



**BOARD OF ADJUSTMENT
MEETING AGENDA
KANNAPOLIS CITY HALL
401 LAUREATE WAY, KANNAPOLIS NC
AUGUST 4, 2026
6:00 PM**

CALL TO ORDER

OATH OF OFFICE

ROLL CALL AND RECOGNITION OF QUORUM

ELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF AGENDA

APPROVAL OF MINUTES

A. June 2, 2026 Minutes

SWEARING IN FOR TESTIMONY

EVIDENTIARY HEARING

A. BOA-2026-08: Certificate of Nonconformity Adjustment — 203 E 29th St. (Mia Alvarez, 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 Heather James, Human Resources Director & ADA Coordinator by phone at 704-920-4322, 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 KANNAPOLIS, NC
BOARD OF ADJUSTMENT**

**Minutes of Meeting
June 2, 2026
6:00 PM**

The Kannapolis Board of Adjustment met on Tuesday, June 2, 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
Wilfred Bailey, Sr.
Ronald Flanders, Alternate

Board Members Absent: N/A

Staff Present: Richard Smith, Planning Director
Elizabeth McCarty, Assistant Planning Director
Ben Barcroft, Senior Planner
Mia Alvarez, Senior Planner
Zulena Anderson, Planning Technician

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

Visitors Present: Luis Gonzalez
Mandy Herrin
Randy Herrin
Isaiah Payne, City Council Member
Naomi Hatchell, City Council Member
Travis Rabon

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, Mr. Bailey, and Ms. Martini each did so.

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

6 **APPROVAL OF AGENDA AND MINUTES**

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

10
11 Hearing no requests for corrections or revisions to the minutes, Chair Joshi called for a motion to
12 approve the minutes of April 7, 2026. Ms. Martini made the motion to amend the minutes to
13 correct a statement stating “approve with conditions” which should state just “approve” due to no
14 conditions being applied for case BOA-2026-04, seconded by Mr. Sides, and it was unanimously
15 approved.

17 **EXPLANATION OF QUASI-JUDICIAL DECISIONS**

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

23
24 Chair Joshi further noted that the Board’s discretion is limited and that its decisions must be
25 based on competent, material, and substantial evidence presented during the hearing. She asked
26 those speaking as witnesses to focus on facts and the provisions of the Kannapolis Development
27 Ordinance (KDO), rather than personal preferences or opinions.

28
29 She also explained that participation in quasi-judicial evidentiary hearing is restricted. While the
30 meeting is open to the public and everyone is welcome to attend, only individuals or entities with
31 whom standing have the right to participate as parties in the proceeding. Parties include the
32 property owner or lessee, the applicant, the City of Kannapolis, and individuals who can
33 demonstrate standing under state statutes. The Board may allow non-party testimony if it is
34 relevant to the matter under consideration and limited to information, not conjecture or
35 speculation. In certain cases, the Board may also hear opinion testimony from qualified expert
36 witnesses.

38 **CONFLICTS/EX PARTE COMMUNICATIONS**

39 Chair Joshi checked for conflicts of interest and ex-parte communications. She explained that a
40 Board member may not participate in the hearing if they have a fixed opinion prior to the hearing
41 that is not susceptible to change, a close family or business relationship with an affected person,
42 or a financial interest in the outcome of the matter. Chair Joshi also stated that any Board
43 member must disclose any ex parte communication meaning any communication about the case
44 outside of the hearing, including site visits. Chair Joshi then asked if any Board member had any
45 partiality, conflict of interest, or ex parte communication to disclose. No disclosure was made.

1 **SWORN IN FOR TESTIMONY**

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

4
5 Ben Barcroft, Mia Alvarez, Mandy Herrin, Randy Herrin, and Luis Gonzalez were sworn in for
6 testimony.

7
8 **EVIDENTIARY HEARING**

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

10 Chair Joshi opened the evidentiary hearing for BOA-2026-06 and explained that the request for
11 the SUP is to allow a short-term rental (as a principal use) at 502 Milton L Taylor St. The SUP is
12 being considered in accordance with Article 4 of the KDO. Chair Joshi stated: the KDO
13 authorizes this Board to grant a special use permit if the following seven standards are met:

- 14 1. The proposed special use will be in harmony with the area in which it is to be located
15 and in general conformance with the Comprehensive Plan;
- 16 2. Adequate measures will be taken to provide ingress and egress to minimize traffic
17 hazards and traffic congestion on the public roads;
- 18 3. The proposed use will not be noxious or offensive by reason of vibration, noise, odor,
19 dust, smoke or gas;
- 20 4. The establishment of the proposed use will not impede the orderly development and
21 improvement of surrounding property for uses permitted within the zoning district;
- 22 5. The establishment, maintenance, and operation of the proposed use will not be
23 detrimental to or endanger the public health, safety, or general welfare;
- 24 6. The proposed use complies with all applicable provisions of this Ordinance; and
25 7. The applicant consents in writing to all conditions of approval included in the
26 approved special use permit.

27
28 The burden is on the applicant to show that the special use permit request meets these standards.
29 Reasonable and appropriate conditions may be imposed on any special use permit.

30
31 Chair Joshi asked if there were any individuals, aside from Staff and the Applicant, who wished
32 to participate as a party in the case. She reminded those present that a party is different from an
33 individual who wishes to speak or provide public comment or testimony. Everyone is welcome
34 to testify; however, only individuals with standing have the right to participate as a party and
35 present evidence, call witnesses, and make legal arguments. Chair Joshi again asked if anyone,
36 aside from Staff and the Applicant, wished to be a party in this matter. No individual stated they
37 would like to participate as a party to the case.

