

CITY OF KANNAPOLIS, NC
BOARD OF ADJUSTMENT

Minutes of Meeting

October 7, 2025

6:00 PM

The Kannapolis Board of Adjustment met on Tuesday, October 7, 2025, at 6:00 PM in the Laureate Center of City Hall. This meeting was held in accordance with required public notice, as well as announced on the City's website.

Board Members Present:

Emily Joshi, Chair
Holden Sides, Vice Chair
Jeff Parker
Wilfred Bailey, Sr.
Chris Dwiggin
Danielle Martini
Angie McClain, ETJ Representative

Board Members Absent:

Ronald Flanders, Alternate

Staff Present:

Richard Smith, Planning Director
Elizabeth McCarty, Assistant Planning Director
Ben Barcroft, Senior Planner
Kathryn Stapleton, Planner
Zulena Anderson, Planning Technician

Attorneys:

Evan Lee, Board Attorney
Andrew Kelly, City Attorney

Visitors Present:

Joseph French
Susan Stafford
Eddie Scarbrough
Davronia Scarbrough

CALL TO ORDER

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

ROLL CALL AND RECOGNITION OF QUORUM

1 Ms. Joshi introduced herself as Chair of the Board, and asked the Board members to state their
2 name for the record. Ms. McClain, Mr. Bailey, Mr. Sides, Mr. Parker, Mr. Dwiggin, and Ms.
3 Martini stated their names.

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

8 **APPROVAL OF AGENDA AND MINUTES**

9 Chair Joshi asked if any corrections/revisions were requested and to have the requester state
10 them clearly.

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

13 Hearing no requests for corrections/revisions of the minutes, Chair Joshi asked for a motion for
14 the approval of the September 2, 2025, minutes, which was made by Mr. Sides, second by Mr.
15 Bailey, and the motion was unanimously approved.

16 **EXPLANATION OF QUASI-JUDICIAL DECISIONS**

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

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

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

34 **CONFLICTS/EX PARTE COMMUNICATIONS**

Chair Joshi addressed 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 familial 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 communications - 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. No Board member disclosed any.

SWORN IN FOR TESTIMONY

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

Ben Barcroft, Kathryn Stapleton, Eddie Scarbrough, Susan Stafford, and Joseph French were sworn in for testimony.

EVIDENTIARY HEARING

BOA-2025-18 – Appeal of an interpretation of the Kannapolis Development Ordinance (Mavis Tires and Brakes, 2815 N Cannon Blvd) - REQUEST TO WITHDRAW

Chair Joshi noted that there was a continuance from a case heard during last month's meeting, which involved an appeal of the interpretation of the Kannapolis Development Ordinance (KDO). She stated that an official request to withdraw the appeal was submitted on September 17, 2025. The case concerned an appeal of the Planning Director's interpretation of Section 5.9, Sign Standards, Table 5.9.E(1)(a) of the KDO. At the September 2, 2025 meeting, the Board determined that the applicant needed legal representation, and therefore voted to continue the case to allow the applicant time to obtain counsel.

BOA-2025-19 – Special Use Permit -917 S. Main St.

Chair Joshi opened the evidentiary hearing for BOA-2025-19 and explained that the request for the SUP is to allow a bar at 917 S. Main 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 7 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;

1 4. The establishment of the proposed use will not impede the orderly development and
2 improvement of surrounding property for uses permitted within the zoning district;

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

5 6. The proposed use complies with all applicable provisions of this Ordinance; and

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

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

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

16 Mr. Scarborough stated that he would like to participate as a party in the case.

17 Chair Joshi explained that, aside from Staff and the Applicant, only individuals with an
18 ownership or lease interest in the property, or those who can demonstrate that they will suffer
19 special damages distinct from the rest of the community as a result of the decision, may
20 participate as parties. She asked Mr. Scarborough whether he wished to participate as a party or
21 simply provide testimony on the matter. Upon Mr. Scarborough's indication that he wished to act
22 as a party, Chair Joshi stated that a standing determination must first be made. She explained
23 that, to have standing, an individual must demonstrate that they will suffer special damages
24 distinct from the rest of the community as a result of the decision, and she asked Mr.
25 Scarborough to provide testimony and evidence to that effect.

26 Board Attorney Mr. Lee then asked Mr. Scarborough to state his name and relationship to the
27 property in question.

28 Mr. Scarborough introduced himself as Eddie Scarborough, pastor of a church located at 919 S.
29 Main Street, adjacent to 917 S. Main Street.

30 Chair Joshi asked for clarification on the difference between Mr. Scarborough participating as a
31 party versus providing testimony as an individual. Planning Director Mr. Smith explained that
32 Mr. Scarborough was present to inform the Board that a church is located nearby - information
33 that staff had not previously been aware of. He noted that Mr. Scarborough's testimony would be
34 relevant to the findings of fact for the case. Mr. Scarborough stated that the church is physically
35 connected to 917 S. Main Street.

1 Mr. Smith stated that this was the first time staff had been made aware that a church operates
2 near the proposed bar. Mr. Scarborough added that the church has been in operation for nearly
3 two years. Mr. Lee asked whether the church shares any access or site features with the property
4 of the proposed bar, such as a driveway. Mr. Scarborough confirmed that it does. Mr. Lee stated
5 that, due to the adjoining parcel and shared easement, Mr. Scarborough would be granted
6 standing to testify.

7 Chair Joshi then called for a motion to determine whether Mr. Scarborough has standing to
8 participate as a party in the case. Mr. Sides made the motion, seconded by Ms. Martini, and the
9 motion was unanimously approved. Chair Joshi confirmed that Mr. Scarborough was granted
10 standing and would have the opportunity to testify following staff's presentation.

11 Chair Joshi noted that the parties in the case may offer an opening statement or argument if they
12 so choose. She reminded participants to focus on the applicable legal standards and to avoid
13 personal opinions or speculation. She then asked if anyone wished to make such a statement.

14 The applicant, Joseph French, introduced himself as the party applying for the Special Use
15 Permit (SUP) for 917 S. Main Street. Mr. French stated that prior to the Board of Adjustment
16 meeting, he had spoken with the Planning Department and was never informed that a church was
17 located adjacent to the proposed bar. He questioned why, if the church has been in operation for
18 nearly two years, its presence was not identified during the initial site review. Mr. French stated
19 that, had he known a church was located next to 917 S. Main Street, this case would not have
20 been brought before the Board, as he would not have made a down payment on the property.

21 Mr. French asked whether the church is officially registered and why its existence was not
22 previously known. He added that staff had researched the area thoroughly and confirmed that the
23 proposed property was located 218 feet away from any prohibited uses related to the SUP. Mr.
24 French also noted that he owns another business, the Concord Event Center, and viewed 917 S.
25 Main Street as an opportunity to bring an additional entertainment venue, a karaoke bar, to
26 Kannapolis, where people could celebrate, enjoy themselves, and be near the ballpark. He
27 expressed that he believes Kannapolis is a growing and progressive city and that he wishes to
28 contribute positively to that growth. Mr. French reiterated that he would not have pursued the
29 SUP had he known of the church's location and again questioned how it was an established use
30 since it was not discovered during staff's review.

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

33 Mr. Barcroft presented case BOA-2025-19, which was entered into the record as Exhibit 1. He
34 confirmed that the applicant is Mr. Joseph French, the site is located at 917 S. Main Street, and
35 the request is for a Special Use Permit to allow a bar. Mr. Barcroft stated that the site is
36 approximately 0.35 acres in size and is zoned General Commercial (GC).

1 Mr. Barcroft explained that the nearby single-family residences are sufficiently separated from
2 the proposed bar and other commercial developments. He also noted that the surrounding area
3 includes commercial uses, small-format retail, and restaurants. He stated that the property's
4 future land use designation is Urban Residential, which identifies single-family and civic uses as
5 primary uses, and multifamily, small-format retail/office, and live-work uses as secondary uses.

6 Mr. Barcroft presented a floor plan of the proposed bar, a street-view image of the property, and
7 drone footage. He noted that, during staff's site review, the building appeared to be vacant and
8 highlighted nearby restaurants visible in the drone footage.

9 Mr. Barcroft reviewed staff findings of fact as follows:

10 **1. The proposed conditional use will be in harmony with the area in which it is to be**
11 **located and in general conformance with the City's Land Use Plan.**

12 This property is in the "Urban Residential" Character Area in the Move Kannapolis
13 Forward 2030 Comprehensive Plan. While the primary uses in this character area are
14 intended to be single-family residential and civic, with secondary uses including
15 multi-family, small-format office, retail, and live-work, this portion of the area is
16 composed primarily of small- to medium-scale commercial developments. Existing
17 neighboring uses include restaurants and various retail establishments.

18
19 Given the existing development pattern in this portion of the Urban Residential Character
20 Area, the proposed bar is compatible with both the surrounding uses and the intent of the
21 future land use plan.

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

24 The proposed bar is not expected to create traffic hazards or increase congestion on
25 public roads. Adequate on-site parking is provided, and ingress and egress are designed to
26 minimize potential traffic conflicts.

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

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

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

34 The proposed use would not impede development of the surrounding properties for uses
35 allowed within their respective zoning districts. The proposed bar is compatible with the
36 surrounding commercial uses. The use of a bar shall also comply with the following
37 standards specific to a bar or nightclub according to Section 4.2.D: Bars and nightclubs
38 shall comply with the standards in this section, unless located completely within a hotel

1 or motel and occupying not more than 25 percent of the gross floor area of the hotel or
2 motel.

3 (a) A bar or nightclub shall not be established within 200 feet of any of the
4 following:

- 5 1. A Residential zoning district;
- 6 2. A private, charter, or parochial school or a public school;
- 7 3. A childcare center;
- 8 4. An indoor public assembly use; or
- 9 5. An existing bar or nightclub.

10 (b) The minimum distance in subsection (a) above, shall be measured from the
11 outer building walls of the proposed use to the nearest property line of the other
12 use.

13 (c) The application shall include a floor plan of the building in which the bar or
14 nightclub is proposed to be located. The floor plan shall delineate separately the
15 areas of the building which are used for the dispensing of food and beverages,
16 entertainment, and/or dancing.

17 While presenting the findings of fact, Mr. Barcroft explained that staff conducted measures to
18 verify a minimum distance of 200 feet between the proposed bar and any of the previously
19 identified types of businesses. He stated that no permits were found for an adjacent church and
20 that he did not observe any indication of a church during site visits. Mr. Barcroft noted that a
21 nearby residential district is located approximately 230 feet from the front door of the proposed
22 bar, measured to the closest residential property line. He displayed the zoning map to identify
23 and discuss the zoning districts surrounding the proposed site. Mr. Barcroft also explained how
24 the Office & Institutional District is not a residential district.

25 **5. The establishment, maintenance, or operation of the proposed use shall not be**
26 **detrimental to or endanger the public health, safety, or general welfare.** There is no
27 apparent danger or detriment to the overall public safety, health and welfare resulting
28 from the proposed use. The proposed use is subject to all the requirements of the
29 Kannapolis Development Ordinance.

