



## **BOARD OF ADJUSTMENT AGENDA**

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

**Tuesday December 6, 2022 at 6:00 PM**

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes** – Meeting Minutes November 1, 2022
- 5. Swearing In for Testimony**
- 6. Public Hearing:**
  - a. BOA-2022-16 – Special Use Permit – 853 W 8<sup>th</sup> Street**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow a short-term rental use on property located in the Residential 8-units per acre (R8) zoning district. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a SUP is required for short-term rental uses in the R8 zoning district. The property is located at 853 W 8<sup>th</sup> Street, is approximately 0.75 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 148 100.
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment  
December 6, 2022 Meeting**

**Staff Report**

**TO:** Board of Adjustment  
**FROM:** Ben Barcroft, Senior Planner  
**SUBJECT:** Case# BOA-2022-16: Special Use Permit 853 W 8<sup>th</sup> Street  
Applicant: Shelly Stein

**Request for a Special Use Permit to allow a short-term rental use in the Residential 8-units per acre (R8) zoning district.**

**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, Shelly Stein, is requesting a Special Use Permit (SUP) to allow a short-term rental use in the Residential 8-units per acre (R8) zoning district on approximately 0.75 +/- acres of property located at 853 W 8<sup>th</sup> Street, further identified as Rowan County Parcel Identification Number 148 100.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for short-term rental uses in the R8 zoning district. Ms. Stein proposes to upfit the existing structure.

**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 "Urban Residential" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area allows for a variety of residential 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 this building as a short-term rental is not anticipated to cause any traffic hazards or traffic congestion. There is adequate parking available for this use.

           **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 short-term rental 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 short-term rental is compatible with the adjacent area of single-family dwellings.

           **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 development 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.**

The applicant has signed the Conditions of Approval acceptance.

**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"/> | <b>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.</b><br>_____                 |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>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.</b><br>_____    |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The proposed use shall not be noxious or offensive by reason of vibration, noise, <u>odor, dust, smoke or gas.</u></b><br>_____   |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.</b><br>_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.</b><br>_____              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Compliance with any other applicable Sections of this Ordinance.</b><br>_____   |

**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 floor 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. Elevation Rendering
7. Proposed layout
8. List of Notified Properties
9. Notice to Adjacent Property Owners
10. 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: \_\_\_\_\_

Applicant: \_\_\_\_\_

### SUBMITTAL CHECKLIST

Pre-Application Meeting – send an email to [planreviewappointment@kannapolisnc.gov](mailto: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: \_\_\_\_\_



## SPECIAL USE PERMIT APPLICATION

*Approval authority – Board of Adjustment*

### Applicant Contact Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Property Owner Contact Information same as applicant

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Project Information

Project Address: \_\_\_\_\_ Zoning District \_\_\_\_\_

Parcel PIN: \_\_\_\_\_ Size of property (in acres): \_\_\_\_\_

Current Property Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_  
\_\_\_\_\_

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*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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### 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.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

3. The proposed use shall 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.

\_\_\_\_\_  
\_\_\_\_\_

5. The establishment, maintenance, or operation of 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.

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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***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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

