

GIR Properties, LLC
c/o Vincent C. Thomas
1000 North King Street
Wilmington, DE 19801

December 15, 2023

Fred Townsend, Esq. (via email)

Dear Fred:

Thanks for speaking with me this week in regard to the potential rezoning of Tax Parcel 334-20.14-205, Lots 15-16-17 Blk 42 in Rehoboth by the Sea, Dewey Beach, Delaware (the “Sea Esta Property”). As I mentioned, I am the manager and 1/3 owner of GIR Properties, LLC (“GIR”), a Delaware limited liability company. The other owners and managers of GIR are Paul Perna and Mike Williams. Paul and I own other properties in Dewey Beach, and Paul has constructed several high-end homes within the Town.

GIR currently has a binding contract (the “Contract”) to purchase the Sea Esta Property. The Contract is contingent upon the successful rezoning of the Sea Esta Property from a single 100’ x 150’ Lot with a zoning designation of RB2 (as defined in the Town of Dewey Beach code) to 3 50’ x 100’ Lots with zoning designations of RR (as defined in the Town of Dewey Beach code) within 4 months of the Contract date (i.e., December 8, 2023). GIR would like to rezone the property so that it can build 3 single family homes in accordance with an RR zoning designation. Quite notably, the Sea Esta Property is the only remaining parcel on the ocean block of Houston Street with a zoning designation of RB2. Put simply, the new 3 single family homes and the RR zoning designation would be more consistent with the character of the surrounding properties.

GIR would like to immediately pursue rezoning of the Sea Esta Property so that it can obtain all necessary rezoning approvals on or before March 31, 2024 inside of the Contract diligence expiration date. Please note that GIR’s present intentions would be to operate the Sea Esta Motel through the 2024 beach season and begin demolition of the motel and construction of the 3 single family homes in the fall of 2024 consistent with the rezoning approval.

From our conversation, I understand the first step in the rezoning process is this letter. Please accept this as our formal request to begin the rezoning process for the Sea Esta Property. We are happy to address any questions and would appreciate if we could make it on the agenda of the January meeting of the Town commissioners to approve the Sea Esta Property continuing through rezoning process (including, submission to the Town planning and zoning commission).

We are very grateful for your time and professionalism. We look forward to working with you and other Town representatives.

Respectfully,

/s/ Vincent C. Thomas

Vincent C. Thomas

CC : Mr. Bill Zolper, Town Manager (via email)
Mr. Jim Dedes, Assistant Town Manager (via email)
Mr. Paul Perna (via email)
Mr. Michael Williams (via email)

**GIR Properties, LLC
Re-Zoning Request for
Tax Map Parcel # 334-20.14-205.00
located at 24 Houston Street,
Dewey Beach, DE from
Resort Business-2 (RB-2) to
Resort Residential (R)**

**Town of Dewey Beach Town Council
Monthly Meeting & Workshop**

Friday, January 19, 2024

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1. GIR Properties, LLC Re-Zoning Letter Request
2. Dewey Beach Code Provisions
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5. Sample Home Plans

Tab 1

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Mr. Jim Dedes, Assistant Town Manager (via email)
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Mr. Michael Williams (via email)

Tab 2

§ 185-3 Purpose.

The zoning regulations and districts as herein established are designed to promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the Town of Dewey Beach, Delaware. These interests may be promoted by restricting the height, number of stories and size of buildings and other structures; the percentage of lot area that may be occupied; the size of yards, courts, and open spaces; the density of development; and the location, use and extent of use of buildings, structures, and land for residential, trade, industry and other purposes by creating districts for said purposes and by establishing boundaries for such districts; by providing for a Board of Adjustment, and by imposing penalties for the violation of the Zoning Ordinance. This chapter is adopted to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sanitation, sewerage, schools, parks, recreation and other public requirements. Such regulations shall be made with reasonable consideration as to the character of each zoning district and its suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

§ 185-73 Changes and amendments.

- A.** Initiation of change. The Town Commissioners may, from time to time, amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Town Commissioners or by petition of any property owner addressed to the Town Commissioners. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Town Commissioners.

