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**CITY OF KANNAPOLIS, NC  
BOARD OF ADJUSTMENT**

**Minutes of Special Meeting  
Tuesday May 10, 2022**

10 The Board of Adjustment met on Tuesday May 10, 2022 at 6:00 PM at City Hall, 401 Laureate Way,  
11 Kannapolis, North Carolina.

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**Board Members Present:** Ryan French, Chair  
Emily Joshi, Vice-Chair  
Cyrus Rattler  
Daisy Malit  
Wilfred Bailey, Sr.  
Danielle Martini, Alternate Member

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**Board Members Absent:** Holden Sides

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**Staff Present:** Richard Smith, Planning Director  
Ryan Lipp, Senior Planner  
David Hancock, IT  
Pam Scaggs, Recording Secretary

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**City Attorney:** Walter M. Safrit III

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**Visitors Present:** Scott Daniels                      Laurie Daniels  
Joe Hatley                                      Chris Watts  
Tenille Watts                                  Pam Lucas  
Darlene Perkins                              Arlene Perkins  
Mike Rutowski

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**CALL TO ORDER**

Chair Ryan French called the meeting to order at 6:00pm.

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**ROLL CALL AND RECOGNITION OF QUORUM**

Recording Secretary Pam Scaggs called the roll and presence of a quorum was recognized.

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**APPROVAL OF AGENDA**

Chair French asked for a motion to approve the Agenda which was made by Mr. Bailey, second by Mr. Rattler and the motion was unanimously approved.

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**APPROVAL OF MINUTES**

Chair French asked for a motion to approve the April 5, 2022 meeting minutes which was made by Mr. Rattler, second by Ms. Joshi, and the motion was unanimously approved. Chair French asked for a motion to approve the March 1, 2022 meeting minutes which was made by Mr. Bailey, second by Mr. Rattler, and the motion was unanimously approved.

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**PUBLIC HEARING**

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51

**SWORN IN FOR TESTIMONY**

Ryan Lipp, Shelly Stein, Chris Watts, Darlene Perkins, Pam Lucas, Laurie Daniels and Mike Rotkowski.

1 **BOA-2022-07 – Request for a Special Use Permit for property located at 1405 S Ridge Ave. to allow**  
2 **a multi-family residential use in the General Commercial (C-2) zoning district.**

3 Senior Planner Ryan Lipp gave a presentation regarding a request for a Special Use Permit (SUP) to allow  
4 multi-family use and provided the application details for BOA-2022-07, attached to and made part of these  
5 minutes as Exhibit 1, noting the applicant, property owners, address, and the current zoning.  
6

7 Mr. Lipp directed the Board’s attention to the Future Land Use Character Area stating that the property is  
8 split by two Character Areas and talked about the allowed uses in both Character Areas. He directed the  
9 Board’s attention to the submitted site plan, as well as aerial and street views, noting an existing trailer on  
10 the property that will be removed. Mr. Lipp reviewed Policy Issues and staff Findings of Fact as follows:  
11

12 **1. The proposed use will be in harmony with the area in which it is to be located and in**  
13 **general conformance with the City’s Land Use Plan.**

14 This property is located in the “Secondary Activity Center” and the “Urban Residential”  
15 Character Areas in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Both areas call  
16 for single-family detached residential as a future use.  
17

18 The existing area consists of a mix of commercial businesses and single-family detached. The  
19 applicant is also proposing to remove the existing mobile home from the property.  
20

21 Considering the above information, the requested use is in harmony with the existing and  
22 future character of the neighborhood  
23

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

26 The proposed development of this site is not anticipated to cause any traffic hazards or traffic  
27 congestion. Egress/ingress is shown on the proposed site plan and complies with the Unified  
28 Development Ordinance.  
29

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

32 No vibration, noise, odor, dust, smoke or gas beyond what is normal for a single-family use is  
33 expected as a result of the development of this property.  
34

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

37 The proposed use would not impede development of the surrounding properties for uses  
38 allowed within their respective zoning districts.  
39

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

42 There is no apparent danger or detriment to the overall public safety, health and welfare resulting  
43 from the proposed use. The proposed development is subject to all the requirements of the Unified  
44 Development Ordinance.  
45

46 **6. Compliance with any other applicable Sections of this Ordinance.**

47 The proposed use shall comply with all sections of the City of Kannapolis Unified  
48 Development Ordinance, conditions of approval, and any other applicable local, state and  
49 Federal regulations. It is understood by the applicant that unless specifically relieved of a  
50 requirement, in writing, all UDO requirements, including compliance with the Technical

1 Review Committee site plan review and approval process, must be met. Sewer service is  
2 subject to allocation based upon sewer treatment capacity.  
3

4 Mr. Lipp reminded the Board of the actions requested, concluded his presentation and made himself  
5 available for questions.  
6

7 Chair French recognized that Board Member Daisy Malit arrived at 6:08 PM [and counted as present].  
8

9 Ms. Joshi asked if the buildings will face Rogers Lake Road or South Ridge Avenue. Mr. Lipp referred to  
10 the site plan and indicated that the building seems to be facing Rogers Lake Road but deferred to the  
11 applicant for confirmation and reminded the Board that the submitted site plan is preliminary since it still  
12 requires review by the Technical Review Committee (TRC).  
13

14 Mr. Bailey asked for confirmation that the project will be completed in two phases, which Mr. Lipp  
15 confirmed. Mr. Bailey expressed concern that construction noise and debris would disrupt new tenants  
16 regarding the phasing of the project and asked the timing of completion. Mr. Lipp deferred to the applicant.  
17

18 The applicant, Chris Watts, addressed Mr. Bailey's concern stating that all buildings may be constructed at  
19 the same time due to receiving sewer allocation for all the units. Mr. Watts stated that initially, they planned  
20 for a phased development to ensure that the buildings would fit onto the property but needed to receive  
21 approval from the Board of Adjustment before finalizing their site plan prior to submittal to TRC. Mr.  
22 Bailey voiced additional concern regarding construction noises and trucks for the existing residents.  
23 Planning Director Richard Smith confirmed that the project has been approved for sewer allocation. Mr.  
24 Watts shared a rendering of the proposed duplexes to the Board.  
25

26 Vice-Chair Joshi asked the size of each unit. Mr. Watts responded that each unit will be approximately  
27 1150 square feet and that each structure will be approximately 2300 square feet. Chair French asked the  
28 number of bedrooms and bathrooms for each unit. Mr. Watts responded that each unit will consist of two  
29 (2) bedrooms and 1-1/2 baths.  
30

31 Ms. Martini noted an error on the submitted application that Mr. Watts responded that the establishment,  
32 maintenance, or operation of the proposed use would be detrimental to or endanger the public health, safety,  
33 or general welfare. Mr. Watts indicated that his response was absolutely an error.  
34

35 City Attorney, Walter M. Safrit asked if Mr. Watts would be removing the existing mobile home from the  
36 property. Mr. Watts responded that it has been torn down but is waiting for a dumpster in order to remove  
37 the debris from the property. Attorney Safrit asked for confirmation that the trailer is being demolished and  
38 not moved. Mr. Watts confirmed. Attorney Safrit asked if the existing shelter is also being demolished.  
39 Mr. Watts confirmed that it was. Attorney Safrit asked Mr. Watts if he would object to an added condition  
40 of approval that the debris be removed before beginning the project. Mr. Watts responded that he didn't  
41 object to the added condition.  
42

43 Mr. Smith confirmed that the project has received full sewer allocation approval by City Council at their  
44 April meeting.  
45

46 There being no additional questions or comments for staff, Chair French opened the Public Hearing.  
47

48 Darlene Perkins 1417 S Ridge Ave. stated that she owns the property at 1410 S Ridge Ave. and expressed  
49 concerned about the number of buildings being proposed on the small lot as well as traffic impacts. Ms.  
50 Perkins stated that Kannapolis needs more businesses and less residential. She stated that she feels that

1 older residents being overlooked and wondered why existing properties aren't being cleaned up before  
2 building new structures.

3  
4 There being no additional questions or comments, Chair French closed the Public Hearing.

5  
6 Chair French addressed Ms. Perkins concern and asked Mr. Watts the size of the lot. Mr. Watts responded  
7 that the lot is half an acre and that according to density requirements, seven (7) units are allowed but  
8 decreased the project to six (6) units. Mr. Watts addressed Ms. Perkins concern regarding traffic impacts  
9 indicating that there will be less traffic on Ridge Avenue due to the proposed railroad "flyover". He added  
10 that there is a lack of affordable housing in Kannapolis and that the proposed project will offer both to the  
11 citizens of Kannapolis. Mr. Watts noted that the property has been in poor condition with an abandoned  
12 trailer for years and that his proposed project will improve the neighborhood, not detract from it.

