Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

Public Hearing Staff Analysis
CZ-2-2025
416 Louise Avenue
Parcel 01233

Zoning:

Existing: R-10

Proposed: Neighborhood Business (NB-CD)

Current Use:

Church

Proposed Use:

Church with an accessory use of a Hair Salon.

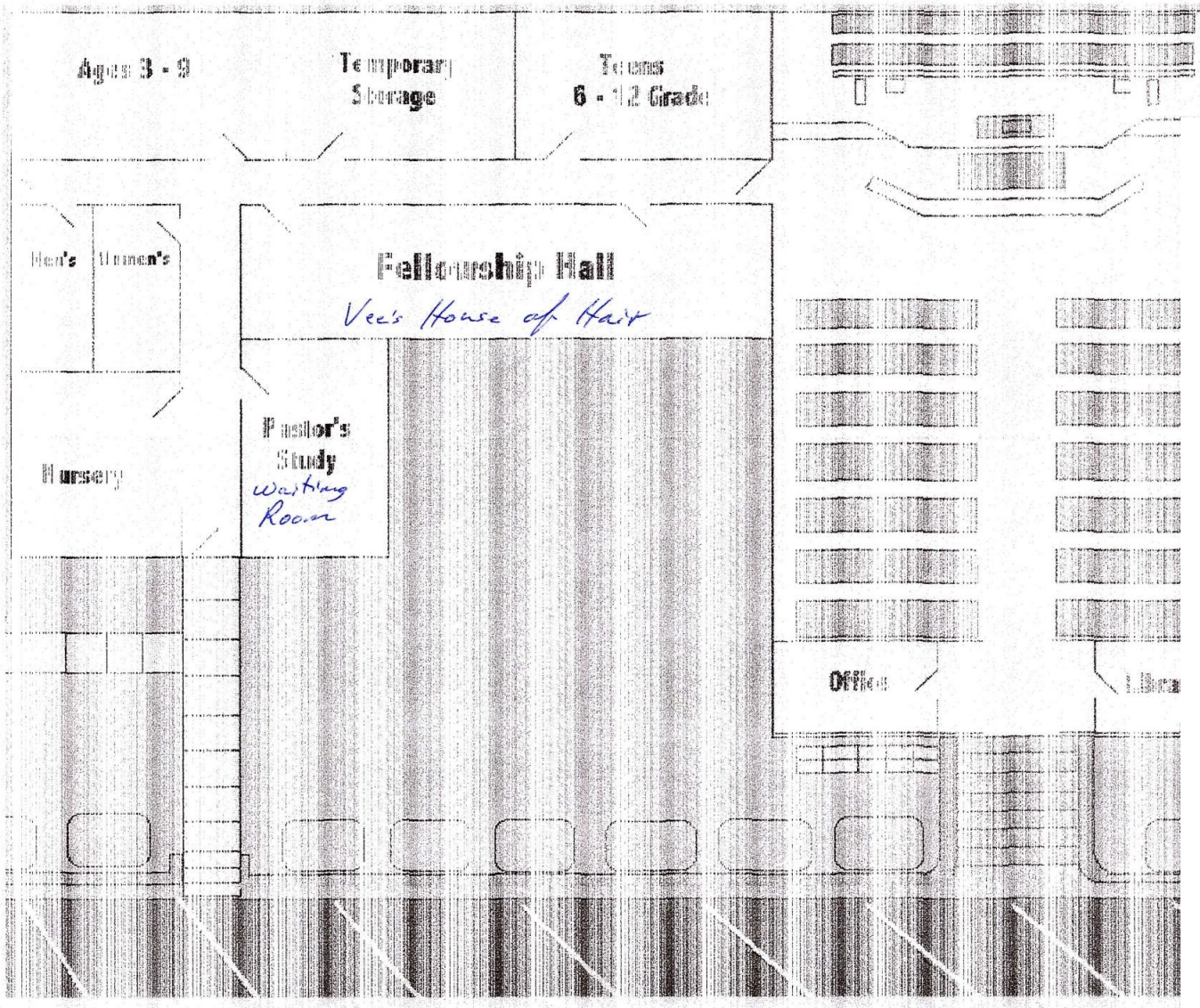
Background:

The church was built in 1955, prior to zoning, and has either been a church or been for sale as a church since then. The church is a nonconforming use that is allowed to continue.




VICTOR STREET
LOUISE AVENUE
FORNEY AVENUE
NORTH GROVE STREET
LOUISE AVENUE
BONVIEW AVENUE


Z



2/5/2025

VEE'S HOUSE OF HAIR

HAIR SALON- We are licensed and trained Cosmologists who perform a range of client services, which includes cutting, coloring and chemically treating hair, eyebrow waxing, relaxing, permanent waves, braiding and so much more. There is more that we can do but we do not offer. These are the services that we do render to the clients we serve.

North Carolina's Cosmetic of Arts, requires inspections to take place annually for licensing of individual stylists and salon inspection. There's a waiting room area and bathroom accommodations for both male and female. There are two shampoo bowls, four dryers with four dryer chairs and three styling chairs and a storage closet.

