

IN THE MUNICIPAL COURT OF FRANKLIN COUNTY OHIO
ENVIRONMENTAL DIVISION

ACCESS OHIO, LLC
99 Brice Road, Suite 360
Columbus, Ohio 43213,
Appellant,

Case No.

v.

Judge Hawkins

CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS,
200 South Hamilton Road
Gahanna, Ohio 43230,
Appellee.


NOTICE OF APPEAL

Notice is hereby given that Appellant, Access Ohio LLC, appeals to the Environmental Division of the Municipal Court of Franklin County, Ohio from the final order, adjudication or decision of the City of Gahanna, Ohio Board of Zoning and Building Appeals certified on May 23, 2017. A copy of the Record of Action is attached hereto as Exhibit A.

This is an administrative related appeal pursuant to Chapter 2506 of the Ohio Revised Code. The appeal is on questions of law and fact. This administrative appeal of a final order is not for the payment of money. No bond is required. R.C. §2505.12(B).

Respectfully submitted,

PLANK LAW FIRM, LPA



David Watkins (0059242)
411 East Town Street, Flr 2
Columbus, Ohio 43215
614-947-8600
614-228-1790 Fax
dw@planklaw.com
Attorneys for Appellant

RECEIVED
JUN 14 2017

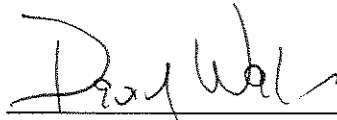
BY: Kim Banning
City of Gahanna
Clerk of Council &
Board of Zoning
& Building Appeals
Cleric

CERTIFICATE OF SERVICE

I certify that on June 14, 2017, a copy of this Notice of Appeal was served upon and filed

with:

CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS,
200 South Hamilton Road
Gahanna, Ohio 43230



David Watkins (0059242)



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Record of Action

Appeal-BZA: BZA-0001-2017

File Number: BZA-0001-2017

To consider an appeal from Planning Commission's denial of the application: CU-0009-2016 - To consider an amended Conditional Use Application to allow a residential drug and alcohol rehabilitation facility in a Community Commercial (CC) zoning district, for property located at 121 James Road and 175 W. Johnstown Road; Parcel ID No.s 025-000855, 025-000798, 025-000890; Access Ohio LLC; Donald T. Plank, applicant.

The City of Gahanna Board of Zoning and Building Appeals met on 5/4/2017 to consider an Appeal - BZA-0001-2017.

A motion was made by Pack, seconded by Mecozzi to grant the appeal. The motion failed by the following vote:

Hakim Ben Adjoua – no, Donald W. Jensen – no, Debra Mecozzi – no, Timothy W. Pack – no, Lorne Eisen – no.

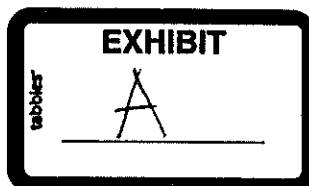
The Appeal was Denied.

Please consider this an official copy of the Record of Action for this Appeal. You may request a hard copy of this Record of Action to be mailed to you by contacting the City of Gahanna Council office at 614-342-4090.



Kimberly Banning
Kimberly Banning, Clerk of
Council

May 23, 2017
Date Certified



2506.02 Notice of appeal - filing transcript.

Within forty days after filing a notice of appeal in relation to a final order, adjudication, or decision covered by division (A) of section 2506.01 of the Revised Code, the officer or body from which the appeal is taken, upon the filing of a praecipe by the appellant, shall prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision . The costs of the transcript shall be taxed as a part of the costs of the appeal.

Effective Date: 03-17-1987; 08-17-2006 .

Chapter 2506: APPEALS FROM ORDERS OF ADMINISTRATIVE OFFICERS AND AGENCIES

2506.01 Appeal from decisions of agency of political subdivisions.

(A) Except as otherwise provided in sections 2506.05 to 2506.08 of the Revised Code, and except as modified by this section and sections 2506.02 to 2506.04 of the Revised Code, every final order, adjudication, or decision of any officer, tribunal, authority, board, bureau, commission, department, or other division of any political subdivision of the state may be reviewed by the court of common pleas of the county in which the principal office of the political subdivision is located as provided in Chapter 2505. of the Revised Code.

(B) The appeal provided in this section is in addition to any other remedy of appeal provided by law.

