

IN RE: PETITION FOR SPECIAL HEARING
 NE/S Yorkway, 190' SE of the
 c/1 of Leeway
 (2607 Yorkway)
 12th Election District
 7th Councilmanic District
 Louis Puglese, et ux
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 89-259-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, by David G. Johnston of Landex, Inc., the Contract Purchaser, appeared, testified and was 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 2607 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 is improved with storage and utility space. 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 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 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-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 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 constructed prior to the adoption of the 1945 zoning regulations. This property is often referred to by the Petitioner and in the 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, 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 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 29th day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of 2607 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:bjs

ORDERED FOR FILING
 Date 11/29/88
 By *J. Robert Haines*

ORDERED FOR FILING
 Date 11/29/88
 By *J. Robert Haines*

ORDERED FOR FILING
 Date 11/29/88
 By *J. Robert Haines*

Form #3 of 7 #2605-Item-225
 #2607-Item-226

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 (#2605 / #2607)

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 the 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: J. Robert Haines, President (Type or Print Name) Signature Landex Corporation 250 Centerville Road, Bldg. 6 Address Warwick, R.I. 02886 City and State	Legal Owner(s): Louis Puglese, et. ux. (Type or Print Name) Signature X <i>J. Robert Haines</i> Landex Corporation 250 Centerville Road, Bldg. 6 Address Warwick, R.I. 02886 City and State	DATE 11-23-88 E.D. 12/18 1000 67
Attorney for Petitioner: John Contrum (Type or Print Name) Signature 809 Eastern Blvd. Address Essex, Md. 21221 City and State	411 Fieldstone Court Address Fallston, Maryland 21047 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name Address Phone No.	
Attorney's Telephone No. 301-586-8274		

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
 VIEWED 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) 484-8894 / 484-0963

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

November 29, 1988

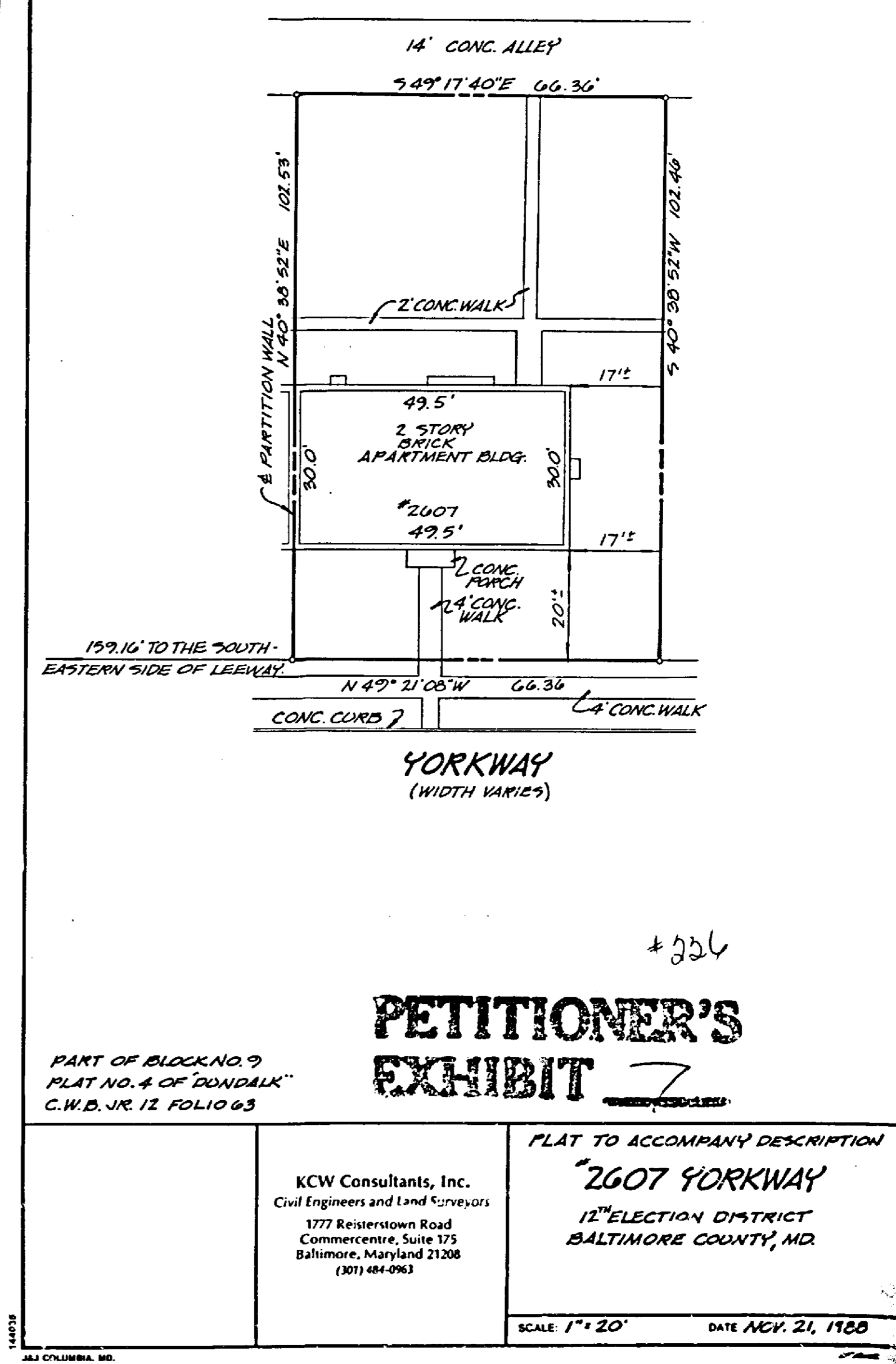
PETITIONER/CONTRACT PURCHASER:
 LANDEX CORPORATION
 250 Centerville Road, Bld. "B"
 Warwick, Rhode Island 02886
 Attn: Ms. Judith Siegel
 (401) 732-5430

