

# CHAD LONG APPEAL

July 28<sup>th</sup>, 2023

Long Properties, LLC  
401 Belgian Dr  
Archdale, NC 27263  
chad@ntouchwireless.net  
336-861-2005

Board of Adjustment  
City of Trinity  
5978 NC-62  
Trinity, NC 27370

Subject: Appeal for Construction of Duplexes on Non-Conforming Lots

Dear Members of the Board of Adjustment,

Please accept this as my appeal on behalf of Long Properties, LLC to allow the construction of duplexes on non-conforming lots within the City of Trinity and described per the following PIN#: (7717088465 & 7717089445), (7717197008 & 7717197058), 7718006409, 7718005511, 7717085855, 7717180676 & 7718007416. While the proposed duplexes will meet ALL setback requirements for R40 Zoning outlined in section 12-4 of the City's Ordinance, they do not comply with the prescribed minimum lot size. However again per the City's Ordinance Sections 9-1 & 9-2 they in fact meet the standard for non-conforming lots that were developed in the 1950's & 1960's.

***Section 9-1: Purpose and Intent** If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures and use of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their continuance. Such nonconformities are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.*

***Section 9-2: Nonconforming Lots of Record Single Lots of Record** When a lot has an area which 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 Adjustments.*

***In addition to these lots complying with all city ordinances and contrary to the City Staff's written opinion they are ALL legal lots. Furthermore, they meet ALL watershed requirements and do not require combining of any adjoining lots other than what we have proposed ourselves.***

I would like to bring to your attention that the non-conforming lots in question present a unique circumstance that warrants a variance. As per the existing ordinance, the square footage requirement is

one of the criteria for the construction of buildings. However, it is crucial to consider that these lots were developed prior to the current zoning regulations and have pre-existing size that are non-conforming. Which is in line with the above ordinance.

Granting a variance in this situation would serve multiple purposes. Firstly, it would allow for the efficient use of available land and promote responsible development within the City of Trinity. By permitting the construction of duplexes on these non-conforming lots, we can optimize the use of space without compromising the existing structures or their setbacks.

Secondly, the proposed duplexes would contribute to addressing the growing demand for affordable housing in our community. The City of Trinity, like many others, is facing a shortage of affordable housing options, and by allowing the construction of duplexes, we can help alleviate some of the strain on the housing market. This would provide individuals and families with more accessible and cost-effective housing choices, while preserving the character and integrity of the neighborhood, in fact our project will turn this neighborhood around.

Lastly, granting this variance would be consistent with the principles of fairness and equity. It acknowledges the unique circumstances of these non-conforming lots and allows for a reasonable and practical solution that benefits both the property owners and the community at large.

In conclusion, I respectfully request that the Board of Adjustments reconsider the City Staffs decision that we feel was made in error based on the City's own Ordinances where the square footage/lot size is not a requirement in relation to the non-conforming lots in question and grant a variance to allow the construction of duplexes that will meet setbacks and watershed requirements but not the prescribed square footage. Furthermore, it is important to note that the construction of duplexes on these non-conforming lots would not create any adverse impact on the surrounding properties or violate any other existing zoning regulations. The setback requirements will be met, ensuring that the duplexes do not encroach upon neighboring properties or disrupt the established visual appeal of the neighborhood and will promote responsible development, address the need for affordable housing, ensure compliance with setback regulations, and maintain the character of the neighborhood.

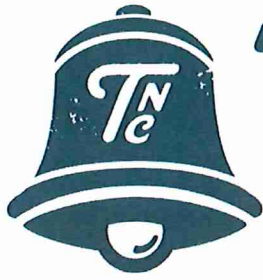
Thank you for your time and consideration. I am available to provide any additional information or answer any questions you may have regarding this variance appeal. I trust in the Board's commitment to fairness and its dedication to fostering a vibrant and inclusive community in the City of Trinity.

