

**CITY OF KANNPOLIS, NC  
BOARD OF ADJUSTMENT**

## Minutes of Meeting December 2, 2025

**6:00 PM**

8 The Kannapolis Board of Adjustment met on Tuesday, December 2, 2025, at 6:00 PM in the  
9 Laureate Center of City Hall. This meeting was held in accordance with required public notice,  
10 as well as announced on the City's website.

## 12 Board Members Present:

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

## 20 Board Members Absent:

Ronald Flanders, Alternate

## 22 Staff Present:

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

28 Attorney:

Evan Lee, Board Attorney

### 30 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  
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

## 19 CALL TO ORDER

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

## 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. Dwiggins, Ms. Martini, and Mr.  
25 Sides each stated their names.

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.

## 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.

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 Dwiggins, and it was unanimously approved.

#### 41. EXPLANATION OF QUASI-JUDICIAL DECISIONS

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;

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.

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

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

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

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

22 Ms. Alvarez presented case BOA-2025-21, which was entered into the record as Exhibit 1. She  
23 informed the Board that the applicant is Sherri Hartsell. The subject property is located at 4925  
24 Dogwood Blvd., consists of approximately 9.85 acres, and includes a proposed building of  
25 50,887 square feet. The Special Use Permit request is to approve a comprehensive sign package  
26 for the Lowes Foods building.

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

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

33

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.

9

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.

15

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.

20

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.

23

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.

27

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

29

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.**
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.**
3. **The proposed use shall not be noxious or offensive by reason of 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.**
5. **The establishment, maintenance, or operation of the proposed use shall 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.**
7. **The applicant consents in writing to all conditions of approval included in the  
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 27<sup>th</sup> 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 27<sup>th</sup> 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 Mr. Barcroft mentioned the conditions of approval proposed by staff:

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

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

- 27 1. **The proposed special use will be in harmony with the area in which it is to be  
28 located and in general conformance with the City's Land Use Plan.**  
29 This property is located within the "Urban Residential" Character Area as  
30 designated in the Move Kannapolis Forward 2030 Comprehensive Plan. The  
31 Character Area calls for primary uses of single-family residential and civic uses,  
32 with secondary uses including multi-family residential, small-format retail, and  
33 office.  
34 Based on the character area noted above, the proposed development is compatible  
35 with the future land use plan and existing uses in the surrounding area.
- 36 2. **Adequate measures shall be taken to provide ingress and egress so designed as to  
37 minimize traffic hazards and to minimize traffic congestion on the public roads.**  
38 The proposed boarding house use is not expected to create any traffic hazards or  
39 cause traffic congestion. The Planning Department has worked with the applicant  
40 on a proposal to expand the driveway to provide parking for three rooms to meet  
41 the ordinance requirement of one parking space per bedroom.

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

27       Mr. Barcroft stated that staff recommends approval of the Special Use Permit with conditions  
28       based on the staff Findings of Fact (or as modified by the Board), the conceptual site plan, and  
29       compliance with all local, state, and federal requirements. He then made himself available for  
30       questions.  
31       Ms. Joshi asked for confirmation regarding a typing error on one of the slides, which referenced  
32       “Standards Specific to Self-Service Storage” instead of a boarding house. Mr. Barcroft confirmed  
33       the error. Ms. Joshi then inquired about the staff-recommended condition, stating that the  
34       dwelling is limited to three bedrooms and cannot be expanded to accommodate additional  
35       occupants. Mr. Barcroft clarified that only three bedrooms may be used for the boarding house,  
36       noting that while the house may contain more bedrooms, approval would restrict boarding house  
37       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 27<sup>th</sup> 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. Dwiggins 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.

45

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.

46

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  
residential appearance.
- 26 2. Receptions, private parties, and similar activities are prohibited unless expressly  
approved as part of a special use permit or site plan application.
- 27 3. All guest rooms shall be located within the principal structure.
- 28 4. 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.
- 29 5. 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  
30 bedrooms, in which case the original number of bedrooms may be approved as allowable  
31 guest lodging.
- 32 6. 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  
33 adjoining residential property.
- 34 7. Signage shall be limited to one non-illuminated ground sign, which shall not exceed five  
35 square feet in area or five feet in height.

36

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

13

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,

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.

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.

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.

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.

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.

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. Dwiggins, 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.

45

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

14  
15     The burden is on the applicant to show that the SUP request meets these standards. Reasonable  
16     and appropriate conditions may be imposed on any SUP.

17  
18     Ms. Alvarez presented case BOA-2025-27, which was entered into the record as Exhibit 4. She  
19     stated that the applicant is Thawait Realty and that the site is an unaddressed parcel located on  
20     Lyla Avenue. The site consists of approximately 9.12 acres of a 9.33 acre parcel, and the request  
21     is for a Special Use Permit to allow a cluster subdivision.

22  
23     Ms. Alvarez defined a cluster subdivision as “clusters of development on lots that are smaller  
24     than would otherwise be permitted under conventional development regulations, with the  
25     remaining land retained as common open space.” She noted that, pursuant to Section 6.4.B(3) of  
26     the Kannapolis Development Ordinance, a Special Use Permit is required for a cluster  
27     subdivision in the Residential 4 (R4) zoning district, which is the zoning designation of the site.

28  
29     Ms. Alvarez presented an illustration comparing cluster subdivision design to a conventional  
30     subdivision. She stated that surrounding land uses consist primarily of single family residences  
31     and that the proposed development is compatible with both existing and future uses.

32  
33     Ms. Alvarez also explained that the future land use designation for the site is Complete  
34     Neighborhood 1, which allows civic uses as well as both single family attached and detached  
35     residential development. She presented a street view from Lyla Avenue and drone footage of the  
36     site, noting that the property is currently vacant. She then reviewed the conceptual site plan and  
37     stated that the proposed development consists of 22 single family detached dwelling units.

38  
39     Ms. Alvarez read the following Standards Specific to Cluster Subdivisions:

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

1       4. Lots shall be organized into clusters.  
2       5. The development shall be served by a public water system and a public sewer system.

3  
4       Ms. Alvarez mentioned that the proposed development will have a density of approximately 2.4  
5       units per acre versus the 4 units per acre permitted by the zoning district; the KDO requires thirty  
6       percent of the site to be open space versus the project proposing approximately 44.7 percent in  
7       which a conventional subdivision only requires twenty percent open space. She also mentioned  
8       this project does not have sewer allocation.

9  
10      Ms. Alvarez reviewed staff findings of fact as follows:

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

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

17  
18       The proposed cluster subdivision development consists of 22 single-family detached  
19       units, resulting in a density of approximately 2.41 units per acre. This proposal  
20       aligns with both the recommended land use for the "Complete Neighborhood 1"  
21       Character Area and the desired density range of 2 to 8 units per acre, as outlined in  
22       the Comprehensive Plan. Additionally, it remains within the R4 zoning district's  
23       maximum allowable density of 4 units per acre.

24     2. **Adequate measures shall be taken to provide ingress and egress so designed as to  
25       minimize traffic hazards and to minimize traffic congestion on the public roads.**  
26       The proposed cluster subdivision development includes access from Lyla Avenue.  
27       The site design incorporates appropriate ingress and egress to ensure safe and  
28       efficient access, minimizing traffic hazards on adjacent public streets.

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

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

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

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

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

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

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

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

15                  Ms. Martini asked for clarification on the proposed percentage of common open space. Ms.  
16 Alvarez said 44.7 percent.

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

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

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

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

39  
40  
41  
42  
43  
44  
45  
46

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.

46

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.

45

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.

45

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 29<sup>th</sup>.

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. Dwiggins, 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 feet 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**

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

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

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

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

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

---

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

---

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

---

#### **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](mailto: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:

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

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### 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 compatible to other Multi-tenant shipping center in the area

