

CITY OF KANNAPOLIS, NC

BOARD OF ADJUSTMENT

Minutes of Meeting

August 5, 2025

6:00 PM

The Kannapolis Board of Adjustment met on Tuesday, August 5, 2025, at 6:00 PM in the Laureate Center of City Hall. This meeting was held in accordance with required public notice, as well as announced on the City's website.

Board Members Present: Holden Sides, Vice Chair
Danielle Martini
Jeff Parker
Wilfred Bailey, Sr.
Chris Dwigins
Ronald Flanders, Alternate

Board Members Absent: Emily Joshi, Chair

Staff Present: Wilmer Melton, Assistant City Manager
Richard Smith, Planning Director
Elizabeth McCarty, Assistant Planning Director
Ben Barcroft, Senior Planner
Mia Alvarez, Planner
Kathryn Stapleton, Planner
Zulena Anderson, Planning Technician

Attorneys: Andrew Kelly, City Attorney
Evan Lee, Board Attorney

Visitors Present: William Baggett
Sandy Howell
Thomas Carver
Susan Carver
LaDanna Roberts
Carson Purvis
Kelly Correll
Mimi Correll
Zimri Alvarez
Elizabeth Alvarez

1 Pinakin Thalon
2 Mahesh Patel
3 Jenna McClannon
4 Michael McClannon
5 Derek Hardin
6 Boyd Hardin
7 Jerry Hardin
8 Ben Carver
9 Robin Carver
10 Kamryn Carver
11 Janet Martin
12 Jamey Collins
13 Debra Perez
14 Anahi Carmona
15 Tania Carmona
16 Chris Howell
17 Nicholas Parker
18 Chris Peffer
19 Santhosh Addagoodi
20

21 **CALL TO ORDER**

22 Vice Chair Sides called the meeting to order at 6:03 P.M.
23

24 **ROLL CALL AND RECOGNITION OF QUORUM**

25 Recording Secretary Zulena Anderson conducted the roll call and a quorum was determined to be
26 present.
27

28 **APPROVAL OF AGENDA**

29 Vice Chair Sides asked for a motion to approve the agenda, which was made by Mr. Parker,
30 second by Ms. Martini, and the motion was unanimously approved.
31

32 **APPROVAL OF MINUTES**

33 Vice Chair Sides asked for a motion for the approval of July 1, 2025, minutes, which was made
34 by Ms. Martini, second by Mr. Dwiggin, and the motion was unanimously approved.
35

36 **SWORN IN FOR TESTIMONY**

37 Mia Alvarez, Ben Barcroft, Kathryn Stapleton, Sandy Howell, Santhosh Addagoodi, Zimri
38 Alvarez, Elizabeth Alvarez, Debra Perez, Kelly Correll, Jenna McClannon, Kamryn Carver,
39 Nicholas Parker, LaDanna Roberts, and William Baggett were sworn in for testimony.
40

41 **PUBLIC HEARING**

42 City Attorney Kelly introduced Attorney Evan Lee. Mr. Kelly stated that Mr. Lee will be the new
43 attorney for the Board going forward. Mr. Kelly mentioned that Mr. Lee will be advising the
44 Board on their procedures and answering any questions they may have.
45

BOA-2025-10- Request for a Special Use Permit (SUP) Submitted by Green Street Peak GP LLC to allow for a pocket neighborhood development at 403 Alpine St. Note: This agenda item was continued from the July 1, 2025, meeting at the request of the Board in order for additional information to be provided.

Mr. Smith addressed the Board stating that he wanted to provide an update on this case that was continued from last month's meeting. He noted that he was not in town during July's meeting and apologized for his absence. Mr. Smith offered guidance to the Board in his capacity as Planning Director. He highlighted that City Council approved a text amendment earlier this year related to the use of pocket neighborhoods. He explained that this amendment was reviewed by the Planning and Zoning Commission, which recommended approval to City Council. This amendment to the Kannapolis Development Ordinances (KDO) allows up to thirty dwelling units for pocket neighborhoods with the issuance of a Special Use Permit. Mr. Smith clarified that a pocket neighborhood development can have up to twelve units by right, while developments with thirteen to thirty units require a Special Use Permit.

Mr. Smith explained that staff cannot require residential renderings as part of the approval process. He noted that applicants may voluntarily share renderings if they choose, but it cannot be made a condition.

Mr. Smith encouraged the Board to focus on ensuring cases align with the findings of fact, noting that parking requirements are reviewed at the staff level. He reminded the Board that other departments, including Engineering and Fire, also review proposed developments to confirm all requirements are met. He added that the Engineering Department has reviewed storm drainage and verified the site meets both City and state standards. Mr. Smith further noted that the applicant is an engineer and that the development is expected to improve storm drainage facilities in the area.

Mr. Smith also explained that the City will not require offsite street improvements for this project due to its size. He clarified that such improvements are typically required for larger developments, citing the Bakers Creek project of approximately 300 residential units off of 18th and 20th Streets as an example. He stated that the proposed project will, however, require a connection from Snipe Street through the development to Alpine Street. While the project itself does not trigger street improvements, Mr. Smith noted that it could increase the likelihood of the City's scheduling improvements for the surrounding roadway network in the future.

Mr. Smith noted that the proposed development meets the screening requirements as well as the 2030 Comprehensive Plan. He explained that City Council has identified these types of projects as helping address the need for affordable housing. He also highlighted the applicant's statement that the homes will include attics designed for future improvement, with HVAC already accommodated. This approach allows for smaller initial square footage with the option to expand

1 later, supporting affordability. Mr. Smith further noted that, if approved, this would be the first
2 pocket neighborhood in Kannapolis.

3 Mr. Barcroft gave a presentation regarding case BOA-2025-10, which was entered into the
4 record as Exhibit 1. He stated that the applicant is Nicholas Parker, the site is approximately 4.67
5 acres, and the request is for a Special Use Permit to allow a 27-unit pocket neighborhood. He
6 noted that this case is a continuation from the July 1, 2025, meeting.

7 Mr. Barcroft reviewed the text amendment approved in April 2025, which increased the
8 maximum number of units in a pocket neighborhood from twelve to thirty. He explained that any
9 development exceeding twelve units requires a Special Use Permit along with compliance with
10 additional standards.

11 He then addressed the additional information requested by the Board at the July meeting. This
12 included architectural renderings (provided voluntarily), the roadway width and traffic capacity
13 of Snipe Street, the proposed location for garbage collection, the width and length of the
14 proposed alleys, and stormwater measures.

15 Mr. Barcroft stated that the site is zoned R-8, is surrounded by single-family residences, and that
16 the proposed development would be compatible with both existing and future land uses. He
17 explained that the future land use designation for the property is Urban Residential, which
18 supports both attached and detached single-family dwellings, and therefore aligns with the
19 proposal.

20 As part of the presentation, Mr. Barcroft displayed street view images from Alpine Street and
21 Snipe Street, drone footage of the site, and the preliminary plat for the proposed development.
22 Mr. Barcroft reviewed staff findings of fact as follows:

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

25 The Move Kannapolis Forward 2030 Comprehensive Plan designates the subject parcels
26 as being located in the "Urban Residential" Character Area. The property is currently
27 zoned Residential 8 (R8). Within this district, pocket neighborhood developments are
28 permitted by right for up to 12 units. Proposals requesting between 13 and 30 units
29 require the issuance of a Special Use Permit. The proposed pocket neighborhood
30 development consists of 27 single-family detached units, resulting in a density of
31 approximately 5.78 units per acre. This proposal aligns with both the recommended land
32 use for the character area and the desired density range of 4 to 10 units per acre, as
33 outlined in the Comprehensive Plan. Additionally, it remains within the R8 zoning
34 district's maximum allowable density of 8 units per acre.

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

1 The proposed pocket neighborhood development includes access from Alpine Street and
2 a new connection to Snipe Street, which will help distribute traffic flow and reduce
3 potential congestion. The site design incorporates appropriate ingress and egress to
4 ensure safe and efficient access, minimizing traffic hazards on adjacent public streets.
5 Further, the extension of Snipe Street to intersect with Alpine Street will increase
6 connectivity for this area of the City. Increased connectivity allows greater accessibility
7 for through travel and overall public safety.

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

10 The proposed pocket neighborhood development will not generate any noxious or
11 offensive vibration, noise, odor, dust, smoke, or gas.

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

15 The proposed development will not impede the orderly development of surrounding
16 properties, as it is compatible with the character and scale of the surrounding
17 neighborhood.

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

20 As indicated by the applicant, the proposed development will not be detrimental to or
21 endanger the public health, safety, or general welfare.

22 **6. The proposed use complies with all applicable provisions of the KDO.**

23 The applicant has indicated and staff has verified that the project will comply with all
24 applicable provisions of the Kannapolis Development Ordinance, including the use-
25 specific standards in Section 4.2.D(3)a.4.

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

28 N/A unless the Board of Adjustment determines to add conditions.

29 Mr. Barcroft stated staff recommends the issuance of the special use permit, but the Board must
30 decide that each of the six findings has been met and that the additional approval criteria has
31 been satisfactorily addressed.

32 Mr. Barcroft shared that the Transportation and Environmental Services Department said that the
33 sanitation trucks can use the alleyways and back in and out twice; however, the City would not
34 repair the private roads if there is any damage by the trucks. As Mr. Smith said previously, the
35 City will not require updates to Snipe or Alpine off-site. He said other information will be
36 answered by the applicant. He then made himself available for questions.

37 Mr. Bailey thanked staff for the clarification

1 There being no additional questions or comments for staff, the applicant was asked to step
2 forward.

3 The applicant, Nicholas Parker with Green Street Capital Partners, introduced himself as both the
4 developer and engineer for the proposed project, noting that he is serving in dual roles. Mr.
5 Parker presented a color rendering of the site, explaining that it provides greater clarity than the
6 black-and-white preliminary plat shared at the prior meeting, particularly in showing the
7 locations of parking and alleys. He stated that each unit will have two dedicated parking spaces,
8 in addition to both on and off-street parking, consistent with staff comments.

9 Mr. Parker displayed architectural renderings of the proposed houses and emphasized that all
10 homes will be designed and constructed to meet the U.S. Department of Energy's Net Zero
11 Energy Home standards. He noted that, if approved, this project would become the largest net
12 zero home community in North Carolina, which he believes would be a significant benefit to
13 Kannapolis.

14 Mr. Parker also shared an example of a cottage court community his company developed in
15 Cramerton, North Carolina, describing it as well-maintained, landscaped, and now nearly ten
16 years old. He highlighted the community's linear parks, large front porches, and noted that home
17 values there have nearly doubled since construction. Mr. Parker expressed pride in that project
18 and stated his hope of bringing the same quality and success to Kannapolis.

19 Mr. Parker, the Board member, thanked the applicant for providing additional renderings. He
20 then asked if the neighborhood would have an HOA. The applicant replied that there will be an
21 HOA like one of a townhome community in which all the yards will be maintained and not just
22 the common open areas.

23 There being no further questions or comments for staff or the applicant, Vice Chair Sides opened
24 the public hearing. Mr. Sides explained that the Board of Adjustment operates differently from a
25 Planning or Zoning Board, as this is an evidentiary hearing similar to a court proceeding. He
26 stated that state law requires specific procedures and rules for how the Board makes its decisions,
27 and these decisions differ from other land use actions such as rezonings. He emphasized that the
28 Board's discretion is limited and its rulings must be based on relevant, competent, and substantial
29 evidence in the record.

30 Mr. Sides noted that the Board of Adjustment is a quasi-judicial body, meaning the hearing is not
31 a popularity contest. He requested that all witnesses focus on facts and applicable standards,
32 rather than personal preferences or feelings. He further explained that while the meeting is open
33 to the public, participation is limited. Parties eligible to speak include the applicant, the local
34 government, and individuals who can demonstrate that they may suffer damage from the
35 decision; other individuals may serve as witnesses if called by the Board.

1 Mr. Sides clarified that general witness testimony must be limited to factual statements rather
2 than opinions, and that qualified expert witnesses are required for specialized subjects such as
3 property values. He stated that all individuals wishing to speak must first be sworn in and must
4 state their name for the record.

5 Kamryn Carver, 106 Emily Ivy Court, said she is speaking on behalf of Thomas Carver at 215
6 Bessie Street. She said they are wondering if there was any plan for keeping trees due to wildlife.
7 She asked if there is any plan to install a fence around the perimeter to give existing homeowners
8 privacy.

9 Jenna McClannon, 210 Snipe Street, stated that she lives in the last house to the right of the
10 proposed development site and that the project would significantly impact her. She explained that
11 she has attempted to contact the City regarding a grandfathered working well on her property and
12 expressed concern that an extension of Snipe Street could result in the loss of her well. She asked
13 how far into her yard the street expansion might extend, noting her understanding that the right-
14 of-way may be approximately 40 feet. Ms. McClannon also raised concerns about whether the
15 proposed development would include fencing.

16 Kelly Correll, 1407 Price Avenue, stated that he shares the same concerns expressed by Ms.
17 McClannon and Ms. Carver. He noted that Snipe Street is approximately thirteen feet wide,
18 which does not allow two cars to pass without one pulling over. Mr. Correll expressed concern
19 that if the development includes 30 units with two vehicles each, the resulting daily traffic could
20 equal about 120 trips, potentially totaling 200 vehicles per day. He estimated that roughly half of
21 this traffic would use Alpine Street and the other half Snipe Street, creating conflicts that may
22 lead to vehicles entering yards or driveways.

23 Mr. Correll further stated that he spoke with Fire Marshal Don Gray and former Fire Marshal
24 Shane Pethel regarding street width concerns. He reported that both indicated a 20-foot-wide
25 street is required, whereas Snipe Street measures only about thirteen feet. Mr. Correll added that
26 Mr. Pethel told him a proposed development off Gary Avenue was previously rejected because it
27 could not achieve the required 1,000-gallon fire flow from a hydrant. He concluded by stating
28 that he is uncertain whether hydrant capacity in the area has since been improved, but that it
29 remains a concern.

30 Debra Perez, 407 Alpine Street, said she has a question on what will be done to Alpine Street if
31 the proposed development takes place. Ms. Perez states Alpine Street is currently more of a one
32 lane street. Ms. Perez said that garbage trucks back out because they cannot turn around, and cars
33 that do go through turn on her driveway. She said larger vehicles cannot turn on her driveway, so
34 they back up. Ms. Perez said her property is located right next to the water quality feature/sand
35 filter on the preliminary plat which makes her also wonder if the project is planned to be fenced.

36 There being no additional questions or comments for staff or the applicant, Vice Chair Sides
37 closed the Public Hearing.

1 Mr. Sides asked staff if they wished to address any additional matters raised during the public
2 hearing. Mr. Barcroft responded that he could answer several of the questions. He stated that the
3 proposed development will be subject to full site plan review and that the City will not require
4 fencing for the project. He further explained that the project will not encroach upon any existing
5 wells, that the streets will not be widened, and that there is an existing right-of-way in front of
6 nearby properties. Mr. Barcroft added that he is not aware of the City needing to utilize that area.

7 Mr. Dwiggins asked about Alpine Street. Mr. Barcroft replied that the proposed development can
8 improve the issue Ms. Perez mentioned of cars backing out on her property because vehicles will
9 have the option of going through Snipe Street.

10 Ms. Martini asked about the right-of-way for Alpine Street. Mr. Barcroft acknowledged that the
11 existing street is narrow; however, Planning Director Richard Smith confirmed that the right-of-
12 way is 50 feet.

13 Vice Chair Sides asked for a motion to accept the City's exhibits into the record, which was
14 made by Ms. Martini, second by Mr. Bailey. Mr. Parker said he opposes.

15 Vice Chair Sides asked for a motion to approve or revise the Findings of Fact. Ms. Martini made
16 the motion to approve the Findings of Fact. Mr. Parker mentioned he opposes; while he
17 understands the proposed development will meet the City's land use plan, he feels it will not be
18 in harmony with the area. He explained that if the proposed development was in a different area
19 where there are not any existing houses, it would be better. Mr. Parker said multiple changes
20 would need to be made to the area to make the development work due to the number of houses as
21 well as people who will be using the site. Mr. Parker stated he does not agree with the first
22 Findings of Fact.

23 Ms. Martini asked for confirmation that the proposed project will consist of single-family homes.
24 Mr. Smith and Mr. Barcroft said yes.

25 Vice Chair Sides told the Board members that they will need either a second motion to accept the
26 City's exhibits into the record or a motion to revise the facts. Mr. Parker made a motion to revise
27 the Findings of Fact, second by Mr. Dwiggins.

28 Mr. Smith asked for clarification for why the proposed development is believed to not be in
29 harmony. Mr. Parker said that due to the roadways not going to be improved and that he believes
30 the proposed development will not meet the requirements of the existing neighborhood. He also
31 said he thinks the proposed development will lead the area to be too dense. Mr. Parker said the
32 case would have been different if the proposed development contained half of the units planned.

33 Mr. Lee stated to be clear, harmony pertains only to the zoning district and not to the aesthetic
34 value of the neighborhood.

1 Vice Chair Sides asked for the Board members who are in favor to revise the Findings of Fact to
2 raise their hand to clarify. Mr. Parker, Mr. Dwiggins, Mr. Bailey, and Mr. Flanders raised their
3 hands. Vice Chair Sides asked for those who oppose revising the Findings of Fact to raise their
4 hands. Mr. Sides and Ms. Martini raised their hands.

5 Vice Chair Sides concluded that the Board has made the decision to revise the Findings of Fact
6 to say that the land use is not in harmony with the surrounding properties.

7 Ms. Martini commented that the zoning district allows for up to 37 units to be built on this site,
8 but the proposed development will only be 27 units, therefore, according to the City this project
9 can be done and meets the requirements.

10 Mr. Bailey expressed hesitation regarding the proposed development, noting that Snipe Street
11 functions more as a pathway than a proper road, which could make vehicle access challenging.
12 Ms. Martini responded that there is an existing right of way sufficient to fit three cars across. She
13 also emphasized that the project must comply with all City guidelines, including engineering and
14 roadway standards, meaning Snipe Street would no longer remain narrow.

15 Mr. Bailey stated that the City would not be improving nearby streets, which he understood, and
16 asked if his understanding was correct. Mr. Smith clarified that Mr. Bailey was asking whether
17 the City or developer would improve the site's adjacent streets. He explained that improvements
18 to the adjacent streets would be scheduled by the City but would not occur immediately upon
19 project completion. However, the proposed development could expedite when street
20 improvements are made.

21 Mr. Sides asked if streets not meeting Fire Code width could also accelerate City improvements,
22 and Mr. Smith confirmed this. He added that the City does not intend to encroach on private
23 property to improve streets, instead utilizing existing rights-of-way. Unlike NCDOT roads, City-
24 maintained streets typically do not have their rights-of-way extended.

25 Mr. Bailey reiterated that the adjacent streets are more like pathways, which could make entering
26 and exiting the neighborhood difficult, though navigating within the subdivision would not be an
27 issue. Mr. Smith acknowledged his point and noted that the development would likely increase
28 the chances of the streets being improved.

29 Mr. Sides asked if the site could have other residential dwellings built by right without obtaining
30 a SUP. Mr. Smith said yes due to it being zoned Residential 8 which allows for up to eight units
31 per acre meaning they could build a subdivision without a permit if it is not a pocket
32 neighborhood.

33 Mr. Sides asked Board Attorney Even Lee for guidance on the Board's position regarding the
34 case. Mr. Lee stated that the Board had made a motion to amend the Findings of Fact because the
35 proposed use was not in harmony. He explained that, to approve a SUP, the Board must agree
36 with each Finding of Fact; failure to do so effectively results in denial of the SUP.

1 Mr. Lee recommended that the Board make a motion to either approve or deny the SUP, rather
2 than revising the Findings of Fact, to clearly convey their decision. He noted, however, that since
3 the Board is still in the debate phase, they may choose to continue discussing the case.

4 Mr. Sides asked if another vote was required. Mr. Lee confirmed that the Board must vote to
5 either approve or deny the SUP.

6 In light of the Board's action not to accept staff's findings and evidence, Vice Chair Sides asked
7 for a motion to approve, approve with conditions, or deny the issuance of the Special Use Permit.
8 Vice Chair Sides asked for all of those in favor to approve the request to raise their hands. Ms.
9 Martini, Mr. Sides, and Mr. Bailey raised their hands. He then asked for those who oppose to
10 raise their hands. Mr. Parker, Mr. Flanders, and Mr. Dwiggins raised their hands. The motion
11 failed due to lack of a majority vote to pass.