**For Staff Use Only:**

Filing Fee: \_\_\_\_\_

Receipt #: 636930

Case #: \_\_\_\_\_

Date Received: 10/11/2022





# Vicinity Map

Case Number: BOA-2022-16

Applicant: Shelly Stein

853 W 8th St



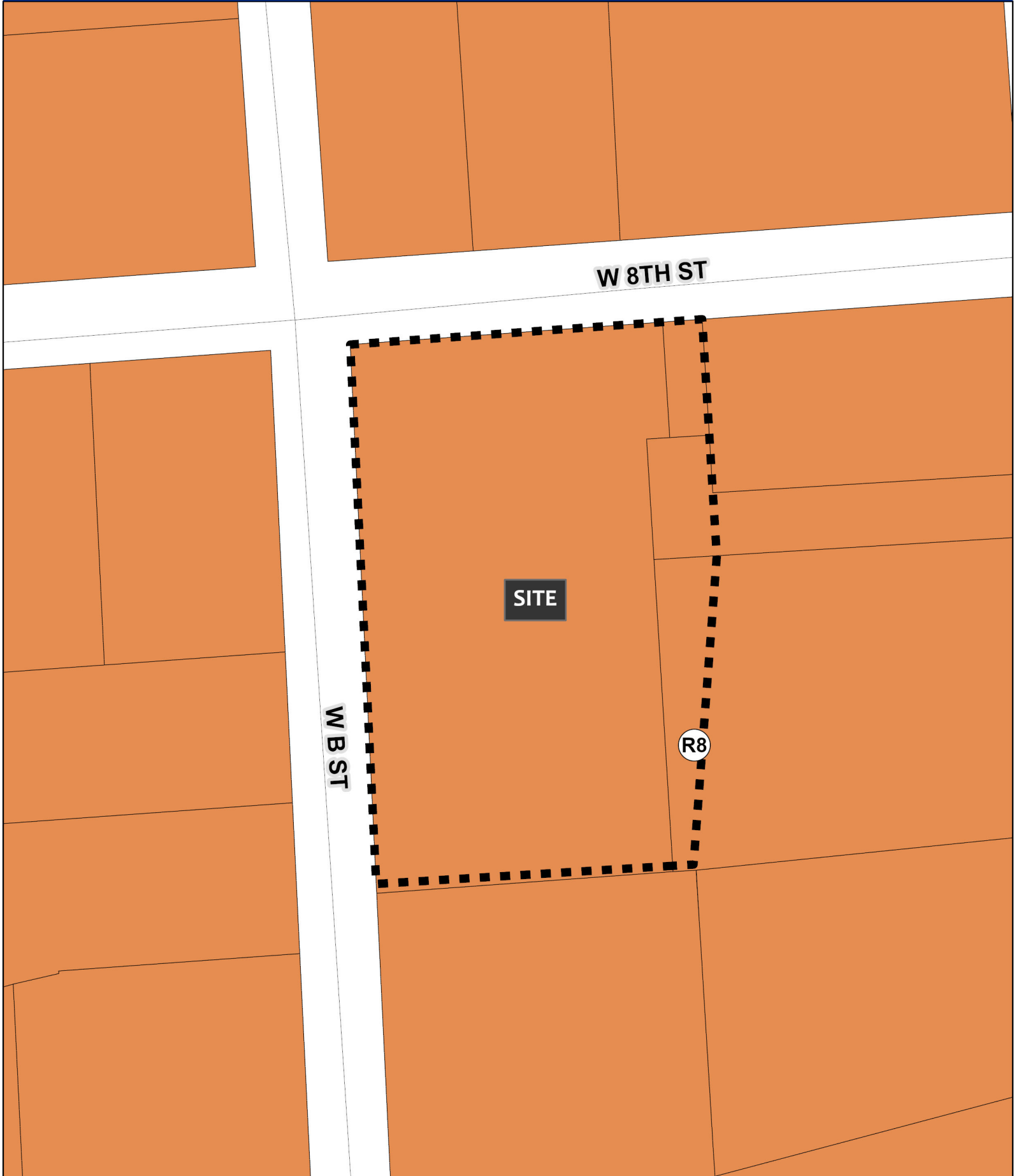


# Kannapolis Current Zoning

Case Number: BOA-2022-16

Applicant: Shelly Stein

853 W 8th St





# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2022-16

Applicant: Shelly Stein

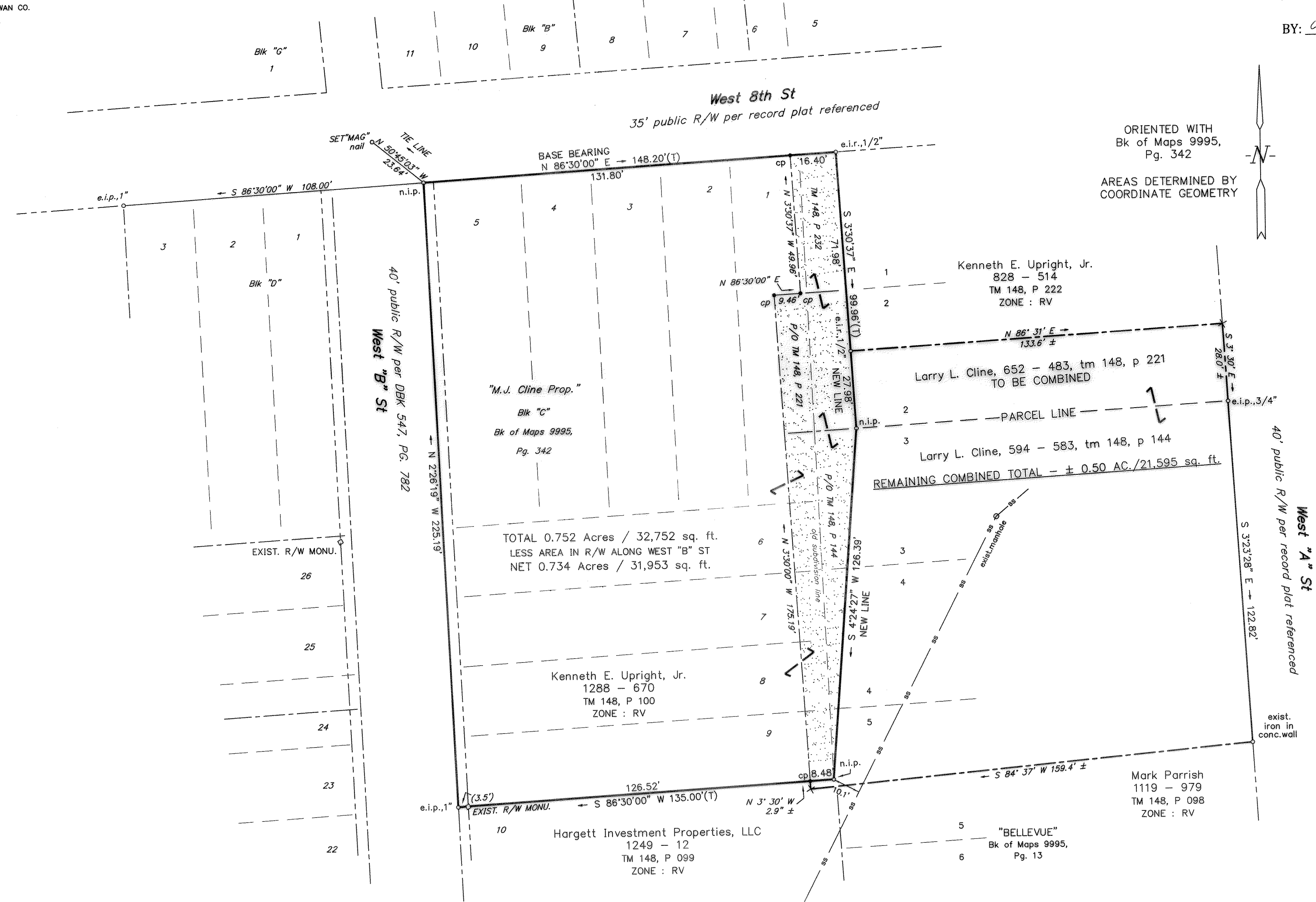
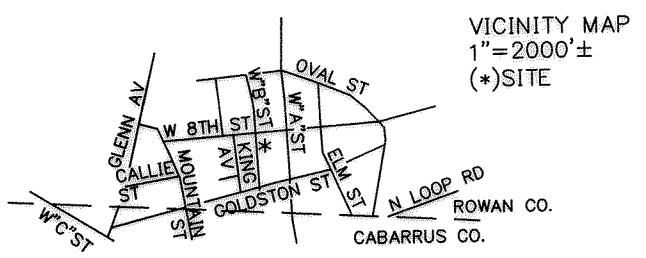
853 W 8th St





