

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

**Minutes of Meeting
December 2, 2025
6:00 PM**

The Kannapolis Board of Adjustment met on Tuesday, December 2, 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 Dwiggins
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
Mia Alvarez, Senior Planner
Zulena Anderson, Planning Technician

Attorney: Evan Lee, Board Attorney

Visitors Present: Sherri Hartsell
Dale Pendergrass
Cody Dove
Ken Chaya
Mike Brotherton
Lori Deaton
Michelle Harrison
Aaron Atkins
Stacey Atkins
Kenna Hibberd
Luis de Jesus
Laura Dillard
Nolan Grace
Rebecca Burgess
William McGuire Jr.
Vanessa Haley

1 Stanley Haley Jr.
2 Jefferey Burgess
3 Billy Reavis
4 Marlene Reavis
5 Giselle Ortega Rendon
6 Elvis Lorenzo
7 Maria Hernandez
8 Philip Gibson
9 Debbie Gibson
10 Michelle Copeland
11 Emily Watkins
12 Rhonda Belk
13 Jimmy Belk
14 Matthew Craig
15 Vinay Bharadwaj
16 Erick Hernandez
17 Vani Mahobia
18

19 **CALL TO ORDER**

20 Chair Joshi called the meeting to order at 6:01 P.M.
21

22 **ROLL CALL AND RECOGNITION OF QUORUM**

23 Ms. Joshi, Chair of the Board, introduced herself and asked the Board members to state their
24 names for the record. Ms. McClain, Mr. Bailey, Mr. Parker, Mr. Dwiggin, Ms. Martini, and Mr.
25 Sides each stated their names.
26

27 Chair Joshi noted that staff from the Planning Department, the City Attorney's Office, and the
28 Board Attorney were present to provide technical and professional assistance. She also
29 announced that anyone wishing to speak on a public hearing agenda item, and who had not yet
30 signed in, should check in with the Recording Clerk.
31

32 **APPROVAL OF AGENDA AND MINUTES**

33 Chair Joshi asked if any corrections or revisions were requested and asked that any be stated
34 clearly. She then called for a motion to approve the agenda. Mr. Parker made the motion,
35 seconded by Mr. Bailey, and it was unanimously approved.
36

37 Hearing no requests for corrections or revisions to the minutes, Chair Joshi called for a motion to
38 approve the minutes of November 4, 2025. Mr. Sides made the motion, seconded by Mr.
39 Dwiggin, and it was unanimously approved.
40

41 **EXPLANATION OF QUASI-JUDICIAL DECISIONS**

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

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

5
6 She also explained that participation in quasi-judicial evidentiary hearing is restricted. While the
7 meeting is open to the public and everyone is welcome to attend, only individuals or entities with
8 standing have the right to participate as parties in the proceeding. Parties include the property
9 owner or lessee, the applicant, the City of Kannapolis, and individuals who can demonstrate
10 standing under state statutes. The Board may allow non-party testimony if it is relevant to the
11 matter under consideration and limited to factual information, not conjecture or speculation. In
12 certain cases, the Board may also hear opinion testimony from qualified expert witnesses.

13 14 **CONFLICTS / EX PARTE COMMUNICATIONS**

15 Chair Joshi checked for conflicts of interest and ex parte communications. She explained that a
16 Board member may not participate in the hearing if they have a fixed opinion prior to the hearing
17 that is not susceptible to change, a close family or business relationship with an affected person,
18 or a financial interest in the outcome of the matter. Chair Joshi also stated that any Board
19 member must disclose any ex parte communication meaning any communication about the case
20 outside of the hearing, including site visits. Chair Joshi then asked if any Board member had any
21 partiality, conflict of interest, or ex parte communication to disclose. No Board members
22 disclosed any.

23
24 Ms. Joshi asked for any individuals who wish to speak in favor or against any of the cases to be
25 heard tonight, to please come forwards to get sworn in by the recording secretary.

26 27 **SWORN IN FOR TESTIMONY**

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

30
31 Ben Barcroft, Mia Alvarez, Michelle Harrison, Nolan Grace, Marlene Reavis, Gissel Ortega
32 Rendon, Erick Hernandez, William McGuire Jr., Philip Gibson, Laura Dillard, Luis de Leon,
33 Stacey Atkins, Michael Brotherton, and Jeff Burges were sworn in for testimony.

34 35 **EVIDENTIARY HEARING**

36 **BOA-2025-21 – Special Use Permit – 4925 Dogwood Blvd.**

37 Chair Joshi opened the evidentiary hearing for BOA-2025-21 and explained that the request for
38 the SUP is at 4925 Dogwood Blvd; the Special Use Permit (SUP) is being considered in
39 accordance with Article 4 of the KDO. Chair Joshi stated the KDO authorizes this Board to grant
40 a SUP if the following seven standards are met:

41 1. The proposed special use will be in harmony with the area in which it is to be located
42 and in general conformance with the Comprehensive Plan;

43 2. Adequate measures will be taken to provide ingress and egress to minimize traffic
44 hazards and traffic congestion on the public roads;

- 1 3. The proposed use will not be noxious or offensive by reason of vibration, noise, odor,
2 dust, smoke or gas;
- 3 4. The establishment of the proposed use will not impede the orderly development and
4 improvement of surrounding property for uses permitted within the zoning district;
- 5 5. The establishment, maintenance, and operation of the proposed use will not be
6 detrimental to or endanger the public health, safety, or general welfare;
- 7 6. The proposed use complies with all applicable provisions of this Ordinance; and
- 8 7. The applicant consents in writing to all conditions of approval included in the
9 approved special use permit.

10
11 The burden is on the applicant to show that the special use permit request meets these standards.
12 Reasonable and appropriate conditions may be imposed on any special use permit.

13
14 Chair Joshi asked whether there were any individuals, aside from Staff and the Applicant, who
15 wished to participate as a party to the case. She reminded those present that participation as a
16 party is different from speaking during public comment or providing testimony. While anyone
17 may offer testimony, only individuals with legal standing may participate as a party, which
18 includes the right to present evidence, call witnesses, and make legal arguments.

19
20 Chair Joshi again asked whether anyone, other than Staff and the Applicant, wished to participate
21 as a party in the matter. No individual indicated a desire to do so.

22
23 Chair Joshi then asked whether the applicant wished to make an opening statement. The
24 applicant declined. Chair Joshi stated that the Board was ready to hear from Staff regarding the
25 case and confirmed with Ms. Alvarez that she had previously been sworn in.

26
27 Ms. Alvarez presented case BOA-2025-21, which was entered into the record as Exhibit 1. She
28 informed the Board that the applicant is Sherri Hartsell. The subject property is located at 4925
29 Dogwood Blvd., consists of approximately 9.85 acres, and includes a proposed building of
30 50,887 square feet. The Special Use Permit request is to approve a comprehensive sign package
31 for the Lowes Foods building.

32
33 Ms. Alvarez noted that case BOA-2025-07 involved a comprehensive sign package for the
34 ground-mounted signs serving the overall Kellswater Commons development, which was ap-
35 proved at the May 6, 2025, Board of Adjustment meeting.

36
37 She explained that the purpose of a comprehensive sign package is to provide flexibility in the
38 number and placement of signs for developments larger than 10 acres or for freestanding build-
39 ings exceeding 25,000 square feet in size.

1 Ms. Alvarez stated that the site is zoned General Commercial (GC). Surrounding land uses in-
2 clude both residential and commercial development, some of which are currently under construc-
3 tion. The site is adjacent to the Kellswater Traditional Neighborhood Development (TND). She
4 indicated that the proposed development is compatible with existing and future land uses.
5 She further explained that the site is designated as a Primary Activity Center under the future
6 land use plan, where primary uses include retail, office, and multifamily development. The site is
7 also located within the Complete Neighborhood 2 future land use category, which supports mul-
8 tifamily, civic uses, small-format retail, and both single-family attached and detached dwellings.

10 While presenting the conceptual site plan, Ms. Alvarez stated that a total of eight signs is pro-
11 posed. Six signs are subject to this case, as the remaining two signs were previously approved
12 under case BOA-2025-07. She also presented drone footage and images showing the front facade
13 of the building from the parking lot, as well as views from Rogers Lake Road on the left side of
14 the building.

16 Ms. Alvarez described the first proposed sign, which would be located on the front of the build-
17 ing and measure approximately 117 square feet. The second proposed sign would be located on
18 the left side of the building and measure 11 feet 4 inches in width, 7 feet in height, and 79.3
19 square feet in area.

21 She also described a proposed canopy sign measuring approximately 8 feet in width and 1 foot in
22 height, for a total area of approximately 7.96 square feet.

24 Ms. Alvarez then discussed the proposed “Lowes Foods To Go” signage, which would be located
25 on the front of the building and measure 7.5 feet in width, 3.5 feet in height, and 26.25 square
26 feet in area. The associated entrance and exit signs would each measure 2.8 square feet.

28 Ms. Alvarez then reviewed staff findings of fact as follows:

- 30 1. **The proposed special use will be in harmony with the area in which it is to**
31 **be located and in general conformance with the City’s Land Use Plan.**
- 32 2. **Adequate measures shall be taken to provide ingress and egress so designed as**
33 **to minimize traffic hazards and to minimize traffic congestion on the public**
34 **roads.**
- 35 3. **The proposed use shall not be noxious or offensive by reason of vibration,**
36 **noise, odor, dust, smoke or gas.**
- 37 4. **The establishment of the proposed use shall not impede the orderly**
38 **development and improvement of surrounding property for uses permitted**
39 **within the zoning district.**
- 40 5. **The establishment, maintenance, or operation of the proposed use shall not be**
41 **detrimental to or endanger the public health, safety, or general welfare.**
- 42 6. **The proposed use complies with all applicable provisions of the KDO.**
- 43 7. **The applicant consents in writing to all conditions of approval included in the**
44 **approved special use permit.**

45 N/A unless the Board of Adjustment determines to add conditions.

1 Ms. Alvarez stated that staff recommends approval of the SUP based on the staff Findings of
2 Fact (or as modified by the Board), the conceptual site plan, and compliance with all local, state,
3 and federal requirements. She then made herself available for questions.

4 Ms. Joshi asked if both the size and number of signs exceed the KDO standards with the request
5 of the comprehensive sign package. Ms. Alvarez mentioned that the applicant is exceeding the
6 number of signs which is why the comprehensive sign package is requested. The KDO states
7 only one wall sign is allowed per façade; Ms. Alvarez clarified that the signs' sizes are not
8 exceeding the requirements of the KDO.

9
10 There being no further questions for staff, the applicant was invited to step forward. Chair Joshi
11 reminded all parties that any evidence or testimony must be relevant to the SUP and that any
12 physical materials presented must be submitted to the Board for inclusion in the record.

13
14 Mr. Smith mentioned that the applicant is present but does not have any comments wishing to
15 discuss unless the Board has a question.

16
17 Regarding closing statements, Chair Joshi noted that parties with standing may offer a closing
18 statement or rebuttal argument if they choose. She reminded participants to focus on legal
19 arguments and avoid repeating points already presented. She asked whether the Applicant, Staff,
20 or any other parties with standing wished to make such statements.

21
22 During deliberation and the vote, Chair Joshi asked if the Board had any further questions for the
23 parties or witnesses before proceeding. She emphasized that the evidentiary hearing would
24 remain open to allow clarifying questions if needed.

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

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

31
32 Chair Joshi asked for a motion to approve the Findings of Fact. Mr. Dwiggins made the motion,
33 seconded by Mr. Parker, and the motion was unanimously approved.

34
35 Chair Joshi asked for a motion to approve the issuance of the Special Use Permit. Mr. Sides
36 made the motion to approve, seconded by Ms. Martini, and the motion was unanimously
37 approved.

38
39 Chair Joshi asked for a motion to issue the Order of Approval with all of those in favor to say
40 "aye" and those who oppose no. All Board members said aye and the order was unanimously
41 approved.

42
43 **BOA-2025-25 – Special Use Permit – 403 E 27th St.**

44 Chair Joshi opened the evidentiary hearing for BOA-2025-25 and explained that the request for
45 the SUP is at 403 E 27th St. She stated that the Board was ready to hear from staff regarding the
46 case and confirmed with Mr. Barcroft that he had been previously sworn in. Chair Joshi stated

1 the KDO authorizes this Board to grant a special use permit if the following seven standards are
2 met:

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

16
17 The burden is on the applicant to show that the special use permit request meets these standards.
18 Reasonable and appropriate conditions may be imposed on any special use permit.

19
20 Chair Joshi asked if there were any individuals, aside from Staff and the Applicant, who wished
21 to participate as a party in the case. She reminded those present that a party is different from an
22 individual who wishes to speak or provide public comment or testimony. Anyone is welcome to
23 testify; however, only individuals with standing have the right to participate as a party and
24 present evidence, call witnesses, and make legal arguments. Chair Joshi again asked if anyone,
25 aside from Staff and the Applicant, wished to be a party in this matter. Chair Joshi also asked if
26 the applicant would like to make an open statement.

27
28 Mr. Smith noted that several individuals wished to speak regarding the case. Ms. Joshi asked Mr.
29 Lee for guidance on whether the applicant or the public should speak first. Mr. Lee advised that
30 staff should present first, followed by the applicant, and then any qualified individuals.

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

34
35 Mr. Barcroft presented case BOA-2025-25, entered into the record as Exhibit 2. He stated that
36 the applicant is Michelle Harrison, the property is located at 403 E. 27th Street, and the site is
37 approximately 0.4 acres. The Special Use Permit (SUP) request is to allow a boarding house,
38 defined as “a building containing a single-family detached dwelling where three or more
39 bedrooms are provided for lodging, with or without meals, for compensation. Compensation may
40 include money, services, or other things of value.” The property is zoned Residential 8 (R8),
41 surrounded by single-family dwellings, and the proposed development is compatible with
42 existing and future uses. The site falls within the Urban Residential character intent, which
43 primarily calls for single-family residences and civic uses, with secondary uses including
44 multifamily residences, small-format retail, and office. Mr. Barcroft displayed images of the
45 dwelling, noting that the well shown has been abandoned and will be removed. He played drone
46 footage showing Brady Avenue moving west into Ashe Avenue and presented the applicant’s

1 conceptual site plan, which proposes widening the driveway by five feet on each side for a total
2 width of 30 feet to accommodate three vehicles, addressing parking concerns.

3 Mr. Barcroft reviewed the standards specifics to a Boarding house.

- 4
- 5 1. A boarding house shall not be constructed or altered in any way that changes its general
- 6 residential appearance.
- 7 2. Receptions, private parties, and similar activities are prohibited unless expressly
- 8 approved as part of a special use permit or site plan application.
- 9 3. All guest rooms shall be located within the principal structure.
- 10 4. Other than registered tenants and their guests, no meals shall be served to the general
- 11 public unless expressly approved as part of a special use permit or site plan application.
- 12 5. The maximum number of guest bedrooms shall be five, unless the applicant can
- 13 demonstrate that the original floor plan of the structure contained a larger number of
- 14 bedrooms, in which case the original number of bedrooms may be approved as allowable
- 15 guest lodging.
- 16 6. All outdoor lights must be shielded to direct light and glare only onto the boarding house
- 17 premises. Lighting and glare must be deflected, shaded, and focused away from any
- 18 adjoining residential property.
- 19 7. Signage shall be limited to one non-illuminated ground sign, which shall not exceed five
- 20 square feet in area or five feet in height.

21
22 Mr. Barcroft mentioned the conditions of approval proposed by staff:

23
24 The driveway shall be expanded as shown on the conceptual site plan (SUP plan) to provide
25 sufficient parking for three bedrooms, meeting the minimum parking requirement for a boarding
26 house of one space per bedroom. Approval of this request shall limit the boarding house to a
27 maximum of three bedrooms, consistent with the intent of the SUP.

28
29 Mr. Barcroft reviewed staff findings of fact as follows:

- 30 1. **The proposed special use will be in harmony with the area in which it is to be**
- 31 **located and in general conformance with the City's Land Use Plan.**

32 This property is located within the "Urban Residential" Character Area as
33 designated in the Move Knapolis Forward 2030 Comprehensive Plan. The
34 Character Area calls for primary uses of single-family residential and civic uses,
35 with secondary uses including multi-family residential, small-format retail, and
36 office.

37 Based on the character area noted above, the proposed development is compatible
38 with the future land use plan and existing uses in the surrounding area.

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

41 The proposed boarding house use is not expected to create any traffic hazards or
42 cause traffic congestion. The Planning Department has worked with the applicant
43 on a proposal to expand the driveway to provide parking for three rooms to meet
44 the ordinance requirement of one parking space per bedroom.

- 1 **3. The proposed use shall not be noxious or offensive by reason of vibration,**
2 **noise, odor, dust, smoke or gas.**
3 No vibration, noise, odor, dust, smoke, or gas beyond what would be anticipated for
4 a boarding house is expected as a result of this proposed use.
5 **4. The establishment of the proposed use shall not impede the orderly**
6 **development and improvement of surrounding property for uses permitted**
7 **within the zoning district.**
8 The proposed use is not expected to impede the orderly development or
9 improvement of surrounding properties for uses permitted within their respective
10 zoning districts. The boarding house is consistent in scale and intensity with
11 nearby residential uses and does not introduce any conditions that would limit or
12 restrict future permitted development on adjacent parcels.
13 **5. The establishment, maintenance, or operation of the proposed use shall not be**
14 **detrimental to or endanger the public health, safety, or general welfare.**
15 The proposed use is not expected to be detrimental to or endanger the public
16 health, safety, or general welfare. The use is residential in nature, consistent with
17 the surrounding neighborhood, and subject to all applicable building, fire, and
18 property maintenance codes to ensure safe and orderly operation. The proposed
19 use will also comply with all requirements of the Kannapolis Development
20 Ordinance.
21 **6. The proposed use complies with all applicable provisions of the KDO.**
22 The proposed use shall comply with all sections of the Kannapolis Development
23 Ordinance, all conditions of approval, and any other applicable local, state, and
24 federal regulations. Staff has confirmed that the use-specific standards for a
25 boarding house have been met with this proposal. The applicant understands that,
26 unless specifically relieved of a requirement in writing, all KDO requirements
27 must be met.
28 **7. The applicant consents in writing to all conditions of approval included in the**
29 **approved special use permit.**
30 The applicant has indicated that they will sign all Conditions of Approval for this
31 special use permit.

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

36
37 Ms. Joshi asked for confirmation regarding a typing error on one of the slides, which referenced
38 “Standards Specific to Self-Service Storage” instead of a boarding house. Mr. Barcroft confirmed
39 the error. Ms. Joshi then inquired about the staff-recommended condition, stating that the
40 dwelling is limited to three bedrooms and cannot be expanded to accommodate additional
41 occupants. Mr. Barcroft clarified that only three bedrooms may be used for the boarding house,
42 noting that while the house may contain more bedrooms, approval would restrict boarding house
43 use to three.

1 Mr. Bailey asked if it has been stated the maximum number of occupants that are allowed. Mr.
2 Bailey mentioned that more than one individual may live in a single bedroom. Mr. Barcroft
3 replied that fire code will limit the number of occupants however, he believes it will be
4 permissible to allow the tenant to live with their children. Mr. Bailey said he is concerned if a
5 three bedroom house may turn out to have eight tenants. Mr. Barcroft said that a Fire review will
6 be done concerning the number of occupants.

7
8 There being no more questions for staff from the Board. Chair Joshi asked for the applicant to
9 speak.

10
11 Michelle Harrison, 407 E 27th St. clarified that there will be only one individual per room.

12
13 Mr. Parker asked if there will be any on-site management, if pets will be allowed, if smoking will
14 be allowed, and if all rooms are ADA compliant. Ms. Harrison answered, no for all four
15 questions.

16
17 Ms. Martini asked if private parties or any receptions will be allowed. Ms. Harrison answered,
18 no. Mr. Bailey said he believes that if a tenant wants to have a party she/he may want one to have
19 one especially in the place they live in. Ms. Harrison replied that respectfully, this will not be a
20 house where one will live in, and there will be no pets nor parties as this will only be a place
21 tenants come to sleep. She said that those who will be renting from her are those who cannot
22 afford a rent or mortgage on their own such as contractors, those who stock items at Walmart,
23 teachers, and others who are contributing to society. She mentioned these individuals do not have
24 pets, children, nor do they party.

25
26 Ms. Joshi asked what will be the typical length of stay for the tenants. Ms. Harrison said that
27 tenants will stay for approximately one year. Mr. Dwiggin asked if the length of stay may be
28 relative to contractors who are working in the area temporarily such as a stipulation. Ms.
29 Harrison said, yes.

30
31 Mr. Parker asked if tenants will be going through a background check. Ms. Harrison said her
32 applicants will go through both a background and credit check.

33
34 Mr. Smith asked Ms. Joshi whether it would be appropriate to inquire if the applicant operates
35 other boarding houses outside Kannapolis. Ms. Joshi then asked Ms. Harrison if she operates
36 other boarding houses. Ms. Harrison responded that she manages boarding houses in both
37 Cabarrus and Mecklenburg Counties. With no further questions for the applicant, individuals
38 wishing to speak in favor of or against the case were invited to do so.

39
40 Jeff Burgess, 2700 Brady Ave., stated that he lives directly across the road from the proposed
41 boarding house. He noted that the Board is being asked to approve a three-bedroom boarding
42 house, even though the house allegedly contains six bedrooms. Mr. Burgess said the house was
43 recently remodeled around May 1 and that he later observed advertisements for rooms for rent
44 associated with the proposed boarding house beginning around October 1.

1 Mr. Burgess stated that he contacted Code Enforcement and was informed that staff would
2 follow up with him the next day. He later was told there were no records of permits having been
3 issued. He was also informed that any activity related to a boarding house was required to cease
4 until approval was granted. Mr. Burgess said he did not observe any activity stopping or slowing
5 after that time.

6
7 Mr. Burgess stated that he regularly sees approximately four to five vehicles parked at the
8 proposed boarding house. He questioned what would prevent additional dwellings in Kannapolis
9 from becoming boarding houses if this application is approved, expressing concern that it could
10 become a widespread issue and that future applicants could not be denied under similar
11 circumstances. He asked Board members to consider the situation as if their own neighbor were
12 proposing a boarding house.

13
14 Mr. Burgess further stated that since the property was sold on May 1, the yard has not been
15 maintained and contains piles of trash and debris from tree limbs. He stated that the property is
16 within the city limits and that placing the debris by the road would allow for city pickup, but no
17 effort has been made to do so since May 1. He also stated that he observed an individual blowing
18 leaves from one side of the yard to the other.

19
20 Mr. Burgess stated that he and his neighbors generally keep their lawns well maintained, with the
21 exception of the proposed boarding house. He noted that while the front yard may appear less
22 noticeable due to large pine trees, the backyard is covered with leaves that have not been
23 removed, which he views as a sign of neglect by the property owner.

24
25 Mr. Burgess stated that the original building permit was for six bedrooms and five bathrooms and
26 expressed the opinion that the owner should have sought proper approval before adding
27 additional bedrooms and bathrooms. He stated that he is concerned the owner may continue to
28 act without regard for city regulations.

29
30 Ms. Joshi reminded the audience that the Board can only speak to conditions of the case in which
31 aesthetics of a neighborhood is not a factor the Board can consider to approve or deny a case.

32
33 Michael Brotherton, 401 E. 27th St., stated that his property is adjacent to the proposed boarding
34 house. Mr. Brotherton said he has been observing the property since approximately May 1 and
35 commented that, in his view, the situation reflected the phrase "putting the cart before the horse."

36
37 Mr. Brotherton stated that he met Ms. Harrison on the first day and initially perceived her as a
38 pleasant and promising future neighbor. He later learned from individuals working and living at
39 the house that the property was being used as a boarding house. Mr. Brotherton stated that Ms.
40 Harrison had told him the house would be used as a single-family dwelling, which led to his
41 surprise when workers informed him the house would contain a total of six bedrooms.

