

MONROE COUNTY PLAT COMMITTEE



**Thursday, August 17, 2023
4:00 PM**

Hybrid Meeting

In-person

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

Virtual

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

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

Meeting ID #: 823 0548 5858

Password: 278851

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

Monroe County Planning Department
HYBRID

When: August 17, 2023, at 4:00 PM

Where: 501 N Morton St, Suite 224

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

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

ADMINISTRATIVE: None.

OLD BUSINESS: None.

NEW BUSINESS:

- | | | |
|--------------------|---|----------------|
| 1. SSS-23-3 | Mercuri Sliding Scale Subdivision Preliminary Plat Road Width and Buried Utility Waivers Requested Plat Committee Recommendation.
Two (2) parcels on 34.32 +/- acres in Bean Blossom Township, Section 1 & 2, at 9695 N Bowman RD, parcel #53-03-02-400-008.000-001, 53-03-01-300-006.000-001.
Owner: Mercuri, Carol
Zoned AG/RR. Contact shawnsmith@co.monroe.in.us | PAGE 3 |
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 | | |
| 2. SMN-23-7 | Taylor-Snow Road Minor Subdivision Plat Committee Decision.
Three (3) parcels on 102 +/- acres in Section 29 of Indian Creek Township at 9300 W Snow RD, Parcel #53-10-29-300-001.000-007 and #53-10-29-400-001.000-007.
Owner: Taylor, Jeffrey C.
Zoned AG/RR. Contact: drbrown@co.monroe.in.us | PAGE 22 |

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

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

MONROE COUNTY PLAT COMMITTEE		August 17, 2023
PLANNER	Shawn Smith	
CASE NUMBER	SSS-23-3	
PETITIONER	Carol Mercuri c/o Deckard Land Surveying	
ADDRESS	9695 N Bowman RD, #53-03-02-400-008.000-001; 53-03-01-300-006.000-001	
REQUEST	Mercuri Sliding Scale Subdivision Preliminary Plat Road Width Waiver Buried Utility Waiver Waiver of Final Hearing	
ACRES	34.26 +/- acres	
ZONE	AG/RR	
TOWNSHIP	Bean Blossom Township	
SECTION	1 & 2	
PLATS	Unplatted	
COMP PLAN DESIGNATION	Farm and Forest	

EXHIBITS

1. Location Map
2. Zoning Map
3. Site Conditions
4. Existing Overhead Powerlines
5. Site Photos
6. Preliminary Plat
7. Petitioner Waiver Findings of Fact

RECOMMENDATION TO THE PLAT COMMITTEE – August 17, 2023

Staff recommends that the Plat Committee send a **favorable recommendation** to the Plan Commission for the Sliding Scale Subdivision Preliminary Plat, and the Road Width Waiver based on findings of fact and subject to the Monroe County Highway Department reports. Staff recommends **denial** of the Buried Utility Waiver based on the findings of fact citing no practical difficulties demonstrated.

Plan Commission Regular Meeting – September 19, 2023 (Preliminary Hearing)

Waiver of Final Hearing Requested.

Plan Commission Regular Meeting – October 26, 2023 (Final Hearing)

SUMMARY

The petition site is one lot of record comprised of two parcels that total 34.26 +/- acres located in Bean Blossom Township, Sections 1 and 2. The site is zoned Agriculture/Rural Reserve (AG/RR). The petitioner is proposing a 4-lot Sliding Scale Subdivision with two (2) waiver requests from the Road Width and Buried Utility requirements of Chapter 856 of the Monroe County Zoning Ordinance. The parcel maintains frontage along N Bowman RD, a local road which is currently 15' +/- in width. A Sliding Scale Subdivision under the authority of Chapter 862 requires that any sliding scale subdivision meets the following standard:

862-4 (5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

856-41 (Utilities) calls for utilities to be placed underground in all subdivisions, except on public roads and rights-of-way or in easements serving other property.

Staff concluded that no street trees or sidewalks are triggered for this subdivision. Capacity letters from REMC and Washington Township Water have been received and uploaded into the application.

Tammy Behrman, Assistant Director, Comments from **PRE-191**

Construction Stormwater General Permit (CSGP) highly recommended at time of subdivision. If not - will be required at the time of lot development.

<https://www.in.gov/idem/stormwater/construction-land-disturbance-permitting/>

Original pre-design notes from 11/24/2020

The 25' easement will be reviewed to confirm that it does not encroach into the required Sinkhole Conservancy Areas (see attached slope map with elevation concerns). Additionally, no more than 4 lots can use the easement unless the petitioner is willing to bring the driveway up to county road standards requiring a 50' easement. The property at 9700 N Bowman should provide a driveway permit showing separate access and not being dependent on the driveway to the south.

No Plat Vacation required from Fulford Type A #9807-SAD-46 - recorded 4/25/2002 (Tract 1) - see Larry Wilson determination.

Larry Wilson Determination: "The 5 acre parcel created by the Type A is a separate legal of record because it was legally created under the subdivision ordinance in place at that time. Only the 5 acre tract is a part of that subdivision. Since no plat was recorded for the remaining parcels, no plat vacation is needed. The remaining 34 +-acres which were conveyed by the deed you attached are eligible for a sliding scale subdivision."

	Lot 1 Parent Parcel	Lot 2	Lot 3	Lot 4
Total Acreage	18.90 acres 12.90 buildable	3.70 acres 2.79 buildable	5.21 acres 3.74 buildable	6.45 acres 2.42 buildable
Wastewater	Septic permit WW-23-51 (Issued)	Septic permit WW-23-52 (Issued)	Septic permit WW-23-53 (Issued)	Septic permit WW-23-54 (Issued)
Access	No direct Frontage – Easement access.	No direct Frontage – Easement access.	No direct Frontage – Easement access.	Frontage on N Bowman RD Two Existing driveways; One to be removed per RW-23-71
ROW Dedication		--	--	25' R/W dedicated
Environmental	SCA in northeast of lot. 15% slope on west side of lot.	--	SCA in northern portion of lot.	SCA located in the eastern portion of lot. Drainage Easement required. 15% slope in central part of lot.
Structures	Undeveloped-	Undeveloped-	Undeveloped-	Existing Barn, Camper
Utilities	Electric – REMC Water - Washington Township Water	Electric – REMC Water - Washington Township Water	Electric – REMC Water - Washington Township Water	Electric – REMC Water - Washington Township Water
Right of Way	Approved with Conditions Link to RW-23-67	Approved with Conditions Link to RW-23-69	Approved with Conditions Link to RW-23-70	Approved with Conditions Link to RW-23-71

Staff reviewed the 30' easement Instrument #2002010120. It does run through an adjacent lot to the north to access Lots 1, 2 & 3. Confirmed there was an existing driveway off of N Bowman Road for the lot to the north (9700 N Bowman RD) and that this shared easement would not be necessary to provide access to a fifth lot.

