



City of Marion
Board of Adjustment Meeting
City Hall Annex
194 North Main Street, Marion, NC 28752
Thursday, July 10, 2025 6:00PM
AGENDA

- **Call Meeting to Order**
- **Agenda changes and approval**
- **Minutes**
 - a. Review and approval of June 12, 2025 minutes
- **Public Comment**
- **New Business**
- A Request by Brian McKinney (D/B/A McKinney Trust) for Special Use approval to establish a climate controlled storage facility on a vacant lot located at the intersection of North Garden Street and East Fort Street having the McDowell County Tax PIN 1701.07-68-7098.
- **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 Vance McNees, City Planner 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. 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. Mr. Bagwell motioned to approve the minutes, Ms. Wilson seconded and was approved 3-0.

Public Comment: Daniel Wheeler stated that he is looking forward to presenting the item.

New Business: Mr. Walker stated that the board did not have enough members present for a quorum to 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 meeting to Monday June 16, 2025 at 4:30pm, Ms. Wilson seconded and was approved 3-0.

Staff Updates: Ms. Cotton presented 2 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 on a quasi-judicial items.

Ms. Wilson motioned to postpone to a time certain date to Monday June, 16, 2025 at 4:30pm, Mr. Bagwell seconded and was approved 3-0. Meeting postponed at 6:15pm.

Reopening of meeting

Chairperson Gary Walker called the meeting to order on Monday, June 16, 2025 at 4:30 pm. He stated the meeting is a continuation of the meeting from June 12, 2025.

Heather Cotton stated that the minutes and agenda did not need to be approved since the meeting will be continued.

New Business (continued)

Item: 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.

Mr. Walker opened the public hearing and read aloud the Quasi-Judicial process.

Mr. Walker asked who will testify, and then proceeded to swear in Vance McNees. Mr. Walker calls Vance to present the item, which is a special use request by Daniel Wheeler to operate an automobile repair and service establishment (Wheeler Auto Garage). Mr. McNees explained that the area is zoned as Mixed Use Neighborhood, and the auto repair shop would fit in with the future land use designation.

Mr. McNees read the staff recommendations from the staff report for the business (attached as part of the minutes). He then asked for questions.

Kitty Wilson asked what would happen to the used fluids from the vehicles. Michael Wheeler explained that he would have two 300-gallon tanks, and waste oil companies will be picking them up for recycling.

Ms. Wilson asked if the tanks would be visible from the road. Mr. Wheeler stated the tanks will be located behind the retaining wall beside the building. Daniel Wheeler added that they will have a fence built that will also obstruct the view of the tanks.

Mr. Walker stopped the discussion to swear in Daniel and Michael Wheeler. Both were sworn in.

Mr. Walker then asked if either of them would like to explain to the board about the business. Michael Wheeler stated that the business will be a general automotive repair shop, brakes, tune-ups, oil changes, engine replacements. Daniel Wheeler stated they will not be doing body repair, only mechanical repairs, and the work will be performed inside the building. He stated they plan to purchase the vacant lot behind the building as well. The lot would be used for vehicle storage.

Mr. Walker then asked if all of the requests of conditions had been met to the best of their knowledge, aside from the screening, which a contractor is assigned to. Daniel Wheeler answered yes.

Ms. Cotton proposed to add the parcel behind the lot with the Applicant's proposal. Mr. McNees then added both 954 E. Court Street and 934 E. Court Street to the staff report.

Mr. Walker then asked if there were environmental regulations to give oversight on management of used fluids and parts. Michael Wheeler stated they plan to follow all EPA regulations.

Mr. Walker asked if there were any other questions, hearing none, Walt Bagwell made a motion to approve the request, Mr. Cook seconded, the motion was approved in a 5-0 vote.

Public Hearing Closed

Kitty Wilson made a motion to adjourn the meeting, seconded by Gary Walker, the motion passed in a 5-0 vote.

