

Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: BZA16-015 Date Received: 2/1/16
Application Accepted by: D. Reiss Fee: \$1,900.00
Commission/Civic: North Central
Existing Zoning: R-3, M, & R-2
Comments: 4/26/16

TYPE(S) OF ACTION REQUESTED (Check all that apply):

- Variance Special Permit

Indicate what the proposal is and list applicable code sections:

Requesting Special Permits to allow a crematory in its building along the south side of Seventeenth, and a Special Permit to allow cemetery expansion on property acquired along the north side of Woodward Avenue.

LOCATION

Certified Address: 1441 Woodward Avenue City: Columbus Zip: 43219

Parcel Number (only one required): 010-126421

APPLICANT (If different from Owner):

Applicant Name: Same as Owner. Phone Number: _____ Ext.: _____

Address: _____ City/State: _____ Zip: _____

Email Address: _____ Fax Number: _____

PROPERTY OWNER(S) Check here if listing additional property owners on a separate page

Name: Evergreen Cemetery Association Phone Number: 614.271.2564 Ext.: _____

Address: 1401 Woodland Avenue City/State: Columbus, Ohio Zip: 43219

Email Address: _____ Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): Attorney Agent

Name: David Hodge, Underhill Yaross & Hodge LLC Phone Number: 614.335.9320 Ext.: _____

Address: 8000 Walton Parkway, Suite 260 City/State: New Albany, Ohio Zip: 43054

Email Address: david@underhillyaross.com Fax Number: _____

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Evergreen Cemetery Association By: David Hodge

PROPERTY OWNER SIGNATURE Evergreen Cemetery Association By: David Hodge

ATTORNEY / AGENT SIGNATURE David Hodge

PLEASE NOTE: Incomplete information will result in the rejection of this submission.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make checks payable to the Columbus City Treasurer

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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge, Underhill Yaross & Hodge LLC
of (1) MAILING ADDRESS 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 1441 Woodward Avenue

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME (4) Evergreen Cemetery Association
AND MAILING ADDRESS 1401 Woodland Avenue
Columbus, Ohio 43219

APPLICANT'S NAME AND PHONE # (4) Evergreen Cemetery Association
(same as listed on front application) 614.271.3564

AREA COMMISSION OR CIVIC GROUP (5) North Central Area Commission, c/o Mr. Carlon Fraley
AREA COMMISSION ZONING CHAIR 2107 Bancroft Street
OR CONTACT PERSON AND ADDRESS Columbus, Ohio 43219

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

| (6) PROPERTY OWNER NAME | (6a) PROPERTY ADDRESS | (6b) PROPERTY OWNER MAILING ADDRESS |
|----------------------------|-----------------------|-------------------------------------|
| <u>Please see attached</u> | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

(7) Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT David Hodge

Sworn to before me and signed in my presence this 29th day of January in the year 2016

(8) SIGNATURE OF NOTARY PUBLIC Kimberly R. Grayson

Notary Seal Here
My Commission Expires January 11, 2021
KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

PLEASE NOTE: Incomplete information will result in the denial of your application. Applications must be submitted by appointment. Call 614-645-7433 for more information. Please make checks payable to the Columbus City Auditor's Office.

ATTORNEY/AGENT:

David Hodge
Underhill Yaross & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

APPLICANT/PROPERTY OWNER

Evergreen Cemetery Association
1401 Woodland Avenue
Columbus, Ohio 43219

AREA COMMISSION:

North Central Area Commission
c/o Mr. Carlon Fraley
2107 Bancroft Street
Columbus, Ohio 43219

SURROUNDING PROPERTY OWNERS:

City of Columbus
Real Estate Management
90 West Broad Street, Room 425
Columbus, Ohio 43215

James T. Wilson
2696 Mock Road
Columbus, Ohio 43219

Victor J. Estell
209 Leist Street
Amanda, Ohio 43102

ASI Corp.
1601 Woodland Avenue
Columbus, Ohio 43219

Gee Gee Equipment Co.
1221 E. 5th Avenue
Columbus, Ohio 43219

Wye Co.
P.O. Box 369004
Columbus, Ohio 43236

Ann Verdine
2067 Margo Road
Columbus, Ohio 43229

Maurice Cannon, Jr.
2153 Hamilton Avenue
Columbus, Ohio 43211

Berkheimer Holdings Ltd.
P.O. Box 819
Hebron, Ohio 43025

Central Ohio Housing Development
Organization, Inc.
562 East Main Street
Columbus, Ohio 43215