EXHIBIT ONE: LOCATION MAP

The petition site is one lot of record with two parcels: 53-03-02-400-008.000-001 and 53-03-01-300-006.000-001. The site is located at 9695 N Bowman RD in Sections 1 and 2 of Bean Blossom Township.

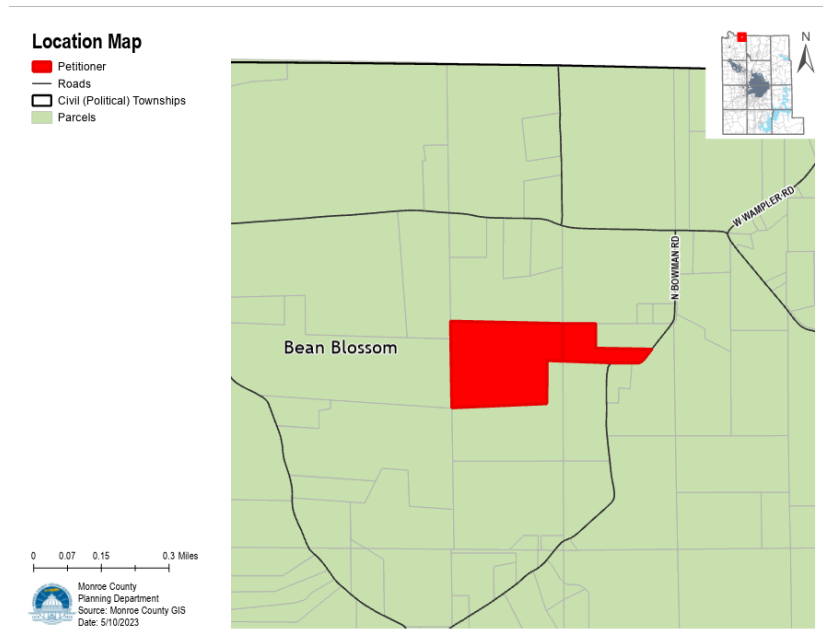


EXHIBIT TWO: ZONING

The zoning for the petition site and adjacent sites are zoned Agricultural Rural Reserve (AG/RR). Petition site use currently contains an accessory structure (Barn) on proposed Lot 4, but is otherwise vacant.

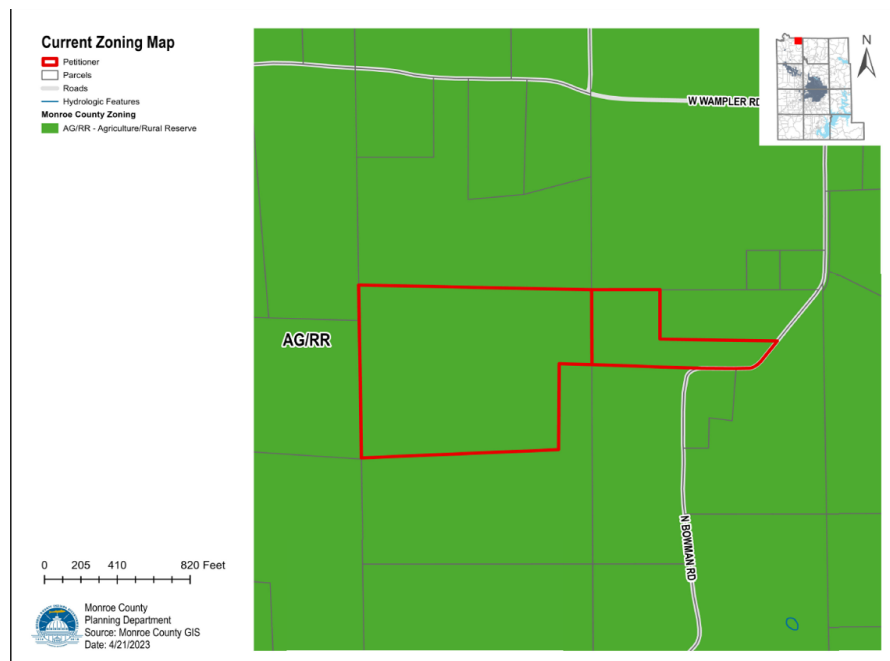














EXHIBIT THREE: SITE CONDITIONS MAP

The petition site is two parcels totaling 34.26 +/- acres. The lot contains some steep slopes greater than 15% but has adequate Buildable Area to meet the minimum 1-acre requirement for each proposed lot. The four proposed lots would share a driveway entrance from N Bowman RD.

Site Conditions Map

-  Petitioner
-  2-Foot Contours
- Percent Slopes**
 -  0 - 12%
 -  13 - 15%
 -  16 - 18%
 -  19 - 21%
 -  22 - 24%
 -  > 25%
- 15% Slope (County/ECO2)**
 -  0 - 15
 -  > 15
-  Local Roads [50']
-  Parcels

