



BOARD OF ADJUSTMENT AGENDA

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

**Tuesday, June 3, 2025
6:00 PM**

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – May 6, 2025**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**

a. BOA-2025-08 – Special Use Permit – 9170 Davidson Highway

Order is for approval of a Special Use Permit (SUP) submitted by the applicant, Sustar/Little LLC, to allow for a self-service storage facility in the General Commercial (GC) zoning district on an approximately 2.20 +/- acre portion of a 4.13 +/- acre property located at 9170 Davidson Highway, further identified as Cabarrus County Parcel Identification Number 46824023240000. **Note: This agenda item was continued from the May 6th meeting due to a request from the Board for more information from the applicant regarding off-site building visibility and lighting for the property.**

b. BOA-2025-09 – Certificate of Nonconformity Adjustment – 358 Oak Avenue Mall Drive

Order is for approval of a Certificate of Nonconformity Adjustment (CONA) submitted by the applicant, Rite Lite Signs, for property located at 358 Oak Avenue Mall Dr., to permit a wall mounted sign measuring 135 square feet, where a maximum of 32 square feet is allowed. The existing 135-square-foot sign was previously approved under CONA case BOA-2015-15. Section 2.5.E(4) of the Kannapolis Development Ordinance requires CONA approval prior to any change of use from one nonconforming use to another. The subject property is approximately 7.59 +/- acres, is zoned Center City (CC), and is identified as Cabarrus County Parcel Identification Number 56135929920000.

- 7. Planning Director Updates**
- 8. Other Business**
- 9. Adjourn**



**Board of Adjustment
June 3, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Mia Alvarez, Planner

SUBJECT: Case# BOA-2025-08: Special Use Permit – 9170 Davidson Highway
Applicant: Sustar/Little LLC

Request for a Special Use Permit to allow for a self-service storage facility on a property located at 9170 Davidson Highway.

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, Sustar/Little LLC, is requesting a Special Use Permit (SUP) to allow for a self-service storage facility in the General Commercial (GC) zoning district on an approximately 2.20 +/- acre portion of a 4.13 +/- acre property located at 9170 Davidson Highway, further identified as Cabarrus County Parcel Identification Number 46824023240000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for self-service storage uses in the GC zoning district. The Board of Adjustment heard this case on May 6, 2025, and continued the case to the June 3, 2025, meeting, requesting additional evidence from the applicant regarding off-site building visibility and lighting for the property.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.A(5) of the KDO requires that the Board of Adjustment shall only approve a Special Use Permit if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

Staff Findings of Fact - Based on application review:

Yes No

- | | | |
|--|--------------------------|--|
| <input checked="checked" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> <p>This property is in the "Secondary Activity Center" and "Complete Neighborhood 1" Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. The Secondary Activity Center area calls for primary uses consisting of retail, office, and multifamily residential. The Complete Neighborhood 1 area calls for primary uses consisting of single family residential and civic. The parcel is currently vacant. Surrounding uses consist of residential and an animal hospital</p> <p>Based on the character areas noted above, the proposed development is compatible with the future and existing uses in the surrounding area.</p> |
| <input checked="checked" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> <p>The proposed use of self-service storage is not expected to create any traffic hazards or cause traffic congestion.</p> |
| <input checked="checked" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.</p> <p>No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a self-service storage is expected as a result of this proposed use.</p> |
| <input checked="checked" type="checkbox"/> | <input type="checkbox"/> | <p>The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.</p> <p>The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed self-service storage would have a minimal impact on the surrounding properties.</p> |
| <input checked="checked" type="checkbox"/> | <input type="checkbox"/> | <p>The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.</p> <p>There is no apparent danger or detrimental impact to the overall public safety, health and welfare resulting from the proposed use. The proposed use is subject to all the requirements of the Kannapolis Development Ordinance.</p> |

- ☒ ☐ **The proposed use complies with all applicable provisions of the KDO.**
The proposed use shall comply with all sections of the Kannapolis Development Ordinance (KDO), conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.
- ☒ ☐ **The applicant consents in writing to all conditions of approval included in the approved special use permit.**
The applicant has been informed they must sign the Conditions of Approval for this SUP.

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 | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare. |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use complies with all applicable provisions of the KDO. |

☐
☐

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

G. Recommendation

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

Conditions of Approval proposed by staff:

1. The lot must be recombined as shown on the preliminary plat (included with this packet) to comply with the KDO requirement that the lot size for a self-service storage facility not exceed three (3) acres.
2. Access to the site must be established and meet the City's minimum requirements.
3. The number of storage units shall not exceed 599.

The Board of Adjustment should consider all facts and testimony after conducting the Public Hearing and render a decision accordingly to approve, approve with conditions, or deny the Special Use Permit.

H. Attachments

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Conceptual Site Plan
6. Elevation Rendering
7. Preliminary Plat
8. List of Notified Properties
9. Notice to Adjacent Property Owners
10. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

SPECIAL USE PERMIT REQUEST

Special Use Permit (SUP) – Request for SUP as required by Table 4.3.B(3) of the Kannapolis Development Ordinance (KDO).

Approval authority – Board of Adjustment.

Property Address: No Address Assigned, Parcel 4682-40-2324

Applicant: Sustar/Little LLC

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ 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])
- ☒ Please mark this box to authorize aerial drone photography of the site

PROCESS INFORMATION

Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Table 2.4.F(2) of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the 1st Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, application and site plan submittal, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D of the KDO.**

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: approve; approve with conditions; deny; or conduct an additional public hearing on the application. Per Section 2.5.A(5)c, the Board may approve a petition only if compliance with all standards is obtained.

