

Date:

Application # #10311-00000-00336

**PAID**  
AUG 31 2010

City of Columbus | Department of Building and Zoning Services | 757 Carolyn Avenue, Columbus, Ohio 43224

If you have questions about this form call 645-4522

**BUILDING & ZONING SERVICES**



Comments: \_\_\_\_\_ Commission/Group: \_\_\_\_\_  
 \_\_\_\_\_ Date Received: 13 Aug. 2010 Planning Area: \_\_\_\_\_  
 \_\_\_\_\_ Date of Hearing: 26 Oct. 2010 Acreage: \_\_\_\_\_  
 \_\_\_\_\_ Zoning Fee: \$1900 Address Fee \_\_\_\_\_  
 \_\_\_\_\_ Existing Zoning: C-4 Accepted by: FF

### BOARD OF ZONING ADJUSTMENT APPLICATION

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- Variance
- Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Application is for a Special Permit to create a Cemetery use under Columbus Code 3389.033.

LOCATION

1. Certified Address Number and Street Name 3050 Olentangy River Rd.  
 City Columbus State Ohio Zip 43202

Parcel Number (only one required.) 010-103615

APPLICANT (IF DIFFERENT FROM OWNER)

2. Name Union Cemetery Association, c/o John W. Kennedy  
 3. Address 3349 Olentangy River Rd. City Columbus Zip 43202  
 4. Phone# (614) 217-5471 Fax # \_\_\_\_\_  
 5. Email Address \_\_\_\_\_

PROPERTY OWNER(S)

6. Name Howard E. & Mary P. Peck  
 7. Address 191 Longview Drive City Dublin Zip 43017  
 8. Phone# \_\_\_\_\_ Fax # \_\_\_\_\_  
 9. Email Address \_\_\_\_\_

Check here if listing additional property owners on a separate page

**ATTORNEY/AGENT (CIRCLE ONE)**

10. Name Scot E. Dewhirst  
 11. Address 560 E. Town Street City Columbus Zip 43215  
 12. Phone# (614) 221-0944 Fax # (614) 221-2340  
 13. Email Address sdewhirst@adwllp.com

SIGNATURES

14. Applicant Signature Paul J. Walker, J.M.  
 X 15. Property Owner Signature Howard E. Peck  
 16. Attorney/Agent Signature Scot E. Dewhirst

**SPECIAL PERMIT APPLICATION:**

3050 Olentangy River Road  
Columbus, Ohio 43202  
Parcel #: 010-103615

**Current Owners:** Howard E. and Mary P. Peck

**Applicant:** The Union Cemetery Association (of Clinton Township), an Ohio Non-Profit Corporation, Ohio Certificate Number 1578118. The Applicant has a purchase contract to purchase the property from the current owners...with the purchase contingent upon the issuance of a Special Permit for a cemetery use.

**General lot information**

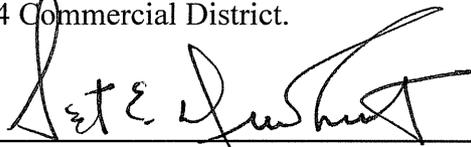
<i>Existing Zoning</i>	C-4
<i>Use of record</i>	Commercial
<i>Proposed Use</i>	A Special Permit for a cemetery use under Columbus City Code section 3389.033.
<i>Lots sizes</i>	1.89 acres Information contained on submitted plans

**Proposed Special Permit Request:**

The existing property at 3050 Olentangy River Road in Columbus, Ohio 43202 is currently owned by Howard and Mary Peck. The property is zoned C-4, and it was the location of Boulevard Gardens, a nursery that sold plants and gardening supplies. The lot contains 1.89 acres with a retail building for sale of products. That business is now closed, and the building is vacant.

The applicant is The Union Cemetery Association (of Clinton Township), an Ohio Non-Profit Corporation, Ohio Certificate Number 1578118, which operates Union Cemetery which is located directly to the south and adjacent to the subject site. Union Cemetery also operates the cemetery on a separate parcel on the west side of Olentangy River Road further north of this location.

