

## Council Variance Application

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

OFFICE USE ONLY

Application Number: CV15-060 Date Received: 10-7-15  
Application Accepted by: TD, SP, JB Fee: \$1,920  
Comments: Assigned to James Burdin; JEBurdin@columbus.gov; (614)645-1341  
Shannon Pine; SPine@columbus.gov; (614)645-2208

### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 888 Frank Rd. Zip: 43223

Is this application being annexed into the City of Columbus? Select one: ☐ YES ☒ NO

*If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.*

Parcel Number for Certified Address: 570-234772-00

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): M1

Area Commission or Civic Association: South West Area Commission

Proposed Use or reason for Council Variance request:  
to expand the existing facility/use in the M1 district with variances for development standards

Acreage: 2.805 ac

### APPLICANT:

Name: 800 FRANK ROAD LLC c/o Laura Comek Phone Number: 614 560 1488 Ext.:  
Address: 300 E Broad Street, Ste 450 City/State: Columbus, Oh Zip: 43215  
Email Address: laura@comeklaw.com Fax Number: n/a

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

Name: same as above Phone Number: Ext.:

Address: City/State: Zip:

Email Address: Fax Number:

### ATTORNEY AGENT (Check one if applicable): ☒ Attorney ☐ Agent

Name: Laura MacGregor Comek, Esq. Phone Number: 614 560 1488 Ext.:  
Address: 300 E Broad St. Ste 450 City/State: Columbus, Oh Zip: 43215  
Email Address: laura@comeklaw.com Fax Number: n/a

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

ATTORNEY AGENT SIGNATURE [Signature]

*My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.*

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.  
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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CV15-060

### STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code

#### Section 3307.10 Variances by City Council

A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.

B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:

*please see attached*

Signature of Applicant

/s/ Laura MacGregor Comek

Date

*10.1.15*

STATEMENT OF HARDSHIP

CV15-060

Owner/Applicant: 800 Frank Rd. LLC  
c/o Laura MacGregor Comek, Esq.  
Address: 800 Frank Rd.  
Parcel Nos.: 570-234772  
Zoning Districts: M1  
Date: September 28, 2015

This Statement is provided in support of the Applicant's Council Variance Application and a Special Permit (renewal). These applications seek to continue the currently permitted animal crematorium, eliminate a square footage limitation on the structure for that use and address minor development standard variances.

CCC Section 3365.01 – to continue the permitted use established by CV96-033 without the limitation (not a code requirement) of 3000 sq.ft for the structure and 6 feet height above roof for chimney stacks, and 28 ft height limit (ie., to establish the typical H-35 district).

CCC Section 3365.21 – to reduce side and rear yard setbacks to zero.

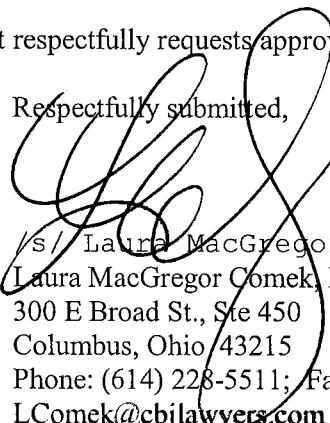
CCC Section 3365.35 – to reduce outside storage setback to zero for the side and rear setbacks (does not include crematory materials, which outdoor storage shall remain prohibited).

The premise of the request is the significant expansion of the business, there being a significant market for these services. The small 2.8 +/- parcel exists mostly on paper, such that the parcels lines exist within a much larger 300 acre parcel. In practical reality, a side yard does not exist, so a zero setback allows for building construction within a useful, otherwise undeveloped area. Practically, future development of the site would work around the 'parcel' as the entire site eventually develops. At this time, there is no master plan for future development. This variance allows the owner to overcome the practical difficulties of the paper boundary, while functioning mostly in the same manner and space as currently exists.

The essential character of this corridor is heavy industrial. The surrounding land uses are industrial, with residential to the far north and west of the larger 300 acre tract. The request is in keeping with the general character of the area, has no effect on the delivery of governmental services. The site is heavily traveled and so there are no expected impacts from traffic or additional on site activity (such that would exceed the existing zoning permitted uses).

For these reasons, the Applicant respectfully requests approval of these variances.

