

# WILLIAMS & STROHM, LLC

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January 3, 2020

***Via Regular U.S. Mail  
& Email (April.Beggerow@Gahanna.gov)***

City of Gahanna  
Board of Zoning and Appeals  
c/o April Beggrow  
Clerk of Council  
200 North Hamilton Road  
Gahanna, Ohio 43230

**RE: Case No. BZA-0001-2020  
Academy Development's Request for Intervention**

Dear Ms. Beggrow:

Upon my review of the on-line case docket for Case No. BZA-0001-2020 (the "Appeal"), I noted a recent letter sent to you on behalf of Academy Development Limited Partnership ("Academy Development"). In the letter, Academy Development seeks to intervene in the Appeal as an interested party at the upcoming hearing on the Appeal before the Gahanna Board of Zoning and Building Appeals scheduled for January 9, 2020 (the "Hearing"). Academy Development's request to intervene, however, is untimely and must be denied.

Gahanna City Code 147.03(c) sets forth a clear deadline for intervention, and Academy Development has failed to meet that deadline. Pursuant to Gahanna City Code 147.03(c), an interested party wishing to intervene "shall place the Board on notice of the proposed intervention, at least ten days prior to the scheduled Appeal Date." In this matter, the Appeal was filed with the City on December 20, 2019, and the City promptly sent notice to Academy Development that same day (the "Hearing Notice"). A copy of the Hearing Notice is attached hereto as Exhibit A. As clearly set forth in the Hearing Notice, the Hearing on the Appeal is scheduled for January 9, 2020. To timely request intervention, Academy Development was required to submit its request in writing and no later than December 31, 2019. Academy Development, however, failed to submit its request in any fashion until January 3, 2020—a mere six days before the scheduled hearing. Academy Development, therefore, has missed the deadline to be treated as an interested party at the Hearing, and its request for intervention as such must be denied.

Best regards,



Jesse M. Kanitz

Cc: Glen A. Dugger ([gdugger@smithandhale.com](mailto:gdugger@smithandhale.com))

200 SOUTH HAMILTON ROAD  
FAX: (614) 342-4100



**EXHIBIT A**

GAHANNA, OHIO 43230-2996  
TELEPHONE: (614) 342-4090

**BOARD OF ZONING AND BUILDING APPEALS**  
[www.gahanna.gov](http://www.gahanna.gov)

December 20, 2019

**TO ALL PROPERTY OWNERS CONTIGUOUS TO AND DIRECTLY ACROSS THE STREET FROM  
SAID PROPERTY AS APPEARING ON THE FRANKLIN COUNTY AUDITOR'S CURRENT TAX LIST  
AND ANY INTERESTED PARTIES OF RECORD INCLUDING ALL THOSE PERSONS WHO  
TESTIFIED IN ANY PUBLIC HEARING IN OPPOSITION TO THE APPELLANT'S POSITION ON  
FDP-0007-2019 & DR-0022-2019:**

You are hereby notified that the Gahanna Board of Zoning and Building Appeals will hold a public hearing on:  
**Thursday, January 9, 2020**  
**6:30 p.m.**  
Council Chambers  
Gahanna City Hall  
200 South Hamilton Road  
Gahanna, Ohio 43230

*(Per the City of Gahanna Codified Ordinances, CHAPTER 147 – Board of Zoning and Building Appeals, Code § – 147.03 – Appeals to the Board)*

**BZA-0001-2020** To consider an appeal from Planning Commission's approval of application FDP-0007-2019: To consider a Final Development Plan application for The Shops at McKenna Creek; a project to include neighborhood service retail, professional and medical offices, restaurant and off-site emergency department; for property located at N. Hamilton Rd. & Beecher Rd.; Parcel ID No. 025-009953; current zoning Planned Commercial Center (PCC); William Schottenstein, applicant; AND the approval of application DR-0022-2019: To consider a Design Review application for a site plan, landscaping plan, and building design, for The Shops at McKenna Creek; located at N. Hamilton Rd. & Beecher Rd.; Parcel ID No. 025-009953-00; current zoning Planned Commercial Center (PCC); Shital Galani, applicant.

All regular and special meetings of the Board of Zoning and Building Appeals are open to the public. This application is on file in the office of the Clerk of Council for review and also available online at [www.gahanna.gov](http://www.gahanna.gov).

Sincerely,

April Beggerow  
Clerk of Council, CMC

PROPERTY OWNER

Academy Development L.P.  
c/o Joe Sugar  
107 South High Street  
Columbus, OH 43215

Michelle Carter  
Paul Szymanski  
"or current occupant"  
1040 Ridge Crest Drive  
Columbus, OH 43220

Ronald A & Janice E Stahl  
"or current occupant"  
1022 Ridge Crest Drive  
Columbus, OH 43220

Constance Camman  
"or current occupant"  
400 Beecher Road  
Columbus, OH 43220

Canini Investments Ltd  
"or current occupant"  
630 Link Road  
Grove City, OH 43123

State of Ohio  
"or current occupant"  
2003 Millikin Road, Suite 200  
Columbus, OH 43210

Glen Dugger  
37 W. Broad Street  
Columbus, OH 43215

William Schottenstein  
107 S. High St.  
Suite 300  
Columbus, OH 43215

Tracie Clay  
394 Beecher Rd.  
Gahanna, OH 43230

Shital Galani  
6631 Commerce Parkway  
Studio B  
Dublin, OH 43017

SURROUNDING PROPERTY OWNERS

Joseph S & Beverly S Gyure  
"or current occupant"  
1034 Ridge Crest Drive  
Columbus, OH 43220

Mary Louise Cartwright TR  
"or current occupant"  
1016 Ridge Crest Drive  
Columbus, OH 43220

Hammerhead-Gahanna LLC  
"or current occupant"  
2555 Bethel Road  
Columbus, OH 43220

Cruise-N-Carwash LLC  
"or current occupant"  
1040 North Hamilton Road  
Gahanna, OH 43230

William C Johnson  
Huei-Nin Liu-Johnson  
"or current occupant"  
1028 Ridge Crest Drive  
Columbus, OH 43220

James P & Jane F Peck  
"or current occupant"  
1010 Ridge Crest Drive  
Columbus, OH 43220

4328 North Hamilton Road Properties  
"or current occupant"  
4328 North Hamilton Road  
Columbus, OH 43230

Otterbein Gahanna Real Estate LLC  
"or current occupant"  
580 North State Route 741  
Lebanon, OH 45036