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July 17, 2023

**VIA ELECTRONIC & REGULAR MAIL**

Mayor William J. Stevens  
Town of Dewey Beach  
105 Rodney Ave.  
Dewey Beach, DE 19971

**Re: Request for consideration of a Zoning Code Amendment to § 185-53(D)(2)**

Dear Mayor Stevens:

I represent Summer Pearl, LLC., the owner of property located at 200 Cullen Street in the RB-2 zoning district, and better known as Fifer Orchards Farm Kitchen (the “Property”). I write to request that the Dewey Beach Town Council consider an amendment to the Zoning Code, which would allow the redevelopment of the Property while avoiding any unintended consequences or detriment to the neighborhood and maintaining the most appropriate use of land throughout the Town.

For several years, my Client has given consideration to redeveloping the Property to include three modestly sized residential units above the Farm Kitchen. The dwelling units would be no larger than 1,500 sf each, as my Client has a strong record of success operating modestly sized residential dwelling units. Indeed, the three units they manage in Lewes have nearly 700 reviews with a rating of 4.97 stars as of the date of this correspondence. In my Client’s experience, occupants of smaller units tend to be quieter and better behaved than occupants of larger units.

The Town Code requires that there be 3,600 sf of lot area for each dwelling unit. Therefore, the Property would need to be 10,800 square feet to yield three dwelling units. The actual size of the Property, however, is 10,048 sf. Consequently, based upon the requirement of 3,600 sf of lot area per dwelling unit, the Property yields 2.8 dwelling units—just shy of the 3 dwelling units desired.

Previously and without my assistance, my Client applied to the Board of Adjustment for a variance that would allow them to construct residential units above the Farm Kitchen. On September 16, 2022, the Board denied the application because the Board found that my Client failed to demonstrate an exceptional practical difficulty in making normal improvements to the Property. Rather than returning to the Board of Adjustment for a rehearing, there appears to be a solution that would accommodate my client while also encouraging in the few areas in Town where

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it would be possible, the development of more modest dwelling units, rather than the current trend of building full-scale rental units accommodating several families.

Our proposal is that § 185-53(D)(2) be amended to provide additional flexibility in the use of private property in certain limited circumstances, while balancing that interest with maintaining the current lot area requirements in the majority of circumstances. While I am not aware of the explanation, there may have been a very reasonable explanation for requiring 3,600 sf of lot area per dwelling unit, so our approach is to leave that requirement largely unchanged.

The Zoning Code provision at issue, § 185-53(D)(2), provides:

**§ 185-53 Special regulations for townhouses and multiunit structures.**

....

**D.** The following regulations shall apply to townhouses and residential-use units in multiunit structures:

....

**(2)** In the RR and RB Districts, the minimum lot area per dwelling unit shall be 3,600 square feet, as per Table 2, Bulk Zoning Standards in All Districts.

Our proposal is to amend § 185-53(D)(2) to provide the property owner with the options of (1) maintaining the status quo (3,600 sf of lot area per dwelling unit) or (2) decrease the required lot area per dwelling unit to 3,000 sf so long as the residential dwelling units do not exceed 1,500 sf. The following proposed amendments shown by underlining would create those options:

**§ 185-53 Special regulations for townhouses and multiunit structures.**

....

**D.** The following regulations shall apply to townhouses and residential-use units in multiunit structures:

....

**(2)** In the RR and RB Districts

**(a)** For dwelling units over 1,500 square feet, the minimum lot area per dwelling unit shall be 3,600 square feet.

**(b)** For dwelling units equal to or less than 1,500 square feet, the minimum lot area per dwelling unit shall be 3,000 square feet.

In the event the Town Council proceeds with the consideration of this request and refers it to the Planning & Zoning Commission, we will be pleased to provide a presentation with additional supporting materials.

Thank you for your consideration of this request. Please contact me by email at glenn@bmbde.com or by phone at 302-645-2262 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn C. Mandalas". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Glenn C. Mandalas, Esquire

Cc: Commissioner Gary Persinger  
Commissioner Paul Bauer  
Commissioner David Jasinski  
Commissioner Elisabeth Gibbings  
Town Manager Bill Zolper  
Fred Townsend, Esquire