



Spruce Pine Zoning Board of Adjustment  
Town Hall  
11050 S. Highway 226  
Spruce Pine, NC 29777  
**Monday, May 19, 2025**  
**5:00 PM**



**AGENDA**

**I. CALL TO ORDER – David Hughs**

- A. Roll Call (establishment of a quorum)
- B. Notification and Posting of the Agenda
- C. Pledge of Allegiance
- D. Invocation
- E. Approval of Minutes

**II. PUBLIC HEARING**

The Spruce Pine Board of Adjustment will hold a public hearing at **5:00pm on Monday, May 19, 2025** at Spruce Pine Town Hall. All persons wishing to speak for or against, must appear in person at the aforementioned place and time listed above.

**III. ACTION ITEMS**

- A. Election of Officers (Chairman and Vice Chairman)
- B. The petitioner and owner Cynthia Marcus, is requesting a Special Use of the R-1 Low Density Residential Zone District (Ord. Sec 101.1) for the placement of a single-wide manufactured home. Single-wide manufacture homes are allowed by Special Use only (Ord. Sec. 101.3). The property is located at 73 Blue Jay Drive, Spruce Pine 28777 – Property PIN#: 0799-06-48-5861.

**C. ADJOURNMENT**



## SPECIAL USE APPLICATION

Town of Spruce Pine  
P.O. Box 189  
11050 S. 226 HWY  
Spruce Pine, NC 28777

Town of Spruce Pine Zoning Ordinance  
Article V, Section 55.2

### GENERAL INFORMATION

#### APPLICANT INFORMATION

Applicant Name: Cynthia Marcus  
Address: 73 Blue Jay Drive Spruce Pine NC 28777  
Telephone No.: 828 385 1887 Email: \_\_\_\_\_

Provide the following information for all property owner(s) for the property:

Name: Cynthia Marcus Phone: 828 385 1887  
Address: 73 Blue Jay Drive Email: \_\_\_\_\_  
Spruce Pine NC 28777

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_

Please attach a copy of the current deed recorded in the Mitchell County Office of the Register of Deeds. All property owner(s) listed on this application must match the current deed. All property owner(s) must sign this application.

#### PROPERTY INFORMATION

Address: Cynthia Marcus  
Property PIN: A 0799-06-48-5861 B-0799-06-48-5923  
Deed/Page: A: 198-172 B 473-285 Acreage: A 0.62 B. 0.34  
Current Zoning District: R-1  
Cite the specific section for the Zoning District allowing the Special Use: Section 10K2

### SPECIAL USE REQUEST

#### REASON(S) FOR SPECIAL USE REQUEST

Request to place new mobile home in place of damaged /  
demolished mobile home.



1. What are you requesting? Requesting to place New mobile home  
back on property. Would like to place camper  
on property until mobile home is approved.

2. Why is the special use necessary for the beneficial use of the property? This property is  
the only land owned by resident - without being able to  
put mobile home back on property she is homeless.

3. Please provide detailed plans and specifications describing all measures the applicant intends to take to minimize any harmful effects the special use may have on adjoining and surrounding properties and other properties located in the same or adjoining use districts (including complying with any specific requirements contained in the special use section for this Zoning District).

If you stand in the middle of this property and look  
360° all that it is surrounded by is other mobile homes  
that will be there for the long haul. This will be  
a New home by Samaritans Purse. This will allow  
the resident to return to the property. She and  
her husband owned together and the only  
home she has.

#### **SPECIAL USE PROCEDURE**

1. Upon receipt of an Application for Special Use Permit, the Chairman of the Board of Zoning Adjustment shall review said application and determine if said application meets all the requirements. If the Chairman finds the application not to be sufficient to meet said requirements, he shall return said application to the Town Clerk with a written statement stating what further information is required from the applicant. The Town Clerk shall then return said application together with a statement of deficiencies to the applicant and inform the applicant that said application has not been accepted and that no further action will be taken thereon until the stated deficiencies are corrected.

2. If the Chairman of the Board of Zoning Adjustment finds the application to comply with the requirements, then he shall submit a copy of the application to the Planning and Zoning Board for its review and recommendation.

