

REGULAR MEETING

Tuesday, June 17, 1952

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in regular session in the Council Chamber at the City Hall, Bloomington, Indiana, June 17, 1952, at the hour of 6:30 P.M., with Mayor Kelly presiding.

Members present: Fowler, Griffith, McDaniel, Miller, Porter, and Ramsey

Members absent: Carpenter

The minutes of the last regular meeting were read by the Clerk-Treasurer and approved by the Council on motion of Councilman Miller, seconded by Councilman Porter.

A communication ^{was received} from the State Highway Department in response to the Resolution of the Council concerning speed limit on North Walnut Street and North College Avenue and installation of traffic signals. The letter from the State Highway Commission is as follows:

City of Bloomington June 3, 1952
Bloomington, Indiana

Attention: Clerk-Treasurer

Gentlemen:

Your letter of May 22, to the State Highway Commission concerning Resolution No. 5, 1952, has been referred to me for an answer.

The first paragraph of the resolution requests the establishment of a 20 m.p.h. zone on Walnut Street and College Avenue between Eleventh Street and Seventeenth Street in the City of Bloomington. The places where 20 m.p.h. zones shall be established are specifically set out by state statute and I question if the sections designated in your resolution will comply with the definition of the statute. However, we are sending a copy of the resolution to our District Engineer, Mr. Jerome Dustin, with the request that he investigate your request for the 20 m.p.h. zone, as well as the installation of the two traffic signals set out in paragraphs two and three.

Mr. Dustin will make an investigation of your requests and forward me the result of this investigation together with his recommendation.

Very truly yours,

/s/ N. F. Schafer
N. F. Schafer
Director of Traffic

NFS:eh
cc:Dustin

"

A request to cut curb at 920 East University Street for a driveway was represented by the Harlos Construction Company. Mr. Fowler, Chairman of the Committee on Streets, Alleys and Bridges, advised the Council that his Committee has already investigated this petition and he moved that permission be granted, with the work to be done under the supervision of the City Engineer. Mr. Porter seconded the motion; motion carried.

A request was received from Indiana University for permission to cut curb in the north side of Seventh Street in two places in order to provide access to a parking lot at the corner of Seventh and Woodlawn Streets. Councilman Porter explained the purpose in detail and since the Committee had already investigated the request, he moved that permission be granted in this case with the work to be done under the supervision of the City Engineer. Councilman McDaniel seconded the motion; motion carried.

A request was received from the Harlos Construction Company on behalf of of the Pentecostal Assembly Church at 417 East 16th Street for permission to cut a curb for entrance to the church parking area. The Council being advised that this petition had already been investigated by the Committee on Streets, Alleys and Bridges granted permission for the work to be done under the supervision of the City Engineer, on motion of Councilman Miller; seconded by Councilman McDaniel.

AGAG632

A request was received from Ernest Myers and Sons, operators of the Golf Service Station, Third and Washington Streets, for permission to cut curb and sidewalk on the west side of Washington Street south of Third Street. Mr. Fowler, Chairman of the Committee on Streets, Alleys, and Bridges, advised the Council that the Committee had already investigated this request and recommended to Mr. Myers that this entire section of curb be removed. Mr. Fowler moved that permission be given to the petitioner to remove the entire section, the work to proceed under the direction of the City Engineer. Mr. Porter seconded the motion; motion carried.

Mr. James Register appeared for Mr. and Mrs. Sarkes Tarzian in further reference to their suit against the City to vacate a portion of South Walnut Street which the Council had previously instructed the City Attorney to oppose. Mr. Register advised the Council that a few days ago the petitioners filed an amended petition in the County Court whereby objectionable features in this request, as set out in the answer filed in Court by the City Attorney, have been avoided. Mr. Miller moved that the amended request be referred to the Committee on Streets, Alleys, and Bridges and thoroughly studied by the Committee, the City Engineer, and the City Attorney, and reported on at the next regular meeting of the Council. Councilman McDaniel seconded the motion; motion carried.

The Clerk-Treasurer read a summons received by Mayor Kelly requesting him to appear in Monroe County Court to reply to the suit of Franklin Zellers et al, to close a portion of the first east and west alley running east from Walnut Street south of Seventeenth Street. Also, a remonstrance against the closing of the alley, by eighty-one persons. After considerable discussion, Councilman McDaniel moved that the matter be referred to the Committee on Streets, Alleys and Bridges for investigation and reported on at the next regular meeting of the Council. Mr. Miller seconded the motion; motion carried.

Mr. Fowler reported for the Committee on Streets, Alleys and Bridges in connection with the petition of John Tredway and J. E. Branam to close an alley. He advised that investigation revealed that the alley is the property of the City of Bloomington and he moved that the petition be denied and the alley maintained as a public alley. Mr. Porter seconded the motion; motion carried.

Mr. Fowler reported for the Committee appointed to investigate the Zoning Ordinance, as follows:

This is a final report of the Common Council Committee, appointed by Mayor Emmett Kelly, for the purpose of investigating the Zoning Ordinance of the City of Bloomington, the City Plan Commission, and the Board of Zoning Appeals. The Committee appreciates the confidence placed in it, and the suggestions and ideas advanced to it by the citizens of Bloomington.

