



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

- **Call Meeting to Order**
- **Agenda changes and approval**
- **Minutes**
 - a) April 11, 2024
- **Public Comment**
- **New Business**
 - a) Item One: Mavis Tires – Tony Suggs
- **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 Nora Leahy, Permit Coordinator at (828) 652-3551 ext. 321. 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
April 11, 2024

The City of Marion Board of Adjustment held a regular meeting on April 11, 2024 at 6:00 PM at Marion City Hall Annex.

Members Present: Gary Walker, Kitty Wilson, Paula Swepson-Avery, and Walt Bagwell.

Members Absent: Marc Cook

Staff Present: Heather Cotton, Planning and Development Director, Vance McNees City Planner/Development Review Administrator and Heaven Friesland Permit Coordinator

Others Present: None

Meeting Called to Order

Agenda Changes and Approval.

No changes were proposed to the agenda. Board member Walt Bagwell made a motion to approve the agenda as written. Kitty Wilson seconded the motion

Public Comment

No public comment was provided.

Public Hearing: Special Use SU 24-01

A request by John Seaman for special use approval to divide an existing industrial warehouse space into five separate spaces for general business/offices located at 1767 E Court Street and having the McDowell County Tax PIN 1712.14.42-5393.

Chairman Walker called the hearing to order and swore in City Planner Vance McNees to present the staff report.

Vance McNees presented the staff report of the proposed use. Staff recommends approval with the exception that certain conditions be adequately met.

Conditions:

1. The existing vegetation/vegetative buffer located along the street frontage is to remain unchanged with additional landscaping to be added as indicated on the site plan.
2. One (1) parking space shall be provided for each two hundred (200) square feet of gross floor space.
3. Any new application for ground-mounted signage shall conform to the requirements for a multi-tenant sign providing blade space for each suite so that all business offices have adequate opportunity for signage. The multi-tenant sign must comply with Section 6-2.10 of the City of Marion Unified Development Ordinance as follows:

- a. Multi-tenant signs shall be allowed for multi-tenant commercial. Individual tenant ground mounted signs are not permitted under this set of criteria.
- b. Maximum sign area allowed is one hundred (100) square feet plus eight (8) additional feet per storefront or office. The minimum sign area is eight (8) feet per storefront or office. Therefore, the minimum sign area is forty (40) square feet.
- c. Including all structural elements, the maximum height of the sign shall not exceed twenty (20) feet.
- d. The overall monument (armatures, monument, bases, brick/stone-structural elements, etc.) including maximum sign area should not exceed two hundred (200) square feet.
- e. One multi-tenant sign per primary street frontage shall be permitted. Additional monuments on secondary road entrances shall not exceed one hundred (100) square feet in total area, including all structural elements.

Mr. McNees made a clarification to condition number three. A multi-tenant sign is required only if a ground mounted sign is applied for by the property owner and tenant. Individual pole mounted signs for each individual business would not be permitted. A monument sign for the office park that specifically gives a name to said office park that does not identify individual businesses would also be permitted.

Gary Walker asked staff to clarify whether he meant that each business would not be able to have their own sign at the road or if they would be prohibited from having signs at both the road and on the building. Mr. McNees stated wall-mounted signs on the exterior of the office building would be permitted for each tenant. Further stating, that individual businesses would not be permitted to have individual stand-alone signs at the road because the city code prohibits more than two freestanding signs.

Chairperson Walker asked the Board if anyone had any questions or comments. Board member Kitty Wilson made a motion to approve the request for an office park with staff's recommended conditions of approval. Board Member Paula Swepson-Avery seconded the motion. Chairman Walker called for a vote. All were in favor in a 4-0 vote.

New Business

No new business was discussed.

Meeting Adjourned

The meeting adjourned at 6:16pm.



MEMORANDUM

DATE: January 9, 2025
TO: Board of Adjustment
FROM: Vance McNees, City Planner
SUBJECT: Special Use Request Staff Report

A request by Tony Suggs with Mavis Tires for Special Use approval to operate an automobile tire sales and services establishment, pursuant to the City of Marion UDO 4-3.4 *Specific Requirements by Land Use*, to be located at 2431 Sugar Hill Rd, Marion NC 28752 and having the McDowell County Tax Parcel Number 0790.12-96-9328.

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.



