

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



**Tuesday, October 4, 2022
5:30 pm**

Hybrid Meeting

In-person

Monroe County Government Center
501 N Morton Street, Room 100B
Bloomington, Indiana

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/81647669411?pwd=VWFFYWFPYjY4NjJxZGJnR2d0YkI5UT09>

If calling into the Zoom meeting, dial: 312-626-6799
Meeting ID: 845 8541 9468
Password: 418555

Agenda
Plan Commission Administrative Meeting
5:30 p.m. – 7:00 p.m.
Tuesday, October 4, 2022
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold an Administrative Meeting (Work Session) on Tuesday, October 4, 2022 at 5:30 PM. The following meeting will be held via teleconference. The link for the teleconference can be found on the Planning Department's website (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>). For information about the teleconference meeting, you may call (812)349-2560 or email (PlanningOffice@co.monroe.in.us) our office. The work session agenda includes the following agenda items for the regularly scheduled Tuesday, October 4, 2022 Plan Commission meeting:

ADMINISTRATIVE BUSINESS:

- 1. VAR-22-25 Refund Request: Jason Deckard Minimum Lot Width Variance for \$208.50**
- 2. ADR-22-3 Refund Request: Jason Deckard Temporary Mobile Home Placement for \$400**
- 3. ILP-22-7 Refund Request: Jason Deckard Permit Review Temporary Mobile Home Placement for \$100**
One (1) 2.00 +/- acre parcel in Bean Blossom Township, Section 16 at 7118 W Walker LN, parcel #53-03-16-400-003.000-001.
Owner: Jason Dwight Deckard
Zoned AG/RR. Contact: tbehrman@co.monroe.in.us

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|---|----------------|
| 4. Fee Schedule Discussion | PAGE 6 |
| 5. Plan Commission Committee Appointments for remainder of 2022 only | PAGE 11 |

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- 1. SSS-22-8 Tirey-Devries Sliding Scale Subdivision Preliminary Plat PAGE 12**
Right of Way Width Waiver Requested.
Preliminary Hearing.
One (1) parcel on 14 +/- acres in Section 13, Bloomington Township at 4500 E Bethel LN, parcel #53-05-13-400-020.000-004.
Owner: T7 Properties, LLC.
Zoned AG/RR. Contact: acrecelius@co.monroe.in.us

- 2. ZOA-22-5 Amendment to the Monroe County Zoning Ordinance: PAGE 34**
Chapter 803- Pre-existing Nonconforming Uses
Waiver of Final Hearing.
Amendment to clarify regulated floodplain standards and mobile / modular home replacement standards.
Contact: tbehrman@co.monroe.in.us

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

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

The meeting will be open to the public.

2. VAR-22-25 **Refund Request: Jason Deckard Minimum Lot Width Variance for \$208.50**
3. ADR-22-3 **Refund Request: Jason Deckard Temporary Mobile Home Placement for \$400**
4. ILP-22-7 **Refund Request: Jason Deckard Permit for Temporary Mobile Home Placement for \$100**
One (1) 2.00 +/- acre parcel in Bean Blossom Township, Section 16 at 7118 W Walker LN,
parcel #53-03-16-400-003.000-001.
Owner: Jason Dwight Deckard
Zoned AG/RR. Contact: tbehrman@co.monroe.in.us

The Board of Zoning Appeals met August 31, 2022 ([meeting link 0:37:25](#)) and made the following condition of approval with petition VAR-22-25 with a vote of 4-1:

“It should be communicated to the Plan Commission that the Board of Zoning Appeals supports a refund request for this petition should such a request be made by the petitioner.”

9/13/22

From:

Jason Deckard

7118 W Walker Lane

Ellettsville, IN. 47429

To: Monroe County Planning Department

RE: VAR-22-25

Please consider this document as formal written request to refund all fees associated with Variance VAR-22-25 totaling \$208.50 as supported and advised by the Monroe County Board of zoning appeals.

Estimated Staff hours to review, discuss with applicant, staff, site visit, report and processing = **1 hour**.

Staff supports a refund of \$150 since the original petition in 2013 should have included a minimum lot width and was missed by staff. A fee of \$50 for an additional variance is what would have been required at that time of filing had it been caught. This would have been the effective fee in 2013 as confirmed when reviewing older fee schedules.

9/13/22

From:

Jason Deckard

7118 W Walker Lane

Ellettsville, IN. 47429

To: Monroe County Planning Department

RE: ADR-22-3

Please consider this document as formal written request to refund all fees associated with Administrative review ADR-22-3 totaling \$400.00 as supported and advised by the Monroe County Board of zoning appeals.

Estimated Staff hours to review, discuss with applicant, staff, site visit, report and processing = **4 hours**

Staff does not support a refund for the Administrative Review. The petitioner did not have a permit for over 7 years for the placement of the Temporary Mobile Home Placement. This review will be an annual requirement but the initial background work performed by staff for this petition was significant as demonstrated by the number of hours.

9/13/22

From:

Jason Deckard

7118 W Walker Lane

Ellettsville, IN. 47429

To: Monroe County Planning Department

RE: ILP-22-7

Please consider this document as formal written request to refund all fees associated with Improvement Location Permit ILP-22-7 totaling \$100.00 as supported and advised by the Monroe County Board of zoning appeals.

Estimated Staff hours to review, discuss with applicant, staff, legal and Commissioners = **5 hours**

Staff does not support a refund for the Administrative Review. The petitioner did not have a permit for over 7 years for the placement of the Temporary Mobile Home Placement as required under the original 2013 permit. This review will be an annual requirement but the initial background work performed by staff for this permit review was significant as demonstrated by the number of staff hours.

Fee Schedule Discussion

History of the Fee Schedule being updated:

2006; 2011; 2015; 2018

Communities comparable to Monroe County for Consideration:

Review Exhibit 1 – Cost Comparison between different communities

Labor Review:

Review Exhibit 2, originally drafted in 2011 and updated to 2022 salary numbers

Purpose/Goals:

- To evaluate the amount of time spent on each petition and calculate this per hour with updated wages.
- To compare the County's fee schedule with other communities
- Clean up the fee schedule to ensure all fees are still in use (i.e. WCF overlay no longer a process with a text amendment in 2016)
- Discuss any edits to the existing fee schedule for individual petitions/permits

Questions:

- Do you want us to update Exhibits 1 & 2 and bring our suggestions to update the fee schedule?
- Does the Plan Commission believe our fees are too low currently?

EXISTING FEE SCHEDULE

Monroe County Plan Commission and Monroe County Board of Zoning Appeals

FEE SCHEDULE	
ZONING PETITIONS	Fees
Conditional Use	\$400
Use Variance	\$400
Development Standards Variance- Residential	\$200 + \$50 for each additional development standard variance
Development Standards Variance- Non-Residential	\$400 + \$50 for each additional development standard variance
Administrative Appeal	\$400
Floodplain Variance	\$400
Rezone	\$500 + \$25 per acre or any portion thereof
Rezone to Wireless Communication Facility (WCF) Overlay	\$500
Rezone to Historic Preservation (HP) Overlay	\$0
Certificate of Appropriateness (HP)	\$0
PUD Outline Plan	\$1000 + \$25 per acre or any portion thereof
PUD Development Plan	\$750 + \$25 per acre or any portion thereof
PUD Outline Plan Amendment	\$750 + \$25 per acre or any portion thereof
PUD Development Plan Amendment	\$500 + \$25 per acre or any portion thereof
SUBDIVISION PETITIONS	Fees
Preliminary Plat - Major Subdivision - 5 or more Lots	\$750 + \$25 per lot
Preliminary Plat - Major Subdivision - 4 Lots or less	\$250 + \$25 per lot
Final Plat - Major Subdivision - 5 or more Lots	\$500 + \$10 per lot
Final Plat - Major Subdivision - 4 Lots or less	\$250 + \$10 per lot
Preliminary Plat - Minor Subdivision	\$250 + \$25 per lot
Final Plat - Minor Subdivision	\$250 + \$10 per lot
Plat Vacation	\$250
Plat Amendment - Preliminary	\$500 + \$25 per lot
Plat Amendment - Final	\$250 + \$10 per lot
Preliminary Plat Extension	\$250 (1 time only)
Subdivision Waiver	\$250 + \$50 for each additional waiver
Administrative Subdivisions - Type A	\$250 + \$25 per lot
Administrative Subdivisions - Type B, C, D, E, F	\$100 + \$10 per lot
AMENDMENT PETITIONS	Fees
Changes to Road or Project Names	\$250
PERMITS / ILP	Fees
Single Family Residential	\$200
Two Family Residential	\$400
Multi Family Residential	\$200 per d.u.
Mobile Home Permits	\$200
Residential Additions	\$100
Residential Accessory Bldgs	\$50
Agricultural Building	\$200
Residential Accessory Structure (pools, decks)	\$50
Home Occupation / Home Based Business Permit	\$100
Temporary Seasonal Activity	\$50
Commercial / Industrial Structure, including Site Plan Review	\$750 base fee + (\$.10 sq. ft. >3000 sq. ft.)
Commercial / Industrial Additions, including Site Plan Review	\$500 base fee + (\$.10 sq. ft. >3000 sq. ft., addition sq. ft. only)
Change of Use / Site Plan / Site Plan Amendment	\$500 base fee + (\$.10 sq. ft. >3000 sq. ft.)
Structures for Govt Agencies, Schools	\$0
Other Principal Structures	\$200
Other Accessory Structures	\$100
Signs	\$100 + \$1.00 / sq. ft
Wireless Communications New Facility	\$200
Wireless Communications Co-location	\$100
New/Replacement Antennas or Equipment Cabinet	\$100
Grading & Erosion Control (parcel < 1 acre)	\$100
Grading & Erosion Control (parcel > 1 acre)	\$200
Logging:	\$200 outside of the Environmental Constraints Overlay
	\$400 within the Environmental Constraints Overlay
Permit Extension	\$50
Floodplain Development Permit	\$100
Non-categorized	\$100
Construction without Permit	\$250 Fine *
Demolition	\$100
ADMINISTRATIVE	Fees
Information Provided on Disk	\$2 **
GIS Maps- 8.5 x 11	\$11**
GIS Maps- 24 x 36	\$30 **
GIS Maps- 36 x 48	\$31 **
Hearing Signs	\$8.50
Copies	\$0.10 **
Photo Copies 8 1/2 x 11 (per side)	\$0.10 **
Photo Copies 8 1/2 x 11 Color (per side)	\$0.10 **
Photo Copies 8 1/2 x 14 (per side)	\$0.10 **
Photo Copies 8 1/2 x 14 Color (per side)	\$0.10 **
Photo Copies 11 x 17 or larger (per side)	\$0.10 **
Photo Copies 11 x 17 Color or larger (per side)	\$0.10 **
Returned check fee	\$40 **
Address Assignment	\$50
Zoning Verification Letter	\$25
Pre-Existing Nonconforming Use Determination Letter	\$25
Note: Filing/review planning fees are reduced to fifty percent (50%) of the ordinary fee in the Rural Community Zoning Overlay.	
* Established by Ordinance in the Monroe County Code, Chapter 115	
** Established by Ordinance in the Monroe County Code, Chapter 270-6	

