

CITY OF KANNPOLIS, NC
BOARD OF ADJUSTMENT

Minutes of Meeting

May 6, 2025

6:00 PM

The Kannapolis Board of Adjustments met on Tuesday, May 6, 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:

Emily Joshi, Chair

Holden Sides, Vice-Chair

Chris Dwiggin

Danielle Martini

Jeff Parker

Wilfred Bailey, Sr.

Board Members Absent:

N/A

Staff Present:

Richard Smith, Planning Director

Elizabeth McCarty, Assistant Planning Director

Ben Barcroft, Senior Planner

Mia Alvarez, Planner

Zulena Anderson, Planning Technician

City Attorney:

Walter Safrit, II

Visitors Present:

BJ Hunsucker

Ken Chapman

Susan Sartain

Daniel Ivey

Davis Chagnon

Edward Spanke

Richard Lewis

Gail Lewis

Michael Foess

1 **CALL TO ORDER**

2 Chair Joshi called the meeting to order at 6:00 P.M.

3 **ROLL CALL AND RECOGNITION OF QUORUM**

4 Recording Secretary Zulena Anderson called the roll. The presence of a quorum was recognized.

5 **APPROVAL OF AGENDA**

6 Chair Joshi asked for a motion to approve the agenda, which was made by Mr. Parker, second by Mr.
7 Sides, and the motion was unanimously approved.

8 **APPROVAL OF MINUTES**

9 Chair Joshi asked for a motion regarding April 1, 2025, minutes. Mr. Sides made the motion to approve,
10 second by Mr. Dwiggins, and the motion was unanimously approved.

11 **Sworn In for Testimony**

12 Mia Alvarez, Ben Barcroft, Richard Lewis, Michael Foess, Susan Sustain, BJ Hunsucker

13 **PUBLIC HEARING**

14 Chair Joshi called for the hearing of **BOA-2025-06**. However, Mr. Safrit mentioned that another Board
15 member will be arriving later during the BOA meeting. Mr. Smith confirmed that another Board member
16 will be arriving later. Mr. Safrit also mentioned that to approve a variance, the State statute requires a
17 four-fifths majority, and currently only five members are present out of six. He suggested for the Board
18 members to wait until Mr. Bailey arrived. Chair Joshi thanked Mr. Safrit and postponed case **BOA-2025-**
19 **06** to later in the meeting, acknowledging the Board member would be arriving shortly. She called for the
20 following case of **BOA-2025-07**.

21 **BOA-2025-07 – Request for a Special Use Permit (SUP) submitted by Ken Chapman to approve a**
22 **comprehensive sign package for property located at 5040 Dogwood Blvd.**

23 Senior Planner, Ben Barcroft, explained that the case consists of a comprehensive sign package that is for
24 multiple sites and parcels under common ownership. He also explained that several of the sites are
25 already under development. Mr. Barcroft said he has gotten multiple questions and emails on the case in
26 which he replied that the case is only for a comprehensive sign package. Mr. Barcroft explained that
27 under the zoning regulations, a sign package permit is required for any substitute or alternative to the sign
28 standards outlined in the KDO; Freestanding structures with 25,000 square feet or more in size as well as
29 master planned developments with more than ten acres may apply for a comprehensive sign package. He
30 identified the project involved with case **BOA-2025-07** as a development of more than ten acres. While
31 presenting, he showed the Board that the surrounding properties consist of both commercial and
32 residential development.

33 By utilizing the Future Land Use Map, Mr. Barcroft explained that the parcels are in a Complete
34 Neighborhood 2 Character Area with its primary uses consisting of single family residential, multifamily
35 residential, small format retail, and civic while its secondary uses consist of small format offices and live-
36 work units. Mr. Barcroft stated that the parcels are in a General Commercial District (GC) with all its
37 existing uses being already committed uses. When utilizing the map, Mr. Barcroft showed street images
38 of the project's location including the intersection of Dogwood Boulevard onto Kannapolis Parkway and
39 the entrance/exit of the proposed site onto Rogers Lake Road. He continued his presentation by showing
40 drone footage and the development site plan. Mr. Barcroft mentioned that the predetermined size of all the
41 signs were discussed with the applicant as well as the type of signage that would be used. He pointed out

a proposed wall sign to be facing Kannapolis Parkway will be of a maximum of forty (40) square feet for the individual businesses.

Mr. Barcroft reviewed staff Findings of Fact as follows:

1. **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.**

The Move Kannapolis Forward 2030 Comprehensive Plan designates the subject parcels as being located in the "Complete Neighborhood 2" Character Area and located within a primary activity center. The subject properties are zoned General Commercial (GC), and retail uses are permitted in these districts. Signage is permitted in the GC zoning district. The proposed sign package will be in conformance with the commercial uses recommended for this character area.

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 records.**

The plans submitted by the applicant would comply with ordinance location restrictions and as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or traffic congestion on public roads.

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

The proposed sign package will not produce any noxious or offensive noise, odor, dust, smoke, or gas.

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 Comprehensive Sign Package will not impede the orderly development of the surrounding properties as they are all on-premise signs.

5. **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 signs will be required to comply with all applicable regulations of the North Carolina Building Code which will help safeguard public health and safety. Therefore, the signs will not be detrimental to or endanger the public health, safety, or general welfare.

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

The Comprehensive Sign Package complies with all requirements of Section 5.9.F. The applicant has submitted a site plan that identifies locations of freestanding and multi-tenant signage.

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

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

Mr. Barcroft stated that the staff recommends the 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 (see Exhibit 1). He then made himself available for questions.

The applicant, Ken Chapman, made himself available for questions.

