@co.monroe.in.us | PAGE 4 |
| 2. SSS-21-10 | Woodall Sliding Scale Subdivision Preliminary Plat
Plat Committee Decision.
Two (2) parcels on 128.13 +/- acres in Section 25 & 26 of Bean Blossom Township at 7603 N Woodall RD, Parcel no. 53-03-25-200-003.000-001, 53-03-26-100-005.000-001
Owner: Hendrickson, Joshua Lee & Renata Dorothy
Zoned AG/RR. Contact: tbehrman@co.monroe.in.us | PAGE 28 |
| 4. SSS-22-3 | Judah Branch Overlook Sliding Scale Subdivision Preliminary Plat
Sidewalk Waiver Requested.
Preliminary Hearing. Waiver of Final Hearing Requested.
Plat Committee Recommendation.
One (1) parcel on 16.26 +/- acres in Section 32 of Clear Creek Township at 9698 S Harrodsburg RD, Parcel no. 53-11-32-200-006.000-006
Owner: Steven & Roberta J Robertson
Zoned AG/RR. Contact: tbehrman@co.monroe.in.us | PAGE 36 |

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:

March 24, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-21-9	Rust Road Sliding Scale Subdivision	4-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	Denial	Planner: Drew Myers
<p>Recommended Motion Conditions or Reasoning: Deny based on the finding that the proposed preliminary plat does not meet the Subdivision Control Ordinance, specifically Finding (C) and (D). Deny the Road Width Waiver based upon the findings of fact and recommendation made by the Highway Department. PLAT COMMITTEE: TBD</p>		

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Road Width 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	Todd Borgman, Smith Design Group Inc.	
OWNERS	Rhett Elliott	
ADDRESS	E Rust RD; 53-01-32-400-002.000-003, 53-01-33-200-006.000-003, 53-01-33-300-006.000-003, 53-01-33-300-007.000-003	
TOWNSHIP + SECTION	Benton North; 32 & 33	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	32.91	
	PETITION SITE	ADJACENT
ZONING	Forest Reserve (FR)	Forest Reserve (FR)
CDO ZONE	Farm and Forest	Farm and Forest
USE	Vacant / DNR Classified Forest	Residential; Vacant / DNR Classified Forest

SUMMARY

The petitioner is proposing a 4-lot Sliding Scale Subdivision with one waiver request for road width. East Rust Road measures 15' +/- in width, while Chapter 862(A)(5) requires 18' in width. The proposed lots will be serviced by septic systems. At the time of this report's publication, the property owner intends to provide water service to each of the lots via private cistern systems.

MEETING SCHEDULE

Plat Committee – March 24, 2022

Plan Commission Admin – April 5, 2022

Plan Commission Regular – April 19, 2022 (Preliminary Hearing – Waiver of Final Hearing Requested)

Plan Commission Admin – May 2, 2022

Plan Commission Regular – May 17, 2022 (Final Hearing)

DISCUSSION

Table 1 provides a summary of the lot configurations and requirements for the Rust Road Sliding Scale. The preliminary plat (Exhibit 3) provides more detail in regards to buildable area, site conditions, and lot dimensions. Sidewalks and street trees were not required for this subdivision.

A Construction Stormwater General Permit (CSGP) – formally known as Rule 5 – is not required for this subdivision per recent updates by made by the Indiana Department of Environmental Management (IDEM) to the language on CSGP applicability. In short, if the subdivider makes no land improvements and only sells the lots, then they do not need to submit a Stormwater Pollution Prevention Plan (SWPPP) or a Notice of Intent (NOI). The individual(s) who purchases the lot(s) and build there must submit their own SWPPP and NOI, even if land disturbance is under one (1) acre.

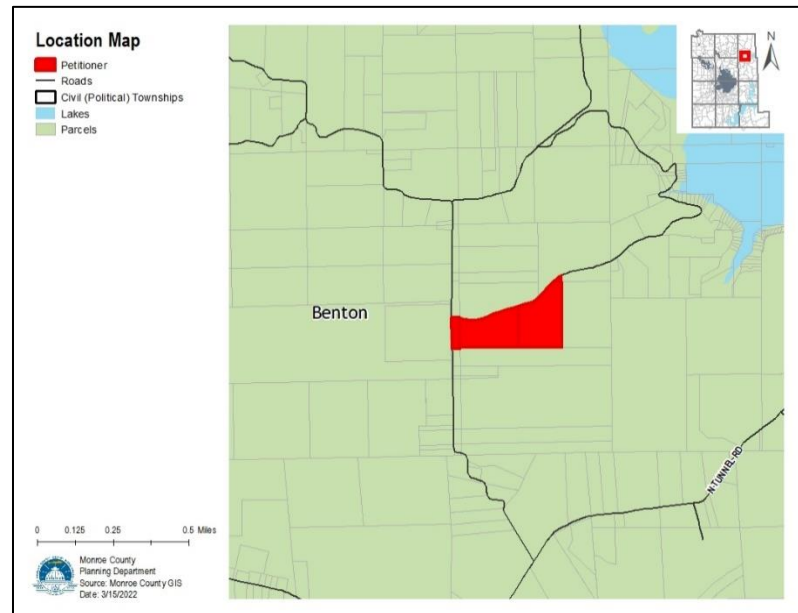



TABLE 1: Summary of Lot Configurations

	LOT 1	LOT 2	LOT 3 (Parent Parcel)	LOT 4
Acreage / Buildable Area (+/-)	3.298 / 1.016	2.544 / 1.528	21.269 / 4.295	3.824 / 1.006
Wastewater	Proposed Septic # WW-21-257	Proposed Septic # WW-21-258	Proposed Septic # WW-21-259	Proposed Septic # WW-21-260
Utility Access / Capacity	Water = private cisterns; potential B&B Water access in 2025			
Property Access	RW-21-389	RW-21-389	RW-21-389	RW-21-389
ROW Dedication; E Rust RD; Local N Shilo RD; Local	Yes = 25'	Yes = 25'	Yes = 25'	Yes = 25'
Environmental Conditions	Steep slopes / Drainage easements	Steep slopes / Drainage easements	Steep slopes / Drainage easements	Steep slopes
Existing Structure(s)	Vacant	Vacant	Vacant	Vacant


HIGHWAY COMMENTS:

 **Paul Satterly** Remove Comment • Nov 2, 2021 at 2:52 pm

Call out the dedicated right of way including dimension for the dedicated right of way on Rust Road and Shilo Road.

According to the Highway Engineer, the Highway Department would like to see a roadway of least 16 feet wide and paved along the subdivision's frontage.

STORMWATER COMMENTS:

 **Kelsey Thetonia** Remove Comment • Nov 29, 2021 at 11:44 am

[Rust Road Sliding Scale Subdivision - Stormwater Comments](#)

- **Drainage Easements:** Please provide 100' Drainage Easements centered on the flowlines, see attached exhibit.
- **Stormwater Permit Coverage:** Development of this subdivision will require coverage under 327 IAC 15-5 (Rule 5). Please submit a SWPPP, including individual lot erosion control plans.
- **Drainage and Water Quality:** Minor subdivision, 4 lots, does not require post-construction detention or water quality treatment. Not located in a critical drainage area.
- **Karst:** No apparent sinkhole concerns, based on desktop review.

COMPREHENSIVE PLAN

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

Farm and Forest

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

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

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

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

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

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

EXHIBITS - <i>Immediately following report</i>

1. County Slope Map
2. Site Photos
3. Rust Road Sliding Scale Subdivision Preliminary Plat
4. Petitioner Findings for Waiver(s)
5. Petitioner Submittals Regarding Water Service
6. Staff Findings of Fact for Subdivision and Road Width Waiver
7. Letters from Neighbors/Public

EXHIBIT 1: County Slope Map

Slope Map

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

15% Slope (2010)

- 0 - 15
- > 15
- Hydrologic Features

PARCEL #:

53-01-32-400-002.000-003;
53-01-33-200-006.000-003;
53-01-33-300-006.000-003;
53-01-33-300-007.000-003

NOTE:

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

0 100 200 400 600 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 3/16/2022

