IN RE: PETITION FOR SPECIAL HEARING NE/S Yorkway 320' NW c/l (2521 Yorkway) 12th Election District 7th Councilmanic District

Contract Purchaser: Landex Corp. Legal Owner: Ronald Gajewski

* ZONING COMMISSIONER * OF BALTIMORE CO"N"Y

* Case No. 89-253 SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibit 1

The Petitioner, by the Contract Purchaser, Landex, Inc., represented by David G. Johnston, appeared, testified and was represented by John B. Gontrum, Esquire. Also appearing and testifying on behalf of the Petition were Griffith Davis, a community representative, and Douglas Konnedy, a registered professional engineer, with KCW Consultants, Inc., who prepared Petitioner's Exhibit 1. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner. The current property owner, Mr. Ronald Gajewski, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2521 Yorkway, was improved by a four unit apartment building in 1943 or 1944. Testimony indicated that there are two units on the first floor of the building and two units on the second floor. The remaining portion of the basement is improved with storage and utility space. The subject property

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Marvland 21204 (301) 887-3353 J. Robert Haines



John B. Gontrum, Esquire 809 Eastern Boulevard Essex, Maryland 21221

> RE: Petition for Special Hearing Case #89-253-SPH Contract Purchaser: Landex Corporation Legal Owner: Ronald Gajewski, et ux

Dear Mr. Gontrum:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

> Robert Haines Zoning Commissioner

JRH:mmn cc: Peoples Counsel

is serviced by a rear parking area which is accessed off of a common alley. Tax records submitted evidenced that the subject building has been assessed over the years and transferred as at least a four unit building continuously and without interruption since approximately 1944. Testimony and evidence presented substantiates that the building was originally constructed as a four unit apartment building and has been used consistently as a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construction.

Numerous other cases have been considered over the years for nonconforming use in the immediate vicinity. Affidavits from those cases also were introduced by Petitioner and indicate that the Yorkway units were all built at about the same time in the mid-1940s as four unit apartment buildings. Over the years some buildings have added additional units in the basement area. In almost every case, without exception, nonconforming uses have been granted for at least four units. Case No. 89-103-SPH was decided in September, 1988 for 2532 Yorkway for a similar building in the next block. Additionally, Case Nos. 88-14-SPH and 86-290-SPH found that nonconforming uses existed for at least four apartments since prior to 1945. In the instant case, the Petitioner requests a nonconforming use for the original four apartment units only.

The first issue to be determined in a nonconforming use case is whether or not the property in question was legally and permissibly developed prior to the statutory change which created the alleged nonconforming The four unit apartment building in the ir cant case was con-

> Form #1 of 7 PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

#2517, #2519 (#2521)

Address

City and State

Essex, Md. 21221

Attorney's Telephone No.: 301-686-8274

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve as a legal non-conforming use the following buildings (each with four apartments) located on Yorkway, Baltimore County, Maryland (#2513, #2515,

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#2513-item-216 ##2515-item-217

#2517-item-218

#2519-item-219

#2521-item-220

		7	456
Contract Purchaser:	Legal Owner(s):	MA	10 <u>164</u>
Judith S. Siegel, President (7790) or Print Name)	Ronald Gajewski, et. ux. (Type or Frint Name)	E. (D. 12/1
	X Jonald Dayer	34.V. T	38-43:
Lindex Corporation 250 Centerville Road, Bldg, 6			BE
Address Warwick, R.I. 02886	(Type or Print Name)	DP	
City and State	Signature		
Attorney for Petitioner:	7713 Charlesmont Road		
(Type of Print Name)	Address	Phone No.	
Signature Signature	Baltimore, Maryland City and State	21222	
809 Eastern Blvd.	Name address and phone number o	f legal owner, c	on-

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

___, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

tract purchaser or representative to be contacted

AVAILABLE FOR HEARING Y./TUES./WED. - NEXT TWO HONTES structed prior to the adoption of the 1945 zoning regulations. This property is often referred to by the Petitioner and in this Opinion as an apartment building. This building is an apartment house as that term was defined in the original Baltimore County Zoning Regulations (B.C.Z.R.). That term was then defined as:

"A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or

There is evidence of heat and public utilities in common. Therefore, the building does comply with the "D" residential zoning placed on

the land on January 2, 1945 for an apartment house. The Petitioner has established that the building existed prior

to January 2, 1945 or the beginning of zoning regulations. The second principal to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the property. A determination must be made as to whether or not any change that has occurred is a different use and therefore breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257,

