

# MONROE COUNTY PLAT COMMITTEE



**April 21, 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:** April 21, 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:**

- |                    |   |                |
|--------------------|---|----------------|
| <b>1. SMN-22-1</b> | <b>Richardson-Hardesty Minor Subdivision Preliminary Plat Plat Committee Decision.</b><br>One (1) parcel on 58.88 +/- acres in Section 20 of Richland Township at 3290 N Starnes RD, Parcel no. 53-04-20-400-002.000-011<br>Owner: Hardesty Family Trust<br><b>Zoned AG/RR.</b> Contact: <a href="mailto:tbehrman@co.monroe.in.us">tbehrman@co.monroe.in.us</a>   | <b>PAGE 3</b>  |
| <br>               |   |                |
| <b>2. SSS-22-2</b> | <b>Akers Sliding Scale Subdivision Preliminary Plat Buried Utility Waiver Requested. Plat Committee Decision.</b><br>Three (3) parcels on 31.05 +/- acres in Section 3 of Bean Blossom Township at 6350 W Brighton RD, Parcel no. 53-03-03-400-005.000-001<br>Owner: Tracy Akers & Rachel Tupper-Akers<br><b>Zoned AG/RR.</b> Contact: <a href="mailto:dmyers@co.monroe.in.us">dmyers@co.monroe.in.us</a> | <b>PAGE 15</b> |

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](mailto: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:

December 16, 2021

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-22-1	Richardson-Hardesty Minor Subdivision	2-Lot Minor Subdivision Preliminary Plat

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

<b>PLAT COMMITTEE</b>	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
<b>RECOMMENDED MOTION</b>	Approval with Conditions	<b>Planner:</b> Tammy Behrman
<b><i>Recommended Motion Conditions or Reasoning:</i></b> <b>Approve</b> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance, subject to the following conditions: 1. The petitioner satisfy any remaining comments/edits requested by the MS4 Coordinator with regard to the preliminary plat document. 2. Add water easement to the plat from existing well on Lot 2 if serving Lot 1.		

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

<b>PETITIONER</b>	Deckard Land Surveying	
<b>OWNERS</b>	Hardesty Family Trust c/o Michael Richardson	
<b>ADDRESS</b>	3290 N Starnes RD; 53-04-20-400-002.000-011	
<b>TOWNSHIP + SECTION</b>	Richland; 20	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	59.75 +/- acres	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/RR	AG/RR
<b>COMP PLAN</b>	Farm and Forest	Farm and Forest
<b>USE</b>	Vacant	Residential, Agricultural

### SUMMARY

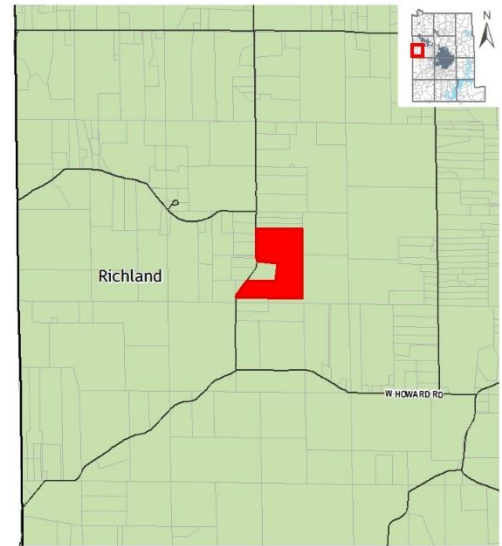
The petitioner is proposing a 2-lot Minor Subdivision Preliminary Plat with no waiver requests. The property is zoned Agriculture/Rural Reserve (AG/RR). Both proposed lots will meet the minimum requirements for subdividing land in their respective zoning districts. Staff spent additional time confirming that there was adequate buildable area west of the creek so there would not be a conflict with 856-34(B). The original plan was to have three lots but there was not enough buildable area so a two lot subdivision was submitted for review. In addition, the Highway Department denied the original proposed shared driveway and instead required each lot to have a separate driveway that met sight distance requirements.

## DISCUSSION

The proposed subdivision will create two lots out of 55.96 acres. Below is a summary table of facts regarding the two lots. The mapped floodplain has limited the site. Though the drainage area is less than a square mile it is still mapped as a special flood hazard area under the DNR Best Available Flood Map. To request a change of correction requires a considerable amount of engineering and is therefore being left as is. Staff confirmed that the area for each lot west of the floodplain was at least an acre of buildable area demonstrating compliance with 856-34(B): *Any new subdivision proposing sole access subject to flooding for substantial periods of time that impede the ability of emergency and public services to adequately serve created lots is prohibited, and this requirement shall not be waived.*

**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: 4/13/2022



There is a note on the plat to address the lack of municipal water to the site. Staff reviewed DNR Division of Water groundwater maps for surround wells. The petitioner claims there is already a well on the site. Exhibit 4 was submitted by the petitioner to state the intent for supply of water.

There are no waiver requests for this subdivision petition. Sidewalks are not required. Preservation of the wooded areas is platted in the northeast corner of Lot 1 and states it will preserve 38 trees.

There is a note on the plat stating the utilities must be located underground. Electric to be provided by Utilities District of Western Indiana REMC per the capacity letter.

Below is a summary of the lot configurations and requirement.