Respectfully submitted,

  
/s/ Laura MacGregor Comek  
Laura MacGregor Comek, Esq.  
300 E Broad St., Ste 450  
Columbus, Ohio 43215  
Phone: (614) 228-5511; Fax: (614) 229-4559  
[LComek@cbjlawyers.com](mailto:LComek@cbjlawyers.com)  
Counsel for Owners/Applicant

WILLIAM & KENNETH MOONE  
1085 HART RD  
COLUMBUS, OH 43223

VISINTINE EQUIPMENT CORP  
5393 BENNINGTON WOODS CT  
COLUMBUS, OH 43220

UNIVERSAL ASSEMBLY OF  
PENTECOSTAL CHURCHES INC  
1738 BROWN RD  
COLUMBUS, OH 43223

TINA WOODS  
1430 ENGADINE AVE  
COLUMBUS, OH 43223

THOMAS WILSON  
953 HART RD  
COLUMBUS, OH 43223

THOMAS & ANTHONY WILSON  
947 HART RD  
COLUMBUS, OH 43223

SHELLY MATERIALS INC  
80 PARK DR  
THORNVILLE, OH 43076

RITA BICKEL  
1730 BROWN RD  
COLUMBUS, OH 43223

RINNEL & BETTY DUNCAN  
1239 BROWNLEAF RD  
COLUMBUS, OH 43223

RICK WARREN  
1260 GREENLEAF RD  
COLUMBUS, OH 43223

RICHIE PREECE  
1215 BROWNLEAF RD  
COLUMBUS, OH 43223

REPUBLIC HAULING SERVICES OF  
OHIO  
PO BOX 29246  
PHOENIX, AZ 85038

PHILLIP PREECE  
1190 HART RD  
COLUMBUS, OH 43223

PATRICIA & ROBERT WEIKERT  
1143 HART RD  
COLUMBUS, OH 43223

OSCAR JAMES  
1431 ENGADINE AVE  
COLUMBUS, OH 43223

NORMA WILSON  
925 HART RD  
COLUMBUS, OH 43223

MICHAEL MCBRAYER  
13831 COBBLESTONE LN  
PICKERINGTON, OH 43147

MICHAEL & MELANIE COPLAN  
1213 BROWNLEAF RD  
COLUMBUS, OH 43223

MAX CHENOWETH  
849 RICHTER RD  
COLUMBUS, OH 43223

MARK REEVES  
1112 HART RD  
COLUMBUS, OH 43223

MARK & ANGELA GEORGE  
1205 HART RD  
COLUMBUS, OH 43223

LORI ANDERSON  
1025 HART RD  
COLUMBUS, OH 43223

LAURA BOWLING  
1146 HART RD  
COLUMBUS, OH 43223

LARRY & BRENDA CORMACK  
1206 BROWNLEAF RD  
COLUMBUS, OH 43223

KERRY WARD  
1225 BROWNLEAF RD  
COLUMBUS, OH 43223

JOSEPH & PENNY SMILEY  
1055 HART RD  
COLUMBUS, OH 43223

JOHN & SHERRY FLESHMAN  
1204 HART RD  
COLUMBUS, OH 43223

JERRY & FLORENCE HEIN  
1251 GREENLEAF RD  
COLUMBUS, OH 43223

JDM SERVICES LLC  
1200 DYER RD  
GROVE CITY, OH 43123

JAMES QUEEN  
1059 HART RD  
COLUMBUS, OH 43223

JACK HENSLER  
961 HARD RD  
COLUMBUS, OH 43223

J MAC INVESTMENTS INC  
1714 ZETTLER RD  
COLUMBUS, OH 43227

INLAND PRODUCTS INC  
PO BOX 2228  
WORTHINGTON, OH 43085

HELEN CLEVINGER  
1166 HART RD  
COLUMBUS, OH 43223

GEORGE SMITH  
2209 HARRISBURG PIKE  
GROVE CITY, OH 43123

FREDDIE WORKMAN  
867 HART RD  
COLUMBUS, OH 43223

FRANKLIN COUNTY  
COMMISSIONERS  
373 S HIGH ST  
COLUMBUS, OH 43215

ESTES EXPRESS LINES  
3901 W BROAD ST  
RICHMOND, VA 23230

ELIZABETH CLINE  
2237 BAINTEA AVE  
GROVE CITY, OH 43123

EDWARD & JANE WEST  
1156 HART RD  
COLUMBUS, OH 43223

DELBERT & PATRICIA MILLER  
889 HART RD  
COLUMBUS, OH 43223

COLUMBUS BITUMINOUS  
CONCRETE CORP  
400 FRANK RD  
COLUMBUS, OH 43216

CHESTER TAYLOR & TINA  
MASON  
1087 HART RD  
COLUMBUS, OH 43223

CHARLES & RUTH ANN WATSON  
4635 WORDSWORTH CT APT C  
COLUMBUS, OH 43232

CELINA INVESTMENTS LTD  
2300 BROWN RD  
GROVE CITY, OH 43123

