

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

<i>State ex rel.</i>)	CASE NO: 2012-09-5055
)	
MARCELLA GAYDOSH,)	JUDGE CORRIGAL JONES
)	
Relator,)	
)	<u>RELATOR’S RESPONSE BRIEF</u>
vs.)	
)	
CITY OF TWINSBURG, et al.,)	
)	
Respondents.)	

Now comes Relator who responds to the City’s Trial Brief as follows:

I. Twinsburg’s Charter and Laws.

The parties agree that Twinsburg’s Charter and Ordinances requires a vote on “any change in zoning classifications or district or in uses permitted in any zoning use classification or district. Charter Section 7A.01. The parties disagree on whether height regulations fall within that description.

This problem is solved by the Code. The purpose of the Code is to “....to regulate and limit the **height**, bulk, number of stories and size of buildings and other structures (Ord. 87-1989. Passed 7-11-89). (Gaydosh Depo., Ex. A.). The last comprehensive revision of the Code was approved by voters in 1989. They voted on **Chapters 1137 through 1161**. Ex. 6.¹ Amendment of those Chapters requires a vote. Height regulations fall within those Chapters.

Twinsburg correctly states it is illogical to vote on tree spacing because tree spacing was not part of Chapters 1137 through 1161. Chapters outside that range do not trigger a vote. Such Chapters regulate home occupations, fencing, signage, parking, and tree placement and can be adjusted by City Council. *Id.*

¹ The note at the bottom of the page explains what Chapters of the Code were voted on.

It is illogical to not vote on changes to height regulations because those regulations were originally voted on by Twinsburg's citizens. A change to the height regulations, like a change to any other Chapter originally voted on, requires another vote.

The City must follow its Charter. The voters reserved to themselves the legislative zoning power in Charter Section 7A.01. What the voters passed, takes the voters to change. Gaydosh simply asks to vote on any changes to height regulations the voters previously adopted. Gaydosh Depo, p. 36.

Respectfully submitted,

/s/Warner Mendenhall
Warner Mendenhall 0070165
Attorney for the Relator
190 North Union Street, Suite 201
Akron, Ohio 44304
330.535.9160
F330.762.9743
warnermendenhall@gmail.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent by regular U.S. Mail to on this 20th day of September 2013 to:

David Maistros, Esq.
Law Director
City of Twinsburg
10075 Ravenna Rd
Twinsburg, OH 44087

Counsel for the Respondents

/s/ Warner Mendenhall
Warner Mendenhall 0070165

T W I N S B U R G

ZONING ORDINANCE AND SUBDIVISION REGULATIONS

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NOTE: Chapters 1137 through 1161 adopted by Ordinance No. 87-1989, passed July 11, 1989, and approved by City of Twinsburg electorate on November 7, 1989

