



**Board of Adjustment
July 16, 2019**

Staff Report

TO: Board of Adjustment
FROM: Ryan Lipp, AICP – Senior Planner
SUBJECT: Case# BOA-2019-07: Various Parcels on Wilson Avenue

Request for variance from the provisions of Article 4, Table 4.7-1 of the Unified Development Ordinance (UDO) to allow a reduction of lot areas, lot widths, and front setbacks from what is required in the Residential Village (RV) Zoning District for Duplexes and single-family homes.

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 proposed by Planning Staff
3. Motion to approve (approve with conditions) (deny) the issuance of the variance and Order for Approval

B. Required Votes to Pass Requested Action

Six votes are required to approve or deny the requested actions.

C. Background

The applicant, Anatoliy Solodyankin, is requesting a variance from Article 4, Table 4.7-1 of the Unified Development Ordinance, which requires minimum dimensional requirements for duplexes within the Residential Village (RV) zoning district as follows:

- Lot Area: 11,250 sf (Duplex), 7,500 sf (Single-Family)
- Interior Sideyard Setback: 7 ft
- Front Setback: 20 ft
- Lot Width: 90 ft (Duplex), 60 ft (Single-Family)

The applicant is requesting variances from the lot width, lot area, side and front setback as highlighted in the table below in order to subdivide the land. Please see the attached proposed subdivision for corresponding lot numbers.

Lot #	Variance Requested
2	Width: 38.15 feet Lot Size: 4,768 sf Side Setback: 4.1 feet
3	Width: 41.11 feet Lot Size: 5,138 sf Side Setback: 6.2 feet
4	Width: 45.74 feet Lot Size: 5,718 sf Side Setback: 6.1 feet
6 (Single-Family)	Width: 43.46 feet Lot Size: 4,774 sf Front Setback: Front overhand within 20-foot setback Side Setback: 6 feet and 0.9 feet
7	Width: 41.46 feet Lot Size: 5,149 sf Front Setback: Front overhang within 20-foot setback Side Setback: 4.6 feet and 6.1 feet
8	Width: 49.95 feet Lot Size: 6,225 sf Front Setback: Front porch within 20-foot setback
9	Width: 49.95 feet Lot Size: 6,243 sf Front Setback: Front porch within 20-foot setback
10	Width: 49.95 feet Lot Size: 6,243 sf Front Setback: Front porch within 20-foot setback

The subject properties currently contain 7 existing duplexes and 1 single-family home that are located along Wilson Drive, further identified as Cabarrus County Parcels 5613-96-6972, 5613-97-6019, and 5613-97-7074. Without the variance, the property owner would not be able to subdivide. The subdivision would eliminate a non-conforming characteristic of the lot, as multiple duplexes are not permitted on a single lot.

D. Fiscal Considerations

None

E. Policy Issues

Staff Findings of Fact - Based on application review

Yes No

Unnecessary hardship would result from the strict application of the ordinance.

The subject properties have been in existence, under the same ownership, since 1938. The owner of the property is requesting the variance in order to subdivide the parcel, with the intent of having each existing duplex and single-family home on a single parcel. Without the proposed variance, the City would be unable to approve the subdivision, as the existing duplexes and single-family home violate the requirement that each structure sits on an individual parcel.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The subject properties each contain multiple dwellings on single parcels. Tax records indicate that the conditions of the properties, including the configuration of the dwellings have been unchanged since 1938.

The hardship did not result from actions taken by the applicant or the property owner.

The applicant purchased the lots in the current configuration. There is no record of any actions of the owner that caused the hardship. The lots have existed since 1938.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved and will preserve its spirit.

The variance is consistent with the spirit, purpose, and intent of the UDO. Furthermore, the variance will not increase the non-conformities existing on the parcels and will allow the applicant to place each structure on its own parcel, eliminating the non-conformity of 1 or more structures on a single parcel.

Board's Findings of Fact - Based on application review and public hearing.

In order to determine whether a variance is warranted, the Board members must decide that each of the four criteria as outlined below has been met. If the Board members concur 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 members wish 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 four criteria below. Should a variance be approved, the Board members may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

Yes No

Unnecessary hardship would result from the strict application of the ordinance.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The hardship did not result from actions taken by the applicant or the property owner's own actions.

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

F. Legal Issues

None

G. Recommendation

Based on the above findings, staff recommends **approval** of the variance. However, the Board of Adjustment should consider all facts and testimony after conducting the public hearing and render a decision accordingly.

H. Attachments

1. Variance Application
2. Vicinity Map
3. Zoning Map
4. 2030 Future Land Use and Character Map
5. Proposed Subdivision
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Manager	X
City Attorney	X



**Planning and Zoning Commission and Board of Adjustment
General Application Form
(Not for Site Plan Review Submittals)**

Type of Action Requested (Check One):

- | | | | |
|------------------------|-------------------------------------|----------------------------------|-------|
| Variance | <input checked="" type="checkbox"/> | SIA Application | _____ |
| Conditional Use Permit | _____ | Nonconformity Adjustment | _____ |
| Subdivision Exception | _____ | Watershed Boundary Modification | _____ |
| Zoning Text Amendment | _____ | Zoning Map Amendment | _____ |
| Appeal | _____ | Conditional Zoning Map Amendment | _____ |

Applicant: <u>Anatoliy Solodyankin</u>	Owner: <u>Macon Martha R & J C Rutledge & Polly Trot</u>
Address: <u>P.O. Box 1110</u>	Address: <u>500 S. Cannon Blvd.</u>
<u>Indian Trail, NC 28079-1110</u>	<u>Kannapolis, NC 28083</u>
Telephone: <u>(704) 572-1911</u>	Telephone: <u>(704) 933 - 2231</u>
Email: <u>socaplcc@gmail.com</u>	Email: <u>sfogg@carolina.rr.com</u>

Legal relationship of applicant to property owner: Applicant is under contract to purchase subject property from property owner.

