

# **MONROE COUNTY PLAT COMMITTEE**



**October 21, 2021  
4:00 pm**

**Monroe County Government Center  
Planning Department  
501 N. Morton Street, Suite 100B  
Bloomington, IN 47404**

## **Teleconference Information**

[https://monroecounty-  
in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQIFLazRTQT09](https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQIFLazRTQT09)

**Meeting ID: 823 0548 5858  
Passcode: 278851**

Phone Number: 312-626-6799

**A G E N D A**  
**MONROE COUNTY PLAT COMMITTEE**

Telelink Conference:

[https://monroecounty-  
in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQIFLazRTQT09](https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQIFLazRTQT09)

October 21, 2021

**4:00 pm**

**REGULAR MEETING**

**ADMINISTRATIVE: None.**

**OLD BUSINESS: None**

**NEW BUSINESS:**

- |                    |   |                |
|--------------------|---|----------------|
| <b>1. SMN-21-9</b> | <b>Sciscoe Minor Subdivision Preliminary Plat<br/>Plat Committee Decision.</b>  | <b>PAGE 3</b>  |
|                    | Three (3) parcels on 3.9 acres +/- located in Section 20 of Perry Township at 400 and 410 W Church LN.<br>Owners: Mary M & Jonathan L Siscoe<br><b>Zoned RS3.5/PRO6. Contact <a href="mailto:dmyers@co.monroe.in.us">dmyers@co.monroe.in.us</a></b> |                |
| <b>2. SSS-21-8</b> | <b>Marvin R Smith Sliding Scale Subdivision Preliminary Plat<br/>Road Width Waiver Request.<br/>Utility Waiver Request.<br/>Plat Committee Recommendation.</b>  | <b>PAGE 14</b> |
|                    | Three (3) parcels on 26.89 +/- acres located in Section 1 of Bean Blossom Township at 9620 N Bowman RD.<br>Owners: Marvin R & Karen M Smith<br><b>Zoned AG/RR. Contact <a href="mailto:tbehrman@co.monroe.in.us">tbehrman@co.monroe.in.us</a></b>   |                |

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

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

The meeting will be open to the public.



# MONROE COUNTY PLAT COMMITTEE

**Public Meeting**

**Date: October 21, 2021**

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-21-9	Sciscoe Minor Subdivision	3-Lot Minor Subdivision Preliminary Plat

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

<b>PLAT COMMITTEE</b>	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
<b>RECOMMENDED MOTION</b>	Approval with Conditions	<b>Planner:</b> Drew Myers
<b><i>Recommended Motion Conditions or Reasoning:</i></b>		
<p><b>Approve</b> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The storage building near the western property line and located within the 50' ingress/egress easement is to be removed/relocated prior to final platting</li> <li>2. All existing residential dwelling units must be connected to City of Bloomington sanitary sewer prior to approval of final plat</li> <li>3. Petitioner's representative submit a final preliminary plat detailing street tree and sidewalk installation</li> </ol>		

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

<b>PETITIONER</b>	Eric Deckard, Deckard Land Surveying	
<b>OWNERS</b>	Sciscoe, Mary M; Sciscoe, Jonathan Lee; Sciscoe, Kelly Diane	
<b>ADDRESS</b>	400 & 410 W Church LN; 53-08-20-400-058.000-008, 53-08-20-400-059.000-008, 53-08-20-400-061.000-008, and 53-08-20-400-071.000-008	
<b>TOWNSHIP + SECTION</b>	Perry; 20	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	3.9 +/- acres	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	RS3.5/PRO6	RS3.5/PRO6 and PUD
<b>CDO ZONE</b>	MCUA Mixed Residential	MCUA Mixed Residential, MCUA Open Space
<b>USE</b>	Residential	Residential, Cemetery

<b>SUMMARY</b>
<p>The petitioner is proposing a 3-lot Minor Subdivision Preliminary Plat with no waiver requests. Street tree plants and sidewalk construction along the petition site's frontage to W Church LN are required per Chapter 856.</p>

**DISCUSSION**

The proposed subdivision will create three lots out of 3.9 acres. Lot 1 will have 0.98 acres, Lot 2 will have 1.70 acres, and Lot 3 will have 1.22 acres. Lot 1 contains an existing ~2,040 sq. ft. single family residence and a ~188 sq. ft. gazebo. Lot 2 contains an existing ~1,462 sq. ft. storage building and a ~1,024 sq. ft. storage building. Without a primary residence on the property, Lot 2 is limited to 875 sq. ft. for storage buildings. Therefore, the structures within Lot 2 are classified as pre-existing nonconforming. Lot 3 contains an existing ~1,393 sq. ft. 2-story two-family dwelling. Access to Lot 1 is achieved via an existing driveway entrance off W Church LN near the southeast corner of the petition site. Access to proposed Lot 2 and Lot 3 will stem from a 50' ingress/egress easement off W Church LN near the southwest corner of the petition site. An existing storage building is located within the 50' ingress/egress easement. This structure's removal or relocation outside of the 50' easement is listed as a condition of approval to the subdivision petition. An existing 25' drainage easement extends underneath the 50' ingress/egress easement. Maintenance of the drainage easement is the responsibility of the Church Lane HOA. As such, the MS4 Coordinator has stated that there will be no need to modify the existing drainage easement. A sanitary sewer line is located along the north side of W Church LN along the southern property line of the petition site.



Below is a summary of the lot configurations and requirement.

	<b>LOT 1</b>	<b>LOT 2</b>	<b>LOT 3</b>
<b>Acreage (+/-)</b>	0.98 acres	1.70 acres	1.22 acres
<b>Wastewater</b>	Access to sewer	Access to sewer	Access to sewer
<b>Property Access</b>	W Church LN; existing driveway	50' ingress/egress easement and existing driveway	50' ingress/egress easement and existing driveway
<b>R/W Dedication; W Church LN (local)</b>	Yes = 25'	N/A	N/A
<b>Environmental Conditions</b>	Area >15% = 0.02 acres	Area >15% = 0.08 acres	Area >15% = 0.02 acres
<b>Existing Structure(s)</b>	~2,040 sf 1-story dwelling; ~188 sf gazebo	~1,462 sf storage building; ~1,024 sf storage building	~1,393 sf 2-story dwelling

**EXHIBITS - Immediately following report**

1. County Slope & Site Conditions Map
2. Site Photos
3. Planning Staff Findings of Fact
4. Sciscoe Minor Subdivision Preliminary Plat
5. Capacity Letters

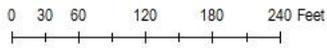
# EXHIBIT 1: Slope Map

## Slope Map

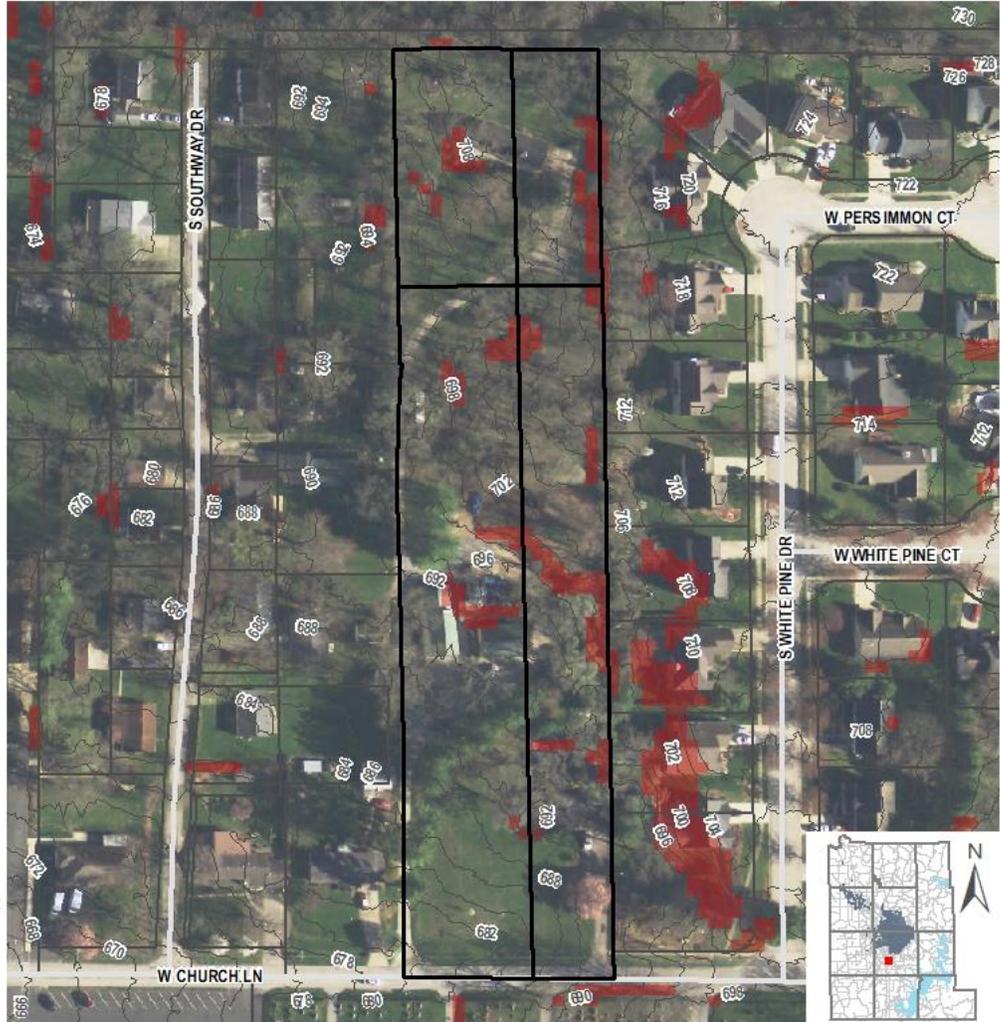
-  Petitioner
-  Roads
-  Parcels
-  2-Foot Contours
- 15% Slope (2010)**
-  0 - 15
-  > 15