	<b>Lot 1</b>	<b>Lot 2</b>
<b>Acreage / Buildable Area (+/-)</b>	10 acres / 1.02 acres	48.88 acres / 1.12 acres
<b>Wastewater</b>	WW-21-447 (Issued)	WW-21-448 (Issued)
<b>Property Access</b>	N Starnes Road; RW-21-436	N Starnes Road; RW-21-437
<b>R/W Dedication; N Starnes RD (local)</b>	Yes = 25'	Yes = 25'
<b>Environmental Conditions</b>	Floodplain; slopes > 15%	Floodplain; dry pond; slopes > 15%
<b>Existing Structure(s)</b>	vacant	Abandoned house, ag structure, shed

## EXHIBITS - Immediately following report

1. County Slope Maps
2. Site Photos
3. Preliminary Plat
4. Groundwater information
5. Planning Staff Findings of Fact



## EXHIBIT 1: County Slope Map

### Site Conditions Map

- Petitioner
- 10-Foot Contours
- 15% Slope (County/ECO2)
- 0 - 15
- > 15
- Local Roads [50']
- Hydrologic Features

### DNR Best Available Data

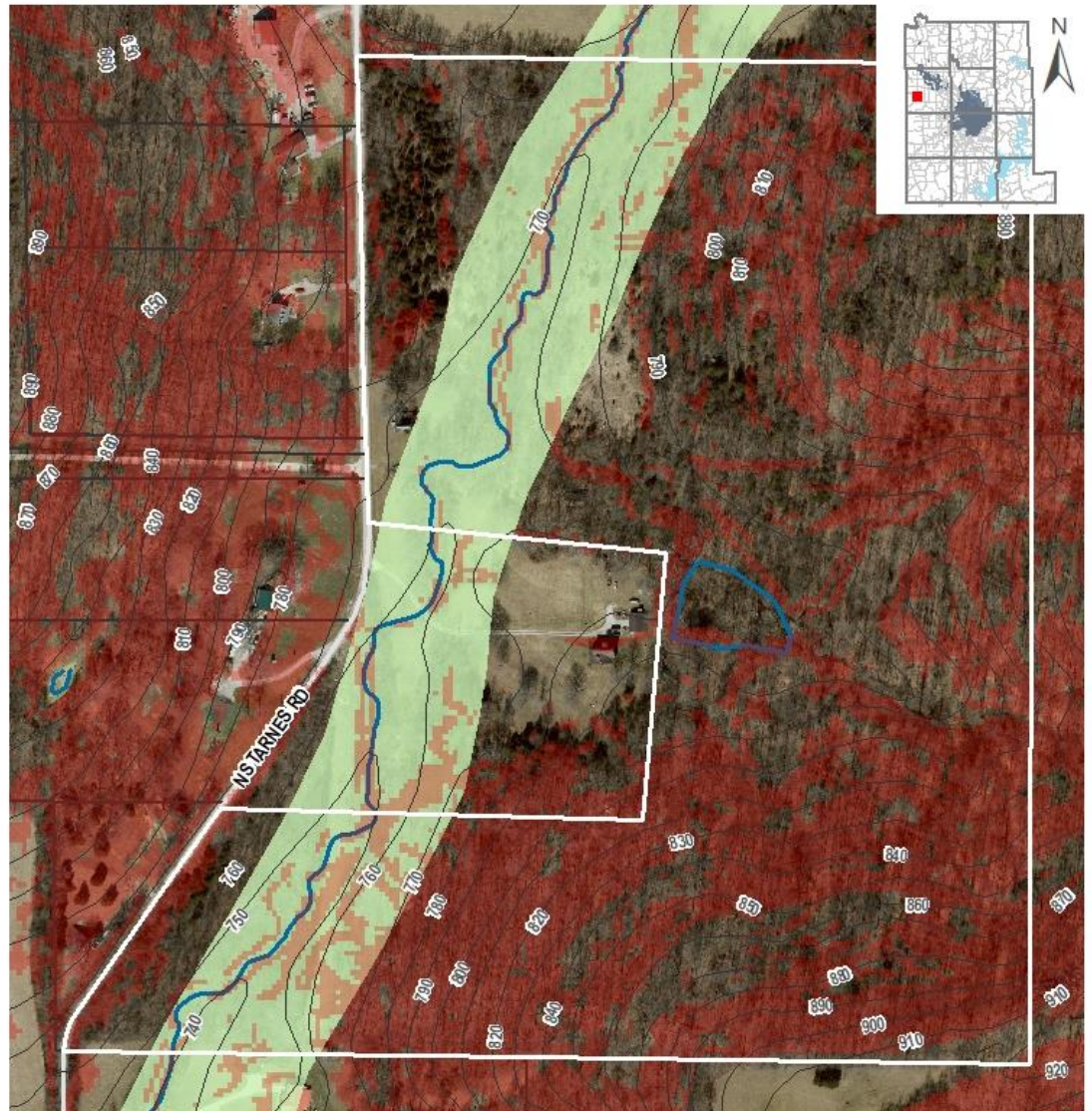
FLD\_ZONE, ZONE\_SUBTY

- A
- Parcels

0 95 190 380 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 4/13/2022





## County Slope Map -enlarged

### Site Conditions Map

- Petitioner
- 2-Foot Contours
- 15% Slope (County/ECO2)
  - 0 - 15
  - > 15
- Local Roads [50']
- Hydrologic Features

