

1 **CITY OF KANNAPOLIS, NC**

2 **BOARD OF ADJUSTMENT**

3 **Minutes of Meeting**

4 **June 3, 2025**

5 **6:00 PM**

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7 The Kannapolis Board of Adjustment met on Tuesday, June 3, 2025, at 6:02 PM in the Laureate
8 Center of City Hall. This meeting was held in accordance with required public notice, as well as
9 announced on the City's website.

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11 **Board Members Present:**

Emily Joshi, Chair

Danielle Martini

Jeff Parker

Wilfred Bailey, Sr.

15 **Board Members Absent:**

Holden Sides, Vice-Chair

Chris Dwiggin

17 **Staff Present:**

Richard Smith, Planning Director

Elizabeth McCarty, Assistant Planning Director

Ben Barcroft, Senior Planner

Mia Alvarez, Planner

Zulena Anderson, Planning Technician

22 **City Attorneys:**

Walter Safrit, II

23 **Visitors Present:**

Dawn Raborn

Keith Murray

Jimmy Senecal

Carson Purvis

Michael Greiner

Shanna Coles

William Coles Jr.

Lyman Cross

Debbie Cross

Mark Clark

Sherry Clark

Linda Spanke

Edward Spanke

Brenda Coleman

Gwendolyn Young

Cassandra Moore

Chris Minnis

Simone McDougald

Sean McDougald

Josanna Busby

Jonathan Bales
Richard Lewis
Gail Lewis

CALL TO ORDER

Chair Joshi called the meeting to order at 6:02 P.M.

ROLL CALL AND RECOGNITION OF QUORUM

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Planning Director Richard Smith informed the Board members that the minutes of the May meeting will be available at July's meeting as they are still in review.

Sworn In for Testimony

Mia Alvarez, Ben Barcroft, Dawn Raborn

PUBLIC HEARING

BOA-2025-08- Request for a Special Use Permit (SUP) submitted by Sustar/Little LLC to allow for a self-service storage facility on a property located at 9170 Davidson Highway. Note: This agenda item was continued from the May 6th meeting due to a request from the Board for more information from the applicant regarding off-site building visibility and lighting for the property.

Planner Mia Alvarez announced that the applicant for case **BOA-2025-08** requested the case to be continued to the next BOA meeting.

Mr. Smith informed the audience that the applicant for case **BOA-2025-08**, located at 9170 Davidson Highway, has requested that their application be continued until the July 1st Board of Adjustment meeting.

Ms. Joshi called for anyone who would like to speak for the agenda items to please come forward to get sworn in for testimony.

Mr. Safrit reminded Ms. Joshi to have the board vote on the continuance of case **BOA-2025-08**.

Mr. Smith clarified that the current agenda item is the swearing in for cases **BOA-2025-08** and **BOA-2025-09**, then the Board would need to vote on the continuance of **BOA-2025-08**.

Chair Joshi affirmed that, as stated by staff, the applicant for Case **BOA-2025-08** has requested a continuance to allow additional time to gather the information requested by the Board at the previous BOA meeting. As a result, a vote will be needed to carry the case forward to the July meeting. Chair Joshi then called for a vote, asking Board members in favor of the continuance to

say “aye.” All members voted in favor, resulting in unanimous approval. Chair Joshi then informed the audience that since the case was approved to be continued to July’s meeting, those present for case **BOA-2025-08** have the option to leave.

BOA-2025-09 – Certificate of Nonconformity Adjustment (CONA) submitted by Rite Lite Signs to replace the nonconforming sign with a new non-conforming sign located at 358 Oak Avenue Mall Dr.

Senior Planner Ben Barcroft gave a presentation for the Certificate of Nonconformity Adjustment (CONA), and made part of these minutes as Exhibit 1. During his presentation, Mr. Barcroft stated that the property, approximately 7.59 acres in size, is the site of a Food Lion store. He explained that the applicant is seeking approval to install a new wall-mounted sign measuring 135 square feet. Mr. Barcroft explained that the property is in the Center City (CC) zoning district and that the Kannapolis Development Ordinance (KDO) only allows for a maximum of 32 square feet in this zoning district. Mr. Barcroft mentioned that the current wall mounted sign, that is approximately 135 square feet, was approved under CONA case **BOA-2015-15** under an older development ordinance. He noted that this sign project is not considered maintenance nor repairs, therefore, the sign is deemed as new and requires a CONA permit. Showing the Future Land Use Map, Mr. Barcroft detailed that the site is in the Downtown Center character area in which its current use as a shopping center aligns. Mr. Barcroft also presented the aerial view of the site, the street view depicting the previous sign, drone footage showing the location of the building, and images showing the work completed on the front of the store to date. He mentioned that the roof work is currently underway while they wait for the CONA approval to install the new sign as the previous sign has been removed. Mr. Barcroft discussed that the proposed sign is comparable with the previous sign as they are both approximately 135 square feet.

