

IN RE: PETITION FOR SPECIAL HEARING  
NE/S Yorkway 780' SE c/l  
Leeway  
(2627 Yorkway)  
12th Election District  
7th Councilmanic District  
Contract Purchaser: Landex Corp.  
Legal Owner: Michael Kozlowski  
et ux

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-260 SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

The Petitioner, by the Contract Purchaser, Landex, Inc., represented by David G. Johnston, appeared, testified and was represented by John B. Gontrum, Esquire. Also appearing and testifying on behalf of the Petition were Griffith Davis, a land owner, and Douglas Kennedy, a registered professional engineer, with KCM Consultants, Inc., who prepared Petitioner's Exhibit 1. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner which Mr. Kennedy agrees are correct. The current property owner, Mr. Michael Kozlowski, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2627 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 show 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 1944. Testimony and evidence presented substantiates that the building was originally constructed as a four unit apartment building and has been used consistently as a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construction.

Numerous other cases have been considered over the years for nonconforming use in the immediate vicinity. Affidavits from those cases also were introduced by Petitioner and indicate that the Yorkway units were all built at about the same time in 1943 and 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 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 prop-

erty 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 because "D" residential permitted all uses in "C" residential. "C" residential permitted apartment houses. The Petitioner has established that the building existed prior to January 2, 1945 or the beginning of zoning regulations. The building was also in compliance with the zoning from January 2, 1945 thru 1955 when the zoning was changed.

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 1944. The property has always been a four unit apartment building and there have been no changes or interruptions in that use. The subject

property was also in compliance with the original "D" residential zoning for an apartment house for four (4) apartment units.

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 and, therefore, are nonconforming.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 29th day of December 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property known as 2627 Yorkway as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibit 1, be and the same is hereby GRANTED.

J. Robert Haines  
Zoning Commissioner of Baltimore County

JRH:mmn  
cc: Peoples Counsel  
John B. Gontrum, Esquire, 809 Eastern Boulevard, Essex, Md. 21221

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]

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 (#2627, #2629)

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  
259 Senecaville Road, Bldg. 6  
Warwick, R.I. 02886  
City and State

Legal Owner(s): Michael + Elizabeth Kozlowski  
Glen William Davis, John Joseph Davis  
P.O. Box 56  
Jessup, Maryland 20794  
City and State

Attorney for Petitioner: John Gontrum  
809 Eastern Blvd.  
Essex, Md. 21221  
City and State  
Attorney's Telephone No.: 301-586-8274

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

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

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th  
Date of Posting: 12/18/88  
Posted for: Special Hearing  
Petitioner: Landex Corporation, Michael + Elizabeth Kozlowski  
Location of property: N.E. 1/4, Yorkway, 2627 Yorkway  
Location of Sign: 12th Election District, Yorkway, 2627 Yorkway, Essex, Md.  
Remarks: [Signature]  
Posted by: [Signature]  
Date of return: 12/19/88  
Number of Signs: 7

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 Robert Haines in the matter of Zoning Hearings - Case # 89-260-SPH - P.O. #05899 - Req. #M25100 - 80 Lines @ 240.00. 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 [Signature]

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 21284 as follows:  
Petition for Special Hearing  
CASE NUMBER: 89-260-SPH  
NE/S Yorkway, 780' SE of c/l of Leeway (2627 Yorkway)  
12th Election District  
7th Councilmanic District  
Legal Owner(s): Michael and Elizabeth Kozlowski  
Contract Purchaser: Landex Corporation  
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.  
In the event that the 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 the office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
12175 Dec. 8

CERTIFICATE OF PUBLICATION  
TOWSON, MD., December 8, 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. Lake Nelson  
Publisher  
PO 07749  
NY M25105  
case 89-260-SPH  
price \$35.63

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:  
Petition for Special Hearing  
CASE NUMBER: 89-260-SPH  
NE/S Yorkway, 780' SE of c/l of Leeway (2627 Yorkway)  
12th Election District - 7th Councilmanic District  
Legal Owner(s): Michael and Elizabeth Kozlowski  
Contract Purchaser(s): Landex Corporation  
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 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 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

