

IN RE: PETITION FOR SPECIAL HEARING  
 NE/S Yorkway, 370' SE of the  
 c/1 of Leeway  
 (2613 Yorkway)  
 12th Election District  
 7th Councilmanic District  
 Nathan J. Winslow, et ux  
 Petitioners

BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 89-256-SPH

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 KCW Consultants, Inc., who prepared Petitioner's Exhibit 1, Ron Gajewski and Griffith Davis. 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 2613 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 basement portion of the building is improved with storage and utility space. 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 1943. 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 1943 or 1944 as a 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 subject property is located within a group of four buildings which includes 2609, 2611, 2613 and 2615 Yorkway. Each of these buildings was built at the same time and each was originally constructed with four apartments. The property known as 2609 Yorkway was granted a nonconforming use for a four apartment house on October 16, 1986 in Case No. 86-290-SPH by Deputy Zoning Commissioner Jeanne M. H. Jung.

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 constructed 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 unit 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, 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).

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 1943.

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 29<sup>th</sup> day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of 2613 Yorkway as a four unit apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

J. Robert Haines  
 Zoning Commissioner  
 for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
 Date 12/29/88  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 12/29/88  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 12/29/88  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 12/29/88  
 By [Signature]

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21284  
 410-333-3333

J. Robert Haines  
 Zoning Commissioner

December 29, 1988



Dennis F. Rasmussen  
 County Executive

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

RE: PETITION FOR SPECIAL HEARING  
 NE/S Yorkway, 370' SE of the c/1 of Leeway  
 (2611 Yorkway)  
 12th Election District - 7th Councilmanic District  
 Nathan J. Winslow, et ux - Petitioners  
 Case No. 89-256-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:bjs

cc: People's Counsel

File

Form #2 of 7  
 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 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 (#2506, #2611, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 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1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641

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

John M. Cosarquis, L.S. (Ret.)

**KCW Consultants, Inc.**  
Civil Engineers and Land Surveyors  
1777 Reisterstown Road  
Commercentre, Suite 775  
Baltimore, Maryland 21208  
(301) 484-0894 / 484-0963

November 29, 1988

Item # 223

5014

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

**PROPERTY DESCRIPTION TO ACCOMPANY  
PETITION FOR SPECIAL HEARING**  
17th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING for the second thereof, at a point on the northeasterly line of Yorkway as now laid out 50 feet wide distant 340.88 feet westerly measured along the said northeasterly line of Yorkway from the southeasterly line of Leeway as now laid out 60 feet wide all as shown on "Flat No. 4 DUNDALK", and running thence north 40 degrees 38 minutes 52 seconds east 102.35 feet part which is distance is intended to be along the center line of a party wall there situate to intersect the southeasterly line of a 14 foot alley there situate and as shown on said plat, thence binding on the southeasterly line of said alley south 49 degrees 17 minutes 40 seconds east 49.00 feet, thence south 40 degrees 38 minutes 52 seconds west 102.30 feet part of which distance is intended to be along the center line of a party wall there situate to intersect the said northeasterly line of Yorkway, thence binding on the said northeasterly line of Yorkway, north 49 degrees 21 minutes 08 seconds west 49.00 feet to the place of beginning; the improvements thereon being known as No. 2613 Yorkway.

#2613 YORKWAY Acc. 12-01-074431

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Town, Maryland

89-256-SP4

District: 1254 Date of Posting: 12/1/88

Posted for: Special Hearing

Petitioner: Lanlex Corp. - Nathan J. Winslow, et ux

Location of property: N.E.S. Yorkway, 270' SE Leeway, 2613 Yorkway

Location of Sign: 250 Centerville Road, 25' from road, on pro. copy of plat

Remarks:

Posted by: [Signature] Date of return: 12/2/88

Number of Signs: 7

Baltimore County  
Zoning Commission  
Office of Planning & Zoning  
Town, Maryland 21204  
484-3353

