IN RE: PETITION FOR SPECIAL HEARING
NE/S Yorkway, 885' NW of the c/l of Leeway
(2504 Yorkway)
12th Election District
7th Councilmanic District

Yorkway Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-262-SPH
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein requ t 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. Gontrum, 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, 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 2504 Yorkway, was improved by a four unit apartment building in 1943 or 1944. Testimony indicated that there are two units on the first floor of the building and two units on the second floor with two units existing in the basement. The remaining portion of the basement is improved with storage and utility space. The subject property is serviced by a rear parking area which is accessed off of a common alley. Tax records submitted into evidence establish that the subject building has been assessed and transferred over the years as at least a four unit apartment building continuously and without interruption since approximately February 9, 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 identified as Petitioner's Exhibit 7 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-SPYH 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. Further, on November 12, 1985 in Case No. 86-129-CV Judge Wittstadt found the subject property was not in violation of any zoning regulations and ruled the building had been used as a four apartment building consistently and without interruption since prior to 1945.

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 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 unity 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 2504 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

ORDER RECEIVED FOR FILING
Date 12/29/88
By Kathy Whitmore

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

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

RE: PETITION FOR SPECIAL HEARING
NE/S Yorkway, 885' NW of the c/l of Leeway
(2504 Yorkway)
12th Election District - 7th Councilmanic District
Yorkway Partnership - Petitioners
Case No. 89-262-SPH

Dear Mr. Gontrum:

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
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Item #229

Form #5 of 8

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-262-SPH

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 (with four apartments) #2504 Yorkway, Baltimore County, Maryland

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.

MAP	SE 4b
	N/A
E.D.	12th
DATE	2-22-89
200	B.F.
1000	B.F.

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
(Type or Print Name)
Signature
Landex Corporation
250 Centerville Road, Bldg. 6
Address
Warwick, R.I. 02886
City and State

Legal Owner(s):
YORKWAY PARTNERSHIP c/o Samuel Blibaum
(Type or Print Name)
X
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
John Gontrum
(Type or Print Name)
Signature
809 Eastern Blvd.
Address
Essex, Md. 21221
City and State
Attorney's Telephone No.: 301-686-8274

341 N. Calvert Street
Address Phone No.
Baltimore, Maryland 21202
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of Nov, 19 88, 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 29th day of Dec, 19 88 at 9 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

ESTIMATED LENGTH OF HEARING 1 Day -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: WCR DATE 11/29

ORDER RECEIVED FOR FILING
Date 12/29/88
By Kathy Whitmore

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

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

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

November 29, 1988

Item #229

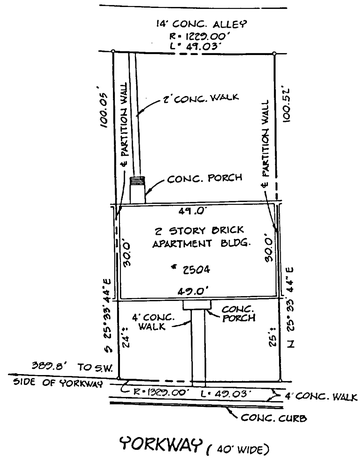
PETITIONER/CONTRACT PURCHASER:
LANDEX CORPORATION
250 Centerville Road, Bld. 'F'
Warwick, Rhode Island 02886
Attn: Ms. Judith Siegel
(401) 732-5430

(495)

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

BEGINNING for the first at a point on the southwesterly line of Yorkway as now laid out 40 feet wide distant 851.86 feet northwesterly measured along the said southwesterly line of Yorkway from the northwesterly line of Leeway as now laid out 60 feet wide, all as shown on "Plat No. 4 DUNDALK"; and running thence South 25 degrees 33 minutes 44 seconds West 100.05 feet, part of which distance is intended to be along the center line of a party wall there situate, to intersect the northeasterly line of a 14 foot alley there situate and as shown on said plat; thence northwesterly binding on the northeasterly line of said alley on a curve to the left with a radius of 1229 feet for a distance of 49.03 feet; thence North 25 degrees 33 minutes 44 seconds East 100.52 feet, part of which distance if intended to be along the center line of a party wall there situate, to intersect the said southwesterly line of Yorkway; thence southeasterly binding on the southwesterly line of Yorkway on a curve to the right with a radius of 1329 feet for a distance of 49.03 feet to the place of beginning. The improvements thereon being known as No. 2504 Yorkway.

