

Darby Township Board of Zoning Appeals Public Notice

The Darby Township Board of Zoning Appeals will hear an appeal on Thursday, August 15, 2024 at 7:00 pm. The meeting will be held at the Darby Township Hall, 508 4th Street, Unionville Center.

Dan Block c/o Laura Comek 17 S. High St., Ste 700, Columbus is appealing the decision of the Darby Township Zoning Inspector, which was issued on July 19, 2024.

Now comes Dan Block (appellant), by and through the undersigned legal counsel, and pursuant to Section 514 of the Darby Township Zoning Resolution hereby submits its Notice of Appeal from the decision of the Zoning Inspector, which decision was issued on July 19, 2024, via email. A copy of the email wherein the Zoning Inspector confirmed his decision would be issued by email only.

The Zoning Inspector failed to comply with the mandate of Section 302 of the Darby Township Zoning Resolution. In accordance with the 2022 decision of the Ohio Appellate Court Third District in Lind Media Co. v. Marion Twp. Bd. Of Zoning Appeals, 2022-Ohi-1361 (case No. 9-21-39), the Appellant is entitled to the issuance of the requested zoning permit.

Also, the decision of the Zoning Inspector was unlawful and not in accordance with the decision of the Ohio Supreme Court in Terry v. Sperry, 130 Ohio St. 3 d 125 (2011).

In addition, the decision of the Zoning Inspector exceeded the scope of authority and jurisdiction of Darby Township as provided by Ohio law; he did not comply with Ohio law; the decision of the Zoning Inspector was arbitrary, capricious; unsupported by the reliable, probative and substantial evidence in the record; reflects unequal protection of law/unequal application of laws to other similarly situated uses; is deprivation of due and procedural due process, reflects a policy, custom or practice of unlawful activity, is generally unconstitutional; and otherwise not in accordance with applicable law.

The Darby Township Zoning Resolution, various sections including but not limited to Section 563, Section 910(2)(a), Section 1038 are unlawful and conflict with ie., not in accordance with), or as applied to the Appellant and agritourism as provided in R.C. 519.21.

For these reasons, Appellant respectfully requests the decision of the Zoning Inspector be overturned and the Zoning Inspector be ordered to issue the Zoning Permit.

Contact Scott Smith, Zoning Inspector, 937-243-0204 or Connie Priday, BZA Secretary, 937-645-5034, with any questions.