

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



**Tuesday, November 1, 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, November 1, 2022
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold an Administrative Meeting (Work Session) on Tuesday, November 1, 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 November 2022 Plan Commission meeting:

ADMINISTRATIVE BUSINESS:

1. Plan Commission Rules of Procedure – Discussion of possible criteria for continuing items to Administrative meetings for a hearing
2. 2023 Plan Commission Meeting Calendar
3. Boathouse Apartments, LLC - Signature Required from Plan Commission Member

UNFINISHED BUSINESS:

- 1. SSS-22-8 Tirey-Devries Sliding Scale Subdivision Preliminary Plat PAGE 35**
Right of Way Width Waiver Requested.
Final 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 59**
Chapter 803- Pre-existing Nonconforming Uses
Final Hearing.
Amendment to clarify regulated floodplain standards and mobile / modular home replacement standards.
Contact: tbehrman@co.monroe.in.us

NEW BUSINESS:

- 1. SSS-22-10 Bell Road Sliding Scale Subdivision Preliminary Plat PAGE 64**
Road Width Waiver Requested.
Preliminary Hearing. Waiver of Final Hearing Requested.
One (1) parcel on 132 +/- acres in Section 8, Bloomington Township at 1300 W Bell RD, parcel #53-05-08-300-007.000-004.
Owner: Hamilton, Jeff & Jean.
Zoned AG/RR. Contact: dmyers@co.monroe.in.us
- 2. REZ-22-8 Starts Rezone from AG/RR to LB PAGE 82**
Preliminary Hearing. Waiver of Final Hearing Requested.
One (1) 17.29 +/- acre parcel in Clear Creek Township, Section 11 at 7955 S Fairfax RD, parcel no. 53-11-11-300-014.000-006.
Owner: Starts Living Trust c/o Lorraine Fowler
Zoned AG/RR, ECO 1/2/3. Contact: acrecelius@co.monroe.in.us

3. SSS-22-5

**Betty Chambers Sliding Scale Subdivision Preliminary Plat PAGE 96
Road Width Waiver Requested.**

Preliminary Hearing. Waiver of Final Hearing Requested.

One (1) parcel on 11.8 +/- acres in Section 4, Bean Blossom Township at
7300 W Wampler RD, parcel #53-03-04-100-011.000-001.

Owner: Chambers, Betty.

Zoned AG/RR. Contact: drbrown@co.monroe.in.us

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

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

The meeting will be open to the public.

**MONROE COUNTY PLAN COMMISSION
RULES OF PROCEDURE**

ARTICLE I
Definitions

For purposes of this rule, the following terms shall have the following definitions:

- 1) “legislative act” shall mean taking final action on a recommendation on a zoning ordinance (e.g., without limitation, a text addition or amendment, a map amendment, an impact fee, establishing a development plan district or a planned unit development outline plan) or on a comprehensive plan (see IC 36-7-4-1016(e)).
- 2) “zoning decision” shall mean final decisions on subdivisions, plans, final decisions of zoning administrator, planned unit development plans, or commitment modification or termination requests (see IC 36-7-4-1016(b));

ARTICLE II
Meetings

- 1) Regular meetings of the Monroe County Plan Commission shall be held on the first Tuesday and the third Tuesday of each month at 5:30 P.M.
 - a. Generally, the first meeting each month, designated as the administrative meeting, shall serve to preview petitions prior to their hearing and to manage administrative actions before the Plan Commission each month and to receive reports from staff.
 - b. Generally, the second meeting each month, designated as the Regular meeting, shall serve to hear petitions before the Plan Commission, receive reports from staff, and to receive public comment.
- 2) Special meetings may be called as provided by IC 36-7-4-307, which specifies that special meetings may be called by the president or by two members of the commission upon written request to the Secretary. The Secretary shall send all members a written notice, of the time, date and location of the special meeting at least three days before the meeting. This written notice is not required if all members are present at a Regular meeting when the date and time are fixed.
- 3) A majority (five) of the members of the Commission shall constitute a quorum. No action is official unless authorized by a majority of the Commission at a Regular, Administrative or properly called special meeting. A failure to receive the necessary majority shall, lacking further action at the same meeting, move the petition to the agenda item titled "Unfinished Business" at the next Regular meeting.
- 4) Decisions of the Commission shall be by roll call vote of the members. The first roll of each meeting shall be called in alphabetical order of the members' last names. Each successive roll shall be called in the same order as the immediately preceding roll except that the member who voted first in the immediately preceding roll shall vote last. For example:

Roll Call	Member
a. 1st	1,2,3,4,5,6,7,8,9
b. 2nd	2,3,4,5,6,7,8,9,1
c. 3rd	3,4,5,6,7,8,9,1,2
d. And so on, until the meeting is adjourned.	
- 5) At the discretion of the presiding officer at a meeting of the Plan Commission or its various committees, questions, other than zoning decisions, may be resolved by voice vote. However, a roll call vote shall decide the question upon request by any individual participating member.

- 6) All members, or alternate members, present and qualified shall vote on the question. However, a member may abstain from voting on the grounds that additional information is needed, but only if a motion to continue the hearing for the purpose of obtaining the information (specifically identified or described) has failed to carry.

Article III
Disqualification

- 1) A member of the Plan Commission is disqualified, and may not:
 - (a) participate as a Plan Commission member, in a Plan Commission hearing or recommendation on a legislative act, in which the member has a direct or indirect financial interest;
 - (b) participate in a hearing of the Plan Commission concerning a zoning decision if the member is biased, prejudiced, or otherwise unable to render an impartial decision, or is directly or indirectly financially interested in the outcome of the decision; or,
 - (c) directly or personally represent another person in a hearing before the Plan Commission or the County Commissioners concerning a legislative act or a zoning decision.
- 2) If, upon review of the Plan Commission meeting packet, or subsequently, it appears to a member that his or her disqualification is required by the letter or spirit of this rule, the member shall immediately inform the Director, who will notify the Plan Commission President and the appropriate alternate member, if any.
- 3) The Plan Commission shall enter in its records, the fact that the regular member is disqualified and prohibited from participation pursuant to this rule, and the name of the alternate member, if any, who participates in the hearing in place of the regular member. The disqualified member shall leave the hearing room until disposition (final or temporary) of the matter.
- 4) A Plan Commission member may not receive any mileage or compensation from the Plan Commission for attendance at a meeting during which the member is disqualified from participating in each of the scheduled hearings.
- 5) The foregoing disqualification rules apply to the participation of members of all Plan Commission committees in matters before the committees on which the members serve.

Article IV
Contact with Plan Commission Membership

In order to avoid the appearance of bias and to promote equal access to information in a zoning decision, the following guidance is provided:

Plan Commission and Subcommittee Members:

- 1) Plan Commission members are strongly discouraged from initiating communication with petitioners or remonstrators (or their agents) regarding the substance of petitions currently pending (filed and accepted for review) a decision.
- 2) Plan Commission and Subcommittee members should direct any and all substantive inquiries to the Planning Staff for response.
- 3) Plan Commission and Subcommittee members should forward materials received from a petitioner or remonstrator (or their agents) to the Planning Staff for inclusion in the petition file.

Petitioner:

No person, firm, corporation, public employee, or body politic shall contact any member of the Plan Commission or Subcommittee orally, or in writing, in advance of public hearing of a petition then pending for zoning decision in an effort to influence such member's votes, except that the Administrator, or a member of his or her staff, may submit prior to any proposed hearing, a written statement of planning facts or opinion regarding such petition.

Article V
Records

- 1) The Commission shall keep minutes of its proceedings showing:
 - (a) Members and staff in attendance;
 - (b) The begin and end time of the meeting;
 - (c) For each question presented for a roll call vote, the vote of each member or indication that the member was absent or not voting;
 - (d) For each question presented for a voice vote, the total count of yes, no and abstention votes;
 - (e) At least a brief synopsis of the discussion; and,
 - (f) Minutes pertaining to zoning decisions and legislative acts shall be verbatim transcriptions of the recorded meeting.
- 2) The Secretary (or other designated individual) of the Commission shall prepare and keep a record ("minutes") of all zoning decision and legislative act proceedings of the Commission and its committees. The Secretary shall make a good faith effort to present the minutes to the Commission at its next meeting for approval. When approved, the minutes shall be signed by the President, attested by the Secretary, and entered into the Plan Commission Minute Book.
- 3) It shall be the policy of the Monroe County Plan Commission to conclude all petition items at or before 9:00 o'clock p.m. In the event docket items or other Plan Commission matters have not been concluded by the Plan Commission by 9:00 o'clock p.m. on any meeting day, all items or matters not introduced shall appear as unfinished business on the next Regular Plan Commission meeting agenda unless a special meeting is called in accordance with the provisions of these rules. The above notwithstanding, the Plan Commission may extend any meeting beyond the hour of 9:00 o'clock p.m. on a majority vote of members present.
- 4) Memoranda for executive sessions are subject to provisions 1 (a) and (b) above, and shall include a reference to the topics discussed by citation to the specific purpose authorized by statute in Indiana Open Door Law and a statement that discussions were limited to the authorized topics.

ARTICLE VI
Officers and Employees

- 1) The Commission shall, at its first Regular meeting in each year, elect from its members a president and vice-president. The Vice-President shall have the authority to act as President of the Commission during the absence or disqualification of the President. The above notwithstanding, the Vice President shall conduct Administrative Meetings regardless of the presence of the President.
- 2) The Commission may appoint a full time Director for the Planning Department and shall fix compensation consistent with the Monroe County Salary Ordinance.
- 3) The Commission may appoint and prescribe the duties of a Hearing Officer or Hearing Examiner from within its membership or planning department staff.
- 4) The Director of the Planning Department shall serve as the Secretary and perform the duties prescribed by the Commission. The Director may also be referred to as the Administrator or Secretary in these rules of procedure or in other county ordinances pertaining to Planning and Zoning issues.
- 5) The Director may appoint other employees necessary to the discharge of the duties of the Department and shall fix their compensation within its budget allotment in accordance with the practices and standards of the Plan Commission, County Commissioners and the County Council.
- 6) The Commission may make contracts for special or temporary services and for professional counsel, or other professional services, if provided for in the departmental budget, and subject to the approval of the Monroe County Board of Commissioners.

ARTICLE VII

Hearings

- 1) Public hearings shall be held prior to Commission action on the adoption or amendment of a Comprehensive Plan, the adoption or amendment of a Zoning Ordinance, on a preliminary approval of a subdivision plat, and on other petitions as necessary.
- 2) All administrative rules and deadlines established by the Commission for the filing and disposition of petitions shall be available for inspection in the Planning office.
- 3) Petitions requiring Public Hearings to be held during Regular or special meetings of the Plan Commission shall be scheduled for a Preliminary Hearing followed by a Final Hearing:

(a) Preliminary Hearings:

- i. The purpose of the preliminary hearing shall be the exchange of information, and to allow a thorough consideration of any concern identified by staff, petitioner or the public. All parties are encouraged to provide the Commission with written copies of their statements or position papers 10 days prior to the date of the scheduled hearing.
- ii. Any information received from the petitioner or their agents less than 10 days prior to the date of the scheduled hearing may result in a continuation of the petition to a subsequent hearing date.
- iii. Preliminary hearing petitions shall be placed on the agenda of the next Regular Plan Commission meeting for a final hearing, unless the Plan Commission votes to forward the petition to a different hearing date or to waive a final hearing. A Plan Commission vote is recommended, but not required, to forward petitions from the preliminary hearing to the next Regular Plan Commission meeting for final hearing.

(b) Final Hearings:

- i. The final hearing shall be for the purpose of final disposition and decision regarding the merits of the petition.
- ii. If the Commission feels that issues have been adequately aired and the petition has received sufficient review, the final hearing may be waived by action of the Commission and the petition may be acted upon during the preliminary hearing. No final hearing shall be waived unless both the

legal notice and the notices to interested parties have specified that such waiver is requested.

(c) The following petitions may be eligible for a waiver of final hearing:

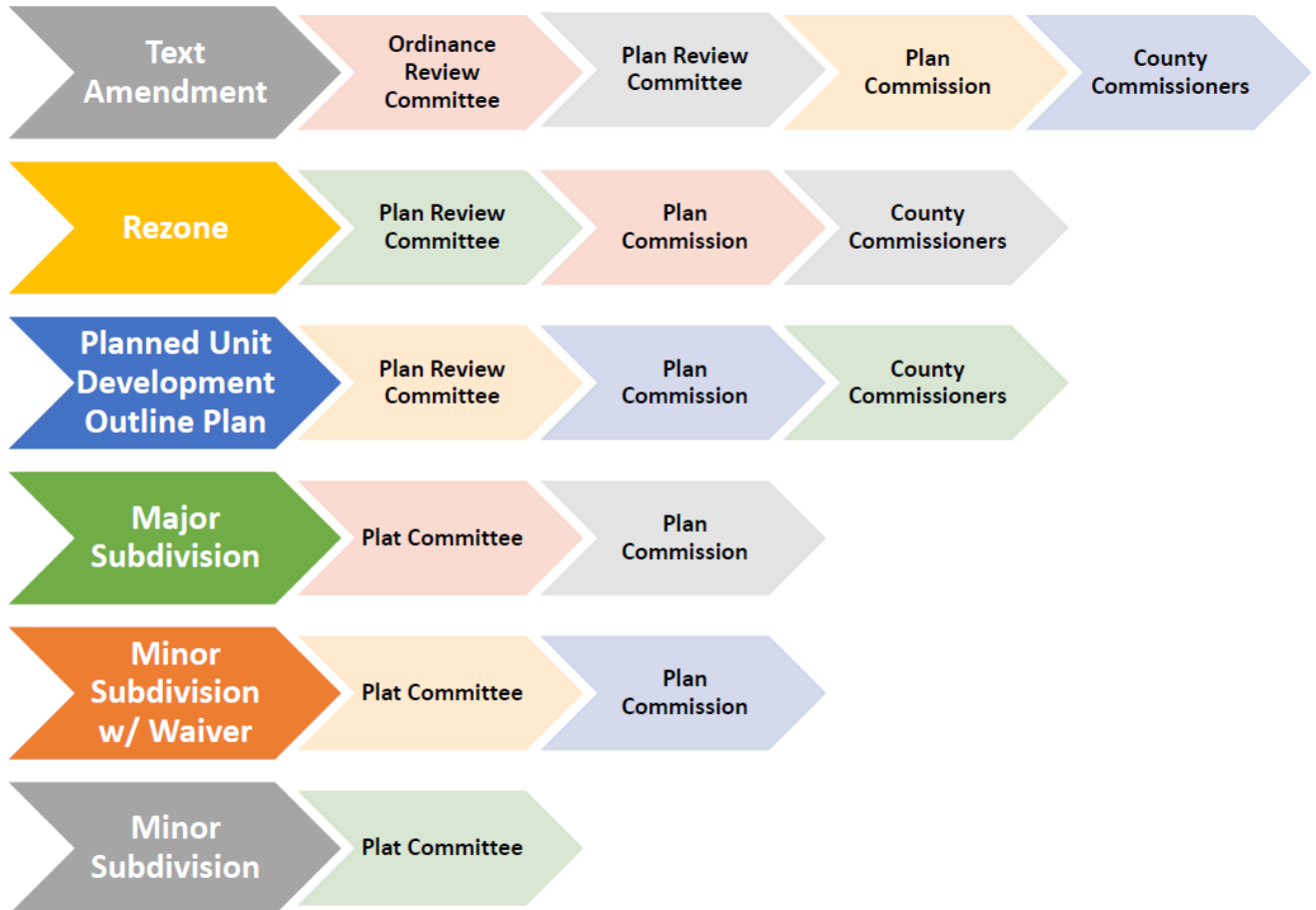
- i. Preliminary plats which are in full conformance with the Monroe County Zoning and Subdivision Control Ordinances and final plats which are in full conformance with approved preliminary plats and with the Monroe County Zoning and Subdivision Control Ordinances.
- ii. Any preliminary or final plat referred by the planning staff or Plat Committee to the Plan Commission.
- iii. Development Plans for planned unit developments which are in essential compliance with approved Outline and/or Development Plans and which have been filed within 6-18 months of the date of Outline Plan approval by the Board of Commissioners.
- iv. Other requested waivers made at the time of filing and deemed worthy by the Commission.

ARTICLE VIII

Docket

- 1) Each petition for a zoning decision or legislative act to be publicly resolved before the Plan Commission that is filed with the required information shall be identified by a docket index composed of the year and month submitted, abbreviation of kind of decision requested, and sequentially numbered for that kind of decision request within the specified year.
- 2) After a docket index is assigned to a petition, the staff shall prepare the petition for the appropriate Plan Commission Committee and schedule the petition for that Committee as soon as preparation is complete. Petitions shall move through the various steps in the review process to final disposition (See Process Overview below:

Monroe County Plan Commission Petition Review Process - Overview



ARTICLE IX Order of Business

The order of business at Regular meetings shall be:

- (a) Call to Order
- (b) Roll Call of members
- (c) Introduction of Evidence
- (d) Approval of Agenda
- (e) Approval of Minutes of Prior Meetings
- (f) Petitions from the Public
 - i. Unfinished Business
 - ii. New Business
- (g) Petitions from County Government
 - i. Unfinished Business

- ii. New Business
- (h) Public comment (restricted to discussion not on the agenda)
- (i) Reports of Officers, Committees, and Staff
 - i. Planning Department
 - ii. Board of Zoning Appeals (petition dispositions)
 - iii. County Attorney
 - iv. County Highway
 - v. County Drainage Board
 - vi. County Health Department
 - vii. Historic Preservation Board
 - viii. Chair or Vice Chair of any committee or subcommittee desiring to report...
- (j) Upcoming standing or subcommittee meetings
- (k) Plan Commission member comment
- (l) Adjournment

Article X

Conduct of Hearings

- 1) Where the petitioner is not the Plan Commission or County Commissioners, public hearings pursuant to Article VII above, shall be conducted according to the following procedure:
 - (a) At a public hearing the Secretary or Presiding Officer shall read the petition description by title only identifying the Docket Identifier, Petitioner, Address, Request, Acres, Zone, Township, Section, Plats, and Comprehensive Plan Designation.