42
43 Mr. Brotherton stated that his partner attempted to contact Ms. Harrison but did not receive a
44 response. He also stated that he attempted multiple times to visit the property in person to speak
45 with Ms. Harrison but was unable to meet with her.

1 Mr. Brotherton stated that he agreed with Mr. Burgess that the dwelling appeared to be occupied
2 prior to the issuance of a special use permit. He stated that he has observed approximately five
3 vehicles parked in front of the proposed dwelling and along the roadway, which he believes has
4 created a visibility and safety concern when accessing his property.

5
6 Mr. Brotherton further stated that he is concerned about the impact on the neighborhood, noting
7 that there are single widows living nearby. He expressed concern that a boarding house could
8 introduce residents whose backgrounds may be difficult to adequately screen. He also stated that
9 the proposed three-vehicle parking area may be insufficient, as the number of vehicles associated
10 with the property is unknown.

11
12 Mr. Brotherton questioned how tenants could already be residing at the boarding house prior to
13 approval of the request.

14
15 Ms. Joshi stated that, regarding parking, part of the conditions for approval includes extending
16 the current parking area. She noted that it is not within the Board's discretion to consider the
17 character of the tenants in the boarding house.

18
19 Mr. Brotherton asked how Ms. Harrison was able to proceed without a permit. Ms. Joshi replied
20 that the Board does not have the authority to retroactively address actions that have already
21 occurred. She explained that while the Board understands the concerns raised, its focus is on
22 whether the findings of fact are met, and past actions cannot serve as the basis for a decision.

23
24 Ms. Joshi stated that the matter before the Board tonight is to review and consider factors such as
25 whether the proposed use will be in harmony with the surrounding area and consistent with the
26 city's general use plan, whether adequate measures will be provided for ingress and egress to
27 prevent hazards, and whether the proposed establishment will be detrimental to public health,
28 safety, or general welfare. She emphasized that the Board cannot base its decision on alleged past
29 actions.

30
31 Mr. Brotherton asked whether it is permissible for an owner to remodel a house and allow
32 tenants to move in before receiving approval for a special use permit, noting that he has been a
33 long-term resident of the area. He stated that he does not understand the purpose of a special use
34 permit if a boarding house can operate prior to approval.

35
36 Mr. Lee clarified that there is a distinction between code enforcement and a special use permit.
37 He noted that the Board does not have authority over code enforcement matters, which fall under
38 the purview of the planning department.

39
40 Mr. Bailey asked Ms. Harrison if the house is a three-, five-, or six-bedroom dwelling. Ms.
41 Harrison said she added more bedrooms to the house prior to knowing only three tenants are
42 allowed in the house. Mr. Bailey asked if only three out of the six bedrooms will be used in the
43 house. Ms. Harrison ensured the additional three bedrooms will not be used and that her
44 intention was to develop the adjacent lot. Mr. Bailey asked if she could secure the other three
45 bedrooms would not be overflowing. Ms. Harrison replied that there are seven interior cameras
46 in the house which will be watched.

1 Ms. Martini asked if the driveway is going to be expanded due to the proposed boarding house
2 having three bedrooms; she said her concern is whether there will be enough parking for guests.
3 She also asked if there is a restriction on not allowing the tenants to have overnight guests. Mr.
4 Barcroft replied that the applicant claimed the room would be rented out to only one individual.
5 Mr. Smith said that if the tenants have guests, the city allows street parking unless there is a sign
6 impeding so.

7
8 Mr. Dwiggins inquired to clarify if the house existed or was recently built. Mr. Barcroft replied
9 the house is existing and recently remodeled.

10
11 Mr. Smith said that boarding houses per the ordinance and state statute is treated as a single-
12 family dwelling which may have caused confusion when neighbors claimed Ms. Harrison
13 misinformed them by stating the property will be a single family house. Mr. Smith also said Ms.
14 Harrison initially thought the city of Kannapolis allowed a property to be used as a boarding
15 house by right which is the case in Charlotte and many other nearby jurisdictions. The
16 Kannapolis city jurisdiction requires a SUP to allow a dwelling to be a boarding house. Mr.
17 Smith confirmed that there were occupants prior to the SUP issuance which led to a code
18 enforcement case and staff working with her concerning parking and limitations that are
19 requested to be applied for. Mr. Smith said Ms. Harrison was made aware that there shouldn't
20 have been any occupants in the proposed boarding house until the case was heard.

21
22 Ms. Joshi read the standards specifics to a Boarding house previously reviewed by Mr. Barcroft
23 which states:

- 24
25 1. A boarding house shall not be constructed or altered in any way that changes its general
26 residential appearance.
27 2. Receptions, private parties, and similar activities are prohibited unless expressly
28 approved as part of a special use permit or site plan application.
29 3. All guest rooms shall be located within the principal structure.
30 4. Other than registered tenants and their guests, no meals shall be served to the general
31 public unless expressly approved as part of a special use permit or site plan application.
32 5. The maximum number of guest bedrooms shall be five, unless the applicant can
33 demonstrate that the original floor plan of the structure contained a larger number of
34 bedrooms, in which case the original number of bedrooms may be approved as allowable
35 guest lodging.
36 6. All outdoor lights must be shielded to direct light and glare only onto the boarding house
37 premises. Lighting and glare must be deflected, shaded, and focused away from any
38 adjoining residential property.
39 7. Signage shall be limited to one non-illuminated ground sign, which shall not exceed five
40 square feet in area or five feet in height.

41
42 Ms. McClain asked if Ms. Harrison may request for more bedrooms to be occupied in the future.
43 Mr. Smith said that for Ms. Harrison to do so, she must come back before the Board. Ms. Joshi
44 asked if she will then need a separate SUP. Mr. Smith said she may need a separate SUP or an
45 addendum to the current order requested. He concluded that either way, she will still need to
46 return before this Board to do so.

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

3
4 Chair Joshi asked for a motion to approve the Findings of Fact and reread them including the
5 recommended conditions by staff which states:

- 6
7 **1. The proposed special use will be in harmony with the area in which it is to be**
8 **located and in general conformance with the City's Land Use Plan.**

9 This property is located within the "Urban Residential" Character Area as
10 designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The
11 Character Area calls for primary uses of single-family residential and civic uses,
12 with secondary uses including multi-family residential, small-format retail, and
13 office.

14 Based on the character area noted above, the proposed development is compatible
15 with the future land use plan and existing uses in the surrounding area.

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

18 The proposed boarding house use is not expected to create any traffic hazards or
19 cause traffic congestion. The Planning Department has worked with the applicant
20 on a proposal to expand the driveway to provide parking for three rooms to meet
21 the ordinance requirement of one parking space per bedroom.

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

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

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

29 The proposed use is not expected to impede the orderly development or
30 improvement of surrounding properties for uses permitted within their respective
31 zoning districts. The boarding house is consistent in scale and intensity with
32 nearby residential uses and does not introduce any conditions that would limit or
33 restrict future permitted development on adjacent parcels.

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

36 The proposed use is not expected to be detrimental to or endanger the public
37 health, safety, or general welfare. The use is residential in nature, consistent with
38 the surrounding neighborhood, and subject to all applicable building, fire, and
39 property maintenance codes to ensure safe and orderly operation. The proposed
40 use will also comply with all requirements of the Kannapolis Development
41 Ordinance.

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

43 The proposed use shall comply with all sections of the Kannapolis Development
44 Ordinance, all conditions of approval, and any other applicable local, state, and
45 federal regulations. Staff has confirmed that the use-specific standards for a
46 boarding house have been met with this proposal. The applicant understands that,

1 unless specifically relieved of a requirement in writing, all KDO requirements
2 must be met.

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

5 The applicant has indicated that they will sign all Conditions of Approval for this
6 special use permit.

7
8 The condition recommended by staff is that the driveway shall be expanded as shown on the
9 conceptual site plan (SUP plan) to provide sufficient parking for three bedrooms, meeting the
10 minimum parking requirement for a boarding house of one space per bedroom. Approval of this
11 request shall limit the boarding house to a maximum of three bedrooms, consistent with the
12 intent of the SUP.

13
14 Mr. Dwiggins asked if there is a time frame in which the driveway extension must be completed.
15 Mr. Smith replied that the driveway extension must be done before occupancy is allowed; the
16 SUP is valid for two years as long as its right is not exercised, otherwise it will be valid as long
17 as the use continues.

18
19 Mr. Bailey mentioned that from his understanding, there are already occupants in the boarding
20 house so the driveway expansion should be done immediately. Mr. Smith said staff will inspect
21 the driveway. He also said the additional bedrooms previously planned to be occupied are
22 housing codes meaning the city's code enforcement personnel cannot enforce them. However,
23 the city can enforce minimal housing codes. Mr. Smith said that if the SUP is approved, the Fire
24 Marshal will get further involved as well as the county's building inspectors due to boarding
25 houses being treated differently under state law.

26
27 Mr. Parker said one of the boarding house standards states the maximum number of guest
28 bedrooms shall be five, which does not state any limit on number of occupants. Mr. Smith said
29 he believed the applicant discussed that the rooms will only be rented to one individual, limiting
30 to one person per bedroom.

31
32 Ms. Joshi asked if the SUP gets approved and the applicant is then found in violation such as in
33 rental agreement without the condition of the expanded driveway, what will happen. Mr. Smith
34 said they will give the applicant ample time to correct the violation through code enforcement
35 and if the violation continues, the SUP can get revoked.

36
37 Mr. Parker requested further clarification regarding the finding of fact related to general welfare.
38 Mr. Lee responded that this finding primarily concerns life safety for both occupants of the
39 dwelling and the surrounding area. He noted that, as Mr. Smith previously stated, additional code
40 requirements apply due to the dwelling's use as a boarding house.

41
42 Mr. Lee further explained that the general welfare finding also considers whether the boarding
43 house could create a dangerous condition on the property.

1 Mr. Parker asked who would be responsible for monitoring the boarding house, noting that Code
2 Enforcement typically does not inspect a dwelling unless a complaint is filed. Mr. Smith stated
3 that he believes boarding houses are inspected periodically, possibly on an annual basis.

4
5 Mr. Parker asked if the Board could place a condition stating there can be no more than three
6 occupants in the dwelling. Mr. Smith replied that doing so could violate fair housing laws. Mr.
7 Lee said that an example to Mr. Smith's point is a pregnant mother cannot be rejected from living
8 at the boarding house due to limitations on number of occupants.

9
10 Ms. McClain mentioned that she noticed another individual would like to testify concerning the
11 case.

12
13 Marlene Reavis, 1004 Cedar Creek Rd., stated that the BOA sign was installed only three weeks
14 prior to the meeting and was placed at the rear of the dwelling rather than at the front, making it
15 less visible. She also stated that the BOA notification letters were mailed late. Ms. Reavis
16 expressed that she felt it was deceptive for the boarding house to be approved for three bedrooms
17 when the dwelling contains six bedrooms, with three purportedly not to be occupied.

18
19 Ms. Reavis stated that she doubts staff will continuously monitor the property if the boarding
20 house becomes an issue. She expressed concern that one bedroom could be occupied by multiple
21 families or that tenants could allow guests to stay in bedrooms that are supposed to remain
22 unoccupied. Ms. Reavis stated that she and her neighbors pay property taxes and own private
23 homes and expressed concern that the boarding house could negatively impact her property
24 value.

25
26 Ms. Reavis asked the Board to consider the case as if the boarding house were proposed in their
27 own neighborhood and to consider the effort and investment she has made in her property and
28 the potential for depreciation in value. She stated that while she understands that everyone needs
29 housing, she believes boarding houses should be limited to certain areas and expressed concern
30 that approving this request could lead to additional properties converting to boarding houses. She
31 noted that she had heard rumors of another boarding house being proposed nearby.

32
33 Ms. Joshi requested staff to address Ms. Reavis's claims regarding the timing and placement of
34 the BOA sign and notification letters. Mr. Smith stated that staff placed the BOA sign in a
35 location visible from the public right-of-way and that notification letters were mailed at least ten
36 days prior to the meeting, in accordance with state statute.

37
38 Chair Joshi called for a motion to approve the findings of fact. Mr. Sides made the motion, which
39 was seconded by Ms. Martini.

40
41 Chair Joshi called for a motion to approve the issuance of the Special Use Permit with
42 conditions. Mr. Sides made the motion, which was seconded by Ms. Martini. Mr. Bailey, Ms.
43 McClain, and Mr. Parker voted against the issuance of the Special Use Permit.
44 Chair Joshi then called for a motion to approve the conditions recommended by staff. Mr. Sides
45 made the motion, which was seconded by Ms. Martini.

1 Chair Joshi called for a vote on the Order of Approval, requesting those in favor to say “aye” and
2 those opposed to say “nay.” Mr. Bailey, Ms. McClain, and Mr. Parker voted “nay.”

3
4 Chair Joshi asked for clarification regarding the outcome of the Special Use Permit given that
5 three of the seven Board members voted against approval. Mr. Smith stated that the Special Use
6 Permit would still be issued, as a majority of the Board voted in favor, though the decision was
7 not unanimous.

8
9 Mr. Lee requested clarification as to whether the Board members voted against the Order of
10 Approval or the permit itself. Chair Joshi clarified that the question before the Board was
11 whether to approve the issuance of the Special Use Permit.

12
13 Chair Joshi then called for a final vote on the Special Use Permit. Mr. Dwiggin, Mr. Sides, Ms.
14 Martini, and Chair Joshi voted “aye,” while Mr. Parker, Mr. Bailey, and Ms. McClain voted
15 “nay.” Mr. Lee confirmed that the case was approved and that the Special Use Permit would be
16 issued, with four Board members voting in favor and three voting against.

17
18 **BOA-2025-26– Special Use Permit – 2350 Concord Lake Rd.**

19 Chair Joshi opened the evidentiary hearing for BOA-2025-26 and explained that the request for
20 the SUP is at 2350 Concord Lake Rd. She stated that the Board was ready to hear from staff
21 regarding the case and confirmed with Mr. Barcroft that he had been previously sworn in. Chair
22 Joshi stated the KDO authorizes this Board to grant a special use permit if the following seven
23 standards are met:

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

37
38 The burden is on the applicant to show that the special use permit request meets these standards.
39 Reasonable and appropriate conditions may be imposed on any special use permit.

40
41 Mr. Barcroft presented Case BOA-2025-26, which was entered into the record as Exhibit 3. He
42 stated that the applicant is Douglas Alvarenga and that the site is located at 2350 Concord Lake
43 Rd. The property consists of approximately 3.44 acres and is zoned Office Institutional (O-I).
44 The request is for a Special Use Permit to allow a 55-unit multifamily dwelling.

1 Mr. Barcroft stated that the surrounding area includes apartment complexes, medical offices,
2 Duke Energy easements, and various commercial uses. He noted that the proposed development
3 is compatible with both existing and future land uses, as the site's future land use designation is
4 Suburban Activity 1. He explained that this designation calls for primary uses such as retail and
5 office, with secondary uses including light manufacturing, multifamily residential, and single-
6 family attached residential.

7
8 Mr. Barcroft noted that Suburban Activity 1 supports a residential density range of 6 to 16 units
9 per acre. He presented street-view imagery and drone footage, noting nearby uses including a
10 fitness center, dental and medical offices, and apartment dwellings.

11
12 Mr. Barcroft then presented the conceptual site plan provided by the applicant, identifying the
13 proposed buffer areas and parking layout. He also disclosed that the proposed multifamily
14 development does not currently have a sewer allocation permit.

15
16 Mr. Barcroft read the multifamily design standards (5.7.D):

- 17 1. Site access
- 18 2. Location of off-street parking
- 19 3. Building orientation and configuration
- 20 4. Maximum building length
- 21 5. Building Façades
- 22 6. Roofs
- 23 7. Building façade fenestration/transparency
- 24 8. Materials
- 25 9. Garage Standards
- 26 10. Utilities and Services

27
28 Mr. Barcroft reviewed staff findings of fact as follows:

- 29 1. **The proposed conditional use will be in harmony with the area in which it is to**
30 **be located and in general conformance with the City's Land Use Plan.**
31 This property is located within the "Suburban Activity 1" Character Area as
32 designated in the Move Kannapolis Forward 2030 Comprehensive Plan, which calls
33 for primary uses of retail and office, with secondary uses including light
34 manufacturing, multifamily residential, and single-family residential. The
35 surrounding area includes apartments, medical offices, and various commercial
36 uses, reflecting the mixed-use nature intended for this character area. The character
37 area also calls for residential at a density of 6–16 units per acre. The proposal meets
38 the maximum density supported in this character area, at 16 units per acre.
39 Based on the Character Area noted above, the proposed development is compatible
40 with the future land use plan and existing uses in the surrounding area.
41 2. **Adequate measures shall be taken to provide ingress and egress so designed as**
42 **to minimize traffic hazards and to minimize traffic congestion on the public**
43 **roads.**
44 The proposed use of multifamily dwellings is not expected to create any traffic

1 hazards or cause traffic congestion. Concord Lake Road is a state maintained
2 street. The applicant has preliminarily coordinated with staff, the North Carolina
3 Department of Transportation, and Duke Energy regarding the driveway location
4 and easements.

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

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

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

12 The proposed use would not impede development of the surrounding properties
13 for uses allowed within their respective zoning districts. The proposed multifamily
14 dwellings would have a minimal impact on the surrounding properties.

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

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

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

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

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

27 The N/A unless the Board of Adjustment determines to add conditions.
28

29 Mr. Barcroft stated that staff recommends approval of the Special Use Permit with conditions
30 based on the staff Findings of Fact, or as modified by the Board, the conceptual site plan, and
31 compliance with all local, state, and federal requirements. He then made himself available for
32 questions.
33

34 Ms. Martini noted that near the property there are double yellow lines, meaning left turns are
35 prohibited, although many drivers frequently make them. She asked whether any measures
36 would be taken to prevent accidents or discourage drivers from crossing the double yellow lines
37 to turn left. Mr. Barcroft replied that this matter would need to be discussed with NCDOT, which
38 reviewed the project during the preliminary phase and approved the driveway alignment plan. He
39 stated that the proposed driveway alignment is the only location approved by NCDOT and
40 avoids existing easements. Mr. Barcroft concluded that NCDOT will impose requirements that
41 must be met prior to issuance of the driveway permit.
42

43 Mr. Parker stated that vehicles traveling from the north and turning left into a nearby existing
44 complex currently do not have a turn lane, which may create traffic issues. As a result, he
45 disagreed that the second Finding of Fact regarding minimizing traffic hazards and congestion

1 had been met, unless additional mitigation measures are taken. Mr. Smith responded that this
2 concern could be discussed with the applicant, if present, and that a condition could be added.
3 Mr. Smith also noted that although the ordinance does not require a traffic impact analysis for
4 this development, NCDOT treats multifamily development as a commercial use, which may
5 result in additional restrictions that address the Board's concerns.

6
7 Ms. Martini asked whether a condition could be added requiring turning lanes. Mr. Smith stated
8 that the Board could include a condition recommending that NCDOT require a turning lane. Ms.
9 Joshi asked whether the Board would need to wait for a response from NCDOT regarding these
10 concerns. Mr. Smith replied that the applicant had not received full approval from NCDOT but
11 had only informed them of the proposed development. He also noted that neither the applicant
12 nor any representative was present to answer the Board's questions. Ms. Joshi then asked
13 whether the case should be continued.

14
15 Mr. Lee stated that the case should be continued, as testimony from the applicant is needed. He
16 noted that NCDOT may require approval of the Special Use Permit before conducting a more
17 detailed review of the project and suggested that the Board instruct staff to obtain clarification
18 from the applicant. Mr. Smith agreed, stating that NCDOT typically does not conduct an in-depth
19 review unless the case has been approved, as they prefer not to invest time in a plan that may
20 ultimately be denied.

21
22 Ms. Joshi asked whether the Board could approve the case with conditions at the next meeting,
23 provided the applicant is present to address the Board's questions. Mr. Smith stated that this
24 would be possible and noted that the applicant is not in a hurry, as they have not yet received a
25 sewer allocation permit.

26
27 Ms. McClain asked whether the Board should vote on the case before the applicant obtains a
28 sewer allocation permit. Mr. Smith replied that the Board can vote on a case prior to sewer
29 allocation approval, as has been done in the past. He explained that Special Use Permits are
30 generally valid for two years, but City Council has authorized him, as Director, to grant
31 extensions if delays in sewer allocation occur.

32
33 Mr. Parker asked for an estimate of how long the sewer allocation process may take. Mr. Smith
34 responded that it could take several years.

35
36 Chair Joshi asked for a motion to continue the case. All Board members voted in favor by saying
37 "aye," and the motion was unanimously approved. Chair Joshi announced that the case will be
38 continued to the January 2026 Board of Adjustment meeting. She also stated that if any
39 individual is present to testify at that time, the evidentiary hearing will remain open.

40
41 **BOA-2025-27- Special Use Permit- Lyla Ave**

42 Chair Joshi opened the evidentiary hearing for BOA-2025-27 and explained that the request for
43 the SUP is at Lyla Avenue. She stated that the Board was ready to hear from staff regarding the
44 case and confirmed with Ms. Alvarez that she had been previously sworn in. Chair Joshi stated
45 the KDO authorizes this Board to grant a SUP if the following seven standards are met:

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

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

Ms. Alvarez presented case BOA-2025-27, which was entered into the record as Exhibit 4. She stated that the applicant is Thawait Realty and that the site is an unaddressed parcel located on Lyla Avenue. The site consists of approximately 9.12 acres of a 9.33 acre parcel, and the request is for a Special Use Permit to allow a cluster subdivision.

Ms. Alvarez defined a cluster subdivision as “clusters of development on lots that are smaller than would otherwise be permitted under conventional development regulations, with the remaining land retained as common open space.” She noted that, pursuant to Section 6.4.B(3) of the Kannapolis Development Ordinance, a Special Use Permit is required for a cluster subdivision in the Residential 4 (R4) zoning district, which is the zoning designation of the site.

Ms. Alvarez presented an illustration comparing cluster subdivision design to a conventional subdivision. She stated that surrounding land uses consist primarily of single family residences and that the proposed development is compatible with both existing and future uses.

Ms. Alvarez also explained that the future land use designation for the site is Complete Neighborhood 1, which allows civic uses as well as both single family attached and detached residential development. She presented a street view from Lyla Avenue and drone footage of the site, noting that the property is currently vacant. She then reviewed the conceptual site plan and stated that the proposed development consists of 22 single family detached dwelling units.

Ms. Alvarez read the following Standards Specific to Cluster Subdivisions:

1. A minimum of 30 percent of the total project area shall be set aside as common open space.
2. The minimum lot size, minimum lot width, and minimum building setbacks in the base zoning district may be reduced by up to 20 percent.
3. The maximum residential density and maximum impervious surface area of a Cluster Subdivision shall be that of the base zoning district.

4. Lots shall be organized into clusters.

5. The development shall be served by a public water system and a public sewer system.

Ms. Alvarez mentioned that the proposed development will have a density of approximately 2.4 units per acre versus the 4 units per acre permitted by the zoning district; the KDO requires thirty percent of the site to be open space versus the project proposing approximately 44.7 percent in which a conventional subdivision only requires twenty percent open space. She also mentioned this project does not have sewer allocation.

Ms. Alvarez reviewed staff findings of fact as follows:

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

The Move Kannapolis Forward 2030 Comprehensive Plan designates the subject parcels as being located in the "Complete Neighborhood 1" Character Area. The property is currently zoned Residential 4 (R4). Within this district, cluster subdivision developments are permitted with a Special Use Permit.

The proposed cluster subdivision development consists of 22 single-family detached units, resulting in a density of approximately 2.41 units per acre. This proposal aligns with both the recommended land use for the "Complete Neighborhood 1" Character Area and the desired density range of 2 to 8 units per acre, as outlined in the Comprehensive Plan. Additionally, it remains within the R4 zoning district's maximum allowable density of 4 units per acre.

