



CHRISTINE A. COFONE, PP, AICP  
*Principal*

**COFONE CONSULTING GROUP, LLC**

August 19, 2015

Paul Weiss, Esq.  
Chief Legal Counsel  
Casino Reinvestment Development Authority  
15 South Pennsylvania Avenue  
Atlantic City, NJ 08401

RE: **Phero Dai Huu Nguyen**  
**128 N. Georgia Avenue**  
**Block 339, Lot 32**  
**Application # 2015-07-1574**

Dear Mr. Weiss:

We have deemed this application **complete** for review.

In the subject application, the applicant is seeking approval, with “c” variances,” to partially demolish an existing brick single-family attached dwelling and construct a new single-family attached residence within the existing front wall, rear wall, and party walls. Additional improvements are proposed, as detailed in this report.

As part of our analysis, we undertook the following tasks: an inspection of the subject premises; a survey of surrounding land uses; review of the City of Atlantic City Zoning Ordinance and Zoning Map; review of the applicant’s application submission package; review of relevant case law related to the granting of variances; review of a site plan prepared by Craig F. Dothé Architect LLC, entitled “128 North Georgia Avenue Atlantic City,” consisting of 1 sheet, dated July 7, 2015, and prepared by Craig F. Dothé; a property deed dated September 19, 2003; a floor plan prepared by Craig F. Dothé Architect LLC, entitled “128 North Georgia Avenue Atlantic City,” consisting of 1 sheet, dated July 7, 2015, and prepared by Craig F. Dothé; building elevations prepared by Craig F. Dothé Architect LLC, entitled “128 North Georgia Avenue Atlantic City,” consisting of 1 sheet, dated July 7, 2015; a land title survey prepared by Robert J. Catalano and Associates P.A., entitled “128 North Georgia Avenue Block 339 Lot 32 Atlantic City,” consisting of 1 sheet, dated May 18, 2015, and prepared by Robert J. Catalano, PLS, PP; and a filed application, dated July 15, 2015.

We offer the following analysis and comments for your consideration.

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### **Description of Site and Summary of Development Proposal**

The property in question is developed with a single-family attached dwelling designated as Block 339, Lot 32 on the official tax maps of the City of Atlantic City with frontage on N. George Avenue.

The applicant is seeking seeking site plan approval, with “c” variances,” to partially demolish an existing single-family attached dwelling and construct a new single-family attached residence within the existing front wall, rear wall, and party walls. The applicant further proposes to construct a two-car garage under the structure, alleviating a one-car parking deficiency and allowing a second car to be parked off the street.

State and federal requirements require the minimum Base Flood Elevation (BFE) be elevated an additional two feet, allowing for a two-car garage under the dwelling.

According to the applicant, the two upper living levels are similar to the existing house, with the same 3-bedroom count. A new raised deck is proposed off the rear of the house to provide access to the ground from the raised first floor and provide a place for the AC compressor above the BFE. The applicant states that the raised deck is a substitute for the existing concrete patio off the rear of the house accessible to the kitchen through a rear door. The applicant also states that the raised front deck is a substitute for the existing front porch of the existing living room. Currently, the existing front porch, front step, and rear garden security wall presently extend over the public right-of-way, which are all to be removed. The new decks, stairs, and fences will be built on the applicant’s property.

### **Surrounding Land Uses**

The subject property is located within a row of single-family attached homes on the southern side of N. Georgia Avenue between Fairmount Avenue and Arctic Avenue. Detached dwelling are along the north side of N. Georgia Avenue.

### **Zoning Compliance**

The property is located in the Single-Family Attached (Townhouse) Residential (R-3) Zone District. As stated at Ordinance Section 163-55(A)(2), the purpose of the R-3 Zone is as follows:

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The R-3 Single-Family Attached Residential District has been established to foster townhouses and duplexes at areas in the City where such housing types have prevailed and developed in an orderly fashion, as well as in other areas suitable for attached single-family dwellings.

