



EXHIBIT B

ADDENDUM

Applicant's Name:

2414 Fairmount Avenue Associates, LLC

Street Address of Subject Property:

2414 – 2428 Fairmount Avenue

Legal Description of Subject Property:

Block 339 Lot 2

Current Use of Subject Property:

Automobile Servicing/Repair and Towing Facility Storage

Current Zoning Classification:

Mixed Use Recreation District (MURD)

Zoning History:

Mixed Use Recreation District (MURD) - 2008 to Present (Existing use not permitted)

Heavy Commercial (HC) – 1979 to 2008 (Existing use permitted-by-right)

Commercial (C) – 1929 to 1979 (Existing use permitted-by-right)

Structure Built:

1920

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1961 City Tax Assessor Property Record Use:

Commercial Garages

1981 City Tax Assessor Property Record Use:

Code 332 – Auto Service Garage

Mercantile Licenses:

Available Mercantile Tax records indicate that licenses were issued dating back to 1958 and licenses continued to be issued after the zoning change in 2008.

Zoning Analysis:

The current MURD does not permit the existing use of the property rendering same a pre-existing nonconforming use. Pursuant to the New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-68 the statute states, in relevant part that: *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...*

The above information supports the applicant's contention that the structure and use of the property is a lawfully existing nonconforming use that may be continued upon the lot and in the structure so occupied.

The applicant need only demonstrate that the nonconforming use and structure existed prior to 2008 when the property was zoned Heavy Commercial (HC) which zone permitted all motor vehicle service and repair uses as identified in Schedule III, Schedule of Permitted and Conditional Uses, Transportation and Related Uses of the Atlantic City Land Use and Development Ordinance. The previously cited 1981 City Assessor Property Record identifies the use of the subject property as Auto Service Garage while the Mercantile Tax records

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support the lawful continued use of the property as motor vehicle and repair.

In regard to the structure, it has been demonstrated that said structure was built in 1920, nine years prior to the City's first zoning ordinance. In the absence of any zoning regulations guiding the type of structure that could be built upon the property, the garage type structure with its several bays and built upon a single city lot was lawfully constructed and continued unabated from 1920 until the present date.