#2504 YORKWAY ACC.#12-12-061010



#229

PART OF BLOCK No. 8
PLAT No. 4 OF "DUNDALK"
C.W.B. Jr. 12 FOLIO 63

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

PLAT TO ACCOMPANY DESCRIPTION
#2504 YORKWAY
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 89-262-SPH
Towson, Maryland

District 12th Date of Posting 12/6/88
Posted for: Special Hearing
Petitioner: Landex Corporation - Yorkway Partnership
Location of property: N/S Yo Wy, 225' W/Leeway
2504 Yorkway
Location of Signs: Facing Yorkway approx. 25' Fm Yorkway
On Prop Party of Petitioner
Remarks:
Posted by W. Stecker Signature Date of return: 12/9/88
Number of Signs: 1

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

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

Petition for Special Hearing
CASE NUMBER: 89-262-SPH
NE/S Yorkway, 885' NW of c/l of Leeway (2504 Yorkway)
12th Election District - 7th Councilmanic
Legal Owner(s): Yorkway Partnership
Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2504 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

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

TAX ACCOUNT NUMBER 12 12 061010
Building Address 2504 Yorkway
Owners Name York Park Associates
Mailing Address 250 Centerville Rd Warwick RI 02886
LESSEE
TENANT
BUILDING CONTRACTOR Ann Blair Construction Co-Pres 115 Wash St Glenside PA 19038
ENGINEER OR ARCHITECT Mansfield & Associates LTD 2525 N. Calvert St. 21218
IF UNDER CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS Yorkway Partnership 341 N. Calvert St. 21202
TRANSFER DESCRIPTION 208 Washington Ave. Towson

A. TYPE OF IMPROVEMENT
1. NEW BUILDING
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER
DESCRIBE PROPOSED WORK: 1 OR 2 FAM. CODE ☐ 1978 BOCA CODE ☒
Alt alt to apartment bldg: new roofing, storm windows replace all kitchen with gas ranges, install smoke detectors to code, no structural changes, change two bathrooms to code, no plumbing
ESTIMATED COST OF MATERIAL & LABOR $ 30,000.00

#2504 YORKWAY
O.K. JRH ZONING PROVISIONALLY APPROVES THIS PERMIT. IT IS CONDITIONED ON THE GRANT OF THE SPH REQUESTED. IF DENIED, THIS APPROVAL IS VOID AND THE PROPERTY MUST BE REPAIRED TO ITS ORIGINAL CONDITION.
ITEM #1 89-262-SPH CRG GRANTED REVISED MAY BE REQ.

B. OWNERSHIP
1. PRIVATELY OWNED ☒ 2. PUBLICLY OWNED ☐
C. TYPE OF USE
NON-RESIDENTIAL
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE ☐ MERCANTILE ☐ RESTAURANT
SPECIFY TYPE
20. SWIMMING POOL (NO. HEALTH DEPT. APPR. REQ.)
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER 4 APARTMENT
EXISTING USE: 4 APARTMENT
PROPOSED USE: SAME
COMPLETE ALL ITEMS IN "B" AND "C" FOR NEW DWELLINGS, ADDITIONS AND ALTERATIONS ONLY

D. TYPE OF CONSTRUCTION
1. MASONRY 2. WOOD FRAME 3. STRUCTURE STEEL 4. REINF. CONCRETE
TYPE OF HEATING FUEL: 1. GAS 2. OIL 3. ELECTRICITY 4. COAL
TYPE OF SEWAGE DISPOSAL: 1. PUBLIC SEWER 2. PRIVATE SYSTEM EXISTS ☐ PROPOSED ☐ SEPTIC EXISTS ☐ PROPOSED ☐ PRIVY EXISTS ☐ PROPOSED ☐
TYPE OF WATER SUPPLY: 1. PUBLIC SYSTEM EXISTS ☐ PROPOSED ☐ 2. PRIVATE SYSTEM EXISTS ☐ PROPOSED ☐
IS THERE CENTRAL AIR CONDITIONING: 1. YES 2. NO
IS THERE AN INCINERATOR: 1. NO 2. YES - WITH AIR POLLUTION CONTROL 3. YES - WITHOUT AIR POLLUTION CONTROL
NO. OF ELEVATORS TO BE INSTALLED
NUMBER OF OFF STREET PARKING SPACES ENCLOSED OUTDOORS

