

MONROE COUNTY PLAT COMMITTEE



**May 17, 2018
4:00 pm**

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

A G E N D A
MONROE COUNTY PLAT COMMITTEE

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

May 17, 2018

4:00 pm

REGULAR MEETING

OLD BUSINESS: NONE.

NEW BUSINESS:

1. 1803-SPP-01 Highlands Subdivision Parcel ‘E’ Major Subdivision Preliminary Plat.

2. 1803-PUD-02 Highlands Subdivision Parcel ‘E’ Development Plan.

Plat Committee Recommendation.

Fifty-eight (58) lots on 12.67 acres +/- in Perry Township, Section 17 in the 3000 block of S Rockport Rd. **Zoned PUD.**

****CONTINUED BY STAFF****

3. 1804-SSS-04 Skirvin Sliding Scale Subdivision Preliminary Plat.

PAGE 3

Buildable Area Waiver Requested.

Plat Committee Recommendation.

Two (2) lots on 11.92 acres +/- in Benton South Township, Section 10 at 8971 E State Road 45. **Zoned FR.**

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**May 17, 2018**

PLANNER Jackie Nester
CASE NUMBER 1803-SSS-04, Skirvin Sliding Scale Preliminary Plat and Buildable Area Waiver for Lot 2
PETITIONER Tina Skirvin and Dillon Ramey, C/O Eric Deckard
ADDRESS 8971 E State Road 45
REQUEST Sliding Scale Subdivision Preliminary Plat to subdivide 1 lot into 2 lots. The request includes a waiver for Buildable Area for Lot 2.
ACRES 11.19 ±
ZONE FR
TOWNSHIP Benton North
SECTION 10
COMPREHENSIVE PLAN LAND USE DESIGNATION: Farm and Forest

EXHIBITS

1. Preliminary Plat Amendment Drawing

RECOMMENDED MOTION

Staff gives a recommendation of **approval** of the preliminary plat and buildable area waiver based on the findings of fact and subject to the Monroe County Highway Department & Drainage Engineer reports and recommendations.

PETITIONER'S REQUEST

The Sliding Scale proposal would divide this 11.19 acre lot into two parcels. There is currently one home on proposed Lot 2. The petitioner is requesting one waiver from the buildable area requirement for Lot 2 for the pre-existing home. The proposed acreages are as follows:

Lot 1: 3.62 +/- acres (1.16 acres of buildable)

Lot 2: 7.57 +/- acres (0.55 acres of buildable)

The parent parcel (Lot 2) meets the requirement of 55% of the total acreage. Lot 1 is intended for development and has a septic permit on file. Lot 2 presently has a home on the lot and does not meet the requirement for the buildable area standard; per Chapter 862-4A(6):

“Any lots intended for residential use created by the sliding scale option subdivision method shall include 1 acre of buildable area. **This provision may only be waived for proposed lots including pre-existing residential structures.**”

Lot 1 and 2 will be in the Forest Reserve (FR) zone. The sliding scale subdivision option allows smaller sliding scale lots in the FR zone to a minimum size of 2.5 acres (see illustration 1). The petitioner is proposing to subdivide one parcel into two parcels that meet these minimum requirements and the lot development standards of Chapter 862 for Sliding Scale subdivisions. Proposed Lot 1 contains 3.62 acres total, with 1.16 acres of buildable area, and is vacant. Proposed Lot 2 is the Parent Parcel Remainder, as defined under Ch. 862, and contains 7.57 acres total, with 0.55 acres of buildable area, and contains one single family dwelling and one accessory structure. This 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. The comprehensive plan shows both of these properties as farm and forest.

Illustration 1: Chapter 862-4(B) Forest Reserve (FR) Specific Development Standards

Minimum Lot Size	2.5 acres	
Maximum Lot Size	Up to 45% of the Original Parent Parcel	
Minimum Lot Width*	200'	
Maximum Lot Coverage**	10,000 s.f.	
Minimum Setbacks:	<i>Front</i>	60' from Right of Way for Public Road in Current Thoroughfare Plan, or, 50' if no direct frontage on a road
	<i>Side</i>	50', 15' for residential structures and residential accessory structures
	<i>Rear</i>	50', 35' for residential structures and residential accessory structures
Maximum Height	40', principal use residential structures 30', residential accessory structures	

