



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 #2024-11-3737
Applicant: Musa Real Estate Traders LLC
2612 Pacific Avenue
Block 35, Lot 17
Atlantic City, NJ

DATE: January 6, 2025 – Scheduled for 01/16/25 hearing

The applicant, Musa Real Estate Traders LLC has submitted an application to the Casino Reinvestment Development Authority "Authority" requesting a Certificate of Non-Conformity for a residential unit over commercial at 2612 Pacific Avenue, Lot 17 in Block 35, 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 one residential unit 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)



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

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

Application Form for Certificate of Non-Conformity, dated 11-05-2024;
A H Mueller Map Atlas, Plate 6, dated 1908;
Sanborn Map Company Atlas, Plate 7, 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 7, dated 1952, updated 1964;
Property Record Cards, dated 04-16-1961 to 1982;
1961 Polk Directory;
1965 Polk Directory;
Property Record Cards, dated 12-22-1981
Ord. # 23 of 1977 - Interim Development Ordinance.
Ord. # 27 of 1979 – Land Use Ordinance
Sanborn Map Company Atlas, Plate 7, dated 1997;

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 7 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1921, updated 1926, depicts a store in a two-story brick building. No mention of use for the second floor.

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 7 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1952, updated 1964, depicts a two-story brick building as a dwelling.

Property Record card (Building Record card reverse) dated 04-16-1961 through 1982 indicates a store on the first floor and an apartment on the second floor.

1961 Polk Directory referencing Pacific Tailors and a residence.

1965 Polk Directory referencing resident.

Property Record card (Building Record card reverse) dated 12-22-1981 indicates first floor retail converted to residential and an apartment on the second floor.

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



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

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

Plate 7 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1997, depicts a two-story brick building as a dwelling.

It should be acknowledged that the map atlases indicating dwelling and/or 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 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. This is necessary 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 to consider the granting of the requested relief for the one residential unit over commercial.

The Applicant's evidence and research of the public record documents, demonstrate that the property was a brick two-story building with a store in 1921 through 1926 before the first Building Zone Ordinance was adopted in 1929. The two-story brick building was labeled as a dwelling before 1964. The said building existed before the 1977 parking requirements were adopted.

The applicant asserts that the property lawfully existed as commercial use on the first floor with one residential unit above for a least 59 years and desires to maintain the one residential unit above commercial.

It appears that one unit 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 the foregoing reasons, the Land Use Regulation Enforcement Officer recommends the request for a Non-Conformity Use Certification for the one-unit residential over commercial be considered. Should the Authority grant 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.