

**RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT
AUTHORITY APPROVING A CERTIFICATE OF NON-CONFORMITY
PURSUANT TO N.J.S.A. 40:55D-68 FOR THE PROPERTY LOCATED AT
2510 ATLANTIC AVENUE, BLOCK 165 LOT 3, IN THE CITY OF
ATLANTIC CITY UNDER APPLICATION #2024-09-3704**

WHEREAS, pursuant to P.L. 2011, c. 18, as amended (the “Act”), the Casino Reinvestment Development Authority (the “Authority”): (i) designated the Atlantic City Tourism District by Resolution 11-25, adopted April 19, 2011; (ii) established the Land Use Regulation and Enforcement Division to, among other matters, hear applications for development in the Tourism District by Resolution 11-33, adopted April 19, 2011; and (iii) adopted the master plan, zoning and land use ordinances and regulations, and zoning maps approved by the City by Resolution 11-34, adopted April 19, 2011; and

WHEREAS, pursuant to Resolution 12-14, adopted February 1, 2012, the Authority adopted the “New Jersey CRDA Atlantic City Tourism District Master Plan” prepared by Jones Lang LaSalle, LLC and dated February 1, 2012 (the “Master Plan”) (as affirmed and readopted pursuant to Resolution 12-23, adopted February 21, 2012), subject to further comment and revision, which master plan shall become effective upon the adoption of design, development and land use regulations on January 2, 2018; and

WHEREAS, Ali Kaamron (the “Applicant”), seeks a Certificate of Non-conformity pursuant to N.J.S.A. 40:55D-68 for the subject property located at 2510 Atlantic Avenue, Block 165, Lot 3 on the Tax Map of Atlantic City, located in the Central Business (CBD) Zoning District; and

WHEREAS, on November 21, 2024, the Authority’s Land Use Regulation and Enforcement Division convened a public hearing on Application 2024-09-3704 in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and the Act, and subsequently prepared and delivered a Hearing Officer’s Report and Recommendation dated December 5, 2024, incorporated herein by this reference and appended hereto as Exhibit “A”; and

WHEREAS, the Authority intends to adopt the findings, conclusions, and recommendations of the Hearing Officer, as detailed in the Report dated December 5, 2024.

NOW THEREFORE, BE IT RESOLVED by the Casino Reinvestment Development Authority that:

1. The above recitals are incorporated herein, as if set forth in full.
2. Based on the record in this matter, a Certificate of Non-conformity pursuant to N.J.S.A. 40:55D-68 under Application 2024-09-3704 is hereby approved in accordance with the Hearing Officer’s Report and Recommendation dated December 5, 2024.

3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately, but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays, and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 24-154 of the Casino Reinvestment Development Authority.

Michael Beson
MICHAEL BESON, SECRETARY

MEETING OF DECEMBER 17, 2024



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 24- , ADOPTED 12/17/2024

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

COPY: Eric Scheffler, Executive Director
Maisha Moore, Deputy Executive Director

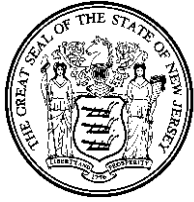
SUBJECT: **Hearing Officer's Report and Recommendation**
Application #2024-09-3704
Applicant: Ali Kaamran
2510 Atlantic Avenue
Block 165, Lot 3
Atlantic City, NJ
Central Business District (CBD)
Certificate of Nonconformity

DATE: December 5, 2024

On November 21, 2024, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The applicant, Ali Kaamran (the "Applicant"), seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law for a single-family residential dwelling at 2510 Atlantic Avenue, Lot 3 in Block 165, located in the CB District.

The Certificate of Non-Conformity would certify that the residential use that existed lawfully prior to a zoning change that rendered the use non-conforming and permit it to continue on the subject property.

During the hearing, the Applicant presented evidence and testimony to explain the history of the use. Specifically, the Applicant provided evidence and testimony that the structure contains a two residential apartments over commercial use, lawfully existed prior to the adoption of the current



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zoning ordinance, and that such use has been continuous and was not abandoned. Therefore, as more fully outlined below, the Applicant has met its burden for the relief requested under the Municipal Land Use Law and the Hearing Officer recommends that the application be approved by the Authority.

INTRODUCTION

Application Information:
2510 Atlantic Avenue

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

The Applicant seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law for the property located at Block 165, Lot 3 in the City of Atlantic City. The property is improved with existing two residential apartments with commercial use on the first floor, where such apartment/residential use is no longer permitted in the zoning district.