Property Location/Address: 640, 642, 644, 646, 648, 650 Wilson St., Kannapolis, NC 28083

Tax Parcel Number: 5813966972 Zoning District: RV Acreage of Site: 0.44

<u>Anatoliy Solodyankin</u>	<u>J C Rutledge</u>
Applicant Name (Print)	Property Owner Name (Print)

<u>[Signature]</u> 5-31-2019	<u>[Signature]</u>
Applicant Signature & Date	Property Owner Signature & Date

The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.

For Staff Use Only:

Filing Fee: <u>\$ 325</u>	Receipt # <u>M-11171</u>
Application No.: <u>BZA-2019-07</u>	Date Submitted (Complete): <u>5/31/19</u>



CITY OF KANNAPOLIS PLANNING DEPARTMENT

APPLICATION FOR A VARIANCE

I, Anatoliy Solodyankin, hereby petition the Board of Adjustment for a Variance from the literal provisions of the Unified Development Ordinance because, under the interpretation given to me by the Planning Administrator, I am prohibited from using the parcel of land described in the attached form (General Application Form) in a manner shown by the plot plan attached to that form. I request a Variance from the following provisions of the ordinance (cite paragraph numbers): Article 4, Table 4.7-1, which requires the following lot size dimensions for a duplex in the RV (Residential Village) zoned property: 90 feet wide, 20 foot front setback, 7 foot side-yard setback, and 11,250 square foot lot size.

so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the General Application Form or, if the plot plan does not adequately reveal the nature of the Variance, as more fully described herein:

The applicant is requesting a variance in order to subdivide the lot into three parcels. Three duplexes currently occupy the lot. Without the variance, the City is unable to approve the subdivision of the lot.

The applicant plans to renovate the duplexes by replacing roofs, adding vinyl siding, adding HVAC to all units and doing a full interior renovation using a loan. The loan cannot be obtained without the subdivision of the parcel. All three duplexes have existed on the lot since the late 1930's - early 1940's in the same family ownership until now.

Factors Relevant to the Issuance of a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Variance. Under the State Enabling Act, the Board is required to reach four conclusions before it may issue a Variance: (1.) that unnecessary hardship would result from the strict application of the ordinance; (2.) that the hardship results from conditions that are peculiar to the property, such as location, size, or topography; (3.) that the hardship did not result from actions taken by the applicant or the property owner; and (4.) the requested variance is consistent with the spirit, purpose, and intent, of the ordinance, such that public safety is secured, and substantial justice is achieved. In the spaces provided below, indicate the *facts* that you intend to show and the *arguments* that you intend to make to convince the Board that it can properly reach these four required conclusions.

1. Unnecessary hardship would result from the strict application of the ordinance.

It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property. [It is *not* sufficient that failure to grant the Variance simply makes the property less valuable.] (State facts and arguments in support of this conclusion.)

In the absence of the Variance, the applicant cannot obtain funds to renovate the properties since no rehab loan or refinance loan can be obtained without approval of the subdivision. Further, the applicant will not be able to sell or refinance the duplexes individually without the subdivision.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. (State facts and arguments to show that the Variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the Variance is granted, will not substantially detract from the character of the neighborhood.)

The duplexes have been in the same family ownership since they were built in the late 1930s - early 1940s and have not changed hands with a third party until now. The Variance requested conforms to the spirit of surrounding properties, will enable the applicant to revitalize the duplexes in line with the current revitalization efforts in the neighborhood by both private and public parties, and will result in the duplexes being less non-conforming to the UDO than if the Variance was not requested.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State facts and arguments in support of this conclusion.)

The applicant is under contract to purchase the lot in its current configuration. There is no known fact to the applicant of any actions of the owner that caused the hardship. The buildings have been on the parcel since the late 1930s - early 1940s.

4. The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. (State facts and arguments to show that, on balance, if the Variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

The requested Variance is consistent with the spirit, purpose, and intent of the ordinance since granting the Variance will eliminate the nonconformity of more than one residential building on one lot. Further, granting the Variance will not increase the existing nonconformities.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Anatoliy Solodyankin

Applicant Name (Print)



Applicant Signature

5-31-2019

Date

5-31-2019

Date

Note: The Board may impose reasonable conditions upon the granting of any Variance to ensure that the public health, safety, and general welfare shall be protected and substantial justice has been done.

Calls or conversations with Board of Adjustment members prior to the meeting may disqualify members from participation at the Board meeting. For the testimony of supporters not to be considered hearsay, they must be present at the meeting. Petitions and written consent may be accepted by the Board, but cannot be used as a basis for decision.

Fee: Please refer to fee schedule to determine applicable fees. All fees are nonrefundable and help to cover administrative and notification costs.

Variance Request #1 –

Parcel ID #: 5613966972

Addresses: 640/642 Wilson St., 644/646 Wilson St., 648/650 Wilson St.

