

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 2506 Yorkway, 820' NW of the c/l of Leeway (2506 Yorkway)
 12th Election District
 7th Councilmanic District
 Nathan J. Winslow, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request 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 Petitioners, and the Contract Purchaser, by David G. Johnston of Landex, Inc., appeared, testified and were represented by John B. Contrum, Esquire. Also appearing on behalf of the Petition were Douglas Kennedy, a registered professional engineer with KCM Consultants, Inc., who prepared Petitioner's Exhibit 1; Griffith Davis, and Ron Gajewski. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner. There were no Protestants.

Testimony indicated that the subject property, known as 2506 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 with one unit existing in the basement. The remaining portion of the basement is improved with storage and utility space. The subject property is serviced by a rear parking area which is accessed off of a common alley. Tax records submitted into evidence establish that the subject building has been assessed and transferred over the years as at least a four unit apartment building continu-

ously and without interruption since approximately early 1944. Testimony and evidence presented substantiates that the building was originally constructed as a four unit apartment building and has been used consistently used 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 1943 or 1944 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-SPVH 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 subject property is located within a group of buildings in which other properties were previously granted nonconforming use status for four apartments in either Case Nos. 88-377-SPH or 88-456-SPH.

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 status. The four unit apartment building in the instant case was con-

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 1945 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 utility in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities."

There is evidence of heat and public utilities in common and an acceptable number of units. Therefore, the building does comply with the "D" residential zoning placed on the land on January 2, 1945 for an apartment house. "D" residential zoning permitted all uses as provided for under a "C" residential zone and "C" residential zoning permitted apartment houses as a matter of right.

The Petitioner has established that the building existed prior to January 2, 1945 or the beginning of zoning regulations. The Petitioner has also established that the building was acceptable under the "D" residential zoning in place from January 2, 1945 through 1955.

The second principal to be applied, as specified in Section 104.1.1, 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, 385 A2d. 96 (1978).

ORDER RECEIVED FOR FILING
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 By [Signature]

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Clearly, the use of the subject property has not changed since 1943. 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.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of 2506 Yorkway as a four unit apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

JRH:hjs

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 454-3453

John B. Contrum, Esquire
 809 Eastern Boulevard
 Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
 NE/S Yorkway, 820' NW of the c/l of Leeway
 (2506 Yorkway)
 12th Election District - 7th Councilmanic District
 Nathan J. Winslow, et ux - Petitioners
 Case No. 89-254-SPH

Dear Mr. Contrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
 J. Robert Haines
 Zoning Commissioner
 for Baltimore County

JRH:hjs
 People's Counsel

PETITION FOR SPECIAL HEARING
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

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 506.7 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 (#2506 #2611, #2613 #2613, #2625)

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.

Contract Purchaser:
 Judith S. Siegel, President
 Landex Corporation
 750 Centerville Road, Bldg. 6
 Warwick, R.I. 02886
 City and State

Legal Owner(s):
 Nathan J. Winslow, et. ux.
 (Type or Print Name)
 Signature
 (Type or Print Name)
 Signature

Attorney for Petitioner:
 John Contrum
 (Type or Print Name)
 Signature
 809 Eastern Blvd.
 Essex, Md. 21221
 City and State
 Attorney's Telephone No. 391-586-8274

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day of _____, 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 County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING 1 Day (over)
 AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
 ALL OTHER
 REVIEWED BY: UCR DATE 11/29

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

KCW Consultants, Inc.
 Civil Engineers and Land Surveyors
 1777 Reisterstown Road
 Commerce Centre, Suite 175
 Baltimore, Maryland 21208
 (301) 484-0894 / 484-0963

