

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: LARRY WAGNER AND WANDA WAGNER (Case No. 10957)**

A hearing was held after due notice on April 2, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance of the front yard setback requirement.

Findings of Fact

The Board found that the Applicants were seeking a variance of 8.4 feet from the 30 foot front yard setback requirement for an existing factory built covered porch in a manufactured home. The Applicants have requested that the aforementioned requested variance be granted as it pertains to certain real property located northeast of Road 341 (Falling Point Road) southwest of South Dogwood Drive, being Lot 247 within Dogwood Acres development; said property being identified as Sussex County Tax Map Parcel Number 1-34-6.00-255.00. After a hearing, the Board made the following findings of fact:

1. Larry Wagner and Wanda Wagner appeared at the hearing. Mark Brittingham was also present and presented the Application on behalf of the Applicants.
2. The Board found that Mr. Brittingham testified that on October 17, 2011, he obtained a permit for the installation of the manufactured house on the Property and that on October 30, 2011 he measured for the location of the unit from the road.
3. The Board found that Mr. Brittingham testified that the footers were inspected and approved by the Zoning Inspector prior to the placement of the house but that the Zoning Inspector contacted him after the house was placed to advise him that the unit did not meet the front yard setback requirement.
4. The Board found that Mr. Brittingham testified that he then called the Planning & Zoning Department to verify the setback requirements and that another Zoning Inspector verified the setback requirement from the road. Mr. Brittingham testified that he did not realize the setback requirement should be measured from the property line.
5. The Board found that Mr. Brittingham testified that there are no visual property corners marked.
6. The Board found that Mr. Brittingham testified that the unit cannot be placed to the rear of the property due to an existing drain field and that there are other variances in the development.
7. The Board found that no parties appeared in opposition to or in support of the Application.
8. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The circumstances concerning the setback requirement are unique. The variance will enable reasonable use of the Property. The variance will not alter the essential character of the neighborhood and is the minimum variance to afford relief. The need for the variance was not created by the Applicant.

The Board granted the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the application was granted. The Board Members in favor were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman. No Member voted against the Application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

  
Dale Callaway  
Chairman

If the use is not established within one (1) year from the date below the application becomes void.

Date April 17, 2012