H. Chad Long  
Long Properties Manager

[Signature]  
Signature

H. Chad Long  
GMPC RP, LLC Manager

[Signature]  
Signature



# TRINITY

## NORTH CAROLINA

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August 17, 2023

Mr. Chad Long  
Long Properties LLC  
401 Belgian Drive  
Archdale NC 27263

Mr. Long:

Per your request I am providing you with a written explanation of the decision not to allow the construction of duplex apartments on your lots in the Darr Rd. Area. The current zoning of your properties is R-40 and does allow duplex apartments but there are further requirements that have been adopted. For duplex construction you are required to have a 50,000 square foot lot. Please refer to table 12-4 in Section 12-4 of the City of Trinity Zoning Ordinance. I think this is important to note as it shows an intent on the part of the City of Trinity to be more restrictive on duplex development in residential neighborhoods and explains why we have felt we were on more solid footing on single family residential development versus duplex.

We have no record the lots in question were ever approved building lots. I think I need to clarify this point. Early in subdivision development, surveyors would lay out 25-foot-wide strips of land when dividing property. These are still seen on the GIS system today as dotted lines. It was then up to the consumer to decide what he wanted and combine them into a building lot be it a 100 foot wide lot, 125 foot wide lot etc. This often created odd lots out of the leftover strips of land. This did not make them legal building lots once zoning was adopted. I can assure you had Trinity never incorporated the position of Randolph County was the same. Provided setbacks could be met, the septic and repair areas could be accommodated, and the intent of the ordinance honored Randolph County would at times “grandfather” lots but they were not allowed by right. If that were the case there would

have been 25 ft wide lots recorded as building lots. The position of the City of Trinity is the same.

Finally it should be noted if any lot is unable to meet state federal watershed regulations it is not a developable lot and we would not issue a zoning permit. There is a process by which you can ask for a variance but for that information you would need to reach out to the North Carolina Department of Environmental Quality (DEQ). The regional office for our district is in Winston Salem and can be reached at 336-776-9800.

I hope this helps clarify matters and I wish you a good day

Sincerely,

Jay Dale, Planner

**§ 160D-705. Quasi-judicial zoning decisions.**

(a) Provisions of Ordinance. – The zoning or unified development ordinance may provide that the board of adjustment, planning board, or governing board hear and decide quasi-judicial zoning decisions. The board shall follow quasi-judicial procedures as specified in G.S. 160D-406 when making any quasi-judicial decision.

(b) Appeals. – Except as otherwise provided by this Chapter, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of the zoning regulation or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of G.S. 160D-405 and G.S. 160D-406 are applicable to these appeals.

(c) Special Use Permits. – The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds.

(d) Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (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.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 17, 50(b), 51(a), (b), (d).)

**§ 160D-405. Appeals of administrative decisions.**

(a) Appeals. – Except as provided in G.S. 160D-1403.1, appeals of administrative decisions made by the staff under this Chapter shall be made to the board of adjustment unless a different board is provided or authorized otherwise by statute or an ordinance adopted pursuant to this Chapter. If this function of the board of adjustment is assigned to any other board pursuant to G.S. 160D-302(b), that board shall comply with all of the procedures and processes applicable to a board of adjustment hearing appeals. Appeal of a decision made pursuant to an erosion and sedimentation control regulation, a stormwater control regulation, or a provision of the housing code shall not be made to the board of adjustment unless required by a local government ordinance or code provision. Appeals of administrative decisions on subdivision plats shall be made as provided in G.S. 160D-1403.

(b) Standing. – Any person who has standing under G.S. 160D-1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the local government clerk or a local government official designated by ordinance. The notice of appeal shall state the grounds for the appeal.

(c) Repealed by Session Laws 2020-25, s. 10, effective June 19, 2020.

(d) Time to Appeal. – The owner or other party has 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

(e) Record of Decision. – The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(f) Stays. – An appeal of a notice of violation or other enforcement order to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal or during the pendency of any civil proceeding authorized by law or related appeal. If, however, the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation, then enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after the request is filed.