- B.** Report from the Planning Commission.
 - (1)** Before taking any action on any proposed amendment, supplement, or change, the Town Commissioners shall submit the same to the Planning Commission for its recommendations and report, unless, by unanimous vote, the Town Commissioners present decide that the change proposed is not significant.

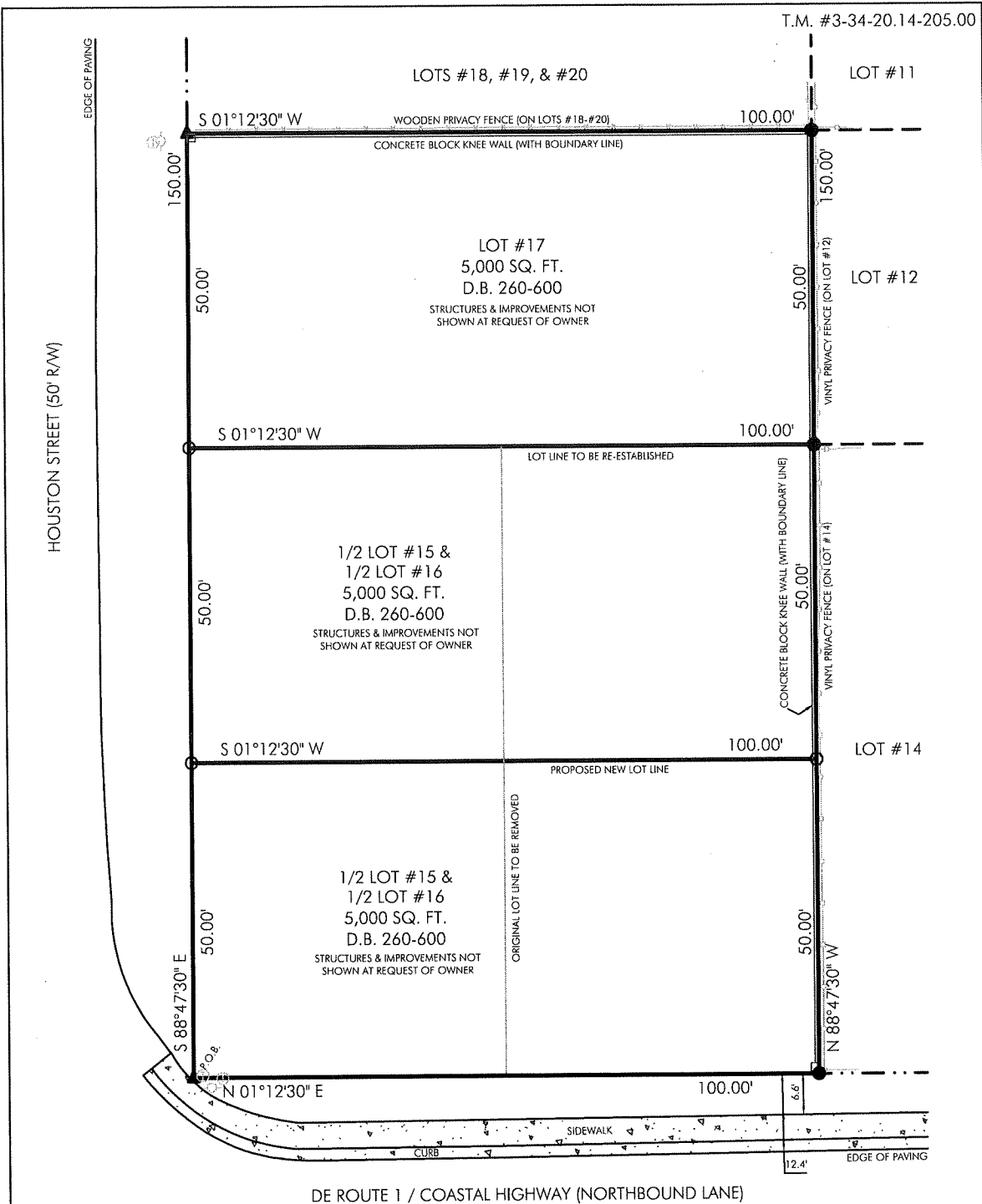
 - (2)** The Planning Commission shall report within 120 days after the first meeting of the Planning Commission after the proposal has been referred to the Planning Commission, provided further that a one-time extension of up to 60 days may be requested in writing by motion of the Planning Commission to the Town Commissioners, who shall grant the request, unless the Town Commissioners find the request to be arbitrary or capricious. In order to finalize a report on the proposal, said report or request for extension shall be given at the next Town Commissioners meeting after the end of the time period or extension period. Failure of the Planning Commission to report within the time frames specified above shall be deemed a recommendation of approval.