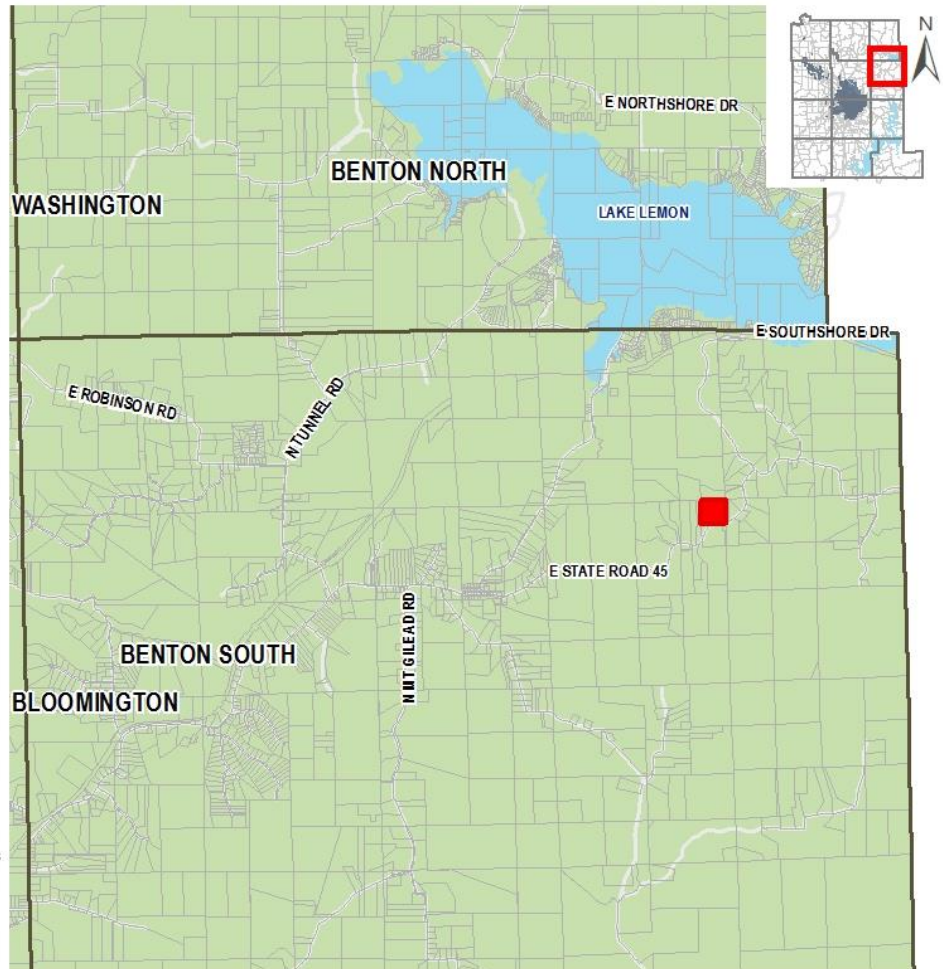
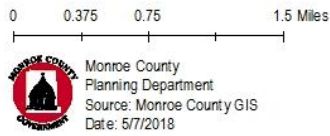
CONNECTIVITY

Lot 2 has direct access to E State Road 45. Lot 1 will gain access by way of a pre-existing easement.

LOCATION MAP

Location Map

- Petitioner
- Townships
- Roads
- Parcels
- Lakes



SITE CONDITIONS

The petition site consists of one lot that is 11.19 acres. This lot is unplatted. Proposed lot 2 has a home on it and proposed Lot 1 is currently vacant. The property does not contain sinkhole conservancy areas or floodplain. It is outside of the Environmental Constraints Overlay area. Note that the GIS is shifted and there is only one home currently on this site.

Site Conditions Map

-  Petitioner
-  Parcels
-  10-Foot Contours
-  Roads

0 70 140 280 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 5/7/2018





Image One: View of the existing driveway on Lot 2. Facing east.



Image Two: Existing home site, facing northeast



Image Three: View of the accessory structure on lot 2, facing north towards proposed lot 1.

