Administrative Amendment Request – Budd Law Group at 352 East Charles St

DATE: August 18, 2017
FROM: Jay Camp

Budd Law Group received zoning approval for the site at 352 East Charles Street in November 2016. The engineer who is now designing the site has discovered that the location of the railroad right-of-way was incorrectly shown on the rezoning plan. The effect of this error means that the entire site plan must shift back about 13’ further from East Charles than originally planned. The overall change to the site means that instead of the rear parking lot and detached garage being about 53’ from the rear residentially zoned lot, they are now at the 40’ rear yard.

The original site plan is attached for reference although the applicant has provided a new site plan that indicates the original location of the railroad right-of-way in red. The only other minor change is that the garage is now located partially beside the last row of parking instead of at the rear of the spaces.

Proposed Solution
It is not possible to build on the property as currently approved due to the location of the railroad right-of-way. Staff supports the Administrative Amendment as it allows the development to be constructed with the original envisioned layout. The 40’ rear yard that is show represents the minimum allowed by code thus the site conforms to the rear yard standards in the UDO.

If Planning Board wishes to approve the request, it should be conditioned on successful reaffirmation of a zoning variance via the Board of Adjustment. The Board of Adjustment previously granted a variance to a 29’ maximum build-to line in the Downtown Streetscape Plan. That variance allowed the building to be constructed no more than 3’ behind the railroad right-way. Now that there is a new site plan, the Board must review the request again and will do so on September 7th.

Related Town Goal(s) and/or Strategies:
Quality of Life
Economic Development/Land Use Planning

Recommended Motion/Action:
Approve Administrative Amendment for site plan change at 352 E. Charles Street pending the approval of a variance by the Board of Adjustment.
August 2, 2017

Jay Camp, AICP
Senior Planner
Planning and Development
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

RE: Administrative Amendment Request for Budd Law Group Office Building
352 East Charles Street, Matthews, North Carolina

Jay,

On Behalf of The Budd Law Group, PLLC, please accept this formal request for an administrative amendment to approved rezoning case 2016-648, which was initially approved on November 14, 2016.

A few needed variances were granted with the approved rezoning. In particular, a variance, to permit the front setback to be within three feet of the 200’ CSX railroad right-of-way (100’ from centerline of track) in lieu of the required streetscape setback, was approved for the site.

In developing engineered construction documents for the site, we have determined that the 200’ railroad right-of-way line, as presented on the rezoning site plan, was shown in an incorrect location. The actual location is approximately thirteen-feet further into the parcel than previously shown. As such, the proposed building will need to shift accordingly as it would be unbuildable within the exact location presented on the rezoning site plan given the CSX right-of-way.

Please note, we are not proposing to deviate from the approved variance of setting the proposed building within three-feet of the CSX right-of-way, but wanted to clear up the previous discrepancy of its location relative to the site. We are still proposing the building be placed one-foot behind the CSX right-of-way.

In viewing the attached site plan, you can see the proposed building location relative to the location erroneously presented on the rezoning site plan. Note, the shift appears greater at the rear of the site than at the front because we have designed parking bays and aisles to meet the Town of Matthews standards; whereas, that level of design was not incorporated.
into the site layout shown in the previous documentation. Notwithstanding, the proposed
development does not encroach into the required rear setback.

Thank you for working with us to address this discrepancy prior to our forthcoming
submittal for a Site Plan Approval. If you have any questions or need further detail or
explanation in support of this request, please feel free to contact me at 704.333.3122.

Sincerely,

Jeffrey I. Smith, PE
PROJECT SUMMARY

PROJECT LOCATION: 352 E CHARLES ST.
MATTHEWS, NC 28105

OWNER(S): PRESSLEY, JUDY L
PRESSLEY, JERRY W
PRESSLEY, LYNN

APPLICANT: LAURA BUDD

CURRENT ZONING: RESIDENTIAL, R-12

PROPOSED ZONING: OFFICE - O (CD)

EXISTING USE: SINGLE FAMILY RESIDENCE

PROPOSED USE: PROFESSIONAL OFFICE

SUMMARY REQUEST

The applicant requests a rezoning of the existing property from Residential - R-12 to Office - O (CD). An addition will be constructed on the rear of the existing building and the property will be used as legal offices for The Budd Law Group.

SUMMARY OF PROPOSED CONDITIONS

The existing single family residence is 1,177sf, was built in 1947 and has a shingled roof with a gable at each end. The existing house has a detached garage and a large yard with a garden at each side.

The applicant proposes to remove the existing residence as it will not serve to function as an office due to building size, The Americans with Disabilities Act, available electric service, and existing mechanical unit size and efficiency.

The new structure will contain 3,150sf on the ground floor and a 1,000sf second story loft area. The architectural style of the new structure will be residential in nature and scale.

There will be a new 18'-0" concrete access drive to the parking area in the rear of the building. There will be 13 parking spaces, one of which is handicap accessible.

There will be an ADA compliant ramp on the north side of the building.

All uses in Office are allowed.

Lot Size: 0.57 Acres
Parcel ID: 21501408
Required Parking: 10 Spaces
Proposed Parking: 13 Spaces

REQUIRED SETBACKS:

Front: 19'-0" Minimum
29'-0" Maximum

Side: 8'-0" Minimum

Rear: 40'-0" Minimum

NOTE: There is a CSX Right of Way setback of +/- 48'-0" from the front property line as noted on the site plan. Exact location of setback to be verified by surveyor.

NEW 4' WALKWAY TO CONNECT TO PUBLIC SIDEWALK

ALL UNDISTURBED TREES TO BE SAVED

LANDSCAPE BUFFER: 8'-0"

PROVIDE NEW OAK TREE AS PER CITY REQUIREMENTS

1:10 RAMP

CSX RAILWAY RIGHT OF WAY SETBACK: +/- 48'-0"

LANDSCAPE BUFFER: 8'-0"

CONCRETE ACCESS DRIVE

NEW 3,058 SF OFFICE BUILDING W/ 960 SF ADDITIONAL LOFT

46'-0"

21'-4"

62'-0"

65'-2"

1'-0"

2-CAR GARAGE

23'-4"

25'-4"

The Budd Law Group
Offices
352 E Charles St.
Matthews, NC 28105

Revisions

No. Date
11/3/16

Revised
2016-648

11/03/2016

PROPOSED SITE PLAN

Drawn: 2016.30
Checked: 11/3/16
Date: RZ-2

Project #: 2016.30