Clearly, the use of the subject property has not changed since 1944. The property has always been a four unit apartment building and there have been no changes or interruptions in that use. The subject property was also in compliance with the original "D" residential zoning for an apartment house for four (4) apartment units.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Laines
Zoning Commissioner

December 29, 1988



Dennis F. Rasmussen

Community Development Administration 45 Calvert Street Annapolis, Maryland 21401

Benton Mortgage Company 5731 Lyons View Drive Nashville, Tennessee 37919

RE: Yorkway Apartments

Gentlemen:

I have this day taken testimony and evidence with respect to the following Yorkway Apartment Buildings: 2513 Yorkway

2515 Yorkway 2517 Yorkway 2519 Yorkway 2521 Yorkway 2506 Yorkway 2611 Yorkway 2613 Yorkway 2625 Yorkway 2605 Yorkway 2607 Yorkway 2627 Yorkway 2629 Yorkway 2504 Yorkway 2510 Yorkway 2511 Yorkway

Based on the testimony and Evidence presented, I am issuing findings of fact and conclusion of law indicating that these buildings all have legal nonconforming uses as four unit apartment buildings.

The following properties 2609 Yorkway, 2619 Yorkway, 2527 Yorkway and 2529 Yorkway have all previously been found to have legal nonconforming uses. To my knowledge, there are no zoning violations outstanding on any of these buildings, and they may continue as four unit apartment buildings in conformance with the laws and regulations of Baltimore County.

Very truly yours,

J. Robert Haines

Zoning Commissioner

The Petitioner does not claim an expansion of this use beyond the original four apartments. The evidence establishes the apartments in the subject building have been occupied continuously and without interruption since approximately 1944.

Pursuant to the advertising, posting of the property and public hearing held and for reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 29th day of December 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property known as 2521 Yorkway as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibit 1, be and the same is hereby GRANTED.

> Zoning Commissioner of Baltimore County

> > John M. Cosaraquis, L.S. (Ret.)

Thom

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John B. Gontrum, Esquire, 809 Eastern Boulevard, Essex, Md. 21221

Douglas L. Kennedy, P.E. William K. Woody, L.S.

KCW Consultants, Inc. Civil Engineers and Land Surveyors

1777 Reisterstöwn Road Commercentre, Suite 175 Baltimore, Maryland 21208

(301) 484-0894 / 484-0963

PETITIONER/CONTRACT PURCHASER: LANDEX CORPORATION 250 Centerville Road, Bld. 'F' Warwick, Rhode Island 02886 Attn: Ms. Judith Siegel

PROPERTY DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING 12th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

(401) 732-5430

November 29, 1988

BEGINNING FOR THE FIFTH THEREOF, at a point on the southwesterly line of Block 8 which is also the northeasterly line of Yorkway as now laid out, distant 288.46 feet northwesterly measured along the said southwesterly line of Block 8 from the northwesterly line of Leeway as now laid out 60 feet wide, all as shown on said Plat, and running thence north 46 degrees 31 minutes 09 seconds east 145.16 feet, part of which distance is intended to be along the center line of a party wall there situate to intersect the southwesterly line of a 14 foot alley there situate, thence binding on the southwesterly line of said alley northwesterly on a curve to the right with a radius of 3078.35 feet for a distance of 49.06 feet, thence south 46 degrees 31 minutes 09 seconds west 149.30 feet, part of which distance is intended to be along the centerline of a party wall there situate, to intersect the aforesaid southwesterly line of Block 8, thence binding on the said southwesterly line of Block 8 southeasterly on a curve to the left with a radius of 765.00 feet for a distance of 49.02 feet to the place of beginning;

#2521 YORKWAY Acc. 12-13-043443

the improvements thereon being known as No. 2521 Yorkway.

14' CONC ALLEY R-3078.35' L-19.06' 2'CONC PORCH -2 STORY APARTMENT BLDG *2521 49'± 4'CONCT PORCH R-765.00' L= 49.02' TO NORTHWESTERLY SIDE 4'CONC WALK OF LEEWAY YORKWAY (WIDTH VAR PART OF BLOCK NO. 9 EXPIBIT #798H PLAT NO 4. OF "DUNDALK" CW.B. JR. 12, FOLIO 63 PLAT TO ACCOMPANY DESCRIPTION * 2521 YORKWAY KCW Consultants, Inc. Civil Engineers and Land Surveyors 12" ELECTION DISTRICT 1777 Reisterstown Road Commercentre, Suite 175 BALTIMORE COUNTY, MD. Baltimore, Maryland 21208 (301) 484-0963 DATE: NOV. 21, 1988 SCALE: |" . 20" JAJ COLUMBIA, MD.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines

Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing'
CASE NUMBER: 89-253-SPH
NE/S Yorkway, 320' NW of c/l of Leeway (2521 Yorkway)
12th Election District - 7th Councilmanic
Legal Owner(s): Ronald Gajewski, et ux
Contract Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2521 Yorkway (four apartments).

