

Bond Case Briefs

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ZONING & PLANNING - OHIO

729 West 130th Street, L.L.C. v. Hinckley Township Board of Zoning Appeals

Supreme Court of Ohio - February 25, 2026 - N.E.3d - 2026 WL 513442 - 2026-Ohio-595

Property owners who operated a tavern sought clarification from township zoning inspector about whether their property retained nonconforming-use status after tavern ceased operations, and inspector responded by email that property no longer qualified as nonconforming use, prompting property owners to appeal to township board of zoning appeals, which dismissed appeal as untimely.

Property owners appealed. The Court of Common Pleas affirmed board's dismissal and property owners appealed. The Ninth District Court of Appeals, reversed, holding that inspector's email did not constitute appealable decision. Board of zoning appeals sought discretionary review.

The Supreme Court held that zoning inspector's email to property owners about property's zoning status did not constitute a "decision" that could be appealed to board of zoning appeals.

Zoning inspector's email to property owners about property's zoning status did not constitute a "decision," under statute establishing procedure for appealing administrative zoning decisions, that could be appealed to board of zoning appeals; township zoning resolution provided that zoning inspector makes a "determination of nonconforming status" after property owners submit evidence that the property's use has been lawfully created, then, after accepting such evidence, the inspector "shall issue a Certificate of Non-Conforming Use," and because property owners did not engage in any formal process by which zoning inspector issued a formal decision based on evidence, as they merely visited inspector's office to inquire about property's zoning status as a nonconforming use, inspector did not issue a "decision" on whether property remained in compliance with nonconforming-use status.