PARCEL #:  
 53-08-20-400-058.000-008,  
 53-08-20-400-059.000-008,  
 53-08-20-400-061.000-008,  
 53-08-20-400-071.000-008

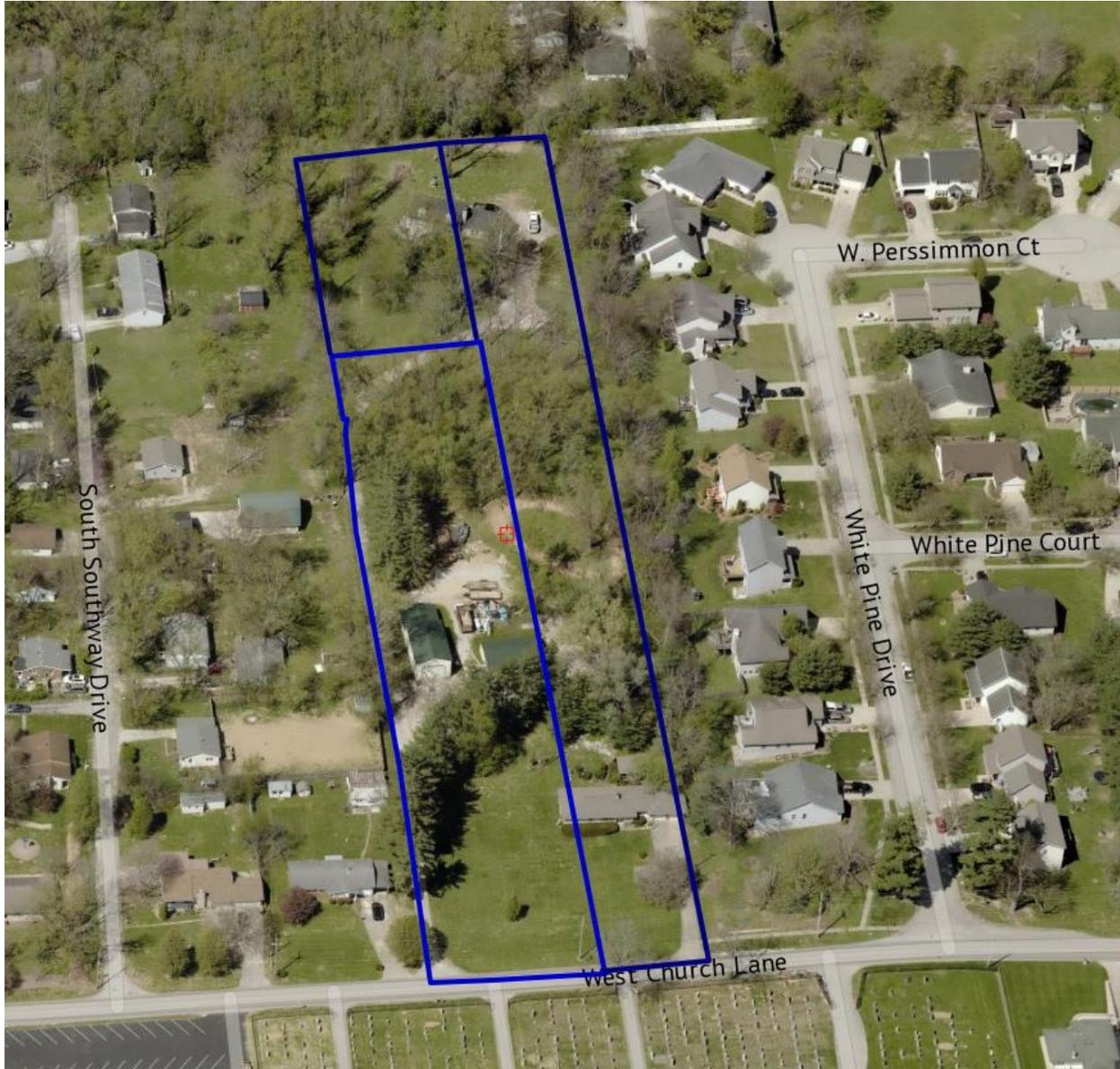
NOTE:  
 Areas > 15% slope are classified as nonbuildable area per Chapter 804.



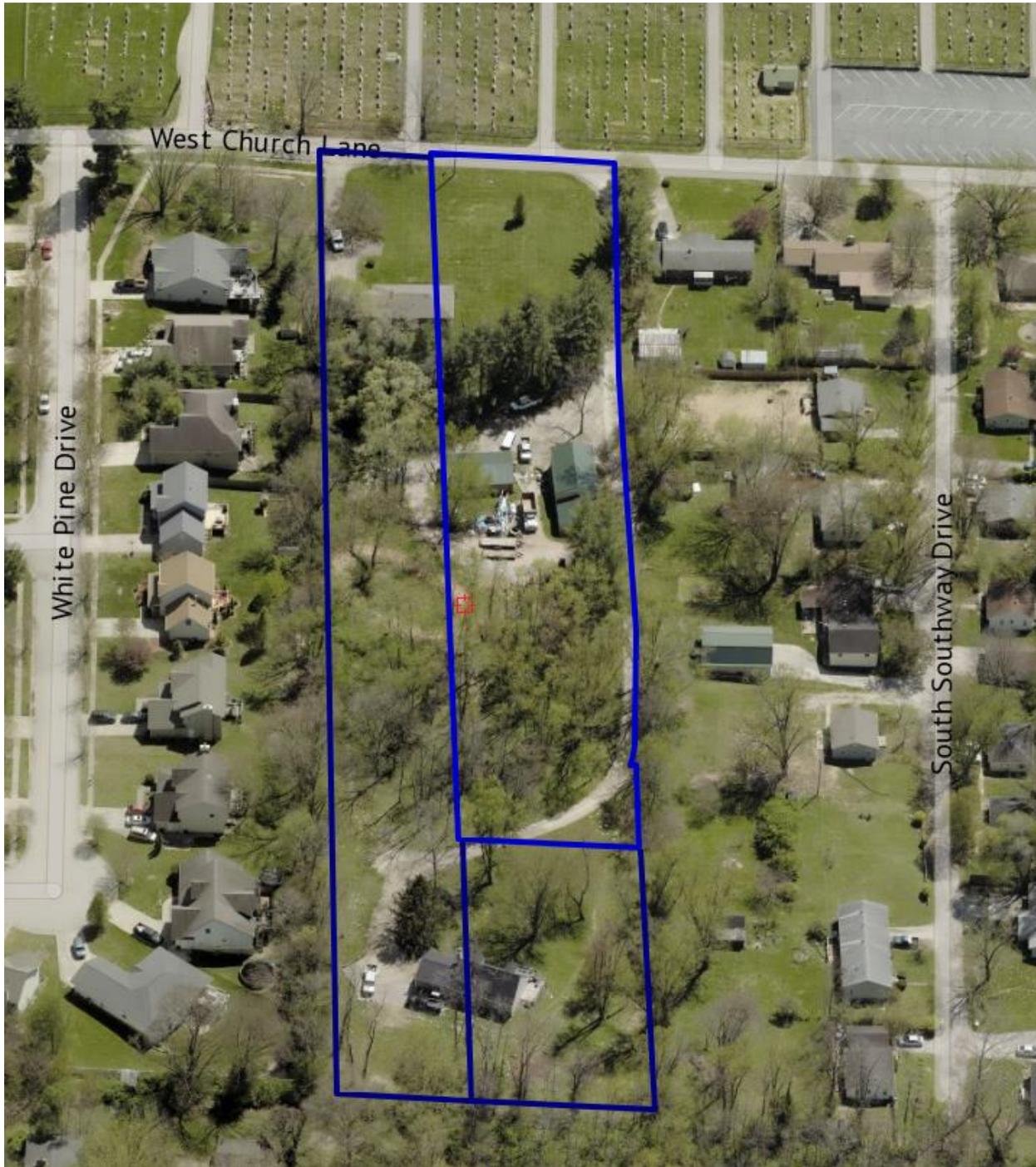
 Monroe County  
 Planning Department  
 Source: Monroe County GIS  
 Date: 8/11/2021



