



DEPARTMENT OF PLANNING SERVICES

NOTICE OF DECISION

APPLICATION: A-25-30

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

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

**DATE OF PUBLIC HEARING
& DECISION:** November 20, 2025

MEMBERS PRESENT: Brian Cusick, Chairperson
Joan Denney
Temple Carter
Brauncy Jenkins
George Gallo, Jr.

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.

SUMMARY OF EVIDENCE

1. 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.

2. Mrs. Doriece Gingerich, applicant, spoke in favor of the application.
3. Mrs. Gingerich explained that the garage is attached to the addition and the manufactured home. She added that the garage is currently 94' from the front property line.
4. Mrs. Gingerich detailed that the garage is on a slab foundation with vinyl siding, a garage door, a people door, and is structurally sound.
5. Mrs. Gingerich stated if they have to remove the garage then they would have to relocate electric box on the garage that is currently connected to the new dwelling in the back.
6. Mrs. Gingerich explained that there are no other storage buildings on property and that the subject building stores lawn equipment and wood working tools.
7. Mrs. Gingerich detailed that the manufactured home demolition was supposed to be demolished within 30 days of the certificate of occupancy of the new dwelling but her husband was diagnosed with dementia and everything was left to just her to complete. She added they are going to demolish the manufactured home, addition, and deck but wanted to receive the outcome from the variance incase they needed to also demolish the garage.
8. Mrs. Gingerich explained that they are seeking approval of the garage to be 94' from the front property line and the code requires detached accessory buildings to be 100' from the front property line.
9. Mrs. Gingerich stated that they are not utilizing the manufactured home or the addition.
10. Mrs. Gingerich detailed that the new dwelling is utilizing the existing septic that is in front of the manufactured home. She added that the well is between the garage and new house.

FINDINGS OF FACT & CONCLUSIONS OF LAW

Analysis of the four factors set forth in Board of Adjustment of New Castle County v. Kwik-Check Realty, Inc., 389 A.2d 1289, 1291 (Del. 1978), supports the **APPROVAL** of the requested variance.

- (1) **The nature of the zone where the property lies:** 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:** 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:** 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:** 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.

DECISION: On a motion made by Mr. Carter and seconded by Mrs. Denney, the Board of Adjustment voted 5 in favor of the motion to **APPROVE** application A-25-30, thus granting a 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 24' x 20' detached garage to be 94' from the front property line, as shown on Exhibit B, attached hereto. The support of this motion was based on the structure being existing, the applicant demonstrated a practical difficulty with the difficulty of having to move the garage, and the garage does not seriously affect the neighboring properties.

NOTES:

1. The applicant is advised that any persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Superior Court in and for Kent County a petition setting forth that such decision is illegal in whole or in part, specifying the grounds for the illegality. The petition shall be presented to the Court within 30 days after the filing of the decision in the office of the Board (9 Del. C. § 4918).
2. 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.
3. This variance will expire after **ONE YEAR** if a permit has not been submitted to the Division of Planning.

KENT COUNTY BOARD OF ADJUSTMENT



Brian Cusick, Chairperson

DECISION FILED: 12/18, 2025

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