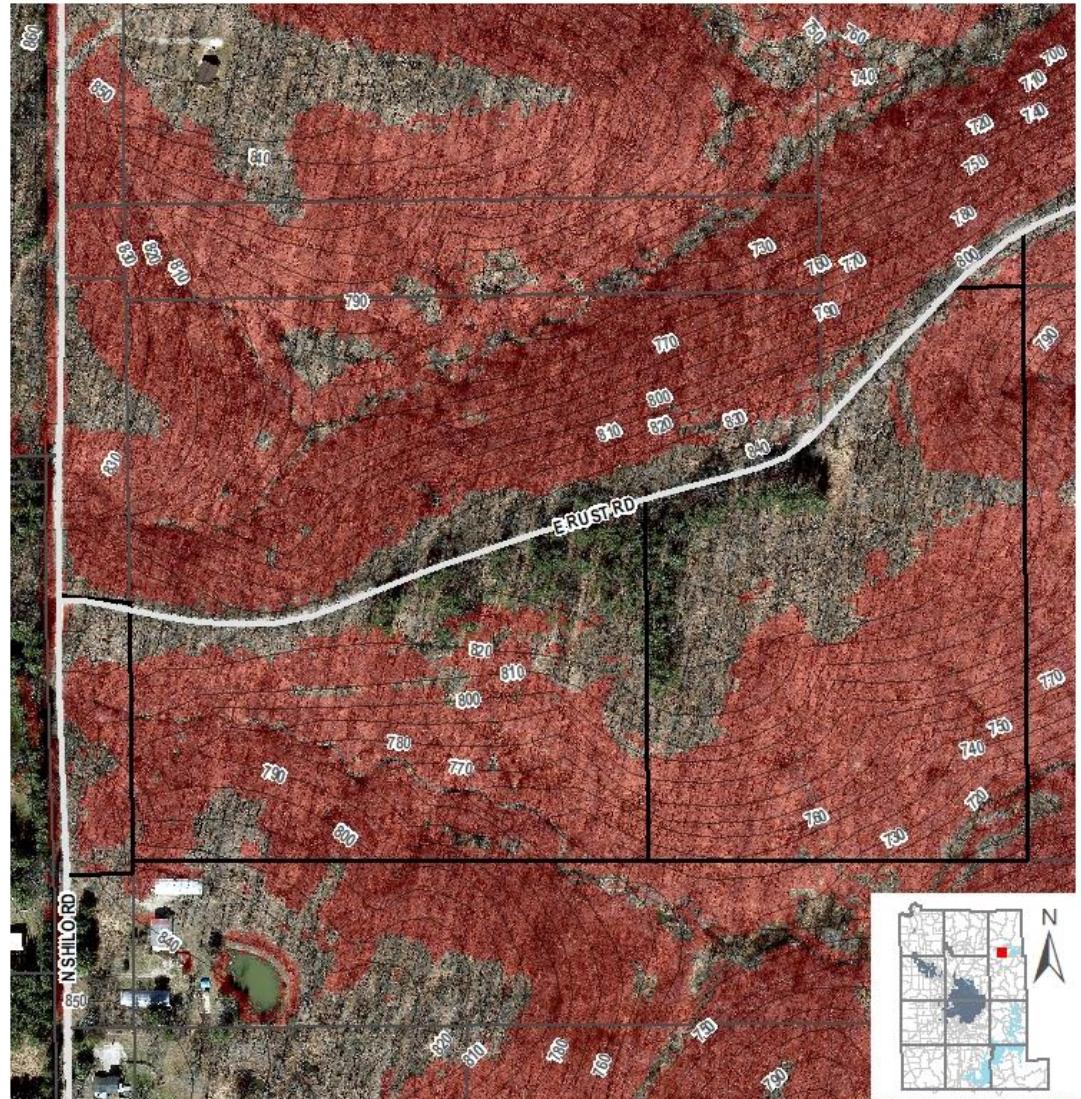


EXHIBIT 2: Site Photos



Photo 1: N Shilo RD – facing north



Photo 2: N Shilo RD – facing south

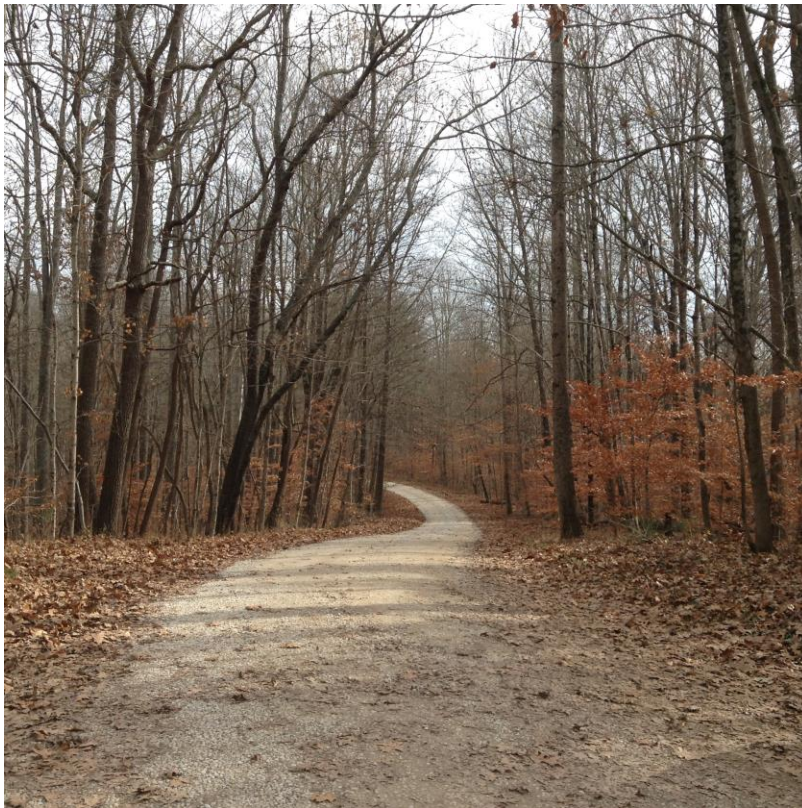


Photo 3: E Rust RD – facing east at intersection



Photo 4: E Rust RD – facing west towards N Shilo RD intersection



Photo 5: E Rust RD – facing east (lot 1 marker)



Photo 6: E Rust RD – facing south (lot 1 marker)



Photo 7: E Rust RD – facing east (lot 1-2 marker)



Photo 8: E Rust RD – facing south (lot 1-2 marker)



Photo 9: E Rust RD – facing east (lot 2-3 marker)



Photo 10: E Rust RD – facing south (lot 2-3 marker)



Photo 11: E Rust RD – facing east (lot 3-4 marker)



Photo 12: E Rust RD – facing south (proposed lot 3)



Photo 13: E Rust RD – facing north (proposed lot 3)

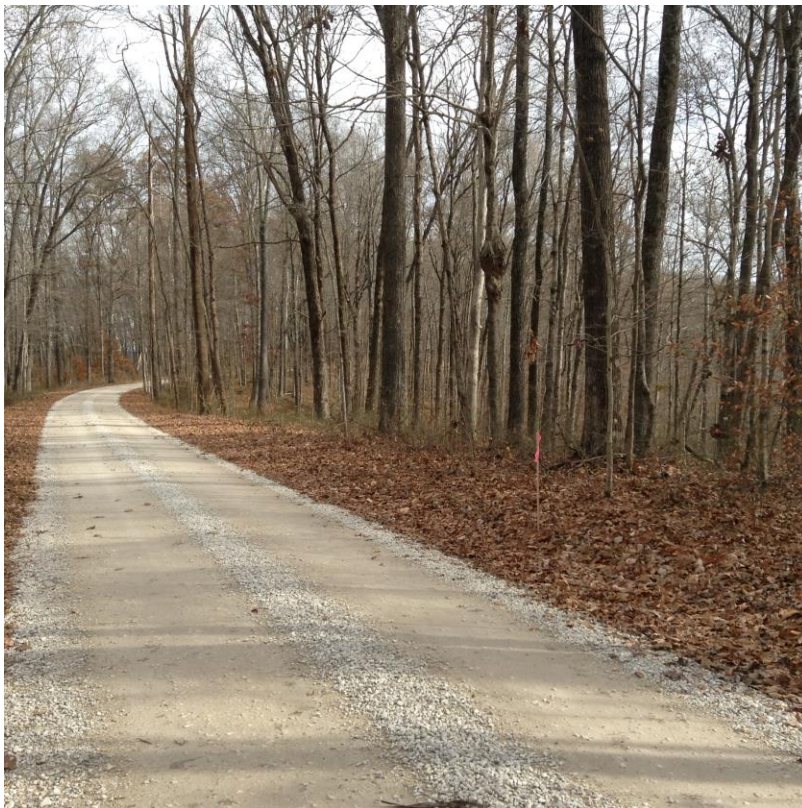


Photo 14: E Rust RD – facing northeast (lot 4 marker)

EXHIBIT 3: Rust Road Sliding Scale Subdivision Preliminary Plat

DATED OCTOBER 6, 2021

TODD M. BORGMAN
REGISTERED LAND SURVEYOR NO. 21200021
STATE OF INDIANA

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. (TODD BORGMAN)

