



BOARD OF ADJUSTMENT AGENDA

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

Tuesday July 11, 2023 at 6:00 PM

- 1. Call to Order**
- 2. Oath of Office for new and appointed Board Members**
- 3. Roll Call and Recognition of Quorum**
- 4. Approval of Agenda**
- 5. Approval of Minutes – May 5, 2023**
- 6. Swearing In for Testimony**
- 7. Public Hearing:**
 - a. BOA-2023-09 – Special Use Permit – 1408 Mason Street**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow for a single-family detached residential structure on property located at 1408 Mason St. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for single-family detached residential uses in the Residential 18 (R18) zoning district. The subject property is .26 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56039992450000.
 - b. BOA-2023-10 – Special Use Permit – 1406 Mason Street**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow for a single-family detached residential structure on property located at 1406 Mason St. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for single-family detached residential uses in the Residential 18 (R18) zoning district. The subject property is .27 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56130902260000.
 - c. BOA-2023-11 – Special Use Permit – 429 Central Avenue**

Public Hearing to consider a request for a Special Use Permit (SUP) to allow for a single-family detached residential structure on property located at 429 Central Ave. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for single-family detached residential uses in the Center City (CC) zoning district. The subject property is 0.77 +/- acre portion of approximately 14.25 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56133894130000.

8. Planning Director Update

9. Other Business

- a. Adoption of 2024 Meeting Calendar
- b. Election of Chair/Vice-Chair

10. Adjourn



**Board of Adjustment
July 11, 2023 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-09: Special Use Permit – 1408 Mason Street
Applicant: Jade Builders

Request for a Special Use Permit to allow for a single-family detached dwelling on property located at 1408 Mason St.

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, Jade Builders, is requesting a Special Use Permit (SUP) to allow for a single-family detached dwelling in the Residential 18 (R18) zoning district on approximately 0.26 +/- acres of property located at 1408 Mason St., further identified as Cabarrus County Parcel Identification Number 56039992450000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for single-family detached dwellings 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 "Complete Neighborhood 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area calls for both single-family detached and attached residential uses, as well as multi-family 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 construction of a single-family detached 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 residential use 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 detached residential use 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 (KDO), conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.

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

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

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.

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

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

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

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

G. Recommendation

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

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
City Attorney	X
Assistant City Manager	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application.

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: 1408 Mason St. Kannapolis NC 28081
Applicant: Jack Builders

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: 5/10/23



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Jade Builders
Address: 1641 Dale Earnhardt Blvd
1 Kannapolis NC 28083
Phone: 704 305 1020
Email: overcash9@gmail.com

Property Owner Contact Information same as applicant

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

Project Information

Project Address: 1408 Mason St. Zoning District R18
Parcel PIN: 56039992450000 Size of property (in acres): .26

Current Property Use: residential

Proposed Use: New Home

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):

3 bed 2 bath base single family home

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.

yes

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

yes nothing will change road traffic
or structure

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

No work like this will be needed

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.

no

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

no

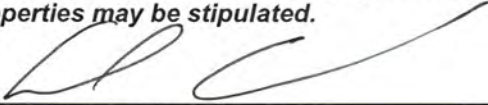
6. The proposed use complies with all applicable provisions of the KDO.

yes

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

yes

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


Applicant Signature

5/11/23

Date


Property Owner Signature

5/11/23

Date



Vicinity Map

Case Number: BOA-2023-09

Applicant: Jade Builders

1408 Mason St



BIRCH ST

COX AVE

MOORSVILLE RD

KEY WEST AVE

MASON ST

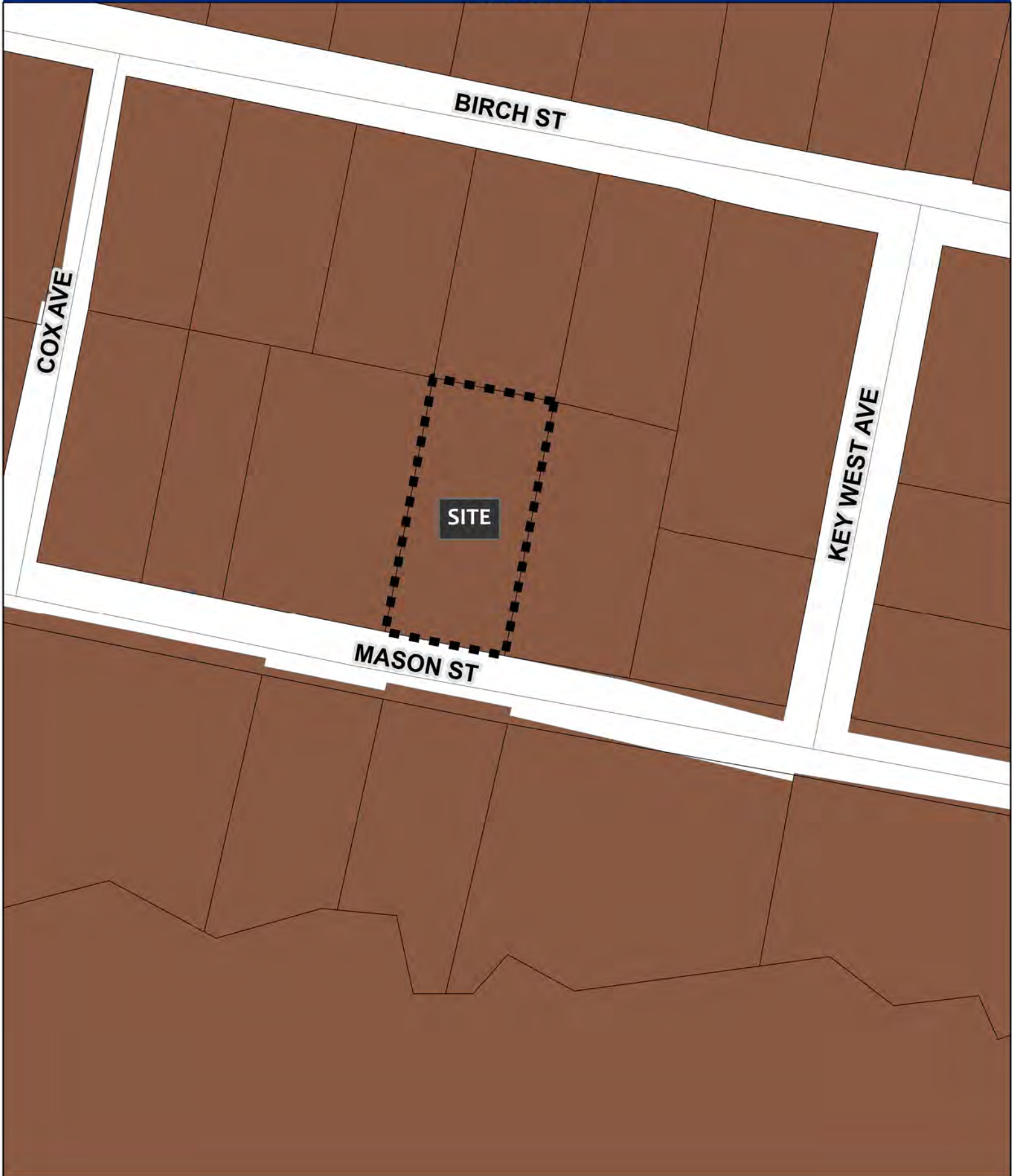


Kannapolis Current Zoning

Case Number: BOA-2023-09

Applicant: Jade Builders

1408 Mason St





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-09

Applicant: Jade Builders

1408 Mason St



NOTES:

1. Property may be subject to recorded or unrecorded easements
2. No USGS monument within 2000'
3. Area by deed from Cabarrus County Public Records, NO FIELD VERIFICATION HAS BEEN PERFORMED.
4. THIS IS NOT AN ACTUAL FIELD SURVEY
5. THE PUPOSE OF THIS MAP IS TO SHOW PROPOSED HOUSE IN RELATION TO PROPERTY LINES ONLY.
6. PRELIMINARY- NOT FOR SALES OR CONVEYANCES
7. THIS PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD INSURANCE RATE MAP #3710561300K, DATED NOVEMBER 16TH, 2018.

