

Bond Case Briefs

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ZONING & PLANNING - INDIANA

City of Bloomington Board of Zoning Appeals v. UJ-Eighty Corporation

Supreme Court of Indiana - February 23, 2021 - N.E.3d - 2021 WL 717972

Property owner sought judicial review of decision by city's zoning board of appeals, which upheld notices of violation (NOVs) issued to owner regarding property leased to a fraternity that subsequently lost state university's sanction.

The Circuit Court entered judgment in favor of property owner, finding the ordinance unconstitutional. Board appealed. The Court of Appeals affirmed. Petition to transfer was filed.

Transfer was granted. The Supreme Court held that:

- City did not violate the Indiana Constitution by improperly delegating the authority to define "fraternity" and "sorority," terms used in ordinance, to university, and
- City did not violate property owner's due process rights by delegating authority to university to define "fraternities" and "sororities," terms used in zoning ordinance that covered owner's property, without any standards.