

# **MONROE COUNTY PLAT COMMITTEE**



**October 17, 2019  
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**

North Showers Building, 501 N. Morton Street, Room 224, Bloomington, IN

October 17, 2019

**4:00 pm**

**REGULAR MEETING**

**OLD BUSINESS:**

**NEW BUSINESS:**

- |                       |   |                |
|-----------------------|---|----------------|
| <b>1. 1908-SSS-12</b> | <b>Thackery Sliding Scale Subdivision Preliminary Plat.<br/>Plat Committee Decision.</b><br>Two (2) parcels on 13.01 +/- acres in Section 28 of Van Buren Township at 5272 S Harmony Road.<br><b>Zoned AG/RR.</b>             | <b>PAGE 3</b>  |
| <b>2. 1908-SSS-13</b> | <b>Carter on Wolf Mountain Sliding Scale Subdivision<br/>Preliminary Plat.</b><br>Four (4) parcels on 89.0 +/- acres in Sections 7 & 18 of Bean Blossom Township at 9556-9626 W Wolf Mountain RD.<br><b>Zoned AG/RR.</b>      | <b>PAGE 23</b> |
| <b>3. 1908-SMN-06</b> | <b>Melvin Stewart Minor Subdivision Preliminary Plat.<br/>Plat Committee Decision.</b><br>Two (2) parcels on 131.7 +/- acres in Sections 25 & 26 of Perry Township at 4285 E Stipp RD.<br><b>Zoned AG/RR / ECO 1 &amp; 2.</b> | <b>PAGE 44</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 MEETING****October 17, 2019**

|                    |  |
|--------------------|--|
| <b>PLANNER</b>     | Drew A. Myers  |
| <b>CASE NUMBER</b> | 1908-SSS-12, Thackery Sliding Scale Subdivision Preliminary Plat   |
| <b>PETITIONER</b>  | Ross, C/o Eric Deckard, Deckard Land Surveying   |
| <b>ADDRESS</b>     | 5272 S Harmony RD (53-09-28-200-003.000-015)   |
| <b>REQUEST</b>     | Sliding Scale Subdivision Preliminary Plat to subdivide 1 parcel into 2 parcels.<br>Plat Committee Decision. |
| <b>ZONE</b>        | AG/RR  |
| <b>ACRES</b>       | 13 acres +/-   |
| <b>TOWNSHIP</b>    | Van Buren  |
| <b>SECTION</b>     | 28   |
| <b>COMP. PLAN</b>  |  |
| <b>DESIGNATION</b> | Rural Residential  |

**EXHIBITS**

1. Thackery Sliding Scale Subdivision Preliminary Plat

**RECOMMENDATION**

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat based on findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, and County Surveyor reports.

**SUMMARY**

The petition site is one 13 +/- acre parcel located in Van Buren Township and contains a single family dwelling and a pole barn. The petition site maintains frontage along S Harmony RD, which is classified as a Major Collector with a 45' right-of-way according to the Monroe County Thoroughfare Plan.

The site is currently zoned Agriculture/Rural Reserve (AG/RR), which requires a 2.5 acre minimum lot size and a minimum lot width of 200' at building line. The petitioner is proposing to subdivide the current 13 acre parcel into two new parcels that meet the minimum requirements and the lot development standards of Chapter 862 for Sliding Scale Subdivisions:

**Lot 1:** 10.00 acres total (parent parcel), including 6.50 acres of buildable area and 0.73 acres of flood hazard; this lot contains a 48' x 98' pole barn that received a permit in April 2003 (03-RA-054).

**Lot 2:** 2.57 acres total, including 1.89 acres of buildable area; this lot contains a single family residence with an outdoor pool.

Lot 1 is 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.

The site petitioned for a Minor Subdivision and Sewer Waiver back in 2015 with the intent to subdivide the 1 parcel into 3 parcels (1504-SMN-07). The timing of the filing coincided with a change in the Subdivision Control Ordinance, which changed the requirements for subdividing on a septic system. Due to this change and the fact that the petition did not meet the new rules, the Monroe County Plan Commission denied the petition by a vote of 5-3 at the Regular Session meeting on July 21, 2015. The votes to deny the Minor Subdivision petition came primarily from the denial of the Sewer Waiver due to a lack of practical difficulty.

## **INFRASTRUCTURE AND ACCESS**

The parcel maintains frontage along S Harmony RD, a 19' wide Major Collector with 45' of right-of-way. Right-of-way dedication has been shown on the proposed preliminary plat. Lots 1 and 2 will utilize existing driveway cut. The gravel driveway that services the existing storage pole barn on proposed Lot 1 is located within a 50' ingress/egress and utility easement.

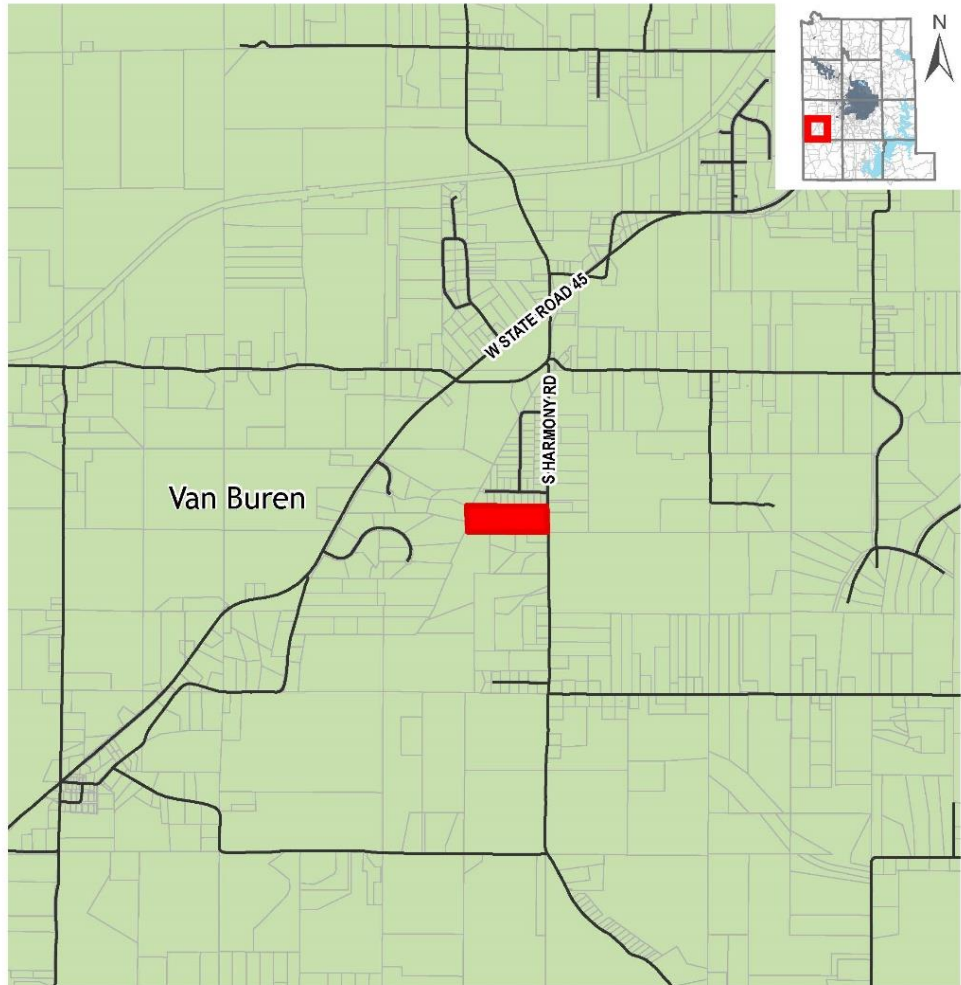
Septic permits have been submitted to the Planning Department for both Lots 1 and 2. The lots do not need to meet the sanitary sewer requirement of Chapter 856-39 because this provision does not apply to a Sliding Scale Option Subdivision under Chapter 862.

## LOCATION MAP

The site is located at 5272 S Harmony RD in Section 28 of Van Buren Township (Parcel #: 53-09-28-200-003.000-015).

### 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: 9/26/2019

## SITE CONDITIONS

The site contains one single family residence with an outdoor pool and a 4,708 square foot storage pole barn. There are no known karst features on the property. There is FEMA floodplain on the property near the western property line, and a flood hazard area along the northern property line. None of the property is within the Environmental Constraints Overlay. All two proposed lots meet the 15% buildable area requirements for each newly created lot per Chapter 862. The site is fairly flat with some mild steep slopes near the existing single family residence.

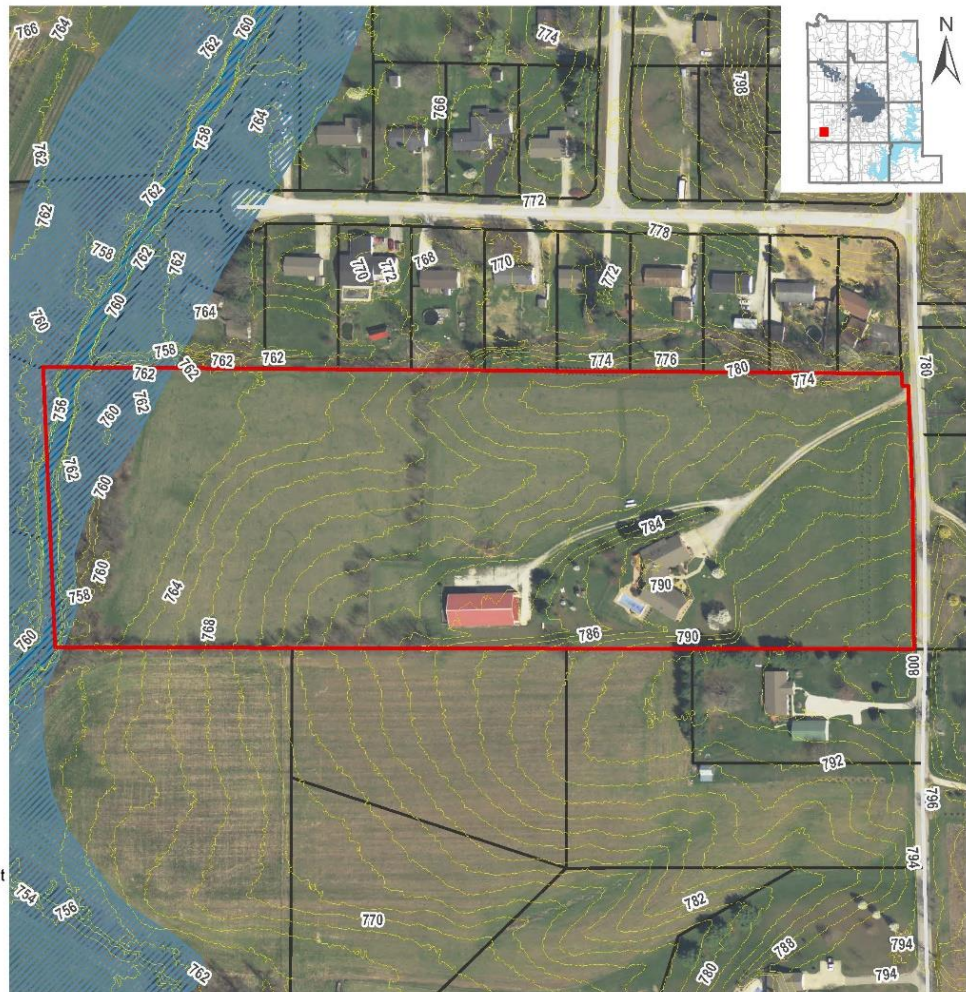
### Site Conditions Map

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









0 50 100 200 300 400 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/26/2019



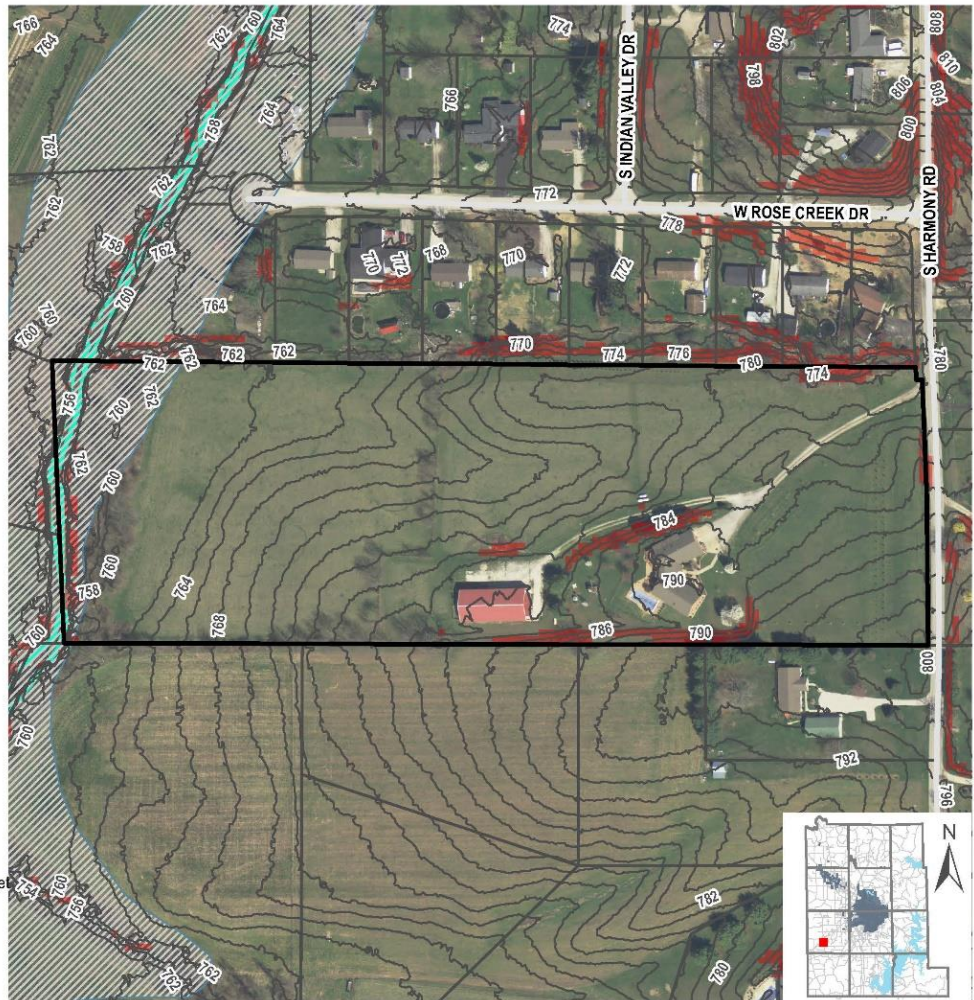
# Slope Map

-  Petitioner
-  Roads
-  Parcels
-  2-Foot Contours
- 15% Slope (2010)**
-  0 - 15
-  > 15
-  FEMA Floodplain
-  Hydrologic Features

0 50 100 200 300 400 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/26/2019



## ADJACENT USES / ZONING

The parcel is zoned Agriculture/Rural Reserve (AG/RR). The neighboring properties are also zoned AG/RR and Suburban Residential (SR). The proposed use on Lot 1 and Lot 2 is designated as “Single Family Use”.