3. The Planning and Zoning Board shall have a period not to exceed thirty (30) days in which to make any recommendations concerning the application for special use permit and to submit said recommendations in writing to the Town Clerk. The Planning and Zoning Board may recommend approval or disapproval of the applications as submitted or may recommend conditional approval upon changes in the plans and specifications designed to minimize the harmful effects to surrounding properties or to other properties located in the same or adjoining use district. Failure of the Planning and Zoning Board to respond within the allotted time shall have the same effect as their recommendation to approve the application as submitted.

4. Within ten (10) days after the receipt of the recommendation from the Planning and Zoning Board or after the expiration of time for it to present its recommendations, the Chairman of the Board of Zoning Adjustment shall call a public hearing on the application and shall cause a notice thereof to be published in a newspaper approved for publishing legal notices in Mitchell County. Said notice shall state the date, hour and place of the public hearing and shall contain a description of the applicant's property including street location, a statement of the use district in which the property is located, the special use sought and a statement of the place for submitting written comments

on the application shall be published one time in said newspaper no less than seven (7) nor more than fourteen (14) days prior to the public hearing.

5. Within ten (10) days following the public hearing, the Board of Zoning Adjustment shall meet and act upon the Application for Special Use Permit.

6. Before granting a special use permit, the Board of Zoning Adjustment shall find the following facts to exist:

- a. That the special use requested is a use contained within the table of special uses for the use district in which the property is located.
- b. That the plans and specifications approved by the Board of Zoning Adjustments describing the measures the applicant is required to take to minimize any harmful effects the special use may have on surrounding properties and other properties located within the same or adjoining use districts are sufficient to minimize any harmful effects.
- c. That the special use will not materially endanger the public health or safety if located where proposed and developed according to the plans and specifications approved by the Board of Zoning Adjustment.
- d. That the use will not substantially injure the value of adjoining or surrounding property or that the use provides benefits to the public outweighing any harmful effects to any adjoining or surrounding property.
- e. That the location and character of the use, if developed according to the plans and specifications approved by the Board of Zoning Adjustment, will be in harmony with the area in which it is to be located and in general conformity with the pace of development of the Town of Spruce Pine.
- f. That the granting of the special use permit will not require the granting of any variance in order for the property to be in compliance with any other provisions of the Zoning Ordinance of the Town of Spruce Pine.

7. Before approving any applications for special use permit, the Board of Zoning Adjustment may require such plans and specifications for the applicants property as it deems necessary to minimize the harmful effects on adjoining and surrounding properties and other property located within the same or adjoining use district whether or not said plans and specifications were included within the application for special use permit by the Planning and Zoning Board. No application for Special Use permit shall be approved except by affirmative vote of at least three (3) members of the Board of Zoning Adjustment present and voting at the meeting at which the action was taken. In the event that the Planning and Zoning Board has timely recommended to the Board of Zoning Adjustment that the application for special use permit be denied, then that application for special use permit shall not be approved except by affirmative vote of at least four (4) members of the Board of Zoning Adjustment present and voting at the meeting at which the action was taken.

8. Within ten (10) days after the Board of Zoning Adjustment has acted upon any application for Special Use Permit, the Chairman shall file a written report of the findings and action of the Board with the Town Clerk. The Town Clerk shall, within 5 (five) days, deliver a copy of said written report to the applicant and to the Building Inspector.

9. The Building Inspector shall not grant any building permit to the applicant until he shall have received the written report approving the Application for Special Use Permit and any Building Permit issued shall have incorporated therein requirements for compliance with the provisions of the report approving said application.

10. No Certificate of Occupancy shall be issued and no water or sewer service shall be connected to any building, structure or mobile home until the building inspector shall certify that the plans and specifications mandated in the written report of the Chairman of the Board of Zoning Adjustment have been fully complied with and that the property is not in violation of the terms and conditions of the Special Use Permit approved by the Board of Zoning Adjustment.

## CERTIFICATION AND SIGNATURE

I certify that the information shown above is true and accurate.