PIN#5603999402
SFR3-007, LLC
DB.13953 PG.295

PIN#5603999482
EMERALD GATE, LLC
DB.16125 PG.189

PIN#5613090359
EMERALD GATE, LLC
DB.16125 PG.189

PIN#5613091326
CHARLES MANN
DB.1076 PG.182

PIN#5613090226
JADE BUILDERS, LLC
DB.16231 PG.318

PIN#5613091200
JADE BUILDERS, LLC
DB.16231 PG.318

PIN#5603998287
DESIREE CARSON
DB.10786 PG.283

ZONING

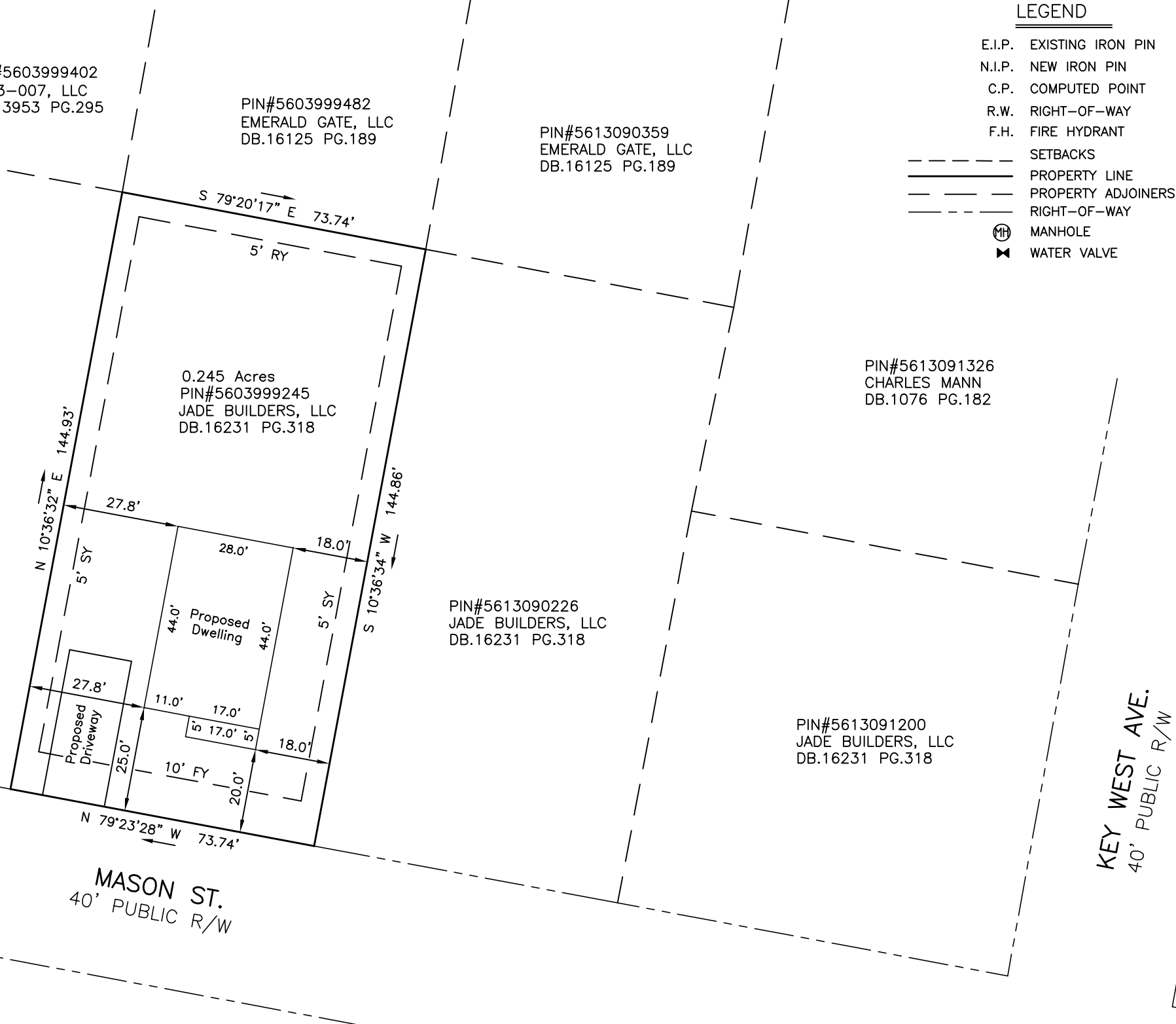
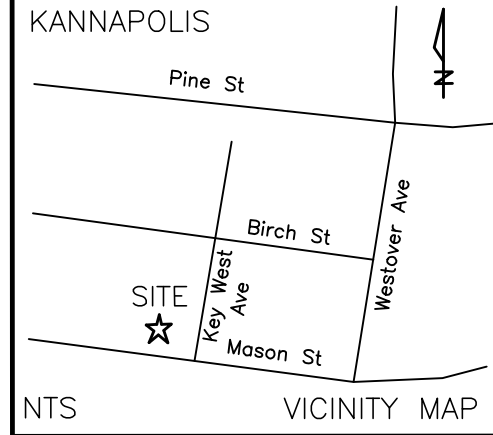
ZONED: R18
10' FRONT SETBACK
5' REARYARD
5' SIDEYARD

OWNER

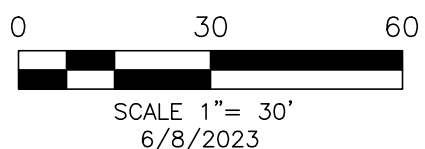
JADE BUILDERS, LLC
1641 DALE EARNHARDT BLVD
KANNAPOLIS NC 28083

LEGEND

- E.I.P. EXISTING IRON PIN
- N.I.P. NEW IRON PIN
- C.P. COMPUTED POINT
- R.W. RIGHT-OF-WAY
- F.H. FIRE HYDRANT
- SETBACKS
- PROPERTY LINE
- PROPERTY ADJOINERS
- RIGHT-OF-WAY
- MANHOLE
- WATER VALVE



SPARKS SURVEYING PA
4495 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE(704) 577-8429
C-4914



PLOT PLAN
FOR
1408 MASON STREET
KANNAPOLIS, NC 28081
Number 4 Township Cabarrus County, N.C.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
MONIQUE BAILEY	1416 MASON ST	KANNAPOLIS	NC	28081
ANGELA BATTEN	2002 FROSTWOOD LN	CONCORD	NC	28025
LETICIA BETANCOURT	1408 BIRCH ST	KANNAPOLIS	NC	28081
MICHAEL & JASMINE BOOTH	1414 MASON ST	KANNAPOLIS	NC	28081
DESIREE CARSON	1412 MASON ST	KANNAPOLIS	NC	28081
EMERALD GATE LLC	14701 BRICK CHURCH CT	CHARLOTTE	NC	28277
RUBY A HARRINGTON	360 CORRIHER GRANGE RD	MOORESVILLE	NC	28115
FAYE C HONEYCUTT	3270 HAVELOCK PL	SHALLOTTE	NC	28470
JADE BUILDERS, LLC				
ATTN: ALAN OVERCASH	1641 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
CHARLES & BARBARA MANN	1401 BIRCH ST	KANNAPOLIS	NC	28081
IRENE M PITTMAN	153 WHITE TAIL CT	LEXINGTON	NC	27292
SFR3-007 LLC	500 WESTOVER DR # 14104	SANFORD	NC	27330
IRVING & MICHELLE TORRES	1406 BIRCH ST	KANNAPOLIS	NC	28081
WESTBROOK KANNAPOLIS LLC	18240 TAYPORT DR	CHARLOTTE	NC	28278



June 27, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday July 11, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-09 – Special Use Permit – 1408 Mason Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a single-family detached residential structure on property located at 1408 Mason St. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for single-family detached residential uses in the Residential 18 (R18) zoning district. The subject property is .26 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56039992450000 (Please see attached vicinity map showing the location of this property.)