13  
14 Mr. Rattler asked the number of parking spaces. Mr. Watts stated that the number of units are shown on the  
15 site plan and apologized for not knowing that information. Mr. Bailey confirmed that the site plan shows  
16 two (2) spaces per unit. Mr. Watts stated that the final project may be "tweaked" so that it looks nicer and  
17 further design the whole project.

18  
19 Chair French reopened the Public Hearing for Ms. Perkins and she expressed additional concern regarding  
20 surrounding properties being developed with multiple-family housing.

21  
22 Mr. Rattler responded to Ms. Perkins concerns stating that Special Use Permits are issued on individual  
23 basis and that anyone else wanting to build duplexes would also have to come before the Board for approval.

24  
25 Mr. Bailey talked about the orientation of the proposed structures.

26  
27 There being no additional questions or comments, Chair French closed the Public Hearing.

28  
29 Chair French asked for a motion to accept the City's exhibits, including the staff report into the record  
30 which was made by Mr. Rattler, second by Ms. Malit and the motion was unanimously approved.

31  
32 Chair French asked for a motion to approve or revise the Findings of Fact. Mr. Rattler made the motion to  
33 approve the Findings of Fact, second by Ms. Joshi and the motion was unanimously approved.

34  
35 Chair French asked for a motion to approve, approve with conditions, or deny the issuance of the SUP. Ms.  
36 Malit made the motion to approve with the conditions as proposed by staff as well as the added condition  
37 suggested by Attorney Safrit that the trailer will need to be removed before development of the property,  
38 second by Mr. Bailey and the motion was unanimously approved.

39  
40 Chair French asked for a motion to issue the Order of Approval which was made by Ms. Joshi, second by  
41 Ms. Malit and the motion was unanimously approved.

42  
43 **BOA-2022-08 – Request for a Special Use Permit for property located at 1108 Mountain St. to allow**  
44 **development of a Pocket Neighborhood in the Residential Village (RV) zoning district.**

45 Senior Planner Ryan Lipp gave a presentation regarding a request for a Special Use Permit (SUP) to allow  
46 development of a Pocket Neighborhood stating that a text amendment to allow Pocket and Tiny Home  
47 Neighborhood developments was recently approved by the Planning and Zoning Commission and that this  
48 request is the first for the City of Kannapolis. Mr. Lipp provided the application details for BOA-2022-08,  
49 attached to and made part of these minutes as Exhibit 2, noting the applicant, property owners, address, and  
50 the current zoning.

1 Mr. Lipp directed the Board's attention to the Future Land Use Character Area as well as to the preliminary  
2 site plan and talked about the proposed layout and egress/ingress from the property. He stated that two (2)  
3 parking spaces per unit are required and talked about the buffer requirements. Mr. Lipp stated that the  
4 proposed homes will be for rent but deferred to the applicant for more information. He directed the Board's  
5 attention to street views of the subject property, and the proposed elevation as well as proposed floor plans.  
6 Mr. Lipp reviewed Policy Issues and staff Findings of Fact as follows:

7  
8 **1. The proposed use will be in harmony with the area in which it is to be located and in**  
9 **general conformance with the City's Land Use Plan.**

10 This property is located in the "Urban Residential" Character Area in the *Move Kannapolis*  
11 *Forward 2030 Comprehensive Plan*.

12  
13 The Urban Residential Character Area calls for single-family residential attached and detached  
14 uses. The surrounding area consists primarily of single-family attached housing. The  
15 requested use is in harmony with the existing and future residential character of the  
16 neighborhood.

17  
18 **2. Adequate measures shall be taken to provide ingress and egress so designed as to**  
19 **minimize traffic hazards and to minimize traffic congestion on the public roads.**

20 The proposed development of this site as a Pocket and Tiny House Neighborhood is not  
21 anticipated to cause any traffic hazards or traffic congestion. Egress/ingress is being handled  
22 appropriately and adequate off-street parking is being provided.

23  
24 **3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor,**  
25 **dust, smoke or gas.**

26 No vibration, noise, odor, dust, smoke or gas beyond what is normal for a single-family use is  
27 expected as a result of the development of this property.

28  
29 **4. The establishment of the proposed use shall not impede the orderly development and**  
30 **improvement of surrounding property for uses permitted within the zoning district.**

31 The proposed use would not impede development of the surrounding properties for uses  
32 allowed within their respective zoning districts.

33  
34 **5. The establishment, maintenance, or operation of the proposed use shall not be**  
35 **detrimental to or endanger the public health, safety, or general welfare.**

36 There is no apparent danger or detriment to the overall public safety, health and welfare resulting  
37 from the proposed use. The proposed development is subject to all the requirements of the Unified  
38 Development Ordinance.

39  
40 **6. Compliance with any other applicable Sections of this Ordinance.**

41 The proposed use shall comply with all sections of the City of Kannapolis Unified  
42 Development Ordinance, conditions of approval, and any other applicable local, state and  
43 Federal regulations. It is understood by the applicant that unless specifically relieved of a  
44 requirement, in writing, all UDO requirements, including compliance with the Technical  
45 Review Committee site plan review and approval process, must be met. Sewer service is  
46 subject to allocation based upon sewer treatment capacity.

47  
48 Mr. Lipp reminded the Board of the actions requested, concluded his presentation and made himself  
49 available for questions. He noted that this project also received full sewer allocation approval from City  
50 Council at their April meeting.

1 Mr. Bailey asked for confirmation that this is a new concept for the City and that this is the first development  
2 of its kind. Mr. Lipp stated that this is new to the Unified Development Ordinance (UDO) and that there  
3 are similar neighborhoods in Kannapolis, but that is the first development submitted under the new  
4 regulations in the UDO. Mr. Bailey asked if it was the same as the tiny homes that seem to be popular and  
5 “popping” up everywhere. Mr. Lipp responded that it is similar, but Pocket Neighborhood’s don’t  
6 necessarily have to be developed with tiny homes; adding that homes must be under 600 square feet to be  
7 considered a tiny home. Mr. Bailey asked the size of the proposed homes. Mr. Lipp responded that the  
8 proposed homes will be at least 400 square feet or bigger and reiterated that the ordinance does allow for  
9 bigger homes. Mr. Bailey asked if the homes will be for rent or for sale. Mr. Lipp responded that the  
10 proposed homes will be for rent.

11  
12 The applicant, Shelly Stein, stated that she is a resident of Kannapolis and lives within two blocs of the  
13 proposed development and made herself available for questions.

14  
15 Ms. Joshi asked questions about proposed layout. Ms. Stein provided detail regarding the proposed floor  
16 plans.

17  
18 Attorney Safrit asked if the homes will be available for long or short-term rental. Ms. Stein responded that  
19 rental timeframe has not been decided, but ideally three (3) months since traveling nurses are their target  
20 renters but that if that doesn’t work out, will consider long-term rental.

21  
22 Mr. Bailey asked for confirmation that surrounding uses are currently single-family homes. Ms. Stein  
23 confirmed and stated that the proposed development will be located near the Kannapolis YMCA and that  
24 there is a similar pocket neighborhood located on the corner of Goldston and Mountain Streets that was  
25 constructed sometime in the 1950’s. Planning Director Richard Smith added that the development Ms.  
26 Stein is referring to is the “Old GI Concept”.

27  
28 There being no additional questions or comments for staff, Chair French opened the Public Hearing.

29  
30 Michael Rutkowski stated that he is the property owner behind 225 Goldston and asked about the setback  
31 and buffer requirements. Mr. Lipp responded that the development requires a Type 2 landscape buffer  
32 which is 15 feet surrounding the whole property. Mr. Rutkowski asked for confirmation of the size of the  
33 homes. Ms. Stein responded that they will be less than 500 square feet. Mr. Rutkowski expressed concern  
34 regarding the proposed size wondered if developers will be tearing down large homes to build more tiny  
35 homes. He asked about the vision of the City. Attorney Safrit reminded Mr. Rutkowski that this is an  
36 evidentiary hearing regarding the proposed project. Mr. Rutkowski asked when the site plan will be  
37 finalized. Mr. Lipp responded that the site plan submitted for purposes of the Board hearing is conceptual  
38 and that it will require further review by staff and the timeline depends on the timeliness of developer  
39 responses to questions or comments from other City departments. Mr. Lipp stated that he would be happy  
40 to keep Mr. Rutkowski advised of the final site plan.

41  
42 Laura Daniels, 501 Commonwealth Street, stated that she owns two (2) rental properties at the corner of  
43 Callie and Mountain Streets. Ms. Daniels asked about the rental price and expressed concern regarding  
44 existing drug issues, the value of surrounding properties, trash and drugs paraphernalia. She talked about  
45 the decreasing safety of the neighborhood over the years, stating that she feels a tiny home neighborhood  
46 will make the existing poor conditions worse. Ms. Daniels added that she would like to see her rental  
47 properties.