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

31 The proposed use shall comply with all sections of the Kannapolis Development
32 Ordinance, conditions of approval, and all other applicable local, state, and federal
33 regulations. Staff has confirmed that the use-specific standards have been met, including
34 the required distance from a residential zoning district. The applicant understands that,
35 unless specifically relieved of a requirement in writing, all KDO requirements must be
36 met.

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

1 The applicant has indicated that they will provide written consent to all Conditions of
2 Approval associated with this Special Use Permit.

3 Mr. Barcroft stated that staff recommends approval of the Special Use Permit based on staff's
4 Findings of Fact (or as modified by the Board), the conceptual site plan, and compliance with all
5 local, state, and federal requirements. He then made himself available for questions.

6 Mr. Bailey asked for clarification on whether the proposed bar shares an adjacent wall with a
7 church and inquired when the church last operated. Mr. Barcroft responded that he did not have
8 that information. Mr. Bailey confirmed with Mr. Barcroft that no information regarding the
9 adjacent church had been found. Mr. Barcroft stated that no permits were located and that, based
10 on his site visit, there was no visible indication of a church from the street.

11 Chair Joshi asked Mr. Barcroft to return to the zoning map shown in his presentation and to
12 restate the minimum required separation distance between a bar and certain types of
13 establishments. Mr. Barcroft confirmed that the minimum distance is 200 feet. Chair Joshi then
14 asked whether the proposed bar must be more than 200 feet from a residential district and if the
15 closest residential district is approximately 230 feet away. Mr. Barcroft confirmed that her
16 statement was correct and identified the nearby R-4 Residential District. He reconfirmed that the
17 closest residence to the proposed bar was measured to be approximately 230 feet from the front
18 door.

19 There being no further questions for staff, the applicant was invited to step forward. Chair Joshi
20 reminded all parties that any evidence or testimony must be relevant to the special use permit and
21 that any physical materials presented must be submitted to the Board for inclusion in the record.

22 Mr. Joseph French, applicant for 917 S. Main Street, stated that he believes the property is an
23 ideal location to support the Kannapolis community's growth by providing a karaoke bar. He
24 added that the venue would offer a fun environment, noting that the building includes a patio
25 suitable for cornhole and other outdoor activities.

26 Mr. Parker asked whether the property would be leased from another party. Mr. French
27 confirmed that it would. Mr. Parker then asked whether the property owner was aware of the
28 proposed use as a bar. Mr. French responded that the owners are aware and that he has already
29 established the business entity Kannapolis Karaoke Sports Bar, LLC.

30 Ms. Martini asked whether due diligence had been conducted to confirm that there was no record
31 of an existing adjacent church. She also asked if Mr. French had researched through the
32 Secretary of State or observed any indication of a registered nearby church. Mr. French
33 responded that he had conducted his own research, assisted by his sister, who is familiar with
34 such procedures due to her occupation. He stated that he visited the property multiple times over
35 the course of a month and never observed any activity that suggested the presence of a nearby
36 church. Mr. French added that, had he suspected church-related activity, he would have

1 reconsidered purchasing the property for a bar. Ms. Martini asked if the church had a sign, to
2 which Mr. French replied that he did not see any church signage.

3 There being no additional questions or comments for staff or the applicant, Chair Joshi called Mr.
4 Scarborough forward to testify and to describe his relationship to the property.

5 Mr. Scarborough, of 919 S. Main Street, confirmed that he was sworn in and stated that he is the
6 pastor of the church located at that address. He testified that the church has operated there for
7 approximately one and a half years and has documentation of a safety inspection completed for
8 occupancy as a church. Mr. Scarborough stated that the church is incorporated in Delaware,
9 establishing its legal status as a place of worship. He noted that during Mr. Barcroft's
10 presentation, staff indicated the proposed bar would not impede another assembly use, but he
11 disagreed with that conclusion due to the shared wall and door between the two suites.

12 Mr. Scarborough explained that the church previously experienced issues with the prior tenant of
13 the adjacent suite due to smoke infiltration, which left a lingering odor. He also asserted that the
14 photo shown during the presentation includes signage on the door with the church's logo. Mr.
15 Scarborough stated that the owner of the adjacent grocery store could confirm the church has
16 operated there for over a year and a half and regularly holds services. He referenced a recent
17 Sunday event that drew approximately 100 women dressed in pink, which was shared widely on
18 social media. Mr. Scarborough further stated that, although the nearby Whataburger is closed on
19 Sundays, its employees are aware of the church's prayer services.

20 He argued that the proposed bar would directly conflict with the church's mission and
21 environment, emphasizing that the sale and consumption of alcohol in an adjoining suite
22 undermines the church's spiritual setting, which promotes sobriety, family values, and
23 community well-being. He expressed concern that the proximity of a bar could disrupt worship
24 services and ministry activities, particularly due to loud music and late-night operations
25 associated with a karaoke venue. Mr. Scarborough stated that the church regularly holds worship
26 services, prayer meetings, and youth activities that could be negatively affected.

27 He also expressed concern about the potential influence on youth and families, as the church
28 serves as a safe and nurturing environment for children, teens, and adults. Mr. Scarborough
29 argued that the bar's introduction could expose congregants to alcohol-related behavior and
30 unsafe interactions, sending mixed messages to young people. He further stated that the proposed
31 bar poses public safety and parking concerns, noting that concurrent operation of both
32 establishments could increase the risk of impaired driving, littering, and other safety hazards
33 within the shared parking lot.

34 Mr. Scarborough stated that his church passed its required inspection, has operated for
35 approximately 18 months, and has signage on the door that is visible in the photo presented. He
36 explained that the church could not install a temporary sign on the shared freestanding sign due

1 to local code restrictions. Mr. Scarborough reiterated that the church's door signage is present
2 and clearly visible to visitors.

3 Mr. Parker asked who the church leases the suite from. Mr. Scarborough replied that he leases it
4 from Mr. Roma. Mr. Parker then asked whether the church meets at various times during the
5 week. Mr. Scarborough responded that it does, with Sunday services posted publicly and
6 additional weekday activities, including Fridays, when he is often present.

7 Mr. Bailey asked whether Mr. Roma leases the entire building, and Mr. Scarborough confirmed
8 that he does. Mr. Bailey commented that Mr. Roma should have been aware that a church
9 occupies 919 S. Main Street, adjacent to the proposed bar, and that this information should have
10 been disclosed earlier in the process. He stated that it is typical for lease agreements to specify
11 the type of business operating on-site and that it would be reasonable to assume the property
12 owner knew both the church and proposed bar were proposed to be located side by side.

13 Mr. Bailey requested that Mr. Barcroft display the previously shown photograph of the building,
14 stating that he believed the structure appeared vacant. Mr. Scarborough responded that in another
15 photo showing the building's frontage, the church's sign is visible.

16 Chair Joshi asked whether the church has a mailing address at 919 S. Main Street. Mr.
17 Scarborough confirmed that they receive mail there, including utility bills. Chair Joshi then
18 asked staff why the church was not included on the case's mailing list. Mr. Scarborough stated
19 that he learned about the hearing from nearby business owners concerned about the proposed bar,
20 one of whom provided him with a copy of the notice. Mr. Smith explained that staff mails
21 notifications to the property owners of record, meaning that the notice was sent to the owner
22 listed in Harrisburg, who also leases to both Mr. French and Mr. Scarborough, rather than to the
23 church itself. The property was posted with a sign regarding this hearing.

24 Mr. Dwiggins asked whether, given Mr. Scarborough's earlier comments about smoke issues,
25 there is an internal doorway connecting 919 and 917 S. Main Street. Mr. Scarborough responded
26 that there is a physical door between the two spaces, which has been taped shut due to issues
27 with the previous tenant at 917. He confirmed that it is possible to walk between the two units
28 through that door and added that they have had difficulty eliminating the smoke odor.

29 Mr. Smith asked Mr. Scarborough whether he has a lease with NV Realty, the property owner
30 listed on the tax records and based in Harrisburg, and whether that lease could be provided. Mr.
31 Scarborough replied yes. Mr. Smith also asked whether Mr. Scarborough had been issued a
32 zoning permit to operate a church at 919 S. Main Street. Mr. Scarborough responded no. Mr.
33 Smith stated that there is no record of a zoning permit being issued for a church at that location
34 and explained that under the Kannapolis Development Ordinance (KDO), a change of use
35 requires a zoning permit from the Planning Department. He noted that after zoning approval, the
36 Fire Marshal and Cabarrus County Building Standards would inspect the site to ensure
37 compliance with state building codes for assembly uses. Mr. Smith stated that none of these

1 required steps were followed, and staff had no way of knowing that a church was operating at the
2 site. He further explained that the City can no longer require business licenses under state law, so
3 there would not have been a business permit on record either. Based on available records, staff
4 had no reason to believe that a church was located within 200 feet of 917 S. Main Street.

5 Mr. Smith referenced Mr. Bailey's point regarding the landlord, who leases to both parties, two
6 separate entities, occupying adjacent spaces. He added that Mr. French made a proper application
7 for a Special Use Permit (SUP) to operate his business at the location.

8 Ms. Joshi expressed concern regarding the finding of fact stating that "the establishment of the
9 proposed use shall not impede the orderly development and improvement of surrounding
10 property for uses permitted within the zoning district," which also specifies that "a bar or
11 nightclub shall not be established within 200 feet of an indoor public assembly use." She asked if
12 the Board cannot formally resolve the status of the church as a public assembly use, the Board
13 would be validating it without documentation or whether a zoning verification is required to
14 confirm that it is officially recognized as a church.

15 Ms. Joshi then asked for legal guidance on whether it matters if the public assembly use is
16 formally or informally established. Mr. Lee asked Mr. Kelly if he would like to respond. Mr.
17 Kelly stated that the KDO is unclear on whether an informal or unpermitted assembly use should
18 be considered valid. He then asked Mr. Smith if Mr. Scarborough could still apply for a change
19 of use permit after the SUP is granted. Mr. Smith confirmed that he could. Mr. Kelly clarified
20 that such a permit could be granted even if it results in the same conflict currently under
21 discussion.

22 Mr. Scarborough stated that the church had undergone and passed a fire inspection, with only a
23 minor correction required for an electrical outlet. He said the church was unaware of the
24 additional zoning and procedural requirements prior to opening.

25 Mr. Smith then informed Ms. Joshi that Mrs. Scarborough has a picture of the fire inspection
26 permit and that it is allowed for her to come forward for staff to validate her evidence. After the
27 fire permit was reviewed, Mr. Smith informed the Board that based on the information offered, it
28 looks like the fire inspector was on the site the day before the hearing and that staff will have to
29 discuss the case with the Fire Marshal. Mr. Scarborough commented that only a light switch
30 needs to be fixed.

31 Mr. Parker asked Mr. Smith whether the KDO addresses situations where a property owner
32 leases their building to another person but the tenant does not obtain a business license. He noted
33 that business licenses typically help identify what is operating at a location. Mr. Smith explained
34 that a zoning permit essentially serves as this identifying piece since business license are no
35 longer allowed under statute. He explained that whenever a use changes or a new use is
36 established, a change in use zoning permit is required. This permit functions as a new zoning
37 permit and serves similarly to a business permit. He added that staff does not have a secondary

1 system in place to automatically notify them of such changes. Mr. Smith also noted that staff
2 frequently encounter situations where landlords lease their properties, and it is ultimately the
3 tenant's responsibility to contact the Planning Department.