Zoning: RV (Residential Village)

Lot #/Address	Required Dimensions (Table 4.7-1 of UDO)	Variance Requested on highlighted Dimensions
Lot 10 640/642 Wilson St. Duplex	<u>Width:</u> 90 feet <u>Lot Size:</u> 11,250 Sq. Ft. <u>Depth:</u> 100 feet <u>Front Setback:</u> 20 feet <u>Interior Side Setback:</u> 7 feet <u>Rear Setback:</u> 5 feet	<u>Width:</u> 49.95 feet <u>Lot Size:</u> 6,243 Sq. Ft. <u>Depth:</u> 125.07 feet <u>Front Setback:</u> Front porch within 20 foot setback <u>Interior Side Setback:</u> 7.3 feet and 11.6 feet <u>Rear Setback:</u> 5+ feet
Lot 9 644/646 Wilson St. Duplex	<u>Width:</u> 90 feet <u>Lot Size:</u> 11,250 Sq. Ft. <u>Depth:</u> 100 feet <u>Front Setback:</u> 20 feet <u>Interior Side Setback:</u> 7 feet <u>Rear Setback:</u> 5 feet	<u>Width:</u> 49.95 feet <u>Lot Size:</u> 6,243 <u>Depth:</u> 124.89 feet <u>Front Setback:</u> Front porch within 20 foot setback <u>Interior Side Setback:</u> 9.1 feet and 9.7 feet <u>Rear Setback:</u> 5+ feet
Lot 8 648/650 Wilson St. Duplex	<u>Width:</u> 90 feet <u>Lot Size:</u> 11,250 Sq. Ft. <u>Depth:</u> 100 feet <u>Front Setback:</u> 20 feet <u>Interior Side Setback:</u> 7 feet <u>Rear Setback:</u> 5 feet	<u>Width:</u> 49.95 feet <u>Lot Size:</u> 6,225 Sq. Ft. <u>Depth:</u> 124.71 feet <u>Front Setback:</u> Front porch within 20 foot setback <u>Interior Side Setback:</u> 9.6 feet and 8.8 feet <u>Rear Setback:</u> 5+ feet



Planning and Zoning Commission and Board of Adjustment
General Application Form
(Not for Site Plan Review Submittals)

Type of Action Requested (Check One):

- | | | | |
|------------------------|----------|----------------------------------|-------|
| Variance | <u>X</u> | SIA Application | _____ |
| Conditional Use Permit | _____ | Nonconformity Adjustment | _____ |
| Subdivision Exception | _____ | Watershed Boundary Modification | _____ |
| Zoning Text Amendment | _____ | Zoning Map Amendment | _____ |
| Appeal | _____ | Conditional Zoning Map Amendment | _____ |

Applicant: Anatoliy Solodyankin Owner: Macon Martha R & J C Rutledge & Polly Trott
 Address: P.O. Box 1110 Address: 500 S. Cannon Blvd.
Indian Trail, NC 28079-1110 Kannapolis, NC 28083
 Telephone: (704) 572-1911 Telephone: (704) 933 - 2231
 Email: socaplnc@gmail.com Email: sfogg@carolina.rr.com

Legal relationship of applicant to property owner: Applicant is under contract to purchase subject property from property owner.

Property Location/Address: 647, 649, 651, 653, 655, 657 Wilson St., Kannapolis, NC 28083

Tax Parcel Number: 5613976019 Zoning District: RV Acreage of Site: 0.38

Anatoliy Solodyankin J C Rutledge
Applicant Name (Print) Property Owner Name (Print)

[Signature] 5-31-2019 [Signature] 5-31-19
Applicant Signature & Date Property Owner Signature & Date

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so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the General Application Form or, if the plot plan does not adequately reveal the nature of the Variance, as more fully described herein:

The applicant is requesting a variance in order to subdivide the lot into three parcels. Three duplexes currently occupy the lot. Without the variance, the City is unable to approve the subdivision of the lot. The applicant plans to renovate the duplexes by replacing roofs, adding vinyl siding, adding HVAC to all units and doing a full interior renovation using a loan. The loan cannot be obtained without the subdivision of the parcel. All three duplexes have existed on the lot since the late 1930's - early 1940's in the same family ownership until now.

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1. Unnecessary hardship would result from the strict application of the ordinance.

It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property. [It is *not* sufficient that failure to grant the Variance simply makes the property less valuable.] (State facts and arguments in support of this conclusion.)

In the absence of the Variance, the applicant cannot obtain funds to renovate the properties since no rehab loan or refinance loan can be obtained without approval of the subdivision. Further, the applicant will not be able to sell or refinance the duplexes individually without the subdivision.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. (State facts and arguments to show that the Variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the Variance is granted, will not substantially detract from the character of the neighborhood.)

The duplexes have been in the same family ownership since they were built in the late 1930s - early 1940s and have not changed hands with a third party until now. The Variance requested conforms to the spirit of surrounding properties, will enable the applicant to revitalize the duplexes in line with the current revitalization efforts in the neighborhood by both private and public parties, and will result in the duplexes being less non-conforming to the UDO than if the Variance was not requested.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State facts and arguments in support of this conclusion.)

The applicant is under contract to purchase the lot in its current configuration. There is no known fact to the applicant of any actions of the owner that caused the hardship. The buildings have been on the parcel since the late 1930s - early 1940s.

4. The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. (State facts and arguments to show that, on balance, if the Variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

The requested Variance is consistent with the spirit, purpose, and intent of the ordinance since granting the Variance will eliminate the nonconformity of more than one residential building on one lot. Further, granting the Variance will not increase the existing nonconformities.

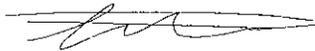
I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Anatoliy Solodyankin

5-31-2019

Applicant Name (Print)

Date



5-31-2019

Applicant Signature

Date

Note: The Board may impose reasonable conditions upon the granting of any Variance to ensure that the public health, safety, and general welfare shall be protected and substantial justice has been done.