48  
49 Ms. Stein addressed Ms. Daniels concerns stating that she and her husband built a tiny house on wheels in  
50 Greensboro and sold it for \$300 per square foot which would increase property values. She added that prior

1 to selling the tiny home, they rented it for \$1200 per month in 2018. Ms. Stein stated that the proposed  
2 development will be built on foundations and made with quality materials resulting in a quality home. She  
3 added that she and her husband live nearby on West B Street and will be remodeling a “bunk house” on  
4 and adjacent lot because she believes that it will add value to the surrounding properties and improve the  
5 neighborhood. Ms. Stein stated that she is passionate about her community and is invested in providing a  
6 quality product.

7  
8 There being no additional questions or comments, Chair French closed the Public Hearing.

9  
10 Chair French asked for a motion to accept the City’s exhibits, including the staff report into the record  
11 which was made by Ms. Malit, second by Mr. Bailey and the motion was unanimously approved.

12  
13 Chair French asked for a motion to approve or revise the Findings of Fact. Ms. Joshi made the motion to  
14 approve the Findings of Fact, second by Ms. Malit and the motion was unanimously approved.

15  
16 Chair French asked for a motion to approve, approve with conditions, or deny the issuance of the SUP. Ms.  
17 Malit made the motion to approve with the conditions as proposed by staff, second by Ms. Joshi and the  
18 motion was unanimously approved.

19  
20 Chair French asked for a motion to issue the Order of Approval which was made by Mr. Bailey, second by  
21 Ms. Martini and the motion was unanimously approved.

22  
23 **PLANNING DIRECTOR UPDATE**

24 Planning Director Richard Smith stated Mr. Rattler had to leave due to a business appointment. Mr. Smith  
25 stated that the Planning and Zoning will conduct a meeting next on May 17, 2022 regarding a  
26 recommendation to City Council on the Kannapolis Development Ordinance (KDO) and that City  
27 Council will receive a presentation on the KDO from Clarion at their May 23, 2022 meeting. Mr. Smith  
28 stated that he anticipates adoption of the KDO in June adding that he hopes to have the Cannon Corridor  
29 Plan wrapped up in late June or July.

30  
31 Mr. Smith stated that the Planning and Zoning Commission will also be reviewing transportation trends  
32 and may also bring the same information to the Board of Adjustment for their review.

33  
34 **OTHER BUSINESS**

35 Mr. Smith reminded the Board that they’ve been invited to attend the May 20, 2022 Cannon Baller’s  
36 baseball game at 7:00pm.

37  
38 Mr. Smith stated that City Council rendered decision regarding several projects and sewer allocation at  
39 their April meeting and that there will be several more developments in for review in July. Ms. Martini  
40 noted all the of the new development and asked if the City would be reviewing water pressure issues. Mr.  
41 Smith stated that there are plans to construct new water tanks which may help and advised that he could  
42 have someone from the water resources department address the Board.

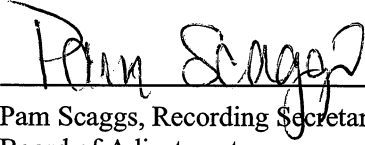
43  
44 Chair French asked if there are plans for updating the aged infrastructure. Mr. Smith responded that City  
45 Council does recognize the age of current infrastructure and are addressing the issue. He emphasized  
46 that the City is experiencing sewer allocation issues and not water issues.

47  
48 **ADJOURN**

49 There being no further business, Ms. Joshi made the motion to adjourn, second by Ms. Malit and approved  
50 by unanimous vote.

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The meeting was adjourned at 6:51 PM on Tuesday May 10, 2022.

  
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Pam Scaggs, Recording Secretary  
Board of Adjustment

  
\_\_\_\_\_

Ryan French, Chair  
Board of Adjustment



# EXHIBIT 1



## Board of Adjustment May 10, 2022 Special Meeting

### Staff Report

**TO:** Board of Adjustment  
**FROM:** Ryan Lipp, Senior Planner  
**SUBJECT:** Case# BOA-2022-07: Special Use Permit  
Applicant: Chris Watts, Kannapolis Properties, LLC

**Request for a Special Use Permit to allow a multi-family residential use in the General Commercial (C-2) 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, Chris Watts with Kannapolis Properties, LLC, is requesting a Special Use Permit (SUP) to allow a multi-family residential use in the General Commercial (C-2) zoning district, on property located at 1405 S Ridge Ave., further identified as Cabarrus County Parcel Identification Number 56136290040000.

Mr. Watts proposes to remove the existing single-wide mobile home from the property and construct a total of six (6), two-bedroom townhomes. The townhomes will be built in two phases with four (4) units built in Phase One and the two (2) remaining units built during Phase Two.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for multi-family uses the C-2 zoning district. The subject property measures approximately 0.46 +/- acres.

**D. Fiscal Considerations**

None

**E. Policy Issues**

Article 3.5 of the UDO 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 located in the "Secondary Activity Center" and the "Urban Residential" Character Areas in the *Move Kannapolis Forward 2030 Comprehensive Plan*. Both areas call for single-family detached residential as a future use.

The existing area consists of a mix of commercial businesses and single-family detached. The applicant is also proposing to remove the existing mobile home from the property.

Considering the above information, the requested use is in harmony with the existing and future character of the neighborhood.

       **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 development of this site is not anticipated to cause any traffic hazards or traffic congestion. Egress/ingress is shown on the proposed site plan and complies with the Unified Development Ordinance.

       **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 is normal for a single-family use is expected as a result of the development of this property.

       **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 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 Unified Development Ordinance.

**Compliance with any other applicable Sections of this Ordinance.**

The proposed use shall comply with all sections of the City of Kannapolis Unified 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 UDO requirements, including compliance with the Technical Review Committee site plan review and approval process, must be met. Sewer service is subject to allocation based upon sewer treatment capacity.

**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 staff, no additional findings of fact are necessary, and 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 will 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.**

---

**Compliance with any other applicable Sections of this Ordinance.**

---

### G. Recommendation

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

#### Conditions of Approval proposed by staff:

1. The permitted uses allowed by this SUP shall only include six (6) townhome units.
2. Proposed site plan included with this application is for illustrative purposes only. Final design of the site shall comply with the Unified Development Ordinance.
3. Must comply with City's Land Development Standards Manual (LDSM).
4. Coordinate with NCDOT due to the proximity of the driveway to the state-maintained road R/W.
5. The developer will construct curb, gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to City standards.
6. The parking lot shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
7. A NCDEQ Sediment & Erosion Control Permit is not required since the site is < 1.0 ac, however, provide a basic erosion control plan with details. No calculations required.
8. Provide WSACC Flow Acceptance & NCDEQ Fast Track Sewer Extension Application.

*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. Conceptual Site Plan
3. List of Notified Properties
4. Notice to Adjacent Property Owners
5. 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 4.6-1 of the Unified Development Ordinance (UDO).

*Approval authority – Board of Adjustment.*

Property Address: 1405 South Ridge Avenue S Kannapolis, NC 28083

Applicant: Kannapolis Properties, LLC

### 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 (Section 3.1.5.2 of the UDO).

**Review Process:** All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

**Action by Board of Adjustment:** After conducting a public hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with conditions. The Board may approve a petition only if it reaches all of the required conclusions.

**Scope of Approval:** Per Section 3.5.4 of the UDO, approval of an 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: \_\_\_\_\_

3-29-22



# SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

### Applicant Contact Information

Name: Kannapolis Properties, LLC Attn. Chris Watts

Address: 141 Warrior Court  
China Grove, NC 28023

Phone: 704-699-0443

Email: kannapolisuniversalsmiles@yahoo.com

### Property Owner Contact Information same as applicant

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

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

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

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

### Project Information

Project Address: 1405 South Ridge Avenue S Kannapolis, NC 28083

Zoning District C-2  
~~RV - Residential Village~~

Parcel PIN: 5613-62-9004 Size of property (in acres): 0.46

Current Property Use: Single Family Residential - mobile home unit

Proposed Use: Multifamily

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*): see attached site plan

Site plan consists of: Phase One - 2 buildings with 2 - 2 bedroom units

Phase Two - 1 building with 2 - 2 bedroom units

Total project - 3 buildings with 2 - 2 bedroom units each = 6 units total

### APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). The Unified Development Ordinance requires that the applicant demonstrate successful compliance with several conditions 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:

- A. The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.**

Surrounding neighborhood consists of a mix of businesses and residential uses.

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

**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.**

The seven residential units will be served by a single 24' driveway to minimize traffic impacts.

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

The residential use shall not be offensive to the surrounding neighborhood.

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

This residential use fits in with the existing uses in this neighborhood.

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

This use shall be detrimental to or endanger the public.

