

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

3
4 **Minutes of Special Meeting**
5 **Tuesday October 4, 2022**
6

7 The Board of Adjustment met on Tuesday October 4, 2022 at 6:00 PM at City Hall, 401 Laureate Way,
8 Kannapolis, North Carolina.
9

10 **Board Members Present:** Ryan French, Chair
11 Emily Joshi, Vice-Chair
12 Cyrus Rattler
13 Daisy Malit
14 Wilfred Bailey, Sr.
15

16 **Board Members Absent:** Holden Sides
17 Danielle Martini, Alternate Member
18

19 **Staff Present:** Richard Smith, Planning Director
20 Boyd Staney, Assistant Planning Director
21 Ben Barcroft, Senior Planner
22 Kristin Jones, Assistant to City Manager
23 Pam Scaggs, Recording Secretary
24

25 **Visitors Present:** None
26

27 **CALL TO ORDER**

28 Chair Ryan French called the meeting to order at 6:00pm.
29

30 **ROLL CALL AND RECOGNITION OF QUORUM**

31 Recording Secretary Pam Scaggs called the roll and presence of a quorum was recognized.
32

33 **APPROVAL OF AGENDA**

34 Chair French asked for a motion to approve the Agenda, which was made by Mr. Bailey, second by Ms.
35 Malit and the motion was unanimously approved.
36

37 **APPROVAL OF MINUTES**

38 Chair French asked for a motion to approve the September 6, 2022 meeting minutes which was made by
39 Ms. Malit, second by Mr. Rattler, and the motion was unanimously approved.
40

41 **PUBLIC HEARING**
42

43 **SWORN IN FOR TESTIMONY**

44 Boyd Stanley
45

46 **BOA-2022-11 – Request for a Special Use Permit for unaddressed property located on the corner of**
47 **West 16th Street and North Main Street to allow a 6-unit townhome development in the General**
48 **Commercial (GC) zoning district.**

49 Assistant Planning Director, Boyd Stanley, stated that staff is requesting that the Board continue Case No.
50 BOA-2022-11 to the November 1, 2022 Board of Adjustment Meeting. Mr. Stanley noted that the applicant
51 submitted the application prior to adoption of the Kannapolis Development Ordinance (KDO) and therefore

1 the request should be reviewed under the Unified Development Ordinance (UDO). He further clarified that
2 multi-family attached (townhome) was a permitted use by issuance of a Special Use Permit in the General
3 Commercial (GC) zoning district under the UDO but is not permitted in the KDO.
4

5 Chair French asked for a motion to table the case until the November 1, 2022 meeting, which was made by
6 Vice-Chair Joshi, second by Mr. Rattler and approved by unanimous vote.
7

8 **BOARD REFRESHER**

9 Planning Director, Richard Smith, introduced Senior Planner Ben Barcroft, stating that Mr. Barcroft will
10 be the staff liaison for the Board. Mr. Smith noted that Mr. Stanley was filling in until Mr. Barcroft was
11 hired and could join the meetings.
12

13 Mr. Smith provided a training refresher for the Board. He provided an explanation of the meaning of a
14 “quasi-judicial” meeting and “evidentiary hearing”. Mr. Smith continued the refresher by reviewing the
15 different types of cases that the Board renders decision including Variances, Appeals of an administrative
16 decision (APP), Special Use Permits (SUP), and Certificate of Nonconformities (CONA). He noted that
17 approval of variances are the only types of cases that requires a super majority vote, and he reminded the
18 Board of their powers regarding modifying staffs Findings of Fact or adding conditions to a SUP. Mr. Smith
19 talked about the Rules of Procedure for the Board and procedures for a quasi-judicial hearing (application
20 deadlines, public notice, swearing-in of anyone speaking at a hearing, findings, record of the hearing,
21 notification to applicant of Board’s decision and appeal process of Board decision). He also provided the
22 procedures for a hearing and talked about ex parte communication and evidence.
23

24 **PLANNING DIRECTOR UPDATE**

25 Mr. Smith directed the Board’s attention to a development map and provided an overview of both residential
26 and commercial projects occurring within the City of Kannapolis. Mr. Smith responded to a question from
27 Mr. Bailey regarding affordable housing. He noted that the map will be made available on the City’s
28 website.
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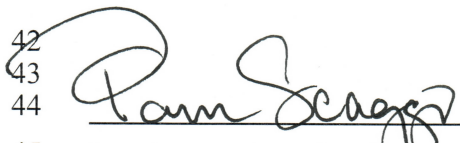
30 **OTHER BUSINESS**


31 Mr. Smith directed the Board’s attention to the proposed 2023 meeting dates and asked the Board to review
32 and make motion on the proposed schedule. Vice-Chair Joshi made the motion to approve, second by Mr.
33 Bailey and unanimously approved.
34

35 **ADJOURN**

36 There being no further business, Vice-Chair Joshi made the motion to adjourn, second by Mr. Rattler and
37 unanimously approved.
38

39 The meeting was adjourned at 7:29 PM on Tuesday October 4, 2022.
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44 _____
45 Pam Scaggs, Recording Secretary
46 Board of Adjustment



Ryan French, Chair
Board of Adjustment