

**AGENDA**

**BOARD OF ADJUSTMENT**

**REGULAR MEETING**

City of High Point

Municipal Office Building

City Council Chambers

May 6, 2026

4:00 P.M.

1. Call To Order
2. Adoption Of The Agenda
3. Approval Of Minutes
  - 3.1. February 5, 2025 Board Of Adjustment Regular Meeting

Documents:

[02.05.2025 DRAFT BOA MINUTES.PDF](#)

- 3.1.i. March 5, 2025 Board Of Adjustment Training

Documents:

[03.05.2025 DRAFT BOA MINUTES.PDF](#)

- 3.1.ii. April 14, 2025 Board Of Adjustment Training

Documents:

[04.14.2025 DRAFT BOA TRAINING MINUTES.PDF](#)

- 3.1.iii. June 4, 2025 Board Of Adjustment Regular Meeting

Documents:

[06.04.2025 DRAFT BOA MINUTES.PDF](#)

4. New Business
5. Announcements
6. Adjournment

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**February 5, 2025**  
City of High Point  
Municipal Office Building  
City Council Chambers  
4:00 p.m.

**MEMBERS PRESENT:** Deborah Davis, Chair  
Tyler Walsh, Vice Chair  
Matt Witmeyer  
John Kennett Jr. (Alternate)  
David Horne

**MEMBERS ABSENT:** Nho Bui (Alternate)  
Sandra Hayes

**STAFF PRESENT:** Michael Harvey, Interim Development Administrator  
Gina Lindsey, Administrative Coordinator  
Clint Brown, Clerk to the Board  
Meghan Maguire, City Attorney

The meeting began at 4:00 p.m.

**A. Call to Order**

Mr. Walsh determined that a quorum was present and called the meeting to order at 4:00 p.m.

**B. Adoption of the Agenda**

Mr. Walsh asked the board if there were any changes to the agenda. Being none, he made a motion to adopt the agenda as written. Ms. Davis seconded the motion. By a vote of 5-0, the motion was adopted.

**C. Approval of the Minutes**

Mr. Walsh made a motion to approve the June 5, September 4, and November 6, 2024 minutes of the regular meetings of the Board of Adjustment as presented. Ms. Davis seconded the motion. The minutes were approved by a vote of 5-0.

## D. Hearing Items

### a. Stipulation

Mr. Tosco announced that prior to the meeting, applicants and legal staff had reached a stipulation. The stipulation stated that, although there are two separate variance applications, there will be one hearing but two separate votes. Tom Terrell, counsel for the applicant, further stipulated that it be recorded that no one questions the authenticity of the evidence.

### b. Meghan Caldwell (Chick-Fil-A, Inc.) 2700 N Main Street VR-24-03.A

A request for a 1-foot variance to the freestanding canopy encroachment standards in Section 10.2.4.G of the City of High Point Development Ordinance to allow a freestanding canopy to be located 14 feet from the right-of-way. This variance application was filed pursuant to Section 2.4.16 of the Development Ordinance.

*All speakers offering testimony were sworn in.*

Tom Terrell provided the following opening statements:

The applicant has been working with staff for eight months. This has involved a lot of collaboration and compromise, but I am confident that the applicant meets the Variance standards, and that staff will tell you the same. Since no one has identified themselves in opposition, provided that the applicant does meet its burden and presents competent material and substantial evidence and no evidence to the contrary is presented, under North Carolina law, the applicant must win the case. The reference case is Dismas Charities, Inc. vs. City of Fayetteville.

Michael Harvey, Interim Development Administrator, presented Variance Cases VR-24-03.A and VR-24-03.B as outlined in the staff report.

Within the presentation, you will have a history of the development site, the findings that the Vice Chair has already articulated. You have staff analysis and comments, as well as preliminary conclusions from staff. As provided in the staff report, the applicant began the process of redeveloping the site to its current configuration. As Mr. Terrel has indicated, part of the problem is that the applicant has two driveway entrances to get to an order canopy that consolidates into a single lane. The request by the applicant would allow for two drive-through lanes that could be serviced by Chic-Fil-A staff.

