



City of Marion
Board of Adjustment Meeting
City Hall Annex
194 North Main Street, Marion, NC 28752
Thursday, October 9th, 2025, 6:00PM
AGENDA

- **Call Meeting to Order**
- **Agenda changes and approval**
- **Minutes**

a) June 12, 2025

- **Public Comment**
- **New Business**

a) **Item One: Variance Request**

A request by Pilot Travel Centers, LLC for Variance Approval to exceed the maximum size for directional signage, pursuant to the City of Marion UDO 6-2.9(D) Directional Signs, to be located at 3365 Sugar Hill Road, Marion NC 28752 and having the McDowell County Tax Parcel Number 0790.00-72-1555.

b) **Item Two: Special Use Request**

A request by L & T Associates, LLC for Special Use approval to operate an all-terrain vehicle sales establishment, pursuant to the City of Marion UDO 4-3.4 Specific Requirements by Land Use, to be located at 700 East Court Street, Marion NC 28752 and having the McDowell County Tax Parcel Number 1701.08-99-6164 and 1701.08-99-4094

c) **Item Three: Special Use Request**

A request by Mountain Motors, LLC for Special Use approval to operate an automobile sales establishment, pursuant to the City of Marion UDO 4-3.4 Specific Requirements by Land Use, to be located at 1122 North Main Street, Marion NC 28752 and having the McDowell County Tax Parcel Number 1702.17-21-4335

- **Staff Updates**
a) None
- **Adjourn Meeting**

Any individual with a disability who needs an interpreter or other auxiliary aids, please contact City Hall at (828) 652-3551. To request services needed, please make the request 3-5 days prior to the meeting. For additional information or assistance, please contact Vance McNees, City Planner at (828) 652-3551 ext. 303. Servicios de intérpretes están disponibles sin costo de acuerdo a la ley del Título VI.

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION
June 12, 2025

The City of Marion Board of Adjustment held a regular meeting on June 12, 2025 at 6:00pm at Marion City Hall Annex.

Members Present: Gary Walker, Kitty Wilson, and Walt Bagwell

Members Absent: Paula Swepson-Avery and Marc Cook

Staff Present: Heather Cotton, Planning and Development Director, Vance McNees, City Planner, and Stephanie Davis, Permit Coordinator.

Others Present: Daniel Wheeler

Meeting Called to Order 6:02pm

Agenda/Minutes Changes and Approval:

Chairperson Gary Walker called the meeting to order. Mr. Walker asked if there were any changes to the agenda. Mr. Walker explained that there were not enough board members present to hold the hearing scheduled. Kitty Wilson motioned to approve the agenda, Walt Bagwell seconded and was approved 3-0. Mr. Walker then asked if there were any questions about the minutes from the last meeting. Mr. Bagwell motioned to approve the minutes, Ms. Wilson seconded and was approved 3-0.

Public Comment: Daniel Wheeler stated that he is looking forward to presenting the item.

New Business: Mr. Walker stated that the board did not have enough members present for a quorum to vote. After a conversation between the board members, they decided on a new date for the hearing.

Mr. Bagwell proposed a motion to move the meeting to Monday June 16, 2025 at 4:30pm, Ms. Wilson seconded and was approved 3-0.

Staff Updates: Ms. Cotton presented 2 updates. The first was to introduce Stephanie Davis as the new Permit Coordinator. The second was to remind the board about ex parte communications. Ms. Cotton provided each board member present with a copy of the rules, read it aloud, and advised them to direct all comments/questions to her on a quasi-judicial items.

Ms. Wilson motioned to postpone to a time certain date to Monday June, 16, 2025 at 4:30pm, Mr. Bagwell seconded and was approved 3-0. Meeting postponed at 6:15pm.

Reopening of meeting

Chairperson Gary Walker called the meeting to order on Monday, June 16, 2025 at 4:30 pm. He stated the meeting is a continuation of the meeting from June 12, 2025.

Heather Cotton stated that the minutes and agenda did not need to be approved since the meeting will be continued.

New Business (continued)

Item: A request by Daniel Wheeler for Special Use approval to operate an automobile repair and services establishment, pursuant to the City of Marion UDO 4-3.4 *Specific Requirements by Land*

Use, to be located at 954 East Court Street, Marion NC 28752 and having the McDowell County Tax Parcel Number 1711.05-09-7842.

Mr. Walker opened the public hearing and read aloud the Quasi-Judicial process.

Mr. Walker asked who will testify, and then proceeded to swear in Vance McNees. Mr. Walker calls Vance to present the item, which is a special use request by Daniel Wheeler to operate an automobile repair and service establishment (Wheeler Auto Garage). Mr. McNees explained that the area is zoned as Mixed Use Neighborhood, and the auto repair shop would fit in with the future land use designation.

Mr. McNees read the staff recommendations from the staff report for the business (attached as part of the minutes). He then asked for questions.

Kitty Wilson asked what would happen to the used fluids from the vehicles. Michael Wheeler explained that he would have two 300-gallon tanks, and waste oil companies will be picking them up for recycling.

Ms. Wilson asked if the tanks would be visible from the road. Mr. Wheeler stated the tanks will be located behind the retaining wall beside the building. Daniel Wheeler added that they will have a fence built that will also obstruct the view of the tanks.

Mr. Walker stopped the discussion to swear in Daniel and Michael Wheeler. Both were sworn in.

Mr. Walker then asked if either of them would like to explain to the board about the business. Michael Wheeler stated that the business will be a general automotive repair shop, brakes, tune-ups, oil changes, engine replacements. Daniel Wheeler stated they will not be doing body repair, only mechanical repairs, and the work will be performed inside the building. He stated they plan to purchase the vacant lot behind the building as well. The lot would be used for vehicle storage.

Mr. Walker then asked if all of the requests of conditions had been met to the best of their knowledge, aside from the screening, which a contractor is assigned to. Daniel Wheeler answered yes.

Ms. Cotton proposed to add the parcel behind the lot with the Applicant's proposal. Mr. McNees then added both 954 E. Court Street and 934 E. Court Street to the staff report.

Mr. Walker then asked if there were environmental regulations to give oversight on management of used fluids and parts. Michael Wheeler stated they plan to follow all EPA regulations.

Mr. Walker asked if there were any other questions, hearing none, Walt Bagwell made a motion to approve the request, Mr. Cook seconded, the motion was approved in a 5-0 vote.

Public Hearing Closed

Kitty Wilson made a motion to adjourn the meeting, seconded by Gary Walker, the motion passed in a 5-0 vote.

Meeting Adjourned: 4:47pm

MEMORANDUM

DATE: October 9, 2025
TO: Board of Adjustment
FROM: Vance McNees, CZO, Development Review Administrator
SUBJECT: Variance Request – Maximum Size for Directional Signage

Michael B. Everett (Pilot Travel Centers, LLC.) has made a request for Variance Approval to exceed the maximum size for directional signage at the Pilot Travel Center located at 3365 Sugar Hill Road, Marion, NC 28752. The current McDowell County Tax Parcel Number is 0790.00-72-1555.

Applicable Code Section:

Sec. 6-2.9(D) Directional Signs.

- a. Directional signs must be located on-premises to which directions are indicated.
- b. Directional signs may not exceed four (4) square feet per face.
- c. Such signs may contain no copy other than directional information.
- d. No more than two (2) signs per entrance or exit shall be permitted.

Requested Variance:

The applicant is seeking approval to install three directional signs, each measuring 16.67 square feet, significantly larger than the maximum size limitation set forth in the City of Marion Unified Development Ordinance. The purpose of the request is to improve visibility and address traffic issues caused by trucks missing the turn into the truck stop.

NCDOT Support and Justification for the Request:

The North Carolina Department of Transportation (NCDOT) has contacted the Pilot Travel Center to address public safety and to mitigate traffic safety concerns through the enlargement of the directional signage at this location. Please see attached for the email from an NCDOT representative requesting enhanced visibility of the directional signage.

City of Marion Planning and Development staff have reviewed the application and supplemental materials. Staff is recommending approval of the Variance request. The Variance Approval will help to reduce traffic congestion and safety hazards by ensuring that trucks are able to navigate the area properly.



Concerns cited by NCDOT that this location has site-specific public safety challenges, and supports the Applicant's request regarding the need for enhanced visibility of directional signage to mitigate those concerns.



CITY OF MARION
PLANNING AND DEVELOPMENT

**STAFF ANALYSIS
VARIANCE**
Quasi-Judicial Hearing

| | |
|------------------------------------|-------------------------------|
| CASE NUMBER: | VA 25-01 |
| Date of Submission: | 07/30/2025 |
| A. PROPERTY INFORMATION | |
| Project Title: | Pilot Travel Center Variance |
| PIN: | 0790.00-72-1555 |
| Address: | 3365 Sugar Hill Road |
| Owner: | PFJ SOUTHEAST LLC |
| Applicant: | Michael B. Everett |
| Square Footage | 5.58 acres |
| Zoning District: | C-2 General Business |
| Current Land Use Activity | Gas Station/Convenience Store |
| Future Land Use Designation | Regional Commercial |

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|--|---|
| B. LOCATION MAP | |
| Aerial View | Zoning Map |
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| C. VARIANCE APPLICATION SUMMARY |
| <p>The Applicant is requesting Variance approval to exceed the maximum size for directional signage set forth in the City of Marion Unified Development Ordinance. The property is located at 3365 Sugar Hill Road and is currently zoned C-2 General Business.</p> <p>The applicant seeks to install three (3) directional signs, each measuring 16.67 square feet. The larger signs are intended to improve visibility and address traffic issues caused by trucks missing the entrance into the truck stop due to the insufficient signage.</p> <p>NCDOT has provided support for this request.</p> |

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|---|
| D. APPLICABLE ORDINANCE SECTIONS & REVIEW |
| DEVELOPMENT REQUIREMENTS |
| <p>Sec. 6-2.9(D) Directional Signs.</p> <ol style="list-style-type: none"> Directional signs must be located on-premises to which directions are indicated. Directional signs may not exceed four (4) square feet per face. Such signs may contain no copy other than directional information. No more than two (2) signs per entrance or exit shall be permitted. |

STAFF REVIEW

Staff has reviewed the application and supporting materials for the proposed variance request. The variance, if approved, would permit the installation of three (3) directional signs, each measuring 16.67 square feet, instead of adhering to the 4-square-foot maximum size limitation.

