



# Memorandum

---

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

**FROM:** Jay Dale, Planner

**CC:** Stevie Cox, City Manager

**DATE:** 01/04/2024

**ATTACHMENT:** Order of the Board of Adjustment – Chad Long Appeal

---

**Summary:**

Chad Long (Long Properties LLC) of Archdale, North Carolina, requested permits to place a duplex on multiple lots he owns in the Lake Darr community. After the permits were denied, Mr. Long appealed 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 pothier 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 lots in question, PIN 7717088465, 7717194038, 77178005511, 7717088835, 7717197008, 7717197058, 7718006409, and 7717085855, did not meet the requirements, nor the spirit and intent of the Zoning Ordinance.

The Appeal was heard by the Board of Adjustment on November 13, 2023, at which time the Board of Adjustment voted unanimously to uphold the determination of the Zoning Administrator.