Scope of Approval: Per Section 2.5.A(5)a.2 of the KDO, approval of a SUP does not authorize any development activity, but shall authorize the applicant to apply for final site plan approval. Zoning clearance permits will not be issued until the SUP and final site plan have been approved.

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

Signed by:

Applicant's Signature:

Patrick Sustar

07C3D3E75F3440F...

Date: 11/8/2024



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information
Name: Sustar/Little LLC
Address: PO Box 6600
Concord, NC 28027
Phone: (980) 521-0811
Email: psustar1@outlook.com

Property Owner Contact Information ☒ same as applicant
Name: _____
Address: _____
Phone: _____
Email: _____

Project Information
Project Address: No Address Assigned Zoning District GC
Parcel PIN: 4682-40-2324 Size of property (in acres): 2.2
Current Property Use: Vacant
Proposed Use: Self-Service Storage Facility

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)*:
Proposed Self-Service Storage facility located on the 2.2 acre parcel. One building, totaling 108,000 square feet is proposed, with a
160' x 225' (36,000SF) footprint. Two gates are proposed, limiting internal access. a 6' Type B and 8' Type C Landscape buffer shall abut ac

The site shall conform to KDO Specific Principal Use Regulations in Section 4.2.D.f.4.

REVIEW STANDARDS

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). Per Section 2.5.A(5)c of the Kannapolis Development Ordinance (KDO,) the applicant must demonstrate successful compliance with all standards to obtain a SUP. In the space provided below, indicate the **facts** that you intend to provide to convince the Board that it can properly reach the following conclusions:

1. The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City’s Comprehensive Plan.



The parcel is identified as a Secondary Activity Center in the Move Kannapolis Forward: 2030 Comprehensive Plan.

This place type provides daily needs and are generally located on intersections, near residential areas and interchanges,

with primary uses of retail and office.

2. **Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.**
The proposed use of a self-service storage facility is a low trip generating use. As proposed, 101 trips per day are anticipated.
In coordination with NCDOT, the site will access NC 73 (Davidson Highway) at the existing signalized intersection.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**
No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a self-service storage facility is expected to result from the proposed use.
4. **The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.**
The proposed use will have minimal impact on surrounding properties. Establishment of the proposed use will not impede development of the surrounding properties for allowed uses within their respective zoning district.
5. **The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.**
The proposed use will not be detrimental to or endanger public health, safety, or general welfare. The site shall be professionally managed, maintained, and operated.
6. **The proposed use complies with all applicable provisions of the KDO.**
The proposed use shall comply with all applicable provisions of the KDO, including supplemental use regulations.
7. **The applicant consents in writing to all conditions of approval included in the approved special use permit.**
Yes, the applicant consents in writing to all conditions of approval included in the approved special use permit.

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.

Signed by:	
	11/8/2024
Applicant Signature	Date
	11/8/2024
Property Owner Signature	Date