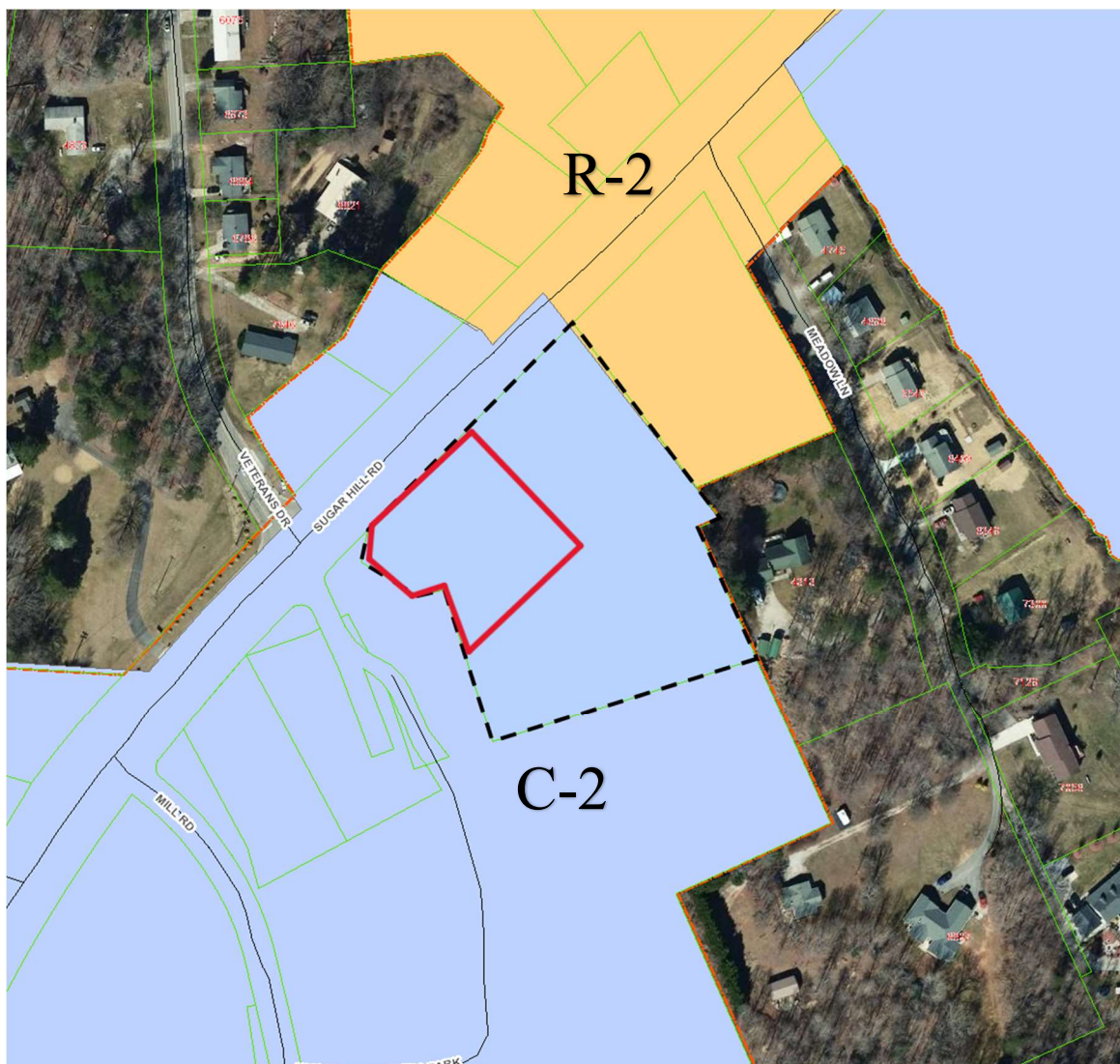
CITY OF MARION
PLANNING AND DEVELOPMENT

**STAFF ANALYSIS
SPECIAL USE**
Quasi-Judicial Hearing

CASE NUMBER:	SU 25-01
Date of Submission:	11/18/2024
A. PROPERTY INFORMATION	
Project Title:	Mavis Tires
PIN:	Portion of 0790.12-96-9328
Address:	Portion of 2431 Sugar Hill Rd
Owner:	Mattz LLC
Applicant:	Tony Suggs dba Mavis Tires
Square Footage	6,925
Zoning District:	C-2 General Business
Current Land Use Activity	Vacant
Future Land Use Designation	Regional Commercial

B. LOCATION MAP

Aerial Map



C. SPECIAL USE APPLICATION SUMMARY

The Applicant is requesting Special Use approval to operate an automobile related business (tire sales, services, etc.). The property is located at 2431 Sugar Hill Rd and is currently zoned C-2 General Business. The property has the current McDowell County Tax Parcel Identification Number (PIN) 0790.12-96-9328 as found on the McDowell County GIS Tax Map. The applicant will be subdividing and only use a portion of the current parcel.