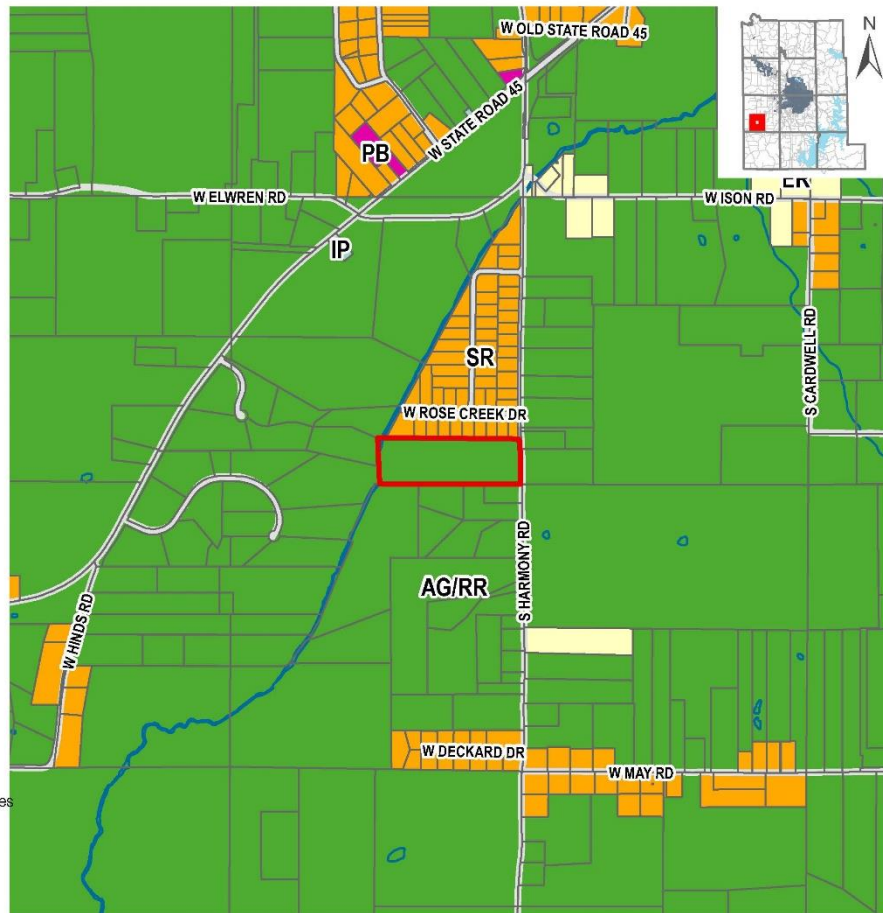
### Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
  -  AG/RR - Agriculture/Rural Reserve
  -  ER - Estate Residential
  -  IP - Institutional/Public
  -  PB - Pre-Existing Business
  -  SR - Suburban Residential

0 0.05 0.1 0.2 0.3 0.4 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/26/2019



## **SITE PICTURES**



**Photo 1.** Pictometry view from the south



**Photo 2.** Pictometry view from the north



**Photo 3.** Facing south – view of the eastern property line and S Harmony RD



**Photo 4.** Facing west – view of the existing single family residence and tree preservation



**Photo 5.** Facing west – view of the southern property line



**Photo 6.** Facing north – view of the eastern property line and S Harmony RD



**Photo 7.** Facing southwest – view of the driveway and easement servicing proposed Lot 1 and 2



**Photo 8.** Facing northwest – view of the property



**Photo 9.** Facing southwest – view of the existing single family residence on proposed Lot 2



**Photo 10.** Facing southwest – view of the pole barn on proposed Lot 1



**Photo 11.** Facing southwest – view of the pole barn



**Photo 12.** Facing northwest – view of the northern property line



**Photo 13.** Facing west – view of fence line and the remainder of proposed Lot 1



**Photo 14.** Facing south – view of a portion of proposed Lot 2



**Photo 15.** Facing southeast – view of the existing single family residence on proposed Lot 2



**Photo 16.** Facing east – view of the driveway and access easement

## **COMPREHENSIVE PLAN DISCUSSION**

The petition site is located within the Rural Residential Comprehensive Plan designation, which states:

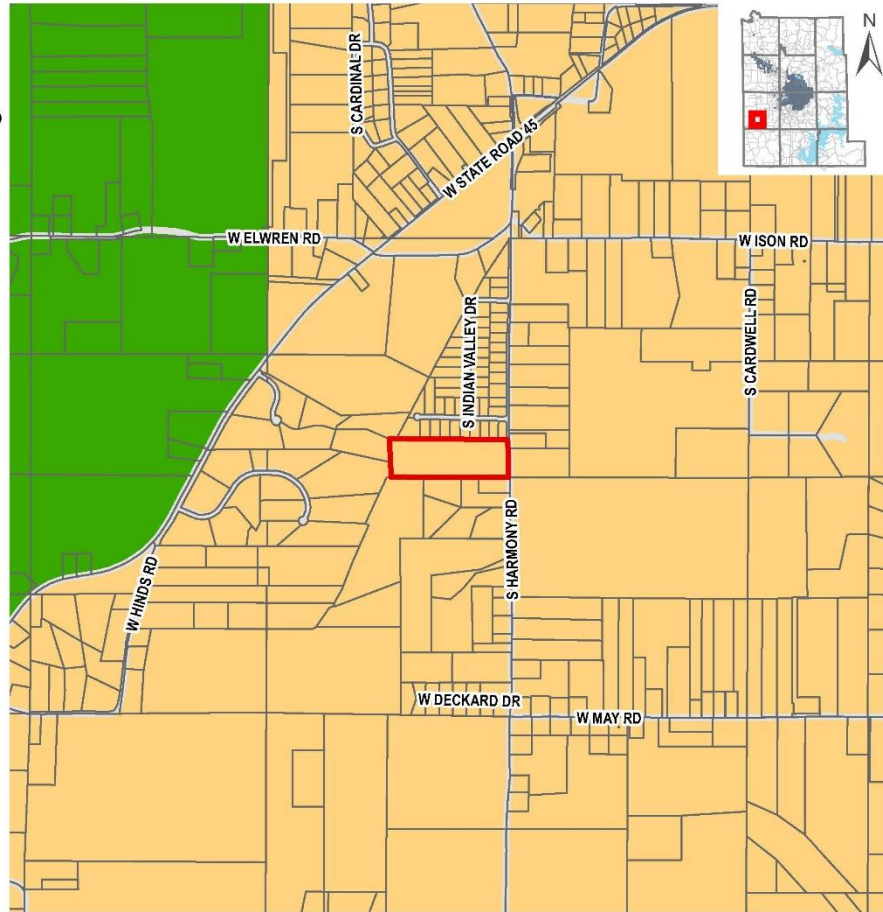
### **Rural Residential**

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 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.

# Comprehensive Plan

-  Petitioner
-  Townships
-  Monroe Co. Urbanizing Area (MCUA)
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
  -  Conservation Residential
  -  Farm and Forest
  -  Rural Residential
  -  MCUA Open Space
  -  MCUA Rural Transition
  -  MCUA Suburban Residential



0 0.125 0.25 0.5 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/26/2019

## **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 property is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation Agriculture/Rural Reserve;
- The petitioner currently has one lot of record and would like to add one additional lot of record;
- Approval of the subdivision would result in the following:
  - Lot 1: 10.00 acres total (parent parcel), including 6.50 acres of buildable area and 0.73 acres of flood hazard; this lot contains a 48' x 98' pole barn that received a permit in April 2003 (03-RA-054).
  - Lot 2: 2.57 acres total, including 1.89 acres of buildable area; this lot contains a single family residence with an outdoor pool.
- The proposed use category for the lots is single family;
- Approximately 0.73 acres on proposed Lot 1 is within the flood hazard area;
- Per Chapter 862, the parent parcel could not be subdivided for a period of 25 years unless access to public sewer became available;

- (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 Urbanizing Area Plan designates the site as Rural Residential which supports low density residential development;
- See findings under Section A;

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

#### **Findings**

- The surrounding uses are residential in nature;
- See findings under Section A;

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

#### **Findings**

- The property is currently zoned Agriculture/Rural Reserve (AG/RR);
- Adjacent properties are zoned Agriculture/Rural Reserve (AG/RR); and Suburban Residential (SR);
- The property does not require street trees or sidewalks;
- The plat does show a tree preservation area along S Harmony RD;
- 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:**

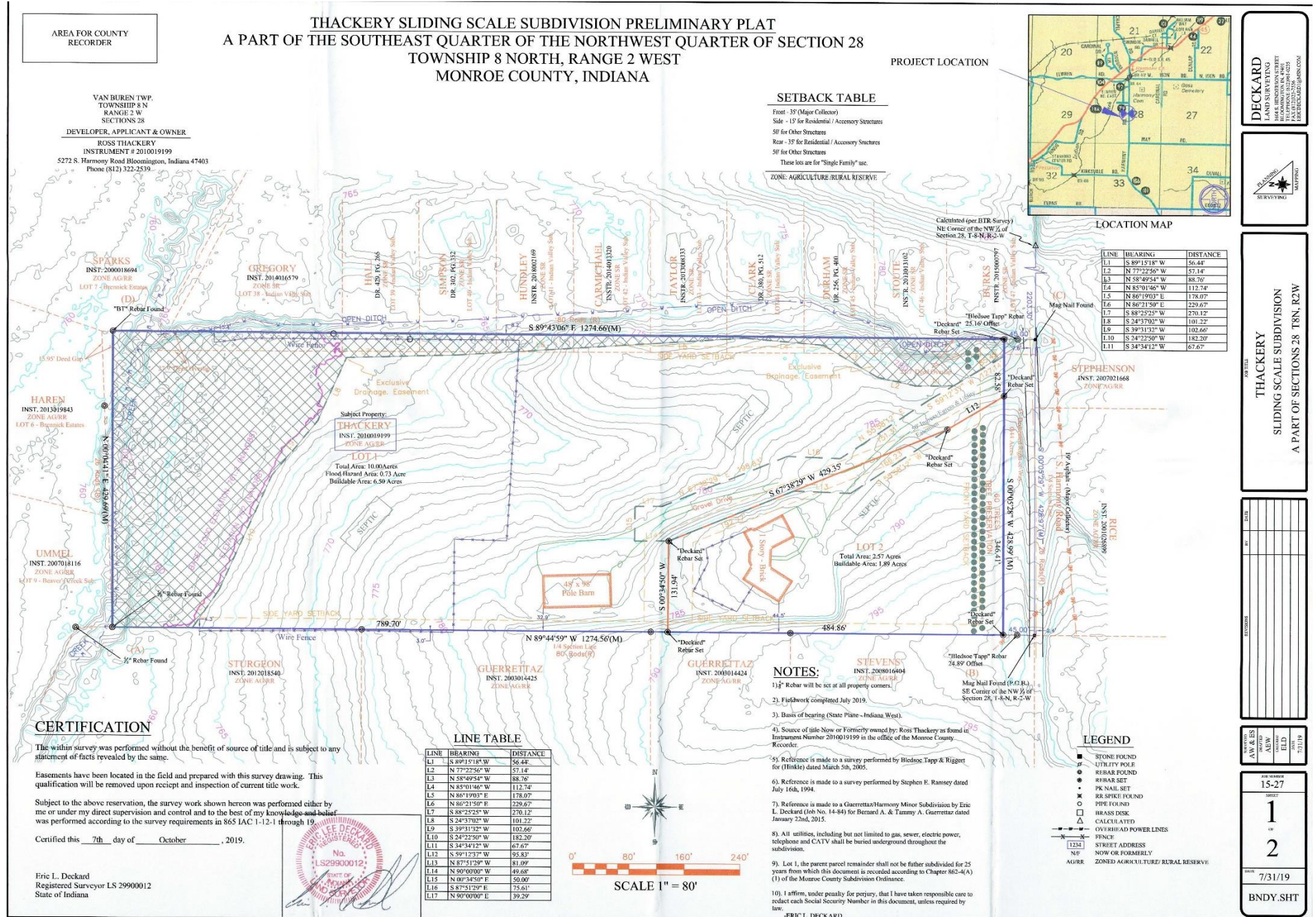
- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

- (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 1: Thackery Sliding Scale Subdivision Preliminary Plat





**MONROE COUNTY PLAT COMMITTEE****October 17, 2019**

**PLANNER:** Anne Crecelius  
**CASE NUMBER:** 1908-SSS-13 Carter on Wolf Mountain Sliding Scale Subdivision Preliminary Plat  
**PETITIONER:** Mary Lou Carter c/o Jess Gwinn  
**ADDRESS:** 9556 W Wolf Mountain Rd  
**REQUEST:** Sliding Scale Preliminary Plat to Subdivide Two Parcels into Four Lots  
**ZONING:** Agricultural/Rural Reserve (AG/RR)  
**ACRES:** 88.61 +/-  
**TOWNSHIP:** Bean Blossom  
**SECTION(S):** 3  
**PLAT(S):** Unplatted  
**COMP PLAN**  
**DESIGNATION:** Farm and Forest

**EXHIBITS:**

- 1) Preliminary Plat
- 2) Drainage Easement
- 3) Driveway Permit Applications
- 4) Health Department Violation

**RECOMMENDATION**

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

1. Health Department Compliance regarding Lot 4 as a dwelling
2. Approved driveway permits from the Highway Department

**PLAT COMMITTEE**

Plat Committee decision.

**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.

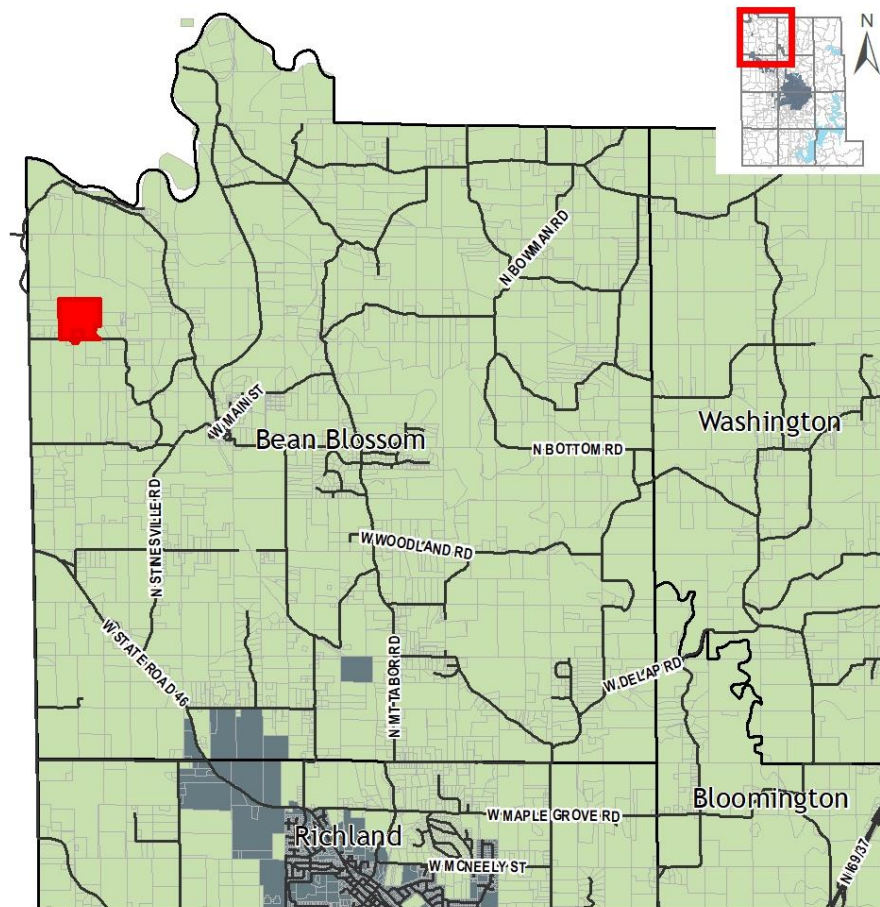
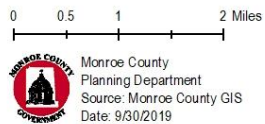
|                   | <b>Lot 1</b>   | <b>Lot 2</b>   | <b>Lot 3</b>  | <b>Lot 4</b>                           |
|-------------------|--|--|---|--|
| <b>Structures</b> | Residential storage structure  | SFR and Accessory Structures   | SFR and Accessory Structures                                      | unpermitted structure used as dwelling |
| <b>Driveways</b>  | Remove 2 <sup>nd</sup> drive, required actions on approved location. | Share Lot 3 driveway. Remove 2 <sup>nd</sup> drive. Required actions on approved location. | Share driveway with Lot 2. Required actions on approved location. | Approved.                              |
| <b>Compliance</b> | Yes  | Yes  | Yes   | No, see Exhibit 4.                     |

