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January 30, 2026  
31623 74

Re: 127 S Texas, LLC (CRDA Application #2026-01-3971)  
**Bulk Variances and Use Variance**  
**Technical Review #1**  
127 South Texas Avenue  
Block 36, Lot 14  
Atlantic City, NJ, 08401

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

Dear Mr. Landgraf:

An Application for Use Variance and Bulk Variances approval has been received and reviewed by our office for the subject premise:

**Applicant Information**

- Applicant /:  
Owner 127 S Texas, LLC c/o Nikolas Nikos  
1746 Mays Landing Road  
Egg Harbor Township, NJ 08234
- Architect: David E. Holst, RA  
Holst Architecture  
19 Stoney Creek Drive  
Egg Harbor Township, NJ 08234
- Surveyor: Daniel J. Ponzio, Sr., PLS & Associates  
Daniel J. Ponzio, Sr. Company & Associates, LLC  
3910 South Boulevard  
Atlantic City, NJ 08401
- Attorney: Bridget A. Sykes, Esquire  
Fox Rothschild, LLC  
1301 Atlantic Avenue, Suite 400  
Atlantic City, NJ 08401

- Planner: None noted
- Engineer: None noted

### **Documents Submitted**

1. Application Cover Letter, dated January 7, 2026, prepared by Bridget A. Sykes, Esquire, Applicant's Attorney.
2. Application Exhibit List.
3. CRDA City of Atlantic City Land Use Application, dated January 7, 2026, prepared by Nikolas Nikos, Applicant.
4. CRDA "d" Variance Checklist (Form #11), dated January 6, 2026.
5. CRDA "c" Variance Checklist (Form #12), dated January 6, 2026.
6. Application Narrative.
7. Schedule of Variances.
8. Atlantic County Document Summary Sheet, dated August 29, 2025.
9. Property Deed, dated August 29, 2025.
10. Plans titled "Site-Variance Plan, #127 S Texas Avenue", dated December 18, 2025, prepared by Daniel J. Ponzio, Sr. Company & Associates, LLC, and consisting of the following sheets:
  - a. Sheet 1, Cover Sheet
  - b. Sheet 2, Site Plan & Zoning Information
  - c. Sheet 3, Construction Details
11. Architectural Plans titled "New Two-Family Dwelling, 127 S. Texas Ave.", dated December 29, 2025, prepared by Holst Architecture, and consisting of the following sheets:
  - a. VAR-1, Floor Plans
  - b. VAR-2, Elevations
12. Color Photographs of Property.

### **A. Project Description and Background**

An application for "c" Variance and "d" Variance Approval has been submitted by 127 S Texas, LLC to permit the construction of four-story, two-family residential dwelling (i.e. duplex) on a currently vacant lot. A grade-level garage, providing two (2) off-street parking spaces is proposed. A two-bedroom residential dwelling is proposed on the first floor. A three-bedroom residential dwelling is proposed for the second and third floors. The property, which has dimensions of 25' x 61' and comprises 1,525 SF (0.035 Acres), is currently vacant with the only existing improvements consisting of a 3' wide concrete walk extending along the entirety of the northerly property line. A similar concrete walk extends within an easement adjacent to the southerly property line. Proposed improvements include construction of the aforementioned two-family dwelling; construction of depressed concrete curb, driveway apron and sidewalk; installation of landscape plantings along the easterly property line; and construction of water and sanitary sewer service laterals.

The site is located within the Resort Commercial (RC) Zoning District and is bound by residential dwellings on all sides. Multi-family structures are permitted within the RC Zone, however duplexes are not permitted. Therefore, a use variance is required. A d(5) variance is also required for residential dwelling unit density. Bulk variance relief is required for lot area, lot depth, lot width, lot frontage, front yard setback, side yard setback, and rear yard setback. A de-minimum exception to the NJ Residential Site Improvement Standards (RSIS) is required for the number of off-street parking spaces provided.