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. Auto parts or similar materials may be stored within an enclosed structure, which visually conceals such objects or stored on a site that is the subject of an approved screening plan, as defined herein and approved by the planning and development director.2. 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.3. Junked or inoperable motor vehicles shall not be stored in the customer or employee parking spaces required per the off-street parking requirements set out in division (2).4. All service, sales, storage or similar activities shall be conducted entirely on the premises.5. All major repair work, if any, shall be conducted within a building capable of being completely closed.6. Tire sales and services businesses that do not meet the definitions in Section 10-1.1 of the UDO may be deemed gasoline service or filling stations and, therefore, subject to the regulations governing gasoline service or filling stations.7. Tire sales and services 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 or sales person, plus one (1) space for each vehicle stored on site. <p>City of Marion UDO Sec. 6-3.3 "Specific Landscaping Requirements"</p> <ol style="list-style-type: none">1. Please see Table 6-3.3(A) and 6-3.3(B) for the street buffer yard requirement and the required plant materials. <p>City of Marion UDO Sec. 5-1.4 "Lots"</p> <ol style="list-style-type: none">1. Sidewalks shall be constructed with all new non-residential development on such streets the city council considers sidewalks to be necessary. Sidewalks, if constructed, shall be within the street right-of-way and installed in accordance with city specifications and standards.	<p>Application has been submitted for this Special Use Permit to operate an Automobile Related Business. Upon approval, the applicant will subdivide the property and provide proper landscaping or screening plans, and any other plans or designs that will require review/approval. The applicant has submitted two site plans. The first site plan meets the parking requirements set forth in the City of Marion UDO. The second site plan has less parking than the requirement, but the applicant states that the amount provided will be adequate for the proposed use. The applicant is proposing 32 parking spaces instead of the required 35 (+ one spot for each employee on site)</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 "Regional Commercial (RC)." A primary land use that is identified in RC is "goods and services related to motorists." 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. In addition, staff recommends that we lessen the required number of parking spaces to thirty-two (32) due to this being adequate for the proposed use.</p>

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:</p> <p>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:</p> <p>Civic & institutional, high-density residential, parks, and trails.</p> <p>Existing Zoning District:</p> <p>C-2 General Business, Office Institutional, Industrial, and R-2 Neighborhood Residential</p> <p>Any Future Zoning District Designation:</p> <p>C-3 Regional Business, OI Office and Institutional, I1 & I2 Industrial</p> <p>General Development Pattern:</p> <p>Mixed-Use</p>	<p>Regional Commercial will continue to grow around major thoroughfares. New development will largely be market driven, and based largely on 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
<ul style="list-style-type: none"> • Special Use Permit Application • Site Plan 1 • Site Plan 2

G. SUMMARY OF STAFF COMMENTS AND RECOMMENDED CONDITIONS OF APPROVAL
<p>Staff recommends approval of the proposal with the following conditions as required in the City's UDO:</p> <ol style="list-style-type: none"> 1. Must provide the city with a landscaping plan to be approved by the Zoning Administrator. 2. Must provide the city with a screening plan for the storage of any tires or other automobile related materials. 3. Any vehicles associated with Mavis Tires and/or any towing or wrecking service shall not be stored, displayed, parked, or repaired within twenty (20) feet of the curb or edge of roadway. 4. No junked motor vehicle(s) may be stored on the site. 5. All repair work, if any, shall be done within a building that is capable of being completely enclosed. 6. The minimum parking requirement shall be lessened from 38 to 32 spaces with Board of Adjustment approval. 7. Must obtain proper subdivision approval. 8. The applicant shall either construct a sidewalk that meets the City of Marion's standards and specifications or provide payment for the fee in lieu of sidewalk installation.

