



Legislation Text

File #: 0677-2005, Version: 2

Council Variance Application: CV05-002

APPLICANT: Danny D. Popp; 855 East Cooke Road; Columbus, OH 43224.

PROPOSED USE: Two-family dwelling.

NORTH LINDEN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting a Council variance to allow the construction of a two-family dwelling in the ~~R-1, Residential~~ **R, Rural** District. A variance is necessary because the ~~R-1, Residential~~ **R, Rural** District allows only single-family dwellings. A hardship exists because although the site is 1.54 acres, it is fairly narrow, and the low lying topography of the lot's southern half causes frequent saturation with water run-off from surrounding properties, preventing the site from being developed with two separate single family dwellings. The proposal will maximize the natural beauty of the site with tree preservation and a water feature, and is compatible with surrounding development.

To grant a Variance from the provisions of Sections ~~3332.03, R-1, Residential~~ **3332.02, R, Rural** District; and **3332.06, R-rural area district requirements**, of the Columbus City codes for the property located at **1157 EAST COOKE ROAD (43224)**, to permit a two-family dwelling **on a 1.54± acre lot** in the ~~R-1, Residential~~ **R, Rural** District (Council Variance # CV05-002).

WHEREAS, by application # CV05-002, the owner of the property at **1157 EAST COOKE ROAD (43224)**, is requesting a Variance to permit a two-family dwelling in the ~~R-1, Residential~~ **R, Rural** District; and

WHEREAS, Section ~~3332.03, R-1, Residential~~ **3332.02, R, Rural** District, permits only single-family dwellings, while the applicant proposes to construct a two-family dwelling; and

WHEREAS, Section **3332.06 R-rural area district requirements**, requires that a principal building shall be situated on a lot of no less than five (5) acres in area, while the applicant proposes to develop a two-family dwelling on a 1.54± acre lot; and

WHEREAS, the North Linden Area Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because although the site is 1.54 acres, it is fairly narrow, and the low lying topography of the lot's southern half causes frequent saturation with water run-off from surrounding properties, preventing the site from being developed with two separate single family dwellings. The requested Council variance will allow the construction of a two-family dwelling in the ~~R-1, Residential~~ **R, Rural** District. A variance is necessary because the ~~R-1, Residential~~ **R, Rural** District allows only single-family dwellings. The proposal will maximize the natural beauty of the site with tree preservation and a water feature, and is compatible with surrounding development; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **1157 EAST COOKE ROAD (43224)**, in using said property as desired and; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections ~~3332.03, R-1, Residential~~ **3332.02, R, Rural District; and 3332.06, R-rural area district requirements**, of the Columbus City codes for the property located at **1157 EAST COOKE ROAD (43224)**, insofar as said section prohibits a two-family dwelling **on a 1.54± acre lot**; said property being more particularly described as follows:

1157 EAST COOKE ROAD (43224), being 1.54± acres located at the southeast corner of East Cooke Road and Maize Road, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and in the Township of Clinton, and bounded a described as follows:

Being part of a 73.54 Acre tract conveyed by George C. Sturgeon, Receiver, to Ersel I. Poling, by deed bearing date of October 6, 1931, and recorded in D.B. 968, page 321, Recorder's Office, Franklin County, Ohio, and situated in Lot 9 of the Plat of Partition made by the Scioto Company of Quarter Township 1, Township 1, Range 18, U.S.M. Lands, and more particularly described as follows:

Beginning at the center line of the intersection of Maize Road and Cooke Road; thence with center line of Cooke Road, south 85 degrees 59' east 135.6 feet to a point; thence on a line parallel to Maize Road, south 4 degrees west 495 feet to an iron pipe (passing an iron pipe at 25 feet); thence north 85 degrees 59' west 135.6 feet to the center line of Maize Road, north 4 degrees east 495 feet to the place of beginning, containing 1.54 acres, more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a two-family dwelling, or those uses permitted in the R-1, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**DDP TWIN VILLAS**," drawn by DDP and Associates, dated March 31, 2005, and signed by Danny D. Popp, applicant. The Zoning Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the Zoning Site Plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned upon the applicant completing a right-of-way dedication of thirty (30) feet from the centerline of East Cooke Road and Maize Road prior to the issuance of Zoning Clearance for the proposed plan.

SECTION 6. That this ordinance is further conditioned upon the exterior wall construction materials for the proposed dwelling consisting of at least thirty (30) percent brick and/or stone.

SECTION 7. That this ordinance is further conditioned upon the heavy vegetation and existing trees along the east and south property lines being retained to provide screening, and in those areas where the existing vegetation and trees are less than 75% opaque, six (6) foot high wood privacy fencing will be provided subject to building line requirements.

SECTION 8. That this ordinance is further conditioned upon the building setback from East Cooke Road being 20 feet beyond the rear façade of the adjacent dwelling at 1163 East Cooke Road.

SECTION 7.9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.