Relief Requested

Certificate of Nonconformity pursuant to N.J.S.A. 40:55D-68.

Exhibits

A-1 Application materials

B-1 Review memo from Robert L. Reid, AICP, P.P., dated September 12, 2024.

FINDINGS OF FACT

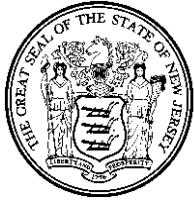
The Applicant seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law for the property located at Block 165, Lot 3 in the City of Atlantic City. The property is improved with an existing single-family dwelling, where such residential use is no longer permitted in the zoning district.

The Applicant asserted the following based on the documents submitted in connection with the application:

- Application Form for Certificate of Non-Conformity, dated 08/29/2024;
- A H Mueller Map Atlas, Plate 6, dated 1908;
- Sanborn Map Company Atlas, Plate 27, dated 1921, updated 1926;

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- 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 27, dated 1952, updated 1964;
- Property Record Card assessment records, dated 05-01-1961 to 1982;
- Property Record Card assessment records, dated 02/02/1982;
- Ord. # 23 of 1977 - Interim Development Ordinance.
- Ord. # 27 of 1979 – Land Use Ordinance
- Sanborn Map Company Atlas, Plate 27, dated 1997;
- AC Occupancy Permit # 2530-01R dated 10/16/2001;
- AC Occupancy Permit # 2530-01R dated 10/17/2001;
- Land Title Survey dated 03/29/2023.

Robert L. Reid, AICP, PP was sworn and provided testimony on behalf of the Authority. Mr. Reid referenced his review memo dated September 12, 2024, and indicated that there is adequate evidence within the Applicant's evidence and research of the public record documents, demonstrate that the building was originally a mixed-use structure with residential uses above the commercial use on the first floor from before 1961 and has continued with that use until the present day.

CONCLUSIONS OF LAW

The Applicant seek a Certificate of Nonconformity pursuant to the Municipal Land Use Law. 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. N.J.S.A. 40:55D-5. 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. N.J.S.A. 40:55D-68.

The burden of proving the existence of a nonconforming use is always on the applicant asserting such use. Ferraro v. Zoning Bd. of Keansburg, 321 N.J. Super. 288, 291 (App. Div. 1999); Weber v. Pieretti, 72 N.J. Super. 184, 195 (Ch. Div. 1962), aff'd 77 N.J. Super. 423 (App. Div. 1962), cert. den. 39 N.J. 236 (1963); Grundlehner v. Dangler, 51 N.J. Super. 53 (App. Div. 1958), aff'd 29 N.J. 256 (1959). The Applicant must show through testimony and documentary evidence what the use, including its character, extent, intensity, and incidents, on the property was at the time of the adoption of the zoning ordinance which rendered it prohibited. After the Applicant has established that the use was lawful at the time of the adoption of zoning, such use must be shown

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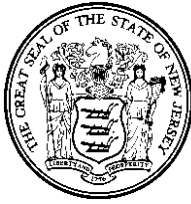
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to have been continuous and not have been abandoned during the period in which it was made nonconforming. See Villari v. Zoning Bd. of Adj., 277 N.J. Super. 130, 135 (App. Div. 1994); Poulathas v. Atlantic City Zoning Bd. of Adj., 282 N.J. Super. 310, 313 (App. Div. 1995); Camara v. Bd. of Adj. of Tp. of Belleville, 239 N.J. Super. 51, 57 (App. Div. 1990); Borough of Saddle River v. Bobinski, 108 N.J. Super. 6, 13 (Ch. Div. 1969); Cox, Zoning and Land Use Administration, §11-3, 302 (2014).

The Hearing Officer concludes that the Applicant's evidence and testimony demonstrate that the use of the subject property as a structure comprised of two residential units and commercial first floor, lawfully existed until the amendment of the zoning district regulations in 1977, which rendered the residential use nonconforming. The evidence and testimony further demonstrate the continuation of such use from such time to present, and that such use was not abandoned. Accordingly, the Applicant has satisfied the legal requirements for the grant of the requested relief.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the application for a Certificate of Nonconformity be approved. The grant of approval of this Application shall be expressly conditioned upon the Applicant satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer, all applicable requirements of the city of Atlantic City Land Use Ordinances, or other City Ordinances, 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.