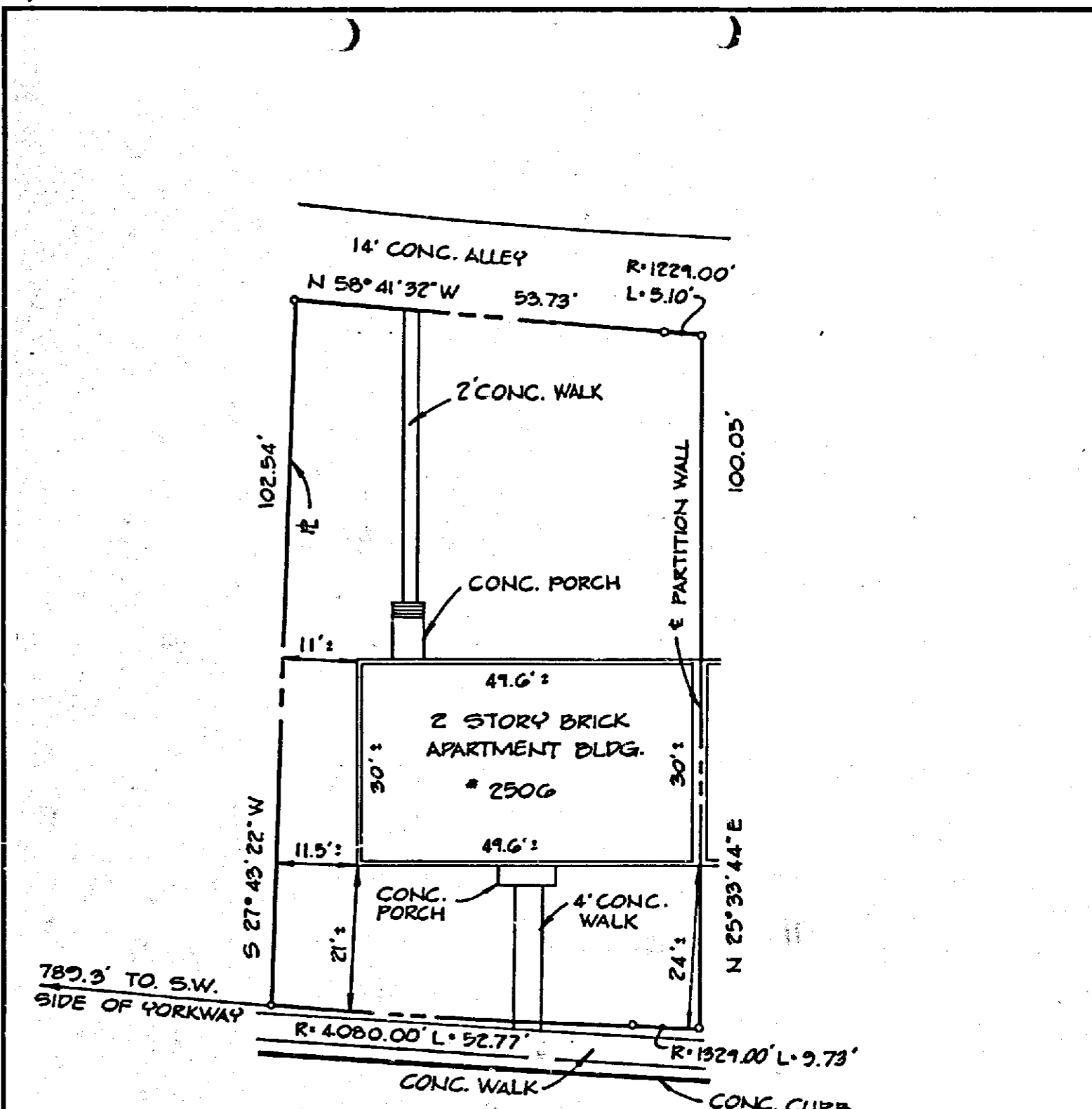
November 29, 1988

PETITIONER/CONTRACT PURCHASER:
 LANDEX CORPORATION
 250 Centerville Road, Bld. #F
 Warwick, Rhode Island 02886
 Attn: Mr. Judith Siegel
 (401) 732-5430

