

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

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

**Minutes of Meeting  
Tuesday February 4, 2025**

The Board of Adjustment met on Tuesday February 4, 2025, at 6:00 PM at City Hall, 401 Laureate Way, Kannapolis, North Carolina. 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  
Danielle Martini  
Jeff Parker  
Wilfred Bailey  
Chris Dwiggin

**Board Members Absent:** None

**Staff Present:** Richard Smith, Planning Director  
Elizabeth McCarty, Assistant Planning Director  
Ben Barcroft, Senior Planner  
Mia Alvarez, Planner  
Pam Scaggs, City Clerk

**City Attorney:** Keith Merritt (interim)

**Visitors Present:** Mariah Ellington  
Eboney Tawian  
Aaron Tawian  
Derek Hardin  
Jerry Hardin  
Gene Hardin  
Alex Dmyterko  
Greg Dmyterko  
Adam Winters  
Joe Krabs  
Viginia Yates (Ginny Alley)  
Khaled Saleh  
Chaimaa Drissi Alami

**CALL TO ORDER**

Chair Joshi called the meeting to order at 6:00 PM.

**ROLL CALL AND RECOGNITION OF QUORUM**

Planner, Mia Alvarez called the roll, and the presence of a quorum was recognized.

**APPROVAL OF AGENDA**

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

1    **APPROVAL OF MINUTES**

2    Chair Joshi asked for approval of the December 3, 2024 minutes, which was made by Mr. Sides, second by  
3    Ms. Martini, and the motion was unanimously approved.

5    **SWORN IN FOR TESTIMONY**

6    Mariah Ellington, Ebonee Tawian, Aaron Tawian, Derek Hardin, Gene Hardin, Gene Hardin, Alex  
7    Dmyterko, Greg Dmyterko, Adam Winters, Joe Krabs, Virginia Yates (Ginny Alley), Khaled Saleh,  
8    Chaimaa Drissi Alami.

10   **PUBLIC HEARING**

11   **BOA-2025-01 – Request for a Special Use Permit (SUP) submitted by Lane Street Storage Partners,**  
12   **LLC , for property located at 2704 Lane Street to allow for a self-service storage facility.**

13  
14   Senior Planner, Ben Barcroft, gave a presentation regarding a request for a Special Use Permit (SUP) and  
15   provided the application details for BOA-2025-01, attached to, and made part of these minutes as Exhibit  
16   1. Mr. Barcroft identified the applicant, Lane Storage Partners, LLC, the property location as 2704 Lane  
17   Street, and the size of the property as 20.09 +/- acres. He added that the request is for a SUP to allow a Self-  
18   Storage use in the General Commercial (GC) zoning district as required per the ordinance [Kannapolis  
19   Development Ordinance “KDO”].

20  
21   Mr. Barcroft directed the Board’s attention to the Zoning Map and stated that surrounding uses consist of a  
22   fueling station, fast food restaurant, and vacant land. Mr. Barcroft informed the Board that the proposed  
23   use is compatible with existing and future land uses. Mr. Barcroft utilized the Future Land Use Map to  
24   illustrate that the property is both within both the Complete Neighborhood 2 and Primary Activity-  
25   Interchange Area of the 2030 Move Kannapolis Forward Land Use Plan (“2030 Plan”) and that the  
26   requested self-storage will be located entirely within the Primary Activity-Interchange portion of the  
27   property which is compatible with the Character Area as well as the Future Land Use Map. He further  
28   directed the Board’s attention to site photographs and a drone video, as well as the site plan, and identified  
29   the proposed access points for the site and the proposed stormwater management pond. Mr. Barcroft stated  
30   that the building would be three stories and have a total of 669 storage units. Mr. Barcroft directed attention  
31   to the elevations further illustrating the renderings of the proposed building and iterated the Conditions of  
32   Approval proposed by staff.

33  
34   Mr. Barcroft stated the Findings of Fact as follows:

35  
36   **1. The proposed conditional use will be in harmony with the area in which it is to be located and**  
37   **in general conformance with the City’s Land Use Plan.**

38   This property is in the “Primary Activity Center Interchange” Character Area in the Move  
39   Kannapolis Forward 2030 Comprehensive Plan. This area calls for primary uses consisting of retail  
40   and office. The existing uses are composed primarily of retail uses.

41  
42   Based on the character areas noted above, the proposed development is compatible with the future  
43   and existing uses in the surrounding area.

