



Agenda for the Board of Adjustment Regular Meeting
Tuesday, February 10, 2026 at 4:00 pm
Council Chambers at City Hall 101 West Gold Street Kings Mountain, NC 28086
minutes

Acting Chairman Jay Rhodes called the meeting to order at approximately 4:00 pm, called role, and determined a quorum. Jay Rhodes, Jimmy West, Shearra Miller, Scott Neisler, Tyler Fletcher, and Heather Lemmond were present; Vice-Chair Annie Thombs was absent. He then welcomed everyone and asked James Waseman, Chaplain to the Fire Department, to give the invocation. The Chair led the Pledge of Allegiance.

At this time, the Chair called for a motion to adopt the Agenda. Jimmy West made a motion to adopt the Agenda. Scott Neisler seconded the motion and the vote was unanimous.

Mickey Corry, Board of Adjustment Attorney, asked to address the board about term limits. He advised that the City Council members are elected for four-year terms, but Board of Adjustment members only serve three years by Ordinance with staggering time limits so not everyone's term ends at the same time. He suggested the three new Council members finish the terms of the board members who were not re-elected. Scott Neisler would finish Phil Dee's term, Heather Lemmond would finish Tommy Hawkins term, and Tyler Fletcher would finish Mike Butlers term. Scott Neisler made a motion to let the new Council members finish out the terms of the Council members they replaced. Staff advised they would research terms to make sure everyone knows when their terms expire.

Henry Earle continued with an explanation of the Board of Adjustment roles and the different types of cases they would hear including Special Use Permits, Variances and Appeal of Administrative Decision. He advised this is a Quasi-Judicial Board that adjudicates how general law applies in particular situations around land use and regulation based on evidence and standards.

Next, the Chair turned the meeting over to Henry Earle, Planning Director, to ask for nominations for a new Chairperson. Scott Neisler made a motion for Jay Rhodes to be the new Chairman. Heather Lemmond seconded the motion and the vote was unanimous.

At this time, the newly elected Chairman, Jay Rhodes, asked for a nomination for Vice-Chairperson. Jimmy West nominated Shearra Miller to be the Vice-Chairperson. Heather Lemmond seconded the motion and the vote was unanimous.

Next, Chairman Jay Rhodes called for a motion to confirm Madeline Grigg as the Board of Adjustment Secretary. Shearra Miller made the motion, Scott Neisler seconded and the vote to confirm Madeline Grigg as Secretary was unanimous.

The board decided that alternate, Tyler Fletcher, would take the place of Annie Thombs since she was absent. Heather Lemmond was dismissed to the audience and the meeting continued.

Chairman Rhodes introduced case SU-25-4 as a request for a special use permit for the use of a Bar at 213 South Battleground Avenue, Kings Mountain, NC, Cleveland County Parcel ID 6947.

The Chair asked Brad Lagano, Senior Planner, and anyone else who was going to testify to come forward and be sworn in. Brad Lagano (Staff, Senior Planner), Janet NekooasL (Applicant), Jim Thompson (Adjacent Owner, 219 South Battleground Avenue), Johnny Harris (Adjacent Owner, 211 South Battleground Avenue), and Chris Jolly (Adjacent Business Owner, The Sweet Station, 211 South Battleground Avenue) were all sworn in and then Chairman Jay Rhodes asked for a staff report. Brad Lagano proceeded, testifying along with the location, that the parcel is zoned Central Business (CB) and that a bar is an allowable use in this district subject to a Special Use Permit. He showed location maps of the area, a proposed floor plan, and the proposed hours of this request. The Business hours proposed by the applicant are as follows: Monday: Closed (potential future hours, 5-11 pm), Tuesday: 5 - 11 pm, Wednesday: 5 - 11 pm, Thursday: 5 - 11 pm, Friday: 5 pm - 2 am, Saturday: 5 pm - 2 am, and Sunday: Closed. He noted that the board can impose conditions related to special use permits, including hours.

Brad Lagano reminded the board members that their consideration is based upon sworn testimony that you hear during this meeting, and the Board of Adjustment (BOA) motions could be to approve outright, approve with conditions, or deny. They must determine the following with a vote on each of the six criteria and a seventh vote on whether the request is approved or denied. The six criteria for a special use are:

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

2. Adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads.
3. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
4. The establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
5. The establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.
6. The proposed use complies with all applicable provisions of the UDO.

After staff finished, Chairman Rhodes asked if the board had any questions for staff? He proceeded to remind everyone that this hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases. The board must make its decision based upon competent, relevant, and substantial evidence. If you are speaking as a witness, please focus on facts and standards, not personal preference or opinion. This is a public meeting, but only parties with standing have the right to speak, but not offer opinions. Chairman Rhodes called for a motion to open the public hearing.

Jimmy West made a motion to open the public hearing, Shearra Miller seconded and the vote was unanimous.

