BOARD OF ADJUSTMENT
MEETING AGENDA
KANNAPOLIS CITY HALL
401 LAUREATE WAY, KANNAPOLIS NC
JUNE 2, 2026
6:00 PM

CALL TO ORDER

ROLL CALL AND RECOGNITION OF QUORUM

APPROVAL OF AGENDA

APPROVAL OF MINUTES

A. **April 7, 2026 Minutes** (Zuly Anderson, Planning Technician)

SWEARING IN FOR TESTIMONY

EVIDENTIARY HEARING

A. **BOA-2026-06: Special Use Permit- 502 Milton L Taylor St.- Unanimously Approved** (Mia Alvarez, Senior Planner)

B. **BOA-2026-07: Special Use Permit 956 N Cannon Blvd.- Unanimously Approved** (Ben Barcroft, Senior Planner)

PLANNING DIRECTOR UPDATE

OTHER

MOTION TO ADJOURN

ADA Notice
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.

CITY OF KANNPOLIS, NC
BOARD OF ADJUSTMENT
Minutes of Meeting
April 7, 2026
6:00 PM

The Kannapolis Board of Adjustment met on Tuesday, April 7, 2026, 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
	Jeff Parker
	Chris Dwiggins
	Danielle Martini
	Angie McClain, ETJ Representative
Board Members Absent:	Wilfred Bailey, Sr.
	Ronald Flanders, Alternate
Staff Present:	Wilmer Melton, City Manager
	Richard Smith, Planning Director
	Elizabeth McCarty, Assistant Planning Director
	Ben Barcroft, Senior Planner
	Mia Alvarez, Senior Planner
	Lauren Russell, Planner
	Zulena Anderson, Planning Technician
Attorney:	Evan Lee, Board Attorney
	Andrew Kelly, City Attorney
Visitors Present:	Cyrus Mathews
	Kevin Corl
	Tonya Corl
	Rae Crawford
	Rebekah Watson
	Beth Pittmon
	Clyde Pittmon
	Dennis Confer
	Mike Davis
	Donna Wattinne
	Ginger Moore
	Alan Overcash

CALL TO ORDER

Chair Joshi called the meeting to order at 6:01 P.M.

ROLL CALL AND RECOGNITION OF QUORUM

Ms. Joshi, Chair of the Board, introduced herself and asked the Board members to state their names for the record. Ms. McClain, Mr. Sides, Mr. Parker, Mr. Dwiggins, and Ms. Martini each did so.

Chair Joshi noted that staff from the Planning Department, the City Attorney, and the Board Attorney were present to provide technical and professional assistance. She also stated that anyone wishing to speak on a public hearing agenda item, and who has not yet signed in, should see the Recording Clerk.

APPROVAL OF AGENDA AND MINUTES

Chair Joshi asked if any corrections or revisions were requested and asked that any be stated clearly. She then called for a motion to approve the agenda. Mr. Parker made the motion, seconded by Ms. Martini, and it was unanimously approved.

Hearing no requests for corrections or revisions to the minutes, Chair Joshi called for a motion to approve the minutes of January 6, 2026. Mr. Sides made the motion, seconded by Ms. Martini, and it was unanimously approved.

EXPLANATION OF QUASI-JUDICIAL DECISIONS

Chair Joshi stated that before opening the first hearing listed on the agenda, she would provide a brief explanation of quasi-judicial hearings. She explained that these hearings are evidentiary in nature, meaning they are similar to court proceedings and are always recorded. State law establishes specific procedures and rules governing how the Board must make its decisions, which differ from other types of land use cases, such as rezonings.

Chair Joshi further noted that the Board's discretion is limited and that its decisions must be based on competent, material, and substantial evidence presented during the hearing. She asked those speaking as witnesses to focus on facts and the provisions of the Kannapolis Development Ordinance (KDO), rather than personal preferences or opinions.

She also explained that participation in a quasi-judicial evidentiary hearing is restricted. While the meeting is open to the public and everyone is welcome to attend, only individuals or entities with standing have the right to participate as parties in the proceeding. Parties include the property owner or lessee, the applicant, the City of Kannapolis, and individuals who can demonstrate standing under state statute. The Board may allow non-party testimony if it is relevant to the matter under consideration and limited to factual information, not conjecture or speculation. In certain cases, the Board may also hear opinion testimony from qualified expert witnesses.

CONFLICTS/EX PARTE COMMUNICATIONS

Chair Joshi checked for conflicts of interest and ex parte communications. She explained that a Board member may not participate in the hearing if they have a fixed opinion prior to the hearing that is not susceptible to change, a close family or business relationship with an affected person, or a financial interest in the outcome of the matter. Chair Joshi also stated that any Board member must disclose any ex parte communication meaning any communication about the case

outside of the hearing, including site visits. Chair Joshi then asked if any Board member had any partiality, conflict of interest, or ex parte communication to disclose. Ms. Joshi disclosed that the subject property in case BOA-2026-05 is in a close proximity to her residence. Mr. Lee asked if any Board member believes there will be a conflict of interest, to please make a motion. No Board member made a motion.

SWORN IN FOR TESTIMONY

Chair Joshi reminded everyone that only individuals who are sworn in will be allowed to address the Board.

Ben Barcroft, Mia Alvarez, Cyrus Mathews, Ginger Moose, Rae Crawford, Kevin Coral, and Donna Wattine were sworn in for testimony.

EVIDENTIARY HEARING

<u>BOA-2025-24 – Special Use Permit – 224 Brookdale St.</u>

Chair Joshi opened the evidentiary hearing for BOA-2025-24 and explained that the request for the SUP is to allow a self-service storage facility at 224 Brookdale St. The SUP is being considered in accordance with Article 4 of the KDO. Chair Joshi stated: the KDO authorizes this Board to grant a special use permit if the following seven standards are met:

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 Comprehensive Plan;
2. Adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads;
3. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
4. The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;
5. The establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare;
6. The proposed use complies with all applicable provisions of this Ordinance; and
7. The applicant consents in writing to all conditions of approval included in the approved special use permit.

The burden is on the applicant to show that the special use permit request meets these standards. Reasonable and appropriate conditions may be imposed on any special use permit.

Chair Joshi asked if there were any individuals, aside from Staff and the Applicant, who wished to participate as a party in the case. She reminded those present that a party is different from an individual who wishes to speak or provide public comment or testimony. Anyone is welcome to testify; however, only individuals with standing have the right to participate as a party and present evidence, call witnesses, and make legal arguments. Chair Joshi again asked if anyone, aside from Staff and the Applicant, wished to be a party in this matter. No individual stated they would like to participate as a party to the case.

Chair Joshi stated that the Board was ready to hear from staff regarding the case, and confirmed with Mr. Barcroft that he had been previously sworn in.

Mr. Barcroft presented Case BOA-2025-24, which was entered into the record as Exhibit 1. He informed the Board that the request was initially advertised for the November 4, 2025, BOA meeting but was postponed due to staff needing additional information. At that time, the Board was asked to continue the hearing to a later date. The request was re-advertised to neighboring property owners in January with notification of the February hearing. The February meeting was canceled due to inclement weather, and the request was subsequently re-advertised in February for the March hearing. The March meeting was also canceled, and the request was re-advertised again for the April hearing.

Mr. Barcroft stated that the lot size is approximately 1.97 acres, the applicant is Alan Overcash, and the proposal consists of a 35-unit self-service storage facility. He explained that the property is zoned General Commercial (GC), the parcel is currently used as a self-service storage facility, and the surrounding uses consist of both occupied and vacant commercial properties. He noted that the proposed development is compatible with both future and existing land uses.

Mr. Barcroft stated that one of the future land use character areas for the property is Secondary Activity Center, which identifies retail, office, and multifamily uses as primary uses, with single-family attached and institutional/civic uses as secondary uses. The other future land use character area is Urban Residential, which identifies single-family and civic uses as primary uses, with multifamily, live-work, and small-format office/retail uses as secondary uses.

Mr. Barcroft showed an image of the property from Security Street. He also presented drone footage and noted that there is a healthcare office to the west, a bowling alley to the east, and a Duke Energy easement running through the property. While presenting the conceptual site plan, Mr. Barcroft explained that the proposed structure would be an expansion of the existing facility, which currently contains 152 storage units and was originally approved under Case BOA-2015-06.

Mr. Barcroft reviewed the Standards Specific to Self-Service Storage:

1. The maximum lot size is three acres.
2. The required setback shall be twenty-five (25) feet when adjacent to areas that are zoned residential.
3. A Type B perimeter buffer yard shall be provided in accordance with Section 5.3.G, Perimeter Buffer Yards, around the perimeter of the self-service storage facility.
4. Signs and other advertising mediums are prohibited within the buffer yard.
5. The establishment shall have an on-site manager or an electronic security system.
6. The sale of personal property and conducting any type of commercial activity of any kind whatsoever other than leasing of the storage units and incidental sales of storage-related materials (boxes, tape, labels, etc.) is prohibited.
7. No portion of any self-service storage shall be used, on a temporary or permanent basis, as a dwelling, except a single dwelling unit for use by an on-site manager or caretaker is allowed as an accessory use.
8. The repair, construction, or reconstruction of any boat, engine, motor vehicle on-site is prohibited.
9. On-site storage of a propane or gasoline engine or a propane or gasoline storage tank is prohibited. All rental contracts for storage units shall include clauses prohibiting (a) the

storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.

10. All outdoor lights must be shielded to direct light and glare only onto the lot which the self-service storage is located.
11. Building renderings are required to demonstrate that street facing facades present the appearance of an office or retail commercial use.
12. No outdoor storage within the General Commercial (GC) zoning district.

Mr. Barcroft showed the elevation renderings and mentioned it will include brick façade, and the rear side will have metal paneling which will not be visible since it will face the existing storage facility.

Mr. Barcroft mentioned the Conditions of approval proposed by staff:

1. A Type B perimeter buffer yard shall be provided in accordance with Section 5.3.G, Perimeter Buffer Yards, around the perimeter of the self-service storage facility.

2. The development shall comply with all applicable stormwater management requirements as reviewed and approved by the City Engineering Department.

Mr. Barcroft then 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 located within the "Urban Residential" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Character Area calls for primary uses of single-family residential and civic uses, with secondary uses including multi-family residential, small-format retail, and office. The parcel is currently used as a self-service storage facility with surrounding uses of commercial and vacant commercial property.
   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.
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.**
   The proposed use of self-service storage is not expected to create any traffic hazards or cause traffic congestion.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**
   No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a self-service storage facility is expected 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 is not expected to impede the development of surrounding properties for uses permitted within their respective zoning districts. The self-service storage facility is anticipated to have minimal impact on adjacent properties. The applicant has submitted renderings demonstrating that the street-facing facades present the appearance of an office or retail commercial use. Staff has worked with the applicant to add windows to the east elevation, including a window on either side of the door.

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 (KDO), conditions of approval, and any other applicable local, state, and federal regulations. Staff has confirmed that the use-specific standards for self-service storage facilities have been met, with the condition that a Type B perimeter buffer yard be provided around the perimeter of the self-service storage facility, as it was not shown on the conceptual site plan. The applicant proposes the use of pervious pavement to meet applicable watershed protection requirements. 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 indicated that they will sign all Conditions of Approval for this special use permit.

Mr. Barcroft stated that staff recommends approval with conditions 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.

Chair Joshi asked if any of the Board members have any questions. No questions were disclosed by the Board.

There being no further questions for staff, the applicant was invited to step forward. Chair Joshi reminded all parties that any evidence or testimony must be relevant to the special use permit and that any physical materials presented must be submitted to the Board for inclusion in the record. Mr. Barcroft stated that the applicant is not present.

Chair Joshi asked if any party/individual would like to testify. There was no disclosure from the public to testify.

Regarding closing statements, Chair Joshi noted that parties with standing may offer a closing statement or rebuttal argument if they choose. She reminded participants to focus on legal arguments and avoid repeating points already presented. She asked whether the Applicant, Staff, or any other parties with standing wished to make such statements.

During deliberation and the vote, Chair Joshi asked if the Board had any further questions for the parties or witnesses before proceeding. She emphasized that the evidentiary hearing would remain open to allow clarifying questions if needed.
There being no additional questions or comments for staff or the applicant, Chair Joshi closed the public hearing.

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

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

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

<u>BOA-2026-04– Special Use Permit – 166 N Little Texas Rd.</u>
Chair Joshi opened the evidentiary hearing for BOA-2026-04 and explained that the request for the SUP is to allow a private school at 166 N Little Texas Rd. The SUP is being considered in accordance with Article 4 of the KDO. Chair Joshi stated: the KDO authorizes this Board to grant a special use permit if the following seven standards are met:
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 Comprehensive Plan;
2. Adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads;
3. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
4. The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;
5. The establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare;
6. The proposed use complies with all applicable provisions of this Ordinance; and
7. The applicant consents in writing to all conditions of approval included in the approved special use permit.

The burden is on the applicant to show that the special use permit request meets these standards. Reasonable and appropriate conditions may be imposed on any special use permit.

Chair Joshi asked if there were any individuals, aside from Staff and the Applicant, who wished to participate as a party in the case. She reminded those present that a party is different from an individual who wishes to speak or provide public comment or testimony. Anyone is welcome to testify; however, only individuals with standing have the right to participate as a party and present evidence, call witnesses, and make legal arguments. Chair Joshi again asked if anyone, aside from Staff and the Applicant, wished to be a party in this matter. No individual stated they would like to participate as a party to the case.
Chair Joshi stated that the Board was ready to hear from staff regarding the case, and confirmed with Mr. Barcroft that he had been previously sworn in.

Mr. Barcroft presented case BOA-2026-04, which was entered into the record as Exhibit 2. Mr. Barcroft informed the Board that the applicant is Rae Crawford, the property is approximately 11.91 acres, and the proposal of the SUP is to allow a private K-12 school using existing buildings at a church located at 166 N Little Texas Rd. Mr. Barcroft said the property is zoned Residential (R4) and that its surrounding uses consist of single family residences and apartments to the north; the proposed development is compatible with both future and existing use. Mr. Barcroft also said the Future Land Use Character Area for the subject property is Complete Neighborhood 1, in which primary uses consist of single family and civic; secondary uses include multifamily and live work. Mr. Barcroft showed the traffic circulation plan provided by the applicant, an image of N. Little Texas Road and the site where both the proposed high school and elementary drop off will take place. While showing the drone footage, Mr. Barcroft pointed out the parking of the existing church and the nearby residences.