- C.** Notice and hearings.
 - (1)** The Planning Commission shall hold a public hearing on any proposed amendment, supplement, or change before submitting its report to the Town Commissioners and for this purpose may request the submission of all pertinent data and information by any person concerned.

 - (2)** Before acting on any proposed amendment, supplement or change, the Town Commissioners shall hold a public hearing thereon in accordance with 22 Del. C. § 304.

- D.** Reconsideration; one-year limitation. Whenever a petition requesting an amendment, supplement, or change has been denied by the Town Commissioners, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

Tab 3



HOUSTON STREET (50' R/W)

DE ROUTE 1 / COASTAL HIGHWAY (NORTHBOUND LANE)



- LEGEND:**
- IRON PIPE (FOUND)
 - ▲ IRON ROD (SET)
 - POINT

NOTES:
 ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT THE TOWN OF DEWEY BEACH TO VERIFY.
 PARCEL RESIDES IN FLOOD ZONE: AO (2' DEPTH) F.I.R.M.: 10005C0354K, JUNE 20, 2018
 THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.
 SURVEY CLASS: SUBURBAN

BOUNDARY SURVEY PLAN & PROPOSED RE-CONFIGURATION OF LANDS FOR GIR PROPERTIES, LLC

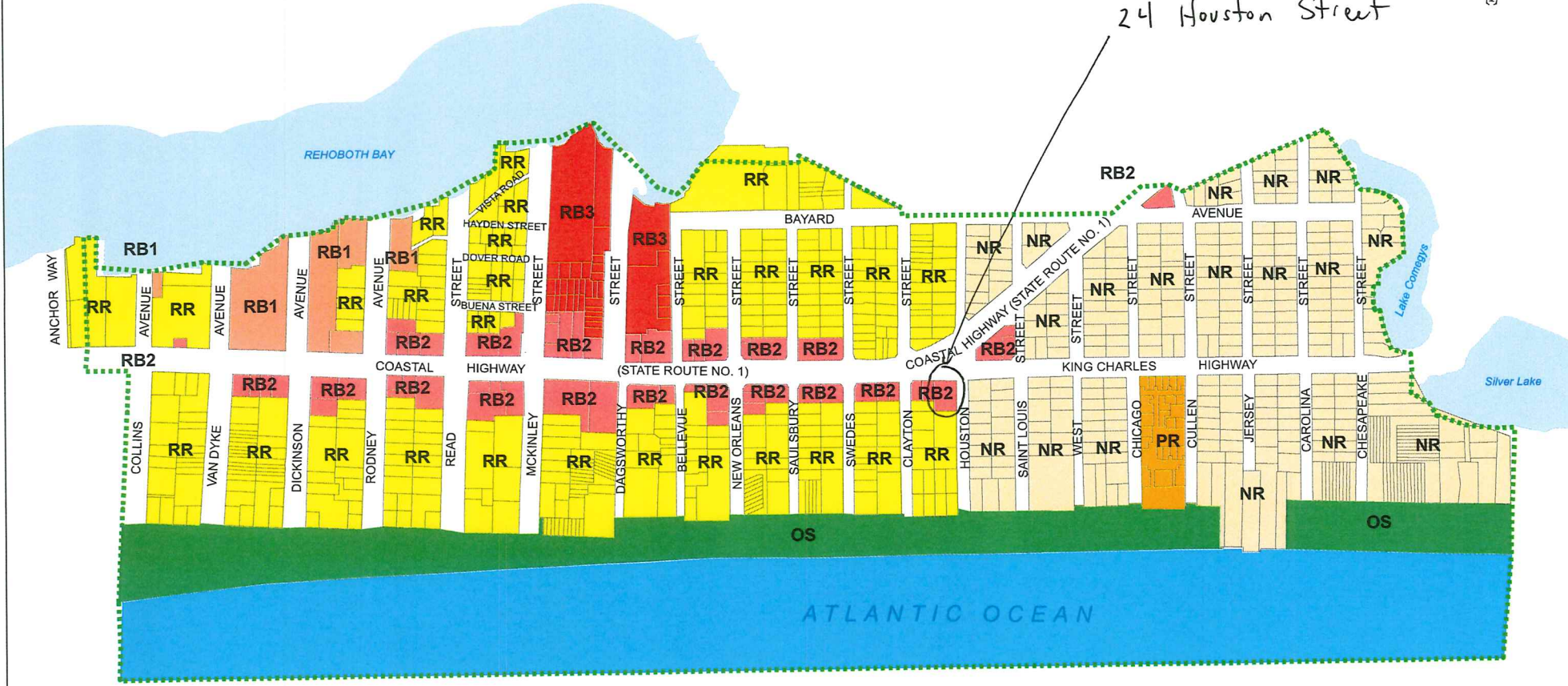
TOTAL AREA: 15,000 SQ. FT.
 DEED REFERENCE: BOOK 1530, PAGE 347
 LOTS #15, #16, & #17 OF
 "REHOBOTH BY THE SEA" SUBDIVISION
 TOWN OF DEWEY BEACH
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE
 DECEMBER 28, 2023 SCALE: 1" = 20'