J.E. Brindle, REGISTER OF DEEDS  
 BY: *Mel G. Thompson* ASST/DEPUTY

Doc ID: 014832100001 Type: CRP  
 Recorded: 09/30/2021 at 02:38:28 PM  
 Fee Amt: \$21.00 Page 1 of 1  
 Rowan, NC  
 J. E. Brindle Register of Deeds  
 BK 9995 PG 9757



ORIENTED WITH  
 Bk of Maps 9995,  
 Pg. 342  
 AREAS DETERMINED BY  
 COORDINATE GEOMETRY

NOTES:  
 1) No opinion of title is implied or certified by the information shown on this plat. Subject and adjoining property owners names, deeds of record, and tax parcel identifications reflect those available to this surveyor as of the date of survey shown.  
 "GS 47-30 ... mapping requirements. (c) ... (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification)"

2) This property is subject to the maintenance of any public utilities not evident and to any rights-of-way, easements, or agreements of record prior to or at date of survey.  
 3) As of the date (9/13/2021) of this SURVEY this property does not lie in a Special Flood Hazard Zone.  
 VERSION NUMBER : 2.3.3.2  
 MAP NUMBER : 3710581400K  
 MAP REVISED : NOVEMBER 16, 2018  
 Published by : Federal Emergency Management Agency  
 5) Property lies in City of Kannapolis Zoning District : RV  
 MINIMUM BUILDING SETBACK ARE AS FOLLOWS: FRONT - 20', SIDE - 7', & REAR - 5'

LEGEND:  
 n.i.p. = New Iron Pin, (SET)  
 e.i.p. = Existing Iron Pipe, as described (FOUND)  
 e.i.r. = Existing Iron Rod, as described (FOUND)  
 cp = Computed Point / No Physical Monu.  
 --- = SURVEYED LINES - SOLID  
 --- = ROAD RIGHT OF WAY  
 --- = EASEMENTS LINES  
 --- = LOT/TRACT/DEED LINES  
 --- = ADJOINING PROPERTY LINES  
 --- = MINIMUM BUILDING SETBACK

Mel G. Thompson & Associates, PA  
 PROFESSIONAL LAND SURVEYORS  
 303 South Main Street  
 Kannapolis, N.C. 28081  
 Telephone (704) 938-4661  
 Corporate License # (C-0686)

6.1.5. WHEN A SUBDIVISION PLAT IS NOT REQUIRED.  
 Pursuant to NCGS - 160A-376, a subdivision plat shall not be required for any of the following:

6.1.5.1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance;

CERTIFICATE OF EXEMPTION  
 It is hereby certified that this map is exempt from City of Kannapolis approval as a subdivision plat and is in compliance with City of Kannapolis Unified Development Ordinance Regulations.