12 Mr. Sides asked Mr. Lee if anything else must be done. Mr. Lee responded that once the vote
13 fails, the matter is directed back to staff to issue a letter with the Board's decision not to approve
14 the request.

15 **BOA-2025-12 – Request for a Variance submitted by Zimri Alvarez. The applicant is**
16 **requesting an encroachment into the required rear and interior side yard setback for**
17 **property located at 1703 Lane St.**

18 Ms. Stapleton gave a presentation regarding case BOA-2025-12 and made part of these minutes,
19 as Exhibit 2. She stated that the applicant/property owner is Zimri Alvarez, and the lot is
20 approximately 0.23 acres. Ms. Stapleton said the applicant is requesting to encroach 20 feet into
21 the rear yard setback and 5 feet into the interior side yard setback for an Accessory Dwelling
22 Unit (ADU) in the Residential 4 conditionally zoned (R4-CZ) district. She explained that the
23 property was formerly zoned Office-Institutional (O-I) which does not permit an ADU and that
24 Cabarrus County inadvertently issued permits as well as occupancy without review nor approval
25 from the City of Kannapolis. Ms. Stapleton mentioned the Planning and Zoning Commission
26 approved the request to rezone the site under case CZ-2025-03 in order to allow the ADU. She
27 also explained that Accessory Dwelling Units in residential districts are required to meet the
28 setbacks of the primary single-family dwelling unit in the R4 district in which the setbacks are 25
29 feet for the rear yard and 10 feet for interior side yard. Ms. Stapleton discussed the site's Future
30 Land Use is Urban Residential which has primary uses of single family residential and secondary
31 uses of multifamily residential. Ms. Stapleton showed a picture of the site's street view and
32 located the ADU in the back corner. She also showed the plot plan with the approximate setbacks
33 as well as drone footage. Ms. Stapleton detailed that the site is surrounded by existing residences.

34 Ms. Stapleton reviewed staff Findings of Fact as follows:

- 1 **1. Unnecessary hardship would result from the strict application of the ordinance. It**
2 **shall not be necessary to demonstrate that, in the absence of the variance, no**
3 **reasonable use can be made of the property.**

4 The applicant indicates that, without the requested variance, the ADU will need to be
5 removed, which would result in the indefinite displacement of her immediate family.

- 6 **2. The hardship results from conditions that are peculiar to the property, such as**
7 **location, size, or topography. Hardships resulting from personal circumstances,**
8 **as well as hardships resulting from conditions that are common to the**
9 **neighborhood or the general public, may not be the basis for granting a variance.**
10 **A variance may be granted when necessary and appropriate to make a reasonable**
11 **accommodation under the Federal Fair Housing Act for a person with a**
12 **disability.**

13 The applicant was not aware that an ADU was not permitted on the property, nor that it
14 would not comply with the requirements of the zoning ordinance. They relied on their
15 licensed contractor to obtain all necessary approvals, permits, and inspections.

- 16 **3. The hardship did not result from actions taken by the applicant or the property**
17 **owner. The act of purchasing property with knowledge that circumstances exist that**
18 **may justify the granting of a variance shall not be regarded as a self-created**
19 **hardship.**

20 The applicant relied on her licensed contractor to obtain all necessary permits prior to
21 converting the garage into an ADU. Cabarrus County issued building and trade
22 permits, conducted inspections, and ultimately issued a Certificate of Occupancy
23 without submitting the project to the City of Kannapolis Planning Department for
24 zoning review.

- 25 **4. The requested variance is consistent with the spirit, purpose, and intent of the**
26 **ordinance, such that public safety is secured, and substantial justice is**
27 **achieved.**

28 This request is consistent with the spirit, purpose, and intent of the Ordinance. The
29 proposed variance will not compromise public safety and will ensure that
30 substantial justice is achieved while maintaining the integrity of the ordinance. The
31 ADU does meet the zoning ordinance in that it is located in the rear yard and is
32 aesthetically compatible with the principal structure.

33 Ms. Stapleton stated that the staff is supportive of the requested variance. However, the Board of
34 Adjustment should consider all facts and testimony after conducting the public hearing and
35 render a decision accordingly. She then made herself available for questions.

36 Ms. Martini asked if there was an existing garage that was later converted into an ADU. Ms.
37 Stapleton confirmed that there was. Ms. Martini inquired whether the garage met the setbacks
38 originally, and noted that now, as an ADU, it does not. Ms. Stapleton concurred with her
39 statement. Ms. Martini then asked when the garage was converted into an ADU. Ms. Stapleton
40 explained that the City was notified of the issue around May or June, indicating that the ADU

1 was nearly completed by late May. Ms. Martini asked if all permits and inspections had been
2 completed. Ms. Stapleton confirmed that they had. Mr. Bailey asked for clarification on the year
3 the ADU was completed, and Ms. Stapleton stated it was 2025.

4 There being no additional questions or comments for staff, the applicant was asked to step
5 forward.

6 Zimri and Elizabeth Alvarez, 1703 Lane Street, stepped forward. Ms. Alvarez, the applicant,
7 presented her daughter Elizabeth. Ms. Alvarez's daughter mentioned she is the current occupant
8 of the ADU. Ms. Alvarez said her grandson, along with her daughter, Elizabeth, lives in the
9 ADU; she said the reason she converted the garage into an ADU is so they can have a place to
10 live.

11 Mr. Bailey asked what would have happened if the applicant had applied through the Kannapolis
12 Planning Department prior to having obtained permits from Cabarrus County. Ms. Stapleton said
13 staff would have told Ms. Alvarez the garage at its current location would not have met the
14 requirements for an ADU. Ms. Stapleton discussed that staff would have worked with her to
15 possibly situate a different building with the accurate setbacks, meaning she may have built
16 another building.

17 There being no additional questions or comments for staff or the applicants, Vice Chair Sides
18 opened the public hearing which was then closed due to no one present to speak.

19 Vice Chair Sides asked for a motion to accept the City's exhibits into the record, which was
20 made by Ms. Martini, second by Mr. Dwiggins, and the motion was unanimously approved.

21 Vice Chair Sides asked for a motion to approve the Findings of Fact. Mr. Parker made the motion
22 to approve the Findings of Fact, second by Mr. Bailey, and the motion was unanimously
23 approved.

24 Vice Chair Sides asked for a motion to approve the issuance of the variance. Ms. Martini made
25 the motion to approve, second by Mr. Dwiggins, and the motion was unanimously approved.

26 Vice Chair Sides asked for a motion to issue the Order of Approval. Mr. Dwiggins made the
27 motion to approve the Order, second by Ms. Martini, and the motion was unanimously approved.

28 **BOA-2025-13 Request for a Certificate of Nonconformity Adjustment (CONA) submitted**
29 **by Santhosh K. Addagoodi to operate a personal vehicle service and repair business on a**
30 **property located at 405 Rogers Lake Rd.**

31 Mr. Barcroft gave a presentation regarding case BOA-2025-13, which is included as Exhibit 3 in
32 these minutes. He explained that the site is approximately 0.42 acres and that the applicant is
33 requesting approval to operate a personal vehicle service and repair business. Mr. Barcroft noted
34 that there are existing commercial buildings on the property that were previously used for a
35 personal vehicle service and repair business, a use not permitted in the R-4 zoning district.

36 He stated that although the applicant provided evidence that the nonconforming use had been in
37 operation and not discontinued, staff determined that it would be best for the applicant to

complete the Certificate of Nonconforming Adjustment (CONA) process before a new zoning permit was issued for the proposed business. Mr. Barcroft also noted that the site is surrounded by residential dwellings and a church, and that it is designated as Complete Neighborhood 1 in the future land use plan.

He presented an aerial view, a street view of Todd Avenue, and drone footage of the site. Mr. Barcroft mentioned that the existing building is approximately 6,000 square feet.

Mr. Barcroft explained the conditions of approval proposed by staff. The conditions state that long-term storage of vehicles is prohibited. All vehicles associated with the automotive repair use must be actively under repair or awaiting repair for no more than 30 consecutive days. Vehicles not being actively serviced or awaiting service beyond this period will be considered in violation of the condition and must be removed from the site. Additionally, no inoperable or junk vehicles shall be stored on-site, except as permitted by applicable ordinances.

Mr. Barcroft reviewed staff Findings of Fact as follows:

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

The applicant states no noise should be heard beyond reasonable business hours.

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

The applicant indicates that the business will not generate any additional traffic, and that all access to the shop is provided directly, without impacting any residents or neighboring properties.

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

The applicant states that there is no reason to believe this business will negatively impact the value of any neighboring properties.

4. Aesthetics – Does the nonconformity detract from the overall aesthetic character of the area?

The applicant indicates that the business will not negatively impact the aesthetics of the area.

5. 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.

Mr. Barcroft said staff recommends approval with conditions 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. He then made himself available for questions.

1 Mr. Parker asked that since the site has already been used as a personal vehicle service and repair
2 business, was it grandfathered. Mr. Barcroft replied that the property is considered legal non-
3 conforming use but to assist with legal purposes as well as nothing being on file, a CONA was
4 warranted. Mr. Barcroft mentioned there was evidence provided that the business was receiving
5 power although it was not clear if the previous business was fully operating in the last six
6 months. Mr. Parker asked if there is a time limit. Mr. Barcroft replied, yes.

7 Mr. Bailey mentioned he liked the condition proposed by staff because it will prevent the site
8 from potentially becoming a junk yard.

9 Ms. Martini asked how long the business had existed and to confirm the building was previously
10 commercial. Mr. Barcroft replied that the building was commercial/repair shop, but it is currently
11 not operating. He also replied the building has been there for a while. Mr. Dwiggins and Mr.
12 Parker mentioned that from their knowledge, the building has been there for years.

13 There being no additional questions or comments for staff, the applicant was asked to step
14 forward.

15 Santhosh Addagoodi, 405 Rogers Lake Rd, said his goal is to start a new business in Kannapolis
16 as he is leaving the IT industry. Mr. Addagoodi said his realtor helped him find the property for
17 his business and was informed the building had been used as commercial for decades. He
18 mentioned he really wants to contribute to the City and will be following the rules. Mr.
19 Addagoodi shared he also owns a landscaping business.

20 Mr. Dwiggins asked what the hours of operation will be. Mr. Addagoodi said he will open around
21 7:00 am and close at 5 or 6:00 pm.

22 There being no additional questions or comments for staff or the applicant, Vice Chair Sides
23 opened the public hearing which was then closed due to no one present to speak.

24 Mr. Smith mentioned he would like to clarify that staff did recognize the property as legal non-
25 conforming but recommended a CONA to be issued to have documentation to keep on record in
26 case information from the site is needed in the future.

27 Vice Chair Sides asked for a motion to accept the City's exhibits into the record, which was
28 made by Mr. Parker, second by Mr. Bailey and the motion was unanimously approved.

29 Vice Chair Sides asked for a motion to approve the Findings of Fact. Mr. Bailey made the motion
30 to approve the Findings of Fact, second by Ms. Martini, and the motion was unanimously
31 approved.

32 Vice Chair Sides asked for a motion to approve with conditions the issuance of the Certificate of
33 Nonconformity Adjustment. Ms. Martini made the motion to approve, second by Mr. Dwiggins,
34 and the motion was unanimously approved.

Vice Chair Sides asked for a motion to issue the Order of Approval. Ms. Martini made the motion to approve the Order, second by Mr. Dwiggins, and the motion was unanimously approved.

BOA-2025-14 Request for a Certificate of Nonconformity Adjustment (CONA) submitted by Blue Roots Marketing to replace the non-conforming sign at 2808 Lane St. with a new non-conforming sign.

Ms. Alvarez gave a presentation regarding case BOA-2025-14, which is included as Exhibit 4 in these minutes. She stated that the applicant is Blue Roots Marketing and that the site is approximately 1.51 acres. She explained that the purpose of the CONA is to permit a pole sign measuring 90 square feet in area and 65 feet in height, where the maximum allowed is 64 square feet and 15 feet in height. The existing pole sign measures 137 square feet and 65 feet in height.

Ms. Alvarez noted that the site is zoned General Commercial (GC) and is located off Exit 63 along I-85. Surrounding properties include vacant land and a restaurant. She mentioned that the Future Land Use map designates the site under the Primary Activity Center-Interchange character area.

She explained that the sign was established with the construction of the hotel, estimated around 1997 according to the property record card. Grading appears to have begun in 1995, and by 2001, the motel and pole sign were established. Ms. Alvarez further explained that Google Street View and aerials from 2014–2015 show the sign cabinet was absent, though the pole remained, and that the sign cabinet was reinstalled around April 2016. She noted that the sign face was updated around December 2024, and that changing the sign face does not require a permit.

Ms. Alvarez presented the proposed sign rendering, stating that while the overall height of the sign will remain the same, the nonconformity in sign area will be reduced. She also presented drone footage of the site.

Ms. Alvarez reviewed the staff Findings of Fact as follows:

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

The nonconformity does not create noise.

2. 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.

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

The nonconformity does not detract from prevailing land uses.

4. Aesthetics – Does the nonconformity detract from the overall aesthetic character of the area?

1 This sign request would not change or detract from the overall aesthetic character
2 of the area. The sign height will remain the same height as the current sign and the
3 sign area will be smaller than the current sign.

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

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

8 Based on the Findings of Fact, Ms. Alvarez said staff recommends approval of the Certificate of
9 Nonconformity Adjustment based on the staff Findings of Fact (or as modified by the Board), the
10 conceptual site plan, and compliance with all local, State, and Federal requirements. She then
11 made herself available for questions.

12 Mr. Bailey asked if the reason the applicant needs a CONA is due to proposing a larger sign. Ms.
13 Alvarez replied the sign area is decreasing, and the height will remain the same. Mr. Bailey
14 asked what will be changing. Ms. Alvarez replied case BOA-2025-14 is similar to BOA-2025-
15 09; the sign cabinet will be replaced with one that is decreasing the sign area. Mr. Smith
16 mentioned the site's sign was grandfathered and upon the sign cabinet change proposal, the sign
17 still won't meet current requirements. Mr. Bailey asked if the sign remains grandfathered if it is
18 not changed. Mr. Smith said the sign will remain grandfathered if the nonconformity area is not
19 increased. Mr. Bailey asked if the reason for the CONA is due to the new sign cabinet still being
20 over the allowed size limit. Mr. Smith said, yes.

21 There being no additional questions or comments for staff, the applicant was asked to step
22 forward.

23 LaDanna Roberts stated she will be representing Blue Roots Marketing. She stated the lights
24 inside the sign cabinet are partially no longer working, the motel's brand changed, and it is
25 inconvenient to repair the existing sign due to multiple screws located in the sign's retainers for
26 reasons why it was decided to replace the sign instead of repairing it. Ms. Roberts ensured that
27 only the sign's cabinet will be changed due to rebranding and the need for new lighting.

28 There being no additional questions or comments for staff or the applicant, Vice Chair Sides
29 opened the public hearing which was then closed due to no one present to speak.

30 Vice Chair Sides asked for a motion to accept the City's exhibits into the record, which was
31 made by Mr. Parker, second by Ms. Martini and the motion was unanimously approved.

32 Vice Chair Sides asked for a motion to approve the Findings of Fact. Ms. Martini made the
33 motion to approve the Findings of Fact, second by Mr. Bailey, and the motion was unanimously
34 approved.

Vice Chair Sides asked for a motion to approve the issuance of the Certificate of Nonconformity Adjustment. Ms. Martini made the motion to approve, second by Mr. Dwiggins, and the motion was unanimously approved.

Vice Chair Sides asked for a motion to issue the Order of Approval. Mr. Dwiggins made the motion to approve the Order, second by Ms. Martini, and the motion was unanimously approved.

BOA-2025-15 Request for a Certificate of Nonconformity Adjustment (CONA) submitted by Christopher Howell to operate a contractor office on a property located at 2702 N. Cannon Blvd.

Ms. Alvarez gave a presentation regarding case BOA-2025-15, which is included as Exhibit 5 in these minutes. She explained that the applicant is Christopher Howell, the site is approximately 3.18 acres, and the CONA is requested to operate a contractor office. She reminded the Board that on February 4, 2025, a CONA for personal vehicle service and repair at this location was previously approved. Ms. Alvarez noted that staff has confirmed the conformity status for personal vehicle service and repair remains valid and has not expired.

She clarified that the contractor office will operate within the existing building on-site. Ms. Alvarez stated that the property is zoned both General Commercial and Residential 8, and that a contractor office is not permitted in the Residential 8 district. She also noted that surrounding properties include residential homes, retail, and commercial uses.

Ms. Alvarez explained that the parcel falls within two Future Land Use districts. One is Suburban Activity 2, with primary uses of retail, office, and multifamily residential, and secondary uses of light manufacturing and single-family attached residences. The other district is Urban Residential, with primary uses of attached and detached single-family dwellings, and secondary uses including multifamily residential, live-work units, small-format retail, and small-format office.

She presented photos taken from E 27th Street, N Cannon Blvd., and Alexander Ave., as well as drone footage of the site.

Ms. Alvarez reviewed the staff Findings of Fact as follows:

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

The nonconformity does not create noise above and beyond levels considered normal to the area.

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

The number of trips associated with this nonconformity is not significantly higher than the volume of traffic generated by surrounding land uses.

3. Surrounding property values - Does the nonconformity detract from the

1 **prevailing property values?**

2 The nonconformity does not detract from prevailing land uses.

3 **4. Aesthetics – Does the nonconformity detract from the overall aesthetic**
4 **character of the area?**

5 The contractor office will be located in the existing building on the property.

6 There is a restaurant to the north of the property and a car dealership to the south.

7 There are residential homes east of the property along Alexander Ave.

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

10 The applicant has been informed they must sign the Conditions of Approval for this

11 Based on the above findings, staff recommends approval of the Certificate of

12 Nonconformity Adjustment.

13 Derived from the Findings of Fact, Ms. Alvarez said staff recommends approval of the
14 Certificate of Nonconformity Adjustment based on the staff Findings of Fact (or as modified by
15 the Board), the conceptual site plan, and compliance with all local, State, and Federal
16 requirements. She then made herself available for questions.

17 Ms. Martini asked if the contractor office will operate entirely by itself or with the repair shop
18 concerning case BOA-2025-03. Ms. Alvarez answered that from her understanding, the entire
19 business will change to a contractor office; there will be no personal vehicle service shop. Ms.
20 Martini asked if the applicant is seeking approval just to change the type of business. Ms.
21 Alvarez replied, yes.

22 Mr. Bailey asked what staff means by the term “contractor office,” questioning if it refers to a
23 builder’s office. Ms. Alvarez clarified that in this case, the contractor office is for a plumbing
24 business.

25 There being no additional questions or comments for staff, the applicant was asked to step
26 forward.

27 Sandy Howell, 265 Kirkwood Dr., Concord, NC, stated she will be representing United
28 Plumbing Services Inc. She said the company has been serving the area for over 15 years and
29 due to business growth, they need a larger building. Ms. Howell stated the purpose for requesting
30 the CONA is to revert the property back to its former use; the property has been commercial for
31 over 50 years.

32 There being no additional questions or comments for staff or the applicant, Vice Chair Sides
33 opened the public hearing which was closed due to no one present to speak.

34 Vice Chair Sides asked for a motion to accept the City’s exhibits into the record, which was
35 made by Mr. Parker, second by Mr. Dwiggins and the motion was unanimously approved.

1 Vice Chair Sides asked for a motion to approve the Findings of Fact. Mr. Dwiggins made the
2 motion to approve the Findings of Fact, second by Ms. Martini, and the motion was unanimously
3 approved.

4 Vice Chair Sides asked for a motion to approve the issuance of the Certificate of Nonconformity
5 Adjustment. Mr. Dwiggins made the motion to approve, second by Ms. Martini, and the motion
6 was unanimously approved.

7 Vice Chair Sides asked for a motion to issue the Order of Approval. Ms. Martini made the
8 motion to approve the Order, second by Mr. Parker, and the motion was unanimously approved.

