

# **Bond Case Briefs**

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## **ZONING & PLANNING - OHIO**

### **Willow Grove, Ltd. v. Olmsted Township Board of Zoning Appeals**

**Supreme Court of Ohio - December 9, 2022 - N.E.3d - 2022 WL 17542590 - 2022-Ohio-4364**

Developer sought judicial review of decision by township's board of zoning appeals denying its application for a zoning certificate allowing it to construct single-family townhomes on a single parcel of land, due in part to developer's failure to comply with zoning resolution's off-street parking requirements.

The Court of Common Pleas affirmed in part, reversed in part, and remanded with instructions to issue zoning certificate. Both sides appealed. The Eighth District Court of Appeals affirmed in part, reversed in part, and remanded to the trial court. Developer's petition for discretionary review was accepted.

The Supreme Court held that column headings in schedule for zoning resolution regulating number of off-street parking spaces had to be read substantively and could not be read as mere guidepost.

Column heading entitled "Principal Building or Use" in schedule for township zoning resolution regulating number of off-street parking spaces "for each facility or use," which consisted of a column setting forth number of spaces of off-street parking for each principal building or use identified in a second column, served as more than a guidepost, but rather, provided details of a law, and thus, it had to read substantively to limit schedule's application to principal buildings or uses, because the heading used specific terminology, namely, "principal use," that was defined within the resolution, which gave the term legal significance.