EXHIBIT 1

	Allen County	Lexington, KY	Vanderburgh Co.	St. Joseph Co.	Tippecanoe-Lafayette	Town of Plainfield	
Conditional Use (Special Exception)		\$1,336		Comm/Ind \$900; Manuf. Home \$125; Religious Use \$600	\$400	\$100 church, \$200 others	
Change of Development		\$802+\$107 per acre		Comm \$550, ch \$275, o \$330	n/a	n/a	
Land Use Variance		\$1,336	\$250+ inspection fees	\$500	\$400+\$50 each additional	\$150 sf, \$350 other	
Development Standards Variance	\$350	S.F. Res. \$267+\$80 each additional; All others \$1,016 + \$481 each additional	\$150+\$50 each additional	\$165+\$15 each additional	\$400+\$50 each additional	\$250+ \$150 each additional	
Text Amendment	\$247	-	\$250		\$400	n/a	
Change of Zoning	\$500+\$15 per acre	\$802+\$107 per acre	\$250+\$10 per acre	Comm/Ind \$1,200 + \$95 per acre;	\$400+\$25 per acre	\$400	
Appeal	\$50	\$133.50	0	\$400	\$400	\$50	
Primary Plat	\$500+\$5 per lot	\$802+\$107 per acre	\$500+\$20 per lot	\$330+\$25 per lot	\$500+\$25 per lot	\$500+\$2 per lot	
Secondary Plat	\$250+\$5 per lot	\$802 + \$107 each additional	\$400+\$55 per lot		\$300+\$10 per lot	\$500+\$2 per lot	
Preliminary Development Plan	\$500+\$15 per acre	-	\$500+\$20 per lot		\$400+\$15 per acre	\$100	
Detailed Development Plan	\$250+\$15 per acre	\$802 + \$107 each additional	\$400+\$55 per lot	\$660+\$30 per acre	\$250+\$15 per acre	\$500	
Single Family Residential	\$275+\$0.06 per sq.ft.(<1500)	\$389+\$0.10 per sq.ft.	n/a	n/a	\$200+\$0.06 per sq.ft. (<1000)	\$175+\$0.02 per sq.ft.	
Inspection Fees	included	\$389	n/a	n/a	\$140+add. inspection(\$35)	n/a	
Certificate of Occupancy	\$55	\$21	n/a	n/a	\$30	n/a	
Commercial Structure	\$275+\$0.10 per sq.ft.	\$389+\$0.19 per sq.ft.	n/a	n/a	\$250+\$0.10 per sq.ft.	\$200+\$50 per acre+\$0.03 sq.ft.	
Inspection Fees	included	\$700	n/a	n/a	\$260+add. inspection(\$65)	n/a	
Certificate of Occupancy	\$82	Res \$53.50; Other \$107	n/a	n/a	\$30	n/a	
Plat Vacation	none	n/a	n/a	n/a	\$300+\$10/lot	\$200	
Last updated	March-06						

	Johnson County	Monroe County	City of Valparaiso	City of Angola	City of Decatur	Columbia City/Whitley County	
Conditional Use (Special Exception)	\$275*	\$400	n/a	\$25	\$50	\$50	
Change of Development	n/a	n/a	n/a	n/a	n/a	n/a	
Land Use Variance	n/a	\$400	n/a	n/a	n/a	n/a	
Development Standards Variance	\$275	\$200	\$75	\$25	\$50	\$50	
Text Amendment	\$325+\$18 per acre	n/a	n/a	n/a	n/a	n/a	
Change of Zoning	\$325+\$18 per acre	\$200	\$75	\$100	\$50	\$50	
Appeal	n/a	n/a	n/a	n/a	\$50	\$50	
Primary Plat	minor:\$350; major \$425+\$12/lot	\$200+\$25 per lot	\$75+\$2 per lot	\$200+\$10/lot over 2 lots	\$100+fee for acreage**	\$50+\$5 per lot	
Secondary Plat	minor:\$350; major \$425+\$12/lot	\$200+\$10 per lot	n/a	n/a	\$300	n/a	
Preliminary Development Plan	\$425+\$12 per lot	\$200+\$10 per acre	\$75+\$2 per lot	n/a	\$100	n/a	
Detailed Development Plan	\$425+\$12 per lot	n/a	n/a	\$200+\$10/lot over 2 lots	\$300	n/a	
Single Family Residential	\$200+10¢ per sq. ft.	n/a	n/a	n/a	n/a	n/a	
Inspection Fees	n/a	n/a	n/a	n/a	n/a	n/a	
Certificate of Occupancy	n/a	n/a	n/a	n/a	n/a	n/a	
Commercial Structure	\$350+10¢ per sq. ft.	n/a	n/a	n/a	n/a	n/a	
Inspection Fees	n/a	n/a	n/a	n/a	n/a	n/a	
Certificate of Occupancy	n/a	n/a	n/a	n/a	n/a	n/a	
Plat Vacation	n/a	n/a	n/a	n/a	n/a	n/a	

* fee is \$650 for mineral extraction, sanitary landfill, waste transfer station, hotel, shopping center, mobile home park, or junkyard

**basic fee is \$100, for 5-19 acres \$200, for 20-49 acres \$500, 50 acres or more \$500 +\$5 per acre

	City of Garrett	City of Nappanee	Steuben County*	City of Warsaw	Wells County	Hamilton County	
Conditional Use (Special Exception)	\$85 sp. meeting charge+\$200	\$50	\$100	\$0	\$125	Res \$100, Comm/Ind \$200	
Change of Development	n/a	n/a	n/a	n/a	n/a	n/a	
Land Use Variance	n/a	n/a	n/a	n/a	n/a	\$250+\$50/acre	
Development Standards Variance	\$85 sp. meeting charge+\$200	\$35	\$100	\$0	\$125	\$50	
Text Amendment	n/a	n/a	\$100	n/a	n/a	\$100 per section	
Change of Zoning	n/a	\$100	n/a	\$0	\$100	\$250+\$10/acre, \$500+\$50/acre	
Appeal	n/a	\$50	\$50	n/a	n/a		
Primary Plat	\$200+\$10/lot over 2 lots	\$100	\$100+\$10/lot over 5 lots	n/a	250+ \$5/lot**	\$250+\$10/Lot	
Secondary Plat	n/a	n/a	n/a	n/a	n/a	\$50+\$5/lot	
Preliminary Development Plan	\$200	\$100	n/a	n/a	\$100	n/a	
Detailed Development Plan	n/a	n/a	n/a	n/a	n/a	\$400+\$10/acre	
Single Family Residential	n/a	n/a	n/a	n/a	n/a		
Inspection Fees	n/a	n/a	n/a	n/a	n/a		
Certificate of Occupancy	n/a	n/a	n/a	n/a	n/a		
Commercial Structure	n/a	n/a	n/a	n/a	n/a		
Inspection Fees	n/a	n/a	n/a	n/a	n/a		
Certificate of Occupancy	n/a	n/a	n/a	n/a	n/a		
Plat Vacation	\$100	n/a	n/a	n/a	n/a		