BRIDGET STYRANEC & JAMIE  
MESSER  
1517 AUTUMN VILLAGE DR  
COLUMBUS, OH 43223

APRIL SMILEY  
1045 HART RD  
COLUMBUS, OH 43223

ALFRED & MARILYN REEVES  
999 HART RD  
COLUMBUS, OH 43223

800 FRANK ROAD LLC  
599 FRANK RD  
COLUMBUS, OH 43223

1000 FRANK ROAD LLC  
202 CHERRY CREEK LN  
ROCHESTER, NY 12626

SOUTHWEST PLANNING  
COMMISSION C/O STEFANIE COE  
1437 WILSON AVE  
COLUMBUS, OH 43206

LAURA M. COMEK LAW, LLC  
300 E BROAD ST STE 450  
COLUMBUS, OH 43215

Original

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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

**AFFIDAVIT** (See instruction sheet)

Application Number: CV15-080

STATE OF OHIO  
COUNTY OF FRANKLIN

**Kelly Heasley**

Being first duly cautioned and sworn **(1)** NAME Kelly Heasley  
of **(1)** MAILING ADDRESS Laura Macgregor Comek law, LLC 300 E Broad St, Ste 450 Cols., 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 the name(s) and mailing address(es) of all the owners of record of the property located at

**(2)** per ADDRESS CARD FOR PROPERTY 800 Frank Rd.

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on **(3)** October 7, 2015

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

**(4)** 800 FRANK ROAD LLC  
c/o Laura MacGregor Comek, Esq.  
300 E Broad St., Ste 450 Cols., Oh 43215

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

same as above

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

**(5)** Southwest Area Commission  
1437 Wilson Avenue, Columbus, Ohio 43206  
Stefanie Coe - stefaniecoe@hotmail.com

and that the attached document **(6)** 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 **(7)**

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

**(8)** SIGNATURE OF AFFIANT [Signature]

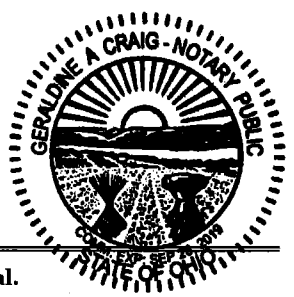
Sworn to before me and signed in my presence this 29 day of September, in the year 2015

[Signature: Geraldine A. Craig]  
**(8)** SIGNATURE OF NOTARY PUBLIC

9-28-19  
My Commission Expires

Notary Seal Here

*This Affidavit expires six (6) months after the date of notarization.*



PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

# Rezoning Application

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

## 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 # CV15-060

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)  
of (COMPLETE ADDRESS)

Laura MacGregor Comek, Esq  
300 E Broad St., Suite 450 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 in the following format:

Name of business or individual  
Business or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

1. <u>800 Frank Road LLC</u> <u>2170 Alum Creek Drive</u> <u>Columbus, Ohio 43207</u> <u>#ees:</u> <u>c/o Laura Macgregor Comek</u> <u>614 560 1488</u>	2. <u>Pet Cremation Services, Inc.</u> <u>800 Frank Road</u> <u>Columbus, Ohio 43223</u> <u>#ees</u> <u>c/o same</u>
--	--

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 9th day of NOVEMBER, in the year 2015

