



BOARD OF ADJUSTMENT AGENDA

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

Tuesday April 7, 2023 at 6:00 PM

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – March 7, 2023**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
 - a. BOA-2023-04 – Special Use Permit – 2832 S. Ridge Ave.**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow construction of a single-family detached dwelling on property located at 2832 S Ridge Ave. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, single-family residential uses require approval of a SUP in the Residential 18 (R18) zoning district. The subject property is 0.288 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56128391220000.
 - b. BOA-2023-05 – Special Use Permit – 2838 S. Ridge Ave.**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow construction of a single-family detached dwelling on property located at 2838 S Ridge Ave. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, single-family residential uses require approval of a SUP in the Residential 18 (R18) zoning district. The subject property is 0.272 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56128390350000.
 - c. BOA-2023-06 – Special Use Permit – 2850 S. Ridge Ave.**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow construction of a single-family detached dwelling on property located at 2850 S Ridge Ave. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, single-family residential uses require approval of a SUP in the Residential 18 (R18) zoning district. The subject property is 1.504 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56128297890000.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment
April 4, 2023 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-04: Special Use Permit – 2832 S Ridge Ave
Applicant: David Miller

Request for a Special Use Permit to allow for a single-family detached dwelling on property located at 2832 S. Ridge Ave.

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, David Miller, is requesting a Special Use Permit (SUP) to allow for a Single-family detached dwelling in the Residential 18 (R18) zoning district on approximately 0.288 +/- acres of property located at 2832 S. Ridge Ave., further identified as Cabarrus County Parcel Identification Number 56128391220000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Single-family detached dwelling uses in the R18 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 "Suburban Activity 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area includes primarily regional-scale commercial development that can accommodate large format commercial developments. The plan also calls for secondary uses of multifamily and single-family residential. The property is currently adjacent to single-family and vacant lots.

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 construction of a single-family dwelling is not anticipated to cause any traffic hazards or traffic congestion.

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 single-family detached dwelling 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 single-family dwelling is compatible with the adjacent uses of single-family residential.

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 detriment 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, 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.

N/A unless the Board of Adjustment determines to add conditions.

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. |
| <hr/> | | |
| <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. |
| <hr/> | | |
| <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. |
| <hr/> | | |
| <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. |
| <hr/> | | |
| <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. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use complies with all applicable provisions of the KDO. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | The applicant consents in writing to all conditions of approval included in the approved special use permit. |
| <hr/> | | |

G. Recommendation

Based on the above findings, staff recommends **approval** 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.

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. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	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.** Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

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: 2832 S Ridge Ave, Concord NC 28025

Applicant: David Miller

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- SUP Checklist and Application – Complete with all required signatures
- Plot/Site Plan showing the proposed use
- Fee: \$625.00 (\$600 Application Fee + notification fee [see Fee Schedule])

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 application and all fees must be paid 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: 2-22-23



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: David Miller
Address: 1640 Dale Earnhardt Blvd
Kannapolis NC 28083
Phone: 704-791-5845
Email: david@apmrentals.net

Property Owner Contact Information same as applicant

Name: _____
Address: _____
Phone: _____
Email: _____

Project Information

Project Address: 2832 Ridge Ave, Concord NC 28025 Zoning District R-18

Parcel PIN: 56128391220000 Size of property (in acres): 0.288

Current Property Use: Vacant land

Proposed Use: I plan to build 3 single family homes for all three parcels 56128297890000
56128390350000 and 56128391220000

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):

I plan to build 3 single family homes on the existing lots

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.**

The proposed single family homes are consistent with many other single family homes
located adjacent to this property on the north.

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.
3 single family homes will have little to no effect on traffic.

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

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.
3 single family homes iwll have no effect on the development of the 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.
None

6. The proposed use complies with all applicable provisions of the KDO.
Yes, single family is allowed in r-18 in the KDO with a SUP.

7. The applicant consents in writing to all conditions of approval included int eh 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

2-22-23
Date

Property Owner Signature

Date

For Staff Use Only:

Filing Fee: \$625.-

Receipt #: KN-SUP-2023-00003

Case #: BOA-2023-04

Date Received: 3 | 1 | 2023

- Notes:
1. Iron pins at all lot corners unless otherwise noted.
 2. All easements, utility easements or unrecorded rights-of-way or encumbrances not shown.
 3. Property is not located within 2000' of a NCGS monument.
 4. Approval of this plat does not permit the owner the right to alter pipe, fill, or relocate any existing drainage feature located on the property without submitting engineering plans for review and approval to the City of Kannapolis and appropriate water.
 5. Property is not located in a flood hazard area per FIRM Map #27104663001.
 6. This property is served by private well and septic.
 7. Water and sewer may be available for these lots. Permits, fees and connections will have to be approved and installed by the City of Kannapolis.
 8. Sanitary Sewer laterals and water meters are not to be located in driveways.
 9. Locations shall be constructed in accordance with City of Kannapolis UDO driveway design standards and require a subgrade inspection prior to construction.
 10. Any land disturbing activity requires appropriate erosion control measures to contain sediment on-site. Disturbances greater than those require a permit from NCEM, with these less than 1 acre require a permit from the city.

LINE BEARINGS	DISTANCE
L1 S 05°54'20" E	15.49
L1 S 05°02'33" E	52.35
L1 S 74°45'07" E	11.80
L1 N 74°45'07" E	11.80
L1 N 75°27'00" E	42.134
L6 S 05°02'33" E	170.31



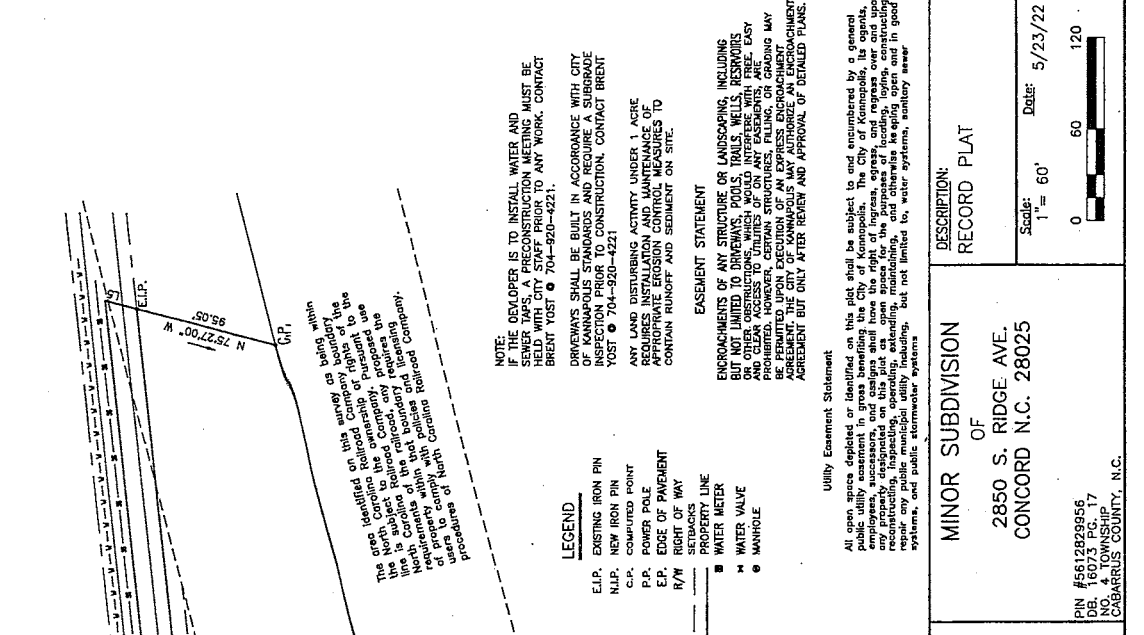
STATE OF NORTH CAROLINA
CABARRUS COUNTY

Review Officer of Cabarrus County certifies that this map or plat to which this certification is affixed meets all statutory requirements for recording.

DATE

REVIEW OFFICER

NC GRID
MADRID



I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED ON THIS SURVEY AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM SETBACK LINES, MARKS, PAVES, OPEN SPACE, EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE PROPERTY IS FULLY REDEVELOPED. I CERTIFY THAT THIS SURVEY COMPLIES WITH ALL APPLICABLE CITY ORDINANCES, INCLUDING BUT NOT LIMITED TO, THE ZONING ORDINANCE IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER A CERTIFICATION OF APPROVAL HAS BEEN MADE UNDER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS UNLESS OTHERWISE SPECIFIED.

DATE _____

OWNER _____

Charlotte S. Sparks, PLS
L-1340

PRELIMINARY SURVEYING, PA
4485 NEEDMORE RD.
WOODLEAF, N.C. 27054
TEL: (770) 577-6429
C-481

MINOR SUBDIVISION OF
RECORD PLAT
2850 S. RIDGE AVE.
CONCORD N.C. 28025

DATE: 5/23/22
Scale: 1" = 60'
0 60 120

Pin #661229956
DE: 60738-7
C-481
CABARRUS COUNTY, N.C.

Pin #661229956
DE: 60738-7
C-481
CABARRUS COUNTY, N.C.

SURVEYOR'S CERTIFICATION

I, Christopher S. Sparks, certify that this map was drawn by me in accordance with the standards and practices as set forth in the rules and regulations of the Surveyors and Land Surveyors, as prescribed in Book 10273 Page 17, etc. (other); that the ratio of precision as calculated by latitudes and departures is 1:1000; that the bearings and distances are correct as shown on Page 47-50, as amended.

Witness my hand and seal this 17th day of Nov., AD 2021.

Professional Land Surveyor
Registration Number _____

ZONING
OWNER:
DAVID MILLER REALTY & INVESTMENT, LLC
1640 DALE EARNHARDT BLVD.
KANNAPOLIS, N.C. 28083

ZONED: O1 (R8)
10' FRONT YARD
5' REAR YARD
5' SIDE YARD

I hereby certify that all streets, storm drainage systems, water and sewer systems and easements designed, installed, and constructed in accordance with the Subdivision Regulations of the City of Kannapolis and all other requirements of the City of Kannapolis and the State of North Carolina in the design and construction of this subdivision are in compliance with the Subdivision Regulations of the City of Kannapolis and the State of North Carolina in the design and construction of this subdivision.

Date _____ City Engineer
Date _____ Public Works Director

I am hereby certified that this plat is in compliance with the Subdivision Regulations of the City of Kannapolis and all other requirements of the City of Kannapolis and the State of North Carolina in the design and construction of this subdivision within 30 days of the date below.