In the event that this Petition is granted, a building permit may be issues within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

OFFICE OF

Dundalk Eagle

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

NOTICE OF MEANING

ing Act and Regulations of Baltimera

cated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as fol-

Petition for Special Hearing ***
CASE HUMBER: 89-253-SPH

of Looway (2521 Yorkway)

12th Election District
7th Councilmonic District
Legal Owner(sk
Ronald Gajourski, et ux

THURSDAY, DECEMBER 29, 198

SPECIAL HEARING: Nonconformer

use of 2521 Yorkway (four apart

In the event that this Petition is

granted, a building permit may be is-

sued within the thirty (30) day appeal

period. The Zoning Commissioner will

however, entertain any request for a stay of the issuance of said permit

during this period for good cause shown. Such request must be in

writing and received in this affice by

the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

Contract Purchaserish

HEARING SCHEDULED:

Landex Corporation

at 9:00 a.m.

NE/S Yorkway, 328' WW of cit "

County will hold a public hearing and the property identified herein in Room 3

4 N. Center Place
P. O. Box 8936
Dundalk, Md. 21222

December

THIS IS TO CERTIFY, that the annexed advertisement of Robert Haines in the matter of Zoning Hearings - Case # -253-SPH - P.O. #07733 - Req. #M20489 - 80 lines @ \$40.00. was inserted in **The Dundalk Hagle** a weekly newspaper published in Baltimore County, Maryland, once a week for successive weeks before the

 g_{th} day of $g_{ecember}$ 19 g_{88} ; that is to say, the same was inserted in the issues of g_{ec} g_{88} ; that is to say,

Kimbel Publication, Inc.

By K.C. Dilke

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 99-753-5PH
Toursen, Maryland

10000	(mar) and /
District 12 Th Posted for: Special Hearing	Date of Posting 12/6/88
Posted for:	Ronall Barraisti star
Petitioner: Fondon Corporation - Location of property: NE/S York Way	320' NW/Lern y
2521 Varkway	
Location of Signer Facing York Way proporty of Patitions	, approx, 15 Fr. 200 d Way 104
Remarks:	Date of return: 12/9/88
Posted by	Date of Peturn:

AFFIDAVIT OF NANCY CAPECCI

- I, NANCY CAPECCI, hereby certify that I am over 18 years of age and am competent to testify as follows:
- 1. My husband and I first purchased 2528 Yorkway in 1946 and lived there from 1947 through 1962. We continued to own that property until 1985, but rented it between 1962 and 1985. I reacquired the property in 1987.
- 2. During the period of time that I lived at 2528 Yorkway, as well as the period that I was visiting the property on a weekly and sometimes a daily basis in my capacity as a landlord, I was acquainted with the other properties along Yorkway.
- 3. I have testified in Case Number 89-103 and have given an Affidavit in that case. My testimony and Affidavit are correct with respect to the facts recited. In Case Number 89-103-SPH I identified the flier, a copy of which is attached hereto and made a part hereof as part of the original advertising for the premises along the 2500 and 2600 Yorkway.
- 4. All of the apartment buildings in the 2500 and 2600 block of Yorkway were originally built prior to 1945 as four unit apartments. Some of the units had basement apartments or later added basement apartments to them.
- 5. I have also testified in Case Number 88-14-SPH before the Board of Appeals with respect to 2619 Yorkway, and feel competent to testify that all of these buildings which are the subject to the case here today were originally built prior to 1945 as four

PETITIONER'S
EXHIBIT 3A

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 9, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 8, 1988.

THE JEFFERSONIAN.

S. 2ch2 Oran Publisher PO 07742 neg M20480

case 89-253-5PH price \$35.63

Special Heering: Nonco forming use of 2 1 Yorker (four apartments). In the event that this Petition granted, a building permit may the issued within the thirty (30) deappeal period. The Zoning Cornissioner will, however, enterts any request for a stay of the insurance of said permit during the period for good cause show Such request must be in writer and received in this office by it date of the hearing set above in presented at the hearing.