There being no questions or comments for staff or the applicant, Chair Joshi opened the Public Hearing which was then closed due to the absence of anyone in attendance to comment.

- 1 **2. Adequate measures shall be taken to provide ingress and egress so designed as to**
2 **minimize traffic hazards and to minimize traffic congestion on the public roads.**
3 The proposed use of self-service storage is not expected to create any traffic hazards
4 or cause traffic congestion.
5
- 6 **3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust,**
7 **smoke or gas.**
8 No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a self-service
9 storage is expected as a result of this proposed use.
10
- 11 **4. The establishment of the proposed use shall not impede the orderly development and**
12 **improvement of surrounding property for uses permitted within the zoning district.**
13 The proposed use would not impede development of the surrounding properties for
14 uses allowed within their respective zoning districts. The proposed self-service
15 storage would have a minimal impact on the surrounding properties.
16
- 17 **5. The establishment, maintenance, or operation of the proposed use shall not be detrimental**
18 **to or endanger the public health, safety, or general welfare.**
19 There is no apparent danger or detrimental impact to the overall public safety, health and welfare
20 resulting from the proposed use. The proposed use is subject to all the requirements of the
21 Kannapolis Development Ordinance.
22
- 23 **6. The proposed use complies with all applicable provisions of the KDO.**
24 The proposed use shall comply with all sections of the Kannapolis Development Ordinance
25 (KDO), conditions of approval, and any other applicable local, state and Federal regulations. It is
26 understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO
27 requirements must be met.
28
- 29 **7. The applicant consents in writing to all conditions of approval included in the**
30 **approved special use permit.**
31 The applicant has been informed they must sign the Conditions of Approval for this SUP.
32

33 Ms. Alvarez stated that staff recommends approval of the Special Use Permit based on the staff Findings
34 of Fact (or as modified by the Board), the conceptual site plan, and compliance with all local, State, and
35 Federal requirements (see Exhibit 2). She then made herself available for questions.

36 Ms. Joshi asked if there is a direct road and where could one currently access the site now. She asked if
37 they were planning to have an access point to the site established. Ms. Alvarez used the preliminary plat
38 to show where the access point to the site is proposed. Ms. Joshi also asked if an access point is part of
39 the condition and Ms. Alvarez replied, yes. Later, both Ms. Joshi and Mr. Parker asked if a road must be
40 built, in which Ms. Alvarez answered, yes.

41 Mr. Parker then asked if the road is going to be City maintained. Planning Director, Mr. Smith, said that
42 the road will most likely lead to shared access and showed on the map where part of the property goes to
43 the corner of the intersection of Odell School Rd. He also said that on Odell School Rd. there are some
44 commercial use projects to be located there which will likely lead to shared access due to limited access
45 in the future. Mr. Smith stated that the road will certainly be maintained, and that the City may take over
46 the road's maintenance.

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

Chair Joshi asked for a motion to approve or revise the Findings of Fact. Ms. Martini made the motion to approve the Findings of Fact, second by Mr. Dwiggin, and the motion was unanimously approved.

Chair Joshi asked for a motion to approve the issuance of the Special Use Permit. Mr. Sides made the motion to approve, second by Mr. Parker, and the motion was unanimously approved.

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

BOA-2025-08- Request for a Special Use Permit (SUP) submitted by Sustar/Little LLC to allow for a self-service storage facility on a property located at 9170 Davidson Highway.

Planner, Mia Alvarez, mentioned that the property is approximately 2.2 acres, the intention for the Special Use Permit is to allow a self-service storage facility, and that the site is in the General Commercial (GC) zoning district. Ms. Alvarez detailed that the site is surrounded by single-family homes and an animal hospital. By utilizing a map in her PowerPoint, she pointed out where the site is located under GC and where surrounding sites are located under the R8 residential zoning district; she also pointed out that the site is surrounded by Cabarrus County's zoning districts as well. She referenced the 2030 Future Land Use Map to show that part of the site is in a Secondary Activity Center Character Area with the other part of the site located in a Complete Neighborhood 1 Character Area. She explained that the primary uses in the Secondary Activity Center Area are retail, office, and multifamily residential while its secondary uses are institutional/civic, light manufacturing, and single family attached residential. The primary uses for the Complete Neighborhood 1 Character Area are both single family residential attached and detached along with civic; its secondary uses include live-work, small format office, multifamily residential, and neighborhood serving retail. Ms. Alvarez displayed a street view of Davidson Highway and also displayed drone footage in which she dictated that the site is currently vacant and there is a single-family residential subdivision behind the site. Ms. Alvarez exhibited the preliminary plat plan that the applicant provided and noted that the property is currently not reflected on the plat as it is only a preliminary plat used during the review process. Ms. Alvarez pointed out Parcel 4, which is the parcel of the subject, and showed the proposed site plan the applicant provided and a plan showing the elevation rendering from another similar project.

Ms. Alvarez continued her presentation by stating that staff recommends approval of the Special Use Permit with the conditions that the lot to be recombined as shown on the preliminary plat to comply with the Kannapolis Development Ordinance (KDO), specifically that the lot size for a self-service storage facility does not exceed three acres; access to the site is established; and that the number of storage units do not exceed 599 units. She noted that the site's use is in harmony and in general conformance with the City's comprehensive plan.

Ms. Alvarez reviewed staff findings of fact as follows:

1. 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.

This property is in the "Secondary Activity Center" and "Complete Neighborhood 1" Character Area in the Move Kannapolis Forward 2030 Comprehensive Plan. The Secondary Activity Center area calls for primary uses consisting of retail, office, and multifamily residential. The Complete Neighborhood 1 area calls for primary use consisting of single family residential and civic. The parcel is currently vacant. The surrounding uses consist of residential and an animal hospital.