H. BOARD OPTIONS
<p>a) Approval as presented. Note: An approval decision must be substantiated in the Board's findings of fact.</p> <p>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.</p> <p>c) Denial as presented. Note: A denial decision must be substantiated in the Board's findings of fact.</p> <p>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.</p>

**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**SPECIAL USE APPLICATION**

(PLEASE TYPE OR PRINT IN INK)

All applications must be deemed complete prior to the item being scheduled.Property Owner's Name: MATTZ LLC Phone Number: _____Property Owner's Mailing Address: 2024 Nix Creek Rd, STE A, Marion, NC 28752Applicant's Name (if different from above): Tony SuggsApplicant's Mailing Address: 100 Hillside Ave, White Plains, NY Phone Number: 914-215-6772**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: 2431 Sugar Hill Rd, Marion NC 28752Parcel ID Number (PIN) 0790-96-9328 Zoning District: _____ Lot Size: _____Existing Use: Vacant Proposed Use: Commercial-tire sales

This is a special exception under Section _____ of the Marion City Code.

COMPLETENESS OF APPLICATION

The following items shall be submitted with or on the Site Plan and included as an attachment to this application:

- ☐ Site Plan, indicating:
 - ☐ Location of proposed and existing structures;
 - ☐ Setbacks from current (or proposed) right-of-way and property lines, structures and traveled ways;
 - ☐ Plan drawn to scale (indicating scale);
 - ☐ Current and proposed right-of-ways, easements, streets, walkways, parking lots, spaces, and loading zone, (Insure adequate ingress and egress in reference to automotive as well pedestrian safety.);
 - ☐ Proposed and existing landscape, screening or buffering;
 - ☐ Location of refuse and service areas (dumpsters, loading zones, etc.);
 - ☐ Identify adjacent zoning districts to the property;
 - ☐ Location and specifications for signs and lighting; and
 - ☐ Location of public utilities.
- ☐ 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.

Pursuant to Section 3-7.1 Special Use of the City of Marion Unified Development Ordinance, a special use may be granted by the Board of Adjustment only after it makes the required written findings:

CITY OF MARION UNIFIED DEVELOPMENT ORDINANCE.

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.

SIGNATURE OF APPLICANT

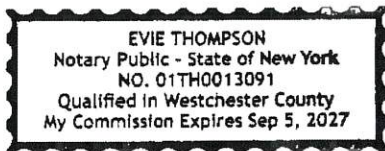
DATE


11/18/2024

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL

I, Evie Thompson a Notary Public, certify that Anthony Suggs 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 18 day of November, 20 24.

SEAL:




Notary Public Signature

My Commission Expires

9/5/2027



**City of Marion
Authorized Agent Form**

I, Mavis Southeast, LLC c/o Anthony Suggs, do hereby appoint
Bohler Engineering, NC PLLC c/o Tyler Hoorn as my duly authorized agent to act and
speak for me before the City of Marion on the following matters:

Project Title: Mavis Tire - Marion

Physical Address: Mavis Tire - Marion

Anthony Suggs, Chief Development Officer

Print Name

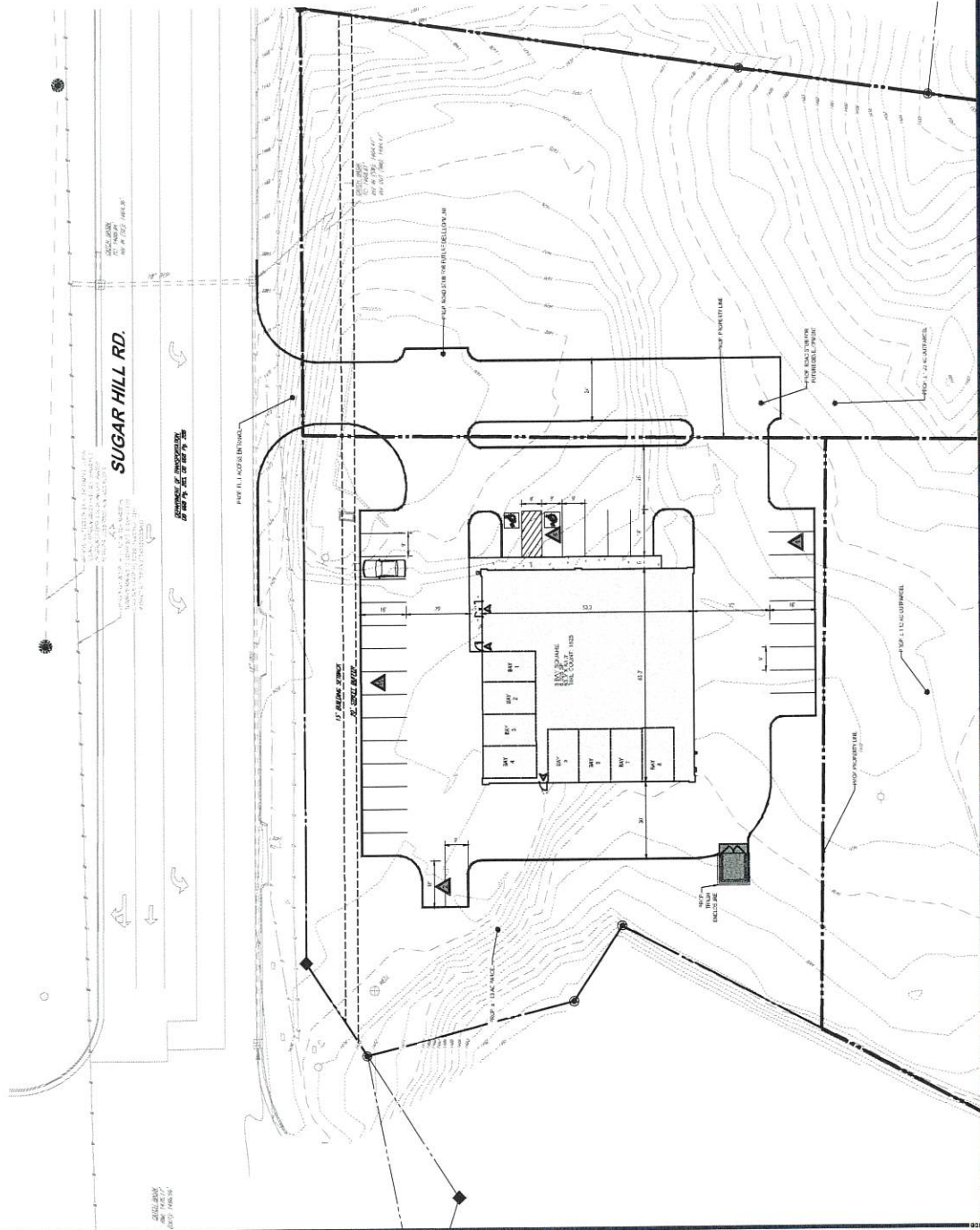
Signature

Subscribed and sworn before me this 21 day of November, 2024.

Evie Thompson
Notary Public Evie Thompson

EVIE THOMPSON
Notary Public - State of New York
NO. 01TH0013091
Qualified in Westchester County
My Commission Expires Sep 5, 2027

My commission expires: 9/5/2027

[illegible]

BOHLER
BOHLER ENGINEERING NC, PLLC
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
TRANSITION/CONSULTATION SERVICES



**FOR CONCEPT
PURPOSES ONLY**

PROJECT NO.:	ALBERTA 799-0A
DRAWN BY:	OB
CHECKED BY:	AW
DATE:	12/02/21
CAD LID:	P-CNL-SITE
PROJECT:	