HOV 23 00 16.41 H.E. HSSUC./DC DIV. VETERANS ATTENTION THE MOST SENSATIONAL OFFER EVER MADE BRICK APARTMENT HOUSES 4 Individual Apartments In Each House. EACH APARTMENT HAS LANGE LIVING ROOM SIZE 12 FEET & INCHES WIDE BY IT FEET & INCHES LONG. LARGE THE BATHROOM WITH BATHTUB AND BROWER BATH AND LARGE UNION CLOSET. ENTRANCE HALL WITH COAT CLOSET. THE TANCE AND WESTINGHOUSE ELECTRONIC WITH BUILT IN CABINETS, LINOLEUM, CAS DANCE AND WESTINGHOUSE ELECTRONIC AND MESTINGHOUSE AND MESTI HOT WATER HEATING PLANT WITH BEFARATE THERMOSTAT HE EACH APARTMENT. SEPARATE STORAGE ROOM IN BASEMENT FOR EACH APARTMENT. LAUNDRY TUBE AND TOILET IN BASEMENT. HARDWOOD ILOORS AND BUE FLOORS. CHURCHES OF ALL DENOMINATIONS, PLATGROUNDS AND MODERN SHOPPING CENTER HEARLY, AND A NEW MULION DOLLAR HIGH SCHOOL WITHIN TWO SLOCES, SALT WATER SATIRING SEACH WITHIN FIVE MINUTES RIDE. INCLUDING GROUND · PHICE \$17,000.00 CENTER HOUSES BLIGHTLY LOWERS IF YOU HARE A CASII PAYMENT OF \$500.00 AID THANCE YOUR MORTGAGE UNDER FALA. Your rent received from two speciments at \$13.00 postments. Your rent received from two apartments at \$15 00 month 12:55:55 ilitae are o. P. A. Apploved rents, TOTAL RECEIPED FER HONTH \$176.00 YOUR MORTOAGE WOULD BE \$16,400.00 FOR 20 YEAR TERM ... YOUR MONTHLY PAYMENT ON THE MORIGAGE WOULD BE PATMENT ON MONTGAGE MAYINGS FOR YOU.... 1/18 OF YOUR FIRE INSURANCE..... YOUR TOTAL MONTHLY PAYMENT ON MORTGACE Balance of Income left to you after murigage payment YOUR OTHER YBARLY EXPENSES FOR RUNNING THE HOUSE ARE COAL USED, 18 TONS AT \$12.00 PER TON..... AMOUNT LEFT FROM MONTHLY BENT AFTER PAYING MORTCAGE AND ALL EXPENSES. 12.1, 22.75 Add to this the amount you here paid off (sared) on your morigage BEE THE FURNISHED SAMPLE APARTMENT 1ST 11.00R 2551 YORKWAY DESCRIPTION OF DAILY—SATURDAY—SUNDAYS—12 NOON 10 7:30 P. M. Take 26 car to Dundalk and Liberty Parkway; walk to end of 2500 block Liberty Parkway (Leeway); turn [12] left on Leaway 1 block. Sample House on corner. JEROME J. GEBHART, Agent PHONE DUNDALK 1791

Raltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-333
J. Robert Haines

John B. Gontrum, Esq. 809 Eastern Boverland

Essex, Maryland 21221

Dear Mr. Gontrum:

DEC 1 2 1999



RE: Petitions for Special Hearing.

CASE NUMBERS: 89-249-SPH thru 89-264-SPH

Your Client: Landex Corporation

CASE NUMBERS: 89-249-SPH thru 89-264-SPH
Your Client: Landex Corporation
Date of Hearing: Thursday, December 29, 1988 at 9:00 a.m.

Please be advised that \$1,450.08 is due for advertising and posting of the above referenced properties. All fees must be paid prior to the hearings. Do not remove the sign and post set(s) from the properties.

THIS FEE MUST BE PAID ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearings are scheduled

Please note that due to the number of signs to be returned, here will be no need for your client to remove and return the signs, as this office will do same.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Walter Stealey
Ms. Judith S. Siegel
File

* \$ 90.63 each property

AFFIDAVIT

My name is Connie Ports and my address is Apartment B, 2607 Yorkway, Dundalk Maryland 21222. I first moved to the Yorkway area in 1963 and after leaving for a short while, I moved back again in 1971. I have acted as a manager for Yorkway and at one time managed 2619 Yorkway. I testified 14 with respect to 2609 and 2619 Yorkway. It was my testimony buildings along the 2600 block of Yorkway and that time under oath, that I have been in all of the all identical as four (4) unit apartment buildings, except basement. It was and is my testimony that these buildings apartments and during the familiarity with these apartments all been used continuously and uninterruptedly with four (4) apartment units per building.