Prepared by:
FORESIGHT Services
 Surveying & Precision Measurement

302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

Tab 4

REVISION				
No.	DESCRIPTION	DATE	BY	CHK. BY



General Notes and Data Sources:

This Geographic Information System (GIS) zoning map is for demonstration purposes only. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the end user.

The areas, boundaries and details, shown on this Zoning map, are referenced, in part, from graphic surveys, aerial surveys and recorded plans, tax assessment maps and documents, and are to be used for Zoning boundary purposes only.

This map was created, in part, utilizing parcel, municipal boundary and location data provided by the Sussex County, DE Geographic Information Office.

Additional cadastral feature mapping data, such as, waterways, railroads, roads, aerial orthophotography, etc. was obtained from the Delaware FirstMap, provided by the Delaware Office of State Planning Coordination (DOSPC) <https://stateplanning.delaware.gov/firstmap-data.shtml>. This secondary product has not been verified by the Delaware Office of State Planning Coordination (DOSPC) and is not data authorized.

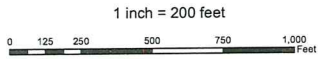
All positions are based on the following:

- NAD 83 (horizontal datum)
- Delaware State Plane Coordinate System
- English units (feet)

The geospatial accuracy and precision of the Geographic Information System (GIS) data contained in this mapping has not been developed nor verified by a professional licensed land surveyor and shall not be nor is intended to be used in matters requiring delineation and location of true ground horizontal and/or vertical controls.

Legend

- Municipal Boundary
- Lakes Ponds and Major Rivers
- Ocean Water
- Neighborhood Residential - NR
- Open Space - OS
- Planned Residential - PR
- Resort Business 1- RB1
- Resort Business 2 - RB2
- Resort Business 3 - RB3
- Resort Residential - RR

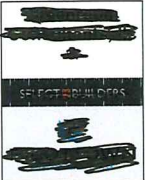


DEWEY BEACH MUNICIPAL ZONING

DEWEY BEACH
SUSSEX COUNTY DELAWARE
DECEMBER 9, 2022 SCALE: 1" = 200'

REMINGTON & VERNICK ENGINEERS
2050 SPENCERVILLE ROAD, CHERBY HILL, DE 19803
DELA 795-8935, FAX (DELA) 795-3382, RVE.COM
CORPORATE OFFICE: 2411 JEFFERSON
GREENWOOD - GREENWICH - GREENWOOD

Tab 5



3808 Waterworks Court Rehoboth Beach
DE 19928
302.228.2331

**- Beach
Cottage**

108 Cullen Street
Dewey Beach, DE 19930

Project Number: Project Number

Drawings and Specifications are instruments of service and shall remain the property of the Building Designer. They are not to be used on any other project, in whole or in part, without the written consent of the Building Designer.

