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BOARD OF ADJUSTMENT AGENDA ITEM REPORT

DATE: November 20, 2025

SUBMITTED BY: Adam Lyncha, Planning Services

ITEM TYPE: Application

AGENDA SECTION: **Public Hearing**

SUBJECT: **A-25-30** Willis A. & Doriece Gingerich
Tax Map No. 7-00-107.00-01-24.19-000

ATTACHMENTS:
[A-25-30 Gingerich - Staff Report](#)
[A-25-30 Gingerich - Exhibit A](#)
[A-25-30 Gingerich - Exhibit B](#)



DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT

November 20, 2025

APPLICATION: A-25-30

APPLICANTS: Willis & Doriece Gingerich
2111 Still Rd.
Camden-Wyoming, DE 19934

OWNER: Willis A. Gingerich
2111 Still Rd.
Camden-Wyoming, DE 19934

NATURE OF REQUEST:

A-25-30 Willis A. & Doriece Gingerich (Owner: Willis A. Gingerich) seek a variance from the requirement that accessory structures shall not be located in the front yard or front setback unless located 100' from the front property line to legalize the existing detached garage (§205-85.A. of the Kent County Code). The property is located on the north side of Still Rd., approx. 0.56 miles east of Mahan Corner Rd., west of Camden. Levy Court District: 6th. Zoning District: AC. **Tax Map No. 7-00-107.00-01-24.19-000**

The applicants are requesting the variance from the provision stating that an accessory structure shall not be located in the front yard or front setback unless located 100' from the front property line to legalize the existing detached garage. The 24' x 20' garage is 94'± from the front property line and the existing dwelling is 152'± from the front property line.

I. STAFF RECOMMENDATION:

The Staff has reviewed the information presented by the applicant and recommends that the Board strongly consider all public testimony in making their decision. The Staff recommends APPROVAL of the variance, based on the analysis of the four criteria from the applicant and staff as follows:

II. RESPONSE TO CRITERIA:

1. The nature of the zone where the property lies.

Applicant Response:

None.

Staff Response:

As shown on Exhibit A, the subject site is zoned AC (Agricultural Conservation) outside the growth zone. Single-family homes and detached buildings are a permitted use within the zone, contingent upon meeting all size and setback requirements as set by the Zoning Code of Kent County.

2. The character and uses of the immediate vicinity.

Applicant Response:

None.

Staff Response:

The character of the surrounding area is residential in nature. Properties in the near vicinity appear to be residentially developed with single family dwellings and accessory buildings. Most of the homes in the near vicinity appear to be located 55'± from the front property line.

3. Whether removal of the restriction on the applicant's property would seriously affect the neighboring properties.

Applicant Response:

None.

Staff Response:

Removal of the required 100' front setback would not have a negative impact on neighboring properties. The applicants are requesting legalization of the 24' x 20' accessory building 94'± from the front property line. The existing garage would not be any closer to the road than the existing dwellings in the near vicinity. No objections have been received to the application.

4. Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to the owner's efforts to make normal improvements to the property. Economic hardship, standing alone, may justify granting an area variance and the inability to prove one's business or to stay competitive as a result of area limitations may qualify as a legitimate exceptional practical difficulty.

Applicant Response:

AC zone. The 32' x 56' dwelling was built to replace the 14' x 70' metal trailer and 15' x 15' addition. The 20' x 24' garage is attached to the trailer and addition. Trailer and addition are slated for demo. Garage is wood frame on slab foundation, vinyl siding, 1 people door, 1 garage door, shingle room, garage is structurally sound.

Removing the garage would create unnecessary hardship due to electrical box connection on the back plus the septic line is about 15' behind the garage that goes to the residence. There is no other storage building on the property. The well is also 25' north of the garage. The garage is used for storing lawn equipment and wood working

tools.

The reason the demolition of the trailer has been delayed is due to owner's recent diagnosis of dementia. The caregiver, spouse, was aware the trailer was to be removed as a "residence" but not the garage. It is not a residence. It can stand alone and will be finished to match the existing siding once the trailer/addition is removed. Deck will also be removed.

Staff Response:

Failure to remove the restriction would create an exceptional practical difficulty for the property owners in relation to making normal improvements to the property. The new dwelling on the parcel is located 152'± from the front property line. A permit was issued to construct the new dwelling with the condition that the property owners must demolish the existing dwelling and attached garage within 30 days of the Certificate of Occupancy of the new dwelling. The new dwelling received Certificate of Occupancy but the manufactured home, addition, and attached garage were not demolished within 30 days of completion. To remove the open violation on the parcel, the applicants are required, and are proposing, to demolish the manufactured home and addition. With the location of the manufactured home, septic, and garage, the property owner would have had difficulty placing the new dwelling in a compliant location while making the detached garage compliant.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Board of Adjustment shall give considerable weight to public testimony received during the public hearing in considering its decision.

III. ADDITIONAL INFORMATION:

- The subject site is 2.24± acres and is improved with a manufactured home with a 15' x 15' addition and 20' x 24' attached garage, and a 32' x 56' dwelling. The manufactured home, 15' x 15' addition, and deck are proposed to be demolished. The applicants are required to demolish the manufactured home and 15' x 15' addition to close the violation on the parcel.
- DelDOT commented that they have no comment on a setback if it complies within the minimum right-of-way requirements as per Functional classification standards of the roadway.
- There have been no previous Board of Adjustment applications on the subject site.
- There have been no Board of Adjustment applications in the surrounding area that were similar to this request.
- The applicant is advised that a permit shall be obtained prior to any demolition. For more information, contact the Permitting Office at (302)-744-2451 between 8:00a.m. and 5:00p.m.

