



City of Bexley

**NOTICE OF ORAL ARGUMENT BEFORE
BEXLEY CITY COUNCIL
ON ADMINISTRATIVE APPEAL**

CITY COUNCIL APPEAL NO. 21-2
BZAP APPLICATION NO. BZAP-20-48
2300 E. Livingston Avenue, Bexley, Ohio

You are hereby notified that on **November 8, 2021 beginning at 6:00 p.m.** at Bexley City Hall, 2242 E. Main Street, Bexley, Ohio 43209 the Bexley City Council shall hear oral argument by the parties on the Notice of Appeal of the Decision of the Bexley Board of Zoning Planning filed by Ajay Garlapati, Timothy Madison, Fehd Massen, Anna Massen, Susan Plaisted, Dustin Snow, Tiffany Canfield and Leah Turner.

The appeal was filed from the Decision of the Board of Zoning and Planning granting Applicant, The Community Builders, conditional use approval to allow a residential use in a proposed new 3-story structure to be built on the property located at 2300 E. Livingston Avenue, Bexley, Ohio and granting a certificate of appropriateness for the proposed structure and the demolition of the existing structure with conditions. No new evidence or testimony may be presented. Information on the procedures for oral argument before Council and the filing of briefs is provided in Bexley City Code 1126.19 and included with this Notice.

Bill Harvey
City of Bexley
Clerk of City Council

Notice sent by Certified Mailed to Appellants on October 21, 2021:
Ajay Garlapati, Timothy Madison, Fehd Massen, Anna Massen, Susan Plaisted,
Dustin Snow, Tiffany Canfield and Leah Turner and Jesse Turner

Notice sent by Certified Mailed to Applicant on October 21, 2021: The Community Builders

Mayor Ben Kessler

City Council:

Lori Ann Feibel, President
Matt Klingler
Monique Lampke
Troy Markham
Jennifer Robinson
Jessica Saad
Richard Sharp

Notice sent by Regular Mail to neighboring owners on October 22, 2021

Notice sent by Electronic Mail to legal counsel before BZAP and of record in the appeal on October 21, 2021: Bryan Hunt, attorney for Appellants, and David Hodge, attorney for the Applicant

Notice posted on City Website www.bexley.org on October 21, 2021

City of Bexley Ohio
2242 East Main Street
Bexley, Ohio 43209

(614) 559-4200

www.bexley.org

Procedure for Filing Briefs and Oral Argument on Appeals to Council

(Bexley City Code 1126.19(e)-(n))

- (1) The appellant or appellee is permitted, but not required, to file a brief on the merits of the appeal.
 - No reply brief or memorandum contra brief shall be permitted. All briefs must be served and filed no later than seven (7) calendar days *before the oral argument* except by leave of Council. Such brief may not exceed fifteen (15) pages in length, double-spaced, at no less than a 12-point font. The Clerk of Council shall provide the other parties copies of any filed briefs.
- (2) Oral Argument may be presented by appellant and appellee.
 - Each party shall be limited to twenty (20) minutes.
 - Oral argument shall be based upon the assignments of error submitted with the Notice of Appeal. If more than one (1) appeal is filed, the appeals may be consolidated and each side shall be allowed a total of twenty (20) minutes for argument or such other time as may be determined by Bexley City Council.
 - No new evidence or testimony may be presented.
- (3) Bexley City Council shall issue written Findings of Fact and Conclusions of Law within thirty (30) calendar days after the hearing and serve them on all parties.
 - If upon oral argument, consideration of the record and decision of the Board, and briefs filed Council finds that Appellant has failed to prove, by clear and convincing evidence, the decision of the Board appealed from is not supported by the record or is unreasonable or unlawful, it shall affirm the same.
 - Council shall give deference to the findings and conclusions of the Board being appealed from and shall not substitute its judgment for the judgment of the Board.
 - Consistent with its findings, Council may affirm, reverse, vacate, or modify the order, adjudication, or decision of the Board. The concurrence of two-thirds of the members of Council at the argument on appeal is required for Council to reverse, vacate or modify any decision of the Board. Absent such a two-thirds majority of the members of Bexley City Council at the argument on appeal, the decision of the Board is affirmed.
- (4) The decision of Council is subject to appeal as provided in the Ohio Revised Code.
- (5) In any appeal to Council, Bexley City Council may consider and determine any motions filed, make procedural determinations, and for good cause continue or amend any of the periods or deadlines provided in this section except for the time for filing the Notice of Appeal, which cannot be enlarged or altered.