Mr. Barcroft then 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 property is located within the "Complete Neighborhood 1" Character Area of the *Move Kannapolis Forward 2030 Comprehensive Plan*. The building and site are currently used as a place of worship, and the surrounding area consists primarily of single-family residential dwellings, with apartments situated to the north. According to the applicant, the building is set back from the main road, with other churches and established neighborhoods in close proximity.

   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.
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.**
   Adequate provisions for safe ingress and egress have been addressed. The applicant indicates that the access is existing and functioning as intended. Staff has reviewed their proposed site plan and finds that this standard is met.
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 private school 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 private school is compatible with the existing and surrounding 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 indicated that they will sign all Conditions of Approval for this special use permit.

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

Ms. Joshi asked if the proposed development will not consist of adding any new buildings in which the school will take place and just use the existing buildings. Mr. Barcroft told Ms. Joshi she is correct; the school will be held in the existing buildings.

Mr. Dwiggins asked if the applicant would need to apply for another SUP if they wanted to expand/add to the existing buildings. Mr. Barcroft said the applicant will need to apply for a new SUP if they plan to add new buildings or extend existing ones.

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

Ginger Moore, 222 Church St., mentioned she is the project's architect and to clarify, no other buildings will be built in which there are several existing classrooms. She said that the only construction that will be done is to divide an existing large classroom into two. She also said this development is for a starter school that will move from Concord to Kannapolis; the reason the school will move is to obtain both a better and safer building as the church has handicap accessibility, full alarm system, and sprinkler system. Ms. Moore explained that where the large building is located, is where the classroom will be divided. She also explained that where the preschool playground is, the kindergarten, first grade, and nursery rooms will be placed; where the other playground is located, it will hold seventh to twelfth grade.

Rae Crawford, 410 Pinewood Ave., introduced herself as the applicant.

Mr. Parker asked if there will be different school hours for the elementary and middle/high school students to prevent traffic ingress. Ms. Crawford said the school hours will be from 8:15 a.m. to 2:45 p.m. for the whole school; drop off/pick up will occur from 8:00 a.m. to 8:15 a.m. and 2:45 p.m. to 3:00 p.m. respectively. Ms. Crawford mentioned that many of the families have students in both schools/buildings, which will reduce traffic. She said there are currently about 84 families. Mr. Parker asked if there would be public safety personnel to direct traffic. Ms. Crawford said she does not believe there will be public safety personnel for traffic because at their current location, the traffic has an easy flow.

Ms. Joshi asked if where the white arrows are drawn on the traffic circulation plan will be the staff parking lot. Ms. Crawford said the parking lot where the white arrows are drawn on the traffic circulation plan will be used exclusively for parking with the traffic flow going around the parking lot. Ms. Joshi asked Ms. Crawford if she meant there are two drop-off areas that both come from the same spot. Ms. Crawford told Ms. Joshi she is correct and the traffic flow has enough space to be a two-car lane.

Mr. Dwiggins asked if the school has 84 families, how many students are enrolled. Ms. Crawford said there are currently 131 students and their registration is open.

Mr. Smith asked Chair Joshi if she can ask Pastor Coral to come forward in order for him to verify the application. Ms. Joshi asked Pastor Coral to step forward and to state his name and address.

Kevin Coral said he lives in Rockwell, NC and that he is the pastor of the church located at 166 N. Little Texas.

Chair Joshi asked Mr. Coral if he could confirm with the Board that he agrees with all the testimony and the proposal the applicant is requesting to occur at his church. Mr. Coral said he agrees with the applicant. Mr. Smith asked if Mr. Coral can state for the record that he has authority to act on behalf of the church's property. Mr. Coral said that he is the appointed pastor to the church, and therefore, he has authority to handle such actions for the church.

Regarding closing statements, Chair Joshi noted that parties with standing may offer a closing statement or rebuttal argument if they choose. She reminded participants to focus on legal arguments and avoid repeating points already presented. She asked whether the Applicant, Staff, or any other parties with standing wished to make such statements.

During deliberation and the vote, Chair Joshi asked if the Board had any further questions for the parties or witnesses before proceeding. She emphasized that the evidentiary hearing would remain open to allow clarifying questions if needed.

There being no additional questions or comments for staff or the applicant, Chair Joshi closed the public hearing.

Chair Joshi then asked for a motion to accept the City's exhibits into the record. Mr. Sides made the motion, seconded by Ms. McClain, and the motion was unanimously approved.

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

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

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

BOA-2026-05– Special Use Permit – 1308 Central Dr.

Chair Joshi opened the evidentiary hearing for BOA-2026-05 and explained that the request for the SUP is to allow a bed and breakfast establishment at the property located at 1308 Central Dr. The SUP is being considered in accordance with Article 4 of the KDO. Chair Joshi stated: The KDO authorizes this Board to grant a special use permit if certain standards are met. The SUP is being considered in accordance with Article 4 of the KDO. Chair Joshi stated: the KDO authorizes this Board to grant a special use permit if the following seven standards are met:

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 Comprehensive Plan;
2. Adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads;
3. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
4. The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;
5. The establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare;
6. The proposed use complies with all applicable provisions of this Ordinance; and
7. The applicant consents in writing to all conditions of approval included in the approved special use permit.

The burden is on the applicant to show that the special use permit request meets these standards. Reasonable and appropriate conditions may be imposed on any special use permit.

Chair Joshi asked if there were any individuals, aside from Staff and the Applicant, who wished to participate as a party in the case. She reminded those present that a party is different from an individual who wishes to speak or provide public comment or testimony. Anyone is welcome to testify; however, only individuals with standing have the right to participate as a party and present evidence, call witnesses, and make legal arguments. Chair Joshi again asked if anyone, aside from Staff and the Applicant, wished to be a party in this matter. Mr. Smith stated that there is a party that wishes to speak.

Mike Davis introduced himself as a licensed attorney based in Cabarrus County that will be representing Cyrus Mathews who is the applicant. He said the application is for a SUP for a bed and breakfast at 1308 Central Dr. Mr. Davis said it is understood this meeting is a quasi-judicial hearing, meaning sworn testimony and exhibits will be presented. Mr. Davis said the evidence presented will show the property will retain its residential appearance, and operations will be tailored to be in compliance with the KDO. He also said, there will be no traffic impact due to special events. At the end of the presentation, Mr. Davis said he asks for the Board to approve the application with reasonable conditions.

Chair Joshi stated that the Board was ready to hear from staff regarding the case, and confirmed with Ms. Alvarez that she had been previously sworn in.

Ms. Alvarez presented case BOA-2026-05, which was entered into the record as Exhibit 3. Ms. Alvarez mentioned the applicant is Cyrus Mathews, the property is approximately 0.26 acres, and the proposal of the SUP is to allow bed and breakfast at 1308 Central Drive. Ms. Alvarez informed the Board that the subject property is zoned Residential (R4), surrounding property uses consist of single family residences, bed and breakfast establishments would be compatible with future and existing uses, and that short-term rentals are prohibited in R4. Ms. Alvarez also informed the Board that the future land use character for the subject property is Urban Residential in which its primary uses consist of single family and civic while its secondary uses include multifamily, small format office/retail, and live work.

Ms. Alvarez reviewed the Standards Specific to Bed and Breakfast:

1. A bed and breakfast establishment shall maintain a residential appearance.
2. Receptions, private parties, and similar events are prohibited unless expressly approved as part of the special use permit or site plan approval.
3. The maximum length of stay shall be 30 days.
4. All guest rooms shall be located within the principal structure.
5. Meals may be served to registered guests but shall not be served to the general public unless expressly approved as part of the special use permit or site plan approval. Cooking facilities are prohibited in guest rooms.
6. The maximum number of guest bedrooms shall be five, unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging.
7. All outdoor lights must be shielded to direct light and glare only onto the facility's premises.
8. Signage shall be limited to one non-illuminated ground sign per establishment that shall have a maximum area of five square feet and a maximum height of five feet.

While demonstrating the provided site plan, Ms. Alvarez said bed and breakfast establishments are required to have two parking spaces plus one per bedroom; since the subject property has three bedrooms, five parking spaces are required but only three parking spaces are shown on the site plan. Ms. Alvarez revealed there were conversations about an alternate parking plan that would reduce the required parking to three spaces, but final approval was not given. Ms. Alvarez also revealed the applicant was informed while he was working on the parking plan that he could expand the driveway, but it would need to have a five-foot minimum setback from the property line. Ms. Alvarez said staff is now aware the owner has expanded the gravel driveway up to the property line which does not meet the driveway standards. Ms. Alvarez showed the floor plan provided by the applicant and said the first floor will consist of one bedroom and one bathroom while the second floor has two bedrooms and one bathroom. Ms. Alvarez also showed an image of the property from Central Drive in which she said was taken prior to the driveway extension and drone footage.

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

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.**
   The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcel as being located in the "Urban Residential" Character Area. The Urban Residential Character Area consists of a variety of housing built in and around the downtown of

Kannapolis. Primary uses are single-family residential. The property is currently zoned Residential 4 (R4). Within this zoning district, bed and breakfast establishments are permitted with a Special Use Permit and are required to maintain their residential appearance.

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.**
   The proposed bed and breakfast establishment includes access from Central Drive.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas**
   The proposed development will not generate any noxious or offensive vibration, 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 bed and breakfast establishment, as described by the applicant in their application, more closely follows the definition of a short-term rental, which is not a permitted use in the R4 zoning district.

   Ms. Alvarez said the applicant has indicated that he would rent out the entire house, one group at a time. She stated the KDO definition of a short-term rental is the rental of an entire dwelling unit by an owner or operator with no principal resident residing on the premises that provides lodging for pay, for less than a continuous period of 30 days. The definition of a bed and breakfast establishment is a single-family detached dwelling, that is primarily used for short-term lodging of transient guests, in exchange for compensation. Breakfast is typically served to guests, the owner or operator may live in the bed and breakfast.
5. **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.**
   As indicated by the applicant, the proposed development 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 bed and breakfast the applicant has described in their application more closely follows the KDO's definition of a short-term rental. A short-term rental (as a principal use) is not permitted in the R4 zoning district.

   Further, the site plan provided by the applicant does not meet the minimum parking spaces for a bed and breakfast establishment as required by Table 5.2.E(1)a of the KDO. The applicant has indicated he plans to request approval for an alternative parking plan.
7. **The applicant consents in writing to all conditions of approval included in the approved special use permit.**
   The applicant has indicated that they will sign all Conditions of Approval for this special use permit.

Ms. Alvarez said that based on the above findings, staff recommends **denial** 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.

Regarding closing statements, Chair Joshi noted that parties with standing may offer a closing statement or rebuttal argument if they choose. She reminded participants to focus on legal arguments and avoid repeating points already presented. She asked whether the Applicant, Staff, or any other parties with standing wished to make such statements.

Mr. Parker asked if the KDO exhibits a maximum number of individuals that are allowed per bedroom. Ms. Alvarez said the KDO does not exhibit a maximum number of guests per bedroom but there is a limit number of guest bedrooms which is five.

Ms. Joshi asked if because the bed and breakfast is assuming to have a primary resident, is that the reason why the parking requirement asks for two spaces plus one space per bedroom meaning the two parking spaces are for the homeowner. Ms. Alvarez told Ms. Joshi her statement is correct.

Mr. Parker asked if there will be any on street parking. Ms. Alvarez said per the KDO on street parking does not count for a bed and breakfast establishment as all parking spaces will have to be on the site.

Ms. Martini asked for clarification on the images that are stated to be outdated due to the driveway now being extended to the property line but looking at the image, she believes two cars can be parked side by side. Ms. Alvarez showed Ms. Martini where the property line is presumed on the map and said no driveway or parking space can be allowed if less than five feet from the property line.

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

Mr. Davis said the applicant, along with himself, would like to present in a question and answer format by him asking questions and having Mr. Mathews answer. The applicant's presentation was shown, and Mr. Davis asked the applicant to state his name for the record. Mr. Mathews stated his name, that his address is at 1308 Central Dr., and that he has been sworn in. Mr. Davis asked what is your relationship with the property for which Mr. Mathews responded, he is the owner. Mr. Davis asked if there is familiarity with the subject property and the proposed use for the SUP application. Mr. Matthews said he had written the application for SUP, and he assisted with the creation of the presentation. Mr. Davis asked if the materials in the presentation were reviewed, which Mr. Mathews said he did. Mr. Davis asked if the presentation fairly and accurately depicts the property and proposed use; Mr. Mathews said they are accurate. Mr. Davis asked if the property has historically been used as a residence; Mr. Mathews said the subject property has been his residence for at least four years. Mr. Davis asked if any exterior materials have been changed or will be proposed. Mr. Mathews said the property will be used as a bed and breakfast just how it appears on the drone footage and images. Mr. Davis asked if breakfast would be provided for guests; Mr. Mathews replied that a continental breakfast would be provided. Mr. Davis asked if the property will be used as a reception or for private parties in which Mr. Mathews responded, no. During their presentation, Mr. Davis and Mr. Mathews also revealed no signage or lighting is proposed, the maximum duration of the guests stays will be 30 days, there are three bedrooms in the premise in which there is a king bedroom on the ground

floor and both a queen and full bedroom on the second floor. Mr. Mathews informed the Board that the house was remodeled with permits issued from Cabarrus County and completed while he was living in the subject property. He also informed the Board that there are no guest rooms nor structures outside the primary structure that will be used as part of the SUP. Mr. Davis mentioned testimony/evidence from the city on parking accommodation such as the claimed outdated picture where the driveway has now been extended, he then asked the applicant approximately how far his neighbor's driveway to his property line is in which Mr. Mathews said it is about six inches to one foot. Mr. Mathews said he does not double park on the driveway and that he had hired a company to add gravel to the driveway as it was previously very worn down with weeds; he also said it is very typical for the driveways in his neighborhood to not be paved. Mr. Mathews asked if on street parking often occurs in the neighborhood, Mr. Mathews said it is not uncommon. Mr. Davis asked the applicant if he believes five parking spaces as requested by staff are needed for how he intends to operate; Mr. Mathews said he will not need five parking spaces as he will not be living on the property while it is operating as a bed and breakfast which is why he is asking for an exception. Mr. Mathews concluded that he will comply as promised by his oath and has read the KDO multiple times.

Ms. Joshi asked who will be in the premises to serve breakfast to the guests. Mr. Mathews said that the food will be left prior to the guests arriving to the property.