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

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

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

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

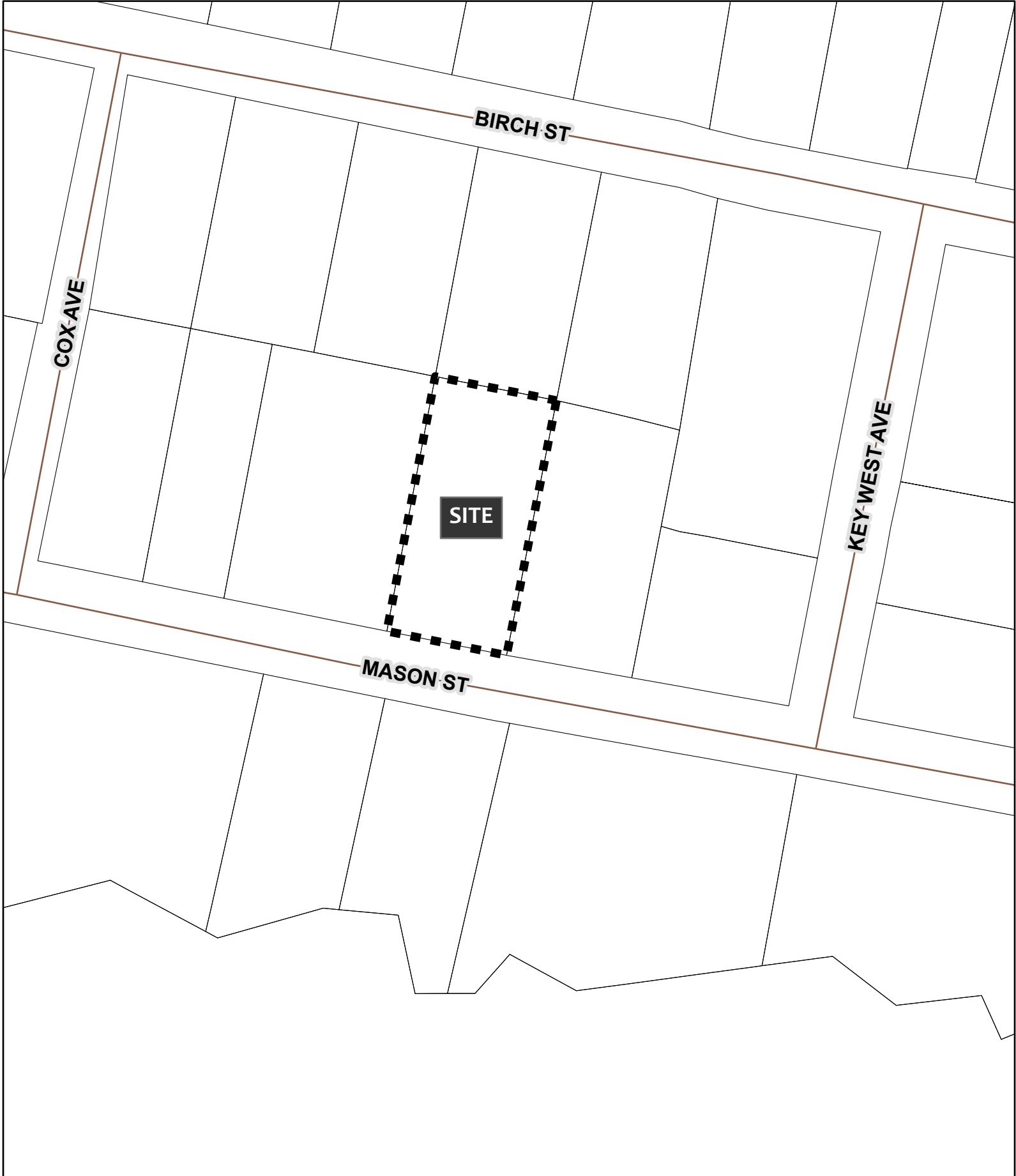


Special Use Permit

Case Number: BOA-2023-09

Applicant: Jade Builders

1408 Mason St



KANNON
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA-2023-09

ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350



**Board of Adjustment
July 11, 2023 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Ben Barcroft, Senior Planner
SUBJECT: Case# BOA-2023-10: Special Use Permit – 1406 Mason Street
Applicant: Jade Builders

Request for a Special Use Permit to allow for a single-family detached dwelling on property located at 1406 Mason St.

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, Jade Builders, is requesting a Special Use Permit (SUP) to allow for a single-family detached dwelling in the Residential 18 (R18) zoning district on approximately 0.27 +/- acres of property located at 1406 Mason St., further identified as Cabarrus County Parcel Identification Number 56130902260000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for single-family detached dwellings 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 "Complete Neighborhood 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area calls for both single-family detached and attached residential uses, as well as multi-family 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 construction of a single-family detached 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 residential use 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 detached residential use 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 (KDO), conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.

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

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

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G. Recommendation

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

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
City Attorney	X
Assistant City Manager	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application.

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: 1406 Mason St. Kannapolis NC 28081

Applicant: Jade Builders

SUBMITTAL CHECKLIST

- Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
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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: 5/11/23



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Jade Builders
Address: 1641 Dale Bernhardt Blvd
Kannapolis NC 28083
Phone: 704 305 1020
Email: overcash9@gmail.com

Property Owner Contact Information same as applicant

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

Project Information

Project Address: 1406 Mason St. Zoning District R15

Parcel PIN: 56130902260000 Size of property (in acres): .27

Current Property Use: residential

Proposed Use: New Home

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):

3 bed 2 bath House single family

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.

yes

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

yes nothing will change road traffic
or structure

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

No work will be needed to cause this

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.

no

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

no

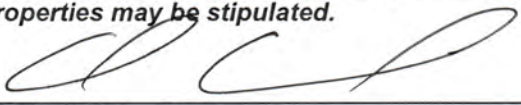
6. The proposed use complies with all applicable provisions of the KDO.