## LOCATION MAP

The petition site is 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**
- Ellettsville
- Parcels



## 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



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



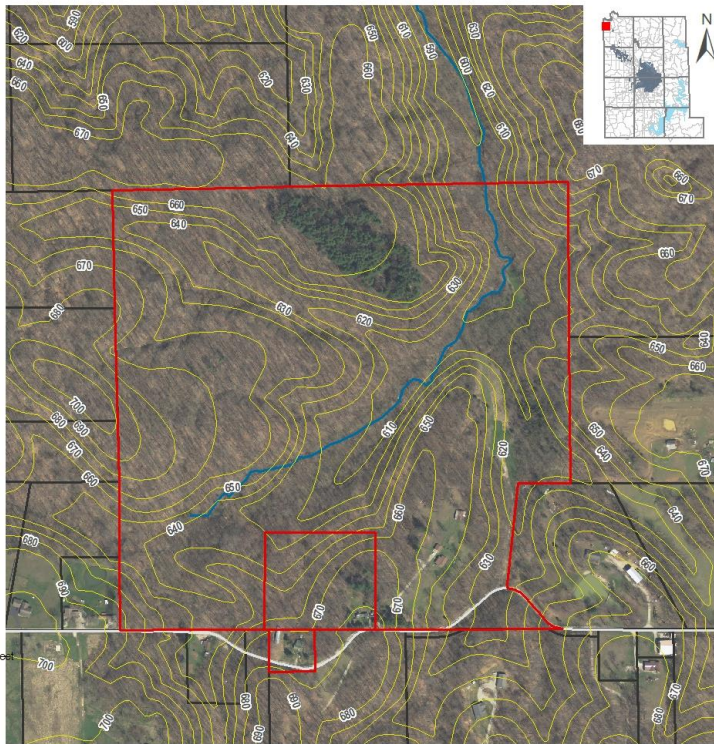
### Site Conditions Map

- 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

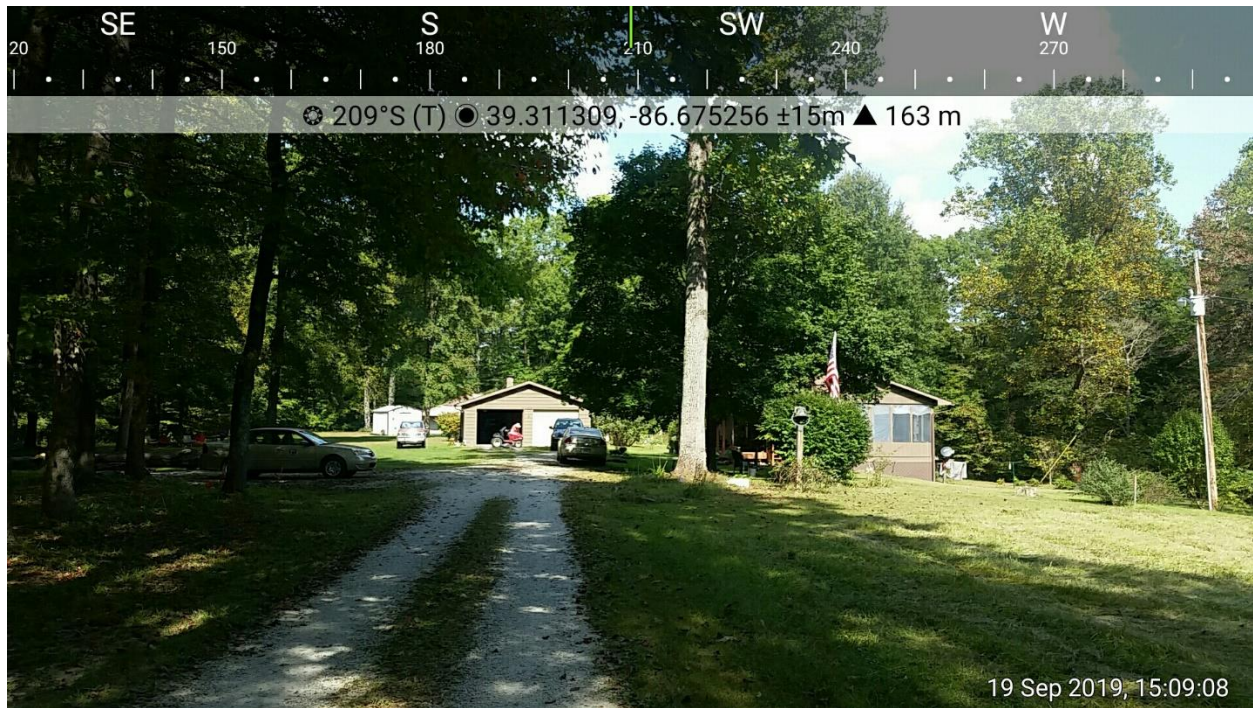


Photo 1. Proposed Lot 3 existing residence and accessory structures.



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).

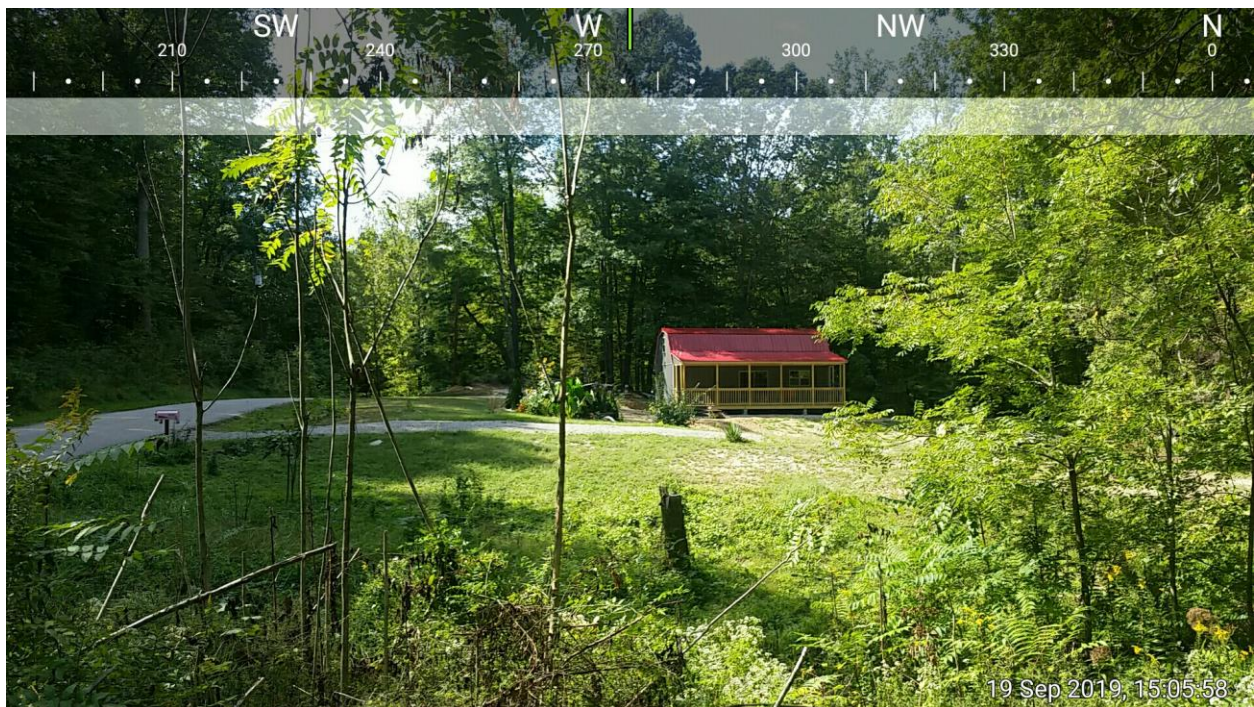


Photo 4. Proposed Lot 1 existing residential storage structure and driveway.

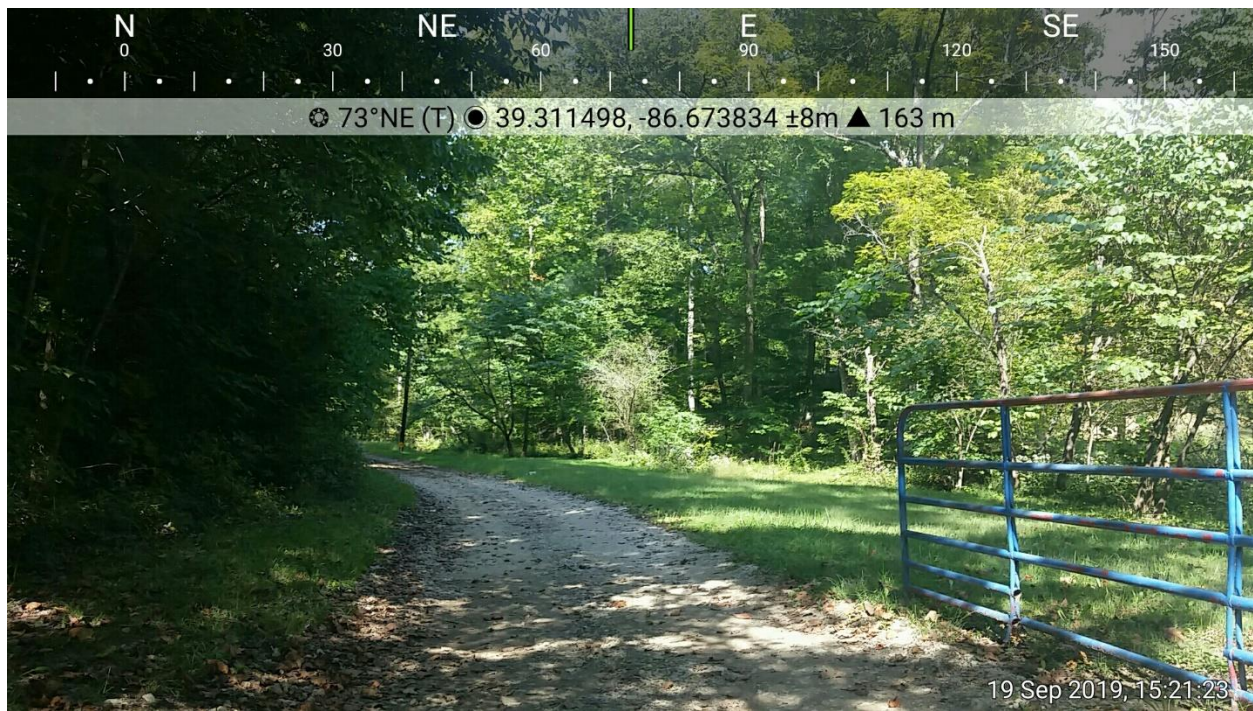


Photo 5: Proposed Lot 4 existing driveway.

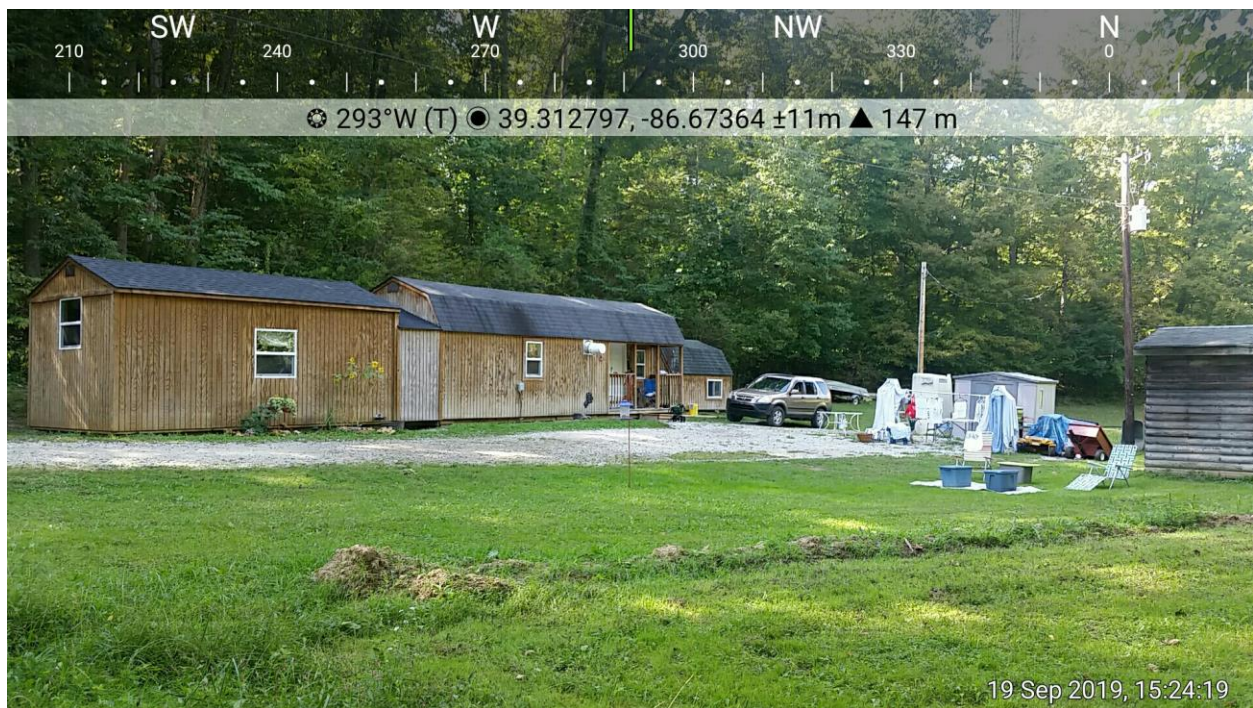


Photo 6: Proposed Lot 4 existing structure that is being used as a dwelling.

## ZONING / ADJACENT USES

The site is zoned Agricultural Rural Reserve (AG/RR) with primary uses of residential. The two parcels currently contain two (2) pre-existing residences with accessory structures (on Proposed Lots 2 and 3) and one (1) unconfirmed pre-existing dwelling (on Proposed Lot 4). The surrounding parcels are zoned Agricultural Rural Reserve (AG/RR) and primary uses are residential and agricultural.

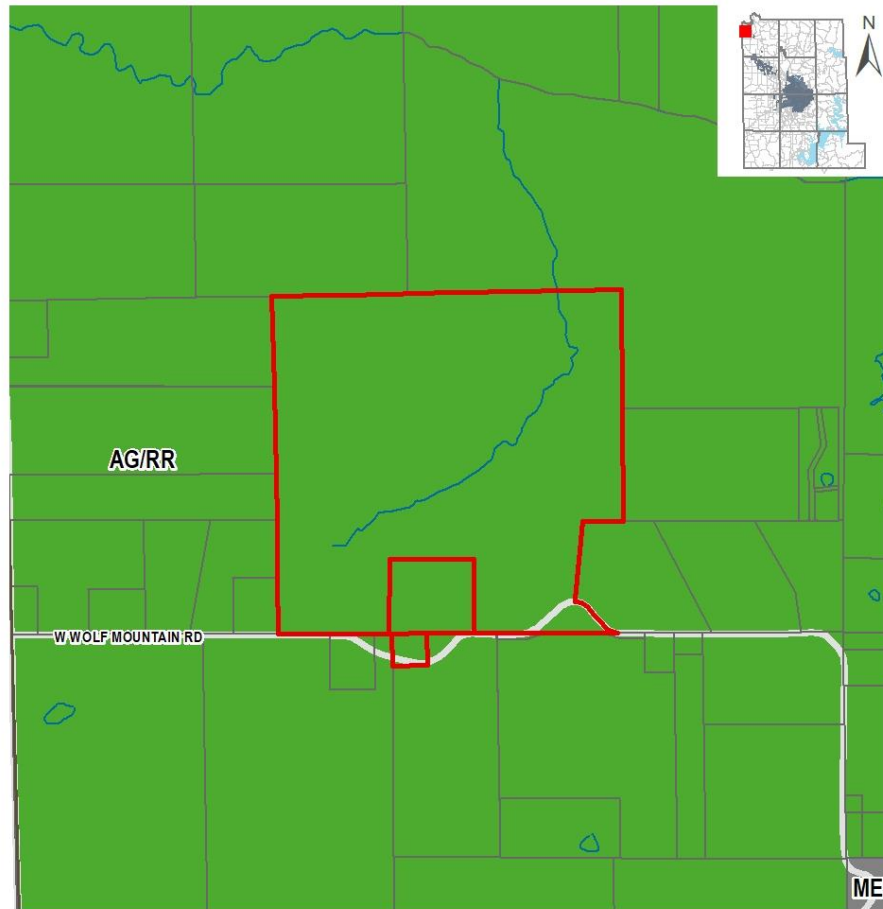
### Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ME - Mineral Extraction

0 0.05 0.1 0.2 Miles



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



## **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.

Driveway permits were submitted to the Highway Department and four driveway permits were approved for specific locations with conditions, see Exhibit 3.




