

ORDINANCE OF THE CITY OF BLOOMINGTON  
COUNTY OF MONROE, STATE OF INDIANA

ORDINANCE NO. 74 - 83

AN ORDINANCE TO AMEND THE BLOOMINGTON  
ZONING MAPS, DATED JUNE 22, 1973

WHEREAS, the Common Council of the City of Bloomington, Indiana passed a zoning ordinance amendment and adopted new incorporated zoning maps on June 21, 1973, and

WHEREAS, said zoning ordinance and maps are now incorporated in the "Bloomington Municipal Code" as Title 20 of said Code, and

WHEREAS, the City Plan Commission has recommended said Bloomington Zoning Maps be amended by the rezoning of certain property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, UNDER AUTHORITY OF CHAPTER 174 OF THE 1947 ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS SUPPLEMENTARY AND AMENDATORY THERETO:

SECTION 1. That the incorporated map number 6, of June 22, 1973, be amended to rezone the following described land in the City of Bloomington, Monroe County, Indiana, from its present RS-Residential Single Family District to a BA-Business Arterial classification, to-wit:

A part of the Northwest quarter of Section 32, Township 9 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point that is 1441.0 feet South and 9.0 feet East of the Northwest corner of the said Northwest quarter, thence East for a distance of 330.0 feet, thence South for a distance of 132.0 feet, thence West for a distance of 285.01 feet, thence North 33°15' West for a distance of 38.72 feet, thence North 12°00' West for a distance of 101.85 feet, and to the place of beginning. Containing 0.93 acres, more or less.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and adopted by the Common Council of the City of Bloomington, Indiana on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

James S. Ackerman  
President  
Common Council

ATTEST:

Grace E. Johnson  
Grace Johnson, City Clerk

ATTEST:

Presented by me to the Mayor of the City of Bloomington, Indiana on the 18 day of October, 1974.

Grace E. Johnson  
Grace Johnson, City Clerk

This ordinance approved and signed by me on the 21st  
day of October, 1974, at the hour of 8:30  
o'clock p. m.

Francis X. McCloskey  
Francis X. McCloskey, Mayor  
City of Bloomington, Indiana


ATTEST:

Grace E. Johnson  
Grace Johnson, City Clerk

I HEREBY MOVE THAT ORDINANCE 74-83

BE INTRODUCED AND READ AT FIRST READING AT THE

COUNCIL MEETING ON October 3, 1974

  
\_\_\_\_\_  
(Signature)

Sept. 23, 1974	Roll Call	Motion to Approve Minutes	Motion to Hear SP-42-74	Motion to Approve Cond. Use CU-41-74	Motion to place on agenda PUD-19-74	Motion from Motion to Approve Z0-37-74	Motion for Site Plan to be brought before Commission	Motion to Approve Z0-39-74
STURBAUM	✓	✓	✓	✓	✓	Abst.	✓	✓
D'ESOPPO	✓	✓	X	X	✓	X	✓	X
PRY	✓	✓	X	✓	✓	✓	✓	X
MIZELL	✓	✓	X	✓	✓	X	✓	X
GRAY	✓	✓	X	✓	✓	✓	✓	X
BLUME	✓	✓	✓	✓	✓	✓	✓	✓
MORROW	✓	✓	✓	✓	✓	✓	✓	✓
O'BRIEN	✓	✓	✓	✓	✓	X	✓	✓
ISTRABADI	✓	✓	X	✓	✓	✓	X	✓
DUNLAP	✓	✓	✓	✓	✓	✓	✓	✓
DEF	X							
SNEY	✓							
			No Action 5 to 5	9-1	10-0	6-3 BLOOMINGTON VARIANCE	9-1	6-4 RALPH THRASHER

BLOOMINGTON PLAN DEPARTMENT STAFF REPORT

Hearing Dates:

Case No. ZO-39-74

Preliminary Hearing September 3, 1974

Final Hearing September 23, 1974

TAC Hearing \_\_\_\_\_

1. Basic Requirements:

(a) Proof of legal notice in order ;

(b) Notification of adjacent property owners in order ;

(c) Filing fee \$25.00 .