Marian R. Geer

SIGNATURE OF NOTARY PUBLIC

Notary Seal Here



Marian R. Geer  
Notary Public, State of Ohio  
My Commission Expires 11-02-18

**This Project Disclosure expires six (6) months after the date of notarization.**

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

EXHIBIT A

CV15-060

Parcel No. 1

Situate in the State of Ohio, the County of Franklin, the Township of Franklin and being a part of Virginia Military Lands Survey No. 420 and being a part of that 65.86 Acre Tract (Parcel No. 1) conveyed to Carl C., Frederick L. and Herbert F. Baas, as shown of record in Deed Book 2750, page 472, and being a part of that Certain Parcel No. 4 conveyed to Carl C., Frederick L. and Herbert F. Baas, as shown of record in Deed Book 2750, page 472, and being all of Lot No. 8 of H. E. Richter's Subdivision, as shown of record in Plat Book 15, page 9, the foregoing references being to the records of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin at the northeasterly corner of the above mentioned 65.86 Acre Tract and the northwesterly corner of a certain 19.74 Acre Tract; thence from said point of beginning S. 06° 58' 37" E. and along the easterly line of said 65.86 Acre Tract a distance of 1631.63 ft. to an iron pin in the northerly line of the above mentioned Parcel No. 4; thence S. 76° 06' 58" E. and along the northerly line of said Parcel No. 4 a distance of 534.18 ft. to an iron pin; thence S. 00° 11' 19" E. a distance of 90.25 ft. to an iron pin; thence S. 75° 42' 55" E. and along the northerly line of said Parcel No. 4 and passing a post at 1765.79 ft., a distance of 1849.41 ft. to a point in the westerly right-of-way line of Relocated Frank Road, said point being 100.00 ft. westerly of and at right angles from the center line of Frank Road; thence S. 48° 59' 52" W. and along the westerly right-of-way line and parallel to the center line of Relocated Frank Road a distance of 181.56 ft. to a point; thence S. 49° 14' 51" W. and continuing along the westerly right-of-way line of Relocated Frank Road a distance of 953.78 ft. to a point; thence with a curve to the right having a radius of 718.51 ft., a central angle of 45° 40' 52", a chord which bears S 77° 04' 27" W. a distance of 557.81 ft. to a point; thence N. 79° 27' 54" W. and along the northerly right-of-way line of Frank Road a distance of 424.55 ft. to a point, said point being 70 ft. North from and at right angles to the center line of Frank Road; thence N. 74° 50' 58" W. and along the northerly right-of-way line and parallel to the center line of Frank Road, a distance of 885.93 ft. to a point; thence N. 10° 48' 21" W. a distance of 810.46 ft. to an iron pin; thence N. 74° 50' 58" W. a distance of 380.49 ft. to an iron pin; thence N. 10° 48' 21" W. a distance of 1966.13 ft. to an iron pin in the southerly line of the above mentioned H. E.



Richter's Subdivision; thence N. 88° 38' 57" E. and along the southerly line of said H. E. Richter's Subdivision and along the northerly line of said 65.86 Acre Tract a distance of 880.08 ft. to a point at the southwesterly corner of Lot No. 8 of H. E. Richter's Subdivision; thence N. 00° 22' 00" W. and along the westerly line of said Lot No. 8 and passing an iron pin at 2.98 ft., a distance of 500.83 ft. to an iron pin in the southerly line of Hart Road, said iron pin being the northwesterly corner of said Lot No. 8; thence N. 89° 37' 00" E. and along the southerly line of Hart Road a distance of 86.00 ft. to an iron pin, said iron pin being the northeasterly corner of said Lot No. 8; thence S. 00° E. and along the easterly line of said Lot No. 8 and passing an iron pin at 498.69 ft., a distance of 499.38 ft. to a point at the southeasterly corner of said Lot No. 8 and in the northerly line of said 65.86 Acre Tract; thence N. 88° 38' 57" E. and along the southerly line of said H. E. Richter's Subdivision and along the northerly line of said 65.86 Acre Tract, a distance of 88.48 ft. to the place of beginning, containing 105.712 Acres and subject to all easements and/or restrictions shown of record; also subject to all legal right-of-way; also, subject to a 30 ft. strip of ground off the westerly side of the above described, running Northerly from the northerly right-of-way line of Frank Road, a distance of 810.46 ft. to a point, said 30 ft. strip continuing along a southerly line of the above described 380.49 ft. to a point; thence continuing along a westerly line of the above described 200 ft. to a point, for ingress and egress through and across said 105.712 Acre Tract.