The existing residences located on Proposed Lots 2 and 3 are served by private septic systems. Proposed Lots 1 and 4 have approved septic permits and their locations are identified on the Preliminary Plat.

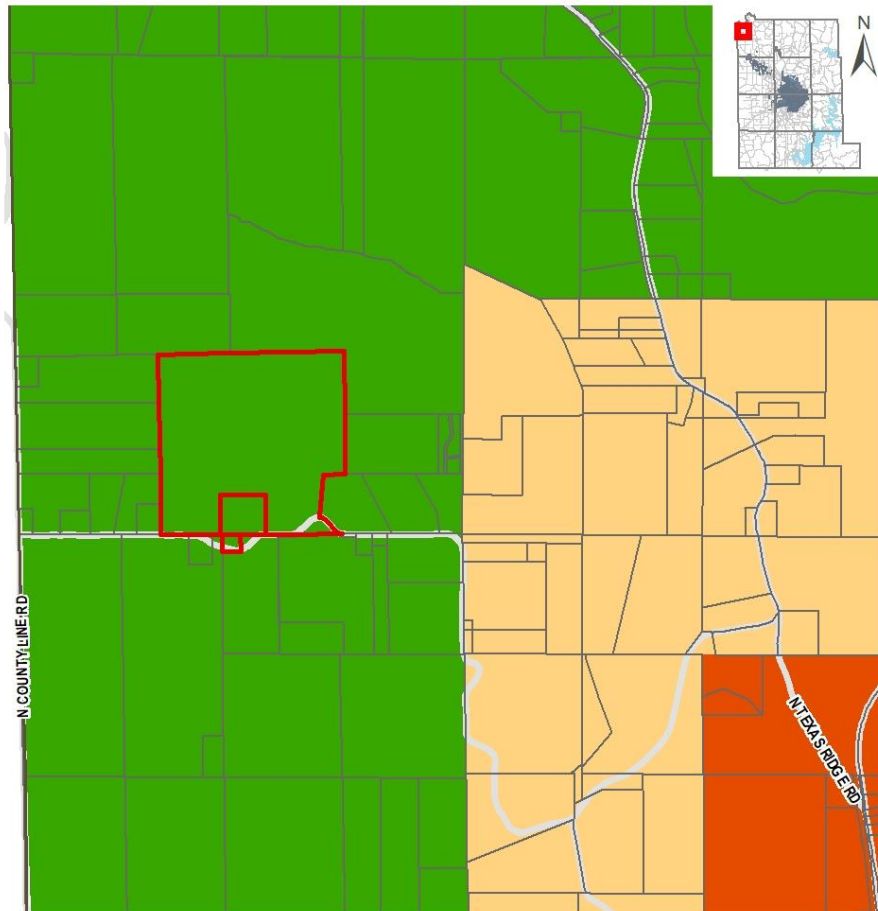
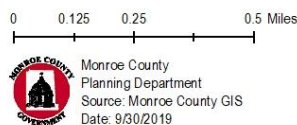
Lot 4 is currently in violation of Monroe County Code 365-2 “Requirements for a Private Sewage Disposal System and Connection with Public Sewers”, see Exhibit 4.

## COMPREHENSIVE PLAN

The petition site is located within the 2015 Farm and Forest Comprehensive Plan designation which states:

### Comprehensive Plan

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



### 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 Lot 1 contains a residential storage structure;
- Proposed Lot 2 contains a Single Family Residence and Accessory Structure;
- Proposed Lot 3 contains a Single Family Residence and Accessory Structures;
- Proposed Lot 4 contains an unpermitted structure which is being used a dwelling;
- 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;
- Septic permit applications have been approved;
- Proposed Lot 4 is in violation with the Health Department;
- Driveway permit applications have been submitted and approved with conditions by the Highway Department;
- 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:**

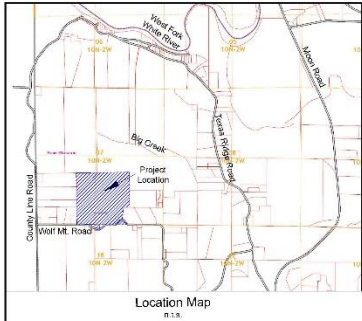
- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

**(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 12/17/2010).
  - 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 2008012611, 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:

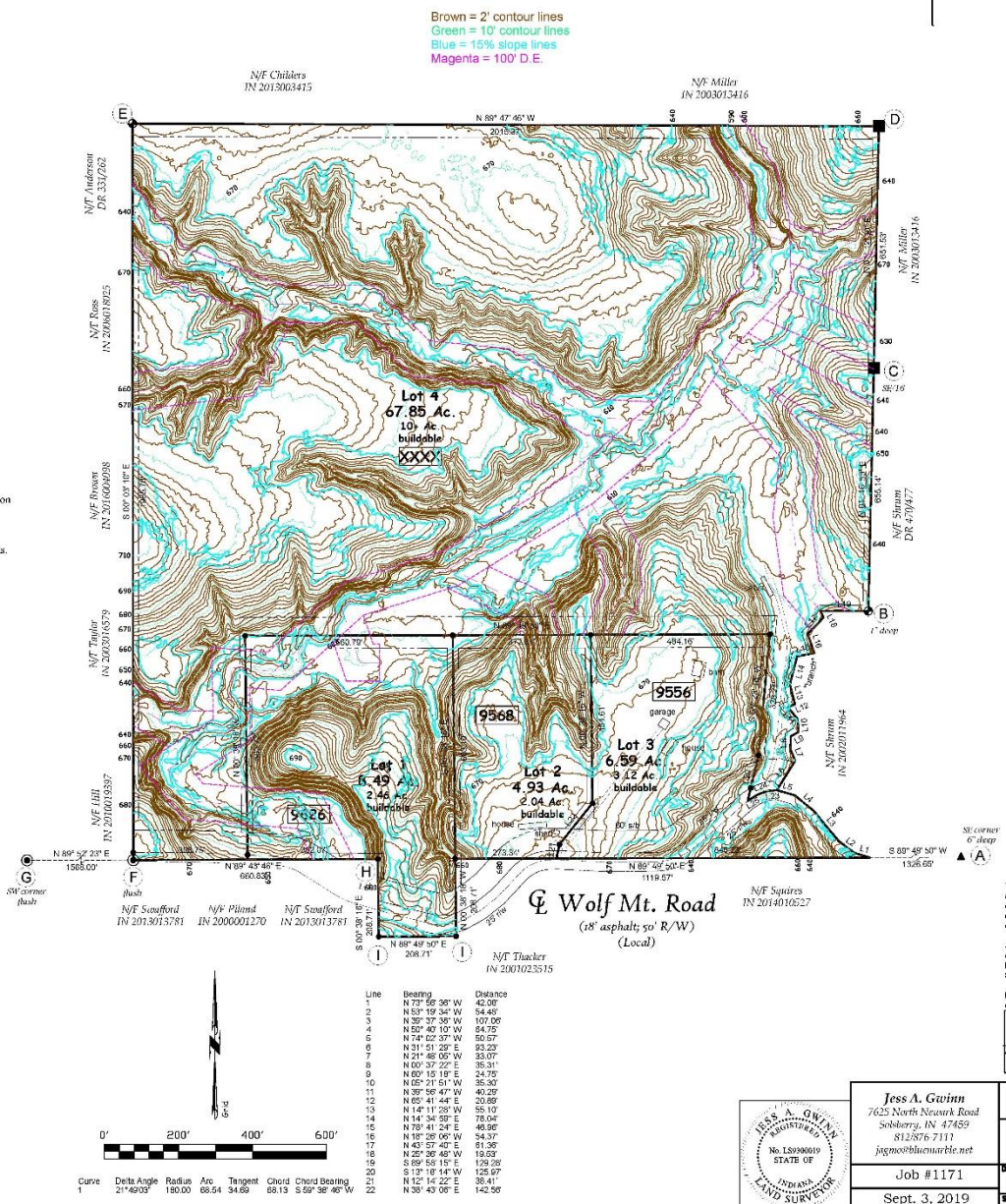
Susie Johnson-President

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 Siding 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  
812.878.2153  
IN 2000012929  
IN 2000012928

Mary Elizabeth Carter  
POB 616  
Ellettsville, IN 47429  
812.360.7078  
IN 2016014854

Designer & Surveyor  
Jess A. Gwinn  
7625 North Newark Road  
Solsberry, IN 47459  
812.878.7111

9556 lot address on W. Wolf Mt. Road

- Mag nail found flush
- 5/8" rebar w/ top set 4" tall
- land now or formerly of
- Deed Record
- Instrument Number
- Record dimension
- corner reference in surveyor's report
- rebar found as noted
- Stone found as noted
- Rail road found 6" deep

Zoning:  
AG/RR

SETBACK TABLE

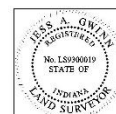
Front - 60' from R/W or 50' w/ no direct footage  
Side - 15' for Residential & Accessory Structures; 50' for others  
Rear - 35' for Residential & Accessory Structures; 50' for others

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 86S IAC 1-1-2-1 through 34.

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

Jess A. Gwinn



|   |  |
|---|--|
| Sections 7 & 18, T-10-N, R-2-W<br>Monroe County, IN   |  |
| Carter Sliding Scale<br>Subdivision--Preliminary Plat   |  |
| Jess A. Gwinn<br>7625 North Newark Road<br>Solsberry, IN 47459<br>812.878.7111<br>jag@thelucanville.net | DRIVING FILE<br>C:\ghg\homer\JH1111\Cartersubdiv\Jag |
| Job #1171   | NO   |
| Sept. 3, 2019   | SCALE: 1" = 200'                                     |

| REVISIONS |             |      |          |
|-----------|-------------|------|----------|
| REV       | DESCRIPTION | DATE | APPROVED |
|           |             |      |          |

LEGAL DESCRIPTION

A part of the south half of Section 7 and a part of the northeast quarter of Section 18, Township 10 North, Range 2 West, Monroe County, Indiana, and being more particularly described as follows:

Commencing at a rail road spike at the southeast corner of said Section 7; thence South 89 degrees 49 minutes 50 seconds West (grid bearing basis) 1326.65 feet on the south line of said section to the POINT OF BEGINNING; thence on the centerline of Wolf Mountain Road the following five courses: 1) North 73 degrees 56 minutes 36 seconds West 42.08 feet; thence 2) North 53 degrees 19 minutes 34 seconds West 54.48 feet; thence 3) North 39 degrees 37 minutes 38 seconds West 107.06 feet; thence 4) North 50 degrees 40 minutes 10 seconds West 64.75 feet; thence 5) North 74 degrees 02 minutes 37 seconds West 50.57 feet to the centerline of a branch; thence along said branch centerline the following thirteen courses: 1) North 31 degrees 51 minutes 29 seconds East 93.23 feet; thence 2) North 21 degrees 48 minutes 05 seconds West 33.07 feet; thence 3) North 00 degrees 37 minutes 22 seconds East 35.31 feet; thence 4) North 60 degrees 15 minutes 18 seconds East 24.75 feet; thence 5) North 05 degrees 21 minutes 51 seconds West 35.30 feet; thence 6) North 39 degrees 56 minutes 47 seconds West 40.29 feet; thence 7) North 65 degrees 41 minutes 44 seconds East 20.89 feet; thence 8) North 14 degrees 11 minutes 28 seconds West 55.10 feet; thence 9) North 14 degrees 34 minutes 59 seconds East 78.04 feet; thence 10) North 78 degrees 41 minutes 24 seconds East 46.96 feet; thence 11) North 18 degrees 26 minutes 06 seconds West 54.37 feet; thence 12) North 43 degrees 57 minutes 40 seconds East 61.36 feet; thence 13) North 25 degrees 36 minutes 48 seconds West 19.53 feet to the north line of the land of Shrum (IN 2002011964), thence South 89 degrees 58 minutes 15 seconds East 129.28 feet on said north line to a 5/8" rebar on the east line of the southwest quarter of the southeast quarter of the aforesaid Section 7; thence North 01 degrees 16 minutes 53 seconds East 655.14 feet to a stone at the northeast corner of said quarter quarter; thence North 01 degrees 12 minutes 50 seconds East 651.53 feet on the east line of the south half of the northwest quarter of said southeast quarter to a stone at the northeast corner thereof; thence North 89 degrees 47 minutes 46 seconds West 2015.37 feet on the north line of said half quarter quarter and the north line of the south half of the northeast quarter of the southwest quarter of Section 7 to a 1/2" rebar at the northeast corner of the land of Anderson (LR 331/262); thence South 00 degrees 03 minutes 10 seconds East 1985.70 feet on the east line of said land of Anderson and the east lines of the land of Ross (IN 2006018025), Brown (IN 2016004098), Taylor (IN 2003016579), and Hill (IN 2010019397) to a Mag nail at the southeast corner thereof; thence North 89 degrees 43 minutes 46 seconds East 660.83 feet on the south line of the aforesaid Section 7 to a 5/8" capped rebar at the northwest corner of the aforementioned northeast quarter of Section 18; thence South 00 degrees 38 minutes 16 seconds East 208.71 feet on the west line of said northeast quarter to a 5/8" capped rebar; thence North 89 degrees 49 minutes 50 seconds East 208.71 feet on the line of Thacker (IN 2001023515) to a 5/8" capped rebar; thence North 00 degrees 38 minutes 16 seconds West 208.71 feet on the line of Thacker to a 5/8" capped rebar on the north line of the aforesaid northeast quarter of Section 18; thence North 89 degrees 49 minutes 50 seconds East 1119.57 feet on said north line to the point of beginning; said described tract containing 89.00 acres, more or less.

SURVEYOR'S REPORT

In accordance with Title 865, Article 1, Chapter 12, (formerly Rule 12) Section 1 through 34 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:

- VARIANCES in the reference monuments;
- DISCREPANCIES in the record descriptions and plats;
- INCONSISTENCIES in lines of occupation and;
- RANDOM ERRORS in Measurement (Theoretical Uncertainty).

The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established in this survey is within specifications for a Suburban survey (0.13 feet +/- 100 ppm) as defined in 865. I.A.C.

SUBJECT PROPERTY:

A retracement and original boundary survey was performed on the land owned by Claude and Mary Lou Carter. This property is located in Sections 7 and 18, Township 10 North, Range 2 West, Monroe County, Indiana. The property is described in IN (Instrument Number) 2000012928 and 2000012929 (all deeds in the Office of the Monroe County Recorder unless otherwise noted).

This survey was performed at the request of the owners in order to divide the property into four lots per their instructions.

REFERENCE PLANS:

- Survey in Sections 7 and 8 by Eugene Bowers, Monroe County Surveyor, 12/29/1898, Book 2, page 556.
- Survey of 86.25 acres in Section 7 by Edmund O. Farkas, S0114, 3/26/1979, DR 422-494.
- Survey of 5.02 acres in Section 7 by Edmund O. Farkas, S0114, 6/21/2000, IN 2000012928.
- Survey in Section 18 by Raymond Graham, RL S 9978, 7/13/2000, job #90-196.
- "Type 'A' Administrative Subdivision" in Section 7 by Raymond Graham, RL S 9978, 11/27/2000, job #00-434.
- "Shrum Type 'E' Administrative Subdivision" in Section 7 by Jess A. Gwinn, RL S 9300019, 11/30/2007.
- "Carter Type 'B' Administrative Subdivision" in Section 7 by James C. Bennett, S0438, 3/17/2008.
- Survey in Section 18 by Rachel Oser, RL S 21100022, 6/28/2013, job #7901.
- Survey of 17.30 acres in Section 7 by Edmund O. Farkas, S0114, 4/18/1983.

