



# City of Gahanna

200 South Hamilton  
Road  
Gahanna, Ohio 43230

## Signature

Ordinance: ORD-0009-2025

File Number: ORD-0009-2025

### AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA CHAPTER 147 - BOARD OF ZONING AND BUILDING APPEALS, CHAPTER 770 - PROPERTY APPEALS BOARD, AND CHAPTER SECTION 1117.09 - APPEALS

**WHEREAS**, the Department of Law has reviewed the appeals procedures for the Board of Zoning and Building Appeals and Property Appeals Board and proposes amendments to the Codified Ordinances of the City of Gahanna to address inconsistencies in filing requirements and to clarify costs and procedure; and

**WHEREAS**, the Department of Law recommends codifying the existing fees set at \$50 for filing an appeal through Property Appeals Board and \$200 for filing an appeal through the Board of Zoning and Building Appeals, and to incentivize settlement, it is proposed to make fees refundable prior to hearings; and

**WHEREAS**, the Department of Law recommends amending code to clarify the form of the appeal and the standard of review.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:**

**Section 1.** That the Codified Ordinances of the City of Gahanna Chapter 147 - Board of Zoning and Building Appeals is hereby amended as set forth in EXHIBIT A, attached hereto and made a part herein.

**Section 2.** That the Codified Ordinances of the City of Gahanna Chapter 770 - Property Appeals Board is hereby amended as set forth in EXHIBIT B, attached hereto and made a part herein.

**Section 3.** That the Codified Ordinances of the City of Gahanna Chapter Section 1117.09 - Appeals is hereby amended as set forth in EXHIBIT C, attached hereto and made a part herein.

**Section 4.** That this Ordinance shall be in full force and effect after passage by this Council and 30 days after signature of approval by the Mayor.

At a regular meeting of the City Council on April 7, 2025, a motion was made by Renner,  
seconded by Schnetzer, that the Ordinance be Adopted. The vote was as follows:

Ms. Bowers, yes; Ms. Jones, yes; Ms. McGregor, Absent; Ms. Padova, yes;  
Mr. Renner, yes; Mr. Schnetzer, yes; Mr. Weaver, yes.

President

Merisa K Bowers

Merisa K. Bowers

Date

4/7/25

Attest by Jeremy A. VanMeter  
Jeremy A. VanMeter  
Clerk of Council

Date 4/7/2025

Approved by the Mayor Laurie A. Jadwin  
Laurie A. Jadwin

Date 4/7/2025

Approved as to Form PDT  
Priya D. Tamilarasan  
City Attorney

Date 4/7/25



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## **CHAPTER 147 Board of Zoning and Building Appeals<sup>1</sup>**

Sections:

### **147.01 JURISDICTION.**

The Board of Zoning and Building Appeals (hereinafter "Board") shall have the powers and duties as prescribed by the City Charter, and any other duties prescribed by state law or City ordinance, which are not in conflict with the City Charter.

(Ord. 0179-2002. Passed 10-7-02; Ord. No. 0036-2019, § 1(Exh. A), 5-20-19)

### **147.02 ORGANIZATION AND POWERS.**

- (a) *Organization.* The Board of Building and Zoning Appeals shall, at its organizational meeting, elect from its members a chair and a vice chair. These officers shall serve a term of one year. The Clerk of Council or designee shall serve as the Secretary of the Board, shall serve as the official custodian of its records, and shall perform such duties for the Board as are required. All filings pertaining to official Board actions and appeals shall be submitted to said Clerk.
- (b) *Powers.* The Board may adopt any rules necessary to implement and enforce Article XII of the City Charter and the City Codified Ordinances. The Board may issue subpoenas for the taking of testimony or production of documents pertaining to matters before it. The Board may require any City official or employee it considers to have information pertinent to an appeal to appear before it.

(Ord. 0179-2002. Passed 10-7-02; Ord. No. 0036-2019, § 1(Exh. A), 5-20-19)

### **147.03 APPEALS TO THE BOARD.**

- (a) *Appellant's Requirements.* Appeals shall be in writing, ~~in the form prescribed by law,~~ and shall be filed, either in person, by mail, or electronically via email, with the Clerk of Council within the time prescribed by law ~~30 days from the date of the action being appealed.~~ The following items shall be filed with each appeal:
  - (1) A concise statement of the reason or legal basis for the appeal, along with a citation of the applicable Code section(s) signed by the appellant or agent, with the appellant or agent's printed name, address and telephone number.
  - (2) A listing of proposed exhibits, not already contained in the record, which shall be signed by the appellant or agent, along with ~~ten copies of~~ each of the exhibits;
  - (3) An affidavit of the applicant listing the names and addresses of all property owners contiguous to, and directly across the street from the property, as appearing on the Franklin County Auditor's current tax

