

# MONROE COUNTY PLAT COMMITTEE



**December 15, 2022  
4:00 pm**

## **Hybrid Meeting**

### **In-person**

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

### **Virtual**

**Zoom Link:** <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtgK0NQIQIFLazRTQT09>

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

Meeting ID #: 823 0548 5858

Password: 278851

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

Monroe County Planning Department  
HYBRID

**When:** December 15, 2022 at 4:00 PM

**Where:** 501 N Morton St, Suite 224

Or via Zoom: <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQiFLazRTOT09>

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

**ADMINISTRATIVE:**

**OLD BUSINESS:**

**NEW BUSINESS:**

- |                     |   |                |
|---------------------|---|----------------|
| <b>1. SMN-21-11</b> | <b>Langley Sheppard Minor Preliminary Plat<br/>Right of Way Width Waiver Requested.<br/>Preliminary Hearing. Waiver of Final Hearing Requested.<br/>Plat Committee Recommendation.</b><br>One (1) parcel on 38.023 +/- acres in Section 34 of Washington Township at<br>1261 E Sample RD. Parcel no. 53-02-34-100-019.000-017.<br>Owner: John Sheppard<br><b>Zoned AG/RR.</b> Contact: <a href="mailto:tbehrman@co.monroe.in.us">tbehrman@co.monroe.in.us</a> | <b>PAGE 3</b>  |
| <b>2. SSS-22-12</b> | <b>Carter on Wolf Mountain Sliding Scale Subdivision<br/>Preliminary Plat.<br/>Plat Committee Decision.</b><br>Two (2) parcels on 89.0 +/- acres in Sections 7 & 18 of Bean Blossom Township at<br>9556-9626 W Wolf Mountain RD, parcel # 53-03-18-200-002.000-001, 53-03-07-300-<br>010.000-001.<br>Owner: Carter, Mary Lou<br><b>Zoned AG/RR.</b> Contact: <a href="mailto:acrecelius@co.monroe.in.us">acrecelius@co.monroe.in.us</a>                       | <b>PAGE 17</b> |

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

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

The meeting will be open to the public.



# MONROE COUNTY Plat Committee

Public Meeting Date: December 15, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-21-11	Naylor-Sheppard Minor Subdivision	2-Lot Minor Subdivision Preliminary Plat

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

<b>PLAT COMMITTEE</b>	<input checked="" type="checkbox"/> Recommendation	<input type="checkbox"/> Decision
<b>RECOMMENDED MOTION</b>	Approval with Conditions	<b>Planner:</b> Tammy Behrman
<p><b><i>Recommended Motion Conditions or Reasoning:</i></b></p> <p><b><u>Approve</u></b> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance, subject to the Highway Engineer and MS4 Coordinator Reports and with the following conditions:</p> <ol style="list-style-type: none"> <li>1. Drainage easements are approved by the MS4 Coordinator.</li> <li>2. Show location of future septic location on Lot 1 per permit WW-21-306</li> </ol> <p><b><u>Approve</u></b> the right of way width waiver request based on findings of fact.</p> <p>To discuss with the Plat Committee:</p> <ol style="list-style-type: none"> <li>1. Review of Lot 1 meeting Septic permit requirements.</li> <li>2. Western garage that crosses the property line.</li> </ol>		

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

<b>PETITIONER</b>	Eric Deckard, Deckard Land Surveying	
<b>OWNERS</b>	Sheppard, John	
<b>ADDRESS</b>	1261 E Sample RD; 53-02-34-100-019.000-017	
<b>TOWNSHIP + SECTION</b>	Washington, 34	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	38.02 +/- acres	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/RR	AG/RR
<b>CDO ZONE</b>	Farm and Forest	Farm and Forest
<b>USE</b>	Residential / Agricultural	Residential / Agricultural

## SUMMARY

The petitioner is proposing a 2-lot Minor Subdivision Preliminary Plat with one waiver requests: Right of Way Dedication Waiver.

## DISCUSSION

The proposed subdivision will create two lots out of 38.02 acres. Lot 1 will have 10.23 acres while Lot 2 will have 26.46 acres. Access will be from separate driveways to E Sample Road.

There is a garage located on Lot 1 that straddles the property line with the adjacent lot to the west. Both lots are owner by John Sheppard. Plat Committee may want to weigh in on any compliance issues associated with this non-conforming structure. The western lot is within a Type E plat.

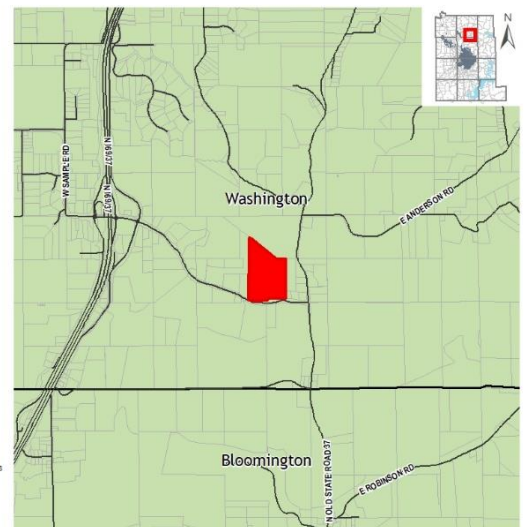
A shed on Lot 1 received design standards variance VAR-22-42 and is now in compliance with the front yard setback requirement. There is a garage built prior to 1997 that straddles the western property line. Both lots are owned by the petitioner.

Lot 1 has an existing mobile home on the lot that was permitted in 2014 after the previous residence was destroyed by fire. Septic permit #20630 was issued and required the installment of a new Presby system. This does not appear to have been installed both from aerial photos and that the Health Department does not have a construction report on file.

One waiver is requested for right of way width requirement. Right of way dedication under the Thoroughfare Plan requires 45'. There are portions of the right of way that are under the 45' requirement. Right of way was recently acquired by the Monroe County Highway Department to make improvements to E Sample Road and they do not need any additional as shown in the comment below. Waiver findings were supplied by the petitioner's representative (Exhibit 4).

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

0 0.2 0.4 0.8 Miles  
 Monroe County  
 Planning Department  
 Source: Monroe County GIS  
 Date: 12/1/2021



Paul Satterly

[Remove Comment](#) • Dec 15, 2021 at 3:48 pm

Right of way was purchased by the County for the construction of Sample Road. No additional right of way dedication is required.

Below is a summary of the lot configurations and requirement.

	<b>Lot 1</b>	<b>Lot 2</b>
<b>Acreage / Min Req'd. (+/-)</b>	10.23 acres / 7.46 acres	26.46 acres / 15.94 acres
<b>Wastewater; Septic Permits</b>	Permit WW-21-306	WW-21-307
<b>Capacity Letters</b>	South Central Indiana REMC / Washington Township Water	South Central Indiana REMC / Washington Township Water
<b>Property Access</b>	RW-21-315; E Sample Road	RW-21-316; E Sample Road *Design and D.E. issues possibly
<b>R/W Dedication; E Sample Road (major collector)</b>	Varies (recently acquired R/W by County for improvements) Waiver requested where < 45'	Varies (recently acquired R/W by County for improvements) Waiver requested where < 45'
<b>Environmental Conditions</b>	Steep slopes > 15%	Steep slopes > 15%, pond
<b>Existing Structure(s)</b>	SFR, garage, barn, 2 sheds	Vacant



**EXHIBITS - Immediately following report**

1. County Slope & Site Conditions Map
2. Site Photos
3. Planning Staff Findings of Fact
4. Petitioner Waiver Findings of Fact
5. Naylor - Sheppard Minor Subdivision Preliminary Plat (2 pages)