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

Item # 226
 6802

BEGINNING for the same at a point on the northeasterly line of Yorkway as now laid out fifty feet wide distant one hundred fifty-nine and sixteen one-hundredths feet southeasterly measured along the said northeasterly line of Yorkway from the southeasterly line of Leeway as now laid out sixty feet wide all as shown on said "Plat No. 4 of DUNDALK" and running thence north forty degrees thirty-eight minutes fifty-two seconds east one hundred two and fifty-three one-hundredths feet part of which distance is intended to be along the center line of a party wall three situate to intersect the southwesterly line of a fourteen foot alley there situate and as shown seventeen minutes forty seconds east sixty-six and thirty-six one hundredths feet thence south forty degrees thirty-eight minutes fifty-two seconds west one hundred two and forty-six one-hundredths feet to intersect the said northeasterly line of Yorkway thence binding on the said northeasterly line of Yorkway north forty-nine degrees twenty-one minutes eight seconds west sixty-six and thirty-six one-hundredths feet to the place of beginning. The improvements thereon being known as No. 2607 Yorkway.

#2607 YORKWAY Acc. # 12-01-69120



PETITIONER'S EXHIBIT 7

PART OF BLOCK NO. 9
 PLAT NO. 4 OF DUNDALK
 C.W.B. JR. 12 FOLIO 63

PLAT TO ACCOMPANY DESCRIPTION
 "2607 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

ORDERED FOR FILING
 Date 11/29/88
 By *J. Robert Haines*

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 494-3333

J. Robert Haines
 Zoning Commissioner



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

RE: PETITION FOR SPECIAL HEARING
 NE/S Yorkway, 190' SE of the c/1 of Leeway
 (2607 Yorkway)
 12th Election District - 7th Councilmanic District
 Louis Puglese, et ux - Petitioners
 Case No. 89-259-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 494-3331.

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

JRH:bjs
 cc: People's Counsel
 File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

SP-259-SPH
District: 12th
Date of Posting: 12/6/88
Posted for: Special Hearing
Petitioner: Landex Corporation - Louis Pugliese, et al
Location of property: 2607 Yorkway
Location of Signs: 2607 Yorkway, across 25th from roadway, on
Remarks: Per P. 3 of R.H. Haines
Posted by: J. Robert Haines
Date of return: 12/18/88
Number of Signs: 1

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 # 89-259-SPH - P.O. #07727 - Reg. #M26104 - 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. Oelke

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 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. Zabe Olson
Publisher

PO 07748
M 25102
case 89-259-SPH
price \$35.63

NOTICE OF HEARING
The Zoning Commission 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 N. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Special Hearing
Case Number: 89-259-SPH
12th Election District
Legal Owner(s): Louis Pugliese, et al
Contract Purchaser(s): Landex Corporation
HEARING SCHEDULED FOR: THURSDAY, DECEMBER 8, 1988 AT 9:00 A.M.
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.

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

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3333
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

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.

December 29, 1988
page 2.....