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

The proposed cluster subdivision development includes access from Lyla Avenue. The site design incorporates appropriate ingress and egress to ensure safe and efficient access, minimizing traffic hazards on adjacent public streets.

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

The proposed development will not generate any noxious or offensive vibration, noise, odor, dust, smoke, or gas.

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

The proposed development will not impede the orderly development of surrounding properties, as it is compatible with the character and scale of the surrounding neighborhood. The surrounding properties are zoned R4 which allows for single family detached.

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

As indicated by the applicant, the proposed development will not be detrimental to or endanger the public health, safety, or general welfare.

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

The applicant has indicated and staff has verified that the project will comply with

1 all applicable provisions of the Kannapolis Development Ordinance, including the
2 minimum common open space, reduced lot width and setbacks, and landscape
3 buffers as outlined in Cluster Subdivision standards in Section 6.4.C.

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

6 If the Board of Adjustment approves this request, it should be with the understanding
7 that wastewater allocation will not be readily available for this project in the near
8 future.-

9 The N/A unless the Board of Adjustment determines to add conditions.

10
11 Ms. Alvarez stated that staff recommends approval of the SUP with conditions based on the staff
12 Findings of Fact (or as modified by the Board), the conceptual site plan, and compliance with all
13 local, state, and federal requirements. She then made herself available for questions.

14
15 Ms. Joshi asked if the minimum thirty percent open space does not apply to how the land is set
16 up but only the amount of land. Ms. Alvarez told Ms. Joshi she is correct.

17
18 Ms. Martini asked for clarification on the proposed percentage of common open space. Ms.
19 Alvarez said 44.7 percent.

20
21 Mr. Bailey asked that since the houses are closer to each other, what will the open area be used
22 for. Ms. Alvarez said some of the common areas on the conceptual site plan shows proposed
23 sidewalk and that the applicant may be able to provide a more detailed answer.

24
25 Mr. Parker asked if fire or any other city department has reviewed the proposed project. Ms.
26 Alvarez said the proposed development was discussed during the weekly technical review
27 committee in which no other department provided a comment. Mr. Parker said that he recalls the
28 city usually requiring a secondary entrance in subdivisions. Mr. Smith said that state statutes
29 have formerly changed, and secondary entrances are no longer mandatory until the subdivision
30 reaches the 100-lot threshold. Mr. Parker added that the proposed subdivision might bring 44-50
31 cars per day traveling in which he questions if Lyla Ave. can handle additional traffic as the road
32 is not large. Mr. Smith said Lyla Ave. is a city-maintained street, meaning staff can look further
33 into his concern without the need to contact NCDOT.

34
35 Mr. Smith mentioned that based on Ms. Joshi and Mr. Bailey's comments, the cluster subdivision
36 is a planning concept that promotes the smaller lots with the additional common space required
37 to allow less disturbance of the property; most ordinances have cluster provisions because of the
38 reduced environmental impact and while the concept is not appealing to everyone it is a
39 marketable project.

40
41 Ms. Martini asked if the property currently has some sort of connection to the city's water and
42 sewer. Ms. Alvarez said she knows there is both water and sewer available on Lyla Ave. but is
43 not sure if the property is currently connected to the city's utilities. Mr. Smith said the front three
44 lots that were split prior to planning the project are likely connected to the city's utilities, but
45 other parts of the property are not.

1 Mr. Bailey asked for further explanation on the comment stating the property does not have
2 sewer allocation. Mr. Smith replied that the site will not obtain sewer allocation if the project has
3 not gone through approval. Mr. Bailey asked if the property will later get hooked into the city's
4 utilities. Mr. Smith said that eventually the property will get connected to the city's utilities,
5 however they currently have no sewer allocation and will be placed on the wait list like multiple
6 other new projects due to county-wide constraints.

7
8 Ms. Joshi asked if the case were to be approved tonight, how will the permit get extended if
9 needed due to the sewer allocation issue. Mr. Smith replied that he can extend the permit for up
10 to a year and then the applicant must demonstrate progress to continue extension. He also said
11 the Board is likely to encounter more cases without sewer allocation as more constraints will
12 soon begin to apply. Mr. Smith noted that the city does not have a moratorium, therefore
13 applications will be accepted for proposed developments. Mr. Smith informed that in limited
14 situations where there is an overage of capacity per year based on rainfall from the previous year
15 and as decided by City Council as the Board that controls the sewer allocation, the proposed
16 subdivision may be able to obtain the allocation sooner due to its size. However, City Council is
17 currently approving more nonresidential projects since there are over 6,000 residential units
18 currently in the pipeline, half of which are from multifamily developments-.

19
20 There being no more questions for staff from the Board. Chair Joshi asked the applicant to
21 testify.

22
23 Mr. Nolan Grace stated that he is with Urban Design Partners and is representing the applicant,
24 Thawait Realty. He clarified that he is serving as the applicant's agent and land use consultant
25 and noted that the applicants and property owners were present. Mr. Grace informed the Board
26 that he had a presentation to share and that, although some information may be repetitive, he
27 wished to have the presentation entered into the record due to the quasi-judicial nature of the
28 hearing.

29
30 Mr. Grace stated that the 9.12 acre site is located west of Lyla Avenue, north of Flicker Street,
31 and southeast of Lamplighter Drive. He noted that the zoning designation of the site is
32 Residential 4 (R4), which is consistent with the surrounding properties, and that the future land
33 use designation is Complete Neighborhood 1. He explained that this designation primarily
34 supports single family subdivisions where neighborhood character should be maintained.

35
36 Mr. Grace discussed the future land use character intent, noting that it provides opportunities for
37 sidewalks, greenways, pocket parks, and the use of natural features for stormwater management.
38 He stated that the building form standards for this character area include one to three stories,
39 setbacks ranging from 10 to 25 feet, a minimum of 25 percent open space, and a target density of
40 two to eight dwelling units per acre.

41
42 Mr. Grace explained that while cluster subdivision standards require a minimum of 30 percent
43 common open space, the applicant is proposing approximately 44.7 percent common open space.
44 He also compared conventional and cluster subdivision standards within the R4 zoning district,
45 presenting an illustration that showed a 20 percent reduction in both lot width and setbacks under
46 the cluster option.

1 Mr. Grace stated that the site will be accessed via a public street with a hammerhead terminus,
2 and that a residential alley meeting fire code requirements will serve each rear loaded lot. He
3 explained that the proposed lots are typically 60 feet by 100 feet, resulting in approximately
4 6,000 square feet per lot. He further stated that the proposed density is 2.4 dwelling units per
5 acre, which is within both the maximum allowed by the R4 zoning district and the
6 Comprehensive Plan target range of two to eight dwelling units per acre.

7
8 Mr. Grace asserted that a six foot Type B buffer will be provided along the perimeter of the site.
9 He also stated that although each home will have an individual driveway, an additional 16
10 parking spaces are proposed to prevent visitor parking on public streets and alleys.
11 Mr. Grace read the Findings of Fact into the record and stated that the development will be
12 governed by a homeowners association with recorded covenants to ensure the ongoing
13 maintenance of facilities, thereby promoting public safety, health, and welfare. He then made
14 himself available to answer questions from the Board.

15
16 Ms. Joshi asked for the approximate width of the private alleys stating her concern if two
17 vehicles will fit in case one needs to make a turn. Mr. Grace replied that the private alleys are a
18 minimum twenty feet wide to meet fire code.

19
20 Mr. Bailey asked if each proposed dwelling has a two car garage, how many additional parking
21 spaces will it contain. Mr. Grace replied that with the twenty feet setback, they envision a two car
22 garage along with two surface parking spaces meaning each individual lot will have four parking
23 spaces. Mr. Bailey then asked if there would be no on street parking. Mr. Grace said no street
24 parking can be allowed as it will obstruct fire access. Mr. Bailey then asked if the pathways are
25 considered alleys or streets. Mr. Grace replied that they are considered private alleys and they
26 follow the Kannapolis Land Development Standard Manual (LDSM). Mr. Grace added the alleys
27 will be maintained by the homeowner association. Mr. Bailey asked how many stories the
28 proposed dwellings will contain. Mr. Grace said they envision two story dwellings for the
29 development. Mr. Bailey commented he wonders if each family will have enough parking spaces
30 as teenagers often have vehicles.

31
32 Ms. Joshi asked about Lot 1 on the conceptual site plan which she noticed does not have a
33 driveway. Mr. Grace said it was an error of his as he did not catch that Lot 1 was missing a
34 driveway when creating the plan. Ms. Joshi asked about the two lots shown on the site plan as
35 "existing." Mr. Grace said the lots that appear as existing on the site plan are not included in
36 SUP. He explained that these lots are out of the boundary and already have sewer allocated. Ms.
37 Joshi asked if these lots will be developed since the drone footage showed a vacant lot. Mr.
38 Grace said the lots will be developed and are also owned by the applicant.

39
40 Mr. Parker asked if the lots not part of the SUP will also be single family residences. Mr. Grace
41 said they will be single family detached residences facing Lyla Ave.

42
43 Mr. Dwiggins asked if Lot 1 will have driveway access through Lyla Ave. or inside the alleyway.
44 Mr. Grace said they envision the driveway access will be through Lyla Ave, but they will need to
45 review this matter in more depth with staff.

1 Mr. Bailey asked if the existing lots shown on the site plan are also part of the Board's approval
2 process. Mr. Grace replied that lots 1-22 are part of SUP.

3
4 Mr. Parker asked if the proposed stormwater control measure (SCM) will also drain from a creek
5 as shown on the site plan. Mr. Grace said that the SCM is blue on the plan due to aesthetics of
6 the rendering. Mr. Grace explained there will likely be a sand filter and not a wet pond on the
7 drainage area.

8
9 Mr. Grace commented that related to the open space there will be enhanced landscaping as they
10 envision a linear park with sidewalk connection throughout the site that measures little less than
11 a mile, making this subdivision very walkable.

12
13 Mr. Smith mentioned that City Council has heard resident complaints on storm drainage runoffs
14 at the end of Lyla Ave, which city engineers have gotten involved in. He informed that Lyla Ave
15 used to be a private street and City Council is seeking funds to fix the drainage issue. Mr. Smith
16 asked Mr. Grace if any drainage issues will be addressed on the site. Mr. Grace replied that he is
17 not aware of any offsite drainage issues. Mr. Grace said the SCM will hold runoff in the area;
18 Lyla Ave. does not have curb and gutter, it has a ditch section so the drainage should be captured
19 onsite and not offsite. He detailed the SCM will be piped, meaning stormwater drainage will be
20 improved. Mr. Smith stated the heavy topography of the cul-de-sac shown in one of Mr. Grace's
21 presentation slides has led to flooding in existing houses when intense rainfall occurs due to a
22 previous development. Mr. Smith stated he does not believe the flooding issue will affect the
23 project based on Mr. Grace's analysis and what staff has reviewed, but City Council has not
24 taken final action as they are still deliberating the matter.

25
26 Ms. Joshi asked what may occur if City Council is able to secure funds to repair the flooding
27 issue. Mr. Smith said the funds will likely only impact the entrance of the project because of the
28 topography; engineers have provided analysis to City Council which claims that most of the
29 drainage issue is coming from the property adjacent to the subject site and where the cul-de-sac
30 is located. Ms. Joshi asked what may be used for drainage improvement. Mr. Smith said there
31 will likely be some sort of ditching or public storm drainage added in which City Council is
32 determining the cost and whether investment will be done to address the issue as public funds
33 will be used for just a specific site.

34
35 With no additional questions or comments for staff or the applicant, Chair Joshi asked if anyone
36 would like to testify on the case.

37
38 Stacey Atkins, 2493 Lyla Ave. said that through the ordinance inclusion of a particular special
39 use establishes a rebuttable presumption that the use is compatible with the surrounding area is
40 not a purely administrative process. She claimed a detailed review is needed to ensure that a
41 particular location and design proposed will in fact be compatible with the immediate
42 surroundings. She also claimed the threat of noise, traffic congestion, crime, vandalism, and
43 effects of property values that come with the proposed cluster development justify denial of the
44 permit as proposed. Ms. Atkins stated this type of development is not compatible with immediate
45 surroundings nor is it consistent with its character. Ms. Atkins informed the proposed
46 development is in the portion of Lyla Ave. where there is a cul-de-sac and ten single family

1 residences, each who are on a minimum of a one-acre lot, meaning the project will
2 fundamentally change the character of the neighborhood. She stated the cluster subdivision will
3 more than triple the residential units that must use the existing roadway, the resulting increase in
4 vehicle and pedestrian traffic which will have a direct adverse effect on quality of life. Ms.
5 Atkins referred to policy 6.1.4 of the 2030 Move Kannapolis Forward Plan to say it aims to
6 preserve and grow the green infrastructure in the city which is a critically important asset; clear
7 cutting nine acres of trees will aggressively destroy the green infrastructure leading to
8 nonpermeable surfaces, further runoff, and flooding. Ms. Atkins stated that as mentioned by
9 staff, the project has not been granted wastewater allocation and there are existing unresolved
10 stormwater issues that have been brought previously to City Council. Ms. Atkins informed the
11 cul-de-sac street is about 1,125 feet in length and 18 feet in width considering the increased
12 traffic congestion as the development will bring an estimated 50 cars to travel daily is a safety
13 concern. Ms. Atkins said that per Chapter 2, Section B.6 of the LDSM, a maximum of 20
14 equivalent residential units may take access from a cul-de-sac street and the proposed
15 subdivision will increase this number to 32. She detailed the roadway does not have a marked
16 centered line nor sidewalks or curving. Ms. Atkins mentioned the proposed project will destroy
17 nine acres of land which contain old growth trees that serve as a natural habitat to deer, coyotes,
18 turkeys, and other animals. Ms. Atkins claimed the proposed development is contrary to Articles
19 1.3.D (concerning provision of adequate open space), 1.3.M (supporting sustainable
20 development through green practices), 1.3.C (concerning street congestion) and 1.3.F (requiring
21 compatible character of the zoning district) of the KDO. Ms. Atkins concluded that she implores
22 the Board to seriously consider the proposed development and at minimum conduct a detailed
23 review.

24
25 Luis de Jesus, 2498 Lyla Ave., said the neighborhood is quiet, but the new development will
26 bring residents whom they do not know. He said he is concerned on how the proposed
27 subdivision will affect property value as well as traffic since the streets are small. Mr. de Jesus
28 said that if the development proposed a smaller number of houses he would have not seen an
29 issue but since the project is for 22 houses, he believes it is not a good idea for the location.

30
31 Ms. Dora Dillard of 2609 Lyla Avenue stated that her family moved to the area in April 1965 and
32 that she has witnessed many changes over the years. She noted that while she is not opposed to
33 change in general, she believes the proposed development would be very detrimental to the
34 community.

35
36 Ms. Dillard stated that consideration appears to have been given to what the development would
37 become, but not to the safety of existing residents. She explained that the street was originally
38 unpaved and that she and her neighbors petitioned the County to have it paved, which resulted in
39 significant improvements to the roadway. She noted that paving the street also led to the road
40 being widened and expressed concern that any future widening would require taking additional
41 land from her property and could result in the loss of mature trees.

42
43 Ms. Dillard stated that while the development may appear to be a good idea on paper, she does
44 not believe it adequately protects her or her neighbors. She expressed concern that the roadway
45 cannot safely accommodate the number of vehicles estimated by the applicant, which she
46 believes may be underestimated.

1 Ms. Dillard also noted that there is a nearby roadway with a seven percent grade, which she
2 described as steep, and stated that flooding has been a significant issue since the road was paved.
3 She expressed concern that the applicant's proposed drainage solutions may not be implemented
4 as planned. Ms. Dillard stated that while future residents of the proposed development may be
5 protected, existing residents may not be, and emphasized that long-standing residency should not
6 be treated as a privilege but should be fully considered in the decision-making process.

7
8 Ms. Dillard concluded by reiterating that the street cannot handle the additional traffic generated
9 by the proposed development and respectfully requested that the Board take these concerns into
10 consideration.

11
12 William McGuire, 3600 Centergrove Rd., claimed houses have been built on top of his property
13 which has led him to deal with water runoff. He mentioned that his property has 24-inch pipes
14 which are half full of sand and dirt that come from other properties. Mr. McGuire also mentioned
15 he has contacted the city to discuss his matter and the issue has still not been resolved. He stated
16 that due to water runoff, he has had to redo his driveway multiple times within the last few years.
17 Mr. McGuire claimed that although standards may be placed, it does not mean they will be
18 complied with. Mr. McGuire said he has seen flooding that crosses the road and that the
19 proposed stormwater control measure that will come with the proposed project will likely not
20 help the flooding issue and instead become a sand pond. He said that due to his experience, he
21 does not envision how the proposed development will handle water runoff.

22
23 Philip Gibson, 2497 Lyla Ave., mentioned he has lived at his current home for over 18 years and
24 the area floods. He informed that his neighbor has contacted the city twice and was told the
25 ditches will be improved to address the drainage issue but it has not been done. Mr. Gibson
26 claimed the parcel where the proposed project is located is about 4-5 feet higher than the level of
27 the street which will put the properties of current residents at risk and is not fair to them. He said
28 he understands that to the developer it is an investment, but they can instead build less and larger
29 houses instead of jamming 22 homes in the parcel.

30
31 Ms. Gissel Ortega Rendon of 2494 Lyla Avenue stated that she and her husband built their home
32 themselves and have attempted to address ongoing drainage issues on their property. She
33 explained that despite their efforts and financial investment, they have been unable to fully
34 resolve the problem, and water continues to run into their driveway and, at times, toward the
35 house.

36
37 Ms. Ortega Rendon stated that she believes the proposed development will worsen the existing
38 drainage issues. She expressed concern that even if the developer commits to addressing
39 drainage, those efforts would likely be limited to the project site and would not resolve problems
40 affecting existing neighboring properties.

41 She also stated that the roadway is not wide enough to accommodate current traffic, noting that
42 she often has to move her vehicle to the side of the road to allow other drivers to pass. She
43 questioned how the street would be able to handle additional vehicles generated by the proposed
44 subdivision.

1 Ms. Ortega Rendon further stated that her neighbor, Mr. de Jesus, has experienced issues with
2 vehicles driving onto his property due to the narrow roadway. She noted that his wife has
3 contacted the police multiple times regarding this issue. Ms. Ortega Rendon asserted that there
4 are already several problems in the area and that the proposed development would introduce
5 additional challenges.

6
7 Finally, Ms. Ortega Rendon expressed concern that property values in the area, which she
8 described as currently high, could decline as a result of the development. She also stated that she
9 does not believe future residents of the proposed subdivision will limit themselves to two
10 vehicles per household, which she believes would exacerbate traffic and parking issues in the
11 neighborhood.

12
13 Erick Hernandez, 2501 Lyla Ave., said once the existing trees get removed and the parcel gets
14 developed, all the drainage will go down to the properties below the hill, especially during heavy
15 rain. He stated 22 homes is too much and that the development should plan for fewer houses. He
16 stated that there is already an existing issue with flooding in which will be altered by the
17 proposed development leading him to be highly against the project.

18
19 Mr. Smith stated that based on the testimony received and staff analysis, he recommended that
20 the Board table the case to a future meeting date that has not yet been determined. He explained
21 that additional coordination is needed with other City departments as well as City Council. Mr.
22 Smith also noted that City Council has not yet determined how to address the broader flooding
23 issues, and therefore it would be preferable to continue the case until further guidance is
24 available.

25
26 Ms. Joshi stated that she had been considering proposing modifications to the Findings of Fact
27 and asked what the process would be once the case is tabled to a future date. Mr. Smith
28 responded that once staff has completed coordination with the relevant departments, they will
29 notify the Board when the case is ready to be scheduled again. He then asked Mr. Lee whether
30 there were any additional legal considerations.

31
32 Mr. Lee stated that this case is similar to the continuation of BOA-2025-26; however, in this
33 instance, the case would not be continued to the next month's meeting. Instead, the continuation
34 would allow staff additional time to further review the site and related issues.

35 Mr. Smith mentioned the case has similarities in the matter of road width with a previous case
36 but for this one, the right of way varies from 25 feet to 50 feet in which 50 feet is only on the cul-
37 de-sac. He said that in reference to Ms. Ortega Rendon's testimony on vehicle passing, there will
38 need to be further review on some issues.

39
40 Mr. Lee mentioned the applicant has the right to say they would like the case to be heard again.

41
42 Ms. Joshi asked if their duty as the Board to table the case is to put the case back to city staff and
43 for them to hand the case back over once the concerns have been addressed and City Council has
44 decided. Mr. Smith said she was correct.

1 Chair Joshi asked for a motion to table the agenda item based on Lyla Ave with those in favor to
2 say "aye" and those not in favor to say "nay." All Board members said "aye" and the motion was
3 unanimously approved.

4
5 Mr. Smith mentioned to the audience that once a date is decided for the case to be held, they will
6 be notified.

7
8 **PLANNING DIRECTOR UPDATES**

9 Mr. Smith mentioned he will discuss with them any updates on the sewer allocation policy
10 especially once he gets to meet with the new City Council members. Mr. Smith informed the
11 Board that Ms. Stapleton has accepted a position in another jurisdiction and a new planner will
12 join staff on December 29th.

13
14 **OTHER BUSINESS**


15 Ms. Joshi asked Mr. Lee for clarification on who may speak on behalf of a case as her
16 understanding is that only the applicant or attorney may do so; she asked who will qualify as a
17 subject matter expert. Mr. Lee said that to certify an individual as a subject matter expert they
18 must provide their title/background pertaining to the case but for BOA-2025-27, Mr. Grace was
19 allowed to present as he was only providing factual information and not advocating. Ms. Joshi
20 said she wants her Board members to understand that they are allowed to ask the applicant to
21 testify if necessary and not from their representative. Mr. Smith said the city's ordinance
22 recognizes a few professions as subject matter experts in which Mr. Grace is one of these
23 professions due to him being a certified planner; other professions he knows are recognized are
24 engineers and architects. Mr. Lee mentioned the applicant was allowed at any time during the
25 hearing to testify. Mr. Bailey asked if the applicant was present. Mr. Smith said that the applicant
26 was present. Mr. Lee said an attorney will be needed in cases where there will be arguments or if
27 questions will be asked on standards or state statutes.

28
29 **ADJOURN**

30 There being no further business, Chair Joshi made the motion to adjourn, which was made by
31 Mr. Sides, second by Mr. Dwiggin, and the motion was unanimously approved.
32 The meeting was adjourned at 9:05.



Holden Sides, Vice Chair
Board of Adjustments



Zulena Anderson, Planning Technician
Board of Adjustments



**Board of Adjustment
December 2, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Mia Alvarez, Senior Planner

SUBJECT: Case# BOA-2025-21: Special Use Permit – 4925 Dogwood Blvd
Applicant: Sherri Hartsell

Request for a Special Use Permit (SUP) to approve a comprehensive sign package for property located at 4925 Dogwood Blvd.

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 is requesting a Special Use Permit (SUP) to approve a comprehensive sign package for property located at 4925 Dogwood Boulevard. The subject property is zoned General Commercial (GC) and is more specifically identified as Cabarrus County Parcel Identification Number 56023946640000. The property contains a 50,887 square foot freestanding building and is 9.85 +/- acres.

Pursuant to Section 5.9.F. of the Kannapolis Development Ordinance, a Comprehensive Sign Package may be submitted as an alternative to the permanent signage standards outlined in this section. Freestanding structures exceeding 25,000 square feet and/or master-planned developments larger than 10 acres are eligible to apply for a Comprehensive Sign Package.

At the May 6, 2025, meeting, the Board of Adjustment approved BOA-2025-07, a comprehensive sign package for the ground-mounted signs of the overall Kellswater Commons development, including the outparcels. That approved sign package is separate from this particular comprehensive sign package request. This specific request is solely for the Lowes Foods store.

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 special use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.

The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcel as being located in the "Complete Neighborhood 2" Character Area and located within a primary activity center. The subject property is zoned General Commercial (GC), and retail uses and associated signage are permitted. The proposed sign package will be in conformance with the commercial uses recommended for this character area.