- (b) A Plan Commission member shall make a motion to consider the petition as recommended in the staff report and upon receiving a second the petition is placed upon the floor for consideration.
- (c) Planning, Highway, Drainage or other appropriate department shall present the petition and may be questioned by members of the Plan Commission.
- (d) After being recognized by the Presiding Officer, the petitioner, or an authorized representative, shall approach the podium, state their name and address and sign the registration sheet before proceeding to present the facts and arguments in support of the petition. The petitioner's presentation shall be limited to fifteen (15) minutes unless an extension of time is granted by a two-thirds vote of Plan Commission members present.
- (e) Comments and questions from the Commission members and staff should be held until the end of the initial presentation unless a point of clarification is requested by a Commission member or Planning staff.
- (f) Members of groups, committees, and individuals may address the Commission in support, in opposition, or generally regarding the petition upon recognition by the presiding officer of the hearing. Each person wishing to speak must sign the registration sheet and state their name and address before proceeding to speak. A speaker shall direct all inquiries. Speakers may speak for three (3) minutes each unless an extension is granted by a majority vote of the Plan Commission, but each speaker should present new points and not repeat what has been said by previous speakers.
- (g) The petitioner shall then receive five (5) minutes to address comments from those in opposition.
- (h) To maintain orderly procedure, each speaker should proceed without interruption from others present.
- (i) After all presentations are complete; the Presiding Officer shall close the public hearing phase of petition consideration.
- (j) After the public hearing is formally closed, the Commission shall consider the petition.
 - i. Plan Commission members shall discuss the merits of the petition, seeking clarification from staff, department heads, and participants as appropriate.
 - ii. Plan Commission members may seek to amend the motion on the floor:

1. A Plan Commission member may move to amend the question. In order for the amendment to be considered it must receive a second.
2. The maker of the original motion may accept and incorporate the amendment into the original motion to avoid a vote on the amendment with concurrence of the second for the original motion.
3. If the maker or second of the original motion does not accept the amendment as a friendly amendment, the current motion to amend shall be considered. Plan Commission members may then choose to discuss the proposed amendment among themselves or with staff.
4. When discussion is complete, a Plan Commission member may call for a vote on the amendment.
5. The Secretary shall conduct a roll call vote and announce the result.
6. Step two (2) shall be repeated until no new amendment is offered.

(k) When discussion and amendments are complete, a Plan Commission member may call for a vote on the amended petition.

(l) The Secretary shall conduct a roll call vote and announce the result.

2) Where the petitioner is the Plan Commission or County Commissioners, public hearings pursuant to Article VII above, shall be conducted according to the following procedure:

- (a) At a public hearing the Secretary or Presiding Officer shall read the petition description by title only identifying the Docket Identifier, Petitioner, Address, Request, Acres, Zone, Township, Section, Plats, Comprehensive Plan Designation, and Affected Ordinance Sections or Plan, as appropriate.
- (b) A Plan Commission member shall move to approve or deny the petition as recommended in the staff report and another Plan Commission member may second the motion placing the question on the floor for consideration.

- (c) The Planning Staff, Highway, Drainage or other appropriate county officials shall present the petition and may be questioned by members of the Plan Commission in order to provide clarification.
- (d) Comments and questions from the Commission members and staff should be held until the end of the initial presentation unless a point of clarification is requested by a Commission member or Planning staff.
- (e) Members of groups, committees, and individuals may address the Commission in support, in opposition, or generally regarding the petition upon recognition by the presiding officer of the hearing. Each person wishing to speak must sign the registration sheet and state their name and address before proceeding to speak. A speaker shall direct all inquiries to the presiding officer. Speakers may speak for three (3) minutes each unless an extension is granted by a majority vote of the Plan Commission, but each speaker should present new points and not repeat what has been said by previous speakers.
- (f) To maintain orderly procedure, each side should proceed without interruption by the other side.
- (g) After all presentations are complete; the Presiding Officer shall close the public hearing phase of petition consideration.
- (h) After the public hearing is formally closed, the Commission shall consider the petition.
 - i. Plan Commission members shall discuss the merits of the petition, seeking clarification from staff and department heads as appropriate.
 - ii. Plan Commission members may seek to amend the motion on the floor:
 - 1. A Plan Commission member may move to amend the question. In order for the amendment to be considered it must receive a second.
 - 2. The maker of the original motion may accept and incorporate the amendment into the original motion to avoid a vote on the amendment with concurrence of the second for the original motion.
 - 3. If the maker or second of the original motion does not accept the amendment as a friendly amendment, the current motion to amend shall be considered. Plan Commission members may then choose to discuss the proposed amendment among themselves or with staff.

4. When discussion is complete, a Plan Commission member may call for a vote on the amendment.
 5. The Secretary shall conduct a roll call vote and announce the result.
 6. Step two (2) shall be repeated until no new amendment is offered.
 - (i) When discussion and amendments are complete, a Plan Commission member may call for a vote on the amended motion.
 - (j) The Secretary shall conduct a roll call vote and announce the result.
- 3) In the presentation of a petition for a zoning decision, the burden shall be upon the petitioner to supply all information, including charts, diagrams and other exhibits necessary to understand the petition. Statements to the Plan Commission made by the petitioner or petitioner's representative at any publically advertised meeting regarding methods of operation or other details relevant to the decision shall be deemed amendments to the written petition before the commission and shall be considered part of the record of the petition.
- (a) Drawings, displays, or documents presented at the meeting by the Petitioner illustrating details shall be entered into the record.
 - (b) The Commission may continue the hearing when in its judgment the petitioner has not provided sufficient evidence on which to make a determination.
- 4) Every person appearing before the Commission shall be prohibited from disorderly, contemptuous or discourteous conduct and may be prohibited from further participation by the presiding officer if inappropriate conduct is manifest.
- 5) The Commission, at its discretion, may continue or postpone the hearings of any petition on an affirmative vote of a majority of the Commission.
- 6) The petitioner may request a petition be continued for not more than three continuances. Unless otherwise subject to statutory timelines the total time limit shall not exceed 12 months, after which the petition must be withdrawn unless continued or postponed by the Commission pursuant to these Rules of Procedure. In the event a petition is withdrawn pursuant to Article XII, Section 5 the petition may be resubmitted at any time upon the payment of appropriate filing fees. The deadline for submitting additional file material for any petition shall be ten (10) days prior to the Plan Commission meeting date to which the petition was continued.

ARTICLE XI
Commitments

- 1) If deemed advisable, the Commission may require or permit the petitioner to make written commitments concerning the use or development of the subject property.
- 2) The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for such length of time as the Commission may require and the commitment(s) shall authorize their recording by the Planning Department in the Office of the Recorder of Monroe County, Indiana upon adoption of a vacation or plan petition by the Commission. Following the recording of the commitments, the Planning Department shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file.

- 3) The commitments and any modification or termination shall be substantially in the form set forth by, and consistent with, the provisions of IC 36-7-4-1015.
- 4) The Commission may require in such commitment the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015.
- 5) The commitments may be modified or terminated by a decision of the Commission, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Commission shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Commission, and recorded in the office of the Recorder of Monroe County, Indiana.

ARTICLE XII

Final Disposition of Petitions

- 1) The disposition of petitions requiring final approval from the County Commissioners or the Board of Zoning Appeals shall be in the form of a recommendation forwarded in writing to those bodies.
- 2) The final disposition of petitions requiring only Plan Commission approval shall set forth the findings and determinations of the Commission, together with any modification, specification or limitation.
- 3) The Commission may dismiss a petition for lack of representation by the petitioner or lack of jurisdiction. When a petitioner has failed to appear at three consecutive meetings, the petition may be dismissed.

- 4) A petitioner may withdraw a petition until a final roll call vote has been taken.
- 5) A zoning decision petition which has been withdrawn by the petitioner or dismissed by the Commission shall not be placed on the docket for consideration until 12 months after the date of the withdrawal or dismissal, unless the petition has not been subject to a public hearing before the Plan Commission, whereupon a petition may be placed on the docket at any time upon payment of all appropriate fees.
- 6) A zoning decision petition which has been denied shall not be placed on the docket for consideration until 12 months after the date of the denial.
- 7) All final plats and final plat amendments not representing a material deviation (as determined by Section 854-11 of Monroe County's Subdivision Control Ordinance) from the preliminary plat shall be delegated to the Director for final review and approval unless the Plan Commission states otherwise, or if the petitioner or the Director request the plat or amendment be heard before the Plan Commission.
- 8) No plat or vacation petition that has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Commission within a period of 12 months from the date of the decision, except upon motion to permit re-docketing, adopted by the affirmative vote of a majority of the members of the Commission.

ARTICLE XIII

Committees

- 1) The following standing committees shall be established by a majority vote of the Plan Commission:
 - (a) Executive Committee
 - (b) Plan Review Committee
 - (c) Ordinance Review Committee
 - (d) Plat Committee
- 2) Standing committee members shall be appointed for one (1) year terms by the Plan Commission. Standing committees shall consist of less than five (5) Commission members. Committees may be supplemented by non-member citizens. Vacancies of Plan Commission members on committees shall be filled as soon as practical by the

required vote. Vacancies on Committees of non-member citizens shall be filled as soon as practical by a two thirds (2/3) vote of the Executive Committee.

- 3) Special committees and a chair and vice chair for those committees may be appointed by a majority vote of the Plan Commission.

Article XIV

Executive Committee

- 1) The purpose of the Executive Committee shall be to meet as needed to discuss oversight of the Planning Department with the Director on administrative matters including but not limited to the following areas:
 - (a) personnel, customer service, organizational structure, job description reviews, and annual review of the Director;
 - (b) annual budget, revenues and expenditures, funding availability for training and consulting services, contracts and agreements;
 - (c) legal matters and enforcement actions; and,

(d) general matters pertaining to the day to day operations of the Planning Department.

2) The Executive Committee shall have the following duties:

(a) the Executive Committee may act in the name of the Plan Commission; and,

(b) the Executive Committee shall meet as necessary to accomplish its duties. All meetings of the Executive Committee shall be advertised as prescribed by IC 5-14-1.5-5, et seq.

3) The Plan Commission shall appoint from its membership an Executive Committee as follows:

(a) a minimum of three (3) and a maximum of four (4) members, one of which shall represent a minority party;

(b) the establishment of the Executive Committee and the naming of the individual members requires a two-thirds (2/3) majority vote of the entire membership of the Plan Commission;

(c) members shall be appointed by the Plan Commission during its regularly scheduled January meeting or as soon as practical; and,

(d) the Executive Committee shall select a Chair from its members as soon as practical following the January meeting.

4) Official action of the Executive Committee shall be taken:

(a) only by a majority vote of the membership Executive Committee; or,

(b) within twenty-four (24) hours following a vote, a member in the minority may request the matter be submitted to the entire Plan Commission in which case the vote of the Executive Committee shall be suspended pending consideration by the Plan Commission.

ARTICLE XV

Plan Review Committee (PRC)

- 1) The purpose of the Plan Review Committee shall be to review petitions and revised ordinances to provide comment on whether the proposal meets the objectives of the Comprehensive Plan and all incorporated documents.
- 2) The Plan Review Committee shall have the following duties:
 - (a) review all applications for the rezoning of land including planned unit development outline plans;
 - (b) review proposals for revised ordinances forwarded from the Ordinance Review Committee; and,

- (c) forward comments to the Plan Commission based on the Comprehensive Plan and all incorporated documents.
- 3) The Plan Commission shall appoint from its membership and the public a Plan Review Committee as follows:
 - (a) the PRC shall consist of seven (7) members;
 - (b) the members shall include four (4) Commission members;
 - (c) The remaining citizen members shall include one (1) member who resides within either a designated community area outside of any corporate boundary (Smithville Sanders, Harrodsburg, Ellettsville, or Stinesville) or outside of urban areas, the remaining members shall be citizen members with knowledge and experience in community affairs; awareness of the social, economic, agricultural, and industrial issues of the area; and an interest in the development and integration of the area; and,
 - (d) the term of all members shall be one (1) year.
- 4) Official action of the Plan Review Committee shall be taken:
 - (a) by a majority of the members if a quorum is present; and,
 - (b) the comments shall be recorded and presented to the Plan Commission

Article XVI

Ordinance Review Committee (ORC)

- 1) The purpose of the Ordinance Review Committee shall be to review proposed amendments to the Monroe County Zoning and Subdivision Control Ordinances.
- 2) The Ordinance Review Committee shall have the following duties:
 - (a) a review of all proposals for revisions to the Zoning and Subdivision Control Ordinances; and,
 - (b) a recommendation to the Plan Commission regarding the proposals.
- 3) The Plan Commission shall appoint an Ordinance Review Committee from its membership as follows:

- (a) appoint a minimum of three (3) and a maximum of four (4) members from the Plan Commission;
 - (b) designate the Chair of the Ordinance Review Committee from its membership who shall be appointed by a majority vote; and,
 - (c) appoint remaining members during its regularly scheduled January meeting or as soon as thereafter practical.
- 4) Official action by the Ordinance Review Committee shall be taken:
 - (a) by a vote of the majority of the members if a quorum is present; and,
 - (b) the vote shall be recorded and presented to the Plan Review Committee and Plan Commission, but a negative vote shall not prevent a proposed ordinance revision from being presented.

ARTICLE XVII
Plat Committee

- 1) The purpose of the Plat Committee shall be to provide alternative approval procedures for minor and sliding scale subdivisions as specified by Sections 854-13 and 862 of the Subdivision Control Ordinance. The Plat Committee shall also provide review comments to the Plan Commission on the technical compliance of major subdivision preliminary plats or on minor and sliding scale subdivision preliminary plats involving waivers of the Subdivision Control Ordinance.
- 2) The Plat Committee shall have the following duties:
 - (a) the Plat Committee shall review applications and plats for technical compliance with Subdivision Control Ordinance and Zoning Ordinance;

- (b) the Plat Committee may approve the application, approve the application with conditions, or deny the application.
- 3) The Plan Commission shall appoint a Plat Committee from its membership and the public as follows:
- (a) the Plat Committee shall consist of a minimum three (3) and a maximum of five (5) members;
 - (b) the members shall include a minimum of two (2) and a maximum of four (4) Plan Commission members;
 - (c) the remaining members shall be citizen members that have knowledge and experience in professional land surveying and related issues; and,
 - (d) members shall be appointed by the Plan Commission during its regularly scheduled January meeting or as soon as thereafter practical.
- 4) Official action by the Plat Committee may be taken:
- (a) by a majority of the members if a quorum is present;
 - (b) if the Plat Committee determines that the application and plat comply with the regulations, it shall grant preliminary approval;
 - (c) within five (5) days of making its decision, the Plat Committee with the assistance of the Director shall prepare written findings of fact in support of its decision;
 - (d) appeals to decisions of the Plat Committee may be taken to the Planning Commission. The appeal must be filed not later than five (5) days after the date the decision is mailed to the interested party. (IC-36-7-4-708); and,
 - (e) the Plat Committee may continue its review of petitions from time to time, as it deems necessary.

Article XVIII
Notification of Interested Parties

1) INTERESTED PARTIES

The MCPC recognizes the following categories of interested parties for notification purposes:

- A. The general public
- B. The owners of the real property that surrounds the subject property (i.e., the property that would be directly affected by the requested action) to a distance encompassing two parcels or 660 feet, exclusive of public roadways, whichever standard results in the lesser distance. If surrounding real property is identified as open space for a subdivision, condominium, PUD, or similar development, and an owners' association has been established for the maintenance of the open space, the association, as the representative of the *pro tanto* share owners, is the interested party. If surrounding real property is owned by a corporation or LLC, the owner's Registered Agent is also an interested party.
- C. The applicants, and all owners of the subject property who, or that, are not applicants.
- D. The owners of real property located within 660 feet of the subject property.
- E. The owners of real property located between 661 feet and 1000 feet of the subject property.
- F. The owners of the real property subject to the commitments, the persons authorized to enforce the written commitments, and all persons who now would be entitled to receive notice of hearing on the type of approval or action for which the commitments were originally made.
- G. The Herald Times and The Journal Newspapers, and all other media outlets that have filed written requests for notice with the MCPC.
- H. MCPC members.
- I. Owners of real property that is addressed by reference to the subject road.

For categories B through F, above, the names and mailing addresses of the property owners shall be determined from the transfer books located in the Monroe County Auditor's Office (or in the Auditor's Office of an adjoining county if the application of the foregoing distance standards encompasses parcels located in an adjoining

county), no more than two business days prior to mailing the notice. The names and mailing addresses of Registered Agents shall be obtained from the Indiana Secretary of State's records. Category I property owners shall be determined from Monroe County Assessor's records.