0 162.5 325 650 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/2/2023

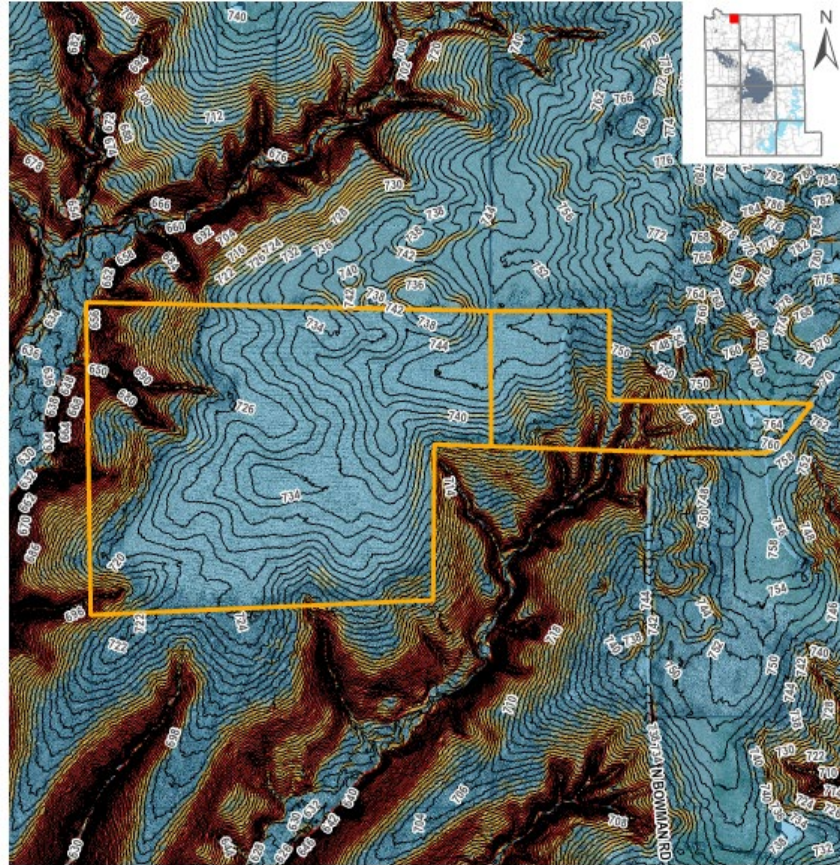


EXHIBIT FOUR: Existing Overhead Powerlines



EXHIBIT FIVE: SITE PICTURES



Photo 1. Pictometry photo of parcel one, looking Northeast.



Photo 2. Pictometry photo of parcel two, looking Northwest.



Photo 3. Heading South on N Bowman RD towards petition site.



Photo 4. Heading North on N Bowman RD away from petition site.



Photo 5. Location of existing driveway on proposed Lot #4 to be removed.



Photo 6. Location of existing driveway to be used as access point.

INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along N Bowman RD, which is classified as a Local Road. The road is identified by the petitioner's surveyor as 15' +/- wide.

Ben Ayers, Project Manager, has requested the following as of 3/30/2023:

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. Existing driveway entrance shall be shared between Lot #1, Lot #2, Lot #3 & Lot #4 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-23-67, RW-23-69, RW-23-70 & RW-23-71.

Remove existing driveway entrance to the north on Lot #4 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.

Remove existing driveway entrance to the north on Lot #4 shown on the Preliminary Plat from the Plat.

Paul Satterly, Highway Engineer, comments as of 8/10/2023

Existing traffic volume on Bowman Road is 80 vehicles per day. The subdivision will add approximately 30 vehicles per day to Bowman Road for a total of 110 vehicles per day. The 15 ft. roadway will be able to handle this volume of traffic so the Highway Department supports the road width waiver.

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 two parcels into four (4) 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 have received, 'approved with conditions' driveway permits off of N Bowman RD;
- The MS4 Coordinator has reviewed the application and the petitioner has added a drainage easement to Lot 4;
- 45' of right-of-way is required to be dedicated along N Bowman RD, 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;
- 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 is a Single Family Residential use;
- Adjacent properties are zoned Agricultural Rural Reserve (AG/RR), and are used for Single Family Residential or agriculture;
- Approval of the subdivision would create four (4) 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 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 6 for Petitioner Submitted Findings for road width waiver;
- The site gains access from N Bowman RD, a designated Local Road;
- N Bowman RD is measured by surveyor as 15 feet wide;
- The petition site has approximately 585' of frontage along N Bowman RD;
- The existing road serves properties all along Bowman RD, as well as the proposed petition site;
- The existing driveway entrance on the northeast side of the the petition site is required to be removed per the Highway Department to meet safety standards;
- The petitioner did submit findings for the waivers (Exhibit 6);

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

Findings:

- See findings under Section 1;
- The Comprehensive Plan's Farm and Forest designation states that "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";

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 the volume of traffic for the subject road/area;
- See the findings submitted by the petitioner (Exhibit 6);

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;
- Adjacent property owners on N Bowman 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.

FINDINGS OF FACT – WAIVER OF UNDERGROUND OF UTILITIES

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-41 (Utilities), which reads:

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. for Subdivisions of more than 4 Lots by the Plan Commission
2. for Subdivisions of 4 Lots or Less by the Plat Committee

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots that are to be retained in single ownership and that are to be developed for the same primary use.

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

1. Practical difficulties have been demonstrated:

Findings:

- Overhead utility lines run along the northeast portion of the property of proposed Lot 4 for approximately 143 feet;
- The overhead utility lines along proposed Lot 4 continue travelling north and south of the petition site to service other properties and therefore is exempt from the burying requirements;

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

Findings:

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

852-2. Definitions

Easement.

A right of use over designated portions of the property of another for a clearly specified purpose.

- 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 Subdivision Control Ordinance calls for utilities to be placed underground in Sliding Scale subdivisions, except on public roads, in rights-of-way, or in easements serving other property;
- The petitioner has applied for a waiver from Chapter 856-41 due to the pre-existing nature of the petition site and cites the financial burden of burying said line;
- The overhead utility line in question does not appear to serve another property and is not exempt from undergrounding provisions;
- The overhead utility lines along N Bowman RD in front of proposed Lot 4 continue travelling north and south of the petition site to service other properties and therefore is exempt from this requirement;
- Any future power lines needed for further development would have to be buried;
- If the overhead utility line waiver is approved, it will apply to the existing line only;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards.

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

Findings:

- Waiver approval would permit existing conditions to persist;

- 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 items 1-4 above;

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

Findings:

- See findings under #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:

- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all Sliding Scale subdivisions, except on public roads, rights-of-way, or existing easements that serve other property;
- The existing overhead utility line serves only the petitioner's parcels as it travels west from the eastern property line;
- Occupants of the petition site and sites served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;
- The installation of utilities underground is consistent with the policies and purposes of all relevant regulations.

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

Findings:

- (See findings under #1 & #7 above);

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

Findings:

- (See findings under #1 & #7 above);
- Practical Difficulties have not been met.
- The installation of utilities underground is consistent with the policies and purposes of all relevant regulations.