yes

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

yes

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

 5/11/23
Applicant Signature Date

 5/11/23
Property Owner Signature Date



Vicinity Map

Case Number: BOA-2023-10

Applicant: Jade Builders

1406 Mason St



COX AVE

BIRCH ST

KEY WEST AVE

MASON ST

MOORSVILLE RD

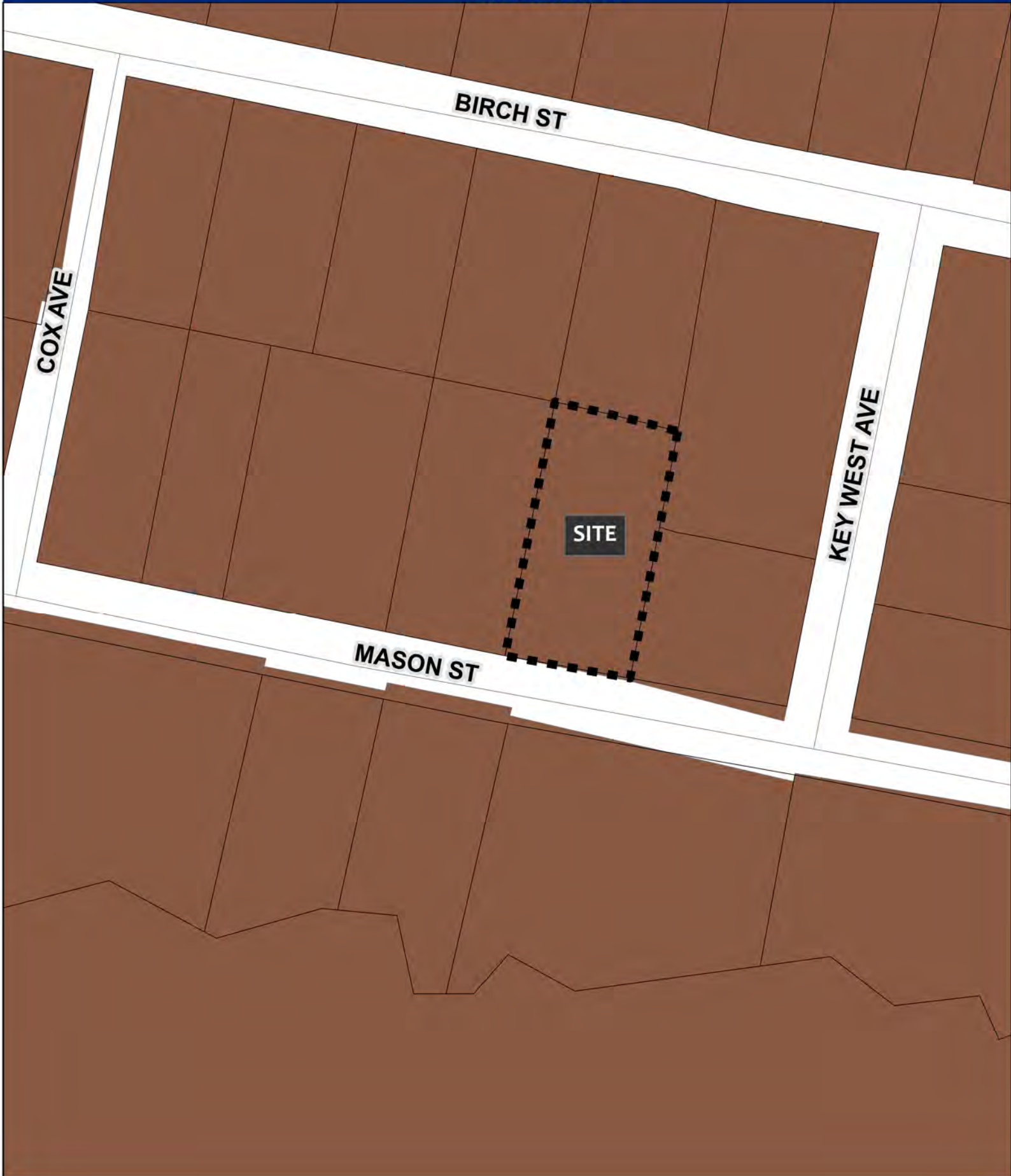


Kannapolis Current Zoning

Case Number: BOA-2023-10

Applicant: Jade Builders

1406 Mason St





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-10

Applicant: Jade Builders

1406 Mason St



NOTES:

1. Property may be subject to recorded or unrecorded easements
2. No USGS monument within 2000'
3. Area by deed from Cabarrus County Public Records, NO FIELD VERIFICATION HAS BEEN PERFORMED.
4. THIS IS NOT AN ACTUAL FIELD SURVEY
5. THE PUPOSE OF THIS MAP IS TO SHOW PROPOSED HOUSE IN RELATION TO PROPERTY LINES ONLY.
6. PRELIMINARY- NOT FOR SALES OR CONVEYANCES
7. THIS PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD INSURANCE RATE MAP #3710561300K, DATED NOVEMBER 16TH, 2018.

ZONING

ZONED: R18
 10' FRONT SETBACK
 5' REARYARD
 5' SIDEYARD

OWNER

JADE BUILDERS, LLC
 1641 DALE EARNHARDT BLVD
 KANNAPOLIS NC 28083

PIN#5603998287
 DESIREE CARSON
 DB.10786 PG.283

PIN#5603999245
 JADE BUILDERS, LLC
 DB.16231 PG.318

PIN#5603999482
 EMERALD GATE, LLC
 DB.16125 PG.189

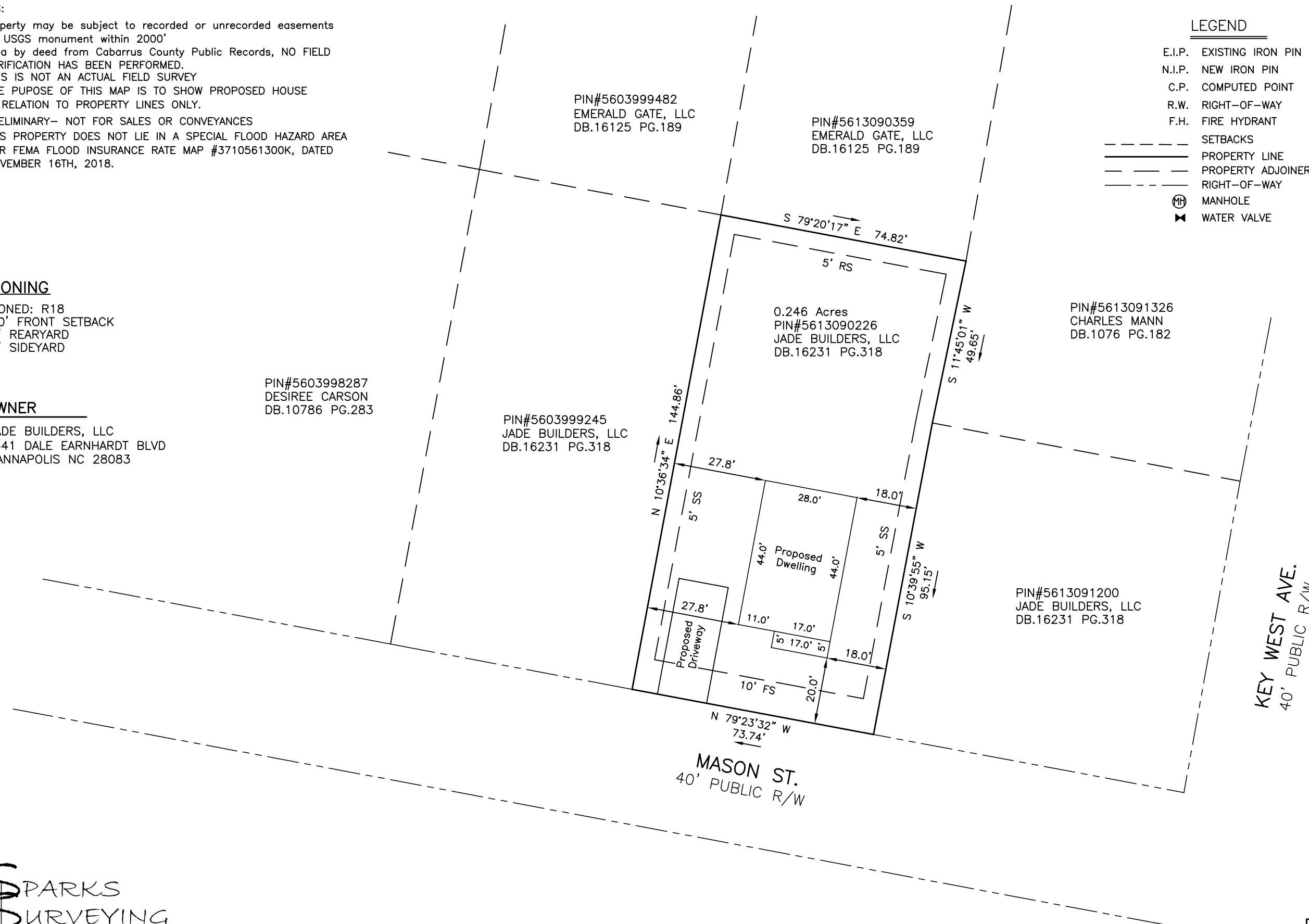
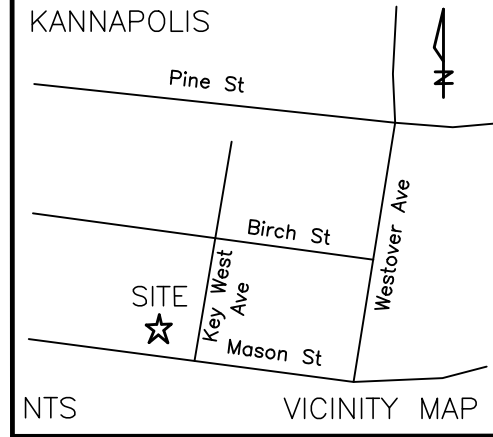
PIN#5613090359
 EMERALD GATE, LLC
 DB.16125 PG.189