**EXHIBIT 2: Site Photos**



**Photo 1:** Aerial pictometry from the south



**Photo 2:** Aerial pictometry from the north



**Photo 3.** Google Maps street view



**Photo 4.** Google Maps street view

## **EXHIBIT 3: Findings of Fact**

### **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 3.9 +/- acres currently depicted as four parcels;
- The petition site is not in a platted subdivision;
- The site is zoned Single Dwelling Residential 3.5 (RS3.5/PRO6);
- The preliminary plat request is to subdivide the property into three lots with the following details:
  - LOT 1: 0.98 acres; LOT 2: 1.70 acres; LOT 3: 1.22 acres;
- The preliminary plat does not request any waivers to the Subdivision Control Ordinance;
- Sidewalks and street trees along W Church LN frontage are to be installed per requirements of Chapter 856;
- Existing overhead power lines along W Church LN for the length of the petition site will be located within the 25' dedicated right-of-way;
- A 50' ingress, egress, and utility easement is delineated on the proposed preliminary plat, which satisfies the definition of Minor Subdivision;
- The existing storage building on proposed lot 2 is to be removed/relocated outside of the 50' ingress, egress, and utility easement;
- A sewer connection lines runs along the north side W Church LN at the location of the proposed subdivision;

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

##### **Findings**

- The Comprehensive Plan designates the petition site as Mixed Residential in the Monroe County Urbanizing Area Plan;
- See findings under Section A;

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

##### **Findings**

- The Highway Department has no comments in regards to the subdivision petition;
- The MS4 Coordinator states that there is no issue with the existing drainage easement and no need to modify its current configuration;
- See findings under Section A;

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

##### **Findings**

- The site is zoned Single Dwelling Residential 3.5 (RS3.5/PRO6);
- Neighboring properties are zoned RS3.5/PRO6 to the north and west, PUD – Whispering Pines to the east, and ER to the south;
- The proposed subdivision will meet the applicable requirements of the Subdivision Control Ordinance;
- The proposed lots will meet the design standards for property zoned RS3.5/PRO6;

- 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**

- The existing drainage easement from 1993 appears to be for access for the City to install a new driveway culvert;
- The existing drainage easement was likely created as a part of the Whispering Pines subdivision that was platted in 1994;
- The existing drainage easement states that the Church Lane HOA is responsible for maintenance;
- See findings under Sections A & C;

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

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

**Findings:**

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

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

**Findings:**

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

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

**Findings**

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

# EXHIBIT 4: Preliminary Plat

## SCISCOE - MINOR SUBDIVISION (PRELIMINARY PLAT) A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA

AREA FOR COUNTY  
RECORDER

### LEGEND

- STONE POINT
- UTILITY POLE
- REBAR FOUND
- REBAR SET
- NAIL POINT
- × RR SPIKE FOUND
- PIPE FOUND
- BRASS ROD FOUND
- △ MAG SPIKE SET
- WOOD POST FENCE
- FENCE
- OVERHEAD POWER LINE
- (R) RECORD
- (M) MEASURED
- 3950 ADDRESS
- AREA >15% SLOPE

PERRY TWP.  
TOWNSHIP 8 N  
RANGE 1 W  
SECTION 20

DEVELOPER, APPLICANT &/OR OWNER  
JON SCISCOE  
411 W. CHURCH LANE  
BLOOMINGTON, INDIANA 47403  
(812) 360-7142

### Line Table

LINE	BEARING	DISTANCE
L1	S 89°38'21" E	199.00'
L2	N 09°21'39" E	200.00'
L3	N 09°00'00" E	83.39'
L4	N 89°38'21" W	208.29'
L5	N 76°55'21" E	208.29'

PROJECT LOCATION



LOCATION MAP

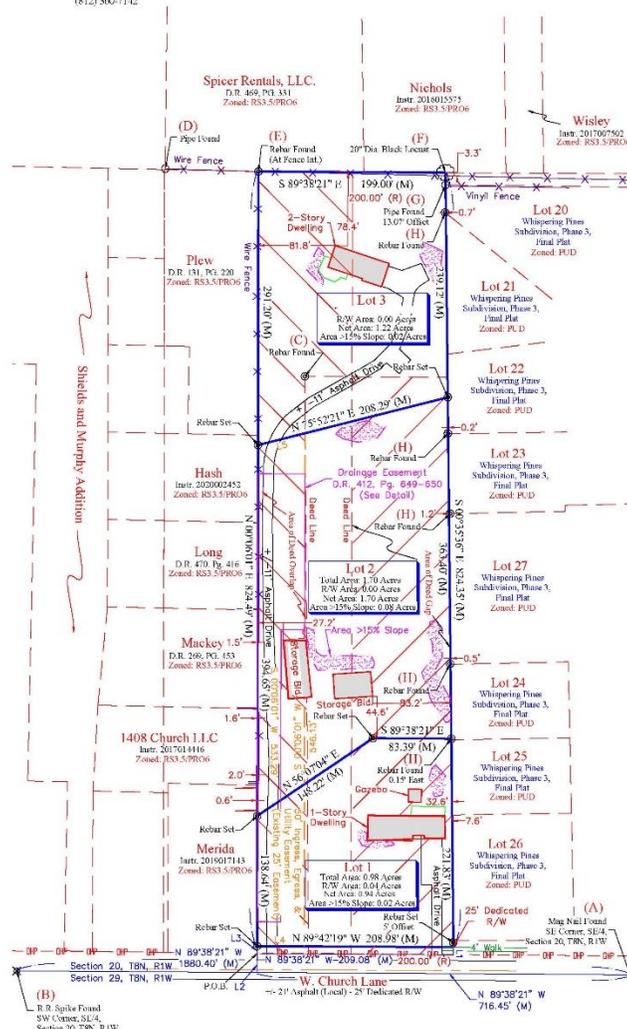
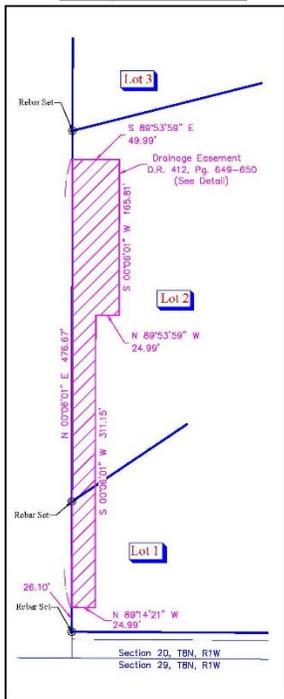
### NOTES:

- 5.8" rebar with caps stamped "Deckard" will be set at all property corners.
- Fieldwork completed February & April 2021.
- Basis of bearing (State Plane-Indiana West).
- Source of title now or formerly owned by Mary M. Sciscoe and Jonathan Lee Sciscoe and Kelly Diane Sciscoe as found in Instrument Numbers 2005024550 and 2018002019 in the Office of the Monroe County Recorder.
- Subject to an easement in favor of Public Service Company of Indiana, Inc., recorded in Deed Record 264, page 588 in the office of the Recorder of Monroe County, Indiana.
- Coordinates shown hereon were obtained from GPS observations utilizing the Indiana Real-Time Network (INCORS), Indiana West Zone, NAD83(2011) Epoch 2010.0000, State Plane Grid Coordinates, US Survey Foot, Geoid model G2012BUT7, Datum NAD83\_NO\_TRANS.
- Coordinate data was collected using a Topcon Network Rover (HiPer SR GPS), a Topcon 302 Total Station, and an F-C 5000 Data Collector. Coordinate positions are grid north (Indiana State Plane West Zone).
- The pre-existing non-conforming residence on Lot 1, which is the existing house that does not meet the side yard setback requirements, may not be enlarged or otherwise changed, unless a variance from the terms of the ordinance is obtained from the Board of Zoning Appeals.
- This survey is not complete without the accompanying surveyor's report.
- One tree shall be planted per every 40 linear feet along W. Church Lane, totaling 5 trees.
- A 4' pedestrian sidewalk is to be constructed along the North Right-of-way of Church Lane along the south lot line of Lot 1.
- Future residence or existing septic in need of repair must connect to sanitary sewer located along north side of W. Church Lane.
- I affirm, under penalty of perjury, that I have taken responsible care to read each Social Security Number in this document, unless required by law.  
-ERIC L. DECKARD