44  
45   **2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize**  
46   **traffic hazards and to minimize traffic congestion on the public roads.**

47   The proposed use of a self-service storage facility is not expected to create traffic hazards or cause  
48   traffic congestion. The applicant plans to access Lane Street via an easement through the Quick

1 Trip site, as indicated on the site plan. This design aims to minimize any impact on traffic flow and  
2 ensure safe ingress and egress for the facility.  
3

- 4 **3. Adequate measures shall be taken to provide ingress and egress so designed as to**  
5 **minimize traffic hazards and to minimize traffic congestion on the public roads.**

6 The proposed use of a self-service storage facility is not expected to create any traffic hazards or  
7 cause traffic congestion. The applicant plans to access Lane Street via an easement through the  
8 Quick Trip site, as indicated on the site plan. This design aims to minimize any impact on traffic  
9 flow and ensure safe ingress and egress for the facility.  
10

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

13 No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a self-service  
14 storage facility is expected as a result of this proposed use.  
15

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

18 The proposed use would not impede development of the surrounding properties for uses allowed  
19 within their respective zoning districts. The proposed self-service storage facility would have a  
20 minimal impact on the surrounding properties.  
21

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

24 There is no apparent danger or detrimental impact to the overall public safety, health and welfare  
25 resulting from the proposed use. The proposed use is subject to all the requirements of the  
26 Kannapolis Development Ordinance.  
27

- 28 **7. The proposed use complies with all applicable provisions of the KDO.**

29 The proposed use shall comply with all sections of the Kannapolis Development Ordinance (KDO),  
30 conditions of approval, and any other applicable local, state and Federal regulations. It is  
31 understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO  
32 requirements must be met.  
33

- 34 **8. The applicant consents in writing to all conditions of approval included in the approved**  
35 **special use permit.**

36 The applicant has been informed they must sign the Conditions of Approval for this special use  
37 permit.  
38

39 Chair Joshi asked about the city's minimum access requirements for the site. She expressed concerns about  
40 needing to go through Quik Trip's parking lot to access the site. Mr. Barcroft explained that they would  
41 need to get a dedicated access from the Quik Trip property. Chair Joshi asked about whether there would  
42 be a gate to access the site. Mr. Smith said the applicant could answer that question.  
43

44 Mr. Parker asked for clarification on how the site will be getting access. Mr. Smith clarified that access to  
45 the site would need to be established and built up to city standards and that this is part of the Conditions of  
46 Approval proposed by staff.  
47

48 Mr. Bailey asked Mr. Smith if there had been previous discussion about the number of self-storage facilities  
49 in the city. Mr. Smith explained that Planning and Zoning Commission had made recommendation to limit

1 self-storage and City Council amended the ordinance to require additional standards for self-storage  
2 facilities per a Special Use Permit in the General Commercial and Light Industrial zoning districts. He also  
3 explained that the City of Concord recently passed provisions that limit self-storage facilities in their  
4 commercial district, which is why we are seeing more self-storage facilities coming to Kannapolis.

5  
6 Alex Dmyterko, the applicant and developer stated that there is a need for a climate-controlled self-storage  
7 facility in this location with the growing population in Kannapolis. He explained that this property is  
8 topographically challenged, which is why they are building it in the location referenced per the Proposed  
9 Site Plan and that the building would be three stories tall. He referenced the Elevation rendering and  
10 clarified that this is from a different project and that he included it to illustrate the design and materials to  
11 be used. He stated that there would be an employee on site. The self-storage facilities would not generate  
12 significant traffic and would use little water and sewer.

13  
14 Chair Joshi asked if the site is only accessible through the Quik Trip parking lot. Mr. Dmyterko stated there  
15 is a road access between the Quik Trip and Bojangles and the site would connect to that road. Chair Joshi  
16 asked whether access to the site would be gated. Mr. Dmyterko stated he does not intend to the gate access.  
17 Chair Joshi asked for clarification if there would be an employee on site 24 hours a day. Mr. Dmyterko  
18 explained that the employee would be there only during the day, but customers can access their units  
19 through the night per a key pad outside the building.

20  
21 Mr. Parker asked the applicant if there would be any outdoor storage on the site. Mr. Dmyterko clarified  
22 there would not be any outdoor storage.