Meeting Adjourned: 4:47pm

MEMORANDUM

DATE: July 10, 2025
TO: Board of Adjustment
FROM: Heather Cotton, AICP, Planning and Development Director
SUBJECT: Special Use Request For Indoor Climate Controlled Storage Facility on Fort Street

Brian McKinney (McKinney Trust) has made a request for Special Use approval to develop a climate controlled storage facility located on Fort Street between North Madison Street and North Garden Street. The subject property is vacant and does not currently have an assigned 911 Address. The current McDowell County Tax Parcel Number is 1701.07-68-7098.

City of Marion Planning and Development staff have reviewed the application and supplemental materials. Staff is recommending approval of the indoor climate-controlled development project with the following conditions of approval. Recommended conditions of approval are as follows”

1. Internal Access to Storage Units.

All storage units shall be designed and constructed with access exclusively from internal corridors or interior points of entry. No storage unit shall be configured to allow direct entry or exit from the exterior of the building.

2. Reduced Setbacks and Streetscape Requirements.

A reduction in the required front yard setback is approved to allow infill development consistent with the established development pattern of the Central Business District. The building may be constructed with a zero-foot setback along the front and side property lines, provided that a continuous five-foot-wide planting strip is installed along the front property line, or alternatively, tree wells are installed at a consistent interval every twenty (20) feet with the planting of an approved street tree.

3. Building Massing and Façade Articulation

The building massing of all front and side façades shall be designed and constructed to avoid the appearance of a single, continuous wall plane. Façades shall be visually divided into sections not exceeding thirty (30) feet in width. Articulation shall be achieved through at least two of the following techniques: changes in wall plane depth (such as offsets, recesses, or projections), variation in exterior materials and finishes, the inclusion of columns or pilasters, or other substantial architectural features. *The purpose of this requirement is to create the appearance of multiple smaller building elements and to provide visual interest and pedestrian-scale articulation on all street-facing and publicly visible elevations that is consistent with existing construction patterns found within the Central Business District.*

4. Commercial Activity within Storage Unit.

The operation of independently owned or operated onsite business activity within a storage unit shall be prohibited.

5. Management Contact Information Prominently Posted.

Contact information for property management shall be prominently posted and visible at the front entrance of the building.



CITY OF MARION
PLANNING AND DEVELOPMENT

STAFF ANALYSIS

SPECIAL USE

Quasi-Judicial Hearing

CASE NUMBER:	SU 25-03
Date of Submission:	6/3/2025
A. PROPERTY INFORMATION	
Project Title:	McKinney Indoor Climate-Controlled Storage Facility
PIN:	1701.07-68-7098
Address:	Intersection of Fort Street and North Garden Street
Owner:	Brian McKinney (McKinney Trust)
Applicant:	Brian McKinney
Square Footage	0.3 acres
Zoning District:	C-2 General Business
Current Land Use Activity	Vacant
Future Land Use Designation	Central Business District

B. LOCATION MAP

Aerial View



Zoning Map



C. SPECIAL USE APPLICATION SUMMARY

The Applicant is requesting Special Use approval to develop an indoor climate-controlled commercial storage facility. The property is located at the intersection of Fort Street and North Garden Street and is currently zoned C-2 General Business.

D. APPLICABLE ORDINANCE SECTIONS & REVIEW

DEVELOPMENT REQUIREMENTS

City of Marion UDO Sec. 4-3.4 "Specific Requirements by Land Use"

Self-Storage, mini storage, and mini-warehousing

1. Self-storage, mini-storage, mini-warehousing.
2. Parking. One space per employee, one per 20 units, and one per available space for rental vehicles.
3. Parking for self-storage facilities where units are immediately adjacent to an access drive may be provided within parking/driving lanes adjacent to the buildings. " these lanes shall be a minimum twenty- six (26) feet wide where cubicles open onto one side of the lane only and a minimum thirty (30) feet wide where cubicles open onto both sides of the lane. Self- storage facilities where units are not immediately adjacent to an access drive shall provide parking for loading/ unloading separate from the access drives.
4. Trailer/truck rentals may be permitted. Storage of rental vehicles shall be in accordance with subsection d.
5. External storage may be provided for the storage of operable and properly, inspected, licensed and registered vehicles, travel trailers and/ or boats so long as such external storage area is fenced and is screened where there is no greater than twenty percent (20%) visibility from adjoining residential uses and adjoining streets and is located behind the minimum front yard setback. This provision shall not be interpreted to permit the storage of

partially dismantled, wrecked or inoperative vehicles. All external storage areas, including those areas used for trailer/truck rentals as permitted in C above, shall have a paved surface.