B&D Hauling
1375 Sunbury Road
Columbus, Ohio 43219

Ronnie Coleman
826 Taylor Avenue
Columbus, Ohio 43219

Khadija G. Adams
1320 Petrel Avenue
Columbus, Ohio 43219

Omar and Fadima Hussein
1288 Puritan Avenue
Columbus, Ohio 43219

Central Ohio Housing Development
Organization, Inc.
562 East Main Street
Columbus, Ohio 43215

Joan Robinson
62 North 17th Street
Columbus, Ohio 43203

Field Bros., Inc.
1247 Sampson Avenue
Columbus, Ohio 43219

Garnett D. Leathers
2497 Newburgh Drive
Columbus, Ohio 43219

Max & Sylvia Tennebaum, Co-Trs.
7 Lyonsgate
Columbus, Ohio 43209

Bosley L. Boysie
1294 Sampson Avenue
Columbus, Ohio 43219

BZA16-015

1441 Woodward Avenue

Mary E. Sanders
63 Governors Place
Columbus, Ohio 43203

Glenda Martin
982 East 26th Avenue
Columbus, Ohio 43211

Vaoma Burchfield
1234 Puritan Avenue
Columbus, Ohio 43219

Special Permit Statement

1441 Woodward Avenue

The applicant, Evergreen Cemetery Association ("Evergreen"), is the owner of Evergreen and Eastlawn Cemeteries, generally located on the east and west sides of Woodland Avenue between Woodward Avenue on the south, and Seventeenth Avenue on the north. Evergreen has acquired properties adjacent to its cemeteries, and seeks to allow its cemetery to expand onto these properties, and to use the property that used to house the Marmor Chocolate facility as its funeral home and crematory, enabling Evergreen to provide its various services in one general location. This application consists of two requests:

1. A Special Permit to allow a crematory on the properties marked "Property 1" on the attached map marked Exhibit A.
2. A Special Permit to allow cemetery use of the properties marked "Property 1" and "Property 2" on the attached map marked Exhibit A.

C.C. 3307.06 – Special permits provides that the Board of Zoning Adjustment (BZA) has authority to grant special permits for uses listed in Chapter 3389 (such as the cemetery and crematory uses) where it is shown that the special use can be granted without substantial detriment to the public good, without substantial impairment of the general purpose or intent of the zoning district in which the use is proposed to be located, and without significant incompatibility with the general character of the neighborhood. These requests meet and exceed these considerations. Each factor is hereafter stated in italics and thereafter addressed.

1. *The special use can be granted without substantial detriment to the public good.*

Evergreen previously planned to construct a funeral home and crematory on other property on the Evergreen Cemetery. This previous plan was fully approved by the City, and a Special Permit granted for the use. For various reasons those plans were shelved. The Marmor Chocolate property (Property 1), adjacent to the northwest of Evergreen Cemetery, became available for purchase and provides the opportunity to be used for the funeral home and crematory uses. A crematory may be incorporated into this building without any detriment whatsoever to the public good. This is a neighborhood that includes a mix of uses ranging from single-family residential, up to industrial and manufacturing, and the property itself is zoned M-Manufacturing. A crematory may be incorporated into the building and no surrounding owner would even know that cremations were occurring in the building.

Regarding the cemetery expansion, all of these properties are owned by Evergreen and are adjacent to the existing cemetery. While many of these lots are platted for single family residential development, very few of the lots have developed. The cemetery may expand onto this adjacent property without detriment to the public good. The cemetery is already a prominent use here, and a modest expansion will not be detrimental to the public good.

2. *The special use can be granted without substantial impairment of the general purpose and intent of the underlying zoning district.*

A crematory may be incorporated into the existing building without any impairment of the general purpose and intent of the M-Manufacturing zoning district. In fact, having the use of this property change

to a funeral home, with a crematory, is beneficial generally to surrounding owners for several reasons, including that these uses are much less intense and less impactful than many uses allowed by right in the M-Manufacturing district.

Likewise the cemetery may expand onto adjacent property without impairment of the general purpose and intent of the underlying zoning district. The cemetery already exists, allowing its moderate expansion westward onto property it already owns will not substantially impair this zoning district, or any neighbors, as they are already used to either running their businesses or living in close proximity to this cemetery.

3. *The special use can be granted without significant incompatibility with the general character of the neighborhood.*

As mentioned above, and as may be observed on the zoning map and/or visiting the neighborhood, a crematory may be incorporated into the existing building without any incompatibility at all with the character of this neighborhood. This is a mixed-use neighborhood, with a mix of zoning districts. A crematory may be incorporated into this building and it will function in a manner such that no one will even be aware that cremations are occurring.