4 Ms. Joshi asked that based on Mr. Kelly's statement, does the church intend to apply for a
5 permit. Mr. Scarborough said that he would have to apply for a permit and that his wife is trying
6 to pull up the lease as she has it in PDF form.

7 Mr. Bailey asked to clarify if previously, someone else had leased the building for another
8 purpose. Mr. Scarborough said it was vacant and that they saw the for-lease sign and applied. Mr.
9 Bailey then noted that Mr. Smith had mentioned a change in use. Ms. Joshi explained to Mr.
10 Bailey that Mr. Smith explained what a change in use permit is and how it is used by staff.

11 Mr. French said that if he would have been operating services for a year and a half without a
12 permit like Mr. Scarborough, he would face punishment. Mr. French also said he believes there is
13 no way that the church did not think of asking the planning department before a commitment to
14 any business. Mr. Scarborough replied that he informed Mr. Roma when asked by him what the
15 building will be used for. Mr. Scarborough revealed that when he asked Mr. Roma if he can
16 operate a church at 919 S Main St., he was told that he could. Mr. Scarborough said he does not
17 own the building and that it is documented that Mr. Roma agreed to a church operating on his
18 property, which is why they requested a fire/safety inspection on the property. Mr. Scarborough
19 claimed he is trying to be an outstanding citizen by doing the right thing based on his knowledge.

20 Mr. French stated that although he had discussed with the property owner the idea of proposing a
21 karaoke bar, he still took the responsibility to consult with the City's Planning Department to
22 ensure he could open his proposed business. He added that there was no permit on Mr.
23 Scarborough's behalf indicating to City staff that a church had been operating at the location for
24 a year and a half.

25 Mr. Lee asked both Mr. French and Mr. Scarborough to limit their testimony to factual
26 statements, noting that he understood Mr. French's claim regarding the church not having
27 obtained a permit. Mr. Lee also reminded them that neither party could speak to the other's
28 actions beyond what was presented.

29 Mr. French responded that it is known the church has been operating without a permit for a year
30 and a half. Mr. Scarborough agreed, stating that he was unaware of the church's permit
31 requirement, just as he did not know about the proposed bar, and that they were "in the same
32 common denominator."

33 Mr. French disagreed, asserting that he was not in the same position as Mr. Scarborough, since he
34 took responsibility to determine what was required to open a business in Kannapolis and did not
35 disregard any of the KDO rules or regulations.

1 Regarding closing statements, Chair Joshi stated that parties with standing also have the option
2 to offer a closing statement or rebuttal argument if they choose. As a reminder, she asked that
3 they please focus on legal arguments or statements and avoid repetition of arguments or
4 statements already heard. She asked if the Applicant or Staff or any other parties with standing
5 wish to make any such arguments/statements.

6 During deliberation and the vote, Chair Joshi asked if the Board had any further questions for
7 any of the parties or witnesses before moving into deliberation. She noted that the evidentiary
8 hearing would remain open to allow the Board to ask clarifying questions if needed.

9 Ms. Joshi inquired whether the Board had the authority or obligation to call the property owner -
10 who was not present but had issued leases to two opposing businesses - to speak on the potential
11 conflict of interest created. Mr. Lee responded that the property owner, as well as Mr. French and
12 Mr. Scarborough, all have an interest in the case. He explained that while the Board could hold
13 the discussion open to encourage the property owner's participation, he did not believe the
14 owner's testimony was necessary from an evidentiary standpoint. Mr. Lee clarified that the
15 Board's role is to determine how the case applies to the Ordinance, and lease matters are
16 separate. He further explained that the church is currently a nonconforming use, while the bar is
17 a proposed conforming use requiring a Special Use Permit (SUP), noting that although both uses
18 are permitted in the zoning district, a bar is not allowed adjacent to a church.

19 Ms. Joshi shared her opinion regarding the fourth finding of fact, stating that the claim there is
20 no assembly use nearby is inaccurate. She noted that, while there may be no official record of a
21 church, the reality is that people do gather for worship at 919 S. Main Street.

22 Mr. Lee referenced the sixth finding of fact, which states that the proposed use must comply with
23 all other applicable provisions of the City's ordinance. He explained that if both the church and
24 the proposed bar were properly permitted, the bar would have to be located within the GC
25 district. Although the GC district allows both bars and public assembly uses, it does not allow
26 them to be located adjacent to one another.

27 Ms. Joshi concluded that since the church already exists, granting the Special Use Permit (SUP)
28 would result in a situation that does not comply with the City's ordinances.

29 Mr. French asked whether the discussion implied that it would be acceptable for someone to
30 override the City's Planning Department's requirement for businesses to obtain a permit prior to
31 opening. He expressed concern that such an action would send a message allowing others to
32 bypass the permitting process and operate without a permit for extended periods, as the church
33 has done for a year and a half.

34 Ms. Joshi responded that the Board is required to make its decision based on the City's
35 ordinances and that this situation presents a conflict under those regulations. Mr. Lee added that,
36 as the Chair previously mentioned, the Board may only consider the facts presented before it. He

1 noted that an existing use has been established, even though no permit was issued for it. Mr. Lee
2 explained that staff cannot proactively investigate every nonconforming use or violation, and that
3 the church will have an opportunity to bring its use into compliance; failure to do so would
4 create a conflict under the ordinance.

5 Mr. French stated that he understood the explanation but reiterated that the church would be
6 applying for a permit after him, despite not having followed the proper procedures as he did. He
7 questioned how the church could not have known to check with the Planning Department before
8 opening and argued that he was being penalized for the church's failure to comply. Mr. French
9 added that allowing this situation to stand could encourage others to operate businesses without
10 permits, believing it to be acceptable.

11 Mr. Lee replied that it is the Board's responsibility to consider only the evidence presented and
12 not to determine whether any party acted correctly or incorrectly in the permitting process.

13 Mr. Bailey asked whether a business owner would be given a certain amount of time to come
14 into compliance with the City's code. Ms. Joshi clarified that Mr. Bailey was asking if there was
15 a path for both parties to work toward compliance and coexist within the ordinance. Mr. Bailey
16 confirmed that his question was specifically whether the church would be given an opportunity
17 to come into compliance. Ms. Joshi then asked if the City would enforce compliance for the
18 church. Mr. Smith responded that the church would become an active code case and would need
19 to apply through the Planning Department to achieve compliance.

20 Mr. Parker asked whether the property owner held any responsibility in the current situation,
21 given their knowledge of the building's occupancy through lease agreements. Mr. Lee replied
22 that the property owner does have some responsibility; however, that matter is not for the Board
23 to review, as it is between the landlord and the two tenants. He added that, since the Board must
24 consider all information presented as factual and that ignorance of the law is not a defense, it is
25 assumed that both the proposed bar and the church - as well as the landlord - are expected to
26 comply with the Kannapolis Development Ordinance (KDO). Mr. Lee emphasized that he could
27 not speak on behalf of the conversations between the landlord and the tenants, and that such
28 matters are outside the Board's purview.

29 Mr. Smith then asked, since Mr. and Mrs. Scarborough had indicated they hold a lease, whether
30 the lease specifies that the suite is to be used for church purposes. Mr. Scarborough responded
31 that his wife was attempting to locate the lease on her phone and that they had no intention of
32 breaking the law. Mr. Lee asked Mr. Scarborough to send a copy of the lease to staff. Ms.
33 Stapleton provided Ms. Scarborough with a business card so that the lease could be emailed to
34 staff.

35 Mr. Parker asked if the case could be continued until staff had an opportunity to review the lease.
36 Ms. Joshi responded that it would be important to determine the contents of the document, as the
37 lease agreement may contain vague language. She added that the Board would need to clarify

1 what specific information it is seeking before making a decision. Mr. Lee stated that the Board
2 could, in theory, vote to continue the case in order to request additional evidence.

3 Mr. Sides questioned how much the language in the lease agreement would actually affect the
4 Board's deliberation. Ms. Joshi replied that the lease would not impact Mr. Scarborough's
5 opportunity to obtain a zoning permit to bring the use into compliance. Mr. Lee added that the
6 Board does not have the authority to enforce or interpret lease agreements.

7 Mr. Dwiggin asked whether it would make a difference if the lease agreement was held by Mr.
8 Scarborough personally or by the church as an organization. Mr. Lee responded that the lease
9 may serve as evidence either supporting or opposing one of the parties but would not alter the
10 legal outcome of the case.

11 Mr. Bailey asked whether the City notifies a property owner or tenant when they are found to be
12 out of compliance and if there is a set timeframe to achieve compliance. Mr. Smith replied that,
13 as a result of this hearing, a code case would be opened since this was the first time staff had
14 become aware of the church's operation. Mr. Bailey then asked whether the Board could delay its
15 decision and, if so, what the timeframe would be. Ms. Joshi clarified that he was asking whether
16 the Board could postpone its decision knowing that the City would open a code case to allow the
17 church to obtain a zoning permit. She stated that doing so would not resolve the underlying
18 conflict. Mr. Smith added that continuing the case would provide little additional information
19 other than allowing the church to apply for a zoning permit while further delaying the applicant's
20 request.

21 Ms. Martini commented that the landlord should have informed Mr. French that a church was
22 operating in the adjacent suite and advised him to confirm whether his business could operate
23 next to a church. She noted that the evidence presented shows the church has been at the property
24 for over a year and a half.

25 Mr. Parker asked if Mr. French could reapply for the Special Use Permit (SUP) if it were denied
26 and whether doing so would be at his own cost. Mr. Smith replied that Mr. French could reapply
27 as soon as the following week under recent state statute changes, but at his own expense. Mr.
28 Bailey added that if Mr. French reapplied, the case would differ since the church's presence is
29 now documented.

30 Chair Joshi then requested a motion to accept the City's exhibits into the record, along with the
31 Fire Marshal inspection permit provided by Mr. Scarborough. The motion was made by Mr.
32 Sides, seconded by Ms. Martini, and unanimously approved.

33 Chair Joshi requested a motion to revise the Findings of Fact. The motion was made by Ms.
34 Joshi, seconded by Mr. Sides, and unanimously approved.

35 Chair Joshi then requested a motion to deny the issuance of the Special Use Permit. The motion
36 was made by Mr. Sides, seconded by Mr. Dwiggin, and unanimously approved.

BOA-2025-20 – Variance – 602 Peach St.

Mr. Sides mentioned he would have to leave and asked if he could excuse himself. Mr. Lee confirmed with Ms. Joshi that there will still be enough Board members for the variance. Mr. Lee explained to the applicant, Ms. Stafford, that she has the option to continue the variance if she would like all Board members to hear her case. Ms. Stafford said she would like her case to be heard.

Chair Joshi opened the evidentiary hearing for Application Number 2025-20 requesting a variance for property located at 602 Peach St., specifically to allow the existing detached garage to be located in the front yard of the property. This variance request is being considered in accordance with Section 5.2.1.5.2 of the KDO. The KDO authorizes this Board to grant a variance if the following four standards are met:

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

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

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

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

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

Chair Joshi stated: are there any other individuals aside from the Staff and Applicant wishing to participate as a party in this case? As a reminder, a party is different than an individual who wishes to speak or provide public comment or testimony. Anyone is welcome to testify.