☒☐

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 plans submitted by the applicant would comply with ordinance location restrictions and as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or traffic congestion on public roads.

☒☐

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

The proposed sign package will not produce any noxious or offensive 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 Comprehensive Sign Package will not impede the orderly development of the surrounding properties as the proposed signs are all on-premise signs.

☒ ☐ **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 signs will be required to comply with all applicable regulations of the North Carolina Building Code which will help safeguard public health and safety. Therefore, the signs will not be detrimental to or endanger the public health, safety, or general welfare.

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

The Comprehensive Sign Package complies with all requirements of Section 5.9.F. The applicant has submitted a site plan that identifies locations of wall signage on the building.

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

N/A unless the Board of Adjustment determines to add conditions.

F. Legal Issues

Board's Findings of Fact - Based on application review and public 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	
<input type="checkbox"/>	<input type="checkbox"/>	The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.
<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
<input type="checkbox"/>	<input type="checkbox"/>	The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

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

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

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

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 Public 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. Site Plan
6. Elevation Rendering w/ Related Images
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. Posted Public Notice

I. Issue Reviewed By:

Planning Director	X
Assistant City Manager	X
City Attorney	X



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: 4925 Dogwood Blvd

Applicant: Sherri Hartsell

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ SUP Checklist and Application – Complete with all required signatures
- ☒ Plot/Site Plan showing the proposed use
- ☒ Fee: \$625.00 (\$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: _____

Sherri Hartsell

Date: 9/23/2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Sherri Hartsell
Address: 414 Russell St
Kannapolis NC 28083
Phone: 704-791-9789
Email: [REDACTED]

Property Owner Contact Information ☒ same as applicant

Name: MPV Kellswater LLC
Address: 2400 South Blvd Suite 300
Charlotte NC 28203
Phone: 704-248-2100
Email: [REDACTED]

Project Information

Project Address: 4925 Dogwood Bld Zoning District GC
Parcel PIN: 56022995970000 Size of property (in acres): 9.85

Current Property Use: Multi-tenant shopping center

Proposed Use: Multi-tenant shopping center

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):

To allow larger wall signs and additional wall signs for the main tenant Lowes Foods

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.**

This is compatitble to other Multi-tenant shipping center in the area

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

Larger signs will provide clearer identification to the retail facility.

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

These signs will not have any of these

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

The proposed signs will be within harmony of the surrounding area

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

The signage will be beneficial to the safety of the public

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

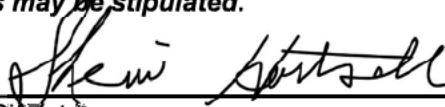
The signs will be slightly larger than what the ordinance allows. We feel the size is compatible with the size of the building elevations

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

Yes

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.

Applicant Signature



Ken Chapman

Digitally signed by Ken Chapman
DN: C=US, E=kchapman@mpvre.com,
O=MPV Properties, CN=Ken Chapman
Date: 2025.09.23 16:31:32-04'00'

Property Owner Signature

9/23/2025

Date

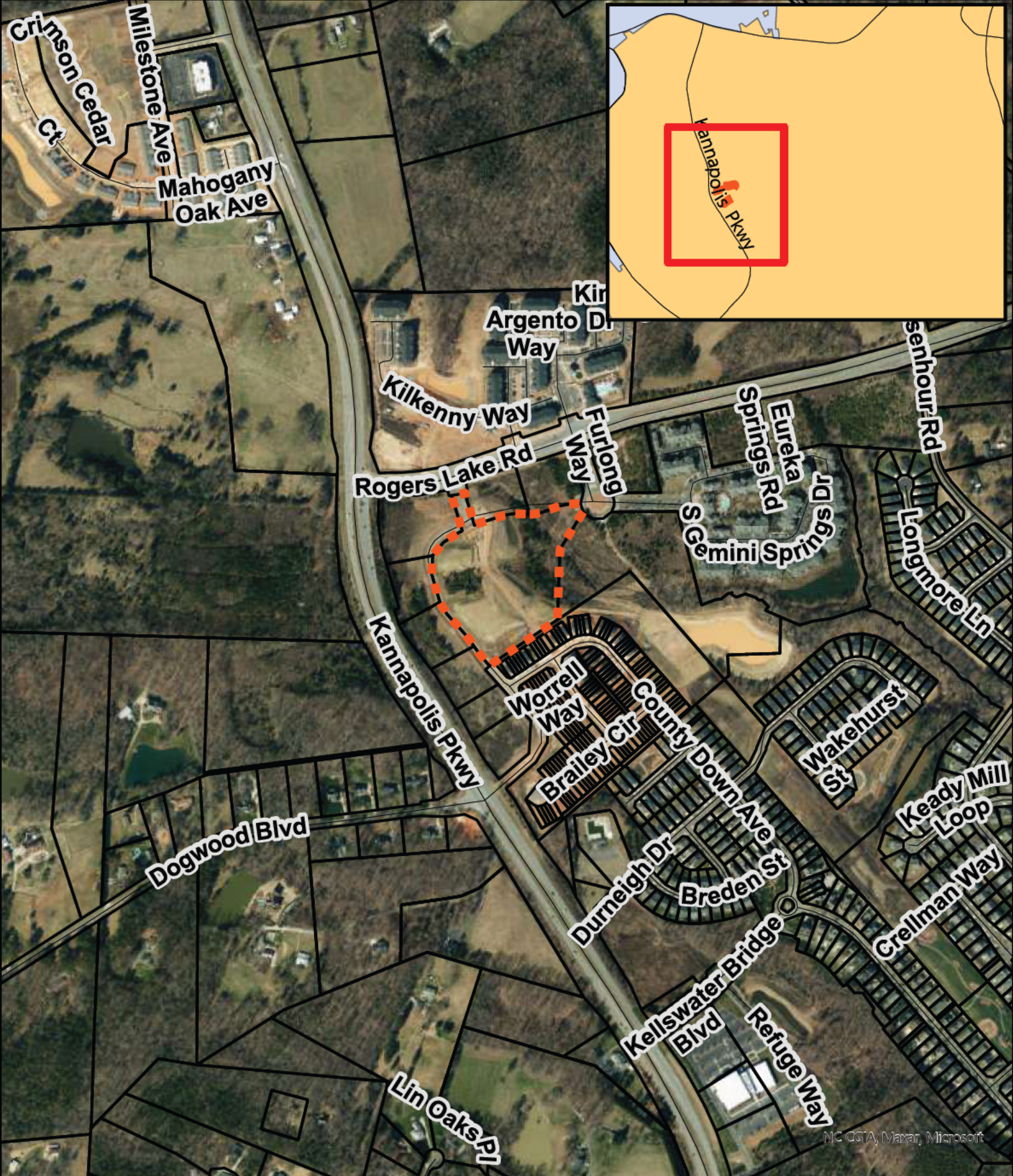
9/25/2025

Date



Vicinity Map

Case Number: BOA-2025-21
Applicant: Sherri Hartsell
4925 Dogwood Blvd

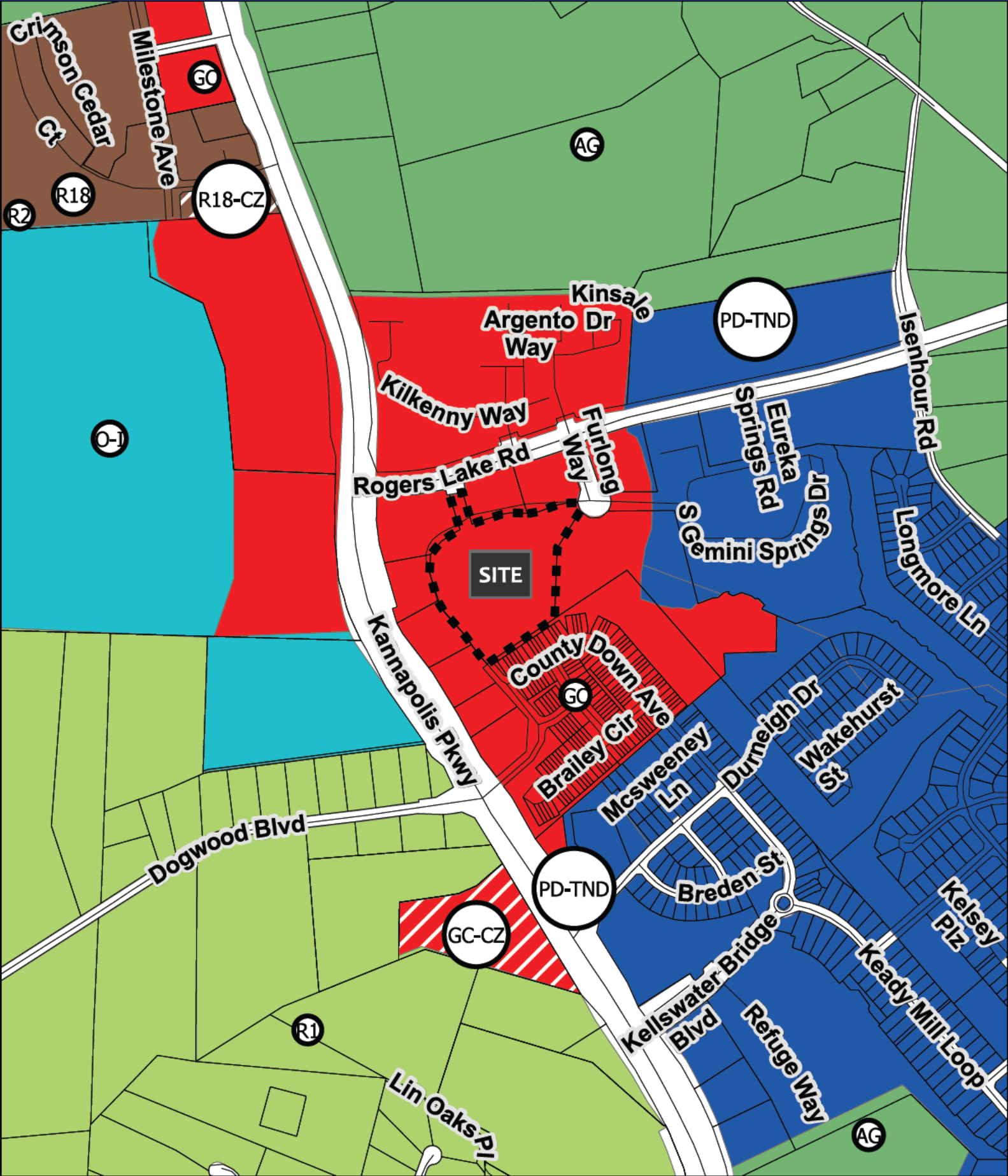




Kannapolis Current Zoning

Case Number: BOA-2025-21

Applicant: Sherri Hartsell
4925 Dogwood Blvd



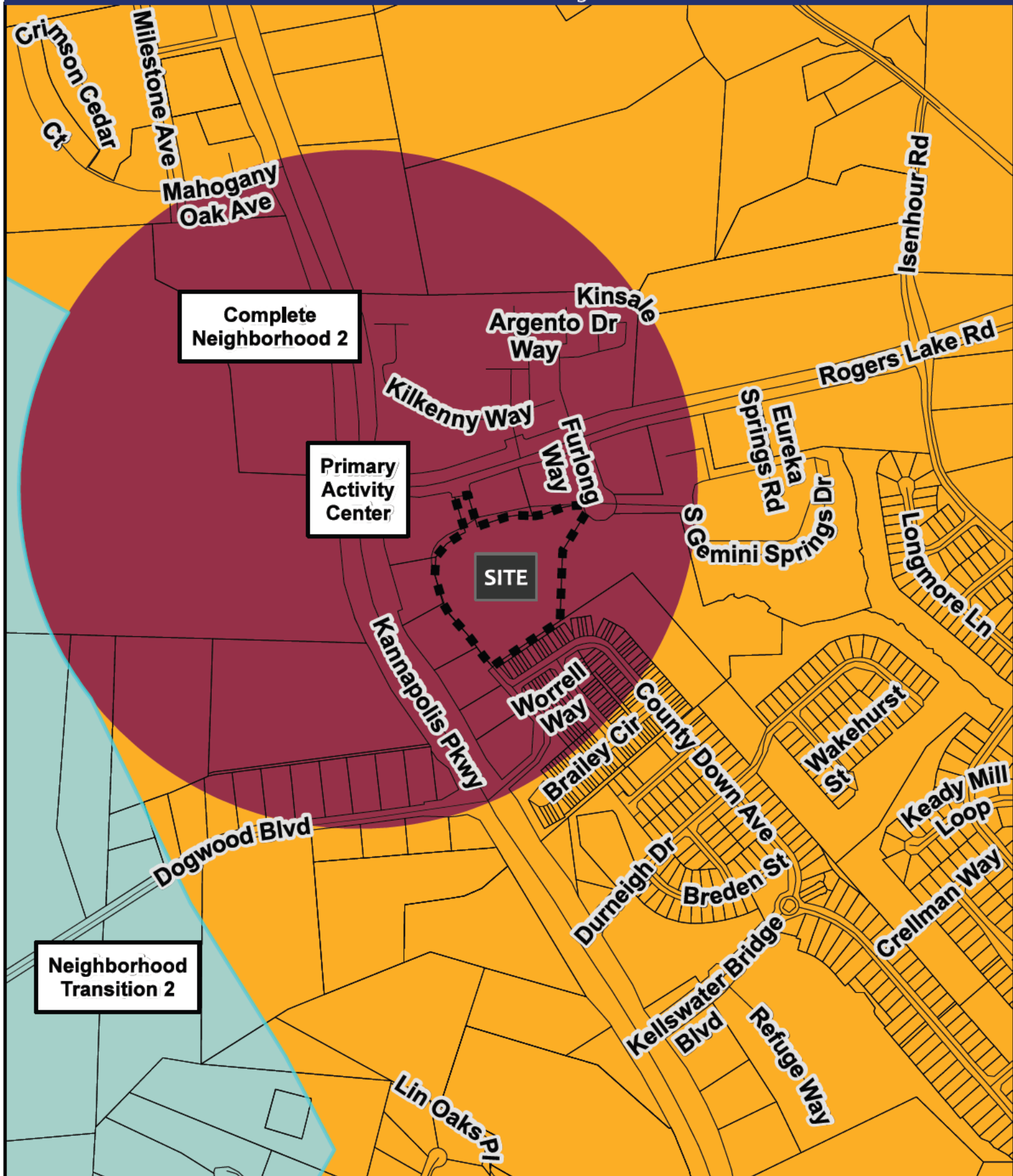


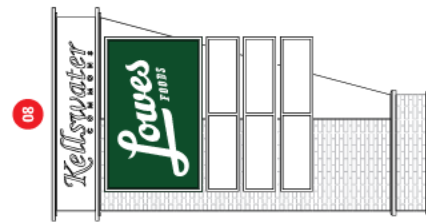
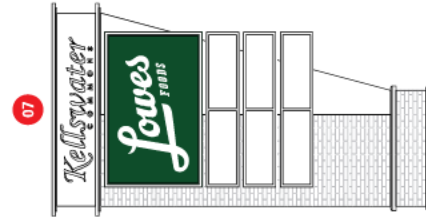
Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-21

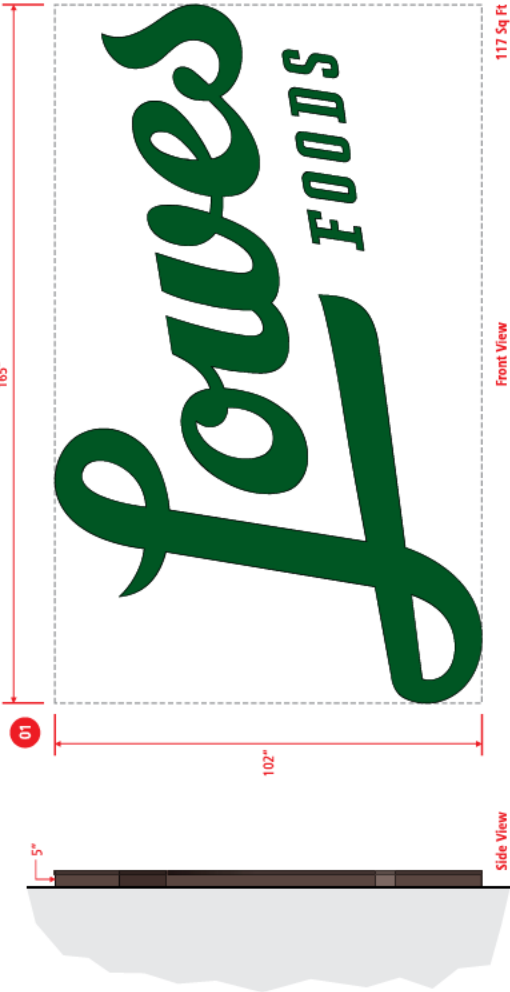
Applicant: Sherri Hartsell

4925 Dogwood Blvd

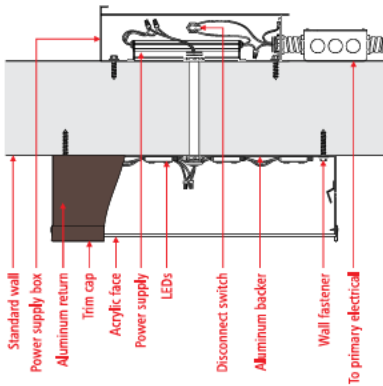




CUSTOMER	
SITE	
Kellswater Commons 4925 Dogwood Blvd Kannapolis, NC 28081	
CONTACT	
Jonathan King - Project Manager 704.400.1171 jonathan.king@lowesfoods.com	
FILE	
Sales Rep	Jeff Hines
File Name	Lowes 286 KANNAPOLIS
Design	TDH
Draft	01:21.25
Rev 1	01:24.25
Rev 2	08:22.25
Rev 3	09:19.25
Rev 5	
Rev 6	
Rev 7	
Rev 8	
Rev 9	
APPROVALS	
<input type="checkbox"/> Approved	
<input type="checkbox"/> Approved as noted	
<input type="checkbox"/> Revise and re-submit	
Customer	
Landlord	
NOTES	
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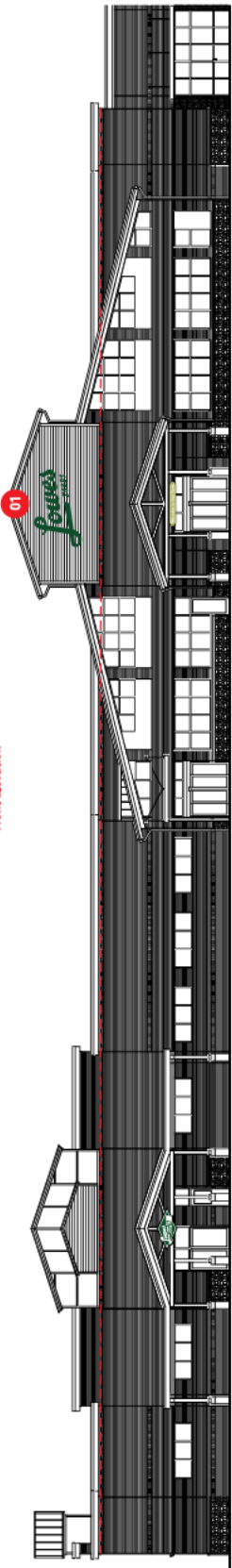


- Acrylic Spec
- 2030 Green
- Paint Spec (Returns and trim cap)
- Duranodic Bronze



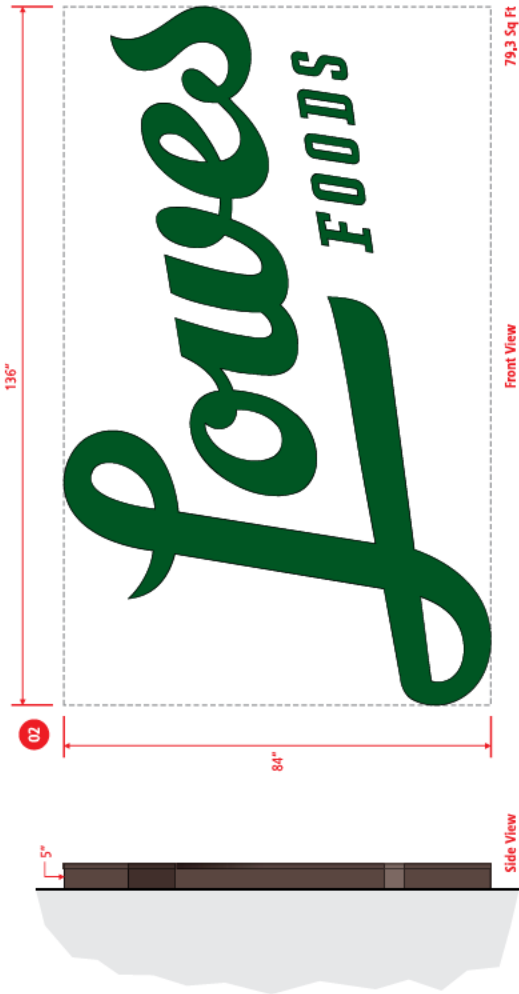
Typical LED Illuminated Channel Letter Detail NTS

Front Elevation

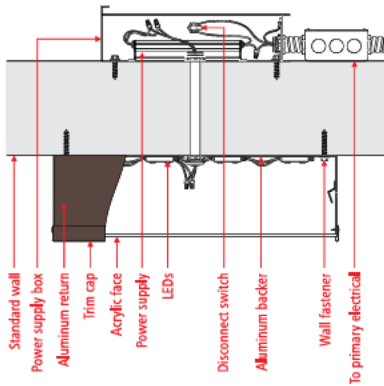


Elevation depictions and or renderings are intended for general concept illustration and are not to exact scale. Actual sizing, color, materials & perspective may vary from image.

