

RECEIVED AUG 1 2 2022

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(302) 491-6758

August 4, 2022

Daune Hinks  
Town of Dewey Beach  
105 Rodney Avenue  
Dewey Beach, DE 19971

RE: tax map parcel no. 334-20.18-74.00  
Richardson Property

Dear Ms. Hinks,

Our law firm represents the K. Ann Richardson Trust and Howard C. Richardson who are the owners of 100 Buena Street, Dewey Beach, DE. There is an existing small structure located on that site. During the Richardson period of ownership and its predecessors in title, the building has always been used as a residence. The building has now reached a point where it needs to be replaced. In that regard, the Richardson family is requesting permission to build a residence on the property even though it is zoned commercial. They have engaged Turnstone Builders to design a house that will meet their needs. They have submitted the plans to the town of Dewey Beach and are hereby requesting a variance to construct the residential house on this commercial site. I believe these plans are now in your office.

The above factors in mind, we are requesting that you set a hearing with the Board of Adjustment in order for the Richardson Family to proceed with the construction of their residence if you have any questions regarding this matter feel free to contact me at your convenience. Thank you for your help and guidance as always.

Sincerely,

  
Harold E. Dukes, Jr., Esquire

HED/ajk

TAX MAP AND PARCEL #:

3-34 20.18 74.00

PREPARED BY & RETURN TO:

Morris James LLP

107 W. Market Street

Georgetown, DE 19947

NO TITLE EXAMINATION  
PERFORMED OR REQUESTED

THIS DEED, made this 15<sup>th</sup> day of January, 2020,

- BETWEEN -

K. ANN RICHARDSON, TRUSTEE OF THE K. ANN RICHARDSON REVOCABLE TRUST DATED MARCH 2, 1993, as to an undivided one-half (1/2) tenant in common interest, AND HOWARD C. RICHARDSON AND STEPHANI RICHARDSON, as to an undivided one-half (1/2) tenant in common interest, of 20 Montchanin Road, Suite 270, Greenville, DE 19807, parties of the first part,

- AND -

K. ANN RICHARDSON, TRUSTEE OF THE K. ANN RICHARDSON REVOCABLE TRUST DATED MARCH 2, 1993, as to an undivided ninety-nine percent (99%) tenant in common interest, AND HOWARD C. RICHARDSON, as to an undivided one percent (1%) tenant in common interest, of 20 Montchanin Road, Suite 270, Greenville, DE 19807, parties of the second part;

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain tract, piece or parcel of land, together with all improvements thereon, erected, situate, lying and being located in the **TOWN OF DEWEY BEACH**, formerly Indian Beach, Lewes and Rehoboth Hundred, Sussex County, Delaware, more particularly described as follows:

BEGINNING at a found  $\frac{3}{4}$  inch pipe set in the Easterly right of way line of Buena Road, said pipe marking a common corner for this parcel and lands now or formerly of Lido Realty Co.; thence by and with the lands now or formerly of Lido Realty Co., the following six courses and distances, viz: (1) North 84 degrees 33 minutes 00 seconds East 70.00 feet to a set chisel

mark 0.12 feet into wall; thence (2) South 05 degrees 27 minutes 00 seconds East 22.00 feet to a found  $\frac{3}{4}$  inch pipe; thence (3) North 84 degrees 33 minutes 00 seconds East 3.50 feet to a point; thence (4) South 05 degrees 27 minutes 00 seconds East 29.00 feet to a point; thence (5) South 84 degrees 33 minutes 00 seconds West 3.50 feet to a found  $\frac{3}{4}$  inch pipe; thence (6) South 05 degrees 27 minutes 00 seconds East 19.00 feet to a set  $\frac{1}{2}$  inch pipe; thence turning and running South 84 degrees 33 minutes 00 seconds West 70.00 feet to a set mag. nail on the Easterly right of way line of Buena Street; thence by and with the Easterly right of way line of Buena Street North 05 degrees 27 minutes 00 seconds West 70.00 feet to the point and place of beginning, said to contain 5,001.5 square feet of land, more or less, with all improvements located thereon, as surveyed by Wingate & Eschenbach, dated January 27, 2000.