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

JRH:mm

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HEARING SCHEDULED FOR: THURSDAY, DECEMBER 8, 1988 AT 9:00 A.M.
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.

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

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

December 8, 1988
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Kimbel Publication, Inc.
per Publisher.
By: K.E. Oelke

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

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Petition for Special Hearing
CASE NUMBER: 89-259-SPH
12th Election District - 7th Councilmanic
Legal Owner(s): Louis Pugliese, et al
Contract Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING - Nonconforming use of 2607 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

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

- SEPARATE ENTRANCE FROM MAIN BUILDING
- LARGE LIVING ROOM 11 FEET 8 INCHES LONG BY 17 FEET 8 INCHES LONG
- LARGE KITCHEN 10 FEET 8 INCHES LONG BY 10 FEET 8 INCHES WIDE, BEDROOM HAS TWO SEPARATE CLOSETS FOR CLOTHES
- LARGE TILE BATHROOM WITH BATHTUB AND SHOWER BATH AND LARGE LINEN CLOSET
- ENTRANCE HALL WITH COAT CLOSET
- KITCHEN WITH BUILT-IN CUPBORDS, SINK, GAS RANGE AND WASTEWATER ELECTRIC RANGE, ICE BOX
- SEPARATE STORAGE ROOM IN BASEMENT FOR EACH APARTMENT
- LAMINATE LUB AND POLICE IN BASEMENT, HARDWOOD FLOORS AND 8 1/2 FLOORS

CHURCHES OF ALL DENOMINATIONS, PLAYGROUNDS AND MODERN SHOPPING CENTER NEARBY, AND A NEW MIDDLE SCHOOL, HIGHER SCHOOL, WATER BATHING BEACH WITHIN FIVE MINUTE RIDE.
LUNCHEON HOUSES INCLUDING CHURCHES PRICE \$17,000.00
BUILT IN 1945

ALL FRAME MATERIALS
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.L.A. WE CAN IMMEDIATELY APPROVE YOUR MORTGAGE AND INTEREST WOULD BE AS FOLLOWS:
Your rent received from two apartments at \$18.00 per month \$ 36.00
Your rent received from two apartments at \$12.00 per month \$ 24.00
TOTAL MONTHLY PAYMENT \$ 60.00
THERE ARE NO P.A. APPROVED RENTALS \$ 20.00
YOUR MORTGAGES WOULD BE \$18.00 FOR 20 YEAR TERM
YOUR MONTHLY PAYMENT ON THE MORTGAGE WOULD BE \$ 42.00 (Difference Every Month)
PAYMENT ON MORTGAGE PAYMENTS FOR YOU \$ 42.00 (Difference Every Month)
1/2% OF YOUR HOME INSURANCE \$ 1.00 (Difference Every Month)
F.I.A. INSURANCE \$ 1.00
1/2% OF YOUR HOME INSURANCE \$ 1.00
YOUR TOTAL MONTHLY PAYMENT ON MORTGAGE \$ 45.00
Balance of income left to you after mortgage payment \$ 15.00
YOUR OTHER YEARLY EXPENSES FOR RUNNING THE HOUSE ARE:
COAL USED, IS TONS AT \$10.00 PER TON \$ 10.00
WATER USED FOR YEAR AVERAGE \$ 10.00
ELECTRICITY USED FOR YEAR AVERAGE \$ 10.00
MAINTENANCE OF PAVER, STAIRS, LIGHTS, ETC. \$ 10.00
SEWER RENT \$ 10.00
TOTAL ANNUAL EXPENSES OTHER THAN MORTGAGE \$ 40.00
DIVIDED BY 12 MONTHS EQUALS PER MONTH \$ 3.33
AMOUNT LEFT FROM MONTHLY RENT AFTER PAYING MORTGAGE AND ALL EXPENSES \$ 11.67
Add to this amount you have paid off (owed) on your mortgage \$ 65.00
OR YOU CAN LIVE IN ONE APARTMENT RENT FREE, AND STILL HAVE A NICE INCOME
SEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2515 YORKWAY
OPEN DAILY-SATURDAY-SUNDAYS-12 NOON TO 7:30 P.M.
Take 26 to Dundalk and Liberty Parkways walk to end of 2500 Black Liberty Parkway (Leeway) turn left on Leeway 2 blocks. Sample House on corner.

JEROME J. GUBIAUT, Agent
2534 YORKWAY PHONE DUNDALK 1701

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

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 that some apartments had added 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 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 E. Ports
CONNIE PORTS

I hereby certify that on this 29th day of December 1988, before me, 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.

