



## Certificate of Nonconformity Adjustment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

### CERTIFICATE OF NONCONFORMITY ADJUSTMENT REQUEST

**Certificate of Nonconformity Adjustment (CONA)** – Request for CONA as required by Section 13.1.6 of the Unified Development Ordinance (UDO) to enlarge, expand, or otherwise alter a Nonconforming Use or Structure.

*Approval authority – Board of Adjustment.*

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

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

### SUBMITTAL CHECKLIST

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

CONA Checklist and Application – Complete with all required signatures

Plot/Site Plan showing the proposed changes

Fee: \$325.00 (\$300 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 3<sup>rd</sup> Tuesday at 6:00pm in City Hall Laureate Center. The application and all fees must be paid prior to scheduling the 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. Such conditions shall “run with the land” and subject all future property owners with the same restrictions

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

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

Applicant’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350  
planningapps@kannapolisnc.gov

# CERTIFICATE OF NONCONFORMITY ADJUSTMENT APPLICATION

*Approval authority – Board of Adjustment*

### Applicant Contact Information

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

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

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

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

### Property Owner Contact Information same as applicant

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

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

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

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

### Project Information

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

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

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

Describe the nonconformity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed enlargement, expansion, or alteration *(attach separate sheet if necessary)*: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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### APPROVAL CRITERIA

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

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

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

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

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

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

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

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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 regarding what the nonconformity owner/operator must do to the property for certification. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.***

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Applicant Signature

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Date

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Property Owner Signature

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Date

**For Staff Use Only:**

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

Receipt #: \_\_\_\_\_

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

Date Received: \_\_\_\_\_