23  
24 Mr. Dwiggins asked who would maintain the road. Joe Krebs with ARCO Design and Build explained that  
25 they intend the road to be private and it would meet city standards. Chair Joshi asked if the street sign would  
26 indicate that the road is private. Mr. Krebs said that signage is generally dedicated through the permitting  
27 process and the only business on this road would be the self-storage facility.

28  
29 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the Public  
30 Hearing which was then closed with no one from the public speaking on the matter.

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

34  
35 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Sides made the motion to  
36 approve the Findings of Fact, second by Mr. Dwiggins, and the motion was unanimously approved.

37  
38 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the Special Use  
39 Permit. Mr. Sides made the motion to approve with conditions, second by Ms. Martini, and the motion was  
40 unanimously approved.

41  
42 Attorney Keith Merritt explained to the Board that the Orders of Approval for the cases tonight have not  
43 been prepared and indicated he will have the Orders of Approval ready by the end of the week. Mr. Merritt  
44 stated that the Board may need to come back for a Special Meeting to approve the Orders of Approval from  
45 this meeting, and he will leave it to Staff to organize.

46  
47 Chair Joshi withheld the motion to approve the Order of Approval pending confirmation from the City  
48 Attorney that the Order of Approval is ready.

1 **BOA-2025-02 – Request for a Variance submitted by Moriah Ellington for property located at 1547**  
2 **North Main Street to allow for an encroachment into the front and interior side yard setbacks.**  
3

4 Mr. Barcroft gave a presentation regarding a request for a Variance and provided the application details for  
5 BOA-2025-02, attached to, and made part of these minutes as Exhibit 2. Mr. Barcroft identified the  
6 applicant as Moriah Ellington, the project engineer the property location as 1547 North Main Street, and  
7 the size of the property as 0.45 +/- acres. He added that the request is for a Variance to allow an  
8 encroachment into the front and interior side yard setback for the Residential Compact (RC) district.  
9

10 Mr. Barcroft directed the Board's attention to the Zoning Map and stated that the property is currently zoned  
11 General Commercial (GC) under the Kannapolis Development Ordinance (KDO). He stated that under the  
12 previous ordinance, Unified Development Ordinance (UDO) the property was zoned C-2 which is General  
13 Commercial and was granted a Special Use Permit for six townhomes under BOA-2022-11. He explained  
14 that under the UDO, residential projects in commercial districts are required to meet the setbacks of the RC  
15 District which has a front yard setback of 20 feet and interior side setback of seven feet. He added that  
16 townhomes were a permitted use in the General Commercial district under the UDO. Mr. Barcroft directed  
17 attention to the Future Land Use maps and stated that the use is consistent with the Character Area as  
18 designated in the Move Kannapolis Forward: 2030 Comprehensive Plan ("2030 Plan"). He directed  
19 attention to site photographs illustrating the topography challenges of the site. Mr. Barcroft directed  
20 attention to the original site plan from BOA-2022-11 and the proposed new site plan and identified the two  
21 townhome buildings that are the subject of the requested variance. He explained that the SUP was approved  
22 with conditions including extra off-street parking and having the dumpster pad closer to the street. He  
23 showed that the new proposed site plan would have seven feet between the two buildings.  
24  
25

26 Mr. Barcroft read the Findings of Fact into the record:  
27

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

31 The applicant indicates that without a variance the approved Special Use Permit to  
32 construct six townhome units would not be possible due to the topography of the site.  
33

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

40 According to the applicant, the concept plans submitted with the Special Use Permit  
41 request did not account for a steep drop at the rear of the property, requiring a steep  
42 driveway to reach existing grades. The applicant states that to allow for proper rollover  
43 between access grades and driveway grades, the units need to be pushed as far to the  
44 southern property line as possible, bringing the buildings closer together. Additionally, the  
45 applicant asserts that the concept plan, which shows 16' wide units, does not accommodate  
46 garages and internal stairs. As a result, the combination of wider units and site topography  
47 results in a 6.7' separation between buildings, allowing for 3' minimum side yard setbacks.  
48 The applicant indicates that meeting the 7' minimum side yard setbacks would require raising the  
49 site by 4 to 5 feet, which would necessitate extensive retaining walls, stairways,

1 and a significant amount of imported fill. The applicant states that this would impose  
2 substantial costs, extend construction time, and create a visual impact on neighboring  
3 properties by artificially raising the site and buildings approximately 5 feet higher than  
4 nearby structures (see attached concept elevations). Furthermore, the applicant claims that  
5 combining these buildings into a single structure would result in additional financial  
6 hardship due to the need for all capital investment upfront.  
7