The larger signs will enhance visibility for truck drivers, enabling them to locate the truck stop more easily. The location of this site is directly next to an entrance/exit to highway 40. The increased size for directional signage will help reduce the traffic congestion and safety hazards of a high-traffic area.

Please see attached for the email from Jason Butler, the NCDOT Assistant District Engineer for Division 13. The email clearly provides support for the variance request and further addresses the need for enhanced visibility of directional signage for truck drivers at this location.

E. COMPREHENSIVE LAND USE PLAN STATEMENT

| GENERAL CHARACTER | LAND USE CHARACTERISTICS | ANTICIPATED LEVEL OF CHANGE |
|--|---|--|
| <p>Regional Commercial areas are locations where land uses accommodate not only local residents but also a much larger regional population. Criteria for siting a location are largely dependent on adequate public water and sewer service and roadways that can accommodate large volumes of traffic. They typically locate near major transportation corridors (e.g. highways or railways) and many include manufacturing and industrial centers, corporate and institutional campuses, and office parks. Clusters of uses that support or serve one another, and/or require similar infrastructure needs should be encouraged to locate in close proximity.</p> <p>Regional Commercial is generally categorized by the type of uses and magnitude of development. Types of land uses include large-scale shopping centers, auto-oriented businesses, business and office campuses, and large educational institutions.</p> | <p>Primary Land Uses: Professional office, corporate and institutional campuses, universities and colleges, research & development, industrial and manufacturing, regional shopping centers and superstores, goods and services oriented to motorists.</p> <p>Secondary Land Uses: Civic & institutional, high-density residential, parks, and trails.</p> <p>Existing Zoning District: C-2 General Business, Office Institutional, Industrial, R-2 Neighborhood Residential</p> <p>Any Future Zoning District Designation: C-3 Regional Business, OI Office and Institutional, I1 & I2 Industrial</p> <p>General Development Pattern: Mixed use</p> <p>Residential Density: 15 and greater per acre</p> <p>Non-Residential Intensity: 50% to 100% GPA</p> | <p>Regional Commercial will continue to grow around major thoroughfares. New development will largely be market driven, and based largely off residential population growth and skilled workforce. In addition to population growth, a focus on public infrastructure, maintaining good roadway capacity and accessibility will help attract new business and development activity in these areas.</p> |

F. ADDITIONAL DOCUMENTATION SUBMITTED

- Variance Application
- NCDOT support
- Aerial image of the property
- Property Tax Record Card

G. SUMMARY OF STAFF COMMENTS AND RECOMMENDATION

In summary, Staff finds that the application meets the criteria for approval of a Variance. The proposed directional signage will reduce traffic concerns and public safety hazards at and around this location.

Staff respectfully recommends approval of the Variance Request with the following justification:

1. Unnecessary hardship resulting from conditions peculiar to the property.

The location of this property would allow for a site-specific exception to the maximum directional signage size limitation set forth in the City of Marion Unified Development Ordinance.

2. Hardship not caused by applicant.

The conditions are unique to this location and result in the need for enhanced visibility for truck drivers.

3. Consistent with the spirit and intent of the UDO

Public safety is prioritized and substantial justice is achieved.

4. Minimum variance required for reasonable legal use.

The 16.67 square foot directional signage is the minimum size necessary as deemed by NCDOT for enhanced visibility at this location.

H. BOARD OPTIONS

a) Approval as presented. Note: An approval decision must be substantiated in the Board's findings of fact.

b) Approval with conditions. Note: Conditions of approval must directly relate to the impacts of the project as substantiated in the findings of fact. The Applicant must indicate in writing, their acceptance of these conditions. Should the Applicant indicate an unwillingness to accept certain conditions, then the BOA must (a) deny the application, or (b) approve it without the disputed condition.

c) Denial as presented. Note: A denial decision must be substantiated in the Board's findings of fact.

d) Continuance to a date certain. Note: A continuance should serve a specific purpose, such as to provide a party of standing (the Applicant, the City, an adjacent property owner, etc.) sufficient time to gather and provide additional documentation or information.

Variance - NCDOT documentation

Butler, Jason <jbutler5@ncdot.gov>

Thu, Sep 4, 2025 at 3:48 PM

To: Vance McNees <vmcnees@marionnc.org>

Cc: Jack Rymer <jack.rymer@pilottravelcenters.com>, Brad Everett <Brad@texasrepublicsigns.com>, "Young, Jonathan C" <jcyoung1@ncdot.gov>

Good afternoon,

The proposed sign request originally came from the City of Marion with concerns to congestion and safety. In addition, we received calls and complaints from residents about trucks blocking the roadway. Trucks were passing by the entrance and unable to maneuver the existing site. Once passing the truck entrance, trucks were traveling several miles down Sugar Hill Road and unable to turn around safely. NCDOT installed signs notifying trucks of "No-Turn-Around" and LOGO signs updated on the exit ramp and new signage on Sugar Hill Road to improve traffic flow and prohibit trucks from using the automobile entrance. In addition, NCDOT recommended for Pilot to replace existing signs and install a new sign at the truck entrance to enhance visibility to the site.

If you have any questions, please feel free to give me a call.

Regards,

Jason Butler

Assistant District Engineer

Division 13

North Carolina Department of Transportation

jbutler5@ncdot.gov

[3931 NC 226 S](#)

Marion, NC 28752

828-803-6100



From: Jack Rymer <jack.rymer@pilottravelcenters.com>

Sent: Monday, August 25, 2025 2:15 PM

To: Brad Everett <Brad@texasrepublicsigns.com>; Butler, Jason <jbutler5@ncdot.gov>; Young, Jonathan C <jcyoung1@ncdot.gov>

Subject: [External] RE: Variance - NCDOT documentation

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon Jason and Jonathan,

Can you please provide a letter noting the need for directionals and recognition of the size requested? I attached our original emails for reference.

Thank you,



Jack Rymer

Project Manager II,
Construction Development

Jack.Rymer@pilottravelcenters.com

cell: 8657199181 | office: (865) 474-2470



CONFIDENTIAL

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From: Brad Everett <Brad@texasrepublicsigns.com>
Sent: Friday, August 22, 2025 2:24 PM
To: Jack Rymer <jack.rymer@pilottravelcenters.com>
Subject: FW: Variance - NCDOT documentation

This Message Is From an External Sender This message came from outside your organization. Please use caution when replying with sensitive information, opening attachments, or clicking links. If you are unsure, please report this using the phish alert button.

Jack,

Can you help me with this request?

Thank You,

Brad Everett

Texas Republic Signs, LLC

2211 Pech Rd

Houston TX 77055

832-865-4662

From: Vance McNees <vmcnees@marionnc.org>
Sent: Friday, August 22, 2025 1:23 PM

To: Brad Everett <Brad@texasrepublicsigns.com>

Subject: Variance - NCDOT documentation

Hi Brad,

[Quoted text hidden]

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

**For Office Use Only**

Fee Paid \$ _____

Cash _____ Check # _____

Application # _____

Date Received _____

CITY OF MARION
194 N. Main Street • P.O. Drawer 700 • Marion, NC 28752
Planning & Development Department

VARIANCE APPLICATION
(PLEASE TYPE OR PRINT IN INK)

All applications must be deemed complete prior to the item being scheduled.

Property Owner's Name: Pilot Flying J Phone Number: 1-877-866-7378

Property Owner's Mailing Address: 5508 LONAS RD KNOXVILLE TN 37909

Applicant's Name (if different from above): MICHAEL B EVERETT

Applicant's Mailing Address: 2211 PECH RD HOUSTON TX 77055 Phone Number: 832-865-4662

Note: Applicant must submit a notarized letter authorizing them to act on the property owner's behalf and stating the Applicant's name, address and phone number.

Physical Address of Property: 3365 Sugar Hill Rd. Marion NC. 28752

Parcel ID Number (PIN) 0790-00-72-1555 Zoning District: X Flood zone Lot Size: 5.58 acres

Existing Use: retail fuel and merchandise sales Proposed Use: Same

This is a permitted use/ special exception under Section 6-2.9(D) "Directional signs" of the Marion City Code.

6-2.9(D) Directional signs b.

This involves a request to vary from Article/ Section _____ of the Marion City Code for the following reasons:

Describe the Variance request and exactly what the variance would allow you to do:

See attached

Describe any additional information or evidence that the Applicant feels will further the case:

See attached

Pursuant to Section 21-303.3 *Variances* of the Marion City Code, to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board that the following conditions exist:

- (1) There are extraordinary and exceptional conditions pertaining the particular place or property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- (2) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- (3) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the districts in which the property is located.
- (4) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- (5) The special circumstances are not the result of the actions of the applicant.
- (6) The variance requested is the minimum variance that will make possible the legal use land building and structure.
- (7) The variance is not a request to permit a use of land, building, or structure which is not permitted by right or by special exception the district involved.

The following supporting information must accompany the application for variance:

☒ Site Plan, drawn to a scale of at least one (1) inch to forty (40) feet, showing property lines, setbacks and proposed and existing structures on the property in question as well as neighboring properties.

☒ Photographs of the site, looking N, E, S & W from perimeters of the subject property and from the main adjacent road. A recent aerial photograph with delineated property boundaries may be substituted.