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---

---

**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

9/23/2025

Date

  
Ken Chapman

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

Property Owner Signature

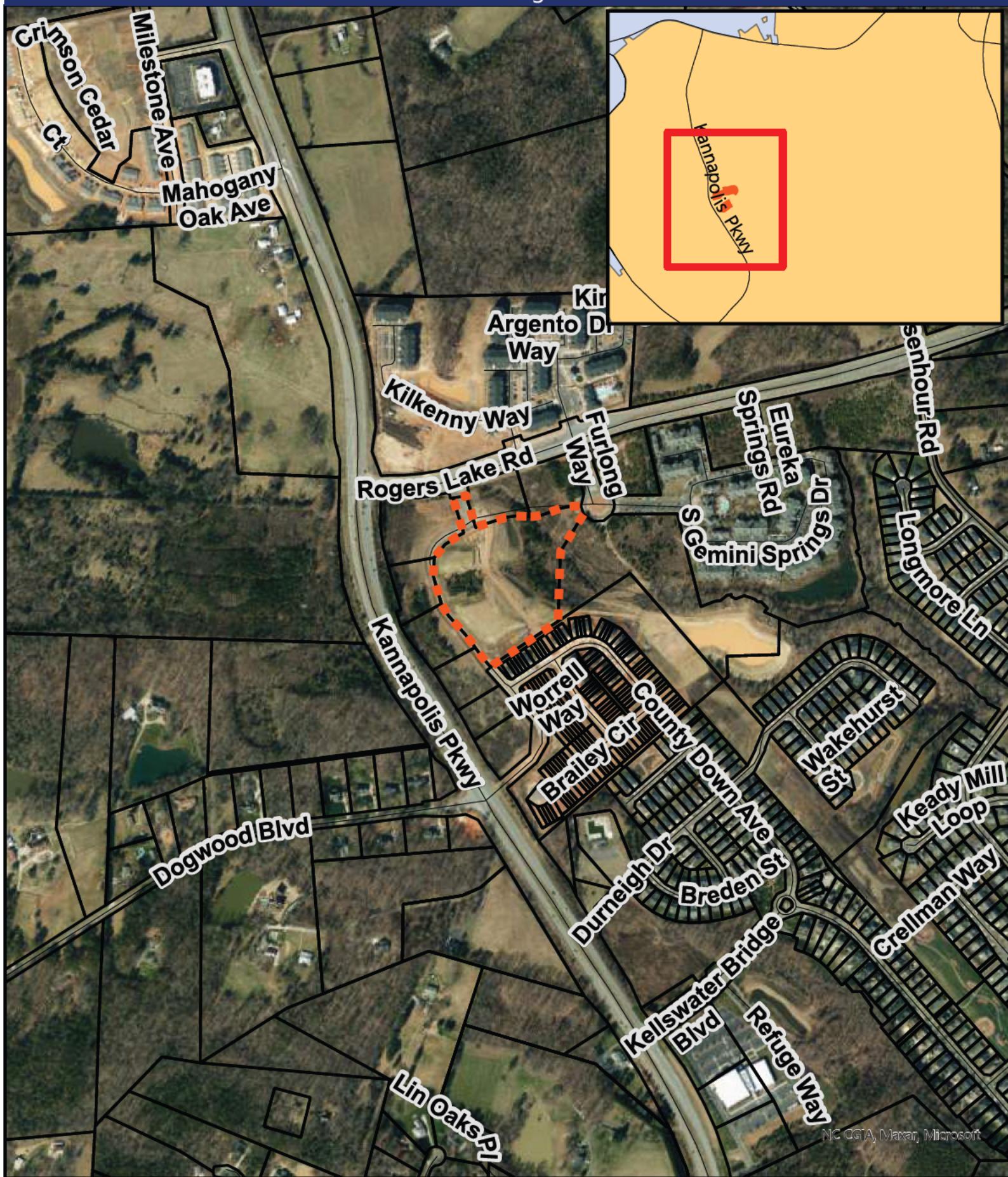
9/25/2025

Date



# Vicinity Map

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



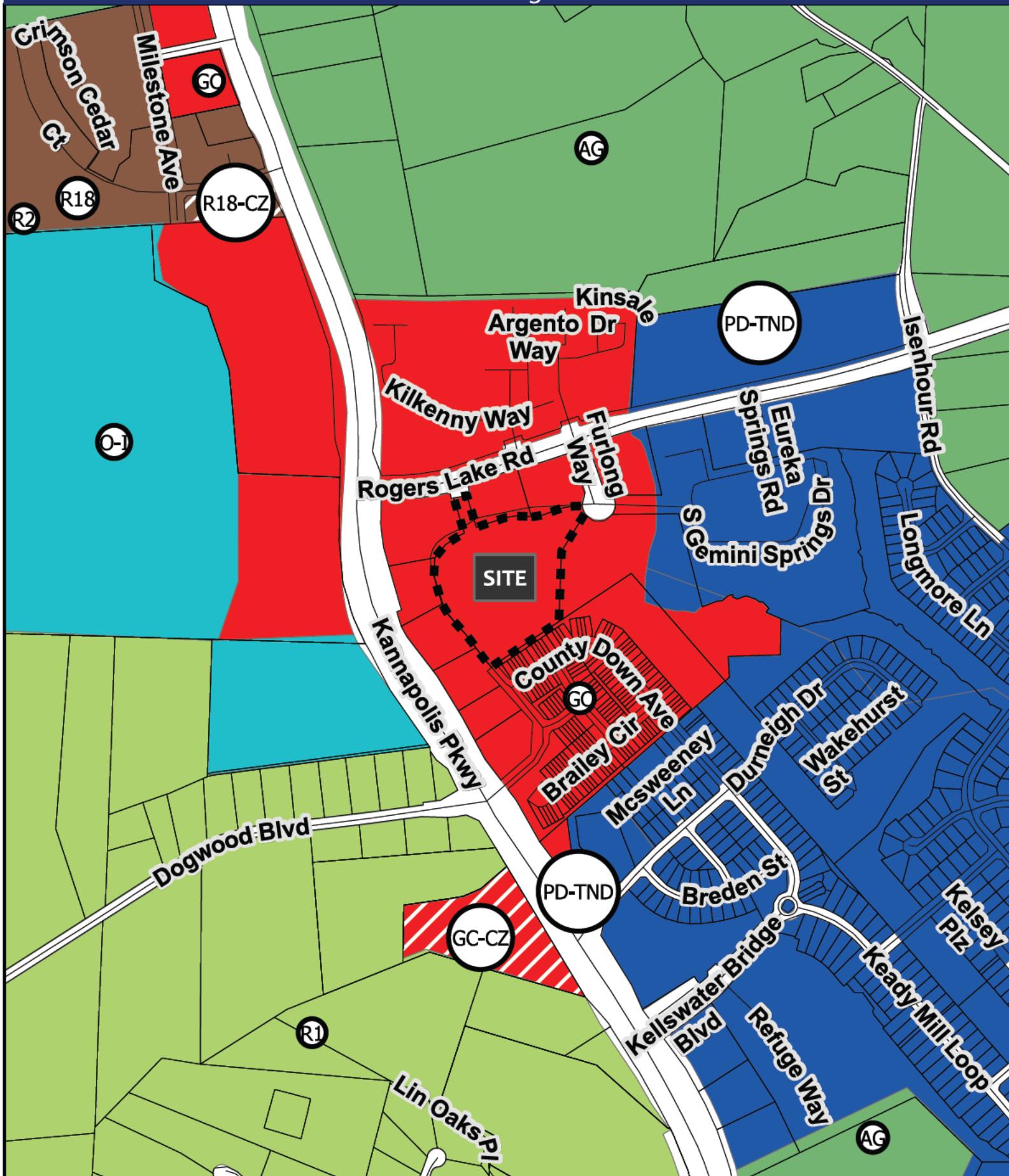


# Kannapolis Current Zoning

Case Number: BOA-2025-21

Applicant: Sherri Hartsell

4925 Dogwood Blvd



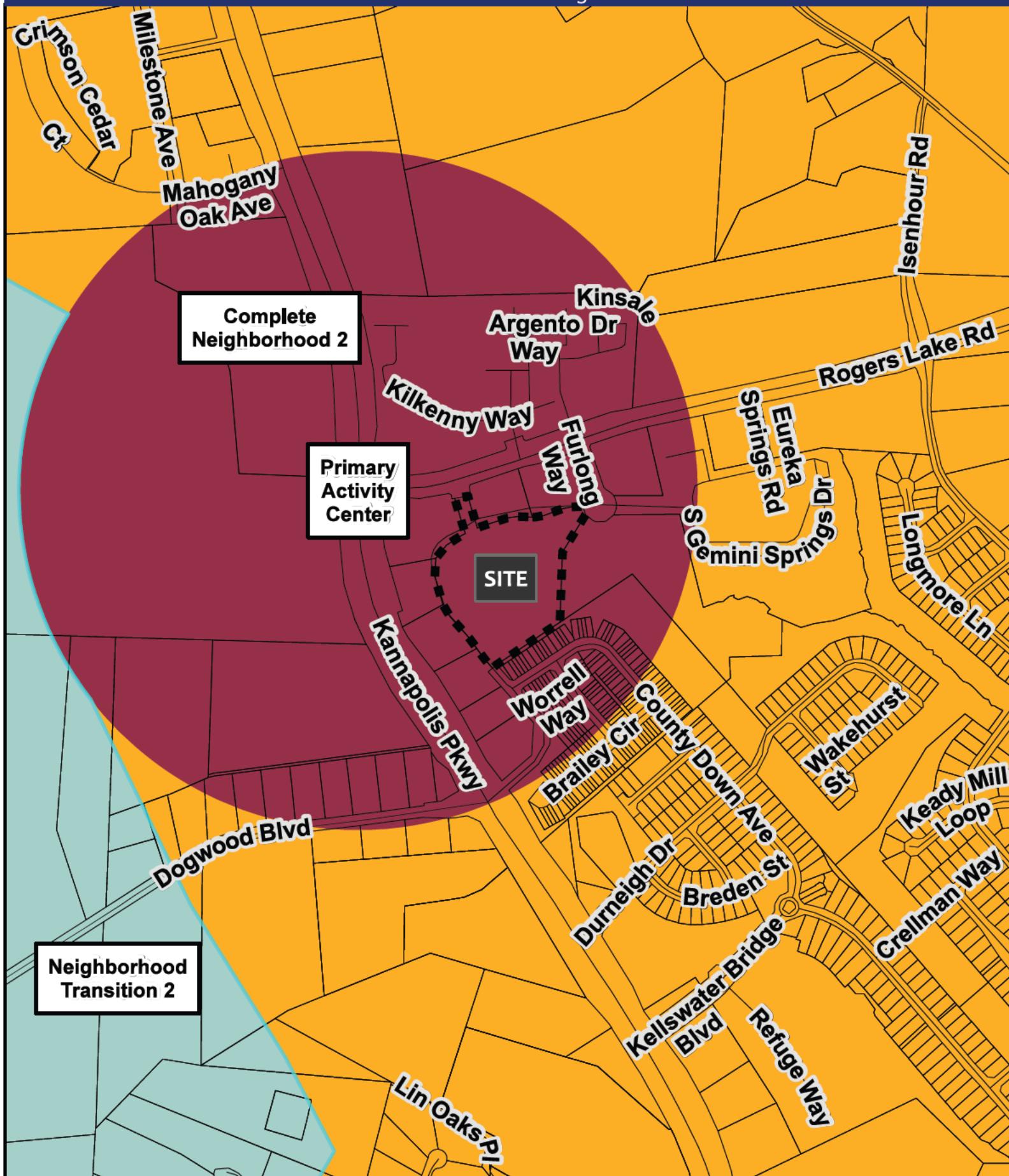


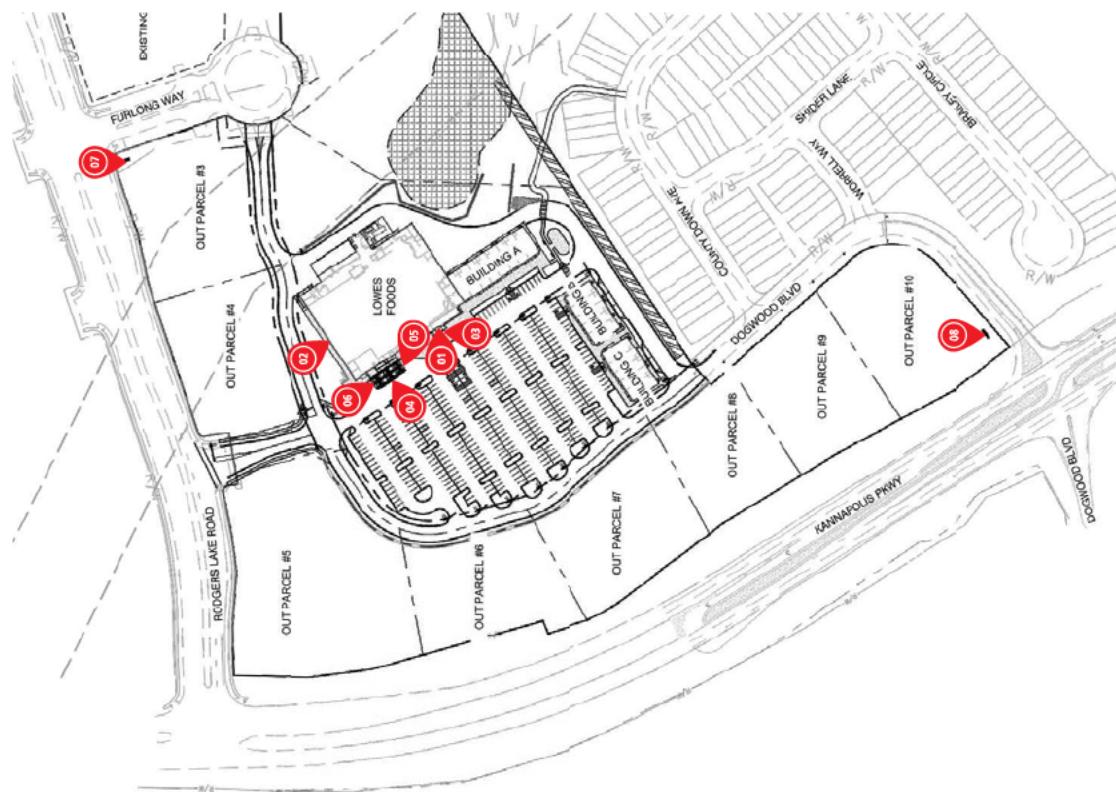
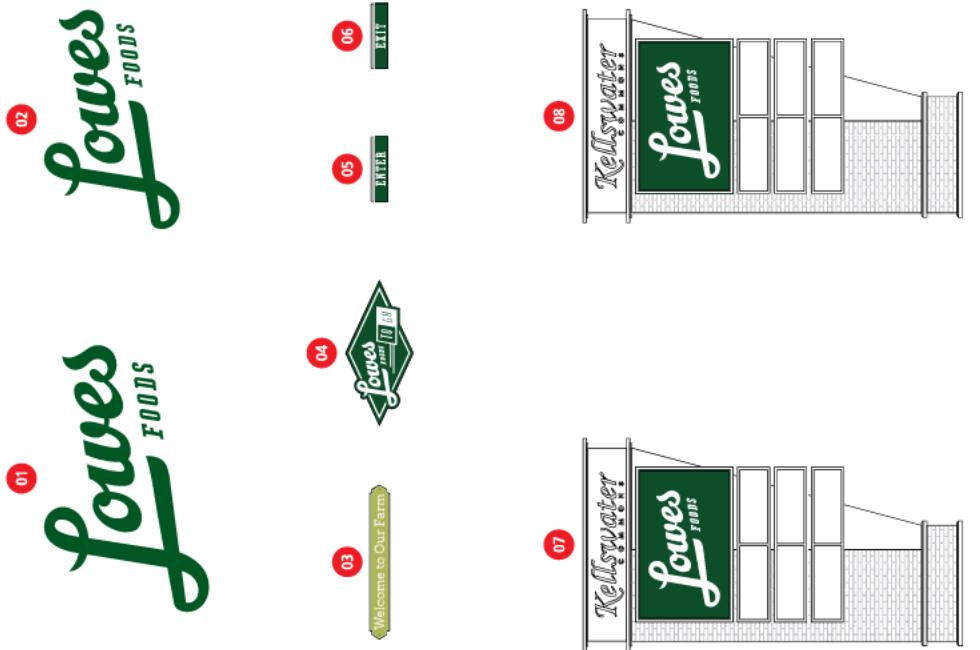
# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-21

Applicant: Sherri Hartsell

4925 Dogwood Blvd







SITE

Kellwater Commons  
