



**TOWN OF MIDWAY  
PLANNING & ZONING BOARD MINUTES  
TUESDAY, APRIL 27, 2021**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,  
APRIL 27, 2021 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY,  
NORTH CAROLINA**

**CALL TO ORDER**

Chairman James Smith called the meeting to order.

Planning & Zoning Board members present were: Charles Waddell, Paula Hill, Carl Tuttle, James Smith, Jamie Hester and alternate member Richard Miller Absent: None.

Town Manager Tammy Michael, Deputy Clerk Tammy Robertson, and Davidson County Zoning Officer Travis Swain were present. Absent: Town Clerk Linda Hunt.

**APPROVAL OF MINUTES**

On motion by Board member Jamie Hester, seconded by Board member Charles Waddell, the Board voted unanimously to approve the March 30, 2021 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**

**CCOD REVIEW – OAK FOREST UMC PROPOSED CHURCH VAN GARAGE**

Oak Forest UMC was established in 1968 and one of the fundamental missions was to provide childcare for the Midway community. The church celebrated its fifty-year anniversary in June 2018 and has been providing childcare for over fifty years.

Oak Forest's current Afterschool Program picks up children at four local middle and elementary schools each school day and provides this care until 6 p.m. Oak Forest operates a summer program as well for working parents to have affordable childcare during the summer. The afterschool, summer, and pre-k programs employ local adults, high school, and college students to operate this service. Oak Forest recognized the need during 2020 for childcare and the church made the decision to operate during the entire year following local, state, and federal guidelines.

Oak Forest's childcare program is very important to the church and community. The vehicles that are operated are essential to the program but, unfortunately, the church has fallen victim to vandalism and larceny. During the past twelve months Oak Forest has experienced three incidents to their vehicles that has cost the church repair expenses as well as loss of vehicles to pick up their students. If it were not for

the help of a local business (North Davidson Auto) getting the vehicles repaired quickly and back in service, the church would have had to stop school pickup.

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 of the ordinance.

Davidson County Zoning Office Travis Swain presented to the Planning Board a request from Oak Forest UMC to construct a 24-foot by 46-foot metal carport/garage. The building's proposed location is to the northwest of the church's gymnasium, approximately 572 feet from Old US Highway 52. Visibility from Old US Highway 52 will be minimal, but it can be seen behind and beside the existing gymnasium.

The purpose of the metal building is to secure the church's vehicles that are used for their daycare program. The structure will be a typical metal building with beige siding and roofing. The plans submitted indicate white doors.

Oak Forest Church member Mr. Jim Tesh stated that lighting for the new garage will be provided from an existing building on the church property. Duke Energy provides lighting all around the church. Security cameras will also be installed on the new garage.

Davidson County Planning and Zoning Staff have struggled with respect to the extent and scope of the Town's CCOD regulations regarding ancillary uses such as the one proposed. As such, staff reached out to the Town's attorney Jim Lanik for direction regarding this question and Mr. Lanik concurred that there was really nothing in the CCOD regulations directly on point. The CCOD clearly speaks to and regulates principal structures, both singularly and multi-building configurations. It does speak to the screening of "service areas" associated with commercial areas. The site of the proposed structure is screened from all adjoining properties with the exception of the front property line. The view from the front property line will be distant, minimal and of only the front of the building. Given the issues with vandalism, staff feels that the church would be better served by leaving the front of the building visible.

It would be staff's recommendation to approve the proposed structure as presented.

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the request by Oak Forest UMC to construct a 24-foot by 46-foot metal carport/garage to house the church vans as presented.

#### **ADJOURNMENT**

On motion by Board member Paula Hill, seconded by Board member Jamie Hester, the Board voted unanimously to adjourn at 5:30 p.m.

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James W. Smith, Chairperson

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Tammy H. Robertson, Deputy Clerk