



City of Marion  
Board of Adjustment Meeting  
City Hall Annex  
194 North Main Street, Marion, NC 28752  
Monday June 16th, 2025, 4:30PM  
AGENDA

- **Call Meeting to Order**
- **Agenda changes and approval**
- **Minutes**
  - a) June 12, 2025
- **Public Comment**
- **New Business**
  - a) Item One: Auto Repair – Daniel Wheeler
- **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 the Planning and Development Department at (828) 652-3551. Servicios de intérpretes están disponibles sin costo de acuerdo a la ley del Titulo 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. Hearing none, 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. Hearing none, Mr. Bagwell motioned to approve the minutes. Ms. Wilson seconded and the motion was approved 3-0.

**Public Comment:** Daniel Wheeler stated that he is looking forward to presenting the item and answering any questions that the board may have for him in a future meeting.

**New Business:** Mr. Walker stated that the board does not have enough members present for a quorum to hear the item and 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 item on the agenda to a meeting on Monday, June 16, 2025 at 4:30pm. Ms. Wilson seconded this motion and it was approved 3-0.

**Staff Updates:** Ms. Cotton presented two 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.

**Meeting Adjourned:** 6:15pm

Ms. Wilson motioned to adjourn the meeting, Mr. Bagwell seconded and the motion was approved 3-0.



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# MEMORANDUM

DATE: June 16, 2025  
TO: Board of Adjustment  
FROM: Vance McNees, City Planner  
SUBJECT: Special Use Request Staff Report

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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.

