

File No. 36404

Baltimore, October 14, 1924.

Board of Zoning Appeals,
City Hall,
Baltimore, Maryland.

Gentlemen:

13980

In reply to your letter of October 9th, in reference to application for the conversion into a garage of a stable on the premises 1222 Bolton Street, I beg to advise as follows:

(a) The discontinuance of the use of the premises would not operate as a forfeit by reason of the language of the Zoning Ordinance to the effect that the design of a building for a nonconforming use is sufficient to preserve the rights of the owner.

(b) In this case, the fire occurred prior to the passage of the Zoning Ordinance, and the cost of the improvements would, therefore be figured on the condition of the premises at the time the application was made. Had the fire occurred since the passage of the Ordinance, the owner would by the terms of the Ordinance have the right to restore the premises to the condition in which they were at the time of the fire, and would then have the further right to change the nonconforming use, subject to the restrictions found in the Ordinance.

(c) The owner of the property having the right to use the building as a stable would, in my judgment, have the right to change the use to a garage.

The real question in this case is whether the rights of the owner of this property must be determined under the Zoning Ordinance or under the Ordinance known as the Mayor's Ordinance. The test in all cases on this question is whether the Zoning Ordinance imposes restrictions greater than those imposed by an existing ordinance. In this case, the Zoning Ordinance in the first instance would permit the change to a garage use provided the owner of the property can make the improvements for 60% of the assessed value of the property. I learn from your letter that the work proposed cannot be done for 60%, and the Zoning Ordinance operating thereby to bar the use absolutely would control, were it not for the power vested in your Board by