



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 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. 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.



MEMORANDUM

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

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.



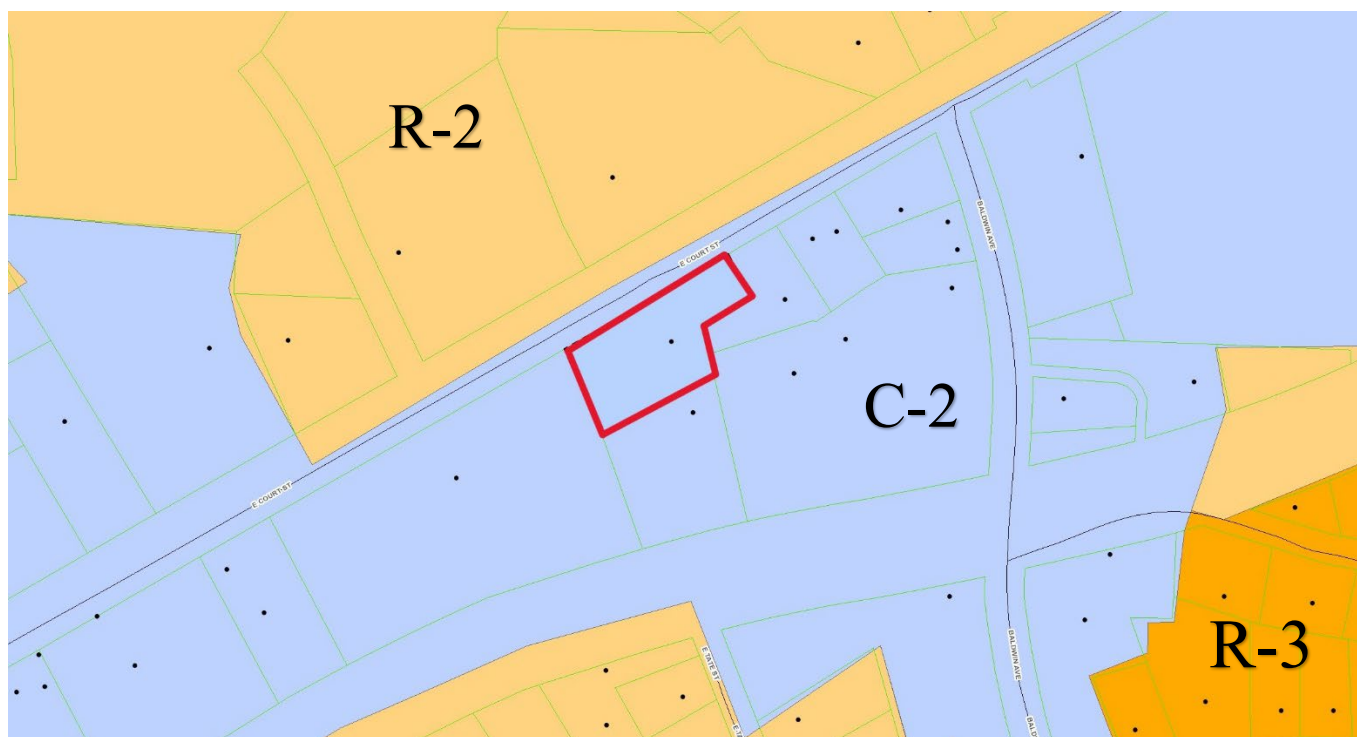
CITY OF MARION
PLANNING AND DEVELOPMENT

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

CASE NUMBER:	SU 25-02
Date of Submission:	05/06/2025
A. PROPERTY INFORMATION	
Project Title:	Wheeler Auto Garage
PIN:	1711.05-09-7842
Address:	954 East Court Street
Owner:	Daniel Wheeler
Applicant:	Daniel Wheeler
Square Footage	1,700 (1,020 gross floor space of business)
Zoning District:	C-2 General Business
Current Land Use Activity	Vacant – Old Auto Repair Shop
Future Land Use Designation	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>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 gasoline service or filling stations and, therefore, subject to the regulations governing gasoline service or filling stations. 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 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>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>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, and R-2 Neighborhood Residential</p> <p>Any Future Zoning Districts: U-8 Urban Residential, R-12 Neighborhood Mixed-Use, and B1 Neighborhood Business</p> <p>General Development Pattern: 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.

