



City of Trinity Variance Application

Date: July 02th 2024

Property Owner Information:

Property Owner: DFKK LLC

Address: 5638 Uwharrie Road

City: Archdale State: NC Zip: 27263

Phone: (home/work) 336-434-9000 (cell) _____

E-mail: _____

Applicant Information (note: must show proof as to legally representing property owner):

Applicant: Martin Lamberg

Address: 5608 Uwharrie Road

City: Archdale State: NC Zip: 27263

Phone: (home/work) 336-434-9080 (cell) _____

E-mail: mlamberg@jowat.com

Site Information:

PIN # 7708058699

Property Address: 5638 Uwharrie Road, Archdale NC 27263

Zoning District: Trinity District, Market Area 0967

Are there any structures currently on the property? yes no

List structures: 19,200 sq ft concrete tilt-up

What is the current land use on the property (i.e., commercial, residential, farming, vacant etc.)?

Industrial

Reason for Variance:

Describe situation which prompted the need for a variance, and, if applicable, how much of a variance is needed for from minimum dimensional requirements: Jowat would like to request a 40 foot variance to place a loading and unloading zone at 5638 Uwharrie Road. We want to put an unloading zone on the Uwharrie Road side of our building so we can load and unload truck directly into the warehouse section of our new PUR building. We only have 2 docks for shipping and receiving at the front of the building. This requires a significant amount of forklift traffic to traverse the production section of the building. By placing an unloading zone outside and installing a door in our warehouse section, we would eliminate all nonessential forklift traffic in the production area tremendously increasing safety.

ORDINANCE PROVISIONS FOR GRANTING A VARIANCE:

The Board of Adjustment (City Council) does not have unlimited discretion in deciding when to grant a variance. Article XIV, Section 16-8 of the City's Zoning Ordinance states:

"When practical difficulties or unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the Board of Adjustments shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the Board.

These regulations may provide that the Board of Adjustments may determine and vary their application in harmony with the general purpose and intent and in accordance with general or specific rules therein contained; provided no change is permitted uses may be authorized by variance.

- (1) Determination that Variance Will Not Violate Other Ordinance Provisions. In considering all proposed variances to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variance will not allow the establishment of a use not otherwise permitted in a district by this ordinance; extend in area or expand a non-conforming use of land; change the district boundaries shown on the zoning map; impair any adequate supply of light and air to adjacent property; materially increase the public danger of fire; materially diminish or impair established property values within the surrounding area; or in any other respect impair the public health, safety, morals, and general welfare.
- (2) Findings. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:
 - (a). There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or

topography that are not applicable to other lands or structures in the same district.

- (b). Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located.
 - (c). A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
 - (d). The requested variance will be in harmony with purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
 - (e). The special circumstances are not the result of the applicant.
 - (f). The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
 - (g). The variance is not a request to permit a use of land, building or structure which is not permitted by right or by conditional use in the district involved.
- (3) **Conditions.** In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance punishable under Section 18-3 of this ordinance."

In the space provided below (or on attached sheet), provided a statement(s) addressing each of the required findings of fact. This information and along with your site plan, will be presented to the Board to help support your request for a variance:

(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.
With the variance approval, we will be able to unload and load our truck directly into the warehouse section of our new building. This increases the safety of the workers inside tremendously by taking out all of the fork lift traffic resulting in shipping.

(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 reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
There are no other places to put an unloading zone at the property. The topography on the opposite side of the building is extremely steep and inappropriate to install any sort of fork lift path.

(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. The topography of this location was outside of Jowat's control.

(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. The purpose of this variance is mainly concerned with safety and topography concerns. By placing the forklift path on the Uwharrie Road side of the new PUR building, we are increasing the safety of our employees by completely eliminating the shipping and receiving fork lift traffic from the production area and keeping the forklift in the warehouse section.

Submittal Requirements:

- Complete Variance Application
 - If seeking a variance from a minimum dimensional requirement, a site plan, prepared by a NC Licensed Engineer, Architect or Surveyor. See Exhibit A
 - \$400 Application Fee
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The below authorize: (1) Submission of the variance application to the City of Trinity's City Council for consideration; and (2) the Zoning Administrator or designee to entry upon the property to verify application/site plan submittal information.

Martin Lamberg _____
Applicant Name (PRINTED)

Martin Lamberg
Signature of Applicant

7-2-2024
Date

Achim Becker _____
Property Owner Name (PRINTED)

Achim Becker
Signature of Property Owner

07/02/24
Date

Zoning Administrator Signature

Date Complete Application Received