6. No door openings for any self-service storage unit shall be constructed facing any adjacent residential use. All doors for any self-storage unit shall be locked and secured when not in use.
7. No commercial or business operations or activity shall take place within a storage unit or on premise of the facility, except for the retail sales of supplies associated with the rental of storage units and/or rental of vehicles shall be permitted, such as boxes, packing tape, locks and similar items. The following uses are prohibited and all self-storage facility rental and/or use contracts shall specifically prohibit the following:
8. The repair, construction, reconstruction, fabrication of any item, including but not limited to, any boat, engine, motor vehicle, lawn mower, appliance, bicycle, or furniture shall take place within a storage unit or on premise of the facility.
9. Auctions, except as provided for under North Carolina General Statutes for collections and garnishment of personal property. Commercial wholesale, retail sales and on the premise garage and yard sales are prohibited.
10. Bulk storage of flammable, combustible, explosive or hazardous materials. Nothing in this section is meant to prohibit the storage or motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.
11. The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns or other similar tools or equipment.
12. On-site management shall be provided for a minimum of twenty (20) hours per week, during the hours of 8:00 AM and 7:00 PM. Contact information for management during the remaining hours of the day shall be prominently posted on the premises.

The maximum size for any single storage unit shall be 20' x 40' for a total maximum of 800 SF.

STAFF REVIEW

Staff has reviewed the application and supporting materials for the proposed indoor climate-controlled storage facility. All required submittals have been provided in accordance with the Special Use Permit application process, and the complete packet of materials is included for the Commission's consideration.

The City's Unified Development Ordinance (UDO) identifies self-storage, mini-storage, and mini-warehousing as uses permitted by Special Use Permit in the C-2 General Business District (UDO Sec. 4.3.3 Land Use Table). The applicant's request for an indoor, climate-controlled facility represents a variation of this use as further defined in UDO Sec. 4.3.4 Specific Requirements by Land Use. The current regulations primarily address potential nuisances commonly associated with traditional self-storage facilities, particularly those with individual exterior access points. By contrast, indoor climate-controlled storage facilities are fully enclosed, with all access restricted to internal corridors. As such, many of the operational and aesthetic impacts of typical self-storage developments—such as excessive vehicle circulation, outdoor activity, and inconsistent façade treatments—are mitigated or eliminated altogether.

It is also important to note that while much of the surrounding area has transitioned to updated zoning districts reflective of the City's more recent development patterns, this property remains zoned C-2 General Business District. This designation was established under the original 1974 Zoning Ordinance, when the site was utilized as part of a car dealership. Since that time, zoning regulations have evolved to better align with modern growth objectives, and the City has adopted a Comprehensive Land Use Plan to guide future development. Accordingly, Staff reviewed the application under the current C-2 zoning and the property's "Historic Downtown" future land use designation as outlined in the Comprehensive Plan and more fully described below.

The surrounding context is characterized by a diverse mixture of uses. To the north and east, there are established commercial properties, including a recently approved 70+ unit hotel directly across North Garden Street. The rear entrance and parking area of this hotel will face the west elevation of the proposed storage building. To the south and west are additional commercial and office uses, including a non-profit organization, a vacant commercial building, and an auto repair shop. However, North Madison Street, located immediately behind the site, is zoned R-1 Single-Family Residential, the City's most restrictive residential district.

Given the surrounding context and the scale of private reinvestment currently occurring in the area, Staff finds that consideration should be given more to building form, massing, and exterior design quality than to the indoor storage use itself. Properly designed, the proposed facility can support the City's objectives for infill development while preserving the appearance and vitality of the Historic Downtown district.