**EXHIBIT 1**

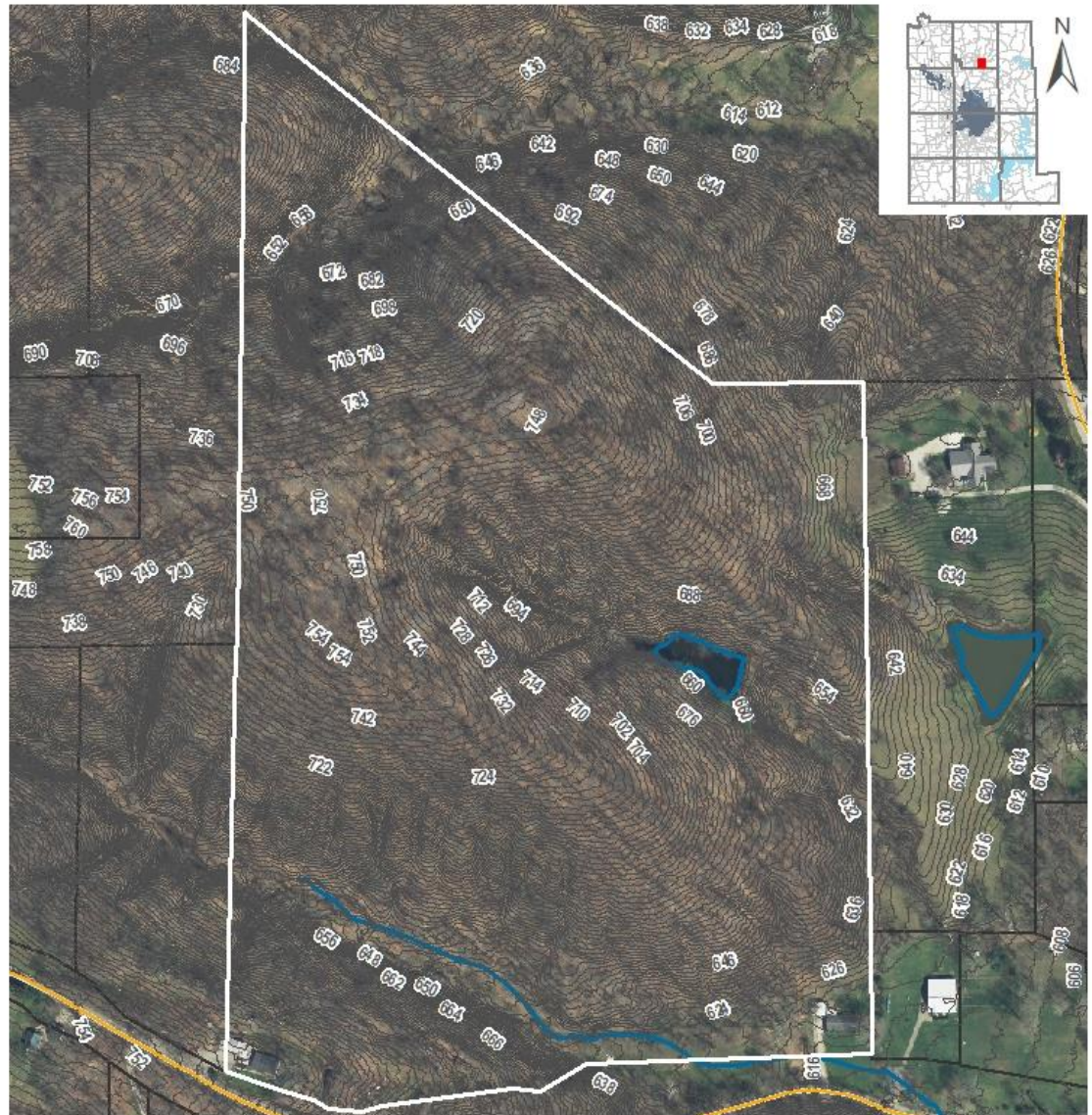
**Site Conditions Map**

- Major Collector [70']
- Petitioner
- 2-Foot Contours
- Local Roads [50']
- Hydrologic Features
- Parcels

0 85 170 340 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 12/1/2021





## EXHIBIT 2



**Photo 1:** Aerial Pictometry facing north; April 2020



**Photo 2:** Aerial Pictometry facing north of existing home site April 2020. Parcel lines are off for this area. The vertical blue line is farther west and runs through the garage.





**Photo 3. E Sample Road facing east. Petition site on left.**



**Photo 4. Barn on Lot 1 located 2.7' from R/W**





**Photo 5. Facing east; shed on Lot 1 was recently permitted.**



**Photo 6. Facing west; residence on Lot 1.**





**Photo 7. Facing west at the bottom of the hill on E Sample.**



**Photo 8. Facing east. Viewing Lot 1 and residence partially located on adjacent property (both lots under same ownership)**

**EXHIBIT 3**  
**FINDINGS OF FACT - Subdivisions**

**850-3 PURPOSE OF REGULATIONS**

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

**Findings**

- The petition site is one 38.02 +/- acre parcel;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture / Rural Reserve (AG/RR);
- The two proposed lots will meet all design standards requirements for the AG/RR zone;
- The preliminary plat requests to waive the required 45' right of way dedication requirements along E Sample 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 is as Farm and Forest;
- See findings under Section A;

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

**Findings**

- The Highway Department has submitted comments in regards to the required right of way width waiver;
- The Highway Department does not require additional right of way for improving E Sample Road;
- The MS4 Coordinator has not reviewed this petition at the time of this report publication;

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

**Findings**

- The site is zoned AG/RR;
- Neighboring properties are zoned 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**

- Drainage easements and riparian easement around the pond on Lot 2 are delineated on the preliminary plat;
- See findings under Sections A & C;

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

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



and property;

**Findings:**

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

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

**Findings:**

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site. County Surveyor has also reviewed the plat for survey accuracy;

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

**Findings**

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, a final plat will be required to be recorded as the result of the proposed preliminary plat amendment process;

**FINDINGS OF FACT – WAIVER OF RIGHT OF WAY WIDTH REQUIREMENT**

The petitioner has requested a waiver from the Right of Way Width requirement, outlined in in 856-28(B) which reads:

**856-28. Streets: Dedications and Reservations**

(B) 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:**

- The petitioner is requesting the street tree provisions of Chapter 856-43 to be waived that require the installation of street trees every 40 feet within 5 feet of right-of-way;
- For 560' of road frontage along S Leonard Springs RD, the petitioner is required to plant fourteen (14) street trees;
- For 314' of road frontage along the cul-de-sac of S Omaha Crossing DR, the petitioner is required to plant eight (8) street trees;
- Street trees are present intermittently along both the east and west sides of S Leonard Springs RD between W State Road 45 and W Fullerton Pike;
- The Cedar Chase PUD Subdivision adjacent to the south exhibits intermittent street trees throughout the subdivision;

**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:**

- The petitioner is meeting the requirements of the Zoning Ordinance, Comprehensive Plan, and Subdivision Control Ordinance other than the two requested subdivision waivers for sidewalks and street trees;

- 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:**

- Utilities are already installed for proposed Lot 1;
- There are other current mature trees and landscaping on the proposed lots that match the other lots in Hays 1<sup>st</sup> Addition

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

**Findings:**

- Street trees are present intermittently along both the east and west sides of S Leonard Springs RD between W State Road 45 and W Fullerton Pike;
- The Cedar Chase PUD Subdivision adjacent to the south exhibits intermittent street trees throughout the subdivision;

- 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:**

- There are no practical difficulties for street trees along S Leonard Springs RD or along the cul-de-sac stemming from S Omaha Crossing DR;

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

**Findings:**

- The purpose of the street tree requirement is to allow for preservation or planting of trees that add value to the County, provide environmental services, and are aesthetically pleasing;
- Requesting to waive the street tree requirement because planting street trees would change the look of the property or because it is expensive is not a practical difficulty;

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

**Findings:**

- The street tree waiver is one of two modifications requested for this subdivision;

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

**Findings:**

- Practical difficulties have not been demonstrated;

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

**Findings:**



- See findings under Section 1;

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

**EXHIBIT 4**



Eric L. Deckard, LS

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1604 S. Henderson St.  
Bloomington, IN 47401  
Ph. 812.961-0235  
Fax 812.323-7536

January 11th, 2022

To: Members of the Monroe County Planning Department:

RE: Naylor-Sheppard Minor Subdivision

I have been asked by John Sheppard to request a waiver to the dedication of additional Right-of-Way along E. Sample Road.

These are my findings and recommendations.

- Right-of-Way was recently taken along E. Sample Road adjoining the subject property to the South. Additional Right-of-Way dedication is not believed to be necessary.

