

ORDINANCE NO. 2022-20

Kings Road Farm Rezone

An ordinance to amend the Monroe County Zoning Maps which were adopted December 1996.

Whereas, the Board of Commissioners of Monroe County, Indiana, passed a zoning ordinance and adopted zoning maps effective January 1997, which ordinance and maps are incorporated herein; and,

Whereas, the Monroe County Plan Commission, in accordance with all applicable laws, has considered the petition to amend said zoning maps;

Now, therefore, be it ordained by the Board of Commissioners of Monroe County, Indiana, as follows:

SECTION I.

The Monroe County Zoning Ordinance is amended to rezone one (1) 19.12 +/- total acre parcel in Section 31 of Benton South Township at 5577 E Kings Road (Parcel #: 53-02-34-200-006.000-017) from Estate Residential 2.5 (RE2.5) to Agriculture/Rural Reserve (AG/RR).

SECTION III.

The following conditions of approval shall apply to this petition:

1. Petitioner submit a written commitment that the property owner submit an application for the Historic Preservation Overlay within 2 years from the rezone approval. If the Historic Preservation Overlay is not applied for within 2 years, the owner will not remonstrate against an Overlay application prompted by the Monroe County Historic Preservation Board.

SECTION III.

This ordinance shall be in full force and effect from and after its passage and adoption by the Board of Commissioners of Monroe County, Indiana.

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this ___th day of July 2022.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes


Julie Thomas, President



Lee Jones, Vice President


Penny Githens, Commissioner

"No" Votes



Julie Thomas, President

Lee Jones, Vice President



Penny Githens, Commissioner

Attest:


Catherine Smith, Monroe County Auditor

OFFICE OF
MONROE COUNTY PLAN COMMISSION
501 N Morton Street, Suite 224
BLOOMINGTON, IN 47404

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

I, Jackie N. Jelen, hereby certify that during its meeting on June 21st, 2022 the Monroe County Plan Commission considered Petition No. REZ-22-3 for a Zoning Map Amendment (Ordinance No. 2022-20) to the Monroe County Zoning Ordinance and made a positive recommendation to approve thereon, based on the findings, conditions, and Highway Department reports, with a vote of 5-4 including the following conditions:

1. Petitioner submit a written commitment that the property owner submit an application for the Historic Preservation Overlay within 2 years from the rezone approval. If the Historic Preservation Overlay is not applied for within 2 years, the owner will not remonstrate against an Overlay application prompted by the Monroe County Historic Preservation Board.

This proposed amendment is being forwarded for your consideration pursuant to J.C. 36-7-4-605(a).


Jackie N. Jelen
Planning Director

7/1/2022
Date

MONROE COUNTY PLAN COMMISSION**June 21, 2022**

PLANNER	Drew Myers
CASE NUMBER	REZ-22-3
PETITIONER	Jason Voorhies, Life is Better on the Farm LLC
ADDRESS	5577 E Kings RD, parcel no. 53-06-31-400-002.000-003
REQUEST	Rezone Request from RE2.5 to AG/RR Waiver of Final Hearing Requested
ACRES	19.12 +/- acres
ZONE	Estate Residential 2.5 (RE2.5)
TOWNSHIP	Benton South
SECTION	31
PLATS	Platted, Kings Road Minor Subdivision Amendment 3 for Lot 3A
COMP PLAN DESIGNATION	MCUA Rural Transition

EXHIBITS

1. Petitioner Letter
2. Petitioner Site Plan
3. **RE2.5 Use Table** & AG/RR Use Table
4. Kings Road Minor Subdivision Amendment 3 for Lot 3A
5. **Letters of Support**
6. Letters of Opposition

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends forwarding a “positive recommendation” to the Board of Commissioners based on the findings of fact and compatibility with the Monroe County Comprehensive Plan subject to the following condition:

1. Petitioner submit a written commitment that the property owner submit an application for the Historic Preservation Overlay within 2 years from the rezone approval. If the Historic Preservation Overlay is not applied for within 2 years, the owner will not remonstrate against an Overlay application prompted by the Monroe County Historic Preservation Board.

RECOMMENDATION TO THE PLAN REVIEW COMMITTEE

Recommendation to the Plan Review Committee:

- Staff recommends forwarding a “positive recommendation” to the Plan Commission based on the petition’s compatibility with the Monroe County Comprehensive Plan.

PLAN REVIEW COMMITTEE

PRC met on April 14, 2022 and offered support for this rezone petition. PRC members discussed the historic nature of structures on the property and recommended this petition be presented to the Historic Preservation Board. According to SHAARD, the existing farmhouse and associated barn structures are listed as “contributing”. According to the petitioner, the two existing historic barn structures are not in good shape. Currently, Mr. Voorhies has a long-term tenant in the farmhouse. He does not allow the tenant to enter into the existing barns for safety reasons. Mr. Voorhies communicated to the PRC that his ultimate goal for the property is to fully restore the farmhouse and barn structures. He intends on leveraging revenue made from listing the farmhouse as a Tourist Home/Cabin to help pay for future restorations, hence the purpose of the rezone request to AG/RR in the first place.

HISTORIC PRESERVATION BOARD

HP Board met on April 18, 2022 to discuss this rezone petition and the historic nature of the existing structures on the property. HP Board offered their support towards the rezone request to AG/RR. They

also encouraged the property owner to pursue the HP Overlay designation for the property. Several members also expressed interest in walking the property with the petitioner. Planning Staff is to provide the petitioner with more information regarding the HP Overlay process. This rezone petition will be discussed again at the **May 16, 2022** HP Board meeting.

HP Board met again on May 16, 2022. After a discussion between Planning Staff and the HP Board, the Board came to establish the following recommendation:

“Monroe County Historic Preservation Board makes a favorable recommendation for the AG/RR rezone with a condition that the petitioner submit a Written Commitment that the property owner submit an application for the Historic Preservation Overlay within 2 years from the rezone approval.”

The HP Board volunteered to draft the written commitment.

PLAN COMMISSION – Preliminary Hearing

Plan Commission met on May 17, 2022 to discuss this rezone petition. Plan Commission members discussed the idea of the petitioner removing certain uses from the AG/RR list as a written commitment. Plan Commission members also discussed the implications and process of the additional HP Overlay details.

MEETING SCHEDULE

Plan Review Committee – April 14, 2022

Plan Commission Admin Meeting – May 2, 2022

Plan Commission Regular Meeting – May 17, 2022 (Preliminary– Waiver of Final Hearing Requested)

Plan Commission Admin Meeting – June 7, 2022

Plan Commission Regular Meeting – June 21, 2022 (Final Hearing)

Board of Commissioners Meeting – TBD

SUMMARY

The petition site is one parcel totaling 19.12 +/- acres located in Benton South Township at 5577 E Kings Road. The petitioner is proposing to amend the Zoning Map from Estate Residential 2.5 (RE2.5/PRO6) to Agricultural/Rural Reserve (AG/RR). The petitioner’s intention behind the rezone request is provide for the appropriate zoning designation to convert the existing single family residence into a “Tourist Home/Cabin”. The Tourist Home/Cabin use is not permitted in the RE2.5 zoning district.

If the rezone request is approved by the County Commissioners, the petitioner intends to complete the planning process for the establishment of a Tourist Home/Cabin use on the property. All applicable site plan requirements for Tourist Home/Cabins as well as the special conditions outlined in Chapter 802 for the Tourist Home/Cabin use must be met by the proposed change of use on the property. Typically, site plan review for Tourist Home/Cabin uses is completed on a staff level.

If the rezone is denied, the petitioner may continue to operate the property as a single family residence or may pursue any of the available uses as outlined in Chapter 833 of the Monroe County Zoning Ordinance for the RE2.5 zone as long as any special conditions can be met.

CHAPTER 801:

Short-Term Lodging Agreement. An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for a *period of less than thirty (30) days*.

CHAPTER 802:

Tourist Home or Cabin. A building, or portion thereof, in which four (4) or fewer guest rooms are furnished to the public under the terms of a short-term lodging agreement.

Permitted in the AG/RR, FR, and CR zoning districts and listed as conditional in the ER, LR, MR, HR, and UR zoning districts. Subject to special condition #48.

48. Criteria for Tourist Home or Cabin uses in AG/RR, FR, and CR zoning districts:

- a) The lot must meet or exceed the minimum lot size and infrastructure facilities (i.e. septic system, driveway) requirement for the zoning district prior to the commencement of the Tourist Home or Cabin use;
- b) The Tourist Home or Cabin shall be located no closer than two-hundred (200') feet from any adjoining principal use structure not currently being used as a Tourist Home or Cabin or from the adjoining property setback line if no adjoining principle use structure exists.
- c) Any outdoor pool or spa facilities must meet State and Local Board of Health requirements and must be visually screened from surrounding properties and properly secured with a Power Safety Pool Cover or Enclosure as defined in Indiana Code (675 IAC 20-4-27 - Safety Features; 675 IAC 20-3-9 – Enclosure) standards for a Class C, Semi-Public Pool.
- d) Parking:
 - 1) Parking only on paved or graveled driveways;
 - 2) No parking is allowed on the street or road;
 - 3) One (1) parking space per guest room; and,
 - 4) No parking of any vehicles in any yard or setback area as defined by Chapter 804 of the Zoning Ordinance.
- e) Rules, in a readable size and format, shall be posted outside near the main entrance to the Tourist Home or Cabin and shall include the following:
 - 1) Rules and regulations for ensuring safety and preservation of neighborhood values (e.g., emergency phone numbers; 24 hour contact number for property owner or manager; noise restrictions; solid waste management rules; fishing license rules; etc.);
 - 2) Diagram of property boundary lines; and,
 - 3) Diagram of designated parking.
- f) Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all Tourist Homes or Cabins.
- g) All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.
- h) No more than two (2) guests per guest room.