Date: 9/29/21  
 Planning Director: *Mel G. Thompson*

State of North Carolina, Cabarrus County

I, MEL G. THOMPSON, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision is 1 : 10,000+; that the boundaries not surveyed are shown as broken lines plotted from information found in documents of record as shown hereon; that this plat was prepared in accordance with G.S. 47 - 30 as amended. Witness my original signature, registration number and seal this 29th day of Sept, 2021.

I, MEL G. THOMPSON, certify to G.S. 47-30 (f)(11-d) "The survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision."

MEL G. THOMPSON, P.L.S. (L-2484)



State of North Carolina, Cabarrus County

I, *Aracyn Pollock*, Review Officer of CABARRUS County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date: 9/30/21  
 Review Officer: *Aracyn Pollock*

EXCEPTION PLAT  
 BOUNDARY SURVEY,  
 DIVISION, & RECOMBINATION  
 0.098 Acres / 4,263 sq. ft.

PROPERTY OF  
**Larry L. Cline**

BEING:  
 Tax Map (tm) 148, Parcel (p) 232  
 Deed Ref. : Dbk 718, Pg. 488  
 and portions of  
 Tax Map (tm) 148, Parcel (p) 221  
 Deed Ref. : Dbk 652, Pg. 483  
 &  
 Tax Map (tm) 148, Parcel (p) 144  
 Deed Ref. : Dbk 594, Pg. 583

TO BE COMBINED WITH  
 0.654 Acres / 28,489 sq. ft.

PROPERTY OF  
**Kenneth E. Upright, Jr.**

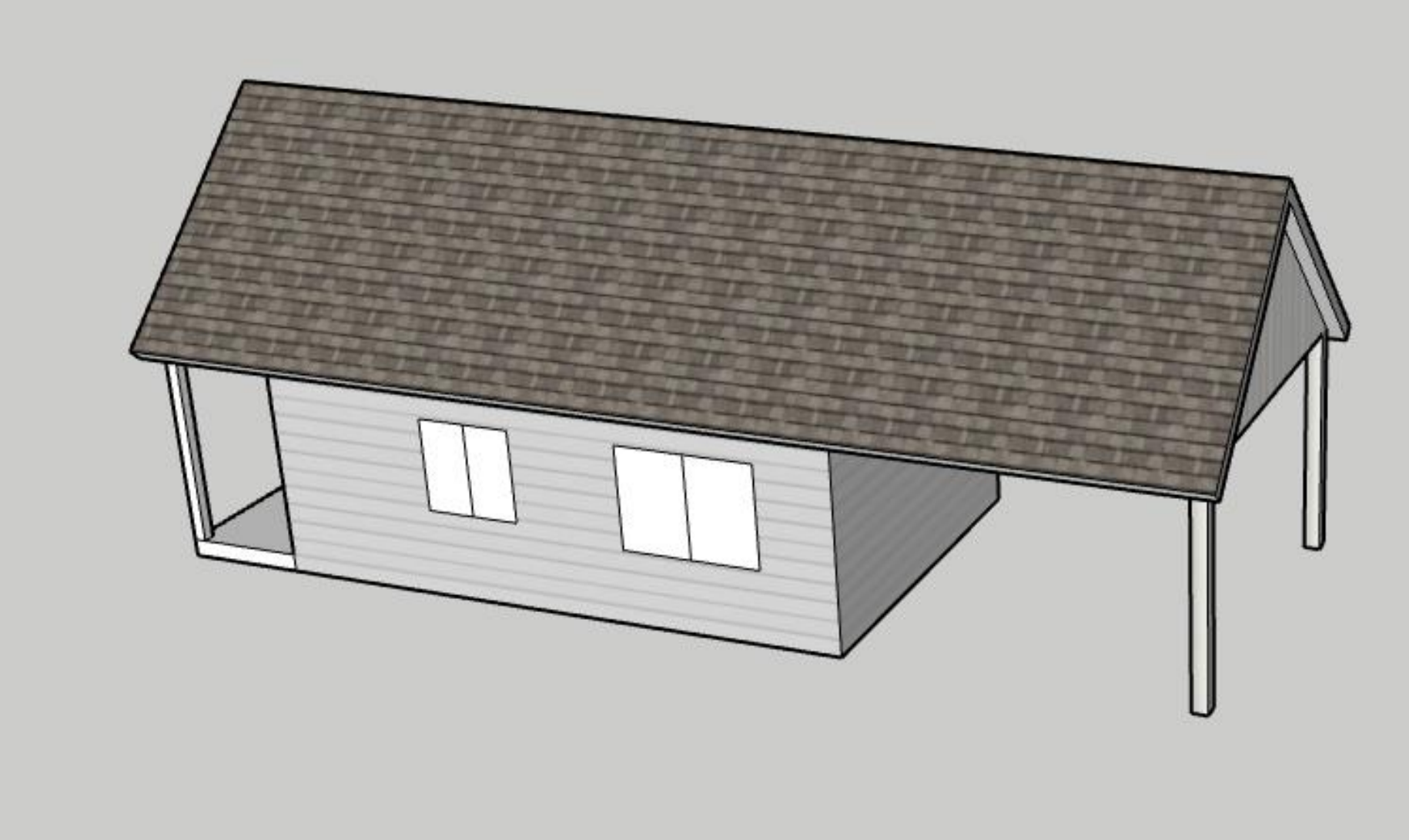
Tax Map (tm) 148, Parcel (p) 100  
 Deed Ref. : Dbk 1288, Pg. 670