Calls or conversations with Board of Adjustment members prior to the meeting may disqualify members from participation at the Board meeting. For the testimony of supporters not to be considered hearsay, they must be present at the meeting. Petitions and written consent may be accepted by the Board, but cannot be used as a basis for decision.

Fee: Please refer to fee schedule to determine applicable fees. All fees are nonrefundable and help to cover administrative and notification costs.

STAFF USE ONLY

Scheduled meeting date: _____

Dates advertised in newspaper: _____ and _____

Date written notices mailed: _____

Board Decision: _____

Conditions: _____

Date written notice of decision sent to applicant: _____

Variance Request #2 –

Parcel ID #: 5613976019

Addresses: 647/649 Wilson St., 651/653 Wilson St., 655/657 Wilson St.

Zoning: RV (Residential Village)

Lot #/ Address/Type of Building	Required Dimensions (Table 4.7-1 of UDO)	Variance Requested on highlighted Dimensions
Lot 4 655/657 Wilson St. Duplex	<u>Width:</u> 90 feet <u>Lot Size:</u> 11,250 Sq. Ft. <u>Depth:</u> 100 feet <u>Front Setback:</u> 20 feet <u>Interior Side Setback:</u> 7 feet <u>Rear Setback:</u> 5 feet	<u>Width:</u> 45.74 feet <u>Lot Size:</u> 5,718 Sq. Ft. <u>Depth:</u> 125 feet <u>Front Setback:</u> 20+ feet <u>Interior Side Setback:</u> 6.1 feet and 8.7 feet <u>Rear Setback:</u> 5+ feet
Lot 3 651/653 Wilson St. Duplex	<u>Width:</u> 90 feet <u>Lot Size:</u> 11,250 Sq. Ft. <u>Depth:</u> 100 feet <u>Front Setback:</u> 20 feet <u>Interior Side Setback:</u> 7 feet <u>Rear Setback:</u> 5 feet	<u>Width:</u> 41.11 feet <u>Lot Size:</u> 5,138 Sq. Ft. <u>Depth:</u> 125 feet <u>Front Setback:</u> 20+ feet <u>Interior Side Setback:</u> 6.2 feet and 4.2 feet <u>Rear Setback:</u> 5+ feet
Lot 2 647/649 Wilson St. Duplex	<u>Width:</u> 90 feet <u>Lot Size:</u> 11,250 Sq. Ft. <u>Depth:</u> 100 feet <u>Front Setback:</u> 20 feet <u>Interior Side Setback:</u> 7 feet <u>Rear Setback:</u> 5 feet	<u>Width:</u> 38.15 feet <u>Lot Size:</u> 4,768 Sq. Ft. <u>Depth:</u> 125 feet <u>Front Setback:</u> 20+ feet <u>Interior Side Setback:</u> 4.1 feet and 3.1 feet <u>Rear Setback:</u> 5+ feet



Planning and Zoning Commission and Board of Adjustment
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Type of Action Requested (Check One):

- | | | | |
|------------------------|-------------------------------------|----------------------------------|--------------------------|
| Variance | <input checked="" type="checkbox"/> | SIA Application | <input type="checkbox"/> |
| Conditional Use Permit | <input type="checkbox"/> | Nonconformity Adjustment | <input type="checkbox"/> |
| Subdivision Exception | <input type="checkbox"/> | Watershed Boundary Modification | <input type="checkbox"/> |
| Zoning Text Amendment | <input type="checkbox"/> | Zoning Map Amendment | <input type="checkbox"/> |
| Appeal | <input type="checkbox"/> | Conditional Zoning Map Amendment | <input type="checkbox"/> |

Applicant: Anatoliy Solodyankin Owner: Macon Martha R & J C Rutledge & Polly Trott
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 Email: socapllic@gmail.com Email: sfogg@carolina.rr.com

Legal relationship of applicant to property owner: Applicant is under contract to purchase subject property from property owner.

Property Location/Address: 654, 656, 660 Wilson St., Kannapolis, NC 28083

Tax Parcel Number: 5613977074 Zoning District: RV Acreage of Site: .23

Anatoliy Solodyankin J C Rutledge
Applicant Name (Print) Property Owner Name (Print)

[Signature] 5-31-2019 [Signature] 5-31-19
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The applicant is requesting a variance in order to subdivide the lot into two parcels. One single-family home and one duplex currently occupy the lot. Without the variance, the City is unable to approve the subdivision of the lot.
The applicant plans to renovate the buildings by replacing roofs, adding vinyl siding, adding HVAC to all units and doing a full interior renovation using a loan. The loan cannot be obtained without the subdivision of the parcel. All three duplexes have existed on the lot since the late 1930's - early 1940's in the same family ownership until now.

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1. Unnecessary hardship would result from the strict application of the ordinance.

It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property. [It is *not* sufficient that failure to grant the Variance simply makes the property less valuable.] (State facts and arguments in support of this conclusion.)
In the absence of the Variance, the applicant cannot obtain funds to renovate the properties since no rehab loan or refinance loan can be obtained without approval of the subdivision. Further, the applicant will not be able to sell or refinance the buildings individually without the subdivision.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. (State facts and arguments to show that the Variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the Variance is granted, will not substantially detract from the character of the neighborhood.)

The buildings have been in the same family ownership since they were built in the late 1930s - early 1940s and have not changed hands with a third party until now. The Variance requested conforms to the spirit of surrounding properties, will enable the applicant to revitalize the buildings in line with the current revitalization efforts in the neighborhood by both private and public parties, and will result in the duplexes being less non-conforming to the UDD than if the Variance was not requested.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State facts and arguments in support of this conclusion.)