2. General information:

(a) Nature of Request--

Change of Zone From RS to BA

PUD ..... \_\_\_\_\_

Site Plan.... \_\_\_\_\_

Permit..... \_\_\_\_\_

(b) Popular Description Former Cirgin Grocery Store Property,  
2110 Vernal Pike

3. Name of Petitioner Ralph Thrasher

Represented by Himself

4. Streets involved:

(a) North-South Crescent Classification Local

(b) East-West Vernal Pike Classification Minor Arterial

5. Public Facilities:

(a) Schools \_\_\_\_\_

(b) Parks \_\_\_\_\_

6. Principal Questions Presented (Staff):

Was the site incorrectly zoned when the new maps were adopted? If  
so, what would be the most appropriate classification since there  
is a mix of uses in the area?

\_\_\_\_\_  
\_\_\_\_\_

Z0-39-74  
Petitioner's Statement  
August 29, 1974

STAFF REPORT  
B.Z.A.  
September 16, 1974

Z0-39-74 - Ralph Thrasher's request for rezoning from RS to BA for .93 acre of land located at 2110 Vernal Pike. The property was formerly owned by Frank Cirgin, who had operated a grocery store on the site until the building was virtually gutted by fire over a year ago. Mr. Cirgin initiated a rezoning request in December of 1973, but did not pursue the matter to completion. The building was never repaired and remained unused. Mr. Thrasher recently purchased the property with the understanding from the realtor that the site was properly zoned for commercial development. He had intended to build a warehouse on the site, and did not learn of the RS zoning until his architect asked the Staff for a zoning verification.

Mr. Thrasher has requested a rezoning in order to permit commercial development of the property. The Staff notes that the setback, side and rear yard requirements for this specific site if granted a rezoning to BA would reduce the buildable land to .47 of an acre.

The Staff recommends denial of the petition for the following reasons:

1. A BA zone classification would conflict with both the Master Plan and existing land use in the area. Uses permitted in a BA zone could have a negative impact on a well-kept and viable neighborhood.
2. There has been no change in conditions since adoption of the current Zoning Ordinance and no evidence that the site should have been zoned BA rather than RS at that time.
3. The hardship is self created. The former owner allowed the non-conforming status of the property to lapse and the current owner purchased the property without securing a zoning verification. The Staff is sympathetic with the petitioners plight, but the situation could have been avoided had he adequately researched the property's status before purchase. Furthermore, the petitioner has not offered sufficient evidence that the current zoning would deny him practical use of the land.

I, Ralph W. Thrasher am submitting the following reasons to justify and support my request to rezone my property at 2110 Vernal Pike from RS (Single residence) to BA (Business)

A. There has been a grocery business operated at this location for the past 40 years - until a fire caused the business to close about a year ago.

B. The property lies at the intersection of Vernal Pike and Crescent Road - Vernal Pike is heavily traveled being a main exit to the west part of town from bypass west.

C. I was informed by the realtor whom I purchased the property from that it was zoned business and I would have no problem building a warehouse on it.

D. Because of the fire, the buildings interior is in very bad condition and in my opinion, not worth renovating.

E. My plans for a new building would create tremendous improvement in the appearance of the property.

F. The building I propose can be constructed on the property first - then the old structures demolished and removed - the area then made into driveway and parking.

