

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

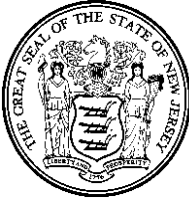
SUBJECT: Certificate of Nonconformity Request for
Single Family Detached Dwelling
Review Application and Support Documents
Application #2025-08-3884
Applicant: Halo Homes NJ Inc.
7 N. Georgia Avenue
Block 280, Lot 51
Atlantic City, NJ

DATE: August 19, 2025 for September 18, 2025 Hearing

The applicant, Halo Homes NJ Inc. has submitted an application to the Casino Reinvestment Development Authority "Authority" requesting a Certificate of Non-Conformity detached single family dwelling at 7 N. Georgia Avenue, Lot 51 in Block 280. 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 08/06/2025;
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 6/21/1961 to 1982;
Property Record Card assessment records, dated 07/20/1981 to 03/17/2005;
Sanborn Map Company Atlas, Plate 28, dated 1997;

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

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

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

Property Record Card assessment records, dated 6/21/1961 to 1982 with notation for a single family.

Property Record Card assessment records, dated 07/20/1981 to 10/29/2004 with notion for one unit.

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

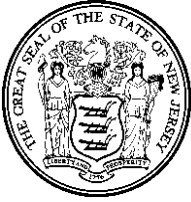
The Applicant must meet the burden of proof for the relief requested. The Applicant has the obligation to present evidence to explain the history of the use. Specifically, the Applicant must provide evidence and testimony that the single-family detached residential dwelling lawfully existed prior to 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 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.

The Applicant's evidence and research of the public record documents, demonstrate that the building was originally a three-story 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 before and at the time N.J.A.C. 19:66 was in effect on 01/02/2018, which rendered such use nonconforming.



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For all 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 the Certificate of Land Use Compliance.