



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: CV12-056 (12315-00000-00668)
Date Received: 11/5/12
Application Accepted By: S. Pine Fee: #945
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 288 Loxley Dr Zip 43207
Is this property currently being annexed into the City of Columbus Yes No
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010113813
 Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): R2

Recognized Civic Association or Area Commission: Far South Columbus Area Commission

Proposed use or reason for Council Variance request: convert 1 family dw into 3 family dwelling unit
Acreage: 0.137

APPLICANT: Name D+F Inc (Leroy Casto (owner) Betty Simpkins (Sec))
Address 3930 Evanston Rd City/State Col OH Zip 43232
Phone # 614 306 6401 Fax # _____ Email: Bsimpkins2003@yahoo.com

PROPERTY OWNER(S): Name D+F Inc Leroy Casto (owner)
Address 3930 Evanston Rd City/State Col Ohio Zip 43232
Phone # 614 306 6401 Fax # _____ Email: Bsimpkins2003@yahoo.com
 Check here if listing additional property owners on a separate page.

ATTORNEY/AGENT Attorney Agent
Name Betty Simpkins
Address _____ City/State _____ Zip _____
Phone # 614 306 6401 Fax # _____ Email: Bsimpkins2003@yahoo.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Betty Simpkins
PROPERTY OWNER SIGNATURE Leroy Casto by Betty Simpkins POA
ATTORNEY/AGENT 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.
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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:

See attached

Signature of Applicant

[Handwritten Signature]

Date

[Handwritten Date]

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Oct. 30, 2012

To Whom It May Concern;

I am writing this letter for my brother, Leroy Casto, owner of D&F Incorporated. D&F Incorporated owns properties that it rents to low income people. Leroy owns several houses in the south side of Columbus, some that were purchased as early as the 1950's. He always tries to make improvements to the properties to help make the community look better. Any time any of the tenants let us know there is a problem we try to get it taken care of as soon as we can. We want them to be proud of where they live so they in turn will want to help take care of the area they live in. Sometimes it works sometimes it doesn't but we still try. He has one lady that has rented from him for 30 years, and at least 4 others that have rented from him for 5 years, so that should let you know that he tries to keep his renters happy.

In 2010 Leroy purchased the property at 288 Loxley Dr. He hired people to help make the house livable because it had been empty for several years and needed a lot of work. It turned out costing a lot more than he ever thought but it is finally completed. The city inspectors did come out recently and check the property and did cite him for a few things that I have hired people to correct and those things should be completed this week.

He did make the property at 288 Loxley Drive a 3 family dwelling instead of a single family dwelling. He said the reason he wanted to do that was because of the neighborhood. He didn't want a family with children moving in there. That area has a lot of drug dealings going on and a lot of drug addicts in the area and he felt that children just shouldn't be growing up in that environment. He thought if he only rented to adults mostly just one person per unit it would be better for everyone. Some of the other single family dwellings that he rents we start out with a family and then slowly they move in other family members until the house is too crowded with people and cars. There is not a lot we can do about it as long as they pay their rent so we are just stuck with it.

If you would drive by the area you can see that we have tried to fix it up. We keep the grass mowed, we've painted and cleaned and wish that other people in the neighborhood would see that we try to keep the area looking good so maybe they may take pride in their areas and do the same.

If you will find in our favor and allow it to be a 3 family dwelling we will do everything in our power to keep it looking as good as we can.

Thank You,

Betty Simpkins
Leroy Casto's sister

CV12-056



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV12-056

STATE OF OHIO _____
COUNTY OF FRANKLIN _____

Being first duly cautioned and sworn (1) NAME Berry Sempkins
of (1) MAILING ADDRESS 4330 ...

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

(2) per CERTIFIED ADDRESS FOR ZONING PURPOSES 288 Loxley Dr
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) 11/5/12

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) 3930 ...

