4/21/09

IN THE MATTER OF THE APPLICATION OF SAKAR KABIRUDDIN – LEGAL OWNER; PETITIONER FOR SPECIAL HEARING; AMENDED SPECIAL EXCEPTION AND VARIANCE ON PROPERTY THE LOCATED ON THE N/s DOGWOOD RD 100 FT. N/of GWYNN OAK DRIVE (6334 DOGWOOD ROAD)	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	Case No. 08-042-SPHXA
	*	
1ST ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	

* * * * * * * * *

OPINION

This matter is before the Board on an appeal filed by the Greystone Community Association, Kerri Lastner, President; Woodlawn Community Education and Development Association, Ms. Van Ross, President; and Kerri Lastner, Jerry and Audrey Green and Betty Scott, individually, from a decision of the Deputy Zoning Commissioner (DZC) of Baltimore County, dated March 28, 2008 in which he granted Petitioner's requested Petition for Special Exception, pursuant to Section 1B01.C.14 of the Baltimore County Zoning Regulations (BCZR), to allow a dormitory in conjunction with a religious school for fifteen (15) to twenty (20) students and dismissing as MOOT the Petitioner's Request for Special Hearing, filed pursuant to Section 500.7, to allow a dormitory for fifteen (15) to thirty (30) students as an accessory use in conjunction with a religious school and granting a Variance, pursuant to Section 1B01.C.1.a of the BCZR, to allow a non-residential principal (institutional) building with a side yard setback of eight feet in lieu of the required 20 feet, subject to conditions. Petitioners, Darul-Uloom, Inc. and Sarkar Kabiruddin were represented by Francis X. Borgerding, Jr., Esquire. Protestants were represented by J. Carroll Holzer, Esquire, and Holzer and Lee. Office of People's Counsel, by Peter Max Zimmerman did not participate in the hearing but filed a Memorandum dated September 10, 2008. A hearing was held before the Board on September 23, 2008 and January

13, 2009. Closing Briefs were filed by the parties on February 23, 2009 and a public deliberation was held on March 25, 2009.

Facts

The overall property at issue is a corner lot consisting of five (5) parcels. Parcels 1, 2 and 3 are not involved in this matter. Parcels 4 and 5 are the subject of the Special Exception request. Parcel 4 contains 19, 950 square feet (0.458 ac.) and Parcel 5 contains 23,740 square feet (0.545 ac.). The property is zoned R.O. (Residential-Office) and is located at the intersection of Dogwood Road and Gwynn Oak Avenue, in the Woodlawn area. It is improved with an existing two and one-half (2½) story stone building located in the front of the property and a one and one-half (1½) story building located in the rear portion of the property. There is also a one (1) story garage located between the buildings. The property also contains an in-ground swimming pool at the rear of the lot. The Variance request for a side yard set back of eight (8) feet from the property line in lieu of the twenty (20) feet will legitimize the existing location of the 1½-story building, which has been on this site for many years. Both buildings are constructed of stone and were built sometime in the 1920's prior to the establishment of the BCZR.

The property was purchased by the Petitioner approximately two (2) years ago and Petitioner proposes to operate a religious school to teach the Islamic faith on the property. In addition, Petitioner proposes to utilize both buildings as dormitories to house up to thirty (30) students. Petitioner does not propose to construct any additional buildings on the property but would renovate both buildings to accommodate the students in a dormitory situation.

Petitioner's Testimony and Evidence

Petitioner presented Rizwan Siddiqi, who was accepted by the Board as a licensed Civil Engineer. Mr. Siddiqi testified that he had prepared a plat of the property illustrating the

Petitioner's proposed use. Mr. Siddiqi presented a plat amendment which shows a revision to the access driveway to the subject property in accordance with a comment received from the Baltimore County Department of Public Works (DPW), requesting a sixteen (16) foot driveway to allow for emergency vehicle access. Mr. Siddiqi indicated that the revised twenty (20) foot driveway would allow the Petitioner to withdraw a requested variance to allow a two-way drive aisle with a ten (10) foot width, in lieu of the requested twenty (20) feet.

Mr. Siddiqi indicated that the proposed use of the property was a religious school, a use permitted as of right, pursuant to Section 1B01.1A.14 of the BCZR in conjunction with Section 204.3.A.1 of the BCZR. He stated that the Petitioner was requesting a Special Exception relief under Section 1B01.1.C.14 of the BCZR, which allows for dormitory use in the R.O. zone via Special Exception. Mr. Siddiqi indicated that as a Muslim he was familiar with the purposes of the religious school, which would be to teach the Koran as well as other Islamic studies. He indicated that due to the daily activities of the school, including the requirements of prayers five (5) times a day beginning before sun-up and ending after sun-down, the Petitioner was proposing dormitory facilities to allow the students the opportunity to the be present for all of the activities. Mr. Siddiqi indicated that the school would be more intensive than the average school and felt that the dormitory use would not have any impact on the surrounding communities. In his opinion, it would improve the surrounding community because of the type of students that would be attending the school. He felt that the Petitioner's request met all of the criteria for Section 502.1 of the BCZR.

When asked about the possibility of overcrowding on the land, Mr. Siddiqi indicated that he was familiar with the zoning case involving the Buis Hamedrashand Mesivta of Baltimore Inc., case number 06-486-SPHA, where the Petitioner's were granted relief by the Zoning Commissioner, which included the use of a dormitory for approximately one-hundred twenty to

one-hundred fifty (120-150) students in conjunction with a religious school. He believed that this was on property with a little over two (2) acres. He did not feel that the requested relief in the present case, thirty (30) students on one (1) acre, would harm the health, safety and welfare of the surrounding community.

With respect to the variance request to permit an eight (8) foot setback in lieu of the twenty (20) foot required under Section 409.4 of the BCZR, Mr. Siddiqi indicated that the variance applied to the northwest corner of the structure, located to the north and east of the subject property. He stated that the building was referred to as a carriage house and was constructed in the 1920s, prior to the establishment of zoning in Baltimore County in 1945. He also indicated that the structure had not changed since its original construction and the Petitioner was not proposing to move the location of the structure. He felt that the property was unique in that the property line from Gwynn Oak Avenue came in to approximately eight (8) feet from the building in question and then veered out again to the end of the property, making a point eight (8) feet from the 1½-story building. He stated that if the property line had been straight between the front and rear of the property, there would be no need for a variance since there would have been ample room between the property lines. It was his opinion that the Petitioner would suffer a hardship by being unable to use the building for the school, if the variance was not granted. He cited the opinion of the Zoning Office, that they were not opposing the variance in question.

In addition, Mr. Siddiqi indicated that there would be fourteen (14) parking spaces available on the property. The regulation requires one (1) space for every four (4) beds. With the proposed number of students, that would require eight (8) parking spaces. He indicated that there will probably be five (5) teachers at the school, one (1) of which would be Mr. Kabiruddin, who resides across the street and would walk over to the school.

Mr. Siddiqi also indicated that the Petitioner would landscape the property and shield the dormitory area from the community. He stated that the Petitioner would accept the limitation of the Deputy Zoning Commissioner placed upon the property, that the parking of automobiles would only be on paved surfaces and not on the grass on the property.

Petitioner then presented Irfan Kabiruddin, who testified that he would operate the proposed religious school on the property. He stated that the Petitioner had purchased the property from an engineering firm who had operated on the site for twenty (20) years. After purchasing the property, Petitioner rented it back to the engineering company until such time as the company left the property. Mr. Kabiruddin stated that he had been hired as the religious director of the Islamic Society of Baltimore in 2003 and resigned that position to start the school. The school will be used to produce scholars of Islam. This requires a rigorous education and some students might come from other states. The school will provide religious education and also a secular education from the programs published by the Calvert School, for those students who can afford it. For students who can not afford it, a regular curriculum by the public school will be provided. He also indicated that the number of dormitory students would depend upon the number of day students the school attracted. He proposed to have at least thirty (30) students in the school when it was up and running. The students would be very serious students and would not be allowed to have automobiles while they were attending the school. There would be no television, cell phones or driving. No student could leave the premises without the permission of the school and any who did would be expelled.

Mr. Kabiruddin admitted that when the school was purchased they had an opening ceremony where a number of people attended and there was parking on the lawn. However, he indicated that Baltimore County Code Enforcement indicated that there should be no parking on the grass areas and after November 2007, there has been no parking on the grass area of the

property. He made no objection to the Board imposing the same condition as the Deputy Zoning Commissioner.

Mr. Kabiruddin also testified that he did not believe that there would be any harm to the health, safety and welfare of the surrounding community, since the students that he proposed to enroll would be serious students and would be strictly controlled by the school. He did not feel that the dormitory would exacerbate the existing problems with Woodlawn High School and Meadowfield Middle School. He also indicated he did not feel that it would create congestion in the road, streets or alleyways of the surrounding communities, since the previous property owner, Data Net, had about twenty (20) employees and one person living in the apartment on the property. The company operated Monday thru Friday and some Saturdays with employee traffic being generated, as well as, trucks coming on to the property to make deliveries. Mr. Kabiruddin felt that his school would generate far less traffic since none of the students would be able to drive, and the only traffic would generally be teachers coming and going to teach.

Mr. Kabiruddin indicated that once the school was up and running, only the people on the school council which runs the school, would come to the school. He indicated that they would construct a fence, have security guards, and camera around the property.

The next witness, David Green, Baltimore County Community Planner, identified the comments from the Baltimore County Office of Planning, which supported the approval of dormitories as an accessory use in conjunction with the religious school. Mr. Green indicated that he was familiar with the Woodlawn Community Plan and that he did not believe that the Petitioner's requested relief conflicted with that plan.

Mohammed Chaudry testified in support of the Petitioner, stating that he is a former President of the Islamic Society of Baltimore, and that the proposed dormitory could not be accommodated at the Islamic Society of Baltimore, as the Mosque had maximized the use of its'

property. It was his opinion that the proposed school would be strict with no violence and no disturbance to anybody.

Naushad Akhund also testified in support of the Petitioner, stating that he had a sixteen (16) year old son who formally attended public school in Howard County, but he became concerned about the ethical and moral values the child was leaning in public school. He then sent his son to an Islamic school, similar to that proposed by the Petitioner, in Chicago, where he lives as a dormitory student. He stated that he had observed positive changes in relation to his son and his son's character after attending the Islamic Religious School. He felt that the school would have a positive effect on the community.

Mr. Jack Dillon was called to testify on behalf of the Petitioner and was accepted as an expert in Planning and Zoning. He explained that pursuant to Section 204.3.A.1 and 204.3.B.1 of the BCZR, uses allowed in Density/Residential (DR) zones are allowed under the property's R.O. zoning. He explained that pursuant to Section 1B01.1A.14, a religious school is allowed on the Petitioner's property as of right and that the dormitory use was allowed under a Special Exception. He also explained that the Petitioner has requested a Special Hearing to permit the dormitory as an accessory use in conjunction with the religious school under Section 500.7 of the BCZR, as an alternative to the request for Special Exception relief. Mr. Dillon also discussed the variance which was requested by Petitioner. He had visited this site and was familiar with the school as well as the surrounding residential and institutional uses. In addition, Mr. Dillon had visited a school similar to that proposed by the Petitioner in Chicago, Illinois and Buffalo, New York. He stated that in his observations of those two (2) schools, the Islamic schools were orderly and well run. The schools did not have any adverse or detrimental affects to those surrounding communities.

Mr. Dillon discussed the requirements of Section 502.1A-H and stated in his opinion the proposed dormitory would not have an adverse affect to the health, safety and welfare of the surrounding communities, because of the nature of the students and the strictness of the curriculum. He stated that in his opinion the dormitory on the subject site would not cause congestion on roads, streets or alleyways of the surrounding community, since there would be less traffic there as a result of the school, then there had been generated by the former business located on the property. He did not feel that the proposed special exception would cause panic from fire or other dangers and he notes that the buildings on the property at the present time seemed to be in good shape. He also indicated that any required permit issued for safety regulations would have to be complied with. He did not feel that the Petitioner's requested use was inconsistent with the property's zoning classification.

With respect to the variance requested, Mr. Dillon felt that the property was unique because of its' irregular shape. He noted that the building in question was constructed in the 1920s and prior to the establishment of the zoning regulations in Baltimore County. He used a marker to illustrate how, had the property line been a straight setback from Gwynn Oak Avenue, it would have given plenty of room for the twenty (20) foot setback and no variance would have been necessary. He stated that it was the irregular shape of the property line which necessitated the requested variance. It was his opinion that the Petitioner would suffer practical difficulty if the variance was not granted since he would not be able to utilize the building for the school. He did not feel that there would be any harm to the health, safety and welfare to the surrounding communities if the variance was granted.

Mr. Dillon also entered a copy of Section 5-114B of the *Courts and Judicial Proceedings Article of the Annotated Code of Maryland*, indicating that if a non-conforming setback existed for a period of more than three (3) years, a violation proceeding could not be commenced in

relation thereto. It was his opinion that the building in question fell under that particular Section of the Code. Mr. Dillon also indicated that he was familiar with the Special Hearing requested by the Petitioner and that he was familiar with case number 06-486-SPHA, regarding the approval by the Zoning Commissioner of a dormitory as an accessory use to a religious school in Pikesville. It was Mr. Dillon's opinion, that as an alternative to Petitioner's Request for Special Exception, the granting of the Petitioner's Special Hearing of the dormitory use as an accessory use to a religious school was appropriate.

Mr. Dillon was also of the opinion that the Petitioner's proposed Special Exception did not require any approval under the County's now non-existent CRG plan approval process or the existing Development Review Committee Pan process, because the Petitioner was not proposing any new construction or exterior modifications to the buildings as part of its proposed use. He did not feel it was necessary to have an approved CRG Plan or a Development Plan prior to the granting of the Special Exception in this case, where there would be no additional construction proposed.

Mohammad Mufti testified in support of the Petitioners' position stating that as a long practicing member of Islam Society of Baltimore, he felt that the proposed dormitory use would not be detrimental to the health, safety and welfare to the surrounding community.

Finally, Petitioner submitted a number of photographs of the property and surrounding pieces of property showing the proposed site; the buildings and the relationship to adjoining properties.

Protestant's Testimony and Evidence

Protestants first presented Darlene Warner, the neighbor who lives directly north of the proposed site. She stated that she has lived there for ten (10) years and that she was concerned about the proposed dormitory, since just she and her daughter lived on the property. She stated

that in the evening there were children that came onto the property and were disrespectful to her and her daughter. She did not hear what the children were saying. She stated that she operated a construction company out of her house and that there was construction equipment on her property for sale. Ms. Warner stated that she did not feel that the use of the pool would have any effect on her property since the people at Data Net had used the pool. She also testified that there were meetings practically every night at the school during the past month prior to her testimony, but the people had parked on the parking area and not on the grass.

Michele Perrera, testified that she was a Pastor and resident in the community, living about three (3) blocks away from the site. She expressed concerns in regards to the dormitory and the impact on the neighborhood. She felt that it would have an adverse impact on the community and provide a negative impact on the neighborhood.

Delores Johnson testified that she had lived in the neighborhood for twenty-one (21) years and expressed concern about the dense population that would be created by a dormitory with thirty (30) residents. She lives two and one-half (2 ½) blocks from the proposed school and is concerned about what affect the dormitory was going to have on her property values.

Joseph Lastner testified as to the Assessment and Taxation records, showing the Petitioner is the owner of the subject property site and not a religious institution. He objected to the traffic and parking problems created by the Petitioner.

Michelle Caldwell testified that she lived two and one-half (2 ½) blocks west of the site. She has been in the neighborhood for twenty-one (21) years and has seen an increase in traffic. This has had a negative impact on the Community Plan and the Liberty Road Plan. She feels that the dormitory would have an adverse impact on the area and would increase traffic She felt that the Woodlawn area had the largest concentration of group homes in Baltimore County and

she felt that the dormitory could be classified as a group home; thereby putting strain on the community.

Finally, Terry Lastner, who testified as the President of the Greystone Community Association and was authorized by Rule 8 to speak for approximately four hundred (400) individuals residents. She testified that the Community Association was opposed to the dormitory project. She stated that the subject site is the "gateway" to the Greystone community and that the photographs of Protestants show how events on the subject site would exhaust the parking resources on the site. She thought there was a history which showed that the Petitioner's pattern of driving violations on the road system would imperil the health and general welfare of the community. She stated that the Petitioners disrupt the traffic flow after events, that they cause extra traffic on Lanhert and Alta Vista Roads in the neighborhood. She expressed concerns of crime attributed in the neighborhood to Hirsch's Tavern, which is across the street from the site and relative crime statistics generated in the area at the present time. She related that the neighborhood contains Meadowood Alternative School and Woodlawn High School, which have caused disruption to the community. She felt that there would be no way to control the Petitioner's potential violations of any conditions attached to the approval of the dormitory. She felt that the boys would be subject to drugs and alcohol regardless of the Islamic faith, since they could be influenced by outside sources.

With respect to Section 502.1, she felt that it would be detrimental to the health and safety of the community, since both of the buildings would be overcrowded and if a fire broke-out, there would be panic. She felt that the locality would create a problem with neighborhood streets and there would be congestion in the streets and alleys. She felt that there could be a problem with fire and panic. In addition, she felt that the land would be over-crowded and that

thirty to thirty-five (30 – 35) students would certainly over-crowd the land in that particular area. In addition, she did not think that it was consistent with the R.O. classification.

Finally, the Protestants submitted floor plans of the two (2) buildings and stated that they were unsuitable for dormitory use. In addition, Protestants submitted a number of photographs showing parking on the lawn of the site and various other traffic problems they felt were generated by the site.

Decision

Section 1B01.1A.14 of the BCZR permits schools in D.R. zones. Section 204.3 of the use regulations of the BCZR allows any use permitted as of right and is limited in D.R. 5.5 zones in the R-O zones. A Special Exception is required under Section 1B01.1.C.14 in a D.R. zone to permit construction of a dormitory. Therefore, while the school in question is allowed, as a matter of right in the R.O. zone, the dormitory use is subject to the requirements of the Special Exception under the BCZR. The Board has evaluated the requirements of Section 502.1 of the BCZR in order to grant a Special Exception. The Board finds as follows:

A. The request will not be detrimental to the health, safety or general welfare of the locality involved.

The dormitory will house not more than thirty (30) students, based on the number of day students in questions. The Board finds that the students will be tightly controlled and will not be allowed to drive. Therefore, they will be limited to the property and not affect the general safety or welfare of the surrounding community.

B. The proposed Special Exception will not tend to create congestion on road, streets or alleys therein.

As stated above the students will be living in the dormitory and day students will commute. Students will not be allowed to have vehicles on the property and will not be allowed to leave the property without permission from the school. Any student leaving without permission will be expelled. Therefore, this will be a tightly controlled student body, which should not create any congestion with respect to traffic, since there will be limited traffic during the school day. The teachers coming and going will generate what little traffic there will be and the traffic will certainly be less than the traffic that was generated by the previous business that was located on the property.

C. The Board does not feel that this will create potential hazard from fire panic or other danger, since the two (2) buildings in questions will have to be renovated with the proper safety precautions as required by the Baltimore County Safety Regulations.

D. This proposal will not tend to overcrowd the land and cause undue concentration of population. The school proposes to have no more than thirty (30) students and the acreage surrounding the area is quite adequate for accommodating thirty (30) students. The previous company had twenty (20) employees and trucks coming and going; therefore, the Board does not feel that the land would be over-crowded or there would be an undue concentration of population.

E. There will be no interference with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, convenience or improvements.

All sewage and water is currently on the property and there is no question of overcrowding of other schools or parks, etc.

F. Interfere with adequate light and air.

The Board does not feel, that since there will be no further construction, that there will be any interference with adequate light and air.

G. Be inconsistent with the purposes of the property zoning classification or in any other way inconsistent with the spirit and intent of the Zoning Regulations.

The Board feels that the proposal is consistent with the zoning classification and would also be consistent with the spirit and intent of the zoning regulations.

H. Being consistent with the impermeable surface and vegetated retention provisions of the Zoning Regulations.

Except for the expansion of the driveway, the school does not propose to add any additional impermeable surface and the Board does not feel that this proposal is inconsistent with impermeable surface vegetative retention.

I. Be detrimental to the environmental and natural resources of the site and vicinity including forest, streams, wetlands, eco-forest and flood plains in an R.C.2, R.C. 4, R.C. 5, R or R.C. 7 zone.

The Board does not feel that this pro;posal pertains to the zones set forth in Section 502.I.

Finally, the Board feels that the proposal meets the requirements as set forth in Shultz v. Pritts, 291 Md. 1 (1981), which stated:

> [T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Id* at 22-23"

The Board finds that the location of the school on this particular site would have no more of an adverse effect at the proposed site than any other site within the zone. Several of the Protestants testified that regardless of where the dormitory was located, they would be against the dormitory in their neighborhood. The site, with it's two (2) buildings, which will have to be renovated and swimming pool, seems quite appropriate for the proposed religious school to be established by the Petitioner.

In addition, the Board finds that the Variance should be granted. The Engineer and the Planner presented by the Petitioner felt that the property was unique and the Board so finds, within the criteria established by the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995,) because the property is irregularly shaped which is different from other pieces of property in the area. In addition, this irregularity caused the property to form a point which is eight (8) feet from the property line to the northern most building, which has been on the property since approximately 1920. The Board feels that this irregular shape in conjunction with the location of the old building warrants the granting of the Variance. This is particularly true in consideration of Section 5-114B of the *Courts and Judicial Proceeding Article of the Annotated Code of Maryland,* which indicated that if a non-conforming setback exists for a period of more than three (3) years violation proceedings could not be commenced against that property. The

Board finds that failure to grant the variance would keep the Petitioner from utilizing the building for the school and would certainly create a hardship on the Petitioner in attempting to operate the school.

In addition, the Board feels that the point raised by People's Counsel, that the Baltimore County Zoning Regulations, Section 1B01.1.C.14 and 204.3B requiring that an R.O. zone special exemption use must have a County approved CRG group plan prior to the special exemption, would not be controlling in this situation. Since the CRG is no longer in existence, that section would require a Development Plan to be presented to the DRC and approved prior to the request for special exception. In the present situation, the Petitioner proposes not to construct any additional buildings on the site and the plan presented to the Board shows the buildings which are already in existence. Mr. Dillon, Petitioner's Expert, testified that in his opinion there was no requirement for an existing Development Plan approval because Petitioner was not proposing any new construction or exterior modifications to the existing buildings. There was no testimony to contradict Mr. Dillon's opinion, therefore, the Board accepts Mr. Dillon's opinion on that matter,

Finally, since the Board is granting a Special Exception, the Board feels that there is no need to resolve the issue of a Special Hearing for an accessory use and therefore, the Petition for Special Hearing will be denied as MOOT. The Board does feel that the limitations placed upon the Petitioner by the Deputy Zoning Commissioner were valid conditions; therefore the Board will order that the Petitioner's requests for Special Exception, pursuant to Section 1B01.C.14 of the BCZR, to allow a dormitory in conjunction with a religious school for fifteen (15) to twenty (20) students be granted, with conditions.

ORDER

THEREFORE, IT IS THIS 21ST day of April, 2009 by the Board of Appeals of Baltimore County;

ORDERED that the Special Exception requested pursuant to Section 1B01.C.14 of the Baltimore County Zoning Regulations (BCZR) to allow a dormitory in conjunction with a religious school for fifteen (15) to twenty (20) students be and is hereby **GRANTED;** and it is further

ORDERED that the request for Special Hearing relief filed pursuant to Section 500.7 of the BCZR to allow the use of a dormitory for fifteen (15) to twenty (20) students as an accessory use in conjunction with a religious school be and is hereby **DENIED** as **MOOT**; and it is further

ORDERED that the request for Variance relief pursuant to Section 1B01.C.1.a of the BCZR, to permit a non-residential principal (institutional) building with a side yard setback of eight (8) feet in lieu of the required twenty (20) feet be and is hereby **GRANTED.**

Subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner shall clarify the note to the site plan indicating that the existing main building will be converted to a school and the maximum number of students allowed in the school shall be thirty (30). Petitioner shall also clarify that the maximum number of dormitory enrolled students shall be twenty (20) and that both the accessory building and the main building may be used for a dormitory.
2. Petitioner shall provide landscaping and a privacy fence to mitigate the impact of the side yard variance.
3. Petitioner shall use similar architecture and building material where applicable to ensure compatibility with the surrounding neighborhood.
4. Petitioner shall provide additional landscaping along the eastern property line to screen the rear of the proposed dormitory from residences on Hillside Avenue.

5. The driveway shall be widened in accordance with the plan indicated in Petitioner's Exhibit which shows a driveway entrance and drive aisle not less than twenty (20) feet wide, to allow for emergency access; and a sign shall be erected at the exit on Gwynn Oak Drive, indicating ONE WAY – NO LEFT TURN.
6. Petitioner shall not utilize the property to perform religious services for the general public.
7. Petitioner shall not utilize off street parking in connection with the use of the property granted herein, and on-site parking shall be permitted only in designated spaces as shown on the site plan. In particular, there shall be no parking on any other areas of the property, including grass or dirt area.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Edward W. Crizer, Jr., Panel Chairman

Lawrence S. Wescott

Robert W. Witt

County Board of Appeals of Baltimore County

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April 21, 2009

J. Carroll Holzer, Esquire
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Francis X. Borgerding, Jr., Esquire
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Towson, MD 21204

RE: *In the Matter of: Sarkar Kabiruddin*
Case No.: 08-042-SPHXA

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c:
Sarkar Kabiruddin
Irfan Kabiruddin
Rizwan Siddiqi/Mufti & Associates, Inc.
Mohammed Mufti/Mufti & Associates, Inc.
Greystone Community Association/Kerri Lastner, President
Woodlawn Community Education and Dev. Assoc./Van D. Ross, President
Jerry and Audrey Green
Betty Scott
Pastor Ezio M. Ross
Michele Perrera
Michelle Caldwell
Michael Pizanis
Patricia Dimler
Rose Harvin-Patterson
Darlene Warren
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Arnold F "Pat" Keller, Planning Director
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

2/26/08

In re: Petitions for Special Exception Special Hearing and Variance N/Side of Dogwood Road, 100 ft. North of Gwynn Oak Drive, 1st Election District, 4th Councilmanic District Petitioner: Sarkar Kabiruddin and Darul-Uloom Maryland, Inc.	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No.: 08-042-SPHXA

* * * * * * * * * * * * *

PETITIONERS' MEMORANDUM

Now comes Darul-Uloom Maryland Inc. and Sarkar Kabiruddin by and through their attorney, Francis X. Borgerding, Jr., and files this Petitioners' Memorandum in support of the Petitioners' requested relief before the Deputy Zoning Commissioner for Baltimore County and says:

STATEMENT OF CASE

This matter comes before the Deputy Zoning Commissioner for Baltimore County upon the Petitioners' request for a special exception for a dormitory in conjunction with the religious school for 15 to 30 students per section 1B01.C.14 of the Baltimore County Zoning Regulations (herein "BCZR"), Petitioners' special hearing request for the use of a dormitory for 15 to 30 students as accessory use in conjunction with the religious school and Petitioners' requested variance to permit a non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet as required by section 1B01.2.C.1a of the BCZR.

Testifying in support of the Petitioners' requested relief were Rizwan Siddiqi, licensed professional engineer, and Irfan Kabiruddin, operator of proposed religious school on the subject property, Mohammad Mufti, Taiyab Mohiuddin, Sarkar Kabiruddin, Sarkar Kabiruddin, and Omar Smith. Testifying in opposition to the Petitioners' requested relief

were residents who lived nearby the subject property or in the general Woodlawn area, Dolores Johnson, Michelle Perrera, Phyllis Weaverling, Ruth Baskerville, Jerry Green, Joe Lastner, Betty Scott, Kerri Lastner and Dallas Griffitn of the Woodlawn Community Development and Educational Association.

RELEVANT LAW

Section 1B01.1A.14 of the BCZR which reads in pertinent part:

> "Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones all of all classifications, subject to the restrictions hereinafter prescribed. [Bill No. 2-1992]"
>
> "14. Schools, except business or trade schools or such schools as are permitted by special exception (Subsection C, below), but including schools for agricultural training. [Bill Nos. 63-1980; 47-1982; 47-1985].
>
> "Section 204.3 Use regulations. [Bill Nos. 167-1980; 37-1988; 151-1988; 186-1994]
>
> A. Uses permitted as of right. The following uses, only, are permitted as of right in any R-O Zone:
>
> 1. Uses permitted as of right and as limited in D.R.5.5 Zones..."

Special Exception relief.

Section 1B01.1C.14 which reads in pertinent part:

> "C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. zones, subject to the restrictions hereinafter prescribed: Bill Nos. 105-1982; 36-1988"...

14 private colleges (not including business or trade schools), dance schools, dormitories or fraternity or sorority houses. (Bill No. 47-1985).

Section 502.1 of the BCZR which reads in pertinent part:

> "Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, convenience or improvements;
F. Interfere with adequate light and air; [Bill No. 45-1982]
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, acquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. [Bill No. 74-2000].

Special Hearing relief.

Section 500.7 of the BCZR which reads in pertinent part:

"The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations."

Special Variance relief.

Section 1B01.2C.1.a of the BCZR which reads in pertinent part:

"C. Building setback requirements. [Bill No. 2-1992]

1. Except as otherwise may be provided under standards adopted pursuant to Section 504.2, the minimum setbacks and heights shall be as set forth in the following tables:

a. Nonresidential principal building setbacks in DR Zones.

	Front Yard (feet)	Side Yard Interior (feet)	Corner Street Side (feet)	Rear Yard (feet)
D.R.5.5	40	20	35	30"

TESTIMONY

Rizwan Siddiqi, a licensed professional engineer, was accepted by the Deputy Zoning Commissioner as an expert in land use and in the Baltimore County Zoning Regulations. Mr. Saddiqi testified he is familiar with the property. He indicated he prepared a plat of the property and the Petitioners' proposed use entered as Petitioners' Exhibit Number 1. Mr. Siddiqi also prepared Petitioners' Exhibit Number 2, a plat amendment which shows a revision to the access driveway to the subject property. Per the amendment the driveway will be constructed with a 20 foot width to meet the requirements of the BCZR and to address a comment received by Baltimore County Department of Public Works requesting a 16 foot driveway width to allow for emergency vehicle access. Mr. Saddiqi indicated that the revised 20 foot driveway width would allow the Petitioner to withdraw its requested variance to allow a two way drive aisle with a 10 foot width in lieu of the required 20 feet under the BCZR. Accordingly, Petitioner withdrew its requested variance in this regard.

Using the plat entered as Petitioners' Exhibit 1, Mr. Saddiqi described the property which is zoned R.O. as well as the two structures presently on the property which Mr. Saddiqi indicated dated from the 1920's. Mr. Saddiqi indicated the proposed use of the property was a religious school, permitted as of right pursuant to Section 1B01.1A.14 of the BCZR in conjunction with Section 204.3A.1 of the BCZR, with a dormitory for 15 to 30

students.

Mr. Saddiqi indicated the Petitioner was requesting relief via special exception and in the alternative special hearing to have the Deputy Zoning Commissioner grant approval of the dormitory use in conjunction with the religious school. Mr. Saddiqi indicated that special exception relief was being requested pursuant to Section 1B01.C.14 of the BCZR which allows for dormitory use via special exception. Mr. Saddiqi indicated that Petitioners' Exhibit Number 1 shows proposed parking for the Petitioners' use and he further indicated that no parking variances from the BCZR were being requested by the Petitioner. Mr. Saddiqi testified that in his expert opinion the Petitioners' requested relief met all of the criteria of Section 502.1 of the BCZR, Sections A-I.

In relation to the Petitioners' requested special hearing of the use of a dormitory for 15 to 30 students as an accessory use in conjunction with the religious school, Mr. Saddiqi indicated the Petitioner was requesting said relief or in the alternative to the requested special exception. Mr. Saddiqi indicated he was familiar with and identified the copy of the decision in zoning case number 06-486SPHA in which Bais Hamedrash and Mesivta of Baltimore, Inc. as Petitioners were granted relief by Zoning Commissioner Lawrence E. Schmidt which included the use of a dormitory for approximately 120 to 150 students in conjunction with the religious school. Mr. Saddiqi testified that the Petitioners' requested special hearing was granted and in his opinion he did not believe there would be any harm to the health, safety and welfare of the surrounding community.

In relation to the Petitioners' requested variance from Section 1B02.C.1.A to permit a non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet, Mr. Saddiqi indicated that the variance applied to the northwestern corner

of the structure located to the north and east on the subject property. Mr. Saddiqi indicated that the structure referred to as the carriage house was constructed in the 1920's prior to the introduction to zoning in Baltimore County in 1945. Further, Mr. Saddiqi testified that the location of the structure to his knowledge had not changed since its original construction and that the Petitioner was not proposing as part of its requested relief to in anyway change the location of the structure at issue. Mr. Saddiqi made clear that Petitioners' variance request was to legitimize the location of the building which has existed since the 1920's.

Mr. Saddiqi testified that he believed the Petitioners' property was unique due to its size and shape in relation to the structure at issue and the existing adjacent property line. Mr. Saddiqi testified that strict enforcement of the BCZR would cause the Petitioner to suffer practical difficulty and unreasonable hardship due to Petitioners' inability to use the structure at issue which had been constructed prior to the BCZR becoming effective. Further, Mr. Saddiqi testified that the buildings on the site and adjacent parking area had been utilized by Data Tech Engineering, which was an engineering firm with approximately 20 employees, for approximately 25 years prior to the Petitioners' purchase of the property.

On cross-examination Mr. Saddiqi indicated that the Petitioner would work with Baltimore County Landscape architect to comply with all county landscape requirements. Further Mr. Saddiqi indicated the Petitioner would be willing to condition its relief to prevent students driving cars and parking on the school's property. The Petitioner is willing to require students to be dropped off or reside in the dormitory. In addition, the Petitioner is willing to submit to a condition if so imposed prohibiting vehicle parking on the grass areas of the subject property. In addition, Mr. Saddiqi indicated the Petitioner would comply with

all conditions requested in the Baltimore County's Office of Planning's Comment.

Irfan Kabiruddin testified that he would operate the religious school on the subject property. Mr. Kabiruddin testified that he lives at 1901 Hillside Drive, across the street from the subject property. He resides with his wife and sons. Mr. Kabiruddin testified that the subject property was purchased by the Petitioner in early 2007. Mr. Kabiruddin testified he is the former religious director at the Islamic Society of Baltimore, a mosque which has operated in the Woodlawn area since 1969. Mr. Kabiruddin described the property and submitted pictures marked as Petitioners' #5 and #6 showing the property and area adjacent to the subject property.

Mr. Kabiruddin described the proposed use of the subject property as a religious school with a dormitory for 15 to 30 students. Mr. Kabiruddin clarified that notwithstanding the note on Petitioners' Exhibit Number 1 indicating that the main structure would be used for religious school, the structure would also be used for dormitory use in conjunction with the second structure on the subject property depending upon the number of dormitory students which enroll at the school. Mr. Kabiruddin clarified that the school will operate with a maximum of 30 students. The number of drop off students will depend upon the number of dormitory students which attend the school with a maximum number of total students being set at thirty. Mr. Kabiruddin testified as to how the school will function six days a week. On the school's off day, Friday, the students would still have some activities and Friday prayers to attend. Mr. Kabiruddin testified the students on site would be supervised 24 hours a day. He testified that students would not be allowed to drive on to or off of the subject property, that they could not leave the premises without his permission of the director of the school. Mr. Kabiruddin opined that the school would generate less

traffic than the previous use on the property which consisted of an engineering firm with approximately 20 employees. Mr. Kabiruddin opined the above as he rented the property back to the engineering firm in question for a period of three months after purchasing the property and living across the street. In sum, Mr. Kabiruddin's testimony indicated that the dormitory was necessary for the Islamic religious education to be taught to the students on the subject property. He indicated that the requested dormitory use would be very self contained and have little impact on the surrounding community. Mr. Kabiruddin opined that the dormitory use would generate less traffic than a typical school on the subject property because the dormitory students would not drive and, therefore, would not generate drop off or pick up trips every day. Mr. Kabiruddin forwarded a letter marked as Petitioners' Exhibit Number 7 which was a letter of support from a neighbor on Hillside Drive.

Mr. Kabiruddin testified that if Petitioners' requested special exception to allow a dormitory for 15 to 30 students in conjunction with the religious school was granted, that he believed that the granting of the special exception would not cause any harm to the health, safety and welfare of the surrounding community. Further, he testified that the granting of the special exception in his opinion would not tend to create congestion in the roads, streets or alley ways therein.

Mr. Kabiruddin further testified that if the Petitioners' alternative relief for special hearing for a dormitory for 15 to 30 students as an accessory use in conjunction with the religious school was granted, the granting of the requested relief would not cause any harm to the health, safety and welfare of the surrounding community.

In relation to the Petitioners' requested variance, Mr. Kabiruddin testified that he believed the variance was necessary to remedy the longstanding position of the structure

visa-vis the property line. He testified that the Petitioner would suffer practical difficulty and unreasonable hardship if the variance is not granted and further that the Petitioners' utilization of the structure at issue would be impeded.

On cross-examination, Mr. Kabiruddin indicated that he was not concerned about the location of the dormitory from Hertsch's tavern across Gwynn Oak Drive because the Islamic religion prohibits the drinking of alcoholic beverages. Further, he indicated the students living in the dormitory would be on the premises at all times unless he, as the Director of the school, gave permission for the students to leave.

Mr. Mohammad Mufti testified that he is a member of the Islamic society of Baltimore and familiar with the Petitioner and the Petitioner's proposed use of the religious school and dormitory. Mr. Mufti indicated that he supported the Petitioner's proposed use. He believed the proposed religious school and dormitory would be an asset to the community rather than cause a detriment to the community.

Taiyab Mohiuddin testified in support of the Petitioner's requested relief. Mr. Mohiuddin testified that he had two sons who attended an Islamic dormitory school located in Buffalo which is similar to the Petitioner's requested use. Further, Mr. Mohiuddin testified that his son got homesick and came back to live with his parents in the DC area. He indicated that if the proposed dormitory in conjunction with the Petitioner's religious school opened that his son would, in all likelihood, attend.

Omar Smith, a member of the Islamic society of Baltimore who lives at 6613 Johnnycake Road, Unit A, Woodlawn, Maryland, testified in support of the Petitioner's requested relief and said he believed the use would be an asset to the community. Gerald Rasheed and Sarkar Kabiruddin also briefly testified in support of the Petitioner's proposed

relief.

Prior to the lunch break of the case Dolores Johnson, Michelle Perrera, Phyllis Weaverling and Ruth Bakersville stood and indicated their oppositions to Petitioner's proposed relief.

Jerry Green who lives at 6412 Leonard Street, Woodlawn, Maryland 21207, Joe Lastner, 6409 Leonard Street and Betty Scott, 6410 Leonard Street all testified in opposition to Petitioner's requested relief and expressed concerns about the number of cars being parked on the subject property in its location close to Hertsch's tavern on Gwynn Oak Drive. In addition, Kerri Lastner, wife of Joseph Lastner, testified that she was concerned as related to the subject property's location across the street from Hertsch's Tavern. Ms. Lastner indicated she was concerned about the effect of the proposed relief on the surrounding community. Ms. Lastner claimed that the use of the engineering firm on the subject property did not cause any problems for her neighborhood and that the prior commercial use of the property had never generated traffic or parking issues. Ms. Lastner testified she was concerned about several incidents of cars being parked on the subject property, however, she indicated those activities stopped around November of 2007. Ms. Lastner asserted that the neighborhood already has a concentration of issues in the area, including the Meadowood School, Woodlawn High School, Hertsch's tavern and that problems associated with these issues spill over into their community. Ms. Lastner claimed that her community is stressed. Ms. Lastner expressed a concern that if the dormitory use is granted that the students from the dormitory would cause problems for her community. Ms. Lastner asserted that the dormitory would create a heavy burden on her community. On cross-examination, however, Ms. Lastner indicated that she would give no bearing that

the Petitioner's requested use is that of a religious school. She indicated that the Petitioner's testimony of how the religious education is being taught to the proposed dormitory students would have no bearing in her opinion as to the proposed dormitory's impact upon the surrounding community. Ms. Lastner indicated that despite the religious nature of the proposed dormitory use she remained concerned about the students coming into the area, committing crimes or causing other issues for the community.

Ms. Lastner had referred to the Woodlawn/Liberty Community Plan in her direct testimony but under cross-examination acknowledged that the Baltimore County Planning Office supported Petitioner's requested relief as long as the Petitioner adhered to certain conditions.

Pastor Ezio Ross testified on behalf of the Woodlawn Community Education and Development Organization. Pastor Ross testified about the number of group homes in the area of the subject property and the problems that they have caused. On cross-examination Pastor Ross acknowledged that the Petitioner was not requesting the use of a group home on the subject property.

On rebuttal, Irfan Kabiruddin testified briefly again reiterating his belief that the Petitioner's requested relief would not cause any detrimental affects of the health, safety and welfare of the surrounding community, Mr. Kabiruddin acknowledged that if the proposed relief is granted, the Petitioner would accept conditions on its relief to indicate that all parking of the Petitioner's proposed use should be on paved areas and not grass areas.

ARGUMENT

The testimony and evidence on the record before the Deputy Zoning Commissioner in the above-captioned case clearly indicate that the Petitioner has met its burden for the granting of its requested relief.

By designating a particular use as being permitted by special exception the legislative body has determined that the use is desirable and necessary in a zoning plan provided certain standards are met. Further, by designating a use to be allowed by special exception the legislative body has deemed it be generally compatible in other uses. Mossburg v. Montgomery County, 107 Md. App. 1 (1995). In special exception cases, the question is not whether the use permitted by way of special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), but rather the question is the standard is whether adverse effects in the particular location would be greater than those adverse effects ordinarily associated with the particular use that is to be considered by the agency. Schultz v. Pritz, 291 Md. 1 (1981).

The record in the above-captioned case does not establish that the Petitioner's proposed use will cause detrimental affects above and beyond those normally associate with a dormitory use in conjunction with the religious school elsewhere in an R.O. zone. On the contrary, the weight of the evidence before the Commissioner is that the proposed religious school and dormitory requested by the Petitioner will be an asset to a stressed community rather than cause additional stress upon a stress community.

Rizwan Saddiqi's testimony as an expert included testimony that the Petitioner's requested use would meet all of the individual elements of section 502.1 of the BCZR

Sections A-I. In addition, Irfan Kabiruddin testified about the details of the functioning of the religious school and dormitory proposed by the Petitioner and the weight of his testimony indicates that Petitioner's requested use of a dormitory will not cause the detrimental affects on the surrounding community that Protestants testified they are concerned about.

The Petitioner suggested several conditions throughout the course of the proceeding which can be granted if the Deputy Zoning Commissioner feels they are appropriate to address the concerns of the Protestants in regard to this matter.

Protestants' concerns about over utilization of parking on the subject property can be addressed by the condition of prohibiting off street parking from the subject property and in addition prohibiting parking only on designated parking areas rather than grass areas.

Protestants' testimony of concerns about students from the proposed dormitory who are attending a religious school coming into their neighborhoods and causing crime or littering or causing gang activity, etc. in light of what the community is experiencing with the Meadowbrook School, Woodlawn High School and nearby Hertsch's tavern are not well founded given the reality of what is being proposed by the Petitioner. The Petitioner is allowed a religious school on the subject property as a matter of right. Adding a dormitory to the Petitioner's proposed religious school at the subject property will not cause detrimental effects on the surrounding community above and beyond those normally associated with a dormitory use elsewhere on similarly zoned property. On the contrary, when the testimony and evidence before the Deputy Commissioner in this case is evaluated as a whole it is entirely appropriate to conclude that the Petitioner's proposed

dormitory use in conjunction with a religious school on the subject property will be a stale use that will be a benefit to a stressed community rather than cause the problems the Protestants have experienced from group homes, Hertsch's tavern, Meadowbrook School or Woodlawn Senior High School.

Based upon the record before the Deputy Zoning Commissioner, the Petitioner has not met its burden and its special exception relief should be granted.

In the alternative, pursuant to case number 06-486SPHA, Zoning Commissioner, Lawrence E. Schmidt, granted a special hearing to approve as an accessory use a dormitory in conjunction with a religious school for 120 to 140 children. The record before the Deputy Zoning Commissioner clearly establishes that the Petitioner's requested dormitory as an accessory use in conjunction with its religious school can be granted without any harm to the health, safety and welfare of the surrounding community. Accordingly, in the alternative, the Petitioner's special hearing should be granted.

Petitioner's variance pursuant to Section 1B01.2C.1A to permit a non-residential side yard setback of 8 feet in lieu of the required 20 feet should be granted. The record in the case establishes that the variance requested in relation to the structure on the property has been at its present location since the 1920's. Petitioner does not intend to move or alter the structure. As part of Petitioner's requested relief the variance is requested to legitimize placement of the building under the present BCZR. Strict enforcement of present day variance would disproportionately affect Petitioner's building as it existed prior to adoption of the BCZR. Further, the Petitioner would suffer practical difficulty and unreasonable hardship if the variance is not granted because of its inability to use the structure after its longstanding existence and use on the subject property.

Granting the Petitioner's variance request is entirely appropriate given the facts of the above-captioned case.

CONCLUSION

In light of the above, Petitioner's requested special exception should be granted or in the alternative the Petitioner's requested special hearing should be granted. In addition, the Petitioner's requested variance should be granted.

Respectfully submitted

FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 26th day of February, 2008, a copy of the foregoing was mailed, first-class postage prepaid, to:

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

FRANCIS X. BORGERDING, JR.

2/26/08

IN RE: PETITION FOR SPECIAL HEARING,	*	BEFORE
SPECIAL EXCEPTION VARIANCE	*	THE DEPUTY
6334 Dogwood Road Baltimore, Maryland 21207	*	ZONING COMMISSIONER
	*	OF
1st Election District 4th Councilmanic District	*	BALTIMORE COUNTY
LEGAL OWNERS Sarkar Kabirudinn	*	Case No.: 08-042-SPHXA
Petitioner	*	
	*	

* * * * * * * * * * * * *

PROTESTANTS' MEMORANDUM IN LIEU OF FINAL ARGUMENT

Greystone Community Association, Woodlawn Community Education and Development Association and individuals, ***Jerry Green, Joe Lestner, Betty Scott, Kerri Lestner, Pastor Essio Ross,*** by and through their attorney, ***J. Carroll Holzer, Esquire,*** Holzer & Lee, submit this Memorandum in lieu of Final Oral Argument and says:

I.

STATEMENT OF THE CASE

The owner of the property, ***Sarkar Kabirudinn*** and the ***Darul Uloom Maryland, Inc.***, a school acquired the subject site 6334 Dogwood Road in February 2007, which is zoned R-O (Residential Office). The existing site contains a two and one-half (2 ½) story stone building which was initially a residence, and also contains a one and one-half (1 ½) story brick building

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located in the rear. The site was later used as an office for an engineering firm prior to the present owner/petitioner acquiring it. The Special Exception/Special Hearing area for use of the School and dormitory is located on two (2) parcels (4 and 5) and is limited to those areas. Parcels 1, 2 and 3 are not part of the Special Exception request.

The Special Exception request is for a dormitory in conjunction with a religious school. Initially, it asked for fifteen (15) to twenty (20) students but was amended from fifteen (15) to thirty (30) students. The Special Hearing is for the dormitory to be determined as an accessory structure in conjunction with a religious school. A Petition for Variance was requested to permit a non-residential principal institutional building side yard setback of eight feet (8') in lieu of the required twenty feet (20').

A hearing was held before the Deputy Zoning Commissioner on January 25, 2008.

II.

STATEMENT OF FACTS

A. ***Petitioner's Case***.

The Petitioner's presented the following witnesses:

1. ***Mufti & Associates, Inc.***, engineers by ***Mr. Rizwan Fiddiqi*** testified that the subject site consists of five (5) parcels. Lots 4 and 5 consist of one acre and Lots 1, 2 and 3 are .64 tenths of an acre. The school proposes to use the main building (2 ½ story stone building) for a school and a one and one-half (1 ½) story brick carriage house as it currently exists as the dormitory. (This was later contradicted by the owners testimony and the conflict introduces a

significant issue in this case). He presented Petitioner's Exhibit #1, which is the Site Plan which reflects that the two and one-half (2 ½) story stone building is to be used for the religious school with the corresponding note thereon and that one and one-half (1 ½) brick building was to be used for living quarters. That is the designation of the uses of the two (2) buildings on the Plat to accompany this request.

On cross-examination, Fiddiqi indicated in his testimony that there would be eight (8) to ten (10) students residing in the dormitory and the rest would be commuting. When asked what the maximum number of students in the dormitory would be, he indicated ten (10) residents. He further commented in Note 20 on the Plat that there would be eight (8) to ten (10) students living in the dormitory which was identified as the one and one-half (1 ½) story brick building in the rear. This testimony and the Site Plan is substantially different from the later testimony presented by the owner. Fiddiqi also testified that the variance of eight feet (8') should be granted because the building had previously been utilized by an office for twenty (20) engineering employees. He could not respond to the fact that the engineers were only there working during the day and left in the evening and now there would be at least ten (10) persons living in the building twenty-four hours per day, if not more depending on which person's testimony is accepted.

Petitioner's Exhibit #2 was submitted as an amendment to the original Petition, showing a macadam driveway of twenty feet (20'), paved access as a result of Dennis Kennedy's plans review comment. Finally, he testified that the use as a dormitory would have no effect upon the Community under B.C.Z.R. §502.1.

Fiddiqi seemed unsure of the intended operation of the school and the dormitory in his testimony. He also testified that the dormitory, pursuant to the Special Hearing could be considered an accessory use to the school and submitted Petitioner's Exhibit #3, which was Case No.: 06-486-SPHA.

Finally, he testified that they needed a variance from the required twenty-foot (20') to eight feet (8') to permit a non-residential principal institutional building side yard setback. He described the one and one-half (1 ½) story brick building as being within eight feet (8') of the property line. The property closest to the subject site is currently a private residence.

2. ***Sarkar Kabirudinn.*** The owner of the subject site testified that he resides across from the subject site at 1901 Hillside Drive with his wife and two (2) children. Mr. Kabirudinn began his testimony by explaining that there are other numerous churches, schools, daycare facilities, including Mother's Daycare, a church, Bethany United Church of Christ Daycare, Choo-Choo All Aboard Daycare, Redemption Christian Fellowship, Woodlawn High School and Meadowoods Alternative School. However, it is clear that none of these uses have dormitories as requested in this Petition.

Kabirudinn also testified that he intended to use ***both*** buildings for dormitory use. The Petition as amended and the Site Plan clearly establish that the front main building, two and one-half (2 ½) story stone building is to be used for the school and that the one and one-half (1 ½) story brick building in the rear was to be used for living quarters. His testimony totally changed from what was indicated on the Site Plan as well as contradicting the testimony

of his own engineer. He calculated that in the stone building he could house thirty (30) students on all four (4) floors and he could house an additional fifteen (15) in the carriage house one and one-half (1 ½) story building. This testimony certainly leads one to conclude that there is potential for forty-five (45) students being housed on this site if this Special Exception and Special Hearing were granted as requested by the Petitioner. In addition, he indicated that a night guard and another person might be living there as well.

The age of the students using the dormitory would be from ages twelve (12) to twenty (20), which would indicate that some of these dormitory students may well bring vehicles to the site.

For those drop off students, he indicated the hours would be from 8:00 a.m. to 4:30 p.m. The school would be functioning six (6) days a week with Friday as the only day off from the scholastic activities. However, resident students in the dormitory would be there all seven (7) days.

Kabirudinn testified that he would be responsible for supervising the activities on the site, yet testimony produced from the Protestants' established that the occupants had become unruly from the standpoint of parking vehicles all over the grass (including Kabiruddin's own home across the street) as well as creating traffic interruptions by going the wrong way on a one-way street and blocking the side streets after events at the site.

When questioned on cross-examination about the past abuse on the site, such as parking on the grass and in the front yard, he indicated that they were told not to park there and they did anyway and he could not control them.

When cross-examined in regard to the number of students that could be housed on the site, he reiterated that both the two and one-half (2 ½) story stone building and one and one-half (1 ½) story brick building will be utilized as dorms for the number of persons that the Zoning Commissioner approves. When questioned as to whether he would agree that the school could only have fifteen (15) in the one and one-half (1 ½) story building and no dorm in the stone building, the witness refused indicating they wanted a dorm in both buildings. The witness was further unresponsive as to whether the thirty (30) requested persons in the dorm will include a security guard and a teacher living on the site.

3. ***Other Witnesses.*** The Petitioner presented four (4) other witnesses, not from the neighborhood, who supported the request.

B. ***Protestants' Case.***

1. ***Jerry Green*** of 6412 Lehnert Street, testified that he has resided across the street from the proposed school and dormitory for eight (8) years; that he has witnessed on numerous occasions many cars parked on the grass surrounding the property. He testified that he is opposed to the dormitory in view of the traffic in and out of the site. He testified that there was hardly any activity on the subject site when it was a civil engineering firm.

2. ***Joe Lastner*** of 6409 Lehnert Street, testified that he has resided in the neighborhood since 1998. Since the Petitioner's have owned the property, there have been activities in the evenings with cars parked all over the subject site and that on at least two (2) occasions on the weekends, a hundred cars parked all over the property. He presented photographs taken in the early evening as Protestants' Exhibits #1 and #2, illustrating the activities on site.

3. ***Betty Scott*** of 6410 Lehnert Street, testified that she is a licensed daycare provided for eight (8) children and has never had any problem in the neighborhood She testified that the Petitioner, in attempting to confront her in regard to her concerns about the dormitory frightened her in the evening. She testified that she believes the property values in the neighborhood will go down.

4. ***Kerri Lastner*** also of Lehnert Street, testified that the subject site is the "gateway" to the residential community. She presented photos illustrating the overall neighborhood and photos showing various buildings in relationship to the residential properties. She testified and showed photographs of the parking on the subject site on the grass and other areas. She testified as to the drive pattern and violations of persons utilizing the school property, going the wrong way on a one-way street, utilizing Hertsch's Tavern as a turnaround creating extra traffic on Lehnert Street and Alto Vista Street and disrupting traffic flow in the neighborhood after events. She testified that in addition to the parking on the grass, there were bookshelves on the porch, paper and vinyl signs destroyed by weather littering the grounds of the property.

She testified that the neighborhood already has multiple problems such as Hertsch's Tavern. She presented photographs and crime stats to illustrate the disruptive nature of the Tavern on the neighborhood. The Meadowoods Center Alternative School which has seventy-five (75) daytime students for disruptive children and Woodlawn High School have created problems in the neighborhood. She presented articles and crime stats relative to the difficulties that have flowed into the neighborhood from Woodlawn High School and group homes.

She testified that the Petitioner's conflicting presentations before the Hearing have left her confused s well as the testimony during this Hearing. How many students would be there overnight and where they would be located and which of the buildings would be utilized for the dormitory. She testified that the Community experience is that men, not children, have been attending the various functions at the site. She testified that past behavior often predicts future problems. She indicated that the challenges that already exist in the neighborhood are going to be further compounded by the proposed school and dormitory and that if granted, the dormitory would place a heavy burden on an already strained community.

5. ***Pastor Ross***. Pastor Ross testified for the Woodlawn Community Education and Development Association, Inc. He testified in opposition. He raised concerns about the Petitioner going to several homes uninvited, accosting current residents and creating unfortunate incidents. (See November 16, 2007, letter in the file).

Further testimony was presented as to the large number of group homes that have been placed in this sector of Baltimore County which have created a disruptive influence to the lawful homeowners residing in this area.

Finally, a significant number of letters from individuals who were unable to attend the hearing illustrate the multiple concerns of the local residents related to having a dormitory located on the subject site.

III.

LEGAL ARGUMENT

First, the R-O zone, under §204.3 B.C.Z.R., permits as a matter of right those uses as limited in the D.R. 5.5 zone (§204.3.A.1, the uses permitted of right with respect to D.R. zones in general permit under §1B01.1.A.(14), schools). The express language of "schools" does not include a dormitory. Dormitories are expressly set forth in §1B01.1.C.14. It appears then that dormitories are required to obtain a Special Exception in an R-O zone. Protestants' submit that the criteria for granting a Special Exception under §502.1 must be met for a dormitory to be located on the subject site.

The Petitioner has filed a Special Hearing requesting a determination that a dormitory in this instance can be declared an "accessory" use without the need of satisfying the §502.1 criteria. Protestants' submit that where the language of the Baltimore County Zoning Regulations is specific, that the standard required by §502.1 cannot be met by circumventing the specific language of the Zoning Regulations to call a dormitory an "accessory" use. The specific must prevail over the general. Protestants' are familiar with Case No.: 06-486-SPHA as well as Case No.: 01-191-SPH. Protestants' submit that those cases cannot override the clear language of the Zoning Regulations.

Second, Baltimore County Zoning Regulation §101 defines "accessory use or structure" as one which is customarily incident and subordinate to and serves a principal use or structure.

As a secondary argument, it is clear that from the testimony of the Petitioner himself that the school known as Darul Uloom Maryland, Inc. is a new school creating a new concept in the State of Maryland. In fact, apparently there may be only one such similar operation in the entire

United States in the State of New York. Nevertheless, there is nothing customary about placing a dormitory on a former residential lot consisting of .458 and .545 acres. This site, from its visual presentation on Protestants' photographs as well as Petitioner's Exhibit #1 can be seen to be nothing more than a former residential home with a carriage house and swimming pool. To suggest that this equates to a suitable area of acreage to support a dormitory as accessory is ludicrous. For instance, in Case No.: 01-191-SPH, it is clear that the property consisted of eight (8) acres which formerly housed the Summit Country Club where the buildings were previously used as a clubhouse and a bath house.

Case No.: 06-486-SPHA permitted additional dormitory space because there was clearly a "campus" function. Here, to suggest that these two (2) parcels of the subject site can provide a "campus atmosphere" in this location does not make common sense. Thus, the Petition for Special Hearing has an accessory use fails for two (2) reasons. The first being that the Special Exception requirement of §502.1 must be met as the requirement under the Baltimore County Zoning Regulations and second, the proposed site could not be customarily incidental to a campus which would permit dormitory living.

The Petition for Variance further illustrates the unnatural use of a dormitory on this site in that the one and one-half (1 ½) story building which is eight feet (8') from the property line of the neighboring single-family residence creates a situation where ten (10) to fifteen (15) students and possibly thirty (30) will be living eight feet (8') from the property line of the residential home next door. This one and one-half (1 ½) story building previously functioned as an office for an engineering firm which utilized the building during business hours, while here the Petition requests a dormitory which will function as living space within eight feet (8') of the property line, twenty-four hours a day.

The change in use from an office use to a dormitory will negatively impact the Community and the residential use next door and should be denied.

The Special Exception requesting a dorm when viewed in context with §502.1 must also be denied for the following reasons. The past history since the property was acquired by the present owner, has demonstrated that despite the warnings of the owners of the property, persons visiting the subject site have tended to park all over the grass, have accosted old time residents of the Community verbally and in an abusive fashion, have blocked the street for the surrounding residents, have created traffic situations by leaving the property against the flow of traffic on a busy one-way street. The Protestants' testimony have established that for the health, safety and general welfare, this Special Exception should be denied. They have established that this use has tended to create congestions in roads, that it has overcrowded that land with an undue concentration of population on the previously heretofore residential used property.

Further, in applying the *Schultz v. Pritts* standard to this case, it can clearly be seen that the impact of this proposed dormitory will have greater affect here than in other places in the R-O zone. The testimony of many Protestants' have established that this Community has been saturated with group homes, with schools (Woodlawn High School and the Meadowoods Center) and it is on a one-way street. The combination of all these factors make the location of this proposed dormitory unique in the requirements of *Schultz v. Pritts*. It is clear that the impact of this dormitory at this location is greater than would occur elsewhere in the R-O zone.

Conflicting Testimony

The Deputy Zoning Commissioner should be aware of the "creeping request" of this Petitioner and the unclear nature of the Petitioner's specific request.

As an example, the Planning Office in its comments of October 2007, wanted to know the maximum number of students allowed in the school. Apparently, the Petitioner wants a maximum of thirty (30) students in the school. Then the Planning Office wanted to know the maximum number of students to be housed in the proposed dormitory. That issue is up in the air for the following reasons.

First, the Plat to accompany this Special Hearing and Special Exception for a dormitory suggest that the two and one-half (2 ½) story stone building is to be used only for the school and that the one and one-half (1 ½) story brick building was to be used only for living quarters. Secondly, on the Plat, Note 20 indicates that eight (8) to ten (10) students will be living in the dormitory, not thirty (30). Further, the testimony of the Petitioner's engineer makes it clear that from reviewing the tape of the hearing, that the maximum number of students that would reside in the one and one-half (1 ½) story building would be ten (10). He further testified that while there would be thirty (30) students in the school, ten (10) would use the proposed dormitory and that the two and one-half (2 ½) story building would be used solely for the school. When the owner, Sarkar Kabirudinn testified that he would use both buildings (the two and one-half (2 ½) story stone building and the one and one-half (1 ½) story brick building as a dormitory) and that he could house thirty (30) in the two and one-half (2 ½) story stone building and fifteen (15) in the one and one-half (1 ½) story brick building.

IV.

CONCLUSION

From the obvious misinformation provided both before this hearing both to the neighborhood and during the hearing when one compares the testimony of the two (2) witnesses as well as the Site Plan, it can be seen that the opportunity for abuse in this case exists.

While the Protestants' do not believe that the Petition for Special Hearing or Special Exception should be granted, if it is, there should be significant conditions and limitations placed upon this property as it relates to parking as well as the number of students permitted in the dormitory and which buildings can be utilized for overnight living. The citizens and the Protestants' should not be placed in the situation that they must police the activities of the Petitioner's on this site. The past history suggests that potential for abuse exists at this site.

Protestants' submit that the two and one-half (2 ½) story stone building should ***not*** be permitted to be a dormitory at all and that the one and one-half (1 ½) story brick building should be limited to ten (10) dormitory beds, if in fact, permission is granted at all.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants'

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2008, a copy of the foregoing Memorandum of Protestants' was mailed first class, postage pre-paid to the following: Francis X. Borgerding, Jr., Esquire, Mercantile Building – Suite 600, 409 Washington Avenue, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

C:\My Docs\ Memos 2008\Kabirudinn – Prot Memo in Lieu of Final Argument - 2/26/08

2/23/09

IN RE: PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
6334 Dogwood Road Baltimore, Maryland 21207	*	FOR
1st Election District 4th Councilmanic District	*	BALTIMORE COUNTY
	*	Case No.: 08-042-SPHXA
LEGAL OWNERS Sarkar Kabiruddin	*	
Petitioner	*	

* * * * * * * * * * * * * *

PETITIONERS' MEMORANDUM

Now come Darul-Uloom, Inc. and Sarkar Kabiruddin, by and through their attorney, Francis X. Borgerding, Jr., and file this Petitioners' Memorandum in support of the requested relief before the County Board of Appeals for Baltimore County, and say:

I.

STATEMENT OF THE CASE

This matter comes before the County Board of Appeals for Baltimore County, herein (the "Board") upon the appeal filed by the Greystone Community Association, Kerri Lastner, Jerry and Audrey Green and Betty Scott, individually, from the decision of the Deputy Zoning Commissioner for Baltimore County, Maryland, dated March 28 , 2008 approving Petitioners' requested special exception, pursuant to Section 1B01.C.14 of the Baltimore County Zoning Regulations, herein ("BCZR"), to allow a dormitory in conjunction with a religious school for 15-20 students and dismissing as moot Petitioners' request for a special hearing request filed, pursuant to Section 500.7 of the BCZR, to allow a dormitory for 15-30 students as an accessory use in conjunction with a religious school and granting

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a variance, pursuant to Section 1B01.C.1(a) of the BCZR to grant a non-residential principal "institutional building" with a side yard setback of eight feet in lieu of the required 20 feet, subject to conditions.

It is from the above-referenced decision that an appeal was taken to the Board of Appeals.

II.

RELEVANT LAW

Section 1B01.1A.14 of the BCZR which reads in pertinent part:

"Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones all of all classifications, subject to the restrictions hereinafter prescribed. [Bill No. 2-1992]"

"14. Schools, except business or trade schools or such schools as are permitted by special exception (Subsection C, below), but including schools for agricultural training. [Bill Nos. 63-1980; 47-1982; 47-1985].

"Section 204.3 Use regulations. [Bill Nos. 167-1980; 37-1988; 151-1988; 186-1994]

A. Uses permitted as of right. The following uses, only, are permitted as of right in any R-O Zone:

1. Uses permitted as of right and as limited in D.R.5.5 Zones..."

Special Exception relief.

Section 1B01.1C.14 which reads in pertinent part:

"C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. zones, subject to the restrictions hereinafter prescribed: Bill Nos. 105-1982; 36-1988"...

14. private colleges (not including business or trade schools), dance schools, dormitories or fraternity or sorority houses. (Bill No. 47-1985).

Section 502.1 of the BCZR which reads in pertinent part:

> "Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
> B. Tend to create congestion in roads, streets or alleys therein;
> C. Create a potential hazard from fire, panic or other danger;
> D. Tend to overcrowd land and cause undue concentration of population;
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, convenience or improvements;
> F. Interfere with adequate light and air; [Bill No. 45-1982]
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
> H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
> I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, acquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. [Bill No. 74-2000].

Special Hearing relief.

Section 500.7 of the BCZR which reads in pertinent part:

"The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations."

Special Variance relief.

Section 1B01.2C.1.a of the BCZR which reads in pertinent part:

"C. Building setback requirements. [Bill No. 2-1992]

1. Except as otherwise may be provided under standards adopted pursuant to Section 504.2, the minimum setbacks and heights shall be as set forth in the following tables:

a. Nonresidential principal building setbacks in DR Zones.

	Front Yard (feet)	Side Yard Interior (feet)	Corner Street Side (feet)	Rear Yard (feet)
D.R.5.5	40	20	35	30"

III.

TESTIMONY

Testifying in support of the Petitioners' requested relief was Rizwan Siddiqi, professional engineer, Irfan Kabiruddin, David Green, Woodlawn Community Planner with the Baltimore County Office of Planning and Zoning, Mohammad Chaudhry, former President of the Islamic Society of Baltimore, Naushad Akhund, Jack Dillon, expert in Planning and Zoning and Mohammad Mufti.

Testifying in opposition to Petitioners' proposed relief were Adrienne Warren, Michele Parrera, Delores Johnson, Joseph Lastner, Michele Caldwell and Kerri Lassiner.

Protestants also called Officer Randall Murphy of the Baltimore County Police Department.

Rizwan Siddiqi, was accepted by the Board as a licensed civil engineer. Mr. Saddiqi testified he is familiar with the property. He indicated he prepared a plat of the property

illustrating Petitioners' proposed use entered as Petitioners' Exhibit Number 4, which revised a plat entered as Petitioner's Exhibit Number 1, originally entered before the Deputy Zoning Commissioner. Mr. Siddiqi also prepared Petitioners' Exhibit Number 3, a plat amendment which shows a revision to the access driveway to the subject property. Per the amendment the driveway will be constructed with a 20 foot width to meet the requirements of the BCZR and to address a comment received by Baltimore County Department of Public Works requesting a 16 foot driveway width to allow for emergency vehicle access. Mr. Saddiqi indicated that the revised 20 foot driveway width allowed the Petitioner to withdraw its requested variance to allow a two way drive aisle with a 10 foot width in lieu of the required 20 feet under the BCZR.

Using the plat entered as Petitioners' Exhibit 4, Mr. Saddiqi described the property which is zoned R.O. as well as the two structures presently on the property which Mr. Saddiqi indicated dated from the 1921. Mr. Saddiqi indicated the proposed use of the property was a religious school, permitted as of right pursuant to Section 1B01.1A.14 of the BCZR. in conjunction with Section 204.3A.1 of the BCZR.

Mr. Saddiqi indicated the Petitioner was requesting relief via special exception and in the alternative special hearing to have the Board grant approval of the dormitory use in conjunction with the religious school. Mr. Saddiqi indicated that special exception relief was being requested pursuant to Section 1B01.C.14 of the BCZR which allows for dormitory use via special exception. Mr. Saddiqi indicated that he practices Islam himself and further indicated that he was aware that the intended purpose of the religious school is to teach the Koran as well as other Islamic studies. He indicated that due to the daily activities of the school including the requirement of prayers five times a day beginning

before sun up and ending after sundown. The Petitioners were proposing dorming facilities to facilitate the learning process for their religious school. Mr. Saddiqi indicated that the school would be more intensive not an average school. When asked how the proposed dormitory use would impact the surrounding community, Mr. Saddiqi stated "I don't see any impact on the surrounding community. My personal opinion, it would improve the surrounding community because of the type of kids you would have at the school". Mr. Saddiqi testified that in his expert opinion Petitioners' requested relief met all of the criteria of Section 502.1 of the BCZR, Sections A-H. Mr. Saddiqi indicated that Petitioners' Exhibit Number 4 shows proposed parking for the Petitioners' use. He indicated that the proposed parking meets the requirements of the BCZR and that no parking variances from the BCZR were being requested by the Petitioner. Mr. Saddiqi testified that the religious school's policy would be that dorming students would not be allowed to have cars.

In relation to the Petitioners' requested special hearing of the use of a dormitory for 15 to 30 students as an accessory use in conjunction with the religious school, Mr. Saddiqi indicated the Petitioner was requesting said relief or in the alternative to the requested special exception. Mr. Saddiqi indicated he was familiar with and identified the copy of the decision in zoning case number 06-486SPHA in which pursuant to which Buis Hamedrashand Mesivta of Baltimore, Inc. as Petitioners were granted relief by the Zoning Commissioner which included the use of a dormitory for approximately 120 to 150 students in conjunction with the religious school. Mr. Saddiqi testified that if the Petitioners' requested special hearing was granted, in his opinion, he did not believe there would be any harm to the health, safety and welfare of the surrounding community.