Based on the character areas noted above, the proposed development is compatible with the future and existing uses in the surrounding area.

1 Mr. Dwiggin asked if drainage will be part of road maintenance. Mr. Smith responded yes, and that
2 storm control will be considered during site planning. Mr. Smith mentioned that both the applicant and his
3 representative are available to answer questions.

4 Ms. Joshi asked if there were any other questions for staff.

5 Mr. Safrit asked Ms. Alvarez to read the Conditions of Approval. Ms. Alvarez read the Conditions of
6 Approval which state the requirement for the lots to be recombined as shown on the preliminary plat to
7 comply with the Kannapolis Development Ordinance. She also read that the self-service facility must not
8 exceed three acres nor 599 units as well as access to the site must be established.

9 Ms. Joshi later called for the applicant to answer questions.

10 Michael Foess, 15905 Brockway, stated that he represents Patrick Sustar from Sustar/Little LLC who is
11 both the applicant and owner of the property. He then made himself available for questions.

12 Mr. Parker asked if the project would consist of only inside storage units and not outside storage units.
13 Mr. Foess responded that there will be no outside access. Mr. Parker then asked if there will be elevators
14 or stairs since the storage building consists of three stories. Mr. Foess responded that there will be inside
15 elevators. Mr. Foess then requested that the site plan be shown to explain. He pointed out on the site plan
16 where the main entrance and the elevator is proposed in which he noted that guests will have to be inside
17 the lobby to access the elevator. He also pointed out that there will be a small retail type office in the
18 lobby where guests can purchase package supplies or request to lease a storage unit. He confirmed that all
19 the internal access will be through the front door. Mr. Parker questioned if the property is proposed to be
20 fenced. Mr. Foess said yes and pointed out two locations on the site plan where a gate is planned to be
21 installed; he mentioned that the idea is for people to be able to drive in, park, and access their unit on their
22 own. Mr. Foess brought up that there would be a loop road going around for emergency services. Next,
23 Mr. Parker questioned if people would have 24/7 access or if it is only during business hours. Mr. Foess
24 answered that for now, it will most likely be only during business hours since the facility does not have an
25 operator yet. Mr. Parker asked if the operator would be live-in and Mr. Foess said no.

26 Mr. Safrit mentioned that frequently there are questions about parking in storage facilities as there are
27 often claims that storage sites have insufficient parking spaces. He noted that while not stating that the
28 plan is not adequate, it appears on the site plan that there are only three parking places; he also said that
29 they are allowed to have up to 599 units. Mr. Foess responded that there are four parking spaces,
30 including one ADA space and three others, which is the minimum required for the building's size. He then
31 pointed to the area on the site plan that is planned to be paved, where he stated there will be additional
32 parking within the secured fence.

33 Mr. Dwiggin said that from his own knowledge, the property contains many mature trees that are
34 relatively near the neighborhood. Mr. Dwiggin inquired if any trees are planned to be kept and what the
35 proposed landscaping will look like since the building will be three stories; he questioned if the building
36 will be taller than the trees. Mr. Foess said that they are required to have a buffer in which they are
37 exceeding the minimum buffer size on the northern and eastern side of the property. Mr. Foess detailed
38 that they situated/relocated the layout for the site to back up to the common open space of the Wellington
39 Chase subdivision; in contrast, if the buffer were shifted to the west side of the site, it would lead to the
40 project being much closer to existing properties. He said that the whole back common open space is
41 heavily wooded and that they will maintain the existing tree line.

42 Mr. Parker requested to be informed about the lighting of the property particularly, if there will be any
43 external poles. Mr. Foess answered that they do not have their architectural plans out, but he suspects the
44 building only has wall packs and that they will meet the City's lighting requirements. Mr. Parker
45 discussed that potential problems might occur with properties behind the site, especially if a certain type
46 if lighting is used, which can lead to light pollution. Mr. Foess commented that he does not foresee having

1 any pole mounted lights out as it makes more sense to mount them on the actual building or to use wall
2 packs that shine downwards. Mr. Foess said that he believes that there are lighting specifications for
3 commercial buildings and that Patrick Sustar would agree not to use pole-mounted lights in areas near
4 residential properties.

5 Ms. Joshi asked if the Board members had any other questions for the applicant.

6 Mr. Dwiggin asked if the access road would be connected. Mr. Foess responded that the access road has
7 not been engineered at this point and for now, they are only focusing on obtaining a Special Use Permit.
8 He said that the access road will be part of a much larger master plan commercial development but for
9 now, they thought to get a Special Use Permit and then apply for other permits as needed. He discussed
10 that the road hasn't been engineered as there are currently no other uses for the front, but more will be
11 planned after the approval. Mr. Foess mentioned that if they were to have street lightning, he believes it
12 will only be on the shared access route. Mr. Foess reiterated what Mr. Smith said earlier on that the shared
13 access will be discussed with the adjacent commercial developments.

14 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the Public
15 Hearing.

