

File No. 13648

Baltimore, December 22, 1911.

Clarence E. Stubbs, Esq.,  
Inspector of Buildings.

Dear Sir:

Yours of the 21st inst., in reference to the protest of Dr. Penniman against the Autogenous Welding and Brazing Company's use of the premises No. 1120 Cathedral street as a machine shop, and giving the use of this building for some years back, received.

According to your statement, this building was used as a carpet-cleaning place from 1895 to 1900, was occupied by harvesting machine company from 1900 to 1904, and as a retail grocery store from 1904 to 1911.

The new Building Laws went into effect on July 6, 1908. If this building is now being used as a machine shop ( which I understand is to be the fact ), and if it is more than forty feet high, ( which I understand, also, to be the fact ), under Paragraph 20 of Section 30, and Paragraph 15 of Section 30, the walls would have to be 17 inches thick if the building were, at this time, built for that purpose. My understanding of the Section which you quote, - viz. Paragraph 14 of Section 6 of the Building Code, which is as follows:

"No permit shall be given for the alteration or repair of a building which in any way changes the grade of its occupancy unless the building, as altered or repaired shall fully comply with the requirements of this Article for its changed grade of occupancy" -

is that the change of grade referred to means a change from the use to which the building is being put at the time the application is made for the permit to alter or repair it. I do not think, therefore, that the use of this building from 1895 to 1900 has any bearing upon what use it can be put to now. The use of this building at the time the Building Code went into effect, and up to October 1911, was as a retail grocery store. If using it as a machine shop is changing the grade of its occupancy from its use as a retail grocery store, - which seems to me a pretty plain proposition - then I advise you that you had no authority to issue a permit for any alteration or repair of the building for the purpose of using it as a machine shop without making it comply with the present requirements as to the thickness of the walls.

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