BACKGROUND

The Zoning Map amendment would be from RE2.5 to AG/RR. Listed below are the definitions of these zones per Chapter 833 and Chapter 802, respectively.

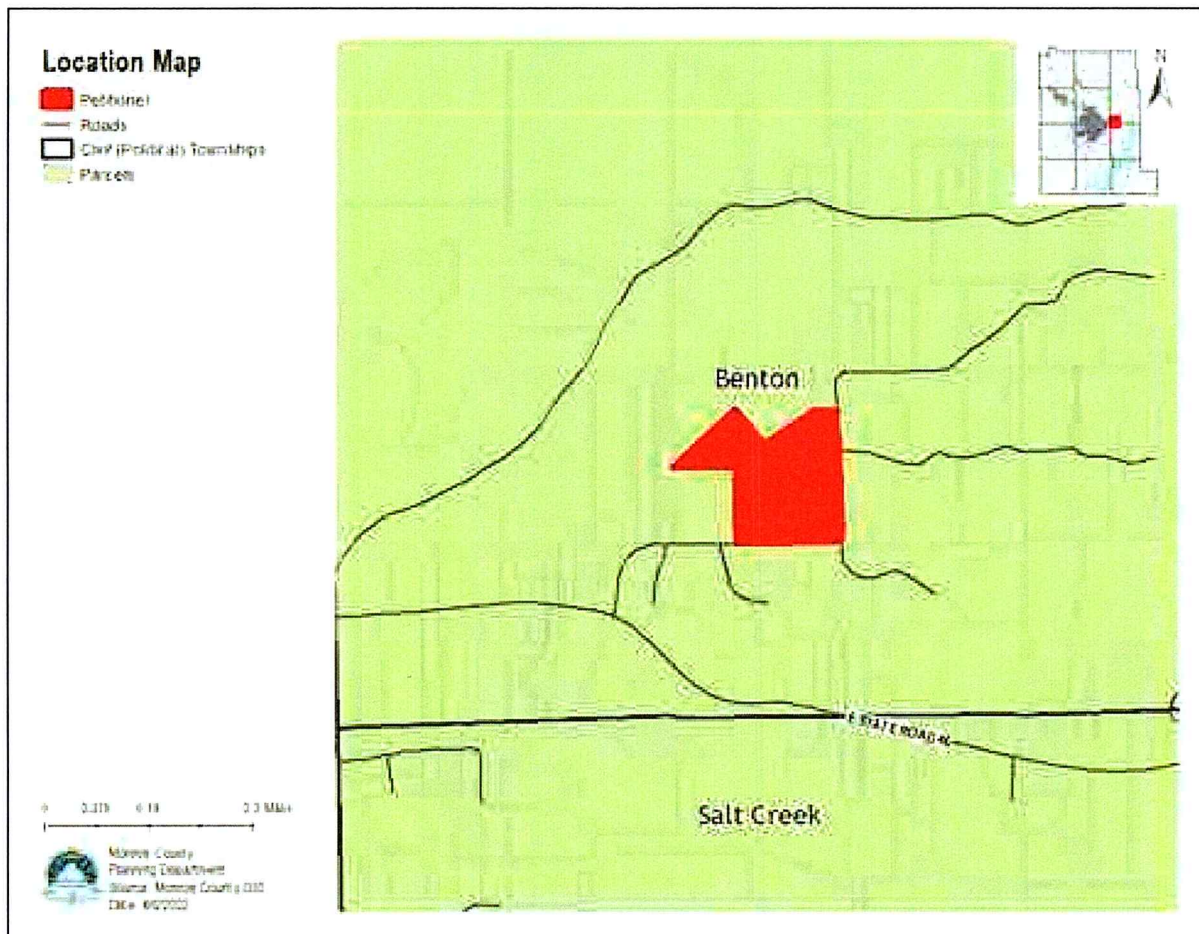
Estate Residential 2.5 (RE2.5) District. *The intent of this district is to required minimum lot sizes of 2.5 acres where sensitive environmental resources exist. Such environmental resources may include karst formations, wetlands, hillsides, heavily wooded land, and the lake's watersheds. The dual purposes of this district are:*

- A. *To protect such sensitive environmental resources.*
- B. *To permit a rural level of development which will not endanger and can be used to protect these sensitive resources.*

Agriculture/Rural Reserve (AG/RR) District. *The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.*

LOCATION MAP

The parcel is located at 5577 E Kings Road, Section 31 in Benton South Township. The Parcel No. is 53-06-31-400-001.000-003.



ZONING

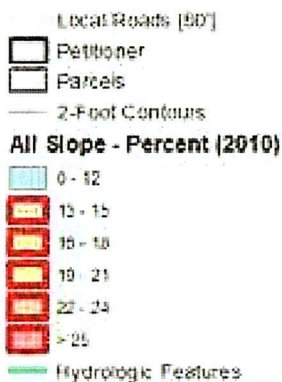
The parcel is zoned Estate Residential 2.5 as are the adjoining parcels to the north, south, east and west. There are numerous properties zoned Agriculture/Rural Reserve (AG/RR) approximately a quarter mile to the east. There are no commercial uses directly adjacent to the subject property. The surrounding area includes mostly residential uses.



SITE CONDITIONS & INFRASTRUCTURE

The petition site is made up of one 19.12 acre +/- parcel. The site contains an approximate 2,609 sf single family residence, a 1,344 sf barn, a 646 sf storage structure/utility shed, a 468 sf utility shed, and a 280 sf utility shed. The petition site is currently operated as a single family residence with some agricultural use. Access to the site is from E Kings Road, which is designated as a Local roadway according to the Monroe County Thoroughfare Plan. The petition site is located in Area 3 of the Environmental Constraints Overlay (i.e. the Lake Monroe Watershed). There is no floodplain designated on the petition site. Evidence of karst/sinkhole features is present on and near the petition site according to available contour data. A conservation easement runs the entire length of the property west of the driveway/platted ingress/egress easement (see Exhibit 4).

Slope Map



PARCEL #
53-06-31-400-002 000 003

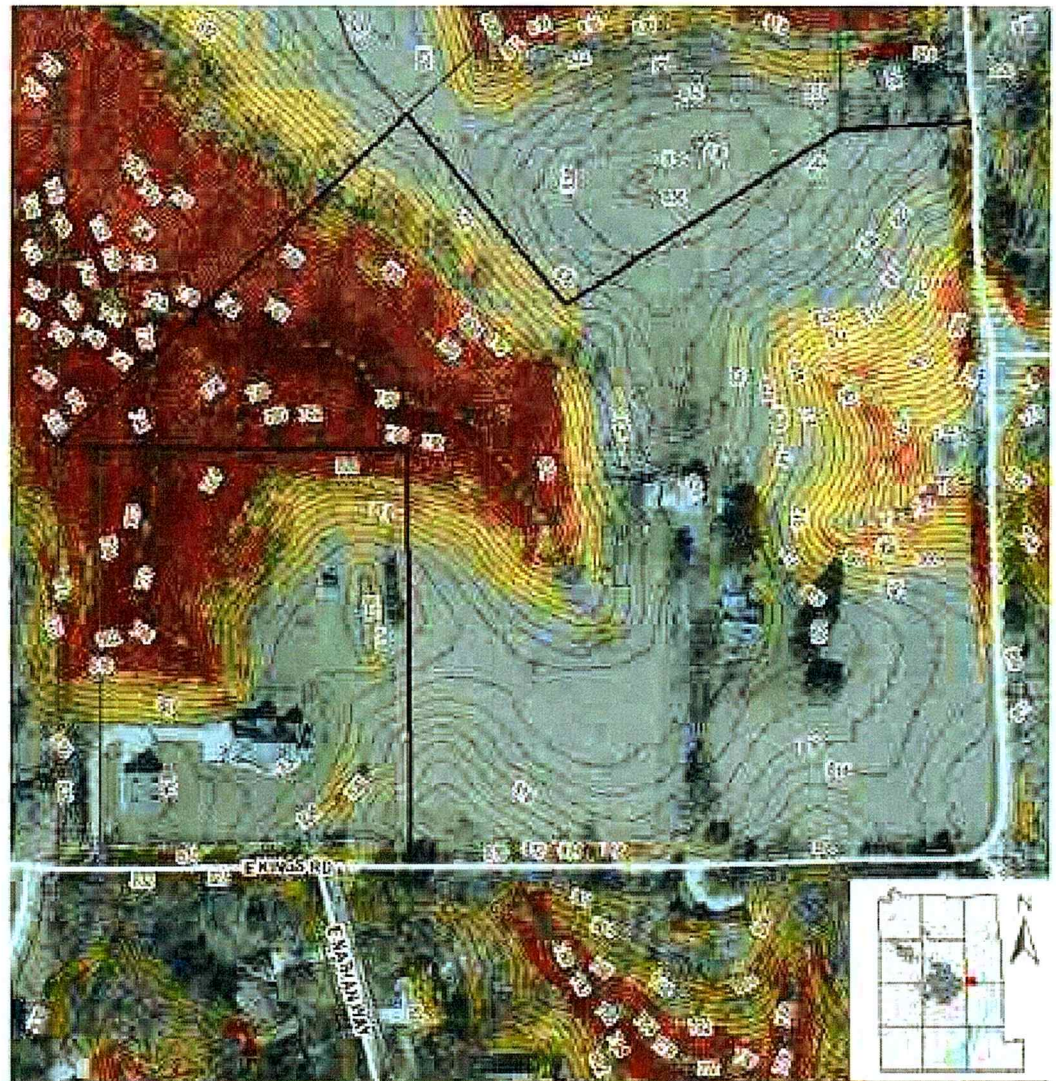
NOTE
Areas > 15% slope are classified as nonbuildable area per Chapter 604

ECO AREA 3
Areas > 18% slope have special regulations regarding land disturbance per Chapter 625

0 65 130 260 390 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 4/6/2022



Stormwater Comments:

No comments on the rezone petition. MS4 Coordinator will review any site improvements when permits are submitted.