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

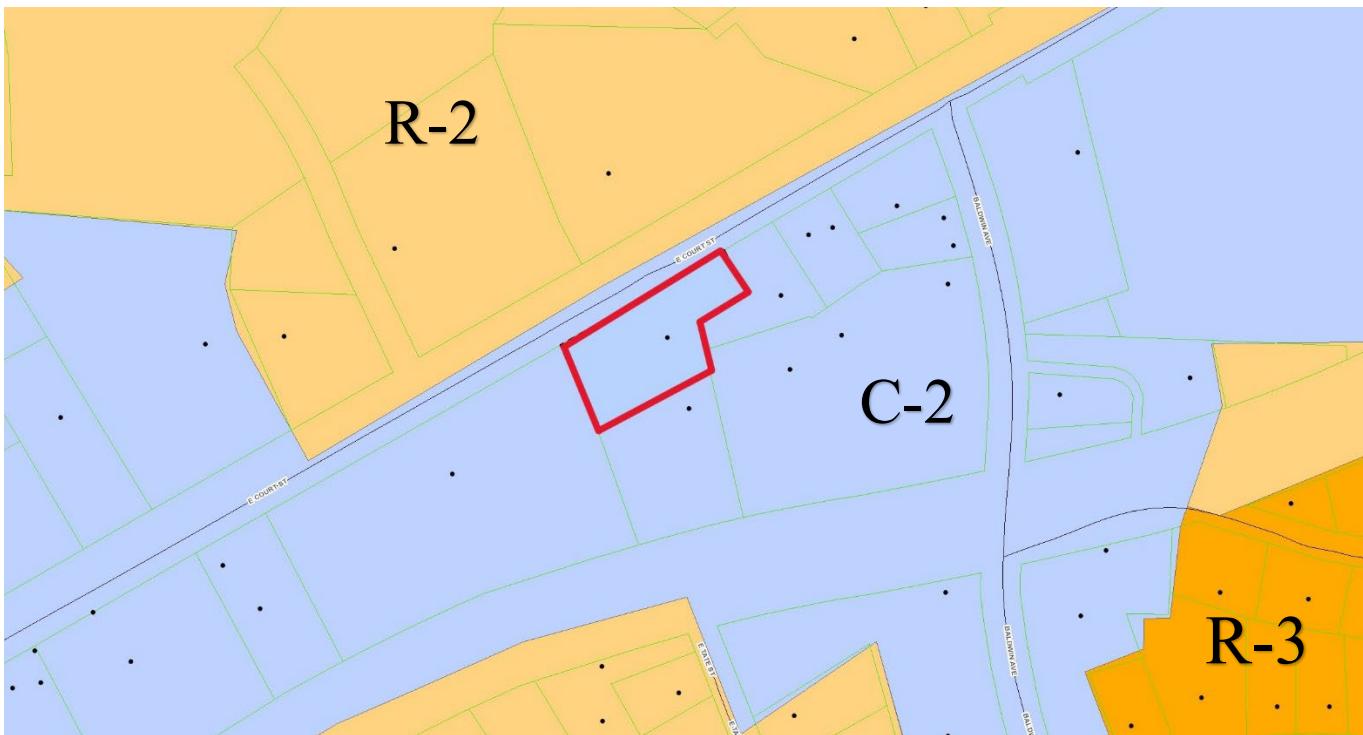
SPECIAL USE

Quasi-Judicial Hearing

<b>CASE NUMBER:</b>	SU 25-02
<b>Date of Submission:</b>	05/06/2025
<b>A. PROPERTY INFORMATION</b>	
<b>Project Title:</b>	Wheeler Auto Garage
<b>PIN:</b>	1711.05-09-7842
<b>Address:</b>	954 East Court Street
<b>Owner:</b>	Daniel Wheeler
<b>Applicant:</b>	Daniel Wheeler
<b>Square Footage</b>	1,700 (1,020 gross floor space of business)
<b>Zoning District:</b>	C-2 General Business
<b>Current Land Use Activity</b>	Vacant – Old Auto Repair Shop
<b>Future Land Use Designation</b>	Mixed Use Neighborhood

**B. LOCATION MAP**

Aerial Map



**C. SPECIAL USE APPLICATION SUMMARY**

The Applicant is requesting Special Use approval to operate an automobile related business (auto repair, services, etc.). The property is located at 954 East Court Street and is currently zoned C-2 General Business. The property has the current McDowell County Tax Parcel Identification Number (PIN) 1711.05-09-7842 as found on the McDowell County GIS Tax Map. The applicant has provided the a site plan that includes opaque fencing (approved screening) and parking spaces.

#### D. APPLICABLE ORDINANCE SECTIONS & REVIEW

DEVELOPMENT REQUIREMENTS	APPLICANT NARRATIVE	STAFF REVIEW
<p><b>City of Marion UDO Sec. 4-3.4 "Specific Requirements by Land Use"</b></p> <ol style="list-style-type: none"> <li>1. Open Storage of junked or inoperable motor vehicles, auto parts, or similar materials shall not be permitted.</li> <li>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.</li> <li>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.</li> <li>4. Junked or inoperable motor vehicles shall not be stored in the customer or employee parking spaces required per the off-street parking requirements.</li> <li>5. All service, sales, storage or similar activities shall be conducted entirely on the premises.</li> <li>6. All major repair work, if any, shall be conducted within a building capable of being completely closed.</li> <li>7. Auto-related 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.</li> <li>8. 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.</li> </ol>	<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>
<p><b>City of Marion UDO Sec 6-1.2 "Schedule of Required Parking Spaces"</b></p> <ol style="list-style-type: none"> <li>1. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each employee.</li> </ol> <p><b>City of Marion UDO Sec. 6-3.3 "Specific Landscaping Requirements"</b></p> <ol style="list-style-type: none"> <li>1. A screening plan will need to be reviewed and approved by the Planning and Development Director (opaque fencing).</li> </ol>		

