



CHRISTINE A. COFONE, PP, AICP
Principal

COFONE CONSULTING GROUP, LLC

September 27, 2016

Lance B. Landgraf, Jr., P.P., AICP
Director of Planning
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

RE: **Estate of AC**
206 South Vermont Avenue
Block 74, Lot 3
Application #2016-08-2029

Dear Mr. Landgraf:

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

As per your direction, we have reviewed the above-referenced development application. In the subject application, the Applicant seeking to construct a new 3.5-story residential duplex at the required elevation on the lot situated at 206 South Vermont Avenue in the City of Atlantic City.

The subject property is currently vacant except for a fenced “coop” and a garden. The property is located in the RS-C “Resort Commercial Development” District. As discussed in more detail in this letter, the application requires a Special Reasons “Use” Variance 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; review of an application dated August 30, 2016; review of a Land Title Survey for Block 74, Lot 3, prepared by Robert J. Catalano PLS PP of Robert J. Catalano and Associates P.A. and undated; review of architectural elevations and floor plans for Estates of A.C. prepared by Mike K. of Michael W. Kolchins Architect and dated June 9, 2016; and review of a “Variance Plan” for Block 74, Lot 83 City of Atlantic City, Atlantic County, New Jersey, prepared by Arthur W. Ponzio, Jr., PLS, PP and dated July 21, 2016.

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We offer the following analysis and comments for your consideration.

Description of Site and Summary of Development Proposal

The 2,100 square foot property is located at 206 South Vermont Avenue 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 3.5-story residential duplex at the required elevation on the lot with first and second level decks. The applicant additionally seeks to remove and reconstruct a concrete sidewalk.

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 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:

Existing, non-conforming conditions:



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- Minimum lot area: 30,000 square feet required; 2,100 square feet existing and proposed.
- Minimum lot width: 150 feet required; 28 feet existing and proposed.

Newly created variances:

- Setbacks:
 - Front yard: 20 feet required; 7 feet proposed
 - Side yard: 30 feet required; 3 feet proposed
 - Rear yard: 30 feet required; 12 feet 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)?

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- 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 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, c(1) “hardship,” and c(2) “substantial benefit” testimony. The Applicant shall furnish testimony pursuant to the statutory criteria cited above.
- 2) The Applicant shall provide testimony as to why the proposed use is appropriate at this location given the underlying zoning.
- 3) The applicant shall state whether it intends to add landscaping to the property.
- 4) The Applicant shall provide testimony relative to all proposed site improvements, including the house design.
- 5) The applicant shall provide testimony by its architect relative to the proposed architectural elements, discussing the proposed elevations and floor plan. Even with the increase in building height to comply with the base flood elevation (BFE), the applicant’s proposed height (<35’) complies with the zone district’s maximum requirement (385’). The applicant shall discuss the required BFE. Atlantic City

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requires a BFE plus two feet for a new first floor elevation. How does the applicant intend to flood proof the home?

- 6) 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, Land Use Regulation Enforcement Officer
Paul G. Weiss, Esq., Chief Legal Counsel
William England, PE, Board Engineer
Applicant's Attorney
Applicant's Engineer