The applicant, Janet NekoasL, was already sworn in and came to the podium, stated her address (1212 Kendrick Road, Gastonia), and began testifying. She wants to move her business to this location because it has 4 bathrooms, better parking, better floors and better sight lines. Jimmy West asked where she is currently located and she advised 612 Slater Street, beside Blackwoods Restaurant, currently called Rumors II. The proposed location would be named "Off the Rail" and would host billiards, karaoke events and Billiards Congress of America (BCA) tournaments.

Next, Jimbo Thompson, of 1305 Wells Road, Kings Mountain, testified next. He agreed that billiards would be great for our city in a different location. He owns a neighboring building with professionals and a tenant. He was concerned that she could not see what was going on in her current building. He referenced the current UDO section 156.50.05, the ice cream shop next door, the alleyway, the barber shop, and the event space downtown. He does not think this bar would be a good fit for downtown.

Johnny Harris, of 921 Sharon Drive, Kings Mountain, testified that he has two buildings north of the proposed location and worked with other Kings Mountain officials to help facilitate redevelopment of downtown. He has long term tenants and wants to keep a bar/pool hall out of downtown. He stated that there were 54 calls to the police department at the current location and does not think it would be a family-oriented use for downtown. Staff advised that there was no proof on the number of calls to police. Jimmy West asked if they could verify that number.

Next, Chris Jolly, of 813 West Mountain Street, Kings Mountain, testified he had the ice cream shop next door. He advised that he had served on the Planning and Zoning Board and understands what quasi-judicial means. In this case, being a case-by-case basis decision, he does not think this board can check all of the boxes from the six criteria favorably, including number one, that the use would be in harmony with the proposed area. He asked the board to be mindful of the current businesses and uses downtown when considering the six criteria for the special use request.

With no one else testifying, the Applicant, Janet NeKooasL, came to address some of the concerns. She objected that there were not 54 calls to the Police. She only made two trespassing calls and one call for an ambulance. She advised that she could not see everything going on in her current location because her back would be to either the pool tournament or karaoke event. In the proposed location, she would be facing both. She explained that currently she has kids in her place Tuesday through Thursday, some even play the league or tournaments. No children would be allowed on Friday and Saturday nights. She has no plans for the upstairs and would only serve pizza, cheese sticks and wings using an air fryer. The Applicant requested testimony be heard by Darrell Ray Meadows.

Chairman Rhodes swore in Darrell Ray Meadows, of 200 Blackrock School Road, Cherryville, who attends the current bar frequently. He confirmed that the Applicant had called EMS for a medical emergency and she runs a great business fairly and without nonsense. At approximately 4:55 pm, the Chair called for a five-minute recess and instructed Staff to verify the number of calls to the Police Department.

The Chair called the meeting back to order at approximately 5:00 pm. The Applicant volunteered that the back entrance would not be used for patrons, but her staff only. Chairman Rhodes, after being informed by Staff based on State Statute and Superior Court Ruling, announced that this hearing was site specific and what happened at the current location is not relevant to this case.

With no more questions for the Applicant or staff, Chairman Rhodes asked for a motion to close the Public Hearing. Shearra Miller made the motion to close the Public Hearing, Tyler Fletcher seconded and the vote was unanimous 5/0.

Chairman Rhodes advised that the board would go over each of the six (6) criteria and vote on them individually.

After addressing #1, that the proposed Special Use will be in harmony with the area in which it is to be located and in general conformance with the Comprehensive Plan, the Chair called for a vote and it did not pass with a unanimous vote of 5/0.

Mickey Corry brought attention to the fact that if one of the six criteria fails, the case cannot be approved. Staff advised that the board should still go through all the criteria for the purposes of record.

After addressing #2, that adequate measures will be taken to provide ingress and egress to minimize traffic hazards and traffic congestion on the public roads, Chairman Rhodes called for a vote and it passed with a unanimous vote of 5/0.

After addressing #3, that the use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas, Chairman Rhodes called for a vote and it passed with a unanimous vote of 5/0.

After addressing #4, that the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district, the Chair called for a vote and it did not pass with a unanimous vote of 5/0.

After addressing #5, that the establishment, maintenance, and operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare, the Chair called for a vote and it did not pass with a vote of 1/4. Scott Neisler voted yes and Jimmy West, Shearra Miller, Tyler Fletcher, and Chairman Rhodes voted no.

After addressing #6, that the proposed use complies with all applicable provisions of the UDO, Chairman Rhodes called for a vote and it passed with a unanimous vote of 5/0.

The Chair called for a motion to approve or deny the Special Use request. Scott Neisler made the motion to deny the Special Use permit. Jimmy West seconded the motion and the Special Use was denied with a unanimous vote of 5/0.

The Chair entertained a motion to adjourn. Shearra Miller made a motion to adjourn. Tyler Fletcher seconded the motion and the vote was unanimous.



Jay Rhodes, Chairman



Madeline Grigg, Secretary