Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

Public Hearing Staff Analysis
CZ-2-2026
1837 N. Aspen Street, PID 21085

Planning Board – April 21, 2026

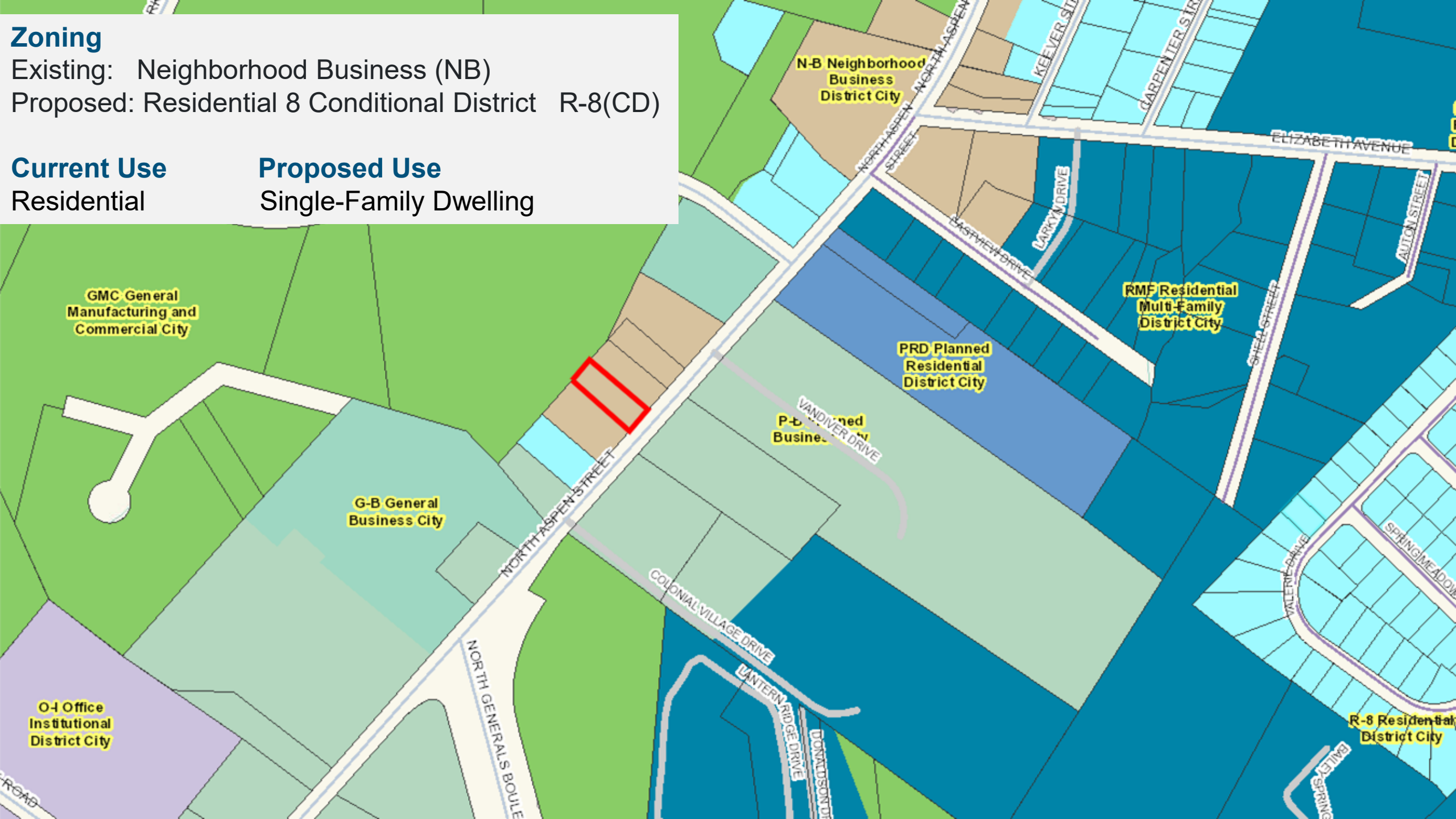
City Council – May 7, 2026

Zoning

Existing: Neighborhood Business (NB)

Proposed: Residential 8 Conditional District R-8(CD)