CUSTOMER	
SITE	Kellwater Commons 4925 Dogwood Blvd Kannapolis, NC 28081
CONTACT	Jonathan King - Project Manager 704.400.1171 jonathan.king@lowesfoods.com
FILE	Sales Rep Jeff Hines File Name Lowes 288 KANNAPOLIS Design TDH Draft: 01.21.25 Rev 1: 08.22.25 Rev 2: Rev 3: Rev 5: Rev 6: Rev 7: Rev 8: Rev 9:
APPROVALS	<input type="checkbox"/> Approved <input type="checkbox"/> Approved as noted <input type="checkbox"/> Revise and re-submit Customer Landlord
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- Acrylic Spec
- 2030 Green
- Paint Spec (Returns and trim cap)
- Duranodic Bronze



Typical LED illuminated
Channel Letter Detail
NTS

CUSTOMER

SITE

Kellwater Commons
4925 Dogwood Blvd
Kannapolis, NC 28081

CONTACT

Jonathan King - Project Manager
704.400.1171
jonathan.king@lowesfoods.com

FILE

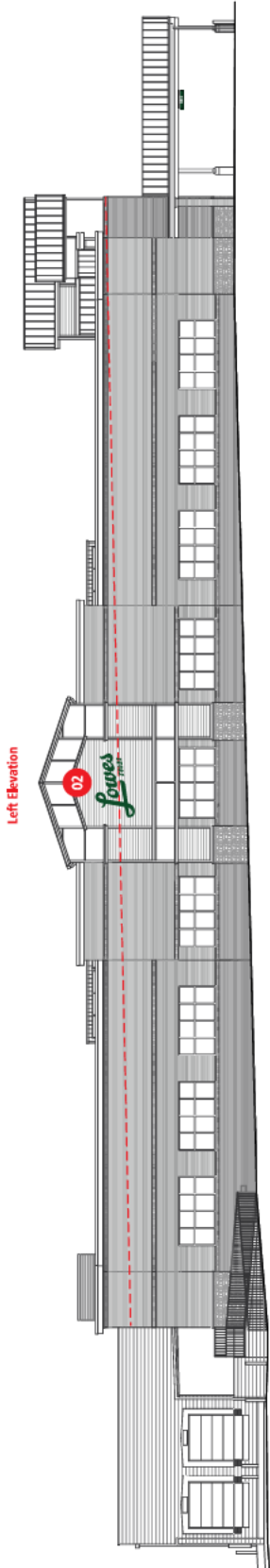
Sales Rep
Jeff Hines
File Name
Lowes 288 KANNAPOLIS
Design
TDH
Draft: 01.21.25
Rev 1:
Rev 2:
Rev 3:
Rev 5:
Rev 6:
Rev 7:
Rev 8:
Rev 9:

APPROVALS

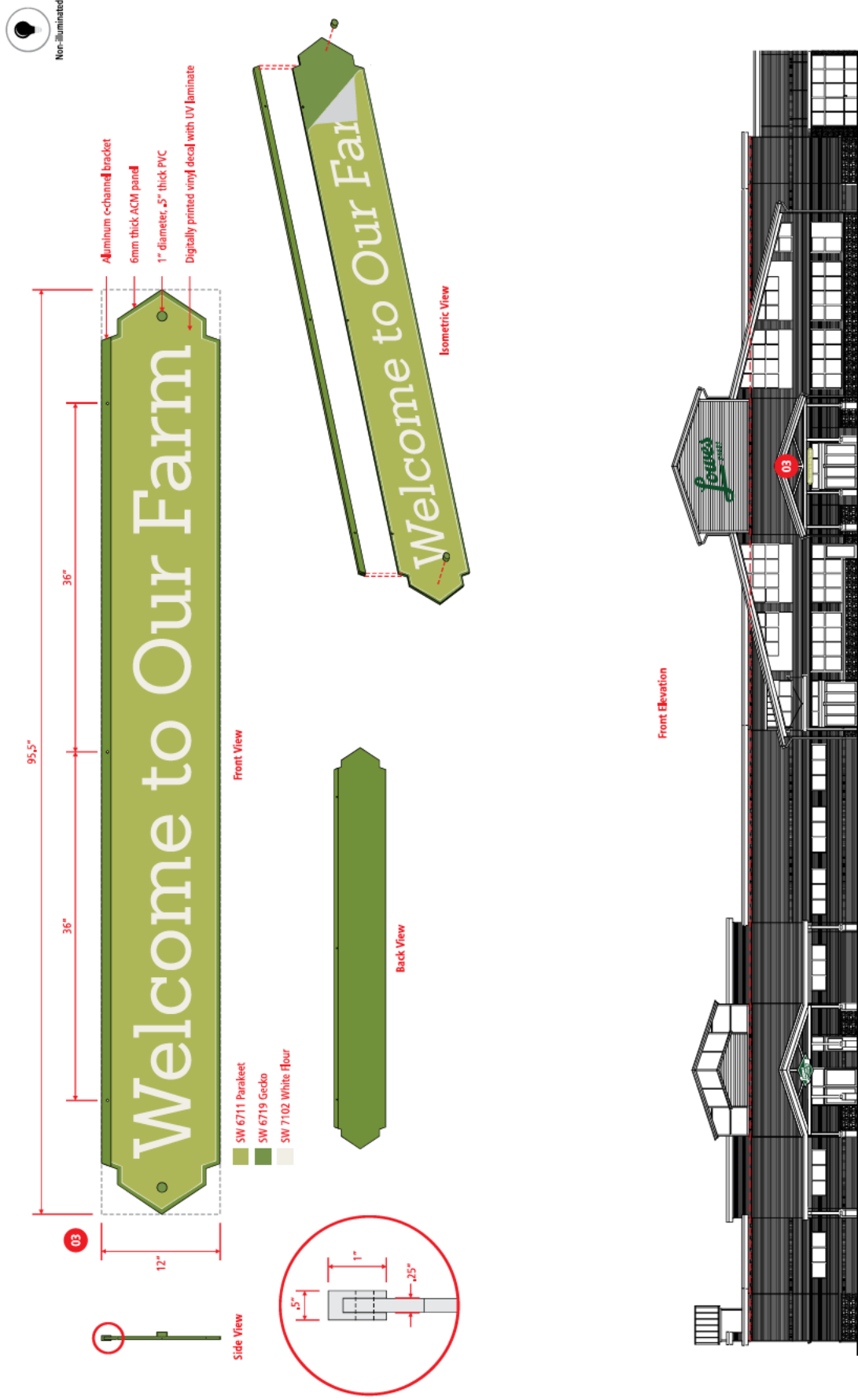
☐ Approved
☐ Approved as noted
☐ Revise and re-submit
Customer
Landlord

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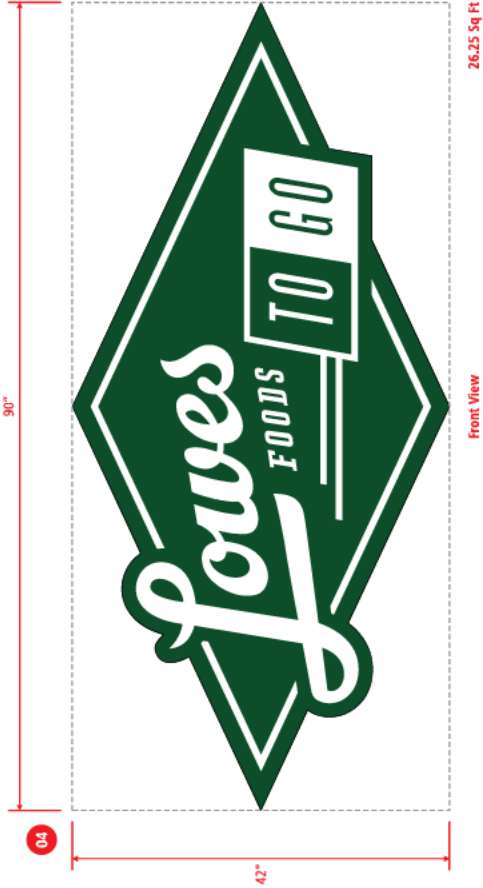
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CUSTOMER	Lowes FOODS
SITE	Kellwater Commons 4925 Dogwood Blvd Kannapolis, NC 28081
CONTACT	Jonathan King - Project Manager 704.400.1171 jonathan.king@lowesfoods.com
FILE	Sales Rep Jeff Hines File Name Lowes 288 KANNAPOLIS Design TDH
APPROVALS	Draft: 01.21.25 Rev 1: 09.19.25 Rev 2: Rev 3: Rev 5: Rev 6: Rev 7: Rev 8: Rev 9:
NOTES	<input type="checkbox"/> Approved <input type="checkbox"/> Approved as noted <input type="checkbox"/> Revise and re-submit Customer Landlord
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	Sign Systems Inc.



Non-Illuminated



Front View

26.25 Sq Ft



Side View

Description Aluminum panel with vinyl copy and graphics

■ PMS 357 C

□ 3M 7725-20 Matte White



Front View

2.8 Sq Ft

Description Aluminum panel with vinyl copy and 1.5" aluminum angle bracket

■ PMS 357 C

□ 3M 7725-20 Matte White



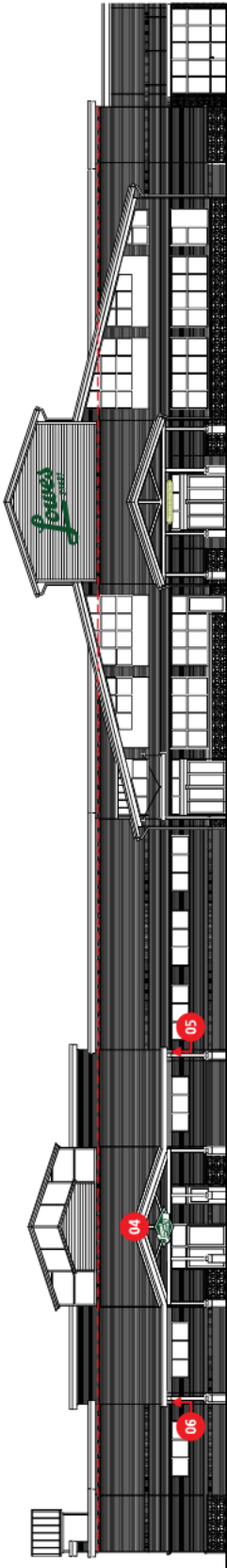
2.8 Sq Ft

Description Aluminum panel with vinyl copy and 1.5" aluminum angle bracket

■ PMS 357 C

□ 3M 7725-20 Matte White

Front Elevation



Elevation depictions and/or renderings are intended for general concept illustration and are not to exact scale. Actual sizing, color, materials & perspective may vary from image.

CUSTOMER



SITE

Kellwater Commons
4925 Dogwood Blvd
Kannapolis, NC 28081

CONTACT

Jonathan King - Project Manager
704.400.1171
jonathan.king@lowesfoods.com

FILE

Sales Rep
Jeff Hines
File Name
Lowes 286 KANNAPOLIS
Design
TDH

Draft: 01.21.25
Rev 1: 09.19.25

Rev 2:
Rev 3:
Rev 5:
Rev 6:
Rev 7:
Rev 8:
Rev 9:

APPROVALS

- ☐ Approved
- ☐ Approved as noted
- ☐ Revise and re-submit

Customer

Landlord

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Sign Systems Inc.

AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
HAWK JULIANNE ELYSE		4170 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
IVEY RYAN		4160 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
TOLETI PAVAN KUMAR VENKATA	BEHARA NAGA U SPOUSE	10597 SKIPPING ROCK LN NW		CONCORD	NC	28027
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
WEST SHORE VIVE LLC		1 INTERNATIONAL PL STE 1330		BOSTON	MA	02110
ARGENTO KELLSWATER PROPERTY LLC		3900 EDISON LAKES PKWY STE 201		MISHAWAKA	IN	46545
AQUINO CARLOS	NINO YURANY STEFANY AVILA WF	4180 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
PALIWAL MANISH	PALIWAL BHUMIKA SPOUSE	4110 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
MENDEZ JEFFREY	JOHNSON-LEWIS ANN ROSE	4190 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
HARRIS CHERYL A		4150 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
RANGINENI NARESH NAIDU		1294 BRIDGEFORD DR NW		HUNTERSVILLE	NC	28078
COLEMAN ANNALISE	COLEMAN GERALD	4060 COUNTY DOWN AVE		KANNAPOLIS	NC	
CALLENDER SYDNEE VICTORIA		6244 CREEK BREEZE RD		CHARLOTTE	NC	28269
GEORGETOWN CROSSING HOMEOWNERS ASSOCIATION INC		PO BOX 3340		FORT MILL	SC	29716
YERRA SAMHITHA		4133 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
SINGH SANJAY KUMAR	SINGH RENU SPOUSE	4123 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
GEORGETOWN CROSSING HOMEOWNERS ASSOCIATION INC		PO BOX 3340		FORT MILL	SC	29716
STERK KENDALL	STERK JULIE SPOUSE	4070 COUNTY DOWN AVE		KANNAPOLIS	NC	
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
MERITAGE HOMES OF THE CAROLINAS INC	AN AZ CORP	13925 BALLANTYNE CORPORATE PL	STE 300	CHARLOTTE	NC	28277
KOLIPARTHI VENKATA SUNDARA	KAMISETTY PUSHPA LATHA SPOUSE	1612 RESPECT ST NW		CONCORD	NC	28027
COSBY MICHAEL ALEXANDER	SALAS MARTHA DEL ROCIO ORTIZ SPOUSE	4143 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
GHOSE SUSHMITA		1171 PHALLEN CT NW		CONCORD	NC	28027
KOSURU KRISHNAM	RALLABANDI SUHASINI WF	4040 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
RALLABANDI SUSHMA	KAMMARI CHETAN SPOUSE	825 TRAVERS CT		MONROE	NC	28110
PARAMASIVAM PRAVEEN KUMAR	KALIDOSS UMAMAGESHWARI SPOUSE	4130 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
GOPU SRINIVASA	ISAMPALLI UDAYA	711 CORALBELL WAY		TEGA CAY	SC	29708
MOGALAPALLI VIVEK	CHEKKA SAI MOUNIKA SPOUSE	630 168TH PL SW UNIT C5		LYNNWOOD	WA	98037
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
LOYAL LEGACY 1 LLC	LOYAL LEGACY 2 LLC	698 N MAITLAND AVE STE 203		MAITLAND	FL	32751
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
MPV KELLSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
NUNEZ PABLO RAMIRO ROJAS	PALACIOS PAOLA JANETH CADENA SPOUSE	4183 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
MOHAN PRABHURAM	BABU ABINAYA SPOUSE	22411 NE 12TH CT		SAMMAMISH	WA	98074
SATWALKAR GAURAV S	SATWALKAR SHWETA SPOUSE	557 TULIP TREE ST NW		CONCORD	NC	28027
SUNKARA CHANDRA SEKHAR		3960 SHIDER LANE		KANNAPOLIS	NC	28083
GEORGETOWN CROSSING HOMEOWNERS ASSOCIATION INC		PO BOX 3340		FORT MILL	SC	29716
ORELLANA EBONY M		812 WENTWORTH DR NE		CONCORD	NC	28025
GEORGETOWN CROSSING HOMEOWNERS ASSOCIATION INC		PO BOX 3340		FORT MILL	SC	29716



November 17, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial hearing on Tuesday December 2, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-21 – Special Use Permit – Lowes Foods Sign Package (4925 Dogwood Blvd)

The purpose of this hearing is to consider a request for a Special Use Permit (SUP) to approve a Comprehensive Sign Package for the property located at 4925 Dogwood Blvd. Pursuant to Section 5.9.F of the Kannapolis Development Ordinance, a Comprehensive Sign Package may be submitted as an alternative to the permanent signage standards outlined in this section. Freestanding structures exceeding 25,000 square feet and/or master-planned developments larger than 10 acres are eligible to apply for a Comprehensive Sign Package.

The subject property contains a 50,887 square feet freestanding building and is 9.85 +/- acres. It is more specifically identified as Cabarrus County Parcel Identification Number 56023946640000. **(Please see attached vicinity map showing the location of this property.)**

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

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

Sincerely,

Mia Alvarez
Senior Planner

Enclosure

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



KANNAPOLIS

BOARD OF

ADJUSTMENT

PUBLIC HEARING
INFORMATION

CALL 704-920-4350

CASE # BOA-2025-21

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

IN RE: 4925 Dogwood Blvd	:	
Kannapolis, NC 28081	:	
Applicant: Sherri Hartsell	:	
	:	ORDER GRANTING A
APPLICATION # BOA-2025-21	:	SPECIAL USE PERMIT

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the “Board”) having held a quasi-judicial hearing on Tuesday December 2, 2025, to consider Application Number BOA-2025-21 submitted by Sherri Hartsell (the “Applicant”), determined:

The applicant, Sherri Hartsell, is requesting a Special Use Permit (SUP) to approve a comprehensive sign package for property located at 4925 Dogwood Boulevard and owned by MPV Kellswater LLC. The subject property is zoned General Commercial (GC) and is more specifically identified as Cabarrus County Parcel Identification Number 56023946640000. The property contains a 50,887 square feet freestanding building and is 9.85 +/- acres.

Pursuant to Section 5.9.F. of the Kannapolis Development Ordinance (KDO), a Comprehensive Sign Package may be submitted as an alternative to the permanent signage standards outlined in this section. Freestanding structures exceeding 25,000 square feet and/or master-planned developments larger than 10 acres are eligible to apply for a Comprehensive Sign Package.

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. Site Plan
6. Elevation Rendering w/ Related Images
7. List of Notified Properties
8. Notice to Adjacent Property Owners
9. Posted Public Notice
10. Staff Report

The Board considered the approval criteria set out in KDO Section 2.5.A(5).

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

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

The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcel as being located in the “Complete Neighborhood 2” Character Area and located within a primary activity center. The subject property is -zoned General Commercial (GC), and retail uses and associated signage are permitted. The proposed sign package will be in conformance with the commercial uses and signage recommended for this character area.

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

The plans submitted by the applicant would comply with ordinance location restrictions and as a result, the proposed Comprehensive Sign Package will not create any traffic hazards or traffic congestion on public roads.

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

The proposed sign package will not produce any noxious or offensive noise, odor, dust, smoke, or gas.

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

The Comprehensive Sign Package will not impede the orderly development of the surrounding properties as the proposed signs are all on-premise signs.

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

The proposed signs will be required to comply with all applicable regulations of the North Carolina Building Code which will help safeguard public health and safety. Therefore, the signs will not be detrimental to or endanger the public health, safety, or general welfare.

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

The Comprehensive Sign Package complies with all requirements of Section 5.9.F. The applicant has submitted a site plan that identifies locations of wall signage on the building.

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

N/A.

Based on the above Findings of Fact, the Board **approves** the SUP for Application Number BOA-2025-21 subject to its compliance with all local, state and federal requirements.

This the 2nd day of December 2025.


Secretary


Chairman



**Board of Adjustment
December 2, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-25: Special Use Permit – 403 E 27th St.
Applicant: Michelle Harrison

Request for a Special Use Permit to allow for a boarding house on property located at 403 E 27th 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, Michelle Harrison, is requesting a Special Use Permit (SUP) to allow for a boarding house use on property located at 403 E. 27th Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a boarding house in the Residential 8 (R8) zoning district. The subject property consists of approximately 0.4± acres, is zoned R8, and is further identified as Rowan County Parcel Identification Number 162 021. The proposal involves the use of an existing single-family dwelling.

A boarding house is defined as: "A building containing a single-family detached dwelling where three or more bedrooms are provided for lodging, with or without meals, for compensation. 'Compensation' may include money, services, or other things of value." Pursuant to Section 4.2.D(3)b.1 of the Kannapolis Development Ordinance, a boarding house is subject to the following special requirements:

- a) A boarding house shall not be constructed or altered in any way that changes its general

residential appearance.

- b) Receptions, private parties, and similar activities are prohibited unless expressly approved as part of a special use permit or site plan application.
- c) All guest rooms shall be located within the principal structure.
- d) Other than registered tenants and their guests, no meals shall be served to the general public unless expressly approved as part of a special use permit or site plan application.
- e) The maximum number of guest bedrooms shall be five, unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging.
- f) All outdoor lights must be shielded to direct light and glare only onto the boarding house premises. Lighting and glare must be deflected, shaded, and focused away from any adjoining residential property.
- g) Signage shall be limited to one non-illuminated ground sign, which shall not exceed five square feet in area or five feet in height.

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 located within the "Urban Residential" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Character Area calls for primary uses of single-family residential and civic uses, with secondary uses including multi-family residential, small-format retail, and office.

Based on the character area noted above, the proposed development is compatible with the future land use plan and existing uses in the surrounding area.

☒
☐

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 boarding house use is not expected to create any traffic hazards or cause traffic congestion. The Planning Department has worked with the applicant on a proposal to expand the driveway to provide parking for three rooms to meet the ordinance requirement of one parking space per bedroom.

- ☒ ☐ **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 boarding house 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 is not expected to impede the orderly development or improvement of surrounding properties for uses permitted within their respective zoning districts. The boarding house is consistent in scale and intensity with nearby residential uses and does not introduce any conditions that would limit or restrict future permitted development on adjacent parcels.
- ☒ ☐ **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 is not expected to be detrimental to or endanger the public health, safety, or general welfare. The use is residential in nature, consistent with the surrounding neighborhood, and subject to all applicable building, fire, and property maintenance codes to ensure safe and orderly operation. The proposed use will also comply with all requirements of the Kannapolis Development Ordinance.
- ☒ ☐ **The proposed use complies with all applicable provisions of the KDO.**
The proposed use shall comply with all sections of the Kannapolis Development Ordinance, all conditions of approval, and any other applicable local, state, and federal regulations. Staff has confirmed that the use-specific standards for a boarding house have been met with this proposal. The applicant understands that, unless specifically relieved of a requirement in writing, all KDO requirements must be met.
- ☒ ☐ **The applicant consents in writing to all conditions of approval included in the approved special use permit.**
The applicant has indicated that they will sign all Conditions of Approval for this special use permit.

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 evidentiary 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.

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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.

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

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

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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.

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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.

G. Recommendation

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

Conditions of Approval proposed by staff:

1. The driveway shall be expanded as shown on the conceptual site plan (SUP plan) to provide sufficient parking for three bedrooms, meeting the minimum parking requirement for a boarding house of one space per bedroom. Approval of this request shall limit the boarding house to a maximum of three bedrooms, consistent with the intent of the SUP.

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. Conceptual Site 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

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: 403 E 27th St, Kannapolis, NC

Applicant: Michelle Harrison

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:  Date: 10/3/2025



SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Michelle Harrison
Address: PO Box 525
Huntersville, NC 28070
Phone: 980-253-7173
Email: [REDACTED]

Property Owner Contact Information ☒ same as applicant

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

Project Information

Project Address: 403 E 27th St Zoning District R4
Parcel PIN: 5625-17-11-7180 Size of property (in acres): .4

Current Property Use: SFH

Proposed Use: Room Rentals - Boarding Home

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):

REVIEW STANDARDS

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a Special Use Permit (SUP). Per Section 2.5.A(5)c of the Kannapolis Development Ordinance (KDO,) the applicant must demonstrate successful compliance with all standards to obtain a SUP. In the space provided below, indicate the facts that you intend to provide to convince the Board that it can properly reach the following conclusions:

- 1. The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Comprehensive Plan.

Yes

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

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



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

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

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

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

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.