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

EXHIBIT SIX: Preliminary Plat

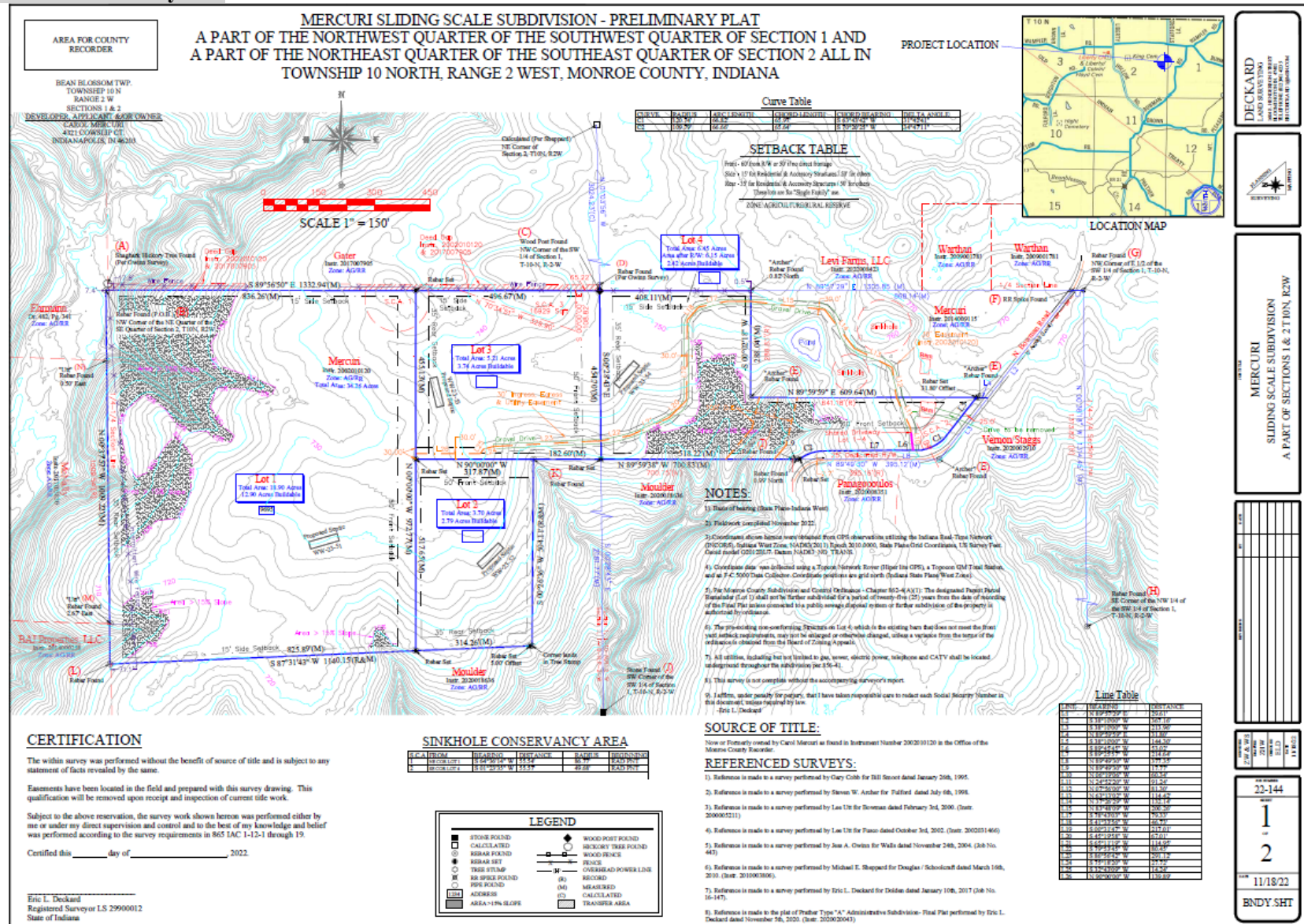


EXHIBIT SEVEN: Petitioner Submitted Waiver Findings of Fact



Eric L. Deckard, LS

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

August 10, 2023

To: Members of the Monroe County Planning Department:

RE: Mercuri Sliding Scale Subdivision

I have been asked personally by Carol Mercuri to request a buried utility and road width waiver.

These are my findings and recommendations.

FINDINGS OF FACT - WAIVER for buried utility and road width.

The petitioner has requested a waiver to continue using the existing overhead power line drop to the existing barn located on proposed lot 4.

The property is located in a rural area of the county and bounded by a 15-foot-wide county road (N. Bowman Road). We are respectfully requesting a waiver of Chapter 862-4 (5). The code states "Subdivision on roads less 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12".

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

1. *Practical difficulties have been demonstrated:*

- The road width of N. Bowman was found to not measure the required 18 feet in width at the far east end of the property.
- Replacing the utilities and burying them underground would be a large financial undertaking and unnecessary due to the age of the overhead line.

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

- N. Bowman road is +/- 15 feet wide throughout the entire length of the +/- 1.5 mile long road. It would be difficult and costly to get N. Bowman Road wide enough to meet the ordinance standards.
- There is an overhead power line running along the South side of N. Bottom Road the entire length of the property to service other properties but would impose a financial burden for the client to bury from said line to the existing house/barn.

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.):*
 - No other road in this area of the county meets these standards.
 - The overhead utility line poses no threat to public safety, health, or welfare.
4. *granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties:*
 - The acceptance of this waiver would leave the conditions as they presently exist. Road width of 15 feet.
 - The existing home has had overhead power since it was built. Other homes located along N. Bottom Road are served by an overhead utility line.
5. *the conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties:*
 - This parcel is bounded by N. Bowman on the east side of the property. Given the amount of road frontage and existing size of N. Bowman Road it would be impractical to widen this road 3 feet to comply when +/- 7000 feet of this existing road configuration do not meet these standards as well.
 - The overhead utility line crosses over N. Bottom Road and would create practical difficulties to bore under said road instead of using exiting overhead lines.
6. *granting the requested modifications would not contravene the policies and purposes of these regulations:*
 - This property is a 4 lot minor subdivision and only three additional lots are being added.
 - Granting this waiver would not contravene the purposes for these regulations as the site has existing utilities on it now.

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:*

- To widen only +/- 500 feet of N. Bowman Road that measures +/- 7000 feet with the present road configuration is impractical. Adding three additional lots would not increase vehicle volume significantly. Widening this road would not be practical and this additional cost to the county would outweigh the benefit.
- See Section 1 (overhead power)

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

- The practical difficulties are the result of the existing narrow road conditions.
- The land owners purchased the property in 2002. The barn has used the overhead utilities and current road since completion.

9. *the practical difficulties cannot be overcome through reasonable design alternatives:*

- Without disturbing drainage ditches with existing usage the road in question cannot be altered.
- See # 1 and #5 above.

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

Sincerely,
Eric L. Deckard L.S.



MONROE COUNTY PLAT COMMITTEE

Public Meeting Date: August 17th, 2023

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-23-7	Taylor-Snow Road Minor Subdivision Preliminary Plat	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.