The Committee has had no suggestion that Bloomington does not need a zoning ordinance. Therefore, the Committee does recommend a properly planned and administered zoning ordinance for the City of Bloomington. The question then follows, as to just how much planning and zoning is necessary and best for a community like ours. There is a constant danger of going too far in either direction. The Committee believes that the present Zoning Ordinance No. 6, could be termed a model one to be used in planning a developing a new City. On the other hand, the Committee does not believe that the Ordinance as presently written and administered, is one that is workable in Bloomington, one of the older cities in the State, yet, with a considerable portion either already built up with new and modern homes, or in the planning stages for future building and growth. The Committee believes that a Zoning Ordinance, written in simpler form and wording, and one which does not attempt to be so all-inclusive, would much better suit the needs of Bloomington. On the other hand, an ordinance, so weak as to render it ineffective would not be desirable. We are briefly stating some of the general and specific suggestions that have been presented to us, and which the Committee believes are justified.

The Committee believes that the Zoning Ordinance is too strict in its administrative requirements. In the matter of a request for a variance from the terms of the Ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, someone should have the authority to use his best judgment as the individual cases are presented. Also, this same authority might well be used to the end that even more strict restrictions may seem best in some cases. This will all work to the end that the spirit of the ordinance will be observed and, at the same time, substantial justice will be done.

In the case of new buildings or alterations, in the old residential sections

of Bloomington, it is suggested that these might be worked out on a neighborhood basis; that is, if there be no objections by property owners within a given distance from the proposed project, and if no additional hazard would result from the proposed changes or building, then the permit could be granted. The Committee recommends that the City Engineer should be allowed more freedom to act on his own judgment and responsibility; and that the plan Commission or a committee should make themselves more easily available, so that decisions can be rendered to applicants in a minimum of time and with a minimum of inconvenience.

The Committee believes that the long procedure required to get a hearing and a decision in the case of an appeal from a planning commission decision, is too complicated and, to a great extent, unnecessary. The Committee believes that the requirement that the petitioner bear the expense of a newspaper publication is both unjust and unnecessary, since notices can be sent the affected property owners, by the Board of Zoning Appeals and eliminate the necessity of newspaper notices. It is the belief of the Committee that the petitioner might well be at a disadvantage before the Board of Zoning Appeals, since two of the five members of the said Board are also members of the City Planning Commission, which Commission has previously heard his petition, and, in all probability, these two members have already voted against the petition. Certainly, some fairer arrangement should be available. The Committee believes that the \$25.00 fee required for an appeal, is excessive. All of these items in connection with appearance before the Board of Zoning Appeals, tend to create a bad feeling and to discourage some applicants from further attempts for permission for what might well be much needed and useful improvements.

The off-street parking requirements in the case of buildings erected, enlarged, or altered, seem to need some study and revision.

The Committee believes that less diversified classification by zones might be desirable.

That portion of the Ordinance dealing with nonconforming use of buildings and structures seems to be confusing and too strict.

The Committee believes that paragraph number 9 of Section number 120 of the Zoning Ordinance, in which is defined a "lot"; might well be amended to define a "lot" as "a parcel of land defined by metes and bounds or boundary lines."

There have been other suggestions and objections, but the Committee feels that the ones mentioned above will be sufficient at this time.

It is the conclusion of the Committee that either the present Zoning Ordinance of the City of Bloomington, needs considerable revising and amending; or, that a new and more workable ordinance should be written to take its place, whichever is finally deemed advisable. It is even possible that a simple ordinance created entirely apart from the provisions of Chapter 174 of the 1947 Acts of the General Assembly of the State of Indiana, might be advisable. The Committee believes that it has only started a job, the completion of which should be in the hands of a selected group of civic minded citizens of Bloomington; and the Council Committee requests that Mayor Emmett Kelly appoint such a committee to carry on from here. It is recommended that the committee be composed of such groups, professions, departments, and institutions as architects, building contractors, realtors, labor, Indiana University, the various City Departments and City Boards, and any others that the Mayor sees fit to appoint. It is requested that this committee be appointed soon, and that they be instructed to proceed immediately in a careful and diligent manner, using whatever information they may see fit in arriving at what Bloomington should have in the way of a zoning ordinance, properly administered. It is also requested that the appointed committee be further instructed to bring to the Common Council of Bloomington, Indiana; at the earliest convenient date, its report; either in the form of the present Zoning Ordinance, revised and amended, or a completely new ordinance.

This report is submitted to the Common Council of the City of Bloomington, Indiana, this 17th. day of June, 1952.

/s/ Lyle J. Fowler
Lyle J. Fowler

Chairman /s/ Boyd C. Porter
Boyd C. Porter

/s/ George W. McDaniel
George W. McDaniel

AG 632

Mr. Miller moved that the Committee report be accepted and placed on record with a note of commendation in the record. Mr. Porter seconded the motion; Dr. Ramsey did not suggest that the Ordinance not be revised because of the necessary length of revision. Mayor Kelly requested a roll call vote, the response was as follows: Carpenter, absent; Fowler, aye; Griffith, aye; McDaniel, aye; Miller, aye; Porter, aye; and Ramsey, aye; motion carried.

Councilman Miller, as chairman of the Cemetery Committee, reported to the Council that R. E. Cardwell, Superintendent of Rosehill Cemetery, would like to have permission of the Council to convert the present unused and impractical roadways in Rosehill Cemetery to provide additional burial lots for sale. Mr. Porter moved the matter be referred to the Cemetery Committee and reported on at the next regular meeting of the Council. Councilman Griffith seconded the motion; motion carried.

On motion of Councilman Griffith; seconded by Councilman Porter, the meeting adjourned.


Mayor and Presiding Officer

ATTEST:


Clerk-Treasurer