*special meeting charges: Plan Commission \$500, BZA \$600, both \$1000

** minor subdivision \$40

EXHIBIT 2

FEE SCHEDULE - LABOR ASSESSMENT	Zoning Inspectors				Planners				Assistant Director				Director				Office Manager				Total Estimated Staff Hours		
	Avg. Hourly Rate: \$35.49				Avg. Hourly Rate: \$37.43				Hourly Rate: \$49.76				Hourly Rate: \$57.81				Hourly Rate: \$30.55						
	Minimum Hours	Maximum Hours	Average Hours	Est. Avg. Cost	Minimum Hours	Maximum Hours	Average Hours	Est. Avg. Cost	Minimum Hours	Maximum Hours	Average Hours	Est. Avg. Cost	Minimum Hours	Maximum Hours	Average Hours	Est. Avg. Cost	Minimum Hours	Maximum Hours	Average Hours	Est. Avg. Cost	Minimum Hours Total	Maximum Hours Total	Average Hours Total
PETITIONS																							
Conditional Use	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	15.00	10.5
Use Variance	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	15.00	10.5
Development Standards Variance- Residential	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	15.00	10.5
Development Standards Variance- Non-Residential	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	15.00	10.5
Administrative Appeal	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	1.00	10.00	5.50		1.00	10.00	5.50	317.93	0.00	0.00	0.00	0.00	7.00	20.00	13.5
Floodplain Variance	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	15.00	10.5
Rezone	0.00	0.00	0.00	0.00	10.00	20.00	15.00	561.47	1.00	5.00	3.00		1.00	5.00	3.00	173.42	0.00	0.00	0.00	0.00	12.00	25.00	18.5
Rezone to Wireless Communication Facility (WCF) Overlay	0.00	0.00	0.00	0.00	10.00	20.00	15.00	561.47	1.00	5.00	3.00		1.00	5.00	3.00	173.42	0.00	0.00	0.00	0.00	12.00	25.00	18.5
Rezone to Historic Preservation (HP) Overlay	0.00	0.00	0.00	0.00	10.00	20.00	15.00	561.47	1.00	5.00	3.00		1.00	5.00	3.00	173.42	0.00	0.00	0.00	0.00	12.00	25.00	18.5
Certificate of Appropriateness (Historic Preservation)	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	15.00	10.5
PUD Outline Plan	0.00	0.00	0.00	0.00	12.00	24.00	18.00	673.77	1.00	10.00	5.50		1.00	10.00	5.50	317.93	0.00	0.00	0.00	0.00	14.00	34.00	24
PUD Development Plan	0.00	0.00	0.00	0.00	8.00	16.00	12.00	449.18	1.00	5.00	3.00		1.00	5.00	3.00	173.42	0.00	0.00	0.00	0.00	10.00	21.00	15.5
PUD Outline Plan Amendment	0.00	0.00	0.00	0.00	12.00	24.00	18.00	673.77	1.00	10.00	5.50		1.00	10.00	5.50	317.93	0.00	0.00	0.00	0.00	14.00	34.00	24
PUD Development Plan Amendment	0.00	0.00	0.00	0.00	4.00	16.00	10.00	374.32	1.00	5.00	3.00		1.00	5.00	3.00	173.42	0.00	0.00	0.00	0.00	6.00	21.00	13.5
Preliminary Plat - Major Subdivision - 5 lots or more	0.00	3.00	1.50	53.24	15.00	30.00	22.50	842.21	1.00	10.00	5.50		1.00	10.00	5.50	317.93	0.00	0.00	0.00	0.00	17.00	43.00	30
Final Plat - Major Subdivision - 5 lots or more	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	15.00	10.5
Preliminary Plat - Minor Subdivision - 4 lots or less	0.00	0.00	0.00	0.00	8.00	12.00	10.00	374.32	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	9.00	17.00	13
Final Plat - Minor Subdivision - 4 lots or less	0.00	0.00	0.00	0.00	3.00	6.00	4.50	168.44	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	4.00	11.00	7.5
Preliminary Plat - Sliding Scale Subdivision - 4 lots or less																							
Final Plat - Sliding Scale Subdivision - 4 lots or less																							
Plat Vacation	0.00	0.00	0.00	0.00	5.00	20.00	12.50	467.90	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	25.00	15.5
Plat Amendment - Preliminary	0.00	0.00	0.00	0.00	15.00	30.00	22.50	842.21	1.00	10.00	5.50		1.00	10.00	5.50	317.93	0.00	0.00	0.00	0.00	17.00	40.00	28.5
Plat Amendment - Final	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	15.00	10.5
Preliminary Plat Extension	0.00	0.00	0.00	0.00	3.00	5.00	4.00	149.73	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	4.00	10.00	7
Subdivision Waiver	0.00	0.00	0.00	0.00	5.00	20.00	12.50	467.90	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	6.00	25.00	15.5
Administrative Subdivisions - Type A	0.00	0.00	0.00	0.00	8.00	12.00	10.00	374.32	0.50	5.00	2.75		0.50	5.00	2.75	158.97	0.00	0.00	0.00	0.00	9.00	17.00	13
Administrative Subdivisions - Type B, C, D, E, F	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.50	2.50	1.50		0.50	2.50	1.50	86.71	0.00	0.00	0.00	0.00	6.00	12.50	9.25
Zoning Ordinance Amendment (Public Request)	0.00	0.00	0.00	0.00	10.00	30.00	20.00	748.63	1.00	20.00	10.50		1.00	20.00	10.50	608.96	0.00	0.00	0.00	0.00	12.00	50.00	31
Subdivision Ordinance Amendment (Public Request)	0.00	0.00	0.00	0.00	10.00	30.00	20.00	748.63	1.00	20.00	10.50		1.00	20.00	10.50	608.96	0.00	0.00	0.00	0.00	12.00	50.00	31
Comprehensive Plan Amendment (Public Request)	0.00	0.00	0.00	0.00	10.00	30.00	20.00	748.63	1.00	20.00	10.50		1.00	20.00	10.50	608.96	0.00	0.00	0.00	0.00	12.00	50.00	31
Changes to Road or Project Names	0.00	0.00	0.00	0.00	5.00	10.00	7.50	280.74	0.00	5.00	2.50		0.00	5.00	2.50	144.52	0.00	0.00	0.00	0.00	5.00	15.00	10
Site Plan (Non-Residential)	0.00	1.00	0.50	17.75	6.00	24.00	15.00	561.47	0.00	10.00	5.00		0.00	10.00	5.00	289.03	0.00	0.25	0.13	3.82	6.00	35.25	20.625
Site Plan Amendment	0.00	1.00	0.50	17.75	6.00	12.00	9.00	336.88	0.00	10.00	5.00		0.00	10.00	5.00	289.03	0.00	0.25	0.13	3.82	6.00	23.25	14.625
Improvement Location Permits																							
Single Family Residential	0.00	1.00	0.50	17.75	0.00	3.00	1.50	56.15	0.00	3.00	1.50		0.00	3.00	1.50	86.71	0.00	0.00	0.00	0.00	0.00	7.00	3.5
Two Family Residential	0.00	1.00	0.50	17.75	0.00	3.00	1.50	56.15	0.00	3.00	1.50		0.00	3.00	1.50	86.71	0.00	0.00	0.00	0.00	0.00	7.00	3.5
Multi Family Residential	0.00	2.00	1.00	35.49	0.00	3.00	1.50	56.15	0.00	3.00	1.50		0.00	3.00	1.50	86.71	0.00	0.00	0.00	0.00	0.00	8.00	4
Mobile Home Permits	0.00	0.50	0.25	8.87	0.00	3.00	1.50	56.15	0.00	3.00	1.50		0.00	3.00	1.50	86.71	0.00	0.00	0.00	0.00	0.00	6.50	3.25
Residential Additions	0.00	0.50	0.25	8.87	0.00	3.00	1.50	56.15	0.00	3.00	1.50		0.00	3.00	1.50	86.71	0.00	0.00	0.00	0.00	0.00	6.50	3.25
Residential Accessory Bldgs	0.00	0.50	0.25	8.87	0.00	3.00	1.50	56.15	0.00	3.00	1.50		0.00	3.00	1.50	86.71	0.00	0.00	0.00	0.00	0.00	6.50	3.25
Agricultural Building	0.00	1.00	0.50	17.75	0.00	3.00	1.50	56.15	0.00	3.00	1.50		0.00	3.00	1.50	86							