38
39 Chair Joshi stated that the Board was ready to hear from staff regarding the case, and confirmed
40 with Ms. Alvarez that she had been previously sworn in.

41 Ms. Alvarez presented Case BOA-2026-06, which was entered into the record as Exhibit 1. Ms.
42 Alvarez stated the purpose of the SUP is to allow for a short-term rental as a principal use at 502
43 Milton L Taylor St. She mentioned that the applicant is COE LLC/Randy Herrin and the
44 property is approximately 0.157 acres. Ms. Alvarez also mentioned the parcel is zoned
45 Residential 8 (R8) and is currently used as a single-family home; moreover, the proposed
46 development is compatible with future and existing uses. Ms. Alvarez discussed that the future

land use character intent is Urban Residential in which it calls for civic and single-family (both attached and detached) while its secondary uses include multifamily residential, office, and live work. Ms. Alvarez demonstrated a street view image of the property as well as drone footage and the conceptual layout.

Ms. Alvarez reviewed the Standards Specific to short-term rentals:

1. Activities on the site shall be limited to lodging.
2. 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.
3. No display of goods, products, services, or other advertising related to the short-term rental shall be visible from outside of the dwelling.
4. The landowner or operator of the short-term rental shall maintain liability insurance on the property covering the short-term rental use.

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 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.

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.

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 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.

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.

Ms. Alvarez mentioned the Conditions of Approval proposed by staff:

1. The short-term rental use shall be limited to two bedrooms.
2. The property owner shall be authorized to transact business in the State of North Carolina in accordance with the laws thereof.

Ms. Alvarez 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. She then made herself available for questions.

Ms. Joshi made an inquiry on the condition stating the property owner must be authorized in North Carolina to operate a business as she noticed the applicant lives in South Carolina. She asked if this condition is applied in case of any future liability cases. Mr. Kelly stated that this condition is based on a state statute requiring businesses to be registered with the North Carolina Secretary of State before transacting business in the state. He further stated that approving the Special Use Permit (SUP) without this condition could be interpreted as implicitly authorizing the applicant to conduct business without confirming compliance with that statutory requirement.

Mr. Bailey asked if the construction of the dwelling has been completed. Ms. Alvarez said yes. He also asked if the property is already used as a short-term rental or if it's currently used as a personal property. Ms. Alvarez stated it is her understanding the property is currently used only for personal use, but they are working to convert it to a short-term rental, but that she will allow the applicant to answer this inquiry.

Mr. Parker noted that this property is located near a school and if there is anything that states those who will rent the dwelling will need to be vetted, such as getting a background check. Ms. Alvarez replied that there are no requirements in the ordinance for such but that she will allow the applicant to answer this question as well. There being no additional questions or comments for staff, Chair Joshi asked the applicant to step forward. Mandy Herrin, 920 Marsh View Dr. Myrtle Beach, stated her husband Randy Herin and herself own the property. She stated the reason they purchased the property is because both their children and grandchildren live in Kannapolis in which her daughter, who is a realtor, found this property for them.

She also stated her family and herself love Kannapolis and believe the city can benefit from the short-term rental since guests can come enjoy downtown Kannapolis nearby. Ms. Herrin said this property is more of a secondary home for them but while they are not using the home, they would like to rent it as a short-term rental.

1 She said her daughter, as a realtor, will be the property manager and that they have hired a
2 house cleaner as well as lawn maintenance personnel. Ms. Mandy discussed that to her
3 understanding, they can approve or deny those who request to rent the property on which
4 they intend to screen applicants. She said she understands Mr. Parker's concern with the
5 school being nearby and that it is her understanding that due to her daughter being a realtor,
6 she is able to do research on applicants.

7 Ms. Joshi asked if the property is already being used as a short-term rental. Ms. Herrin said
8 that currently the property is only being used for personal use as they often visit Kannapolis
9 to see their children and grandchildren.

10
11 Mr. Bailey mentioned that the Board has experienced cases in which the applicant has already
12 been using the property as the proposed usage prior to the issuance of the SUP.

13
14 Ms. Joshi asked Ms. Herrin if she knew of the status of obtaining the business license. Mr.
15 and Ms. Herrin said that they will apply for the business license but that they wanted to obtain
16 the SUP first.

17
18 Mr. Parker asked them what their definition is of a short-term rental. For instance, will they
19 rent the property for a maximum of 5 or 30 consecutive days? Ms. Herrin replied that they
20 will rent it for weekends, couple of nights, and most likely for no more than a week as they
21 will be visiting Kannapolis often.

22
23 Regarding closing statements, Chair Joshi noted that parties with standing may offer a closing
24 statement or rebuttal argument if they choose. She reminded participants to focus on legal
25 arguments and avoid repeating points already presented. She asked whether the Applicant, Staff,
26 or any other parties with standing wished to make such statements.

27
28 During deliberation and the vote, Chair Joshi asked if the Board had any further questions for the
29 parties or witnesses before proceeding. She emphasized that the evidentiary hearing would
30 remain open to allow clarifying questions if needed.

31
32 Ms. Joshi went over all the findings of facts as well as conditions with her Board members in
33 which they all stated they agreed.