PLAT COMMITTEE	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
RECOMMENDED MOTION	Approval	Planner: Daniel Brown
<i>Recommended Motion Conditions or Reasoning:</i> <u>Approve with conditions</u> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance <ol style="list-style-type: none"> 1. Add the note to the plat "All new utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision per 856-41." 2. Add the note to the plat "Installation of a private water system on Lot 1 will be in accordance with all minimum standards and requirements of the Indiana State Board of Health or other State or County agency per 856-38(B)." 		

Waiver(s) Requested:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes:
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	Bynum Fanyo & Associates Inc.	
OWNERS	Taylor, Jeffery C	
ADDRESS	9300 S Snow RD; 53-10-29-400-001.000-007, 53-10-29-300-001.000-007, and 53-10-29-300-004.000-007	
TOWNSHIP + SECTION	Van Buren; 33	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	20.04 +/- acres	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR, Planned Unit Development
COMP PLAN	Farm and Forest	Farm and Forest
USE	Residential	Residential, Other Residential Structures

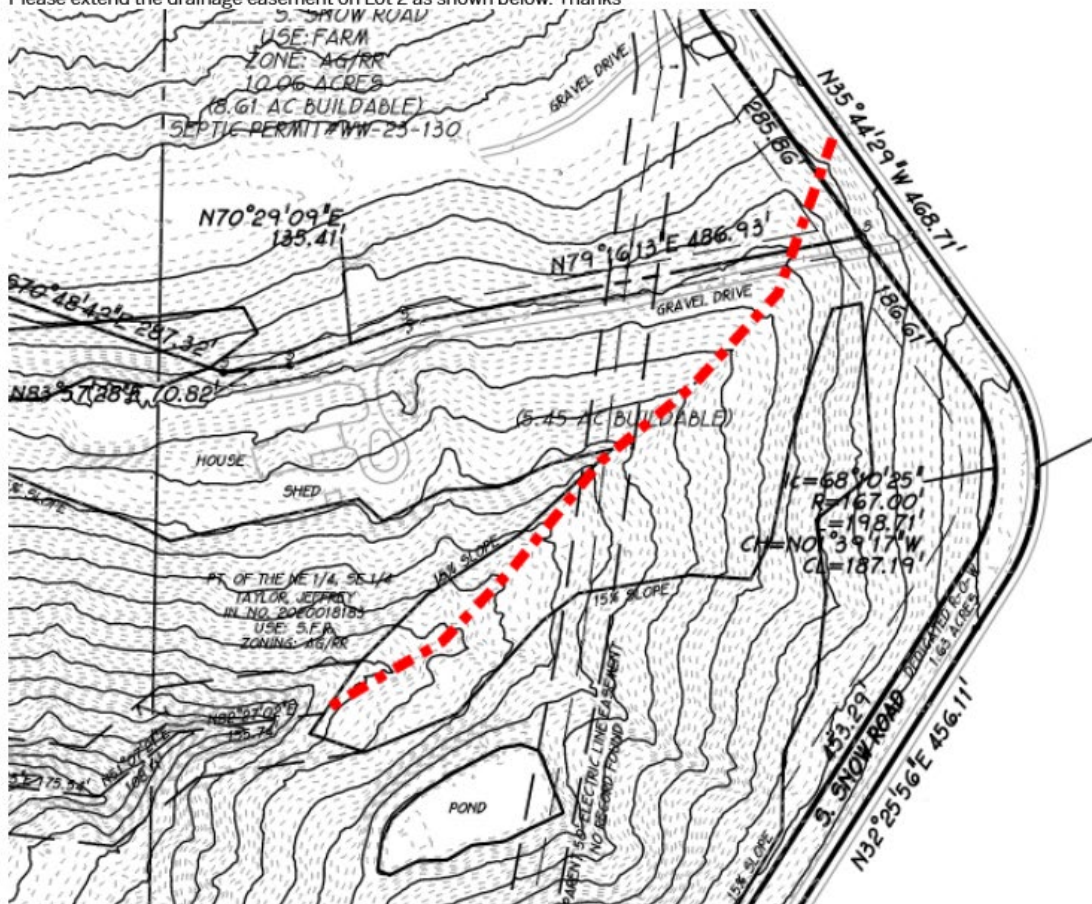
SUMMARY

The petitioner is proposing a 2-lot Minor Subdivision Preliminary Plat with no waiver requests. The property is zoned Agriculture/Rural Reserve (AG/RR). All proposed lots will meet the minimum requirements for subdividing land in their respective zoning districts. Septic Permits have already been applied for and issued. Right-of-Way permits have been applied for and are pending the approval of this subdivision.

Note that while there is an overhead utility line on the property, this line is the property of REMC. It connects to a transformer on the property which then goes underground to the existing home. Thus, a Buried Utility Waiver is not required.

Comments from Stormwater:

Please extend the drainage easement on Lot 2 as shown below. Thanks



updated version uploaded

Comments from Highway Department:

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. See RW-23-159 & RW-23-160.

Existing driveway entrance for Lot #1 & 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.

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

DISCUSSION

The proposed subdivision will create two lots out of 101.83 +/- acres. Below is a summary table of facts regarding the three lots. The property is located west of a DNR floodplain zone. Right-of-way permits have been applied for and are pending.

There are no waiver requests for this subdivision petition. However, it was found by staff that the property does have an overhead utility line stretching across proposed Lot 2 to the house. A condition of approval that the utility line be buried has been added to the recommendation.

Below is a summary of the lot configurations.

	Lot 1	Lot 2
Acreage / Buildable Area (+/-)	10.06 acres / 8.61 acres	91.77 acres / 29.86 acres
Wastewater	WW-23-113 (New, Issued 8/10/2023)	WW-23-114 (Repair, Issued 8/10/2023)
Water	Property is on a private well	Property is on a private well
Electric	Utilities District of Western Indiana REMC	Utilities District of Western Indiana REMC
Property Access	S Snow Road	S Snow Road
R/W Dedication; S Snow RD (Minor Collector)	45 feet RW-23-159 ; Approved with Conditions	45 feet RW-23-160 ; Approve with Conditions
Environmental Conditions	Slopes > 15%	Slopes > 15%
Existing Structure(s)	Vacant	House, Shed, Barn