The applicant is under contract to purchase the lot in its current configuration. There is no known fact to the applicant of any actions of the owner that caused the hardship. The buildings have been on the parcel since the late 1930s - early 1940s.

4. The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. (State facts and arguments to show that, on balance, if the Variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

The requested Variance is consistent with the spirit, purpose, and intent of the ordinance since granting the Variance will eliminate the nonconformity of more than one residential building on one lot. Further, granting the Variance will not increase the existing nonconformities.

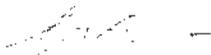
I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Anatoliy Solodyankin

Applicant Name (Print)

5-31-2019

Date



Applicant Signature

5-31-2019

Date

Note: The Board may impose reasonable conditions upon the granting of any Variance to ensure that the public health, safety, and general welfare shall be protected and substantial justice has been done.

Calls or conversations with Board of Adjustment members prior to the meeting may disqualify members from participation at the Board meeting. For the testimony of supporters not to be considered hearsay, they must be present at the meeting. Petitions and written consent may be accepted by the Board, but cannot be used as a basis for decision.

Fee: Please refer to fee schedule to determine applicable fees. All fees are nonrefundable and help to cover administrative and notification costs.

Variance Request #3 –

Parcel ID #: 5613977074

Addresses: 654/656 Wilson St., 660 Wilson St.

Zoning: RV (Residential Village)

Lot #/ Address	Required Dimensions (Table 4.7-1 of UDO)	Variance Requested on highlighted Dimensions
Lot 7 654/656 Wilson St. Duplex	<u>Width:</u> 90 feet <u>Lot Size:</u> 11,250 Sq. Ft. <u>Depth:</u> 100 feet <u>Front Setback:</u> 20 feet <u>Interior Side Setback:</u> 7 feet <u>Rear Setback:</u> 5 feet	<u>Width:</u> 41.46 feet <u>Lot Size:</u> 5,149 Sq. Ft. <u>Depth:</u> 124.36 feet <u>Front Setback:</u> front overhang within 20 foot setback line <u>Interior Side Setback:</u> 4.6 feet and 6.1 feet <u>Rear Setback:</u> 5+ feet
Lot 6 660 Wilson St. Single-Family Home	<u>Width:</u> 60 feet <u>Lot Size:</u> 7,500 Sq. Ft. <u>Depth:</u> 100 <u>Front Setback:</u> 20 feet <u>Interior Side Setback:</u> 7 feet <u>Rear Setback:</u> 5 feet	<u>Width:</u> 43.46 feet <u>Lot Size:</u> 4,774 Sq. Ft. <u>Depth:</u> 124.21 feet <u>Front Setback:</u> front overhang within 20 foot setback line <u>Interior Side Setback:</u> 6 feet and 0.9 feet <u>Rear Setback:</u> 5+ feet



