



# Memorandum

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**TO:** Richard McNabb, Mayor  
City Council Members

**FROM:** Jay Dale, Planner

**CC:** Stevie Cox, City Manager

**DATE:** 11/07/2023

**REF:** Appeal and Variance Requests.

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**Summary:**

**APPEAL**

Chad Long (Long Properties LLC) of Archdale, North Carolina wishes to place a duplex on a number of lots he owns in the Lake Darr community. Mr. Long is appealing the determination of the Zoning Administrator in the interpretation of the City of Trinity Zoning Ordinance **Article IX Section 9-2** (Nonconforming Lots of Record) which states:

*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 the Ordinance may seek a variance from the Board of Adjustment.*

**Article IX Section 9-1** clarifies the intent of the ordinance and states:

*If, within the districts established by this ordinance, or by amendments that may later be adopted, there exists lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would prohibit 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.*

The Zoning Administrator determined that the larger lot size of 50,000 square feet required for a Two-Family home (duplex) in RA (Residential Agricultural) zoned property versus 40,000 square feet for Single-Family laid out in **Section 12-4** of the City of Trinity Zoning Ordinance is a buffer and therefore a variance would be necessary to place a duplex on Mr. Long's lots. The lots in question are PIN 7717088465, 7717194038, 77178005511, 7717088835, 7717197008, 7717197058, 7718006409, and 7717085855.

The Appeal was heard was closed and the decision tabled by the Board of Adjustment on October 10, 2023 so that City of Trinity Staff would have the opportunity to review evidence submitted by Mr. Chad Long.

## **VARIANCE**

Should the City Council reverse the decision of the Zoning Official, Mr. Long is requesting a variance from the minimum side yard setback regulations for R-40 (Residential Agricultural) laid out in Section **12-4** of the City of Trinity Zoning Ordinance for lots PIN 7717099160 and 7717088835.

### **Recommendation:**

N/A

### **Attachments:**

#### **APPEAL**

- Request for appeal letter from Mr. Long
- Letter explain the zoning determination to Mr. Long
- Maps of properties owned by Mr. Long
- Article IX
- Section 12-4

#### **VARIANCE**

- Copy of Variance Applications.
- Map of lot PIN 7717099160
- Map of lot PIN 7717088835