### REFERENCED SURVEYS:

- Reference is made to the plat of Shields and Murphy Addition as found in Plat Book 67, Page 39 in the Office of the Monroe County Recorder.
- Reference is made to a survey performed by Raymond Graham for Kevin Spicer dated March 6th, 1998 as found in Plat Book 4, Page 473 in the Office of the Monroe County Recorder.
- Reference is made to the plat of Whispering Pines Subdivision, Phase 3, Final Plat as found in Plat "C", Folio page 281 (Instrument Number 20060011412) in the Office of the Monroe County Recorder.
- Reference is made to a survey performed by Eric L. Deckard for Cure (Court) dated April 24th, 2013 as found in Deckard 1 and Surveying Job No. 13-34.
- Reference is made to a survey performed by Eric L. Deckard for Patzner as found in Deckard Land Surveying Job No. 19-162.

### Drainage Easement Detail



### 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.

Easements 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 hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this 2nd day of September, 2021.

Eric L. Deckard  
Registered Surveyor I.S. 29900012  
State of Indiana

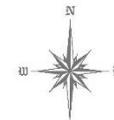
### SETBACK TABLE

Front - 25' (min Right-of-Way for Public Road)
Side - 5' (4' for each additional story)
Rear - 25'
1st & 2nd for "Single Family" use.
Lot 3 is for "Two Family Dwelling" use.
ZONE: R53.5-PR06

**LOT 1**  
Sciscoe - Instr. 2005024550 & Instr. 2018002019  
Zoned: R53.5-PR06

**LOT 2**  
Sciscoe - Instr. 2005024550 & Instr. 2018002019  
Zoned: R53.5-PR06

**LOT 3**  
Sciscoe - Instr. 2005024550 & Instr. 2018002019  
Zoned: R53.5-PR06



SCALE 1" = 80'

INSTRUMENT NO.	9/2/21
PLAT NO.	2
SECTION	20
TOWNSHIP	8 N
RANGE	1 W

DATE	BY	REVISION

**SCISCOE**  
MINOR SUBDIVISION  
A PART OF SECTION 20, T8N, R1W



**DECKARD**  
LAND SURVEYING  
1615 W. HENDERSON STREET  
BLOOMINGTON, IN 47403  
TEL: 812-360-7142  
FAX: 812-360-7142  
ERIC@DECKARDLS.COM



**EXHIBIT 5**

**ericdeckard1@msn.com**

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**From:** Jon Sciscoe <jonsciscoexcavating@gmail.com>  
**Sent:** Wednesday, June 02, 2021 7:51 AM  
**To:** ericdeckard1@msn.com  
**Subject:** Fwd: 400 W Church Ln, water/sewer

----- Forwarded message -----  
From: **Nancy Axsom** <[axsomn@bloomington.in.gov](mailto:axsomn@bloomington.in.gov)>  
Date: Fri, May 7, 2021 at 9:56 AM  
Subject: Fwd: 400 W Church Ln, water/sewer  
To: <[jonsciscoexcavating@gmail.com](mailto:jonsciscoexcavating@gmail.com)>

John,

CBU is the water and sewer provider for 400 W Church Ln.

Feel free to contact me if you have any questions.

Nancy

**[Click Here to sign up for the Smart Meter Customer Portal!](#)**

 <p>CITY OF BLOOMINGTON</p>	<p><b>Nancy Axsom</b> Proj Coord - New Services Utilities Department City of Bloomington, IN <a href="mailto:axsomn@bloomington.in.gov">axsomn@bloomington.in.gov</a> 812.349.3689 <a href="http://bloomington.in.gov/utilities">bloomington.in.gov/utilities</a></p>
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Kelly Sciscoe  
Jon Sciscoe Excavating  
410 W. Church Lane  
Bloomington, IN. 47403  
812-360-7142



# MONROE COUNTY PLAT COMMITTEE

**Public Meeting**

**Date: October 21, 2021**

CASE NUMBER	PROPOSED NAME	DETAIL
SSS-21-8	Marvin Smith Sliding Scale Subdivision	3-Lot Sliding Scale Subdivision Preliminary Plat

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

RECOMMENDED MOTION	Approval	Planner: Tammy Behrman
<p><b><i>Recommended Motion Conditions or Reasoning:</i></b>  <b><u>Approve</u></b> based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance.</p> <p><b><u>Approve</u></b> the Road Width Waiver request based on the findings of fact. Staff requires a report from the Highway Department to complete the findings.</p> <p><b><u>Deny</u></b> the Utility Waiver request based on the findings of fact.</p> <p><b>PLAT COMMITTEE:</b> TBD</p>		

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

<b>PETITIONER</b>	Eric Deckard, Deckard Land Surveying	
<b>OWNERS</b>	Marvin R and Karen K Smith	
<b>ADDRESS</b>	9620 N Bowman RD; 53-03-01-300-004.000-001	
<b>TOWNSHIP + SECTION</b>	Bean Blossom; 1	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	26.74	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/RR	AG/RR
<b>CDO ZONE</b>	Farm and Forest	Farm and Forest
<b>USE</b>	Residential / Agriculture	Residential / Agriculture

<b>SUMMARY</b>
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The petitioner is proposing a 3-lot Sliding Scale Subdivision with two waiver requests for Road Width and Undergrounding of Utilities.

**DISCUSSION**

Below is a summary of the lot configurations and requirement. Additionally the plat demonstrates a tree preservation area and no sidewalks are required in this area. One item to note on Lot 1 is to be for recreational uses only and Note 16 states *Lot 1 in this subdivision is for recreational uses at this time and will remain as “No Residential Dwelling Permitted” under 856-39(F) until septic and driveway permits are provided.*

A Rule 5 is not required for this development because one of the lots will remain vacant and used for Recreation use only.

There is roughly 200’ of overhead utilities lines do not serve other properties and are eligible to be required to be underground should the waiver request not be granted.

The road width is 15’ and does not meet the 18’ requirement for width. A waiver has been requested.

**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: 10/12/2021

	<b>Lot 1 (Parent Parcel)</b>	<b>Lot 2</b>	<b>Lot 3</b>
<b>Acreeage / Buildable Area (+/-)</b>	14.85/2.02	3.29/1.88	8.61/5.22
<b>Wastewater</b>	Proposed septic N/A <b>(Recreational Use Only)</b>	Existing; repair permit septic #WW-21-202	Proposed Septic # WW-21-203
<b>Utility Access / Capacity</b>	South Central Indiana REMC / Washington Township Water		
<b>Property Access</b>	RW-21-229	RW-21-201 Existing	RW-21-202
<b>ROW Dedication; N Bowman Road; Local</b>	Yes = 25’	Yes = 25’	Yes = 25’
<b>Environmental Conditions</b>	Steep slopes / Drainage Easements	Steep slopes, pond	Steep slopes
<b>Existing Structure(s)</b>	Vacant	Residence and accessory structures	Vacant

**Paul Satterly** ✓

Remove Comment • Oct 14, 2021 at 2:08 pm

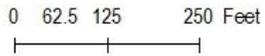
The Highway Department supports a road width waiver for this sliding scale subdivision. Traffic will increase approximately 10 vehicles per day on a road that has approximately 80 vehicles per day.

