

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY
IN RE: WELLS FARGO BANK NATIONAL ASSOCIATION, AS TRUSTEE

(Case No. 10982)

A hearing was held after due notice on June 4, 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 Applicant was seeking a variance of 6.5 feet from the 40 foot front yard setback requirement for an existing dwelling and a variance of 13.7 feet from the 40 foot front yard setback requirement for an existing porch. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located northeast of Road 296A (Short Road) approximately 600 feet east of Road 292A (Rust Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-4.00-10.11. After a hearing, the Board made the following findings of fact:

1. The Board found that Adam Gerber, Esquire, appeared on behalf of the Applicant to present the Application. The Board found that Shawn Tull testified on behalf of the Application.
2. The Board found that Mr. Tull testified that the Applicant obtained title to the Property through a foreclosure and that the Applicant is now trying to sell the Property.
3. The Board found that Mr. Tull testified that a survey completed for settlement showed that the dwelling and porch encroached on the front yard setback.
4. The Board found that Mr. Tull testified that the original structure was a manufactured home which was placed on the Property in 1977 and that an addition was constructed in 1994.
5. The Board found that Mr. Tull testified that the Certificate of Compliance was issued in 1994.
6. The Board found that Mr. Tull testified that the variance will enable reasonable use of the Property, that the difficulty was not created by the Applicant, that the variance, if granted, will not alter the character of the neighborhood, and that it is the minimum variance to afford relief.
7. The Board found that Mr. Tull testified that to bring the structure into compliance would be very costly and unrealistic.
8. The Board found that Mr. Tull testified that the structure does not have the appearance of a manufactured home and that the unique circumstance is that the manufactured home was placed and then expanded upon.
9. The Board found that the Applicant submitted exhibits for the Board's review.
10. The Board found that no persons appeared in support of or in opposition to the Application.
11. 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 Property is unique since the manufactured home was placed on the Property in 1977. The variance will enable the 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 variance represents the least modification possible.

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. Norman Rickard, and Mr. Brent Workman. Mr. John Mills 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 July 3, 2012