

## **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 7<sup>th</sup>.

### **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

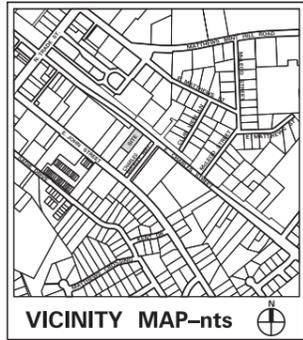
● Page 2

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.

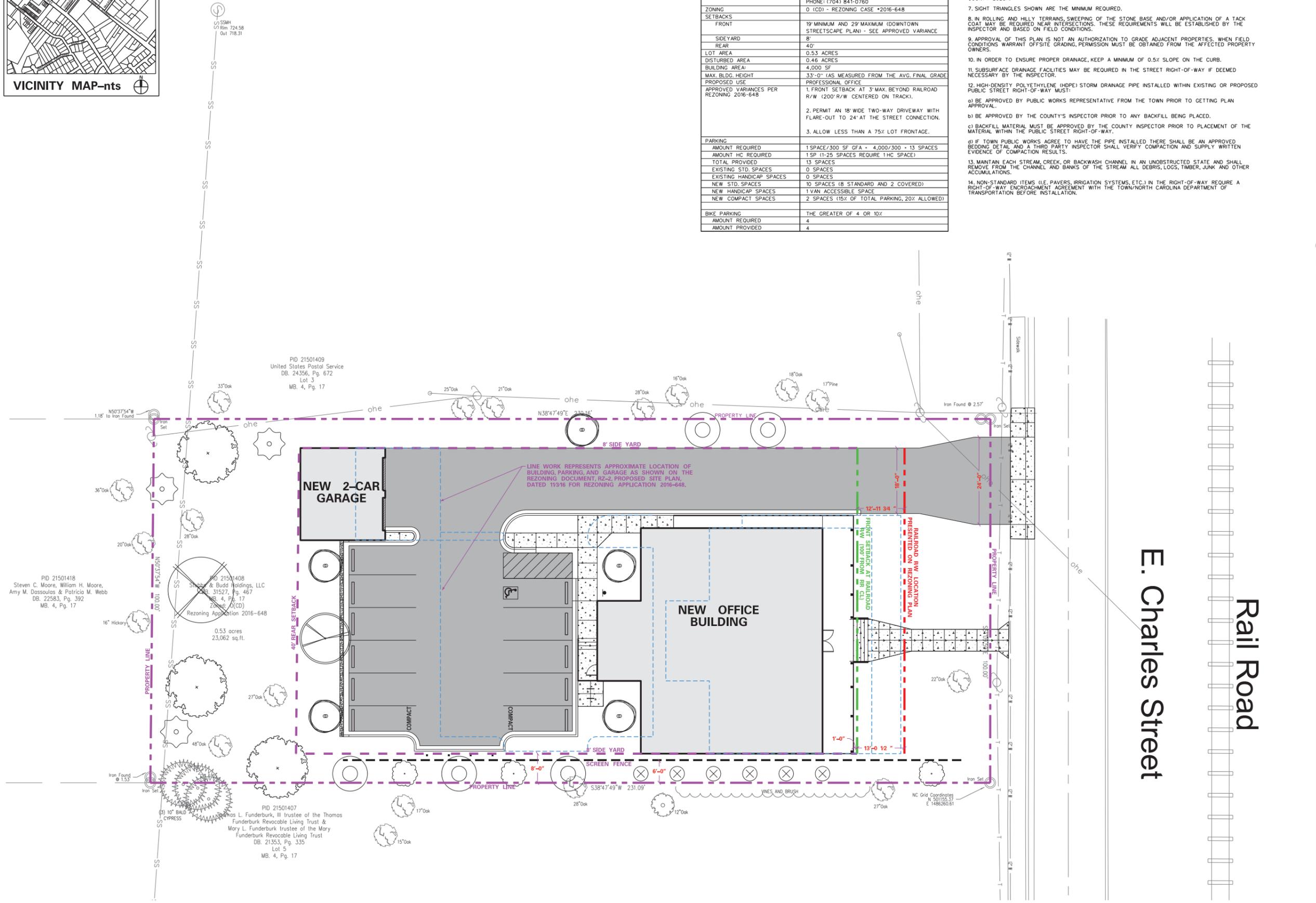
Sincerely,

Jeffrey I. Smith, PE



SITE DEVELOPMENT DATA	
PARCEL ID *	21501408
SITE PHYSICAL ADDRESS	352 E. CHARLES ST, MATTHEWS NC 28105
OWNER AND MAILING ADDRESS	STUBBS AND BUDD HOLDINGS LLC 10550 INDEPENDENCE POINT PKWY SUITE 301 MATTHEWS, NC 28105
OWNER CONTACT INFORMATION	Laura H. Budd EMAIL: lbudd@thebuddlawgroup.com PHONE: (704) 841-0760
ZONING	O (CD) - REZONING CASE #2016-648
SETBACKS	
FRONT	19' MINIMUM AND 29' MAXIMUM (DOWNTOWN STREETSCAPE PLAN) - SEE APPROVED VARIANCE
SIDEYARD	8'
REAR	40'
LOT AREA	0.53 ACRES
DISTURBED AREA	0.46 ACRES
BUILDING AREA	4,000 SF
MAX. BLDG. HEIGHT	33'-0" (AS MEASURED FROM THE AVG. FINAL GRADE)
PROPOSED USE	PROFESSIONAL OFFICE
APPROVED VARIANCES PER REZONING 2016-648	1. FRONT SETBACK AT 3' MAX. BEYOND RAILROAD R/W (200' R/W CENTERED ON TRACK). 2. PERMIT AN 18' WIDE TWO-WAY DRIVEWAY WITH FLARE-OUT TO 24' AT THE STREET CONNECTION. 3. ALLOW LESS THAN A 75% LOT FRONTAGE.
PARKING	
AMOUNT REQUIRED	1 SPACE/300 SF GFA = 4,000/300 = 13 SPACES
AMOUNT HC REQUIRED	1 SP (1-25 SPACES REQUIRE 1 HC SPACE)
TOTAL PROVIDED	13 SPACES
EXISTING STD. SPACES	0 SPACES
EXISTING HANDICAP SPACES	0 SPACES
NEW STD. SPACES	10 SPACES (8 STANDARD AND 2 COVERED)
NEW HANDICAP SPACES	1 VAN ACCESSIBLE SPACE
NEW COMPACT SPACES	2 SPACES (15% OF TOTAL PARKING, 20% ALLOWED)
BIKE PARKING	THE GREATER OF 4 OR 10%
AMOUNT REQUIRED	4
AMOUNT PROVIDED	4

- GENERAL NOTES:**
1. ALL EXPANSION JOINTS ARE TO BE SEALED. REFER TO SPECIFICATIONS.