**EXHIBITS - Immediately following report**

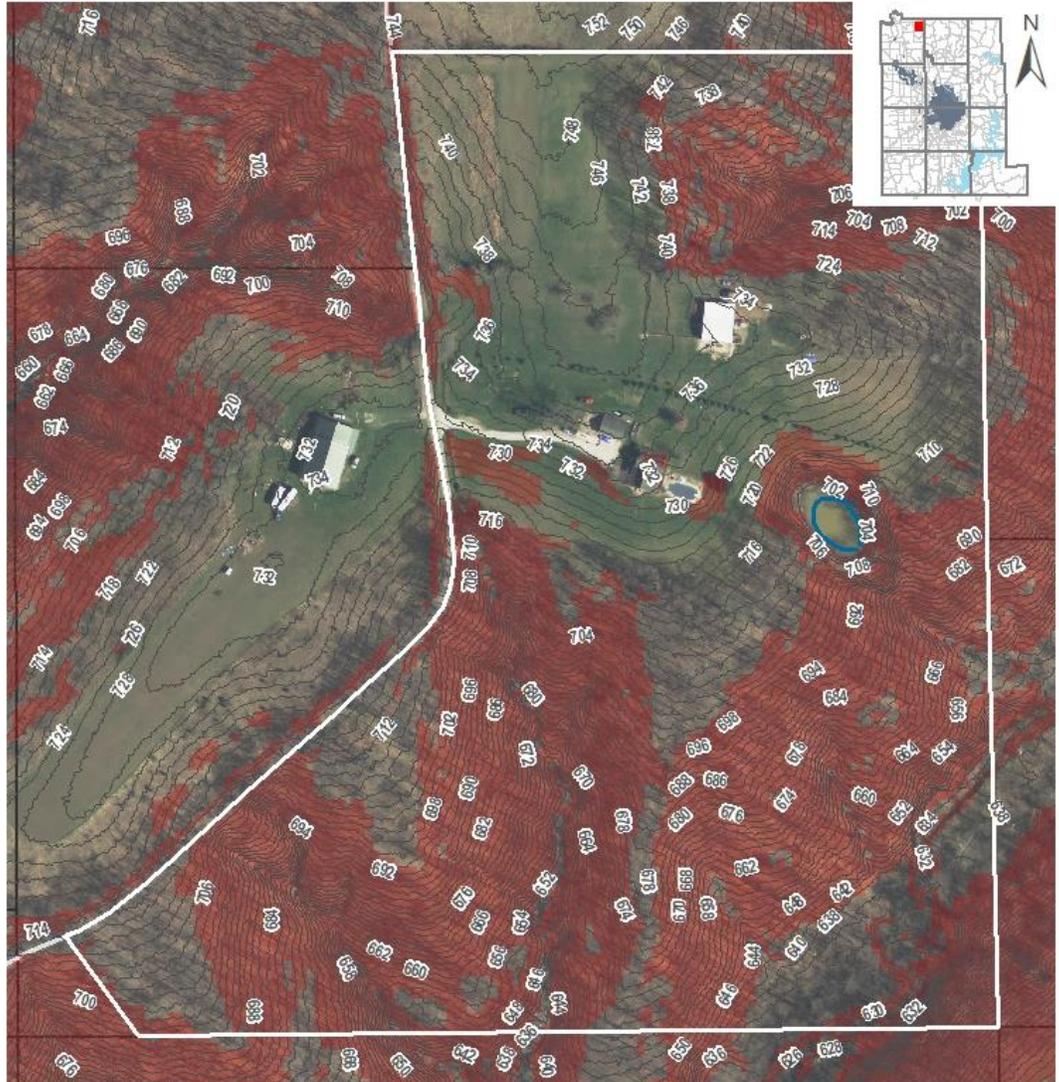
1. County Slope & Site Conditions Map
2. Site Photos
3. Marvin Smith Sliding Scale Subdivision Preliminary Plat (2 pages)
4. Petitioner Findings for Waivers
5. Staff Findings of Fact

# Site Conditions Map

- Petitioner
- 2-Foot Contours
- 15% Slope (County/ECO2)**
- 0 - 15
- > 15
- Local Roads [50']
- Hydrologic Features
- Parcels




 Monroe County  
 Planning Department  
 Source: Monroe County GIS  
 Date: 10/12/2021





**Photo 1: Looking south along N Bowman RD. Driveway on the left.**



**Photo 2: Looking north along N Bowman RD. Petition site on the right.**



**Photo 3. View of N Bowman Road facing north. Proposed driveway for Lot 3 on the right. Road Width Waiver requested for this 15' wide road.**



**Photo 4. Facing east. View of the existing residence, detached garage and driveway.**



**Photo 5. Facing south: view of the proposed Lot 3 building area. Utility lines are located under evergreen trees.**



**Photo 6: aerial view of the petition site facing north. April 2020.**

**MARVIN SLIDING SCALE SUBDIVISION - PRELIMINARY PLAT**  
**A PART OF THE SOUTHWEST QUARTER OF SECTION 1**  
**TOWNSHIP 10 NORTH, RANGE 2 WEST**  
**MONROE COUNTY, INDIANA**

AREA FOR COUNTY RECORDER

HEAN BLOSSOM TWP.  
 TOWNSHIP 10N  
 RANGE 2W  
 SECTION 1

DEVELOPER, APPLICANT & OR OWNER  
 MARVIN & KATHY SMITH  
 9020 N. BOWMAN ROAD  
 GOSPORT, IN 47433  
 (765) 318-1696

PROJECT LOCATION



NOTES: LOCATION MAP

1) R.R. will be set at property corner.

2) Fieldwork completed May 2021.

3) Basis of bearing (State Plane Indiana West).

4) Survey of side line or boundary made by Marvin R. Smith and Kathy K. Smith as found in Deed Record 44, Page 65-66 in the Office of the Monroe County Recorder.

5) Reference is made to a survey performed by Leo L. Ragland as made in a 1950 "A" Administrative Subdivision Plat and Amended Plat performed by Leo L. Ragland for Victor David November 9th, 2020.

6) Reference is made to a survey performed by Leo L. Ragland for Brothers dated August 29th, 2002 as found in Instrument Number 2002051661 in the Office of the Monroe County Auditor's Office.

7) Reference is made to a survey performed by Michael T. Sherman for Sherman dated June 26th, 2003 as found in Instrument Number 2003021870 in the Office of the Monroe County Auditor's Office.

8) Reference is made to a survey performed by Clay D. Cato for a 2.17 Acres tract in Section 1, Township 10 North, Range 2 West dated July 30th, 1987 as found in the Office of the Monroe County Auditor's Office.

9) Reference is made to a survey performed by Clay D. Cato for Debra/Michael dated July 19th, 1980 as found in the Office of the Monroe County Auditor's Office.

10) Coordinates shown herein were obtained from GPS observations utilizing the Indiana Real-Time Network (INRTNS), Indiana West Zone, NAD83(2011) Epoch 2010.0000. State Plane East Coordinate, US Survey Foot. Check against GCS1983.

11) Coordinates data was collected using a Topcon Network Rover (Hiper) and RTK. Topcon 302 total station and a TC-5000 data collector. Coordinate positions are given in Indiana State Plane West Zone.

12) Per Monroe County Subdivision and Control Ordinance Chapter 802.40(A)(1) The designated Forest Fenced Remainder (FFR) 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 private sewage disposal system or further subdivision of the property is authorized by ordinance. It is the intent of this ordinance, prospectively only. This restriction shall be recorded on the final plat and incorporated in a Recordable Commitment (which spans the day, year and month in which the Forest Fenced Remainder (FFR) becomes eligible for further subdivision) referenced on any deed conveying the Forest Fenced Remainder (FFR).

13) Subject to a Right-of-Way Easement to American Telephone and Telegraph Company recorded January 17, 1972, as map 137 of Deed Record 209 in the Office of the Recorder of Monroe County, Indiana. (Applicable)

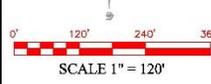
14) Subject to a grant to American Telephone and Telegraph Company to construct, operate and maintain an access road 20 feet in width recorded October 18, 1972, as page 416 of Deed Record 215 in the Office of the Recorder of Monroe County, Indiana. (Applicable)

15) Subject to a right-of-way easement in Washington Township Water Corporation recorded December 16, 1991, as map 477 and 478 of Deed Record 352 in the Office of the Recorder of Monroe County, Indiana. (Applicable)

16) Lot 1 in this subdivision is for agricultural use of this date, and will remain as "No residential, dwelling permits are provided, except as reported."

17) I affirm, under penalty for perjury, that I have taken reasonable care to reduce each Social Security Number in this document, unless required by law.