**PROP.
SITE PLAN
DOCUMENTS**



PROPOSED
DEVELOPMENT

2431 SUGAR HILL ROAD
MARION, NC 28752
MCDOWELL COUNTY

BOHLER 
BOHLER ENGINEERING INC., PLLC
NORCROSS, GA 30071
404.242.6100 FAX 404.242.6101

4130 PARKLANE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 572-9060
NC@BohrerEng.com

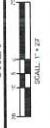


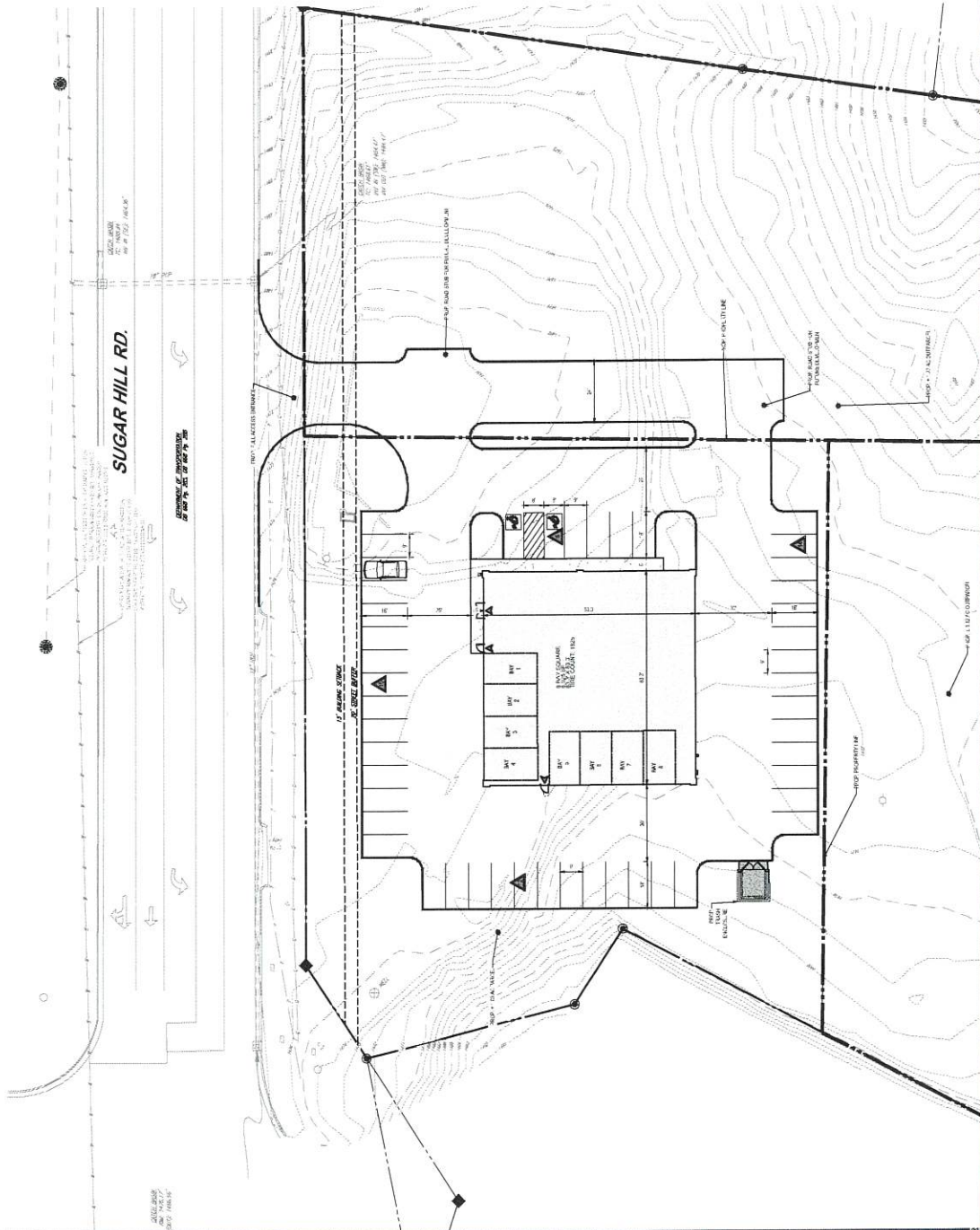
**CONCEPTUAL
SITE PLAN
ALT 2**

C-302

ORG. DATE - 12/04/2024

**THIS PLAN TO BE UTILIZED
FOR SITE LAYOUT PURPOSES
ONLY**





REPORT TYPE:

NC@BohlerEng.com

BOHLER
BOHLER ENGINEERING INC., PLLC
NCSL 11732
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612



**PROPOSED
DEVELOPMENT**

**2431 SUGAR HILL ROAD
MARION, NC 28752
MCDOWELL COUNTY**

PROJECT: **PROP.
SITE PLAN
DOCUMENTS**

FOR CONCEPT
PURPOSES ONLY

811
Know what's below.
Call before you dig.
ALWAYS CALL 811
It's free! It's free. It's the law.

[illegible]

BOHLER
BOHLER ENGINEERING NO. 1, P.L.C.
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
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SUSTAINABLE DESIGN
PLANNING SERVICES
TRADING SERVICES