



CHRISTINE A. COFONE, PP, AICP
Principal

COFONE CONSULTING GROUP, LLC

September 15, 2015

Lance B. Landgraf, Jr., PP, AICP
NJCRDA
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

**RE: Paul R. Jackson and John C. Jackson
117 Dewey Place
Block 79, Lot 8
Application #2015-09-1666**

Dear Mr. Landgraf:

As per your direction, we have reviewed the above-referenced development application. In the subject application, the Applicant seeks to construct a new 1,954 square foot, three-story single-family dwelling with second- and third-floor decks in the front and rear of the property, a two-car garage, and ancillary site improvements, including but not limited to a 10-foot wide concrete sidewalk and a landscaping package.

The subject property at 117 Dewey Place is vacant. The property is located in the RS-C "Resort Commercial Development" District. As discussed in more detail in this letter, a Special Reasons "Use" Variance is required since the proposed use is not permitted in the RS-C District along with numerous bulk variances.

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 relevant case law related to the granting of variances; review of the all filed application materials; and review of a "Variance Plan" for Block 79, Lot 8, City of Atlantic City, Atlantic County, New Jersey, prepared by Arthur W. Ponzio, Jr., PLS, PP and Jon J. Barnhart, PE, PP of Arthur W. Ponzio Co. & Associates Inc., and dated May 11, 2015.

We offer the following analysis and comments for your consideration.

125 Half Mile Road, Suite 200 • Red Bank, New Jersey 07701 • Office: 732.933.2715 • Fax: 732.933.2601 • Cell: 732.439.6400

E-mail: ccofone@cofoneconsulting.com • www.cofoneconsulting.com



CHRISTINE A. COFONE, PP, AICP
Principal

COFONE CONSULTING GROUP, LLC

Description of Site and Summary of Development Proposal

The 1,770.3 square foot property is located at 117 Dewey Place, which is near the northern terminus of Atlantic City just to the south of the Absecon Inlet. The property is currently vacant.

The Applicant seeks to construct a new 1,954 square foot, three-story single-family dwelling with second- and third-floor decks in the front and rear of the property, a two-car garage, and ancillary site improvements, including but not limited to a 10-foot wide concrete sidewalk and a landscaping package consisting on 10 plantings.

Surrounding Land Uses

The subject property is located within an area generally characterized by vacant land and scattered residential and commercial uses.

Zoning Compliance

The property is located in the RS-C District, which purpose is enunciated at Ordinance Section 163-58(A) as follows:

The RS-C Resort Commercial District is intended to apply to established resort areas in the city. Its purpose is to provide for the city's main industry, consisting predominately of transient and tourist-oriented uses, at such intensity as is justified by the city's limited land resources, high land values and infrastructure capacity. Residential development is also encouraged for the purpose of preserving and enhancing the family-resort character of the city and integrating the specialized activities of the Resort Commercial District with the rest of the community.

The proposed use, a single-family detached house, is not permitted in the RS-C District. Therefore, a Special Reasons Use Variance is required.

The following bulk variances are required from Ordinance Section 163 (Attachment 4) Schedule I:

- Minimum lot area: 30,000 square feet required; 1,770.3 square feet existing and proposed.
- Minimum lot width: 150 feet required; 19.75 feet existing and proposed
- Setbacks:

125 Half Mile Road, Suite 200 • Red Bank, New Jersey 07701 • Office: 732.933.2715 • Fax: 732.933.2601 • Cell: 732.439.6400

E-mail: ccofone@cofoneconsulting.com • www.cofoneconsulting.com



CHRISTINE A. COFONE, PP, AICP
Principal

COFONE CONSULTING GROUP, LLC

- Front yard: 20 feet required; 19 feet proposed
- Side yard: 30 feet required; 1.96 feet proposed
- Side yard: 30 feet required; 1.96 feet proposed
- Rear yard: 30 feet required; 9 feet proposed
- Coverages:
 - Principal: 40% required; 55% proposed

The applicant complies with lot depth (no standard required; 78 feet proposed), accessory coverage (40% required; 11% proposed), aggregate coverage (70% required; 66% proposed), building height (385 feet required; 3 stories, >385 feet proposed), floor area ratio (8.0 required; 1.65 proposed), and parking (2 spaces required; 3 spaces proposed).

Note that the RS-C District does not permit single-family dwellings. As such, the residential requirements are for more intensive residential uses.

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 of the Master Plan 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 regards to the “d(1)” variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70.d sets forth the standards for variances from the use regulations of a zoning ordinance. A “d(1)” variance is required when an applicant submits an application for a use that is not permitted in the list of permitted uses within a specific zoning district. The applicant must satisfy the *Medici* proofs:

- Is the site particularly suited for the proposed use?
- Does the proposed use further the purposes of the Municipal Land Use Law (MLUL)?
- Does the proposal substantially impair the purpose and intent of the master plan, zone plan, and zoning ordinance? Does the proposal satisfy the enhanced quality of

125 Half Mile Road, Suite 200 • Red Bank, New Jersey 07701 • Office: 732.933.2715 • Fax: 732.933.2601 • Cell: 732.439.6400

E-mail: ccofone@cofoneconsulting.com • www.cofoneconsulting.com



CHRISTINE A. COFONE, PP, AICP
Principal

COFONE CONSULTING GROUP, LLC

- proof that the variance sought is not inconsistent with the intent of the master plan and zoning ordinance, proof which must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the district?
- Can a variance for this use be granted without substantial detriment to the public good?

In regard to the “c” variances, 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 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.”

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

- 1) The Applicant has identified that it will provide d(1) use variance and c(2) “substantial benefit” testimony. The Applicant shall furnish testimony pursuant to the statutory criteria cited above.
- 2) The Applicant states that single-family dwellings were permitted prior to a 1978 zoning change and that the area was developed with single-family uses previously, citing a 1938 atlas. The Applicant shall discuss the site and area’s history with the board as well as the development in the area since the 1978 master plan and zone change.
- 3) The Applicant shall provide testimony as to why the proposed use is appropriate at this location.
- 4) The Applicant shall provide testimony relative to all proposed site improvements, including the house design, as well as compliance with FEMA flood regulations. The Applicant states that the minimum finished floor elevation is at 12 feet.
- 5) The Applicant shall discuss its previous attempts to purchase land from property owners on two sides in order to reduce the undersized nature of the lot.

125 Half Mile Road, Suite 200 • Red Bank, New Jersey 07701 • Office: 732.933.2715 • Fax: 732.933.2601 • Cell: 732.439.6400

E-mail: ccofone@cofoneconsulting.com • www.cofoneconsulting.com



CHRISTINE A. COFONE, PP, AICP
Principal

COFONE CONSULTING GROUP, LLC

- 6) The Applicant shall provide testimony regarding the two proposed “revocable license” requests to the adjacent property owner. The Applicant states that access easements were not granted by the adjacent properties owner.

- 7) The applicant shall provide testimony relative to how the proposal advances the intent and vision of the CRDA Atlantic City Tourism District Master Plan and Tourism District.

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

Respectfully submitted,

Christine A. Nazzaro-Cofone, AICP, PP
Principal

cc: Robert L. Reid, AICP, PP
Paul G. Weiss, Esq., Chief Legal Counsel
William England, PE, Board Engineer
Applicant's Attorney
Applicant's Engineer