Prior Instrument Reference: Vol. 3400, Pages 823 and 824 of the Deed Records of Franklin County, Ohio.

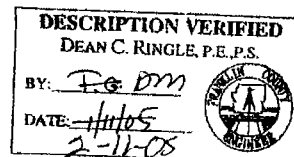
Parcel numbers 145446-3 and 145447-1

0-21E

ALL of (570) 145446

±

241134





# City of Columbus Zoning Plat

CV15-060



## 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: 570234772

Zoning Number: 888

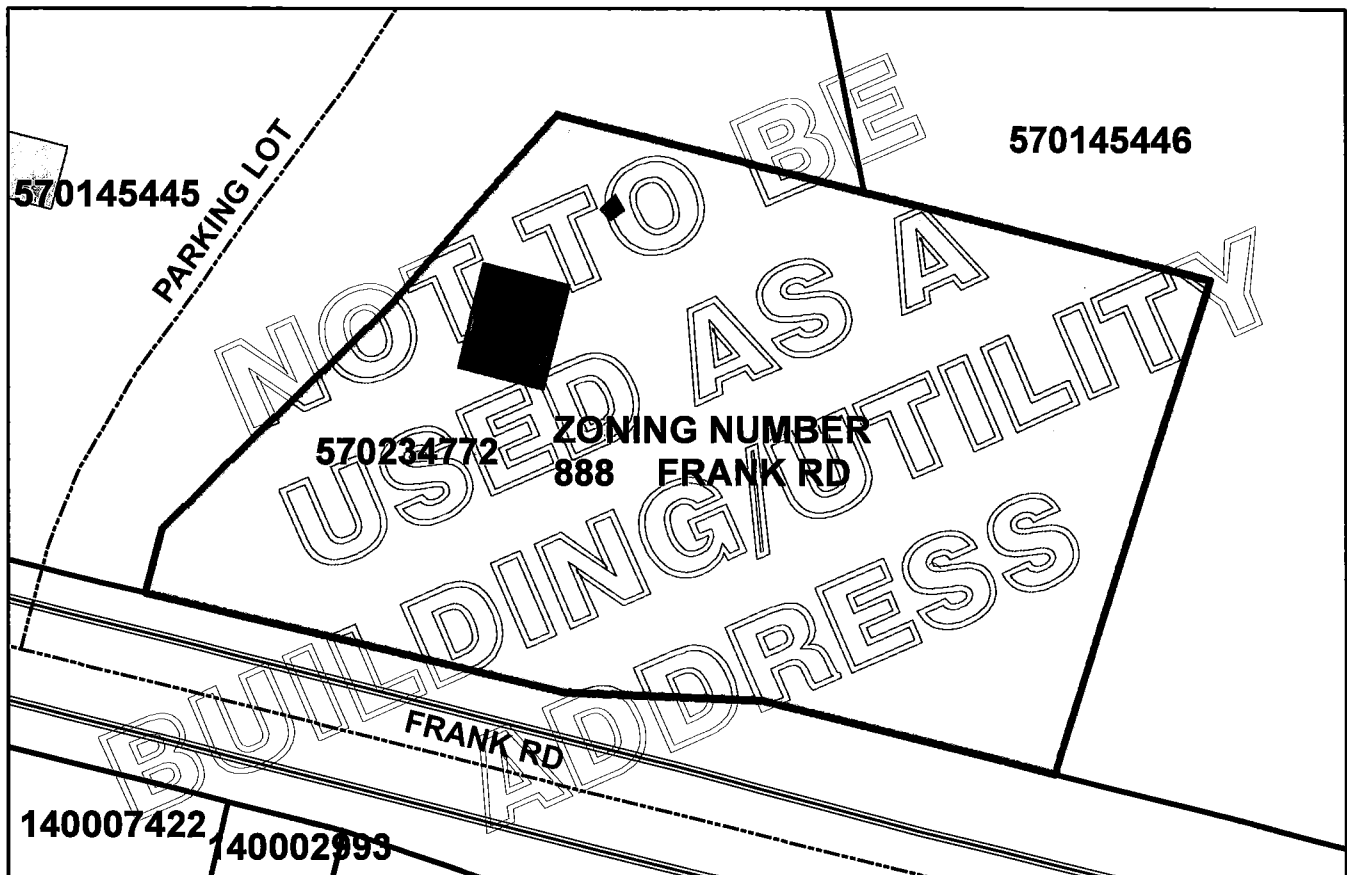
Street Name: FRANK RD

Lot Number : N/A

Subdivision: N/A

Requested By: COMEK LAW LLC (LAURA MACGREGOR COMEK)

