

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

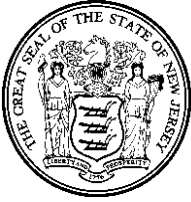
SUBJECT: Certificate of Nonconformity Request
Review Application and Support Documents
Application #2016-06-1946
Cory Parking LLC, Applicant
8-18 S. Martin Luther King Blvd.
Block 156, Lots 17, 18, 19, 20, 21, 21, 22, 23
Atlantic City, NJ

DATE: June 30, 2016

The applicant, Cory Parking LLC has submitted an application requesting a Certificate of Non-Conformity for a free standing parking lot at 8-18 S. Martin Luther King Blvd., Lots 17, 18, 19, 20, 21, 21, 22, 23 in Block 156. 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 free standing parking lot 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 subject property is currently located in the RS-C, Resort Commercial District. The existing use as a free standing parking lot does not comply with the permitted uses listed on Schedule III, 163 Attachment 18:2 of the Atlantic City Land Use Development Ordinance. Schedule III, 163 Attachment 18.2 does, however, permit free standing parking lots in the CBD Zone.

The application requesting a Certificate of Non-Conformity was heard at a special meeting held on 6/30/16. A zoning map from 1984 depicting the subject property as being located in the CBD Zone at that time was presented along with Schedule III, 163 Attachment 18.2 showing that free standing parking is a permitted use in the CBD Zone.



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At the hearing it was determined that the site was in the CBD Zone in 1984, however, the actual date when the use was permitted in the zone could not be determined without reviewing the ordinance amendments listed on Schedule III, 163 Attachment 18.2. As a result, the hearing was continued until the regularly scheduled CRDA LURED hearing scheduled for 7/7/16 to allow time for proper research and review of the ordinance amendments.

Each ordinance listed on the Schedule III, 163 Attachment 18.2 was reviewed. There was no mention of free standing parking lots in the CBD Zone. Since there was no mention of free standing parking lots in the CBD Zone in ordinance amendments listed on Schedule III, 163 Attachment 18.2, it appears that the free standing parking lot use was a permitted use in 1982.

At the continued 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 free standing parking lot 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.