If there are any questions, please contact this office at (812)961-0235

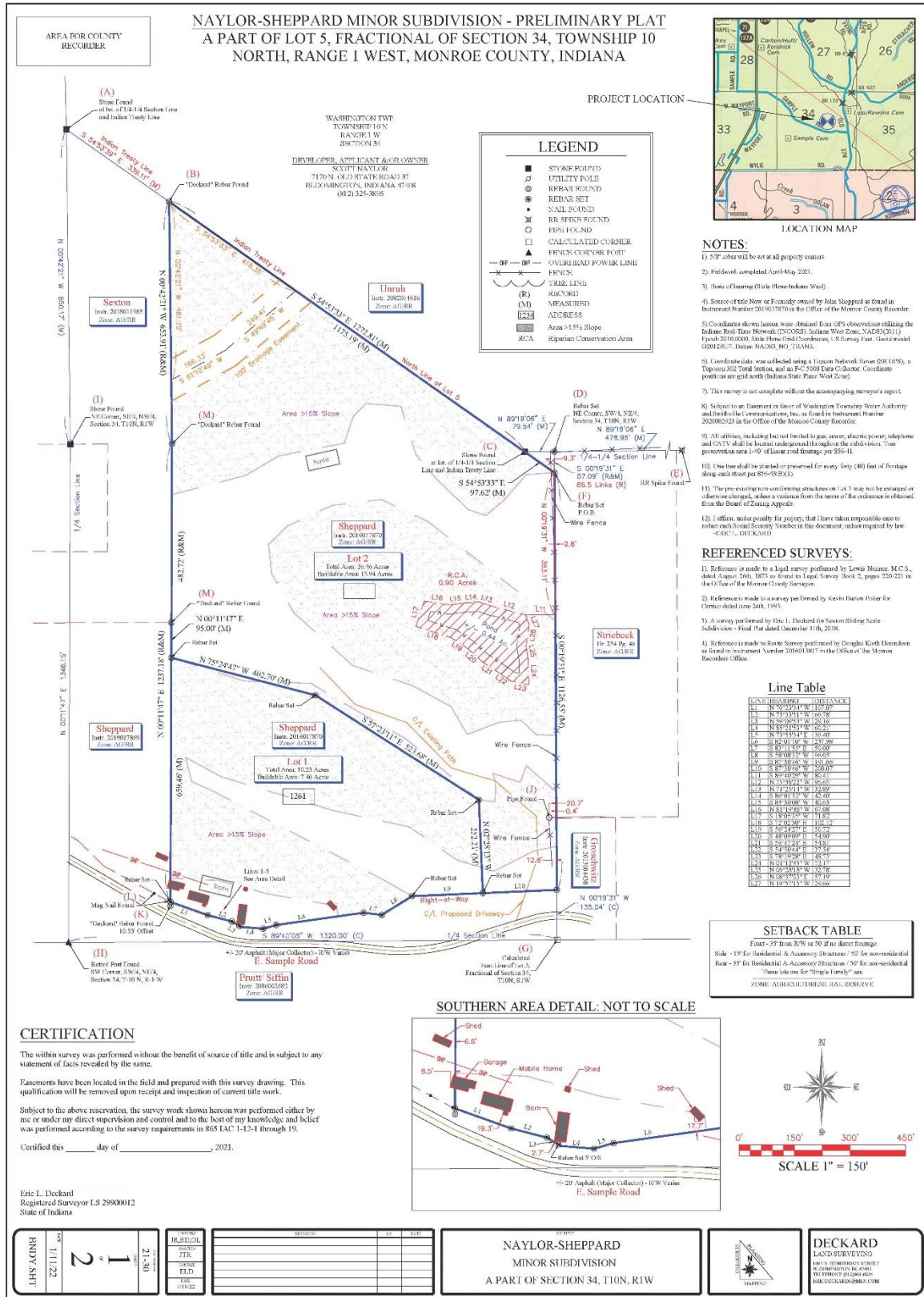
Sincerely,

A handwritten signature in black ink, appearing to read "Eric L. Deckard". The signature is fluid and cursive, with the last name being particularly prominent.

Eric L. Deckard L.S.



# EXHIBIT 5



AREA FOR COUNTY  
RECORDUR

NAYLOR-SHEPPARD MINOR SUBDIVISION - PRELIMINARY PLAT  
A PART OF LOT 5, FRACTIONAL OF SECTION 34, TOWNSHIP 10  
NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA

WASHINGTON TWP.  
TOWNSHIP 10 N  
RANGE 1 W  
SECTION 34

DEVELOPER, APPLICANT &/OR OWNER  
SCOTT NAYLOR  
7179 N. OLD STATE ROAD 37  
BLOOMINGTON, INDIANA 47408  
(812) 325-3895

**SURVEYOR'S REPORT:**

In accordance with Title 36S, IAC, 1-22 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

- A) (Variations) in the reference monuments  
B) (Discrepancies) in the record description and plans  
C) (Inconstancies) in lines of occupation and;  
D) (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban class survey (0.13 plus 100 PPV) as defined I.A.C. Title 36S. "Relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level."

**SUBJECT PROPERTY:**

A Minor Subdivision was performed on the property now or formerly owned by John Sheppard as found in Instrument Number 2019017870 in the Office of the Monroe County Recorder. The purpose of this survey was to refine the boundary lines of the subject property and split it into two (2) lots as located in Section 34, Township 10 North, Range 1 West, Monroe County, Indiana.

**REFERENCE MONUMENTS:**

A) A 3" x 8" stone with "1" on top was found 6 inches above grade marking the point of intersection of the west line of the Northwest Quarter of the Northeast quarter of Section 34, Township 10 North, Range 1 West and the Indian Boundary Line. This stone is believed to have originated from a survey performed by Lewis Neimer, M.C.S., dated August 26th, 1873 as found in Legal Survey Book 2, pages 220-221 in the Office of the Monroe County Surveyor. This stone was found to agree with other monuments in the area and was accepted and held as said corner.

B) A 5/8 inch diameter rebar with a cap stamped "Deckard" was found marking the Northwest corner of the subject property. This rebar originated from a survey performed by Eric L. Deckard for Section Sliding Scale Subdivision - Final Plat dated December 11th, 2018. This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

C) A 6" x 6" stone with "4" on top was found 3 inches above grade marking the intersection of the Indian Boundary Line and the North line of the Southwest quarter of the Northeast quarter of Section 34, Township 10 North, Range 1 West. This stone is believed to have originated from a survey performed by Lewis Neimer, M.C.S., dated August 26th, 1873 as found in Legal Survey Book 2, pages 220-221 in the Office of the Monroe County Surveyor. This stone was found to agree with other monuments in the area and was accepted and held as said corner.

D) A rebar with a cap stamped "Deckard" was set marking the Northeast corner of the Southwest quarter of the Northeast quarter of Section 34, Township 10 North, Range 1 West, Monroe County, Indiana. The position of this rebar was established by extending the East line of the subject property established using the monuments referenced in lines "G" and "P" to the quarter-quarter Section line established using the monuments referenced in lines "C" and "D".

E) A railroad spike was found 1 inch below grade in the centerline of Old State Road 37 on the North line of the Southeast quarter of the Northeast quarter of Section 34, Township 10 North, Range 1 West, Monroe County, Indiana. This railroad spike is believed to have originated from a survey performed by Kevin Burton Potter for Curcio dated June 24th, 1993. This railroad spike was found to agree with other monuments in the area and was accepted and held as a point on said quarter-quarter line.

F) A 5/8 inch diameter rebar with a cap stamped "Deckard" was set marking the Northeast corner of the subject property. The position of this rebar was established by offsetting the quarter-quarter Section line established using the monuments referenced in lines "C" and "D" by 57.99 feet (86.5 links) per record and extending the Indian Treaty Line established using the monuments referenced in lines "A" and "C" to that offset line.

G) The East line of Lot 5, Fractional of Section 34, Township 10 North, Range 1 West, Monroe County, Indiana was calculated by giving a distance of 1250.00 feet from the monument referenced in line "H" along the South line of said Section 34. This calculated position along with the monuments referenced in line "P" was used to establish the East line of the subject property. It is noteworthy to mention that the established East line of the subject property measured within an acceptable tolerance to an old wire fence found running along the majority of said East line.

H) A rolled wood post was found marking the Southwest corner of the Southwest quarter of the Northeast quarter of Section 34, Township 10 North, Range 1 West, Monroe County, Indiana. This post was found to be referenced in several surveys in the area and its position was found to agree with other monuments in area. This post was accepted and held as said corner.