2) HOW AND WHEN NOTICE MUST BE GIVEN

The MCPC recognizes the following methods and schedules for giving notice to interested parties:

1. Written notice posted in the MCPC Office, and at the building or location at which the meeting will be held, at least 48 hours (on business days) prior to the meeting. Written notice may consist of a yearly schedule of the MCPC meeting dates and times.
2. Written notice provided by fax, email, or First Class US Mail, at least 48 hours (on business days) prior to the meeting date.
3. Written notice sent by First Class US Mail at least 3 days prior to the meeting date, or oral or written notice given to all MCPC members during a regularly scheduled MCPC meeting.
4. Notice given at the same time and in the same manner as given to MCPC members, and written notice posted in the MCPC Office and outside of the meeting space prior to the meeting.
5. Legal notice, published at least 10 days prior to the hearing date in the Herald Times and The Journal Newspapers.
6. Written notice sent by Accountable US Mail at least 10 days prior to the hearing date.
7. Written notice sent by First Class US Mail at least 10 days prior to the hearing date.
8. Written notice sent by fax, email, or First Class US Mail, and to any non-applicant property owners by Accountable US Mail, at least 10 days prior to the hearing date.
9. Sign provided by the MCPC Staff, posted and maintained on the subject property in the locations specified by Staff, for at least 10 days prior to the hearing date.
10. Accountable US Mail within 10 days of the Plat Committee decision.

11. Published in the Herald Times and The Journal Newspapers after ordinance adoption.

12. Bulk mail.

3) WHO MUST PROVIDE NOTICE

The MCPC recognizes the following persons who are responsible for providing notice to interested parties:

- i. MCPC Staff
- ii. The Applicant

4) CONTENT OF NOTICE

Meeting notifications must state the date, time, location, and purpose of the meeting. MCPC hearing notifications must include the following information:

- a. The general location by address, or by other identifiable geographic description, of the subject property or area;
- b. A summary of the Applicant's request;
- c. The Applicant's name;
- d. The date, time, and location of the hearing;
- e. The application materials may be examined at the MCPC Office;
- f. Attendees may comment on the application during the hearing and/or by filing written comments with the MCPC prior to the hearing.
- g. The hearing may be continued from time to time.

Notification of the adoption of a replacement zoning ordinance must include a summary of the subject matter of the ordinance, the date of its adoption, specify the places or areas that are subject to the ordinance, specify the penalty or forfeiture for violating the ordinance, and identify two locations open to the public where the entire text of the ordinance is available for public inspection.

5) NOTIFICATION TABLE

Notices of MCPC meetings, hearings, and actions must be provided to interested parties in accordance with the following table. The categories of interested parties, the methods and schedules for giving notice, and the persons responsible for giving notice, identified in the table relate, respectively, to those set forth above in Sections 1 through 3.

Note: Meeting notices must be posted for all hearings (e.g., for a PUD development plan hearing, (A, 1, i) must be met in addition to (A, 5, ii), (B, 6, ii), (C, 8, i), and, (G, 8, i)).

EVENT	(INTERESTED PARTY, HOW & WHEN GIVEN, BY WHOM GIVEN)				
MCPC Committee Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Emergency MCPC Mtg.	(A, 4, i)	(G, 4, i)	(H, 4, i)		
Executive MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Regular MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Special MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 3, i)		
Admin. Appeal (850-16)	(A, 5, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Comprehensive Plan Hrg.- (adoption or amendment)	(A, 5, i)	(G, 8, i)	(H, 8, i)		
PUD Development Plan Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Road Name Changes	(A, 5, i)	(G, 8, i)	(H, 8, i)	(I, 6, i)	
Subdivision -Prelim.Plat Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Subdivision - Final Plat	No notice or hearing required				
Subdivision - Waiver Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Subdivision- Amend. Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Subdivision - Vacation All parcel owners agree	No notice and hearing required, MCPC mtg. may or may not be required				
Subdivision - Vacation Hrg. Not all parcel owners agree	(A, 5, ii)	(A, 9, ii)	(C, 8, ii)	(G, 8, i)	(H, 8, i)
Subdivision - Vacation Hrg. Roads and Utility Easemts.	Notice only for hearing before County Commissioners				
Written Commitments Hrg.- (amendment / termination)	(A, 5, ii)	(A, 9, ii)	(F, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Zoning Ordinance Hrg.- Adoption of new code	(A, 5, i)	(B, 12, i)	(G, 8, i)	(H, 8, i)	
Zoning Ordinance Hrg.- Map Amendment	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Zoning Ordinance Hrg. Initiated by the Monroe County Plan Commission - Map Amendment	(A, 5, i)	(B, 7, i)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Zoning Ordinance Hrg.- PUD/PCD Outline Plan	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Zoning Ordinance Hrg.- Text Amendment	(A, 5, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Zoning Ordinance Hrg.- WCF Overlay District	(A, 5, ii)	(A, 9, ii)	(D, 6, ii)	(E, 7, ii)	(C, 8, i)
	(G, 8, i)	(H, 8, i)			
Plat Committee Decision	(B, 10, i)				

- 6) AFFIDAVIT OF NOTICE, WAIV
- 7) ER, DEFECTIVE NOTICE

At least 5 days prior to the hearing date, the Applicant shall provide to the MCPC Staff: a copy of one of the notices mailed to interested parties; a copy of the accountable mail list certified by the USPS; a list of the interested parties notified by First Class US Mail; a signed and notarized affidavit certifying that notices were mailed to the interested parties identified, and in the manner specified, on the foregoing lists at least 10 days prior to the hearing date; and publisher's affidavits from the Herald Times and The Journal newspapers certifying the date of publication of the hearing notice.

Interested parties may waive, at any time, notice of the hearing by filing a written, executed statement with the MCPC Staff, affirming that the interested party has or had knowledge of the date, time, location, and purpose of the hearing, and voluntarily waives the notice due the interested party under the MCPC Rules of Procedure and State law. Interested parties may also waive notice by appearing at the hearing without objection to the notification defect.

If the MCPC or the MCPC Staff determines that notice has not been given in accordance with MCPC rules, the matter shall be continued to the next regularly scheduled meeting, or to a special meeting, unless the defect is waived in accordance with this Section. All notification and re-notification costs shall be borne by the applicant.

<div>2023 MEETING SCHEDULE</div> <div> <div>BOARD OF ZONING APPEALS & PLAN COMMISSION REGULAR SESSION</div> MEETINGS ARE HELD IN <i>JUDGE NAT U. HILL III MEETING ROOM</i> AT 100 W. KIRKWOOD AVENUE, UNLESS OTHERWISE NOTICED <div>ALL OTHER MEETINGS</div> ARE HELD IN THE <i>PLANNING OFFICE, SUITE 224 OR SUITE 100B</i> AT THE MONROE COUNTY GOVERNMENT CENTER (SHOWERS), 501 N. MORTON STREET, UNLESS OHERWISE NOTICED. <i>HYBRID MEETINGS MAY BE HELD PURSUANT TO INDIANA LAW</i>. INFORMATION FOR VIRTUAL MEETINGS CAN BE FOUND ON OUR WEBSITE: HTTPS://WWW.CO.MONROE.IN.US/ </div>
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*: Not a standard meeting date, changed meeting location, changed due to holiday or election or community event

**: No Meeting

Colors denote meeting cycle from filing deadline

MONROE COUNTY PLAN COMMISSION		November 15, 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 AKA "Tirey-Devries" 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)
5. **Director Email - What Happens if Septic Fails**

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends **approval** of the Right of Way Width Waiver and the Sliding Scale Subdivision Preliminary Plat with the following conditions:

1. A written commitment is approved by Monroe County Legal Dept. and recorded with the Monroe County Recorder's Office. This written commitment would be to:
 - a. Release Monroe County from any damage or harm to Proposed Lot 1 existing septic that's located within the proposed dedicated 40' of Right of Way, and that;
 - b. Lot 1 property owner would be responsible for, and required to, relocate a new septic system outside of the dedicated Right of Way should the system fail or be damaged.
2. An alternative septic location for proposed lot 1 is approved by the Monroe County Health Dept. and on the Preliminary Plat.
3. A note is added to the plat that restricts any future development to the structures located within the front setback.
4. Comply with specifications outlined by Project Manager, Ben Ayers, within one year of final platting.
 - 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

Positive Recommendation sent to Plan Commission. Discussion regarding existing Lot 1 septic – no conclusion or recommendation regarding septic.

Plan Commission Admin Meeting – October 4, 2022 (PC Admin Meeting)

During the PC Admin meeting, the petitioner/Plan Commission requested the following new information:

5. A DRAFT of a written commitment be submitted to Monroe County Legal Dept. for review by Plan Commission, if deemed necessary. This written commitment would be to:
 - a. Release Monroe County from any damage or harm to Proposed Lot 1 existing septic that's located within the proposed dedicated 40' of Right of Way, and that;

- b. Lot 1 property owner would be responsible for, and required to, relocate a new septic system outside of the dedicated Right of Way should the system fail or be damaged.
6. An approved alternative septic location is identified for Lot 1 and shown on the Preliminary Plat. Discussed possible conditions to add to the PC Recommendation:
 1. OPTION 1: Conditions listed above for the Right of Way Width Waiver – 40’ of Right of Way instead of 45’ required by the Thoroughfare Plan. Requires a written commitment from the petitioner (see above)
 2. OPTION 2: Dedicate only 10 feet of right-of-way across the entire property frontage to ensure the septic system is outside of the right-of-way.
 3. OPTION 3: Dedicate 40 feet of right-of-way across the frontage, except in the area of the septic system as shown in Exhibit 1.

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

- Staff recommended denial of Final Hearing Requested. Plan Commission voted to continue hearing to administrative meeting – motion failed 4-2.
- Discussion with Highway Dept. and Plan Commission to determine appropriate route for septic located within RoW. Agreed upon waiver of RoW width to 40’ to accommodate house, and allow septic to be within RoW with the following conditions:
 - 1) County Legal approved Written Commitment that release County of financial liability to replace or repair in event of damage or failure, and requires the property owner to relocate the septic outside of the RoW in damage or failure, and;
 - 2) A County Health Dept. approved alternative septic location.
- Petitioner displayed adamant refusal to comply with condition #2 above, stating delay in process. Planning process was delayed one month at time of filing due to the petitioner failing to meeting provide waiver findings by a stated deadline.

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

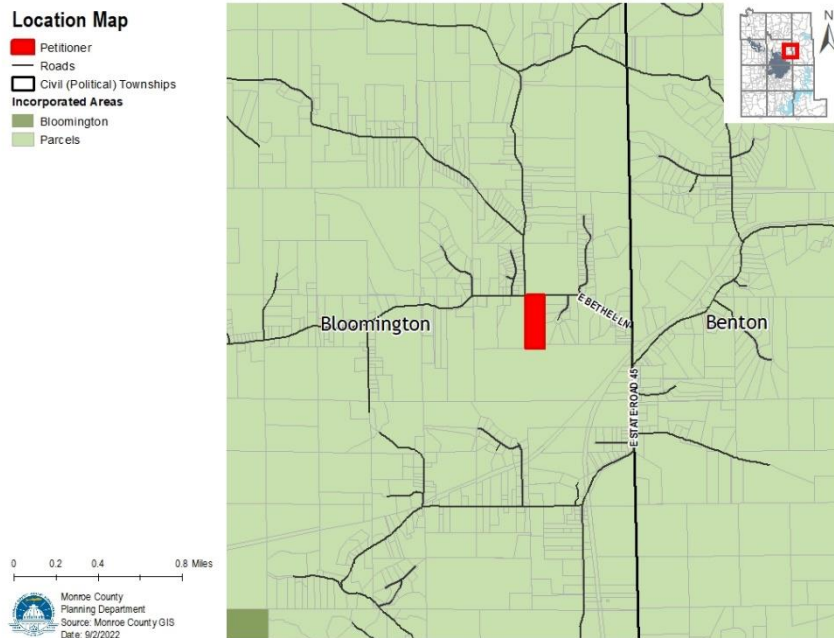
Remove Note • Sep 20, 2022 at 9:35 am

@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	7.817 acres 3.19 buildable	6.26 acres 1.21 buildable
Wastewater	1985 septic permit – Located within RoW	Approved septic permit
Access	Frontage on Bethel LN. Existing driveway. RW- 22-229	No direct Frontage on Bethel LN. Easement access. RW-22-260
Environmental	ECO3	ECO3
Structures	Developed	Undeveloped

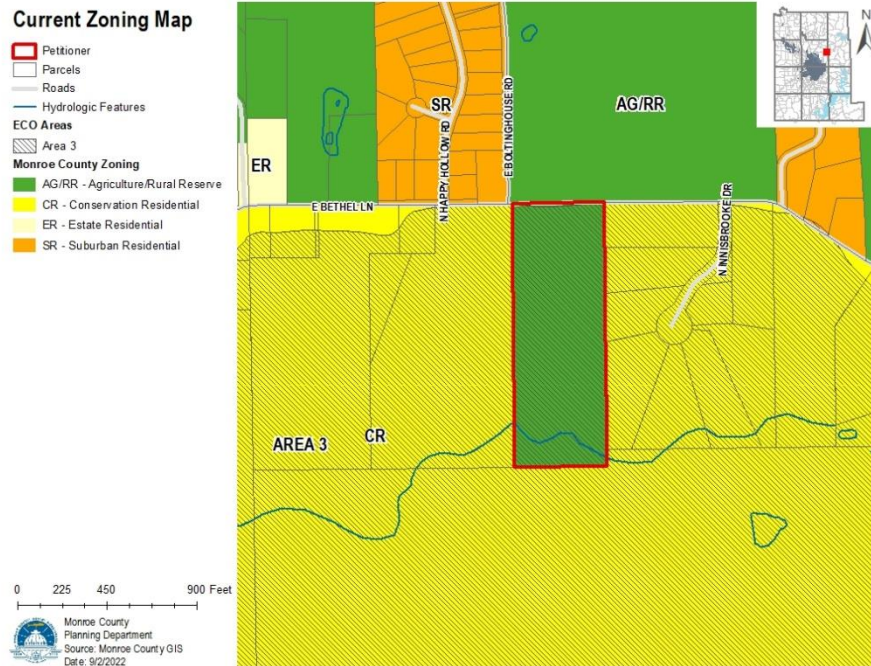
LOCATION MAP

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.



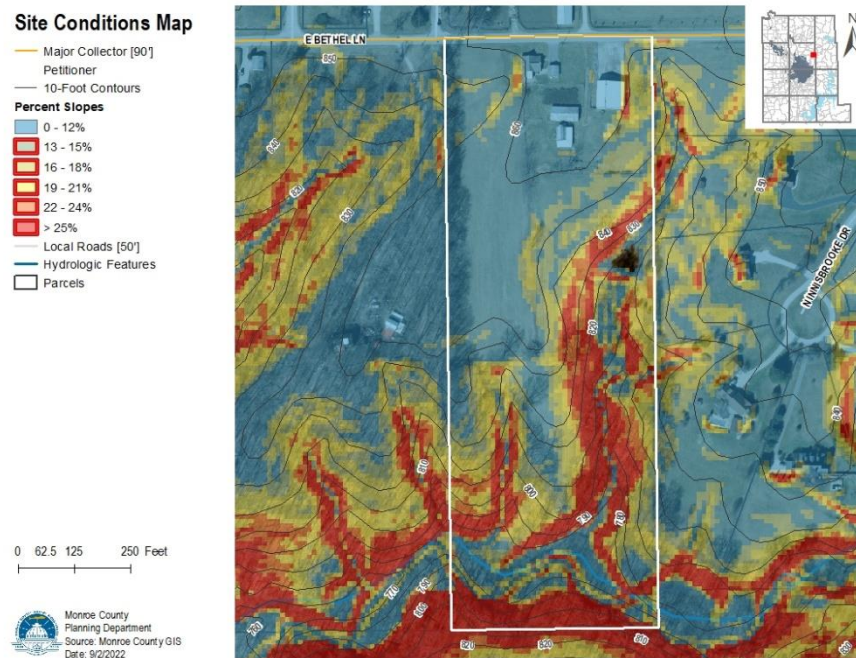
ZONING

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;
- Without a waiver proposed lot 1 existing septic is almost full located within the right of way;
- 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 40' 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 petitioner has agreed to record a commitment that requires the relocation of the septic of proposed lot 1 if the septic is damaged or fails;
- An alternative location for the septic has not been identified by the petition as requested;
- 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 1: Preliminary Plat