34
35 There being no additional questions or comments for staff or the applicant, Chair Joshi closed the
36 hearing.

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

39
40 Chair Joshi asked for a motion to approve the Findings of Fact. Mr. Sides made the motion,
41 seconded by Ms. Martini, and the motion was unanimously approved.

42
43 Chair Joshi asked for a motion to approve the issuance of the Special Use Permit with
44 conditions. Mr. Sides made the motion to approve, seconded by Mr. Dwiggins, and the motion
45 was unanimously approved.

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

3
4 **BOA-2026-07– Special Use Permit – 956 N Cannon Blvd.**

5 Chair Joshi opened the evidentiary hearing for BOA-2026-07 and explained that the request for
6 the SUP is to allow a tattoo shop at 956 N Cannon Blvd. The SUP is being considered in
7 accordance with Article 4 of the KDO. Chair Joshi stated: the KDO authorizes this Board to
8 grant a special use permit if the following seven standards are met:

- 9 1. The proposed special use will be in harmony with the area in which it is to be located
10 and in general conformance with the Comprehensive Plan;
- 11 2. Adequate measures will be taken to provide ingress and egress to minimize traffic
12 hazards and traffic congestion on the public roads;
- 13 3. The proposed use will not be noxious or offensive by reason of vibration, noise, odor,
14 dust, smoke or gas;
- 15 4. The establishment of the proposed use will not impede the orderly development and
16 improvement of surrounding property for uses permitted within the zoning district;
- 17 5. The establishment, maintenance, and operation of the proposed use will not be
18 detrimental to or endanger the public health, safety, or general welfare;
- 19 6. The proposed use complies with all applicable provisions of this Ordinance; and
20 7. The applicant consents in writing to all conditions of approval included in the
21 approved special use permit.

22
23 The burden is on the applicant to show that the special use permit request meets these standards.
24 Reasonable and appropriate conditions may be imposed on any special use permit.

25
26 Chair Joshi asked if there were any individuals, aside from Staff and the Applicant, who wished
27 to participate as a party in the case. She reminded those present that a party is different from an
28 individual who wishes to speak or provide public comment or testimony. Everyone is welcome
29 to testify; however, only individuals with standing have the right to participate as a party and
30 present evidence, call witnesses, and make legal arguments. Chair Joshi again asked if anyone,
31 aside from Staff and the Applicant, wished to be a party in this matter. No individual stated they
32 would like to participate as a party to the case.

33
34 Chair Joshi stated that the Board was ready to hear from staff regarding the case and confirmed
35 with Mr. Barcroft that he had been previously sworn in.

36
37 Mr. Barcroft presented Case BOA-2026-07, which was entered into the record as Exhibit 2. Mr.
38 Barcroft said the purpose of SUP is to allow a tattoo studio at 956 N Cannon Blvd. in an existing
39 shopping center. He also said the applicant is Luis Gonzalez, and the property is 0.29 acres. He
40 also said the property is in the General Commercial (GC) zoning district and that the proposed
41 development is compatible with both the future and existing uses. He noted the space where the
42 tattoo studio is proposed to take place is currently vacant. Mr. Barcroft informed the future land
43 use character is Secondary Activity Center which calls for retail, office, and multifamily for its
44 primary uses; its secondary uses include institutional/civic, light manufacturing, and single
45 family attached residences. Mr. Barcroft presented a street view image, a conceptual building
46 plan, and a conceptual site plan. Mr. Barcroft mentioned that he has worked with the property

owner and tenant on the site plan with regards to parking. He stated that any change in use permit for the building will have a condition that parking must be striped.

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 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.

- 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 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.

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

No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for a tattoo studio is expected as a result of this proposed use.

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

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

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

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

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

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

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

The applicant has 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.

Mr. Dwiggins asked if the applicant is the property owner who will be responsible for striping

1 the parking lot. Mr. Barcroft said it is the property owner's responsibility when there are
2 multiple tenants (applicants) in the property; their change in use permits are all contingent on
3 having the parking striped. Mr. Parker asked if signage would have to meet KDO requirements.
4 Mr. Barcroft told Mr. Parker he is correct.

6 Mr. Dwiggins asked if the sign next to the suite as shown on the street image is part of the
7 property. Mr. Barcroft said that sign belongs to another business nearby.

9 Ms. Joshi asked if there are any establishments such as a church or school that must have
10 certain distance from the tattoo parlor similar to how a bar would. Mr. Barcroft said there are
11 no regulations in the KDO that state a tattoo parlor must be certain distance away from such
12 establishments.

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

17 Luis Gonzalez, 956 N Cannon Blvd., introduced himself.

19 Mr. Dwiggins asked what the tattoo shop hours would be. Mr. Gonzalez said he plans to have the
20 shop open 12 pm-9 pm in which the shop may stay open an hour or two later during the
21 weekends.

23 Mr. Bailey asked how many days a week he would be open. Mr. Gonzalez said his artists will
24 likely be rotating and not working every single day. He said he will probably be open Monday to
25 Saturday, and he will try to have Sundays closed.

27 Mr. Parker asked if his artists will be registered through the state and have their own working
28 area. Mr. Gonzalez said that at the moment, he does not have his artists, but he will have each
29 artist separated as shown on the conceptual plan. He also said he will ensure they go through all
30 the permitting required through the health alliance department. Mr. Gonzalez also said he will
31 like his artists to be Bloodborne Pathogen certified.