  2. ALL DIMENSIONS ARE TO FACE OF CURB OR TO FINISHED FACE OF BUILDING UNLESS OTHERWISE NOTED.
  3. ALL CURB RADIUS SHALL BE 3'-0" UNLESS OTHERWISE NOTED.
  4. NO PAVEMENT STRIPING SHALL OCCUR UNTIL PAVING HAS CURED 30 DAYS.
  5. COORDINATE ALL CURB AND STREET GRADES IN INTERSECTION WITH INSPECTOR.
  6. ALL ROAD IMPROVEMENTS AT E. CHARLES STREET ARE TO BE COORDINATED WITH THE TOWN AND COUNTY LUESA.
  7. SIGHT TRIANGLES SHOWN ARE THE MINIMUM REQUIRED.
  8. IN ROLLING AND HILLY TERRAINS, SWEEPING OF THE STONE BASE AND/OR APPLICATION OF A TACK COAT MAY BE REQUIRED NEAR INTERSECTIONS. THESE REQUIREMENTS WILL BE ESTABLISHED BY THE INSPECTOR AND BASED ON FIELD CONDITIONS.
  9. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
  10. IN ORDER TO ENSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURB.
  11. SUBSURFACE DRAINAGE FACILITIES MAY BE REQUIRED IN THE STREET RIGHT-OF-WAY IF DEEMED NECESSARY BY THE INSPECTOR.
  12. HIGH-DENSITY POLYETHYLENE (HDPE) STORM DRAINAGE PIPE INSTALLED WITHIN EXISTING OR PROPOSED PUBLIC STREET RIGHT-OF-WAY MUST:
    - a) BE APPROVED BY PUBLIC WORKS REPRESENTATIVE FROM THE TOWN PRIOR TO GETTING PLAN APPROVAL.
    - b) BE APPROVED BY THE COUNTY'S INSPECTOR PRIOR TO ANY BACKFILL BEING PLACED.
    - c) BACKFILL MATERIAL MUST BE APPROVED BY THE COUNTY INSPECTOR PRIOR TO PLACEMENT OF THE MATERIAL WITHIN THE PUBLIC STREET RIGHT-OF-WAY.
  13. MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
  14. NON-STANDARD ITEMS (I.E. PAVERS, IRRIGATION SYSTEMS, ETC.) IN THE RIGHT-OF-WAY REQUIRE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE TOWN/NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BEFORE INSTALLATION.



