



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 #2024-04-3632**  
**Applicant: Farmers NJ LLC**  
1618-1622 Pacific Avenue  
Block 48.01, Lots 3,4  
Atlantic City, NJ

**DATE:** April 25, 2024

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The applicant, Farmers NJ LLC has submitted an application to the Casino Reinvestment Development Authority "Authority" requesting a Certificate of Non-Conformity for a two residential units over commercial at 1618-1622 Pacific Avenue, Lots 3,4 in Block 48.01, located in the RC District. The Applicant seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-68) for the proposed two-unit residential units over commercial.

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 owner can submit an application to the city for a Certificate of Land Use Compliance. A nonconforming use is one which that lawfully 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)



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

Application Form for Certificate of Non-Conformity, dated 04-23-2024;  
A H Mueller Map Atlas, Plate 4, dated 1908;  
Sanborn Map Company Atlas, Plate 11, dated 1921, updated 1926;  
Ord. # 34 of 1929 - Building Zone Ordinance (First development ordinance for Atlantic City)  
Building Zone Map, dated 01-01-1950, supplement to Building Zone Ordinance (Ord #34 of 1929);  
Sanborn Map Company Atlas, Plate 11, dated 1952, updated 1964;  
Property Record Card assessment records, dated 06-1961 to 1982;  
Ord. # 23 of 1977 - Interim Development Ordinance.  
Ord. # 27 of 1979 – Land Use Ordinance  
Sanborn Map Company Atlas, Plate 11, dated 1997;

The documents listed above have been reviewed and the following is offered:

Plate 4 in A.H. Mueller Atlas depicts a frame dwelling with separate frame structure in rear of lot in 1908.

Plate 11 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1921, updated 1926, depicts a three-story frame dwelling with auto garage in rear of lot (1618 Pacific Avenue) and three story brick building with store and greenhouse on the first floor (1622 Pacific Avenue).

This was before the Building Zone Ordinance was adopted in 1929. According to the Building Zone Map, dated 01-01-1950, the subject property was located in Business No. 2 zone.

Ord. # 34 of 1929 permitted commercial and residential uses in Business No. 2 zone. This included single family, two family, multifamily residential and commercial uses. The ordinance was silent on parking requirements.

Plate 11 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1952, updated 1964, depicts three-story brick building with store, greenhouse, florists' warehouse on first floor as well as on-site parking.

Property Record card (Building Record card reverse) dated 06-1961 through 1982 indicates two apartments and store on first floor. Plumbing box checked with two bathrooms and two kitchen sinks.

Ord. # 23 of 1977 - Interim Development Ordinance is the first ordinance to require parking for each dwelling unit.

Ord. # 27 of 1979 – Land Use Ordinance is second ordinance to require parking for each dwelling unit.



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Plate 11 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1997, (Which appears to be a photocopy of the 1952-updated 1964 map) depicts the same three-story brick building with store, greenhouse, florists' warehouse on first floor as well as on-site parking.

It should be acknowledged that the map atlases indicating store and hotel were based on exterior inspection only, and not an interior inventory of units as the common practice with tax assessment inspections.

The Applicant must meet the burden of proof for the relief requested. The Applicant has the obligation to present evidence to explain the history of the use. Specifically, the Applicant must provide evidence that the non-conforming use lawfully existed prior to the adoption of Ordinance and/or State Regulation which rendered the use nonconforming. Applicant must also provide evidence that such use has been continuous, unchanged 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 applicant asserts that the property lawfully existed as commercial use on the first floor with residential units above from 1961 and desires to maintain the two residential units above commercial.

The documentary evidence provided by the Applicant appears to be sufficient to consider the granting the requested relief for the two residential units over commercial.

The Applicant's evidence and research of the public record documents, demonstrate that the property was a frame dwelling in 1908 through 1926 before the first Building Zone Ordinance was adopted in 1929. The three-story frame brick building with a store and two units above was built before 1952. The said building existed before the 1977 parking requirements were adopted.

It appears that two units above commercial existed before 1977 and before N.J.A.C. 19:66 was in effect on 01-02-2018, which rendered such use nonconforming.

For all of the foregoing reasons, the Land Use Regulation Enforcement Officer recommends the request for a Non-Conformity Use Certification for a two-unit residential over commercial be considered. Should the Authority grant of approval of this Application, it should be expressly conditioned upon all applicable requirements of the city of Atlantic City Code, NJAC 19:66 Land Use Regulations, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws. This includes providing architectural plans prepared by a licensed architect for the two-unit building and the requirement to secure a Certificate of Land Use Compliance.