☒ Property Assessor Card of the subject property. (Information can be obtained from the McDowell County Property Assessor's Office 10 East Court Street, Marion NC 28752, (828) 652-7121.

I UNDERSTAND THAT THE BURDEN IS UPON ME, THE APPLICANT, TO PRODUCE COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE WHICH TENDS TO ESTABLISH THE EXISTENCE OF FACTS, STANDARDS AND CONDITIONS WHICH THE ORDINANCE REQUIRES UNDER SECTION 1204.3 VARIANCES OF THE MARION CITY CODE.

I CERTIFY THAT ALL OF THE INFORMATION PRESENTED IN AND WITH THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE, IS TRUE, COMPLETE AND ACCURATE.

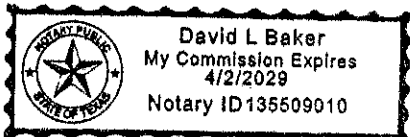
Michael B. Everett
SIGNATURE OF APPLICANT

7-10-25
DATE

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL

I, DAVID L. BAKER a Notary Public, certify that MICHAEL B. EVERETT personally came before me this day and acknowledged the due execution of the foregoing instrument. IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal, this the 10TH day of JULY, 20 25.

SEAL:



David L. Baker

Notary Public Signature

My Commission Expires 4-2-29

Description of the Variance Request:

Current Code Restriction: The local zoning or signage code limits directional signs to a maximum of 4 square feet.

Requested Variance: The applicant is seeking approval to install three directional signs, each measuring 16.67 square feet, significantly larger than the code's limit.

Purpose: The larger signs are intended to improve visibility and address traffic issues caused by trucks missing the turn into the truck stop due to inadequate signage.

Supporting Justification:

The 4-square-foot signs are deemed insufficient for visibility at a high-traffic truck stop.

The North Carolina Department of Transportation (NCDOT) contacted the truck stop regarding traffic problems stemming from trucks not knowing where to turn.

NCDOT has provided approval for the proposed larger signs, indicating state-level support for the variance to mitigate traffic safety concerns.

What the Variance Would Allow:

The variance, if approved, would permit the installation of three directional signs, each 16.67 square feet, instead of adhering to the 4-square-foot limit per sign.

These larger signs would enhance visibility for truck drivers, enabling them to locate the truck stop entrance more easily.

The increased sign size would help reduce traffic congestion and safety hazards by ensuring trucks can navigate the turn accurately, addressing the concerns raised by NCDOT.

The variance would provide a legal exception to the local signage code, allowing the truck stop to operate more effectively and safely with state-backed justification.

This variance is specific to the Pilot truck stop's operational and safety needs, supported by evidence of traffic issues and NCDOT's approval.

Request for Three 16.67-Square-Foot Directional Signs

1. Exceptional Conditions Due to Size, Shape, or Topography

- The Pilot truck stop's large size, unique shape, or specific topography creates visibility challenges that standard 4-square-foot directional signs cannot address.
- These conditions are not applicable to other properties in the same zoning district.
- The variance for three 16.67-square-foot signs is necessary to ensure safe navigation for truck traffic.
- **Supporting Evidence:** NCDOT's approval confirms the need for enhanced signage to address site-specific challenges.

2. No Special Privileges Conferred

- Granting the variance will not confer special privileges denied to other residents in the same zoning district.
- The request addresses unique site-specific challenges due to the property's size, shape, or topography.
- Any similarly situated property facing comparable conditions could seek a variance under the same zoning process.
- **Purpose:** The larger signs resolve traffic safety issues, as confirmed by NCDOT.

3. Deprivation of Common Rights

- A literal interpretation of the 4-square-foot sign size limit would deprive the Pilot truck stop of adequate directional signage.
- Other properties in the district can meet visibility needs with standard signs due to less challenging conditions.
- The variance ensures the applicant can exercise the right to safe and effective property access.
- **Supporting Evidence:** NCDOT highlights unique traffic issues necessitating larger signs.

4. Harmony with Ordinance Purpose

- The variance aligns with the zoning ordinance's purpose of promoting public safety and welfare.
- Larger signs improve visibility and reduce traffic hazards, as endorsed by NCDOT.
- The variance will not harm the neighborhood or general welfare, addressing site-specific challenges without negative impacts.
- **Outcome:** Safer access for trucks while preserving the surrounding area's integrity.

5. Circumstances Not Caused by Applicant

- The need for larger signs stems from inherent site conditions—size, shape, or topography—not actions of the applicant.
- Visibility and traffic issues predate the variance request, as identified by NCDOT.
- **Key Point:** These conditions are unique to the site and justify the need for enhanced signage to ensure safety.

6. Minimum Variance for Legal Use

- The requested variance for three 16.67-square-foot signs is the minimum necessary for safe and legal use of the property.
- The 4-square-foot limit is insufficient to address visibility issues caused by the site's unique characteristics.
- Larger signs are essential for effective truck navigation and operational compliance.
- **Supporting Evidence:** NCDOT's concerns validate the need for this specific sign size.

7. No Request for Prohibited Use

- The variance does not seek to permit prohibited use, as directional signage is allowed in the zoning district.
- The request only modifies the sign size limit (from 4 square feet) to address visibility and traffic safety issues.
- **Purpose:** To ensure safe navigation due to the property's unique size, shape, or topography, as supported by NCDOT.



Travel Centers LLC

City of Marion, NC
194 North Main St.
Marion NC 28752

7-10-2025

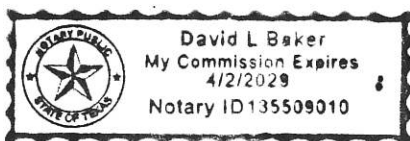
To Whom It May Concern,

Pilot Travel Centers, LLC. ("PFJ") grants Texas Republic Signs, LLC Michael B Everett 2211 Pech Rd Houston TX 77055 @832-865-462 the authorization to seek a variance and discuss permit matters on Pilot's behalf regarding the on-premises signage @ Pilot # 1063 – 3365 Sugarhill Rd Marion NC 28752

Should you have any questions or need additional information please do not hesitate to contact me at 865-474-3469.

Sincerely,

Jack Rymer,
Project Manager II
Construction Development
Jack.Rymer@Pilottravelcenters.com



David L. Baker

10TH DAY OF JULY 2025

DAVID L. BAKER



MEMORANDUM

DATE: October 9, 2025
TO: Board of Adjustment
FROM: Vance McNees, CZO, Development Review Administrator
SUBJECT: Special Use Request – L & T Associates, LLC - Staff Report

A request by L & T Associates, LLC for Special Use approval to operate an all-terrain vehicle sales and services establishment, pursuant to the City of Marion UDO 4-3.4 *Specific Requirements by Land Use*, to be located at 700 East Court Street, Marion NC 28752 and having the McDowell County Tax Parcel Number 1701.08-99-6164 and 1701.08-99-4094.


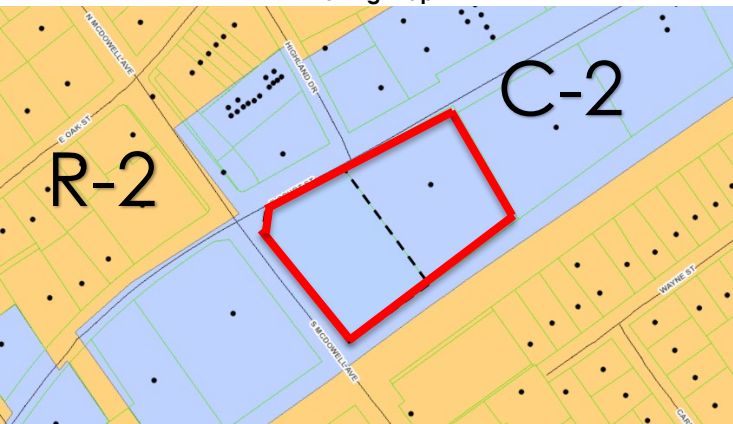
City of Marion Planning and Development staff have reviewed the application and supplemental materials. Upon completing the review, there are certain conditions, standards, and recommendations for approval. Please see Section G of the staff report *Summary of Staff Comments and Recommended Conditions of Approval* for the list of conditions and recommendations.



CITY OF MARION PLANNING AND DEVELOPMENT

STAFF ANALYSIS SPECIAL USE *Quasi-Judicial Hearing*

| | |
|------------------------------------|---|
| CASE NUMBER: | SU 25-04 |
| Date of Submission: | 09/03/2025 |
| A. PROPERTY INFORMATION | |
| Project Title: | L & T Associates |
| PIN: | 1701.08-99-6164 and 1701.08-99-4094 |
| Address: | 700 East Court Street |
| Owner: | L & T Associates LLC |
| Applicant: | L & T Associates LLC |
| Square Footage | 1 acre and 1.30 acres = 2.30 total acres (building is 12,350 sq. ft.) |
| Zoning District: | C-2 General Business |
| Current Land Use Activity | Vacant |
| Future Land Use Designation | Mixed Use Neighborhood |

| B. LOCATION MAP | |
|---|--|
| Aerial Map  | Zoning Map  |

C. SPECIAL USE APPLICATION SUMMARY

The Applicant is requesting Special Use approval to operate an automobile related business (ATV sales, repairs, services, etc.). The property is located at 700 East Court Street and is currently zoned C-2 General Business. The property has the current McDowell County Tax Parcel Identification Number (PIN) 1701.08-99-6164 and 1701.08-99-4094 as found on the McDowell County GIS Tax Map. The applicant has provided a site plan that includes landscaping, parking spaces (customer, employee, and a designated handicapped space), the location of the office/garage, all vehicular traffic patterns, and specifications of existing and proposed structures. The applicant will need to combine the two lots into one before moving forward with this project.