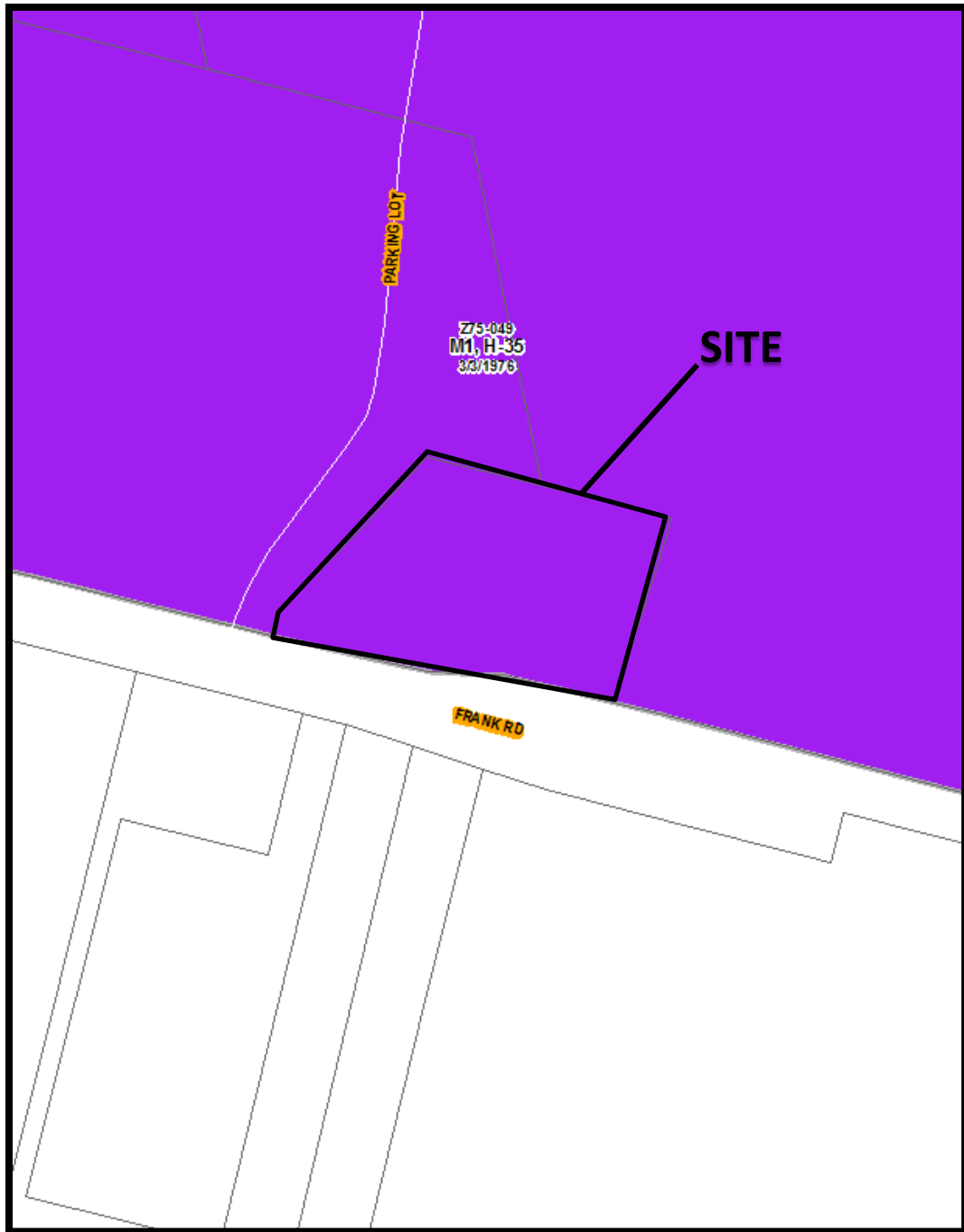
Issued By: *Laura Macgregor Comek* Date: 9/30/2015