In relation to the Petitioners' requested variance from Section 1B02.C.1.A to permit a non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet, Mr. Saddiqi indicated that the variance applied to the northwestern corner of the structure located to the north and east on the subject property. Mr. Saddiqi indicated that the structure referred to as the carriage house was constructed in the 1920's prior to the introduction to zoning in Baltimore County in 1945. Further, Mr. Saddiqi testified that the location of the structure to his knowledge had not changed since its original construction and that the Petitioner was not proposing as part of its requested relief to move the location of the structure at issue. Mr. Saddiqi made clear that Petitioners' variance request was to legitimize the location of the building which has existed since the 1920's.

Mr. Saddiqi testified that he believed the Petitioners' property was unique due to its irregular shape in relation to the structure at issue and the adjacent property line. He indicated that the uniqueness disproportionately affects the property. He testified that "the uniqueness shape of the parcel is dictating what is requested". Mr. Saddiqi testified that strict enforcement of the BCZR would cause the Petitioner to suffer practical difficulty. Mr. Saddiqi reviewed the Baltimore County Office of Planning's Comment which supports the Petitioners' requested dormitory use and indicated that the Petitioners will meet all the conditions requested by the Office of Planning.

On cross-examination, Mr. Saddiqi, when questioned, indicated that in his opinion the property owner would not be able to tell the boundaries unless they were indicated on a drawing. Mr. Saddiqi indicated that under his understanding once the school operates, the use of the facility will be restricted to school use. When questioned about the use of

the property by the previous owner, Mr. Saddiqi indicated it was his understanding that the property was used by an engineering firm by the name of Data Net with 20 to 25 employees which utilized both buildings on the property. He indicated that he was not sure if Data Net used the living quarters in the building for which the variance was being requested. When questioned as to how he could render an opinion that the proposed dormitory use was consistent with the property's zoning and would not impact the surrounding residential property, Mr. Saddiqi indicated that he believed the Petitioners would take all measures to make sure that there was no disturbance to the neighbors. He indicated "The school runs with procedures. It's not like an uncontrolled environment. It will be a controlled environment. And we don't see there will be any negative impacts to the neighboring community." When questioned further about the same issue, Mr. Saddiqi indicated that he was aware of similar schools operating in Chicago and New York and that his son goes to Mount Saint Joe High School which he indicated has dormitories with adjacent neighbors which function without negative impact on the community. In addition, when questioned about Petitioners' proposed use causing undue concentration of population, Mr. Saddiqi indicated that he did not believe Petitioners' proposed use would cause undue concentration of population indicating that a half acre is a pretty good size and that Mount Saint Joe is a one to two acre site and they have 3,000 to 4,000 students in the building.

Irfan Kabiruddin testified that he would operate the proposed religious school on the subject property. Mr. Kabiruddin testified that he lives at 1901 Hillside Drive, across the street from the subject property. He resides with his wife and three sons. Mr. Kabiruddin testified that the subject property was purchased by the Petitioner in early 2007 with the

intention of making a private religious school which would concentrate on Islamic teaching with secular education with some students using the proposed dormitory use on the property. Mr. Kabiruddin described the property and submitted pictures marked as Petitioners' #5 a & b showing the property and his home adjacent to the subject property. Mr. Kabiruddin testified that the property was purchased from an engineering firm called Data Net which had approximately 20 employees coming to the property everyday. Mr. Kabiruddin testified that the business normally operated between 8 a.m. and 5 p.m., however, some employees came as early as 6:30 in the morning and some stayed until 6:30 at night sometimes employees on Saturday. Mr. Kabiruddin testified that he had lived in his home for approximately three months while Data Net rented the property and continued to operate from the property and during that time he observed the business operation. Mr. Kabiruddin testified he is the former religious director at the Islamic Society of Baltimore, a mosque which has operated in the Woodlawn area since 1969. Mr. Kabiruddin testified that the Islamic Society of Baltimore is one of the oldest masques in the United States of America and has a Friday congregation of about 1,500 people. Mr. Kabiruddin indicated he resigned his post as the religious director at the Islamic Society of Baltimore to establish the project for which he is now before the Board. Mr. Kabiruddin testified that he believed that the religious school and dormitory being proposed at the site was necessary because it was a special type of school which would produce scholars of Islam so that there is a rigorous Islamic education. He indicated that only selective students would come from selective families with a selective background and that there was a lack of this type of school in the U.S. Mr. Kabiruddin testified that he believed it was important to have a school such as this in the U.S. because it gave Muslims in the U.S. an

alternative to sending their children overseas for such education where it is difficult to monitor what the children are being taught.

Mr. Kabiruddin testified about the subject property and structures located thereon. He introduced a series of photographs marked as Petitioners' Exhibits 14a through k depicting the subject property and the uses in the surrounding neighborhood, including the Social Security Administration, Woodlawn High School, office buildings, and the adjacent Hirsch's Tavern. Mr. Kabiruddin testified that he had also produced a list in the hearing before the Deputy Zoning Commissioner listing day cares and churches that operate in the area.

Mr. Kabiruddin clarified that the school will operate with a maximum of 30 students. The number of drop off students will depend upon the number of dormitory students and vice versa with a maximum number of total students being set at thirty. Mr. Kabiruddin testified about how the Islamic school would function inside the two buildings on the property and indicated that the internal placement of dormitory facilities would be dependent upon the number of dormitory students enrolled in the school and how the functioning of the school would best be physically laid out. He indicated that the dormitory students at the Islamic institute would use bunk beds with bedrooms being separate from where the students would eat, pray or study. Mr. Kabiruddin indicated that the institute would construct appropriate bathroom, toilet and shower facilities dependent upon the number of students using same. Mr. Kabiruddin testified that the two structures on the property have a capacity of up to 30 dorm students and conduct the school as well. Mr. Kabiruddin explained the day to day functions of the school indicating that pick up and drop off students would attend from approximately 8:00 - 4:30 with dormitory students being on

the property for five prayers starting with morning prayers before dark and ending with a nighttime prayer after sundown. Mr. Kabiruddin explained that Islamic schools operate under a lunar calendar which starts with the normal five days a week normal Monday through Friday and eventually goes to six days a week with one day off, which is Friday. Mr. Kabiruddin indicated that the school would be operated under a very structured environment and that due to the rigorous academic studies the students would have very little time to do anything but study and rest. He indicated the school would only be appropriate for selective students from selective families who are willing to sacrifice to send their children to the school. Mr. Kabiruddin indicated the school would offer secular education from the Calvert School curriculum or if students could not afford said curriculum, they would be offered a typical public school curriculum. Mr. Kabiruddin indicated that in light of the nature of the school the school will have very strict rules. The school will not allow televisions, internet use, video games, cell phones and further the students cannot drive. Further, if any student leaves the premises of the school without permission from the principal, they will be expelled immediately and their parents will be called to pick them up. Mr. Kabiruddin testified "This is a very high standard school and selective standards".

As far as parking, Mr. Kabiruddin indicated that the school conducted equivalent of an opening ceremony when the property was purchased and that some attendees had parked on the grass area of the property. He, however, indicated that the Baltimore County Code Enforcement indicated that there should be no parking on the grass areas of the property and then after November of 2007 there has bee no parking on the grass areas of the property. Further, he indicated that the Petitioners would welcome a condition

as imposed by the Deputy Zoning Commissioner on the relief to indicate parking being restricted to the paved parking areas on the property and no off-site parking for the Petitioners' use of the property.

Mr. Kabiruddin testified that if the proposed Special Exception for a dormitory was granted, he did not believe there would be any harm to the health, safety and welfare of the surrounding community. Mr. Kabiruddin indicated that his opinion was based upon his belief that this type of school would be an asset to the community and for the environment. He testified "It will definitely not be a harm. It's a private religious school". Further, Mr. Kabiruddin testified that he did not believe that the proposed dormitory use would exacerbate existing problems with the Woodlawn High School or other uses in the area. He testified that he did not believe that the dormitory use would create congestion in the roads, streets or alleyways of the surrounding community, indicating that the previous owner of the property, Data Net, had about 20 employees and one person living in an apartment on the property and operated Monday through Friday with some Saturdays with not only employee traffic being generated from the use but also large trucks coming to make deliveries.

In sum, Mr. Kabiruddin's testimony indicated that the dormitory was necessary for the Islamic religious education to be taught to the students on the subject property. He indicated that the requested dormitory use would be very self contained and have little impact on the surrounding community. Mr. Kabiruddin opined that the dormitory use would generate less traffic than a typical school on the subject property because the dormitory students would not drive and, therefore, would not generate as many drop off or pick up trips every day. Mr. Kabiruddin forwarded a letter marked as Petitioners' Exhibit Number

15 which was a letter of support from a neighbor on Hillside Drive.

Mr. Kabiruddin further testified that if the Petitioners' alternative relief for special hearing for a dormitory for 15 to 30 students as an accessory use in conjunction with the religious school was granted, the granting of the requested relief would not cause any harm to the health, safety and welfare of the surrounding community.

In relation to the Petitioners' requested variance, Mr. Kabiruddin testified that the Petitioner would suffer practical difficulty and unreasonable hardship if the variance is not granted as the Petitioners' utilization of the structure at issue would be denied.

On cross-examination, Mr. Kabiruddin indicated that the school would operate approximately 10 months a year with a two month break. Further, Mr. Kabiruddin denied threatening his neighbor, Ms. Warren, indicating that he had approached her for a letter of support the day before the hearing and was shocked to find out that she no longer supported his use. He indicated she was okay with the requested use at the time of the prior hearing. Further, Mr. Kabiruddin contended that he could not tell the placement of the property lines when he purchased the property. Also, Mr. Kabiruddin indicated that due to the time involved in obtaining zoning approval for the dormitory, the school had submitted plans to Baltimore County to attempt to get approval to start the religious school while they were obtaining zoning approval for the dormitory use because of the length of time the approval process was taking. Mr. Kabiruddin indicated that students would only come from the United States and not from other countries.

Mr. Kabiruddin also indicated that he was not concerned about the location of the dormitory from Hirsch's tavern across Gwynn Oak Drive because the Islamic religion prohibits the drinking of alcoholic beverages. Further, he indicated the students living in

the dormitory would be on the premises at all times unless he, as the Director of the school, gave permission for the students to leave.

Irfan Kabiruddin also testified on rebuttal in support of Petitioners' requested relief. Mr. Kabiruddin, after hearing testimony of the Protestants, indicated he apologized for any confusion to the community with regard to the Petitioners' requested relief. Mr. Kabiruddin testified that once the Petitioners' school is operating he will invite the public to come in and view the operations of the school and dormitory. Mr. Kabiruddin indicated that if approval is given for the school's dormitory use, the Petitioners would only conduct school and school related activities on the site. To address concerns about the age of the students, Mr. Kiabiruddin indicated that he would restrict the age limit of the students up to 18 years old so that children would only be equivalent to public school children grades 1-12. Mr. Kabiruddin said he welcomed restrictions like those imposed by the Deputy Zoning Commissioner limiting parking to only on designated paved parking areas on the property and prohibiting offsite parking related to the Petitioners' use of the property. Mr. Kabiruddin indicated that the Petitioners would put up a right turn only sign on the Petitioners' property in relation to the exit of the school property near Gwynn Oak Drive. He also indicated that the school would have an adequate number of nighttime security guards for the dormitory students based upon what was necessary given the amount of dormitory students. Additionally, Mr. Kabiruddin indicated that as Petitioner he understood that all details of construction of the Petitioners' proposed school and dormitory would have to be reviewed with plans being submitted to Baltimore County during the building permit approval process if the zoning relief was granted.

David Green, a Baltimore County Community Planner for the Baltimore County

Office of Planning testified. Mr. Green indicated that he has been employed with the Baltimore County Planning Office for 23 years. Mr. Green indicated he was aware of the zoning advisory Comment produced by the Office of Planning and Zoning in relation to the Petitioners' requested use in the above-captioned case. Mr. Green identified the Planning Office comment as Petitioners' Exhibit No. 12 which was entered into evidence. Mr. Green indicated, pursuant to the Petitioners' Exhibit No. 12 that the Office of Planning supported the Petitioners' requested relief before the Board. Mr. Green indicated that he was aware, pursuant to his experience with the Baltimore County Office of Planning that the granting of a special hearing to approve a dormitory as an accessory use in conjunction with a religious school, pursuant to case number 06-486-SPHA. Mr. Green indicated that due to his position with the Office of Planning, he is aware of the status of the Woodlawn Community and the challenges it faces. Mr. Green indicated that the Planning Office's position is based solely on whether the proposed use would be a detriment to the community. He indicated that he was aware of the Woodlawn Community Plan and that he did not believe the Petitioners' requested relief conflicted with that Plan.

On cross-examination, Mr. Green indicated that as long as he has been a Community Planner, that the subject property has been used for commercial use as an office. He also indicated that as a Community Planner, he was aware that the adjacent Warren property at some point had some construction equipment on it.

Mohammad Chaudhry testified in support of Petitioners' requested relief. Mr. Chaudhry indicated he is the former president of the Islamic Society of Baltimore. Mr. Chaudhry indicated that the Islamic Society of Baltimore has been in existence since 1969 with about 10,000 to 15,000 members. Mr. Chaudhry indicated that the Islamic Society of

Baltimore operates a full-time Islamic school, however, what Mr. Kabiruddin is proposing on the subject site is a special school for students to study a more intensive study of Islam.

Mr. Chaudhry claimed that the proposed dormitory use could not be accommodated at the Islamic Society of Baltimore as the mosque has maxed out its use of the property. He indicated he felt the dormitory use was needed for the intensive academic course which occurs from dawn til dark. Mr. Chaudhry testified he believed that Petitioners' requested use would be a benefit not a detriment to the community. He testified that the proposed school would be "strict, no violence, no disturbance to anybody and you can see the Islamic Society of Baltimore does not have a problem with anyone."

Naushad Akhund also testified on behalf of the Petitioners in support of Petitioners' requested relief. Mr. Akhund testified that he has a 16 year old son who formerly attended public school in Howard County, however, he became concerned about the ethical and moral values his child was learning in public school. Mr. Akhund testified that he sent his son to a school similar to what is being proposed by the Petitioners at the subject site in Chicago where he lives as a dormitory student. Mr. Akhund testified that he observes, what he believes to be very positive changes in relation to his son and his son's character after attending the Islamic religious school in Chicago. Further, he testified that the school his son attends similar to the one proposed by the Petitioners is very disciplined and he does not think the community should be nervous. He testified that instead of a negative, the students at the proposed dormitory will have a positive impact because of their training and character.

Jack Dillon also testified on behalf of the Petitioners as an expert in Planning and Zoning. Mr. Dillon's CV was entered into as Petitioners' Exhibit No. 17. Mr. Dillon

indicated he was familiar with the Petitioners' property as well as the relief which the Petitioners sought from the BCZR. Mr. Dillon explained that, pursuant to Section 204.3.A.1. and 204.3.B.1. of the BCZR uses allowed in Density/Residential zones are allowed under the property's R.O. zoning. Further, Mr. Dillon explained that, pursuant to Section 1B01.A.14 a religious school is allowed on the Petitioners' property as of right. Mr. Dillon indicated that, pursuant to 1B01.C.14, the Petitioners' requested dormitory use is allowed via Special Exception. Mr. Dillon also explained that the Petitioners had requested, pursuant to Section 500.7 of the BCR, a Special Hearing to permit the dormitory as an accessory use in conjunction with the religious school as an alternative to the requested Special Exception relief. In addition, the Petitioners are also requesting a Variance, pursuant to Section 1B01.2.C.1a to request a Variance to permit a non-residential principal (institutional building) with a side yard setback of eight feet in lieu of the required 20 feet.

Mr. Dillon introduced Petitioners' Exhibit No. 19, a Google Earth picture, of the site and surrounding area which shows described mixed uses in the area between commercial, institutional and residential. Mr. Dillon noted the office building uses across Dogwood Road from the subject property, the Hertsch's tavern across Gwynn Oak Drive as well as the surrounding residential and institutional uses. Mr. Dillon testified about his inspection of the site of the Petitioners' property and the structures thereon.

Mr. Dillon testified that in order to become more familiar with the Petitioners' requested relief of a religious school with a dormitory, he visited Islamic religious schools with dormitories similar to the use proposed by the Petitioners located in Chicago, Illinois and Buffalo, New York. Mr. Dillon testified that from his observations the schools and

student bodies of the two Islamic religious schools at issue appeared orderly and well run. Mr. Dillon observed no detrimental affects of these uses to their surrounding communities. Mr. Dillon testified that, pursuant to his further investigation of Petitioners' proposed use, he reviewed the Baltimore County Master Plan 2010 and the Woodlawn Community Plan. Mr. Dillon testified that, based upon his investigation, Petitioners' proposed use, it was his opinion that the Petitioners' proposed use would not be in conflict with the Baltimore County Master Plan or the Woodlawn Community Plan.

Mr. Dillon testified that based upon his investigation of Petitioners' proposed use it was his opinion that Petitioners' proposed dormitory would have no adverse impact upon the surrounding community. Mr. Dillon went on to testify as to his opinion as an expert in Planning and Zoning that the Petitioners' requested Special Exception for a dormitory would meet all of the requirements of Section 502.1 A through H. Mr. Dillon testified that in his opinion the Petitioners' proposed Special Exception for a dormitory on the subject property would not cause an adverse affect to the health, safety and welfare of the surrounding community. Mr. Dillon testified that he did not believe that the Petitioners' proposed Special Exception for a dormitory on the subject site would cause congestion in the roads, streets or alley ways of the surrounding community and he noted that the use of a dormitory on the subject property would, in fact, lead to less traffic than the allowed use of a religious school for non-dormitory students as there would be additional traffic generated on a daily basis. Mr. Dillon testified that he believed Petitioners' proposed Special Exception for a dormitory would not cause panic from fire or other danger and he noted that he inspected the buildings on the subject property. Further, any required permit being issued for safety regulations must be complied with. Mr. Dillon testified that he did

not believe the Petitioners' requested use was inconsistent with the property's zoning classification.

Mr. Dillon testified he was familiar with the Petitioners' side yard setback Variance requested. Mr. Dillon identified the site as the location of the requested Variance on the Site Plan entered as Petitioners' Exhibit No. 4. Mr. Dillon testified that in was his opinion Petitioners' property is unique because of its irregular shape. Mr. Dillon noted that the building at issue with regard to the requested setback was constructed in the 1920's and that the above-referenced Zoning Regulations were not established until 1945. Mr. Dillon used a marker to illustrate how the if property line in the area for the requested Variance at issue were straight a setback Variance from the property line would not be necessary. Mr. Dillon further explained that it is the irregular shape of the property line which necessitates the requested Variance and causes Section 1B01.2.C.1a of the BCZR to have a disproportionate impact upon the Petitioners' property. Mr. Dillon further testified that the Petitioners would suffer practical difficulty if the requested Variance is not granted and that the Petitioners would not be permitted to use a building on its property which was constructed long before Baltimore County Zoning requirements existed. Mr. Dillon testified that if the proposed Variance was granted, in his opinion, there would be no harm to the health, safety and welfare of the surrounding community.

Mr. Dillon testified that revisions of the BCZR first enacted in 1945 subsequently created the non-conforming setback which the Petitioners seek to variance. Entered as Petitioners' Exhibit No. 22 is a copy of Section 5-114B of the Courts & Judicial Proceedings Article of the Annotated Code of Maryland indicating that if a non-conforming setback existed for a period of more than three years, a violation proceeding could not be

commenced in relation thereto. As Petitioners' Exhibit No. 23 was a copy of the Preface of the Baltimore County Building Code indicating that the Building Code was established in 1945 and, therefore, when the building at issue was constructed, the Baltimore County Building Code did not exist and it was not possible to obtain, therefore, a building permit for the structure.

Mr. Dillon testified he was familiar with the Special Hearing requested by the Petitioners, pursuant to Section 500.7 of the BCZR. Mr. Dillon testified to his familiarity was case number 06-486-SPHA regarding the approval by the Zoning Commissioner of a Special Hearing for a dormitory as an accessory use to a religious school in Pikesville. Mr. Dillon noted that while the property at issue in hearing case number 06-486-SPHA entered as Petitioners' Exhibit No. 10 was a larger property that, in fact, the property was approved for a dormitory use of between 120-150 students. Mr. Dillon testified that based upon his investigation, in preparation for his testimony, it was his opinion that as an alternative to the Petitioners' requested Special Exception, the granting of the Petitioners' requested Special Hearing for approval of a dormitory use as an accessory to a religious school was appropriate. Further, Mr. Dillon testified that if the proposed Special Hearing was granted, he did not there would be any harm to the health, safety and welfare of the surrounding community.

Mr. Dillon testified that in his opinion the request for an accessory use of a dormitory was not reliant upon the fact of whether the Special Hearing was requested for one or both structures on the Petitioners' property.

On cross-examination, Mr. Dillon was questioned about the neighboring property of Mrs. Warren, Mr. Dillon testified that in his opinion, from a zoning perspective, the property

was being operated as a contractor's storage yard. On redirect, Mr. Dillon indicated that detailed plans regarding the Petitioners' proposed use would be submitted and reviewed by Baltimore County at the Building Permit approval stage, which is typically after an applicant receives zoning approval. Further, Mr. Dillon indicated that safety issues with regard to the applicant's proposed use would be reviewed by Baltimore County at the time of the building permit approval process.

Mr. Dillon also indicated that in his opinion Petitioners' proposed Special Exception did not require any approval under the County's now non-existent CRG Plan approval process or the existing Development Plan approval process because the Petitioners were not proposing any new construction or exterior modifications to the existing buildings as part of its proposed use.

Mohammad Mufti also testified in support of the Petitioners' requested relief. Mr. Mufti indicated that he was a longstanding practitioner of Islam at the Islamic Society of Baltimore. Mr. Mufti indicated that he had met Irfan Kabiruddin during the time he served as a religious director at the Islamic Society of Baltimore. Mr. Mufti testified that based upon his experience as a longstanding practitioner of Islam and his knowledge of the use proposed by the Petitioners that he did not believe that Petitioners' proposed dormitory use would in any way have a detrimental affect on the health, safety and welfare of the surrounding community.

Several residents of the surrounding area testified in opposition to the Petitioners' proposed relief. Arlene Warren of 1903 Gwynn Oak Avenue testified that she was concerned about the proposed dormitory and school's affect on her property value if she needed to sell her property. Ms. Warren indicated she operated a construction business

out of her house which works with grout pumping and working with concrete. Ms. Warren testified that she is just uncomfortable with the Petitioners' proposed use of the property. She acknowledged that when Data Net owned the property one person lived in the carriage house. She indicated that the employees of Data Net used the pool and further that she had no concern about potential students from Petitioners' proposed school using the pool in terms of its effect on her property or the use and enjoyment of her house. Ms. Warren indicated that there has been no parking on the grass of Petitioners' property since they were requested not to. On cross-examination, Ms. Warren indicated that the commercial construction use of her property was grandfathered.

Michele Parrera testified that she was the pastor of the Woodlawn Christian Fellowship, a non denominational church located at 6428 Kriel Street, approximately three blocks away from the subject property. Ms. Parrera indicated that she was unclear as to the total number of students proposed by the Petitioners. Ms. Parrera testified on cross-examination that the church which she serves as pastor conducts not only weekend activities but also other night time activities. Ms. Parrera acknowledged that such activities draw traffic to the site of the church. Ms. Parrera further acknowledged that the concern she had with regard to the Petitioners' proposed dormitory use is not site specific and would apply to a Special Exception for a dormitory proposed on any other property in her community.

Dolores Johnson also testified in opposition to the Petitioners' proposed use. Ms. Johnson testified that she lived two and one half blocks from the property owned by the Petitioners. Ms. Johnson testified that she was afraid that the Petitioners' proposed use would have an adverse affect on her property value. Ms. Johnson indicated she has

worked her entire life to build up the value of her property. Ms. Johnson alleged that if the Petitioners' proposed relief was granted it would change the zoning of the Petitioners' property. Ms. Johnson objected because Petitioners' proposed use was "not single family housing". Ms. Johnson objected to "the idea of bringing a dorm in my area". She testified that she did not want a dorm in her backyard. On cross-examination, Ms. Johnson admitted the objects to allowing a dormitory in her area and would object if the proposed dormitory use was located on another site in her community.

Joseph Lastner also testified in opposition to the Petitioners' proposed relief. Mr. Lastner testified that he objected to certain parking activity which occurred on the Petitioners' property in the Fall of 2007. Mr. Lastner testified that he was primarily concerned about the traffic impact from the school from Petitioners' proposed dormitory use. Further, Mr. Lastner indicated that "any more building in the area will bring down property values". Mr. Lastner admitted on cross-examination that the parking problems he complained about on the Petitioners' proposed property on grass areas had not occurred since November of 2007. Further, Mr. Lastner admitted that school without a dormitory with the same number of students would generate more traffic than a school with dormitory students because of the increased trips per day generated from students who are dropped off and picked up to and from the site. Mr. Lastner also acknowledged that the Petitioners' site was previously used by an engineering firm with approximately 25 employees which operated from the site for a period of approximately 20 years.

The Protestants called Officer Randall Murphy of the Baltimore County Police Department. He testified he was called to a location offsite from the property which is the subject of the hearing before the Board. Officer Murphy testified that he had observed no

activity against the law in relation to the parking that was occurring at the property he was called to on Hillside Avenue.

Michelle Caldwell also testified in opposition to Petitioners' requested relief. Ms. Caldwell expressed concern about the traffic impact of the Petitioners' proposed relief. Ms. Caldwell testified that her community is "already stressed enough". She alleged that a "dorm would create more stress". She expressed concerns about crime and drugs. Ms. Caldwell indicated that the Woodlawn area has 75-80 group homes. Upon cross-examination Ms. Caldwell acknowledged that a school with students in a dormitory creates less traffic than a school with no dormitory in which children come and depart everyday.

Kerry Lassiter also testified in opposition to Petitioners' requested relief. Ms. Lassiter testified on behalf of the Greystone Community Association. Ms. Lassister acknowledged, however, that although there are 450 homes in the area, only approximately 35 were consulted in relation to her testimony in relation to the Petitioners' proposed relief. Ms. Lassister indicated her objections to the Petitioners' proposed relief such as the proposed dormitory in her opinion lacking a benefit for the whole community, causing traffic impact, being close to Hertsch's Tavern and adding stress to an already stressed neighborhood. She expressed concerns about the safety, crimes and group homes in the area. Ms. Lassiter alleged that Petitioners' proposed use does not meet the standards for which she would like to achieve in the community. Ms. Lassiter alleged that the existing Hirsch's Tavern, Woodlawn High School, Meadowood and other uses in the area have created an already stressed community. She alleges that Petitioners' proposed use will be one more drop in the community's overstressed bucket.

Ms. Lassiter testified that she lived in a dormitory in college and from her experience

she felt that a dormitory would not be appropriate for her community.

Upon cross-examination Ms. Lassiter acknowledged that the subject property was owned and operated by an engineering firm prior to the Petitioners purchasing the property. Further, Ms. Lassiter acknowledged that the engineering firm employed some 20 workers and operated for approximately 20 years. Ms. Lassiter also acknowledged that the Petitioners did not plan to change any of the exterior aesthetics of the two buildings on the property. Ms. Lassiter acknowledged that there are other churches in the area which conduct activities both on the weekend and during the week. In relation to parking issues on the property Ms. Lassiter acknowledged after a complaint was made to Baltimore County there has been no parking on the site other than designated paved parking areas since November of 2007.

IV.

ARGUMENT

The testimony and evidence on the record before the Board in the above-captioned case clearly indicates that the Petitioners have met their burden for granting of their requested relief.

> "The appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1 at 22-23 (1981).

A special exception is a valid zoning mechanism which the legislative body has determined can prima facie be allowed in a zoning use district absent any fact or circumstance in a particular case which would change this presumptive finding. See *Montgomery County v. Merlins Club*, 202 Md. 279 at 287.

> "The legislative body, by designating the special exception, has deemed it to be generally compatible with the other uses. In special exception cases, therefore, general compatibility is not normally a proper issue for the agency to consider. That issue has already been addressed and legislatively resolved. Morever, it is not whether a use permitted by way of a special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is to be considered by the agency." *Mossberg v. Montgomery County*, 107 Md. App. 1, 7-8 (1995). See also *People's Counsel for Baltimore County, et al. v. Loyola College in Maryland*, 406 Md. 54 (2008).

It is undisputed that the proposed religious school is permitted at the subject location as a matter of right. As far as special exception relief, the only issue before the Board is whether the Petitioners are entitled to a special exception for a dormitory for 15-30 students in conjunction with the religious school. The record in the above-captioned case does not establish that the Petitioners' proposed use will cause detrimental affects above and beyond those normally associated with a dormitory use in an R.O. zone. On the contrary, the evidence before the Board is that the proposed religious school and dormitory requested by the Petitioners will be an asset to a stressed community rather than cause additional stress upon the community. The witnesses that testified on behalf of the Petitioners were consistent in the testimony that, given the course of training proposed at the Petitioners' religious school as well as the type of students it would attract, that the dormitory students which would attend Petitioners' proposed school would benefit the

community rather than a detriment.

Rizwan Siddiqi, professional engineer's testimony concluded that the Petitioners' requested use would meet all of the individual elements of Section 502.1 of the BCZR Sections A-H. Mr. Siddiqi is a practicing Muslim and indicated, in his personal opinion, a dormitory and school would improve the surrounding community because of the type of kids attending the school.

Irfan Kabiruddin testified about the details of the functioning of the religious school and dormitory proposed by the Petitioners and his testimony indicates that the Petitioners' requested use of a dormitory would not cause detrimental effects on the surrounding community that the Protestants testified they are concerned about.

Mr. Kabiruddin made clear that dormitory students would not be allowed to drive a motor vehicle while attending the school.

The Petitioners suggested several conditions throughout the course of the proceeding that can be granted if the Board feels they are appropriate to address the concerns of the Protestants in regard to this matter.

Mr. Kabiruddin indicated he would restrict the age limit of students up to age 18 to address concerns of the age of dormitory students. In addition, Mr. Kabiruddin welcomed restrictions as imposed by the Deputy Zoning Commissioner limiting parking to only designated paved parking areas and not grass areas of the property. He welcomed prohibiting offsite parking related to the Petitioners' proposed use of the property. The Petitioners also indicated they would put a right turn only sign up on the property in relation to the exit of the school property near Gwynn Oak Drive. The Petitioners would also welcome any other reasonable conditions such as appropriate landscaping etc.

Jack Dillon, accepted as an expert in Planning and Zoning before the Board, testified to his investigation of the Petitioners' property the proposed use including visiting similarly run religious schools with dormitories in Chicago and Buffalo and concluded in his expert opinion the Petitioners' requested special exception for a dormitory would meet all the requirements of Section 502.1 A-H of the BCZR. Mr. Dillon's testimony indicates that the Petitioners' special exception can be granted without detrimental effects to the surrounding community above and beyond those normally associated with a dormitory use located elsewhere in a similar zone.

Further, Mr. Dillon indicated he had reviewed the Baltimore County Master Plan and Woodlawn Community Plan and that he did not believe that the Petitioners' proposed use conflicted with either of those Plans.

Mr. Green testified about the Office of Planning's support to the Petitioners' proposed use as evidenced by Petitioners' Exhibit No. 12, Baltimore County Office of Planning's Zoning Comment in relation to the above-captioned case. Mr. Green indicated that the Office of Planning's position was based solely on whether the proposed use would be a detriment to the community. Mr. Green further indicated that he did not believe the Petitioners' requested use conflicted with the Woodlawn Community Plan.

Mohammad Chaudhry, former president of the Islamic Society of Baltimore, testified that he had met Mr. Kabiruddin when he was the Religious Director of the Islamic Society of Baltimore. Mr. Chaudhry testified that the proposed dormitory use necessitated by the intensive academic course and prayer schedule for the type of school that the Petitioners' proposed could not be accommodated as the Islamic Society of Baltimore. Mr. Chaudhry testified that it was his belief that the requested dormitory use would be a benefit not a

detriment to the surrounding community.

In addition, Naushad Akhund testified about his experience sending his son to a religious school and dormitory in Chicago similar to the use proposed by the Petitioners. Mr. Akhund indicated he did not think the community should be nervous about the Petitioners' proposed use rather he testified that instead of a negative that the proposed dormitory would have a positive impact on the community.

Protestants' testimony regarding concerns about students' from the proposed dormitory coming into their neighborhoods and causing crime or causing gang activity, etc. in light of what the community is experiencing with Meadowbrook School, Woodlawn High School and nearby Hertsch's Tavern are not well founded given the reality of what is being proposed by the Petitioners. Petitioners are allowed a religious school on the subject property as a matter of right. Adding a dormitory to the Petitioners' proposed religious school at the subject property will not cause detrimental effects on the surrounding community above and beyond those normally associated with a dormitory use elsewhere on similarly zoned property. On the contrary, when the testimony and evidence before the Board, this case is evaluated as a whole, it is entirely appropriate to conclude that the Petitioners' proposed dormitory use in conjunction with a religious school on the subject property will be a benefit to a stressed community rather than cause the problems the Protestants have experienced from group homes, Hertsch's Tavern, Meadowbrook School or Woodlawn Senior High School.

The Baltimore County Council has decided that a dormitory use is presumptively valid in an R.O. zone. Several area residents, including Arlene Warren, Delores Johnson, and Joseph Lastner testified they were concerned that a dormitory use would bring down

their property values. Further, Michele Parrera and Delores Johnson acknowledged that their objection to the dormitory use was not site specific but rather they did not want a dormitory in their area.

Since the Baltimore County Council has allowed dormitory use as a special exception in an R.O. zone, general concerns about effect on property values from a dormitory or non-site specific objections to the use itself are not prohibitive evidence.

Several area residents expressed concerns about traffic from the Petitioners' proposed use. Both Joseph Lastner and Michele Caldwell, however, acknowledged the undeniable point that a school use on the property, which is allowed as of right, which has 30 students coming and going each day would generate more traffic than a school on the same site with a portion or all the students being dormitory students. This is especially true in light of the school's intended prohibition of allowing dormitory students to operate cars which attending the school.

Based on the record before the Board when construed as a whole, there is not prohibitive evidence of detrimental effects from the Petitioners' proposed special exception dormitory use above and beyond those normally associated with a similar use elsewhere in the zone. Petitioners have met their burden based on the record before the Board and the special exception relief should be granted.

In the alternative, pursuant to case number 06-486-SPHA, the Baltimore County Zoning Commissioner granted a special hearing to approve an accessory use of a dormitory in conjunction with a religious school for 120 to 140 students. The record before the Board clearly establishes that the Petitioners' requested dormitory use as an accessory use in conjunction with the religious school can be granted without harm to the health,

safety and welfare of the surrounding community. The testimony before the Board includes the testimony of Rizwan Siddiqi, professional engineer, Irfan Kabiruddin and Jack Dillon, to this point. A dormitory would be an accessory use to the primary use of a religious school on Petitioners' property irregardless of whether the dormitory use took place in one or both of the structures on the property. Accordingly, in the alternative, the Petitioners' special hearing should be granted.

Petitioners' variance, pursuant to Section 1B01.2.C.1A to permit a non-residential side yard setback of eight feet in lieu of the required 20 feet should be granted. The record in this case establishes that the variance is requested in relation to the structure on the property which has been at its present location since the 1920's. The Petitioners do not intend to move or alter the structure in anyway. As part of Petitioners' requested relief, the variance is requested to legitimize placement of the building under the present BCZR.

Rizwan Siddiqi and Jack Dillon testified about the subject property's uniqueness due to its irregular shape. The witnesses established that because of the property's irregular shape, especially at the point where the zoning variance is being requested, Section 1B01.2.C.1A of the BCZR would have a disproportionate effect on the Petitioners' property. In addition, Rizwan Siddiqi, Irfan Kabiruddin and Jack Dillon testified as to practical difficulty Petitioners would suffer if the variance is not granted due to the inability to use the building that was constructed long before the BCZR requirements existed.

Petitioners' Exhibit No. 22, a copy of Section 5-114B of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, indicates, in the alternative, that any violation proceeding commenced in relation to the variance at issue in this case maybe estopped in light of the time period of the non-conforming setback has existed.

CONCLUSION

In light of the above, Petitioners' requested special exception for a dormitory use for up to 15 to 30 students in conjunction with a religious school should be **GRANTED**. In the alternative, the Petitioners' special hearing for a dormitory for up to 15 to 30 students as an accessory use in conjunction with a religious school should be **GRANTED**. In addition, Petitioners' setback variance for a non-institutional building, pursuant to Section 1B01.2.C.1A of the BCZR, should be **GRANTED**.

FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONERS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of February, 2009, a copy of the foregoing was mailed, first-class postage prepaid, to:

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

FRANCIS X. BORGERDING, JR.

2/23/09

IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE	*	BEFORE THE BOARD OF APPEALS
Inside Dogwood Road, 100' North of Gwynn Oak Drive	*	FOR BALTIMORE COUNTY
1st Election District 4th Councilmanic District (6334 Dogwood Road)	*	Case No.: 08-042-SPHX
Sarkar Kabiruddin, Petitioner	*	

* * * * * * * * * * * * *

PROTESTANTS' MEMORANDUM IN LIEU OF FINAL ARGUMENT

This matter comes before the County Board of Appeals for consideration of a Petition for Special Exception to allow a dormitory in conjunction with a school in an R.O. Residential – Office Zone; a Petition for Variance to permit a non-residential principal building side yard setback of eight feet (8') in lieu of the required twenty feet (20') and a Special Hearing to approve the use of a dormitory as an accessory use in conjunction with a religious school.

The Protestants' consisted of residents from the Woodlawn, Gwynn Oak, and Windsor Mill Communities, as well as Kerri Lastner and others on behalf of the Graystone Community Association. The subject property is a corner lot consisting of Parcels 1, 2 and 3, which are not part of the Special Exception and Special Hearing Request at this time, as well as Parcels 4 and 5, which are the subject of the Special Exception containing 19,950 sq. ft. and 23,740 sq. ft. respectively. The subject property is zoned R. O. and is located at the intersection of Dogwood Road and Gwynn Oak Avenue. It is improved with an existing two and one-half (2 ½) story stone building located in the front of the property and a one and one-half (1 ½) story building located in the rear portion of the site and a one story garage located between the

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BALTIMORE COUNTY
BOARD OF APPEALS

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
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buildings. It is also improved with an in-ground swimming pool at the rear of the lot. Generally, the Petitioner purchased the property about two (2) years ago and his son, Irfan Kabirudddin proposes to operate a religious school and dormitory that would teach the Islamic faith. There will be no mosque located on the site, but the Petitioner's request the use of the two (2) buildings for a dormitory containing thirty (30) students limited by the Petitioner's. Petitioner's acknowledge that they could house up to forty-eight (48) students. The variance request of a side yard setback of eight feet (8') to the property line in lieu of twenty feet (20') to legitimize the existing location of the one and one-half (1 ½) story brick building which has been on the site for many years. The dormitory students will be housed in both the one and one-half (1 ½) building along with the two and one-half (2 ½) story building in the front of the property.

People's Counsel September 10, 2008, Memorandum

Protestants' adopt People's Counsel's letter of September 10, 2008, in its entirety.

The People's Counsel supports the concerns of the Protestants' herein which will be discussed later, by pointing to the legislative intent of the R.O. Zone. He highlights the intent of that zone in the Baltimore County Zoning Regulations, §204.1.B which states "neither business zoning nor ***high-density residential zoning*** is appropriate." Baltimore County Zoning Regulation §204.2 states the legislative policy as "It is intended that ***buildings and uses in*** R.O. Zones shall not intrude upon or disturb present or perspective uses of nearby residential property."

People's Counsel also points out that while schools are permitted by right, dormitories are permitted only by Special Exception. Baltimore County Zoning Regulations, §204.3.A.1 and §204.3.B.1.

People's Counsel further points out that Baltimore County Zoning Regulations §1B01.1.C.14 and §204.3B, requires that R.O. Zone Special Exception uses must have an approved County Review Group, CRG Plan ***prior*** to the granting of a Special Exception. People's Counsel concludes that the proposal is subject to Special Exception Standards.

Further, People's Counsel actually distinguishes that past Zoning Commissioner Decisions such as *Summit Country Club* case, did not address the accessory use. People's Counsel submits that the B.C.Z.R. require a finding by the Special Exception process, pursuant to B.C.Z.R. §502.1.

While People's Counsel did not attend the Board's hearing, Petitioner's expert, Jack Dillon, reflected that no development plan has been prepared as required by §204.3. To the Protestants' knowledge, it is clear that no Development Plan, nor CRG Plan has been prepared as required by §204. Section 204.3, by implication, requires a review of a Development Plan since that has replaced the CRG process referred to in under §204.

Finally, in regard to the variance, People's Counsel opined that the change from office to institutional use requires compliance with relevant area standards under Baltimore County Zoning Regulation §307.1. He notes that ***existing improvements do not ordinarily make the property unique or constitute a peculiar source of difficulty***. See *Cromwell v. Ward*, 102 Md. App. 691 (1995).

As previously stated, Protestants agree with People's Counsel and suggest that the evidence and testimony before the Board established (1) clearly, the Petitioner's proposal has already disturbed present users of nearby residential property and further, a dormitory in this

location would negatively impact the health and safety of the Community; and (2) fails to comply with §204.3 in that they have no approved Development Plan ***prior*** to the granting of a Special Exception which should cause this request to be denied by the Board. Finally, the Variance should not be granted

Past History and Moving Target

The history to date of the Petitioner's actions relevant to the use of this property should be considered as part of the Board's decision as to whether the dormitory will impact the surrounding residential Community. Factually, it is undisputed that in the original Plat to accompany the Special Exception to allow the dormitory, the Petitioner indicated that the dormitory use applied only to the rear one and one-half (1 ½) story brick building. (See Petitioner's Exhibit #1). The notes on the Plan indicated that that one and one-half ***(1 ½) story brick building would be utilized for the dormitory*** and that the two and one-half ***(2 ½) story building would be used for the religious school***. It was subsequently changed during the course of the Zoning Commissioner's Hearing and has continued before this Board that the Petitioner now requests dormitory facilities in ***both*** the two and one-half (2 ½) story and one and one-half (1 ½) story building.

Secondly, initially the request for dormitory students was fifteen (15) to twenty (20) which was subsequently amended to fifteen (15) to thirty (30) students. When further cross-examined, during the Board's hearing, it is clear that the potential maximum number of live-in residents in both buildings was not thirty (30) but forty-eight (48). During Petitioner's testimony before the Board, it is clear that up to forty-eight (48) students could be housed on this site. The

Protestants indicated significant concerns as to how a limitation of thirty (30) students could be policed by the neighbors. The Petitioner testified that the ages of the students would be from twelve years (12) to twenty years of age (20) and would be studying Islamic religious materials that would be significantly advanced above twelfth grade levels, which implies college or post-graduate type of curriculum which lasts for six (6) years.

The initial introduction of the Petitioner's into the Community was less than exemplary. The Record reflects photographs depicting vehicles parked all over the grass on not only the subject site, but on and near the Petitioner's own home across the street from the subject site. Testimony before the Zoning Commissioner and the Board reflect interruptions with traffic by the members of the Petitioner's school, late night events, traffic going the wrong way on the surrounding one-way streets and confrontations between the Petitioner's users and neighbors. Past history illustrates the failure of the Petitioner to control those in attendance on the subject site. Multiple complaints from neighbors were testified to in regard to Petitioner's uninvited coercive visits to current residents. (See letters in the file and testimony of Ms. Betty Scott).

Further, the Petition for Variance placing ten (10) to fifteen (15) students and possibly more in the one and one-half (1 ½) story building, eight feet (8') from the property line and the home of the immediate neighbor who opposed the requests of the Petitioner.

In summary, the Protestants' Exhibits submitted to the Board already illustrate the conflicts between the use of this property and the adjacent residential properties both in parking issues, traffic issues, and the overcrowding of this site by a proposed dormitory facility for thirty (30) students.

Facts Presented Before the Board

A. Petitioner's Case

1. ***Rizwan Sidditi.*** Petitioner's civil engineer testified as to the Site Plan. He addressed the inconsistencies on the Site Plan related to the use of the one and one-half (1 ½) story building as the dormitory and the two and one-half (2 ½) story stone building for the School by way of explaining that there was miscommunication between he and the Petitioner. He addressed the changes in Note 20 which indicated eight (8) to ten (10) students living in the dormitory and eight (8) to ten (10) students dropped off by parents. He testified that there would be adequate parking. (Although the consistent history indicates that there is not adequate parking due to Protestants' photographs which show parking not only on the site, but on adjacent property). He testified that the Plan showed that only five (5) parking spaces while Note 20 indicates there should be six (6). He failed to find any impact on the Community by the dormitory use under §502.1. He justified the variance simply based upon the fact that the structure was already built on the site failing to understand that the use from an office complex to a dormitory was taking place. He did acknowledge that the Petitioner purchased the property knowing of the shape of this lot and the locations of the buildings.

2. ***Irfan Kabiruddin.*** The owner's son, testified he purchased the subject property in the summer of 2007, knowing what it looked like and knowing of the existing locations of the buildings. He purchased a home across the street from the subject site to live in. He testified as to the type of school and Islamic studies that would take place. He likened the curriculum of the

School to be intensive Islamic studies, similar to a Catholic Seminary. His curriculum would be that of "higher Islamic education" which would be producing Islamic scholars. His testimony concluded that the school, a selected "special education school" which would be equivalent to our post-high school or college studies.

He testified that the students which would be limited at this point to thirty (30) would utilize the rooms in ***both*** buildings to study, to eat, to pray and to sleep. Upon cross-examination, his testimony admitted that between the two (2) major buildings (2 ½ main buildings and the 1 ½ rear building), forty-eight (48) possible students could reside there.

(Again, the Protestants queried how a limitation of thirty (30) could be enforced in this situation).

Further, the dormitory students would basically be residing there twenty-four (24) hours a day, seven (7) days a week with a few months off in the summer. The Petitioner indicated students could come from different countries and that the purpose of the school was to educate students to become scholars (to be trained like Priests), in effect, a selective school or Seminary type of higher Islamic study.

Further, the Petitioner testified that there are meetings at the site for adults who are responsible for taking care of the religious training and economics of the School. Protestants had complained about the large number of adult men meeting at the site late in the evenings). Petitioner indicated they intend to have meetings of adults at the school on a weekly basis. He testified as to conflicts with neighbors who were abusing his guests by taking photographs. (Photographs introduced by the Protestants showing parking over property adjacent to the subject

site, as well as the Baltimore County Police Officers testimony for the neighbors that they were doing nothing wrong but taking photographs of the scene). Protestants testified before the Board that there have been multiple conflicts between the Petitioner and Protestants'.

Petitioner testified that the course would be six (6) years long and these "students" would be up to twenty (20) years of age.

Other individuals were called by the Petitioner who testified in favor of the School who were not neighbors, but potential parents of students for the School.

3. ***Jack Dillon.*** Jack Dillon, a Land Planner, was called to testify for the Petitioner and indicated that he was retained between July 2008, after the Zoning Commissioner Hearing and before the Board. He testified that he observed the only other similar type Islamic School in two (2) other jurisdictions. He testified that he felt it would not impose upon the neighborhood and he testified for the variance to be approved. Dillon testified that the predominant uses surrounding the subject site were residential. He testified that he observed the other Islamic facilities in New York and Chicago. When Dillon was cross-examined, he admitted that they differed from the subject site and that they were not located in the same type of neighborhood as the instant case. He found that in Buffalo, New York, the School there was in a depressed economic area and in Chicago, it likewise had a larger land area and was connected with a Mosque, which made it different from this facility.

As expected, he testified he did not believe that the Special Exception or Variance would harm or impact the neighborhood.

B. Protestants' Case

1. The adjacent Property Owner, ***Mrs. Darlene Warren***, who resides in her home on the north side in which the eight foot (8') variance is requested, testified as to her objection to the proposed dormitory and variance. She related the relative inactivity in prior years when the site was used for an office that preceded the Petitioner's acquisition of the property. She related a number of incidents in which children on the subject site and adults harassed her and created a noisy environment late in the evening. Her testimony was clear that she felt threatened by these individuals on the subject site on numerous occasions and that she attempted to avoid conflicts with them.

She testified there are large numbers of people on site during the weekends from 8:00 p.m. to 11:30 p.m., causing disturbances. She testified that the prior owner of the property, ***DataNet*** only had people on the property from 7:30 a.m. to 5:00 p.m., except one caretaker. She is concerned that if the dormitory is permitted, there will be many people there all night long. That with thirty (30) children on the site, it will be a major inconvenience to her. She testified that the children have been nasty and disrespectful in addition to the increase in people on the site on a twenty-four (24) hour basis. She was concerned that there will be additional parking problems and traffic concerns as well as noise issues.

2. ***Michele Perrera***. A Pastor and a resident in the Community is concerned about the dormitory and the impact on the neighborhood. She expressed concerns in regard to the impact of the Petitioner's on the Community. She felt that the proposal for a dormitory would provide a negative impact on the neighborhood.

3. ***Delores Johnson.*** Ms. Johnson has lived in the neighborhood for twenty-one (21) years and expressed concern about the dense population that would be created on-site by a dormitory on such a small site. She expressed concern over the number of persons residing twenty-four (24) hours per day, seven (7) days a week on the site which would overcrowd the property and the impact on the Community as a whole. She testified that the houses in the neighborhood are single-family; and there has been a history of the Petitioner's proposal of "being a moving target."

4. ***Joe Lastner.*** Joe Lastner testified as to the Assessments and Taxation records showing the Petitioner as the owner of the subject site and not a religious institution. He objected to the traffic and parking problem created by the Petitioner.

5. ***Officer Murphy.*** Officer Murphy testified that the incident complained by the Petitioner involving the neighbors was nothing more than the neighbors standing on public property taking photographs of Petitioner's cars parked all over property adjacent to the subject site.

6. ***Michele Caldwell.*** Michele Caldwell has resided in the neighborhood twenty-one (21) years, and has observed increased traffic. She addressed the Baltimore County Community Plans and the negative impact created on that Plan, the Liberty Road Plan, by this request for dormitory. She expressed concern that the testimony of the Petitioner's has so many inconsistencies that she doubts their credibility and goodwill for the Community. She transcribed the tapes from the Zoning Commissioner Hearing and formed her conclusion that again, the Petitioner's request was nothing more than a moving target. She testified that their activity and actions to date has shown a flagrant disregard of our legal system, for the

neighborhood and is demeaning and an insult to our intelligence. She testified as to the large number of seniors who live in the Community and that there are one hundred seventy-seven (177) group homes in the Community. She complained that the residential neighborhood is being overwhelmed with group homes and institutional type of uses such as permitted here. She believed that a facility such as this with a dormitory should be located in a place where it would not impact the residential Community which has been long established and already impacted. Finally, she complained about the impact on property values in the neighborhood.

7. ***Protestants' Exhibits.*** Many Protestants' Exhibits were submitted amounted to taking eighteen (18) in all. Protestants' #1 through #8, generally showed photographs of the subject site, the neighborhood, parked cars on grassy areas and the traffic concerns relative to this site. Protestants, Exhibit #10, shows the Woodlawn/Liberty Plan which Protestants' believe preclude this type of activity on the site. Protestants' Exhibit #11 through #18 presented by the testimony of Kerri Lastner.

8. ***Kerri Lastner.*** Kerri Lastner, speaking as President of the Graystone Community Association and authorized by Rule 8 approximately four hundred (400) individual residences, testified the Community Association is opposed to this dormitory project. First, she testified that the subject site is the "Gateway" to the Greystone Community. She stated that the Protestants' photographs established how events on the subject site exhausted the parking resources on site. That history shows Petitioner's pattern of driving violations on the road system which imperils the health and general welfare of the Community. That Petitioner's disrupt the traffic flow after events, that they cause extra traffic on Lehnert and Alto Vista Roads in the neighborhood. Because of the activities on the subject site, the property has not been well maintained. She expressed concerns of crime in the neighborhood attributed to Hertsches Tavern and relative

crime statistics generated in the area at the present time. The neighborhood to the south contains Meadowwood Alternative School and Woodlawn High School which have caused disruption to the Community. She further testified that the contradictions between the proposed Plan and the Petitioner's ultimate testimony establishes that there will be no way to control potential violations of any conditions attached to the approval for the dormitory. She testified that originally the proposal was eight (8) to twelve (12) boys, now it is thirty (30) boys and men to age twenty (20) to twenty-one (21). First, it was one dormitory in the one and one-half (1 ½) story building and one School and now it is two (2) dormitories in the two and one-half (2 ½) story building. That the current conduct of the Petitioner's students who have been on-site have been disruptive and antagonistic to the neighbors and at least two (2) neighbors have been threatened by the Petitioner. Finally, she expressed concern that the past behavior of the Petitioner's often predicts the future behavior and the concern that the dormitory cannot properly be monitored by anyone in authority.

She expressed concern that the dormitory should not be approved by the Board and then the Community required to attempt to enforce any limitation of a number of live-in residents on the site. From a practical standpoint, there is little, if any way, of knowing the number of students on the property since the Community cannot trespass and such enforcement would require the Community to be the watchdogs over any violations which has proven ineffective. She articulated that it took many months for the County and the neighborhood to eliminate unlawful activities from a zoning standpoint in the neighborhood.

Finally, she presented the floor plans of the two and one-half (2 ½) story building that had been submitted to the County as Protestants' Exhibit #16 and testified that those floor plans show the unsuitability of this site for the dormitory. The Plans appear to conflict with the testimony o f the Petitioner as to the proposed use of the facility. She further submitted comments from building plans review as Protestants' Exhibit #17 to reinforce the concern of Plans Review and the slipshod nature of the piecemeal presentation of this request by the Petitioner.

QUESTION PRESENTED

1. **The County Board of Appeals should deny the Special Exception for a dormitory at this site.**

2. **The Board of Appeals should deny the variance requested from the side yard setback.**

3. **A Development Plan is necessary prior to the grant of the Special Exception.**

LEGAL ARGUMENT #1

1. **The County Board of Appeals should deny the Special Exception for a dormitory at this site.**

Special Exceptions in the Court of Appeals

Judge Hall Hammond, later Chief Judge for many years, explained the law of special exceptions in *Montgomery v. Merlands Club, Inc.*, 202 Md. 279 (1953). It is the seminal case. The more recent decisions are actually restatements or reformations of Judge Hammond's analysis and language. So, in *Turner v. Hammond*, 270 Md. 41 (1973), Judge McWilliams said:

> "Occasionally the bar and less often the bench lose sight of the concept that the conditional use or special exception, as it is generally called, is a part of the comprehensive zoning plan sharing the presumption that as such it is in the interest of the general welfare and, therefore, valid. *Rockville Fuel and Feed Co. v. Board of Appeals of the City of Gaithersburg*, 257 Md. 183, 187 (1970). The special exception is a valid

zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses the legislature has determined can be allowed, properly albeit prima facie, absent any fact or circumstance negating the presumption. *Rockville, supra.* In *Montgomery County v. Merlands Club, Inc.*, 202 Md. 279, 287 (1953), we said:

> ***'... The duties given the Board are to judge whether the neighboring properties and the general neighborhood would be adversely affected, and whether the use, in the particular case, is in harmony with the general purpose and intent of the zoning plan***.' (emphasis added)

There were many Court of Appeals special exception decisions between 1953 and 1973, all of which followed the path between *Merlands Club* and *Turner v. Hammond*.

Chief Judge Hammond's 1970 opinion, *Rockville Fuel and Feed Co. v. City of Gaithersburg*, 257 Md. 183 (1970), is also quoted often. Another case, *Redden v. Montgomery County*, 270 Md. 668 (1974), analyzed particular problems of a proposal for a facility to house the elderly and handicapped. Special Exceptions never were routine nor automatic.

In 1981, the tradition carried forward in *Schultz v. Pritts*, 291 Md. 1 (1981). In *Board of County Comm'rs. v. Holbrook*, 314 Md. 210 (1988), there, Judge Harry Cole quoted Judge Davidson's opinion in *Schultz* and referred to the earlier decisions.

> "In *Schultz v. Pritts, supra,* this Court determined the applicable standard for judicial review of the grant or denial of a special exception use. We observed.
>
> 'The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.'

* * *

> These standards dictate that if requested special exception use is properly determined to have an adverse effect upon neighbors properties in the general area, it must be denied.' 291 Md. At 11-13, 432 A.2d 1319 [emphasis in original].

We then defined the specific nature of the requisite adverse impact required to warrant denial of a special exception application:

> '[A] special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts that show that the particular location would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md. At 15 [emphasis supplied]. 314 Md. At 216, 217.

It is important to recall what led Judge Rita Davidson to write the *Schultz* opinion. She wrote to reject the Court of Special Appeals view that a special exception use must be approved if it can be shown that its adverse effects are no worse than some use permitted by right in the zone. Her simple point was that a special exception use could be denied based on particular problems because the legislature intended stricter scrutiny than that provided for permitted uses.

Schultz did not envision routine or semi-automatic approval of special exceptions. The decision remanded the matter for a review of particular access problems. Similarly, *Holbrook* respected the Zoning Board's the administrative denial of a special exception, based just on a particular visual intrusion and detriment to the character of the neighborhood.

Recent Court of Special Appeals Applications

Since *Holbrook*, there have been a number of special exception decisions issued by the Court of Special Appeals which apply the above standards and are helpful here.

People's Counsel v. Mangione, 85 Md. App. 738 (1991) sustained this Board's denial of a convalescent home in a residential zone based on particular problems site problems above the norm for residentially zoned properties. It was off the main road and had poor access on narrow winding streets where children played. It would block out light from the west and exacerbate both drainage and erosion problems.

Mangione shows that the proposed use need not give rise to a worst case scenario, or mathematical demonstration, to warrant denial. There were many other residential zones in Baltimore County which also would pose particular and unusual problems.

***Mangione*, fn. 6, also confirms that under BCZR 502.1:**

> The size and scope of the project are thus relevant considerations. To contend otherwise... is to engage in specious and sophistic reasoning."

The Court likewise sustained a denial of a special exception for a rubble fill. *Moseman v. Prince George's County*, 99 Md. App. 258 (1994). The factors particular to the site included the presence of an existing rubble fill across the street, a narrow and winding access road, the proximity of single family homes, highly erodible soils, risks to well water, and depreciation of property values.

There was no indication that the *Moseman* site was the worst site in Prince George's County. There may have been other sites as bad or worse. There could have been proposed a larger or more hazardous landfill. But the potential for worse case or worst case scenarios did not require approval at this location.

Moreover, the cumulative impact of two rubble fills in the same area was a legitimate factor probative of particular adverse effects above the norm.

In *Hayfields v. Valleys Planning Council*, 122 Md. App. 616 (1998), the Court remanded, on environmental grounds, the Board's approval of a country club/golf course special exception. It rejected the Board's reasoning that the proposal should be approved merely because there were other properties underlain by the Cockeysville Marble aquifer which also could be vulnerable. 122 Md. App., at 649-55.

The Board had granted the Special Exception because it thought there were other locations in the zone which plausibly could suffer adverse environment effects equal to or worse than the subject site. But this is not the standard.

Loyola College

This analysis brings us to *People's Council for Baltimore County v. Loyola College in Maryland*, 406 Md. 54, (2007).

From the time of *Schultz v. Pritts*, *supra.*, language crept into the test to determine whether or not a Special Exception could be granted or denied when *Schultz* established the following analysis:

> "These cases established that a Special Exception Use as an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested Special Exception Use would result in an adverse effect in adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a Special Exception located anywhere within the zone... Whether a requested Special Exception Use would have an adverse effect, and therefore should be denied is whether there are facts and circumstances that show the particular use proposed that the particular location proposed would have an adverse effect above and beyond those inherently associated with such a Special Exception Use irrespective of its location within the zone."

From *Schultz* until *Loyola*, there was always the argument that Protestants, in order to obtain denial of the Special Exception needed in some fashion to compare the impacts on the subject property as being greater than some other location within the zone. The *Loyola* case eliminates that burden upon the Protestants to establish some uniqueness or greater impact upon the property upon the site involved in the case. The *Loyola* court clarified *Schultz* and amends the test to be applied by the Board of Appeals in considering whether or not to grant or deny a Special Exception.

That test is set forth in *Loyola* that the duty of the Board is "to judge whether the neighboring properties and the general neighborhood will be adversely affected by the proposed use and whether the use, in a particular case, is in harmony with the general purpose and intent of the zoning plan."

The Protestants' suggest that the *Loyola* case, in fact, ***lessens the burden upon the Protestants'*** by eliminating the comparison requirement or analyzing the impacts of the proposed project as being greater at this location than at some other location in the same zone. No comparative analysis is required, no uniqueness of the site must necessarily be established by the Protestants', no greater impacts must be demonstrated by the Protestants' objections and concerns at this location greater than other locations. The simple fact is that the Protestants' now are in a position to establish that the neighboring properties and the neighborhood would be adversely affected by the use at the particular location and that it is not in harmony with the general purpose of the zoning plan.

The Protestants' in this case meet the *Loyola* standard, clearly having established the already exhibited impacts on the Community by the intrusion on the subject property such as improper and illegal parking, overcrowding of the land, by large numbers of people utilizing the site. The proposed dormitory use is an expansion of the previous office use in terms of the total impact on the neighboring properties.

It is interesting to note that the *Loyola* court viewed with favor, the Board of Appeals of Cecil County's Decision in *Board of County Commissioners for Cecil County v. Holbrook*, 314 Md. 210 (1988). In *Holbrook*, a land owner sought a Special Exception to locate a mobile home in an area zoned for agricultural use. The Cecil County Board denied the Special Exception request. The *Loyola* court cited the standard to the evidence submitted to the Cecil County Board of Appeals and concluded that those facts were sufficient to deny the Special Exception:

> "The evidence revealed that the Peters built their One Hundred Forty-Seven Thousand Dollar ($147,000.00) house in a uniquely valuable, heavily forested, low-growth area. Moreover, photographs clearly depicted that the direct and proximity view of the mobile home from the Peters home. The Board found this evidence 'vividly indicated the debilitating effect of the mobile home on the value of the Peters property, inferring thereby the trailer's presence would create significantly greater adverse effect than it were located in other areas in the zone.'"

"The facts in *Holbrook*, relative to the property values and the view is certainly less than the negative effects upon the Community as testified by the Community in this case."

In a concurring Opinion by Judge Murphy in *Loyola*, referring to the *Holbrook* case, Judge Murphy indicated that "this Court correctly upheld the conclusion of the Cecil County Board of Appeals that the Applicant should not be granted a Special Exception to place a mobile home in a particular location on his property because of the presence of the mobile home at that

location would have an adverse effect on adjoining property values. He reaffirmed the Court of Special Appeals in the *Lucas* case denying a Special Exception by this Board to operate an airport on this property because the operation of an airport would have a negative impact on the Green Spring Valley located nearby. In *Futoryan*, Judge Murphy supported the denial of a Conditional Use to operate an auto repair shop in Baltimore City because the operation of that shop would be a detriment to the general welfare of the adjoining residential Community.

From the majority and concurring Opinions, it is clear that the burden upon Protestants' to obtain a denial of a Special Exception has been clearly lessened by the *Loyola* case. In analyzing the evidence before this Board, it is clear that there are multiple reasons advanced by the Protestants' to deny the negative impacts created by a dormitory of up to thirty (30) students ranging from ages thirteen (13) to twenty-one (21). There will be a concentration of students in the two and one-half (2 ½) story building and the one and one-half (1 ½) story building, on a twenty-four (24) hour, seven (7) day a week basis which is overcrowding the land on a daily basis. The lack of suitable parking and parking as exampled by the photos showing parking on the grass has created a negative impact on the Community and the adjacent property owner. In fact, the one and one-half (1 ½) story building is only eight feet (8') from her property line and she has already experienced conflicts with the Petitioner's. In addition, the traffic created in the adjacent streets has created potential safety issues with the Community and increased traffic on the adjacent streets. In addition, the Community already has a large number of group homes, troubled schools which have caused significant impacts on the residential properties and homeowners. In addition, an example of this Board denying a Special Exception was the case of *People's Counsel v. Mangione*, 85 Md. App. 738 (1991) in which the proposed building was in a residential neighborhood similar to the instant case.

To satisfy that element related to this project not being consistent with the County's plan, please review People's Counsel's September 10, 2008, letter which indicates that the Baltimore County Regulations, §204.1.B and §204.2, quoting the legislative policy for the R.O. Zones. It sets forth the clear intention of the County Council in its comment "it is intended that ***buildings and uses*** in R.O. Zones ***shall not intrude upon or disturb*** present or perspective uses of nearby ***residential property*** and further Baltimore County Zoning Regulations, §204.1.B, which finds that "***neither business zoning*** nor ***high-density residential zoning*** is appropriate in the R.O. Zone. This proposal for a dormitory clearly establishes high-residential use of property which is not consistent with adjacent single-family residences.

For all of the above reasons, Protestants' request that this Board, under the *Loyola* case, should deny the request for Special Exception for a dormitory use on this site.

LEGAL ARGUMENT #2

2. The Board of Appeals should deny the variance requested from the side yard setback.

In the Baltimore County Zoning Regulations, BCZR §307.1 states, in pertinent part:

> "The Zoning Commissioner of Baltimore County, and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, and from sign regulations only in cases where special circumstances exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship .... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, an only in such manner as to grant relief without injury to the public health, safety, and welfare. They shall have no power to grant any other variances." Emphasis supplied.

This standard requires proof of the following:

1. That the land or structure is "unique," a zoning term of art;

2. That the uniqueness "results" in "practical difficulty" pertinent to zoning compliance;

3. That there is true "practical difficulty," another zoning term of art, and

4. That any such "practical difficulty" is not self-created, subject to recent Court of Appeals decisions.

5. That there will be no injury to the public safety, health and welfare.

Historically, a variance functions to allow a property owner a reasonable permitted use of property. 3 Young, *Anderson's American Law of Zoning 4th*, §20.02, at 411 (1996):

> "The underlying purposes of administrative relief have been discussed in an earlier chapter, but specifically, with respect to variances, it is said that a variance is 'designed as an escape hatch from the literal terms of the ordinance which, if strictly applied, would deny a property owner all beneficial use of his land and thus amount to confiscation."

The three-pronged test under Maryland case law

The first inquiry here is whether the property is peculiar or "unique." If evidence of uniqueness is insufficient or unpersuasive, the inquiry ends there. *Cromwell v. Ward*, 102 Md. App. 691 (1995); *Umerley v. People's Counsel*, 108 Md. App. 497 (1996); *Riffin v. People's Counsel*, 137 Md. App. 90, cert. denied, 363 Md. 660 (2001). If this threshold is passed, the next question is whether the unique condition results in "practical difficulty" *McLean v. Soley* 270 Md. 208, 213-15 (1973). This also brings into play the further issue of impact on public safety and welfare.

The word "unique" is defined carefully. Otherwise, anyone could make some sort of claim. In *Cromwell*, 102 Md. App. at 710 (1995), the Court stated:

> "In the zoning context the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property.
>
> 'Uniqueness' of a property for zoning purposes require that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls."

In *McLean*, 270 Md. 208, 214-15 (1973), the Court established three interrelated criteria to determine "practical difficulty:"

> "In the zoning context the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon the neighboring property.
>
> 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not share by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls."

In *McLean*, 270 Md. 208, 214-15 (1973), the Court established three interrelated criteria to determine "practical difficulty:"

> "(1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

(2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

McLean incorporates the "public safety and welfare" criterion as a distinct but related element of "practical difficulty." B.C.Z.R. §307.1 identifies public health, safety, and welfare separately. It makes sense intellectually to view it as either different from the concern about unreasonable prevention of or burdening the use of property or as a kind of umbrella. It is, in a sense, either the third prong or the ultimate police power objective.

Many zoning petitioners assume the word "variance" implies a minor adjustment (like Webster's "variable," "variant," or "variation"). But Judge Cathell explained with depth in *Cromwell* that zoning controls must not lightly be disregarded. Otherwise, the structure of zoning law would collapse like a house of cards. Zoning law may not be quite as immovable as the rock of Gibraltar, but it is a far cry from a sand dune.

This Variance

The Record in this case reflects that there is nothing unique about the subject site. It is a corner lot containing no more unusual physical features than adjacent lots in the subdivision along Gwynn Oak Road. It fails to meet the uniqueness standard. Secondly, as People's Counsel has pointed out in its September letter, the fact that a building exists (1 ½ story), while it indeed may be non-conforming, it should not be granted an automatic variance. Even if it is non-conforming, the change from office use to institutional use requires compliance with the relevant area of standards which, in this case, would be twenty feet (20'). The grant of this

variance would even be more of an impact on the adjacent residential property owner and in the Community in that it will place potentially fifteen (15) to thirty (30) students living within eight feet (8') of the adjacent property. As cited above, the cases which are relied upon by the Protestants' would be *Cromwell v. Ward*, 102 Md. App. 691 at page 710, and *McLean v. Solely*, 270 Md. 208 at pages 213 and 214. As People's Counsel indicated, the ***existence of an existing improvement does not ordinarily make the property unique or constitute a peculiar source of difficulty***. In this case, it clearly should not be a basis for practical difficulty or to make the property unique in that the one and one-half (1 ½) story building had previously been used as an office use in an R.O. Zone, which is now attempting to be converted to a dormitory.

WHEREFORE, the failure of the Petitioner to meet the necessary criteria of §307.1 in order to afford a variance, this request should be denied.