E. RESIDENTIAL ONLY
SINGLE FAMILY UNITS
1. TOTAL NO. OF BEDROOMS
MULTI FAMILY UNITS HOW MANY APARTMENTS HAVE
2. EFFICIENCY (NO SEPARATE BEDROOMS)
3. ONE BEDROOM
4. TWO BEDROOMS
5. THREE BEDROOMS OR MORE
6. TOTAL NO. OF BEDROOMS
7. TOTAL NO. OF APARTMENTS

F. DIMENSIONS
GARBAGE DISPOSAL YES NO POWDER ROOMS BATHROOMS KITCHENS
BUILDING SIZE - LARGEST OVERALL DIMENSIONS INCLUDING BASEMENT: FLOOR AREA WIDTH DEPTH HEIGHT STORIES
LOT SIZE
CENTER LINE SETBACK FROM STREET CENTER: FRONT STREET SIDE STREET
PROPERTY LINE SETBACKS FRONT SIDE SIDE STREET REAR
IN LINE WITH EXISTING BLDGS YES NO CORNER LOT YES NO LOT NUMBERS
ZONING INFORMATION ZONE DISTRICT ZONING MAP NO. PETITION NO. 89-262-SPH DATE
ASSESSMENT LAND SUBDIVISION NAME H
IMPROVEMENTS BLOCK SECTION LIBER FOLIO
TOTAL BUILDINGS
INVESTIGATION FEE NO PERMIT FEES REFUNDED OCCUPANCY FEE $ 15.00

G. I HAVE CAREFULLY READ THE APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS
COMPANY Maine Pest & Assoc DATE 11/30/88
ADDRESS 2525 Calvert, Balt. Md. 21218 CITY STATE ZIP
SIGNATURE OF APPLICANT PHONE
MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY MARYLAND
PERMIT FEE $ 25.00 REVIEW $ 50.00
AGENCY APPROVAL SIGNATURE DATE
PRELIMINARY INSPECTION
ZONING
PLANNING
BUREAU OF PUBLIC WATER & SEWER
HEALTH DEPARTMENT
STRUCTURE PLANS REVIEW
BLDG CHIEF
FIRE: Provided in Sprinkler Contract 12/28/88

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

NOTICE OF HEARING

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NE/S Yorkway, 885' NW of c/l of Leeway (2504 Yorkway)
12th Election District
7th Councilmanic District
Legal Owner(s): Yorkway Partnership
Contract Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2504 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

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

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

December 8, 19 88

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case # 89-262-SPH - P.O. #05897 - Req. #M25110 - 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 9th day of December 1988; that is to say, the same was inserted in the issues of Dec. 8, 1988

Kimbel Publication, Inc.
per Publisher.
By K. C. Dolke

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

December 20, 1988

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

RE: Case Numbers 89-249-SPH through 89-264-SPH - Yorkway

Dear Ms. Siegel:

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

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:scj

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

Pet #1
Bill of opp.

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

Kenneth W. Martin, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
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 1960. 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 10/16/86
By Kathy O'Kelly

PETITIONER'S EXHIBIT 8

89-249-SPH
↓
89-264-SPH

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DOUGLAS L KENNEDY, P.E.	KCW CONSULTANTS, INC. 1777 REISTERTOWN RD., SUITE 175 BALTIMORE, MD. 21208
Bill Bajowski	7113 Charlesmont Rd. Dallas, Md. 21220
[illegible]	6 Lois Ct., Reisterstown, Md. 21136
DAVID G JOHNSTON	LANDEX CORPORATION

10/24/88:819.RG:ECC10219

PETITIONER'S EXHIBIT 7

IN RE:

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

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

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

Zoning-3

DISTRICT 12

ASSESSMENT
BALTIMORE COUNTY, MD.