#### 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.</p> <p>Mixed-Use Neighborhoods 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.</p>	<p><b>Primary Land Uses:</b> Professional office, corporate and institutional campuses, universities and colleges, research &amp; development, industrial and manufacturing, regional shopping centers and superstores, goods and services oriented to motorists.</p> <p><b>Secondary Land Uses:</b> Civic &amp; institutional, high-density residential, parks, and trails.</p> <p><b>Existing Zoning District:</b> C-2 General Business, Office Institutional, Industrial, and R-2 Neighborhood Residential</p> <p><b>Any Future Zoning Districts:</b> U-8 Urban Residential, R-12 Neighborhood Mixed-Use, and B1 Neighborhood Business</p> <p><b>General Development Pattern:</b> Medium-high density/Neighborhood supporting uses</p>	<p>Future development in these areas should focus on preferred uses, context sensitive design, scale of non-residential uses, and increase diversity in housing options. Reinvestment in these areas has been slow due to site limitations. Priority should be given to public projects that improve walkability, social activity, and safety within these areas. Neighborhood supporting businesses are encouraged in these areas.</p>

**F. ADDITIONAL DOCUMENTATION SUBMITTED**

- Special Use Permit Application
- Site Plan (includes screening 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 screening plan (layout has been submitted, but the type of opaque screening is TBD)
2. No junked motor vehicle(s) may be stored on the site.
3. All repair work shall be done within a building that is capable of being completely enclosed.
4. The minimum parking requirement is seven designated spots. There are eight shown on the site plan.
5. In order to maintain safety for pedestrian and vehicle traffic, vehicles associated with the automobile repair 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.



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

**For Office Use Only**

Fee Paid \$ \_\_\_\_\_

Cash \_\_\_\_\_ Check # \_\_\_\_\_

Application # \_\_\_\_\_

Date Received \_\_\_\_\_

**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: Daniel Wheeler Phone Number: 828-803-3923

Property Owner's Mailing Address: 2323 Lachey Town Rd Old Fort, NC 28762

Applicant's Name (if different from above): \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**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: 954 East Court St Marion, NC 28752

Parcel ID Number (PIN) 171105097842 Zoning District: \_\_\_\_\_ Lot Size: .36

Existing Use: Former garage / empty Proposed Use: Auto garage

This is a special exception under Section 4-3.4 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; C2
  - 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:**

1. The special use request must be granted by the Board of Adjustment when all of the following findings have been made:
  - a. That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
  - b. That the proposed use at the particular location provides a service or facility that will contribute to the general well-being of the neighborhood or the community; and
  - c. That the location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.
2. If the Board of Adjustment does not make these findings, then the special use request may not be granted.
3. Review Factors. The applicant must demonstrate that the review factors listed below have been adequately addressed. If an application is denied, the decision-making body must specify which of these review factors were not adequately addressed.
  - a. Circulation.  
Number and location of access points to the property and the proposed structures and uses, are provided with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - b. Parking and Loading.  
Location of off-street parking and loading areas are sufficiently provided.
  - c. Service Entrances and Areas.  
Locations of refuse and service areas are provided with particular reference to ingress and egress of service vehicles.
  - d. Lighting.  
Locations of exterior lighting are provided with reference to glare, traffic safety, economic effect and compatibility with other property in the area.
  - e. Signs.  
Appropriateness of signs considering location, height, size, and design within the context of other property in the area.
  - f. Utilities.  
Location and availability of utilities is provided.
  - g. Open Spaces.  
Location of required yards and other open spaces and preservation of existing trees and other natural features is provided.
  - h. Environmental Protection.  
Is in compliance with landscape, floodplain, watershed, wetlands, steep slopes, open space and other natural feature requirements.
  - i. Screening, Buffering and Landscaping.  
Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property is provided.
  - j. Effect on Adjacent Property.  
Effects of the proposed use on nearby property, including, but not limited to, the effects of noise and odor is mitigated.
  - k. Compatibility.  
The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties is provided.