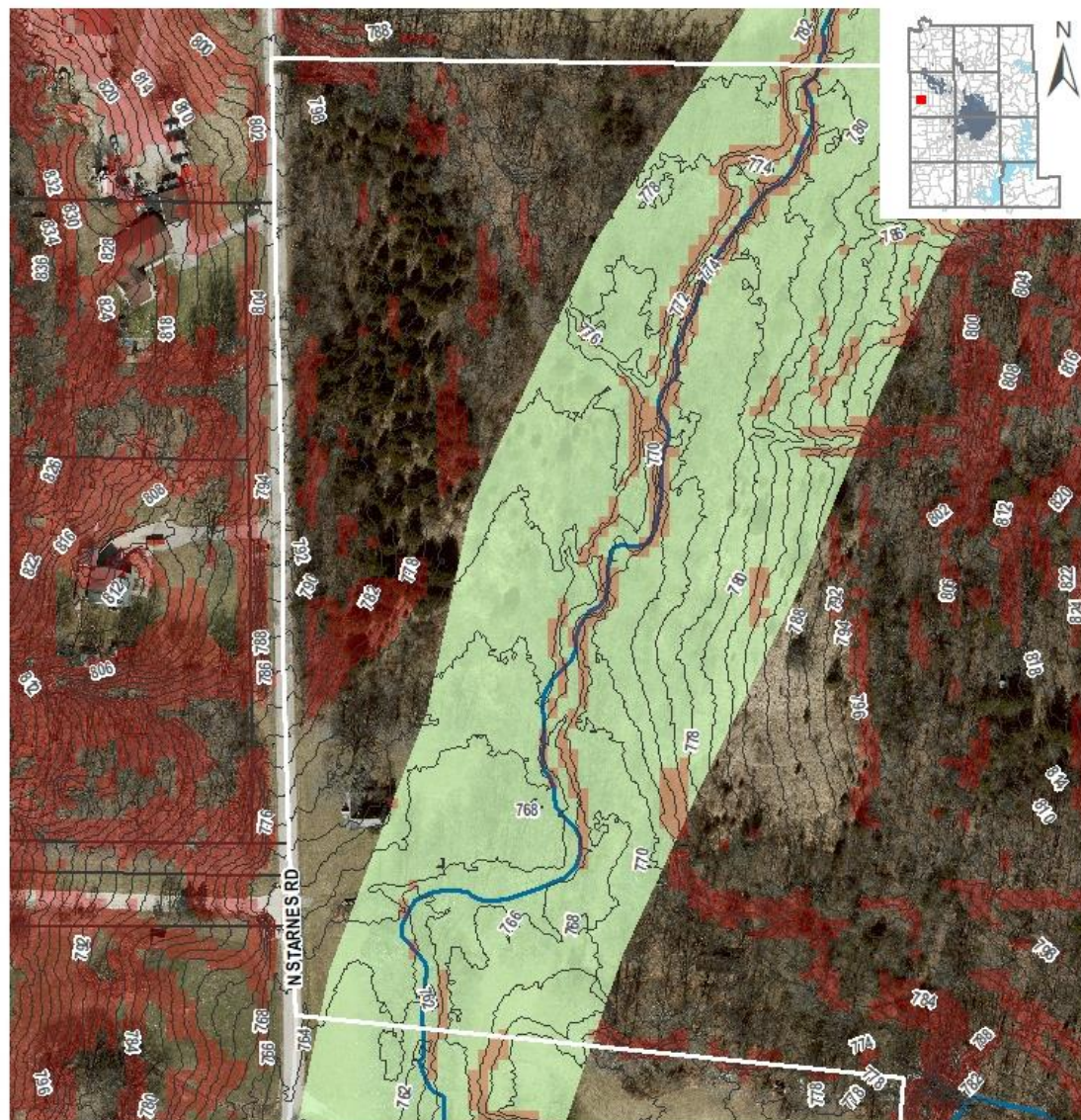
### DNR Best Available Data

- FLD\_ZONE, ZONE\_SUBTY
  - A
- Parcels

0 45 90 180 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 4/13/2022





**EXHIBIT 2: Site Photos**



saic) ▾ Feb 2022 - Mar 2022 ▾ 02/19/2022 - 03/14/2022

**Photo 1:** Aerial pictometry





- Mar 2022 - < image 1 of 5 > 02/19/2022

**Photo 2:** Aerial pictometry from the north of the northwest portion.



**Photo 3.** Facing south, view of N Starnes Rd and the proposed drive for Lot 2





**Photo 4.** Facing north, view of N Starnes Rd and the proposed drive for Lot 1



**Photo 5.** View of the creek that runs north-south through the site.

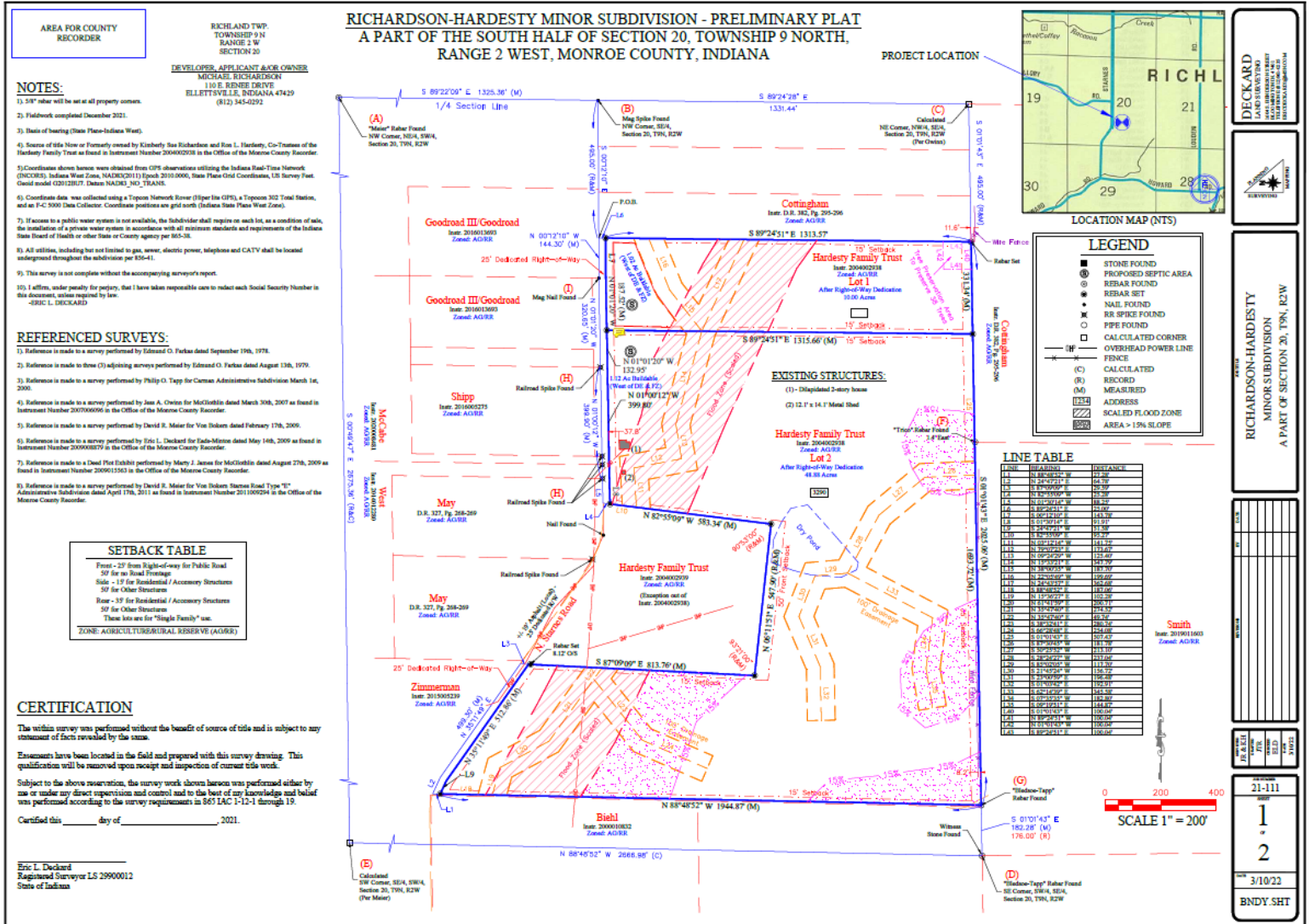




**Photo 6.** Facing west, view of proposed lot and old, damaged house.



# EXHIBIT 3: Preliminary Plat



#### EXHIBIT 4: Groundwater information

Michael Richardson  
110 E RENEE drive  
Ellettsville, IN 47429  
(812) 345-0292  
[kimike6@yahoo.com](mailto:kimike6@yahoo.com)

RE: minor subdivision SMN-22-1

Good afternoon:

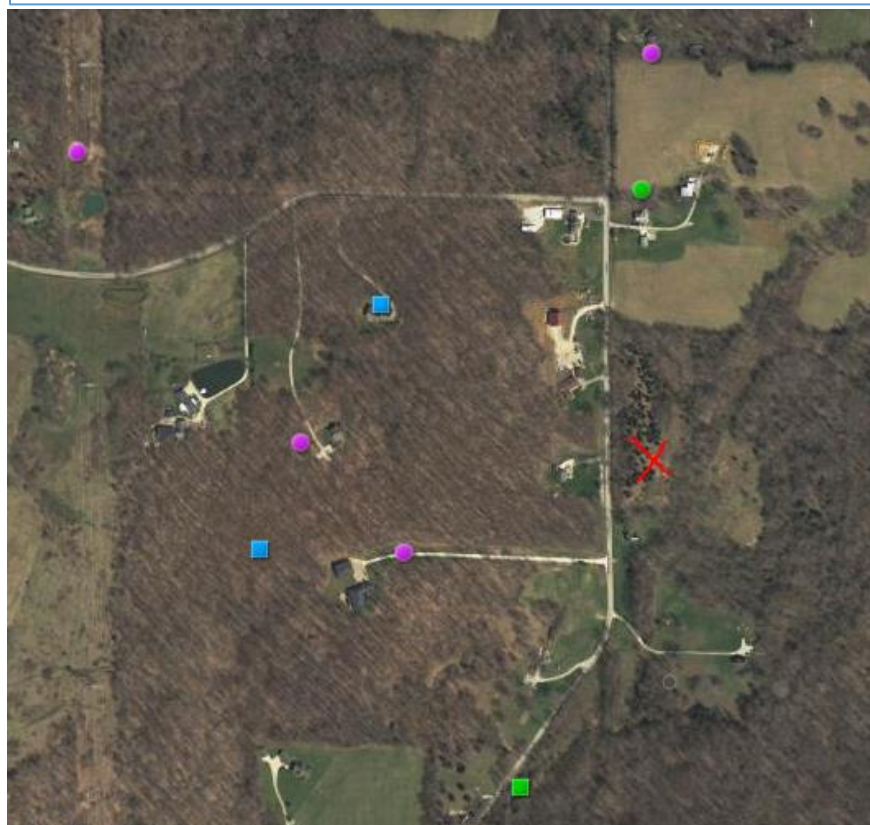
This letter is in regards to a minor subdivision located at 3290 North Starnes Rd., Bloomington, IN.

This letter is to inform all parties of our intent for a fresh water supply on the newly proposed property. As there is not at present a hook up for municipal water, and there are three existing wells on the surrounding 60 acres... Our intent would be to use one of the wells, specifically the one located by the old dilapidated property... And pump the fresh water from that well to the newly proposed building.

If that is not possible due to recommendations by a professional plumber and well drilling professional, our intent is then to drill new wells closer to the subdivided property lines. In the surrounding area and neighbors there has never been a lack of freshwater in that area so we believe the water table is more than adequate.

Thank you for your attention,

Michael Richardson



#### Legend and Information

##### Indiana DNR Water Well Vi

###### Boreholes Drilled to Bedrock

- Field Located
- Other

###### Unconsolidated Wells

- Field Located
- Other

###### Unspecified Well Type

- Field Located
- Other

###### Significant Withdraw Wells



This application is provided for easy access to the [Well Record Database](#), which is maintained by the Rights and Use Section of the [Indiana Department of Natural Resources, Division of Water](#).