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

BEGINNING for the same at a point on the southwesterly line of Yorkway as now laid out forty feet wide distant seven hundred eighty-nine and thirty-six one hundredths feet northwesterly measured along the said southwesterly line of Yorkway from the northwesterly and running thence South twenty-seven degrees, forty-three minutes and twenty-two seconds west one hundred two and fifty-four one hundredths feet to intersect the northeasterly line of a fourteen foot alley there situate and as shown on said Plat; thence binding on the northeasterly line of said alley the following two courses and distances; north fifty-eight hundredths feet for a distance of five and ten one hundredths feet; thence north twenty-five degrees, forty-one minutes, thirty-two seconds west fifty-three and seventy-three one twenty-nine feet for a distance of five and ten one hundredths feet; thence north twenty-five feet, part of which is intended to be along the centre line of a party wall there situate, to intersect the said southwesterly line of Yorkway the following two courses and distances; on a curve to the right with a radius of thirteen hundred twenty-nine feet for a distance of nine and seventy-three one hundredths feet and on a curve to the right with a radius of four thousand eighty feet for a distance of fifty-two and seventy-seven one hundredths feet to the place of beginning. The improvements thereon being known as No. 2506 Yorkway.

#2506 YORKWAY ACC. #12-08-00423



PART OF BLOCK # B
 PLAT No. 4 OF "DUNDALK"
 C.W.D. OF 12 FOLIO 63

PLAT TO ACCOMPANY DESCRIPTION
 #2506 YORKWAY
 12TH ELECTION DISTRICT
 BALTIMORE COUNTY, MD.

KCW Consultants, Inc.
 Civil Engineers and Land Surveyors
 1777 Reisterstown Road
 Commerce Centre, Suite 175
 Baltimore, Maryland 21208
 (301) 484-0963

SCALE 1" = 20'
 DATE NOV. 21, 1988

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District 12th Date of Posting 12/6/88

Posted for Special Hearing

Petitioner: Landex Corporation - Nathan J. Winlow, et al

Location of property: 2506 Yorkway, 2506 Yorkway, 2506 Yorkway

Location of Sign: Before Yorkway, corner 25th Eastmanway

Remarks: M. Haines

Posted by: M. Haines Date of return: 12/9/88

Number of Signs: 1

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

PO 07743
reg M 20490
case 89-254-SPH
price 35.63

S. Zebe
Publisher

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: 89-254-SPH
NE/S Yorkway, 820' NW of c/l of Leery (2506 Yorkway)
12th Election District - 7th Councilmanic
Legal Owner(s): Nathan J. Winlow, et al
Contract Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2506 Yorkway (four apartments).

In the event that this Petition is granted, a building permit may be issued 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

AFFIDAVIT OF NANCY CAPECCI

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

- 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.
- 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.
- 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.
- 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.
- I have also testified in Case Number 89-14-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

OFFICE OF Dundalk Eagle

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

December 8, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case # 89-254-SPH - P.O. #07732 - Reg. #M20491 - 80 Lines @ \$40.00. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 9th day of December 1988; that is to say, the same was inserted in the issues of Dec. 8, 1988

Kimbel Publication, Inc.
per Publisher.
By S.C. O'Brien

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NO. 059614

DATE 11/29/88 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED Judith S. Siegel, President, Landex Corp.
39 Major Potter Road 250 Centerville Road
Warwick, RI 02886 Building #6

FOR Filing Fee for Special Hearing (1 of 17) w/c
Items # 216-232 Yorkway Non-conforming apartments

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

Building Address 2506 York Way

Owners Name York Park Associates

Mailing Address 250 Centerville Rd - Warwick, R.I. 02886

DATE BUILT 12

TYPE OF IMPROVEMENT REPAIRS TYPE OF USE RESIDENTIAL

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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 several of the apartment buildings in the 2600 block of Yorkway and at one time managed 2649 Yorkway. I testified before the Baltimore County Board of Appeals in Case No. 88-14 with respect to 2609 and 2619 Yorkway. It was my testimony at that time under oath, that I have been in all of the buildings along the 2600 block of Yorkway and that they were all identical as four (4) unit apartment buildings, except that some apartments had an additional apartment in the basement. It was and is my testimony that these buildings were all constructed originally as four (4) bedroom unit apartments and during the familiarity with these apartments for the 1960's up to the present time, these buildings have all been used continuously and uninterrupted 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 E. Ports
CONNIE PORTS

I hereby certify that on this 28th day of December 1988, Notary Public for said State and County, personally appeared CONNIE PORTS, Affiant, and solemnly affirmed under the penalties of perjury and under oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and belief.