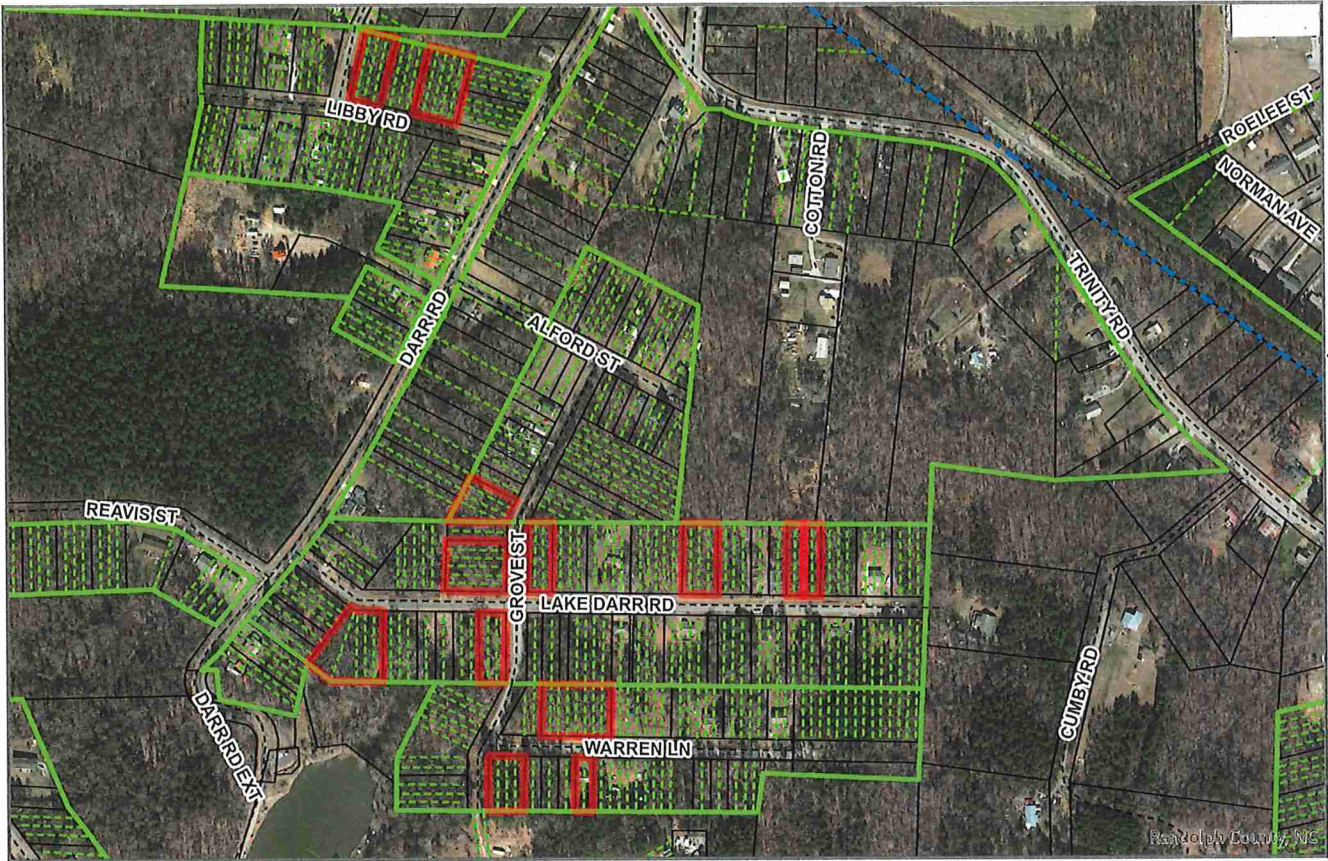
Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or local government may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

(g) Alternative Dispute Resolution. – The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage voluntary alternative dispute resolution.

(h) No Estoppel. – G.S. 160D-1403.2, limiting a local government's use of the defense of estoppel, applies to proceedings under this section. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 10, 50(b), 51(a), (b), (d); 2022-62, s. 59(a).)