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

December 29, 1988

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

RE: Petition for Special Hearing  
Case #89-260-SPH  
Contract Purchaser: Landex Corporation  
Legal Owner: Michael Kozlowski, et ux

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

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

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmn  
att.  
cc: Peoples Counsel

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 1/29

**APPLICATION FOR PERMIT**  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21284

Building Address: **2627 Yorkway**  
Owner's Name: **York Park Associates**  
Building Address: **330 Cantonville Rd. Annapolis, Md. 21406**

Truant: **115 NEW ST. GLOUCESTER PA. 17030**  
Contractor: **Managers of Associates Ltd 2525 N. CALVERT ST. BALTIMORE MD. 21218**  
John Davis P.O.B. 56 Jessup MD. 20794

**A. TYPE OF IMPROVEMENT**  
RESIDENTIAL  
1. ADDITION OF NEW BUILDING  
2. ALTERATION OF EXISTING BUILDING  
3. REPAIR  
4. REWORKING OF EXISTING BUILDING  
5. MOVING OF EXISTING BUILDING  
6. OTHER

**C. TYPE OF USE**  
RESIDENTIAL  
1. SINGLE FAMILY UNITS  
2. MULTI-FAMILY UNITS  
3. COMMERCIAL  
4. INDUSTRIAL  
5. OTHER

**D. TYPE OF CONSTRUCTION**  
1. MASONRY  
2. WOOD FRAME  
3. CONCRETE  
4. METAL  
5. OTHER

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

**F. DIMENSIONS**  
1. LOT DIMENSIONS  
2. BUILDING DIMENSIONS  
3. SETBACKS

**G. AFFIDAVIT**  
I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE AND THAT BY DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY ZONING AND BUILDING REGULATIONS WILL BE COMPLIED WITH AND I WILL REQUEST ALL NECESSARY PERMITS FROM THE BALTIMORE COUNTY ENGINEER.

**H. SIGNATURES**  
APPLICANT: **Managers of Associates Ltd**  
OWNER: **York Park Associates**  
BUILDING ENGINEER: **John Davis**

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

**KCW Consultants, Inc.**  
Civil Engineers and Land Surveyors  
1777 Reisterstown Road  
Commerce Centre, Suite 175  
Baltimore, Maryland 21208

November 29, 1988

PETITIONER/CONTRACT PURCHASER:  
LANDEX CORPORATION  
250 Centerville Road, Bld. 1P  
Warwick, Rhode Island 02886  
Attn: Ms. Judith Siegel  
(401) 732-5430