16 Edward Spanke, 2164 Prairie Rd, expressed that the proposed building is elevated over the residential
17 area; he said the elevation may not be well seen on the visual documents provided for the case although a
18 common open space area is present. Mr. Spanke declared that everybody on Prairie Road will see the
19 elevation. He also doubted that the lighting will not show off on the neighborhood due to the building's
20 height and considering it will most likely be on 24/7 to keep the property secure. Mr. Spanke said he
21 found out that there were regulations on height and lighting when he looked up information on this topic.
22 Mr. Spanke told the Board members that he thinks that a three-story building as close to his neighborhood
23 as proposed, will impact many of his neighbors. Mr. Spanke stated that enough trees cannot be placed to
24 hide anything when the building is thirty feet above where all the houses are. Mr. Spanke suggested to
25 make the building two stories instead and to pushing it further away from the neighborhood. Mr. Spanke
26 repeated that he believes the project will impact many of his neighbors. Mr. Spanke said that his home is
27 further back away from the common open space but that he does have neighbors that could not make it to
28 the BOA meeting who are closer to the proposed storage unit site. Mr. Spanke spoke that his neighbors
29 and himself are all very concerned about the three-story building. Mr. Spanke stated that he did not know
30 the proposed building was going to be three stories until one of his neighbors told him. Mr. Spanke said
31 that he is not against the self-storage unit being built but does not agree with the proposed building being
32 three stories nor as close to The Pinnacle at Wellington Chase. He then told the Board members that there
33 cannot be enough of a buffer to hide a three-story building as close as proposed to his subdivision.

34 Mr. Safrit asked Mr. Spanke for clarity on when he mentioned "Pinnacle at Wellington Chase." Mr.
35 Spanke responded that his address on Prairie Rd is located within the Pinnacle subdivision of Wellington
36 Chase. Mr. Safrit then asked what lot Mr. Spanke's house is. Mr. Spanke answered, 333. Next, Mr. Safrit
37 asked him what is behind his house. Mr. Spanke said that right now, there is common open space with
38 mostly mature trees. Then, Mr. Safrit asked if the trees were pine trees and if they were small or tall. Mr.
39 Spanke said there is a mixture of pine and poplar trees; he stated that some of the trees are tall while
40 others are not. Mr. Spanke commented that if the trees were cedar trees, it would have been better because
41 of the foliage being gone all winter long; he then repeated that the planned buffer will not work due to the
42 proposed building being three stories and the elevation. Mr. Spanke said that if all the trees were
43 evergreen, it might have been better, but the proposed development is just too close to his neighborhood.
44 Mr. Spanke expressed a concern of the proposed development negatively affecting his property value as
45 he thinks it will be difficult to sell a house with a three-story building behind it. Mr. Spanke clarified that
46 he is worried about his neighbors and him not being able to hide from an elevated three-story building
47 with lighting glaring towards them 24/7. Mr. Spanke provided a picture for the Board members to see. Mr.

1 that he would like more information. Mr. Smith replied that the Planning Department and the applicant
2 along with his representative can provide more information such as visuals of the site that show its
3 contours. He noted that GIS is limited on the details it can provide like grade differences between the
4 sites. Mr. Smith told the Board members that they can place more conditions as far as further screening of
5 the site. Ms. Martini stated that the unknown height of the land is the whole issue, especially if the land is
6 much higher. Ms. Joshi asked Mr. Smith how they can request the information he mentioned. Mr. Smith
7 commented that the GIS can be displayed on the screen, but the information it can provide will be basic,
8 based on his understanding of Mr. Dwiggins' question. As City staff, Mr. Smith said his department can
9 take the drone back out to the site to provide lower visuals along with possibly an engineer being able to
10 provide even further information to ensure both sides are mitigated. Mr. Smith recognized that part of the
11 challenge is that the commercial zoning is next to the residential neighborhood and that he understands
12 the concern. Ms. Joshi then asked if they could request the City and applicant to provide more
13 information given that they have noticed a need to gain more knowledge of the site before approval. Mr.
14 Smith told Ms. Joshi to ask for continuance if the Board believes not enough information has been given.
15 Ms. Joshi replied that she will refer to the Board for questioning. Mr. Safrit advised Ms. Joshi that she has
16 already approved the staff on the Findings of Fact. Mr. Safrit said that from his understanding, there are
17 issues on whether the site is in harmony with the area around it and that conflicts with what was
18 previously approved. Mr. Parker suggested obtaining information about the different elevations between
19 the sites and also considering the height of the trees to determine if it might pose a problem, though he
20 does not believe it would.

21 Chair Joshi asked for a motion for continuance of the Special Use Permit case. Mr. Sides made the motion
22 to approve, second by Mr. Dwiggins, and the motion was unanimously approved.

23 Ms. Joshi announced that the Board has voted for a motion for continuance of the Special Use Permit
24 request and noted that they will be revising the Finding of Fact during the next BOA meeting. Mr. Safrit
25 asked what will be requested for the next meeting, and Ms. Joshi said the Board will request a
26 topographical map and additional drone footage. Then, Ms. Joshi asked her fellow Board members if
27 there was anything else they would investigate at the next meeting. Mr. Parker mentioned he would like to
28 see if the proposed lighting on the development can be seen from the neighborhood.