9 **BOA-2025-16 Request for a Special Use Permit (SUP) submitted by William Baggett to**
10 **allow for a tattoo studio on property located at 1093 S. Cannon Blvd.**

11 Mr. Barcroft gave a presentation regarding case BOA-2025-15 and made part of these minutes,
12 as Exhibit 6. He said the applicant is William Baggett, the request is to allow a tattoo studio, and
13 the property is approximately 3 acres although the proposed tattoo shop will only take over a
14 small portion of the site. Mr. Barcroft showed the aerial view of the shopping center where the
15 tattoo studio is proposed to operate and mentioned surrounding uses consist of a restaurant,
16 various retail uses, and some residences. He noted the site is zoned General Commercial and the
17 proposed business is compatible with both future and existing uses. Mr. Barcroft said the site is
18 zoned Secondary Activity Center under the Future Land Use plan which includes retail, office,
19 and multifamily residences for its primary uses. Mr. Barcroft showed a street view taken from
20 Cannon Blvd. and said the shop is part of the Scottish Square shopping center. Mr. Barcroft also
21 showed drone footage and a picture of the stand-alone building where the proposed tattoo shop
22 will operate. He showed a floor plan sketch provided by the applicant. Mr. Barcroft explained
23 that retail use is permitted for the location and under the Ordinance, a tattoo shop requires a SUP
24 in the General Commercial zoning district.

25 Mr. Barcroft reviewed the staff findings of fact as follows:

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

28 This property is in the "Secondary Activity Center" Character Area in the Move
29 Kannapolis Forward 2030 Comprehensive Plan. The area is composed primarily of
30 small and medium-scale commercial developments. Existing neighboring uses
31 include a restaurant, various retail, and residential uses.

32 Based on the character area noted above, the proposed development is compatible
33 with the future land use plan and existing uses in the surrounding area.

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

36 The proposed tattoo studio will be located within an existing building in an
37 established shopping center. The use is not anticipated to generate traffic hazards

or contribute to traffic congestion. Adequate parking is available on-site to accommodate the proposed use.

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 tattoo studio is expected as a result of this 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 would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed tattoo studio is compatible with the surrounding commercial uses.

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

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

6. The proposed use complies with all applicable provisions of the KDO

The proposed use shall comply with all sections of the Kannapolis Development Ordinance, conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.

7. 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 special use permit.

Mr. Barcroft said 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. He then made himself available for questions.

Ms. Martini mentioned she noticed there was a tattoo sign already in pictures presented. Mr. Barcroft said there was a tattoo shop operating previously but no records have been found that a SUP was issued.

There being no additional questions or comments for staff, the applicant was asked to step forward.

William Baggett, 1093 S Cannon Blvd., said the reason he chose this building for his business is because there was a tattoo shop there previously. He said he did not realize the previous owner did not obtain a SUP.

1 There being no additional questions or comments for staff or the applicant, Vice Chair Sides
2 opened the public hearing which was closed due to no one present to speak.

3 Vice Chair Sides asked for a motion to accept the City's exhibits into the record, which was
4 made by Mr. Parker, second by Ms. Martini and the motion was unanimously approved.

5 Vice Chair Sides asked for a motion to approve the Findings of Fact. Ms. Martini made the
6 motion to approve the Findings of Fact, second by Mr. Dwiggins, and the motion was
7 unanimously approved.

8 Vice Chair Sides asked for a motion to approve the issuance of the Certificate of Nonconformity
9 Adjustment. Ms. Martini made the motion to approve, second by Mr. Dwiggins, and the motion
10 was unanimously approved.

11 Vice Chair Sides asked for a motion to issue the Order of Approval. Mr. Dwiggins made the
12 motion to approve the Order, second by Ms. Martini, and the motion was unanimously approved.

13 **PLANNING DIRECTOR UPDATES**

14 Mr. Smith said he will give updates from the development story map, and the Board will be
15 going through training at the next upcoming meeting on September 2nd. He also said there will be
16 an appeal case for next month's meeting.

17 Mr. Parker asked about what is occurring on a site near Dale Earnhardt Blvd. behind a cemetery
18 where a complex is proposed to be built. Mr. Smith said that site includes a portion of a new
19 townhome development which will include around 160 units.

20 **OTHER BUSINESS**

21 N/A

22 **ADJOURN**

23 There being no further business, Vice Chair, Sides made the motion to adjourn, which was made
24 by Mr. Parker, second by Ms. Martini and the motion was unanimously approved.

25 The meeting was adjourned at 7:41 PM on Tuesday, August 5, 2025.



Holden Sides, Vice Chair
Board of Adjustments



Zulena Anderson
Planning Technician



**Board of Adjustment
August 5, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-10: Special Use Permit –403 Alpine St.
Applicant: Green Street Peak GP, LLC - Nicholas R. Parker

Request for a Special Use Permit (SUP) to allow for a pocket neighborhood development at 403 Alpine St.

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 is requesting a Special Use Permit (SUP) to allow for a 27-unit pocket neighborhood development on property located at 403 Alpine Street. The subject property is approximately 4.67 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 159 117.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a Special Use Permit is required for a pocket neighborhood development in the Residential 8 (R8) zoning district when the number of dwelling units exceeds twelve (12). A text amendment to the KDO was approved by City Council on April 28, 2025, to amend the standards specific to the Pocket Neighborhood Development use, permitting an increase in the maximum number of dwelling units from twelve (12) to thirty (30) with Special Use Permit approval and establishing additional standards for such developments.

The proposed development must comply with the standards specific to the Pocket Neighborhood Development use, including the additional requirements applicable to developments containing thirteen (13) to thirty (30) dwelling units, as outlined in Section 4.2.D(3)a.4.(b)3 of the Ordinance.

At its regular meeting on July 1, 2025, the City of Kannapolis Board of Adjustment voted to continue the hearing to its next meeting on August 5, 2025. The Board requested the following additional information:

- Roadway width of the existing section of Snipe Street that leads to the proposed development and its capacity to accommodate added traffic from the new development
- Location of garbage collection
- Width and length of the proposed alleys
- Stormwater measures

The Board also asked if the applicant could provide more details on parking, buffering, and any site design that might be shared.

More information regarding the inquiries above will be provided at the meeting by staff and the developer. Staff has, however, determined that offsite improvements to Snipe and Alpine will not be required. The Transportation Department has indicated that garbage collection can be accommodated using the alleyways, with trucks able to back in and out to collect refuse. As noted during the meeting, the required width for the proposed alleys is 20 feet, and a turnaround is required if the alley extends more than 150 feet. Staff also noted that the site must comply with all applicable requirements of the Land Development Standards Manual (LDSM) for stormwater, which will be reviewed by the Engineering Department.

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



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 Land Use Plan.

The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcels as being located in the "Urban Residential" Character Area. The property is currently zoned Residential 8 (R8). Within this district, pocket neighborhood developments are permitted by right for up to 12 units. Proposals requesting between 13 and 30 units require the issuance of a Special Use Permit.

The proposed pocket neighborhood development consists of 27 single-family detached units, resulting in a density of approximately 5.78 units per acre. This proposal aligns with both the recommended land use for the character area and the

desired density range of 4 to 10 units per acre, as outlined in the Comprehensive Plan. Additionally, it remains within the R8 zoning district's maximum allowable density of 8 units per acre.

- | | |
|---|---|
| <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">X</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: inline-block; margin-left: 10px;"></div> | <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 pocket neighborhood development includes access from Alpine Street and a new connection to Snipe Street, which will help distribute traffic flow and reduce potential congestion. The site design incorporates appropriate ingress and egress to ensure safe and efficient access, minimizing traffic hazards on adjacent public streets. Further, the extension of Snipe Street to intersect with Alpine Street will increase connectivity for this area of the city. Increased connectivity allows greater accessibility for thru travel and overall public safety.</p> |
| <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">X</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: inline-block; margin-left: 10px;"></div> | <p>The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.</p> <p>The proposed pocket neighborhood development will not generate any noxious or offensive vibration, noise, odor, dust, smoke, or gas.</p> |
| <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">X</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: inline-block; margin-left: 10px;"></div> | <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 development will not impede the orderly development of surrounding properties, as it is compatible with the character and scale of the surrounding neighborhood.</p> |
| <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">X</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: inline-block; margin-left: 10px;"></div> | <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>As indicated by the applicant, the proposed development will not be detrimental to or endanger the public health, safety, or general welfare.</p> |
| <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">X</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: inline-block; margin-left: 10px;"></div> | <p>The proposed use complies with all applicable provisions of the KDO.</p> <p>The applicant has indicated and staff has verified that the project will comply with all applicable provisions of the Kannapolis Development Ordinance, including the use-specific standards in Section 4.2.D(3)a.4.</p> |
| <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">X</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: inline-block; margin-left: 10px;"></div> | <p>The applicant consents in writing to all conditions of approval included in the approved special use permit.</p> <p>N/A unless the Board of Adjustment determines to add conditions.</p> |

F. Legal Issues

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

In order to determine whether a Special Use Permit is warranted, the Board must decide that each of the six findings as outlined below has been met and that the additional approval criteria has been satisfactorily addressed. If the Board concurs completely with the findings of the staff, no

additional findings of fact are necessary, and the staff findings should be approved as part of the decision. However, if the Board wishes to approve different findings (perhaps as a result of additional evidence or testimony presented at the public hearing), alternate findings need to be included as part of the six criteria below. Should a Special Use Permit be approved, the Board may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use.

Yes	No	
☐	☐	The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.
☐	☐	Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
☐	☐	The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
☐	☐	The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
☐	☐	The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
☐	☐	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.

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. Site Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X



Special Use Permit

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on this form below are submitted with your application. 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: 403 Alpine Street, Kannapolis, NC 28081

Applicant: Green Street Peak GP, LLC - Nicholas R. Parker

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ SUP Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the proposed use
- ☒ Fee: \$650.00 (\$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.

Applicant's Signature: Nicholas R. Parker Date: 05-27-2025



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Green Street Peak GP, LLC (Nicholas R Parker)

Address: 401 Boyce Road
Charlotte, NC 28211

Phone: 704-751-6867

Email: nrparker@amicuseng.com

Property Owner Contact Information ☒ same as applicant

Name: Green Street Peak GP, LLC (Nicholas R. Parker)

Address: 401 Boyce Road
Charlotte, NC 28211

Phone: 704-751-6867

Email: nrparker@amicuseng.com

Project Information

Project Address: 403 Alpine Street, Kannapolis, NC 28081 Zoning District R8

Parcel PIN: 159 117 Size of property (in acres): 4.67

Current Property Use: Vacant

Proposed Use: Pocket Neighborhood Development

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)*:

Pocket Neighborhood Development to be per Section 4.2.D(3)a.4 of the
Kannapolis UDO.

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 project conforms to Section 4.2.D(3)a.4 of the Kannapolis KDO which supports Pocket Neighborhood
development in the R8 zoning district. The project has a maximum unit count of 27 units which
is less than the number of units allowed by right with an attached product.

2. Adequate measures shall be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.

Yes. The project will provide access to Alpine Street and a new connection to Snipes Place

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

No. The project is strictly residential and will meet stringent environmental standards

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.

No. The project is in harmony with the surrounding neighborhood

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

No.

6. The proposed use complies with all applicable provisions of the KDO.

Yes.

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

Yes.

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.