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**F. Compliance with any other applicable Sections of the Unified Development Ordinance.**

This development will comply with all applicable sections the current UDO

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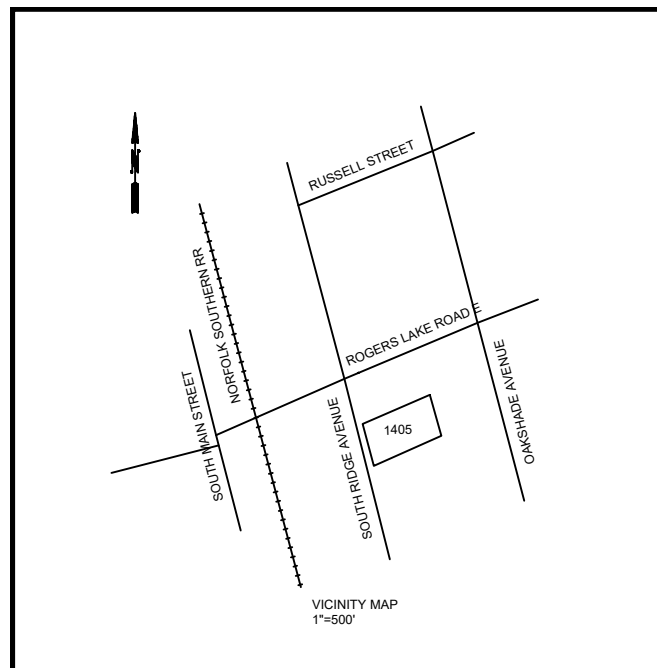
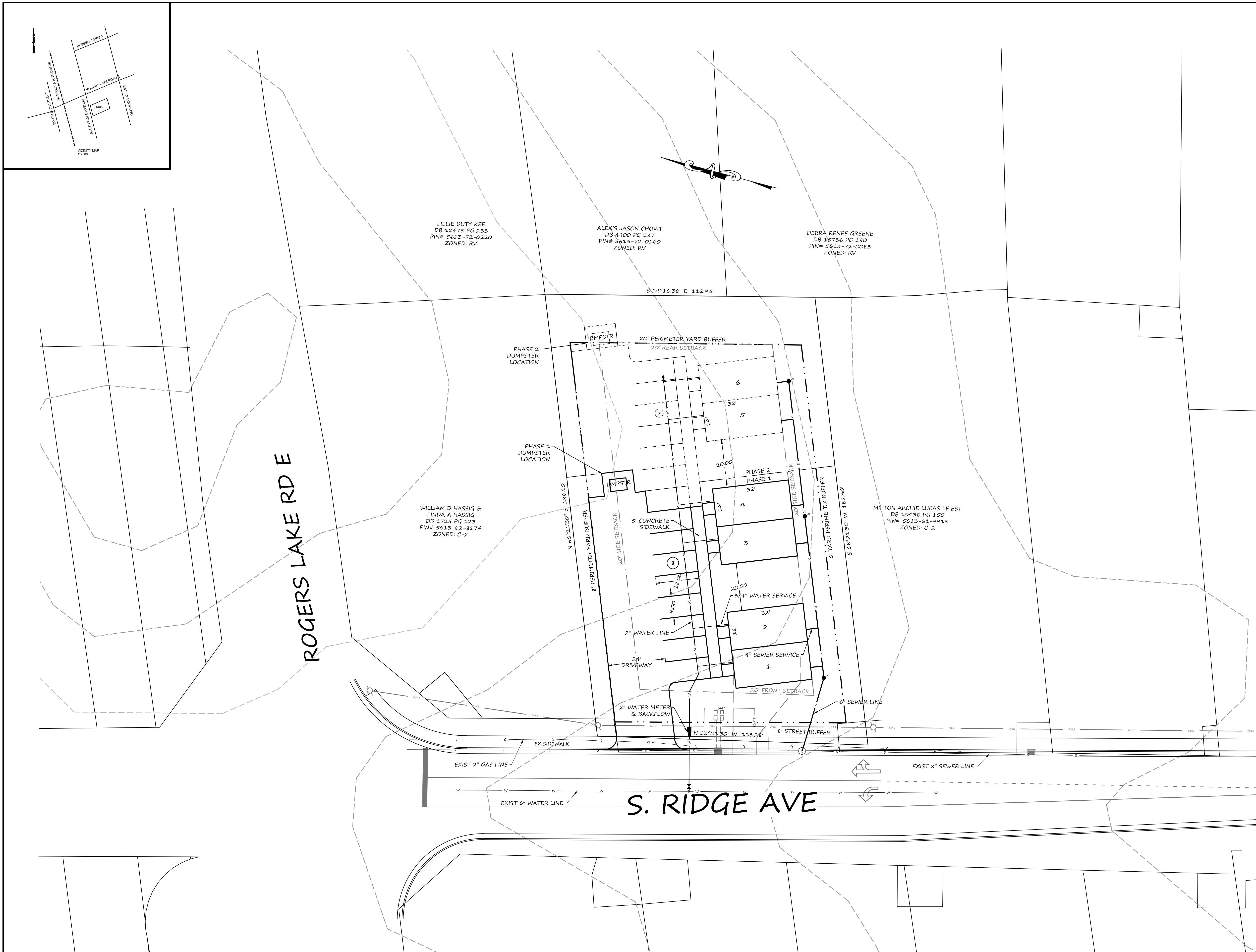
***By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures 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

3-29-22  
Date

  
Property Owner Signature

3-29-22  
Date



**PLAN NOTES**

A. ALL WORK TO BE DONE IN ACCORDANCE WITH CITY OF KANNAPOLIS' UDO AND LD5M, WSACC, NCDOT, NCE&NR STANDARD SPECIFICATIONS AND PROJECT SPECIFICATIONS. WHEN SPECIFICATIONS ARE IN CONFLICT THE STRICTER SHALL BE HELD.

B. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS ONLY. ANY DAMAGE DONE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THIS PLAN, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES, SHOWN OR NOT SHOWN ON THE PLAN, PRIOR TO BEGINNING CONSTRUCTION. TO ENSURE PROPER LOCATION OF UTILITIES, THE CONTRACTOR SHALL CONTACT NCOCC (NC ONE CALL CENTER) AT 1-800-632-4949 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.

C. DIMENSIONS AS SHOWN, ARE TO FACE OF CURB, FACE OF BUILDING, AND EDGE OF PAVEMENT UNLESS OTHERWISE NOTES.

D. THE ENGINEER HAS MADE NO EXAMINATION TO DETERMINE WHETHER ANY HAZARDOUS OR TOXIC MATERIALS ARE PRESENT OR CONTAINED IN, UNDER, OR ON THE SUBJECT PROPERTY OR ITS WATERS; OR IF ANY HAZARDOUS OR TOXIC MATERIALS HAVE CONTAMINATED THIS OR OTHER PROPERTIES OR ITS WATERS IN ANY WAY WHATSOEVER. NO SUBSURFACE EXAMINATION OF ANY TYPE HAS BEEN MADE BY THE ENGINEER AND ACCORDINGLY, NO OPINION EXPRESSED OR INFERRED ON ALL SUCH MATTERS. FURTHER, NO OPINION IS RENDERED AS TO ANY VIOLATION OF ANY ENVIRONMENTAL LAWS OR REGULATIONS, EITHER FEDERAL, STATE OR LOCAL, RELATED TO THE INFORMATION SHOWN ON THIS PLAN AND THE ENGINEER IS IN NO WAY LIABLE FOR ANY VIOLATION OF SUCH ENVIRONMENTAL LAWS SHOULD THEY EXIST.

E. BOUNDARY, PHYSICAL, AND TOPOGRAPHIC INFORMATION AS SHOWN TAKEN FROM THE AVAILABLE INFORMATION PROVIDED BY THE CITY OF KANNAPOLIS, CABARRUS COUNTY, AND THE NCDOT.

**alley, williams, carmen & king, inc.**  
CONSULTING ENGINEERS, SURVEYING & INSPECTION

Firm License No. F-0203  
120 S. MAIN STREET  
PO BOX 1248  
KANNAPOLIS, NC 28081  
704.938.1515  
www.awk.com

This drawing is the property of Alley, Williams, Carmen & King, Inc. It is not to be reproduced, copied, or used on any other project without written permission.

