

File No. 12470

Baltimore, February 21, 1911.

Edgar Allan Poe, Esq.,
City Solicitor.

Dear Sir:

9895 I beg to reply to your communication of the 20th inst., referring to me a letter from the Building Inspector, and other papers. The question therein presented is whether the Building Inspector may lawfully refuse a permit for the erection of a row of houses on Twenty-third Street, application for which was made February 16, 1911. The only reasons which appear for refusing this permit are contained in numerous letters of protest addressed to the Building Inspector. The chief reason and that which the Building Inspector calls particular attention to is that under the Topographical Survey a street was laid out through this property upon which it is now proposed to build. It is stated in a letter of February 18, 1911, from Thomas H. Disney to the Inspector of Buildings that the writer and another have recently expended money in having a preliminary survey and plat made and filed with the Commissioners for Opening Streets, and have had the proper advertising done and other arrangements made to introduce into the City Council an Ordinance providing for the opening of this street in accordance with the plan of the Topographical Survey.

Apparently the opening of this street has been looked forward to by the writer of that letter and other persons, many of whom have built on neighboring property with reference thereto.

It would therefore appear that if the street is not opened in accordance with this plan, many of those protesting against the granting of the permit in question will be injured because their improvements heretofore constructed will not have the benefit of the proposed street. If the street is opened then the cost of the same, in the opinion of the protestants, will be increased by the construction of the buildings in the bed of the proposed street, which buildings would have to be condemned and paid for later on.

As above stated, the question is as to the right of the