(C) As used in this chapter, "final order, adjudication, or decision" means an order, adjudication, or decision that determines rights, duties, privileges, benefits, or legal relationships of a person, but does not include any order, adjudication, or decision from which an appeal is granted by rule, ordinance, or statute to a higher administrative authority if a right to a hearing on such appeal is provided, or any order, adjudication, or decision that is issued preliminary to or as a result of a criminal proceeding.

Effective Date: 03-17-1987; 08-17-2006 .

2506.02 Notice of appeal - filing transcript.

Within forty days after filing a notice of appeal in relation to a final order, adjudication, or decision covered by division (A) of section 2506.01 of the Revised Code, the officer or body from which the appeal is taken, upon the filing of a praecipe by the appellant, shall prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision . The costs of the transcript shall be taxed as a part of the costs of the appeal.

Effective Date: 03-17-1987; 08-17-2006 .

2506.03 Hearing.

(A) The hearing of an appeal taken in relation to a final order, adjudication, or decision covered by division (A) of section 2506.01 of the Revised Code shall proceed as in the trial of a civil action, but the court shall be confined to the transcript filed under section 2506.02 of the Revised Code unless it appears, on the face of that transcript or by affidavit filed by the appellant, that one of the following applies:

- (1) The transcript does not contain a report of all evidence admitted or proffered by the appellant.
- (2) The appellant was not permitted to appear and be heard in person, or by the appellant's attorney, in opposition to the final order, adjudication, or decision , and to do any of the following:
 - (a) Present the appellant's position, arguments, and contentions;
 - (b) Offer and examine witnesses and present evidence in support;
 - (c) Cross-examine witnesses purporting to refute the appellant's position, arguments, and contentions;
 - (d) Offer evidence to refute evidence and testimony offered in opposition to the appellant's position, arguments, and contentions;
 - (e) Proffer any such evidence into the record, if the admission of it is denied by the officer or body appealed from.
- (3) The testimony adduced was not given under oath.
- (4) The appellant was unable to present evidence by reason of a lack of the power of subpoena by the officer or body appealed from, or the refusal, after request, of that officer or body to afford the appellant opportunity to use

the power of subpoena when possessed by the officer or body.

(5) The officer or body failed to file with the transcript conclusions of fact supporting the final order, adjudication, or decision .

(B) If any circumstance described in divisions (A)(1) to (5) of this section applies, the court shall hear the appeal upon the transcript and additional evidence as may be introduced by any party. At the hearing, any party may call, as if on cross-examination, any witness who previously gave testimony in opposition to that party.

Effective Date: 03-17-1987; 08-17-2006 .

2506.04 Order, adjudication, or decision of court.

If an appeal is taken in relation to a final order, adjudication, or decision covered by division (A) of section 2506.01 of the Revised Code, the court may find that the order, adjudication, or decision is unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record. Consistent with its findings, the court may affirm, reverse, vacate, or modify the order, adjudication, or decision, or remand the cause to the officer or body appealed from with instructions to enter an order, adjudication, or decision consistent with the findings or opinion of the court. The judgment of the court may be appealed by any party on questions of law as provided in the Rules of Appellate Procedure and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code.

Effective Date: 03-17-1987; 08-17-2006 .

2506.05 Expedited appeal of final order regarding adult entertainment establishments.

(A)

(1) Except as modified by this section and sections 2506.06 to 2506.08 of the Revised Code, every final order, adjudication, or decision of any officer, tribunal, authority, board, bureau, commission, department, or other division of any political subdivision of the state denying an application for, or suspending or revoking, a license or permit to locate or operate an adult entertainment establishment, as defined in section 2907.39 of the Revised Code or as similarly defined by a political subdivision, may be reviewed by the court of common pleas of the county in which the principal office of the political subdivision is located as provided in Chapter 2505. of the Revised Code.

(2) In addition to appeals brought pursuant to division (A)(1) of this section, a court of common pleas may hear appeals under this section and sections 2506.06 to 2506.08 of the Revised Code in cases in which the court determines that there is a threat of restraint of expression protected or presumptively protected under the First Amendment to the United States Constitution or under Section 11 of Article I, Ohio Constitution.

(B) An appellant seeking to have an appeal heard under this section shall designate it as an expedited appeal by inserting the words "Expedited Appeal Requested" in conspicuous typeface in the caption of the notice of appeal.