Cynthia K Marcus

Applicant's Signature

Print: Cynthia K Marcus

Date: 2-18-25

Property Owners:

Cynthia K Marcus

Owner Signature

Print: Cynthia K Marcus

Date: 2-18-25

Owner Signature

Print: \_\_\_\_\_

Date: \_\_\_\_\_

Owner Signature

Print: \_\_\_\_\_

Date: \_\_\_\_\_

Owner Signature

Print: \_\_\_\_\_

Date: \_\_\_\_\_

### TOWN STAFF USE ONLY

Date Received: \_\_\_\_\_ Staff Signature: \_\_\_\_\_

Date Transmitted to Board of Zoning Adjustment: \_\_\_\_\_

Date Transmitted to the Mitchell County Building Inspector: \_\_\_\_\_

To Whom it may Concern,

I am writing this letter on behalf of the Marcus families. On November 5th, I was contacted by Karris Hoilman, who informed me that her parents and two younger siblings were living in a tent on Altapass. She also mentioned that on that day, they were at the hospital in Asheville with their son, who was experiencing seizures. When I reached out to Paul Marcus, he confirmed the information and added that his mother also needed housing. Cynthia Marcus was staying with her daughter due to significant damage caused by Hurricane Helene. A tree had fallen on her home, and water was pouring in. The moisture led to mold growth, making the house uninhabitable. Paul Marcus and his family were living in a tent because their house had been knocked off its foundation due to a slide behind it.

With the help of others, I was able to find both Cynthia's family (which included two grandchildren) and Paul Marcus's family two campers. Due to the damage to the property, an impassable driveway, and the lack of space for the campers, we had to find alternate housing for both families. Currently, Cynthia Marcus is staying with her daughter, with the hope of returning to her property once it's safe. Paul Marcus is staying at the Spruce Pine Campground, where the monthly rental is \$950 and private funding to pay this monthly rental is running out. Paul and his family have been at this location since November 7th.

Due to the extensive damage to the Marcus property and the fact that both mobile homes were uninhabitable, a decision was made while volunteers were still in the area with equipment to remove both mobile homes from the property. On November 27th, 2025, with the help of volunteers, both mobile homes were demolished, and the land was cleared. The Marcus family is working with Samaritan's Purse's Mobile Home Initiative and other programs for further assistance.

The Marcus family had lost everything and did not have the financial means to clean up the property. If it hadn't been for this act of kindness, the property would have remained in the same condition it was in the evening of September 27th, 2025.

I am writing this letter in hopes that everyone reading will have a better understanding of the damage brought to these families by Helene. I am fully aware of the financial struggles that these families faced prior to September 27<sup>th</sup>. Cynthia is now raising her two grandchildren after the passing of her daughter and Paul and his wife both have many health issues. Without the help of organizations and community Cynthia would be a homeless landowner and her son and his family would also have no hope for the future.

Blessing,  
  
Ciji Dellinger

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# Grassy Creek Baptist Church

To Whom it May Concern,

My name is Rev Nathan Silver. I am the lead pastor of Grassy Creek Baptist Church in Spruce Pine, NC. I am writing regarding the housing situation that involves the Marcus Family.

After Hurricane Helene devastated our county, Grassy Creek became a hub for supplies for the community. We also had several teams of volunteers from our church as well as outside the community that helped people who had damage to their homes and property. One afternoon while we were distributing supplies, Mrs. Cynthia Marcus was brought to the church by some of her family and asked me if I had heard about her home as well as Paul's home. She then proceeded to tell me that Paul and his family were living in tents and that she was staying with one of her children and a friend. I then called Paul, and we discussed the needs that he had, and I gathered the things we had here at the church and I then took them to him. Upon arriving at the property, I could see a mudslide hit the back of the home and knocked it off the foundation and knocked the water lines loose. There was also a tree through the roof and the rain had poured into the home. The other home was also rain and wind damaged from the storm. There was also a mudslide in the driveway that I had to navigate around. Since then with the help of caring volunteers from the community and abroad we have been able to get the road cleared and the property ready for a new residence.