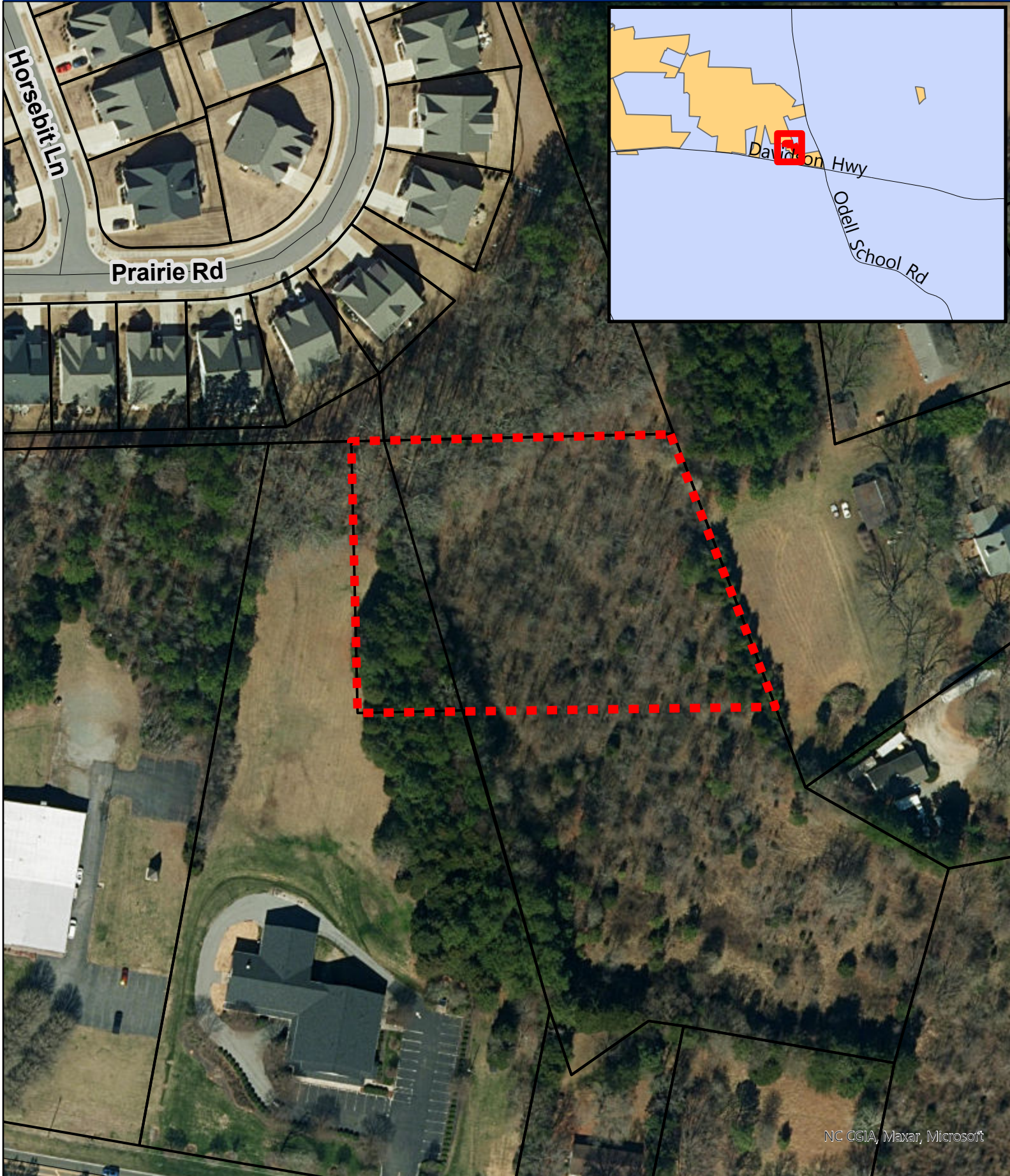


Vicinity Map

Case Number: BOA-2025-08

Applicant: Sustar/Little LLC

9180 Davidson Hwy



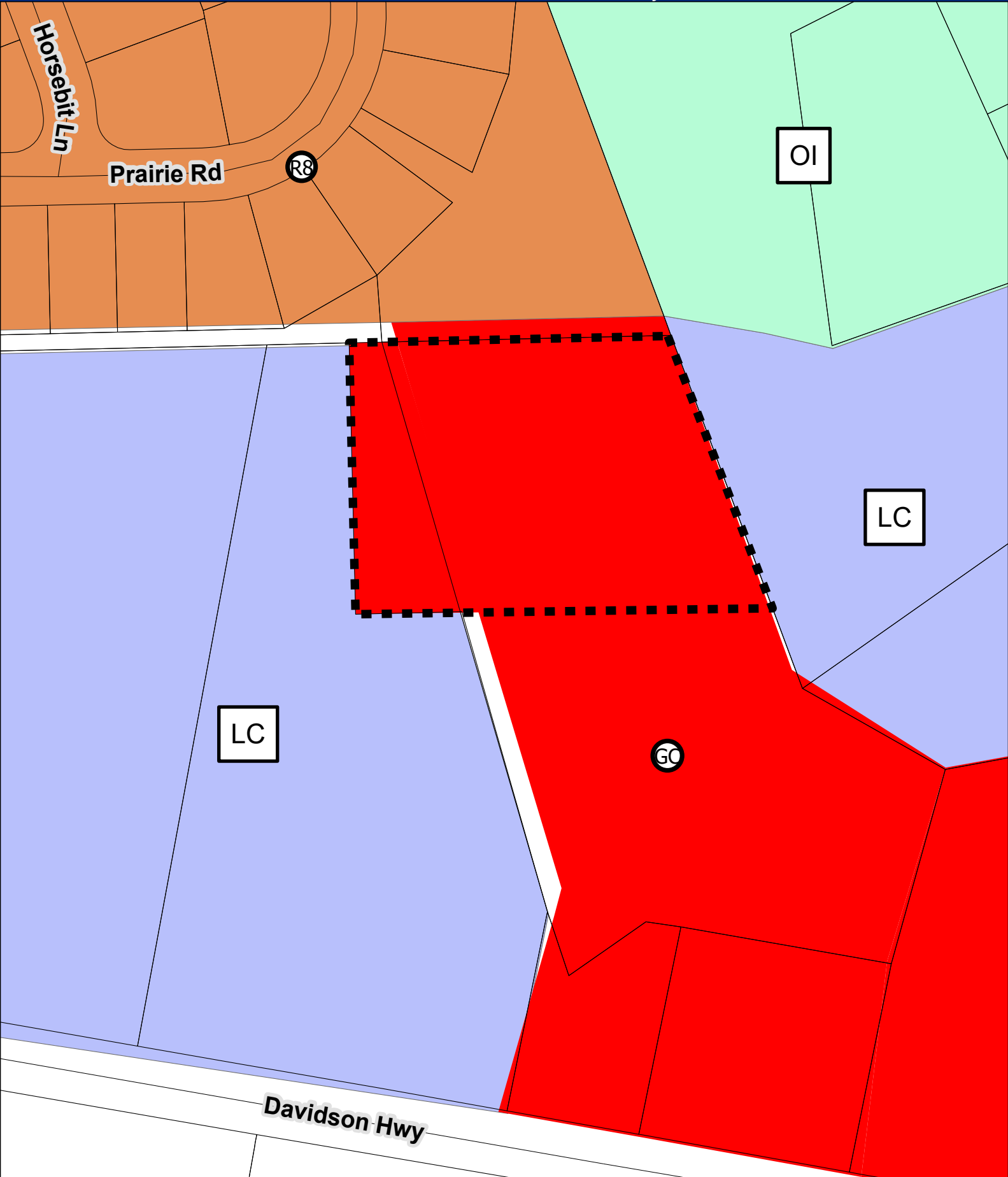


Kannapolis Current Zoning

Case Number: BOA-2025-08

Applicant: Sustar/Little LLC

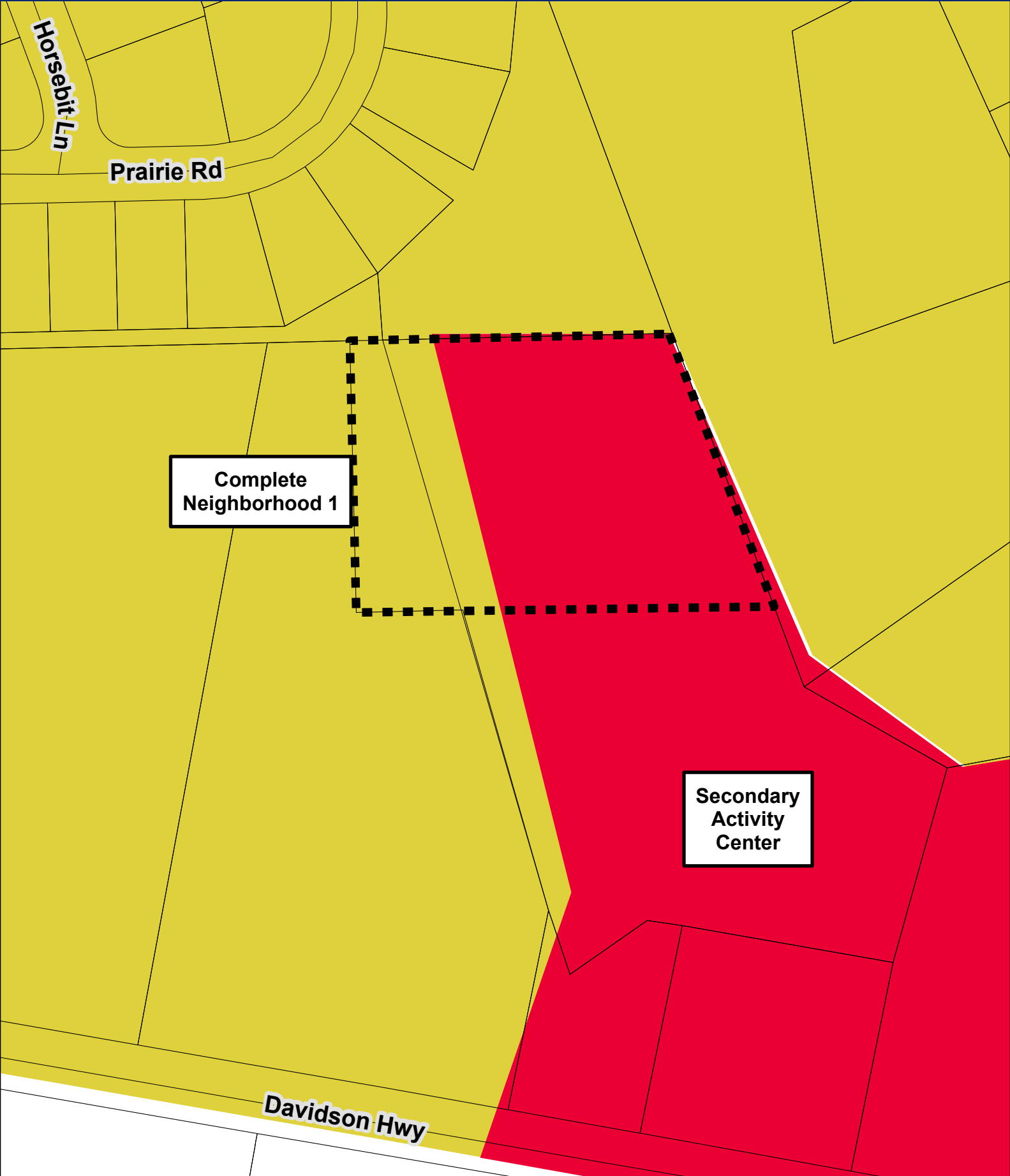
9180 Davidson Hwy





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-08
Applicant: Sustar/Little LLC
9180 Davidson Hwy



PARKER & ORLEANS HOMEBUILDERS, INC.
DB. 6534 PG. 274
4682-12-6914
ZONING: R8

DEVELOPMENT SUMMARY

TAX PARCEL ID #:	468-240-2324
TOTAL SITE AREA:	2.018 ACRES (87,909 SF)
EXISTING ZONING:	GC
PROPOSED USE:	SELF-SERVICE STORAGE
SETBACKS:	
Front:	10'
Side:	0'
Rear:	25' Abutting Residential Zone
Buffer:	8' Type C
Parking:	
Required:	1 Space per 200 Units 599 Units = 3 spaces
Proposed:	3 Spaces + 1 ADA Space
Impervious Coverage:	
Maximum:	80% of Site, 70,327 SF
Proposed:	75% of Site, 66,122 SF



1213 W morehead st ste 450
charlotte, nc 28208