G. I have talked to adjoining property owners and they seemed favorable to a warehouse type structure on this property.

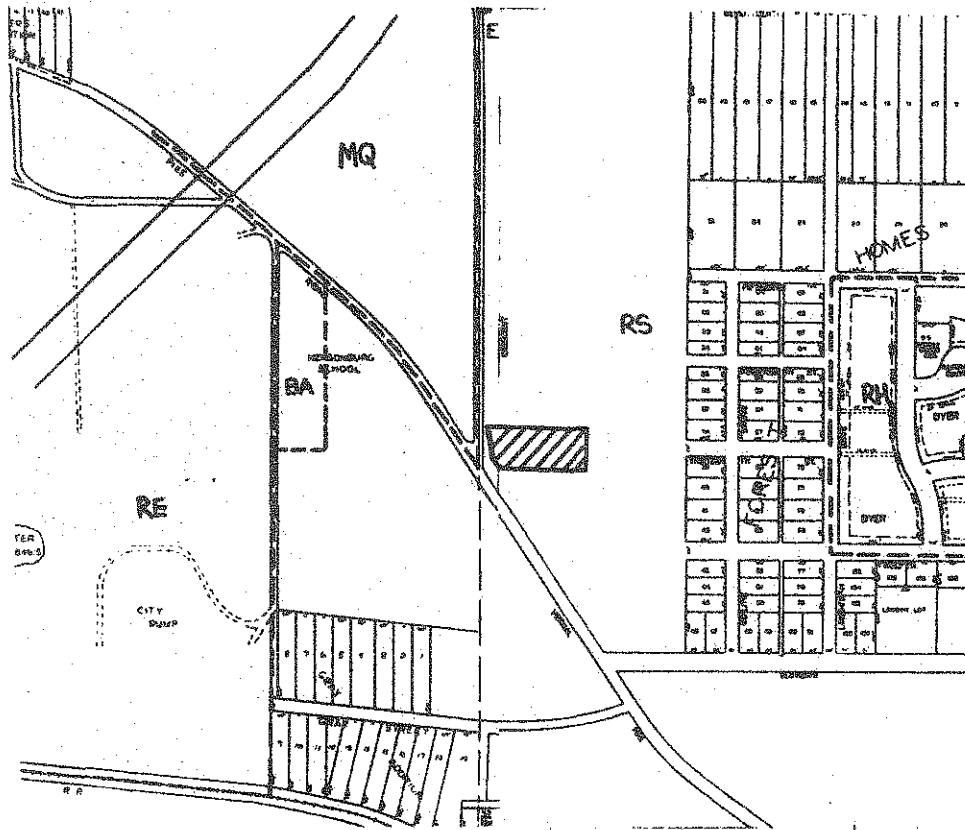
I. There has not been a residence at this property for 40 years.