Helene has had a devastating impact on the lives and livelihood of so many of our town and county's residents. I have been helping from the Avery County line all the way into Relief and Poplar. Many have lost their homes and belongings to the damage from the storm. For the Marcus family, they have lost belongings and a home, and they need housing and help with getting back on their feet. Through the help of organizations like Samaritan's Purse many of these families will have a chance to start over and have a place to live. May we all work together on behalf of the Marcus family to secure them housing and a chance to get back to living the life that all of us deserve the chance to live.

Respectfully submitted,

Rev. Nathan Silver

Lead pastor, Grassy Creek Baptist Church

*That the world may know Christ!*

793 Old NC 226 Hwy Spruce Pine, NC 28777 828-765-4620



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C. Luke Perdieu  
372 Lynch Mill Road  
Lynch Station, VA 24571  
luke.perdieu@gmail.com  
February 13, 2025

To whom it may concern,

I am writing to give some background in reference to two mobile homes located at 61 Bluejay Dr, Spruce Pine, NC after Hurricane Helene.

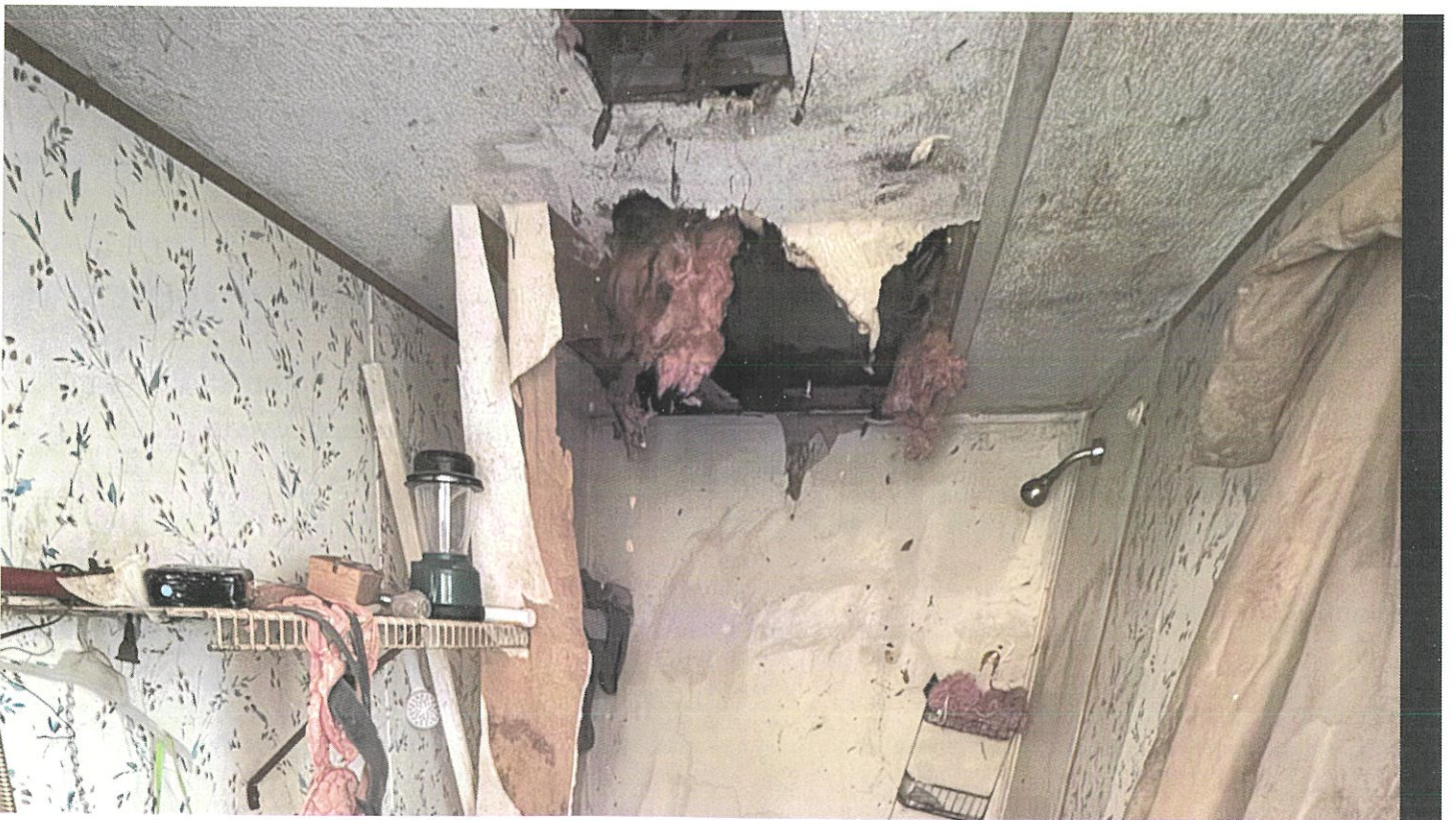
On November 21, 2024, while on our second volunteer trip to Spruce Pine working with the Baptists on Mission out of the First Baptist Church of Spruce Pine, my partner Ian Morris and I were asked to assess the condition of two mobile homes at the above address that had been damaged and to demolish the houses if possible. We arrived that evening to find the family getting the last remaining belongings out of the houses. They showed us the tent they had been living in for 5 weeks after the hurricane due to the houses being unlivable.