However, only an individual with standing has the right to participate as a party and present evidence, call witnesses, and make legal arguments. Aside from the Staff and the Applicant, is there anyone wishing to be a party in this matter? No party was present to testify.

Chair Joshi said that the Board is ready to hear from staff concerning the case and confirmed with Ms. Stapleton that he was previously sworn.

1 Ms. Stapleton gave a presentation regarding case BOA-2025-20, which was entered into the
2 record as Exhibit 2. She mentioned the applicant/property owner is Susan Stafford, the site is
3 approximately 0.26 acres, the zoning district is Residential 8 (R8), and that the applicant is
4 requesting to allow the existing detached garage to remain in the front yard. Ms. Stapleton
5 informed that the site was previously zoned Residential Village (RV) under the Unified
6 Development Ordinance (UDO) and the garage was constructed by a licensed contractor without
7 permits or inspections in 2022. Ms. Stapleton also informed that the UDO Section 5.2.1.5.2
8 stated that detached accessory buildings shall not be located in the front yard. The UDO defined
9 the front yard as “between the street and a line drawn parallel to the street from the point of the
10 dwelling that is closest to the street.” She noted that the future land use of the property is Urban
11 Residential with its primary uses of retail, office, and multi family; secondary uses are light
12 manufacturing, institutional/civic, and single-family attached residential. Ms. Stapleton showed a
13 street view, plot plan, and drone footage. She detailed that the RV zoning district minimum front
14 setback was 20 feet while R8 minimum required front setback is only 10 feet; the garage has
15 approximately a 32-foot front setback.

16 Ms. Stapleton reviewed staff findings of fact as follows:

17 **1. Unnecessary hardship would result from the strict application of the ordinance.**

18 **It shall not be necessary to demonstrate that, in the absence of the variance, no**
19 **reasonable use can be made of the property.**

20 The applicant indicates that, without the requested variance, the detached garage will
21 need to be removed, which would result in financial loss and hardship.

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

28 The applicant relied on their licensed contractor to obtain all necessary approvals,
29 permits, and inspections.

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

34 The applicant relied on her licensed contractor to obtain all necessary permits prior to
35 installing the detached garage.

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

38 This request is consistent with the spirit, purpose, and intent of the ordinance. The
39 proposed variance will not compromise public safety and will ensure that

1 substantial justice is achieved while maintaining the integrity of the ordinance. The
2 detached garage does meet the front yard setbacks for a principal structure, it is
3 approximately thirty (30) feet from the front property line, it is separated by more than
4 three (3) feet from the single-family residence and is aesthetically compatible with the
5 single-family residence.

6 Based on the above findings, Ms. Stapleton stated that staff was supportive of the requested
7 variance. However, she noted that the Board of Adjustment should consider all facts and
8 testimony presented during the hearing and render a decision accordingly. She then made herself
9 available for questions.

10 Neither the Board nor the applicant had any questions for staff, and the applicant was asked to
11 step forward.

12 Susan Stafford, 602 Peach Street, confirmed that she had been sworn in and identified herself as
13 the property owner. Ms. Stafford explained that she hired a reputable builder operating across
14 North Carolina to construct her garage, and that the builder subcontracted the work to another
15 company. She stated that she was unaware the contractor had failed to obtain permits until she
16 attempted to sell the adjacent lot she owns. She ultimately decided not to sell, as doing so would
17 have rendered her property nonconforming. Ms. Stafford added that the garage is anchored to a
18 concrete foundation, there is no alternative location on her property to move it, and removing the
19 structure would cause her significant financial hardship.

20 Mr. Bailey asked whether Ms. Stafford had hired a contractor and instructed them to handle all
21 necessary requirements for the project. Ms. Stafford confirmed that she had, expressing
22 frustration, that the contractor failed to obtain the required permits. Mr. Bailey commented that,
23 while he did not intend to sound harsh, it is ultimately the property owner's responsibility to
24 ensure that proper permits are obtained. Ms. Stafford replied that she had trusted the contractor's
25 assurance that all permitting would be handled, and that the subcontractor crew began work
26 immediately. She stated that she believed the original contractor had obtained a permit. Mr.
27 Bailey asked whether she had received any complaints from neighbors. Ms. Stafford responded
28 that she had not received any complaints, only compliments.

29 Ms. Joshi asked when the garage was built, and Ms. Stafford replied that it was constructed in
30 the spring of 2022. Mr. Bailey asked whether the structure would have been compliant under the
31 ordinance in effect at that time or if regulations had since changed. Mr. Smith explained that the
32 garage would not have complied under either the previous or current ordinance.

33 Ms. Joshi asked what would have occurred if the contractor had applied for a permit. Mr. Smith
34 stated that staff would have informed them that the garage needed to be attached to the primary
35 structure due to the zoning district and its placement in the front yard. If it had been attached, it
36 would not be considered an accessory structure.

1 Mr. Bailey asked whether the garage could be attached to the house. Mr. Smith explained that the
2 Board could either grant the variance, require the garage to be attached to the house, or require
3 its removal for the property to achieve compliance.

4 Ms. Martini asked whether the garage meets setback requirements and whether the only issue
5 was its placement. Mr. Smith confirmed that the garage meets required setbacks but noted that, to
6 be compliant, it would need to be attached or located in the backyard since it is considered an
7 accessory structure.

8 Mr. Parker asked for clarification on what qualifies a structure as “attached.” Mr. Smith replied
9 that the walls of both the house and the garage would need to be physically connected.

10 During closing statements, Chair Joshi reminded all parties with standing that they may offer a
11 closing statement or rebuttal argument, focusing on legal points and avoiding repetition of prior
12 statements. She then asked if the applicant, staff, or any other parties with standing wished to
13 make such arguments or statements.

14 During deliberation and voting, Chair Joshi asked if the Board had any additional questions for
15 any of the parties or witnesses before moving into deliberation. She noted that the evidentiary
16 hearing would remain open to allow the Board to ask clarifying questions if needed.

17 Ms. Joshi stated that she agreed with staff on Findings of Fact Nos. 3 and 4, which acknowledge
18 that the property owner relied on her licensed contractor to obtain all necessary permits prior to
19 construction. Mr. Bailey noted that none of Ms. Stafford’s neighbors had filed complaints about
20 the garage, which supported her case.

21 Ms. Joshi asked what would occur if Ms. Stafford decided to sell her property and whether a new
22 property owner would need to apply for another variance. Mr. Smith replied that a new variance
23 would not be required.

24 With no additional questions or comments from staff or the applicant, Chair Joshi closed the
25 public hearing.

26 Chair Joshi requested a motion to accept the City’s exhibits into the record. Mr. Parker made the
27 motion, seconded by Ms. Martini, and the motion was unanimously approved.

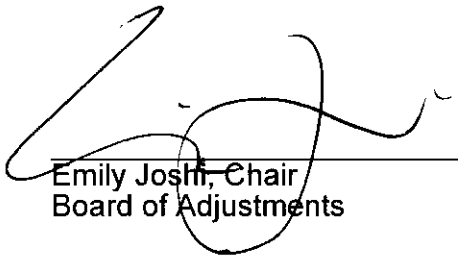
28 Chair Joshi requested a motion to approve the Findings of Fact. Mr. Dwiggin made the motion,
29 seconded by Ms. Martini, and the motion was unanimously approved.

30 Chair Joshi then requested a motion to approve the issuance of the variance. Mr. Parker made the
31 motion, seconded by Ms. Martini, and the motion was unanimously approved.

32 Finally, Chair Joshi requested a motion to issue the Order of Approval. Ms. Joshi made the
33 motion, seconded by Mr. Dwiggin, and the motion was unanimously approved.

34 **PLANNING DIRECTOR UPDATES**

- 1 Mr. Smith informed the Board that Ms. Mia Alvarez and Ms. Stapleton have switched the Boards
- 2 they staff and Ms. Stapleton would not be working with the Board of Adjustment.
- 3 **ADJOURN**
- 4 There being no further business, Chair Joshi made the motion to adjourn, which was made by
- 5 Mr. Dwiggins, second by Ms. Martini and the motion was unanimously approved.
- 6 The meeting was adjourned at 7:57 PM on Tuesday, October 7, 2025.



Emily Joshi, Chair
Board of Adjustments



Zulema Anderson, Planning Technician
Board of Adjustments



**Board of Adjustment
October 7, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-19: Special Use Permit – 917 S. Main St.
Applicant: Joseph French

Request for a Special Use Permit to allow for a bar at 917 S. Main St.

A. Actions 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.

B. Required Votes to Pass Requested Action

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

C. Background

The applicant, Joseph French, is requesting a Special Use Permit (SUP) to allow the operation of a bar within the General Commercial (GC) zoning district. The request applies to approximately ± 0.35 acres located at 917 S. Main Street, further identified as Cabarrus County Parcel Identification Number 56135476600000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a SUP is required for the use of a Bar within the GC zoning district.

D. Fiscal Considerations

None

E. 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

☒☐

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 "Urban Residential" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. While the primary uses in this character area are intended to be single-family residential and civic, with secondary uses including multi-family, small-format office, retail, and live-work, this portion of the area is composed primarily of small- to medium-scale commercial developments. Existing neighboring uses include restaurants and various retail establishments.

Given the existing development pattern in this portion of the Urban Residential Character Area, the proposed bar is compatible with both the surrounding uses and the intent of the future land use plan.

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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 bar is not expected to create traffic hazards or increase congestion on public roads. Adequate on-site parking is provided, and ingress and egress are designed to minimize potential traffic conflicts.

☒☐

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 bar is expected as a result of this proposed use.

☒☐

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 bar is compatible with the surrounding commercial uses. The use of a bar shall also comply with the following standards specific to a bar or nightclub according to section 4.2.D:

Bars and nightclubs shall comply with the standards in this section, unless located completely within a hotel or motel and occupying not more than 25 percent of the gross floor area of the hotel or motel.

(a) A bar or nightclub shall not be established within 200 feet of any of the following:

1. A Residential zoning district;

2. A private, charter, or parochial school or a public school;
3. A childcare center;
4. An indoor public assembly use; or
5. An existing bar or nightclub.

(b) The minimum distance in subsection (a) above, shall be measured from the outer building walls of the proposed use to the nearest property line of the other use.

(c) The application shall include a floor plan of the building in which the bar or nightclub is proposed to be located. The floor plan shall delineate separately the areas of the building which are used for the dispensing of food and beverages, entertainment, and/or dancing.

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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.

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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 all other applicable local, state, and federal regulations. Staff has confirmed that the use-specific standards have been met, including the required distance from a residential zoning district. The applicant understands that, unless specifically relieved of a requirement in writing, all KDO requirements must be met.

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

The applicant has indicated that they will provide written consent to all Conditions of Approval associated with this Special Use Permit.

F. 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 six findings as outlined below 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 public hearing), alternate findings need to be included as part of the six 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.

