



GOOD TURN FOR BOY SCOUTS—The job of loading 30 tons of old papers and records fell to these Boy Scouts of troops 216 and 219 who received the gift from the National Supply Company. The Scouts enhanced their treasuries by \$120 by selling the salvage material at \$4 a ton. Left to right are Fred Mill, division controller of the Torrance plant, and Scouts David McWhirter, Duaine Briley, Ted Scheidler, Ray Van Drew and Bob Crain.

VIRGIL—Elevator Rubbers



VIRGIL—Young Genius



Burial Ground Plan Stymied by Court Writ

(Continued from Page 1)

the possibility of conducting such a business, at the same time, through public policy, the courts have held that a cemetery is such a kind of business that it may be absolutely prohibited within city limits.

"Under this zoning law it is assumed that zoning regulations are for the benefit and best interests of the public and of the owners of property within a particular zone. And when one property has been zoned, it is against public policy to deviate from that zone without especially showing why a deviation should be made.

"When property is once zoned, it should be undisturbed as a general rule, and properties are expected to be dealt with and improved and handled in view of the fact that the restrictions have been settled by law.

"Consequently, the law provides that if any body wants to upset that regulation as to a particular spot in an area, then the burden is on that body to show that the property is under a special condition and that it will not jeopardize the other property in the particular zone.

"So we come down to the question here as to whether or not the requirements of the ordinance have been met in showing that the burden of proof has been met and that a fair trial and a fair hearing have been had.

"One of the requirements is that the petitioner has the burden of showing that he has a special situation and that he should have a right to deviate from all the other property owners in the zone, and that he should be granted special privileges in using his property contrary to the legal use of the property surrounding the property in question; and one of the requirements is that he should show he has the ability . . . affirmatively show it in the record . . . to carry out the plan suggested in order to deviate with regard to the particular property.

"In other words, take the case that we have here . . . the es-

tablishing of a cemetery. It might be one very valuable consideration that the property would be surrounded by trees, or hedges, and be adorned in such a way that it would not be as great a detriment as it would be otherwise; that fine buildings are to be erected on the property; and that petitioner is going to carry out the fine scheme which he proposes.

"In order to do that, which is a very material thing, there should have been evidence . . . legal evidence . . . in the record that he was able to do that. There doesn't appear to be a single bit of evidence that he could.

"That he has a mere option to acquire the property—there is nothing in the record to show that he has paid more than a dollar on the option, or that he only has a dollar left to pay; or that he can build these fences or structures or beautify the property—nothing showing whatever, which is a very material part of the requirement. There should have been legal evidence supporting these legal requirements and the record seems to be entirely lacking on those things.

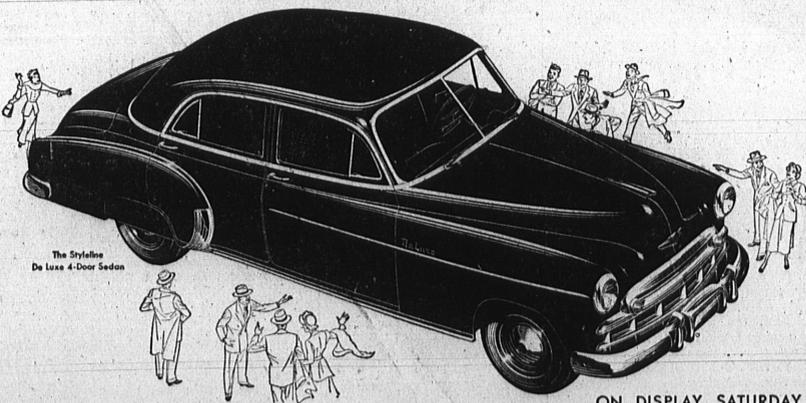
"I feel there has been a failure to comply with the requirements of the ordinance in carrying the burden of proof, which the petitioner should show in order to be treated different from other owners in the zone. I would like to hear from counsel on what counsel considers the remedy in this situation.

MR. STREIGHT: "Your Honor, I believe that a writ of review is a proper remedy, and that any order which is made should be an order simply annulling the decisions of the City Council and the City Planning Commission.

JUDGE HIGHT: "I think we are bound by the record in the proceedings. Of course, a public body or local body is not expected to be as technical as specialized bodies but, at the same time they should follow, to some extent, the requirements set forth in the ordinance and I don't think they have done that. It is ordered that a writ be issued, to be prepared by counsel for the petitioners.

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Pair Assessed \$125 Fines on Driving Count

"Fined \$125 or 25 days." That was the sentence handed down by City Judge Otto B. Willett to two drivers who were convicted Monday of drunk driving during the week-end.

Arrested by Sgt. Percy Bennett and Patrolmen Harold Trezise and John W. Mastro this past week-end was Claude Weaver Stewart of Palm City. Ernest Teñorio, 4380 W. 182nd street, was arrested by Officers

Leroy Stecker Rejoins Ship

Leroy Earl Stecker, chief quartermaster, USN, son of Mrs. Mary Towler, 1828 Andrew avenue, has returned to his ship after spending 27 days leave with his wife and baby in Portland.

A member of the crew on the USS Duncan, a destroyer, he paid a brief visit to his mother's home here before leaving for a year's duty in China waters.

Swayne Johnson and D. C. Cook at Crenshaw and Torrance boulevards Saturday night.



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