Prepared for:  
**Kannapolis Properties, LLC**  
141 Warrior Court  
China Grove, NC 28023

**SITE NOTES**

IDENTIFICATION:  
5613-29-0004

ACREAGE  
TOTAL ACRES = 0.4819

ZONING  
C-2  
PROPOSED USE IS MULTIFAMILY  
PER UDO, USE TABLE 11.2-1 FOR DIMENSIONAL AND DENSITY STANDARDS

SETBACKS  
FRONT - 20'  
SIDE - 20'  
REAR - 20'  
MAX. BUILDING HEIGHT - 35'

DENSITY - 15 UNITS PER ACRE  
0.46 ACRES x 15 = 6.9 UNITS = 7

IMPERVIOUS AREA - 0.5  
PROVIDED - PHASE 1-6531 SF  
PHASE 2-3878 SF  
TOTAL - 10,409 SF (0.50)

OPEN SPACE - 12%  
PROVIDED - PHASE 1-3450 SF  
PHASE 2-1730 SF  
TOTAL-5180 SF (0.25)

PERIMETER BUFFER YARDS  
C2 TO C2 - TYPE 1-8' IN WIDTH  
C2 TO RV - TYPE 3-20' IN WIDTH

BUILDING YARDS  
CATEGORY 1 - 6' IN WIDTH

STREET YARDS  
CLASS 4 REQUIRED - 8' WIDE

PARKING SPACES:  
MINIMUM 2/UNIT = 12 SPACES  
PROVIDED = 15 SPACES

**MULTIFAMILY SITE PLAN**  
1405 S.RIDGE AVE, KANNAPOLIS, NC  
**PRELIMINARY SKETCH PLAN**

**WASTEWATER ALLOCATION**

**PHASE 1**  
4-2 BEDROOM UNITS AT 80 GPD/BDRM  
EQUALS 640 GPD TOTAL

**PHASE 2**  
2-2 BEDROOM UNITS AT 80 GPD/BDRM  
EQUALS 320 GPD TOTAL

**EXISTING**  
1 SINGLE FAMILY MOBILE HOME UNIT W/3 BEDROOMS @ 120 GPD/BDRM EQUALS 480 GPD

BY	DATE	REVISION

**1 PRELIMINARY SKETCH PLAN**  
Scale: 1"=20'

GRAPHIC SCALE

( IN FEET )  
1 inch = 20 ft.



SCALE: 1" = 20'  
DATE: 03-23-22  
JOB # 22521  
C - 1.0



AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ALEXIS CHOVIT	1404 OAKSHADE AVENUE	KANNAPOLIS	NC	28083
JONATHAN & DEBORAH GREENE	1408 OAKSHADE AVE	KANNAPOLIS	NC	28083
JOHN & SANDRA GREENE	1412 OAKSHADE AVE	KANNAPOLIS	NC	28083
KANNAPOLIS PROPERTIES LLC				
ATTN: CHRIS WATTS	141 WARRIOR CT	CHINA GROVE	NC	28023
DWIGHT & BEATRICE DEESE	1408 S RIDGE AVE	KANNAPOLIS	NC	28083
MRS W D MIDDLETON	1132 WINDSOR DR	KANNAPOLIS	NC	28081
MELBA & VELBA PERKINS	1417 S RIDGE AVE	KANNAPOLIS	NC	28083
D & E LIMITED LLC	3140 CHELWOOD DR NW	CONCORD	NC	28027
JAMES W BLAKE	1405 OAKSHADE AVE	KANNAPOLIS	NC	28083
LANCE & FRANCES MIDDLETON	1132 N WINDSOR DR	KANNAPOLIS	NC	28081
JOHN TRIECE TRUSTEE				
PHILLIP TRIECE TRUSTEE	827 EVERGREEN AVE	KANNAPOLIS	NC	28081
MILTON ARCHIE LUCAS LF EST	1411 S RIDGE AVE	KANNAPOLIS	NC	28083
RS RENTAL II LLC	1955 S VAL VISTA DR STE 126	MESA	AZ	85204
NC DEPT OF TRANSPORTATION	1546 MAIL SERVICE CTR	RALEIGH	NC	27699
ROY & PAMELA LUCAS	1413 S RIDGE AVENUE	KANNAPOLIS	NC	28083
KEE LILLIE DUTY	1400 OAKSHADE AVE	KANNAPOLIS	NC	28083
JEREMY & ANGELA GOOD	123 DOGWOOD DR	CHINA GROVE	NC	28023



KANNAPOLIS  
Planning

April 27, 2022

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday May 10, 2022 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2022-07 – Special Use Permit – 1405 S Ridge Ave.**

This Public Hearing is to consider a request for a Special Use Permit (SUP) to allow a multi-family residential use in the General Commercial (C-2) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for multi-family residential uses in the C-2 zoning district. The property is located at 1405 S Ridge Ave., is zoned C-2, measures approximately 0.46 +/- acres, and is more specifically identified as Cabarrus County Parcel Identification Number 56136290040000.

**As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.**

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350

Sincerely,



Ryan Lipp  
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.



**BOARD OF**

**ADJUSTMENT**

**PUBLIC HEARING  
INFORMATION**

**CALL 704-920-4350  
CASE #BOA-2022-07**

# EXHIBIT 2



## Board of Adjustment May 10, 2022 Special Meeting

### Staff Report

**TO:** Board of Adjustment  
**FROM:** Ryan Lipp, Senior Planner  
**SUBJECT:** Case# BOA-2022-08: Special Use Permit  
Applicant: Shake & Drelly, LLC

**Request for a Special Use Permit to allow development of a Pocket & Tiny House Neighborhood in the General Commercial (C-2) 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, Shake & Drelly, LLC, is requesting a Special Use Permit (SUP) to allow development of a 4-unit Pocket & Tiny House Neighborhood in the Residential Village (RV) zoning district, on property located at 1108 Mountain St., further identified as Rowan County Parcel Identification Number 1481111.

Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required Pocket & Tiny House Neighborhood Development uses the RV zoning district. The subject property measures approximately 0.52 +/- acres.

#### D. Fiscal Considerations

None

**E. Policy Issues**

Article 3.5 of the UDO 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 located in the "Urban Residential" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*.

The Urban Residential Character Area calls for single-family residential attached and detached uses. The surrounding area consists primarily of single-family attached housing. The requested use is in harmony with the existing and future residential character of the neighborhood.

**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 development of this site as a Pocket and Tiny House Neighborhood is not anticipated to cause any traffic hazards or traffic congestion. Egress/ingress is being handled appropriately and adequate off-street parking is being provided.

**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 is normal for a single-family use is expected as a result of the development of this property.

**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 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 Unified Development Ordinance.

**Compliance with any other applicable Sections of this Ordinance.**

The proposed use shall comply with all sections of the City of Kannapolis Unified 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 UDO requirements, including compliance with the Technical Review Committee site plan review and approval process, must be met. Sewer service is subject to allocation based upon sewer treatment capacity.

## 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 will 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.**

---

**Compliance with any other applicable Sections of this Ordinance.**

---

## G. Recommendation

Staff recommends **approval with conditions** of the Special Use Permit based on the above 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. Design of the site must comply with Section 11.9 Pocket and Tiny House Neighborhood Design Standards.
2. Must comply with City's Land Development Standards Manual (LDSM).
3. The developer will construct curb, gutter and sidewalk along the entire road frontage where development has access and/or street frontage. The improvements will be constructed to City standards.
4. The parking lot shall comply with all Fire Codes and Autoturn shall be run for an SU-30 and Bus-45 (mimics ladder truck).
5. A NCDEQ Sediment & Erosion Control Permit is not required since the site is < 1.0 ac, however, provide a basic erosion control plan with details. No calculations required.
6. Provide WSACC Flow Acceptance & NCDEQ Fast Track Sewer Extension Application.

*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. Conceptual Site Plan
3. Elevation renderings
4. List of Notified Properties
5. Notice to Adjacent Property Owners
6. Posted Public Notice

**I. Issue Reviewed By:**

Planning Director	X
Assistant City Manager	X
City Attorney	X



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

## 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 4.6-1 of the Unified Development Ordinance (UDO).**

*Approval authority – Board of Adjustment.*

Property Address: 1108 Mountain Street

Applicant: Shake and Drelly, LLC.

### 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 (Section 3.1.5.2 of the UDO).

**Review Process:** All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

**Action by Board of Adjustment:** After conducting a public hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with conditions. The Board may approve a petition only if it reaches all of the required conclusions.

**Scope of Approval:** Per Section 3.5.4 of the UDO, approval of an 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:

Shelly Rutledge Stein

Date:

4/28/2022

DocuSigned by  
Drake Stein  
7DB74641CABE4B5...

4/28/2022





Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

### SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

#### Applicant Contact Information

Name: Shake and Drelly, LLC  
Address: 911 West B Street  
Kannapolis, NC 28081  
Phone: 980-866-1272  
Email: shake.drellyllc@gmail.com

#### Property Owner Contact Information same as applicant

Name: Same as Applicant  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

#### Project Information

Project Address: 11080 Mountain Street Zoning District RV - Residential Village  
Parcel PIN: 5614-14-33-2345 Size of property (in acres): 0.52

Current Property Use: Vacant

Proposed Use: Residential

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

This site is being developed under UDO Article 19 as a 4 unit Pocket & Tiny House Neighborhood

Development

#### APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). The Unified Development Ordinance requires that the applicant demonstrate successful compliance with several conditions 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:

- A. **The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.**

Surrounding neighborhood consists of single family residential homes

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

**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.**

A single entrance has been design to serve the 4 homes with parking to allow for 2 spaces per home.

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

The residential use shall not be offensive to the surrounding residential use.

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

This residential use fits in with the existing surrounding residential use.