(C) In an appeal under this section, if the political subdivision does not object to the expedited appeal within three days after receiving notice of the filing of the notice of appeal or if, over the objection of the political subdivision, the court determines that there is a threat of restraint of expression protected or presumptively protected under the First Amendment of the United States Constitution or under Section 11 of Article I of the Ohio Constitution, the court shall conduct a hearing as promptly as is practicable and render a decision in a prompt and expeditious manner consistent with the United States Constitution and the Ohio Constitution. If the court denies the request for an expedited appeal, the appeal shall be heard in accordance with sections 2506.01 to 2506.04 of the Revised Code.

(D) The appeal provided in this section is in addition to any other remedy of appeal provided by law.

Effective Date: 08-17-2006 .

2506.06 Transcript to be filed following notice of appeal.

Within five days after receiving notice of the filing of a notice of appeal under section 2506.05 of the Revised Code, the officer or body from which the appeal is taken, upon the filing of a praecipe by the appellant, shall prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision appealed from. The costs of the transcript shall be taxed as a part of the costs of the appeal.

Effective Date: 08-17-2006 .

2506.07 Hearing confined to transcript - exceptions.

(A) The hearing of an appeal taken under section 2506.05 of the Revised Code shall proceed as in the trial of a civil action, but the court shall be confined to the transcript as filed under section 2506.06 of the Revised Code unless it appears on the face of that transcript or by affidavit filed by the appellant that one or more of the following applies:

- (1) The transcript does not contain a report of all evidence admitted or proffered by the appellant.
- (2) The appellant was not permitted to appear and be heard in person, or by the appellant's attorney, in opposition to the final order, adjudication, or decision appealed from and to do any of the following:
 - (a) Present the appellant's position, arguments, and contentions;
 - (b) Offer and examine witnesses and present evidence in support;
 - (c) Cross-examine witnesses purporting to refute the appellant's position, arguments, and contentions;
 - (d) Offer evidence to refute evidence and testimony offered in opposition to the appellant's position, arguments, and contentions;
 - (e) Proffer any evidence offered pursuant to division (A)(2)(d) of this section into the record if the admission of it is denied by the officer or body appealed from.
- (3) The testimony adduced was not given under oath.
- (4) The appellant was unable to present evidence because of a lack of the power of subpoena by the officer or body appealed from or because of the refusal after request of that officer or body to afford the appellant opportunity to use the power of subpoena when possessed by the officer or body.
- (5) The officer or body failed to file with the transcript conclusions of fact supporting the final order, adjudication, or decision appealed from.

(B) If any circumstance described in divisions (A)(1) to (5) of this section applies, the court shall hear the appeal upon the transcript and additional evidence as may be introduced by any party. At the hearing, any party may call, as if on cross-examination, any witness who previously gave testimony in opposition to that party.

Effective Date: 08-17-2006 .

2506.08 Findings and order of court on appeal.

If an appeal is taken under section 2506.05 of the Revised Code, the court may find that the order, adjudication, or decision is unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record. Consistent with its findings, the court may affirm, reverse, vacate, or modify the order, adjudication, or decision, or remand the cause to the officer or body appealed from with instructions to enter an order, adjudication, or decision consistent with the findings or opinion of the court. If the order, adjudication, or decision is remanded to the officer or body appealed from with those instructions, the officer or body shall enter the consistent order, adjudication, or decision within five days after that remand. The judgment of the court may be appealed by any party on questions of law as provided in the Rules of Appellate Procedure and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code.

Effective Date: 08-17-2006 .

IN THE MUNICIPAL COURT OF FRANKLIN COUNTY OHIO
ENVIRONMENTAL DIVISION

ACCESS OHIO, LLC
99 Brice Road, Suite 360
Columbus, Ohio 43213,
Appellant,

Case No.

v.

Judge Hawkins

CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS,
200 South Hamilton Road
Gahanna, Ohio 43230,
Appellee.

FRANKLIN COUNTY
MUNICIPAL COURT
100 S. BROAD ST.
COLUMBUS, OHIO 43215
17 JUN 14 PM 2:17
FBI FED

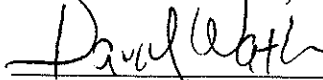
NOTICE OF APPEAL

Notice is hereby given that Appellant, Access Ohio LLC, appeals to the Environmental Division of the Municipal Court of Franklin County, Ohio from the final order, adjudication or decision of the City of Gahanna, Ohio Board of Zoning and Building Appeals certified on May 23, 2017. A copy of the Record of Action is attached hereto as Exhibit A.

