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

**Minutes of Special Meeting  
Tuesday February 7, 2023**

10 The Board of Adjustment met on Tuesday February 7, 2023 at 6:00 PM at City Hall, 401 Laureate Way,  
11 Kannapolis, North Carolina.

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**Board Members Present:** Emily Joshi, Vice-Chair  
Cyrus Rattler  
Daisy Malit  
Wilfred Bailey, Sr.

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**Board Members Absent:** Ryan French, Chair  
Holden Sides  
Danielle Martini, Alternate Member

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**City Attorney:** Walter M. Safrit

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**Staff Present:** Richard Smith, Planning Director  
Ben Barcroft, Senior Planner  
Rayvon Walker, Planner  
Kristin Jones, Assistant to the City Manager  
Pam Scaggs, Recording Secretary

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**Visitors Present:** Edwin Trillos  
Alyssa Oliver  
Craig Oliver  
Alan Overcash

**CALL TO ORDER**

Vice-Chair Joshi called the meeting to order at 6:00pm.

**ROLL CALL AND RECOGNITION OF QUORUM**

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

**APPROVAL OF AGENDA**

Vice-Chair Joshi asked for a motion to approve the Agenda, which was made by Ms. Malit, second by Mr. Rattler and the motion was unanimously approved.

**APPROVAL OF MINUTES**

Vice-Chair Joshi asked for a motion to approve the December 6, 2022 meeting minutes which was made by Mr. Rattler, second by Mr. Bailey and the motion was unanimously approved.

**PUBLIC HEARING**

**SWORN IN FOR TESTIMONY**

Ben Barcroft, Alan Overcash, and Alyssa Oliver

1 **BOA-2023-01 – Request for a Special Use Permit for property located at 1402 Mason Street to allow**  
2 **for the construction of a single-family home in the Residential 18-Units per Acre (R18) zoning district.**

3 Senior Planner, Ben Barcroft, gave a presentation regarding a request for a Special Use Permit (SUP) to  
4 allow construction of a single-family home on property located in the R18 zoning district. Mr. Barcroft  
5 noted that the zoning district does allow for residential uses but R18 calls for higher density use. He noted  
6 that surrounding properties are mostly single-family residential uses. Mr. Barcroft provided the application  
7 details for BOA-2023-01, attached to and made part of these minutes as Exhibit 1, noting the property  
8 owners, size, and address. He directed the Board’s attention to an aerial view of the property as well as the  
9 Vicinity, Zoning and Future Land Use maps. Mr. Barcroft utilized the 2030 Comprehensive Plan to  
10 illustrate that single-family residential uses are a permitted use in the R18 zoning district.  
11

12 Mr. Barcroft directed the Board’s attention to the submitted site plan to illustrate that the parcel is large  
13 enough to accommodate the setback requirements of the R18 zoning district. He stated that staff found  
14 compliance with all Findings of Fact located in the staff report (see Exhibit 1), reminded the Board of the  
15 actions requested, concluded his presentation and made himself available for questions.  
16

17 Mr. Bailey asked why the SUP is needed if surrounding uses include the same type of use as is being  
18 requested. Mr. Barcroft responded that the surrounding uses are existing and that the SUP is a requirement  
19 of the Kannapolis Development Ordinance. Planning Director, Richard Smith, further explained that with  
20 adoption of Kannapolis Development Ordinance, the zoning map was also updated and that R18 is the  
21 renaming of the Residential Compact (RC) zoning district as part of that update. He added that SUPs were  
22 also required for single-family uses in the RC zoning district and that it is because the zoning district calls  
23 for more dense type uses, and single-family residences typically take up more space. Mr. Bailey asked for  
24 confirmation that there are no other requests other than the single-family use. Mr. Barcroft confirmed.  
25

26 The applicant, Alan Overcash, stated that Mason Street is a dead-end road and that current surrounding uses  
27 consist of single-family residential uses. He added that construction of new homes along Mason Street and  
28 Key West have occurred in the past and feels that the requested use is appropriate.  
29

