



**BAIRD
MANDALAS
BROCKSTEDT LLC**

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June 20, 2022

VIA FIRST CLASS MAIL

Mayor and Town Council
c/o Bill Zolper
Town of Dewey Beach
105 Rodney Ave,
Dewey Beach, DE 19971

RE: Jeffrey and Lily Gosnear – Application for Zoning Change

Dear Mayor Stevens and Town Council:

Our clients, Jeffery and Lily Gosnear, purchased 106 Read Avenue this year from Grotto Pizza Dewey LLC. The lot is 50' by 125' and is zoned RB2. The tax parcel No. is 334-20.18-115.00.

Pursuant to the Dewey Beach Code Section 185-73, the Gosnears request a change in the zoning designation for the parcel from Resort Business Two ("RB2") to Resort Residential ("RR").

The parcel has historically been the parking lot for the Grotto Pizza facilities that front on Coastal Highway. This parking lot has historically been underutilized as most of Grotto's business is walkup customers. The parcel's only street frontage is on Read Avenue and the adjacent lot to the west is zoned RR. The adjacent parcel on the Coastal Highway side is the subject of a present application to construct a new Grotto Pizza restaurant. Subject to obtaining the approvals, the existing Grotto's restaurant property and the parking lots to the rear will be redeveloped for other uses in both the RB2 and RR areas.

The proposed change would require a Comprehensive Development Plan amendment because on the future land use map the 2018 CDP designates the parcel as RB2. As noted above, the parcel to the west is zoned RR. With the redevelopment of both the existing Grotto's restaurant parcels, and the recent change in the zoning code to permit a restaurant in RB2 to operate without parking if the patron area is less than 4,000 square feet, there is no continuing need to keep that parcel available for parking for the proposed new restaurant location. In addition, because the parcel does not have frontage on Coastal Highway, its utility for other RB2 uses is very limited.

June 21, 2022

Page | 2

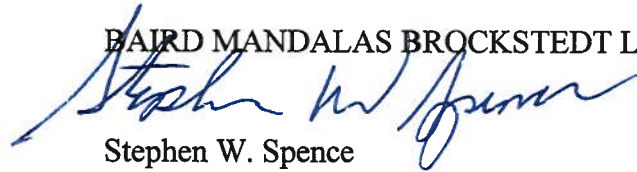
If approved, the Gosnears would expect to build a single-family house on the parcel (it is not large enough for any other use) in the next few years after the new Grotto Pizza restaurant is built and in operation.

I have included a copy of the legal description, the related recorded survey and the tax map for the parcel. I have also enclosed a proposed ordinance for the requested change.

The Gosnears look forward to presenting this application to the Town as soon as conveniently possible.

Very truly yours,

BAIRD MANDALAS BROCKSTEDT LLC

A handwritten signature in blue ink, appearing to read "Stephen W. Spence", is written over the typed name.

Stephen W. Spence

Cc: Mayor and Town Council of Dewey Beach

Mr. and Mrs. Jeffrey Gosnear

Enclosures

3-34 20.18 115.00

S Read Ave W King Charles Ave, Dewey Beach, DE 19971

Exhibit A

ALL that certain lot or parcel of land situate in the **3-34 20.18 115.00**, County of **Sussex**, State of Delaware, and being more particularly described as follows:

BEGINNING at a point located in the southerly right of way line of Reed Avenue, said point of beginning being North 85 degrees 30 minutes West 100 feet from the northwesterly intersection of Reed Avenue and King Charles Avenue; thence from said point of beginning North 85 degrees 30 minutes West 50 feet to a point; thence turning and running North 04 degrees 30 minutes East 125 feet to a point; thence turning and running North 85 degrees 30 minutes West 50 to a point; thence turning and running South 04 Degrees 30 minutes East 125 feet to the point and place of beginning, with all of the improvements located thereon as surveyed and plotted by Wingate & Eschenbach, LLC Registered Surveyors, dated November 25, 2005, as recorded in Plot Book 101, Page 267, containing 6,250 square feet, more or less.