Union Cemetery Association has a purchase contract to buy the subject site from the existing owners. The goal is to expand the existing cemetery and combine it with the subject property of 1.89 acres, pursuant to the site plan that is a part of this application. The purchase contract is contingent upon approval of the Special Permit for a cemetery use in the C-4 Commercial District.


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**Scot E. Dewhirst, Attorney for Union Cemetery Assn.**
**8-13-10**  
**Date**



# AFFIDAVIT

(See next page for instructions.)

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Kimberly Smith, Paralegal of  
(1) MAILING ADDRESS 560 E. Town Street, Columbus, OH 43215

deposed 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 3050 Olentangy River Rd., Columbus, OH 43202

(2) per ADDRESS CARD FOR PROPERTY

for which the 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 OWNER'S NAME

(4) Howard E. & Mary P. Peck

AND MAILING ADDRESS

191 Longview Drive, Dublin, OH 43017

Union Cemetery Association

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

C/O John W. Kennedy, phone #(614) 267-5471.

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) N/A

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(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

(SEE ATTACHED SHEET)

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

SIGNATURE OF AFFIANT

(8) Kimberly Smith  
Subscribed to me in my presence and before me this 10<sup>TH</sup> day of August, in the year 2010

SIGNATURE OF NOTARY PUBLIC

(8) Scot E. Dewhurst  
My Commission Expires: NEVER

Notary Seal Here



SCOT E. DEWHIRST  
Attorney At Law  
Notary Public, State of Ohio  
My commission has no expiration date  
Sec. 147.03 R.C.

**APPLICANT:**

UNION CEMETERY ASSN.  
C/O JOHN W. KENNEDY  
3349 OLENTANGY RIVER RD.  
COLUMBUS, OH 43202

**SUBJECT PROPERTY OWNERS:**

HOWARD E. & MARY P. PECK  
191 LONGVIEW DRIVE  
DUBLIN, OHIO 43017

**AREA COMMISSION/CIVIC  
GROUP: N/A**

**SURROUNDING PROPERTY  
OWNERS:**

PLAZA CORE HOTEL LLC  
1515 LAKE SHORE DR.  
COLUMBUS, OH 43204

STATE OF OHIO  
C/O OHIO STATE UNIVERSITY  
REAL ESTATE PROPERTY MGMT  
53 W 11<sup>TH</sup> AVE  
COLUMBUS OH 43201-2013

PLAZA CORE HOTEL LLC  
1515 LAKE SHORE DR.  
COLUMBUS, OH 43204

PLAZA CORE HOTEL LLC  
1515 LAKE SHORE DR.  
COLUMBUS, OH 43204

JAP GURU LLC  
2093 S HAMILTON RD  
COLUMBUS OH 43232



Signature of Applicant Paul J. Miller J.G.M. Date 8/13/2010

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.

STATE OF OHIO APPLICATION # \_\_\_\_\_  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Scot E. Dewhirst  
of (COMPLETE ADDRESS) 560 E. Town Street, Columbus, OH 43215  
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

① Union Cemetery Association / c/o John W. Kennedy  
(proposed purchase) 3349 Olentangy River Rd.  
Columbus, OH 43202

② Howard E. & Mary P. Peck / 191 Longview Drive  
(current 100% owners) Dublin, OH 43017

SIGNATURE OF AFFIANT

Scot E. Dewhirst, Attorney

Subscribed to me in my presence and before me this 12th day of August, in the year 2010

SIGNATURE OF NOTARY PUBLIC

Brian S. Artz

My Commission Expires:

Notary Seal Here



BRIAN S. ARTZ, ATTORNEY AT LAW  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.