ENC: Exhibit A
Exhibit B



KENT COUNTY

Board of Adjustment

LOCATION AND ZONING MAP

A-25-30 Exhibit A

APPLICANT:

Willis A. & Doriece Gingerich

OWNER:

Willis A. Gingerich

PRESENT ZONING DISTRICT:

AC (Agricultural Conservation)

PROPOSED VARIANCE:

Variance from the requirement that accessory structures shall not be located in the front yard or front setback unless located 100' from the front property line to legalize the existing detached garage

PRESENT USE:

Residential

PROPOSED USE:

Same with legalized detached garage

LEVY COURT DISTRICT:

6th - Hertz

TAX MAP NO:

NM-00-107.00-01-24.19-000

LOCATION: Located on the north side of Still Rd., approx. 0.56 miles east of Mahan Corner Rd., west of Camden.

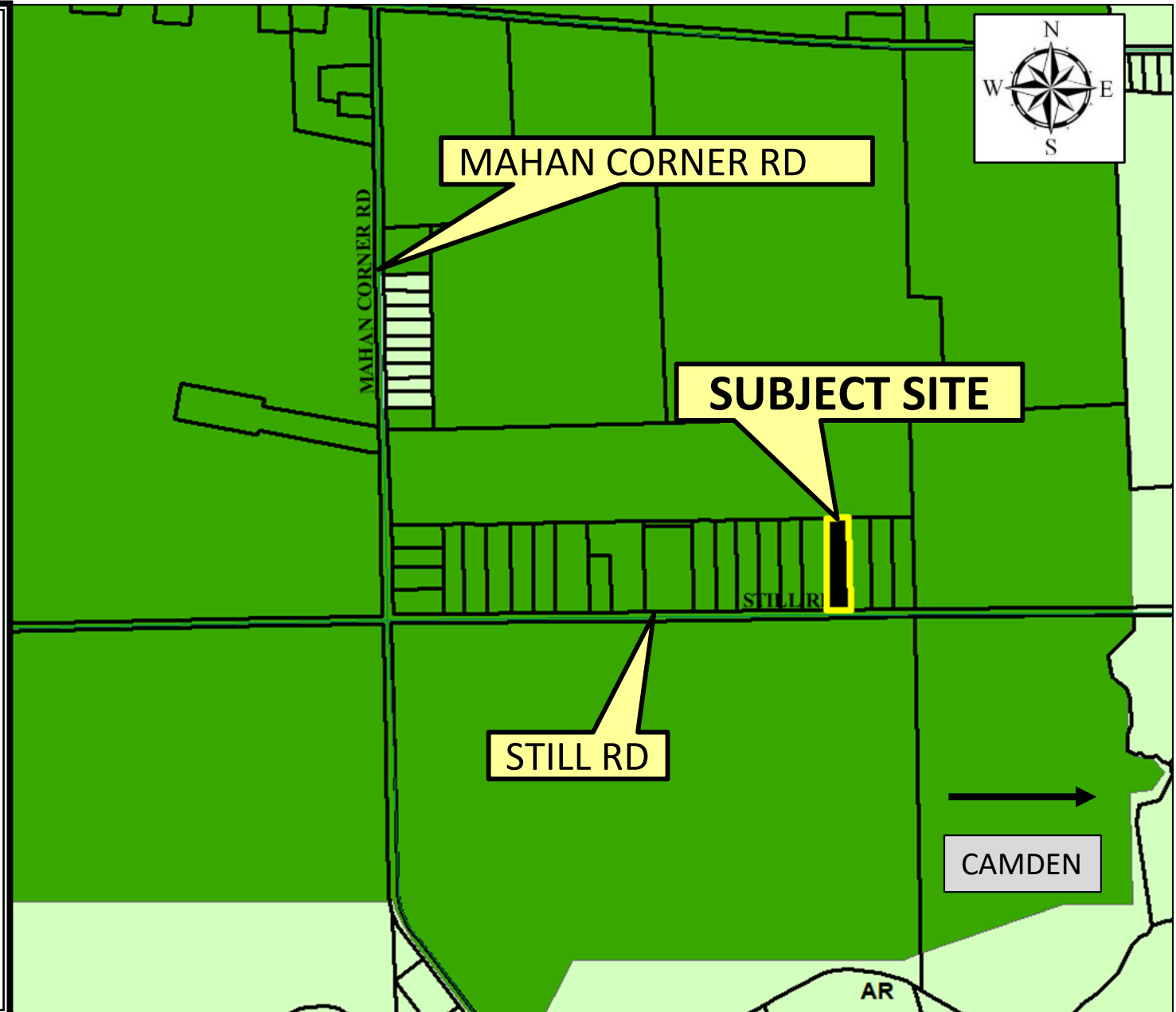


Exhibit B

Application: A-25-30
Gingerich

Variance from the requirement that accessory structures shall not be located in the front yard or front setback unless located 100' from the front property line to legalize the existing detached garage

