

**IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO**

**THE HOMELESS CHARITY**

15 Broad Street  
Akron, OH 44305

**SAGE LEWIS LLC**

15 Broad Street  
Akron, OH 44305

**SAGE LEWIS**

15 Broad Street  
Akron, OH 44305,

Appellants,

vs.

**CITY OF AKRON**

c/o Law Director Eve Belfance  
161 South High Street, Suite 202  
Akron, OH 44308,

Appellee.

CASE NO.:

JUDGE:

**NOTICE OF APPEAL**

Appellants The Homeless Charity, Sage Lewis LLC, and Sage Lewis (together “Appellants”), by and through counsel, state as follows:

### **ADMINISTRATIVE APPEAL**

Appellants appeal the September 17, 2018 final order of Appellee City of Akron (“City”) denying a conditional-use permit under Akron Zoning Code Chapter 153, Article 14, for property located at 15 Broad Street. Sage Lewis LLC applied for a conditional-use permit on April 9, 2018. The Akron City Planning Commission held a public hearing on June 15, 2018 for the application. On July 13, 2018, the Planning Commission, by a vote of 3–1, recommended that the City Council deny the permit. The City Council held a public hearing on September 10, 2018 regarding the permit and the Planning Commission’s recommendation. On September 17, 2018, the City Council voted 8–4 to adopt the Planning Commission’s recommendation against the permit. On September 18, 2018, the Clerk of the City Council sent Appellants written notice that the City Council’s vote against the permit application was a final appealable order. Appellants appeal from this final order, under Akron Zoning Code 153.498 and R.C. Chapters 2505 and 2506.

This appeal raises questions of law and fact. The City’s final order is unreasonable under its zoning code, §§ 153.460 *et seq.*, and violates, among other constitutional provisions, the Ohio Constitution’s due-course clause, Article I, Section 16, the right to seek and obtain safety, Article I, Section 1, and its reservation of powers and rights by the people, Article I, Section 20. This Court has jurisdiction under R.C. 2506.01, and venue is proper because the City is in Summit County, *see* Civ.R. 3(C); Akron Zoning Code 153.498. Appellants have no other remedy or appeal available.

Along with this Notice of Appeal, Appellants are serving a praecipe upon Appellee to request a complete transcript of the original papers, testimony, and evidence in the proceedings below, and to file that transcript with the Clerk of Common Pleas of Summit County in accordance with R.C. 2506.02. Appellants retain their right to supplement the record on appeal under R.C. 2506.03. Appellants are not required to file a supersedeas bond under R.C. 2505.12(B).

Respectfully submitted,

**INSTITUTE FOR JUSTICE**  
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*\*Pro Hac Vice motions to be filed*

*Counsel for Appellants The Homeless Charity, Sage Lewis LLC, and Sage Lewis*

## CERTIFICATE OF SERVICE

I certify that, along with filing the notice of appeal and praecipe, I also filed with the Summit County Clerk of Courts an instructions for service form requesting the clerk make service by certified mail upon the City of Akron, c/o Law Director Eve Belfance, 161 South High Street, Suite 202, Akron, Ohio 44308, on this 16th day of October, 2018.

/s/ Rebecca J. Sremack  
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Attorney for Appellants The Homeless Charity,  
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