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ZONING - OHIO

Safest Neighborhood Assn. v. Athens Bd. of Zoning Appeals

Court of Appeals of Ohio, Fourth District, Athens County - December 17, 2013 - Slip Copy - 2013 -Ohio- 5610

The City of Athens Board of Zoning Appeals (BZA), the City of Athens Planning Commission (Planning Commission) and Kevin Gillespie/Integrated Services of Appalachian, Ohio, Inc. (Integrated Services) appealed the trial court's entry reversing the BZA and Planning Commission's decisions to permit Integrated Services to construct a two-story, multi-unit residential structure.

However, as neutral bodies that decided whether to grant Integrated Services' applications, the BZA and Planning Commission lacked standing to appeal the court of common pleas decision. Consequently, their appeals were dismissed. Conversely, Integrated Services unquestionably had standing to appeal as an aggrieved party who has been adversely affected by the lower court's decision.

Integrated Services argued that the lower court erred by finding that the appellees, Safest Neighborhood Association (Safest Neighborhood) and over 40 Athens residents, had standing to appeal the BZA and Planning Commission's decisions because each appellee did not show that he or she actively participated at the administrative hearing and was directly affected by the administrative decision. The Court of Appeals agreed. Because the lower court looked at the appellees collectively, rather than looking at each appellee individually, to determine if they met the requirements for standing, the court abused its discretion and its decision was reversed.