The General Contractor is responsible for obtaining and complying with all applicable codes, methods, techniques, materials, or procedures, or for safety precautions and programs in connection with the project.

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ISSUED:
2021.03.09 - Permit Plan
2021.03.21 - Permit Plan
Revisions @ Ground Floor

3D Views

A002
Printed: 3/22/21



2
A201
North Elevation
SCALE: 1/4" = 1'-0"

3
A201
East Elevation
SCALE: 1/4" = 1'-0"

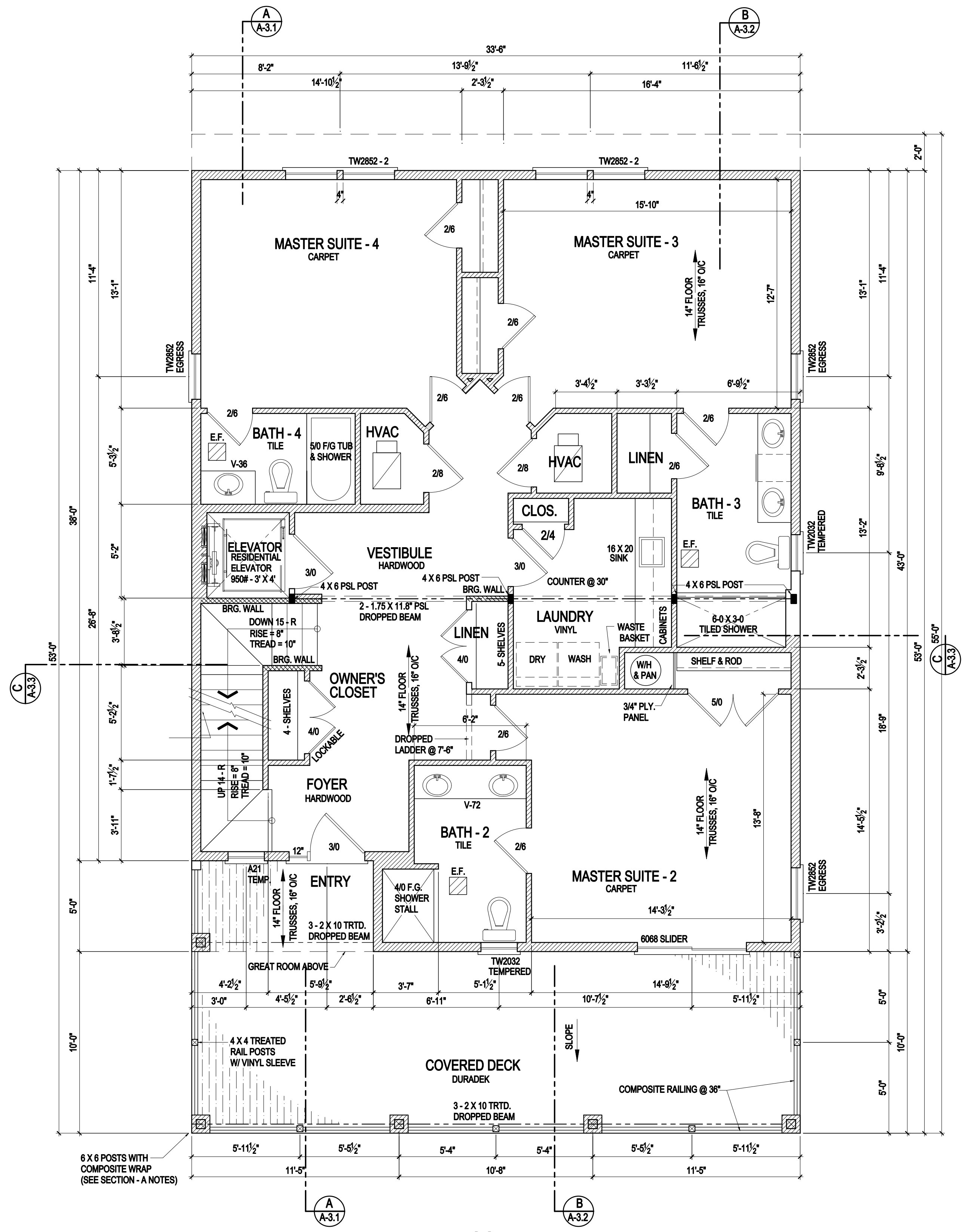
1
A201
West Elevation
SCALE: 1/4" = 1'-0"