EXHIBIT 2 - Hours and Cost

FEE SCHEDULE - LABOR ASSESSMENT	Total Estimated Staff Hours			
	Minimum Hours Total	Maximum Hours Total	Average Hours Total	Estimated Average Total Costs Per Line Item
PETITIONS				
Conditional Use	6.00	15.00	10.5	\$439.70
Use Variance	6.00	15.00	10.5	\$439.70
Development Standards Variance- Residential	6.00	15.00	10.5	\$439.70
Development Standards Variance- Non-Residential	6.00	15.00	10.5	\$439.70
Administrative Appeal	7.00	20.00	13.5	\$598.67
Floodplain Variance	6.00	15.00	10.5	\$439.70
Rezone	12.00	25.00	18.5	\$734.89
Rezone to Wireless Communication Facility (WCF) Overlay	12.00	25.00	18.5	\$734.89
Rezone to Historic Preservation (HP) Overlay	12.00	25.00	18.5	\$734.89
Certificate of Appropriateness (Historic Preservation)	5.00	15.00	10	\$425.25
PUD Outline Plan	14.00	34.00	24	\$991.70
PUD Development Plan	10.00	21.00	15.5	\$622.60
PUD Outline Plan Amendment	14.00	34.00	24	\$991.70
PUD Development Plan Amendment	6.00	21.00	13.5	\$547.73
Preliminary Plat - Major Subdivision - 5 lots or more	17.00	43.00	30	\$1,213.38
Final Plat - Major Subdivision - 5 lots or more	6.00	15.00	10.5	\$439.70
Preliminary Plat - Minor Subdivision - 4 lots or less	9.00	17.00	13	\$533.28
Final Plat - Minor Subdivision - 4 lots or less	4.00	11.00	7.5	\$327.41
Preliminary Plat - Sliding Scale Subdivision - 4 lots or less				
Final Plat - Sliding Scale Subdivision - 4 lots or less				
Plat Vacation	6.00	25.00	15.5	\$626.86
Plat Amendment - Preliminary	17.00	40.00	28.5	\$1,160.14
Plat Amendment - Final	6.00	15.00	10.5	\$439.70
Preliminary Plat Extension	4.00	10.00	7	\$308.69
Subdivision Waiver	6.00	25.00	15.5	\$626.86
Administrative Subdivisions - Type A	9.00	17.00	13	\$533.28
Administrative Subdivisions - Type B, C, D, E, F	6.00	12.50	9.25	\$367.45
Zoning Ordinance Amendment (Public Request)	12.00	50.00	31	\$1,355.60
Subdivision Ordinance Amendment (Public Request)	12.00	50.00	31	\$1,355.60
Comprehensive Plan Amendment (Public Request)	12.00	50.00	31	\$1,355.60
Changes to Road or Project Names	5.00	15.00	10	\$425.25
Site Plan (Non-Residential)	6.00	35.25	20.625	\$872.07
Site Plan Amendment	6.00	23.25	14.625	\$647.48
Improvement Location Permits				
Single Family Residential	0.00	7.00	3.5	\$160.60
Two Family Residential	0.00	7.00	3.5	\$160.60
Multi Family Residential	0.00	8.00	4	\$178.35
Mobile Home Permits	0.00	7.00	3.5	\$160.60
Residential Additions	0.00	6.50	3.25	\$151.73
Residential Accessory Bldgs	0.00	6.50	3.25	\$151.73
Agricultural Building	0.00	7.00	3.5	\$160.60
Residential Accessory Structure (pools, decks)	0.00	6.50	3.25	\$151.73
Home Occupation / Home Based Business Permit	0.00	7.25	3.625	\$164.42
Temporary Seasonal Activity	0.00	6.75	3.375	\$155.55
Non-Residential Structure	0.00	8.00	4	\$178.35
Non-Residential Additions	0.00	7.00	3.5	\$160.60
Non-Residential Accessory Structures	0.00	7.00	3.5	\$160.60
Structures for Govt Agencies, Schools	0.00	8.00	4	\$178.35
Other Principal Structures	0.00	6.50	3.25	\$151.73
Other Accessory Structures	0.00	6.50	3.25	\$151.73
Signs	0.00	8.25	4.125	\$183.14
Wireless Communications New Facility	1.00	18.00	9.5	\$405.57
Wireless Communications Co-location	1.00	6.00	3.5	\$140.23
New/Replacement Antennas or Equipment Cabinet	1.00	5.50	3.25	\$131.35
Grading & Erosion Control (parcel < 1 acre)	0.00	9.25	4.625	\$212.04
Grading & Erosion Control (parcel > 1 acre)	1.00	19.25	10.125	\$427.13
Logging - outside of Environmental Constraints Overlay	1.00	10.25	5.625	\$230.07
Logging - Inside of Environmental Constraints Overlay				
Permit Extension	1.50	10.50	6	\$270.78
Floodplain Development Permit	1.00	6.50	3.75	\$150.07
Non-categorized	0.00	6.50	3.25	\$131.35
Construction without Permit	2.00	22.00	12	\$544.85
Demolition	0.50	5.50	3	\$111.81
Administrative				
Information Provided on Disk	0.00	2.50	1.25	\$47.51
GIS Maps- 8.5 x 11	0.00	4.25	2.125	\$109.86
GIS Maps- 24 x 36	0.00	14.00	7	\$363.89
GIS Maps- 36 x 48	0.00	14.00	7	\$363.89
Hearing Signs	0.00	0.50	0.25	\$8.50
Copies	0.00	1.75	0.875	\$34.20
Photo Copies 8 1/2 x 11 (per side)	0.00	1.75	0.875	\$34.20
Photo Copies 8 1/2 x 11 Color (per side)	0.00	1.75	0.875	\$34.20
Photo Copies 8 1/2 x 14 (per side)	0.00	1.50	0.75	\$29.76
Photo Copies 8 1/2 x 14 Color (per side)	0.00	1.50	0.75	\$29.76
Photo Copies 11 x 17 or larger (per side)	0.00	1.50	0.75	\$29.76
Photo Copies 11 x 17 Color or larger (per side)	0.00	1.50	0.75	\$29.76
Pre-Existing Nonconforming Use Determination Letter	2.00	6.00	4	\$155.65
Address Assignment	0.50	6.00	3.25	\$131.84
Zoning Verification Letter	1.50	10.00	5.75	\$261.90
Returned check fee	0.00	1.00	0.5	\$15.27

2022 OFFICERS	EXECUTIVE COMMITTEE	BZA APPOINTEE	PLAN REVIEW COMMITTEE	PLAT COMMITTEE	MPO POLICY COMMITTEE	ORDINANCE REVIEW COMMITTEE
<i>President:</i> 1. Margaret Clements	1. Julie Thomas	<i>P.C. Designee:</i> 1. Dee Owens	1. Bernie Guerrettaz	1. Trohn Enright-Randolph	1. Margaret Clements	1. Bernie Guerrettaz
<i>Vice President:</i> 2. Jerry Pittsford	2. Margaret Clements	<i>2. Commissioners</i> <i>P.C. Designee:</i> Margaret Clements	2. Julie Thomas	2. VACANT	<i>Alternate:</i> 2. Trohn Enright-Randolph	2. Trohn Enright-Randolph
	3. Jerry Pittsford	<i>3. Council Designee:</i> Skip Daley	3. VACANT	3. Jerry Pittsford		3. Julie Thomas
	4. Geoff McKim	4. Guy Loftman	4. Margaret Clements	Alternate: Margaret Clements		4. VACANT
		5. Pamela Davidson	5. Citizen 1: Scott Faris			Alternate: Jerry Pittsford
			6. Citizen 2:			
			7. Citizen 3: Amy Swain			

MONROE COUNTY PLAN COMMISSION		October 18, 2022
PLANNER	Anne Crecelius	
CASE NUMBER	SSS-22-8	
PETITIONER	Keith DeVries Owner: T7 Properties, LLC	
ADDRESS	4501 E Bethel LN	
REQUEST	Bethel Lane Sliding Scale Subdivision Preliminary Plat Right of Way Dedication Width Waiver Waiver of Final Hearing	
ACRES	14 +/- acres	
ZONE	AG/RR, ECO3	
TOWNSHIP	Bloomington Township	
SECTION	13	
PLATS	Unplatted	
COMP PLAN DESIGNATION	Farm and Forest	

EXHIBITS

1. Preliminary Plat
2. Petitioner Waiver Findings of Fact
3. Original 1985 Septic
4. Lot 1 Existing Septic Location (9/14/2022)

RECOMMENDATION TO THE PLAN COMMISSION

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat, Waiver of Final Hearing, and the Right of Way Width Waiver request based on findings of fact and subject to the Monroe County Highway Department reports with the following conditions:

1. Right of Way Width Waiver
 - a. Option 1: 40' request is granted to exclude the existing home. Additionally, waive the RoW to exclude the existing septic system – the area around the possible existing septic may require only a 10' dedication of RoW for 40' of frontage (total road frontage is 460.5').
 - b. Option 2: Highway Dept. advises the Plan Commission regarding dedicating 40' of RoW that includes the possible existing septic – if this option is pursued future road work may require the County to relocate/replace the septic for this property.
2. A note is added to the plat that restricts any future development to the structures located within the front setback.
3. Comply with specifications outlined by Project Manager, Ben Ayers:
 - a. Proposed Lot #1 & Lot #2 shall share the middle existing driveway entrance.
 - b. Remove existing driveway entrance to the east and west and restore side ditch to its natural state.
 - c. Existing driveway entrance must be brought up into and meet the specifications of Chapter 755 and Chapter 3.0 of the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.

PLAT COMMITTEE – September 28, 2022

- Pending

Plan Commission Regular Meeting – October 18, 2022 (Preliminary Hearing)

Waiver of Final Hearing Requested.