Ms. Joshi inquired if the alternative plan on the minimum parking spaces will contradict the definition of a bed and breakfast since its definition states there will be a primary resident. Ms. Joshi said there will be additional accommodation from the bed and breakfast to not require five parking spaces. Mr. Davis said he believes the applicant is asking for an exception or a written conditional approval to allow the applicant to use the parking as it is, or to apply conditions that the Board believes will comply with the KDO such as the parking being extended more than its current state. Mr. Mathews said he hopes the Board approves the parking plan as proposed because the KDO says the owner/operator may occupy the house as its primary resident, and since the owner will not be living in the property, the two additional parking spaces asked for by staff should not be required.

Mr. Parker asked if it is stated in the contract the number of guests that may stay in the house. Mr. Mathews answered that there will be a maximum occupancy of eight guests with exceptions for infants and children. He said that the house contains two twin beds, queen bed, king bed, and full bed to accommodate guests. Mr. Parker asked if the occupants will have guests not related to them. Mr. Mathews told Mr. Parker that the guests will all be in one group which will help facilitate with parking.

Mr. Parker asked if the subject property has been inspected by Kannapolis Fire Department. Mr. Mathews said the property has been inspected and has received feedback on smoke/carbon monoxide detectors. He also said that he has purchased the required fire extinguishers. Mr. Parker asked if the house will have cameras. Mr. Mathews said there will be a camera at every exterior door with his management company monitoring all who come in/out of the house to know if there is any improper use by the guests; he said they will be very diligent with enforcing proper use of the establishment.

Ms. Joshi asked if Mr. Mathews will have a secondary residence since he stated he will not live at the subject property while operating the bed and breakfast. Mr. Mathews said he is in the process of moving to another residence. Ms. Joshi asked what is the address where he plans to move. Mr. Mathews said he does not know the exact address, but he will be moving to Vancouver, Washington. Ms. Joshi stated that the KDO defines a bed and breakfast establishment as a single-family detached dwelling, that is primarily used for short-term lodging of transient guests, in exchange for compensation. Breakfast is typically served to guests; The owner or operator may live in the bed and breakfast. Ms. Joshi asked if there would be no one present to serve guests. Mr. Mathews said she was correct.

Mr. Dwiggins mentioned that he understood the intention was to rent the entire house to one group in which this does not meet the KDO's definition which states a bed and breakfast establishment rents just a room. He asked why this decision was made as the applicant stated he read the KDO multiple times. He also asked if this establishment will turn out to be an Airbnb as he himself has stayed in bed and breakfasts in the past and just rented a room. Mr. Mathews replied that he has been directed by his attorney not to discuss how to apply the law, but that he is present to prove that he does meet the definition of a bed and breakfast independent of other definitions that are stated in the KDO. Mr. Davis said that it is easy to conclude that this establishment is a short-term rental such as the saying it quacks like a duck, it is a duck. However, just because the establishment may meet the definition of a short-term rental, it does not mean it does not meet the definition of a bed and breakfast. Mr. Davis said that the KDO states breakfast is typically served to guests. He then asked what is the definition of serve? Mr. Davis said that if you look at the definition of *serve* in the Meriam-Webster dictionary, leaving a continental breakfast before every stay is guaranteed to be considered to be serving by the Cabarrus County Superior Court. He also stated the KDO defined the bed and breakfast as the owner or operator may live in the bed and breakfast; the emphasis on the word may means the owner can or cannot live at the property. Mr. Davis said Mr. Mathews has done his best to submit to the city with staff being able to testify there have been numerous conversations on the matter of parking. Mr. Davis said that Mr. Mathews is trying to comply by coming to the Board to try to get the SUP approved to operate the bed and breakfast in a beneficial way; he is not just deciding to operate the proposed establishment anyway without regard.

Mr. Parker asked if a management company will be hired to maintain the property and guests such as providing needed supplies. Mr. Mathews said there will be a management company that will be on call to address any of the guests needs. Mr. Parker also asked if his contract states that guests or himself will need to cover for insurance. Mr. Mathews said he will have personal liability insurance to cover himself if there is an event for which he is found liable.

Ms. Martini said that according to the Meriam-Webster dictionary, a *transient guest* is a person who stays only briefly, such as a hotel guest or boarder; these guests occupy a room for less than 30 consecutive days. Ms. Martini also said she has traveled worldwide and has stayed in both Airbnb and bed and breakfasts in which a room is just rented. She said that since the whole house is rented, it follows more the definition of a short-term rental than a bed and breakfast. Mr. Mathews said that the definitions found in the KDO should trump any definitions in the Meriam-Webster dictionary. Mr. Davis replied that he acknowledges his previous comment on the Meriam-Webster dictionary which was more particular to words such as *may* and *serve*; he told

Ms. Martini she was right, but in this case, it is more profitable to rent the entire dwelling than just one room at a time. Mr. Mathews added that he would like to provide the best guest experience as possible and that guests will likely not enjoy the dwelling as much if they have to share a bathroom with people they do not know. Ms. Martini said that bed and breakfasts tend to have bathrooms to be shared, but if an individual does not want to share a bathroom, they can rent an Airbnb instead. Ms. Martini also said that she is trying to determine what definition the proposal falls under as a SUP can be issued for a bed and breakfast but short-term rental cannot be permitted in the R4 zoning district. Mr. Davis replied that their argument is that what they are presenting does meet the bed and breakfast definition.

Ms. Joshi said the Board sees that with what is presented, the proposal does meet the definition of the short-term rental but the nuance is not seen in the short-term lodging of transient guests as it will be a family renting the entire home and not just a room, breakfast being typically served, and the owner will not be operating the establishment while living in the property.

City Attorney Mr. Kelly addressed the Board and mentioned that the applicant states that despite there being three separate bedrooms, only one group of guests will be booked at a time. He then referred to Section 1.6.A from the KDO that states: If the provisions of this Ordinance are inconsistent with one another or if the provisions of this Ordinance conflict with provisions found in other adopted codes or ordinances of the City, the more restrictive provision shall govern unless the terms in the more restrictive provisions specify otherwise. Mr. Kelly stated the applicant applied for the SUP for a bed and breakfast but based on his testimony, he will rent the dwelling entirely, which puts him in the definition of a short-term rental which staff has mentioned is not permitted in the R4 district. He also stated that if the applicant does not meet the burden, the application should be denied.

Ms. Martini asked if a short-term rental can be permitted with a SUP or variance. Mr. Kelly said that a variance can be requested but it cannot be done with SUP, which is what the application was submitted for; the applicant would need to submit a separate application.

Ms. Joshi asked if Section 1.6.A states that if there is an overlap with the definitions and there is a restriction on one of them in which the proposal falls under the definition of a short-term rental, which is prohibited by the KDO in the R4 district, the Board should enforce a denial. Mr. Kelly said this agreeably reflects the city's position.

Donna Wattinne, 1206 Venus St., mentioned she is a nearby neighbor and provided handouts to the Board and staff.

Ms. Joshi asked Ms. Wattinne if she has an oral argument for the case. Ms. Joshi said she sees data about traffic on the handout but wanted to confirm with the Board if any had a concern on traffic and that this proposal does not require a traffic study. Mr. Lee said that nothing provided on Ms. Wattinne's handout indicates a traffic impact study requirement. Mr. Lee advised the Board that topics such as traffic, safety, and property value must come through substantial evidence such as from an expert. Mr. Lee said that Ms. Wattinne may pull public data and testify but the evidence does not come from an expert meaning it is not competent. Mr. Lee said he

recommends allowing Ms. Wattinne to speak and to allow the applicant's attorney to object to the competence of the testimony. Mr. Davis objected Ms. Wattinne's evidence.

Ms. Joshi mentioned that all seven standards from the KDO must be met in order for approval of the SUP. Ms. Joshi went over each of the Findings of Facts:

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.**
   She said that the proposed special use will not be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan due to the proposal meeting the definition of a short-term rental. Ms. Joshi said that as Mr. Kelly discussed, the KDO states the most restrictive definition must apply. Ms. Joshi explained that the proposal will rent the entire dwelling and not just a single room which is one of the reasons why this proposal does not meet the bed and breakfast definition. Ms. Joshi read the definition of a bed and breakfast as: A single-family detached dwelling, that is primarily used for short-term lodging of transient guests, in exchange for compensation. Breakfast is typically served to guests, the owner or operator may live in the bed and breakfast. She then read the short-term rental definition as: rental of an entire dwelling unit by an owner or operator with no principal resident residing on the premises that provides lodging for pay, for less than a continuous period of 30 days. Ms. Joshi said that the applicant confirmed that guests will stay for less than thirty consecutive days and that there will be no principal resident as there will be an off-site management company overseeing the rental. Ms. Joshi confirmed with each Board member that they agree with staff that the Finding of Fact is false.
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.**
   Ms. Joshi confirmed with the Board that it is agreed with staff that this fact is true.
3. **The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas**
   Ms. Joshi confirmed with the Board that it is agreed with staff that this fact is true.
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**
   Ms. Joshi said there is a conflict as the bed and breakfast establishment, as described by the applicant in their application, more closely follows the definition of a short-term rental, which is not permitted use in the R4 zoning district. Ms. Joshi confirmed that the Board finds this Finding of Fact to be false.
5. **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.**
   Ms. Joshi stated the Board finds this finding of fact to be true.
6. **The proposed use complies with all applicable provisions of the KDO.**
   Ms. Joshi mentioned the bed and breakfast described by the applicant in their application more closely follows the KDO's definition of a short-term rental which is not permitted in the R4 zoning district. Also, the site plan provided by the applicant does not meet the minimum parking spaces for a bed and breakfast establishment as required by the KDO. Ms. Joshi said the Board finds this Finding of Fact to be false.

7. **The applicant consents in writing to all conditions of approval included in the approved special use permit.**
   Ms. Joshi mentioned the applicant has stated he will sign any conditions for approval and the Board finds this Finding of Fact to be true.

Ms. Joshi stated that there are three Findings of Facts that the Board agrees with staff are false; in order to grant a SUP all Findings of Facts must be true or be applied conditions that will make the facts true. Ms. Joshi said the Board has not found a solution to place a condition that will make the facts true and that even if there was an exception made for parking, there will still be an additional two Findings of Facts that were found to be false.

Mr. Lee asked if the parking can be changed via conditions. Mr. Kelly replied that the alternate parking plan is typically issued by the KDO if there is a zoning clearance permit and the applicant was not at that point yet. Mr. Kelly said he suggests the Board to not get involved with the process for the applicant to apply for one. He also said that if the applicant would have obtained a zoning clearance permit and been denied the alternate parking plan, Mr. Mathews could have appealed the decision. However, the applicant was basically asking the Board to not have to comply with the KDO terms, not process. He said that he does not recommend the Board get involved in this matter and that Mr. Lee, the Board Attorney, may disagree with him. Mr. Lee said that he believes Ms. Joshi was mentioning that there is an issue with complying with the parking regulations in which a variance is more applicable to this than a SUP.

During deliberation and the vote, Chair Joshi asked if the Board had any further questions for the parties or witnesses before proceeding. She emphasized that the evidentiary hearing would remain open to allow clarifying questions if needed.

There being no additional questions or comments for staff or the applicant, Chair Joshi closed the public hearing.

Chair Joshi then asked for a motion to accept the City's exhibits into the record. Mr. Sides made the motion, seconded by Ms. McClain, and the motion was unanimously approved.

Chair Joshi asked for a motion to approve the exhibits submitted by the applicant and the objection to Mr. Davis. Mr. Sides made the motion, seconded by Ms. Martini, and the motion was unanimously approved.

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

Chair Joshi asked for a motion to deny the issuance of the Special Use Permit. Mr. Sides made the motion to deny, seconded by Mr. Dwiggins, and the motion was unanimously denied.

Chair Joshi asked for a motion to issue the Order of Denial with all of those who agree with the denial to say "aye" and for those who oppose to say "no." The motion was unanimously denied.

PLANNING DIRECTOR UPDATES

Mr. Smith announced that Lowe's Foods at Kellswater is scheduled to have its grand opening in June. He also provided updates that Harris Teeter is currently under grading for the next 4-6 months; it will be another 12 months for the construction to go vertical. The new townhomes planned nearby are expected to take about 24 months to complete.
Mr. Smith also mentioned that City Council voted to relinquish Kannapolis' ETJ in Rowan County, with the change becoming effective June 30.

Additionally, Mr. Smith shared that the Martin Luther King Jr. bridge is under construction and that NCDOT approved naming the bridge after Corine Cannon. Another bridge naming is still pending.

OTHER BUSINESS
N/A

ADJOURN
There being no further business, Chair Joshi made the motion to adjourn, which was made by Mr. Sides, second by Mr. Parker and the motion was unanimously approved.
The meeting was adjourned at 8:08 PM on Tuesday, April 7, 2026.

Emily Joshi (Jun 5, 2026 17:53:48 EDT)

Emily Joshi, Chair
Board of Adjustment

Zulena Anderson

Zulena Anderson, Recording Secretary
Board of Adjustment

Kannapolis Board of Adjustment

Board of Adjustment Agenda Staff Report
June 2, 2026

To: Board of Adjustment

From: Mia Alvarez, Senior Planner

Subject: **BOA-2026-06: Special Use Permit- 502 Milton L Taylor St.- Unanimously Approved**

Action 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.

Required Votes to Pass Required Action

A majority vote is required to approve, approve with conditions, or deny the requested actions.

Background

The applicant, COE LLC, is requesting a Special Use Permit (SUP) to allow for a short-term rental (as a principal use) on property located at 502 Milton L Taylor Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a short-term rental (as a principal use) in the Residential 8 (R8) zoning district. The subject property consists of approximately 0.157 ± acres, is zoned R8, and is further identified as Cabarrus County Parcel Identification Number 56137873170000.

Pursuant to Section 4.2.D(5)h.2 of the Kannapolis Development Ordinance, a short-term rental (as a principal use) is subject to the following special requirements:

a. Activities on the site shall be limited to lodging.
b. The owner or operator shall ensure that all refuse is stored in appropriate containers, and that the containers are set out for collection on the scheduled collection day and removed from the street or alley on the scheduled collection day.
c. No display of goods, products, services, or other advertising related to the short-term rental shall be visible from outside of the dwelling.
d. The landowner or operator of the short-term rental shall maintain liability insurance on the property covering the short-term rental use.