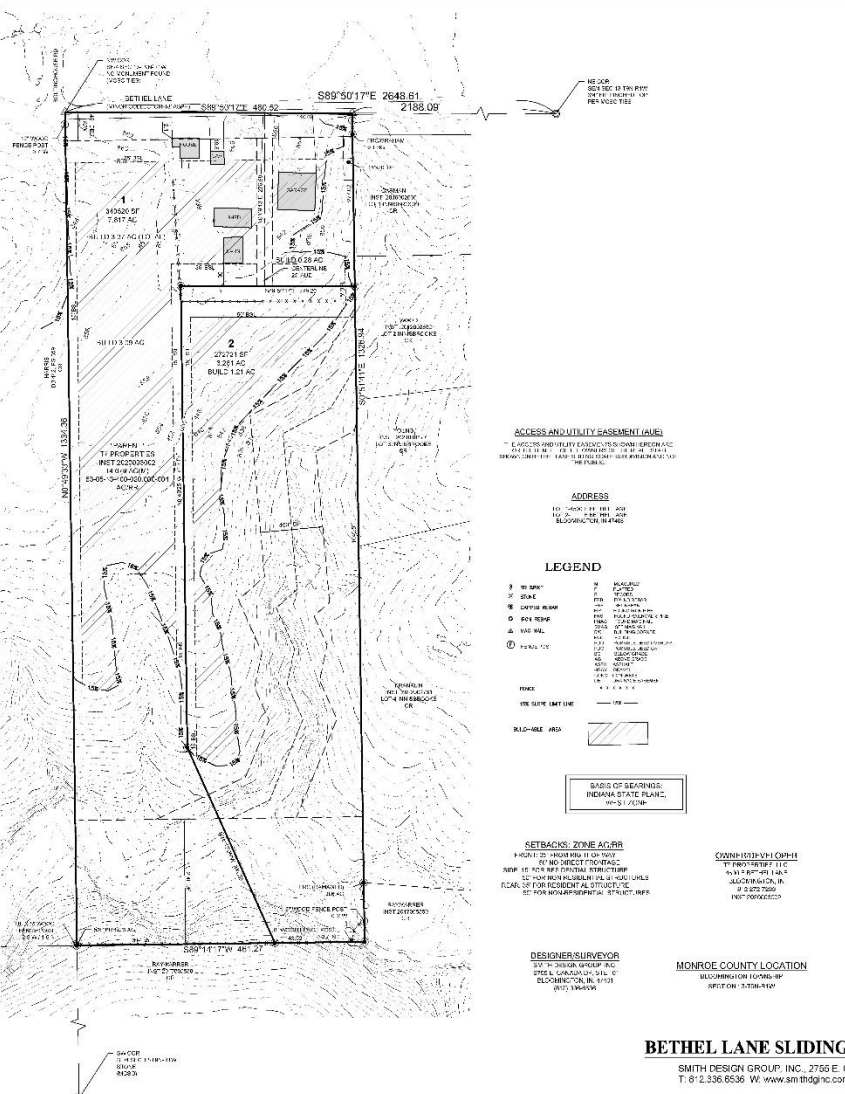
[illegible]

1. **NOTARY PUBLIC**
 STATE OF _____
 COUNTY OF _____
 I, _____
 DO HEREBY CERTIFY THAT _____
 IS A _____
 OF THE COUNTY OF _____
 STATE OF _____
 WHOSE COMMISSION EXPIRES ON _____
 AND WHOSE RESIDENCE IS AT _____
 CITY OF _____
 STATE OF _____
 I, _____
 DO HEREBY CERTIFY THAT _____
 IS A _____
 OF THE COUNTY OF _____
 STATE OF _____
 WHOSE COMMISSION EXPIRES ON _____
 AND WHOSE RESIDENCE IS AT _____
 CITY OF _____
 STATE OF _____

MONROE COUNTY PLAN COMMISSION
UNDER THE AUTHORITY OF CHAPTER 154, ACTS OF 1947, AS AMENDED, GENERAL ASSEMBLY OF THE STATE OF
LOUISIANA, AND THE MONROE COUNTY SUBDIVISION CONTROL ORDINANCE, IF A PLAN WAS APPROVED THROUGH
THE SLOTTING SCALE SUBDIVISION PROCEDURE.

MARGARET C. FAYETTE, PRESIDENT

JACKIE V JELEN, SECRETARY

VICINITY MAP
★ PROJECT LOCATION[illegible][illegible]

SURVEYOR'S REPORT
JOB NUMBER 13522
TYPE OF SURVEY (CIRCLE APPROPRIATE SURVEY)
CLASS D - SURVEY (SURVEYOR SURVEY) (SEE AC 12)
FIELD WORK COMPLETED: JUNE 06 2002
LOCATION OF SURVEY 4500 E 85TH ST LANE IN COVINGTON, ILL. 62424

IN ACCORDANCE WITH TITLE 286, ARTICLE 1, CHAPTER 12 (RULE 12) OF THE NEW HAMPSHIRE ADMINISTRATIVE CODE (A.C.), THE FOLLOWING INFORMATION AND OPINIONS ARE SUBMITTED REGARDING THE SAFETY, SUFFICIENCY IN THE POSITION OF THE LIMBS, AND CORRELATION TO THE SPINAL ANATOMY ESTABLISHED BY THIS SURVEY AS A RESULT OF:

NOTE: THERE MAY EXIST UNIDENTIFIED RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES.

2) CLARITY AND/OR AMBIGUITY OF THE RECORD DESCRIPTION(S)

MEASUREMENTS (RELATIVE POSITIONAL ACCURACY)

THEORY OF LOCATION
NO MOVEMENT WAS FOUND AT THE NORTHWEST CORNER OF THE SOUTH-EAST QUARTER SECTION 10, T12N, R14W, MONROE COUNTY SURVEYOR TIES WERE USED WITHIN 50 FEET OF THE CORNER.

A 4" PITCHED 1" DIAMETER PIPE WAS FOUND PER MONROE COUNTY SURVEYOR TIES AND IS Laid AS THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 13, T.6N. 21W.

THE SAND STONE AT THE SOUTHWEST AND THE CALCULATED NORTH-105° CORNER OF THE SOUTHEAST QUARTER OF SECTION 15, T4N, R10W, S1E, TO ESTABLISH THE WEST LINE OF THE SUBJECT PROPERTY.

THE FOUND MONUMENTS IN THE SOUTHWEST QUARTER OF SECTION 15, T4N, R10W, S1E, WERE HELD AS THEIR RESPECTIVE CORNERS AND USED TO RECONSTRUCT THE PART OF THE S. SUBJECT PROPERTY.

A SWIN REFAR WAS FOUND TO BE ON THE SECTION 36 AT THE SOUTHWEST CORNER OF THE PROPERTY AND WAS USED THE SOUTHLINE WAS ESTABLISHED USING THE IN. SURVEY, GROUNDWORK AND THE 180' 1/2" 1/2" SURVEY AND THE SWIN REFAR THAT WAS FOUND AT THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY.

SURVEYOR'S CERTIFICATE
THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ANY ADDITIONAL ACTS OR INFORMATION RECEIVED AFTER THE ACCURATE AND COMPLETE TITLE SEARCH AND/OR EXAMINATION OF THE SURVEY WHICH DISCLOSED

LYNDEN O. EASHMENT ET AL. NOT ULK 2007 JUL 1; 11(7): 452-462

THIS SURVEY WAS FINANCED THROUGH THE DEPT. OF HEALTH AND HUMAN SERVICES AND TO THE BEST OF THIS SURVEYORS KNOWLEDGE AND BELIEF, WAS CONDUCTED ACCORDING TO CURRENTLY RELEVANT STANDARDS FOR THE CARE AND USE OF HUMANS. THE FIELD WORK WAS COMPLETED DECEMBER OF 2019.

12/13 JULY 08, 2022

TODD M. BOROMAN
REGISTERED LAND SURVEYOR NO. 270002
STATE OF INDIANA

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY

REASON IN THIS DOCUMENT: 0 REFERENCE DOCUMENT TAG (10) REFERENCE

PARENT PARCEL REMAINDER
THE DESIGNATED PARENT PARCEL REMAINDER SHALL NOT BE FURTHER SUBDIVIDED FOR A PERIOD OF
FIVE (5) YEARS FROM THE DATE OF RECORDING OF THE FINAL PLAT UNLESS CONNECTED TO
A PUBLIC SEWER DISPOSAL SYSTEM OR FURTHER SUBDIVISION OF THE PROPERTY IS AUTHORIZED.

BY ORN NAME OF THIS RESTRICTION SHALL BE RECORDED ON THE FINAL 1 AT AND INCORPORATED AS A FLOOD HAZARD ZONING MAP (FLOOD HAZARD ZONING MAP) IN EACH YEAR AND MONTH IN WHICH THE PARENT PARTIAL REMAINDER IS CONVEYED FOR FURTHER USE OF THE REMAINDER OR ANY OTHER CONVEYING THE PARTIAL PARTIAL REMAINDER.

2) ALL DIMENSIONS SHOWN ARE SHOWN IN FEET AND INCHES. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

3) BASED UPON A SCALE REPRESENTATION OF THE FIELD IN A RANGE OF 1000 TO 10000000 FOR MONROE COUNTY, INDIANA, DATED DECEMBER 17, 2010. THE SUBJECT PROPERTY IS LOCATED WITHIN (UNSHADED) ZONE X.

g) THE PROPOSED USE OF THE LOTS IS SINGLE-FAMILY RESIDENTIAL.

h) ALL UTILITIES INCLUDING BUT NOT LIMITED TO GAS, SEWER, ELECTRIC POWER, TELEPHONE AND CABLE SHALL BE LOCATED UNDERGROUND THROUGHOUT THE SUBDIVISION.

SCALE SUBDIVISION, PRELIMINARY PLAT _____

NADA DR., STE. 101, BLOOMINGTON INDIANA 47401

PLAT DATED: AUGUST 2, 2022

Copyright © 2012 John Wiley & Sons, Ltd.

BETHEL LANE SLIDING SCALE SUBDIVISION PRELIMINARY PLAT

SMITH DESIGN GROUP, INC., 2755 E. CANADA DR., STE. 101, BLOOMINGTON, INDIANA 47401
T: 812.336.6536 W: www.smthdgrinc.com

PLAT DATED: AUGUST 2, 2022



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.

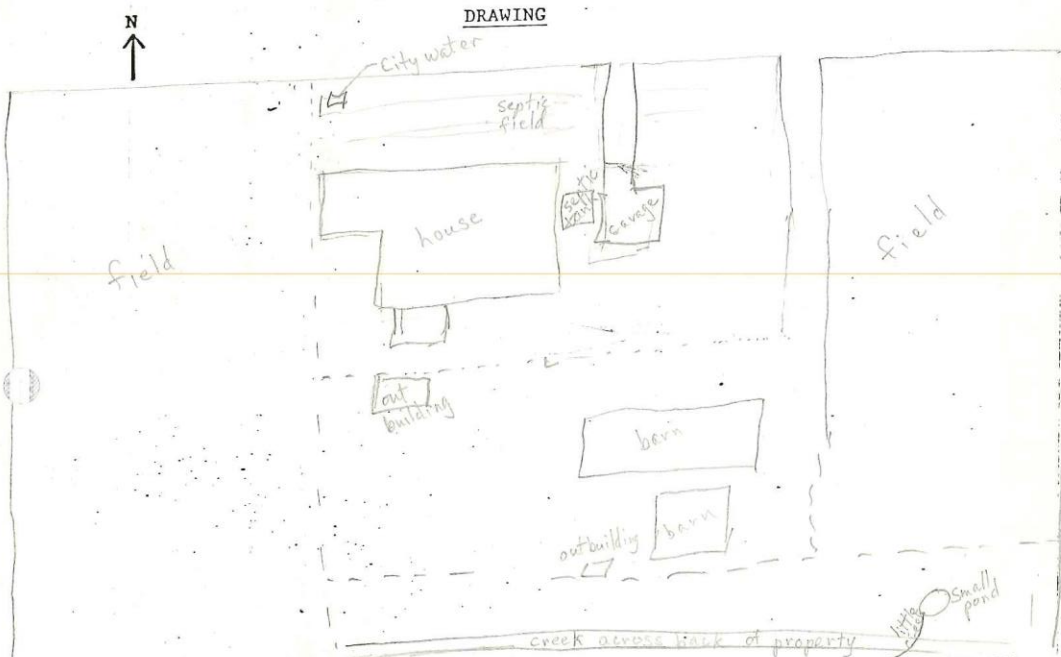
LEGAL DESCRIPTION OF PROPERTY - WE CANNOT COMPLETE YOUR APPLICATION WITHOUT THIS!

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. Piling

DISAPPROVED _____

SIGNED _____

51960

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. Eiting

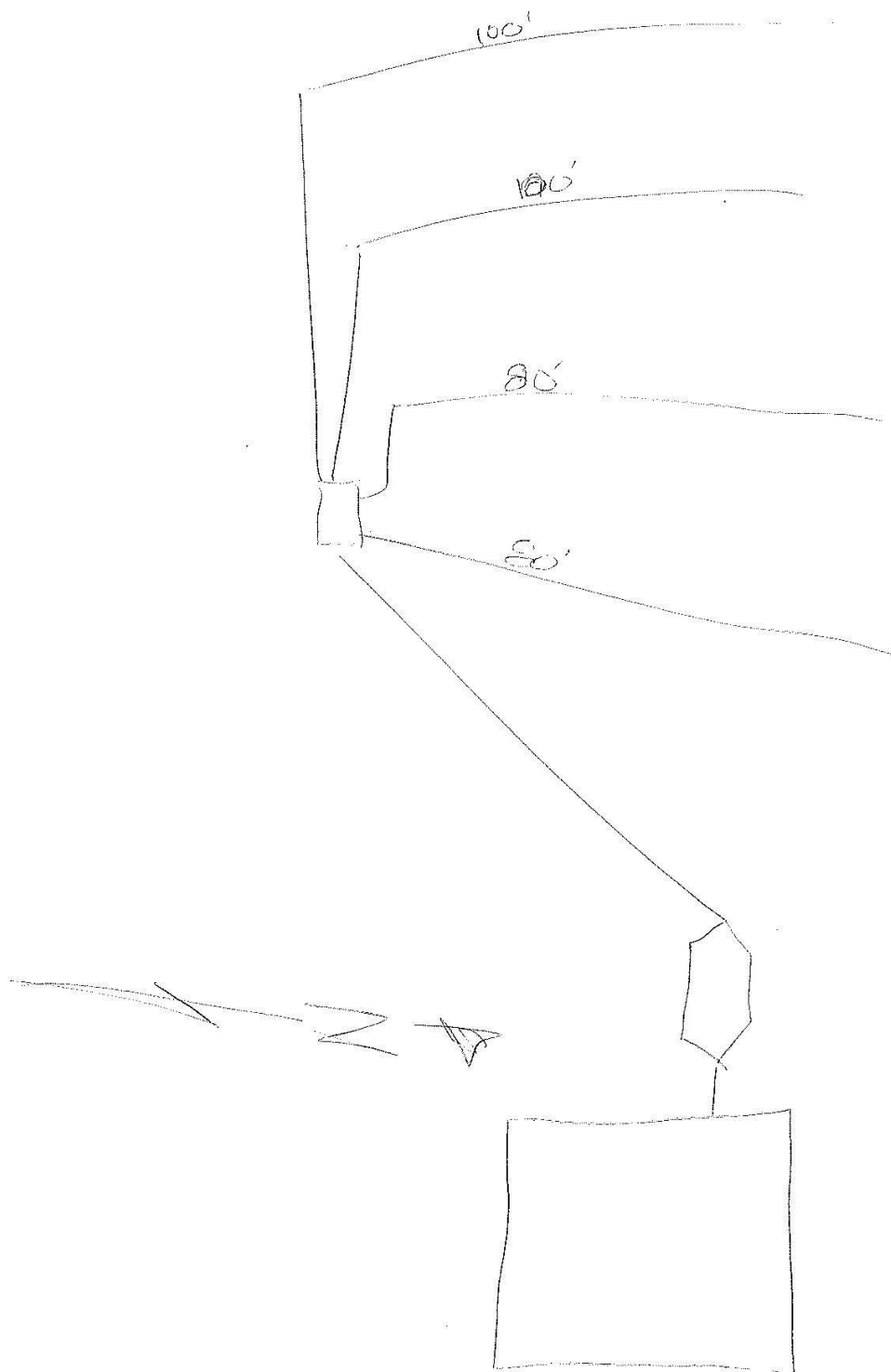
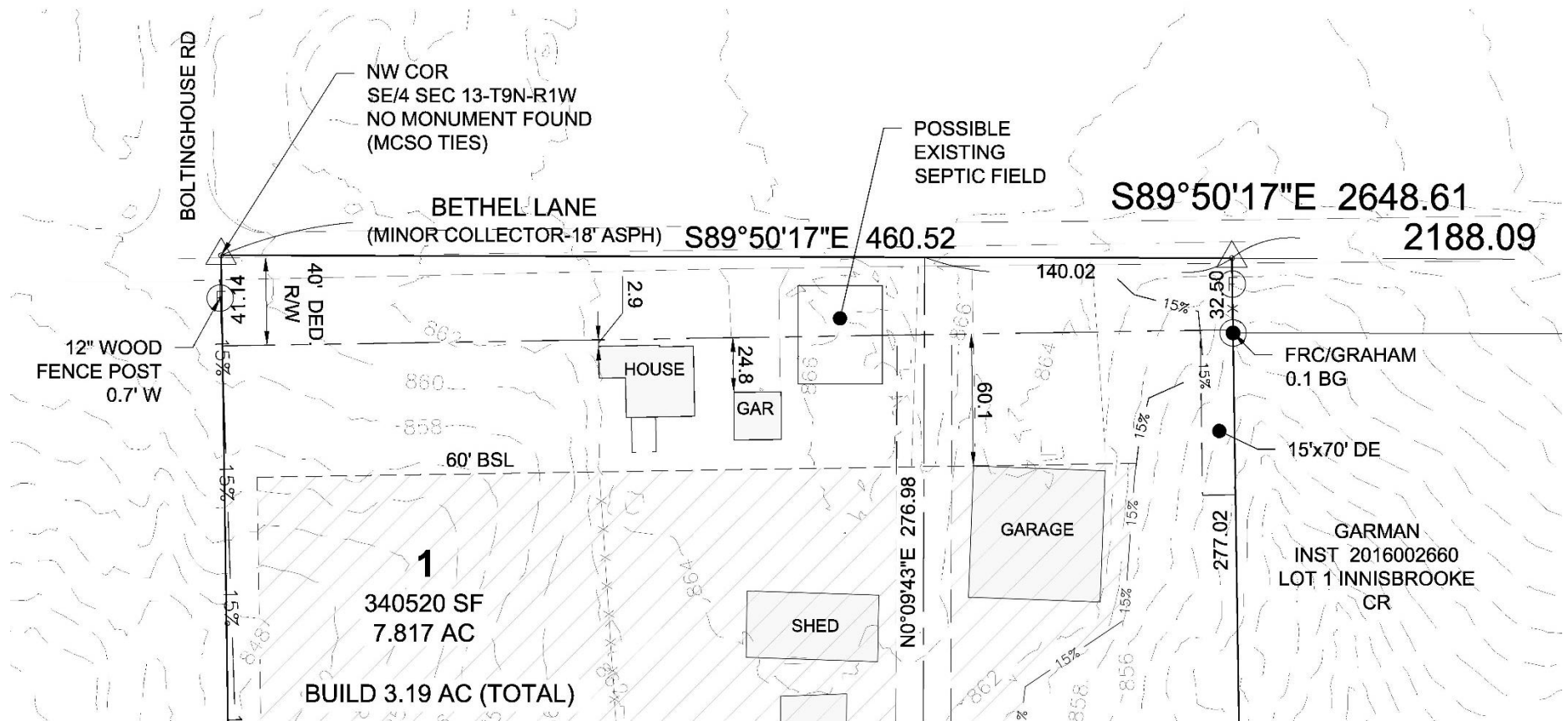