EXHIBITS - Immediately following report

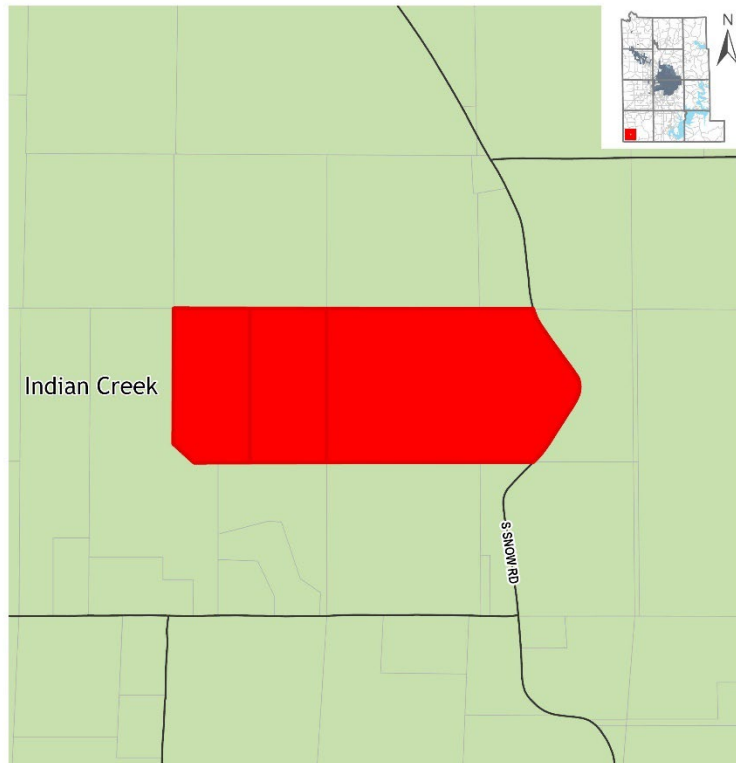
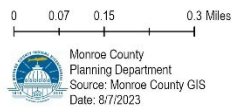
1. County Maps
2. Site Photos
3. Comprehensive Plan Discussion
4. Planning Staff Findings of Fact
5. Exhibit of Electric Line owned by REMC
6. Preliminary Plat

EXHIBIT 1: County Maps

LOCATION MAP

Location Map

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

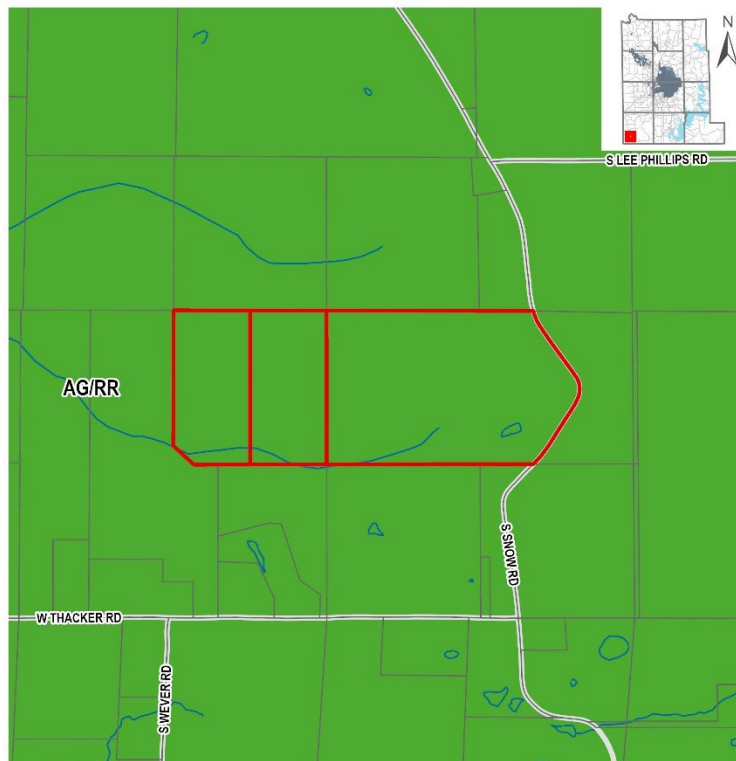


ZONING

The zoning for the petition site and adjacent properties are zoned Agricultural Rural Reserve (AG/RR).

Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning
- AG/RR - Agriculture/Rural Reserve



SITE CONDITIONS MAP

The petition site is mainly slopes under 15% to the north, but there are several locations with severe slopes on the southern two-thirds. However, the buildable area requirements will still be satisfied.

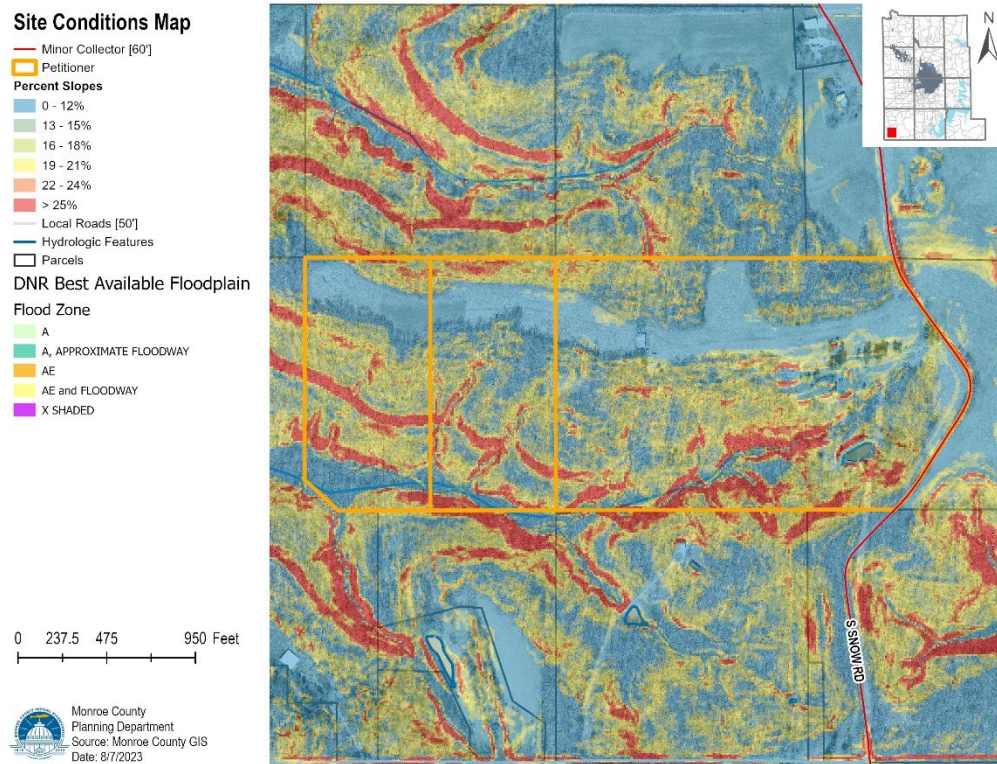


EXHIBIT 2: Site Pictures



Photo 1. Entrance of the driveway for proposed Lot 1.



