

# **Bond Case Briefs**

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## **ZONING & PLANNING - OHIO**

### **Benalcazar v. Genoa Township, Ohio**

**United States Court of Appeals, Sixth Circuit - June 10, 2021 - F.3d - 2021 WL 2374260**

Property owners filed § 1983 action alleging that township violated their rights under Due Process and Equal Protection Clauses when it denied their rezoning request. After township signed consent decree permitting owners to develop their property, township residents intervened and moved to dismiss.

The United States District Court for the Southern District of Ohio approved consent decree, and intervenors appealed.

The Court of Appeals held that district court had authority to enter consent decree without first ruling on intervenors' motion to dismiss.

District court had subject matter jurisdiction over property owners' non-frivolous claim that township violated their rights under Due Process and Equal Protection Clauses when it denied their rezoning request, and thus had authority to enter consent decree without first ruling on intervening township residents' motion to dismiss based on zoning referendum reversing township's approval of rezoning application.