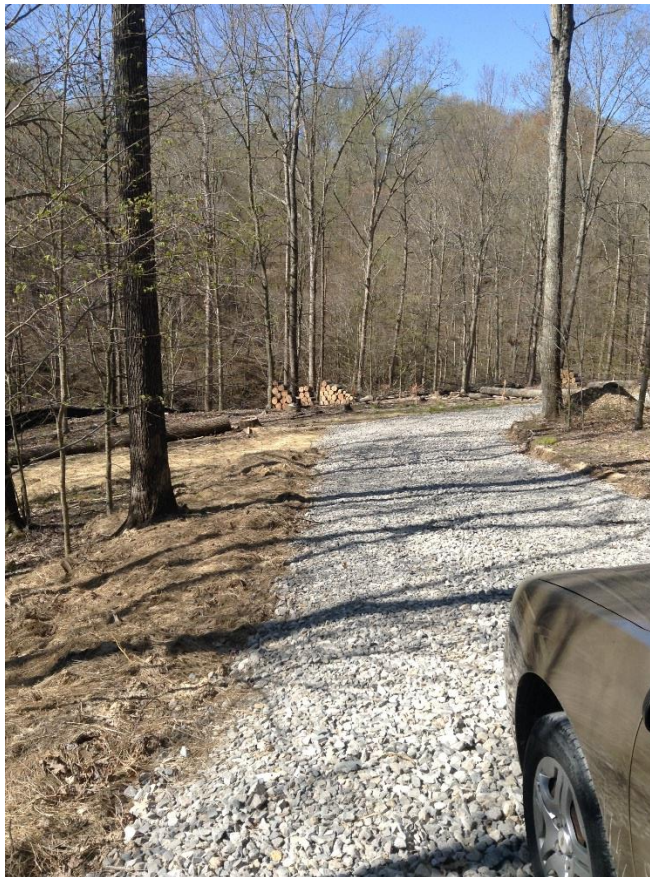


Image Four: View of proposed lot 1. Facing southwest.



Photo Five: View of the proposed home site on proposed lot 1 (illustrated by the orange flags).



Photo Six: View of grading permit issued on February 14, 2018 for proposed lot 1 to put in a driveway and grade the area for a home site and septic.