Yes

No

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☐

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.
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☐	☐	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.
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☐	☐	The applicant consents in writing to all conditions of approval included in the approved special use permit.
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G. Recommendation

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 Evidentiary Hearing and render a decision accordingly to approve, approve with conditions, or deny the Special Use Permit.

H. Attachments

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

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

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: 917 S. Main St. Kannapolis NC 28081

Applicant: Joseph French

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ SUP Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the proposed use
- ☒ Fee: \$650.00 (\$600 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 (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, 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: 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: [Signature] Date: 9.3.2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Joseph French

Address: 917 S. Main ST.

Kannapolis NC 28081

Phone: 704.492.4914

Email: JoeFrench122@gmail.com

Property Owner Contact Information

☐ same as applicant

Name: Rama Gottumukkala

Address: 917 S. Main ST.

Kannapolis NC 28081

Phone: 704.907.4813

Email: 11 Union St. N. Suite 11204
Concord NC 28025

Project Information

Project Address: 917 South Main ST.

Zoning District Select

Parcel PIN: _____

Size of property (in acres): _____

Buildings – 5,000 SF

Current Property Use: Vacant

Proposed Use: Karaoke Bar

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):

Karaoke – Sports Bar –

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.

Various Businesses are Conducive to Bringing
Business to establishment

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

*There are driveways and Parking lots
with easy access in and out*

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

will not be noxious

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.

*it will NOT impede the orderly or
improvement of surrounding Properties.*

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

No

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

*it will comply with all Kannapolis
Development Ordinance (KDO)*

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

*yes I will Consent in Writing to
all Conditions*

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.

[Signature]
Applicant Signature

9.3.2025

Date

[Signature]
Property Owner Signature

9-3-2025

Date

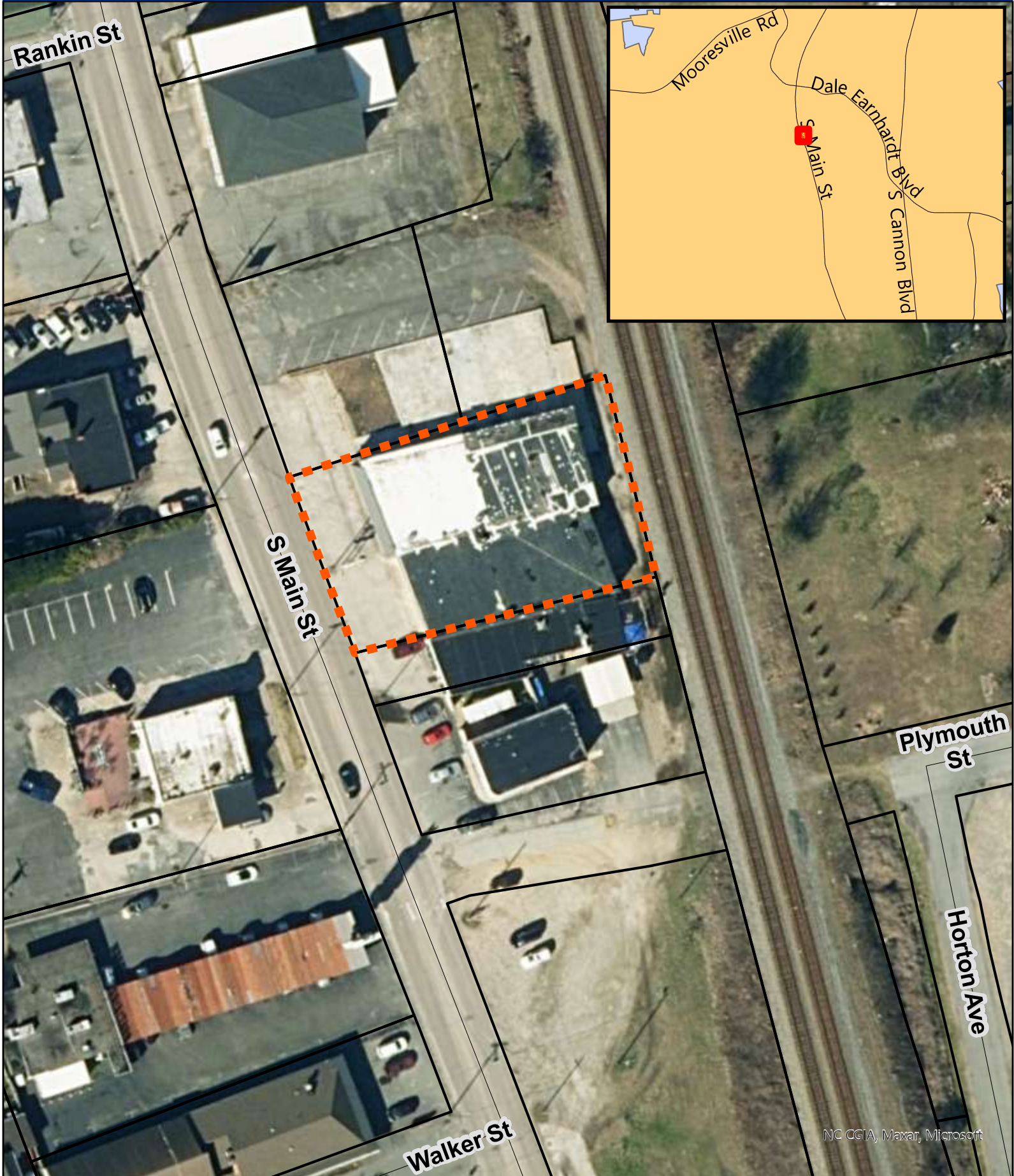


Vicinity Map

Case Number: BOA-2025-19

Applicant: Joseph French

917 S Main





Kannapolis Current Zoning

Case Number: BOA-2025-19

Applicant: Joseph French

917 S Main

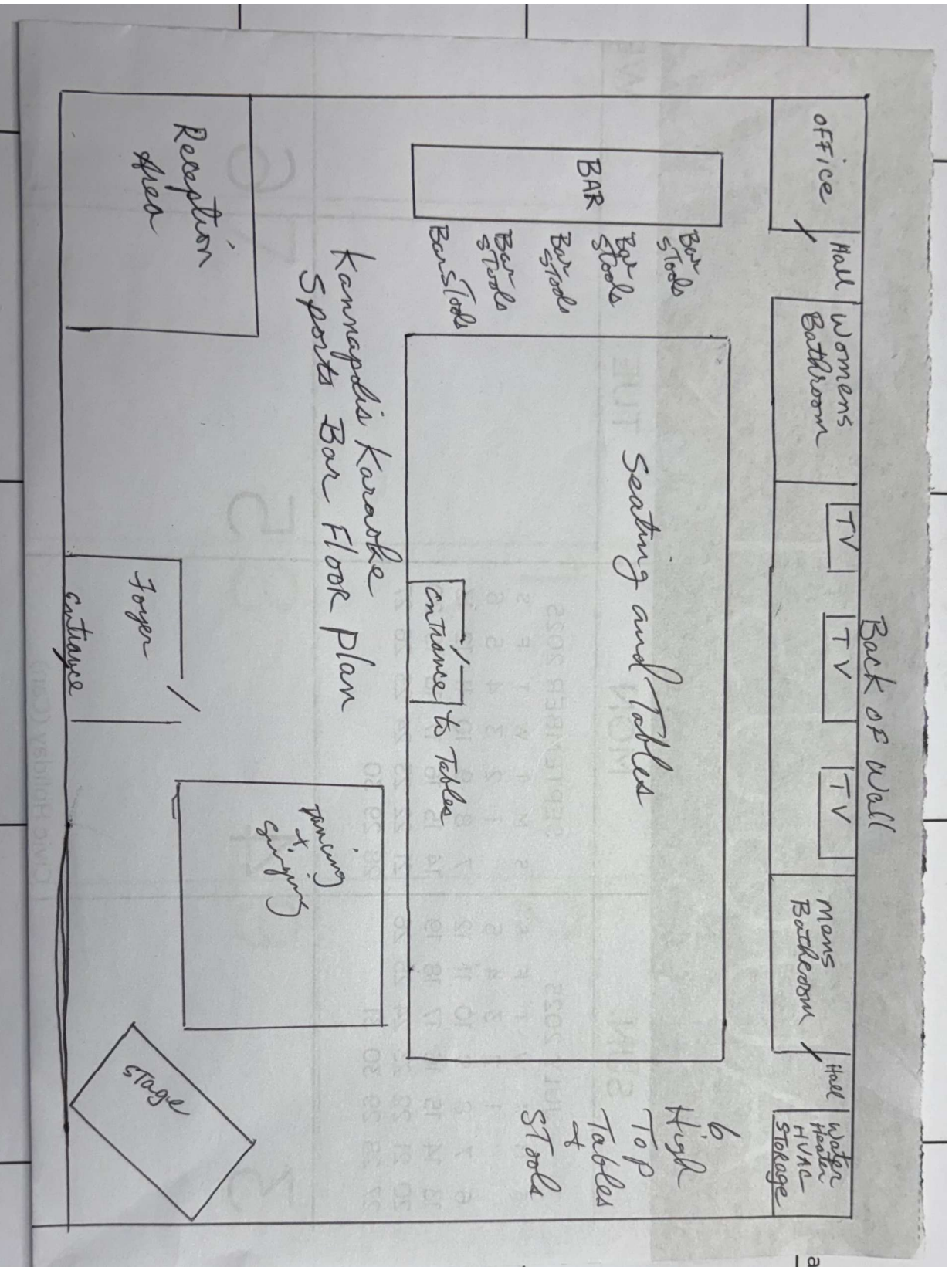




Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-19
Applicant: Joseph French
917 S Main





AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
LOPEZ NICOLAS		PO BOX 309		KANNAPOLIS	NC	28082
BOUJIL NADIA		7637 WOODKNOLL DR		CHARLOTTE	NC	28217
NOLAN PROPERTIES LLC		9353 CUB RUN DR		CONCORD	NC	28027
NORTH CAROLINA RAILROAD CO	A NC CORP	2809 HIGHWOODS BLVD STE 100		RALEIGH	NC	27604
NV REALTY LLC		4873 ANNELISE DR		HARRISBURG	NC	28075
NV REALTY LLC		4873 ANNELISE DR		HARRISBURG	NC	28075
PRIME INVESTMENTS LLC		15400 GROVELAND ST		HUNTERSVILLE	NC	28078
GOLDEN GINA GRIFFIN	STIREWALT JO ANGELA	10475 OLD CONCORD RD		CHINA GROVE	NC	28023
RODRIGUEZ NANCY DOMINGUEZ	DOMINGUEZ ELENA G ALVAREZ	828 S RIDGE AVE		KANNAPOLIS	NC	28083
RODRIGUEZ ALVARO		155 MCWOOD DR		CHINA GROVE	NC	28023
MIDDLETON LANCE M	MIDDLETON FRANCES J	1132 N WINDSOR DR		KANNAPOLIS	NC	28081
NV REALTY LLC		4873 ANNELISE DR		HARRISBURG	NC	28075
LOPEZ NICOLAS		PO BOX 309		KANNAPOLIS	NC	28082
FINGER J R & COMPANY INC		945 COVENTRY ROAD		KANNAPOLIS	NC	28081
HOLBROOKS GENE S	HOLBROOKS GENE S ESTATE	C/O HOLBROOKS FAMILY TRUST	1204 WOODACRES CIR	KANNAPOLIS	NC	28081
CALEB HOMES PROPERTIES INC		254 SCOTTRIDGE DR		CHARLOTTE	NC	28217
LEE BRANDON SCOTT	LEE SABRINA MILLER WF	1045 NAOMI CT		KANNAPOLIS	NC	28083
HALL JASON	HALL JASON ESTATE	358 W CENTRAL RD		COLDWATER	MI	49036
F&K CONSTRUCTION LLC		11308 LIMEHURST PL		CHARLOTTE	NC	28278



September 19, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial hearing on Tuesday October 7, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-19 – Special Use Permit – 917 S. Main St.

