

R. E. Lee Marshall, Esq., City Solicitor (cont'd)

to the contrary notwithstanding I am of the opinion that the Board of Zoning Appeals of Baltimore City has jurisdiction to approve or disapprove of a use in the bed of a public highway, which use has been authorized by the Board of Estimates in the form of a minor privilege.

In this particular case the minor privilege permit authorizes a prohibited commercial use in a residential district. Mr. DeGrange, the applicant, contends that his use is a non-conforming one, having existed prior to the passage of the Zoning Ordinance. It therefore is up to the Board of Zoning Appeals to determine whether or not the use authorized is non-conforming upon such facts as may be presented to said Board.

The Board of Zoning Appeals has no jurisdiction to permit or prohibit the parking of trucks on public highways. I understand, however, that the north side of University Parkway, west of Charles Street, is not subject to any parking restrictions except that under Article 4, Section 80 of the Baltimore City Code (1927), parking on any street in the City of Baltimore for more than four hours from 1 A.M. to 8 A.M. is prohibited.

As to the minor privilege permit granted by the Board of Estimates, the same is valid and a proper exercise of the power vested by Section 37 of the Charter in the Board of Estimates.

Heubachmann vs. Grand Company, 166 Md. 615;  
Opinions of the City Solicitor, Vol. 8, page 210;  
Vol. 20, page 5753; Vol. 21, pages 6026 and 6031.

Very truly yours,

(signed) J. FRANCIS IRETON

Assistant City Solicitor

JFI:HC