Highway Comments:

No comments substantive to the rezone petition at the time of this report's publishing.

SITE PHOTOS

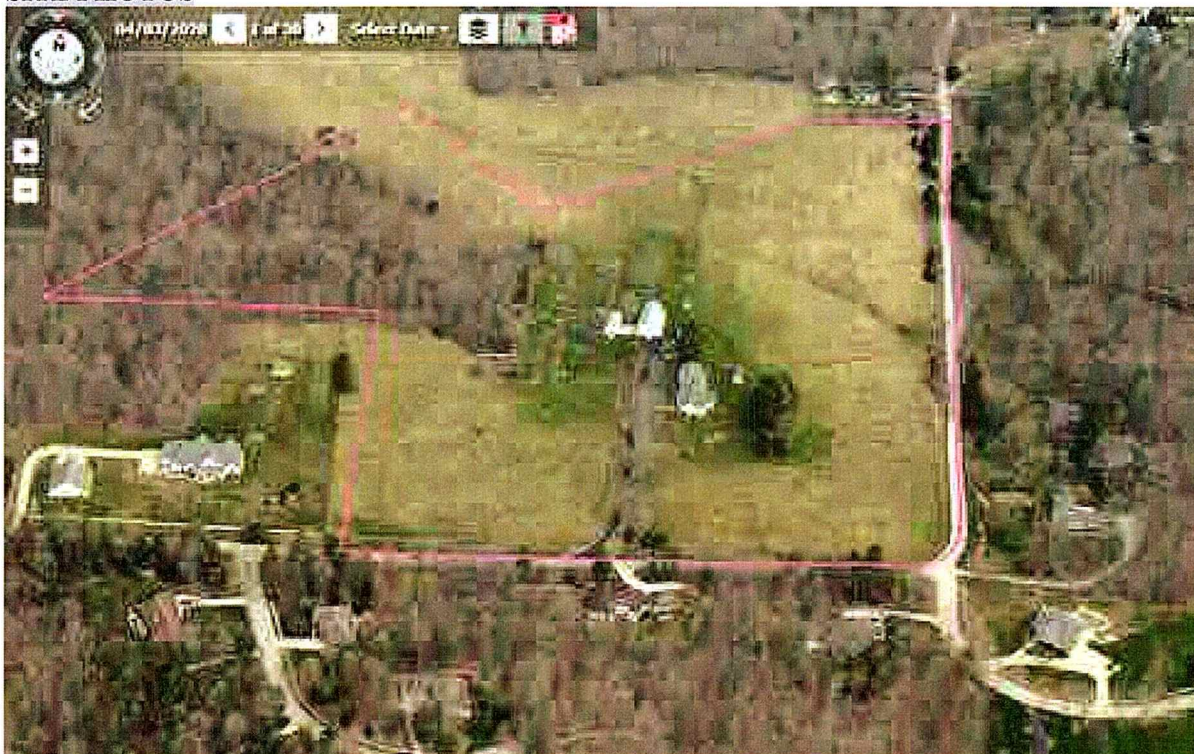


Photo 1. Aerial pictometry from the south (2020)

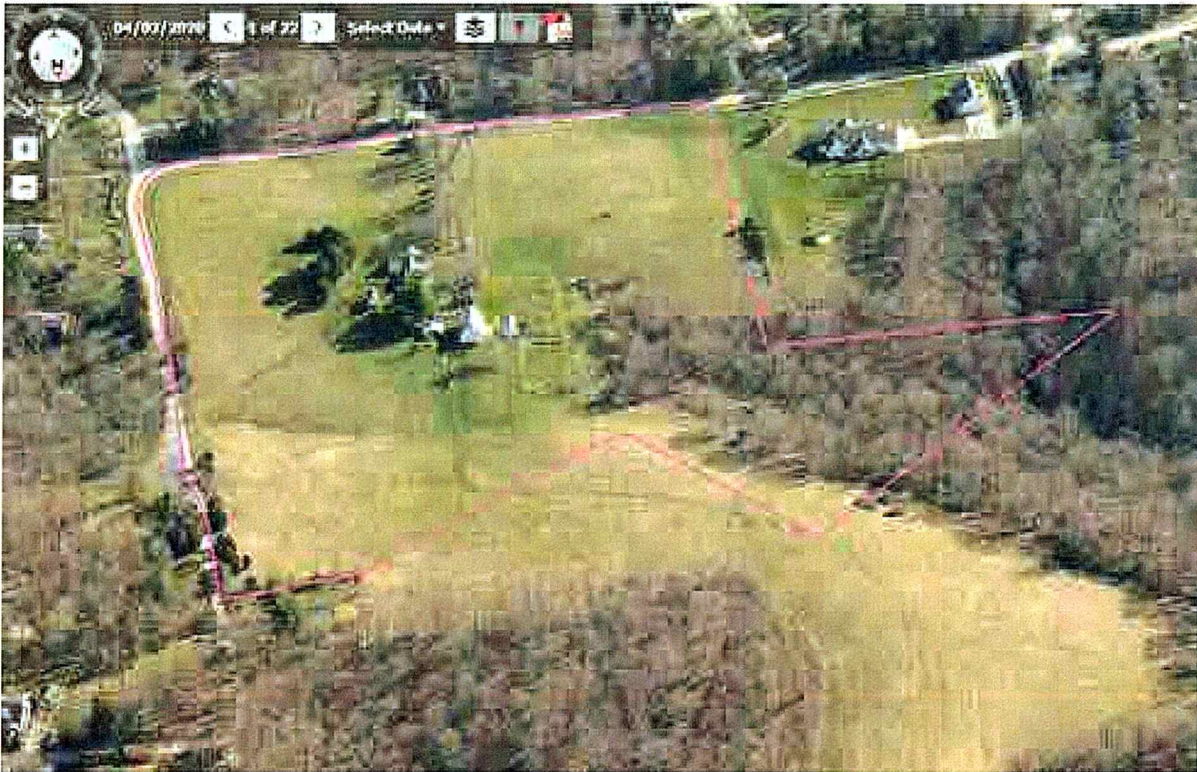


Photo 2: Aerial pictometry from the north (2020)

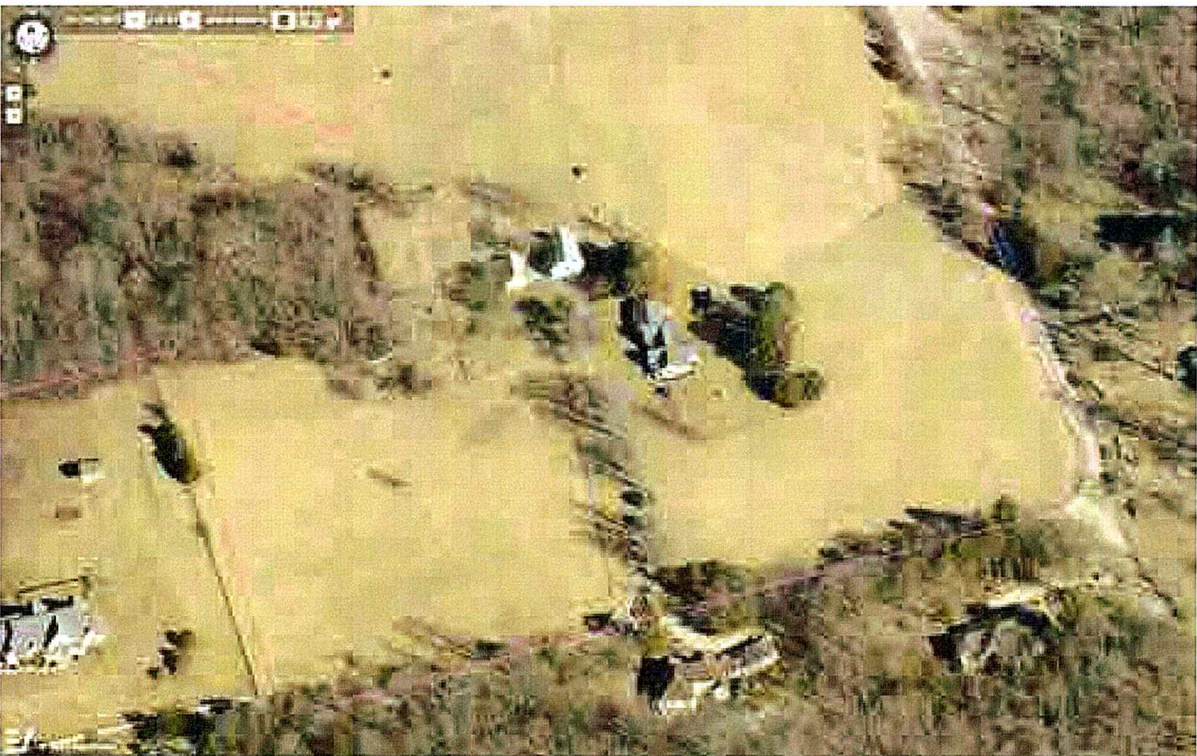


Photo 3: Aerial pictometry from the south (2022)