4925 Bowwood Blvd  
Kannapolis, NC 28081

CONTACT

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

FILE

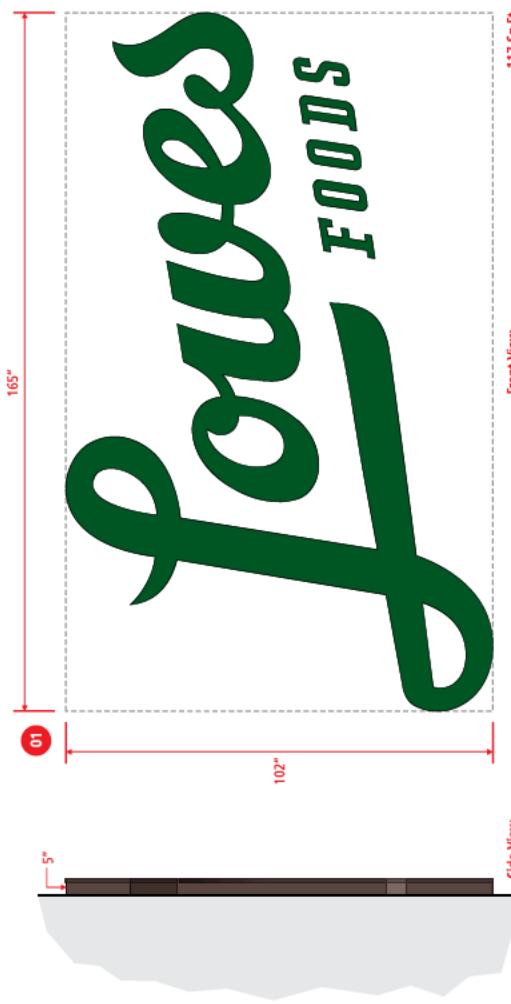
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File Name: Lowes 286 KANNAPOLIS  
Design: THD  
Draft: 01.21.25  
Rev 1: 08.22.25  
Rev 2:  
Rev 3:  
Rev 5:  
Rev 6:  
Rev 7:  
Rev 8:  
Rev 9:

APPROVALS

Approved  
 Approved as noted  
 Revise and re-submit  
Customer  
Landlord

NOTES

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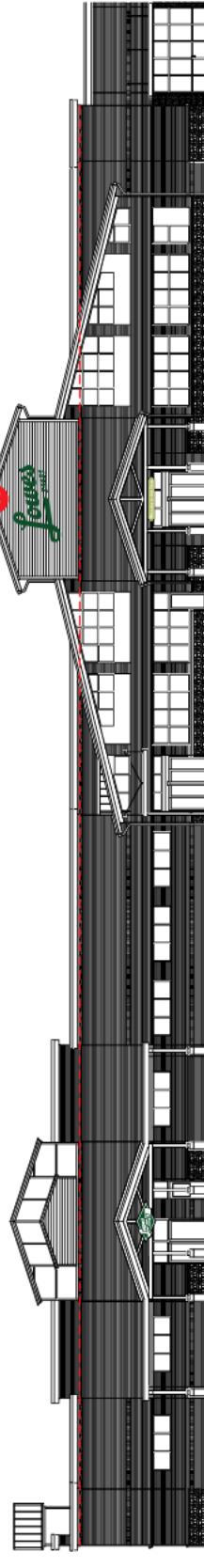


Side View

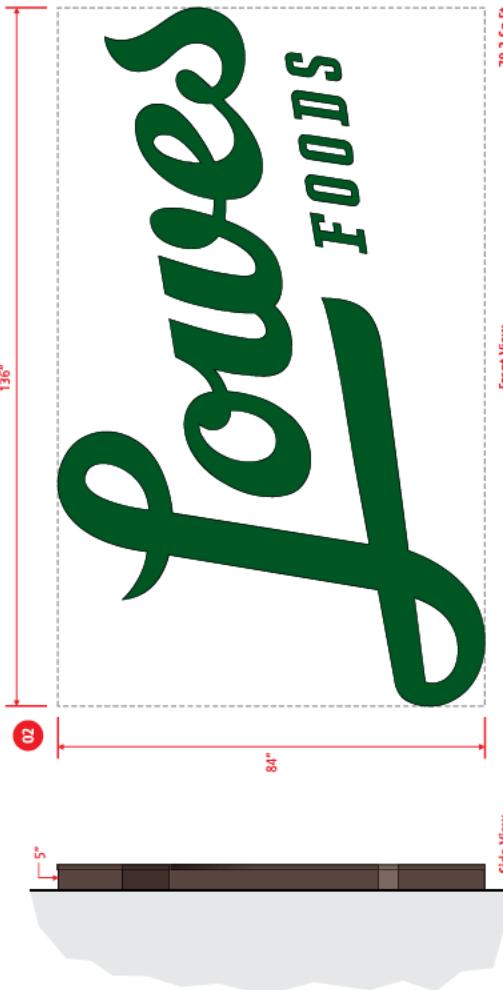
117 Sq Ft

Front View  
Description LED face lit channel letters

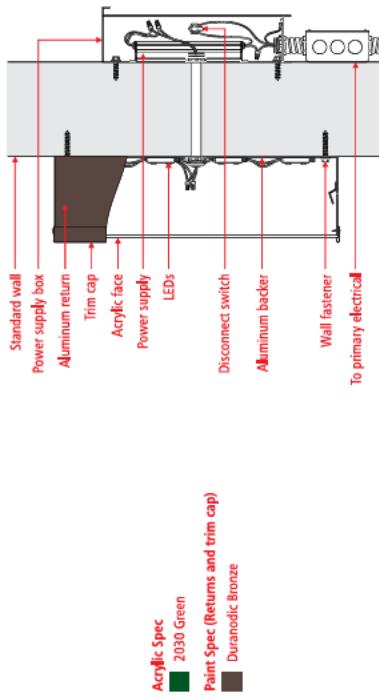
Front Elevation



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.