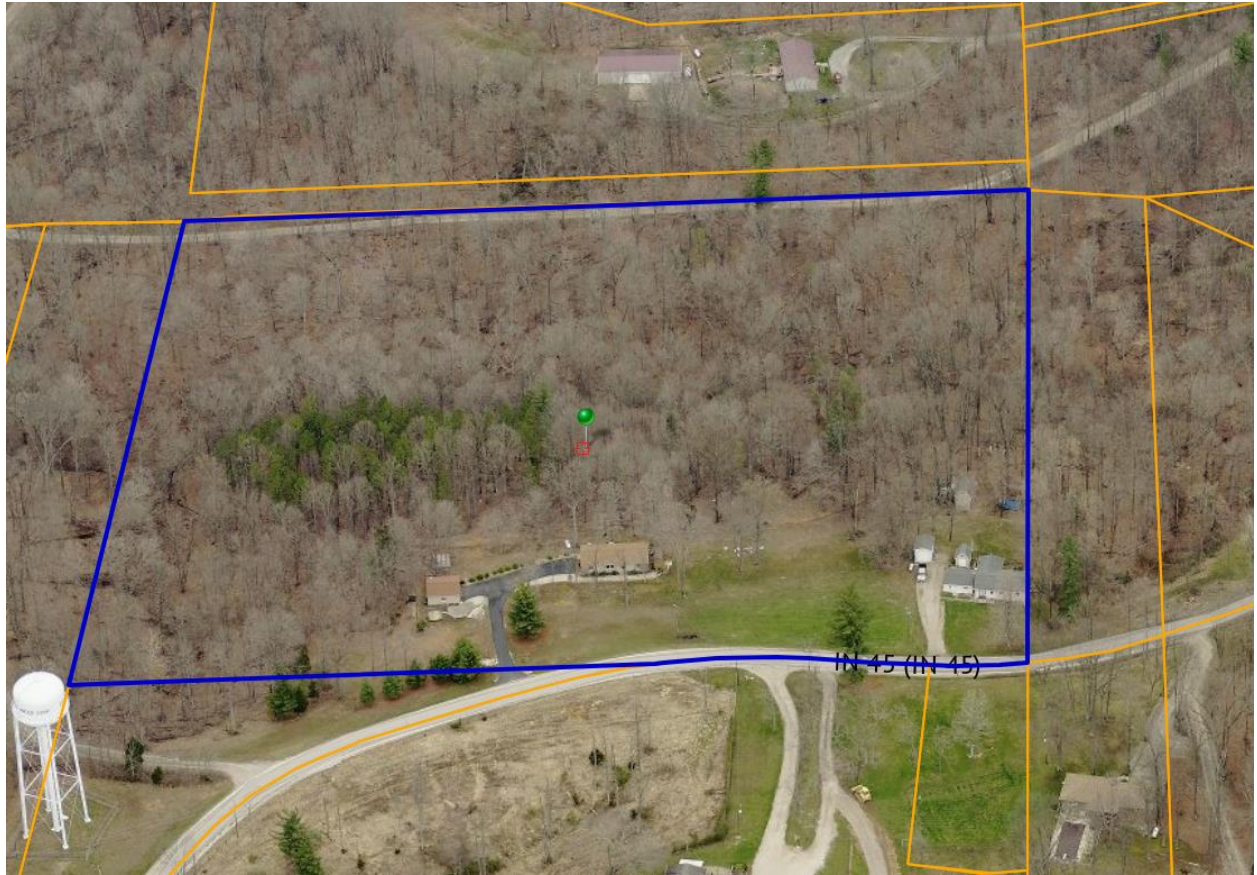









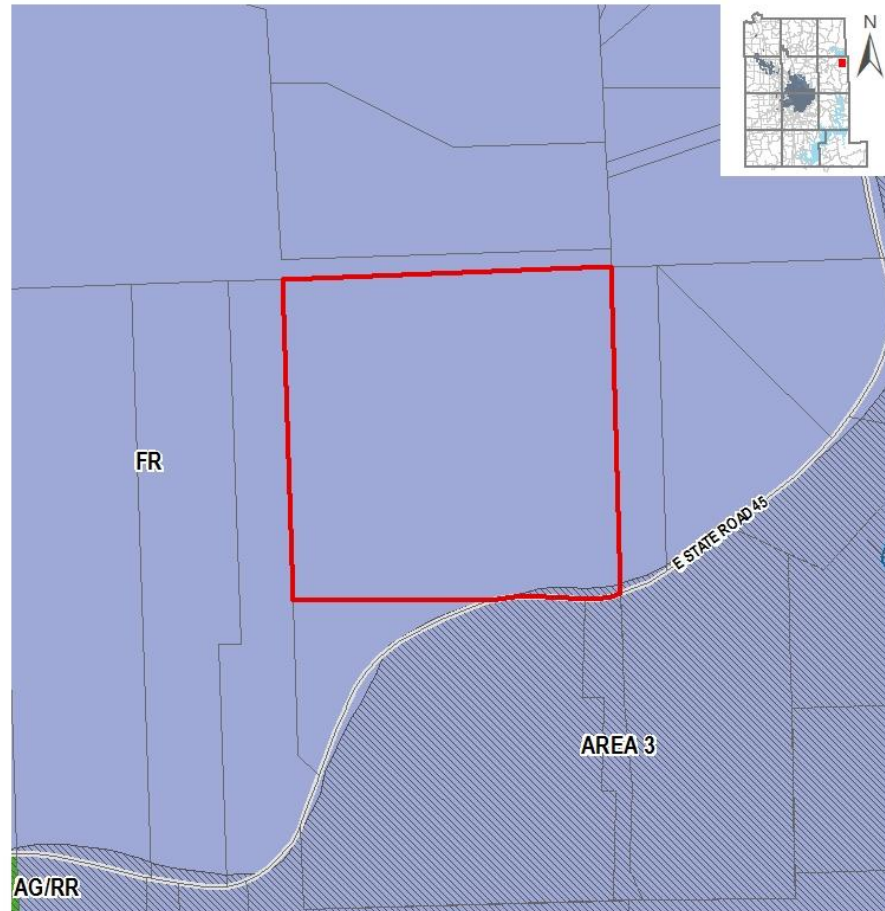
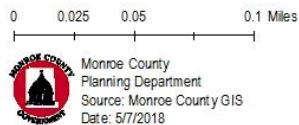
Image Seven: Bird's Eye View

ADJACENT ZONING

The property is zoned Forest Reserve (FR). All of the adjoining properties are also zoned FR. The properties and all adjacent properties appear to be used for residential and agricultural purposes. The proposed lots 1 and 2 meet the requirements for Sliding Scale Subdivisions in Chapter 862.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- ECO Areas**
 -  Area 3
- Monroe County Zoning**
 -  AG/RR - Agriculture/Rural Reserve
 -  FR - Forest Reserve



COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Rural Residential designation area of the Comprehensive Plan:

The Comprehensive Plan states the following for the designation:

Rural Residential

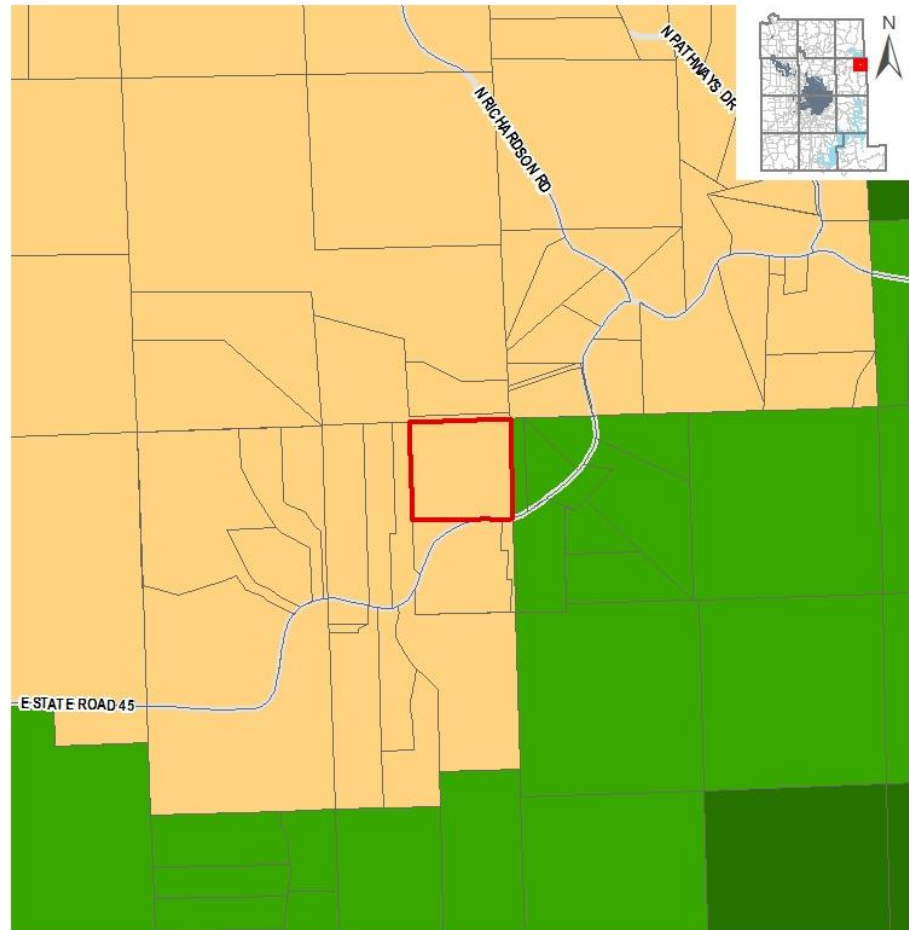
The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.

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


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

Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
 -  Farm and Forest
 -  Managed Lands
 -  Rural Residential



0 0.075 0.15 0.3 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 5/7/2018

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 petitioner site is unplatted;
- The petition site is zoned Forest Reserve (FR);
- A septic permit was issued by the Monroe County Health Department for Lot 1. A real estate inspection was submitted for existing Lot 2;
- Proposed Lot 1 does meet the buildable area requirements;
- The site appears to contain no floodplain;
- The petitioner is requesting a waiver for the buildable area requirement for Lot 2, which contains 0.55 acres of buildable area;
- As the parent parcel, Lot 2 will not be able to be subdivided for a period of 25 years;
- The site is not within the regulated Environmental Constraints Overlay Area;
- There are no sinkhole conservancy areas delineated on the proposed plat;
- The new proposed parcel will have access to E State Road 45 through a pre-existing 40' easement shown in Exhibit 1;
- The site is surrounded by residential and agricultural uses;

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

- This site is located in the Farm and Forest area as stated in the Comprehensive Plan;

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

Findings

- The subdivision will result in one new lot;
- The parent parcel, made up of 7.57 acres, will not be able to be subdivided for a period of 25 years;
- The remaining 3.62 acre lot could not be subdivided further under the current Subdivision Control Ordinance;
- Proposed Lot 1 will be considered a conforming lot because it meets the Subdivision Control guidance for Sliding Scale Subdivisions in Chapter 862;
- There is a platted tree preservation area meeting the requirements in Chapter 856;
- All adjacent zoning is Forest Reserve (FR);
- See findings under (A) and (B) above;

(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) above;

- Without the subdivision, the petitioner could place a Detached Accessory Dwelling Unit on the lot as a permitted use;
- The sliding scale subdivision would create one new lot that meets the requirements of Chapter 862. Lot 1 has over 1 acre of buildable area;

(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) – (D) above;

(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 BUILDABLE AREA REQUIREMENT FOR LOT 2 ONLY

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

- (6) Any lots intended for residential use created by the sliding scale option subdivision method shall include 1 acre of buildable area. This provision may only be waived for proposed lots including pre-existing residential structures.