LEGAL ARGUMENT #3

3. A Development Plan is necessary prior to the grant of the Special Exception.

Protestants' have previously indicated that Baltimore County Zoning Regulations, §204.3 required a CRG Plan ***prior*** to a Special Exception approval, as initially legislated in Bill 151-88. In 1992, Bill 192, replaced the CRG process with the current Hearing Officer process and as a result, it appears reasonable to conclude that a Development Plan should have been required in this case. The testimony of Jack Dillon and others on behalf of the Petitioner clearly reflected that there has been no Hearing Officer Review of a Development Plan at this point.

WHEREFORE, this Special Exception request should be denied.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants'

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of February, 2009, a copy of the foregoing Protestants' Memorandum in Lieu of Final Argument was mailed first class, postage pre-paid to the following: Francis X. Borgerding, Jr., Esquire, Mercantile Building – Suite 600, 409 Washington Avenue, Towson, Maryland 21204 and Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Jefferson Building, 105 West Chesapeake Avenue, Room 204, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 10, 2008

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

Francis Borgerding, Jr.
409 Washington Avenue, Ste. 600
Towson, MD 21204

Dear Mr. Borgerding, Jr.:

RE: Case: 08-042-SPHX, 6334 Dogwood Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 24, 2008 by J. Carroll Holzer. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
See Attached List

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BALTIMORE COUNTY
BOARD OF APPEALS

4/24/08

IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
N Side Dogwood Rd., 100 N Of Gwynne Oak Drive
(6334 Dogwood Road)
1st Election District
4th Councilmanic District

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

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BALTIMORE COUNTY
BOARD OF APPEALS

Sarkar Kabiruddin
Petitioner

* Case No.: 08-042-SPHXA

* * * * * * * * * * * * * *

NOTICE OF APPEAL

GREYSTONE COMMUNITY ASSOCIATION, KERRI LASTNER, PRESIDENT, 6409 LEHNERT ST., BALTIMORE, MD, 21207; WOODLAWN COMMUNITY EDUCATION & DEVELOPMENT ASSOCIATION, MS. VAN ROSS, PRESIDENT, PO BOX 47702, BALTIMORE, MD 21244, and individuals KERRI LASTNER (at above address); JERRY & AUDREY GREEN, 6412 LEHNERT ST., WOODLAWN, MD 21207, and BETTY SCOTT, 6410 LEHNERT ST., BALTIMORE, MD 21207, Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer and Holzer and Lee, feeling aggrieved by the decision of the Deputy Zoning Commissioner in Case No. 08-042-SPHX, hereby note an appeal to the County Board of Appeals from Findings of Fact and Conclusions of Law of the Deputy Zoning Commissioner of Baltimore County dated March 28, 2008 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellants' check made payable to Baltimore County to cover the costs of the appeal. Appellants were parties below and fully participated in the proceedings.

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Per...

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of April, 2008, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to: Francis X. Borgerding, Esquire, 409 Washington Ave., Towson, MD 21204; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; and People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, M, 21204.

J. CARROLL HOLZER, Esquire

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3/28/08

IN RE: PETITIONS FOR SPECIAL EXCEPTION & SPECIAL HEARING	*	BEFORE THE
N side Dogwood Road, 100 feet N of Gwynne Oak Drive	*	DEPUTY ZONING
1st Election District	*	COMMISSIONER
4th Councilmanic District		
(6334 Dogwood Road)	*	FOR BALTIMORE COUNTY
Sarkar Kabiruddin *Petitioner*	*	**CASE NO. 08-042-SPHX**

* * * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing and an Amended Petition for Special Exception filed by the legal owner of the subject property, Petitioner Sarkar Kabiruddin. Petitioner initially filed petitions for zoning relief on July 24, 2007 as Petitions for Special Exception and Variance. The Special Exception requested relief pursuant to Section 1B01.C.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dormitory in conjunction with a religious school for 15 to 20 students. The Variance requested relief pursuant to Section 1B01.C.1.a of the B.C.Z.R. to permit a non-residential principal (institutional) building with a side yard setback of eight feet in lieu of the required 20 feet, and pursuant to Section 409.4 of the B.C.Z.R. to allow a two way drive aisle with a 10 foot width in lieu of the required 20 feet. Thereafter, on or about November 13, 2007, Petitioner filed the instant Petition for Special Hearing and an Amended Petition for Special Exception. The Amended Special Exception requests relief pursuant to Section 1B01.C.14 of the B.C.Z.R. to allow a dormitory in conjunction with a religious school for 15 to 30 students, in lieu of the previously requested 15 to 20 students. The Special Hearing was filed alternatively pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the use of a dormitory for 15 to 30 students as an accessory use in conjunction with a religious

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IN RE: PETITIONS FOR SPECIAL EXCEPTION & SPECIAL HEARING	*	BEFORE THE
N side Dogwood Road, 100 feet N of Gwynne Oak Drive	*	DEPUTY ZONING
1st Election District	*	COMMISSIONER
4th Councilmanic District		
(6334 Dogwood Road)	*	FOR BALTIMORE COUNTY
Sarkar Kabiruddin		
Petitioner	*	**CASE NO. 08-042-SPHX**

* * * * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing and an Amended Petition for Special Exception filed by the legal owner of the subject property, Petitioner Sarkar Kabiruddin. Petitioner initially filed petitions for zoning relief on July 24, 2007 as Petitions for Special Exception and Variance. The Special Exception requested relief pursuant to Section 1B01.C.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dormitory in conjunction with a religious school for 15 to 20 students. The Variance requested relief pursuant to Section 1B01.C.1.a of the B.C.Z.R. to permit a non-residential principal (institutional) building with a side yard setback of eight feet in lieu of the required 20 feet, and pursuant to Section 409.4 of the B.C.Z.R. to allow a two way drive aisle with a 10 foot width in lieu of the required 20 feet. Thereafter, on or about November 13, 2007, Petitioner filed the instant Petition for Special Hearing and an Amended Petition for Special Exception. The Amended Special Exception requests relief pursuant to Section 1B01.C.14 of the B.C.Z.R. to allow a dormitory in conjunction with a religious school for 15 to 30 students, in lieu of the previously requested 15 to 20 students. The Special Hearing was filed alternatively pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the use of a dormitory for 15 to 30 students as an accessory use in conjunction with a religious

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school. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evdience as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the special exception, special hearing, and variance requests was Petitioner Sarkar Kabiruddin and his son, Irfan Kabiruddin. Also appearing was his attorney, Francis X. Borgerding, Jr., Esquire, and Rizwan Siddiqi with Mufti & Associates, Inc., the professional engineer who prepared the site plan. There were a number of interested citizens that appeared in support of the requested relief. Their names and addresses are listed on the "Petitioner's Sign-In Sheet" contained within the case file. The case also garnered significant interest from the Woodlawn, Gwynn Oak, and Windsor Mill communities and a number of Protestants opposed to the relief attended the hearings as well. These individuals are listed on the "Citizen's Sign-In Sheet" that was circulated on the hearing date, and which is contained within the case file. In particular, Kerri Lastner of 6409 Lehnert Street appeared on behalf of the Graystone Community Association and Pastor Ezio M. Ross of 6614 Richardson Road appeared on behalf of the Woodlawn Community Education and Development Association, Inc. Also appearing on behalf of the community groups and the individual Protestants was their attorney, J. Carroll Holzer, Esquire.

Introduction

The subject property is an irregular-shaped property consisting of Lots 4 and 5, with Lot 4 containing 19,950 square feet or .458 acre and Lot 5 containing 23,740 square feet or .545 acre, for a total of approximately one acre. The subject property is zoned R.O. (Residential-Office) and is located at the northeast corner of the intersection of Dogwood Road and Gwynn Oak Avenue in the Gwynn Oak area of Baltimore County. It is improved with an existing 2½-story stone building located toward the front of the property, a 1½-story brick building located in the middle, but slightly more toward the rear of the property, and a one-story garage located between

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the buildings. The property is also improved with an in-ground swimming pool situated behind the brick building, also located toward the rear of the property.

Petitioner purchased the property approximately one year ago. Petitioner's son, Irfan Kabiruddin, proposes to operate a religious school on the property that would introduce students to the teachings of Islam and provide the students with intense instruction and study of the Muslim faith. In order to facilitate a stable teaching and learning environment, Irfan desires to also have a dormitory associated with the school so that students can both live and learn at the school. In his opening remarks, Petitioner's counsel, Mr. Borgerding, referenced the relevant zoning regulations; in particular, Sections 204.3.A.1 and 204.3.B.1 of the B.C.Z.R. state that uses permitted as of right or by special exception, respectively, in the D.R.5.5 zone are permitted as of right or by special exception, respectively, in the R.O. zone. Pursuant to the use regulations in the D.R. zone, Section 1B01.1.A.14 of the B.C.Z.R. allows schools as a matter of right, and Section 1B01.1.C.14 of the B.C.Z.R. allows a dormitory by special exception. Given the above, Mr. Borgerding indicated the proposed religious school is permitted as of right and the proposed dormitory is permitted by special exception. Alternatively, pursuant to a prior case decided by this Commission, the dormitory is permitted by special hearing as an accessory use to the proposed religious school. In addition, the variance concerning the side yard setback is necessary to legitimize the existing location of the 1½-story brick building in relation to the property line.

Testimony and Evidence

In support of the requests for relief, Petitioner called Rizwan Siddiqi, a licensed professional engineer. Mr. Siddiqi was offered and accepted as an expert in land use and interpretation of the Baltimore County Zoning Regulations. He testified that he is familiar with the property and visited the site on several occasions and prepared and sealed the site plan.

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Initially, Mr. Siddiqi addressed the requested variance to allow a two way drive aisle with a 10 foot width in lieu of the required 20 feet as shown on the site plan. He submitted a copy of an enlarged portion of the site plan with an amendment which was marked and accepted into evidence as Petitioner's Exhibit 2. The amended plan shows the entrance to the property and driveway aisle to be 20 feet wide. Hence, Mr. Siddiqi indicated this variance relief is no longer necessary and was withdrawn. This was also confirmed by Petitioner's counsel, Mr. Borgerding.

As to the other requests for relief, Mr. Siddiqi indicated the existing structures date from the 1920's and will remain, with no plans for alterations to the existing structures. As shown on the site plan, Mr. Siddiqi testified that the 2½-story stone structure or "main" building will be used for the school and administrative offices. The 1½-story brick carriage house or "accessory" building will be used for the proposed dormitory. The garage and swimming pool will remain. As to parking, Mr. Siddiqi indicated there are 15 parking spaces located between the buildings, including one handicapped space. The existing parking is more than is required for the proposed use and no parking variances are requested. There is also a sufficient drive aisle and turnaround space for vehicles on the property.

The setback variance concerns the accessory building. The unusual shape of the property and placement of the accessory building necessitates the variance relief. The property is fairly wide at the front and rear and tapers inward at the middle, somewhat similar to a bowtie. The accessory building is located in this thinnermost area of the property. It was built before 1945, prior to the zoning regulations, and the northwest corner of the structure encroaches within the required 20 foot sideyard setback. As already indicated, Petitioner does not intend to alter or change the existing structure. Hence, the variance to allow an eight foot side yard setback is needed to legitimize this existing condition.

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Mr. Siddiqi then addressed the zoning relief associated with the request to allow a dormitory on the site. Petitioner requests the dormitory use be approved by special exception or, alternatively, by special hearing. In connection with the special exception, Mr. Siddiqi discussed the criteria set forth in Section 502.1 of the B.C.Z.R. He then offered his opinion that the use of the property as a religious school and in particular, the special exception use as a dormitory, will not be detrimental to the health, safety, or general welfare of the locale, and meets all the other Section 502.1 criteria.

As to the alternative request for special hearing relief, Mr. Siddiqi indicated he is familiar with and identified a previous zoning decision involving a dormitory use in Case No. 06-486-SPHA. A copy of the decision was marked and accepted into evidence as Petitioner's Exhibit 3. In that case, petitioners operated a private school for Orthodox Jewish students. The special hearing was requested to permit an amendment to a site plan approved in a prior case in order to construct a second dormitory building on the subject property, which would permit approximately 120 to 150 students. In that prior case, Case No. 01-191-SPH, then-Zoning Commissioner Lawrence E. Schmidt confirmed that dormitories and faculty housing were permitted as accessory uses to the permitted school use. In Case No. 06-486-SPHA, Zoning Commissioner William J. Wiseman, III granted the special hearing relief, thereby allowing the construction of the second dormitory as an accessory use to the religious school. Comparing the instant request to the permitted dormitory at the Orthodox Jewish School, Mr. Siddiqi indicated he believes Petitioner's proposed use is similar and should also warrant favorable consideration. Although the number of proposed students and the size of the property is smaller in the instant matter than at the Orthodox Jewish School, the concept of the dormitory as an accessory use in conjunction with a religious school in both matters is virtually the same.

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Aside from his capacity as Petitioner's consulting engineer, Mr. Siddiqi also offered his personal testimony concerning the proposed religious school and dormitory. Mr. Siddiqi indicated he practices Islam and is familiar with Petitioner's proposed program. He indicated that it is more beneficial to students' overall learning experience to reside at the school in order to allow more focus on instruction and related activities. He believes the school and dormitory will be an asset to the community by allaying misinformed perceptions about Islam. In particular, the students will be very obedient, well behaved, and courteous. He also believes the school will enhance safety in the community because it will not be a "hang out" but rather, will be a place where students can live and learn in an appropriate environment, as well as engage in suitable school sponsored activities on the property when school is not in session.

Next to testify was Petitioner's son, Irfan Kabiruddin. Mr. Kabiruddin resides at 1901 Hillside Drive, just a few hundred feet east of the subject property, with his wife and two sons. Photographs of Mr. Kabiruddin's home and the main dwelling on the subject property were marked and accepted into evidence as Petitioner's Exhibits 5A and 5B, respectively. He is the former religious director at the Islamic Society of Baltimore, a mosque that has operated in the Woodlawn area since 1969. Mr. Kabiruddin indicated he desires to fulfill a need that exists in teaching Muslim youth about their religion and to elevate their knowledge and character. There is only one such similar school in the United States. The Darul-Uloom Al-Madania Institute of Higher Islamic Education is located in Buffalo, NY and opened in 1994. He sees the subject property as a great opportunity to use the property for a desirable purpose for the Muslim community, not just locally but for people in other states as well.

His vision is for the subject property to be used as a religious school for boys with a dormitory for between 15 and 30 students. In order to give some perspective on the property, Mr. Kabiruddin submitted additional photographs of the site which were marked and accepted

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into evidence as Petitioner's Exhibits 6A through 6K. These photographs show the front and rear property areas, the fence that surrounds the rear of the property, the pool area, an open area to the rear of the property for outdoor activities, the main building and accessory building, and the location of nearby buildings on the other side of Dogwood Road and Gwynn Oak Avenue. He also discussed the various uses of properties within approximately one mile of the subject property. These uses include other private schools and special learning centers, daycare centers, and churches. Although on cross examination, Mr. Kabiruddin acknowledged these other uses did not include a dormitory, he believes the educational and spiritual uses compare favorably with the proposed religious school and dormitory on the subject property.

As to the proposed school itself, Mr. Kabiruddin indicated there would be a maximum of 30 students with four teachers, including himself. There would be no cars for students, even for those with drivers' licenses, and a night guard and overhead cameras would provide security. It should be noted that there was some conflict as to the number of students indicated by Petitioner's engineer, Mr. Siddiqi, during his testimony and on Note 20 of the site plan concerning parking calculations, as compared with the number of students indicated by Mr. Kabiruddin. To clarify, Mr. Kabiruddin indicated that the total number of students would be 30. The number of drop off students would depend on the number of dormitory students enrolled at the school; however, the total number of students would never exceed 30. In addition, Mr. Kabiruddin indicated the number of dormitory students could exceed 15 students, up to a maximum of 30. In the event the number of dormitory students reached 30, then there would be no drop off students.

Another point of clarification was the use of the main building and the accessory building for the religious school and dormitory. Mr. Kabiruddin indicated the 1½-story accessory building has three first floor bedrooms -- one of the rooms which is fairly large could

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accommodate up to six students, a second room could accommodate up to three students, and a smaller third room could accommodate up to three students, for a total of 12. There is also a two bedroom apartment on the second floor with a separate bathroom and kitchen that could accommodate additional students. In the event the number of dormitory students exceeds the capacity of the accessory building, Mr. Kabiruddin indicated the main building could also be used to house students. The first floor of the main building would contain three classrooms and a prayer room and the third floor would contain administrative offices. The second floor has four bedrooms and could utilize bunk beds to house four students in each room for a total of 16. The basement also has additional space for students if the need were to arise. Although the site plan notes that the main building would be used for the school and the accessory building would be used for the dormitory, Mr. Kabiruddin indicated that depending on the number of dormitory students enrolled, they could also be housed in the main building.

The school curriculum would emphasize Islamic studies as well as secular education. The secular education could be chosen from one of two programs -- the Calvert School program (subject to an additional fee) and the Baltimore County curriculum that includes math, science, social studies, and reading comprehension and writing. Students enrolled full time in the dormitory would range in age from 12 to 20 years of age, and drop off students could begin at age eight. A typical daily schedule would consist of the following six days per week: a dawn prayer prior to sunrise; rest and breakfast up to 8:30 AM; 45 minute Islamic classes in the morning; lunch from 11:00 to 11:45 AM followed by a noon prayer; secular education classes in the afternoon until approximately 4:30 PM; break to play or rest; dinner before sunset followed by a sunset prayer; reporting to classrooms for homework until approximately 9:00 PM; then final prayer and sleep. On the school's off day on Fridays, the students would still have some activities and prayers to attend. Finally, Mr. Kabiruddin testified that the students on site would

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be supervised 24 hours a day. Moreover, students would not be permitted to drive onto or off the property and could not leave the premises in any event without his permission as Director of the school.

As to the Section 502.1 criteria referenced by Mr. Siddiqi during his testimony, Mr. Kabiruddin indicated that the proposed school and dormitory would generate less traffic than the previous use on the property which consisted of an engineering firm with approximately 20 employees and vehicles. He also indicated that the school and requested dormitory would be self contained and have very little impact on the surrounding community -- and certainly not a negative impact.

On cross examination, Mr. Kabiruddin acknowledged there had been parking of vehicles on the property, including on grassy areas, during the past summer and fall for religious services; however, he indicated that with the use of the property as a religious school, there would be no further use of the property for services to the local Islamic community, hence there would be no further parking of vehicles on areas of the property not designated for parking. In response to questioning, Mr. Kabiruddin also indicated he was not concerned about the location of the dormitory in proximity to Hertsch's Tavern across the street on Gwynn Oak Avenue because the Islamic religion prohibits the drinking of alcoholic beverages. In addition, as stated previously, students would be supervised at all times and would not be permitted to leave unless he gave specific permission.

Several other interested citizens testified in support of the requested relief. These individuals testified mainly as to similar themes: that the proposed school would provide an excellent opportunity for a one-of-a-kind school for Muslim children and young adults living in the geographic area and beyond, and that there would be no negative impact on the community -- if anything, the school would enhance the community and have a positive influence. In addition,

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the presence of the school would provide a great opportunity to eliminate unknown fears and misconceptions concerning Islam and educate the community as to the proper practice of this religion.

Presenting the case in opposition to the requested relief was Protestants' counsel, Mr. Holzer. Prior to calling witnesses, Mr. Holzer requested that the record reflect that several interested citizens could not attend the hearing following a lunch break and that they were each opposed to the relief. These individuals were identified as Delores Johnson, Michael Perrera, Phyliss Weaverling, and Ruth Baskerville.

Mr. Holzer first called Jerry Greene of 6412 Lehnert Street. Mr. Greene indicated he has lived across the street from the subject property for eight years and witnessed the recent occasions where many cars were parked on the grass on the property. His opposition to the proposed dormitory is based on increases in traffic and the potential adverse influence of Hertsch's Tavern across the street. He is also concerned that the property will continue to be used for other activities that require the parking of large numbers of cars.

Next to testify was Joe Lastner of 6409 Lehnert Street. Mr. Lastner indicated he has resided in the neighborhood since 1998. He also expressed concerns over how the property has been used in the past as a possible precursor to how the school and dormitory will be operated in the future. In particular, a number of the activities taking place on the property in the past have occurred in the evening, with cars parked all over the subject property. He also indicated that activities have occurred on the weekends with cars strewn about the property. In fact, Mr. Greene submitted a photograph taken on September 20, 2007 that was marked and accepted into evidence as Protestants' Exhibit 1 and shows a sign directing persons to park on the grassy area of the property. Additional photographs which were marked and accepted into evidence as

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Protestants' Exhibits 3 through 7 show signs on the property advertising for religious services and show areas in front of the main building and on grassy areas where cars have been parked.

Also testifying was Kerri Lastner of 6409 Lehnert Street. Ms. Lastner testified as a concerned citizen and also on behalf of the Graystone Community Association, which represents in excess of 100 homes in the community. Ms. Lastner indicated that the particular area of Dogwood Road and Gwynn Oak Avenue is the gateway to the rest of the residential neighborhood and community. As shown on the aerial photograph which was marked and accepted into evidence as Protestants' Exhibit 2, virtually the entire surrounding area north of the subject property is residential. She is concerned about traffic problems from past activities on the subject property, as well as continued traffic overflow and ingress and egress problems due to the proximity of the entrance to the subject property so close to the intersection of Dogwood Road and Gwynn Oak Avenue. In addition, Ms. Lastner testified concerning the potential impact of the school and dormitory on the surrounding area. She characterized the area as an already "stressed community" and discussed the challenges already facing the area. This includes problems with Hertsch's Tavern and the proximity of the Meadowoods Center Alternative School across the street on Dogwood Avenue, which has 75 daytime students for disruptive children. Ms. Lastner also mentioned Woodlawn High School, which has had a number of documented problems over the years, as shown by the newspaper article from *The Sun* dated November 26, 2007 entitled "Troubled Woodlawn High Plans Academic Overhaul." This article was marked and accepted into evidence as Protestants' Exhibit 10. Ms. Lastner also submitted statistics from the Baltimore County Police Department which was marked and accepted into evidence as Protestants' Exhibit 12, indicating three traffic accidents at the intersection Dogwood Road and Gwynn Oak Avenue during the period of July 1, 2007 through December 31, 2007, as well as 21 calls for service as the location of Hertsch's Tavern during that

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same time period. In sum, Ms. Lastner is opposed to Petitioner's plans because she is concerned that the proposed school and dormitory, with up to 30 boys and young men living there 24 hours a day, will create additional difficulties for an already overburdened community that has problems with what she characterized as "bad elements," including children cutting school and engaging in drug activity.

The final witness to testify in opposition was Pastor Ezio M. Ross on behalf of the Woodlawn Community Education and Development Association, Inc. Pastor Ross described his Association as an umbrella organization representing a number of community groups on behalf of approximately 1,800 households. Pastor Ross also submitted a letter dated January 25, 2008 outlining his concerns, which was marked and accepted into evidence as Protestants' Exhibit 13. In his letter and testimony, Pastor Ross discussed the large number of group homes that have been placed in Randallstown, Woodlawn, and other areas in the northwest part of the County, which have created disruptive influences to the homeowners residing in these areas. He also expressed concern over businesses being allowed to open in residential areas and the disruption it will cause in neighborhoods.

It should also be acknowledged that the zoning file in this matter contains nine letters from nearby concerned citizens in the community who oppose having a dormitory located on the subject property. Most of these concerns stem from existing problems with Hertsch's Tavern and the additional problems residents believe will arise from having teenagers living in a dormitory nearby.

Following the hearing, counsel on behalf of each party submitted a written Memorandum of Law on February 26, 2008.

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By

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning dated October 1, 2007 indicate that the property is located in a Community Conservation Area. The Office supports the requested special exception to operate a dormitory in conjunction with a religious school. Comments further indicate that a note should be added to the plan indicating the existing house will be converted to a school and the maximum number of students allowed in the school, indicate the maximum number of students to be housed in the dormitory, provide landscaping and a privacy fence, use similar architecture and building material to assure compatibility with the surrounding neighborhood and provide additional landscaping along the eastern property line to screen the rear of the dormitory from residences on Hillside Avenue. Comments were received from the Bureau of Development Plans Review dated November 28, 2007 which indicate that the driveway should be widened to at least 16 feet with no parts being narrower for emergency access.

Decision

Before any special exception may be granted, it must be determined whether the use for which the special exception is requested will have a negative impact on the criteria set forth in Section 502.1 of the B.C.Z.R. Moreover, as set forth in *Schultz v. Pritts*, 291 Md. 1 (1981):

> [T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Id.* at 22-23.

This standard requires identification of the adverse effects inherent to the proposed special exception use -- that is, effects that the use would have, regardless of where in the zone the use

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By

were employed -- and sufficient evidence to prove that the adverse effects resulting from the proposed use at the proposed location will not exceed the identified inherent effects. In addition, a special exception or "conditional" use in a zoning ordinance recognizes that the legislative body has made a policy decision that the exception or use is desirable and necessary in its zoning planning, provided certain standards are met. *Mossberg v. Montgomery County*, 107 Md.App. 1, 7-8 (1995). It also recognizes that:

> The legislative body, by designating the special exception, has deemed it to be generally compatible with the other uses. In special exception cases, therefore, general compatibility is not normally a proper issue for the agency to consider. That issue has already been addressed and legislatively resolved. Moreover, it is not whether a use permitted by way of a special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is to be considered by the agency. *Id.* at 8-9.

It is undisputed that the proposed religious school is permitted at the subject location as a matter of right. The only issue then is whether Petitioner is entitled to the special exception or "conditional" use of the property for a dormitory for 15 to 30 students in conjunction with the religious school. On this point, Petitioner's engineering consultant, Mr. Siddiqi, testified that the proposed dormitory would not have any detrimental impacts above and beyond those normally associated with a dormitory use in conjunction with a religious school elsewhere in an R.O. zone. Indeed, he offered the expert opinion that Petitioner's proposed use would not be detrimental to the health, safety, or general welfare of the locale, and that it met the criteria set forth in Section 502.1 of the B.C.Z.R. Hence, I am persuaded that Petitioner is entitled to special exception relief.

In addition, the testimony offered by Irfan Kabiruddin, Petitioner's son who proposes the religious school and dormitory, as to the details of how the school and dormitory will be

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Date 3.28.08
By PM

operated is persuasive that the school and dormitory will not negatively impact the area. If the school and dormitory are indeed operated as planned by Mr. Kabiruddin, these uses should benefit the community and should serve as a stabilizing influence to the area. I am certainly mindful of the testimony of Protestants as to the difficulties this area faces. It is no secret that the community is being challenged to a degree by youth delinquency in the nearby Meadowbrook School and Woodlawn High School, as well as residual problems from patrons of Hertsch's Tavern across the street from the subject property; however, in my judgment, Petitioner's proposal will not contribute to or exacerbate these challenges.

Notwithstanding, I am concerned that up to 30 dormitory enrolled students will overcrowd the existing structures and may be too much for the subject one acre property to handle. Based on Mr. Kabiruddin's testimony, it does not appear that he has a clearly laid out plan as to exactly how or where dormitory students will be housed or boarded. He gave a general overview as to the capacity of the buildings and where children could reside, but I am concerned about the dormitory students' welfare, and that they have enough room to live and learn and ultimately prosper in the school and dormitory environment. Therefore, at least initially, I shall limit the number of dormitory students to 20. In the event Petitioner determines a need for 10 additional dormitory students -- up to a total of 30 -- and can document that those additional dormitory students are necessary to meet the demand for the school, and indicate with specificity where those students will reside, then this Commission will consider a special hearing request to amend the approved site plan in this case for that purpose.

As to Petitioner's alternative request for special hearing relief, due to the granting of the special exception, this request is now moot; however, it bears mentioning that in my view, relief would not have been granted under the special hearing request because the circumstances of this case are different than in the case cited by Petitioner, Case No. 06-486-SPHA, in several

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3.28.08
PM

important respects. First, in the instant matter, Mr. Kabiruddin's testimony has indicated potential use of the dormitory in both the main building and the accessory building. Second, the request in Case No. 06-486-SPHA was to amend a previously approved site plan to allow a second, separate dormitory building to be erected as an accessory to the religious school. As such, although in Case No. 06-486-SPHA it could easily be determined that the second dormitory would be an accessory to the Orthodox Jewish School, the same cannot be said of the instant matter because Mr. Kabiruddin contemplates the dormitory use in the accessory building as well as the main building where classes and administrative offices will be located. Hence, it cannot be decided that the dormitory will be an "accessory" use in conjunction with the school when Petitioner has not determined exactly where the dormitory use will in fact be located.

As to Petitioner's request for variance from the nonresidential side yard setback requirements, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request; in particular, the unusual shape of the parcel, its location near the intersection of Dogwood Road and Gwynn Oak Avenue, and its isolated R.O. zoning designation between a commercial M.L. zone to the south and a residential D.R. zone to the north and east. In addition, the fact that the accessory building which is the subject of the variance request has been at its present location since the 1920's -- prior to the imposition of zoning on the property -- makes the property unique in a zoning sense. Moreover, the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. Furthermore, because the location of the building is a long-existing condition, with no plans by Petitioner to alter or modify the existing structure, I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find the requested variance can be

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3.28.08
BY

granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's requests for special exception and variance should be granted with conditions.

THEREFORE, IT IS ORDERED this 28th day of March, 2008 by the Deputy Zoning Commissioner, that Petitioner's request for Special Exception pursuant to Section 1B01.C.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dormitory in conjunction with a religious school for 15 to 20 students be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Special Hearing request filed pursuant to Section 500.7 of the B.C.Z.R. to allow the use of a dormitory for 15 to 30 students as an accessory use in conjunction with a religious school be and is hereby DISMISSED as MOOT; and

IT IS FURTHER ORDERED that Petitioner's Variance request pursuant to Section 1B01.C.1.a of the B.C.Z.R. to permit a non-residential principal (institutional) building with a side yard setback of eight feet in lieu of the required 20 feet be and is hereby GRANTED.

Subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. Petitioner shall clarify the note to the site plan indicating that the existing main building will be converted to a school and the maximum number of students allowed in the school shall be 30. Petitioner shall also clarify that the maximum number of dormitory enrolled students shall be 20, and that both the accessory building and the main building may be used for the dormitory.

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3.28.08
BY

3. Petitioner shall provide landscaping and a privacy fence to mitigate the impact of the side yard setback variance.

4. Petitioner shall use similar architecture and building material where applicable to assure compatibility with the surrounding neighborhood.

5. Petitioner shall provide additional landscaping along the eastern property line to screen the rear of the proposed dormitory from residences on Hillside Avenue.

6. The driveway shall be widened in accordance with the plan indicated in Petitioner's Exhibit 2, which shows a driveway entrance and drive aisle to be not less than 20 feet wide, to allow for emergency access.

7. Petitioner shall not utilize the property to perform religious services for the general public.

8. Petitioner shall not utilize off street parking in connection with the use of the property granted herein, and on-site parking shall be permitted only in designated spaces as shown on the site plan. In particular, there shall be no parking on any other areas of the property, including grass or dirt areas.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILING
3.28.08
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 28, 2008

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, #600
TOWSON, MD 21204

Re: Petition for Special Hearing and Special Exception
Case No. 08-042-SPHX
Property: 6334 Dogwood Road

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286
Please See Attached List

Revised 08-042-SPHX

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6334 Dogwood Road
Baltimore, MD 21207

which is presently zoned R.O.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the use of a dormitory for 15-20 students as an accessory use in conjunction with a religious school

30 FXB, JL

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print

Signature

Company

409 Washington Ave., #600 410-296-6820
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Sarkar Kabiruddin
Name - Type or Print

Signature

Name - Type or Print

Signature

6334 Dogwood Road
Address Telephone No.

Baltimore MD 21207
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-042-SPHX

CASE ACCEPTED FOR FILING

Reviewed By _____ Date _____

REV 9/15/98

3/28/08

PD

Revised 08-042 SPHX

AMENDED

Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property

located at 6334 Dogwood Road, Baltimore, MD 21207

which is presently zoned R.O.

Deed Reference: _____/___ Tax Account # _____

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A dormitory in conjunction with a religious school for 15 to 30 students, per Section 1B01.C.14 of the B.C.Z.R.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.

Name - Type or Print

Signature

Company

409 Washington Avenue 410-296-6820

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Sarkar Kabiruddin

Name - Type or Print

Signature

Name - Type or Print

Signature

6334 Dogwood Road

Address Telephone No.

Baltimore MD 21207

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. 08-042-SPHX

REV 07/27/2007

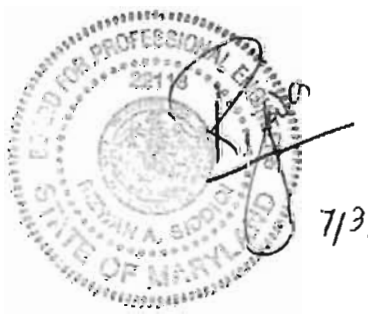
RECEIVED FOR FILING
Date 3.28.08
By PDD

Zoning Description For:
6334 Dogwood Road, Baltimore, Maryland 21207

Beginning at a point on the North side of Dogwood Road, which is 60 feet wide at the distance of about 100 feet North of the center line of the nearest improved intersecting street, Gwynne Oak Drive, which is 60 feet wide. Thence the following courses and distances:

North 72 Degrees 50 Minutes 35 Seconds East 231.74'
North 24 Degrees 39 Minutes 33 Seconds East 100.22'
South 66 Degrees 11 Minutes 14 Seconds East 150.72'
South 24 Degrees 39 Minutes 33 Seconds West 101.37'
North 66 Degrees 51 Minutes 01 Seconds West 30.88'
South 59 Degrees 13 Minutes 35 Seconds West 254.42'
North 44 Degrees 55 Minutes 05 Seconds West 155.87' and

To the place of beginning as recorded in Deed Liber 2546, Folio 127



7/31/07

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-042-SPHXA
6334 Dogwood Road
N/side of Dogwood Road, 100 feet north of Gwynne Oak Drive
1st Election District - 4th Councilmanic District
Legal Owner(s): Kabiruddin Sarkar

Special Exception: for a dormitory in conjunction with a religious school for 15 to 30 students, per Section 1B01.C.14 of the BCZR. **Special Hearing:** for the use of a dormitory for 15 to 30 students as an accessory use in conjunction with a religious school. **Variance:** to permit non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet and to allow a two way drive aisle with 10 foot width in lieu of the required 20 foot.

Hearing: Friday, January 25, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
1/116 Jan. 10 160069

CERTIFICATE OF PUBLICATION

1/10/, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/10/,2008.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Williamson

LEGAL ADVERTISING

ZONING NOTICE
CASE # 08-042-SPHXA
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
ROOM 407 COUNTY COURTS BUILDING
PLACE: 401 BOSLEY AVENUE, TOWSON 21204
DATE AND TIME: FRIDAY JANUARY 25, 2008 AT 9:00 AM
REQUEST: SPECIAL EXCEPTION FOR A DORMITORY IN CONJUNCTION WITH A RELIGIOUS SCHOOL FOR 15 TO 30 STUDENTS PER SECTION 1801.C.1.c OF THE BCZR SPECIAL HEARING FOR THE USE OF A DORMITORY FOR 15 TO 30 STUDENTS AS AN ACCESSORY USE IN CONJUNCTION WITH A RELIGIOUS SCHOOL VARIANCE TO PERMIT NON-RESIDENTIAL PRINCIPAL (INSTITUTIONAL) BUILDING SIDE YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 20 FEET AND TO ALLOW A TWO WAY DRIVE AISLE WITH 18 FOOT WIDTH IN LIEU OF THE REQUIRED 24 FEET
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No: 08-042-SPHXA

Petitioner/Developer: FRANK BORGERDING JR

Date Of Hearing/Closing: 1/25/08

Baltimore County Department of
Permits and Development Management
County Office Building,Room 111
111West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 6334 DOGWOOD ROAD

This sign(s) were posted on January 10, 2008.
(Month, Day, Year)

Sincerely,

Martin Ogle 1/10/08
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

ZONING APPEAL
PUBLIC HEARING
CASE NUMBER:
08-042 Spl
FOR INFORMATION CALL
887-3180
DO NOT REMOVE
UNDER PENALTY OF LAW
BALTIMORE COUNTY BOARD OF APPEALS

Requested: June 13, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-042-SPHX

6334 Dogwood Road

1st ELECTION DISTRICT APPEALED: 4/24/2008

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 08-042-SPHX

LEGAL OWNER: **SARKAR KABIRUDDIN**

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

6334 DOGWOOD ROAD
N/S DOGWOOD RD, 100 FT. N/OF GWYNNE OAK DRIVE

The sign was posted on 9/13, 2008.

By: _____
(Signature of Sign Poster)

CHEN, J
(Print Name)

RECEIVED
OCT 09 2008
BALTIMORE COUNTY
BOARD OF APPEALS

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 5, 2007

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-042-SPHXA
6334 Dogwood Road
N/side of Dogwood Road, 100 feet north of Gwynne Oak Drive
1st Election District – 4th Councilmanic District
Legal Owners: Kabiruddin Sarkar

Special Exception for a dormitory in conjunction with a religious school for 15 to 30 students, per Section 1B01.C.14 of the BCZR. Special Hearing for the use of a dormitory for 15 to 30 students as an accessory use in conjunction with a religious school. Variance to permit non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet and to allow a two way drive aisle with 10 foot width in lieu of the required 20 feet.

Hearing: Friday, January 25, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Frank Borgerding, Jr., 409 Washington Avenue, Ste. 600, Towson 21204
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21204
Mrs. Van Ross, Dallas Griffin, P.O. Box 47702, Baltimore 21244

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 10, 2008.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Jefferson Building
Second Floor, 105 W. Chesapeake Avenue
(adjacent to Suite 203)

July 31, 2008

NOTICE OF ASSIGNMENT

CASE #: 08-042-SPHXA

IN THE MATTER OF: SARKAR KABIRUDDIN – Legal Owner / Petitioner 6334 Dogwood Road
1st Election District; 1st Councilmanic District

3/28/2008 – D.Z.C.'s Decision in which requested zoning relief was GRANTED in part with restrictions; and dismissed in part as moot.

ASSIGNED FOR: TUESDAY, SEPTEMBER 23, 2008, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquie
Appellants /Protestants : Greystone Community Association / Kerri Lastner, President and Individually
Woodlawn Community Education & Dev. Assn. /Ms. Van Ross, President
Jerry and Audrey Green
Betty Scott

Counsel for Petitioner : Francis X. Borgerding, Jr., Esquire
Petitioner : Sarkar Kabiruddin, Legal Owner and Irfan Kabiruddin (son)

Rizwan Siddiqi /Mufti & Associates, Inc.
Mohammed Mufti /Mufti & Associates, Inc.

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

CP Concluded No day 2

Hearing Room #2, Jefferson Building
Second Floor, 105 W. Chesapeake Avenue
(adjacent to Suite 203)

September 24, 2008

NOTICE OF ASSIGNMENT /Day #2 and Day #3

CASE #: 08-042-SPHXA

IN THE MATTER OF: SARKAR KABIRUDDIN – Legal Owner / Petitioner 6334 Dogwood Road
1st Election District; 1st Councilmanic District

Day #2 from 9/23/08

3/28/2008 – D.Z.C.'s Decision in which requested zoning relief was GRANTED in part with restrictions; and dismissed in part as moot.

NOTE: The following date has been assigned for day #2 in the subject matter; additionally, a date has been assigned as day #3 for conclusion of this matter, if needed:

ASSIGNED FOR: **TUESDAY, JANUARY 13, 2009 at 10:00 am /day #2 and TUESDAY, JANUARY 20, 2009 at 10:00 am /day #3 (if needed)**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquie
Appellants /Protestants : Greystone Community Association / Kerri Lastner, President and Individually
Woodlawn Community Education & Dev. Assn. /Ms. Van Ross, President
Jerry and Audrey Green
Betty Scott

Pastor Ezio M. Ross
Michelle B. Caldwell
Michele Perrera
Michael Pizanis
Patricia Dimler
Rose Harvin-Patterson
Darlene Warren

Counsel for Petitioner : Francis X. Borgerding, Jr., Esquire
Petitioner : Sarkar Kabiruddin, Legal Owner and Irfan Kabiruddin (son)

Rizwan Siddiqi /Mufti & Associates, Inc.
Mohammed Mufti /Mufti & Associates, Inc.
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Jefferson Building
Second Floor, 105 W. Chesapeake Avenue
(adjacent to Suite 203)

January 15, 2009

NOTICE OF DELIBERATION

CASE #: 08-042-SPHXA **IN THE MATTER OF: SARKAR KABIRUDDIN – Legal Owner / Petitioner** 6334 Dogwood Road

Having concluded this matter on 1/13/2009, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **WEDNESDAY, MARCH 25, 2009 at 9:00 a.m.**

LOCATION : Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor (adjacent to Suite 203)

NOTE: Closing briefs are due on Tuesday, February 17, 2009
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquie
Appellants /Protestants : Greystone Community Association / Kerri Lastner, President and Individually
Woodlawn Community Education & Dev. Assn. /Ms. Van Ross, President
Jerry and Audrey Green
Betty Scott

Pastor Ezio M. Ross
Michelle B. Caldwell
Michele Perrera
Michael Pizanis
Patricia Dimler
Rose Harvin-Patterson
Darlene Warren

Counsel for Petitioner : Francis X. Borgerding, Jr., Esquire
Petitioner : Sarkar Kabiruddin, Legal Owner and Irfan Kabiruddin (son)

Rizwan Siddiqi /Mufti & Associates, Inc.
Mohammed Mufti /Mufti & Associates, Inc.
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

September 25, 2007

Francis X. Borgerding, Jr.
409 Washington Avenue, #600
Towson, Maryland 21204

Dear Mr. Borgerding:

RE: Case Number: 08-042-XA, 6334 Dogwood Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 24, 2007. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures
c: People's Counsel
Sarkar, Kabiruddin 6334 Dogwood Road Baltimore 21207
Mufti & Associates, Inc. 6413 Windsor Mill Road Baltimore 21207

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 2, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 30, 2007

Item Number: 042

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: Nov. 26, 2007

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 08-0425PHX
6334 DOGWOOD ROAD
DARUL LILOOM MARYLAND, INC.
PLAT & PETITION

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-0425-5PHX.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). misprint?

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: August 1, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 6, 2007
Item No. 08-042

Since people will living in the dormitory, the driveway should be widened to at least 16 feet, with no parts being narrower. This is for emergency access.

DAK:CEN:cab
cc: File
Attachment
ZAC-ITEM NO 08-042-08062007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: JULY 31, 2007

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 8-42-XA
6334 DOGWOOD ROAD
KABIRUDDIN PROPERTY
SPECIAL EXCEPTION
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-42-XA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

TB 10/1
9AM
Postponed

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 1, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 6334 Dogwood Road

RECEIVED
OCT 15 2007
BY:

INFORMATION:

Item Number: 8-042-XA

Petitioner: Karirrudin Sakar

Zoning: RO

Requested Action: **Variance and Special Exception**

SUMMARY OF RECOMMENDATIONS:

The subject property is located in a Community Conservation Area. There is no indication on the plan that the existing house is to be converted to a school. A matter of right allows the proposed school, however the petitioner shall address the following:

- Add a note to the plan indicating that the existing house will be converted to a school and the maximum number of students allowed in the school.
- Indicate the maximum number students to be housed in the proposed dormitory.
- Provide landscaping and a privacy fence to mitigate the impact of the requested variance (to permit a side yard setback of 8-feet in lieu of the required 20 feet.)
- Use similar architecture and building material to assure compatibility with the surrounding neighborhood.
- Provide additional landscaping along the eastern property line to screen the rear of the proposed dormitory from residences on Hillside Avenue.

The Office of Planning supports the requested special exception to operate a dormitory in conjunction with a religious school; and variances to permit a yard setback of 8- feet in lieu of the required 20 feet set-back and a the variance to allow a 10 foot driveway in lieu of the required 20 foot driveway provided the petitioner addresses the comments listed above.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by: Lucius Sheppard

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\8-042.doc

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
6334 Dogwood Road; N/S Dogwood Rd, 100' N Gwynne Oak Drive	*	ZONING COMMISSIONER
1st Election & 4th Councilmanic Districts	*	FOR
Legal Owner(s): Sarkar Kabiruddin Petitioner(s)	*	BALTIMORE COUNTY
	*	08-042-XA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2007, a copy of the foregoing Entry of Appearance was mailed Mufti & Associates, Inc, 6413 Windsor Mill Road, Baltimore, MD 21207 and to Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED
AUG 03 2007
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN THE MATTER OF:	*	BEFORE THE
SARKAR KABIRUDDIN Legal Owner/Petitioner	*	COUNTY BOARD OF APPEALS
	*	BALTIMORE COUNTY
6334 Dogwood Road 1st Election District 1st Councilmanic District	*	Case No. 08-042-SPHXA
	*	

* * * * * * * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, January 13, 2009 at 10:00 a.m. at Hearing Room #2(Next to Suite #203), located at 105 W. Chesapeake Ave., Towson 21204 (Jefferson Bldg.) and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board. (See attached Notice of Hearing)

Witness: Officer Randall Murphy # 4838
Address: Baltimore County Police Dept.
Woodlawn Precinct
6424 Woodlawn Dr., Baltimore MD 21207

Name: J. Carroll Holzer
Firm: Holzer & Lee
Address: 508 Fairmount Ave. Towson, 21286 **410-825-6961**
The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above case. The Board requests the Sheriff to issue the summons set forth herein.

Sunny Cannington
County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2008

Not Served: _____, 2008

Sheriff of Baltimore County

C:Subpoenas CBA Greystone 10-16-08

RECEIVED
OCT 16 2008
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:	*	BEFORE THE
SARKAR KABIRUDDIN Legal Owner/Petitioner	*	COUNTY BOARD OF APPEALS
6334 Dogwood Road DZC relief GRANTED	*	BALTIMORE COUNTY
1st Election District 1st Councilmanic District	*	Case No. 08-042-SPHXA
	*	

* * * * * * * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, September 23, 2008 at 10:00 a.m. at Hearing Room # 2, located at Jefferson Bldg., Second Floor,105 W. Chesapeake Ave., Towson 21204 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board. (See attached Notice of Hearing)

Witness: Sarah Spross, Chief
Address: Nonpublic School Approval Branch
MD State Dept. of Education
200 West Baltimore St.
Baltimore, MD 21201

RECEIVED
SEP 12 2008
BALTIMORE COUNTY
BOARD OF APPEALS

Name: J. Carroll Holzer
Firm: Holzer & Lee
Address: 508 Fairmount Ave. Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above case. The Board requests the Sheriff to issue the summons set forth herein.

Sunny Cannington
County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2007

Not Served: _____, 2007

Sheriff of Baltimore County

C:Subpoenas CBA Greystone C.A. 9-12-08

IN THE MATTER OF: SARKAR KABIRUDDIN - Legal Owner/ Petitioner 6334 Dogwood Road 1st Election District; 1st Councilmanic District	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO.: 08-042-SPHXA

* * * * * * * * * * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: David Green, Area Planner
1st Councilmanic District
Baltimore County Office of Planning
Jefferson Building, 1st Floor
105 West Chesapeake Avenue
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: Personally appear and produce documents;

in the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, MD 21204 on Tuesday, September 23, 2008 at 10:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):** a copy of the Baltimore County Planning Office's Inter-Office Correspondence dated October 1, 2007 from the Honorable F. Pat Keller, III, Director of Office of Planning to Timothy M. Kotroco, Director, Department of Permits and Development Management.

SUBPOENA REQUESTED BY:

Francis X. Borgerding, Jr.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONER

The witness named above is hereby ORDERED to so appear before the County Board of Appeals. The Board requests (____) the Sheriff, (_____) Private Process Server to issue the summons set forth herein.

Sunny Cannington
County Board of Appeals of Baltimore County

RECEIVED
SEP 15 2008
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF: SARKAR KABIRUDDIN - Legal Owner/ Petitioner 6334 Dogwood Road 1st Election District; 1st Councilmanic District	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO.: 08-042-SPHXA

* * * * * * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Sept. 15, 2008, I effected service of process by personally serving a Subpoena upon David Green at 105 West Chesapeake Avenue, Towson, Maryland 21204, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

Beverly J. Kaufman

Beverly J. Kaufman
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820

RECEIVED
SEP 15 2008
BALTIMORE COUNTY
BD OF APPEALS

APPEAL

Petition for Special Exception & Special Hearing
6334 Dogwood Road
N/s Dogwood Rd., 100 ft. N/of Gwynne Oak Drive
1st Election District – 4th Councilmanic District
Legal Owners: Sarkar Kabiruddin
Case No.: 08-042-SPHXA

✓ Petition for Special Hearing & Special Exception (July 24, 2007)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (December 5, 2007)

✓ Certification of Publication (The Jeffersonian – January 10, 2008)

✓ Certificate of Posting (January 10, 2008) by Martin Ogle

✓ Entry of Appearance by People's Counsel (August 3, 2008)

✓ Petitioner(s) Sign-In Sheet – One Sheet

✓ Protestant(s) Sign-In Sheet – Two Sheets

Citizen(s) Sign-In Sheet - None

✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

✓1. Site Plan
✓2. Amended Site Plan
✓3. Prior Case 06-486-SPH
✓4. Planning Comment
✓5. Photos (A and B)
✓6. Photos
✓7. Letter of Support

Protestants' Exhibits:

✓1. Photo of Parking Sign
✓2. Aerial Photo
✓3. Photos of sign
✓4. Photo of Mr. Warren's Home
✓5. Photos from east
✓6. Photos of cars parked
✓7. Photo
✓8. Woodlawn/Liberty Community Plan
✓9. Photos
✓10. Baltimore Sun Web Article
✓11. Meadowood Center Description
✓12. Crime Stats
✓13. Letter from Mr. Ross

Miscellaneous (Not Marked as Exhibit)

✓1. Letter from Stan Modjesky
✓2. Petitioners Memorandum
✓3. Protestants Memorandum
✓4. Article from Baltimore Sun Web
✓5. Letters of Opposition
✓6. Letter from Mr. Ross of WCEDA

✓ Deputy Zoning Commissioner's Order (GRANTED – March 28, 2008)

✓ Notice of Appeal received on April 24, 2008 by J. Carroll Holzer

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
See Attached

date sent June 12, 2008, klm

CASE #: 08-042-SPHXA

IN THE MATTER OF: SARKAR KABIRUDDIN – Legal Owner / Petitioner 6334 Dogwood Road
1st Election District; 1st Councilmanic District

SE – To allow dormitory in conjunction with religious school for 15 to 30 students (as amended before DZC hearing); VAR – To permit non-residential building (institutional) with side yard setback of 8' ilo req'd 20'; 2-way drive aisle w/10' width ilo required 20'; SPH – alternatively – To allow use of dormitory for 15 to 30 students as accessory use in conjunction with religious school.

3/28/2008 – D.Z.C.'s Decision in which requested zoning relief was GRANTED in part with restrictions; and dismissed in part as moot.

7/31/08 – Notice of Assignment sent to following parties; hearing assigned for Tuesday, September 23, 2008, at 10:00 a.m.

J. Carroll Holzer, Esquie
Greystone Community Association /
Kerri Lastner, President and Individually
Woodlawn Community Education & Dev.
Assn. /Ms. Van Ross, President
Jerry and Audrey Green
Betty Scott
Francis X. Borgerding, Jr., Esquire
Sarkar Kabiruddin, Legal Owner and
Irfan Kabiruddin (son)
Rizwan Siddiqi /Mufti & Associates, Inc.
Mohammed Mufti /Mufti & Associates, Inc.
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

9/10/08 – Letter filed by Office of People's Counsel – offering observations as to the case; and also observing that both Petitioner and Appellants are represented by counsel, but that the Office of People's Counsel will file a further memorandum "if it appears necessary and appropriate." Copy provided by PC to counsel in this matter.

9/18/08 – FAX from WCEDA, Mrs. Van Ross, President, in support of GCA.

9/23/08 – Board convened for hearing day #1 (Crizer, Wescott, Witt); concluded day #1; to send notice to parties for agreed upon date for day #2 (1/13/09); will also add additional date of 1/20/09 for day #3 if needed. Notice to be sent.

9/24/08 – Notice of Assignment /Days 2 and 3 sent to parties this date; also added Pastor Ezio M. Ross; Patricia Dimler; Michelle B. Caldwell; Rose Harvin-Patterson; Michele Perrera; Darlene Warren; and Michael Pizanis, all of whom attended day #1 and signed in for hearing. Day #2 assigned for Tuesday, January 13, 2009, at 10:00 a.m. as agreed by counsel; day #3, Tuesday, January 20, 2009, at 10:00 a.m., added as additional date for conclusion if needed.

1/13/2009 – Board convened for hearing (Crizer-Wescott-Witt). Hearing concluded. Memos are due on February 17, 2009. Deliberation scheduled for Wednesday, March 25, 2009 at 9:00 am. Notices sent.

2/13/09 – By mutual agreement, timeframe for Memorandums to be due at the Board was ext4ended to 2/23/09.

2/23/09 – Memos received and distributed to Board Members.

3/25/09 – Board convened for Public Deliberation

IN THE MATTER OF: SARKAR KABIRUDDIN – Legal Owner / Petitioner 6334 Dogwood Road
1st Election District; 1st Councilmanic District

SE – To allow dormitory in conjunction with religious school for 15 to 30 students (as amended before DZC hearing); VAR – To permit non-residential building (institutional) with side yard setback of 8' ilo req'd 20'; 2-way drive aisle w/10' width ilo required 20'; SPH – alternatively – To allow use of dormitory for 15 to 30 students as accessory use in conjunction with religious school.

3/28/2008 – D.Z.C.'s Decision in which requested zoning relief was GRANTED in part with restrictions; and dismissed in part as moot.

4/21/09 – Opinion and Order issued by Board. SPH-DENIED as MOOT; X-Granted; V-Granted with restrictions.

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 10, 2008

Edward W. Crizer, Jr., Chairman
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

RECEIVED
SEP 10 2008
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Sarkar Kabiruddin
6334 Dogwood Road
08-042-XA

Dear Mr. Crizer,

This case is scheduled for a *de novo* County Board of Appeals (CBA) hearing on September 23, 2008. The Greystone Community Association and area citizens have appealed the Deputy Zoning Commissioner's March 28, 2008 decision. Upon review of the record and after inquiries from interested citizens, we offer these observations.

DZC Thomas Bostwick entered an order granting a special exception to allow a dormitory in conjunction with a school in an R.O. (Residential-Office) Zone. He dismissed as moot the petition for special hearing to declare the dormitory to be an accessory use permitted by right. He granted a variance to permit a non-residential principal (institutional) building with a side yard setback of eight feet instead of 20 feet. He then imposed eight restrictions as conditions precedent, including a site plan note to show a limit of 30 students, and dormitory student residents as 20, with either the main building or accessory building available for housing; landscaping and a privacy fence; architecture and building materials where applicable to assure compatibility with the neighborhood; additional landscaping along the eastern property line to screen Hillside Avenue residences; driveway widening to facilitate emergency access; a restriction against religious services for the general public; and a restriction against off-street parking while limiting parking to the designated spaces on the site plan.

The property at 6334 Dogwood Road is in the Woodlawn/Gwynn Oak area. It is inside the Beltway, at the northeast corner of Dogwood Road and Gwynn Oak Avenue. It is about one acre in size and is zoned R.O. There are several existing buildings: a 2.5-story stone building toward the front, a 1.5-story brick building in the middle/rear, and a 1-story garage between them. There is also an in-ground swimming pool.

According to the DZC decision, Petitioner appears to have acquired the property in early 2007. An engineering firm had used it for offices, with 20 employees.

The proposal is to utilize these existing buildings and facilities. The stone building would mainly be for the school and administrative offices, the brick building would be a dormitory, and the garage and swimming pool would remain. Because of the limited housing capacity of the brick building, to about 12, the stone building would also be used for dormitory purposes. Dormitory students could range in age from 12 to 20, and others could be age 8 or older. While the property had recently been used for religious services for the local community (causing complaints as to congested parking), Petitioner's son stated that this use would not continue.

The DZC opinion records the opposition of area citizens based on traffic congestion, overcrowding, overburden and excessive stress to a residential area already experiencing problems and disruption from the nearby Woodlawn High School, the Meadowoods Center Alternative School, and various group homes, together with the adjacent Hertsch's Tavern. Kerri Lastner, the representative of the Greystone Community Association, which has over 100 homes, described this property, moreover, as the gateway to the residential neighborhood.

While the CBA hearing is *de novo*, we can expect that the evidence, both pro and con, will parallel the evidence described by the DZC Bostwick. In this context, we shall identify what appear to be the main issues which concern our office, and offer a preliminary perspective.

(1) **The legislative intent of the R.O. Zone:** BCZR § 204.1 is a declaration of findings that certain sites are suitable for new and converted office buildings. In this vein, BCZR § 204.1.B finds, "**Neither business zoning nor high-density residential zoning is appropriate;**" BCZR § 204.2 states the legislative policy, which includes, in pertinent part, "**It is intended that buildings and uses in R.O. Zones shall not intrude upon or disturb present or prospective uses of nearby residential property**."

(2) **Schools permitted by right; private colleges and dormitories by special exception:** In addition to office uses, BCZR §§ 204.3.A.1 and 204.3.B.1 allow for uses permitted by right and by special exception in the D.R. (Density Residential) 5.5 Zone. This translates to the permission by right to operate schools, except business or trade schools. BCZR § 1B01.1.A.14. On the other hand, private colleges and dormitories are subject to special exception standards. BCZR § 1B01.1.C.14. BCZR § 204.3B adds that R-O zone special exception uses must have "... an approved (County Review Group) CRG plan prior to the granting of a special exception."

(3) **The proposed use is subject to special exception review:** There is no definition of "school" in BCZR § 101. The dictionary definition and the case law suggests, however, that the definition is broad, such as "a place or institution for teaching and learning; [an] establishment for education." See Carroll County v. Richardson Foundation 71 Md. App. 440-441. To the extent that Petitioner proposes an establishment for religious education for students up to 20 years old, there may be a question as to whether it combines school and private college use, with the latter subject to special exception. In any event, because the dormitory use is subject to

special exception, and spans both the stone and brick buildings, it appears clear to us that the proposal is subject to special exception standards.

(4) **Petitioner's reliance on past zoning commissioner decisions:** We have reviewed the Summit Country Club case, No. 01-191-SPH, in which Commissioner Lawrence Schmidt allowed dormitories as an accessory use to a school. It does not appear that the question was presented as to the required special exception review. There were no neighbors in opposition. In any event, ZC Schmidt's January 23, 2001 opinion included a finding that the proposal would satisfy BCZR § 502.1, so there was effectively a special exception review.

This is the first time the issue is presented at the County Board of Appeals level. In light of the specific enumeration of private colleges and dormitories as special exception uses, it should be clear that the proposed use is subject to special exception review. The Court of Appeals made a similar finding with respect to the accessory use by right/special exception issue in Arundel Supply Corp. v. Cason 265 Md. 371 (1972) In finding that the washing and screening of gravel was not accessory to a permitted "gravel pit" use, Judge McWilliams added,

> "The plausibility of what we have said is enhanced by the fact that under the 1949 ordinance washing, screening and batching requires a highly restrictive special exception." 265 Md. At 377.

As DZC Bostwick also pointed out, the proposed use of the main building as a dormitory reinforces the point that this is not an accessory use permitted by right.

(5) **Special exception review**. The County Board of Appeals should apply the familiar special exception standards of BCZR § 502.1, as elaborated in Schultz v. Pritts 291 Md. 1 (1981) and subsequent case law, most recently, People's Counsel v. Loyola College ____ Md. ___ (2008). Pursuant to BCZR § 502.1.D. and G, this should include a consideration of whether the proposal overcrowds the land and, moreover, is consistent with the specific legislative intent of the R.O. Zone quoted above from BCZR §§ 204.1 and 204.2. **In particular, the CBA should address whether the proposed dormitory use is consistent with the legislative intent to prohibit high-density residential use, and whether it intrudes upon or disturbs the present or prospective residential uses of nearby residential property.** DZC Bostwick did not address or discuss the explicit legislative intent.

(6) **The CRG plan prerequisite.** The BCZR.3 § 204 CRG plan prerequisite to special exception approval is traceable to Bill 151-88. At that time, the County Review Group was the statutory agency authorized to review subdivision and other plans for land development. In 1992, bill 1-92 replaced the CRG process with the Hearing Officer process. It appears reasonable to interpret BCZR § 204.3 as requiring hearing officer review of the development plan in conjunction with an R-O Zone special exception.

(7) **The variance.** The variance relates to the BCZR § 1B01.1.C.1.a requirement of side yard setback of 20 feet for institutional buildings. DZC Bostwick relied on the fact that the property tapers at the middle and that the brick building has long been in existence with a

setback of 8 feet. Indeed, it may be nonconforming. Even if this is true, the change from office to institutional use requires compliance with relevant area standards and, in this case, the variance under BCZR § 307.1. The leading cases are Cromwell v. Ward 102 Md. App. 691, 710-11 (1995) and McLean v. Soley 270 Md. 208, 213-14 (1973).

While the variance issue does not appear to be the center of contention, it should be kept in mind that the existence or extent of existing improvements does not ordinarily make the property unique or constitute a peculiar source of difficulty. Cromwell, *supra*, 102 Md. at 710, quoting North v. St. Mary's County 99 Md. App. 502, 512 (1994).

We hope these preliminary observations are helpful to the CBA panel as it proceeds with the hearing and deliberations on this matter. Both the petitioner and appellants are represented by counsel. If it appears necessary and appropriate, we shall file a further memorandum.

Respectfully,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio,
Deputy People's Counsel

cc: Francis X. Borgerding, Jr, Esquire
J. Carroll Holzer, Esquire

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Facsimile Cover Sheet

Phone: 410-887-3180 Fax: 410-887-3182

To: J. Carroll Holzer, Esquire Fax: 410-825-4923
and
Francis X. Borgerding, Esquire Fax: 410-296-6884

From: Sunny Cannington, Legal Secretary

Date: February 13, 2009

Number of Pages (Including cover): 1

Re: In the Matter of: Sarkar Kabiruddin
Case No.: 08-042-SPHXA

As per our conversation, Mr. Holzer requested that the time to file Memos in the above referenced case be extended from Tuesday, February 17, 2009 to Monday, February 23, 2009. Mr. Borgerding consented to the extension.

Upon review by the Board, the request to extend the time to file Memos has been granted and Memos are now due on Monday, February 23, 2009 before 4:30 p.m.

Thank you for your attention and cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

W C
Woodlawn Community Education and Development Association, Inc.
P.O. Box 47702
Baltimore, MD 21244

Fax (410) 594-9120

November 16, 2007

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County
400 Washington Avenue
Towson, MD 21204

Dear Mr Bostwick:

Re: DaruiuLoom Maryland School
6334 Dogwood Road, Baltimore, MD 21207

The Woodlawn Community Education and Development Association, Inc., is the umbrella group for Home Associations in the Greater Woodlawn Area. As Leaders of this Community, we will not tolerate residents being harassed and terrorized which prompts the initiation of this letter which we would like to have **filed for the records**. As I was informed such was the case on Wednesday evening, November 14, 2007. The President of the DaruiuLoom Maryland School went through the neighborhood to several homes ***uninvited.*** *Demanding* **to know who was in charge.**

- Shouting racism
- Shouting that they will get their dormitory and they will not be stopped
- Chanting up and down the residential street

The following incident is the most disturbing:

An elderly resident was putting trash out; when she was approached from behind by the President of the above-mentioned school; demanding to know who was in charge. The startling and intimidating antics in our opinion does not constitute the behavior meriting the standards of a religious school. She felt threatened.

Our position is that this type of behavior is unacceptable and will not be tolerated towards any resident in our Community. Furthermore, if these type of antics, behaviors and demonstrations continues, we will be forced to take the position of

filing a Civil Lawsuit. **As citizens of this Country and residents of Baltimore County, the residents of Woodlawn have every right to *express* their *concerns* in re to any Zoning issue.**

Our Community continues to be underestimated, undervalued and marginalized.

If you have any questions, please feel free to contact Mrs. Ross and Mr. Griffin via email woodlawncommunity1@yahoo.com.

Sincerely,

Van Ross

Mrs. Van Ross, President

Dallas Griffin

Mr. Dallas Griffin, Vice-President

cc:
William J. Wiseman, III, Zoning Commissioner
County Executive Jim Smith
Councilman Kenneth Oliver
Captain Barry Barber
Officer Bryen Glass
Senator Delores Kelley
Delegate Adrienne Jones
Delegate Emmitt Burns
Delegate Shirley Pulliam
Laura Barnhardt, Sun Reporter
Janet Anderson, The Northwest Voice
WCEDA Board
Affiliated Home Associations
Graystone Committee

08-042-XA

Woodlawn Community Education and Development Association, Inc. (WCEDA)

P.O. Box 47702
Baltimore, MD 21244
Home: 410-298-5307
Fax: 410-594-9120
email: woodlawncommunity1@yahoo.com

10-1-07
postponed

Mission Statement

We seek to develop and maintain a strong alliance between schools, businesses, police department and our community. In addition, to strive to assure an active participative relationship with our elected officials through a focus productive agenda.

Fax

To: Mr. Thomas H. Bostwick
Deputy Zoning Commissioner
Mr. William J. Wiseman, III
Zoning Commissioner

From: Pastor Van Ross, President
WCEDA

Fax:	410-887-3468	**Date:**	November 16, 2007
Phone:		**Pages:**	C + 2
Re:	Response	**CC:**	

☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments•

Please see attached letter.

Thank you,

RECEIVED
NOV 16 2007
BY:

WCEDA

Woodlawn Community Education and Development Association, Inc.
P.O. Box 47702
Baltimore, MD 21244

Mrs. Van Ross, Founder & President
Mr. Dallas Griffin, Vice-President
Mrs. Evelyn Jackson, Treasurer
Mr. Jim Hill, Executive Board Member
Email: greaterwoodlawncommunity@gmail.com

September 17, 2008

County Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203 (Hearing Room #2)
105 West Chesapeake Avenue
Towson, MD 21204

Re: Case # 08-042-SPHXA
6334 Dogwood Road, Baltimore, MD 21207

This letter is being written in *SUPPORT* of the *Greystone Community Association (GCA)*. We would like for this letter to be included in the Appeal as testimony; we also wish for it to be made known that we are voicing a ***strong appeal*** to the judgment granted on March 28, 2008, as it applies to the Special Exception and Variance for a dormitory to be located at 6334 Dogwood Road/GwynnOak Avenue.

Also, the intent of this testimony after numerous meetings with our Community residents and stakeholders is to make our continued stance unequivocally clear as to our position on the following issues:

The number of group homes in the northwest area, which has resulted in an oversaturated of Agency placed homes particularly in the northwest and southwest regions

- It has been recorded as of last year; about two-thirds of the approximately 500 group homes in Maryland were in Baltimore County. Most are in Randallstown, Woodlawn and elsewhere in the northwestern part of the county.
    1. The said property is being viewed as a Group home since children will be living on the premises day, night and weekends without their parents.
    2. More than 20 children will be living in and on property.

- We feel strongly that this will cause a catastrophic impact on what presently exist as the highest concentration of group homes in the State of Maryland.

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The Community's concern is that if this judgment is upheld, that future-zoning changes could be detrimental to the residential areas in our Community.

It is our desire that the Board of Appeals gives *strong reconsideration* to this matter. As this represents the combined general interest of the Community-at-Large.

If you have any further questions, please don't hesitate to contact Mrs. Van Ross, (410) 298-5307 or Mr. Dallas Griffin, (410) 298-6262 or you may email us at greaterwoodlawncommunity@gmail.com,

Sincerely,

Van Ross
Mrs. Van Ross, President

/s/
Mr. Dallas Griffin, Vice-President

Attachment:
Notice of Assigment 7-31-08

cc:
J. Carroll Holzer, Esquire
County Executive Jim Smith
Councilman Ken Oliver
Mrs. Keri Lastner, President, GCA
Mrs. Audrey Green
WCEDA Board

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POST – APPEAL

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX 410-887-3182

Hearing Room #2, Jefferson Building
Second Floor, 105 W. Chesapeake Avenue
(adjacent to Suite 203)

July 31, 2008

NOTICE OF ASSIGNMENT

CASE #: 08-042-SPHXA **IN THE MATTER OF: SARKAR KABIRUDDIN – Legal Owner / Petitioner** 6334 Dogwood Road
1st Election District; 1st Councilmanic District

3/28/2008 – D.Z.C.'s Decision in which requested zoning relief was GRANTED in part with restrictions; and dismissed in part as moot.

ASSIGNED FOR: **TUESDAY, SEPTEMBER 23, 2008, at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : [illegible]
Appellants /Protestants : Greystone Community Association /
Kerri Lastner, President and Individually
Woodlawn Community Education & Dev.
Assn. /Ms. Van Ross, President
Jerry and Audrey Green
Betty Scott

Counsel for Petitioner : Francis X. Borgerding, Jr., Esquire
Petitioner : Sarkar Kabiruddin, Legal Owner and
Irfan Kabiruddin (son)

Rizwan Siddiqi /Mufti & Associates, Inc.
Mohammed Mufti /Mufti & Associates, Inc.