Plan Commission Regular Meeting – November 15, 2022 (Final Hearing)

SUMMARY

The petition site is one lot of record that totals 14 +/- acres located in Bloomington Township, Section 13. The site is zoned Agriculture/Rural Reserve (AG/RR) and Environmental Constraints Overlay Area 3 (ECO 3). The petitioner is proposing a 2-lot Sliding Scale Subdivision with one waiver requests from the Right of Way Dedication Width requirements of Chapter 856 of the Monroe County Zoning Ordinance.

The parcel maintains frontage along E Bethel LN, which is classified as a Minor Collection with 45' of right-of-way.

The existing home is located 2.1 feet within the area that is required to be dedicated right of way. The original RoW width request was 42' which was supported by Highway Engineer, Paul Satterly. Since then it's been discovered that proposed Lot 1 existing septic is 'possibly' located within the area to be dedicated of right of way. See Exhibit 4. The petitioner has amended their RoW Width Waiver request to 20'.

Using Exhibit 4 it appears that the existing septic may still be within 20' of RoW if dedicated. The Highway Engineer has suggested that an easement for the existing septic to the county may be a possible route after the dedication of 40' of RoW. It's unclear to staff whether the County would be financially liable for the condition of the septic system.



Paul Satterly

Remove Note • Sep 20, 2022 at 9:35 am

@Anne Crecelius If the 40 ft. right of way is used, it would be best for them to get an easement from the County so the septic can stay. Any new septic construction would need to be outside the right of way.

	Lot 1 Parent Parcel	Lot 2
Total Acreage	14.07 acres 3.09 buildable	6.26 acres 1.21 buildable
Wastewater	1985 septic permit	Approved septic permit
Access	Frontage on Bethel LN. Existing driveway. RW- 22-229	No direct Frontage on Bethel LN. Easement access. RW-22-260
ROW Dedication	25' R/W dedicated	25' R/W dedicated
Environmental	ECO3	ECO3
Structures	Developed	Undeveloped-

LOCATION MAP

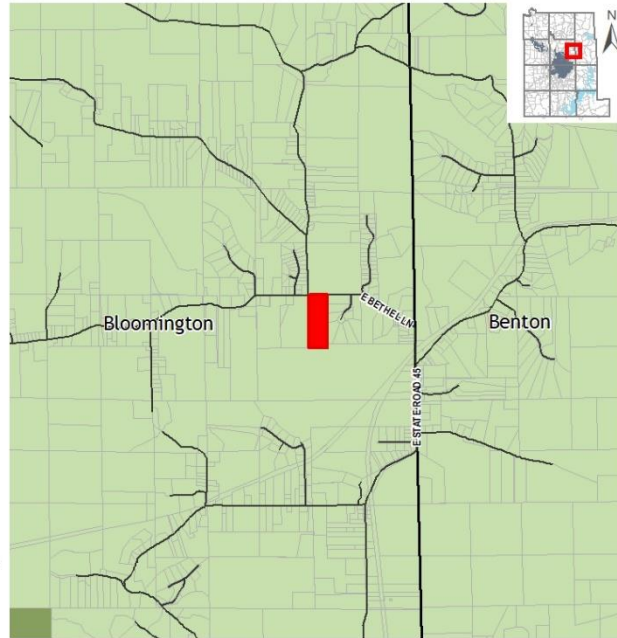
The petition site is one lot of record, parcel number: 53-05-13-400-020.000-004. The site is located at 4501 E Bethel LN in Section 13 of Bloomington Township.

Location Map

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

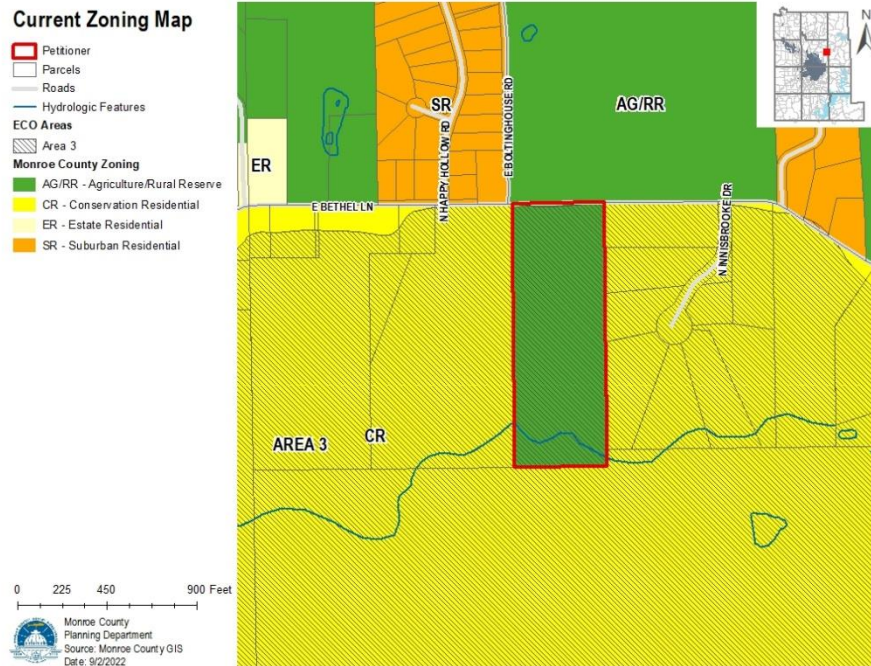
0 0.2 0.4 0.8 Miles

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



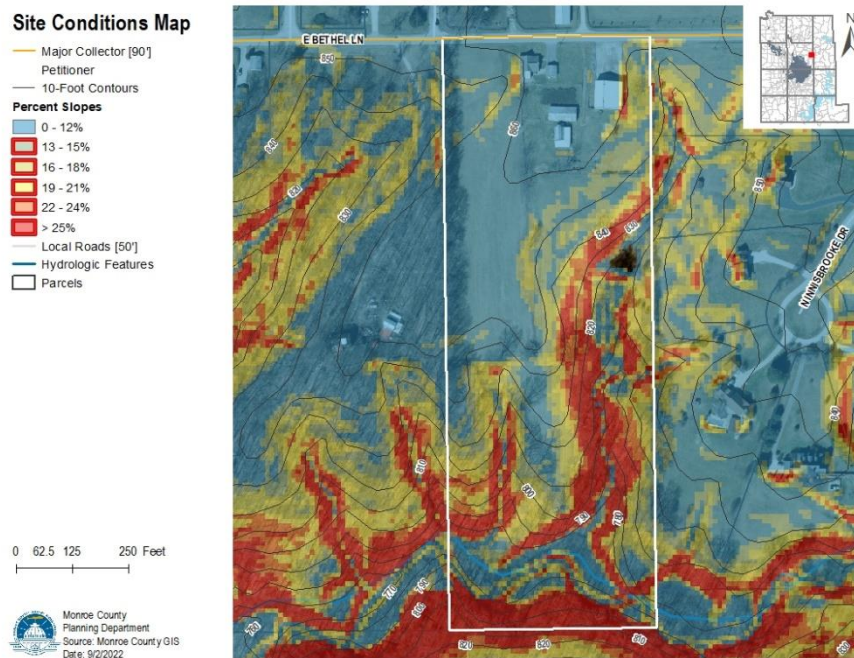
ZONING

The zoning for the petition site is Agricultural Rural Reserve (AG/RR), and Environmental Constraints Overlay Area 3 (ECO 3). The adjacent zoning is also AG/RR, ECO 3, Conservation Residential (CR), and Suburban Residential (SR). The petition site use is currently Single Family Residential and agricultural.



SITE CONDITIONS MAP

The petition site is two parcels totaling 60 +/- acres. The lot contains steep slopes greater than 15% but has adequate Buildable Area to meet the minimum 1 acre requirement for each proposed lot. All three proposed lots have road frontage along N Brummetts Creek Rd.



INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along E Bethel LN, which is classified as a Minor Collector with 45' of right-of-way. The petitioner is proposed dedicating only 42' of right of way along E Bethel LN. The home encroaches 2 feet into the required 45 feet

There has been no comment from the Highway Engineer, Paul Satterly, as of 9/2/2022. Staff has requested they review the materials provided.

Kelsey Thetonia, MS4 Coordinator requested 100' drainage easements. As of 9/2/2022, 100' drainage easements have been provided.

Ben Ayers, Project Manager, has requested the following as of 7/19/2022:

- Right of way Activity permit application has been submitted and will be approved pending Final Plat. See RW-22-229. No application has been submitted for proposed Lot #2.
- As part of the approval for the Bethel Lane Sliding Scale Subdivision the existing driveway entrance must be brought up into and meet the specifications of Chapter 755 and Chapter 3.0 of the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.
- Proposed Lot #1 & Lot #2 shall share the middle existing driveway entrance. Remove existing driveway entrance to the east and west and restore side ditch to its natural state. Residential Lots are limited to a single driveway entrance per Monroe County Code Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.

SITE PICTURES



Photo 1. Pictometry photo of the petition site.