Vicinity Map

Case Number: BOA-2019-07
Applicant: Anatoliy Solodyankin
(Various) Wilson St





Kannapolis Current Zoning

Case Number: BOA-2019-07
Applicant: Anatoliy Solodyankin
(Various) Wilson St





Kannapolis 2030 Future Land Use Map

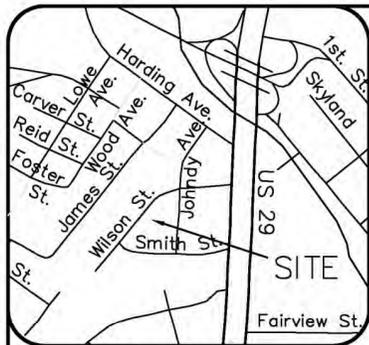
Case Number: BOA-2019-07

Applicant: Anatoliy Solodyankin

(Various) Wilson St

N





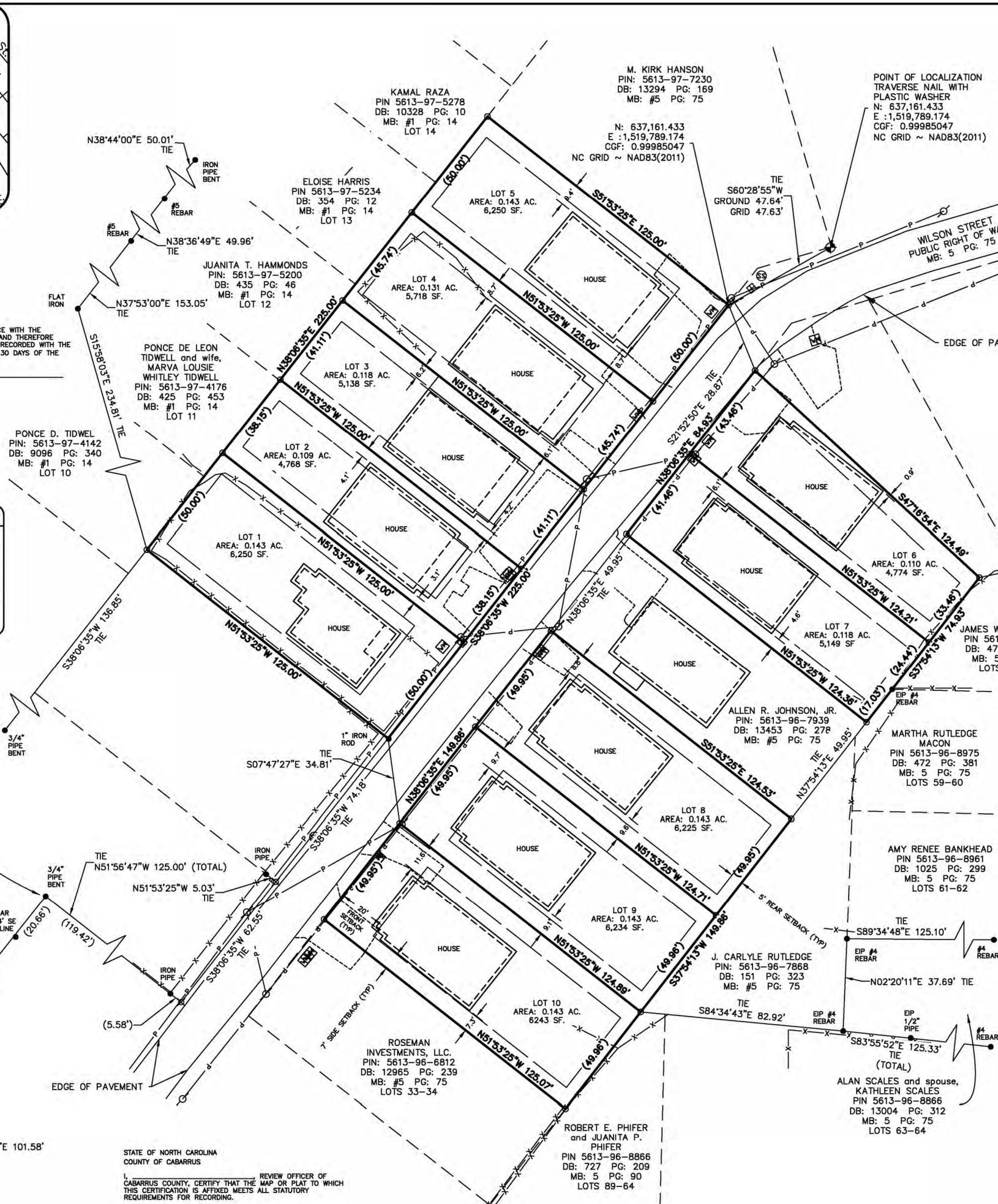
VICINITY MAP
NOT TO SCALE

CERTIFICATE OF FINAL PLAT

IT IS HEREBY CERTIFIED THAT THIS PLAT IS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF KANNAPOLIS, AND THEREFORE THIS PLAT HAS BEEN APPROVED, SUBJECT TO ITS BEING RECORDED WITH THE CABARRUS (ROWAN) COUNTY REGISTER OF DEEDS WITHIN 30 DAYS OF THE DATE BELOW.

PLANNING DIRECTOR _____ DATE _____

SITE DATA	
TOTAL ACREAGE:	1.301 AC.
TOTAL LOTS:	10
ACREAGE IN OPEN SPACE:	N/A
ACREAGE IN STREET R/W:	N/A
ACREAGE IN LOTS:	1.301 AC.
ZONING:	RV
SETBACKS	FRONT: 20' SIDE: 7' REAR: 5'



I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF KANNAPOLIS, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE TO THE PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF KANNAPOLIS, AND FURTHER THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURES OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE (1) YEAR COMMENCING AFTER A CERTIFICATE OF APPROVAL HAS BEEN EXECUTED BY THE CITY, OR AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS, WHICHEVER OCCURS LATER.

OWNER _____

LEGEND

● EIP (AS DESCRIBED)	⊕ DROP INLET
○ SIP (#5 REBAR)	⊕ SANITARY MANHOLE
⊗ NPS (NO POINT SET)	⊕ WATER METER
⊙ POWER POLE	⊕ FIRE HYDRANT
	⊕ WATER VALVE

— BOUNDARY LINE (AS SURVEYED)

- - - BOUNDARY LINE (BY DEED OR PLAT)

— RIGHT-OF-WAY LINE

— TIE LINE

— OVERHEAD POWER LINE

- - - FENCE LINE

- - - DRIVEWAY

- - - BUILDING WALL AND OVERHANG

NOTES:

1. TRAVERSE ADJUSTED BY THE LEAST SQUARES ADJUSTMENT METHOD.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
3. NC GRID NAD 83 (2011) EPOCH 2010.00 BASIS OF BEARING AND NAVD 88 ELEVATIONS DERIVED FROM NCGS NETWORK RTK ON 05-21-2019 & 05-22-2019, (HORIZONTAL POSITIONAL ACCURACY = 0.03'; VERTICAL ACCURACY = 0.03') USING GEOID MODEL GEOID12B. PROJECT LOCALIZED HOLDING CONTROL PT. #300 (N=748,829.33', E=1,439,569.34', ELEVATION=824.828), AND USING A COMBINED GRID FACTOR OF 0.9998505. UNITS ARE US SURVEY FEET.
4. NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS SURVEY. BEFORE DOING ANY DIGGING, CALL NC ONE-CALL (1-800-832-4949).
5. SURVEYED AREA IS LOCATED IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 370581300K; EFFECTIVE DATE NOVEMBER 16, 2018.
6. CAPPED #5 REBARS SET AT ALL CORNERS, AS SHOWN.

