



Village of Marvin

DATE: April 8th, 2025

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Director

SUBJECT: Public Hearing for Zoning Map Amendment 2025-1
(9709 Marvin School Road, Marvin, NC 28173)

Background

Rosemarie Hall LLC has submitted a Zoning Map Amendment (Rezoning) application to rezone the 7.011-acre property (2 parcels) located at 9709 Marvin School Road, Marvin, NC 28173 (Parcel Numbers: 06-204004 and 06-204530) from Rural-Residential (R-R) to Single Family Residential (SFR-1). This rezoning will follow the procedure outlined in 5.3 of the Marvin Development Ordinance.





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Analysis

	Existing Land Use	Zoning Designations
Subject Property	Residential	R-R
North	Residential	R-R
South	Residential	R-R and Union County R-40
East	Residential	R-R and SFR-1
West	Civic - Marvin Elementary	Civic

General: The rezoning application is to rezone the 7.011-acre property (2 parcels) located at 9709 Marvin School Road, Marvin, NC 28173 (Parcel Numbers: 06-204004 and 06-204530) from Rural-Residential (R-R) to Single Family Residential (SFR-1) to subdivide the property to create an additional 4-5 lots for a total of 6-7 single-family lots.

Lot Characteristics:

The property is currently zoned Rural-Residential per the Marvin Development Ordinance. Prior to the adoption of the MDO, the property was zoned R-Marvin Residential and then zoned Rural-Residential with the adoption of the MDO. Below are the minimum lot regulations for Rural-Residential, SFR-1 and the old R-Marvin Residential:

Zoning	R-R	SFR-1	R-Marvin Residential
Minimum Lot Size (Gross Square Foot)	2.5 Acres	34,900 SQFT	43,560 SQFT (1 Acre)
Minimum Lot Width (Measured at Front Street Setback)	144'	130'	130'
Minimum Front Street Setback (measured from Street ROW)	50'	50'	50'
Minimum Rear Yard Setback	40'	40'	40'
Minimum Side Yard Setback	16'	16'	20'

Neighborhood Meeting: Neighborhood Meeting was held Thursday, February 6th, 2025, from 6PM to 8PM at Village Hall. Approximately 20 residents attended the meeting. Most of the questions/comments received were from the adjoining property owners stating that their CCR's do not allow property to be subdivided. **Please note, that Village does not enforce covenants, deeds and restrictions. That can only be enforced by the HOA/property owners and a civil matter.** However, where the regulations of the Marvin Development Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of the MDO shall govern.



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Residents that attended also asked questions regarding road access, stormwater and utilities for potential development. Staff have also included in the packets, a letter from the adjoining property owners regarding this rezoning.

Staff has provided a letter from an adjoining property owner in the Council packets.

Review and Discussion

The subject property was recommended to be zoned SFR-1 with the adoption of the MDO. However, at the time of the adoption, this property was changed to Rural-Residential. SFR-1 was recommended for these 2 parcels as the owner was in the process of applying to subdivide the property under the old ordinance but did not submit a formal application prior to the adoption of the MDO. The owner of the property is making this request to help with the sale of the property.

Per Article 5 of the Marvin Development Ordinance (5.3-3(D)(2)):

When considering a proposed amendment, the Marvin Village Council shall not evaluate the petition based on any specific proposal for the use or development of the property unless explicitly required by this Ordinance. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those that would apply to all uses permitted by the requested classification including applications for an overlay district Zoning Map Amendment (TNDO & HIO) where the use is highly pertinent to the facts during consideration of the amendment and/or where a development agreement is to be made as part of the project.

When the Council is reviewing this rezoning application, it is for the rezoning only. The submitted site plan by the applicant is not tied specifically to the rezoning. And it only represents a visual of how the property could potentially be subdivided if the rezoning is approved. The Village Council shall consider both the consistency and reasonableness of the rezoning with the Village of Marvin 2020 Land Use Plan, other officially adopted Village Plans. This includes the following:

- The size, physical conditions, and other attributes of the area proposed to be rezoned;
- The benefits and detriments to the landowners, the neighbors, and the surrounding community;
- The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
- Why the action taken is in the public interest; and
- Any changed conditions warranting the amendment.



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If the rezoning is approved, it may be subdivided further through the minor or major subdivision process as outlined in the MDO. The proposed lots of the subdivision would have to comply with all the minimum lot requirements for the SFR-1 Zoning District. Below is an overview of the Major and Minor subdivision process per the MDO.

Major Subdivisions - Any non-residential subdivision; or a residential subdivision establishing more than three new lots or requiring new public street(s) for access to interior property or requiring extension of public sewage and/or water line or requiring a waiver or variance from any requirement of this Ordinance.

Major Subdivision Process:

1. **Pre-application Conference (Required):** Discuss your project with the Planning Department to understand the process and requirements.
2. **Application Submittal:**
 - a. Include a Preliminary Plat and Site Development Plan meeting specific standards.
 - b. Application form with landowner/agent info and authorization proof.
3. **Planning Board and Staff Review:**
 - a. Planning Department checks compliance with regulations.
 - b. Planning Board provides input on the proposal.
 - c. Review by other agencies may be required.
4. **Preliminary Plat Approval (if compliant):**
 - a. Valid for 2 years (with possible 3-year extension).
 - b. Develop construction plans and start construction within this timeframe.
5. **Final Plat Submittal and Approval:**
 - a. Must be recorded within 60 days of approval.
 - b. Plat needs signatures from owner(s) and Planning Department.

Minor Subdivisions – A residential subdivision involving three or fewer lots fronting on an existing approved public street(s), not requiring any new public or private street(s) for access to interior property, not requiring extension of public sewage or water line and not requiring a waiver, modification, or variance from any requirement of this Ordinance provided all of the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under sub-section 16.1-2(A)(2) of Article 16 of this Ordinance.
- (2) No part of the tract or parcel to be divided has been divided under this definition 10 years prior to division (.
- (3) The entire area of the tract or parcel to be divided is greater than 2 acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.



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Minor Subdivision Process:

1. **Pre-application Conference (Required):** Discuss your project with the Planning Department.
2. **Application and Plat Submittal:**
 - a. Include a Minor Subdivision Plat meeting specific standards.
 - b. Application form with landowner/agent info and authorization proof.
3. **Staff Review:**
 - a. Planning Department checks compliance with regulations.
4. **Final Plat Approval (if compliant):**
 - a. Valid upon recording (needs to happen within 60 days).
 - b. Plat needs signatures from owner(s) and Planning Department.

Additional Notes on Subdivision:

- A sign-off license is required for anyone erecting or maintaining signs (except for some business owners installing their own signs).
- For Major Subdivisions proposing new street infrastructure, a Development Agreement is required.
- Failing to meet deadlines or comply with regulations can result in needing to resubmit the application.
- Refer to Article 7 of the Marvin Development Ordinance for complete details and additional requirements.

Recommendation

Staff Recommendation: Recommend Approval of Zoning Map Amendment 2025-1 and find that the proposed Zoning Map Amendment is consistent with the recommendations and goals of the Village of Marvin 2020 Land Use Plan, other officially adopted Village Plans and is reasonable and in the public interest.

Planning Board Recommendation: The Planning Board reviewed the Zoning Map Amendment during their regular scheduled meeting on February 18th, 2025. The Planning Board voted 5-2, to recommend approval of Zoning Map Amendment 2025-1 and find that the proposed Zoning Map Amendment is consistent with the recommendations and goals of the Village of Marvin 2020 Land Use Plan, other officially adopted Village Plans and is reasonable and in the public interest.