P 704.334.3303
urbandesignpartners.com

nc firm no: P-0418 sc coa no: C-03044

PRELIMINARY DRAWING
FOR REVIEW PURPOSES ONLY

11/11/2024

Proposed Self Storage Building Unit Matrix						
Unit Size			Unit Area (SF)	% of NLSF	Total Area Per Unit Size	Number of Units
5	x	5	25	1%	775	31
5	x	10	50	3%	2,400	48
7.5	x	10	75	10%	7,800	104
10	x	10	100	19%	14,800	148
10	x	15	150	20%	15,600	104
10	x	20	200	33%	25,600	128
10	x	30	300	14%	10,800	36
Total				100%	77,775	599

Sustar/Little, LLC
Mr. Patrick Sustar

PO Box 6600
Concord, NC 28024

Odell Mini Storage

Special Use Permit Site Plan

9182 Davidson Hwy Concord, NC 28027

NO. DATE: BY: REVISIONS:

Project No: 23-CLT-157

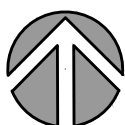
Date: 11.19.2024

Sheet No:

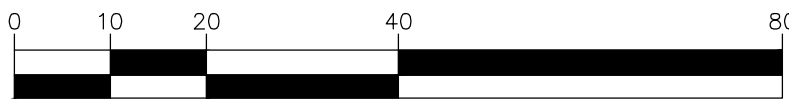
SP-1.0

SUSTAR/LITTLE, LLC
DB. 10291 PG. 179
4682-40-2324
ZONING: GC

DAVID GLENN YAWN
DB. 5643 PG. 168
4682-40-2979
ZONING: LC



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.