30 City Attorney, Walter Safrit asked if the current structure on the property will remain on the property and  
31 be utilized as the garage. Mr. Overcash responded that it will be removed along with other buildings on the  
32 property.  
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34 There being no additional questions or comments for staff, Vice-Chair Joshi opened the Public Hearing  
35 which was then closed with no public comment.  
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37 Vice-Chair Joshi asked for a motion to accept the City’s exhibits, including the staff report into the record  
38 which was made by Ms. Malit, second by Mr. Bailey and the motion was unanimously approved.  
39

40 Vice-Chair Joshi asked for a motion to approve or revise the Findings of Fact. Ms. Malit made the motion  
41 to approve the Findings of Fact, second by Mr. Rattler and the motion was unanimously approved.  
42

43 Vice-Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the Special  
44 Use Permit. Ms. Malit made the motion to approve, second by Mr. Rattler and the motion was unanimously  
45 approved.  
46

47 Vice-Chair Joshi asked for a motion to issue the Order of Approval, which was made by Ms. Malit, second  
48 by Mr. Bailey and the motion was unanimously approved.  
49

1 **BOA-2023-02 – Request for a Special Use Permit for property located at 2001 N. Cannon Boulevard**  
2 **to allow for a tattoo studio in the General Commercial (GC) zoning district.**

3 Senior Planner, Ben Barcroft, gave a presentation regarding a request for a Special Use Permit (SUP) to  
4 allow a tattoo studio on property located in the GC zoning district. Mr. Barcroft noted that the zoning district  
5 does allow for tattoo studios and that the subject property is located within an existing shopping plaza. Mr.  
6 Barcroft provided the application details for BOA-2023-02 attached to and made part of these minutes as  
7 Exhibit 2 stating that there are no special requirements regarding tattoo studios such as a distance  
8 requirement from a nonexempt property. He directed the Board’s attention to an aerial view of the property,  
9 the Vicinity, Zoning and Future Land Use maps as well as a sketch of the interior layout of the studio. Mr.  
10 Barcroft utilized an aerial view of the shopping center to illustrate location of the proposed tattoo studio  
11 and the parking area.

12  
13 Mr. Barcroft stated that staff found compliance with all Findings of Fact located in the staff report (see  
14 Exhibit 2), concluded his presentation and made himself available for questions.

15  
16 Mr. Bailey noted that the application for the SUP in the staff report is not signed by the applicant and asked  
17 for an explanation. Mr. Barcroft stated that the applicant has signed the application but does not know why  
18 the application included in the staff report is not signed. Mr. Bailey asked staff to ensure that the application  
19 is signed.

20  
21 The applicant, Alyssa Oliver, stated that it can be difficult to find locations for tattoo studios and was excited  
22 to learn that the property manager would allow the use in the established shopping center but that she also  
23 met with other business owners to get their approval prior to applying for the SUP.

24  
25 Mr. Smith confirmed for the Board that the application located in the digital file is signed and explained  
26 that sometimes digital signatures do not transfer to a paper copy.

27  
28 There being no additional questions or comments for staff, Vice-Chair Joshi opened the Public Hearing  
29 which was then closed with no public comment.

30  
31 Vice-Chair Joshi asked for a motion to accept the City’s exhibits, including the staff report into the record  
32 which was made by Mr. Rattler, second by Mr. Bailey and the motion was unanimously approved.

33  
34 Vice-Chair Joshi asked for a motion to approve or revise the Findings of Fact. Ms. Malit made the motion  
35 to approve the Findings of Fact, second by Mr. Rattler and the motion was unanimously approved.

36  
37 Vice-Chair Joshi asked for a motion to approve, approve with conditions, or deny the issuance of the Special  
38 Use Permit. Ms. Malit made the motion to approve, second by Mr. Bailey and the motion was unanimously  
39 approved.

40  
41 Vice-Chair Joshi asked for a motion to issue the Order of Approval, which was made by Ms. Malit, second  
42 by Mr. Bailey and the motion was unanimously approved.

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44 **PLANNING DIRECTOR UPDATE**

45 Mr. Smith provided an update on the NCDOT projects within the City of Kannapolis and directed the  
46 Board’s attention to a presentation. He provided updates on the following projects: NC 3 widening project,  
47 Rogers Lake Road Grade Separation (railroad flyover), Train Station Track Improvements, US 29/NC 3  
48 Intersection Improvements, East First Street Bridge Replacement, Little Texas Road Sidewalk Project, NC  
49 73 Widening, and North Main Street Improvements. Mr. Smith noted that the City is also exploring updates  
50 to both North and South Main Street areas.