Photo 2. The existing residence on proposed Lot 2.



Photo 3. A shed located on proposed Lot 2.



Photo 4. A field on the property from Proposed Lot 2

EXHIBIT 3: 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

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 can not 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.

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

- Approval of the subdivision would subdivide one lot into two (2) lots which will meet all design standards;
- Proposed lots have approved septic permit locations;
- The MS4 Coordinator has reviewed the application and requested drainage easements;
- A total of 45' of right-of-way is required to be dedicated along S Snow RD, 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 water will be provided via a private well system, and electricity will be provided by Utilities District of Western Indiana REMC;
- Burial of above ground utilities in accordance with Chapter 856-41 of the Subdivision Control Ordinance shall be added as a Note on the final plat;
- 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;
- 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 is undeveloped and vacant;
- Adjacent properties are zoned Agricultural Rural Reserve (AG/RR), and are used for agricultural or residential uses;
- 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.

EXHIBIT 5: Exhibit of Electric Line Owned by REMC

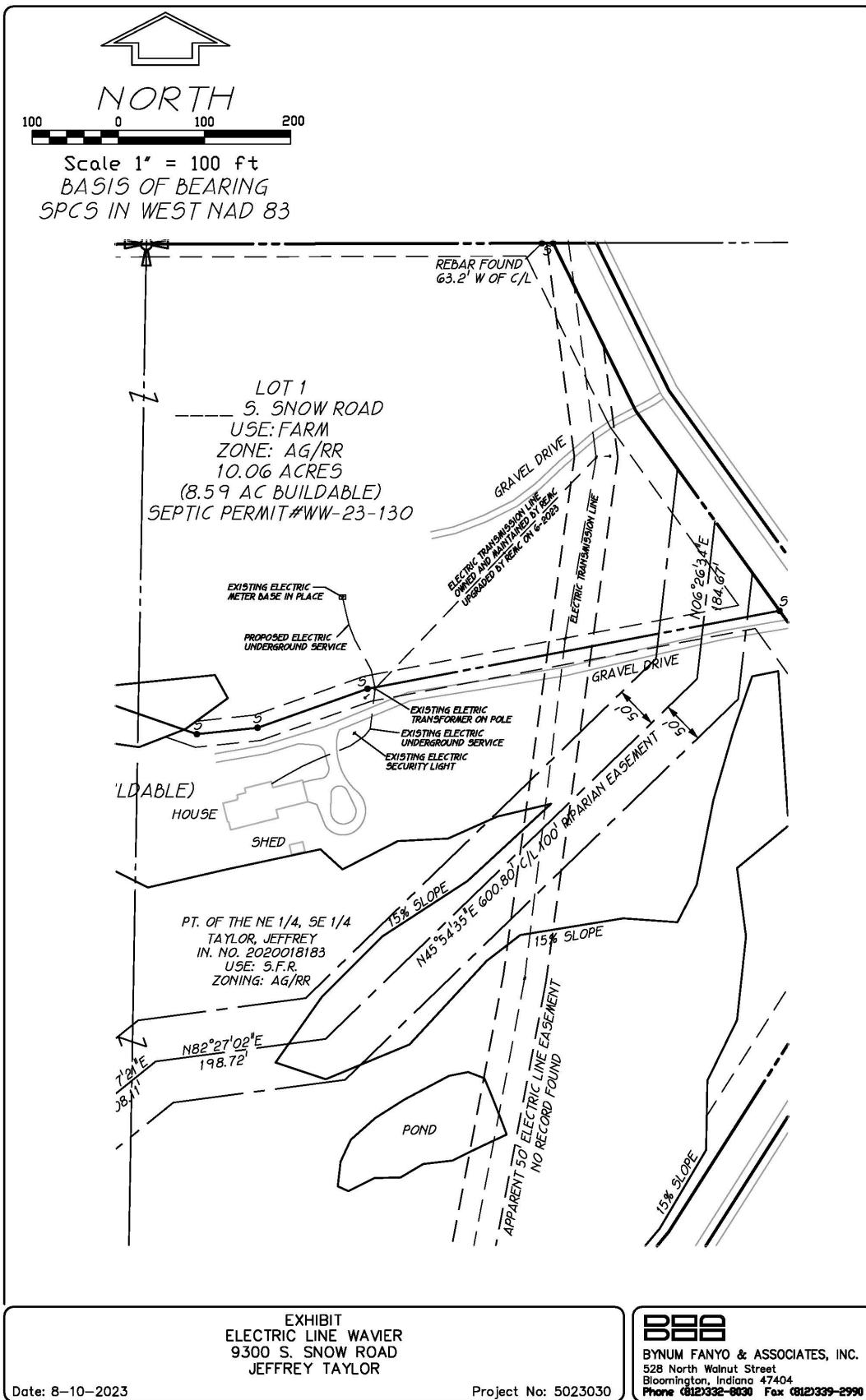
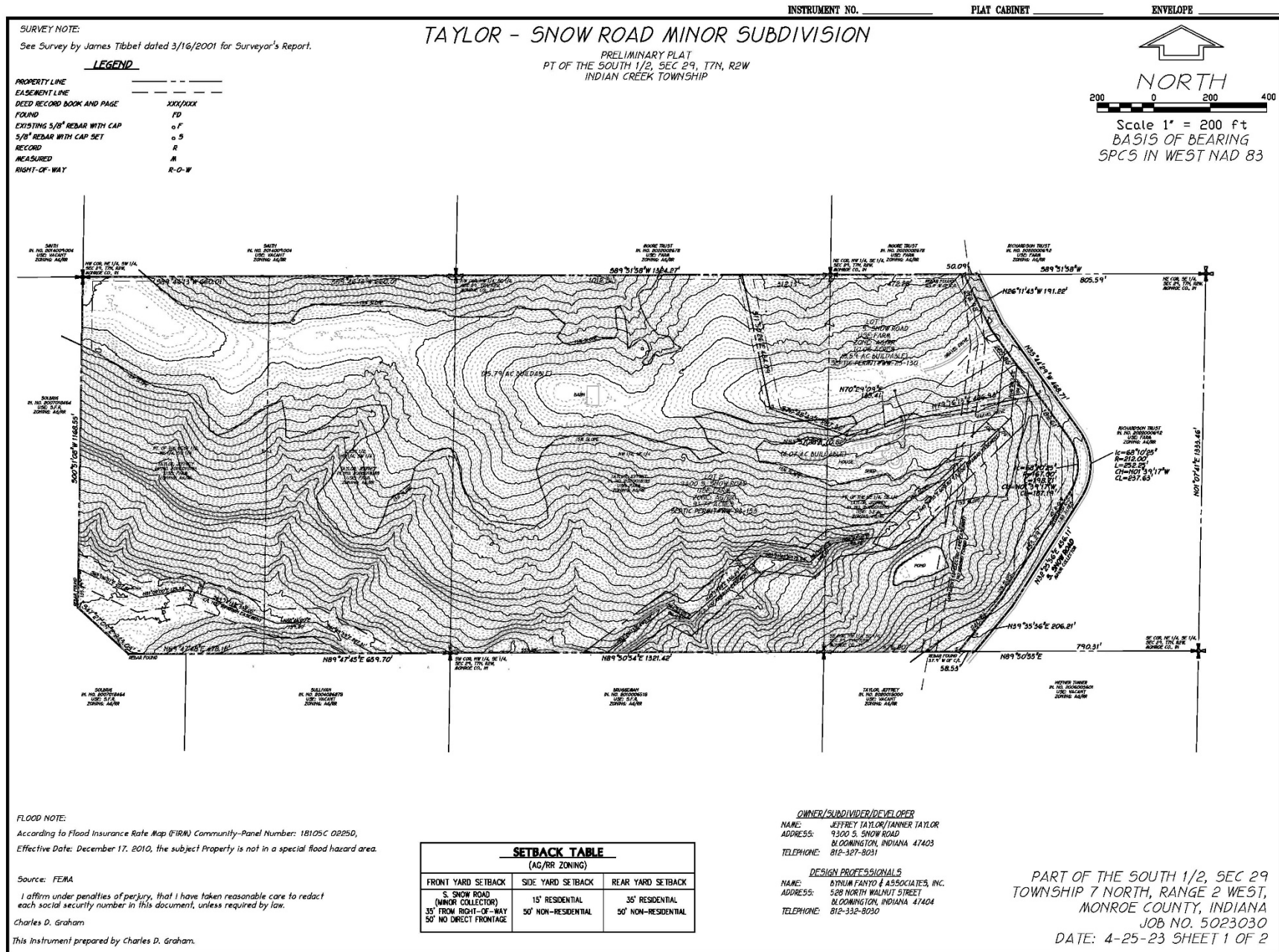