REFERENCE MONUMENTS:

Refer to the monuments keyed on the survey drawing by circled letters and surveys listed under "Reference Plans." The current survey is mostly a retracement of Reference Plan 7 based upon monuments depicted on said survey.

A. A rail road spike was found 6" deep at the southeast corner of Section 7 per witnesses obtained from the Monroe County Surveyor. The origin of this monument is unknown. No perpetuation records were found for this corner. The corner is a few feet west of the centerline of a north to south gravel lane.

B. A 5/8" rebar was found 1" deep on the east property line per Reference Plans 6 and 7. The rebar is at the southwest base of a wood fence post a foot north of a fence corner with wire fences heading east, north, and west therefrom.

C. A 6 x 8" stone was found 8" tall at the Southeast 1/16 corner of Section 7 per Reference Plan 1.

D. A 4 x 8" stone was found 3" tall at the northeast property corner per Reference Plan 1.

E. A 1/2" rebar was found 3" tall at the northwest property corner, presumably per Reference Plan 2 as no monuments are called for on the survey plat or description. A rebar is called for at this corner per Reference Plan 9 by the same surveyor.

F. A Mag nail was found flush at the southwest property corner. The origin of this monument is unknown but is depicted as found per Reference Plan 7. The nail is 3 feet north of the centerline of Wolf Mountain Road in line with an old fence heading to the north.

G. A Mag nail was found flush at the southwest corner of Section 7 per common report. No perpetuation records were found for this corner. The nail is in the centerline intersection of County Line Road and Wolf Mountain Road.

H. A 5/8" capped rebar was set 4" tall at the 1/4 corner between Sections 7 and 18. No perpetuation records were found for this corner. A 5/8" capped rebar was found at N 84° 01' 01" W 9.25 feet from the corner per Reference Plan 3. The found rebar has a plastic cap stamped "E. Farkas S0114". The found Farkas rebar was mistakenly accepted as the section corner per Reference Plans 4 and 8. The Farkas survey does not call this rebar the section corner and clearly states that the 5.02 acre parcel straddles the line between the southwest and southeast quarters of Section 7.

I. 5/8" capped rebar at the northeast, southeast, and southwest corners of the 1 acre tract in Section 18 per Reference Plan 4. These rebar all have caps stamped "Graham PC 9800014". As discussed above under corner "H", the rebar accepted as the section corner was incorrect, thus all three of these found rebar were set in the wrong location. 5/8" capped rebar were set 4" tall at the correct corners.

OCCUPATION OF LINES:

- The existing centerline of Wolf Mountain Road was accepted along portions of the south property line as depicted on the plat.
- Old wire fences meander within several feet of the exterior property lines.
- A "branch" or "creek" is called for as the boundary between the subject Carter property and the land of Shrum per the Carter deed and Reference Plan 2. The historic Shrum deed (DR 146/245) likewise mentions this "branch". Reference Plan 2 calls for the branch on the plat and description but simply gives a straight line dimension from end to the other. Unfortunately, Reference Plan 5 does not mention the branch either on the plat or the description and appears to use the straight line given in Reference Plan 2. The owners east of the branch have since built a fence along a portion of this straight line.

RECORD DESCRIPTIONS:

The following discrepancies were noted between the record descriptions.

The "branch" discussed above in item 3 of "Occupation of Lines" is the only questionable area of concern in the deeds. The call to a "branch" in the Carter deed is definite while the call in the Shrum deed is only to the "branch" at the south end but does not definitively follow the branch north.

We, Claude H. and Mary Lou Carter, owner of the real estate described herein, certify that we have subdivided and platted it according to this plat.

This subdivision is called "Carter Sliding Scale Subdivision-Final Plat", an addition to Monroe County, Indiana, and consists of four lots, numbered 1 through 4. The rights-of-way shown, as far as they have not already been so dedicated are hereby dedicated to Monroe County.

Front and sideyard setback lines are established per the current Monroe County Zoning Ordinance. Between them and the property lines 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 \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Claude H. Carter, owner Mary Lou Carter, owner

STATE OF INDIANA )  
 ) SS.  
COUNTY OF MONROE )

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared Claude H. and Mary Lou Carter, owners of "Carter Sliding Scale Subdivision-Final Plat", and acknowledged the execution of the foregoing for the purposes therein expressed.

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

County of Residence \_\_\_\_\_ Commission expires \_\_\_\_\_

Notary Public Signature \_\_\_\_\_ Notary Public printed \_\_\_\_\_

I, Mary Elizabeth Carter, owner of the real estate described herein, certify that I have subdivided and platted it according to this plat.

This subdivision is called "Carter Sliding Scale Subdivision-Final Plat", an addition to Monroe County, Indiana, and consists of four lots, numbered 1 through 4. The rights-of-way shown, as far as they have not already been so dedicated are hereby dedicated to Monroe County.

Front and sideyard setback lines are established per the current Monroe County Zoning Ordinance. Between them and the property lines 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 \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Mary Elizabeth Carter, owner

STATE OF INDIANA )  
 ) SS.  
COUNTY OF MONROE )

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared Mary Elizabeth Carter, owner of "Carter Sliding Scale Subdivision-Final Plat", and acknowledged the execution of the foregoing for the purposes therein expressed.

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

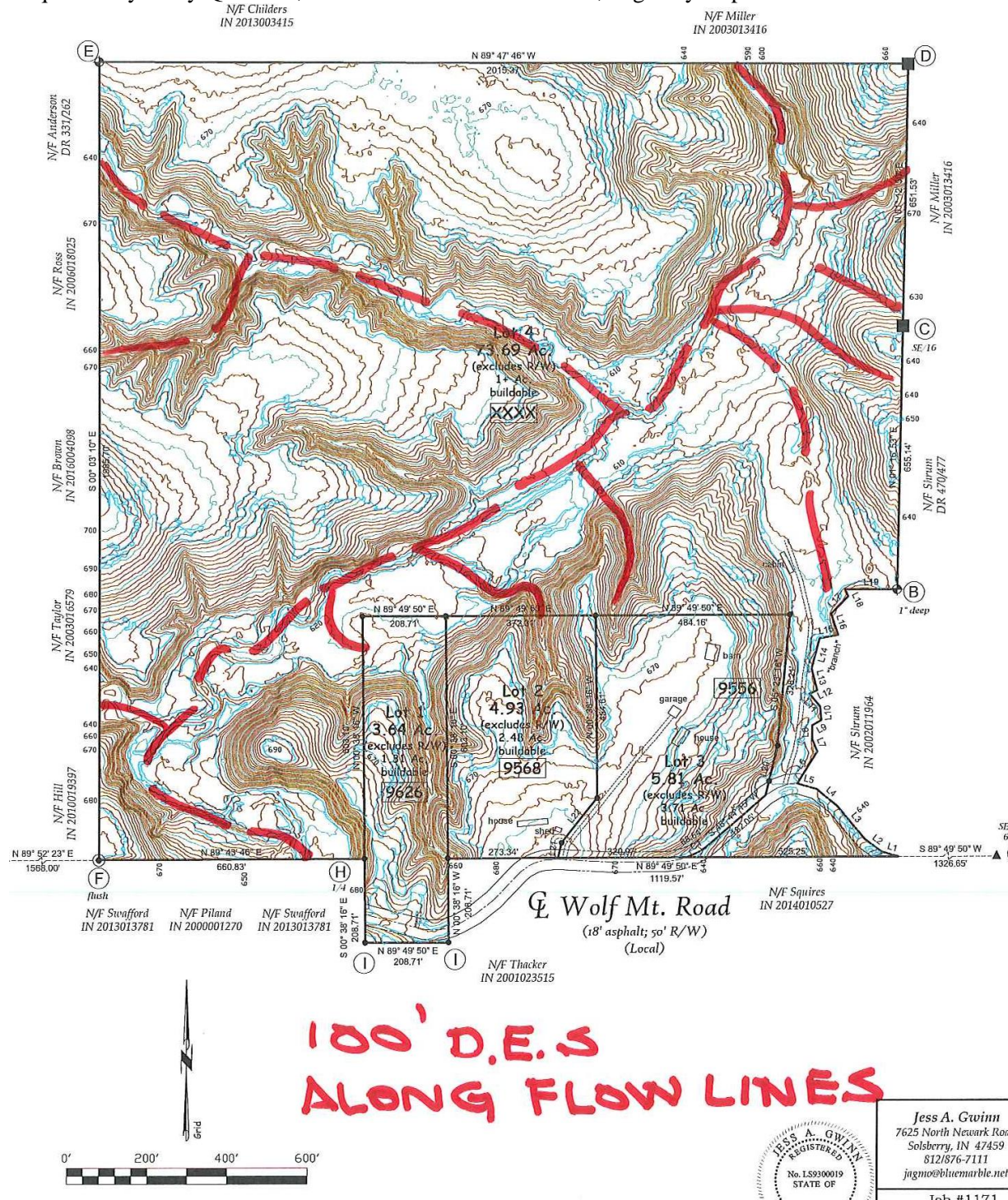
County of Residence \_\_\_\_\_ Commission expires \_\_\_\_\_

Notary Public Signature \_\_\_\_\_ Notary Public printed \_\_\_\_\_

|   |   |   |              |
|---|---|---|--------------|
| Jess A. Gwinn<br>7625 North Newark Road<br>Solsberry, IN 47439<br>812/876-7111<br>jagwin@bluemarble.net | Sections 7 & 18, T-10-N, R-2-W<br>Monroe County, IN   |   |              |
|   | Carter Sliding Scale<br>Subdivision--Preliminary Plat |   |              |
| Job #1171   | DRAWN FILE  | C:\light survey jobs\1171\Carter boundary.dwg | DAY          |
| Sept. 3, 2019   | SCALE 1" = 200'                                       | DRAWN BY JAG                                  | SHEET 2 of 2 |

## EXHIBIT 2: Drainage Easements

Requested by Terry Quillman, MS4 Stormwater Coordinator, Highway Department.



### EXHIBIT 3: Driveway Permit Applications



## Monroe County Highway Department Driveway Permit Application

Application# \_\_\_\_\_  
Permit# \_\_\_\_\_  
Date \_\_\_\_\_

**Please fill form out completely**

Date: 9/13/19

Phone: 812-876-2153

Owner's Name: Mary Elizabeth Carter

Owner's Present Address: 9626 W Wolf Mountain Rd

Address, Road Name, Lot # and Subdivision Name of proposed driveway to be inspected.  
(If no address yet attach directions. See **NOTE** below):

9626 W Wolf Mountain Road

CARTER SLIDING SCALE LOT #1

Parcel Number: 53-03-18-200-002-.000-001

Contractor: n/a

**Driveway Classification - Check all boxes that apply to your drive.**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> New Driveway                     | <input type="checkbox"/> Commercial Driveway             | <input type="checkbox"/> Logging Entrance             |
| <input checked="" type="checkbox"/> Pre-Existing Driveway | <input checked="" type="checkbox"/> Residential Driveway | <input type="checkbox"/> Temporary Construction Drive |
| <input type="checkbox"/> Road Project                     | <input type="checkbox"/> Farm Field Entrance             | <input type="checkbox"/> Utility Pull Off Entrance    |

What are you building? sliding scale sub-dividing

If commercial, what is the intended use? N/A

**NOTE:** We must have address before permit can be issued. If you do not have an address yet attach directions and/or map to this application on how to get to your proposed driveway. You **must** stake with red flagging tape we will give you so that our inspector can find the driveway location. **We will not check your drive unless it is staked and/or flagged unless this step is waived by the Monroe County Highway Department.**

Signature: Mary Lou Carter

#### STAFF USE ONLY:

Date Inspected 9/13/19

By BA

Road Classification LOCAL ROAD

Speed Limit 30 M.P.H.

Sight Distance 238' EAST 157' WEST

Coordinates 39.3105390°N 086.6773781°W

Existing Drainage C&G / Pipe / Swale If pipe is required, diameter & length \_\_\_\_\_

Notes CLEAR BRUSH AND CUT DOWN BANK TO THE WEST FOR SIGHT DISTANCE REQUIREMENTS.

BEST LOCATION

300' OF SIGHT DISTANCE CAN BE OBTAINED IF NEIGHBOR CLEARS BRUSH TO THE EAST.



Monroe County Highway Department  
Driveway Permit Application

Application# \_\_\_\_\_  
Permit# \_\_\_\_\_  
Date \_\_\_\_\_

Please fill form out completely

Date: 9/13/19

Phone: 812-876-2153

Owner's Name: Claude & Mary Lou Carter

Owner's Present Address: 9556 W Wolf Mountain Rd

Address, Road Name, Lot # and Subdivision Name of proposed driveway to be inspected.  
(If no address yet attach directions. See **NOTE** below):

9568 W Wolf Mountain Road

CAROL SLIDING SCALE LOT# 2

Parcel Number: 53-03-07-300-010-.000-001

Contractor: n/a

Driveway Classification - Check all boxes that apply to your drive.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> New Driveway                     | <input type="checkbox"/> Commercial Driveway             | <input type="checkbox"/> Logging Entrance             |
| <input checked="" type="checkbox"/> Pre-Existing Driveway | <input checked="" type="checkbox"/> Residential Driveway | <input type="checkbox"/> Temporary Construction Drive |
| <input type="checkbox"/> Road Project                     | <input type="checkbox"/> Farm Field Entrance             | <input type="checkbox"/> Utility Pull Off Entrance    |

What are you building? sliding scale sub-dividing

If commercial, what is the intended use? N/A

**NOTE:** We must have address before permit can be issued. If you do not have an address yet attach directions and/or map to this application on how to get to your proposed driveway. You **must** stake with red flagging tape we will give you so that our inspector can find the driveway location. **We will not check your drive unless it is staked and/or flagged unless this step is waived by the Monroe County Highway Department.**

Signature: Mary Lou Carter

STAFF USE ONLY:

|                     |                    |  |                            |
|---------------------|--------------------|--|----------------------------|
| Date Inspected      | 9/13/19            | By                                     | BA                         |
| Road Classification | LOCAL ROAD         | Speed Limit                            | 30 M.P.H.                  |
| Sight Distance      | 184' EAST OK WEST  | Coordinates                            | 39.3109330°N 084.6758744°W |
| Existing Drainage   | C&G / Pipe / Swale | If pipe is required, diameter & length |                            |

Notes: THIS PERMIT Voids PERMIT # 1-99-147.

THIS PARCEL HAS ACCESS THROUGH USE OF A SHORED DRIVEWAY ENTRANCE WITH 9556 WEST WOLF MOUNTAIN ROAD. THIS PERMIT IS ISSUED FOR THE ENTRANCE AT THE ROAD ONLY.

CUT BANK DOWN TO THE EAST FOR SIGHT DISTANCE REQUIREMENTS.

300' OF SIGHT DISTANCE CAN BE OBTAINED IF NEIGHBOR CLEARS BRUSH TO THE SOUTH.



# Monroe County Highway Department Driveway Permit Application

Application# \_\_\_\_\_  
Permit# \_\_\_\_\_  
Date \_\_\_\_\_

Please fill form out completely

Date: 9/13/19

Phone: 812-876-2153

Owner's Name: Claude & Mary Lou Carter

Owner's Present Address: 9556 W Wolf Mountain Rd

Address, Road Name, Lot # and Subdivision Name of proposed driveway to be inspected.  
(If no address yet attach directions. See **NOTE** below):

9556 W Wolf Mountain Road

CARTER SLIDING SCALE LOT #3.

Parcel Number: 53-03-07-400-011-.000-001

Contractor: n/a

Driveway Classification - Check all boxes that apply to your drive.