33 Ms. Joshi asked if piercings will also be offered at the shop. Mr. Gonzalez said that for now, he
34 will be promoting only tattoos but if a piercer would like to join in the future, the shop may offer
35 piercings as well.

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

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

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

1 Chair Joshi asked for a motion to accept the City's exhibits into the record. Mr. Sides made the
2 motion, seconded by Mr. Parker, and the motion was unanimously approved.
3 Chair Joshi read all the findings of facts previously stated by Mr. Barcroft. She then asked for a
4 motion to approve the findings of fact. Ms. Martini made the motion, seconded by Mr. Sides, and
5 the motion was unanimously approved.
6 Chair Joshi asked for a motion to approve the issuance of the Special Use Permit. Mr. Dwiggin
7 made the motion to approve, seconded by Ms. McClain and the motion was unanimously
8 approved.

9
10 Chair Joshi asked for a motion to issue the Order of Approval. Mr. Sides made the motion to
11 approve the order, seconded by Mr. Parker, and the motion was unanimously approved.

12 13 **PLANNING DIRECTOR UPDATES**

14 Mr. Smith mentioned there are two new schools planned to be built in the Kannapolis
15 Jurisdiction. He said the Planning and Zoning commission recently approved a rezoning
16 request for an elementary school off Sudbury Rd. It is expected the elementary school will open
17 in August 2028. Mr. Smith said that the groundbreaking for Northwest Cabarrus High School
18 is anticipated for June 2026 for the opening to occur in August 2029, creating a thirty-four
19 month build/project schedule.

20
21 Mr. Smith said Lowes Foods is anticipating having their grand opening in June.

22
23 Mr. Smith stated that staff received seven applications submitted for nonresidential wastewater
24 allocation which City Council had by the end of April on project determination.

25
26 Mr. Smith also stated that City Council voted to dissolve the Extra Territorial Jurisdiction (ETJ).
27 He thanked Ms. McClain for her service as the Board ETJ representative.

28
29 Mr. Smith also thanked Ms. Joshi for her service as the Board Chair as he said she has requested
30 to not be reappointed.

31
32 Mr. Smith said the Irish Creek Property that was scheduled to be developed by the past two
33 developers did not happen. However, the property is expected to be sold this June. He detailed
34 that it is not proposed to have the property developed but will include updating the golf course
35 and the clubhouse.

36
37 Mr. Bailey asked when the scheduled Rogers Lake Bridge completion date is. Mr. Smith said the
38 completion is scheduled for August 2026, but it is safe to say by the end of this year.

39 40 **OTHER BUISNESS**

41 N/A

42 43 **ADJOURN**

44 There being no further business, Chair Joshi adjourned the meeting at 6:54 PM on Tuesday, June
45 2, 2026.



Kannapolis Board of Adjustment

Board of Adjustment Agenda Staff Report

August 4, 2026

To: Board of Adjustment
From: Mia Alvarez, Senior Planner
Subject: BOA-2026-08: Certificate of Nonconformity Adjustment — 203 E 29th St.

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, Nabil Isbanioly, is requesting a Certificate of Nonconformity Adjustment (CONA) to continue the operation of a meat processing facility at 203 East 29th Street. The subject property, further identified as Rowan County Parcel Identification Number 162 00101, is zoned General Commercial (GC) and consists of approximately 0.76 ± acres.

There is an existing building on the property that is currently being used for the slaughtering of swine. In the KDO, this use falls under the heavy manufacturing, assembly, or fabrication use and is not permitted in the GC zoning district per Table 4.2.B(5). Staff has confirmed that the conformity has not expired. The applicant is requesting to continue the use and change the animal slaughtering to exclude swine and instead include cattle, goats, and sheep.

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

- No 1. Noise - Does the nonconformity create noise above and beyond levels considered normal to the area?**

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

No **2. Traffic - Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?**

The number of trips associated with this nonconformity will not change. There are no retail sales at the property.

No **3. Surrounding property values- Does the nonconformity detract from the prevailing property values?**

The nonconformity does not detract from prevailing land uses. The operation will remain the same, only the animals processed will change.

No **4. Aesthetics- Does the nonconformity detract from the overall aesthetic character of the area?**

The animal processing facility will be located in the existing building on the property. The outside of the building will not be changed and will not be expanded. Surrounding uses include a car dealership to the west of the property and a restaurant to the north. There is a gas station across the street along South Chapel Street.

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

The applicant has indicated that they will sign all Conditions of Approval for this Certificate of Nonconformity Adjustment.

Legal Issues

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

In order to determine whether to grant a Certificate of Nonconformity Adjustment, the Board must find that each of the five criteria noted above have been met. If the Board concurs with the staff assessments for each of the criteria, then no additional findings of fact are necessary and the Board may adopt the staff findings as part of its decision. However, if the Board wishes to approve different findings (perhaps as a result of additional evidence or testimony presented at the public hearing), alternate findings need to be included as part of the five criteria below.

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

- Noise - Does the nonconformity create noise above and beyond levels considered normal to the area?
- Traffic - Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?
- Surrounding property values - Does the nonconformity detract from the prevailing property values?
- Aesthetics - Does the nonconformity detract from the prevailing property values?
- The applicant consents in writing to all conditions of approval included in the approved Certificate of Nonconformity Adjustment.

Staff Recommendations

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

Attachments

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



Certificate of Nonconformity Adjustment Checklist

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

CERTIFICATE OF NONCONFORMITY ADJUSTMENT REQUEST

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

Approval authority – Board of Adjustment.