I) A 10" x 2" stone with "4" on top was found standing 6 inches above grade marking the Northeast corner of the Southwest Quarter of the Northeast quarter of Section 34, Township 10 North, Range 1 West, Monroe County, Indiana. This stone is believed to have originated from a survey performed by Lewis Neimer, M.C.S., dated August 26th, 1873 as found in Legal Survey Book 2, pages 220-221 in the Office of the Monroe County Surveyor. This stone was found to agree with other monuments in the area and was accepted and held as said corner. A 5/8 inch diameter rebar with cap stamped "Deckard" was found on the west side of this stone and was set previously in a survey performed by Eric L. Deckard for Section Sliding Scale Subdivision - Final Plat dated December 11th, 2018 for magnetic locating purposes.

J) A 1 inch diameter pipe was found 7 inches above grade at a fence corner +/- 20.7 feet west of the East line of the subject property. The origin of this monument is unknown. Unwritten rights may be associated with this pipe and its location.

K) A 5/8 inch diameter rebar with a cap stamped "Deckard" was found marking a 10.53 foot extension south of the West line of the subject property. This rebar originated from a survey performed by Eric L. Deckard for Section Sliding Scale Subdivision - Final Plat dated December 11th, 2018. This rebar was accepted and used along with the monuments referenced in line "M" to establish a part of the West line of the subject property.

L) Two (2) mag nails were found flush with grade marking the right-of-way of E. Sample Road. These mag nails are believed to have originated from a Route Survey performed by Douglas Keith Herdeman as found in Instrument Number 2016013817 in the Office of the Monroe County Recorder's Office. These mag nails were accepted and held.

M) Two (2) 5/8 inch diameter rebar with caps stamped "Deckard" were found marking the West line of the subject property. These rebar originated from a survey performed by Eric L. Deckard for Section Sliding Scale Subdivision - Final Plat dated December 11th, 2018. These rebar were found to agree with other monuments in the area and were accepted and held.

**LINE OF OCCUPATION:**

The lines of occupation, which affect this survey, are detailed as follows:

- 1) An old wire fence was found running north and south along a portion of the East line of the subject property. This wire fence was found meandering from +/- 9.3 feet west of line at the north end to +/- 0.4 feet east of line at the south end.  
2) A wire fence was found running north and south along the East line of the subject property. This fence meanders from +/- 20.7 feet west of line at the north end to +/- 12.8 feet west of line at the south end. Unwritten rights may be associated with this fence and its location.

**RECORD DESCRIPTIONS:**

1) No discrepancies were found in the record descriptions.

**OVERALL DESCRIPTION:**

A part of Lot Number 5, Fractional of Section 34, Township 10 North, Range 1 West of the Second Principal Meridian in Monroe County, Indiana, being that 36.69 acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of survey as Deckard Land Surveying Job No. 21-30, being more particularly described as follows:

Commencing at a rebar with a cap stamped "Deckard" marking the Northeast corner of the Southwest quarter of the Northeast quarter of Section 34, Township 10 North, Range 1 West and the East line of Lot Number 5, Fractional of Section 34, Township 10 North, Range 1 West, thence along said East line South 00 degrees 19 minutes 31 seconds East for a distance of 57.99 feet to a rebar with a cap stamped "Deckard", said point being the Point of Beginning, thence continuing along said East line South 00 degrees 19 minutes 31 seconds East for a distance of 1326.55 feet to a rebar with a cap stamped "Deckard" on the North Right-of-Way of E. Sample Road, thence leaving said East line and along said North Right-of-Way the following line (9) courses:

1. thence South 87 degrees 30 minutes 46 seconds West for a distance of 391.73 feet to a rebar with a cap stamped "Deckard", passing through a rebar with a cap stamped "Deckard" at 200.07 feet;
2. thence South 58 degrees 08 minutes 32 seconds West for a distance of 96.05 feet to a rebar with a cap stamped "Deckard";
3. thence North 83 degrees 11 minutes 53 seconds West for a distance of 50.00 feet to a rebar with a cap stamped "Deckard";
4. thence South 32 degrees 00 minutes 10 seconds West for a distance of 237.98 feet to a rebar with a cap stamped "Deckard";
5. thence South 73 degrees 55 minutes 34 seconds West for a distance of 36.40 feet to a rebar with a cap stamped "Deckard";
6. thence North 85 degrees 21 minutes 53 seconds West for a distance of 80.21 feet to a rebar with a cap stamped "Deckard";
7. thence North 59 degrees 09 minutes 53 seconds West for a distance of 20.16 feet to a rebar with a cap stamped "Deckard";
8. thence North 75 degrees 33 minutes 51 seconds West for a distance of 66.78 feet to a rebar with a cap stamped "Deckard";
9. thence North 70 degrees 23 minutes 34 seconds West for a distance of 107.07 feet to a rebar with a cap stamped "Deckard";

Thence leaving said North Right-of-Way North 00 degrees 11 minutes 47 seconds East for a distance of 1237.18 feet to a rebar with a cap stamped "Deckard", passing through a rebar with a cap stamped "Deckard" at 659.46 feet, thence North 00 degrees 42 minutes 21 seconds West for a distance of 653.91 feet to a rebar with a cap stamped "Deckard" on the Indian Treaty Line, thence along said Indian Treaty Line South 54 degrees 53 minutes 33 seconds East for a distance of 1272.81 feet to the Point of Beginning, passing through a stone marking the intersection of said Indian Treaty Line and the North line of the Southwest quarter of the Northeast quarter of said Section 34 at 1175.19 feet, containing 36.69 acres, more or less.

Subject to the right-of-way of E. Sample Road and all legal easements of record.

**DEDICATION OF PUBLIC RIGHTS-OF-WAY:**

John Sheppard (Owner), of the real estate shown and described herein do hereby certify, lay off Lots numbered 1 & 2 to be known as Naylor-Sheppard Minor Subdivision. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as Naylor-Sheppard Minor Subdivision.

There are building setbacks on this plat upon which no structures may be erected or maintained.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

John Sheppard (Owner)  
1201 E. Sample Road  
Bloomington, IN 47408

STATE OF INDIANA )  
) SS:  
COUNTY OF MONROE )

Before me, the undersigned Notary Public, in and for said County and State, personally appeared John Sheppard (Owner), each separately and severally acknowledged the execution of the foregoing instrument to his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public: \_\_\_\_\_

County of Residence: \_\_\_\_\_ (Seal)

My Commission Expires: \_\_\_\_\_

**STORM & SURFACE DRAINAGE:**

This is to certify that the subject property is located in zone "X", and does not appear to be located in a special flood hazard area, according to FHFM, Panel Number 141050404SD dated December 17th, 2014.

**COMMISSION CERTIFICATE:**

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Minor Subdivision procedure and approved by the Monroe County Planning Commission on \_\_\_\_\_.

Monroe County Planning Commission:

President: \_\_\_\_\_

Secretary: \_\_\_\_\_

DECKARD  
LAND SURVEYING  
1000 N. STATE STREET  
BLOOMINGTON, IN 47404  
(812) 325-3895



NAYLOR-SHEPPARD  
MINOR SUBDIVISION  
A PART OF SECTION 34, T10N, R1W

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MINOR SUBDIVISION  
A PART OF SECTION 34, T10N, R1W

**MONROE COUNTY PLAT COMMITTEE****December 15, 2022**

<b>PLANNER:</b>	Anne Crecelius
<b>CASE NUMBER:</b>	Carter on Wolf Mountain Sliding Scale Subdivision t
<b>PETITIONER:</b>	Mary Lou Carter
<b>ADDRESS:</b>	9556 W Wolf Mountain Rd
<b>REQUEST:</b>	Sliding Scale Preliminary Plat to Subdivide Two Parcels into Four Lots
<b>ZONING:</b>	Agricultural/Rural Reserve (AG/RR)
<b>ACRES:</b>	88.61 +/-
<b>TOWNSHIP:</b>	Bean Blossom
<b>SECTION(S):</b>	3
<b>PLAT(S):</b>	Unplatted
<b>COMP PLAN DESIG.:</b>	Farm and Forest

**EXHIBITS:**

- 1) Preliminary Plat

**RECOMMENDATION**

Staff recommends **approval** of the Sliding Scale Subdivision Preliminary Plat based on the findings of fact and the following conditions:

1. Petitioner to apply for and receive approved Right of Way Activity permits from the Highway Department before plat recording of the subdivision.
2. Petitioner to complete the Residential Accessory Structure permit R-22-1168 within 60 days of final plat recording of the subdivision.