**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: Daniel Wheeler Phone Number: 828-803-3923Property Owner's Mailing Address: 2323 Lackey 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 28752Parcel ID Number (PIN) 171105097842 Zoning District: _____ Lot Size: .36Existing Use: Former garage / empty Proposed Use: Auto garageThis 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:

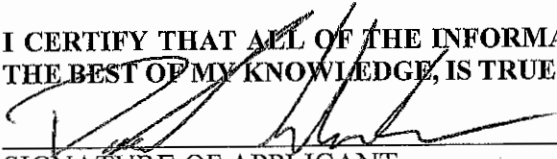
1. The special use request must be granted by the Board of Adjustment when all of the following findings have been made:
 - a. That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
 - 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

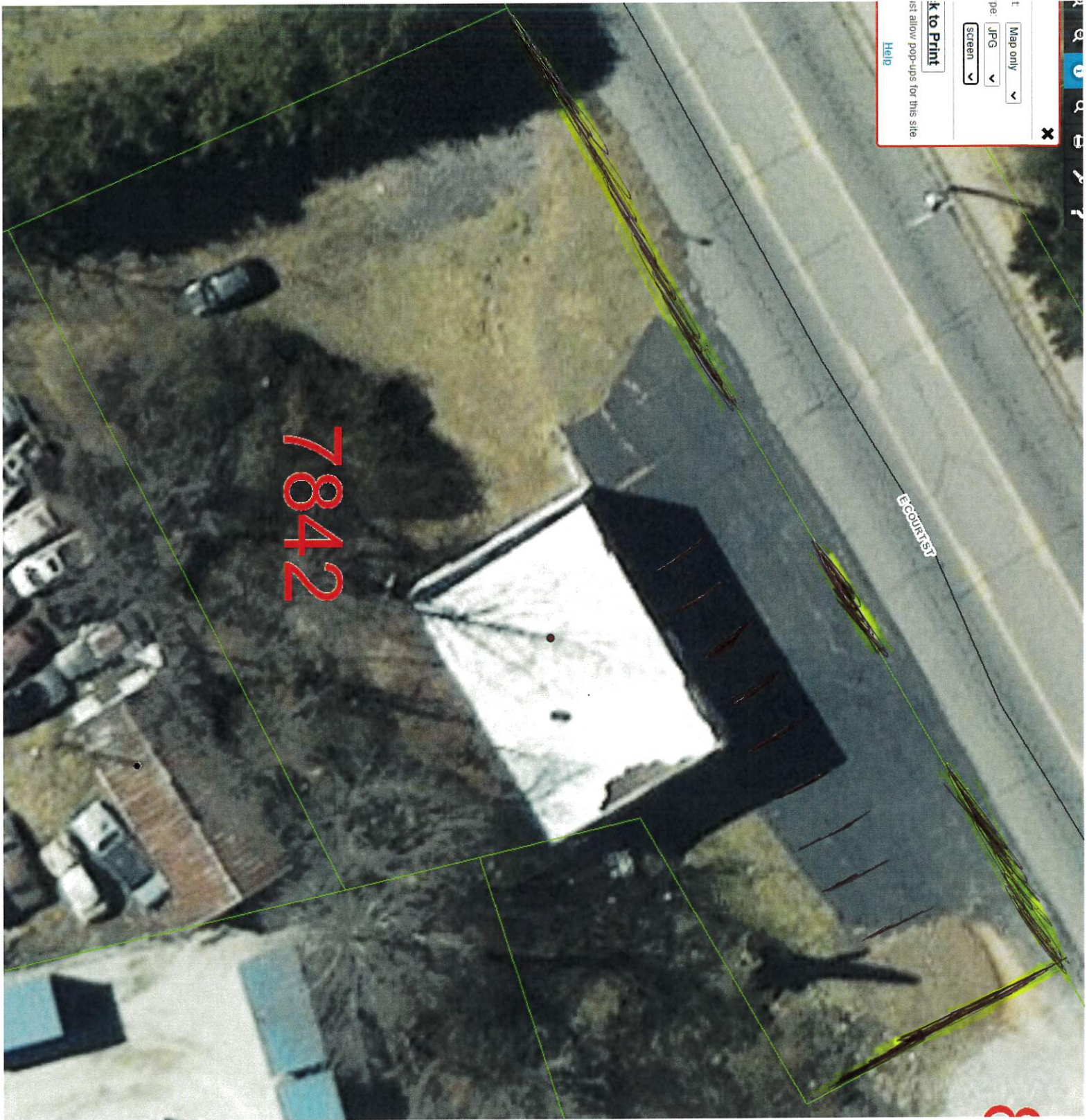
**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL**

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:

Notary Public Signature

My Commission Expires _____



Fence by next friday

WHEELER DANIEL

954 E COURT ST MARION
80069

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

PLAT: 00000/00000 UNIQ ID
EASTWOOD REALTY ID NO: 0614C002005

Parcel ID: 1711-05-09-7842

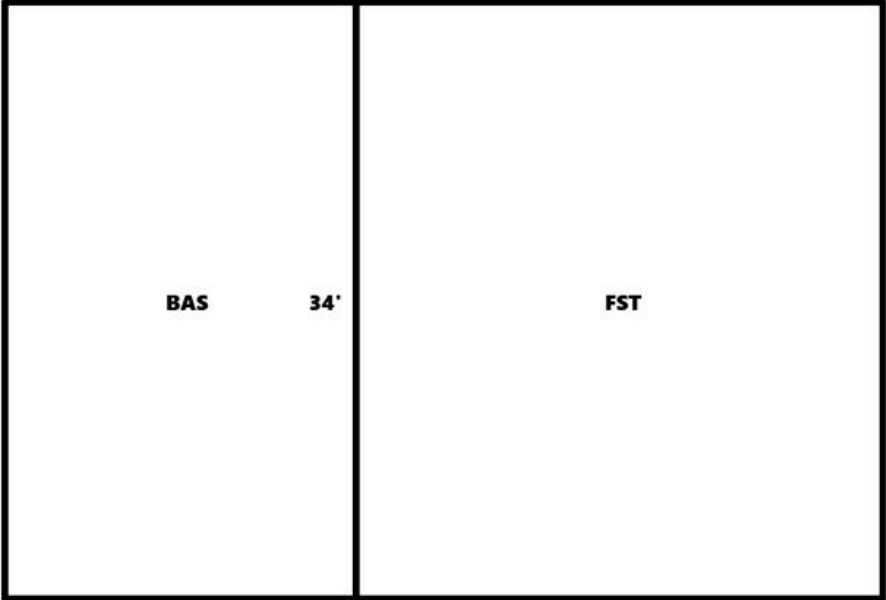
SPLIT FROM ID

Reval Year: 2023 Tax Year: 2026
Appraised By 99 on 16301 E. Court COMM

CARD NO. 1 of 1
1.0000 LT
TW-06 CI-C1 FR-

SRC=
AT- LAST ACTION 20250327

CONSTRUCTION DETAIL				MARKET VALUE				DEPRECIATION		CORRELATION OF VALUE	
Foundation	4	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB		NORM
SPREAD FTG	6.00	17	04	1,190	131	150.65	179274	1970	1950	% GOOD	
Sub Floor System	5	TYPE: OFFICE STYLE: 1 - 1.0 STORIES									
WOOD	11.00										
Exterior Walls	21										
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										
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	



DEPR. BUILDING VALUE - CARD													53,780	
DEPR. OB/XF VALUE - CARD													170	
MARKET LAND VALUE - CARD													42,000	
TOTAL MARKET VALUE - CARD													95,950	
TOTAL APPRAISED VALUE - CARD													95,950	
TOTAL APPRAISED VALUE - PARCEL													95,950	
TOTAL PRESENT USE VALUE - LAND													0	
TOTAL VALUE DEFERRED - PARCEL													0	
TOTAL TAXABLE VALUE - PARCEL													95,950	
PRIOR					PERMIT									
BUILDING VALUE					39,280	CODE	DATE	NO.						
OBXF VALUE					0	ROUT: WTRSHD:								
LAND VALUE					37,800									
PRESENT USE VALUE					0									
DEFERRED VALUE					0									
TOTAL VALUE					77,080									
SALES DATA														
OFF. RECORD		DATE		DEED	Q/U	V/I	INDICATE							
BOOK	PAGE	MO	YR	TYPE			SALES PRICE							
01492	0090	2	2025	WD	Q	I	235,000							
01432	0168	4	2023	WD	Q	I	135,000							
00408	0870	3	1990	WD	Q	I	50,000							
00318	0114	1	1983	WD	U	I	43,000							
00136	0086	1	1955	WD	U	I	0							
BUILDING AREA 680														
NOTES														

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																	
FST	1,020	050	76832	09	ASP PAVING		0	0	380	1.50	100.00			1900	1990	S5		30	171	
BAS	680	100	102442	TOTAL OB/XF VALUE																171

SUBAREA TOTALS	1,700	179,274
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BLDG DIMENSIONS BAS=W20S34E20FST=E30N34W30S34\$N34\$.

LAND INFORMATION																	
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJ/NOTES RF AC LC TO OT	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNIT TYPE	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
COMMERCIAL	0700		180	88	1.0000	0	0.7000			60,000.00	1.000	LT	0.700	42,000.00	42000	0	
TOTAL MARKET LAND DATA															42000		
TOTAL PRESENT USE DATA																	

1711-05-09-7842

5/16/2025 11:55:07 AM.