The purpose of this hearing is to consider a request for a Special Use Permit (SUP) to allow a bar at 917 S. Main Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a bar in the General Commercial (GC) zoning district. The subject property is approximately 0.35 acres and is further identified as Cabarrus County Parcel Identification Number 56135476600000. **(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 public 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

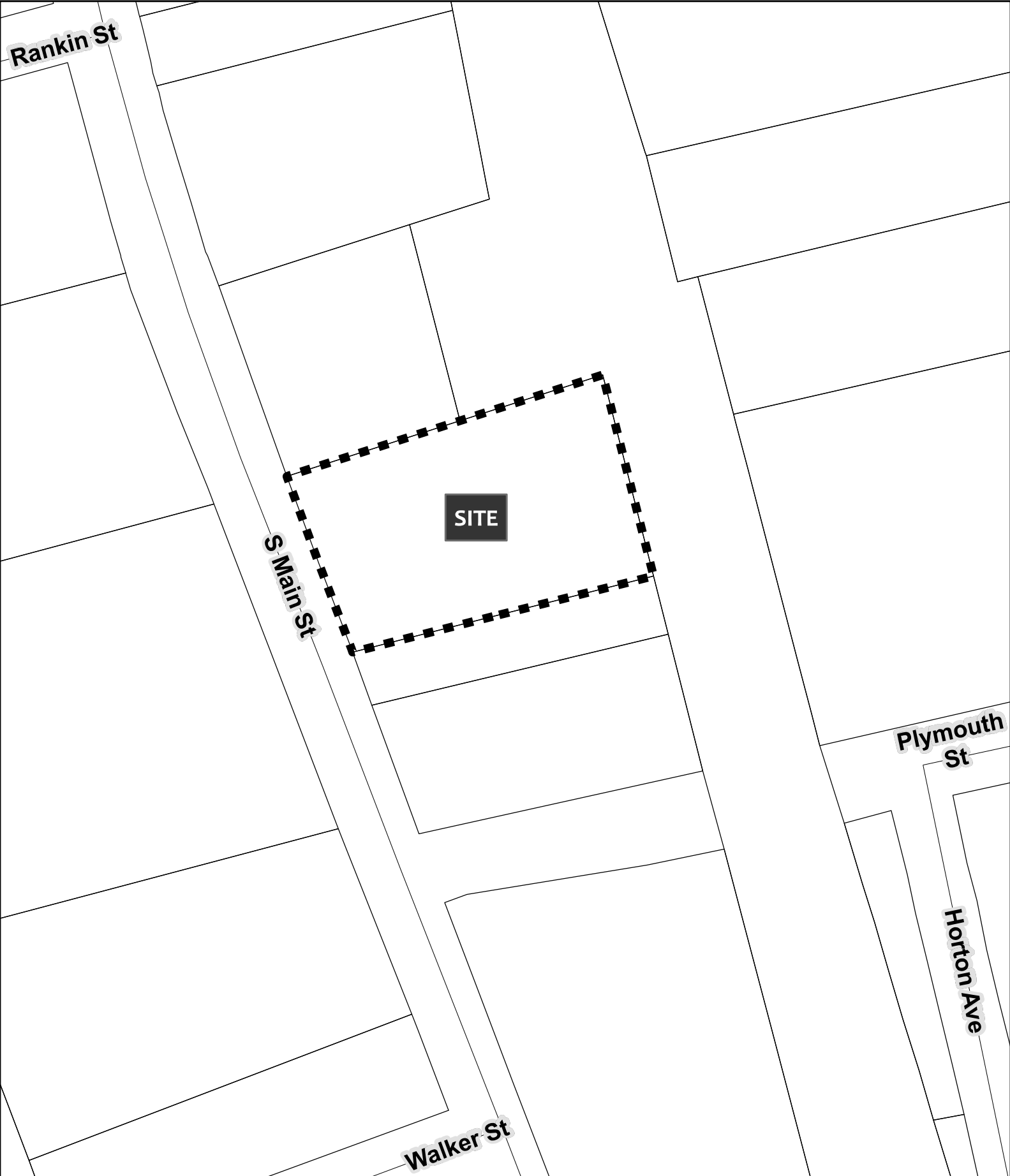
Enclosure

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-2025-19
Applicant: Joseph French
917 S Main





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # APP - 2025 -19

Midnight
Car Wash

TAYLOR
RDEN SU

S 29

John Deere
S290T

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

**IN RE: 917 S. Main Street
Kannapolis, NC 28081
Applicant: Joseph French**

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:
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APPLICATION # 2025-19-BOA

**ORDER DENYING A
SPECIAL USE PERMIT**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the “Board”) having held a quasi-judicial hearing on Tuesday October 7, 2025, to consider Application Number 2025-19 BOA submitted by Joseph French (the “Applicant”), determined:

The Applicant is requesting a Special Use Permit (SUP) to allow the operation of a bar within the General Commercial (GC) zoning district. The request applies to approximately ±0.35 acres located at 917 S. Main Street, Kannapolis, NC 28081, further identified as Cabarrus County Parcel Identification Number 56135476600000 (the “Property”).

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), a SUP is required for the use of a bar within the GC zoning district.

The following were accepted into evidence and constitute a part of the record in this matter:

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

The Board considered the approval criteria set out in Section 2.5.A(5) of the Kannapolis Development Ordinance.

The Board also considered sworn testimony from the Applicant, Senior Planner Ben Barcroft, Planning Director Richard Smith, and Pastor Eddie Scarborough

Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. The establishment of the proposed use will impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
 - a. Based upon the exhibits, testimony and other evidence presented, the proposed bar is not compatible with the surrounding commercial uses; specifically, the proposed use is within 200 feet of an indoor public assembly use.
 - b. The use as a bar shall require compliance with the following standards specific to a bar or nightclub pursuant to section 4.2.D of the KDO:

Bars and nightclubs shall comply with the standards in this section, unless located completely within a hotel or motel and occupying not more than 25 percent of the gross floor area of the hotel or motel.

(a) A bar or nightclub shall not be established within 200 feet of any of the following:

1. A Residential zoning district;
2. A private, charter, or parochial school or a public school;
3. A childcare center;
4. An indoor public assembly use; or
5. An existing bar or nightclub.

(b) The minimum distance in subsection (a) above, shall be measured from the outer building walls of the proposed use to the nearest property line of the other use.

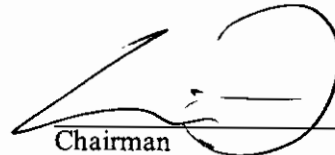
(c) The application shall include a floor plan of the building in which the bar or nightclub is proposed to be located. The floor plan shall delineate separately the areas of the building which are used for the dispensing of food and beverages, entertainment, and/or dancing.

- c. Based upon the exhibits, testimony and other evidence presented, Transforming Life Church Charlotte, occupies the space adjoining the property with an address of 919 S. Main Street, Kannapolis, NC. The church shares a wall and a point of ingress and egress with the proposed bar.
 - d. Although the church does not have an existing zoning compliance permit, the church is an indoor public assembly use under the KDO. Further, based upon testimony and evidence provided, the church has undergone a recent inspection by the Kannapolis Fire Marshal.
2. Based upon the exhibits, testimony and other evidence presented the proposed use does not comply with applicable provisions of the KDO.

Based on the above Findings of Fact, the Board **denies** the SUP for Application Number 2025-19 BOA.

This the 4th day of November 2025.


Secretary


Chairman



**Board of Adjustment
October 7, 2025 Meeting**

Staff Report

TO: Board of Adjustment
FROM: Kathryn Stapleton, Planner
SUBJECT: Case# BOA-2025-20: Variance – 602 Peach St.
Applicant: Susan Stafford

Request for a variance pursuant to Section 5.2.1.5.2 of the Kannapolis Unified Development Ordinance (UDO). The applicant is requesting to allow the existing detached garage to remain located in the front yard in the Residential 8 (R8) zoning district for property located at 602 Peach St., and more specifically identified as Cabarrus County Parcel Identification Number 5613940276000.

A. Actions 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 Variance.
3. Motion to approve (deny) the issuance of the Variance.
4. Motion to Issue Order of Approval.

B. Required Votes to Pass Requested Action

A supermajority (4/5) vote is required to grant the requested variance.

C. Background

The applicant, Susan Stafford, is requesting a variance to allow the existing detached garage to remain in the front yard. The UDO was in effect when this garage was constructed and was zoned Residential Village (RV). Per Section 5.2.1.5.2 of the UDO, for residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. The UDO defined the front yard as "between the street and a line drawn parallel to the street from the point of the dwelling that is closest to the street." The entirety of the detached garage is located in the front yard.

This property, 602 Peach St., is currently zoned Residential 8 (R8) under the KDO and is approximately 0.26 +/- acres. The property is more specifically identified as Cabarrus County Parcel Identification Number 5613940276000.

The applicant states they were not aware of the zoning requirements and relied on their licensed contractor to obtain the necessary permits and inspections to construct the detached garage. The contractor did not obtain any permits nor request any inspections.

D. Fiscal Considerations

None

E. Policy Issues

Section 2.5.D(1)d.1(a) of the KDO requires that the Board of Adjustment shall only grant a variance on finding the applicant demonstrates all of the following:

Staff Findings of Fact - Based on application review:

Yes No

☒☐

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

The applicant indicates that, without the requested variance, the detached garage will need to be removed, which would result in financial loss and hardship.

☒☐

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

The applicant relied on their licensed contractor to obtain all necessary approvals, permits, and inspections.

☒☐

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

The applicant relied on her licensed contractor to obtain all necessary permits prior to installing the detached garage.

☒☐

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

This request is consistent with the spirit, purpose, and intent of the ordinance. The proposed variance will not compromise public safety and will ensure that substantial justice is achieved while maintaining the integrity of the ordinance. The detached garage does meet the front yard setbacks for a principal structure, it is approximately thirty (30) feet from the front property line, it is separated by more

than three (3) feet from the single-family residence, and is aesthetically compatible with the single-family residence.

F. Legal Issues

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

In order to determine whether a variance is warranted, the Board must decide that each of the four criteria outlined below have been met. If the Board concurs completely with the finds 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 four criteria below. Should a variance be approved, the Board may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

Yes

No

☐☐

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

☐☐

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

☐☐

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

☐☐

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

G. Recommendation

Based on the above findings, staff is supportive of the requested variance. However, the Board of Adjustment should consider all facts and testimony after conducting the hearing and render a decision accordingly.