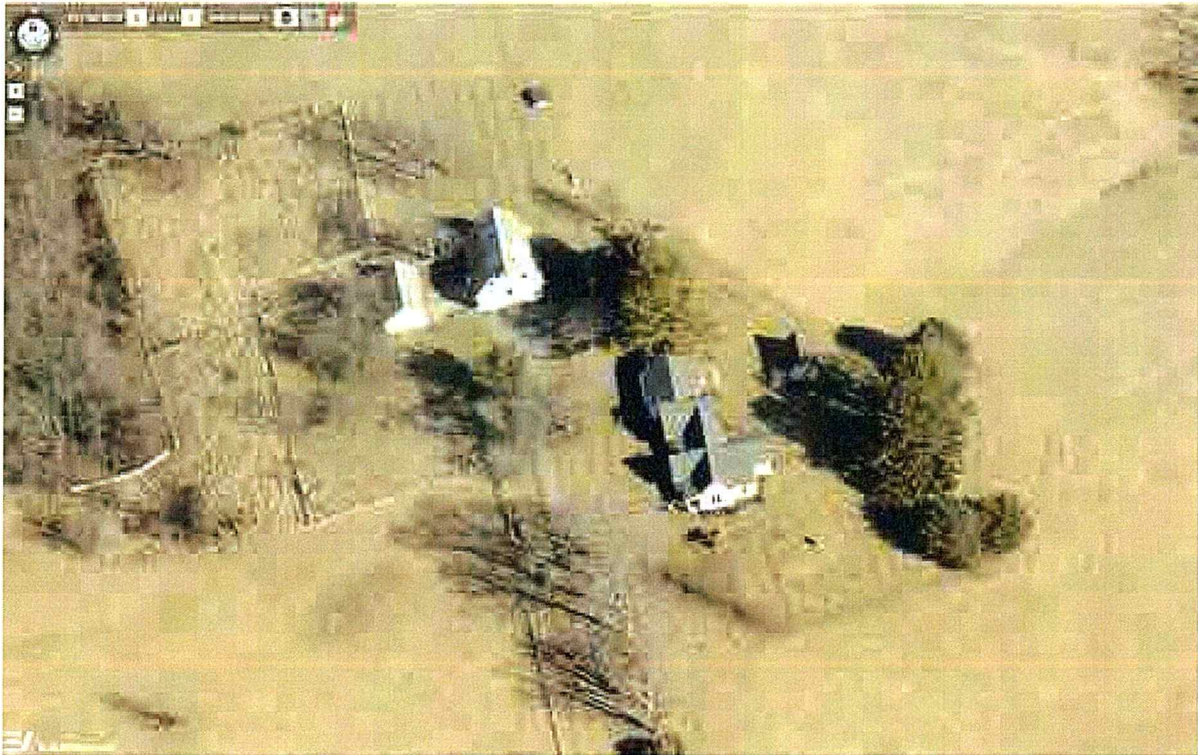


Photo 4: Aerial pictometry from the south zoomed in (2022)

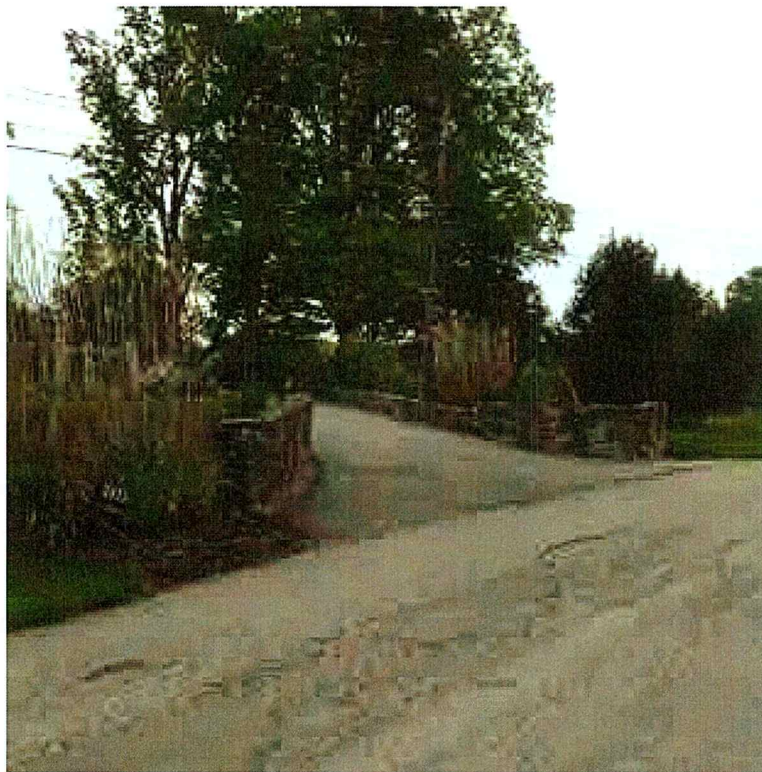


Photo 5: Driveway entrance; facing northeast



Photo 6: Driveway; facing north



Photo 7: Existing residence; facing east



Photo 8: Existing residence; facing northeast



Photo 9: Existing residence; facing southeast



Photo 10: Detached accessory structure; facing northeast



Photo 11: Existing barn; facing north



Photo 12: Detached accessory structure; facing east



Photo 13: Detached accessory structures; facing southeast



Photo 14: Facing south



Photo 15: Existing barn; facing southwest

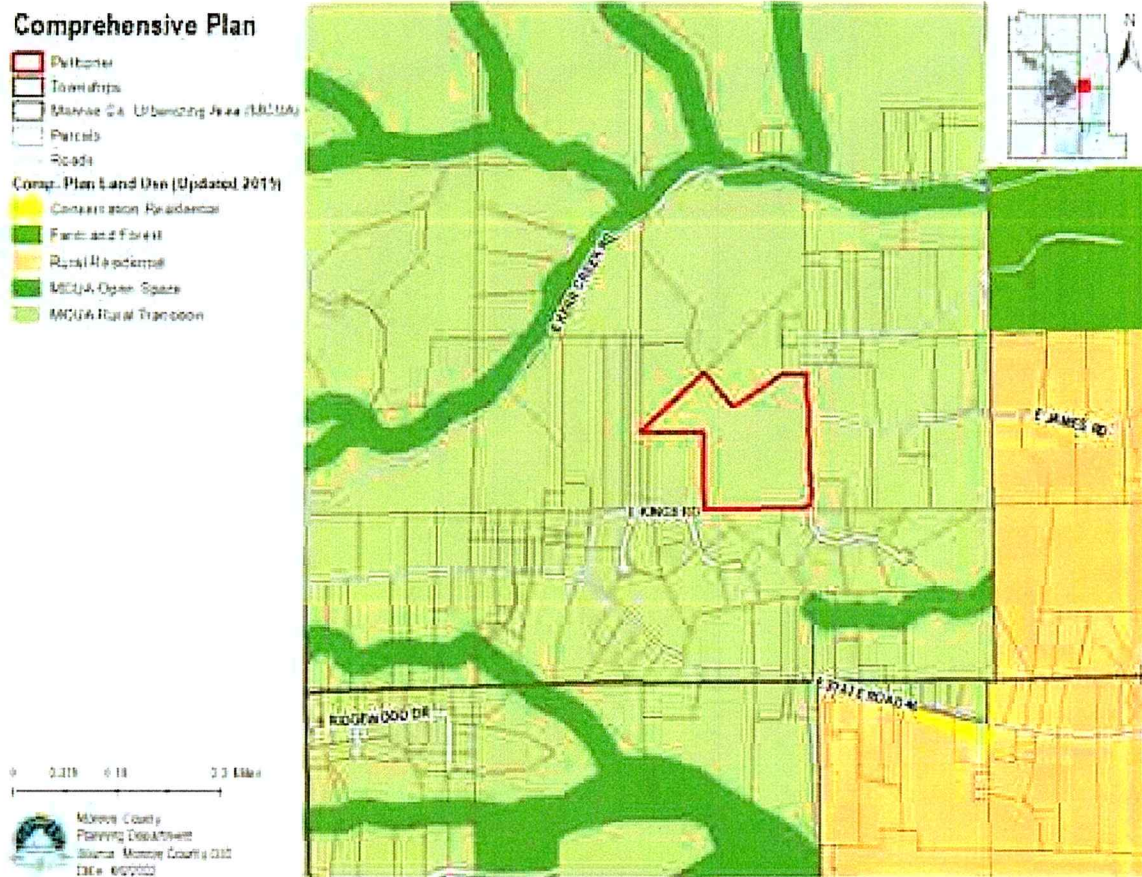


Photo 16: Facing north



Photo 17: Facing northwest

COMPREHENSIVE PLAN DISCUSSION



The petition site is located in the *Rural Transition* district in Monroe County Urbanizing Area of the Monroe County Comprehensive Plan.

5.1.7 Rural Transition

Portions of The urbanizing area, primarily to the east and South, are not suitable for intensive development due To access, infrastructure and environmental constraints.

These areas offer an opportunity to transition the scale and intensity of development along the urban to rural transect. Residential uses are low in density, primarily single-family, and typically are located along existing rural roadways rather than in subdivisions. Larger scale agricultural uses may occur within this area.

Within the Urbanizing Area, rural Transition lands may serve as a “holding” land use category that may be converted to other uses depending on future market demands and infrastructure expansion opportunities. The most likely uses for conversion include conservation residential, Parks and open Spaces, employment uses, and Quarry expansions that are best suited for low-density, relatively isolated development contexts. The potential for conversion to other uses should be considered as part of future updates to the Urbanizing Area Plan.

A. Transportation

Streets

Development in rural Transition areas is intended to occur along existing rural roadways. These are typically designed with two travel lanes and a berm or shoulder with open drainage. New roadway construction will be minimal and will likely respond to broader safety or connectivity needs within the larger transportation system, rather than demand generated by new development within the rural Transition area.

Automobile travel is necessary in rural areas. Care should be taken to avoid roadway improvements that prioritize speed and capacity at the expense of rural roadway character.

Bike, pedestrian, and Transit modes

Due to the low-density character and distance from destinations, travel by foot will be less common in rural Transition areas. However, bicycle travel should be encouraged. Opportunities to extend shared use/bicycle paths as part of a county-wide greenway system should be explored. Roadside paths may be appropriate in some cases, but care should be taken to preserve the scenic character of rural roadways. This can be accomplished through meandering alignments that provide space for landscape features such as mounding, fencing, limestone walls and naturalized plantings. Expansion opportunities for rural Transit routes should be explored to enhance accessibility of more remote areas.