**BACKGROUND**

The petition site is two parcels totaling 88.61 +/- acres. The petitioner proposes to subdivide and reconfigure the petition site into four (4) lots via the Sliding Scale Subdivision procedure. The proposed lot dimensions are as follows (see Exhibit 1):

	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>
<b>Total Acreage</b>	8.52	4.93	6.59	67.98
<b>Buildable Area</b>	2.49	1.86	3.12	>10 +/-

Proposed Lot 4 will be designated as the Parent Parcel Remainder and 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. Further subdivision of the Parent Parcel would be difficult based on steep slopes and lack of access.

**LOCATION MAP**

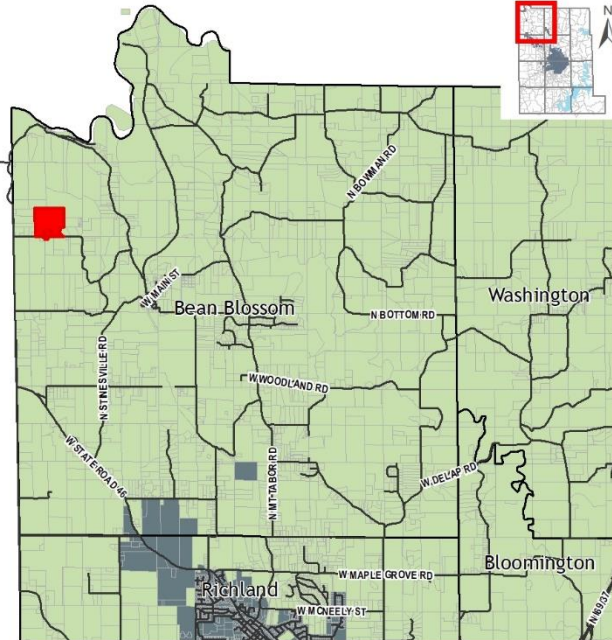
The petition site is in located in Bean Blossom Township, Section 7, parcel numbers #53-03-07-400-011.000-001, 53-03-07-300-010.000-001, and 53-03-18-200-002.000-001. The site has frontage on W Wolf Mountain Rd, which is classified as a Local Rd per the 2018 Thoroughfare Plan.



### Location Map

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

0 0.5 1 2 Miles



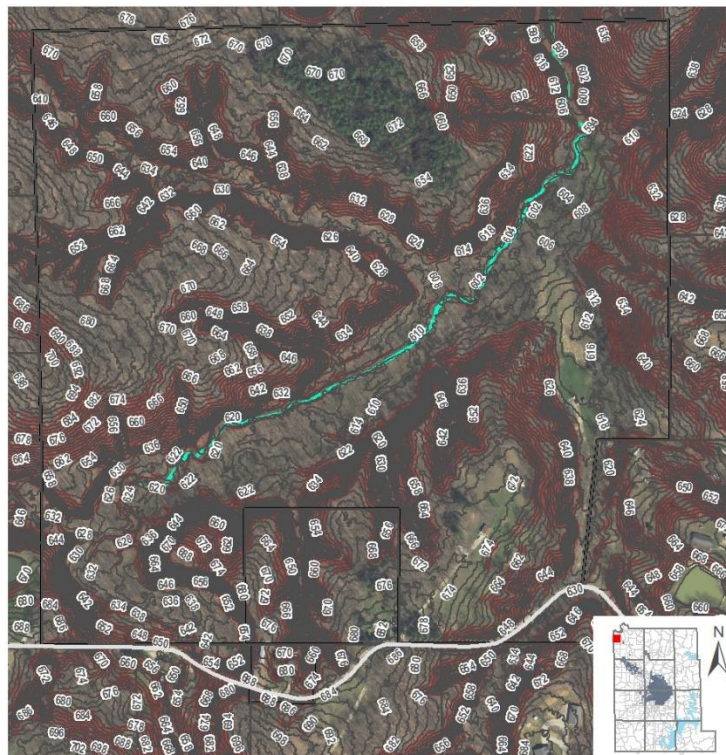
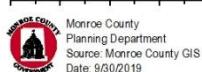
### SLOPE MAP & SITE CONDITIONS

The petition site contains very steep slope with a maximum slope restrictions of 15%. As seen in the slope map below, the majority of Proposed Lot 4 (see Exhibit 1) will be mainly inaccessible due to these slopes. The Monroe County MS4 Coordinator has requested platted drainage easements, see Exhibit 1 and 2.

### Slope Map

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

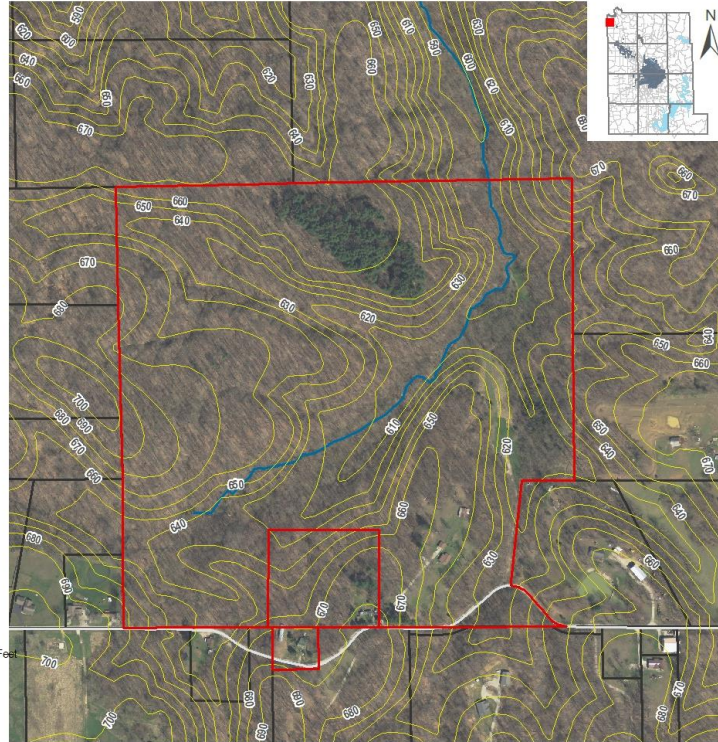
0 80 160 320 480 640 Feet





### Site Conditions Map

- Petitioner
- 10-Foot Contours
- Local Roads [50']
- FEMA Floodplain
- Hydrologic Features
- Parcels



