



**COFONE CONSULTING GROUP, LLC**

CHRISTINE A. COFONE, PP, AICP  
*Principal*

December 8, 2016

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

RE: **Mohammed Alam**  
**1 N. Liberty Terrace**  
**Block 339, Lot 22**  
**Application #2016-09-2048**

Dear Mr. Landgraf:

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

In the subject application, the applicant is seeking approval, with “c” variances,” to demolish a portion of an existing structure to facilitate a building reconstruction. 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 “Land Title Survey” prepared by Robert J. Catalano, PLS consisting of 1 sheet (the date appears to be cut off from the sheet); site plan, elevations, and floor plans, consisting of 3 sheets prepared by Craig F. Dothe Architect LLC, dated a CRDA application dated October 13, 2016; a deed dated December 31, 2003; and a FEMA Elevation Certificate.

We offer the following analysis and comments for your consideration.

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

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

The property in question is developed with a two single-family dwelling designated as Block 339, Lot 22 on the official tax maps of the City of Atlantic City with frontage on 1 N. Liberty Terrace.

The applicant is seeking site plan approval, with “c” variances,” to demolish a portion of an existing structure to facilitate an elevated two-story building reconstruction. The application calls for the demolition of the existing frame floor system, roof system and interior walls between the existing party wall and between the existing front, side and rear masonry walls. The reconstructed home will be constructed between the existing brick walls as noted below. The applicant provides the following specifics:

*The existing one story section at the rear of the house will be expanded and raised to the proposed first floor height, and used for kitchen, utilities, laundry and a new bathroom. The existing 2nd floor bathroom will be relocated over this area, along with a new bedroom. The front bedroom will be expanded with a bay window located above the raised front porch.*

*The reconstructed dwelling will be built above the FEMA flood requirement of BFE plus 2’ (elevation 11.00’ NAVD88). The new first floor will be constructed at a height of 13.3’ NGVD29 or 12.00’ NAVD88. (The first floor height will be 1.0’ above BFE+2’.) The space below the first floor will be a high crawl space only, which will be used for storage.*

*The existing front porch will be raised to the proposed first floor height, reduced in size to allow for the new front entrance steps. The new front access stairs will be built within the site boundaries so that there will not be any building construction on the public right of way.*

### **Surrounding Land Uses**

The subject property is located within a row of predominately single-family detached homes along Liberty Terrace in the Ducktown section of the City.

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**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 below, followed by the zoning compliance table:

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.

ZONING SCHEDULE/COMPLIANCE					
ORD. SECTION	ZONE R-3	PERMITTED OR REQUIRED	EXISTING CONDITIONS	PROPOSED IMPROVEMENTS	CONFORMITY STATUS
Schedule I	USE	Single Family Attached	Single Family Attached	Single Family Attached	CONFORMS
163 Attachment 1, Schedule I	MAX. BUILDING HEIGHT	35'	16'+/-	21'+/-	CONFORMS
	MIN. LOT AREA	2,400 SF (ATTACHED)	852.73 SF	852.73 SF	Pre-Existing Non-Conforming
	MIN. LOT DEPTH	NOT SPECIFIED	53'	53'	NA
	MIN. LOT WIDTH	30'	16.1'	16.1'	Pre-Existing Non-Conforming
	MAX. PRINCIPAL BUILDING COVERAGE	40%	72.15%	79.36%	Does Not Conform
	MIN. FRONT YARD	10'	0.64'	0'	Does Not Conform
	MIN. SIDE YARD	12' single side, outside units only	0' to 0.12'	0'	Does Not Conform
	MIN. REAR YARD	25'	4.32' (PRINCIPAL BUILDING) 0.25' (BLOCK SHED)	4.32' (PRINCIPAL BUILDING) (BLOCK SHED TO BE REMOVED)	Pre-Existing Non-Conforming
163 Attachment 27 Schedule IV	PARKING	1 SPACE PER DWELLING	0	0	Pre-Existing Non-Conforming

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### **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” 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 requires “c” bulk variances as detailed earlier in this report. The applicant’s professional planner shall provide the requisite statutory proofs. According to the application, the applicant will be testifying under the c(1) “hardship” standard. The applicant shall additionally state if, in accordance with the c(2) criteria, if any purposes of zoning are advanced and if the benefits of deviating from the ordinance requirements outweigh the detriments.
- 2) Is the applicant providing any fencing? If so, Ordinance Section 163-68, “Accessory structures and uses,” limits fence height to four feet unless as a “privacy fence” in

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rear yard.

- 3) The applicant shall provide testimony relative to the increase of the impervious coverage and benefit of same.
- 4) The applicant shall discuss parking.
- 5) The applicant shall provide testimony whether there will be any landscaping improvements.
- 6) 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 (35'). The applicant shall discuss the required BFE. Atlantic City requires a BFE plus two feet for a new first floor elevation. How does the applicant intend to flood proof the home?
- 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.
- 8) We note for the record the property is an existing undersized lot.

We 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

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cc: Robert L. Reid, AICP, PP, Land Use Regulation Enforcement Officer  
Paul G. Weiss, Esq., Chief Legal Counsel  
William England, PE, Board Engineer  
Applicant

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