

# Board of Zoning Adjustment Application

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

OFFICE USE ONLY

Application Number: BZA 15-079 Date Received: 7/7/15  
Application Accepted by: D. Reiss Fee: \$1,900<sup>00</sup>  
Commission/Civic: Star South  
Existing Zoning: LM  
Comments: 9/27/15

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

- Variance  Special Permit

Indicate what the proposal is and list applicable code sections:

We propose to install gravel surrounding a portion of the new service building as opposed to asphalt, per code section 3312.43. This area will serve as primary access to the service building for the company's large fleet of track based equipment, as the constant use of this equipment on an asphalt lot would quickly damage the asphalt.

**LOCATION**

Certified Address: 2329 Performance Way City: Columbus Zip: 43207

Parcel Number (only one required): 010-102565

**APPLICANT** (If different from Owner):

Applicant Name: Jon St. Julian, Columbus Equipment Company Phone Number: 614-437-0377 Ext.: \_\_\_\_\_

Address: 2323 Performance Way City/State: Columbus, Ohio Zip: 43207

Email Address: jstjulian@columbusequipment.com Fax Number: \_\_\_\_\_

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

Name: CEC Real Estate Performance LLC Phone Number: 614-437-0377 Ext.: \_\_\_\_\_

Address: 65 Kingston Ave City/State: Columbus, Ohio Zip: 43207

Email Address: jstjulian@columbusequipment.com Fax Number: \_\_\_\_\_

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

Name: CAROL SHEEHAN Phone Number: 614 628-0787 Ext.: \_\_\_\_\_

Address: 366 E. BROAD ST City/State: COLUMBUS, OHIO Zip: 43215

Email Address: csheehan@cpmlaw.com Fax Number: 614 221-0216

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

APPLICANT SIGNATURE: \_\_\_\_\_

PROPERTY OWNER SIGNATURE: \_\_\_\_\_ - Pres.

ATTORNEY / AGENT SIGNATURE: \_\_\_\_\_

**PLEASE NOTE: Incomplete information will result in the rejection of this submittal.**  
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Please make checks payable to the Columbus City Treasurer

# Board of Zoning Adjustment Application

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**BZA15-079**  
**2329 Performance Way**

**AFFIDAVIT**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jon St. Julian  
of (1) MAILING ADDRESS 2323 Performance Way, Columbus, Ohio 43207

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 2329 Performance Way, Columbus, Ohio 43207

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  
AND MAILING ADDRESS

(4) CEC Real Estate Performance LLC  
65 Kingston Ave  
Columbus, Ohio 43207

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

Jon St. Julian, Columbus Equipment Company  
614-437-0377

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

(5) Far South Columbus Area Commission  
Robin Watson  
3802 Higbee Dr. E, Columbus, Ohio 43207

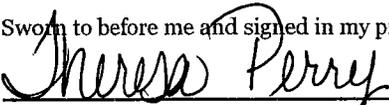
and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the 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
CEC Real Estate Performance LLC	2365 Performance Way	65 Kingston Ave. Columbus, OH 43207
CCG Crane Holdings LLC	2299 Performance Way	2299 Performance Way Columbus, OH 43207
Erlesa D McCoy	2655 S Cassady Ave	2655 S Cassady Ave. Columbus, OH 43207
CCG Crane Holdings LLC	2685 S Cassady Ave	2299 Performance Way Columbus, OH 43207
City of Columbus	2365 Refugee Rd	90 W Broad St Rm 425 Columbus, OH 43215

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

(8) SIGNATURE OF AFFIANT 

Sworn to before me and signed in my presence this 6 day of July, in the year 2015

  
(8) SIGNATURE OF NOTARY PUBLIC

9.23.18  
My Commission Expires

Notary Seal Here

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## EXHIBIT A

(6) Property Owner Name      (6a) Property Address      (6b) Property Owner Mailing Address