A PART OF THE SOUTHWEST CORNER OF SECTION 33 AND A PART OF THE SOUTHEAST CORNER OF SECTION 32, BOTH IN TOWNSHIP 10 NORTH, RANGE 1 EAST, MOHOCKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEING THE SOUTHWEST CORNER OF SECTION 33, BEING THE SOUTHWEST QUARTER, THENCE SOUTH 88 DEGREES 25 MINUTES 45 SECONDS WEST 75.91 FEET; THENCE SOUTH 88 DEGREES 34 MINUTES 20 SECONDS WEST 120.21 FEET TO THE CENTRAL OF SPOKLE ROAD, THE NEXT THE COURSE ARE ALONG THE CENTRALS OF SPOKLE ROAD, THENCE SOUTH 88 DEGREES 34 MINUTES 20 SECONDS WEST 120.21 FEET TO THE SOUTHWEST CORNER OF SECTION 32, BEING THE SOUTHWEST QUARTER, THENCE SOUTH 89 DEGREES 59 MINUTES WEST 286.80 FEET; (3) THENCE NORTH 88 DEGREES 34 MINUTES 20 SECONDS EAST 45.76 FEET TO THE SOUTHWEST CORNER OF SECTION 32, BEING THE SOUTHWEST QUARTER, THENCE SOUTH 88 DEGREES 34 MINUTES 20 SECONDS WEST 107.05 FEET; (4) THENCE SOUTH 88 DEGREES 34 MINUTES 20 SECONDS EAST 119.36 FEET; (5) THENCE NORTH 88 DEGREES 34 MINUTES 20 SECONDS WEST 107.05 FEET; (6) THENCE SOUTH 88 DEGREES 34 MINUTES 20 SECONDS EAST 119.36 FEET; (7) THENCE NORTH 88 DEGREES 34 MINUTES 20 SECONDS WEST 107.05 FEET; (8) THENCE SOUTH 88 DEGREES 34 MINUTES 20 SECONDS EAST 119.36 FEET; (9) THENCE NORTH 88 DEGREES 34 MINUTES 20 SECONDS WEST 107.05 FEET; (10) THENCE NORTH 70 DEGREES 55 MINUTES 06 SECONDS EAST 219.51 FEET; (11) THENCE NORTH 70 DEGREES 54 MINUTES 34 SECONDS EAST 226.44 FEET; (12) THENCE NORTH 74 DEGREES 55 MINUTES 06 SECONDS EAST 219.51 FEET; (13) THENCE NORTH 70 DEGREES 54 MINUTES 34 SECONDS EAST 226.44 FEET; (14) THENCE NORTH 44 DEGREES 43 MINUTES 24 SECONDS EAST 454.04 FEET; (15) THENCE NORTH 49 DEGREES 51 MINUTES 06 SECONDS EAST 454.04 FEET; (16) THENCE NORTH 44 DEGREES 43 MINUTES 24 SECONDS EAST 454.04 FEET; THENCE SOUTH 70 DEGREES 55 MINUTES 02 SECONDS EAST 1246.36 FEET, CONTAINING 32.40 ACRES, MORE OR LESS.

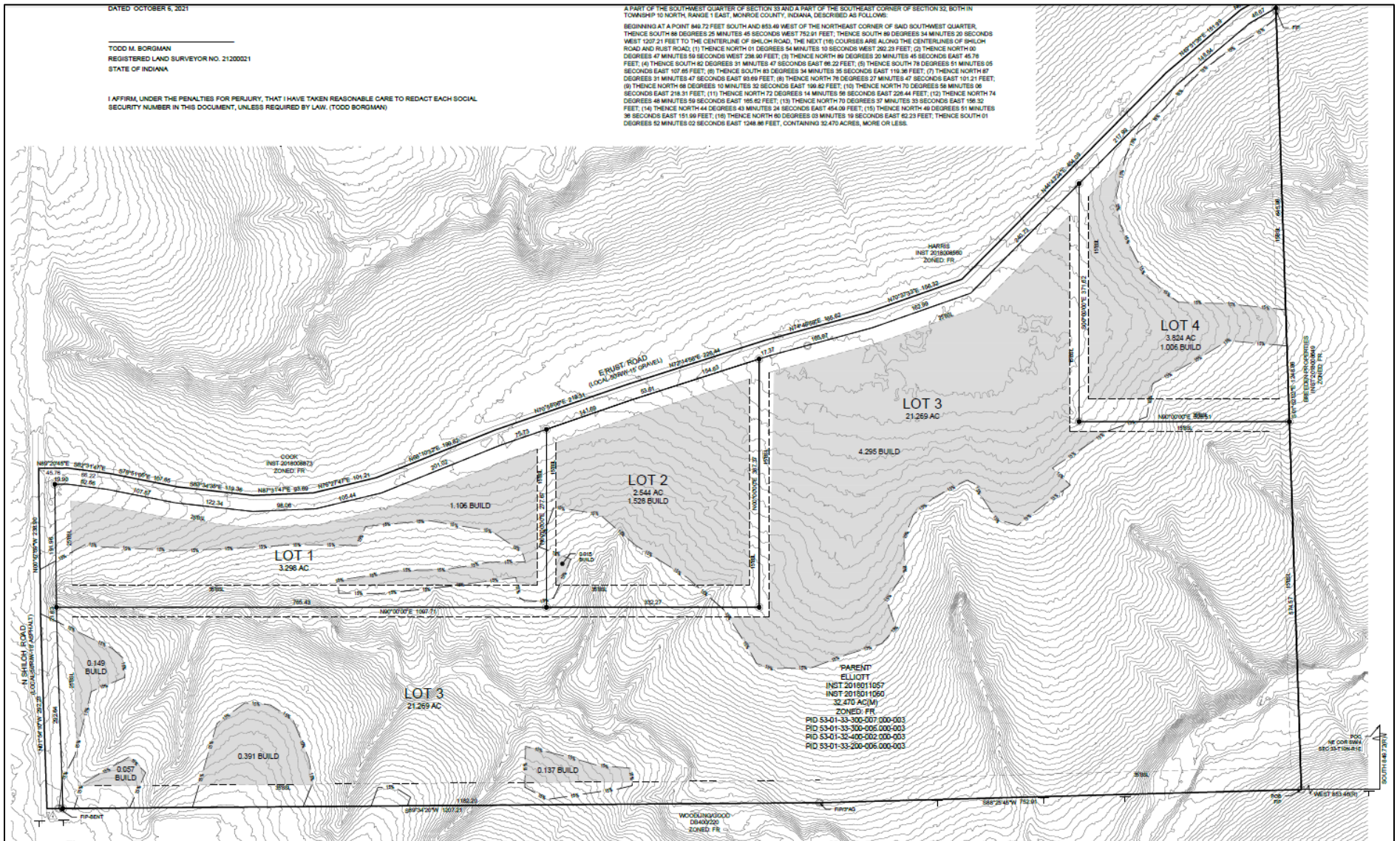


EXHIBIT 4: Petitioner Findings for Road Width Waiver

October 9, 2021

TO: Monroe County Planning Department

FROM: Rhett Elliott, Petitioner (Todd Borgman)

RE: Rust Road Sliding Scale Subdivision, Request for Waiver of 862 (A)(5)

- 1) Rust Road is currently 15'+/- in width. Chapter 862 (A)(5) requires 18' in width.

If additional information is needed or there are any questions, please contact me at tborgman@smithdginc.com 812-336-6536.

(Submitted on behalf of the petitioners, by Todd Borgman)

EXHIBIT 5: Petitioner Submittals for Water Service

**B&B Water
6023 East State Road 45
Bloomington, Indiana 47408**

January 19, 2022

Rhett Elliott
1241 W. Church Lane, Apt. B
Bloomington, IN 47403

Dear Mr. Elliott:

Our system engineer presented the results of their recent testing at last night's Board Meeting. Based upon those results, we had to deny your application due the fact that we do not have adequate capacity to provide you with water at your property located on Rust Road.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Sharp', written in a cursive style.

David Sharp
Secretary, B&B Water Board

**B&B Water
6023 East State Road 45
Bloomington, Indiana 47408**

March 16, 2022

Rhett Elliot
1241 W. Church Lane, Apt. B
Bloomington, IN 47403

Dear Mr. Elliot:

As per our discussion at last night's board meeting, upgrading the water main on Shilo Road is part of B&B's long-term capital improvement plan. At the present time, Shilo is our third priority, after Bethel Lane and Mt. Gilead Road. The soonest projected date to begin work on Shilo is 2025.

And let me stress "the soonest." This projection is completely dependent upon State approval of rate increases and other funding availability. It also assumes that there won't be unforeseen factors which necessitate work on other parts of our system before Shilo Road.

Please let me know if you have further questions.

Sincerely,

David Sharp
Secretary, B&B Water Board



To: Rhett Elliott
From: Kristi Cox
Date: March 7, 2022
Subject: Groundwater Evaluation

As requested by Rhett Elliott, the groundwater conditions around the area have been evaluated.

Surface Elevation: ~750-840 ft

Location: Shiloh Rd and Rust Rd, Uniontown, IN
Township 10N Range 1E, Section 33, SW Quadrants

Problem: Groundwater evaluation for available water on property

General Hydrogeologic conditions:

There are very few bedrock wells near the property. The closest are approximately 1 mile away, close to Lake Lemon. The wells in the area range in depth from 66 ft to 120 ft, mostly all over 100 ft. We do not have any data indicating whether or not the groundwater availability extends away from this area.

