

Bond Case Briefs

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Rice v. Village of Johnstown, Ohio

United States Court of Appeals, Sixth Circuit - April 8, 2022 - F.4th - 2022 WL 1055496

Property owners filed § 1983 action alleging that village had unlawfully delegated legislative authority to its planning and zoning commission, violating its due process rights under United States and Ohio Constitutions.

The United States District Court entered summary judgment in village's favor, and owners appealed.

The Court of Appeals held that:

- Village's purportedly unconstitutional delegation of its legislative authority constituted procedural injury sufficient to support owners' standing, and
- Owners satisfied causation requirement for standing.

Village's purportedly unconstitutional delegation of its legislative authority to its planning and zoning commission in deciding whether to approve property owners' proposed annexation and rezoning proposal for residential development constituted procedural injury sufficient to support owners' standing to assert due process claim against village, even though property in question was in neighboring township, and property's zoning status had not changed; owners' procedural injury was tied to their economic interest in developing its property, their development plans could not proceed without commission's approval, and annexation by village was not prerequisite to entering zoning process.

Property owners' procedural injury arising from village's purportedly unconstitutional delegation of its legislative authority to its planning and zoning commission in deciding whether to approve their proposed annexation and rezoning proposal for residential development was fairly traceable to village's allegedly unconstitutional process, as required to satisfy causation requirement for standing in their action alleging denial of procedural due process, despite village's contention that owners' injury also arose from denial of annexation, and owners had not challenged denial of annexation, where village permitted petition for annexation to lapse after commission denied preliminary zoning application.