Property Address: 203 East 29th Street, Kannapolis, NC
Applicant: Nabil Isbarioly

SUBMITTAL CHECKLIST

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

PROCESS INFORMATION

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

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

Action by Board of Adjustment: After conducting a public hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with conditions. Such conditions shall "run with the land" and subject all future property owners with the same restrictions

Scope of Approval: The Board's decision to approve or deny will be made based on the following criteria: (1) Noise, (2) Traffic, (3) Other measurable, physical effects, (4) Surrounding property values, and (5) Aesthetics (see CONA application).

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

Applicant's Signature: Nabil Isbarioly Date: June 24, 2026

KANNAPOLIS

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

CERTIFICATE OF NONCONFORMITY ADJUSTMENT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Nahik Isbanioly
Address: Adelma Isbanioly Road
Richfield Nc 28137

Phone: [REDACTED]

Email: [REDACTED]

Property Owner Contact Information ☒ same as applicant

Name: _____

Address: _____

Phone: _____

Email: _____

Project Information

Project Address: 203 East 29th Street
Kannapolis, NC

Zoning District Select GC

Parcel PIN: 16200101

Size of property (in acres): -.1

Current Property Use: Swine meat processing

Describe the nonconformity: To change meat processing to exclude swine,
but include, cattle, goats, sheep

Proposed enlargement, expansion, or alteration (attach separate sheet if necessary):

None

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Certificate of Nonconformity Adjustment (CONA). The Kannapolis Development Ordinance requires that the applicant demonstrate positive responses to several questions to obtain a CONA. In the spaces provided below, indicate the facts that you intend to provide to convince the Board that the proposed enlargement, expansion, or alteration can properly address the following questions:

A. Noise – Does the conformity create noise above and beyond levels considered normal to the area?

Animals are to be located away from
property and brought to property for
processing.

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

No extra traffic is going to be created
since no Retail Sale is planned

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

all waste material to be disposed of
according to Local and State regulations.

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

No changes going to take place
just the animals to be processed
from swine to Beef, sheep and goats.

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

No, same building looks going to
be maintained.

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions regarding what the nonconformity owner/operator must do to the property for certification. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.

