

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 for
Single Family Detached Dwelling
Review Application and Support Documents
Application #2024-07-3666
Applicant: Ngocuyen Nguyen
31 N. Florida Avenue
Block 279, Lot 74
Atlantic City, NJ

DATE: October 1, 2024

The applicant, Ngocuyen Nguyen has submitted an application to the Casino Reinvestment Development Authority "Authority" requesting a Certificate of Non-Conformity detached single family dwelling at 31 N. Florida Avenue, Lot 74 in Block 279. 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 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.

According with the CRDA Land Use Regulations, adopted 2017, effective on 01/02/2018 the subject property is located in the Ducktown Arts (DA) District. NJAC 19:66-5.11, 1., i, does not permit detached single-family dwellings in the DA District.

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 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 09/28/2024;
Deed dated 11/07/2013 (Recorded);
Deed dated 02/25/2005 (Recorded);
A.H. Mueller Map Atlas, Plate 6, dated 1908;
Sanborn Map Company Atlas, Plate 28, dated 1921, updated 1926;
Sanborn Map Company Atlas, Plate 28, dated 1952, updated 1964;
Property Record Card assessment records, dated 01/22/1961 to 1982;
Polk Directory -1965;
Property Record Card assessment records, dated 07/21/1981;
Sanborn Map Company Atlas, Plate 28, dated 1997;
Certificate of Land Use Compliance issued by AC Planning Office, dated 07/26/2001;

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

The Deed provided by the Applicant indicates that the current owner purchased the property on 07/25/2023.

A.H. Mueller Map Atlas, Plate 6, dated 1908 depicts frame structure.

Sanborn Map Company Atlas, Plate 28, dated 1921, updated 1926 depicts a frame dwelling.

Sanborn Map Company Atlas, Plate 28, dated 1952, updated 1964 depicts a frame dwelling.

Property Record Card assessment records, dated 01/22/1961 to 1982 with notations for single family.

Property Record Card assessment records, dated 07/21/1981 with notion for one unit.

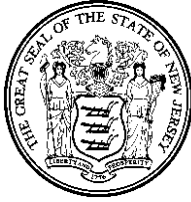
Sanborn Map Company Atlas, Plate 28, dated 1997 depicts a frame dwelling.

Certificate of Land Use Compliance issued by AC Planning Office, dated 07/26/2001 for single-family home use.

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 and testimony that the single-family detached residential dwelling lawfully existed prior to the adoption of the current zoning regulations. 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 a detached single-family dwelling from 1921 to present and desires to continue to maintain the existing detached single-family dwelling.

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



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The Applicant's evidence and research of the public record documents, demonstrate that the building was originally a frame dwelling before 1921.

The Applicant's evidence and research of the public record documents, demonstrate that the building was a single-family detached residence in a frame dwelling before and at the time 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 detached single-family residential dwelling 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 the requirement to secure Certificate of Land Use Compliance.