Illuminated



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

SITE  
Kellwater Commons  
4925 Bowwood Blvd  
Kannapolis, NC 28081

CONTACT

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

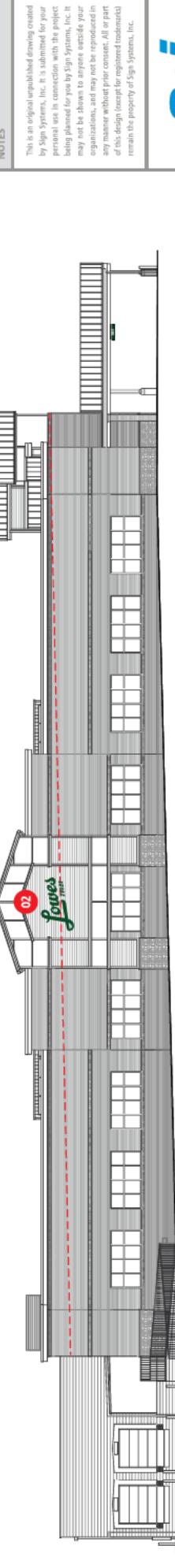
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File Name: Lowes 286 KANNAPOLIS  
Design: THD  
Draft: 01.21.25  
Rev 1:  
Rev 2:  
Rev 3:  
Rev 5:  
Rev 6:  
Rev 7:  
Rev 8:  
Rev 9:

APPROVALS

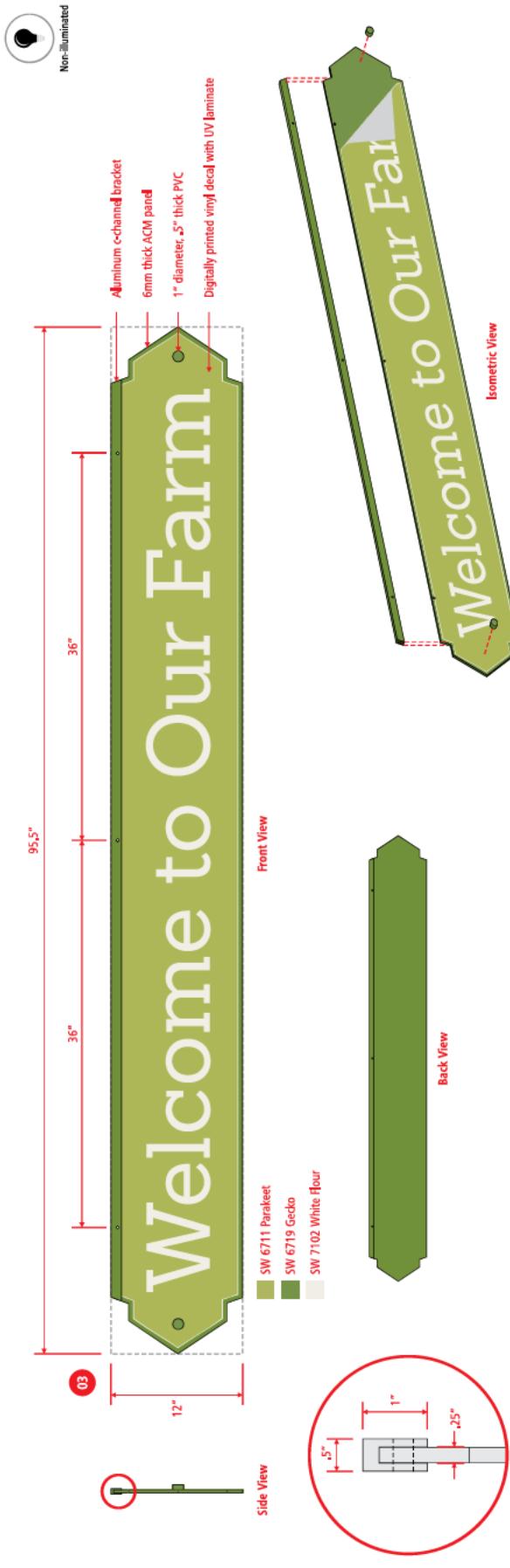
Approved  
 Approved as noted  
 Revise and re-submit  
Customer  
Landlord

NOTES



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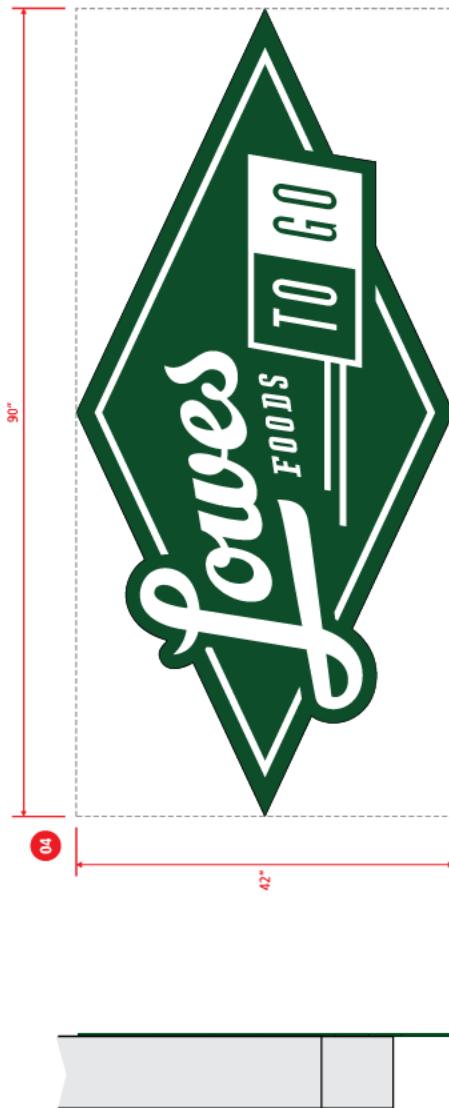


SITE	Kellwater Commons 4925 Bowwood Blvd Kannapolis, NC 28081
CONTACT	Jonathan King - Project Manager 704.400.1171 jonathan.king@lowesfoods.com
FILE	Sutter Rep Jeff Himes File Name Lowe's 286 KANNAPOLIS Design TDH Draft: 01.21.25 Rev 1: 09.19.25 Rev 2: Rev 3: Rev 5: Rev 6: Rev 7: Rev 8: Rev 9:  Customer
APPROVALS	<input type="checkbox"/> Approved <input type="checkbox"/> Approved as noted <input type="checkbox"/> Revise and re-submit 
LANDFILL	

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Non-illuminated



Front View

Side View



Description	Aluminum panel with vinyl copy and graphics
Color	PMS 357 C
Material	3M 7725-20 Matte White
Dimensions	26.25 Sq Ft
Mounting	40"
Brackets	06
Panel	10"

EXIT

PMS 357 C

3M 7725-20 Matte White

2.8 Sq Ft

ENTER

PMS 357 C

3M 7725-20 Matte White

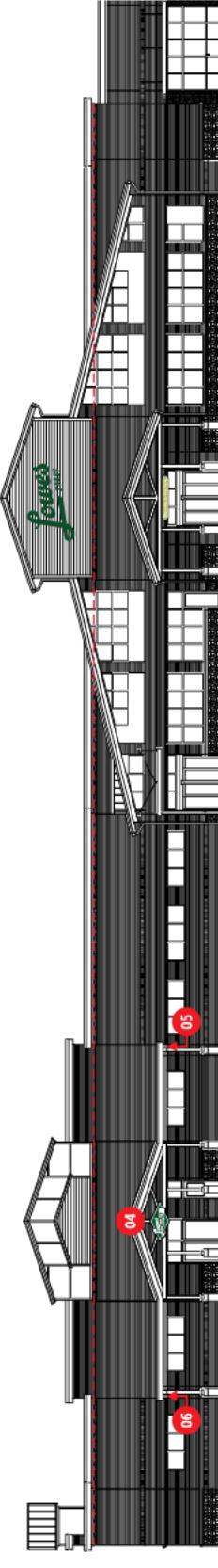
ENTER

PMS 357 C

3M 7725-20 Matte White

2.8 Sq Ft

Front Elevation



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

AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
MPV KELSWATER 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 KELSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
WEST SHORE VIVE LLC		1 INTERNATIONAL PL STE 1330		BOSTON	MA	02110
ARGENTO KELSWATER PROPERTY LLC		3900 EDISON LAKES PKWY STE 201		MISHAWAKA	IN	46545
AQUINO CARLOS		4180 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
PALIWAL MANISH	NINO YURANY STEFANY AVILA WF	4110 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
MENDEZ JEFFREY	PALIWAL BHUMIKA SPOUSE	4190 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
HARRIS CHERYL A	JOHNSON-LEWIS ANN ROSE	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	28081
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	STERK JULIE SPOUSE	PO BOX 3340		CHARLOTTE	NC	29716
STERK KENDALL	A NC LLC	4070 COUNTY DOWN AVE		KANNAPOLIS	NC	28203
MPV KELSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	29716
MPV KELSWATER LLC	AN AZ CORP	2400 SOUTH BLVD		CHARLOTTE	NC	29716
MERITAGE HOMES OF THE CAROLINAS INC	13925 BALLANTYNE CORPORATE PL		STE 300	CHARLOTTE	NC	28277
KOLIPARTHI VENKATA SUNDARA	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	KALIDOS UMAMAGESHWARI SPOUSE	4130 COUNTY DOWN AVE		KANNAPOLIS	NC	28081
GOPUS 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 KELSWATER 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 KELSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
MPV KELSWATER LLC	A NC LLC	2400 SOUTH BLVD		CHARLOTTE	NC	28203
MPV KELSWATER LLC	A NC LLC	2400 SOUTH BLVD		KANNAPOLIS	NC	28081
NUNEZ PABLO RAMIRO ROJAS	PALACIOS PAOLA JANETH CADENA SPOUSE	4183 COUNTY DOWN AVE		SAMMAMISH	WA	98074
MOHAN PRABHURAM	BABU ABINAYA SPOUSE	22411 NE 12TH CT		CONCORD	NC	28027
SATWALKAR GAURAV S	SATWALKAR SHWETA SPOUSE	557 TULIP TREE ST NW		KANNAPOLIS	NC	28083
SUNKARA CHANDRA SEKHAR		3960 SHIDER LANE		FORT MILL	SC	29716
GEORGETOWN CROSSING HOMEOWNERS ASSOCIATION INC		PO BOX 3340		CONCORD	NC	28025
ORELLANA EBONY M		812 WENTWORTH DR NE		FORT MILL	SC	29716
GEORGETOWN CROSSING HOMEOWNERS ASSOCIATION INC		PO BOX 3340				