The lower house had sustained substantial roof damage from rain and a tree falling on it. The upper house had been hit by a mudslide from the hill directly behind the house. It had a tree on it and holes in the roof. The mudslide had caused the house to be pushed off the block foundation despite the hurricane straps. The mud was so deep we could not see that the house had a back porch on it until we were in the process of taking the houses down and uncovered the porch. There was evidence that the homeowners had tried to save the houses by tarping the roof on both. Unfortunately, the ceiling was sagging and falling in places due to the weight of the water in the insulation, the floors were soft from 6 weeks of water penetration, and the rear of the upper house bounced when you walked in it because it was off the foundation. There was no financially feasible way to salvage the houses, so we proceeded to demolish the houses the following day. I have attached a picture of ceiling falling in on each house, the ground was covered in snow, so pictures of the exterior do not show much.

Considering these facts and seeing first-hand the damage that Hurricane Helene caused to Spruce Pine and the surrounding area, I am hopeful that the family can receive the help they are being offered by generous organizations trying to help this family get back into a home on their own property. I urge the council of Spruce Pine and any other regulatory authority to do everything in their power to help this family get back on their own property so they can continue to rebuild their lives.

Respectfully,  
C. Luke Perdieu







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**MEMO**

**TO:** Spruce Pine Board of Adjustment

**DATE:** May 5, 2025

**SITE INFO:**

- Street Info: 73 Blue Jay Drive, Spruce Pine 28777
- Tax Description/PIN# 0799-06-48-5861
- Zoning: R-1 Low Density Residential
- Property Owner(s): Cynthia Marcus
- Applicant: Cynthia Marcus

**SUMMARY STATEMENT:** The petitioner is requesting a Special Use (Ord. Sec 101.3) – Request to place a single-wide manufactured home in the R-1 Single Family Zone District where only allowed by Special Use (Ord. Sec 101.1).

Single-wide manufactured homes are permitted by Special Use only: Ord. Sec 101.3 - *Single-wide mobile home. Any single-wide mobile home located under these provisions is required to meet the residential dimensional requirements shown in Table 1. The Board of Zoning Adjustment before approving any special use shall designate such dimensional criteria for mobile homes and such other criteria as may be reasonable and necessary to protect surrounding property and to minimize any bad effect that such special use might have on surrounding properties.*

**TABLE 1:**

TABLE 1							
DIMENSIONAL REQUIREMENTS							
DISTRICT	MINIMUM LOT SIZE		MINIMUM YARD REGULATIONS				
	AREA - SQ. FT.	SQ. FT. PER DWELLING UNIT	Frontage (ft.)	Front yard setback (ft.)	Side yard width (ft.)	Rear yard depth (ft.)	Maximum height (ft.)
R-1 Residential							
Single family	20,000	20,000	100	50	15	10	35
Two-family	40,000	20,000	100	50	15	10	35
Multi-family	not permitted						