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

11 Although no site plan was ever formally approved as indicated by the applicant, the  
12 purchasers of the property assumed they could construct the townhomes as submitted  
13 under the previously approved Special Use Permit, without fully understanding the  
14 potential topographical concerns or constraints.  
15

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

18 This request is consistent with the spirit, purpose, and intent of the ordinance. The  
19 proposed variance will not impede public safety, ensuring substantial justice is  
20 achieved while preserving the ordinance's spirit. Furthermore, the owner wishes to  
21 develop the parcel as close as possible to the previously approved special use  
22 permit, however as design progressed beyond the conceptual phase, significant  
23 topographic challenges have been identified. The applicant indicates that reducing  
24 the amount of retaining walls and stairways needed, public safety is enhanced, and  
25 neighbor's visual impact is minimized.  
26

27 Mr. Barcroft concluded the presentation and made himself available for questions.  
28

29 Chair Joshi asked for clarification about the applicant's request for a Variance rather than the SUP. Mr.  
30 Smith clarified that they need a Variance in addition to the SUP that was previously approved. Mr. Barcroft  
31 added that the Applicant requesting the Variance is different person from the applicant for the SUP.  
32

33 Mr. Bailey asked if the garbage truck movement was addressed. Mr. Barcroft confirmed that the garbage  
34 truck movement was addressed with the previous SUP approval. Mr. Bailey asked where the additional  
35 parking is located and if there was a parking space for each dwelling. Mr. Barcroft clarified that there are  
36 three additional parking spaces. Mr. Smith clarified that the applicant is still meeting the conditions of  
37 approval for the SUP, today they are asking for a variance for the front setback and the interior side yard  
38 setback. Mr. Bailey expressed concern over their not being enough parking for more than two cars per  
39 dwelling.  
40

41 Mr. Parker asked for clarification on the maintenance responsibility of the private road. Mr. Barcroft  
42 clarified that the road is private and would be maintained by the property owners.  
43

44 Mr. Dwiggin asked if fire would be able to access the dwelling unit at the rear of the property. Mr. Barcroft  
45 stated that the Fire Department has reviewed the proposed site plan and ensured it would follow city  
46 requirements. Mr. Dwiggin asked for clarification on the front setback variance being requested, Mr.  
47 Barcroft clarified that the applicant is asking for ten feet. Chair Joshi asked for clarification on the difference  
48 between the original interior side setback and the interior setback being proposed. Mr. Barcroft clarified  
49 that they are going from seven feet to three feet.

1  
2 The Property owners, Ebonee Tawian and Aaron Tawian introduced themselves as part of A&E Investors.  
3 They stated that their target market is first-time homeowners.  
4

5 The Applicant, Moriah Ellington introduced herself as the civil engineer on this project and Ryan Ellington  
6 is the architect. She directed the board's attention to her presentation. She restated her variance request, and  
7 stated the three foot side setback is acceptable for 2018 North Carolina Residential Building Code. Mrs.  
8 Ellington stated that if a dwelling is located three or more feet from a property line, the walls do not need  
9 to be fire-rated.  
10

11 Mrs. Ellington states that the SUP was approved around the time the KDO was adopted. The previous  
12 owners were given a choice to follow the UDO or KDO for the site plan and they chose the UDO. She  
13 clarified that the SUP site plan references the UDO and that it is following the Residential 18 (R18) zoning  
14 district standards from the KDO, which has a ten feet front setback and five feet side setback. Ms. Ellington  
15 also clarified that the SUP site plan does not follow the UDO and is using the R18 zoning setbacks from  
16 the KDO. Mrs. Ellington stated that there is an eight foot drop off in the rear of the property, and her team  
17 determined it was best to set up the townhomes at a basement level where the garage access would be in  
18 the back site and the front door would have pedestrian access from North Main Street. Mrs. Ellington  
19 directed attention to elevations to illustrate the topography challenges on the site and show why they are  
20 pushing the townhomes closer to the back and proposing to decrease the interior side setback.  
21

22 Chair Joshi asked who will be financially responsible for maintaining the private road, Mrs. Tawian stated  
23 that the Homeowner's Association (HOA) would be responsible for maintenance.  
24