Meghan Caldwell, Principal Program Lead for Chic-Fil-A, presented the following information to the Board:

This location was originally built in the 1990s, with a redevelopment in 2018. The drive-through met the development standards at the time, as well as the customer demands at the time, however over time, there has been an increase in business volume, especially in the drive-through. Between 2019 and 2024 experienced a 52% increase in volume at this specific location. To meet this increase in volume, crew members must deliver the food to the customer every seventeen to twenty-two seconds. Granting the variances would allow Chick-Fil-A to meet the increased demand, alleviate stand still traffic, and protect both customers and employees. The encroachment to the street yard is due to the limiting topography of the site; however, we plan to come back with additional landscaping to continue to meet the intent of the standards and provide screening and a buffer. Due to the triangular shape of the lot, a small corner of the canopy would have to encroach slightly. The canopy is paramount to the safety of our team members, as they are outside working in various weather conditions. The hardship results from the following conditions that are particular to the property:

- The odd triangular shape of the property
- Right-of-way that was taken due to the Hartley Drive expansion
- Limitations due to topography and utilities
- The interconnection with the Wal-Mart Shopping Center

Mr. Horne asked Ms. Caldwell if the encroachment measurements start at the edge of the canopy or at the edge of the pavement. Ms. Caldwell explained that the canopy is a cantilever canopy, so it does not have columns on the outside. From the right of way line to the deck of the canopy edge is fourteen feet. The canopy would not extend fully over the second drive through lane. For the three-foot one variance is for the back side of the curb.

Mr. Terrell called upon Mr. Greg Venable, Transportation Director for the City of High Point, to speak on behalf of the applicant's case. Mr. Terrell asked Mr. Venable if he had seen the photos of the traffic congestion on Main Street, and if he had seen similar congestion in person. Mr. Venable confirmed that he had. Mr. Terrell then asked Mr. Venable if it was his professional opinion that it would be safer to find a way to get the cars off Main Street and alleviate the congestion. Mr. Venable confirmed that it was.

In closing, Mr. Terrell reiterated that per *Dismas Charities, Inc. vs. City of Fayetteville.*, as long as the applicant has provided compelling evidence to which there is no opposition, the Board must rule in favor of the applicant. Mr. Terrell stated that the applicant had presented sufficient evidence and that no one had come forward opposing the evidence presented.

In staff's closing, Mr. Tosco stated that the variance standards appear to have been met by the evidence presented by the applicant.

The Board entered deliberations regarding VR-24-03.A.

Mr. Horne asked Mr. Harvey if he found Mr. Terrell's comments regarding making the decision based on case law to be truthful and accurate. Mr. Harvey clarified that he cannot make legal

opinions since he is not a lawyer, but he is a professional planner that does agree with the statements Mr. Terrell made. Mr. Horne asked if a different site plan could have prevented the issue with the construction of the second structure. Mr. Harvey stated that it would be difficult to answer that question without seeing a different site plan. Mr. Horne asked if there's any reasonable room for growth on the site. Mr. Harvey stated he was of the professional opinion that there a limited opportunities for growth on the site given the current orientation. Mr. Terrell asked Mr. Horne to repeat the question. Mr. Horne asked if the variance request could have been avoided by utilizing a different site plan back in 2018. Mr. Terrell stated he felt the applicant should answer the question. Ms. Caldwell explained that when the layout was done in 2018, the site plan chosen maximized the triangular site for meeting both parking requirements and maintaining an isolated drive through.

Mr. Walsh verified with Ms. Caldwell that in 2018 they could not have anticipated a pandemic that would increase the drive through traffic by fifty percent or more.

Mr. Walsh stated that it seems that both parties have provided that the standards are met and that hardships need to be taken into consideration. Mr. Witmeyer stated he agreed and that it seems different than from the original application, since they reduced the request. He felt that a one-foot variance on the canopy for the safety of the workers appears to be in keeping with the spirit of the ordinance.

Mr. Walsh stated he would entertain an affirmative motion regarding VR-24-03.A. Chair Davis made a motion to approve the variance request VR-24-03.A. Mr. Kennett seconded the motion.

By a vote of five to zero, VR-24-03.A was approved.

The Board entered deliberations regarding VR-24-03.B.

Mr. Witmeyer stated he felt that the applicants and staff did a great job outlining the hardships regarding the unique shape of the lot and the safety that can be provided by alleviating traffic congestion. Mr. Walsh agreed with Mr. Witmeyer's statement. With no further comments, Mr. Walsh stated he would entertain an affirmative motion regarding VR-24-03.B. Chair Davis made a motion to approve VR-24-03.B.

By a vote of five to zero, VR-24-03.B was approved.