PIN#5613091326
 CHARLES MANN
 DB.1076 PG.182

PIN#5613091200
 JADE BUILDERS, LLC
 DB.16231 PG.318

LEGEND

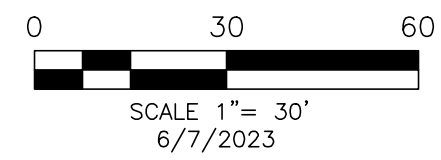
- E.I.P. EXISTING IRON PIN
- N.I.P. NEW IRON PIN
- C.P. COMPUTED POINT
- R.W. RIGHT-OF-WAY
- F.H. FIRE HYDRANT
- SETBACKS
- ==== PROPERTY LINE
- - - - PROPERTY ADJOINERS
- - - - RIGHT-OF-WAY
- ⊕ MANHOLE
- ⊗ WATER VALVE



KEY WEST AVE.
 40' PUBLIC R/W

MASON ST.
 40' PUBLIC R/W

SPARKS SURVEYING PA
 4495 NEEDMORE RD.
 WOODLEAF, N.C. 27054
 PHONE(704) 577-8429
 C-4914



PLOT PLAN
 FOR
1406 MASON STREET
KANNAPOLIS, NC 28081
 Number 4 Township Cabarrus County, N.C.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ANGELA BATTEN	2002 FROSTWOOD LN	CONCORD	NC	28025
MICHAEL & JASMINE BOOTH	1414 MASON ST	KANNAPOLIS	NC	28081
DESIREE CARSON	1412 MASON ST	KANNAPOLIS	NC	28081
MARGORY CONTRERAS	PO BOX 620432	CHARLOTTE	NC	28262
EMERALD GATE LLC	14701 BRICK CHURCH CT	CHARLOTTE	NC	28277
RUBY A HARRINGTON	360 CORRIHER GRANGE RD	MOORESVILLE	NC	28115
JADE BUILDERS LLC				
ATTN: ALAN OVERCASH	1641 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
CHARLES & BARBARA MANN	1401 BIRCH ST	KANNAPOLIS	NC	28081
YOLANDA MEDINA MUNOZ	1400 BIRCH ST	KANNAPOLIS	NC	28081
IRENE PITTMAN	153 WHITE TAIL CT	LEXINGTON	NC	27292
SEVEN POINTS BORROWER LLC	PO BOX 4090	SCOTTSDALE	AZ	85261
SFR3-007 LLC	500 WESTOVER DR # 14104	SANFORD	NC	27330
IRVING & MICHELLE TORRES	1406 BIRCH ST	KANNAPOLIS	NC	28081
WESTBROOK KANNAPOLIS LLC	18240 TAYPORT DR	CHARLOTTE	NC	28278



June 27, 2023

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday July 11, 2023 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2023-10 – Special Use Permit – 1406 Mason Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a single-family detached residential structure on property located at 1406 Mason St. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for single-family detached residential uses in the Residential 18 (R18) zoning district. The subject property is .27 +/- acres and is more specifically identified as Cabarrus County Parcel Identification Number 56130902260000 (Please see attached vicinity map showing the location of this property.)

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

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

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

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

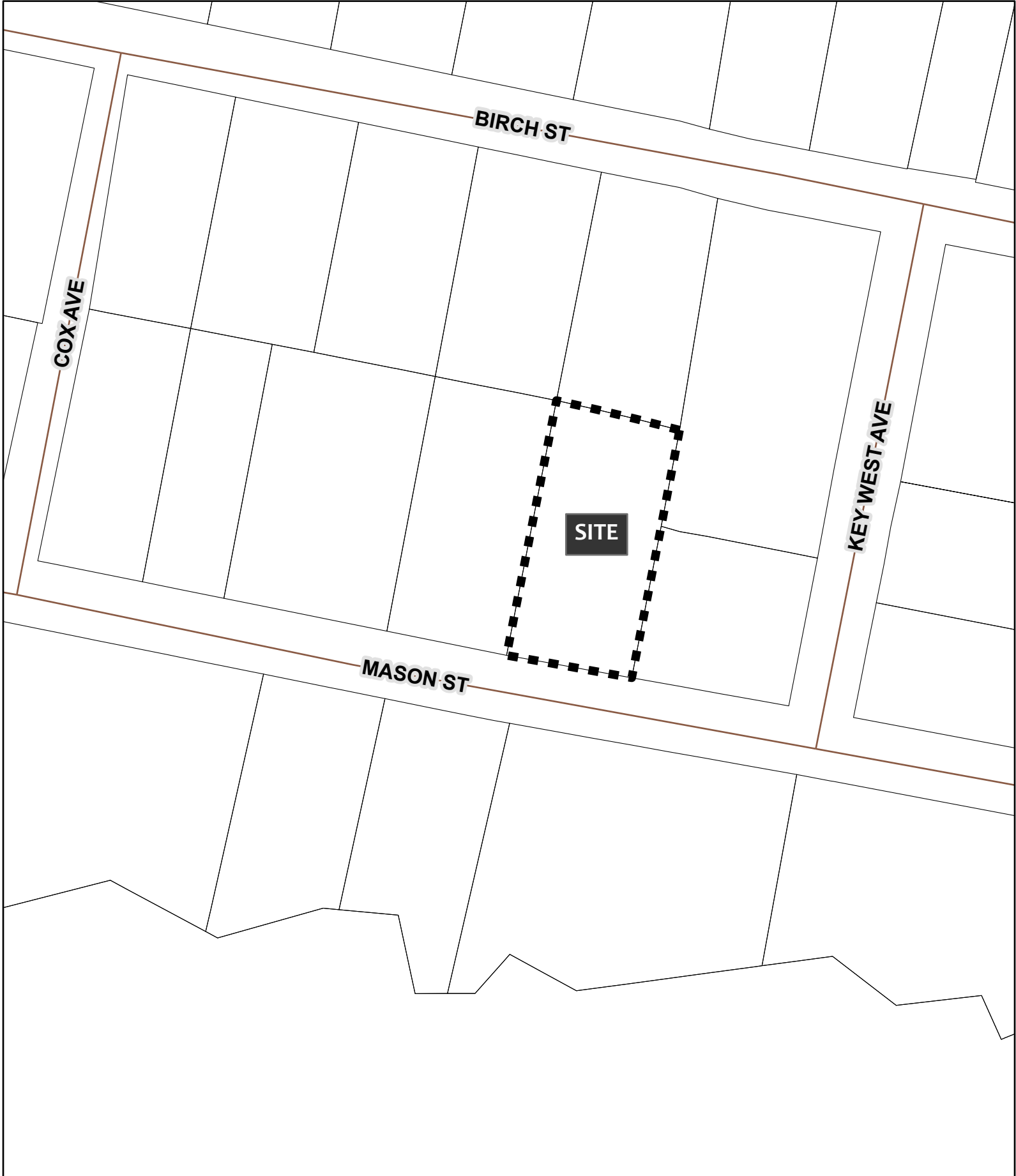


Special Use Permit

Case Number: BOA-2023-10

Applicant: Jade Builders

1406 Mason St






BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # BOA-2023-10





**Board of Adjustment
July 11, 2023 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

**SUBJECT: Case# BOA-2023-11: Special Use Permit – Portion of property located at 429 Central Avenue
Applicant: Long Ridge Development & Properties, LLC**

