

IN THE FRANKLIN COUNTY, OHIO MUNICIPAL COURT  
ENVIRONMENTAL DIVISION

20 MAR -2 PM 4: 03

Academy Development  
Limited Partnership  
107 South High Street, Suite 300  
Columbus, OH 43215

Case No. \_\_\_\_\_

FRANKLIN COUNTY  
MUNICIPAL COURT  
TODAY TRACK

Intervenors/Appellant

Judge Mingo

and

City of Gahanna,  
Planning Commission  
200 South Hamilton Road  
Gahanna, OH 43230

Appellants,

v.

City of Gahanna,  
Board of Zoning and Building Appeals  
200 South Hamilton Road  
Gahanna, OH 43230

Appellees,

RECEIVED  
FEB 28 2020

BY: *April Bazzuk*

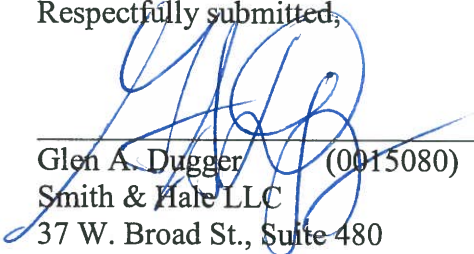
**NOTICE OF APPEAL**

Academy Development Limited Partnership and City of Gahanna Planning Commission (hereinafter "Appellants") hereby give notice they are appealing the decisions of the City of Gahanna Board of Building and Zoning Appeals (hereinafter "BZBA") in BZBA Case No. 01-2020, which decisions were made on January 30, 2020 and granted an appeal by Academy Ridge Community Association with respect to Design Review Application DR-0022-2019 and Final Development Plan Application FDP-007-2019. Such applications relate to property located at 1041 North Hamilton Road, Gahanna, Ohio, and were approved by the Gahanna Planning Commission on November 20, 2019. The BZBA's January 30, 2020 decisions are memorialized

in the Record(s) of Action attached to this Notice of Appeal as Exhibit A.

Appellants appeal the above-referenced decisions on the grounds that they are unconstitutional, illegal, arbitrary, capricious, unreasonable, and unsupported by the Gahanna City Code, the laws of Ohio, and/or the laws of the United States of America. Furthermore, the decisions are not supported by a preponderance of the substantial, reliable, and probative evidence based on the entire record. This appeal is filed pursuant to Ohio Revised Code Chapters 2505 and 2506, and Section 1901.183 (I), and is on questions of law and fact.

Respectfully submitted,



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(614)342-4085  
Attorney for Appellant  
Gahanna Planning Commission

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this Notice of Appeal was served via hand delivery upon April Beggerow, Council Clerk, City of Gahanna, Ohio, 200 South Hamilton Road, Gahanna Ohio 43230, and upon Ray Mularski, City Attorney, City of Gahanna, 200 South Hamilton Road, Gahanna, Ohio 43230 on this 28<sup>th</sup> day of Feb, 2020.

  
\_\_\_\_\_  
Glen A. Dugger



# City of Gahanna

200 South Hamilton  
Road  
Gahanna, Ohio 43230

## Record of Action

Appeal-BZA: BZA-0001-2020

File Number: 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.

The City of Gahanna Board of Zoning and Building Appeals met on 1/30/2020 to consider along with other business, a Appeal-BZA application, BZA-0001-2020.

A motion was made by Mecozzi, seconded by Jensen to approve the application. The motion passed.

The Appeal-BZA Application was Approved.

Please consider this an official copy of the Record of Action for this Appeal-BZA application. 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.

  
April Beggerow, Clerk

February 04, 2020  
Date Certified

IN THE FRANKLIN COUNTY, OHIO MUNICIPAL COURT  
ENVIRONMENTAL DIVISION

2020 MAR -2 PM 4:03

Academy Development  
Limited Partnership  
107 South High Street, Suite 300  
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Case No.

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200 South Hamilton Road  
Gahanna, OH 43230

Appellants,

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City of Gahanna,  
Board of Zoning and Building Appeals  
200 South Hamilton Road  
Gahanna, OH 43230

Appellees,

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*April Beggs*

**PRAECIPE**

Pursuant to Sections 2505.8 and 2506.2, Appellants request that Appellee City of Gahanna Board of Zoning and Building Appeals prepare and file with the Clerk of Franklin County Municipal Court, within forty (40) days after receipt of this Praecipe, all original papers, testimony, exhibits, and evidence offered, heard, or taken into consideration regarding the Board of Building Appeals decision made in case BZBA 001-2020 decided on January 30, 2020 upholding appeals by Academy Ridge Community Association, Inc. concerning Gahanna

Planning Commission case numbers DR-0022-2019 and FDP-007-2019 which were approved by the Gahanna Planning Commission on November 30, 2019 concerning property at 1041 North Hamilton Road, Gahanna, Ohio. Appellants further request that the transcript filed pursuant to this request contain all findings of fact or conclusions supporting said final order or decision of the Board.

Respectfully submitted,



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Attorneys for Appellants

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this Praecipe was served via hand delivery upon the City of Gahanna Board of Building and Zoning Appeals, 200 South Hamilton Road, Gahanna, Ohio 43230 and upon the City of Gahanna, 200 South Hamilton Road, Gahanna, Ohio 43230 on this 28<sup>th</sup> day of Feb 2020.



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Glen A. Dugger