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](mailto: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](mailto: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

Z 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** :  
**APPLICATION # BOA-2025-21** :

**ORDER GRANTING A  
SPECIAL USE PERMIT**

THE BOARD OF ADJUSTMENT for the City of Kannapolis, North Carolina (the "Board") having held a quasi-judicial hearing on Tuesday 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.

  
Chairman

  
Secretary



**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 27<sup>th</sup> St.  
Applicant: Michelle Harrison**

**Request for a Special Use Permit to allow for a boarding house on property located at  
403 E 27<sup>th</sup> 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**

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

---

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

---

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

---

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

---

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

---

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

---

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

---

#### **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](mailto: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



Planning Department  
401 Laureate Way  
Kannapolis, NC 28081  
704.920.4350

## 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

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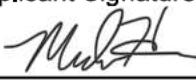
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*By signing below, I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I acknowledge that the Board of Adjustment may add conditions on the requested use as part of the 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

10/3/2025

Date

  
Property Owner Signature

10/3/2025

Date

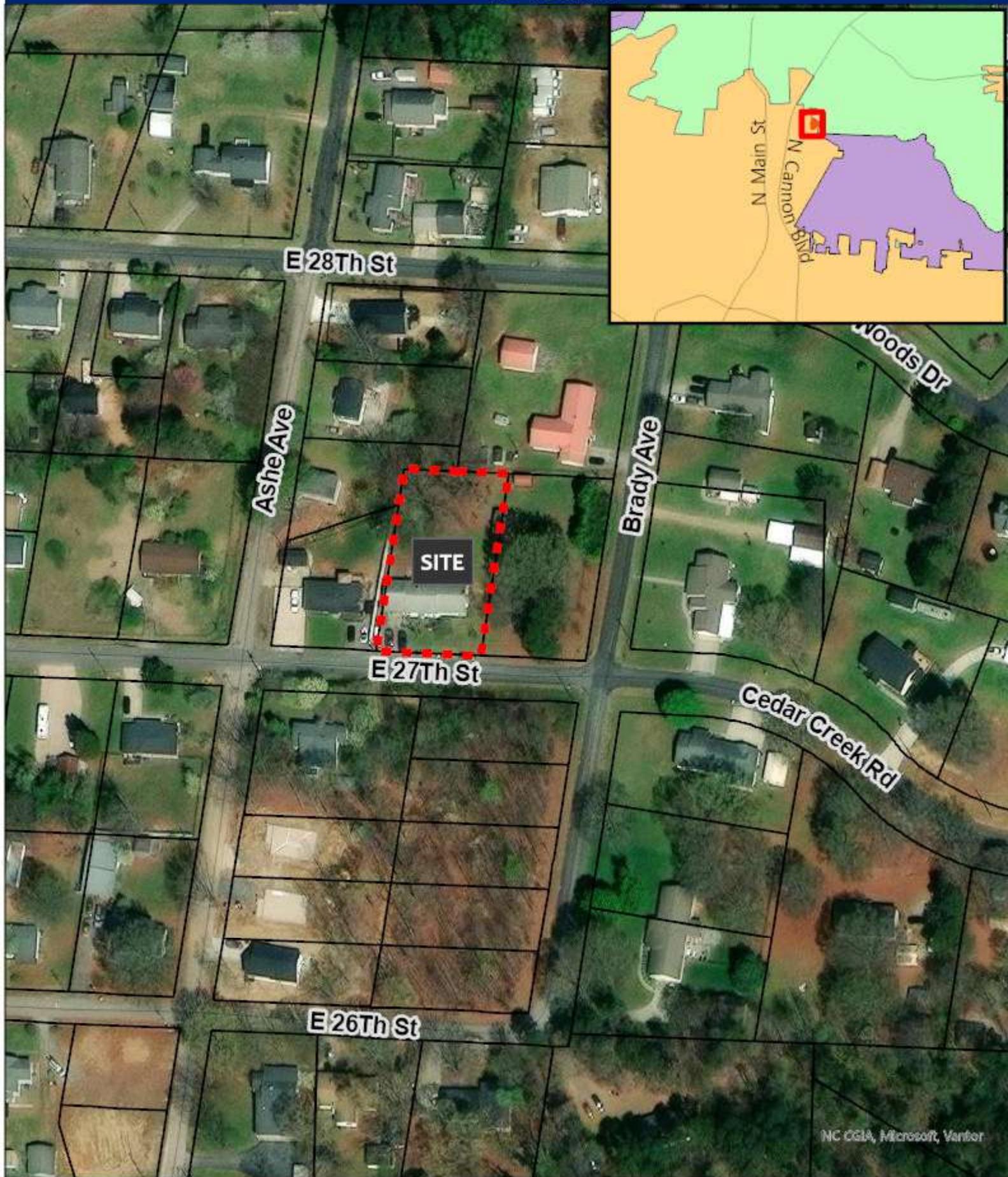


# Vicinity Map

Case Number: BOA-2025-25

Applicant: Michelle Harrison

403 E 27th St



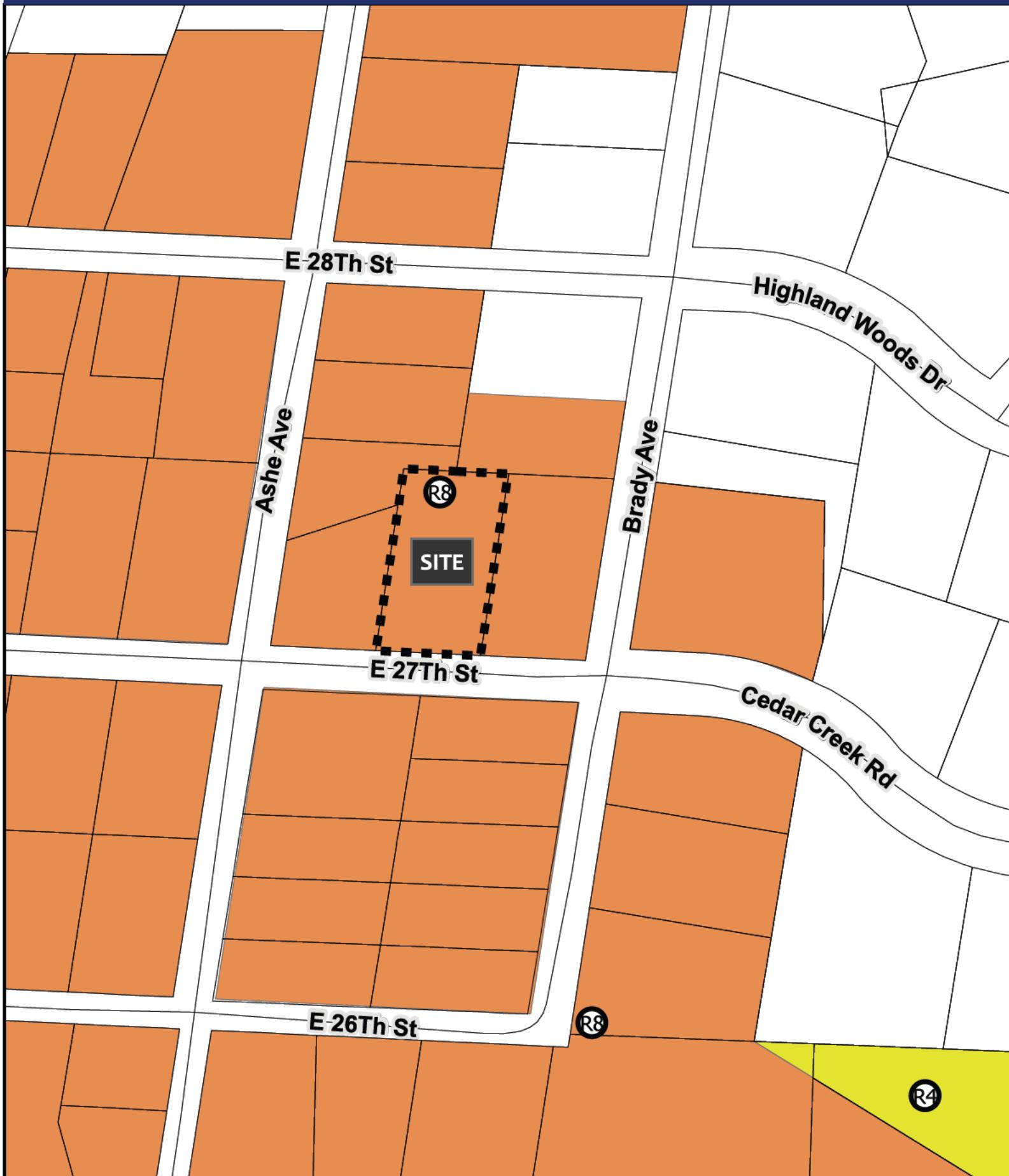


# Kannapolis Current Zoning

Case Number: BOA-2025-25

Applicant: Michelle Harrison

403 E 27th St



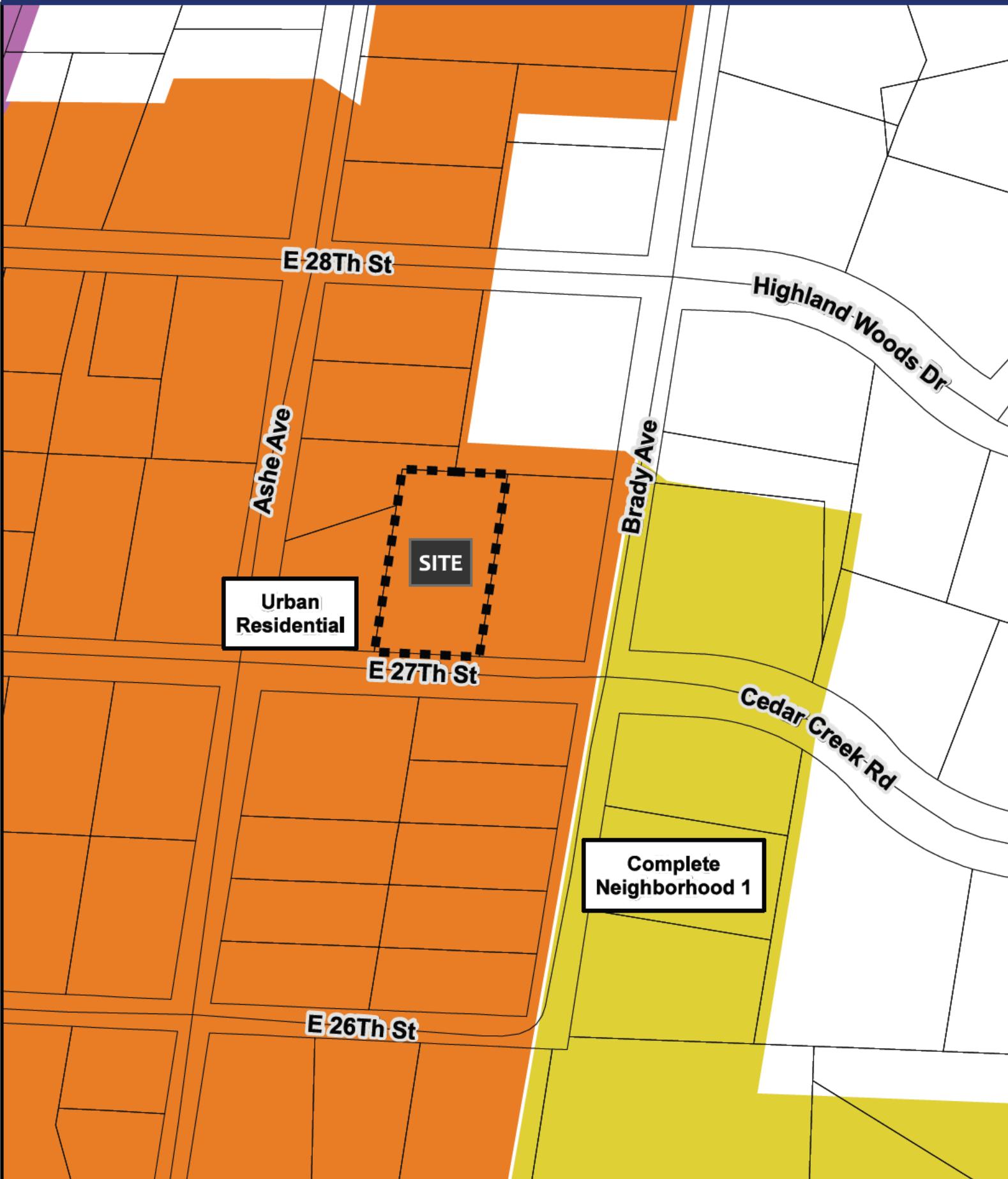


# Kannapolis 2030 Future Land Use Map

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
AVENT DANNY J & WF	2704 ASHE AV	KANNAPOLIS	NC	28083-9149	AMENT MARTHA M
