



## 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 #2024-10-3730**  
**Applicant: Misty Sparks**  
205 N. Florida Avenue  
Block 385, Lot 1  
Atlantic City, NJ

**DATE:** October 29, 2024

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The applicant, Misty Sparks has submitted an application to the Casino Reinvestment Development Authority "Authority" requesting a Certificate of Non-Conformity for a single-family dwelling at 205 N. Florida Avenue, Lot 1 in Block 385. The Applicant seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-68) for the single-family 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 Thorofare Waterfront District (TW). NJAC 19:66-5.12, 1., i, does not permit single-family dwelling in the TW District. The proposed use as a single-family dwelling does not comply with the permitted uses listed in NJAC 19:66-5.12, 1., i of the CRDA Land Use Regulations for Atlantic City.

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 10/22/2024;  
Sanborn Map Company Atlas dated 1921, updated 1926;  
Sanborn Map Company Atlas dated 1952, updated 1964;  
Polk Directory dated 1961, 1965;  
Sanborn Map Company Atlas dated 1997;  
Property Record Card assessment records, dated 06/30/1961 to 1982;  
Property Record Card assessment records dated 07/17/1981 – 12/28/2006;  
Deed Filed 10/12/2021;  
Property Record Card assessment records dated 10/16/2024;

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

Plate 42 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1921, updated 1926, depicts a two-story brick dwelling.

This was before the first land development ordinance was adopted in 1929.

Ord. # 23 of 1929 permitted single-family dwelling uses.

Plate 42 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1952, updated 1964, depicts a two-story brick dwelling.

Plate 42 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1997, depicts a two-story brick dwelling.

Property Record card (Building Record card reverse) dated 06/30/1961 through 1982 indicates a single family dwelling.

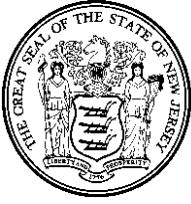
Property Record card (Building Record card reverse) dated 10/12/1981 indicates a one living unit.

Property Record Card assessment records dated 10/16/2024 indicate one family.

It should be acknowledged that the map atlases 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 and testimony that the single-family 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 single-family dwelling from 1921 to the present and desires to continue the use as a single-family dwelling.



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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.

The Applicant's evidence and research of the public record documents, demonstrate that the building was a two-story building before the first land development ordinance was adopted in 1929 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 single-family 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.