KAREN E. BELKER
Notary Public
BALTIMORE CO. MD.

My commission expires: 7/1/90

PETITIONER'S EXHIBIT 3B

LAW FIRM
ROMADKA, GONTROM & 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 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

DATE	APARTMENT NUMBER	MAKE AND ADDRESS	OWNER	DESCRIPTION AND LOCATION OF PROPERTY	INCREASE IN NUMBER OF UNITS
1943	1275	Lot 61.147103.06	N/S Yorkway 116/101 Leeway	4 Unit Apartment House 7500	2609 Yorkway
1943	1276	Lot 49.12.359	N/S Yorkway 4116 N/S of Leeway	4 Unit Apartment House 7500	2603 Yorkway
1943	1277	Lot 49.12.359	N/S Yorkway 119.16	4 Unit Apartment House 7500	2603 Yorkway
1943	1278	Lot 49.12.359	N/S Yorkway 159.16	4 Unit Apartment House 7500	2607 Yorkway
1943	1279	Lot 49.12.359	N/S Yorkway 74.57	4 Unit Apartment House 7500	2607 Yorkway
1943	1280	Lot 49.12.359	N/S Yorkway 79.88	4 Unit Apartment House 7500	2611 Yorkway
1943	1281	Lot 49.12.359	N/S Yorkway 345.88	4 Unit Apartment House 7500	2613 Yorkway
1943	1282	Lot 49.12.359	N/S Yorkway 389.88	4 Unit Apartment House 7500	2613 Yorkway
1943	1283	Lot 49.12.359	N/S Yorkway 663.30	4 Unit Apartment House 7500	2617 Yorkway
1943	1284	Lot 49.12.359	N/S Yorkway 577.77	4 Unit Apartment House 7500	2617 Yorkway
1943	1285	Lot 49.12.359	N/S Yorkway 571.77	4 Unit Apartment House 7500	2621 Yorkway
1943	1286	Lot 49.12.359	N/S Yorkway 147.77	4 Unit Apartment House 7500	2623 Yorkway
1943	1287	Lot 49.12.359	N/S Yorkway 662.11	4 Unit Apartment House 7500	2623 Yorkway
1943	1288	Lot 49.12.359	N/S Yorkway 753.56	4 Unit Apartment House 7500	2627 Yorkway
1943	1289	Lot 49.12.359	N/S Yorkway 802.56	4 Unit Apartment House 7500	2627 Yorkway
1943	1290	Lot 49.12.359	N/S Yorkway 802.56	4 Unit Apartment House 7500	2627 Yorkway

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
Lanex Corporation
SUBJECT: Zoning Petition Nos. 89-249-X thru 89-264-X
Date: December 28, 1988

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.

FK/ef

10/24/88:811:RECC10239
PETITIONER'S EXHIBIT 6
IN RE: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
PETITION FOR SPECIAL HEARING SW/C Yorkway and Leeway (2532 and 2534 Yorkway) 12th Election District 7th Councilmanic
BRIJDEO SHIVNARAIN, DANIEL ABBOTT, et al
Petitioners
Case No. 89-103-SPH

AFFIDAVIT
I, Marge Capecci, 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 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 2534 Yorkway

Marge Capecci

ORDER RECEIVED FOR FILING
Date 12/16/88
By [Signature]

PETITIONER'S EXHIBIT 8

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
N/S Yorkway, 225' E of Leeway (2609 Yorkway) 12th Election District
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 received.

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 nonconforming 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:ncj