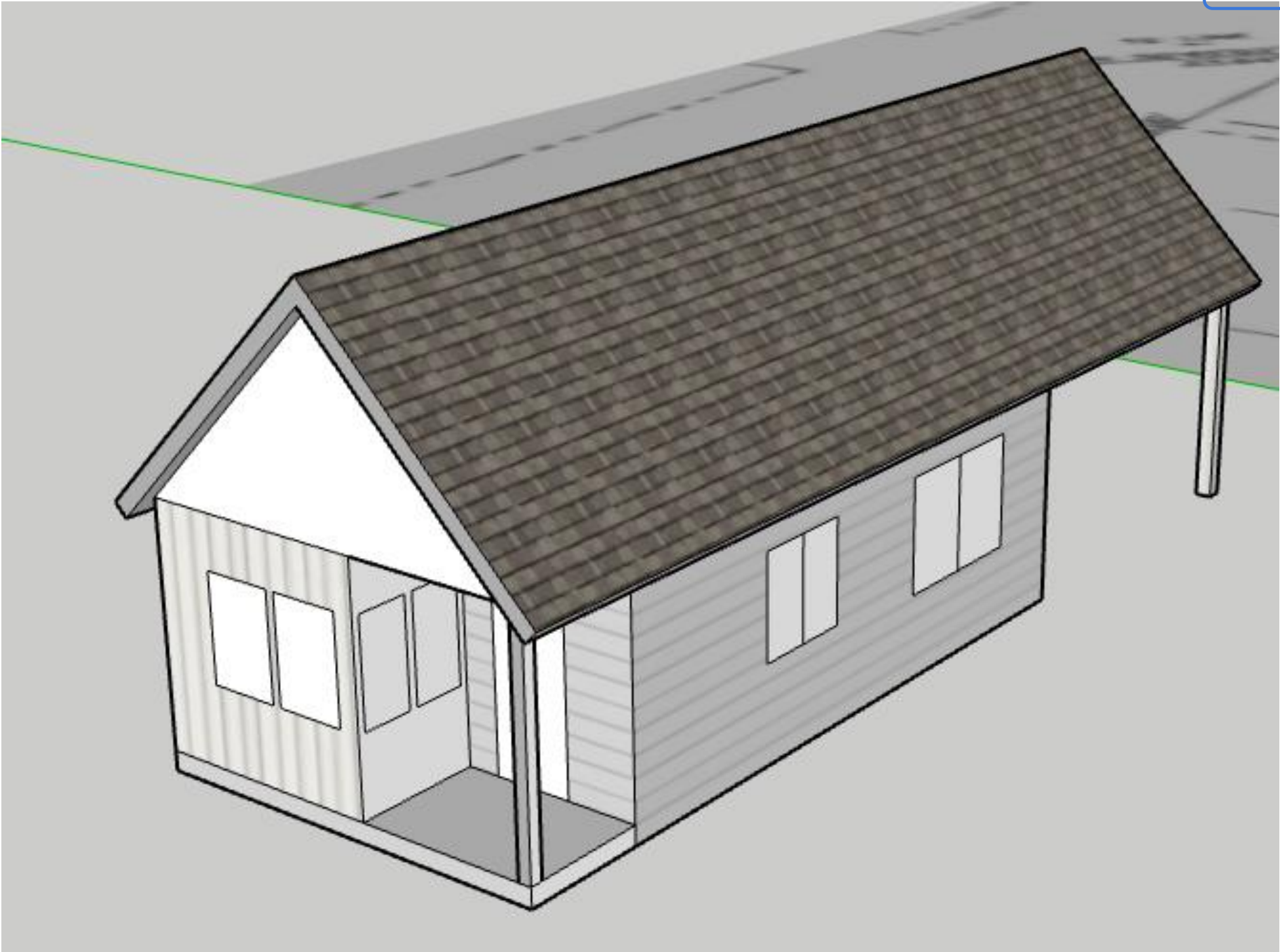
China Grove Twp, Rowan Co., Kannapolis, N.C.