0 115 230 460 690 920 Feet

Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/30/2019

### SITE PICTURES

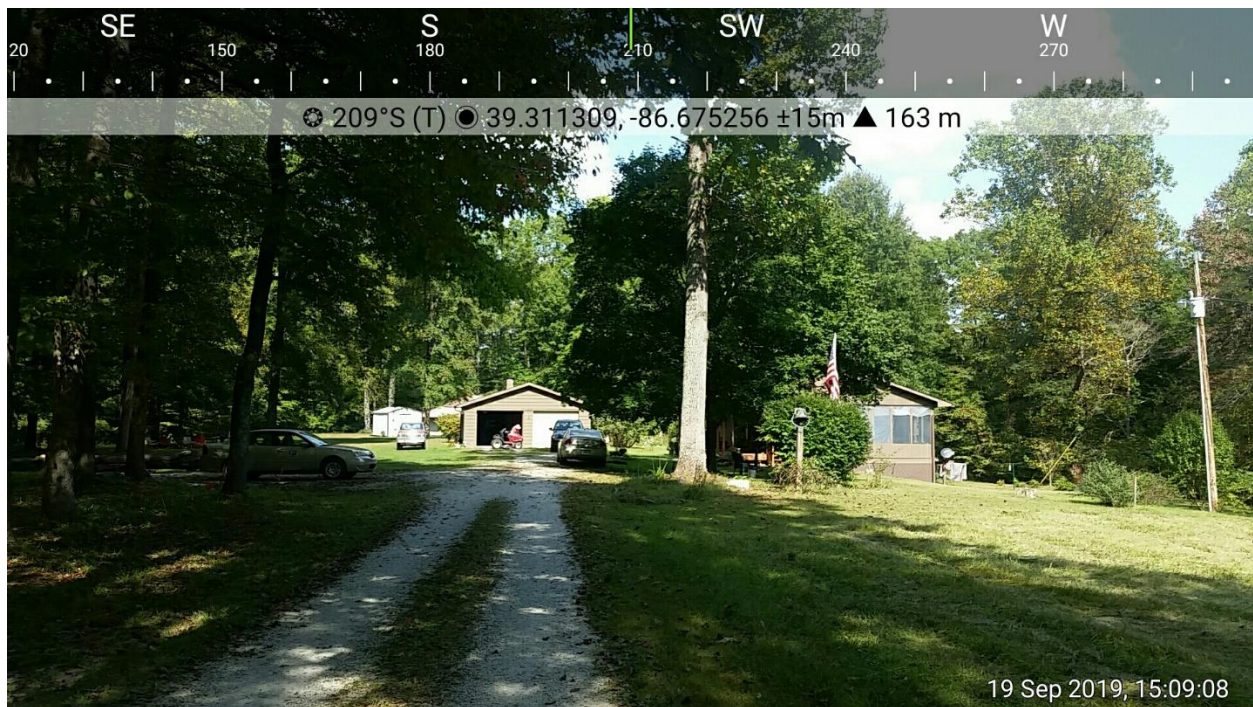


Photo 1. Proposed Lot 3 existing residence and accessory structures.





Photo 2: Proposed Lot 2 existing residence and accessory structures and current driveway.



Photo 3: Existing driveways of Proposed Lot 2 (left) and 3 (right).



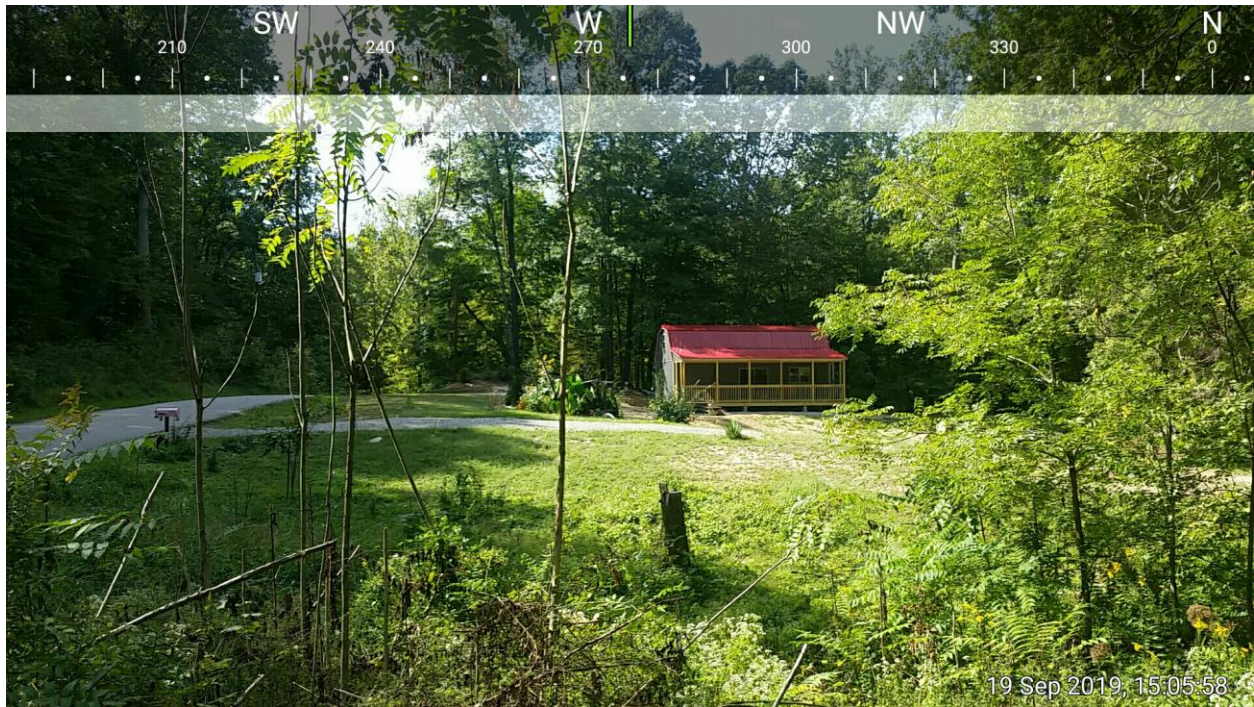


Photo 4. Proposed Lot 1 existing residential storage structure and driveway.

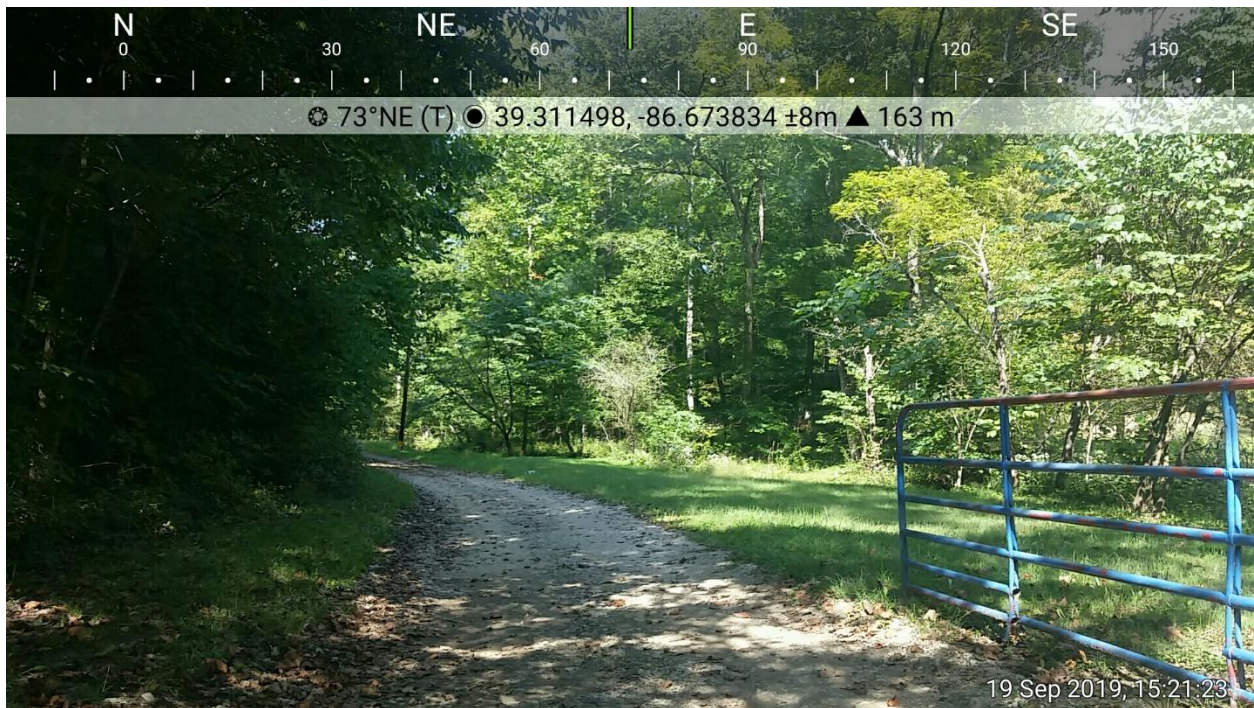


Photo 5: Proposed Lot 4 existing driveway.