	10/3/2025
Applicant Signature	Date
	10/3/2025
Property Owner Signature	Date

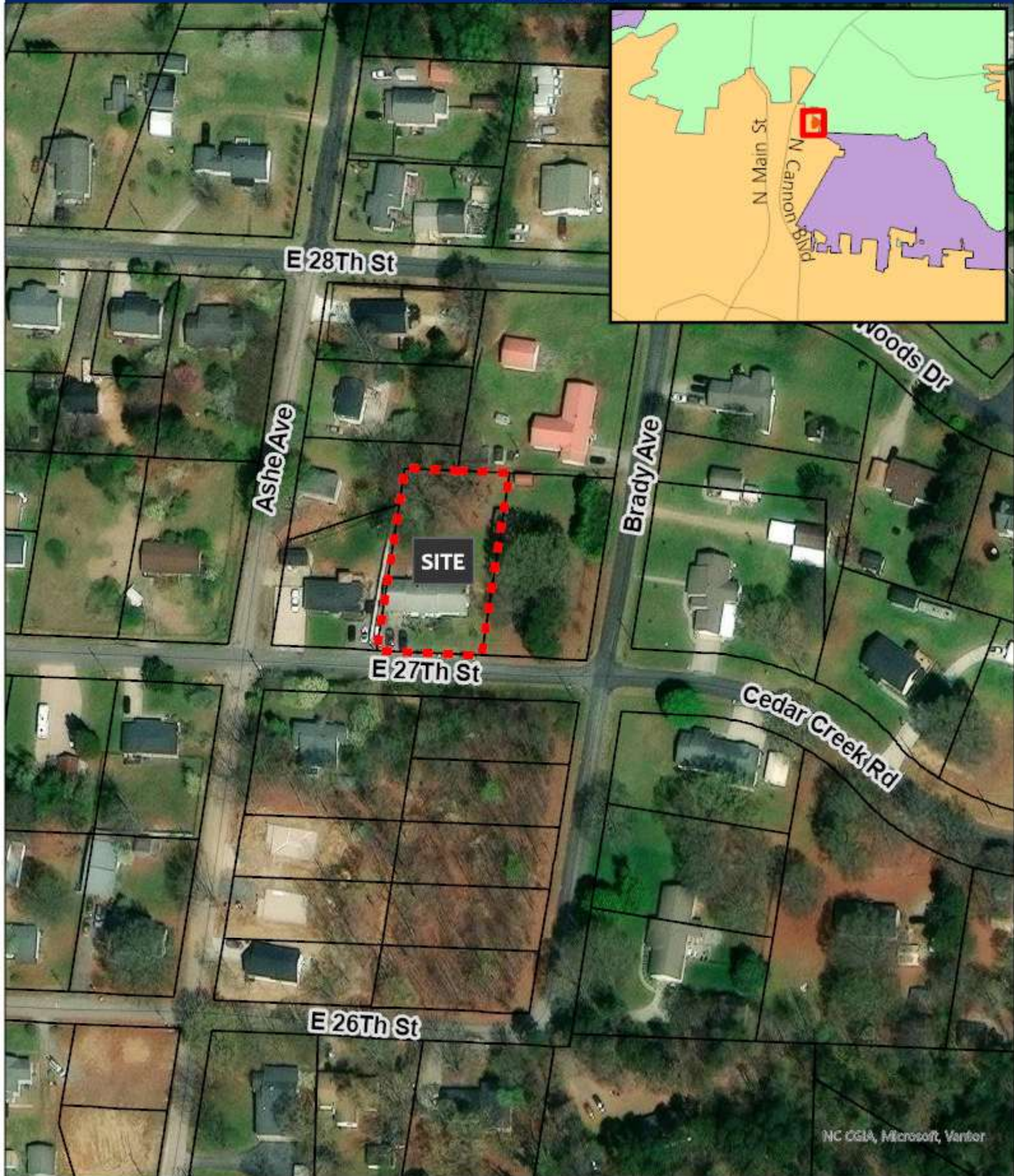


Vicinity Map

Case Number: BOA-2025-25

Applicant: Michelle Harrison

403 E 27th St



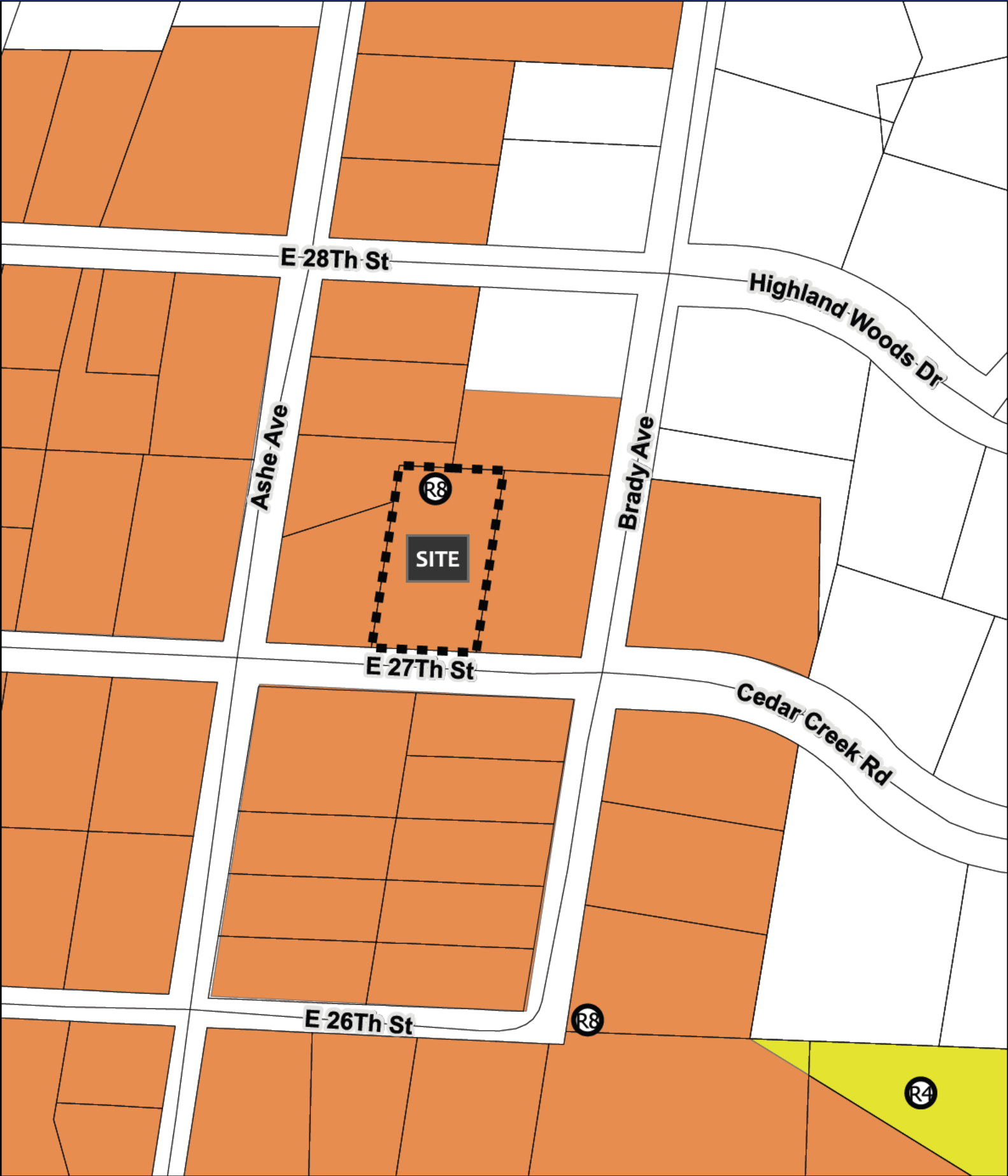


Kannapolis Current Zoning

Case Number: BOA-2025-25

Applicant: Michelle Harrison

403 E 27th St



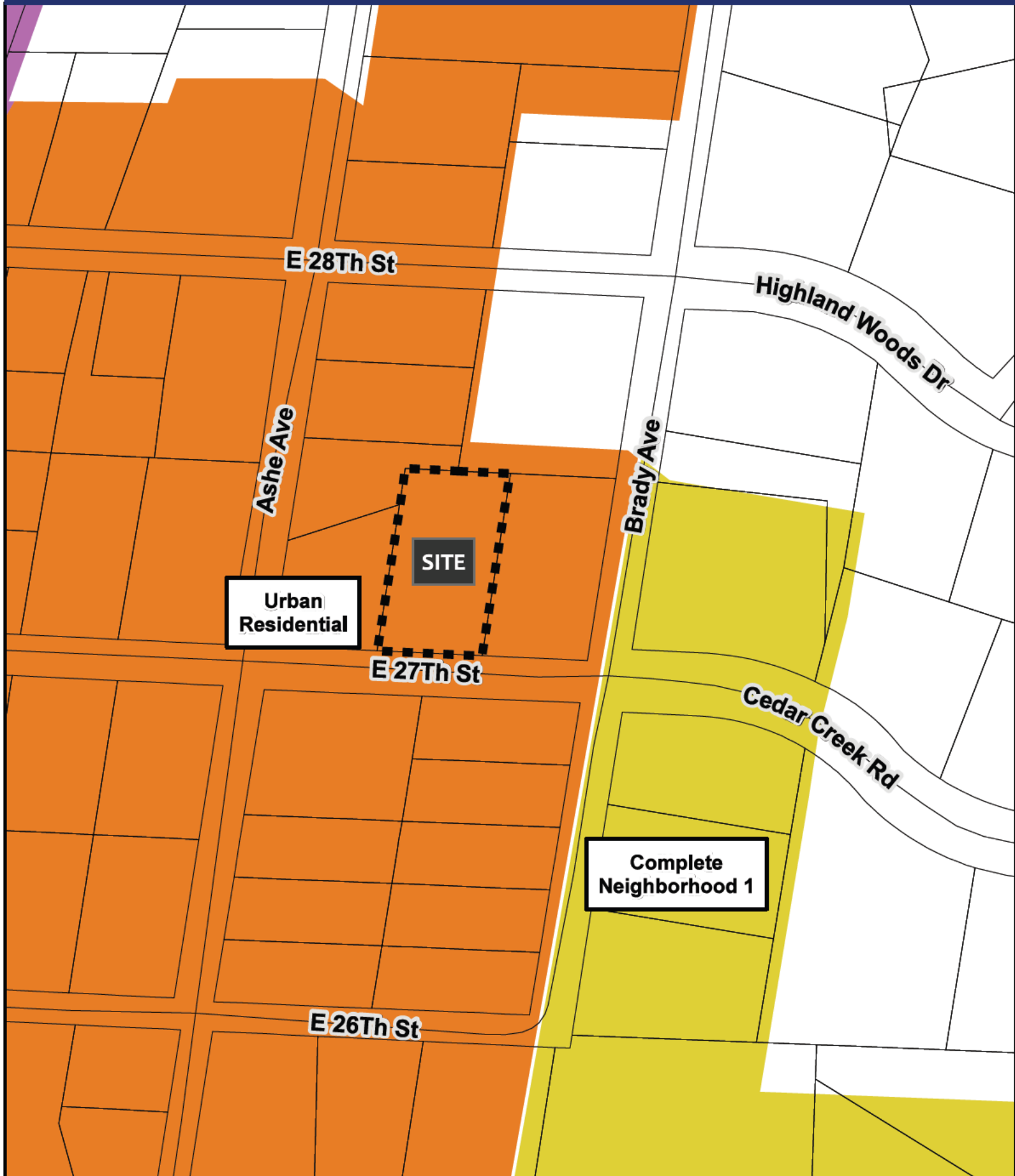


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-25

Applicant: Michelle Harrison

403 E 27th St



OWNNAME	TAXADD1	CITY	STATE	ZIPCODE	OWN2
KG CONSTRUCTION & REMODELING LLC	8901 OLD CONCORD RD	SALISBURY	NC	28146-1111	
SUGGS TY WINSTON	4915 WATERS EDGE DR STE 265	RALEIGH	NC	27606-2460	
KG CONSTRUCTION & REMODELING LLC	8901 OLD CONCORD RD	SALISBURY	NC	28146-1111	
HALEY STANLEY B & WF	PO BOX 577	LANDIS	NC	28088-0577	HALEY VANESSA
AMENT DANNY J & WF	2704 ASHE AV	KANNAPOLIS	NC	28083-9149	AMENT MARTHA M
MLII INVESTMENT GROUP LLC	403 E 27TH ST	KANNAPOLIS	NC	28083-9729	
HALEY STANLEY B & WF	PO BOX 577	LANDIS	NC	28088-0577	HALEY VANESSA
SINARDI TERRI L	2706 ASHE AVE	KANNAPOLIS	NC	28083-9149	
KG CONSTRUCTION & REMODELING LLC	8901 OLD CONCORD RD	SALISBURY	NC	28146-1111	
HANDELAND CAROLYN S	205 E 27TH ST	KANNAPOLIS	NC	28083-9727	
AGUILERA VICTOR ALFONSO &	206 E 27TH ST	KANNAPOLIS	NC	28083-9734	CARMONA MARIA PAULA HERNANDEZ
POOLE JAMES JR	761 ANCHOR RD	NORWOOD	NC	28128-6553	
DEATON LORI	401 E 27TH ST	KANNAPOLIS	NC	28083-9729	
BURGESS JEFFERY SCOTT & WF	2700 BRADY AVE	KANNAPOLIS	NC	28083	BURGESS REBECCA ANN
RELAIS REALTY LLC	6012 BAYFIELD PKWY STE 141	CONCORD	NC	28027-7597	
CLATTENBURG DEAN F & WF	2600 BRADY AVE	KANNAPOLIS	NC	28083	CLATTENBURG PATRICIA L
REAVIS BILLY E & WF	1004 CEDAR CREEK RD	KANNAPOLIS	NC	28083	REAVIS MARLENE F
SIMS LARRY JR & WF	1002 HIGHLAND WOODS DR	KANNAPOLIS	NC	28083	SIMS KIMBERLY
BURGESS JEFFERY SCOTT & WF	2700 BRADY AVE	KANNAPOLIS	NC	28083	BURGESS REBECCA ANN



November 17, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial hearing on Tuesday December 2, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-25 – Special Use Permit – 403 E 27th St.

The purpose of this hearing is to consider a request for a Special Use Permit (SUP) to allow for a boarding house use on property located at 403 E. 27th Street. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a boarding house in the Residential 8 (R8) zoning district. The subject property consists of approximately 0.4± acres, is zoned R8, and is further identified as Rowan County Parcel Identification Number 162 021. The proposal involves the use of an existing single-family dwelling. **(Please see attached vicinity map showing the location of this property.)**

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

If you have any questions about the hearing or request, please do not hesitate to contact the Planning Department at 704.920.4355 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

Enclosure

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

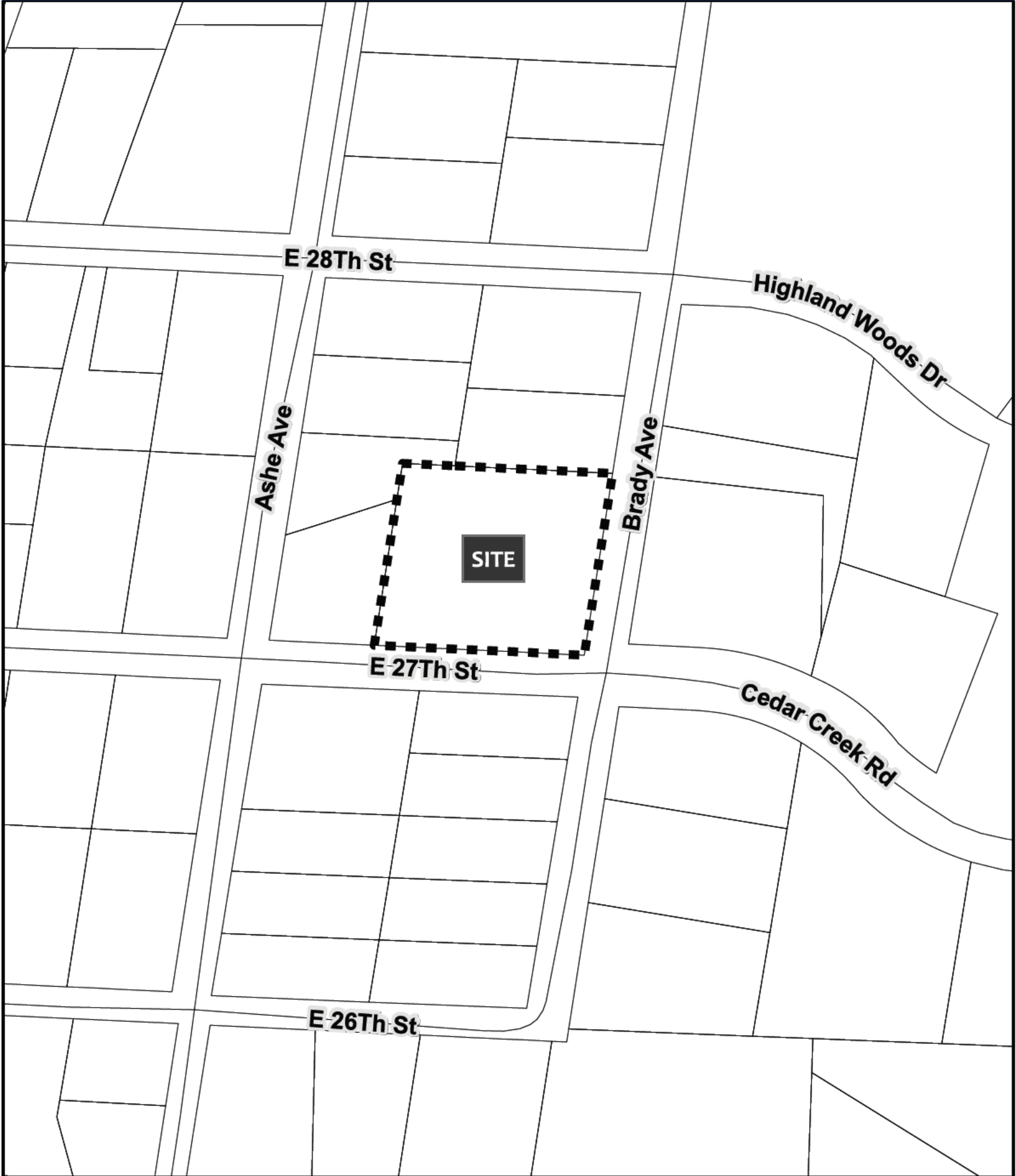


Special Use Permit

Case Number: BOA-2025-25

Applicant: Michelle Harrison

403 E 27th St





KANNAPOLIS

BOARD OF

ADJUSTMENT

PUBLIC HEARING
INFORMATION

CALL 704-920-4350

CASE #BOA - 2025 - 25

A yellow rectangular sign with a red diagonal stripe. At the top is the Kannapolis logo, which includes a stylized building and the word "KANNAPOLIS". Below the logo, the words "BOARD OF" and "ADJUSTMENT" are in bold red letters on a yellow background. Below that, "PUBLIC HEARING INFORMATION" is in black letters. At the bottom, "CALL 704-920-4350" and "CASE #BOA - 2025 - 25" are in black letters. The sign is mounted on a wooden utility pole.

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

IN RE:

403 E 27th Street	:	
Kannapolis, NC 28083	:	
Applicant: Michelle Harrison	:	
	:	ORDER GRANTING A
APPLICATION # BOA-2025-25	:	SPECIAL USE PERMIT

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the “Board”) having held a quasi-judicial hearing on Tuesday December 2, 2025, to consider Application Number BOA-2025-25 submitted by Michelle Harrison (the “Applicant”), determined:

The applicant, Michelle Harrison, is requesting a Special Use Permit (SUP) to allow for a boarding house use on the property located at 403 E. 27th Street owned by MLII Investment Group LLC. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a boarding house in the Residential 8 (R8) Zoning District. The subject property consists of approximately 0.4± acres, is zoned R8, and is further identified as Rowan County Parcel Identification Number 162 021. The proposal involves the use of an existing single-family dwelling.

A boarding house is defined as: “A building containing a single-family detached dwelling where three or more bedrooms are provided for lodging, with or without meals, for compensation. ‘Compensation’ may include money, services, or other things of value.” Pursuant to KDO Section 4.2.D(3)b.1, a boarding house is subject to the following special requirements:

- a) A boarding house shall not be constructed or altered in any way that changes its general residential appearance.
- b) Receptions, private parties, and similar activities are prohibited unless expressly approved as part of a special use permit or site plan application.
- c) All guest rooms shall be located within the principal structure.
- d) Other than registered tenants and their guests, no meals shall be served to the general public unless expressly approved as part of a special use permit or site plan application.
- e) The maximum number of guest bedrooms shall be five, unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging.
- f) All outdoor lights must be shielded to direct light and glare only onto the boarding house premises. Lighting and glare must be deflected, shaded, and focused away from any adjoining residential property.
- g) Signage shall be limited to one non-illuminated ground sign, which shall not exceed five square feet in area or five feet in height.

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. Conceptual Site Plan (SUP 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 KDO Section 2.5.A(5).

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

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

This property is located within the "Urban Residential" Character Area as designated in the *Move Knapolis Forward 2030 Comprehensive Plan*. The Character Area calls for primary uses of single-family residential and civic uses, with secondary uses including multi-family residential, small-format retail, and office. The proposed use is allowed in the Residential 8 (R8) Zoning District provided the conditions set forth herein are met.

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

The proposed boarding house use is not expected to create any traffic hazards or cause traffic congestion. The Planning Department has worked with the applicant on a proposal to expand the driveway to provide parking for three rooms to meet the ordinance requirement of one parking space per bedroom as indicated on the site plan.

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

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

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

The proposed use is not expected to impede the orderly development or improvement of surrounding properties for uses permitted within their respective zoning districts. The boarding house is consistent in scale and intensity with nearby residential uses and does not introduce any conditions that would limit or restrict future permitted development on adjacent parcels.

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

The proposed use is not expected to be detrimental to or endanger the public health, safety, or general welfare. The use is residential in nature, consistent with the surrounding neighborhood, and subject to all applicable building, fire, and property maintenance codes to ensure safe and orderly operation. The proposed use will also comply with all requirements of the Knapolis Development Ordinance.

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

The proposed use shall comply with all sections of the Knapolis Development Ordinance, all conditions of approval, and any other applicable local, state, and federal regulations. Staff has confirmed that the use-specific standards for a boarding house have been met with this proposal. The applicant understands that, unless specifically relieved of a requirement in writing, all KDO requirements must be met.

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

The applicant has indicated that they will sign all Conditions of Approval for this special use permit.

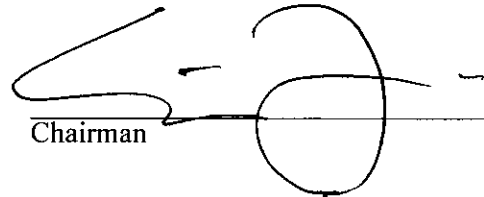
Based on the above Findings of Fact, the Board **approves** the SUP for Application Number BOA-2025-25 subject to its compliance with all local, state and federal requirements, and the following conditions:

The existing driveway shall be expanded in the manner shown on the conceptual site plan (SUP Plan) to provide sufficient parking for three bedrooms, meeting the minimum parking requirement for a boarding house of one space per bedroom; and

The boarding house shall be limited to a maximum of three bedrooms, consistent with the intent of the SUP.

This the 2nd day of December 2025.


Secretary


Chairman



**Board of Adjustment
December 2, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Ben Barcroft, Senior Planner

SUBJECT: Case# BOA-2025-26: Special Use Permit – 2350 Concord Lake Rd.
Applicant: Douglas Alvarenga

Request for a Special Use Permit to allow for multifamily dwellings on property located at 2350 Concord Lake Rd.

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, Douglas Alvarenga, is requesting a Special Use Permit (SUP) to allow for multifamily dwellings (55 units) in the Office and Institutional (O-I) zoning district on 3.44 +/- acre site located at 2350 Concord Lake Road, further identified as Cabarrus County Parcel Identification Number 56223304400000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a Special Use Permit is required for multifamily dwelling uses in the O-I zoning district. The project is also subject to the multifamily design standards in Section 5.7.D of the KDO. The project has not yet been granted sewer allocation, and securing this approval will be necessary before the project may proceed.

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 located within the "Suburban Activity 1" Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan, which calls for primary uses of retail and office, with secondary uses including light manufacturing, multifamily residential, and single-family residential. The surrounding area includes apartments, medical offices, and various commercial uses, reflecting the mixed-use nature intended for this character area. The character area also calls for residential at a density of 6–16 units per acre. The proposal meets the maximum density supported in this character area, at 16 units per acre.

Based on the Character Area noted above, the proposed development is compatible with the future land use plan and existing uses in the surrounding area.

☒☐

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

The proposed use of multifamily dwellings is not expected to create any traffic hazards or cause traffic congestion. Concord Lake Road is a state maintained street. The applicant has preliminarily coordinated with staff, the North Carolina Department of Transportation, and Duke Energy regarding the driveway location and easements.

☒☐

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 multifamily dwelling 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 multifamily dwellings would have a minimal impact on the surrounding properties.

☒☐

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 detrimental impact 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.

- ☒ ☐ **The proposed use complies with all applicable provisions of the KDO.**
The proposed use shall comply with all sections of the Kannapolis Development Ordinance (KDO), conditions of approval, and any other applicable local, state and Federal regulations. It is understood by the applicant that unless specifically relieved of a requirement, in writing, all KDO requirements must be met.
- ☒ ☐ **The applicant consents in writing to all conditions of approval included in the approved special use permit.**
The N/A unless the Board of Adjustment determines to add conditions.

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 evidentiary 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 | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 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. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | 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. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare. |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | 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.

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. Conceptual Site 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



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: 2350 Concord Lake Road, Kannapolis, NC 28025

Applicant: Douglas Alvarenga

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: 

DocuSigned by:

70B76D1CE718492...

Date: 10/16/2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Douglas Alvarenga
Address: 10818 Saltmarsh Lane
Charlotte, NC 28273
Phone: 704 962-9068
Email: [REDACTED]

Property Owner Contact Information ☒ same as applicant

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

Alternative contact:

Project Information

Project Address: 2350 Concord Lake Road, Kannapolis, NC 28025 Zoning District O1
Parcel PIN: 5622334400000 Size of property (in acres): 3.44

Current Property Use: Vacant/Wooded

Proposed Use: Multi-family

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)*: _____

The proposed project is a multifamily residential development designed to provide quality, attainable

housing for the local workforce. The development will offer well-planned living spaces that support

community growth and address the area's need for affordable workforce housing options.

