



City of Bexley

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

CITY COUNCIL APPEAL NO. 22-1

BZAP APPLICATION NO. BZAP-21-47

81 North Drexel Avenue, Bexley, Ohio

You are hereby notified that the Bexley City Council shall hear oral argument by the parties on **August 24, 2022 beginning at 6:00 p.m.** at Bexley City Hall, 2242 E. Main Street, Bexley, Ohio 43209 on the Notice of Appeal of the Decision of the Bexley Board of Zoning Planning filed by Elizabeth Alexander, Esq. and Joseph R. Miller, Esq. on behalf of Consecutive Primes LLC, Nate Sampson and Keith Witt of Behal Sampson Dietz for the property located at 81 North Drexel Avenue, Bexley, Ohio as provided in Bexley City Code Section 1226.19. Notice of the oral argument is posted on the City of Bexley website at [www.bexley.org](http://www.bexley.org).

The appeal was filed from the April 28, 2022 Decision of the Board of Zoning and Planning denying the Appellants' application for a variance from Bexley Code Section 1252.15(a)(g) to allow a pool and pool-house on the western end of the front yard. 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.

Matt McPeck  
City of Bexley  
Clerk of City Council

**Mayor Ben Kessler**

**City Council**  
Troy Markham, *President*  
Lori Ann Feibel  
Matt Klingler  
Monique Lampke  
Sam Marcellino  
Jennifer Robinson  
Jessica Saad

Notice sent ~~by Certified Mail~~ to Appellants,  
Consecutive Primes LLC

Nate Sampson and Keith Witt of Behal Sampson Dietz

on August 9, 2022 *by e-mail to their legal counsel. Certified Mail Service Waived.*  
*KmR*

Notice sent by Regular Mail to neighboring owners

on August 9, 2022

Notice posted on City Website [www.bexley.org](http://www.bexley.org)

on August 9, 2022

**City of Bexley**  
2242 E. Main Street  
Bexley, Ohio 43209

(614) 559-4200

[www.bexley.org](http://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.