DATE	WARD NUMBER	NAME AND ADDRESS OF OWNER	REAL ESTATE: DESCRIPTION AND LOCATION OF PROPERTY	SPECIAL ASSESSMENT	LAND	IMPROVEMENTS	TAXABLE ASSESSMENT
		Yorkway Village One					
1944	22	Lot 102.70' x 123.25' Irreg. S/s of Yorkway 3/W/c. of Admiral Blvd. - Clef of Roll 6. Dundalk	(Dundalk Co.)		102.70		
1944	22	Lot 88.06' x 109.49' Irreg. N/s of Yorkway 3/W/c. Lowway. Rum W. Roll 8 Roll 4 Dundalk.	(Dundalk Co.)		88.40		
1944	400	Lot 93.00' x 133.33' N/s/s Yorkway	83.33' W/c of Lowway		96	8500	9600
		4 unit apt. bldg	8500	#3511			
	401	Lot 93.00' x 133.33' N/s/s Yorkway	176.66' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3503			
	402	Lot 93.00' x 133.33' N/s/s Yorkway	269.99' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3505			
	403	Lot 93.00' x 133.33' N/s/s Yorkway	363.32' W/c of Lowway		95	8500	9595
		4 unit apt bldg	8500	#3507			
	404	Lot 93.00' x 133.33' N/s/s Yorkway	456.65' W/c of Lowway		95	8500	9595
		4 unit apt bldg	8500	#3509			
	405	Lot 93.00' x 133.33' N/s/s Yorkway	550.98' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3511			
	406	Lot 93.00' x 133.33' N/s/s Yorkway	644.31' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3513			
	407	Lot 186.00' x 133.33' N/s/s Yorkway	737.64' W/c of Lowway		109	8500	9590
		4 unit apt bldg	8500	#3515			
	408	Lot 186.00' x 133.33' N/s/s Yorkway	831.97' W/c of Lowway		109	8500	9590
		4 unit apt bldg	8500	#3517			
	409	Lot 93.00' x 133.33' N/s/s Yorkway	925.30' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3519			
	410	Lot 93.00' x 133.33' N/s/s Yorkway	1018.63' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3521			
	411	Lot 93.00' x 133.33' N/s/s Yorkway	1111.96' W/c of Lowway		104	8500	9590
		4 unit apt bldg	8500	#3523			
	412	Lot 93.00' x 133.33' N/s/s Yorkway	1205.29' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3525			
	413	Lot 93.00' x 133.33' N/s/s Yorkway	1298.62' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3527			
	414	Lot 186.00' x 133.33' N/s/s Yorkway	1391.95' W/c of Lowway		104	8500	9590
		4 unit apt bldg	8500	#3529			
	415	Lot 93.00' x 133.33' N/s/s Yorkway	1485.28' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3531			
	416	Lot 93.00' x 133.33' N/s/s Yorkway	1578.61' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3533			
	417	Lot 93.00' x 133.33' N/s/s Yorkway	1671.94' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3535			
	418	Lot 93.00' x 133.33' N/s/s Yorkway	1765.27' W/c of Lowway		87	8500	9071
		4 unit apt bldg	8500	#3537			
	419	Lot 93.00' x 133.33' N/s/s Yorkway	1858.60' W/c of Lowway		104	8500	9590
		4 unit apt bldg	8500	#3539			
					3840		

PETITIONER'S EXHIBIT 6

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

December 29, 1988

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.

86-129-CV

Citation No. 10902

DISTRICT COURT OF MARYLAND FOR Baltimore County
City/County

Located at 111 Allegheny Ave., Towson, Md. 21204 (Court Address) Case No. A520-8582/2

Arnold Jablon - Zoning Commissioner (Plaintiff/Petitioner)

~~Samuel Bernan~~ Yorkway Partners (Defendant/Respondent)

SPECIAL PROCEEDINGS

CIVIL OFFENSE/NATURAL RESOURCES

Date of Offense: 8-27-85 & 10-14-85 March 5, 1986 @ 1:30p.m.

☑ Zoning Violation ☐ Code Violation

☐ Municipal Infraction ☐ Commission Violation

☐ Natural Resource Violation

Plea ... Verdict ... Fine

Costs ... Suspended ... Deferred

SPF-7

Conversion of a four apartment living unit into six separate units

Dismissed w/o prej

J. W. Hess

Date Judge

RECORDING INDEX

CLERK	DATE	REEL NO. START	STOP	CLERK	DATE	REEL NO. START	STOP	CLERK	DATED	REEL NO. START	STOP	CLERK	DATE
27329													
27371													
RCC	3/5/86												

SPF (Rev. 9/83)

PETITIONER'S EXHIBIT 5

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 R. 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.

Karen E. Becker
Notary Public

My commission expires: 7.1.90

KAREN E. BECKER NOTARY PUBLIC BALTIMORE CO., MD.