B. Utilities

Sewer

Sewer service in rural transition areas will be limited. Residential development is expected to continue using on-site sewage disposal (septic systems), provided there is sufficient space, topography and soil conditions to meet minimum State and county installation and maintenance requirements.

Power

Overhead utility lines should be buried wherever feasible in the rural Transition area.

Communications

Communications needs will vary within the rural transition neighborhoods, but upgrades to infrastructure need to be a key consideration for future development sites. Communications features will likely differ from all other areas of development since transportation and infrastructure improvement will be limited. Wireless towers should be located sensitively to minimize disruption to scenic viewsheds.

C. Open space

Park Types

Open spaces within rural Transition areas should emphasize interconnected greenway systems and preservation of environmentally sensitive lands, whether public or private. Where feasible, shared use/bicycle paths should be provided to create continuous recreational and alternative transportation connections as part of the larger Monroe county system. Opportunities for new county parks should be explored, as well as opportunities for land preservation by private non-profit organizations such as the Sycamore land Trust.

Agriculture

The rural Transition area provides an opportunity to support food production within the Urbanizing Area. Particular emphasis should be placed on encouraging small-scale, locally-operated farming operations such as hobby farms, community-Supported Agriculture (CSA), vineyards and orchards. These are vital elements of the local economy, and proximity to the City of Bloomington offers an opportunity to integrate these uses into the local farm-to-Table and farm-to-institution supply chains.

D. Public Realm Enhancements

Lighting

Roadway lighting should be avoided on rural roadways to preserve rural character and minimize light pollution, except where necessary for safety.

Street/Site furnishings

Street and site furnishings will be limited to public parks and greenways.

E. Development guidelines

Open Space

Development in the rural Transition area will typically not provide public open space but will be required to protect environmentally sensitive features as development occurs.

Parking ratios

Parking needs are typically minimal for rural businesses, and requirements should be flexible based on the specific use.

Site design

Subdivision of land along rural roadways should avoid creating “residential strips” that block scenic vistas and change the character of the roadway from rural to suburban. Building setbacks will vary based on topography, but will typically exceed 50 feet and may be much larger.

Building form

Simple building massings typical of rural places are encouraged.

Materials

High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Rural development will typically require a lower degree of aesthetic scrutiny than is typical of higher density development areas; however, basic aesthetic standards should be met.

Private signs

residential development will typically not include signs, unless the residence is also operated as a business. Business signs will typically be ground-mounted monument-style or post-style signs and should be limited to no more than six feet in height. Signs should be secured to the ground and should not include changeable copy. Signs may be painted on barns in the manner of historic rural barn signs.

FINDINGS OF FACT - REZONE

In preparing and considering proposals to amend the text or maps of this Zoning Ordinance, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to:

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as MCUA Rural Transition.
- The rezone request is to change the zone for the petition site from Estate Residential 2.5 (RE2.5) to Agriculture/Rural Reserve (AG/RR);
- The current use of the petition site is single family residential;
- If approved the petitioner intends to submit a site plan application to convert the existing single family residence into a Tourist Home/Cabin use on the site;

(B) Current conditions and the character of current structures and uses in each district;

Findings:

- See Findings under Section A;
- The rezone request is to change the zoning for the entirety of the site to the Agriculture/Rural Reserve (AG/RR) District, which is described by the County's Zoning Ordinance, Chapter 802, as follows:

Agriculture/Rural Reserve (AG/RR) District. The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

- The petition site is currently zoned Estate Residential 2.5 (RE2.5);
- A commercial driveway permit from County Highway may be required for the purposes of the future site plan proposal;
- The majority of the northwest portion of the site exhibits slopes greater than 15% (see Slope Map);
- A large portion of the property surrounding the existing structures exhibits slopes less than 15% (see Slope Map);
- The petition site is not located in FEMA or DNR Floodplain;
- The petition site is located in Area 3 of the Environmental Constraints Overlay (i.e. the Lake Monroe Watershed);
- Evidence of karst/sinkhole features is present on and near the petition site according to available contour data;

- A conservation easement runs the entire length of the property west of the driveway/platted ingress/egress easement (see Exhibit 4);

(C) The most desirable use for which the land in each district is adapted;

Findings:

- See Findings under Section A and Section B;
- The adjacent parcels to the north, east, south, and west are currently zoned RE2.5;
- Numerous properties approximately 0.25 miles to the east are zoned AG/RR;
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no commercial uses directly adjacent to the subject property;

(D) The conservation of property values throughout the jurisdiction; and

Findings:

- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- The petition site is one parcel with 19.12 +/- acres;
- The purpose of the rezone is to provide the property owner with the right zoning to pursue a Tourist Home/Cabin use on the property;
- According to the Monroe County Thoroughfare Plan, E Kings Road is designated as a local roadway;

EXHIBIT 1: Petitioner Letter

To The Monroe County Plan Commission,

We, through Life is Better on the Farm, LLC, own property at 5577 East Kings Road, Bloomington, IN 47408. We are seeking to rezone Parcel 53-06-31-400-002.000-003 from RE2.5 to AG/RR. The purpose of the rezone is to allow us to use the Farmhouse for short term renters who seek lodging while visiting Bloomington.

Thank you for your consideration.

Sincerely,

Jason Voorhies



Rachel Voorhies



Life is Better on the Farm, LLC

EXHIBIT 2: Petitioner Site Plan

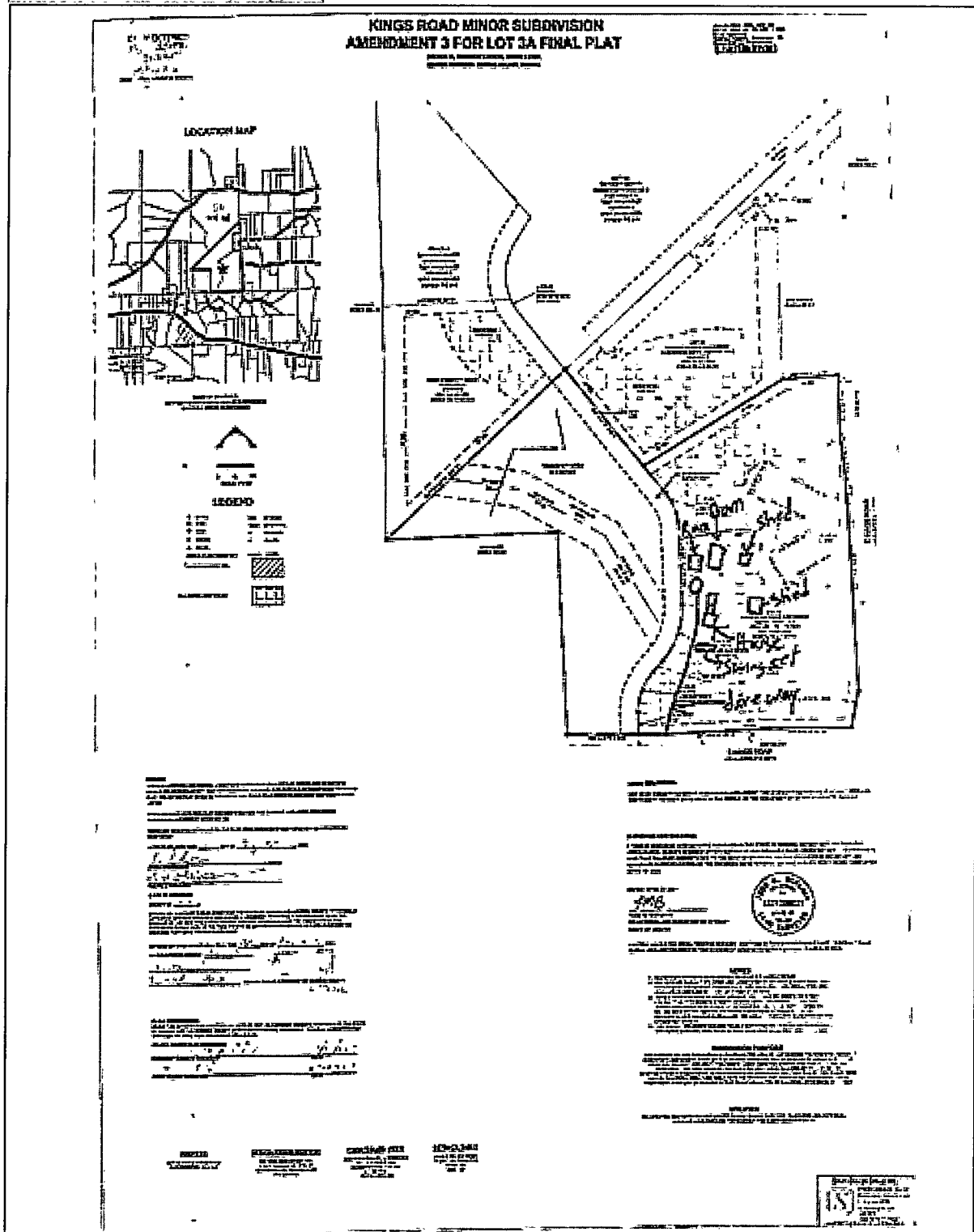


EXHIBIT 3A: Uses Permitted in the RE2.5 Zone

USES	RE2.5
★ Bed and breakfast	C
★ Cemeteries	P
★ Churches	C
★ Crops and pasturage	P
Day care centers	C
★ Fire stations	C
★ Historic adaptive reuse	C
★ Home occupations	C
★ Parks and playgrounds	P
★ Police stations	C
★ Public libraries/museums	C
Rehabilitative facilities	C
Residential care homes for developmentally disabled individuals	P
Residential care homes for mentally ill	P
Residential care homes for up to five individuals, other than the developmentally disabled	P
Schools	C
★ Single family detached dwellings	P
Swim clubs	C
Tennis clubs	C
★ Utility substations and transmission facilities	P

★ = indicates the following use is also permitted or conditionally permitted in the Agriculture/Rural Reserve (AG/RR) District.