25 Mr. Parker asked if the deck on the backside of the townhomes were going to be over the garage entrance.  
26 Mrs. Tawian clarified that the deck would be over the garage entrance and that the garage would be able to  
27 fit two cars and one car can fit on the driveway. Mrs. Ellington stated that there would be three overflow  
28 parking spaces. Mr. Dwiggin asked if the HOA would maintain the grounds and sidewalk. Mrs. Ellington  
29 confirmed that the HOA would maintain the grounds and sidewalk and stated that they would be installing  
30 the curb, gutter, and sidewalk on North Main Street and will be dedicating the sidewalk back to the City.  
31 Mrs. Ellington also clarified that Fire Department will be able to access the dwellings on North Main Street  
32 and the firetrucks are able to reverse out from the private road.  
33

34 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the Public  
35 Hearing which was then closed with no one from the public speaking on the matter.  
36

37 Chair Joshi asked for a motion to accept the City's exhibits into the record, which was made by Ms. Martini,  
38 second by Mr. Parker, and the motion was unanimously approved.  
39

40 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Sides made the motion to  
41 approve the Findings of Fact, second by Ms. Martini, and the motion was unanimously approved.  
42

43 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the Variance.  
44 Mr. Dwiggin made the motion to approve, second by Mr. Sides, and the motion was unanimously  
45 approved.  
46

47 Chair Joshi withheld the motion to approve the Order of Approval pending confirmation from the City  
48 Attorney that the Order of Approval is ready  
49

**BOA-2025-03 – Request for a Certificate of Nonconformity Adjustment submitted by Khaled Fathi Salem Saleh for 2702 North Cannon Boulevard to allow for a personal vehicle service and repair.**

Mr. Smith gave the board a brief explanation describing what a Certificate of Nonconformity Adjustment (CONA) is and explained that a CONA is required for any change of use of a structure from one nonconforming use to another nonconforming use. Mr. Smith also explained that this case has split zoning and it is split because zoning boundaries on Cannon Boulevard were determined by extending 200 feet on each side of the corridor.

Planner Mia Alvarez gave a presentation regarding a request for a CONA and provided the application details for BOA-2025-03, attached to, and made part of Exhibit 3. Ms. Alvarez identified the applicant as Khaled Fathi Salem Saleh, the property location as 2702 North Cannon Boulevard, and the size of the property as 3.18 combined acres. She added that the request is for a CONA to allow for the operation of a personal vehicle service and repair business, from the previous nonconforming use of a plumbing business, as required per the ordinance [Kannapolis Development Ordinance “KDO”].

Ms. Alvarez directed the Board’s attention to the Zoning and Future Land Use maps to illustrate zoning on the subject and surrounding properties. She explained that the property is split between General Commercial (GC) and Residential 8 (R8). Ms. Alvarez utilized the Future Land Use Map to illustrate that the property is both within both the Suburban Activity 2 and Urban Residential Area of the 2030 Move Kannapolis Forward Land Use Plan (“2030 Plan”). She stated that the proposed use is consistent with existing land uses. She further directed the Board’s attention to the aerial map and site photographs to point out the existing building where the business would be operating.

Ms. Alvarez included the following Findings of Fact for the record:

- 1. 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. 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. Does the nonconformity detract from the prevailing property values?**  
The nonconformity does not detract from prevailing land uses. The type of land use is not significantly different from surrounding land uses.
- 4. Does the nonconformity detract from the overall aesthetic character of the area?**  
The type of land use is not significantly different from surrounding land uses. The building is existing. 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.**  
The applicant has been informed they must sign the Conditions of Approval for this Certificate of Nonconformity Adjustment.

Ms. Alvarez concluded the presentation and made herself available for questions.



1  
2 Chair Joshi asked Mr. Smith to clarify the property's nonconforming status. Mr. Smith explained that the  
3 plumbing business was operating on the property previously and due to the Residential 8 zoning, the  
4 plumbing business became a nonconforming use. Mr. Smith reminded the Board that in the KDO a  
5 nonconforming use loses its status if it has been abandoned for six months or more. Mr. Smith clarified that  
6 the plumbing business has been ceased for less than six months and it is still considered a legal  
7 nonconformity. Mr. Smith added that the property owner initially wanted to rezone the property but staff  
8 recommended a CONA due to the surrounding residential property.  
9

10 The Applicant's spouse Chaimaa Drissi Alami made herself available for questions.  
11

12 Mr. Parker expressed concerns about the business operating with the fall zone of the cell tower. Ms. Alami  
13 clarified that they would not be expanding the building or business within the fall zone.  
14