My commission expires: 7/1/90

Notary Public
PUBLIC
BALTIMORE CO.

PETITIONER'S EXHIBIT 3B

LAW FIRM
ROMADEA
GONTIUM
& HENNING
ESSEX MARYLAND

AFFIDAVIT

(1) year, on the case of a non-conforming use, shall be deemed to be a non-conforming use.

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 Officer 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

PETITIONER'S EXHIBIT 4

1289-3
DISTRICT 72

ASSESSMENT BALTIMORE COUNTY, MD.

| DATE | OWNER | REAL ESTATE | AREA | ASSESSMENT | REMARKS |
|----------|---------------------|--------------|-------|------------|---------|
| 12/21/88 | Yorkway Village One | 2507 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2508 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2509 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2510 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2511 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2512 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2513 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2514 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2515 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2516 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2517 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2518 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2519 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2520 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2521 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2522 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2523 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2524 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2525 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2526 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2527 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2528 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2529 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2530 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2531 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2532 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2533 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2534 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2535 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2536 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2537 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2538 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2539 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2540 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2541 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2542 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2543 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2544 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2545 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2546 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2547 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2548 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2549 Yorkway | 10270 | 8840 | |
| 12/21/88 | Yorkway Village One | 2550 Yorkway | 10270 | 8840 | |

PETITIONER'S EXHIBIT 5

10/24/88 19. RG: ECC10239

PETITIONER'S EXHIBIT 7

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

BRIJDEO SHIVNARAIN, DANIEL ABBOTT, et al

Case No. 89-103-SPH

AFFIDAVIT

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

- 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 Homoway, 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.
- 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.
- 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 2534 Yorkway.

Marga Capecci

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Kenneth W. Martin, et ux, Petitioners

Case No. 86-290-SPH

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 Petitioner request either a continuation or a dismissal of the case. At this time, no such request has been noted.

PETITIONER'S EXHIBIT 8

ORDER RECEIVED FOR FILING
Date 12/21/88
By *Patricia J. Haines*

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case Nos. 87-469-SPH and 87-470-SPH

Wesley D. Paul, et ux
Petitioners

The Petitioners herein request a special hearing to approve the existing five-apartment dwellings at 2501 and 2524 Yorkway as a non-conforming use.

Testimony by one of the Petitioners indicated that Mr. Paul purchased 2501 Yorkway in 1956 and 2524 Yorkway in 1960. At the time of purchase, the basement of 2501 Yorkway contained one apartment consisting of a living room, kitchen, one bedroom and a bathroom. When 2524 Yorkway was purchased, the basement contained one apartment consisting of a living room, kitchen, two bedrooms and a bathroom. Both apartments have been continuously rented since Mr. Paul's purchase. Chris Loucas, currently residing at 1110 Peachtree Road, Fallston, Maryland, testified that he was quite familiar with both sides of the 2500 block of Yorkway from the late 1930's until 1970. The apartment buildings were constructed by a Mr. Gebhart in 1940 or 1941, with each building containing four apartments, and no basement apartments (oil tanks were stored in the basements). In 1946, Mr. Loucas visited Mr. Gebhart in his office, located in the basement of one of the 2500 block apartment houses. Also in 1946, Mr. Loucas purchased 2504 Yorkway and hired a Mr. Spawn to construct one basement apartment before 1950. As far as he knows, Mr. Spawn was the first owner to add a basement apartment in the block. He added a second basement apartment to 2504 Yorkway no later than 1952. He is of the opinion that shortly after 1950, all, or almost all, the owners in the 2500 block added one or two basement apartments and moved the oil tanks from the basement to the rear yard. In 1949 Mr. Loucas purchased

