

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**IN THE MATTER OF GRANTING/DENYING A VARIANCE**

**REQUESTED BY LONG PROPERTIES LLC**

**ADDRESS 0 LAKE DARR RD**

**PARCEL # 7717088835**

At their regularly scheduled meeting on January 8, 2024, the City of Trinity’s Board of Adjustment heard the variance request of Long Properties, LLC to allow a variance for the property located at Lake Darr Rd. and known as Tax PIN #7717088835. The property is zoned R-40. The variance grants relief from the requirements of **Article IX Section 9-2** and **Article XII Section 12-4** of the **Zoning Ordinance of the City of Trinity**. The lot in question is a preexisting nonconforming lot of record. **Article IX 9-2** states:

*When a lot has an area that does not conform to the dimensional requirements of the district where they are located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be built upon if compliance is achieved with regard to setback dimensions, width, and other requirements, regardless of lot area. Lots that cannot meet the setback, width, and/or buffering requirements of this Ordinance may seek a variance from the Board of Adjustment.*

The lot in question has a width of 75 feet and requires 100 feet at the building line. This is a variance of twenty-five (25) feet to the required width of Section 12-4 of the City of Trinity’s Zoning Ordinance for the M-1 zoning district:

*Section 12-4 Yard, Area and Height Requirements (excerpt)*

<b>Table 12-4 AREA, YARD &amp; HEIGHT REQUIREMENTS</b>						
<b>District</b>	<b>Minimum Lot Size, (Sq. ft.)</b>	<b>Min. Lot Width at Bldg. Line (ft.)</b>	<b>Min. Front Yard Setback (ft.)</b>	<b>Min. Side Yard Setback (ft.)</b>	<b>Min. Rear Yard Setback (ft.)</b>	<b>Max Height (ft.)</b>
<b><u>R-40 Residential Single-Family</u></b>	40,000	100	40	10 (a)	25 (e) (g)	35

The Board of Adjustment recessed until January 11, 2024 and voted unanimously to approve.

According to North Carolina General Statute (NCGS) 160D and the City of Trinity’s Zoning Ordinance, the City of Trinity’s Board of Adjustment makes the following findings of fact and conclusions of law as provided in NCGS 160D-406.

**A. Determinations That Variance Will Not Violate Other Provisions of Ordinance.**

The City of Trinity’s Board of Adjustment determines that the variance will not allow the following:

1. Will not allow the establishment of a use not otherwise permitted in a district by this ordinance,
2. Will not extend in area or expand a non-conforming use of land,
3. Will not change the district boundaries shown on the zoning map,
4. Will not materially diminish or impair established property values within the surrounding area, and
5. Will not in any other respect impair the public health, safety, morals, and general welfare.

**B. Findings of Fact:**

The City of Trinity Board of Adjustment finds that the following conditions exist:

1. Unnecessary hardship would result from the strict application of the regulation.
2. The hardship results from conditions of location and topography that are peculiar to the property.
3. The hardship did not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

**C. Conditions prescribed in the granting of the variance:**

The Board prescribes the following conditions for the variance request to be granted:

1. Development of the parcel will comply with all other requirements of the Zoning Ordinance.

**D. Other issues that were considered when making a decision:**

1. The variance would allow for construction of a single-family residential home.
2. The lot size was in no way inconsistent with a large number of lots in the Lake Darr area.
3. The Lake Darr area has infrastructure (water and sewer) that allows for denser development.

Adopted: January 11, 2024.

Attest:

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Darien Comer, City Clerk

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Richard McNabb, Mayor