## **B. Completeness Review**

We have reviewed the submitted information for completeness and have no objection to the application being deemed complete, on the conditions that the various review comments contained in this letter are addressed via testimony and/or the submission of supplemental information; and that appropriate professional planning testimony, including ‘c’ and ‘d’ variance proofs, be provided at the land use hearing to justify the requested bulk and use variances, respectively.

## **C. Zoning Review**

1. The following is a summary of the existing and proposed conditions with respect to the bulk requirements for the RC Zone:

DIMENSION	REGULATION	REQUIRED	EXISTING	PROPOSED	STATUS
Height, Max. (Feet)	19:66-5.10(a)(1)iv(1)	300	N/A	36	C
Lot Area (Sq Ft)	19:66-5.10(a)(1)iv(2)	7,500	1,525	1,525	V
Lot Depth (Feet)	19:66-5.10(a)(1)iv(3)	150	N/A	61	V
Lot Width (Feet)	19:66-5.10(a)(1)iv(4)	50	25	25	V
Lot Frontage (Feet)	19:66-5.10(a)(1)iv(5)	50	25	25	V
Building Cover. Max. (%)	19:66-5.10(a)(1)iv(6)	70	N/A	60.8	C
Impervious Cover, Max. (%)	19:66-5.10(a)(1)iv(7)	80	10.8	73.4	C
Front Yard, Min. (Feet)	19:66-5.10(a)(1)iv(8)	20	N/A	0	V
Side Yard, Min. (Feet), North	19:66-5.10(a)(1)iv(9)	20	N/A	3.16	V
Side Yard, Min. (Feet), South	19:66-5.10(a)(1)iv(9)	20	N/A	3.16	V
Rear Yard, Min. (Feet)	19:66-5.10(a)(1)iv(10)	20	N/A	10	V
Dwelling Density (DU/Ac.), Max.	19:66-5.12(a)(1)iv(13)	50	N/A	57.2	V

**C – Conforming**

**ENC - Existing Nonconforming Conditions**

**V – Variance Required**

2. Detached two-family dwellings are not specifically permitted within the RC Zone, therefore use variance approval is required.
3. Section 19:66-5.10(a)(1)iv(13) of the Land Development Rules permits a maximum dwelling density (dwelling units per acre) of 50 DU/A where 57.2 DU/A is proposed. Consequently, a d(5) variance is required.
4. The Applicant has the burden of proof to present “positive” and “negative” criteria to justify the d(1) variance and d(5) variance. The Applicant should provide testimony indicating that:
  - a. There are “special reasons” to grant the requested relief (e.g., is it “inherently beneficial”).
  - b. The site is particularly suited to the proposed use, OR would be zoned into inutility without the variances.
  - c. The proposal will advance the purposes of the NJ Municipal Land Use Law (NJSA 40:55D-2) and the City’s Master Plan and Zoning Ordinance.
  - d. The variances can be granted without substantial detriment to the public good, and the variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
5. Section 19:66-5.10(a)(1)iv(2) of the Land Development Rules requires a minimum lot area of 7,500 SF within the RC Zone whereas 1,525 SF is proposed. A variance is required.