Applicant Signature Nabil Ishaniy
Adelma Lebrunoff

June 24, 2026
Date

Property Owner Signature Nabil Ishaniy
Adelma Lebrunoff

June 24, 2026
Date
June 24, 2026

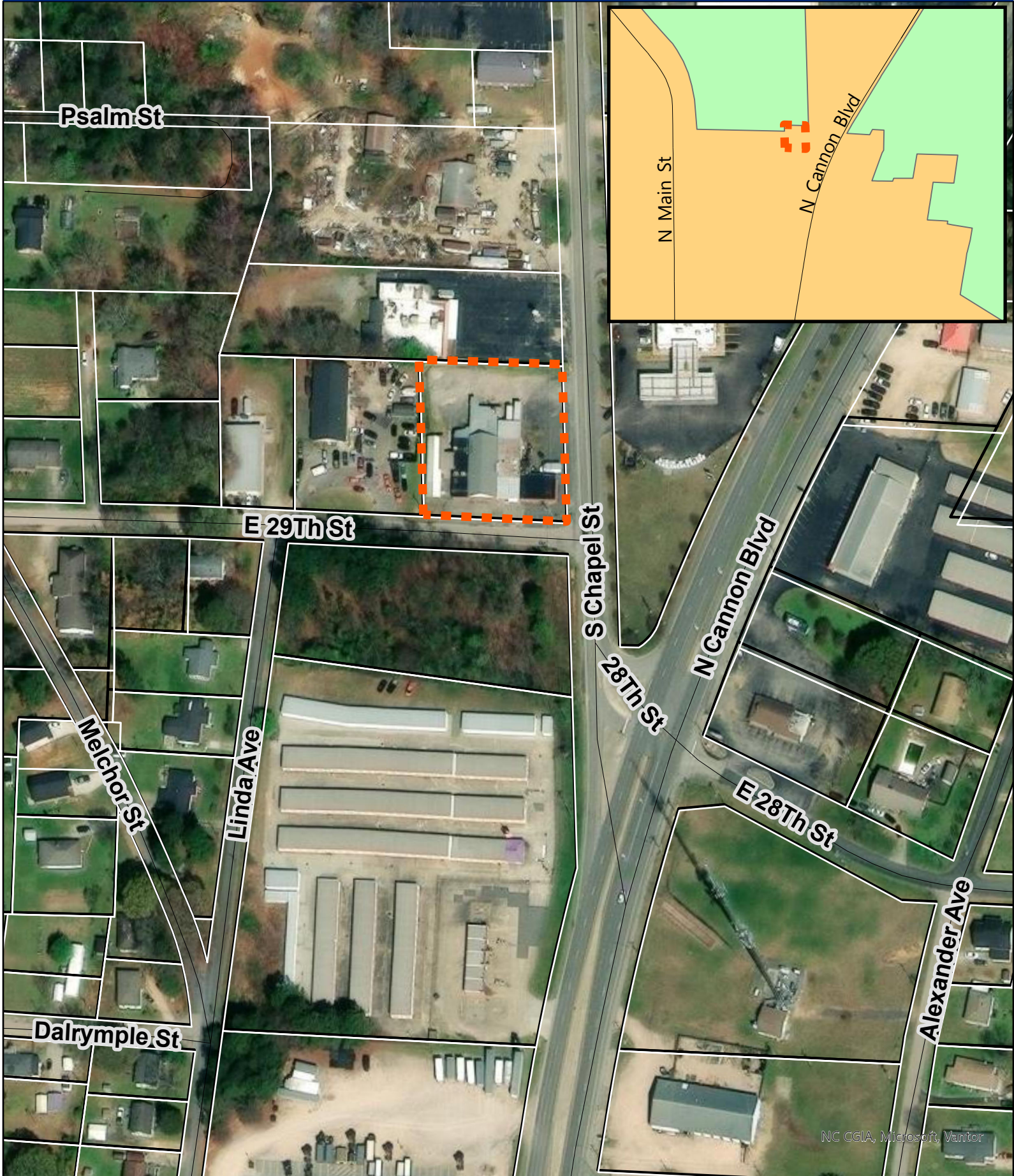


Vicinity Map

Case Number: BOA-2026-08

Applicant: Nabil Isbanioly

203 E 29th St



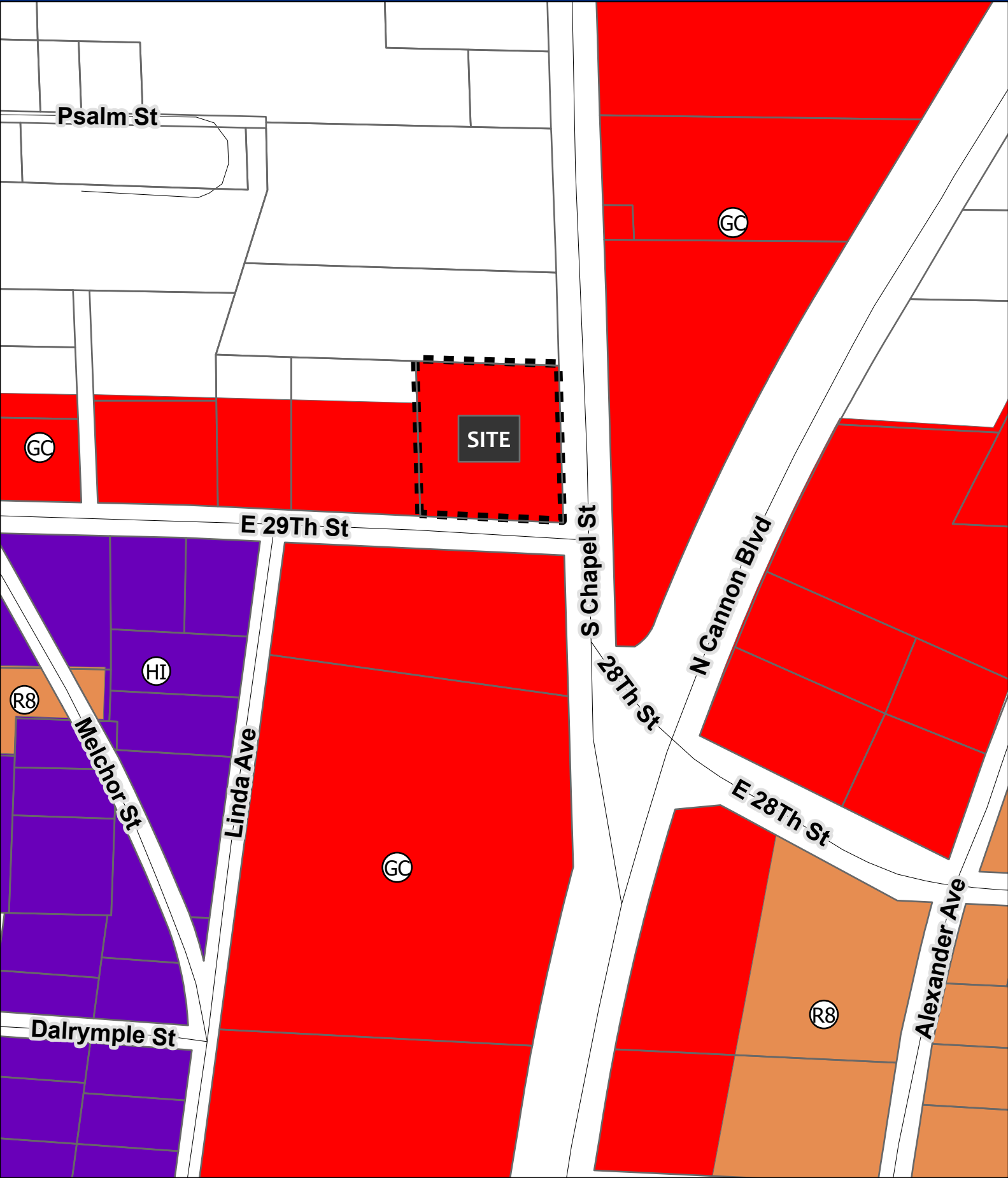


Kannapolis Current Zoning

Case Number: BOA-2026-08

Applicant: Nabil Isbanioly

203 E 29th St



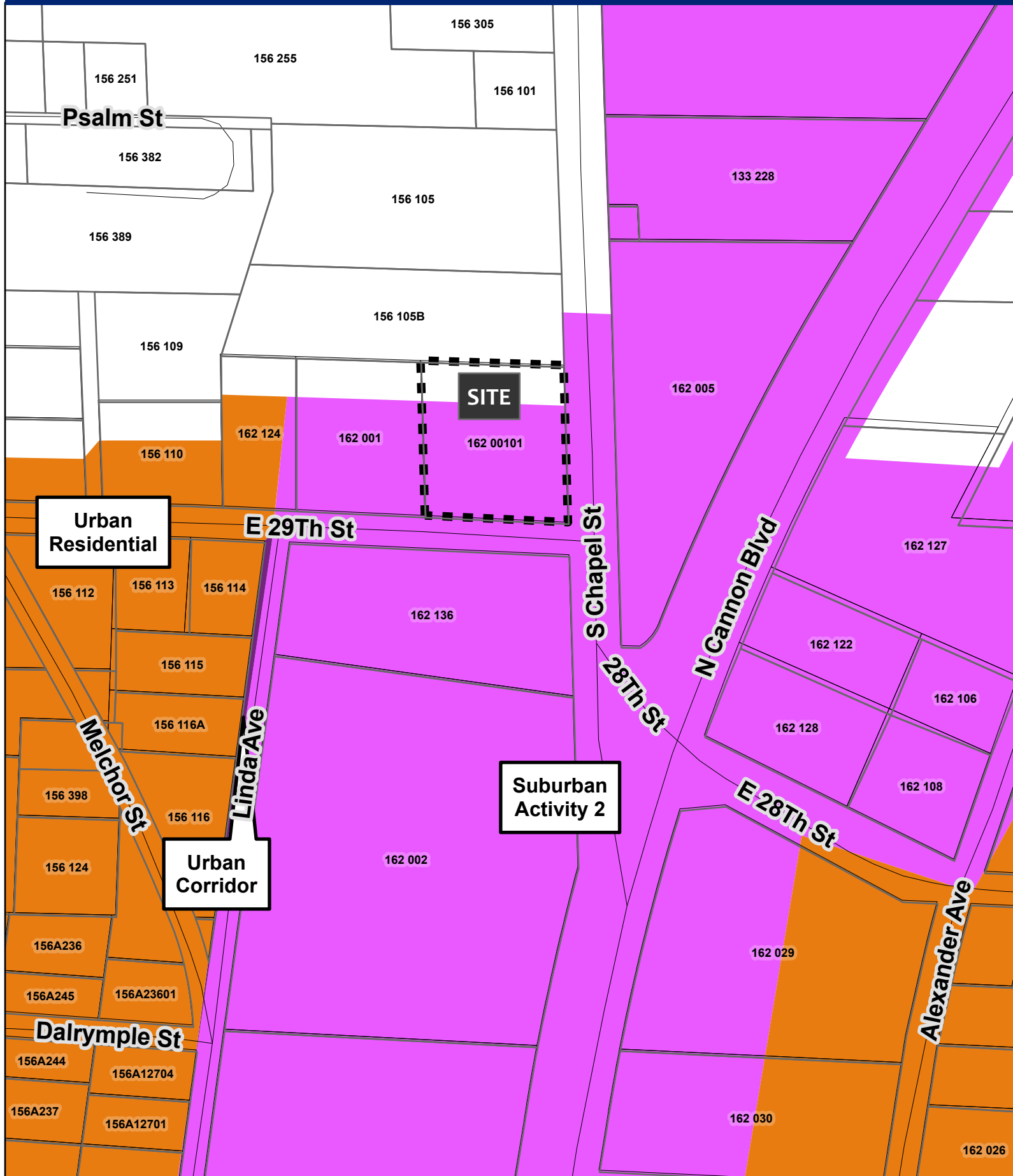


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2026-08

Applicant: Nabil Isbanioly

203 E 29th St



PARCEL_ID	OWNNAME	TAXADD1	TAXADD2	CITY	STATE	ZIPCODE	OWN2
162 001	TROUTMAN LAND INVESTMENTS INC	PO BOX 507	PO BOX 507	CONCORD	NC	28026-0507	
156 109	THOMAS CONSUELLA A	6435 DURANGO DR		BEAUMONT	TX	77708	
162 00101	ISBANIOLY NABIL J	24571 MAGGIE FRICK RD		RICHFIELD	NC	28137-7680	ISBANIOLY ADELMA M
162 002	NCU4001KS LP	1201 GLENMORE TRAIL SW	CALGARY, AB				MINI MALL STORAGE PROPERTIES
