

**CITY OF GAHANNA, OHIO
BOARD OF ZONING APPEALS**

RECEIVED
AUG 10 2023
BY: *J. Van Meter*
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SPEED WAY TOWING, LLC,

and

MARK ANTONETZ

Applicants-Appellants

v.

THE CITY OF GAHANNA
PLANNING COMMISSION

Appellee.

Case No.: CU-000402023

Parcel IDs: 025-003942; 025-003961,
and 025-003959

Denial Action 7.12.2023

NOTICE OF APPEAL

Now come Applicants-Appellants Mark Antonetz and Speed Way Towing (referred to as "Applicants-Appellants"), by and through the undersigned legal counsel, and pursuant to the Section 147.03 of the Code of Ordinance, hereby submit their Notice of Appeal from the decision of the City of Gahanna, Planning Commission (the "Planning Commission") on July 12, 2023. A copy of the decision is attached as **Exhibit A**, entitled "Record of Action."

The decision of the Planning Commission is arbitrary, capricious, unlawful, unconstitutional, not based on/contrary to evidence in the underlying administrative record, an unlawful regulatory taking, and deprivations of equal protection under the law, substantive and procedural due process, Title VII, 42 US 1983.

Respectfully submitted,

/s/ Laura MacGregor Comek

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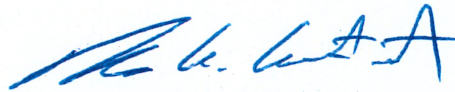
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Applicant-Appellant

COMPLIANCE ITEMS

I. CONCISE STATEMENT/CODE SECTIONS

Pursuant to Code of Ordinance, Title Five, Chapter 147.03(1), this matter is before the Board of Zoning on appeal from the Planning Commissions denial for a Conditional Use Permit under Chapter 1155.03 for the property located at 788 Taylor Station Road, Parcel IDs: 025-003942, 025-003961, and 025-003959. The grounds for this appeal are as follows:

1. The decision of the Planning Commission was arbitrary, capricious, unlawful, unconstitutional, and contrary to the evidence in the record.
2. The decision of the Planning Commission is a violation of equal protection and due process rights, under both Ohio and Federal Laws.
3. The decision of the Planning Commission is an unlawful appropriation of property rights in violation of the Ohio and Federal Constitutions.
4. The decision of the Planning Commission is a violation of Title VII, 42 US 1983.

The Applicants-Appellants reserve the right to assign additional assignments of error as may be determined through the discovery and appeal process.

The appeal involves various provisions of the Gahanna Codified Ordinances, including but not limited to Article XXIII, Title Three, Chapter 1123, 1155.01, 1155.02, 1155.03, 1155.07, 1169.04 and by incorporation, North American Industry Classification System ("NAICS") Code 488410, 812930.

II. LIST OF PROPOSED EXHIBITS

The Applicants-Appellants hereby identify the following list of proposed exhibits for the appeal. Items not already contained in the record are denoted with an asterisk (*) and attached to this Notice as Exhibits B1, B2, B3, B8, B9, B10:

1. Ordinance: ORD-0037-2023*
2. Gahanna Department of Planning Staff Report: 4/4/2023 Update*
3. Meeting Minutes Planning Commission Workshop 04/12/2023*
4. Gahanna Future Land Use Plan
5. CU-04-2023
6. DR-0015-2023
7. V-0016-2023
8. CU-0002-2023*
9. V-0007-2023*
10. FDP-0004-2023*

As of the date this Notice of Appeal, the official meeting minutes and recording (tape or transcription) are not yet available. The Appellants plan to include these documents into the record and for this Appeal.

The Appellants reserve the right to add exhibits as may be determined through the discovery and appeal process.

III. FILING FEE – Attached herewith.

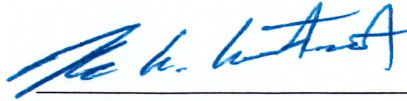
IV. ADJACENT OWNER LIST AND AFFIDAVIT – Attached as **Exhibit C.**

Respectfully submitted,

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