I solemnly declare and affirm that the above statements are true to the best of my knowledge, information and belief.

CONNIE PORTS

I hereby certify that on this day of the least of the last of the last of the solemnly affirmed under the penalties of perjury and under paper are true to the best of her knowledge, information and the last of the solemnly belief.

My commission expires: 7.90 PUBLIC PUBLIC

PETITIONER'S
EXHIBIT 3B

LAW FIRM

ROMADKA,

GONTRUM

& HENNEGAN

ESSEX MARYLAND

AFFIDAVIT

My name is James Thompson and I am the Zoning Enforcement Supervisor for the Department of Planning and Zoning in Baltimore County, Maryland. I have been employed in the Zoning Office as a Zoning Enforcement Office and as a Zoning Inspector for 11 1/2 years. For the past 6 years, I have acted as the Chief of the Zoning Enforcement Section. Over these years, I have become acquainted with the apartment buildings on Yorkway in the Dundalk area of Baltimore County. Numerous violations have been filed against various units on the Yorkway complex for exceeding the permitted number of units within the given zone. A review of the zoning records on the numerous violations which we have researched over the past decade indicates that the apartment units on the 2500 and 2600 block of Yorkway were all built about the same time in 1943 and 1944. The units were all built as four (4) unit apartments. When zoning became effective in January in 1945, these apartment buildings were classified as a Class D residential zone. This zone allowed three (3) units or more per dwelling. However, the original regulations provided for non-conforming uses as follows:

"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such

FETITIONERS EXHIBIT 4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

December 28, 1988

J. Robert Haines TO___Zoning Commissioner Pat Keller, Deputy Director

FROM Office of Planning and Zoning Landex Corporation SUBJECT Zoning Petition Nos. 89-249-X thru 89-264-X

The applicant is requesting a special hearing to establish four apartment units within 19 buildings, the majority of which constitute York Park as shown on the applicant's site plan dated October 20, 1988. It is not clear from the applicant's submittal if buildings 2615, 2609, 2527 and 2529 are included in this request. Baltimore County has been involved with various improvements to this project. Money has been utilized in the past to rehabilitate and upgrade apartments within this project. There has also been an effort to clean up the railroad right-of-way that is located along the rear of block No. 9. Staff has no detailed comments or recommendation regarding this request.

____ 1289-3 DISTRICT /2. BALTIMORE COUNTY, MD. REAL ESTATE Yarkway Killage One 2534 YOMMAY 1944 2408 Lot 1028 70' x 123.25' ang. 8/8. of yorkway 8/W/ Car. 10290of admiral Blod- alet 4 Bell 6. Dundal. 1 1/44 2261 dot 884.06' X 109.29' Ung. 4 15 of Yorkway 1 W Car. Leaway 8840, run W. Bek & Real 4 Dundacce. 1944 of for Lat 57.5x100.5 N/E/s Jackway 83456 Wof Lunay 960 8500 quil Whit aft. Bldg \$8500. a #01 set 49 x 10133 N/E/S yesterny 78536 Wol Luway 8rd 1500 9071 H knit Oft Bldg 102 Lat MIXICHE NIE/s Judany 1486 Wolderway 8 YO 8500 9090 Med muit aft Bly. 1 -708 16- 57 × 110.5 NE/s yarking 67156 Wolferway 950 8500 900 37,97 4 mit Cift Bly \$ 6500. C 701 Lat 57x119 NE/s preking with wof Leeway 950 8500 1200 45. 1. 4 mittiftplif \$ 8500. 4. ilt Colling niss yorking stad Wolferway 870 8500 4075 A mit apt Bldg 1 8500. P 706 Let 49 x 738.5 N/E'S gorkway 515.11 Wolf Leeway 870 8500 with 143, Sinit aft Blog & sec. 12 767 Lat 65 x146 N/E/S Jacking 45 166 Workerway 1090 8500 9340 4 unit aft Bilg 18500. 9: 705 Cet 15 x149 NES Jackway 38156 Wolf Ceway 1090 8500 1310 4 Unit aft Bldg \$500. 101 Let 49 x 149 + N/E/s yorkerry 33756 Woffeerray 8500 1070 A midlipt Bldg \$8500. G 7/F Lat 49 x 157 N/E/S Jackung 288.86 Wof Lelway 870 8500 9070 4 knet aft Bdy \$8500. 4 .711 Fot 62×147 NIEls Jorkery rolish Wof Leway 1040 8500 1110 1333 157, 4 Senit aft Bldg 18500. TTZ Lt. 624/30 N/E/S Jorkway 164,56 Wol Leeway 1040 1500 9210 H ant apt 154/4 \$ \$500. The set 198124 N/E/S yorking 115.56 Hof receivay 870 8500 9070 A unit apt Bldg \$ 8500. (111 fot 49 1 12 N/E/S Jackway 66.56 Wof Leeway 820 8500 1070 Ho for 66.56 xHLS N/E/S yorkung N/W/con Leeway 1270 8500 1410 4 mit aft Bly \$8500. 116 fot 80.24/00.47 5/11/5 Joshway 5/E/cor admiral Blue sun 5/E 9500 9100 1450 A 747 Sat 49×100.5 5/4/5 yerking 80.2 4 of admind Blow run 5/2 8 70 8500 9010 I mit aft Aldy 18500 41x at 49 \$100,5 SIN/S Jockway 129,2 S/E of admiral Blod sum S/E 820 8500 911 1050 8500 1300