Current Use	Proposed Use
Residential	Single-Family Dwelling




Road Map
Topo
ROAD
INDUSTRIAL PARK
ROAD
EASTVIEW DRIVE
VANDIVER DRIVE
NORTH ASPEN STREET
COLONIAL VILLAGE DRIVE
NORTH GENERAL

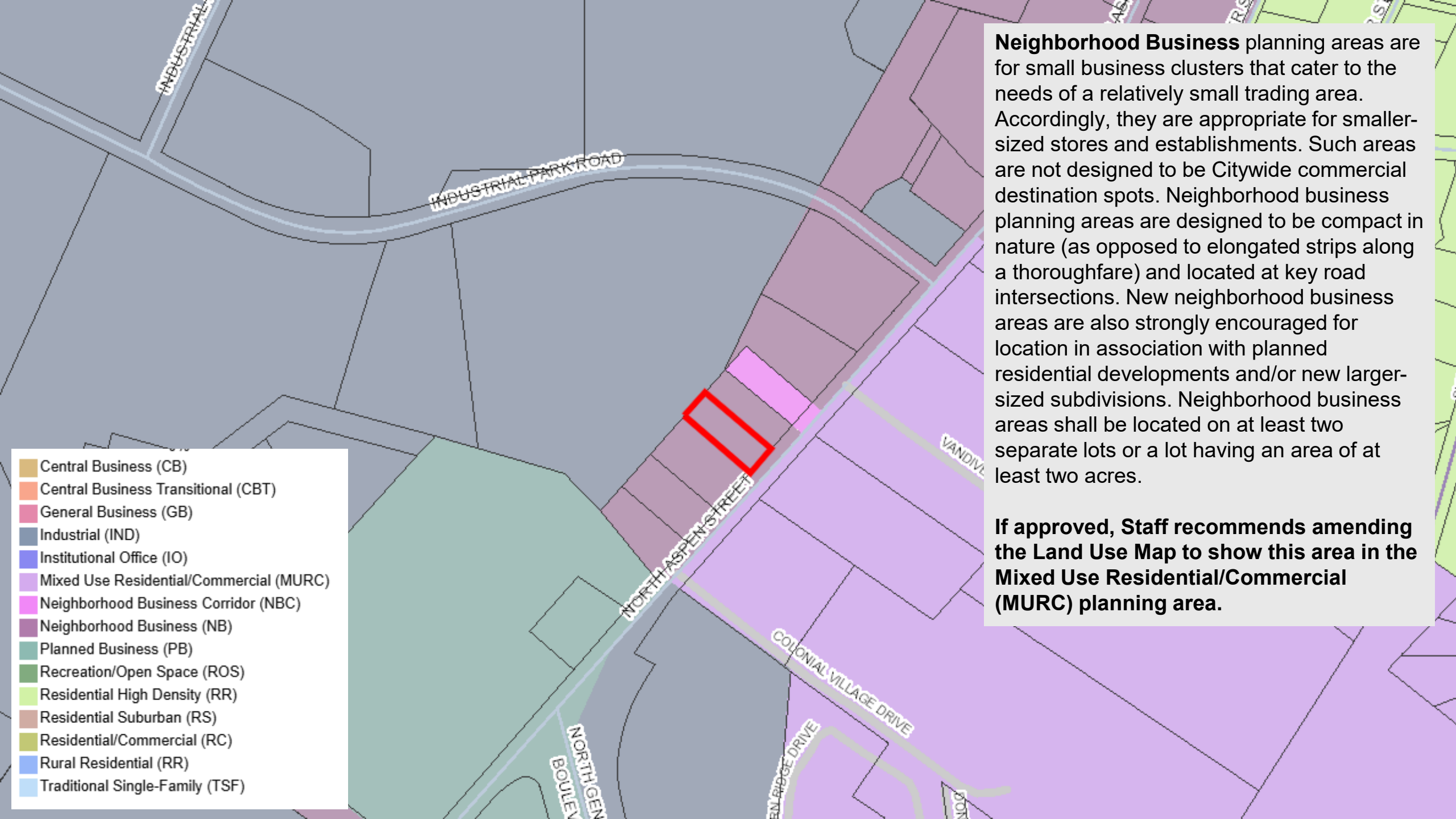
Background Information

This lot was originally zoned Residential 8. In 2016 (ZMA-5-2016), the owner applied for a Zoning Map Amendment to rezone the property to the Neighborhood Business zoning to permit a commercial use. The Lincolnton Land Use Plan identified the property as being in the Neighborhood Business Planning Area. The properties to the north and south have previously been rezoned to the NB District. The rezoning of the property to the Neighborhood Business (NB) District complied with the Land Use Plan. City Council approved the Zoning Map Amendment on October 6, 2016.