**BEING** the same land conveyed unto K. Ann Richardson Revocable Trust dated March 2, 1993, as to an undivided one-half (1/2) tenant in common interest and Howard C. Richardson and Stephani Richardson, as to an undivided one-half (1/2) tenant in common interest, by a Deed of John G. Farrow, Trustee and Dorothea P. Farrow, Trustee, dated January 27, 2000 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2459, Page 162.

**SUBJECT** to any and all restrictions, reservations, conditions, easements, and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

\_\_\_\_\_  
Witness

*K. Ann Richardson* *TRST* (SEAL)  
K. Ann Richardson, Trustee

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

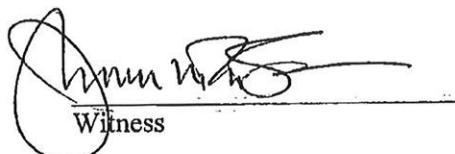
BE IT REMEMBERED, that on January 20<sup>th</sup>, 2020, personally came before me, the subscriber, K. Ann Richardson, Trustee, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

*Susan Lynn Goff*  
SUSAN LYNN GOFF  
Notary Public  
STATE OF DELAWARE  
My Commission Expires 03-15-2020

Notary Public  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.



Witness

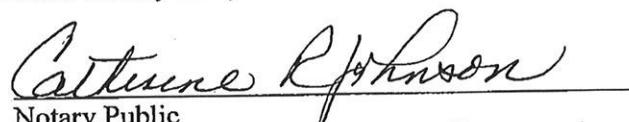


Howard C. Richardson (SEAL)

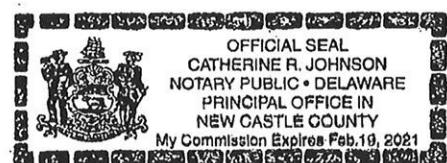
STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on January 15, 2020, personally came before me, the subscriber, Howard C. Richardson, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

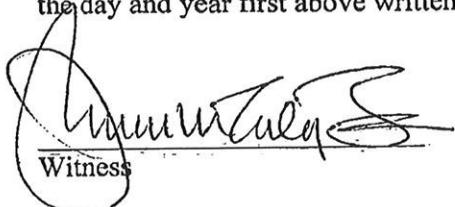
GIVEN under my Hand and Seal of Office the day and year aforesaid.



Notary Public  
My Commission Expires: 2-19-2021



IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal  
the day and year first above written.



Witness

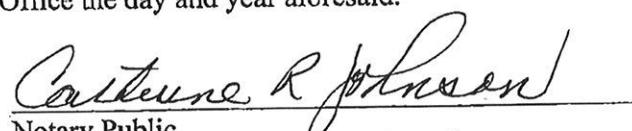


Stephani Richardson (SEAL)  
Stephani Richardson

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

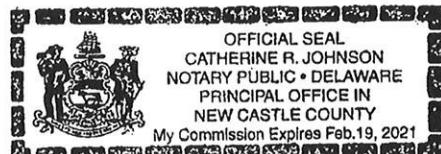
BE IT REMEMBERED, that on January 15, 2020, personally came before me, the subscriber, Stephani Richardson, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.



Catherine R. Johnson  
Notary Public  
My Commission Expires: 2-19-2021

THE TOWN OF DEWEY  
REALTY TRANSFER TAX  
SERIAL NO. 23458  
AMOUNT OF TOWN TAX 0  
DATE RECORDED 1-22-20  
RECEIVED BY Chum Morris







### Addresses / Parcels

Tax Parcels

### Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

### Schools / Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

### Hydrology

Streams / Rivers

Lakes, Ponds, Bays

### Flood Zones

0.2% Annual Chance

Flood Hazard

A

AE

AO

Open Water

VE

Public Protected Lands

Municipalities

Communities

Boundaries State County

Boundaries Sussex County

Boundaries State/County Government

East, H.E.P.E., S. Min., C. C. G. Open Space, State Park, State Game Lands, and the G.I.S. User community.

Sussex County, Sussex County Government, S. Min., C. C. G. Open Space, State Park, State Game Lands, and the G.I.S. User Community.