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:

- Chapter 804 (Table 4-1 (I)) specifies that all Forest Reserve (FR) lots created after October 2, 2015 shall include a minimum of 1 acre of buildable area.
- Chapter 862 specifies that any lots intended for residential use created by the sliding scale option subdivision method shall include 1 acre of buildable area. This provision may only be waived for proposed lots including pre-existing residential structures;
- Lot 2 is zoned Forest Reserve (FR) and contains one single family residence and an accessory structure;
- Proposed lot 2 contains 0.55 acres of buildable area;
- There is a pre-existing residential structure on Lot 2 that is one single family dwelling;
- The single family dwelling and one accessory structure on lot 2 are located in the buildable area, and meet all setbacks;
- Any further development of lot 2 must take place within the 0.55 acres of buildable area delineated on the plat;
- Proposed Lot 2 meets all other height, bulk, density and area requirements of Chapters 804 and 862;

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

Findings:

- See findings under Section 1;

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

Findings:

- See findings under Section 1;

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;

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

Findings:

- See findings under Section 1;

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 Sliding Scale subdivision option is the only subdivision option available to this property, as there is no sewer in this area and the lot is too small to create lots greater than 10 acres each;
- Chapter 862 specifies that the buildable area provision may only be waived for proposed lots including pre-existing residential structures;
- There is a pre-existing residential structure on Lot 2 that is one single family dwelling;
- 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;

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

Findings:

- The slope topography of the property and the location of access to the right-of-way limits the opportunities for dividing up the total 1.71 acres of buildable area across the two lots. It is not feasible to have 1 acre of buildable area for each lot;
- 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 1: Skirvin Sliding Scale Preliminary Plat (1 of 2)