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**BACKGROUND:**

The subject property is located off Alta Pass Highway, approximately 7/10ths of one mile from 19 Highway E. Prior to Hurricane Helene the property housed two single-wide manufactured homes, one occupied by the applicant Cynthia Marcus, and a second one occupied by a sibling. During Helene, severe tree damage impacted the property and homes, making them inhabitable. Samaritans Purse is an organization working with private property owners, helping rebuild and replace damaged homes. Cynthia Marcus has applied and has been granted assistance from Samaritans Purse. Samaritans policy on home replacement is "like for like", they will replace stick-built structures and manufactured structures. In this case, applicant Cynthia Marcus qualified for a new manufactured single-wide. Under the Towns zoning ordinance for R-1 zone districts, the property in review had two non-conforming uses prior to Helene. The applicant has informed staff, that the request is to replace only one of the structures.

**(Ord. Sec. 81) Non-Conforming Uses:**

***The lawful use of any building or premises at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or premises shall not be:***

- 1. Changed to another nonconforming use.***
- 2. Re-established after discontinuance for one year.***
- 3. Extended except in conformity with this Ordinance.***
- 4. Repaired, rebuilt, or altered after damage exceeding sixty (60) percent of its replacement cost at the time of destruction. Reconstruction must begin within six (6) months after damage is incurred.***

Of the above allowances to continue a non-conforming use, item 4 would be most applicable to the applicant had the structure not been entirely removed. Volunteers had removed the structure, prior to verifying current zoning ordinances. The unique circumstance is that Town



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services were also severely impacted by Helene and volunteers were moving quickly throughout the area, with good intentions of helping people in their situations. Due to the structure being completely removed, the applicant's alternate option is the Special Use request.

**REVIEW, ANALYSIS AND CONSIDERATION:**

1. The subject property is surrounded with mixed uses, consisting of residential stick-built, residential manufactured built and commercial.
2. The parcel is subject to setback standards as found in Table 1 of the zoning ordinance, in review, a single-wide manufactured home would be compliant, meeting the front, rear and side lot line setbacks.
3. As part of the Board of Adjustments review, should the Board of Adjustment move to approve the Special Use, and under the authority of State Statute: 160D-705(C) and Town Ordinance Sec. 55.2 (c)(5)(b) - the following conditions might be considered:
  - a) Only one family shall be allowed to reside in said manufactured home. Family shall mean husband, wife, mother, father, children and grandparents and no other persons.
  - b) The manufactured home shall contain no less than 700 square feet of living space and shall meet all electrical, plumbing and building codes applicable to the IRC building code, and all Local, State and Federal ordinances and laws. Shall have a water and sewage disposal system approved by the District Board of Health.
  - c) The manufactured home shall have a wood front deck containing no less than five (5) square feet with railing surrounding said deck at least thirty-six (36) inches in height and access steps. Said deck shall meet all IRC building code requirements.
  - e) The manufactured home shall have a wood rear deck containing no less than five (5) square feet with railing surrounding said deck at least thirty-six (36) inches in height and access steps. Said deck shall meet all IRC building code requirements.



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- f) The area from the bottom of each side and end of the manufactured home extending to the ground shall be completely enclosed or underpinned and the finished surface thereof shall be of the same color as the manufactured home.
- g) There shall be only one manufactured home located upon the lot.
- h) No portion of the manufactured home or any deck herein required shall be closer than 50 feet to the lot line to the front, 10 feet to the rear lot line and 15 feet from the side lot line.
- i) The lot in which the home is to be placed is clean, properly graded, and stabilized in order to adequately accept the mobile home.
- j) Property maintenance shall be kept in a manner that is free from debris, refuse and not become a condition in which impairs the aesthetics of the community. The home shall be maintained so that all exterior components are properly maintained, free from decay, peeling paints or other deteriorating factors.