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

AREA COMMISSION OR CIVIC GROUP AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS (5) Fox Smith Columbus Area Commission

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)

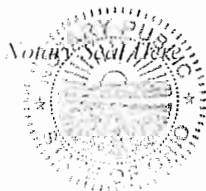
(7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT (8) Berry Sempkins

Subscribed to me in my presence and before me this 5th day of November, in the year 2012

SIGNATURE OF NOTARY PUBLIC (8) Shanthi McConnell

My Commission Expires: 3/2/2014



SHANTHI McCONNELL
Notary Public, State of Ohio
My Commission Expires 03-02-2014

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D & F Inc.
C/O Leroy Casto
3930 Evanston Rd
Columbus, OH 43232

Betty Simpkins
3930 Evanston Rd
Columbus, OH 43232

CV12-056

Far South Columbus Area Commission
C/O Mindi Hardgrow
4080 S. High St.
Columbus, OH 43207

SURROUNDING PROPERTY OWNERS

Marlene K Belcher
287 Southard Dr.
Columbus, OH 43207

Robert Kidd
33633 State Route 541
Walhonding, OH 43843

Jarrett Beveridge
P.O. Box 7728
Columbus, OH 43207

Judy Burnett
273 Southard Dr.
Columbus, OH 43207

Walter R and Kay Cattee
301 Southard Dr.
Columbus, OH 43207

Walter R and Violet Cattee
301 Southard Dr.
Columbus, OH 43207

Dida LLC
2192 Tremont Rd.
Columbus, OH 43221

Gorman Investments LLC
2625 Parsons Ave.
Columbus, OH 43207

Floyd Hensley
282 Loxley Dr.
Columbus, OH 43207



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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 # CV12-056

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Betty Simpkins

Of [COMPLETE ADDRESS] 3920 Swanton Rd Columbus, OH 43232

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 formats

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>OK</u>	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 9th day of November, in the year 2012

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Shantih McConnell
3/2/2012



Notary Seal Here SHANTIH McCONNELL
Notary Public, State of Ohio
My Commission Expires 03-02-2014

This Project Disclosure Statement expires six months after date of notarization.

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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: 010113812, 010113813