**THIS APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL PLANS HAVE BEEN SUBMITTED AND REVIEWED BY CITY STAFF. PLEASE BE AWARE THAT IF PLANS ARE INCOMPLETE, A HEARING WILL NOT BE SCHEDULED.**

**I UNDERSTAND THAT THE BURDEN IS UPON ME, THE APPLICANT, TO PRODUCE COMPETENT MATERIAL AND SUBSTANTIAL EVIDENCE TO ESTABLISH THE EXISTENCE OF FACTS, STANDARDS AND CONDITIONS WHICH THE ORDINANCE REQUIRES UNDER SECTION 3-7.1 SPECIAL USE OF THE**

## **CITY OF MARION UNIFIED DEVELOPMENT ORDINANCE.**

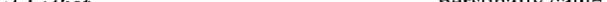
**I CERTIFY THAT ALL OF THE INFORMATION PRESENTED IN AND WITH THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE, IS TRUE, COMPLETE AND ACCURATE.**

**SIGNATURE OF APPLICANT**

4-28-2025

DATE

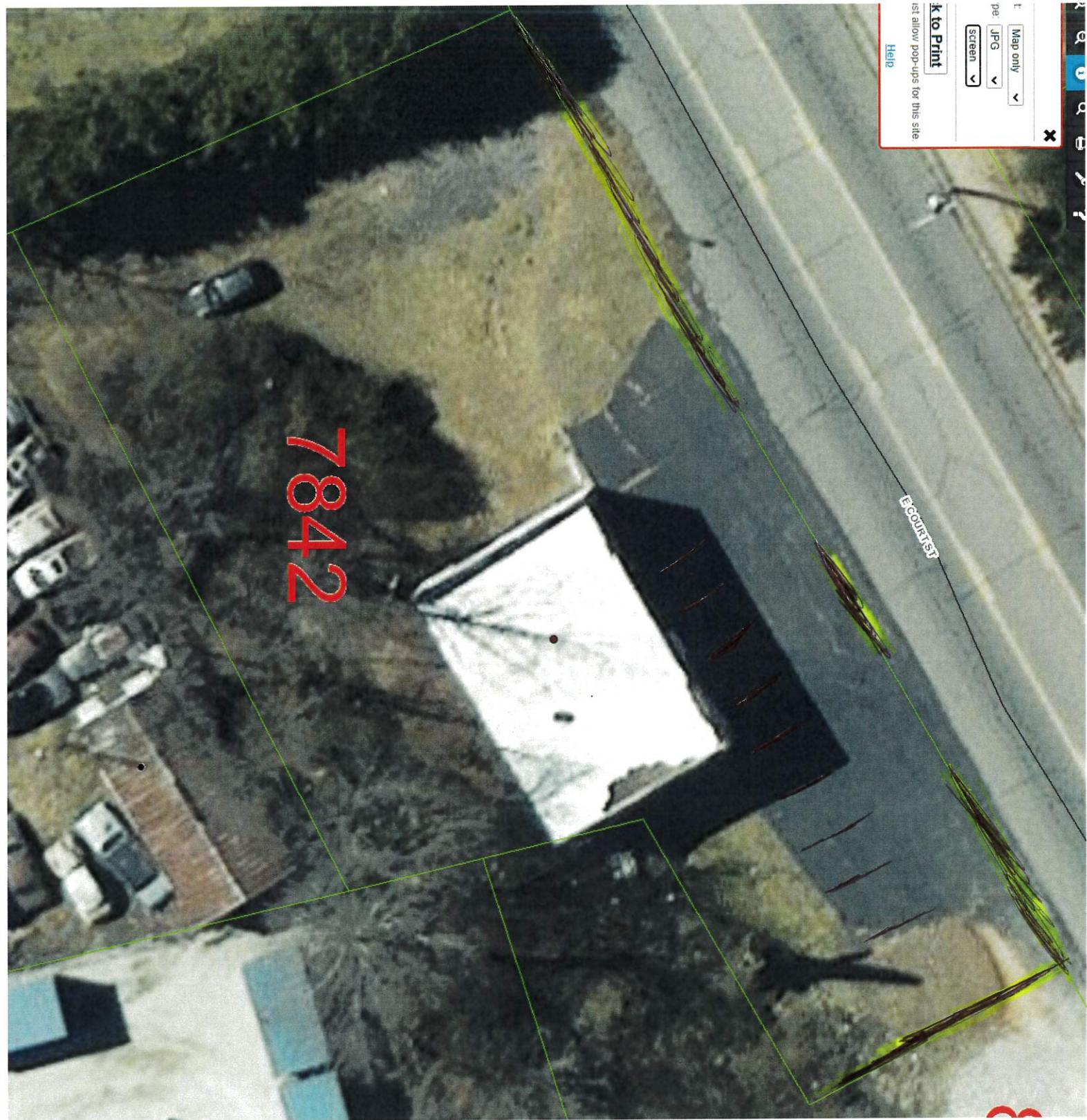
**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL**