This is an administrative related appeal pursuant to Chapter 2506 of the Ohio Revised Code. The appeal is on questions of law and fact. This administrative appeal of a final order is not for the payment of money. No bond is required. R.C. §2505.12(B).

Respectfully submitted,

PLANK LAW FIRM, LPA



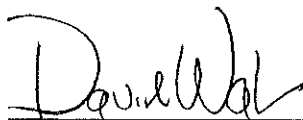
David Watkins (0059242)
411 East Town Street, Flr 2
Columbus, Ohio 43215
614-947-8600
614-228-1790 Fax
dw@planklaw.com
Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that on June 14, 2017, a copy of this Notice of Appeal was served upon and filed

with:

CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS,
200 South Hamilton Road
Gahanna, Ohio 43230



David Watkins (0059242)



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Record of Action

Appeal-BZA: BZA-0001-2017

File Number: BZA-0001-2017

To consider an appeal from Planning Commission's denial of the application: CU-0009-2016 - To consider an amended Conditional Use Application to allow a residential drug and alcohol rehabilitation facility in a Community Commercial (CC) zoning district, for property located at 121 James Road and 175 W. Johnstown Road; Parcel ID No.s 025-000855, 025-000798, 025-000890; Access Ohio LLC; Donald T. Plank, applicant.

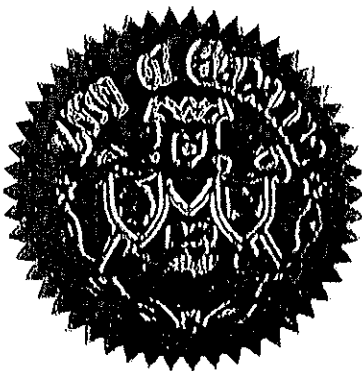
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A motion was made by Pack, seconded by Mecozzi to grant the appeal. The motion failed by the following vote:

Hakim Ben Adjoua – no, Donald W. Jensen – no, Debra Mecozzi – no, Timothy W. Pack – no, Lorne Eisen – no.

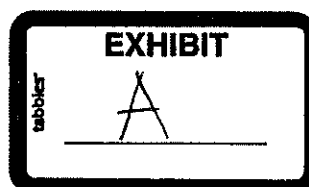
The Appeal was Denied.

Please consider this an official copy of the Record of Action for this Appeal. You may request a hard copy of this Record of Action to be mailed to you by contacting the City of Gahanna Council office at 614-342-4090.



Kimberly Banning
Kimberly Banning, Clerk of
Council

May 23, 2017
Date Certified



FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
CLERK OF COURT, 3RD FLOOR
375 SOUTH HIGH STREET
COLUMBUS, OHIO 43215

SUMMONS

DATE: June 30, 2017 ACCESS OHIO LLC vs. CITY OF GAHANNA

TO THE FOLLOWING NAMED DEFENDANT:

**CITY OF GAHANNA
OHIO BOARD OF ZONING AND BUILDING APPEALS
200 SOUTH HAMILTON ROAD
GAHANNA OH 43230**

2017 EVA 060434

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY MUNICIPAL COURT BY THE PLAINTIFF(S)

THE NAME AND ADDRESS OF THE ATTORNEY FOR THE PLAINTIFF IS:

***** A COPY OF THE COMPLAINT IS ATTACHED TO THIS SUMMON *****

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S ATTORNEY (OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD) A COPY OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY- EIGHT DAYS AFTER THE SERVICE OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOU ANSWER MUST BE FILED WITH THE CLERK OF COURT WITHIN THREE DAYS AFTER THE SERVICE OF A COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

LORI M. TYACK, CLERK OF COURT

BY: CLERK 7298 DEPUTY CLERK

C001121818

THE DEFENDANT SHOULD DISREGARD THIS SECTION. IT IS FOR BAILIFF'S USE ONLY.