Parking for the clients is not a problem. There's parking at the front of the building as well as a parking lot availability to accommodate the clients.

There are three licensed Hair Stylists occupying the three styling chairs, two of which are self- employed, booth renters. The days and hours of operation vary because of self-employment, and they schedule their own schedules.

Monday—Closed
Tuesday—9:00-7:00 pm (1) stylist// 4:00pm-9:30pm (1)stylist
Wednesday—8:00-4:00pm (1)stylist
Thursday—8:00-7:00pm (2)stylist// 8:00-10:00pm/ maybe (1)stylist
Friday—8:00-3:00pm (2)stylist// 8:00-7:00pm (1)
Saturday—9:00-3:00pm(1) not always

Respectfully,
Lorrie V. Jones

PERTINENT ORDINANCE INFORMATION:

§ 153.107 R-10 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT.

(A) Permitted uses. The following uses are permitted by right. The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.256.

(1) Single-family dwellings;
(2) Day care centers, small group;
(3) Customary home occupations in accordance with § 153.045 of this chapter;
(4) Family care homes;
(5) Essential services, Class I and II;
(6) Accessory structures in accordance with § 153.057 of this chapter;
(7) Signs in accordance with §§ 153.160 through 153.172 of this chapter;
(8) Off-street parking in accordance with §§ 153.185 through 153.188 of this chapter;
(9) Publicly owned and operated outdoor recreation facility one acre or less in size and not containing a swimming pool.

§ 153.136 NONCONFORMING USES OTHER THAN MANUFACTURED HOME PARKS, SIGNS AND JUNK YARDS.

(A) Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses, may continue only in accordance with the provisions of this subchapter.

(B) Normal structural repair and maintenance may be performed to allow the continuation of a nonconforming use (except as required in division (E) below of this section).

(C) A nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached) except pursuant to § 153.279(B) of this chapter. Any occupation of additional lands beyond the boundaries of the lot on which the nonconforming use is located is prohibited.

§ 153.045 CUSTOMARY HOME OCCUPATIONS.

Customary home occupations may be established in any dwelling unit. The following requirements shall apply in addition to all other applicable requirements of this chapter for the district in which the uses are located.

(J) Home occupations may only be conducted between the hours of **7:00 a.m. and 9:00 p.m.**

§ 153.112 N-B NEIGHBORHOOD BUSINESS DISTRICT.

(A) Permitted uses. The following uses are permitted by right.

(2) Services.

(a) Art and photography studio (excluding adult establishments);

(b) Automobile parking lot;

(c) Automobile wash establishment (self-service);

(d) Banks;

(e) Barber shop;

(f) Beauty shop;

(g) Bed and breakfast inn;

(h) Branch library;

(I) Churches;

This district is designed primarily for local business centers for retailing of merchandise such as groceries, drugs, and household items and for furnishing certain personal, business, and professional services. Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business developments. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated. Since this district is established to provide for small neighborhood-oriented businesses, limitations on gross floor areas are established for certain uses.

