



## Public Improvement Variance – Rice Road Subdivision

**DATE: November 14, 2016**

**FROM: Mary Jo Gollnitz, Planner II**

Bobbie Fisher is subdividing a  $\pm 6.583$  acre tract of land along Rice Road. The property is zoned R-15 and the minor subdivision is being developed by right. The property is owned by Rice Road LLC. The applicant is requesting a Public Improvement Variance to waive the installation of curb and gutter along Rice Rd. Section 155.707.A.6 states that a developer must construct all the public improvements within the street right-of-way.

The developer proposes to install a meandering sidewalk within a 20' frontage buffer of the subject property. Rice Road is a town maintained road, generally 2 narrow lanes with no shoulders. Curb and gutter are not currently installed continuously along Rice Road, but exist where each subdivision has been developed since the 1980's. A map of the area is attached. The property owner and developer wish to keep as many trees as possible along Rice Road and provide a natural buffer for the future homeowners.

Along this side of Rice Rd to the west of the subject property towards Sam Newell Rd, it is approximately 1300 feet to where sidewalk and curb and gutter occur (Annecy II subdivision). To the northeast, there are no road improvements until the intersection of Idlewild Rd. Across the street from the subject property, there is sidewalk the entire length of the street, with intermittent curb and gutter along Annecy, Jessica Park, South Windsor, Southwoods, and Julian Meadows subdivisions.

Public Works Director CJ O'Neill does not recommend approval of the variance request. All other subdivisions along Rice Road have installed curb and gutter as well as widened pavements. His comments are attached.

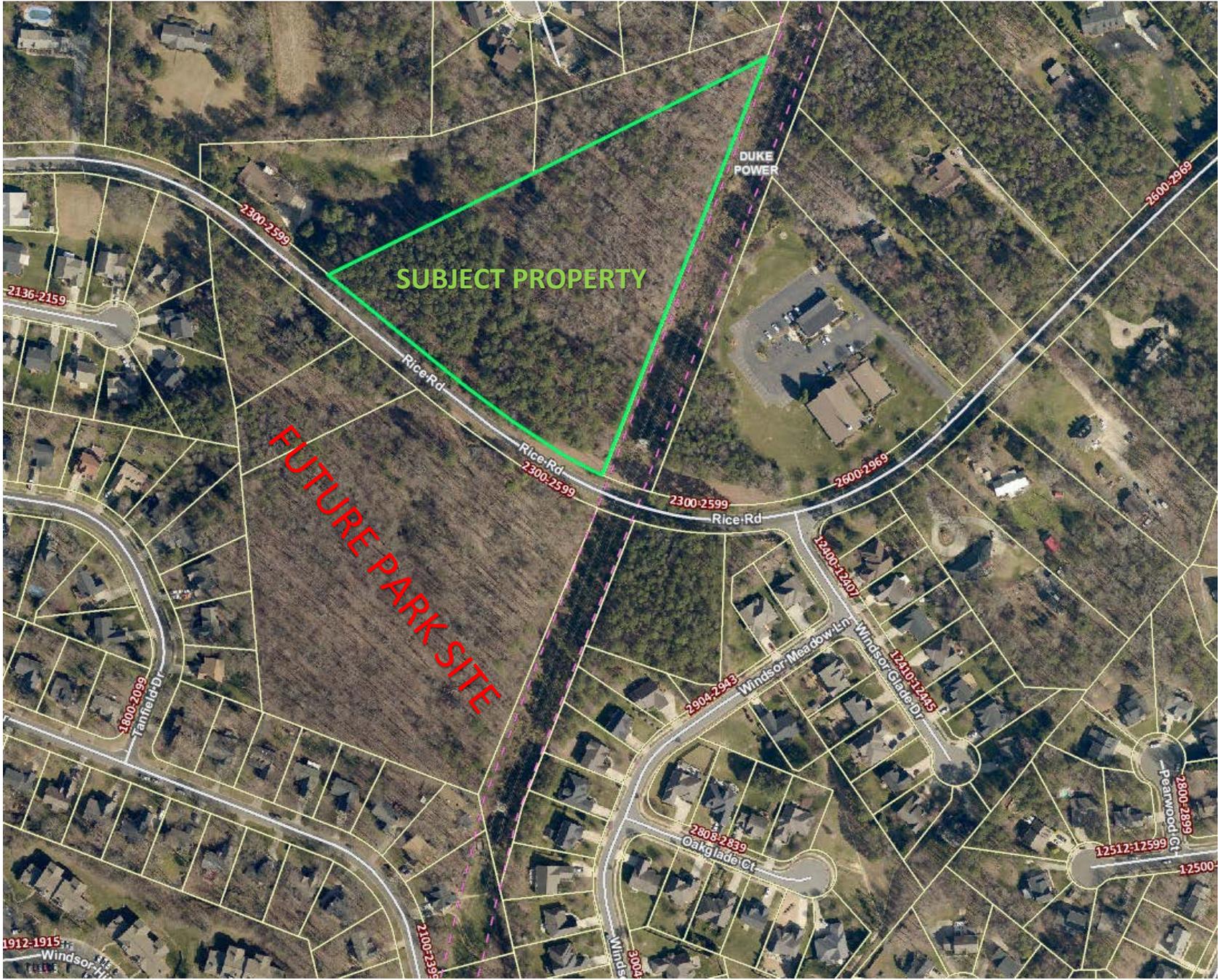
Matthews Unified Development Ordinance Section 155.712.A directs the Planning Board to determine if unnecessary hardships or practical difficulties may result from the strict compliance of the regulations. The Planning Board needs to receive evidence on the following criteria to recommend a variance to required public improvements:

1. The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or
2. The difficulty or hardship from the application of these regulations would prevent the owner from making reasonable use of the property; or
3. The granting of a variance would permit the preservation of an historic structure or site; or
4. The granting of a variance would permit the preservation of a mature grove of hardwood trees or a significant specimen tree.

The Planning Board's recommendation will then go to the Board of Commissioners for final decision.

**Comments:**

Fire, Police, Public Works, Parks and Recreation, and Planning staff consensus is that a single access driveway to the property is safer than 7 driveways because the property is located on a curve in Rice Road. The Fire Department requests that no wall or fence be installed along Rice Road frontage in order to insure hose and ladder access through tree buffer area. Town Engineer Susan Habina Woolard suggested that the developer straighten the sidewalk in order to remove the minimal number of trees from the road frontage. The developer has been made aware of these issues. They have stated that they will not install the fence (this can be indicated on final plat) and will review straightening the sidewalk. If the variance request is denied, the sidewalk will need to be placed in front of the tree line in the right-of-way.







October 31 2016

Town of Matthews  
232 Matthews Station Street  
Matthews NC 28105

Subject: Rice Road Preliminary Subdivision @ (Parcel Number 19353207)  
Request for Variance for Curb and Gutter

Dear Matthews Township Board,

We have prepared this letter in order to request a variance from the "Curb and Gutter" requirement for the proposed subdivision.

We are requesting a variance to omit the curb and gutter to the proposed subdivision to allow the neighborhood to maintain a tree-lined buffer along the front of the neighborhood. This will allow us to save as many trees as possible and will also allow the sidewalks to meander thru the property tree save area.

It is our goal to save as many tree as possible for the proposed seven lots. No trees, other than those located within a building envelope, within a proposed street, driveway or parking area, or within a utility easement, will be removed to keep the natural look of the subdivision

We hope that you will agree that the requested curb and gutter variance is justified and acceptable to the Town of Matthews. If you should have any questions during your review, please don't hesitate to contact me at (704) 226-6884

Sincerely,

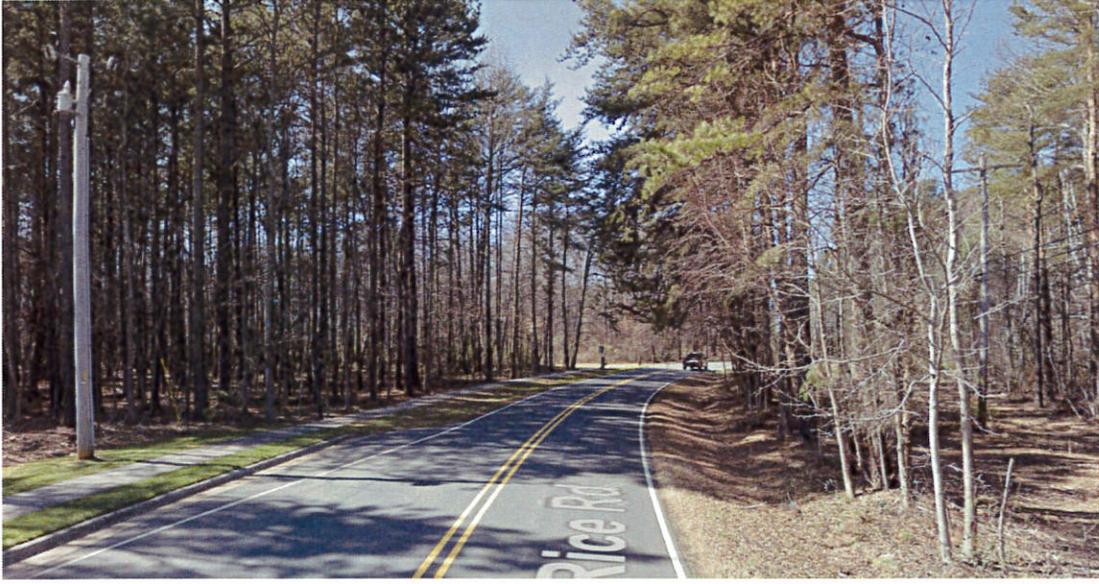
A handwritten signature in cursive script, appearing to read "Bobbie Anderson Fisher". The signature is written in black ink and is positioned above the printed name.