Staff is therefore recommending conditions of approval to ensure that the project will comply with the City's UDO and align with the goals of the Comprehensive Land Use Plan. These conditions address building articulation, façade treatments, streetscape improvements, and operational standards to ensure compatibility with adjacent uses and protection of the district's character.

E. COMPREHENSIVE LAND USE PLAN STATEMENT

GENERAL CHARACTER	LAND USE CHARACTERISTICS	ANTICIPATED LEVEL OF CHANGE
The Comprehensive Plan defines the "Historic Downtown" as the heart of the community, serving as the primary central business district that supports a vibrant mix of commercial and higher-density residential uses. The area includes two National Historic Districts and twelve nationally recognized historic sites.	<p>Primary Land Uses: Professional office, civic & institutional uses, cultural institutions, goods & services, live-work units, single-family residential, townhomes, multi-family.</p> <p>Secondary Land Uses: Parks</p> <p>Existing Zoning District: C-1 Central Business District, C-2 General Business, R-2 General Residential, M1 Industrial, Downtown Overlay</p> <p>Any Future Zoning District Designation: C-1 Central Business District, Neighborhood Business, Downtown Overlay</p> <p>General Development Pattern: Mixed use</p>	The Plan anticipates that future change will primarily consist of infill development on underutilized or vacant parcels. Importantly, the Plan emphasizes the importance of preserving historic character, enhancing the quality of development, and supporting additional economic growth and property value stability.

F. ADDITIONAL DOCUMENTATION SUBMITTED

- Special Use Permit Application
- Site Plan 1
- Site Plan 2 and elevation drawings
- Example renderings of similar indoor storage facilities provided by the applicant

G. SUMMARY OF STAFF COMMENTS AND RECOMMENDED CONDITIONS OF APPROVAL

In summary, Staff finds that the application, as conditioned, meets the criteria for approval of a Special Use Permit in the C-2 General Business District. The proposed indoor climate-controlled facility, subject to compliance with the recommended conditions, will not generate the same level of nuisance as traditional self-storage and is consistent with the City's broader goals for orderly infill development, economic growth, and neighborhood compatibility.

Staff respectfully recommends approval of the Special Use Permit with the conditions outlined below:

1. Internal Access to Storage Units.

All storage units shall be designed and constructed with access exclusively from internal corridors or interior points of entry. No storage unit shall be configured to allow direct entry or exit from the exterior of the building.

2. Reduced Setbacks and Streetscape Requirements.

A reduction in the required front yard setback is approved to allow infill development consistent with the established development pattern of the Central Business District. The building may be constructed with a zero-foot setback along the front and side property lines, provided that a continuous five-foot-wide planting strip is installed along the front property line, or alternatively, tree wells are installed at a consistent interval every twenty (20) feet with the planting of an approved street tree.

3. Building Massing and Façade Articulation

The building massing of all front and side façades shall be designed and constructed to avoid the appearance of a single, continuous wall plane. Façades shall be visually divided into sections not exceeding thirty (30) feet in width. Articulation shall be achieved through at least two of the following techniques: changes in wall plane depth (such as offsets, recesses, or projections), variation in exterior materials, and warm-toned finishes, the inclusion of columns or pilasters, or other substantial architectural features.

4. Commercial Activity within Storage Unit.

The operation of independently owned or operated onsite business activity within a storage unit shall be prohibited.

5. Management Contact Information Prominently Posted.

Contact information for property management shall be prominently posted and visible at the front entrance of the building.

H. BOARD OPTIONS

- Approval as presented. Note: An approval decision must be substantiated in the Board's findings of fact.
- 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: Brian McKinney (McKinney Trust) Phone Number: 828-442-0669

Property Owner's Mailing Address: 241 Major Conkey rd Marion, NC 28752

Applicant's Name (if different from above): _____

Same as 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: Corner of Garden & Fort St.

