



BOARD OF ADJUSTMENT AGENDA

**Kannapolis City Hall
Laureate Center - Kannapolis, N.C.**

**Tuesday, February 4, 2025
6:00 PM**

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – December 3, 2024**
- 5. Public Hearing:**
 - a. BOA-2025-01 – Special Use Permit – 2704 Lane St.**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow for a self-service storage facility on property located at 2704 Lane Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for self-service storage uses in the General Commercial (GC) zoning district. The subject property is a 2.75 +/- acre portion of a 20.09 +/- acre site and is more specifically identified as Cabarrus County Parcel Identification Numbers 56333925670000.
 - b. BOA-2025-02 – Variance – 1547 N. Main St.**

Public Hearing to consider a request for a variance pursuant to Section 2.5.D(1) of the Kannapolis Development Ordinance. The applicant seeks a variance from the dimensional standards specified in Table 4.7-1 of the Unified Development Ordinance. The applicant is requesting an encroachment into the front and interior side yard setbacks for the Residential Compact (RC) district for property located at 1547 N. Main St. situated on the corner of N. Main St. & W. 16th. This property is zoned General Commercial (GC) under the KDO, is approximately 0.45 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 159 073.
 - c. BOA-2025-03 – Certificate of Nonconformity Adjustment – 2702 N. Cannon Blvd.**

Public Hearing is to consider a request for a Certificate of Nonconformity Adjustment (CONA) to allow for a personal vehicle service and repair use on a property located at 2702 N. Cannon Blvd. Section 2.5.E(4) of the Kannapolis Development Ordinance requires the approval of a CONA prior to any change of use of a structure or land from one nonconforming use to another nonconforming use. The subject property is split General Commercial (GC) and Residential-8 (R-8) zoning districts on approximately 3.18 +/- acres of property located at 2702 N. Cannon Blvd. and further identified as Rowan County Parcel Identification Numbers 162 030 and 162 029.

6. Planning Director Updates

7. Other Business

8. Adjourn



**Board of Adjustment
February 4, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-01: Special Use Permit – 2704 Lane St Applicant: Lane Street Storage Partners, LLC

Request for a Special Use Permit to allow for a self-service storage facility on property located at 2704 Lane Street

A. Actions Requested by Board of Adjustment

1. Motion to accept the City's exhibits into the record.
2. Motion to approve/revise Findings of Fact for the Special Use Permit.
3. Motion to approve (approve with conditions) (deny) the issuance of the Special Use Permit
4. Motion to Issue Order of Approval.

B. Required Votes to Pass Requested Action

A majority vote is required to approve, approve with conditions, or deny the requested actions.

C. Background

The applicant, Lane Street Storage Partners, LLC, is requesting a Special Use Permit (SUP) to allow for a self-service storage facility in the General Commercial (GC) zoning district on approximately 2.75 +/- acre portion of a 20.09 +/- acre site of property located at 2704 Lane Street, further identified as Cabarrus County Parcel Identification Number 56333925670000. The Property is also located with the Critical Area of the Lake Fisher Watershed.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Self-service storage uses in the GC zoning district.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A(5) of the KDO requires that the Board of Adjustment shall only approve a special use permit if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

Staff Findings of Fact - Based on application review:

Yes No

 The proposed conditional use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.

This property is in the "Primary Activity Center Interchange" Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. This area calls for primary uses consisting of retail and office. The existing uses are composed primarily of retail uses.

Based on the character areas noted above, the proposed development is compatible with the future and existing uses in the surrounding area.

 Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

The proposed use of a self-service storage facility is not expected to create any traffic hazards or cause traffic congestion. The applicant plans to access Lane Street via an easement through the Quick Trip site, as indicated on the site plan. This design aims to minimize any impact on traffic flow and ensure safe ingress and egress for the facility.

 The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a self-service storage facility is expected as a result of this proposed use.

 The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed self-service storage facility would have a minimal impact on the surrounding properties.

 The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

There is no apparent danger or detrimental impact to the overall public safety, health and welfare resulting from the proposed use. The proposed use is subject to all the requirements of the Kannapolis Development Ordinance.

The proposed use complies with all applicable provisions of the KDO.
The proposed use shall comply with all sections of the Kannapolis Development Ordinance (KDO), conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.

The applicant consents in writing to all conditions of approval included in the approved special use permit.
The applicant has been informed they must sign the Conditions of Approval for this special use permit.

F. Legal Issues

Board's Findings of Fact - Based on application review and public hearing.

In order to determine whether a special use permit is warranted, the Board must decide that each of the six findings as outlined below has been met and that the additional approval criteria has been satisfactorily addressed. If the Board concurs completely with the findings of the staff, no additional findings of fact are necessary, and the staff findings should be approved as part of the decision. However, if the Board wishes to approve different findings (perhaps as a result of additional evidence or testimony presented at the public hearing), alternate findings need to be included as part of the six criteria below. Should a special use permit be approved, the Board may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use.

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed conditional use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use complies with all applicable provisions of the KDO.
_____ |

The applicant consents in writing to all conditions of approval included in the approved special use permit.

G. Recommendation

Based on the above findings, staff recommends **approval with conditions** of the Special Use Permit based on the staff Findings of Fact (or as modified by the Board), the conceptual site plan, and compliance with all local, State, and Federal requirements.

Conditions of Approval proposed by staff:

1. The lot must be subdivided as shown on the site plan to comply with the requirement that the maximum lot size for a self-service storage facility is three acres.
2. Access to the site must be established and meet the City's minimum requirements.

The Board of Adjustment should consider all facts and testimony after conducting the Public Hearing and render a decision accordingly to approve, approve with conditions, or deny the Special Use Permit.

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Conceptual Site Plan
6. Elevation Rendering
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

SPECIAL USE PERMIT REQUEST

Special Use Permit (SUP) – Request for SUP as required by Table 4.3.B(3) of the Kannapolis Development Ordinance (KDO).
Approval authority – Board of Adjustment.

Property Address: 2704 Lane Street, Kannapolis, NC (PID 56333925670000)

Applicant: Lane Street Storage Partners, LLC

SUBMITTAL CHECKLIST

- Pre-Application Meeting
- SUP Checklist and Application – Complete with all required signatures
- Plot/Site Plan showing the proposed use
- Fee: \$650.00 (\$600 Application Fee + notification fee [see Fee Schedule])
- Please mark this box to authorize aerial drone photography of the site

Applicant confirmed there was an issue with the form; however, the property has given permission

PROCESS INFORMATION

Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the 1st Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, application and site plan submittal, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D of the KDO.**

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: approve; approve with conditions; deny; or conduct an additional public hearing on the application. Per Section 2.5.A(5)c, the Board may approve a petition only if compliance with all standards is obtained.

Scope of Approval: Per Section 2.5.A(5)a.2 of the KDO, approval of a SUP does not authorize any development activity, but shall authorize the applicant to apply for final site plan approval. Zoning clearance permits will not be issued until the SUP and final site plan have been approved.

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: _____

Date: _____

1/6/2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Lane Street Storage Partners, LLC
Address: 5 Century Drive, Suite 240
Greenville, South Carolina, 29607
Phone: (864) 314-3418
Email: alex@streamsdev.com

Property Owner Contact Information same as applicant

Name: QuickTrip Corporation - ATTN: Caitlynn Reasby
Address: 5725 Foxridge Drive
Mission, Kansas 66202
Phone: FAX: 918-994-3558
Email: creasby@quiktrip.com

Project Information

Project Address: 2704 Lane Street, Kannapolis, NC Zoning District GC
Parcel PIN: Parcel: 56333925670000 Size of property (in acres): 2.75

Current Property Use: N/A

Proposed Use: Self Storage

The location of the above-mentioned proposed use is indicated on the accompanying site plan, and the nature of the proposed use is more fully described as follows (*attach separate sheet if necessary*): _____

Three Story, 90,000SF climate controlled self storage

REVIEW STANDARDS

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). Per Section 2.5.A(5)c of the Kannapolis Development Ordinance (KDO,) the applicant must demonstrate successful compliance with all standards to obtain a SUP. In the space provided below, indicate the **facts** that you intend to provide to convince the Board that it can properly reach the following conclusions:

- 1. The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Comprehensive Plan.**

Building design is in accordance to KDO requirements.

Project design complies with the building height (max 48')

Project design complies with the building material requirements and guidelines specified in the local ordinances.

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.

Agreed. The design provides adequate ingress and egress to minimize traffic hazards.

3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

Agreed. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

4. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

Agreed. The design does not impede the orderly developed or improvement of surrounding properties.

5. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.

Yes, the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.

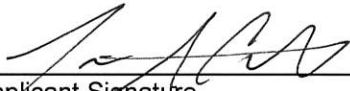
6. The proposed use complies with all applicable provisions of the KDO.

Yes, the proposed use complies with all applicable provisions of the KDO.

7. The applicant consents in writing to all conditions of approval included in the approved special use permit.

Yes.

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.



Applicant Signature

1/6/2025

Date

Reasby, Caitlynn J

Digitally signed by Reasby, Caitlynn J
DN: E=creasby@quiktrip.com, CN="Reasby, Caitlynn J", OU=Corp,
OU=User Accounts, DC=QT, DC=quiktrip, DC=com
Date: 2025.01.06 09:02:05-06'00'