Bobbie Anderson Fisher



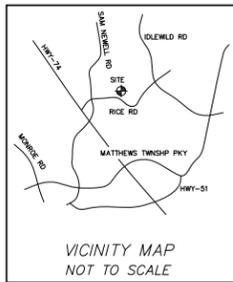




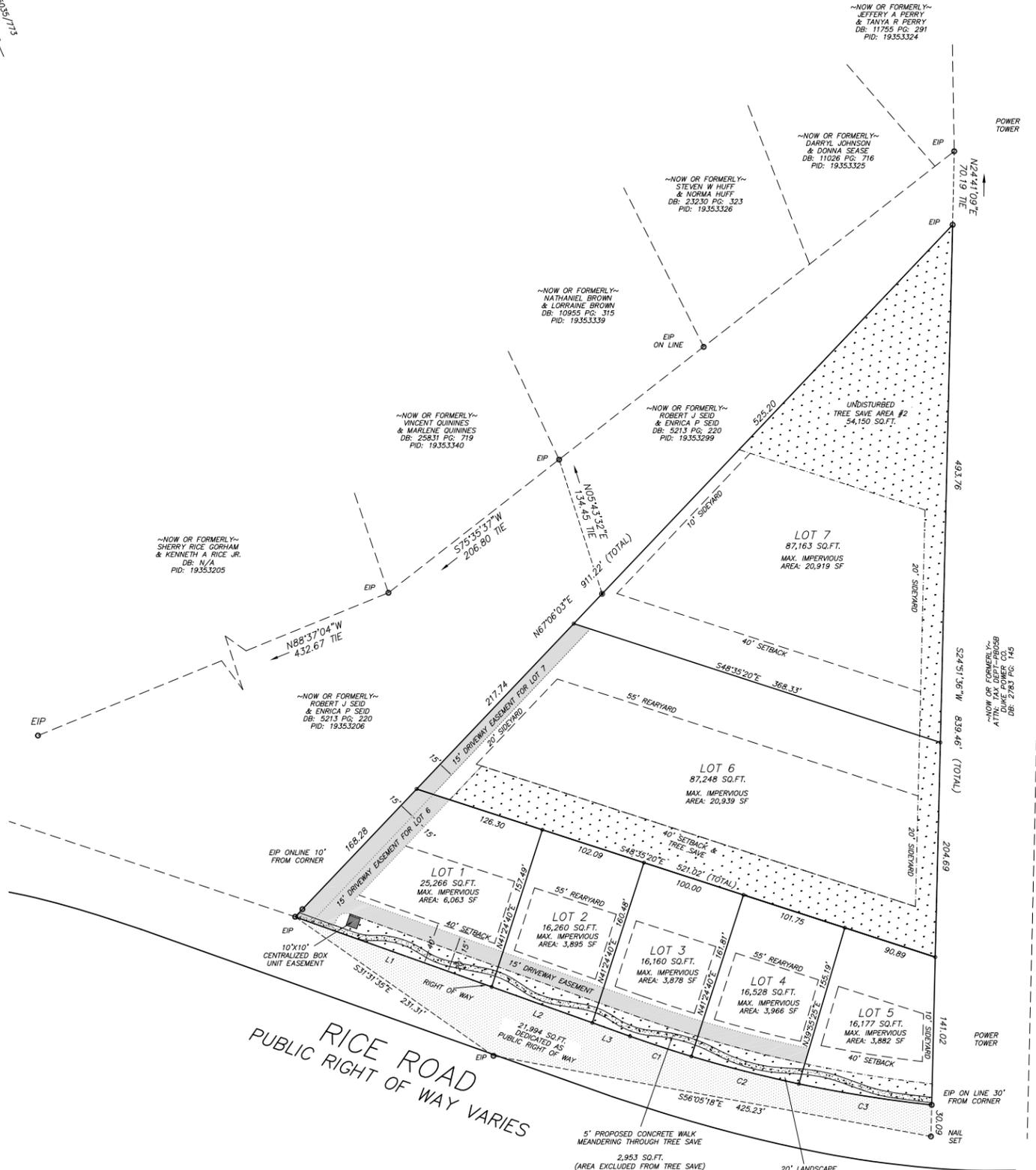








- LEGEND:**
- EIP = EXISTING IRON PIN
  - OIP = OLD IRON PIPE
  - SIP = SET IRON PIN
  - PWR = POWER PAD
  - PM = POWER METER
  - GM = GAS METER
  - AC = AIR CONDITIONING
  - TELE = TELEPHONE PEDESTAL
  - CATV = CABLE TELEVISION
  - WM = WATER METER
  - R/W = RIGHT OF WAY
  - LP = LIGHT POLE
  - CO = SEWER CLEAN OUT
  - YI = YARD INLET
  - FES = FLARED END SECTION
  - CB = CATCH BASIN
  - SDE = STORM DRAINAGE EASEMENT
  - SSE = SANITARY SEWER EASEMENT
  - SOMH = STORM DRAIN MANHOLE
  - SSMH = SANITARY SEWER MANHOLE
  - BC = BACK OF CURB
  - OE = OVERHEAD ELECTRICITY
  - CP = COVERED PORCH
  - SET IRON PIN
  - EXISTING IRON PIN
  - CALCULATED POINT
  - GAS VALVE
  - WATER VALVE
  - MAIL BOX
  - WATER METER
  - FIRE HYDRANT
  - SANITARY SEWER MANHOLE
  - STORM DRAIN MANHOLE
  - LOCATED TREE/SHRUB
  - LIGHT POLE
  - TELECOMMUNICATION BOX
  - TELECOMMUNICATIONS PEDESTAL
  - POWER POLE
  - BACK FLOW PREVENTOR
  - GUY WIRE
  - CATCH BASIN
  - DROP INLET
  - CHAIN LINK FENCE
  - STORM DRAIN PIPE
  - OVERHEAD ELECTRIC
  - SANITARY SEWER PIPE
  - BOUNDARY LINE
  - TIE LINE
  - RIGHT OF WAY
  - ADJOINING LINE (NOT SURVEYED)

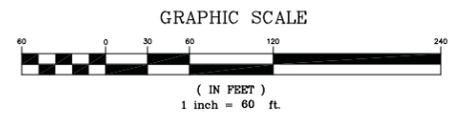


TOTAL AREA: 286,766 SQ.FT. (6.583 ACRES)  
 (-) DEDICATED RIGHT OF WAY: 21,994 SQ.FT. (0.505 ACRE)  
 NET AREA: 264,772 SQ.FT. (6.078 ACRES)  
 REQUIRED TREE SAVE AREA: 52,954 SQ.FT. (20.08) (1.215 ACRES)  
 PROVIDED TREE SAVE AREA: 62,863 SQ.FT. (23.78) (1.444 ACRES)

**EXISTING SITE INFORMATION**  
 6.583 ACRES TOTAL  
 (286,770 SF)  
