

Bond Case Briefs

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ZONING & PLANNING - OHIO

Columbus Bituminous Concrete Corporation v. Harrison Township Board of Zoning Appeals

Supreme Court of Ohio - March 11, 2020 - N.E.3d - 2020 WL 1160915 - 2020 -Ohio- 845

Landowner sought review of decision of township board of zoning appeals denying its application for a conditional use zoning certificate to conduct quarrying and mining of sand and gravel.

The Court of Common Pleas affirmed. Landowner appealed. The Court of Appeals affirmed. Landowner sought review, which was granted.

The Supreme Court held that board could not deny application based on zoning resolution's general standards that did not relate to public health or safety.

Township board of zoning appeals lacked authority to deny landowner's application for conditional use permit to engage in quarrying and mining of sand and gravel based on general standards contained in zoning resolution applicable to all conditional uses, irrespective of whether compliance with those general standards was in the interest of public health and safety, under statute providing that townships could adopt resolutions pertaining to mining activities "only in the interest of public health and safety," but rather board was required to apply general standards to conditional use application only to extent that doing so was in interest of public health and safety and, if health and safety concerns were raised, it could address those concerns only through conditions on approved application.