Property Owner Signature

Date



Vicinity Map

Case Number: BOA-2025-01

Applicant: Lane Street Storage Partners, LLC
2704 Lane St

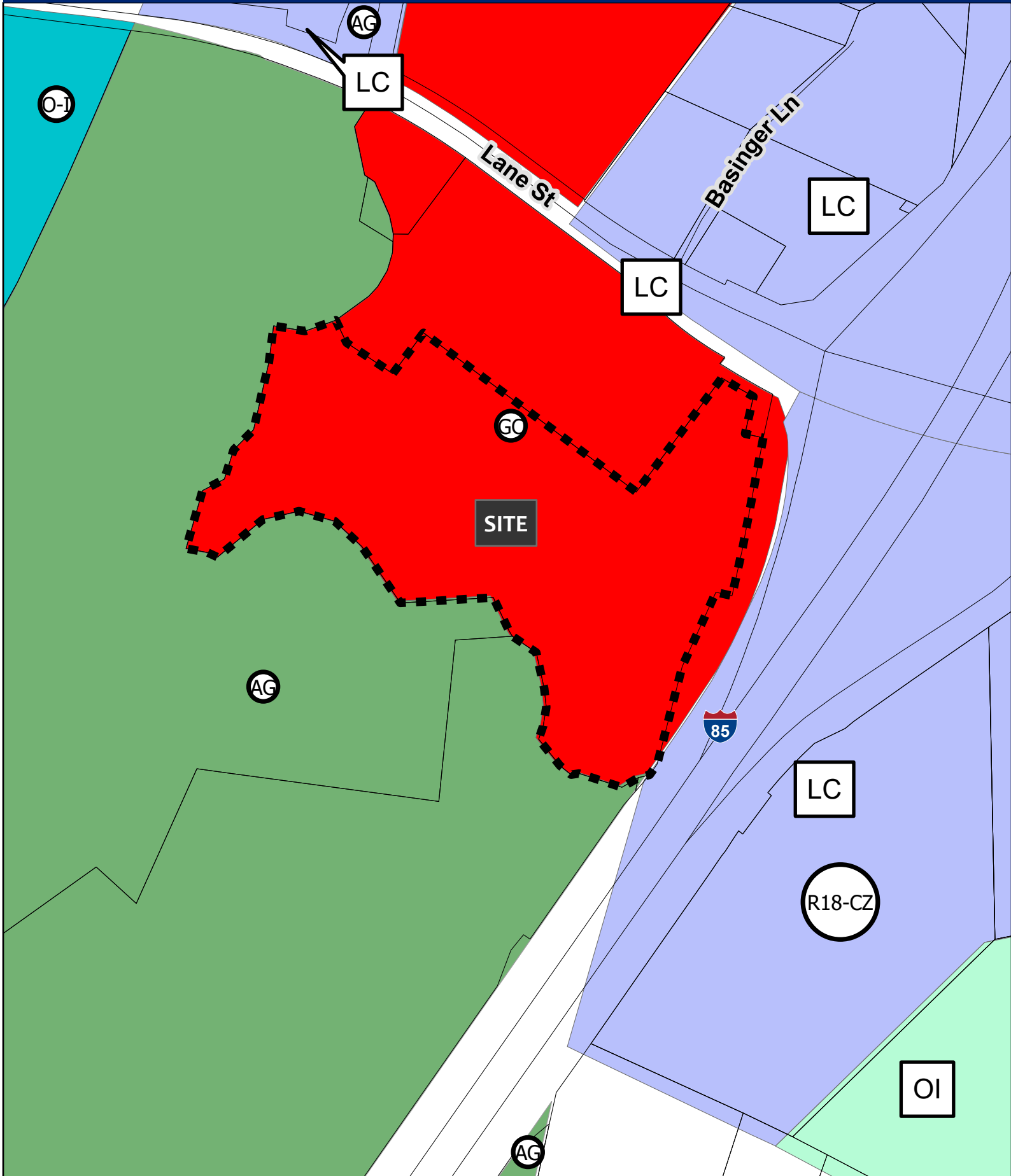




Kannapolis Current Zoning

Case Number: BOA-2025-01

Applicant: Lane Street Storage Partners, LLC
2704 Lane St

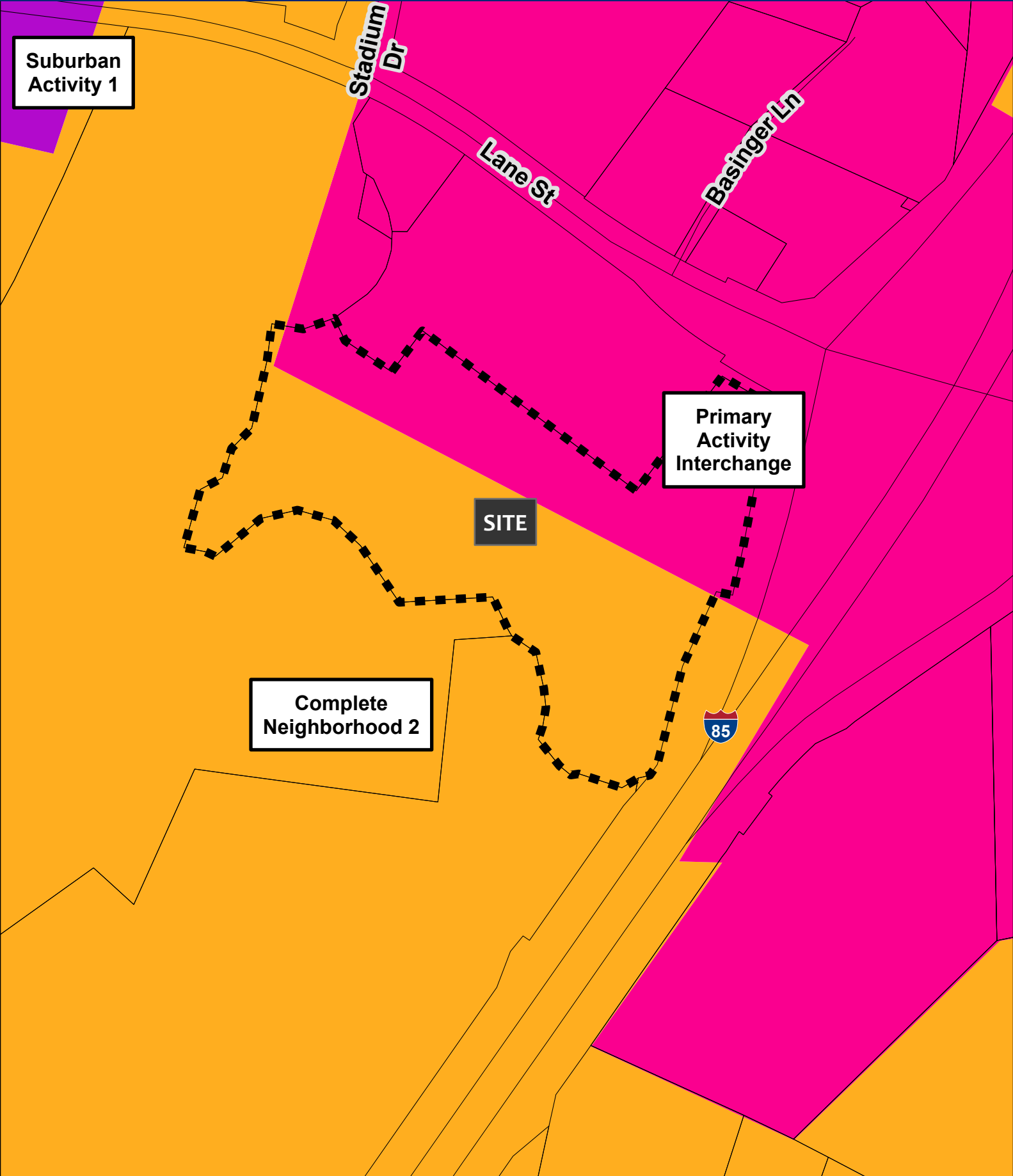


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-01

Applicant: Lane Street Storage Partners, LLC

2704 Lane St



Suburban Activity 1

Stadium Dr

Lane St

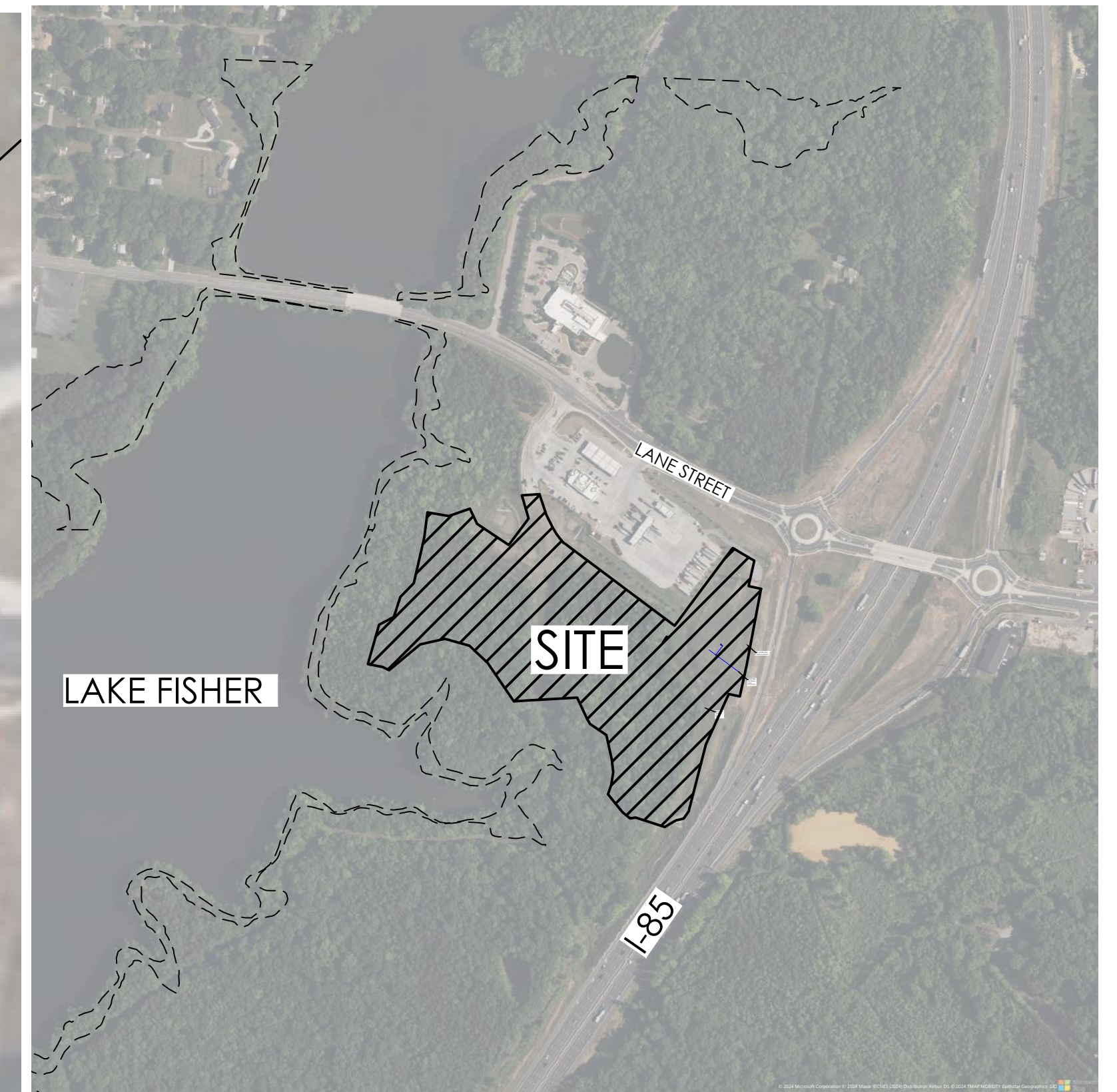
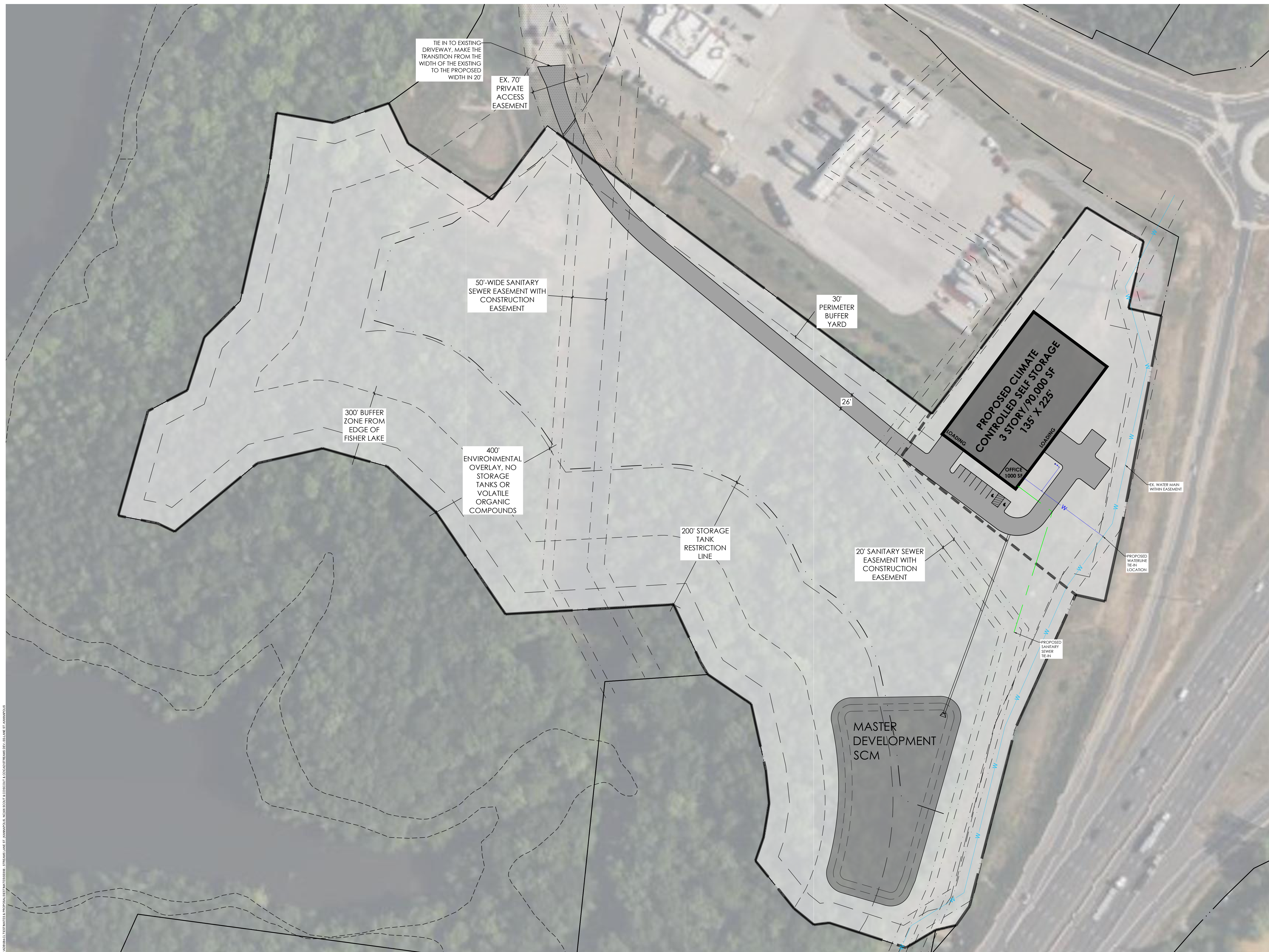
Basinger Ln