4
A201
South Elevation
SCALE: 1/4" = 1'-0"

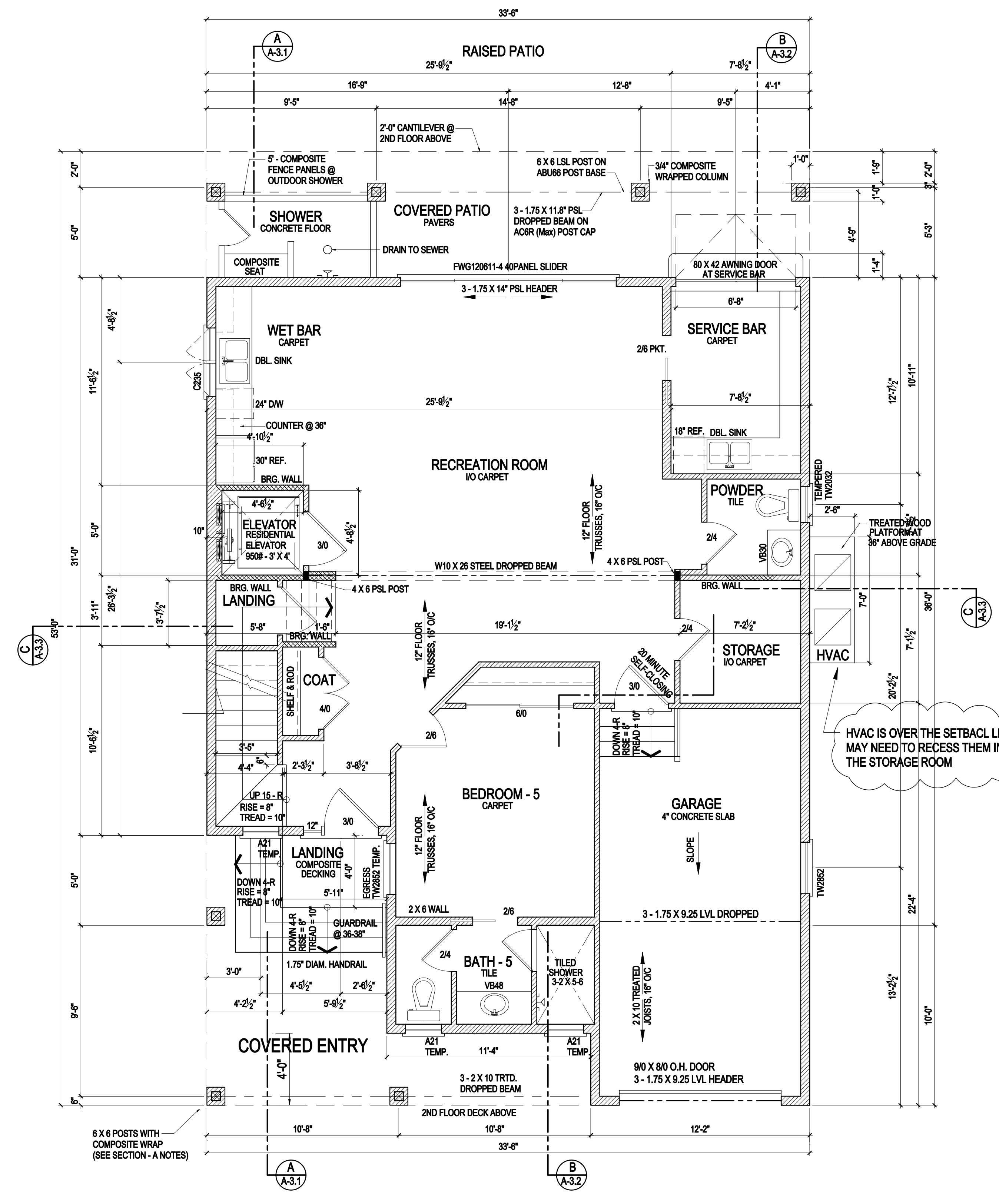
3050 Wella-Work Court Rehoboth Beach DE 19802
 302.229.2301
Cottage - Beach
 108 Cullen Street
 Dewey Beach, DE 19930
 Project Number: Project Number
 Drawings and Specifications are instruments of service and shall remain the property of the Building Designer. They are not to be used on extensions of the project, or other projects, without the Building Designer's written and expressed authorization in the Building Designer.
 The General Contractor is responsible for confirming and providing dimensions as the job site. The Building Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.
 © Greenroom Consultants, LLC

