

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT
AUTHORITY APPROVING A CERTIFICATE OF NONCONFORMITY
FOR GIAN ACQUASANTA UNDER APPLICATION 2013-11-890**

WHEREAS, pursuant to Resolution 11-25 adopted April 19, 2011, the Casino Reinvestment Development Authority (the "Authority") designated the tourism district (the "Tourism District") in the city of Atlantic City in accordance with P.L. 2011 chapter 18 (the "Act"); and

WHEREAS, pursuant to the Act, the Authority is required to develop a master plan for the Tourism District, and adopt and impose regulations concerning the review and approval or denial of site plans and development proposals for development upon and improvements to land within the Tourism District (the "Land Use Regulations") to supersede the regulations imposed by the governing bodies or agencies of the county or municipality; and

WHEREAS, pursuant to Resolution 11-33 adopted April 19, 2011, the Authority established the Land Use Regulation and Enforcement Division to, among other matter, hear applications for development in the Tourism District; and

WHEREAS, pursuant to Resolution 11-34 dated April 19, 2011, the Authority adopted the master plan, zoning and land use ordinances and regulations, and zoning maps approved by the City of Atlantic City until such time as the Authority adopts the Land Use Regulations in accordance with the Act; and

WHEREAS, pursuant to Resolution 12-14 dated February 1, 2012, the Authority adopted the "New Jersey CRDA Atlantic City Tourism District Master Plan" prepared by Jones Lang LaSalle, LLC and dated February 1, 2012 (the "Master Plan"), subject to further comment and revision, which master plan shall become effective upon the adoption of design, development and land use regulations consistent therewith, and in accordance with N.J.S.A 5:12-220a, the Atlantic City Master Plan dated September of 2008 (as adopted by the CRDA pursuant to Resolution 11-34 dated April 19, 2011) shall remain effective for development applications received by the CRDA until adoption of such regulations; and

WHEREAS, pursuant to Resolution 12-23 adopted February 21, 2012, the Authority affirmed and re-adopted the Master Plan; and

WHEREAS, Gian Acquasanta (the "Applicant"), seeks a Certificate of Nonconformity pursuant to pursuant to N.J.S.A. 40:55D-68 of the Municipal Land Use Law P.L.1975, c. 291 (C.40:55D-1 *et seq.*) for the uses and structure located at 22 South Georgia Avenue, Block 164, Lot 40 in the City of Atlantic City, a property used as single family residence, which is not currently a permitted use in the Resort Commercial ("RSC") zoning district, under application 2013-11-891 (the "Application"); and

WHEREAS, on February 20, 2014, the Authority's Land Use Regulation and Enforcement Division convened a public hearing on the Application in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and the Act, and subsequently prepared and delivered the Hearing Officer's Report and Recommendation dated March 12, 2014 (the "Report"), incorporated herein by this reference and appended hereto as Exhibit "A"; and

WHEREAS, the Authority intends to adopt the findings, conclusions and recommendations of the Hearing Officer, as detailed in the Report; and

NOW THEREFORE, BE IT RESOLVED by the Casino Reinvestment Development Authority that:

1. The above recitals are incorporated herein, as if set forth in full.
2. Based on the record in this matter, Application 2013-11-890 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated March 12, 2014.
3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 14-28 of the Casino Reinvestment Development Authority.



HOWARD J. KLYE, SECRETARY

MEETING OF MARCH 18, 2014



Casino Reinvestment Development Authority
Land Use Regulation and
Enforcement Division

EXHIBIT "A" TO RESOLUTION 14- , ADOPTED / /2014

TO: Members of the Authority

FROM: Elizabeth Terenik, PP, AICP, Land Use Hearing Officer

COPY: John F. Palmieri, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application #2013-11-890
Applicant: Gian Acquasanta
22 S. Georgia Avenue, Rear house #2
Block 164, Lot 40
Resort Commercial (RSC)
Request for Certificate of Nonconformity for Single Family Use

DATE: March 12, 2014

EXECUTIVE SUMMARY

The Applicant seeks a Certificate of Non-Conformity for a single family residential use in the Resort Commercial District. The certificate is to certify that the use existed lawfully prior to a zoning change that rendered the use non-conforming. Single family residential use is not permitted in the Resort Commercial zone as of 1979.

A public hearing was conducted on the application on February 20, 2014, in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

At the hearing, the Applicant presented evidence and testimony to support the grant of the certificate pursuant to Municipal Land Use Law. Specifically, the use has been in existence prior to change in zoning. Therefore, as the Land Use Hearing Officer, I recommend that the application be approved by the Authority.

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Casino Reinvestment Development Authority
Land Use Regulation and
Enforcement Division

FINDINGS OF FACT

The Applicant seeks a certificate of non-conformity to continue the existing single family use.

Brian Callahan, Esq. appeared on behalf of the Applicant and presented the request and referred to the proofs submitted in the application. Proofs previously submitted include:

- Property record cards showing residential use dating back to 1958
- Zoning district history dating back to 1929 indicating the use was permitted from 1929-1979

Municipal Land Use Law (NJSA 40:55D-68) states: Any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.

In addition, the owner's representative testified that the property has been in the family for at least 30 years and has always functioned as a single family home.

RECOMMENDATION

Based on the evidence provided in the application and the testimony at the hearing, approval of this application is recommended.

CRDA BOARD TALLY

March 18, 2014

BLOCK 164, LOT 40 (22 S. GEORGIA AVENUE) – Certificate of non-conformity

MOTION

BS

SECOND

B

Robt. Bartolone

Ana Montero for Richard Constable

Kevin DeSanctis

Debra DiLorenzo

Edward Gant

Robert Griffin

Mayor Don Guardian

Dave Rebeck for John Hoffman

Howard Kyle

Matthew Levinson

Robert Mulcahy

William Mullen

Gerald Owens

Bob Shaughnessy for Andrew Sidamon-Eristoff

Frank Spencer

Richard Tolson

Chairman James Kehoe

[Handwritten signatures on lines]