Primary Activity Interchange

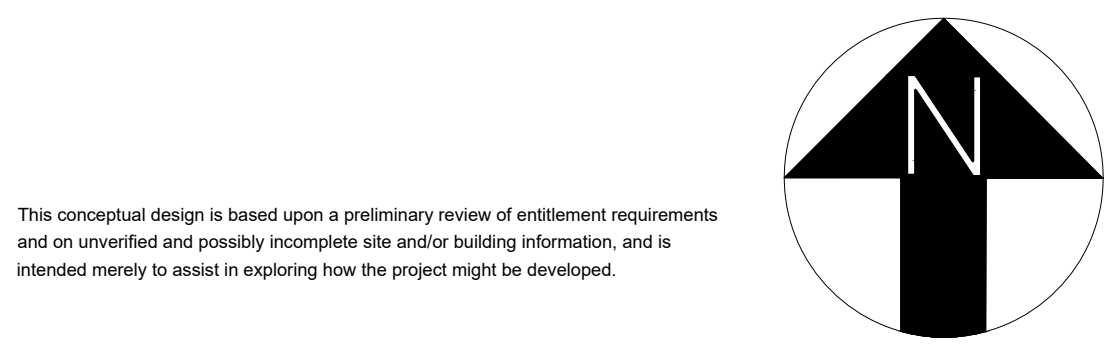
SITE

Complete Neighborhood 2

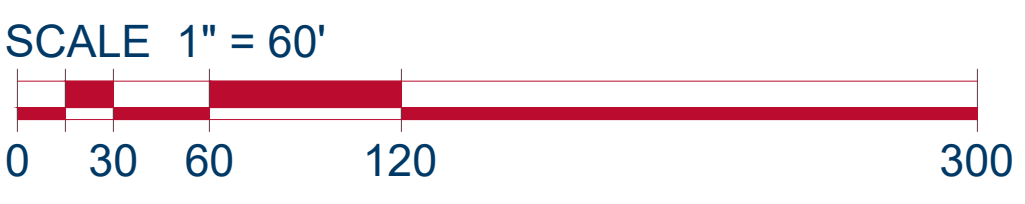
85



SITE DATA TABLE	
TAX PARCEL IDENTIFICATION NUMBER	56333925670000
CURRENT LAND USE	VACANT
TOTAL PARCEL AREA	TOTAL AREA: 420.09 AC
STORAGE PARCEL AREA	TOTAL AREA: 42.75 AC
FEMA FLOOD PANEL	3710563300K, 3710563400L
WATERSHED	COLD WATER CREEK
SUBBASIN	ROCKY
RIVER BASIN	YADKIN PEE DEE
WATERSHED CLASSIFICATION	CLASS-IV (CRITICAL AREA)
MAXIMUM IMPERVIOUS:	24% LOW-DENSITY; 50% HIGH DENSITY
PROPOSED IMPERVIOUS:	1.07 ACRES OR 38.9%
ZONING DISTRICT	GENERAL COMMERCIAL (GC)
MAX BUILDING HEIGHT	48'
SETBACKS	FRONT: 10 FT SIDE: NONE REAR: NONE
MINIMUM REQUIRED PARKING	1 SPACE PER 200 RENTAL SPACES 679 UNITS / 200 RENTAL SPACES = MIN. 4 SPACES REQUIRED
MAXIMUM REQUIRED PARKING	1 SPACE PER 200 RENTAL SPACES * 1.75 679 UNITS / 200 RENTAL SPACES * 1.75 = MAX. 6 SPACES REQUIRED
PROVIDED PARKING	6 SPACES 2 ADA SPACES
<small>*NOTE: A SEPTIC DESIGN WILL BE PROVIDED BY OTHERS TO ACCOMMODATE THE 679 UNITS. IF WASTEWATER WILL BE DISCHARGED TO THE EXISTING SANITARY SEWER SYSTEM, THE MAXIMUM ALLOWABLE UNIT COUNT IS 595 UNITS. THIS WOULD LIMIT THE MAXIMUM ALLOWABLE PARKING TO 5 SPACES</small>	



This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed.