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

This use shall not be detrimental to or endanger the public.

**F. Compliance with any other applicable Sections of the Unified Development Ordinance.**

This use complies to all applicable sections of the current UDO.

**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.**

<i>Snake &amp; Drilly LLC</i>	 <small>DocuSigned by: Drake Stein 7DB74641CABE4B5...</small>	<i>4/28/22</i> <small>4/28/2022</small>
Applicant Signature	Date	
<i>Shelby Rutledge Stein</i>	 <small>DocuSigned by: Drake Stein 7DB74641CABE4B5...</small>	<i>4/28/22</i> <small>4/28/2022</small> Date
Property Owner Signature	Date	



alley, Williams,  
Carmen & King, Inc.  
CONSULTING ENGINEERS  
SURVEYING & INSPECTION  
1000 W. MARKET STREET  
PO BOX 1008  
KANNAPOLIS, NC 28041  
704.948.1565  
www.williams.com



SHAKE AND DRELLY, LLC  
1000 W. MARKET STREET  
PO BOX 1008  
KANNAPOLIS, NC 28041  
980-868-1272

SITE PLAN  
COTTAGE APARTMENTS  
1108 MOUNTAIN STREET  
KANNAPOLIS, NORTH CAROLINA

NO.	DATE	REVISION

SCALE: 1"=10'  
DATE: 01-20-22  
JOB # 21553

C-2.0

**GENERAL NOTES**

1. THE CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR SHORINGS ARE TO BE REPORTED IMMEDIATELY TO THE ENGINEER.

2. THE ENGINEER HAS MADE NO EXAMINATION TO DETERMINE THE PRESENT OR CONTAINED CONDITIONS OF THE EXISTING CONCRETE OR OTHER MATERIALS OR STRUCTURES OR TO DETERMINE THE SAFETY OF ANY OTHER STRUCTURES OR TO DETERMINE THE SAFETY OF ANY OTHER STRUCTURES OR TO DETERMINE THE SAFETY OF ANY OTHER STRUCTURES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

**SITE NOTES**

OWNER: SHAKE AND DRELLY, LLC  
1000 W. MARKET STREET  
KANNAPOLIS, NC 28041

PROJ: 2021-14-3-2345  
DATE: 01-20-22  
BY: JSD

ZONING: RV  
PROPERTY IS BEING DEVELOPED UNDER LOCAL ORDINANCE 19-001, R19-001, AND R19-002, NEIGHBORHOOD DESIGN STANDARDS.

MAX. STREET FRONTAGE = 15 FT.  
MAX. LOT WIDTH = 100 FT.  
MAX. FRONT SETBACK = 10 FT. FROM COMMON ELEMENTS.

DENSITY: 4 UNITS

PROPOSED CURB ELEVATION: 0.8  
PROPOSED SIDEWALK ELEVATION: 0.3

JOB COMMON OPEN SPACE  
PROPOSED: 0.46-108 SF

LANDSCAPING-TYPE II PERIMETER BUFFER  
EXISTING: 0.46-108 SF

AT ALL TIMES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

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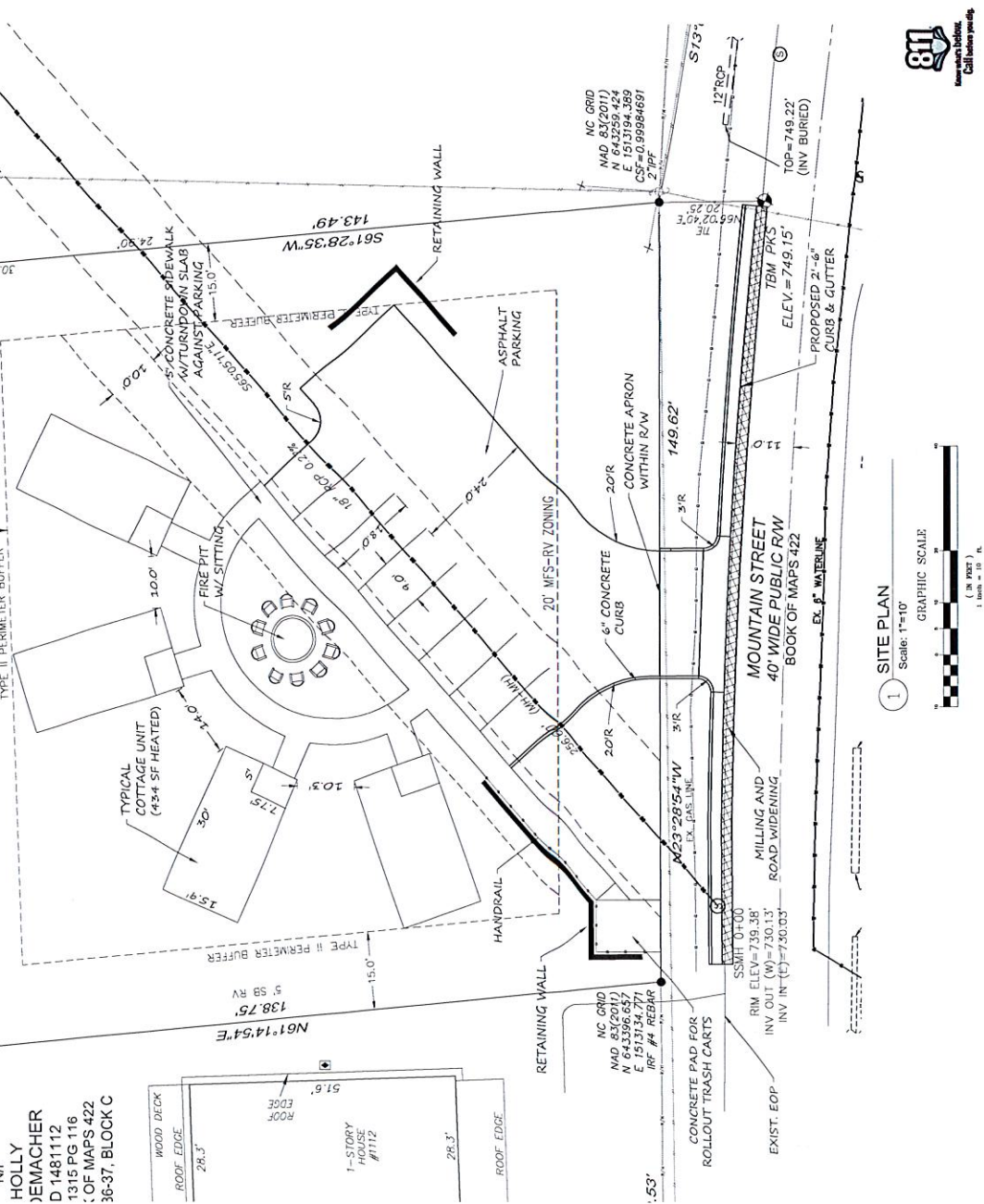
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NIF  
HOLLY  
JEMACHER  
D 1481112  
1315 PG 116  
OF MAPS 422  
36-37, BLOCK C