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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POST – APPEAL

Woodlawn Community Education and
Development Association, Inc. (WCEDA)

Fax

To:	County Board of Appeals	**From:**	Mrs. Van Ross, President, WCEDA
Fax:	410-887-3182	**Date:**	September 17, 2008
Phone:		**Pages:**	C + 3
Re:	Case # 08-042-SPHXA	**cc:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Comments: ***Please see attached.***

RECEIVED
POST – APPEAL

Grace Williams
1918 Gwynn Oak Avenue
Baltimore, MD 21207

September 21, 2007

County Courts House Building
11 W. Chesapeake Avenue – Rm 111
Towson, MD 21204

Atten: Zoning – Case #08-042-XA

To Whom It May Concern:

I am a resident in the Woodlawn Community and I live on this block I opposed the owners on 6334 Gwynn Oak Avenue. I oppose this property to become a dormitory housing in our neighborhood. It is across from a bar and it is also down the street from a High School (Woodlawn Senior High). Why would they want it to become a dormitory in a residential neighborhood? The parking space will be terrible. Cars coming from all over and the traffic would be a mess. You cannot turn it into a 2-way traffic to access parking for the students. I just oppose this whole situation please do not pass this zoning case (#08-042-XA).

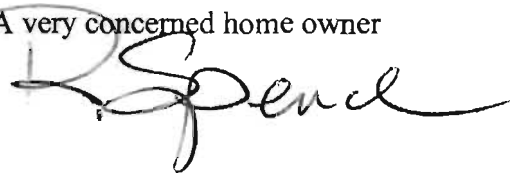
Grace E. Williams

To whom it may concern:

I am strongly **opposed to Case #08-042-XA**. I repeat I am **opposed to case #08-042-XA**

I own a home that is within walking distance of the proposed dormitory. I did not move into this quiet neighborhood to live beside a boarding house of any kind. It is not my desire to have a building full of teenagers as neighbors. I do not want to be faced with teens hanging out and doing what teen usually do in my neighborhood.. I do not want the noise, traffic, trash and other nuisances that a dormitory will bring to this area. The proposed location is directly across from a bar/lounge that is open 7 days a week. Who in their right mind would consider this an ideal location to house teenagers. This proposal is not a good idea and could cause property values to drop, and it could also damage a nice quiet area to live in. It could change the neighborhood for the worse. **I oppose Case #08-042-XA**. It is not a good idea, and the dormitory would be bad for this community.

A very concerned home owner



To Whom It May Concern: 9/23/07

I'm sending in this letter in order t oppose the plan to move in a male dormitory housing unit at 6334 Gwynn Oak Ave. This dormitory will be placed in an area that is not zoned for it and will be located across from a bar. Why would anyone want to put a dormitory next to a bar; especially if it's also suppose to function as a religious school. Again I'm sending this letter to strongly oppose this planned dormitory in this area. This letter is in reference to CASE # 08-042-XA.

Respectfully;
Clarence Hunter
6405 Gilmore St.
Woodlawn Md. 21207

Mr. & Mrs. Wayne A. King
1916 Gwynn Oak Avenue
Gwynn Oak, Maryland 21207
September 18, 2007

Zoning Review Office
Baltimore County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

To Whom It May Concern:

RE: Case # 08-042-XA

This letter is in regard to a zoning hearing (currently scheduled for October 1, 2007) regarding the property located at 6334 Dogwood Road (at the corner of Dogwood Road and Gwynn Oak Avenue). It is our understanding that the new owners of this property are petitioning the zoning board to allow them to convert the current residence into a dormitory and school.

As residents of this community for the past 31 years, we have seen first-hand the challenges our community faces daily with regard to neighborhood traffic. Therefore, we strongly oppose the proposal to convert this residential property into a dormitory and school. It would increase traffic to a street that is already heavy with neighborhood traffic, traffic from Woodlawn High School, traffic from Social Security and traffic from Hertsch's Tavern. Hertsch's Tavern is a bar that is located directly across the street from the property at issue.

Guests leaving our house have been run from the street as they were trying to get into their cars because the many cars driving down Gwynn Oak Avenue drive too fast and too close to parked cars. Our personal vehicles have been struck and sideswiped while parked on the street so, many years ago, we had our driveway enlarged and started parking our vehicles off the street.

We've witnessed problems coming from Hertsch's Tavern. One evening last summer, we noticed an abundance of broken glass and trash up and down the street. Neighbors called the Police and they closed the street and rerouted traffic while our neighbors and we got

our brooms and cleaned up the mess. A person (or persons) took bags of glass and beer bottles from the bar's dumpster and threw them all over the street. This is one of the most recent incidents, over and above the trash we find daily in our yards and stuffed into the sewers on the street.

In May or June of this year about 10-15 students were arguing with each other and almost got into an altercation on their way home from school. This happened right in front of our house. Again, Police were called-in to break-up the argument and send them on their way.

This community already faces enough challenges with vehicular and pedestrian traffic on Gwynn Oak Avenue. We hope you will take these concerns and the concerns of our neighbors into consideration before making a decision that could further challenge this neighborhood.

Respectfully submitted,

Wayne A. King

JoAnn V. King

cc:
Delegate Emmett C. Burns, Jr.
House Office Building, Room 309
6 Bladen Street
Annapolis, MD 21401

PATRICIA BURTON
1802 ALTO VISTA AVE
BALTO., MD 21207-5240
SEPTEMBER 26, 2007

RE: CASE #08-042-XA

AS A RESIDENT OF THE GWYNN OAK COMMUNITY I AM WRITING TO EXPRESS MY CONCERNS ABOUT THE REQUEST TO ALLOW THE PROPERTY AT 6334 DOGWOOD RD (corner of dogwood & gwynn oak) TO BECOME DORMITORY HOUSING. MY MAIN CONCERN IS THE FACT THAT THIS IS A RESIDENTIAL NEIGHBORHOOD AND PLACING THIS TYPE OF HOUSING FOR YOUNG MEN BETWEEN THE AGES OF 9 AND 21 WOULD NOT BE IN THE BEST INTERST OF THE QUIET FAMILY ORIENTED NEIGHBORHOOD AS WE NOW NO IT TO BE. ANOTHER CONCERN IS THAT THIS BUILDING IS DIRECTLY ACROSS THE STREET FROM A NEIGHBORHOOD BAR AND GRILL ,WHICH HAS BEEN THERE FOR MANY YEARS AND HAS NOT HAD A NEGATIVE IMPACT ON THE COMMUNITY, HOWEVER ADD TO THAT YOUNG MEN, 21 YRS OF AGE , WHO CAN LEGALLY USE THE SERVICES OFFERED THERE WOULD POTENTIALLY PRESENT OTHER PROBLEMS. UNDERAGE DRINKING, ROUDINESS AND FREQUENT PARTYING TO NAME A FEW.

I, ON BEHALF OF MY HOUSEHOLD WOULD LIKE TO OPPOSE THE APPROVAL OF THS REQUEST.

SINCERELY,

PATRICIA BURTON

Stan Modjesky
2008 Hillcrest Road
Baltimore, Maryland 21207
phone: 410.944.0061 cell: 410.499.1122 email: modjesky@verizon.net

January 22, 2007

Baltimore County Zoning Commissioner
Via FAX: 410-887-3048

RE: Case No. **08-042-SPHX, 6334 Dogwood Road**

Mr. Commissioner:

I have been a resident and homeowner in Woodlawn since 1975. Over those 33 years, I have owned and rehabbed several properties in the neighborhood. For six years I was licensed real estate salesperson, and sold at least a dozen properties in the immediate neighborhood of 6334 Dogwood Road. As a former real estate investor, I have examined dozens of others, and for five years I owned a commercial building in the "Woodlawn Village," and operated a business there, in addition to managing the property with four tenants. In short, I think I know this area as well as anyone else, and am qualified to comment on the matter before the Commission as case number 08-042-SPHX.

The variances and exceptions sought by the owners of 6334 Dogwood Road should be granted without further delay. Those neighbors who have objected have raised no legitimate reason for concern, and the process has already been delayed by the puzzling intervention of Councilman Oliver.

To address each objection individually:

- The fearsome words "**group home**" have been invoked. I discussed this matter with Captain Barber of the Second police precinct, and he said that he would not consider Darul Uloom's proposed dormitory to be a group home. Of greater interest, the Captain told me that the police department does not maintain a record of service calls to so-called group homes, only to individual addresses. And the county has no thorough or accurate record of the number and locations of group homes. In fact, the county is only beginning the process of keeping track of rental properties, irrespective of their occupancy. Mr. Oliver's intervention in this matter is truly puzzling, considering that in an interview published a few years ago in "County Vibe," the councilman was quoted as saying he thought the group home issue was being blown out of proportion. I agree: where group homes are concerned, there is a great deal of emotion on the part of Woodlawn residents, but little concrete evidence of the scope and nature of the perceived problems.

- The objection to the potential for **increased traffic** on nearby streets seems equally specious. The existence of a dormitory should actually reduce the traffic flow attributable to the school, since it will house students who might otherwise commute daily by car. There is the possibility of people taking two different short cuts to get back to Security Boulevard without driving all the way to Windsor Mill Road on Gwynn Oak Avenue (which is one way in this block). One short cut would be Lehnert Street to Englewood Avenue and back to Dogwood. Approximately 25 houses lie along that route. But Englewood is already a neighborhood thoroughfare, being one-way opposite the direction of Gwynn Oak Avenue. The other likely short cut would be Mount Alto Avenue to Hillside Drive, and back to Dogwood. Only fifteen houses lie along that route. The matter of drivers taking short cuts through residential streets is an ongoing problem in this part of Woodlawn, but any additional traffic attributable to this school would not be noticeable amidst that generated by the Social Security Administration and Kernan Hospital.

- **There are numerous more serious traffic problems nearby**, and none of these appear to have caused any objection from the community. To name a few:

    - At the football "stadium" at Woodlawn High, serious illegal parking occurs any time there is a game.

    - The towing operation at Jordan Auto Service frequently results in a wrecker being illegally parked on Gwynn Oak Avenue. This has recently been exacerbated by the addition of outside security lighting at the garage, which blinds drivers as the come north on Gwynn Oak towards the very place a wrecker might have dropped anchor.

    - Overflow parking from the Meadowood West building was a serious problem when that place was occupied by the Baltimore School of Massage.

    - Overflow parking from events at the Redemption Christian Fellowship causes hazards along Dogwood Road.

    - The daily drop-offs and pick-ups of children from the "Joy of Learning" day care center at Dogwood and Woodlawn drive have for years caused gridlock, collisions and near-miss incidents at this busy intersection.

    - Serious congestion occurs at Dogwood Road and Featherbed Lane, caused by overdevelopment of the area north of Dogwood Road, and an intersection so narrow it cannot be negotiated by school buses.

    - Maryland Diving Service operated for some years at the property adjacent to the so-called Graystone house. That operation involved storage of a large amount of contractor's equipment. Looking at an aerial view of THAT property, and you would think you are looking at a junkyard. Moreover, most of the time, until his untimely death, the owner illegally parked a large "low boy" trailer at the west curb of Gwynn Oak Avenue, effectively blocking the view of traffic for drivers exiting Hertsch's Tavern on to Gwynn Oak.

    - Funerals at the numerous cemeteries in the neighborhood cause traffic backups on Dogwood Road, Gwynn Oak Avenue, Woodlawn Drive and Windsor Mill Road.

- The property in question (6334 Dogwood Rd.) is zoned for Residential-Office (RO) use. The main house, having been built in 1921, has no particular historic value, and is—in the terminology of real estate appraisers—economically obsolete. That is, the place could not reasonably be sold as a single family residence. It was offered as such before Mr. Cignatta bought it in 1989, and being a licensed real estate salesman at the time, I showed the place to several prospective buyers. Six or more bedrooms, only one bath, and mechanical systems that were long out of date meant that anyone buying the place would have been faced with renovation costs exceeding the purchase price.

- The reality is that, come what may of the Darul Uloom school, this property will end up in the hands of someone who will be forced to change things.

- Presumably the county could buy the place and turn it into a park; that's a popular thing to propose. But then it would be out of the tax base, and would become just one more under-utilized and poorly maintained park in a part of the county that is already overloaded with such places.

- With a change in zoning classification, entry on to a historic register and hundreds of thousands of dollars in renovations, the place could become a bed-and-breakfast. But who, after all, would want to stay there, considering that our neighborhood has the reputation of having the highest crime rate in the county?

- With a different zoning change, someone might demolish the existing buildings and erect a few more overpriced, shabbily built houses, or a townhouse subdivision, condominium or rental apartments. Would the community benefit any more from those possibilities, compared to the Darul Uloom proposal, or would the place become just one more badly planned, poorly built, mismanaged haven for petty crime, like too many of the commercial apartments nearby?

- To reiterate, both in 1989 and last year, the property was publicly offered for sale. There were no secret deals: "for sale" signs were posted, and the offering was on the real estate multiple listing service. Any one who was concerned about keeping things as they were would have been free to make an offer and buy the place. But only two buyers did. Eight years ago, one business man stepped forward and bought it, operating his offices there. Last year, another business enterprise bought the place. I have not heard any realistic or reasonable proposals for an alternative use of the property, so what is to be expected?

- In short, I think those who object to this proposed use of the property need to grow up and face reality: The only way to control a property is to own it yourself; and the community has far more pressing problems that are not being addressed.

Yours truly,

S Modjesky

TRANSMISSION VERIFICATION REPORT

TIME : 01/23/2008 08:13
NAME : ZONING
FAX : 4108873048
TEL :
SER.# : BROB4J281084

DATE,TIME	01/23 08:11
FAX NO./NAME	#3468
DURATION	00:01:18
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

01/22/2008 15:50 00000000000 STAN_MODJESKY PAGE 01

Stan Modjesky
2008 Hillcrest Road
Baltimore, Maryland 21207
phone: 410.944.0061 cell: 410.499.1122 email: modjesky@verizon.net

January 22, 2007

Baltimore County Zoning Commissioner
Via FAX: 410-887-3048

RE: Case No. **08-042-SPHX, 6334 Dogwood Road**

Mr. Commissioner:

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The variances and exceptions sought by the owners of 6334 Dogwood Road should be granted without further delay. Those neighbors who have objected have raised no legitimate reason for concern, and the process has already been delayed by the puzzling intervention of Councilman Oliver.

To address each objection individually:

Mildred H. Chance
6305 Mt. Alto Ave.
Baltimore, MD 21207

Re: Case # 08-042 XA
6334 Gwynn Oak Ave.

As a senior citizen having lived in this community for many years over 50 I am PROTESTING Case # 08-042-XA located on 6334 Gwynn Oak Ave (which is adjacent to my present home) in the request to build a Boys Dormitory housing 15-20 students per sector.

This property is on a very busy traffic corner and unsafe for more traffic entering and exiting at this point. Which is situated just across from an existing Bar and Tavern, which has its own traffic patterns. The housing of many young men would cause more congestion and much more of a noise factor in an existing quiet community.

This is at present a quiet neighborhood which cannot withstand the possibility of more street traffic, more foot traffic less safety for the growing children. Please also consider those of us who have enjoyed these many years in a quiet and pleasant neighborhood we call home.

Sincerely
Mildred H. Chance

Case
08-042-XA

I am writing this letter concerning address 6334 Guyunn OAK Ave. They want to use the 6334 address for a dormitory for housing males 9yrs to 21 with a religious school. Our Community has enough problems with the Bar across the street #6334 Guyunn Oak - People hanging on Bar lot at night and drugs etc. So I don't want this new project to move in our Community. It been quiet pretty much so far over the yrs -

Thank You

Barry R Heeter
6444 Lehnert St
Balto, Md
21207

County Courts
111 W. Chesapeake Ave Room 111
Towson, MD 21204

9-19-07

Re: CASE # 08-042-XA

To whom it may Concern:

Please be advised I am vehemently OPPOSED to the proposed "Dormitory" at 6334 Gwynn Oak Ave, Woodlawn MD.

This neighborhood is a quiet Residential area that has cleaned up prior disturbances in the past. (Drugs). We put up with ENOUGH noise and traffic from the TAVERN across the street from the proposed Dormitory. Any given night the parking lot surrounding this BAR has its share of Rowdy people and having the additional MALES across the street could only LEAD to more activity that WE DO NOT WANT.

Please Rule AGAINST CASE # 08-042-XA and Keep our Community the SAFE, family place it is now. Do not Disturb a good thing

THANK YOU.

William L. MEREDITH
6410 Gilmore ST.
Woodlawn, MD 21207
410-277-0131

RIZWAN SIDDIQI
MUFTI & ASSOCIATES, INC.
6413 WINDSOR MILL RD
BALTIMORE MD 21207

SARKAR KABIRUDDIN
6334 DOGWOOD RD
BLATIMORE MD 21207

MOHAMMED MUFTI
MUFTI & ASSOCIATES, INC.
6413 WINDSOR MILL RD
BALTIMORE MD 21207

IRFAN KABIRUDDEN
1901 HILLSIDE DR
GWYNN OAK MD 21207

OMAR SMITH
6613 JOHNNYCAKE RD
BALTIMORE MD 21244

GERALD RASHEED
8706 INWOOD RD
BALTIMORE MD 21244-1103

MOHAMMED SIDDIQUI
4 LENIS COURT
BALTIMORE MD 21244

TAIYAB MOHIUDDIN
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SILVER SPRING MD 20906

KABIRUDDIN SABICAR
2725 ATLANTA DR
SILVER SPRING MD 20906

CANDICE BURNELL
1902 HILLSIDE DR
BALTIMORE MD 21207

KERRI LASTNER
GRAYSTONE COMMUNITY ASSOCN.
6409 LEHNERT STREET
BALTIMORE MD 21207

PASTOR EZIO M. ROSS
6614 RICHARDSON ROAD
BALTIMORE MD 21207

MRS. VAN ROSS, PRESIDENT
WOODLAWN COMMUNITY E&DA INC.
PO BOX 47702
BALTIMORE MD 21244

DALLAS GRIFFIN, VICE PRESIDENT
WOODLAWN COMMUNITY E&DA INC.
PO BOX 47702
BALTIMORE MD 21244

STAN MADJESKY
2008 HILLCREST RD
BALTIMORE MD 21207

GRACE WILLIAMS
1918 GWYNN OAK AVE
BALTIMORE MD 21207

WILLIAM MEREDITH
6410 GILMORE STREET
WOODLAWN MD 21207

CLARENCE HUNTER
6405 GILMORE STREET
WOODLAWN MD 21207

RODNEY SPENCE
6409 GILMORE ST
GWYNN OAK MD 21207

BARRY HEETER
6444 LEHNERT ST
BALTIMORE MD 21207

MR & MRS WAYNE KING
1916 GWYNN OAK AVE
GWYNN OAK MD 21207

PATRICIA BURTON
1802 ALTO VISTA AVE
BALTIMORE MD 21207-5240

MILDRED CHANCE
6305 MT ALTO AVE
BALTIMORE MD 21207

BETTY & JOHN BLOECHER
1743 LITTLE CREEK DR
BALTIMORE MD 21207

FAYE REDDINGER
5533 HUTTON AVE
GWYNN OAK MD 21207

PHYLLIS WEAVERLING
6503 GILMORE ST
WYNN OAK MD 21207

MICHELE PERRERA
6428 KRIEL ST
GWYNN OAK MD 21207

DONNA WIRT
2034 RUSSELL AVE
BALTIMORE MD 21207

CAROL RESNICK
2034 RUSSELL AVE
BALTIMORE MD 21207

DAISY & GEORGE FOSSETT
6408 WALNUT ST
BALTIMORE MD 21207

UNDREA WRIGHT
6414 DOGWOOD RD
BALTIMORE MD 21207

ROSETTA SANDERS
1907 ENGLEWOOD AVE
BALTIMORE MD 21207

PHYLLIS HAWKINS
6411 LEHNERT ST
BALTIMORE MD 21207

NANCY DROZY
6407 LEHNERT ST
BALTIMORE MD 21207

KIMBERLY EDWARDS
6433 KRIEL ST
BALTIMORE MD

EVELYN JACKSON
6429 KRIEL ST
BALTIMORE MD 21207

ANDRE SAMUEL
6414 LEHNERT ST
BALTIMORE MD 21207

ROBERT COTTON
5613 WINDOSR MILL RD
BALTIMORE MD 21207

BETTY SCOTT
6410 LEHNERT ST
BALTIMORE MD 21207

MARY FAULKNER
7930 GALLOPING CIRCLE
WINDSOR MILL MD 21244

JERRY& AUDREY GREEN
6412 LEHNERT ST
WOODLAWN MD 21207

DELORES JOHNSON
6441 LEHNERT ST
GWYNN OAK MD 21207

JACQUELINE DAILEY
6520 LEHNERT ST
GWYNN OAK MD 21207

RUTH & GEORGE BASKERVILLE
1917 HILLSIDE DRIVE
GWYNN OAK MD 21207

DORIS MARTIN
2003 ALTO VISTA AVE
BALTIMORE MD 21207

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: SARKAR KABIRUDDIN 08-042-SPHXA

DATE: March 25, 2009

BOARD/PANEL: Edward Crizer, Jr.
Lawrence Wescott
Robert Witt

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Special Exception request to allow dormitory in conjunction with religious school for 15 to 30 students (as amended before DZC hearing);

2. Variance request to permit non-residential building (institutional) with side yard setback of 8' in lieu of required 20'; and 2-way drive aisle 10' wide in lieu of required 20';

    a. Is the property unique pursuant to the conditions set forth in *Cromwell vs. Ward*?

    b. If the property is unique pursuant to the conditions set forth in *Cromwell vs. Ward*; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

3. Special Hearing relief requested in the alternative to allow use of dormitory for 15 to 30 students as an accessory use in conjunction with religious school.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board determined that they had to address the Special Exception first as it would affect the outcome of the other decisions. The Board reviewed the requirements of Section 502.1 of the Baltimore County Zoning Regulations (BCZR). They went through the requirements one at a time and found that the subject matter met all of the requirements thereby allowing the Special Exception. The requirements touch on the well-being of the community, traffic congestion in the area, over-crowding and so on. The Board determined that allowing the dormitory in conjunction with the school would not be detrimental to the nature of the community.
- The Board determined that by granting the Special Exception, the Special Hearing request was moot.

- The Board then discussed the Variance request with regard to the 8' setback in lieu of the required 20'. The conditions of Cromwell v. Ward require that the Board determine if the subject property itself is "unique". The Board reviewed the site plan submitted by Petitioners and found that the shape of the property is in an inverted "Y" shape. The other properties in the community are rectangular. The shape of the property itself does make the property unique. In addition, the existing building was built in 1920 prior to the institution of the BCZR. The property line has never been moved. The Board also determined that even though the Petitioners purchased the property as it stands, if the original owners wanted to do something on the property, they would have had to request the same relief. The Board determined that it would be a hardship if the variance were denied because there would be no use for the existing structure when the existing structure has been in use for at least the last 20 years.
- The Board reviewed the decision of the Zoning Commissioner and determined that limitations had to be put in place. After reviewing the Zoning Commissioner's decision, the Board decided to adopt the conditions and limitations set forth in the Zoning Commissioner's Decision.

DECISION BY BOARD MEMBERS: The Board determined that the Special Exception relief requested meets the requirements of Section 502.1 of the Baltimore County Zoning Regulations. After granting the Special Exception the Board determined that the Special Hearing relief requested is moot. The Board determined that the subject property is unique under the standards of *Cromwell v. Ward.* It would create a hardship for the property owners if the variance were denied since there would be no use for the existing building.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Special Exception and Variance while adopting the Zoning Commissioner's restrictions and to dismiss the Special Hearing relief as MOOT.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

Sunny Cannington

www.baltimoresun.com/news/local/baltimore_county/bal-md.co.dorms29sep29,0,6667808.story

Case #08-042-XA

baltimoresun.com

School's dorm proposal has neighbors worried

It would be too much like group home, some say

By Laura Barnhardt

Sun reporter

September 29, 2007

An Islamic school wants to build a small dormitory in Woodlawn. But in an area with the highest concentration of homes for foster children and disabled and troubled youths in Maryland, a boarding school for 20 teenage boys sounds too much like a group home to some community leaders.

"We don't know where these kids are coming from," said Van Ross, president of the Woodlawn Community Education and Development Association. "We don't know if they are troubled young people or what. How would you like a dormitory or a group home next to your house?"

A zoning hearing on the religious school's plans, originally scheduled for Monday, has been postponed, in response to a request by County Councilman Kenneth N. Oliver and community leaders, who have expressed concerns about the proposal and said they want to learn more about it.

The school, Darul Uloom Maryland, is seeking approval from Baltimore County to build a dormitory for 15 to 20 students.

A lawyer for the organization, Francis X. Borgerding Jr., said the boarding school would be different from the group homes that have caused crime problems and disruptions in some northwest Baltimore County communities.

"We're not dealing with problem kids," said the school's principal, Irfan Kabiruddin. "This is a private religious school. We will take only select students, and they must come from strong backgrounds and good families."

The school received permission to open in the large stone house at Dogwood Road and Gwynn Oak Avenue under county regulations, but it must obtain approval before it can build a dormitory, county zoning officials said.

Such approval - called a special exception - is granted when a property owner can prove a "practical hardship" such as trying to avoid a wetland or to improve the design of a building, said Donald T. Rascoe, deputy director for county permits and development management.

The school opened in 2005 but suspended classes last year. The plan is to accept 15 to 20 students who would live in

the dormitory - a converted carriage house - and to accept five to 10 students who live nearby, Kabiruddin said.

The male students in the dorm would range in age from 9 to 20, he said.

They would study religion and academic subjects, Kabiruddin said.

In addition to approval for the dormitory, the school is seeking permission to bypass two other county regulations, one for building setback requirements and another for the width required for driveways.

Del. Emmett C. Burns Jr., a Baltimore County Democrat who organized a meeting with residents this week about the boarding school, said, "We don't want to appear that we are anti-Islamic. But we don't want any more group homes in our district."

As of last year, about two-thirds of the approximately 500 group homes in Maryland were in Baltimore County. Most are in Randallstown, Woodlawn and elsewhere in the northwestern part of the county.

In letters to county officials, neighbors of the boarding school said they are also concerned about businesses being allowed to open in residential areas and about possible disruptions of what they describe as a quiet, peaceful area.

"Please," one resident wrote to county officials, "don't disturb a good thing."

laura.barnhardt@baltsun.com

Kerri Lastner
(410) 281-7692

message

For
From Michelle Caldwell
Time Date
Phone 410-281-1697
☐ URGENT!
coming to review a file - wants to know if she can bring a camera and take pictures of the exhibits.

Post-it Super Sticky

T-

Holzer gave 2 copies of floor plans by accident wants 1 set back is this ok?

S-

SIGN IN SHEET
9/23/08

PATRICIA DUNLAP
2001 Hillcrest Rd
BALTIMORE 21207

MICHELLE B. CALDWELL
6435 LEHNERT ST.
BALTO, MD 21207

JOE LASTNER
6409 LEHNERT ST
BALTO, MD 21207

KERRI LASTNER
6409 LEHNERT ST
BALTO MD 21207

Betty Scott 6410 Lehnert St

ROSA HARVIN-PATTERSON
6434 Lehnert St
Balto. Md. 21207

michele Perrera
6428 Kriel ST
Balt MD 21207

CBA REF. NO. 20 (REVISED)

LT. COL. MATT URBAN HUMAN SERVICES CENTER OF WNY
(formerly the Polish Community Center of Buffalo, Inc.)
1081 Broadway, Buffalo, New York 14212
(716) 893-7222 / Fax (716) 893-7242
www.urbanctr.org

January 9, 2009

Mr. Edward Crizer
Baltimore County Board of Appeals
Jefferson Building
105 W. Chesapeake Ave
Towson, Maryland 21204

RE: Case #08-042-SPHXA: 6334 Dogwood Road

Dear Mr. Edward Crizer;

Please allow me to introduce myself, my name is Marlies A. Wesolowski, I am the Executive Director of the Polish Community Center of Buffalo Inc., d/b/a Lt. Col. Matt Urban Human Services Center of WNY (The Matt Urban Center). The Matt Urban Center is a private not-for profit agency/community center located at 1081 Broadway Buffalo, New York. **I am writing to express my full support for the establishment of a Muslim school and dormitory in the Woodlawn Area of Baltimore County.**

Our agency was established in 1976 and is currently serving over 8,000 low-income community residents. Our services include, but are not limited to, youth educational/recreational programming, housing related services, weatherization assistance programming, case management services for senior citizens, van transportation services for senior citizens, crime victims assistance programming. Additionally we manage 2 apartment complexes; one for refugees and another for low-income senior citizens. (I have attached an agency brochure just in case you would like more information about our agency.)

For the purpose of this letter, I think it is also important to let you know, that during the 1990's through and including 2001, I was the East District Member of the Buffalo School Board and for two years I served as the President of the Board. During my tenure as a school board member, I was approached by members of the Masjid Zakariya Mosque which had begun to establish itself in a former Roman Catholic Church. They wanted to secure my help and support so that they could establish both a boys and a girls school within the former Catholic School that was once affiliated with the former Roman Catholic Church that was now converted into the Mosque. After listening to their proposal, I put them in touch with the Superintendent of Schools, Mr. Albert Thompson, who worked with them to ensure all the legally correct and necessary steps were taken. It should be noted that early on there was a lot of community opposition to the Mosque, and the establishment of the school. I was invited to, and attended several community meetings on the topic. I would characterize the meetings as "stormy" filled with many vocal community residents who opposed the establishment of the school. Many feared that the school

Satellite Locations:

T. J. Dulski Center
129 Lewis Street
Buffalo, NY 14206
847-2860 • Fax 856-2737

Polonia Hall
385 Paderewski Drive
Buffalo, NY 14212
855-2124

CBA PET. No. 21 (REDFOR)

and its students would have a negative impact upon the surrounding community; they were concerned about the increased noise levels, declining property values, the possible bad behavior of the students, increased traffic etc... none of which came true. Through hard work and a lot of patience, members of the Mosque were able to win over the community.

Early on, the Mosque's Imam took the position that if you want to be a member of the Mosque, and if you want your child to attend the Mosque's school, you had to be willing to not only live within the community surrounding the Mosque, you also had to find a way to give back to the community itself. This was a tall order, given the high crime rate, the high poverty rate and the high unemployment rates within the community, however, many accepted his challenge. Families began to move into the community from the wealthier suburbs, many have began to acquire the homes that were long vacated by families who were trying to escape the problems of the neighborhood. They have begun to fix up the homes, turning problem properties into the gems of the neighborhood. They pitched in and helped each other fixing up their homes; they started to watch out for each other to ward off the criminal element...

Several years later, I decided not to seek re-election to the Board of Education, and instead pursued a career that would allow me to give back to my community. It was at that point that I was given an opportunity to become the Executive Director of the Matt Urban Center. It is in the role of Executive Director for the past five (5) years that I have had the opportunity to again work very closely with members of the Mosque.

We have been working with the City of Buffalo's Office of Strategic Planning to develop a neighborhood/community revitalization plan. Members of the Mosque have given up countless hours to volunteer their time to participate on various committees, and as a product of our hard work, we were able to develop a plan to revitalize the 16 block neighborhood that surrounds the Mosque. The Plan is called, "Crescent Village - Phase 1" we are currently in the process of implementing the plan. The Plan has garnered the approval of the City of Buffalo, and we are currently in the process of implementing the plan. The Phase 1 of the plan calls for the demolition of about 40 vacant, blighted houses, construction of 10-11 Market Rate homes, 10 subsidized homes, the acquisition, rehab and resale of 5-10 homes within our target area, and the provision of grants to assist current community resident to fix-up and/or repair their homes.

While we still have a long way to go, I'm happy to say, that the neighborhood is finally starting to turn itself around. None of the fears that were raised early on have come true; in fact just the opposite has occurred. The Mosque, its school, and the surrounding community have all benefited from its presence. The crime rate is on the decline, homes are being purchased and repaired, next door neighbors are helping each other...

Many of the children who attend the school associated with the Mosque during the day, attend our after school programs at our community center. Several of the children have been recognized by area businesses/banks for their good behavior, their good grades and the community involvement/community service work. One of the members of the Mosque, Dr. Zulkhamain, is currently volunteering his time to serve on our Board of Directors.

I firmly believe that the establishment of the Mosque and its school has had a very positive influence upon the community, and I also believe that the members of the Mosque have become a crucial partner for the community's health, well being and survival.

Please feel free to call me if you have any questions regarding this letter. I can be reached at (716) 893-7222 ext.202.

Sincerely yours,

Marlies A. Wesolowski
Executive Director

Lt. Col. Matt Urban Human Services Center of WNY (P.C.C.B. Inc.,) Membership Application

(Please Print)

☐ Miss ☐ Mrs. ☐ Ms.

☐ Mr.

Name_____

Address_____

City_____State_____Zip_____

Telephone_____

Occupation_____

Birthdate _____/_____/_____

PLEASE CHECK AREAS OF INTEREST

☐ Housing/Weatherization

☐ Youth Program

☐ Senior Citizens

☐ Lewis Street Apts/Anna Walentynowicz Apts.

☐ Volunteer

The Lt. Col. Matt Urban Center is funded by Federal, State, City and County sources, The United Way of Buffalo & Erie County as well as the generosity of the members of the Urban Center.

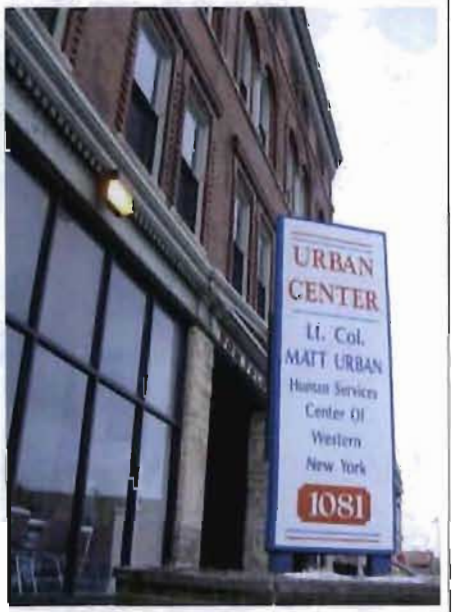
In an effort to provide ongoing quality programming to area residents, the Urban Center an its affiliates welcome individual contributions.

Checks or money orders should be made payable to : Lt. Col. Matt Urban Human Services Center of WNY

Amount $_____

Once completed, please mail form to the Urban Center.

Lt. Col. Matt Urban Human Services Center of WNY (P.C.C.B. Inc.)



1081 Broadway
Buffalo, N.Y 14212

Phone: 716-893-7222
Fax: 716-893-7242
Email: www.urbanctr.org

History and Mission of the Lt. Col. Matt Urban Center

The Polish Community Center of Buffalo, Inc. (PCCB) was established in 1976 and is housed in the historic Dom Polski building located at 1081 Broadway, in the heart of Buffalo's East Side and the Broadway-Fillmore community. On November 11, 2000 the PCCB officially changed its name to the "Lt. Col. Matt Urban Human Services Center of WNY" and re-dedicated its mission to serve the needs of the diverse surrounding community under a new corporate identity. By taking the name of Lt. Col. Matt Urban, the PCCB paid honor to one of the most highly decorated World War II veterans in American history. He was born and raised in the Broadway-Fillmore community. His family's home and store was located at 1153 Broadway, just steps away from the Polish Community Center. He attended P.S. #57 on Sears Street. Lt. Col. Matt Urban was laid to rest in Arlington National Cemetery in March of 1995.

Lt. Col. Matt Urban

The "Matt Urban Center" is a multi-purpose community center located on the East Side of Buffalo. ***Our mission is to: "provide programs that enhance the quality of life, preserve neighborhoods and encourage economic development".*** For over 32 years, the Matt Urban Center has provided activities and programs for all ages: pre-school through senior citizen. Fulfilling the demand and need of these services the Matt Urban Center also operates two inner-city, satellite locations:

Polonia Hall	T.J. Dulski
385 Paderewski Dr.	129 Lewis St.
Buffalo, NY 14212	Buffalo, NY 14206
Tele: 855-2124	Tele: 847-2860

*** The Services we offer are on the following pages.**

Youth and Family Services:

- **Youth Programming**: For children 6-12, features educational programs, tutoring, computer lab, indoor and outdoor recreation, field trips, speakers, hands-on science programming, enviro lab, rain garden and solar shed (Dulski) and on site lending libraries.
- **Teen Programming:** Rec. room activities include pool table, ping pong, foosball, video games, basketball (indoor Polonia—out door Dulski), Speakers geared to issues for youth 13-18, weight room (Polonia)

T. J. Dulski Community Center

- **Kids Café:** Hot meals, sandwiches and snacks are served to children who regularly participate in the Matt Urban Center's programs. Food is provided by the Food Bank of WNY.
- **Clothing Closet:** (Dulski) We provide new and/or gently used clothing to needy community residents.
- **Food Pantries:** (Dulski, Polonia and Matt Urban Center) Food collected by an aggregate of agencies is allocated to the sites by the Food Bank of WNY and distributed to our service area's income qualified residents at each of the sites. Distribution is done at scheduled times although emergency distribution may be done by referral, Check with each site for times and further information.

Polonia Hall

- **Senior Program:** (Dulski) Social program for seniors citizens, cards, bingo, arts and crafts, lunch and bingo.

- **Block Clubs:** (Polonia/Lombard Street Block Club; Dulski/ Franczyk Park area Block Club) meets to discuss public safety, community concerns, environmental issues, etc.
- **Prime Time Programming:** (Summers at Polonia and Dulski) Provided by the Erie County Youth Board in collaboration with private contributors: this program is similar to the year round youth program with additional focus on art and culture, teen awareness and counseling.
- **After school Violence Prevention/Extended Day Programming:** Our agency provides academic, social, cultural and recreational programming at the Harvey Austin School. P.S. #97.

Crime Victims Assistance: (Matt Urban Center)

- Provide compensation to innocent victims of crime in a timely, efficient manner.
- Advocacy for the rights and benefits of all innocent victims of crime. Services includes assistance with claim applications, provide direct services to victims of crime and their families in the form of assistance in obtaining emergency awards, referrals to other agencies and services and helping them through the criminal justice process.

The Matt Urban Center

Safety Net Achievement Program: (Matt Urban Center)

- **Computer Education/Training**
- **General Educational Diploma (G.E.D.)**
- **Employment Skills/Job Readiness Preparation**

Housing Services: (Matt Urban Center)

- Development Projects: "Crescent Village" - The Matt Urban Center is currently in the process of working with the City of Buffalo's Office of Strategic Planning and community residents to revitalize a 16 block area within the Broadway-Fillmore community. "Monroe Place" - We are also working with Gateway-Longview to construct a 12 unit—24 bed apartment complex for children who are aging out of the foster care system.
- **City of Buffalo Housing Court:** Our housing dept. serves as the Broadway-Fillmore District liaison for Housing Court. In this capacity, we represent the district in court and work to address quality of life issues for community residents. Housing Court Judge Nowak has appointed the Matt Urban Center to be a court appointed "Receiver of Property," in this role we make necessary repairs and address code violations to rented neglected properties throughout the City of Buffalo.
- **Owner occupied housing rehabilitation:** Our agency assists community residents in acquiring grants and/or loans from various sources to repair their homes.

T. J. Wojnar Parkview Apartments

- **Apartment rentals:** Our agency manages a 32 unit residence located at 104 Lewis St., for income eligible senior citizens and a 20 unit apartment complex for refugees located at 185 Rother.
- **Community Development/Outreach Activities:** Our agency has the ability to acquire vacant residential property, rehabilitate it and then put it up for resale to low-income residents. Our agency participates in the East Buffalo Good Neighbors Planning Alliance and the Broadway Area Business Association meetings and provides support. We also assist community residents in establishing Block Clubs.

Anna Walentynowicz Apartments

Weatherization Assistance Program:

- **Provides services to:** income eligible home owners and renters in the East Side of Buffalo. Weatherization services are designed to reduce the amount of energy required to heat homes and provide hot water.
- **Weatherization helps:** our clients save money, increases their home comfort, reduces our dependence on foreign oil, preserve our housing stock, provides jobs and job training, revitalizes neighborhoods and provides our clients with safe affordable housing.
- **Weatherization services includes:** an energy audit using blower door technology to determine infiltration levels and energy leaks, plus diagnostic testing of fuel burning devices to help insure the health and safety of our clients residences.

Weatherization Crew at Work

- **A work scope is developed to:** determine the home's needs. Once weatherization work is completed a post weatherization inspection is conducted to insure effectiveness, efficiency and quality control. Work scope can include: furnace and/or hot water tank replacement, window and/or door replacement, weather striping, blown-in insulation etc...
- **All services provided are:** free of charge to income eligible clients. However, owners of rental units are required to contribute an owner investment toward the cost of the services rendered.

Homeless Outreach Program/Creating Assets Savings and Hope: (Matt Urban Center)

- **Team Hope (Homeless Outreach Program Eastside)** engages with the homeless to assist them secure benefits and services necessary to obtain safe, decent, and affordable housing.
- **Homeless Services include:** acquire identification (if needed), apply for benefits (public assistance, food stamps, medical insurance, and SSI), assist with seasonally appropriate clothing, food, housing, provide referrals for household items, transportation, and link to other services to address medical, mental health and chemical dependency treatment needs.
- **Outreach locations include:** Harbor House, St. Lukes Mission of Mercy, Response to Love, Central City Café, Altamont House and the City Mission as needed.
- Our Team continues to work with individuals for up to six months after being housed to ensure that needs are being met in order to sustain housing

Senior Citizen Services: (Matt Urban Center)

- **Information and Assistance:** Help with HEAP, Medicaid, Food Stamps, IT-214, Property Tax Reduction, Senior Advocacy
- **Case Management:** Links to Services: Meals on Wheels, Personal Care/ Environmental Care, Social Adult Day Care, Personal Emergency Response Systems, Senior Advocacy.
- **Transportation:** Works in association with Erie County Dept. Social Services "Going Places" van system. Transportation for medical appointments, banking, shopping, congregate meals etc... Please call: 716-858-7433
- **Telephone assurance Programming:** Volunteers provide phone calls to homebound seniors to check on their well being.
- **Arts and Crafts** are taught weekly at the T.J. Duski Community center and the Lincoln Senior Center, located at 10 Quincy Street.

*** If you would like more information about the Matt Urban Center, please fill out the reverse side and mail or drop it off at the Matt Urban Center.**

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-043-SPHXA
DATE

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
✓ IRFAN KABIR	1901 HILLSIDE DR OWINGS MILLS MD 21207		
✓ Mohammed Mufti	6413 WINDSOR MILL RD BALT. MD 21207		
✓ RIZWAN SIDDIQI	6413 WINDSOR MILL RD, BALT MD 21207		
✓ OMAR SMITH	6613 Johnnycake Rd Baltimore Md 21244		
✓ Gerald RASHEED	8706 INWOOD Rd Windsor Mill MD 21244	WINDSOR MILL, MD. 21244	
✓ MOHAMMED SIDDIQUI	4 LENIS COURT BALTIMORE MD 21244	BALTIMORE MD 21244	
✓ TAIYAB MOHIUDDIN	13920 WAGON WAY Silver Spring	SILVER SPRING MD 20906	
✓ KABIRUDDIN SARKAR	2725 ATLANTA DRIVE SILVER SPRING	SILVER SPRING MARYLAND 20906	KSARKAR@VOANEWS.COM

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-642-SPHxA
DATE

PROTESTANTS

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
✓ EZIO M ROSS ✓	6614 RICHARDSON Rd 21207	BALTIMORE MD 21207	VAEZ2 VERIZON.NET
VAN D. ROSS ✓	6614 Richardson Rd 21207	Baltimore MD 21207	
✓ JOE LASTNER ✓	6409 LEHNERT ST 21207	BALTIMORE MD 21207	jlastn4@aol.com
✓ KERRI LASTNER ✓	6409 LEHNERT ST 21207	BALTIMORE MD 21207	jlastn4@aol.com
WAYNE A. KING ✓	1916 GWYNN OAK AVE 21207	GWYNN OAK MD 21207	KINGWA@COMCAST.net
JoAnn KING ✓	1916 GWYNN OAK AVE 21207	GWYNN OAK MD 21207	jvking@comcast.net
Patty Bloecher ✓	1743 Little Creek Dr. 21207	Balto MD 21207	
JOHN BLOECHER	1743 LITTLE CREEK DR	BALTO MD 21207	DANZIG_RE@COMCAST.NET
FAYE REDDINGER ✓	5533 HUTTON Ave	Gwynn Oak MD 21207	
PHYLLIS WEAVERLING	6503 GILMORE ST.	GWYNN OAK MD. 21207	
Michele Perrera ✓	6428 Kriel ST	Gwynn Oak MD 21207	Michele@Aunteakeys.com
Donna Wirt ✓	2034 Russell Ave	Balto MD 21207	donna.wirt@verizon.net
Carol Resnick	2034 Russell Ave	Balto, MD 21207	cresnick1@verizon.net
Daisy Y. Fossett ✓	6408 Walnut Street	Balto MD 21207	george.fossett@verizon.net
George L. Fossett ✓	6408 Walnut Street	Balto MD 21207	"
Undrea Wright ✓	6414 Dogwood Rd	Baltimore MD 21207	Undreaw@MSN.com
NANCY G. DROZD ✓	6407 LEHNERT ST	BALTO MD 21207	N/A
Kimberly Edwards	6433 Kriel Street	Balto, MD 21207	Kedwards@dhmh.state.md.us
Evelyn Jackson ✓	6424 Kriel Street	Balto MD 21207	wilsyn01@yahoo.com
ANDRE SAMUEL	6414 LEHNERT St.	BALTO MD 21207	agdcps@VERIZON.net

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-092-SPHAR
DATE

PROTESTANTS

~~CITIZEN'S~~ SIGN-IN SHEET

NAME	ADDRESS 21207	CITY, STATE, ZIP	E-MAIL
Robert Cotton ✓	5613 Windsor Mill Rd	Balto /md. 21207	cottonhweverizon.net
Betty Scott ✓	6418 Lehnert St	Md 21207	
Jenny Green ✓	6412 Lehnert St	Woodlawn MD 21207	
Mary Faulkner ✓	7930 Galloping Circle	Windsor Mill, MD 21244	fourmf@comcast.net
Delores Johnson ✓	6441 LEHNERT ST	Gwynn Oak, MD 21207	djohnson328@msn.com
Jacqueline Dailey ✓	6520 Lehnert Street	Gwynn Oak, MD 21207	JDailey@umaryland.edu
Ruth Baskerville ✓	1917 Hillside Drive	Gwynn Oak, MD 21207	
George Baskerville ✓	" " "	" " "	
Doris Martin ✓	2003 Alto Vista Ave	Balt MD 21207	dapmartin@AOL.com
Rosetta Sanders ✓	1907 Englewood Ave	" " "	rose18331@msn.com
Phyllis Hawkins ✓	6411 Lehnert St.		
Douglas Griffin ✓	1907 Woodlawn Dr	Balt MD 21207	dgriff@verizon.net
Audrey Green ✓	6412 Lehnert St	Balt, MD 21207	acgreen38@msn.com

CASE NO. 08-042-SPHXA

PROTESTANTS EXHIBITS

Verified 1/15/09

✓ 1. WEBSITE LISTING BEITUL QURAN

✓ 2. PICTURE FROM MR. LEHNERT'S BEDROOM

✓ 3. PICTURE OF TAVERN

✓ 4. PICTURE - PARKED VEHICLES 10/21/07

✓ 5. PICTURE - PARKED VEHICLES ON GRASSY AREA

✓ 6. PICTURE OF PARKING SIGN 9/20/07

✓ 7. PICTURE - ONE WAY SIGN - NO TREE

✓ 8. A PICTURE - LINE OF CARS PARKED 10/12/08

✓ B. " -

✓ C. " - FROM MS. WARREN'S DRIVEWAY

✓ 9. MD OF A & T. 6334 IVYWOOD RD.

✓ 10. COMMUNITY - WOODLAWN/LIBERTY PLAN

✓ 11. RULE 8 - KERRI LASTNER

✓ 12. A. PICTURE OF SHED AND CARRIAGE HOUSE 10/08

✓ B. PICTURE FROM WARREN'S PORCH

✓ 13. CALLS FOR SERVICE - HIGH'S TAVERN

✓ 14. WOODLAWN HIGH PLANS ACADEMIC OVERHAUL.

✓ 15. MEADOW CENTER

✓ 16. FLOOR PLANS

PROTESTANTS EXHIBITS

✓ 17. COMMENTS - BUILDING PLANS REVIEW

✓ 18. A-H PICTURES OF CARS ON PETITIONER'S PROPERTY.

Welcome to Darul Uloom Maryland السلام عليكم ورحمة الله تعالى وبركاته

Request Information

Shariah Board of Maryland

Darul Hadith

Prayer Times

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PROGRAMS & EVENTS

Youth Programme
By scholar of Hadith
Sheikh Abu Umar Irfan Kabiruddin.
Every Monday, After Isha

Halaqah for Tafseer AL QUR'AN
(for brothers and sisters)
include question answer session
By scholar of Hadith
Sheikh Abu Umar Irfan Kabiruddin.
Every Sunday, 12:30-1:30

Beitul Quran
Girls ONLY
contact : 410-281-1079
email: darululoommd@aol.com
Starting :October 15th 2008
Hours: 4:00 pm - 6:00 pm Monday - Friday

Where your child can learn Qur'an with proper Tajweed (pronunciation) 2 hours program focusing on Qur'an with Tajweed memorization Basic Aqeedah and fiqh , Islamic History and much more. This program is adopted from South Africa 50 years of experience.

Sister Tajweed class
Lets learn the Qur'an the way it was revealed

contact : 410-281-1079
email: darululoommd@aol.com
Starting :October 15th 2008
Every Saturday 12:00 pm-1:00 pm

SALAT Timings

Fajr	6:00 am
Dhuhr	1:30 pm
Asr	3:30pm
Maghrib	sunset
Isha	8:00 pm
jumu'ah	1:00pm

CIBA Pro. EXH. No. 1

Contact US

Personal Information

Name *(first, last)*: ◂◂ ◂◂ - required

Address:

City: Zip:

State:
Select a State

Country:◂◂
United States

Contact Information

How to Contact You?:** ☑ Email ☐ Phone ☐ Fax

Phone:

Fax:

E-mail:**

Re-type E-mail:**

What are you contacting us about?:**

◉ General Enquiry ○ Request Prospectus ○ Course Enquiry ○ Admission
○ Programs at Darul uloom

Message:**

Send Message

Other ways to contact us

Address:
Darul Uloom Maryland
6334 DOGWOOD ROAD
Baltimore, MD 21207.

Contact:
Girls Admission: Umm Umar 410-281-1079
Boys Admission: Shaykh Irfan 410-493-0785

email: darululoommd@aol.com

Darul Uloom Maryland.
6334 DOGWOOD ROAD
Baltimore, Md 21207
410-493-0785
email: darululoommd@aol.com

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Introduction

Aim and Objective

- Our aim and objective is the promotion and publication of religious sciences (Qur'an, Hadith, Aqeedah, and Fiqh), and the body of knowledge related to them for the benefit of Muslim masses.
- Ensuring that Qur'an, Hadith, Aqeedah and Fiqh are taught in a comprehenstve manner that is research oriented.
- Besides the all-embracing completion of required courses in religious sciences, Darul Uloom shall train students to become subject specialists. They will acquire expertise in major departments of religious studies, whereby they will be able to confidently render distinct services in areas such as: *Judiciary (Qada), Promotion (Tabligh), Ruling (Ifta'), compilation and writing*

We believe that the knowledge of Qur'an and Hadith is one of the requirements for every Muslim, especially in this day and age. A Time, which was predicted by our Prophet Muhammad (Sallahualaihi wasallam) to be a time of ignorance and unjust war.
Our duty is to help individual Muslims to obtain correct knowledge of the Qur'an and Sunnah, and to spread this knowledge everywhere and to all people, and that this knowledge will help them to realize the great bounties of Allah, and the importance of worshipping him in a way guiding to paradise.
It was recognized that there is an urgent need for opening more Islamic Institutions in the Baltimore/Washington DC metro area, as the Muslim population here exceeds half a million people. High demand for Islamic knowledge made it necessary to establish an Institute of Higher Islamic Education, 'Darul Uloom', which started in **October 2005**, and is located in the **Baltimore County area**.

A History of Darul Uloom, Darul Uloom Deoband, India

Darul Uloom Maryland.
6334 DOGWOOD ROAD
Baltimore, Md 21207
410-493-0785
email: darululoommd@aol.com

Syllabus

Secular Education

For our secular education program, we will be utilizing the Calvert Homeschool program for our elementary students. For the high school students we will use the Keyton High School program. The homeschool program will be supervised by dedicated and qualified teachers.

Application for Admission

Darul Uloom Maryland.
6334 DOGWOOD ROAD
Baltimore, Md 21207
410-493-0785
email: darululoommd@aol.com

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Syllabus

Alim Course

Residence: The boys facility sits on approximately 2 acres of land. Pictures available here.

The 'Alim course is a comprehensive study of the Islamic Sciences, the breadth of which includes expertise in: Arabic grammar, Tajweed, Literature, Tafseer al-Qur'an, Hadith, Islamic Law (Fiqh), and Islamic History. Courses are offerred in a traditional environment with students spendings aproximately six hours per day receiving direct instruction from certified scholars.

The coursework prepares students to become upright citizens with the aptitude to become Imams, school teachers, administrators of Islamic Institutions, academic researchers and writers.

Upon graduation, students may also choose to pursue specialized studies in fiqh to become *Mufti*, Hadith to become *Muhadith*, Tafseer to become *Mufassir*, and/or other sciences.

FIRST YEAR

ARABIC GRAMMAR/SYNTAX I
ANALYSIS OF ARABIC VERBS I
ARABIC WRITING
INTRODUCTION TO ISLAMIC BELIEFS
BIOGRAPHY OF PROPHET MUHAMMAD (SALALLAHU 'ALAYHI WASALAM)
BIOGRAPHY OF THE PROPHETS (ALAYHIS SALAAM)
TAJWEED 1
ADVANCED URDU

SECOND YEAR

ARABIC GRAMMAR/SYNTAX II
ANALYSIS OF ARABIC VERBS II
APPROACHES TO ARABIC LITERATURE
BIOGRAPHY OF PROPHET MUHAMMAD (SALALLAHU 'ALAYHI WASALAM)
INTRODUCTION TO PRINCIPLES OF JURISPRUDENCE (FIQH)
GENERAL FIQH: MUKHTASIR AL-QUDOORI
INTRODUCTION TO HADITH
BIOGRAPHY OF THE CALIPHS
ISLAMIC HISTORY
EXPOSITORY WRITING
PRINCIPLES OF ISLAMIC WORSHIP
TAJWEED II

THIRD YEAR

ARABIC GRAMMAR/SYNTAX III
ANALYSIS OF ARABIC VERBS III
ARABIC LITERATURE
PERSUASIVE SPEECH/ RHETORIC I (BALAGHA)
LOGIC I
METHODS IN TRANSLATION OF THE QUR'AN
THEOLOGY I
GENESIS OF ISLAMIC LAW I
HADITH ANALYSIS: APPROACH TO RIYADH US-SALIHEEN
PRINCIPLES OF ISLAMIC JURISPUDENCE (USOOL AL-SHASHI)

TEXTUAL ANALYSIS OF THE QUR'AN I

FOURTH YEAR

LOGIC II
PERSUASIVE SPEECH/ RHETORIC II
TEXTUAL ANALYSIS OF THE QUR'AN II
ADVANCED LAW
PUBLIC SPEAKING
COMPARATIVE FIQH
GENESIS OF ISLAMIC LAW II
PERSUASIVE DIALOGUE/ RHETORIC II
ADVANCED LITERATURE
ADVANCED COMPOSITION
THEOLOGY II
PRINCIPLES OF ISLAMIC FINANCE
SOCIAL AND FAMILY LAW
QUR'ANIC SCIENCES AND IT'S EXEGESIS (TAFSEER AL-QUR'AN)

FIFTH YEAR

COMPARATIVE FIQH
GENESIS OF ISLAMIC LAW III
ADVANCED QUR'ANIC SCIENCES AND IT'S EXEGESIS (TAFSEER AL-QUR'AN)
TAFSEER JALALAYN
ADVANCED TEXTUAL INTERPRETATION OF HADITH (MISKHAT)

SIXTH YEAR

This year is dedicated to advanced studies in hadith, which includes over 1,000 hours of direct teacher instruction in the prominent hadith collections:

SAHIH AL-BUKHARI: HADITH METHODOLOGY, READINGS, AND ANALYSIS
SAHIH AL-MUSLIM: HADITH METHODOLOGY, READINGS, AND ANALYSIS
SUNAN AT-TIRMIZHI: HADITH METHODOLOGY, READINGS, AND ANALYSIS
SUNAN ABU DAWOOD: HADITH METHODOLOGY, READINGS, AND ANALYSIS
SUNAN IBN MAJAH: HADITH METHODOLOGY, READINGS, AND ANALYSIS
SUNAN NISAEE: HADITH METHODOLOGY, READINGS, AND ANALYSIS
MUWATTA IMAM MALIK: HADITH METHODOLOGY, READINGS, AND ANALYSIS

Application for Admission

Darul Uloom Maryland.
6334 DOGWOOD ROAD
Baltimore, Md 21207
410-493-0785
email: darululoommd@aol.com

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

Go Back
View Map
New Search

Account Identifier: **District** - 01 **Account Number** - 0102004495

Owner Information

Owner Name:	SARKAR KABIRUDDIN	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	6334 DOGWOOD RD BALTIMORE MD 21207-5227	**Deed Reference:**	1) /25416/ 127 2)

Location & Structure Information

Premises Address
6334 DOGWOOD RD

Legal Description
.5454 AC
6334 DOGWOOD RD
CARLYN HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
88	20	229						3	Plat Ref: 7/ 75

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1921	1,111 SF	23,760.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2008	As Of 07/01/2009
Land	118,700	118,700		
Improvements:	115,400	115,400		
Total:	234,100	234,100	234,100	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	DATANET DEVELOPMENT	**Date:**	03/28/2007	**Price:**	$628,500
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/25416/ 127	**Deed2:**	
Seller:	BAUHOF WILLIAM C	**Date:**	09/19/1989	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8276/ 637	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

CBA Pfo. EXH No. 9

• IN THIS SECTION

Welcome
Renaissance-Redevelopment
Master Planning
Planning Board
Design Review Panel
Zoning
Historic Preservation
Community Planning
- Adopted Community Plans
- Planners by District
- UDAT Program
- NeighborSpace
- Eastern County Pedestrian and Bike Plan

Public Facilities
Planning Statistics
Publications and Maps

• ONLINE SERVICES

- Translate This Site
- Search Property Taxes
- Find Your Council District
- Receive E-County News
- Browse County Codes
- Pay Parking Tickets
- What's My Zoning?
- Report Potholes
- Find County Facilities
- View Daily Docket
- Volunteer Today

More>>

Welcome to the...

Office of Planning

Adopted Community Plans

Bowleys Quarters Community Action Plan 2000

Bowleys Quarters Community Action Plan

Eastern Baltimore County Revitalization Strategy

A Community Conservation Plan for Essex-Middle River

East Joppa Road Corridor Community Plan

Essex CBD Revitalization Strategy

Greater Dundalk-Edgemere Community Conservation Plan

Greater Kingsville Area Community Plan

Greenspring / East Pikesville Community Action Plan

Hanover Pike Corridor Study

Hereford Community Plan

Hunt Valley / Timonium Master Plan

Jacksonville Community Plan

Kenilworth Corridor Plan

Liberty Road Revitalization Area

Liberty West Community Plan (PDF)

Lochearn-Forest Garden-Haywood Heights Plan

Loch Raven Village Community Conservation Plan

Lower Back River Neck Peninsula Community Action Plan

Middle River Bird River Community Plan

Middle River Community Plan (September 2007)

Middle River Employment Center

A Community Conservation Plan for Lutherville

Owings Mills - Park and Open Space Concept Plan

Patapsco / Granite Area Community Plan

Patapsco Park and Open Space Concept Plan

Philadelphia Road Corridor Study

PROTESTANT'S
EXHIBIT NO. 8

CBA Pro. Exh. No. 10

Pikesville Maryland Revitalization Plan

Pikesville Revitalization Plan 2003 (PDF)

Ralston Community Plan

Riverdale Community Plan

Ruxton-Riderwood-Lake Roland Community Plan

South Perry Hall - White Marsh Community Plan (PDF)

Southeast Towson Community Plan

Southwest Baltimore County Revitalization Strategy (PDF)

Sudbrook Park Community Plan

The Catonsville Plan

The Honeygo Plan

Towson Community Plan

Towson Manor Village Enhancement Study (PDF)

Turner Station Community Conservation Plan

Wells McComas Community Plan

West Timonium Heights Community Plan

Windlass Run / Bird River Road Area Community Plan

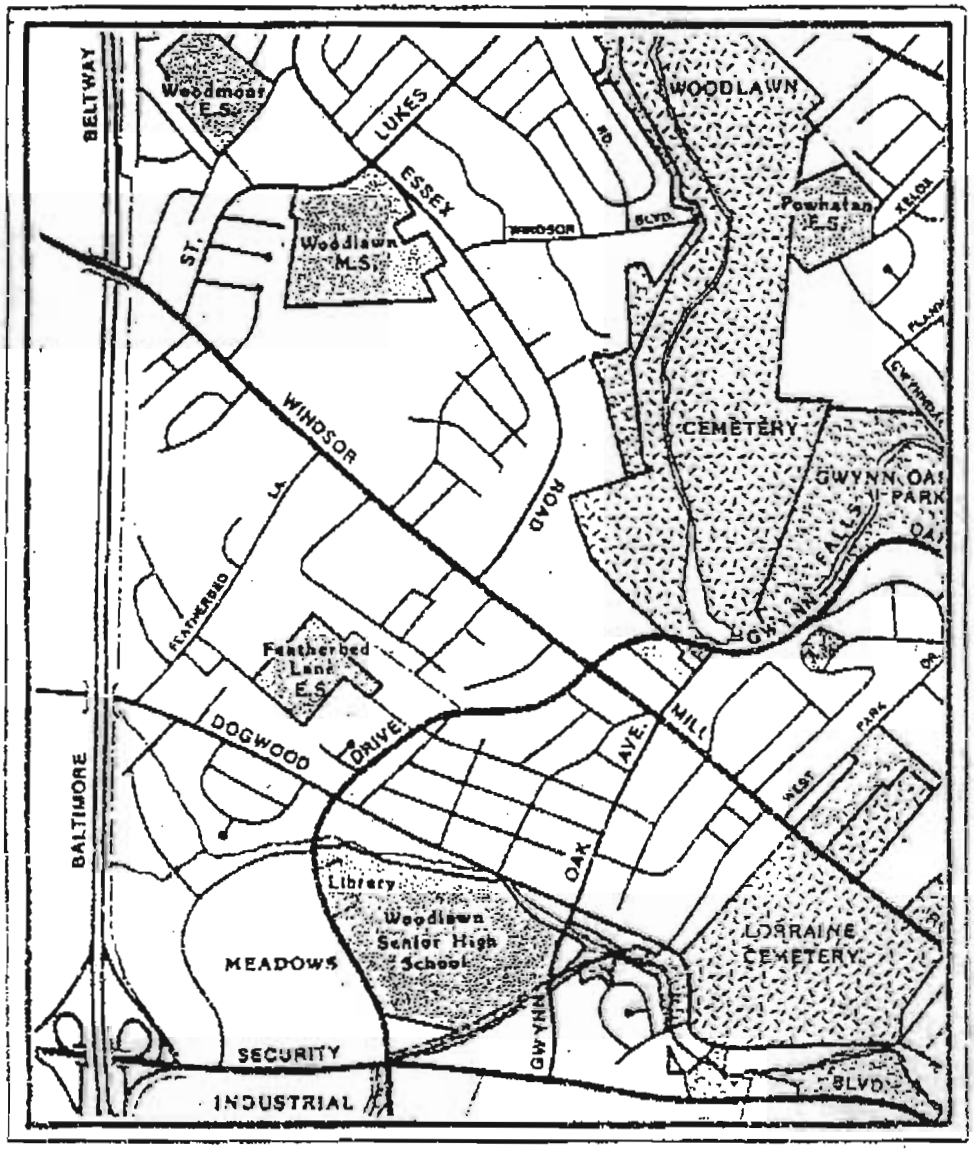
Woodlawn / Liberty Community Plan

Get Acrobat Reader (Need PDF Help?)

Revised December 10, 2007

—

KERNS



• Baltimore County • Focus on Community •

WOODLAWN/LIBERTY COMMUNITY PLAN

As Adopted By The Baltimore County Council on May 17, 1993 with Amendments

RESOLUTION

Graystone Community ASSOCIATION

RESOLVED: That at the Community meeting of the Graystone Community Association held on September 15, 2008 it was decided by the Association that the responsibility for review and action on all zoning matters for the period September 2008 to September 2009 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

Kherri Lastner
Michelle Caldwell
Nina Fuller
Audrey Green

AS WITNESS our hands and seal this 15th day of September, 2008.

ATTEST:

Audrey Green
SECRETARY

Kherri A Lastner
PRESIDENT

C:\My Docs\Forms\Rule 8 Resolution

OBA Pro. EXH. No. 11

RESOLUTION

Graystone Community ASSOCIATION

RESOLVED: That at the position of the Graystone Community Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

is that:

Opposes a dormitory as an accessory structure in conjunction with a religious school located at 6334 Dogwood Road.

AS WITNESS our hands and seal this 15th day of September, 2008.

ATTEST:

Graystone Community ASSOCIATION

Audrey Green
SECRETARY

Kevin Pastner
PRESIDENT

AFFIDAVIT

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Braystone Community Association.

ATTEST:

Audrey Green	Kevin Kastner
SECRETARY	**PRESIDENT**

CRIME

Calls for Service

Date Range = 01/01/2008 - 08/18/2008
and (records3.mastlocation.streetaddr like '%1902 GWYNN OAK%' or records3.mastlocation.xstreet like '%1902 GWYNN OAK%' or records3.mastlocation.ystreet like '%1902 GWYNN OAK%')

Address: 1902 GWYNN OAK AV **CC Number:** 080051386 **Date/Time:** 01/05/2008 7:54:41 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Check on Location **Unit:** 242 **Officer:** 5111
Remarks: HERTSCH'S TAVERN.. OCC 10 MINS AGO.. 3 M SUBJS STOLE ITEMS FR LOC & LEFT IN A BLK 4DOOR VEH.. ADV ALL SUBJS WERE BM, 21 YO.. SUBJS LEFT IN A BLK SEDAN, MD/7A????.. NFI, NFD

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080061151 **Date/Time:** 01/06/2008 6:31:50 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Miscellaneous - Added Information **Unit:** 245 **Officer:** 4735
Remarks: IN REF TO CC# 080051386.. ADV THEY HAVE THE SUBJS ON VIDEO.. 240 DIRECT CALL HOLDING FOR 241

Address: 1902 GWYNN OAK AV **CC Number:** 080231584 **Date/Time:** 01/23/2008 8:37:58 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Check on Location **Unit:** 243 **Officer:** 5237
Remarks: HERTSCHS COMPL ADV SUBJS AT LOC ARGUING NOT PHYSICALLY FIGHTING YET NFI

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080271768 **Date/Time:** 01/27/2008 10:34:16 PM
Cross Streets:
RA: 020600 **Disposition:** 5 **Call Type:** Suspicious Subject **Unit:** 228 **Officer:** 5146
Remarks: ADV BM,25 YOA,WRNG WHI TSHIRT W/BLU LETTERING, IS SITTING IN TAVERN, TWDS THE BACK, ADV HE HAS A GUN AND IS ACTING STUPID

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080271799 **Date/Time:** 01/27/2008 11:06:24 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Disturbance **Unit:** 228 **Officer:** 5146
Remarks: 2 ADULT MALES INVLD,INSIDE,,NO WEAPONS SEEN 228 29 BROOKS, DESMAND 1M 10/3/85 29 PETTUS, CHARLES LEE 1M 12/2/77 OLN: B-620-139-019-762 ADDRESS CHANGE 06-30-05 NAME: DESMOND BROO KS RACE: 1-BLACK

Address: 1902 GWYNN OAK AV **CC Number:** 080291242 **Date/Time:** 01/29/2008 4:59:00 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Found Property **Unit:** 243 **Officer:** 5226
Remarks: HERTSCHS, FOUND A CLIP OF BULLETS SUNDAY NIGHT...UNK WHO THEY BELONG CC#080271768-SEE ALSO

Address: 1902 GWYNN OAK AV **CC Number:** 080410107 **Date/Time:** 02/10/2008 1:15:43 AM
Cross Streets:
RA: 020600 **Disposition:** 6 **Call Type:** Sick or Injured Subject **Unit:** 245 **Officer:** 5350
Remarks: HERSHEYS TAVERN; INTOX MALE IN BACK OF BAR REFUSING TO LEAVE LOC 225 DIRECT PENDING BM, CAP, BLK/RED LEATHER JACKET .. INTOX/NO KNOWN WEAPS 40 YO MALE INTOX UNABLE TO STAND OR WALK

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080611937 **Date/Time:** 03/01/2008 11:07:47 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Loitering Complaint **Unit:** 228 **Officer:** 4875
Remarks: 5 MALES & FEMS HANGING ARD OUTSIDE,NFD

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080661740 **Date/Time:** 03/06/2008 6:18:37 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 243 **Officer:** 5347
Remarks: COMPL ADV CUSTOMER AT LOC HAS HAD TOO MUCH TO DRINK AND IS BOTHERING OTHER CUSTOMERS, REFUSING TO LEAVE DORSEY MARCUS LEANDA 7/9/80 OLN: D-620-585-493-544 NAME: MARCUS LEANDA DORSEY RACE: 1-BLACK

Address: 1902 GWYNN OAK AV **CC Number:** 080790047 **Date/Time:** 03/19/2008 12:42:36 AM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Alarm Business - Accidental **Unit:** 229 **Officer:** 5215
Remarks: HERTSCH TAVERN..AUD..GENERAL..NOTIFY..C994982

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080802099 **Date/Time:** 03/20/2008 10:06:00 PM

CBA Pro. Exh No. 13

Cross Streets:
RA: 020600 **Disposition:** 6 **Call Type:** Sick or Injured Subject **Unit:** 244 **Officer:** 5335
Remarks: 57YOM.. DIABETIC.. HIGH BP.. HX SEIZ.. HAS BEEN DRINKING..