Date _____ Planning Director



Vicinity Map

Case Number: BOA-2023-04

Applicant: David Miller

2832 S Ridge Ave



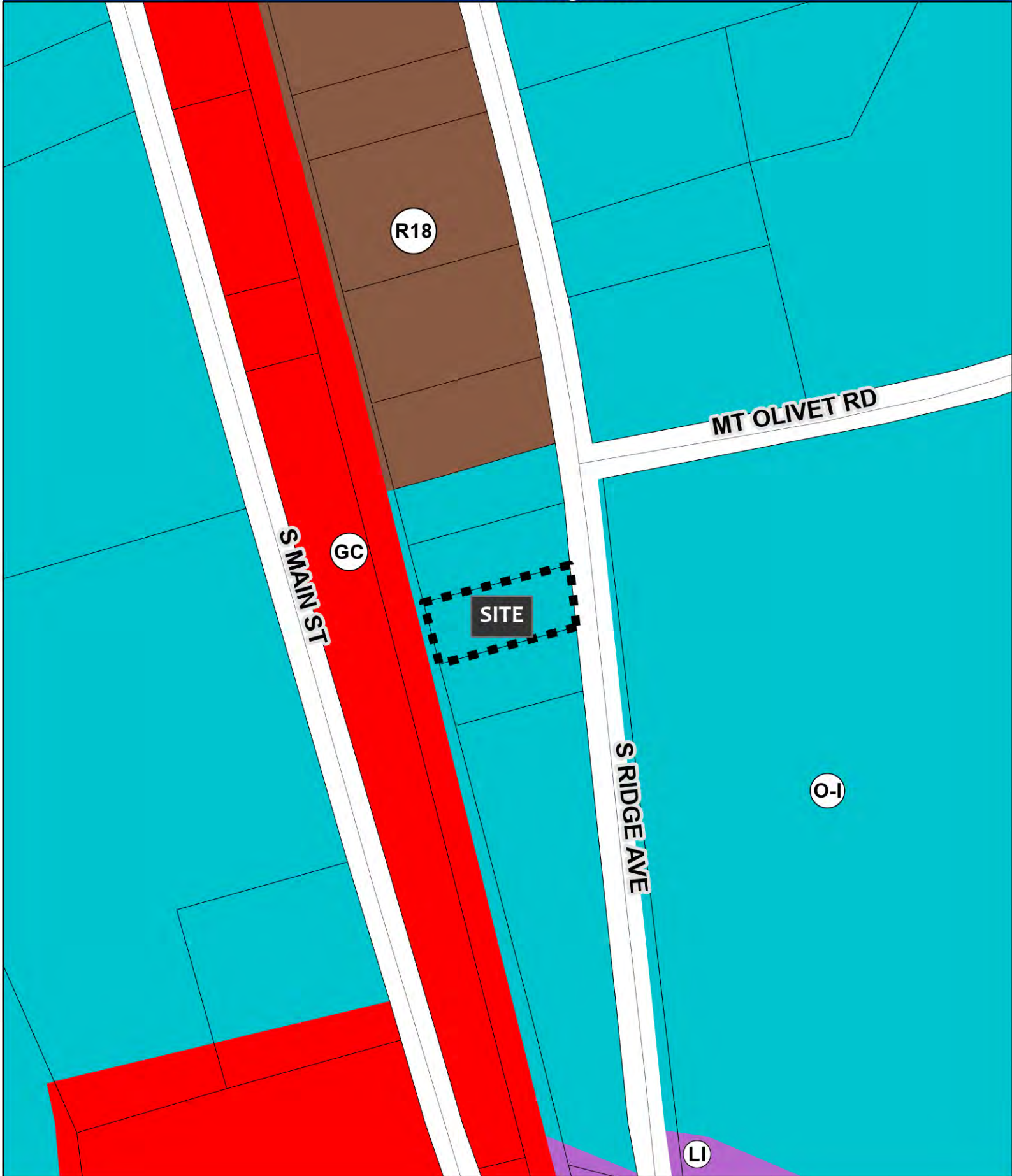


Kannapolis Current Zoning

Case Number: BOA-2023-04

Applicant: David Miller

2832 S Ridge Ave

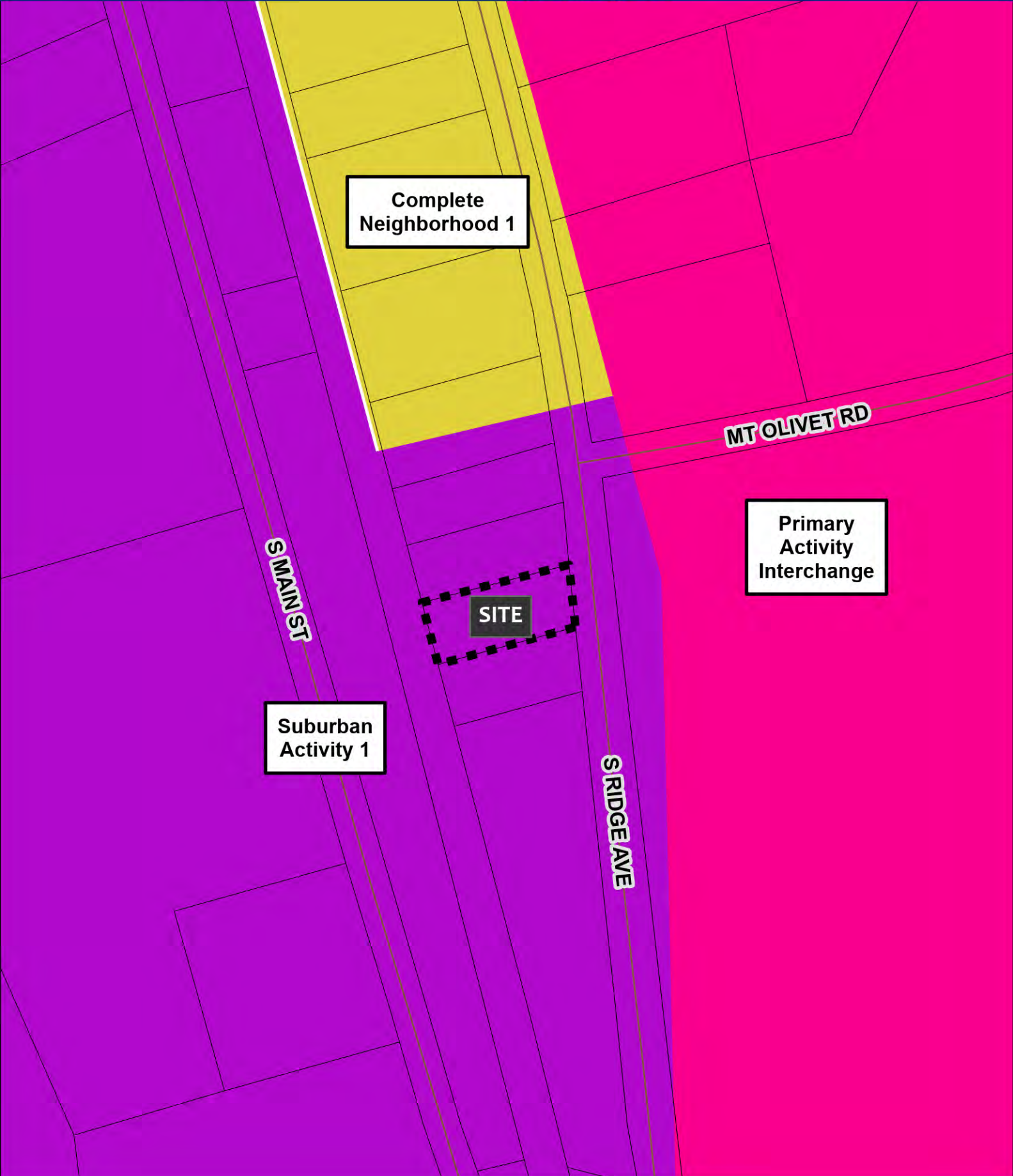


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-04

Applicant: David Miller

2832 S Ridge Ave



**Complete
Neighborhood 1**

**Primary
Activity
Interchange**

**Suburban
Activity 1**

SITE

S MAIN ST

S RIDGE AVE

MT OLIVET RD

Notes:

1. Iron pins at all lot corners unless otherwise noted.
2. Property may be subject to recorded or unrecorded rights-of-way or easements not observed.
3. Property is not located within 2000' of a NCGS monument.
4. Approval of this plat does not permit the owner the right to alter pipe, fill, or relocate any existing drainage feature located on the without submitting engineering plans for review and approval to the City of Kannapolis and other appropriate state agencies.
5. Property is not located in a flood hazard area per FIRM MAP #3710469300J. dated: 11/05/2008
6. This property is served by private well and septic.
7. Water and sewer may be available for these lots. Permits, fees and connections will have to be approved and installed by the City of Kannapolis. Sanitary Sewer laterals and water meters are not to be located in driveways.
8. Driveway locations shall be constructed in accordance with City of Kannapolis UDO driveway design standards and require a subgrade inspection prior to construction.
9. Any land disturbing activity requires appropriate erosion control measures to contain sediment on-site. Disturbances greater than 1 Acre requires permit from NCDEQ, while those less than 1 Acre require a permit from the city.

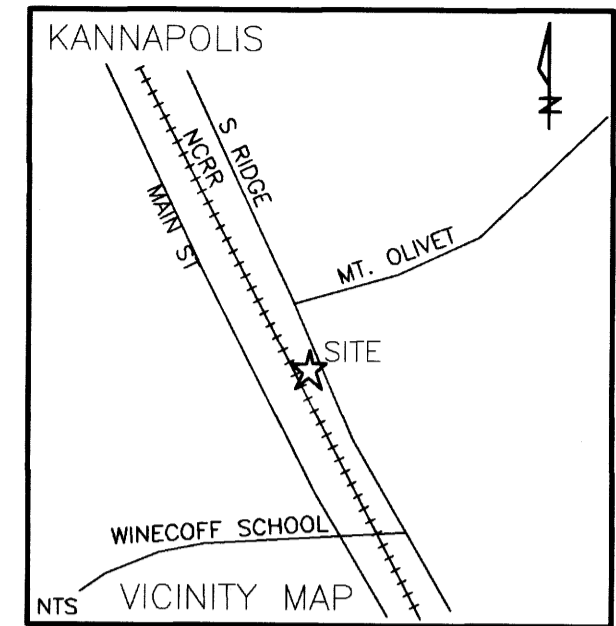
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF KANNAPOLIS AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM SETBACK LINES AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, WALKS, PARKS, OPEN SPACE, EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF KANNAPOLIS AND FURTHER, THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER A CERTIFICATION OF APPROVAL HAS BEEN EXECUTED BY THE CITY, OR AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS WHICHEVER OCCURS LATER.

[Signature] 11-21-22
OWNER DATE

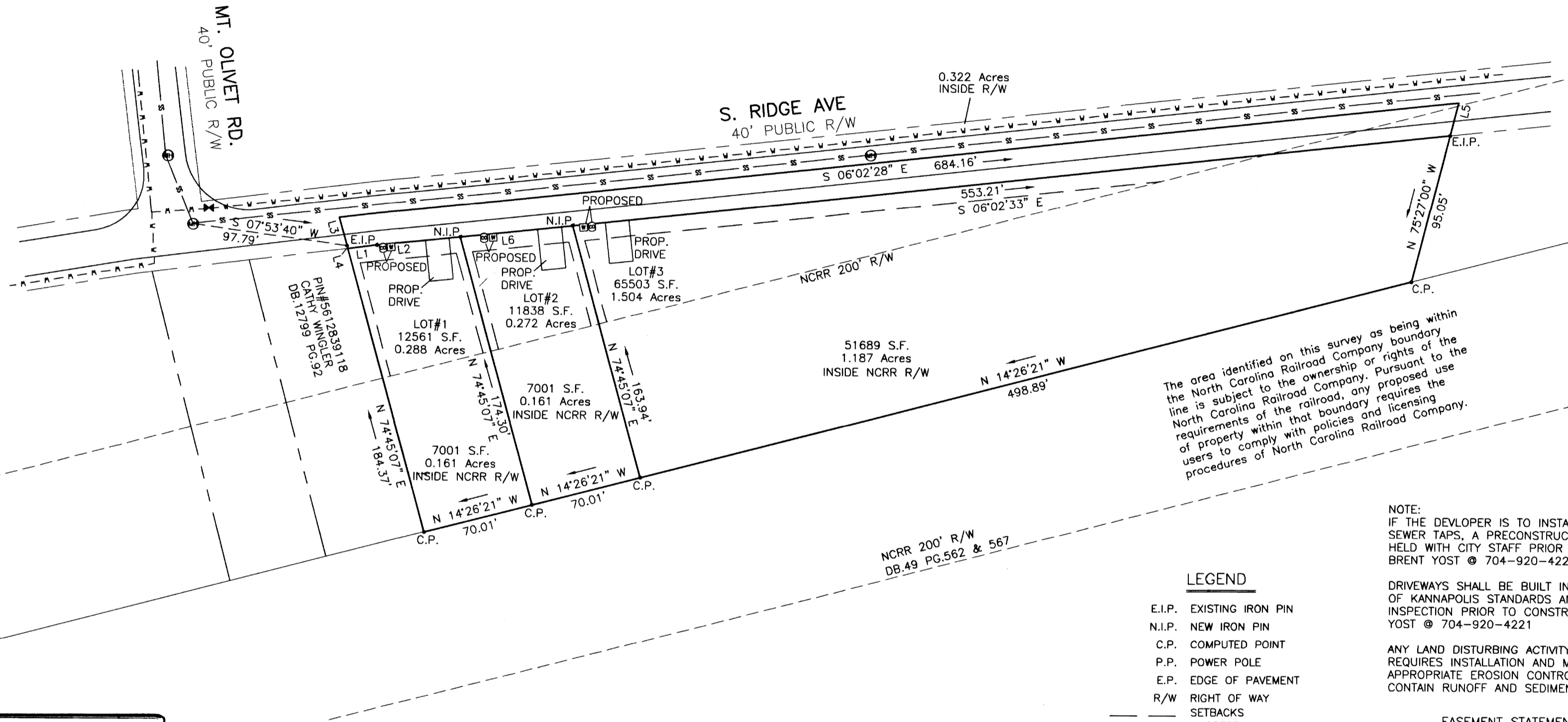
STATE OF NORTH CAROLINA
CABARRUS COUNTY

I, Greg Beck Review Officer of Cabarrus County certify that this map or plat to which this certification is affixed meets all statutory requirements for recording.

[Signature] 1/4/2023
REVIEW OFFICER DATE



LINE	BEARING	DISTANCE
L1	S 06°54'20" E	18.49'
L2	S 06°02'33" E	52.38'
L3	N 74°45'07" E	18.41'
L4	N 74°45'07" E	1.80'
L5	N 75°27'00" W	21.34'
L6	S 06°02'33" E	70.91'



The area identified on this survey as being within the North Carolina Railroad Company boundary line is subject to the ownership or rights of the North Carolina Railroad Company. Pursuant to the requirements of that boundary requires the users to comply with policies and licensing procedures of North Carolina Railroad Company.

NOTE:
IF THE DEVELOPER IS TO INSTALL WATER AND SEWER TAPS, A PRECONSTRUCTION MEETING MUST BE HELD WITH CITY STAFF PRIOR TO ANY WORK. CONTACT BRENT YOST @ 704-920-4221.

LEGEND

- E.I.P. EXISTING IRON PIN
- N.I.P. NEW IRON PIN
- C.P. COMPUTED POINT
- P.P. POWER POLE
- E.P. EDGE OF PAVEMENT
- R/W RIGHT OF WAY
- SETBACKS
- PROPERTY LINE
- WATER METER
- WATER VALVE
- MANHOLE

EASEMENT STATEMENT

ENCROACHMENTS OF ANY STRUCTURE OR LANDSCAPING, INCLUDING BUT NOT LIMITED TO DRIVEWAYS, POOLS, TRAILS, WELLS, RESERVOIRS OR OTHER OBSTRUCTIONS, WHICH WOULD INTERFERE WITH FREE, EASY AND CLEAR ACCESS TO UTILITIES OF ON ANY EASEMENTS, ARE PROHIBITED. HOWEVER, CERTAIN STRUCTURES, FILLING, OR GRADING MAY BE PERMITTED UPON EXECUTION OF AN EXPRESS ENCROACHMENT AGREEMENT. THE CITY OF KANNAPOLIS MAY AUTHORIZE AN ENCROACHMENT AGREEMENT BUT ONLY AFTER REVIEW AND APPROVAL OF DETAILED PLANS.