Nicholas R. Parker

Applicant Signature

05-27-2025

Date

Nicholas R. Parker

Property Owner Signature

05-27-2025

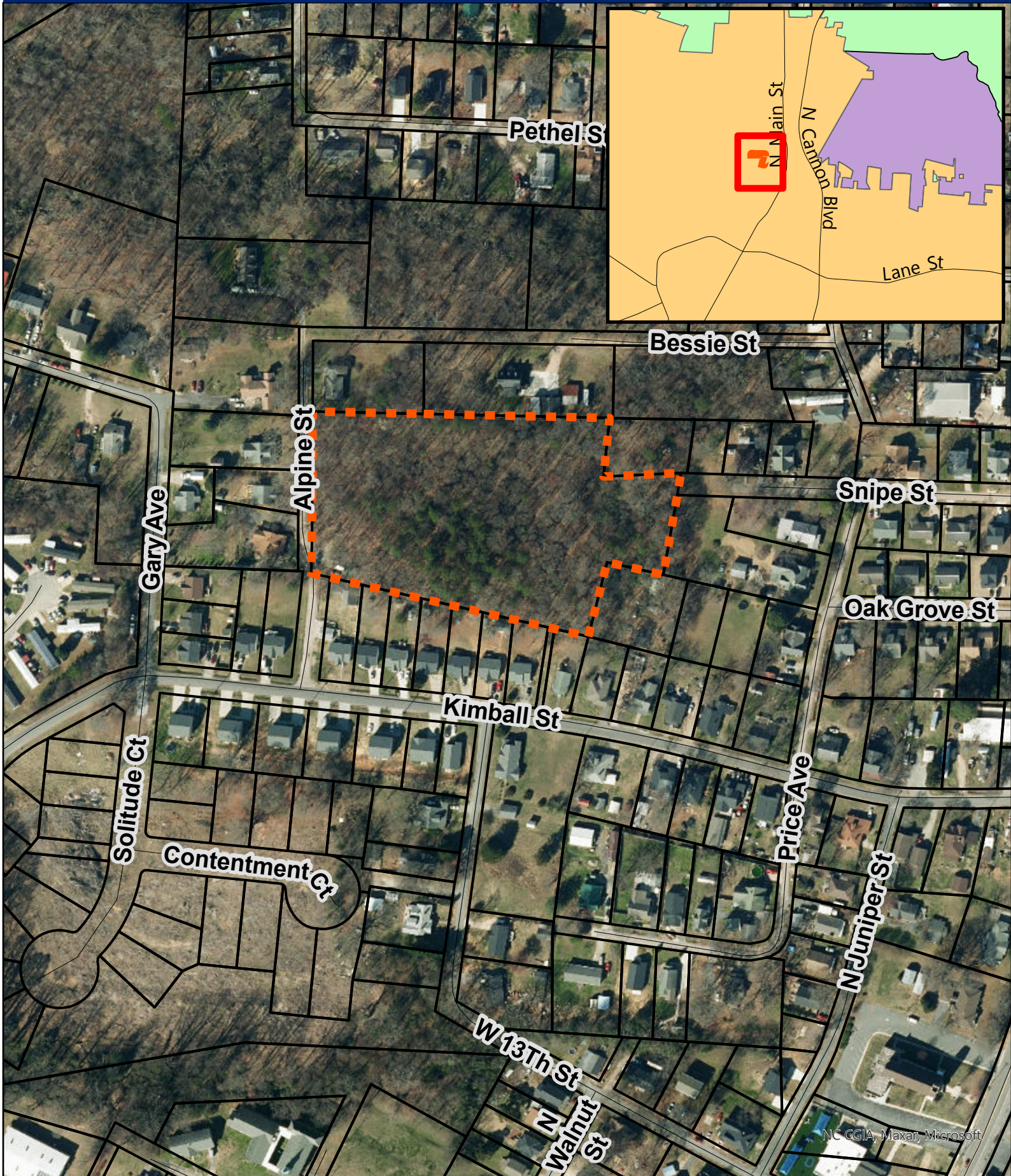
Date



Vicinity Map

Case Number: BOA-2025-10

Applicant: Green Street Peak GP, LLC-Nicholas R. Parker
403 Alpine St

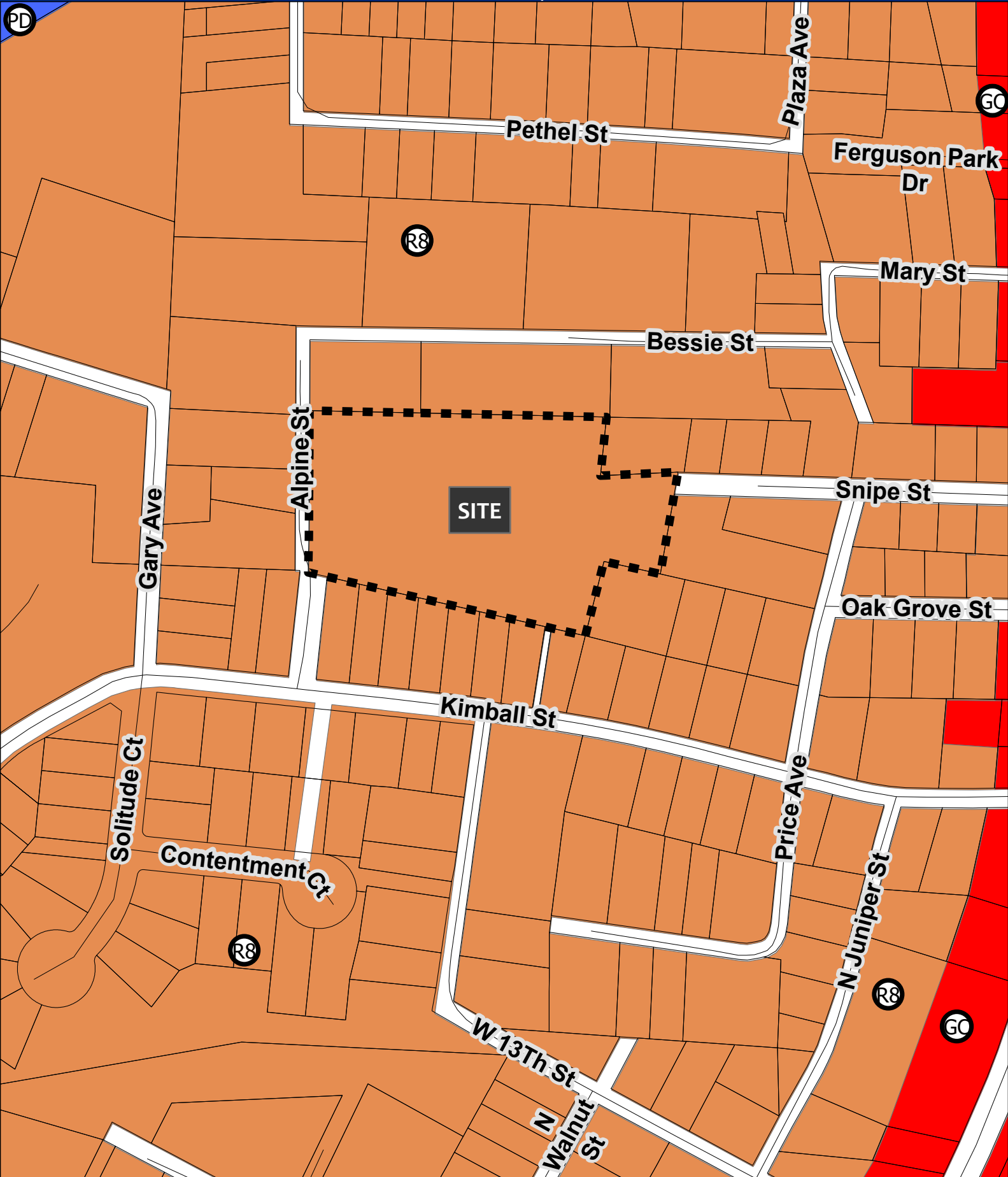




Kannapolis Current Zoning

Case Number: BOA-2025-10

Applicant: Green Street Peak GP, LLC-Nicholas R. Parker
403 Alpine St

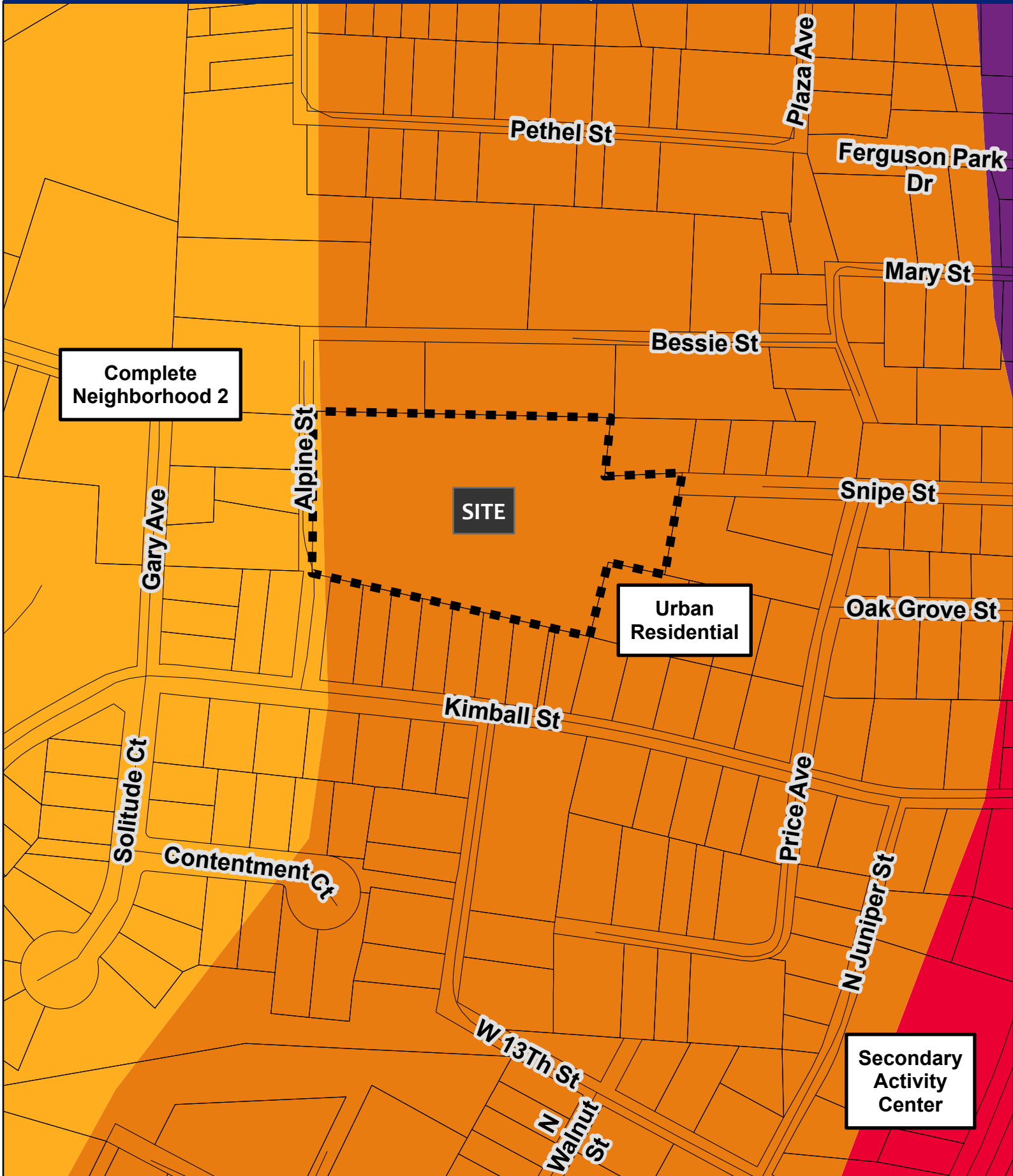


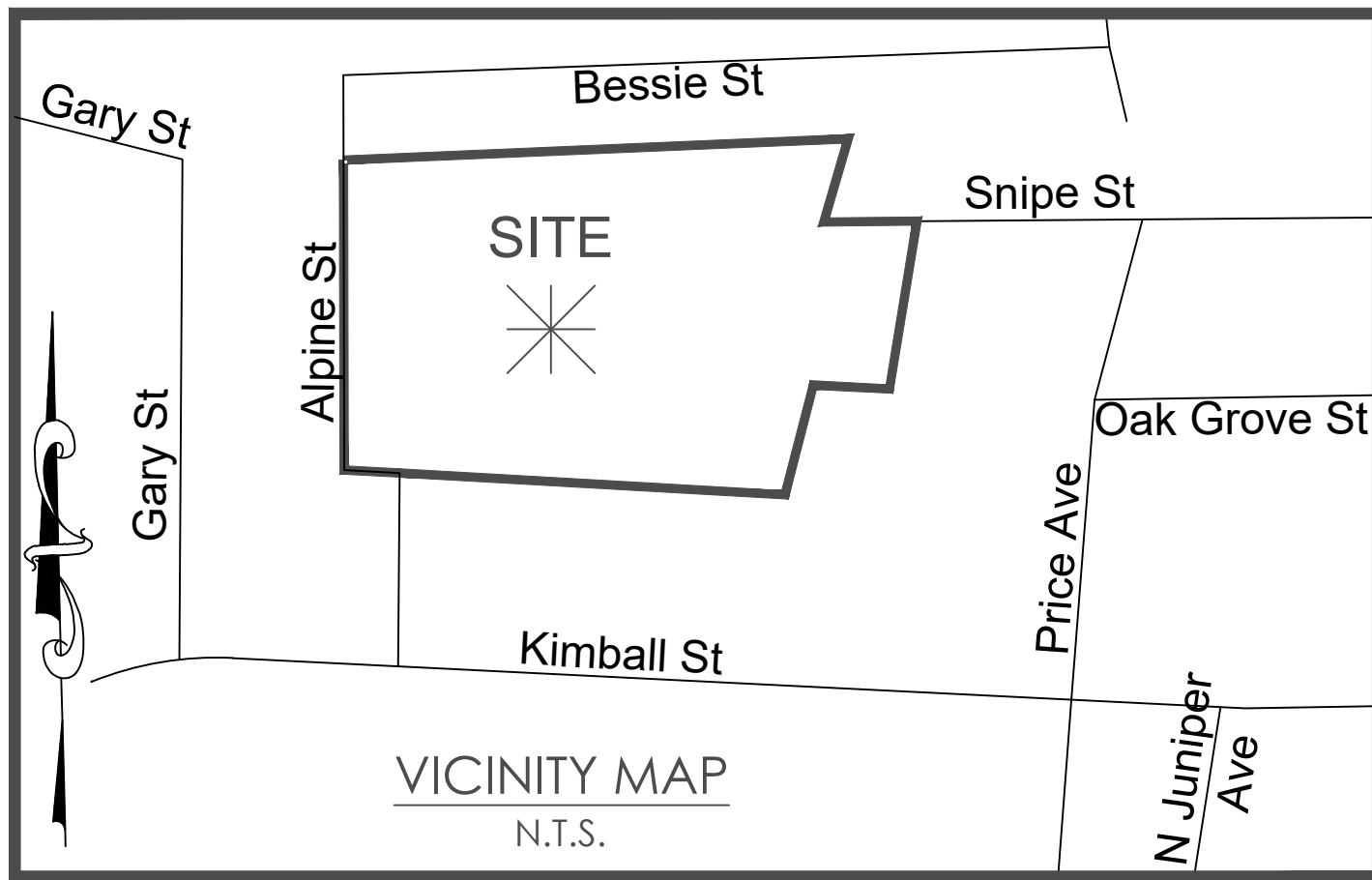


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-10

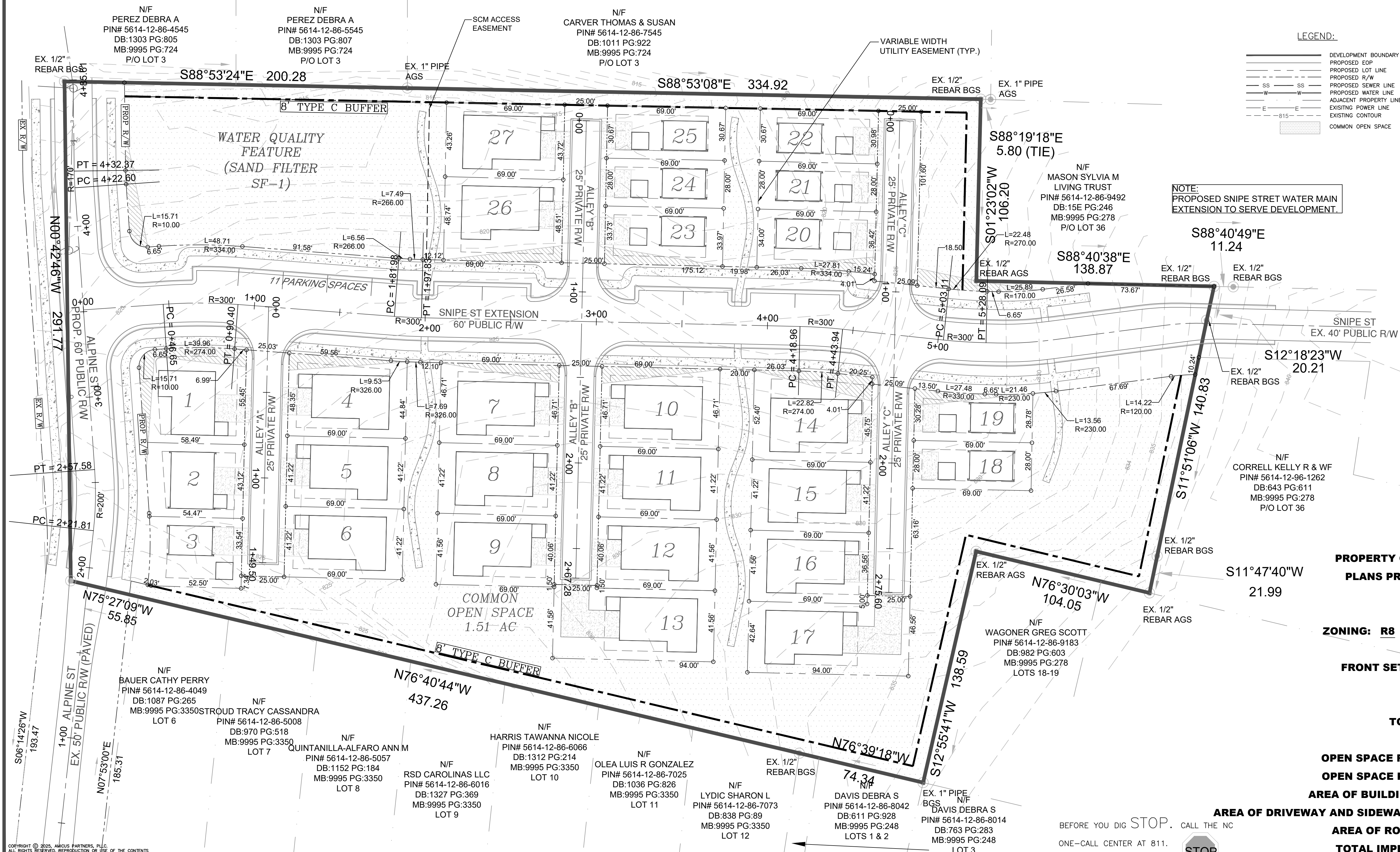
Applicant: Green Street Peak GP, LLC-Nicholas R. Parker
403 Alpine St





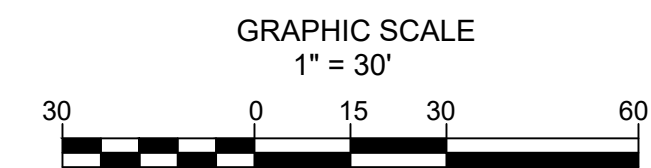
403 ALPINE STREET PRELIMINARY PLAT

SNIFE STREET & ALPINE STREET
KANNAPOLIS, ROWAN COUNTY NORTH CAROLINA



LEGEND:

---	DEVELOPMENT BOUNDARY
---	PROPOSED EOP
---	PROPOSED LOT LINE
---	PROPOSED R/W
---	PROPOSED SEWER LINE
---	PROPOSED WATER LINE
---	ADJACENT PROPERTY LINE
---	EXISTING POWER LINE
---	EXISTING CONTOUR
---	COMMON OPEN SPACE



Parcel Table			
Parcel #	Area (Sq. Ft.)	Parcel #	Area (Sq. Ft.)
1	3,364	15	2,844
2	2,436	16	2,868
3	2,193	17	3,907
4	3,211	18	1,959
5	2,844	19	1,966
6	2,844	20	2,384
7	3,223	21	1,932
8	2,844	22	2,125
9	2,868	23	2,336
10	3,233	24	1,932
11	2,844	25	2,115
12	2,868	26	3,355
13	3,907	27	3,001
14	3,572		

ZONING CODE SUMMARY

PROJECT NAME: 403 ALPINE STREET

PROPERTY OWNER: GREEN STREET PEAK GP, LLC

PLANS PREPARED BY: AMICUS PARTNERS, PLLC

PHONE: 704-751-6867

PARCEL ID. (S) 159 117

ZONING: R8 JURISDICTION: CITY OF KANNAPOLIS

PROPOSED USE(S): SINGLE FAMILY

FRONT SETBACK: 10' MIN SIDE SETBACK: 5' MIN

REAR SETBACK: 5' MIN

TOTAL AREA OF SITE: 4.67 ACRES

TOTAL NUMBER OF PROPOSED LOTS: 27

DENSITY: 5.78 UNITS/ACRE

OPEN SPACE REQUIRED: 0.934 ACRES (20% OF SITE)

OPEN SPACE PROVIDED: 1.510 ACRES (32% OF SITE)

AREA OF BUILDING COVERAGE: 27,893 SQ FT (0.34 AC)

AREA OF DRIVEWAY AND SIDEWALK COVERAGE: 23,171 SQ FT (0.52 AC)

AREA OF ROAD COVERAGE: 39,644 SQ FT (0.75 AC)

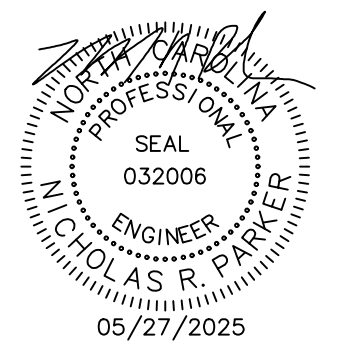
TOTAL IMPERVIOUS AREA: 90,728 SQ.FT (2.08 AC)

TOTAL PERCENT IMPERVIOUS: 45%



Firm License # P-1191
2925 Senna Drive
Suite 202
Matthews, NC 28105
Civil Site Design
Low Impact Development
Small-Scale Building Design
Telephone: 704.936.6676

Seals:



Firm License # P-1191

403 ALPINE STREET
PRELIMINARY PLANS
SNIFE STREET & ALPINE STREET
KANNAPOLIS, ROWAN COUNTY NORTH CAROLINA
FOR:
GREEN STREET PEAK GP, LLC
401 BOYCE ROAD
CHARLOTTE, NC 28211

Project Number:	17.24.006
Date:	05/27/2025
Drawn By:	JLM
Checked By:	NRP
Revisions:	
05/27/25	ORIGINAL SUBMITTAL

Sheet Title:

PRELIMINARY
PLAT

Sheet No:

C-0.0

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REFERENCE: ALL PARCEL INFORMATION FOR THIS PROPERTY AND ADJACENT PROPERTIES
REFERENCED FROM A SURVEY COMPLETED BY SPARKS SURVEYING, PLLC. PROPERTY
DIMENSIONS, COORDINATES, AND TOPOGRAPHIC INFORMATION REFERENCED FROM A SURVEY
COMPLETED BY SOUTH POINT SURVEYING, PLLC.

BEFORE YOU DIG STOP. CALL THE NC
ONE-CALL CENTER AT 811.
IT'S THE LAW.



PARCEL_ID	OWNNAME	TAXADD1	CITY	STATE	ZIPCODE	OWN2
152 207	FIREBIRD SFE I LLC	5001 PLAZA ON THE LAKE STE 200	AUSTIN	TX	78746	
152 172	S2COR912 LLC	364 WELLINGTON ESTATES DRIVE	CHINA GROVE	NC	28023-5763	
152 165	LYDIC SHARON L	220 KIMBALL ST	KANNAPOLIS	NC	28081	
159 133	ALEXANDER CHARLES DAVID III	219 KIMBALL ST	KANNAPOLIS	NC	28081-2214	
159 110A	MARTIN THOMAS L & WF	1409 PRICE AVE	KANNAPOLIS	NC	28081	MARTIN JANET C
159 098	WEBSTER STEPHANIE	400 ALPINE ST	KANNAPOLIS	NC	28081	
159 096	McFARLAND PHILLIP WAYNE	406 ALPINE ST	KANNAPOLIS	NC	28081	
152 177	BAUER CATHY PERRY	278 KIMBALL ST	KANNAPOLIS	NC	28081-2215	
152 179	QUINTANILLA-ALFARO ANN M	252 KIMBALL ST	KANNAPOLIS	NC	28081	
159 329	JOY MICHELE ANDI	1406 GARY AVE	KANNAPOLIS	NC	28081-2312	
159 124	WALLACE ARLENE &HUS	210 KIMBALL ST	KANNAPOLIS	NC	28081	WALLACE ANDREW
159 122	HERNANDEZ WENDY F AMAYA	206 KIMBALL ST	KANNAPOLIS	NC	28081	MENDOZA MOISES JONATHAN LOPEZ
159 320	WAGONER GREG SCOTT	604 N SALISBURY GQ AVE	SALISBURY	NC	28146-8149	
159 112	McCLANNON MICHAEL WAYNE &	PO BOX 27	CROUSE	NC	28033-0027	McCLANNON JENNA MICHELLE
159 100	CABARRUS COOPERATIVE	246 COUNTRY CLUB DR	CONCORD	NC	28025	CHRISTIAN MINISTRY INC
159 119	SHELTON JASON R & WF	1405 PRICE AVE	KANNAPOLIS	NC	28081-2331	SHELTON ASHLEY N
159 095	EDWARDS RANDY ERVIN	411 ALPINE ST	KANNAPOLIS	NC	28081	
152 181	OPENDOOR PROPERTY TRUST I	410 N SCOTTSDALE RD STE 1600	TEMPE	AZ	85288	
152 182	OLEA LUIS R GONZALEZ & WF	228 KIMBALL ST	KANNAPOLIS	NC	28081	BAILON CAMILA MOTA
152 173	AMNL ASSET COMPANY 2 LLC	5001 PLAZA ON THE LAKE STE 200	AUSTIN	TX	78746-1053	
152 170	SORIANO MARIO CARMONA & WF	1402 GARY ST	KANNAPOLIS	NC	28081	PETATAN IRIS
152 169	STEPHENSON JENNIFER	13001 PRICES DISTILLERY RD	CLARKSBURG	MD	20871-9617	
159 115	CABARRUS COOPERATIVE	246 COUNTRY CLUB DR	CONCORD	NC	28025	CHRISTIAN MINISTRY INC
159 099	CARVER THOMAS E	215 BESSIE ST	KANNAPOLIS	NC	28081-2309	CARVER SUSAN A
159 340	McCLANNON MICHAEL WAYNE &	P O BOX 27	CROUSE	NC	28033-0027	McCLANNON JEANNA MICHELLE
159 134	MITCHEM MELVIN DEAN	211 KIMBALL ST	KANNAPOLIS	NC	28081	MITCHEM NANCY GIBSON
159 11601	PEREZ DEBRA A	407 ALPINE ST	KANNAPOLIS	NC	28081-0000	
152 178	STROUD TRACY CASSANDRA	PO BOX 225	LANDIS	NC	28088	
159 121	POWER CAROL S	114 POWELL FARM RD	CHINA GROVE	NC	28023-6813	
159 097	HERNANDEZ ANAHI CARMONA	404 ALPINE ST	KANNAPOLIS	NC	28081	
159 334	MANNING STEVEN	402 ALPINE ST	KANNAPOLIS	NC	28081-2341	
159 123	WAGONER GREG SCOTT	604 N SALISBURY GQ AVE	SALISBURY	NC	28146-8149	
159 368	CORRELL KELLY R & WF	1407 PRICE AVE	KANNAPOLIS	NC	28081	CORRELL MARY MARGARET K
152 206	FIREBIRD SFE I LLC	5001 PLAZA ON THE LAKE STE 200	AUSTIN	TX	78746	
159 392	PEREZ DEBRA A	407 ALPINE ST	KANNAPOLIS	NC	28081-0000	
159 117	WEBSTER MICHAEL SEAN	400 ALPINE ST	KANNAPOLIS	NC	28081-2341	WEBSTER STEPHANIE R

159 101	CABARRUS COOPERATIVE	246 COUNTRY CLUB DR	CONCORD	NC	28025	CHRISTIAN MINISTRY INC
159 331	DAVIS DEBRA S	1105 S HIGHLAND AVE	LANDIS	NC	28088-2017	
152 180	RSD CAROLINAS LLC	1901 W A ST	KANNAPOLIS	NC	28081	
159 116	CARVER THOMAS E	215 BESSIE ST	KANNAPOLIS	NC	28081-2309	CARVER SUSAN A
159 111	MOSER LOUISE B &	108 CEDAR AVE	KANNAPOLIS	NC	28081	TUCKER JAMIE MOSER
159 378	MCCLANNON MICHAEL WAYNE &	P O BOX 27	CROUSE	NC	28033-0027	MCCLANNON JEANNA MICHELLE
159 357	CORRELL KELLY R & WF	1407 PRICE AVE	KANNAPOLIS	NC	28081	CORRELL MARY MARGARET K
152 171	CARMONA JOSE LUIS & WF	1400 GARY ST	KANNAPOLIS	NC	28081	CARMONA EVANGELINA TAPIA H
152 164	DAVIS DEBRA S	1105 S HIGHLAND AVE	LANDIS	NC	28088-2017	
159 358	CORRELL KELLY R & WF	1407 PRICE AVE	KANNAPOLIS	NC	28081	CORRELL MARY MARGARET K



June 12, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday July 1, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-10 – Special Use Permit – 403 Alpine Street

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a 27-unit pocket neighborhood development for property located at 403 Alpine Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a Special Use Permit is required for a pocket neighborhood development in the Residential 8 (R8) zoning district when the number of dwelling units exceeds twelve (12). The number of dwelling units may be increased to no more than thirty (30) with the approval of a Special Use Permit. The subject property is approximately 4.67 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 159 117. **(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 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.