CONCEPTUAL SITE PLAN

STREAMS DEVELOPMENT - SELF STORAGE
LANE STREET, KANNAPOLIS, NC
SCHEME 01 | CIVIL | 12.18.2024

SCOUT & CO
CIVIL ENGINEERING

ARCO
DESIGN/BUILD



CORNER RENDERING

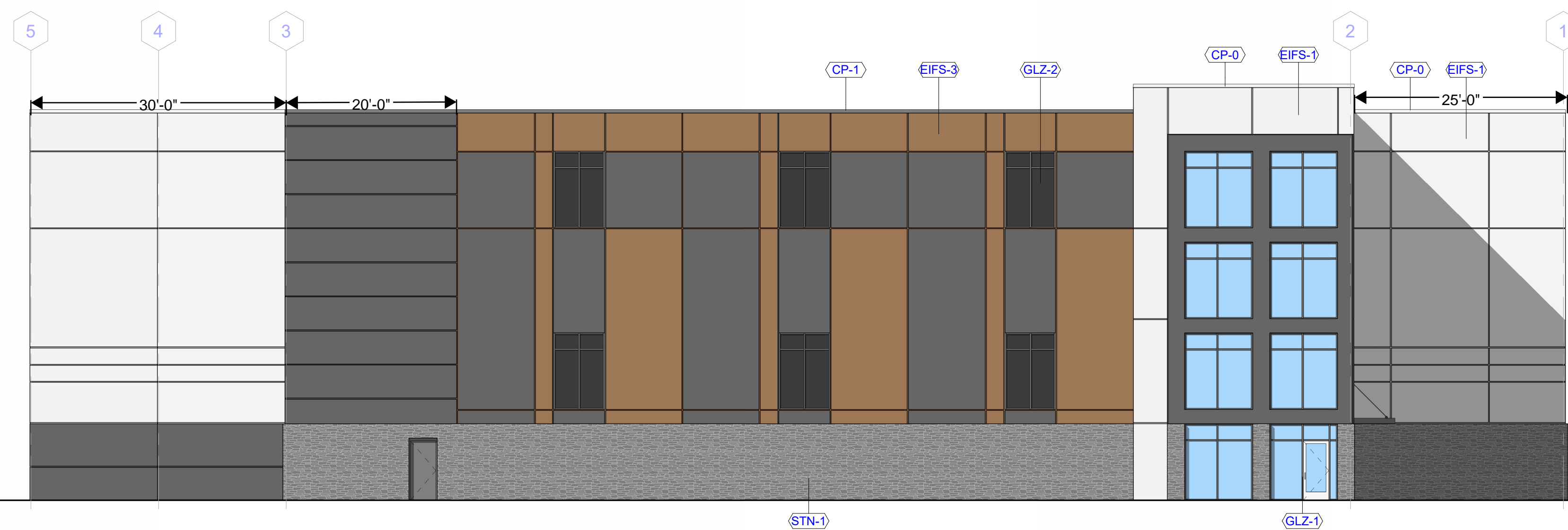
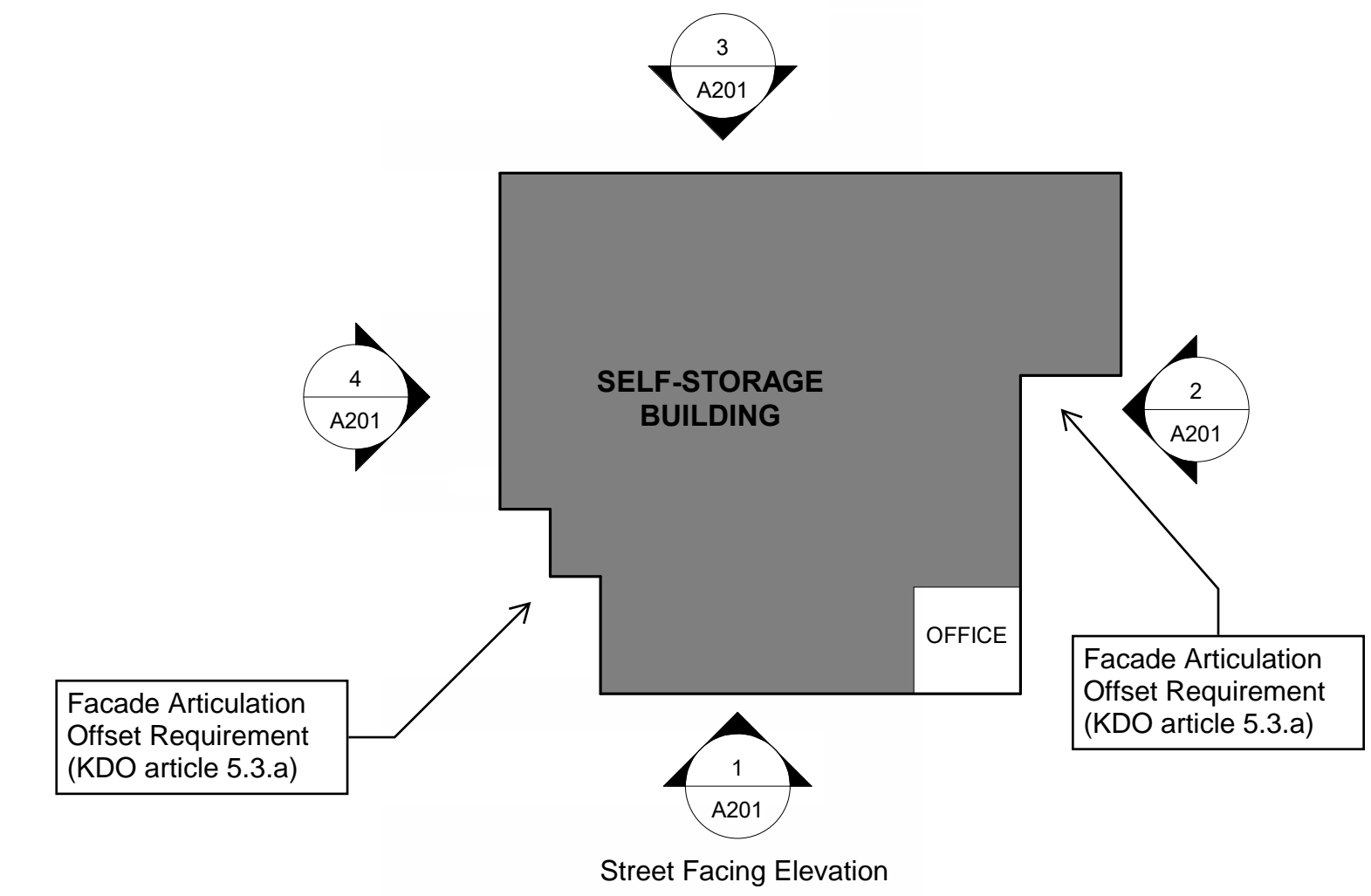
Elevations provided are for concept use only. Elevations provided are to specify design intent in accordance to local jurisdiction requirements. Building footprint is subject to change.

The proposed self storage project is a **3-story** building at a height lesser than 48'. The elevations and rendering provided are for material requirement and design representation.

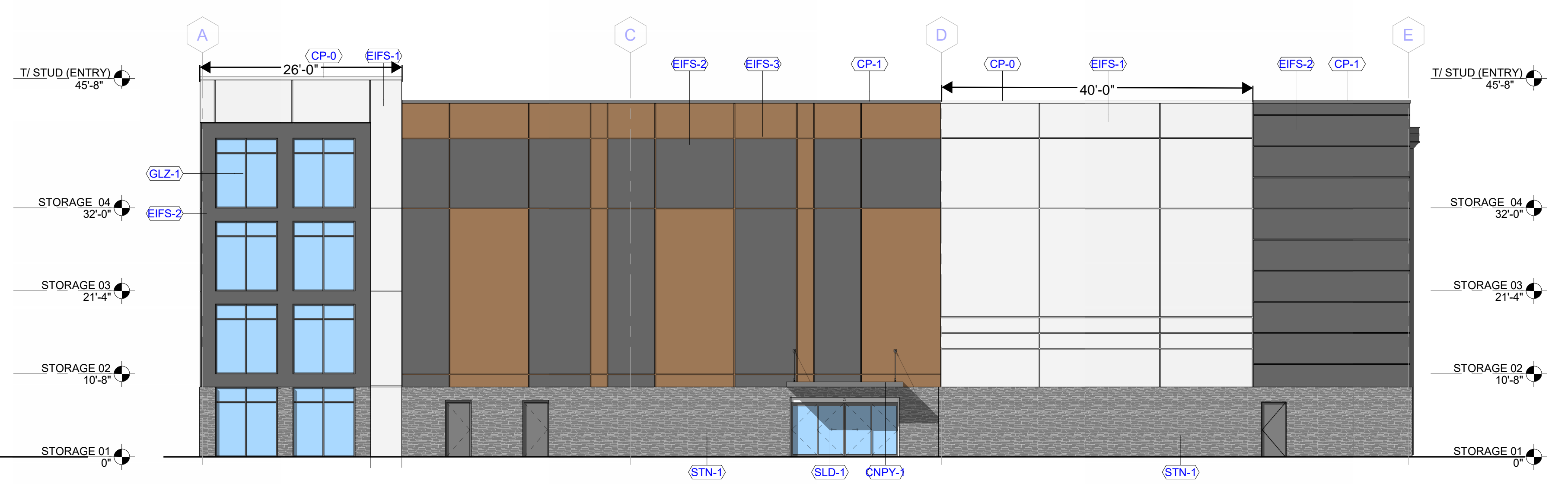
KEYNOTE LEGEND	
Key Value	Keynote Text
CNPPY-1	PRE-FABRICATED ROD HUNG CANOPY - MATCH DARK EIFS COLOR
CP-0	ROOF COPING - BONE WHITE COLOR
CP-1	ROOF COPING - MATCH DARK EIFS COLOR
DS-1	DOWNSPOUT - TO MATCH DARK EIFS COLOR
EIFS-1	EIFS - FINE TEXTURE - WHITE
EIFS-2	EIFS - FINE TEXTURE - GRAY
EIFS-3	EIFS - MEDIUM TEXTURE - ACCENT COLOR
GLZ-1	ALUMINUM STOREFRONT SYSTEM WITH INSULATING GLASS UNITS
GLZ-2	ALUMINUM STOREFRONT SYSTEM WITH OPAQUE GLASS UNITS
SLD-1	AUTO SLIDING GLAZING ENTRANCE
STN-1	THIN MANUFACTURED MASONRY VENEER - STONE - MEDIUM BROWN - TBD

BUILDING FACADE - GLAZING	
TOTAL PRIMARY	5,815 SF
PROVIDED GLAZING AREA	900 SF
REQUIRED PERCENTAGE	15.00%
ACTUAL PERCENTAGE	15.48%

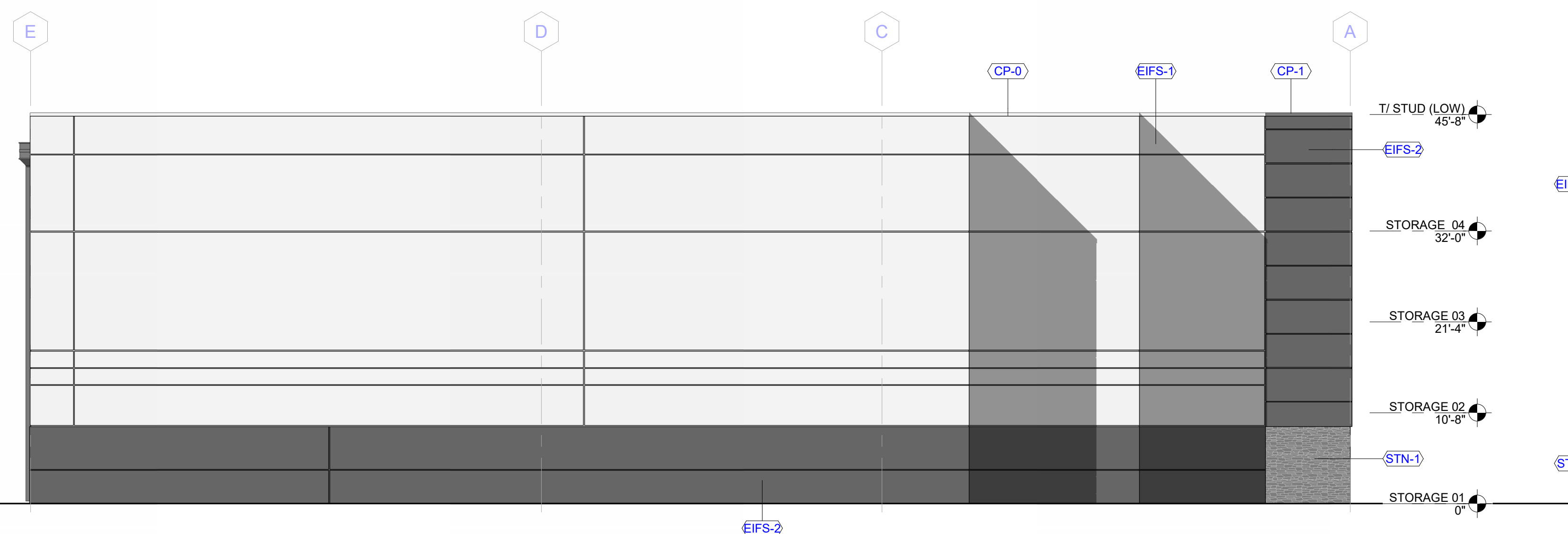
CALCULATIONS FOR SOUTH ELEVATION (PRINCIPLE ELEVATION)