Utility Easement Statement

All open space depicted or identified on this plat shall be subject to and encumbered by a general public utility easement in gross benefiting the City of Kannapolis. The City of Kannapolis, its agents, employees, successors, and assigns shall have the right of ingress, egress, and regress over and upon any property designated on this plat as open space for the purposes of locating, laying, constructing, reconstructing, inspecting, operating, extending, maintaining, and otherwise keeping open and in good repair any public municipal utility including, but not limited to, water systems, sanitary sewer systems, and public stormwater systems

FILED Jan 04, 2023 11:57 am FILED
BOOK 00094 CABARRUS
PAGE 0093 THRU 0093 COUNTY NC
INSTRUMENT # 00131 WAYNE NIXON
EXCISE TAX \$0.00 REGISTER
OF DEEDS

It is hereby certified that this plat is in compliance with the Subdivision Regulations of the City of Kannapolis, and therefore this plat has been approved, subject to its being recorded with the Cabarrus (Rowan) County Register of Deeds within 30 days of the date below.

12/30/22 *[Signature]*
Date Planning Director

12/29/2022 *[Signature]*
Assist. Director of Engineering
12/29/2022 *[Signature]*
Director of Water Resources
Assist. City Manager

ZONING
ZONED: O1 (R8)
10' FRONT YARD
5' REAR YARD
5' SIDE YARD

OWNER:
DAVID MILLER REALTY & INVESTMENT, LLC
1640 DALE EARNHARDT BLVD.
KANNAPOLIS, N.C. 28083

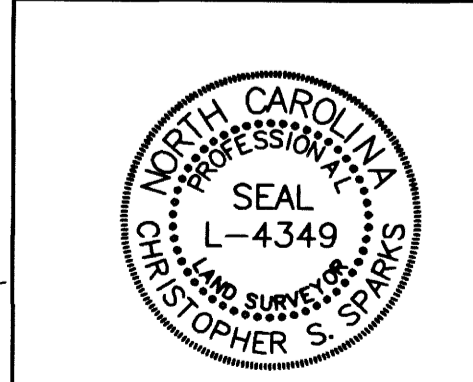
SURVEYOR'S CERTIFICATION

I, Christopher S. Sparks certify that this map was drawn by me from an actual survey made by me deed description recorded in Book 16073 Page 17, etc.) (other); (that the ratio of precision as calculated by latitudes and departures is 1:10,000+; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____ Page _____; that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this 17th day of Nov., AD 2021.
[Signature]
Christopher S. Sparks
Professional Land Surveyor
L-4349
Registration Number

This plat is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

[Signature] L-4349
CHRISTOPHER S. SPARKS, PLS L-4349



SPARKS SURVEYING, PA
4485 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE (704) 577-8429
C-4914

MINOR SUBDIVISION
OF
2850 S. RIDGE AVE.
CONCORD N.C. 28025

DESCRIPTION:
RECORD PLAT

Scale: 1" = 60'
Date: 5/23/22

PIN #5612829956
DB. 16073 PG. 17
NO. 4 TOWNSHIP
CABARRUS COUNTY, N.C.

AcctName1	MailAddr1	MailCity	MailState
DENNIS & TAMMY CABLE	3904 OLD CONCORD RD	SALISBURY	NC
CAROLINA CEMETERY PARK	PO BOX 3257	CONCORD	NC
DAVID MILLER REALTY & INVESTMENT INC ATTN: DAVID MILLER	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC
DUKE POWER COMPANY	400 S. TRYON ST ST22M	CHARLOTTE	NC
ZACHARY & DILAINÉ GLOEGE	2824 S RIDGE AVE	CONCORD	NC
MIGUEL ANGEL MARTINEZ LUCERO & JUAN MANUEL MARTINEZ LUCERO	2831 S MAIN ST	CONCORD	NC
NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC
CHARLES KING UMBERGER JR	2823 S RIDGE AVE	CONCORD	NC
CATHY WINGLER	2826 S RIDGE AVE	CONCORD	NC

MailZipCod

28146
28025

28083
28201
28025

28027
27604
28025
28025



March 20, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday April 4, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-04 – Special Use Permit – 2832 S Ridge Ave.

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow construction of a single-family detached dwelling on property located at 2832 S Ridge Ave. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, single-family residential uses require approval of a SUP in the Residential 18 (R18) zoning district. The subject property is 0.288 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56128391220000 **(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 bstanley@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.

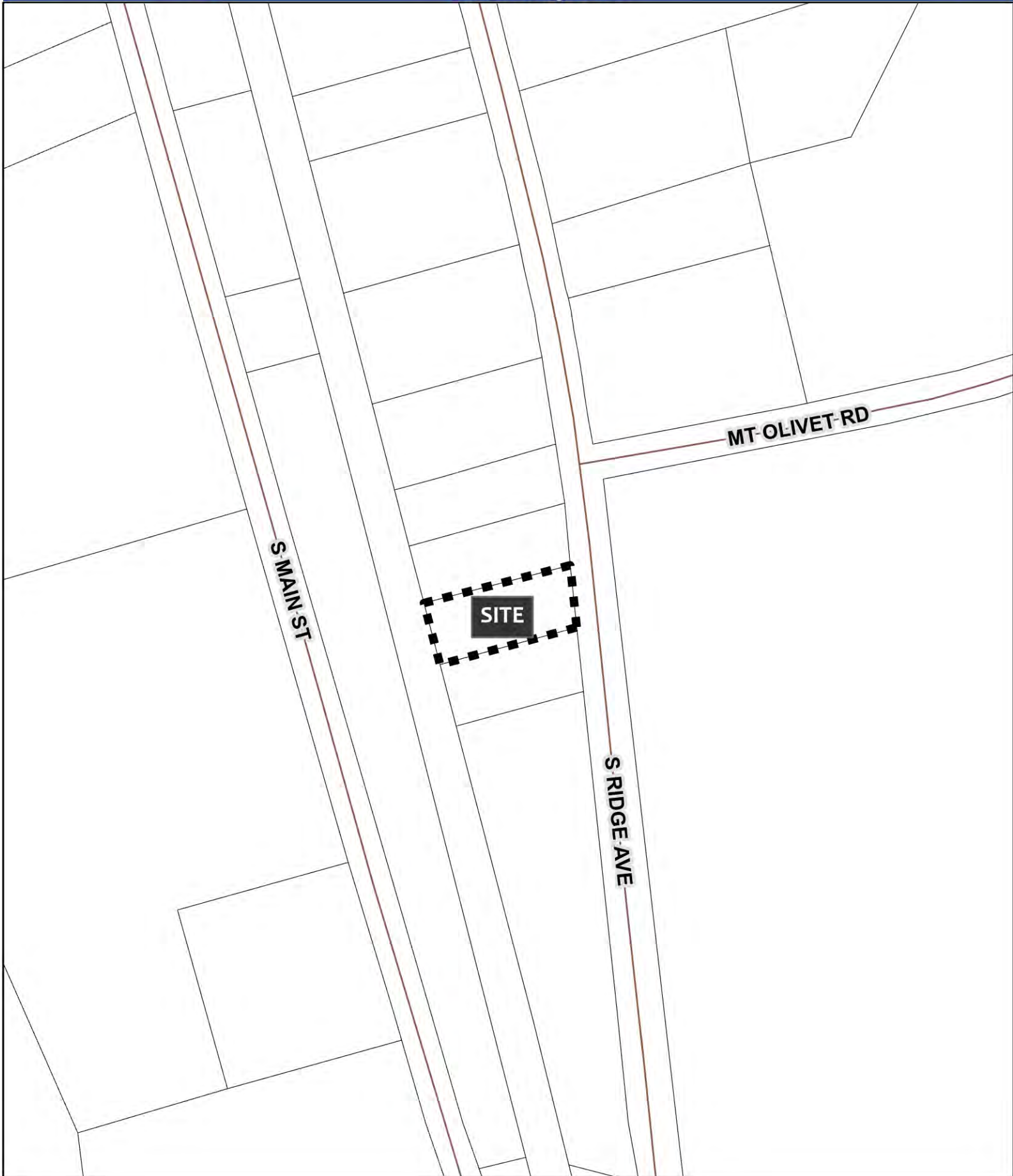


Special Use Permit

Case Number: BOA-2023-04

Applicant: David Miller

2832 S Ridge Ave





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2023-04



**Board of Adjustment
April 4, 2023 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2023-05: Special Use Permit – 2838 S Ridge Ave
Applicant: David Miller

Request for a Special Use Permit to allow for a single-family detached dwelling on property located at 2838 S. Ridge Ave.

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, David Miller, is requesting a Special Use Permit (SUP) to allow for a Single-family detached dwelling in the Residential 18 (R18) zoning district on approximately 0.288 +/- acres of property located at 2838 S. Ridge Ave., further identified as Cabarrus County Parcel Identification Number 56128390350000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Single-family detached dwelling uses in the R18 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 "Suburban Activity 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area includes primarily regional-scale commercial development that can accommodate large format commercial developments. The plan also calls for secondary uses of multifamily and single-family residential. The property is currently adjacent to single-family and vacant lots.

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 construction of a single-family dwelling is not anticipated to cause any traffic hazards or traffic congestion.

 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 single-family detached dwelling 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 single-family dwelling is compatible with the adjacent uses of single-family residential.

 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 detriment 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, 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.

N/A unless the Board of Adjustment determines to add conditions.

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. <hr/> |
| <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. <hr/> |
| <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. <hr/> |
| <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. <hr/> |
| <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. <hr/> |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use complies with all applicable provisions of the KDO. <hr/> |
| <input type="checkbox"/> | <input type="checkbox"/> | The applicant consents in writing to all conditions of approval included in the approved special use permit. <hr/> |

G. Recommendation

Based on the above findings, staff recommends **approval** 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.

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. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	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.** Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

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: 2836 S Ridge Ave, Concord NC 28025

Applicant: David Miller

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- SUP Checklist and Application – Complete with all required signatures
- Plot/Site Plan showing the proposed use
- Fee: \$625.00 (\$600 Application Fee + notification fee [see Fee Schedule])

PROCESS INFORMATION

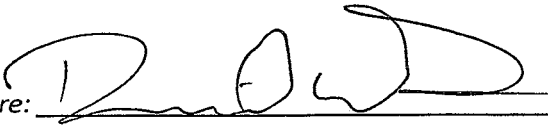
Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the KDO).

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 application and all fees must be paid 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: 2-22-23



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: David Miller
Address: 1640 Dale Earnhardt Blvd
Kannapolis NC 28083
Phone: 704-791-5845
Email: david@apmrentals.net

Property Owner Contact Information same as applicant

Name: _____
Address: _____
Phone: _____
Email: _____

Project Information

Project Address: 2828 S Ridge Ave, Concord NC 28025 Zoning District R-18
Parcel PIN: 56128390350000 Size of property (in acres): 0.272

Current Property Use: Vacant land

Proposed Use: I plan to build 3 single family homes for all three parcels 56128297890000
56128390350000 and 56128391220000

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):
I plan to build 3 single family homes on the existing lots

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.**

The proposed single family homes are consistent with many other single family homes
located adjacent to this property on the north.

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.
3 single family homes will have little to no effect on traffic.

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

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.
3 single family homes iwll have no effect on the development of the 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.
None

6. The proposed use complies with all applicable provisions of the KDO.
Yes, single family is allowed in r-18 in the KDO with a SUP.

7. The applicant consents in writing to all conditions of approval included int eh 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

2-22-23
Date

Property Owner Signature

Date

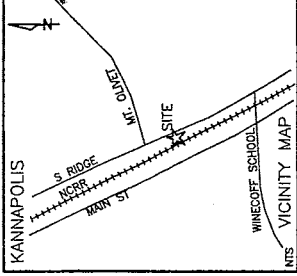
For Staff Use Only:

Filing Fee: \$125.-

Receipt #: KN-SUP-2023-00004

Case #: P20A-2023-05

Date Received: 3/1/2023



STATE OF NORTH CAROLINA
CABARRUS COUNTY

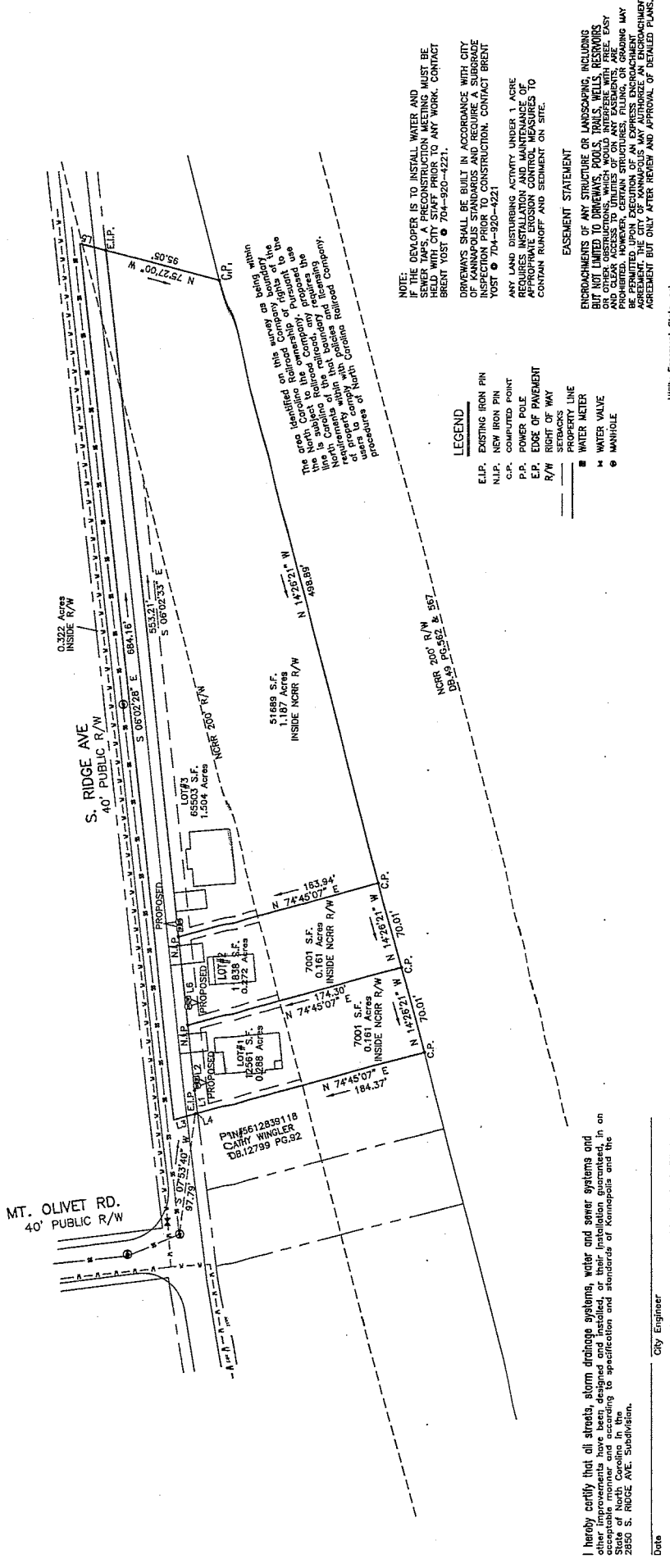
Review Officer of Cabarrus County certifies that this map or plat to which this certification is affixed meets all statutory requirements for recording.