I RECEIVED THIS SUMMONS ON _____ AT _____ .M.; AND WITH REGARD TO MAKING SERVICE UPON THE DEFENDANT

() I LOCATED HIM AND TENDERED A COPY OF SUMMONS AND ACCOMPANYING DOCUMENTS. DATE OF PERSONAL SERVICE: _____

() I LEFT AT HIS USUAL PLACE OF RESIDENCE WITH A PERSON OF SUITABLE AGE AND DISCRETION THIS RESIDING THEREIN, A COPY OF THE SUMMONS, A COPY OF THE COMPLAINT, AND ACCOMPANYING DOCUMENTS. DATE OF RESIDENCE SERVICE: _____

() I WAS UNABLE TO SERVE A COPY OF THE SUMMONS UPON THE DEFENDANT FOR THE FOLLOWING REASONS:

DATE _____ BY _____ SERVICE BAILIFF

**FRANKLIN COUNTY MUNICIPAL COURT
CIVIL DIVISION, 3RD FLOOR
375 SOUTH HIGH STREET
COLUMBUS, OHIO 43215**

CITY OF GAHANNA
OHIO BOARD OF ZONING AND BUILDING APPEALS
200 SOUTH HAMILTON ROAD
GAHANNA OH 43230

DATE ISSUED: June 30, 2017

STYLE: ACCESS OHIO LLC vs. CITY OF GAHANNA

CASE NO.: 2017 EVA 060434

TO: CITY OF GAHANNA
OHIO BOARD OF ZONING AND BUILDING APPEALS
GAHANNA OH 43230

NOTICE OF COURT ORDER

THE ABOVE NAMED PARTY IS HEREBY NOTIFIED THAT A COURT ORDER WAS FILED AND JOURNALIZED AS INDICATED ON ORDER, WHICH STATES IN PERTINENT PART:

(SEE COPY OF ORDER ATTACHED)

LORI M. TYACK, CLERK

BY:
DEPUTY CLERK
PHONE : 614-645-7220

A TRUE COPY OF THE FOREGOING WAS SENT TO THE ABOVE NAMED INDIVIDUAL BY ORDINARY U.S. MAIL THIS DATE 06/30/17

**IN THE MUNICIPAL COURT OF FRANKLIN COUNTY OHIO
ENVIRONMENTAL DIVISION**

ACCESS OHIO, LLC,
Appellant,

Case No. 2017-EVA-060434

v.

Judge Hawkins

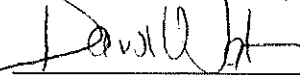
CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS,
Appellee.

APPELLANT'S MOTION FOR LEAVE TO AMEND NOTICE OF APPEAL

Appellant, Access Ohio, LLC, moves the Court for leave to amend the Notice of Appeal filed in this case.

Respectfully submitted,

PLANK LAW FIRM, LPA



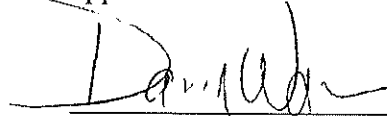
David Watkins (0059242)
411 East Town Street, Flr 2
Columbus, Ohio 43215
614-947-8600
614-228-1790 Fax
dw@planklaw.com
Attorneys for Appellant

MEMORANDUM IN SUPPORT

Appellant timely filed its Notice of Appeal with the Appellee, City of Gahanna, Ohio Board of Zoning and Building Appeals and with this Court on June 14, 2017. On July 6, 2017, attorney Frank J. Reed Jr. filed a Notice of Appearance in this case on behalf of the City of Gahanna ("City"). By filing a Notice of Appearance, the City has asserted that it has an interest, and intends to assert a defense, in this case. Appellant believes that the City should be added as a party to this case.

No party will be damaged in any manner by the granting of this motion.

A copy of the proposed Amended Notice of Appeal is attached as Exhibit A.



David Watkins (0059242)

CERTIFICATE OF SERVICE

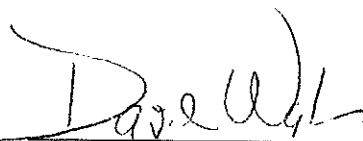
I certify that a copy of this motion was served via email and U.S. mail this 13th day of

July, 2017 upon:

Kim Banning
Clerk of City of Gahanna, Ohio
Board of Zoning and Building Appeals
200 South Hamilton Road
Gahanna, Ohio 43230
Kim.Banning@gahanna.gov

Frank J. Reed, Esq.
Frost Brown Todd LLC
10 W. Broad Street, Suite 2300
Columbus, Ohio 43215-3484
Freed@fbtlaw.com

Shane W. Ewald
City Attorney
200 S. Hamilton Road
Gahanna, Ohio 43230
Shane.Ewald@gahanna.gov



David Watkins

**IN THE MUNICIPAL COURT OF FRANKLIN COUNTY OHIO
ENVIRONMENTAL DIVISION**

ACCESS OHIO, LLC
99 Brice Road, Suite 360
Columbus, Ohio 43213,
Appellant,

Case No. 2017-EVA-060434

V.