# Cottage Apartment Multi-Family Project

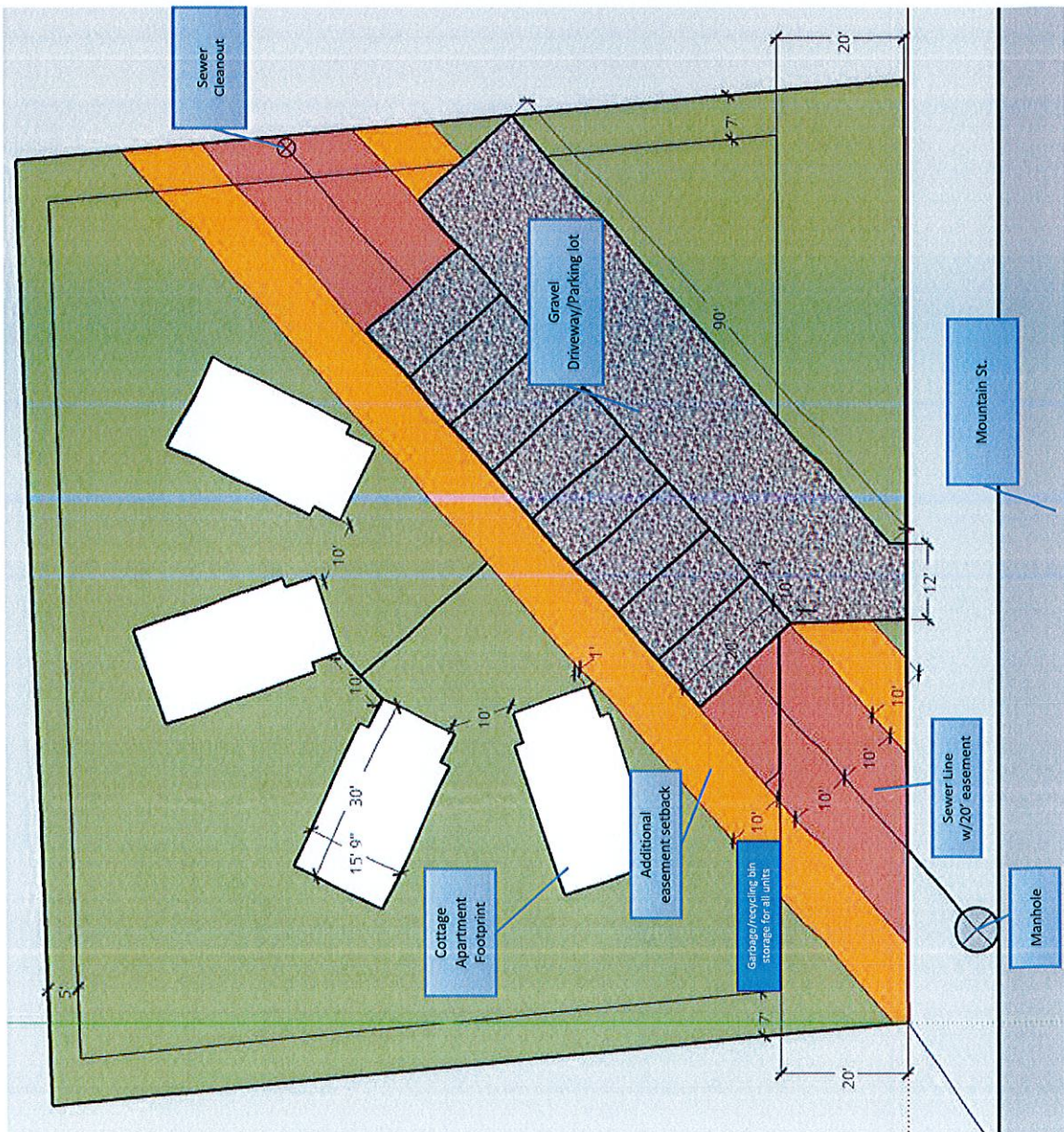
By: Shake and Drelly, LLC

Located at 1108 Mountain St. Kannapolis, NC 28081

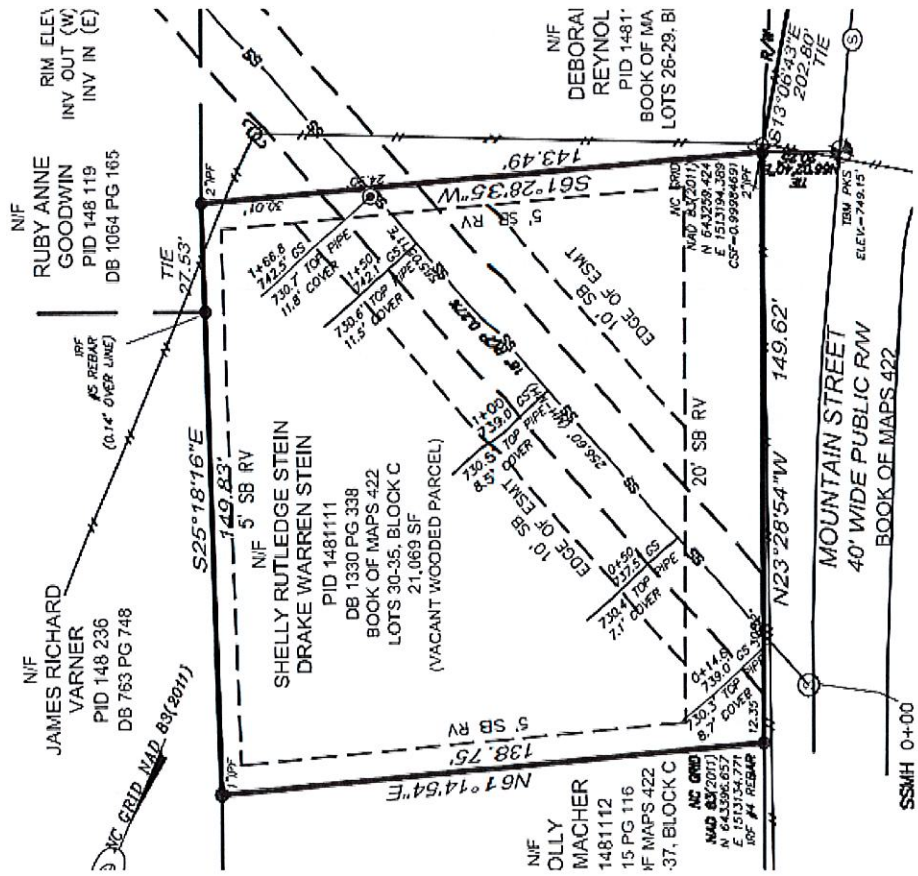
Rowan County - Zone: RV

# Cottage Apartment Lot Plan

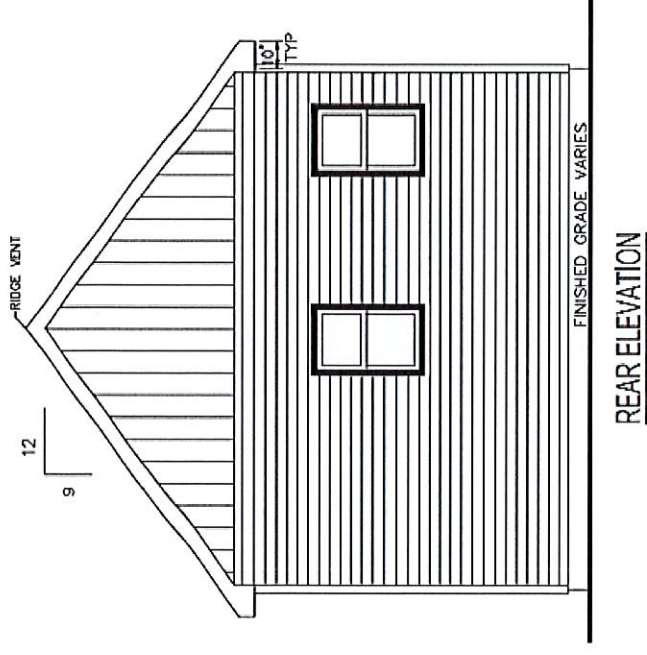
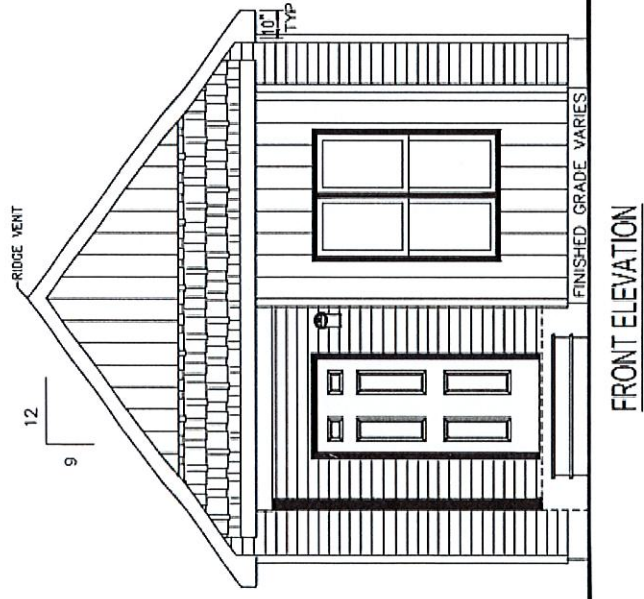
- Use: Long Term Rental Units
- Size: 15'9x30' 426 Sq.ft.
  - 1 Bed 1 Bath
- Cottages will be constructed on Permanent crawl space foundations
- Cottages will be located a minimum of 10' from the sewer easement
- Cottages will be spaced a minimum of 10' apart
- Driveway and 8 x 10'x20' parking spaces will be located over sewer easement.
- Will not change elevation over sewer easement other than thickness of gravel
- 24'x4' garbage/recycling bin storage area for all 4 units will be in the left corner of the lot. Tenant responsible for bringing to the road on pickup day.
- Improved walkways (gravel or paver bricks) will connect all units to parking and garbage/recycling bins