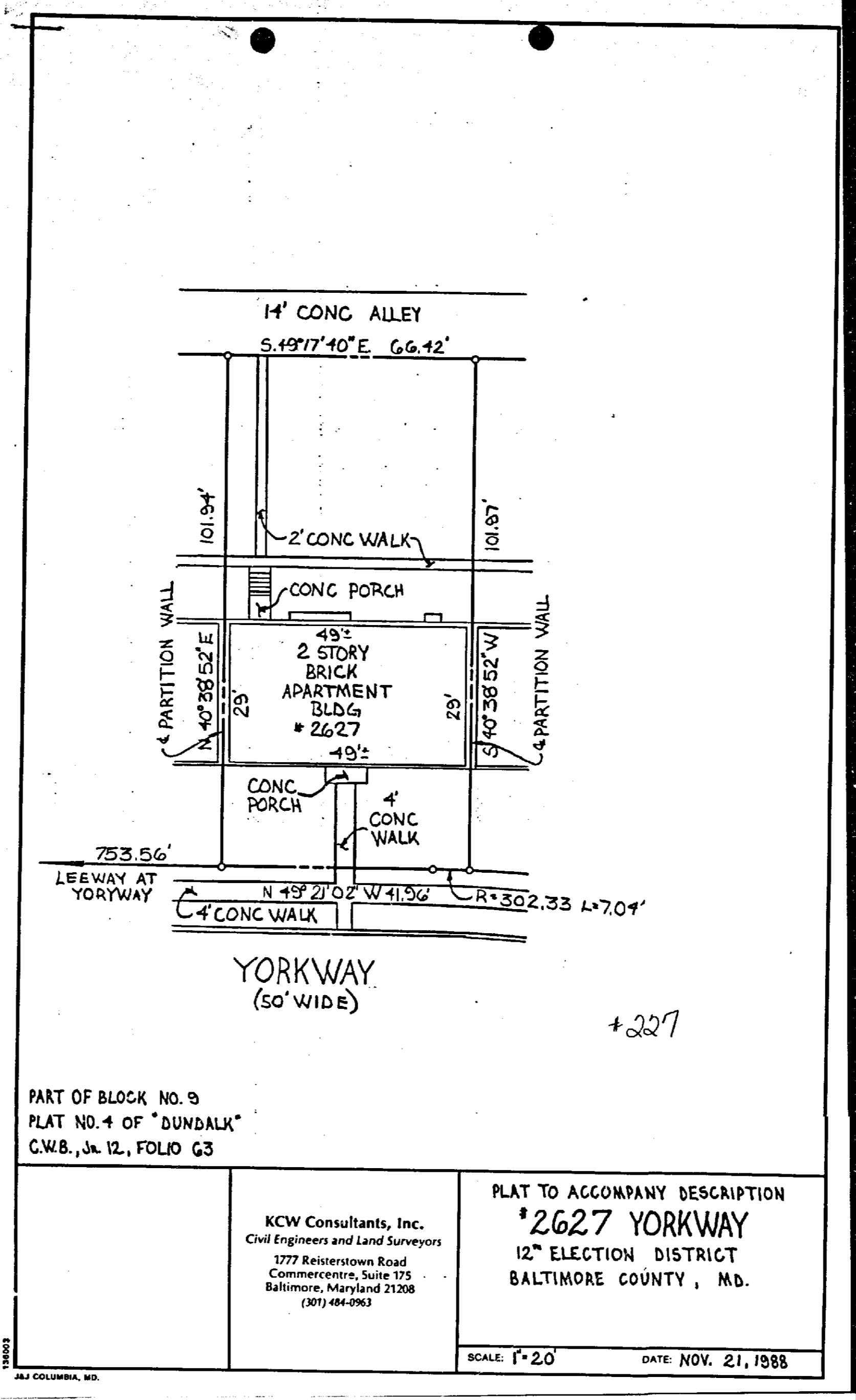
PROPERTY DESCRIPTION TO ACCOMPANY  
PETITION FOR SPECIAL HEARING  
12th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

**Item # 227**  
**4996**

BEGINNING for the same at a point on the northeasterly line of Yorkway as now laid out 50 feet wide distant 753.56 feet southeasterly 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 Plat No. 4 of DUNDALK and running thence north 40 degrees 38 minutes 52 seconds east 163.94 feet part of which 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 sale 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 101.97 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 the two following courses and distances on a curve to the left with a radius of 302.33 feet for a distance of 7.04 feet and north 49 degrees 21 minutes 08 seconds west 41.96 feet to the place of beginning.

The improvements thereon being known as 2627 Yorkway.