- = FOUND IRON PIPE
- = SET IRON PIPE
- ▼ = FOUND REBAR
- = FOUND DRILL HOLE
- △ = SET MAG NAIL

02615

SUSSEX COUNTY TAX MAP
 3-34-20.18-115.00
 3-34-20.18-116.00

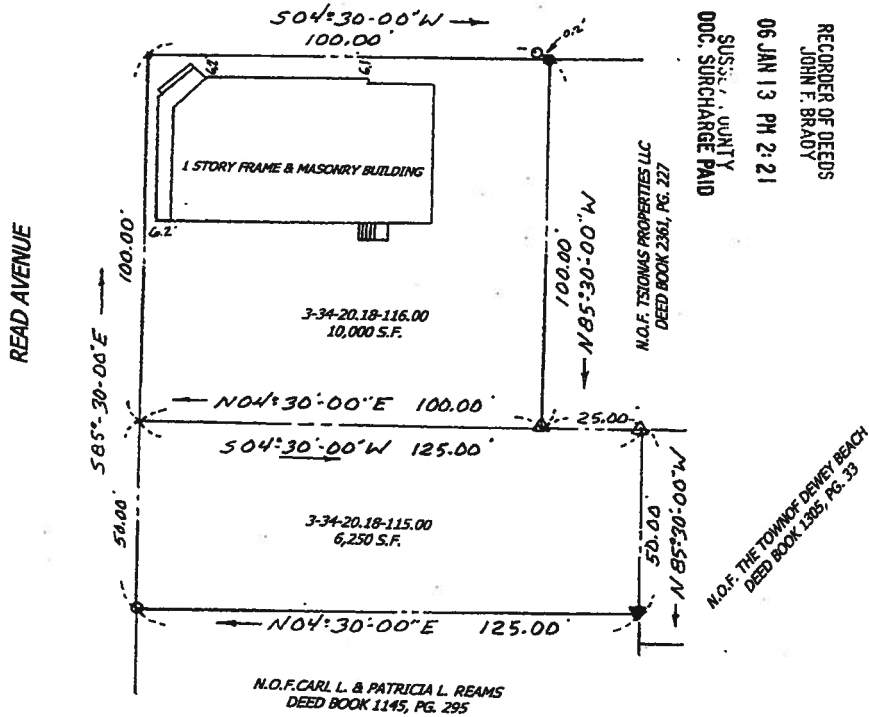
This Proposal Complies with the
 Dewey Beach Municipal Code.

Signed: Wm J. Means
 Building Official

Date: 12-20-05

101 PAGE 267

KING CHARLES AVENUE (DEL. ST. RT. 1)



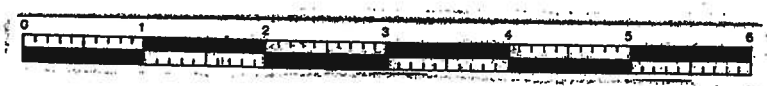
RECORDER OF DEEDS
 JOHN F. BRADY
 06 JAN 13 PM 2:21
 SUSSEX COUNTY
 DOC. SURCHARGE PAID

NO PLANTED AREA
 IS NOT WITHIN THE
 JURISDICTION OF THE
 COUNTY PLANNING
 AND ZONING COMMISSION
 SIGN: 1/13/06 SC

COMMERCIAL SURVEY

PROPERTY & LOCATION SURVEY
 Prepared for
GROTTO PIZZA, DEWEY, LLC
 TOWN OF DEWEY BEACH,
 SUSSEX COUNTY, DELAWARE
 WINGATE & ESCHENBACH, LLC, REGISTERED SURVEYORS
 P.O. BOX 142, REHOBOTH BEACH, DE 19971
 SCALE: 1" = 30' 25 NOVEMBER 2005

WJ
 15521 11/25/05



Ordinance No: _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN BY CHANGING THE ZONING DESIGNATION OF THE PROPERTY LOCATED AT 106 READ AVENUE, DEWEY BEACH, DELAWARE, TMP 334-20.18-115.00 FROM RB-2 RESORT BUSINESS TWO 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 Ton 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 "106 Read Avenue" TMP 334-20.18-115.00 from Resort Business Two (RB-2) to Resort Residential (RR) as follows;

WHEREAS, Title 22, Chapter 3, Section 301 of the Delaware Code provided 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";

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

WHEREAS, the Planning Commission following a duly noticed public hearing recommended approval of the application to rezone said parcel at their meeting on [insert date];

WHEREAS, a public hearing was conducted by Town Council on [insert date];

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.

BE IT ORDAINED by Town Council, in session met, a quorum pertaining at all times thereto, in the manner following to -wit:

SECTION 1. The Comprehensive Plan zoning designation of parcel TMP 334-20.18-115.00 located at 106 Read Avenue is hereby changed and amended from Resort Business Two (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 the Town of Dewey Beach, Delaware, for the property at 106 Read Avenue be hereby amended to RR, Resort Residential.

SECTION 2. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any

other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. This Ordinance shall take effect immediately upon its adoption by the Commissioners of the Town of Dewey Beach.

Adopted by the Commissioners of the Town of Dewey Beach, _____, _____, 2022.

I, Bill Zolper, Town manager of the town of Dewey Beach, do hereby certify that the foregoing is a true and correct copy of the ordinance passed by Town Council at its regular meeting on _____, _____, 2022, at which a quorum was present and voting throughout and the same is still in full force and effect.

Mayor

Town Manager

SYNOPSIS: This Ordinance amends the Dewey Beach Comprehensive Plan and the Dewey Beach Zoning Map designation for TMP 334-20.18-115.00 y changing it from RB-2 to RR.

Layers

Search

Base

Search Results

Print [X]

Show Parcel Details?
 Yes No

Template
 A3 Landscape [v]

Format
 PDF [v]

Print Parcel Map