COMPREHENSIVE PLAN DISCUSSION

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

Farm and Forest Residential

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and

Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

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

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

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

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

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

FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- Approval of the subdivision would subdivide one lot into two (2) lots which will meet all

- design standards;
- Lot 1, the designated Parent Parcel Remainder, shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance;
- Steep slopes are present on the proposed lots but would meet the Buildable Area design standard requirements;
- Proposed lots have an approved septic permit location;
- Proposed lots 1 and 2 have received approved with conditions driveway permits off of E Bethel LN;
- The MS4 Coordinator has reviewed the application and the petitioner has added drainage easements;
- 45' of right-of-way is required to be dedicated along E Bethel LN, a Minor Collector road;

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

Findings

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

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

Findings

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

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

Findings

- The property is currently zoned Agricultural Rural Reserve (AG/RR) and ECO Area 3 is used for Single Family Residential and Agriculture;
- Adjacent properties are zoned Agricultural Rural Reserve (AG/RR), Conservation Residential (CR), and Suburban Residential (SR) and are used for Single Family Residential or agriculture;
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation AG/RR;
- See findings under Sections A & C;

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

Findings

- See findings under Sections A & C & D;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT

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

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

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

1. Practical difficulties have been demonstrated:

Findings:

- Without a waiver from the right of way requirement the front portion of the home on the proposed lot 1 will be located within right of way and will be non-conforming;
- The site gains access from E Bethel LN;
- The site maintains frontage along E Bethel LN, designated as a Minor Collector road;
- The waiver approval will allow the subdivision to continue with a 42' right of way dedication along the petition site frontage of E Bethel LN;
- If the waiver is denied in order to continue with the subdivision the petitioner will be required to demolish the portion of the Single Family Residence that is located within the right of way;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning

Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See Findings under # 1;
- The 2018 Monroe County Thoroughfare Plan shows E Bethel LN as a Minor Collector requiring 45' of right of way dedication;

- 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 lots within the administrative subdivision meet all other design standards required of the subdivision ordinance;

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

Findings:

- See Findings under #1, #2, #3;
- Some nearby structures may also be unable to meet the 45' right of way if triggered to be dedicated;

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

Findings:

- See findings under #1 above;

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

Findings:

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

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

Findings:

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

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

Findings:

- See findings under #1 through #7 above;

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

Findings:

- See findings under #1 and #4 above;

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

EXHIBIT 2: Petitioner Submitted Waiver Findings of Fact

August 12, 2022

To: Members of the Monroe County Planning Department

Re: DeVries-Tirey Subdivision

Right-of-Way Waiver

The property being subdivided is subject to a 45-foot half right-of-way. We respectfully request consideration by the Plan Commission to reduce this to 42 feet along a portion of the frontage for an existing structure.

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

(1) practical difficulties have been demonstrated;

- The residential structure (house) has existed since 1940 and is reminiscent of historical homes with the traditional limestone rock exterior.

(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 residential structure has existed since 1940 and is reminiscent of historical homes with the traditional limestone rock exterior.
- Bethel Lane has been used for its lifetime along this property with no dedicated right-of-way.
- Due to Bethel Lane's location, length and local road classification, it is unlikely to be widened. If it were to be widened, the requested 42 feet right-of-way would allow for an additional lane and a sidewalk or path.

(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.);

- The residential structure has existed since 1940 and is reminiscent of historical homes with the traditional limestone rock exterior.
- Bethel Lane has been used for its lifetime along this property with no dedicated right-of-way.
- Due to Bethel Lane's location, length and local road classification, it is unlikely to be widened. If it were to be widened, the requested 42 feet right-of-way would allow for an additional lane and a sidewalk or path.

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

- Granting the modification would leave the conditions as they presently exist.

(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:

- Many of the surrounding homes have existed since the 1940's, several of these homes would also land within a 45-foot right-of-way.

(6) granting the requested modifications would not contravene the policies and purposes of these regulations;

- Due to Bethel Lane's location, length and local road classification, it is unlikely to be widened. If it were to be widened, the requested 42 feet right-of-way would allow for an additional lane and a sidewalk or path.

(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;

- The residential structure has existed since 1940 and is reminiscent of historical homes with the traditional limestone rock exterior.
- The petitioner is open to other practical solutions

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

- The residential structure has existed since 1940.

(9) the practical difficulties cannot be overcome through reasonable design alternatives.

- Any design change would involve re-location of the home, partial demolition of the home, or the home being located in the right-of-way.

Sincerely,

Keith DeVries

812-272-7233

kadevrie@gmail.com

EXHIBIT 3: Lot 1 1985 Septic

MONROE COUNTY HEALTH DEPARTMENT
119 West Seventh Street, Suite 112
Bloomington, Indiana 47401
Telephone 812-332-1721

APPLICATION NO. 7869

OFFICE USE ONLY

1. _____ Directions Not Adequate - Property Not Marked
2. _____ Installation to be as Redesigned (Based on site survey information)
3. _____ Application Incomplete
4. _____ Rejected - Poor Permeability, Excessive slope, Site limitations, other
5. _____ Additional trench area required _____ sq. ft.
6. _____ Other Get new distribution box and install 200 linear feet in area east of driveway.

Design Revisions agreed to by: Steve Dowling
(Owner - Agent of Owner)

- A. Owner's Name Steve & Pearl Dowling Phone No. 336-5700
Address 4500 E. Bethel Lane
- B. Address of Site for which the application pertains: 4500 E Bethel Lane
** - GIVE COMPLETE AND ACCURATE DIRECTIONS TO THE SITE ON REVERSE SIDE. **
** - PLACE THE ATTACHED TAPE TO IDENTIFY PROPERTY AT ENTRANCE TO PROPERTY. **
- C. LOT SIZE: (can be accurately obtained from legal description)
Frontage _____
Depth _____
Total Sq. ft. _____
ACRES 14

- D. Water Supply:
Municipal (City) ☒
Well _____ Cistern _____

- E. Type of Proposed Building:
Commercial _____ Description _____
Residential ☒
No. of Bedrooms 2
Bathrooms 1
Washing Machine? _____ yes ☒ no ☒ We intend to get a washing machine & possibly a dishwasher as soon as the system is fixed.
Dishwasher? _____ yes ☒ no ☒

- F. Septic tank size:
1000 gallons

- G. Existing Absorption Trenches: ?
No. maybe 3
Width _____
Depth _____
Length of each _____

- H. Proposed Repairs:
No. of Trenches _____
Width _____
Depth _____
Length of each _____

- I. Comments: The work will be done by Everett Arnold.
There are no distribution boxes in the system. There will be no problems if we need to cut through the driveway or the patio.
- J. Alternative System Components (where applicable) - If you intend to utilize an on-site wastewater disposal system other than a septic tank - absorption field system, please submit all pertinent details of said system (plans and specifications) for consideration.

LEGAL DESCRIPTION OF PROPERTY - WE CANNOT COMPLETE YOUR APPLICATION WITHOUT THIS!

1. _____

***ALL APPLICATIONS MUST BE ACCOMPANIED BY AN ACCURATE DRAWING THAT SHOWS THE FOLLOWING:

- | | |
|---|--|
| A. Property Lines | E. Distribution Boxes (Existing and/or Proposed) |
| B. Water Lines | F. Absorption Field (Existing and/or Proposed) |
| C. Well or Cistern (If applicable) | G. Distance between Units |
| D. Septic Tank (Existing and/or Proposed) | H. All Creeks, Ditches, Lakes, etc. |

Location of Any or All Components to Obvious Landmarks will be helpful



****APPROVAL OF THIS APPLICATION GIVES ONLY A PERMISSION TO CONSTRUCT - THE PERMIT IS NOT VALID UNTIL IT IS SIGNED AFTER AN INSPECTION ON THE JOB SITE AT THE TIME OF ACTUAL CONSTRUCTION!

NOTE: THIS DEPARTMENT DOES NOT DESIGN SYSTEMS. WE MAY HOWEVER, FOLLOWING THE ON-SITE SURVEY, HAVE TO REDESIGN YOUR PROPOSAL. WE WILL WORK TO GAIN APPROVAL OF YOUR APPLICATION WHENEVER POSSIBLE!

FOR HEALTH DEPARTMENT USE ONLY

SOIL REPORT ATTACHED - YES _____ NO ☒

APPROVED September 9, 1985

SIGNED

John C. Eling

DISAPPROVED _____

SIGNED _____

51980

Warranty Deed

BOOK 221 PAGE 200

THIS INDENTURE WITNESSETH, That Cornelius Meadows and Wilma Meadows,
husband and wife;

of Monroe County, in the State of Indiana

CONVEY AND WARRANT TO Steven J. Dowling and Pearl J. Dowling, husband and
wife;

of Monroe County, in the State of Indiana, for and in consideration
of One (\$1.00) Dollar and other valuable consideration -----Dollars,
the receipt whereof is hereby acknowledged, the following described Real Estate in
Monroe County in the State of Indiana, to-wit:

Part of the Northwest quarter of the Southeast quarter of Section 13, Town-
ship 9 North, of Range 1 West, bounded as follows, to wit: Commencing at
the Northwest corner of said quarter, running thence South 80 rods to the
Southwest corner of said quarter, thence East 28 rods, thence North 80 rods
to the north line of said quarter, thence West 28 rods to the place of be-
ginning, containing 14 acres, more or less.

Subject to the taxes for the year 1973 due and payable in 1974 and all other
taxes thereafter.

