



COFONE CONSULTING GROUP, LLC

CHRISTINE A. COFONE, PP, AICP
Principal

July 3, 2019

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

RE: **Sean Reardon**
138 S. Bellevue Avenue
Block 36, Lot 75
Application #2018-09-2495

Dear Mr. Landgraf:

As per your direction, we have reviewed the above-referenced development application, and it is deemed **complete** for review after the applicant satisfied the comments in the CRDA LURED Planner's September 24, 2018 review letter and comments in an October 4, 2018 letter from the CRDA Land Use Regulation and Enforcement Officer. The following is a technical review.

In the subject application, the applicant is seeking use variance approval for the conversion of a multi-family dwelling use to a single-family dwelling use located at Block 36, Lot 75 within the Resort Commercial (RC) Zone. Specifically, the applicant has completely gutted and converted the former duplex into a single-family dwelling. A second floor deck is currently under construction.

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 Casino Reinvestment Development Authority Tourism District Land Development Rules and Tourism District Zoning Map; review of the Applicant's Application submission package; review of CRDA correspondence to the applicant, dated May 3, 2018, September 4, 2018, September 7, 2018, October 4, 2018, December 17, 2018, June 21, 2019, and June 25, 2019; and a property survey/variance plan, consisting of one sheet, prepared by Arthur W. Ponzio, Jr., dated July 26, 2018, and updated to May 2, 2019; and floor plans, prepared by Ralph H. Wesner, AIA, consisting of three sheets and dated August 30, 2018.

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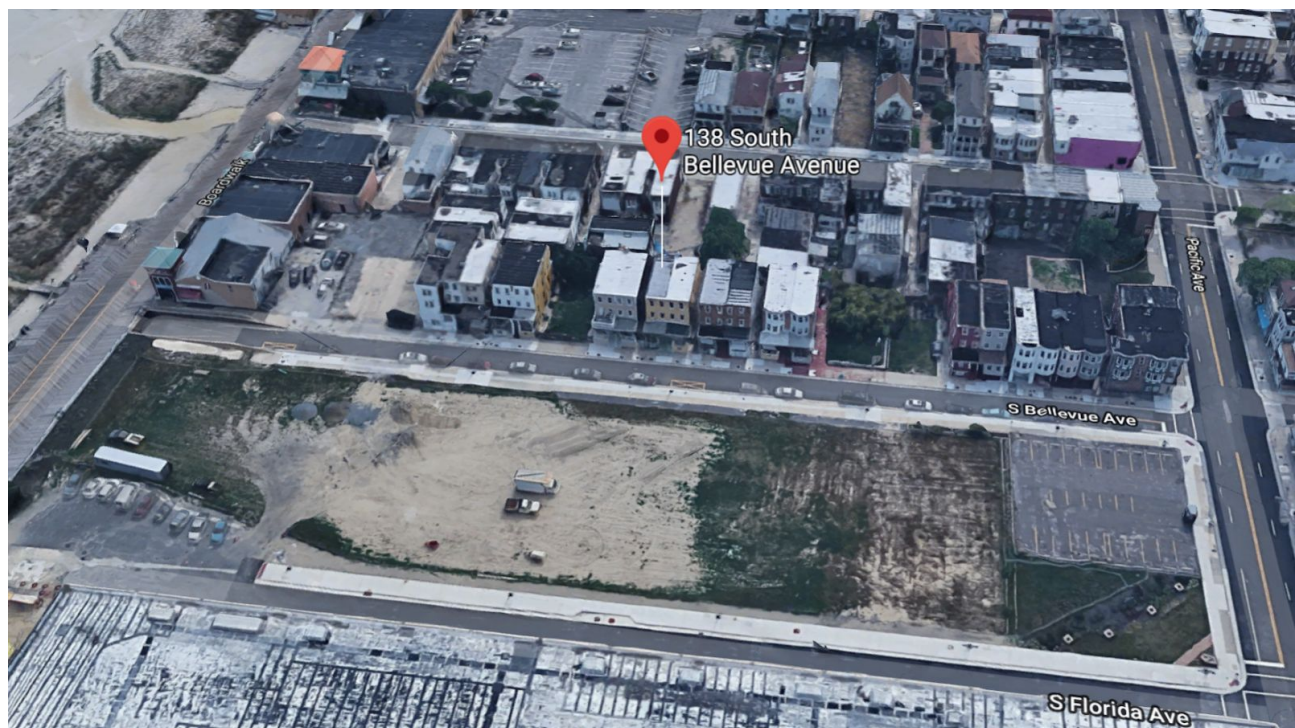
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We offer the following analysis and comments for your consideration.

Description of Site and Summary of Development Proposal

The approximately 900 square foot subject property situated at 138 S. Bellevue Avenue is developed with a 3-1/2 story stucco building. The applicant is seeking to renovate the former existing triplex into a single-family dwelling. A first floor porch and second floor deck are currently under construction.



There is detailed history involving the property as detailed in an August 16, 2018 from the CRDA to the Applicant. That correspondence is incorporated by reference into this letter.

Surrounding Land Uses

The surrounding area is dominated by vacant lots and attached residential uses. Two large vacant lots are situated across S. Bellevue Avenue.



Zoning Compliance

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.10, the purpose of the RC District is as follows:

The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district's geographical advantages of the zoning district's proximity to the boardwalk and the Atlantic Ocean. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.

The Application requires a d(1) Special Reasons Use Variance since the proposed use is not permitted in the RC District. While the Applicant's engineer has identified various "c" variance relief, since the RC District does not contemplate the use and thus does not contain bulk requirements applicable to single-family residential, any identified "c" variances are subsumed by the "d" variance in accordance with *Price V. Himeji*.

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 "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 advance special reasons and 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 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?

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

- 1) As noted above, the Application was deemed technically incomplete by the CRDA LURED Planner in a September 24, 2018 review letter because the Applicant had not provided an accurate inventory that accounts for all of the uses within 200' of the subject property. The Applicant's land use professionals have provided an acceptable land use inventory on its May 2, 2019 update to the aforementioned property survey/variance plan. **COMMENT SATISFIED**
- 2) The Applicant has provided narratives regarding the use variance request. The Applicant is required to provide testimony by a New Jersey licensed professional planner in accordance with statutory and case law requirements.
- 3) The Applicant shall provide detailed testimony about the interior and exterior construction work/improvements proposed.
- 4) The Applicant shall provide testimony regarding how the proposal will advance the intent of the Tourism District and the Tourism District Master Plan.

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



COFONE CONSULTING GROUP, LLC

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Principal

Respectfully submitted,

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CRDA Consulting Planner

cc: CRDA Board staff and consulting professionals
Applicant
Applicant's professionals

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