EXHIBIT 3B: Uses Permitted in the AG/RR Zone

USES	INTENSITY	ZONES	USES	INTENSITY	ZONES
Agricultural Uses	i	AG	Religious Facilities	H	P
Accessory Use		P	Remote Garbage/Rubbish Removal	H	C
Accessory Structures for Agricultural Use	L	P	Solar Farm	L	C
Agriculture	H	P	Telephone and Telegraph Services	L	P
Agricultural-Related Industry	H	P	Utility Service Facility	M	P
Agricultural Uses-Land Animal	H	P	Wastewater Treatment Facility	H	C
Agricultural Uses-Non Animal	H	P	Water Treatment Facility	H	C
Agritourism / Agritainment (i.e. corn mazes)	H	P	Wired Communication Services	M	P
Aquaculture	M	P	Business and Personal Services	i	AG
Christmas Tree Farm	H	P	Accessory Use		P
Commercial facilities for the sale, repair, a	H	C	Artisan Crafts	M	C
Commercial Non-Farm Animals	M	P	Bed and Breakfast	L	P
Confined Feeding Operations	H	C	Composting Operation	H	P
Equestrian Center	H	C	Greenfill	M	P
Equine Services	L	P	Historic Adaptive Reuse		P
Feed Lot	H	P	Kennel, including commercial animal breeding	H	C
Feed Mill	L	P	Real Estate Sales office Or Model	L	P
Historic Adaptive Reuse		P	Taxidermist	L	P
Horse Farm	L	P	Temporary Seasonal Activity	M	P
Nursery/greenhouse	H	P	Tourist Home or Cabin	L	P
Orchard	H	P	Veterinary Service (Indoor)	H	C
Pick-your-own operation	H	P	Veterinary Service (Outdoor)	M	C
Roadside farm stand, Permanent	M	P	Retail and Wholesale Trade	i	AG
Roadside farm stand, Temporary	L	P	Accessory Use		P
Stockyard	H	P	Agricultural Sale Barn	H	P
Winery	H	P	Fruit Market	L	P
Accessory Apartments	L	P	Garden Center	H	C
Accessory Dwelling Units	L	P	Historic Adaptive Reuse		P
Accessory Livestock	L	P	Automotive and Transportation	i	AG
Accessory Use		P	Automobile Repair Services, Minor	H	C
Guest House	L	P	Historic Adaptive Reuse		P
Historic Adaptive Reuse		P	Accessory Use		P
Home Based Business	L	P	Camping Facility	H	P
Home Occupation	L	P	Historic Adaptive Reuse		P
Residential Storage Structure	L	P	Park and Recreational Services	H	C
Single Family Dwelling	n/a	P	Private Recreational Facility	H	C
Temporary Dwelling	L	P	Recreational Vehicle (RV) Park	H	C
Two Family Dwelling	n/a	P	Manufacturing, Mining	i	AG
Public and Semipublic	i	AG	Accessory Use		P
Accessory Use		P	Historic Adaptive Reuse		P
Cemetery	H	P	Sawmill	H	C
Governmental Facility	H	P	Wood Products	M	C
Historic Adaptive Reuse		P			

EXHIBIT 4: Kings Road Minor Subdivision Amendment 3 for Lot 3A

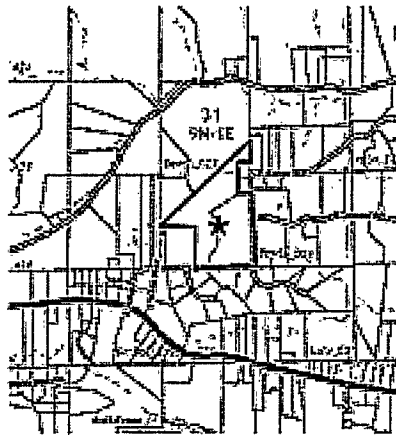
**KINGS ROAD MINOR SUBDIVISION
AMENDMENT 3 FOR LOT 3A FINAL PLAT**

SECTION 31, TOWNSHIP 8 NORTH, RANGE 1 WEST,
SIOUX COUNTY, SIOUX COUNTY, SIOUX COUNTY

FILED IN 15-00-000
SIOUX COUNTY, SIOUX COUNTY
JANUARY 15, 2015
RECORDED

ONLY ENTERED
FOR TAXATION
ON 1/15/15

LOCATION MAP



SCALE OF PLANNING
DRAFTING & DESIGN SERVICES, INC.
SIOUX COUNTY, SIOUX COUNTY



LEGEND

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3. DRAINAGE	4. UTILITY
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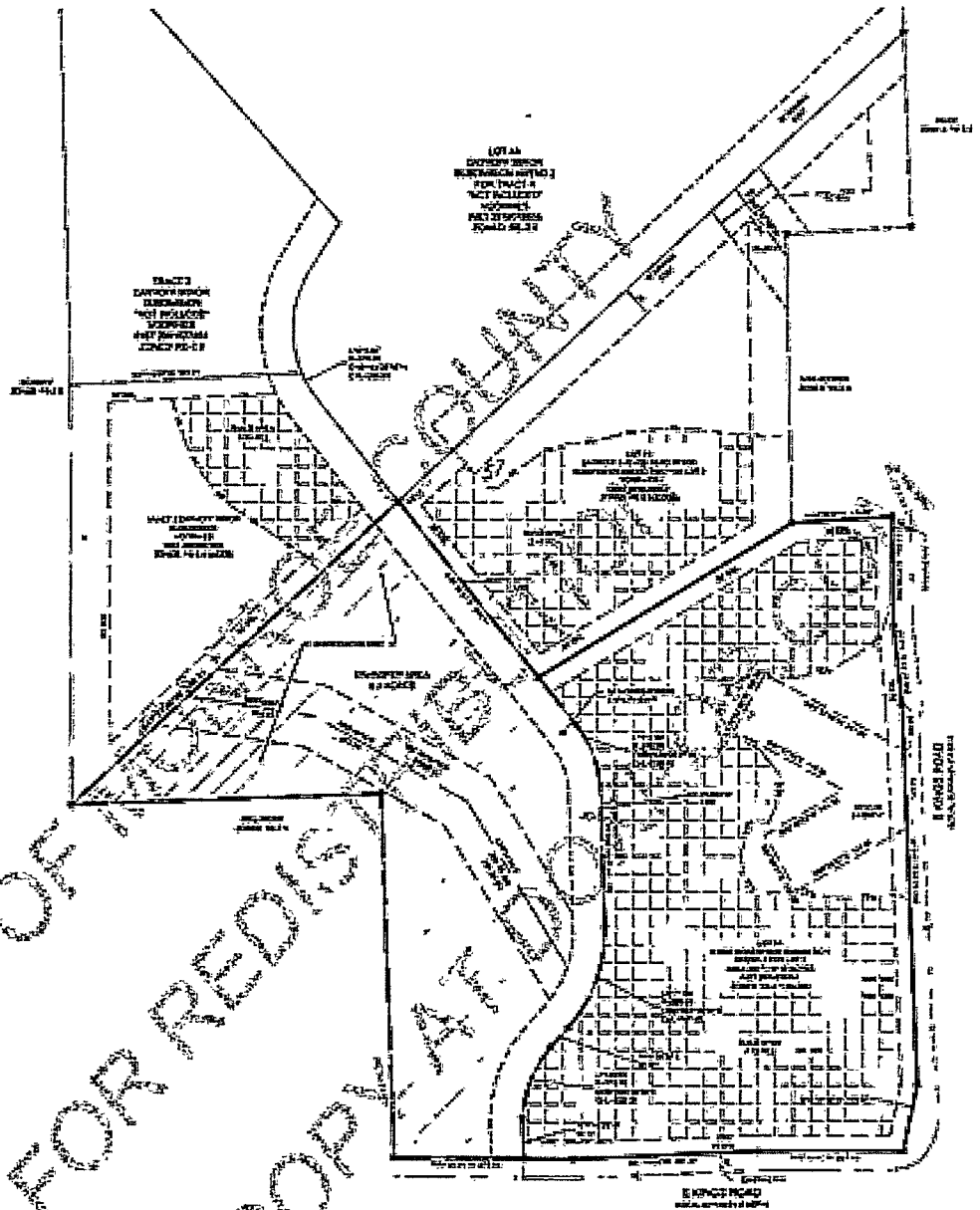


EXHIBIT 5: Letters of Support



Wed 5/11/2022 7:57 AM

Todd Eads <eadstodd@gmail.com>

Case number REZ-22-3

To Drew Myers

Mr Myers,

This email is to express my support for rezoning of Dr Jason Voorhies property on King's Road. Thank you,