29 Ms. Joshi reiterated that the Board voted to continue the Special Use Permit case and then acknowledged
30 that Mr. Bailey had arrived to the meeting, and therefore, they will begin case **BOA-2025-06.**

31 **BOA-2025-06- Variance submitted by Jennifer Ronneburger for property located at 2821 N.**
32 **Cannon Blvd. Request to consider a variance under Section 2.5.D(1) of the Kannapolis**
33 **Development Ordinance. The applicant seeks a variance from the sign area standards for the**
34 **General Commercial (GC) district, as specified in Table 5.9.E(1)a. Specifically, the applicant**
35 **requests a 49.05-square-foot increase for the sign on the front elevation.**

36 Mr. Barcroft introduced himself and explained that the variance case is for a sign that exceeds the
37 standards of the Ordinance, specifically for the General Commercial (GC) zoning district, by requesting a
38 49-square-foot increase for the sign on the front of the site. Mr. Barcroft detailed that the site is in an
39 existing shopping center next to Food Lion. He then referred to the Future Land Use map to inform that
40 the area's listed primary uses are retail, office, and multifamily, given it is within the Suburban Activity 2
41 Character Area. Then, he showed the Board pictures of the site that both the applicant and he have taken;
42 he also showed a map that visualized the distance of the store's tenant space when compared to Cannon
43 Blvd. Mr. Barcroft mentioned that the sign is difficult to see from multiple angles although the red paint
44 on the front of the building can be clearly seen as he indicated in a picture he took. He also showed a
45 picture of the view coming from S. Chapel St. as well as the side of the building. Next, Mr. Barcroft
46 displayed the street view and noted that there is a large hill near the store which prevents the sign from
47 being seen coming from either north or south on Cannon Blvd unless viewed from a certain angle. While
48 displaying more images, Mr. Barcroft pointed out that the hill and the trees block the entrance view of the

1 Safrit asked if the pictures were recent, followed by how recent. Mr. Spanke replied "yes," and that they
2 were taken about an hour ago, respectively.

3 Mr. Parker asked if each storage unit will be on average about 15 feet tall. Mr. Foess said that would be a
4 good assumption and that 15 feet would be a maximum. Mr. Foess detailed that if one has ever been in a
5 climate-controlled indoor storage facility, the ceiling height is usually low, at around 8 feet, and contains
6 structural steel to support the weight above it. He said that at most, there will be about 12 feet between
7 floor plates. Then, Mr. Parker referred to the picture provided by Mr. Spanke and mentioned that from a
8 lower-level view, he is assuming the lighting will not be on top of the building. Mr. Foess said that Mr.
9 Parker was correct and that the lights will be placed at a pedestrian height. Mr. Parker reflected that he
10 does not see any interference with the properties behind the proposed development. He said he could have
11 seen an issue if the poles were going to be around 30 feet tall. He also said that the trees in the picture
12 looked tall. Then, he added for consideration that he does not know the difference in the height of the land
13 on both the subdivision and the proposed site side. He discussed that it is difficult to know if the lighting
14 can be seen through the trees.

15 Ms. Joshi asked if there was anyone else from the public that would like to speak.

16 Richard Lewis, 9581 Horsebit Ln, specified that he lives right across from Mr. Spanke's house and that
17 his patio faces the proposed development. He then provided a picture for the Board members which he
18 stated was from a different angle than the previous picture shown. He pointed out that most of the trees
19 shown in the picture are deciduous trees. He estimated that the height of the elevation is around 12 feet
20 and added that the height of the proposed building will surpass the top of the tree line. He said he believes
21 the value of the properties nearby will decrease. Mr. Lewis asked if due to the lighting and elevation, will
22 the developer leave any trees. Ms. Joshi responded that it was previously mentioned that it is planned to
23 leave some of the trees to create a barrier. Mr. Lewis replied that the development is very close to existing
24 residential properties. Mr. Lewis conveyed a concern for drainage specifically how drainage from the
25 driveways will flow around the building. Ms. Joshi informed Mr. Lewis that the development must meet
26 the City's standards and that the City will send engineers to inspect the site. Mr. Lewis commented that
27 when he bought his house a few years ago, they did not expect a commercial development to be built
28 nearby.

29 There being no additional questions or comments for staff or the applicant, Chair Joshi closed the Public
30 Hearing.

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

33 Mr. Safrit advised Chair Joshi to acknowledge the pictures provided in the exhibits that the Board
34 accepted.

35 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Ms. Martini made the motion to
36 approve the Findings of Fact, seconded by Mr. Parker, and the motion was unanimously approved.

37 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the Special
38 Use Permit. Mr. Dwiggin mentioned that he has an issue with approving the case due to his not knowing
39 the topography of the site and how it compares to topography of the subdivision. He also said that since
40 the building is proposed to be three stories, he wonders how tall the trees are; he questioned if the
41 residents will be able to see the building. Then, Mr. Dwiggin requested more information on the
42 elevation of the parcel in comparison to the neighborhood. With this information, Mr. Dwiggin suggested
43 that the Board could decide if the building will surpass the height of the trees. Mr. Parker suggested that
44 an investigation be conducted for them to understand the difference between the topography of the
45 proposed site and subdivision. Mr. Smith told the Board members that they have the option to do a
46 condition of approval since it appears Mr. Dwiggin asked for more information. Mr. Dwiggin confirmed

1 building. He then went over the elevations of the site that were submitted by the applicant and indicated
2 the length of the building front was 63 feet. He further explained that per the Ordinance, that the
3 maximum sign size is one square foot per linear foot of wall, meaning the limit is 63'-9" square feet for
4 the wall sign. However, the applicant's requested size for the sign is over one hundred square feet
5 (108.84), with the part of the sign reading "O'Reilly" being approximately 70-square-feet alone; the
6 measurements do vary depending on whether a box is placed around the sign although in either case, the
7 sign still surpasses the required limit for wall signage in a General Commercial zoning district.
8 Afterwards, Mr. Barcroft mentioned that the applicant previously applied for a permit for a sign on the
9 side of the building in which it was allowed/obtained and then showed the proposed signage site plan.
10 Subsequently, he showed the drone footage of the whole site and indicated its view coming from Cannon
11 Blvd. and from S. Chapel St. Mr. Barcroft reviewed all Findings of Fact and reviewed what the applicant
12 has submitted as well as their findings on the application. For the proposed variance to be approved, it
13 will need to meet all Findings of Fact.