EXHIBIT 4: Lot 1 Existing Septic Location (9/14/2022)



From: Jacqueline N. Jelen

Sent: Tuesday, October 25, 2022 12:47 PM

To: Trohn Enright-Randolph <tenright@co.monroe.in.us>

Cc: Anne Crecelius <acrecelius@co.monroe.in.us>; Tammy Behrman <tbehrman@co.monroe.in.us>

Subject: Tirey DaVries - What Happens if Septic Fails

Hi Trohn –

You had left me a voicemail in regards to SSS-22-8 (Tirey DaVries Sliding Scale) where they have petitioned for a 2-lot subdivision that requires a right-of-way width waiver to accommodate the existing home. In the process of requesting a right-of-way width waiver, staff recognized the septic was also in the right-of-way. To address this, we spoke to the Highway Department and they would like the petitioner to dedicate 40' of right-of-way, with a written commitment that they would relocate the septic system at their own cost outside of the right-of-way should the system fail OR if a roadway project is planned in the area, whichever comes first. Therefore, the existing septic is really a placeholder septic system and will ultimately need replacement. Also, note, since the petitioner cannot meet all standards for the subdivision (i.e. dedication of 45 right-of-way), the subdivision is not considered a by-right subdivision. Therefore, the Plan Commission can choose to either approve or deny the right-of-way width waiver based on the information presented to them in the packet, and during the hearing. If the Plan Commission votes to deny the right-of-way width waiver, the subdivision would also be denied. We have communicated this to the petitioner.

Here is my response to your questions:

1. What happens if today (no subdivision approved) the septic system at 4500 E Bethel Ln fails and there is not another location to place a septic system?

1. Here is the response from Ryan Cushman, Senior Environmental Health Specialist, with the Health Department: If a septic system fails and there is no option to repair or replace the septic field we will order the owner to be on a holding tank with a high level alarm, a recorded easement agreement for septage pumping and a sewage pumping contract. The only time we would issue a holding tank permit is if there is an existing house and no option for a septic field. We will never issue a holding tank permit for new construction. We would not approve the addition of dwelling space on a house that was served by a holding tank.

If the Health Department does not find a suitable location for a new septic and the subdivision is already approved and recorded, it would still be approved as a legal lot of record. Without obtaining this information first, you run the risk of the “what-if” scenarios that could simply be answered if the petitioner were to seek a new septic permit at this time for the relocation before the decision by the Plan Commission is made.

***Note, as Ryan stated above, a holding tank limits future development of the site, including an expansion to the number of bedrooms to the existing home, or redeveloping the site with new construction. The home as it is could continue to exist.

2. Why are we requiring a new septic permit at this time if they have an existing approved septic system?

The petitioner is asking for a right-of-way width waiver to the roadway. As part of the width waiver, they have stated they would put together a written commitment to relocate the septic. Under the Subdivision Control Ordinance, we require all lots to have access to a septic system and always require a valid septic permit at the time of subdivision. Since the petitioner is stating that their septic will be relocated, we believe it is good Planning to know there is a suitable alternative site that meets the requirements of the written commitment.

Here is the language from our Subdivision Control Ordinance that supports having a valid septic system/permit for each subdivision lot:

856-39. Sewage Disposal System

(F) All lots must have access to a public sewage disposal system or contain 1 septic site per dwelling unit approved by the Monroe County Health Department. Otherwise, the deed will be marked “no residential dwelling permitted” to allow for the division of land for agricultural purposes only. If a finger system is in use, the lot must contain a location for another septic site.

850-2. Policy

(B) Land shall not be subdivided if doing so would result in unreasonable peril from flood, fire or other menace. Land shall not be subdivided until adequate access to necessary public facilities and improvements is demonstrated and until provisions have been made for drainage, water, sewerage and other necessary public improvements (e.g., schools, parks, recreation facilities, and transportation facilities) adequate for serving the subdivision. Private wells and sewage disposal systems may be used in lieu of public water and sewage disposal systems if otherwise permitted by the Monroe County Code and if approved by the State and/or County Health Department.

SUBDIVISIONS: DOCUMENT SPECIFICATIONS

860-1. Preliminary Plat

(6) proof of septic permit approval (a) for each lot in the proposed subdivision to be served by a subsurface private sewage disposal system, the Applicant must provide a septic permit from the County Health Department indicating that such a system could be safely installed and maintained on the lot and detailing any conditions to be placed upon such installation and maintenance. The Commission may require that said conditions be recorded as part of the approved subdivision;

Thank you,

Jackie N. Jelen, AICP

Director

Monroe County Planning Department

501 N. Morton St., Suite 224

Bloomington, IN 47404

jnester@co.monroe.in.us

Phone: (812) 349-2560

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 an 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, a~~A 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]

Tammy Behrman

From: Jacqueline N. Jelen <jnester@co.monroe.in.us>
Sent: Tuesday, October 25, 2022 1:45 PM
To: Tammy Behrman
Cc: David Schilling
Subject: Mobile Home vs Manufactured Home

Tammy – I wanted to provide a bit of context regarding the text amendment ZOA-22-5, which includes a change to Chapter 803 – Pre-Existing Nonconforming Uses. Dave is also going to review State and Federal Statutes to see if mobile homes (built before 1974) are even allowed to be purchased and placed on properties as single family homes or otherwise. Bobby from the Building Department confirmed all new placement of manufactured homes must contain a “Stamp from the State of Indiana” that states the building complies with the Industrialized building code.

There was a question at the last Plan Commission meeting (10/18) regarding the hesitation of no longer allowing a Mobile Home to replace an existing Mobile Home that wishes to expand. NOTE- this is not for structures damaged, this is for people that wish to expand their structures by up to 25% by completely switching out the home without a need for a rezone, setback variance, etc. Also note, a “Manufactured Home” can include a modular home OR a manufactured home (AKA mobile homes built post-1974).

The reason we are proposing the change to Chapter 803 to only allow the switch out of a mobile home to a manufactured home is to be consistent with our current ordinance. We currently cannot permit a mobile home as a single family dwelling (see definition of Single Family Dwelling below, related directly to the use in Ch 802 use table) in the County, unless it is located in a Mobile Home Park. Also, it is helpful to think about the purpose of the pre-existing nonconforming chapter, which is to allow for uses to continue until such time they can be replaced by conforming uses/structures. Therefore, the purpose of the nonconforming use chapter is to eventually phase out nonconformities created by the updates to the ordinance.

Definitions of Manufactured Home:

- **Ch 801:** Manufactured Home. A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Home Construction and Safety Standards Law of 1974 (42 USC 5401 et seq.).
- **State Code - IC 36-7-4-1106:** Sec. 1106. (a) As used in this section: (1) "Manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

Definition of Single Family Residence:

- **Ch 801:** Single Family Dwelling. The use of a lot for only one (1) dwelling unit, including site-built housing or manufactured housing, herein defined as a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at a building site, which meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), including single and double wide mobile homes and modular homes.

Federal regulations:

- **42 U.S.C. 5401:**
- **5415.** Certification by manufacturer of conformity of manufactured home with standards; form and placement of certification. Every manufacturer of manufactured homes shall furnish to the distributor or retailer at the time of delivery of each such manufactured home produced by such manufacturer certification that such manufactured home conforms to all applicable Federal construction and safety standards. Such certification shall be in the form of a label or tag permanently affixed to each such manufactured home.

Jackie N. Jelen, AICP

Director

Monroe County Planning Department

501 N. Morton St., Suite 224

Bloomington, IN 47404

jnester@co.monroe.in.us

Phone: (812) 349-2560



MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE

Public Meeting

Date: November 1, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-22-10	W Bell Road Sliding Scale Subdivision	2-Lot Sliding Scale Subdivision Preliminary Plat

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

RECOMMENDED MOTION	Positive with Conditions	Planner: Drew Myers
<p><i>Recommended Motion Conditions or Reasoning:</i> <u>Approve</u> based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance, subject to the following condition(s):</p> <ol style="list-style-type: none"> 1.) The petitioner submit a capacity letter for water and electrical services with respect to the proposed subdivision. <p><u>Approve</u> the Road Width Waiver request based upon findings of fact and practical difficulties being met.</p> <p>PLAT COMMITTEE – October 20, 2022 Voted 2-0 to forward to the Plan Commission with a positive recommendation with the condition of approval as listed above.</p>		

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

PETITIONER	Todd Borgman, Smith Design Group Inc.	
OWNERS	Hamilton, Jeff A & Jean Messenger	
ADDRESS	1300 W Bell Road; 53-05-08-300-007.000-004	
TOWNSHIP + SECTION	Bloomington; 8	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	132.311	
	PETITION SITE	ADJACENT
ZONING	Agriculture/Rural Reserve (AG/RR)	AG/RR, RE1
COMP PLAN	Farm and Forest	Farm and Forest; MCUA Rural Transition
USE	Residential / Agricultural / DNR Classified Forest	Residential; Agricultural; Vacant / DNR Classified Forest

SUMMARY

The petitioner is proposing a 2-lot Sliding Scale Subdivision with one waiver request for road width. West Bell Road measures 16' +/- in width, while Chapter 862(A)(5) requires 18' in width. The proposed lots will be serviced by septic systems. A new septic permit was issued for proposed Lot 2 (WW-22-176), while a renewal septic permit was issued for proposed Lot 1 (WW-22-175).

MEETING SCHEDULE

Plan Commission Admin – November 1, 2022

Plan Commission – November 15, 2022 (Preliminary Hearing – Waiver of Final Hearing Requested)

Plan Commission Admin – December 9, 2022 (If not waived)

Plan Commission – December 9, 2022 (Final Hearing – If not waived)

DISCUSSION

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

A Construction Stormwater General Permit (CSGP) – formally known as Rule 5 – is not required for this subdivision per recent updates by made by the Indiana Department of Environmental Management (IDEM) to the language on CSGP applicability. In short, if the subdivider makes no land improvements and only sells the lots, then they do not need to submit a Stormwater Pollution Prevention Plan (SWPPP) or a Notice of Intent (NOI). The individual(s) who purchases the lot(s) and build there must submit their own SWPPP and NOI, even if land disturbance is under one (1) acre. Additionally, the subdivider in this petition is only creating one (1) new vacant lot, not two (2).

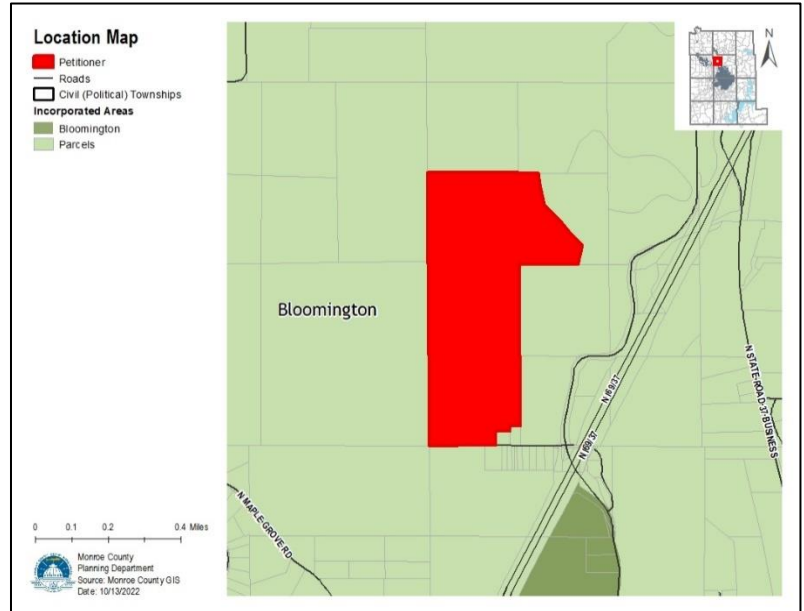



TABLE 1: Summary of Lot Configurations

	LOT 1	LOT 2 (Parent Parcel)
Acreage / Buildable Area (+/-)	2.673 / 1.52	129.638 / 43.88
Wastewater	Renewal Septic WW-22-175	New Septic WW-22-176
Utility Access / Capacity	Not submitted	
Property Access	RW-21-389	RW-21-389
ROW Dedication	N/A	N/A
Environmental Conditions	None	Steep slopes / DNR Floodplain / Drainage easements
Existing Structure(s)	1,960 sf SFR, 3,520 sf pole barn, 936 sf detached garage	Vacant


HIGHWAY COMMENTS:

**Ben Ayers**Remove Comment • Sep 14, 2022 at 10:56 am

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. Existing driveway entrance is to be shared between Lot #1 & Lot #2 and shall meet the specifications of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way within one (1) year of recording the Final Plat. See permit # RW-22-295 & RW-22-296.


The Highway Dept. determined that right-of-way dedication would not be required for this petition as the County Roadway Inventory for W Bell Road only extends 0.18 miles from point of origin at W Kinser Pike.

STORMWATER COMMENTS:

**Kelsey Thetonia**Remove Comment • Sep 22, 2022 at 2:43 pm

Hi Todd, I uploaded a marked up version of the Bell Rd Sliding Scale Subdivision. Please provide a DE for the floodplain area, and look at closed contours on the north side of the subdivision for applicability of SCAs. Thanks,

Kelsey

**TODD BORGMAN**Remove Comment • Oct 3, 2022 at 12:59 pm

Hey Kelsey,
I added the drainage easement and 1-karst easement (for now).
Todd

COMPREHENSIVE PLAN

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

Farm and Forest

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

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

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those

portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

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

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

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

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

1. County Slope Map
2. Staff Site Photos
3. W Bell Road Sliding Scale Subdivision Preliminary Plat
4. Petitioner Findings for Waiver(s)
5. Staff Findings of Fact for Subdivision and Road Width Waiver

EXHIBIT 1: County Slope Map

Slope Map

- Minor Collector [60']
- Interstate
- Local Roads [50']
- Petitioner
- Parcels
- 10-Foot Contours

15% Slope (2010)

- 0 - 15
- > 15
- FEMA Floodplain
- Hydrologic Features

PARCEL #:
53-04-15-300-046.000-011

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

0 195 390 780 1,170 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/12/2022

