BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MAY 15, 2023

CASE 1

Property Address:	**25 Park Road**
Property Owner:	**Mark Whitney & Janet Whitworth**
Request:	**Special Use Permit request for Accessory Structure in Rear Yard**
Site Visit:	**2:30 PM – Monday, May 15, 2023**

Background

The property owners request permission to install a retaining wall in the rear yard as part of an overall landscaping plan renewal. The retaining wall requires permission from the Board of Adjustment for a special use as an accessory structure. The proposed wall is 2 feet tall and 70 feet long and will be constructed of aged fieldstone. The proposed wall is in the rear yard and complies with setbacks.

Special Use Permit Requirements

Section 153.049 (attached) of the Town's Zoning Ordinance regulates fences, gates, and walls as accessory structures. The ordinance requires approval by the Board of Adjustment before new walls may be constructed. These new walls must meet the following requirements:

153.049 (A) New fences, gates or walls may be approved by the Board of Adjustment as a special use, so long as the gate, fence or wall meets the following requirements.

(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required to the extent necessary.