RECORDED
A.M. 16:40 P.M.

JUL 13 1973

RECORDED
RECORDER MONROE CO., IND.

REAL ESTATE TRANSFER

JUL 12 1973

John W. Davis
Auditor Monroe County, Ind.

In Witness Whereof, The said

grantors

have hereunto set their hands and seals this 12th day of July 1973

Cornelius Meadows (Seal) Wilma Meadows (Seal)
Cornelius Meadows (Seal) Wilma Meadows (Seal)

(Seal)

(Seal)

STATE OF INDIANA, Monroe COUNTY, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 12th
day of July, A.D., 1973, personally appeared the within named
Cornelius Meadows and Wilma Meadows, husband and wife;

Grantor^s in the above conveyance, and acknowledged
the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission expires May 18, 1976

Mary A. Pond
Mary A. Pond

Notary Public

PLEASE READ CAREFULLY BEFORE COMPLETING APPLICATION

SEPTIC SYSTEM REPAIR APPLICATION

1. You must complete all sections of this application before we can review the application. If we may be of any assistance to you, please contact this office.
2. An application fee of \$20.00 must accompany this application when submitted to this department.

*For reasons which may be of benefit to you, we would recommend that a "Soil Inventory and Evaluation" be conducted by our contractual soil scientist. This will allow us to make an accurate determination of which of the many alternative systems is best suited to your particular situation be you adding to or repairing your present waste-water disposal system.

However, since the fee for the Inventory and Evaluation is an additional \$30.00 (\$50.00 total application fee), and since it is not a requirement but merely a recommendation, you must make the decision as to whether or not to have this service performed.

If you desire to waive the Soil Inventory, please mark this box ☒ and continue on to #3.

If you desire that a Soil Inventory be performed on your property, please complete the form on the next page. (Total fee at the time this is turned in will be \$20.00 without a Soil Inventory and \$50.00 with a Soil Inventory)

3. LEGAL DESCRIPTION - We must have a copy of the legal description of your property. This can usually be obtained from your abstract or deed or you may go to the Auditor's Office in the Monroe County Courthouse to obtain it.
4. Should you need any assistance or guidance in completing this application, this office will be happy to help you. Personnel reviewing these applications generally maintain the following office hours:

Monday - Friday - 8:00 - 9:00 A.M.
1:00 - 2:00 P.M.

Calls received in their absence will be returned to you.

REQUIREMENTS FOR REPAIR APPROVAL

- A. The septic tank must be located and pumped. Further, the outlet septic tank baffle must be inspected by the Health Department. (Septic tank can be located by locating and following the house sewer line to the tank.)
- B. Each distribution line box must be located and opened for inspection by the Health Department. (Boxes can be located by following the tank discharge pipe to each box.)
- C. If the last absorption trench, or any other trench is not served by a distribution box, a box will be required.
- D. The amount of additional new trench to be added will be determined by the number of bedrooms served, with additional consideration given to monthly water usage, condition of the existing system, total existing trench area, and soil report (if applicable).

You, or your septic system contractor, are hereby authorized to do the following work:

1. Locate existing septic tank and remove access lids for inspection by the Health Department.
2. Locate and open each distribution box for inspection by the Health Department.
3. Determine number and length of each existing absorption trench.

You, or your septic contractor, ARE NOT AUTHORIZED to make any repairs, alterations or changes to the existing septic system until a valid permit has been issued by the Monroe County Health Department.

CONSENT AND INFORMATION FORM FOR SOIL INVENTORY AND EVALUATION

Please complete all sections

- _____ 1. What is the application/permit number of your present sewage disposal system? (if not known, proceed to next question)
- _____ 2. When was your sewage disposal system installed?
month/year (if not known, proceed to next question)
- _____ 3. What year was your home/business built?
- _____ 4. Who was the building contractor? (if known)
- _____ 5. Who was the sewage disposal system contractor/installer? (if known)
- _____ 6. Who was the original home owner? (if known)

I desire a soil inventory and evaluation of my property be conducted. I understand that the fee for this service is \$40.00, and authorize a representative of the Monroe County Health Department to enter into and upon my property.

(signature)

(date)

SEPTIC SYSTEM INSPECTION

Permit # 7869

Date April 8, 1986

Name of Owner Steve & Pearl Dowling

1. Connecting tile, house to septic tank

a. Plastic Vitreous Cast Iron Other

b. Plumbing above opening to tank

2. Tank: A. Concrete Steel Other

B. Size

C. Top of tank level existing

D. "Clean out" holes: No. Location

E. Baffles T-type tile

F. Intake and outflow tiles properly sealed

3. Length of sealed tile to each finger

4. Distribution boxes: A. Number 1

B. Location of "high holes" at outlets inlet

C. Are boxes level yes

D. Intake hole properly sealed yes

5. Finger system

A. Length of each trench 80 80 100 100

B. Is bottom of trench level or not more than 1" drop for each 25'

C. Sufficient gravel or crushed stone 64 tons

D. Maximum and Minimum depth 40"

E. Top of stone covered with paper, straw, etc.

6. Drawing of System as Installed (Back of this sheet)

Installed by Don Todd

Date: Approved April 8, 1986 Disapproved

Provisional Approval Only

Remarks

Signed John C. Ertter

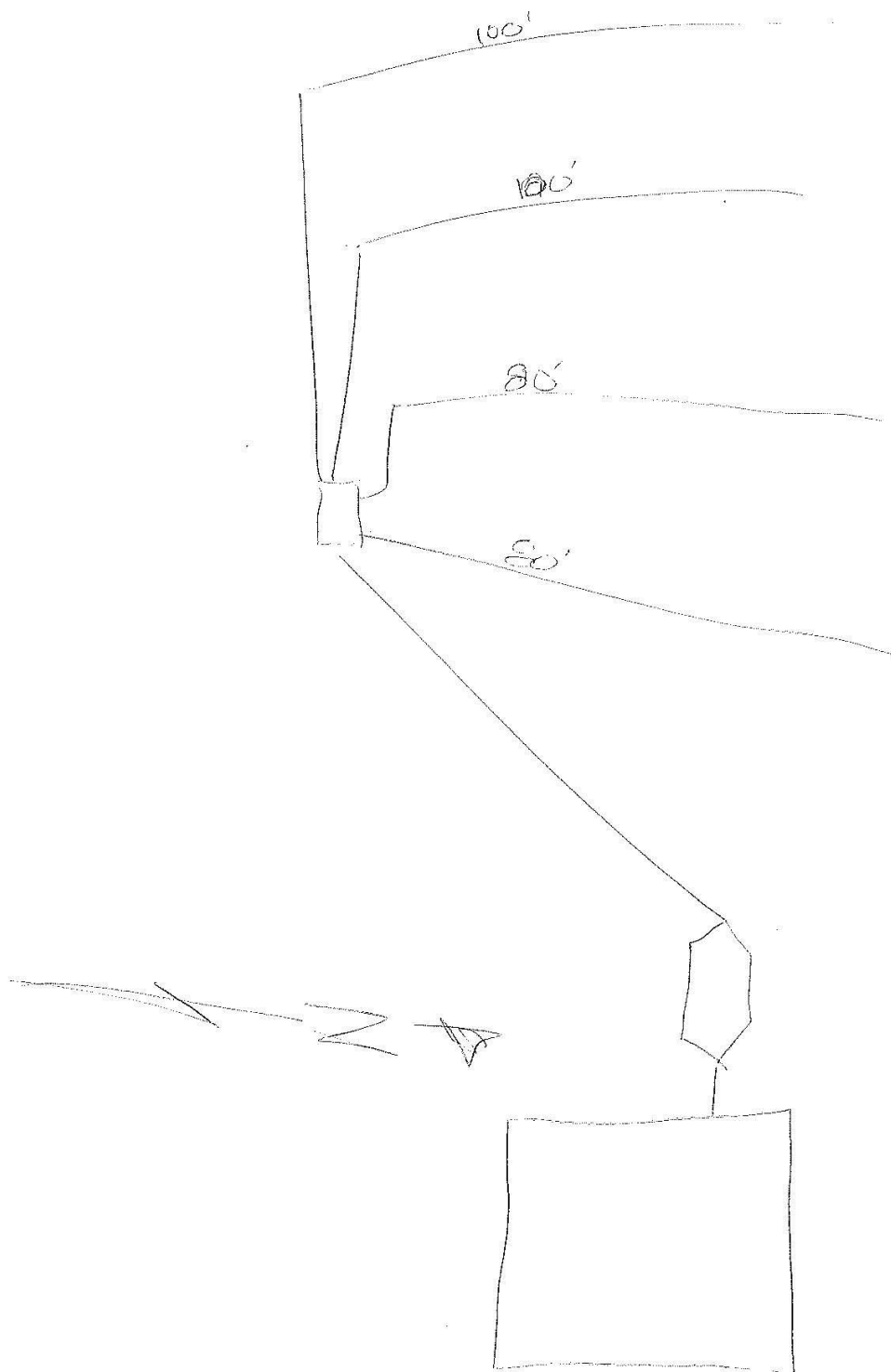
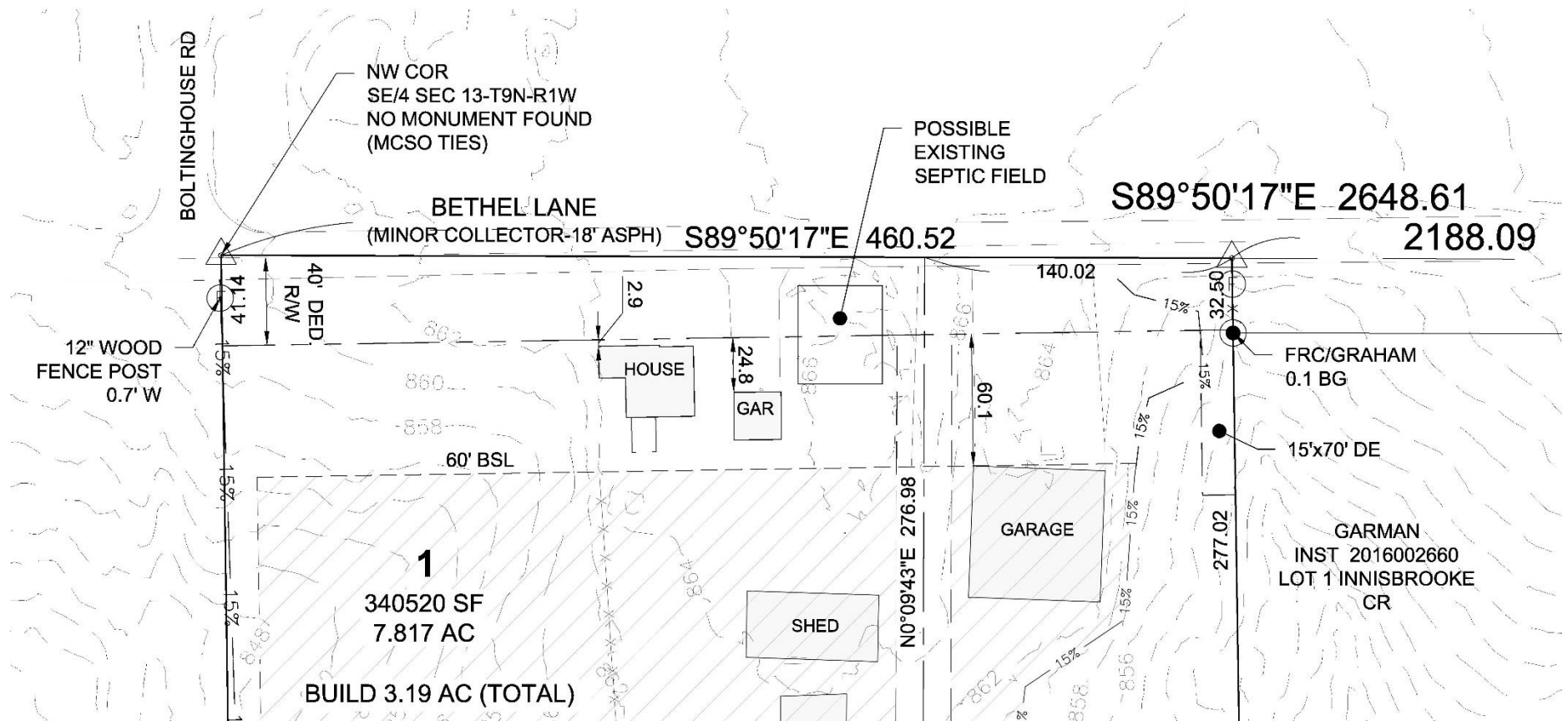