6. Section 19:66-5.10(a)(1)iv(3) of the Land Development Rules requires a minimum lot depth of 150' within the RC Zone whereas 61' is proposed. A variance is required.
7. Section 19:66-5.10(a)(1)iv(4) of the Land Development Rules requires a minimum lot width of 50' within the RC Zone whereas 25' is proposed. A variance is required.
8. Section 19:66-5.10(a)(1)iv(5) of the Land Development Rules requires a minimum lot frontage of 50' within the RC Zone whereas 25' is proposed. A variance is required.
9. Section 19:66-5.10(a)(1)iv(8) of the Land Development Rules requires a minimum front yard setback of 20' within the RC Zone for buildings exceeding 35' in height whereas a front yard setback of 0' is proposed. A variance is required. It should be noted that the Ponzio plan incorrectly identifies the height of the building as 33.58'. The architectural plans show the building as having a height of 36.0' as measured from the base flood elevation (El. 10.0) to the peak of the roof (El. 46.0). The zoning chart shall be corrected accordingly.
10. Section 19:66-5.10(a)(1)iv(9) of the Land Development Rules requires a minimum side yard setback of 20' within the RC Zone for buildings exceeding 35' in height whereas a side yard setback of 3.16' is proposed along the northerly property line. A variance is required.
11. Section 19:66-5.10(a)(1)iv(9) of the Land Development Rules requires a minimum side yard setback of 20' within the RC Zone for buildings exceeding 35' in height whereas a side yard setback of 3.16' is proposed along the southerly property line. A variance is required.
12. Section 19:66-5.10(a)(1)iv(10) of the Land Development Rules requires a minimum rear yard setback of 20' within the RC Zone whereas a rear yard setback of 10.0' is proposed. A variance is required.
13. With respect to items No. 5 through 12, for "c" variances, the applicant must demonstrate that the strict application of the zoning regulations to the property creates a hardship or results in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property.
14. New Jersey Residential Site Improvement Standards (RSIS) require a total of four off-street parking spaces be provided, whereas two (2) off-street parking spaces are proposed. A de-minimus exception to RSIS standards is required.

#### **D. Site Plan Review**

1. The lot number on the title block of the Ponzio planset is incorrect, it should be Lot 14 not Lot 41. The plans shall be corrected accordingly.
2. The Applicant shall provide testimony indicating as to where trash and recycling containers will be stored prior to collection.
3. The proposed water and sanitary sewer connections shall be subject to review and approval by Atlantic City Municipal Utilities Authority All review comments provided by ACMUA shall be addressed via appropriate plan revisions.

4. The Applicant shall obtain road opening permits, as necessary, for the construction of utility connections and all other work within the City's South Texas Avenue right-of-way.
5. The Applicant is solely responsible for any utility connection fees associated with the dwellings that are proposed with the subdivision.
6. The Applicant should provide testimony regarding the proposed lighting levels of all of the exterior areas of the property.
7. The Applicant should testify to the nature of any existing or proposed easements or deed restrictions. If no such easements or deed restrictions exist, a note shall be added to the plans stating such.
8. The Applicant shall be required to post a performance bond and inspection escrow for all proposed site improvements that are subject to this requirement, including those within the City right-of-way prior to the issuance of Certificate of Land Use Compliance. Should the Applicant gain land use approval our office will provide a bond / inspection escrow estimate in conjunction with our conformance review for such purposes.
9. All appropriate building / construction permits shall be sought and received from the Atlantic City Construction Department prior to the start of any construction.

#### **E. Outside Agency Permits & Approvals**

1. The following outside agency permits / approvals are required:
  - a. CRDA Certificate of Land Use Compliance (CLUC)
  - b. Atlantic City Building Code Official
  - c. Atlantic City Construction Department
  - d. Atlantic City Municipal Utilities Authority (ACMUA)
  - e. All others as necessary

We reserve the right to make further comments as revised submittals are received. Please contact me if you require any additional information or have any questions. We are pleased to be of service.

Sincerely yours,



G. Jeffrey Hanson, PE, CME  
CRDA Land Use Board Engineering Consultant

Cc: 127 S Texas, LLC, c/o Nikolas Nikos, Applicant [nikolasnikos@comcast.net](mailto:nikolasnikos@comcast.net)  
Bridget A. Sykes, Esq., Applicant's attorney [bsykes@foxrothschild.com](mailto:bsykes@foxrothschild.com)  
Daniel J. Ponzio, Sr., PLS, Applicant's Surveyor, [ponziosurvey@gmail.com](mailto:ponziosurvey@gmail.com)  
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