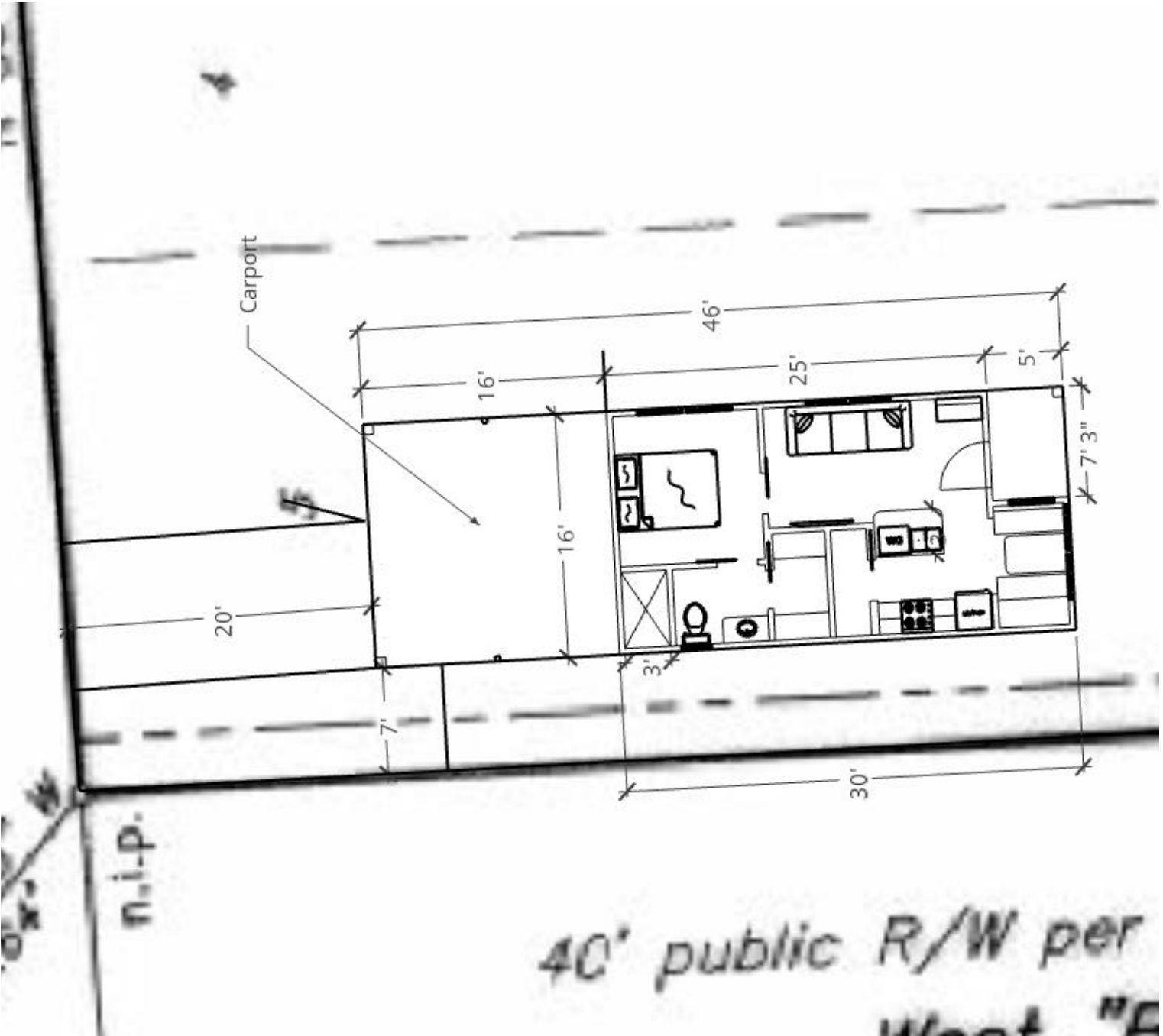
SURVEY DATE : SEPTEMBER 13, 2021  
 Scale : 1" = 30' Job # 21 08 04