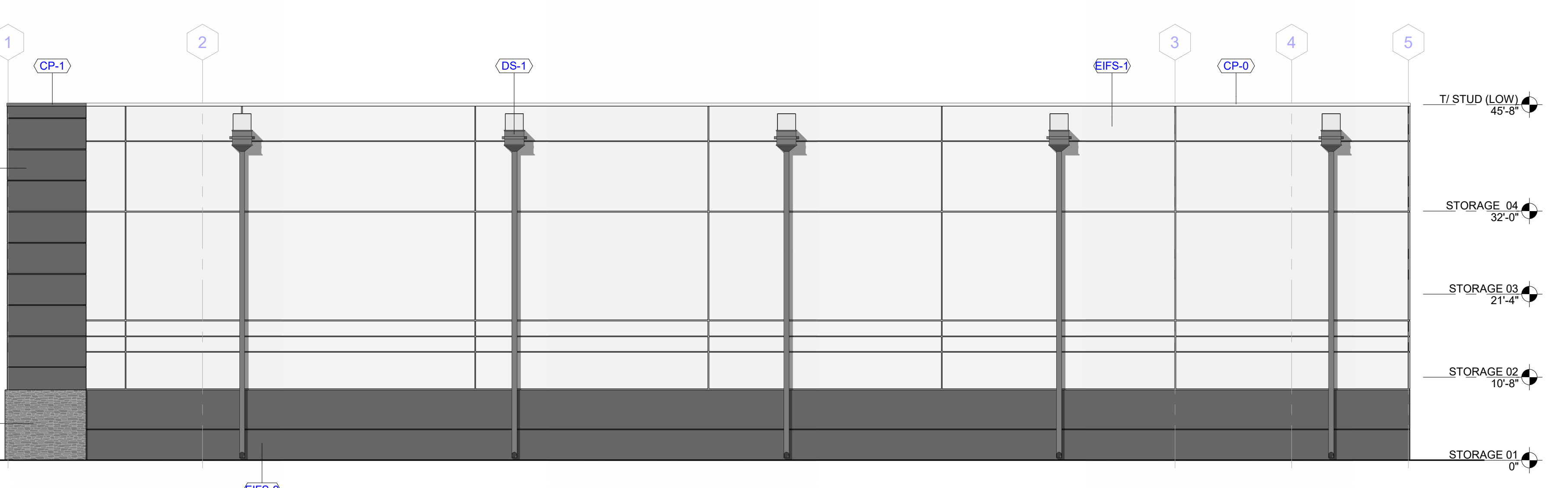
1 EXTERIOR ELEVATION - Street Facing Elevation
SCALE: 3/32" = 1'-0"



2 EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"



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



4 EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"

OBJECTID	AcctName1	AcctName	MailAddr:	MailAddr:	MailCity	MailState	MailZipCo	Shape	Le	Shape	Area
99173	QUIKTRIP CORPORATION		ATTN: PRES	PO BOX 34	TULSA	OK	74101	0.015952		8.08E-06	
100017	CITY OF CONCORD		PO BOX 30:		CONCORD	NC	28026	0.022789		2.06E-05	
100556	PACIFIC PREMIER TRUST CUSTODIAN FBO TONY L ABERNATHY IRA		PO BOX 98:		BOSTON	MA	02298	0.002295		3.02E-07	
100745	DURHAM EDDIE B ESTATE	DURHAM C 708	MCLAI		KANNAPOL	NC	28083	0.006132		1.23E-06	
103715	BOARD OF LIGHT&WATER COMMISSON		P O BOX 30		CONCORD	NC	28026	0.037955		3.33E-05	
103743	CITY OF CONCORD		PO BOX 30:		CONCORD	NC	28026	0.000381		4.87E-09	



January 17, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday February 4, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-01 – Special Use Permit – 2790 Lane Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for self-service storage on property located at 2790 Lane Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for self-service storage uses in the General Commercial (GC) zoning district. The subject property is a 2.75 +/- acre portion of a 20.09 +/- acre site, and is more specifically identified as Cabarrus County Parcel Identification Number 56333925670000. **(Please see attached vicinity map showing the location of this property.)**

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are welcome to attend the public hearing and present testimony to the Board of Adjustment if you so desire.

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4355 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # BOA - 2025-01



**Board of Adjustment
February 4, 2025 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2025-02: Variance – 1547 N. Main St
Applicant: Moriah Ellington

Request for a variance pursuant to Table 4.7-1 of the Unified Development Ordinance dimensional standards. The applicant is requesting an encroachment into the front and interior side yard setbacks for the RC district for property located at 1547 N. Main St. on the corner of N. Main St. & W. 16th and is more specifically identified as Rowan County Parcel Identification Number 159 073.

A. Actions Requested by Board of Adjustment

1. Motion to accept the City's exhibits into the record.
2. Motion to approve/revise Findings of Fact for the Variance.
3. Motion to approve (deny) the issuance of the Variance.
4. Motion to Issue Order of Approval.

B. Required Votes to Pass Requested Action

A supermajority (4/5) vote is required to grant the requested variance.

C. Background

The applicant, Moriah Ellington, project engineer, is requesting a front and interior side yard setback variance. The property was granted a special use permit (Case BOA-2022-11) for 6 townhome units and was approved under the Unified Development Ordinance (UDO). The previous zoning was General Commercial Zoning (C-2) under the UDO, however, residential projects in commercial districts were required to meet the setbacks of the Residential Compact (RC) District. This district requires a front yard setback of 20 feet and an interior side yard setback of 7 feet.

This property, 1547 N Main Street, is zoned General Commercial (GC) under the KDO and is approximately 0.45 +/- acres. The property is more specifically identified as Rowan County Parcel Identification Number 159 073.

The signed Order for a Special Use Permit required that a site plan be submitted and approved by City Staff prior to the issuance of a zoning clearance permit. The condition in the approval letter stated that the plan would comply with the UDO, but the Order referenced compliance with the KDO. Additionally, the site plan submitted for the Special Use Permit incorrectly indicated setbacks for the R18 district. Specifically, the plans incorrectly noted a front yard setback of 10 feet and a side yard setback of 5 feet.

The applicant is now requesting a variance of 10 feet on the front yard and 4 feet on the interior side yards, proposing new setbacks of 10 feet for the front yard and 3 feet for the interior side yards. They are citing topographical challenges that they believe render the site unbuildable under the required setbacks.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.D(1)d.1(a) of the KDO requires that the Board of Adjustment shall only grant a variance on finding the applicant demonstrates all of the following:

Staff Findings of Fact - Based on application review:

Yes No

Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

The applicant indicates that without a variance the approved Special Use Permit to construct 6 townhome units would not be possible due to the topography of the site.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

According to the applicant, the concept plans submitted with the Special Use Permit request did not account for a steep drop at the rear of the property, requiring a steep driveway to reach existing grades. The applicant states that to allow for proper rollover between access grades and driveway grades, the units need to be pushed as far to the southern property line as possible, bringing the buildings closer together. Additionally, the applicant asserts that the concept plan, which shows 16' wide units, does not accommodate garages and internal stairs. As a result, the combination of wider units and site topography results in a 6.7' separation between buildings, allowing for 3' minimum side yard setbacks. The applicant indicates that meeting the 7' minimum side yard setbacks would require

raising the site by 4 to 5 feet, which would necessitate extensive retaining walls, stairways, and a significant amount of imported fill. The applicant states that this would impose substantial costs, extend construction time, and create a visual impact on neighboring properties by artificially raising the site and buildings approximately 5 feet higher than nearby structures (see attached concept elevations). Furthermore, the applicant claims that combining these buildings into a single structure would result in additional financial hardship due to the need for all capital investment upfront.

The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Although no site plan was ever formally approved as indicated by the applicant, the purchasers of the property assumed they could construct the townhomes as submitted under the previously approved Special Use Permit, without fully understanding the potential topographical concerns or constraints.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

This request is consistent with the spirit, purpose, and intent of the ordinance. The proposed variance will not impede public safety, ensuring substantial justice is achieved while preserving the ordinance's spirit. Furthermore, the owner wishes to develop the parcel as close as possible to the previously approved special use permit, however as design progressed beyond the conceptual phase, significant topographic challenges have been identified. The applicant indicates that reducing the amount of retaining walls and stairways needed, public safety is enhanced, and neighbor's visual impact is minimized.

F. Legal Issues

Board's Findings of Fact - Based on application review and public hearing.

In order to determine whether a variance is warranted, the Board must decide that each of the four criteria outlined below have been met. If the Board concurs completely with the finds of the staff, no additional findings of fact are necessary, and the staff findings should be approved as part of the decision. However, if the Board wishes to approve different findings (perhaps as a result of additional evidence or testimony presented at the public hearing), alternate findings need to be included as part of the four criteria below. Should a variance be approved, the Board may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

Yes **No**
 Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

G. Recommendation

Based on the above findings, staff is supportive of the requested variance. However, the Board of Adjustment should consider all facts and testimony after conducting the public hearing and render a decision accordingly.

H. Attachments

1. Variance Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Conceptual Site Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



Variance Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

VARIANCE PERMIT REQUEST

Variance – Request for Variance as required by Section 2.5.D of the Kannapolis Development Ordinance (KDO).
Approval authority – Board of Adjustment.

Property Address: N. Main Street & W. 16th Street, Parcel 159 073

Applicant: Moriah Ellington - civil engineer on behalf of the owner

SUBMITTAL CHECKLIST

Pre-Application Meeting

Variance Checklist and Application – Complete with all required signatures

Plot/Site Plan showing the variance

Fee: \$325.00 (\$300 Application Fee + notification fee [see Fee Schedule])

Please mark this box to authorize aerial drone photography of the site The property owner has confirmed permission

PROCESS INFORMATION


Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, submittal of the application and site plan, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D of the KDO.**

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with conditions.

Scope of Approval: A concurring vote of four-fifths of the members of the Board shall be necessary to grant a variance. A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in NC GS §160D-705(d). (See Variance application for hardship criteria.).

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: Moriah Ellington  Digitally signed by Moriah Ellington
Date: 2024.12.30 10:40:50-05'00' Date: 12/27/24



VARIANCE APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Moriah Ellington

Address: 427 E. Catawba St., Ste. C
Belmont, NC 28012

Phone: 7046501311

Email: edg.mbe@gmail.com

Property Owner Contact Information same as applicant

Name: A&E Investors

Address: 301 McCullough Dr, Ste. 400
Charlotte, NC 28262-1336

Phone: 804-307-7881

Email: aeinvestorsnc@gmail.com

Project Information

Project Address: N. Main St. & W. 16th St. Zoning District GC

Parcel PIN: 159 073 Size of property (in acres): 0.45

I, Moriah Ellington, hereby petition the Board of Adjustment for a Variance from the literal provisions of the Unified Development Ordinance because, under the interpretation given to me by the Planning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached.

Ordinance provision(s) from which a variance is requested: UDO (2021) Table 4.7-1 Dimensional Stand

Front setback and Interior Sideyard Setback for RC district

This is what I want to do (attach separate sheet if necessary): Design for a 10' front setback per approved conce
plan attached to special use permit; Design for a 3' min. internal sideyard setback. See attache
site plan.

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Variance. The Board is required to reach four conclusions before it may issue a Variance. In the spaces provided below, indicate the *facts* that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions:

1. Unnecessary hardship would result from the strict application of the ordinance.

It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property. [It is *not* sufficient that failure to grant the Variance simply makes the property less valuable.] (State *facts* and arguments in support of this conclusion)

See attached description.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. (State *facts* and arguments to show that the Variance requested represents the least possible deviate from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the Variance is granted, will not substantially detract from the character of the neighborhood.)