Additional Documents:

- A. Exhibit A: GIS Map (Surrounding Area)
- B. Exhibit B: Surrounding Zoning Map

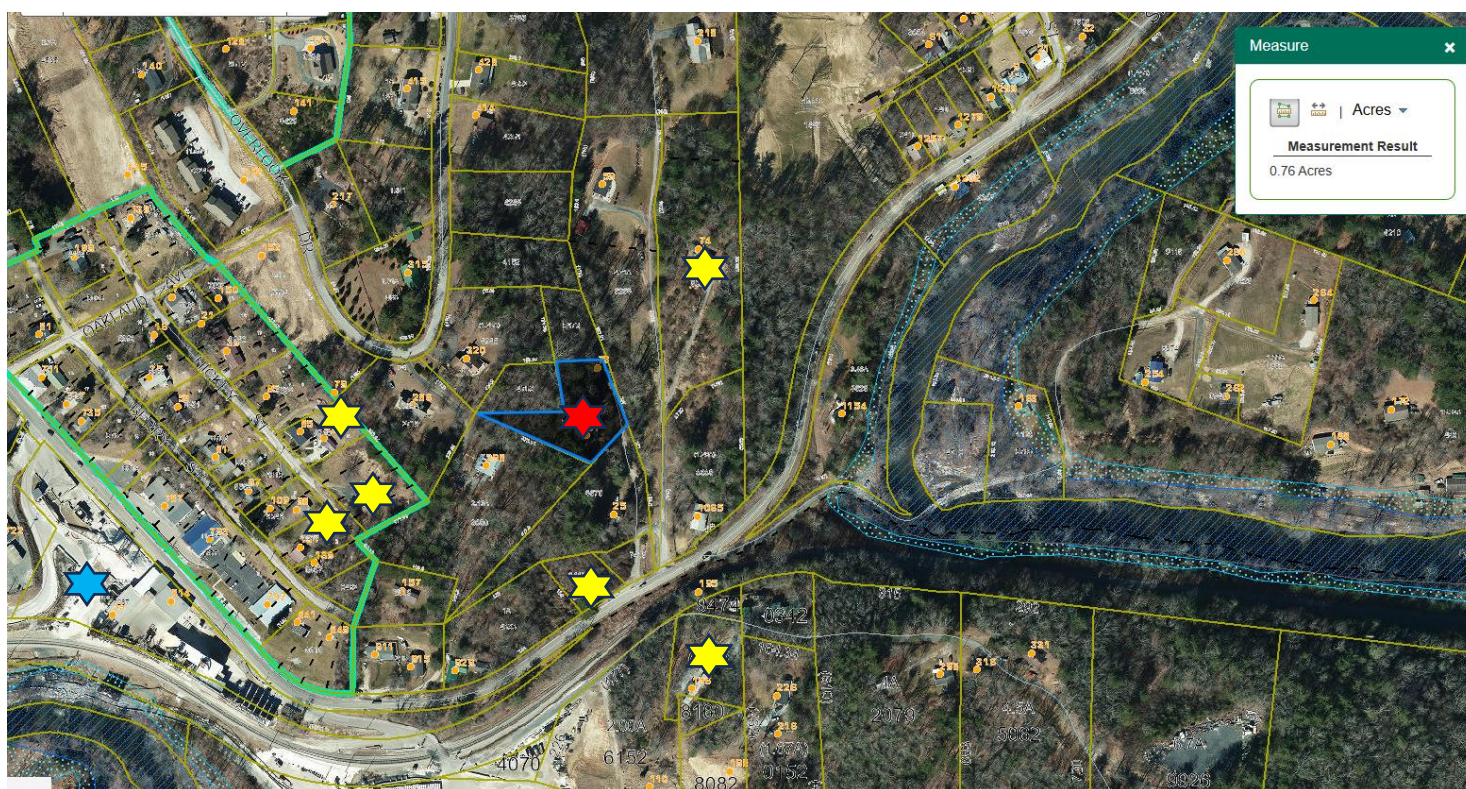


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**MEMO**

**EXHIBIT A**



- Locations of Single-Wide Manufactured Homes
- Applicant Property
- Commercial Use

Remaining area consists of single-family stick-built, modular and double-wide manufactured homes.