-SIGNED: T. DECKARD



Drainage Easement

LINE BEARING	DISTANCE
N 10° 00' 00" E	120.00
N 83° 00' 00" E	144.00
N 89° 00' 00" E	172.00
N 90° 00' 00" E	180.00
S 89° 00' 00" E	172.00
S 83° 00' 00" E	144.00
S 10° 00' 00" E	120.00
S 10° 00' 00" W	120.00
N 89° 00' 00" W	172.00
N 83° 00' 00" W	144.00
N 10° 00' 00" W	120.00
N 10° 00' 00" E	120.00
N 89° 00' 00" E	172.00
N 83° 00' 00" E	144.00
N 10° 00' 00" E	120.00
N 10° 00' 00" W	120.00
N 89° 00' 00" W	172.00
N 83° 00' 00" W	144.00
N 10° 00' 00" W	120.00
N 10° 00' 00" E	120.00
N 89° 00' 00" E	172.00
N 83° 00' 00" E	144.00
N 10° 00' 00" E	120.00
N 10° 00' 00" W	120.00
N 89° 00' 00" W	172.00
N 83° 00' 00" W	144.00
N 10° 00' 00" W	120.00

LEGEND

- STONE FOUND
- ⊕ UTILITY POLE
- ⊙ REBAR FOUND
- ⊙ REBAR SET
- NAT'L FOUND
- ✕ RR FOUND
- ✕ RR SPIKE FOUND
- ⊙ PIPE FOUND
- ⊙ WOOD POST FOUND
- ⊙ MAG SPIKE SET
- ⊙ WOOD POST FENCE
- FENCE
- OFFSHOULDER POWER LINE
- (R) RECORD
- (M) MEASURED
- AGRR AGRICULTURE/RURAL RESERVE
- 3950 ADDRESS
- NON-BUILDABLE AREA

SETBACK TABLE

Front - 67' for R/W or 59' for Direct Frontage

Side - 10' for Residential & Accessory Structures/ 50' for Non-Residential Structures

Rear - 10' for Residential & Accessory Structures/ 50' for Non-Residential Structures

\*Single Family\* use Dist 2 & 3

Lot 1 is Residential Only

ZONE: AGRICULTURE/RURAL RESERVE

**CERTIFICATION**

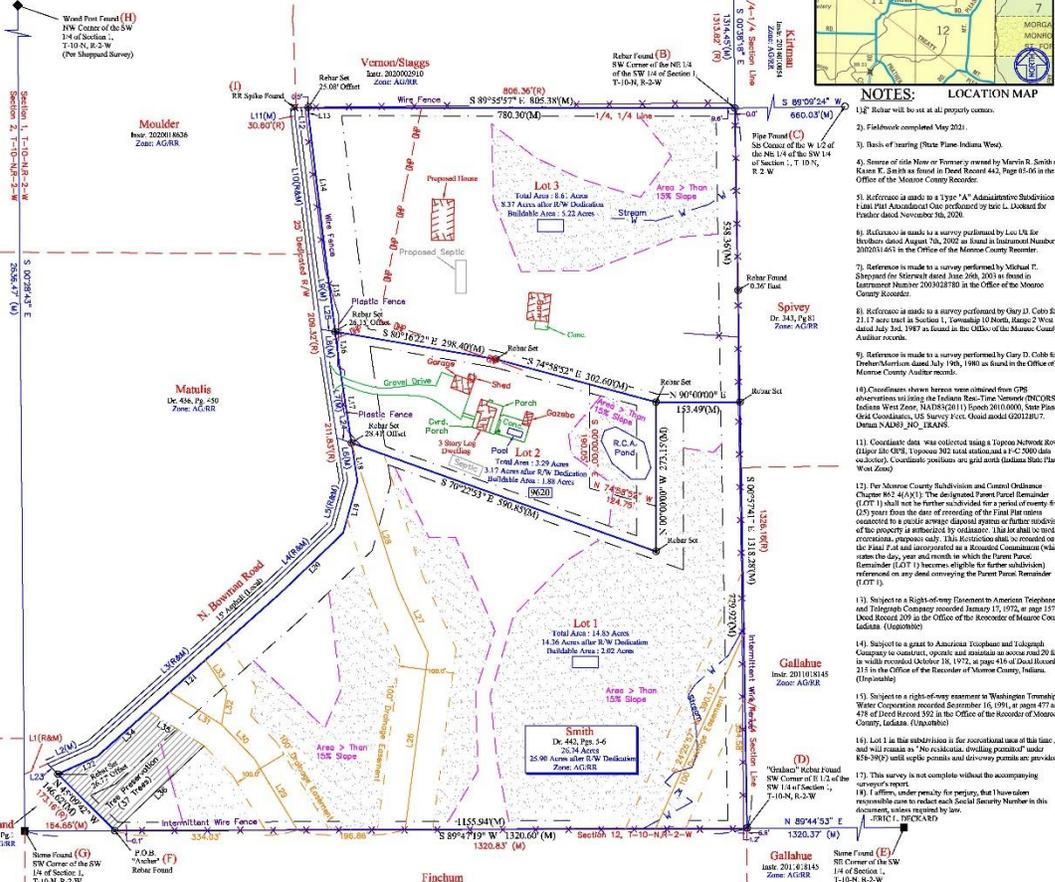
The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements 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 865 IAC 1-12-1 through 19.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Eric L. Deckard  
 Registered Surveyor LS 29900012  
 State of Indiana

