Public Improvement Variance – Walking by Faith Community Church

DATE: May 25, 2021
FROM: Darin Hallman, Planner

Walking by Faith Community Church is currently in the process of developing a church at the intersection of Sam Newell Road and Rice Road [Attachment 1]. The property is zoned R-15 (Residential – 15,000 Sq. Ft minimum). This is a standard zoning district, and churches and places of worship with seating capacity less than 400 is an allowed use. The property is being developed by-right with prescribed conditions. Site development originally began circa 2015. Currently, Walking by Faith has completed some grading and constructed a pavilion. The project is being developed under a multi-phase plan. Phase 1 includes the pavilion, a multi-purpose building, parking and stormwater retention. Phase 2 is the primary sanctuary with a parking expansion.

In 2015, the Church did receive a Public Improvements Variance for necessary work in the right-of-way [Attachment 2]. The 2015 Public Improvements Variance contained two parts. First, it waived the installation of pavement widening and curb & gutter along Sam Newell Road. Secondly, it delayed right-of-way improvements along Sam Newell Road and part of Rice Road. Along Sam Newell Road, sidewalk must be installed along the entire length of the property. On Rice Road, the 2015 Public Improvements Variance only applied to a 273 feet section extending from the Sam Newell Road intersection. Within this 273-foot area the installation of curb, gutter, widened pavement and sidewalk improvements was delayed. These delayed improvements were not required to be completed as part of Phase 1. However, before Phase 2 can begin all of the following needs to be completed.

The new request for a Public Variance seeks to extend the area of delayed improvements on Rice Road [Attachment 3]. From the original 273 feet boundary to the property line, the church wishes to delay pavement widening, curb, and gutter until Phase 2 begins. A portion of the sidewalk will be constructed as part of Phase 1. This request would be for the Improvements section of Unified Development Ordinance 155.707 and the reason for the request would be “The difficulty or hardship from the application of these regulations would prevent the owner from making reasonable use of the property”.

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

Staff Recommendation:

By making the right-of-way improvements required before the issuance of a building permit for Phase 2, the 2015 Public Improvements Variance essentially added an extra phase for roadway improvements.

For consistency with the 2015 approvals, staff would recommend that the wording from the first Public Improvements Variance be carried forward. All delayed improvements should be required “before the issuance of building permits for Phase 2 construction” rather than “delayed until Phase 2”. This way all right-of-way improvements can be completed at the same time.

It’s also recommended that the sidewalk on Rice Road be extended to the limits of the 2015 Public Improvements Variance (PIV) or that the new area for the current plans be modified to include the section of sidewalk being delayed. Currently, the plans show a gap in the sidewalk between the 2015 PIV and the new PIV.
Walking By Faith Site Location

Parcel 1934395; located at the intersection Sam Newell Rd and Rice Rd; near Windsor Square Shopping Center

Coordinate System: NAD 1983 StatePlane North Carolina FIPS 3200 Feet

2021
Attachment 2 (3 Pages)
2015 Public Improvement Variance
2015 Public Improvement Variance
October 15, 2015

Town of Matthews
Attn: Planning and Development Administrator (Mary Jo Gollnitz)
232 Matthews Station Street
Matthews, NC 28105

This letter confirms Walking By Faith Community Church’s acknowledgement of its requirement to meet the stipulations made by the Matthews Board of Commissioners at Monday’s (October 12, 2015) Town Hall Meeting. The Board of Commissioners approved the following:

a. Waived the installation of public improvement requirements of widened pavement, curb and gutter along Sam Newell Road.

b. Before issuance of building permits for Phase 2 construction at the above referenced property, the following must be completed:
   - Installation of curb, gutter, widened pavement, and sidewalk improvements for a total distance of (+/-) 273 ft., along Rice Road to Sam Newell Road Intersection.
   - Sidewalk along Sam Newell side of the property must be installed

Please contact me at 704-576-4754 if you have any questions and thank you for supporting the ministry of God.

Yours in Christ,

Alvin J. Denson, Pastor
President

Nate Huggins, Deacon
Vice President/Board Member