14 Mr. Barcroft reviewed the staff's findings as follows:

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

18 The applicant states that the shopping center's setback and elevation reduce sign visibility,
19 making the one square foot per linear wall width limitation restrictive. However, staff does
20 not believe that an unnecessary hardship would result from the strict application of the
21 ordinance. Additionally, the applicant has not demonstrated that, in the absence of the
22 variance, no reasonable use can be made of the property.
23

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

30 The proposed O'Reilly's Auto Parts location at the corner of Chapel Square Shopping Center
31 has two claimed hardships, according to the applicant: the distance from Cannon Blvd and
32 limited visibility due to its elevation. The shopping center is set back approximately 200-250
33 feet from both entrances. However, staff does not believe these factors constitute a practical
34 hardship unique to this applicant, as other stores within the shopping center also experience
35 limited visibility from the right-of-way regardless of sign size.
36

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

40 The proposed location is within a well-established shopping center, so any claimed hardship
41 did not result from an action by the applicant.
42

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

45 The applicant states that the larger exterior signage benefits the community by providing
46 better visibility for drivers approaching the location within the shopping center. However,
47 staff disagrees and does not believe the requested variance is consistent with the spirit,
48 purpose, and intent of the ordinance in a way that ensures public safety and achieves
49 substantial justice.

1 Mr. Barcroft stated that staff does not see a need for the requested variance. However, the Board of
2 Adjustment should consider all facts and testimony presented during the public hearing before making a
3 final decision (see Exhibit 3). He then stated that the applicant also has a presentation and made himself
4 available for questions.

5 Mr. Parker asked to clarify if the variance was for a building sign only and if it was affecting anything at
6 street level. Mr. Barcroft replied that the case is for a front elevation wall sign, and that Mr. Parker was
7 correct on his statement due to the subject only being a wall sign.

8 Mr. Dwiggins questioned whether, when Mr. Barcroft discussed the size and color of the sign, did he
9 mean the size of the colored part of the sign or the font size of the words on the sign. Mr. Barcroft
10 clarified that he meant the words and referred to pictures he previously showed to explain how the store
11 has painted the wall red.

12 Mr. Safrit inquired to find out what are the other facilities located in the shopping center along with the
13 subject of the case. Mr. Barcroft responded that Food Lion is the anchor tenant. Mr. Parker said that based
14 on what he saw in the picture, a Dollar General is there. Mr. Barcroft brought up that there is a
15 freestanding sign for the shopping center's tenants.

16 Mr. Dwiggins asked if the letters of the proposed sign are larger than the letters on Food Lion's sign. Mr.
17 Barcroft explained that the big difference is that the subject's tenant space is much smaller when
18 compared to Food Lion's. He then referred to a slide previously shown on his presentation to provide
19 visualization to his answer that Food Lion takes about half the size of the building. Mr. Barcroft further
20 explained that Food Lion has a much longer wall. Mr. Dwiggins then asked if when comparing the size of
21 the letters of the sign of Food Lion and of the subject, are the sizes similar. Mr. Barcroft told Mr.
22 Dwiggins that the Food Lion sign was constructed under an older ordinance and due to them having a
23 larger building, it permits them to have a bigger wall sign. Mr. Smith mentioned that the area of the sign
24 is relative to the size of the building; the area of the sign is measured with essentially a square that
25 encompasses the letters. Then, Mr. Barcroft referred to a slide in his PowerPoint and stated that the other
26 signage for the other tenants is small; there are multiple tenants on the northern side who are only
27 permitted smaller signage due to the proportion of their unit size. He believes they all have space to place
28 a sign on the freestanding sign in front of the shopping center.

29 Ms. Joshi stated that because the road is below the hill the applicant is requesting a variance due to what
30 Mr. Barcroft said in his presentation on how the store's sign cannot be seen unless it is viewed from a
31 certain angle. She remarked that the applicant's goal is to increase their chance to be recognized because
32 if someone were to drive past on the main road, one cannot see the sign.

33 Mr. Parker asked if the site is in Rowan County and if the Kannapolis Development Ordinance (KDO)
34 still applies to that area, meaning the County does not play a role in the enforcement of the ordinance, of
35 which Mr. Smith replied he is correct.

36 Mr. Safrit requested information on what is on the shopping center's freestanding sign. Mr. Barcroft said
37 that Food Lion and the other tenants that are currently located in the center are listed on the sign. Mr.
38 Safrit then asked if all tenants were on the freestanding sign. Mr. Sides told Mr. Safrit that the Dollar
39 General is no longer there. Mr. Barcroft said he has multiple images and then referred to pictures of the
40 freestanding sign.

41 Ms. Joshi asked if there would be another O'Reilly sign placed on the site's freestanding sign as well as
42 its wall sign. Mr. Barcroft discussed that he did not have that conversation with the applicant as that is up
43 to the property owner to decide. He said that to his knowledge, adding this tenant to the freestanding sign
44 would be permitted.

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

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

Mr. Safrit asked Chair Joshi to clarify if the Board will be approving or disapproving the sign, if so to read their Findings of Fact. Chair Joshi replied that the staff took a review and agreed to the following findings:

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.**

The finding fact was no.

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. 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 finding fact was no.

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.**

The finding fact was yes.

Mr. Safrit asked why the finding fact was yes. Chair Joshi answered that the statement claims the hardship did not result from actions taken by the applicant or the property owner; in this case, the applicant claims the hardship is limited visibility due to topography which was an action done with knowledge of the circumstances that exist.

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.**

The finding fact is no.