☐ New Driveway  
☒ Pre-Existing Driveway  
☐ Road Project

☐ Commercial Driveway  
☒ Residential Driveway  
☐ Farm Field Entrance

☐ Logging Entrance  
☐ Temporary Construction Drive  
☐ Utility Pull Off Entrance

What are you building? sliding scale sub-dividing

If commercial, what is the intended use? N/A

**NOTE:** We must have address before permit can be issued. If you do not have an address yet attach directions and/or map to this application on how to get to your proposed driveway. You **must** stake with red flagging tape we will give you so that our inspector can find the driveway location. **We will not check your drive unless it is staked and/or flagged unless this step is waived by the Monroe County Highway Department.**

Signature: Mary Lou Carter

## STAFF USE ONLY:

Date Inspected 9/13/19

By BA

Road Classification LOCAL ROAD

Speed Limit 30 M.P.H.

Sight Distance 205' EAST 139' WEST

Coordinates 39.3109340° N 081.6757481° W

Existing Drainage C&G / Pipe / Swale If pipe is required, diameter & length \_\_\_\_\_

Notes THIS PERMIT UDDIS PERMIT # 1-99-617.

THIS PARCEL HAS ACCESS THROUGH USE OF A SHARED DRIVEWAY ENTRANCE WITH 9568 WEST WOLF MOUNTAIN ROAD. THIS PERMIT IS ISSUED FOR THE ENTRANCE AT THE ROAD ONLY.

CUT BANK DOWN TO THE EAST FOR SIGHT DISTANCE REQUIREMENTS.

300' OF SIGHT DISTANCE CAN BE OBTAINED IF NEIGHBOR CLEARS BUSH TO THE SOUTH.



Monroe County Highway Department  
Driveway Permit Application  
Planning Review

Application# \_\_\_\_\_  
Permit# \_\_\_\_\_  
Date \_\_\_\_\_

Please fill form out completely

Date: 9/13/19

Phone: 812-876-2153

Owner's Name: Claude & Mary Lou Carter

Owner's Present Address: 9556 W Wolf Mountain Road

Address, Road Name, Lot # and Subdivision Name of proposed driveway to be inspected.  
(If no address yet attach directions. See NOTE below):

TBD

CARTER SLIDING SCALE LOT # 4

Parcel Number: TBD

Contractor: n/a

Driveway Classification - Check all boxes that apply to your drive.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> New Driveway                     | <input type="checkbox"/> Commercial Driveway             | <input type="checkbox"/> Public Hearing Required? |
| <input checked="" type="checkbox"/> Pre-Existing Driveway | <input checked="" type="checkbox"/> Residential Driveway | <input type="checkbox"/> Subdividing Property     |

What are you building? sliding scale sub-dividing

If commercial, what is the intended use?

**NOTE:** We must have address and parcel number before permit can be issued. If you do not have an address yet attach directions and/or map to this application on how to get to your proposed driveway. You **must** stake with red flagging tape we will give you so that our inspector can find the driveway location. **We will not check your drive unless it is staked and/or flagged unless this step is waived by the Monroe County Highway Department.**

Signature: Mary Lou Carter

**STAFF USE ONLY:**

Date Inspected 9/13/19

By BA

Road Classification LOCAL ROAD

Speed Limit 30 M.P.H.

Sight Distance OK

Coordinates 39.314237°N 086.673842°W

Existing Drainage C&G / Pipe / Swale If pipe is required, diameter & length \_\_\_\_\_

Notes CLEAR BRUSH ACROSS THE ROAD AND TO THE EAST FOR SIGHT DISTANCE REQUIREMENTS.  
ELEVATE DRIVEWAY ENTRANCE FOURTEEN (14) INCHES FOR SIGHT DISTANCE REQUIREMENTS.

## EXHIBIT 4: Health Department Violation



**Monroe County Health Department**  
Monroe County, Indiana

| Health Department                   | Futures Family Planning Clinic      | Public Health Clinic                  |
|-------------------------------------|-------------------------------------|---------------------------------------|
| 119 W. 7th Street<br>(812) 349-2543 | 119 W. 7th Street<br>(812) 349-7343 | 333 E. Miller Drive<br>(812) 353-3244 |

# HEALTH OFFICER ORDER

10-3-19

Mary Lou Carter  
9556 W Wolf Mountain Rd  
Gosport, IN 47433

Re: 9556 W Wolf Mountain Rd ("Hunting Cabin")

COPY

Dear Ms. Carter,

The Monroe County Health Department has found that a structure on property that you own or occupy is being used as a dwelling unit, is supplied with water service and is not connected to an approved sewage disposal system. You currently are in violation of Monroe County Code 365-2, as follows:

**365-2 Requirements for a Private Sewage Disposal System and Connection With Public Sewers**

*(A) Where a public sanitary or combined sewer is not available, all persons owning or leasing a dwelling or commercial facility shall comply with the provisions of the Chapter for private sewage disposal systems.*

*(B) Any property producing sewage or similar waste that is served by a private sewage disposal system that has failed or constitutes a health hazard must be connected to a public sewer if the public sewer is located within three hundred feet (300') of the property line of the affected property. The Health Board may waive this requirement if it determines that it is impractical to make such connection and the property owner demonstrates that adequate repairs and safeguards can be made to the existing system. If sewer hook-up is required, the failed system repositories shall be abandoned and filled with suitable granular material and the connection to the public sewer shall be made within ninety (90) days after official notice to do so from the Health Department. Any dwelling which is not connected, or cannot be connected, to a sanitary sewerage system, and which does not have access to municipal or well water shall have either a privy approved by the Monroe County Health Department as meeting the*



*requirements of the Indiana State Department of Health Bulletin SE 11, "Sanitary Vault Privy", 1986 Edition or a "port-a-pot" routinely serviced by a State-approved septic hauler (a list of such approved haulers shall be provided by the County Health Department). An easement agreement, in a form approved by the Monroe County Health Department, must be provided to the Department for any privy or "port-a-pot" maintained for any habitable residence. Any dwelling which is not connected, or cannot be connected to a sanitary sewages system, and utilizes either municipal or well water shall be provided with a residential sewage disposal system which includes a septic tank and a soil absorption system that has not failed.*

*All residential septic systems shall employ secondary cleaning of the effluent, before the effluent is released into the underlying or onto adjacent soils. The method for secondary cleaning shall include filtration through a state-approved medium. Septic systems that typically employ such secondary cleaning are mound, and sand-lined systems.*

By Friday, October 11<sup>th</sup>, 2019, you are hereby ordered to:

-Disconnect the "Hunting Cabin" from water service to ensure that no wastewater is discharged onto the ground surface or into waters of the State.

By Tuesday, December 3<sup>rd</sup>, 2019, you are hereby ordered to:

-Have a septic system installed by an approved contractor according to septic permit 21777, inspected and approved by this Department.

Failure to respond to this Health Officer Order will result in the Monroe County Attorney's Office taking necessary steps to file a complaint in the Monroe Circuit Court.

For further questions feel free to call.

Sincerely,



Ryan Kasper-Cushman  
(812) 349-2073  
Wastewater Sanitarian  
Monroe County Health Department



**MONROE COUNTY PLAT COMMITTEE****October 17, 2019**

**PLANNER** Tammy Behrman  
**CASE NUMBER** 1908-SMN-06 Melvin Stewart Minor Subdivision Preliminary Plat  
    o Utility Waiver  
**PETITIONER** Stewart, Melvin T & Lizabeth A Albright c/o Deckard Land Survey  
**ADDRESS** 4285 E Stipp RD  
**REQUEST** Preliminary Plat to subdivide one (1) parcel into two (2) Lots  
**ZONE** Agriculture / Rural Reserve (AG/RR); ECO Area 1,2,3  
**ACRES** 131.7 acres +/-  
**TOWNSHIP** Perry  
**SECTION** 25 & 26  
**PLAT** n/a  
**COMP PLAN**  
**DESIGNATION** Farm and Forest

**EXHIBITS**

1. Preliminary Plat
2. Petitioner's Utility Waiver Findings

**RECOMMENDATION**

**Approve** the Minor Subdivision Preliminary Plat and utility waiver, based on the findings of fact, subject to the Monroe County Public Works Department Reports with the following condition:

1. Submit septic permits for both lots.

**BACKGROUND/DISCUSSION**

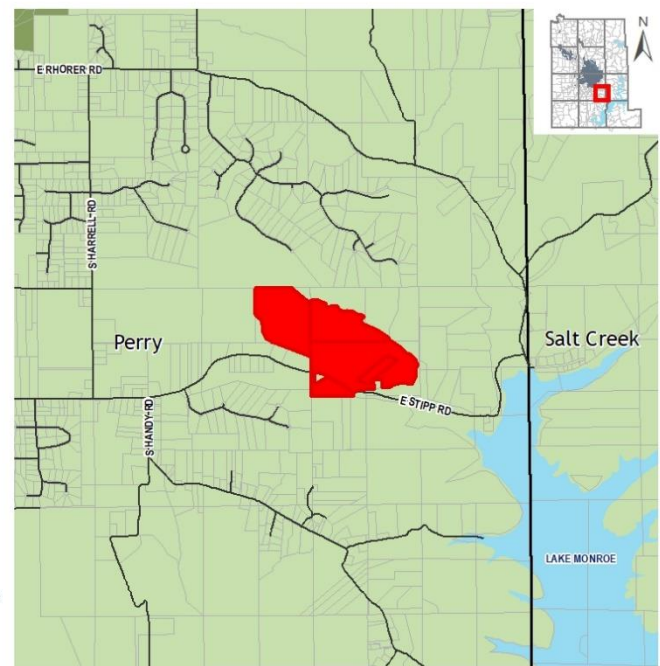
The petition site totals 131.7 +/- acres and was deemed one lot of record though it is in five assessed parcels. The petitioner is proposing to create one 37.09 acre (Lot 2) for the existing residence and the remaining 94.65 acres (Lot 1) to be used for single family residential purposes. A utility waiver is being requested for this petition for 93 linear ft and for future development. Each proposed lot meets all design standards within the Monroe County Zoning Ordinance for the Agriculture / Rural Reserve (AG/RR) Zoning District and Environmental Constraints Overlay. There are 100' setbacks from the perennial streams per Chapter 825-3(B).

**LOCATION MAP**

The site is located at 4285 E Stipp RD in Section 25 & 26 of Perry Township.

**Location Map**  
■ Petitioner  
— Roads  
□ Civil (Political) Townships  
■ Lakes  
**Incorporated Areas**  
■ Bloomington  
■ Parcels

0 0.2 0.4 0.8 Miles  
Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/10/2019



### ADJACENT USES / ZONING

The property is zoned Agriculture / Rural Reserve (AG/RR). Adjoining properties are zoned Agriculture / Rural Reserve (AG/RR) or Conservation Residential (CR). Nearby uses are primarily residential and agricultural/forest. The petition site spans through the Environmental Constraints Overlay for Areas 1, 2, and 3 for Lake Monroe.

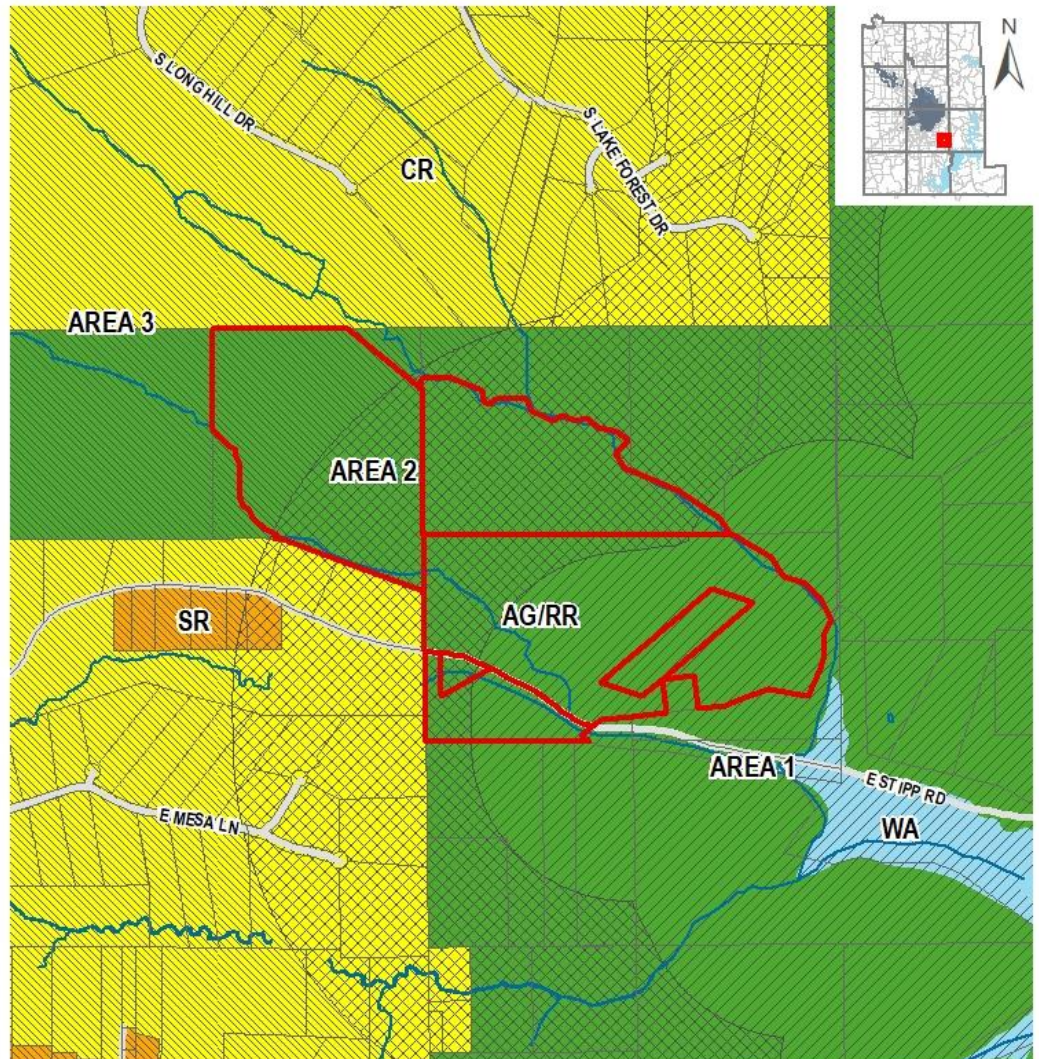
#### Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Lakes
-  Hydrologic Features
- ECO Areas**
  -  Area 1
  -  Area 2
  -  Area 3
- Monroe County Zoning**
  -  AG/RR - Agriculture/Rural Reserve
  -  CR - Conservation Residential
  -  SR - Suburban Residential
  -  WA - Water