ISSUED
 2021.03.09 - Permit Plan
 2021.03.24 - Permit Plans
 Revisions @ Ground Floor

Elevations
A201
 Project: 3050201



2ND FLOOR PLAN
1326 SF 2ND
3804 SF TOTAL
SCALE: 1/4" = 1'-0"



1ST FLOOR PLAN
1102 SF 1ST
3804 SF TOTAL
SCALE: 1/4" = 1'-0"

HVAC IS OVER THE SETBACK LINE.
MAY NEED TO RECESS THEM INTO
THE STORAGE ROOM



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ORDINANCE NO ____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN BY CHANGING THE ZONING DESIGNATION OF THE PROPERTY LOCATED AT 24 HOUSTON STREET, DEWEY BEACH, DELAWARE, TMP 334-20.14-205.00 FROM RB-2, RESORT BUSINESS TO RR, RESORT RESIDENTIAL AND TO ACCORDINGLY AMEND THE DEWEY BEACH ZONING MAP CLASSIFICATION REFERRED TO AT CHAPTER 185, SECTION 185-6 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH

WHEREAS, the Town Council of the Town of Dewey Beach have deemed it desirable to consider the question of whether it is in the public interest to change the zoning district designation for the property located at “24 Houston Street” TMP 334-20.14-205.00 from Resort Business (RB-2) to Resort Residential (RR) as follows; and

WHEREAS, Title 22, Chapter 3, Section 301 of the Delaware Code provides that “[f]or the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of cities and incorporated towns may regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes”; and

WHEREAS, Article XV, Chapter 185, Section 73, Changes and Amendments, of the Municipal Code of the Town of Dewey Beach provides that any amendment to the Zoning Ordinance shall be made after public hearings conducted by both the Planning Commission and the Town Council; and

WHEREAS, the Planning Commission following a duly noticed public hearing recommended approval of the application to rezone said parcel at their meeting on March 1, 2024; and

WHEREAS, a public hearing was conducted by Town Council on March 15, 2024; and

WHEREAS, at least fifteen (15) days’ notice of such hearing was provided by publishing notice of the time and place of such hearing in an official paper or paper of general circulation in the Town; and

WHEREAS, the proposed amendment will promote the health, safety, and general welfare of the Dewey Beach community.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

Section 1. The Comprehensive Plan zoning designation of parcel TMP 334-20.14-205.00 located at 24 Houston Street is hereby changed and amended from Resort Business (RB-2) to Resort Residential (RR); and the Dewey Beach Zoning Map referred to in Chapter 185, Section 185-6 of the Municipal Code of

36 the Town of Dewey Beach, Delaware, for the property at 24 Houston Street be hereby amended to RR,
37 Resort Residential.

38 **Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for
39 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of
40 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this
41 end, the provisions of this Ordinance are hereby declared to be severable.

42 **Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the
43 Commissioners of the Town of Dewey Beach.

44
45 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 15th day of
46 March, 2024.

47
48 **SYNOPSIS**

49
50 This Ordinance amends the Dewey Beach Comprehensive Plan and the Dewey Beach Zoning Map
51 designation for TMP 334-20.14-205.00 by changing it from RB-2 to RR.

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53
54 _____
55 William Stevens, Mayor

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54 _____
55 Bill Zolper, Town Manager

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