Select search option





**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 one 55.98 +/- acre parcel;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture/Rural Reserve (AG/RR) along with the surrounding area;
- The preliminary plat amendment request is to subdivide the property into two new lots with the following details:
  - LOT 1: 10.0 acres; LOT 2: 48.88 acres;
- The preliminary plat does not request any subdivision waivers;
- Street tree requirements will be met by tree preservation area shown on Lot 1 in the northeast;
- Both proposed lots are accessed by separate existing driveways with access off of N Starnes RD;

- (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 Highway Department requests the petitioner remove trees to the east on proposed Lot 1 and relocate the driveway entrance on proposed Lot 2 in order to meet sight distance requirements. The petitioner will have one year from the approval of the subdivision to complete the work;
- The MS4 Coordinator requests the delineation of 100' drainage easements centered on the flowlines for proposed Lots 1 and 2 and the mapped floodplain is to be platted as a drainage easement;
- Any land east of the creek that runs north / south through the petition site may not count as buildable area due to the provision under 856-34(B);
- 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:

April 21, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-22-2	Akers 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: Drew Myers
<b><i>Recommended Motion Conditions or Reasoning:</i></b> <u>Approve</u> based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance.  <u>Approve</u> the Buried Utility Waiver request based on findings of fact.		

### PLAT COMMITTEE DECISION

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Overhead Utility Waiver
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	Akers, Tracy S & Tupper-Akers, Rachel L	
ADDRESS	6350 W Brighton RD; 53-03-03-400-005.000-001	
TOWNSHIP + SECTION	Bean Blossom; 3	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	31.05	
	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 one waiver request for overhead utility lines. An existing overhead power line drop services the existing residence on proposed Lot 2. The proposed lots will be serviced by septic systems. Septic permit applications have been submitted for proposed Lot 1 and Lot 3. Lot 2 operates with an existing septic system. Electric and water utility will be provided by South Central Indiana REMC and Washington Township Water, respectively. Each of the proposed lots is accessed via W Brighton Road. Driveway permits approvals are pending the outcome of this subdivision petition.

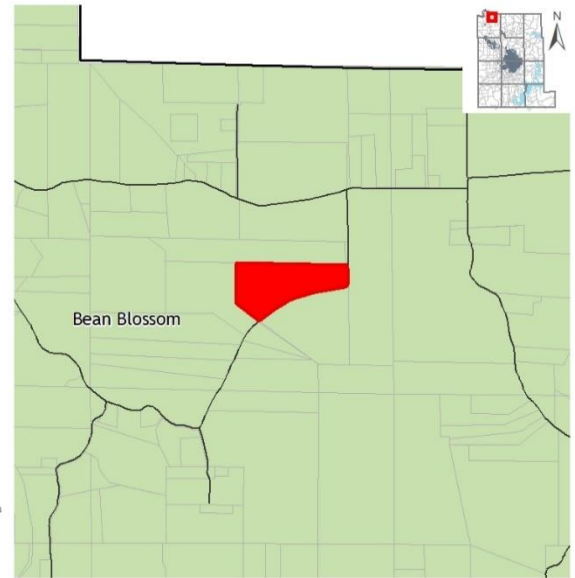
## DISCUSSION

Table 1 provides a summary of the lot configurations and requirements for the Akers Sliding Scale Subdivision. 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.

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

0 0.125 0.25 0.5 Miles  
 Monroe County  
 Planning Department  
 Source: Monroe County GIS  
 Date: 3/17/2022



A note on the plat references the pre-existing nonconforming status of the two structures (existing residence and pole barn) on proposed Lot 2 with respect to their encroachment into the required 60' front yard setback along W Brighton Road. The structures may not be enlarged or otherwise changed, unless a variance from the terms of the zoning ordinance is obtained from the Board of Zoning Appeals. Additionally, the existing 1930s Farm House is listed as "Contributing" according to the Indiana State Historic Architectural and Archaeological Research Database (SHAARD).

**TABLE 1: Summary of Lot Configurations**

	<b>Lot 1</b>	<b>Lot 2 (Parent Parcel)</b>	<b>Lot 3</b>
<b>Acreage / Buildable Area (+/-)</b>	8.64 / 3.99	16.76 / 7.04	4.47 / 1.21
<b>Wastewater</b>	Proposed septic; WW-22-14	Repair Septic Permit; WW-22-9	Proposed septic; WW-22-15
<b>Utility Access / Capacity</b>	<b>South Central Indiana REMC / Washington Township Water</b>		
<b>Property Access</b>	New, RW-22-14	Existing, RW-22-15	New, RW-22-13
<b>ROW Dedication; W Brighton RD (local)</b>	Yes = 25'	Yes = 25'	Yes = 25'
<b>Environmental Conditions</b>	Steep slopes / Drainage easements	Steep slopes, / Drainage easements	Steep slopes / Drainage easements / existing pond
<b>Existing Structure(s)</b>	Vacant	~1,800 sf SFR, ~1,600 sf pole barn, ~2,500 sf pole barn, ~432 sf pole barn	Vacant




## HIGHWAY COMMENTS:

 **Paul Satterly** [Remove Comment](#) • Jan 19, 2022 at 10:30 am

No comments.

## STORMWATER COMMENTS:


 **Kelsey Thetonia** [Remove Comment](#) • Mar 9, 2022 at 2:01 pm

Akers Sliding Scale Subdivision

Comments uploaded. Requesting 2 other DEs. We have an 18" culvert under Brighton Rd. draining to this property. Thanks,

Kelsey

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 **Eric Deckard** [Remove Comment](#) • Mar 15, 2022 at 8:31 am

The edits have been made.

## 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.

<b>EXHIBITS - <i>Immediately following report</i></b>
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1. County Slope & Site Conditions Map
2. Aerial Pictometry
3. Akers Sliding Scale Subdivision Preliminary Plat
4. Petitioner Submittals Regarding Overhead Utility
5. Staff Findings of Fact for Subdivision and Overhead Utility Waiver