Request for a Special Use Permit to allow for a single-family detached dwelling on a portion of property located at 429 Central 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, Long Ridge Development & Properties, LLC., is requesting a Special Use Permit (SUP) to allow for single-family detached residential uses in the Center City (CC) zoning district on a 0.77 portion of approximately 14.25 +/- acres of property located at 429 Central Ave., further identified as Cabarrus County Parcel Identification Number 46133894130000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for single-family detached dwellings uses in the CC zoning district.

This property was conditionally rezoned by the Planning and Zoning Commission at their June 20, 2023 meeting from Residential 8 (R8) to Center City Conditional-Zoning (CC-CZ).

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 calls for both single-family detached and attached residential uses as primary uses. There is a small portion of the back of the property within the "Downtown Center" Character Area. The proposed development is not within this area.

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 detached 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 residential use 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 detached residential use 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 (KDO), conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.

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

The applicant has agreed in writing to the recommended Conditions of Approval.

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

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.

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

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

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

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

G. Recommendation

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

Conditions of Approval proposed by staff:

1. Development of the lot shall be held to the proposed site plan of seven (7) single-family dwellings.

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
City Attorney	X
Assistant City Manager	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is **important that all required documents and fees listed on this form below are submitted with your application**. 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: 429 Central Ave

Applicant: Long Ridge Developmnet & Properties, LLC

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: _____

6/12/23



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Joshua Masters

Address: 206 Oak Avenue

Phone: 7049337076

Email: joshua@longridgedevelopment.com

Property Owner Contact Information same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: 429 Central Ave Zoning District CC

Parcel PIN: 5613389413 Size of property (in acres): _____

Current Property Use: Vacant Land

Proposed Use: 7 Single Family Homes

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): _____

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.**

Yes, the surrounding area consists of single family homes

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

Yes, minimal impact to existing infrastructure. The houses will have rear load garages with a private drive for access.

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

No

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.

the proposed use will be consistent with the surrounding property.

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

no impacts to safety or general welfare

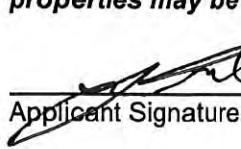
6. The proposed use complies with all applicable provisions of the KDO.

