

Bond Case Briefs

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ZONING & PLANNING - OHIO

Shelly Materials, Inc. v. City of Streetsboro Planning and Zoning Commission

Supreme Court of Ohio - November 5, 2019 - N.E.3d - 2019 WL 5699511 - 2019 -Ohio- 4499

Mineral lessee sought review of city zoning and planning commission's denial of its application for a conditional use permit for surface mining of sand and gravel in a rural-residential district.

The Court of Common Pleas reversed. Commission appealed. The Court of Appeals reversed. Lessee appealed.

The Supreme Court held that Court of Appeals exceeded the scope of its review by addressing the credibility of lessee's expert appraiser.

Court of Appeals exceeded the scope of its review in zoning appeal involving a dispute about grant of a conditional use permit for surface mining of sand and gravel in a rural-residential district, where Court of Appeals reversed common pleas court's judgment on the basis that city zoning and planning commission had a justifiable reason to reject the opinion of applicant's expert appraiser; this was a question concerning the weight of the evidence to be given to an expert's opinion, and Court of Appeals had no authority to second-guess the decision of common pleas court on questions going to the weight of the evidence supporting the commission's findings.