REVIEW OFFICER _____ DATE _____

OWNER _____ DATE _____

LINE BEARING DISTANCE

1	S	05°54'20"	E	18.49'
2	S	05°02'33"	E	52.35'
3	N	74°45'07"	E	18.60'
4	N	74°45'07"	E	18.60'
5	N	75°27'00"	E	21.34'
6	S	05°02'33"	E	70.91'



NOTES:

- Iron pins at all lot corners to be recorded or unrecorded rights-of-way or easements not observed.
- Property is not located within 2000' of a NCGS monument.
- Approval of this plat does not permit the owner the right to alter pipes, fill, or relocate any existing drainage feature located on the property without submitting engineering plans for review and approval to the City of Kannapolis and other appropriate state agencies.
- Property is not located in a flood hazard area per FRM MAP #3710468300L.
- This property is served by private well and septic.
- Water and sewer may be available for these lots. Permits, fees and connections will have to be approved and installed by the City of Kannapolis.
- Sanitary Sewer laterals and water meters are not to be located in driveway.
- Conditions shall be constructed in accordance with City of Kannapolis construction.
- Any land disturbing activity requires appropriate erosion control measures to contain sediment on-site. Disturbances greater than 1 acre requires permit from NCDEC, while those less than 1 acre require a permit from the city.

NOTE: DSA OPER IS TO INSTALL WATER AND SEWER TAPS. A RECONSTRUCTION MEETING MUST BE HELD WITH CITY STAFF PRIOR TO ANY WORK. CONTACT BRENT YOST @ 704-920-4221.

DRIVEWAYS SHALL BE BUILT IN ACCORDANCE WITH CITY OF KANNAPOLIS STANDARDS AND REQUIRE A SUBGRADE INSPECTION PRIOR TO CONSTRUCTION. CONTACT BRENT YOST @ 704-920-4221

ANY LAND DISTURBING ACTIVITY UNDER 1 ACRE REQUIRES INSTALLATION AND MAINTENANCE OF CHANNELS TO PREVENT EROSION AND SEDIMENT ON SITE.

EASEMENT STATEMENT

ENCROACHMENTS OF ANY STRUCTURE OR LANDSCAPING, INCLUDING BUT NOT LIMITED TO DRIVEWAYS, POLES, TRAILS, WELLS, RECORDERS OR OTHER OBSTRUCTIONS, WHICH WOULD INTERFERE WITH FREE, EASY AND CLEAR ACCESS TO UTILITIES OF OR ANY EASEMENTS, SHALL NOT BE PERMITTED UPON EXECUTION OF AN EXPRESS ENCROACHMENT AGREEMENT. THE CITY OF KANNAPOLIS MAY AUTHORIZE AN ENCROACHMENT AGREEMENT BUT ONLY AFTER REVIEW AND APPROVAL OF DETAILED PLANS.

Utility Easement Statement

All open areas depicted as identified on this plat shall be subject to and encumbered by a general public utility easement in gross benefiting the City of Kannapolis. The City of Kannapolis, its agents, employees, successors, and assigns shall have the right of ingress, egress, and regress over and upon the easement for the purpose of installing, maintaining, repairing, and otherwise dealing with any public utility systems, and public stormwater systems, including, but not limited to, water systems, sanitary sewer systems, and public stormwater systems.

DESCRIPTION:
RECORD PLAT

Scales: 1" = 60'
0 60 120

Date: 5/23/22

MINOR SUBDIVISION OF
2850 S. RIDGE AVE.
CONCORD N.C. 28025

PIN #5612829956
DB #16073 PG. 17
CABARRUS COUNTY, N.C.

PRELIMINARY SURVEYING, PA
4485 NEEDMORE RD.
WOODLEAF, N.C. 27054
(704) 577-8629
C-481N

CHRISTOPHER S. SPARKS, PLS
L-4349

SURVEYOR'S CERTIFICATION

I, Christopher S. Sparks, certify that this map was drawn by me from the field notes and other data furnished to me and that the notes and other data were taken by me or under my direct supervision and that the map is a true and correct representation of the same. The map is prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this 17th day of Nov., AD 2021.

Professional Land Surveyor
Registration Number _____

ZONING:
ZONED: O1 (R8)
10' FRONT YARD
5' REAR YARD
5' SIDE YARD

OWNER:
DAVID MILLER REALTY &
INVESTMENT, LLC
1640 DALE EARNHARDT BLVD.
KANNAPOLIS, N.C. 28083

City Engineer: _____
Public Works Director: _____

Planning Director: _____

I hereby certify that all streets, storm drainage systems, water and sewer systems and other improvements have been designed and installed, or their installation guaranteed, in on accordance with the Subdivision Regulations of the State of North Carolina in the City of Kannapolis, Cabarrus County, North Carolina, and that the same are in compliance with the Cabarrus (Rowan) County Register of Deeds within 30 days of the date below.