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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
Commercial on Ground floor with Apartments above
Review Application and Support Documents
Application #2024-09-3704
Applicant: Ali Kaamran
2510 Atlantic Avenue
Block 165, Lot 3
Atlantic City, NJ

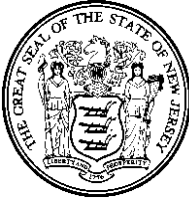
DATE: September 12, 2024

The applicant, Ali Kaamran has submitted an application to the Casino Reinvestment Development Authority "Authority" requesting a Certificate of Non-Conformity for 2 residential apartments over 1st floor commercial use at 2510 Atlantic Avenue, Lot 3 in Block 165, located in the CBD District. The Applicant seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-68) for two residential apartments over first floor commercial use.

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)

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

Application Form for Certificate of Non-Conformity, dated 08/29/2024;
A H Mueller Map Atlas, Plate 6, dated 1908;
Sanborn Map Company Atlas, Plate 27, 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 27, dated 1952, updated 1964;
Property Record Card assessment records, dated 05-01-1961 to 1982;



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Property Record Card assessment records, dated 02/02/1982;
Ord. # 23 of 1977 - Interim Development Ordinance.
Ord. # 27 of 1979 – Land Use Ordinance
Sanborn Map Company Atlas, Plate 27, dated 1997;
AC Occupancy Permit # 2530-01R dated 10/16/2001;
AC Occupancy Permit # 2530-01R dated 10/17/2001;
Land Title Survey dated 03/29/2023.

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

Plate 6 in A.H. Mueller Atlas depicts a vacant lot in 1908.

Plate 27 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1921, updated 1926, depicts 2 Story brick building labeled “store”.

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 apartments among other types of residential uses in Business No. 2 zone. The ordinance was silent on parking requirements.

Plate 27 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1952, updated 1964, depicts 2 Story brick building labeled “store”.

Property Record card (Building Record card reverse) dated 05-01-1961 through 1982 has 1 apartment with store use box checked off. Plumbing box checked with 2 bathrooms and 3 kitchen sinks.

Property Record Card assessment records, dated 02/02/1982 includes notes describing office area on 1st floor and apartment on 2nd floor.

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.

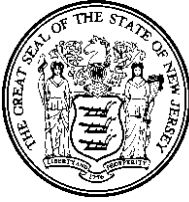
Plate 27 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1997, depicts 2 Story brick building labeled “store”.

AC Occupancy Permit # 2530-01R dated 10/16/2001 indicate 2nd floor apt -rear.

AC Occupancy Permit # 2530-01R dated 10/17/2001 indicate 2nd floor apt -front.

It should be acknowledged that the map atlases indicating store 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



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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 a commercial use on the 1st floor and two apartments on the 2nd floor from 1961 and desires to maintain the commercial unit on the 1st floor the two apartments on the 2nd floor.

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

The Applicant's evidence and research of the public record documents, demonstrate that the property building was originally a two-story brick building with store. According to public records reviewed (from before 1961 to present) the building included a commercial unit on the first floor and residential use above.

The building was a three-story brick structure at the time the first land development ordinance (Building Zone Ordinance) was adopted in 1929. The two-story brick structure included two apartments since 1961 before parking requirements went in effect in 1977. It appears that the two-story brick structure including the two apartments existed before 1977 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 two apartments over a commercial use 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 structure as part of the requirement to secure a Certificate of Land Use Compliance.



DATE: DECEMBER 17, 2024

ALI KAAMRAN - RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY APPROVING A CERTIFICATE OF NON-CONFORMITY PURSUANT TO N.J.S.A. 40:55D-68 FOR THE PROPERTY LOCATED AT 2510 ATLANTIC AVENUE, BLOCK 165 LOT 3, IN THE CITY OF ATLANTIC CITY UNDER APPLICATION #2024-09-3704

Motion: **MH**

Second: **JP**

Michael Beson	<u>Y</u>
Chris Brown <i>for the DCA Commissioner</i>	<u>Y</u>
Daniel Cosner	<u>Y</u>
Christopher Glaum <i>for the State Attorney General</i>	<u>Absent</u>
Michael Hanley	<u>Y</u>
Michael Laughlin	<u>Y</u>
Brett Matik	<u>Absent</u>
William Mullen	<u>Y</u>
Paulina O'Connor	<u>Y</u>
James Plousis	<u>Y</u>
Mayor Marty Small, Sr.	<u>Absent</u>
William Sproule	<u>Absent</u>
Ryan Feeney <i>for the State Treasurer</i>	<u>Y</u>
Joseph Tyrrell	<u>Y</u>
Chairman Mo Butler	<u>Absent</u>