Zoning Number: 288

Street Name: LOXLEY DR

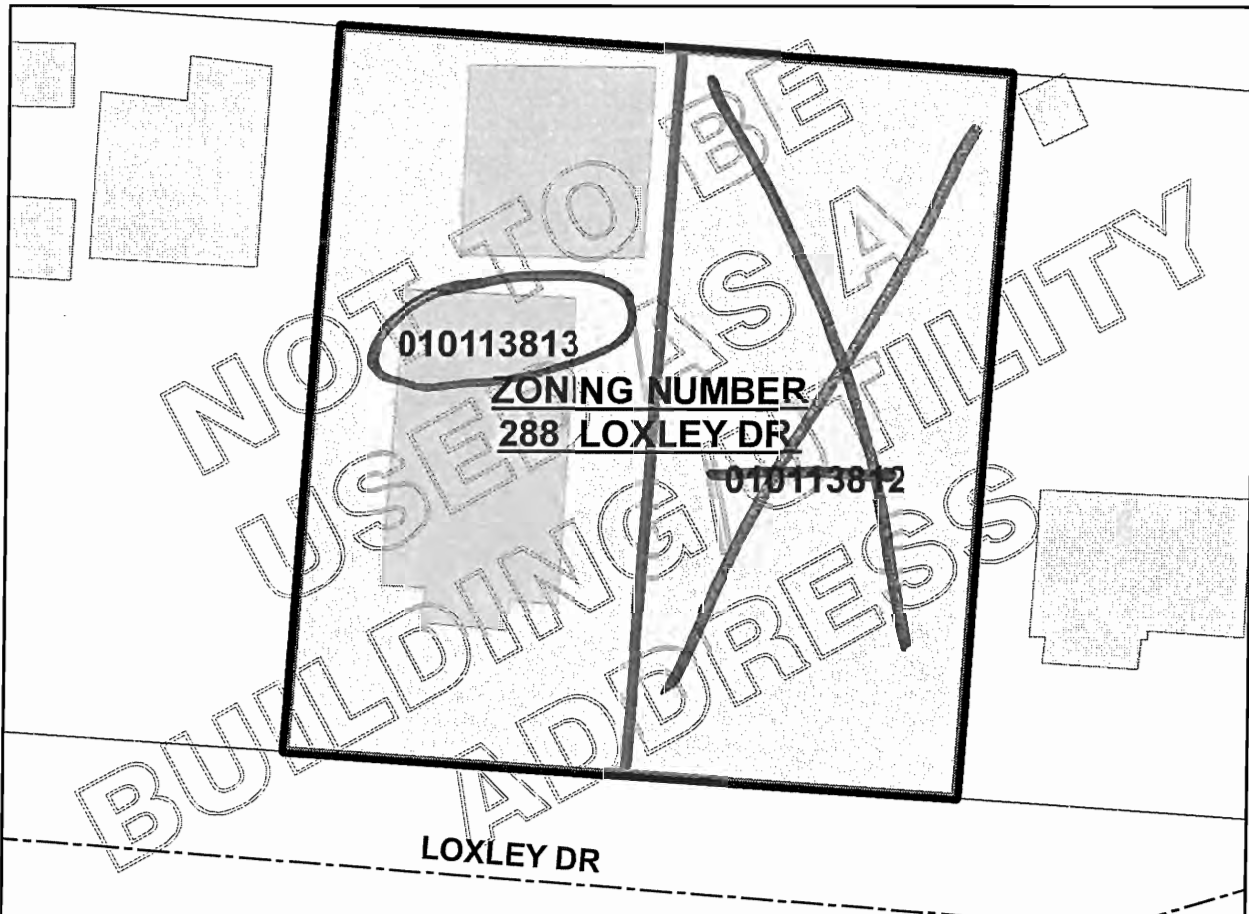
Lot Number: 8-9

SUBDIVISION: PARSONS SOUTH

Requested By: D & F (BETTY SIMPKINS)

Issued By: *Adyana Wharrior*

Date: 10/31/2012



SCALE: 1 inch = 30 feet

GIS FILE NUMBER: 11772



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

CV12-056

15195

Conveyance
Mandatory- 10.00
Permissive- 10.00 BD
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR

TRANSFERRED

AUG 26 2010

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO



201008260110286
Pgs: 2 \$28.00 T20100049023
08/26/2010 11:58AM BXVALLEY TITL
Robert G. Montgomery
Franklin County Recorder

GENERAL WARRANTY DEED

Emoreco, Inc., an Ohio corporation, for good and valuable consideration paid, hereby grants, with general warranty covenants, to D and F Corporation, an Ohio corporation, whose tax mailing address is 282 Southard Drive, Columbus, Ohio 43207, the following described real property:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being Lots Numbered Eight (8) and Nine (9) of Parsons South Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 16, Page 1, Recorder's Office, Franklin County, Ohio.

Parcel Nos. 010-113812 and 010-113813

Property Address: 288 Loxley Drive, Columbus, Ohio 43207

Prior instrument reference: Instrument No. 201007210092667

Said property is free and clear from all encumbrances whatsoever except taxes and assessments, if any, which shall be pro-rated to the date of recording of this deed, and except rights, reservations, restrictions, easements, and other conditions of record, if any.

Executed this 19th day of August, 2010

Emoreco, Inc., an Ohio corporation

By: James L. Long
James L. Long, Vice President

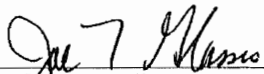
Prepared by: Thad T. Rieger, Esq., 5775 Perimeter Dr., Ste. 180, Dublin, OH 43017

CUIA-056

STATE OF OHIO }
 } SS:
COUNTY OF FRANKLIN }

Before me, a Notary Public in and for said County and State, personally appeared the above named James L. Long who is Vice President of Emoreco, Inc., an Ohio corporation, who acknowledged that he did sign the foregoing instrument and that the same was his free act and deed for and on behalf of said corporation.

IN TESTIMONY THEREOF, I have hereunto set my hand and official as of the 1st day of August, 2010.