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<sup>1</sup>Cross reference(s)—Mayor's power to appoint and remove members - see CHTR. Art. III, Sec. 3.04; Art. XII, Sec. 12.01; Composition and term; vacancy - see CHTR. Art. XII, Sec. 12.01; Organization - see CHTR. Art. XII, Sec. 12.02; Jurisdiction - see CHTR. Art. XII, Sec. 12.03; Meetings and procedures - see CHTR. Art. XII, Sec. 12.04; Appeal; public hearing - see CHTR. Art. XII, Sec. 12.05

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list; for appeals to an adjudication order for the interior of a residence, or for appeals of the rental registration code, this affidavit is not required.

(4) The filing fee required by City Code;

- (b) *Appellee's Requirements.* The City official, employee or body whose decision is under appeal is deemed the appellee and is a party to the appeal.

Within seven days of notification of an appeal, the appellee shall transmit to the Clerk of Council the records pertaining to the matter under appeal, ~~which may include. Further, the Board may require the appellees to provide~~ a written statement describing the basis for the decision under appeal.

- (c) *Interested Party Requirements.* Any other person or organization, adjacent to or directly impacted by the subject of the appeal, wishing to intervene in the appeal as an interested party, shall place the Board on notice of the proposed intervention, at least ten days prior to the scheduled Appeal date. The notice shall be in writing, or shall be in person and on the record, and shall identify the interested party, the specific interest of the party in the action, and provide a name, mailing address, and telephone number where the party or the party's agent may be contacted. "Directly impacted," for purposes of these interested party requirements, means that the person's interests are affected in an immediate and unique manner that is distinct from effects upon the community at-large. Speculative or contingent interests are insufficient to confer interested party status.
- (d) *Filing and Transmittal of Appeals.* The Clerk of Council shall review the appellant's filings to ensure this Section is complied with, and shall advise the appellant. Upon compliance with this Section, the Clerk shall forward to the Board members all documents filed by the appellant. The Clerk shall also forward to the Board members the official record of the proceedings below.
- (e) *Notification Procedures.* At least five days prior to the hearing, the Clerk of Council shall notify in writing the following persons:
- (1) The appellant;
  - (2) The appellee(s);
  - (3) Any interested parties of record, including all those persons who testified in any public hearings in opposition to the appellant's position;
  - (4) All property owners identified in accordance with Section 147.03(a)(3).
- (f) *Hearing Procedures.* If a party wishes to have a stenographer present at hearing, the party shall provide at least five days' prior written notice to the Clerk. The party requesting the stenographer is responsible for the cost of such stenographer. The Board may have a stenographer present at a hearing. If a stenographer is present in accordance with this section, the stenographer's transcript shall be the official record. If no stenographer is present, the Clerk's minutes serve as the official record of the hearing. Any matter concerning hearing procedures not governed herein shall be governed by the Board's rules.
- (g) *Standards.* The appellant or proponent of a position which shall be before the Board has the burden of proof by a preponderance of the evidence. The Board shall consider all relevant evidence brought before it, provided however, evidence not disclosed as required may only be admitted in accordance with the Board's rules. Evidence not admitted into the record by the Board may be proffered into the record by a party.

(Ord. 0179-2002. Passed 10-7-02; Ord. No. 0036-2019, § 1(Exh. A), 5-20-19; Ord. No. 0122-2019, § 1(Exh. A), 12-16-19)

#### **147.04 FEES.**

- (a) The filing fee for appeals ~~shall be \$200.00 can be found in the City of Gahanna Master Fee Schedule.~~

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- (b) If the appeal is voluntarily withdrawn prior to a hearing, fees are refundable. Otherwise, Fees are not refundable, unless the Board orders the fee waived due to special circumstances.

(Ord. 0179-2002. Passed 10-7-02; Ord. No. 0036-2019, § 1(Exh. A), 5-20-19)

#### **147.05 DISPOSITION OF APPEALS.**

In any appeal of an order, adjudication, or decision, the Board may:

- (a) Find in favor of Appellant or Appellee;
- (b) Find in favor and amend with modification(s); or
- (c) Remand with instructions to the City official, employee or body for further consideration and/or action.