<u>SITE NOTES</u>			
<i>BUILDING SETBACK REQUIREMENTS (MINIMUM) ZONED GC (GENERAL COMMERCIAL), CITY OF KANNAPOLIS:</i>		<i>BUILDING SETBACK REQUIREMENTS (MINIMUM) ZONED LC (LIMITED COMMERCIAL), CABARRUS COUNTY:</i>	
FRONT:	10' FEET	FRONT:	30' FEET
SIDE YARD:	NONE	SIDE YARD:	10'
REAR YARD:	NONE	REAR YARD:	20'
LOT AREA:	NONE	LOT AREA:	10,000
LOT WIDTH:	50' FEET	LOT WIDTH:	50' FEET
BUILDING HEIGHT (MAX.):	48' FEET	BUILDING HEIGHT (MAX.):	40' FEET
DENSITY (MAX.):	18 UNITS per ACRE	IMPERVIOUS RATIO (MAX.):	75%
IMPERVIOUS RATIO (MAX.):	0.8		

OWNER 1	OWNER 1	MAIL ADDRESS 1	MAIL ADDRESS 2	CITY	STATE	ZIPCODE	
YAWN DAVID GLENN		YAWN DAVID GLENN	2131 ODELL SCHOOL ROAD	CONCORD	NC	28027	
LEWIS RICHARD JOHN	& LEWIS GAIL CLAGETT SPOUSE	LEWIS RICHARD JOHN & LEWIS GAIL CLAGETT	9581 HORSEBIT LN	CONCORD	NC	28027	
SUSTAR/LITTLE LLC		SUSTAR/LITTLE LLC	A NC LTD LIABILITY CO	PO BOX 6600	CONCORD	NC	28027
ROCKY RIVER ENTERPRISES LLC		ROCKY RIVER ENTERPRISES LLC	9280 DAVIDSON HWY	CONCORD	NC	28027	
CROSS LYMAN	& CROSS DEBORAH WF	CROSS LYMAN & CROSS DEBORAH WF	2176 PRAIRIE RD	CONCORD	NC	28027	
WELLINGTON CHASE HOMEOWN ASSOC		WELLINGTON CHASE HOMEOWN ASSOC	C/O CUSICK COMMUNITY MGMT	8008 CORPORATE CENTER DR	CHARLOTTE	NC	28226
GOODNIGHT DIANE	& GOODNIGHT MARIAN	GOODNIGHT DIANE & GOODNIGHT MARIAN	2175 PRAIRIE RD	CONCORD	NC	28027	
YAWN JENNIE H -TRUSTEE	& YAWN JENNIE H REVOC TRS4/22/03	YAWN JENNIE H -TRUSTEE & YAWN JENNIE H	C/O ELLEN Y LOSKOSKI	94 OLDE COTTAGE LN	MIDWAY	GA	31320
THOTAKURI VIJAY KUMAR		THOTAKURI VIJAY KUMAR	2135 ODELL SCHOOL RD	CONCORD	NC	28027	
SPANKE EDWARD	& SPANKE LINDA WF	SPANKE EDWARD & SPANKE LINDA WF	2164 PRAIRIE RD	CONCORD	NC	28027	
COLES WILLIAM EDWARD JR	& COLES SHANNA WEIGMAN WF	COLES WILLIAM EDWARD JR & COLES SHANNA WEIGMAN	2158 PRAIRIE RD	CONCORD	NC	28027	
YOUNG GWENDOLYN M	& MOORE CASANDRA	YOUNG GWENDOLYN M & MOORE CASANDRA	2182 PRAIRIE RD	CONCORD	NC	28027	
GREINER MICHAEL	& GREINER DIANE B	GREINER MICHAEL & GREINER DIANE B	2152 PRAIRIE RD	CONCORD	NC	28027	
CLARK MARK	& CLARK SHERRY WF	CLARK MARK & CLARK SHERRY WF	2146 PRAIRIE RD	CONCORD	NC	28027	
VSP BUSINESS LLC		VSP BUSINESS LLC	C/O SHAILESH V PANARA	1534 COPPERPLATE RD	CHARLOTTE	NC	28262



April 25, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday May 6, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-08 – Special Use Permit – 9170 Davidson Highway

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for self-service storage on property located at 9170 Davidson Highway. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for self-service storage uses in the General Commercial (GC) zoning district. The subject project site is an approximate 2.20 +/- acre portion of a 4.13 +/- acre property, and further identified as Cabarrus County Parcel Identification Number 46824023240000. **(Please see attached vicinity map showing the location of this property.)**

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

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4373 or malvarez@kannapolisnc.gov.

Sincerely,

Mia Alvarez
Planner

Enclosure

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Heather James, Human Resource Director, by phone at 704-920-4322 or by email at hjames@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.





**Board of Adjustment
June 3, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-09: Certificate of Nonconformity Adjustment– 358 Oak Avenue Mall Dr.

Applicant: Rite Lite Signs

Request for a Certificate of Nonconformity Adjustment to replace the non-conforming sign at 358 Oak Avenue Mall Dr. with a new non-conforming sign.

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 Certificate of Nonconformity Adjustment.
3. Motion to approve, approve with conditions, or deny the issuance of the Certificate of Nonconformity Adjustment.

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, Rite Lite Signs, is requesting a Certificate of Nonconformity Adjustment (CONA) to permit a wall mounted sign measuring 135 square feet, where a maximum of 32 square feet is allowed. The subject property is zoned Center City (CC) and consists of approximately 7.59 +/- acres located at 358 Oak Avenue Mall Dr., further identified as Cabarrus County Parcel Identification Number 56135929920000.