Fiscal Implications

None

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.

<u>Staff Findings of Fact</u> - Based on application review:

Yes No

Yes **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.**
The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcel as being located in the "Urban Residential" Character Area. The Urban Residential Character Area consists of a variety of housing built in and around the downtown of Kannapolis. Primary uses are single-family residential. The property is currently zoned Residential 8 (R8). Within this zoning district, short-term rentals are permitted with a Special Use Permit.

Yes **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.**
The proposed short-term rental includes access from Milton L Taylor Street and provides the minimum parking spaces required for short-term rentals.

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

Yes **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 short-term rental is compatible with the existing and surrounding uses.

Yes **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.

Yes **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.

Yes **7. The applicant consents in writing to all conditions of approval included in the approved special use permit.**
The applicant has indicated that they will sign all Conditions of Approval for this special use permit.

Legal Issues

Board's Findings of Fact - Based on application review and evidentiary hearing.
In order to determine whether a special use permit is warranted, the Board must decide that each of the seven findings as outlined 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 evidentiary hearing), alternate findings need to be included as part of the seven 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.

- 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.

Staff Recommendations

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

Conditions of Approval proposed by staff:

1. The short-term rental use shall be limited to two bedrooms.

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.

Attachments

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

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

KANNAPOLIS

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: 502 Milton L Taylor Street, Kannapolis NC

Applicant: COE LLC

SUBMITTAL CHECKLIST

- [x] **Pre-Application Meeting**
- [x] SUP Checklist and Application – Complete with all required signatures
- [x] **Plot/Site Plan showing the proposed use**
- [x] Fee: $650.00 ($600 Application Fee + notification fee [see Fee Schedule])
- [x] **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, <u>must be completed prior to scheduling the public hearing.</u> 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: _____ *Date:* 4/14/2026

KANNAPOLIS

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Randy Herrin

Address: 920 Marsh View Dr
North Myrtle Beach, SC. 29582

Phone: [redacted]

Email: [redacted]

Property Owner Contact Information ☐ same as applicant

Name: COE LLC

Address: 920 Marsh View Dr
North Myrtle Beach, SC 29582

Phone: [redacted]

Email: [redacted]

Project Information

Project Address: 502 Milton L Taylor St.

Zoning District: Select R8

Parcel PIN: 56137873440000

Size of property (in acres): 0.157

Current Property Use: Single Family Home

Proposed Use: Short-term rental

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)*: See attached.

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.**
   See attached.

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

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

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.**
   See attached.

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

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

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

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.

Applicant Signature — Date: 4/14/2026

Property Owner Signature — Date: 4/14/2026

Project Information

- **Proposed Use:** Short-Term Rental (Principal Use).
- **Nature of Proposed Use:** "The applicant proposes to operate a Short-Term Rental at 502 Milton L Taylor Street. The property is a newly constructed, single-family residence that will be used for overnight lodging for a maximum stay of 30 days per guest. No special events or commercial gatherings will be permitted. The property will be professionally managed with 24/7 oversight, ensuring all refuse is handled via City-provided containers and the home's residential aesthetic is strictly maintained without exterior signage or displays."

Responses to Review Standards

Per Section 2.5.A(5)c of the KDO, you must demonstrate compliance with these specific facts:

1. Harmony with the area and Comprehensive Plan- "As a new construction residence, the property represents the highest level of harmony with current building standards and the Kannapolis Move 2035 Comprehensive Plan. The residential character is preserved through the use of an outdoor patio enclosed by a privacy fence, providing a visual and acoustic buffer that protects the privacy of adjacent neighbors while aligning with City goals for diverse lodging options."

The property is located 0.5 miles from the vibrant Kannapolis downtown district and will be a destination for travelers to use while enjoying all that the city has to offer. In addition the property is just down the street from the Amtrak Kannapolis Station.

2. Ingress and egress to minimize traffic hazards- "The property features a dedicated driveway capable of accommodating three (3) standard-sized vehicles, ensuring all guest parking is contained on-site. By providing three off-street spaces, the proposal eliminates the need for street parking on Milton L Taylor Street, preventing congestion and maintaining clear sight-lines for neighboring traffic and emergency vehicles."

3. Not noxious by reason of vibration, noise, odor, etc.- "The use will not produce noxious impacts. To ensure air and sound quality, the applicant is installing fresh sod across the yardand established natural landscaping around the patio to absorb sound and prevent dust. Furthermore, the operator utilizes exterior compliance cameras to monitor for excessive noise, and all household waste will be managed via City-provided roll-out containers stored out of public view."

4. Will not impede orderly development of surrounding property- "As a brand-new construction project, this home serves as a value anchor for the street, encouraging neighborhood reinvestment. The applicant's commitment to high-level maintenance (new sod, fencing, and landscaping) ensures the property remains in 'model home' condition. This professional oversight prevents the deferred maintenance often associated with vacant lots, thereby supporting the orderly improvement of the surrounding district."

5. Will not endanger public health, safety, or general welfare- "The property meets all modern North Carolina Building Codes, including hard-wired smoke and carbon monoxide detectors along with fire extinguisher. Safety is further enhanced by exterior security cameras focused on points of ingress/egress to monitor occupancy limits and prevent unauthorized

gatherings (no inside cameras are installed to ensure occupants privacy). These measures, combined with a 24/7 point of contact for neighbors, ensure the operation remains safe and non-detrimental to the community."

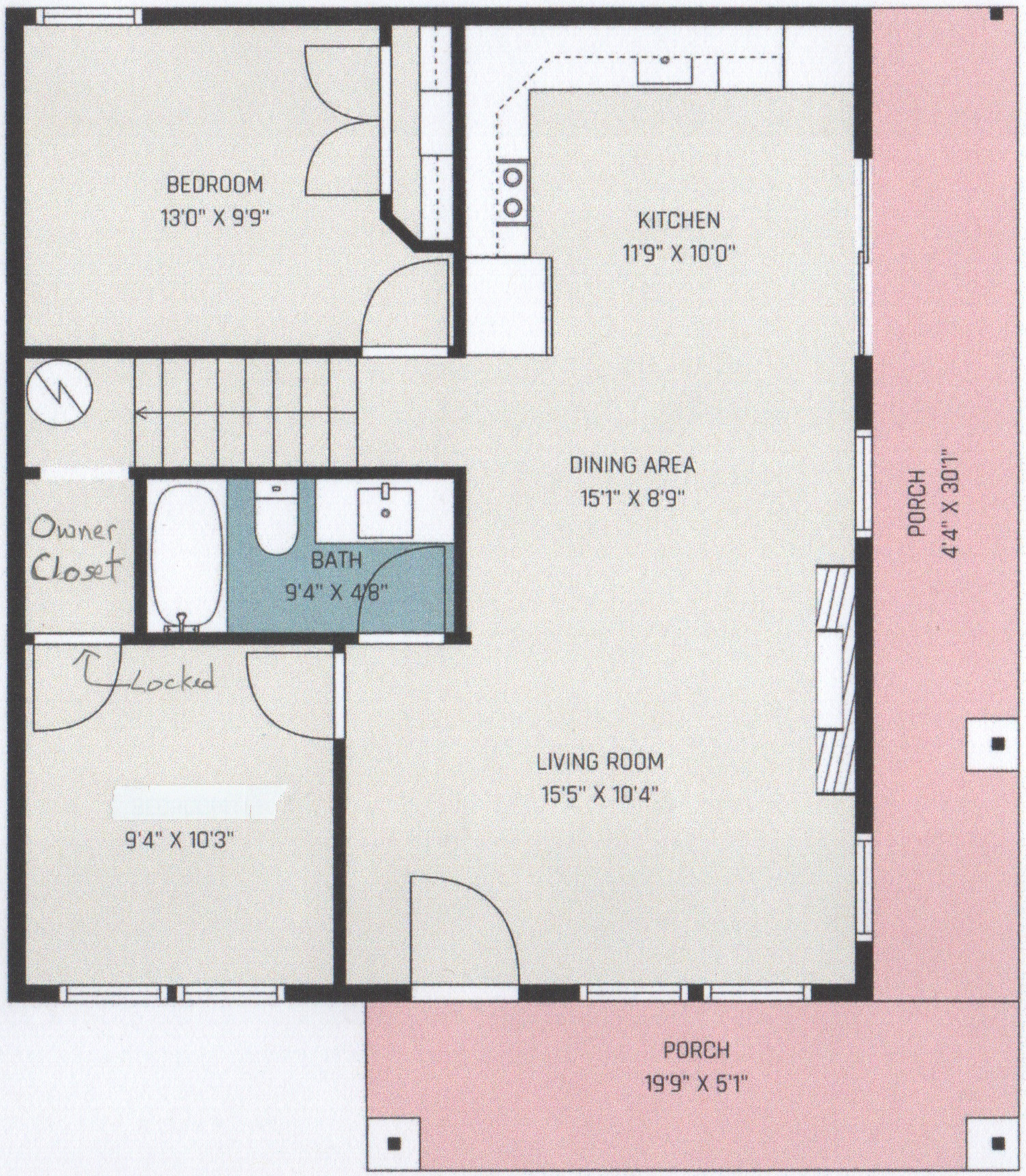
6. Complies with all applicable provisions of the KDO- "The proposed use adheres to Article 4 of the KDO. Specifically, the applicant commits to a 30-day maximum stay, maintains required liability insurance for short-term rentals, and ensures no exterior signage is utilized. The property is a permitted structure within its zoning district and will be operated in continuous compliance with all supplemental standards for short-term lodging."

7. Consent to all conditions of approval- "By signing this application, the applicant provides formal written consent to all conditions of approval included in the approved Special Use Permit. The applicant acknowledges that the Board of Adjustment may add specific mitigation conditions and agrees to abide by these stipulations to ensure the continued harmony of the neighborhood.

502 Milton L Taylor Street - First Floor

Gross Living Area - 1465.38 Sq Ft

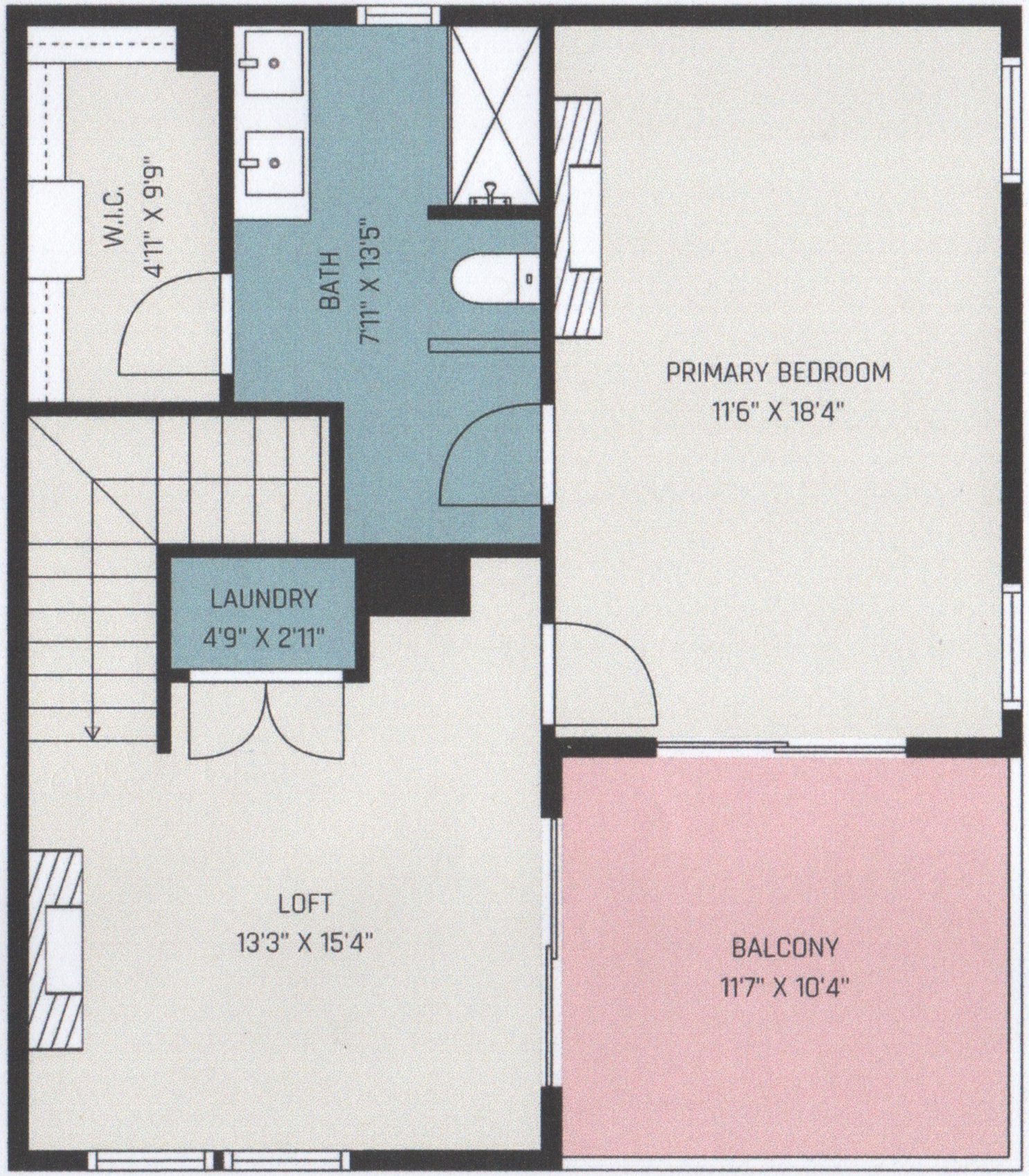
Non- Living Area - 363.21 Sq Ft



502 Milton L Taylor Street - Second Floor

Gross Living Area - 1465.38 Sq Ft

Non- Living Area - 363.21 Sq Ft



Gross Living Area:

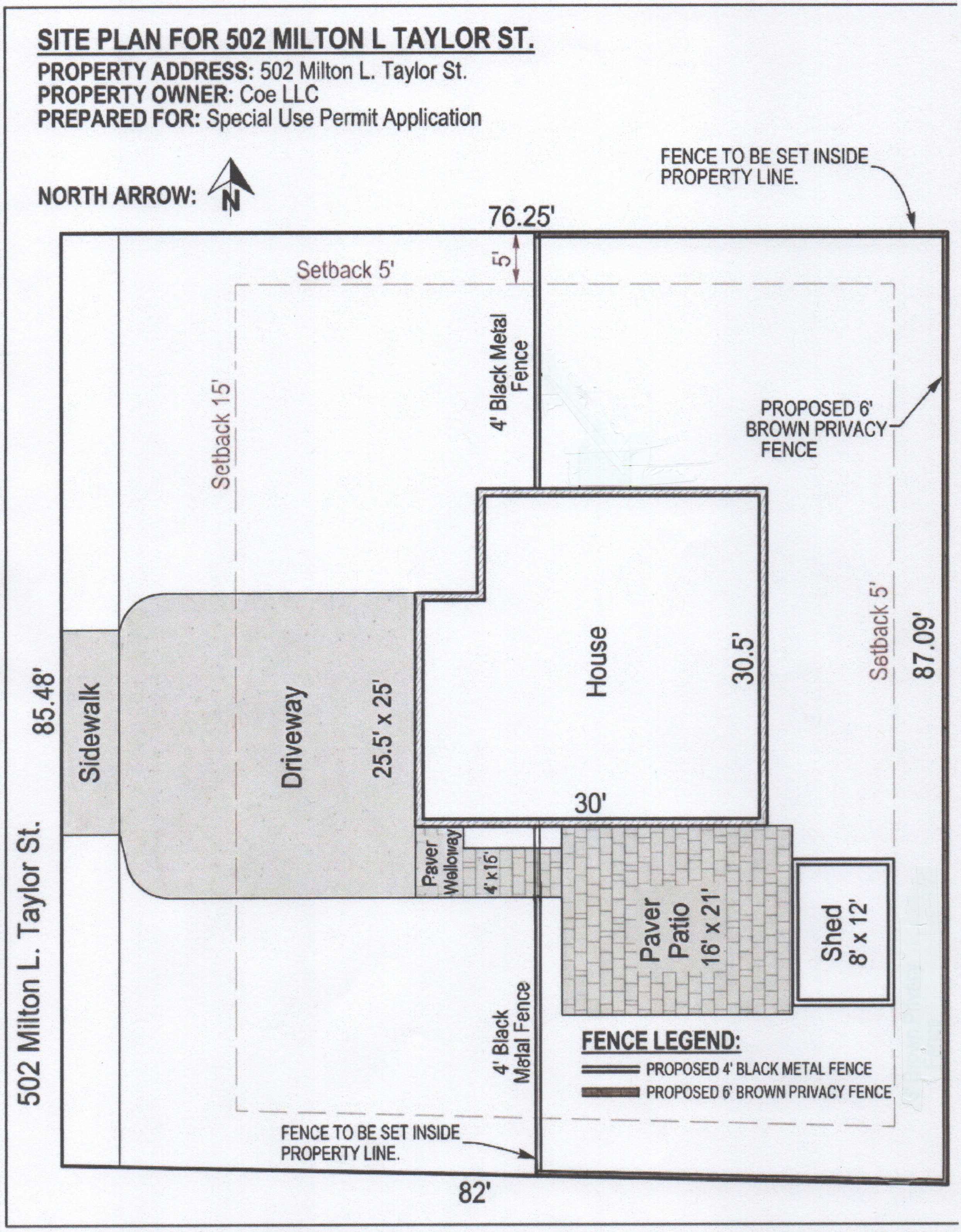
Total Gross Living Area	1465.38 Sq ft
Pg1: Dwelling:First Floor	796.89 Sq ft
Pg1: Dwelling:Second Floor	668.49 Sq ft

Non-Living Area:

Total Non-Living Area	363.21 Sq ft
Pg1: Dwelling:Balcony	128.4 Sq ft
Pg1: Dwelling:Covered Concrete Front Porch	234.81 Sq ft

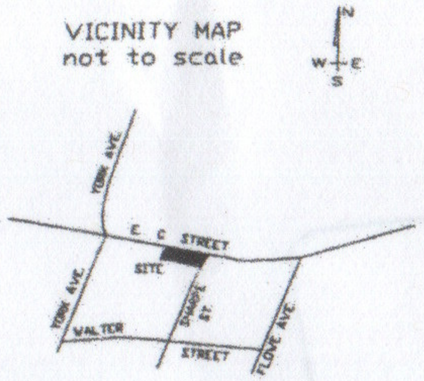
SITE PLAN FOR 502 MILTON L TAYLOR ST.

PROPERTY ADDRESS: 502 Milton L. Taylor St.
PROPERTY OWNER: Coe LLC
PREPARED FOR: Special Use Permit Application



BK 101 PG 103

VICINITY MAP
not to scale



I, Greg Belk, Review Officer of Cabarrus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Greg Belk (PRW) 09/09/2024
Review Officer Date

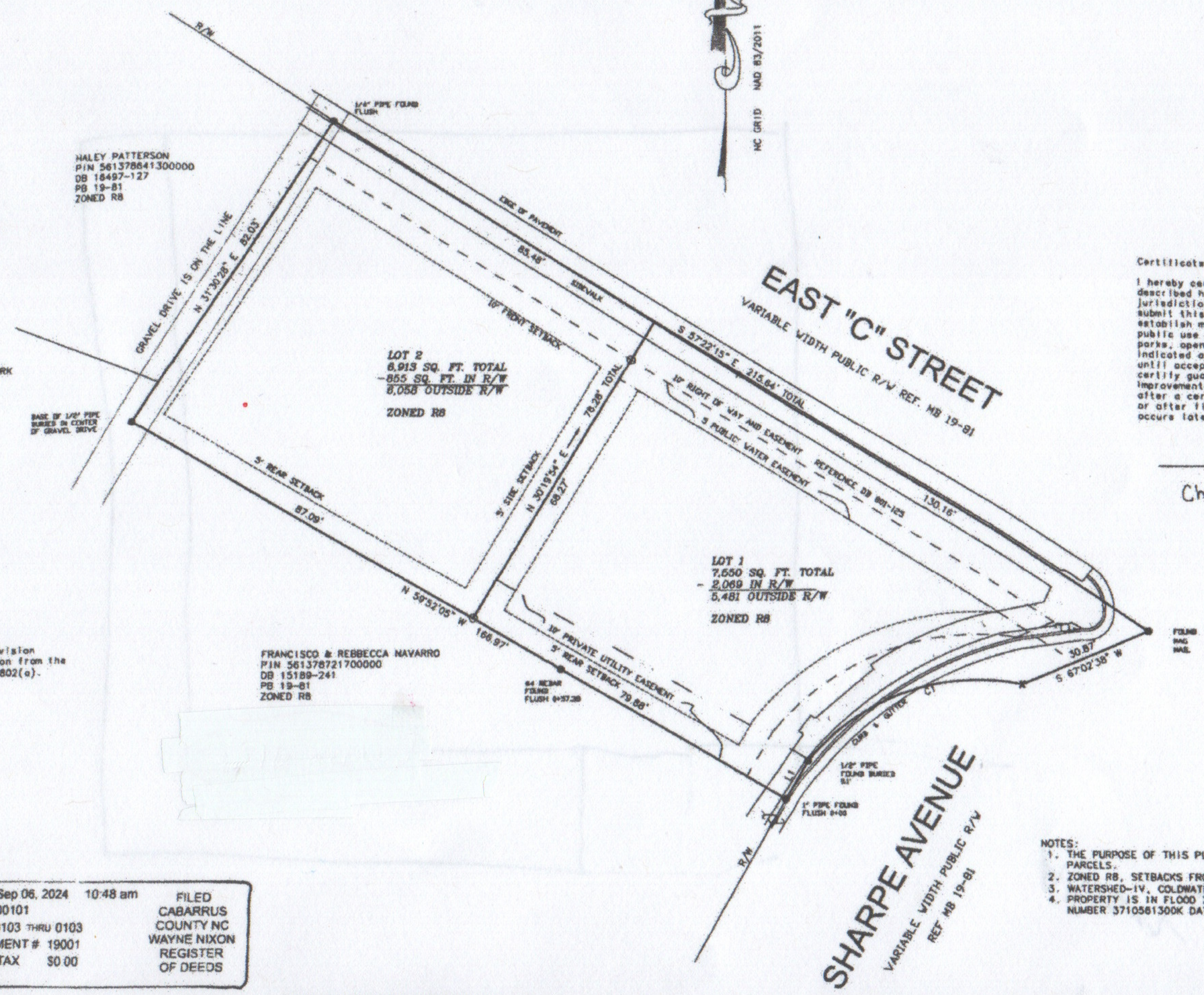
NC GRID NAD 83/2011

I, Richard Boyd Brooks, certify that this plat was drawn under my supervision from an actual survey made under my supervision, (deed description recorded in Book 16960, page); 87 that the boundaries not surveyed are clearly indicated as drawn from the deeds shown hereon; that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 12th day of July A.D., 2024. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land. Area by coordinate method.

RICHARD BROOKS
P.O. Box 12311
CHARLOTTE, N.C. 28220
(704) 661-0200

SIGNED
Professional Land Surveyor, L-2689

NORTH CAROLINA PROFESSIONAL SEAL L-2689 LAND SURVEYOR RICHARD BROOKS



Certificate of ownership and dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Kannapolis, and that I hereby submit this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate to public use all areas shown on this plat as streets, walks, parks, open space and easements, except those specifically indicated as private, and that I will maintain all such areas until accepted by the City of Kannapolis, and further that I certify guarantee that I will correct defects or failure of improvements in such areas for a period of one year commencing after a certificate of approval has been executed by the city, or after final acceptance of required improvements, which ever occurs later

OWNER
Christian Hitre

CERTIFICATE OF EXEMPTION

I hereby certify that this plat is exempt from the subdivision regulations of the City of Kannapolis due to its exclusion from the definition of a subdivision as established by NCGS 160d-802(a).

9/6/24
Planning Director - Date

NOTES:
1. THE PURPOSE OF THIS PLAT IS TO DIVIDE PIN 561378734400000 INTO 2 PARCELS.
2. ZONED RB, SETBACKS FRONT 10' SIDE AND REAR 5'.
3. WATERSHED-IV, COLDWATER CREEK (LAKE CONCORD), PCA P.
4. PROPERTY IS IN FLOOD ZONE X BEING MINIMAL FLOOD RISK PER FEMA MAP NUMBER 3710561300K DATED 11-16-2018.

LEGEND:
EIP ● = Existing Iron Pin
NIP O = New Iron Pin #4 rebar
NPS X = No Point Set
R/W = Right Of Way
= Power Pole
MBSL = Minimum Building Setback Line
ESMT = Easement
Ⓢ = Sanitary Sewer Manhole
SQ FT = Square Feet
DB = Deed Book
MB = Map Book
—— = Surveyed line
—— = Line Plotted From Map Or Deed
—— = Building Setback Line

FILED Sep 06, 2024 10:48 am
BOOK 00101
PAGE 0103 THRU 0103
INSTRUMENT # 19001
EXCISE TAX $0.00
FILED CABARRUS COUNTY NC WAYNE NIXON REGISTER OF DEEDS

LINE	BEARING	DISTANCE
L1	S 29°36'59" W	9.69'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	48.46'	52.38'	49.85'	N 70°02'18" E

20 0 10 20 40 80

SHEET NO. 1 OF 1
PLAN NO. 2024
SCALE 1"=20'
DATE JULY 12, 2024
CHECKED R.B.B.
DRAWN R.B.B.

EXEMPT PLAT FOR OWNER 132 WAYNE AVENUE LLC

City of Kannapolis
Cabarrus County, N.C.

