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ZONING & PLANNING - OHIO

State ex rel. Thomas v. Wood County Board of Elections

Supreme Court of Ohio - February 2, 2024 - N.E.3d - 2024 WL 396636 - 2024-Ohio-379

Property owner, who sought to amend zoning for property to commercial sought writs of mandamus and prohibition to order county board of elections to remove zoning amendment referendum from primary-election ballot.

The Supreme Court held that:

- Property owner lacked adequate remedy in the ordinary course of the law, as required to obtain writs of mandamus or prohibition;
- County board of elections did not act in clear disregard of applicable law in determining that eight percent statutory signature requirement for referendum petition controlled number of signatures required for referendum;
- Summary of zoning amendment in referendum petition satisfied statutory requirements;
- County board of elections did not abuse its discretion or disregard applicable law in certifying zoning amendment referendum for placement on primary-election ballot;
- Notice for board meeting at which referendum petition was considered met statutory notice requirements, and, thus, certification of petition for placement on primary-election ballot was valid; and
- Notice for board meeting did not violate property owner’s procedural due-process rights.

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