0 0.05 0.1 0.2 0.3 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/10/2019

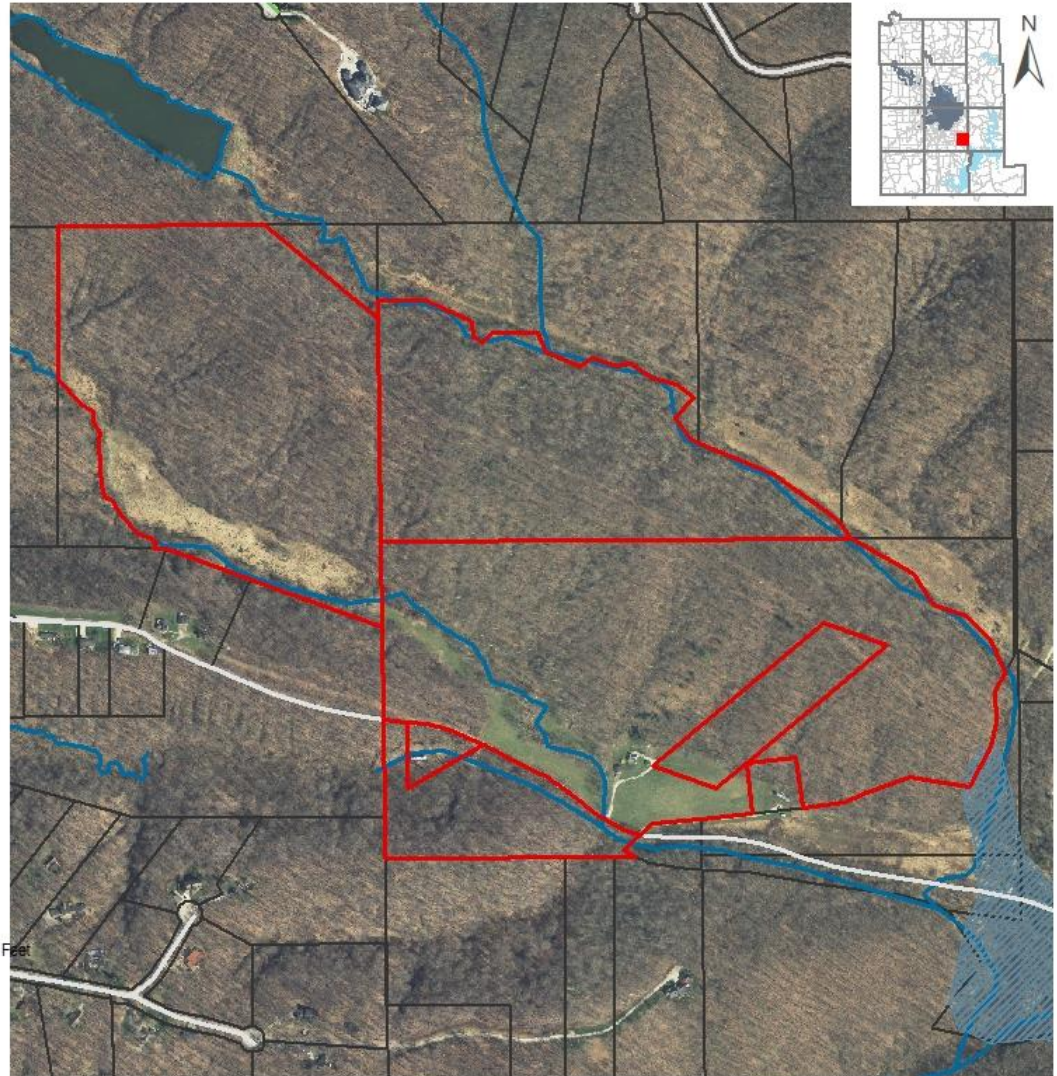


## SITE CONDITIONS

The site has one primary residence (construction date unknown), pole barn, detached garage and small sheds. The majority of the site is forested land with a perennial stream running west to east towards Lake Monroe that is located about 0.5 miles to the east. The property has areas of slopes less than 15 percent classifying it as Buildable Area (see Exhibit 1). There are no visible karst features on the property. There is no FEMA floodplain on the petition site. The southern portion of the site drains to the south and east and the northern portion of the lot drains to the north and east into Lake Monroe.

### Site Conditions Map

-  Petitioner
-  Sanitary Pipe
-  Local Roads [50']
-  FEMA Floodplain
-  Hydrologic Features
-  Parcels









Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/10/2019

## Slope Map

-  Petitioner
-  Parcels
-  10-Foot Contours
-  Roads
-  FEMA Floodplain
-  Hydrologic Features

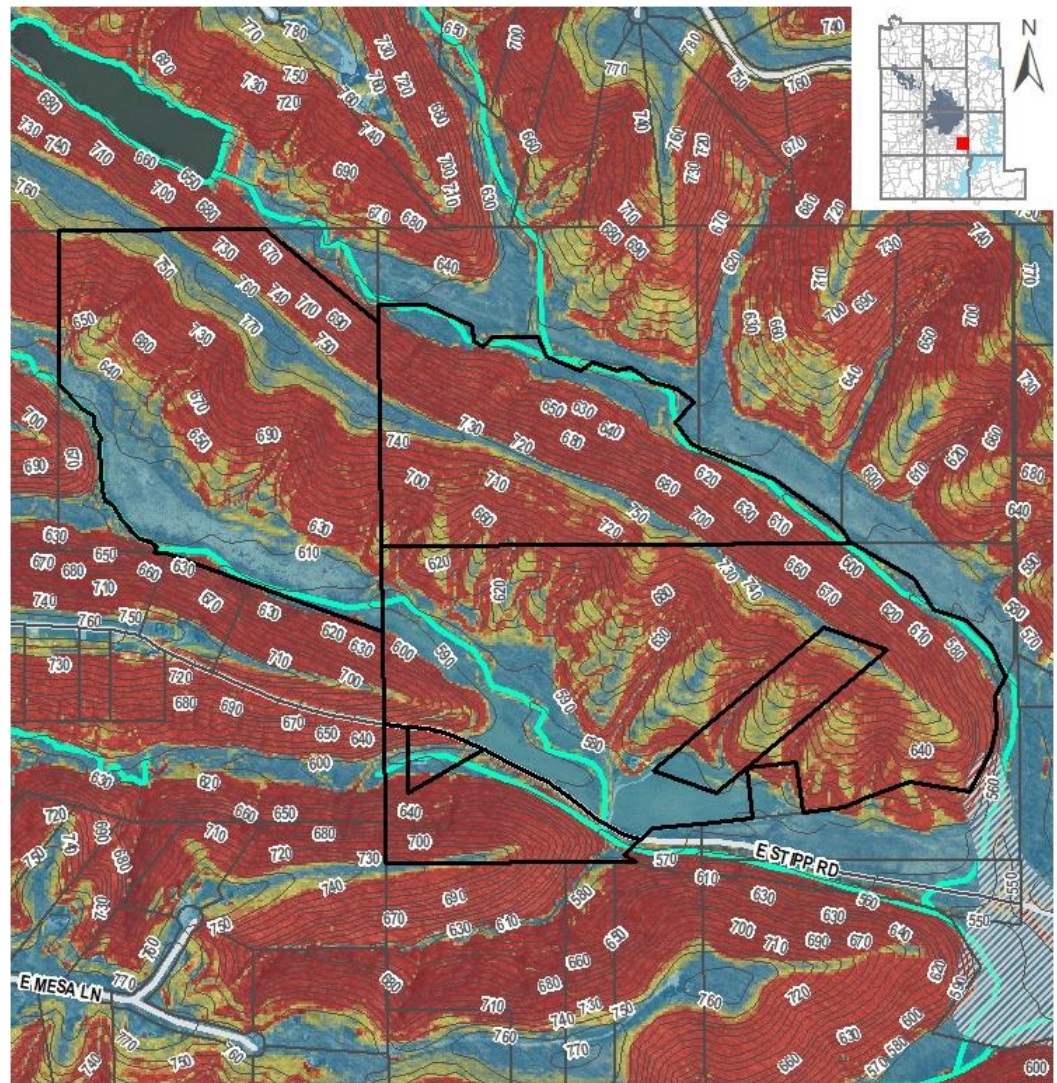
### Percent Slope (2010)

-  0 - 12
-  13 - 15
-  16 - 18
-  19 - 21
-  22 - 24
-  > 25

0 145 290 580 870 1,160 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/10/2019



## INFRASTRUCTURE

Lot 1 requires a septic permit. Lot 2 has a septic system, permit not on file with Planning currently. Driveway permits have been submitted and are pending approval per the Highway Department.

Sidewalks were not required. There is a tree preservation area near the survey stone between Section 25 and Section 26 on Lot 1 for the street tree requirement.

The right of way dedication will be 35' due to the Minor Collector status provided by the Monroe County Thoroughfare Plan.

A waiver has been requested to not bury all utilities as required under 856-41.

## **SITE PHOTOS**



Figure 1. Facing east:  
view of the existing  
driveway for Lot 2 at E  
Stipp RD.



Figure 2. Facing west:  
view E Stipp RD  
where the perennial  
stream cross under the  
road.



Figure 3. Facing east: view of the existing residence and accessory structures.



Figure 4. Facing west; view of the proposed Lot 1 ingress/egress easement over Lot 2.



Figure 5. Facing south:  
view of the merged  
stream on the southside  
of E Stipp Road.

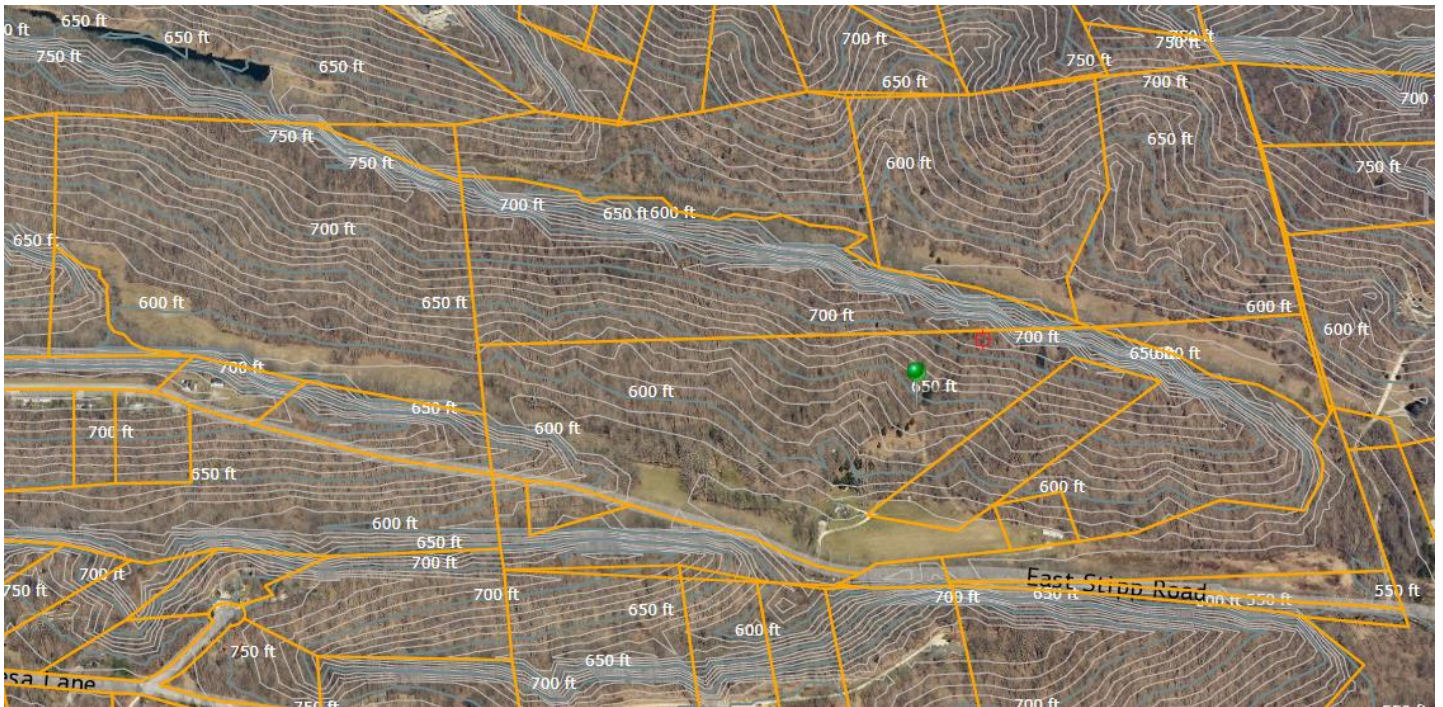


Figure 6. Pictometry view of petition site from 2017, facing north.

## COMPREHENSIVE PLAN DISCUSSION

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

### 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.

**Comprehensive Plan**

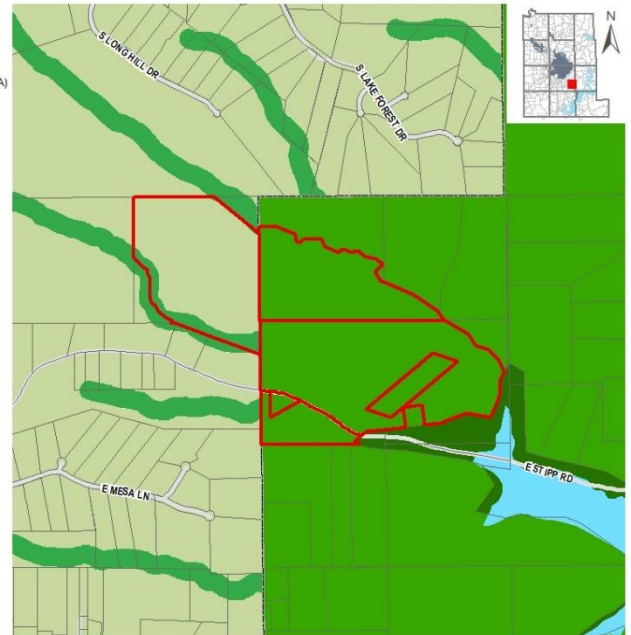
- Petitioner
- Townships
- Monroe Co. Urbanizing Area (MCUA)
- Parcels
- Roads

Comp. Plan Land Use (Updated 2015)

- Farm and Forest
- Managed Lands
- MCUA Open Space
- MCUA Rural Transition
- Water

0 0.075 0.15 0.3 Miles

Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 9/10/2019



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 requirements.

## **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 site is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would create one additional residential lot;
- Approval of the subdivision would result in Lot 1 = 94.65 acres and Lot 2 = 37.09 acres;
- The proposed use in the subdivision is single family residential;
- Lot 2 has an existing septic and Lot 1 has applied for a septic permit;
- There is an existing driveway for Lot 2 and a new driveway proposed for Lot 1. The Highway Department has reviewed both and they are pending approval with the approval of the final plat;
- The drainage engineer has approved the drainage easements on the plat;

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

#### **Findings**

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

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

#### **Findings**

- See findings under Section (A);
- The surrounding uses are primarily agricultural and residential in nature;
- The property has a tree preservation area on the plat to meet the street tree requirements;
- Drainage easements have been placed on the plat and buildable area has been delineated for each lot;
- The proposed subdivision is meeting the Monroe County Zoning Ordinance's Buildable Area requirement;
- There is a 100' setback on the plat from either bank of the perennial stream per Chapter 825-3(B);

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

#### **Findings**

- See findings under Section (A) and (B);

- The two lots exceed the minimum lot size requirement and other design standards for the Agriculture / Rural Reserve (AG/RR) Zoning Designation;

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

**Findings**

- See findings under Sections (A), (C), and (D);
- Buildable area has been delineated on the plat;

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

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

**Findings:**

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

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

**Findings:**

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

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

**Findings**

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

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

**FINDINGS OF FACT – OVERHEAD UTILITY WAIVER**

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:**

- The petitioner has requested an overhead utility waiver for the existing overhead utility line that requires approximately 93' of existing electric line on proposed Lot 2 and all future development to be buried;
- Findings for the utility waiver request were submitted by the petitioner (Exhibit 2);
- The above ground electric line requires undergrounding, as per 856-41;
- There is a perennial stream running west to east through the petition site that must be traversed to reach any of the buildable area on Lot 1;
- It would be difficult to bury electric utilities under the perennial stream and adjacent floodplain;
- The stream is in the Environmental Constraints Overlay for Lake Monroe and has a 100' setback for structures;

**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:**

- See findings under Section 1;
- Occupants of the petition site served by the overhead utility will continue to be serviced regardless of the location of the lines above or below ground;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards;
- The installation of infrastructure is allowed within the Environmental Constraints Overlay riparian area setback distance;
- Future utilities for Lot 1 will have to traverse a perennial stream that empties into Lake Monroe approximately 0.5 miles from the lake;

**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;
- Waiver approval would permit existing conditions to persist;
- Approval of the waiver would not substantially alter the essential character of the neighborhood;

**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:**

- Not Applicable per 856-41;

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

**Findings:**

- See findings under Sections 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 Sections 1 and 3;
- 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 subdivisions – 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 structures shall be removed and placed underground unless waived for existing and future structures;
- Occupants of the petition site served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;