ZONING PETITIONS ON YORKWAY FOR NCU APARTMENTS

CASE #	ADDRESS	REQUEST	OUTCOME	DATE OR APPEAL
88-377-SPH	2500 Yorkway	NCU for 6 apt.	5 Gr., DZC-N	Pet. Ap. Pending
87-469-SPH	2501 Yorkway	NCU for 5 apt.	5 Gr., DZC-J	6/12/87
88-456-SPH	2502 Yorkway	NCU for 5 apt.	4 Gr. W/Rest., ZC-H, 8/24/88	Pet. Ap. Pending
86-471-SPH	2505 Yorkway	NCU for 5 apt.	5 Gr., ZC-J	7/14/86
88-457-SPH	2508 Yorkway	NCU for 6 apt.	4 Gr. W/Rest., ZC-H, 8/24/88	Pet. Ap. Pending
86-412-SPH	2516 Yorkway	NCU for 6 apt.	6 Gr., ZC-J	6/5/86
88-342-SPH	2520 Yorkway	NCU for 6 apt.	Den., ZC-H, 3/17/88	Pet. Ap. Pending
86-414-SPH	2522 Yorkway	NCU for 5 apt.	5 Gr., ZC-J	6/5/86
87-470-SPH	2524 Yorkway	NCU for 5 apt.	5 Gr., DZC-J	6/12/87
86-413-SPH	2525 Yorkway	NCU for 5 apt.	5 Gr., ZC-J	6/5/86
88-530-SPH	2526 Yorkway	NCU for 5 apt.	5 Gr., DZC-N	7/15/88
87-302-SPH	2527 Yorkway	2 basement apt.	Gr., DZC-J	4/28/87
88-376-SPH	2528 Yorkway	NCU for 6 apt.	6 Gr., DZC-N	3/25/88
87-302-SPH	2529 Yorkway	1 basement apt.	Gr., DZC-J	4/28/87
86-290-SPH	2609 Yorkway	NCU for 6 apt.	4 Gr., DZC-J	10/16/86
88-14-SPH	2609 Yorkway	NCU for 6 apt.	4 Gr., Max. 5, ZC-J	B of A aff. 3/31/88
88-14-SPH	2619 Yorkway	NCU for 5 apt.	Den., ZC-J	5 Gr., B of A, 3/31/88

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

Building Address: 2607 York Way
 Contact Name: Yael Park Associates
 Mailing Address: 250 CENTERVILLE RD. MARQUET P. TOWSON

Contractor: Arnblum Construction Co Inc 115 New St. Glen Ridge, NJ
M. Smetacek & Associates Ltd 2525 W. Calvert St. Lewis Park, Annapolis Md 21407
115 Yorkway 159' N.E. Towson

A. TYPE OF IMPROVEMENT
 REPAIR **ALTERATION** **NEW CONSTRUCTION**
 REPAIR **ALTERATION** **NEW CONSTRUCTION**

B. OWNERSHIP
 INDIVIDUAL **CORPORATION** **OTHER**

C. TYPE OF USE
 RESIDENTIAL **COMMERCIAL** **INDUSTRIAL** **OFFICE** **SCHOOL** **CHURCH** **OTHER**

D. TYPE OF CONSTRUCTION
 MASSIVE **FRAME** **CONCRETE** **STEEL** **WOOD** **OTHER**

E. RESIDENTIAL ONLY
 1. TOTAL NO. OF BEDROOMS: 1
 2. TOTAL NO. OF BATHS: 1
 3. TOTAL NO. OF APARTMENTS: 1

F. DIMENSIONS
 BUILDING BASE: 102' x 102'
 FRONT STREET: 102'
 SIDE STREET: 102'

G. APPROVALS
 PREPARED BY: M. Smetacek & Associates
 CHECKED BY: Arnblum Construction
 DATE: 12/13/88

INVESTIGATION FEE: 0 NO PERMIT FEES REFERRED OCCUPANCY FEE: 0
 FILE: CanDW Smith (Ferry) 1/25/89

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 484-3333

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-SPH thru 89-264-SPH
 Your Client: Landex 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, there will be no need for your client to remove and return the signs, as this office will do same.