| D. APPLICABLE ORDINANCE SECTIONS & REVIEW | | |
|---|---|---|
| DEVELOPMENT REQUIREMENTS | APPLICANT NARRATIVE | STAFF REVIEW |
| <p>City of Marion UDO Sec. 4-3.4 "Specific Requirements by Land Use"</p> <ol style="list-style-type: none"> 1. Open Storage of junked or inoperable motor vehicles, auto parts, or similar materials shall not be permitted. 2. Tires may be stored in the side or rear yard, but must be neatly stacked at all times using the lacing technique. Tires that are stored in the front yard shall be enclosed in approved screening. 3. In order to maintain safety for pedestrian and vehicle traffic, vehicles associated with automobile repair shops, automobile sales, tire sales and services, towing and wrecking service businesses may not be parked, displayed, stored or repaired within twenty (20) feet of the curb or the edge of the road if no curb exists. 4. Junked or inoperable motor vehicles shall not be stored in the customer or employee parking spaces required per the off-street parking requirements. 5. All service, sales, storage or similar activities shall be conducted entirely on the premises. 6. All major repair work, if any, shall be conducted within a building capable of being completely closed. 7. Auto-related businesses that do not meet the definitions in section 10-1.1 of the UDO may be deemed junk yards and, therefore, subject to the regulations governing junk yards. <p>City of Marion UDO Sec 6-1.2 "Schedule of Required Parking Spaces"</p> <ol style="list-style-type: none"> 1. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each employee. <p>City of Marion UDO Sec. 6-3.3 "Specific Landscaping Requirements"</p> <ol style="list-style-type: none"> 1. A landscape plan will need to be reviewed and approved by the Planning and Development Department. | <p>Application has been submitted for this Special Use Permit to operate an Automobile Related Business (ATV sales and service). The applicant has provided a detailed landscaping plan, a civic set for initial review, and will provide any other plans or designs that will require review/approval. The site plan that has been submitted by the applicant meets the necessary requirements set forth in the City of Marion Unified Development Ordinance. The applicant has been made aware that the two lots will need to be combined into one.</p> | <p>All required materials have been submitted with the Special Use Permit Application. In the City of Marion Comprehensive Land Use Plan, the proposed location is designated as "Mixed Use Neighborhood." A primary land use that is identified in Mixed Use Neighborhood is "Neighborhood-related commercial." The City of Marion Planning and Development staff have reviewed the Unified Development Ordinance and are recommending this project for approval as long as the conditions that have been identified are adequately met.</p> |

| E. COMPREHENSIVE LAND USE PLAN STATEMENT | | |
|--|---|--|
| GENERAL CHARACTER | LAND USE CHARACTERISTICS | ANTICIPATED LEVEL OF CHANGE |
| <p>The mixed-use neighborhood is an area with an emerging variety of non-residential land uses on a neighborhood scale coupled with a variety of housing types and densities. These areas have the ability to provide residents with greater opportunity to live, shop, work, and play in their neighborhood. Mixed-Use Neighborhoods in large part represent existing and emerging growth centers east and west of Historic Downtown in long established neighborhoods where the number of non-residential uses have slowly but steadily outpaced new residential. Some land use transition has occurred without issue while others have been in conflict with adjacent land uses, property owners, or development constraints. Mixed-Use Neighborhoods have the ability through thoughtful design and scale to further the vitality and sustainability of the area; provide greater efficiency of utilities and transportation serving the area; and provide a more cohesive sense of community experienced by both residents and business owners.</p> | <p>Primary Land Uses: Restaurants, Goods & Services (Auto-Oriented), and Industrial.</p> <p>Secondary Land Uses: Civic, schools, churches, assembly, and single and multi-family residential.</p> <p>Existing Zoning District: C-2 General Business & R-2 General Residential</p> <p>Any Future Zoning Districts: C-3 Community Business, I1 Light Industrial, NMU 12-Neighborhood Mixed-Use.</p> <p>General Development Pattern: Strip commercial</p> | <p>Future development in these areas should focus on preferred uses, context sensitive design and street orientation, scale of non-residential uses, increase diversity in housing options, all of which work cohesively to will create vibrant activity centers outside of the Historic Downtown. Reinvestment in these areas has been slow due to site limitations. To increase activity, additional land use tools such as "land banking" or reinvestment overlay should utilize. Priority should be given to public projects that improve walkability, social activity, and safety within these areas, which will in turn give greater comfort and assurance for private reinvestment; well-suited locations to establish neighborhood supporting business, and give residents of all ages and abilities a safe, more vibrant, and walkable community to live, work, and play without complete dependence of a personal vehicle.</p> |

F. ADDITIONAL DOCUMENTATION SUBMITTED

- Special Use Permit Application
- Site Plan (includes landscaping and parking layout)
- Property Tax Cards

G. SUMMARY OF STAFF COMMENTS AND RECOMMENDED CONDITIONS OF APPROVAL

Staff recommends approval of the proposal with the following conditions as required in the City's UDO:

1. Must provide the city with a detailed landscape plan.
2. The applicant shall combine the two parcels into one before moving forward with the project.
3. No junked motor vehicle(s)/junked all-terrain vehicle(s) may be stored on the site.
4. All repair work, if any, shall be done within a building that is capable of being completely enclosed.
5. There shall be 60 parking spaces required. 72 parking spaces are shown on the site plan.
6. In order to maintain safety for pedestrian and vehicle traffic, vehicles associated with the automobile/all-terrain vehicle sales shop may not be parked, displayed, stored, or repaired, within twenty (20) feet of the curb or the edge of the road, if no curb exists.
7. Shall have a general sales office located on the property in the existing building.

H. BOARD OPTIONS

a) Approval as presented. Note: An approval decision must be substantiated in the Board's findings of fact.

b) Approval with conditions. Note: Conditions of approval must directly relate to the impacts of the project as substantiated in the findings of fact. The Applicant must indicate in writing, their acceptance of these conditions. Should the Applicant indicate an unwillingness to accept certain conditions, then the BOA must (a) deny the application, or (b) approve it without the disputed condition.

c) Denial as presented. Note: A denial decision must be substantiated in the Board's findings of fact.

d) Continuance to a date certain. Note: A continuance should serve a specific purpose, such as to provide a party of standing (the Applicant, the City, an adjacent property owner, etc.) sufficient time to gather and provide additional documentation or information.



EAST COURT STREET TRACT

MARION, NORTH CAROLINA

SEPTEMBER 4, 2025

OWNER/APPLICANT:

L & T ASSOCIATES, LLC
2024 NIX CREEK ROAD
MARION, NC 28752
PHONE: (828) 652-3767
EMAIL: todd@gemconstructors.com
CONTACT: TODD MILLER

GENERAL CONTRACTOR:

GEM CONSTRUCTORS, INC.
2024 NIX CREEK ROAD
MARION, NC 28752
PHONE: (828) 652-3767
EMAIL: todd@gemconstructors.com
CONTACT: TODD MILLER

ARCHITECT:

URSA
5 SPRING COVE TERRACE
ASHEVILLE, NC 28804
PHONE: (704) 488-2294
EMAIL: bill@ursaarchitecture.com
CONTACT: BILL SINKOVIC, RA

LANDSCAPE ARCHITECT:

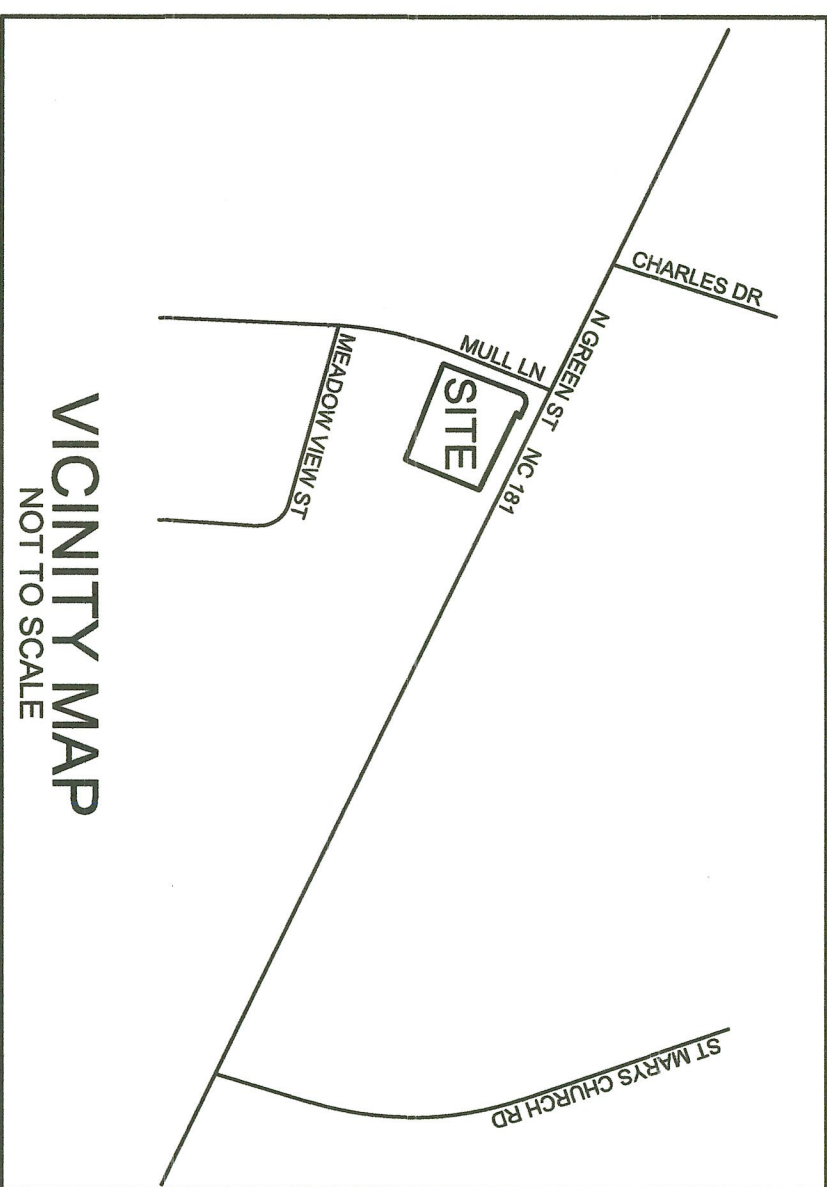
LAND PLANNING COLLABORATIVE
98 HORIZON HILL ROAD
ASHEVILLE, NORTH CAROLINA 28804
PHONE: (828) 242-0111
EMAIL: bgrasso@landplancollab.com
CONTACT: ROBERT M. GRASSO, RLA