Chair Joshi concluded that the reason they are denying the variance is due to only one of the Findings of Fact being found to be a yes. She repeated, 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.

Mr. Smith mentioned that since only one of the Findings of Fact was positive, a variance cannot be approved, and it was recognized that a hardship was not found. He said that Board members agreed to the Findings the Fact being a negative would remove the possibility that the variance can be approved. Mr. Parker asked if the Board would need to change their final statement and Mr. Smith said it is the Board's decision.

1 Mr. Bailey questioned if the Dollar General is gone and if the unit will be available. Mr. Barcroft
2 informed Mr. Bailey that Dollar General has left and that its unit will be utilized by O' Reilly's.

3 Ms. Joshi called for the applicant to give their presentation.

4 Susan Sartain, 125 Hall Dr., said she is from the company Gopermit and that with her came a few
5 personnel from O'Reilly's management and district support. To clarify, she mentioned that Dollar General
6 is no longer in the shopping center and that O' Reilly's is in that space and expecting to open on the
7 upcoming Saturday. She discussed that they came last month, but due to not all the Board members being
8 present, their case could not be heard. She thanked all the Board members for being present this time. She
9 described the property as unique and detailed that if one were to come down either north or south on
10 Cannon Blvd., one can see the elevation does not exist anywhere else on Cannon Blvd. She noted that the
11 setback of the shopping center itself is roughly 200 feet; most of the businesses along north and south
12 Cannon Blvd. are at about 50 feet and do not have an elevation. She agreed to what was previously said
13 during the meeting on how they need some sort of visibility. She said she believes there is at least one
14 other O'Reilly's in the area that has the same size signs they are seeking, and another business nearby will
15 also be requesting a sign of the same size to be permitted. Ms. Sartain clarified that the sign they are
16 requesting will not be larger than Food Lion's sign, as stated earlier, but rather comparable. She explained
17 that this approach is well-suited to the situation, particularly in comparison to the smaller nearby shops, as
18 they are only seeking additional visibility. Ms. Sartain presented a picture of the sign at the size permitted
19 by the ordinance to demonstrate how the sign cannot be seen because of the elevation. Next, she
20 presented an aerial view from the shopping center traveling south on Cannon Blvd. in which she claims is
21 the first opportunity to see O'Reilly's, 575 feet away from the entrance of the store. Then, she presented
22 another aerial view showing the parking lot; she explained that there was a pylon sign for the Food Lion
23 and below it on the pole was a sign of a Halloween store, which was the former tenant that she believed
24 had a two-by-four-foot sign. Even if the landlord allows O'Reilly's to have signage on the freestanding
25 sign, she stated that the sign can still not be seen. She specified by referring to a picture on her
26 PowerPoint that when cars are parked along the elevation, not even the top of the building nor Food Lion
27 can be seen. Ms. Sartain went along to show pictures and an aerial view traveling north from Cannon
28 Blvd. and pointed out the full landscape, she mentioned that she was traveling around 45 miles per hour
29 when recording. She said one cannot see the store if one is traveling fast and that there isn't a south
30 entrance when heading north leading the need to go up to the north entrance to get into the shopping
31 center. She then went on to show two more pictures that indicated one can only get a glimpse of the
32 shopping center when traveling along Cannon Blvd. Ms. Sartain concluded that the goal is for them to
33 gain visibility; it is desired that the store can be seen when traveling 45 miles per hour either north or
34 south along Cannon Blvd. especially since the property is unique due to the elevation. Ms. Sartain then
35 made herself available for any questions.

36 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the Public
37 Hearing.

38 BJ Hunsucker mentioned that he is O'Reilly's District manager for the area and that they are heavily
39 involved in the community, noting they have cared for EMS, police, firefighters, and others. Even if just
40 the top of the sign can be seen, that would probably make a huge impact for them, he said. He discussed
41 that it might have been the case for why Dollar General moved to a freestanding building since their sign
42 was small, and that one can see how unbalanced the signage was that far back. He suggested that a little
43 visibility would probably go a long way. Mr. Hunsucker mentioned that they are heavily involved in the
44 community by making numerous donations and sponsorships. Also, he said that another nearby O'Reilly's
45 store on Cannon Blvd. has the same sign size on the front of the building, as it is a standard sign size.

46 There being no comments, Chair Joshi closed the Public Hearing.

1 Mr. Parker discussed that he wonders why they cannot place their desired sign on the property and that he
2 sees the O'Reilly's and Food Lion's signs consistent; he said that the sign is not going to fill a large
3 portion of the area but instead, only a small section. Mr. Safrit replied that the proposed sign would be in
4 violation of the Ordinance. Ms. Joshi discussed that the Board should consider that the situation is not
5 enough of a hardship to grant a variance as the sign is bright red and will still be visible along with the
6 addition of the other signs on the site; the hardship is said to be due to wanting additional visibility. Mr.
7 Bailey said that people have recognized the difficulty to see the store's sign. Ms. Joshi said she agrees but
8 due to the nature of what constitutes the hardship since this situation will not prevent a business from
9 functioning but rather, it is the idea that with a larger sign, they can potentially receive more visits, profits,
10 and benefits to the community. Ms. Joshi considered that there are other businesses operating within the
11 shopping center that have smaller signs.

12 Mr. Parker asked if the store was to reduce the area of the sign, would the requirements be met. Mr. Smith
13 answered that Mr. Parker was correct and that their request is to go above the requirements. Mr. Smith
14 also answered that the store has the option to place a larger sign on the side of the building. Ms. Joshi
15 asked if in order for the applicant to place the sign on the other side of the building, would the variance
16 need to be denied along with informing them that the sign will be approved if placed on the side of the
17 building instead. Mr. Smith told Ms. Joshi she was correct.