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed application for a Special Hearing 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: 89-256-SP4  
17th Election District  
17th Election District  
7th Councilmanic District  
Legal Description:  
Nathan J. Winslow, et ux  
Contract Purchaser(s):  
Lanlex Corporation

**HEARING SCHEDULED:** THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

**SPECIAL HEARING:** Nonconforming use of 2613 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 Commission will, however, entertain any request for a stay of the issuance of said permit during the 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**

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 89-256-SP4 - P.O. #07780 - Req. W820495 - 80 Lines @ \$40.00, was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 8th 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 K.E. Orlie

**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. Zach Oberlin  
Publisher

PO 07745  
reg M 20494  
case 89-256-SP4  
price \$35.63

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

059614 No.

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

AMOUNT: \$ 100.00

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

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

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
484-3353

J. Robert Haines  
Zoning Commissioner

DEC 12 1988

John B. Gontrum, Esq.  
809 Eastern Boverland  
Essex, Maryland 21221

RE: Petitions for Special Hearing -  
CASE NUMBERS: 89-249-SP4 thru 89-264-SP4  
Your Client: Lanlex Corporation  
Date of Hearing: Thursday, December 29, 1988 at 9:00 a.m.

Dear Mr. Gontrum:

Please be advised that \$1,450.00 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 to begin.

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

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
484-3353

J. Robert Haines  
Zoning Commissioner

NOTICE OF HEARING

Dennis F. Rasmussen  
County Executive

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: 89-256-SP4  
2613 Yorkway, 370' SE of c/l of Leeway (2613 Yorkway)  
17th Election District - 7th Councilmanic  
Legal Owner(s): Nathan J. Winslow, et ux  
Contract Purchaser(s): Lanlex Corporation  
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

**SPECIAL HEARING:** Nonconforming use of 2613 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 Commission 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

VETERANS ATTENTION

THE MOST SENSATIONAL OFFER EVER MADE  
**BRICK APARTMENT HOUSES**  
A Individual Apartments In Each House.  
**EACH APARTMENT HAS**

- SEPARATE ENTRANCE FROM MAIN HALLWAYS
- LARGE LIVING ROOM 13 FEET 8 INCHES WIDE BY 17 FEET 8 INCHES LONG
- LARGE BEDROOM 12 FEET 8 INCHES LONG AND 12 FEET 8 INCHES WIDE. BEDROOM HAS TWO SEPARATE CLOSETS
- LARGE THE PATRIOTISM WITH BATH AND SHOWER BATH AND LARGE LINEN CLOSET
- ENTRANCE HALL WITH COAT CLOSET
- KITCHEN WITH BUILT IN CUPBOARD, SINK AND RANGE AND REFRIGERATOR
- HOT WATER HEATING PLANT WITH SEPARATE THERMOSTAT IN EACH APARTMENT
- REPAIRS STORAGE ROOM IN BASEMENT FOR EACH APARTMENT
- LAUNDRY TUBS AND TOILET IN BASEMENT. HARD WOOD FLOORING AND SUN FLOORS.

CHURCHES OF ALL DENOMINATIONS, PLAYGROUNDS AND BOOTH SHOPPING CENTER NEARBY, AND A NEW MILLION DOLLAR HIGH SCHOOL WITH TWO BLOCKS. BALT WATER BATHING BEACH WITHIN FIVE MILES.

COUNTESS HOUSES INCLUDING CHURCH PRICE \$17,000.00  
KENTON HOUSES SLIGHTLY LOWER

BUILT IN 1945

CONSTRUCTION OF THESE HOMES WAS SUPERVISED AND INSURED BY FEDERAL HOUSING ADMINISTRATION

IF YOU MAKE A CASH PAYMENT OF \$500.00 AND FINANCE YOUR MORTGAGE UNDER F.H.A. VETERANS ADMINISTRATION APPROVED PLAN, YOUR RENT AND EXPENSES WOULD BE AS FOLLOWS:

Your rent received from two apartments is \$15.00 per month  
Your rent received from two apartments is \$15.00 per month  
THERE ARE O.P.A. APPROVED RENTS TOTAL RECEIVED PER MONTH \$176.00