MJII 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 27<sup>th</sup> 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](mailto: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](mailto:adacoordinator@kannapolisnc.gov), or in person at Kannapolis City Hall as soon as possible, but not later than forty-eight (48) hours prior.

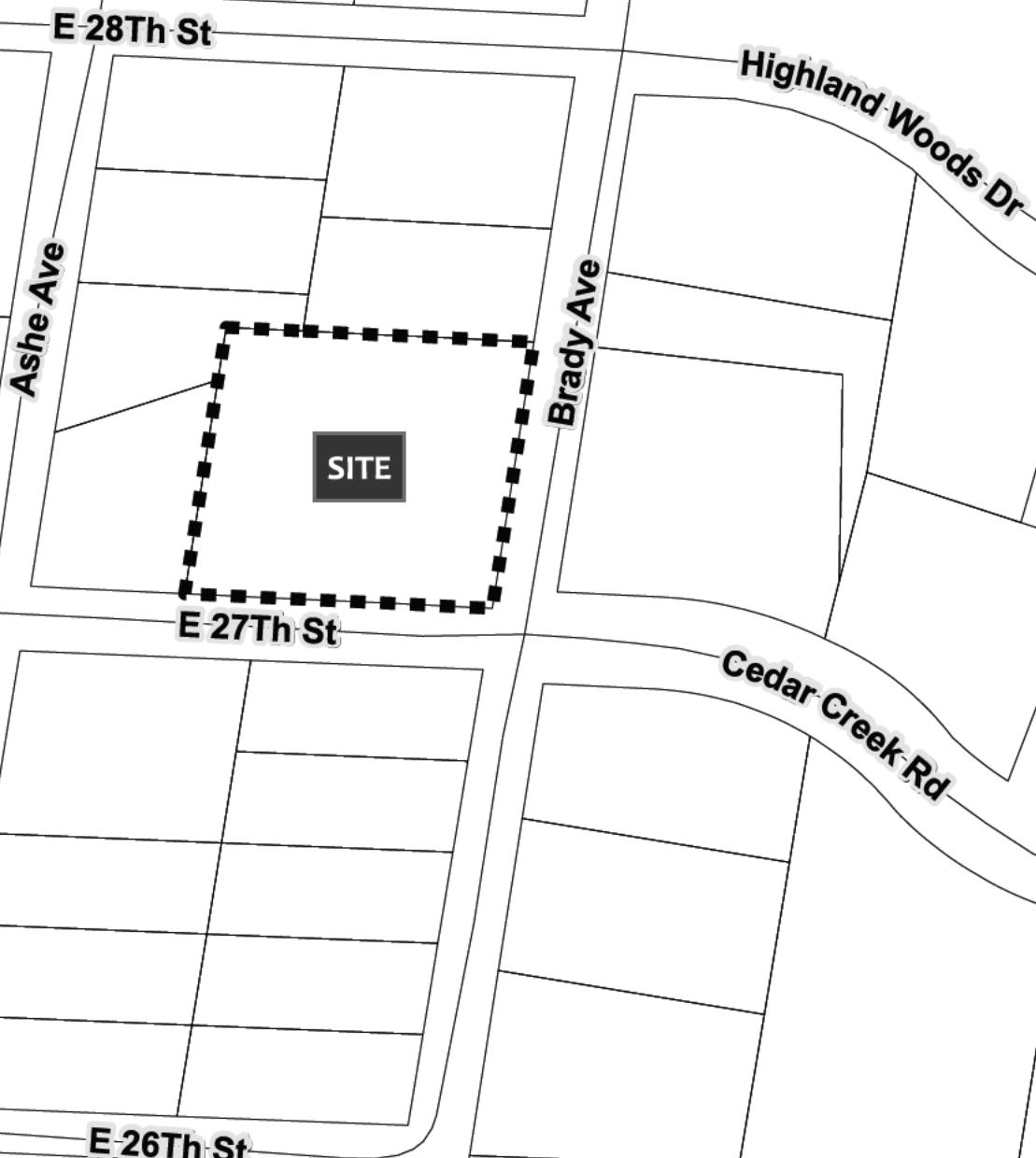


# Special Use Permit

Case Number: BOA-2025-25

Applicant: Michelle Harrison

403 E 27th St





MP  
7-95  
GPO  
1-30

**STATE OF NORTH CAROLINA**

**CITY OF KANNAPOLIS**

**IN RE:**

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

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 Kannapolis Forward 2030 Comprehensive Plan*. The Character Area calls for primary uses of single-family residential and civic uses, with secondary uses including multi-family residential, small-format retail, and office. The 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 Kannapolis Development Ordinance.

6. The proposed use complies with 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.

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

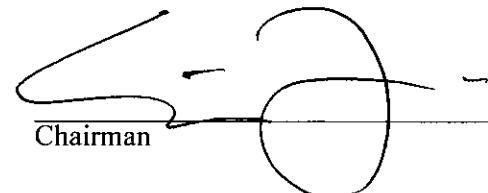
The applicant has indicated that they will sign all Conditions of Approval for this special use permit.

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.



Chairman



Julie A. Hansen  
Secretary



**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**

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

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

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

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

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

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

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

#### **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](mailto: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: Douglas Alvarenga  
70B76D1CE718492...

DocuSigned by:

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]

Alternative contact: [REDACTED]

### Property Owner Contact Information

same as applicant

Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

### Project Information

Project Address: 2350 Concord Lake Road, Kannapolis, NC 28025

Zoning District Ol

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*): [REDACTED]

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:

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 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

DocuSigned by:

Douglas Alvarado  
70876D1CE718492...

Date

Property Owner Signature

DocuSigned by:

Douglas Alvarado  
70876D1CE718492...