## EXHIBIT 1: County Slope Map

### Slope Map

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

### 15% Slope (2010)

-  0 - 15
-  > 15
-  Hydrologic Features

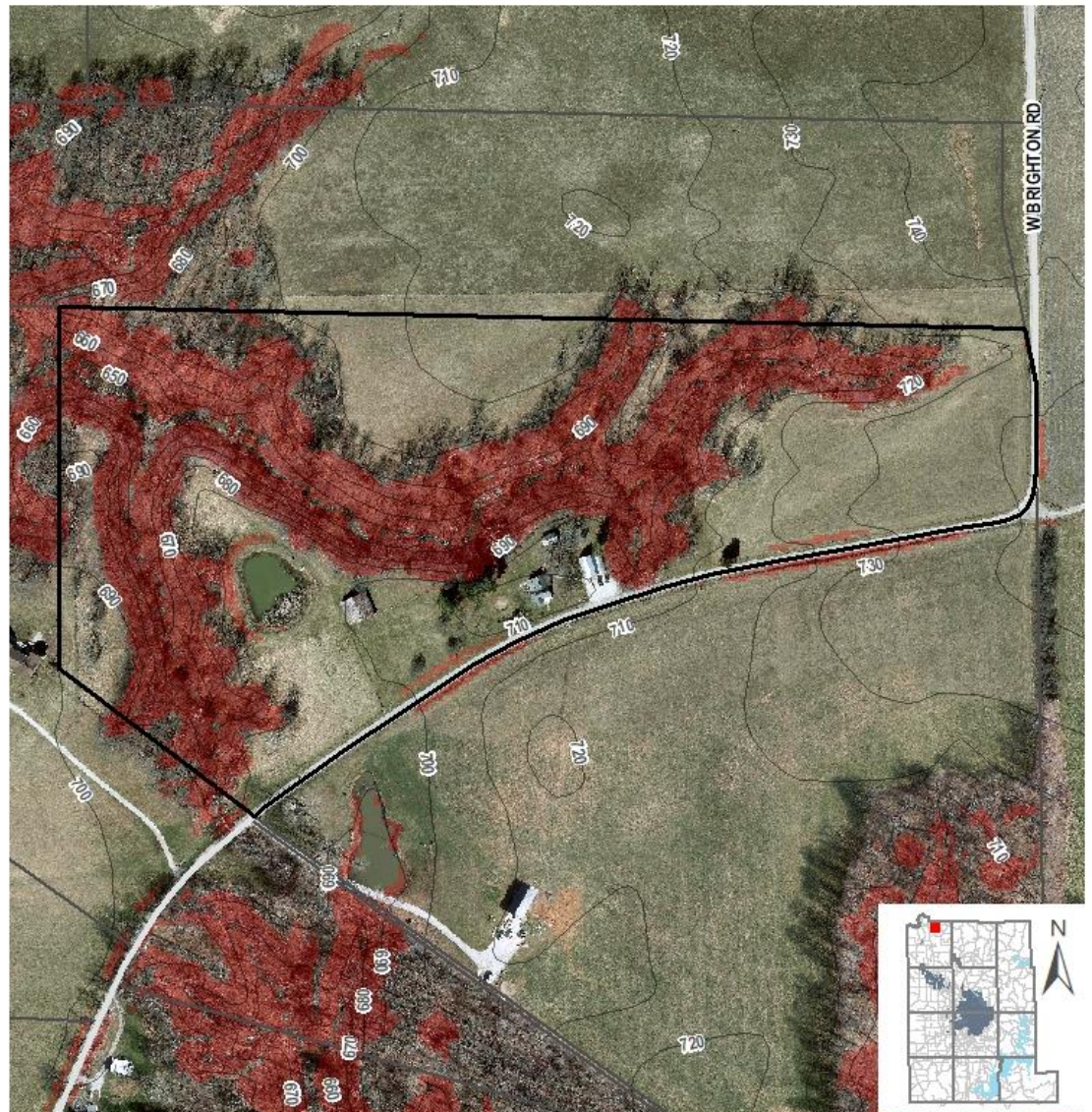
PARCEL #:  
53-03-03-400-005.000-001

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

0 100 200 400 600 Ft

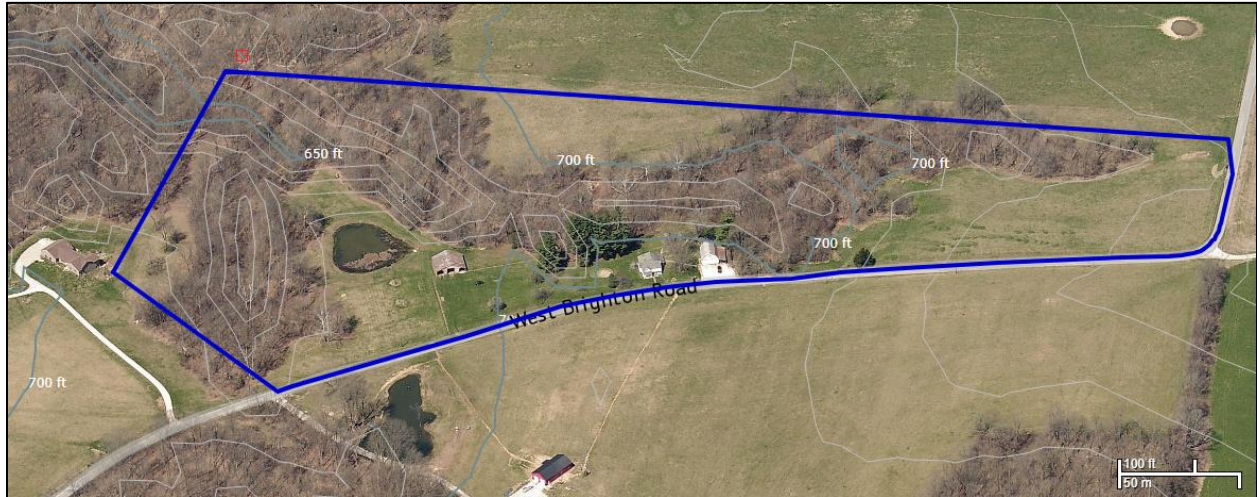


Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 3/17/2022





## **EXHIBIT 2: Site Photos**



**Photo 1:** Aerial Pictometry from the south (2020)



**Photo 2:** Aerial Pictometry from south (2020); zoomed in w/ proposed lot line





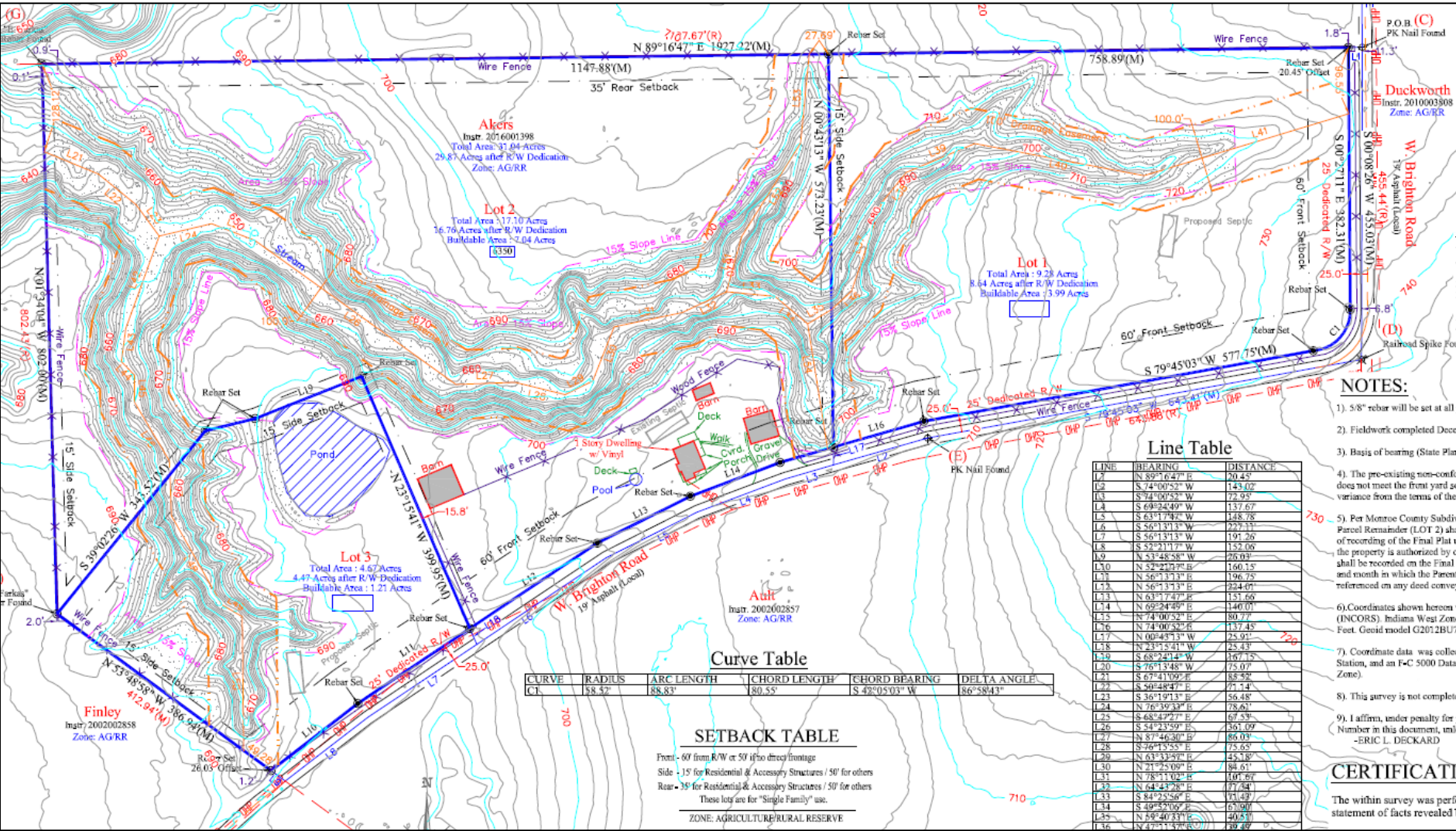
**Photo 3:** Aerial Pictometry from south (2020); zoomed in w/ proposed lot line