See attached description.

3. The hardship did not result from actions taken by the applicant or the property owner.

The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State *facts* and arguments in support of this conclusion.)

See attached description.

4. The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(State *facts* and arguments to show that, on balance, if the Variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

See attached description.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief.

Moriah Ellington



Digitally signed by Moriah Ellington
Date: 2024.12.27 12:00:24-05'00'

12/27/24

Applicant Signature

Date

12/27/24

Property Owner Signature

Date

1) Unnecessary hardship would result from the strict application of the ordinance.

It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property. [It is not sufficient that failure to grant the Variance simply makes the property less valuable.] (State facts and arguments in support of this conclusion)

Residential units would not be possible according to the approved concept plan attached to the special use permit #2022-11-BOA, due to the shape and existing topography of the site.

2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. (State facts and arguments to show that the Variance requested represents the least possible deviate from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the Variance is granted, will not substantially detract from the character of the neighborhood.)

The approved concept plan shows a 10' front setback, instead of the 20' front setback required by Table 4.7-1 RC district dimensional standards. A 20' setback would not allow for access, parking requirements, and usable units. The approved concept plan did not consider the vertical topography of the site, which includes a steep 8'-10' drop off in the rear. A steep driveway is needed to get down to existing grades, and the units need to be pushed as far to the southern property line as possible to allow for proper rollover between access grades and driveway grades. This pushes the buildings closer together. The concept plan also shows 16' wide units, which are not feasible with garages and internal stairs. A combination of wider units and topography will force the buildings to be 6.7' apart, which would allow 3' minimum sideyard setbacks. This complies with the 2018 NC Residential Building Code separation requirement, referenced in Table R302.1, Exterior Walls: No fire-resistant rating required for minimum fire separation distance of 3' or more between building and property line. To meet 7' minimum sideyard setbacks, the site would need to be raised ~4'-5', which would mean surrounding a very small lot with retaining walls, stairways and importing a large amount of fill. This would impose significant cost and construction time on the owner. It will also create a visual impact to neighboring properties by falsely raising the site and buildings to be ~5' higher than nearby buildings (see attached concept elevations). Combining these buildings into a single building would create additional financial hardship on the owner, due to needing all capital up front.

3) The hardship did not result from actions taken by the applicant or the property owner.

The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State facts and arguments in support of this conclusion.)

The shape and topography of the site are existing conditions, which the owner is attempting to develop to its highest and best use per the approved special use permit. The special use permit and concept plan was approved by Kannapolis on 11/1/2022.

4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(State facts and arguments to show that, on balance, if the Variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

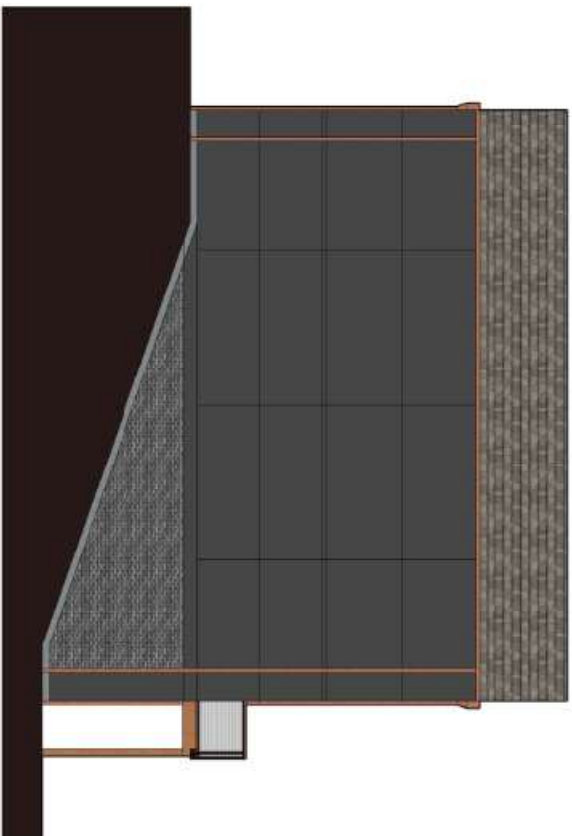
The owner wishes to develop the parcel as close as possible to the previously approved special use permit, however as design progressed beyond the conceptual phase (which was all that was available at the time of the special use permit application), significant topographic challenges have been identified. By reducing the amount of retaining walls and stairways needed, public safety is enhanced, and neighbor's visual impact is minimized.



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

**BLACK STAR VILLAS
CONCEPT ELEVATIONS**

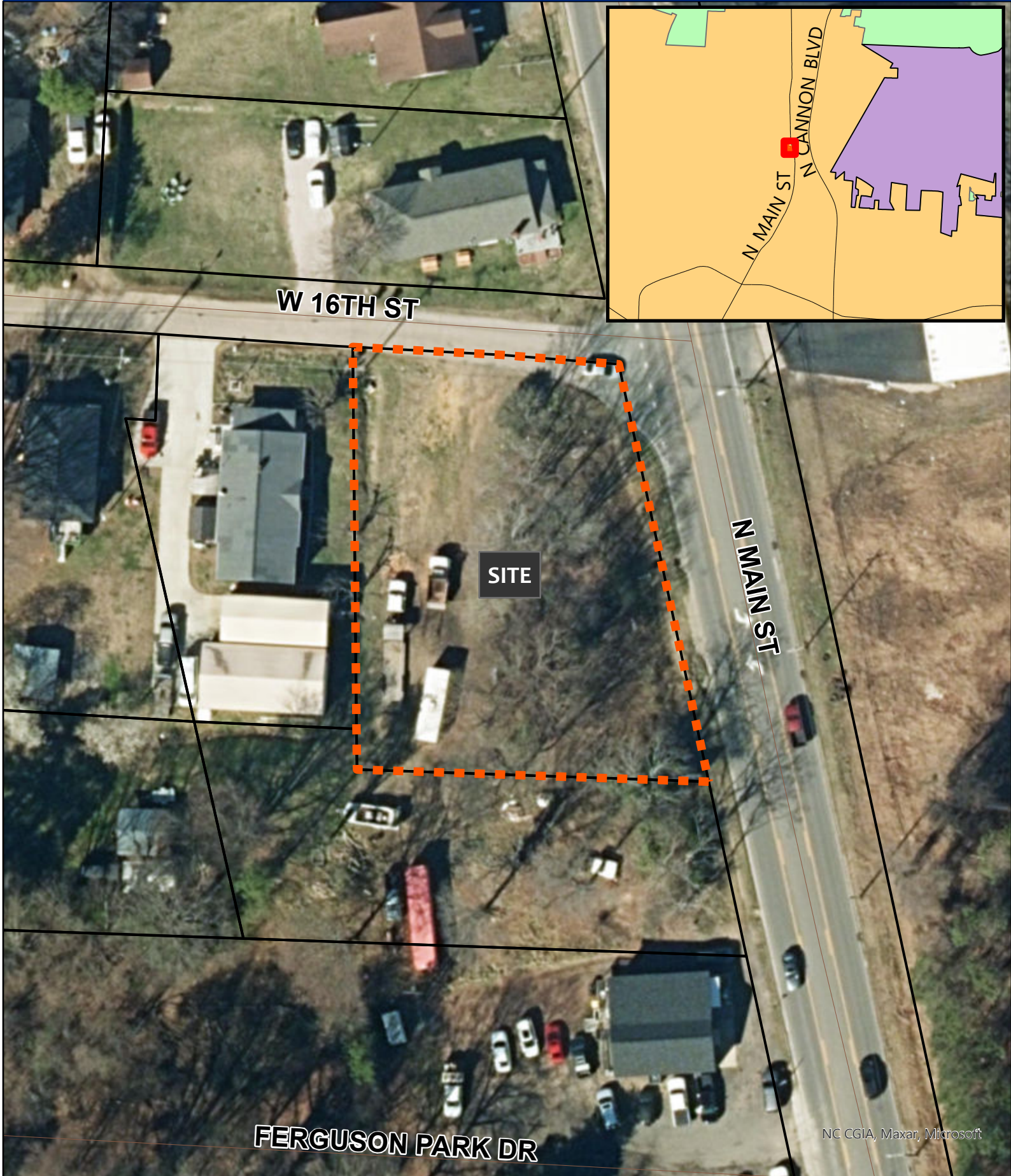


Vicinity Map

Case Number: BOA-2025-02

Applicant: Moriah Ellington

1547 N Main St



W 16TH ST

SITE

N MAIN ST

FERGUSON PARK DR



Kannapolis Current Zoning

Case Number: BOA-2025-02

Applicant: Moriah Ellington

1547 N Main St





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-02

Applicant: Moriah Ellington

1547 N Main St



FID	PARCEL ID	OWNNAME	TAXADD1	TAXADD2	CITY	STATE	ZIPCODE	OWN2
1019	NCR NCR	NORTH CAROLINA RAILROAD	2809 HIGHWOODS BLVD STE 100		RALEIGH	NC	27604	COMPANY
49692	159 16701	DURHAM EDDIE B	1311 LOWRANCE AVE		KANNAPOLIS	NC	28081-5823	
50169	159 077	VARGAS JOSE VICTOR SANCHEZ	522 HURON ST		KANNAPOLIS	NC	28083	
50253	159 163	PRIMO REAL ESTATE PROPERTY INC	421 KIMBALL ST APT D		KANNAPOLIS	NC	28081-2289	
50259	159 065	ALDRICH SHARON &HUS	1601 N MAIN ST		KANNAPOLIS	NC	28081-2317	ALDRICH ANTHONY
50260	159 064	HISATAKE JOSHUA JONES & WF	1603 N MAIN ST		KANNAPOLIS	NC	28081	HISATAKE ROSALYN
50767	159 315	HILL CHILD LLC	1435 HWY 258 N		KINSTON	NC	28504	
51726	159 176	SALAS ALEJANDRO CAMPUZANO	1070 WHISPERWOOD DR		SALISBURY	NC	28147-7934	
51733	159 081	ELLISON DEMARCUS A & SPOUSE	118 MARY ST		KANNAPOLIS	NC	28081	ROBINSON-ELLISON SHALETTE D
51734	159 080	SIMMONS DANNY HAROLD JR	3980 FISH POND RD		SALISBURY	NC	28146	
51735	159 067	ODOM RICHARD R & WF	101 W 16TH ST		KANNAPOLIS	NC	28081-2301	ODOM KATHY K
51895	159 078	CAPITAL MARKETING & MANAGEMENT	23248 DORTHY RD		OAKBORO	NC	28129-9518	INC
51896	159 076	D & E LIMITED LLC	3140 CHELWOOD DR		CONCORD	NC	28027	
51897	159 072	ODOM RICHARD R & WF	101 W 16TH ST		KANNAPOLIS	NC	28081-2301	ODOM KATHY K
52782	159 071	ODOM RICHARD DALE & WF	103 W 16TH ST		KANNAPOLIS	NC	28081	ODOM BRENDA
54135	159 068	DEL ROSSO ANDREW PATRICK	106 W 16TH ST		KANNAPOLIS	NC	28081-2302	
54953	159 070	ODOM RICHARD R & WF	101 W 16TH ST		KANNAPOLIS	NC	28081-2301	ODOM KATHY K
55277	159 164	DISCOUNT FLOOR COVERING OUTLET INC	6801 HIGHGROVE PL		CONCORD	NC	28027-7495	
55525	159 07501	ODOM RICHARD R & WF	101 W 16TH ST		KANNAPOLIS	NC	28081-2301	ODOM KATHY K
55526	159 075	ODOM RICHARD R & WF	101 W 16TH ST		KANNAPOLIS	NC	28081-2301	ODOM KATHY K
55527	159 074	ODOM RICHARD	1202 N CANNON BLVD		KANNAPOLIS	NC	28083-0000	
55528	159 073	BENT OAKS LLC	5736 WOODRIDGE CT NW		CONCORD	NC	28027-8097	



January 17, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday February 4, 2025 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-02 – Variance – 1547 N. Main St.