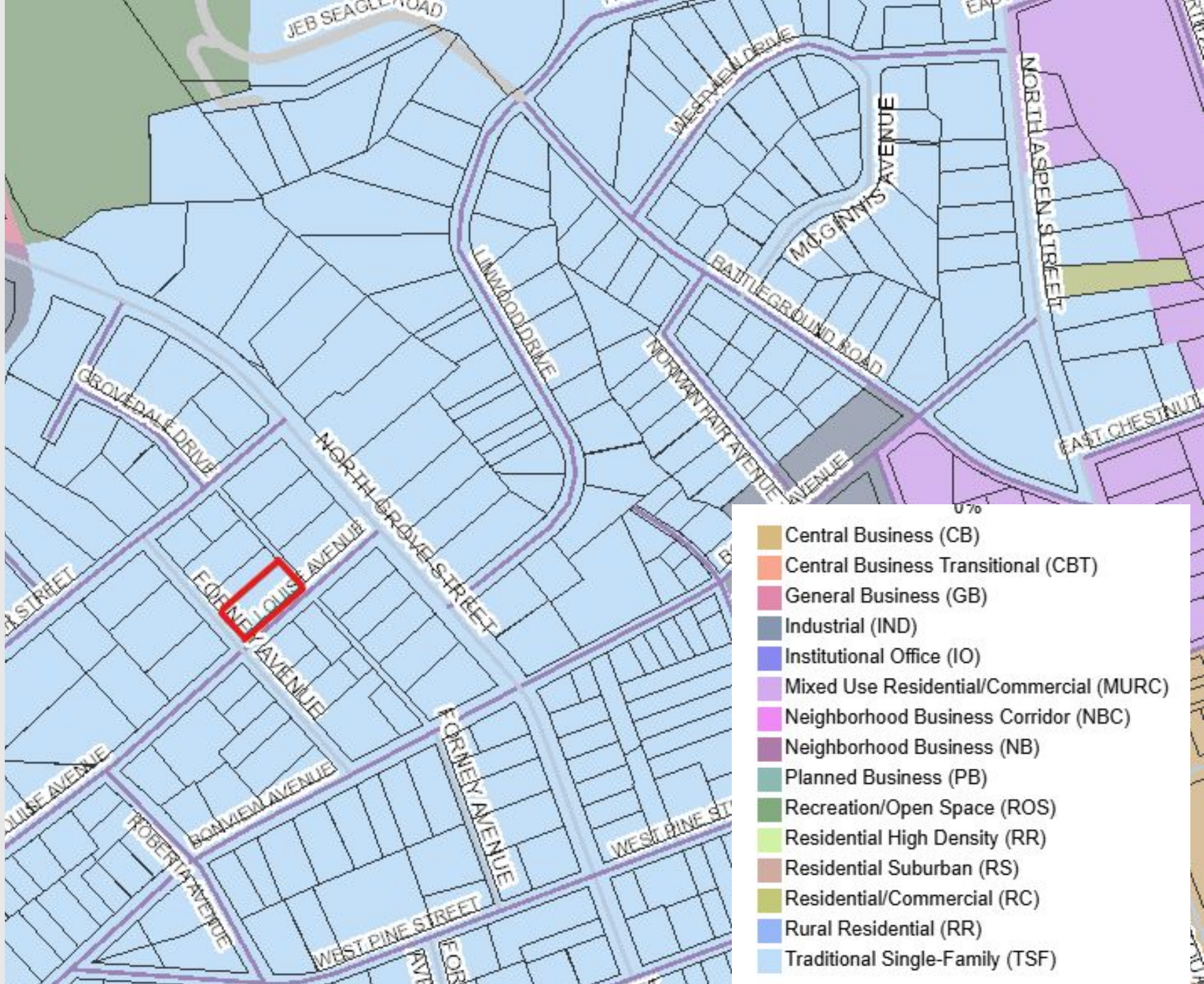
LAND USE PLAN COMPLIANCE

The land use plan shows the property in the **Traditional Single-Family Planning Area**.

Traditional Single Family These planning areas will consist of single-family uses on smaller to medium-sized lots in older, established portions of the community. As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.

Staff feels that this project is NOT consistent with the Land Use Plan.

If this rezoning were approved, the Future Land Use Map would need to be amended. The most appropriate designation would be the **Neighborhood Business Planning area.** These 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.



Conditions of Approval

City Planning:

1. Hours of operation should not go past 9:00 and **all customers would leave the premises by 9:00 PM.**
2. Any plumbing or electrical work would need to be permitted through Lincoln County Inspections.
3. If rezoning is approved, you need to apply for zoning permit with the City of Lincolnton and Change of Occupancy permit with Lincoln County for the business and for any new signs
4. Signage could only be a wall sign not to exceed 8 square feet
5. Would need to meet all building and fire code requirements
6. Screening either natural plantings or a privacy fence between the parking lot and 608 Forney Avenue as shown in diagram:



NOTE: The conditional zoning has an expiration date of 5 years from the date of approval. Any adjustments to the conditions of approval that do not affect the overall layout of the site plan and that are technical in nature, can be approved by the department making the comment/condition.

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

Case No. CZ-2-2025
Applicant: Lorrie Jones
Parcel ID#: 01233
Location: 416 Louise
Request: Rezone from R10 and NB(CD)

Proposed Consistency and Reasonableness Statement:
The Lincolnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is not consistent** however is consistent and reasonable with the Lincolnton Land Use Plan in the following ways.

CONSISTENCY:

- STRATEGY R-G1: Encourage mixed-use development (in a more urban manner) in areas other than Downtown.

REASONABLENESS:

- While this location is in a residential district, integrating a small-scale commercial use such as a beauty salon within a church aligns with the spirit of mixed-use development by promoting accessibility to services without altering the fundamental residential character of the neighborhood.

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

Case No. CZ-2-2025
Applicant: Lorrie Jones
Parcel ID#: 01233
Location: 416 Louise
Request: Rezone from R10 and NB(CD)

Proposed Consistency and Reasonableness Statement:
The Lincolnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan in the following ways:
CONSISTENCY:

- As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.
- Protect the integrity and viability of the City's established residential neighborhoods.

REASONABLENESS:

- The requested rezoning is **not reasonable** because it introduces a commercial use that does not align with the established zoning protections for residential areas. It is **not consistent** with the city's adopted land use plan, which explicitly seeks to protect residential neighborhoods from business encroachment. Allowing this rezoning could lead to further commercial pressures in other residential areas, jeopardizing neighborhood integrity.

Planning Board Vote

6-0 in favor of recommending denial of the conditional rezoning

Motion to Approve, make a motion that encompasses 1-4 or you need a motion for each item:

1. Approval of rezoning of the property from R-10 to NB(CD)
2. Approval of the statement of consistency for approval of the rezoning request
3. Zoning be effective upon receipt of signed conditions of approval
4. Amend the Land Use Plan to show the property in the Neighborhood Business Planning Area

Motion to Deny with Planning Board's recommendation:

1. Denial of rezoning of the property from R-10 to NB(CD)
2. Approval of the statement of consistency for denial of the rezoning request