Judge Hawkins

**CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS,**
200 South Hamilton Road
Gahanna, Ohio 43230

And

CITY OF GAHANNA, OHIO
200 South Hamilton Road
Gahanna, Ohio 43230
Appellee.

AMENDED NOTICE OF APPEAL

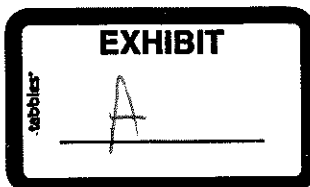
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Columbus, Ohio 43215
614-947-8600
614-228-1790 Fax
dw@planklaw.com
Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that a copy of this Amended Notice of Appeal was served via email and U.S. mail this ___ day of _____, 2017 upon:

Kim Banning
Clerk of City of Gahanna, Ohio
Board of Zoning and Building Appeals
200 South Hamilton Road
Gahanna, Ohio 43230
Kim.Banning@gahanna.gov

Frank J. Reed, Esq.
Frost Brown Todd LLC
10 W. Broad Street, Suite 2300
Columbus, Ohio 43215-3484
Freed@fbtlaw.com

Shane W. Ewald
City Attorney
200 S. Hamilton Road
Gahanna, Ohio 43230
Shane.Ewald@gahanna.gov

David Watkins



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Record of Action

Appeal-BZA: BZA-0001-2017

File Number: BZA-0001-2017

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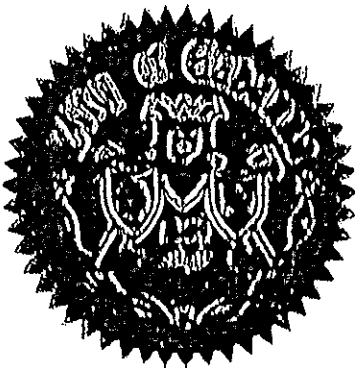
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The Appeal was Denied.

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Kimberly Banning
Kimberly Banning, Clerk of
Council

May 23, 2017
Date Certified



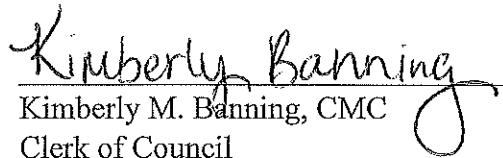
IN THE MUNICIPAL COURT OF FRANKLIN COUNTY OHIO
ENVIRONMENTAL DIVISION

ACCESSS OHIO, LLC : CASE NO. 2017 EVA 060434
Appellant, : JUDGE HAWKINS
v. :
CITY OF GAHANNA, OHIO :
BOARD OF ZONING AND :
BUILDING APPEALS :
Appellee. :

OFFICIAL RECORD OF PROCEEDING

Per the attached Praecipe, and pursuant to R.C. 2505.08, enclosed please find a complete transcript of all original papers, testimony, and any evidence offered, heard, and taken into consideration in issuing the final order, adjudication or decision of the City of Gahanna Board of Zoning and Building Appeal Application No. BZA-0001-2017.

Respectfully submitted,



Kimberly M. Banning, CMC
Clerk of Council
City of Gahanna
200 S. Hamilton Rd.
Gahanna, OH 43230
614-342-4090
Kim.Banning@Gahanna.gov

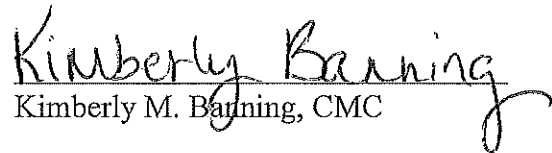
CERTIFICATE OF SERVICE

I, Kimberly Banning, Clerk of Council, certify that on July 11, 2017, a copy of this Official Record of Proceeding was served via email and U.S. Mail upon:

David Watkins
PLANK LAW FIRM, LPA
411 East Town Street, Flr 2
Columbus, OH 43215
dw@planklaw.com
Attorneys for Appellant

and

Frank J. Reed, Jr.
FROST BROWN TODD LLC
10 West Broad Street
One Columbus Center, Suite 2300
Columbus, Ohio 43215-3484
freed@fbtlaw.com
Attorneys for Appellee


Kimberly M. Banning, CMC

IN THE MUNICIPAL COURT OF FRANKLIN COUNTY OHIO
ENVIRONMENTAL DIVISION

ACCESS OHIO, LLC
Appellant,

Case No. 2017 EVA 060434

v.