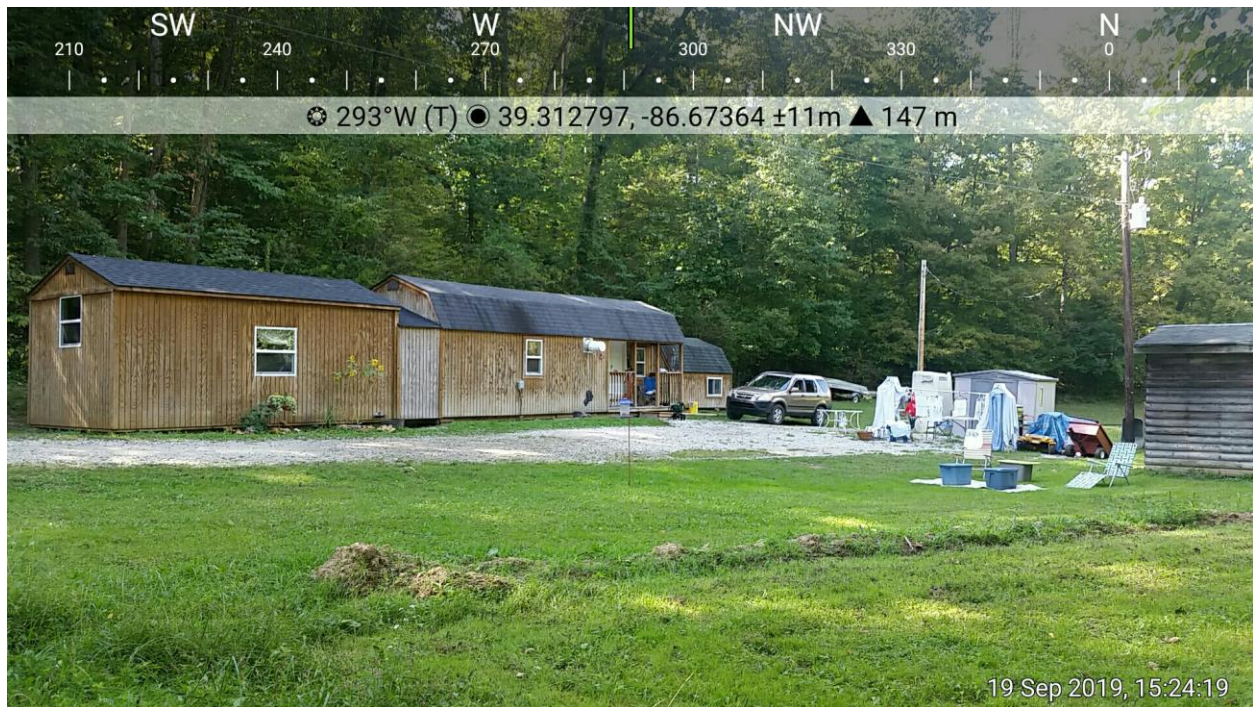
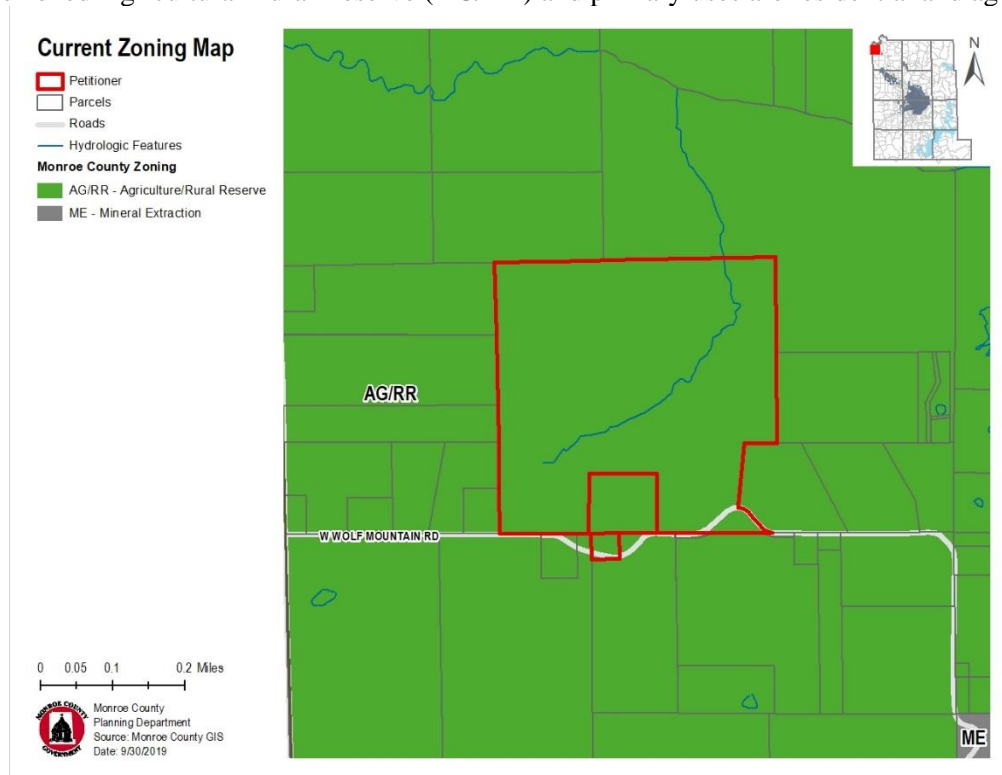


Photo 6: Proposed Lot 4 existing structure that is being used as a dwelling.

### ZONING / ADJACENT USES

The site is zoned Agricultural Rural Reserve (AG/RR) with primary uses of residential. The surrounding parcels are zoned Agricultural Rural Reserve (AG/RR) and primary uses are residential and agricultural.

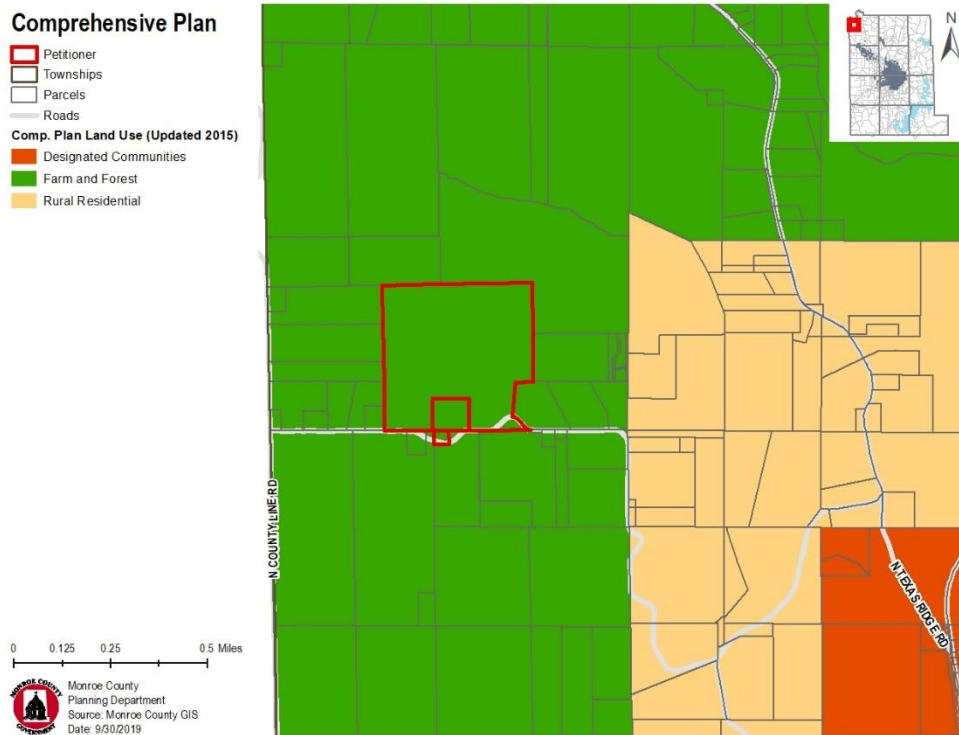


### ACCESS & INFRASTRUCTURE

The parcel and proposed lots maintain frontage along W Wolf Mountain Rd, a “Local Road” per the Monroe County Thoroughfare Plan. The road is 18’ wide and meets the road width requirement for a Sliding Scale Subdivision. The existing residences located are served by private septic systems that have been approved by the Health Department. Driveway permits were pending submission and are required before final platting.

## COMPREHENSIVE PLAN

The petition site is located within the 2015 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.