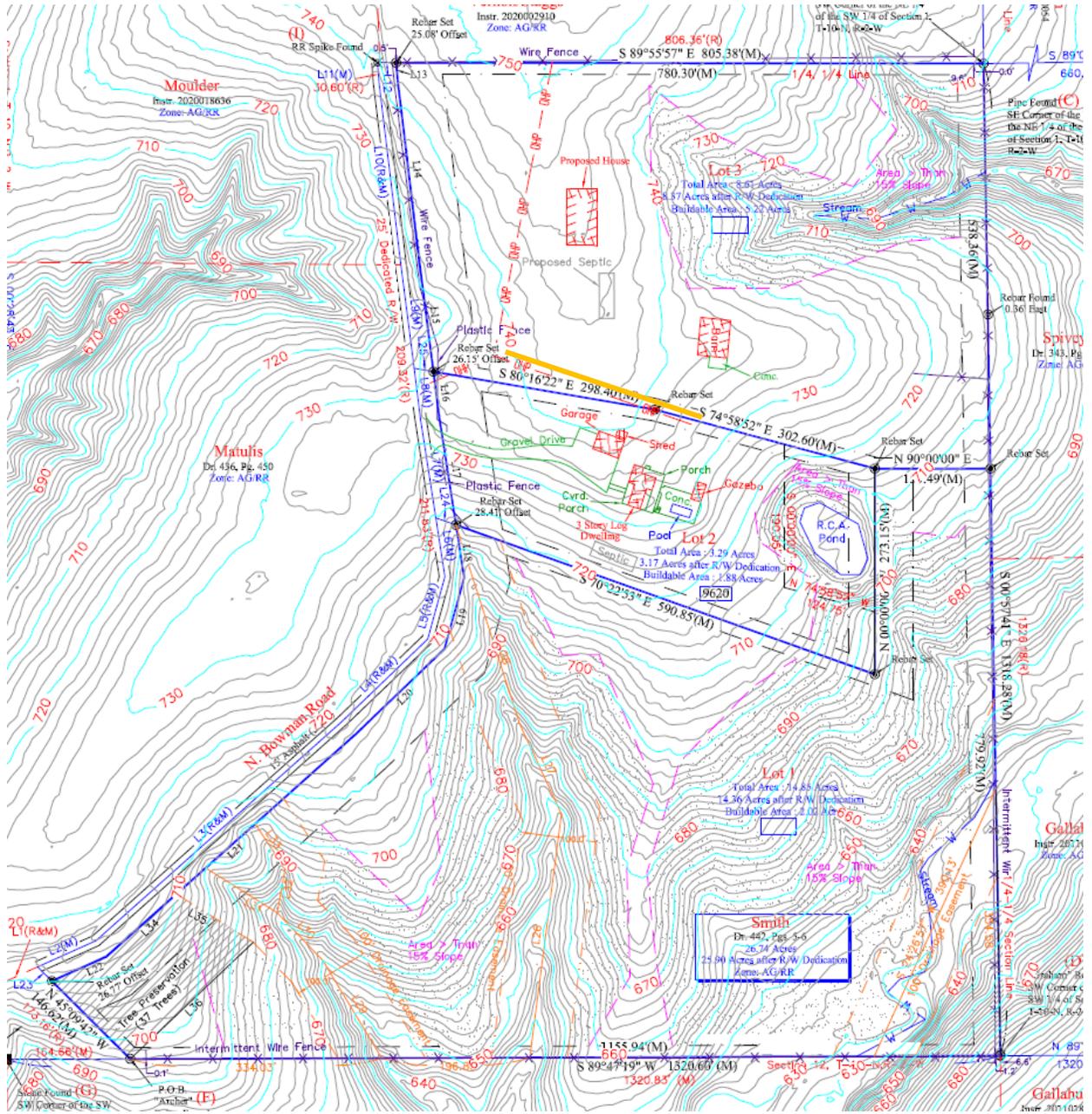


DECKARD  
 LAND SURVEYING  
 1000 S. STATE ST. SUITE 100  
 MONROE COUNTY, INDIANA 47450  
 (765) 318-1696

MARVIN SMITH  
 SLIDING SCALE SUBDIVISION  
 A PART OF SECTION 1 T10N, R2W

LINE	BEARING	DISTANCE
1	N 10° 00' 00" E	120.00
2	N 83° 00' 00" E	144.00
3	N 89° 00' 00" E	172.00
4	N 90° 00' 00" E	180.00
5	S 89° 00' 00" E	172.00
6	S 83° 00' 00" E	144.00
7	S 10° 00' 00" E	120.00
8	S 10° 00' 00" W	120.00
9	N 89° 00' 00" W	172.00
10	N 83° 00' 00" W	144.00
11	N 10° 00' 00" W	120.00
12	N 10° 00' 00" E	120.00
13	N 89° 00' 00" E	172.00
14	N 83° 00' 00" E	144.00
15	N 10° 00' 00" E	120.00
16	N 10° 00' 00" W	120.00
17	N 89° 00' 00" W	172.00
18	N 83° 00' 00" W	144.00
19	N 10° 00' 00" W	120.00
20	N 10° 00' 00" E	120.00
21	N 89° 00' 00" E	172.00
22	N 83° 00' 00" E	144.00
23	N 10° 00' 00" E	120.00
24	N 10° 00' 00" W	120.00
25	N 89° 00' 00" W	172.00
26	N 83° 00' 00" W	144.00
27	N 10° 00' 00" W	120.00

21-35  
 1  
 2  
 7/22/21  
 BNDY.SIIT



The yellow symbol above represents the overhead powerline that is required to be underground unless a waiver is granted. It is approximately 200’.

**MARVIN SMITH SLIDING SCALE SUBDIVISION - PRELIMINARY PLAT**  
**A PART OF THE SOUTHWEST QUARTER OF SECTION 1**  
**TOWNSHIP 10 NORTH, RANGE 2 WEST**  
**MONROE COUNTY, INDIANA**

AREA FOR COUNTY  
 RECORDER

BRAN BLOSSOM TWP.  
 TOWNSHIP 10 N  
 RANGE 2 W  
 SECTION 1  
 DEEDS OFFICE, APPLICANT & FOR OWNERS  
 MARVIN & KAREN SMITH  
 8620 N. BOWMAN ROAD  
 GOSPORT, IN 47433  
 (765) 314-1696

DECKARD  
 LAND SURVEYING  
 1000 N. BOWMAN ROAD  
 GOSPORT, IN 47433  
 (765) 314-1696



**SURVEYOR'S REPORT**

In accordance with Title 865 I.A.C. 1-12 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various monuments in the location of lines and corners established on this survey as a result of:

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

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban survey (0.13 plus 100 PPM) as defined I.A.C. Title 865 "relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level."

**SUBJECT PROPERTY:**

A Sliding Scale Subdivision was performed on the property now or formerly owned by Marvin R. Smith and Karen K. Smith as found in Deed Record 442, Page 05 in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property and create a new three lot configuration. This property is located in Section 1, Township 10 North, Range 2 West, Monroe County, Indiana.

**REFERENCE MONUMENTS:**

- A). A 5/8 inch rebar was found 6 inches below grade marking the Northwest corner of the East half of the Southwest quarter of Section 1, Township 10 North, Range 2 West. This rebar is believed to have been set in a survey performed by Gary D. Cobb for Decker/Morrison dated July 19th, 1980 and referenced in a survey performed by Lee Ut for Brothers dated August 7th, 2002. This monument was found to agree with other monuments in the area and was accepted and held as said corner.
- B). A 5/8 inch rebar was found 7 inches above grade marking the Southwest corner of the Northeast quarter of the Southwest quarter of Section 1, Township 10 North, Range 2 West, also being the Northeast corner of the subject property (Lot 3). This rebar was referenced in several surveys in the area and is believed to have been set in a survey performed by Gary D. Cobb dated July 19th, 1980. This monument was found to be the best evidence available and was accepted and held as said corner.
- C). A 3/4 inch plain pipe was found 4 inches above grade marking the Southeast corner of the West half of the Northeast quarter of the Southwest quarter of Section 1, Township 10 North, Range 2 West. 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 5/8 inch rebar with cap stamped "Graham" was found 3 inches above grade marking the Southwest corner of the East half of the Southwest quarter of Section 1, Township 10 North, Range 2 West. This 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. A 5/8 inch rebar with no cap was found +/- .91 feet north. This monument was believed to have been set in a survey performed by Gary D. Cobb dated July 3rd, 1981 on a 27.17 acre tract being the same as the subject property.
- E). A triangular 6 inch by 8 inch stone was found 6 inches above grade marking the Southeast corner of the Southwest quarter of Section 1, Township 10 North, Range 2 West. This monument was found to be of record in the office of the Monroe County Surveyor as Corner 1.D. "W-5". This monument was referenced in several surveys in the area and was accepted and held as said corner.
- F). A 5/8 inch diameter rebar with cap stamped "Archer" was found 3 inches above grade marking the Southwest corner of the subject property (Lot 1) and the Southwest corner of a 0.23 acre exception described in the subject deed. The origin of this rebar is unknown, however was found to agree with other monuments in the area and was accepted and held as said corner.
- G). A 3 inch by 10 inch stone was found 3 inches above grade marking the Southwest corner of the Southwest quarter of Section 1, Township 10 North, Range 2 West. This monument was found to be of record in the office of the Monroe County Surveyor as Corner 1.D. "U-5". This monument was referenced in several surveys in the area and was accepted and held as said corner.
- H). A 4 inch by 4 inch wooden fence corner post was found marking the Northwest corner of the Southwest quarter of Section 1, Township 10 North, Range 2 West. This monument was shown in a survey performed by Michael E. Sheppard for Dan Stierwalt dated June 26th, 2003 (Instr. 2003G28780) and was accepted and held as said corner.
- I). A railroad spike was found 2 inches below grade marking the northwest corner of the subject property (Lot 3). This spike was believed to have been set in a survey performed by Lee Ut for Brothers dated August 7th, 2002. This monument was found to agree with other monuments in the area and was accepted and held as said corner.

**LINE OF OCCUPATION:**

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

- 1). The centerline of N. Bowman Road was found running along the west line of the subject property (Lots 1, 2, & 3). This centerline was held as said west line.
- 2). A wire fence was found running east and west along the north line of the subject property (Lot 3). This fence meanders from +/- 0.5 feet north of line at the west end to +/- 9.6 feet north of line at the east end.
- 3). An intermittent wire fence was found running north and south along the east line of the subject property (Lots 1 & 3). This fence meanders from directly on line at the north end +/- 6.6 feet west of line at the south end.
- 4). An intermittent wire fence was found running east and west along the south line of the subject property (Lot 1). This fence meanders from +/- 1.2 feet south of line at the east end to +/- 0.1 feet north of line at the west end.

**RECORD DESCRIPTIONS:**

- 1). No discrepancies in the subject descriptions were found.

**SURVEY DESCRIPTION**

A part of the Southwest quarter of Section 1, Township 10 North, Range 2 West of the Second Principal Meridian in Monroe County, Indiana, being that 26.74 acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of survey as Deckard Land Surveying Job No. 21-35, being more particularly described as follows:

Commencing at a stone found marking the Southwest corner of the Southwest quarter of said Section 1; thence along the north line of said Southwest quarter North 89 degrees 47 minutes 19 seconds East for a distance of 164.66 feet to a rebar stamped "Archer", marking the Point of Beginning; thence leaving said south line North 45 degrees 09 minutes 42 seconds West for a distance of 173.39 feet to the centerline of N. Bowman Road, passing through a rebar stamped "Deckard" at 146.62 feet on the south right-of-way of said N. Bowman Road; thence the following right (8) courses along said centerline:

- 1). North 65 degrees 46 minutes 01 seconds East for a distance of 84.91 feet
  - 2). North 48 degrees 16 minutes 39 seconds East for a distance of 437.76 feet
  - 3). North 46 degrees 08 minutes 29 seconds East for a distance of 180.07 feet
  - 4). North 15 degrees 30 minutes 04 seconds East for a distance of 85.04 feet
  - 5). North 08 degrees 44 minutes 46 seconds West for a distance of 211.83 feet
  - 6). North 07 degrees 29 minutes 16 seconds West for a distance of 209.32 feet
  - 7). North 06 degrees 47 minutes 48 seconds West for a distance of 242.25 feet
  - 8). North 04 degrees 38 minutes 53 seconds West for a distance of 25.41 feet to a railroad spike;
- thence leaving said centerline and along the north line of the Southwest quarter of the Southwest quarter of said Section 1 South 89 degrees 55 minutes 57 seconds East for a distance of 805.38 feet to a rebar marking the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 1, passing through a rebar stamped "Deckard" at 25.08 feet on the east right-of-way of N. Bowman Road; thence leaving said north line and along the east line of the Southwest quarter of the Southwest quarter of said Section 1 South 00 degrees 37 minutes 41 seconds East for a distance of 3318.26 feet to a rebar stamped "Graham" marking the Southwest corner of the East Half of the Southwest quarter of said Section 1; thence leaving said east line and along the south line of said Section 1 South 89 degrees 47 minutes 19 seconds West for a distance of 1155.94 feet to the Point of Beginning, containing 26.74 acres, more or less.

