

IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

Miami Township Board of Trustees, :	Case No. 2019 CV 05444
Plaintiff, :	Hon. Richard S. Skelton
v. :	
Darren Powlette, et al., :	
Defendants. :	

FINAL JUDGMENT ENTRY; INJUNCTION

On December 13, 2021, the Court granted summary judgment in favor of plaintiff and denied the cross-motion of defendants, that the defendants’ activities at a former “horse barn” located at 7757 Upper Miamisburg Road, Miami Township, in Montgomery County, Ohio, violate the Miami Township Zoning Resolution Section 307, in that the use of the property for celebratory events, such as weddings, does not constitute “agritourism” as defined in R.C. 901.80(A), incorporated by reference in R.C. 519.21(D)(2). The defendants’ activities are not “agriculturally related” activities within the meaning of the statutory language. The activities are for business use prohibited in Article 8 of the Zoning Resolution and not incident to agricultural activities. The Court concludes that the Township zoning authority is not prohibited by R.C. 519.21(A), and injunctive relief is authorized and appropriate pursuant to R.C. 519.24 enjoining the use as violating the zoning resolution.

Now therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED that Defendants, Darren Powlette and Stoney Hill Rustic Wedding, LLC (including officers, agents, servants, and employees, attorneys and those persons in active concert or participation with them), are ENJOINED AND PROHIBITED from renting, leasing, or otherwise operating for a fee, the barn located at 7757 Upper Miamisburg Road, Miami Township, Montgomery County, Ohio, for weddings, receptions, graduation parties, or other celebratory events; it is

FURTHER ORDERED that Defendants shall pay the costs of this action and this Court will retain jurisdiction for the purpose of enforcing this Judgment.

SO ORDERED.

Richard S. Skelton, Judge

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General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Case Number:
2019 CV 05444

Case Title:
MIAMI TOWNSHIP BOARD OF TRUSTEES vs DARREN
POWLETTE

Type:

Final Judgment Entry

So Ordered,