(Ord. 0179-2002. Passed 10-7-02; Ord. No. 0036-2019, § 1(Exh. A), 5-20-19)

## CHAPTER 770 Property Appeals Board

Sections:

### 770.01 BOARD MAKEUP.

- (a) The property appeals board shall be composed of five members as follows:
  - (1) City Council shall select a qualified resident from either Ward 1 or Ward 2.
  - (2) The Mayor shall select a qualified resident from either Ward 1 or Ward 2.
  - (3) City Council shall select a qualified resident from either Ward 3 or Ward 4.
  - (4) The Mayor shall select a qualified resident from either Ward 3 or Ward 4.
  - (5) City Council shall select a qualified at large resident. If a Ward is not represented, all efforts shall be made to select a qualified person from an unrepresented Ward. If there are no applications from a qualified resident from an unrepresented Ward, then Council may select any qualified resident.
- (b) When the Board is initially established, the City Council selection from either Ward 1 or Ward 2 and the Mayor's selection from either Ward 3 or Ward 4, shall serve an initial term of one year. The Mayor's selection from either Ward 1 or Ward 2 and the City Council selection from either Ward 3 or Ward 4 shall serve an initial term of two years. The City Council at large selection shall serve an initial term of three years. Thereafter, the terms of appointment of all public members shall be three years each, and they shall serve until a successor is appointed.
- (c) The Clerk of Council, or designee, shall serve as secretary of the board, shall serve as the official custodian of its records, and shall perform such duties for the Board as are required. All filings pertaining to official Board actions and appeals shall be submitted to said Clerk.
- (d) The Board shall adopt those rules necessary to conduct its affairs.
- (e) The Board shall be selected from a pool of applications filed with the Mayor and/or City Council.

(Ord. No. 101-2020, § 1(Exh. A), 11-17-20)

### 770.02 APPEALS TO THE BOARD.

- (a) Appeals shall be in writing, ~~in the form prescribed by law,~~ and shall be filed, either in person, by mail, or electronically via email, with the Clerk of Council within the time prescribed by Section 903.4(a)(4)(B)(vi), 1308.09(a), or 780.13 as applicable. ~~30 days from the date of the action being appealed.~~ The following items shall be filed with each appeal:
  - (1) A concise statement of the reason or legal basis for the appeal, along with a citation of the applicable Code section(s) signed by the appellant or agent, with the appellant or agent's printed name, address and telephone number.
  - (2) A listing of proposed exhibits not already contained in the record, which shall be signed by the appellant or agent, along with ~~six copies of~~ each of the exhibits.
  - (3) Any filing fee required by City Code.

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The City official, employee or body whose decision is under appeal is deemed the appellee and is a party to the appeal.

Within seven days of notification of an appeal, the appellee shall transmit to the Clerk of Council the records pertaining to the matter under appeal, ~~which may include . Further, the Board may require the appellees to provide~~ a written statement describing the basis for the decision under appeal.

- (b) *Notification procedures.* At least seven days prior to the hearing, the Clerk of Council shall notify in writing the appellant and appellee of the hearing date.
- (c) *Hearing procedures.* If a party wishes to have a stenographer present at hearing, the party shall provide at least five days' prior written notice to the Clerk. The party requesting the stenographer is responsible for the cost of such stenographer. The Board may have a stenographer present at a hearing. If no stenographer is present, the Clerk's minutes serve as the official record of the hearing. Any matter concerning hearing procedures not governed herein shall be governed by the Board's rules.
- (d) ~~*Evidence Standards. The appellant has the burden of proof by a preponderance of the evidence.*~~ The Board shall consider all relevant evidence brought before it, provided however, evidence not disclosed as required may only be admitted in accordance with the Board's rules. Evidence not admitted into the record by the Board may be proffered into the record by a party.

(Ord. No. 101-2020, § 1(Exh. A), 11-17-20)

### **770.03 FEES.**

The filing fee for appeals ~~shall be \$50.00. can be found in the City of Gahanna Master Fee Schedule. If the appeal is voluntarily withdrawn prior to a hearing, fees are refundable. Otherwise, F~~ees are not refundable, unless the Board orders the fee waived due to special circumstances.

(Ord. No. 101-2020, § 1(Exh. A), 11-17-20)

**1117.09 APPEALS.**

- (a) Appeals of decisions of the Planning Commission or the City to the Board of Zoning and Building Appeals shall ~~may be filed taken within thirty (30) days of the decision being appealed, to the Board of Zoning and Building Appeals,~~ pursuant to the City of Gahanna Charter Article XII, the City of Gahanna Administrative Code Chapter 147, and the Rules of Procedures adopted by the Board of Zoning and Building Appeals.
- (b) On appeal, the Board of Zoning and Building Appeals shall determine, by a preponderance of the evidence, if Planning Commission erred in its decision.
- ~~(c)~~ Appeals of decisions of the Board of Zoning and Building Appeals shall be brought to the Franklin County courts.

(Ord. No. 0007-2024, § 2(Exh. A), 4-1-24)