#### **FINDINGS OF FACT - Subdivisions**

##### **850-3 PURPOSE OF REGULATIONS**

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

**Findings:**

- The petition site is zoned Agricultural/Rural Reserve (AG/RR);
- Minimum lot size in AG/RR is 2.5 acres;
- Proposed Lots 1 - 4 contain Single Family Residential structures and multiple Residential Accessory Structures;
- The intended use is single family residential, which is permitted in the Agricultural/Rural Reserve (AG/RR) zoning district;
- Proposed lots will have access to W Wolf Mountain 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:**

- See findings under (A);
- The recommended Comprehensive Plan Land Use for the site is Farm and Forest. The proposed subdivision’s character is consistent with the Farm and Forest designation;
- The proposed subdivision is located off of W Wolf Mountain Road, a Local Road;

- Approval of the subdivision would create four (4) lots that meet or exceed development standards for the zoning designation;

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

**Findings:**

- See findings under (A) and (B).
- Further subdivision of the parent parcel would be difficult due to steep slopes and access and is further constrained by the 25-year moratorium on re-subdividing the parent parcel;
- All lots have approved septic systems through the Monroe County Health Dept;
- Driveway permit applications are pending submittal and are expected to be completed before final platting;
- There is no evidence the site is located on sensitive lands or contains FEMA Floodplain;

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

**Findings:**

- See findings under (A),(B), and (C);
- The adjacent properties appear to be mostly used for residential and agricultural purposes;

**(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 (A), (B), (C), and (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.



# EXHIBIT 1: Preliminary Plat



## NOTES:

- Field work completed in November 2019.
- All buildings, surface and subsurface improvements on and adjacent to the site are not necessarily shown hereon.
- The proposed use for all four lots is "Single Family".
- Bearings and distances shown hereon are grid based upon GPS observations and translated to the Indiana West coordinate system, NAD 83, through the OPUS service on the NOAA website.
- The Zoning of all of the adjoining parcels is AG/RR.
- No portion of the subject property lies within a Special Flood Hazard Area as shown on FEMA maps 18105C0010D and 18105C0020D, both dated 12/12/2010.
- The "Carter Administrative Type 'A' Subdivision" dated 6/21/2000, recorded in IN 2000012928, is hereby vacated.
- The "Carter Type 'B' Administrative Subdivision" dated 3/17/2008, recorded in IN 2008017011, is hereby vacated.
- Lot 4 is the designated parent parcel. The designated parent parcel 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.
- The shed located on Lot 2 within the front setback shall not 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 of Zoning Appeals.

Under the authority of Chapter 174, Acts of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, this Administrative Type "A" Subdivision Vacation and Administrative Type "B" Subdivision Vacation was approved by the Monroe County Plan Commission on:

MONROE COUNTY PLAN COMMISSION:

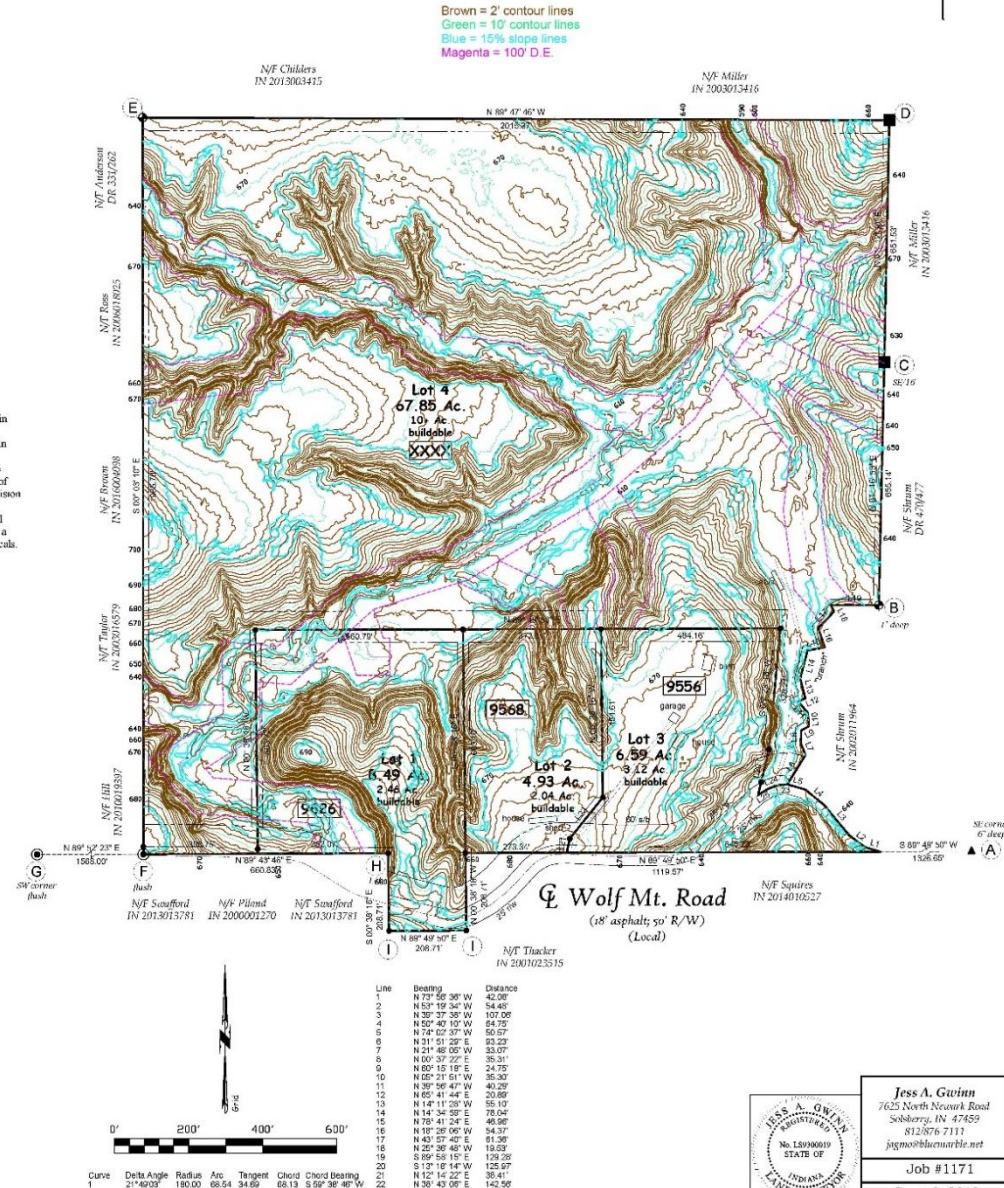
Susie Johnson-President

Under the authority of Chapter 174, Acts of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Sliding Scale Subdivision procedure and approved by the Monroe County Plan Commission on:

MONROE COUNTY PLAN COMMISSION:

Susie Johnson-President

Larry Wilson-Secretary



REVISIONS			
REV	DESCRIPTION	DATE	APPROVED

## Owners, Developers & Applicants:

Claude H. & Mary Lou Carter  
9556 W. Wolf Mt. Road  
Gosport, IN 47433  
812.876.2153  
IN 2000012929  
IN 2000012928

Mary Elizabeth Carter  
POB 616  
Ellettsville, IN 47429  
812.860.7076  
IN 2016014854

Designer & Surveyor  
Jess A. Gwinn  
7625 North Newark Road  
Solsberry, IN 47459  
812.876.7111

9556 lot address on W. Wolf Mt. Road

- Mag rail found flush
- 50' value w/ cap set 4' tall
- N/F land Now or Formerly of
- DR Deed Record
- IN # Instrument Number
- (R) Record dimension
- (A) corner reference in surveyor's report
- rebar found as noted
- Stone found as noted
- Rail road found 6' deep

## Zoning:

AG/RR

## SETBACK TABLE

Front - 60' from 2/W or 50' w/ no direct frontage  
Side - 15' for Residential & Accessory Structures; 50' for others  
Rear - 35' for Residential & Accessory Structures; 50' for others

The within survey was performed without benefit of evidence of source of title, and is subject to any statement of facts revealed by the same. Evidence of easements has not been located in the field and is not shown on this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-1-2-1 through 34.

I affirm under the penalties of perjury that I have taken reasonable care to reduce each State Survey Number on this document unless required by law.

*Jess A. Gwinn*

Jess A. Gwinn  
7625 North Newark Road  
Solsberry, IN 47459  
812.876.7111  
jg@monroecountyindiana.net

Job #1171

Sept. 3, 2019

Sections 7 & 18, T-10-N, R-2-W  
Monroe County, IN

Carter Sliding Scale  
Subdivision--Preliminary Plat

DRAWING FILE

C:\Users\jagwin\Documents\1171\1171.dwg

SCALE: 1" = 200'

DRAWN BY: JAG

CHECKED BY: JAG

DATE: 9/3/19

28