EXHIBIT 4: Lot 1 Existing Septic Location (9/14/2022)



CHAPTER 803

ZONING ORDINANCE: PRE-EXISTING NONCONFORMING USES

803-1. Nonconforming Uses of Land and/or Structures

The uses of land and/or structures that were both in existence and in compliance with all land use and other laws on the date of passage of these regulations, and, further, that do not conform to the use regulations set forth in this ordinance, shall be deemed to be legal, pre-existing nonconforming uses that may be continued subject to the following provisions:

- (A) No legal, pre-existing nonconforming use of land and/or structure may be enlarged, moved or otherwise changed, except that such use may be changed to permitted use, unless a variance from the terms of the ordinance is obtained from the Board.
- (B) A legal, pre-existing nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use but shall not be expanded to occupy any parts of such building that were not so arranged or designed or any land outside such building.
- (C) Any land, structure, or land and structure in combination, on or in which a legal, pre-existing nonconforming use is superseded by a permitted use, may thereafter only be put to a permitted use and the nonconforming use may not thereafter be resumed.
- (D) When a legal, pre-existing nonconforming use of land, structure, or land and structure in combination, is discontinued or abandoned for six (6) consecutive months, the land, structure, or land and structure in combination, may thereafter only be put to a permitted use and the nonconforming use may not thereafter be resumed.
- (E) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (F) Normal maintenance and repair of a building or other structure containing a nonconforming use may be performed, provided there is no physical change to the building or structure (e.g., design, size, location, etc.) and such maintenance or repair does not extend or intensify the nonconforming use, unless otherwise authorized by this chapter.
- (G) Subsections (A), (B), and (F) above, and Section 803-2 of this chapter notwithstanding, structures which are used solely for residential purposes and which are located in industrial districts may be enlarged, for residential purposes, provided the number of dwelling units is not increased, the floor areas of each dwelling unit is not increased more than twenty-five percent (25%), and compliance with all development standards of this ordinance is demonstrated (note: if a residential structure is enlarged pursuant to this subsection, it is not eligible for conditional use approval under Chapter 813 of these regulations).
- (H) Any legal, pre-existing nonconforming use shall continue until or unless modified or terminated as herein provided. Such use may be sold, inherited, or otherwise transferred, provided the use, land and structure (if any) remain the same.

- (I) These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this ordinance.

803-2.

Nonconforming Parcels and/or Structures

Parcels or structures that were both in existence and in compliance with all land use and other laws on the date of passage of this ordinance, and, further, that do not conform to the height, bulk, area and density regulations set forth in this ordinance, shall be deemed to be legal, pre-existing nonconforming parcels or structures that may be occupied or used subject to the following provisions:

- (A) The use is a permitted use or a legal, pre-existing nonconforming use.
- (B) The legal, pre-existing nonconforming parcel may not be further developed until compliance with the ordinance is demonstrated or until a variance from the terms of the ordinance is obtained from the Board.
- (C) Except as permitted in section 803-2(I) below, the legal, pre-existing nonconforming structure may not be expanded, enlarged or otherwise altered until compliance with the ordinance is demonstrated or until a variance from the terms of the ordinance is obtained from the Board.
- (D) Any legal, pre-existing nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before, if such reconstruction is undertaken within eighteen months of such casualty, and if the restored structure has no greater coverage and contains no greater content (measured in cubic feet) than before such casualty. However, if the legal, pre-existing nonconforming structure is within a Special Flood Hazard Area as specified in Chapter 808 then compliance with Chapter 808 applies.
- (E) Normal maintenance and repair of a legal, pre-existing nonconforming structure may be performed, provided there is no significant physical change to the structure (e.g., design, size, location, etc.) and such maintenance and repair does not extend, enlarge or intensify the nonconforming structure or the use of the nonconforming structure, unless otherwise authorized by this chapter.
- (F) Nothing herein contained shall require any change in the design or construction of a structure for which an improvement location permit has been issued prior to the date of passage of this Ordinance and on which construction will begin within sixty (60) days after the date of the permit and on which construction is diligently prosecuted to completion within one (1) year after the date of the permit.
- (G) Any legal, pre-existing nonconforming dwelling that is deficient in ground floor area and that is removed from a parcel may not be relocated on the parcel or be replaced by any other dwelling which is not in compliance with the requirements of this ordinance.
- (H) These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this ordinance.
- (I) ~~In areas outside the former City of Bloomington planning and zoning jurisdictional area as described 833-1, aA~~ legal, pre-existing nonconforming dwelling may be enlarged if the following criteria are met:

- (1) If the nonconforming dwelling is served by a private sewage disposal system, approval by the Monroe County Health Department that the current septic system can accommodate the increased usage created by the expansion:-
- (2) The expansion may not increase the gross floor area of the dwelling unit by more than 25 percent calculated from the gross floor area that existed on January 1, 1997. However, if the nonconforming dwelling is a mobile or manufactured home, it may be replaced by another ~~mobile-manufactured~~ home; ~~and without regard to the 25 percent increase in gross floor area; and~~
- (3) The expansion must meet the setbacks for the zoning district. If the dwelling intrudes into a setback, the expansion shall not increase the encroachment into the setback.

803-3. Burden of Establishing Status

The burden of establishing legal, pre-existing nonconforming use status rests on: the property owner or party seeking to continue the nonconforming use or occupancy; any person applying for an improvement location permit or land use certificate; or, any other person asserting such status. Such persons shall provide sufficient proof in a form acceptable to the Administrator of the following:

- (A) the date of construction of the building or structure or the date the use was established;
- (B) the continuous operation of the nonconforming use; and,
- (C) such other proof and may be deemed necessary by the Administrator.

[end of chapter]