

Bond Case Briefs

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ZONING - OHIO

State ex rel. Sunset Estate Properties, L.L.C. v. Lodi

Supreme Court of Ohio - March 10, 2015 - N.E.3d - 2015 -Ohio- 790

Mobile home park owners brought action against village, seeking declaratory and injunctive relief and damages, challenging constitutionality of ordinance governing discontinuance or abandonment of a nonconforming use of property. The Court of Common Pleas entered summary judgment in favor of village, and owners appealed. The Court of Appeals reversed and remanded. Village appealed.

The Supreme Court of Ohio held that provision of village zoning ordinance providing that the absence or removal of nonconforming mobile homes from property for a period of six months or more shall constitute discontinuance from the time of absence or removal was unconstitutional.