You can find more details on wells by visiting our Water Well Viewer on the DNR Water website:

<https://www.in.gov/dnr/water/ground-water-wells/water-well-record-database/>

The Potentiometric Surface Map (PSM) of Monroe County shows an area of "No Aquifer Material or Limited Data". This map can be viewed at:

https://www.in.gov/dnr/water/files/68_Monroe_County_BED_PSM_map.pdf

The Bedrock Aquifer Map of Monroe County shows the bedrock units present are part of the Mississippian Borden Group Aquifer System. This is mostly a siltstone and shale system with some discontinuous interbedded limestone. This system is generally not very productive and only used when there is no overlying, unconsolidated aquifer. Many wells in this system can produce sufficient water for domestic use by increasing the storage of the well. Large diameter, deep wells in this system have reported 1-7 gallons per minute pump test rate. For a more detailed description of this aquifer, please visit the following webpage:

https://www.in.gov/dnr/water/files/monroe_bedrock.pdf

The PDFs of the PSM map and the Bedrock Aquifers will be attached.

Without having sufficient and more recent data, current conditions cannot be guaranteed. It is difficult to say whether the lack of data in the immediate vicinity of the property is related to lack of groundwater availability or simply lack of development. Aside from this data, discussions with nearby neighbors and local water well drillers may provide additional information.

EXHIBIT 6: 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 consists of four parcels totaling 32.91 +/- acres;
- The petition site is not in a platted subdivision;
- The site is currently zoned Forest Reserve (FR);
- Approval of the subdivision would result in four (4) lots that exceed the minimum lot dimension requirements for the Forest Reserve (FR) Zoning District;
- Approval of the subdivision would result in Lot 1 = 3.298 acres, Lot 2 = 2.544 acres, Lot 3 (parent parcel) = 21.269 acres, and Lot 4 = 3.824 acres;
- The proposed use in the subdivision is residential;
- Each lot will be serviced by a private septic system;
- Each lot will receive water via a private cistern;

(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 entirety of the property is currently designated as DNR Classified Forest;
- The property maintains frontage along N Shilo Road (Lot 1) and E Rust Road (Lot 1-4);
- The proposed subdivision is meeting the Monroe County Zoning Ordinance's Buildable Area requirement;
- E Rust Road is not built to INDOT standards;
- E Rust Road does not meet the requirements of Chapter 862-4(A)(5);
- Chapter 862-4(A)(5) can only be waived by the Plan Commission if the applicant meets the modifications findings per Chapter 850-12;

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

Findings

- See findings under Section (A) & (C);
- The adjoining properties are zoned Forest Reserve (FR);
- N Shilo Road is classified as a "Local Road" per the Monroe County Thoroughfare Plan;
- E Rust 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 Road Width Waiver has been requested with this petition;
- There are no visible karst features on the property;
- There is no floodplain on the property;
- The entire property is designated DNR Classified Forest;
- Drainage easements were requested 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 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 E Rust Road, a designated Local Road;
- E Rust Road is currently a gravel road;
- E Rust Road is measured by surveyor as 15 feet (+/-) wide;
- The petition site has approximately 2,150’ of frontage along E Rust Road;
- The existing road serves multiple properties to the east of the petition site, as well as the proposed petition site;
- E Rust Road intersects perpendicularly with N Shilo Road at the western end of the proposed subdivision;
- E Rust Road extends until it is met by N John Young RD, which continues north along western side of Lake Lemon;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- The petitioner did submit findings for the waivers (Exhibit 4);
- Per the Subdivision Control Ordinance, “Practical Difficulty” is defined as:
 - *Significant economic injury that: (1) arises from the strict application of the Subdivision Control Ordinance to the conditions of a particular, existing parcel of property; (2) is not as significant as the injury associated with hardship, that is, it does not deprive the parcel owner of all reasonable economic use of the parcel; yet, (3) is clearly more significant than compliance cost.*
- The applicant does not meet all three (3) criteria for proving a practical difficulty. Specifically, the applicant does not meet item number two because they have at least one lot of record that could be utilized for a residence under the Zoning Ordinance;

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 4 dwelling units per approximately 32+ acres is consistent with the Comprehensive Plan’s Farm and Forest designation and the Forest Reserve (FR) Zoning District;

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

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- The Monroe County Highway Department has requested the roadway be at least 16 feet and paved;
- See the findings submitted by the petitioner (Exhibit 4);

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 E Rust Road 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;
- E Rust Road is a public road in its current condition maintained by the County for the entire frontage of this subdivision;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

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

Findings:

- See findings under Section 1;

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

EXHIBIT 7: Letters from Neighbors/Public

To: [Drew Myers](#)
Subject: SSS-21-9
Date: Thursday, January 20, 2022 6:34:52 AM

Pursuant to petition SSS-21-9:

E. Rust Road is currently a one lane gravel road wide enough for a single vehicle to traverse in one direction at a time. The intersection with Shilo Rd when traveling west on Rust Rd is at the top of a rise and comes up as a surprise if a vehicle operator is not familiar with the road. In the past vehicles have nosed into the west bank of Shilo Rd failing to stop in time. The site lines of the intersection are blocked by vegetation in each direction creating a hazard when turning onto Shilo Rd from Rust Rd. The gravel surface of Rust Rd creates a dust cloud as vehicles traverse the road. The dust cloud is carried to the adjacent properties, especially when the leaves are down. Rain causes silt from the gravel road to migrate into the streams feeding Rapid Creek and then Lemon Lake due to the poor road drainage.

The plat for this petition indicates building sites for four structures. I understand the builder will be Loren Woods, indicating these houses will be large and upscale, so it is reasonable to assume at least two vehicles per house and a doubling of traffic on Rust Rd.

It should be required that Rust Rd be brought up to current standards with a 24' paved surface, proper drainage and signage to allow vehicles to pass in both directions, mitigate the translocation of soil, allow access for emergency vehicles, and create proper site lines at the intersection of Shilo Rd.

I share a property line with the entire south line of Mr. Elliot's proposed sub-division. I am not opposed to the construction of the houses, but I do encourage the planning commission to insist on the upgrades to Rust Rd for safety and environmental reasons.

Robert Woodling
7092 N. Shilo Rd
Unionville, IN 47468

To: [Drew Myers](#)
Subject: Rust Road Case SSS-21-9
Date: Wednesday, March 9, 2022 5:34:19 PM
Attachments: [IMG-6235.MOV](#)

To Monroe County Plan Commission:

Our family has owned property at 7797 N John Young Rd for over 50 years. We have lived full time here since 2007. Our road connects with Rust Road to make a loop with Shilo so we pass by the Rust Road property almost every day.

Rust Road was originally known as Sassafras Patch Road and that was the perfect name for the small country lane it was, framed by forest all around and nature. At some point a decision was made to rename it Rust Road.

We are happy to have new neighbors and we hope they will love the scenery as much as we do. We believe the best way for this to happen is keep it natural. We are happy with gravel because cars tend to go slower with more caution.

We are concerned about trucks widening the road in a de facto way by driving wide, making ruts, passing each other, driving or backing over native vegetation. This area was shaped by nature for hundreds of years and we want the developer to repair any damage they do.

We also do not want any kind of hard structure such as an entry gate or sculpture designating a neighborhood. This is Rust Road pure and simple. It doesn't need some fancy announcement or sign.

We are also concerned about how trees are protected. Over the years we have seen people buy beautiful forested pieces of land and clear cut it. We understand trees will have to be removed for the residences, driveways and septic systems, but we ask that the planning commission require minimal tree removal and planting of new hardwood trees for the ones lost.

Every trip on Rust Road is a delight in all seasons. We have included some of the many photos we are inspired to take. The Tom turkey in full display with the two hens is a favorite. We will also be happy to help in any way so that the Rust Road Development will be a great example for others.

Macklin and Susan Thomas

Rust Road development

I am writing this so that you will know what our feelings are regarding a development on Rust Road. I feel that the owner of this property has the right to build homes. I am concerned about the extra traffic on a road that is narrow and not totally maintained by the county. I have seen other roads where somebody has developed homes and taken out many trees. This loses the integrity of the woods. We bought our property in 1980. John Young Rd is our legal home address for nine months a year. Rust Road is our access to our property. Because of the narrow road, we and other residents have had damage to our mailboxes from construction traffic on another houses in the area.

I would like to have the homes build with limited tree removal and limited road changes.

I am including a 21 second video of 360° rust road to show the beautiful nature we enjoy. We walk this road for exercise several times a week.

Please consider impact of this development of Rust Road on the rest of the neighborhood.

Thank you for your consideration.