Address: 1902 GWYNN OAK AV **CC Number:** 080821458 **Date/Time:** 03/22/2008 7:02:37 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Theft - Altered Money/Counterfeiting **Unit:** 242 **Officer:** 5237
Remarks: HERSTCHS TAVERN COMPL ADV HE HAS FOUND A COUNTERFEIT BILL NEEDS AN OFF TO PICK IT UP COMPL FOUND THE BILL WHILE COUNTING OUT AN EMPLOYEES DRAWER

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080821682 **Date/Time:** 03/22/2008 9:31:10 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Theft - Altered Money/Counterfeiting **Unit:** 243 **Officer:** 5021
Remarks: A HM ATT TO PAY FOR ITMED WITH A FAKE BILL...EMPL REFUSED THE SALE CALLER ADV HTE SUBJ IS NOW INSIDE OF 6404 DOGWOOD RD, UNK APT # COMPL CAN DIRECT OFF TO LOC WHERE SUBJ IS

Address: 1902 GWYNN OAK AV **CC Number:** 080821787 **Date/Time:** 03/22/2008 10:54:05 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Disturbance **Unit:** 213 **Officer:** 4947
Remarks: HERSTCHS TAVERN, MID 20'S YO H/M WRG WHI HOODY IN THE BAR REFUSING TO LEAVE. SUBJ WAS AT LOC EARLIER TRYING TO USE COUNTERFEIT MONEY ALSO, REF CC#1458

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080841844 **Date/Time:** 03/24/2008 9:43:21 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Theft - Altered Money/Counterfeiting **Unit:** 243 **Officer:** 5111
Remarks: COUNTERFEIT BILLS PASSED..SUSP AT LOC NOW.. TRYING TO GET FURTHER DESC.. 2ND HAND INFO SO FAR NOW I'M BEING TOLD THAT A FEM CUSTOMER AT LOC KNOWS WHERE THE SUBJ IS WHO PASSING THE COUNTERFEIT MONEY..

Address: 1902 GWYNN OAK AV **CC Number:** 080852196 **Date/Time:** 03/25/2008 11:29:41 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Disturbance **Unit:** 228 **Officer:** 4813
Remarks: HERSHES TAVERN..ADV THERE ARE SUBJS ON THE PRKING LOT FIGHTING..UNK HOW MANY SUBJS ARE FIGHTING..UNK WEAPS..COMPL ADV HE IS INSIDE AND WAS GIVEN INF O BY A NBR 228 1023..NOTHING SHOWING

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 080901640 **Date/Time:** 03/30/2008 10:14:47 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 245 **Officer:** 5215
Remarks: WAS JUST ASLTED BY BF. LIGHT SKIN. 5'5. PINK SWEATSHIRT . JEANS . BLK TANK TOP. LEFT IN A BLK BMW . NO WEAPS, AMBO REFUSED 241 LOGGING ON AND DIRECT

Address: 1902 GWYNN OAK AV **CC Number:** 080901728 **Date/Time:** 03/30/2008 11:27:20 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 226 **Officer:** 4606
Remarks: INTOX M CUSTOMER TRIED TO PUSH HIS WAY BEH COUNTER/BAR.. COMPLT ADV HE HAS NO WEAPS AS FAR AS HE CAN TELL..SUBJ IS BEING BELIGERENT

Address: 1902 GWYNN OAK AV **CC Number:** 081041186 **Date/Time:** 04/13/2008 5:36:57 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Traffic Complaint - Other **Unit:** 246 **Officer:** 4838
Remarks: HERSHYS TAVERN , LG GROUP OF SUBJS ON PK LOT CARS SQUEALING WHEELS YELL 4 DR , GOLD TOP ROOF DOT ON GWYNNOAK TWDS DOG WOOD SQUEALING WHEELS EXIT PK LOT HI RATE SPEED

Address: 1902 GWYNN OAK AV **CC Number:** 081061700 **Date/Time:** 04/15/2008 6:50:32 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** 2nd Degree Assault (Not Domestic Abuse) **Unit:** 243 **Officer:** 5021
Remarks: 10-17 PC 02; FM WAS SPIT ON

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081081509 **Date/Time:** 04/17/2008 4:59:33 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Check on Subject **Unit:** 243 **Officer:** 4841
Remarks: REF TO CC# 08 106 1700..MALE NAMED: MO, BM, MED-BRN COMPLEX, 6'1, BLU HOODIEIS OUTSIDE LOC NOW (SUBJ RESP FOR ASLT 2 DAYS AGO)..UNK WEAPS/UNK INTOX 243 DIRECT TO GET THIS ONE NEXT 243 NOW GOING TO A

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081132166 **Date/Time:** 04/22/2008 10:59:40 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Noise Complaint **Unit:** 243 **Officer:** 4653
Remarks: LOUD MUSIC COMING FROM VEHS IN THE PKG LOT. 1017 COMPL AT 6409 LEHNERT ST, C/S GWYNN OAK AV.

Address: 1902 GWYNN OAK AV **CC Number:** 081161664 **Date/Time:** 04/25/2008 7:01:19 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Suspicious Subject **Unit:** 242 **Officer:** 5091
Remarks: HERSHEYS TAVERN..BM 6'0 WRG BLU/WHI STRIPED SHIRT AT LOC..SUBJ HAS BEEN BANNED SEVERAL LOCS.. UNK INTOX/WEA[S 243 ADV WILL HANDLE WHEN CLEAR

Address: 1902 GWYNN OAK AV **CC Number:** 081162143 **Date/Time:** 04/25/2008 11:19:24 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Disturbance **Unit:** 228 **Officer:** 4875
Remarks: HERTSCHS TAVERN..ADV A FEW SUBJS ARE FIGHITNG, ADV SOME SUBSJ ARE TRYING TO BREAK IT UP, NO WEAPS SEEN. NFI 3CXT44 0656274 05/09 A 38244798 JM1BK323471676631 07 MAZD 4S JT GR.WGT : -3700 REG.FEE: $50

Address: 1902 GWYNN OAK AV **CC Number:** 081211977 **Date/Time:** 04/30/2008 10:30:55 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Check on Location **Unit:** 297 **Officer:** 3688
Remarks: 911 HANG UP INFO FROM ALI FAX TONES ON CB 209 DIR HOLDING

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081240008 **Date/Time:** 05/03/2008 12:03:34 AM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Disturbance **Unit:** 229 **Officer:** 5191
Remarks: ADV SEVERAL SUBJS ON PRKIG LOT BEING NOISY

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081240189 **Date/Time:** 05/03/2008 2:02:27 AM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 243 **Officer:** 5232
Remarks: ADV PEOPLE ARE IN THE PARKING LOT, BREAKING BOTTLES, BEING LOUD

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081241100 **Date/Time:** 05/03/2008 3:45:24 PM
Cross Streets:
RA: 020600 **Disposition:** 6 **Call Type:** Sick or Injured Subject **Unit:** 246 **Officer:** 5357
Remarks: SITTING IN THE PKG LOT, 40'S MALE ON CRTUCHES INTOXICATED, EFLL OFF HTE BAR STOOL,

---

Address: 1902 GWYNN OAK AV **CC Number:** 081241836 **Date/Time:** 05/03/2008 11:12:20 PM
Cross Streets:
RA: 020600 **Disposition:** 6 **Call Type:** Sick or Injured Subject **Unit:** 228 **Officer:** 4875
Remarks: HERSHES TAVERN . LATE 40'S M, REQUESTING AMBO, ADV SUBJ IS INTOX, ADV HE CANT STAND UP, & IS HAVING TRBR, PT IS ON CRUTCHES .. PD ADDED FOR INTOXSUB

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081471849 **Date/Time:** 05/26/2008 9:56:48 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Disturbance **Unit:** 244 **Officer:** 4484
Remarks: CAN HEAR MALE SCREAMING THAT HE IS GOING TO GET A GUN AND KILL SOMEONE MALE SOUNDS INTOX MS SALLEY, 410-944-3594, ADV THE SAME, SUBJ IS YELLING ON PARKING LOT, IS INTOX, COMPL CANNOT SEE SUBJ, NO DES

Address: 1902 GWYNN OAK AV/HERTSCH TAVERN **CC Number:** 081520190 **Date/Time:** 05/31/2008 1:54:02 AM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 228 **Officer:** 4875
Remarks: 2 UNK MALES ON THE PARKING LOT..1 DRINKING POSS ALCOHOL..2ND BANGING ON THE DOOR..COMPL WILL BE LEAVING SHORTLY..REQ PD TO MAKE THEM MOVE ON..NFI/NFD

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081542222 **Date/Time:** 06/02/2008 11:10:52 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Traffic Complaint - D.W.I. **Unit:** 228 **Officer:** 4445
Remarks: ADV OLDER MALE IS INTOX, IN A GRAY/BLU LINCOLN CONTINENTAL, POSS WENT RIGHT ON GWYNN OAK, WAS IN LOC GIVING EMPLOYEES HARD TIME, SHOULD NOT BE DRIVING HEADING TWDS SECURITY BL

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081571652 **Date/Time:** 06/05/2008 6:57:01 PM

Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 243 **Officer:** 5021
Remarks: GROUP OF SUBJS IN THE PARKING LOT DRINKING, REFUSING TO LEAVE..

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081580064 **Date/Time:** 06/06/2008 12:43:06 AM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Trespassing **Unit:** 229 **Officer:** 4721
Remarks: ADV THEY HAVE BARRED SHAWN LANCE 35 YOBM, HE IS NOT TO BE ON PROPERTY, AND HE IS ON PARKING LOT, W/DOG, IF SUBJ IS GONE WHEN OFFC COME, HE IS MOST LIKELY WALKING DOWN GWYNN AOK TWDS PC

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081581865 **Date/Time:** 06/06/2008 8:25:08 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Liquor, Open Container **Unit:** 242 **Officer:** 5237
Remarks: 1017 6433 KRIEL ST, SAME RA, C/S ENGLEWOOD AV*RUSSELL AV.. GROUP OF 12-20 SUBJS ARE STANDING ON THE PKG LOT DRINKING ALCOHOL..

Address: 1902 GWYNN OAK AV **CC Number:** 081591999 **Date/Time:** 06/07/2008 10:49:43 PM
Cross Streets:
RA: 020600 **Disposition:** 9 **Call Type:** Auto Accident - Property Damage **Unit:** 228 **Officer:** 4875
Remarks: HERTCHS TAVERN...COMPL ADV A FEMALE OPENED HER DR OF HER CAR AND STRUCK HERS VEH SEV TIMES..COMPL HAS INFO FROM OTHER PERSON BUT WANTS A REPORT PC2 DELAYED

Address: 1902 GWYNN OAK AV **CC Number:** 081601739 **Date/Time:** 06/08/2008 9:20:00 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Assistance Request **Unit:** 242 **Officer:** 5237
Remarks: HERTSCH'S TAVERN:F CUSTOMER GIVING OTHER CUSTOMERS A HARD TIME, NO WEAPS ADV F IS INTOX

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081611862 **Date/Time:** 06/09/2008 8:42:56 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Noise Complaint **Unit:** 246 **Officer:** 5021
Remarks: LOUD MUSIC .. 240 DIRECT

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081681987 **Date/Time:** 06/16/2008 9:58:21 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Noise Complaint **Unit:** 246 **Officer:** 5014
Remarks: GROUP OF SUBJS IN PARKING LOT DRINKING & MAKING NOISE

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081682159 **Date/Time:** 06/16/2008 11:42:21 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Noise Complaint **Unit:** 229 **Officer:** 5193
Remarks: SUBJS ON LOT,DRINKING & YELLING

Address: 1902 GWYNN OAK AV **CC Number:** 081711280 **Date/Time:** 06/19/2008 4:10:27 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Narcotics, Officer Initiated **Unit:** 273 **Officer:** 4081
Remarks: 95 AT 1613 HRS

Address: 1902 GWYNN OAK AV **CC Number:** 081721105 **Date/Time:** 06/20/2008 1:46:18 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Miscellaneous - Added Information **Unit:** 273 **Officer:** 4081
Remarks: CRIME PREVENTION FOLLOW-UP

Address: 1902 GWYNN OAK AV **CC Number:** 081721849 **Date/Time:** 06/20/2008 8:05:13 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Disturbance **Unit:** 243 **Officer:** 4937
Remarks: HERSHIS TAVERN; 250 SUBJ SMOKING & DRINKING ON THE PKGLOT OF LOC.. CORR: 25 SUBJ

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081730231 **Date/Time:** 06/21/2008 2:32:24 AM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Suspicious Vehicle **Unit:** 243 **Officer:** 4653
Remarks: SIL INFI 41785CC & CHAMPAGNE TOYO 2CLS90 41785CC 5545028 02/10 ABY 36682343 JNKBF01A72M006712 02 INFI 4S 2CLS90 0199240 02/09 A 37959772 4T1GB10E3SU039828 95 TOYT 4S

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081741081 **Date/Time:** 06/22/2008 4:00:03 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Traffic Complaint - Other **Unit:** 244 **Officer:** 5014
Remarks: ADV YELLOW COBRA UNK TAG, SQUEALING WHEELS & SPEEDING DOWN ROADWAY,DOT ON DOGWOOD TWDS WOODLAWN DR,OCC FEW MIN AGO REC ANOTHER CALL FR MS LASTNER ADV VEH IS ON DOGWOOD RD JUST BEHIND T HE POLICE CAR,

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Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081741273 **Date/Time:** 06/22/2008 6:05:55 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Juvenile Complaint **Unit:** 243 **Officer:** 4937
Remarks: ON PKG LOT, ADV PPL PLAYING LOUD MUSIC & BEING LOUD, ON GOING PROB

Address: 1902 GWYNN OAK AV **CC Number:** 081790393 **Date/Time:** 06/27/2008 7:16:33 AM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Check on Subject **Unit:** 243 **Officer:** 5323
Remarks: BM HAT LAYING ON SIDE OF BLDG POSS SLEEPING FOR LAST COUPLE OF HRS

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081800825 **Date/Time:** 06/28/2008 12:50:33 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Theft - Motor Vehicle **Unit:** 243 **Officer:** 5323
Remarks: BLK DODGE MAGNUM UNK TAG .. UNK DOT FROM PKG LOT .. ADV F TOOK VEH ..NFI TAKEN BY A 1F 6' 165# GRY SHIRT PINK PANT VEH HAS 22IN CHROME SILVER WHEELS CITY DIRECT MALL UNIT DIRECT 47V402 1805485 09/09

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081811595 **Date/Time:** 06/29/2008 10:03:45 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Hit & Run Accident - Property Damage **Unit:** WO1 **Officer:** WO1
Remarks: SILV SUV MD/45V703 HIT CALLERS 2006 KIA SPECTRA AND LEFT TWDS PC 02 CORRECTION SILV PU TRUCK .. DELAYED

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081841709 **Date/Time:** 07/02/2008 7:03:17 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Assistance Request **Unit:** 242 **Officer:** 4977
Remarks: LOUD MUSIC FROM CARS ON THE LOT & SUBJS AT LOC BEING LOUD 243 ADV CLEARING TO HANDLE

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081851835 **Date/Time:** 07/03/2008 8:36:25 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 245 **Officer:** 5350
Remarks: PKG LOT,SEVERAL PPL DRINKING W/OPEN CONTAINERS,ARE BEING REALLY LOUD

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081860091 **Date/Time:** 07/04/2008 12:46:37 AM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Noise Complaint **Unit:** 226 **Officer:** 4832
Remarks: 6,YOUNG BM,STANDING BY WHI TBIRD..PLAYING LOUD MUSIC,DANCING IN CORNER OF PARKING LOT ALI FROM NEXT CALL 226 PE FOR PRISONER TRANSPORT 209 29 CHRISTOPHER, JOEL TREECE 4-11-87

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 081880019 **Date/Time:** 07/06/2008 12:11:51 AM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Noise Complaint **Unit:** 228 **Officer:** 5193
Remarks: LOUD MUSIC

Address: 1902 GWYNN OAK AV **CC Number:** 082071974 **Date/Time:** 07/25/2008 10:26:31 PM
Cross Streets:
RA: 020600 **Disposition:** 9 **Call Type:** Disturbance **Unit:** 241 **Officer:** 5089
Remarks: HERSRCHES TAVERN..ADV SEVERAL SUBJS ON THE PRKING LOT MAKING NOISE AND BLOCKING ENTRANCES TO LOC

Address: 1902 GWYNN OAK AV **CC Number:** 082071989 **Date/Time:** 07/25/2008 10:40:27 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Disturbance **Unit:** 245 **Officer:** 5147
Remarks: HERSHS TAVERN..IN REF TO CC# 1974..CLR ADV OFF RODE BY BUT DIDNT GET OUT & DISPERSE CROWD..ADV SHE WANTS OFF TO GO & MAKE SUBJ GET OFF PKG LOT & GO INT INTO BAR..ADV SHE IS VERY UPSET THAT NOTHING W

Address: 1902 GWYNN OAK AV **CC Number:** 082131939 **Date/Time:** 07/31/2008 10:26:12 PM

Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Check on Subject **Unit:** 245 **Officer:** 5089
Remarks: 38 CROME REVOLVER...MALE WRG WHI HAT & BLU SHIRT CAME INTO LOC & PULLED OUT A GUN. UNK WHERE SUB IS NOW... SEE #1940 NO ONE HERE...PEOPLE IN THE BAR SAID SUBJ ROLLED OUT ALREADY, NO DESCR OR DOT

Address: 1902 GWYNN OAK AV **CC Number:** 082131940 **Date/Time:** 07/31/2008 10:26:19 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Duplicate Call **Unit:** **Officer:**
Remarks: 911 H/U CALL, 911 OP HAVING PHONE PROBLEMS, ALL INFO FROM ANI/ALI SEE #1939

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 082141762 **Date/Time:** 08/01/2008 9:07:16 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Noise Complaint **Unit:** 243 **Officer:** 4734
Remarks: 1017 - 1903 GWYNN OAK AV .. CUSTOMERS SITTING ON FRT PORCH OF LOC BEING LOUD & SMOKING CIGARETTES .. ONGOING PROB. 210 DIRECT HOLDING SENT TO PC FOR DELAY

Address: 1902 GWYNN OAK AV **CC Number:** 082161173 **Date/Time:** 08/03/2008 5:01:32 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Trespassing **Unit:** 246 **Officer:** 4838
Remarks: HERSCH'S TAVERN; CLR ADV BF WRG STRIPED SHIRTS & JEANS WAS BARRED FROM LOC. AND IS REFUSING TO LEAVE CLR ADV PD SHOULD BE FAMILIAR WITH HER B/C SHE CURSED THEM OUT LAST TI ME 95 @ 1712

Address: 1902 GWYNN OAK AV **CC Number:** 082171835 **Date/Time:** 08/04/2008 8:39:43 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Check on Location **Unit:** 243 **Officer:** 5021
Remarks: SELECTIVE ENFORCEMENT

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 082191710 **Date/Time:** 08/06/2008 6:57:19 PM
Cross Streets:
RA: 020600 **Disposition:** 7 **Call Type:** Theft - Other **Unit:** 245 **Officer:** 5391
Remarks: LEFT KEYS ON THE BAR, 2 YOUNG MALES WERE SITTING THERE, THINKS 1 OF THEM HAVE IT, 2 DRK SKINNED B/M, STILL INSIDE SHOULD BE THEFTJO THIS JUST HAPPENED MR. CARTER IS BACK ON THE LINE ADVING SUBJS ARE

Address: 1902 GWYNN OAK AV **CC Number:** 082221420 **Date/Time:** 08/09/2008 6:12:26 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 243 **Officer:** 5287
Remarks: HERSHES TAVERN : COMPL BEING HARASSED BY 3 FEMS AT LOC .. ADV FEMS ARE TRYING TO FIGHT COMPL .. POSS INTOX , NO WEAPS

Address: 1902 GWYNN OAK AV **CC Number:** 082271342 **Date/Time:** 08/14/2008 4:53:41 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Check on Location **Unit:** 273 **Officer:** 4081
Remarks: HERSCH'S TAVERN - COMMUNITY COMPLAINT

Address: 1902 GWYNN OAK AV **CC Number:** 082301408 **Date/Time:** 08/17/2008 7:33:57 PM
Cross Streets:
RA: 020600 **Disposition:** 8 **Call Type:** Disturbance **Unit:** 245 **Officer:** 4835
Remarks: HERTCHS TAVERN; COMPL ADV 30 YO BF RED T SHIRT BLUE PANTS...VERY INTOX...REFUSING TO LEAVE THE BAR..BOTHERING CUSTOMERS...MAKING A SCENE..NO WEAPS

Address: HERTSCHS; 1902 GWYNN OAK AV **CC Number:** 082301462 **Date/Time:** 08/17/2008 8:09:14 PM
Cross Streets:
RA: 020600 **Disposition:** 1 **Call Type:** Trespassing **Unit:** 244 **Officer:** 5298
Remarks: INTOX FEM WAS REMOVED FROM PREMISES 15 MINS AGO BY OFC & FEM HAS NOW RETURNED BACK INSIDE LOC & REFUSING TO LEAVE BF, 5'5, RED TEE, BLU PANTS, TENNIS CARRYING A BLK PLASTIC BAG REF TO CC# 1408

Calls for Service

Date Range = 01/01/2008 - 08/18/2008
and (records3.mastlocation.streetaddr like '%1902 GWYNN OAK%' or records3.mastlocation.xstreet like '%1902 GWYNN OAK%' or records3.mastlocation.ystreet like '%1902 GWYNN OAK%')

SF Code	Call Type	Count
A37	Suspicious Subject	2
A12	Disturbance	18
J4	2nd Degree Assault (Not Domestic Abuse)	1
C1	Auto Accident - Property Damage	1
F18	Miscellaneous - Added Information	2
B7	Juvenile Complaint	1
A24	Liquor, Open Container	1
F20	Sick or Injured Subject	4
F9	Noise Complaint	7
H9	Theft - Motor Vehicle	1
F7	Found Property	1
D8	Traffic Complaint - Other	2
A25	Loitering Complaint	1
AB1	Alarm Business - Accidental	1
F16	Duplicate Call	1
E4	Check on Subject	3
D13	Traffic Complaint - D.W.I.	1
D3	Suspicious Vehicle	1
H11	Theft - Other	1
E5	Check on Location	5
H1	Theft - Altered Money/Counterfeiting	3
E3	Assistance Request	2
A39	Trespassing	3
A53	Narcotics, Officer Initiated	1
C7	Hit & Run Accident - Property Damage	1

www.baltimoresun.com/news/local/baltimore_county/bal-md.co.woodlawn26nov26,0,2181502.story

baltimoresun.com

Troubled Woodlawn High plans academic overhaul

By Gina Davis

Sun reporter

PROTESTANT'S EXHIBIT NO. 10

November 26, 2007

Administrators at Woodlawn High School, the only Baltimore County high school to have reached "restructuring status" after years of failing to meet state benchmarks in reading and math, have begun the wrenching process of planning an overhaul of the school's academic program.

In recent meetings with teachers, staff and parents, Principal Edward D. Weglein explained the four options being considered but stressed that no decisions have been made.

"Within any of them, there's no real perfect answer," Weglein said in an interview. "But we'll work toward picking the best option."

Under the No Child Left Behind Act, schools that fail to reach federal standards after five consecutive years enter the restructuring planning stage. Failing schools must develop a plan to replace most or all of the staff, reopen as a charter school, contract with a private entity or bring in a "distinguished principal" from another district.

In Maryland, 40 schools are in restructuring planning. Three of those schools are in Baltimore County - Woodlawn High and Southwest Academy and Lansdowne middle schools.

Woodlawn Middle implemented its restructuring plan last year, though it wasn't required to do so because it made required gains during the 2005-2006 school year.

Nearly 70 schools statewide have launched restructuring plans. Woodlawn High - whose plan is due by April to state education officials - would have to restructure next school year only if it fails to meet reading and math benchmarks this school year.

With nearly 2,000 students, Woodlawn is one of the county's largest high schools. In recent results, the school, which is 90 percent black, had only 32.3 percent of the Class of 2009 passing the state's high school assessment for algebra - one of four exams required for graduation.

Weglein said he met with teachers and parents to tell them that the restructuring planning process is

CBA PRO. EXH. NO. 14

under way. Informing the public is one of the first steps required by state education rules.

He said the meetings were not scheduled to quell rumors of a state takeover that had been circulating among teachers and parents.

State education officials confirmed that they have no plans to take over the school. Ann E. Chafin, assistant state superintendent, said Maryland law doesn't prescribe a state takeover as a restructuring option. It is, however, an option that federal law allows.

Chafin said the state's role is to ensure that the school's planning is progressing. She said Woodlawn's leaders will need to address such questions as: How well do the teachers know the curriculum? Do the school's teachers have the capacity to move forward with changes? What does the school need, in terms of resources and money?

Weglein said the meetings were held to provide information, which he acknowledged is limited at this early stage in the process.

"I would love to say to somebody, 'Here is what you can expect,' but I can't," he said. "This is something of a major magnitude to the community, I can't play down that point. ... But we can't give details because we don't have details yet."

He said he and his staff noted questions raised during the meetings, and his goal is to gather more information and meet again before the winter break.

Parent Miko Baldwin said changes are necessary but that she worries about losing teachers and maintaining popular programs such as the robotics club and Advancement Via Individual Determination, a national college preparatory program. She said she hopes Weglein, the school's fifth principal in about a decade, will stay.

"If they go with a charter or a private entity, are they going to be able to maintain the same programs?" she asked.

The options have key differences. For instance, reopening as a charter school protects union contract provisions, while all terms are negotiable under a contract with a private entity. Schools that choose to force all or most of the staff to reapply - such as Annapolis High, where about half of its 111 teachers chose to leave this year - experience the turmoil of losing longtime educators.

Manuel Rodriguez, the system's southwest area assistant superintendent, said officials are researching the options. He said the involvement of parents, teachers, students and the community is vital to the process.

"It's natural for them to feel uncertainty because at this point we're all uncertain," Rodriguez said. "I can assure you that the intent is to keep everybody informed along the way."

gina.davis@baltsun.com

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WOODLAWN H.S.

2nd Degree Assault (Not Domestic Abuse) 16
Suspicious Subject 3
Disturbance 12
Narcotics, Citizen Initiated 2
Non Enumerated Complaint 3
County Code Violation - Other 1
Child Abuse 1
Missing Adult 2
Juvenile Complaint 1
Traffic Stops 11
Arson 1
Traffic Complaint - Other 1
Suspicious Condition 3
Possession of a Deadly Weapon 1
Destruction of Property 3
Parking Complaint 1
Fires, Suspicious 2
Theft - Other 5
1st Degree Assault (Not Domestic Abuse) 1
Lost or Stolen Property 4
Robbery - UNARMED 7
Trespassing 10
Narcotics, Officer Initiated 3
Fires, Other 1
Theft - Altered Money/Counterfeiting 1
Hit & Run Accident - Property Damage 1

>>> <klastn4@aol.com> 01/16/08 2:18 PM >>>

Officer Glass,

First, I wanted to thank you for all of your assistance.? You have been a tremendous help!

If I could just get general info on the following i.e. #?of assaults etc.? Since school is out in the summer it doesn't make much sense to include or start with June, maybe September through December.
The addresses?are as follows:

Woodlawn High school

Woodlawn Drive
Baltimore, MD 21207

and

Meadow Wood School

1849 Gwynn Oak Ave

Baltimore, MD 21207

Thanks again for everything!

Kerri Lastner

More new features than ever. Check out the new AOL Mail ! - http://webmail.aol.com

2007 Maryland Report Card

RESULTS BY: STATE OF MARYLAND ▸ COUNTY ▸ SCHOOL ▸

AYP

Baltimore County

Woodlawn High Center For Pre-Eng. Res. (ID:0172)

2007 AYP: **Not Met**

▸ Show Trends

All indicators must be "Met" to make AYP. For details, click on the links below.

	Reading		Mathematics		
	▸Percent Proficient	▸Participation Rate	▸Percent Proficient	▸Participation Rate	▸Graduation
All Students	**Not Met**	**Met**	**Not Met**	**Met**	**Met**
American Indian/ Alaskan Native	na	na	na	na	
Asian/Pacific Islander	**Not Met**	na	**Met**	na	
African American	**Not Met**	**Met**	**Not Met**	**Met**	
White (not of Hispanic origin)	**Met**	na	**Met**	na	
Hispanic	**Met**	na	**Met**	na	
Free/Reduced Meals	**Not Met**	**Met**	**Not Met**	**Met**	
Special Education	**Not Met**	**Met**	**Not Met**	**Met**	
Limited English Proficient	**Not Met**	na	**Met**	na	

'**na**' indicates too few students for AYP rules.

Tuesday, January 15, 2008
All schools operating on normal posted schedule.

Search: GO

Baltimore County Public Schools — BCPS Home

Department of Student Support Services

Alternative Education, Dropout Prevention and Summer School

Student Support Services
- Alternative Middle & High Schools
- Even Start Family Literacy Program
- Evening / Saturday High School
- GED Classes for 16 - 21 yr olds
- HIPPY
- Home & Hospital Center
- Home Schooling
- Home Teaching Program
- Maryland's Tomorrow Program
- Summer School

<< Home >>

Alternative Middle and High Schools
- Catonsville Center
- Meadowood Education Center
- Rosedale Center

Alternative Middle and High Schools

Academic Program	Therapeutic Component

1849 Gwynn Oak Avenue
Baltimore, Maryland 21207
410-887-6888 fax: 410-887-68889

Meadowood Center

Mission

The Meadowood Education Center (MEC) is an alternative middle school committed to servicing the needs of students who have not been successful in the traditional school setting. We, the staff, believe we must set the conditions for success through student assessment, a unique instructional program, and a comprehensive and therapeutic program of student services that stress social development and challenges students to become responsible citizens in an everchanging multicultural society.

Goals

- Provide and maintain a safe and orderly academic and therapeutic environment.
- Prepare students to return to their comprehensive home Schools and be successful utilizing the various interventions and skills they learned and were successful with at MEC.
- Provide an opportunity to allow students to increase their technology skills within the school environment.

School Profile

The Meadowood Education Center (MEC) is housed at the corner of Gwynn Oak Avenue and Dogwood Road in the Woodlawn section of Baltimore County. It is an alternative middle school serving a maximum of 75 students in grades 6, 7 and 8 from both the Southwest and Northwest areas of Baltimore County. Students enter MEC after having been referred by the respective Superintendent's Designee. The referrals are based on expulsions or program reviews. It is the intent of MEC to return each student to his/her home School with the skills necessary to be successful in a comprehensive school environment.

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PROTESTANT'S EXHIBIT NO. 11

CBA PRO. EXH. NO. 15

MEADOW WOOD SCHOOL

Emergency Commitment 1
Missing Child 3
Duplicate Call 1
Check on Location 1
Narcotics, Citizen Initiated 1
Juvenile Complaint 1
Suspicious Vehicle 1

>>> <jlastn4@aol.com> 01/16/08 2:18 PM >>>

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Meadow Wood School

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Baltimore, MD 21207

Thanks again for everything!

Kerri Lastner

More new features than ever. Check out the new AOL Mail ! - http://webmail.aol.com

Meadowwood Education Center

1849 Gwynn Oak Avenue
Baltimore, MD 21207

General Phone Numbers:

Main: 410-887-6888
Fax(Main): 410-887-6889

Area:	Southwest
Principal:	C. A. Thompson
Boundaries:	Map (PDF, 150 KB)* View area map
Profile:	(Not yet available)
Test Scores:	MSDE Report Card

Visit our school web site at http://meadowwoodes.bcps.org

Visit our Teacher Sites!

More information coming soon.

* Please see our disclaimer for considerations for using BCPS School Attendance Boundary Maps

School Overview:

Definition of Terms	Meadowood Education Center
School Level	Middle school
School Type	Special education school
Grades Offered	Grades 6 - 8
County	Baltimore County, MD
Students & Faculty	
Total Students	58 students
% Male / % Female	74% / 26%
Total Classroom Teachers	11 teachers
Students by Grade	Grade 6 - 6 students Grade 7 - 29 students Grade 8 - 23 students

	This School	(MD) School Average
Teacher : Student Ratio	1:5	*1:16*
Students by Ethnicity	This School	(MD) School Average
% American Indian	n/a	*n/a*
% Asian	n/a	*5%*
% Hispanic	n/a	*8%*
% Black	86%	*40%*
% White		

August 26, 2008

Mohammed Mufti
Mufti & Associates
6413 Windsor Mill Road
Baltimore, MD 21207

RE: PERMIT #: B699045/C-08
DISTRICT: 1
PRECINCT: 1

"05" COMMENTS/PERMIT HELD

LOCATION: 6334 Dogwood Road

REVIEWER: Stanley L. Walpert – Building Plans Review – 410-887-3987/88.

The following comments require revised plans, or when permissible, a letter from the designer of record indicating how the problems will be corrected. The current building code for Baltimore County is IBC, 2006 Edition. If not noted otherwise, all sections referring to "LS" in the comments correspond to the NFPA 101 "Life Safety" Code, 2006 Edition or NFPA 13, 2002 Edition. All response letters and/or revised plans shall be sent to the Bureau of Building Plans Review; Department of Permits and Development Management, Room 120; 111 West Chesapeake Avenue; Towson, MD 21204. Comments from other departments or agencies shall be resolved directly with those departments or agencies. **Note**: Fire alarm system installation and annunciation, when required, shall be in full accordance with the Baltimore County Fire Prevention and Building Codes.

COMMENTS:

1. Is educational use licensed by the state of Maryland at this address? What type of educational use? (Daycare, Grades 1 thru 12) Confirm in writing the response.
2. Is the exterior wall stone veneer on wood framing or solid masonry? (Stone and mortar) Stone veneer on wood framing is wood framing construction.
   - Stone veneer on wood frame is type 5B construction.

CBA Pro. Exh. No 17

- Stone and mortar is type 3B construction.

3. Refer to IBC 2006, Table 503
   - Height and area limitations
     - Education – Type 3B construction, 2 stories, 14500 sq ft.
     - Education – Type 5B construction, 1 story, 9500 sq ft.

   The architect of record should clarify in writing comment 1 and 2.
4. Refer to NFPA 101, Section 14.3.5.
   - Suppression requirement for the basement below the level of discharge.
5. Education – Type 5B construction would only fulfill the IBC 2006 requirements if sprinkled and the second story floor/ceiling system was made 1-hour fire rated. (Separated, Education, Business)
6. Education – Type 3B construction would only fulfill the IBC 2006 requirement if sprinkled. However no fire rated separation would be required. (Non-separated, Education)
7. Egress
   - Educational occupancy requires two separate exits per floor. Refer to NFPA 101, 2006, Section 14.2.4.
   - The third floor, if the floor/ceiling system is fire rated and each floor has no more than 30 occupants then NFPA 101, 2006, Section 38.2.4.4 for a single exit could be applicable.
   - The basement egress must conform to NFPA 101, 2006, Section 11.7.3.4 (3) and 14.2.4.
8. All stair enclosure should conform to fire ratings for 3 stories or less. Refer to NFPA 101, 2006, Section 7.1.3.2 and 8.3.4.
9. Confirm the floor and stairs can structurally support the proposed occupancy. Refer to IBC 2006, Table 1607.1, Item 26, 31, and 36.
10. Show the occupancy number for all the floors per room. Refer to NFPA 101, 2006, Table 7.3.1.2
11. All commercial property must conform to state of Maryland Accessibility Law (COMER 05.02.02).
    - Number of handicap van and car spaces
    - The grade between parking facilities and front door
    - Accessibility into building
    - Over two (2) stories require an elevator
    - Second floor toilet must be converted to handicap accessibility
    - Ramp or lift to porch
    - One (1) Rescue Assistance Area on all 3 levels and basement
    - Stair handrails must be 48 inches apart
    - Contact Seven Shen, Chief, Compliance Enforcement & Training at 410-514-7214, Fax No. 410-987-8902, www.mdcodes.org for waivers or any accessibility issues.
12. If advantages apply the International existing building code, 2006. Begin the process with Change of Occupancy, Chapter 9. Document each step with conclusions and submit to Bureau of Building Plan Review.

This review covers only major code requirements. The law requires compliance with all code provisions, whether pointed out by the review or not.

c: Plans Review, Building and Fire Inspection

APPLICATION FOR BUILDING PERMIT

PERMIT #: B699045 CONTROL #: C- DIST: 01 PREC: 01

LOCATION: 6334 DOGWOOD RD
SUBDIVISION: CARLYN HEIGHTS
TAX ASSESSMENT #: 0102004495

OWNERS INFORMATION
NAME: SARICAR KABIRVDINN
ADDR: 6334 DOGWOOD RD, 21207

APPLICANT INFORMATION
NAME: MOHAMMED MUFTI
COMPANY: MUFTI & ASSOC.
ADDR1: 6413 WINDSORMILL RD
ADDR2: BALTIMORE, MD 21207
PHONE #: 443-604-3127 LICENSE #:

NOTES
EDW/CPC

DRC#
PLANS: CONST 2 PLOT 9 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT:
CONTR: TBD
ENGNR:
SELLR:
WORK: CH OF OCCUPANCY FROM OFFICE TO SCHOOL. INTERIOR
ALTS TO INCLUDE METAL STUD & DRYWALL PARTITIONS
DOORS FIXTURES & FINISHES AS PER PLANS
SEPARATE PERMIT REQD FOR ANY ADDL WORK OVERALL
WORK 3,411SF

PROPOSED USE: RELIGIOUS SCHOOL & INT ALTS
EXISTING USE: OFFICE

BLDG. CODE:
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 10,000.00

TYPE OF IMPRV: ALTERATION
USE: SCHOOL, COLLEGE, OTHER EDUCATIONAL
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B699045

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE		LOT SIZE AND SETBACKS
GARBAGE DISP:	FLOOR:	3,411SF	SIZE: 0155.00 X 0000.00
POWDER ROOMS:	WIDTH:		FRONT STREET:
BATHROOMS:	DEPTH:		SIDE STREET:
KITCHENS:	HEIGHT:		FRONT SETB:
	STORIES:		SIDE SETB:
LOT NOS:			SIDE STR SETB:
CORNER LOT:			REAR SETB:

ZONING INFORMATION			ASSESSMENTS	
DISTRICT:	BLOCK:		LAND:	0118700.00
PETITION:	SECTION:		IMPROVEMENTS:	0115400.00
DATE:	LIBER:	000	TOTAL ASS.:	
MAP:	FOLIO:	075		
	CLASS:	06		

PLANNING INFORMATION

MASTER PLAN AREA:	SUBSEWERSHED:	CRITICAL AREA:

DATE APPLIED: 07/15/2008 INSPECTOR INITIALS: 01C

FEE: $217.00	PAID: $217.00	RECEIPT #: A592303

PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER DATE

ADDRESS

AGENT ___
OWNER ___

SIGNATURE OF APPLICANT PHONE

18A

18B

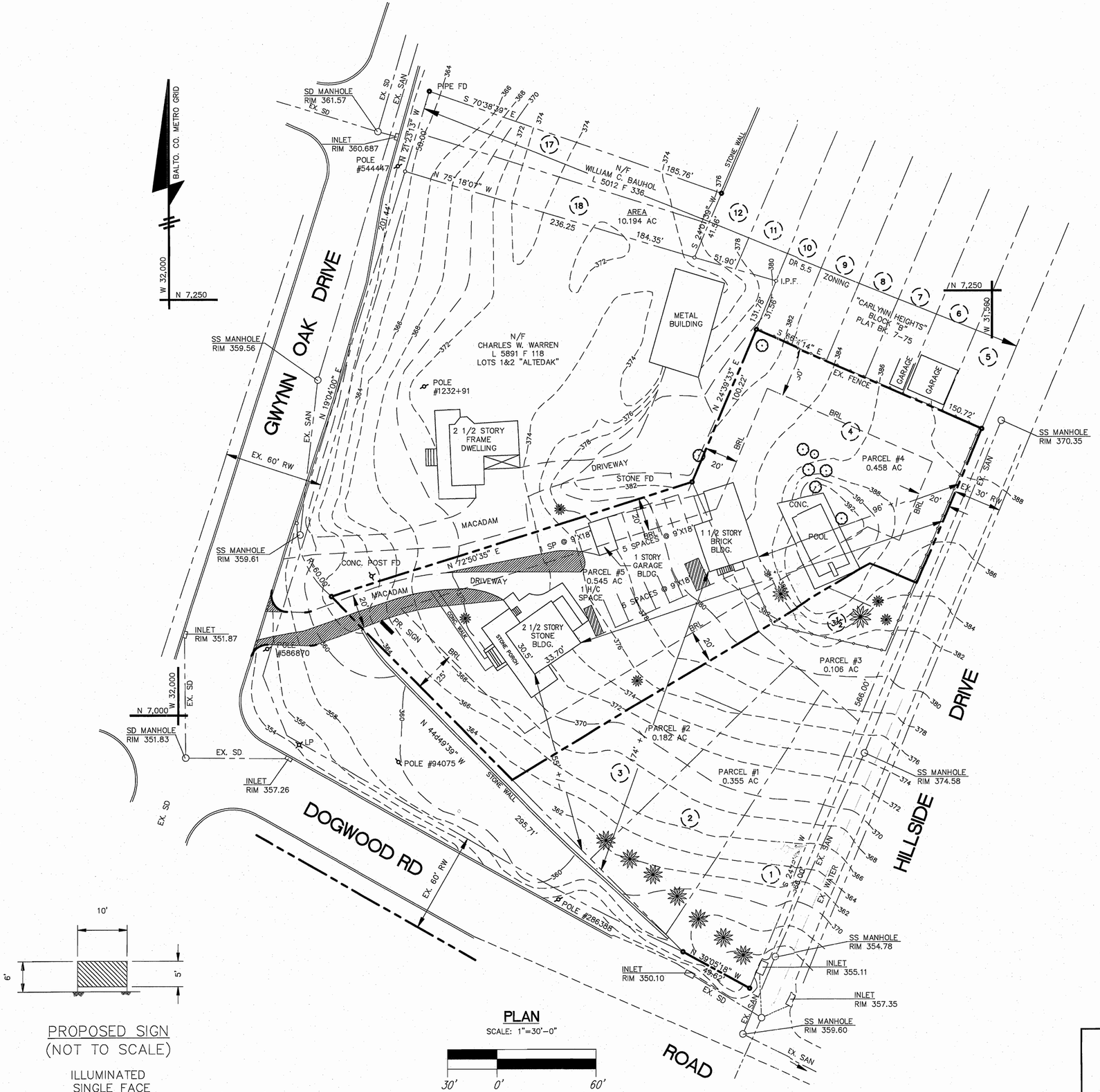
18C

18E

18F

18G

18H

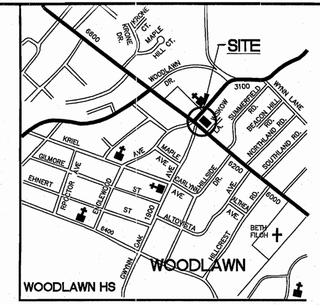


PLAN
SCALE: 1"=30'-0"

30' 0' 60'

PROPOSED SIGN
(NOT TO SCALE)

ILLUMINATED
SINGLE FACE
15 SQ. FT. PER SIDE



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES:

1. PROPERTY INFORMATION:

   DARUL ULOOM MARYLAND, INC.
   6334 DOGWOOD RD
   BALTIMORE, MARYLAND 21207

   MAP 88, GRID 20, PARCEL 229
   TAX ID# 01-0102004495
   NEW 200 SCALE GRID 088A3
   DEED REF: 25416/127

2. OWNER:
   SARKAR KABIRUDINN
   6334 DOGWOOD RD
   BALTIMORE, MD 21207
   PHONE: 410-982-4517
3. ZONED: R-O (RESIDENTIAL OFFICE)
4. SITE AREA:
   LOT # 4 - GROSS = 19,950 SFT (0.458 ACRES)
   LOT # 4 - NET = 19,950 SFT (0.458 ACRES)

   LOT # 5 - GROSS = 23,740 SFT (0.545 ACRES)
   LOT # 5 - NET = 23,740 SFT (0.545 ACRES)
5. 2000 CENSUS TRACT: 401200
6. 2000 CENSUS BLOCK GROUP: 240054012001
7. LAND MANAGEMENT AREA: EMPLOYMENT CENTER
8. COUNCILMANIC DISTRICT: 4
9. ELEMENTARY SCHOOL DISTRICT: FEATHERBED LANE ES
10. MIDDLE SCHOOL DISTRICT: WOODLAWN MS
11. HIGH SCHOOL DISTRICT: WOODLAWN HS
12. REGIONAL PLANNING DISTRICT: 319
13. WATERSHED: GWYNNS FALLS
14. WATER SERVICE AREA: WESTERN THIRD ZONE
15. SEWER SHED: 63, 68, & 70 (ALL INTERSECT ON THE PROPERTY)
16. TRANSPORTATION ZONE: 0628
17. ZIP CODE: 21207
18. EXISTING AND PROPOSED USE:
    EXISTING: RESIDENTIAL/OFFICE
    PROPOSED: RELIGIOUS SCHOOL
19. FLOOR AREA RATIO: 0.067
20. OFF-STRET PARKING CALCULATIONS:
    EXISTING: 16 PARKING SPACES
    PROPOSE: 16 PARKING SPACES
21. BUILDING SETBACKS:

LOCATION	REQUIRED	EXISTING
FRONT	25' FROM PL	>25'
REAR	30' FROM PL	>30'
NORTH SIDE	20' FROM PL	<20'
SOUTH SIDE	20' FROM PL	>20'

22. MAX. BLDG. HEIGHT: ALLOWED 35' - EXISTING <35'
23. NO PREVIOUS COMMERCIAL PERMITS ON FILE. NO PRIOR ZONINGS ON SITE. PROPERTY LISTED AS "R-O" FOR THE FIRST TIME ON 1984 ZONING MAP. PREVIOUSLY IT WAS "DR 5.5" SHOWN ON BALTO. CO. ZONING MAO F2 IN BLOCK F2.
24. NO SIGN EXISTS. A NEW SIGN 10' WIDE X 5' HIGH WITH TOTAL HEIGHT ABOVE GROUND NOT TO EXCEED 6' IS PROPOSED AS SHOWN ON THIS DRAWING.
25. AMENITY OPEN SPACE REQUIREMENTS: NOT APPLICABLE
26. ANY LIGHT FIXTURES TO ILLUMINATE OFF-STREET PARKING SHALL BE SO ARRANGED AS TO REFELECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
27. THERE ARE NO WOODED AREAS, STREAM, WETLANDS OR FLOODPLAINS ON THIS PROPERTY. PROPERTY IS NOT IN CHESAPEAKE BAY CRITICAL AREA.
28. PROPERTY IS NOT IN AN AREA WITH A MORATORIUM OF FAILURE OF BASIC SERVICES.
29. NO LABORATORY OR MECHANICAL WORKSHOP IS PROPOSED.
30. ALL PARKING WILL BE DURABLE AND DUSTLESS SURFACE AND PERMANENTLY STRIPED.
31. SITE IS SERVED BY EXISTING PUBLIC WATER AND SEWER.
32. HORIZONTAL AND VERTICAL SURVEU DATUM ESTABLISHED FROM BALTO. CO METRO GRID SYSTEM CONTROL POINTS X-8066 AND X5403:

    X-8066-BRONZE DISC. ELEV. 341.286
    N 5339.73 W 33786.60

    X-5403-CUT + N CURB W BOUND LANE
    N 5194.26 W 31746.33
33. SURVEY SHIWN IS WITHOUT BENIFIT OF TITLE REPORT AND IS BASED ON DEEDS AND PLATS OF RECORD AND EVIDENCE FOUND IN FIELD.
34. ORIGINAL PLAT AND DEEDS DO NOT CLOSE USING RECORDED COURSES AND DISTANCES PLAT "CARLYNN HEIGHTS" PLAT BK 7-75, BLOCK "8" MAY 1924 DEEDS: L 4886, F 086 L 5891, F 118 L 8276, F 637 16

..6334 DOGWOOD RD..

PLAN TO ACCOMPANY CHANGE OF USE
IN R-O ZONE
MAP 88 - GRID 20 - PARCEL 229
1ST ELECTION DISTRICT - 2ND COUNCILMANIC DISTRICT
SCALE : 1" = 30' *DATE: JULY 2008*

ARCHITECTURAL REGISTRATION 6093-R STATE OF MARYLAND SEAL

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, Md 21207

Phone: 443-604-3127
Fax: 410-298-2865

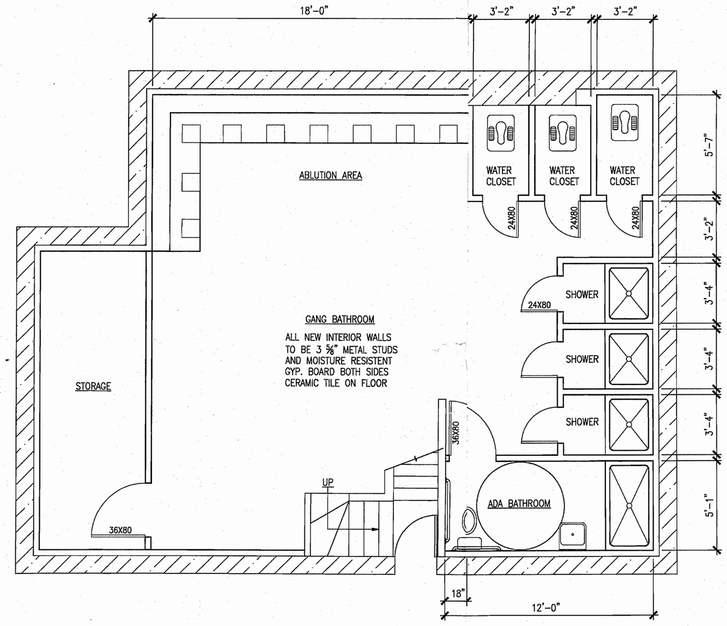
SITE PLAN
DARUL ULOOM MARYLAND, INC.
6334 DOGWOOD ROAD
BALTIMORE COUNTY, MARYLAND 21207

Revisions:		Date:
Drawn by:	MM	07/04/08
Designed by:	MM	07/04/08

Sheet Title:
PLAN TO ACCOMPANY CHANGE OF USE

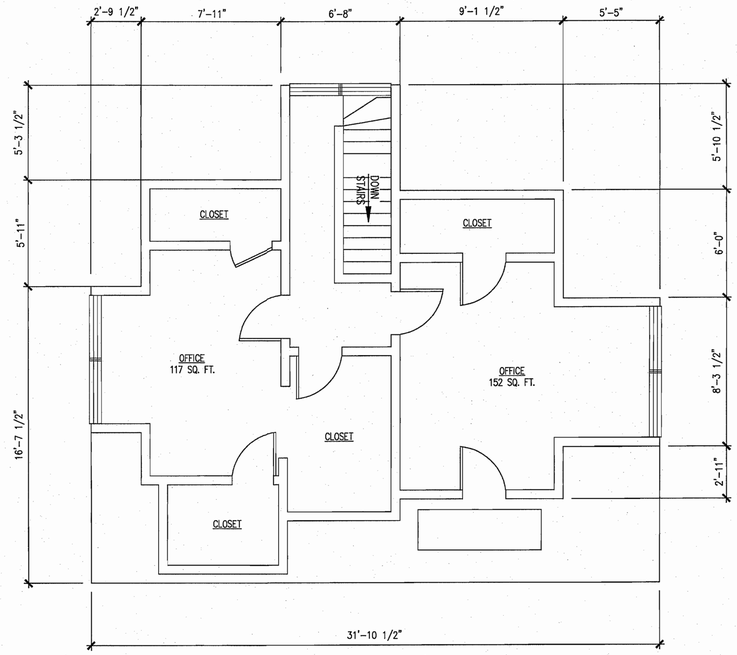
Scale: AS NOTED

CASE #
C-1



BASEMENT PLAN

SCALE: 1/4" = 1'-0"
GROSS AREA 992 S.F.



THIRD FLOOR PLAN

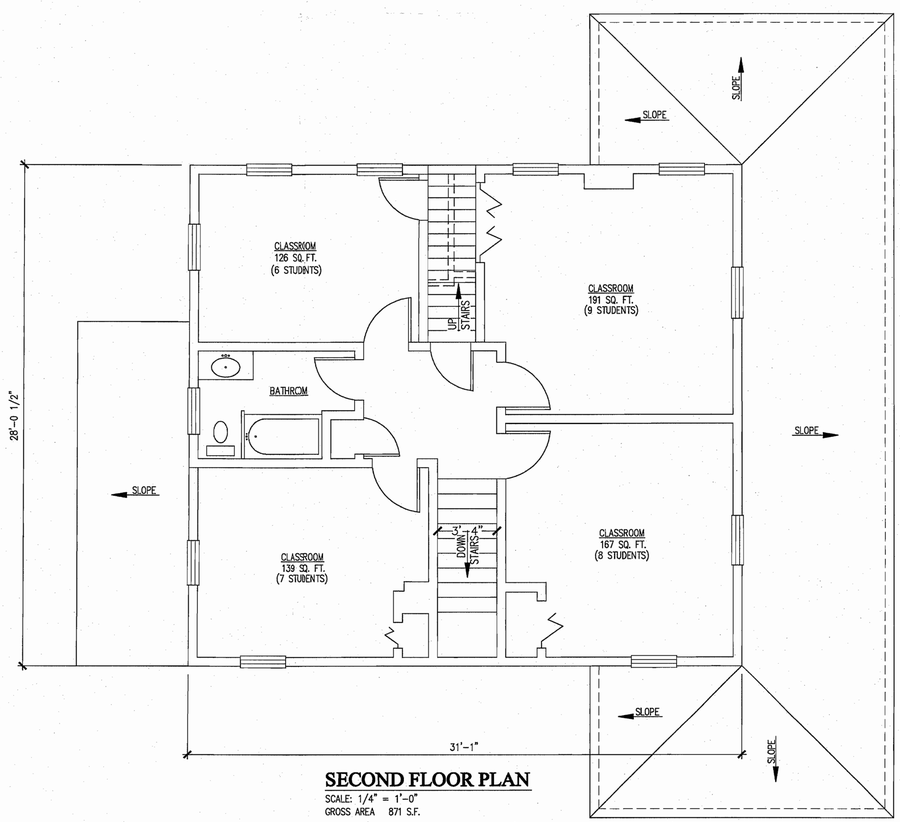
SCALE: 1/4" = 1'-0"
GROSS AREA 556 S.F.

GENERAL NOTES:

1. EXISTING STRUCTURE. (STONE EXTERIOR)
2. INTERIOR WALLS – WOOD STUDS & PLASTER.
3. EXISTING OCCUPANCY – OFFICE
4. NEW OCCUPANCY – RELIGIOUS SCHOOL
5. ZONING RO
6. TOTAL STUDENTS 30
7. TOTAL TEACHERS 4
8. TOTAL PARKING 12 SPACES (INCLUDING 1 H/C SPACE)
9. BUILDING NOT SPRINKLED

NEW WORK INCLUDES

ADDITION OF TOILETS, SHOWERS AND ABULUTION AREA FOR STUDENTS IN BASEMENT.



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"
GROSS AREA 871 S.F.

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"
GROSS AREA 992 S.F.

ARCHITECTURAL REGISTRATION BOARD
6093-R
STATE OF MARYLAND

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, Md 21207

Phone: 443-604-3127
Fax: 410-944-1717

Darul Uloom Maryland
2 1/2 STORY STONE BUILDING
6334 DOGWOOD ROAD
BALTIMORE COUNTY, MARYLAND 21207

Revisions:		Date:
Drawn by:	MM	07/04/08
Designed by:	MM	07/04/08

Sheet Title:

FLOOR PLANS

Scale: AS NOTED

A-1

CBA PRO. EXH NO. 16

CASE NO. 08-042-SPHA

PETITIONERS EXHIBITS

Received 1/15/09 (1)

1. RIZWAN SIDDIQI - RESUME
2. SITE PLAN - ORIGINAL PLAT
3. SITE PLAN - SMALL PLAT
4. SITE PLAN - NOTING 2 BLDGS TO BE USED AS RESIDENCE 15-30 AND AMENDED DRIVEWAY.
5. SECTION 204.3A1 BCZR.
6. SECTION 1B01 BCZR
7. SECTION. 1B01C BCZR
8. SECTION 500.7 BCZR
9. DEFINITION OF SECTION 101 ACCESSORY USE.
10. CASE NO. 06-486-SPHA
11. MD OF A + T - BLDG. BUILT IN 1921 FOR WHICH VARIANCE IS REQUESTED
12. RECOMMENDATION OF DIRECTOR - OFFICE OF PLANNING
13. A - PHOTO - RESIDENCE
    B - PHOTO - SCHOOL PROPERTY
14. A - BACK YARD OF ~~CONTESTED~~ PROPERTY
    B - PHOTO - FROM THE DOCK
    C - PHOTO - POOL
    D - PHOTO - 1 1/2 STORY BLDG
    E - PHOTO - 1 1/2 " " W/PARKING
    F - PHOTO - SOC. SEC

PETITIONERS EXHIBITS (2)

✓ 14. G. PHOTO - TAVERN
H. PHOTO - OFFICE BLDG. INTERSECTION
I. PHOTO - SCHOOL, DOGWOOD & GLYNNN OAK INTER.
J. PHOTO - MAIN BLDG.
K. PHOTO - MAIN BLDG. & SOC. SEC. BLDG.

✓ 15. LETTER OF SUPPORT FROM NEIGHBOR. 1903 HILLSIDE DRIVE.

✓ 16. A. PHOTO - EQUIPMENT ON WARREN PROPERTY
B. PHOTO - WARREN PROPERTY
C. PHOTO - WARREN PROPERTY

MAY 2 ✓ 17. JACK DILLON'S RESUMÉ

✓ 18. SECTION 1B01.2(C)(1)

✓ 19. AERIAL VIEW - PROPERTY HIGHLIGHTED IN YELLOW.

REJECTED 20. AERIAL VIEW - CHICAGO PROPERTY HIGHLIGHTED IN PINK.

REJECTED 21. LETTER DATED 1/9/09 TO MR. CRIZER FROM MARLIES A. WEBOLOWSKI.

✓ 22. MICHIE'S SEC. 5.114 ANNOTATED CODE OF MARYLAND.

✓ 23. BALTO. COUNTY BLDG. CODE 1956 PAGE III.

7. Brief resume of key persons, specialists, and individual consultants anticipated for this project.

a. Name & Title:
Rizwan A. Siddiqi, P.E.
Vice President

b. Project Assignment:
Project Manager

c. Name of Firm with which associated:
EBA Engineering, Inc.

d. Years experience: With This Firm **10** With Other Firms **15**

e. Education: Degree(s)/Year/Specialization
M.S./1996/Civil Engineering
B.S./1981/Civil Engineering

f. Active Registration: Year First Registered/Discipline
1996/Professional Engineer MD Reg. No. 22113
1998/MDE E&S Control Training Certification #9522
2004/RAM-W Certification from AWWA

g. Other Experience and Qualifications relevant to the proposed project:

Mr. Siddiqi has over 25 years of experience in civil engineering design, including site planning, grading, utilities, drainage, stormwater management, and sediment control. He has worked on multiple projects in Anne Arundel, Prince George's, Howard, Carroll, and Baltimore Counties, City of Baltimore, Maryland State Highway Administration (SHA), and many other jurisdictions. He is well versed in preparing civil engineering designs, particularly site plans, drainage, stormwater management, sediment control, and obtaining permits from various local jurisdictions.

Mr. Siddiqi is also an experienced teacher and instructor for civil engineering courses and computer applications, like AutoCAD Civil 3D and Geometric Dimensioning and Tolerances. He is an adjunct faculty at Catonsville Community College of Baltimore County. He has taught custom courses for Northrop Grumman and NASA engineers. Typical of his work experience are the following projects:

Lakelands Park, Gaithersburg, Maryland: Project Manager, responsible for the development of design documents and the coordination of construction administration services for a new 20-acre City park. Design elements included park facilities, parking lot, a restroom and storage facility, press box and picnic pavilion. Scope also included design and approval from Washington Suburban Sanitary Commission (WSSC) for water and sanitary connections and public extensions to the property line.

Salt Dome Project, NASA/Goddard Space Flight Center, and Greenbelt Maryland: Involved in the design modifications for grading and erosion/sediment control plans, and steam-condensate pipe relocation works. Prepared the utility line plan and profiles. Also performed site inspections to monitor quality control.

Driver's Training and Testing Facility, Prince George's County, Maryland: Project Manager, responsible for the preparation of a feasibility study to design a driver's training facility on a 55-acre parcel. Scope included conducting Phase-I Environmental Site Assessment; delineating wetlands, 100-year floodplains, and forest stands; and the proposed wetland mitigation and forest conservation measures to layout the facility and identify all site constraints.

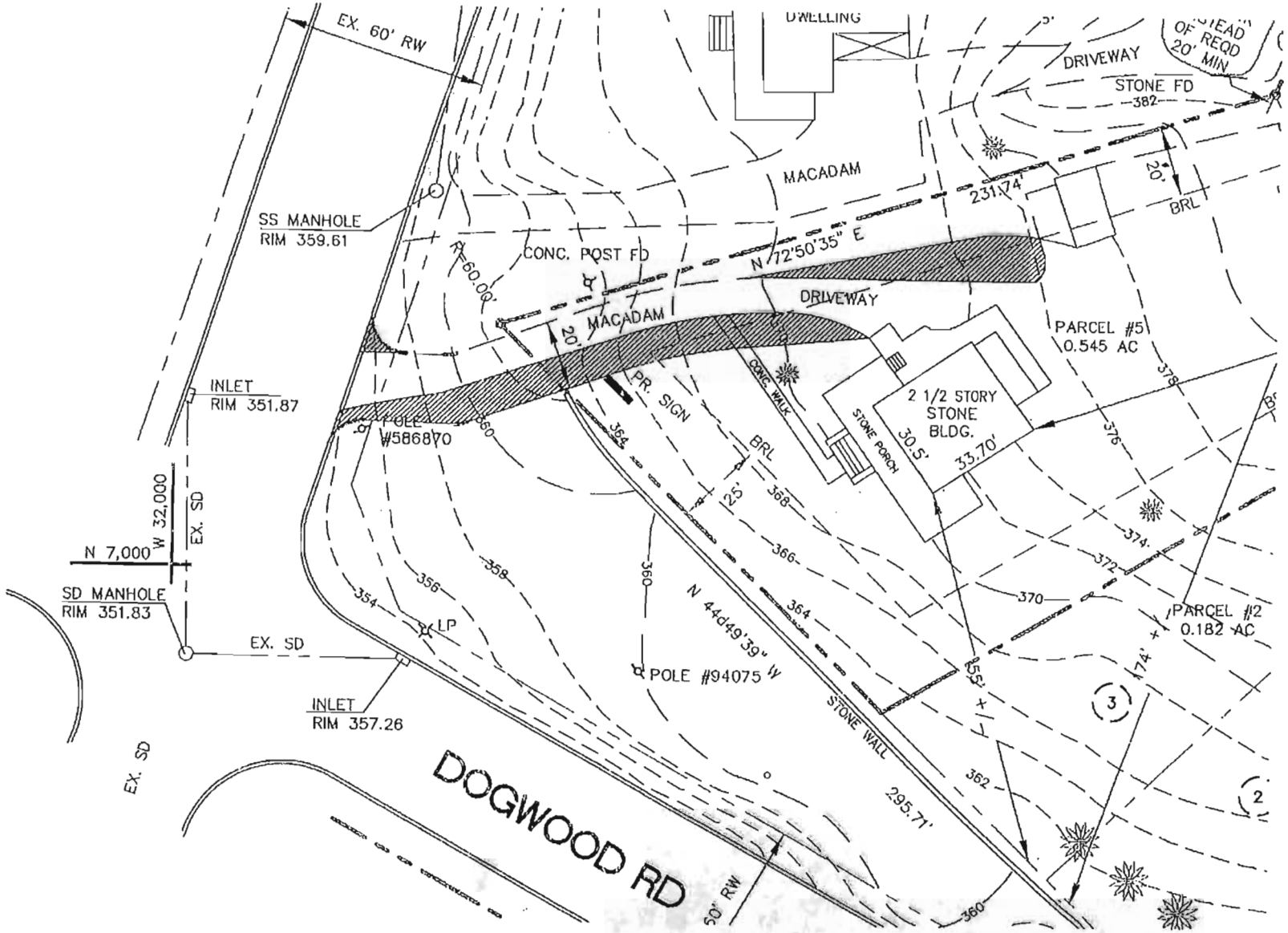
Loch Raven Dam, Baltimore, Maryland: Prepared civil engineering design including site grading, drainage, stormwater management, and sediment control. Obtained all required approvals. Obtained NPDES and other required permits from MDE and other agencies involved. Also responsible for weekly site visits during construction for sediment control and NPDES permit compliance.

Improvements to Maryland Avenue Branch Interceptor, Baltimore City, Maryland: Managing and coordinating site inspection and data management services for Improvements to the Maryland Avenue Branch Interceptor, Baltimore City Sanitary Contract 901 with prime consultants URS. The project includes providing onsite construction inspection for micro-tunneling portion of the project. The scope requires managing field activities with contractor and its specialty tunneling sub-contractor, preparing daily report for all work performed on site, documenting photos, creating excel charts for various settlement gauges.

Gay Street Resurfacing and Juvenile Justice Center Perimeter Streetscaping, Baltimore City, Maryland: Project Manager and provided civil engineering design services including roadway resurfacing design and utility research to facilitate construction of the Juvenile Justice Center and perimeter streetscape work on Front and Gay Streets. Conducted an in-depth investigation of BG&E transformer vaults and basement cavities along Gay Street for the proposed streetscape work and analyzed the capacity of the existing concrete roof slabs over the utility vaults in handling the weight of the new sidewalk paving section. In addition, provided a full review of all utility conflicts that would affect the reconstruction of the sidewalk and resurfacing of Gay Street. Developed curb profiles based on topographic surveys of the existing conditions provided by the contractor. Provided review of civil and structural shop drawings, issue of design revisions, and coordination between the City and the design team.

EBA Pet. Exh. No 1

(M)



6334 DOGWOOD ROAD

(Amendment to accompany Zoning Plat)

CBA PET. EXH. NO. 3

A. A low-intensity alternative use for dwellings which are no longer desirable for residential use (R-O-A);

B. A transition or buffer between residential and the more intense office, retail or industrial use of property by permitting office development highly compatible with residential uses (R-O and S-E);

C. For the development of office buildings and moderate density residential development, with commercial development limited to serving the needs of tenants (OR-2);

D. For office development as the only permitted principal use in areas where public services are not planned to support additional dwellings (O-3) and;

E. For intensive development of employment uses which may be combined with high density residential uses in the county's growth areas (O.T.).

Section 204
R-O (Residential – Office) Zone
[Bill No. 13-1980[6]]

204.1 Declaration of findings. It is found that: **[Bill No. 186-1994]**

A. Residential use of certain sites may not be economically feasible in some predominantly moderate-density residential areas that are within or near town centers, are near C.C.C. Districts, or lie along commercial motorways;

B. Neither business zoning nor high-density residential zoning of those sites is appropriate; and

C. With appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites.

204.2 Statement of legislative policy. The R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic or other similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O Zones shall not intrude upon or disturb present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these zoning regulations that office space demand should be met primarily in C.T. Districts, C.C.C. Districts and, to a lesser extent, in other commercial areas. **[Bill Nos. 151-1988; 186-1994]**

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6 Editor's Note: This bill originally added the R-O Zone as Section 203. It was subsequently changed to Section 204 by Bill No. 186-1994.

CBA PET. NO. 5

Pet. Ex # 6

H. That the flexibility of density residential zoning has resulted, in some situations, in residential development that is incompatible with existing neighborhoods. **[Bill No. 2-1992]**

1B00.2 Purpose. The D.R. zoning classifications are established, pursuant to the legislative findings set forth above, in order to:

A. Foster a greater variety in housing types within future residential developments;

B. Allow more feasible preservation of natural features and induce the reservation of ample and more suitably designed open spaces and parks, in order to better satisfy the needs of residents without economic disadvantage to developers;

C. Allow greater flexibility in subdivision-development planning and provide for the inducement of more creative as well as more economic approaches to residential development, with the goal of desirable and distinctive identity and character of individual residential locales;

D. Provide the means to satisfy differing housing-market requirements without rezoning, and thus without disruptive changes in density potential;

E. Provide for the application of residential zoning classifications in a manner more nearly in accord with comprehensive plans and comprehensive-planning goals; and

F. Provide greater certainty about dwelling types and densities within existing communities with the goal of conserving and maintaining these areas. **[Bill No. 2-1992]**

Section 1B01
Regulations With Respect to D.R. Zones in General

1B01.1 General use regulations in D.R. Zones.

A. Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed. **[Bill No. 2-1992]**

1. Dwellings as provided herein and as provided in Section 430 and subject to Section 402:

a. In all D.R. Zones: single-family detached, semidetached or duplex dwellings.

b. In all D.R. Zones: alternative site-design dwellings, subject to findings of compatibility pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code, and as provided for in the Comprehensive Manual of Development Policies. **[Bill No. 137-2004]**

c. In D.R.5.5 Zones, subject to findings of compatibility by the hearing officer: group houses and multifamily buildings. **[Bill No. 85-1997]**

CBA. Pet. No. 6

special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. **[Bill Nos. 200-1990; 59-1991; 40-1992]**

(12) The conversion of a dwelling to a bed-and-breakfast home, bed-and-breakfast inn or country inn pursuant to Section 402D or Section 402E. **[Bill Nos. 113-1988; 40-1992]**

(13) Notwithstanding the provisions of Section 104, the reconstruction of an existing nursing home which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure. **[Bill Nos. 37-1988; 40-1992]**

(14) Transit facilities and rail passenger stations shall be exempt from the RTA requirements. **[Bill Nos. 91-1990; 40-1992]**

(15) Assisted living facilities, Class A. **[Bill No. 188-1993]**

h. The provisions contained in Paragraphs a through e of Subsection B.1 shall not apply to existing developments as described in Subsection A.1 of Section 1B02.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subsection A.2 of said section. **[Bill No. 40-1992]**

2. Use regulations in existing developments. In existing developments as described in Subsection A.1 of Section 1B02.3, uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Department of Permits and Development Management, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504.

3. Use regulations for existing subdivision tracts. On subdivision tracts for which tentatively approved plans remain in effect as described in Subsection A.2 of Section 1B02.3, the uses permitted shall be those indicated in the plan or, where the use is not indicated and if not inconsistent with the plan, the uses shall be those permitted under zoning regulations in effect at the time the tentative approval was granted.

C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. Zones, subject to the restrictions hereinafter prescribed: **[Bill Nos. 105-1982; 36-1988]**[3]

1. Camps, public or quasi-public, including day camps.

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[3] Editor's Note: Former Item 1 of this subsection, which permitted boarding or rooming houses, was repealed by Bill No. 124-1993, and former Item 2, which permitted boat yards, including marinas, was repealed by Bill No. 179-1995. See, however, Section 408B of these regulations, which permits boarding- and rooming houses in D.R. Zones.

CBA Pet. No. 7

500.6 In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

500.7 The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors. **[Bill No. 18-1976]**

500.8 He shall have the power to prescribe rules and regulations for the conduct of hearings before him, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order.[11]

500.9 The Zoning Commissioner shall have the power to require the production of plats of developments or subdivisions of land, or of any land in connection with which application for building or use permits or petition for a special exception, a reclassification or a temporary use shall be made, such plats to show the location of streets or roads and of buildings or other structures proposed to be erected, repaired, altered or added to. All such plats shall be drawn to scale and shall clearly indicate the proposed location, size, front, side and rear setbacks from property lines and elevation plans of proposed buildings or other structures. Such details shall conform in all respects with the Zoning Regulations. No such plats or plans, showing the opening or laying out of roads or streets, shall be approved by the Zoning Commissioner unless such plats or plans shall have been previously approved by the Baltimore County Office of Planning and the Department of Public Works. **[Resolution, November 21, 1956]**

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11 **Editor's Note: See Appendix G of this volume.**

CBA PET. NO. 8

Section 101
Definitions
[BCZR 1955]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below. **[Bill No. 149-1987]**

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. **[Bill No. 149-1987]**

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. **[Bill Nos. 100-1970; 26-1988]**[5]

AFTER-HOURS CLUB — A commercial establishment whose principal business is the provision of live or recorded entertainment, with or without a dance floor, which is open primarily between 11:00 p.m. and 4:00 a.m. and which does not have a Baltimore County liquor license. An after-hours club is not a nightclub as defined in the Zoning Regulations or the Building Code of Baltimore County, Maryland. **[Bill No. 85-1994]**

AGRICULTURE, COMMERCIAL — The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to Section 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquaculture, apiculture, viticulture, forestry, animal and poultry husbandry, horse breeding and horse training and also includes ancillary activities such as processing, packing, storing, financing, managing, marketing or distributing, provided that any such activity shall be secondary to the principal agricultural operations. **[Bill No. 51-1993]**

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5 **Editor's Note: The definition of "acreage, gross residential" which originally followed this definition was repealed by Bill No. 100-1970.**

CBA PET. NO. 9

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE E/S Pimlico Road, 334' S Woodbox Lane **(6823 Old Pimlico Road)** 3rd Election District 2nd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Bais Hamedrash and Mesivta of Baltimore, Inc, *Petitioner*	*	**Case No. 06-486-SPHA**

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of a Petition for Special Hearing and a Petition for Variance filed by Petitioner Bais Hamedrash and Mesivta of Baltimore, Inc., legal owner, through its attorney, Robert A. Hoffman, Esquire. The subject location is 6823 Old Pimlico Road, which is located north of Baythorne Road. At this location, Petitioner currently operates a private school for Orthodox Jewish students. At this time, Petitioner requests the following variances relating to building setbacks and residential transition area requirements: (1) variance pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 1B01.1.B.1.c from the requirement to maintain a 50 foot uncleared and landscaped residential transition area buffer and to permit a residential transition area setback of 50 feet in lieu of the required 75 feet along the western side of the property; (2) variance pursuant to B.C.Z.R. Section 1B01.2.C.1.a to permit a front yard to rear yard setback of 40 feet between school buildings in lieu of the minimum required 80 feet; and (3) variance pursuant to B.C.Z.R. Section 1B01.2.C.1.a to permit a side yard to side yard setback of 30 feet between school buildings in lieu of the minimum required 40 feet.

CBA PET. NO. 10

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 01 **Account Number** - 0102004495

Owner Information

Owner Name:	SARKAR KABIRUDDIN	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	6334 DOGWOOD RD BALTIMORE MD 21207-5227	**Deed Reference:**	1) /25416/ 127 2)

Location & Structure Information

Premises Address
6334 DOGWOOD RD

Legal Description
.5454 AC
6334 DOGWOOD RD
CARLYN HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
88	20	229						3	Plat Ref: 7/ 75

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1921	1,111 SF	23,760.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	68,700	118,700		
Improvements:	106,700	115,400		
Total:	175,400	234,100	194,966	214,532
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DATANET DEVELOPMENT	**Date:**	03/28/2007	**Price:**	$628,500
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/25416/ 127	**Deed2:**	
Seller:	BAUHOF WILLIAM C	**Date:**	09/19/1989	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8276/ 637	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

CBA PET. NO. 11

TB 10/1
9AM
Postponed

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 1, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 6334 Dogwood Road

INFORMATION:

Item Number: 8-042-XA

Petitioner: Karimrudin Sakar

Zoning: RO

Requested Action: **Variance and Special Exception**

RECEIVED
OCT 15 2007
BY:_____

SUMMARY OF RECOMMENDATIONS:

The subject property is located in a Community Conservation Area. There is no indication on the plan that the existing house is to be converted to a school. A matter of right allows the proposed school, however the petitioner shall address the following:

- Add a note to the plan indicating that the existing house will be converted to a school and the maximum number of students allowed in the school.
- Indicate the maximum number students to be housed in the proposed dormitory.
- Provide landscaping and a privacy fence to mitigate the impact of the requested variance (to permit a side yard setback of 8-feet in lieu of the required 20 feet.)
- Use similar architecture and building material to assure compatibility with the surrounding neighborhood.
- Provide additional landscaping along the eastern property line to screen the rear of the proposed dormitory from residences on Hillside Avenue.

The Office of Planning supports the requested special exception to operate a dormitory in conjunction with a religious school; and variances to permit a yard setback of 8- feet in lieu of the required 20 feet set-back and a the variance to allow a 10 foot driveway in lieu of the required 20 foot driveway provided the petitioner addresses the comments listed above.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by: _____

Division Chief: _____

AFK/LL: CM

CBA PET. EXH NO. 12

PETITIONER'S
EXHIBIT NO. 12

W:\DEVREV\ZAC\8-042.doc

His house

PETITIONER'S

EXHIBIT NO. ~~5A~~ 13A

Subject property

PETITIONER'S

EXHIBIT NO. ~~5B~~ 13B

PETITIONER'S

EXHIBIT NO. ~~6K~~ 14K

PETITIONER'S

EXHIBIT NO. ~~6A~~ 14A

PETITIONER'S

EXHIBIT NO. ~~4B~~ 14B

PETITIONER'S

EXHIBIT NO. ~~4C~~ 14C

PETITIONER'S

EXHIBIT NO. ~~60~~ 147

PETITIONER'S

EXHIBIT NO. ~~6E~~ 14E

HERTSCH'S
TAVERN
Package Goods
Restaurant

PETITIONER'S

EXHIBIT NO. ~~6F~~ 14F

PETITIONER'S

EXHIBIT NO. ~~6G~~ 14G

TAVERN

PETITIONER'S

EXHIBIT NO. ~~6H~~ 14H

PETITIONER'S

EXHIBIT NO. ~~6I~~ 14I

PETITIONER'S

EXHIBIT NO. 6J

14-J

TO: THOMAS H. BOSTWICK
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

I CANDICE BURRELL, reside at 1903 Hillside Drive.
BALTO. MD. 21207
HAVE NO Problem with ZONING.

RE: Petition for Variance
CASE NO: 08-042-XA
PROPERTY: 6334 DOGWOOD ROAD

And Questions I could be reached at:
410 298-2126

Thank You.
Candice Burrell
Candice Burrell

PETITIONER'S
EXHIBIT NO. 7
15

9-21-06 AM
CBA PET. EXH 16 A

KB
9-21-00 CBA PET. EXH

9-21-04
CBA PET. EXH 1CC

Jack Dillon & Associates, LLC

410-337-5455 Fax 410-337-5476 410-221-0060
jackdillon1@verizon.net

Baltimore County
118 W. Pennsylvania Ave.
Towson, Maryland 21204

Dorchester County
922 Parson Drive
Madison, Maryland 21648

RESUME OF JACK DILLON

Jack Dillon, APA
President, Jack Dillon & Associates, LLC

EDUCATION

B.S. in Business Management
University of Baltimore, MD

Graduate Program in Urban Planning
Georgia Institute of Technology, Atlanta, GA

Graduate Para Legal Program
University of Maryland, University College
Baltimore, MD

Graduate Program in Landscape Architecture
Morgan State University, Baltimore, MD
(Did not complete program)

GENERAL EXPERIENCE

Mr. Dillon, a reputable and dedicated planning professional, has been involved in many aspects of planning including community planning, commercial revitalization, environmental planning, roadway corridor planning, master plans, agricultural, rural and open space planning, waterfront planning and general land use and zoning. He has specialized in local land use and zoning issues and land preservation.

In addition, he has taught planning and zoning related subjects at Catonsville Community College, University of Maryland at Baltimore and Towson University and has lectured classes at Morgan State University. Mr. Dillon has extensive experience in working with citizen groups in the planning process and has been accepted as an expert witness in many zoning and planning cases in Maryland.

CBA Pet. No. 17

Mr. Dillon was employed by Baltimore County, MD for 35 yrs. Most of that time was in the field of Planning and Zoning. When he retired in 1996 he was Senior Planner in the Community Planning Division. In 1997 he became the Executive Director of The Valleys Planning Council, Inc. a private non-profit 501c3 Corporation. In 2005 he formed the consulting firm of Jack Dillon & Associates, LLC. He is also Vice- President of the Baltimore County Agricultural Resource Center, inc. a private non-profit established to promote and educate about the value of maintaining a strong agricultural base in Baltimore County.

His relevant experience is as follows:

SPECIFIC EXPERIENCE

Zoning

Over the course of his career he has testified in several hundred zoning cases at various levels and my testimony has been quoted by the Court of Special Appeals in several cases including *Lucas v Peoples Counsel of Baltimore County 147 Md. App. 209, Peoples Counsel of Baltimore County v Country Ridge Shopping Center, et al, 144 Md. App. 580* and more recently an unreported *case Sprint PCS v Baltimore County, case 0047 filed Aug. 3, 2004* and his testimony has been cited many other times in Board of Appeals and Circuit Court decisions.

He has been accepted as an expert witness in Baltimore County,Harford Co., Summerset Co. and Wicomico Co. Maryland.

Roadway Corridor Studies
Hanover Pike Corridor Plan, Baltimore County, MD
Reisterstown Road Corridor Study, Baltimore County, MD
Old Court Road Corridor Plan, Baltimore County, MD

Streetscape Design Projects (design administration and citizen participation)
Liberty Road Streetscape Design Project, Baltimore County, MD
Pikesville Streetscape Design Project, Baltimore County, MD

Comprehensive Plans
Baltimore County Comprehensive Plan Update 1989-2000,
The Essex/Middle River Community Plan Assessment
The Fisherman's Exchange at Dark Head Cove, Middle River, MD
Hereford Community Planning Analysis, Hereford, MD
Plan for Owings Mills, Baltimore County, MD

Landscape Planning
The Owings Mills Open Space Concept Plan
The Enduring Rural Landscape a Landowners Guide to Landscaping in the Baltimore Countryside.

Revised 12-28-2007

20. Television studios.

21. Tourist homes.

22. Veterinarians' offices.

23. Volunteer fire company stations.

24. Wireless telecommunications towers, subject to Section 426. **[Bill No. 30-1998]**

25. Continuing care facilities (see Section 432). **[Bill No. 36-1988]**

26. Assisted living facilities of four or more (see Section 432). **[Bill No. 36-1988]**

27. Assisted living facilities developed in conjunction with a nursing home (Section 432). **[Bill No. 36-1988]**

28. Housing for the elderly if the use involves a modification or waiver under Section 432.2, 432.3 or 432.4. **[Bill No. 36-1988]**

D. The following provision, which was enacted by Bill No. 140-1962, took effect on November 17, 1962, and was heretofore designated as Subsection 200.16 of these Zoning Regulations, is reenacted without amendment, and nothing in this article shall be construed to abrogate its effect:

Junkyards and open dumps as defined in Section 101. Any existing junkyards in this (R.40) or any other residential zone, and any existing open dumps in any zone shall be completely eliminated not later than two years after the date of effectuation of this amendment. **[Bill No. 140-1962]**

1B01.2 General density, bulk, building separation, open space and other height and area standards and regulations.

A. Density controls.

1. Application of maximum density standards to tract in one zone. The maximum gross residential density permitted in any one D.R. Zone shall control only as applied to the total gross residential acreage within a subdivision tract, and shall not apply to or establish minimum areas of lots created by subdivision within such tract.

2. Application to tract divided by zone boundary. In D.R.10.5, D.R.16 or in any nonresidential zone which allows residential development, wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. Zones of different classification, the total number of dwelling or density units permitted, as determined by multiplying the gross acreage of each portion by the maximum density permitted under Section 1B02.2 in the zone within which that portion lies and totaling the results, shall be permitted without further regard to the zone boundary, and the units may be distributed over the tract as though it were in a single zone. **[Bill No. 2-1992]**

CBA PET. No. 18

B. Bulk regulations. **[Bill No. 2-1992]**

1. Detached and attached buildings. In the application of the provisions of this article, buildings shall be considered as detached if there are no above-grade structural connections between them. If buildings are, in fact, structurally connected above grade, they shall be considered as mutually attached buildings if divided by lot lines, or as one building if situated on a single lot.

2. Building lengths. The building lengths have been described in accordance with Section 504.2, Comprehensive Manual of Development Policies.

C. Building setback requirements. **[Bill No. 2-1992]**

1. Except as otherwise may be provided under standards adopted pursuant to Section 504.2, the minimum setbacks and heights shall be as set forth in the following tables:

a. Nonresidential principal building setbacks in DR Zones.

Nonresidential Principal Building Setbacks

	Front Yard (feet)	Side Yard Interior (feet)	Corner Street Side (feet)	Rear Yard (feet)
D.R.1	70	40	65	50
D.R.2	60	30	50	40
D.R.3.5	50	20	35	30
D.R.5.5	40	20	35	30
D.R.10.5	25	20	35	50
D.R.16	30	25	25	30

b. Single-family detached, two-family alternative site design dwellings.

Single-Family Detached, Two-Family Alternative Site Design Dwellings

	D.R. 1 & 2 Zones (feet)	D.R.3.5, 5.5, 10.5 & 16 Zones (feet)	Alternative Site Design Dwellings	
			Zero & Zipper Lots All D.R. Zones (feet)	Neo-Traditional All D.R. Zones (feet)
From front building face to:				
Public street right-of-way or property line	25	25	25	15
Arterial or collector	-	-	-	25
From side building face to:				
Side building face	30	16 < 20 high	16	16 < 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to:				
Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.				

This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).

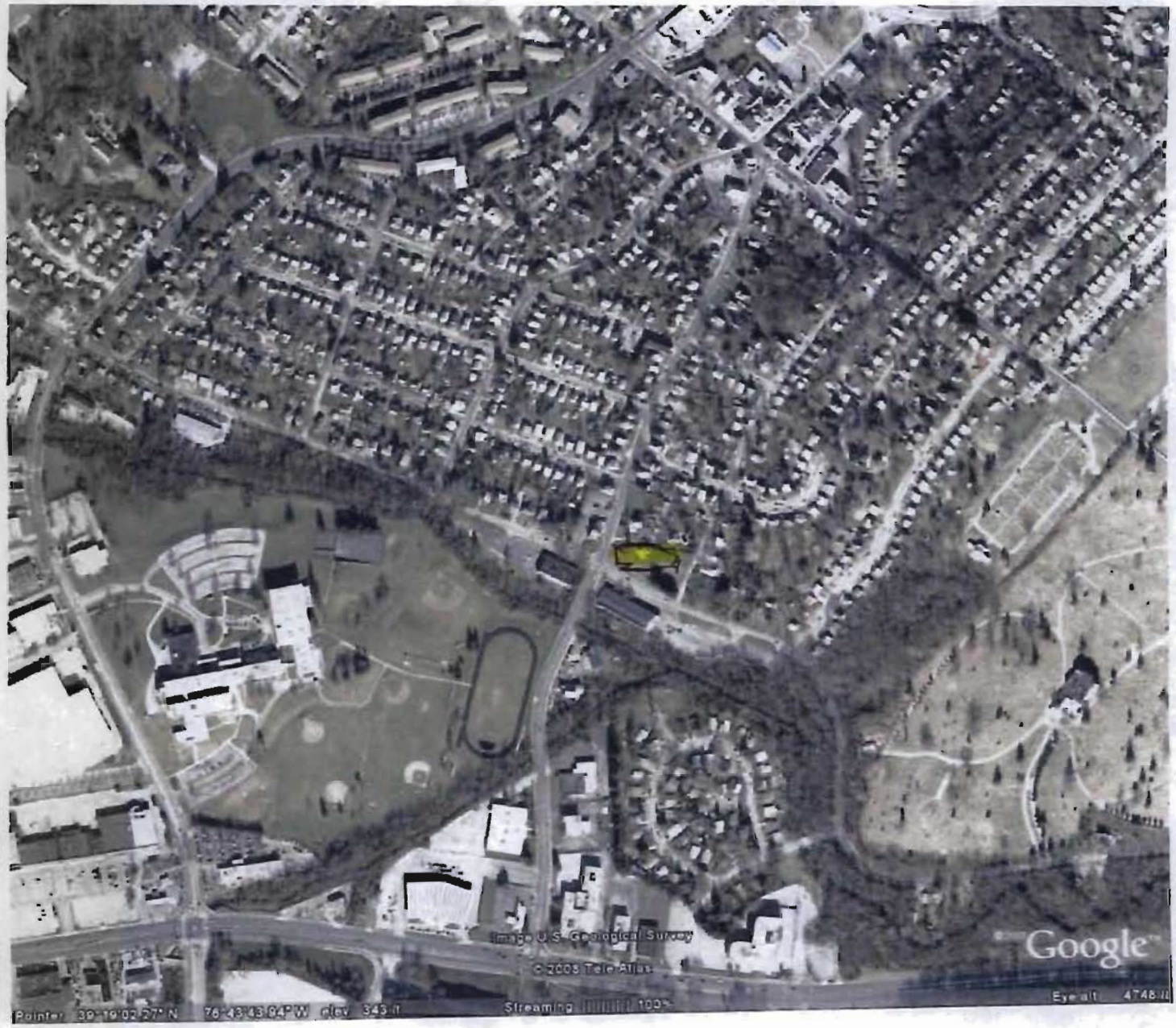


Image U.S. Geological Survey
© 2008 Tele Atlas
Google
Pointer 39°19'02.27" N 76°43'43.04" W elev 343 ft
Streaming 100%
Eye alt 4748 ft

CBA PET. NO. 19

MICHIE'S™ ANNOTATED CODE OF THE PUBLIC GENERAL LAWS OF MARYLAND

Library #2

2007 Supplement

Prepared by the Editorial Staff of the Publishers

Consultants

State Department of Legislative Services

Courts and Judicial Proceedings

§§ 5-101 to End

2006 REPLACEMENT

Place in Pocket of Corresponding Volume of Main Set.

Effective Date of Statutes

See Md. Const., Article XVI, § 2

Annotated through decisions posted as of July 3, 2007.
For complete scope of annotations and legislation,
see preface in Volume 1.

LexisNexis®

CBA Pet. No 22

To:410 296 6884 P.4/4

AUG-07-2008 12:06 From:

(4) "Highway" means any way or thoroughfare, whether or not the way or thoroughfare has been dedicated to the public or a dedication has been accepted.

(5) "Local government" means:

(i) A chartered county established under Article 25A of the Code;

(ii) A code county established under Article 25B of the Code;

(iii) A board of county commissioners established or operating under Article 25 of the Code;

(iv) Baltimore City;

(v) A municipal corporation established or operating under Article 23A of the Code;

(vi) A special taxing district; or

(vii) Any other political subdivision.

(6) (i) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(ii) "Person" does not include a governmental entity.

(7) "Property line" means the line marking the boundary between 2 separate lots or parcels of property.

(8) "Setback line" means the distance from a curb or shoulder of a highway, edge of a sidewalk, or property line beyond which any portion of a building or structure may not extend.

(9) "Setback line restriction" means a setback line established by:

(i) A law, ordinance, or regulation, including a building or zoning law, ordinance, or regulation; or

(ii) An instrument, however denominated.

(b) *In general.* — (1) A person may not initiate an action or proceeding arising out of a failure of a building or structure to comply with a setback line restriction more than 3 years after the date on which the violation first occurred.

(2) A governmental entity may not initiate an action or proceeding arising out of a failure of a building or structure to comply with a setback line restriction more than 3 years after the date on which the violation first occurred if the building or structure was constructed or reconstructed:

(i) In compliance with an otherwise valid building permit, except that the building permit wrongfully permitted the building or structure to violate a setback line restriction; or

(ii) Under a valid building permit, and the building or structure failed to comply with a setback line restriction accurately reflected in the permit.

(3) For purposes of paragraph (2)(i) of this subsection and notwithstanding any other provision of State or local law to the contrary, a building permit that was otherwise validly issued, except that the permit wrongfully permitted the building or structure to violate a setback line restriction, shall be considered a valid building permit.

(4) For purposes of paragraph (2) of this subsection, the date on which the violation first occurred shall be deemed to be the date on which the final building inspection was approved.

AUG-07-2008 12:06 From: To:410 296 6884 P.3/4

BALTIMORE COUNTY BUILDING CODE

1956

Book No. 716

This Book is the Property of:

Name.....

Address.....

.....

Phone.....

CBA PET. NO. 23

BALTIMORE COUNTY BUILDING CODE

ADOPTED BY

COUNTY COMMISSIONERS

OF

BALTIMORE COUNTY

November 15, 1956, in accordance with the Code of Public Local Laws of Baltimore County, 1955 edition, title 30 "Public Works", sub-title "Buildings", sections 433 through 442, inclusive

1956

MICHAEL J. BIRMINGHAM, *President*

ROBERT B. HAMILL

AUGUSTINE J. MULLER

County Commissioners of Baltimore County

FRANCIS T. PEACH,

County Solicitor

JOHN B. FUNK,

Director of Public Works and Chief Sanitary Engineer

CHARLES B. WHEELER,

Chief, Bureau of Public Services

ROLAND S. PIEL,

Buildings Engineer

DEDICATION

This Building Code is dedicated to the People of Baltimore County for whose life, health, general welfare and well being it is promulgated.

PREFACE

The County Commissioners of Baltimore County, acting in accordance with the Code of Public Local Laws of Baltimore County, 1955 edition, Sections 433 through 442 inclusive, have ordered the preparation of this, the Baltimore County Building Code whereby the health, safety and general welfare of the people of Baltimore County can be better secured through a more modern and flexible method of prescribing standards for the design of buildings, equipment, construction methods and materials throughout Baltimore County.

The Building Code of Baltimore County adopted in 1946, although adequate at the time, has become inadequate, obsolete and unable to cope with the many complex problems generated by the recent rapid growth of Baltimore County. This is the compelling and basic reason for the preparation and adoption of this, the new Baltimore County Building Code.

Recognizing that newer materials and methods of construction continually offer better and more economical building, the new Building Code has attempted to establish standards of performance wherever possible rather than to limit construction to specific materials and methods. An attempt has also been made to reduce the physical bulk of this code through the adoption by reference of national recognized standards used throughout the building industry. In order to afford an easy and economical method of keeping these regulations up to date the looseleaf form of code was adopted. Recognizing the importance of keeping the public informed of current amendments and revisions, the County Commissioners of Baltimore County have authorized the sale of this Code on a subscription basis, with the initial cost to include looseleaf page reprints of any amendments or revisions occurring during the subscription period. The subscription period will begin with the date of adoption of this code and terminate two years hence, after which this service will be available on a different basis.

The responsibility of producing the new code fell to Mr. John B. Funk, Chief Engineer and Director of Public Works of Baltimore County and to Mr. Roland S. Piel, Building Engineer of Baltimore County. Prior to coming to Baltimore County, Mr. Funk held the position of Chief Engineer for the State of Maryland, in which capacity he directed the production of the Building Code of the State of Maryland. Mr. Piel has served Baltimore County as Buildings Engineer since 1948. Under their direction a building code committee was formed numbering in its membership representatives of the technical professions, technical societies, construction and materials interests and many other organizations connected with the building industry. The efforts of this committee were coordinated by Mr. Albert P. Backhaus, formerly Principal Building Engineer of the Department of Public Improvements of the State of Maryland, now Deputy Director of the Public Works of

Baltimore City. Mr. Backhaus was Executive Secretary of the State Building Code Committee responsible for the preparation of the Building Code of the State of Maryland and also served as Technical Director of the New York State Building Code Commission during the preparation of the New York State Building Construction Code. In addition Mr. Backhaus is a member of the Code Changes Committee and is Chairman of the Materials Approval Committee of the Building Officials Conference of America, Inc. It is to him that the greatest credit for this work should be given, because its production would have been impossible without his knowledge, experience and diligent authorship. Also throughout the preparation of this Code assistance was rendered by Mr. David H. Wilson and Mr. Peter G. Christie of Wilson & Christie, Associated Architects, Mr. Roland S. Piel, Building Engineer, Mr. John D. Dietrich, Deputy Building Engineer and Mr. Max N. Wiener, Structural Engineer, Office of the Buildings Division of Baltimore County. Mr. Walter B. Siwinski acted as legal counsel to the committee. Mr. Siwinski served in a similar capacity in cooperation with Mr. Backhaus in the development of the Building Code of the State of Maryland.

Grateful acknowledgment is hereby expressed to Mrs. Clara V. Henderson for her patient and untiring efforts in handling the tremendous bulk of stenographic work entailed by the continuous drafting and redrafting of the various parts of the code.

Further acknowledgement is hereby expressed to the personnel of the building code committee and to the various members at large as set forth on the organization roster immediately following. To these and to many others who have given so generously of their time and skill is expressed the grateful appreciation of those county officials who were charged with the responsibility of producing the code.

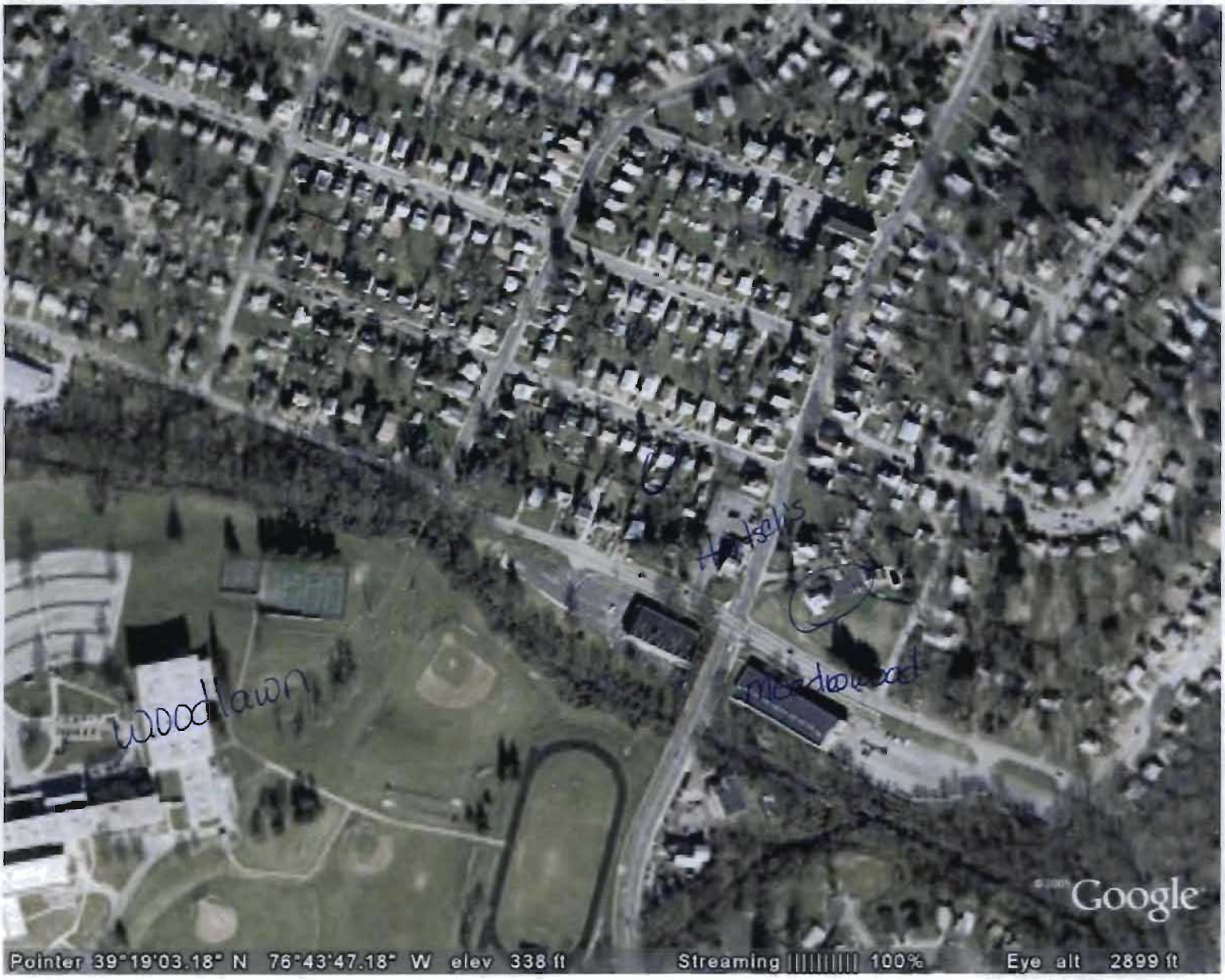
Case No.: 08-042-SPHX

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	site plan	Photo of "parking" sign
No. 2	amended site plan	Aerial Photo
No. 3	prior case in 06-486-SPHA	photos of signs on prop.
No. 4	Planning Comments	photo of Charles Warren home
No. 5 A+B	Photos - of Infirri's house + gate	photos from east
No. 6	additional photo of site	photos of cars parked
No. 7	Letter of appeal	photos of Infirri's property
No. 8		Woodlawn/Liberty Comm. Plan
No. 9		photos of properties in location
No. 10		11/28/07 Article RE: trouble Woodlawn HS
No. 11		Meadowood Center BCPS descr.
No. 12		Crime Stats for Hearsch's Tavern

13

Letter from M. Nash



PROTESTANT'S

EXHIBIT NO. 2

10/13

32

PROTESTANT'S

EXHIBIT NO. 3A

ZONING

PROTESTANT'S

EXHIBIT NO. 4

PROTESTANT'S

EXHIBIT NO. 5

10/13

12/21

6B

PROTESTANT'S

EXHIBIT NO. 6A

JAN 08

PROTESTANT'S

EXHIBIT NO. 7A

JAN 08

7B

HERTSCH'S
TAVERN
Package
Goods
Restaurant

9C

JAMES W. JOHNSON
Chief of Police

BALTIMORE COUNTY POLICE
Headquarters
700 East Joppa Road
Towson, MD 21286
(410) 887 - 2214
Fax (410) 821 – 8887
bcopd@baltimorecountymd.gov
www.baltimorecountymd.gov/police

"INTEGRITY...FAIRNESS...SERVICE"

January 18, 2008

Ms. Kerri Lastner
Graystone Community Association
6409 Lehnert Street
Baltimore, MD 21207

Dear Ms. Lastner:

Analysts of the Scanning and Forecasting Team have prepared the two tables attached tables in response to your request for Police Department Calls for Service information. Table 1 lists all Traffic Accidents at the intersection of Dogwood Road and Gwynn Oak Avenue in our record management system. Table 2 lists all Calls for Service generated from or directed to 1902 Gwynn Oak Avenue.

To request copies of police reports, send your request to Baltimore County Police Department; Record Request Unit; 700 East Joppa Road; Towson, Maryland 21286. You must include the reason for your request, report number, your name and a self-address stamped envelope. There is a $10.00 search fee for each requested report. Please make checks payable to Baltimore County, Maryland.

If there are any questions, please direct them to Ms. Emily Puls, the lead analyst assigned to this project. She can be reached at 410-887-4946.

PROTESTANT'S
EXHIBIT NO. 12

Sincerely,

Phil Canter
Director
Crime Analysis Section

C: Honorable Councilman Ken Oliver, 4th Council District
Chief James Johnson
Colonel William Kelly, Administrative and Technical Services Bureau
Major Joseph Burris, Administrative Services Division
Captain Barry Barber, Precinct 02
Lieutenant Pat Brennan, Precinct 02

TABLE 1

TRAFFIC ACCIDENTS AT THE INTERSECTION OF DOGWOOD ROAD AND GWYNN OAK AVENUE
JULY 1, 2007 => DECEMBER 31, 2007

COMPLAINT NUMBER	TYPE ACCIDENT	DATE	REPORT WRITTEN (Y/N)
071870710	Auto Accident - Property Damage	06-Jul-07	YES
072300336	Hit and Run Accident - Property Damage	18-Aug-07	YES
073412270	Hit and Run Accident - Property Damage	07-Dec-07	YES

TABLE 2 Hertseh's Tavern

CALLS FOR SERVICE GENERATED FROM OR DIRECTED TO
1902 GWYNN OAK AVENUE
JULY 1, 2007 => DECEMBER 31, 2007

COMPLAINT NUMBER	LITERAL DEFINITION	DATE	REPORT WRITTEN (Y/N)
071842150	Disturbance	03-Jul-07	NO
072101365	2nd Degree Assault (Not Domestic Abuse)	29-Jul-07	NO
072110216	Alarm Business-Accidental	30-Jul-07	NO
072191332	1st Degree Assault (Not Domestic Abuse)	07-Aug-07	YES
072281834	Theft - Other	16-Aug-07	YES
072410082	Check On Location	29-Aug-07	NO
072410111	Check On Location	29-Aug-07	NO
072701936	Suspicious Subject	27-Sep-07	NO
072922017	Disturbance	19-Oct-07	NO
073001194	Check On Location	27-Oct-07	NO
073260603	Abandoned Vehicle	22-Nov-07	YES
073621602	Altered Money/ Counterfeiting	28-Dec-07	YES
073631408	Sick or Injured Subject	29-Dec-07	NO

Information on Hersch's Tavern
1902 Gwynn Oak Ave.

071641576	6/3/07	18:54	narcotics
072101365	6/29/07	20:19	2nd degree assault
072191332	8/7/07	17:15	2nd degree assault
072281834	8/16/07	21:43	trespassing
072701706	9/22/07	20:50	disturbance
072922017	10/19/07		disturbance
073001194	10/27/07	16:47	disturbance
073192235	11/15/07	16:39	narcotics

Woodlawn Community Education and Development Association, Inc. (WCEDA)
P.O. Box 47702
Baltimore, MD 21244

Mrs. Van Ross, President & Founder
Mr. Dallas Griffin, Vice-President
Mrs. Evelyn Jackson, Treasurer

Phone: (410) 298-5307
Fax: (410) 594-9120

January 25, 2008

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County
400 Washington Avenue
Towson, MD 21204

PROTESTANT'S
EXHIBIT NO. 13

Dear Mr Bostwick:

Re: DaruiuLoom Maryland School
6334 Dogwood Road, Baltimore, MD 21207

My name is Pastor Ezio Ross, I am speaking on behalf of the Woodlawn Community Education and Development Association, Inc., who represents home associations in the Greater Woodlawn Area. On behalf of the Greater Woodlawn Community, this testimony is being voiced as a ***strong appeal*** to have our concerns as it applies to the Special Exception and Variance for a dormitory to be located at 6334 Dogwood Road/GwynnOak Avenue.

Also, the intent of this testimony after numerous meetings with our Community residents and stakeholders is to make our stance unequivocally clear as to our position on the following issues:

1) The number of group homes in the northwest area which has resulted in an oversaturated of Agency placed homes particularly in the northwest and southwest regions

   - It has been recorded as of last year, about two-thirds of the approximately 500 group homes in Maryland were in Baltimore County. Most are in Randallstown, Woodlawn and elsewhere in the northwestern part of the county.

   - We feel strongly that this will cause a catastrophic impact on what presently exist as the highest concentration of group homes in the State of Maryland.

2) We also stand in strong support for the concerns about businesses being allowed to open in residential areas and the direct disruption it will cause in our neighborhoods.

The Community's concern is that if this permit is allowed, this could result in future zoning changes of the residential area.

Our desire is that the Zoning Commissioner, give ***strong consideration*** to this matter. As this represents the combined general interest of the Community-at-Large.

Case No.: 08-042 SPHX

Exhibit Sheet

Petitioner/Developer

Protestant

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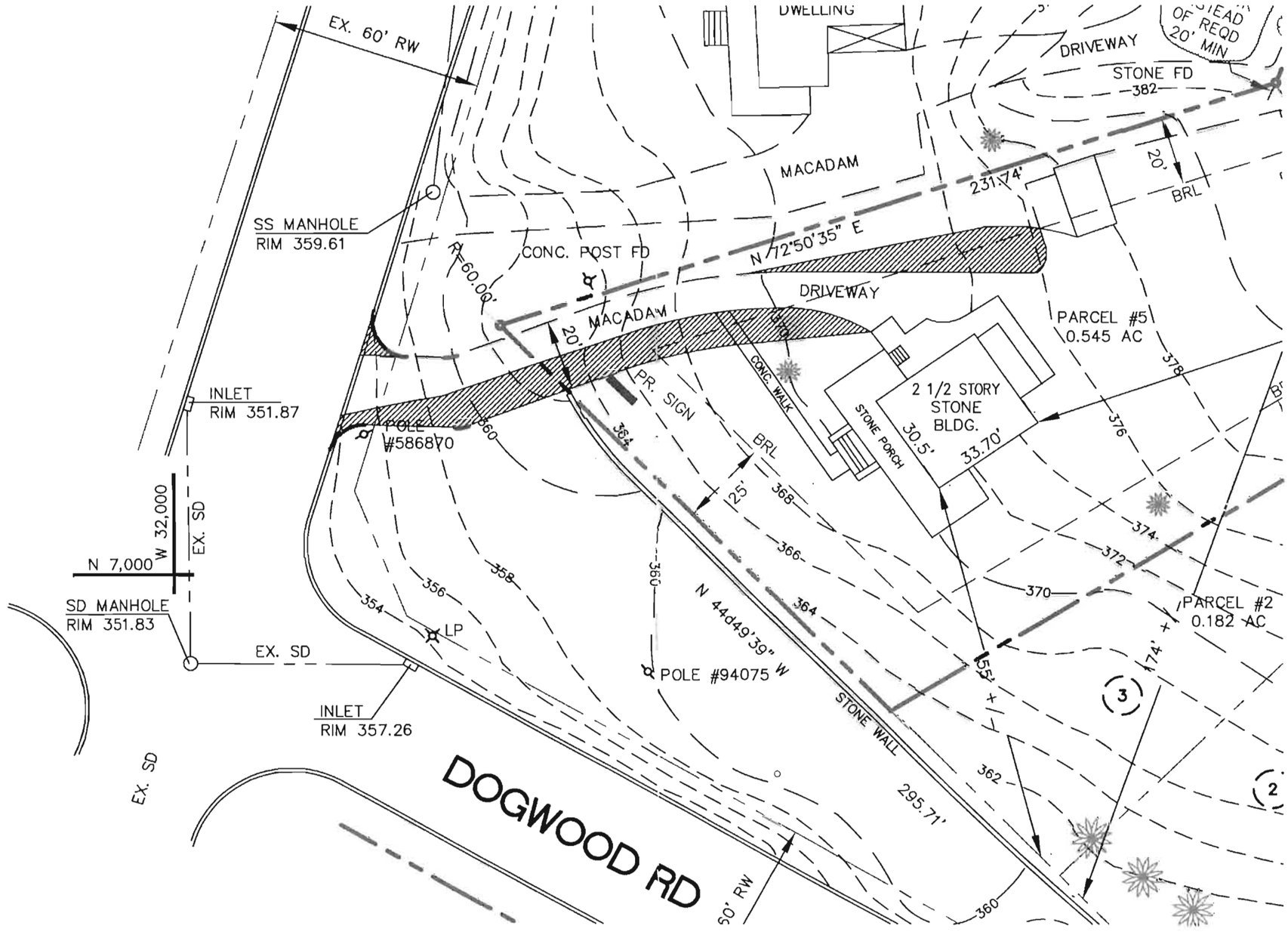


6334 DOGWOOD ROAD
(Amendment to accompany Zoning Plat)

PETITIONER'S
EXHIBIT NO. 2

BOARD FOR PROFESSIONAL ENGINEERS
22118
NEWMAN A. SIDDOQI
STATE OF MARYLAND

1/25/08

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
E/S Pimlico Road, 334' S Woodbox Lane **(6823 Old Pimlico Road)**	*	ZONING COMMISSIONER
3rd Election District 2nd Councilmanic District	*	OF BALTIMORE COUNTY
Bais Hamedrash and Mesivta of Baltimore, Inc, *Petitioner*	*	**Case No. 06-486-SPHA**

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of a Petition for Special Hearing and a Petition for Variance filed by Petitioner Bais Hamedrash and Mesivta of Baltimore, Inc., legal owner, through its attorney, Robert A. Hoffman, Esquire. The subject location is 6823 Old Pimlico Road, which is located north of Baythorne Road. At this location, Petitioner currently operates a private school for Orthodox Jewish students. At this time, Petitioner requests the following variances relating to building setbacks and residential transition area requirements: (1) variance pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 1B01.1.B.1.c from the requirement to maintain a 50 foot uncleared and landscaped residential transition area buffer and to permit a residential transition area setback of 50 feet in lieu of the required 75 feet along the western side of the property; (2) variance pursuant to B.C.Z.R. Section 1B01.2.C.1.a to permit a front yard to rear yard setback of 40 feet between school buildings in lieu of the minimum required 80 feet; and (3) variance pursuant to B.C.Z.R. Section 1B01.2.C.1.a to permit a side yard to side yard setback of 30 feet between school buildings in lieu of the minimum required 40 feet.

PETITIONER'S

EXHIBIT NO. 3

TB 10/1
9AM
Postponed

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 1, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 6334 Dogwood Road

INFORMATION:

Item Number: 8-042-XA

Petitioner: Karirrudin Sakar

Zoning: RO

Requested Action: **Variance and Special Exception**

RECEIVED
OCT 15 2007
BY:_____

SUMMARY OF RECOMMENDATIONS:

The subject property is located in a Community Conservation Area. There is no indication on the plan that the existing house is to be converted to a school. A matter of right allows the proposed school, however the petitioner shall address the following:

- Add a note to the plan indicating that the existing house will be converted to a school and the maximum number of students allowed in the school.
- Indicate the maximum number students to be housed in the proposed dormitory.
- Provide landscaping and a privacy fence to mitigate the impact of the requested variance (to permit a side yard setback of 8-feet in lieu of the required 20 feet.)
- Use similar architecture and building material to assure compatibility with the surrounding neighborhood.
- Provide additional landscaping along the eastern property line to screen the rear of the proposed dormitory from residences on Hillside Avenue.

The Office of Planning supports the requested special exception to operate a dormitory in conjunction with a religious school; and variances to permit a yard setback of 8- feet in lieu of the required 20 feet set-back and a the variance to allow a 10 foot driveway in lieu of the required 20 foot driveway provided the petitioner addresses the comments listed above.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by: Cindy Murray

Division Chief: Arnold Pat Keller

AFK/LL: CM

PETITIONER'S

EXHIBIT NO. 4

W:\DEVREV\ZAC\8-042.doc

CAA Pro EXH. NO. 2

PROTESTANT'S

EXHIBIT NO. ~~9A~~ 2

CAA Pro EXH 3

~~9B~~

10/21

CBA Pro Exh. No. 4

3C

10/21

CBA Pro Exh 5

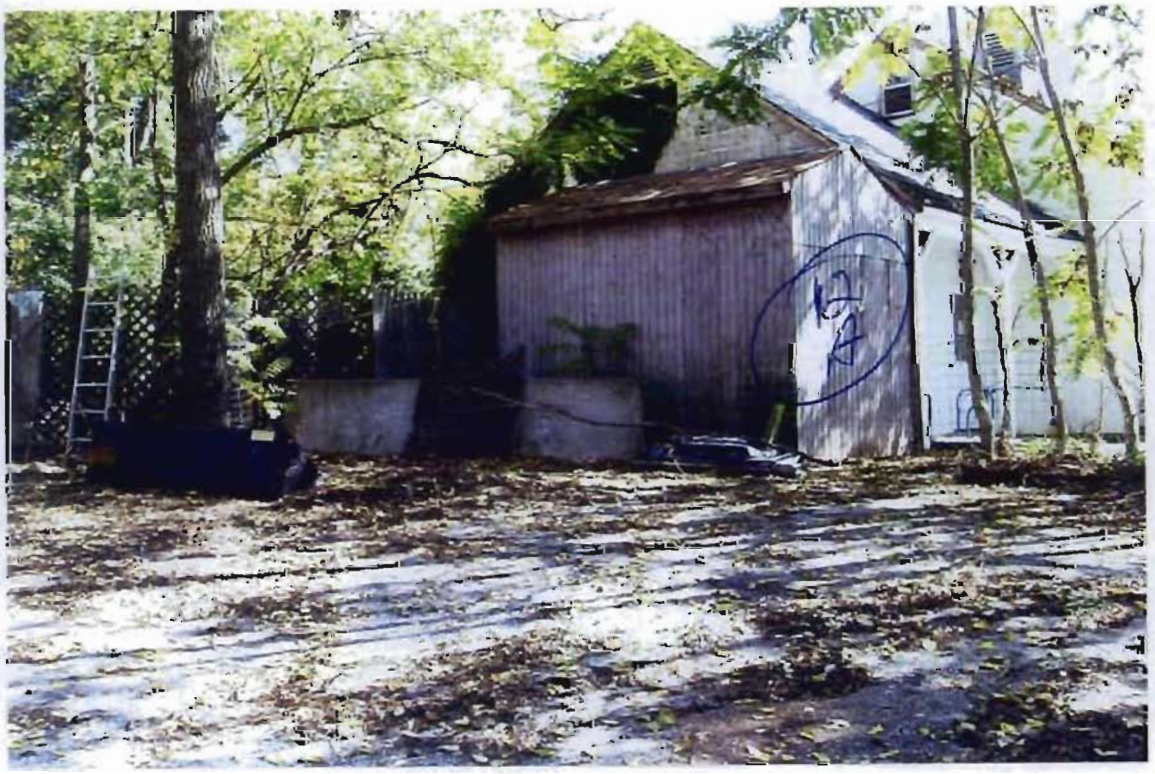
6C

PARKING

8A

8B
PACKAGE GOODS
CARRY OUT

8C



Oct 12 2008

CBA Pro Exh 8C

Shows how close property is to Mrs Warren

CBA Pro Exh 12A

A 13

Shows how close property is to Mrs Warren

CBA PRS. EXH No 12B

Darul-Uloom Al-Madania
Institute of Higher Islamic Education
182 Sobieski Street, Buffalo, NY 14212-1506, USA Ph: (716) 892-2606, Fax: (716) 892-6621

Official Grade Report

TALHA MOHAMMED ABDULWASEE
13920 WAGON WAY
SILVERSPRING , MD 20906 USA

Class: Grade 8

Term	Start	End
Second Term	01/15/2007	03/24/2007

Islamic Education

Subject Name	Term I		Term II	
	Marks	Comments	Marks	Comments
General Islamic Knowledge	97		86	
Al-Quran Al-Kareem	37		80	
Total	134		166	
Average	67.00%		83.00%	

Secular Education

Subject Name	Term I		Term II	
	Marks	Comments	Marks	Comments
LIT. VOCAB. GRAM.	85		94	
Intro to Physics	93		84	
American History Part 2	89		92	
Integrated Mathematics	76		92	
Total	343		362	
Average	85.75%		90.50%	

PETITIONER'S
EXHIBIT NO. 8

Signature _____

ABS - ABSENT FROM TEST
INC - INCOMPLETE
EXC - EXCUSED
INC - INCOMPLETE
LA - LATE ADMISSION
LFT - LEFT SCHOOL
MED - MEDICAL EXCUSE
NE - NOT ELIGIBLE

Grades

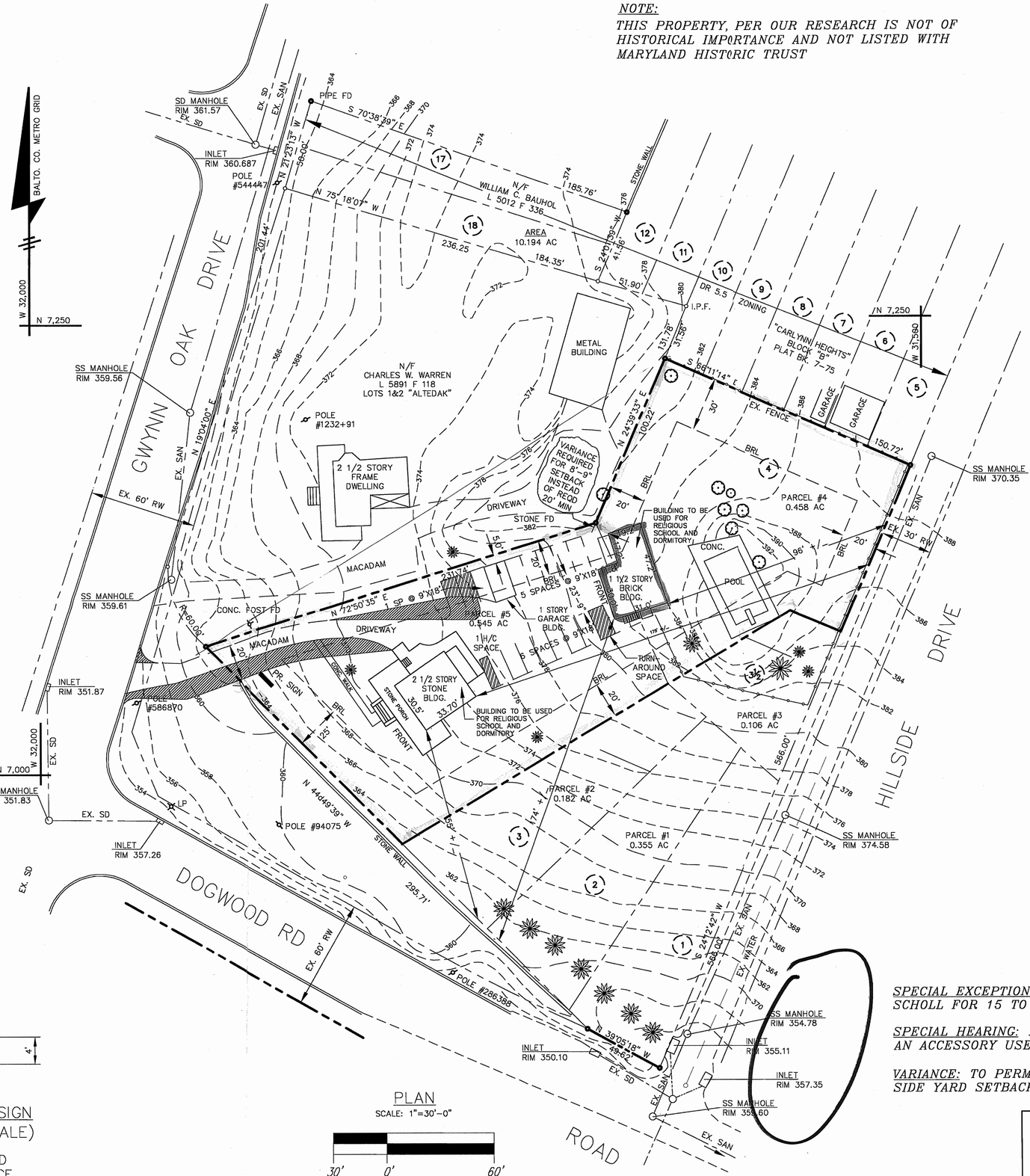
Secular Education
9th-10th 65% " " "
8th 70% " " "
1st- 7th 70% And Above is Passing

Islamic Education
91 - 100 - Excellent
81 - 90 - Very Good
71 - 80 - Good
61 - 70 - Satisfactory
60 and below - Failing

Attendance

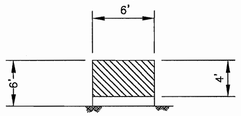
UnExc Absence	Absent	Tardy
0	0	0

NOTE:
THIS PROPERTY, PER OUR RESEARCH IS NOT OF HISTORICAL IMPORTANCE AND NOT LISTED WITH MARYLAND HISTORIC TRUST



PLAN
SCALE: 1"=30'-0"

30' 0' 60'



PROPOSED SIGN
(NOT TO SCALE)

ILLUMINATED
SINGLE FACE
24 SQ. FT. PER SIDE

BUILDING SETBACK NOTE:

BASED ON NON-RESIDENTIAL PRINCIPAL BUILDING SETBACKS IN DR5.5

GENERAL NOTES:

1. PROPERTY INFORMATION:

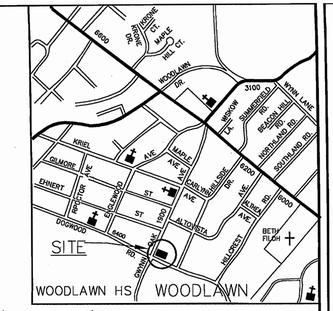
   DARUL ULOOM MARYLAND, INC.
   6334 DOGWOOD RD
   BALTIMORE, MARYLAND 21207

   MAP 88, GRID 20, PARCEL 229
   TAX ID# 01-0102004495
   NEW 200 SCALE GRID 088A3
   DEED REF: 25416/127

2. OWNER:
   SARKAR KABIRUDINN
   6334 DOGWOOD RD
   BALTIMORE, MD 21207
   PHONE: 410-982-4517
3. ZONED: R-O (RESIDENTIAL OFFICE)
4. SITE AREA:
   LOT # 4 - GROSS = 19,950 SFT (0.458 ACRES)
   LOT # 4 - NET = 19,950 SFT (0.458 ACRES)
   LOT # 5 - GROSS = 23,740 SFT (0.545 ACRES)
   LOT # 5 - NET = 23,740 SFT (0.545 ACRES)
5. 2000 CENSUS TRACT: 401200
6. 2000 CENSUS BLOCK GROUP: 240054012001
7. LAND MANAGEMENT AREA: EMPLOYMENT CENTER
8. COUNCILMANIC DISTRICT: 4
9. ELEMENTARY SCHOOL DISTRICT: FEATHERBED LANE ES
10. MIDDLE SCHOOL DISTRICT: WOODLAWN MS
11. HIGH SCHOOL DISTRICT: WOODLAWN HS
12. REGIONAL PLANNING DISTRICT: 319
13. WATERSHED: GWYNNS FALLS
14. WATER SERVICE AREA: WESTERN THIRD ZONE
15. SEWER SHED: 63, 68, & 70 (ALL INTERSECT ON THE PROPERTY)
16. TRANSPORTATION ZONE: 0628
17. ZIP CODE: 21207
18. EXISTING AND PROPOSED USE:
    EXISTING: RESIDENTIAL
    PROPOSED: RELIGIOUS SCHOOL
19. FLOOR AREA RATIO: 0.067
20. OFF-STREET PARKING CALCULATIONS:
    REQUIRED: 1 PER 4 BEDS FOR DORMITORIES
    UPTO 30 STUDENTS IN THE SCHOOL
    15 TO 30 STUDENTS IN THE DORMITORY
    NON-DORMING STUDENTS WILL BE DROPED-OFF
    SPACES REQUIRED FOR 30 DORMING STUDENTS = 8
    SPACES REQUIRED FOR TEACHERS = 5
    TOTAL PARKING SPACES REQUIRED = 13
    EXISTING: 16 PARKING SPACES (INCLUDING 1 H/C SPACE)
    PROPOSED: 14 SPACES (INCLUDING 1 H/C SPACE)
    (13 PARKING SPACES + 1 DESIGNATED FOR TURNAROUND)
21. BUILDING SETBACKS:

LOCATION	REQUIRED	EXISTING
FRONT	25' FROM PL	>25'
REAR	30' FROM PL	>30'
NORTH SIDE	20' FROM PL	<20' (VARIANCE REQD)
SOUTH SIDE	20' FROM PL	>20'

22. MAX. BLDG. HEIGHT: ALLOWED 50' - EXISTING <35'
23. NO PREVIOUS COMMERCIAL PERMITS ON FILE. NO PRIOR ZONINGS ON SITE. PROPERTY LISTED AS "R-O" FOR THE FIRST TIME ON 1984 ZONING MAP. PREVIOUSLY IT WAS "DR 5.5" SHOWN ON BALTO. CO. ZONING MAO F2 IN BLOCK F2.
24. NO SIGN EXISTS. A NEW SIGN 6' WIDE X 4' HIGH WITH TOTAL HEIGHT ABOVE GROUND NOT TO EXCEED 6' IS PROPOSED AS SHOWN ON THIS DRAWING.
25. AMENITY OPEN SPACE REQUIREMENTS: NOT APPLICABLE
26. ANY LIGHT FIXTURES TO ILLUMINATE OFF-STREET PARKING SHALL BE SO ARRANGED AS TO REFELECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
27. THERE ARE NO WOODED AREAS, STREAM, WETLANDS OR FLOODPLAINS ON THIS PROPERTY. PROPERTY IS NOT IN CHESAPEAKE BAY CRITICAL AREA.
28. PROPERTY IS NOT IN AN AREA WITH A MORATORIUM OF FAILURE OF BASIC SERVICES.
29. NO LABORATORY OR MECHANICAL WORKSHOP IS PROPOSED.
30. ALL PARKING WILL BE DURABLE AND DUSTLESS SURFACE AND PERMANENTLY STRIPED.
31. SITE IS SERVED BY EXISTING PUBLIC WATER AND SEWER.
32. HORIZONTAL AND VERTICAL SURVEU DATUM ESTABLISHED FROM BALTO. CO METRO GRID SYSTEM CONTROL POINTS X-8066 AND X5403:
    X-8066-BRONZE DISC. ELEV. 341.286
    N 5339.73 W 33786.60
    X-5403-CUT + N CURB W BOUND LANE
    N 5194.26 W 31746.33
33. SURVEY SHIWN IS WITHOUT BENIFIT OF TITLE REPORT AND IS BASED ON DEEDS AND PLATS OF RECORD AND EVIDENCE FOUND IN FIELD.
34. ORIGINAL PLAT AND DEEDS DO NOT CLOSE USING RECORDED COURSES AND DISTANCES PLAT "CARLYNN HEIGHTS" PLAT BK 7-75, BLOCK "8" MAY 1924 DEEDS: L 4886, F 086 L 5891, F 118 L 8276, F 637 16



VICINITY MAP
SCALE: 1"=1000'

SPECIAL EXCEPTION: FOR A DORMITORY IN CONJUNCTION WITH A RELIGIOUS SCHOLL FOR 15 TO 30 STUDENTS, PER SECTION 1B01.C.14 OF THE BCZR.

SPECIAL HEARING: FOR THE USE OF A DORMITORY FOR 15 TO 30 STUDENTS AS AN ACCESSORY USE IN CONJUNCTION WITH A RELIGIOUS SCHOOL.

VARIANCE: TO PERMIT NON-RESIDENTIAL PRINCIPAL (INSTITUTIONAL) BUILDING SIDE YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 20 FEET.

..6334 DOGWOOD RD..

PLAT TO ACCOMPANY SPECIAL HEARING
TO ALLOW DORMITORY
MAP 88 - GRID 20 - PARCEL 229
1ST ELECTION DISTRICT - 2ND COUNCILMANIC DISTRICT
SCALE : 1" = 30' DATE: JUNE 2007

REGISTERED PROFESSIONAL ENGINEER
STEPHEN A. GUDOVICH
21213
STATE OF MARYLAND
SEAL 9/23/08

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, Md 21207

Phone: 443-604-3127
Fax: 410-298-2865

SITE PLAN
DARUL ULOOM MARYLAND, INC.
6334 DOGWOOD ROAD
BALTIMORE COUNTY, MARYLAND 21207

Revisions:		Date:
ADDED ROAD WIDENING AND REVISED NOTE 20		09/23/08
Drawn by:	MM	10/16/07
Designed by:	MM	10/16/07

Sheet Title:
PLAT TO ACCOMPANY SPECIAL EXCEPTION TO ALLOW DORMITORY

Scale: AS NOTED

CASE #
C-1

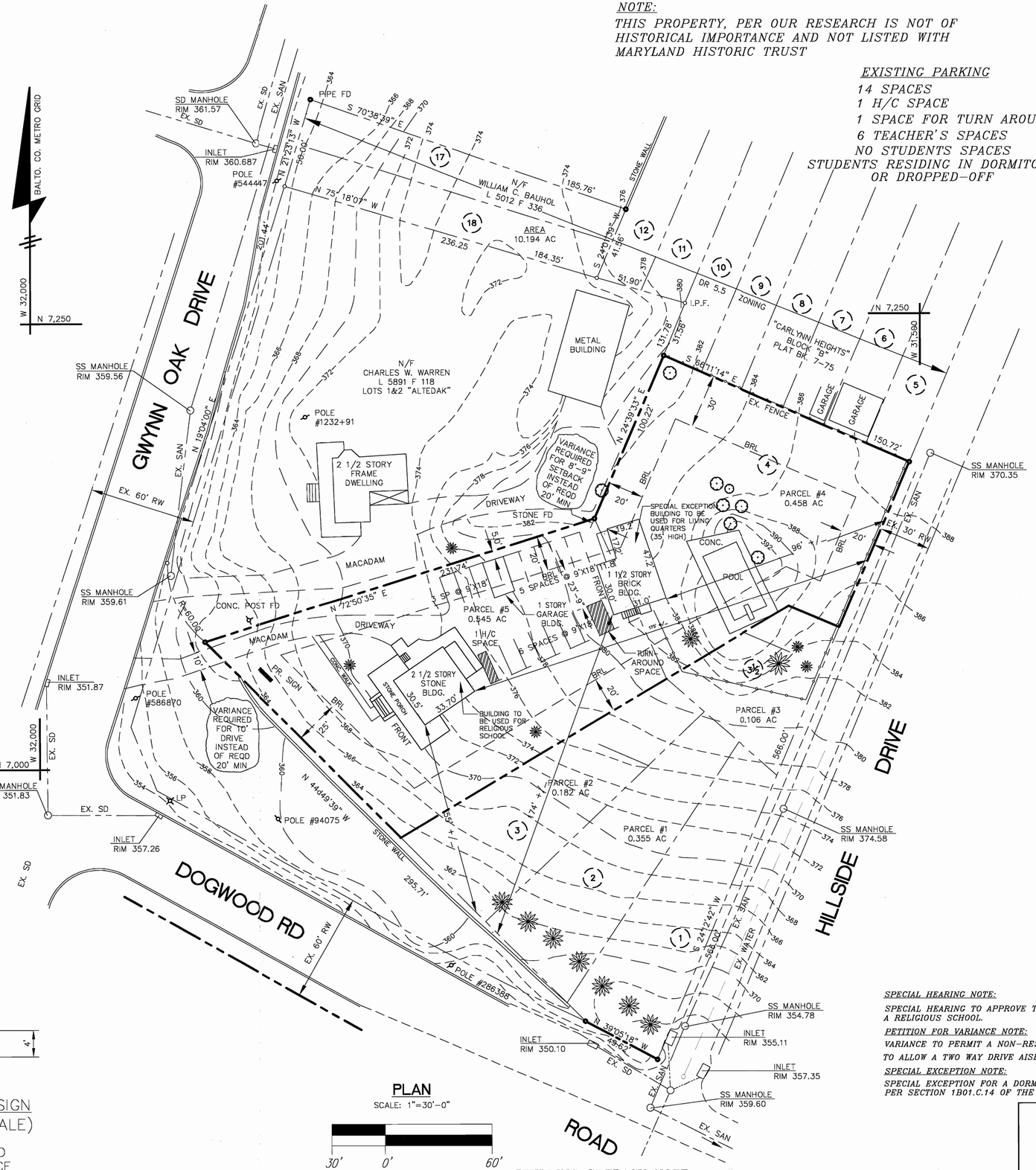
CAB PET. EXH NO.4

NOTE:

THIS PROPERTY, PER OUR RESEARCH IS NOT OF HISTORICAL IMPORTANCE AND NOT LISTED WITH MARYLAND HISTORIC TRUST

EXISTING PARKING

14 SPACES
1 H/C SPACE
1 SPACE FOR TURN AROUND
6 TEACHER'S SPACES
NO STUDENTS SPACES
STUDENTS RESIDING IN DORMITORY OR DROPPED-OFF



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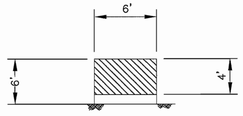

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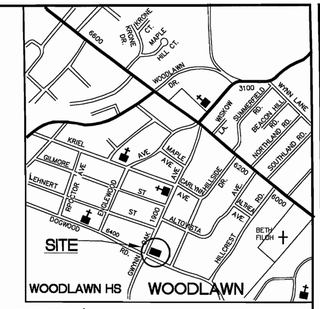
13. WATERSHED: GWYNNS FALLS
14. WATER SERVICE AREA: WESTERN THIRD ZONE
15. SEWER SHED: 63, 68, & 70 (ALL INTERSECT ON THE PROPERTY)
16. TRANSPORTATION ZONE: 0628
17. ZIP CODE: 21207
18. EXISTING AND PROPOSED USE:
    EXISTING: RESIDENTIAL
    PROPOSED: RELIGIOUS SCHOOL
19. FLOOR AREA RATIO: 0.067
20. OFF-STRET PARKING CALCULATIONS:
    EXISTING: 15 PARKING SPACES (INCLUDING H/C SPACE)
    TEACHERS: 6 PARKING SPACES
    STUDENTS: 8-~~10~~ 15 STUDENTS LIVING IN DORMITORY AND 8-~~10~~ 15 WILL BE DROPPED-OFF BY PARENTS. (NO PARKING REQUIRED FOR STUDENTS)
21. BUILDING SETBACKS:

LOCATION	REQUIRED	EXISTING
FRONT	25' FROM PL	>25'
REAR	30' FROM PL	>30'
NORTH SIDE	20' FROM PL	<20' (VARIANCE REQD)
SOUTH SIDE	20' FROM PL	>20'

22. MAX. BLDG. HEIGHT: ALLOWED 50' - EXISTING <35'
23. NO PREVIOUS COMMERCIAL PERMITS ON FILE. NO PRIOR ZONINGS ON SITE. PROPERTY LISTED AS "R-O" FOR THE FIRST TIME ON 1984 ZONING MAP. PREVIOUSLY IT WAS "DR 5.5" SHOWN ON BALTO. CO. ZONING MAO F2 IN BLOCK F2.
24. NO SIGN EXISTS. A NEW SIGN 6' WIDE X 4' HIGH WITH TOTAL HEIGHT ABOVE GROUND NOT TO EXCEED 6' IS PROPOSED AS SHOWN ON THIS DRAWING.
25. AMENITY OPEN SPACE REQUIREMENTS: NOT APPLICABLE
26. ANY LIGHT FIXTURES TO ILLUMINATE OFF-STREET PARKING SHALL BE SO ARRANGED AS TO REFELECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
27. THERE ARE NO WOODED AREAS, STREAM, WETLANDS OR FLOODPLAINS ON THIS PROPERTY. PROPERTY IS NOT IN CHESAPEAKE BAY CRITICAL AREA.
28. PROPERTY IS NOT IN AN AREA WITH A MORATORIUM OF FAILURE OF BASIC SERVICES.
29. NO LABORATORY OR MECHANICAL WORKSHOP IS PROPOSED.
30. ALL PARKING WILL BE DURABLE AND DUSTLESS SURFACE AND PERMANENTLY STRIPED.
31. SITE IS SERVED BY EXISTING PUBLIC WATER AND SEWER.
32. HORIZONTAL AND VERTICAL SURVEU DATUM ESTABLISHED FROM BALTO. CO METRO GRID SYSTEM CONTROL POINTS X-8066 AND X5403:

    X-8066-BRONZE DISC. ELEV. 341.286
    N 5339.73 W 33786.50

    X-5403-CUT + N CURB W BOUND LANE
    N 5194.26 W 31746.33
33. SURVEY SHIWN IS WITHCUT BENIFIT OF TITLE REPORT AND IS BASED ON DEEDS AND PLATS OF RECORD AND EVIDENCE FOUND IN FIELD.
34. ORIGINAL PLAT AND DEEDS DO NOT CLOSE USING RECORDED COURSES AND DISTANCES PLAT "CARLYNN HEIGHTS" PLAT BK 7-75, BLOCK "B" MAY 1924 DEEDS: L 4886, F 086 L 5891, F 118 L 8276, F 637 16



VICINITY MAP
SCALE: 1"=1000'

SPECIAL HEARING NOTE:

SPECIAL HEARING TO APPROVE TO USE OF A DORMITORY FOR 15-30 STUDENTS, AS AN ACCESSORY USE IN CONJUNCTION WITH A RELIGIOUS SCHOOL.