## Sussex County Map



## Sussex County

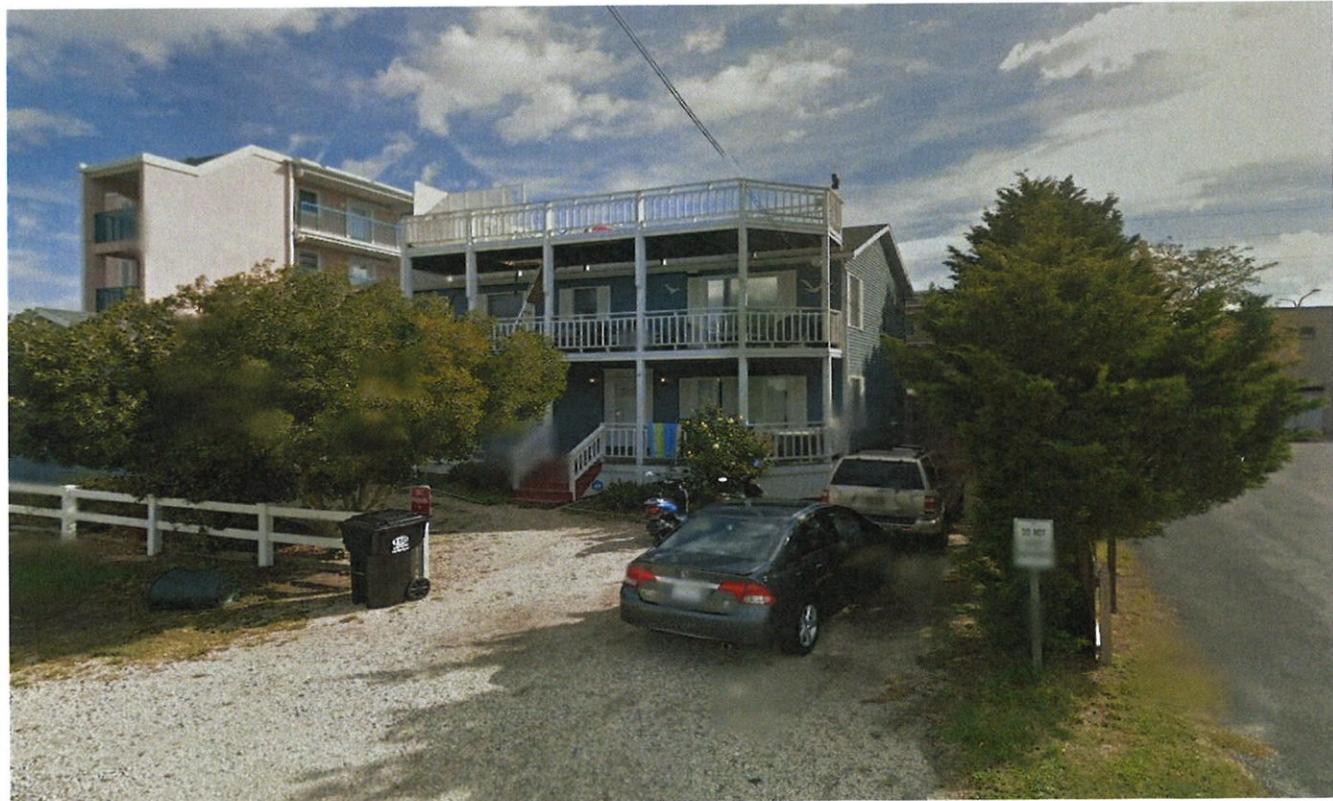


PIN:	334-20-18-74-00
Owner Name	RICHARDSON K AN TTEE REV TR

Book	5189
Mailing Address	20 MONTCHANIN RD
City	GREENVILLE
State	DE
Description	EBUENA RD
Description	COR SMCKINLEY AY
Description	N/A
Land Code	

- polygonLayer      Override 1
- polygonLayer      Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries





**100 Buena Street** is a single family dwelling located behind the former site of Grotto's Pizza and the Opal Hotel in Dewey Beach, Delaware.



## **100 Buena Street is currently zoned as RB-2**

§ 185-25.1. RB-2 Resort Business District-2.

A. Purpose of the district. This district represents the middle level of commercial development intensity in a main-street-like district lining the Coastal Highway corridor (S.R.1). The features of this zone include structures that are either entirely dedicated to commercial land use, or mixed-use structures of floor-area footage of not less than 1/3 commercial land use and not greater than 2/3 residential land use, providing use of the first floor or street level is restricted to commercial land use activities. Single-family detached dwellings and multifamily dwellings in a building or structure dedicated to residential use are prohibited.