Dr. J K. Winckelbach
Susan Winckelbach
7793 N John Young Rd
Unionville, In 47468

Link to 21 second video: <https://www.youtube.com/watch?v=vpwGMUdLYTo>



MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date:

March 24, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-21-10	Woodall Sliding Scale Subdivision	2-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
<i>Recommended Motion Conditions or Reasoning:</i> <u>Approve</u> based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance.		

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	Todd Borgman c/o Smith Design Group, Inc	
OWNERS	Joshua Lee & Renata Dorothy Hendrickson	
ADDRESS	7603 N Woodall RD; 53-03-24-300-004.000-001; 53-03-25-200-003.000-001; 53-03-26-100-005.000-001	
TOWNSHIP + SECTION	Bean Blossom; 24, 25, 26	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	134.0	
	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 2-lot Sliding Scale Subdivision from three parcels with no waivers. Access to the new building site (Lot 1) will use a 25' easement through Lot 2.

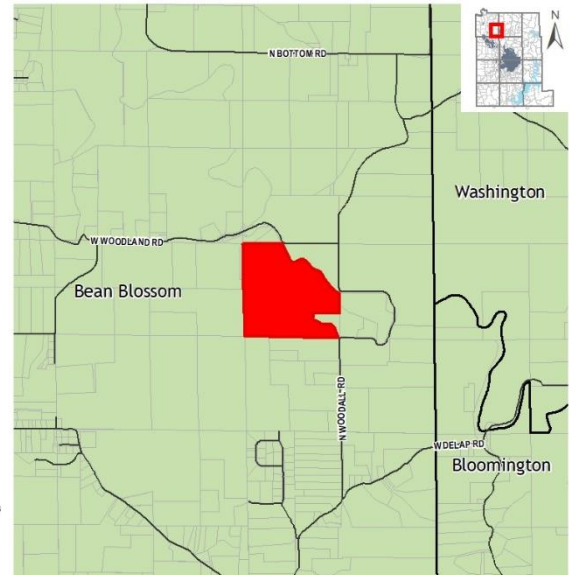
DISCUSSION

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. A Construction Stormwater General Permit is not required as only one new vacant lot is being created. There is a note that utilities will be underground.

A Sliding Scale Subdivision was selected due to the easement requirement of 25' as opposed to the required 50' ingress/egress requirement for a minor subdivision. Staff reviewed the intersection of the easement with N Woodall Road and determined that the 25' width requirement is satisfied. A note is on the plat regarding the Parent Parcel restrictions.

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

0 0.2 0.4 0.6 Miles
 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 2/9/2022



	Lot 1	Lot 2 (Parent Parcel)
Acreage / Buildable Area (+/-)	27.10 / 21.97	101.03 / 32.75
Wastewater	Proposed septic; WW-21-416	Existing permit septic #21227
Utility Access / Capacity	South Central Indiana REMC / BBP Water Corp	
Property Access	RW-21-362 Existing	RW-354 Existing
ROW Dedication;	N/A (access thru shared easement)	N/A (access thru shared easement)
Environmental Conditions	Steep slopes / Drainage Easements / Floodplain	Steep slopes, / Drainage Easements / Floodplain
Existing Structure(s)	Vacant	Residence and accessory structures



Paul Satterly

Remove Comment • Dec 15, 2021 at 3:45 pm

Show Woodall Road alignment/edge of pavement in southeast quadrant of drawing. Show 25 ft. dedicated half right of way on Woodall Road if applicable.

EXHIBITS - Immediately following report

1. County Slope & Site Conditions Map
2. Aerial Photos
3. Woodall Sliding Scale Subdivision Preliminary Plat (1 page)
4. Staff Findings of Fact for Subdivision

Slope Map

- Local Roads [50']
- FLD_ZONE**
 - A
- Petitioner
- Parcels
- 2-Foot Contours
- 15_Percent Slope (2010)**
 - 0 - 15
 - > 15
- FEMA Floodplain
- Hydrologic Features

0 170 340 680 1,020 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/9/2022

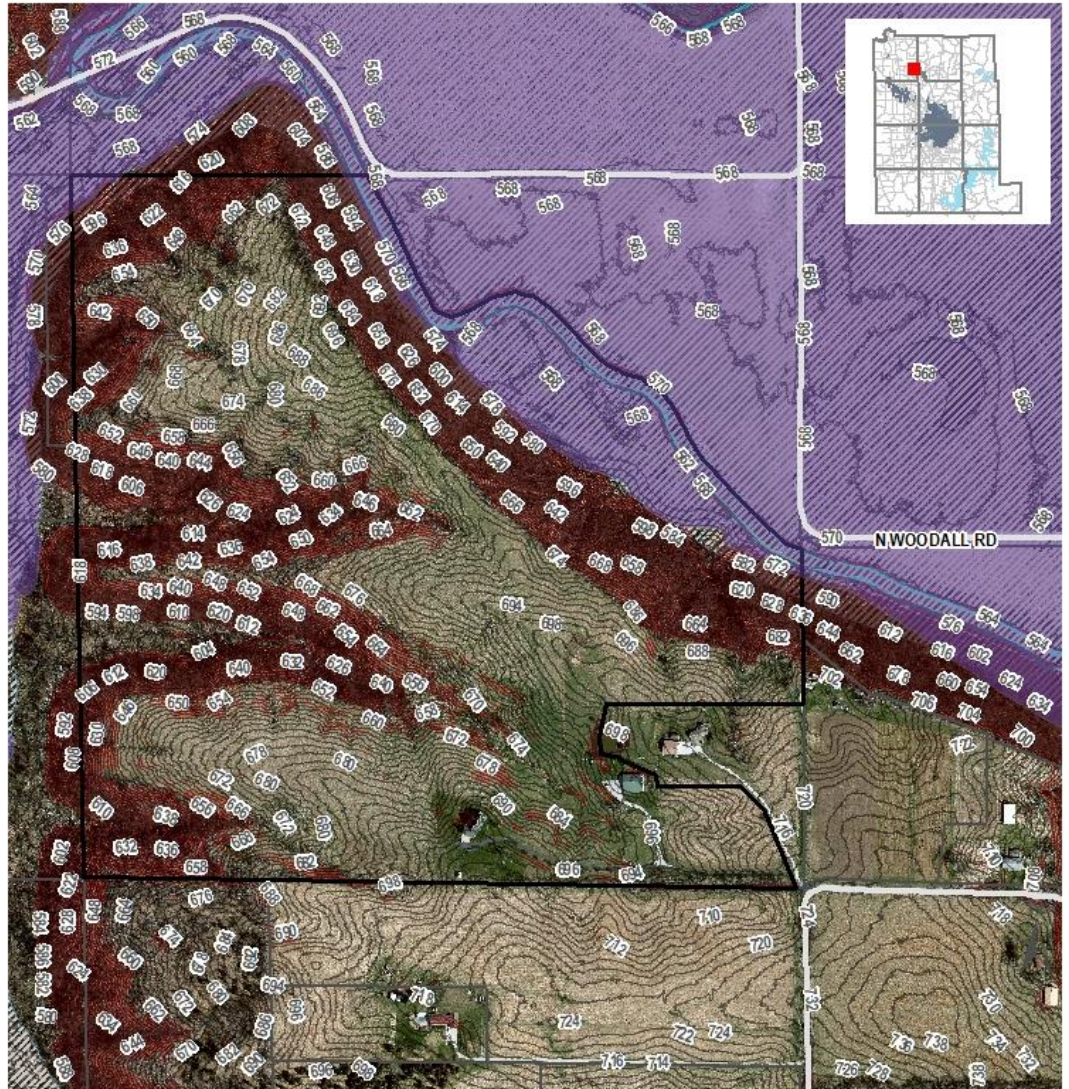




Photo 2: Aerial View facing north from April 2020. Existing barn and residence are depicted.

