



Legislation Text

File #: 1321-2021, **Version:** 2

Rezoning Application Z21-023

APPLICANT: Melissa Bryant; 6515 Cloverlawn Circle; Canal Winchester, OH 43110.

PROPOSED USE: An above-ground swimming pool for an existing single-unit dwelling.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (5-0) on May 13, 2021.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 0.15± acre site consists of one parcel developed with a single-unit dwelling zoned in the L-R-2, Limited Residential District. The requested R-2, Residential District will permit an above-ground swimming pool as an accessory use to the single-unit dwelling. Rezoning is necessary because the current L-R-2 district which was established in 1993 prohibits above-ground swimming pools. That limitation text also prohibits antennas and satellite dishes, and requires minimum home sizes for the subdivision. The request is supported because the principal use will not change, and as the home is already constructed, it meets the minimum size established by the limitation text. It is staff's preference that restrictions for features such as swimming pools or satellite dishes be established by deed restrictions rather than as zoning limitations. Although such conditions are no longer accommodated in rezoning ordinances, there remain older zoning districts that still include them.

To rezone **6515 CLOVERLAWN CIR. (43110)**, being 0.15± acres located on the west side of Cloverlawn Circle, 170± feet south of Winchester Highlands Drive, **From:** L-R-2, Limited Residential District, **To:** R-2, Residential District (Rezoning #Z21-023) **and to declare an emergency.**

WHEREAS, application #Z21-023 is on file with the Department of Building and Zoning Services requesting rezoning of 0.15± acres from the L-R-2, Limited Residential District, to the R-2, Residential District; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the Greater South East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because the requested R-2, Residential District will remove antiquated imitations of the existing zoning to allow an above ground swimming pool for an existing single-unit dwelling;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to secure the deposit and to avoid delaying installation for the immediate preservation of the public peace, property, health and safety; now therefore:

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

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed

February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

6515 CLOVERLAWN CIR. (43110), being 0.15± acres located on the west side of Cloverlawn Circle, 170± feet south of Winchester Highlands Drive, and being more particularly described as follows:

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

Being Lot Number Fifty Six (56), in WINCHESTER HIGHLANDS, SECTION 1, PART 2, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 80, Pages 6 and 7, Recorder's Office, Franklin County, Ohio.

To Rezone From: L-R-2, Residential District,

To: R-2, Residential District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the R-2, Residential District on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Department of Building and Zoning Services.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**