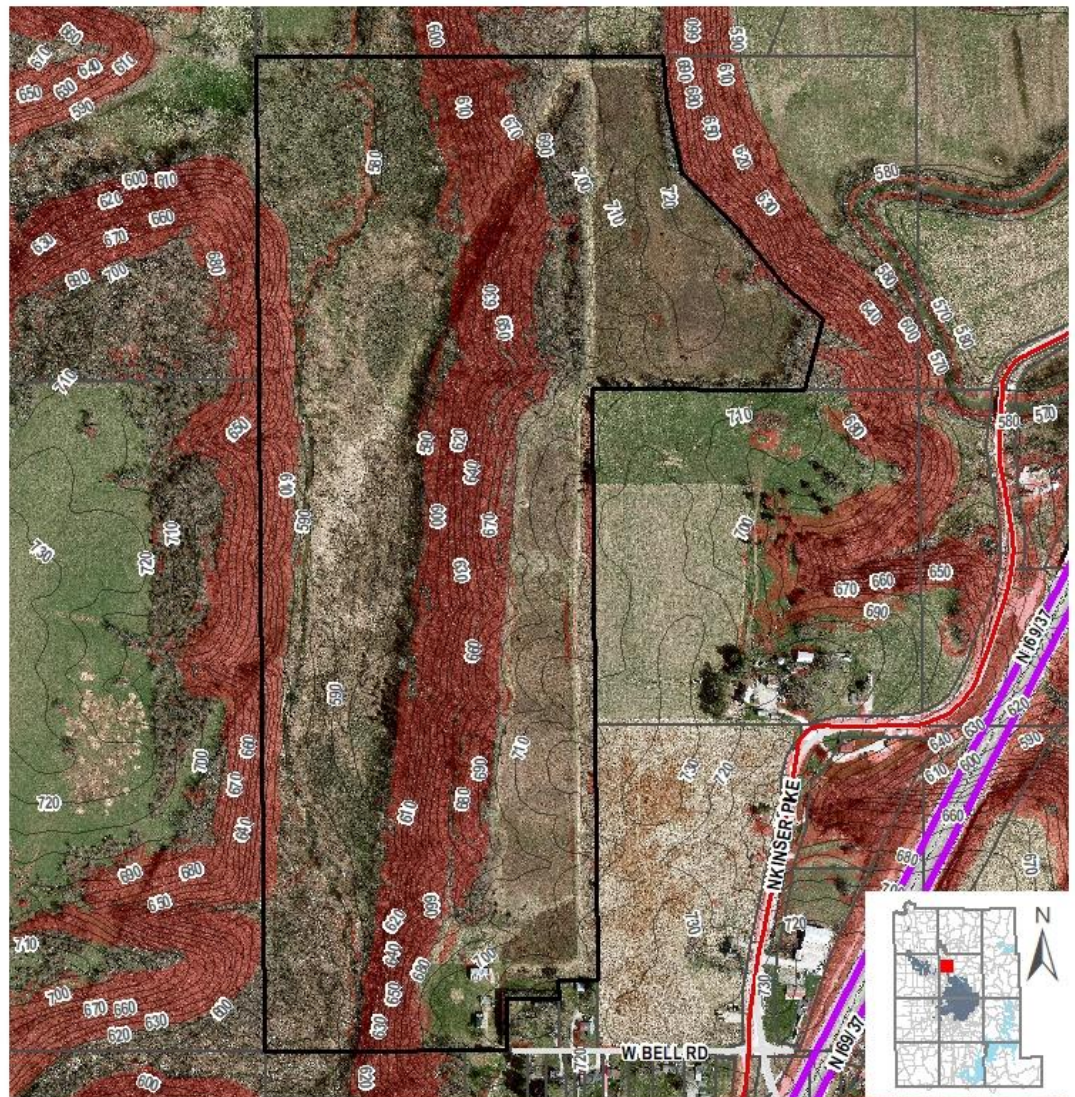


EXHIBIT 2: Site Photos



Photo 1: W Bell Road – facing west; dead-end at petition site



Photo 2: W Bell RD – facing east towards N Kinser Pike



Photo 3: Petition site – facing northwest; view of SFR



Photo 4: Petition site – facing north; view of SFR and detached garage and pole barn



Photo 5: Petition site – facing northeast



Photo 6: Petition site – facing north; tree line demarks classified forest and start of steep slopes



Photo 7: Petition site – facing northeast



Photo 8: Petition site – facing east



Photo 9: Petition site – facing north



Photo 10: Petition site – facing north

[illegible]

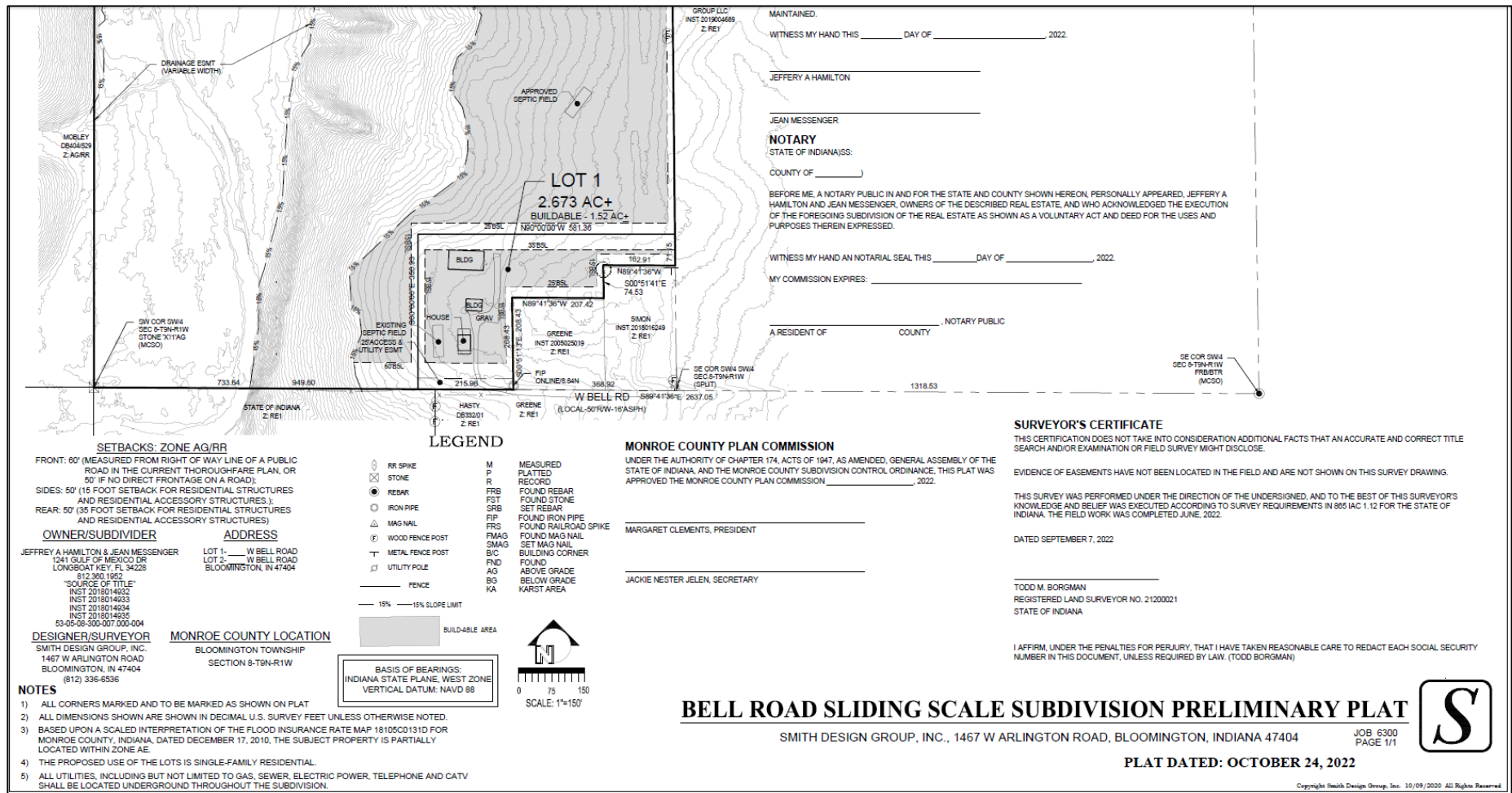


EXHIBIT 4: Petitioner Findings for Road Width Waiver



Todd M. Borgman, PS
Katherine E. Stein, PE
Donald J. Kocarek, LA
Stephen L. Smith, Founder

"Providing professional design and survey since 1979"

September 7, 2022

To: Members of the Monroe County Plan Commission

Re: Bell Road Sliding Scale Subdivision

Road Width Waiver

The petitioner is requesting a road width waiver. The current road width is 16 feet +/- with a required width of 18 feet.

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 property lies at the "dead end" of Bell Road. Widening the road would only be a benefit to the current owner. Passing traffic would only occur entering and existing the owner's property.

(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 property lies at the "dead end" of Bell Road. Widening the road would only be a benefit to the current owner. Passing traffic would only occur entering and existing the owner's property.
- Due to Bell Road's location, length and local road classification, it is unlikely to be widened. It is also unlikely to be extended to the west with the existing creek and floodplain that would need to be navigated.

(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 property lies at the "dead end" of Bell Road. Widening the road would only be a benefit to the current owner. Passing traffic would only occur entering and existing the owner's property.
- Due to Bell Road's location, length and local road classification, it is unlikely to be widened. It is also unlikely to be extended to the west with the existing creek and floodplain that would need to be navigated.

(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:

- The property lies at the "dead end" of Bell Road. Widening the road would only be a benefit to the current owner. Passing traffic would only occur entering and existing the owner's property.

1467 W Arlington Road
Bloomington, Indiana 47404
Telephone 812-336-6536
www.smithdgroup.com



Todd M. Borgman, PS
Katherine E. Stein, PE
Donald J. Kocarek, L.A.
Stephen L. Smith, Founder

"Providing professional design and survey since 1979"

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

- The property lies at the "dead end" of Bell Road. Widening the road would only be a benefit to the current owner. Passing traffic would only occur entering and existing the owner's property.
- Due to Bell Road's location, length and local road classification, it is unlikely to be widened. It is also unlikely to be extended to the west with the existing creek and floodplain that would need to be navigated.

(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 property lies at the "dead end" of Bell Road. Widening the road would only be a benefit to the current owner. Passing traffic would only occur entering and existing the owner's property.
- Due to Bell Road's location, length and local road classification, it is unlikely to be widened. It is also unlikely to be extended to the west with the existing creek and floodplain that would need to be navigated.

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

- The property lies at the "dead end" of Bell Road. Widening the road would only be a benefit to the current owner. Passing traffic would only occur entering and existing the owner's property.
- Due to Bell Road's location, length and local road classification, it is unlikely to be widened. It is also unlikely to be extended to the west with the existing creek and floodplain that would need to be navigated.

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

- The property lies at the "dead end" of Bell Road. Widening the road would only be a benefit to the current owner. Passing traffic would only occur entering and existing the owner's property.
- Due to Bell Road's location, length and local road classification, it is unlikely to be widened. It is also unlikely to be extended to the west with the existing creek and floodplain that would need to be navigated.

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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 132.311 +/- acres;
- The petition site is not in a platted subdivision;
- The site is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would result in two (2) lots that exceed the minimum lot dimension requirements for the AG/RR Zoning District;
- Approval of the subdivision would result in Lot 1 = 2.673 acres and Lot 2 = 129.638 (parent parcel);
- The proposed use in the subdivision is residential;
- Each lot will be serviced by a private septic system;

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

Findings

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

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

Findings

- See findings under Section (A);
- The surrounding uses are primarily agricultural and residential in nature;
- A portion of the property is currently designated as DNR Classified Forest;
- The property maintains frontage along W Bell Road;
- W Bell Road is an asphalt roadway measuring 16' wide;
- The proposed subdivision is meeting the Monroe County Zoning Ordinance's Buildable Area requirement;

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

Findings

- See findings under Section (A) & (C);
- The adjoining properties are zoned AG/RR or Estate Residential 1 (RE1);
- W Bell Road is classified as a "Local Road" per the Monroe County Thoroughfare Plan;

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

Findings

- See findings under Sections (A), (C), and (D);
- A Road Width Waiver has been requested with this petition;
- There is at least one (1) visible karst feature on the property;

- The DNR Best Available Floodplain Map designates a significant portion of the property as AE/Floodway;
- The area designated AE/Floodplain is also located within a platted drainage easement of variable width;
- A significant portion of the property is designated DNR Classified Forest;
- Drainage easements were requested on the plat per recommendation from the MS4 Coordinator;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – WAIVER OF ROAD WIDTH REQUIREMENT

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

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

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

1. Practical difficulties have been demonstrated:

Findings:

- Note Exhibit 4 for Petitioner Submitted Finding;
- The site gains access from W Bell Road, a designated Local Road;
- W Bell Road is currently an asphalt road;
- W Bell Road is measured by surveyor as 16 feet (+/-) wide;
- W Bell Road dead-ends into the petition site at 1300 W Bell Road;
- The construction of a cul-de-sac was not required for this petition per the review of the County Legal Department;
- W Bell Road serves multiple properties to the east of the petition site, as well as the proposed petition site;
- W Bell Road intersects perpendicularly with N Kinser Pike at the eastern end of W Bell Road;
- From N Kinser Pike, W Bell Road extends 0.18 miles until it dead-ends at the petition site;
- The Highway Department requests that both proposed Lot 1 and Lot 2 share a driveway entrance receiving access via W Bell Road;
- The petitioner did submit findings for the waivers (Exhibit 4);

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

Findings:

- See findings under Section 1;

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

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- See the findings submitted by the petitioner (Exhibit 4);

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

Findings:

- See findings under Section 1;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel

and are not applicable generally to other nearby properties;

Findings:

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

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

Findings:

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

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

Findings:

- See findings under Section 1;

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

Findings:

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

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

Findings:

- See findings under Section 1;

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

MONROE COUNTY PLAN COMMISSION**November 15, 2022**

PLANNER	Anne Crecelius
CASE NUMBER	REZ-22-8
PETITIONER	Starts Living Trust c/o Lorraine Fowler
ADDRESS	7955 S Fairfax RD, parcel #53-11-11-300-014.000-006
REQUEST	Rezone Request from AG/RR to LB Waiver of Final Hearing Requested
ACRES	17.29 +/- acres
ZONE	AG/RR, ECO1/2/3
TOWNSHIP	Clear Creek Township
SECTION	11
PLATS	Unplatted
COMP PLAN DESIGNATION	Rural Residential

EXHIBITS

1. Petitioner Letter
2. “AG/RR” Permitted and Conditional Use List
3. “Limited Business” Permitted and Conditional Use List
4. Chapter 804 Design Standards Comparison

RECOMMENDATION

Staff recommends forwarding a **negative recommendation** for the rezone request from Agricultural Rural Reserve (AG/RR) to Limited Business (LB) based on the findings of fact, subject to the Monroe County Highway and Drainage engineer reports.

Plan Review Committee – October 13, 2022

Plan Review Committee forwarded a negative recommendation by a vote of 5-0.

Plan Commission Regular Meeting – November 15, 2022 (Preliminary Hearing)**Plan Commission Regular Meeting – December 13, 2022 (Final Hearing)****SUMMARY**

The petition site is one parcel totaling 17.29 +/- acres located in Clear Creek Township. The petitioner is proposing to amend the Zoning Map from Agricultural Rural Reserve (AG/RR) and Environmental Constraint Overlay Area 1, 2, and 3 (ECO1/2/3) to Limited Business (LB) and ECO1/2/3.

The petition site contains a residential accessory structure – a log cabin style residence was on the property but has been demolished. The property is currently for sale and advertised by the petitioner who is a real estate agent and related to the property owner. The petitioner has stated the desire to rezone the property to commercial is to increase the sale value. If the request is approved by the County Commissioners the petitioner intends to sell the petition site for a commercial use. If the rezone request is denied the zoning will remain AG/RR, a zoning district where primarily agricultural and residential uses are permitted.

The Zoning Map amendment would be from AG/RR to LB. Listed below are the definitions of these zones per Chapter 802.

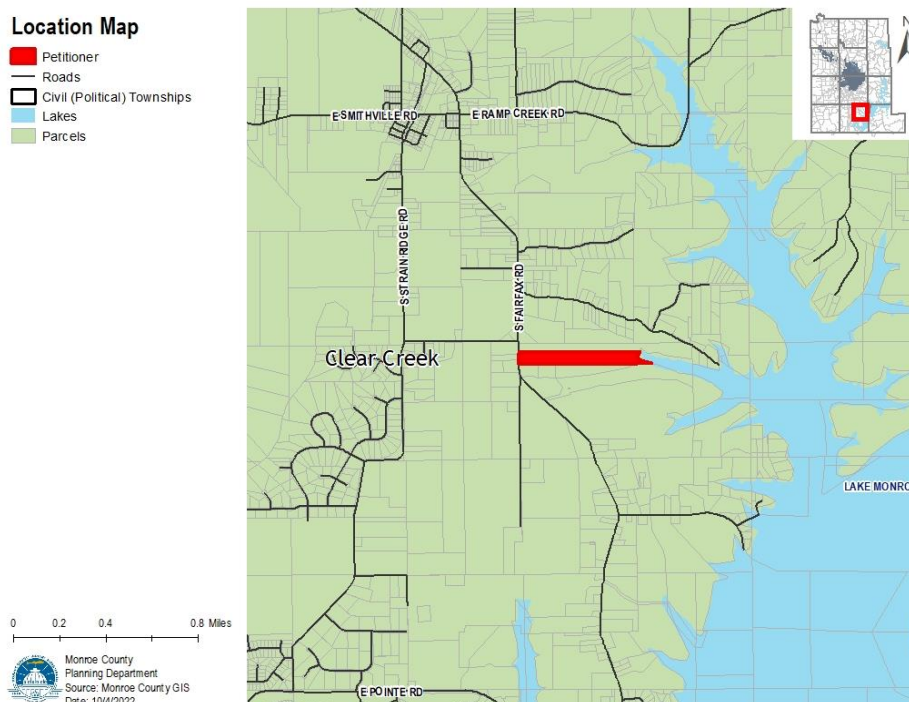
Agriculture/Rural Reserve (AG/RR) District. The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major)

subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

Limited Business (LB) District. The character of the Limited Business (LB) District is defined as that which is primarily intended to meet the essential business needs and convenience of neighboring residents. Limited business uses should be placed into cohesive groupings rather than on individual properties along the highways and access control should be emphasized. Its purposes are: to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross-access in order to allow traffic from one business to have access to another without having to enter the highway traffic; to discourage single family residential uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the LB District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

LOCATION MAP

The petition site is one lot of record, parcel number 53-11-11-300-014.000-006. The site is located at 7955 S Fairfax RD in Section 11 of Clear Creek Township.