The current wall mounted sign is approximately 135 square feet and was approved under CONA case BOA-2015-15.

D. Policy Issues

Section 2.5.E(4) of the Kannapolis Development Ordinance requires the approval of a Certificate of Nonconformity Adjustment prior to:

- (1) Any change of use of a structure or land from one nonconforming use to another nonconforming use
- (2) Any expansion of or addition to structural parts of a nonconforming structure

Section 2.5.E(4) of the KDO requires that the Board of Adjustment shall only approve a Certificate of Nonconformity Adjustment if the applicant demonstrates that the criteria below have been met. For this type of case, the findings (other than the conditions) must be "No" in order for the criteria to be considered met. Staff analysis of each criterion is provided below.

Staff Findings of Fact - Based on application review:

Yes No

☐ ☒ **Noise - Does the nonconformity create noise above and beyond levels considered normal to the area?**

The nonconformity does not create noise.

☐ ☒ **Traffic - Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?**

This request will have no effect on traffic generated by the site.

☐ ☒ **Surrounding property values - Does the nonconformity detract from the prevailing property values?**

The nonconformity does not detract from prevailing land uses.

☐ ☒ **Aesthetics – Does the nonconformity detract from the overall aesthetic character of the area?**

This sign request would not change or detract from the overall aesthetic character of the area.

☒ ☐ **The applicant consents in writing to all conditions of approval included in the approved Certificate of Nonconformity Adjustment.**

The applicant has been informed they must sign the Conditions of Approval for this Certificate of Nonconformity Adjustment.

E. Legal Issues

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

In order to determine whether to grant a Certificate of Nonconformity Adjustment, the Board must find that each of the five criteria noted above have been met. If the Board concurs with the staff assessments for each of the criteria, then no additional findings of fact are necessary, and the Board may adopt the staff findings as part of its 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 five criteria below.

Should a Certificate of Nonconformity Adjustment be approved, the Board may impose such reasonable conditions as will ensure that the use of the property to which the certificate applies will be as compatible as practicable with the surrounding properties. Any approval granted will “run with the land” and subject all future property owners to the same restrictions.

Yes No

☐
☐

Noise - Does the nonconformity create noise above and beyond levels considered normal to the area?

☐
☐

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

☐
☐

Surrounding property values - Does the nonconformity detract from the prevailing property values?

☐
☐

Aesthetics - Does the nonconformity detract from the prevailing property values?

☐
☐

The applicant consents in writing to all conditions of approval included in the approved Certificate of Nonconformity Adjustment.

F. Recommendation

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

The Board of Adjustment should consider all facts and testimony after conducting the Public Hearing and render a decision accordingly to approve, approve with conditions, or deny the Certificate of Nonconformity Adjustment.

G. Attachments

1. Certificate of Nonconformity Adjustment Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. List of Notified Properties
6. Notice to Adjacent Property Owners
7. Posted Public Notices

I. Issue Reviewed By:

Planning Director	X
City Attorney	X



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

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. Please either bring this application to the address above or email to bbarcroft@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

CERTIFICATE OF NONCONFORMITY ADJUSTMENT REQUEST

Certificate of Nonconformity Adjustment (CONA) – Request for CONA as required by Article 7 of the Kannapolis Development Ordinance (KDO) to enlarge, expand, or otherwise alter a Nonconforming Use or Structure.

Approval authority – Board of Adjustment.

Property Address: 358 Oak Avenue Mall Drive Kannapolis, NC 28081

Applicant: Rite Lite Signs

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ 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])
- ☒ Please mark this box to authorize aerial drone photography of the site

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 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Board of Adjustment for consideration at a public hearing which is held monthly on the first Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, submittal of the application and site plan, and payment of fees, must be completed prior to scheduling the public hearing. Please review Section 2.4.D. of the KDO.**

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: 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: _____

4-30-25



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

CERTIFICATE OF NONCONFORMITY ADJUSTMENT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Seth Leavister

Address: 1000 Biscayne Drive
Concord, NC 28027

Phone: 704-956-5196

Email: permits@ritelightsigns.com

Property Owner Contact Information ☐ same as applicant

Name: Angela Pierce (Premier Real Estate Team)

Address: 210 Oak Avenue
Kannapolis, NC 28081

Phone: 704-796-3433

Email: _____

Project Information

Project Address: 358 Oak Avenue Mall Dr. Kannapolis, NC 28081 Zoning District Select X

Parcel PIN: 5613-59-3915-0000 Size of property (in acres): 7.89 acres

Current Property Use: Grocery/Retail

Describe the nonconformity: Sign we want to install is larger than 36 sq
ft.

Proposed enlargement, expansion, or alteration (attach separate sheet if necessary): 18" Illuminated
Channel Letters (134.83 sq ft)

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?

No

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

No

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

No

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

No

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

Compliment

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.