Parcel ID Number (PIN) 1701-68-7098 Zoning District: C2 Lot Size: 185' x 80'

Existing Use: Valent lot Proposed Use: Climate Controlled Storage

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.

Brian McKinney
SIGNATURE OF APPLICANT

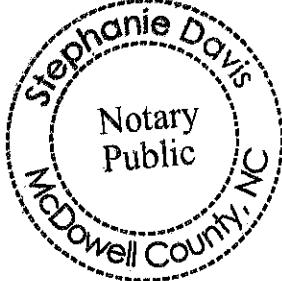
5-22-25

DATE

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL**

I, Stephanie Davis, a Notary Public, certify that Brian McKinney 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 22nd day of May, 20 25.

SEAL:



Stephanie Davis
Notary Public Signature

My Commission Expires 09/11/2026



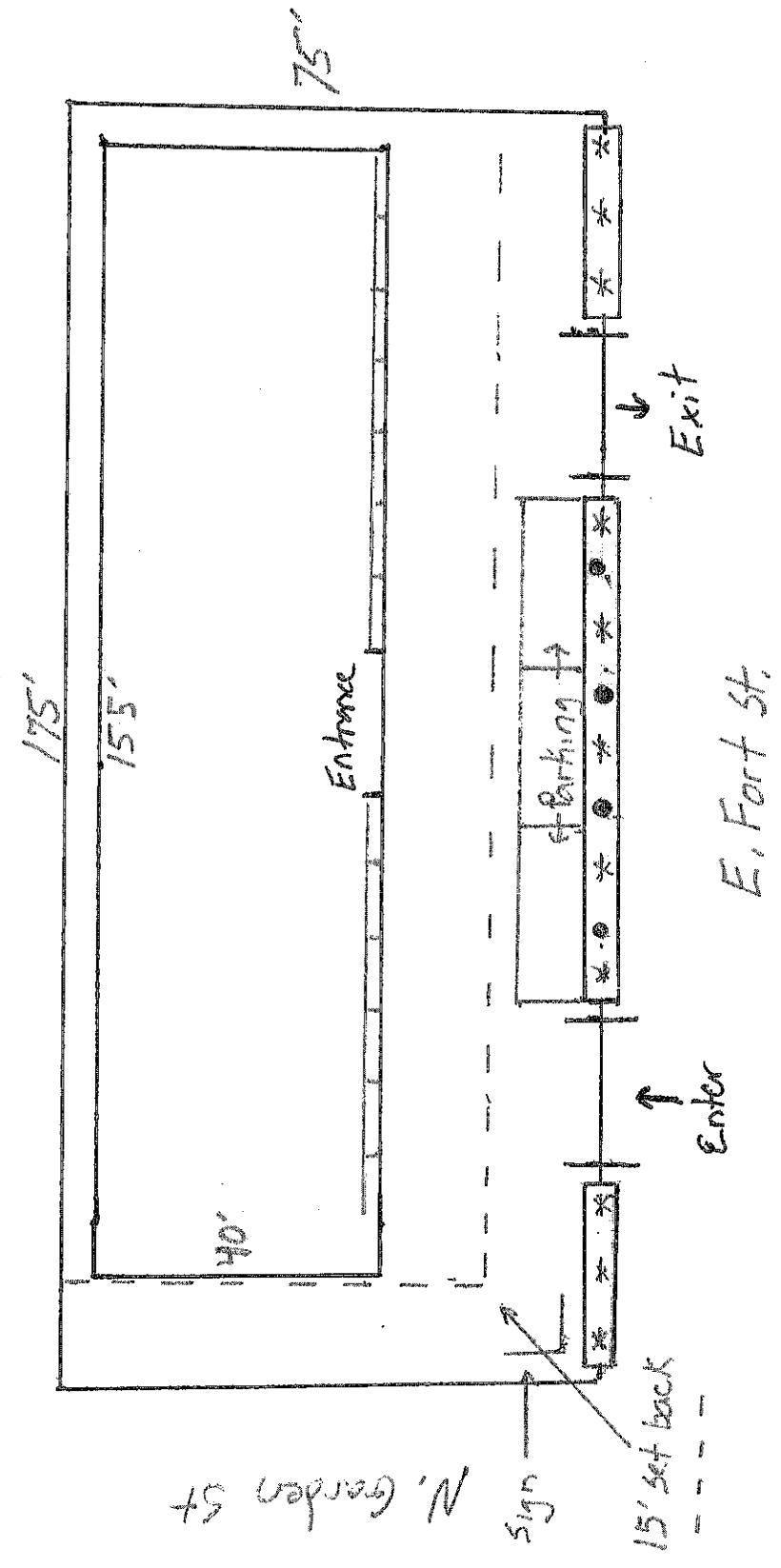
ECONOMY
SELF STORAGE





~6200 sq ft Climate Controlled Storage

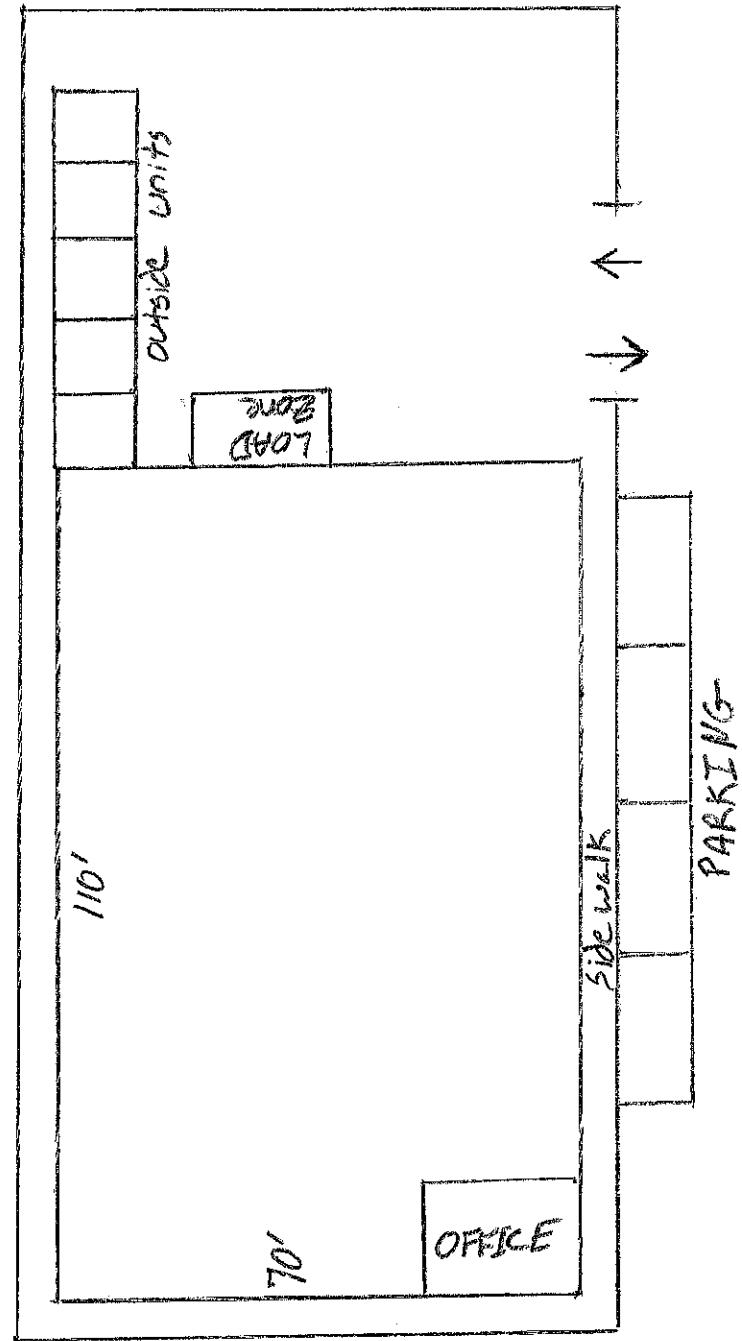
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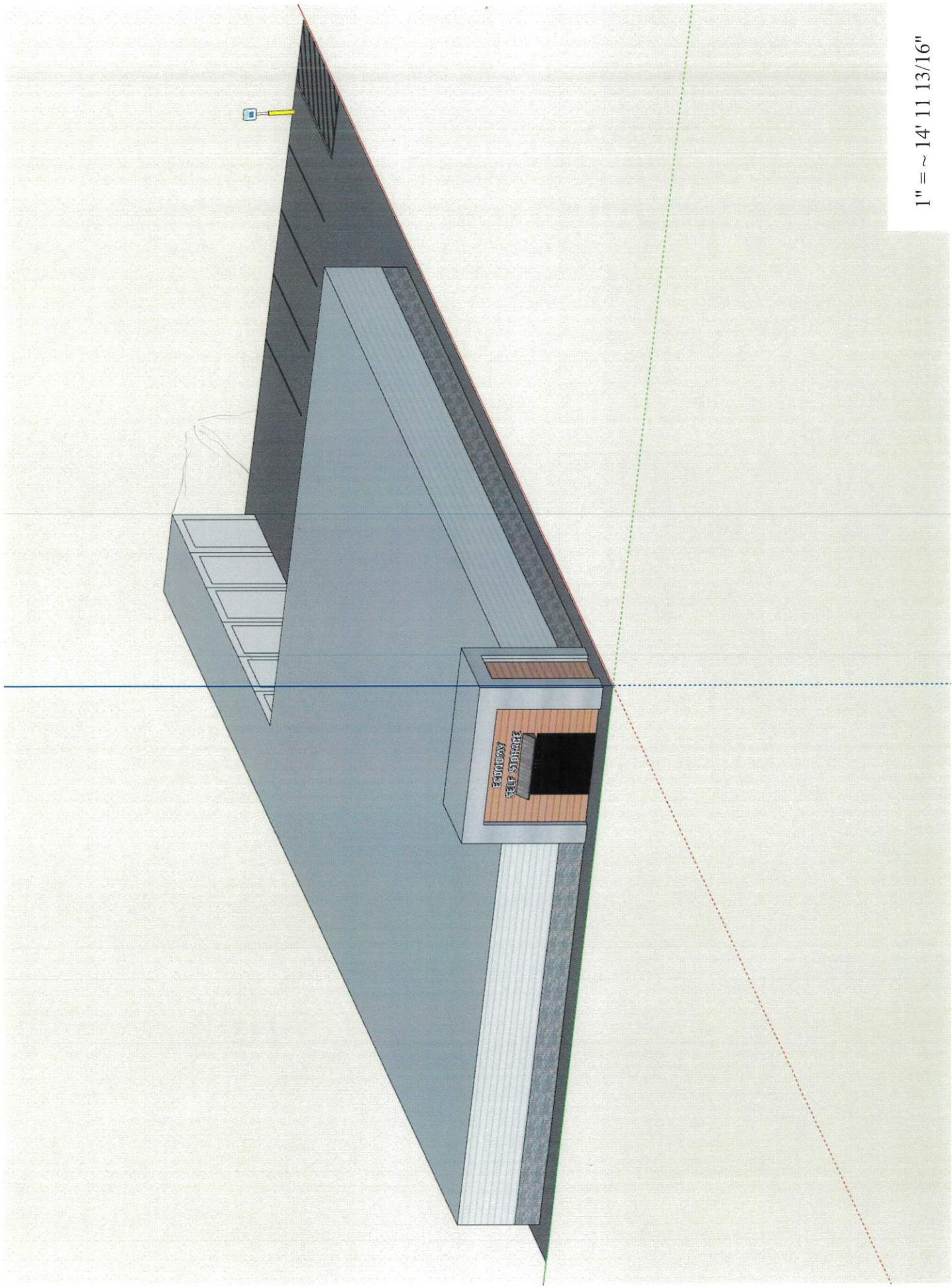
• (4) small trees