Todd Eads

May 11, 2022

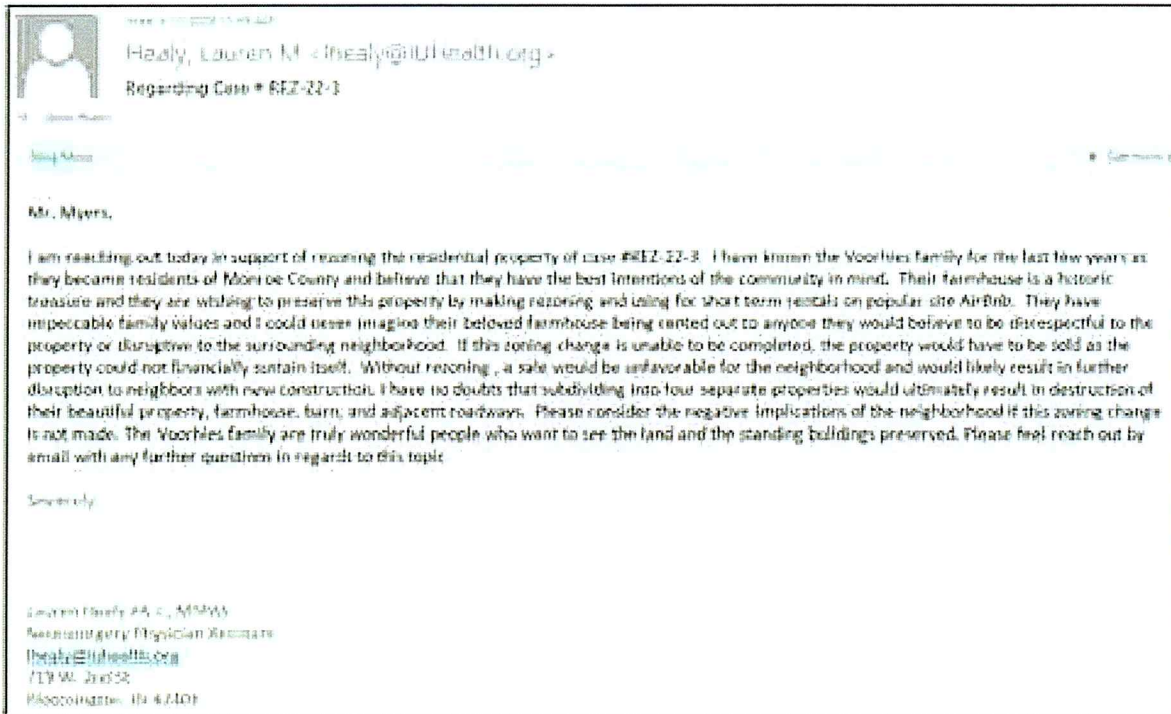
To Whom it may Concern:

My name is Keisha Odom and I am the Assistant Principal at University Elementary School in Bloomington, IN. I moved to Bloomington in July of 2021. I met the Voorhies family through the school community as their three children all attend University. In November of 2021, I asked the Voorhies if my family for Northwest Indiana could utilize their farmhouse for the Thanksgiving holiday weekend. They allowed my family to stay there at no cost. I did not pay any fee, they allowed my family to stay as a favor to a friend. There was no exchange of money.

If you have any question, feel free to contact me at (219)613-2864

Keisha Odom

Keisha Odom





Unit 14-15-2018

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Figure 1

Abstract

~~It was reported that the body of a man named John and Charles Manning, who were~~ DELETED

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1. The first step in the process of developing a business plan is to conduct a market analysis. This involves researching the industry, identifying potential customers, and understanding the competitive landscape. A thorough market analysis helps to define the scope of the business and provides valuable insights into market trends and opportunities.

Game and Forest Owners to Receive New Computer Program

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 217. **Figure 208**

第 10 章 数据库系统

第 11 章 数据库系统

To Whom It May Concern:

I am writing you today regarding Mr. and Mrs. Woodles and their property near our home. We live on McCalla Way and have enjoyed being part of this little piece of property that we moved to the neighborhood in 2010. We have also had the privilege of getting to know their family over the years as my daughters attend school with their children, and my husband works with Jason Woodles. This family is a credit to our neighborhood, community, and housing system and we could use to personally attest to their character.

It is my understanding that one of the purposes (regarding the value of the property) is that it may decrease value in the neighborhood. I do not believe this is a valid purpose since it is only one's opinion. I do believe, however, that if this home is surrounded by the family, then they may choose to sell the house so the children can move to a better place to live. I do believe that this would cause a great deal of distress to the family in the neighborhood.

This leads me to reflect on the character of the family. Prior to moving to this neighborhood, we did not know the Woodens. However, we have since had the pleasure to interact with them both socially and professionally over the years. They are both working, busy people, and successful individuals and we are pleased to have had the opportunity to get to know them over the years. In addition, I am happy that they own the nearby property and share their culture with us.

Living in a neighborhood I think the threat of a gathering has been a question. The neighbors have stated that they will not drill in any potentially dangerous parts and that they will only drill in very well secured facilities. They have stated that they will spend money on potential repairs and not allow any negative impact on our neighborhood. They have been explicit and honest from the beginning about their intentions and should be trusted moving forward.

The Vendors surveyed in this neighborhood and all continue to be an active business community. They would not do anything to negatively impact this area. I believe they long for the best of Imposition and that their Imposition should be approved resulting from it.

2014年12月

Kelly R. R. R.
 1111 E. Main St.
 Phoenix, AZ 85001



Dr. Jason Veech

Dr. Jason Veech, MD, PhD, FRCGS, FRCR

CAN number 000-000000

Dr. Jason Veech, MD, PhD, FRCGS, FRCR

Dr. Jason Veech

Dr. Jason Veech

To Whom It May Concern,

This letter is in support of Mr. and Mrs. Veech's proposal of renting out their property located on E Kings Eden Birmingham.

My wife and I, moved to the area in 2018 and since then we have gotten to know the Veeches very well. Our kids go to the same school, we were part of the same COVID social bubble during the worst of the pandemic lockdowns, we have baby and each other's kids etc. We have frequently shared meals and celebrated holidays together.

We attest to the strength of their character not only from the standpoint of being neighbors and friends but also as colleagues. Both my wife and I are physicians and work with Jason, who is one of the three neurosurgeons in Birmingham. His professionalism is well known to all hospital staff and his bedside is well respected by his patients.

As far as grievances that have been brought against converting their primary residence to rental, we disagree. The Veeches plan on carefully vetting the folks they would allow to rent their house. I do not think that they would bring renters who could potentially bring disturbances such as partying and increase traffic in and out of the neighborhood. The driveway into their property does have a lot of curves to it, but doubt that would lead to any increase in traffic accidents by folks who are unfamiliar with the layout of their property.

Lastly, we believe that by maintaining ownership of the property, the Veeches will maintain strong ties to the community and avoid being forced to sell. We can easily see how such vast property in prime location could be developed into multiple lots which will definitely bring a lot more traffic, potentially more accidents and likely more than one rental properties.

Sincerely,

Tim and Mackenzie Logan

3333 N. Middleway

Birmingham, AL 35208



Dr. Jason Veech

Dr. Jason Veech, MD, PhD, FRCGS, FRCR

CAN number 000-000000

Dr. Jason Veech, MD, PhD, FRCGS, FRCR

To Whom It May Concern,

I am a neurosurgeon in Monroe County and I would like to provide respect as well as a character reference for Dr. Jason Veech who is requesting a change in zoning of his property in Birmingham. I personally know Jason and have worked very closely with him and feel he is an upstanding citizen who cares about the community and believes in a common good for all. He is a hardworking and responsible individual who thoroughly considers the potential consequences for his actions and he has done the same for his entire career.

I believe Jason desires to retain the integrity of his long-term family property including his own children, as well as all a good life about town because that is difficult to come by in Birmingham. He seeks to ensure for the purpose of retaining a highly valued, responsible, responsible citizen who will treat the property and neighborhood with respect. He has taken steps to ensure that by retaining 3477 cannot be converted to a large gathering with any place. The zoning would have to be a 3477 zoning, not a 3477 zoning, and he also plans to use a particular zoning and that property zoning by people who have begun a small business. Jason plans to put these restrictions on who can rent the property and if it decreases the available pool of tenants it would be better for him to make a small change to his property and his neighborhood. As I have spoken with him at length for almost a year regarding the potential zoning for this property, he has been consistently agreed to my proposal and he has been consistently agreed to my proposal and he has been consistently agreed to my proposal.

As a working Birmingham neurosurgeon and MD student, I have personally witnessed in the actions of their own housing so that I could have family members such as my parents and visit Birmingham and enjoy all that it offers. I am attracted to the potential to rent for a few days or weeks which the property could fulfill. This property would be a perfect solution as it is located in a quiet area, and there are few other options outside of Birmingham County for short-term housing locally. I believe a property such as this will only attract quality renters and I personally feel that they will do an excellent job maintaining the property and I highly doubt there will be complaints to neighbors as a result of the zoning change.

Monroe County is in support of the zoning change in Birmingham regarding Case Number 000-000000.

Sincerely,

Dr. Jason Veech

EXHIBIT 6: Letters of Opposition

From: [Dr. B. Gerald](#)
To: [Carmel Myers](#)
Cc: [Dr. Susan L.](#)
Subject: 5577 E Kings Road Rezoning
Date: Friday, March 25, 2022 5:09:53 PM

Mr. Myers:

This letter is regarding the Re-zone proposal for 5577 East Kings Road. We will not be in town for the Monroe County Plan Commission meeting on May 17 so we are trying to get some information beforehand. I hope that you can help.

Kings Road is a dead-end road about a mile in length and no commercial enterprises exist because of the RES zoning. There are four residential streets that are connected to Kings Road, three of which serve Belle Terre addition and one of which is private and serves Kingston Estates. There are roughly, by my count, fifty single family homes. All but five are owner-occupied; the remainder are residential rentals. Of all the residents, Susan and I have been here the longest. Having dealt directly with Mr. King when the Kingston Estates addition was opened in the mid-seventies, we have seen the relatively modest growth over the last fifty years; less than one house per year. Eighteen homes have been built on James Road. Fifteen homes were constructed on Belle Terre streets and five homes have been built directly on Kings Road. Like many other secondary county roads, it is difficult for the Monroe County Highway Department to maintain Kings Road well given limited financial resources. The road was patched last fall but it's now back in terrible shape. More vehicle traffic will not be beneficial given county priorities.

Such a re-zone would be a marked departure for this area. Under the change requested to zone AG/RR, what other non-residential entities, businesses or land uses would be permitted? Does the proposed zone provide an opportunity for further expansion of commercial activity? Does such a zone change make it easier or more likely to re-zone later to a more expansive or comprehensive commercial zone category in the future? What is the rationale for seeking a zoning change which deviates from the current and historical residential zone?