The purpose of this Public Hearing is to consider a request for a variance pursuant to Section 2.5.D(1) of the Kannapolis Development Ordinance. The applicant seeks a variance from the dimensional standards specified in Table 4.7-1 of the Unified Development Ordinance. The applicant is requesting an encroachment into the front and interior side yard setbacks for the Residential Compact (RC) district for property located at 1547 N. Main St. situated on the corner of N. Main St. & W. 16th. This property is zoned General Commercial (GC) under the KDO, is approximately 0.45 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 159 073 **(Please see attached vicinity map showing the location of this property.)**

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are welcome to attend the public hearing and present testimony to the Board of Adjustment if you so desire.

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4350 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA-2025- 2

BLACK STAR *Villas*
COMING SOON



NEW LUXURY TOWNHOMES
FROM THE

LOW \$400'S



FOR MORE INFO CALL 704.774.5072



**Board of Adjustment
February 4, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Mia Alvarez, Planner

SUBJECT: Case# BOA-2025-03: Certificate of Nonconformity Adjustment– 2702 N. Cannon Blvd.

Applicant: Khaledfaithi Salem Saleh

Request for a Certificate of Nonconformity Adjustment to operate personal vehicle service and repair business on a property located at 2702 N. Cannon Blvd.

A. Actions Requested by Board of Adjustment

1. Motion to accept the City's exhibits into the record.
2. Motion to approve/revise Findings of Fact for the Certificate of Nonconformity Adjustment.
3. Motion to approve, approve with conditions, or deny the issuance of the Certificate of Nonconformity Adjustment.

B. Required Votes to Pass Requested Action

A majority vote is required to approve, approve with conditions, or deny the requested actions.

C. Background

The applicant, Khaledfaithi Salem Saleh (the lessee), is requesting a Certificate of Nonconformity Adjustment (CONA) to operate a personal vehicle service and repair business. The subject property has two zoning districts, with General Commercial (GC) along N. Cannon Blvd and Residential 8 (R8) along Alexander Ave. at the rear of the property. The property is approximately 3.18 +/- acres and located at 2702 N. Cannon Blvd., further identified as Rowan County Parcel Identification Numbers 162 030 and 162 029.

There is an existing building on the property. It previously was used for a plumbing business and included a contractor's yard. Staff has confirmed that the conformity has not expired for the previous use. The zoning district boundary goes through the building. In the General Commercial (GC) District,

personal vehicle service and repair is an allowed use. It is not a permitted use in the Residential 8 (R8) District.

D. Policy Issues

Section 2.5.E(4) of the Kannapolis Development Ordinance requires the approval of a Certificate of Nonconformity Adjustment prior to:

- (1) Any change of use of a structure or land from one nonconforming use to another nonconforming use
- (2) Any expansion of or addition to structural parts of a nonconforming structure

Section 2.5.E(4) of the KDO requires that the Board of Adjustment shall only approve a Certificate of Nonconformity Adjustment if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

Staff Findings of Fact - Based on application review:

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Noise - Does the nonconformity create noise above and beyond levels considered normal to the area? The nonconformity does not create noise above and beyond levels considered normal to the area.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Traffic - Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use? The number of trips associated with this nonconformity is not significantly higher than the volume of traffic generated by surrounding land uses.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Surrounding property values - Does the nonconformity detract from the prevailing property values? The nonconformity does not detract from prevailing land uses. The type of land use is not significantly different from surrounding land uses.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aesthetics – Does the nonconformity detract from the overall aesthetic character of the area? The type of land use is not significantly different from surrounding land uses. The building is existing. There is a restaurant to the north of the property and a car dealership to the south. There are residential homes east of the property along Alexander Ave.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The applicant consents in writing to all conditions of approval included in the approved Certificate of Nonconformity Adjustment. The applicant has been informed they must sign the Conditions of Approval for this Certificate of Nonconformity Adjustment.

E. Legal Issues

Board's Findings of Fact - Based on application review and public hearing.

In order to determine whether to grant a Certificate of Nonconformity Adjustment, the Board must find that each of the five criteria noted above have been met. If the Board concurs with the staff assessments for each of the criteria, then no additional findings of fact are necessary and the Board may adopt the staff findings as part of its decision. However, if the Board wishes to approve different findings (perhaps as a result of additional evidence or testimony presented at the public hearing), alternate findings need to be included as part of the five criteria below.

Should a Certificate of Nonconformity Adjustment be approved, the Board may impose such reasonable conditions as will ensure that the use of the property to which the certificate applies will be as compatible as practicable with the surrounding properties. Any approval granted will “run with the land” and subject all future property owners to the same restrictions.

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Noise - Does the nonconformity create noise above and beyond levels considered normal to the area?
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Traffic - Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Surrounding property values - Does the nonconformity detract from the prevailing property values?
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Aesthetics - Does the nonconformity detract from the prevailing property values?
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | The applicant consents in writing to all conditions of approval included in the approved Certificate of Nonconformity Adjustment.
_____ |

F. Recommendation

Based on the above findings, staff recommends **approval** of the Certificate of Nonconformity Adjustment based on the staff Findings of Fact (or as modified by the Board), the conceptual site plan, and compliance with all local, State, and Federal requirements.

The Board of Adjustment should consider all facts and testimony after conducting the Public Hearing and render a decision accordingly to approve, approve with conditions, or deny the Certificate of Nonconformity Adjustment.

G. Attachments

1. Certificate of Nonconformity Adjustment Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. List of Notified Properties
6. Notice to Adjacent Property Owners
7. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X



Certificate of Nonconformity Adjustment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

CERTIFICATE OF NONCONFORMITY ADJUSTMENT REQUEST

Certificate of Nonconformity Adjustment (CONA) – Request for CONA as required by Article 7 of the Kannapolis Development Ordinance (KDO) to enlarge, expand, or otherwise alter a Nonconforming Use or Structure.

Approval authority – Board of Adjustment.

Property Address: 2702 N CANNON BLVD KANNAPOLIS NC 280283

Applicant: KHALED FATHI SALEM SALEM

SUBMITTAL CHECKLIST

- Pre-Application Meeting
- CONA Checklist and Application – Complete with all required signatures
- Plot/Site Plan showing the proposed changes
- Fee: \$350.00 (\$300 Application Fee + notification fee [see Fee Schedule])
- Please mark this box to authorize aerial drone photography of the site

PROCESS INFORMATION

Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, submittal of the application and site plan, and payment of fees, must be completed prior to scheduling the public hearing.** Please review Section 2.4.D. of the KDO.

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with conditions. Such conditions shall "run with the land" and subject all future property owners with the same restrictions

Scope of Approval: The Board's decision to approve or deny will be made based on the following criteria: (1) Noise, (2) Traffic, (3) Other measurable, physical effects, (4) Surrounding property values, and (5) Aesthetics (see CONA application).

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature:  Date: 01/07/25



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

CERTIFICATE OF NONCONFORMITY ADJUSTMENT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: KHALED FATHI SALEM SALEH

Address: 4569 KELLY BROOK DR
CONCORD NC 28025

Phone: 980 666 2644

Email: Khaled.fathi1975@hotmail.com

Property Owner Contact Information same as applicant

Name: Lenyn Hardin

Address: 408 West Mill St
Sandis NC 28088

Phone: 704 490 0889

Email: _____

Project Information

Project Address: 2702N CANNON BLVD KANNAPOLIS Zoning District Select GC

Parcel PIN: 162 030 Size of property (in acres): 1.18
+ 162 029 * as confirmed with property owner on 1/30/2025 MA.

Current Property Use: VACANT (HABBAR PLUMBING)

Describe the nonconformity: RESIDENTIAL USE ONLY ZONING

Proposed enlargement, expansion, or alteration (attach separate sheet if necessary): _____

MECHANIC AUTO REPAIR L
NONE OF THEM

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Certificate of Nonconformity Adjustment (CONA). The Kannapolis Development Ordinance requires that the applicant demonstrate positive responses to several questions to obtain a CONA. In the spaces provided below, indicate the facts that you intend to provide to convince the Board that the proposed enlargement, expansion, or alteration can properly address the following questions:

A. Noise – Does the conformity create noise above and beyond levels considered normal to the area?

NO

B. Traffic – Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?

NO

C. Other measurable, physical effects – Does the nonconformity generate any other negative effects, including, but not limited to, dust, air pollution, foul smell, etc.?

NO

D. Surrounding property values – Does the nonconformity detract from the prevailing property values?

NO

E. Aesthetics – Does the nonconformity compliment or detract from the overall aesthetic character of the area?

NO

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions regarding what the nonconformity owner/operator must do to the property for certification. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.