H. Attachments

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

I. Issue Reviewed By:

Planning Director	X
City Attorney	X
Assistant City Manager	X



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

VARIANCE APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: SUSAN PAGE STAFFORD
Address: 602 PEACH ST
KANNAPOLIS, NC 28083
Phone: 704-390-1918
Email: STAFFORD67@gmail.com

Property Owner Contact Information ☒ Same as applicant

Name: _____
Address: _____
Phone: _____
Email: _____

Project Information

Project Address: 602 PEACH ST. Zoning District Select

Parcel PIN: 5613 94 0203 0000 Size of property (in acres): _____
5613 94 0276 0000

I, SUSAN PAGE STAFFORD, hereby petition the Board of Adjustment for a Variance from the literal provisions of the Unified Development Ordinance because, under the interpretation given to me by the Planning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the plot plan attached.

Ordinance provision(s) from which a variance is requested: ACCESSORY GARAGE detached
in front of home

This is what I want to do (attach separate sheet if necessary): I want LEAVE the GARAGE where
it is

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Variance. The Board is required to reach four conclusions before it may issue a Variance. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions:

1. Unnecessary hardship would result from the strict application of the ordinance.

It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property. [It is *not* sufficient that failure to grant the Variance simply makes the property less valuable.] (State facts and arguments in support of this conclusion)

THE BANK WILL NOT GIVE US A PARTIAL LIEN RELEASE WITHOUT
KEEPING THE GARAGE AS PART OF THE HOUSE



Variance Application

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.

VARIANCE REQUEST

Variance – Request for Variance as required by Section 2.5.D of the Kannapolis Development Ordinance (KDO).

Approval authority – Board of Adjustment

Property Address: 602 Peach St Kannapolis, NC 28083

Applicant: Susan P. Stafford

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ Variance Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the variance
- ☒ 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.

Scope of Approval: A concurring vote of four-fifths of the members of the Board shall be necessary to grant a variance. A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in NCGS §160D-705(d). (See Variance application for hardship criteria.).

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: Susan P. Stafford

Date: 09/17/25

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance. (State facts and arguments to show that the Variance requested represents the least possible deviate from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the Variance is granted, will not substantially detract from the character of the neighborhood.)

The GARAGE WAS PLACED SO AS TO HAVE IMMEDIATE ACCESS
FROM THE ROAD

3. The hardship did not result from actions taken by the applicant or the property owner.

The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (State facts and arguments in support of this conclusion.)

BUILDER WAS RESPONSIBLE FOR RETAINING PERMITS

4. The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(State facts and arguments to show that, on balance, if the Variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

IF GARAGE IS REMOVED HOUSE WILL GO INTO FORECLOSURE

I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief.

Devin P. Hutto
Applicant Signature

09/17/25
Date

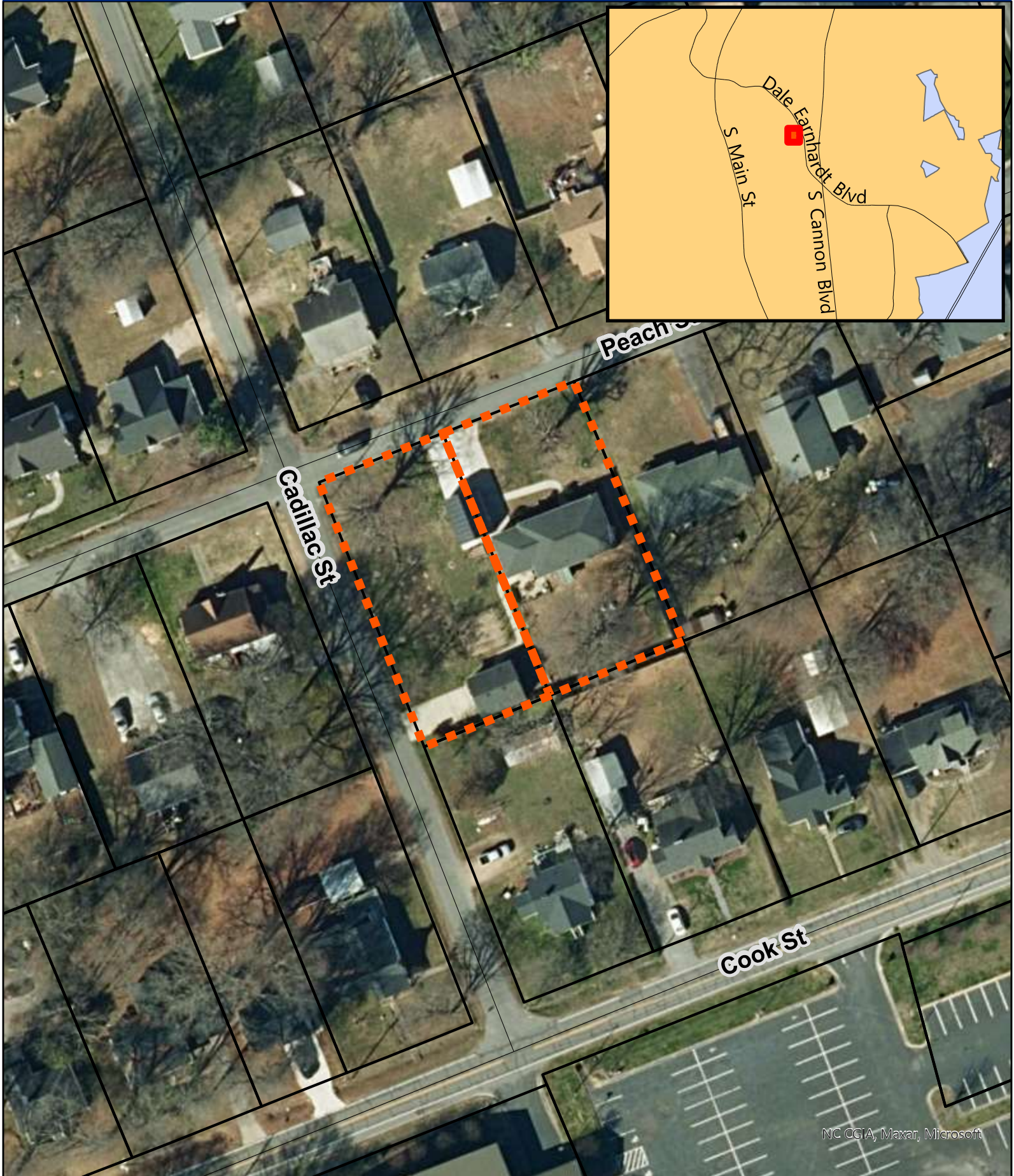
Devin P. Hutto
Property Owner Signature

09/17/25
Date



Vicinity Map

Case Number: BOA-2025-20
Applicant: Susan Page Stafford
602 Peach St





Kannapolis Current Zoning

Case Number: BOA-2025-20
Applicant: Susan Page Stafford
602 Peach St

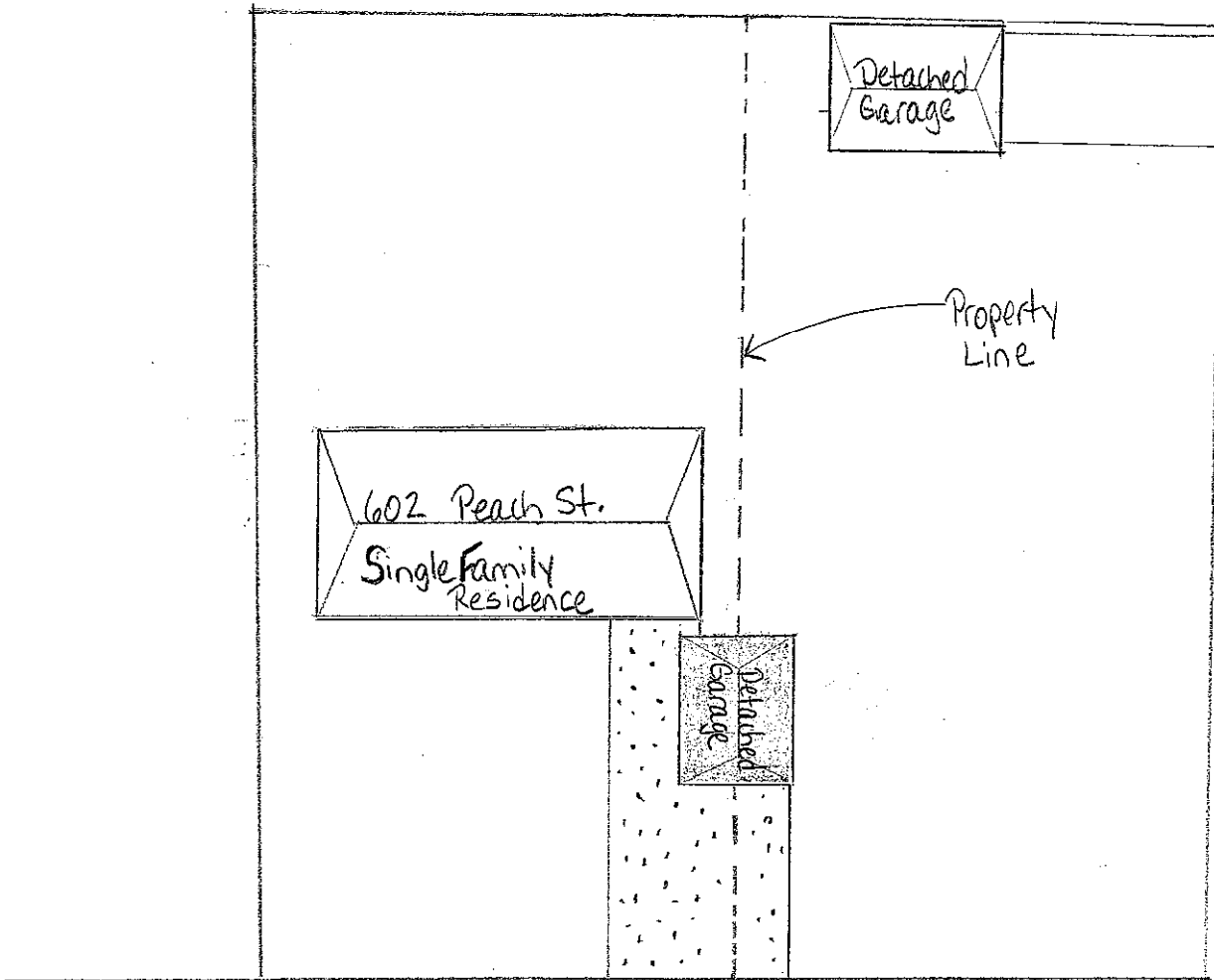
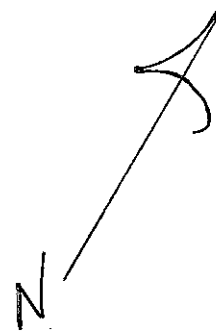
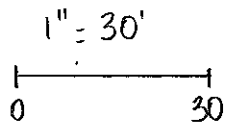




Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-20
Applicant: Susan Page Stafford
602 Peach St





Cadillac Ave.