PETITION FOR VARIANCE NOTE:

VARIANCE TO PERMIT A NON-RESIDENTIAL PRINCIPAL BUILDING SIDE YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 20 FEET. TO ALLOW A TWO WAY DRIVE AISLE WITH 10 FEET WIDTH IN LIEU OF THE REQUIRED 20 FEET.

SPECIAL EXCEPTION NOTE:

SPECIAL EXCEPTION FOR A DORMITORY (IN CONJUNCTION WITH A RELIGICUS SCHOOL) FOR 15 TO 30 STUDENTS. PER SECTION 1B01.C.14 OF THE BCZR.

..6334 DOGWOOD RD..

PLAT TO ACCOMPANY SPECIAL HEARING
TO ALLOW DORMITORY
MAP 88 - GRID 20 - PARCEL 229
1ST ELECTION DISTRICT - 2ND COUNCILMANIC DISTRICT
SCALE : 1" = 30' DATE: JUNE 2007

REV. 08-04-2SPM

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, Md 21207

Phone: 443-604-3127
Fax: 410-298-2865

SEAL 10/17/07

SITE PLAN
DARUL ULOOM MARYLAND, INC.
6334 DOGWOOD ROAD
BALTIMORE COUNTY, MARYLAND 21207

Revisions:		Date:
Drawn by:	MM	10/16/07
Designed by:	MM	10/16/07

Sheet Title:

PLAT TO ACCOMPANY SPECIAL EXCEPTION TO ALLOW DORMITORY

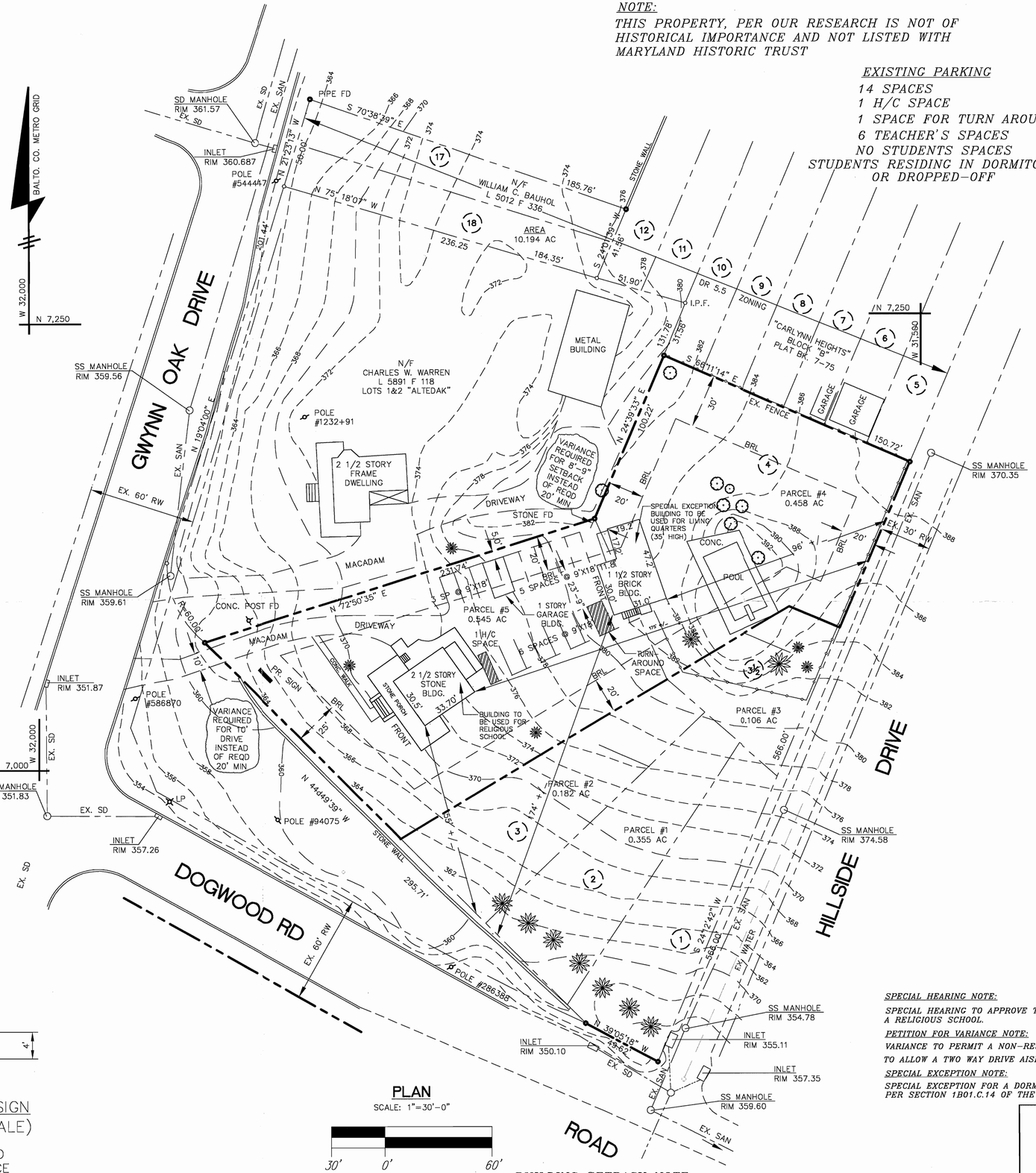
PETITIONER'S

EXHIBIT NO. 1

C-1

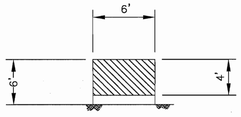
NOTE:
THIS PROPERTY, PER OUR RESEARCH IS NOT OF HISTORICAL IMPORTANCE AND NOT LISTED WITH MARYLAND HISTORIC TRUST

EXISTING PARKING
14 SPACES
1 H/C SPACE
1 SPACE FOR TURN AROUND
6 TEACHER'S SPACES
NO STUDENTS SPACES
STUDENTS RESIDING IN DORMITORY OR DROPPED-OFF



PLAN
SCALE: 1"=30'-0"

30' 0' 60'



PROPOSED SIGN
(NOT TO SCALE)

ILLUMINATED
SINGLE FACE
24 SQ. FT. PER SIDE

BUILDING SETBACK NOTE:

BASED ON NON-RESIDENTIAL PRINCIPAL BUILDING SETBACKS IN DR5.5

GENERAL NOTES:

1. PROPERTY INFORMATION:

   DARUL ULOOM MARYLAND, INC.
   6334 DOGWOOD RD
   BALTIMORE, MARYLAND 21207

   MAP 88, GRID 20, PARCEL 229
   TAX ID# 01-0102004495
   NEW 200 SCALE GRID 088A3
   DEED REF: 25416/127

2. OWNER:
   SARKAR KABIRUDINN
   6334 DOGWOOD RD
   BALTIMORE, MD 21207
   PHONE: 410-982-4517
3. ZONED: R-O (RESIDENTIAL OFFICE)
4. SITE AREA:
   LOT # 4 - GROSS = 19,950 SFT (0.458 ACRES)
   LOT # 4 - NET = 19,950 SFT (0.458 ACRES)

   LOT # 5 - GROSS = 23,740 SFT (0.545 ACRES)
   LOT # 5 - NET = 23,740 SFT (0.545 ACRES)
5. 2000 CENSUS TRACT: 401200
6. 2000 CENSUS BLOCK GROUP: 240054012001
7. LAND MANAGEMENT AREA: EMPLOYMENT CENTER
8. COUNCILMANIC DISTRICT: 4
9. ELEMENTARY SCHOOL DISTRICT: FEATHERBED LANE ES
10. MIDDLE SCHOOL DISTRICT: WOODLAWN MS
11. HIGH SCHOOL DISTRICT: WOODLAWN HS
12. REGIONAL PLANNING DISTRICT: 319
13. WATERSHED: GWYNNS FALLS
14. WATER SERVICE AREA: WESTERN THIRD ZONE
15. SEWER SHED: 63, 68, & 70 (ALL INTERSECT ON THE PROPERTY)
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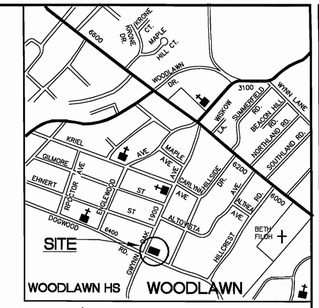

VICINITY MAP
SCALE: 1"=1000'

SPECIAL HEARING NOTE:

SPECIAL HEARING TO APPROVE TO USE OF A DORMITORY FOR 15-30 STUDENTS, AS AN ACCESSORY USE IN CONJUNCTION WITH A RELIGIOUS SCHOOL.

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..6334 DOGWOOD RD..

PLAT TO ACCOMPANY SPECIAL HEARING
TO ALLOW DORMITORY
MAP 88 - GRID 20 - PARCEL 229
1ST ELECTION DISTRICT - 2ND COUNCILMANIC DISTRICT
SCALE : 1" = 30' DATE: JUNE 2007

REGISTERED PROFESSIONAL ENGINEER
IRFAN A. SIDDIQUI
22119
STATE OF MARYLAND
SEAL 10/17/07

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, Md 21207

Phone: 443-604-3127
Fax: 410-298-2865

SITE PLAN
DARUL ULOOM MARYLAND, INC.
6334 DOGWOOD ROAD
BALTIMORE COUNTY, MARYLAND 21207

Revisions:		Date:
Drawn by:	MM	10/16/07
Designed by:	MM	10/16/07

Sheet Title:
PLAT TO ACCOMPANY SPECIAL EXCEPTION TO ALLOW DORMITORY

Scale: AS NOTED

CASE #
C-1

CBA. PET. EXH. NO. 2

3/28/08

IN RE: PETITIONS FOR SPECIAL EXCEPTION & SPECIAL HEARING	*	BEFORE THE
N side Dogwood Road, 100 feet N of Gwynne Oak Drive	*	DEPUTY ZONING
1st Election District	*	COMMISSIONER
4th Councilmanic District		
(6334 Dogwood Road)	*	FOR BALTIMORE COUNTY
Sarkar Kabiruddin		
Petitioner	*	**CASE NO. 08-042-SPHX**

* * * * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing and an Amended Petition for Special Exception filed by the legal owner of the subject property, Petitioner Sarkar Kabiruddin. Petitioner initially filed petitions for zoning relief on July 24, 2007 as Petitions for Special Exception and Variance. The Special Exception requested relief pursuant to Section 1B01.C.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dormitory in conjunction with a religious school for 15 to 20 students. The Variance requested relief pursuant to Section 1B01.C.1.a of the B.C.Z.R. to permit a non-residential principal (institutional) building with a side yard setback of eight feet in lieu of the required 20 feet, and pursuant to Section 409.4 of the B.C.Z.R. to allow a two way drive aisle with a 10 foot width in lieu of the required 20 feet. Thereafter, on or about November 13, 2007, Petitioner filed the instant Petition for Special Hearing and an Amended Petition for Special Exception. The Amended Special Exception requests relief pursuant to Section 1B01.C.14 of the B.C.Z.R. to allow a dormitory in conjunction with a religious school for 15 to 30 students, in lieu of the previously requested 15 to 20 students. The Special Hearing was filed alternatively pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the use of a dormitory for 15 to 30 students as an accessory use in conjunction with a religious

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school. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evdience as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the special exception, special hearing, and variance requests was Petitioner Sarkar Kabiruddin and his son, Irfan Kabiruddin. Also appearing was his attorney, Francis X. Borgerding, Jr., Esquire, and Rizwan Siddiqi with Mufti & Associates, Inc., the professional engineer who prepared the site plan. There were a number of interested citizens that appeared in support of the requested relief. Their names and addresses are listed on the "Petitioner's Sign-In Sheet" contained within the case file. The case also garnered significant interest from the Woodlawn, Gwynn Oak, and Windsor Mill communities and a number of Protestants opposed to the relief attended the hearings as well. These individuals are listed on the "Citizen's Sign-In Sheet" that was circulated on the hearing date, and which is contained within the case file. In particular, Kerri Lastner of 6409 Lehnert Street appeared on behalf of the Graystone Community Association and Pastor Ezio M. Ross of 6614 Richardson Road appeared on behalf of the Woodlawn Community Education and Development Association, Inc. Also appearing on behalf of the community groups and the individual Protestants was their attorney, J. Carroll Holzer, Esquire.

Introduction

The subject property is an irregular-shaped property consisting of Lots 4 and 5, with Lot 4 containing 19,950 square feet or .458 acre and Lot 5 containing 23,740 square feet or .545 acre, for a total of approximately one acre. The subject property is zoned R.O. (Residential-Office) and is located at the northeast corner of the intersection of Dogwood Road and Gwynn Oak Avenue in the Gwynn Oak area of Baltimore County. It is improved with an existing 2½-story stone building located toward the front of the property, a 1½-story brick building located in the middle, but slightly more toward the rear of the property, and a one-story garage located between

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the buildings. The property is also improved with an in-ground swimming pool situated behind the brick building, also located toward the rear of the property.

Petitioner purchased the property approximately one year ago. Petitioner's son, Irfan Kabiruddin, proposes to operate a religious school on the property that would introduce students to the teachings of Islam and provide the students with intense instruction and study of the Muslim faith. In order to facilitate a stable teaching and learning environment, Irfan desires to also have a dormitory associated with the school so that students can both live and learn at the school. In his opening remarks, Petitioner's counsel, Mr. Borgerding, referenced the relevant zoning regulations; in particular, Sections 204.3.A.1 and 204.3.B.1 of the B.C.Z.R. state that uses permitted as of right or by special exception, respectively, in the D.R.5.5 zone are permitted as of right or by special exception, respectively, in the R.O. zone. Pursuant to the use regulations in the D.R. zone, Section 1B01.1.A.14 of the B.C.Z.R. allows schools as a matter of right, and Section 1B01.1.C.14 of the B.C.Z.R. allows a dormitory by special exception. Given the above, Mr. Borgerding indicated the proposed religious school is permitted as of right and the proposed dormitory is permitted by special exception. Alternatively, pursuant to a prior case decided by this Commission, the dormitory is permitted by special hearing as an accessory use to the proposed religious school. In addition, the variance concerning the side yard setback is necessary to legitimize the existing location of the 1½-story brick building in relation to the property line.

Testimony and Evidence

In support of the requests for relief, Petitioner called Rizwan Siddiqi, a licensed professional engineer. Mr. Siddiqi was offered and accepted as an expert in land use and interpretation of the Baltimore County Zoning Regulations. He testified that he is familiar with the property and visited the site on several occasions and prepared and sealed the site plan.

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Initially, Mr. Siddiqi addressed the requested variance to allow a two way drive aisle with a 10 foot width in lieu of the required 20 feet as shown on the site plan. He submitted a copy of an enlarged portion of the site plan with an amendment which was marked and accepted into evidence as Petitioner's Exhibit 2. The amended plan shows the entrance to the property and driveway aisle to be 20 feet wide. Hence, Mr. Siddiqi indicated this variance relief is no longer necessary and was withdrawn. This was also confirmed by Petitioner's counsel, Mr. Borgerding.

As to the other requests for relief, Mr. Siddiqi indicated the existing structures date from the 1920's and will remain, with no plans for alterations to the existing structures. As shown on the site plan, Mr. Siddiqi testified that the 2½-story stone structure or "main" building will be used for the school and administrative offices. The 1½-story brick carriage house or "accessory" building will be used for the proposed dormitory. The garage and swimming pool will remain. As to parking, Mr. Siddiqi indicated there are 15 parking spaces located between the buildings, including one handicapped space. The existing parking is more than is required for the proposed use and no parking variances are requested. There is also a sufficient drive aisle and turnaround space for vehicles on the property.

The setback variance concerns the accessory building. The unusual shape of the property and placement of the accessory building necessitates the variance relief. The property is fairly wide at the front and rear and tapers inward at the middle, somewhat similar to a bowtie. The accessory building is located in this thinnermost area of the property. It was built before 1945, prior to the zoning regulations, and the northwest corner of the structure encroaches within the required 20 foot sideyard setback. As already indicated, Petitioner does not intend to alter or change the existing structure. Hence, the variance to allow an eight foot side yard setback is needed to legitimize this existing condition.

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Mr. Siddiqi then addressed the zoning relief associated with the request to allow a dormitory on the site. Petitioner requests the dormitory use be approved by special exception or, alternatively, by special hearing. In connection with the special exception, Mr. Siddiqi discussed the criteria set forth in Section 502.1 of the B.C.Z.R. He then offered his opinion that the use of the property as a religious school and in particular, the special exception use as a dormitory, will not be detrimental to the health, safety, or general welfare of the locale, and meets all the other Section 502.1 criteria.

As to the alternative request for special hearing relief, Mr. Siddiqi indicated he is familiar with and identified a previous zoning decision involving a dormitory use in Case No. 06-486-SPHA. A copy of the decision was marked and accepted into evidence as Petitioner's Exhibit 3. In that case, petitioners operated a private school for Orthodox Jewish students. The special hearing was requested to permit an amendment to a site plan approved in a prior case in order to construct a second dormitory building on the subject property, which would permit approximately 120 to 150 students. In that prior case, Case No. 01-191-SPH, then-Zoning Commissioner Lawrence E. Schmidt confirmed that dormitories and faculty housing were permitted as accessory uses to the permitted school use. In Case No. 06-486-SPHA, Zoning Commissioner William J. Wiseman, III granted the special hearing relief, thereby allowing the construction of the second dormitory as an accessory use to the religious school. Comparing the instant request to the permitted dormitory at the Orthodox Jewish School, Mr. Siddiqi indicated he believes Petitioner's proposed use is similar and should also warrant favorable consideration. Although the number of proposed students and the size of the property is smaller in the instant matter than at the Orthodox Jewish School, the concept of the dormitory as an accessory use in conjunction with a religious school in both matters is virtually the same.

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Aside from his capacity as Petitioner's consulting engineer, Mr. Siddiqi also offered his personal testimony concerning the proposed religious school and dormitory. Mr. Siddiqi indicated he practices Islam and is familiar with Petitioner's proposed program. He indicated that it is more beneficial to students' overall learning experience to reside at the school in order to allow more focus on instruction and related activities. He believes the school and dormitory will be an asset to the community by allaying misinformed perceptions about Islam. In particular, the students will be very obedient, well behaved, and courteous. He also believes the school will enhance safety in the community because it will not be a "hang out" but rather, will be a place where students can live and learn in an appropriate environment, as well as engage in suitable school sponsored activities on the property when school is not in session.

Next to testify was Petitioner's son, Irfan Kabiruddin. Mr. Kabiruddin resides at 1901 Hillside Drive, just a few hundred feet east of the subject property, with his wife and two sons. *Photographs of Mr. Kabiruddin's home and the main dwelling on the subject property* were marked and accepted into evidence as Petitioner's Exhibits 5A and 5B, respectively. He is the former religious director at the Islamic Society of Baltimore, a mosque that has operated in the Woodlawn area since 1969. Mr. Kabiruddin indicated he desires to fulfill a need that exists in teaching Muslim youth about their religion and to elevate their knowledge and character. There is only one such similar school in the United States. The Darul-Uloom Al-Madania Institute of Higher Islamic Education is located in Buffalo, NY and opened in 1994. He sees the subject property as a great opportunity to use the property for a desirable purpose for the Muslim community, not just locally but for people in other states as well.

His vision is for the subject property to be used as a religious school for boys with a dormitory for between 15 and 30 students. In order to give some perspective on the property, Mr. Kabiruddin submitted additional photographs of the site which were marked and accepted

3.28.08

into evidence as Petitioner's Exhibits 6A through 6K. These photographs show the front and rear property areas, the fence that surrounds the rear of the property, the pool area, an open area to the rear of the property for outdoor activities, the main building and accessory building, and the location of nearby buildings on the other side of Dogwood Road and Gwynn Oak Avenue. He also discussed the various uses of properties within approximately one mile of the subject property. These uses include other private schools and special learning centers, daycare centers, and churches. Although on cross examination, Mr. Kabiruddin acknowledged these other uses did not include a dormitory, he believes the educational and spiritual uses compare favorably with the proposed religious school and dormitory on the subject property.

As to the proposed school itself, Mr. Kabiruddin indicated there would be a maximum of 30 students with four teachers, including himself. There would be no cars for students, even for those with drivers' licenses, and a night guard and overhead cameras would provide security. It should be noted that there was some conflict as to the number of students indicated by Petitioner's engineer, Mr. Siddiqi, during his testimony and on Note 20 of the site plan concerning parking calculations, as compared with the number of students indicated by Mr. Kabiruddin. To clarify, Mr. Kabiruddin indicated that the total number of students would be 30. The number of drop off students would depend on the number of dormitory students enrolled at the school; however, the total number of students would never exceed 30. In addition, Mr. Kabiruddin indicated the number of dormitory students could exceed 15 students, up to a maximum of 30. In the event the number of dormitory students reached 30, then there would be no drop off students.

Another point of clarification was the use of the main building and the accessory building for the religious school and dormitory. Mr. Kabiruddin indicated the 1½-story accessory building has three first floor bedrooms -- one of the rooms which is fairly large could

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accommodate up to six students, a second room could accommodate up to three students, and a smaller third room could accommodate up to three students, for a total of 12. There is also a two bedroom apartment on the second floor with a separate bathroom and kitchen that could accommodate additional students. In the event the number of dormitory students exceeds the capacity of the accessory building, Mr. Kabiruddin indicated the main building could also be used to house students. The first floor of the main building would contain three classrooms and a prayer room and the third floor would contain administrative offices. The second floor has four bedrooms and could utilize bunk beds to house four students in each room for a total of 16. The basement also has additional space for students if the need were to arise. Although the site plan notes that the main building would be used for the school and the accessory building would be used for the dormitory, Mr. Kabiruddin indicated that depending on the number of dormitory students enrolled, they could also be housed in the main building.

The school curriculum would emphasize Islamic studies as well as secular education. The secular education could be chosen from one of two programs -- the Calvert School program (subject to an additional fee) and the Baltimore County curriculum that includes math, science, social studies, and reading comprehension and writing. Students enrolled full time in the dormitory would range in age from 12 to 20 years of age, and drop off students could begin at age eight. A typical daily schedule would consist of the following six days per week: a dawn prayer prior to sunrise; rest and breakfast up to 8:30 AM; 45 minute Islamic classes in the morning; lunch from 11:00 to 11:45 AM followed by a noon prayer; secular education classes in the afternoon until approximately 4:30 PM; break to play or rest; dinner before sunset followed by a sunset prayer; reporting to classrooms for homework until approximately 9:00 PM; then final prayer and sleep. On the school's off day on Fridays, the students would still have some activities and prayers to attend. Finally, Mr. Kabiruddin testified that the students on site would

3.28.08

be supervised 24 hours a day. Moreover, students would not be permitted to drive onto or off the property and could not leave the premises in any event without his permission as Director of the school.

As to the Section 502.1 criteria referenced by Mr. Siddiqi during his testimony, Mr. Kabiruddin indicated that the proposed school and dormitory would generate less traffic than the previous use on the property which consisted of an engineering firm with approximately 20 employees and vehicles. He also indicated that the school and requested dormitory would be self contained and have very little impact on the surrounding community -- and certainly not a negative impact.

On cross examination, Mr. Kabiruddin acknowledged there had been parking of vehicles on the property, including on grassy areas, during the past summer and fall for religious services; however, he indicated that with the use of the property as a religious school, there would be no further use of the property for services to the local Islamic community, hence there would be no further parking of vehicles on areas of the property not designated for parking. In response to questioning, Mr. Kabiruddin also indicated he was not concerned about the location of the dormitory in proximity to Hertsch's Tavern across the street on Gwynn Oak Avenue because the Islamic religion prohibits the drinking of alcoholic beverages. In addition, as stated previously, students would be supervised at all times and would not be permitted to leave unless he gave specific permission.

Several other interested citizens testified in support of the requested relief. These individuals testified mainly as to similar themes: that the proposed school would provide an excellent opportunity for a one-of-a-kind school for Muslim children and young adults living in the geographic area and beyond, and that there would be no negative impact on the community -- if anything, the school would enhance the community and have a positive influence. In addition,

3.28.08

the presence of the school would provide a great opportunity to eliminate unknown fears and misconceptions concerning Islam and educate the community as to the proper practice of this religion.

Presenting the case in opposition to the requested relief was Protestants' counsel, Mr. Holzer. Prior to calling witnesses, Mr. Holzer requested that the record reflect that several interested citizens could not attend the hearing following a lunch break and that they were each opposed to the relief. These individuals were identified as Delores Johnson, Michael Perrera, Phyliss Weaverling, and Ruth Baskerville.

Mr. Holzer first called Jerry Greene of 6412 Lehnert Street. Mr. Greene indicated he has lived across the street from the subject property for eight years and witnessed the recent occasions where many cars were parked on the grass on the property. His opposition to the proposed dormitory is based on increases in traffic and the potential adverse influence of Hertsch's Tavern across the street. He is also concerned that the property will continue to be used for other activities that require the parking of large numbers of cars.

Next to testify was Joe Lastner of 6409 Lehnert Street. Mr. Lastner indicated he has resided in the neighborhood since 1998. He also expressed concerns over how the property has been used in the past as a possible precursor to how the school and dormitory will be operated in the future. In particular, a number of the activities taking place on the property in the past have occurred in the evening, with cars parked all over the subject property. He also indicated that activities have occurred on the weekends with cars strewn about the property. In fact, Mr. Greene submitted a photograph taken on September 20, 2007 that was marked and accepted into evidence as Protestants' Exhibit 1 and shows a sign directing persons to park on the grassy area of the property. Additional photographs which were marked and accepted into evidence as

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Protestants' Exhibits 3 through 7 show signs on the property advertising for religious services and show areas in front of the main building and on grassy areas where cars have been parked.

Also testifying was Kerri Lastner of 6409 Lehnert Street. Ms. Lastner testified as a concerned citizen and also on behalf of the Graystone Community Association, which represents in excess of 100 homes in the community. Ms. Lastner indicated that the particular area of Dogwood Road and Gwynn Oak Avenue is the gateway to the rest of the residential neighborhood and community. As shown on the aerial photograph which was marked and accepted into evidence as Protestants' Exhibit 2, virtually the entire surrounding area north of the subject property is residential. She is concerned about traffic problems from past activities on the subject property, as well as continued traffic overflow and ingress and egress problems due to the proximity of the entrance to the subject property so close to the intersection of Dogwood Road and Gwynn Oak Avenue. In addition, Ms. Lastner testified concerning the potential impact of the school and dormitory on the surrounding area. She characterized the area as an already "stressed community" and discussed the challenges already facing the area. This includes problems with Hertsch's Tavern and the proximity of the Meadowoods Center Alternative School across the street on Dogwood Avenue, which has 75 daytime students for disruptive children. Ms. Lastner also mentioned Woodlawn High School, which has had a number of documented problems over the years, as shown by the newspaper article from *The Sun* dated November 26, 2007 entitled "Troubled Woodlawn High Plans Academic Overhaul." This article was marked and accepted into evidence as Protestants' Exhibit 10. Ms. Lastner also submitted statistics from the Baltimore County Police Department which was marked and accepted into evidence as Protestants' Exhibit 12, indicating three traffic accidents at the intersection Dogwood Road and Gwynn Oak Avenue during the period of July 1, 2007 through December 31, 2007, as well as 21 calls for service as the location of Hertsch's Tavern during that

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same time period. In sum, Ms. Lastner is opposed to Petitioner's plans because she is concerned that the proposed school and dormitory, with up to 30 boys and young men living there 24 hours a day, will create additional difficulties for an already overburdened community that has problems with what she characterized as "bad elements," including children cutting school and engaging in drug activity.

The final witness to testify in opposition was Pastor Ezio M. Ross on behalf of the Woodlawn Community Education and Development Association, Inc. Pastor Ross described his Association as an umbrella organization representing a number of community groups on behalf of approximately 1,800 households. Pastor Ross also submitted a letter dated January 25, 2008 outlining his concerns, which was marked and accepted into evidence as Protestants' Exhibit 13. In his letter and testimony, Pastor Ross discussed the large number of group homes that have been placed in Randallstown, Woodlawn, and other areas in the northwest part of the County, which have created disruptive influences to the homeowners residing in these areas. He also expressed concern over businesses being allowed to open in residential areas and the disruption it will cause in neighborhoods.

It should also be acknowledged that the zoning file in this matter contains nine letters from nearby concerned citizens in the community who oppose having a dormitory located on the subject property. Most of these concerns stem from existing problems with Hertsch's Tavern and the additional problems residents believe will arise from having teenagers living in a dormitory nearby.

Following the hearing, counsel on behalf of each party submitted a written Memorandum of Law on February 26, 2008.

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Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning dated October 1, 2007 indicate that the property is located in a Community Conservation Area. The Office supports the requested special exception to operate a dormitory in conjunction with a religious school. Comments further indicate that a note should be added to the plan indicating the existing house will be converted to a school and the maximum number of students allowed in the school, indicate the maximum number of students to be housed in the dormitory, provide landscaping and a privacy fence, use similar architecture and building material to assure compatibility with the surrounding neighborhood and provide additional landscaping along the eastern property line to screen the rear of the dormitory from residences on Hillside Avenue. Comments were received from the Bureau of Development Plans Review dated November 28, 2007 which indicate that the driveway should be widened to at least 16 feet with no parts being narrower for emergency access.

Decision

Before any special exception may be granted, it must be determined whether the use for which the special exception is requested will have a negative impact on the criteria set forth in Section 502.1 of the B.C.Z.R. Moreover, as set forth in *Schultz v. Pritts*, 291 Md. 1 (1981):

> [T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Id.* at 22-23.

This standard requires identification of the adverse effects inherent to the proposed special exception use -- that is, effects that the use would have, regardless of where in the zone the use

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were employed -- and sufficient evidence to prove that the adverse effects resulting from the proposed use at the proposed location will not exceed the identified inherent effects. In addition, a special exception or "conditional" use in a zoning ordinance recognizes that the legislative body has made a policy decision that the exception or use is desirable and necessary in its zoning planning, provided certain standards are met. *Mossberg v. Montgomery County*, 107 Md.App. 1, 7-8 (1995). It also recognizes that:

> The legislative body, by designating the special exception, has deemed it to be generally compatible with the other uses. In special exception cases, therefore, general compatibility is not normally a proper issue for the agency to consider. That issue has already been addressed and legislatively resolved. Moreover, it is not whether a use permitted by way of a special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is to be considered by the agency. *Id.* at 8-9.

It is undisputed that the proposed religious school is permitted at the subject location as a matter of right. The only issue then is whether Petitioner is entitled to the special exception or "conditional" use of the property for a dormitory for 15 to 30 students in conjunction with the religious school. On this point, Petitioner's engineering consultant, Mr. Siddiqi, testified that the proposed dormitory would not have any detrimental impacts above and beyond those normally associated with a dormitory use in conjunction with a religious school elsewhere in an R.O. zone. Indeed, he offered the expert opinion that Petitioner's proposed use would not be detrimental to the health, safety, or general welfare of the locale, and that it met the criteria set forth in Section 502.1 of the B.C.Z.R. Hence, I am persuaded that Petitioner is entitled to special exception relief.

In addition, the testimony offered by Irfan Kabiruddin, Petitioner's son who proposes the religious school and dormitory, as to the details of how the school and dormitory will be

operated is persuasive that the school and dormitory will not negatively impact the area. If the school and dormitory are indeed operated as planned by Mr. Kabiruddin, these uses should benefit the community and should serve as a stabilizing influence to the area. I am certainly mindful of the testimony of Protestants as to the difficulties this area faces. It is no secret that the community is being challenged to a degree by youth delinquency in the nearby Meadowbrook School and Woodlawn High School, as well as residual problems from patrons of Hertsch's Tavern across the street from the subject property; however, in my judgment, Petitioner's proposal will not contribute to or exacerbate these challenges.

Notwithstanding, I am concerned that up to 30 dormitory enrolled students will overcrowd the existing structures and may be too much for the subject one acre property to handle. Based on Mr. Kabiruddin's testimony, it does not appear that he has a clearly laid out plan as to exactly how or where dormitory students will be housed or boarded. He gave a general overview as to the capacity of the buildings and where children could reside, but I am concerned about the dormitory students' welfare, and that they have enough room to live and learn and ultimately prosper in the school and dormitory environment. Therefore, at least initially, I shall limit the number of dormitory students to 20. In the event Petitioner determines a need for 10 additional dormitory students -- up to a total of 30 -- and can document that those additional dormitory students are necessary to meet the demand for the school, and indicate with specificity where those students will reside, then this Commission will consider a special hearing request to amend the approved site plan in this case for that purpose.

As to Petitioner's alternative request for special hearing relief, due to the granting of the special exception, this request is now moot; however, it bears mentioning that in my view, relief would not have been granted under the special hearing request because the circumstances of this case are different than in the case cited by Petitioner, Case No. 06-486-SPHA, in several

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important respects. First, in the instant matter, Mr. Kabiruddin's testimony has indicated potential use of the dormitory in both the main building and the accessory building. Second, the request in Case No. 06-486-SPHA was to amend a previously approved site plan to allow a second, separate dormitory building to be erected as an accessory to the religious school. As such, although in Case No. 06-486-SPHA it could easily be determined that the second dormitory would be an accessory to the Orthodox Jewish School, the same cannot be said of the instant matter because Mr. Kabiruddin contemplates the dormitory use in the accessory building as well as the main building where classes and administrative offices will be located. Hence, it cannot be decided that the dormitory will be an "accessory" use in conjunction with the school when Petitioner has not determined exactly where the dormitory use will in fact be located.

As to Petitioner's request for variance from the nonresidential side yard setback requirements, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request; in particular, the unusual shape of the parcel, its location near the intersection of Dogwood Road and Gwynn Oak Avenue, and its isolated R.O. zoning designation between a commercial M.L. zone to the south and a residential D.R. zone to the north and east. In addition, the fact that the accessory building which is the subject of the variance request has been at its present location since the 1920's -- prior to the imposition of zoning on the property -- makes the property unique in a zoning sense. Moreover, the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. Furthermore, because the location of the building is a long-existing condition, with no plans by Petitioner to alter or modify the existing structure, I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find the requested variance can be

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granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's requests for special exception and variance should be granted with conditions.

THEREFORE, IT IS ORDERED this 28th day of March, 2008 by the Deputy Zoning Commissioner, that Petitioner's request for Special Exception pursuant to Section 1B01.C.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dormitory in conjunction with a religious school for 15 to 20 students be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Special Hearing request filed pursuant to Section 500.7 of the B.C.Z.R. to allow the use of a dormitory for 15 to 30 students as an accessory use in conjunction with a religious school be and is hereby DISMISSED as MOOT; and

IT IS FURTHER ORDERED that Petitioner's Variance request pursuant to Section 1B01.C.1.a of the B.C.Z.R. to permit a non-residential principal (institutional) building with a side yard setback of eight feet in lieu of the required 20 feet be and is hereby GRANTED.

Subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. Petitioner shall clarify the note to the site plan indicating that the existing main building will be converted to a school and the maximum number of students allowed in the school shall be 30. Petitioner shall also clarify that the maximum number of dormitory enrolled students shall be 20, and that both the accessory building and the main building may be used for the dormitory.

3.28.08

3. Petitioner shall provide landscaping and a privacy fence to mitigate the impact of the side yard setback variance.

4. Petitioner shall use similar architecture and building material where applicable to assure compatibility with the surrounding neighborhood.

5. Petitioner shall provide additional landscaping along the eastern property line to screen the rear of the proposed dormitory from residences on Hillside Avenue.

6. The driveway shall be widened in accordance with the plan indicated in Petitioner's Exhibit 2, which shows a driveway entrance and drive aisle to be not less than 20 feet wide, to allow for emergency access.

7. Petitioner shall not utilize the property to perform religious services for the general public.

8. Petitioner shall not utilize off street parking in connection with the use of the property granted herein, and on-site parking shall be permitted only in designated spaces as shown on the site plan. In particular, there shall be no parking on any other areas of the property, including grass or dirt areas.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILING
3.28.08

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 28, 2008

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, #600
TOWSON, MD 21204

Re: Petition for Special Hearing and Special Exception
Case No. 08-042-SPHX
Property: 6334 Dogwood Road

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286
Please See Attached List

Revised 08-042-SPHX

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6334 Dogwood Road
Baltimore, MD 21207

which is presently zoned R.O.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and *made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County*, to determine whether or not the Zoning Commissioner should approve the use of a dormitory for 15-20 students as an accessory use in conjunction with a religious school

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Sarkar Kabiruddin
Name - Type or Print

Signature

Name - Type or Print

Signature

6334 Dogwood Road
Address Telephone No.

Baltimore MD 21207
City State Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print

Signature

Company

409 Washington Ave., #600 410-296-6820
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. 08-042-SPHX

REV 9/15/98

[redacted] 3.28.08

[redacted] PD

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6334 Dogwood Road
Baltimore, MD 21207

which is presently zoned R.O.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a dormitory (in conjunction with a religious school) for 15 to 20 students, per section 1B01.C.14 of the B.C.Z.R.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print

Signature

Company

409 Washington Ave, #600 410-296-6820
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Sarkar, Kabiruddin
Name - Type or Print

Signature

SARKAR, KABIRUDDIN
Name - Type or Print

Signature

6334 Dogwood Road
Address Telephone No.

Baltimore MD 21207
City State Zip Code

Representative to be Contacted:

Contact Attorney
MUFTI & ASSOCIATES, INC.
Name

6413 WINDSOR MILL RD 443-604-3127
Address Telephone No.

BALTIMORE MD 21207
City State Zip Code

Case No. 08 047 XA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING ½ DAY
UNAVAILABLE FOR HEARING —

Reviewed By JL Date 7/24/07

REV 09/15/98

AMENDED Revised 08-042-SPHX

Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 6334 Dogwood Road, Baltimore, MD 21207
which is presently zoned R.O.
Deed Reference: _____/___ Tax Account # _____

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A dormitory in conjunction with a religious school for 15 to 30 students, per Section 1B01.C.14 of the B.C.Z.R.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print

Signature

Company

409 Washington Avenue 410-296-6820
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Sarkar Kabiruddin
Name - Type or Print

Signature

Name - Type or Print

Signature

6334 Dogwood Road
Address Telephone No.

Baltimore MD 21207
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Case No. 08-042-SPHX

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

REV 07/27/2007

RECEIVED FOR FILING
Date 3.28.08
By PB

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6334 Dogwood Road, Baltimore

which is presently zoned R.O. 21207 MI

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B01.C.1.a of the B.C.Z.R. to permit a non-residential principal (institutional) building side yard set back of 8 feet in lieu of the required 20 feet.

& 409.4 to allow a two way drive isle with 10ft width in lieu of required 20ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1) Uniqueness of property
2) Such other and further reasons as are presented at the hearing of this matter.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print

Signature

Company

409 Washington Ave, #600 410-296-6820
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Sarkar, Kabiruddin
Name - Type or Print

Signature

SARKAR, KABIRUDDIN
Name - Type or Print

Signature

6334 Dogwood Road
Address Telephone No.

Baltimore MD 21207
City State Zip Code

Representative to be Contacted:

Court Attorney
MUFTI & ASSOCIATES, INC
Name

6413 WINDSOR MILL RD 443-604-3127
Address Telephone No.

BALTIMORE MD 21207
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 DAY

UNAVAILABLE FOR HEARING —

Case No. 08 042 XA

Reviewed By JL Date 7/24/07

REV 9/15/98

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-042-XA
6334 Dogwood Road
N/side of Dogwood Road, 100 feet north of Gwynne Oak Drive
1st Election District - 4th Councilmanic District
Legal Owner(s): Kabiruddin Sarkar

Special Exception: for a dormitory (in conjunction with a religious school) for 15 to 20 students per Section 1B01.C.14 of the BCZR. **Variance:** to permit a non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet and to allow a two way drive aisle with 10-foot width in lieu of the required 20 feet.

Hearing: Monday, October 1, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2). For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9./129 Sept. 13 148476

CERTIFICATE OF PUBLICATION

9/13, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 ~~successive~~ weeks, the first publication appearing on 9/13, 2007.

- ☑ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

041 JC

No. 04225

Date: 7/23/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				705.00

Total: 705.00

Rec From: KABIRUDDIN SARKAR

For: SPXA 6334 Dogwood Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/24/2007	7/23/2007	15:46:00	1

501 WALKIN WKID THR
>RECEIPT # EXPRESS 7/23/2007 OFLN
75 520 ZONING VERIFICATION
004225
Recpt Tot $705.00
$705.00 CK $.00 CA
Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 07665

Date: 11/13/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				525.00

Total: 525.00

Rec From: DORIN ULOOM MD INC

For: REV HEARING 08 042 XA 200.00
+ ADD NON RES SPH 08 042 XA 325.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

CERTIFICATE OF POSTING

RE: Case No: 08-042-XA

Petitioner/Developer:
KABIRUDDIN SARKAR

Date Of Hearing/Closing: 10/1/07

Baltimore County Department of
Permits and Development Management
County Office Building,Room 111
111West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 6334 DOGWOOD ROAD

This sign(s) were posted on September 14, 2007.
(Month, Day, Year)

Sincerely,

Martin Ogle 9/14/07
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

ZONING NOTICE

CASE # 98-3-Z - VA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE ROOM 407 COUNTY COURTS BUILDING 401 BOSLEY AVENUE TOWSON, MD 21204

DATE AND TIME THURSDAY OCTOBER 1, 1998 AT 9:00 AM

REQUEST SPECIAL EXCEPTION FOR A DAY CARE CENTER (IN CONJUNCTION WITH A RELIGIOUS SCHOOL) FOR 5 TO 20 STUDENTS. PER SECTION 1B01.1.C.18 OF THE B.C.Z.R. VARIANCE TO PERMIT A NON-RESIDENTIAL PRINCIPAL (INSTITUTIONAL) USE USING SIDE YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 20 FEET AND TO ALLOW A TWO WAY DRIVE AISLE WITH 20 FOOT WIDTH IN LIEU OF THE REQUIRED 22 FEET

HANDICAPPED ACCESSIBLE

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: Sarkar Kabiruddin
08-042-XA

Petitioner: _____

Address or Location: 6334 Dogwood Rd Baltimore, md 21207

PLEASE FORWARD ADVERTISING BILL TO

Name: Irfan Kabiruddin

Address: 6334 Dogwood Rd
Baltimore, md 21207

Telephone Number: (410) 982-4517

Revised 2/20/98 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 22, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-042-XA
6334 Dogwood Road
N/side of Dogwood Road, 100 feet north of Gwynne Oak Drive
1st Election District – 4th Councilmanic District
Legal Owners: Kabiruddin Sarkar

Special Exception for a dormitory (in conjunction with a religious school) for 15 to 20 students, per Section 1B01.C.14 of the BCZR. Variance to permit a non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet and to allow a two way drive aisle with 10 foot width in lieu of the required 20 feet.

Hearing: Monday, October 1, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Francis Borgerding, Jr., 409 Washington Ave., #600, Towson 21204
Kabiruddin Sarkar, 6334 Dogwood Road, Baltimore, 21207
Mufti & Associates, 6413 Windsor Mill Road, Baltimore 21207

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPT. 15, 2007.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 13, 2007 Issue - Jeffersonian

Please forward billing to:
Irfan Kabiruddin
6334 Dogwood Road
Baltimore, MD 21207

410-982-4517

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-042-XA
6334 Dogwood Road
N/side of Dogwood Road, 100 feet north of Gwynne Oak Drive
1st Election District – 4th Councilmanic District
Legal Owners: Kabiruddin Sarkar

Special Exception for a dormitory (in conjunction with a religious school) for 15 to 20 students, per Section 1B01.C.14 of the BCZR. Variance to permit a non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet and to allow a two way drive aisle with 10 foot width in lieu of the required 20 feet.

Hearing: Monday, October 1, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

2/26/08

In re: Petitions for Special Exception Special Hearing and Variance N/Side of Dogwood Road, 100 ft. North of Gwynn Oak Drive, 1st Election District, 4th Councilmanic.District Petitioner: Sarkar Kabiruddin and Darul-Uloom Maryland, Inc.	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No.: 08-042-SPHXA

* * * * * * * * * * * * *

PETITIONERS' MEMORANDUM

Now comes Darul-Uloom Maryland Inc. and Sarkar Kabiruddin by and through their attorney, Francis X. Borgerding, Jr., and files this Petitioners' Memorandum in support of the Petitioners' requested relief before the Deputy Zoning Commissioner for Baltimore County and says:

STATEMENT OF CASE

This matter comes before the Deputy Zoning Commissioner for Baltimore County upon the Petitioners' request for a special exception for a dormitory in conjunction with the religious school for 15 to 30 students per section 1B01.C.14 of the Baltimore County Zoning Regulations (herein "BCZR"), Petitioners' special hearing request for the use of a dormitory for 15 to 30 students as accessory use in conjunction with the religious school and Petitioners' requested variance to permit a non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet as required by section 1B01.2.C.1a of the BCZR.

Testifying in support of the Petitioners' requested relief were Rizwan Siddiqi, licensed professional engineer, and Irfan Kabiruddin, operator of proposed religious school on the subject property, Mohammad Mufti, Taiyab Mohiuddin, Sarkar Kabiruddin, Sarkar Kabiruddin, and Omar Smith. Testifying in opposition to the Petitioners' requested relief

were residents who lived nearby the subject property or in the general Woodlawn area, Dolores Johnson, Michelle Perrera, Phyllis Weaverling, Ruth Baskerville, Jerry Green, Joe Lastner, Betty Scott, Kerri Lastner and Dallas Griffitn of the Woodlawn Community Development and Educational Association.

RELEVANT LAW

Section 1B01.1A.14 of the BCZR which reads in pertinent part:

"Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones all of all classifications, subject to the restrictions hereinafter prescribed. [Bill No. 2-1992]"

"14. Schools, except business or trade schools or such schools as are permitted by special exception (Subsection C, below), but including schools for agricultural training. [Bill Nos. 63-1980; 47-1982; 47-1985].

"Section 204.3 Use regulations. [Bill Nos. 167-1980; 37-1988; 151-1988; 186-1994]

A. Uses permitted as of right. The following uses, only, are permitted as of right in any R-O Zone:

1. Uses permitted as of right and as limited in D.R.5.5 Zones..."

Special Exception relief.

Section 1B01.1C.14 which reads in pertinent part:

"C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. zones, subject to the restrictions hereinafter prescribed: Bill Nos. 105-1982; 36-1988"...

14 private colleges (not including business or trade schools), dance schools, dormitories or fraternity or sorority houses. (Bill No. 47-1985).

Section 502.1 of the BCZR which reads in pertinent part:

"Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, convenience or improvements;
F. Interfere with adequate light and air; [Bill No. 45-1982]
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, acquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. [Bill No. 74-2000].

Special Hearing relief.

Section 500.7 of the BCZR which reads in pertinent part:

"The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations."

Special Variance relief.

Section 1B01.2C.1.a of the BCZR which reads in pertinent part:

"C. Building setback requirements. [Bill No. 2-1992]

1. Except as otherwise may be provided under standards adopted pursuant to Section 504.2, the minimum setbacks and heights shall be as set forth in the following tables:

a. Nonresidential principal building setbacks in DR Zones.

	Front Yard (feet)	Side Yard Interior (feet)	Corner Street Side (feet)	Rear Yard (feet)
D.R.5.5	40	20	35	30"

TESTIMONY

Rizwan Siddiqi, a licensed professional engineer, was accepted by the Deputy Zoning Commissioner as an expert in land use and in the Baltimore County Zoning Regulations. Mr. Saddiqi testified he is familiar with the property. He indicated he prepared a plat of the property and the Petitioners' proposed use entered as Petitioners' Exhibit Number 1. Mr. Siddiqi also prepared Petitioners' Exhibit Number 2, a plat amendment which shows a revision to the access driveway to the subject property. Per the amendment the driveway will be constructed with a 20 foot width to meet the requirements of the BCZR and to address a comment received by Baltimore County *Department of Public Works requesting a 16 foot driveway width to allow for emergency* vehicle access. Mr. Saddiqi indicated that the revised 20 foot driveway width would allow the Petitioner to withdraw its requested variance to allow a two way drive aisle with a 10 foot width in lieu of the required 20 feet under the BCZR. Accordingly, Petitioner withdrew its requested variance in this regard.

Using the plat entered as Petitioners' Exhibit 1, Mr. Saddiqi described the property which is zoned R.O. as well as the two structures presently on the property which Mr. Saddiqi indicated dated from the 1920's. Mr. Saddiqi indicated the proposed use of the property was a religious school, permitted as of right pursuant to Section 1B01.1A.14 of the BCZR in conjunction with Section 204.3A.1 of the BCZR, with a dormitory for 15 to 30

students.

Mr. Saddiqi indicated the Petitioner was requesting relief via special exception and in the alternative special hearing to have the Deputy Zoning Commissioner grant approval of the dormitory use in conjunction with the religious school. Mr. Saddiqi indicated that special exception relief was being requested pursuant to Section 1B01.C.14 of the BCZR which allows for dormitory use via special exception. Mr. Saddiqi indicated that Petitioners' Exhibit Number 1 shows proposed parking for the Petitioners' use and he further indicated that no parking variances from the BCZR were being requested by the Petitioner. Mr. Saddiqi testified that in his expert opinion the Petitioners' requested relief met all of the criteria of Section 502.1 of the BCZR, Sections A-I.

In relation to the Petitioners' requested special hearing of the use of a dormitory for 15 to 30 students as an accessory use in conjunction with the religious school, Mr. Saddiqi indicated the Petitioner was requesting said relief or in the alternative to the requested special exception. Mr. Saddiqi indicated he was familiar with and identified the copy of the decision in zoning case number 06-486SPHA in which Bais Hamedrash and Mesivta of Baltimore, Inc. as Petitioners were granted relief by Zoning Commissioner Lawrence E. Schmidt which included the use of a dormitory for approximately 120 to 150 students in conjunction with the religious school. Mr. Saddiqi testified that the Petitioners' requested special hearing was granted and in his opinion he did not believe there would be any harm to the health, safety and welfare of the surrounding community.

In relation to the Petitioners' requested variance from Section 1B02.C.1.A to permit a non-residential principal (institutional) building side yard setback of 8 feet in lieu of the required 20 feet, Mr. Saddiqi indicated that the variance applied to the northwestern corner

of the structure located to the north and east on the subject property. Mr. Saddiqi indicated that the structure referred to as the carriage house was constructed in the 1920's prior to the introduction to zoning in Baltimore County in 1945. Further, Mr. Saddiqi testified that the location of the structure to his knowledge had not changed since its original construction and that the Petitioner was not proposing as part of its requested relief to in anyway change the location of the structure at issue. Mr. Saddiqi made clear that Petitioners' variance request was to legitimize the location of the building which has existed since the 1920's.

Mr. Saddiqi testified that he believed the Petitioners' property was unique due to its size and shape in relation to the structure at issue and the existing adjacent property line. Mr. Saddiqi testified that strict enforcement of the BCZR would cause the Petitioner to suffer practical difficulty and unreasonable hardship due to Petitioners' inability to use the structure at issue which had been constructed prior to the BCZR becoming effective. Further, Mr. Saddiqi testified that the buildings on the site and adjacent parking area had been utilized by Data Tech Engineering, which was an engineering firm with approximately 20 employees, for approximately 25 years prior to the Petitioners' purchase of the property.

On cross-examination Mr. Saddiqi indicated that the Petitioner would work with Baltimore County Landscape architect to comply with all county landscape requirements. Further Mr. Saddiqi indicated the Petitioner would be willing to condition its relief to prevent students driving cars and parking on the school's property. The Petitioner is willing to require students to be dropped off or reside in the dormitory. In addition, the Petitioner is willing to submit to a condition if so imposed prohibiting vehicle parking on the grass areas of the subject property. In addition, Mr. Saddiqi indicated the Petitioner would comply with

all conditions requested in the Baltimore County's Office of Planning's Comment.

Irfan Kabiruddin testified that he would operate the religious school on the subject property. Mr. Kabiruddin testified that he lives at 1901 Hillside Drive, across the street from the subject property. He resides with his wife and sons. Mr. Kabiruddin testified that the subject property was purchased by the Petitioner in early 2007. Mr. Kabiruddin testified he is the former religious director at the Islamic Society of Baltimore, a mosque which has operated in the Woodlawn area since 1969. Mr. Kabiruddin described the property and submitted pictures marked as Petitioners' #5 and #6 showing the property and area adjacent to the subject property.

Mr. Kabiruddin described the proposed use of the subject property as a religious school with a dormitory for 15 to 30 students. Mr. Kabiruddin clarified that notwithstanding the note on Petitioners' Exhibit Number 1 indicating that the main structure would be used for religious school, the structure would also be used for dormitory use in conjunction with the second structure on the subject property depending upon the number of dormitory students which enroll at the school. Mr. Kabiruddin clarified that the school will operate with a maximum of 30 students. The number of drop off students will depend upon the number of dormitory students which attend the school with a maximum number of total students being set at thirty. Mr. Kabiruddin testified as to how the school will function six days a week. On the school's off day, Friday, the students would still have some activities and Friday prayers to attend. Mr. Kabiruddin testified the students on site would be supervised 24 hours a day. He testified that students would not be allowed to drive on to or off of the subject property, that they could not leave the premises without his permission of the director of the school. Mr. Kabiruddin opined that the school would generate less

traffic than the previous use on the property which consisted of an engineering firm with approximately 20 employees. Mr. Kabiruddin opined the above as he rented the property back to the engineering firm in question for a period of three months after purchasing the property and living across the street. In sum, Mr. Kabiruddin's testimony indicated that the dormitory was necessary for the Islamic religious education to be taught to the students on the subject property. He indicated that the requested dormitory use would be very self contained and have little impact on the surrounding community. Mr. Kabiruddin opined that the dormitory use would generate less traffic than a typical school on the subject property because the dormitory students would not drive and, therefore, would not generate drop off or pick up trips every day. Mr. Kabiruddin forwarded a letter marked as Petitioners' Exhibit Number 7 which was a letter of support from a neighbor on Hillside Drive.

Mr. Kabiruddin testified that if Petitioners' requested special exception to allow a dormitory for 15 to 30 students in conjunction with the religious school was granted, that he believed that the granting of the special exception would not cause any harm to the health, safety and welfare of the surrounding community. Further, he testified that the granting of the special exception in his opinion would not tend to create congestion in the roads, streets or alley ways therein.

Mr. Kabiruddin further testified that if the Petitioners' alternative relief for special hearing for a dormitory for 15 to 30 students as an accessory use in conjunction with the religious school was granted, the granting of the requested relief would not cause any harm to the health, safety and welfare of the surrounding community.

In relation to the Petitioners' requested variance, Mr. Kabiruddin testified that he believed the variance was necessary to remedy the longstanding position of the structure

visa-vis the property line. He testified that the Petitioner would suffer practical difficulty and unreasonable hardship if the variance is not granted and further that the Petitioners' utilization of the structure at issue would be impeded.

On cross-examination, Mr. Kabiruddin indicated that he was not concerned about the location of the dormitory from Hertsch's tavern across Gwynn Oak Drive because the Islamic religion prohibits the drinking of alcoholic beverages. Further, he indicated the students living in the dormitory would be on the premises at all times unless he, as the Director of the school, gave permission for the students to leave.

Mr. Mohammad Mufti testified that he is a member of the Islamic society of Baltimore and familiar with the Petitioner and the Petitioner's proposed use of the religious school and dormitory. Mr. Mufti indicated that he supported the Petitioner's proposed use. He believed the proposed religious school and dormitory would be an asset to the community rather than cause a detriment to the community.

Taiyab Mohiuddin testified in support of the Petitioner's requested relief. Mr. Mohiuddin testified that he had two sons who attended an Islamic dormitory school located in Buffalo which is similar to the Petitioner's requested use. Further, Mr. Mohiuddin testified that his son got homesick and came back to live with his parents in the DC area. He indicated that if the proposed dormitory in conjunction with the Petitioner's religious school opened that his son would, in all likelihood, attend.

Omar Smith, a member of the Islamic society of Baltimore who lives at 6613 Johnnycake Road, Unit A, Woodlawn, Maryland, testified in support of the Petitioner's requested relief and said he believed the use would be an asset to the community. Gerald Rasheed and Sarkar Kabiruddin also briefly testified in support of the Petitioner's proposed

relief.

Prior to the lunch break of the case Dolores Johnson, Michelle Perrera, Phyllis Weaverling and Ruth Bakersville stood and indicated their oppositions to Petitioner's proposed relief.

Jerry Green who lives at 6412 Leonard Street, Woodlawn, Maryland 21207, Joe Lastner, 6409 Leonard Street and Betty Scott, 6410 Leonard Street all testified in opposition to Petitioner's requested relief and expressed concerns about the number of cars being parked on the subject property in its location close to Hertsch's tavern on Gwynn Oak Drive. In addition, Kerri Lastner, wife of Joseph Lastner, testified that she was concerned as related to the subject property's location across the street from Hertsch's Tavern. Ms. Lastner indicated she was concerned about the effect of the proposed relief on the surrounding community. Ms. Lastner claimed that the use of the engineering firm on the subject property did not cause any problems for her neighborhood and that the prior commercial use of the property had never generated traffic or parking issues. Ms. Lastner testified she was concerned about several incidents of cars being parked on the subject property, however, she indicated those activities stopped around November of 2007. Ms. Lastner asserted that the neighborhood already has a concentration of issues in the area, including the Meadowood School, Woodlawn High School, Hertsch's tavern and that problems associated with these issues spill over into their community. Ms. Lastner claimed that her community is stressed. Ms. Lastner expressed a concern that if the dormitory use is granted that the students from the dormitory would cause problems for her community. Ms. Lastner asserted that the dormitory would create a heavy burden on her community. On cross-examination, however, Ms. Lastner indicated that she would give no bearing that

the Petitioner's requested use is that of a religious school. She indicated that the Petitioner's testimony of how the religious education is being taught to the proposed dormitory students would have no bearing in her opinion as to the proposed dormitory's impact upon the surrounding community. Ms. Lastner indicated that despite the religious nature of the proposed dormitory use she remained concerned about the students coming into the area, committing crimes or causing other issues for the community.

Ms. Lastner had referred to the Woodlawn/Liberty Community Plan in her direct testimony but under cross-examination acknowledged that the Baltimore County Planning Office supported Petitioner's requested relief as long as the Petitioner adhered to certain conditions.

Pastor Ezio Ross testified on behalf of the Woodlawn Community Education and Development Organization. Pastor Ross testified about the number of group homes in the area of the subject property and the problems that they have caused. On cross-examination Pastor Ross acknowledged that the Petitioner was not requesting the use of a group home on the subject property.

On rebuttal, Irfan Kabiruddin testified briefly again reiterating his belief that the Petitioner's requested relief would not cause any detrimental affects of the health, safety and welfare of the surrounding community, Mr. Kabiruddin acknowledged that if the proposed relief is granted, the Petitioner would accept conditions on its relief to indicate that all parking of the Petitioner's proposed use should be on paved areas and not grass areas.

ARGUMENT

The testimony and evidence on the record before the Deputy Zoning Commissioner in the above-captioned case clearly indicate that the Petitioner has met its burden for the granting of its requested relief.

By designating a particular use as being permitted by special exception the legislative body has determined that the use is desirable and necessary in a zoning plan provided certain standards are met. Further, by designating a use to be allowed by special exception the legislative body has deemed it be generally compatible in other uses. Mossburg v. Montgomery County, 107 Md. App. 1 (1995). In special exception cases, the question is not whether the use permitted by way of special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), but rather the question is the standard is whether adverse effects in the particular location would be greater than those adverse effects ordinarily associated with the particular use that is to be considered by the agency. Schultz v. Pritz, 291 Md. 1 (1981).

The record in the above-captioned case does not establish that the Petitioner's proposed use will cause detrimental affects above and beyond those normally associate with a dormitory use in conjunction with the religious school elsewhere in an R.O. zone. On the contrary, the weight of the evidence before the Commissioner is that the proposed religious school and dormitory requested by the Petitioner will be an asset to a stressed community rather than cause additional stress upon a stress community.

Rizwan Saddiqi's testimony as an expert included testimony that the Petitioner's requested use would meet all of the individual elements of section 502.1 of the BCZR

Sections A-I. In addition, Irfan Kabiruddin testified about the details of the functioning of the religious school and dormitory proposed by the Petitioner and the weight of his testimony indicates that Petitioner's requested use of a dormitory will not cause the detrimental affects on the surrounding community that Protestants testified they are concerned about.

The Petitioner suggested several conditions throughout the course of the proceeding which can be granted if the Deputy Zoning Commissioner feels they are appropriate to address the concerns of the Protestants in regard to this matter.

Protestants' concerns about over utilization of parking on the subject property can be addressed by the condition of prohibiting off street parking from the subject property and in addition prohibiting parking only on designated parking areas rather than grass areas.

Protestants' testimony of concerns about students from the proposed dormitory who are attending a religious school coming into their neighborhoods and causing crime or littering or causing gang activity, etc. in light of what the community is experiencing with the Meadowbrook School, Woodlawn High School and nearby Hertsch's tavern are not well founded given the reality of what is being proposed by the Petitioner. The Petitioner is allowed a religious school on the subject property as a matter of right. Adding a dormitory to the Petitioner's proposed religious school at the subject property will not cause detrimental effects on the surrounding community above and beyond those normally associated with a dormitory use elsewhere on similarly zoned property. On the contrary, when the testimony and evidence before the Deputy Commissioner in this case is evaluated as a whole it is entirely appropriate to conclude that the Petitioner's proposed

dormitory use in conjunction with a religious school on the subject property will be a stale use that will be a benefit to a stressed community rather than cause the problems the Protestants have experienced from group homes, Hertsch's tavern, Meadowbrook School or Woodlawn Senior High School.

Based upon the record before the Deputy Zoning Commissioner, the Petitioner has not met its burden and its special exception relief should be granted.

In the alternative, pursuant to case number 06-486SPHA, Zoning Commissioner, Lawrence E. Schmidt, granted a special hearing to approve as an accessory use a dormitory in conjunction with a religious school for 120 to 140 children. The record before the Deputy Zoning Commissioner clearly establishes that the Petitioner's requested dormitory as an accessory use in conjunction with its religious school can be granted without any harm to the health, safety and welfare of the surrounding community. Accordingly, in the alternative, the Petitioner's special hearing should be granted.

Petitioner's variance pursuant to Section 1B01.2C.1A to permit a non-residential side yard setback of 8 feet in lieu of the required 20 feet should be granted. The record in the case establishes that the variance requested in relation to the structure on the property has been at its present location since the 1920's. Petitioner does not intend to move or alter the structure. As part of Petitioner's requested relief the variance is requested to legitimize placement of the building under the present BCZR. Strict enforcement of present day variance would disproportionately affect Petitioner's building as it existed prior to adoption of the BCZR. Further, the Petitioner would suffer practical difficulty and unreasonable hardship if the variance is not granted because of its inability to use the structure after its longstanding existence and use on the subject property.

Granting the Petitioner's variance request is entirely appropriate given the facts of the above-captioned case.

CONCLUSION

In light of the above, Petitioner's requested special exception should be granted or in the alternative the Petitioner's requested special hearing should be granted. In addition, the Petitioner's requested variance should be granted.

Respectfully submitted

FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 26th day of February, 2008, a copy of the foregoing was mailed, first-class postage prepaid, to:

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

FRANCIS X. BORGERDING, JR.

2/26/08

IN RE: PETITION FOR SPECIAL HEARING,	*	BEFORE
SPECIAL EXCEPTION VARIANCE	*	THE DEPUTY
6334 Dogwood Road Baltimore, Maryland 21207	*	ZONING COMMISSIONER
	*	OF
1st Election District 4th Councilmanic District	*	BALTIMORE COUNTY
LEGAL OWNERS Sarkar Kabirudinn	*	Case No.: 08-042-SPHXA
	*	
Petitioner	*	

* * * * * * * * * * * * *

PROTESTANTS' MEMORANDUM IN LIEU OF FINAL ARGUMENT

Greystone Community Association, Woodlawn Community Education and Development Association and individuals, ***Jerry Green, Joe Lestner, Betty Scott, Kerri Lestner, Pastor Essio Ross,*** by and through their attorney, ***J. Carroll Holzer, Esquire,*** Holzer & Lee, submit this Memorandum in lieu of Final Oral Argument and says:

I.

STATEMENT OF THE CASE

The owner of the property, ***Sarkar Kabirudinn*** and the ***Darul Uloom Maryland, Inc.***, a school acquired the subject site 6334 Dogwood Road in February 2007, which is zoned R-O (Residential Office). The existing site contains a two and one-half (2 ½) story stone building which was initially a residence, and also contains a one and one-half (1 ½) story brick building

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

located in the rear. The site was later used as an office for an engineering firm prior to the present owner/petitioner acquiring it. The Special Exception/Special Hearing area for use of the School and dormitory is located on two (2) parcels (4 and 5) and is limited to those areas. Parcels 1, 2 and 3 are not part of the Special Exception request.

The Special Exception request is for a dormitory in conjunction with a religious school. Initially, it asked for fifteen (15) to twenty (20) students but was amended from fifteen (15) to thirty (30) students. The Special Hearing is for the dormitory to be determined as an accessory structure in conjunction with a religious school. A Petition for Variance was requested to permit a non-residential principal institutional building side yard setback of eight feet (8') in lieu of the required twenty feet (20').

A hearing was held before the Deputy Zoning Commissioner on January 25, 2008.

II.

STATEMENT OF FACTS

A. Petitioner's Case.

The Petitioner's presented the following witnesses:

1. ***Mufti & Associates, Inc.***, engineers by ***Mr. Rizwan Fiddiqi*** testified that the subject site consists of five (5) parcels. Lots 4 and 5 consist of one acre and Lots 1, 2 and 3 are .64 tenths of an acre. The school proposes to use the main building (2 ½ story stone building) for a school and a one and one-half (1 ½) story brick carriage house as it currently exists as the dormitory. (This was later contradicted by the owners testimony and the conflict introduces a

significant issue in this case). He presented Petitioner's Exhibit #1, which is the Site Plan which reflects that the two and one-half (2 ½) story stone building is to be used for the religious school with the corresponding note thereon and that one and one-half (1 ½) brick building was to be used for living quarters. That is the designation of the uses of the two (2) buildings on the Plat to accompany this request.

On cross-examination, Fiddiqi indicated in his testimony that there would be eight (8) to ten (10) students residing in the dormitory and the rest would be commuting. When asked what the maximum number of students in the dormitory would be, he indicated ten (10) residents. He further commented in Note 20 on the Plat that there would be eight (8) to ten (10) students living in the dormitory which was identified as the one and one-half (1 ½) story brick building in the rear. This testimony and the Site Plan is substantially different from the later testimony presented by the owner. Fiddiqi also testified that the variance of eight feet (8') should be granted because the building had previously been utilized by an office for twenty (20) engineering employees. He could not respond to the fact that the engineers were only there working during the day and left in the evening and now there would be at least ten (10) persons living in the building twenty-four hours per day, if not more depending on which person's testimony is accepted.

Petitioner's Exhibit #2 was submitted as an amendment to the original Petition, showing a macadam driveway of twenty feet (20'), paved access as a result of Dennis Kennedy's plans review comment. Finally, he testified that the use as a dormitory would have no effect upon the Community under B.C.Z.R. §502.1.

Fiddiqi seemed unsure of the intended operation of the school and the dormitory in his testimony. He also testified that the dormitory, pursuant to the Special Hearing could be considered an accessory use to the school and submitted Petitioner's Exhibit #3, which was Case No.: 06-486-SPHA.

Finally, he testified that they needed a variance from the required twenty-foot (20') to eight feet (8') to permit a non-residential principal institutional building side yard setback. He described the one and one-half (1 ½) story brick building as being within eight feet (8') of the property line. The property closest to the subject site is currently a private residence.

2. ***Sarkar Kabirudinn.*** The owner of the subject site testified that he resides across from the subject site at 1901 Hillside Drive with his wife and two (2) children. Mr. Kabirudinn began his testimony by explaining that there are other numerous churches, schools, daycare facilities, including Mother's Daycare, a church, Bethany United Church of Christ Daycare, Choo-Choo All Aboard Daycare, Redemption Christian Fellowship, Woodlawn High School and Meadowoods Alternative School. However, it is clear that none of these uses have dormitories as requested in this Petition.

Kabirudinn also testified that he intended to use ***both*** buildings for dormitory use. The Petition as amended and the Site Plan clearly establish that the front main building, two and one-half (2 ½) story stone building is to be used for the school and that the one and one-half (1 ½) story brick building in the rear was to be used for living quarters. His testimony totally changed from what was indicated on the Site Plan as well as contradicting the testimony

of his own engineer. He calculated that in the stone building he could house thirty (30) students on all four (4) floors and he could house an additional fifteen (15) in the carriage house one and one-half (1 ½) story building. This testimony certainly leads one to conclude that there is potential for forty-five (45) students being housed on this site if this Special Exception and Special Hearing were granted as requested by the Petitioner. In addition, he indicated that a night guard and another person might be living there as well.