## **100 Buena Street should be zoned as RR**

§ 185-24. RR Resort Residential District.

A. Purpose of the district. The purpose of this district is to provide for residential development of greater density than that provided for in an NR District, together with low-impact community and municipal functions and servicing of adjacent resort business properties owned by the same person, corporation or entity.

B. Permitted uses: any use permitted in a Neighborhood Residential District, dedicated multifamily residential structures, and municipal buildings and uses.

### **§ 185-24. RR Resort Residential District.**

- A. Purpose of the district. The purpose of this district is to provide for residential development of greater density than that provided for in an NR District, together with low-impact community and municipal functions and servicing of adjacent resort business properties owned by the same person, corporation or entity. See Table 1, Uses in Residential Districts.<sup>1</sup>
- B. Permitted uses: any use permitted in a Neighborhood Residential District, dedicated multifamily residential structures, and municipal buildings and uses. See Table 1, Uses in Residential Districts.
- C. Permitted accessory uses: any permitted use in a Neighborhood Residential District. See Table 1, Uses in Residential Districts.
- D. Conditional uses. See Table 1, Uses in Residential Districts.
- E. Uses permitted by special exception. See Table 1, Uses in Residential Districts.
- F. Permitted signs: all signs permitted by § 185-29, but limited in area to seven square feet, and signs permitted within the RR District by § 185-31.
- G. Height, area and bulk requirements. See Table 2, Bulk Zoning Standards in All Districts.<sup>2</sup>
- H. Reference to additional regulations. The regulations contained in this section are supplemented or modified by regulations contained in other articles of this and other chapters of the Town's municipal code, especially the following:
  - (1) Article V, General Sign Regulations.
  - (2) Article VI, Off-Street Parking.
  - (3) Article VII, Conditional Uses.
  - (4) Article VIII, Supplementary Height, Area and Bulk Regulations.
  - (5) Article X, Board of Adjustment.
  - (6) Definitions contained in Chapter 1, Article III.
  - (7) Restrictions specific to development in flood-prone areas (including FEMA-designated VE, AE and AO flood zones) contained in Chapter 101, Article IV.

**[AMENDED 1-11-2014 by Ord. No. 708]**

### **§ 185-25.1. RB-2 Resort Business District-2.**

- A. Purpose of the district. This district represents the middle level of commercial development intensity in a main-street-like district lining the Coastal Highway

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1. Editor's Note: Table 1 follows § 185-23C.

2. Editor's Note: Table 2 is included as an attachment to this chapter.

corridor (S.R. 1). The features of this zone include structures that are either entirely dedicated to commercial land use, or mixed-use structures of floor-area footage of not less than 1/3 commercial land use and not greater than 2/3 residential land use, providing use of the first floor or street level is restricted to commercial land use activities. Single-family detached dwellings and multifamily dwellings in a building or structure dedicated to residential use are prohibited.

- B. Permitted uses. See Table 3, Uses in Resort Business Districts.<sup>3</sup>
- C. Permitted accessory uses. See Table 3, Uses in Resort Business Districts.
- D. Conditional uses. See Table 3, Uses in Resort Business Districts.
- E. Uses permitted by special exception. See Table 3, Uses in Resort Business Districts.
- F. Special events permitted for a limited period of time. See Table 3, Uses in Resort Business Districts.
- G. Permitted signs. All signs permitted by § 185-29 and signs permitted within the RB Districts by § 185-32.
- H. Height, area and bulk requirements. See Table 2, Bulk Zoning Standards in All Districts.<sup>4</sup>
- I. Reference to additional regulations. The regulations contained in this section are supplemented or modified by regulations contained in other articles of this and other chapters of the Town's municipal code, especially the following:
  - (1) Article V, General Sign Regulations.
  - (2) Article VI, Off-Street Parking.
  - (3) Article VII, Conditional Uses.
  - (4) Article VIII, Supplementary Height, Area and Bulk Regulations.
  - (5) Article X, Board of Adjustment.
  - (6) Definitions contained in Chapter 1, Article III.
  - (7) Restrictions specific to development in flood-prone areas (including FEMA-designated VE, AE and AO flood zones) contained in Chapter 101, Article IV.

**[Amended 1-11-2014 by Ord. No. 708]**

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3. Editor's Note: Table 3 follows § 185-25C.

4. Editor's Note: Table 2 is included as an attachment to this chapter.