

application granting this power to the City Council.

"If the granting of permits is to become a justifiable function, instead of an unconstitutional function, which is unconstitutional in what the new ordinance becomes effective, then all of the aforementioned supervisory powers and regulations goes out of exist because the right of any unincorporated official, which right will prove is detrimental to the city's welfare.

#### *Urban Power Re Asserted To Board*

"In my opinion, this power should be a plenary confirmation, be placed in the Board of Zoning Appeals, the functions of which board are adequate for investigating, formal hearings, licensing of conditions, even of revocation of the permit, regulation and enforcement powers, which are all that would assure proper safeguard of rights that might be affected in the conduct of the business under this permit.

"I cannot support it strongly for

consideration of the suggestions here in note."

#### *Revolving Fund Recommended*

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 Northwest Land Corporation a permit for a filling station at 2300 Washington Boulevard, with six 1,000-gallon tanks and six pumps, privileges heretofore granted by the Board of Estimate.

The corporation filed its application

for a permit for tanks and pumps in the proposed station on March 22, and 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 unnecessary. It was referred to Walter G. Remond, Engineer of Buildings.

Dec 1 N '33M

# MAYOR SIGNS ZONE BILL AND NAMES BOARD

~~8/31/31~~  
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. Heintzman were members of the old board, Mr. Ratcliffe was a member of the Zoning Commission (as was Mr. Heintzman), 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.

### CONCERN 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