EXHIBIT 6: Preliminary Plat SMN-23-



TAYLOR - SNOW ROAD MINOR SUBDIVISION

PRELIMINARY PLAT
PT OF THE SOUTH 1/2, SEC 29, T7N, R2W
INDIAN CREEK TOWNSHIP

I, Jeffrey C. Taylor, the owner of the real estate described below, certify that we have subdivided and platted it according to this plat.

This subdivision is called TAYLOR-SNOW ROAD MINOR SUBDIVISION, an addition to Monroe County, Indiana, and consists of 2 lots, numbered 1 through 2, inclusively. The streets and alleys shown, as far as they have not already been so dedicated, are dedicated to the public.

Front, rear and side yard setback lines are established as shown on the plat. Between them and the property lines of the adjacent streets no building or other structure shall be erected or maintained.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines and wires. Buildings or other structures shall not be erected or maintained on these strips.

Signed and Sealed this _____ day of _____, 2023.

By: Jeffrey C. Taylor

STATE OF INDIANA }
COUNTY OF MONROE }

Before me, the undersigned Notary Public, in and for the said County and State, personally appeared Jeffrey C. Taylor and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 2023.

County of Residence _____

Commission Expires _____

Notary Public Signature _____

Notary Public Printed _____

These parcels were created through the Minor Subdivision procedure and approved by the Monroe County Plan Commission on _____, 2023.

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 Minor Subdivision procedure.

MONROE COUNTY PLAN COMMISSION

PRESIDENT, Margaret Clemens

SECRETARY, Jacqueline Nesler-Jelen

COVENANTS & RESTRICTIONS

The strips of ground varying in width that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for installation and maintenance of water and sewer mains, poles, ducts, lines and wires. Buildings or other structures shall not be erected or maintained on these strips, but owners of lots in this subdivision, shall take their titles subject to the rights of the owners of other lots in this subdivision.

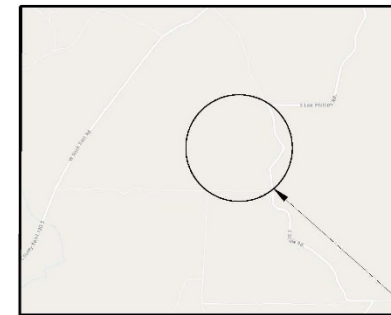
LEGAL DESCRIPTION

The West half of the Northeast quarter of the Southwest quarter of Section 29, Township 7 North, Range 2 West, EXCEPTING 1/2 acre, more or less, in the Southwest corner thereof bounded and described as follows, to-wit: Commencing at the Southwest corner of said quarter quarter, running thence North 10 rods to the center of a dry branch, thence in a Southeasterly direction in said branch 16 rods to the South line of said quarter quarter, thence West 11 rods to the place of beginning; containing 19-1/2 acres, more or less.

Also, the East half of the Northeast quarter of the Southwest quarter; the Northwest quarter of the Southeast quarter; and all that part of the Northeast quarter of the Southeast quarter that lies West of the Public road, containing 22 acres, more or less, all in Section 29, Township 7 North, Range 2 West, and containing in all 82 acres, more or less.

Containing in all the above described real estate 101-1/2 acres, more or less.

Subject to all easements, restrictions, rights-of-way and public roadways of record.



LOCATION MAP

PROJECT LOCATION

I certify that I am a Registered Land Surveyor licensed under the laws of Indiana; that this plat accurately represents a survey made by me on July 2, 2018, and that the monuments shown on it exist; and that their locations, sizes, types, and materials are accurately shown.

C.D. Graham

June 28, 2023

Charles D. Graham

Registration No. LS29500014

within the State of Indiana

Bynum Fanyo & Associates, Inc.

528 N. Walnut St.

Bloomington, IN 47404

812-332-8030 tel

812-339-2990 fax



PART OF THE SOUTH 1/2, SEC 29
TOWNSHIP 7 NORTH, RANGE 2 WEST,
MONROE COUNTY, INDIANA
JOB NO. 5023030
DATE: 4-25-23 SHEET 2 OF 2