



Casino Reinvestment Development Authority
Land Use Regulation and Enforcement
Division

Review Memorandum

TO: Lance Landgraf, AICP,PP, Land Use Hearing Officer

FROM: Robert L. Reid, AICP, PP, Land Use Regulation Officer

COPY: Applicant, Scott Collins, Esq., File

SUBJECT: Certificate of Nonconformity Request
Review Application and Support Documents
Application #2015-06-1549
Mohammed E. Ullah, Applicant / Owner
15 S. Bellevue Avenue
Block 166, Lot 1
Atlantic City, NJ

DATE: August 3, 2015

The applicant, Mohammed E. Ullah has submitted an application requesting a Certificate of Non-Conformity for an existing two-family dwelling at 15 S. Bellevue Avenue, Lot 1 in Block 166. The Applicant seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-68) for the existing two family residential dwelling on the property where such use is no longer permitted. The Certificate of Non-Conformity would certify that the use existed lawfully prior to a zoning change that rendered the use non-conforming, and permit it to continue on the property.

The existing use as a two family dwelling does not comply with the permitted uses listed on Schedule III, 163 Attachment 8 of the Atlantic City Land Use Development Ordinance.

Schedule III, 163 Attachment 8 permits Multiple-family dwellings in the Resort Commercial District (RS-C). The purpose of the RS-C zoning is intended to apply to established resort areas in the City. Its purpose is to provide for the City's main industry, consisting predominantly of transient and tourist-oriented uses, at such intensity as is justified by the City's limited land resources, high land values and infrastructure capacity. Residential development is also encouraged for the purpose of preserving and enhancing the family-resort character of the City and integrating the specialized activities of the Resort Commercial District with the rest of the community. [163-58 A]

The subject property was previously zoned Business District #2 from 1929 to 1979. At that time two family dwellings were permitted. From 1979 to 1988 the site was zoned MCR, which did not permit two family dwellings did the subsequent re-zoning to RS zone permit two dwellings from 1988 to 2008.



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The Municipal Land Use Law provides in 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. (NJSA 40:55D-68) The existing two family use was permitted up until the ordinance was adopted in 1979 rezoning the site the MCR Zone. The owner at that time was to submit an application to the City for a Certificate of Land Use Compliance within one year of the adoption of the ordinance that rendered the use nonconforming in accordance with NJSA 40:55D-68. A nonconforming use is one which existed on the property prior to the adoption of a zoning ordinance but which the ordinance does not now permit in the particular zone. (NJSA 40:55D-5)

Evidence List / Documents submitted to support the request for Certificate of Non-Conformity:

- Application Form for Certificate of Non-Conformity, dated 6/26/15;
- 1941 - Polk Directory listing three different names at 15 S. Bellevue Avenue;
- 1950 - AC Directory listing different two names at 15 S. Bellevue Avenue;
- Portion of Plate 27 depicting frame two story dwelling fronting on Bellevue Avenue from Sanborn Map Company, NY from 1952;
- Building Record Card with single family checked off, along with an inventory of rooms that includes two kitchens, two living room/dining room combinations, dated 5/26/1961;
- 1961 - Polk Directory listing three different names at 15 S. Bellevue Avenue;
- 1965 - Polk Directory listing two different names at 15 S. Bellevue Avenue;
- Building Record Card, dated 1966 through 1980, no mention of number of units;
- 1970 – AC Directory listing one name at 15 S. Bellevue Avenue;
- City Re-evaluation listing property as 2 units, dated 1982;
- Deed dated 11/9/2010;
- Occupancy Permit dated 12/20/2010 for two units;
- Photographs depicting two electric meters, two gas meters, two boilers, no date;



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Public records show the current owner purchased the property on November 9, 2010 with the deed being recorded on November 17, 2010. The applicant asserts that the structure has existed since 1920 and desires to continue the two family use.

At the hearing, the Applicant has the obligation to present evidence and testimony to explain the history of the use. Specifically, the Applicant must provide evidence and testimony that the two family residential dwelling lawfully existed prior to the adoption of the current zoning ordinance, and that such use has been continuous and was not abandoned. The Applicant must meet the burden of proof for the relief requested under the Municipal Land Use Law in order for the Hearing Officer to recommend that the application be approved by the Authority.

The documentary evidence provided by the Applicant appears to be sufficient (subject to testimony by the Applicant at the hearing) to grant the requested relief.