PETITIONER'S EXHIBIT 6

DATE 12/21/88
BY *Patricia J. Haines*

MICROFILMED

ORDER RECEIVED FOR FILING
Date 12/21/88
By *Patricia J. Haines*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner Date: December 28, 1988

Pat Keller, Deputy Director
FROM: Office of Planning and Zoning

Landex Corporation
SUBJECT: Zoning Petition Nos. 89-249-I thru 89-264-I

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.

PK/sf

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(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 89-264-SPH - Yorkway

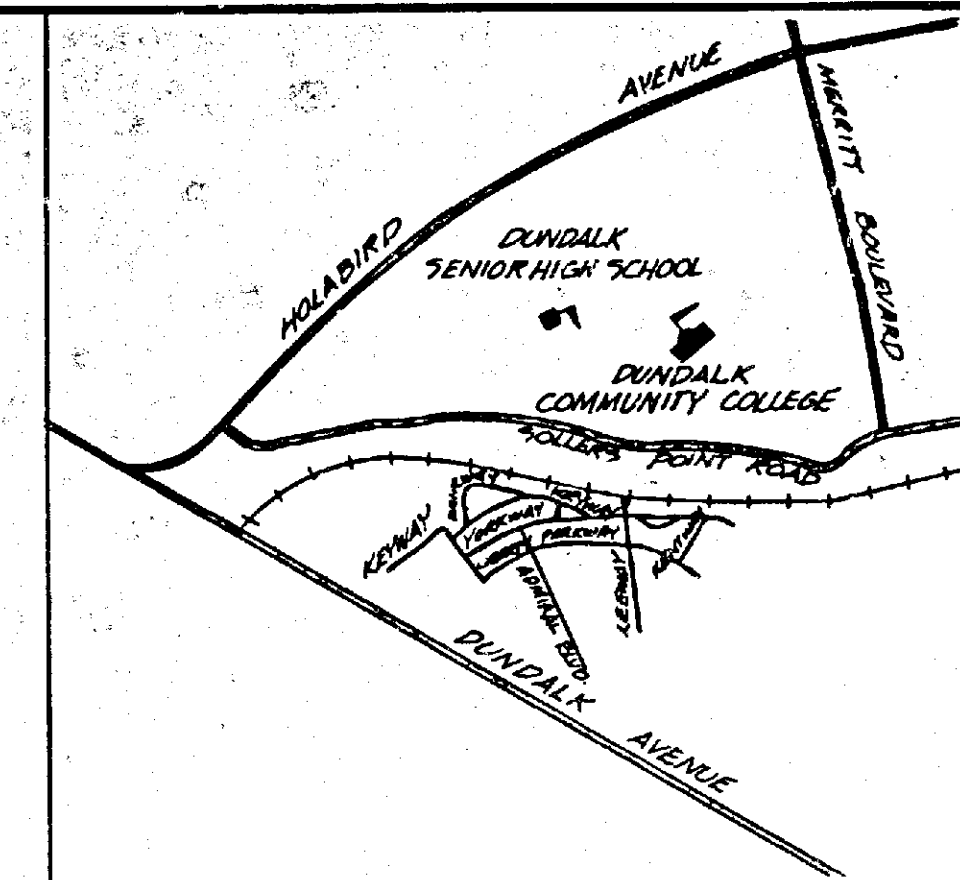
Dear Ms. Siegel:

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 nonconforming use.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:scj

PLAT NO. 1 OF DUNDALK
C.W.B. JR. 12, FOLIO 63



LOCATION MAP
SCALE: 1" = 200'