18 Ms. Joshi asked the Board if there was any Findings of Fact that they disagree with.

19 Mr. Parker asked if the proposed sign is the standard size for most O'Reilly's stores.

20 Chair Joshi asked the board members if they would like to vote to request additional information from the
21 applicant. No official vote was taken though.

22 Ms. Sartain stated that there is signage along the side wall, the square footage requested is around 108
23 square feet so there is visibility from the back road along Chapel St. Ms. Sartain stated that one cannot see
24 the sign when traveling along Cannon Blvd. She explained that they can get a smaller sign on the front.
25 However, the major concern is non-visibility leads to a safety factor because if one does not see the red
26 sign on the building as she witnessed herself earlier while on the road. Ms. Sartain said that there is a
27 chance that people are going to zoom by and needing to make a U-turn or slam on their brakes. She
28 restated that they could reduce the sign to meet the requirements which is approximately 63 feet, but it
29 will not be visible over the hill; all that is requested is to have the same sign size that is placed on the back
30 which is 108 square feet and still smaller than Food Lion's sign. Mr. Parker asked if the sign size is a
31 corporate requirement. Ms. Sartain replied that the sign size is the standard size of most O'Reilly's and
32 most of the stores are in a freestanding building which allows for larger signs but in this case, the store is
33 in a shopping center. She detailed that she believes later this year, another store is planning to open which
34 will have a sign approximately 108 square feet in size.

35 Ms. Joshi asked if for the final review on the Findings of Fact, all four of them need a yes, as a response.
36 Mr. Safrit told Ms. Joshi that she was correct. Ms. Joshi told the Board that for the variance to be
37 permitted, they will need to amend three of the four findings of fact.

38 Mr. Parker asked the staff if they have dealt with a situation like the case in the past. Mr. Smith said he
39 does not recall one. Ms. Joshi said she believes they have dealt with a case like **BOA-2025-06** which dealt

1 with a site off the interstate. Mr. Smith told her that it was an off-premise sign that concerned the sign's
2 height.

3 Ms. Joshi stated that she believes the Board should agree with the staff because the situation is not an
4 unnecessary hardship that would result from the strict application of the Ordinance as it is not like the
5 applicant cannot place a sign, they are just limited. She then asked to go over the motion to approve or
6 revise the Findings of Fact.

7 Chair Joshi asked for a motion to approve the Findings of Fact. Mr. Sides made the motion to approve the
8 Findings of Fact, second by Mr. Dwiggins, and the motion was unanimously approved.

9 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the variance.
10 Mr. Safrit told Chair Joshi to specifically announce the request to approve or deny the variance. Chair
11 Joshi asked the Board for a motion to deny the request with all those in favor to say, aye. Mr. Dwiggins,
12 Mr. Sides, Ms. Martini, and Mr. Bailey said aye. Chair Joshi then asked for those who oppose to say, aye.
13 Mr. Parker said, he opposed.

14 Mr. Safrit informed Ms. Joshi that she should ask for approval of the variance. Chair Joshi then asked for
15 a motion to approve the variance with those in favor to say, aye. She noted that Mr. Parker was in
16 approval. She then asked for those not in favor of the variance approval to say no. All the other members
17 affirmed, no, that they were not in favor of the variance.

18 Chair Joshi announced that the Board will move forward with denying the variance. Then, she said that
19 the variance has been denied.

20 **Planning Director Updates**

21 Mr. Safrit announced that he was out on medical leave for three months. He said that the City made the
22 has hired another City Attorney, which he believes was an excellent decision. He also announced that he
23 plans to retire later this year.

24 Mr. Smith discussed statistics on the first quarter updates. Specifically, he detailed that there have been 58
25 residential permits issued of which 63% were single family residential with the remaining 37% being
26 attached residential meaning there is an increase with townhomes being built. There have also been two
27 rezonings of which one was conditional rezoning. Mr. Smith also discussed that 1,041 maps have been
28 created with 706 of them being internal maps. Among the two annexations, one was a whole parcel and
29 the other was a partial parcel with a total of 52 acres. To date this year, six sewer allocation permits have
30 been issued, compared to only one done last year. Since Mr. Dwiggins asked about NCDOT projects
31 during the last meeting, Mr. Smith mentioned there are several road improvements that are occurring
32 citywide, notably on the sidewalks on Bethpage. Mr. Smith said that near Midlake Road and Centergrove
33 Rd., a new city park will be constructed and that the Martin Luther King, Jr. bridge will soon be replaced.

34 Mr. Dwiggins asked if the City can utilize any property that is under certain bridges which he believed
35 can be used for playgrounds or parking. Mr. Smith said it is a good idea, but that liability may play a role
36 in whether it can be done. He noted that he would discuss with NCDOT.

37 Ms. Martini asked when it was expected for the Martin Luther King, Jr. bridge to be done, and Mr. Smith
38 replied around the end of next summer. Mr. Parker then asked if the bridge would be a total replacement,
39 in which Mr. Smith answered the bridge would be a total replacement.

40 **Other Business**

- 1 Chair Joshi asked the Board members if there is any other business to be discussed.
- 2 **Adjourn**
- 3 There being no further business, Chair Joshi made the motion to adjourn, second by Mr. Sides, and the
- 4 motion was unanimously approved.
- 5 The meeting was adjourned at 7:50 PM on Tuesday, May 6, 2025.



Zulena Anderson, Planning Technician
Board of Adjustments



Emily Joshi, Chair
Board of Adjustments