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:

- 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.**

The proposed use aligns with the City's 2030 Comprehensive Plan. The property is planned for the Suburban Activity 1 Corridor

that includes an allowable use of multifamily residential at a density of 6-16 units/acre.

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

Concord Lake Road is owned & maintained by NCDOT. The site's proposed driveway is designed to meet DOT's minimum design criteria described in CH 7 of the Policy on Street and Driveway Access to NC Highways manual. Duke Energy has confirmed no driveways will be allowed in the existing OE easement.

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

The proposed use will meet these requirements.

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

The proposed use will not impede the development 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.

The proposed use will not be detrimental to or endanger the public health, safety or general welfare.

This development is aimed to provide much needed work force housing.

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

The proposed use complies with the provisions of KDO to the extent practical and the extent allowable by the existing property area/restrictions.

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

Agreed.

By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the approval to assure that adequate mitigation measures are associated with the use. For example, landscaping or fencing may be required, or a shift of operations away from adjoining properties may be stipulated.

Applicant Signature	<div>DocuSigned by: Douglas Alvarado</div> <div>70B76D1CE718492...</div>	<div>10/12/25</div>
Property Owner Signature	<div>DocuSigned by: Douglas Alvarado</div> <div>70B76D1CE718492...</div>	<div>10/12/25</div>



Vicinity Map

Case Number: BOA-2025-26
Applicant: Douglas Alvarenga
2350 Concord Lake Rd



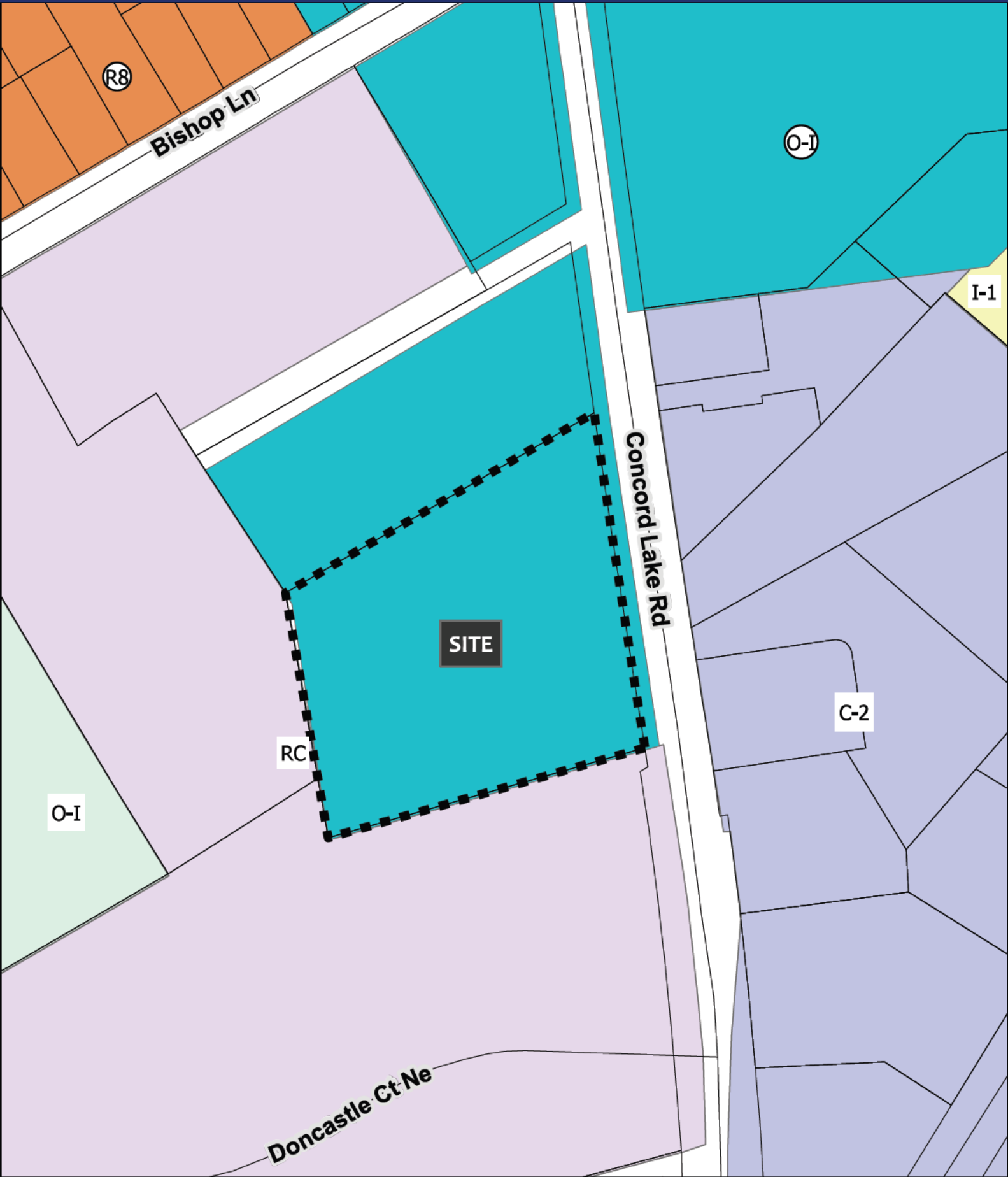


Kannapolis Current Zoning

Case Number: BOA-2025-26

Applicant: Douglas Alvarenga

2350 Concord Lake Rd





Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-26
Applicant: Douglas Alvarenga
2350 Concord Lake Rd



Urban Residential

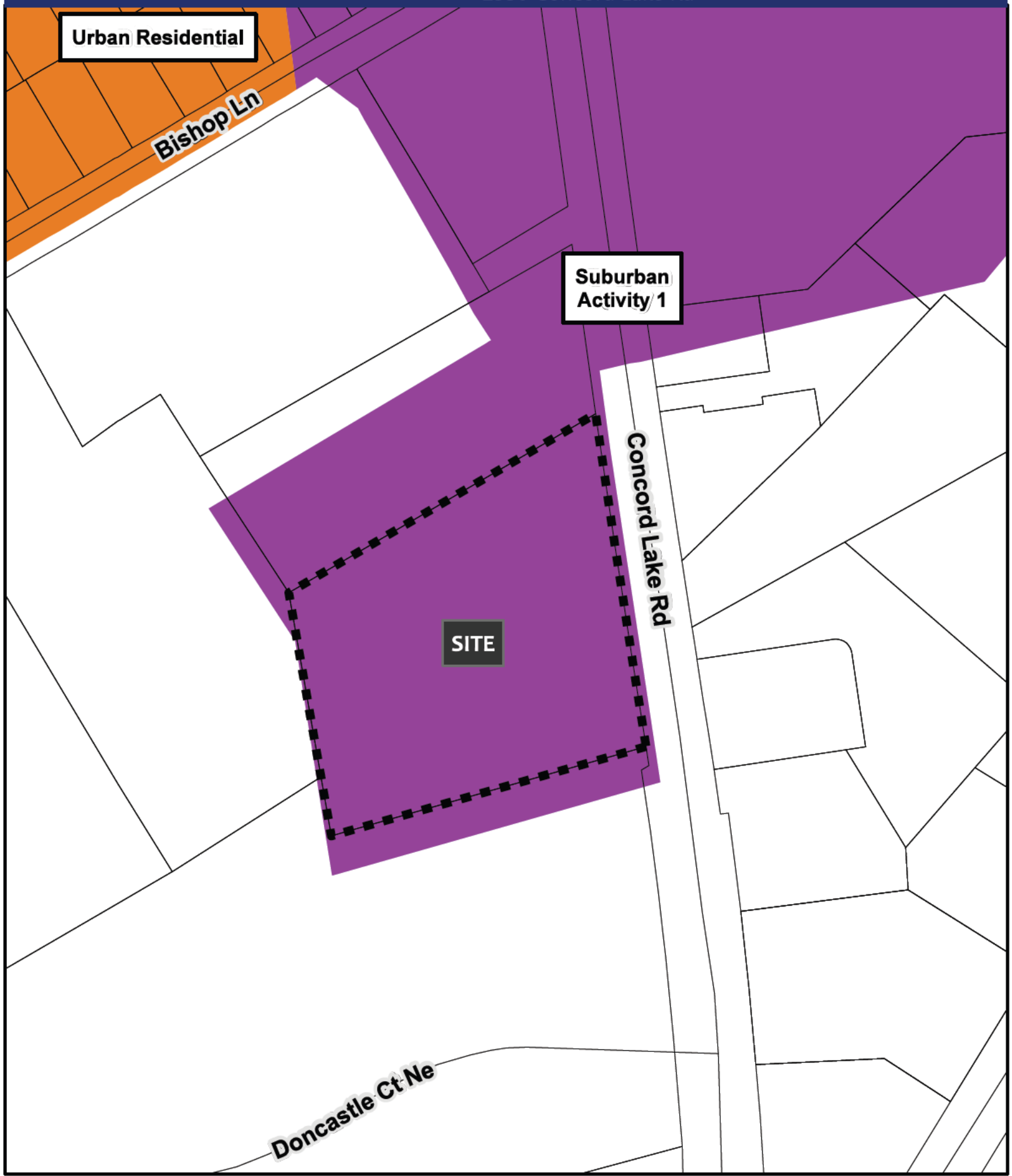
Bishop Ln

Suburban
Activity 1

Concord Lake Rd

SITE

Doncastle Ct Ne

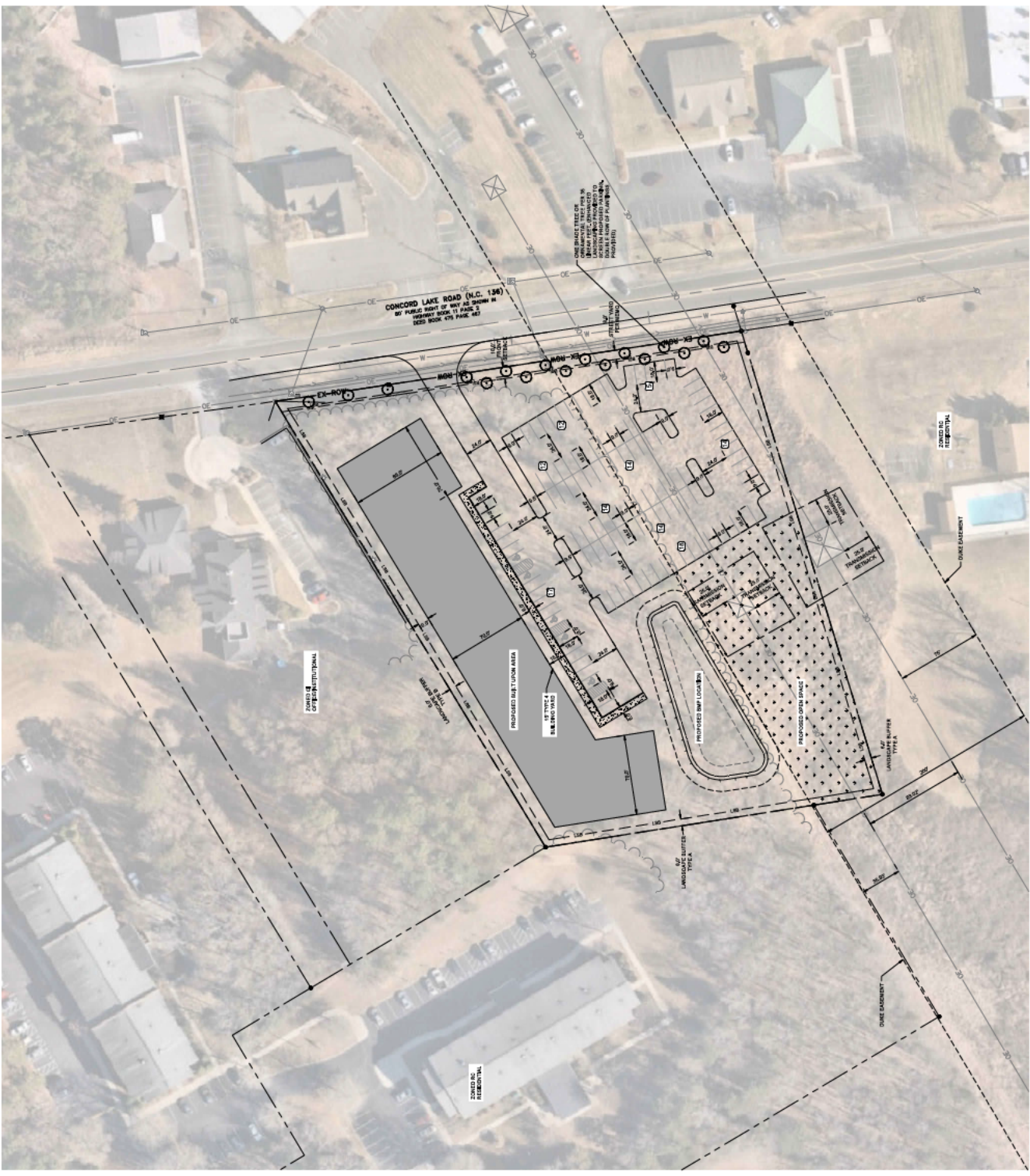


CONCEPTUAL SITE PLAN

PROGRESS
SET

[illegible][illegible]

1. CONCEPTUAL PLAN IS BASED ON PRELIMINARY FIELD SURVEY AND NOT MEANT FOR CONSTRUCTION. FULL RESEARCH AND COORDINATION WITH AGENCIES WILL BE NECESSARY TO FINALIZE THE PLAN.
2. PROPOSED 30' DRIVEWAY, MIN. 10' SIDEWALK AND DISTAL DRIVEWAY ARE REQUIRED TO BE CONSTRUCTED WITHIN 180' OF EXISTING DRIVEWAY AND SIDEWALK.
3. SIDEWALK AND DRIVEWAY PLAN ALONG WITH OVERALL TOPographer MAP AND SITE PLAN WILL BE REQUIRED TO FINALIZE MANAGEMENT CALCULATIONS ARE REQUIRED TO FINALIZE MIN. 10' SIDEWALK AND 30' DRIVEWAY.
4. 30' DRIVEWAY AND 10' SIDEWALK ARE REQUIRED TO BE CONSTRUCTED WITHIN 180' OF EXISTING DRIVEWAY AND SIDEWALK.
5. ALLOWABLE UNIT WEIGHT IS 150 LB/CU YD FROM AVAILABLE DATA PROVIDED BY THE MANUFACTURER. COMPREHENSIVE FIELD TESTING WILL BE REQUIRED TO CONFIRM THAT APPROVED COMPLY.



AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
INVA PROPERTIES LLC		9101 SOUTHERN PINE BLVD	STE 210	CHARLOTTE	NC	28273
GODEL ALAN	HANNON JUSTIN	417 WILLOW BROOK DR		MATTHEWS	NC	28105
HB LLC	SBRG LLC	601 RUNNING HORSE LN		MARVIN	NC	28173
I&M INVESTMENTS LLC		4923 CLUB VIEW DR		CONCORD	NC	28025
HOUSING EPISCOPAL METHODIST	PRESBYTERIAN INC	220 BISHOP LN		CONCORD	NC	28025
HASSON REAL ESTATE LLC		2351 CONCORD LAKE RD		CONCORD	NC	28025
I&M INVESTMENTS LLC		4923 CLUB VIEW DR		CONCORD	NC	28025
D & B PROPERTIES LLC		A NC LIMITED LIABILITY COMPANY	2331 CONCORD LAKE ROAD	CONCORD	NC	28025
BUCKINGHAM PLACE REAL ESTATE	LLC	366 ELM AVE SW		ROANOKE	VA	24016
CZK PROPERTIES LLC		2053 FITZHUGH LN		MATTHEWS	NC	28104
SOLITUDE PROPERTIES LLC		2335 CONCORD LAKE RD		CONCORD	NC	28025
KANNAPOLIS CHURCH OF CHRIST	INC A NC NON-PROFIT CORP	2315 CONCORD LAKE ROAD		KANNAPOLIS	NC	28083



November 17, 2025

Dear Property Owner,

Please be advised that the City of Kannapolis Board of Adjustment will conduct a quasi-judicial hearing on Tuesday December 2, 2025, at 6:00 PM at City Hall, located at 401 Laureate Way, for the following case:

BOA-2025-26 – Special Use Permit – 2350 Concord Lake Rd.

The purpose of this hearing is to consider a request for a Special Use Permit (SUP) to allow a multifamily dwelling development on property located at 2350 Concord Lake Road. Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for a multifamily dwelling in the Office-Institutional (O-I) zoning district. The subject property consists of approximately 3.44± acres, is zoned O-I, and is further identified as Cabarrus County Parcel Identification Number 56223304400000. **(Please see attached vicinity map showing the location of this property.)**

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

If you have any questions about the hearing or request, please do not hesitate to contact the Planning Department at 704.920.4355 or bbarcroft@kannapolisnc.gov.

Sincerely,

Ben Barcroft
Senior Planner

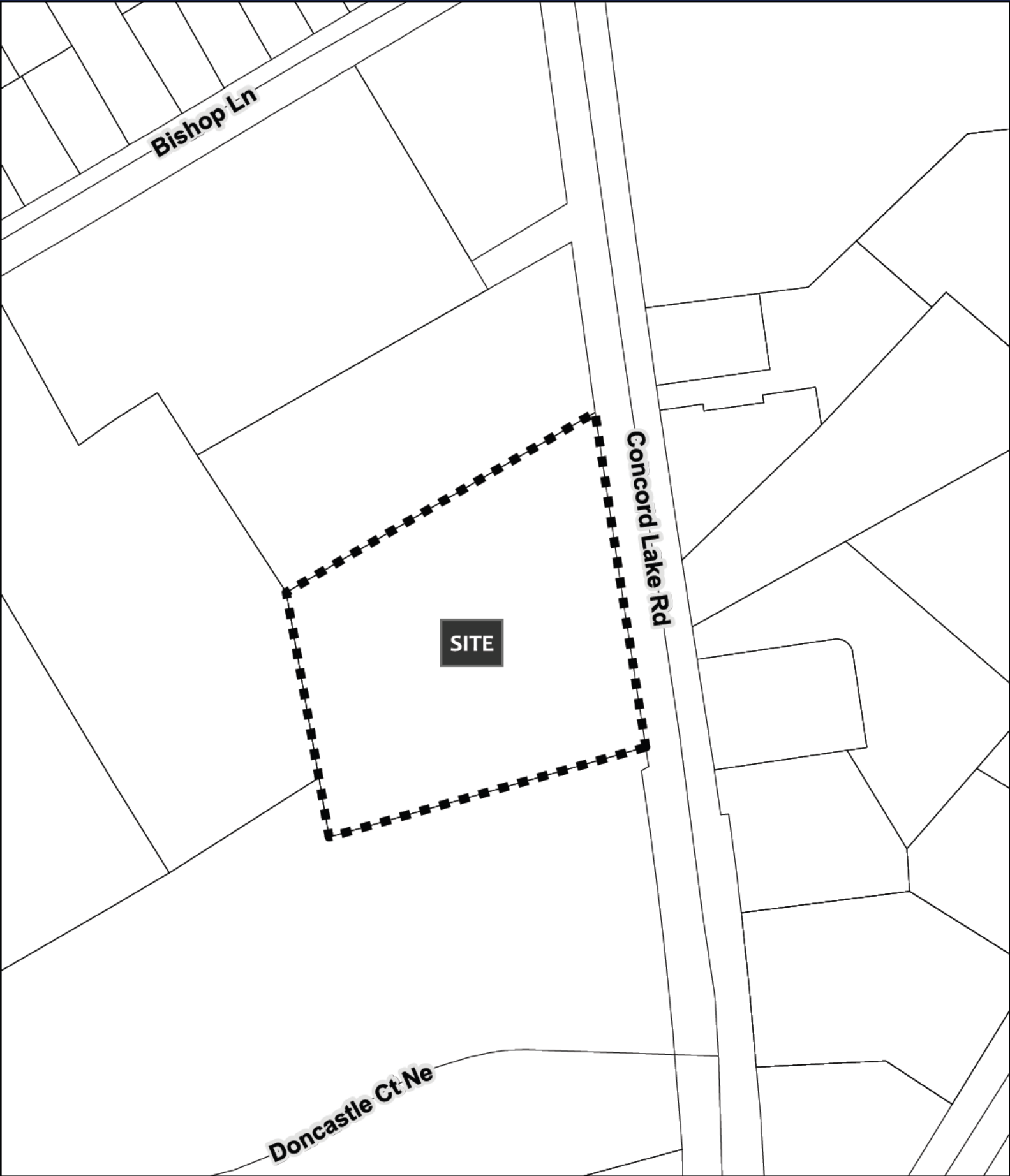
Enclosure

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



Special Use Permit

Case Number: BOA-2025-26
Applicant: Douglas Alvarenga
2350 Concord Lake Rd





BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # BOA - 2025 - 26



**Board of Adjustment
December 2, 2025 Meeting**

Staff Report

TO: Board of Adjustment

FROM: Mia Alvarez, Senior Planner

SUBJECT: Case# BOA-2025-27: Special Use Permit – Lyla Ave. (Unaddressed)
Applicant: Thawait Realty, LLC – Amit Thawait

Request for a Special Use Permit (SUP) to allow for a cluster subdivision development at an unaddressed property along Lyla Avenue.

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 is requesting a Special Use Permit (SUP) to allow for a 22-unit cluster subdivision development on property located along Lyla Avenue. The subject property is approximately 9.12± acre portion of a 9.33± acre site and is more specifically identified as Cabarrus County Parcel Identification Number 56122487060000.

Cluster Subdivisions are clusters of development on lots that are smaller than would otherwise be permitted under conventional development regulations, with the remaining land being retained as common open space. The cluster development option is intended to provide flexibility in the design of residential developments and achieve a quality of development that could not be achieved under conventional subdivision design.

Pursuant to Section 6.4.B(3) of the Kannapolis Development Ordinance (KDO), a Special Use Permit is required for a cluster subdivision development in the Residential 4 (R4) zoning district.

The proposed development must comply with the standards for Cluster Subdivisions, including additional common open space, reduced lot dimensions (optional), connection to public utilities, and landscape buffers, as outlined in Section 6.4.C, General Standards, of the Ordinance.

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 special use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.**

The *Move Kannapolis Forward 2030 Comprehensive Plan* designates the subject parcels as being located in the "Complete Neighborhood 1" Character Area. The property is currently zoned Residential 4 (R4). Within this district, cluster subdivision developments are permitted with a Special Use Permit.

The proposed cluster subdivision development consists of 22 single-family detached units, resulting in a density of approximately 2.41 units per acre. This proposal aligns with both the recommended land use for the "Complete Neighborhood 1" Character Area and the desired density range of 2 to 8 units per acre, as outlined in the Comprehensive Plan. Additionally, it remains within the R4 zoning district's maximum allowable density of 4 units per acre.

☒ ☐ **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 cluster subdivision development includes access from Lyla Avenue. The site design incorporates appropriate ingress and egress to ensure safe and efficient access, minimizing traffic hazards on adjacent public streets.

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

The proposed development will not generate any noxious or offensive vibration, noise, odor, dust, smoke, or gas.

☒ ☐ **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 development will not impede the orderly development of surrounding properties, as it is compatible with the character and scale of the surrounding neighborhood. The surrounding properties are zoned R4 which allows for single family detached.

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

As indicated by the applicant, the proposed development will not be detrimental to or endanger the public health, safety, or general welfare.

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

The applicant has indicated and staff has verified that the project will comply with all applicable provisions of the Kannapolis Development Ordinance, including the minimum common open space, reduced lot width and setbacks, and landscape buffers as outlined in Cluster Subdivision standards in Section 6.4.C.