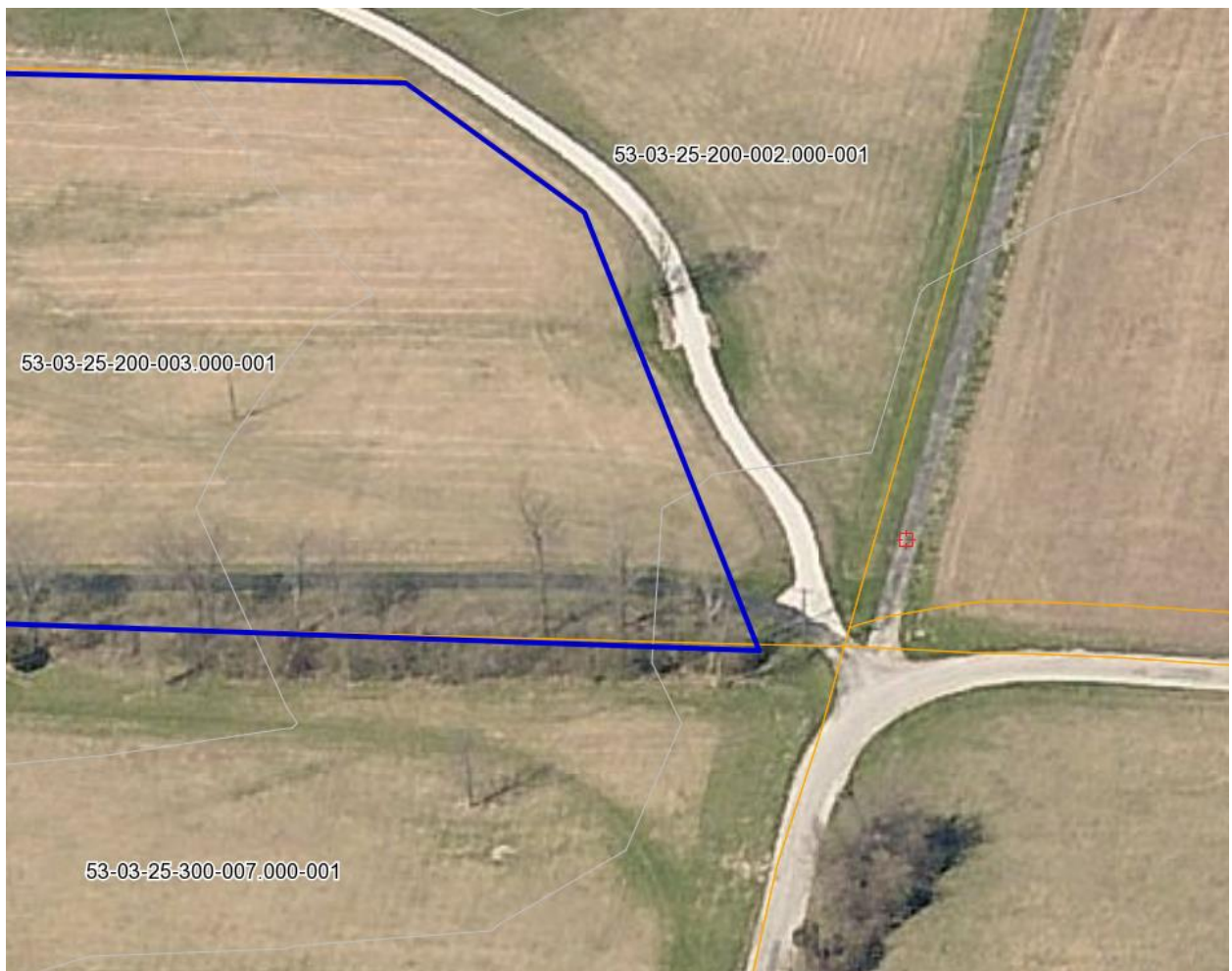


Photo 3. Aerial View facing north of the three driveways that intersect with N Woodall RD

Inset of intersection with N Woodall Road and easements.

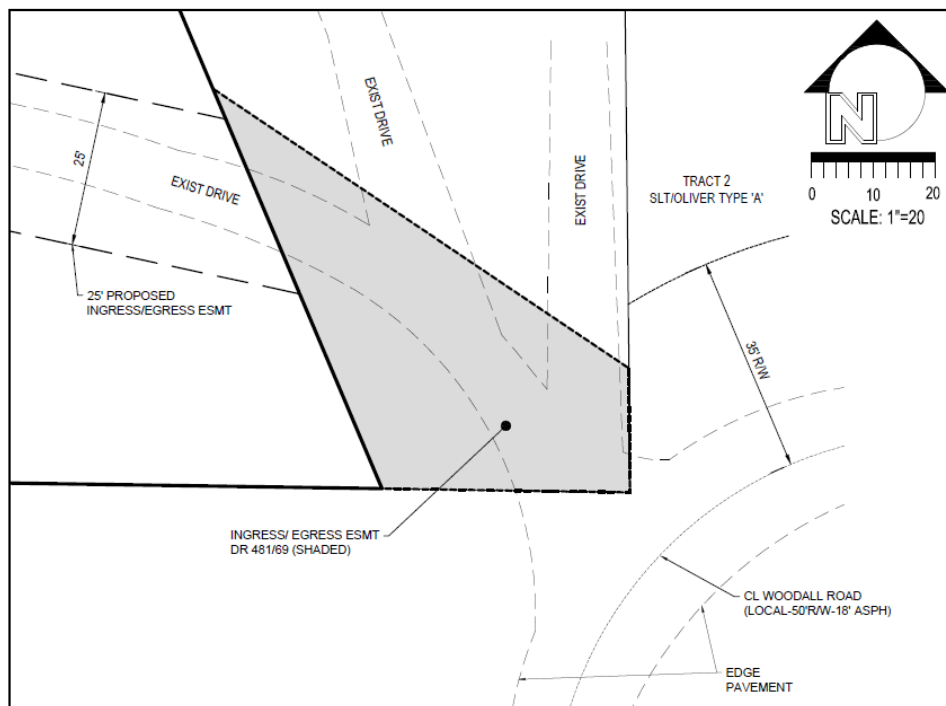


EXHIBIT 5: Findings of Fact
FINDINGS OF FACT - Subdivisions

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 three parcels totaling 127 +/- acres;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture/Rural Reserve (AG/RR);
- The preliminary plat amendment request is to subdivide the property into two new lots: LOT 1: 27.10 acres; LOT 2: 101.03 (parent parcel);
- The preliminary plat amendment does not request any subdivision waivers;
- Street trees nor sidewalks are not required as there is no road frontage;
- Both proposed lots are accessed by an easement that meets the 25' width requirement and accesses W Woodall Road;
- There will be no more than 4 lots using the same easement and therefore does not need to be brought up to county road standards;
- There is a note on the plat requiring all utilities to be underground;
- Rule 5 is not required as only one new lot is being created;

- (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 property as Farm and Forest;
- See findings under Section A;

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

Findings

- The MS4 Coordinator requests the delineation of 100' drainage easements centered on the flowlines for proposed Lots 1 and 2;
- Regulated Flood Zone A has been delineated on the plat;
- See findings under Section A;

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

Findings

- Neighboring properties are zoned AG/RR;
- The use of neighboring properties is either residential or agricultural;
- 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

- Designated floodplain is to be 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;



MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date:

March 24, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-22-3	Judah Branch Overlook Sliding Scale Subdivision	2-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>Recommended Motion Conditions or Reasoning: <u>Approve</u> based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance. <u>Approve</u> the Sidewalk 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: Sidewalk
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	Bledsoe Riggert Cooper James c/o Chris Porter	
OWNERS	Steven & Roberta J Robertson	
ADDRESS	9698 S Harrodsburg Rd; 53-11-32-200-006.000-006	
TOWNSHIP + SECTION	Clear Creek, 32	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	16.26	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR & ER
CDO ZONE	Designated Community & Farm and Forest	Designated Community & Farm and Forest
USE	Residential / Agriculture	Residential / Agriculture

SUMMARY

The petitioner is proposing a 2-lot Sliding Scale Subdivision with one waiver request for Sidewalk requirements.

DISCUSSION

Below is a summary of the lot configurations and requirement. Additionally the plat demonstrates a tree preservation area.

Overhead utilities lines both existing and future will be underground and there is a note on the plat. A tree preservation area has been delineated to preserve.

Sidewalks are required due to the proximity to Harrodsburg. The northern parcel is considered part of a designated community which triggers sidewalks. The eastern side of S Old State Road 37 would require 330' of sidewalk and the western side would require 600' approximately.



	Lot 1	Lot 2 (Parent Parcel)
Acreage / Buildable Area (+/-)	5.81/ 4.12 acres	11.87/ 3.40 acres
Wastewater	1992 Septic #11648 existing	#WW-21-446 (new)
Utility Access / Capacity	Southern Monroe Water Authority / Duke Energy	
Property Access	RW-21-428 Existing	RW-21-429 Existing *Requires improvements
ROW Dedication; S Old State Road 37; Minor Collector	Yes = 110' previously dedicated	Yes = 110' previously dedicated
Environmental Conditions	Drainage Easements	Steep slopes / Floodplain /Unique geologic feature
Existing Structure(s)	Residence, detached garage, accessory structure	Pole barn

Paul Satterly

[Remove Comment](#) • Mar 11, 2022 at 8:37 am

Show the width of the right of way. Dimension the right of way line from the centerline of the roadway. The Highway Department can support a sidewalk waiver for this location.