EXHIBIT 5

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

December 20, 1988



Judith S. Siegel, President 250 Centerville Road Building Six Warwick, Rhode Island 02886

RE: Case Numbers 89-249-SPH through

Dear Ms. Siegel:

Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 16 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior to January 2, 1945 that obviously an apparent nonconforming use existed at one time. Due to the extreme emergency of your mortgage obligations prior to December 31, 1988, I will provisionally approve the building permits subject to a final determination upon presentation of evidence in the hearing on December 29th. The 16 cases have been advertised and a hearing will occur on the 29th which will allow any protestants to provide any evidence in opposition to the existence of the

J. Robert Haines
Zoning Commissioner

10/24/88:819.RG:ECC10239 PETITIONER'S

EXHIBIT_

PETITION FOR SPECIAL HEARING SW/C Yorkway and Leeway (2532 and 2534 Yorkway) 12th Election District 7th Councilmanic

BALTIMORE COUNTY BRIJDEO SHIVNARAIN, DANIEL ABBOTT, et al Case No. 89-103-SPH Petitioners

AFFIDAVIT

* * * * * * * * *

I, Marge Capecci, hereby certify that I am over 18 years of age and competent to testify as follows:

ZONING COMMISSIONER

1. I first lived at 2526 Yorkway in 1945 and lived there for approximately two (2) years. We attempted to purchase but were unable to do so and instead rented the property. We then moved to 6918 Homeway, very nearby to this apartment neighborhood, and continued to frequent the Yorkway area to visit family and friends over the course of the next forty (40) years up to the present.

2. I specifically recall the property known as 2534 Yorkway, an end of group, in that same originally contained four (4) apartment dwelling units with a sales office in the basement, which in 1946 or shortly thereafter, was converted to a fifth apartment dwelling unit in the basement.

3. I specifically recall my children playing with the children of families who lived in that basement apartment at 2534 Yorkway, and can state that I have frequently visited forkway

Kenneth W. Martin, et ux,

IN RE: PETITION FOR SPECIAL HEARING * N/S Yorkway, 225' E of Leeway (2609 Yorkway) 12th Election District

Petitioners

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-290-SPH

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The Petitioners herein request a Special Hearing to determine whether or not approval should be granted for the non-conforming use of 2609) Yorkway as a four apartment building since 1945, and furthermore, the non-conforming use of two additional apartments in existence since 1951.

Pursuant to the advertisement and posting of the above referenced property, a public hearing on the Petition was held on January 28, 1986, at which time one of the Petitioners testified that six apartments had been rented continuously since his purchase of the property in 1980. A witness testified that both basement apartments were occupied from spring to fall of 1957.

Two Protestants testified that the building was constructed for four apartments. One of the Protestants testified that the building was constructed in 1945; that in 1963 he was aware of one basement apartment; and that currently he can see a cat living in another basement apartment. The other Protestant testified that through the years, he gradually became aware that there were basement apartments in the neighborhood.

At the request of the Petitioner, the case was continued. The file indicates that the Petitioner would contact the Deputy Zoning Commissioner within 60 days to arrange a date to continue the case. The file includes copies of both a July and a September letter from the Deputy Zoning Commissioner asking that the

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