



## Legislation Text

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**File #:** 18-809, **Version:** 1

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**Subject:**

Request for waiver of required masonry wall for townhouse development located at 135 Center Street S (Cadence on Center).

**EXPLANATION AND SUMMARY :**

Town Code Sec. 18-172.A. requires that all land zoned C-1, C-1A, C-2, RM-2, RTH or CM, on which an industrial, commercial, townhouse, or multifamily housing use is conducted, be screened from all adjacent property in any detached residential zone by a masonry wall constructed of brick or other ornamental masonry to a minimum height of six feet.

Per Sec. 18-172.B., Town Council may waive or modify any masonry wall or walls requirement if, in the judgment of Council, equivalent protection of such adjacent or nearby residential property against loss of privacy, trespass, and intrusion of noise or trash can be achieved by evergreen planting, fencing, or a combination of such planting and fencing.

John Sekas of Sekas Homes seeks a waiver of the requirement to build a 200-foot long masonry wall to separate the new townhouse development at 135 Center Street S - zoned RM-2, multifamily, low density - from the two neighboring single-family homes zoned RS-10, single-family, detached residential. Mr. Sekas has already installed a six-foot tall wooden fence between the properties. That fence runs along the property line and would remain in place.

Instead of the 200-foot wall in the approved plan, Mr. Sekas proposes to build a 45-foot long masonry wall and substitute additional evergreen trees to provide screening and noise abatement. The shorter masonry wall is necessary to protect neighboring homes from automobile lights in the townhouse drive aisle. The revised plan calls for 30 trees of 8 - 10 feet in height.

The Planning Commission voted 5-4 (Basnight, Cole, Couchman, and Miller opposed) to recommend approval of the waiver request. The Planning Commission heard testimony from the two neighbors directly abutting the townhouse development.

**Departmental Recommendation :** Recommend waiver of required masonry wall for townhouse development located at 135 Center Street S.

**Finance Recommendation :** N/A

**Purchasing Recommendation :** N/A

**Town Attorney Recommendation :** Town Council may waive or modify the requirement for a masonry wall, pursuant to Town Code Section 18-172 "if in the judgment of the council such wall or walls would not protect the residential property against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, attributable to activities conducted on any adjacent transitional

parking lot, parking lot in a transitional zone or on adjacent land zoned C-1, C-1A, C-2 RM-2, RTH or CM; or in the judgment of the council, equivalent protection of such adjacent or nearby residential property against loss of privacy, trespass and intrusion of noise and trash can be achieved by evergreen planting, fencing or a combination of such planting and fencing; and provided further, that prior to the meeting at which such waiver of any masonry wall is to be considered, the planning commission and the council shall give written notice of same to the occupants of all property adjacent to and across the street from the property to which such waiver would apply.”

**Town Manager's Recommendation** : I recommend the Town Council approve of the wall waiver that would reduce its height to 45 feet as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

**PROPOSED/SUGGESTED MOTION**

"I move to approve/deny/modify the request for a wall waiver at 135 Center Street South that, instead of the 200-foot wall in the approved plan, would allow Mr. Sekas to build his proposed 45-foot long masonry wall and substitute additional evergreen trees to provide screening and noise abatement, which, in the revised plan calls for 30 trees of 8 - 10 feet in height.”

Or

Other action deemed necessary by Council.