EXHIBITS - Immediately following report

1. County Slope & Site Conditions Map
2. Monroe Transportation Alternatives vision map excerpt
3. Site Photos
4. Judah Branch Overlook Sliding Scale Subdivision Preliminary Plat (2 pages)
5. Petitioner Findings for Waivers
6. Staff Findings of Fact

Site Conditions Map

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

DNR Best Available Data

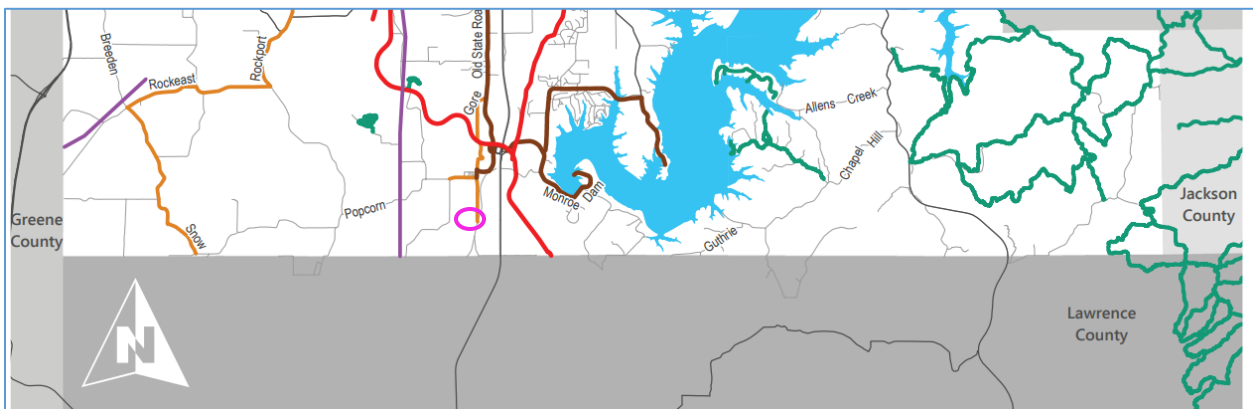
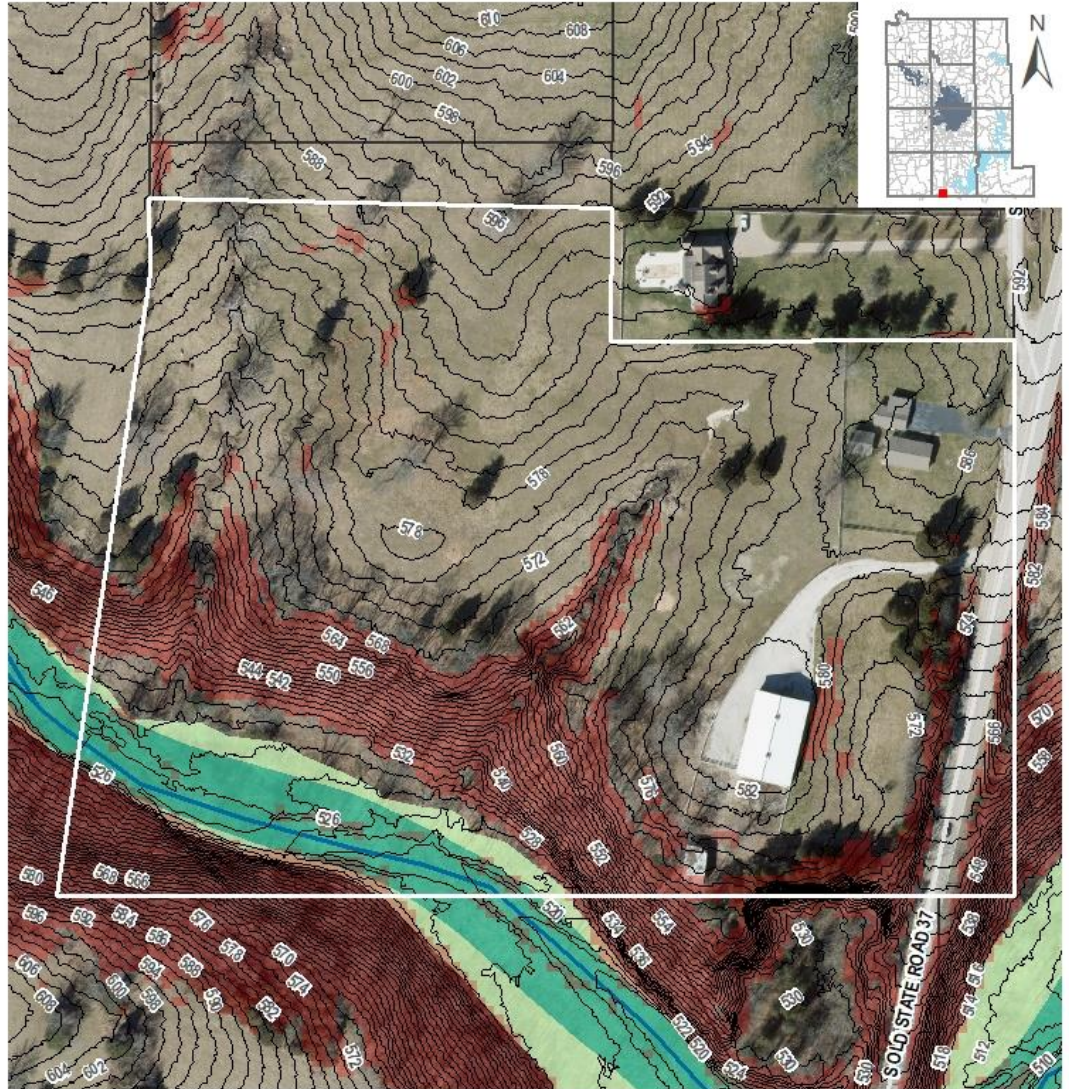
- Flood zones
 - A
 - A, APPROXIMATE FLOODWAY
- Parcels

2019 Aerial Imagery

- RGB
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

0 50 100 200 Feet

Monroe County
Planning Department
Source: Monroe County GIS
Date: 3/9/2022



MONROE COUNTY VISION MAP

- High Priority Greenway Corridor
- Moderate Priority Greenway Corridor
- Bloomington Trails & Other Recreational Trails
- High Priority Road Improvements
- Moderate Priority Road Improvements
- Incorporated Areas

Petition site



Photo 1: Looking north along S Old State Road 37 and S Harrodsburg RD. Petition site on left



Photo 2: Looking south along S Old State Road 37. Petition site on both sides.



Photo 3. Facing south along S Old State Road 37. Petition site on both sides of road.



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



Photo 5. View of the proposed Lot 2 with existing barn to be converted into a residence.



JUDAH BRANCH OVERLOOK
SLIDING SCALE SUBDIVISION
PRELIMINARY PLAT
A PART OF THE WEST HALF OF
SECTION 32, T7N, R1W
MONROE COUNTY, INDIANA

RECORDER'S STAMP

AUDITOR'S STAMP



OWNER/DEVELOPER:
Steven Robertson & Roberta J. Robertson
9890 S Hammock Road
Bloomington, IN 47403
Phone: 812-340-0958

RECORD INFORMATION:
Steven Robertson & Roberta J. Robertson
84-481-96-177
53-11-32-200-005-000-005
53-11-32-200-000-000-005

ZONING:
Subject: AG/RR
As per: AG/RR & ER

AGRICULTURE/RURAL RESIDENTIAL (AG/RR) SETBACKS:

FRONT = 50' from R/W, 30' where no frontage
SIDE = 25' for residential and residential accessory structures, 50' for other structures
REAR = 35' for residential and residential accessory structures, 50' for other structures

ESTATE RESIDENTIAL (ER) SETBACKS:

FRONT = 35' from local or collector R/W,
SIDE = 15'
REAR = 25'

FLOOD ZONE:

PORTIONS OF THE PROPERTY ARE LOCATED IN FLOOD ZONE "X" AND IN FLOOD ZONE "A" PER FERRA FLOOD INSURANCE RATE MAP NUMBER 133050010A AND 133050010A, DATED 10/23/2010.

ZONE A: The area subject to flooding by the 35 annual chance flood (100-year floods, see base flood elevations determined).

ZONE X: Areas outside 1%-3% annual chance flooding.

DMR: Approximate Floodway.