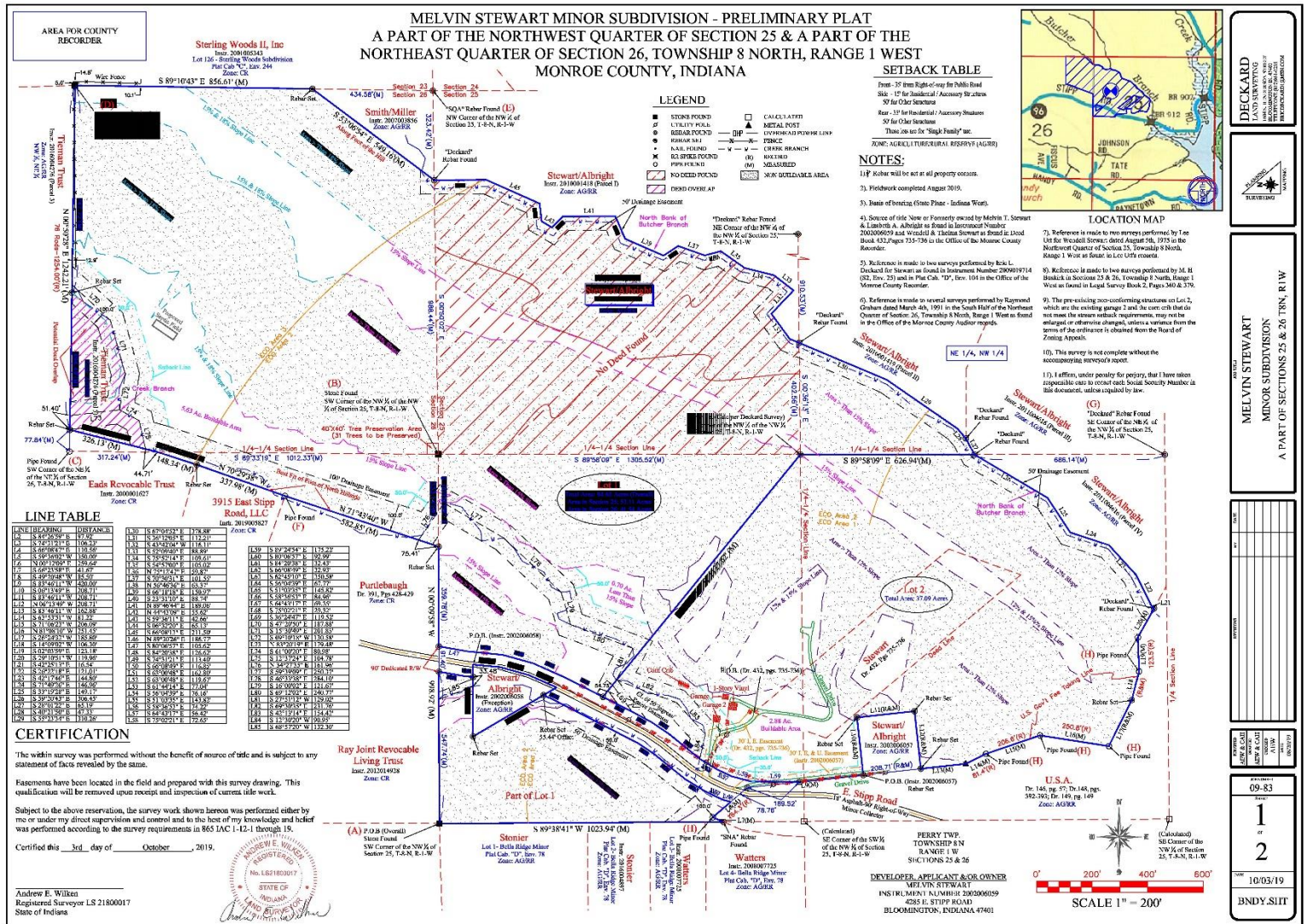
**8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

**Findings:**

- Not Applicable per 856-41;

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

- Not Applicable per 856-41;

**EXHIBIT 1: Preliminary Plat (page 1 of 2)**

# Preliminary Plat (page 2 of 2)

## SURVEYOR'S REPORT

In accordance with Title 36, 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:

- (Variances) in the reference monuments
- (Discrepancies) in the record description and plans
- (Inconsistencies) in lines of occupation and
- (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a suburban survey (0.13" plus 100 PPM) as defined I.A.C. Title 36 ("relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurement 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 Melvin T. and Linabeth A. Albright (Instrument Number 200206059) and (Deed Record 432, pages 755-756) as found in in the Office of the Recorder of Monroe County Indiana. The purpose of this survey is to retrace the original boundary lines of the subject properties and rearrange the boundary lines between the two parcels. This property is located in the Northwest quarter of Section 25 and the Northeast quarter of Section 26, both in Township 8 North, Range 1 West, Monroe County, Indiana.

### REFERENCE MONUMENTS:

A) An 8" x 5" sandstone was found 0.60' above grade marking the Southwest corner of the Northwest quarter of Section 25, Township 8 North, Range 1 West, Monroe County, Indiana. This monument is referenced in the office of the Monroe County Surveyor as Corner L.D. "C-19" (witnessed by Michael W. Friley on May 8th, 1994) and was accepted and held as said corner.

B) A 9" x 5" sandstone with "L" was found 0.40' above grade marking the Southwest corner of the Northwest quarter of the Northwest quarter of Section 25, Township 8 North, Range 1 West, Monroe County, Indiana. The origin of this monument is unknown, however, was found to be referenced in a survey by Smith Neuhoeck dated July 16, 2007 for Bella Ridge Minor Subdivision. This monument was accepted and held as said corner.

C) A 3/4 inch diameter pipe was found 9 inches above grade marking the Southwest corner of the Northeast quarter of the Northeast quarter of Section 26, Township 8 North, Range 1 West, Monroe County, Indiana. The origin of this monument is unknown, however, it was found to agree with other monuments in the area and was accepted and held as said corner.

D) A 7" x 8" stone with "H" was found 3 inches above grade marking the Northwest corner of the Northeast quarter of the Northeast quarter of Section 26, Township 8 North, Range 1 West, Monroe County, Indiana. This monument is believed to have been set and/or referenced in the following two surveys found in legal survey books 2, page 233 and page 379 in the Office of the Monroe County Surveyor. This monument was accepted and held as said corner.

E) A rebar stamped "SQA" was found 0.20' above grade marking the Northwest corner of Section 25, Township 8 North, Range 1 West, Monroe County, Indiana. The origin of this rebar is a survey of "Moore's Creek Farm" Job No. 1679 performed by Smith Quillman & Assoc. dated March 20th, 1991. This monument is referenced in the office of the Monroe County Surveyor as Corner L.D. "C-17" (witnessed by Michael W. Friley on June 12th, 1995) and was accepted and held as said corner.

F) A 1 inch diameter pipe was found on the north bank of a creek branch marking the Northwest of the land now or formerly conveyed to Partishagh (Dr. 391, pages 426-429). The origin of this pipe is believed to be from several surveys performed by Raymond Graham dated March 4th, 1991 in the South End of the Northeast Quarter of Section 26, Township 8 North, Range 1 West and was accepted and held as said corner.

G) A 5/8 inch diameter cap stamped "Decalard" was found marking the Southeast corner of the Northeast quarter of the Northwest quarter of Section 25, Township 8 North, Range 1 West, Monroe County, Indiana. This rebar was set in a previous survey performed by Iris L. Decalard for Newton farm in Instrument Number 2006019714 (S2, E2c, 25) and in Plat Chk "D", Eav. 104 in the Office of the Monroe County Recorder. This monument was found to agree with other monuments in the area and was accepted and held as said corner.

H) Several 3/4 inch diameter pipes were found marking several angle points along the U.S. Government Fee Taking Line. These monuments are believed to have been set during the original Fee Line survey for Monroe Reservoir by Michael Baker Jr., Inc. dated 1963 and were accepted and held.

### LINE OF OCCUPATION:

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

- A wire fence was found running north and south along a portion of the west line of the subject property. This fence runs from 17'-4.6 feet north of line to the north end to 17'-10.1 feet east of line at the south end of the fence.
- No substantial lines of occupation were found along the south line of the subject property.
- The U.S. Government Fee Taking Line was found running along a portion of the southeast line of the subject property. This Fee Taking Line was held for said southeast line.
- A wire fence was found running east and west along a portion of the north line of the subject property. This fence runs from 17'-4.6 feet north of line at the west end to 17'-10.1 feet north of line at the east end of the fence.

### RECORD DESCRIPTIONS:

1) The subject property legal description (Instrument Number 200206059) excepts out 1 1/2 acres in the Northeast corner of Section 26, Township 8 North, Range 1 West. The legal description for Smith/Oller (Instrument Number 2007003856) describes this area as 2.50 acres and describes it more particularly as "west on the north line of said section to the foot of the hill; thence in a southeasterly direction along the foot of the hill to the east line of said section." This survey held the foot of the hill as said corner.

## MELVIN STEWART MINOR SUBDIVISION - PRELIMINARY PLAT A PART OF THE NORTHWEST QUARTER OF SECTION 25 & A PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 1 WEST MONROE COUNTY, INDIANA

PERRY TWP.  
TOWNSHIP 8 N  
RANGE 1 W  
SECTION 25 & 26

DEVELOPER, APPLICANT &/OR OWNER  
MELVIN STEWART  
INSTRUMENT NUMBER 200206059  
4285 E. STIPP ROAD  
BLOOMINGTON, INDIANA 47401

AREA FOR COUNTY  
RECORDER

### DEDICATION OF PUBLIC RIGHTS-OF-WAY:

Melvin T. Stewart and Linabeth A. Albright, owners, of the real estate shown and described herein do hereby certify, lay off and plat lots numbered 1 & 2 to be known as Melvin Stewart 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 Melvin Stewart Subdivision.

The right-of-way to be dedicated for East Stipp Road shall measure 45 feet perpendicular to and parallel with the existing centerline of East Stipp Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

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\_\_.

Melvin T. Stewart (Owner)  
4285 E. Stipp Road  
Bloomington, Indiana 47401  
(812)824-2054

Linabeth A. Albright (Owner)  
4285 E. Stipp Road  
Bloomington, Indiana 47401  
(812) 824-2054

STATE OF INDIANA )  
COUNTY OF MONROE ) SS:

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Melvin T. Stewart & Linabeth A. Albright (to-wit), each separately and severally acknowledged the execution of the foregoing instrument as 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 FEMA, Panel Number 18195C0275D dated December 17th, 2010.

### 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 Plan Commission on \_\_\_\_\_.

Monroe County Plan Commission:

Stacie Johnson Secretary:

Larry Wilson Secretary:

### CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Encumbrances have been located in the field and prepared with 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 herein 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 365 IAC 1-12-1 through 19.

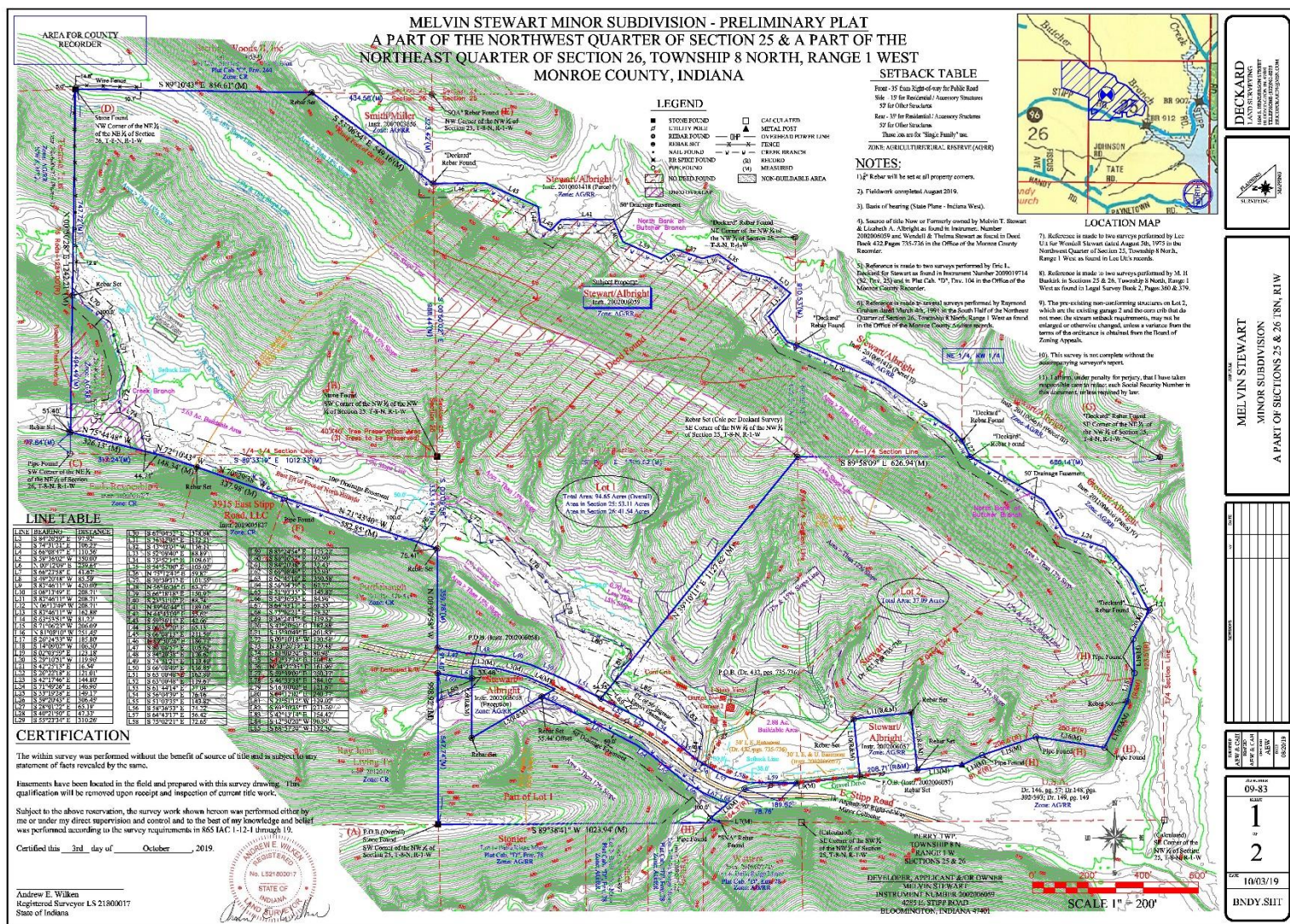
Certified this \_\_\_\_ day of \_\_\_\_\_, 2019.

Andrew E. Wilken  
Registered Surveyor LS 21800017  
State of Indiana



Containing after said exception and the 90' Dedicated right-of-way of E. Stipp Road 131.74 Acres, more or less.

## Plat with contours





## EXHIBIT 2: Petitioner's Utility Waiver Findings



Andrew E. Wilken, PS

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

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April 26<sup>th</sup>, 2019

To Members of the Monroe County Planning Commission

RE: Melvin Stewart Minor Subdivision: 4285 E. Stipp Road

I have been asked personally by Melvin Stewart to request a Buried Utility waiver.

FINDINGS OF FACT - WAIVER for buried utilities.

The petitioner has requested a waiver from the buried utility requirement.

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:

Findings:

- The site gains power from an overhead power line running east and west on the north side of E. Stipp Road;
- The existing overhead power line measures 93 feet from pole to the existing dwelling;

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 existing house has been using said overhead power line many years;

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 #1 & #2 Above.

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

Findings:

- The existing dwelling along with many other homes in the area have overhead utilities that pose no threat to nearby properties;



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

Findings:

- Allowing a buried utility waiver for this existing house would be safer and less of a financial burden for the public and residents than to bury a new utility line.

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 Minor Subdivision option, which requires all utilities to be buried is the way in which the planning department advised this property to be subdivided to create new lots allowing for one additional home site;
- See findings under Section 1;

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

Sincerely,

Andrew E. Wilken, PS