

Mine case comes before new judge

4:43 pm, Mar 14, 2011 | Written by lwakeland | 2Comments |

By **Lisa Wakeland** • lwakeland@communitypress.com

Attorneys for local communities and a mining company will meet with a judge March 30 to discuss how to proceed with a case that challenges a mine proposal in Anderson Township.

Terrace Park, Indian Hill and Newtown appealed the Anderson Township Board of Zoning Appeals' June decision granting Martin Marietta Materials a special zoning certificate to operate the mine near the intersection of Round Bottom and Broadwell roads and variances to store explosive materials.

The appeal was transferred to Hamilton County Common Pleas Court Judge Robert Ruehlman after Judge Steven Martin disqualified himself from the case, citing personal views on the issue.



Judge Robert P. Ruehlman will hear the rest of the appeal in the Martin Marietta mine case. (File Photo)

Two motions remain before the court – one to dismiss the municipalities from the appeal and one to vacate the township Board of Zoning Appeals' decision approving the mine.

Magistrate Michael Bachman, who heard all the motions late last year, dismissed the three villages from the appeal for lack of standing and denied the motion to vacate judgment.

The villages collectively filed an objection to Bachman's decision Jan. 21. Both Anderson Township and Martin Marietta filed responses stating the magistrate's decision should stand.

The March 30 scheduling conference with Ruehlman will likely determine when oral arguments will be heard on the remaining two motions, Terrace Park Solicitor Bob Malloy said at a recent village council meeting.

Ruehlman upheld Bachman's previous decisions to dismiss mine opposition group Citizens Against Blasting on Our Miami and keep the Board of Zoning Appeals as a party to the case.

He also upheld the decision to strike a Hamilton County Commissioners resolution from the record of the appeal. That resolution, passed in July, denied Martin Marietta the ability to tunnel under county-owned Broadwell Road.

Sixty residents and business owners remain part of the appeal.