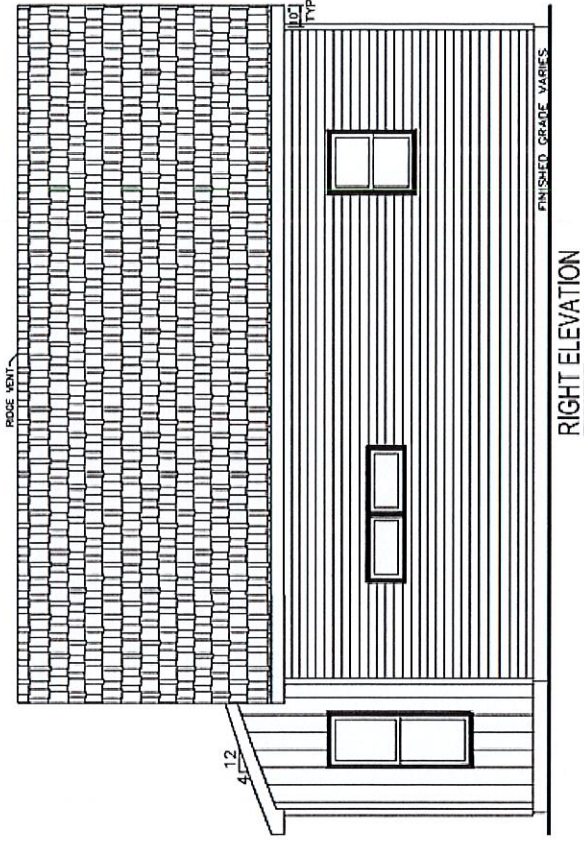
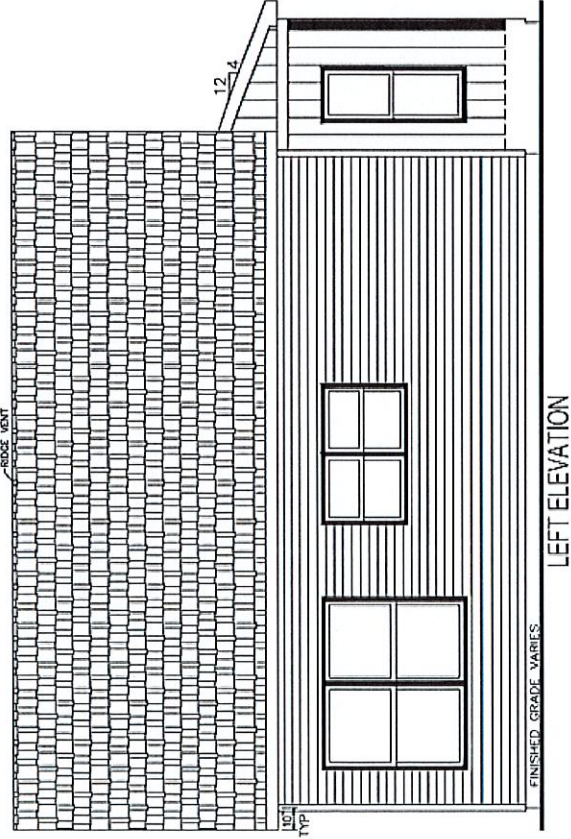
# 1108 Mountain St. Survey



# Cottage Elevations

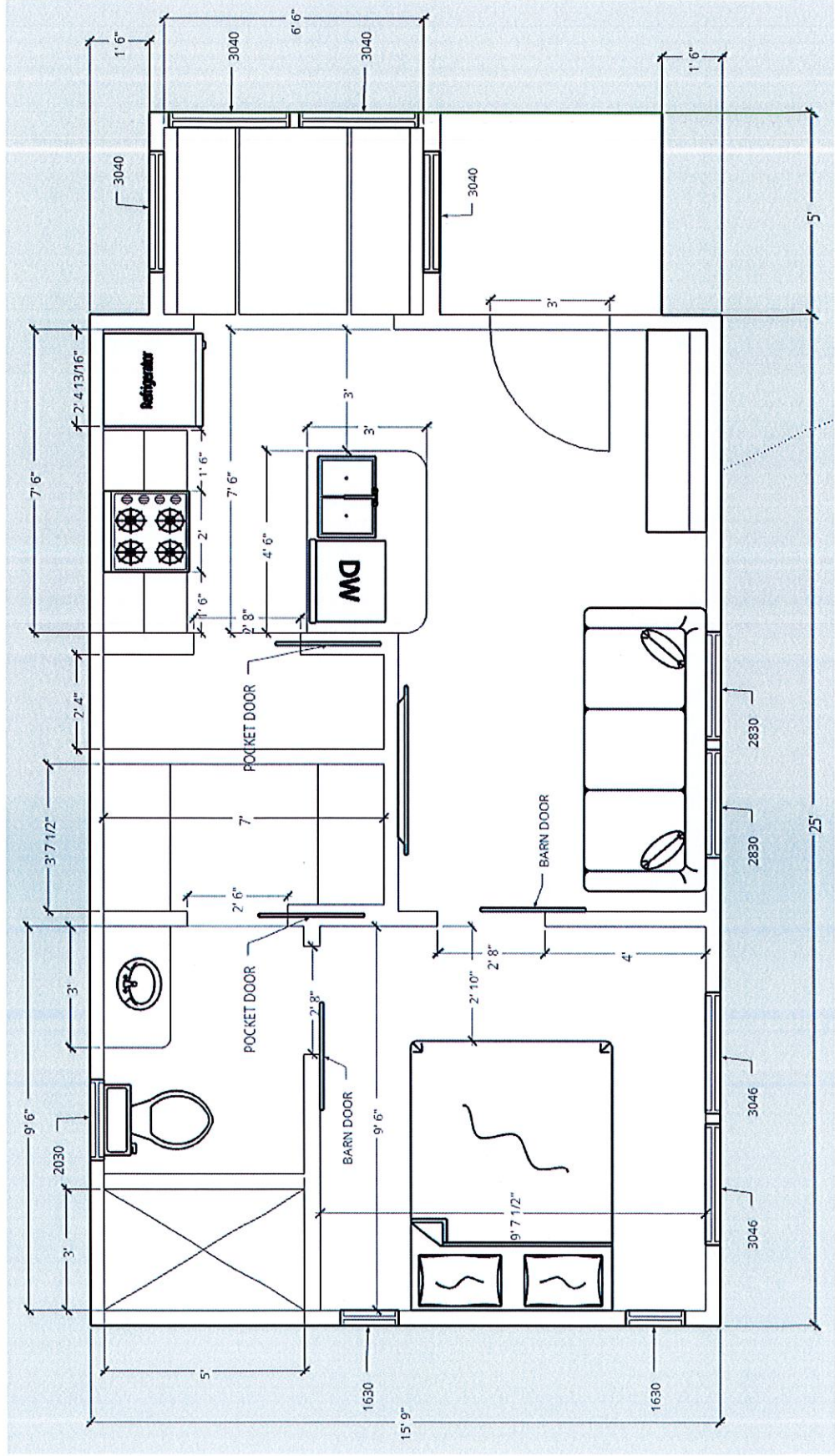


# Cottage Elevations





# Cottage Floor Plan



OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
ROBERT DANIELS	501 COMMONWEALTH DR	KANNAPOLIS	NC	28083-0000
BOBBY RAY ADERHOLD JR	2209 BILLY ST	KANNAPOLIS	NC	28083-9147
DARLENE HORNE	1004 CALLIE ST	KANNAPOLIS	NC	28081
DEBORAH C REYNOLDS	1104 MOUNTAIN ST	KANNAPOLIS	NC	28081
SHAKE & DRELLY, LLC	911 WEST B ST	KANNAPOLIS	NC	28081
HOLLY RADEMACHER	1112 MOUNTAIN ST	KANNAPOLIS	NC	28081
CHARLES & BETTY EWING	1113 MOUNTAIN ST	KANNAPOLIS	NC	28081
LORINE SNOW	2210 BILLY ST	KANNAPOLIS	NC	28083
NICHOLAS P JANERI ETAL	1114 MOUNTAIN ST	KANNAPOLIS	NC	28081
MICHAEL RUTKOWSKI	400 N CANNON BLVD	KANNAPOLIS	NC	28081-3825
JAMES VARNER	710 CAMPBELL RD	KANNAPOLIS	NC	28081
JOAN ABERNETHY	1103 MOUNTAIN ST	KANNAPOLIS	NC	28081-2015
LORETTA STANCIL & STEVEN WALTON	1115 MOUNTAIN ST	KANNAPOLIS	NC	28081-2085



April 27, 2022

Dear Property Owner,

**Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday May 10, 2022 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:**

**BOA-2022-08 – Special Use Permit – 1108 Mountain St.**

This Public Hearing is to consider a request for a Special Use Permit (SUP) to allow development of a Pocket Neighborhood in the Residential Village (RV) zoning district. Pursuant to Table 4.6-1 of the Unified Development Ordinance (UDO), a SUP is required for Pocket Neighborhood uses in the RV zoning district. The property is located at 1108 Mountain St., is zoned RV, measures approximately 0.52 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 1481111.

**As an adjacent property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis UDO; and are invited to attend the public hearing and present testimony, should you desire, to the Board of Adjustment.**

Should you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4350

Sincerely,

Ryan Lipp  
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.



KANNAPOLIS  
**Z**  
**BOARD OF ADJUSTMENT**  
PUBLIC HEARING  
INFORMATION  
CALL 704-920-4350  
CASE #BOA-2022-08