The application requires the following “c” variances:

### *Existing, non-conforming conditions:*

- Minimum lot area: 2,400 sf required; 842.4 sf existing and proposed.
- Minimum lot width: 30’-0” required; 16.20’ existing and proposed.
- Maximum lot coverage (principal and aggregate): 40% required; 89.90% existing and 76.20% proposed (reduction)
- Front yard building setback: 10’ required; 4.94’ existing and proposed
- Rear yard building setback: 25’ required; 6.83’ existing and proposed

### *Newly created variances:*

- Front deck setback: 10’ required; 0.24’ existing and 0.0’ proposed.
- Rear deck setback: 25’ required; 0.0’ proposed
- Chain link fence height: 4’ maximum required; 5’ proposed

### **Master Plan Review**

The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to “reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to “develop an economically viable and sustainable tourism district” and “[expand] Atlantic City’s tourism and economic bases” (Id, Page 1-2).

### **Planning Analysis and Issues for Consideration by the Board**

In regard to the “c” variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the

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purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.” As part of the negative criteria, since the Applicant requires variances from the Ordinance’s sign regulations, it should articulate to the CRDA whether its proposal would have any negative impact.

We offer the following for your consideration in reviewing the Application:

- 1) The applicant requires “c” bulk variances as detailed earlier in this report. The applicant’s professional planner shall provide the requisite statutory proofs. In its filed application, the applicant checked the “hardship” box for variance relief and should also state whether there are any “substantial benefit” arguments for the granting of the required variances.
- 2) The applicant review the the existing, non-conforming (including improvements to the existing conditions) and newly created variance relief. It is our determination that the applicant is reducing one existing, non-conforming condition (maximum lot coverage) and creating three new variances (front deck setback, rear deck setback, and chain link fence height). The applicant shall provide an affirmative statement about the variance relief. The applicant shall also discuss whether the location of the decks would have any negative visual impact.
- 3) While not stated on its submitted site plan, we believe that the applicant requires a “c” variance for the proposed height of the chain link fence along the rear property boundary. Ordinance Section 163-68, “Accessory structures and uses,” limits fence height to four feet unless as a “privacy fence” in rear yard, whereas the applicant proposes a five-foot fence. The applicant shall provide a statement relative to the function of the fence (is it to enclose the property or for privacy?). The Ordinance is silent on the function of “privacy,” although we are utilizing the common interpretation for privacy as a board-on-board fence or chain-link fence with slats. The applicant shall clarify the precise type of chain-link fence proposed.
- 4) The applicant shall provide testimony relative to the reduction of the impervious coverage and benefit of same. It appears that the reduction is due to the elimination of ground cover above which the new decks are proposed.



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- 5) We acknowledge that the applicant proposes to eradicate the existing parking variance by providing garage space under the dwelling for two vehicles (one space required).
- 6) The applicant shall provide testimony relative to the proposed architectural elements, discussing the proposed elevations and floor plan. Even with the increase in building height to comply with the BFE, the applicant's proposed height (24'-8") complies with the zone district's maximum requirement (35').
- 7) The applicant shall provide testimony relative to how the proposed improvements advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan and the Tourism District.

*The following comments are from CRDA Engineer William England, P.E.:*

- 1) The applicant shall add details to the site plan, including granite curb radius; concrete apron cross section showing choked stone base, concrete at 4500 psi, air entrained, and steel reinforced per City standards; a concrete sidewalk detail cross section with choked stone base (no steel); and material type for the wood columns.
- 2) The applicant shall add the FF elev for the garage to the plans; show street/sidewalk grades so we can confirm that the driveway and garage floor elevation works with the existing conditions (especially near the existing adjacent units). Also, the grading of the backyard is left very loose with no grades. The applicant shall slope the concrete 2% for drainage. Under the current plan there is a question about where the water will flow. The applicant shall have some grades to make sure it works with adjacent properties and not cause a problem. Note the step up to the front porch on this unit and the adjacent units.
- 3) The applicant shall address if the roof drainages could be directed to the street to minimize any flooding in the rear of the units.

We would be happy to address any questions or comments on the above at the public hearing.



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Respectfully submitted,

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