Casino Reinvestment Development Authority
Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 25- , ADOPTED 10/21/2025

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 #2025-08-3884
Applicant: Halo Homes NJ Inc.
7 N. Georgia Avenue
Block 280, Lot 51
Ducktown Arts District (DA)
Certificate of Nonconformity

DATE: October 6, 2025

On October 02, 2025, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The applicant, Halo Homes NJ Inc. (the "Applicant"), seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law for the proposed residential dwelling on the property where such use is no longer permitted. 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's attorney, Hank Rouvillard, presented evidence and testimony to explain the history of the use. Specifically, the Applicant provided evidence and testimony that the structure contained the residential unit lawfully existed prior to the adoption of the current 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:
7 N. Georgia Ave
Block 280, Lot 51

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 280 Lot 51 in the City of Atlantic City. The property is improved with an existing structure comprised of one residential unit, where such 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 August 19,2025.

FINDINGS OF FACT

The Applicant seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law for the property located at Block 280, Lot 51 in the City of Atlantic City. The property is improved with an existing structure comprised of one residential dwelling unit, 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 08/06/2025;
- 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;

Robert L. Reid, AICP, PP was sworn and provided testimony on behalf of the Authority. Mr. Reid referenced his review memo dated August 19, 2025 and indicated that there is adequate evidence within the application materials and public record to establish that the residential use lawfully existed prior to the amendment of the zoning ordinance in 1979. It was determined that the residential uses have continually existed on the site since 1921.

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), certif. 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 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 one residential unit, lawfully existed until the amendment of the zoning district regulations in 1921, 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.