162 136	ZIODI AUTOMOTIVE LLC	4530 AVALON FOREST LANE		CHARLOTTE	NC	28269-8195	
156 389	LEE MICHAEL & WF	220 PSALM ST		KANNAPOLIS	NC	28083-8720	LEE WEN HSIU
156 105	MELTON WILMER III ETAL	1102 S CHAPEL ST		KANNAPOLIS	NC	28083	
156 114	BROWN BILLY RAY & WF	1580 MT MORIAH CHURCH RD		CHINA GROVE	NC	28023-9587	BROWN ADDIE CUTHBERTSON
162 005	SPEEDWAY LLC	539 S MAIN ST		FINLAY	OH	45840-0000	
156 105B	ANDRADE ZENON RAFAEL	170 EARNEST MILLER RD		SALISBURY	NC	28147-9446	CAMPECHANO CANDIDO
156 110	LONG DEBORAH D	3331 DANIEL PLACE DR		CHARLOTTE	NC	28213	
133 228	MAVIS SOUTHEAST LLC	100 HILLSIDE AVE		WHITE PLAINS	NY	10603-9775	
162 124	TROUTMAN LAND INVESTMENTS INC	PO BOX 507		CONCORD	NC	28026-0507	
133 274	KANNAPOLIS CITY OF	401 LAUREATE WAY		KANNAPOLIS	NC	28081	



July 16, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial hearing on Tuesday August 4, 2026 at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2026-08 – Certificate of Nonconformity Adjustment – 203 E 29th Street.