Date _____
Date _____

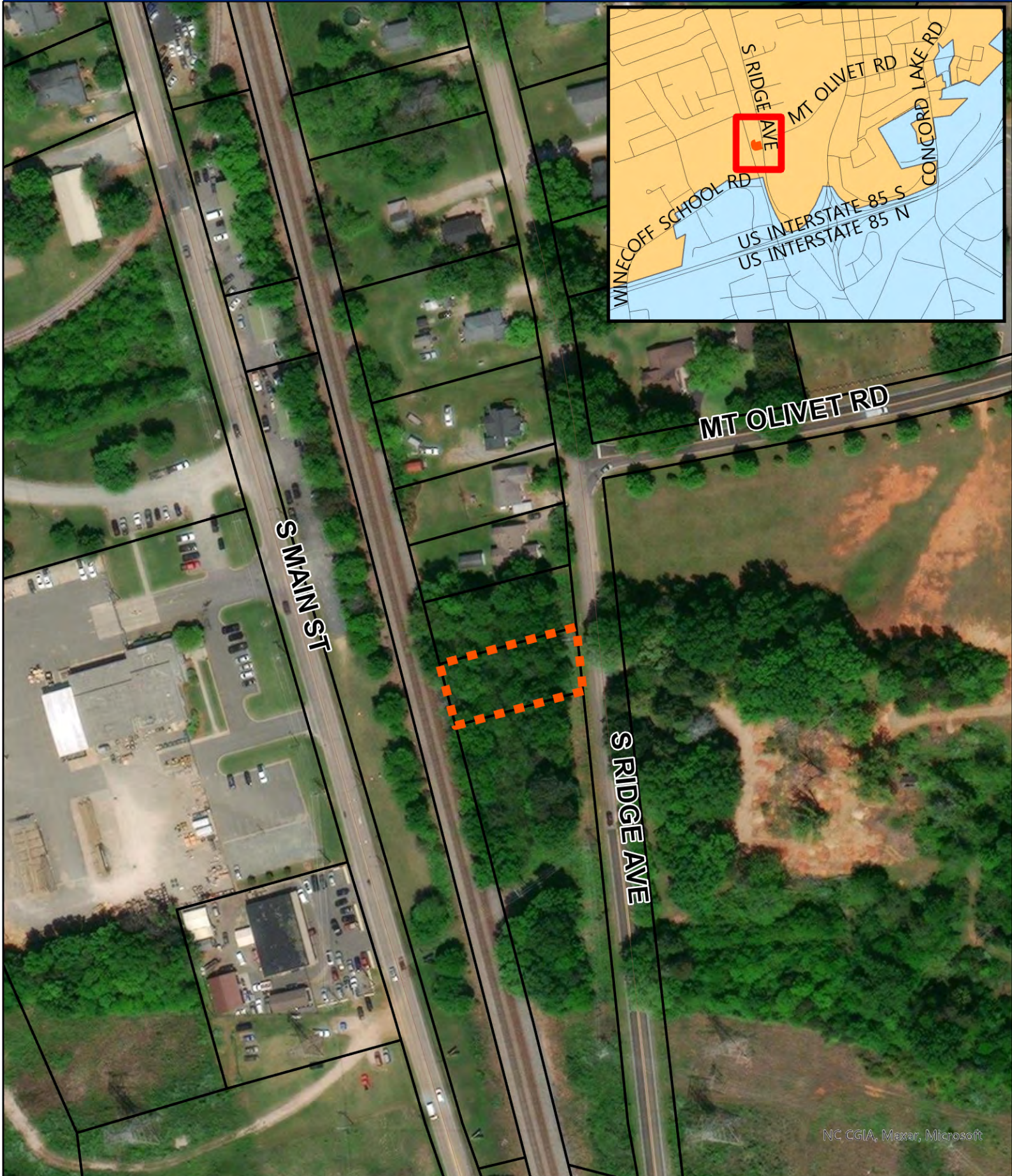


Vicinity Map

Case Number: BOA-2023-05

Applicant: David Miller

2838 S Ridge Ave



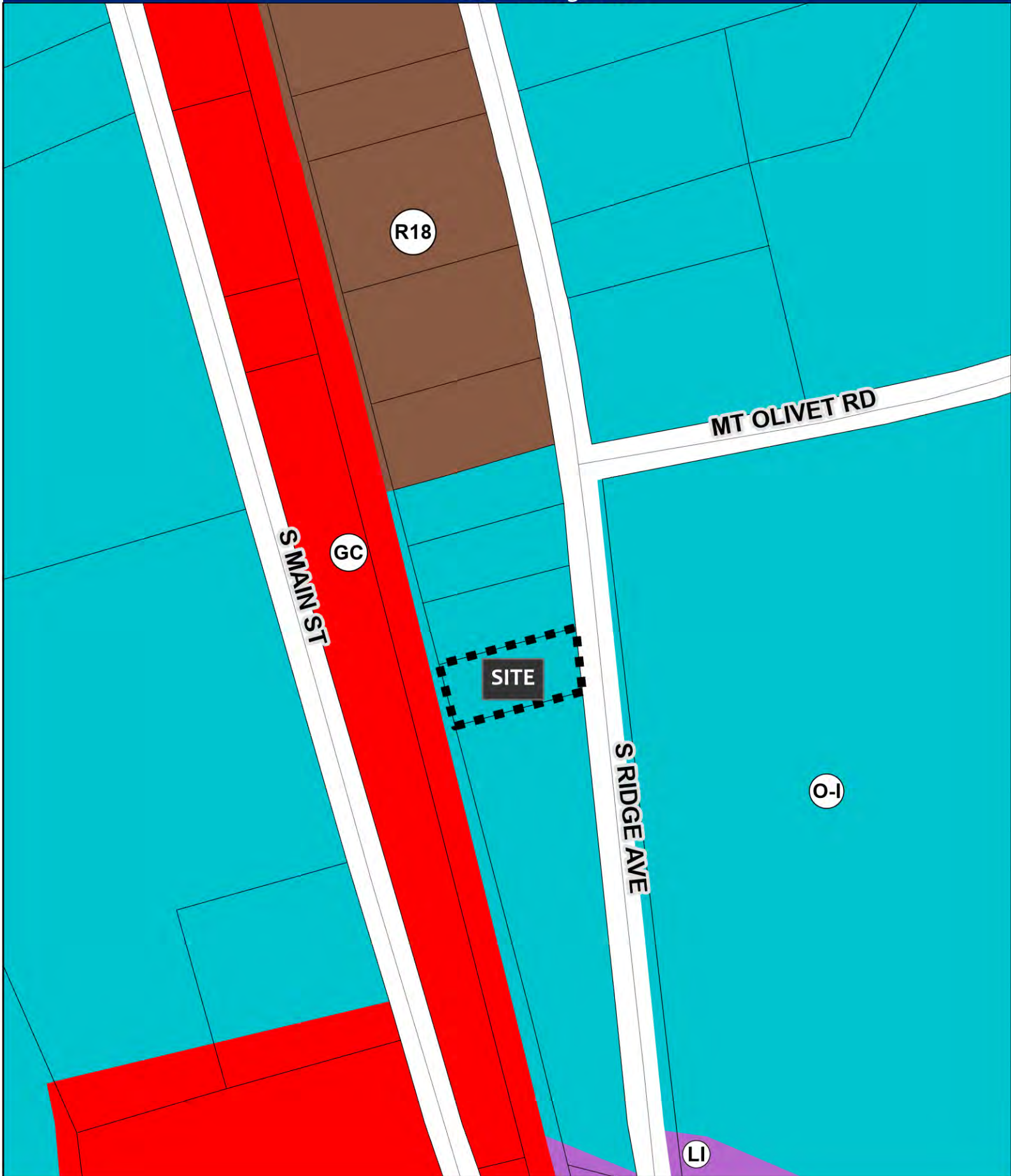


Kannapolis Current Zoning

Case Number: BOA-2023-05

Applicant: David Miller

2838 S Ridge Ave



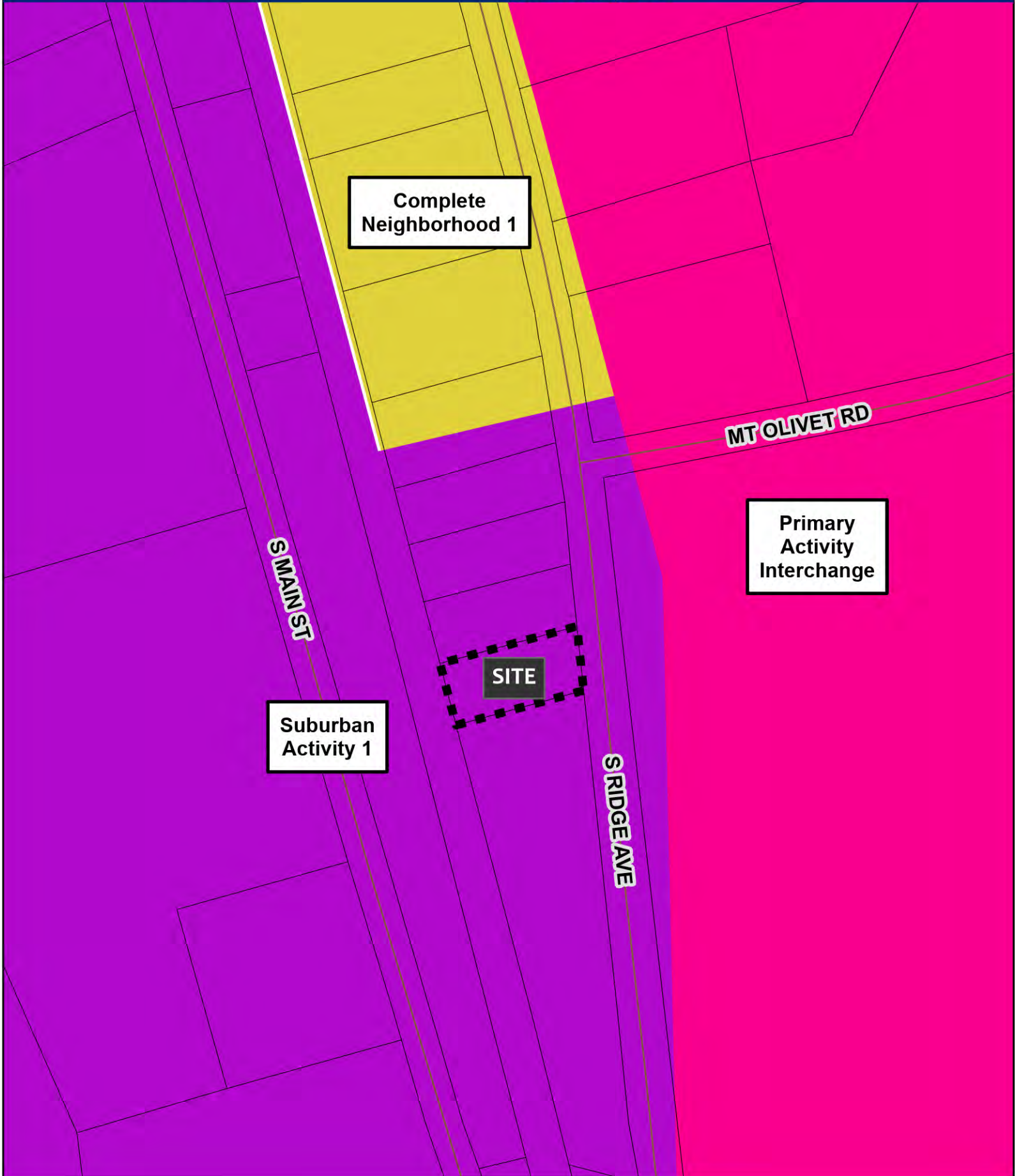


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-05

Applicant: David Miller

2838 S Ridge Ave



**Complete
Neighborhood 1**

**Primary
Activity
Interchange**

**Suburban
Activity 1**

SITE

S MAIN ST

S RIDGE AVE

MT OLIVET RD

Notes:

- Iron pins at all lot corners unless otherwise noted.
- Property may be subject to recorded or unrecorded rights-of-way or easements not observed.
- Property is not located within 2000' of a NCGS monument.
- Approval of this plat does not permit the owner the right to alter pipe, fill, or relocate any existing drainage feature located on the without submitting engineering plans for review and approval to the City of Kannapolis and other appropriate state agencies.
- Property is not located in a flood hazard area per FIRM MAP #3710469300J. dated: 11/05/2008
- This property is served by private well and septic.
- Water and sewer may be available for these lots. Permits, fees and connections will have to be approved and installed by the City of Kannapolis. Sanitary Sewer laterals and water meters are not to be located in driveways.
- Driveway locations shall be constructed in accordance with City of Kannapolis UDO driveway design standards and require a subgrade inspection prior to construction.
- Any land disturbing activity requires appropriate erosion control measures to contain sediment on-site. Disturbances greater than 1 Acre requires permit from NCDEQ, while those less than 1 Acre require a permit from the city.

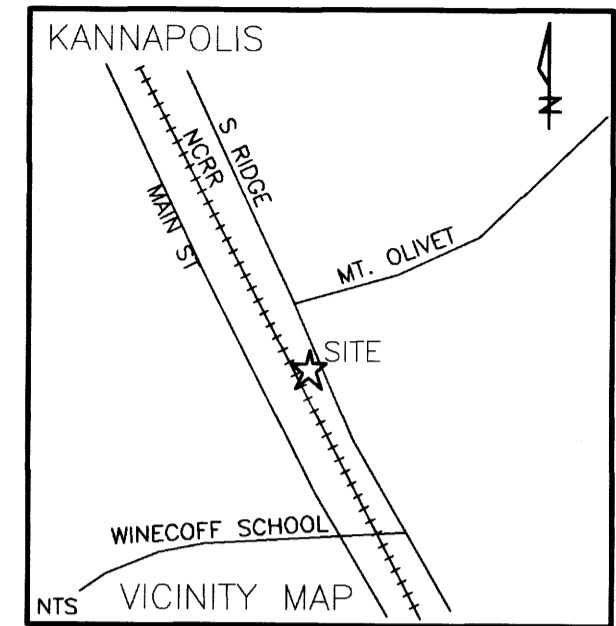
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF KANNAPOLIS AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM SETBACK LINES AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, WALKS, PARKS, OPEN SPACE, EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF KANNAPOLIS AND FURTHER, THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER A CERTIFICATION OF APPROVAL HAS BEEN EXECUTED BY THE CITY, OR AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS WHICHEVER OCCURS LATER.

David 11-21-22
OWNER DATE

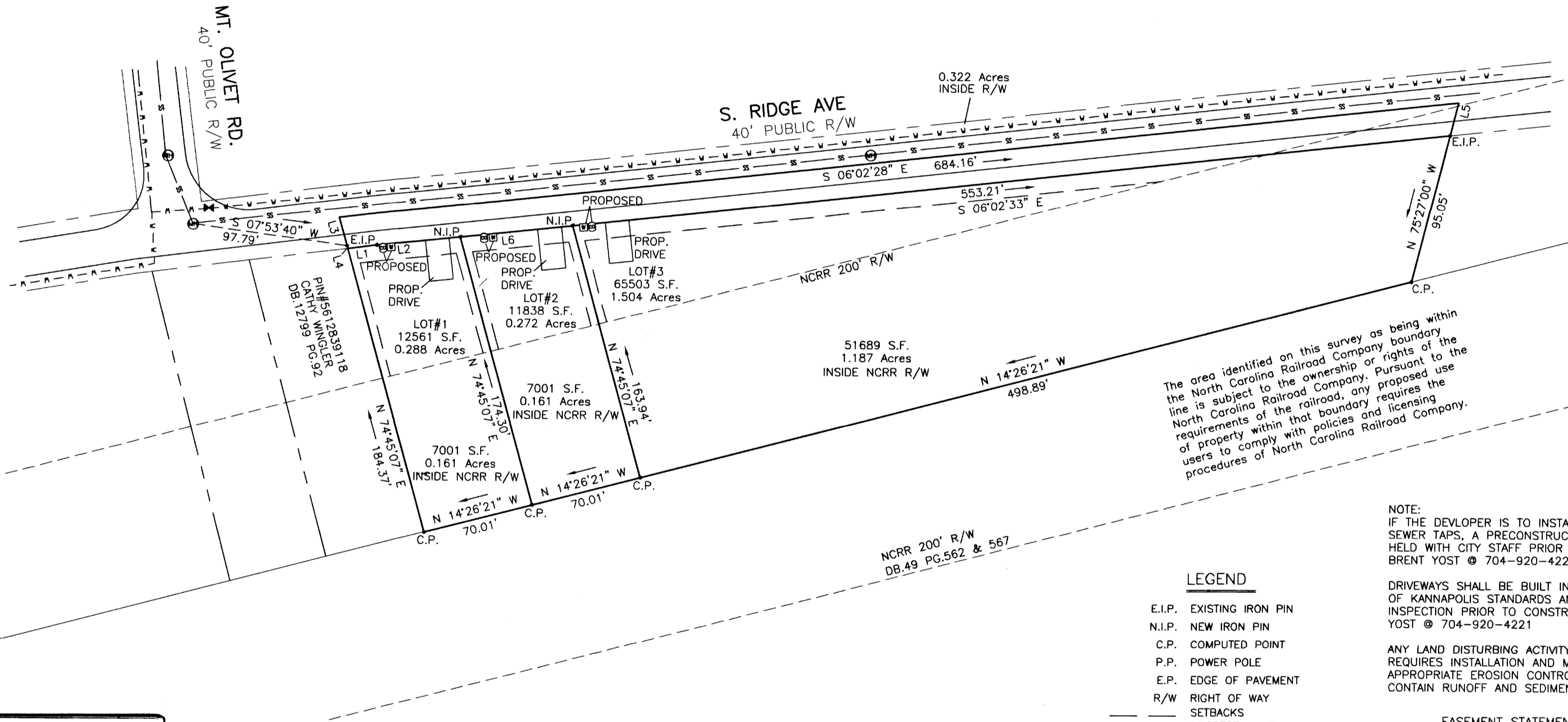
STATE OF NORTH CAROLINA
CABARRUS COUNTY

Greg Beck Review Officer of Cabarrus County certify that this map or plat to which this certification is affixed meets all statutory requirements for recording.

Greg Beck 1/4/2023
REVIEW OFFICER DATE



LINE	BEARING	DISTANCE
L1	S 06°54'20" E	18.49'
L2	S 06°02'33" E	52.38'
L3	N 74°45'07" E	18.41'
L4	N 74°45'07" E	1.80'
L5	N 75°27'00" W	21.34'
L6	S 06°02'33" E	70.91'



The area identified on this survey as being within the North Carolina Railroad Company boundary line is subject to the ownership or rights of the North Carolina Railroad Company. Pursuant to the requirements of that boundary requires the users to comply with policies and licensing procedures of North Carolina Railroad Company.

NOTE:
IF THE DEVELOPER IS TO INSTALL WATER AND SEWER TAPS, A PRECONSTRUCTION MEETING MUST BE HELD WITH CITY STAFF PRIOR TO ANY WORK. CONTACT BRENT YOST @ 704-920-4221.

LEGEND

- E.I.P. EXISTING IRON PIN
- N.I.P. NEW IRON PIN
- C.P. COMPUTED POINT
- P.P. POWER POLE
- E.P. EDGE OF PAVEMENT
- R/W RIGHT OF WAY
- SETBACKS
- PROPERTY LINE
- WATER METER
- WATER VALVE
- MANHOLE

EASEMENT STATEMENT

ENCROACHMENTS OF ANY STRUCTURE OR LANDSCAPING, INCLUDING BUT NOT LIMITED TO DRIVEWAYS, POOLS, TRAILS, WELLS, RESERVOIRS OR OTHER OBSTRUCTIONS, WHICH WOULD INTERFERE WITH FREE, EASY AND CLEAR ACCESS TO UTILITIES OF ON ANY EASEMENTS, ARE PROHIBITED. HOWEVER, CERTAIN STRUCTURES, FILLING, OR GRADING MAY BE PERMITTED UPON EXECUTION OF AN EXPRESS ENCROACHMENT AGREEMENT. THE CITY OF KANNAPOLIS MAY AUTHORIZE AN ENCROACHMENT AGREEMENT BUT ONLY AFTER REVIEW AND APPROVAL OF DETAILED PLANS.