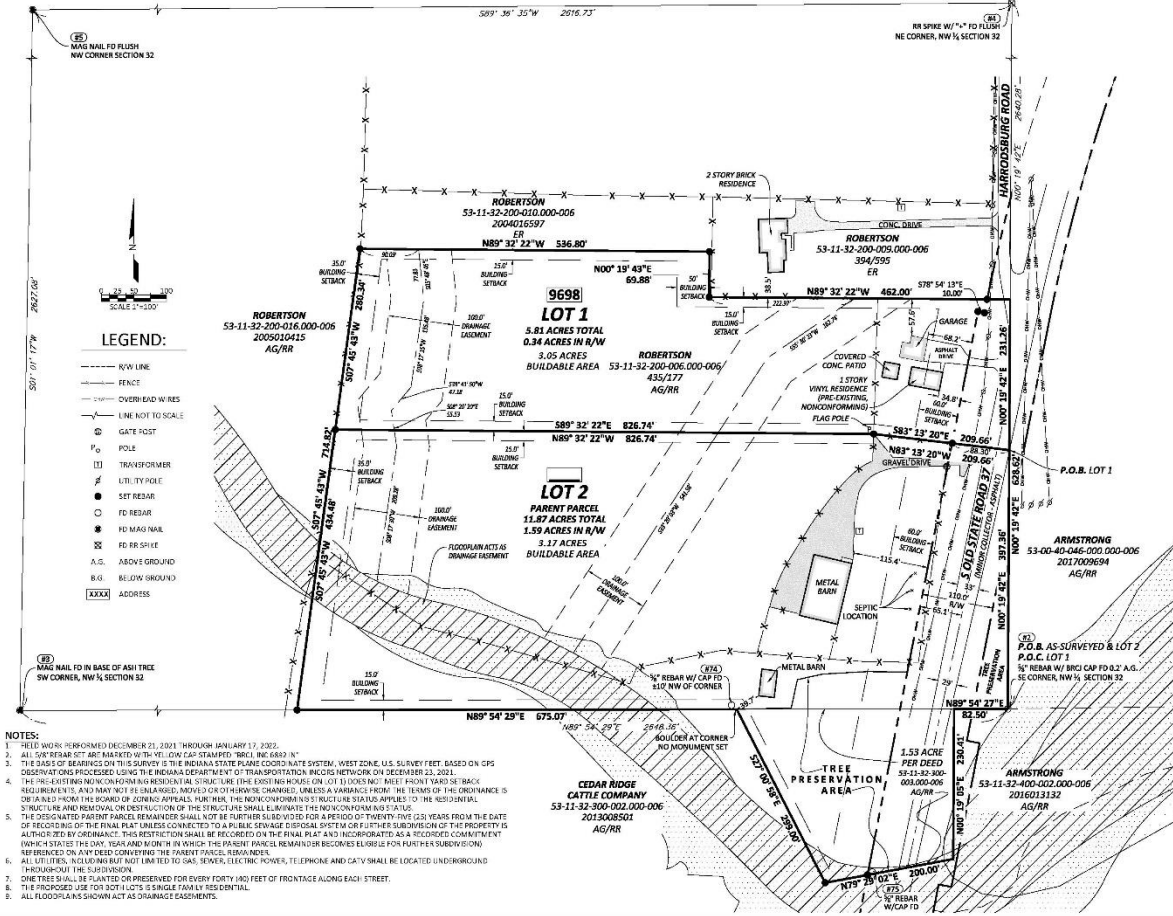
DMR: Approximate Floodway.

Bledsoe Riggert Cooper James
BRCJ
LAND SURVEYING • CIVIL ENGINEERING • GIS

851 West Tapp Road
Bloomington, Indiana 47403
Phone: 812-336-8277 Email: cporter@brcjvll.com

PLAT DATED: March 11, 2022 JOB # 10894

SHEET 1 OF 2




- NOTES:**
1. FIELD WORK PERFORMED DECEMBER 21, 2021 THROUGH JANUARY 17, 2022.
 2. ALL 50' REAR SETBACK MARKED WITH 1" DIAM. CON. CAP STAMPED "BRCJ INC 6882 IN".
 3. THE DATE OF RECORDING OF THIS SURVEY IS THE INDIANA STATE PLAT COORDINATE SYSTEM, WEST ZONE, U.S. SURVEY FEET, BASED ON GPS OBSERVATIONS PRECEDED USING THE INDIANA DEPARTMENT OF TRANSPORTATION INACCESS NETWORK ON DECEMBER 23, 2021.
 4. THE 1/4" E-1/4" SECTION CORNER HAS BEEN RELOCATED TO THE EXISTING MONROE COUNTY CORNER. THE EXISTING MONROE COUNTY CORNER IS LOCATED 1/4" E-1/4" SECTION CORNER. THE 1/4" E-1/4" SECTION CORNER IS LOCATED 1/4" E-1/4" SECTION CORNER. THE 1/4" E-1/4" SECTION CORNER IS LOCATED 1/4" E-1/4" SECTION CORNER.
 5. 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 DATE, YEAR AND MONTH IN WHICH THE PARENT PARCEL REMAINDER BECOMES ELIGIBLE FOR FURTHER SUBDIVISION).
 6. ALL UTILITIES, INCLUDING BUT NOT LIMITED TO GAS, POWER, ELECTRIC POWER, TELEPHONE AND CABLE SHALL BE LOCATED UNDERGROUND THROUGHOUT THE SUBDIVISION.
 7. ONE TREE SHALL BE PLANTED OR PRESERVED FOR EVERY FORTY (40) FEET OF FRONTAGE ALONG EACH STREET.
 8. THE PROPOSED USE FOR BOTH LOTS IS SINGLE FAMILY RESIDENTIAL.
 9. ALL FLOODPLAINS SHOWN ACT AS DAMAGE EASEMENTS.

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 area is rural with no sidewalks in the area currently and the petitioners would like to maintain that rural atmosphere.
3. *Granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.):*
 - There are no sidewalks in the area currently. Adding sidewalks would not change the delivery of governmental services.
4. *Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties:*
 - There are no sidewalks in the area currently. Construction of sidewalks could harm nearby properties by removing trees and increasing stormwater runoff directed to Judah Branch.
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 slopes make sidewalk design and construction impractical.
6. *Granting the requested modification would not contravene the policies and purposes of these regulations:*
 - The parcels to the south of the petitioner's property are not part of the Designated Community of Harrodsburg. Sidewalks would not be required across those parcels under the community designation.
 - The vertical wall that the proposed sidewalk would traverse makes a sidewalk impractical for use by anyone walking south of the petitioner's properties.
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:*
 - It would be impractical to construct a sidewalk in this area that would be safe for potential users.
8. *The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant:*
 - The slopes were created as part of the construction of Old Highway 37.
 - The quarrying activity that created the vertical wall took place pre-1935 based on contours shown on a U.S.G.S. quad map dated 1935.
9. *The practical difficulties cannot be overcome through reasonable design alternatives:*
 - It is impractical to design a safe and useable sidewalk in this area.

We look forward to your positive consideration of this waiver request.

Sincerely,



Christopher L. Porter, PS

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 (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 = 5.81; acres, Lot 2 = 11.87 acres, (parent parcel);
- The proposed use in the subdivision is residential;
- Lot 2 can be served by a private septic system. Lot 1 has an existing septic system that was inspected by the Health Department 3/16/2022;
- Capacity letters are on file for electric and water;
- Construction Stormwater General Permit (CSGP) – formally known as Rule 5) – is not required as only one new lot is being created;

- (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 Designated Community for Harrodsburg for the northern parcel and also Farm and Forest for the southern parcel;

- (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 S Old State Road 37;
- The proposed subdivision is meeting the Monroe County Zoning Ordinance’s Buildable Area requirement;
- Street trees have been preserved next to S Old State Road 37 adjacent to the road right of way;

- (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);
- S Old State Road 37 is classified as a “Minor Collector” per the Monroe County Thoroughfare Plan;
- Right of way was previously dedicated at 110’ which exceeds the minimum 90’ requirement;

- (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 Sidewalk Waiver have been requested with this petition;
- There are no visible karst features on the property;
- There is floodplain on the southern portion of the property and is delineated on the plat;
- There is a unique geologic feature 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 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:

(4) the proposed subdivision is within a designated growth area in one of the Rural Communities as identified by 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 S Old State Road 37 required 5' sidewalks. The eastern side of S Old State Road 37 would require 330' of sidewalk and the western side would require 600' approximately.
- The sidewalk improvements are required due to the petition site meeting the criteria described in 856-40 (A) (4) above;
- The northern parcel of the petition site is within a designated growth area in the Harrodsburg Rural Community;

- The southern parcel is not included in the Rural Community designation;
- The topography has exposed limestone rock that would make sidewalk installation difficult;
- 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 S Old State Road 37 (west side 600' and east side 330'), unless the waiver is granted;
- There are obvious existing physical constraints, including steep slopes, exposed bedrock and high powered utilities lines, where the sidewalk would be required along S Old State Road 37;
- The total length of required sidewalk for which the waiver is requested is approximately 930';
- Much of the right of way has mature trees that add to the character of the area. Sidewalk installation would likely require the removal of many of those trees;
- The nearest side walk is 0.75 miles to the north in Harrodsburg;
- Practical difficulties have 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 Designated Community as designated by the Comprehensive Plan;
- The Comprehensive Plan calls for transportation alternatives throughout Monroe County;
- The 2018 Monroe County Transportation Alternatives Plan lists S Old State Road 37 as "Moderate Priority for Road Improvement Opportunity";
- The designation under the Transportation Alternatives Plan Vision Map shows the petition site as the southernmost extent of a 'Moderate 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;
- The Highway Department has provided a statement that they support the sidewalk waiver;

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);
- Requiring sidewalks would 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:

- 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 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.