Richard Brooks, PLS
P.O. BOX 12311 - CHARLOTTE, NC
LAND SURVEYING
(704) 661-0200

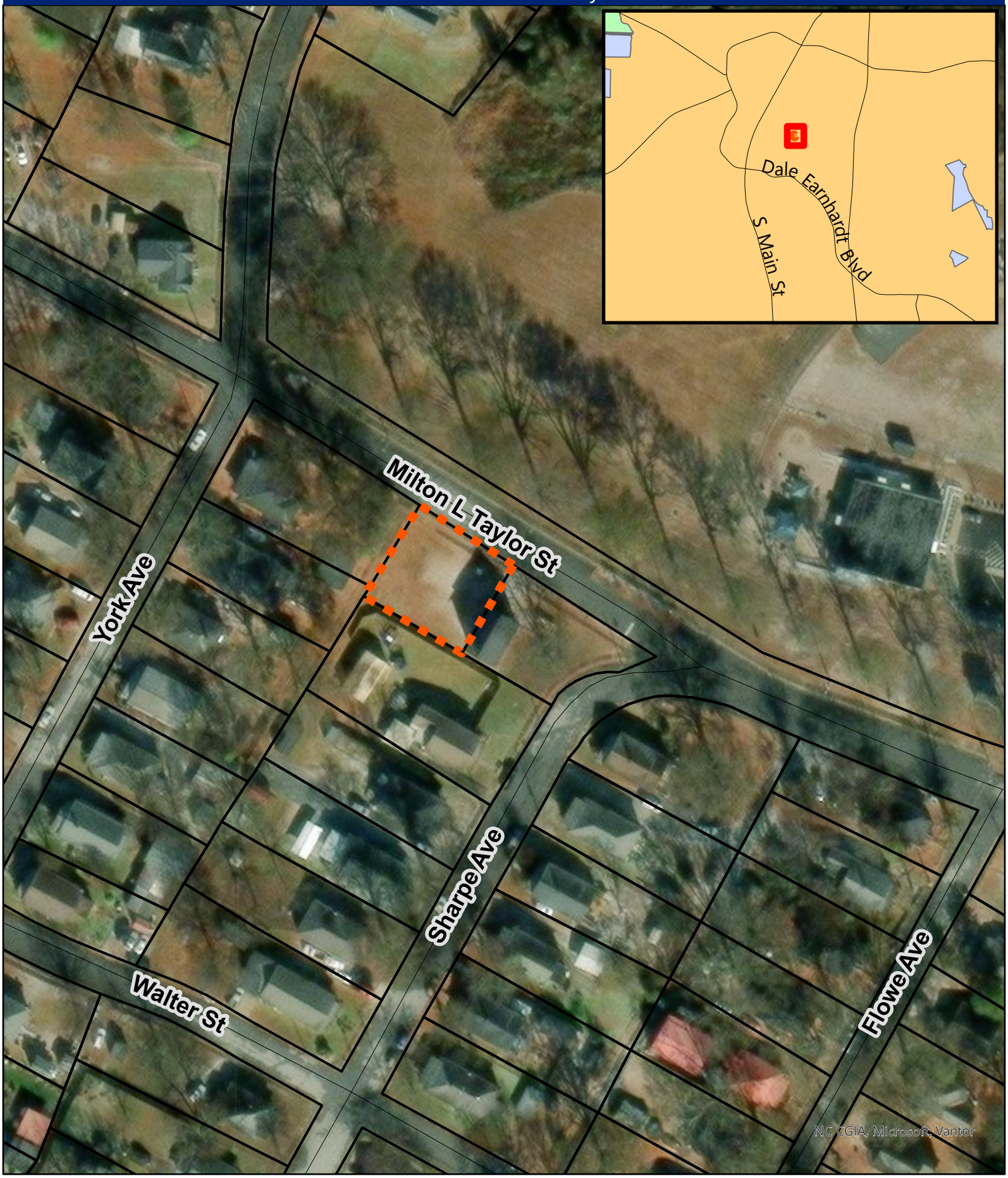
REVISIONS BY

Vicinity Map

Case Number: BOA-2026-06

Applicant: COE LLC

502 Milton L Taylor St

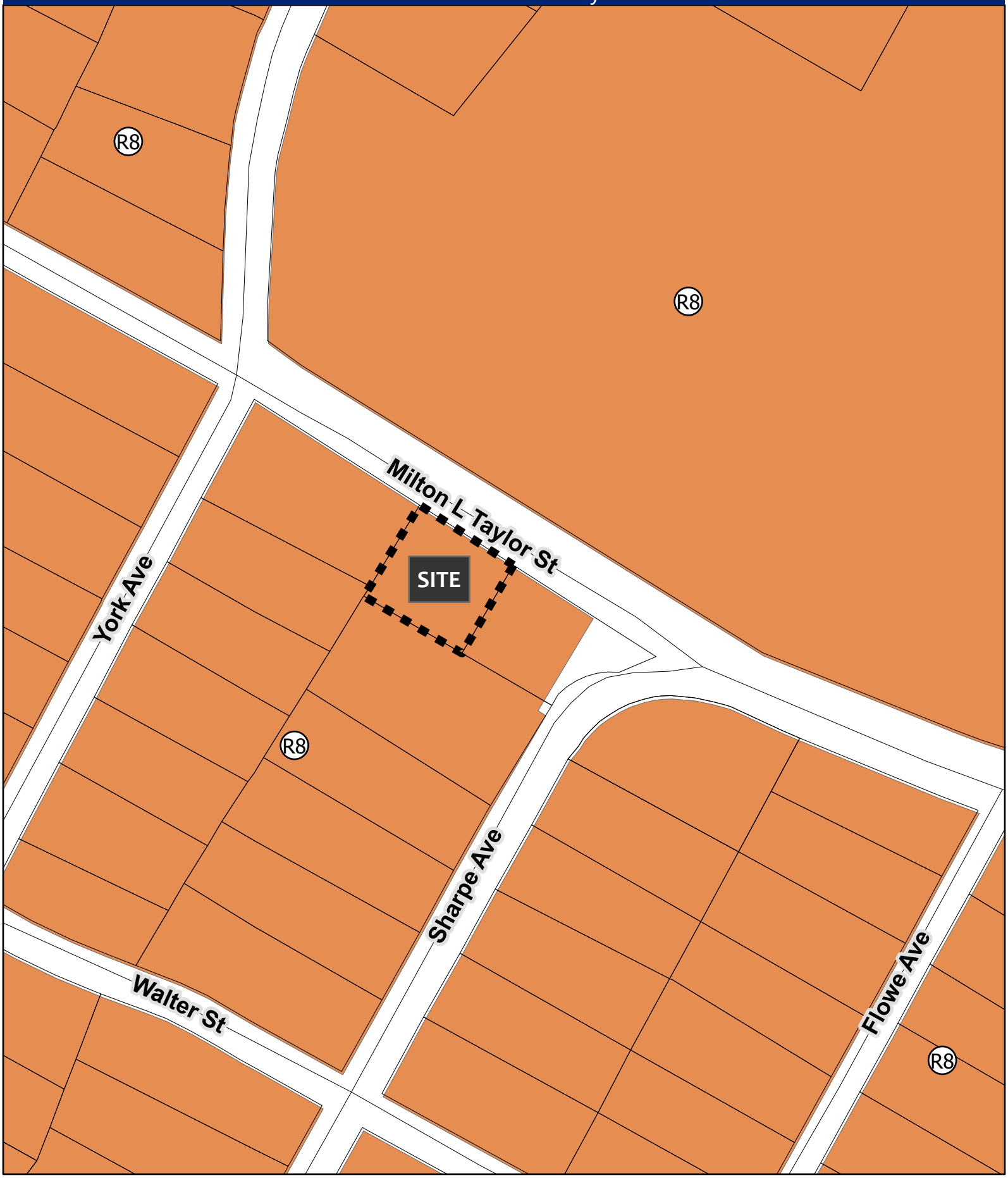


Kannapolis Current Zoning

Case Number: BOA-2026-06

Applicant: COE LLC

502 Milton L Taylor St

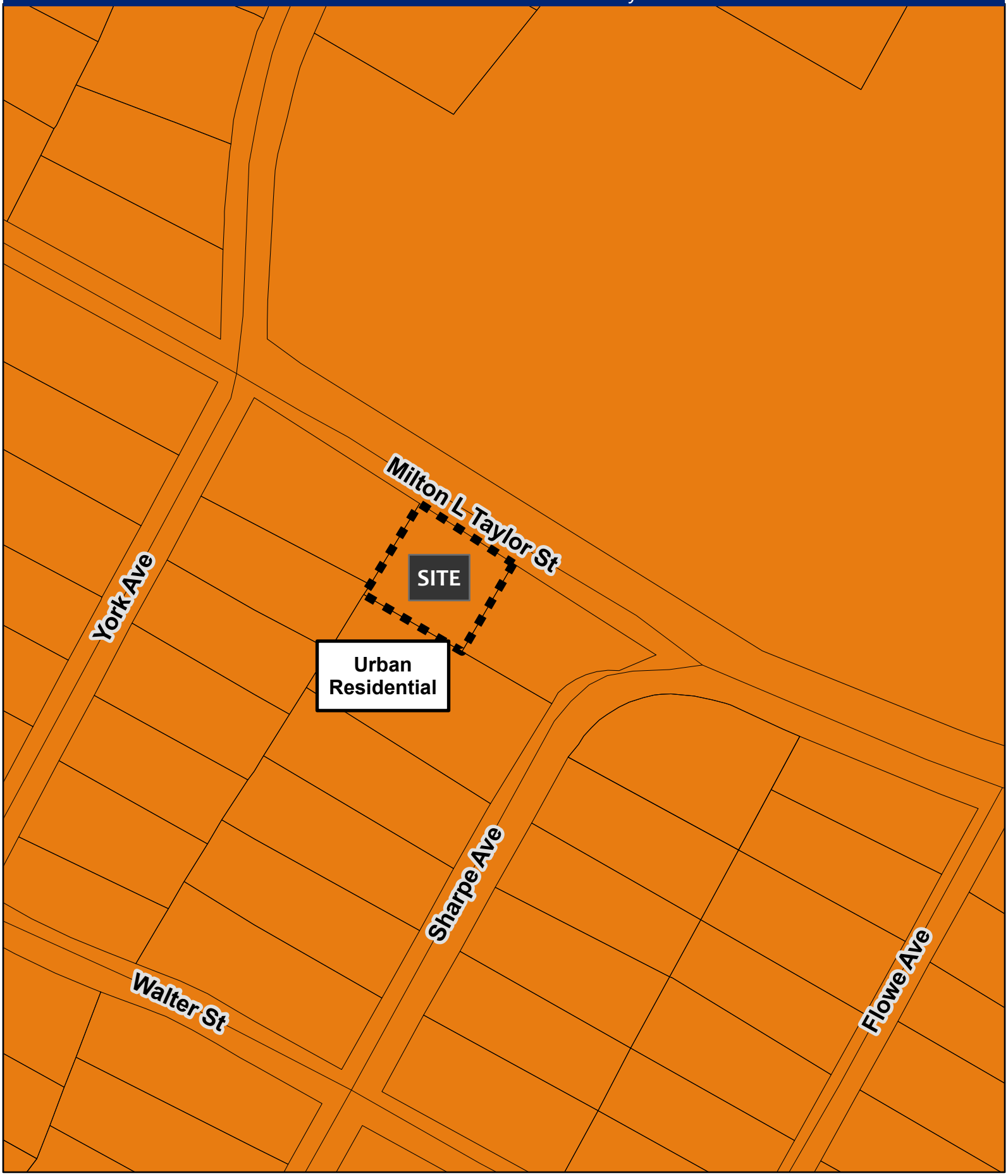


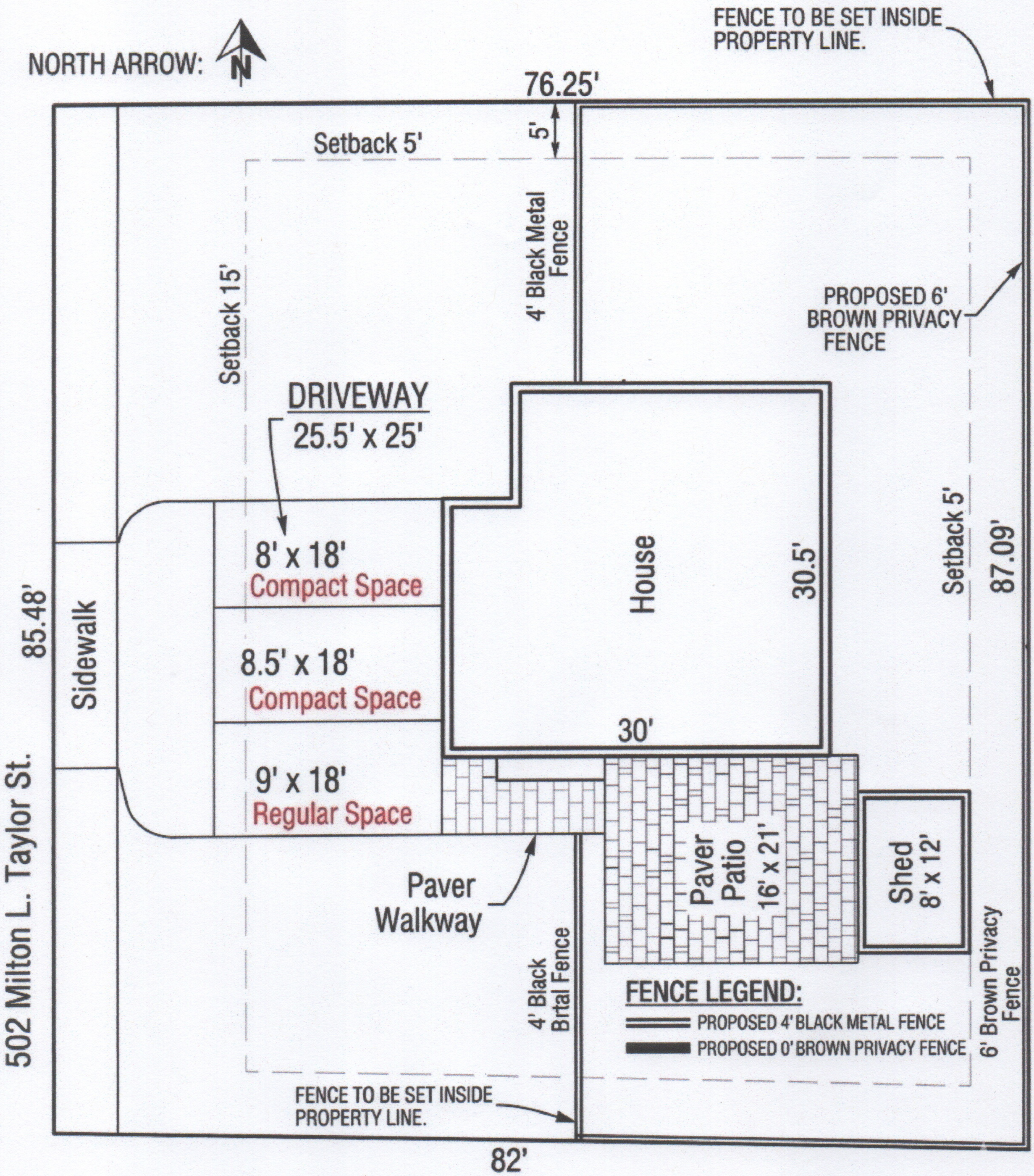
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2026-06

Applicant: COE LLC

502 Milton L Taylor St




NORTH ARROW:
N
FENCE TO BE SET INSIDE PROPERTY LINE.
76.25'
5'
Setback 5'
4' Black Metal Fence
Setback 15'
PROPOSED 6' BROWN PRIVACY FENCE
DRIVEWAY
25.5' x 25'
8' x 18'
Compact Space
8.5' x 18'
Compact Space
9' x 18'
Regular Space
House
30.5'
30'
Setback 5'
87.09'
85.48'
Sidewalk
502 Milton L. Taylor St.
Paver Walkway
Paver Patio
16' x 21'
Shed
8' x 12'
4' Black Brtal Fence
FENCE LEGEND:
PROPOSED 4' BLACK METAL FENCE
PROPOSED 0' BROWN PRIVACY FENCE
6' Brown Privacy Fence
FENCE TO BE SET INSIDE PROPERTY LINE.
82'

OBJECTID	PIN14	AcctName	AcctName	MailAddr	MailAddr	MailCity	MailState	MailZipCo	Shape_Le	Shape_Area
79370	561378813	COOK JEFFI	COOK TIAR	205 SHARP		KANNAPOL	NC	28083	0.001281	7.39E-08
79371	561378920	WILKIE JAN		PO BOX 52		LANDIS	NC	28088	0.001424	1.13E-07
79372	561378920	WILKIE JAN		PO BOX 52		LANDIS	NC	28088	0.001424	1.13E-07
79715	561388561	CABARRUS		PO BOX 70		CONCORD	NC	28026	0.016356	8.78E-06
80274	561378429	JAMES ETT		209 YORK A		KANNAPOL	NC	28083	0.001193	7.03E-08
80284	561378522	JAMES ETT		209 YORK A		KANNAPOL	NC	28083	0.001242	7.74E-08
80285	561378535	JANOSCO C		205 YORK A		KANNAPOL	NC	28083	0.001244	7.37E-08
80286	561378538	YORK CHRI	YORK CARR	203 YORK A		KANNAPOL	NC	28083	0.00127	7.7E-08
80288	561378721	NAVARRO I	NAVARRO I	202 SHARP		KANNAPOL	NC	28083	0.001583	1.34E-07
80289	561378816	CHATMAN		203 SHARP		KANNAPOL	NC	28083	0.00131	8.2E-08
80520	561378613	BAKER DAL		206 SHARP		KANNAPOL	NC	28083	0.001439	8.99E-08
81611	561378626	MOSS NICC	MOSS CHA	204 SHARP		KANNAPOL	NC	28083	0.00143	9.28E-08
81612	561378800	HIGH BID P		4150 MOU		ROCKWELL	NC	28138	0.001319	8.24E-08
81831	561378739	SCOTT JAIL		504 MILTO		KANNAPOL	NC	28083	0.001199	7.01E-08
90680	561378641	PATTERSON		201 YORK A		KANNAPOL	NC	28083	0.00142	1.09E-07
90682	561378731	COE LLC		920 MARSH		NORTH MY	SC	29582	0.001022	6.38E-08

May 15, 2026

Dear Property Owner,

<u>Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial hearing on Tuesday, June 2, 2026, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:</u>

BOA-2026-06 – Special Use Permit – 502 Milton L Taylor St.