**#2627 YORKWAY Acc. #12-18-049970**



**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

**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

**REAL ESTATE**

DATE	TRACT	NAME AND ADDRESS OF OWNER	DESCRIPTION AND LOCATION OF PROPERTY	ACRES	MARK
1941-44		Yorkway Apartments, Inc. - 2528 Yorkway, Baltimore, Md.			
1943	1943	Lot 61.11 x 103.06 N/S Yorkway 116/16 Leeway	4 Unit Apartment House	7500	2607 Yorkway
1943	1943	Lot 49.10 x 103.28 N/S Yorkway 611/16 Leeway	4 Unit Apartment House	7500	2613 Yorkway
1943	1943	Lot 49.10 x 103.28 N/S Yorkway 110/16 Leeway	4 Unit Apartment House	7500	2615 Yorkway
1943	1943	Lot 61.36 x 103.46 N/S Yorkway 154/16 Leeway	4 Unit Apartment House	7500	2617 Yorkway
1943	1943	Lot 61.36 x 103.46 N/S Yorkway 194/57 Leeway	4 Unit Apartment House	7500	2619 Yorkway
1943	1943	Lot 49.10 x 103.25 N/S Yorkway 391/88 Leeway	4 Unit Apartment House	7500	2621 Yorkway
1943	1943	Lot 49.10 x 103.25 N/S Yorkway 346/88 Leeway	4 Unit Apartment House	7500	2623 Yorkway
1943	1943	Lot 61.47 x 103.12 N/S Yorkway 589/88 Leeway	4 Unit Apartment House	7500	2625 Yorkway
1943	1943	Lot 61.47 x 103.12 N/S Yorkway 543/88 Leeway	4 Unit Apartment House	7500	2627 Yorkway
1943	1943	Lot 49.10 x 103.12 N/S Yorkway 57/77 Leeway	4 Unit Apartment House	7500	2629 Yorkway
1943	1943	Lot 49.10 x 103.12 N/S Yorkway 57/77 Leeway	4 Unit Apartment House	7500	2631 Yorkway
1943	1943	Lot 66.42 x 103.01 N/S Yorkway 674/77 Leeway	4 Unit Apartment House	7500	2633 Yorkway
1943	1943	Lot 66.42 x 103.01 N/S Yorkway 674/77 Leeway	4 Unit Apartment House	7500	2635 Yorkway
1943	1943	Lot 66.42 x 103.01 N/S Yorkway 674/77 Leeway	4 Unit Apartment House	7500	2637 Yorkway
1943	1943	Lot 49.10 x 103.01 N/S Yorkway 75/77 Leeway	4 Unit Apartment House	7500	2639 Yorkway
1943	1943	Lot 49.10 x 103.01 N/S Yorkway 75/77 Leeway	4 Unit Apartment House	7500	2641 Yorkway
1943	1943	Lot 49.33 x 103.01 N/S Yorkway 80/66 Leeway	4 Unit Apartment House	7500	2643 Yorkway
1943	1943	Lot 49.33 x 103.01 N/S Yorkway 80/66 Leeway	4 Unit Apartment House	7500	2645 Yorkway
1943	1943	Lot 49.33 x 103.01 N/S Yorkway 80/66 Leeway	4 Unit Apartment House	7500	2647 Yorkway
1943	1943	Lot 49.33 x 103.01 N/S Yorkway 80/66 Leeway	4 Unit Apartment House	7500	2649 Yorkway
1943	1943	Lot 49.33 x 103.01 N/S Yorkway 80/66 Leeway	4 Unit Apartment House	7500	2651 Yorkway

**PETITIONER'S EXHIBIT 6**

IN RE: **EXHIBIT 6** BEFORE THE ZONING COMMISSIONER  
SH/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

**VETERANS ATTENTION**

**THE MOST SENSATIONAL OFFER EVER MADE**  
**BRICK APARTMENT HOUSES**  
**4 Individual Apartments In Each House**  
**BACH APARTMENT HAS**

SEPARATE ENTRANCE FROM MAIN BUILDINGS  
LARGE LIVING ROOM 12 FEET 8 INCHES WIDE BY 17 FEET 8 INCHES LONG  
LARGE BEDROOM 12 FEET 8 INCHES LONG AND 10 FEET 8 INCHES WIDE  
LARGE BATHROOM 7 FEET 8 INCHES LONG AND 5 FEET 8 INCHES WIDE  
LARGE KITCHEN WITH CUPBOARD AND SINK  
LARGE CLOSET  
LARGE BATHROOM WITH BATH AND SHOWER BATH AND LARGE LINEN CLOSET  
LARGE PORCH WITH CONCRETE FLOOR  
HOT WATER HEATING PLANT WITH SEPARATE THERMOSTAT IN EACH APARTMENT  
SEPARATE STORAGE ROOM IN BASEMENT FOR EACH APARTMENT  
LAUNDRY TUB AND TOILET IN BASEMENT  
WOOD FLOORING AND BUILT IN FLOORS