END
CITY
MAINTENANCE

KANNAPOLIS
CLUB
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA - 2025 - 10

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

IN RE: 403 Alpine St

Green Street Peak GP, LLC - Nicholas R. Parker

APPLICATION # BOA-2025-10

:
:
:
:
:

**ORDER GRANTING A
SPECIAL USE PERMIT**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the “Board”) having held a quasi-judicial hearing on Tuesday August 5, 2025 to consider Application Number BOA-2025-10 submitted by Green Street Peak GP, LLC (the “Applicant”) via Nicholas R. Parker, for a request for a Special Use Permit (“SUP”) for the property located at 403 Alpine Street, which consists of approximately 4.67 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 159 117 (the “Property”).

The Applicant is requesting an SUP to allow for a 27-unit pocket neighborhood development on the Property. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a Special Use Permit is required for a pocket neighborhood development in the Residential 8 (R8) zoning district when the number of dwelling units exceeds twelve (12). A text amendment to the KDO was approved by City Council on April 28, 2025, to amend the standards specific to the Pocket Neighborhood Development use, permitting an increase in the maximum number of dwelling units from twelve (12) to thirty (30) with Special Use Permit approval and establishing additional standards for such developments.

The proposed development must comply with the standards specific to the Pocket Neighborhood Development use, including the additional requirements applicable to developments containing thirteen (13) to thirty (30) dwelling units, as outlined in Section 4.2.D(3)a.4.(b)3 of the Ordinance.

The following were accepted into evidence and constitute a part of the record in this matter:

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

The Board considered the approval criteria set out in Section 2.5.A(5) of the Kannapolis Development Ordinance.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. The proposed special use is not in harmony with the area in which it is to be located and in general conformance with the City’s Land Use Plan.

Based on the above Findings of Fact, the Board concludes that the applicant has not met the requirements for granting the Special Use Permit and the application for the Special Use Permit is hereby Denied.

This the 5th day of August, 2025.


Secretary


Chairman



**Board of Adjustment
August 5, 2025 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Kathryn Stapleton, Planner
SUBJECT: Case# BOA-2025-12: Variance – 1703 Lane St.
Applicant: Zimri Alvarez

Request for a variance pursuant to Section 2.5.D(1) of the Kannapolis Development Ordinance. The applicant is requesting an encroachment into the required rear and interior side yard setback for property located at 1703 Lane St.

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 Variance.
3. Motion to approve (deny) the issuance of the Variance.
4. Motion to Issue Order of Approval.

B. Required Votes to Pass Requested Action

A supermajority (4/5) vote is required to grant the requested variance.

C. Background

The applicant, Zimri Alvarez, is requesting a variance from the required rear and interior side yard setbacks for an Accessory Dwelling Unit that is a renovated garage. The subject property was recently rezoned from Office Institutional (OI) to Residential 4 – Conditional Zoning (R4-CZ) to allow for the use. An ADU is not permitted in the OI District.

Per Section 4.3.D(1) of the KDO, an ADU is permitted on a lot where a single-family detached dwelling is the principal use, and it must meet the dimensional and design requirements for principal structures in the zoning district where it is located. In the R4-CZ district, the required rear yard setback is twenty-five (25) feet and the interior side yard setback is ten (10) feet. As a garage, the structure met the O-I District's required setbacks of five (5) feet for both the rear and side yards. The applicant is now

requesting a variance of twenty (20) feet for the rear yard and five (5) feet for the interior side yard for the ADU which must meet the same setback requirements of a principal structure in the R4-CZ District.

The applicant states they were unaware of the zoning requirements and relied on their licensed contractor to obtain all necessary approvals, permits, and inspections. They also note that removal of the ADU would result in indefinite displacement of their immediate family who is occupying the ADU. Without prior zoning review by the City of Kannapolis, Cabarrus County Construction Standards inadvertently issued building and trade permits and a Certificate of Occupancy for this use. Cabarrus County Construction Standards has been made aware of this oversight.

At its June 17, 2025, meeting, the Planning and Zoning Commission considered and approved the applicant's conditional rezoning request from O-I to R4-CZ (CZ-2025-03). Conditions of approval included the following:

1. The permitted uses allowed by this rezoning shall be limited to those uses and accessory uses allowed by right in the Residential 4 (R4) District. The intent of this rezoning submittal is to use a converted garage as an ADU.
2. The applicant shall be required to submit an application for a variance for the ADU:
 - a. To allow the ADU to remain in its location which encroaches on the required ten (10) foot side yard setback and the twenty-five (25) foot rear yard setback.
 - b. To exceed the allowable density for this property (4 units per acre).

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.D(1)d.1(a) of the KDO requires that the Board of Adjustment shall only grant a variance on finding the applicant demonstrates all of the following:

Staff Findings of Fact - Based on application review:

Yes No

☒☐

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.

The applicant indicates that, without the requested variance, the ADU will need to be removed, which would result in the indefinite displacement of her immediate family.

☒☐

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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

The applicant was not aware that an ADU was not permitted on the property, nor that it would not comply with the requirements of the zoning ordinance. They relied on their licensed contractor to obtain all necessary approvals, permits, and inspections.

☒ ☐ **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.**

The applicant relied on her licensed contractor to obtain all necessary permits prior to converting the garage into an ADU. Cabarrus County issued building and trade permits, conducted inspections, and ultimately issued a Certificate of Occupancy without submitting the project to the City of Kannapolis Planning Department for zoning review.

☒ ☐ **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.**

This request is consistent with the spirit, purpose, and intent of the ordinance. The proposed variance will not compromise public safety and will ensure that substantial justice is achieved while maintaining the integrity of the ordinance. The ADU does meet the zoning ordinance in that it is located in the rear yard and is aesthetically compatible with the principal structure.

F. Legal Issues

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

In order to determine whether a variance is warranted, the Board must decide that each of the four criteria outlined below have been met. If the Board concurs completely with the finds 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 four criteria below. Should a variance be approved, the Board 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. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

☐ ☐ **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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**

☐ ☐ **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.

☐☐

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.

G. Recommendation

Based on the above findings, staff is supportive of the requested 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. Future Land Use Map
5. Site Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



Variance Application

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.

VARIANCE REQUEST

Variance – Request for Variance as required by Section 2.5.D of the Kannapolis Development Ordinance (KDO).

Approval authority – Board of Adjustment.

Property Address: 1703 LANE STREET

Applicant: Kimberly S. ALVAREZ

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ Variance Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the variance
- ☒ Fee: \$350.00 (\$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.

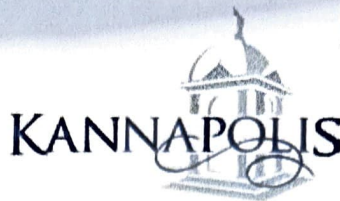
Scope of Approval: A concurring vote of four-fifths of the members of the Board shall be necessary to grant a variance. A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in NC GS §160D-705(d). (See Variance application for hardship criteria.).

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: _____

07/14/25



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

VARIANCE APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Kimri Alvarez

Address: 1703 LANE STREET

Phone: (786) 610-9318

Email: zimsilenc@yahoo.com

Property Owner Contact Information ☒ same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: 1703 LANE STREET Zoning District Select

Parcel PIN: 5624418667000 Size of property (in acres): 0.23 +/- Acres

I, Kimri S. Alvarez, 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 above in a manner shown by the plot plan attached.

Ordinance provision(s) from which a variance is requested: _____

This is what I want to do (attach separate sheet if necessary): _____

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Variance. The Board is required to reach four conclusions before it may issue a Variance. 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)

I am requesting respectfully that the ADU remain in its current location. The proximity is essential for me, as it allows to be close to my daughter and grandson.

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 deviate 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 garage was the closest structure suitable for conversion into a living space. As already had a solid base and foundation in place. Make it practical option for a house.

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.)

I WAS NOT AWARE THAT A ZONING PERMIT WAS REQUIRED. I GENUINELY BELIEVED THAT EVERYTHING WAS LEGITIMATE AND IN ACCORDANCE WITH THE COUNTY AND CITY. ONCE I BECAME AWARE, I IMMEDIATELY BEGAN THE ZONING PROCESS.

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 REQUEST IS CONSISTENT WITH THE SPIRIT, PURPOSE, AND INTENT OF THE ZONING ORDINANCE. THE PROPOSED ADU IN BACK OF THE PRIMARY RESIDENCE IS INTENDED FOR MY DAUGHTER AND GRANDSON, THEREBY SUPPORTING MULTIGENERATIONAL LIVING. THIS ARRANGEMENT ENHANCES THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD AND PROMOTES FAMILY COHESION BY PROVIDING HOUSING OPTIONS WITHIN EXISTING

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

Applicant Signature

7/14/25
Date

Property Owner Signature

7/14/25
Date



Vicinity Map

Case Number: BOA-2025-12

Applicant: Zimri Alvarez

1703 Lane St



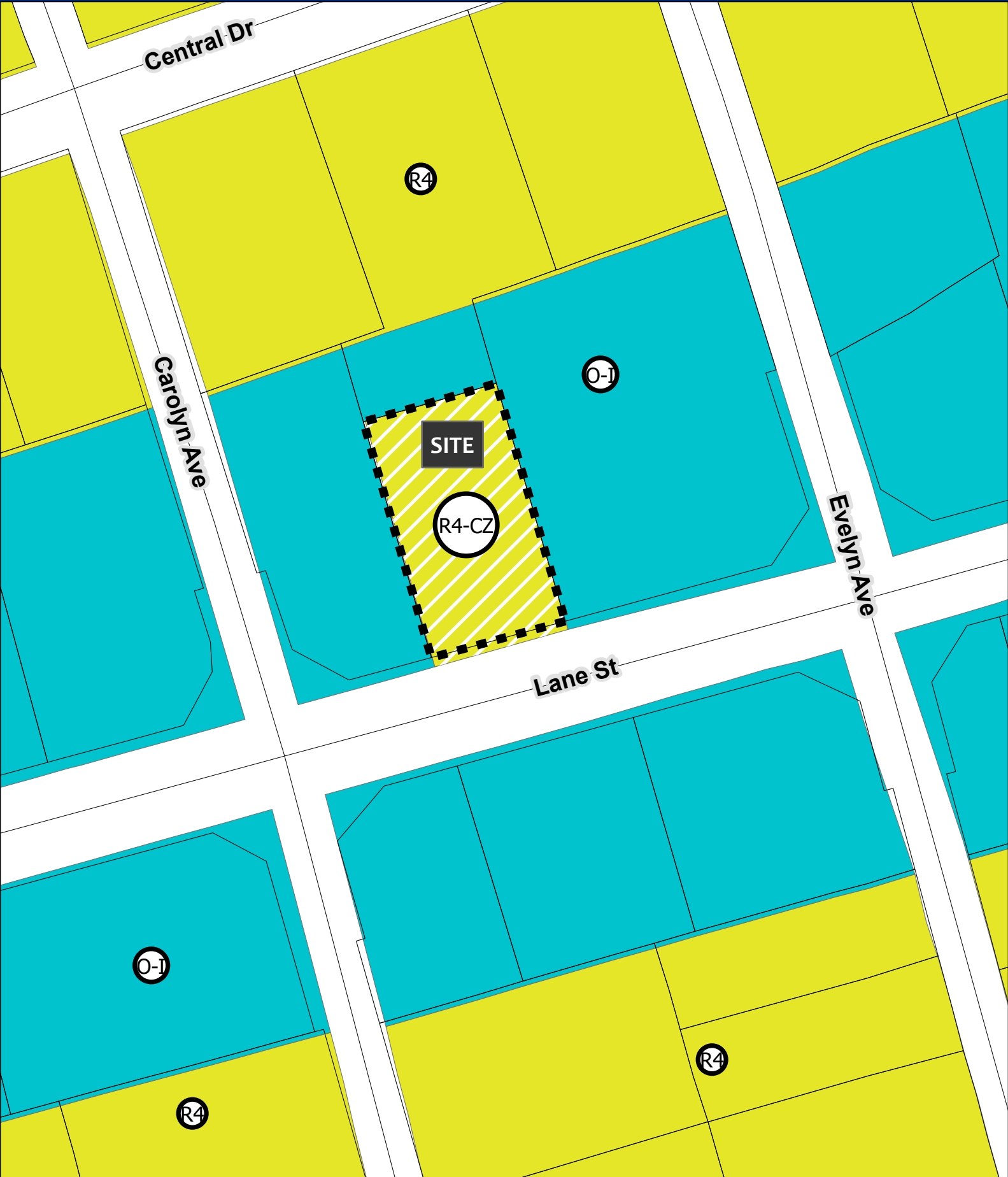


Kannapolis Current Zoning

Case Number: BOA-2025-12

Applicant: Zimri Alvarez

1703 Lane St





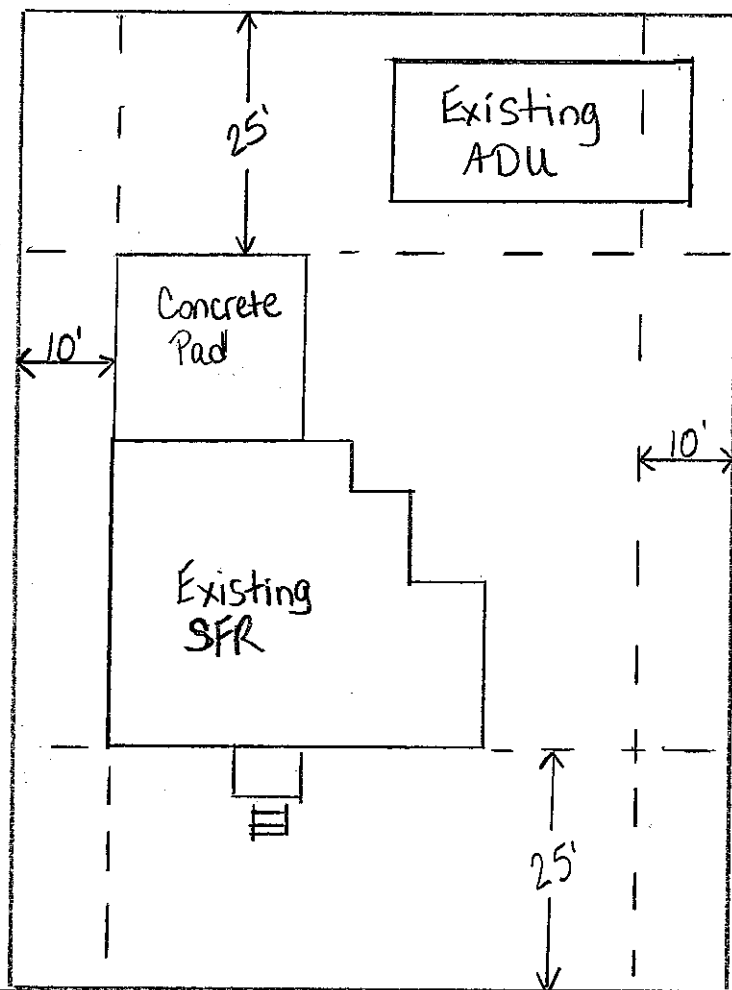
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-12

Applicant: Zimri Alvarez

1703 Lane St





1703 LANE ST.

AcctName1	AcctName2	MailAddr1	MailCity	MailState	MailZipCod
ALEXANDER RICKA		PO BOX 301	KANNAPOLIS	NC	28082
ALVAREZ ZIMRI		1703 LANE ST	KANNAPOLIS	NC	28083
ASHBAUGH HENRY S JR TRUSTEE	ASHBAUGH CHARLENE E TRUSTEE	133 JOHNSON MANOR ST	MOORESVILLE	NC	28115
ATWELL JEFFREY DALE	ATWELL KIMBERLY WF	1180 LITTLE PINE RD	ENNICE	NC	28623
BLACKWELDER JIMMY W	BLACKWELDER EMILY JANE T	1605 LANE ST	KANNAPOLIS	NC	28083
KIMBRO JERALD JR	KIMBRO LAYLA SARI WF	1706 LANE ST	KANNAPOLIS	NC	28083
LONGO DERRICK A	MURCKO ARIELL	526 CAROLYN AVE	KANNAPOLIS	NC	28083
MERSON DIANA		523 EVELYN AVE	KANNAPOLIS	NC	28083
PHILLIPS LARRY C	PHILLIPS DARYLE D	1701 LANE ST	KANNAPOLIS	NC	28083
ROSEN JONATHAN	BROWN SARAH DANIELLE	1704 CENTRAL DR	KANNAPOLIS	NC	28083
SANTOS PEDRO CRUZ		605 CAROLYN AVE	KANNAPOLIS	NC	28083
STRAHAN PAUL	STRAHAN LISA/WIFE	1702 CENTRAL DRIVE	KANNAPOLIS	NC	28083
THE TINH TAM BUDDHIST MEDITATION TEMPLE		524 CAROLYN AVE	KANNAPOLIS	NC	28083



July 18, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday August 5, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-12 – Variance – 1703 Lane St.

The purpose of this Public Hearing is to consider a variance request under Section 4.3.D(1)3 for property located at 1703 Lane St. The applicant seeks a variance from the Accessory Dwelling Unit (ADU) dimensional requirements specifically to allow the existing ADU to be located five feet (5') from the rear and side property lines, where the minimum required rear setback is twenty-five feet (25') and the minimum required side setback is ten feet (10').

The subject property was recently rezoned to Residential 4-Conditional Zoning (R4-CZ) under case CZ-2025-03, is approximately ± 0.23 acres, and is further identified as Cabarrus County Parcel Identification Number (PIN) 5624418667000. (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 704.920.4361 or kstapleton@kannapolisnc.gov.

Sincerely,

Kathryn Stapleton, CZO
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 # APP- 2025 -12

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

IN RE: ZIMRI ALVAREZ	:	
1703 LANE STREET	:	
	:	
APPLICATION # BOA-2025-12	:	ORDER GRANTING
	:	VARIANCE

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the “Board”) having held a quasi-judicial hearing on Tuesday, August 5, 2025, to consider Application Number BOA-2025-12 submitted by Zimri Alvarez (the “Applicant”), requesting a variance for the property located at 1703 Lane Street, Kannapolis, NC 28083 (the “Property”).

The Applicant is requesting a variance from the required rear and interior side yard setbacks for an Accessory Dwelling Unit (ADU) that is a renovated garage. The Property was recently rezoned from Office Institutional (OI) to Residential 4 – Conditional Zoning (R4-CZ) to allow for the use because an ADU is not permitted in the OI District. Per Section 4.3.D(1) of the KDO, an ADU is permitted on a lot where a single-family detached dwelling is the principal use, and it must meet the dimensional and design requirements for principal structures in the zoning district where it is located. In the R4-CZ district, the required rear yard setback is twenty-five (25) feet and the interior side yard setback is ten (10) feet. As a garage, the structure met the O-I District’s required setbacks of five (5) feet for both the rear and side yards. The applicant is now requesting a variance of twenty (20) feet for the rear yard and five (5) feet for the interior side yard for the ADU which must meet the same setback requirements of a principal structure in the R4-CZ District. The applicant states they were unaware of the zoning requirements and relied on their licensed contractor to obtain all necessary approvals, permits, and inspections. They also note that removal of the ADU would result in indefinite displacement of their immediate family who is occupying the ADU. Without prior zoning review by the City of Kannapolis, Cabarrus County Construction Standards inadvertently issued building and trade permits and a Certificate of Occupancy for the applicant’s project. Cabarrus County Construction Standards has been made aware of this oversight. At its June 17, 2025, meeting, the Planning and Zoning Commission considered and approved the applicant’s conditional rezoning request from O-I to R4-CZ (CZ-2025-03). Conditions of approval included, but were not limited to, a requirement that the applicant submit an application for a variance for the ADU to remain on the Property.