Just as Belle Terre was created about twenty-five years ago, we have always anticipated that the King farm (orchard) would likewise be prime land for additional homes on at least one acre lots. In the past, a couple of parcels from the farm have already been sold for homes. Any commercial activity (and a tourist home/cabin is commercial) was never anticipated as it would be quite inconsistent with existing use.

In advance, thanks for your responses and information.

Dr. Susan L. Pugh
Director Emeritus

April 27, 2022

To the Monroe County Plan Commission:

The undersigned neighbors of 5577 East Kings Road respectfully write to formally object to rezone petition #REZ-22-3. Our opposition to the petition is based largely—but not entirely—on the petitioners' stated intent for the petition, namely, to rezone the property so that it can be used as a "Tourist Home/Cabin" (i.e., a short-term vacation rental listed on Airbnb).

To begin, we would note that nowhere in the petition is there any attempt to justify the rezoning of the property in order to use it in a manner consistent with the intended purpose of an Agriculture/Rural Reserve (AG/RR) zoning district. According to Chapter 802 of the Monroe County Zoning Ordinance, an AG/RR district is "primarily intended for agriculture uses" including:

"[R]ow crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions."

Meanwhile, Chapter 802 goes on to further explain that the purpose of an AG/RR district is to:

"[E]ncourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood" (emphasis added).

Nowhere in the petition do the current owners of the property state that they are seeking the rezoning for any sort of agricultural use of the type envisioned by Chapter 802.¹ Instead, the stated purpose of the request is simply to allow the owners to operate the property as a short-term vacation rental. While we acknowledge that a Tourist Home/Cabin would be permitted in an AG/RR district, such a use is clearly not the intended purpose of an AG/RR district. We would thus respectfully assert that there should be at least some suggestion of an intent to use the property in a manner consistent with the purpose of the new zoning district in order for the petition to be granted. Put differently, *a rezone of the property should not be granted simply to allow the property owners to operate an Airbnb when the use of the property as a short-term vacation rental otherwise has nothing to do with the intended purpose of an AG/RR district.*

The petition is thus simply an attempt to do an end-run around the fact that a Tourist Home/Cabin would otherwise not be a permitted use within the present, proper Residential 2.5 (RE2.5) district zoning of the property. To simply allow someone to change zoning in this manner would undermine the important procedures and purposes the zoning code serves, which is in part to "protect the character and stability of residential . . . areas." (Zoning Ordinance,

¹ The only current agricultural-related use of the property—to grow hay for sale as livestock feed—is, as far as we are aware, already permitted under the property's current zoning.

Chapter 800). As we note further below, using the property as a Tourist Home/Cabin is not appropriate in light of the nature and character of the surrounding properties.

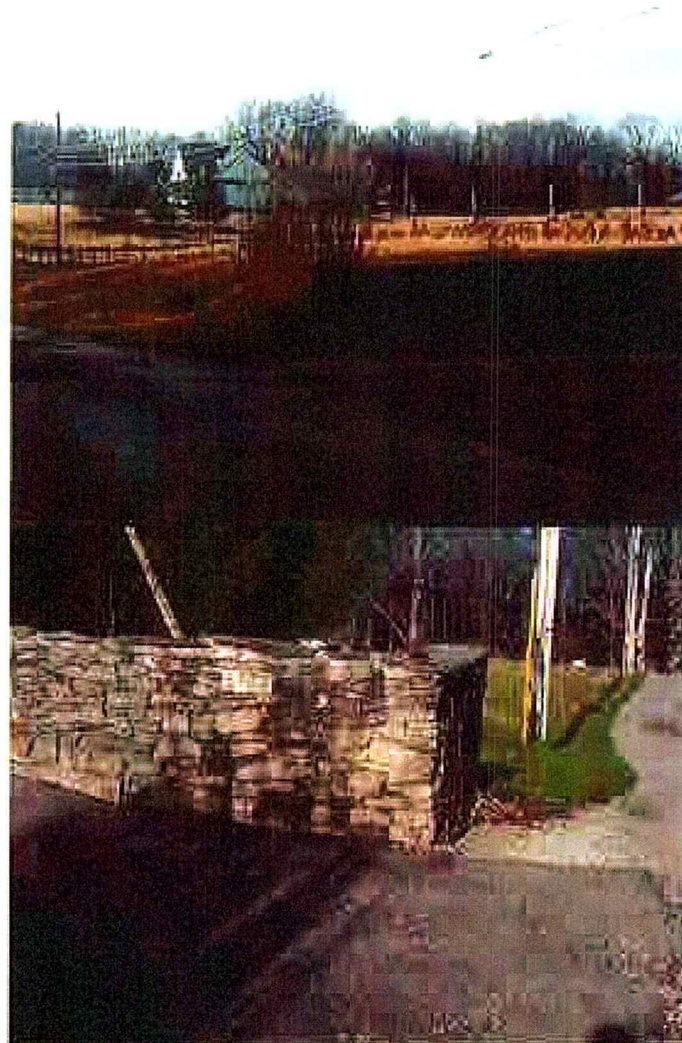
Indeed, Chapter 802 makes clear that the use of AG/RR districts is disfavored in areas located in close proximity to residential subdivisions. However, the 5577 East Kings Road property at issue is located directly across the street from the existing Belle Terre subdivision—which contains well over a dozen residential homes—as well as several other residential houses located along East Kings Road. Further, the property at issue itself sits immediately adjacent to several other lots owned by the petitioners, all of which were previously replatted specifically to permit a future subdivision to be constructed on the land. Therefore, it would be ill-advised to rezone the property in question to an AG/RR district given the relatively densely populated area in which it is located, directly abutting one existing subdivision and immediately adjacent to commonly owned adjoining lots intended for a future residential subdivision development.

The fact that the requested rezone would be inconsistent with the existing character of the surrounding neighborhood is further underscored by the fact that the property at issue is completely surrounded by neighboring properties all situated as part of an extensive Estate Residential 2.5 (RE2.5) district. There are a multitude of compelling reasons why Tourist Homes/Cabins are not permitted in RE2.5 districts—whether it be noise, safety, or harm to neighboring property values—concerns that suggest it would be inappropriate to create a new AG/RR district for the property in question simply for purposes of allowing the current owners to maintain a short-term vacation rental property.

These general concerns with Airbnb-style properties are especially prevalent in this case. Given the nature of the property, which is located on a large lot just a few minutes from town, the property is particularly susceptible for use for loud parties (especially by current college students) regardless of any restrictions the owners may attempt to place on such a use when renting the property. And because the owners of the property themselves reside several miles away, there will be no one on hand to monitor and regulate the behavior of the guests of the Airbnb. Such disruptive uses would inevitably result in a degradation of neighboring property values, and the neighboring owners' enjoyment of their own properties.

Perhaps even more importantly, use of the property as a Tourist Home/Cabin would also raise safety concerns due to the nature of the access road. To begin, East Kings Road is a particularly narrow road in a seemingly constant state of disrepair (considerable potholes, crumbling edges, etc.), and routinely features significant patches of ice for prolonged periods of time following winter storms (due to its northern exposure). It also has no lighting at night, and incorporates a hazardous T-style intersection at the corner of the property at issue. Further, its connection to State Route 46 is itself quite hazardous, with limited visibility and no dedicated turning lanes. Combined, these attributes suggest that an Airbnb-style rental introducing a consistent stream of short-term renters unfamiliar with the road—not to speak of the potential for increased traffic volume—would present a significant safety hazard for all permanent residents who rely on East Kings Road to travel to and from their homes (many of whom also have small children that frequently play outdoors).

At the same time, the property in question at 5577 East Kings Road itself presents particular safety hazards for the surrounding neighborhood due to its unique topography and landscaping. Specifically, visibility from the property's only entrance/exit is quite restricted due to the sizeable retaining walls and other landscaping that are located on both sides of the driveway (see photos below):



Thus, the prospect of short-term renters unfamiliar with the property routinely exiting this driveway presents a particular hazard for neighboring homeowners. Indeed, one of the undersigned neighbors was already nearly involved in a traffic accident with someone other than the petitioners who was inhabiting the house for a period of time.

Finally, we believe that two additional reasons justify the denial of the petition.

First, it appears upon information and belief that the current owners may already be renting the property out on a short-term basis in direct violation of the currently applicable zoning regulations. Several neighbors have reported seeing previously unknown persons and vehicles residing at the property for days at a time, but for durations of less than 30 days. Any such prior use of the property as a Tourist Home/Cabin—despite the owners' clear knowledge that such a use is currently impermissible under the property's zoning regulations—would exhibit a degree of bad faith that would further support the denial of the petition.

Lastly, we believe that commitments made by the prior owners of the property in question (Douglas and DeeDee Dayhoff) also warrant denying the petition. Specifically, the Dayhoffs previously successfully sought a modification to the plat map subdividing the property into a number of lots to be used for future residential development (as noted above). At the time these lots were redrawn, the Dayhoffs specifically promised their neighbors that should the property be replatted, then no future changes to the zoning of the property would be sought, a commitment that a number of neighbors specifically relied on when agreeing not to oppose the replat.

Consequently, we assert that the petition fails to meet the standards for amendment set forth in Chapter 831 of the Monroe County Zoning Ordinance. The petition would, if granted, (a) be inconsistent with the current Monroe County comprehensive plan (given the incompatibility of the property with the intended purpose of AG/RR districts discussed above); (b) be contrary to the current conditions and the character of current uses in the district (in which all surrounding properties are zoned RE2.5 and used exclusively for owner-occupied or long-term rental residential housing); (c) run counter to the most desirable use of land in the district (which is to remain most hospitable to owner-occupied or long-term rental residential housing); (d) be likely to harm property values in the neighborhood; and (e) be inconsistent with responsible development and growth (given the extensive use of RE2.5 zoning in the immediately surrounding area).

Therefore, we respectfully request that petition #REZ-22-3 be denied.

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