

BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY

IN RE: DWAYNE D. WILTBANK (Case No. 11072)

A hearing was held after due notice on October 15, 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 special use exception to utilize an existing manufactured home for storage and to retain a manufactured home on less than five (5) acres.

Findings of Fact

The Board found that the Applicant was seeking a special use exception to utilize an existing manufactured home for storage and to retain a manufactured home on less than five (5) acres. The Applicant has requested that the aforementioned requested special use exception be granted as it pertains to certain real property located northwest of Road 302 (Phillips Branch Road) approximately 2,100 feet northeast of Road 301 (Holly Lake Road); said property being identified as Sussex County Tax Map Parcel Number 2-34-17.00-9.01. After a hearing, the Board made the following findings of fact:

1. Dwayne D. Wiltbank was sworn in and testified on behalf of the Applicant.
2. The Board found that Mr. Wiltbank testified that there are two (2) manufactured homes on the Property.
3. The Board found that Mr. Wiltbank testified that a manufactured home was placed on the Property in 2001 with Board of Adjustment approval for a medical hardship and that home is in good shape.
4. The Board found that Mr. Wiltbank testified that the medical hardship is no longer needed.
5. The Board found that Mr. Wiltbank testified that the home previously used for a medical hardship is needed for the family to reside in.
6. The Board found that Mr. Wiltbank testified that the other manufactured home on the Property is in poor shape and he would like to use it for storage.
7. The Board found that Mr. Wiltbank testified that the special use exception will not substantially adversely affect the surrounding or adjacent properties.
8. The Board found that Mr. Wiltbank testified that the area surrounding the Property is rural.
9. The Board found that Mr. Wiltbank testified that he plans to remove the frame from the unit to be used for storage.
10. The Board found that Mr. Wiltbank testified that the unit marked as #1 on the survey is to be used as storage and the unit marked as #2 is to be the unit his family will reside in.
11. The Board found that James Collins was sworn in and testified in opposition to the application and testified that he is the former owner of the adjacent property.
12. The Board found that Mr. Collins testified that he is representing the current owners of the adjacent property who have concerns.
13. The Board found that Mr. Collins testified that there are other uninhabitable manufactured homes on the Property.
14. The Board found that Mr. Collins testified that the neighbors are concerned with the loss of property value.
15. The Board found that Mr. Collins testified that the Property is in bad shape.
16. The Board found that Mr. Collins testified that the other units have been recently placed on the Property.
17. The Board found that Mr. Collins submitted pictures of the Property.

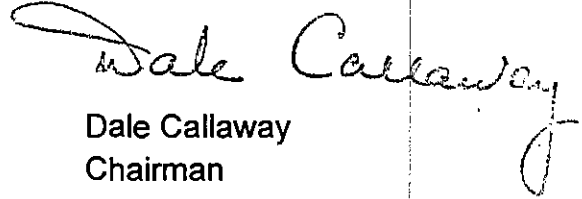
18. The Board found that Mr. Wiltbank testified that the survey identifies the structures as sheds and that these structures have been on the Property since 1999.
19. The Board found that Mr. Wiltbank testified that these structures were shown on the survey used in 2001 to apply for the medical hardship.
20. The Board found that Mr. Wiltbank testified that he stores lumber, bikes and other materials he collects in these structures.
21. The Board found that Mr. Wiltbank testified that the structures have always been used as sheds.
22. The Board found that Mr. Wiltbank testified that the original structure he wants to use as storage was once a dwelling with a manufactured home addition.
23. The Board found that Mr. Wiltbank testified that he collects scrap metal.
24. The Board found that Mr. Collins testified that he does not believe the structures shown as sheds on the survey have been on the lot since 1999.
25. The Board found that Mr. Collins testified that he believes those structures were placed on the Property in the past few months.
26. The Board found that Mr. Rickard stated that he received a letter in the mail in reference to this case and has submitted it without review to Mrs. Isaacs to have her read into the record.
27. The Board found that Susan Isaacs of the Office of Planning & Zoning stated that there has been no placement permits or board approvals for the existing sheds.
28. The Board found that one (1) party appeared in opposition to the Application.
29. The Board found that one (1) party appeared in support of the Application.
30. The Board voted to leave the case open so as to allow the Planning & Zoning Office to research the prior special use exception application and the surveys and permits of the Property.
31. At its regularly scheduled meeting on November 5, 2012, the Board discussed the case.
32. The Board found that Mrs. Isaacs stated the Sussex County Planning & Zoning Inspector took pictures of the structures and the structures appear to have been on the Property for a number of years.
33. The Board found that Mrs. Isaacs she submitted copies of the 1999 and 2007 Findings of Facts to the Board for review.
34. 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 special use exception. The proposed use does not substantially affect adversely the uses of the adjacent and neighboring properties since the structures have been on the Property for a number of years.

The Board approved the special use exception application finding that it met the standards for granting a special use exception.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. Mr. Brent Workman voted against the Motion to Approve 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 December 11, 2012.