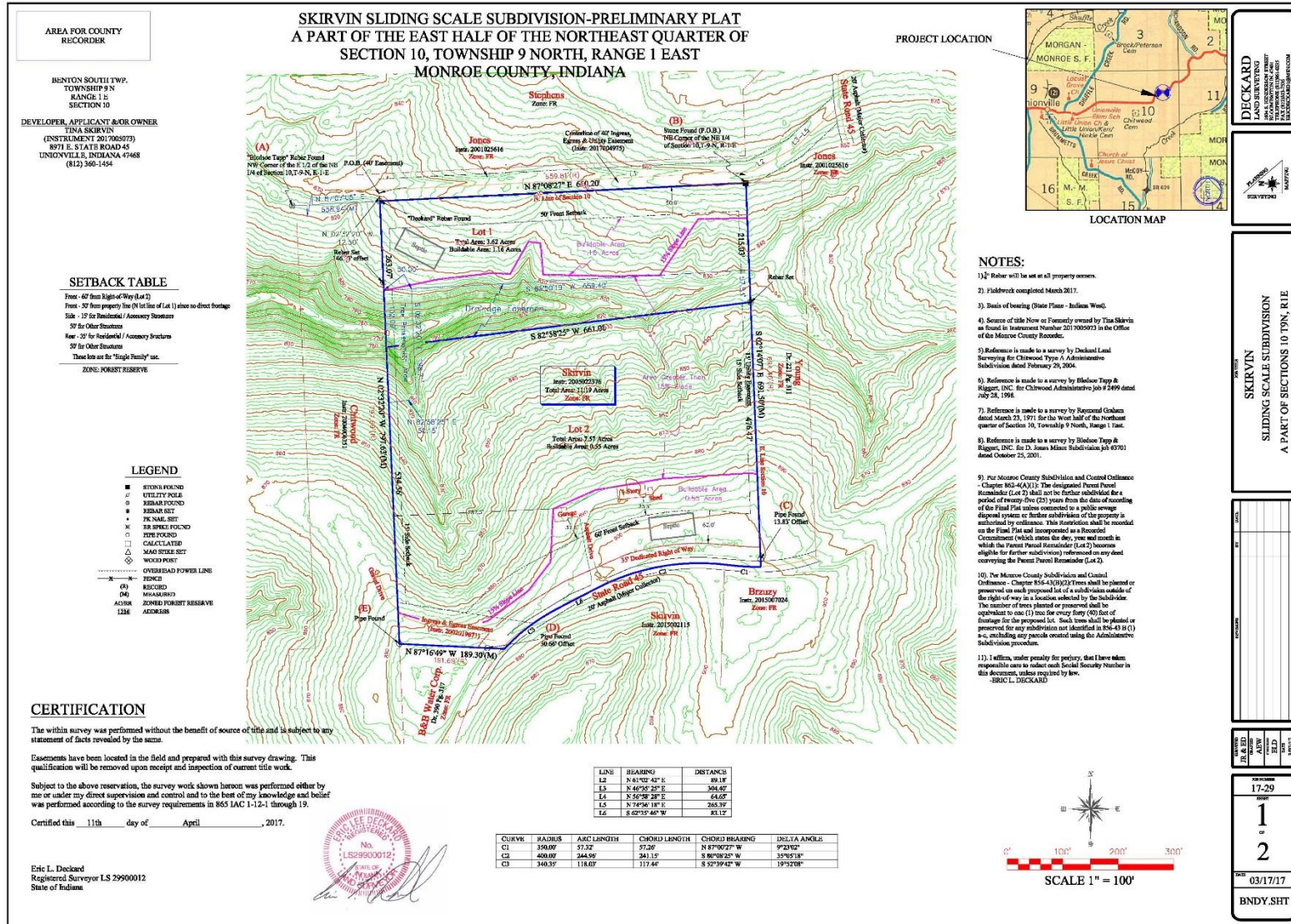


EXHIBIT 1: Skirvin Sliding Scale Preliminary Plat (2 of 2)