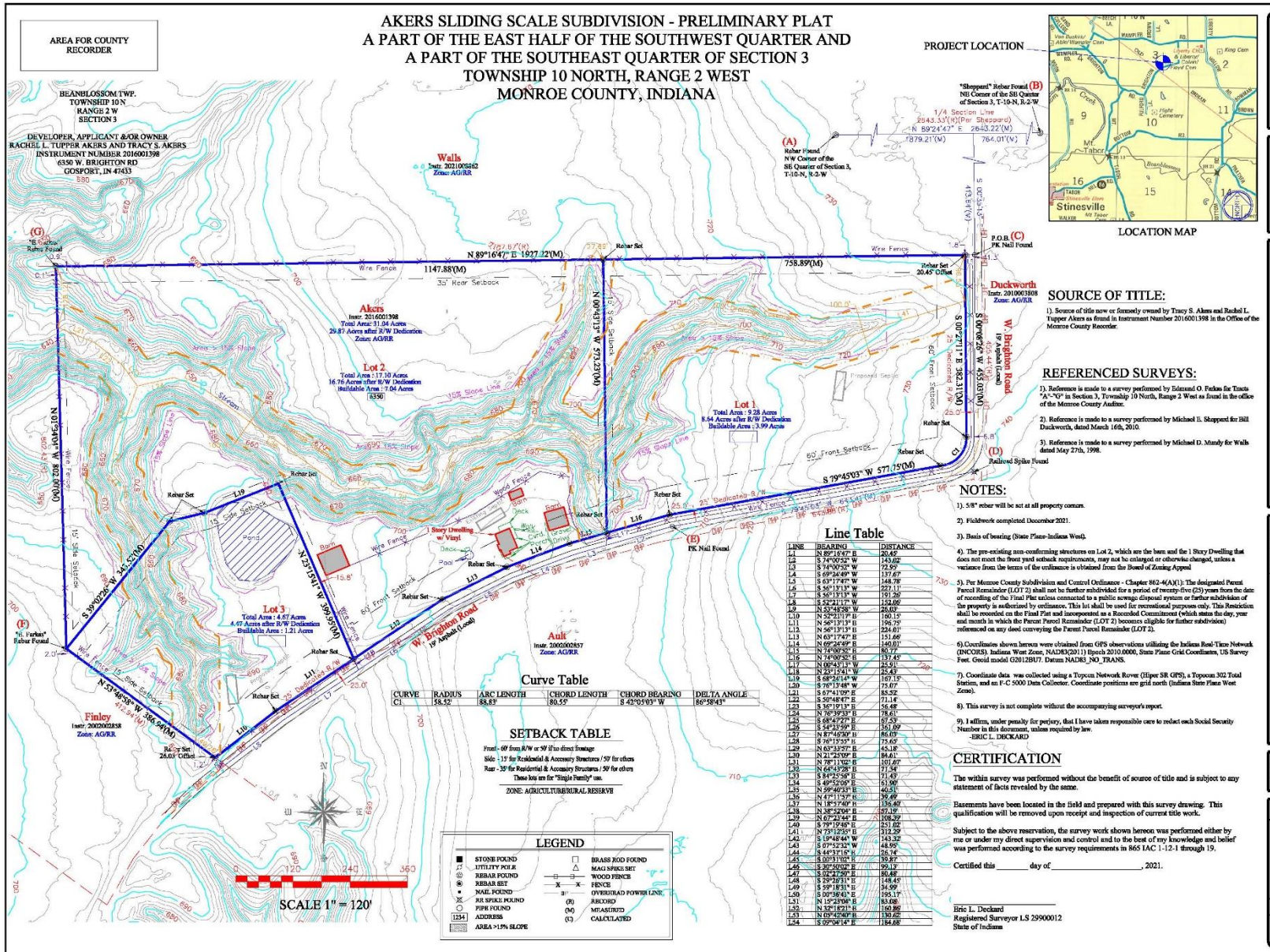


**Photo 4:** Aerial Pictometry from south (2020); zoomed in w/ proposed lot line

EXHIBIT 3: Akers Sliding Scale Subdivision Preliminary Plat







## EXHIBIT 4: Petitioner Findings for Overhead Utility Waiver



Eric L. Deckard, LS

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

December 29th, 2021

To Members of the Monroe County Planning Commission

RE: Akers Sliding Scale Subdivision: 6350 W Brighton Rd Gosport, In 47433

I have been asked personally by Rachel Akers to request a buried utility waiver.

### FINDINGS OF FACT - WAIVER for buried utility.

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

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 existing house was built in 1930's and has had overhead utilities since it was built.
- 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 W. Brighton 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.

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

#### Findings:

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

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

#### Findings:

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

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 W. Brighton Road and would create practical difficulties to bore under said road instead of using exiting overhead lines.

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

#### Findings:

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





Eric L. Deckard, LS

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

- 
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 landowners purchased the property in 2016. The house existed before purchase and have used the overhead utilities 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

## **EXHIBIT 5: 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 one parcel totaling 31.05 +/- acres;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would result in three (3) lots that exceed the minimum lot dimension requirements for the Agriculture/Rural Reserve (AG/RR) Zoning District;
- Approval of the subdivision would result in Lot 1 = 8.64 acres, Lot 2 (parent parcel) = 16.76 acres, and Lot 3 = 4.47 acres,
- Neither street trees nor sidewalks are required for this petition;
- The proposed use in the subdivision is residential;
- Each lot will be serviced by a private septic system;
- Each lot will receive electricity utility service via South Central Indiana REMC;
- Each lot will receive water service via Washington Township Water;
- The petitioner has filed for an Overhead Utility Waiver;
- 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 property as Farm and Forest;

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

#### **Findings**

- See findings under Section (A);
- The site exhibits an existing pond measuring approximately 0.44 acres to be located on proposed Lot 3;
- The MS4 Coordinator requested two additional drainage easements that were added to the preliminary plat by the petitioner's surveyor;

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

#### **Findings**

- See findings under Sections (A) & (C);
- The adjoining properties are zoned Agriculture/Rural Reserve (AG/RR);
- The use of neighboring properties is either residential or agricultural;
- W Brighton Road is classified as a "Local" roadway 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);
- There are no visible karst features on the property;
- There is no floodplain on the property;

**(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, 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 Overhead Utility Requirement**

The petitioner has requested a waiver from Chapter 856 *Sliding Scale Option Subdivision* outlined in 856-41 (Utilities). The standard states:

*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;
- Findings for the utility waiver request were submitted by the petitioner’s representative;
- The petitioner’s representative’s findings state that the existing home on proposed Lot 2 was built in 1930s and has operated with an overhead utility since;
- The above ground electric line requires undergrounding, as per 856-41;
- An existing overhead power line extends the length of the property’s frontage to W Brighton Road and services several other properties along W Brighton Road;
- The existing utility service line crosses over W Brighton Road from the power pole to the existing residence;
- The existing utility service line extends from the power pole to the residence for approximately 78 feet;

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

##### **Findings:**

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

- The existing overhead utility line runs northwest from the power pole crossing over W Brighton Road to the existing residence on proposed Lot 2;

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

**Findings:**

- See findings under Section 1;
- Occupants of the petition site served by the overhead utility will continue to be serviced regardless of the location of the lines above or below ground;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards;
- The approximate length of the electric line to be buried is 78’;

**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:**

- The overhead utility line crosses over W Brighton Road and would create unique practical difficulties to bury the line under W Brighton Road instead of using the existing overhead lines;

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

**Findings:**

- See findings under Sections 2 and 3;

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

**Findings:**

- See findings under Sections 1, 2, and 3;
- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions – existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision;
- Existing utility lines servicing residential structures shall be removed and placed underground unless waived for existing and future structures;
- Occupants of the petition site served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;

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



**Findings:**

- Petitioner purchased the property in 2016 and the existing residence was built in the 1930s;

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

**Findings:**

- See findings under Sections 1, and 5;

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