1 **OTHER BUSINESS**

2 None

3

4 **ADJOURN**

5 There being no further business, Ms. Malit made the motion to adjourn, second by Mr. Bailey and the  
6 motion was unanimously approved.

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8 The meeting was adjourned at 6:33 PM on Tuesday February 7, 2023.

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14 Pam Scaggs, Recording Secretary  
15 Board of Adjustment

  
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Emily Joshi, Vice-Chair  
Board of Adjustment

# EXHIBIT 1



## Board of Adjustment February 7, 2023 Meeting

### Staff Report

**TO:** Board of Adjustment

**FROM:** Ben Barcroft, Senior Planner

**SUBJECT:** Case# BOA-2023-01: Special Use Permit – 1402 Mason Street  
Applicant: Matthew Linker

**Request for a Special Use Permit to allow the construction of a single-family home in the Residential 18 (R18) Zoning District.**

#### **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, Matthew Linker, is requesting a Special Use Permit (SUP) to allow the construction of a single-family home in the Residential 18 (R18) zoning district on approximately 0.206 +/- acres of property located at 1402 Mason Street, further identified as Cabarrus County Parcel Identification Number 56130912000000.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for single family detached residential uses in the R18 zoning district.

#### **D. Fiscal Considerations**

None

**E. Policy Issues**

Section 2.5.A(5) of the KDO requires that the Board of Adjustment shall only approve a special use permit if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

**Staff Findings of Fact** - Based on application review:

Yes      No

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

This property is in the "Complete Neighborhood 1" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area allows for a variety of residential uses.

Based on the character areas noted above, the proposed development is compatible with the future 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 single family detached residential is not anticipated to cause any traffic hazards or traffic congestion. There is adequate parking available for this use.

**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 single family detached residential 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 single family detached residential use is compatible with the adjacent area of single-family dwellings.

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

There is no apparent danger or detriment to the overall public safety, health and welfare resulting from the proposed use. The proposed development 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, 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 applicant has been informed they must sign the Conditions of Approval for this special use permit.

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

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

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

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

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

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

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

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**G. Recommendation**

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

*The Board of Adjustment should consider all facts and testimony after conducting the 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. 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 |



# EXHIBIT 2



## Board of Adjustment February 7, 2023 Meeting

### Staff Report

**TO:** Board of Adjustment

**FROM:** Ben Barcroft, Senior Planner

**SUBJECT:** Case# BOA-2023-02: Special Use Permit – 2001 N Cannon Boulevard  
Applicant: Alyssa Oliver

**Request for a Special Use Permit to allow for a tattoo studio on property located at 2001 N Cannon Boulevard**

#### 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, Alyssa Oliver, is requesting a Special Use Permit (SUP) to allow for a tattoo studio in the General Commercial (GC) zoning district on approximately 0.44 +/- acres of property located at 2001 N. Cannon Boulevard, further identified as Rowan County Parcel Identification Number 161 132.

Pursuant to Table 4.2.B(5) of the Kannapolis Development Ordinance (KDO), issuance of a SUP is required for Tattoo or body-piercing establishment uses in the GC zoning district.

#### D. Fiscal Considerations

None

**E. Policy Issues**

Section 2.5.A(5) of the KDO requires that the Board of Adjustment shall only approve a special use permit if the applicant demonstrates that the criteria below have been met. Staff analysis of each criterion is noted.

**Staff Findings of Fact** - Based on application review:

Yes      No

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

This property is in the "Suburban Activity 2" Character Area in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character Area is composed primarily of small and medium-scale commercial developments.

Based on the character areas noted above, the proposed development is compatible with the future 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 a tattoo studio will be located in an established shopping plaza and is not anticipated to cause any traffic hazards or traffic congestion. There is adequate parking available for this use.

           **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 tattoo studio 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 tattoo studio is compatible with the surrounding commercial uses.

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

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

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

The proposed use shall comply with all sections of the Kannapolis Development Ordinance, conditions of approval, and 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 applicant has been informed they must sign the Conditions of Approval for this special use permit.

**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 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 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. 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 |