 -NOW OR FORMERLY-  
 RICE RD, LLC.  
 DB: 15035 PG: 773  
 PID: 19353207

LINE	BEARING	LENGTH
L1	S46°54'38"E	199.34
L2	S46°54'38"E	102.13
L3	S46°54'38"E	38.28

CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	1263.58	61.75	S48°23'38"E	61.74
C2	1263.58	106.02	S52°11'51"E	105.99
C3	1263.58	128.65	S57°31'04"E	128.59



- NOTES:**
- IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
  - PROPERTY ZONED: R-15  
 MINIMUM SETBACK 40'  
 MINIMUM SIDE YARD 10'  
 MINIMUM REAR YARD 55'
  - TAX PARCEL NUMBER 19353207.
  - DEED REFERENCE: DB 15035 PG 773.
  - BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
  - THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710459100K, WITH A DATE OF IDENTIFICATION OF 2/19/2014.
  - THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
  - AREA COMPUTED BY COORDINATED METHOD.
  - NO NCGS MONUMENT FOUND WITHIN 2000'.
  - UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
  - THIS PROPERTY IS SUBJECT TO 24% IMPERVIOUS AREA RESTRICTIONS.
  - THIS PROPERTY IS SUBJECT TO 20% TREE SAVE RESTRICTIONS.
  - ALL LOTS SHOWN ARE INTENDED TO BE SELECTIVE CLEARED.

REVISIONS:	SCALE: 1" = 60'
DATE	2007/04/V.RICE
	2007/V.RICE
	DRAWN BY: TW
	CHECKED BY: HW
	FIELD WORK: RN, GH
	OCTOBER 31, 2016

**CAROLINA SURVEYORS, INC.**  
 P.O. BOX 267 PINEVILLE, N.C. 28134 - 0287  
 HUGH E. WHITE, J.T., NCRLS & SCRLS 889 - 7601  
 CERTIFICATE OF AUTHORIZATION NC-C-1242 SC-886

A SKETCH PLAN FOR PROPERTY ON  
**RICE ROAD**  
 (NEAR THE INTERSECTION OF WINDSOR GLADE RD)  
 OWNER: RICE ROAD, LLC  
 AREA: 6.583 ACRES TOTAL  
 TOWN OF MATTHEWS, MECKLENBURG COUNTY, NORTH CAROLINA