LAW FIRM
ROMADKA, GONTRUM & HENNEGAN
ESSEX, MARYLAND

PETITIONER'S EXHIBIT 3B

NOV 29 88 16:4. R.E. ASSOC./DC DIV. PAGE.01

VETERANS ATTENTION

THE MOST SENSATIONAL OFFER EVER MADE

BRICK APARTMENT HOUSES

4 Individual Apartments In Each House

EACH APARTMENT HAS

- SEPARATE ENTRANCE FROM MAIN HALLWAYS
- LARGE LIVING ROOM SIZE 16 FEET 8 INCHES WIDE BY 17 FEET 8 INCHES LONG.
- LARGE BEDROOM SIZE 14 FEET 8 INCHES LONG AND 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 CHINA CABINETS, LINOLEUM, GAS RANGE AND WESTINGHOUSE ELECTRIC REFRIGERATOR.
- HOT WATER HEATING PLANT WITH SEPARATE THERMOSTAT IN EACH APARTMENT.
- SEPARATE STORAGE ROOM IN BASEMENT FOR EACH APARTMENT.
- LAUNDRY TUBS AND TOILET IN BASEMENT. HARDWOOD FLOORS AND SUB FLOORS.

CHURCHES OF ALL DENOMINATIONS, PLAYGROUNDS AND MODERN SHOPPING CENTER NEARBY, AND A NEW MILLION DOLLAR HIGH SCHOOL WITHIN TWO BLOCKS. SALT WATER BATHING BEACH WITHIN FIVE MINUTES RIDE.

CORNER HOUSES INCLUDING GROUND (CENTER HOUSES SLIGHTLY LOWER) PRICE $17,000.00

BUILT IN 1943 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 F.H.A. VETERANS ADMINISTRATION APPROVED LOAN, YOUR INCOME AND EXPENSES WOULD BE AS FOLLOWS:

Your rent received from two apartments at $15.00 per month	$ 06.00
Your rent received from two apartments at $15.00 per month	00.00
THESE ARE O. P. A. APPROVED RENTS. TOTAL	TOTAL RECEIVED PER MONTH $176.00

YOUR MORTGAGE WOULD BE $15,500.00 FOR 20 YEAR TERM

YOUR MONTHLY PAYMENT ON THE MORTGAGE WOULD BE		
INTEREST FOR FIRST MONTH	$ 68.18	(Decreases Every Month)
PAYMENT ON MORTGAGE (SAVINGS FOR YOU)	43.95	(Increases Every Month)
1/12 OF YOUR ANNUAL COUNTY TAXES	10.59	
F.H.A. INSURANCE	2.50	
1/12 OF YOUR FIRE INSURANCE	3.00	
YOUR TOTAL MONTHLY PAYMENT ON MORTGAGE	112.12	
Balance of income left to you after mortgage payment		122.12
		$ 53.87

YOUR OTHER YEARLY EXPENSES FOR RUNNING THE HOUSE ARE

COAL USED, 18 TONS AT $18.00 PER TON	
WATER USED PER YEAR (AVERAGE)	$216.00
ELECTRICITY USED PER YEAR (AVERAGE)	60.00
MAINTENANCE OF PARK, STREET, LIGHTS, ETC.	48.00
SEWER RENT	8.81
	63.00
TOTAL ANNUAL EXPENSES OTHER THAN MORTGAGE	$395.81
DIVIDED BY 12 MONTHS, EQUALS PER MONTH	31.15
AMOUNT LEFT FROM MONTHLY RENT AFTER PAYING MORTGAGE AND ALL EXPENSES	$ 22.72
Add to this the amount you have paid off (saved) on your mortgage	43.05
YOUR TOTAL MONTHLY PROFIT	$ 65.80

OR YOU CAN LIVE IN ONE APARTMENT RENT FREE AND STILL HAVE A NICE INCOME.

SEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2534 YORKWAY

OPEN DAILY—SATURDAY—SUNDAYS—12 NOON TO 7:30 P.M.

Take 26 car to Dundalk and Liberty Parkway walk to end of 2500 block Liberty Parkway (Lowway), turn left on Lowway 1 block. Sample House on corner.

JEROME J. GEBHART, Agent

2534 YORKWAY PHONE DUNDALK 1701

PETITIONER'S EXHIBIT 2

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

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DEC 12 1989

John B. Gontrum, Esq.
809 Eastern Boveriard
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 $1,450.08* is due for advertising and posting of the above referenced properties. All fees must be paid prior to the hearings. Do not remove the sign and post set(s) from the properties.