Utility Easement Statement

All open space depicted or identified on this plat shall be subject to and encumbered by a general public utility easement in gross benefiting the City of Kannapolis. The City of Kannapolis, its agents, employees, successors, and assigns shall have the right of ingress, egress, and regress over and upon any property designated on this plat as open space for the purposes of locating, laying, constructing, reconstructing, inspecting, operating, extending, maintaining, and otherwise keeping open and in good repair any public municipal utility including, but not limited to, water systems, sanitary sewer systems, and public stormwater systems

FILED Jan 04, 2023 11:57 am FILED
BOOK 00094 CABARRUS
PAGE 0093 THRU 0093 COUNTY NC
INSTRUMENT # 00131 WAYNE NIXON
EXCISE TAX \$0.00 REGISTER
OF DEEDS

It is hereby certified that this plat is in compliance with the Subdivision Regulations of the City of Kannapolis, and therefore this plat has been approved, subject to its being recorded with the Cabarrus (Rowan) County Register of Deeds within 30 days of the date below.

12/30/22 *Elizabeth*
Date Planning Director

12/29/2022 *Elizabeth*
Assist. Director of Engineering
12/29/2022 *Wayne Nixon*
Director of Water Resources
Assist. City Manager

ZONING
ZONED: 01 (R8)
10' FRONT YARD
5' REAR YARD
5' SIDE YARD

OWNER:
DAVID MILLER REALTY &
INVESTMENT, LLC
1640 DALE EARNHARDT BLVD.
KANNAPOLIS, N.C. 28083

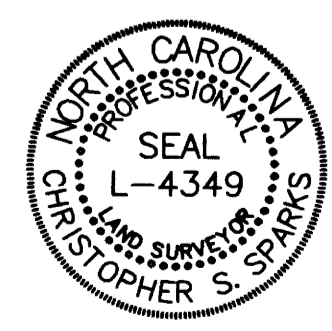
SURVEYOR'S CERTIFICATION

I, Christopher S. Sparks certify that this map was drawn by me from an actual survey made by me deed description recorded in Book 16073 Page 17, etc.) (other); (that the ratio of precision as calculated by latitudes and departures is 1:10,000+; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____ Page _____; that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this 17th day of Nov., AD 2021.
Christopher Sparks
Professional Land Surveyor
L-4349
Registration Number

This plat is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

Christopher S. Sparks L-4349
CHRISTOPHER S. SPARKS, PLS L-4349



SPARKS SURVEYING, PA
4485 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE (704) 577-8429
C-4914

MINOR SUBDIVISION
OF
2850 S. RIDGE AVE.
CONCORD N.C. 28025

PIN #5612829956
DB. 16073 PG. 17
NO. 4 TOWNSHIP
CABARRUS COUNTY, N.C.

DESCRIPTION:
RECORD PLAT

Scale: 1" = 60'
Date: 5/23/22
0 60 120

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
CAROLINA CEMETERY PARK	PO BOX 3257	CONCORD	NC	28025
CATHY C WINGLER	2826 S RIDGE AVE	CONCORD	NC	28025
DAVID MILLER REALTY & INVESTMENT INC ATTN: DAVID MILLER	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
DENNIS & TAMMY CABLE	3904 OLD CONCORD RD	SALISBURY	NC	28146
DUKE POWER COMPANY	400 S. TRYON ST ST22M	CHARLOTTE	NC	28201
MIGUEL ANGEL MARTINEZ LUCERO & JUAN MANUEL MARTINEZ LUCERO	2831 S MAIN ST	CONCORD	NC	28027
NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
RICHARD & VICKI JORDAN	1711 HIGHWAY 17 S UNIT 1024	SURFSIDE BCH	SC	29575
ZACHARY & DILAINE GLOEGE	2824 S RIDGE AVE	CONCORD	NC	28025



March 20, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday April 4, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-05 – Special Use Permit – 2838 S Ridge Ave.

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow construction of a single-family detached dwelling on property located at 2838 S Ridge Ave. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, single-family residential uses require approval of a SUP in the Residential 18 (R18) zoning district. The subject property is 0.272 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56128390350000 **(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 bstanley@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.



Special Use Permit

Case Number: BOA-2023-05

Applicant: David Miller

2838 S Ridge Ave




KANNAPOLIS

BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # BOA-2023- 5



**Board of Adjustment
April 4, 2023 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2023-06: Special Use Permit – 2850 S Ridge Ave
Applicant: David Miller

Request for a Special Use Permit to allow for a single-family detached dwelling on property located at 2850 S. Ridge Ave.

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, David Miller, is requesting a Special Use Permit (SUP) to allow for a Single-family detached dwelling in the Residential 18 (R18) zoning district on approximately 0.288 +/- acres of property located at 2850 S. Ridge Ave., further identified as Cabarrus County Parcel Identification Number 56128297890000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Single-family detached dwelling uses in the R18 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 "Suburban Activity 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area includes primarily regional-scale commercial development that can accommodate large format commercial developments. The plan also calls for secondary uses of multifamily and single-family residential. The property is currently adjacent to single-family and vacant lots.

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 construction of a single-family dwelling is not anticipated to cause any traffic hazards or traffic congestion.

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 single-family detached dwelling 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 single-family dwelling is compatible with the adjacent uses of single-family residential.

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 detriment 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, 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.

N/A unless the Board of Adjustment determines to add conditions.

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. |
| <hr/> | | |
| <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. |
| <hr/> | | |
| <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. |
| <hr/> | | |
| <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. |
| <hr/> | | |
| <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. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use complies with all applicable provisions of the KDO. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | The applicant consents in writing to all conditions of approval included in the approved special use permit. |
| <hr/> | | |

G. Recommendation

Based on the above findings, staff recommends **approval** 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.

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. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	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.** Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

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: 2850 S Ridge Ave, Concord NC 28025

Applicant: David Miller

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- SUP Checklist and Application – Complete with all required signatures
- Plot/Site Plan showing the proposed use
- Fee: \$625.00 (\$600 Application Fee + notification fee [see Fee Schedule])

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 application and all fees must be paid 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: 2-22-23



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: David Miller
Address: 1640 Dale Earnhardt Blvd
Kannapolis NC 28083
Phone: 704-791-5845
Email: david@apmrentals.net

Property Owner Contact Information same as applicant

Name: _____
Address: _____
Phone: _____
Email: _____

Project Information

Project Address: 2850 S Ridge Ave, Concord NC 28025 Zoning District R-18
Parcel PIN: 56128297890000 Size of property (in acres): 1.504

Current Property Use: Vacant land

Proposed Use: I plan to build 3 single family homes for all three parcels 56128297890000
56128390350000 and 56128391220000

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):

I plan to build 3 single family homes on the existing lots

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.**

The proposed single famliy homes are consistant with many other single family homes
located adjacent to this property on the north.

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.
3 single family homes will have little to no effect on traffic.

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


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.
3 single family homes iwll have no effect on the development of the 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.
None

6. The proposed use complies with all applicable provisions of the KDO.
Yes, single family is allowed in r-18 in the KDO with a SUP.

7. The applicant consents in writing to all conditions of approval included int eh 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

2-22-23
Date

Property Owner Signature

Date

For Staff Use Only:

Filing Fee: \$625.-
Case #: BOA-2023-06

Receipt #: KN-SUP-2023-00005
Date Received: 3/1/2023

- Notes:
1. Iron pins at all lot corners unless otherwise noted.
2. Property may be subject to recorded or unrecorded rights-of-way
3. Property is not located within 200' of a NCCS monument.
4. Approval of this plat does not permit the owner the right to alter pipe, fill, or relocate any existing drainage feature located on the lot, without submitting engineering plans for review and approval to the City of Kannapolis and other appropriate state agencies.
5. Property is not located in a flood hazard area per FIRM MAP #27104693001, dated: 11/05/2008
6. This property is served by private well and septic.
7. Water and sewerage systems and installed by the City of Kannapolis.
8. Sanitary Sewer laterals and water meters are not to be located in driveways.
9. 100' way locations shall be constructed in accordance with City of Kannapolis standards and require a subsurface inspection prior to construction.
10. Any land disturbing activity requires appropriate erosion control measures to contain sediment on-site. Disturbances greater than 1 Acre requires permit from NCDEC, while those less than 1 Acre require a permit from the city.

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF KANNAPOLIS, NORTH CAROLINA. I HAVE READ AND APPROVE THE PLAN AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, ALLEYS, OR DRIVEWAYS. I HAVE MAINTAINED ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF KANNAPOLIS AND FURTHER, THAT I HEREBY AUTHORIZE THE CITY OF KANNAPOLIS TO TAKE ANY NECESSARY ACTION TO OBTAIN PERMITS FROM ANY AGENCY TO CONDUCT ANY INSPECTIONS, OR OBTAIN A CERTIFICATION OF APPROVAL HAS BEEN EXECUTED BY THE CITY, OR AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS WHICHEVER OCCURS LATER.

DATE _____

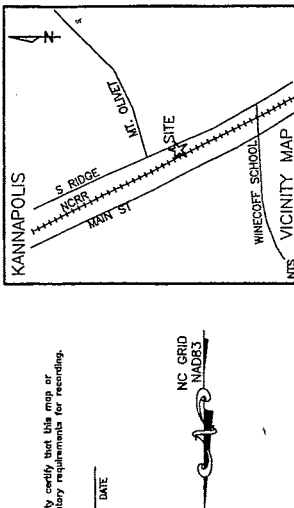
OWNER _____

LINE	BEARING	DISTANCE	AREA
1	S 06°02'33" E	195.57	5.1689
2	S 06°02'33" E	182.36	4.7788
3	N 74°45'07" E	184.41	4.7788
4	N 74°45'07" E	184.41	4.7788
5	N 74°45'07" E	184.41	4.7788
6	N 74°45'07" E	184.41	4.7788
7	N 74°45'07" E	184.41	4.7788
8	N 74°45'07" E	184.41	4.7788
9	N 74°45'07" E	184.41	4.7788
10	N 74°45'07" E	184.41	4.7788
11	N 74°45'07" E	184.41	4.7788

STATE OF NORTH CAROLINA
CABARRUS COUNTY

Order of the Cabarrus County records office, that this plat is to which this certification is offered meets all statutory requirements for recording.

REVIEW OFFICER _____ DATE _____



1. hereby certify that all streets, storm drainage systems, water and sewer systems and other improvements have been designed and installed, or their installation guaranteed, in an acceptable manner and according to specification and standards of Kannapolis and the 2850 S. RIDGE AVE. Subdivision.

DATE _____ City Engineer _____
DATE _____ Public Works Director _____

It is hereby certified that this plat is in compliance with the Subdivision Regulations of the City of Kannapolis, and therefore this plat has been approved, subject to its being recorded with the Cabarrus (Rowan) County Register of Deeds within 30 days of the date below.

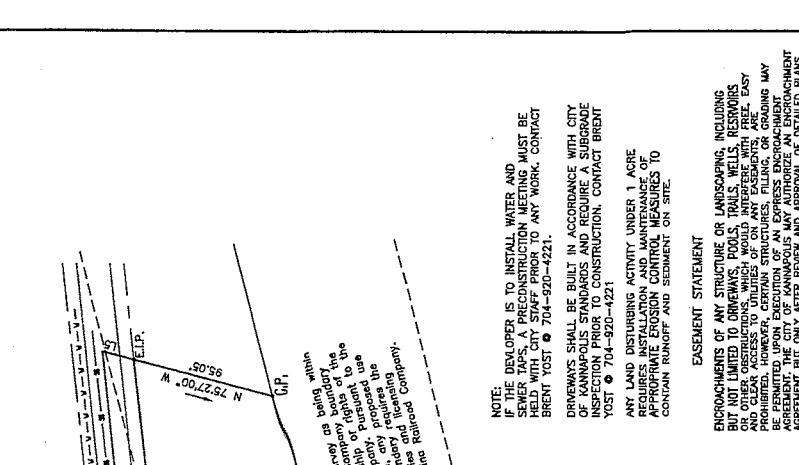
DATE _____ Planning Director _____

DATE _____

OWNER: DAVID MILLER REALTY & INVESTMENT, LLC
1640 DALE EARNHART BLVD.
KANNAPOLIS, N.C. 28083

ZONING: ZONED: OI (R8)
10' FRONT YARD
5' REAR YARD
5' SIDE YARD

Professional Land Surveyor
Registration Number _____



- ENCROACHMENTS OF ANY STRUCTURE OR LANDSCAPING, INCLUDING BUT NOT LIMITED TO ORNAMENTS, POOLS, TRAILS, WELLS, RESERVOIRS AND CLEAR ACCESS TO UNITS OF OR ANY EXISTING AREAS, IS PROHIBITED, HOWEVER, CERTAIN STRUCTURES, FILLING, OR GRADING MAY BE PERMITTED IF THE DEVELOPER OBTAINS A WRITTEN ENCROACHMENT AGREEMENT FROM THE CITY OF KANNAPOLIS. THE CITY OF KANNAPOLIS MAY AUTHORIZE AN ENCROACHMENT AGREEMENT BUT ONLY AFTER REVIEW AND APPROVAL OF DETAILED PLANS.**
- ENCROACHMENTS OF ANY STRUCTURE OR LANDSCAPING, INCLUDING BUT NOT LIMITED TO ORNAMENTS, POOLS, TRAILS, WELLS, RESERVOIRS AND CLEAR ACCESS TO UNITS OF OR ANY EXISTING AREAS, IS PROHIBITED, HOWEVER, CERTAIN STRUCTURES, FILLING, OR GRADING MAY BE PERMITTED IF THE DEVELOPER OBTAINS A WRITTEN ENCROACHMENT AGREEMENT FROM THE CITY OF KANNAPOLIS. THE CITY OF KANNAPOLIS MAY AUTHORIZE AN ENCROACHMENT AGREEMENT BUT ONLY AFTER REVIEW AND APPROVAL OF DETAILED PLANS.

NOTE: IF THE DEVELOPER IS TO INSTALL WATER AND SEWERAGE, A RECONSTRUCTION MEETING MUST BE HELD WITH THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR PRIOR TO CONSTRUCTION. CONTACT BRENT YOST ☎ 704-920-4221.