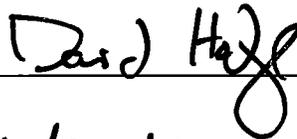
Also, the existing cemetery may expand onto property adjacent to it without significant incompatibility. The cemetery already exists, and is already prominent within this neighborhood. Allowing this modest expansion to accommodate future need will not create a condition of significant incompatibility with the general character of the neighborhood.

Having demonstrated satisfaction of the criteria set forth in C.C. 3307.06(A), the applicant respectfully requests approval of the requested special permits to allow its existing cemetery to expand onto adjacent property that it owns, and to incorporate a crematory into its future funeral home location to allow this local business to provide a greater scope of services at one general location.

Evergreen Cemetery Association

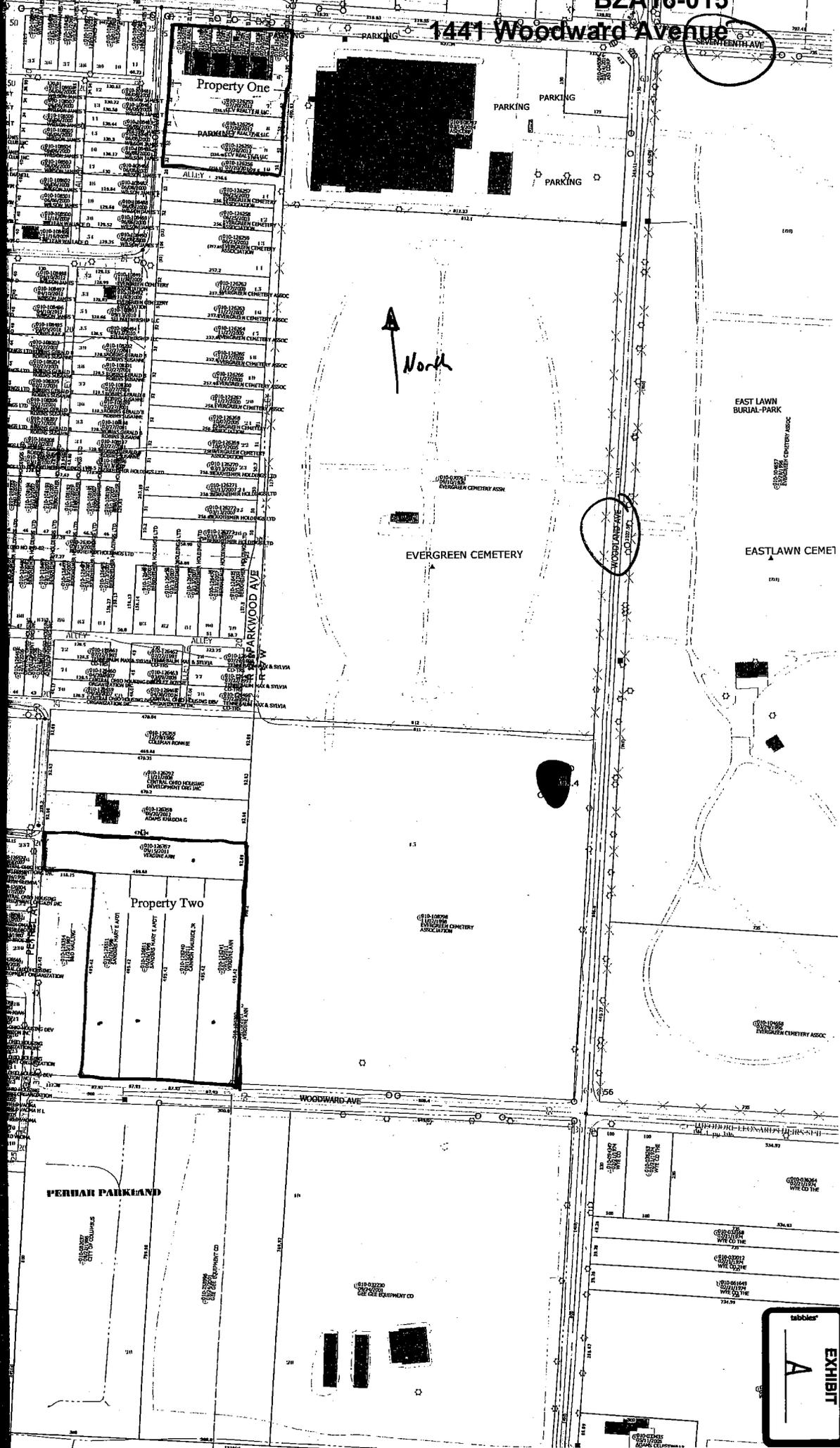
By:

Signature of Applicant:



Date:





City of Columbus Zoning Plat



ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010108798 + 17 PARCELS

Zoning Number: 1411

Street Name: WOODWARD AVE

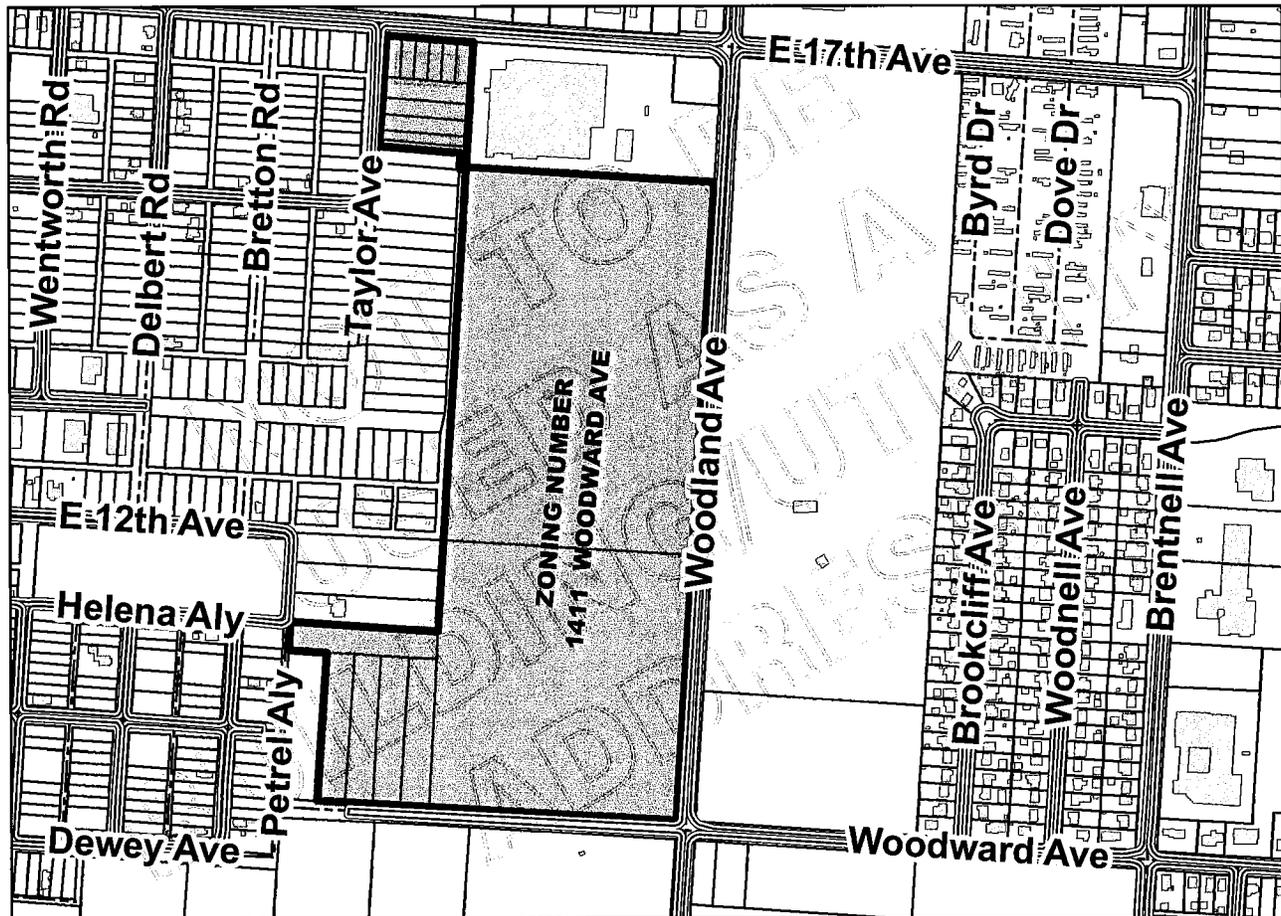
Lot Number: N/A

Subdivision: N/A

Requested By: UNDERHILL YAROSS & HODGE LLC (DAVID HODGE)