Applicant Signature

1-7-2025

Date



Property Owner Signature

1-7-2025

Date

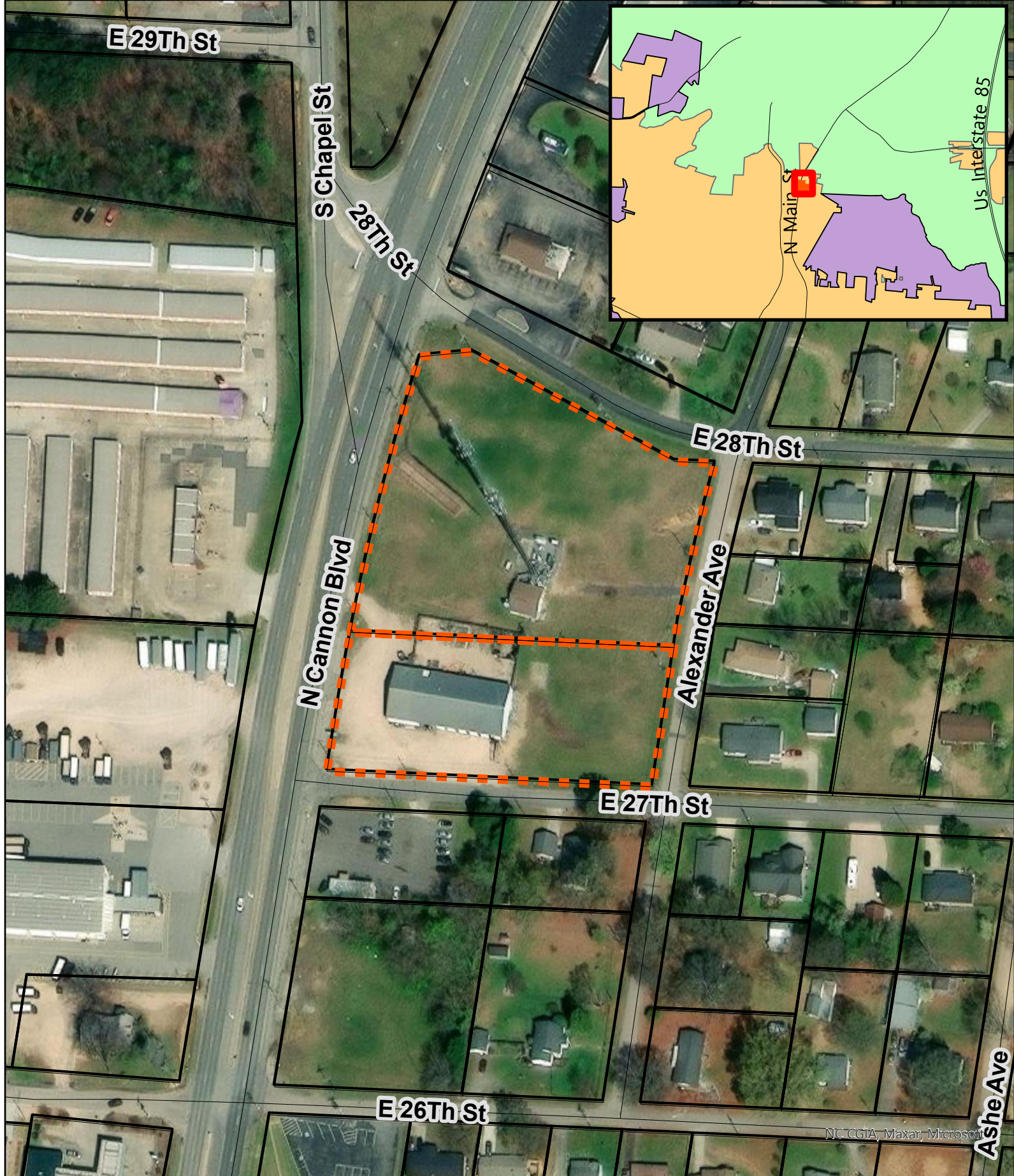


Vicinity Map

Case Number: BOA-2025-03

Applicant: Khaledfathi Salem Saleh

2702 N Cannon Blvd and Unaddressed Parcel





Kannapolis Current Zoning

Case Number: BOA-2025-03

Applicant: Khaledfathi Salem Saleh

2702 N Cannon Blvd and Unaddressed Parcel



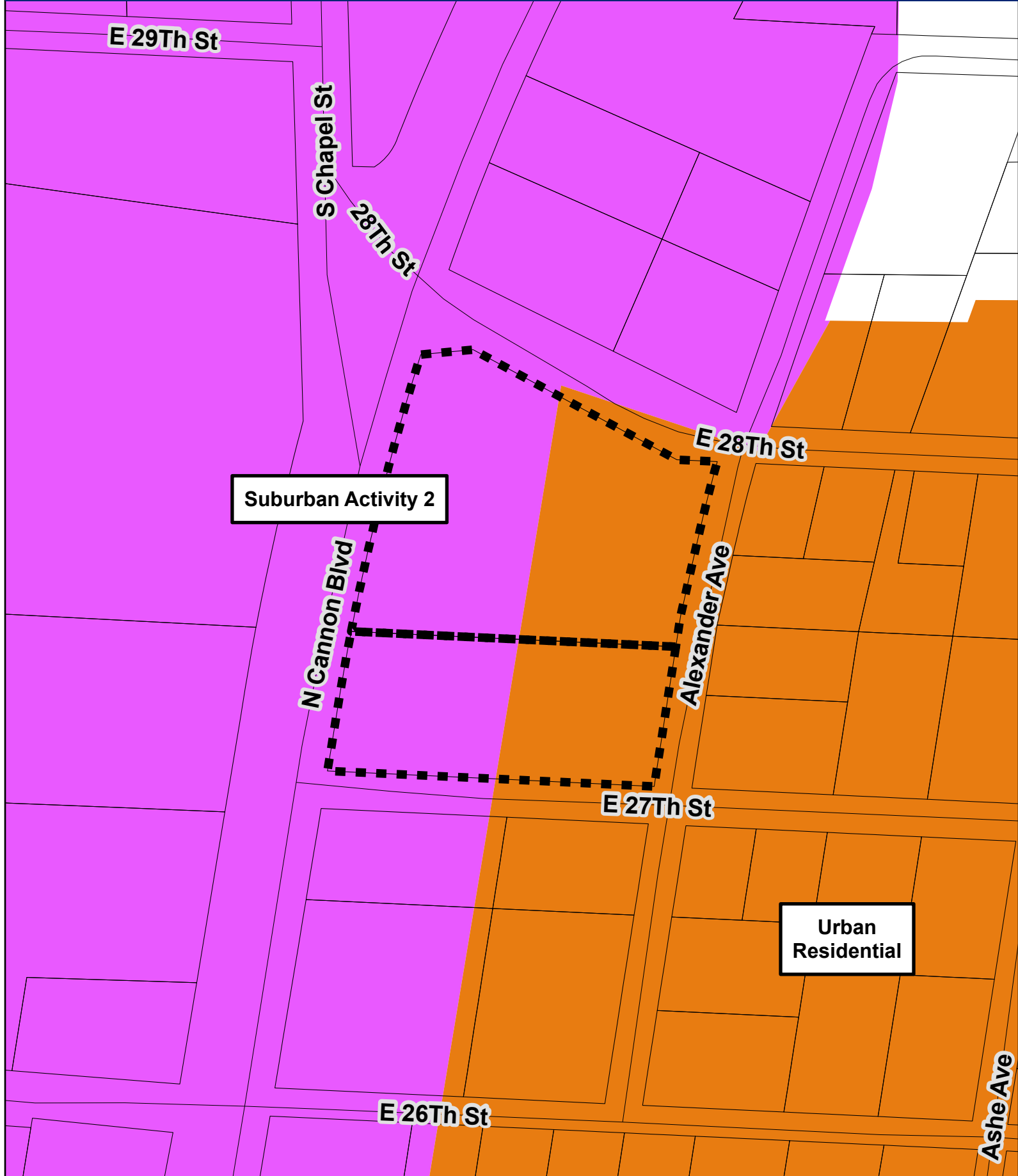


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-03

Applicant: Khaledfathi Salem Saleh

2702 N Cannon Blvd and Unaddressed Parcel



OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
BT-OH LLC	55 GLENLAKE PKWY NE	ATLANTA	GA	30328-3474
ROUSIS DIMITRIOS	348 WEBSTER PL	CHARLOTTE	NC	28209
ALLEY VIRGINIA YATES	302 E 28TH ST	KANNAPOLIS	NC	28083-9736
JORDAN HOUSTON JAMES	313 E 28TH ST	KANNAPOLIS	NC	28083-9739
JORDAN HOUSTON JAMES & WF	313 E 28TH ST	KANNAPOLIS	NC	28083
H H & H TOWER RENTALS INC	408 W MILL ST	LANDIS	NC	28088-1222
JORDAN VANDREITA ELAINE	318 E 28TH ST	KANNAPOLIS	NC	28083
10FSS 2806 N CANNON BLVD KANAPOLIS NC LL	2424 RIDGE RD	ROCKWALL	TX	75087-5116
BIKAS KONSTANTIA T ETAL	3210 SPRINGS FARM LN	CHARLOTTE	NC	28226-0912
ANICA MARIA	2702 ALEXANDER AVE	KANNAPOLIS	NC	28083-9703
RANDY E BENTLEY CONSTRUCTION LLC	4576 HWY 152 E	ROCKWELL	NC	28138-9599
BOTHWELL JALISSA	200 E 27TH ST	KANNAPOLIS	NC	28083-9734
KBL PROPERTY INVESTMENTS LLC	7210 FRIAR TUCK LN	CHARLOTTE	NC	28227-6127
BENJAMIN TORREY D	312 E 28TH ST	KANNAPOLIS	NC	28083-9736
BAF ASSETS 4 LLC	5001 PLAZA ON THE LAKE STE 200	AUSTIN	TX	78746-1053
TEHRANI ENAYATOLLAH K & WF	5120 INGLEBURN LN	HUNTERSVILLE	NC	28078-0000
HARDIN HENRY D ETAL	2730 CHINA GROVE RD	KANNAPOLIS	NC	28083
BELK GEORGE CARROLL & WF	317 E 28TH ST	KANNAPOLIS	NC	28083-9239
CORDEIRO EDWARD J III & WF	2627 ALEXANDER AVE	KANNAPOLIS	NC	28083
SPEEDWAY LLC	539 S MAIN ST	FINLAY	OH	45840-0000
PITTMAN DEREK &	305 E 28TH ST	KANNAPOLIS	NC	28083
NCU4001KS LP	1201 GLENMORE TRAIL SW	CALGARY	AB	
MCGUIRE RICHARD E	8845 WRIGHT RD	KANNAPOLIS	NC	28081-8997
ZIODI AUTOMOTIVE LLC	4530 AVALON FOREST LANE	CHARLOTTE	NC	28269-8195



KANNAPOLIS
Planning

January 17, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday February 4, 2025 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-03 – Certificate of Nonconformity Adjustment – 2702 N. Cannon Blvd.

The purpose of this Public Hearing is to consider a request for a Certificate of Nonconformity Adjustment (CONA) to allow for a personal vehicle service and repair use on a property located at 2702 N. Cannon Blvd. Section 2.5.E(4) of the Kannapolis Development Ordinance requires the approval of a CONA prior to any change of use of a structure or land from one nonconforming use to another nonconforming use.

The subject property is split General Commercial (GC) and Residential-8 (R-8) zoning districts on approximately 1.18 +/- acres of property located at 2702 N. Cannon Blvd. and further identified as Rowan County Parcel Identification Number 162 030 (**Please see attached vicinity map showing the location of this property**).

As an abutting property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are welcome to attend the public hearing and present testimony to the Board of Adjustment if you so desire.

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4350 or malvarez@kannapolisnc.gov.

Sincerely,

Mia Alvarez
Planner

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # BOA - 2025 - 3