CIVIL ENGINEER:

DAVIS CIVILSOLUTIONS PA
135-A CHARLOTTE HIGHWAY
ASHEVILLE, NORTH CAROLINA 28803
PHONE: (828) 299-9449
EMAIL: gary@cvtisol.com
CONTACT: GARY D. DAVIS, PE

SURVEYOR:

BEN PATTON LAND SURVEYING, PLLC
931 NORTH MAIN STREET, SUITE 5
MARION, NC 28752
PHONE: (828) 559-8004
EMAIL: ben@bpsurveying.com
CONTACT: BEN PATTON, PLS



LIST OF DRAWINGS

- L-1 TITLE SHEET
- L-2 SITE PLAN
- L-3 EXISTING CONDITIONS & SITE DEMOLITION PLAN
- L-4 LAYOUT & MATERIALS PLAN
- L-5 GRADING PLAN
- L-6 LANDSCAPE PLAN
- L-7 SITE CONSTRUCTION DETAILS

TITLE SHEET

EAST COURT STREET TRACT
MARION, NORTH CAROLINA

8899321
80 LLC
URT ST
COURT

170108993284
FERRISS MICHAEL DEAN ET UX
COURT ST

EAST COURT STREET

2024 NIX CREEK RD
170108994094
L & T ASSOCIATES LLC
EAST COURT ST

2024 NIX CREEK RD
170108996164
L & T ASSOCIATES LLC
COURT ST

BUILDING

GRAVEL



PROJECT INFORMATION

OWNER/APPLICANT:

L & T ASSOCIATES, LLC
2024 NIX CREEK ROAD
MARION, NC 28752
PHONE: (828) 652-3767
EMAIL: todd@ltsurveying.com
CONTACT: TODD MILLER

GENERAL CONTRACTOR:

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PHONE: (828) 652-3767
EMAIL: todd@gemconstructors.com
CONTACT: TODD MILLER

ARCHITECT:

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ASHEVILLE, NC 28804
PHONE: (704) 488-2294
EMAIL: bill@ursarchitect.com
CONTACT: BILL SINKOVIC, RA

LANDSCAPE ARCHITECT:

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ASHEVILLE, NC 28804
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MARION, NC 28752
PHONE: (828) 559-8004
EMAIL: ben@bpattonsurveying.com
CONTACT: BEN PATTON, PLS

SURVEYOR:

SITE INFORMATION

PIN:
DEED BOOKPAGE:
ADDRESS:
ZONING DISTRICT:
PROPOSED USE:
TOTAL ACREAGE:
BUILDING SETBACKS:
FRONT:
SIDE:
REAR:
MAX. BUILDING HEIGHT:
EXISTING BUILDING SIZE:
PROPOSED SURFACE AREA:
IMPERVIOUS SURFACE AREA:
TOTAL NO. OF PARKING SPACES (REQUIRED):
TOTAL NO. OF ADA PARKING SPACES:
NUMBER OF ADA PARKING SPACES:

1701-99-6164 & 1701-99-4094
01374/0099
700 E. COURT STREET
C2 GENERAL BUSINESS
COMMERCIAL/RETAIL
2.30 ACRES
15'
0'
0'
35'
12,350 SF - 1-STORY
1,500 SF (30' X 50'), 1-STORY

ROAD MAINTENANCE:
WATER:
SANITARY SEWER:
UTILITIES:
WATERSHED:

DUKE ENERGY 100% CUT-OFF FUTURE TO COMPLY WITH CITY OF MARION STDS.
PRIVATELY OWNED & MAINTAINED
CITY OF MARION WATER SYSTEM
CITY OF MARION SANITARY SEWER SYSTEM
UNDERGROUND POWER
YOUNGS FORK (COOPERING GREEN), CLASS C
STREAM, CATAWBA RIVER BASIN

GENERAL NOTES:

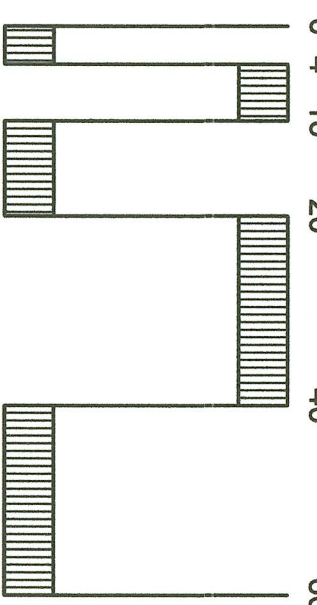
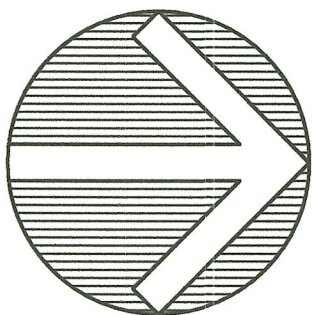
1. THE PROPERTY OWNER WILL MAINTAIN THE COMMON AREAS & OPEN SPACE.
2. PROPOSED BUILDING & PARKING AREA DO NOT LIE WITHIN FLOOD HAZARD ZONE.
3. FEMA FIRM MAP # 371017194001, EFFECTIVE DATE: 9/5/2007.
4. ALL UTILITIES WITHIN NCDOT R.O.W. SHALL BE BURIED 3' MIN. DEPTH.
5. WATER & SANITARY SEWER LINES SHALL BE SCH. 40 PVC, MEETING NCDOT STANDARDS.
6. PAVEMENT MARKINGS SHALL COMPLY WITH NCDOT STD. 1205.
7. ALL WALKS & PEDESTRIAN ROUTES SHALL COMPLY WITH ADA REGULATIONS.
8. DISAPPEAR CURB BETWEEN ROAD CURB CONNECTION & FRONT FACE OF SIDEWALK.
9. DRIVEWAY CURB/CUT SHALL BE CONSTRUCTED PER NCDOT STD. DRIVEWAY TURNOUT, RADIUS TYPE 948.02.
10. DEMOLITION & DISPOSAL OF BUILDING MATERIALS SHALL COMPLY WITH ALL STATE & LOCAL REGULATIONS.
11. VERIFY LOCATION OF ALL UTILITIES SERVING EXISTING BUILDINGS PRIOR TO BEGINNING CONSTRUCTION & DEMOLITION.
12. COORDINATE RELOCATION OF UTILITIES WITH DUKE ENERGY, AT&T & ANY OTHER APPLICABLE UTILITY COMPANY.
13. STOP SIGNS & OTHER REGULATORY SIGNS SHALL HAVE HIGH INTENSITY PRISMATIC SHEETING.

LEGEND:

- A EXISTING COMMERCIAL/RETAIL BUILDING
- B EXISTING 15' BUILDING SETBACK
- C PROPOSED RETAIL BUILDING #1
- D PROPOSED RETAIL BUILDING #2
- E PROPOSED PARKING
- F PROPOSED DUMPSTER WITH SCREENING
- G PROPOSED DRIVE-THRU
- H PROPOSED RETAINING WALL
- I PROPOSED CROSS-WALK
- J PROPOSED ENTRANCE



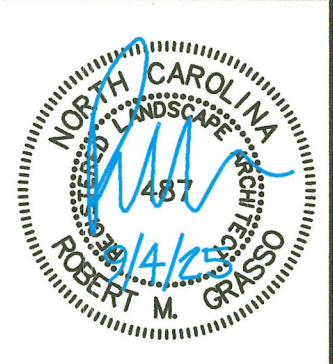
VICINITY MAP
NOT TO SCALE



SCALE: 1" = 20'

LAND PLANNING
COLLABORATIVE

Landscaping Architects • Land Planning
98 HORIZON HILL ROAD
ASHEVILLE, NC 28804
PHONE: (828) 242-0111
EMAIL: bgrasso@landplancollab.com



SITE PLAN

EAST COURT STREET TRACT
MARION, NORTH CAROLINA

SHEET
L-2

| | |
|----------------------------|-----|
| JOB NO.: 20255600 | |
| DWG. NAME: court-stile.dwg | |
| DATE: September 4, 2025 | |
| REVISIONS: | |
| REV.: DATE: | BY: |
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SITE INFORMATION