The purpose of this hearing is to consider a request for a Special Use Permit (SUP) to allow a short-term rental for a property located at 502 Milton L Taylor Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a short-term rental within the Residential 8 (R8) zoning district. The subject property consists of approximately 0.157± acres, is zoned R8, and is further identified as Cabarrus County Parcel Identification Number 56137873170000. **(Please see attached vicinity map showing the location of this property).**

As an abutting property owner, you are being notified of this evidentiary hearing in accordance with the requirements of the Kannapolis Development Ordinance.

If you have any questions about the hearing or request, please do not hesitate to contact the Planning Department at 704.920.4350 or malvarez@kannapolisnc.gov.

Sincerely,

Mia Alvarez
Senior Planner

Enclosure

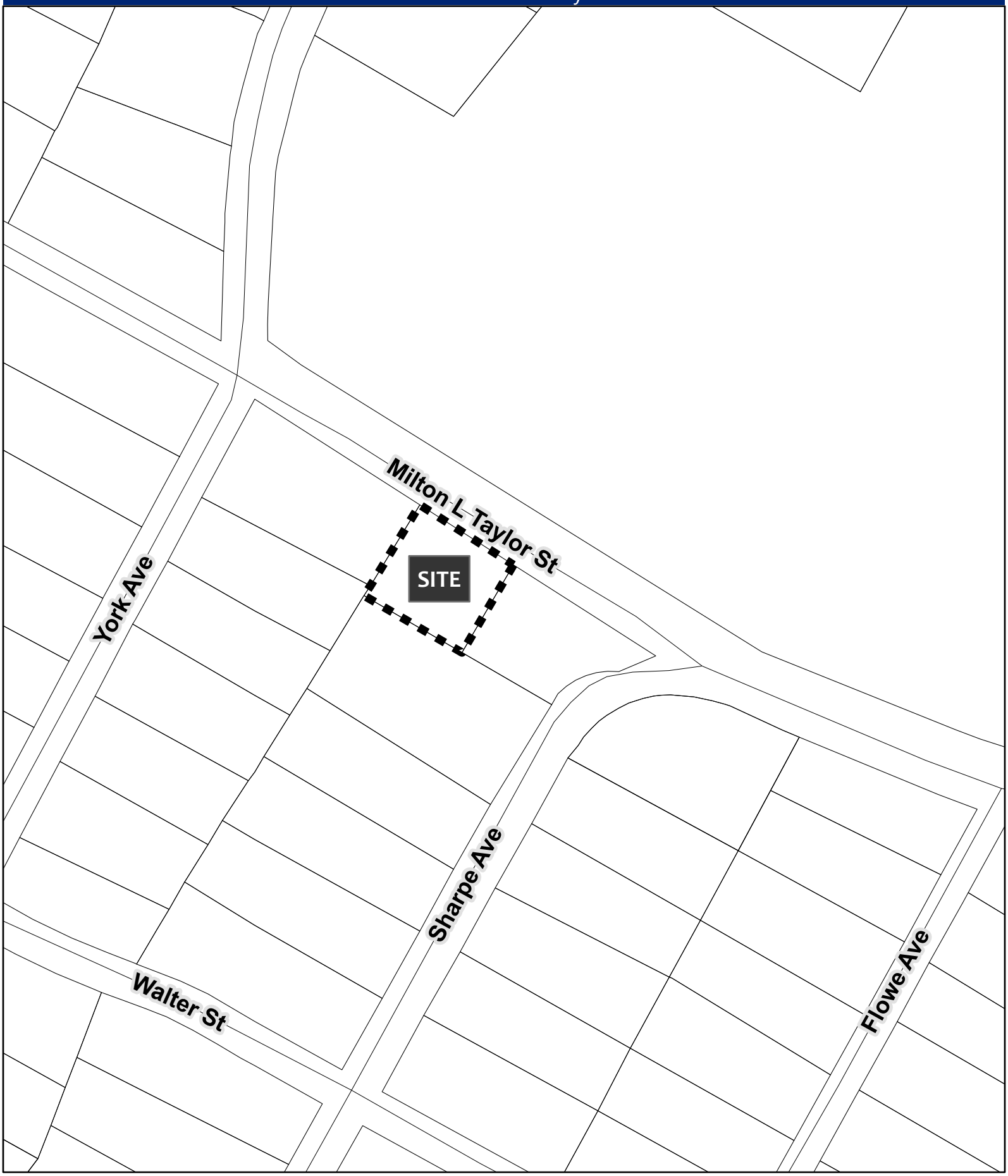
In accordance with Title II of the Americans with Disabilities Act (ADA), any person requiring an accommodation to participate in a function or program of the City of Kannapolis should contact Daniel Jenkins, Assistant Human Resources Director & ADA Coordinator by phone at 704-920-4312, email adacoordinator@kannapolisnc.gov,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

Special Use Permit

Case Number: BOA-2026-06

Applicant: COE LLC

502 Milton L Taylor St



KANNAPOLIS
BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # BOA - 2026 - 6
5502

Kannapolis Board of Adjustment

Board of Adjustment Agenda Staff Report
June 2, 2026

To: Board of Adjustment

From: Ben Barcroft, Senior Planner

Subject: **BOA-2026-07: Special Use Permit 956 N Cannon Blvd.- Unanimously Approved**

Action 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.

Required Votes to Pass Required Action

A majority vote is required to approve, approve with conditions, or deny the requested actions.

Background

The applicant, Luis F. Gonzalez, is requesting a Special Use Permit (SUP) to allow for a tattoo studio in the General Commercial (GC) zoning district on approximately 0.29 +/- acres of property located at 956 N. Cannon Boulevard, further identified as Rowan County Parcel Identification Number 150 096. The subject property is part of an existing shopping plaza along North Cannon Boulevard.

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.

Fiscal Implications

None

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***	
Yes		**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" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area is composed primarily of small and medium-scale commercial developments. Based on the character areas noted above, the proposed development is compatible with the future and existing uses in the surrounding area.
Yes		**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.
The proposed use of a tattoo studio will be located in an established shopping plaza and is not anticipated to cause any traffic hazards or traffic congestion. There is adequate parking available for this use. The property owner has submitted a plan to stripe the parking lot.

Yes **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.

Yes **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.

Yes **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.

Yes **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.

Yes **7. The applicant consents in writing to all conditions of approval included in the approved special use permit.**
The applicant has indicated that they will sign all Conditions of Approval for this special use permit.

<u>Legal Issues</u>

Board's Findings of Fact - Based on application review and evidentiary hearing.
In order to determine whether a special use permit is warranted, the Board must decide that each of the seven findings as outlined 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 evidentiary hearing), alternate findings need to be included as part of the seven 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.

- 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.

- 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.

Staff Recommendations

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.

Attachments

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

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

KANNAPOLIS

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: 956 N Cannon Blvd, Kannapolis, NC 28083

Applicant: Luis F Gonzalez

SUBMITTAL CHECKLIST

- [x] **Pre-Application Meeting**
- [x] SUP Checklist and Application – Complete with all required signatures
- [x] **Plot/Site Plan showing the proposed use**
- [x] Fee: $650.00 ($600 Application Fee + notification fee [see Fee Schedule])
- [x] **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, <u>must be completed prior to scheduling the public hearing.</u> 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: _____ *Date:* April-22-2026

KANNAPOLIS

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Luis F Gonzalez

Address: 230 Silver Oak Circle
Rockwell, NC 28138

Phon[redacted]

Emai[redacted]

Property Owner Contact Information ☐ same as applicant

Name: PP&I LLC Amanda Fowler

Address: 210 Oak Ave. Kannapolis
NC 28081

Phone[redacted]

Email: [redacted]

Project Information

Project Address: 950 N Cannon Blvd Kannapolis, NC 28083 Zoning District Select

Parcel PIN: _____ Size of property (in acres): 1,000 SF

Current Property Use: Open Space

Proposed Use: Mi Cultura Tattoos LLC (Tattoo Parlor)

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)*:

Form of letter attached with Application.

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.**

   Yes, Agreed

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

   Agreed, blue print will be present.

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

   Agreed

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.**

   Agreed

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

   Agreed

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

   Agreed

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

   I Luis F Gonzalez, Consent to all conditions of approval.

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.

