

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

3  
4 **Minutes of Meeting**  
5 **Tuesday May 21, 2019**

6  
7 The Board of Adjustment met on Tuesday May 21, 2019 at 6:00 PM at City Hall, 401 Laureate Way,  
8 Kannapolis, North Carolina.  
9

10 **Board Members Present:** Jonathan Farmer, Chairman  
11 James Palmer, Vice-Chairman  
12 Boyd Hardin  
13 Colby Meadows  
14 Joann Crosby  
15 Ryan French  
16 Jeff Parker  
17 Scott Trott  
18

19 **Board Members Absent:** Andrew Baker  
20 Ryan Craft  
21

22 **Staff Present:** Gretchen Coperine, AICP, Senior Planner  
23 David Jordon, IT  
24

25 **City Attorney:** Walter Safrit III  
26

27 **Visitors Present:** Marc Lista  
28 Kathy Lista  
29

30 **CALL TO ORDER**

31 Chairman Farmer called the meeting to order at 6:01pm.  
32

33 **ROLL CALL AND RECOGNITION OF QUORUM**

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

35 **APPROVAL OF AGENDA**

36 Chairman Farmer asked for a motion to accept the Agenda which was made by Mr. Palmer, seconded by  
37 Mr. French and the motion was unanimously approved.  
38

39 **APPROVAL /CORRECTION OF MINUTES**

40 Chairman Farmer asked for a motion to approve the March 19, 2019 meeting minutes which was made by  
41 Mr. Palmer, seconded by Mr. French and the motion was unanimously approved.  
42

43 **SWORN IN FOR TESTIMONY**

44 Gretchen Coperine and Marc Lista  
45

46 **PUBLIC HEARING**  
47

48 **BOA-2019-03 – Variance – 842 Richard Avenue**

49 Senior Planner Gretchen Coperine gave a PowerPoint presentation regarding a request for a variance.  
50 Ms. Coperine provided the application details for case BOA-2019-03 (Exhibit 1) noting the applicant,  
51 Parcel Identification Numbers, and dates that public notice was provided. She stated that the request is

1 for a variance from Article 4, Table 4.7-1 of the Unified Development Ordinance (UDO) regarding side  
2 setbacks in the RV (Residential Village) zoning district.  
3

4 Ms. Coperine directed the Board's attention to the Vicinity, Zoning and Future Land Use maps and  
5 stated that the applicant is requesting a variance from the required 7-foot side setback to allow a 4-foot  
6 side setback. She provided street-view photos and talked about the existing size of the subject property.  
7 Ms. Coperine stated that per Table 4.7-1 (Dimensional and Density Standards) of the Unified  
8 Development Ordinance (UDO), the RV zoning district requires a minimum side set back of 7-feet for  
9 primary structures and that the requirement would limit the applicant on the width of the home he is  
10 proposing to build. She noted that existing homes in the neighborhood do not currently meet the  
11 required setback. Ms. Coperine directed the Board's attention to the site plan and two (2) different  
12 renderings further detailing the 17-foot dimensional width of the proposed single-family residential  
13 structure.  
14

15 Ms. Coperine reviewed the Policy Issues and staff findings:  
16

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

18 Staff Assessment

19 The subject property has been in existence since 1935. The owner of the property is requesting the  
20 variance in order to build a single-family house on the property that has an appropriate width. Without  
21 the proposed variance, the City would be unable to approve a permit for a single-family home  
22 proposed for this lot as it would violate the minimum setback requirement for the RV zoning district.  
23

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

26 Staff Assessment

27 The 25-foot lot width dimension for the subject property has not changed since 1948.  
28

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

30 Staff Assessment

31 There is no record of any actions of the owner that caused the hardship.  
32

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

36 Staff Assessment

37 The variance is consistent with the spirit, purpose, and intent of the UDO.  
38

39 Ms. Coperine indicated that staff is recommending approval of the variance request and reminded the  
40 Board of the actions requested of them. She concluded her presentation and made herself available for  
41 questions.  
42

43 Mr. Palmer asked if the proposed variance will create parking issues? Ms. Coperine responded that the  
44 requested variance will also accommodate parking.  
45

46 Mr. Parker asked if there are issues with the rear setback as well? Ms. Coperine stated that there are no  
47 issues with any of the other setback requirements.  
48

49 Mr. French asked the width of the lot at its narrowest? Ms. Coperine responded that the lot mostly  
50 consists of a 25-foot lot width with the exception of a portion towards the rear of the property.  
51

52 There being no questions or comments for staff, Chairman Farmer opened the Public Hearing.  
53

1 Marc Lista, 6129 Creekview Court, Harrisburg, NC. Mr. Lista stated that this is the first home he is  
2 building and that his goal is to provide affordable housing for Kannapolis residents. He indicated that he  
3 would like to construct "row" homes similar to those built on West G Street but at a more affordable  
4 price.  
5

6 Mr. Palmer asked the square footage of the home? Mr. Lista responded that he submitted two (2) different  
7 renderings and that the larger home was approximately 1400 square feet and would offer 3 bedrooms, 2-  
8 1/2 bathrooms and an attached garage. The smaller home is approximately 1000 square feet with 2  
9 bedrooms and 2 bathrooms with no garage.  
10

11 Mr. Parker asked if he (the applicant) preferred one design over the other? Mr. Lista responded that he  
12 is leaving the decision to the buyer based upon their affordability.  
13

14 There being no further questions or comments, Chairman Farmer closed the Public Hearing and asked  
15 for a motion to accept the City's exhibits into the record which was made by Mr. French, seconded by  
16 Mr. Palmer and the motion was unanimously approved.  
17

18 Chairman Farmer asked for a motion to approve or revise the Findings of Fact. Mr. Meadows made the  
19 motion to approve the Findings of Fact as presented by staff, which was seconded by Mr. Parker and the  
20 motion was unanimously approved.  
21

22 Chairman Farmer asked for a motion to approve or deny the variance request and to approve the Order  
23 of Approval. Mr. Palmer made a motion to approve the variance and the Order of Approval, which was  
24 seconded by Mr. Meadows and the motion was unanimously approved.  
25

#### 26 **PLANNING DIRECTOR UPDATES**

27 Ms. Coperine noted that Planning Director, Zac Gordon, could not attend tonight's meeting but that she  
28 wanted to advise the Board that Ryan Lipp had been hired as the new Senior Planner and would most likely  
29 be handling Board of Adjustment cases.  
30

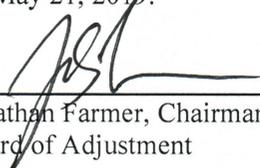
#### 31 **OTHER BUSINESS**

32 Chairman Farmer invited the Board members to sign the beam located in front of the building. He stated  
33 that it was the last beam that was being placed for the baseball stadium and that it was tradition to sign the  
34 beam.  
35

#### 36 **ADJOURN**

37 Chairman Farmer asked for a motion to adjourn which was made by Mr. Palmer, seconded by Mr. French  
38 and the motion was unanimously approved.  
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40 The meeting was adjourned at 6:24 PM on Tuesday May 21, 2019.  
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45 \_\_\_\_\_  
46 Jonathan Farmer, Chairman  
47 Board of Adjustment

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49 \_\_\_\_\_  
50 Pam Scaggs, Recording Secretary  
51 Board of Adjustment