Date



# Vicinity Map

Case Number: BOA-2025-26

Applicant: Douglas Alvarenga

2350 Concord Lake Rd



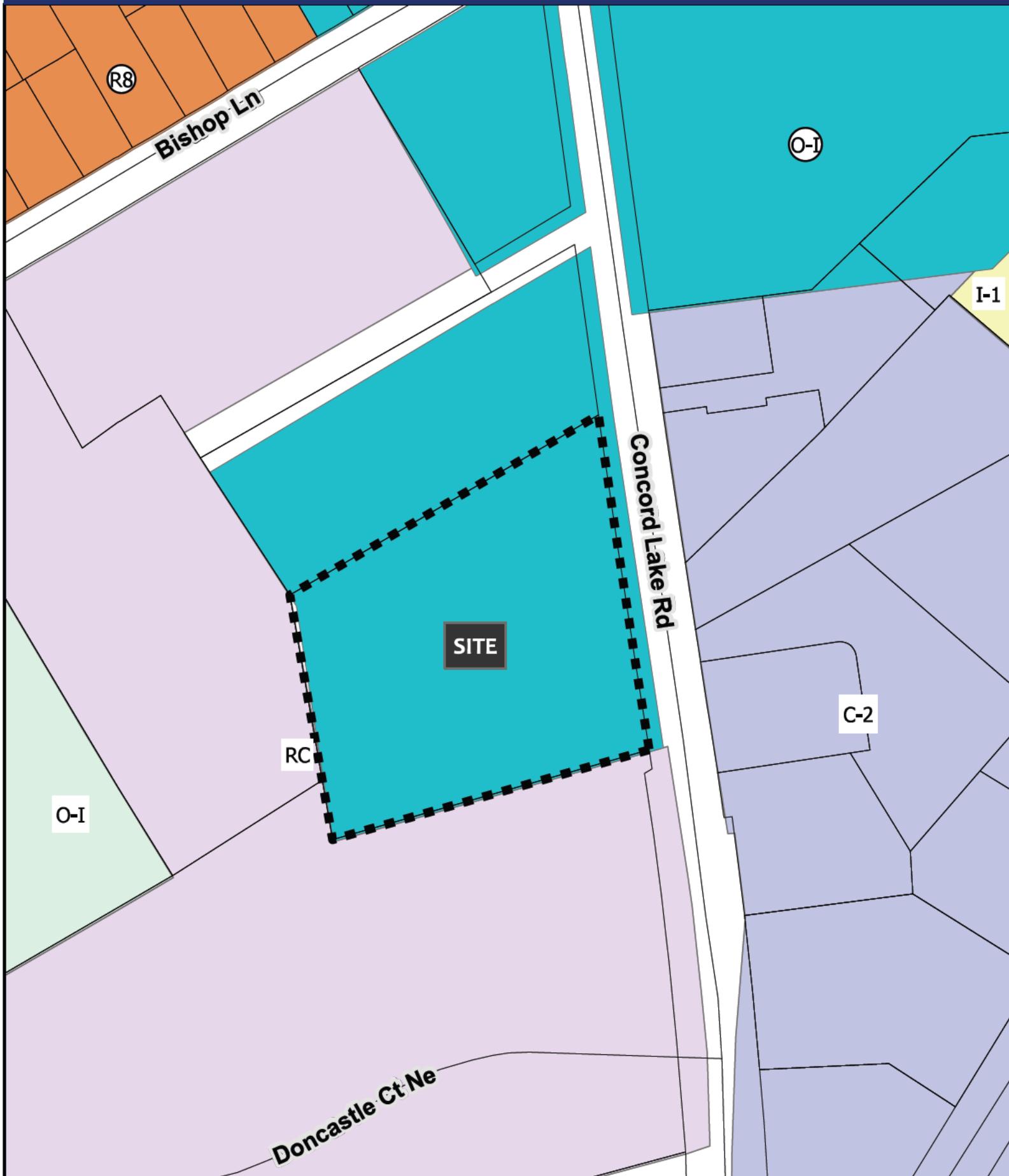


# Kannapolis Current Zoning

Case Number: BOA-2025-26

Applicant: Douglas Alvarenga

2350 Concord Lake Rd

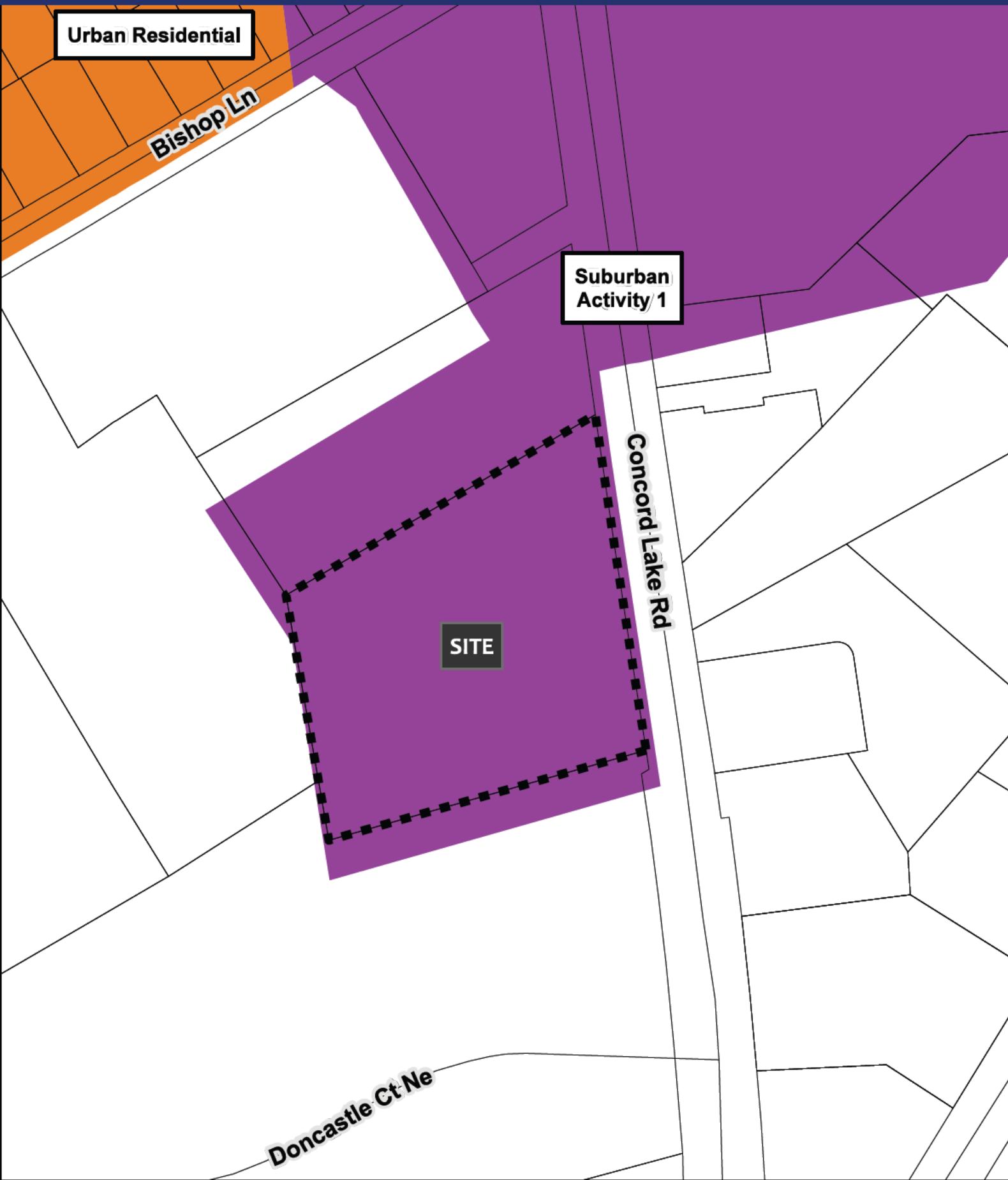




# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-26

Applicant: Douglas Alvarenga  
2350 Concord Lake Rd





AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
INVA PROPERTIES LLC		9101 SOUTHERN PINE BLVD	STE 210	CHARLOTTE	NC	28273
GODEL ALAN	HANNON JUSTIN	4117 WILLOW BROOK DR		MATTHEWS	NC	28105
HB LLC	SBRG LLC	6011 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	ANC 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](mailto: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](mailto: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



Bishop Ln

Concord Lake Rd

SITE

Doncastle Ct Ne



## 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**

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

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

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

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

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

---

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

---

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

---

#### **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](mailto: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:

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 in 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.*