Subject to the 25 foot dedicated right-of-way of N. Bowman Road and all legal easements of record. Average line dedicated right-of-way is 25.90 acres, more or less.

**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.

Easements 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 865 I.A.C. 1-12-1 through 19.

Certified this 21st day of May, 2021.

Eric L. Deckard  
 Registered Surveyor LS 29900012  
 State of Indiana



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

Marvin R. Smith and Karen K. Smith, owners of the real estate shown and described herein do hereby certify, lay off and plat Lots numbered 1 thru 3 to be known as Marvin Smith Sliding Scale Subdivision. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as Marvin Smith Sliding Scale Subdivision.

The right-of-way to be dedicated for N. Bowman Road shall measure 25 feet perpendicular to and parallel with the existing centerline of N. Bowman 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\_\_\_\_\_.

Marvin R. Smith (Owner)  
 9620 N. Bowman Road  
 Gosport, Indiana 47433  
 (765)341-9616

Karen K. Smith (Owner)  
 9620 N. Bowman Road  
 Gosport, Indiana 47433  
 (765)341-9616

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MONROE )

Before me, the undersigned Notary Public, in an for said County and State, personally appeared Marvin R. Smith and Karen K. Smith (Owners), 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 FIRM, Parcel Number 8116C00507 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 Sliding Scale Subdivision procedure and approved by the Monroe County Plan Commission on \_\_\_\_\_.

Monroe County Plan Commission:

Margaret Clements President: \_\_\_\_\_

Larry Wilson Secretary: \_\_\_\_\_

MARVIN SMITH  
 SLIDING SCALE SUBDIVISION  
 A PART OF SECTION 1 10N, R2W

21-35	2	2
05/12/21		

MONROE COUNTY PLAN COMMISSION  
 21-35  
 05/12/21  
 BNDY.SHT



Eric L. Deckard, LS

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

May 18th, 2021

To Members of the Monroe County Planning Commission

RE: Marvin Sliding Scale Subdivision: 9620 N Bowman Rd Gosport, In 47433

I have been asked personally by Marvin Smith to request a road width waiver.

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

The petitioner has requested a waiver to continue using the existing overhead power line drop to the existing house and barn located on proposed lot 2 &.

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

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

1. Practical difficulties have been demonstrated:

Findings:

- The site gains access from N. Bowman, a designated Local road (low traffic).
- The existing house was built in 1982 along with a detached garage that also has drop built in 1982. The owners were not made aware at the time of burying the new utility line that the old drop to the home and garage needed to be buried as well.
- Replacing the utilities and burying them underground would be a large financial undertaking and unnecessary due to the age of the overhead line.

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

Findings:

- There is an overhead power line running along the East side of N. Bowman Road the entire length of the property to service other properties but would impose a financial burden for the client to bury from said line to the existing house.
- N. Bowman Road is +/-15 feet wide throughout the entire length of the +/- 2 mile long road. It would be difficult and costly to get N. Bowman Road wide enough to meet the ordinance standards.

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

Findings:

- The overhead utility line poses no threat to public safety, health, or welfare;
- No other road in this area of the county meets these standards.

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 home has had overhead power since it was built. Other homes located along N. Bowman are served by an overhead utility line.
- This Property gains access from, N. Bowman.

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:

The overhead utility line crosses over N. Bowman Road and would create practical difficulties to bore under said road instead of using exiting overhead lines.

This parcel has been accessed for many years from N. Bowman Road and the addition of one more proposed lot would not greatly affect the amount of vehicles using said road.

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

Findings:

Granting this waiver would not contravene the purposes for these regulations as the site has existing utilities on it now.

Granting this waiver for road width would leave conditions as they presently exist. N. Bowman Road at 15 feet wide.

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

Findings:

- See findings under Section 1;

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

Findings:

- The land owners purchased the property 1996. The house and garage existed before purchase and have used the overhead utilities and current road since completion.

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

Findings:

- See #1 and #5 above.

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

Sincerely,

Eric L. Deckard, LS

## **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 result in (3) lots that exceed the minimum lot size requirement for the Agriculture/Rural Reserve (AG/RR) Zoning Designation;
- Approval of the subdivision would result in Lot 1 = 14.85 (parent parcel); acres, Lot 2 = 3.29 acres, and Lot 3 = 8.61 acres;
- The proposed use in the subdivision is residential and recreation for Lot 1 only;
- Each Lots 2 & 3 can be served by a private septic system. Lot 1 does not require a septic at this time due to the Note 16 on the plat declaring the recreational use;

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

#### **Findings**

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

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

#### **Findings**

- See findings under Section (A);
- The surrounding uses are primarily agricultural and residential in nature;
- The property maintains frontage along N Bowman Road;
- The proposed subdivision is meeting the Monroe County Zoning Ordinance's Buildable Area requirement;

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

#### **Findings**

- See findings under Section (A);
- The adjoining properties are zoned Agriculture/Rural Reserve (AG/RR);
- N Bowman Road is classified as a "Local Road" per the Monroe County Thoroughfare Plan;

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

#### **Findings**

- See findings under Sections (A), (C), and (D);
- A Utility Waiver and a Road Width Waiver have been requested with this petition;
- There are no visible karst features on the property;
- There is no floodplain on the property;
- There is a pond on the petition site (Lot 2);
- Drainage easements have been placed on the plat per recommendation from the MS4

Coordinator;

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

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

**Findings:**

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

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

**Findings:**

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

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

**Findings**

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

**FINDINGS OF FACT – WAIVER OF ROAD WIDTH REQUIREMENT**

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

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

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

**1. Practical difficulties have been demonstrated:**

**Findings:**

- Note Exhibit 4 for Petitioner Submitted Finding;
- The site gains access from N Bowman RD, a designated Local Road;
- N Bowman RD is measured by surveyor as 15 feet wide;
- The petition site has approximately 1450' of frontage along N Bowman RD;
- The existing road serves properties to the north and south of the petition site, as well as the proposed petition site;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- N Bowman RD connects to W Burma Rd to the north and N Liberty Hollow Road to the south;
- The petitioner did submit findings for the waivers (Exhibit 4);

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

**Findings:**

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

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

**Findings:**

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

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

**Findings:**

- See findings under Section 1;

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

**Findings:**

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

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

**Findings:**

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

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

**Findings:**

- See findings under Section 1;

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

**Findings:**

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

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

**Findings:**

- See findings under Section 1;

In approving modifications, the Commission may impose such conditions as will in its judgment

substantially secure the objectives of these regulations.

**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 undergrounding, an approximately 200’ run of electric line on proposed Lot 2;
- From the petitioner’s representative it is interpreted by staff that they intend to comply with the underground requirement for new development;
- Findings for the utility waiver request were submitted by the petitioner (Exhibit 4);
- The above ground electric line requires undergrounding, as per 856-41;
- The cost of burying the utilities may exceed the value of the structures it will serve.

**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;
- There are lines across proposed Lot 3 that serve the property to the north and is not included in the waiver since it is exempt.

- 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.

#### **Right-of-way.**

A strip of land (other than an easement) occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, drainage swale or for another special use. The usage of the term "right-of-way" for land platting and zoning purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the Subdivider on whose plat such right-of-way is established.

- 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;
- Staff observed that there is a row of evergreen trees directly below the utility lines in this discussion and it is unclear what the intended maintenance of those trees will be as they continue to grow up into the overhead powerlines;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards;

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

#### **Findings:**

- 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:**

- ;
- 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;**

**Findings:**

- Not Applicable per 856-41;

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