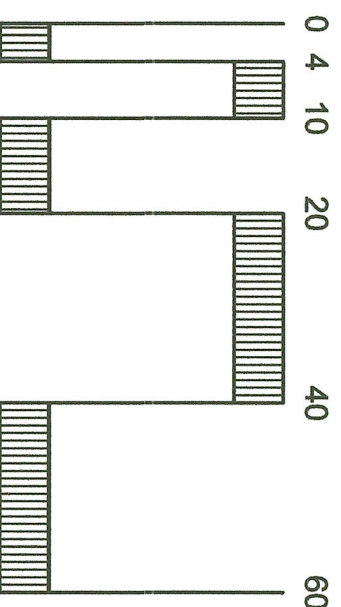
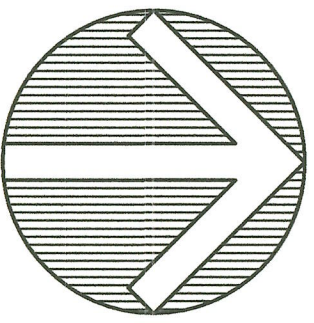
PI#: 1701-99-6164 & 1701-99-4094
DEED BOOK/PAGE: 01374/0099
ADDRESS: 700 E. COURT STREET
ZONING DISTRICT: C2 GENERAL BUSINESS
PROPOSED USE: COMMERCIAL/RETAIL
TOTAL ACREAGE: 2.30 ACRES
BUILDING SETBACKS:
FRONT: 15'
SIDE: 0'
REAR: 0'
MAX. BUILDING HEIGHT: 35'
EXISTING BUILDING SIZE: 12,350 SF, 1-STORY
PROPOSED BUILDING SIZE: 1,500 SF (30' X 50'), 1-STORY
IMPERVIOUS SURFACE AREA:
TOTAL NO. OF PARKING SPACES (REQUIRED): 75 SPACES
TOTAL NO. OF PARKING SPACES (PROVIDED): 2 SPACES
NUMBER OF ADA PARKING SPACES: 2 SPACES
PARKING LOT LIGHTS: DUKE ENERGY 100% CUT-OFF FIXTURE TO COMPLY WITH CITY OF MARION STDS.
ROAD MAINTENANCE: PRIVATELY OWNED & MAINTAINED
WATER: CITY OF MARION WATER SYSTEM
SANITARY SEWER: CITY OF MARION SANITARY SEWER SYSTEM
UTILITIES: UNDERGROUND POWER
WATERSHED: YOUNGS FORK (COPENNING CREEK), CLASS C STREAM, CATAWBA RIVER BASIN

GENERAL NOTES:

1. THE PROPERTY OWNER WILL MAINTAIN THE COMMON AREAS & OPEN SPACE.
2. PROPOSED BUILDING & PARKING AREA DO NOT LIE WITHIN FLOOD HAZARD ZONE.
3. ALL UTILITIES WITHIN NCDOT R.O.W. SHALL BE BURIED 3 MIN. DEPTH.
4. WATER & SANITARY SEWER LINES SHALL BE SCH. 40 PVC, MEETING NCDOT STANDARDS.
5. PAVEMENT MARKINGS SHALL COMPLY WITH NCDOT STD. 1205.
6. ALL WALKS & PEDESTRIAN ROUTES SHALL COMPLY WITH ADA REGULATIONS.
7. DISAPATE CURB BETWEEN ROAD CURB CONNECTION & FRONT FACE OF SIDEWALK.
8. DRIVEWAY CUREOUT SHALL BE CONSTRUCTED PER NCDOT STD. DRIVEWAY TURNOUT, RADIUS TYPE 8&100.
9. DEMOLITION & DISPOSAL OF BUILDING MATERIALS SHALL COMPLY WITH ALL STATE & LOCAL REGULATIONS.
10. VERIFY LOCATION OF ALL UTILITIES SERVING EXISTING BUILDINGS PRIOR TO BEGINNING CONSTRUCTION & DEMOLITION.
11. COORDINATE RELOCATION OF UTILITIES WITH DUKE ENERGY, AT&T & ANY OTHER APPLICABLE UTILITY COMPANY.
12. STOP SIGNS & OTHER REGULATORY SIGNS SHALL HAVE HIGH INTENSITY/PRISMATIC SHEETING.

DEMOLITION NOTES:

- 1 SAWCUT ASPHALT EDGE OF PAVEMENT.
- 2 REMOVE ASPHALT PAVEMENT & ABC STONE BASE.
- 3 REMOVE CONCRETE PAVEMENT
- 4 REMOVE POWER POLE
- 5 REMOVE OVERHEAD POWER & TELEPHONE LINES



SCALE: 1" = 20'



EXISTING CONDITIONS /
SITE DEMOLITION PLAN

EAST COURT STREET TRACT
MARION, NORTH CAROLINA

JOB NO.: 2023500
DWG. NAME: court-sha.dwg
DATE: September 4, 2025
REVISIONS:

| REV. | DATE | BY |
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B8983321
80 LLC
URT ST
COURT

170108993284

FORBES MICHAEL DEAN ET UX
COURT ST
COURT

PROJECT INFORMATION

OWNER/APPLICANT:

GENERAL CONTRACTOR:

ARCHITECT:

LANDSCAPE ARCHITECT:

CIVIL ENGINEER:

SURVEYOR:

SITE INFORMATION

PIN:

DEED BOOK/PAGE:

ADDRESS:

ZONING DISTRICT:

PROPOSED USE:

TOTAL ACREAGE:

BUILDING SETBACKS:

FRONT:

SIDE:

REAR:

MAX. BUILDING HEIGHT:

EXISTING BUILDING SIZE:

PROPOSED BUILDING #1 SIZE:

PROPOSED BUILDING #2 SIZE:

IMPERVIOUS SURFACE AREA:

TOTAL NO. OF PARKING SPACES (REQUIRED):

TOTAL NO. OF ADA PARKING SPACES:

PARKING LOT LIGHTS:

ROAD MAINTENANCE:

WATER:

SANITARY SEWER:

UTILITIES:

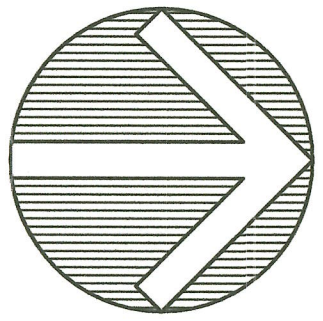
WATERSHED:

GENERAL NOTES:

1. THE PROPERTY OWNER WILL MAINTAIN THE COMMON AREAS & OPEN SPACE.
2. PROPOSED BUILDING & PARKING AREA DO NOT LIE WITHIN FLOOD HAZARD ZONE.
3. ALL UTILITIES WITHIN NC DOT R.O.W. SHALL BE BURIED 3' MIN. DEPTH.
4. WATER & SANITARY SEWER LINES SHALL BE SCH. 40 PVC MEETING NC DOT STANDARDS.
5. PAVEMENT MARKINGS SHALL COMPLY WITH NC DOT STD. 1205.
6. ALL WALKS & PEDESTRIAN ROUTES SHALL COMPLY WITH ADA REGULATIONS.
7. DISAPATE CURB BETWEEN ROAD CURB CONNECTION & FRONT FACE OF SIDEWALK.
8. PRIVATELY OWNED & MAINTAINED DRIVEWAY CUTOFF SHALL BE CONSTRUCTED PER NC DOT STD. DRIVEWAY TURNOUT, LOCAL REGULATIONS.
9. DEMOLITION & DISPOSAL OF BUILDING MATERIALS SHALL COMPLY WITH ALL STATE & LOCAL REGULATIONS.
10. VERIFY LOCATION OF ALL UTILITIES SERVING EXISTING BUILDINGS PRIOR TO BEGINNING CONSTRUCTION & DEMOLITION.
11. COORDINATE RELOCATION OF UTILITIES WITH DUKE ENERGY, AT&T & ANY OTHER APPLICABLE UTILITY COMPANY.
12. STOP SIGNS & OTHER REGULATORY SIGNS SHALL HAVE HIGH INTENSITY PRISMATIC SHEETING.

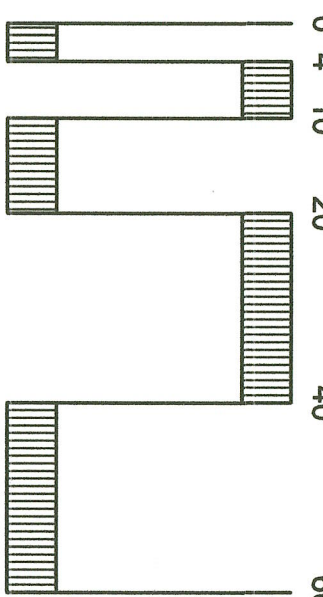
LEGEND:

- | | |
|---|---------------------------------|
| A. ENTRANCE | L. ADA CURB CUT RAMP |
| B. EXISTING RETAIL BUILDING (12,350 SF) | M. HEAVY-DUTY CONCRETE PAVEMENT |
| C. EXISTING GRAVEL PAVEMENT | N. CONCRETE WHEELSTOP |
| D. RETAIL BUILDING #1 (2,100 SF) | O. DUMPSITER SCREEN |
| E. RETAIL BUILDING #2 (1,500 SF) | P. DUMPSITER PAD LAYOUT |
| F. CROSS WALK | Q. DUMPSITER BOLLARD |
| G. STOP BAR WHITE, 24" WIDTH, 6" FROM | R. ADA PARKING SIGN |
| H. DOUBLE LINE, YELLOW, 4" WIDTH | |
| I. 18" CONCRETE CURB & GUTTER | |
| J. ASPHALTIC CONCRETE PAVEMENT | |
| K. CONCRETE WALK | |



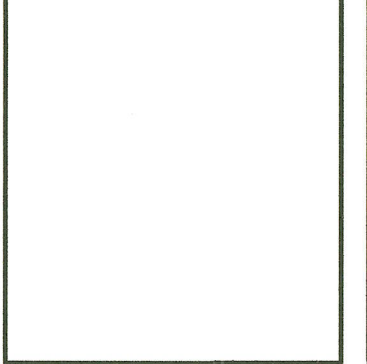
NORTH

SCALE: 1" = 20'



LAND PLANNING
COLLABORATIVE

LAND PLANNING
COLLABORATIVE
88 HORIZON HILL ROAD
ASHEVILLE, NC 28804
(828) 262-0171
EMAIL: lp@landplanningcollab.com