If approved, the existing, large rear accessory structure exceeds the maximum square footage allowed for residential accessory structures. Additionally, residential accessory structures cannot be taller than the primary residential dwelling. The approval conditions state that the structure may only be used for residential storage or as a residential garage; commercial use is not permitted. Furthermore, no additional accessory structures will be allowed on the lot. The smaller accessory structure must be removed since the larger, permanent structure exceeds the permitted size.



Neighborhood Business planning areas are for small business clusters that cater to the needs of a relatively small trading area. Accordingly, they are appropriate for smaller-sized stores and establishments. Such areas are not designed to be Citywide commercial destination spots. Neighborhood business planning areas are designed to be compact in nature (as opposed to elongated strips along a thoroughfare) and located at key road intersections. New neighborhood business areas are also strongly encouraged for location in association with planned residential developments and/or new larger-sized subdivisions. Neighborhood business areas shall be located on at least two separate lots or a lot having an area of at least two acres.

If approved, Staff recommends amending the Land Use Map to show this area in the Mixed Use Residential/Commercial (MURC) planning area.

Conditions of Approval

City Planning:

1. Large accessory structure may only be used for residential storage/garage.
2. No commercial use would be permitted within the accessory structure.
3. No commercial use would be allowed in the residence other than a Customary Home Occupation meeting the ordinance requirements.
4. The smaller accessory structure would need to be removed since the larger, permanent structure exceeds the allowed size.
5. No other accessory structures would be permitted on the lot.
6. Food Truck would need to be relocated to a commercial lot.

For the Board: Are there any Conditions of Approval you would like to add?
For the Applicant: Do you agree with the Conditions of Approval?

Staff's Proposed Statement of Consistency and Reasonableness for APPROVAL of Application

Case No. CZ-2-2026
Applicant: Javier Brito
Parcel ID#: 21085
Location: 1837 N. Aspen Street
Request: Rezone from NB to R-8 (CD)

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business Planning Areas. While the proposed rezoning request does not align with the Neighborhood Business Planning Area, it is consistent with the Land Use Plan and is reasonable for the following reasons.

The rezoning is **consistent** because:

1. The rezoning promotes innovative zoning to accommodate home ownership.
2. The notion of "mixed-use developments" is strongly encouraged throughout the Plan. Rather than continuing to segregate land uses, it is hoped that residential and commercial uses can be more integrated and designed to blend in and complement each other.

The rezoning is **reasonable** because:
1. Applicant has consistently used this location as his primary residence since 2011, and approval would not go against the goals and strategies of the Land Use Plan.

Staff's Proposed Statement of Consistency and Reasonableness for DENIAL of Application

Case No. CZ-2-2026
Applicant: Javier Brito
Parcel ID#: 21085
Location: 1837 N. Aspen Street
Request: Rezone from NB to R-8 (CD)

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business Planning Area. The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan. This area is planned for future commercial development and should be reserved for that purpose. Therefore, **denial of the proposed amendment is reasonable and in the public interest.**

If the Planning Board approves the request the following need to be included in the motion:

- Approve the rezoning of the property from Neighborhood Business to Residential 8 Conditional District – R-8(CD)
- Approve the statement of consistency and reasonableness for approval of the rezoning request
- Amend the Future Land Use Map to show the area in the Mixed/Used Residential Commercial planning area.

MOTIONS FOR PUBLIC HEARING

For approval of the request:

- Motion to approve with Staff recommendations

For denial of request:

- Deny the rezoning of the property from Neighborhood Business to Residential-8 Conditional District R-8(CD)
- Approve the statement of consistency and reasonableness for denial of the rezoning request