Applicant Signature

4-30-25

Date



Property Owner Signature

4/30/2025

Date

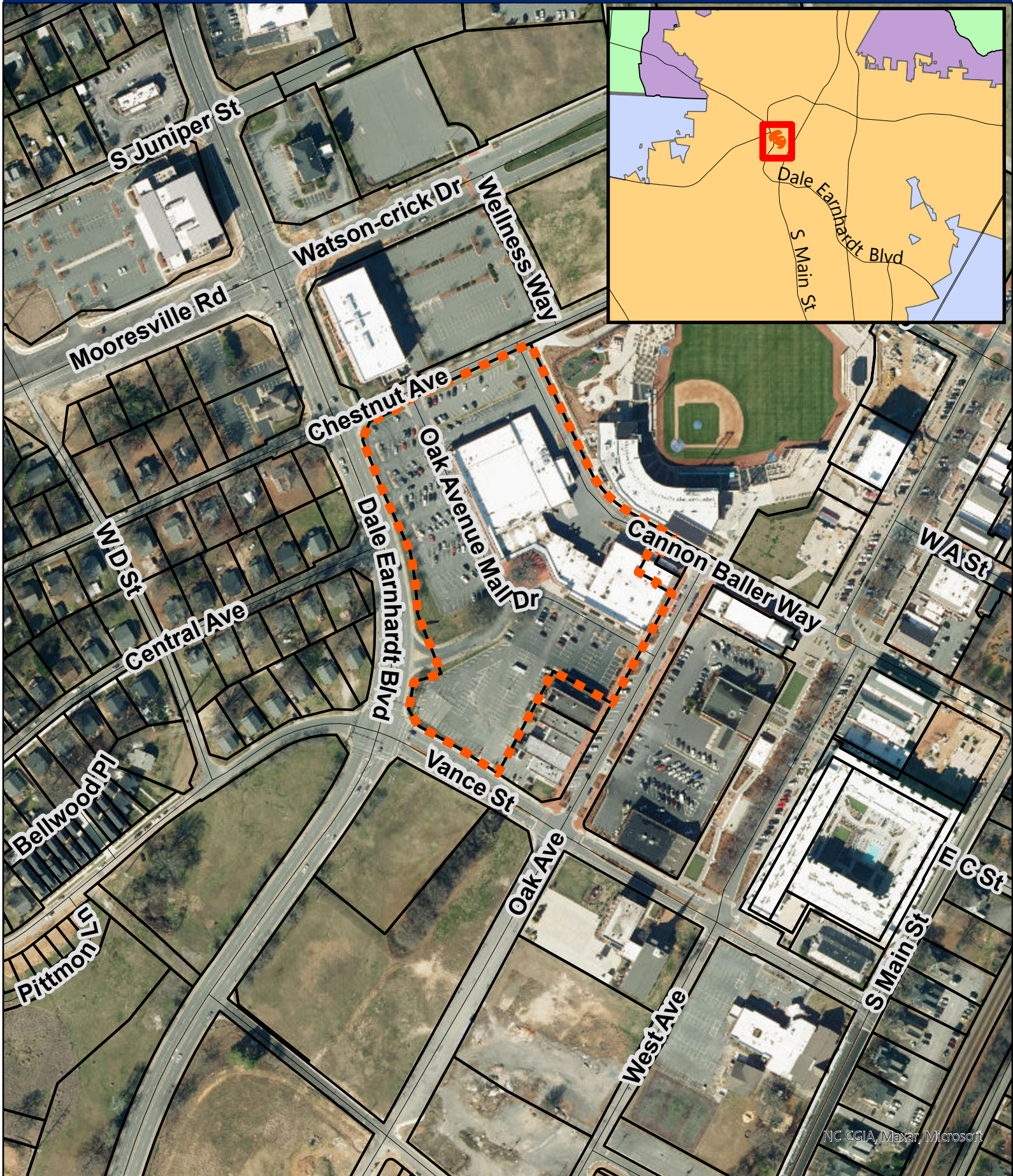


Vicinity Map

Case Number: BOA-2025-09

Applicant: Rite Lite Signs

358 Oak Avenue Mall Dr





Kannapolis Current Zoning

Case Number: BOA-2025-09

Applicant: Rite Lite Signs
358 Oak Avenue Mall Dr



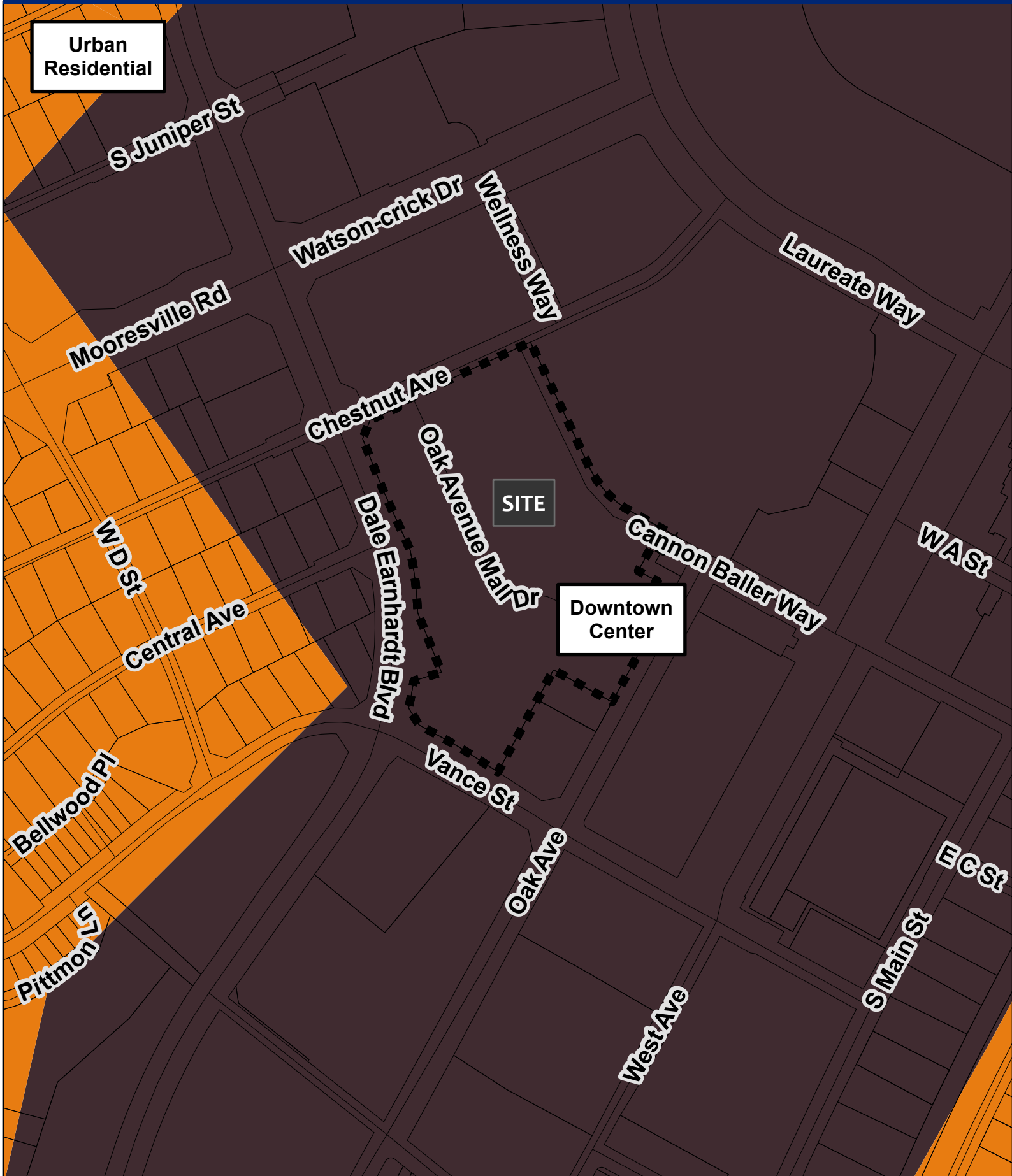


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-09

Applicant: Rite Lite Signs

358 Oak Avenue Mall Dr



AcctName1	MailAddr1	MailAddr2	MailCity	MailState	MailZip	Cc acres
CITY OF KANNAPOLIS	401 LAUREATE WAY		KANNAPOL	NC	28081	
KANNAPOLIS LAND PARTNERS LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
KANNAPOLIS LAND PARTNERS LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
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KANNAPOLIS LAND PARTNERS LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
CITY OF KANNAPOLIS	ATTN: CITY MANAGER	401 LAUREATE WY	KANNAPOL	NC	28081	
PREMIER REAL ESTATE TEAM INC	210 OAK AVE		KANNAPOL	NC	28081	
PREMIER REAL ESTATE TEAM INC	210 OAK AVE		KANNAPOL	NC	28081	
PREMIER REAL ESTATE TEAM INC	210 OAK AVE		KANNAPOL	NC	28081	
CITY OF KANNAPOLIS	ATTN: CITY MANAGER	401 LAUREATE WY	KANNAPOL	NC	28081	
KANNAPOLIS LAND PARTNERS LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
RIGHT FIELD DEVELOPMENT LLC	1290 W EAU GALLIE BLVD STE 900		MELBOURN	FL	32935	
CITY OF KANNAPOLIS	401 LAUREATE WAY		KANNAPOL	NC	28081	
OAK AVENUE DYNAMIC HOLDINGS LLC	210 OAK AVE		KANNAPOL	NC	28081	
KANNAPOLIS LAND PARTNERS LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
TEMERITY PARCEL F	1120 20TH ST NW STE 7205		WASHINGT	DC	20036	
CITY OF KANNAPOLIS	401 LAUREATE WAY		KANNAPOL	NC	28081	
BGO KANNAPOLIS OWNER LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
KANNAPOLIS LAND PARTNERS LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
KANNAPOLIS LAND PARTNERS LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
KANNAPOLIS LAND PARTNERS LLC	1213 W MOREHEAD ST STE 150		CHARLOTT	NC	28208	
CITY OF KANNAPOLIS	401 LAUREATE WAY		KANNAPOL	NC	28081	
OAK AVENUE DYNAMIC HOLDINGS LLC	210 OAK AVE		KANNAPOL	NC	28081	