Applicant Signature — Date: 04-22-2026

Property Owner Signature — Date: 4-23-2026

Vicinity Map

Case Number: BOA-2026-07

Applicant: Luis F Gonzalez

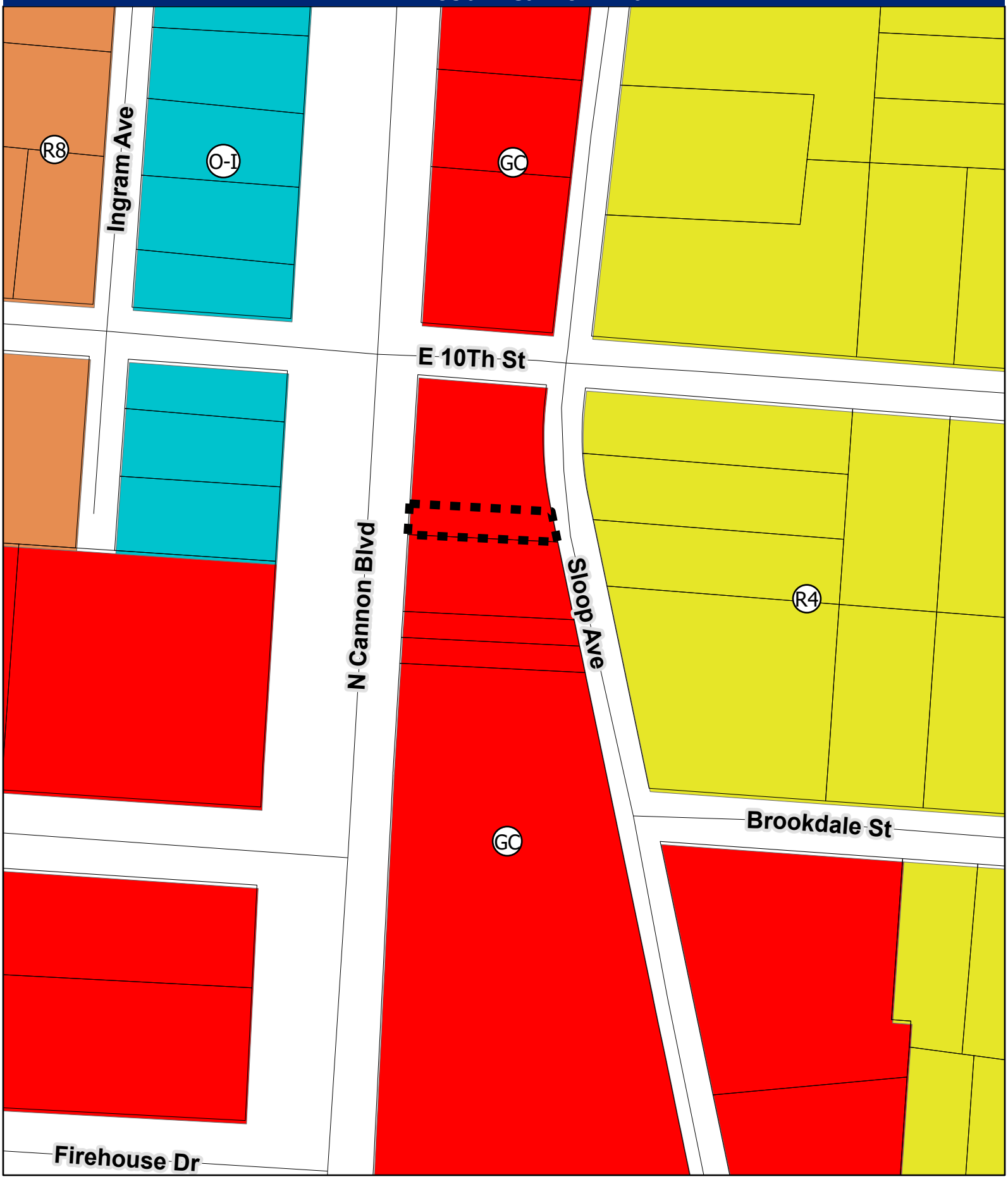
956 N Cannon Blvd

Kannapolis Current Zoning

Case Number: BOA-2026-07

Applicant: Luis F Gonzalez

956 N Cannon Blvd

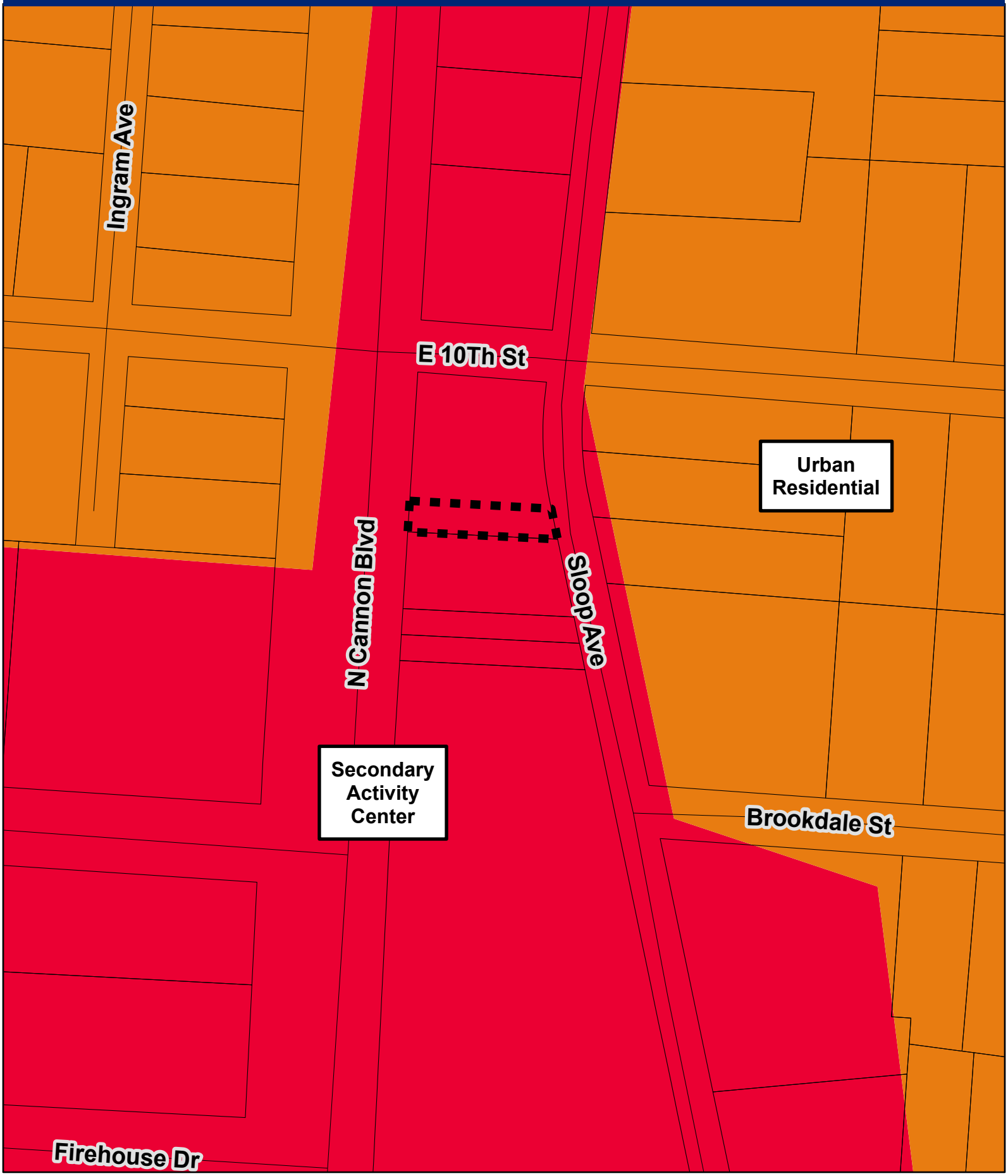


Kannapolis 2030 Future Land Use Map

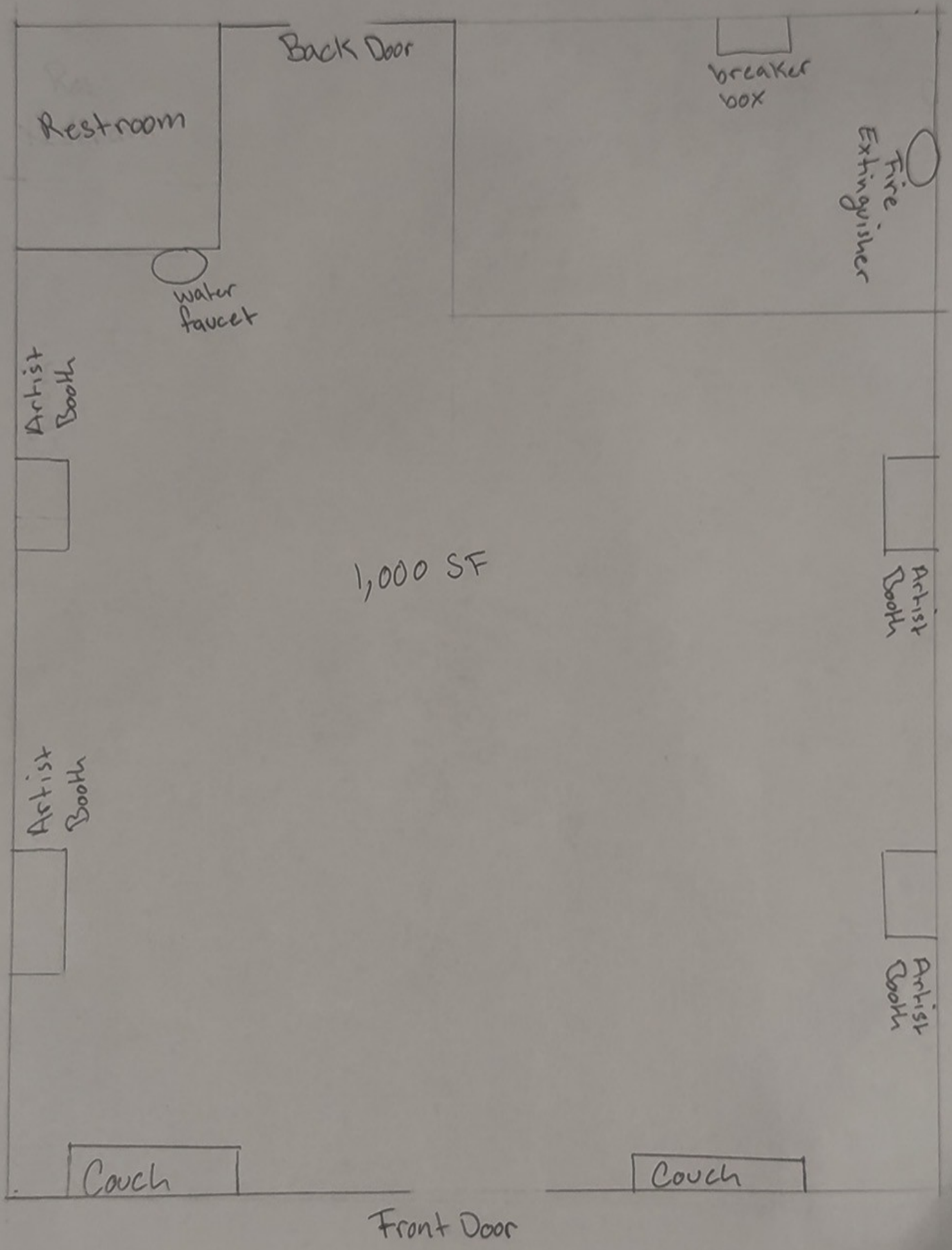
Case Number: BOA-2026-07

Applicant: Luis F Gonzalez

956 N Cannon Blvd



956 N Cannon Blvd Kannapolis, NC 28083



Legend

Name

- Regular Stalls
- Hash Outs
- No Parking Stencil
- Wheel Stop Installation (Optional)
- ADA Handicap Stalls Count
- Concrete Bollard Installation w/ ADA Sign

PARCEL_ID	OWNNAME	TAXADD1	TAXADD2	CITY	STATE	ZIPCODE	OWN2
150 220	CLEARY TAMARA	1001 N CANNON BLVD		KANNAPOLIS	NC	28083-2971	
151 454	STOFFORD WALTER & WF	125 COTTONTAIL LN SE		CONCORD	NC	28025	STOFFORD APRIL
151 453	MCNEILLY DAVID SCOTT	2826 HAMPTON GLEN CT		MATTHEWS	NC	28105	
150 285	SCOTT C ROBERTSON REAL ESTATE	113 CABARRUS AVE E		CONCORD	NC	28025	LLC
151 446	FOURSQUARE GOSPEL CH OF KANN	PO BOX 781		KANNAPOLIS	NC	28082	
150 098A	S2COR99 LLC	364 WELLINGTON ESTATES DRIVE		CHINA GROVE	NC	28023-5763	
150 096	PP&I LLC &	210 OAK AVE		KANNAPOLIS	NC	28081-4329	NOBLE ROOTS GROUP INC
151 452	DRYE GEORGE RAYMOND	902 SLOOP AVE		KANNAPOLIS	NC	28083-2957	DRYE JUDY FOWLER
150 204	HOLT JOHNNY W & WF	951 N CANNON BLVD # N		KANNAPOLIS	NC	28083	HOLT PEGGY H
150 111	HAYES DENISE ANDREA & HUS	953 N CANNON BLVD		KANNAPOLIS	NC	28083-2916	HAYES JOEL
150 098	DMRI LAND HOLDINGS LLC	364 WELLINGTON ESTATES DRIVE		CHINA GROVE	NC	28023-5763	
150 099	DURHAM EDDIE B	1311 LOWRANCE AVE		KANNAPOLIS	NC	28081-5823	
150 097000001	AMERICA'S TOP AUTO INC	1206 N CANNON BLVD		KANNAPOLIS	NC	28083-2831	
151 449	OTTO RYAN MICHAEL & SPOUSE	908 SLOOP AVE		KANNAPOLIS	NC	28083-2957	OTTO CAITLIN
150 205	ANDERSON SHELBY CHRISTY	955 N CANNON BLVD		KANNAPOLIS	NC	28083-2916	
150 181	NASSAR HOLDING LLC	923 NORTH CANNON BLVD		KANNAPOLIS	NC	28083-2916	
150 095	FOURSQUARE GOSPEL CH	1100 GLENDALE BLVD		LOS ANGELES	CA	90026	

May 15, 2026

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial hearing on Tuesday, June 2, 2026, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2026-07 – Special Use Permit – 956 N Cannon Boulevard

The purpose of this hearing is to consider a request for a Special Use Permit (SUP) to allow for a tattoo studio on property located at 956 N 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 0.29 +/- acres and is more specifically identified as Rowan County Parcel Identification Number 150 096 **(Please see attached vicinity map showing the location of this property.)**

As an abutting property owner, you are being notified of this evidentiary hearing in accordance with the requirements of the Kannapolis Development Ordinance.

If you have any questions about the 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

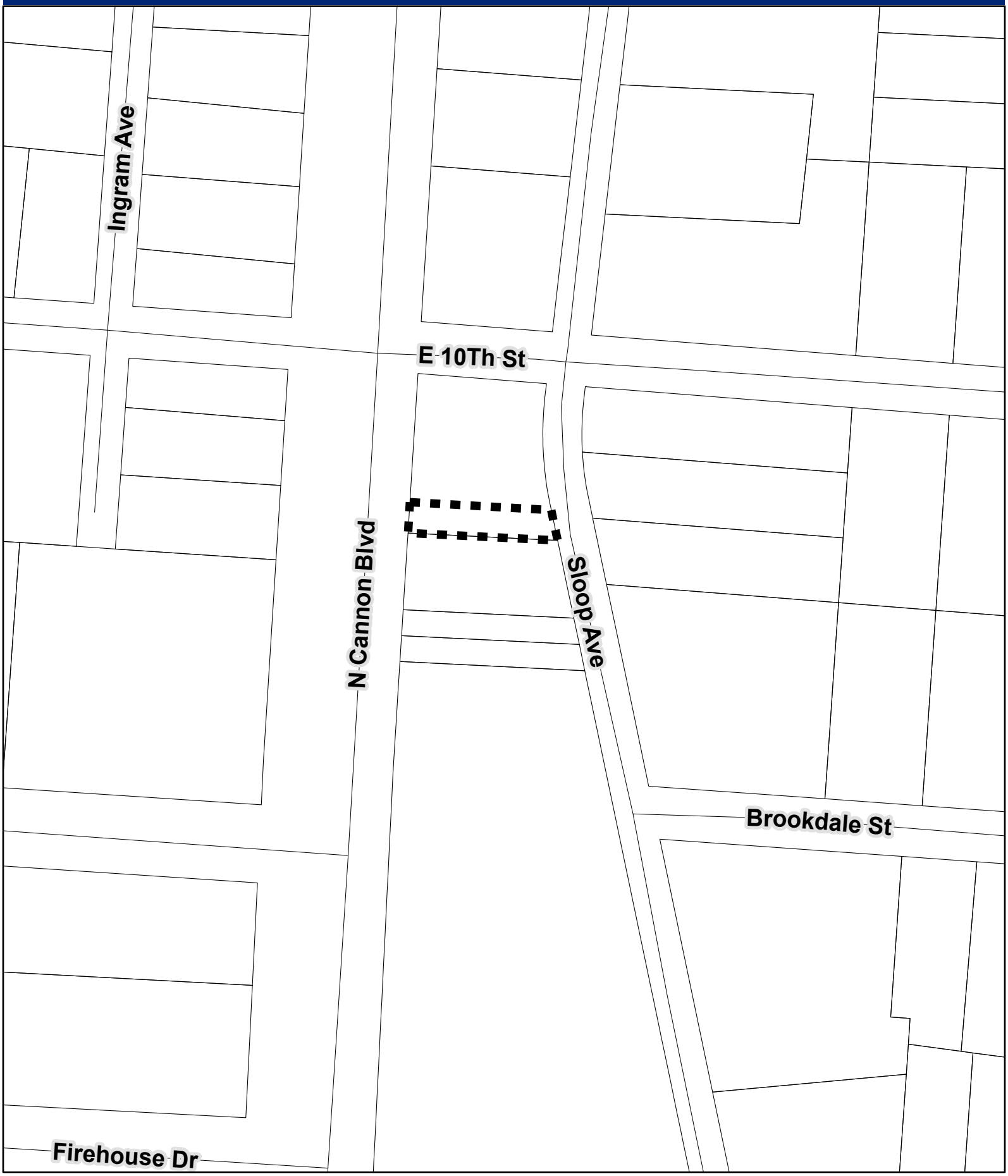
In accordance with Title II of the Americans with Disabilities Act (ADA), any person requiring an accommodation to participate in a function or program of the City of Kannapolis should contact Daniel Jenkins, Assistant Human Resources Director & ADA Coordinator by phone at 704-920-4312, email adacoordinator@kannapolisnc.gov,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

Special Use Permit

Case Number: BOA-2026-07

Applicant: Luis F Gonzalez

956 N Cannon Blvd



958
956
954 N Cannon Blvd
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BOARD OF
ADJUSTMENT
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA -2026-07

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