# Randolph County, NC



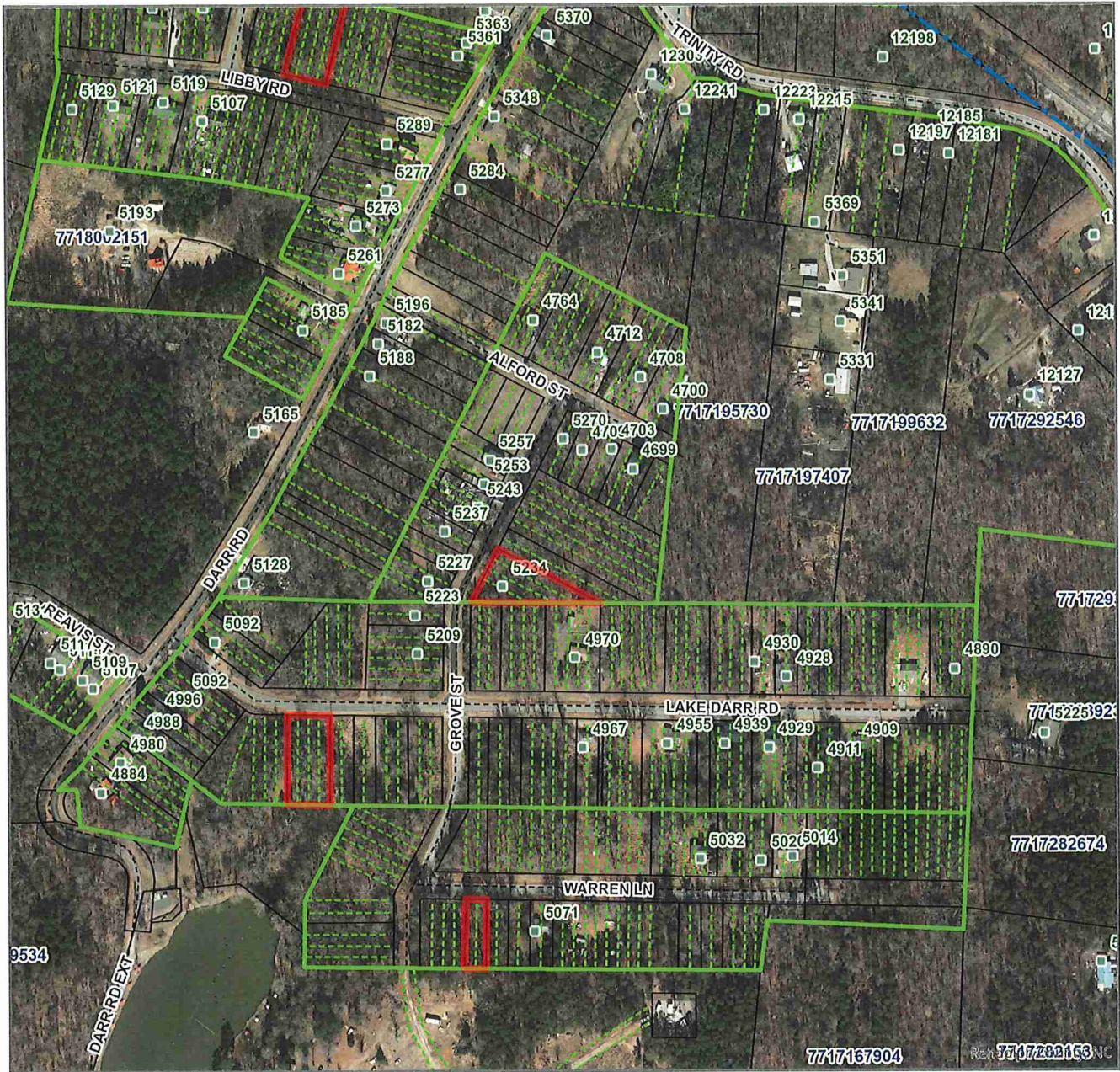
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2	7717088465 24048 LONG PROPERTIES LLC No Physical Address	7	7717180485 24131 LONG PROPERTIES LLC 5071 WARREN LN
3	7717088835 24049 LONG PROPERTIES LLC No Physical Address	8	7717180676 24133 LONG PROPERTIES LLC No Physical Address
4	7717097087 24062 LONG PROPERTIES LLC 5209 GROVE ST	9	7717194038 24176 LONG PROPERTIES LLC No Physical Address
5	7717098226 24067 LONG PROPERTIES LLC 5227 GROVE ST	10	7717197008 24182 LONG PROPERTIES LLC No Physical Address



*Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.*

**Map Scale**  
**1 inch = 564 feet**  
 8/31/2023

# Randolph County, NC



1	7717085855 24041 GMPC RP LLC No Physical Address	3	7717190244 24160 GMPC RP LLC 5234 GROVE ST
2	7717089445 24050 GMPC RP LLC No Physical Address	4	7718006409 25189 GMPC RP LLC No Physical Address



*Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.*

Map Scale  
**1 inch = 376 feet**  
 8/31/2023

**ARTICLE IX**  
**NONCONFORMITIES**

**Section 9-1 Purpose and Intent**

If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures and use of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their continuance. Such nonconformities are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**Section 9-2 Nonconforming Lots of Record**

Single Lots of Record

When a lot has an area which 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 Adjustments.

**Section 9-3 Nonconforming Uses of Land**

- 1) Extensions of Use. Nonconforming uses of land shall not be enlarged or extended in any way unless otherwise stated in this section.
- 2) Change of Use. When a non-conforming use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- 3) Nonconforming Residential Uses of Land - In the case of a residence that is a nonconforming use of land in a commercial or industrial zone, such residence may be repaired, rebuilt or added to as long as the dimensional requirements of the district are met. Minor variances in setbacks due to lot size may be presented to the Board of Adjustment for consideration. This policy is adopted in the interest of maintaining an adequate stock of housing in Trinity.
- 4) Manufactured Homes as Nonconforming Residential Uses - Manufactured homes on individual zoning lots, are a nonconforming use in Trinity. However, in the interest of maintaining an adequate housing stock in the community, existing manufactured homes are allowed to continue and in certain instances may be replaced.
  - (a) Continuation of a Manufactured Home on An Individual Lot – A manufactured home on an individual lot may be continued, provided that within six months from the date of adoption of this Ordinance it shall be tied down to resist overturning in the event of high winds. All tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.

Section 12-4

Yard, Area and Height Requirements

Table 12-4 AREA, YARD & HEIGHT REQUIREMENTS

District	Minimum Lot Size, (Sq. ft.)	Min. Lot Width at Bldg. Line (ft.)	Min. Front Yard Setback (ft.)	Min. Side Yard Setback (ft.)	Min. Rear Yard Setback (ft.)	Max Height (ft.)
<b><u>RA Residential Agricultural</u></b>						
Single Family	2.5 acres	100	40	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Two Family		100	40	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
<b><u>R-40 Residential</u></b>						
Single-Family	40,000	100	40	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Two-Family	50,000	100	40	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
<b><u>R-20 Residential</u></b>						
Single-Family	20,000	80	30	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
<b><u>R-12 Residential (3 units/acre)</u></b>	12,000	75	30	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Single-Family						
<b><u>R-10 Residential (4 units/acre)</u></b>	10,000	60	30	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Single-Family						
<b><u>RM Mixed Residential</u></b>						
Single Family	10,000 (4 units/acre)	60	30	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Two Family(1)	20,000	80	30 <sup>(d)</sup>	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Multi Family (Special use)(1)	12,000+ 3,000 for each unit over 2	N/A	N/A	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Townhomes	Same as multi-family	N/A	15	10'between buildings	25 <sup>(e)(g)</sup>	35
<b><u>RM-U Mixed Residential Urban</u></b>						
Single Family	10,000 (4 units/acre)	N/A	10	10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Two Family(1)	20,000			10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Multi Family (Special use)(1)	12,000+ 3,000 for each unit over 2			10 <sup>(a)</sup>	25 <sup>(e)(g)</sup>	35
Townhomes	Same as multi-family		15	10'between buildings	25 <sup>(e)(g)</sup>	35
Non-Residential	N/A					