REFERENCES:

1. ALL DEEDS AND MAPS SHOWN HEREON.
2. CABARRUS COUNTY REGISTER OF DEEDS AND GIS TAX MAP.
3. MAP TITLED "MAP OF NEW EAST VILLAGE KANNAPOLIS, N.C. PROPERTY OF J. CARLYLE RUTLEDGE", DATED JUNE 10, 1939 AND RECORDED IN MAP BOOK: 5, PAGE 75.
4. MAP TITLED "MAP OF JAMESTOWN PROPERTY OF DR. J.W. FLOWE KANNAPOLIS, NC" DATED FEBRUARY 1, 1924 AND RECORDED IN MAP BOOK: 1, PAGE 14.
5. MAP TITLED "SMITH STREET CHURCH OF CHRIST", BY CESI, DATED APRIL 10, 2002, JOB NO.: 020405.
6. CITY OF KANNAPOLIS UNIFIED DEVELOPMENT ORDINANCE (UDO)

PLAT CERTIFICATION

I, DAVID L. HAYWOOD, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEEDS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEEDS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:17,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; AND THAT

■ A. THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;

■ B. THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES.

PROFESSIONAL LAND SURVEYOR LICENSE NO. L-4822

MAJOR SUBDIVISION PLAT OF:
NEW EAST VILLAGE
CITY OF KANNAPOLIS, CABARRUS CO., NORTH CAROLINA

FOR CLIENT: ANATOLY SOLODYANKIN
3100 FARINGTON DRIVE
INDIAN TRAIL, NC 28079

OWNER: MARTHA R. MACONN
500 S. CANNON BLVD
KANNAPOLIS, NC 28083

DATE: 05-24-2019
REVISED: ---
SCALE: 1" = 30'
JOB NO.: 190207.000

COMPUTED BY: DLH
DRAWN BY: NJB
CHECKED BY: DLH

SCALE IN FEET
0 30 60 90

CESI CIVIL - GEOTECHNICAL - SURVEYING
N.C. FIRM LICENSE NO. C-0263
45 SPRING STREET SW CONCORD (704) 788-5404
CONCORD, NC 28025 FAX (704) 788-7454
ACAD FILE: 190207.DWG
© CESI 2019

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

REVIEW OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

AcctName1	Addr1	City	State	ZipCod
ROBERT & TAMMIE PHIFER	121 GLEN AVE	MOUNT VERNON	NY	10550
APOSTOLIC CHURCH OF THE FAITH	125 WESTOVER AVE	KANNAPOLIS	NC	28081
CAROLYN CONTRERAS-GUZMAN	13902 ROANOKE ST	WOODBIDGE	VA	22191
SHELBY JUHAISH	1412 BIRCH ST	KANNAPOLIS	NC	28081
M KIRK HANSON	142 CABARRUS AVE E	CONCORD	NC	28025
STEVEN & SHERNETTE JORDAN	1551 KINGSTON DR	KANNAPOLIS	NC	28083
J CARLYLE RUTLEDGE ESTATE				
C/O MARTHA MACON	1619 EASTWOOD DR	KANNAPOLIS	NC	28083
JUANITA T HAMMONDS				
C/O ALFRED HAMMONDS	1907 ALABAMA AVENUE SE	WASHINGTON	DC	20020
FAMILY TRUST OF JAMES WILLIAMS				
C/O ELIZABETH ROSE	204 JOHNDY AVE	KANNAPOLIS	NC	28083
AMY BANKHEAD	210 JOHNDY STREET	KANNAPOLIS	NC	28083
ALAN A& KATHLEEN SCALES	212 JOHNDY AVE	KANNAPOLIS	NC	28083
NATIVIDAD & AURORA AGUIRRE	227 JAMES ST	KANNAPOLIS	NC	28083
KAMAL RAZA	228 PULASKI RD	KINGS PARK	NY	11754
TERRY F PARHAM	3520 OLD BEATTY FORD RD	CHINA GROVE	NC	28023
GT PROPERTIES OF NC INC	3841 WILLOW GROVE LN	CONCORD	NC	28025
PONCE TIDWELL	39 POPLAR STREET	PASSAIC	NJ	07055
STANFRED DUREN				
C/O ROBERT DUREN	4007 COCKLEREECE DR	GREENSBORO	NC	27405
RICHARD ATWELL	4401 SUGAR MAPLE LN	HARRISBURG	NC	28075
MARTHA MACON & J C RUTLEDGE				
& POLLY TROTT	500 S CANNON BLVD	KANNAPOLIS	NC	28083
OLLIE MAE MORRISON MILLER				
C/O WILLIAM MORRISON	5035 BRIDGEPORT DR	KANNAPOLIS	NC	28081
FLORIE HILL				
C/O JOHN HILL	509 SOUTH ST	WINCHESTER	VA	22601
IRIS HUNTER				
C/O WANDA BROWN	5420 ROBERTA MEADOWS CT	CONCORD	NC	28027
ROSEMAN INVESTMENTS LLC	6060 CHISHOLM TRL	KANNAPOLIS	NC	28081
WILLIE GRAHAM	616 WILSON ST	KANNAPOLIS	NC	28083
FRANKIE CUNNINGHAM	632 WILSON ST	KANNAPOLIS	NC	28083
LF EST MYRTLE G LITTLE	636 SMITH ST	KANNAPOLIS	NC	28083
MICHELLE LITTLE	639 SMITH ST	KANNAPOLIS	NC	28083
ETHEL MARY JOHNSTON	641 WILSON ST	KANNAPOLIS	NC	28083
VIRGILIO RIVERA	643 WILSON ST APT A	KANNAPOLIS	NC	28083
MARTIN & MELANIA MARTINEZ	664 WILSON ST	KANNAPOLIS	NC	28083
OLGA MORENO	701 SMITH ST	KANNAPOLIS	NC	28083
TERRELL & MEINYON WOODS	720 BUNKER GRASS LANE SW	CONCORD	NC	28027
HABITAT FOR HUMANITY	8 CHURCH ST S	CONCORD	NC	28025
ANTHONY & TIFFANY ANNUNZIATA				
C/O FRANK & DEBRA SANGIOVANNI	85 CLINTON AVENUE	HUNTINTON	NY	11743
JIM HELF	9615 ASHLEY GREEN CT NW	CONCORD	NC	28027
CAROLYN RATLIFF	PO BOX 25	LANDIS	NC	28088
CABARRUS COUNTY	PO BOX 707	CONCORD	NC	28026
ELOISE HARRIS	PO BOX 999	KANNAPOLIS	NC	28082