I, \_\_\_\_\_ a Notary Public, certify that \_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
  


SEAL:

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Notary Public Signature



## WHEELER DANIEL

954 E COURT ST MARION  
80069NN: 26 - CHANGE OF OWNERSHIP  
COUNTYWIDE (100), COUNTYWIDE FIRE (100), MARION CITY FIRE (100),  
RESCUE (100)  
0.40 AC PER 9-1-89 GREENE SURVEY

Reval Year: 2023 Tax Year: 2026

Appraised By 99 on 16301 E. Court COMM

## Parcel ID: 1711-05-09-7842

SPLIT FROM ID

PLAT: 00000/00000 UNIQ ID  
EASTWOOD REALTY  
ID NO: 0614C002005CARD NO. 1 of 1  
1.0000 LT  
TW-06 CI-C1 FR-

SRC= EX- AT- LAST ACTION 20250327

CONSTRUCTION DETAIL											MARKET VALUE										DEPRECIATION										CORRELATION OF VALUE														
Foundation				4	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	% GOOD	INORM			0.70000			CREDENCE TO			MARKET																						
SPREAD FTG				6.00	17	04	1,190	131	150.65	179274	1970	1950	% GOOD	30.0			Office Construction			DEPR. BUILDING VALUE - CARD			53,780																						
Sub Floor System				5	TYPE: OFFICE				STYLE: 1 - 1.0 STORIES								DEPR. OB/XF VALUE - CARD				170																								
WOOD				11.00													MARKET LAND VALUE - CARD				42,000																								
Exterior Walls				21													TOTAL MARKET VALUE - CARD				95,950																								
FACE BRICK				20.00																																									
Exterior Walls				11																																									
CONCRETE BLOCK				0.00																																									
Roofing Structure				07																																									
WOOD TRUSS				7.00																																									
Roofing Cover				04																																									
BUILT UP T&G				3.00																																									
Interior Wall Construction				5																																									
DRYWALL				22.00																																									
Interior Floor Cover				14																																									
CARPET				5.00																																									
Heating Fuel				02																																									
OIL/WOOD/COAL				0.00																																									
Heating Type				03																																									
AIR-NOT DUCT				3.00																																									
Air Conditioning Type				01																																									
NONE				0.00																																									
Structural Frame				04																																									
MASONRY				16.00																																									
Ceiling & Insulation				01																																									
SUSP-CEIL INS				4.00																																									
Plumbing Fixtures				2.00																																									
				8.000																																									
TOTAL POINT VALUE				105.000																																									
BUILDING ADJUSTMENTS																																													
Quality		3		AVG		1.00																																							
Shape/Design		3		FACTOR 3		1.02																																							
Size		Size		SIZE		1.23																																							
TOTAL ADJUSTMENT FACTOR		1.250																																											
TOTAL QUALITY INDEX		131																																											
SUBAREA														CODE	DESCRIPTION		COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG #	SIZE FACT	AYB	EYB	DEP SCH	OVR	% COND	OB/XF DEPR. VALUE															
TYPE		GS AREA		PCT		RPL CS		09		ASP PAVING		0		380		1.50		100.00				1900		1990		S5		30		171															
FST		1,020		050		76832																																							
BAS		680		100		102442																																							