Notary Public



JOE T. GLASSCO
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
August 20, 2011

502860
Valley Title & Escrow Agency, Inc.
5775 Perimeter Drive Suite 180
Dublin OH 43017



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: J DATE: 10/31/12



Disclaimer

Scale = 60

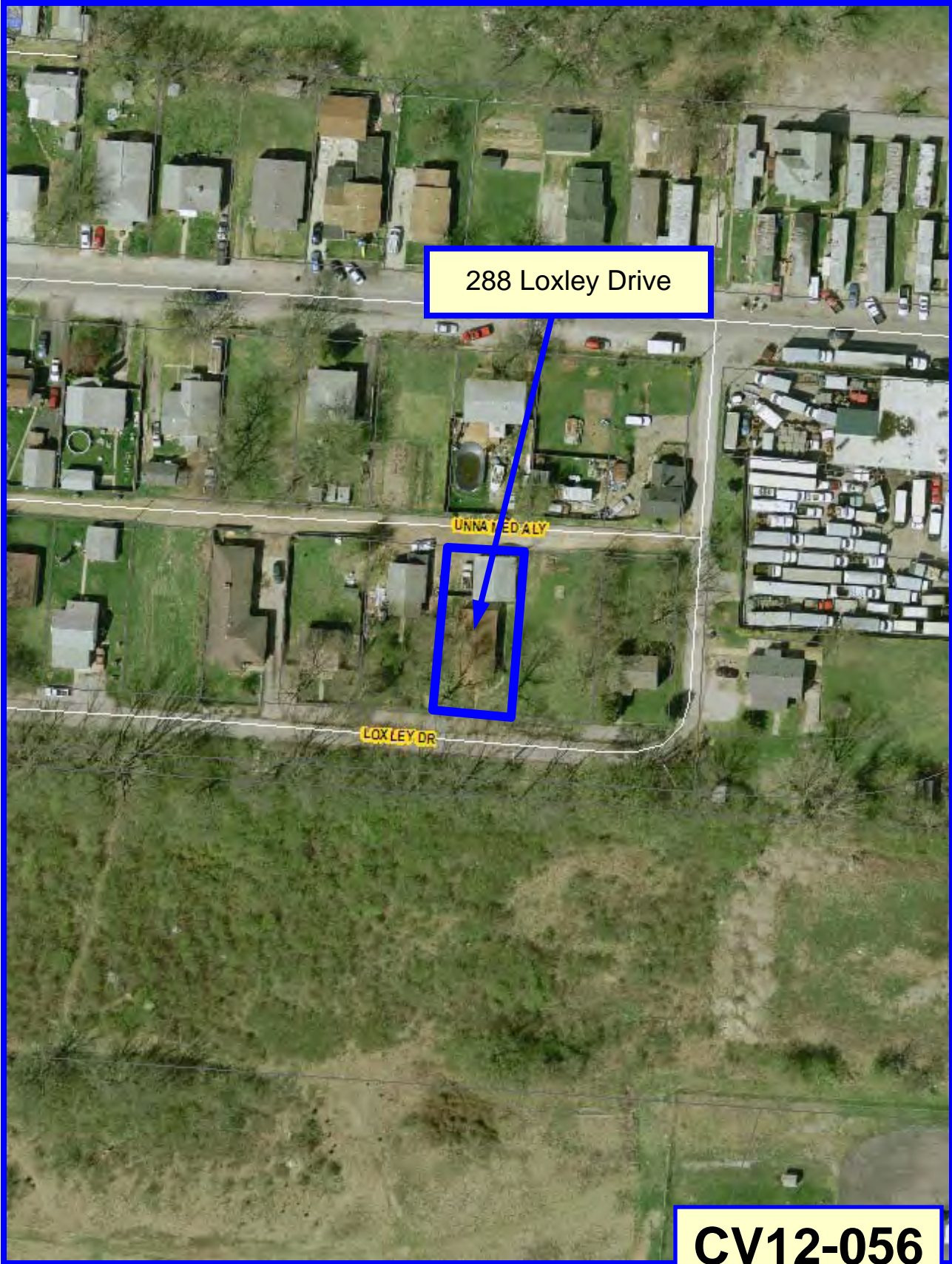


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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

CU12-056





288 Loxley Drive

UNNATED ALY

LOXLEY DR

CV12-056