

ordinance granting this power to the City Council.

"If the granting of permits is to become a legislative function, instead of an administrative function, which by customarily is when the new ordinance becomes effective, then all of the aforementioned supervisory powers and regulations pass out of and beyond the realm of any municipal official, which time will prove is detrimental to the city's welfare.

Urges Power Be Given To Board

"In my opinion, this power should, by a subsequent ordinance, be placed in the Board of zoning appeals, the members of which board are adequate for investigations, formal hearings, imposing of conditions, area of coverage of the permit, requirements and supervisory powers, which so all this would assure proper safeguard of rights that might be affected by the conduct of the business under the permit.

"I cannot suggest any strongly the

consideration of the suggestions here is made."

Resists Permit By Ordinance

The first ordinance granting a permit for a filling station was introduced in the Council almost immediately after the Mayor's message was read. It would grant to the Northwestern Land Corporation a permit for a driving station at 1206 Washington Boulevard, with six 1,000-gallon tanks and six pumps, perhaps hereafter owned by the Board of Estimates.

The corporation had its application

for a permit for tanks and pumps for the proposed station on March 22, but the time for paying the premium under the old law expired at 10 A. M. yesterday. The board refused to act on it, making the ordinance necessary. It was referred to Walter G. Hammond, Engineer of Buildings.

and a filling station, assuming to exercise powers over them, and not to issue the permit if they become a menace to public safety, security and health of the community. The Board of Estimates also supervises the character of the building, the number of buildings, as well as the cost of the building, which comes into the general heads of the city departments of which is provided for by the

MAYOR SIGNS ZONE BILL AND NAMES BOARD

6/31/31
Urges Two Defects In
New Law Be Corrected
By Ordinance

OBJECTS TO CUT
IN SIDE YARD SIZE

Also Opposes Giving
Council Control Of Gas
Station Permits

Directing attention to two defects which, he said, should be corrected by a subsequent measure, Mayor Broening yesterday signed the new comprehensive zoning ordinance and appointed a new Board of Zoning Appeals which is to administer it.

His appointees, all confirmed by the City Council, are:

MAXWELL SULS, for a term of four years, designated as chairman.

WALLACE MACWILLIAMS, for four years.

CHARLES H. HEINTZEMAN, for three years.

CHARLES MORRIS HARRISON, for two years.

WILLIAM O. RATCLIFFE, for one year.

Served On Old Board

Mr. Suls, Mr. MacWilliams and Mr. Heintzeman were members of the old board. Mr. Ratcliffe was a member of the Zoning Commission (as was Mr. Heintzeman), which prepared the new ordinance. Mr. Harrison is an attorney and formerly was associated with the Mayor in the practice of law. He formerly was a member of the City Service Commission.

Mr. Harrison and Mr. MacWilliams are the Democratic members of the board.

Members of the old board who retired are Dr. C. Hampson Jones, Commissioner of Public Health; Charles A. Jording, president of the Fire Board, and Frank K. Duncan, representative of the Department of Public Works. No provision was made for department heads on the new board.

Negroes Said To Be Displeased

James J. Carmody, a Republican, also retired from the board. It is understood he was not appointed to the new board because of failing health and his desire to be relieved of the duties of the position.

Negro friends of the Mayor are said to have been displeased at his failure to place a Negro on the board. Two were recommended by contesting groups Willard W. Allen, who was a member of the Zoning Commission, and Josiah Diggs.

The chairman of the Zoning Board receives a salary of \$3,000, and the four members \$1,500 each.

Provisions Opposed

The Mayor objected to the provision of the new ordinance reducing side yards in residential districts and to the provision giving the Council control of permits for gasoline filling stations and the erection of public utilities buildings.

He said these powers should be lodged in the Zoning Board.

Text Of Message

The Mayor's message to the Council covering these and other points and announcing his approval of the ordinance follows:

"Let me first bespeak the thanks of our community in your arduous efforts culminating in the passage of the zon-

ing ordinance. While it is not a perfect measure, it represents a conscientious effort on your part to evolve an ordinance that will give the community a degree of stability in the enjoyment of its property not obtainable in any other manner.

"The advantages to be gained by the citizenry in the passage of this ordinance far outweigh several items which do not entirely meet with my approval, and for that reason I am approving the ordinance and at the same time pointing out some corrections which may be accomplished by subsequent ordinances. These suggestions I hope will be accepted in the spirit in which they are made.

Put To Disadvantage

"Attention is called to paragraph 22, subparagraph 1, of the printed ordinance, which in effect reduces the side-yard provisions in an E area, residential district, by permitting the approval of a development plan containing three or more acres to provide for 10 feet of side yard in a semi-detached building instead of the 15 feet requirement as at present. This provision benefits owners of three acres or more, but places individual owners in the same area owning less than three acres to a disadvantage for no apparent reason.

"Zoning is intended to regulate the orderly growth of the city in accordance with a city-wide plan and that school facilities and subsurface utilities and other municipal improvements are predicated upon this city-wide plan, which if deviated from by overcrowding the land and reducing the open spaces rapidly overcrowd school facilities and burden subsurface utilities and transportation means. This provision in the new zoning law should be corrected as quickly as possible to provide for not less than 15 feet of side yard for each semi-detached building in E area, residential district.

Concerns Public Utilities

"The provision reserved to the Mayor and City Council of Baltimore relating to the erection of public utility buildings, filling stations, etc., deserves some passing notice. Under the present existing law the Board of Estimates, in approving a permit for tanks and pumps, more commonly

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