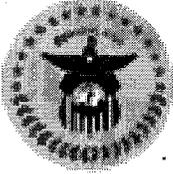
Elsie L Thomas                      2615 S Cassady Ave                      2615 S Cassady Ave Columbus, OH 43207

Lockbourne Properties LLC      2365 S. Refugee Rd                      2440 Lockbourne Rd Columbus, OH 43207

Mark S. and Karen R. Miller      2605 Cassady Ave                      M&T Bank/Reo DFW 5-4, 1 First

American Way Westlake, TX 76262

(please note that the applicant was  
unable to determine a mailing address  
for the owner, other than the bank  
address listed above.)



# CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

**BZA15-079**  
2329 Performance Way

## One Stop Shop Zoning Report Date: Thu Jul 9 2015

General Zoning Inquiries: 614-645-8637

### SITE INFORMATION

**Address:** 2329 PERFORMANCE WAY COLUMBUS OH 43207

**Mailing Address:** 65 KINGSTON AVE

COLUMBUS OH 43207

**Owner:** CEC REAL ESTATE PERFORMANCE LI

**Parcel Number:** 010102565

### ZONING INFORMATION

**Zoning:** Z90-159, Manufacturing, LM  
effective 4/1/1991, Height District H-35

**Board of Zoning Adjustment (BZA):** N/A

**Commercial Overlay:** N/A

**Graphic Commission:** N/A

**Area Commission:** Far South Columbus Area Commission

**Planning Overlay:** N/A

**Historic District:** N/A

**Historic Site:** No

**Council Variance:** N/A

**Flood Zone:** OUT

**Airport Overlay Environs:** N/A

### PENDING ZONING ACTION

**Zoning:** N/A

**Board of Zoning Adjustment (BZA):** N/A

**Council Variance:** N/A

**Graphic Commission:** N/A



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## STATEMENT OF HARDSHIP

APPLICATION #

**BZA15-079**

**2329 Performance Way**

**3307.09 Variances by Board.**

- A.** The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. Special circumstances or conditions apply to the subject property that do not apply, generally, to other properties in the same zoning district.
  2. The special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. The special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. The grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B.** In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.
- C.** Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

**I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:**

The owner of the referenced property is a dealer of large track-based construction equipment.

This new facility is a service building for this equipment, thus there will be a constant flow of equipment traffic around the facility. Our proposal to install a gravel area around the building will allow access to the building for this equipment, without damaging any asphalt pavement around the building. Other means of protection from the equipment are being utilized, such as installing railroad beams within the service building to protect the concrete slab from damage. If this area were to be constructed of asphalt, it would deteriorate at a much faster rate, as opposed to aggregate. This variance will not impact neighboring properties or be detrimental to the public interest, as there will be an asphalt parking lot area installed at the service building as well, which will service normal vehicular traffic.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Applicant \_\_\_\_\_



Date \_\_\_\_\_

7.6.15

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# 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: 010-102565