# City of Columbus Address Plat



## CERTIFIED HOUSE NUMBERS

The House Numbers Contained on This Form  
are Herein Certified for Securing  
of Building & Utility Permits

Parcel ID: 010103615

Project Name: BOULEVARD GARDENS NURSERY

House Number: 3050

Street Name: OLENTANGY RIVER RD

Lot Number: N/A

Subdivision: N/A

Work Done: REMODEL

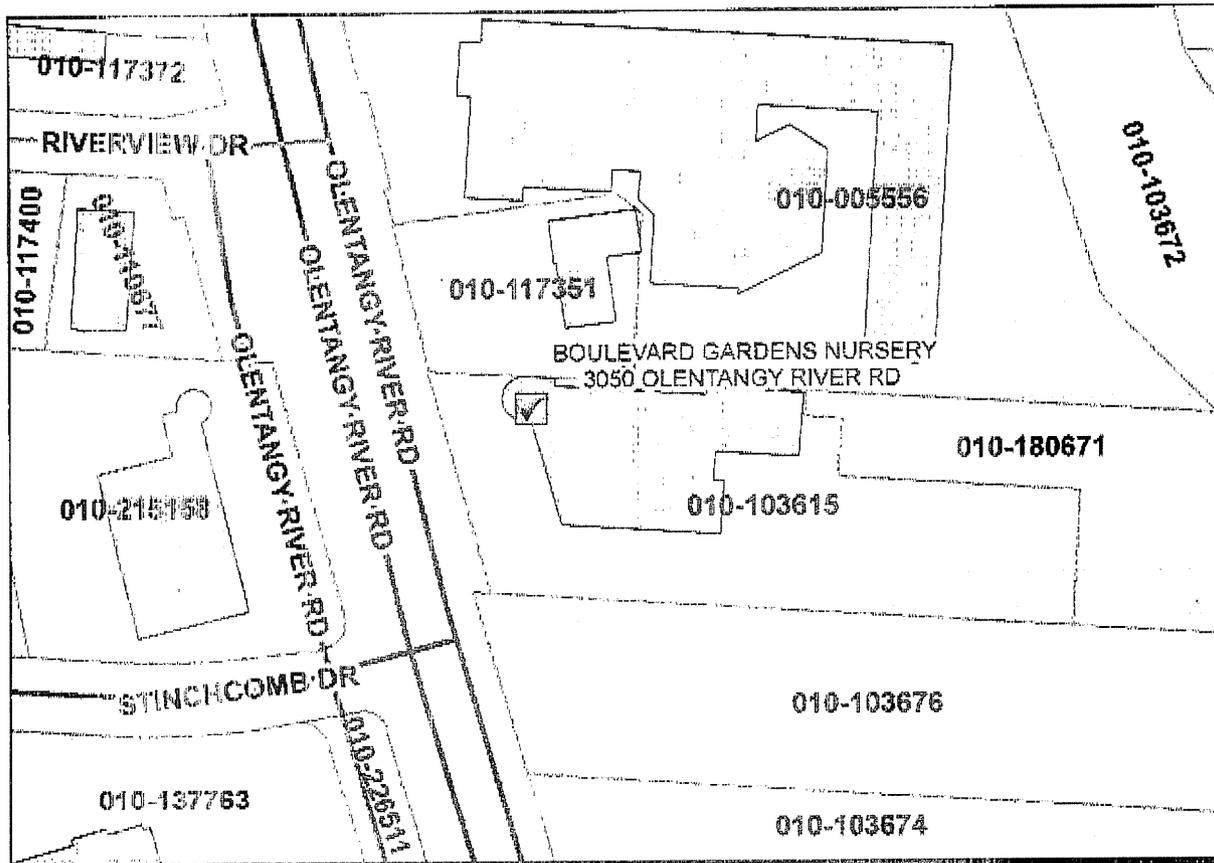
Complex: UNION CEMETERY ASSOCIATION

Owner: HOWARD E PECK & MARY P PECK

Requested By: ARTZ DEWHIRST WHEELER LLP (KIM SMITH)

Printed By: *Alfred Coombs*

Date: 8/9/2010



SCALE: 1 inch = 150 feet

GIS FILE NUMBER: 398925



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: M

DATE: 8/6/10



Disclaimer

Scale = 120



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.

Real Estate / GIS Department