Plan Commission

20-39-74

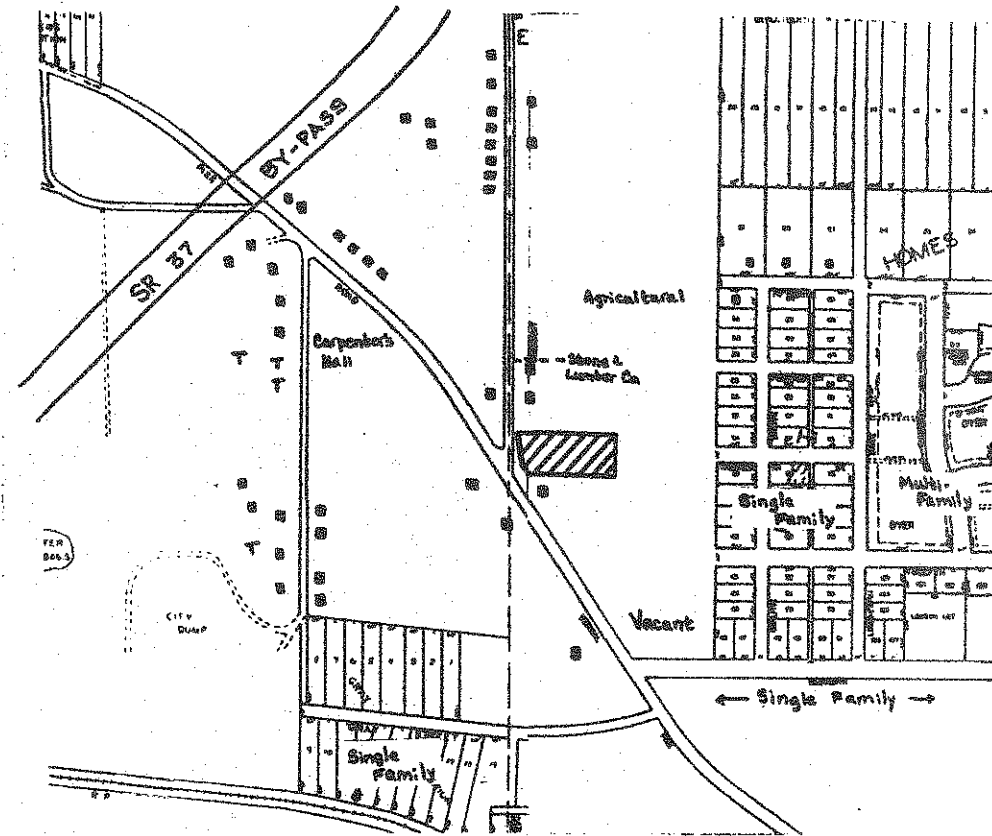
Zoning



Plan Commission

20-39-74

Land Use



■ : Single Family Home  
T : Trailer

REZONING REQUEST INFO

The following points should be considered in a rezoning request, (Although all of these points will not be appropriate for any single request.)

1. What does the master plan show for the area? Is current zoning in accordance with plan? Is proposed amendment in accordance with plan?  
The Master Plan shows the area as residential single family except for a tract North of the property which is shown as poorly drained land with sink holes. The current RS zoning accords with the Plan. The requested BA zoning conflicts with the Plan.
  
2. Is surrounding zoning (and land use) compatible with proposed change. The surrounding zoning is RS except for an MQ zone North-west of the site. Land use is predominantly single-family residential, although there is a stone and lumber company North of the property. Some agricultural use also exists in the area. The proposal is incompatible with both zoning and land use.
  
3. Is the area developed with non-conforming uses and would the change requested make the area more conforming?  
The request involves only one property. The site was formerly a non-conforming use, but lost that status when the grocery business was allowed to lapse over a year ago.
  
4. Is the original or existing zoning a mistake from the beginning? Possibly. A grocery store was operated on the site for a considerable number of years prior to adoption of the current Zoning Ordinance. Since the use of this site was of a neighborhood serving character, a BL zone classification could have been considered.
  
5. Does the existing zoning prohibit the owner from practical use of his land? Note: This test only determines the reasonableness of present zoning, not the merit of the requested change.  
No. The neighborhood is primarily residential or vacant. Once the fire damaged building is removed, the site could have residential potential.
  
6. Has there been a change of conditions since the establishment of the existing zone? In such a case any requested change in zone must be based upon a benefit to public health, safety, and welfare not upon economic expediency.  
No



REZONING REQUEST INFO

Proposed zoning changes should be evaluated with regard to its community impact.

1. Are there any additional problems which the rezoning proposal will create upon existing streets and utilities and can these problems be satisfactorily solved? Vernal Pike is classified as a minor arterial and should be able to assume additional use. There is no gravity sewer available for the site. The closest hook-on point is on Lindbergh St.
  
2. Is the proposed change in accordance with proposed street and utility plans for the area? This item becomes very important if the first question can only be answered negatively.  
There are no immediate street improvement plans in the area.
  
3. What effect would the proposed rezoning have upon the existing development pattern?  
The proposed rezoning to BA could alter the character of the neighborhood resulting in the discouragement of residential development of vacant, residentially zoned lands.
  
4. Is the boundary of the proposed change the most natural permanent boundary?  
No, the request involves only one tract of land and therefore constitutes a spot zone.
  
5. What is the effect of the proposed change upon the development pattern of the community?  
A rezoning to any non-residential classification could alter the character of the neighborhood.
  
6. Will the proposed change stimulate additional rezoning requests in the area?  
Possibly. There are no logical limits to possible strip development along the East side of Vernal Pike.
  
7. What is the amount and quality of currently zoned land available for the proposed use in the area?  
None
  
8. What, if any, are alternative potential uses for the property?  
The burden of alternative use is borne by the petitioner. The zone classification establishes the range of alternative uses applicable to the property. Petitioner must show that those permitted uses effectively deny reasonable use of the property.