The following were accepted into evidence and constitute a part of the record in this matter:

- 1. Variance Application
- 2. Vicinity Map
- 3. Zoning Map
- 4. Future Land Use Map
- 5. Site Plan
- 6. List of Notified Properties
- 7. Notice to Notified Property Owners
- 8. Posted Public Notice
- 9. Staff Report

The Board considered the criteria set out in Section 2.5D(1)d.1(a) of the Kannapolis Development Ordinance and N.C.G.S. 160D-705(d). Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. Unnecessary hardship would result from the strict application of the ordinance.
 - a. The applicant indicates that, without the requested variance, the ADU will need to be removed, which would result in the indefinite displacement of her immediate family.
2. The hardship does result from conditions that are peculiar to the property, such as location, size, or topography.
 - a. The garage that was converted to the ADU was an existing structure with an existing foundation in place and based on the size of the lot there are no other alternative locations.
3. The hardship did not result from actions taken by the applicant or the property owner.
 - a. The applicant relied on her licensed contractor to obtain all necessary permits prior to converting the garage into an ADU. Cabarrus County issued building and trade permits, conducted inspections, and ultimately issued a Certificate of Occupancy without submitting the project to the City of Kannapolis Planning Department for zoning review. The applicant was not aware that an ADU was not permitted on the property, nor that it would not comply with the requirements of the zoning ordinance. They relied on their licensed contractor to obtain all necessary approvals, permits, and inspections. The hardship did not result from actions taken by the applicant or the property owner.
3. 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.
 - a. This request is consistent with the spirit, purpose, and intent of the ordinance. The proposed variance will not compromise public safety and will ensure that substantial justice is achieved while maintaining the integrity of the ordinance. The ADU does meet the zoning ordinance in that it is located in the rear yard and is aesthetically compatible with the principal structure.

Therefore, on the basis of the foregoing FINDINGS OF FACT, the Board concludes that the applicant has met requirements for granting a variance and the application for the variance is approved.

This the 5th day of August, 2025.


Secretary


Chairman



**Board of Adjustment
August 5, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-13: Certificate of Nonconformity Adjustment –
405 Rogers Lake Rd.
Applicant: Santhosh K. Addagoodi

Request for a Certificate of Nonconformity Adjustment to operate a personal vehicle service and repair business on a property located at 405 Rogers Lake Rd.

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, Santhosh K. Addagoodi, is requesting a Certificate of Nonconformity Adjustment (CONA) to operate a personal vehicle service and repair business. The subject property is zoned Residential 4 (R4) and is approximately 0.42 +/- acres and located at 405 Rogers Lake Rd., further identified as Cabarrus County Parcel Identification Number 56135116580000.

There are existing commercial buildings on the property that were previously used for a personal vehicle service and repair business. This use is not permitted in the R-4 zoning district. Although the applicant provided general evidence indicating that the nonconforming use had been in operation and not discontinued, it was determined that the applicant must complete the Certificate of Nonconforming Activity (CONA) process before a new zoning permit can be issued for personal vehicle service and repair at the subject location.

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. Staff analysis of each criterion is noted.

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 applicant states no noise should be heard beyond reasonable business hours.

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

The applicant indicates that the business will not generate any additional traffic, and that all access to the shop is provided directly, without impacting any residents or neighboring properties.

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

The applicant states that there is no reason to believe this business will negatively impact the value of any neighboring properties.

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

The applicant indicates that the business will not negatively impact the aesthetics 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.

Conditions of Approval proposed by staff:

1. Long term storage of vehicles shall be prohibited. All vehicles associated with automotive repair use shall be actively under repair or awaiting repair for no more than 30 consecutive days. Vehicles not being actively serviced or awaiting service beyond this period shall be considered in violation of this condition and must be removed from the site. No inoperable or junk vehicles shall be stored on-site except as allowed by applicable ordinances.

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 Notice

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: 405 ROGERS LAKE RD, Kannapolis, NC-28081

Applicant: SANTHOSH K ADPAAGODI

SUBMITTAL CHECKLIST

- ☐ Pre-Application Meeting
- ☒ CONA Checklist and Application – Complete with all required signatures
- ☐ Plot/Site Plan showing the proposed changes
- ☒ Fee: \$350.00 (\$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: _____

A. Santhosh

Date: _____

07/29/2025



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: SANTHOSH ADDAGROODE

Address: 4335 Bridge Pointe Dr
Harrisburg, NC - 28075

Phone: 248-996-3300

Email: SANTHOSH9999@gmail.com

Property Owner Contact Information ☒ same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: 405 Rogers Lake Rd, Kannapolis NC Zoning District Select

Parcel PIN: 56135116580000 Size of property (in acres): 0.48

Current Property Use: Auto mechanic shop for car repairs and inspections

Describe the nonconformity: Auto mechanic shop for regular car repairs,
inspection, tire changing services, body shop service,
lawn mower small mechanical repairs

Proposed enlargement, expansion, or alteration (attach separate sheet if necessary): no expansions or
alteration are planned and intent is to continue
similar type of business operations and services
as happening from many years in same location.

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 major noises should be heard beyond
reasonable business operations for car mechanic
services.

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

No major Traffic should be generated with the new similar business. All Traffic guidelines and security measurements will be the priority

- 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 Impact to neighbors with respect to pollution or Environmental behaviour. All guidelines and measures are followed and monitored.

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

No Reason this new business should impact someone near to this property negatively with respect to property valuations, there is a potential to increase value

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

No it shouldn't impact any Aesthetics. City or respective department can respect in Timely manner.

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.

A. Smith 07/29/2025
Applicant Signature Date

A. Smith 07/29/2025
Property Owner Signature Date



Vicinity Map

Case Number: BOA-2025-13

Applicant: Santhosh K Addagoodi

405 Rogers Lake Rd





Kannapolis Current Zoning

Case Number: BOA-2025-13

Applicant: Santhosh K Addagoodi
405 Rogers Lake Rd





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-13
Applicant: Santhosh K Addagoodi
405 Rogers Lake Rd



AcctName1	AcctName2	MailAddr1	MailCity	MailState	MailZipCod
KURTZ JOHN D		1414 LILAC RD	CHARLOTT NC		28209
DEAN LUTHER S JR		380 SEXTON RD	KANNAPOI NC		28023
MILLER MARK D		311 TRIECE ST	KANNAPOI NC		28081
SAI MANU AUTO INSPECTIONS	AND SERVICES LLC	4335 BRIDGE POINTE DR	HARRISBUI NC		28075
ROSENBALM DANIEL RAY	HUIE LINDA DAY WF	185 HENSLEY LANE	CHINA GRC NC		28023
KELLER HOMES LLC		107 LANDMARK DR	KANNAPOI NC		28083
DEPARTMENT OF TRANSPORTATION	AGENCY OF THE STATE OF NC	1546 MAIL SERVICE CTR	RALEIGH NC		27699
KURTZ JOHN D		1414 LILAC RD	CHARLOTT NC		28209
DEXHEIMER ALAYNA		360 SEXTON ST	KANNAPOI NC		28023
WILSON ALICE A		401 LOWRANCE AVE	KANNAPOI NC		28081
DEXHEIMER ALAYNA		360 SEXTON ST	KANNAPOI NC		28023
DISCIPLES OF CHRIST CHURCH		15144 MARSHALL VALLEY CT	MINT HILL NC		28227
LAVETTE LISSA JEAN DE SCALZO		403 LOWRANCE AVE	KANNAPOI NC		28081
KURTZ JOHN D		1414 LILAC RD	CHARLOTT NC		28209
KURTZ JOHN D		1414 LILAC RD	CHARLOTT NC		28209
STANBACK MITCHELL D		309 TRIECE STREET	KANNAPOI NC		28081
KURTZ JOHN D		1414 LILAC RD	CHARLOTT NC		28209
JEWETT STEPHEN R	JEWETT CATHY G WF	712 CARSON CT	KANNAPOI NC		28083
GARCIA MIGUEL G	LEMONIER LOURDES M BODRE	330 SEXTON ST	KANNAPOI NC		28023
STMA ENTERPRISES LLC		10906 DRY STONE DR	HUNTERSV NC		28078



July 18, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday August 5, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-13 – Certificate of Nonconformity Adjustment – 405 Rogers Lake Rd.

The purpose of this Public Hearing is to consider a request for a Certificate of Nonconformity Adjustment (CONA) to allow for a personal vehicle service and repair use on a property located at 405 Rogers Lake Rd. 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 Residential 4 (R4) and is approximately 0.42 +/- acres and located at 405 Rogers Lake Rd., further identified as Cabarrus County Parcel Identification Number 56135116580000 (**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 - 2025-13**

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

**IN RE: Santhosh K. Addagoodi
405 Rogers Lake Rd.**

APPLICATION # BOA-2025-13

**:
:
: ORDER GRANTING
: CERTIFICATE OF NON-CONFORMITY
: ADJUSTMENT**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the “Board”) having held a quasi-judicial hearing on August 5, 2025, to consider Application Number BOA-2025-13 submitted by Santhosh K. Addagoodi (the “Applicant”), for a Certificate of Non-Conformity Adjustment (“CONA”) for property located at 405 Rogers Lake Rd, Kannapolis, NC 28081, consisting of approximately 0.42 +/- acres, and being further identified as Cabarrus County Parcel Identification Number 56135116580000 (the “Property”).

The Applicant is requesting a CONA to operate a personal vehicle service and repair business at the Property. The Property is zoned Residential 4 (R4). There are existing commercial buildings on the Property that were previously used for a personal vehicle service and repair business. This use is not permitted in the R-4 zoning district. Although the applicant provided general evidence indicating that the nonconforming use had been in operation and not discontinued, it was determined that the applicant must complete the CONA process before a new zoning permit can be issued for personal vehicle service and repair at the subject location.

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

The following were accepted into evidence and constitute a part of the record in this matter:

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
8. Staff Report

The Board considered the approval criteria set out in Section 2.5.E(4) of the Kannapolis Development Ordinance.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. Does the nonconformity create noise above and beyond levels considered normal to the area?
 - a. The applicant states no noise should be heard beyond reasonable business hours.

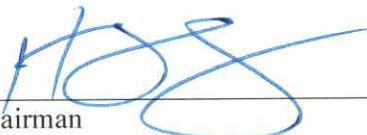
2. Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
 - a. The applicant indicates that the business will not generate any additional traffic, and that all access to the shop is provided directly, without impacting any residents or neighboring properties.
3. Does the nonconformity detract from the prevailing property values?
 - a. The applicant states that there is no reason to believe this business will negatively impact the value of any neighboring properties.
4. Does the nonconformity detract from the overall aesthetic character of the area?
 - a. The applicant indicates that the business will not negatively impact the aesthetics of the area.
5. The applicant consents in writing to all conditions of approval included in the approved Certificate of Nonconformity Adjustment.
 - a. The applicant has been informed they must sign the Conditions of Approval for this Certificate of Nonconformity Adjustment.

Based on the above Findings of Fact, the Board grants the Certificate of Nonconformity Adjustment subject to compliance with all local, State, and Federal requirements and the following conditions:

- a. Long term storage of vehicles shall be prohibited. All vehicles associated with automotive repair use shall be actively under repair or awaiting repair for no more than 30 consecutive days. Vehicles not being actively serviced or awaiting service beyond this period shall be considered in violation of this condition and must be removed from the site. No inoperable or junk vehicles shall be stored on-site except as allowed by applicable ordinances.

This the 5th day of August, 2025.


Secretary


Chairman



**Board of Adjustment
August 5, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Mia Alvarez, Planner

SUBJECT: Case# BOA-2025-14: Certificate of Nonconformity Adjustment– 2808 Lane St.
Applicant: Blue Roots Marketing

Request for a Certificate of Nonconformity Adjustment to replace the non-conforming sign at 2808 Lane St. 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, Blue Roots Marketing on behalf of New Vision Hotels LLC, is requesting a Certificate of Nonconformity Adjustment (CONA) to permit a pole sign measuring 90 square feet in area and 65 feet in height, where a maximum sign area of 64 square feet and maximum height of 15 feet is allowed. The subject property is zoned General Commercial (GC) and consists of approximately 1.51 +/- acres located at 2808 Lane St., further identified as Cabarrus County Parcel Identification Number 56334995000000.

The existing pole sign on the property is approximately 137 square feet in area and 65 feet in height. The proposed sign would reduce the overall sign area while maintaining the existing height, thereby lessening the degree of nonconformity. The CONA request is associated with new branding for a Super 8 hotel.

Based on the information available, staff has compiled the following history of the pole sign:

- 1995-2001: It is assumed the pole sign was established with the construction of the motel, based on aerials in 1995, construction started on the site, and in 2001 the pole sign can be seen on the site. Permitting information and supporting documentation is limited for this time period.
- 2014-2015: Aerials and street view show the cabinet of the sign was removed, however the existing pole has remained.
- 2016: The sign cabinet was placed back onto the pole with a new sign face for Motel 6 according to street view. There is no permitting information available for the cabinet replacement, but this was also during a time before the City had the present automated (Accela) system in place.
- December 2024: The property was approved for a Change In Use Permit for a Change In Occupancy for the Stay Inn. It is assumed the sign face was replaced around this time. It should be noted that changing the face of a sign does not require a permit.

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 sign height will remain the same height as the current sign and the sign area will be smaller than the current sign.

☒
☐

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. Supporting Aerial and Street View Photos
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notices

I. Issue Reviewed By:

Planning Director	X
City Attorney	X



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: 2808 Lane St

Applicant: Blue Roots Marketing on behalf of NEW VISION HOTELS LLC

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ CONA Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the proposed changes
- ☒ Fee: \$350.00 (\$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: Anna Houser

Date: 05-27-2025



CERTIFICATE OF NONCONFORMITY ADJUSTMENT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Green Street Peak GP, LLC (Nicholas R Parker)

Address: 401 Boyce Road
Charlotte, NC 28211

Phone: 704-751-6867

Email: nrparker@amicuseng.com

Property Owner Contact Information

Name: Green Street Peak GP, LLC (Nicholas R. Parker)

Address: 401 Boyce Road
Charlotte, NC 28211

Phone: 704-751-6867

Email: nrparker@amicuseng.com

Project Information

Project Address: 403 Alpine Street, Kannapolis, NC 28081 Zoning District R8

Parcel PIN: 159 117 Size of property (in acres): 4.67

Current Property Use: Vacant

Describe the nonconformity: Current Pylon Sign is 65' tall. Pylon height is restricted to 15' tall.

The current Sign Cabinet is 137 sqft. The new sign cabinet will be 90 sqft.

Proposed enlargement, expansion, or alteration (*attach separate sheet if necessary*): New branding is required for the site.

We request to replace the pylon sign cabinet (141" x 140") with one that will keep the total height of 65'. The new sign cabinet will be 141" x 92".

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 noise changes.

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

No change in traffic volume.

- 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 negative effects.

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

No changes to the property values.

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

No change in aesthetic character.

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.

Anna Fowler

Applicant Signature

6/18/25

Date

P. R. G. H.

Property Owner Signature

6/18/25

Date



Pylon Sign Location

Wall Sign Location



QUOTE REQUEST



521 Eagleton Downs Drive
Pineville, NC 28134

980.256.4819

bluerootsmarketing.com
customfoodtruckgraphics.com

DATE:

REVISION DATE:

JOB LOCATION:

CLIENT:

CONTACT:

DESIGNER:

THE CONTENTS OF THIS DRAWING AND ALL ELEMENTS ARE NOT TO BE REPRODUCED, CHANGED, OR EXHIBITED TO ANYONE OUTSIDE OF YOUR COMPANY IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION. ALL SUCH ACTIONS ARE PROHIBITED BY LAW.

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This Drawing must be returned signed & approved, any delay will result in delayed production time. We **DO NOT** assume responsibility for errors of any kind. Please inspect this drawing thoroughly to insure that all spelling is correct and that the artwork is accurate and correctly positioned.

PROJECT SPECIFICATIONS

Qty. 1 - 2 sided custom fabricated aluminum cabinet lighted with bright white LED's
Cabinet 141"x92"x39.5" - Faces - Flexface with clips and trim kits
- Installed onto existing telescopic pole

Front and Back View



Side View



Quantity -

Materials -

Colors -

INSTALLATION ADDRESS: 2808 Lanes St
Kannapolis, NC, 28083
United States

 Share





Vicinity Map

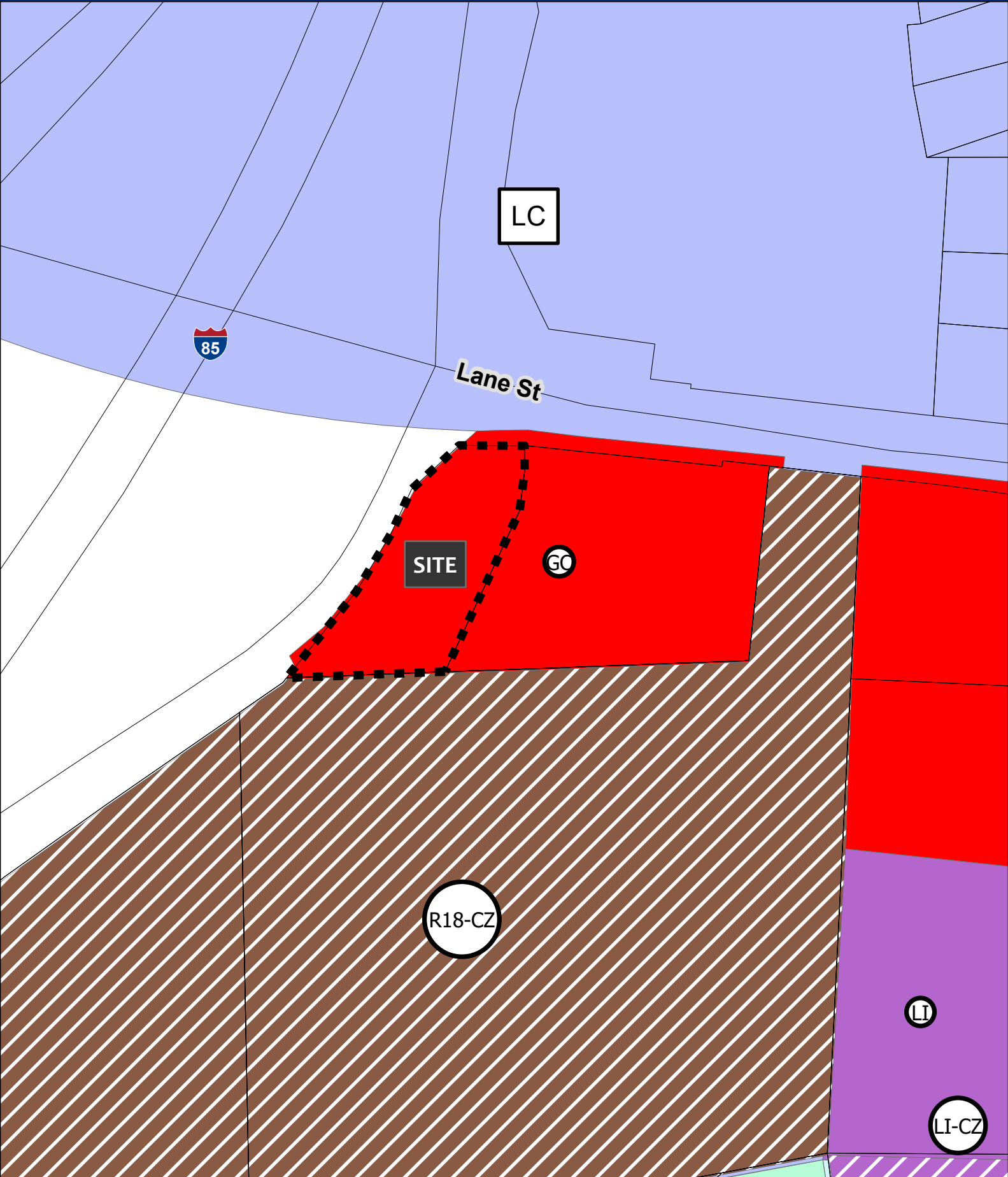
Case Number: BOA-2025-14
Applicant: Blue Roots Marketing
2808 Lane St





Kannapolis Current Zoning

Case Number: BOA-2025-14
Applicant: Blue Roots Marketing
2808 Lane St





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-14
Applicant: Blue Roots Marketing
2808 Lane St



Lane St

SITE

Primary
Activity
Interchange

1995 Aerial



2001 Aerial



June 2014 Street View



May 2015 Street View



April 2016 Street View



OWNER1	OWNER2	Mailing Address1	Mailing Address 2	City	State	ZIP
SUMMIT AVENUE LANE STREET LLC	A NC LLC	1440 S TRYON ST STE 104		CHARLOTTI NC		28203
NEW VISION HOTELS LLC		2808 LANE ST		KANNAPOL NC		28083
FASTSTACHE LLC		100 BACON AVE		CHARLOTTI NC		28208
PFJ SOUTHEAST LLC		PO BOX 54710	STORE #56	LEXINGTON KY		40555



July 18, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday August 5, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-14 – Certificate of Nonconformity Adjustment – 2808 Lane St.

