

**BEFORE THE CITY OF DUBLIN BOARD OF ZONING APPEALS
FRANKLIN COUNTY, OHIO**

Donn J. Herron, Trustee of the
Patricia A. Herron Family Trust
U/A 04/02/2011
1305 County Road 5 North
Zanesfield, Ohio 43360-9747,

Thaddeus A Kittrell
8888 Cruden Bay Court
Dublin, Ohio 43017,

Appeal of Decision of
Architectural Review Board
Application No. 15-055-ARB
Decision Announced August 4,
2015

and

Jessica R. Kittrell
8888 Cruden Bay Court
Dublin, Ohio 43017,

Appellants,

vs

City of Dublin
Architectural Review Board
5800 Shier-Rings Road
Dublin, Ohio 43016

and,

City of Dublin, Ohio
5800 Shier-Rings Road
Dublin, Ohio 43016

Appellees.

NOTICE OF APPEAL FROM AN ADMINISTRATIVE ORDER

Pursuant to the provisions of Section 153.231(C)(1) and 153.235 (F) of the Codified Ordinances of the City of Dublin, Ohio, notice is hereby given that Donn J. Herron, Trustee of the Patricia A. Herron Family Trust U/A 04/02/2011, owner of the real property located at 5051 Brand Road, Dublin, Ohio 43017, Franklin County Auditor

Parcel No. 273-04536-00 (the "Property"), being the property that is the subject of Architectural Review Board Application No. 15-055-ARB, and Thaddeus A. Kittrell and Jessica R. Kittrell, Applicants in the above identified matter, appeal to the City of Dublin Board of Zoning Appeals from the decision of the Architectural Review Board made on or about August 4, 2015, denying the application of Thad and Jessica Kittrell seeking a permit to demolish the obsolete and deteriorated residence that exists on the Property.

The Appellant's grounds for this appeal include, without limitation, the following:

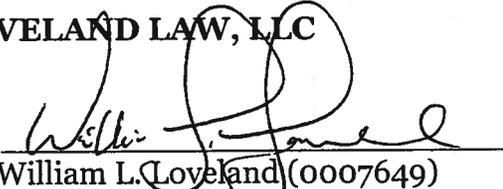
1. The decision to deny the application was not supported by competent evidence presented to the Architectural Review Board;
2. The Architectural Review Board erred by failing to give proper weight to the only evidence before it, where that evidence was competent and supported by expert opinion, and where no competent contrary evidence was submitted;
3. The decision is unsupported because the Architectural Review Board did not expressly consider all of the factors that it is required to consider under the governing code provisions including, particularly, the economic hardship imposed by the decision, and the fact that there is no reasonable economic use for the structure as it exists, and the cost of restoration is prohibitive;
4. The decision is void because it is beyond the jurisdiction of the Architectural Review Board;
5. The decision is unconstitutional under both the U.S. and the Ohio Constitutions because it represents a taking of property without compensation.
6. The decision is unconstitutional under both the U.S. and the Ohio Constitutions because the regulations, the decision, and the process utilized are all in violation of the Appellant's due process and equal protection rights.

7. The decision is unconstitutional because the provisions of Chapter 153 of the City of Dublin Codified Ordinances as applied to the Property and the Application are unconstitutional, both facially and as applied in this matter.

Because minutes and records are not yet available for review, the Appellant reserves the right to amend, modify or supplement this statement of grounds for Appeal. The administrative decision of the City of Dublin Architectural Review Board is not supported by reliable, probative, or substantial evidence, and has been rendered in a manner that is contrary to governing law, through a process that was procedurally deficient, and by imposing regulations that are unconstitutional.

This is an appeal of an Administrative Order upon questions of law, questions of fact, and constitutional grounds.

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Kittrell and Jessica R. Kittrell