LAYOUT & MATERIALS PLAN

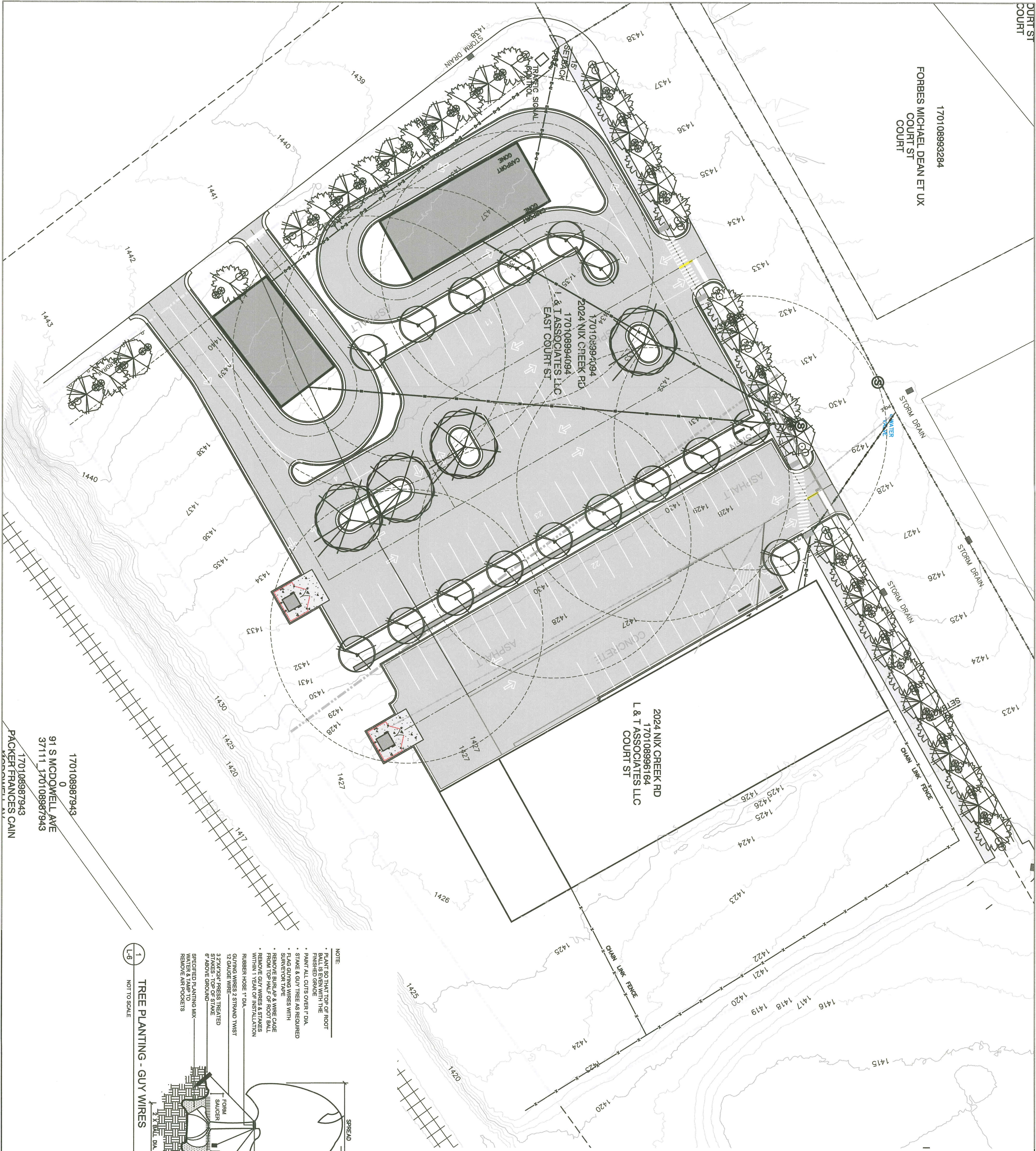
EAST COURT STREET TRACT
MARION, NORTH CAROLINA

| | |
|-------------------------|------------------------|
| JOB NO.: 2025500 | DWG NAME: court-laying |
| DATE: September 4, 2025 | REVISIONS: |
| REV. DATE: | BY: |
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| 60 | |

SHEET
L-4

COURT ST

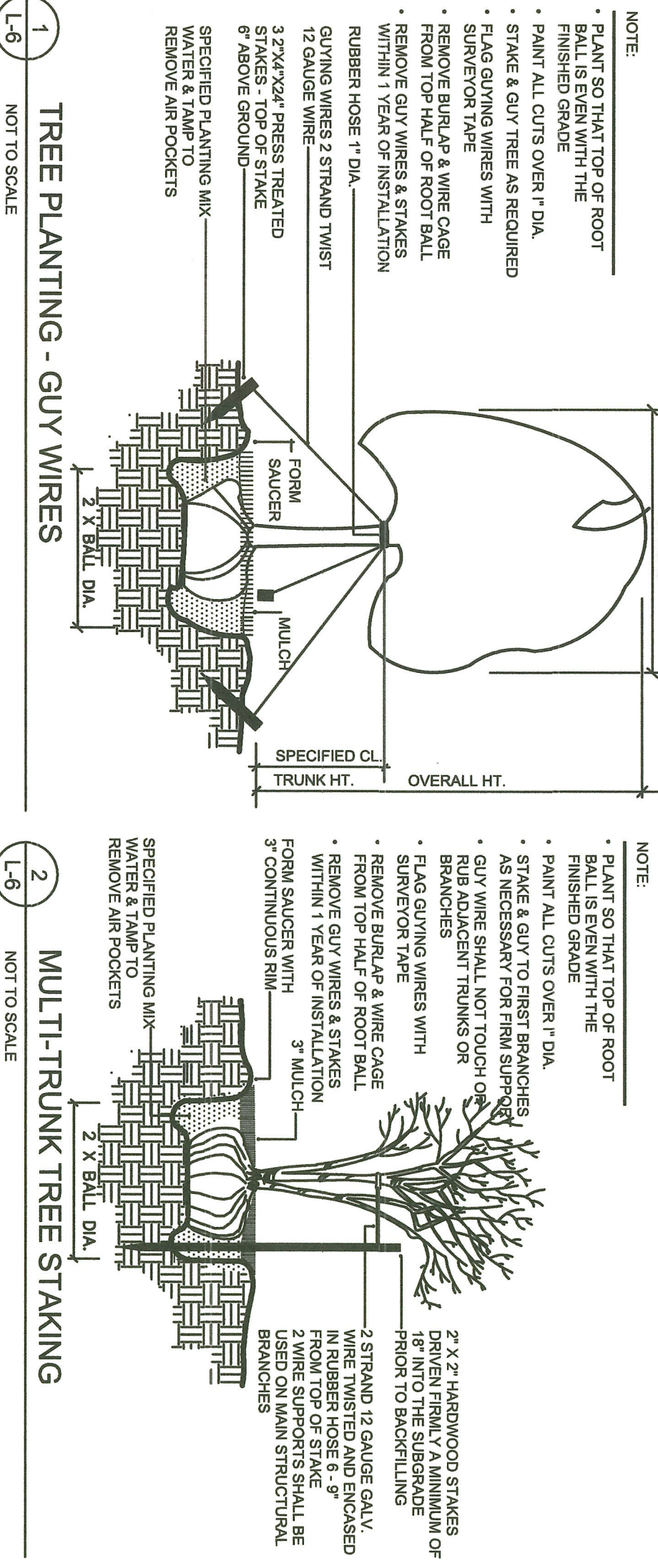
170108993284
FORBES MICHAEL DEAN ET UX
COURT ST
COURT



| STREET YARD | | |
|---|-------------|-------------|
| EAST COURT STREET YARD | | |
| LENGTH: | 345 LF | |
| LANDSCAPE BED WIDTH: | 10' | |
| LARGE TREES (1 TREE/100 LF): | REQUIRED 4 | PROVIDED 0 |
| SMALL TREES (3 TREES/100 LF): | REQUIRED 24 | PROVIDED 24 |
| SHRUBS (10 SHRUBS/100 LF): | REQUIRED 35 | PROVIDED 54 |
| SOUTH MADWELL AVENUE YARD | | |
| LENGTH: | 226 LF | |
| LANDSCAPE BED WIDTH (1/2 WIDTH): | 10' | |
| LARGE TREES (2 TREES/100 LF): | REQUIRED 10 | PROVIDED 0 |
| SMALL TREES (3 TREES/100 LF): | REQUIRED 5 | PROVIDED 14 |
| SHRUBS (14 SHRUBS/100 LF): | REQUIRED 7 | PROVIDED 34 |
| PARKING LOT YARD | | |
| NO. OF PARKING SPACES: | 70 SPACES | |
| LARGE TREES (1 LARGE TREE/15 PARKING SPACES): | REQUIRED 6 | PROVIDED 4 |
| SMALL TREES (OR 2 SMALL TREES/15 PARKING SPACES): | REQUIRED 15 | PROVIDED 15 |

- LANDSCAPE NOTES:
- LANDSCAPE CONTRACTOR SHALL VERIFY QUANTITIES SHOWN ON PLAN & SHALL NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
 - NURSERY STOCK SHALL CONFORM TO ANSI Z60.1-1996 STANDARDS FOR PLANTS & LABOR AT TIME OF COMPLETION & ACCEPTANCE OF WORK.
 - LANDSCAPE CONTRACTOR SHALL PROVIDE ONE-YEAR WARRANTY FOR PLANTS & LABOR AT TIME OF COMPLETION & ACCEPTANCE OF WORK.
 - PLANT MATERIAL SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLANTING INSTALLATION.
 - REFER TO SHEET L-20 FOR LANDSCAPE PLANTING DETAILS.
 - LANDSCAPE CONTRACTOR SHALL PREPARE ALL LAWN AREAS BY TILLING TO A DEPTH OF 8" & INCORPORATING NATURAL FERTILIZERS BY A RATE OF 2:1.
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 - LANDSCAPE CONTRACTOR SHALL PREPARE ALL LAWN AREAS BY TILLING TO A DEPTH OF 8" & INCORPORATING NATURAL FERTILIZERS BY A RATE OF 2:1.
 - LANDSCAPE CONTRACTOR SHALL ESTABLISH PERMANENT GRASS COVER ON ALL DISTURBED AREAS & AREAS NOT TO BE PLANTED.