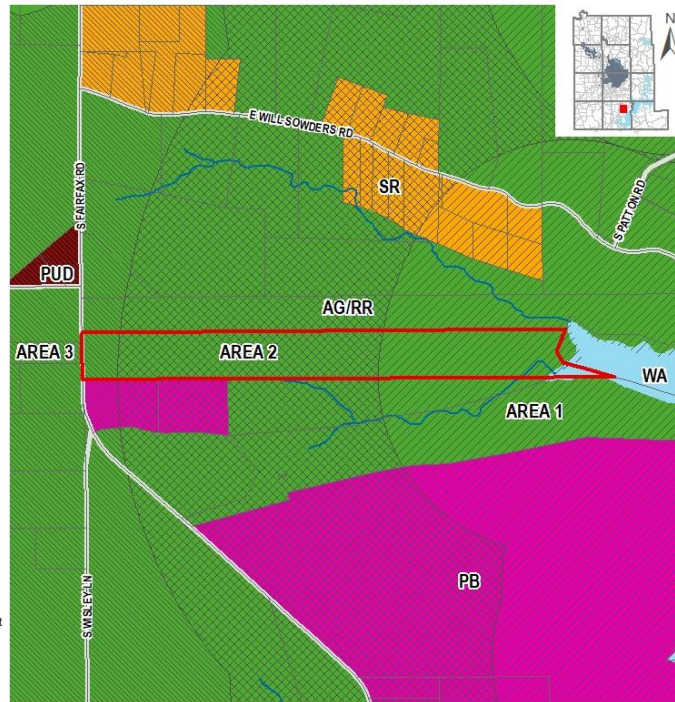
ZONING

The zoning for the petition site is Agricultural Rural Reserve (AG/RR) and Environmental Constraint Overlay Area 1, 2, and 3 (ECO1/2/3). Adjacent zoning is Agricultural Rural Reserve. The petition site is a currently developed with a Single Family Residence.

Current Zoning Map

- Petitioner
- Parcels
- Roads
- Lakes
- Hydrologic Features
- ECO Areas**
 - Area 1
 - Area 2
 - Area 3
- Monroe County Zoning**
 - AG/RR - Agriculture/Rural Reserve
 - PB - Pre-Existing Business
 - PUD - Planned Unit Development
 - SR - Suburban Residential
 - WA - Water

0 260 520 1,040 Feet
 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 10/4/2022



SITE CONDITIONS & INFRASTRUCTURE

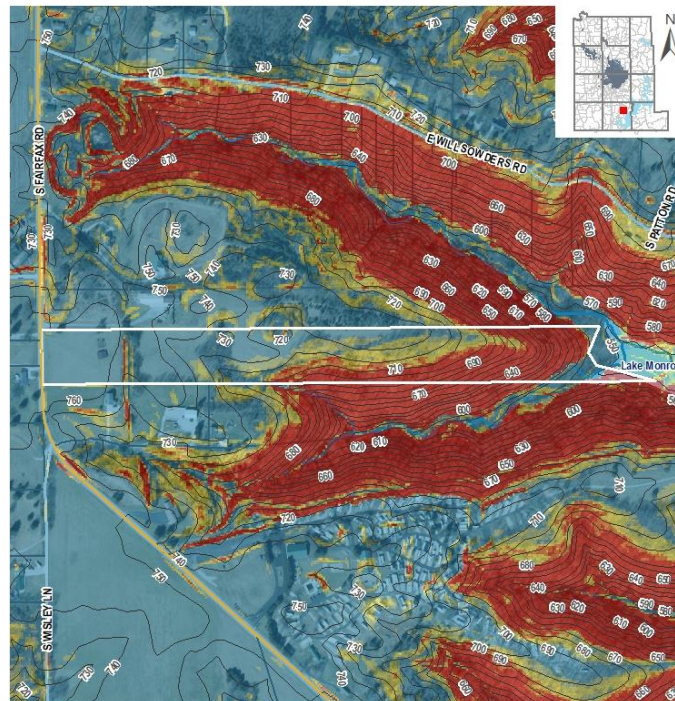
The site has frontage along S Fairfax Road, a Major Collector per the 2016 Thoroughfare Plan. The site located within the Lake Monroe Watershed and is zoned with the Environmental Constraints Overlay Area 1, 2, and 3. The petition site is currently developed with a SFR and does contain slopes that exceed 15%. There are no known karst features. The property is somewhat narrow at 270' approximately in width.

Site Conditions Map

- Major Collector [70']
- Petitioner
- 10-Foot Contours
- Percent Slopes**
 - 0 - 12%
 - 13 - 15%
 - 16 - 18%
 - 19 - 21%
 - 22 - 24%
 - > 25%
- Local Roads [50']
- Hydrologic Features
- DNR Best Available Data**
- FLD_ZONE, ZONE_SUBTY**
 - A
 - Lakes
 - Parcels

0 150 300 600 Feet

Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 10/4/2022



SITE PICTURES



Photo 1. Pictometry photo looking east.



Photo 2. Pictometry photo looking north.



Photo 3. At the entrance of the property looking east.



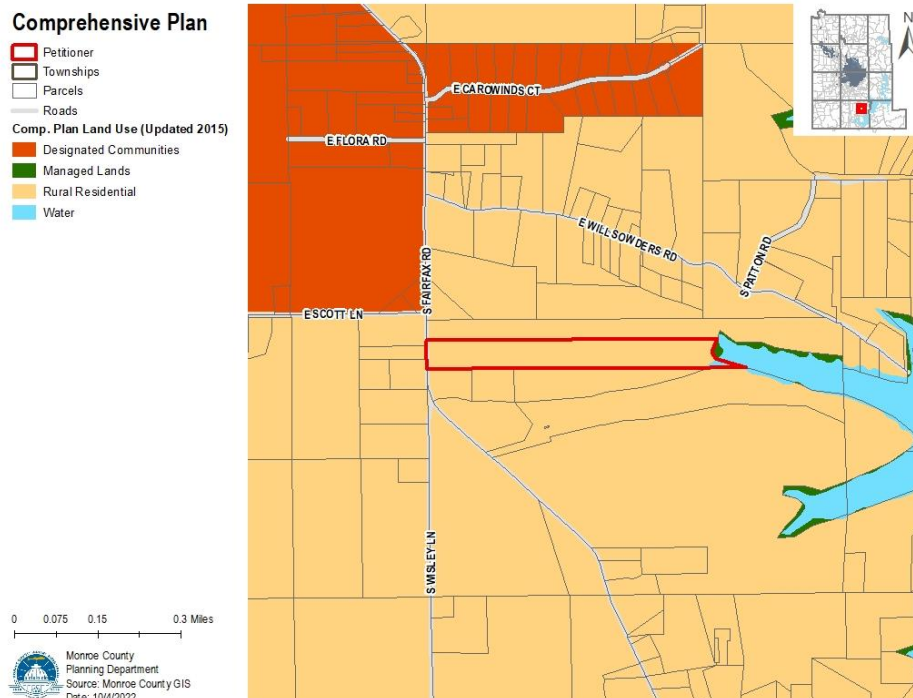
Photo 3: Looking north.



Photo 4: Looking south.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Rural Residential** designation of the Monroe County Comprehensive Plan. Points that align with the proposed rezone are highlighted in **green**. Points that differ are highlighted in **grey**. The plan states the following for this designation:



The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse

population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.

The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential 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. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

FINDINGS OF FACT - REZONE

In preparing and considering proposals to amend the text or maps of this Zoning Ordinance, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to:

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as Rural Residential;
- “includes rural property, environmentally sensitive areas,”;
- The intention of the petitioner if the rezone is approved is to allow for a commercial use, specifically for commercial “boat storage”;

(B) Current conditions and the character of current structures and uses in each district;

Findings:

- See Findings under Section A;
- The rezone request is to change 17 +/- acres from AG/RR & ECO1/2/3 to Limited Business (LB) and ECO1/2/3;
- The current use of the petition parcel is a residential and is largely undeveloped – it has one residential accessory structure on-site;
- Adjacent uses are residential or commercial and adjacent zoning is AG/RR and PB;

(C) The most desirable use for which the land in each district is adapted;

Findings:

- See Findings under Section A and Section B;
- The site contains some buildable area (slopes 15% and under) and some steep slopes that drains into Monroe Reservoir;
- The site is located within all the Areas (1, 2, and 3) of the Environmental Constraints Overlay zoning districts;
- The area that borders the lake is considered FEMA Floodplain;
- There are no known karst features;

(D) The conservation of property values throughout the jurisdiction; and

Findings:

- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;
- The petitioner states that their intent to rezone is to increase the sale value of the property;

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- Access is off of S Fairfax Road;
- According to the Monroe County Thoroughfare Plan, S Fairfax Rd is classified as a Major Collector road;

EXHIBIT 1: Petitioner Letter

From: [Lorraine Fowler](#)
To: [Drew Myers](#)
Cc: gregs@taskar.com; [Greg Starts](#)
Subject: Rezone Application
Date: Wednesday, September 7, 2022 8:51:24 AM
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

Dear Monroe County Planning Commission,

Hello, my name is Lorraine Fowler, I'm writing on behalf of the property located at 7955 South Fairfax Road, Bloomington, Indiana 47401. I'm the realtor and daughter of the deceased owners of this property, my parents, Arthur and Mary Starts. My eldest brother, Greg Starts, is the Trustee of this property that's held in the Starts Trust. He is attached to this email and has given his consent in my request for a rezoning of this parcel. I currently have three buyers interested in this track of land. All three buyers are interested in purchasing this property for boat storage. So in light of this interest and apparent highest and best use of this property, I'm respectfully submitting a rezone for your consideration.

Best regards,
Lorraine



Lorraine Fowler

Broker Associate/REALTOR®

RE/MAX Acclaimed Properties

3695 S. Sare Road

Bloomington, IN 47401

Cell (812) 320-5553

EXHIBIT 2: “AG/RR” Permitted and Conditional Use List

Agricultural Uses	(i)	AG	(C)
Accessory Use		P	53
Accessory Structures for Ag. Use	L	P	
Agriculture	H	P	53
Ag. Event Center, Small	H	C	
Ag. Event Center, Medium	H	C	
Ag. Event Center, High	H	C	
Ag.-Related Industry	H	P	53
Ag. Uses-Land Animal	H	P	22; 53
Ag. Uses-Non Animal	H	P	22; 53
Agritourism / Agritainment	H	P	53
Aquaculture	M	P	22; 53
Christmas Tree Farm	H	P	53
Comm. facilities for the sale, repair, and service of Ag. equip., vehicles, feed, or suppl.	H	C	53
Comm. Non-Farm Animals	M	P	53
Confined Feeding Operations	H	C	24;44
Equestrian Center	H	C	53
Equine Services	L	P	
Feed Lot	H	P	24
Feed Mill	L	P	6;25
Historic Adaptive Reuse		P	15; 44
Horse Farm	L	P	53
Nursery/greenhouse	H	P	53
Orchard	H	P	53
Pick-your-own operation	H	P	53
Roadside farm stand, Permanent	M	P	52
Roadside farm stand, Temporary	L	P	51
Stockyard	H	P	24
Winery	H	P	53

Residential Uses	(i)	AG	(C)
Accessory Apartments	L	P	26
Accessory Dwelling Units	L	P	53; 55
Accessory Livestock	L	P	43
Accessory Use		P	5
Guest House	L	P	
Historic Adaptive Reuse		P	15; 44
Home Based Business	L	P	16
Home Occupation	L	P	16
Residential Storage Structure	L	P	15
Single Family Dwelling	n/a	P	1
Temporary Dwelling	L	P	3; 53
Two Family Dwelling	n/a	P	2
Public & Semipublic	(i)	AG	(C)
Accessory Use		P	13
Cemetery	H	P	
Governmental Facility	H	P	7;40
Historic Adaptive Reuse		P	15; 44
Religious Facilities	H	P	22
Remote Garbage/Rubbish Removal	H	C	34
Solar Farm	L	C	
Telephone and Telegraph Services	L	P	32
Utility Service Facility	M	P	31
Wastewater Treatment Facility	H	C	15
Water Treatment Facility	H	C	
Wired Communication Services	M	P	32

Business & Personal Services	(i)	AG	(C)
Accessory Use		P	13
Artisan Crafts	M	C	15, 22, 44
Bed and Breakfast	L	P	8
Composting Operation	H	P	31; 53
Greenfill	M	P	7;15;22;47
Historic Adaptive Reuse		P	15; 44
Kennel, comm. animal breeding ops.	H	C	10;15; 53
Real Estate Sales office Or Model	L	P	9
Taxidermist	L	P	6
Temporary Seasonal Activity	M	P	46; 54
Tourist Home or Cabin	L	P	48
Veterinary Service (Indoor)	H	C	15
Veterinary Service (Outdoor)	M	C	10; 15
Retail & Wholesale Trade	(i)	AG	(C)
Accessory Use		P	13
Agricultural Sale Barn	H	P	35
Fruit Market	L	P	
Garden Center	H	C	53
Historic Adaptive Reuse		P	15; 44
Automotive & Transportation	(i)	AG	(C)
Automobile Repair Services, Minor	H	C	50; 53
Historic Adaptive Reuse		P	15; 44
Amusement and Recreational	(i)	AG	(C)
Accessory Use		P	13
Camping Facility	H	P	27; 53
Historic Adaptive Reuse		P	15; 44
Park and Recreational Services	H	C	14;20
Private Recreational Facility	H	C	20

Recreational Vehicle (RV) Park	H	C	53
Manufacturing, Mining	(i)	AG	(C)
Accessory Use		P	13
General Contractor	M	C	15
Historic Adaptive Reuse		P	15; 44
Sawmill	H	C	15;22
Wood Products	M	C	7;15

**EXHIBIT 3: “Limited Business” Permitted
and Conditional Use List**

Agricultural Uses	(i)	LB	(C)
Historic Adaptive Reuse		P	15; 44
Residential Uses	(i)	LB	(C)
Boarding House	L	P	
Historic Adaptive Reuse		P	15; 44
Public & Semipublic	(i)	LB	(C)
Accessory Use		P	13
Community Center	L	P	28
Daycare Facility	M	P	22;30;42
Governmental Facility	H	P	7;40
Group Home Class I	L	P	
Group Home Class II	L	P	
Historic Adaptive Reuse		P	15; 44
Medical Clinic	L	P	
Religious Facilities	H	P	22
Remote Garbage/Rubbish Removal	H	C	34
Retirement Center	L	P	
Telephone and Telegraph Services	L	P	32
Utility Service Facility	M	P	31
Water Treatment Facility	H	P	
Business & Personal Services	(i)	LB	(C)
Accessory Use		P	13
Appliance Repair	L	P	6
Barber Service	L	P	
Beauty Service	L	P	
Bed and Breakfast	L	P	8
Boat Storage	M	P	41
Caterer	L	P	
Coin Operated Cleaning/Laundry	L	P	
Convenience Storage	M	P	4;6;21
Copy Service	L	P	

Dry Cleaning and Laundry Pickup	L	P	
Electrical Repair	L	P	6
Employment Agency	M	P	
Equipment Rental	M	P	7;21
Estate Services	L	P	
Financial Service	M	P	
Historic Adaptive Reuse		P	15; 44
Insurance Agency	L	P	
Interior Decorating	L	P	
Legal Service	L	P	
Locksmith	L	P	
Massage Studio	M	P	
Office	L	P	
Parking Facility	H	P	31
Photographic Services	L	P	
Real Estate Agency	L	P	
Real Estate Sales office Or Model	L	P	9
Shoe Repair	L	P	
Small Engine and Motor Repair	L	P	6;21
Tailoring	L	P	
Temporary Seasonal Activity	M	P	46; 54
Travel Agency	L	P	
Veterinary Service (Indoor)	H	P	15
Retail & Wholesale Trade	(i)	LB	(C)
Accessory Use		P	13
Apparel Shop	L	P	
Bakery (Retail)	L	P	
Bookstore	L	P	
Camera and Photographic Supply	L	P	
Confectionery	L	P	
Convenience Store	H	P	
Drugstore	M	P	
Florist (Retail)	L	P	
Fruit Market	L	P	
Gift Shop	L	P	

Gunshop	M	CU	
Handicrafts	L	P	
Hardware	M	P	6
Historic Adaptive Reuse		P	15; 44
Liquor Store	M	P	
Meat Market	L	P	
Restaurant	M	P	
Sporting Goods	L	P	
Automotive & Transportation	(i)	LB	(C)
Accessory Use		P	13
Historic Adaptive Reuse		P	15; 44
Amusement and Recreational	(i)	LB	(C)
Accessory Use		P	13
Historic Adaptive Reuse		P	15; 44
Park and Recreational Services	H	P	14;20
Manufacturing, Mining	(i)	LB	(C)
Accessory Use		P	13
Construction Trailer	L	P	17
Historic Adaptive Reuse		P	15; 44
Adult Oriented Business	(i)	LB	(C)
Adult Oriented Businesses	L/M	P	49