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

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

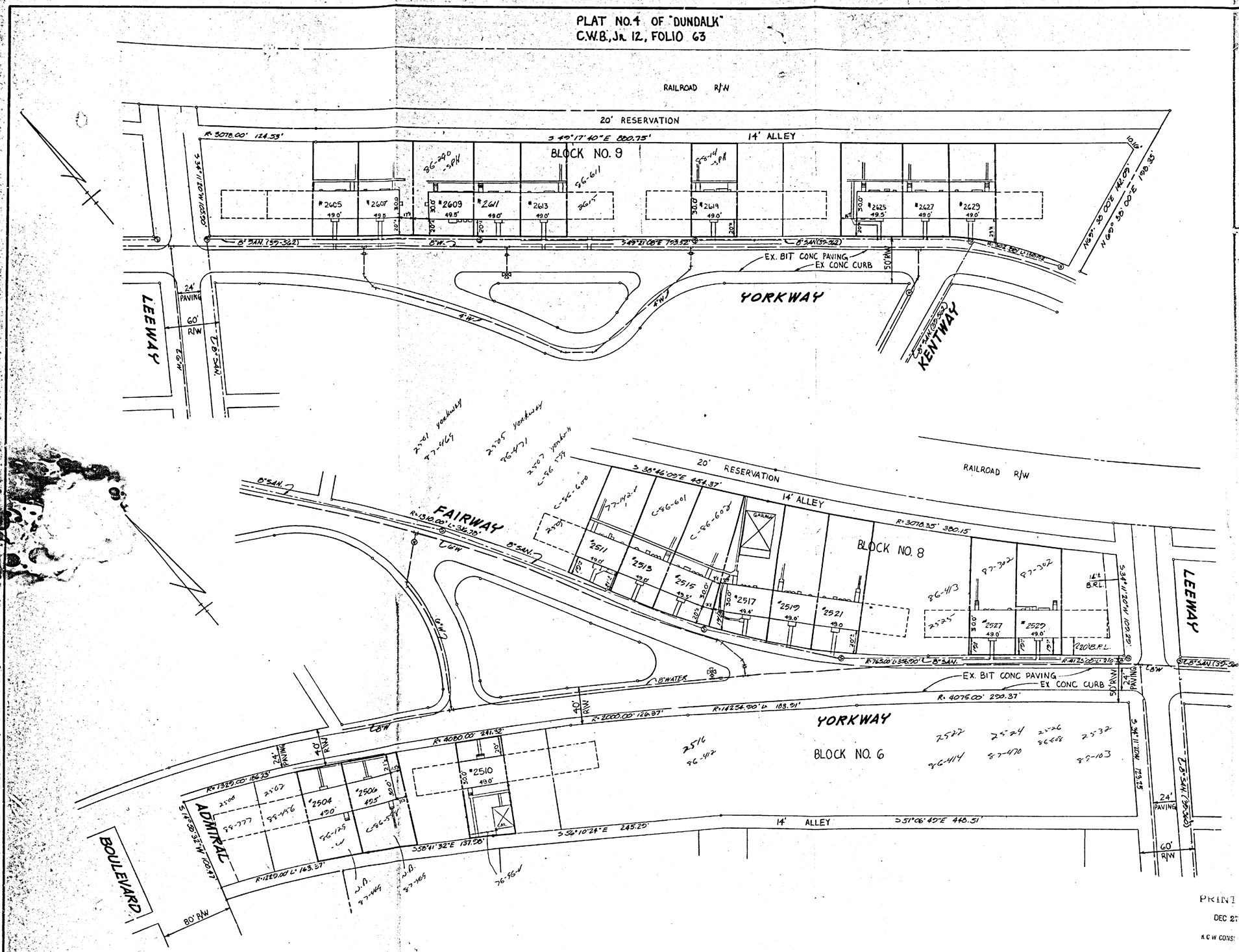
Please note that due to the number of signs to be returned, here will be no need for your client to remove and return the signs, as this office will do same.

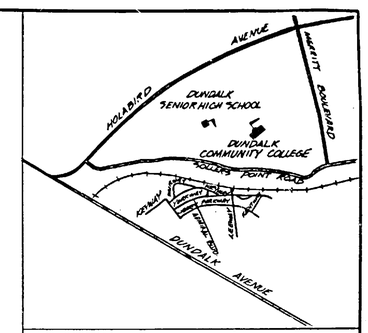
Very truly yours,

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

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

*$90.63 each property





LOCATION MAP
SCALE: 1" = 2000'

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 6538-612	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. 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 6052-263	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.

PETITIONER'S EXHIBIT 1

* PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

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

REVISED FRONT SETBACKS, 122788
FINAL SET. 12 6 00

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