DRAWINGS SHALL BE BUILT IN ACCORDANCE WITH CITY ENGINEERING STANDARDS AND REQUIREMENTS. CONTACT BRENT YOST ☎ 704-920-4221

ANY LAND DISTURBING ACTIVITY UNDER 1 ACRE REQUIRES INSTALLATION AND MAINTENANCE OF APPROPRIATE EROSION CONTROL MEASURES TO CONTAIN RUNOFF AND SEDIMENT ON SITE.

LEGEND

- E.I.P., EXISTING IRON PIN
- E.I.P., NEW IRON PIN
- C.P., COMPUTED POINT
- P.P., POWER POLE
- E.P., EDGE OF PAVEMENT
- R/W, RIGHT OF WAY
- PROPERTY LINE
- SETBACKS
- WATER METER
- WATER VALVE
- MANHOLE

EASEMENT STATEMENT

The easements shown on this survey as being within the area identified on this survey as being within the North Carolina record Cop of right to the line to combine of the railroad, proposed as a right-of-way for the railroad, are hereby granted to the railroad company, the North Carolina Railroad Company, for its use and the use of its successors and assigns in accordance with the procedures of North Carolina Railroad Company.

UTILITY EASEMENT STATEMENT

All open space depicted or identified on this plat shall be subject to and encumbered by a general utility easement for the installation, maintenance, and operation of water, gas, electric, sewer, and other utility lines, and easements shall have the right of access to any property designated on this plat as open space for the purposes of locating, laying, constructing, repairing, maintaining, upgrading, extending, and operating utility lines, and easements shall include, but not be limited to, water systems, sanitary sewer systems, and public stormwater systems.

CHRISTOPHER S. SPARKS, PLS
4495 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE(704) 577-8423
C-4914

PRELIMINARY SURVEYING, PA
SPARKS SURVEYING, PA
4495 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE(704) 577-8423
C-4914

RECORD PLAT

MINOR SUBDIVISION OF
2850 S. RIDGE AVE.
CONCORD N.C. 28025

DESCRIPTION:

Scale: 1" = 60'

Date: 5/23/22

0 60 120

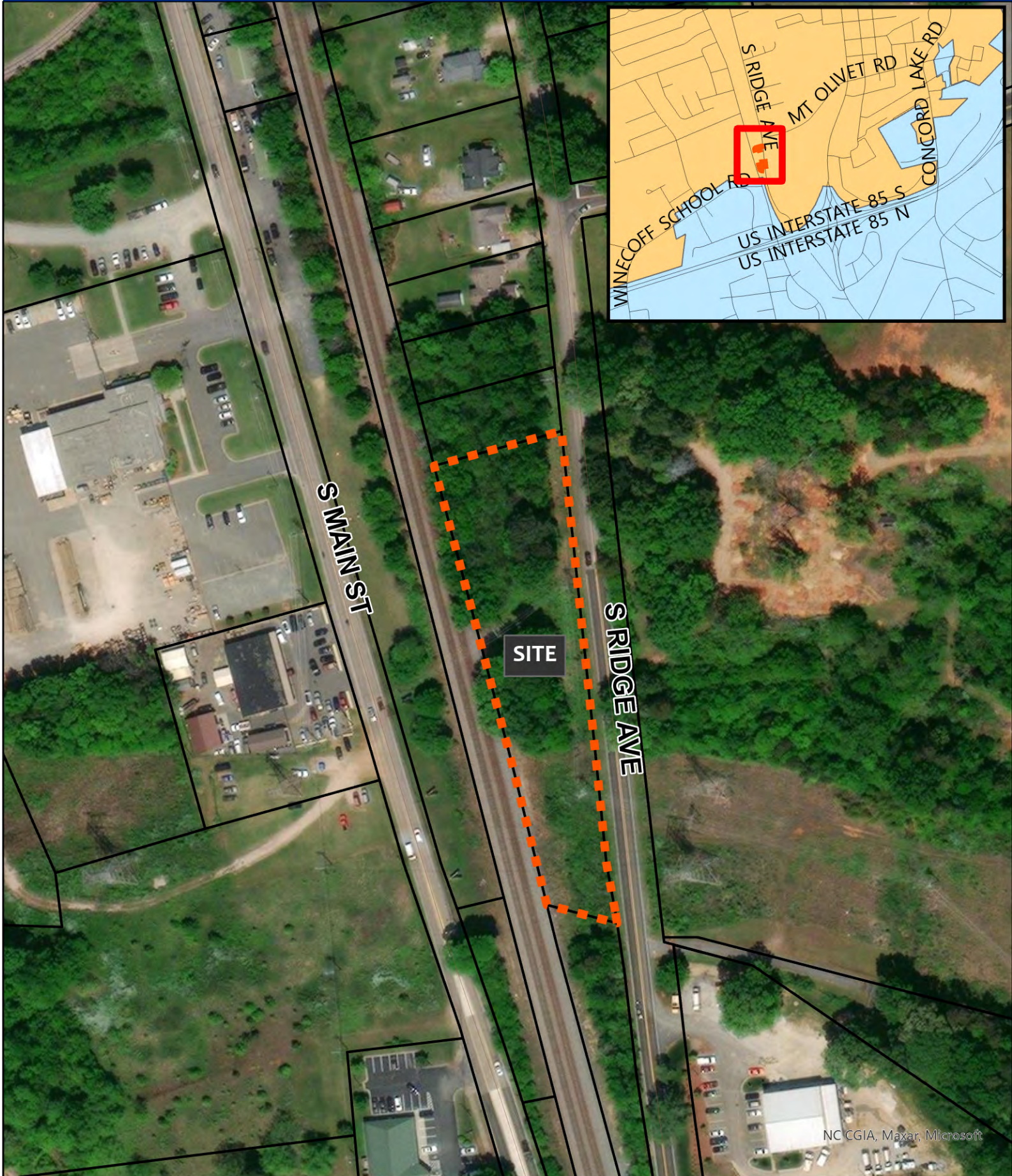


Vicinity Map

Case Number: BOA-2023-06

Applicant: David Miller

2850 S Ridge Ave





Kannapolis Current Zoning

Case Number: BOA-2023-06

Applicant: David Miller

2850 S Ridge Ave



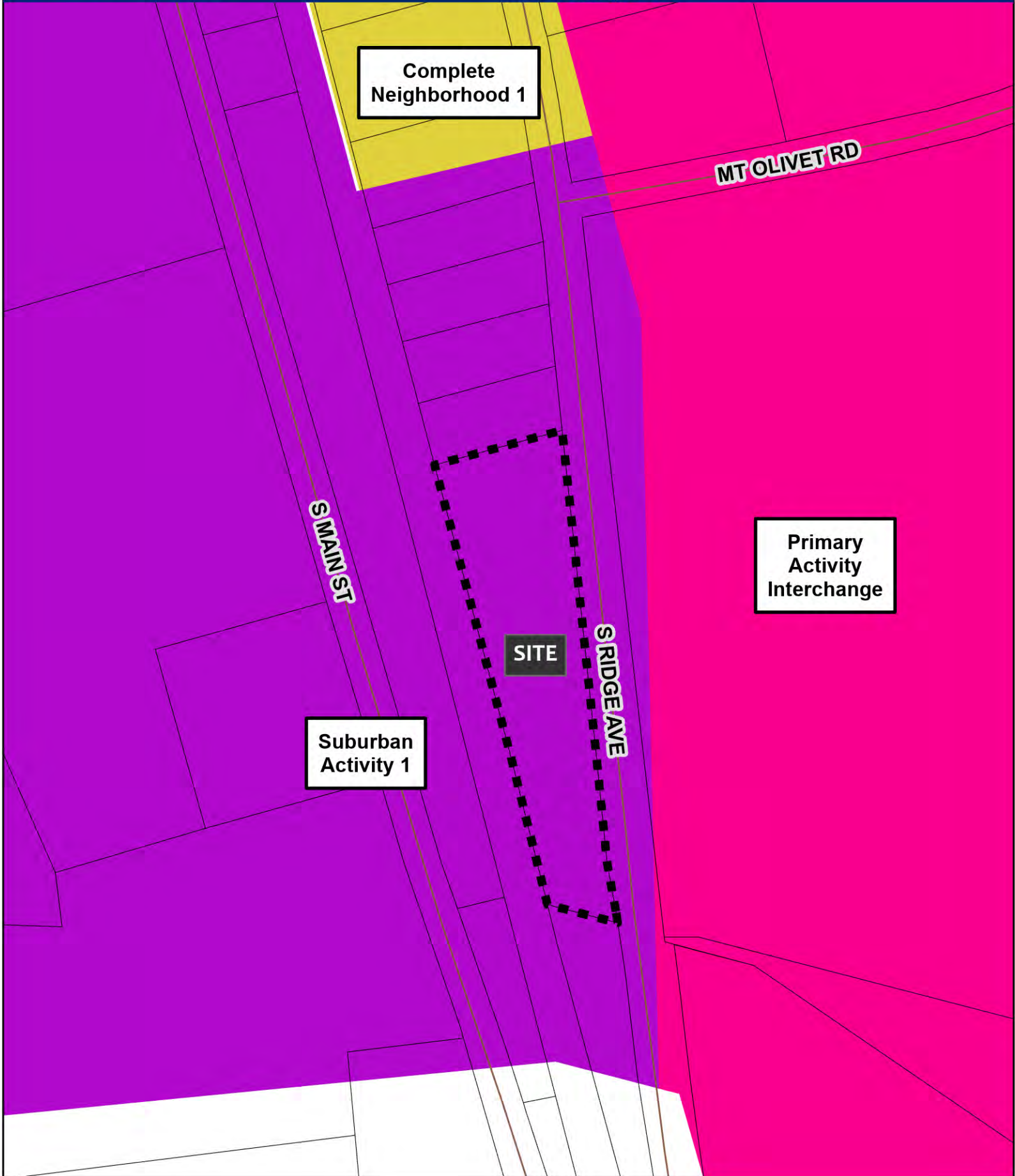


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-06

Applicant: David Miller

2850 S Ridge Ave



Complete
Neighborhood 1

MT OLIVET RD

S MAIN ST

Primary
Activity
Interchange

SITE

S RIDGE AVE

Suburban
Activity 1

- Notes:
1. Iron pins at all lot corners unless otherwise noted.
 2. Property may be subject to recorded or unrecorded rights-of-way or easements not observed.
 3. Property is not located within 2000' of a NCGS monument.
 4. Approval of this plat does not permit the owner the right to alter pipe, fill, or relocate any existing drainage feature located on the without submitting engineering plans for review and approval to the City of Kannapolis and other appropriate state agencies.
 5. Property is not located in a flood hazard area per FIRM MAP #3710469300J. dated: 11/05/2008
 6. This property is served by private well and septic.
 7. Water and sewer may be available for these lots. Permits, fees and connections will have to be approved and installed by the City of Kannapolis. Sanitary Sewer laterals and water meters are not to be located in driveways.
 8. Driveway locations shall be constructed in accordance with City of Kannapolis UDO driveway design standards and require a subgrade inspection prior to construction.
 9. Any land disturbing activity requires appropriate erosion control measures to contain sediment on-site. Disturbances greater than 1 Acre requires permit from NCDEQ, while those less than 1 Acre require a permit from the city.

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF KANNAPOLIS AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM SETBACK LINES AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, WALKS, PARKS, OPEN SPACE, EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF KANNAPOLIS AND FURTHER, THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER A CERTIFICATION OF APPROVAL HAS BEEN EXECUTED BY THE CITY, OR AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS WHICHEVER OCCURS LATER.