SITE DATA

- EXISTING ZONING D.R. 10.5
 - PROPOSED ZONING D.R. 10.5
 - ALL BUILDINGS SHOWN HEREON ARE EXISTING 2-STORY BRICK APARTMENT BUILDINGS CONTAINING 4-1 BEDROOM UNITS EACH.
 - PUBLIC WATER AND SANITARY SEWER PRESENTLY SERVE THIS SITE
 - OFF-STREET PARKING REQUIRED:
60-2 BR UNITS x 1.25 = 75
20-1 BR UNITS x 1.25 = 25
100 PARKING SPACES
- OFF-STREET PARKING PROVIDED: 0 PARKING SPACES

| ADDRESS | OWNER | DEED REFERENCE | ACC. # |
|---------------|--|-----------------|--------------|
| *2504 YORKWAY | YORKWAY PARTNERSHIP | EHK JR 6361-394 | 12-12-061010 |
| *2506 YORKWAY | NATHAN J. WINSLOW ALICE E. WINSLOW | ENK JX 6538-62 | 12-08-004230 |
| *2510 YORKWAY | GRIFFITH H. DAVIS | OTQ 5280-112 | 12-10-25250 |
| *2511 YORKWAY | CARL J. VERSTANDIG DENISE VERSTANDIG | EHK JR 6900-206 | 12-08-056200 |
| *2513 YORKWAY | RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI | EHK JR 6873-534 | 12-13-043440 |
| *2515 YORKWAY | RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI | EHK JR 6873-534 | 12-08-002842 |
| *2517 YORKWAY | RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI | EHK JR 6873-534 | 12-13-043441 |
| *2519 YORKWAY | RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI | EHK JR 6873-534 | 12-13-043442 |
| *2521 YORKWAY | RONALD T. GAJEWSKI ROSEMARY C. GAJEWSKI | EHK JR 6873-534 | 12-13-043443 |
| 2527 YORKWAY | YORKWAY PARTNERSHIP | EHK JR 6361-394 | 12-18-049050 |
| 2529 YORKWAY | YORKWAY PARTNERSHIP | EHK JR 6361-394 | 12-02-073350 |
| *2605 YORKWAY | LOUIS PUGLESE MARY JOAN PUGLESE | EHK JR 7117-127 | 12-11-047661 |
| *2607 YORKWAY | LOUIS PUGLESE MARY JOAN PUGLESE | EHK JR 7105-391 | 12-01-069120 |
| 2609 YORKWAY | JOSEPH R. KAPICHAJ | SM 7572 - 350 | 12-11-001230 |
| *2611 YORKWAY | NATHAN J. WINSLOW ALICE C. WINSLOW | EHK JR 6052-248 | 12-01-074432 |
| *2613 YORKWAY | NATHAN J. WINSLOW ALICE C. WINSLOW | EHK JR 6052-257 | 12-01-074431 |
| *2619 YORKWAY | JOSEPH R. KAPICHAJ | SM 7596-244 | 12-11-047740 |
| *2625 YORKWAY | NATHAN J. WINSLOW ALICE C. WINSLOW | EHK JR 6052-265 | 12-18-049053 |
| *2627 YORKWAY | MICHAEL KOZLOWSKI ELIZABETH KOZLOWSKI GLENN WILLIAM DAVIS JOHN JOSEPH DAVIS | EHK JR 6826-204 | 12-18-049970 |
| *2629 YORKWAY | MICHAEL KOZLOWSKI ELIZABETH KOZLOWSKI GLENN WILLIAM DAVIS JOHN JOSEPH DAVIS | EHK JR 6726-204 | 12-18-049111 |

PRINT DATE
DEC 27 1986
KCW CONSULTANTS, INC

PETITIONER'S
EXHIBIT 1

* PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commercentre, Suite 175
Baltimore, Maryland 21208
(301) 484-0963

DEVELOPER:
LANDEX CORPORATION
250 CENTERVILLE RD. BLDG. F
WARWICK, RHODE ISLAND 02886
ATTN: MS. JUDITH SIEGEL
(401) 732-5430

SITE PLAN
YORK PARK
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' OCTOBER 20, 1988 DWG. G-1

REVISED FRONT SETBACKS, 12/27/88
FINL. SET. 12/6/88