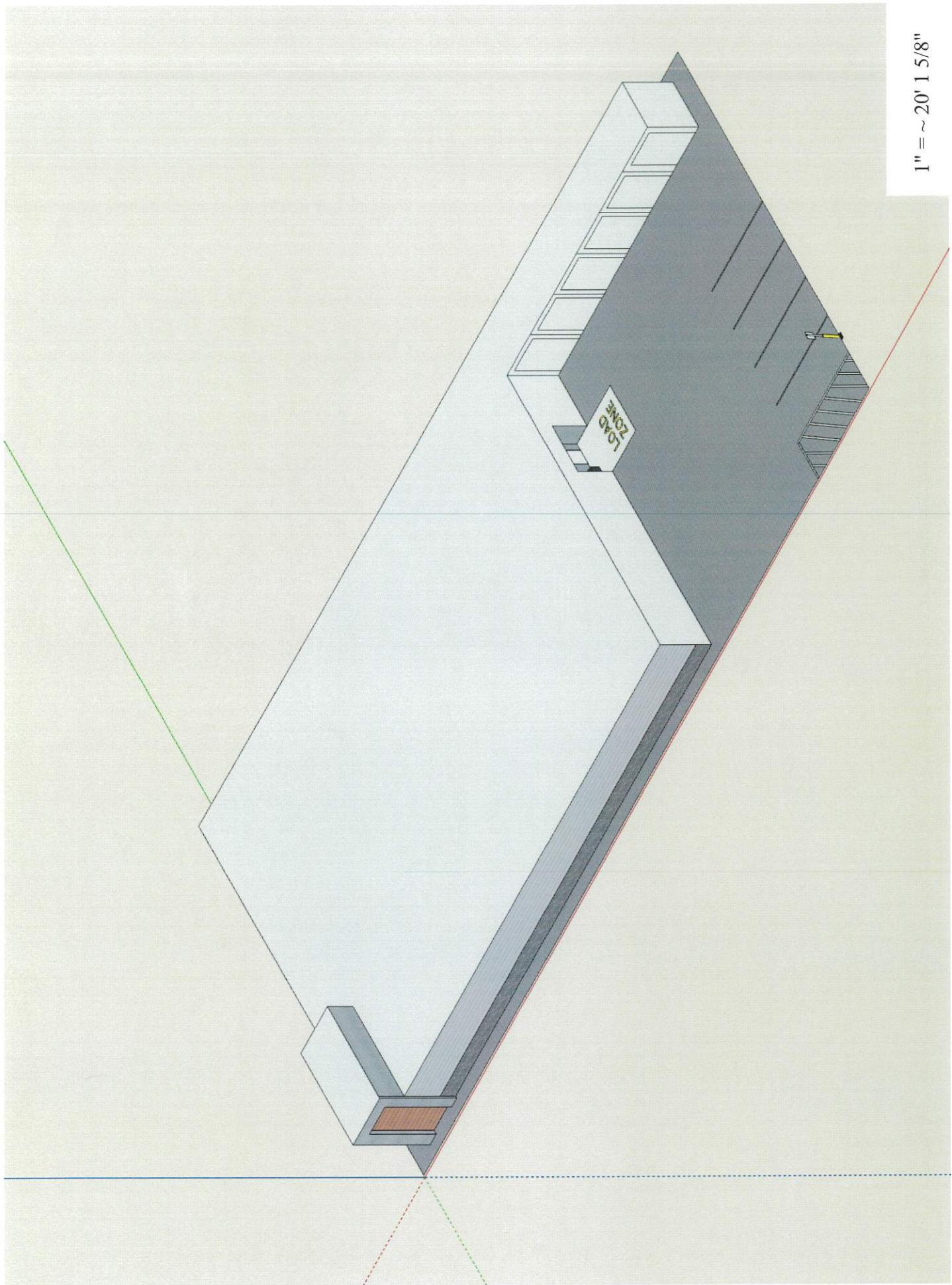
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7700 Sq Ft.









1" = ~ 20' 1 5/8"