The purpose of this Public Hearing is to consider a request for a Certificate of Nonconformity Adjustment (CONA) for property located at 2808 Lane St. The requested CONA is to permit a pole sign measuring 90 square feet in area and 65 feet in height, where a maximum sign area of 64 feet and maximum height of 15 feet is allowed. The current pole sign is approximately 137 square feet in area and 65 feet in height. 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 General Commercial (GC) and is approximately 1.51 +/- acres located at 2808 Lane St. and further identified as Cabarrus County Parcel Identification Number 56334995000000 (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 704.920.4350 or malvarez@kannapolisnc.gov.

Sincerely,

Mia Alvarez
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.



STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

**IN RE: Blue Roots Marketing
2808 Lane St.**

APPLICATION # BOA-2025-14

**:
:
: ORDER GRANTING
: CERTIFICATE OF NON-CONFORMITY
: ADJUSTMENT**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the “Board”) having held a quasi-judicial hearing on August 5, 2025, to consider Application Number BOA-2025-14 submitted by Blue Roots Marketing, (the “Applicant”) for a Certificate of Non-Conformity Adjustment (“CONA”) for property located at 2808 Lane St., Kannapolis, NC 28081, consisting of approximately 1.51 +/- acres located at 2808 Lane St., and being further identified as Cabarrus County Parcel Identification Number 56334995000000 (the “Property”).

The Applicant, on behalf of New Vision Hotels LLC, is requesting a CONA to permit a pole sign measuring 90 square feet in area and 65 feet in height, where a maximum sign area of 64 square feet and maximum height of 15 feet is allowed. The Property is zoned General Commercial (GC).

The existing pole sign on the Property is approximately 137 square feet in area and 65 feet in height. The proposed sign would reduce the overall sign area while maintaining the existing height, thereby lessening the degree of nonconformity. The CONA request is associated with new branding for a Super 8 Hotel.

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

The following were accepted into evidence and constitute a part of the record in this matter:

- 1. Certificate of Nonconformity Adjustment Application
- 2. Vicinity Map
- 3. Zoning Map
- 4. Future Land Use Map
- 5. Supporting Aerial and Street View Photos
- 6. List of Notified Properties
- 7. Notice to Adjacent Property Owners
- 8. Posted Public Notices
- 9. Staff Report

The Board considered the approval criteria set out in Section 2.5.E(4) of the Kannapolis Development Ordinance.

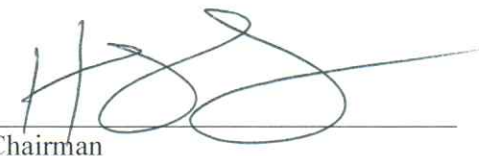
Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. Does the nonconformity create noise above and beyond levels considered normal to the area?
 - a. The nonconformity does not create noise.
2. Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
 - a. This request will have no effect on traffic generated by the site.
3. Does the nonconformity detract from the prevailing property values?
 - a. The nonconformity does not detract from prevailing land uses.
4. Does the nonconformity detract from the overall aesthetic character of the area?
 - a. This sign request would not change or detract from the overall aesthetic character of the area. The sign height will remain the same height as the current sign and the sign area will be smaller than the current sign.
5. The applicant consents in writing to all conditions of approval included in the approved Certificate of Nonconformity Adjustment.
 - a. The applicant has been informed they must sign the Conditions of Approval for this Certificate of Nonconformity Adjustment.

Based on the above Findings of Fact, the Board grants the Certificate of Nonconformity Adjustment subject to compliance with all local, State, and Federal requirements.

This the 5th day of August, 2025.


Secretary


Chairman



**Board of Adjustment
August 5, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Mia Alvarez, Planner

SUBJECT: Case# BOA-2025-15: Certificate of Nonconformity Adjustment– 2702 N. Cannon Blvd.

Applicant: Christopher Howell

Request for a Certificate of Nonconformity Adjustment to operate a contractor office on a property located at 2702 N. Cannon Blvd.

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, Christopher Howell (the lessee), is requesting a Certificate of Nonconformity Adjustment (CONA) to operate a contractor office. The subject properties consist of two zoning districts: General Commercial (GC) along N. Cannon Blvd. and Residential 8 (R8) along Alexander Ave. at the rear of the site. The properties are approximately 3.18 ± combined acres and are located at 2702 N. Cannon Blvd., further identified as Rowan County Parcel Identification Numbers 162 030 and 162 029.

On February 4, 2025, the Board of Adjustment approved a CONA (case BOA-2025-03) for personal vehicle service and repair at this location. Staff has confirmed that the nonconformity status for personal vehicle service and repair remains valid and has not expired. Prior to that approval, the property had been used as a contractor office for a plumbing business. The applicant now intends to revert the use back to a contractor office.

It is important to note that the zoning district boundary bisects the existing building. While a contractor office is a permitted use in the General Commercial (GC) District, it is not permitted in the Residential 8 (R8) District.

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. Staff analysis of each criterion is noted.

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 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?

The number of trips associated with this nonconformity is not significantly higher than the volume of traffic generated by surrounding land uses.

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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?

The contractor office will be located in the existing building on the property.
There is a restaurant to the north of the property and a car dealership to the south.
There are residential homes east of the property along Alexander Ave.

☒
☐

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 Notice

I. Issue Reviewed By:

Planning Director	X
City Attorney	X

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: 2702 N Cannon Blvd. Kannapolis, NC 28083

(162 030 and 162 029)

Applicant: Christopher Howell, United Plumbing Services Inc.

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ CONA Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the proposed changes
- ☒ Fee: \$350.00 (\$300 Application Fee + notification fee [see Fee Schedule])
- ☒ Please mark this box to authorize aerial drone photography of the site

PROCESS INFORMATION

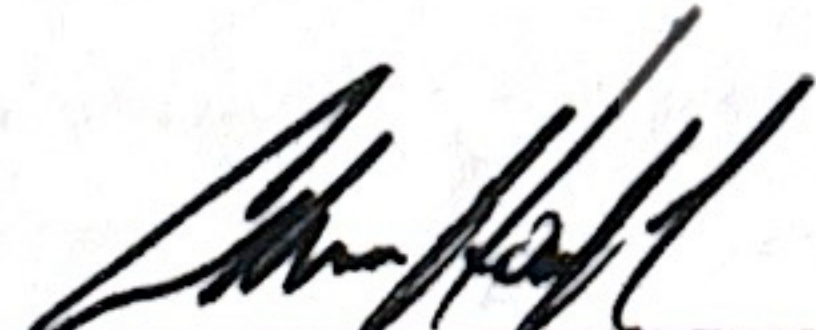
Public Notification: This is a quasi-judicial process that requires a public hearing and public notification including first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 2.4.F of the KDO).

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: 6-30-25



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: Christopher Howell, President

Address: 255 Kirkwood Drive
Concord NC, 28025

Phone: 704-791-0829

Email: sdwhowell@gmail.com

Property Owner Contact Information ☒ same as applicant

Name: Henry D Hardin Etal

Address: 2703 China Grove Road
Kannapolis, NC 28083

Phone: 704-490-0889

Email: does not have email

Project Information

Project Address: 2702 N Cannon Blvd

Zoning District R8

Parcel PIN: 162 030 and 162 029

Size of property (in acres): +/- 3.18 acres

Current Property Use: Personal Auto Repair

Describe the nonconformity: The subject property is dual zoned with the portion facing the N Cannon Blvd corridor as General Commercial (GC) and the rear of the property zoned R8.

The property has been non-residential prior to Unified Zoning Ordinance and Kannapolis Development Ordinance.

Proposed enlargement, expansion, or alteration (attach separate sheet if necessary): The property will not be altered.

The intended use will revert back to a contractor office, specifically a plumbing shop, which was the original use prior to the CONA submitted and approved February 2024.

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, the N Cannon Blvd corridor retains a commercial use currently and the surrounding uses are within the normally noise levels 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?

No, the plumbing contractor shop rarely has customers visit the office. Most traffic will remain in the mornings and evening when the employees drop their personal vehicles off to ready their work trucks and go out into the community. Average daily trips will remain under 20 daily.

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, the plumbing contractor office will not generate any negative effects.

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

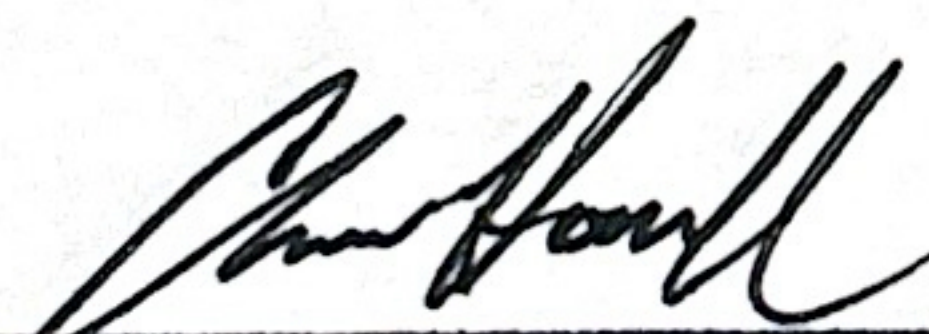
No, the surrounding businesses along N Cannon Blvd. are all commercial in nature.

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

The overall aesthetic character of the area will not change. The current use of personal vehicle repair is a nonconforming use. The proposed use of contractor office is also nonconforming.

Per KDO 7.1.C.1, a certificate of nonconformity adjustment is required to allow the contractor office.

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

6-30-25

Date


Property Owner Signature

6-30-25

Date



Vicinity Map

Case Number: BOA-2025-15
Applicant: Christopher Howell
2702 N Cannon Blvd



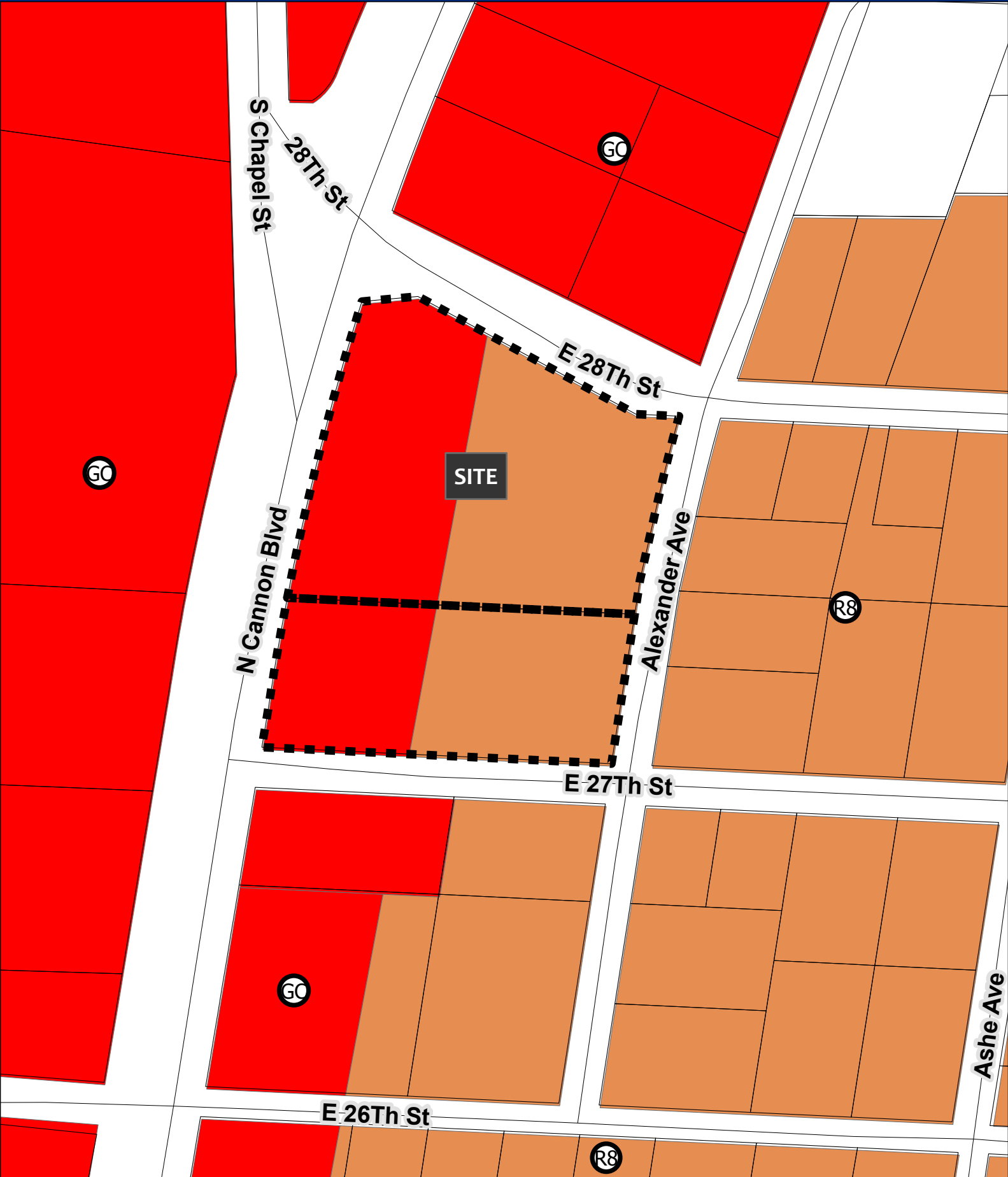


Kannapolis Current Zoning

Case Number: BOA-2025-15

Applicant: Christopher Howell

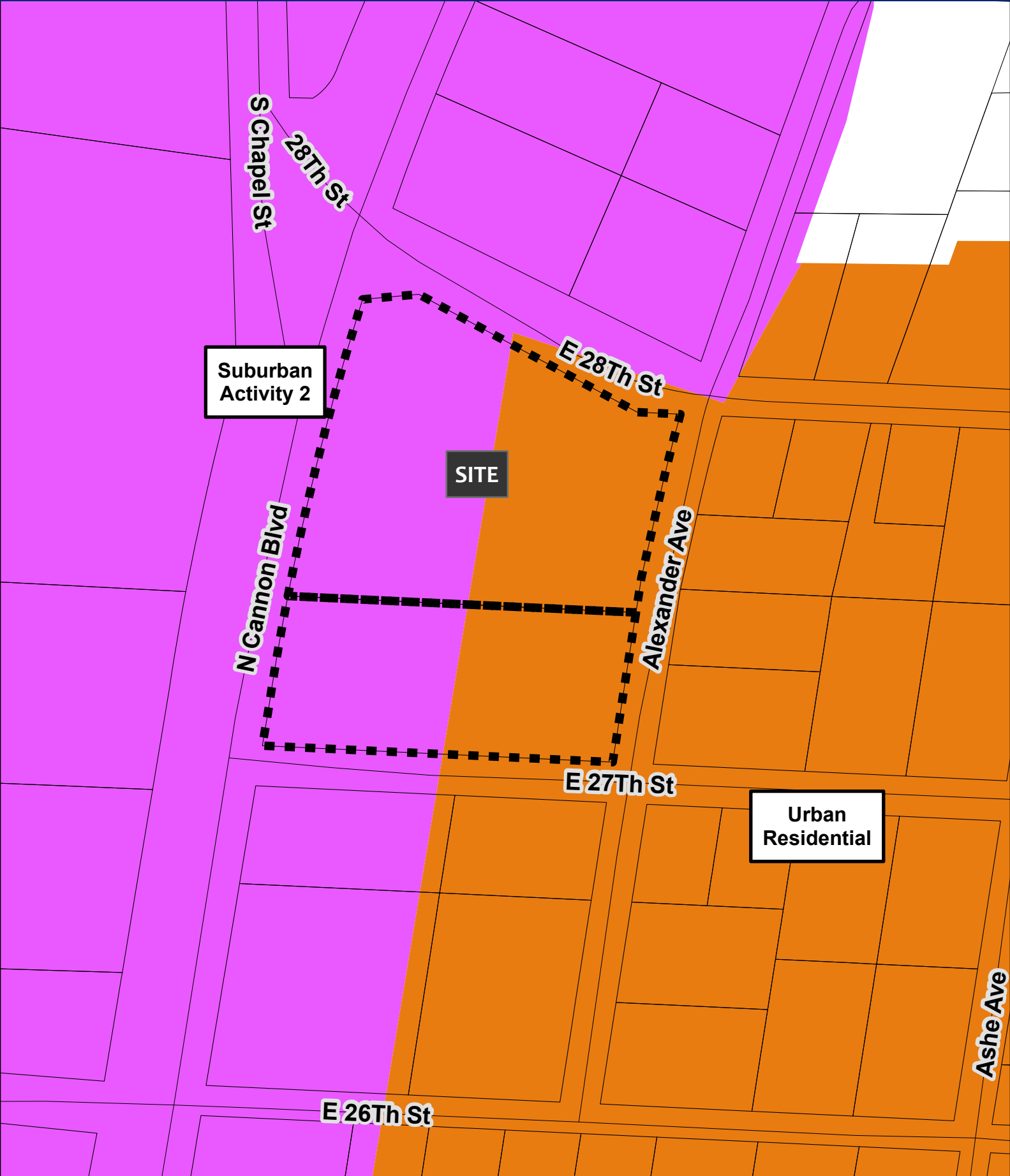
2702 N Cannon Blvd





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-15
Applicant: Christopher Howell
2702 N Cannon Blvd



OWNER 1	TAXADD1	TAXADD2	CITY	STATE	ZIPCODE	OWNER 2
BT-OH LLC	55 GLENLAKE PKWY NE		ATLANTA	GA	30328-3474	ATTN: REAL ESTATE DEPT
ROUSIS DIMITRIOS	348 WEBSTER PL		CHARLOTTE	NC	28209	
JORDAN HOUSTON JAMES	313 E 28TH ST		KANNAPOLIS	NC	28083-9739	
JORDAN HOUSTON JAMES & WF	313 E 28TH ST		KANNAPOLIS	NC	28083	JORDAN SHIRLEY ANN
H H & H TOWER RENTALS INC	408 W MILL ST		LANDIS	NC	28088-1222	
ANICA MARIA	2702 ALEXANDER AVE		KANNAPOLIS	NC	28083-9703	
RANDY E BENTLEY CONSTRUCTION LLC	4576 HWY 152 E		ROCKWELL	NC	28138-9599	
MUNOZ CAMILO &	202 E 27TH ST		KANNAPOLIS	NC	28083-9734	CASTILLO LEA
BIKAS KONSTANTIA T ETAL	3210 SPRINGS FARM LN		CHARLOTTE	NC	28226-0912	% HUMDINGER
KBL PROPERTY INVESTMENTS LLC	7210 FRIAR TUCK LN		CHARLOTTE	NC	28227-6127	
10FSS 2806 N CANNON BLVD KANAPOLIS NC LL	2424 RIDGE RD		ROCKWALL	TX	75087-5116	
JORDAN VANDREITA ELAINE	318 E 28TH ST		KANNAPOLIS	NC	28083	
ALLEY VIRGINIA YATES	302 E 28TH ST		KANNAPOLIS	NC	28083-9736	
BENJAMIN TORREY D	312 E 28TH ST		KANNAPOLIS	NC	28083-9736	
BAF ASSETS 4 LLC	5001 PLAZA ON THE LAKE STE 200		AUSTIN	TX	78746-1053	
TEHRANI ENAYATOLLAH K & WF	5120 INGLEBURN LN		HUNTERSVILLE	NC	28078-0000	KHATAMBASKSH FATANEH T
HARDIN HENRY D ETAL	2730 CHINA GROVE RD		KANNAPOLIS	NC	28083	
ZIODI AUTOMOTIVE LLC	4530 AVALON FOREST LANE		CHARLOTTE	NC	28269-8195	
HASKINS LISA BOGER	2601 ALEXANDER AVE		KANNAPOLIS	NC	28083	
MCGUIRE RICHARD E	8845 WRIGHT RD		KANNAPOLIS	NC	28081-8997	
HOLT JACOB K & SPOUSE	2602 ALEXANDER AVE		KANNAPOLIS	NC	28083-9701	HOLT BETHANY F
NCU4001KS LP	1201 GLENMORE TRAIL SW	CALGARY, AB				MINI MALL STORAGE PROPERTIES
BOTHWELL JALISSA	200 E 27TH ST		KANNAPOLIS	NC	28083-9734	
TEHRANI ENAYATOLLAH K & WF	5120 INGLEBURN LN		HUNTERSVILLE	NC	28078-0000	KHATAMBASKSH FATANEH T
BELK GEORGE CARROLL & WF	317 E 28TH ST		KANNAPOLIS	NC	28083-9239	BELK CONSTANT M
CORDEIRO EDWARD J III & WF	2627 ALEXANDER AVE		KANNAPOLIS	NC	28083	CORDEIRO SHANIE L
SPEEDWAY LLC	539 S MAIN ST		FINLAY	OH	45840-0000	
PITTMAN DEREK &	305 E 28TH ST		KANNAPOLIS	NC	28083	PITTMAN DIANE E
CHEE-PING CARMAH	8635 W SAHARA AVE #3198		LAS VEGAS	NV	89117-5858	



July 18, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday August 5, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-15 – Certificate of Nonconformity Adjustment – 2702 N. Cannon Blvd.