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

Amit Thawait

07/24/2025

Applicant Signature

Date

11/14/2025

 dotloop verified  
11/14/25 12:21 PM  
EST  
ABVM-GY29-CXjj-YKHI

Property Owner Signature

Date

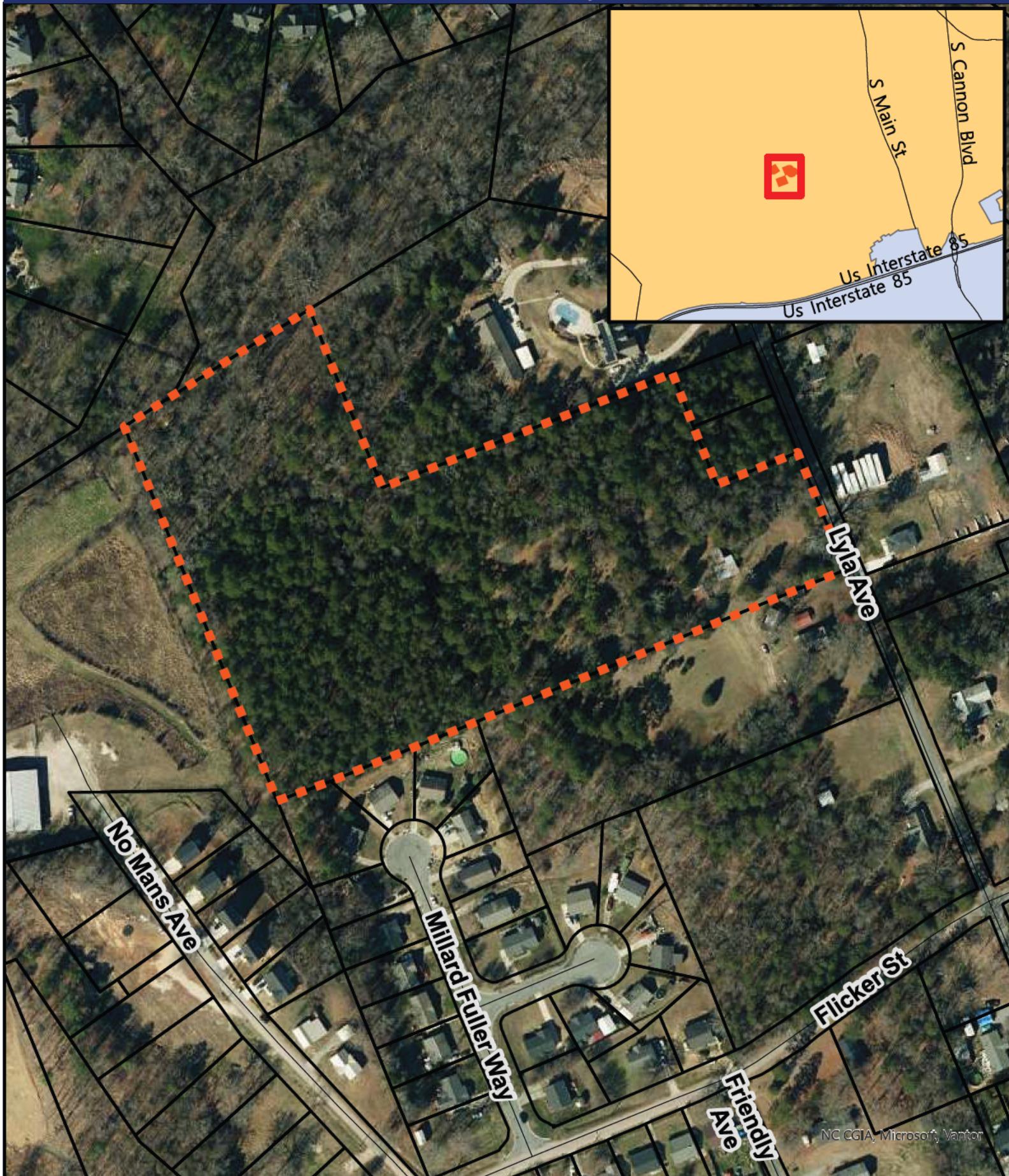


# Vicinity Map

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



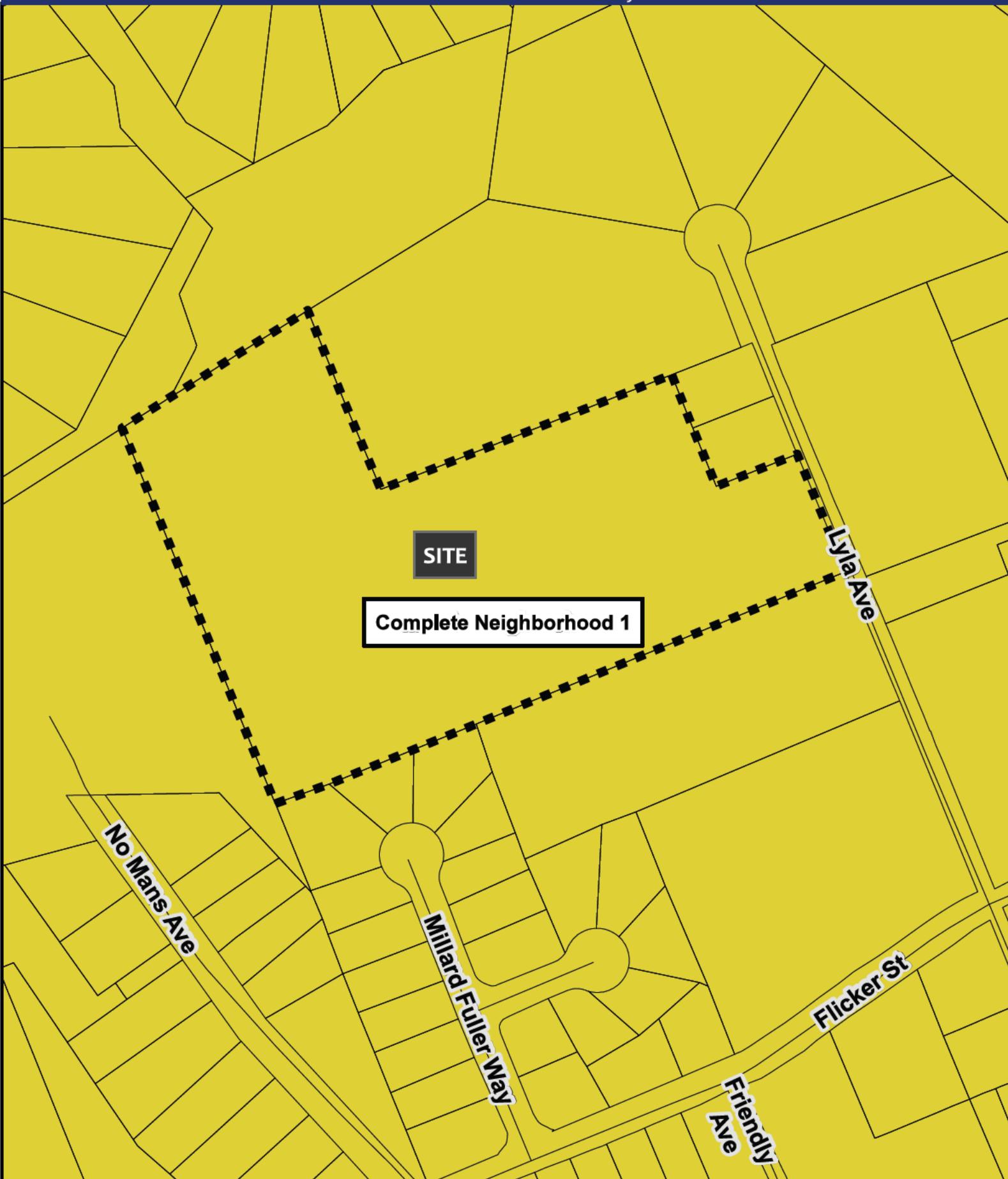


# Kannapolis 2030 Future Land Use Map

Case Number: BOA-2025-27

Applicant: Thawait Realty, LLC

Unaddressed Lyla Ave





AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCo
MCGUIRE WILLIAM D JR FKH SFR PROPCO D LP	MCGUIRE MARSHA C W/F	3600 CENTERGROVE RD C/O FIRSTKEY HOMES LLC	600 GALLERIA PKWY SE STE 300	ATLANTA	GA	30339
RIVERA FIDELIA IBETH MERINO LANTERN GREEN PROPERTY FKH SFR PROPCO D LP	MERINO ROSA OWNERS ASSOCIATION	2608 MILLARD FULLER WAY C/O COMMUNITY ASSOC MANAGEMENT C/O FIRSTKEY HOMES LLC	PO BOX 79032 600 GALLERIA PKWY SE STE 300	CHARLOTTE	NC	28271
CRUDUP ANDREW & WIFE DORIS H CURRY OLIVER W COPELAND MICHELLE LEE NOYES LANCE M & MARY L MCH SFR NC OWNER 1 LP THAWAIT REALTY LLC DAVIS FRENCHGERALD MCINTYRE VIRGIL LANE HERNANDEZ BIVIAN ETIENNE JESSIE PAULISTA PROPERTIES LLC THAWAIT REALTY LLC BROWNING KEVIN W TRUSTEE LANTERN GREEN PROPERTY DE JESUS LUIS A PENDERGRASS JIMMY DALE DILLARD LAURA LYNN DILLARD DORA LYNG TRST 11/7/06 THAWAIT REALTY LLC MCH SFR NC OWNER 1 LP ALMEIDA HERBERT AND RAFFAELDT RANDALL		2612 MILLARD FULLER WAY 2619 MILLARD FULLER WAY 2607 MILLARD FULLER WAY 2780 LAMPLIGHTER DR 14355 COMMERCE WAY 10106 STONESBY LN 2515 NO MANS AVE 2604 LYLA AVE 2501 LYLA AVE 27772 LAMPLIGHTER DR 1131 TOM SADLER RD 10106 STONESBY LN 2784 LAMPLIGHTER DR C/O COMMUNITY ASSOC MANAGEMENT MEDINA ONEIDA RAMIREZ W/F PENDERGRASS SAMANTHA D DILLARD DORA LYNN DILLARD DORA LYNG TRST 11/7/06 C/O 2609 LYLA AVE 10106 STONESBY LN 14355 COMMERCE WAY 5165 47TH ST 2756 LAMPLIGHTER DR		CONCORD	NC	28025
				ATLANTA	GA	30339
				CONCORD	NC	28027
				CHARLOTTE	NC	28271
				CONCORD	NC	30339
				CONCORD	NC	28027
				KANNAPOLIS	NC	28027
				CONCORD	NC	28027
				KANNAPOLIS	NC	28081
				MIAMI LAKES	FL	33016
				WAXHAW	NC	28173
				CONCORD	NC	28027
				CONCORD	NC	28027
				KANNAPOLIS	NC	28081
				CHARLOTTE	NC	28214
				WAXHAW	NC	28173
				KANNAPOLIS	NC	28081
				CHARLOTTE	NC	28271
				CONCORD	NC	28027
				KANNAPOLIS	NC	28081
				CONCORD	NC	28027
				CONCORD	NC	28027
				WAXHAW	NC	28173
				MIAMI LAKES	FL	33016
				WOODSIDE	NY	11377
				KANNAPOLIS	NC	28081



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-2025-27 – 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  $9.12\pm$  acres portion of a  $9.33\pm$  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](mailto: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](mailto: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.