Yes

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

yes

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


Applicant Signature

6/11/23
Date

Property Owner Signature

Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____



Vicinity Map

Case Number: BOA-2023-11

Applicant: Long Ridge Development and Properties

429 Central Ave

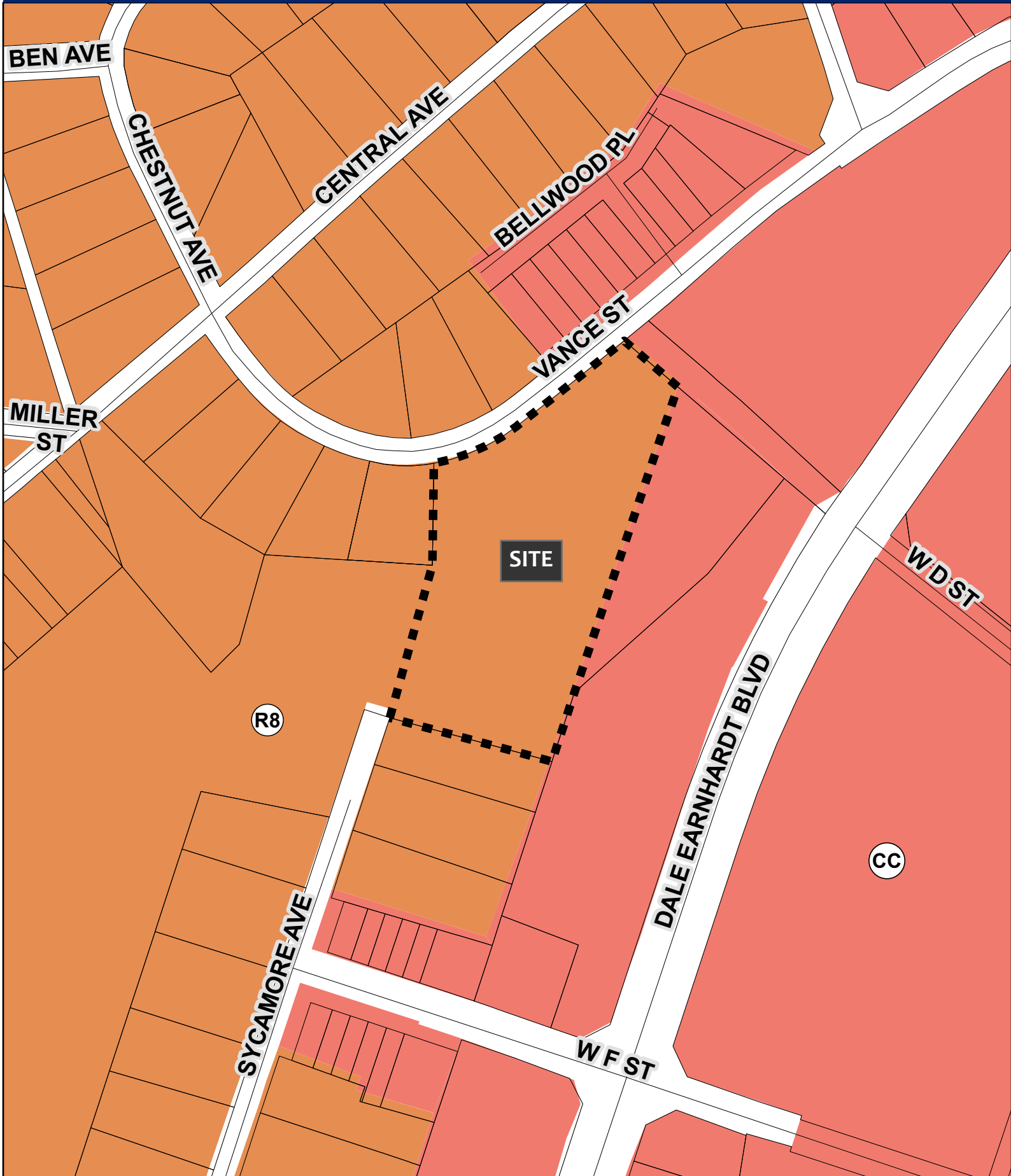




Kannapolis Current Zoning

Case Number: BOA-2023-11

Applicant: Long Ridge Development and Properties
429 Central Ave



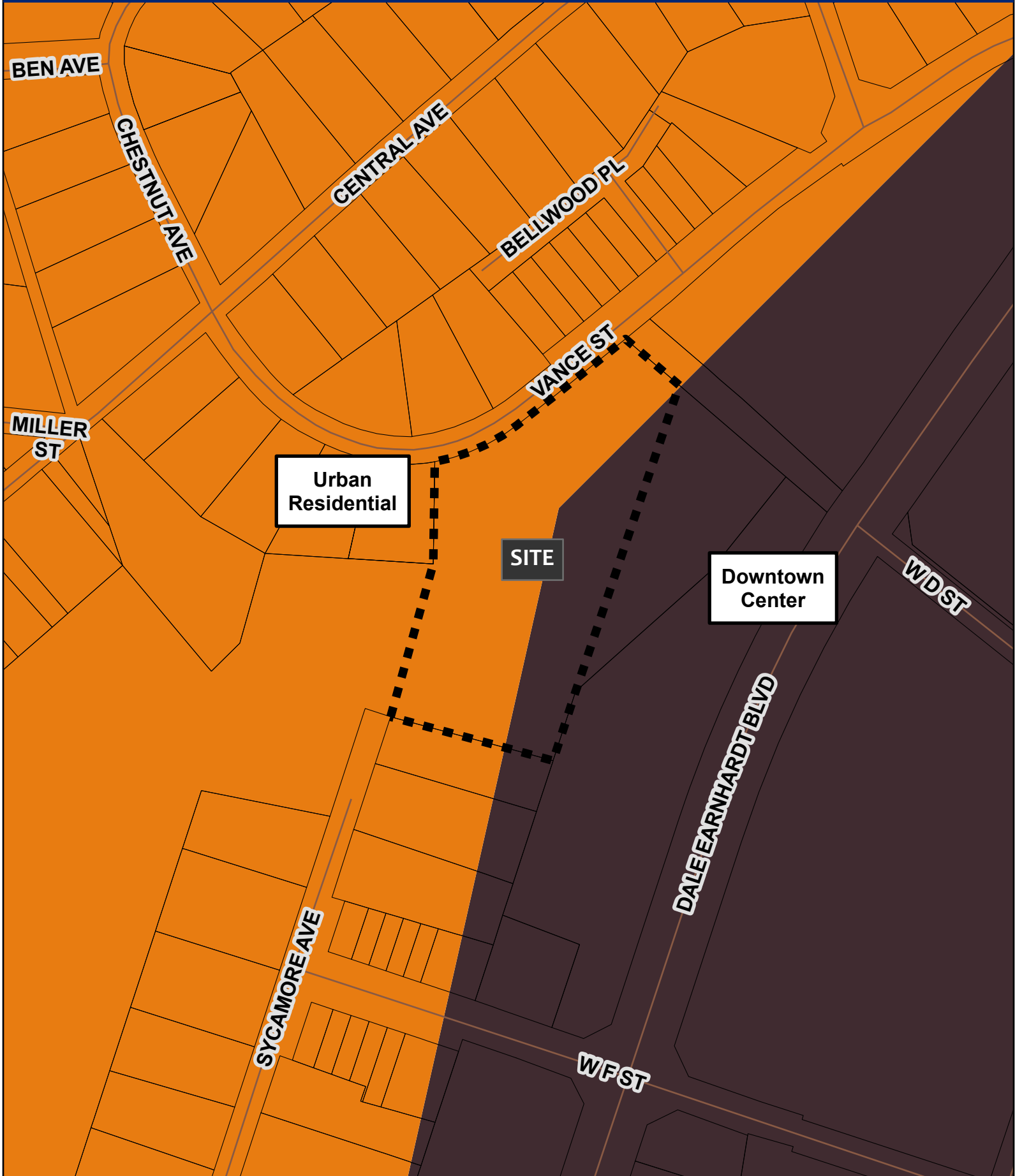


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2023-11

Applicant: Long Ridge Development and Properties

429 Central Ave

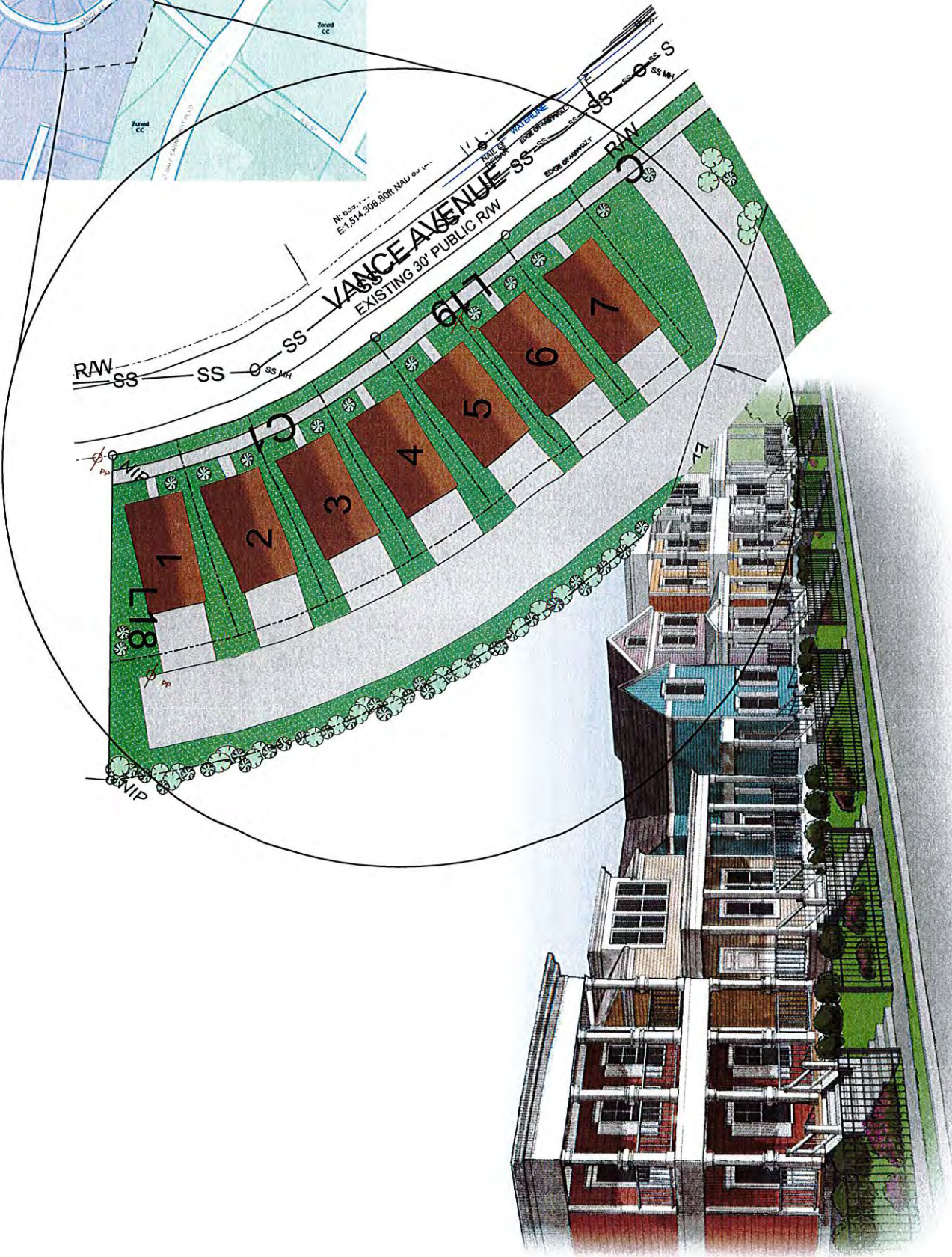
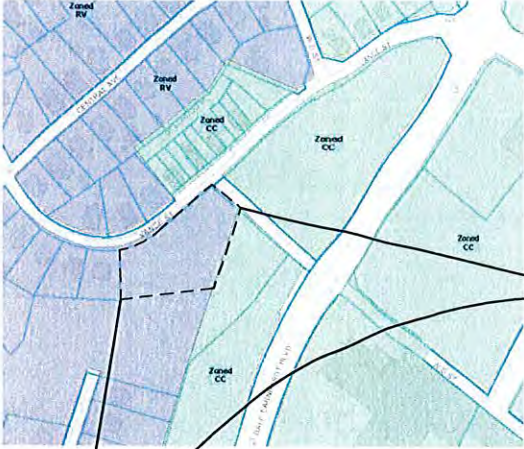