**MOSELEY ARCHITECTS**  
 11430 NORTH COMMUNITY HOUSE ROAD GIBSON BUILDING SUITE 225  
 CHARLOTTE, NC 28277  
 PHONE (704) 540-3755 FAX (704) 540-3754  
 MOSELEYARCHITECTS.COM

**SITE PLANNING EXHIBIT NOT FOR CONSTRUCTION**

**BSDE**  
**BULLA SMITH DESIGN ENGINEERING**  
 NC Certificate of License C-3232  
 1347 Harding Place Suite 201  
 Charlotte, NC 28204  
 ©2014, 2017, 2018

**BUDD LAW GROUP OFFICE**  
**STUBBS & BUDD HOLDINGS, LLC**  
 352 EAST CHARLES STREET, MATTHEWS, NC

PROJECT NO.	DATE
570855	8/22/17
REVISIONS	DESCRIPTION

**PROPOSED SITE PLAN**

**SP 1**

PA\2017\2017.23 Budd Law Group Office\CADD Files\PROPOSED SITE PLAN.dgn 02-AUG-2017 16:41



STUBBS | ARCHITECTURE  
richard@stubbsarchitecture.com  
407-782-4482

GENERAL NOTES:  
1. EXISTING SITE CONDITIONS ARE BASED ON THE SURVEY PREPARED BY Q.N. HUNEYCUTT: L-1103 - DATED 9/28/04.

Original Rezoning Plan

**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

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**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.

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**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 wood siding with a brick base.

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.

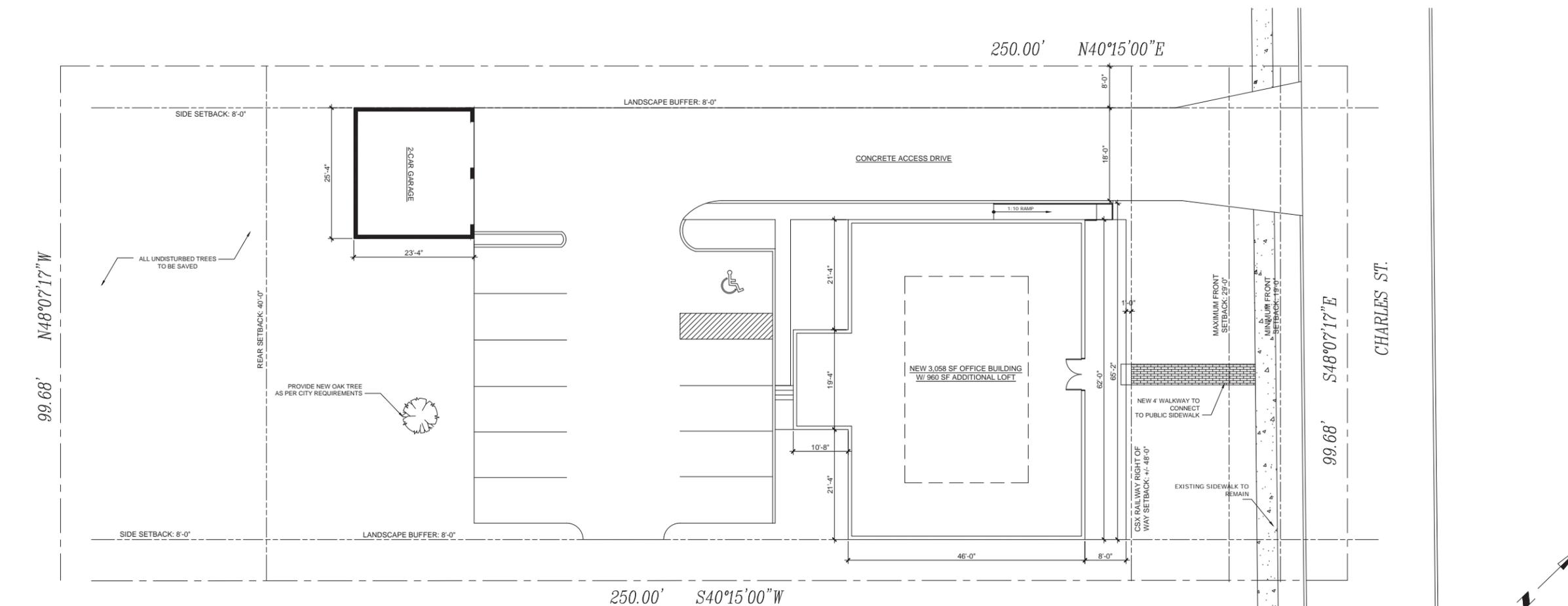
There will be an ADA compliant ramp on the north side of the building.

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  
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.

Side: 8'-0" Minimum  
Rear: 40'-0" Minimum



1 SITE PLAN

SCALE: 3/32" = 1'-0"

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

Revisions

No.	Description	Date

PROPOSED SITE PLAN

Drawn:  
Checked:  
Date: 11/3/16

**RZ-2**

Project #: 2016.30