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OAK AVENUE DYNAMIC HOLDINGS LLC	210 OAK AVE		KANNAPOL	NC	28081	
OAK AVENUE DYNAMIC HOLDINGS LLC	210 OAK AVE		KANNAPOL	NC	28081	
OAK AVE PARTNERS LLC	8906 DARCY HOPKINS DR		CHARLOTT	NC	28277	



May 23, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday June 3, 2025 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-09 – Certificate of Nonconformity Adjustment – 358 Oak Avenue Mall Dr.

The purpose of this Public Hearing is to consider a request for a Certificate of Nonconformity Adjustment (CONA) for property located at 358 Oak Avenue Mall Dr. The requested CONA is to permit a wall mounted sign measuring 135 square feet, where a maximum of 32 square feet is allowed. The current wall mounted sign is approximately 135 square feet and was approved under CONA case BOA-2015-15. Section 2.5.E(4) of the Kannapolis Development Ordinance requires the approval of a CONA prior to any change of use of a structure or land from one nonconforming use to another nonconforming use.

The subject property is zoned Center City (CC) on approximately 7.59 +/- acres of property located at 358 Oak Avenue Mall Dr. and further identified as Cabarrus County Parcel Identification Number 56135929920000 (**Please see attached vicinity map showing the location of this property**).

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

If you have any questions about the public hearing or request, please do not hesitate to contact the Planning Department at 704.920.4355 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

In accordance with Title II of the Americans with Disabilities Act (ADA), any person requiring an accommodation to participate in a function or program of the City of Kannapolis should contact Daniel Jenkins, Assistant Human Resources Director & ADA Coordinator by phone at 704-920-4312, email adacoordinator@kannapolisnc.gov, or in person at Kannapolis City Hall as soon as possible, but not later than forty-eight (48) hours prior.



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # BOA - 2025-09

KANNAPOLIS

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PUBLIC HEARING
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