YOUR MORTGAGE WOULD BE \$114.00 FOR 20 YEAR TERM  
YOUR MONTHLY PAYMENT ON THE MORTGAGE WOULD BE \$57.00  
INTEREST FOR FIRST MONTH \$1.44 (Minimum Every Month)  
PAYMENT ON MORTGAGE SAVINGS FOR YOU \$1.96 (Minimum Every Month)  
F.H.A. INSURANCE \$2.00  
1/1% OF YOUR ANNUAL COUNTY TAXES \$2.00  
1/1% OF YOUR THE INSURANCE \$2.00  
YOUR TOTAL MONTHLY PAYMENT ON MORTGAGE \$65.00

Balance of income left to you after mortgage payment \$11.00  
YOUR OTHER YEARLY EXPENSES FOR RUNNING THE HOUSE ARE  
COAL USED BY YOU AT \$1.00 PER TON \$12.00  
WATER USED FOR YEAR INTERVAL \$12.00  
ELECTRICITY USED PER YEAR INTERVAL \$12.00  
MAINTENANCE OF PAINT, SEWER, ROOFING \$12.00  
SEWER RENT \$12.00  
TOTAL ANNUAL EXPENSES OTHER THAN MORTGAGE \$50.00  
DIVIDED BY 12 MONTHS EQUALS PER MONTH \$4.17

AMOUNT LEFT FROM MONTHLY RENT AFTER PAYING MORTGAGE AND ALL EXPENSES \$12.83  
Add to this the amount you have paid off (owed) on your mortgage \$45.00  
YOUR TOTAL MONTHLY PROFIT \$57.83  
OR YOU CAN LIVE IN ONE APARTMENT RENT FREE AND STILL HAVE A RICE INCOME \$57.83

SEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2551 YORKWAY  
OPEN DAILY - SATURDAY - SUNDAYS - 12 NOON TO 7:30 P.M.  
Take 26 ave to Dundalk and Liberty Parkway to end of 2500 block Liberty Parkway (Leeway) turn left on Leeway 1 block. Sample house on corner.

JEROME J. GEMHAUT, Agent  
2534 YORKWAY PHONE DUNDALK 1701

PETITIONER'S EXHIBIT 2

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-SP4 I identified the filer, 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 88-14-SP4 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

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 2619 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 all identical as four (4) unit apartment buildings 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 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 P. Ports  
CONNIE PORTS

I hereby certify that on this 20th day of December 1988, before me, Notary Public for said State and County, personally appeared CONNIE PORTS, Affiant, and oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and belief.

K. B. BECKER  
Notary Public  
BALTIMORE CO. MD.

My commission expires: 7/1/90

LAW FIRM  
ROMADKA,  
GOTHUM  
& HENNEGAN  
ESSEX, MARYLAND

PETITIONER'S EXHIBIT 3B

**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 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**

Table with columns: DATE, NUMBER, NAME AND ADDRESS OF OWNER, DESCRIPTION AND LOCATION OF PROPERTY, HEIGHT. Contains multiple entries for Yorkway Apartments, Inc. with various lot numbers and descriptions.

**PETITIONER'S EXHIBIT 5**

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
TO: Zoning Commissioner  
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.

**PETITIONER'S EXHIBIT 8**

ORDER RECEIVED FOR FILING  
Date 11/16/88  
By [Signature]

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.