| PLANT LIST | | |
|------------|-------|---|
| SYMBOL | QUANT | NAME |
| 4 | 4 | Aster album * |
| 16 | 16 | Rod maple |
| 19 | 19 | Betula nigra |
| 19 | 19 | Lagerströmia indica x buxifolia 'Natchez' |
| 19 | 19 | Lagerströmia indica x buxifolia 'Natchez' |
| 40 | 40 | Rhododendron 'Reckers' |
| 48 | 48 | Autumn Glory Azalea |
| | | Bark mulch |
| | | Refer to Sheet L-1 for Lawn Specs. |
| | | Lawn |
| | | River Rock Bed |
| | | Refer to Detail 4, Sheet L-1 |



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91 S MCDOWELL AVE
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PACKER FRANCES CAIN



MEMORANDUM

DATE: October 9, 2025
TO: Board of Adjustment
FROM: Vance McNees, CZO, Development Review Administrator
SUBJECT: Special Use Request – Mountain Motors, LLC - Staff Report

A request by Mountain Motors, LLC for Special Use approval to operate an automobile sales and services establishment, pursuant to the City of Marion UDO 4-3.4 *Specific Requirements by Land Use*, to be located at 1122 North Main Street, Marion NC 28752 and having the McDowell County Tax Parcel Number 1702.17-21-4335.

City of Marion Planning and Development staff have reviewed the application and supplemental materials. Upon completing the review, there are certain conditions, standards, and recommendations for approval. Please see Section G of the staff report *Summary of Staff Comments and Recommended Conditions of Approval* for the list of conditions and recommendations.



CITY OF MARION

PLANNING AND DEVELOPMENT

STAFF ANALYSIS SPECIAL USE *Quasi-Judicial Hearing*

| | |
|------------------------------------|--|
| CASE NUMBER: | SU 25-05 |
| Date of Submission: | 09/04/2025 |
| A. PROPERTY INFORMATION | |
| Project Title: | Mountain Motors, LLC. |
| PIN: | 1702.17-21-4335 |
| Address: | 1122 North Main Street |
| Owner: | BUFF JONAS DEAN ET UX, BUFF MARTHA |
| Applicant: | Mountain Motors, LLC. |
| Square Footage | 0.97 acres (roughly 600 sq. ft. gross floor space of business) |
| Zoning District: | C-2 General Business |
| Current Land Use Activity | Vacant – Previously storage shed sales, and before that, auto sales. |
| Future Land Use Designation | Community Commercial |

B. LOCATION MAP

Aerial Map

Zoning Map

C. SPECIAL USE APPLICATION SUMMARY

The Applicant is requesting Special Use approval to operate an automobile related business (automobile sales, repairs, services, etc.). The property is located at 1122 North Main Street and is currently zoned C-2 General Business. The property has the current McDowell County Tax Parcel Identification Number (PIN) 1702.17-21-4335 as found on the McDowell County GIS Tax Map. The applicant has provided a site plan that includes landscaping, parking spaces (customer, employee, and a designated handicapped space), and the location of the office/garage. The sheds that appear on the aerial image have all been removed and the only two structures will be the office and the garage. The applicant also is aware that they must pay a fee in lieu of sidewalk installation.

| D. APPLICABLE ORDINANCE SECTIONS & REVIEW | | |
|---|--|---|
| DEVELOPMENT REQUIREMENTS | APPLICANT NARRATIVE | STAFF REVIEW |
| <p>City of Marion UDO Sec. 4-3.4 "Specific Requirements by Land Use"</p> <ol style="list-style-type: none"> Open Storage of junked or inoperable motor vehicles, auto parts, or similar materials shall not be permitted. Tires may be stored in the side or rear yard, but must be neatly stacked at all times using the lacing technique. Tires that are stored in the front yard shall be enclosed in approved screening. In order to maintain safety for pedestrian and vehicle traffic, vehicles associated with automobile repair shops, automobile sales, tire sales and services, towing and wrecking service businesses may not be parked, displayed, stored or repaired within twenty (20) feet of the curb or the edge of the road if no curb exists. Junked or inoperable motor vehicles shall not be stored in the customer or employee parking spaces required per the off-street parking requirements. All service, sales, storage or similar activities shall be conducted entirely on the premises. All major repair work, if any, shall be conducted within a building capable of being completely closed. Auto-related businesses that do not meet the definitions in section 10-1.1 of the UDO may be deemed junk yards and, therefore, subject to the regulations governing junk yards. <p>City of Marion UDO Sec 6-1.2 "Schedule of Required Parking Spaces"</p> <ol style="list-style-type: none"> One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each employee. <p>City of Marion UDO Sec. 6-3.3 "Specific Landscaping Requirements"</p> <ol style="list-style-type: none"> A screening plan will need to be reviewed and approved by the Planning and Development Director (opaque fencing). | <p>Application has been submitted for this Special Use Permit to operate an Automobile Related Business. Upon approval, the applicant will provide a detailed landscaping plan, a fee in lieu of sidewalk installation, and any other plans or designs that will require review/approval. The site plan that has been submitted by the applicant meets the necessary requirements set forth in the City of Marion Unified Development Ordinance. In the past, this lot was used for shed/storage building sales and, before that, it was also an automobile sales lot.</p> | <p>All required materials have been submitted with the Special Use Permit Application. In the City of Marion Comprehensive Land Use Plan, the proposed location is designated as "Community Commercial (CC)." A primary land use that is identified in RC is "Goods and Services (Auto-Oriented)." The City of Marion Planning and Development staff have reviewed the Unified Development Ordinance and are recommending this project for approval as long as the conditions that have been identified are adequately met.</p> |

| E. COMPREHENSIVE LAND USE PLAN STATEMENT | | |
|---|---|---|
| GENERAL CHARACTER | LAND USE CHARACTERISTICS | ANTICIPATED LEVEL OF CHANGE |
| <p>The Community Commercial includes areas located along major thoroughfares and are located in areas that provide convenient access from adjoining neighborhoods as well as residential areas outside the City.</p> <p>These areas are predominately goods and service oriented, however other commercial land uses are common including industrial and institutional land use. The areas level of accessibility and larger development sites attract formula retail "Chain-Stores", fast food restaurants, banks, and other auto-oriented businesses.</p> | <p>Primary Land Uses: Restaurants, Goods & Services (Auto-Oriented), and Industrial.</p> <p>Secondary Land Uses: Civic, schools, churches, assembly, and single and multi-family residential.</p> <p>Existing Zoning District: C-2 General Business & R-2 General Residential</p> <p>Any Future Zoning Districts: C-3 Community Business, I1 Light Industrial, NMU 12-Neighborhood Mixed-Use.</p> <p>General Development Pattern: Strip commercial</p> | <p>Community Commercial will continue to grow as infrastructure is provided along primary and secondary transportation corridors. The City should consider the long-term impact of commercial development in these areas and the economic stress that these areas create when not adequately maintained, and develop policies or other effective tools that respond to market conditions in an effort to prevent linear corridors of underutilized, vacant, and unattractive buildings that contribute to a negative community appearance and reduce area-wide property values.</p> |

F. ADDITIONAL DOCUMENTATION SUBMITTED

- Special Use Permit Application
- Site Plan (includes landscaping and parking layout)
- Property Tax Card

G. SUMMARY OF STAFF COMMENTS AND RECOMMENDED CONDITIONS OF APPROVAL

Staff recommends approval of the proposal with the following conditions as required in the City's UDO:

1. Must provide the city with a detailed landscape plan (layout has been submitted, but the type of landscaping is TBD, most likely Japanese upright maples and needlepoint holly shrubs)
2. No junked motor vehicle(s) may be stored on the site.
3. All repair work, if any, shall be done within a building that is capable of being completely enclosed.
4. The minimum parking requirement is four (4) designated spots. There are four (4) shown on the site plan, and the applicant is considering a fifth, given enough space.
5. In order to maintain safety for pedestrian and vehicle traffic, vehicles associated with the automobile sales shop may not be parked, displayed, stored, or repaired, within twenty (20) feet of the curb or the edge of the road, if no curb exists.
6. Shall have a general sales office located on the property in the existing building.

H. BOARD OPTIONS

a) Approval as presented. Note: An approval decision must be substantiated in the Board's findings of fact.

b) Approval with conditions. Note: Conditions of approval must directly relate to the impacts of the project as substantiated in the findings of fact. The Applicant must indicate in writing, their acceptance of these conditions. Should the Applicant indicate an unwillingness to accept certain conditions, then the BOA must (a) deny the application, or (b) approve it without the disputed condition.

c) Denial as presented. Note: A denial decision must be substantiated in the Board's findings of fact.

d) Continuance to a date certain. Note: A continuance should serve a specific purpose, such as to provide a party of standing (the Applicant, the City, an adjacent property owner, etc.) sufficient time to gather and provide additional documentation or information.



4335

City of
Marion

City of
Marion

Existing
Sign

O X X O X X O X X O
LANDSCAPING
O - Tree
X - Shrub

3-4 Customer
Parking
(One handicapped)

N MAIN ST

N MAIN ST



employee
parking