## **E. Announcements**

Ms. Lindsey informed the Board that there will be some security changes to the Board emails by the city's I.T. Department. The Board was advised to expect an email with further information.

E. Adjournment

Being no further business, the meeting adjourned by general affirmation at 5:15 p.m.

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**DEBORAH DAVIS, CHAIR**

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**DATE**

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**March 5, 2025**  
City of High Point  
Municipal Office Building  
City Council Chambers  
4:00 p.m.

**MEMBERS PRESENT:** Deborah Davis, Chair  
Tyler Walsh, Vice Chair  
Matt Witmeyer  
David Horne

**MEMBERS ABSENT:** Nho Bui (Alternate)  
John Kennett Jr. (Alternate)  
Sandra Hayes  
Rusty Mau (Alternate)

**STAFF PRESENT:** Clint Brown, Clerk to the Board

The meeting began at 4:00 p.m.

**A. Computer Security Training**

Members met to receive computer security training from the city's Information Technology Services Department.

**E. Adjournment**

Being no further business, the meeting adjourned by general affirmation at 4:30 p.m.

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**DEBORAH DAVIS, CHAIR**

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**DATE**



**MINUTES**  
**BOARD OF ADJUSTMENT**  
**April 14, 2025**  
Centralina Regional Council  
10735 David Taylor Dr., Ste. 250  
Charolotte, NC 28262  
1:00 p.m.

**MEMBERS PRESENT:** Deborah Davis, Chair  
Sandra Hayes

**MEMBERS ABSENT:** Tyler Walsh, Vice Chair  
Nho Bui (Alternate)  
John Kennett Jr. (Alternate)  
Rusty Mau (Alternate)

**STAFF PRESENT:** Sam Hinnant, Interim Development Administrator

The meeting began at 4:00 p.m.

**A. University of North Carolina School of Government Training**

Members received quasi-judicial training at the UNC School of Government from 1:00 p.m. to 4:00 p.m

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**DEBORAH DAVIS, CHAIR**

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**DATE**



**MINUTES**  
**BOARD OF ADJUSTMENT**  
**June 4, 2025**  
City of High Point  
Municipal Office Building  
City Council Chambers  
4:00 p.m.

**MEMBERS PRESENT:** Deborah Davis, Chair  
Tyler Walsh, Vice Chair  
Sandra Hayes  
David Horne  
Matt Witmeyer  
John Kennett Jr. (Alternate)

**MEMBERS ABSENT:** Nho Bui (Alternate)  
Rusty Mau (Alternate)

**STAFF PRESENT:** Sam Hinnant, Interim Development Administrator  
Clint Brown, Clerk to the Board  
Meghan Maguire, City Attorney

The meeting began at 4:00 p.m.

**A. Call to Order**

Chair Davis determined that a quorum was present and called the meeting to order at 4:00 p.m.

**B. Approval of Minutes**

1. Ms. Hayes made a motion to continue the approval of February 5, 2025 and March 5, 2025 minutes of the Board of Adjustment until the next regular meeting to allow members more time to review them. Mr. Walsh seconded the motion. The motion was approved by a vote of 5-0.

**C. New Business**

**1. Election of Officers**

Mr. Horne made a motion to nominate Ms. Davis as chair of the Board of Adjustment for the 2025-2026 term ending June 30, 2026. The motion was seconded by Ms. Hayes. Ms. Davis was elected chair by a vote of 5-0.

Mr. Horne made a motion to nominate Mr. Walsh as vice chair of the Board of Adjustment for the 2025-2026 term ending June 30, 2026. The motion was seconded by Ms. Hayes. Mr. Walsh was elected vice chair by a vote of 5-0.

## **2. Quasi-Judicial Training**

City Attorney Meghan Maguire spoke to the Board about the Quasi-Judicial training they received on March 5, 2025. She informed members that the videos and PowerPoint presentations from the training session are available via a link for a limited time. She reiterated key points of the training to include ex-parte communication and site visits.

## **D. Announcements**

Mr. Hinnant announced that there will be two public open houses discussing the Development Ordinance update and encouraged the board members to appear.

Mr. Hinnant also announced that a new planner will be joining the Planning & Development Department staff starting on June 30, 2025.

## **E. Adjournment**

Mr. Horne made a motion to adjourn. Ms. Hayes seconded the motion. The motion passed by a vote of 5-0.

Being no further business, the meeting adjourned at 4:27 p.m.

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**DEBORAH DAVIS, CHAIR**

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**DATE**