CHURCH OF ALL DENOMINATIONS, PLAYBOY SHOPPING CENTER NEARBY, AND A NEW BELLON SOLAR BATH ROOMS WITH TWO ROOMS, 2 1/2 WATER BATHING BEACH WITHIN FIVE MINUTE DRIVE

INCLUDING CHURCH  
PRICE \$17,000.00  
CENTER HOUSE SLIGHTLY LOWER

BUILT IN 1949 ALL PREWAR 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 FEDERAL VETERANS ADMINISTRATION APPROVED PLAN, YOUR MONTHLY PAYMENT WILL BE AS FOLLOWS:

YOUR MONTHLY PAYMENT ON THE MORTGAGE WOULD BE	\$ 82.00 (Decrease Every Month)
INTEREST FOR THE MONTH	43.00 (Decrease Every Month)
PAYMENT ON MORTGAGE SAVING FOR YOU	39.00
1/12 OF YOUR ANNUAL COUNTY TAX	2.00
F.I.A. INSURANCE	1.00
1/12 OF YOUR THE INSURANCE	1.00
YOUR TOTAL MONTHLY PAYMENT ON MORTGAGE	122.00
Balance of income left to you after mortgage payment	\$ 51.00

YOUR OTHER YEARLY EXPENSES FOR RUNNING THE HOUSE ARE:

COAL USED, 18 TONS AT \$120 PER TON	\$ 2160
WATER USED PER YEAR AVERAGE	450
ELECTRICITY USED PER YEAR AVERAGE	450
MAINTENANCE OF FURNITURE, STOVE, WASHING MACHINE, ETC.	150
REPAIRS	150
TOTAL ANNUAL EXPENSES OTHER THAN MORTGAGE	\$ 3210
DIVIDED BY 12 MONTHS, EQUALS PER MONTH	\$ 267.50

AMOUNT LEFT FROM MONTHLY NET AFTER PAYING MORTGAGE AND ALL EXPENSES: \$ 24.50  
Add to this the amount you have paid off (Cash) on your mortgage: \$ 50.00  
YOUR TOTAL MONTHLY PROFIT: \$ 74.50

OH YOU CAN LIVE IN ONE APARTMENT HERE FREE AND STILL HAVE A NICE INCOME

SEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2534 YORKWAY  
OPEN DAILY - SUNDAY - 12 NOON TO 5 P.M.  
Take 20 car to Dundalk on Liberty Parkway to end of 2500 Black Liberty Parkway (Leeway) turn left on Leeway 1 block. Sample House on corner.

**JEROME J. GERHART, Agent**  
2534 YORKWAY - PHONE DUNDALK 1701

**PETITIONER'S EXHIBIT 2**

**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 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, 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.

*K. Robert Haines*  
Notary Public  
BALTIMORE COUNTY, MARYLAND

My commission expires: 7/1/90

**PETITIONER'S EXHIBIT 3B**

LAW FIRM  
ROMADKA,  
GONTRUM  
& HENNEGAN  
ESSEX, MARYLAND

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 897-3353

J. Robert Haines  
Zoning Commissioner

December 29, 1988



Community Development Administration  
45 Calvert Street  
Annapolis, Maryland 21401

Renton 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
- 2623 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*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm

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 FROM: 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) uck  
Items # 216-232 Yorkway Non-conforming apartments

PETITIONER(S) SIGN-IN SHEET

NAME M/K/Korjowski ADDRESS P.O. Box 56  
TESSUP, Md) 21294

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

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

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

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

PK/sf

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 897-3353

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 any of your mortgage obligations prior to December 31, 1988, I will provisionally approve the use existed at one time. Due to the extreme emergency of your mortgage obligations prior to a final determination upon presentation of 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

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

DEC 12 1988



John B. Gontrum, Esq.  
809 Eastern Boulevard  
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, here will be no sign return on the signs, as this

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

No. 059705

DATE 12/29/88 ACCOUNT R-01-615-000

AMOUNT \$ 1,450.08

RECEIVED FROM: Landex Corporation  
89-249-SPH  
89-264-SPH

FOR: check property

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

N/S Yorkway, 225' E of Leeway (269 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 noted.