Judge Hawkins

CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS,
Appellee.

PRAECIPE

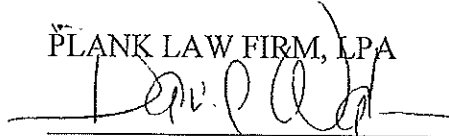
To: Clerk of the City of Gahanna Board of Zoning and Appeals

Appellant, Access Ohio, LLC filed a Notice of Appeal of the decision of the Gahanna Board of Zoning and Building Appeals ("BZA") on June 14, 2017.

Please prepare and file in the Court a complete transcript of all the original papers, testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication or decision of the BZA in accordance with R.C. §2506.02

Respectfully submitted,

PLANK LAW FIRM, LPA

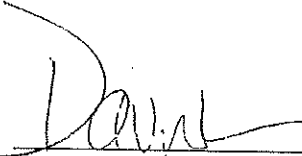


David Watkins (0059242)
411 East Town Street, Flr 2
Columbus, Ohio 43215
614-947-8600
614-228-1790 Fax
dw@planklaw.com
Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that on July 6, 2017, a copy of this Praecept was served via email and U.S. Mail upon:

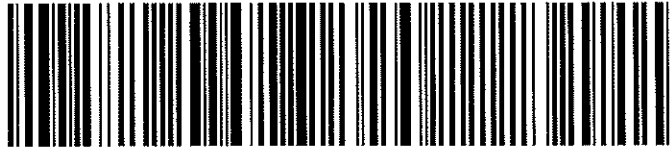
CLERK
CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS
200 South Hamilton Road
Gahanna, Ohio 43230



David Watkins (0059242)

Franklin County Municipal Court
375 South High Street
Columbus OH 43215

USPS CERTIFIED MAIL



9214 8901 7858 6200 0000 6130 24

2017 EVA 060434
C 001 121 818

CITY OF GAHANNA
OHIO BOARD OF ZONING AND BUILDING APPEALS
200 SOUTH HAMILTON ROAD
GAHANNA OH 43230

*Rec'd
7/10/17
RMB*

**IN THE MUNICIPAL COURT OF FRANKLIN COUNTY OHIO
ENVIRONMENTAL DIVISION**

ACCESS OHIO, LLC
99 Brice Road, Suite 360
Columbus, Ohio 43213,
Appellant,

Case No. 2017-EVA-060434

V.

Judge Hawkins

**CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS,**
200 South Hamilton Road
Gahanna, Ohio 43230

And

CITY OF GAHANNA, OHIO
200 South Hamilton Road
Gahanna, Ohio 43230
Appellee.

AMENDED NOTICE OF APPEAL

Notice is hereby given that Appellant, Access Ohio LLC, appeals to the Environmental Division of the Municipal Court of Franklin County, Ohio from the final order, adjudication or decision of the City of Gahanna, Ohio Board of Zoning and Building Appeals certified on May 23, 2017. A copy of the Record of Action is attached hereto as Exhibit A.

This is an administrative related appeal pursuant to Chapter 2506 of the Ohio Revised Code. The appeal is on questions of law and fact. This administrative appeal of a final order is not for the payment of money. No bond is required. R.C. §2505.12(B).

Respectfully submitted,

PLANK LAW FIRM, LPA



David Watkins (0059242)

411 East Town Street, Flr 2
Columbus, Ohio 43215
614-947-8600
614-228-1790 Fax
dw@planklaw.com
Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that a copy of this Amended Notice of Appeal was served via email and U.S. mail this 10th day of August, 2017 upon:

Kim Banning
Clerk of City of Gahanna, Ohio
Board of Zoning and Building Appeals
200 South Hamilton Road
Gahanna, Ohio 43230
Kim.Banning@gahanna.gov

Frank J. Reed, Esq.
Frost Brown Todd LLC
10 W. Broad Street, Suite 2300
Columbus, Ohio 43215-3484
Freed@fbtlaw.com