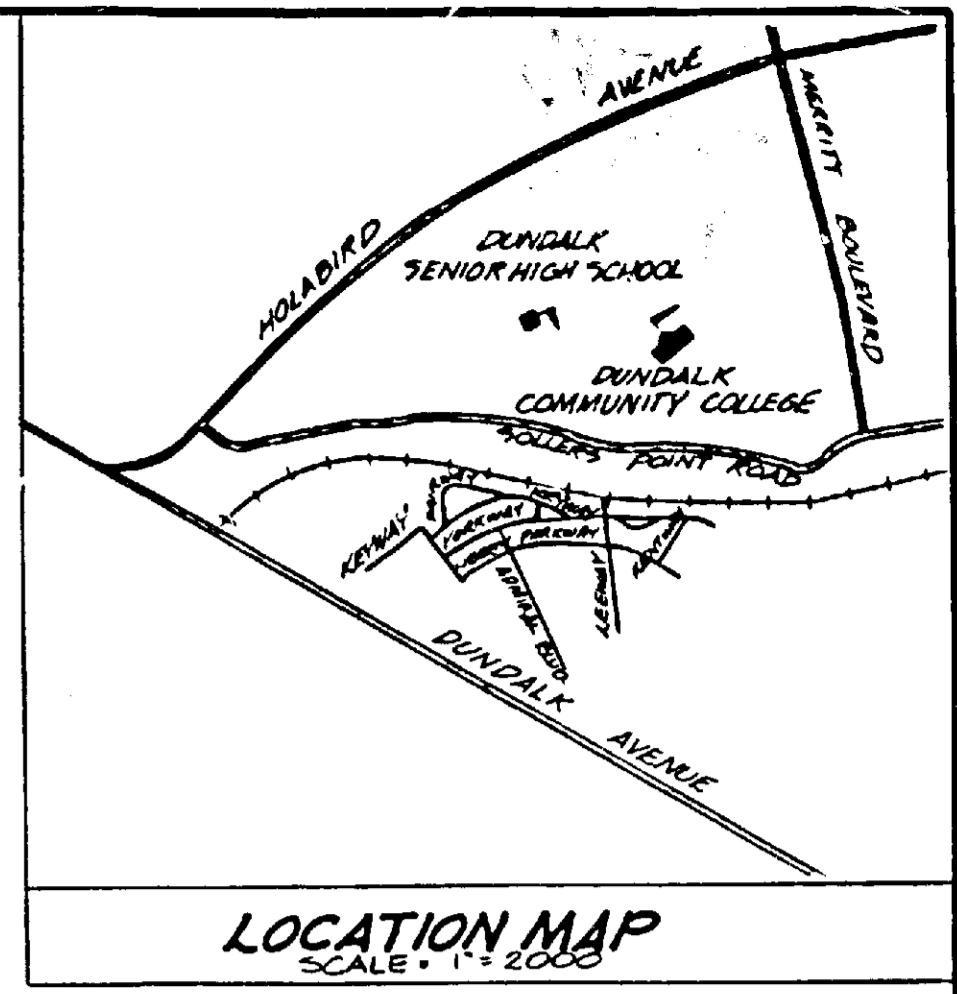
Very truly yours,
 17
 J. ROBERT HAINES
 Zoning Commissioner of
 Baltimore County

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

* \$ 90.63 each property



PLAT NO. 4 OF 'DUNDALK'
C.W.B., Jr. 12, FOLIO 63



LOCATION MAP
SCALE: 1" = 2000'

- 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	EHK JR 6558-42	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. KAPICHAP	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. KAPICHAP	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

PRINTED
DEC 27 1988
KCW CONSULTANTS, INC.

* PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

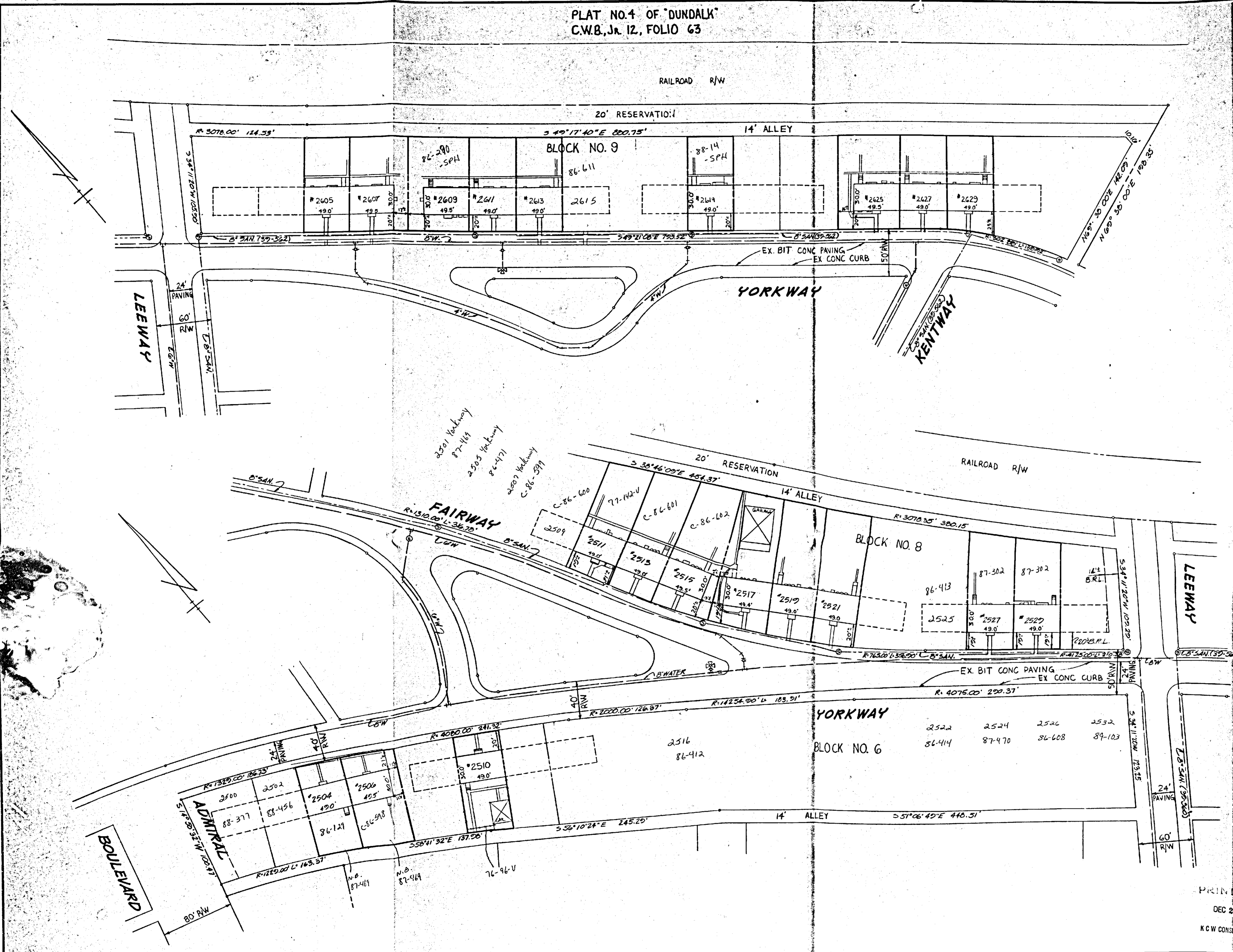
PETITIONER'S EXHIBIT 1

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

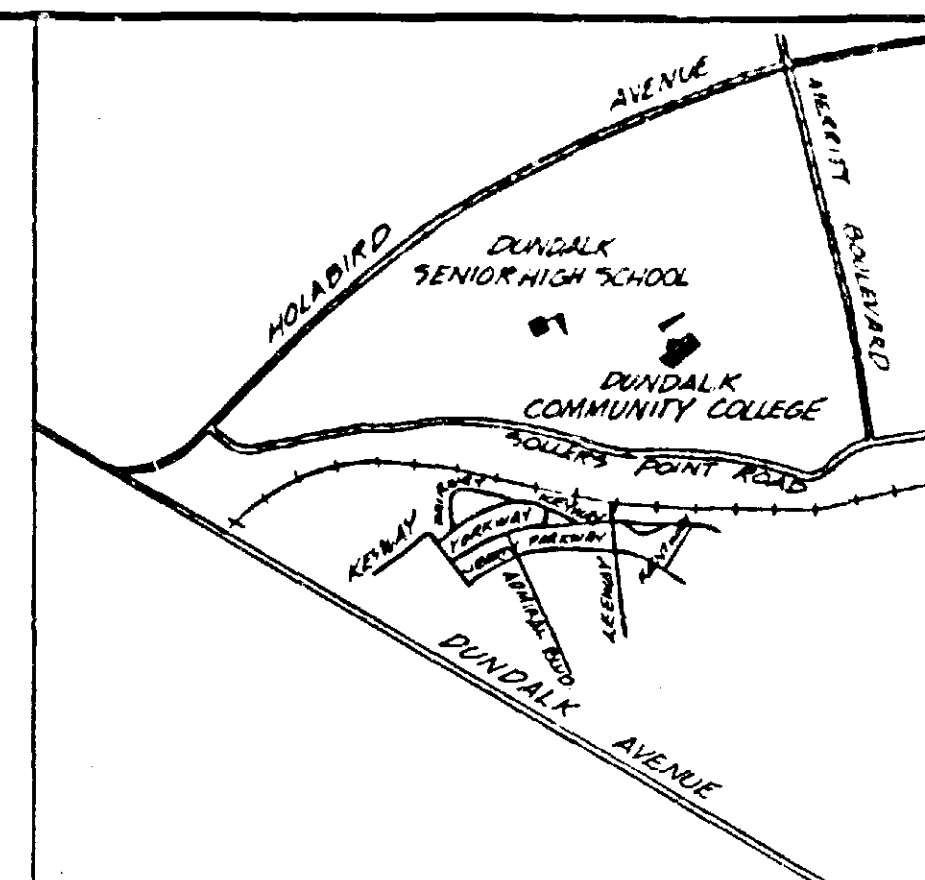
DEVELOPER:
LANDEX CORPORATION
250 CENTERVILLE RD. BLDG. F
WARWICK, RHODE ISLAND 02886
ATTN: MS. JUDITH SIEGEL
(401) 732-5430

