

# **Bond Case Briefs**

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## **ZONING - OHIO**

### **Cleveland Clinic Found. v. Cleveland Bd. of Zoning Appeals**

**Supreme Court of Ohio - November 5, 2014 - N.E.3d - 2014 -Ohio- 4809**

Hospital landowner petitioned for judicial review of a decision by city board of zoning appeals (BZA) denying hospital's application to construct a helipad because proposed helipad was prohibited use for local retail business district. The Court of Common Pleas reversed. Board appealed. The Court of Appeals reversed. Hospital sought further review, which was granted.

The Supreme Court of Ohio held that:

- Appellate court was only permitted to reverse decision of court of common pleas reviewing zoning decision if common pleas court decision was unsupported by substantial, reliable, and probative evidence on whole record, and
- Helipad was permissible accessory use of hospital.

Helipad was accessory use of hospital that was permitted in city's multi-family district, and therefore was permitted use in area zoned local retail business district, where zoning ordinances contained no express prohibition on helipads, every other hospital in city had a helipad, and 88% of hospitals in the metropolitan area had helipads.