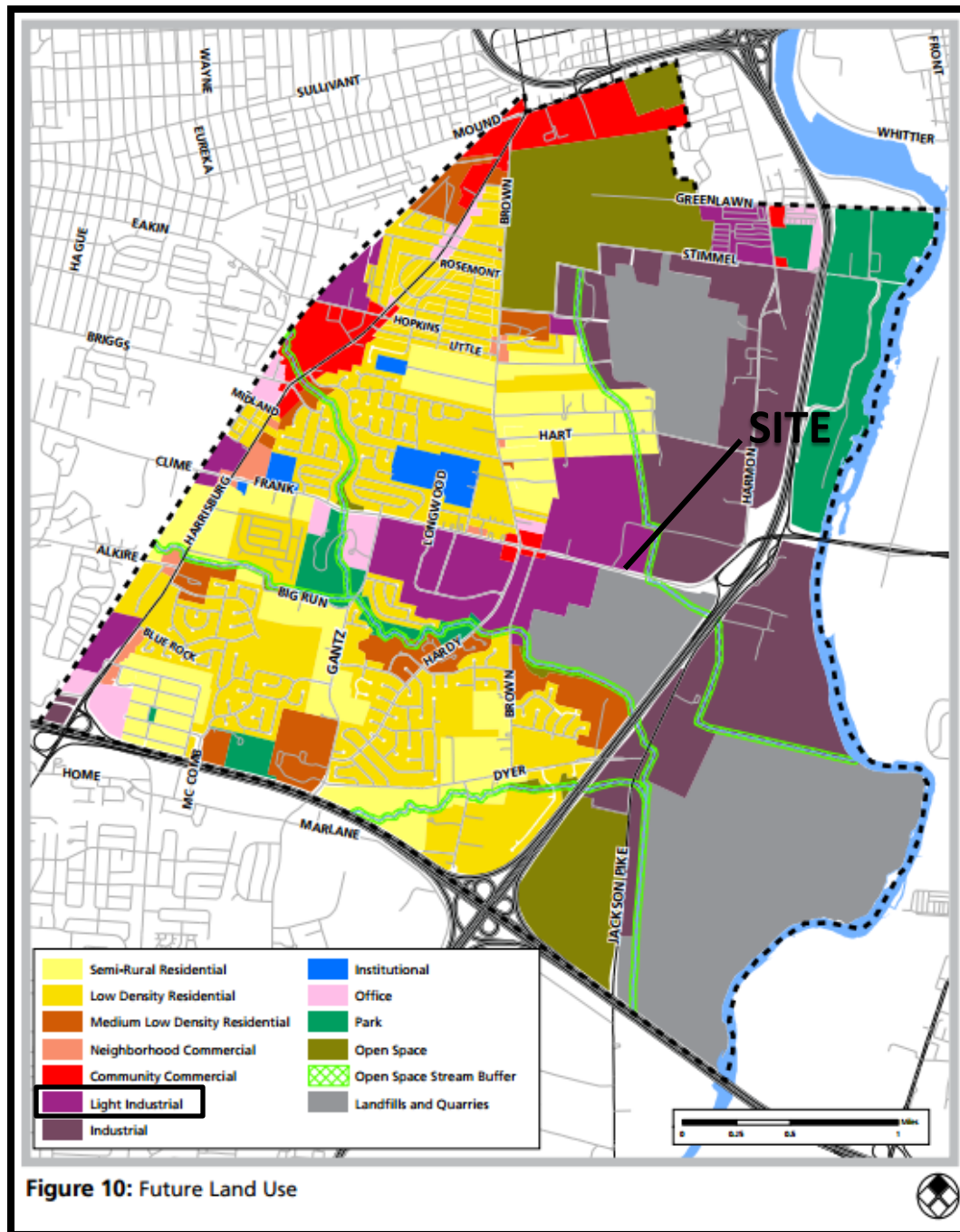
JAMES D. YOUNG, P.E., ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO

SCALE: 1 inch = 100 feet

GIS FILE NUMBER: 44915



CV15-060  
888 Frank Road  
Approximately 2.8 acres



CV15-060  
 888 Frank Road  
 Approximately 2.8 acres



CV15-060  
888 Frank Road  
Approximately 2.8 acres