AREA FOR COUNTY RECORDER		SKIRVIN SLIDING SCALE SUBDIVISION-PRELIMINARY PLAT A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 NORTH, RANGE 1 EAST MONROE COUNTY, INDIANA		BENTON SOUTH TWP. TOWNSHIP 9 N RANGE 1 E SECTION 10 DEVELOPER, APPLICANT & OR OWNER TINA SKIRVIN (NSIRUMH-K-1 201700317) 8971 E. STATE ROAD 45 UNIONVILLE, INDIANA 47468 (812) 360-1454									
SURVEYOR'S REPORT <p>In accordance with Title 865, IAC, 1-12 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:</p> <p>A). (Variation) in the reference monuments B). (Discrepancies) in the record description and plat C). (Inconsistencies) in lines of occupation and D). (Relative Positional Accuracy) "RPA"</p> <p>The relative positional accuracy (due to random errors in measurements) of this survey is within that allowable for a Suburban survey (0.13 plus 100 PPM) as defined I.A.C. Title 865 ("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.")</p> <p>SUBJECT PROPERTY:</p> <p>A Sliding Scale Subdivision was performed the property now or formerly owned by Tina Saunders as found in Instrument Number 2005022376 in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property and to divide into two separate lots. The subject property is located in Section 10, Township 9 North, Range 1 East, Monroe County, Indiana.</p> <p>REFERENCE MONUMENTS:</p> <p>A). A 58" diameter rebar was found marking the Northwest corner of the East half of the Northeast quarter of Section 10, Township 9 North, Range 1 East. This rebar was found to be referenced as said corner in a survey performed by Eric L. Deckard for Chitwood Type A Administrative Subdivision dated February 29th, 2004 and was accepted and held as said corner.</p> <p>B). A 6" x 3" stone with pipe on side was found 2 inches above grade marking the Northeast corner of the Northeast quarter of Section 10, Township 9 North, Range 1 East. This stone was found to be of record in the Office of the Monroe County Surveyor as Corner (L3, "Q5") and was accepted and held as said corner.</p> <p>C). A 3/4 inch diameter pipe was found 2 inches above grade marking a 13.83 foot offset to the Southeast corner of the subject property. The origin of this pipe is unknown, however, was found to agree with other monuments in the area and was accepted and held as said offset.</p> <p>D). A 1/2 inch diameter pipe was found 5 inches above grade marking a 30.66 foot offset to the Northeast corner of the land now or formerly owned by B&B Water Corp. (De 390, page 317). The origin of this pipe is unknown, however, was found to agree with other monuments in the area and was accepted and held as said offset.</p> <p>E). A 1/2 inch diameter pipe was found 3 inches above grade marking the Southwest corner of the subject property. The origin of this pipe is unknown, however, was found to agree with other monuments in the area and was accepted and held as said corner.</p> <p>LINKS OF OCCUPATION:</p> <p>The lines of occupation, which affect this survey, are detailed as follows:</p> <p>1). No substantial lines of occupation were found along the east and west lines of the subject property.</p> <p>2). The centerline of State Road 45 was accepted and held as the south line of the subject property.</p> <p>3). The centerline of a 12 foot gravel drive was found running east and west along the north line of the subject property. This centerline recorders from 20.7 feet north of line at the west end to 19.5 feet north of line at the east end.</p> <p>RECORD DESCRIPTIONS:</p> <p>1). The subject description was found to not close mathematically by a distance of 11.50 feet.</p>		SURVEY DESCRIPTION <p>A part of the East half of the Northeast quarter of Section 10, Township 9 North, Range 1 East, Monroe County, Indiana, being more particularly described as follows:</p> <p>Beginning at a stone found marking the Northeast corner of the Northeast quarter of said Section 10; thence South 02 degrees 14 minutes 07 seconds East along the east line of said quarter for a distance of 691.50 feet to the centerline of State Road 45, passing through a pipe found at 677.67 feet; thence the following (4) courses along said centerline: 1). 57.32 feet along a 350.00 foot radius curve to the right whose chord bears North 87 degrees 08 minutes 27 seconds West for a distance of 57.26 feet; 2). thence with a reverse curve for 244.96 feet along a 400.00 foot radius curve to the left whose chord bears South 80 degrees 08 minutes 25 seconds West for a distance of 241.15 feet; 3). South 62 degrees 35 minutes 46 seconds West for a distance of 83.12 feet; 4). 118.03 feet along a 140.35 foot radius curve to the left whose chord bears South 52 degrees 39 minutes 42 seconds West for a distance of 117.44 feet; thence leaving said centerline North 87 degrees 16 minutes 40 seconds West for a distance of 189.30 feet to a pipe found passing through a pipe found at 30.66 feet; thence North 02 degrees 32 minutes 20 seconds West for a distance of 797.63 feet to a rebar found stamped "Deckard" on the north line of the Northeast quarter of said Section 10; thence along said north line North 87 degrees 08 minutes 27 seconds East for a distance of 660.20 feet to the Point of Beginning, containing 11.19 acres, more or less.</p> <p>Subject to the right-of-way of State Road 45 and all legal encumbrances of record.</p>		DEDICATION OF PUBLIC RIGHTS-OF-WAY: <p>Owner/Developer: Tina Skirvin, owner of the real estate shown and described herein do hereby certify, lay off and plat Lots number one and two to be known as SKIRVIN SLIDING SCALE 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 SKIRVIN SLIDING SCALE SUBDIVISION. There are building setbacks on this plat upon which no structures may be erected or maintained.</p> <p>Witness our hands and seals this _____ day of _____, 20____.</p> <p>Tina Skirvin 8971 E. State Road 45 Unionville, Indiana 47468</p> <p>STATE OF INDIANA) COUNTY OF MONROE) SS: Before me, the undersigned Notary Public, in an for said County and State, personally appeared Tina Skirvin acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.</p> <p>Witness my hand and notarial seal this _____ day of _____, 20____.</p> <p>Notary Public: _____ County of Residence: _____ (Seal) My Commission Expires: _____</p> <p>These parcels were approved by the Monroe County Plan Commission on: (Date: _____)</p> <p>STORM & SURFACE DRAINAGE: There will be no disturbance to the natural drainage. This is to certify that portions of the subject property do not appear to be located in a special flood hazard area, according to FEMA, Panel 218105C0160D dated December 17th, 2010.</p> <p>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 Sliding Scale Subdivision procedure.</p> <p>Monroe County Plan Commission: President: _____ Secretary: _____</p>									
<p>DECKARD LAND SURVEYING & ENGINEERING 1001 N. MONROE STREET EVANSVILLE, INDIANA 47713 TEL: 812-425-1111 WWW.DECKARD-SURV.COM</p> <p>MONROE COUNTY SLIDING SCALE SUBDIVISION A PART OF SECTIONS 10 T9N, R1E</p> <table border="1"><thead><tr><th>DATE</th><th>FILED</th><th>RECORDED</th><th>INDEXED</th><th>ASSIGNED</th></tr></thead><tbody><tr><td>17-29</td><td>2</td><td>2</td><td></td><td></td></tr></tbody></table> <p>03/17/17 BNDY.SIT</p>		DATE	FILED	RECORDED	INDEXED	ASSIGNED	17-29	2	2			<p>STATE OF INDIANA No. LS29900012 STATE OF INDIANA COUNTY OF MONROE</p>	
DATE	FILED	RECORDED	INDEXED	ASSIGNED									
17-29	2	2											