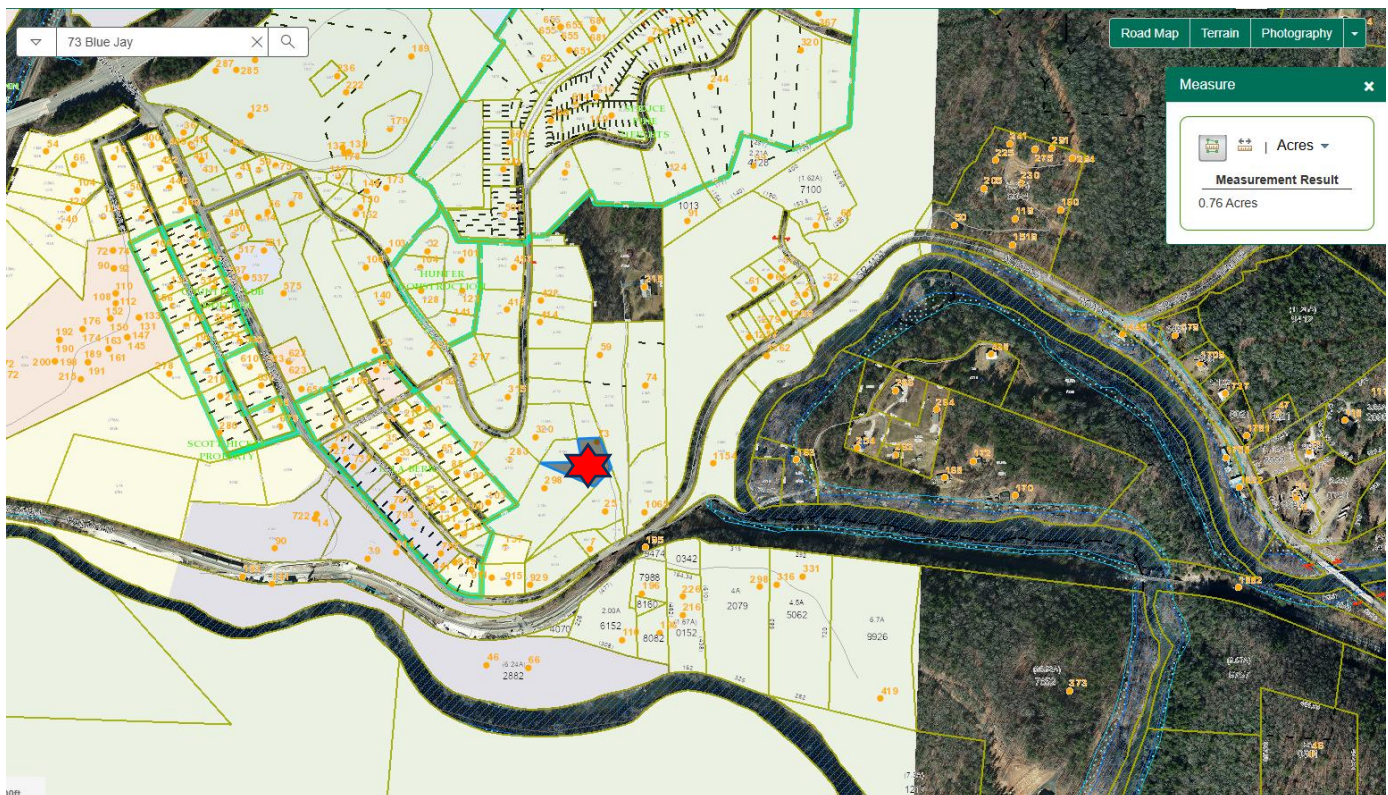


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**MEMO**

**EXHIBIT B**



Applicant Property

☒ Spruce Pine Zoning

- C-1
- C-1A
- C-2
- C-3
- I
- I-1
- M-1
- PS-1
- R-1
- R-2
- R-3
- T-1