Vance St
KANNAPOLIS, NC

EDGE
DNG
DEVELOPMENT PROPERTIES

FOR APPROVAL OF THIS PLAN, THE APPLICANT SHALL SUBMIT TO THE TOWN ENGINEER AND TO THE TOWN PLANNING DEPARTMENT THE FOLLOWING INFORMATION AND DOCUMENTS:

- PLANNING PURPOSES ONLY
NOT FOR CONSTRUCTION
- Plans 1/16/2023
 - Permitted
 - Design By: RHM
 - Sheet: CV1.2



AcctName1	MailAddr1	MailCity	MailState	MailZipCod
DENNIS & BETTY ARRUFAT	332 VANCE AVE	KANNAPOLIS	NC	28081
BELLWOOD PLACE HOMEOWNERS ASSOCIATION INC	202 OAK AVE	KANNAPOLIS	NC	28081
DAVID BLAKE	2109 YADKIN AVE	CHARLOTTE	NC	28205
BOWTIE PROFESSIONAL LLC	2031 SPEEDWELL CT	CHARLOTTE	NC	28213
ZACKARY BRIGGS	337 VANCE AVE	KANNAPOLIS	NC	28081
BRANDON & KENDALL BURRIS	61 TERRYTOWN ST	CONCORD	NC	28025
WILLIAM A CONGER	P O BOX 966	HUNTERSVILLE	NC	28070
DAVID MILLER REALTY & INVESTMENT INC	1640 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
ANDREA Y GUERRERO	3120 BELLWOOD PL	KANNAPOLIS	NC	28081
TIMOTHY & ERIN HYMAN	5660 N OAKMONT ST	KANNAPOLIS	NC	28081
KANNAPOLIS HOUSING LLC	1120 20TH ST NW STE 720	WASHINGTON	DC	20036
GAIL A KARRIKER	2240 FLAT ROCK RD	CHINA GROVE	NC	28023
LONG RIDGE DEVELOPMENT & PROPERTIES LLC				
ATTN: JOSHUA MASTERS	206 OAK AVE	KANNAPOLIS	NC	28081
STEPHEN & VALERIE MANN	3110 BELLWOOD PL	KANNAPOLIS	NC	28081
NOE FERNANDEZ MOYA & MA ROSA HERNANDES PEREZ	331 CENTRAL AVE	KANNAPOLIS	NC	28081
R E INTEL INC	335 VANCE AVE	KANNAPOLIS	NC	28081
SHANE SELLERS	3685 REID CIR	SHERRILLS FRD	NC	28673
SHERI L SINGSAAS	17703 NORTH SHORE CIR	CORNELIUS	NC	28031
JOEL & MINTA STOFFORD	913 BRIGHTON DR	KANNAPOLIS	NC	28081
JOEL & MINTA STOFFORD	906 BROOKMONT AVE	SALISBURY	NC	28146
ANN THORPE	3150 BELLWOOD PL	KANNAPOLIS	NC	28081
CURTIS & JANET VANCE	323 CENTRAL AVENUE	KANNAPOLIS	NC	28081
SIDNEY WATTS	329 CENTRAL AVE	KANNAPOLIS	NC	28081



June 27, 2023

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Senior Planner

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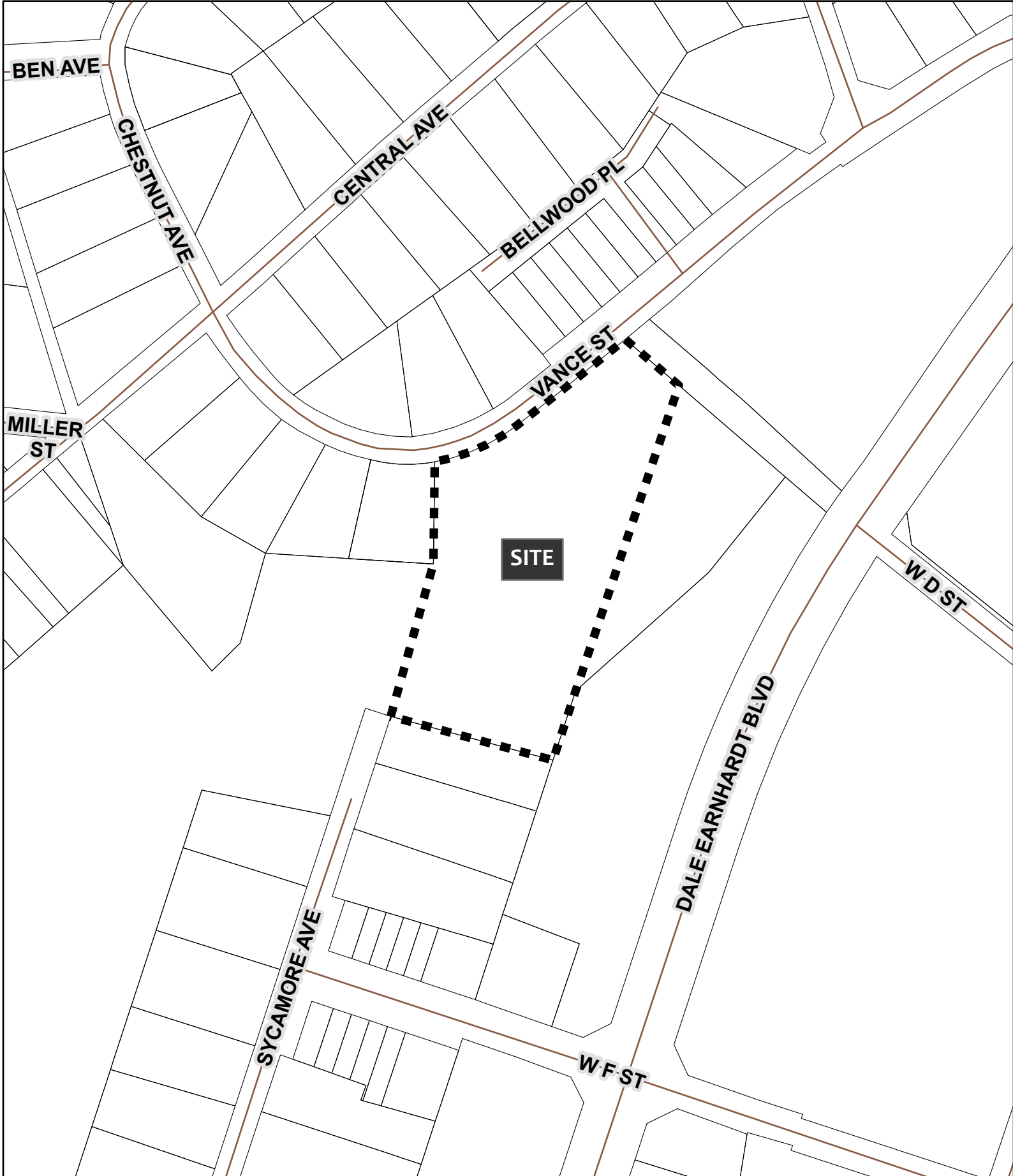


Conditional Rezoning

Case Number: BOA-2023-11

Applicant: Long Ridge Development and Properties

429 Central Ave





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2023 -11