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



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



LOCATION MAP
SCALE: 1" = 2000'

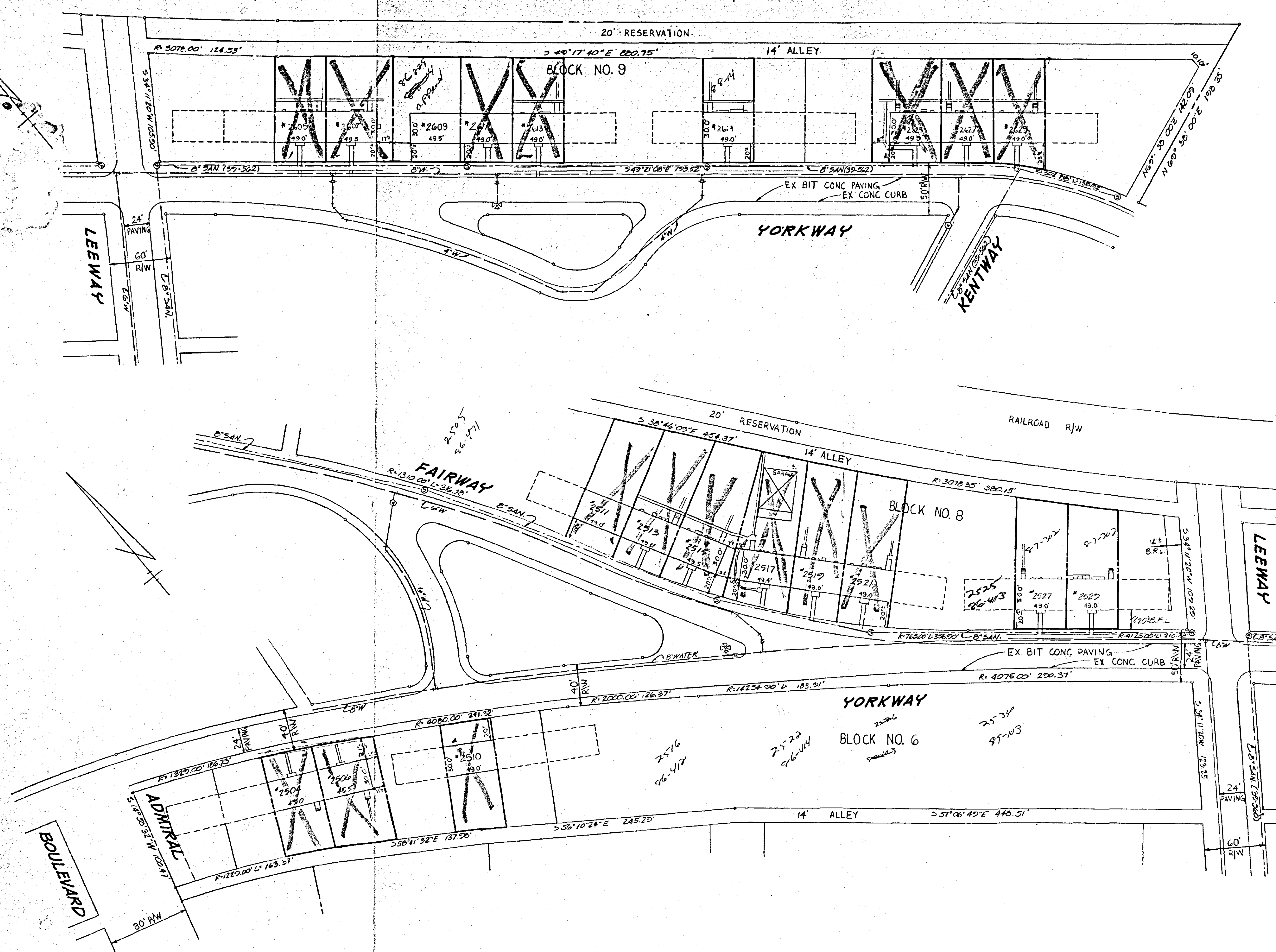
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* 2615 YORKWAY	JOHN H. EDMONSTON	EHK JR 6029-541	12-02-060730
* 2619 YORKWAY	JOHN E. RAVEKES ELEANOR M. RAVEKES	EHK JR 7101-025	12-11-047740
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PRINT DATE:
NOV 29 1984

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