The purpose of this Public Hearing is to consider a request for a Certificate of Nonconformity Adjustment (CONA) to allow for a contractor office use on a property located at 2702 N. Cannon Blvd. 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 split General Commercial (GC) and Residential-8 (R-8) zoning districts on approximately 3.18 +/- acres of property located at 2702 N. Cannon Blvd. and further identified as Rowan County Parcel Identification Numbers 162 030 and 162 029 **(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 704.920.4350 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.



STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

IN RE: Christopher Howell
2702 N. Cannon Blvd

APPLICATION # BOA-2025-15

:
:
: ORDER GRANTING
: CERTIFICATE OF NON-CONFORMITY
:
: ADJUSTMENT

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the “Board”) having held a quasi-judicial hearing on August 5, 2025, to consider Application Number BOA-2025-15 submitted by Christopher Howell (the “Applicant”) for a Certificate of Non-Conformity Adjustment (“CONA”) for property located at 2702 N. Cannon Blvd, Kannapolis, NC 28083, consisting of approximately 3.18 ± acres, and being further identified as Rowan County Parcel Identification Numbers 162 030 and 162 029 (the “Property”).

The Applicant, a lessee of the Property, is requesting a CONA to operate a contractor office. The Property has two zoning districts: General Commercial (GC) along N. Cannon Blvd. and Residential 8 (R8) along Alexander Ave. at the rear of the site.

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

The following were accepted into evidence and constitute a part of the record in this matter:

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
8. Staff Report

The Board considered the approval criteria set out in Section 2.5.E(4) of the Kannapolis Development Ordinance.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. Does the nonconformity create noise above and beyond levels considered normal to the area?
 - a. The nonconformity does not create noise above and beyond levels considered normal to the area.

2. Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
 - a. The number of trips associated with this nonconformity is not significantly higher than the volume of traffic generated by surrounding land uses.
3. Does the nonconformity detract from the prevailing property values?
 - a. The nonconformity does not detract from prevailing property values.
4. Does the nonconformity detract from the overall aesthetic character of the area?
 - a. The contractor office will be located in the existing building on the property. There is a restaurant to the north of the property and a car dealership to the south. There are residential homes east of the property along Alexander Ave.
5. The applicant consents in writing to all conditions of approval included in the approved Certificate of Nonconformity Adjustment.
 - a. The applicant has been informed they must sign the Conditions of Approval for this Certificate of Nonconformity Adjustment.

Based on the above Findings of Fact, the Board grants the Certificate of Nonconformity Adjustment subject to compliance with all local, State, and Federal requirements.

This the 5th day of August, 2025.


Secretary


Chairman



**Board of Adjustment
August 5, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-16: Special Use Permit – 1093 S. Cannon Blvd.
Applicant: William Baggett

Request for a Special Use Permit to allow for a tattoo studio on property located at 1093 S. Cannon Blvd.

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, William Baggett, is requesting a Special Use Permit (SUP) to allow for a tattoo studio in the General Commercial (GC) zoning district on approximately 3.00 +/- acres of property located at 1093 S. Cannon Boulevard, further identified as Cabarrus County Parcel Identification Number 56230355880000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Tattoo or body-piercing establishment uses in the GC zoning district.

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

- | | | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | <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" Character Area in the <i>Move Kannapolis Forward 2030 Comprehensive Plan</i>. The Area is composed primarily of small and medium-scale commercial developments. Existing neighboring uses include a restaurant, various retail, and residential uses.</p> <p>Based on the character area noted above, the proposed development is compatible with the future land use plan and existing uses in the surrounding area.</p> |
| ☒ | ☐ | <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 tattoo studio will be located within an existing building in an established shopping center. The use is not anticipated to generate traffic hazards or contribute to traffic congestion. Adequate parking is available on-site to accommodate the proposed use.</p> |
| ☒ | ☐ | <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 tattoo studio is expected as a result of this proposed use.</p> |
| ☒ | ☐ | <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 tattoo studio is compatible with the surrounding commercial uses.</p> |
| ☒ | ☐ | <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 detriment 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> |
| ☒ | ☐ | <p>The proposed use complies with all applicable provisions of the KDO.</p> |

The proposed use shall comply with all sections of the Kannapolis Development Ordinance, conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.

☒
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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 special use permit.

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

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☐

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.

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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.

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☐

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

☐
☐

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

☐
☐

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

☐
☐

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.

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. Floor Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X



Vicinity Map

Case Number: BOA-2025-16

Applicant: William Baggett

1093 S Cannon Blvd

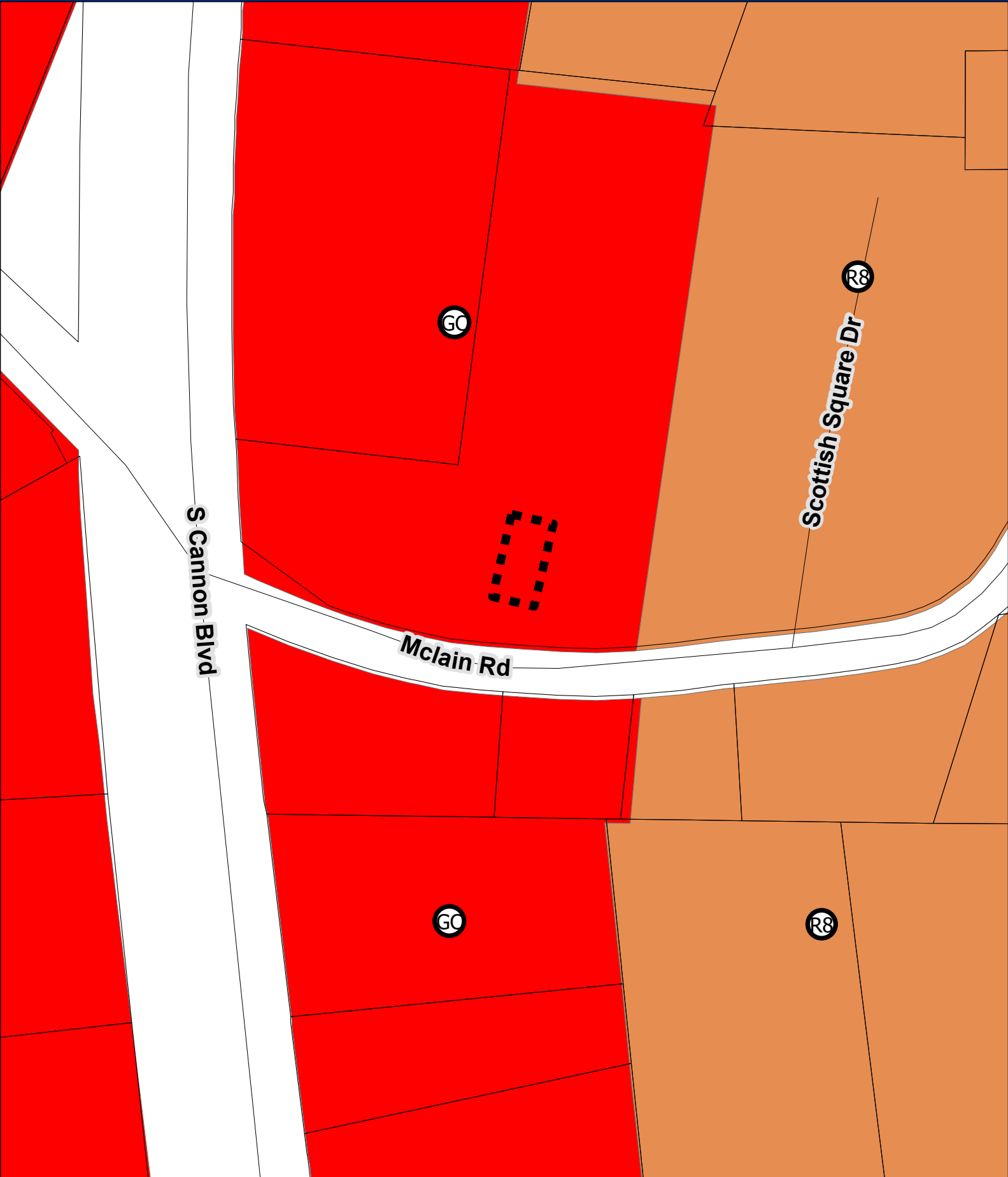




Kannapolis Current Zoning

Case Number: BOA-2025-16

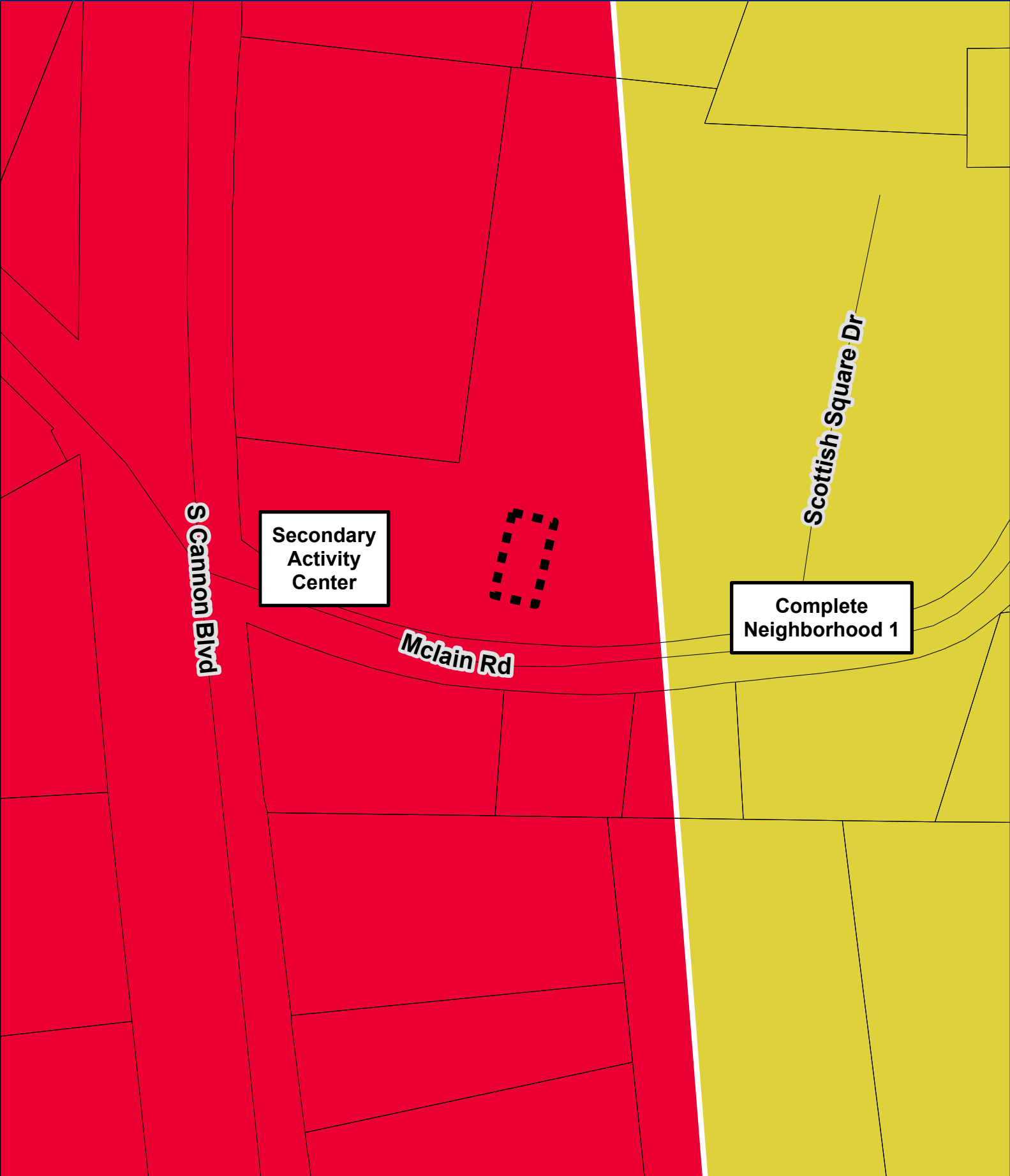
Applicant: William Baggett
1093 S Cannon Blvd

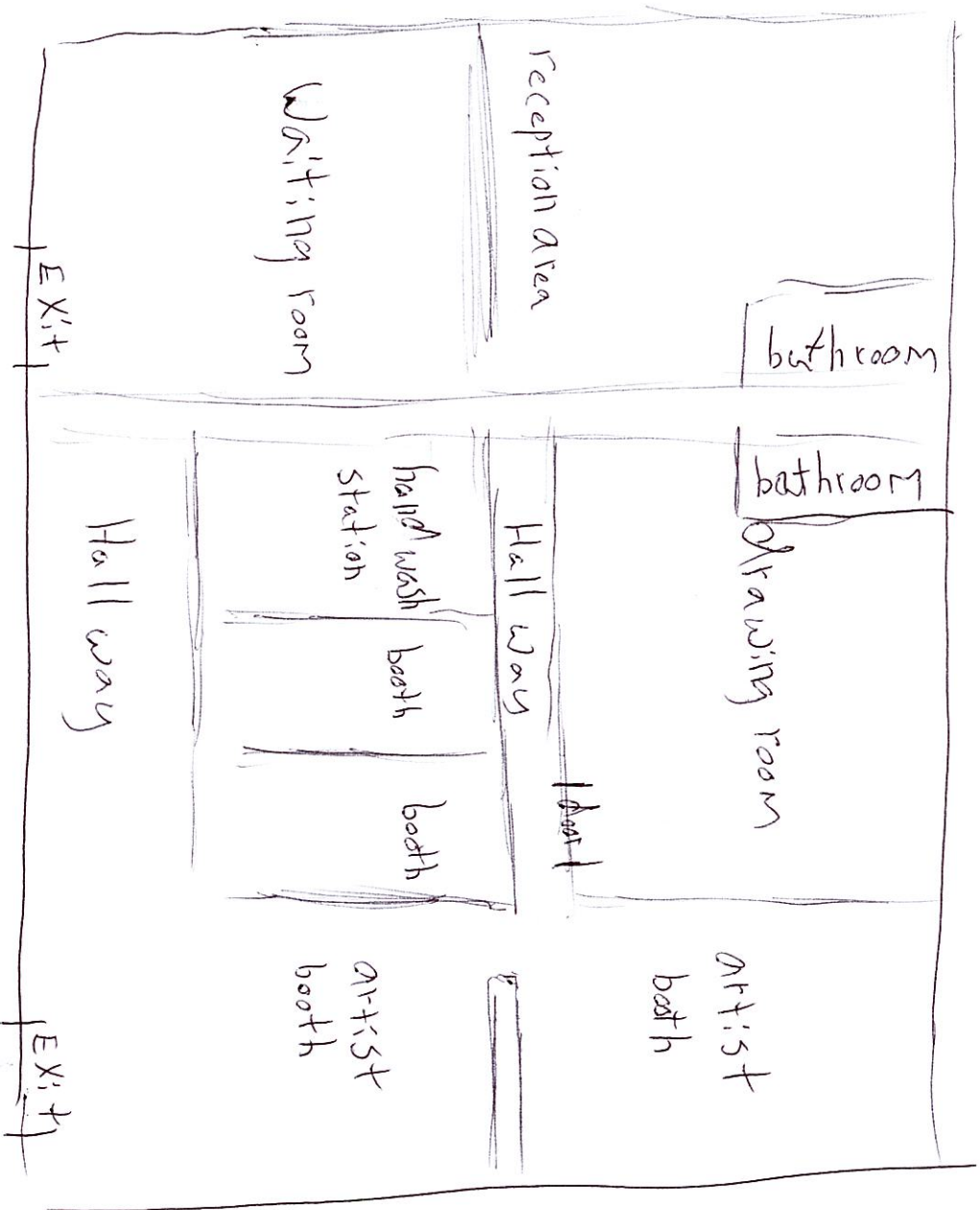




Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-16
Applicant: William Baggett
1093 S Cannon Blvd





AcctName1	AcctName2	MailAddr1	MailCity	MailState	MailZipCod
TRSTE III KANNAPOLIS LLC		2730 ROZZELLES FERRY RD STE A	CHARLOTTE	NC	28208
ROMERO MARIO PATRICIO ENRIQUEZ		802 MCLAIN RD	KANNAPOLIS	NC	28083
GV REALTY LLC		4873 ANNELESE DR	HARRISBURG	NC	28075
SHORE RONALD D		5025 ENOCHVILLE RD	KANNAPOLIS	NC	28081
JAIME RAFAEL		323 WINDSOR FALLS DR	CANTON	GA	30114
PORTER ROBERT V		804 MCLAIN RD	KANNAPOLIS	NC	28083
SANSOM WILLARD ASHBY	SANSOM DEBORAH ESTATE	807 SEARS ST	KANNAPOLIS	NC	28083
CHUNG TRAN M		381 SYCAMORE RIDGE RD NE	CONCORD	NC	28025



July 18, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial public hearing on Tuesday August 5, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-16 – Certificate of Nonconformity Adjustment – 1093 S. Cannon Blvd.

The purpose of this Public Hearing is to consider a request for a Special Use Permit (SUP) to allow for a tattoo studio on property located at 1093 S. Cannon Blvd. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance, a SUP is required for Tattoo or body-piercing uses in the General Commercial (GC) zoning district.

The subject property is a unit located at 1093 S. Cannon Blvd., situated on an approximately ±3.00-acre parcel that contains multiple commercial and residential buildings. The property is more specifically identified as Cabarrus County Parcel Identification Number 56230355880000. **(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 - 16

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

**IN RE: 1093 S. Cannon Blvd
William Baggett**

:
:
:
:
:

APPLICATION # 2025-16-BOA

**ORDER GRANTING A
SPECIAL USE PERMIT**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the "Board") having held a quasi-judicial hearing on Tuesday August 5, 2025 to consider Application Number 2025-16 BOA submitted by William Baggett (the "Applicant").

The Applicant is requesting a Special Use Permit (SUP) to allow for a tattoo studio in the General Commercial (GC) zoning district on approximately 3.00 +/- acres of property located at 1093 S. Cannon Boulevard, further identified as Cabarrus County Parcel Identification Number 56230355880000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Tattoo or body-piercing establishment uses in the GC zoning district.

The following were accepted into evidence and constitute a part of the record in this matter:

1. Special Use Permit Application
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Floor Plan
6. List of Notified Properties
7. Notice to Adjacent Property Owners
8. Posted Public Notice
9. Staff Report

The Board considered the approval criteria set out in Section 2.5.A(5) of the Kannapolis Development Ordinance.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

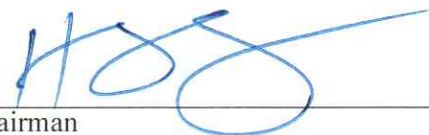
1. The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.
 - a. The subject property is in the "Secondary Activity Center" Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. The Area is composed primarily of small and medium-scale commercial developments. Existing neighboring uses include a restaurant, various retail, and residential uses.
2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
 - a. The proposed tattoo studio will be located within an existing building in an established shopping center. The use is not anticipated to generate traffic hazards or contribute to traffic congestion. Adequate parking is available on-site to accommodate the proposed use.
3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

- a. No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a tattoo studio is expected as a result of this 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.
 - a. The proposed use would not impede development of the surrounding properties for uses allowed within their respective zoning districts. The proposed tattoo studio is compatible with the surrounding commercial uses.
5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger public health, safety, or general welfare.
 - a. There is no apparent danger or detriment 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.
6. The proposed use complies with applicable provisions of the KDO.
 - a. The proposed use shall comply with all sections of the Kannapolis Development Ordinance, conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.
7. The applicant consents in writing to all conditions of approval included in the approved special use permit.
 - a. N/A unless the Board of Adjustment determines to add conditions.

Based on the above Findings of Fact, the Board **approves** the Special Use Permit for Application Number 2025-16 BOA subject to its compliance with all local, state and federal requirements.

This the 5th day of August, 2025.


Secretary


Chairman