Mr. Barcroft reviewed staff findings of fact as follows:

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

1 Mr. Barcroft stated that based on the findings, staff recommend approval of the Certificate of
2 Nonconformity Adjustment based on the staff Findings of Fact. He then made himself available
3 for questions.

4 Mr. Bailey asked to clarify if the zoning district that the site is in only allows a sign up to 32 square
5 feet. Mr. Barcroft answered yes. Mr. Bailey replied that since the applicant is requesting to install
6 a 135 square feet sign, the proposed size is about four times larger than the maximum allowed size.
7 Mr. Bailey asked for the reasoning for the proposed size. Mr. Barcroft replied that the subject site
8 is in a much older shopping center and that the previous sign went through CONA approval. He
9 explained that this CONA case is more for a continuance of nonconforming use and that they have
10 already decreased the sign's size in the past. Mr. Barcroft also explained that the subject's location
11 was built as a suburban shopping center in a downtown zoning district, therefore, the sign is not
12 going to meet the ordinance requirements of small signs which are typically seen downtown. He
13 detailed that a small sign would not be proportionate nor visible in a much larger shopping center.
14 Mr. Barcroft said that a larger sign has existed since the store was opened.

15 Ms. Martini asked for clarification on whether the only proposed change is the replacement of the
16 sign. Mr. Barcroft told Ms. Martini she is correct and that the subject property has the right to do
17 maintenance to the sign, but since the previous sign was taken down to be replaced with a brand
18 new one, another CONA permit needs to be issued.

19 Mr. Smith told the Board members that in more general terms, the sign was grandfathered, and the
20 applicant is requesting continuance of the grandfathered sign; the new sign will have the same size
21 as the previous one. Mr. Smith mentioned that the case is not a variance due to the sign already
22 being recognized as a nonconforming use.

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

25 Dawn Rabon of Rite Lite Signs, located at 27382 Millard Ln. made herself available for questions.

26 There being no additional questions or comments for staff or the applicant, Chair Joshi opened the
27 public hearing; as no one was present to speak, the hearing was promptly closed.

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

30 Chair Joshi asked for a motion to approve or revise the Findings of Fact. Mr. Bailey made the
31 motion to approve the Findings of Fact, second by Mr. Parker, and the motion was unanimously
32 approved.

33 Chair Joshi asked for a motion to approve the issuance of the Certificate of Nonconformity
34 Adjustment. Ms. Martini made the motion to approve, second by Mr. Bailey, and the motion was
35 unanimously approved.

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

38 **Planning Director Updates**

1 Mr. Smith advised the Board regarding emails being sent in reference to case BOA-2025-08. He
2 advised the Board members not to discuss the case outside of the BOA meetings, particularly with
3 emails as doing so is considered ex parte communication. Mr. Smith mentioned that he has
4 responded to emails sent by individuals who came to the meeting regarding case BOA-2025-08
5 and that he informed them that the case was requested to be continued until July's meeting. Mr.
6 Smith noted that BOA meetings are treated like court cases, and therefore, cases should not be
7 discussed outside of the meetings held. Mr. Smith asked the Board members to please inform staff
8 if they plan to be absent from July's meeting as one of the scheduled cases is a variance. The Board
9 members present indicated that they plan to attend the July meeting.

10 **Other Business**

11 Mr. Safrit informed the Board members that one has the right to visit the subject site prior to the
12 hearing and that it does not interfere with the obligation they have to be impartial. He clarified that
13 he is not encouraging them to visit the subject site, he is just informing them they can do so.

14 Mr. Bailey asked if anyone knew that case BOA-2025-08 was going to be delayed until July's
15 meeting. Mr. Smith replied that they received the request from the applicant the day prior to the
16 meeting and that he did inform two individuals who sent him an email. (Planner Mia Alvarez also
17 emailed multiple adjacent owners regarding the possible continuance of the matter to July.) Mr.
18 Bailey suggested that there should be a deadline for the applicant to make changes as he believes
19 the late request for the continuance was disrespectful to all the individuals who came to hear case
20 BOA-2025-08. Mr. Safrit told Mr. Bailey that Board members have the right to vote against a
21 case's continuance. Mr. Smith mentioned that the Board could have opted to hear case BOA-2025-
22 08 during June's meeting. Mr. Smith said he informed those involved with case BOA-2025-08 that
23 it is at the Board's discretion whether to continue the case or not.

24 **Adjourn**

25 There being no further business, Chair Joshi made the motion to adjourn, which was made by Mr.
26 Parker, second by Ms. Martini and the motion was unanimously approved.

27 The meeting was adjourned at 6:21 PM on Tuesday, June 3, 2025.



Emily Joshi, Chair
Board of Adjustments



Zulena Anderson, Planning Technician
Board of Adjustments