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

If the Board of Adjustment approves this request, it should be with the understanding that wastewater allocation will not be readily available for this project in the near future..

F. Legal Issues

Board's Findings of Fact - Based on application review and public 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	
<input type="checkbox"/>	<input type="checkbox"/>	The proposed special use will be in harmony with the area in which it is to be located and in general conformance with the City's Land Use Plan.
<input type="checkbox"/>	<input type="checkbox"/>	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.
<input type="checkbox"/>	<input type="checkbox"/>	The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
<input type="checkbox"/>	<input type="checkbox"/>	The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

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

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

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

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 Public 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. Site 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



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: Lyla Avenue

Applicant: Thawait Realty, LLC

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:

Amit Thawait

dotloop verified
07/24/25 8:19 PM EDT
ICM2-GY0Q-FATC-9DEK

Date: 07/24/2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

SPECIAL USE PERMIT APPLICATION

Approval authority – Board of Adjustment

Applicant Contact Information

Name: Thawait Realty
Address: 10106 Stonesby Lane
Waxhaw, NC 28173
Phone: 415-832-9561
Email: [REDACTED]

Property Owner Contact Information ☒ same as applicant

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

Project Information

Project Address: Lyla Avenue Zoning District R4
Parcel PIN: 56122487060000 Size of property (in acres): 9.1

Current Property Use: vacant

Proposed Use: single family residential

For Cluster subdivision

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)*:

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.**

the area is zoned residential and will remain single family and the overall density is in alignment
with the current zoning district.

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

a singular access point is provided from Lyla Avenue to serve all the lots.

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

single family detached homes are not noxious or offensive.

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

the site is located near the end of the street and is accordance with the district

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

single family homes do not provide a threat to public safety

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

yes using the cluster development standards of the KDO

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

yes

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.

Amit Thawait

dotloop verified
07/24/25 8:19 PM EDT
XCV1-ZINL-FDU6-UJYK

Amit Thawait

07/24/2025

Applicant Signature

Date

Amit Thawait

dotloop verified
11/14/25 12:21 PM
EST
ABVM-GYZ9-CXIJ-YKHI

11/14/2025

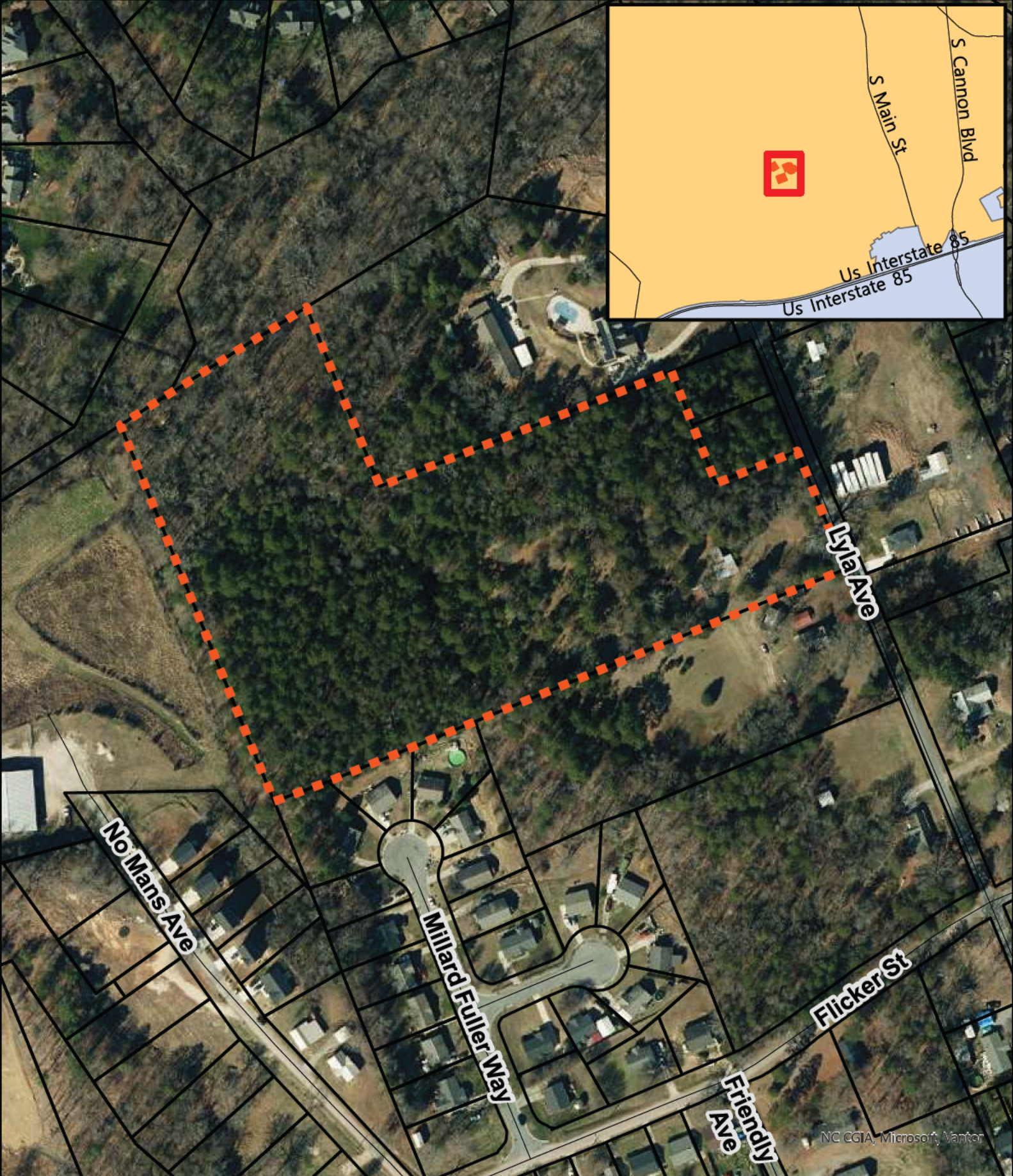
Property Owner Signature

Date



Vicinity Map

Case Number: BOA-2025-27
Applicant: Thawait Realty, LLC
Unaddressed Lyla Ave



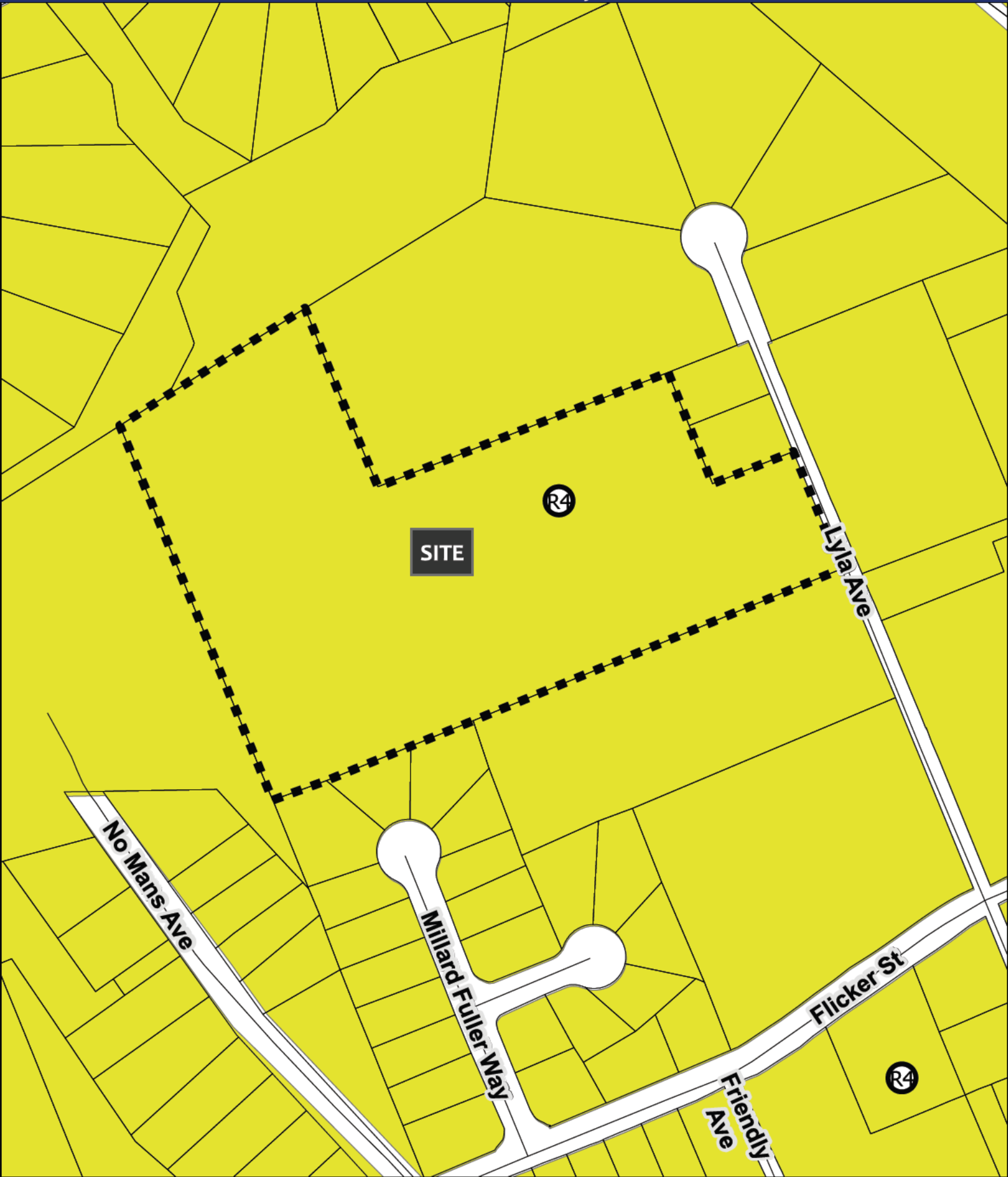


Kannapolis Current Zoning

Case Number: BOA-2025-27

Applicant: Thawait Realty, LLC

Unaddressed Lyla Ave



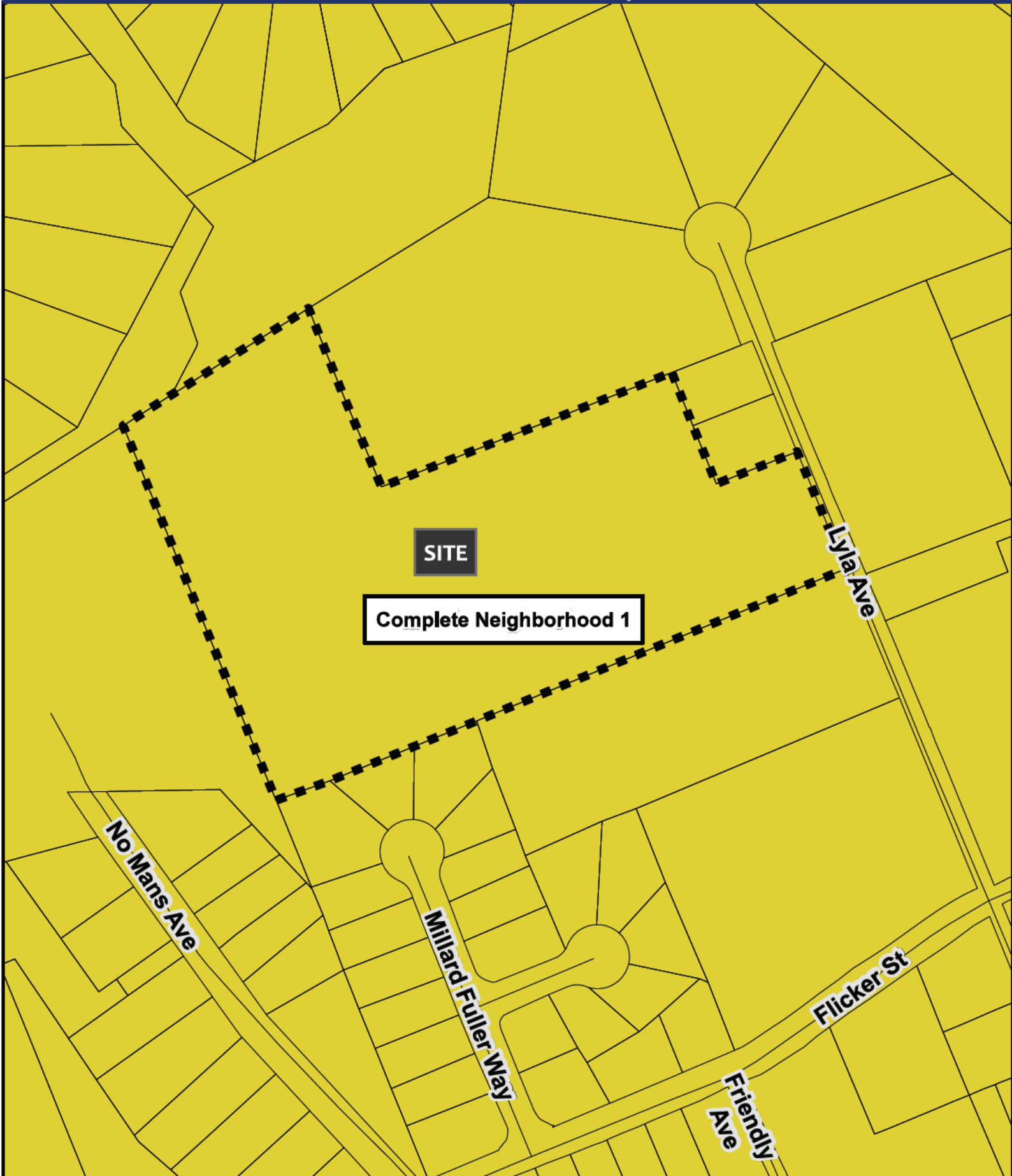


Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-27

Applicant: Thawait Realty, LLC

Unaddressed Lyla Ave





WASHBURN, NC 28173

Site Plan - Special Use Permit
Lyla Avenue Kannapolis, NC

Sheet No:

C-3.0

TAX PARCELS ID #:	56129487560000
TOTAL SITE AREA:	9.12 AC (397,137 SF)
ESTIMATED ZONING:	IND CLUSTER STANDARDS
APPROXIMATE LOT WIDTH:	60'
SETBACKS:	20' FRONT 5' REAR 20'
PROPOSED USE:	HOUSE FAMILY DETACHED
DRAINAGE:	34 LOTS (4.25 AC) 22 LOTS (2.4 AC)
PERMITS REQUIRED:	
OPEN SPACE REQUIRED:	119,441 SF (5.58%)
PERMITS REQUIRED:	177,618 SF (64.7%)

1. BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY:
PHOENIX LAND SURVEYING, INC.,
3318 OLD MONROE ROAD
STALLINGS, NC 28104

7. DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. CURB PAZI SHALL MEASURE 5' AT FACE OF CURB UNLESS OTHERWISE NOTED.

8. LOCATIONS OF SITE LIGHTS ARE APPROXIMATE. THE FINAL NUMBER AND LOCATIONS OF LIGHTS SHALL BE DETERMINED BY THE OWNER AND CURE ENERGY.

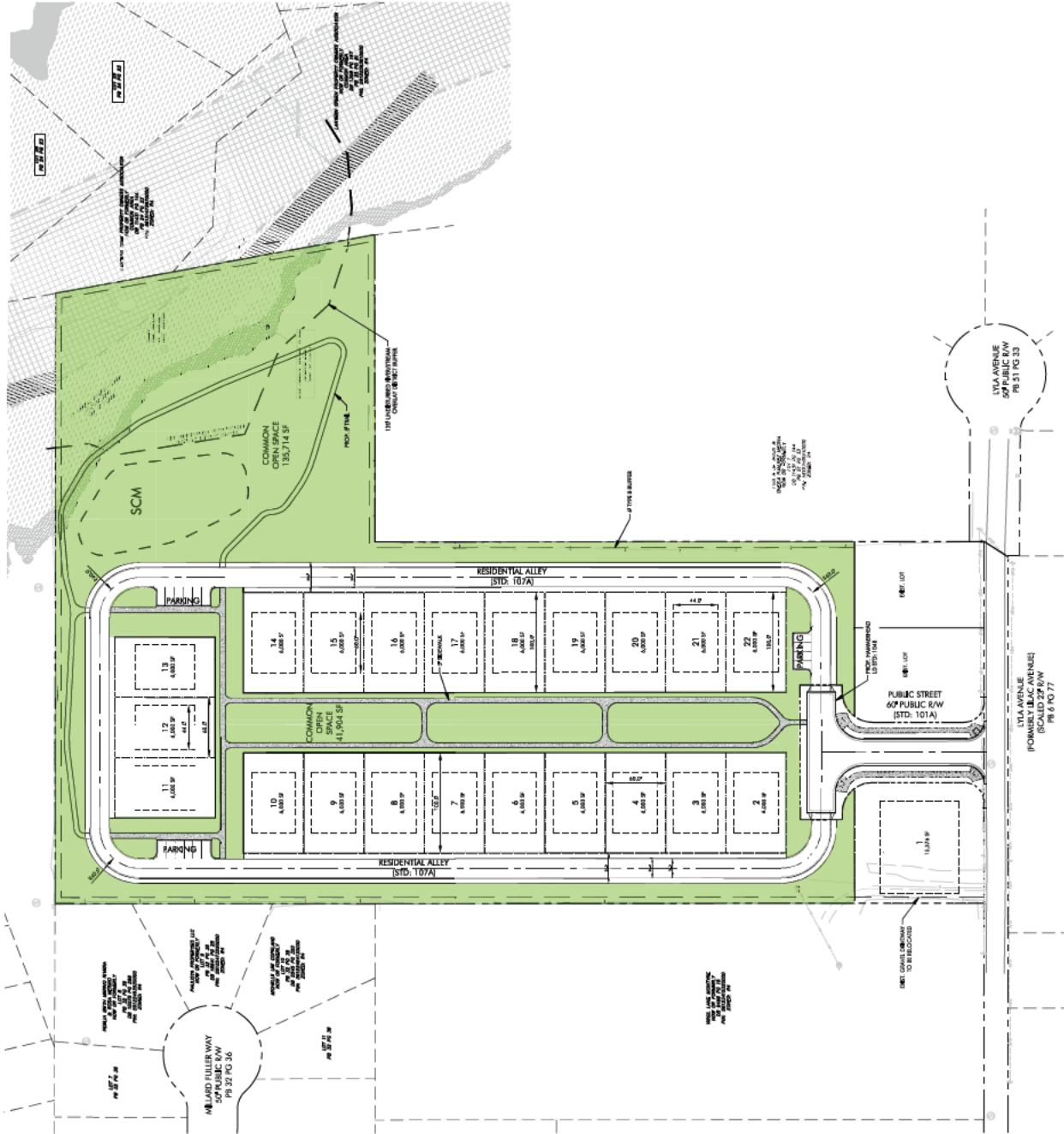
9. ALL UTILITIES WILL BE UNDERGROUND.

PROPOSED CURB AND GUTTER
PROPERTY BOUNDARY LINE
TREE SAVE LINE
RIGHT OF WAY LINE
SETBACK LINE
EASEMENT LINE
HEAVY DUTY ASPHALT
WITH ABILITY TO
SUPPORT 80,000 LBS
HEAVY DUTY CONCRETE
WITH ABILITY TO
SUPPORT 80,000 LBS
LIGHT DUTY CONCRETE
CROSSING

BEFORE YOU DIE!
CALL 811 OR 1-800-832-4848
N.O. ONE-CALL CENTER



GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft

AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCo
MCGUIRE WILLIAM D JR	MCGUIRE MARSHA C WF	3600 CENTERGROVE RD		CONCORD	NC	28025
FKH SFR PROPCO D LP		C/O FIRSTKEY HOMES LLC	600 GALLERIA PKWY SE STE 300	ATLANTA	GA	30339
RIVERA FIDELIA IBETH MERINO	MERINO ROSA	2608 MILLARD FULLER WAY		CONCORD	NC	28027
LANTERN GREEN PROPERTY	OWNERS ASSOCIATION	C/O COMMUNITY ASSOC MANAGEMENT	PO BOX 79032	CHARLOTTE	NC	28271
FKH SFR PROPCO D LP		C/O FIRSTKEY HOMES LLC	600 GALLERIA PKWY SE STE 300	ATLANTA	GA	30339
CRUDUP ANDREW & WIFE DORIS H		2612 MILLARD FULLER WAY		CONCORD	NC	28027
CURRY OLIVER W		2619 MILLARD FULLER WAY		KANNAPOLIS	NC	28027
COPELAND MICHELLE LEE		2607 MILLARD FULLER WAY		CONCORD	NC	28027
NOYES LANCE M & MARY L		2780 LAMPLIGHTER DR		KANNAPOLIS	NC	28081
MCH SFR NC OWNER 1 LP		14355 COMMERCE WAY		MIAMI LAKES	FL	33016
THAWAIT REALTY LLC		10106 STONESBY LN		WAXHAW	NC	28173
DAVIS FRENCHGERALD	DAVIS LATONYA SPOUSE	2515 NO MANS AVE		CONCORD	NC	28027
MCINTYRE VIRGIL LANE		2604 LYLE AVE		CONCORD	NC	28027
HERNANDEZ BIVIAN	HERNANDEZ ERICK V SPOUSE	2501 LYLE AVE		CONCORD	NC	28027
ETIENNE JESSIE	JOHNSON ETIENNE PRISTINA WF	2772 LAMPLIGHTER DR		KANNAPOLIS	NC	28081
PAULISTA PROPERTIES LLC		1131 TOM SADLER RD		CHARLOTTE	NC	28214
THAWAIT REALTY LLC		10106 STONESBY LN		WAXHAW	NC	28173
BROWNING KEVIN W TRUSTEE	BROWNING KELLY L WF TRUSTEE	2784 LAMPLIGHTER DR		KANNAPOLIS	NC	28081
LANTERN GREEN PROPERTY	OWNERS ASSOCIATION	C/O COMMUNITY ASSOC MANAGEMENT	PO BOX 79032	CHARLOTTE	NC	28271
DE JESUS LUIS A	MEDINA ONEIDA RAMIREZ WF	2498 LYLE AVE		CONCORD	NC	28027
PENDERGRASS JIMMY DALE	PENDERGRASS SAMANTHA D	2776 LAMPLIGHTER DR		KANNAPOLIS	NC	28081
DILLARD LAURA LYNNE		2609 LYLE AVE		CONCORD	NC	28027
DILLARD DORA LVNG TRST 11/7/06	DILLARD DORA M TRUSTEE	C/O 2609 LYLE AVE		CONCORD	NC	28027
THAWAIT REALTY LLC		10106 STONESBY LN		WAXHAW	NC	28173
MCH SFR NC OWNER 1 LP		14355 COMMERCE WAY		MIAMI LAKES	FL	33016
ALMEIDA HERBERT AND	DALY ARNOLD	5165 47TH ST		WOODSIDE	NY	11377
RAFFALDT RANDALL L	RAFFALDT WENDY K WF	2756 LAMPLIGHTER DR		KANNAPOLIS	NC	28081



November 17, 2025

Dear Property Owner,

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BOA-2025-27 – Special Use Permit – Lyla Ave. (Unaddressed)

The purpose of this hearing is to consider a request for a Special Use Permit (SUP) to allow for a cluster subdivision on property located along Lyla Avenue. Under Section 6.4 of the Kannapolis Development Ordinance (KDO), a SUP is required for a cluster subdivision in the Residential 4 (R4) zoning district. The subject property is a 9.12± acres portion of a 9.33± acre site and is further identified as Cabarrus County Parcel Identification Number 56122487060000. **(Please see attached vicinity map showing the location of this property.)**

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

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

Sincerely,

Mia Alvarez
Senior Planner

Enclosure

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



BOARD OF

ADJUSTMENT

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # APP- 2025 -27

Adkins
Equipment
Charlotte N.C.