Issued By: *Rayana Umarian*

Date: 1/28/2016

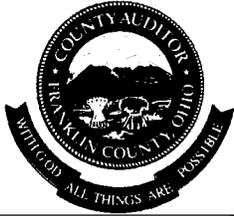


SCALE: 1 inch = 600 feet

GIS FILE NUMBER: 55915



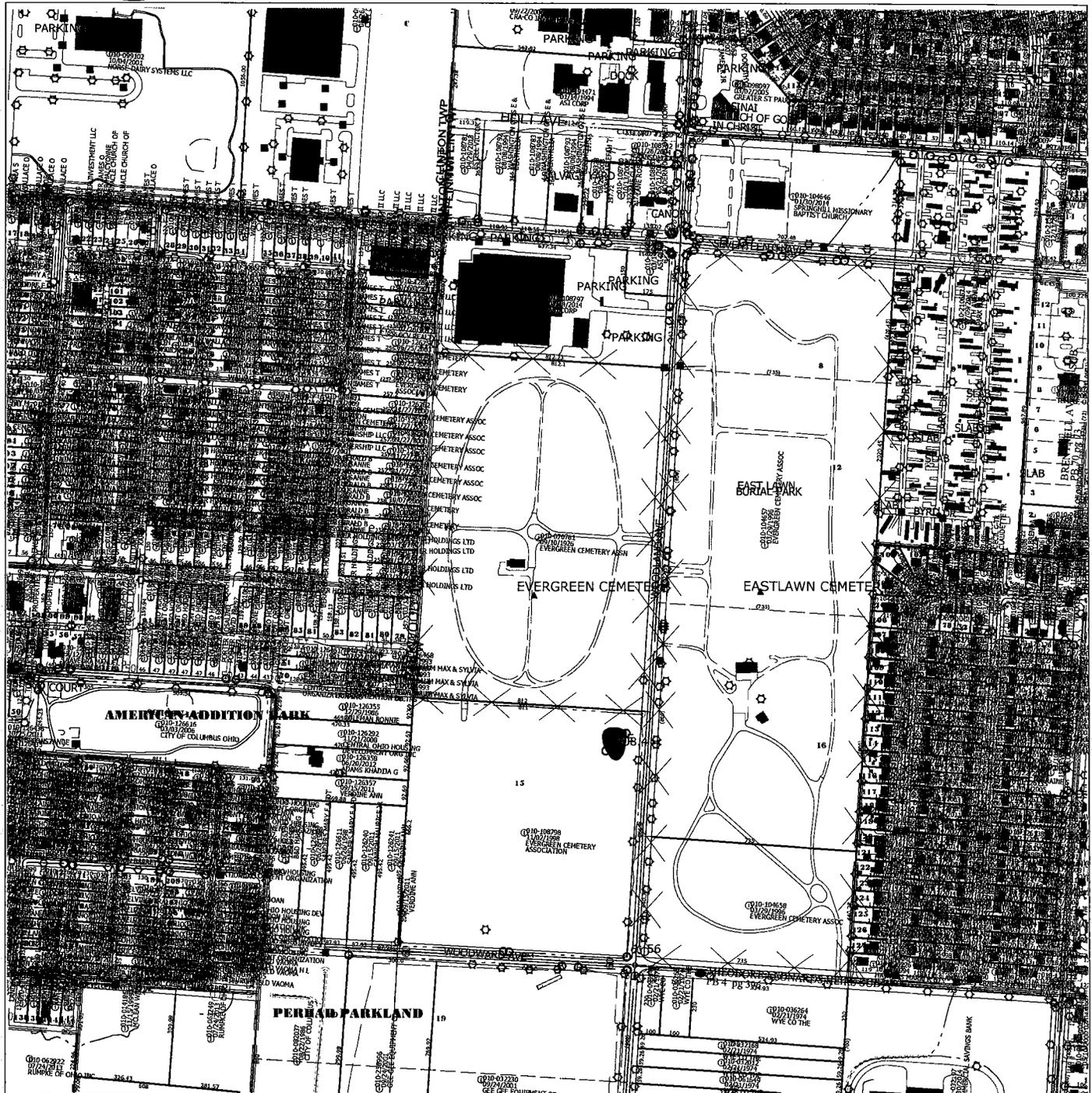
JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 1/27/16



Disclaimer

Scale = 500



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

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AND ZONING SERVICES

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PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge, Underhill Yaross & Hodge LLC
of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Evergreen Cemetery Association

1401 Woodland Avenue

Columbus, Ohio 43219

SIGNATURE OF AFFIANT

David Hodge

Sworn to before me and signed in my presence this 29th day of January, in the year 2016

Kimberly R. Grayson
SIGNATURE OF NOTARY PUBLIC

1-11-2021
My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

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