15 Mr. Bailey asked for clarification on what the building was previously for and whether there were plans to  
16 expand the building. The Property Owner, Derrick Hardin clarified that the building was previously used  
17 for a plumbing supply business and that there are no plans to expand the building.  
18

19 There being no additional questions or comments for staff, Chair Joshi opened the Public Hearing.  
20

21 Virginia Alley asked the applicant if they would be putting up more fences and where the cars would be  
22 stored. Ms. Alami explained that they would only operate within the existing fenced area and would not  
23 operate along Alexander Avenue.  
24

25 There being no additional questions or comments for the staff or applicant, Chair Joshi closed the Public  
26 Hearing.  
27

28 Chair Joshi asked for a motion to accept the City's exhibits into the record, which was made by Mr. Sides,  
29 second by Mr. Bailey, and the motion was unanimously approved.  
30

31 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Sides made the motion to  
32 approve the Findings of Fact, second by Ms. Martini, and the motion was unanimously approved.  
33

34 Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the CONA.  
35 Ms. Martini made the motion to approve, second by Mr. Sides, and the motion was unanimously approved.  
36

37 Chair Joshi withheld the motion to approve the Order of Approval pending confirmation from the City  
38 Attorney that the Order of Approval is ready.  
39

#### 40 **PLANNING DIRECTOR UPDATE** 41

42 Mr. Smith apologized for the delay with the Orders of Approval for tonight's cases and thanked Interim  
43 City Attorney, Keith Merritt for his attendance. Mr. Smith explained that City Attorney, Wally Safrit is out  
44 on medical leave and will be out for the foreseeable future. He explained that when Mr. Safrit returns it  
45 will be on an interim basis and the new City Attorney, Andrew Kelly, will be starting on February 19<sup>th</sup>.  
46

47 Mr. Smith asked the Board if they are able to meet next Tuesday at 6:00pm for a Special Meeting, majority  
48 of the Board members stated they would be able to attend.  
49

1 Mr. Smith explained that with the promotion of the previous Administrative Assistant, he had decided to  
2 instead replace the position with an additional Planning Technician position. He explained that he will have  
3 a Planner and a Planning Technician assigned to each Board and he will introduce the new Planning  
4 Technician at the next meeting.

5  
6 Mr. Smith stated that staff has updated the Wastewater Allocation Waitlist and will go to City Council for  
7 approval at a future meeting. He also stated that the City issued a call for Infill Commercial projects to  
8 compete for wastewater allocation. He further explained that City Council has directed staff to prioritize  
9 the majority of wastewater allocation available to non-residential projects due to the large amount of  
10 residential project that are in the pipeline, which are over 6,000 units, and with half of those being  
11 multifamily.

12  
13 Ms. Martini asked the status of the mixed-use project on Loop Road and North Main Street. Mr. Smith  
14 stated that Harris Tetter is moving along and the Development Agreement for the multifamily project at the  
15 site was approved recently as well.

16  
17 Mr. Parker asked if there were any plans for the property where the recently demolished laundromat once  
18 stood near the KFC on Cannon Boulevard. Mr. Smith said there are no plans right now. He explained that  
19 the laundromat had some asbestos issues and maybe brownfield issues. He stated that the vape shop on the  
20 adjacent property will likely remain there for the foreseeable future.

21  
22 Mr. Parker asked for an update on the Cannon Boulevard Plan. Mr. Smith explained that due to recent  
23 legislation limiting local government powers, the plan has been put on pause, but there are currently bills  
24 proposed to repeal the legislation.

25  
26 **OTHER BUSINESS**

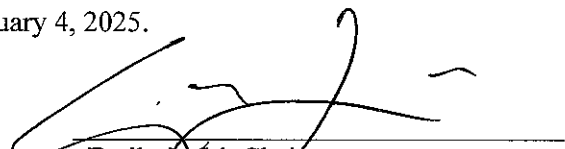
27  
28 **ADJOURN**

29 There being no further business, Ms. Martini made the motion to adjourn, second by Mr. Parker and the  
30 motion was unanimously approved.

31  
32 The meeting was adjourned at 7:15 PM on Tuesday, February 4, 2025.

33  
34  
35  
36  
37 

38 Mia Alvarez, Planner  
39 Board of Adjustment

  
Emily Joshi, Chair  
Board of Adjustment