July 1, 2019

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing at 6:00 PM on Tuesday, July 16, 2019 at City Hall, located at 401 Laureate Way, for the following case:

BOA-2019-07 - Variance – Various Parcels on Wilson Avenue

This public hearing is to consider a request for a variance from Article 4, Table 4.7-1. of the Unified Development Ordinance, which requires minimum dimensional requirements for property located in the Residential Village (RV) zoning district. Approval of the request will allow the applicant to subdivide the properties. The subject properties are approximately .44 +/-, .38 +/-, and .23 +/- acres and are more specifically identified as Cabarrus County Parcel Identification Numbers 5613-96-6972, 5613-97-6019, and 5613-97-7074, respectively. **(Please see reverse side of this letter for vicinity map showing the location of this property.)**

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

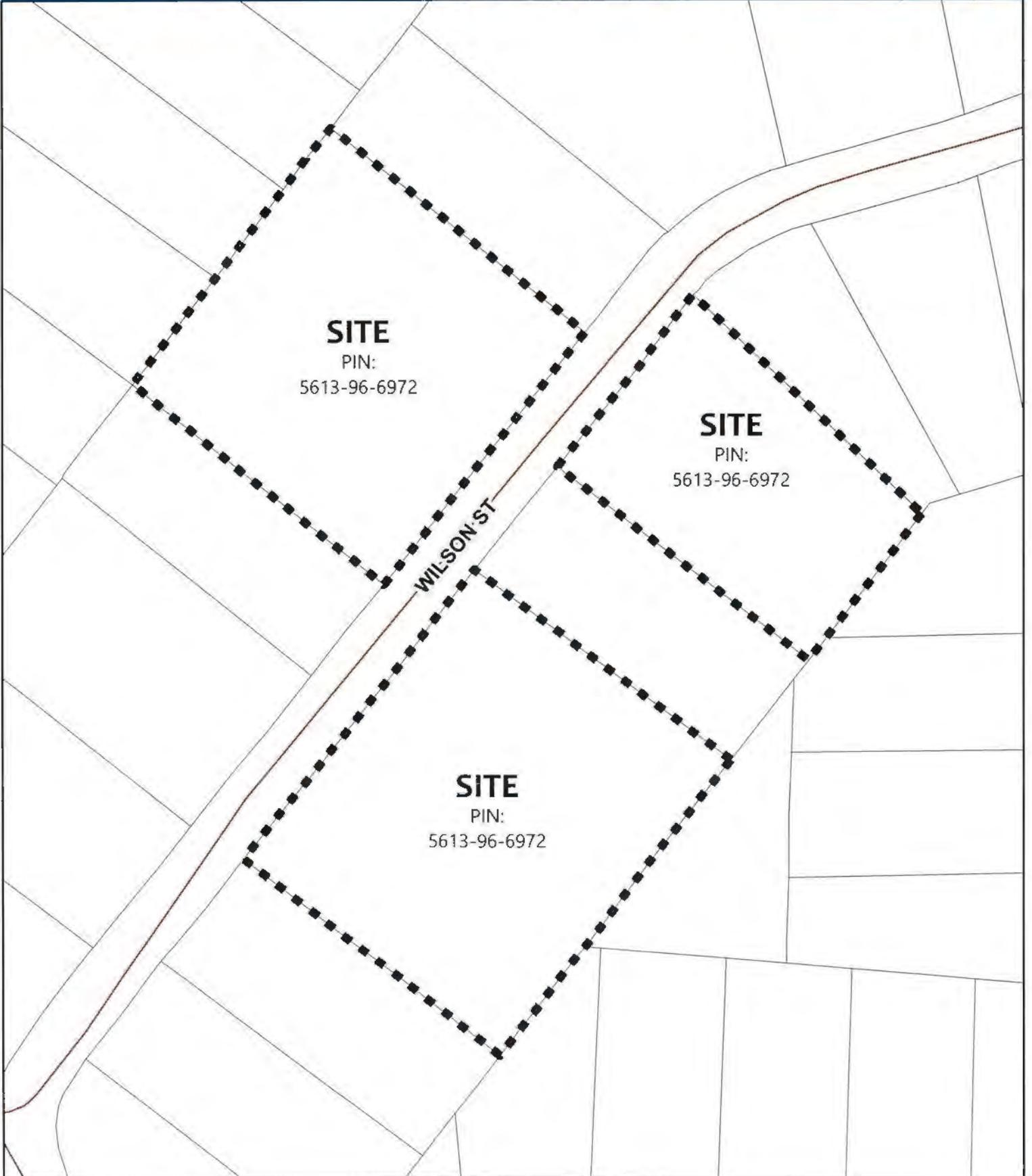
Enclosure

The meeting is accessible to people with disabilities. To request special accommodation in advance, contact the City's ADA Coordinator at 704.920.4302.



Variance- Wilson St.

Case Number: BOA-2019-07
Applicant: Anatoliy Solodyankin
(Various) Wilson St




BOARD OF

ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # 2019-07




BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # **2009-07**





KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # 19 07

