



**TOWN OF MIDWAY  
PLANNING & ZONING BOARD MINUTES  
TUESDAY, APRIL 28, 2020**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,  
APRIL 28, 2020 AT 5:00 P.M. VIA ZOOM WEBINAR AND LIVE STREAMED ON THE TOWN'S  
FACEBOOK PAGE VIA FACEBOOK LIVE**

**CALL TO ORDER**

Chairman LeeAnn Tuttle-Thomas called the meeting to order.

Planning & Zoning Board members present were: Charles Waddell, LeeAnn Thomas, Carl Tuttle, James Smith and Jamie Hester Absent: None. Alternate: Vacant.

Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, Davidson County Zoning Officers Lee Crook and Travis Swain and Town Attorney Jim Lanik were present. Absent: None.

**APPROVAL OF MINUTES**

On motion by Board member James Smith, seconded by Board member Jamie Hester, the Board voted unanimously to approve the January 28, 2020 minutes as presented.

**ADOPT AGENDA**

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to adopt the agenda as presented.

**PUBLIC COMMENT PERIOD**

There were none.

**REGULAR BUSINESS**

**REQUEST FOR VARIANCE -CORE COMMERCIAL OVERLAY DISTRICT (CCOD) - LASH  
PROPERTIES -11173 OLD US HWY 52**

Davidson County Zoning Officer Travis Swain presented to the Planning Board a request from Mr. Larry Whicker of Lash Properties, LLC to install a six-foot-tall, one hundred forty-foot continuous privacy fence on the Lash Property at 11173 Old US Hwy 52.

As written in the Town's Zoning Ordinance in Section 3.07 Core Commercial Overlay District Subsection (U) FENCING AND WALLS, (2) Design and Guidelines and Standards: When a commercial development includes a fence or wall, the following guidelines and standards apply: The maximum height of a fence or wall shall be eight (8) feet.

Walls and fences shall be constructed of high-quality materials, such as decorative blocks, brick, stone, treated wood or wrought iron. Uncoated chain link fences are prohibited in any location visible from a public street. Breaks in the length of a fence shall be made to provide for required pedestrian connections to the perimeter of a site or to adjacent development.

The maximum length of continuous, unbroken and uninterrupted fence or wall plane shall be fifty (50) feet. Breaks shall be provided through the use of columns, landscaping pockets, transparent sections and/or a change to different materials.

Fences and walls shall be set back from the property line to allow a landscaped setback area.

Mr. Whicker stated that he would like to sell or lease the property, but he has not been able to do so because of the condition of the property next to him. Mr. Whicker has made efforts over the last nine or ten months with Davidson County Planning and Zoning Department to have the property next to him cleaned up.

Mr. Whicker has purchased a fence to be installed between the two properties but was not aware of having to follow standards in the Zoning Ordinance. Mr. Whicker submitted pictures of both properties and the fence that has been purchased. Mr. Whicker does not want the breaks in the fence because that would defeat the purpose in blocking the unkempt property next door to his property. He said that he would prefer not to have to install the fence, but feels he is left with no other options.

The property adjacent to Mr. Whicker's property has a chain link fence installed on the property line. Mr. Whicker's fence would be installed six inches off the property line which would hinder any attempts to landscape as required in the Zoning Ordinance for Fencing and Walls.

The Midway Zoning Ordinance calls for the Zoning Administrator to comment on all site development plan reviews within the Town's Core Commercial Overlay District (CCOD) prior to consideration by the Town's Planning Board. Site development plans submitted to the Planning Board shall conform to the submission requirements set forth in Section 17-2B.

Davidson County Zoning Administrator Guy Cornman submitted his recommendation regarding Mr. Whicker's request to install a six-foot fence made of treated wood along the common northern boundary property line extending a total length of one hundred forty feet more or less. Setback from the existing chain link fence is approximately six inches. Due to the existing circumstances, Mr. Cornman feels it is prudent to waive the required landscaping as called for by the Zoning Ordinance due to the impracticality of planting landscaping in such a narrow space.

Mr. Cornman advised that if the Planning Board is agreeable to grant the application as requested, the Planning Board should incorporate the site plan submitted as part of the public record.

On motion by Planning Board member Jamie Hester, seconded by Planning Board member James Smith, the Planning Board voted unanimously to approve the application submitted by Mr. Larry Whicker and recommended lifting the following restrictions in the Core Commercial Overlay District (CCOD) for fencing on the Lash property at 11173 Old US Hwy 52:

1. No break requirement every fifty feet in fencing due to adjacent property having a chain link on the property line and required pedestrian connections to the perimeter of the site can be met from three other sides of the property.
2. Lift landscaping requirement because of chain link fence being on the property line not allowing room for landscaping.
3. Lift thirty-foot setback requirement. The thirty-foot NCDOT right-of-way has been met. Fence will be installed an additional thirteen feet from the property line.
4. Keeping with the materials that are required in the CCOD.

**ADJOURNMENT**

On motion by Board member James Smith, seconded by Board member Carl Tuttle, the Board voted unanimously to adjourn at 5:51 p.m.

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LeeAnn Tuttle-Thomas, Chairperson

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Tammy H. Robertson, Deputy Clerk