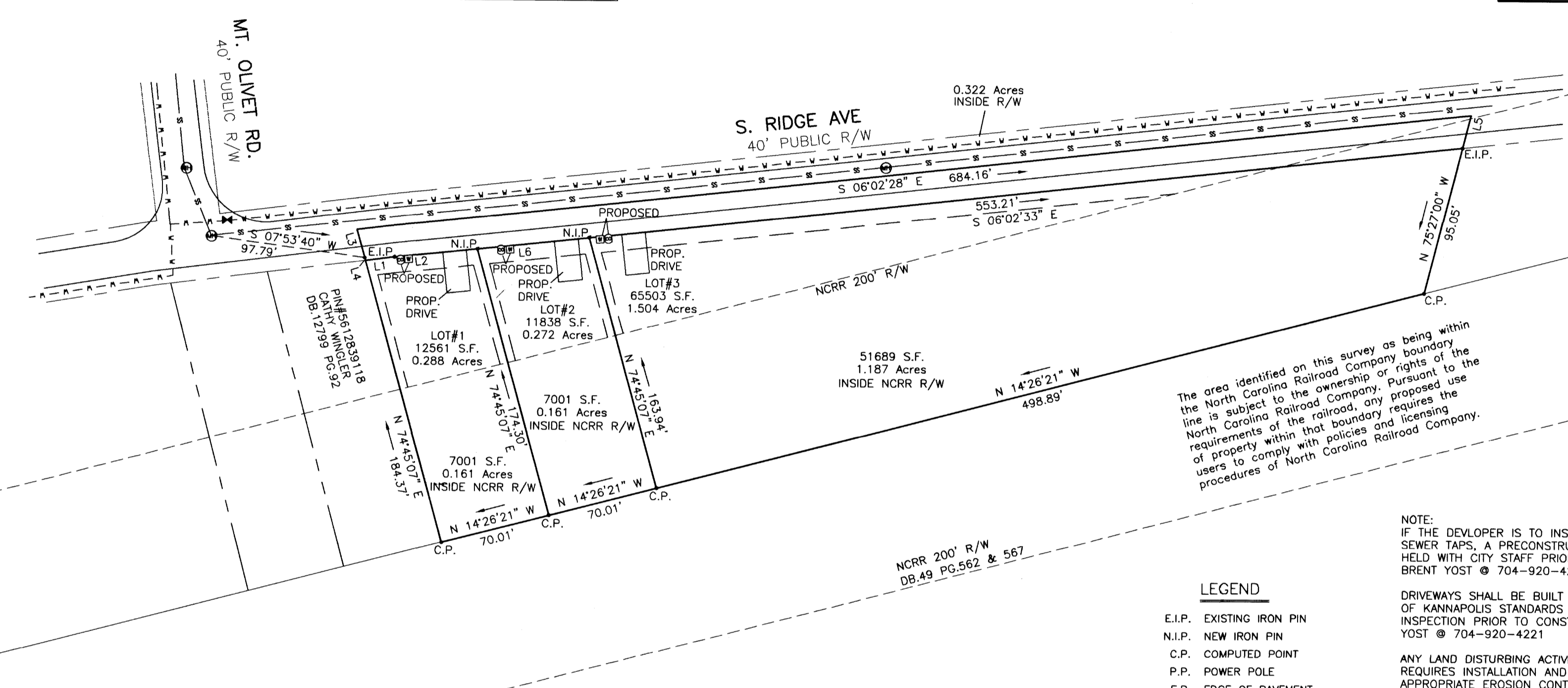
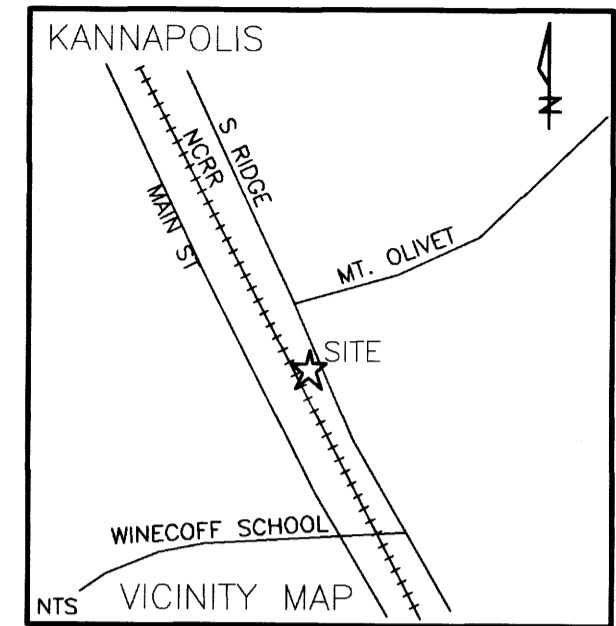
STATE OF NORTH CAROLINA
CABARRUS COUNTY

I, Greg Beck Review Officer of Cabarrus County certify that this map or plat to which this certification is affixed meets all statutory requirements for recording.

Greg Beck 1/4/2023
REVIEW OFFICER DATE

[Signature] 11-21-22
OWNER DATE

LINE	BEARING	DISTANCE
L1	S 06°54'20" E	18.49'
L2	S 06°02'33" E	52.38'
L3	N 74°45'07" E	18.41'
L4	N 74°45'07" E	1.80'
L5	N 75°27'00" W	21.34'
L6	S 06°02'33" E	70.91'



The area identified on this survey as being within the North Carolina Railroad Company boundary line is subject to the ownership or rights of the North Carolina Railroad Company. Pursuant to the requirements of that boundary requires the users to comply with policies and licensing procedures of North Carolina Railroad Company.

NOTE:
IF THE DEVELOPER IS TO INSTALL WATER AND SEWER TAPS, A PRECONSTRUCTION MEETING MUST BE HELD WITH CITY STAFF PRIOR TO ANY WORK. CONTACT BRENT YOST @ 704-920-4221.

- LEGEND**
- E.I.P. EXISTING IRON PIN
 - N.I.P. NEW IRON PIN
 - C.P. COMPUTED POINT
 - P.P. POWER POLE
 - E.P. EDGE OF PAVEMENT
 - R/W RIGHT OF WAY
 - SETBACKS
 - PROPERTY LINE
 - WATER METER
 - WATER VALVE
 - MANHOLE

EASEMENT STATEMENT

ENCROACHMENTS OF ANY STRUCTURE OR LANDSCAPING, INCLUDING BUT NOT LIMITED TO DRIVEWAYS, POOLS, TRAILS, WELLS, RESERVOIRS OR OTHER OBSTRUCTIONS, WHICH WOULD INTERFERE WITH FREE, EASY AND CLEAR ACCESS TO UTILITIES OF ON ANY EASEMENTS, ARE PROHIBITED. HOWEVER, CERTAIN STRUCTURES, FILLING, OR GRADING MAY BE PERMITTED UPON EXECUTION OF AN EXPRESS ENCROACHMENT AGREEMENT. THE CITY OF KANNAPOLIS MAY AUTHORIZE AN ENCROACHMENT AGREEMENT BUT ONLY AFTER REVIEW AND APPROVAL OF DETAILED PLANS.

Utility Easement Statement

All open space depicted or identified on this plat shall be subject to and encumbered by a general public utility easement in gross benefiting the City of Kannapolis. The City of Kannapolis, its agents, employees, successors, and assigns shall have the right of ingress, egress, and regress over and upon any property designated on this plat as open space for the purposes of locating, laying, constructing, reconstructing, inspecting, operating, extending, maintaining, and otherwise keeping open and in good repair any public municipal utility including, but not limited to, water systems, sanitary sewer systems, and public stormwater systems

FILED Jan 04, 2023 11:57 am FILED
BOOK 00094 CABARRUS
PAGE 0093 THRU 0093 COUNTY NC
INSTRUMENT # 00131 WAYNE NIXON
EXCISE TAX \$0.00 REGISTER
OF DEEDS

It is hereby certified that this plat is in compliance with the Subdivision Regulations of the City of Kannapolis, and therefore this plat has been approved, subject to its being recorded with the Cabarrus (Rowan) County Register of Deeds within 30 days of the date below.

12/30/22 [Signature]
Date Planning Director

12/29/2022 Elizabeth Hanson
Assist. Director of Engineering
12/29/2022 [Signature]
Director of Water Resources
Assist. City Manager

ZONING
ZONED: O1 (R8)
10' FRONT YARD
5' REAR YARD
5' SIDE YARD

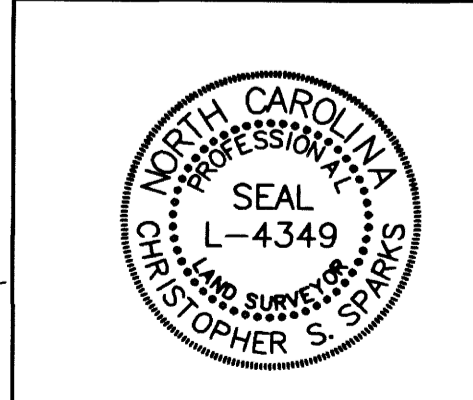
OWNER:
DAVID MILLER REALTY & INVESTMENT, LLC
1640 DALE EARNHARDT BLVD.
KANNAPOLIS, N.C. 28083

SURVEYOR'S CERTIFICATION

I, Christopher S. Sparks certify that this map was drawn by me from an actual survey made by me deed description recorded in Book 16073 Page 17, etc.) (other); (that the ratio of precision as calculated by latitudes and departures is 1:10,000+; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____ Page _____; that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this 17th day of Nov., AD 2021.
Christopher Sparks
Professional Land Surveyor
L-4349
Registration Number

This plat is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.
[Signature] L-4349
CHRISTOPHER S. SPARKS, PLS L-4349



SPARKS SURVEYING, PA
4485 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE (704) 577-8429
C-4914

MINOR SUBDIVISION
OF
2850 S. RIDGE AVE.
CONCORD N.C. 28025

PIN #5612829956
DB. 16073 PG. 17
NO. 4 TOWNSHIP
CABARRUS COUNTY, N.C.

DESCRIPTION:
RECORD PLAT

Scale: 1" = 60'
Date: 5/23/22

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
CAROLINA CEMETERY PARK	PO BOX 3257	CONCORD	NC	28025
DAVID MILLER REALTY & INVESTMENT INC	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
DUKE POWER COMPANY	400 S. TRYON ST ST22M	CHARLOTTE	NC	28201
RICHARD & VICKI JORDAN	1711 HIGHWAY 17 S UNIT 1024	SURFSIDE BCH	SC	29575
KEITH HOOGLAND PARTNERSHIP	2701 W LAWRENCE AVE STE A	SPRINGFIELD	IL	62704
MIGUEL ANGEL MARTINEZ LUCERO				
JUAN MANUEL MARTINEZ LUCERO	2831 S MAIN ST	CONCORD	NC	28027
ROY D MILLS TRUSTEE				
ROY D MILLS REVOC TRST 3/13/97	983 ROY HARTLEY RD	LEXINGTON	NC	27295
NORTH CAROLINA RAILROAD CO	2809 HIGHWOODS BLVD STE 100	RALEIGH	NC	27604
PBD HOLDINGS LLC	2941 S RIDGE AVE	CONCORD	NC	28025
RESEARCH CITY LLC	341 BECKWICK LN	CONCORD	NC	28025
CATHY C WINGLER	2826 S RIDGE AVE	CONCORD	NC	28025



March 20, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday April 4, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-06 – Special Use Permit – 2850 S Ridge Ave.

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow construction of a single-family detached dwelling on property located at 2850 S Ridge Ave. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, single-family residential uses require approval of a SUP in the Residential 18 (R18) zoning district. The subject property is 1.504 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56128297890000 **(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 bstanley@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704-920.4302.

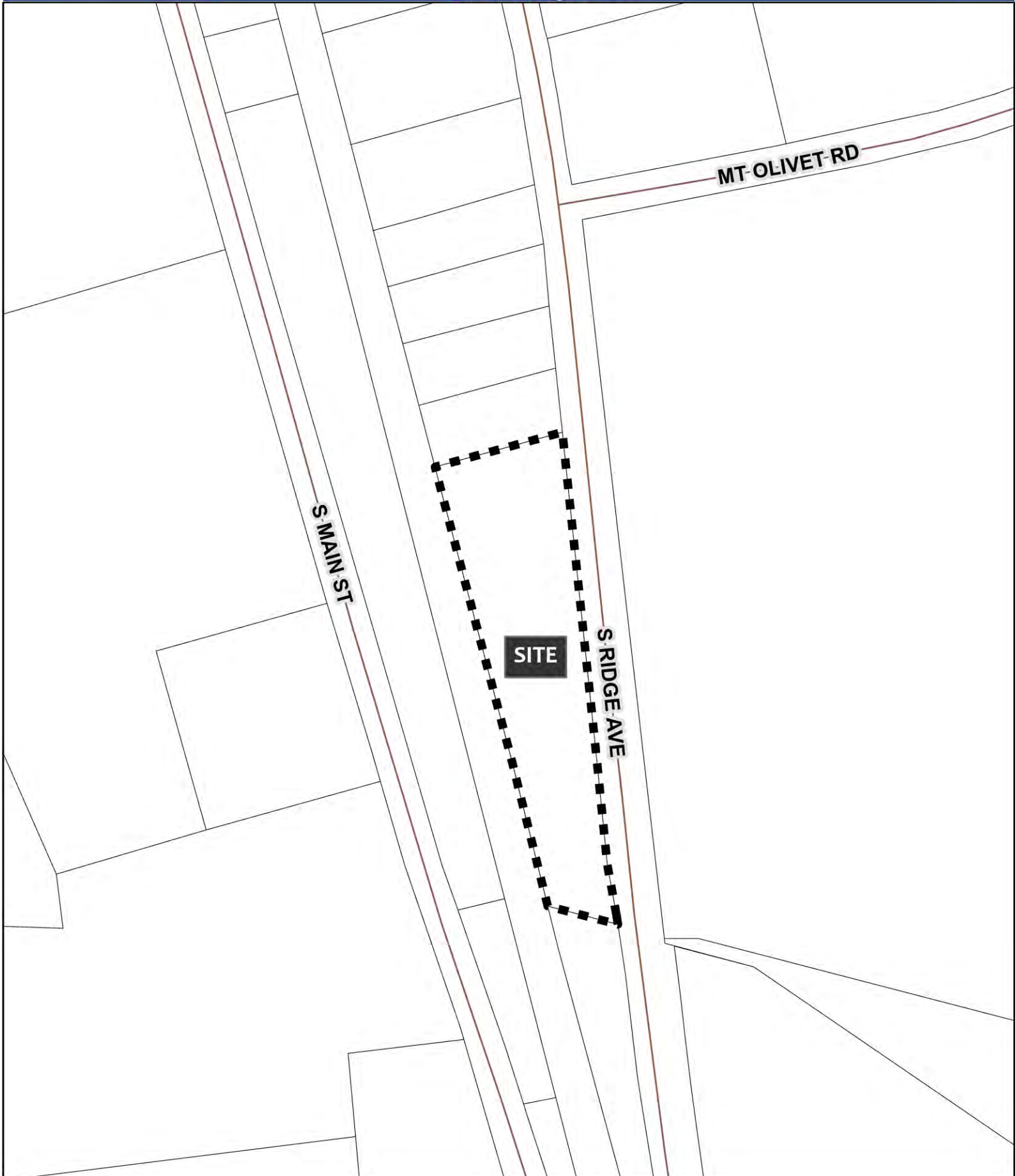


Special Use Permit

Case Number: BOA-2023-06

Applicant: David Miller

2850 S Ridge Ave





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2023 -06