ORDER RECEIVED FOR FILING  
Date 12/28/88  
By [Signature]

**PETITIONER'S EXHIBIT 3**

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS

DOUGLAS L. KENNEDY, FE. KCW CONSULTANTS, INC.  
1777 REISTERSTOWN RD, SUITE 175  
BALTIMORE, MD. 21208

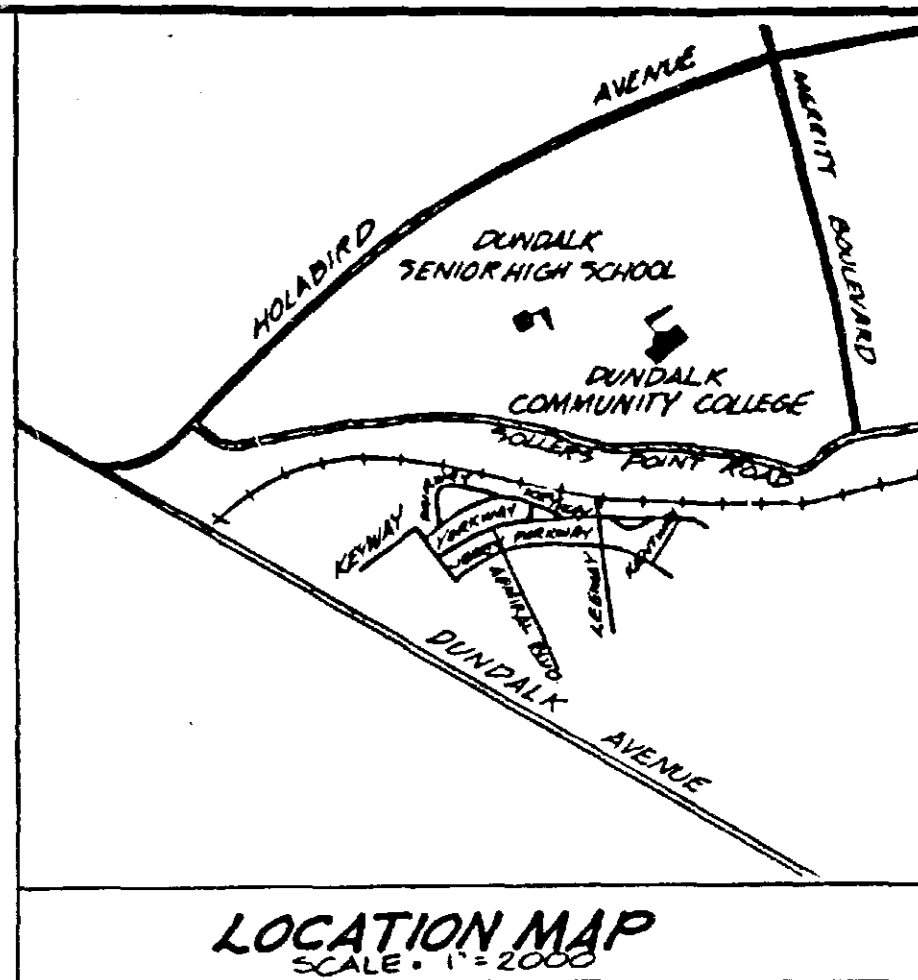
Ken Korjowski 7733 ANNEAPOLIS RD.  
WALKERSVILLE, MD. 21793

Green Day 1414 N. Business 16 9110

DAVID G. JOHNSTON LANDEX CORPORATION

89-249-SPH  
89-264-SPH

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 6038-412	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 7596-244	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 1988

KCW CONSULTANTS, INC.

\* PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

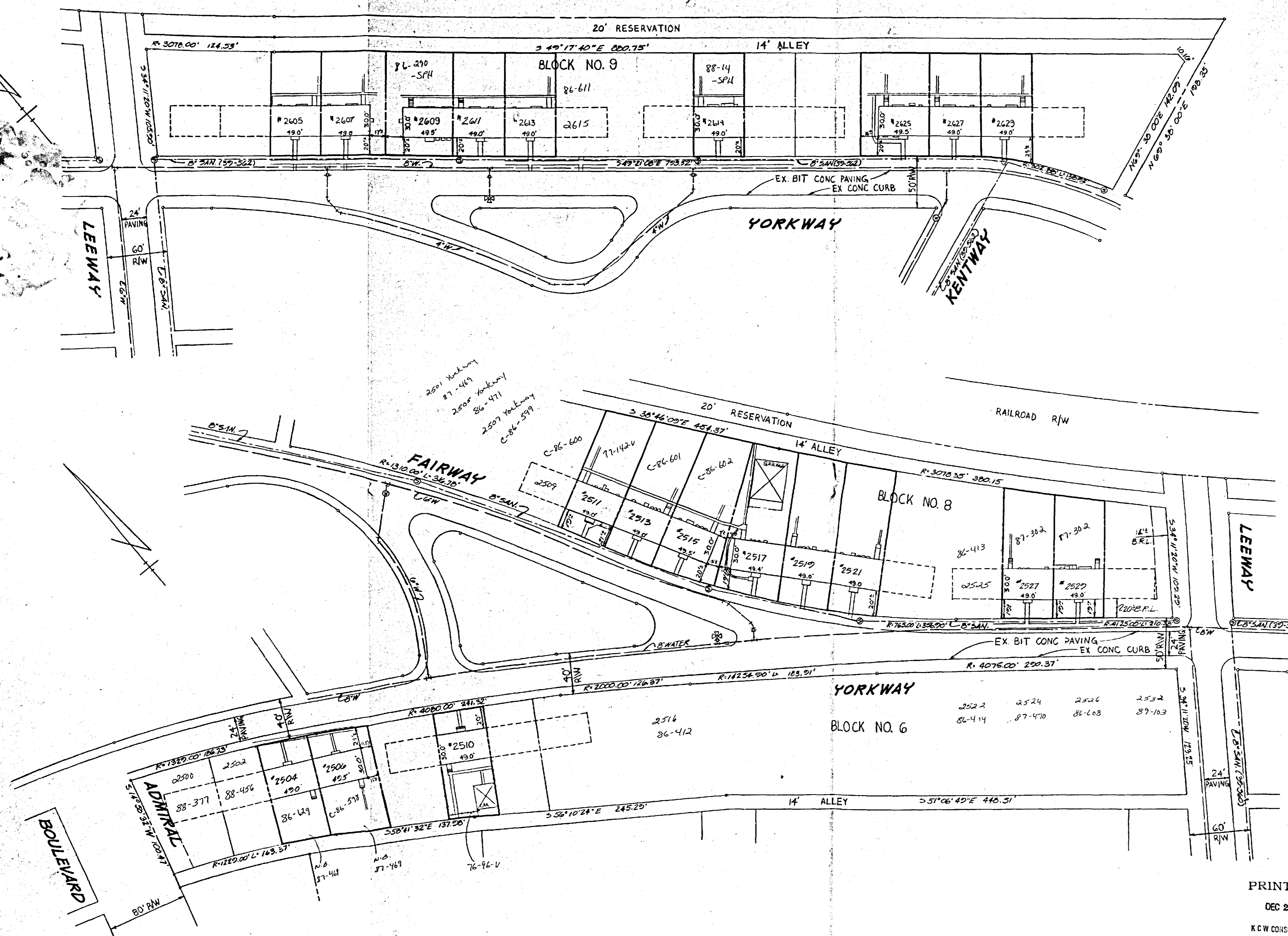
PETITIONER'S  
EXHIBIT 1

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  
FINL. SET. 12/4/88