Peach St.

AcctName1	AcctName2	MailAddr1	MailCity	MailState	MailZipCod
DEVENNEY FAITH		507 PEACH ST	KANNAPOLIS	NC	28083
CLARK ANTHONY D & WIFE WANDA H		506 PEACH STREET	KANNAPOLIS	NC	28083
WATTS BILLY EUGENE		1594 OAKWOOD AVE	KANNAPOLIS	NC	28081
COX SANDRA R		4721 ISENHOUR RD	KANNAPOLIS	NC	28081
MATTHEWS HEATHER ALYSSA	MATTHEWS JONATHAN LINWOOD HSB	507 COOK ST	KANNAPOLIS	NC	28083
MASON MICHAEL		601 PEACH ST	KANNAPOLIS	NC	28083
RS RENTAL III-B LLC		199 LAFAYETTE ST FL 7	NEW YORK	NY	10012
CHRISTY RICHARD E		505 PEACH ST	KANNAPOLIS	NC	28083
WILLIAMS WANDA U		602 CHARLES ST	KANNAPOLIS	NC	28083
FLOYD GREENE FAMILY	LIMITED PARTNERSHIP RLLLP	PO BOX 220	OAK ISLAND	NC	28465
HUNTER DONALD F JR	AMMONS VIOLA H ESTATE	600 CHARLES ST	KANNAPOLIS	NC	28083
AUTEN TENNIA FURR		511 COOK ST	KANNAPOLIS	NC	28083
MORROW FAYE N		605 COOK STREET	KANNAPOLIS	NC	28083
S2COR99 LLC		364 WELLINGTON ESTATES DR	CHINA GROVE	NC	28023
SMITH WILL R	SMITH MELISSA H WF	6551 KLUTTZ RD	CONCORD	NC	28025
SHORE RONALD D	SHORE PENELOPE M WF	5025 ENOCHVILLE RD	KANNAPOLIS	NC	28081
PLC - NC HOLDINGS II INC		909 FANNIN ST STE 2300	HOUSTON	TX	77010
MORRIS TIMOTHY JOE &	WIFE DENISE E	PO BOX 1734	WELCOME	NC	27374
HALL DELORES B		1670 DALE EARNHARDT BLVD	KANNAPOLIS	NC	28083
S2COR99 LLC		364 WELLINGTON ESTATES DR	CHINA GROVE	NC	28023
BOBBITT RYAN A	DZIUBCZYNSKI JESSICA	601 COOK ST	KANNAPOLIS	NC	28083
SPRINGER COURTNEY GAYLE		603 COOK ST	KANNAPOLIS	NC	28083
ROBSON TIMOTHY EDWARD TRUSTEE	ROBSON DEBORAH SEAGROVES TRUSTEE	5316 RANDOLPH RD	KANNAPOLIS	NC	28081
MURPHY RALPH E	MURPHY NAUMI V	605 PEACH ST	KANNAPOLIS	NC	28083
CRAYTON BRIAN J TRUSTEE	CRAYTON JOLENE C TRUSTEE	606 PEACH ST	KANNAPOLIS	NC	28083
SPEAGLE MELISSA DALE	SPEAGLE CHRISTOPHER SPOUSE	604 CHARLES ST	KANNAPOLIS	NC	28083
ROY JANYCE W		520 CHARLES ST	KANNAPOLIS	NC	28083
WHITLEY W H & SONS		PO BOX 43	KANNAPOLIS	NC	28082
WILLIAMS SHARON AND	STAFFORD SUSAN P	602 PEACH STREET	KANNAPOLIS	NC	28083
WILLIAMS SHARON AND	STAFFORD SUSAN P	602 PEACH STREET	KANNAPOLIS	NC	28083



September 22, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial hearing on Tuesday October 7, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-20 – Variance – 602 Peach St.

The purpose of this hearing is to consider a variance request under the Kannapolis Unified Development Ordinance Section 5.2.1.5.2 for property located at 602 Peach St. The applicant seeks a variance from the Accessory Uses and Structures - Location requirement, specifically to allow the existing detached garage to be located in the front yard.

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 kstapleton@kannapolisnc.gov.

Sincerely,

Kathryn Stapleton, CZO
Planner

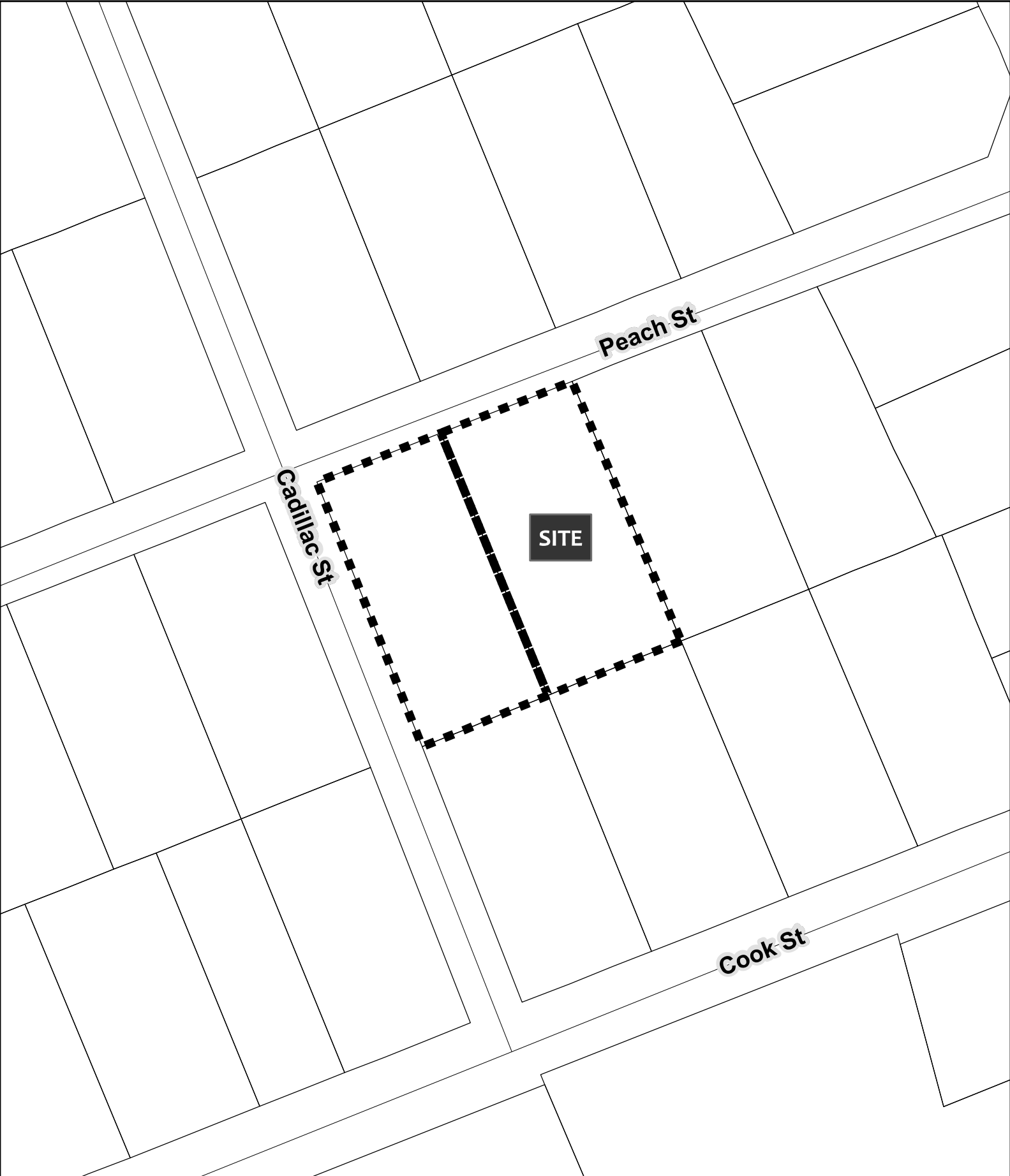
Enclosure

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.



Variance

Case Number: BOA-2025-20
Applicant: Susan Page Stafford
602 Peach St



St
600

WARNING
NEIGHBORHOOD
PAVING AREA



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE #BOA - 2025 -20

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

IN RE: 602 Peach Street
Kannapolis, NC 28083
Applicant: Susan Stafford

APPLICATION # BOA-2025-20

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**ORDER GRANTING
VARIANCE**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the "Board") having held a quasi-judicial hearing on Tuesday October 7, 2025 to consider Application Number BOA-2025-20 submitted by Susan Stafford (the "Applicant"), determined:

The Applicant is requesting a variance to allow the existing detached garage to remain in the front yard of the real property being approximately 0.26 ± acres, located at 602 Peach Street, Kannapolis, NC 28083, and identified as Cabarrus County Parcel Identification Number 5613940276000 (the "Property"). The UDO was in effect when this garage was constructed and the Property was zoned Residential Village (RV). Per Section 5.2.1.5.2 of the UDO, for residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. The UDO defined the front yard as "between the street and a line drawn parallel to the street from the point of the dwelling that is closest to the street." The entirety of the detached garage is located in the front yard. This Property is currently zoned Residential 8 (R8) under the KDO.

The applicant states they were not aware of the zoning requirements and relied on their licensed contractor to obtain the necessary permits and inspections to construct the detached garage. The contractor did not obtain any permits nor request any inspections.

The Board of Adjustment shall only grant a variance after careful consideration of approval criteria as set forth pursuant to Section 2.5.D(1)d.1(a) of the KDO.

The following were accepted into evidence and constitute a part of the record in this matter:

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

The Board considered the approval criteria set out in Section 2.5D(1) d.1(a) of the Kannapolis Development Ordinance.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. Unnecessary hardship would not result from the strict application of the ordinance.

The applicant indicates that, without the requested variance, the detached garage will need to be removed, which would result in financial loss and hardship.

2. The hardship results from conditions that are peculiar to property, such as location, size, or topography.

The applicant relied on their licensed contractor to obtain all necessary approvals, permits, and inspections.

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

The applicant relied on her licensed contractor to obtain all necessary permits prior to installing the detached garage.

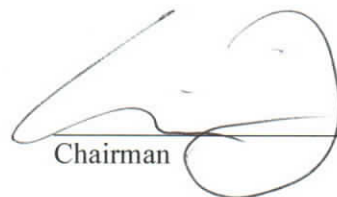
4. The requested variance is not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

This request is consistent with the spirit, purpose, and intent of the ordinance. The proposed variance will not compromise public safety and will ensure that substantial justice is achieved while maintaining the integrity of the ordinance. The detached garage does meet the front yard setbacks for a principal structure, it is approximately thirty (30) feet from the front property line, it is separated by more than three (3) feet from the single-family residence and is aesthetically compatible with the single-family residence.

Based on the above findings of fact, the Board approves an order granting a variance for Application Number 2025-20 subject to compliance with all local, state and federal building code requirements.

This the 7th day of October, 2025.


Secretary


Chairman