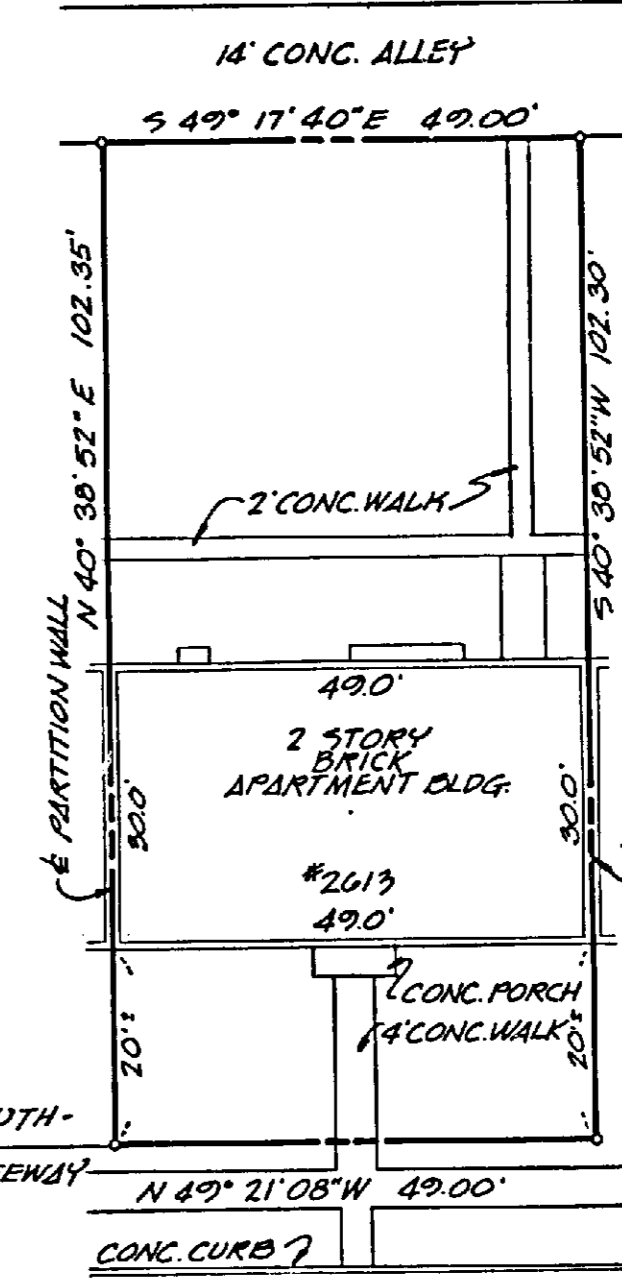
10/24/88:819.RG:ECCI0239

**PETITIONER'S EXHIBIT 6**

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY  
Case No. 89-103-SPH  
BRIDGES SHIVNARAIN, DANIEL ABBOTT, et al  
Petitioners

**AFFIDAVIT**

I, Marge Capecchi, hereby certify that I am over 18 years of age and competent to testify as follows:  
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 2524 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 Yorkway



**PETITIONER'S EXHIBIT 7**

PART OF BLOCK NO. 9  
PLAT NO. 4 "DONDALK"  
C.H.B. JR. 12 FOLIO 63

KCW Consultants, Inc.  
Civil Engineers and Land Surveyors  
1777 Reservoir Road  
Crown Centre, Suite 113  
Baltimore, Maryland 21208  
(301) 484-0963

PLAT TO ACCOMPANY DESCRIPTION  
#2613 YORKWAY  
12th ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1" = 20' DATE: NOV. 21, 1988

APPLICATION FOR PERMITS  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21284  
Building Address: 2613 York Way  
Owners Name: York Park Associates  
Mailing Address: 2530 Canterbury Rd. Towson, Md. 21286

A. TYPE OF IMPROVEMENT  
B. OWNERSHIP  
C. TYPE OF USE  
D. TYPE OF CONSTRUCTION  
E. RESIDENTIAL ONLY  
F. DIMENSIONS  
G. SIGNATURE AND DATE  
H. APPROVAL SIGNATURE

Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21284  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

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:

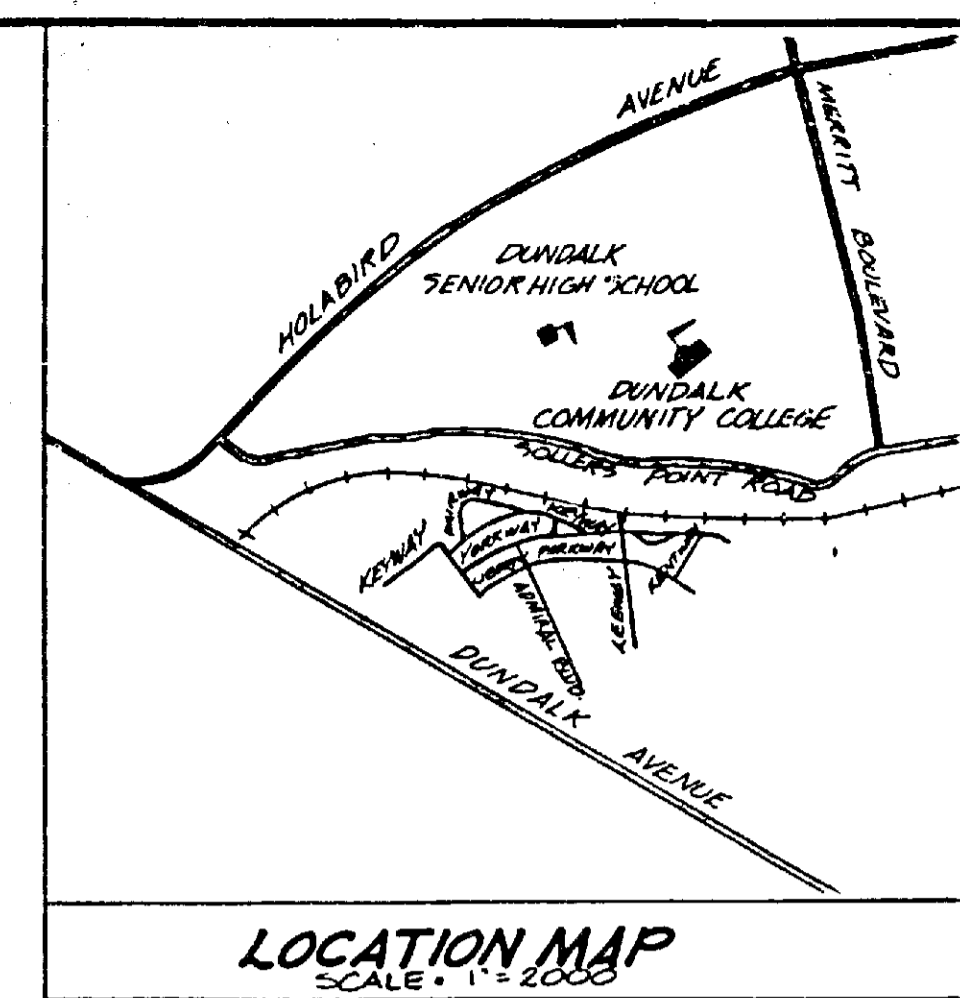
Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 16 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior 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 protestors to provide any evidence in opposition to the existence of the nonconforming use.

Very truly yours,

J. Robert Haines  
Zoning Commissioner

JRH:scj

PLAT NO. 4 OF "DUNDALK"  
C.W.B., JR. 12, FOLIO 63



LOCATION MAP  
SCALE: 1" = 200'

SITE DATA

1. EXISTING ZONING D.R. 10.5
  - \* 2. PROPOSED ZONING D.R. 10.5
  3. ALL BUILDINGS SHOWN HEREON ARE EXISTING 2-STORY BRICK APARTMENT BUILDINGS CONTAINING 4-1, BEDROOM UNITS EACH.
  4. PUBLIC WATER AND SANITARY SEWER PRESENTLY SERVE THIS SITE
  - \* 5. 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	EHK JR 6938-612	12-08-004230
* 2510 YORKWAY	GRIFFITH H. DAVIS	OTG 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. KAPICHP	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. KAPICHP	SM 7596-204	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	12-18-019111

PRINT DATE

DEC 27 1988

KCW CONSULTANTS, INC.

**\* PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING**

**PETITIONER'S EXHIBIT 1**

SITE PLAN

**YORK PARK**

12<sup>TH</sup> ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 50' OCTOBER 20, 1988 DWG: G-1

**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

REVISED FRONT SETBACKS, 12/27/88  
FINAL SET, 12/6/88

