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August 27, 2025

Catawba Island Township Board of Trustees
4822 East Cemetery Road
Port Clinton, Ohio 43452

Re: Legal Clarification of Rezoning Consideration

Dear Board:

On August 26, 2025, the Catawba Island Township Board of Trustees considered a request for rezoning of 2734 NE Catawba Road (DeGraff Farm) from A (Agricultural) to R-1 (High Density Residential). Approval of the requested rezoning was recommended by the Ottawa County Regional Planning Commission and was also recommended by the Catawba Island Township Zoning Commission.

After the vote of the Catawba Island Trustees was taken (one in favor, one denial, and one recusal/absence), it was announced that the motion did not carry and that the rezoning application failed and, therefore, the subject property would remain zoned Agricultural. This is incorrect. As the Board of Trustees did not have a majority vote to deny the recommendation of the Zoning Commission, the law dictates that the changes recommended by the Zoning Commission are, in fact, adopted.

Pursuant to Ohio Revised Code Section 519.12, the rezoning requests must be approved or denied by the Catawba Island Township Board of Trustees. As I previously advised, 519.12 is a difficult statute and is counterintuitive to traditional board voting rules. Traditionally, an affirmative majority vote is required to make any changes. This means that typically, in order for a change to be approved, it must be approved by a majority vote.

That being said, 519.12, which is the controlling law on rezoning requests, requires the exact opposite. Pursuant to this section, the Board of Trustees must have a majority vote to *deny* the recommendation of the Zoning Commission. This means that if there is not a majority vote to deny the recommendation, then the rezoning request is adopted and approved. In this case, one board member recused, one voted for denial, and one voted against denial. There was no majority vote to deny.

As a result of the failure to have a majority vote in favor of denial, the property will be rezoned at the expiration of 30 days, unless the Board of Trustees is presented with a valid referendum petition within the 30-day window. Details on petition/referendum requirements are contained in Ohio Revised Code 519.12(H).

If you have any questions or concerns, please feel free to reach out. Thank you for your time and attention.

Yours truly,



James VanEerten
Prosecuting Attorney