The purpose of this Evidentiary Hearing is to consider a request for a Certificate of Nonconformity Adjustment (CONA) to allow for the continued use of an animal processing facility on property located at 203 E 29th Street. Section 2.5.E(4) of the Kannapolis Development Ordinance requires the approval of a CONA prior to any change of use of a structure or land from one nonconforming use to another nonconforming use.

The subject property is zoned General Commercial (GC) on approximately 0.76 +/- acres of property located at 203 E 29th Street. and further identified as Rowan County Parcel Identification Number 162 00101 **(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 evidentiary 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

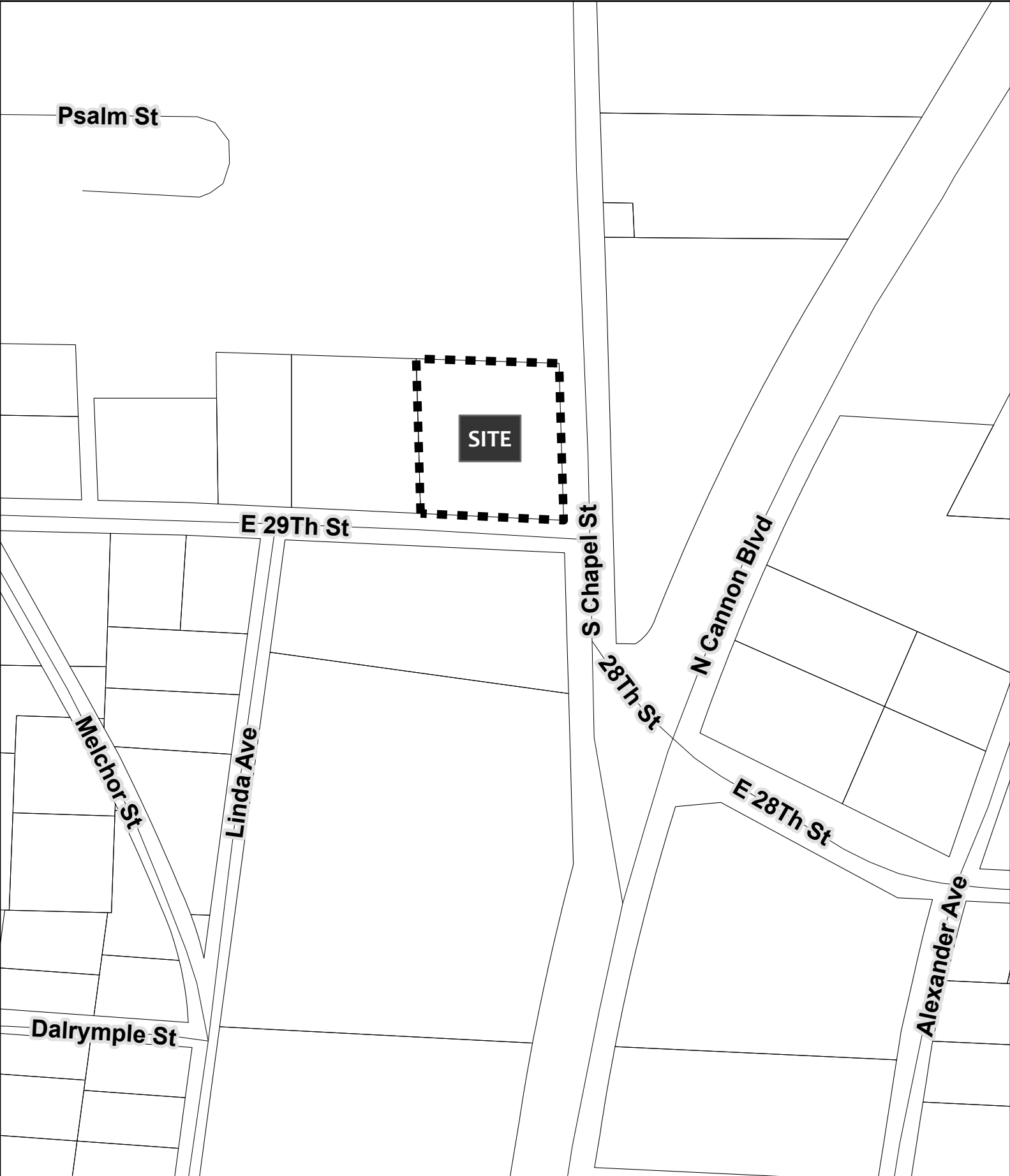
Enclosure

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



CONA

Case Number: BOA-2026-08
Applicant: Nabil Isbanioly
203 E 29th St





KANNAPOLIS

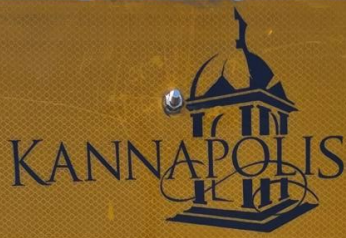
BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA -2026-08



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE #BOA - 2026 - 8**