EXHIBIT 4: Chapter 804 Design Standards Comparison

Table 4-1 Height, Bulk, Area, and Density Requirements for Zoning Districts																	
Requirement	AG	FR	CR	ER	SR	LR	MR	HR	UR	LB	GB	PB	LI	HI	IP	ME	REC
Gross Density	0.40 (J)	0.20	0.40	1.00	1.00	3.00	4.80	7.30	7.30	---	---	---	---	---	---	---	---
Minimum Lot Area (acres)	2.5 (I)	5.0 (I)	2.5 (E)(I)	1.0	1.0 (F)	0.34	0.21	0.14	0.14	---	---	---	---	---	---	---	---
Minimum Lot Width at Building Line	200	200	200	100	50	75	60	50	50	50	50	50	60	100	100	200	200
Minimum Required Setbacks (feet)																	
Yard Fronting on any Street																	
Local	25 (H)	25 (H)	25 (H)	25	25	25	25	25	25	25	25	25	35	35	35	35	25
Minor Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	25	25	25	35	35	35	35	25
Major Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Minor Arterial	50 (H)	50 (H)	50 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Principal Arterial	60 (H)	60 (H)	60 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Side Yards	50 (A)	50 (A)	15	15	5	10	5 (K)	5 (K)	10 (K)	6	6	6	3	3	3	50	50
Rear Yard	50 (B)	50 (B)	35	35	10	25	10	10	10	0	0	0	10 (D)	10 (D)	10 (D)	50	50
Maximum Lot Coverage (AG/RR, CR, FR- Sq. Ft.) Minimum Open Space Area (All Other Zones - percent)	15,000 Square Feet (G)	15,000 Square Feet (G)	15,000 Square Feet (G)	40	40	40	40	40	40	15	20	15	20	20	20	---	20
Maximum Height (feet)	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	35	35	35	35	35	45	35	45	35	50	60	35	---	45
Maximum Floor Area Ratio	---	---	---	---	---	---	---	---	---	0.25	0.30	0.25	0.4	0.4	0.4	---	0.30



MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date: November 1, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-22-5	Betty Chambers Sliding Scale Subdivision	2-Lot Sliding Scale Subdivision Preliminary Plat

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

RECOMMENDED MOTION	Approval	Planner: Daniel Brown
<i>Recommended Motion Conditions or Reasoning:</i>		
<u>Approval</u> based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance.		
<u>Approval</u> for the Road Width Waiver based on the facts of finding		

PLAT COMMITTEE RECOMMENDATION

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Road Width 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	Betty and Thomas Chambers	
ADDRESS	7300 W Wampler RD 53-03-04-100-011.000-001	
TOWNSHIP + SECTION	Bean Blossom; 04	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	11.80	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
CDO ZONE	Farm and Forest	Farm and Forest
USE	Residential / Agriculture	Residential / Agriculture

SUMMARY

The petitioner is proposing a 2-lot Sliding Scale Subdivision with a Road Width Waiver. Septic permit applications have been submitted for proposed Lot 1 and Lot 2 (WW-22-198 and WW-22-199 respectively), and have been issued. The proposed lot will be serviced by a new septic system. Lot 2 operates with an existing septic system and received a repair septic permit. Each of the proposed lots is accessed via W Wampler Rd. Right-of-way permits are pending the outcome of this subdivision petition.

MEETING SCHEDULE

Plan Commission Admin – November 1, 2022
 Plan Commission – November 15, 2022 (Preliminary Hearing – Waiver of Final Hearing Requested)
 Plan Commission Admin – December 9, 2022 (If not waived)
 Plan Commission – December 9, 2022 (Final Hearing – If not waived)

DISCUSSION

Table 1 provides a summary of the lot configurations and requirements for the Betty Chambers 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.

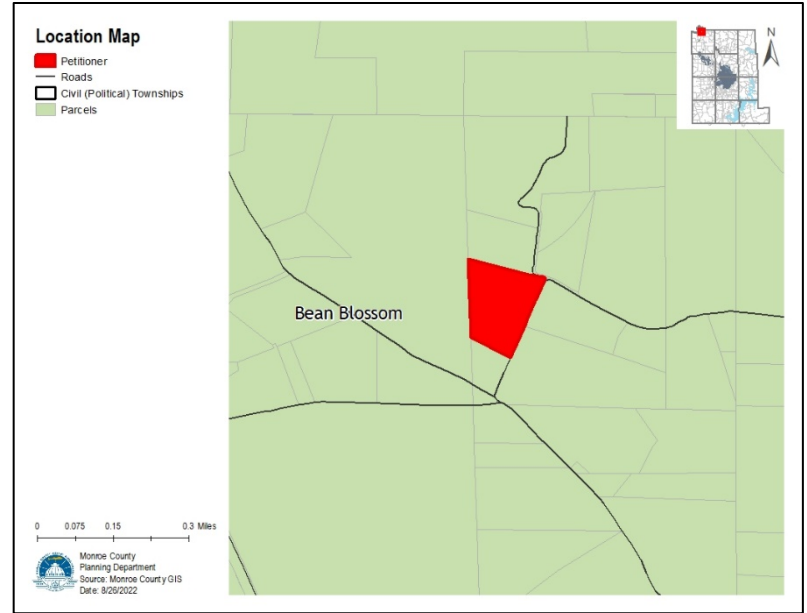


TABLE 1: Summary of Lot Configurations

	Lot 1	Lot 2 (Parent Parcel)
Acreage / Buildable Area (+/-)	5.41 / 4.18 acres	6.62 / 4.89 acres
Wastewater	WW-22-198 (new)	WW-22-199 (repairs to existing system)
Property Access	RW-22-186	RW-22-187
ROW Dedication; S Old State Road 37; Minor Collector	Yes = 25'	Yes = 25'
Environmental Conditions	Steep slopes	Steep slopes
Existing Structure(s)	None	Residence, detached pole barn, free-standing canopy

STORMWATER COMMENTS:

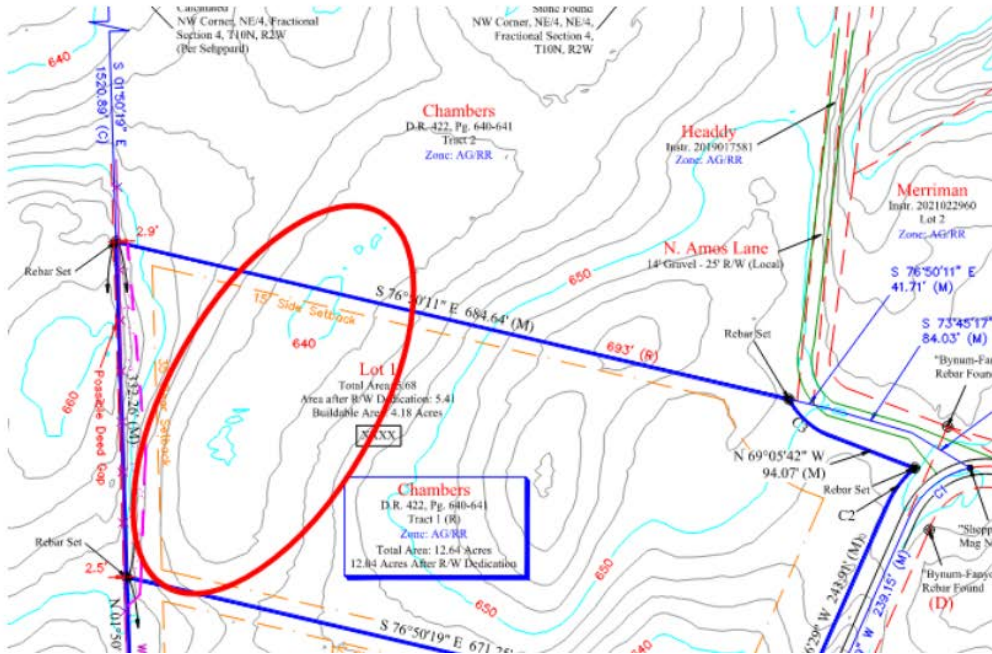


Kelsey Thetonia

[Remove Comment](#) • Jun 30, 2022 at 9:57 am

Chambers Sliding Scale

Hi Eric, I'm looking at the west side of Lot 1 and wondering if you and the property owner could provide some insight on the drainage here? I don't think it's a karst feature (could be wrong) but it's definitely a low spot. Thanks



Eric Deckard

[Remove Comment](#) • Jul 1, 2022 at 9:01 am

This area is not a karst feature, it is just a low spot in the topography



Kelsey Thetonia

[Remove Comment](#) • Jul 1, 2022 at 11:52 am

Thanks, Eric. I have no additional comments on this.

HIGHWAY COMMENTS:



Ben Ayers

[Remove Comment](#) • Jun 30, 2022 at 7:12 am

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. See RW-22-186 & RW-22-187.

Existing driveway entrance on Lot #2 shall meet the specifications of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way within (1) year of recording the Final Plat.

Proposed driveway entrance for Lot #1 shall come off of North Amos Lane.

All driveway entrance(s), existing or proposed, shall be marked on the Final Plat.



Eric Deckard

[Remove Comment](#) • Jul 1, 2022 at 8:35 am

Edit made regarding Lot 1 drive location

COMPREHENSIVE PLAN

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

Farm and Forest

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

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

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

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

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.

- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

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

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

1. County Slope & Site Conditions Map
2. Aerial Pictometry and Site Photos
3. Betty Chambers Sliding Scale Subdivision Preliminary Plat
4. Staff Findings of Fact for Subdivision and Buried Utility Waiver

EXHIBIT 1: County Slope Map

Site Conditions Map

- Petitioner
— 2-Foot Contours
- Percent Slopes**
- 0 - 12%
 - 13 - 15%
 - 16 - 18%
 - 19 - 21%
 - 22 - 24%
 - > 25%
 - Local Roads [50']
 - Parcels

0 45 90 180 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/26/2022

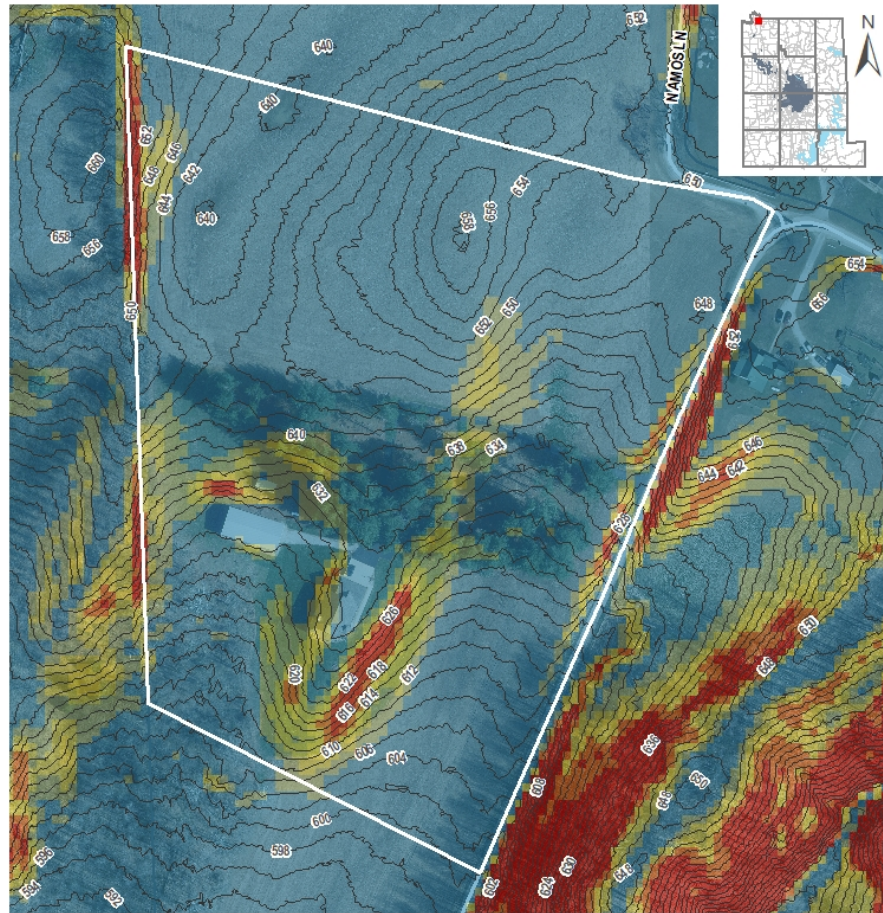


EXHIBIT 2: Aerial Pictometry and Site Photos









EXHIBIT 3: Betty Chambers Sliding Scale Subdivision Preliminary Plat

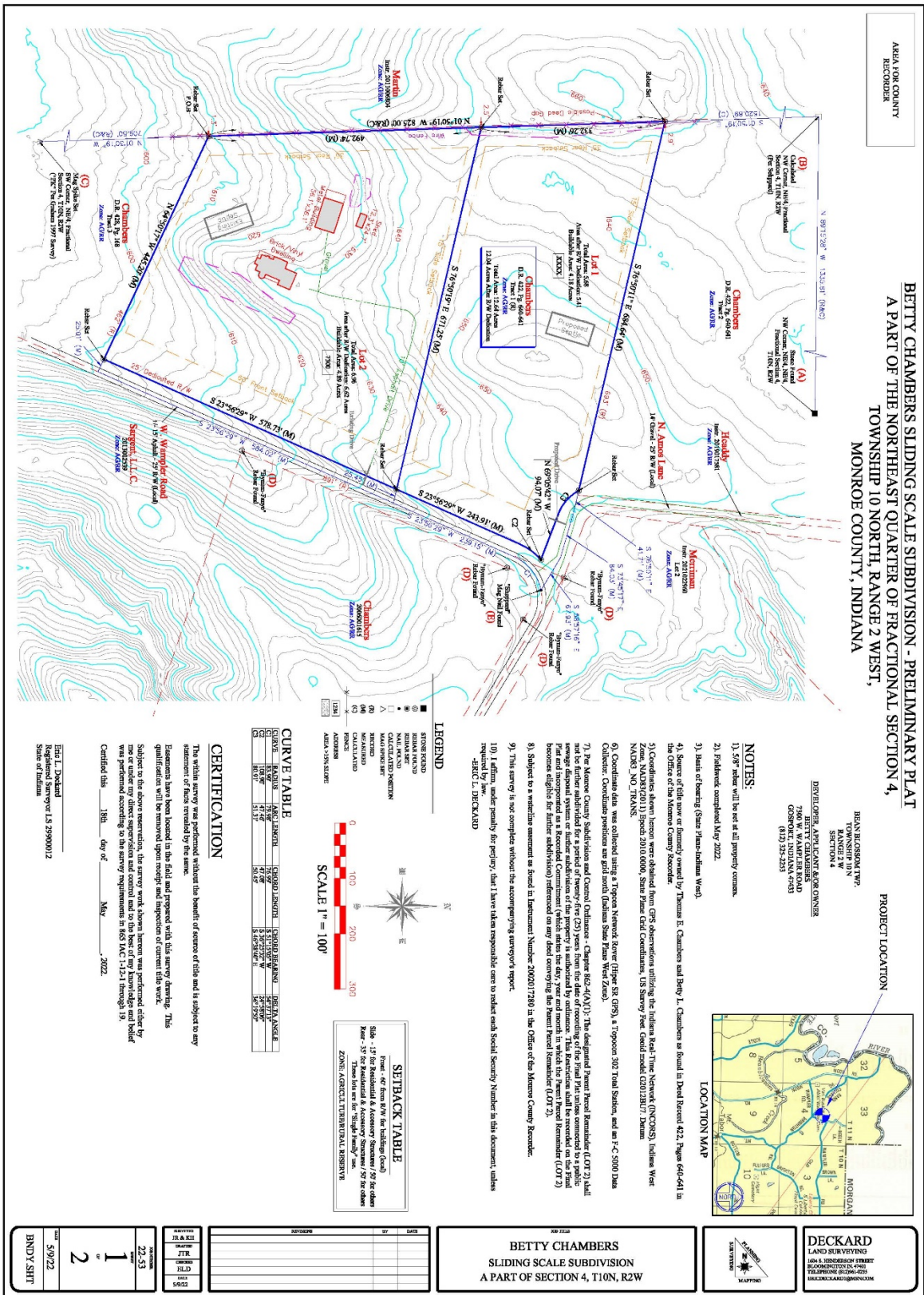


EXHIBIT 4: FINDINGS OF FACT - Subdivisions

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 11.80 +/- 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 two (2) 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 = 5.41 acres, Lot 2 (parent parcel) = 6.62 acres
- Neither street trees nor sidewalks are required for this petition;
- Each lot will be serviced by a private septic system;
- Construction Stormwater General Permit (CSGP) – formally known as Rule 5 – is not required as the property owner is only selling the lots;

(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 MS4 Coordinator requested 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 Wampler 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 Road Width

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

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

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

1. Practical difficulties have been demonstrated:

Findings:

- Note Exhibit 4 for Petitioner Submitted Finding;
- The site gains access from W Wampler RD, a designated Local Road;
- W Wampler RD is measured by surveyor as 15 feet wide;
- The petition site has approximately 823' of frontage along W Wampler RD;
- The existing road serves properties to the north and south of the petition site, as well as the proposed petition site;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- N Bowman RD connects to N Amos LN to the north and W Sand College RD to the south;
- The petitioner did submit findings for the waivers (Exhibit 4);

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

Findings:

- See findings under Section 1;
- Net density of 2 dwelling units per approximately 26+ acres is consistent with the Comprehensive Plan's Farm and Forest designation and the Agriculture/Rural Reserve (AG/RR) Zoning District;

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

Findings:

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

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

Findings:

- See findings under Section 1;

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

Findings:

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

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

Findings:

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

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

Findings:

- See findings under Section 1;

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

Findings:

- See findings under Section 1;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

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

Findings:

- See findings under Section 1;

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