Elevations

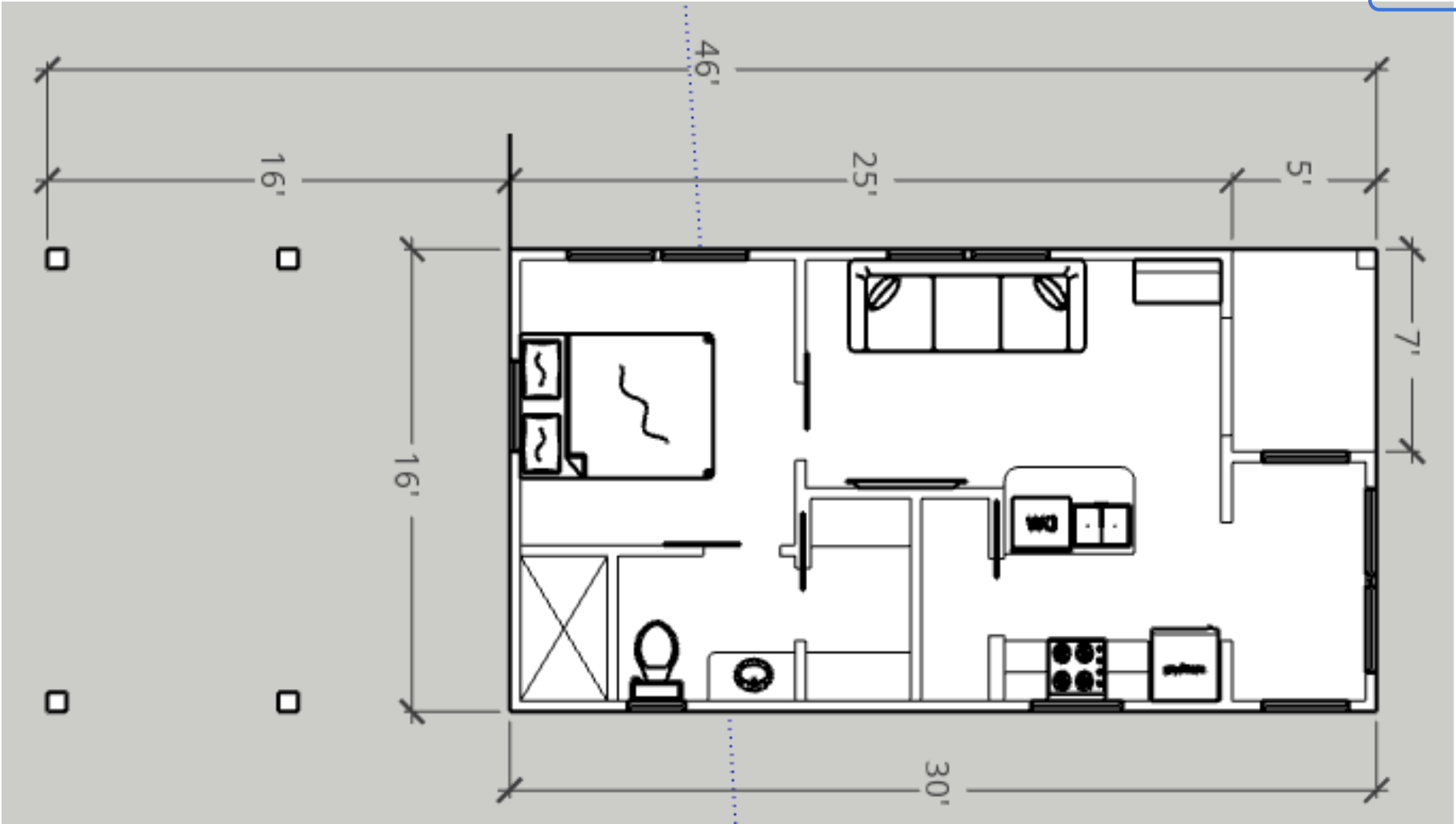






40' public R/W per  
West "E"





Foundation Plan: Monolithic Slab Foundation

OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
AJAJ LAND INVESTMENTS LLC	3481 BRIGHTON CT NW	CONCORD	NC	28027-8138
FAYE ANDERSON	910 KING AVE	KANNAPOLIS	NC	28081-2041
WAYNE & JEAN ANDERSON	5335 ENOCHVILLE SCHOOL RD	CHINA GROVE	NC	28023-6570
BAKER CREEK PROPERTIES LLC	1722 LOVE RD	LYNDHURST	VA	22952-2817
LARRY & BARBARA CLINE	909 W A ST	KANNAPOLIS	NC	28081
JOSEPH & PAMELA CURRIE	1150 COLDWATER ST	KANNAPOLIS	NC	28083
JOLENE CZUPRYNSKI	912 W A ST	KANNAPOLIS	NC	28081-2010
DAVID MILLER REALTY & INVESTMENTS INC.	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083-3210
CHRISTOPHER & MARY GADDIS	1000 W A ST	KANNAPOLIS	NC	28081-0000
TYLER & JESSICA HALL	3648 CHELWOOD DR NW	CONCORD	NC	28027-7861
HARGETT INVESTMENT PROP LLC	425 AUTUMN DR	HARRISBURG	NC	28075
RANDY & CHERYL HOLLIFIELD	4575 ISENHOUR DR	KANNAPOLIS	NC	28081-7408
MICHAEL KARMAZ	7 PINERIDGE ST	MELVILLE	NY	11747-0000
RANDALL & BETH KERLEY	111 CONSTANCE CT	CHINA GROVE	NC	28023
KIST PROPERTIES LLC	218 MAUNEY FARM RD	CHERRYVILLE	NC	28021
WILLARD LAWS	352 OLD CENTERGROVE RD	KANNAPOLIS	NC	28083-4972
TERRY & BETTY MCCLAMROCK	1009 W B ST	KANNAPOLIS	NC	28081
RICHARD & CARMEN MONEY	1001 W A ST	KANNAPOLIS	NC	28081
MARK PARRISH	4811 PINE NEEDLE TRL	MINT HILL	NC	28227
GEORGE & CAROL PEEK	902 W B ST	KANNAPOLIS	NC	28081
ALVARO & DORIZ RODRIGUEZ	155 MCWOOD DR	CHINA GROVE	NC	28023-6599
STEVEN SLOOP	303 E 3RD ST	KANNAPOLIS	NC	28083-3510
DRAKE & SHELLY STEIN	911 WEST B ST	KANNAPOLIS	NC	28081
MICHAEL & ANGELA UPRIGHT	1001 W B ST	KANNAPOLIS	NC	28081-0000
KENNETH JR & PHILLIS UPRIGHT	913 W A ST	KANNAPOLIS	NC	28081

