



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 #2024-01-3586
Applicant: Riaz and Tahira Rajput
1639 Atlantic Avenue
Block 290, Lot 8
Atlantic City, NJ

DATE: January 29, 2024

The applicant, Riaz and Tahira Rajput has submitted an application to the Casino Reinvestment Development Authority "Authority" requesting a Certificate of Non-Conformity for two apartments over commercial at 1639 Atlantic Avenue, Lot 8 in Block 290. 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 two residential dwelling units above commercial 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 Central Business District (CBD). NJAC 19:66-5.12, (a) 1., i, does not permit two residential units over commercial in the CBD 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 01/17/2024;
Deed dated 12/30/2014;
Agreement of Sale dated 10/30/23;
Sanborn Map Company Atlas dated 1952, updated 1964;
Sanborn Map Company Atlas dated 1997;
Property Record Card assessment records, dated 05/1961 to 1978;
Property Record Card assessment records, dated 02/14/82;

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

The Deed provided by the Applicant indicates that the current owner purchased the property on 12/30/2014.

The lease agreement dated 10/30/2023 provided indicates the applicant intends to lease property to tenant.

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

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

Property Record card (Building Record card reverse) dated 05/22/1961 through 1982 indicates two apartments and a store.

Property Record card (Building Record card reverse) dated 02/14/82 indicates Apartments.

*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 two-unit 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 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 two residential units over commercial from 1961 to present and desires to continue to maintain the existing two residential units over commercial.



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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 originally a two-story frame structure with a store on the first floor.

The Applicant's evidence and research of the public record documents, demonstrate that the building was a two-story frame building with two apartments above before 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 store on the first floor and two apartments above 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.