Project Name: COMMERCIAL BUILDING

House Number: 2329

Street Name: PERFORMANCE WAY

Lot Number: N/A

Subdivision: N/A

Work Done: NEW

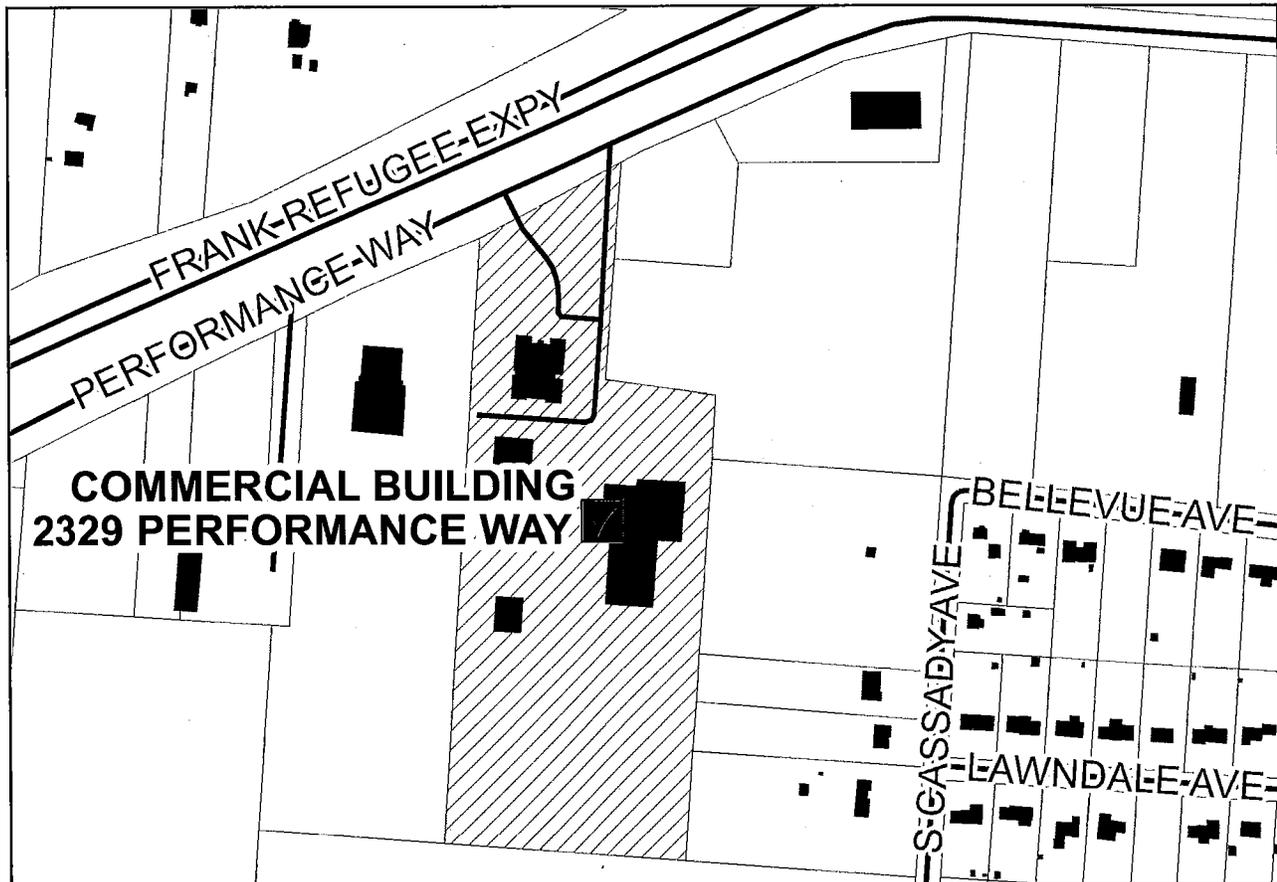
Complex: N/A

Owner: CEC REAL ESTATE PERFORMANCE LLC

Requested By: SITE ENGINEERING, INC. (MARK HAZEL)

Printed By: Cassandra Sampeur

Date: 5/14/2015



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

SCALE: 1 inch = 400 feet

GIS FILE NUMBER: 1631076



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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

**BZA15-079**  
**2329 Performance Way**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) JOSHUA T STIVISON  
of (COMPLETE ADDRESS) 2323 PERFORMANCE WAY COLUMBUS, OH 43207

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

CEC REAL ESTATE PERFORMANCE L.L.C. 2323 PERFORMANCE WAY COLUMBUS, OH 43207

SIGNATURE OF AFFIANT

*Joshua T. Stivison*

Sworn to before me and signed in my presence this 6 day of July, in the year 2015

*Theresa Perry*  
SIGNATURE OF NOTARY PUBLIC

9.23.18  
My Commission Expires

Notary Seal Here

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