November 22, 2022

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday December 6, 2022 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2022-16 – Special Use Permit – 853 W 8<sup>th</sup> Street**

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow a short-term rental use on property located in the Residential 8-units per acre (R8) zoning district. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a SUP is required for short-term rental uses in the R8 zoning district. The property is located at 853 W 8<sup>th</sup> Street, is approximately 0.75 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 148 100. **(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 have evidence relevant to the noted request.**

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](mailto: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.

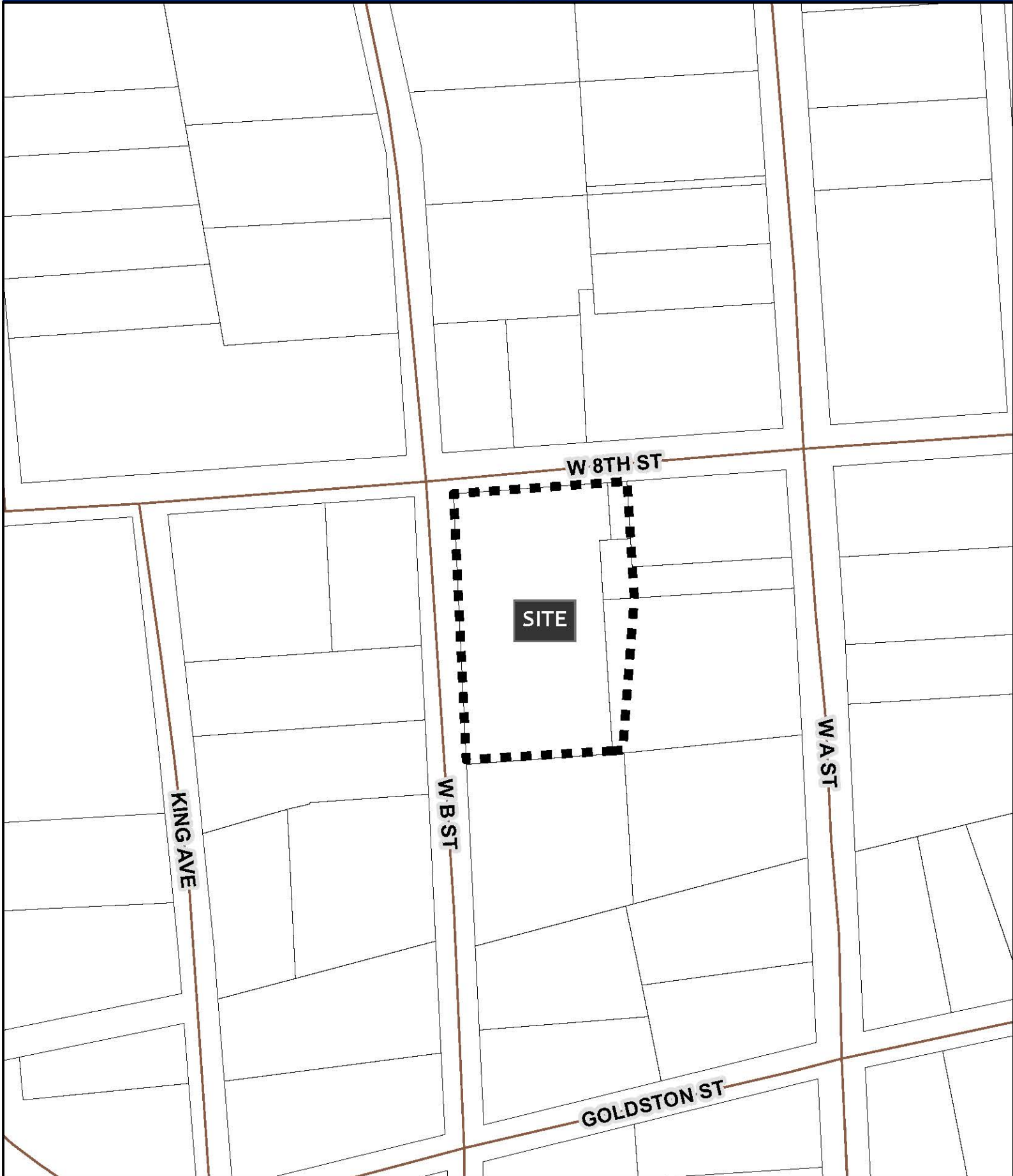


# Special Use Permit

Case Number: BOA-2022-16

Applicant: Shelly Stein

853 W 8th St





**BOARD OF**

**ADJUSTMENT**

**PUBLIC HEARING  
INFORMATION**

**CALL 704-920-4350  
CASE #BOA-2022-16**