Shane W. Ewald
City Attorney
200 S. Hamilton Road
Gahanna, Ohio 43230
Shane.Ewald@gahanna.gov



David Watkins



City of Gahanna

200 South Hamilton Road
Gahanna, Ohio 43230

Record of Action

Appeal-BZA: BZA-0001-2017

File Number: BZA-0001-2017

To consider an appeal from Planning Commission's denial of the application: CU-0009-2016 - To consider an amended Conditional Use Application to allow a residential drug and alcohol rehabilitation facility in a Community Commercial (CC) zoning district, for property located at 121 James Road and 175 W. Johnstown Road; Parcel ID No.s 025-000855, 025-000798, 025-000890; Access Ohio LLC; Donald T. Plank, applicant.

The City of Gahanna Board of Zoning and Building Appeals met on 5/4/2017 to consider an Appeal - BZA-0001-2017.

A motion was made by Pack, seconded by Mecozzi to grant the appeal. The motion failed by the following vote:

Hakim Ben Adjoua – no, Donald W. Jensen – no, Debra Mecozzi – no, Timothy W. Pack – no, Lorne Eisen – no.

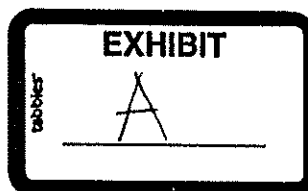
The Appeal was Denied.

Please consider this an official copy of the Record of Action for this Appeal. You may request a hard copy of this Record of Action to be mailed to you by contacting the City of Gahanna Council office at 614-342-4090.



Kimberly Banning
Kimberly Banning, Clerk of
Council

May 23, 2017
Date Certified



**FRANKLIN COUNTY MUNICIPAL COURT
CIVIL DIVISION, 3RD FLOOR
375 SOUTH HIGH STREET
COLUMBUS, OHIO 43215**

CITY OF GAHANNA
OHIO BOARD OF ZONING AND BUILDING APPEALS
200 SOUTH HAMILTON ROAD
GAHANNA OH 43230

DATE ISSUED: October 23, 2017

STYLE: ACCESS OHIO LLC vs. CITY OF GAHANNA

CASE NO.: 2017 EVA 060434

TO: CITY OF GAHANNA
OHIO BOARD OF ZONING AND BUILDING APPEALS
GAHANNA OH 43230

NOTICE OF COURT ORDER

THE ABOVE NAMED PARTY IS HEREBY NOTIFIED THAT A COURT ORDER WAS FILED
AND JOURNALIZED AS INDICATED ON ORDER, WHICH STATES IN PERTINENT PART:

(SEE COPY OF ORDER ATTACHED)

LORI M. TYACK, CLERK

BY:
DEPUTY CLERK
PHONE : 614-645-7220

A TRUE COPY OF THE FOREGOING WAS SENT TO THE ABOVE NAMED INDIVIDUAL
BY ORDINARY U.S. MAIL THIS DATE 10/23/17

IN THE MUNICIPAL COURT OF FRANKLIN COUNTY OHIO
ENVIRONMENTAL DIVISION

FILED

2017 OCT 23 AM 8:07

ACCESS OHIO, LLC
Appellant,

Case No. 2017 EVA 060434

FRANKLIN COUNTY
MUNICIPAL COURT
1000 W. TYACK

v.

Judge Hawkins

CITY OF GAHANNA, OHIO
BOARD OF ZONING AND
BUILDING APPEALS, ET AL.
Appellee.

**AGREED ENTRY MODIFYING BRIEFING SCHEDULE
AND NOTICE OF STATUS CONFERENCE**

Upon the agreement of the parties, the briefing schedule in this case is modified as follows:

- Appellant's Brief Due November 10, 2017
- Appellee's Response Brief Due December 8, 2017
- Appellant's Reply Brief Due December 29, 2017

This case is presently scheduled for a status conference on January 18, 2018 at 2:00 PM.

IT IS SO ORDERED.

DATE

10/19/17



JUDGE DANIEL R. HAWKINS

AGREED:

PLANK LAW FIRM, LPA

/David Watkins/

David Watkins (0059242)
411 East Town Street, Flr 2
Columbus, Ohio 43215
614-947-8600
614-228-1790 Fax
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/Frank J. Reed Jr./

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