The age of the students using the dormitory would be from ages twelve (12) to twenty (20), which would indicate that some of these dormitory students may well bring vehicles to the site.

For those drop off students, he indicated the hours would be from 8:00 a.m. to 4:30 p.m. The school would be functioning six (6) days a week with Friday as the only day off from the scholastic activities. However, resident students in the dormitory would be there all seven (7) days.

Kabirudinn testified that he would be responsible for supervising the activities on the site, yet testimony produced from the Protestants' established that the occupants had become unruly from the standpoint of parking vehicles all over the grass (including Kabiruddin's own home across the street) as well as creating traffic interruptions by going the wrong way on a one-way street and blocking the side streets after events at the site.

When questioned on cross-examination about the past abuse on the site, such as parking on the grass and in the front yard, he indicated that they were told not to park there and they did anyway and he could not control them.

When cross-examined in regard to the number of students that could be housed on the site, he reiterated that both the two and one-half (2 ½) story stone building and one and one-half (1 ½) story brick building will be utilized as dorms for the number of persons that the Zoning Commissioner approves. When questioned as to whether he would agree that the school could only have fifteen (15) in the one and one-half (1 ½) story building and no dorm in the stone building, the witness refused indicating they wanted a dorm in both buildings. The witness was further unresponsive as to whether the thirty (30) requested persons in the dorm will include a security guard and a teacher living on the site.

3. ***Other Witnesses.*** The Petitioner presented four (4) other witnesses, not from the neighborhood, who supported the request.

B. ***Protestants' Case***.

1. ***Jerry Green*** of 6412 Lehnert Street, testified that he has resided across the street from the proposed school and dormitory for eight (8) years; that he has witnessed on numerous occasions many cars parked on the grass surrounding the property. He testified that he is opposed to the dormitory in view of the traffic in and out of the site. He testified that there was hardly any activity on the subject site when it was a civil engineering firm.

2. ***Joe Lastner*** of 6409 Lehnert Street, testified that he has resided in the neighborhood since 1998. Since the Petitioner's have owned the property, there have been activities in the evenings with cars parked all over the subject site and that on at least two (2) occasions on the weekends, a hundred cars parked all over the property. He presented photographs taken in the early evening as Protestants' Exhibits #1 and #2, illustrating the activities on site.

3. ***Betty Scott*** of 6410 Lehnert Street, testified that she is a licensed daycare provided for eight (8) children and has never had any problem in the neighborhood She testified that the Petitioner, in attempting to confront her in regard to her concerns about the dormitory frightened her in the evening. She testified that she believes the property values in the neighborhood will go down.

4. ***Kerri Lastner*** also of Lehnert Street, testified that the subject site is the "gateway" to the residential community. She presented photos illustrating the overall neighborhood and photos showing various buildings in relationship to the residential properties. She testified and showed photographs of the parking on the subject site on the grass and other areas. She testified as to the drive pattern and violations of persons utilizing the school property, going the wrong way on a one-way street, utilizing Hertsch's Tavern as a turnaround creating extra traffic on Lehnert Street and Alto Vista Street and disrupting traffic flow in the neighborhood after events. She testified that in addition to the parking on the grass, there were bookshelves on the porch, paper and vinyl signs destroyed by weather littering the grounds of the property.

She testified that the neighborhood already has multiple problems such as Hertsch's Tavern. She presented photographs and crime stats to illustrate the disruptive nature of the Tavern on the neighborhood. The Meadowoods Center Alternative School which has seventy-five (75) daytime students for disruptive children and Woodlawn High School have created problems in the neighborhood. She presented articles and crime stats relative to the difficulties that have flowed into the neighborhood from Woodlawn High School and group homes.

She testified that the Petitioner's conflicting presentations before the Hearing have left her confused s well as the testimony during this Hearing. How many students would be there overnight and where they would be located and which of the buildings would be utilized for the dormitory. She testified that the Community experience is that men, not children, have been attending the various functions at the site. She testified that past behavior often predicts future problems. She indicated that the challenges that already exist in the neighborhood are going to be further compounded by the proposed school and dormitory and that if granted, the dormitory would place a heavy burden on an already strained community.

5. ***Pastor Ross***. Pastor Ross testified for the Woodlawn Community Education and Development Association, Inc. He testified in opposition. He raised concerns about the Petitioner going to several homes uninvited, accosting current residents and creating unfortunate incidents. (See November 16, 2007, letter in the file).

Further testimony was presented as to the large number of group homes that have been placed in this sector of Baltimore County which have created a disruptive influence to the lawful homeowners residing in this area.

Finally, a significant number of letters from individuals who were unable to attend the hearing illustrate the multiple concerns of the local residents related to having a dormitory located on the subject site.

III.

LEGAL ARGUMENT

First, the R-O zone, under §204.3 B.C.Z.R., permits as a matter of right those uses as limited in the D.R. 5.5 zone (§204.3.A.1, the uses permitted of right with respect to D.R. zones in general permit under §1B01.1.A.(14), schools). The express language of "schools" does not include a dormitory. Dormitories are expressly set forth in §1B01.1.C.14. It appears then that dormitories are required to obtain a Special Exception in an R-O zone. Protestants' submit that the criteria for granting a Special Exception under §502.1 must be met for a dormitory to be located on the subject site.

The Petitioner has filed a Special Hearing requesting a determination that a dormitory in this instance can be declared an "accessory" use without the need of satisfying the §502.1 criteria. Protestants' submit that where the language of the Baltimore County Zoning Regulations is specific, that the standard required by §502.1 cannot be met by circumventing the specific language of the Zoning Regulations to call a dormitory an "accessory" use. The specific must prevail over the general. Protestants' are familiar with Case No.: 06-486-SPHA as well as Case No.: 01-191-SPH. Protestants' submit that those cases cannot override the clear language of the Zoning Regulations.

Second, Baltimore County Zoning Regulation §101 defines "accessory use or structure" as one which is customarily incident and subordinate to and serves a principal use or structure.

As a secondary argument, it is clear that from the testimony of the Petitioner himself that the school known as Darul Uloom Maryland, Inc. is a new school creating a new concept in the State of Maryland. In fact, apparently there may be only one such similar operation in the entire

United States in the State of New York. Nevertheless, there is nothing customary about placing a dormitory on a former residential lot consisting of .458 and .545 acres. This site, from its visual presentation on Protestants' photographs as well as Petitioner's Exhibit #1 can be seen to be nothing more than a former residential home with a carriage house and swimming pool. To suggest that this equates to a suitable area of acreage to support a dormitory as accessory is ludicrous. For instance, in Case No.: 01-191-SPH, it is clear that the property consisted of eight (8) acres which formerly housed the Summit Country Club where the buildings were previously used as a clubhouse and a bath house.

Case No.: 06-486-SPHA permitted additional dormitory space because there was clearly a "campus" function. Here, to suggest that these two (2) parcels of the subject site can provide a "campus atmosphere" in this location does not make common sense. Thus, the Petition for Special Hearing has an accessory use fails for two (2) reasons. The first being that the Special Exception requirement of §502.1 must be met as the requirement under the Baltimore County Zoning Regulations and second, the proposed site could not be customarily incidental to a campus which would permit dormitory living.

The Petition for Variance further illustrates the unnatural use of a dormitory on this site in that the one and one-half (1 ½) story building which is eight feet (8') from the property line of the neighboring single-family residence creates a situation where ten (10) to fifteen (15) students and possibly thirty (30) will be living eight feet (8') from the property line of the residential home next door. This one and one-half (1 ½) story building previously functioned as an office for an engineering firm which utilized the building during business hours, while here the Petition requests a dormitory which will function as living space within eight feet (8') of the property line, twenty-four hours a day.

The change in use from an office use to a dormitory will negatively impact the Community and the residential use next door and should be denied.

The Special Exception requesting a dorm when viewed in context with §502.1 must also be denied for the following reasons. The past history since the property was acquired by the present owner, has demonstrated that despite the warnings of the owners of the property, persons visiting the subject site have tended to park all over the grass, have accosted old time residents of the Community verbally and in an abusive fashion, have blocked the street for the surrounding residents, have created traffic situations by leaving the property against the flow of traffic on a busy one-way street. The Protestants' testimony have established that for the health, safety and general welfare, this Special Exception should be denied. They have established that this use has tended to create congestions in roads, that it has overcrowded that land with an undue concentration of population on the previously heretofore residential used property.

Further, in applying the *Schultz v. Pritts* standard to this case, it can clearly be seen that the impact of this proposed dormitory will have greater affect here than in other places in the R-O zone. The testimony of many Protestants' have established that this Community has been saturated with group homes, with schools (Woodlawn High School and the Meadowoods Center) and it is on a one-way street. The combination of all these factors make the location of this proposed dormitory unique in the requirements of *Schultz v. Pritts*. It is clear that the impact of this dormitory at this location is greater than would occur elsewhere in the R-O zone.

Conflicting Testimony

The Deputy Zoning Commissioner should be aware of the "creeping request" of this Petitioner and the unclear nature of the Petitioner's specific request.

As an example, the Planning Office in its comments of October 2007, wanted to know the maximum number of students allowed in the school. Apparently, the Petitioner wants a maximum of thirty (30) students in the school. Then the Planning Office wanted to know the maximum number of students to be housed in the proposed dormitory. That issue is up in the air for the following reasons.

First, the Plat to accompany this Special Hearing and Special Exception for a dormitory suggest that the two and one-half (2 ½) story stone building is to be used only for the school and that the one and one-half (1 ½) story brick building was to be used only for living quarters. Secondly, on the Plat, Note 20 indicates that eight (8) to ten (10) students will be living in the dormitory, not thirty (30). Further, the testimony of the Petitioner's engineer makes it clear that from reviewing the tape of the hearing, that the maximum number of students that would reside in the one and one-half (1 ½) story building would be ten (10). He further testified that while there would be thirty (30) students in the school, ten (10) would use the proposed dormitory and that the two and one-half (2 ½) story building would be used solely for the school. When the owner, Sarkar Kabirudinn testified that he would use both buildings (the two and one-half (2 ½) story stone building and the one and one-half (1 ½) story brick building as a dormitory) and that he could house thirty (30) in the two and one-half (2 ½) story stone building and fifteen (15) in the one and one-half (1 ½) story brick building.

IV.

CONCLUSION

From the obvious misinformation provided both before this hearing both to the neighborhood and during the hearing when one compares the testimony of the two (2) witnesses as well as the Site Plan, it can be seen that the opportunity for abuse in this case exists.

While the Protestants' do not believe that the Petition for Special Hearing or Special Exception should be granted, if it is, there should be significant conditions and limitations placed upon this property as it relates to parking as well as the number of students permitted in the dormitory and which buildings can be utilized for overnight living. The citizens and the Protestants' should not be placed in the situation that they must police the activities of the Petitioner's on this site. The past history suggests that potential for abuse exists at this site.

Protestants' submit that the two and one-half (2 ½) story stone building should ***not*** be permitted to be a dormitory at all and that the one and one-half (1 ½) story brick building should be limited to ten (10) dormitory beds, if in fact, permission is granted at all.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants'

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2008, a copy of the foregoing Memorandum of Protestants' was mailed first class, postage pre-paid to the following: Francis X. Borgerding, Jr., Esquire, Mercantile Building – Suite 600, 409 Washington Avenue, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

4/24/08

IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION	*	BEFORE THE DEPUTY
N Side Dogwood Rd., 100 N Of Gwynne Oak Drive	*	ZONING COMMISSIONER
(6334 Dogwood Road)	*	OF BALTIMORE COUNTY
1st Election District		
4th Councilmanic District	*	
Sarkar Kabiruddin *Petitioner*	*	Case No.: 08-042-SPHXA

* * * * * * * * * * * * * *

NOTICE OF APPEAL

GREYSTONE COMMUNITY ASSOCIATION, KERRI LASTNER, PRESIDENT, 6409 LEHNERT ST., BALTIMORE, MD, 21207; WOODLAWN COMMUNITY EDUCATION & DEVELOPMENT ASSOCIATION, MS. VAN ROSS, PRESIDENT, PO BOX 47702, BALTIMORE, MD 21244, and individuals KERRI LASTNER (at above address); JERRY & AUDREY GREEN, 6412 LEHNERT ST., WOODLAWN, MD 21207, and BETTY SCOTT, 6410 LEHNERT ST., BALTIMORE, MD 21207, Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer and Holzer and Lee, feeling aggrieved by the decision of the Deputy Zoning Commissioner in Case No. 08-042-SPHX, hereby note an appeal to the County Board of Appeals from Findings of Fact and Conclusions of Law of the Deputy Zoning Commissioner of Baltimore County dated March 28, 2008 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellants' check made payable to Baltimore County to cover the costs of the appeal. Appellants were parties below and fully participated in the proceedings.

RECEIVED

APR 24 2008

Per ...

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of April, 2008, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to: Francis X. Borgerding, Esquire, 409 Washington Ave., Towson, MD 21204; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; and People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, M, 21204.

J. CARROLL HOLZER, Esquire

C:\My Docs\Notices 2007\LGVA-Tim Cypull CBA 1-10-07

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 22, 2008

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, SUITE 600
TOWSON, MD 21204

Re: Petition for Variance
Case No. 08-042-XA
Property: 6334 Dogwood Road

Dear Mr. Borgerding:

Your letter dated January 15, 2008 to Zoning Commissioner William J. Wiseman, III has been forwarded to my attention for review, as I will be hearing the case on January 25, 2008 at 9:00 AM concerning the Petition for Special Exception and Variance for property located at 6334 Dogwood Road.

Please be advised that I am not inclined to set aside a period of at least two hours (12:30 PM to 2:30 PM) on that date for a lunch recess. I am certainly mindful and appreciate the need for the extended recess is for your clients to attend a religious prayer service on the date and time in question. I do not wish to prevent your clients from attending the prayer service; however, I believe it is more appropriate to adjourn for the day at 12:30 PM if your clients have a scheduling conflict, and to reschedule the balance of the hearing to another date as soon thereafter. Perhaps an agreeable date can be obtained for a morning or afternoon. By copy of this letter, I am advising Mr. Holzer of my position on this matter and would advise you both to attempt to obtain an additional agreeable date to complete the hearing.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

c: J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286

To Kristen Matthews
TMK

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 27, 2007

Woodlawn Community Education & Development
Association, Inc.
Mrs. Van Ross, President
Dallas Griffin, Vice President
PO Box 47702
Baltimore MD 21244

Francis X. Borgerding Jr.
Esquire
409 Washington Avenue #600
Towson MD 21204

Re: Petition for Special Exception and Variance
Case No. 08-042-XA
Property: 6334 Dogwood Road
Legal Owner: Sarkar Kabiruddin

Dear Community Association and Counsel:

This Office is in receipt of a letter dated September 25, 2007 from Mrs. Van Ross, President, and Mr. Dallas Griffin, Vice President, of the Woodlawn Community Education and Development Association, Inc., requesting a postponement of the above-referenced hearing. The request is made, indicating that the Community was not informed of the zoning request in a timely manner.

Initially, I note that the zoning file indicates the property was posted with a sign indicating the date, time, place, and subject matter of the hearing. Notice was also published in *The Jeffersonian* newspaper on September 13, 2007. Hence, it appears the proper posting and publishing notice requirements were met. I also note, however, that the file contains at least six separate letters in opposition from nearby concerned citizens, in addition the instant postponement request. Therefore, in order to give the Community Association, as well as the concerned community residents, the opportunity to prepare for the hearing, this letter is to confirm that the above-captioned matter, which was scheduled for a public hearing on Monday, October 1, 2007, is being postponed at the request of the Community Association. This matter will need to be re-advertised and the property reposted at least 15 days prior to the next hearing date at the Community Association's expense.

Please contact Kristen Matthews in the Department of Permits and Development Management to reschedule the matter to a date convenient for the Association and Counsel. She can be reached at 410-887-3391.

In the meantime, should anyone have any questions on the subject, please do not hesitate to contact me.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

c: (Timothy M. Kotroco, Director, Permits and Development Management,
Councilman Kenneth N. Oliver
Kristen Matthews, Permits and Development Management
Clarence Hunter, 6405 Gilmore Street, Woodlawn MD 21207
Grace E. Williams, 1918 Gwynn Oak Avenue, Baltimore MD 21207
Barry R. Heeter, 6444 Lehnert Street, Baltimore MD 21207
William L. Meredith, 6410 Gilmore Street, Woodlawn MD 21207
Mr. & Mrs. Wayne A. King, 1916 Gwynn Oak Avenue, Gwynn Oak MD 21207
Rodney T. Spence, 6409 Gilmore Street, Woodlawn MD 21207

From: Patricia Zook
To: vaez@verizon.net
Date: 9/27/2007 4:14:11 PM
Subject: 08-042-XA - letter of postponement

Good afternoon -

Please find a copy of the postponement letter as you requested.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

TB
1-25-08

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

RECEIVED
JAN 16 2008
BY:.....

January 15, 2008

William Wiseman
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
Case No.: 08-042XA
Property: 6334 Dogwood Road
Legal Owner: Sarkar Kabiruddin

Dear Mr. Wiseman:

I am writing on behalf of my client, Sarkar Kabiruddin, owner of 6334 Dogwood Road, and Dar ul-Uloom of Maryland, Inc. in relation to the above-referenced case scheduled for a full day's hearing on Friday, January 25, 2008. I am requesting, on behalf of my clients, that a lunch recess be granted from the time period of 12:30 p.m. to 2:30 p.m. on the day of the scheduled hearing of the above-referenced case. The reason for the request is that my clients, as well as members of their religious congregation, are obligated to attend a religious prayer service on that day during the time in question.

Thank you for your consideration of this request.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: J. Carroll Holzer, Esquire

Memorandum

BY FACSIMILE

To: Timothy M. Kotroco, Director
Permits and Development Management

Fr: Councilman Ken Oliver

Re: Request for Postponement of Case Number: 08-042-XA

Date: September 26, 2007

Attached, please find a copy of the communication that I received from the community requesting a postponement of the Zoning Hearing Case Number 08-042-XA, which is self-explanatory.

Please feel free to contact my office at (410) 887-3389, should you have any additional questions or concerns.

Thank you, as always, for your attention and cooperation.

KNO:clp

Attachment

Woodlawn Community Education and Development Association, Inc.
P.O. Box 47702
Baltimore, MD 21244

(410) 298-5307 **Fax (410) 594-9120**

September 25, 2007

Councilman Kenneth Oliver
400 Washington Avenue
Towson, MD 21204

Dear Councilman Oliver:

This letter is being written on behalf of the Greater Woodlawn Community. **We are requesting a postponement of a Zoning Hearing for Permit #08-042-XA, DaruiuLoom Maryland School**, which sits on the corner of GwynnOak Avenue and Dogwood Road.

The Community was not informed in a timely manner of the Zoning request from the above-mentioned school.

If you have any questions, please feel free to contact Mrs. Ross via email woodlawncommunity1@yahoo.com or (410) 298-5307.

Sincerely,

/s/
Mrs. Van Ross, President

/s/
Mr. Dallas Griffin, Vice-President

cc:
County Executive Jim Smith
Senator Delores Kelley
Delegate Adrienne Jones
Delegate Emmett Burns
Delegate Shirley Pulliam
Councilman S.G. Samuel Moxley, Chairman of the Baltimore County Council
Laura Barnhardt, Sun Reporter
WCEDA Board
Affiliated Home Associations

LAW OFFICES
J. CARROLL HOLZER, P.A.
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961
FAX (410) 825-4923 / E-MAIL: JCHOLZER@CAVTEL.NET

Facsimile Cover Sheet

To: Tim Kotroco, Director

From: J. Carroll Holzer/Sterling Leese/Peggy Gilley

Date: Oct. 22, 2007 Time: 12:45 a.m./p.m.

Total Number of Pages Including this Cover: 2

Original Will ____ / Will Not X Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes:

Fax Number: 410- Main Number: 410-

Client & Matter: File Number: #

CONFIDENTIALITY NOTICE

The information in this transmittal is intended only for the individual or entity named above. The attached letter or documents may be legally privileged and confidential. If you have received this information in error, please notify the sender immediately and return the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited and a breach of confidentiality.

C:FORMS/Faxcover

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

October 22, 2007
#7740

To Kristen Matthews:
How you schedule this case - call Carroll Holzer to check his calendar
Thx

VIA FAX 410-887-5708
Mr. Timothy Kotroco, Director
Permits & Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception & Variance; 6334 Dogwood Road
Case No. 08-042-XA; Legal Owner: Sarkar Kabiruddin

Dear Mr. Kotroco:

I represent Ms. Audrey Green, 6412 Lehnert Street; Ms. Kerri Lastner, 6409 Lehnert Street; and Ms. Betty Scott, 6410 Lehnert Street, all of Baltimore 21207, in the above captioned matter. Please enter my appearance in this case and direct any notices, correspondence and hearing dates to me at my above address. I understand that the above case has not to date been set in for a hearing and I request that your office check with me before doing so to determine my availability.

If you have any questions in this regard, please feel free to contact me.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Frank Borgerding, Esq.
Ms. Audrey Green, et al.

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

February 21, 2008
#7684

Fax # 410-887-3468
Thomas Bostwick, Esquire
Deputy Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 6334 Dogwood Rd., Case No. 08-042-XA

Dear Mr. Bostwick:

First of all, I appreciate your timely response to our request for an extension of time to file memoranda in the above referenced matter. Because of my busy trial schedule, I asked Frank Borgerding if we could stipulate to an extension of time to file memos that are due tomorrow, February 22, 2008.

By agreement of counsel, memoranda are due in this matter no later than the end of the business day on Tuesday, February 26. I appreciate your cooperation and assistance.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Francis X. Borgerding, Jr., Esq.

08-042-XA
10-1-07 -
postponed

From: Thomas Bostwick
To: Kelley, Delores Senator
Date: 11/16/07 4:57:34 PM
Subject: Re: Darul Uloom Maryland Zoning Hearing

Dear Senator Kelley,

The Zoning Commissioner's Office does not handle the scheduling and re-scheduling of Hearings; however, I am confident that the Department of Permits and Development Management - Zoning Review Office will re-schedule the above-referenced matter as quickly as possible. As you may be aware, the Hearing was postponed from the original October 1, 2007 date in order to provide the Woodlawn Community Education & Development Association, Inc., as well as concerned community residents, the opportunity to prepare for the hearing and present their position.

Please be rest assured that all interested parties on both sides of this case will be given a full and fair Hearing when this matter is rescheduled. Thank you for you interest in this matter.

Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
401 Bosley Avenue, Room 405
Towson, Maryland 21204
Phone: (410) 887-3868
Fax: (410) 887-3468

Confidentiality Statement

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>>> "Kelley, Delores Senator" <Delores.Kelley@senate.state.md.us> 11/16/07 4:05 PM >>>
Dear Mr. Bostwick:

I hope that you will soon reschedule the hearing for the Darul Uloom Maryland school. We should not be intimidated by a few ignorant residents who wish to divide the community by race, culture and religion.

There should be due process for all law abiding citizens who appeal to their government for educational opportunities and fair hearings.

Sincerely,

Delores G. Kelley

State Senator

10th Legislative District

CC: bccdistrict4@comcast.net; Jones, Adrienne Delegate

Thomas Bostwick - DaruiuLoom Maryland School Plans for Dormitory

From: Van Ross <woodlawncommunity1@yahoo.com>
To: "Thomas H. Bostwick" <tbostwick@baltimorecountymd.gov>
Date: 11/16/07 8:21 AM
Subject: DaruiuLoom Maryland School Plans for Dormitory
CC: Captain Barry Barber <bbarber@co.ba.md.us>, Emmett Burns <emmett.burns@house.state.md.us>, Officer Glass <bglass@co.ba.md.us>, Dallas GRIFFIN <dgriff@verizon.net>, Debbie Hayward <editor@woodlawnvillager.com>, Evelyn JACKSON <evejay04@yahoo.com>, Adrienne Jones <adrienne.jones@house.state.md.us>, Delores Kelley <delores.kelley@senate.state.md.us>, "S.G.Samuel Moxley" <bccdistrict1@comcast.net>, Shirley Nathan-Pulliam <shirley.nathan.pulliam@house.state.md.us>, Ken Oliver <bccdistrict4@comcast.net>, Jim Smith <jsmith@co.ba.md.us>, "William J. Wiseman III" <wwiseman@baltimorecountymd.gov>

Please see attachment..A hard copy will also be faxed to you or your office.

Pastor Van Ross
Founder & President
WCEDA, Inc.

Be a better pen pal. Text or chat with friends inside Yahoo! Mail. See how.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

September 25, 2007

Francis X. Borgerding, Jr.
409 Washington Avenue, #600
Towson, Maryland 21204

Dear Mr. Borgerding:

RE: Case Number: 08-042-XA, 6334 Dogwood Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 24, 2007. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures
c: People's Counsel
Sarkar, Kabiruddin 6334 Dogwood Road Baltimore 21207
Mufti & Associates, Inc. 6413 Windsor Mill Road Baltimore 21207

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 2, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 30, 2007

Item Number: 042

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: August 1, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 6, 2007
Item No. 08-042

Since people will living in the dormitory, the driveway should be widened to at least 16 feet, with no parts being narrower. This is for emergency access.

DAK:CEN:cab
cc: File
Attachment
ZAC-ITEM NO 08-042-08062007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: July 31, 2007

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 8-42-XA
6334 Dogwood Road
Kabiruddin Property
Special Exception
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-42-XA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

TB 10/1
9AM
Postponed

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 1, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 6334 Dogwood Road

INFORMATION:

Item Number: 8-042 - XA

Petitioner: Karirrudin Sakar

Zoning: RO

Requested Action: **Variance and Special Exception**

RECEIVED
OCT 15 2007
BY:.....

SUMMARY OF RECOMMENDATIONS:

The subject property is located in a Community Conservation Area. There is no indication on the plan that the existing house is to be converted to a school. A matter of right allows the proposed school, however the petitioner shall address the following:

- Add a note to the plan indicating that the existing house will be converted to a school and the maximum number of students allowed in the school.
- Indicate the maximum number students to be housed in the proposed dormitory.
- Provide landscaping and a privacy fence to mitigate the impact of the requested variance (to permit a side yard setback of 8-feet in lieu of the required 20 feet.)
- Use similar architecture and building material to assure compatibility with the surrounding neighborhood.
- Provide additional landscaping along the eastern property line to screen the rear of the proposed dormitory from residences on Hillside Avenue.

The Office of Planning supports the requested special exception to operate a dormitory in conjunction with a religious school; and variances to permit a yard setback of 8- feet in lieu of the required 20 feet set-back and a the variance to allow a 10 foot driveway in lieu of the required 20 foot driveway provided the petitioner addresses the comments listed above.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\8-042.doc

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE	
6334 Dogwood Road; N/S Dogwood Rd, 100' N Gwynne Oak Drive	*	ZONING COMMISSIONER	
1st Election & 4th Councilmanic Districts	*	FOR	
Legal Owner(s): Sarkar Kabiruddin Petitioner(s)	*	BALTIMORE COUNTY	
	*	08-042-XA	

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2007, a copy of the foregoing Entry of Appearance was mailed Mufti & Associates, Inc, 6413 Windsor Mill Road, Baltimore, MD 21207 and to Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED
AUG 03 2007
Per

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

June 10, 2008

Francis Borgerding, Jr.
409 Washington Avenue, Ste. 600
Towson, MD 21204

Dear Mr. Borgerding, Jr.:

RE: Case: 08-042-SPHX, 6334 Dogwood Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 24, 2008 by J. Carroll Holzer. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
See Attached List

Case No.: 08-042-SPHX

Exhibit Sheet

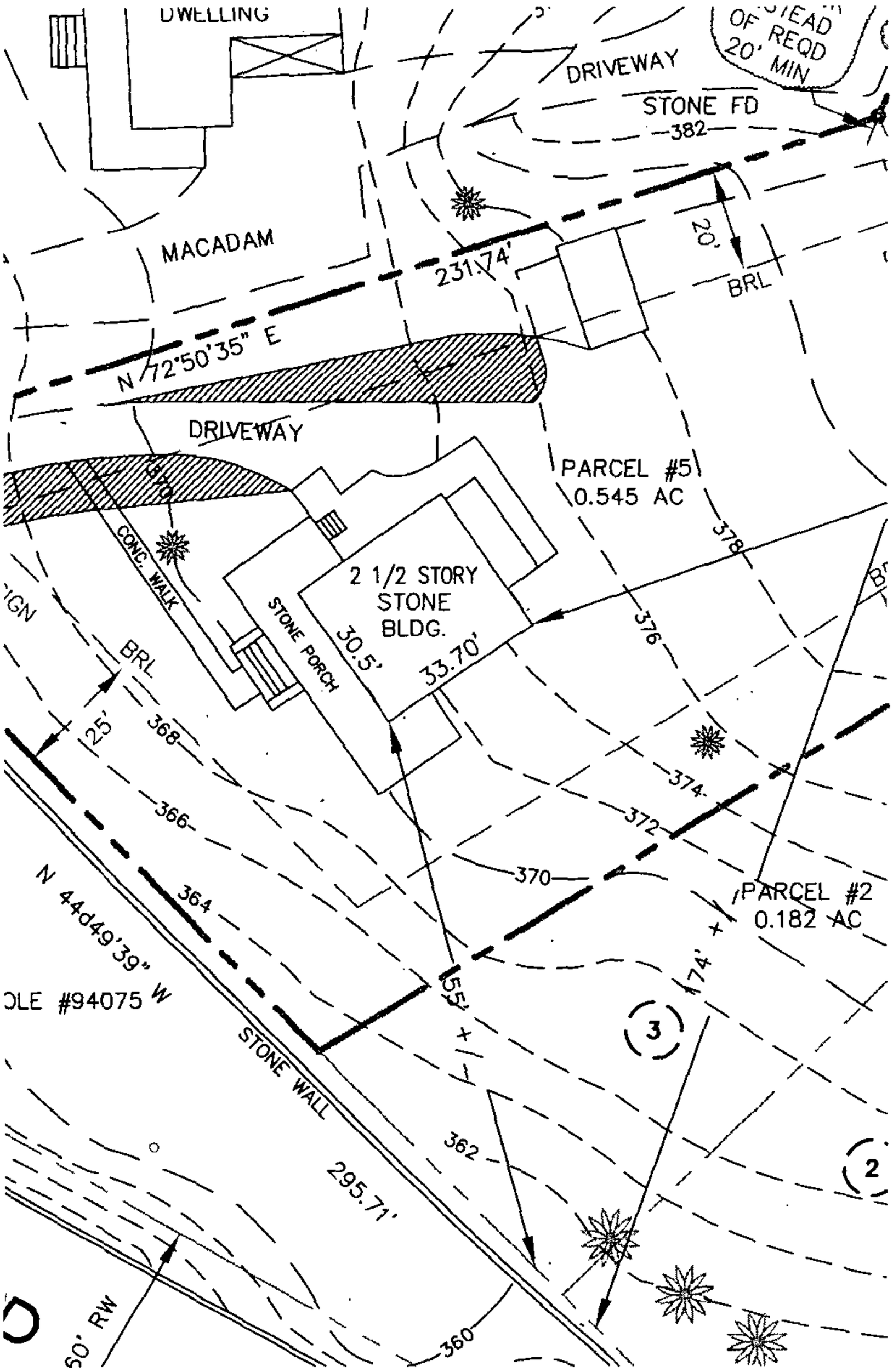
	Petitioner/Developer	Protestant
No. 1	site plan	Photo of "parking" sign
No. 2	amended site plan	Aerial Photo
No. 3	prior case # 06-486-SPHA	photos of signs on prop.
No. 4	Planning Comments	photo of Charles Warren home
No. 5 A+B	Photos - of Eufemia's house + gate	photos from east
No. 6	additional photo of site	photos of cars parked
No. 7	Letter of support	photos of Eufemia's property
No. 8		Woodlawn / Liberty Comm. Plan
No. 9		photos of properties in location
No. 10		11/26/07 Article RE. troubled Woodlawn HS
No. 11		Meadowood Center BCPS decis...
No. 12		Crime Stats for Hertsch's Tavern
13		Letter from Mr. Ross

08-042-SPHX

REVISED

PLAT AND PETITION

11/16/07



BOARD OF PROFESSIONAL ENGINEERS
22118
RICHARD A. SIDDONS
STATE OF MARYLAND

1/25/08

PETITIONER'S

EXHIBIT NO. 2

DOGWOOD ROAD

(To accompany Zoning Plat)

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
E/S Pimlico Road, 334' S Woodbox Lane **(6823 Old Pimlico Road)**	*	ZONING COMMISSIONER
3rd Election District	*	OF BALTIMORE COUNTY
2nd Councilmanic District		
Bais Hamedrash and Mesivta of Baltimore, Inc, *Petitioner*	*	**Case No. 06-486-SPHA**

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of a Petition for Special Hearing and a Petition for Variance filed by Petitioner Bais Hamedrash and Mesivta of Baltimore, Inc., legal owner, through its attorney, Robert A. Hoffman, Esquire. The subject location is 6823 Old Pimlico Road, which is located north of Baythorne Road. At this location, Petitioner currently operates a private school for Orthodox Jewish students. At this time, Petitioner requests the following variances relating to building setbacks and residential transition area requirements: (1) variance pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 1B01.1.B.1.c from the requirement to maintain a 50 foot uncleared and landscaped residential transition area buffer and to permit a residential transition area setback of 50 feet in lieu of the required 75 feet along the western side of the property; (2) variance pursuant to B.C.Z.R. Section 1B01.2.C.1.a to permit a front yard to rear yard setback of 40 feet between school buildings in lieu of the minimum required 80 feet; and (3) variance pursuant to B.C.Z.R. Section 1B01.2.C.1.a to permit a side yard to side yard setback of 30 feet between school buildings in lieu of the minimum required 40 feet.

PETITIONER'S
EXHIBIT NO. 3

Along with the Petition for Variance, Petitioner also requests a special hearing to amend the site plan for the school approved in Case No. 01-191-SPH. The subject property and requested relief are more particularly described on the Plan to Accompany Petition for Special Hearing and Variances submitted and accepted into evidence as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing on behalf of Petitioner were Rabbi Slanger, representative of Petitioner; Robert Rosenfelt, professional engineer with Colbert Matz Rosenfelt, Inc., and Robert Hoffman, Esquire, attorney for Petitioner. Several interested community members appeared at the hearing, including Ernest and Harriet Feibelman, Romau Yablonovsky, Howard Green, and Tina Sheller. Mr. Feibelman is the only community member who testified, and he did not expressly oppose the proposal outlined on Petitioner's Exhibit 1.

The testimony and evidence presented, which was proffered by Mr. Hoffman, disclosed that the subject property is zoned D.R.3.5 and is located along Old Pimlico Road, north of Baythorne Road. This eight acre property is presently improved with an existing two-story school building, a one-story dormitory building, a parking lot, and various recreational facilities for this private school. This property was formerly owned by Summit Country Club, and the buildings were previously used as a clubhouse and bathhouse. The Petitioner purchased the property in 2001 for use as a school and converted the existing buildings pursuant to a site plan approved in Case No. 01-191-SPH. The school currently offers housing for a portion of its students.

In Case No. 01-191-SPH, the Zoning Commissioner confirmed that dormitories and faculty housing were permitted as accessory uses to the proposed permitted school use.

From the testimony and evidence presented, the housing of faculty and students on the school's campus is a key component to Petitioner's educational pursuits. The success of the school depends in large part on its ability to house students and faculty on the campus, which has strengthened the religious component of the school and, thereby, enhanced students' overall educational experience.

The Petitioner now intends to construct a second dormitory building on the subject property and, correspondingly, has petitioned for appropriate relief. The Petitioner intends to relocate some resident students to the new dormitory building and create additional classroom space in the existing dormitory building. These changes will improve the school's facilities and are necessary based on current enrollment. Additionally, the new dormitory building and expanded classroom space would allow for the possibility of some modest growth in the future from approximately 120 students to approximately 150 students.

As shown on Petitioner's Exhibit 1, Petitioner proposes to locate the new dormitory building in close proximity to the existing buildings so as to maintain the academic core of the campus. This placement, however, requires that Petitioner obtain variances from certain building to building setback requirements and also from certain residential transition area requirements.

It should be noted that Petitioner contemplated the need for additional construction when it purchased the property and successfully converted the buildings in 2001. At that time, Petitioner specifically requested a finding that future construction on the campus for the housing of students and faculty would be an appropriate accessory use to the school. Based on the testimony and evidence presented to Zoning Commissioner Lawrence E. Schmidt in that case, he held "that the construction of additional structures for use as dormitories for

students or housing for faculty is appropriate and should be permitted." *See* Findings of Fact and Conclusions of Law, Case No. 01-191-SPH. On appeal, the Board of Appeals, likewise, ruled that dormitory use was "permitted as part of a school use," although "any new buildings constructed for use as a dormitory or faculty housing would require a Special Hearing to amend the site plan approved in Case No. 01-191-SPH." *See* Order of Board of Appeals, Case No. 01-191-SPH. In compliance with that Order, Petitioner filed the instant Petition for Special Hearing.

Having considered the testimony and evidence, and for the reasons hereafter stated, I am persuaded to grant the petitions. In my judgment, adding a second dormitory is essential for the function of this school and was anticipated in 2001. Regarding the location of the proposed dormitory building, the existing educational buildings dictate where the new building should be placed. The proposed dormitory building should be placed close to the existing school buildings so that the buildings function as a coherent campus. Additionally, the proposed location is below the grade level of Old Pimlico Road and behind significant existing screening, which minimizes the potential impact of its proximity to the western property line. For these reasons, I will grant the Petition for Special Hearing.

In my judgment, the Petitioner also has demonstrated that the requirements of B.C.Z.R. Section 307.1 are satisfied. Particularly, I find that special circumstances exist based on the physical features of the property, the existing structures, and the school's program requirements regarding accessibility. A practical difficulty will result for the school if it is forced to strictly comply with the setback requirements applicable to the D.R.3.5 zone and to provide a residential transition area buffer of 50 feet and setback of 75 feet. Strict application of the Zoning Regulations would necessitate a separation of 80 feet between

school building to the front and rear and a separation of 40 feet between buildings on the side. Requiring this great of a separation between buildings, under these circumstances, is unnecessarily burdensome. The building setbacks for which variances have been sought are internal to the campus, and a reduction in these setbacks will not result in any adverse impacts to neighboring properties.

In fact, I find that locating the school buildings in close proximity to one another is desirable for both the school and the community. Not only will the resulting nearness of the buildings preserve the purpose and function of the school, but limiting the setback between the buildings to a reasonable distance less than that required by the B.C.Z.R. will prevent the unnecessary and undesirable dispersion of buildings on the subject property. In my judgment, the community would much prefer having the buildings closely assembled on the interior of the campus, rather than spread throughout the property to locations more visible from neighboring parcels. The community's approval is evident from the nearly 300 neighbors who signed petitions in support of this proposal, and no neighbors appeared in opposition to the proposal.

Further, I find that, although the proposed location is closer to the western property line than the residential transition area requirements ordinarily would permit, it is an appropriate location because there will be no adverse impacts to neighboring properties. The location is several feet below the grade level of Old Pimlico Road, and there presently exists a significant amount of screening between the road and the proposed location. The Petitioner also has confirmed its intention to place additional screening between Old Pimlico Road and the new dormitory building.

In granting the requested relief, however, I take note of certain conditions that the Board of Appeals included in its Order in Case No. 01-191-SPH. Mr. Ernest Feibelman, who appeared in 2001, stated no opposition to the new dormitory building, but asked that the Board's conditions in case 01-191-SPH remain in effect. I agree and find that these conditions are still appropriate, and I will include these conditions in this order.

Pursuant to the Zoning Regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, for the reasons set forth above, the Petition for Special Hearing and Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6th day of July, 2006, that the Petition for Variance, seeking relief, pursuant to B.C.Z.R. Section 307.1, for the following variances: (1) from B.C.Z.R. Section 1B01.1.B.1.c from the requirement to maintain a 50 foot uncleared and landscaped residential transition area buffer and to permit a residential transition area setback of 50 feet in lieu of the required 75 feet along the western side of the property; (2) from B.C.Z.R. Section 1B01.2.C.1.a to permit a front yard to rear yard setback of 40 feet between school buildings in lieu of the minimum required 80 feet; and (3) from B.C.Z.R. Section 1B01.2.C.1.a to permit a side yard to side yard setback of 30 feet between school buildings in lieu of the minimum required 40 feet, in accordance with Petitioner's Exhibit No. 1, be and are hereby GRANTED;

IT IS ALSO ORDERED that the Petition for Special Hearing to amend the site plan for the school approved in Case No. 01-191-SPH, is hereby GRANTED; all subject to the following restrictions:

1. That any new buildings constructed for use as dormitory or faculty

housing would require a Special Hearing to amend the site plan approved in Case No. 06-486-SPHA.

2. That any additions to existing buildings for use as dormitory or faculty housing that would increase the square footage of any buildings by more than 50% would require a Special Hearing to amend the site plan approved in Case No. 06-486-SPHA.

3. That any new buildings and additions are, in any event, subject to compliance with all applicable zoning and development laws.

4. Prior to the commencement of any new building construction, the property owner shall provide at least thirty (30) days written notice of such plans to the president of the Smith Avenue/Greenspring Community Association and to Mr. and Mrs. Ernest Feibelman.

5. The Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

SIGNED

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

TB 10/1
9AM
Postponed

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 1, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 6334 Dogwood Road

INFORMATION:

Item Number: 8-042-XA

Petitioner: Karirrudin Sakar

Zoning: RO

Requested Action: **Variance and Special Exception**

RECEIVED
OCT 15 2007
BY:_____

SUMMARY OF RECOMMENDATIONS:

The subject property is located in a Community Conservation Area. There is no indication on the plan that the existing house is to be converted to a school. A matter of right allows the proposed school, however the petitioner shall address the following:

- Add a note to the plan indicating that the existing house will be converted to a school and the maximum number of students allowed in the school.
- Indicate the maximum number students to be housed in the proposed dormitory.
- Provide landscaping and a privacy fence to mitigate the impact of the requested variance (to permit a side yard setback of 8-feet in lieu of the required 20 feet.)
- Use similar architecture and building material to assure compatibility with the surrounding neighborhood.
- Provide additional landscaping along the eastern property line to screen the rear of the proposed dormitory from residences on Hillside Avenue.

The Office of Planning supports the requested special exception to operate a dormitory in conjunction with a religious school; and variances to permit a yard setback of 8- feet in lieu of the required 20 feet set-back and a the variance to allow a 10 foot driveway in lieu of the required 20 foot driveway provided the petitioner addresses the comments listed above.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

PETITIONER'S
EXHIBIT NO. 4

W:\DEVREV\ZAC\8-042.doc

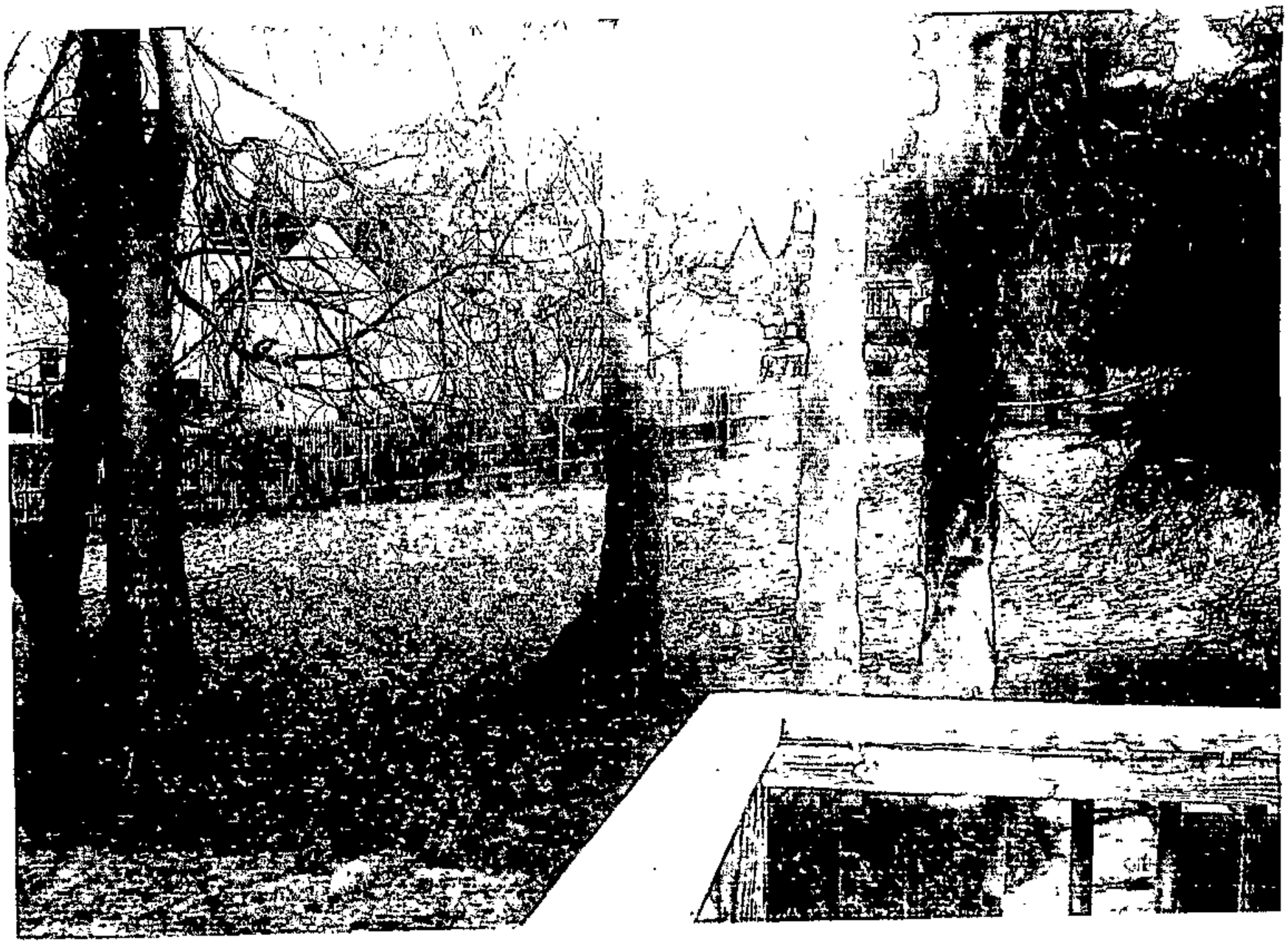
5A

5B

6C

6A

6B



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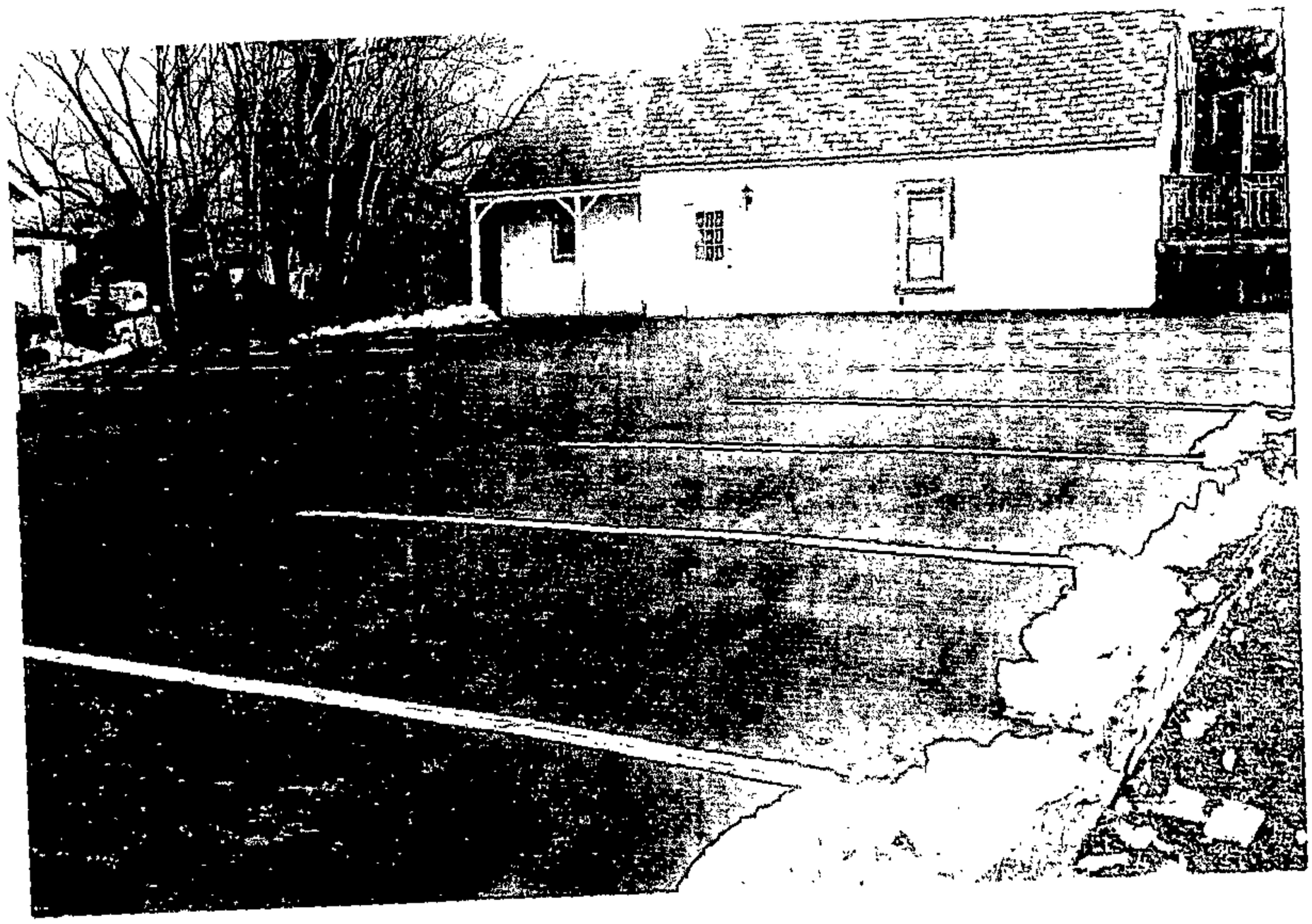

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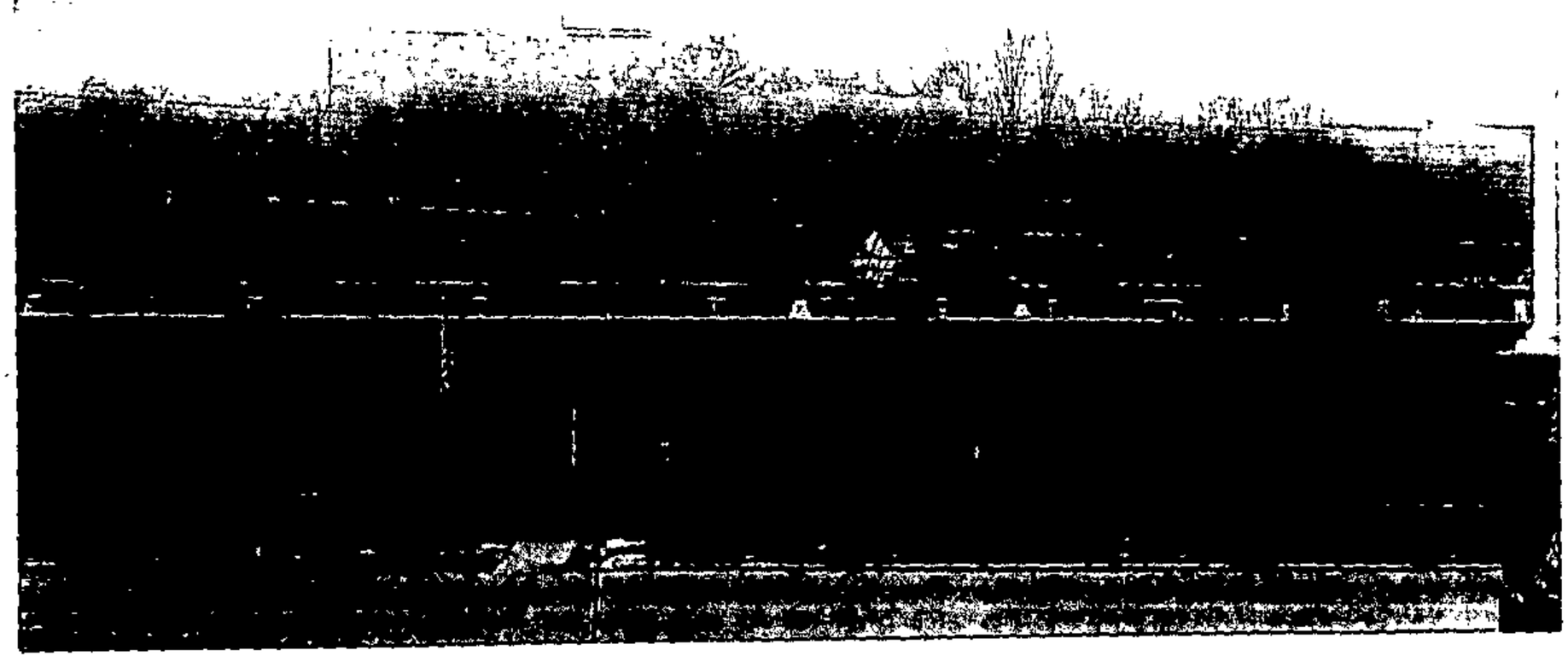
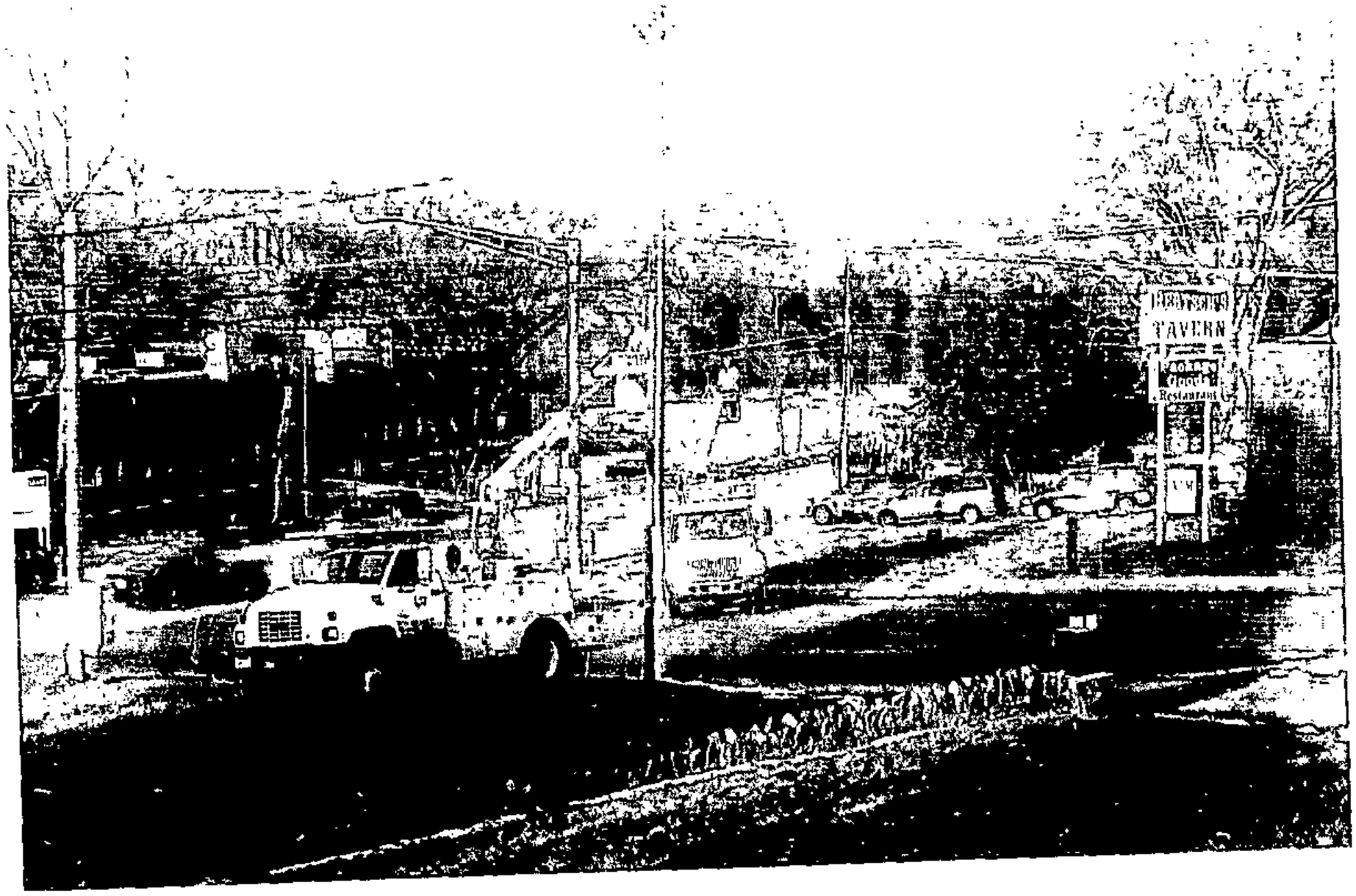


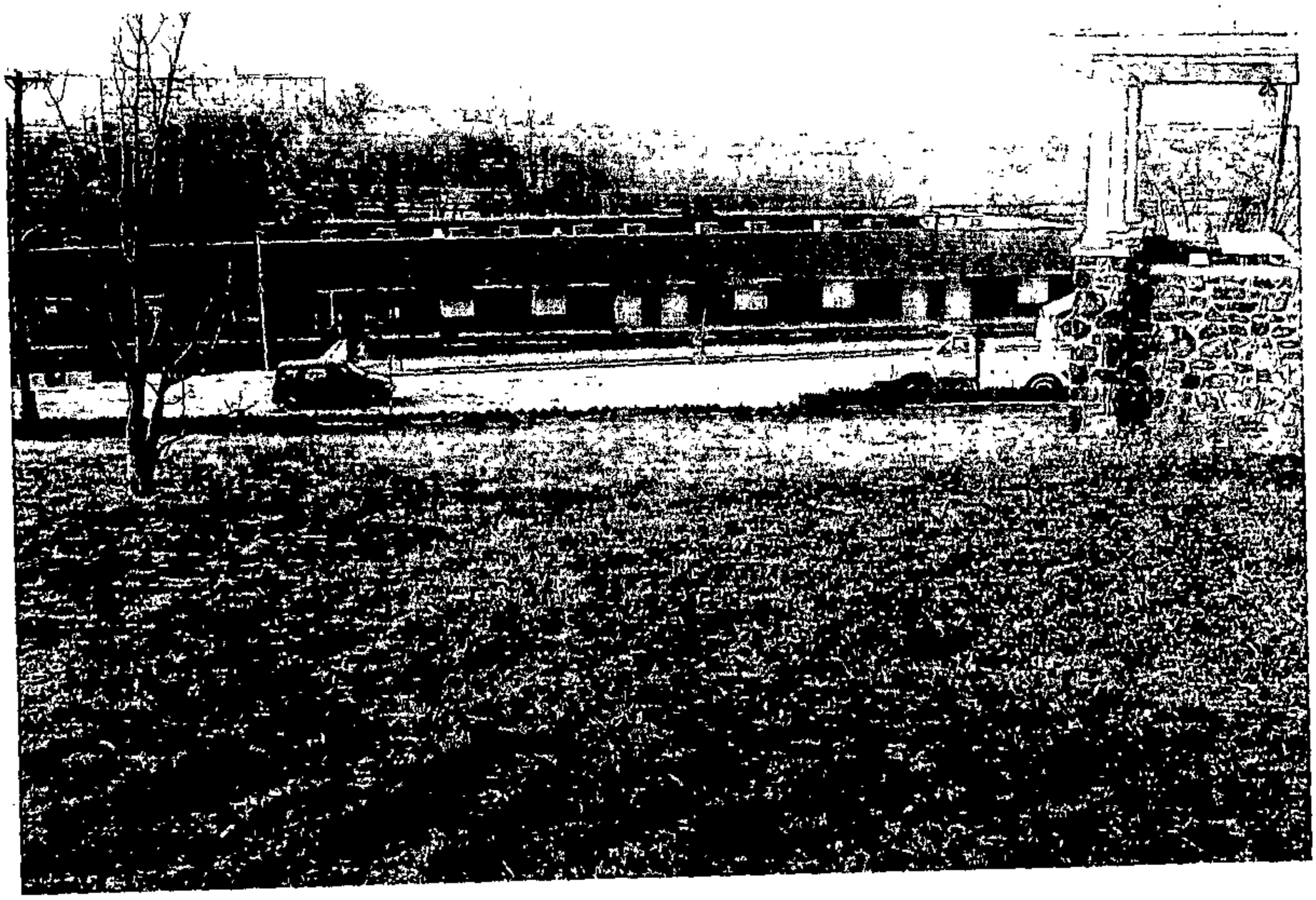
6F

HERTSCH'S
TAVERN
Package
Goods
Restaurant

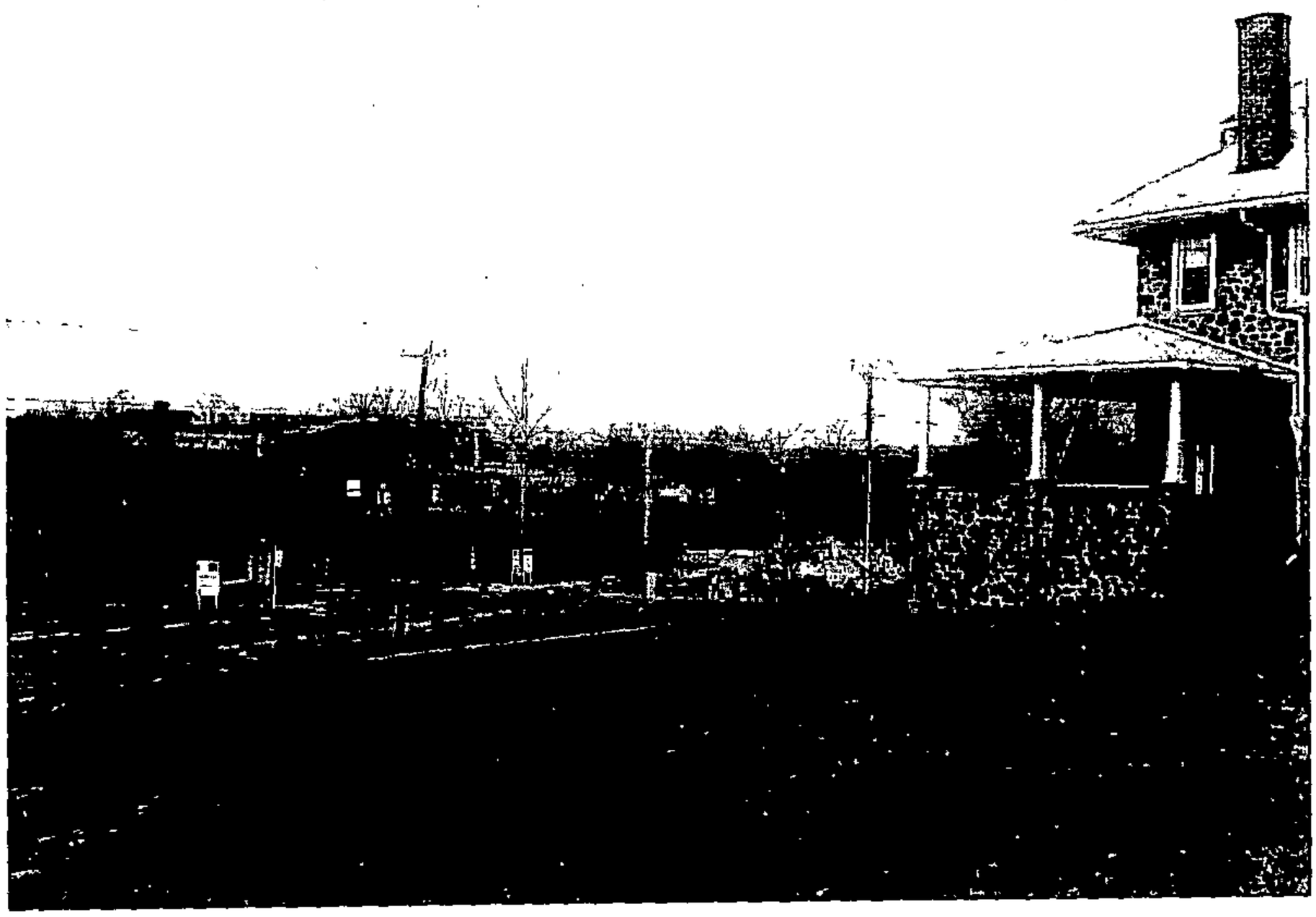
6G


TAVERN
Restaurant

6H



6K



6J

6I

To: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

I, Candice Burrell, reside at 1903 Hillside Drive.
Balto. Md. 21207
have no problem with zoning.

Re: Petition for Variance
Case No: 08-042-XA
Property: 6334 Dogwood Road

and questions I could be reached at:

410 298-2126

Thank You.
Candice Burrell
Candice Burrell

PETITIONER'S
EXHIBIT NO. 1

Darul-Uloom Al-Madania
Institute of Higher Islamic Education
182 Sobieski Street, Buffalo, NY 14212-1506, USA Ph: (716) 892-2606, Fax: (716) 892-6621

Official Grade Report

TALHA MOHAMMED ABDULWASEE 13920 WAGON WAY SILVERSPRING , MD 20906 USA	Class	Grade 8	
	Term	Start	End
	Second Term	01/15/2007	03/24/2007

Islamic Education

Subject Name	Term I		Term II	
	Marks	Comments	Marks	Comments
General Islamic Knowledge	97		86	
Al-Quran Al-Kareem	37		80	
Total	134		166	
Average	67.00%		83.00%	

Secular Education

Subject Name	Term I		Term II	
	Marks	Comments	Marks	Comments
LIT. VOCAB. GRAM.	85		94	
Intro to Physics	93		84	
American History Part 2	89		92	
Integrated Mathematics	76		92	
Total	343		362	
Average	85.75%		90.50%	

Signature

PETITIONER'S

EXHIBIT NO.

ABS - ABSENT FROM TEST
INC - INCOMPLETE
EXC - EXCUSED
INC - INCOMPLETE
LA - LATE ADMISSION
LFT - LEFT SCHOOL
MED - MEDICAL EXCUSE
NE - NOT ELIGIBLE

Grades

Secular Education
9th-10th 65% " " "
8th 70% " " "
1st- 7th 70% And Above is Passing

Islamic Education
91 - 100 - Excellent
81 - 90 - Very Good
71 - 80 - Good
61 - 70 - Satisfactory
60 and below - Failing

Attendance

UnExc Absence	Absent	Tardy
0	0	0

IN THIS SECTION

Welcome
Renaissance-Redevelopment
Master Planning
Planning Board
Design Review Panel
Zoning
Historic Preservation
Community Planning
Adopted Community Plans
Planners by District
UDAT Program
NeighborSpace
Eastern County Pedestrian and Bike Plan
Public Facilities
Planning Statistics
Publications and Maps

ONLINE SERVICES

- Translate This Site
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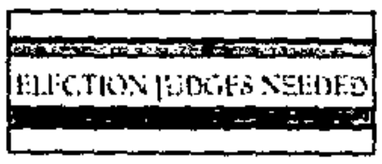

Welcome to the...

Office of Planning

Adopted Community Plans

Bowleys Quarters Community Action Plan 2000

Bowleys Quarters Community Action Plan

Eastern Baltimore County Revitalization Strategy

A Community Conservation Plan for Essex-Middle River

East Joppa Road Corridor Community Plan

Essex CBD Revitalization Strategy

Greater Dundalk-Edgemere Community Conservation Plan

Greater Kingsville Area Community Plan

Greenspring / East Pikesville Community Action Plan

Hanover Pike Corridor Study

Hereford Community Plan

Hunt Valley / Timonium Master Plan

Jacksonville Community Plan

Kenilworth Corridor Plan

Liberty Road Revitalization Area

Liberty West Community Plan (PDF)

Lochearn-Forest Garden-Haywood Heights Plan

Loch Raven Village Community Conservation Plan

Lower Back River Neck Peninsula Community Action Plan

Middle River Bird River Community Plan

Middle River Community Plan (September 2007)

Middle River Employment Center

A Community Conservation Plan for Lutherville

Owings Mills - Park and Open Space Concept Plan

Patapsco / Granite Area Community Plan

Patapsco Park and Open Space Concept Plan

Philadelphia Road Corridor Study

PROTESTANT'S
EXHIBIT NO. 8

Pikesville Maryland Revitalization Plan

Pikesville Revitalization Plan 2003 (PDF)

Ralston Community Plan

Riverdale Community Plan

Ruxton-Riderwood-Lake Roland Community Plan

South Perry Hall - White Marsh Community Plan (PDF)

Southeast Towson Community Plan

Southwest Baltimore County Revitalization Strategy (PDF)

Sudbrook Park Community Plan

The Catonsville Plan

The Honeygo Plan

Towson Community Plan

Towson Manor Village Enhancement Study (PDF)

Turner Station Community Conservation Plan

Wells McComas Community Plan

West Timonium Heights Community Plan

Windlass Run / Bird River Road Area Community Plan

Woodlawn / Liberty Community Plan

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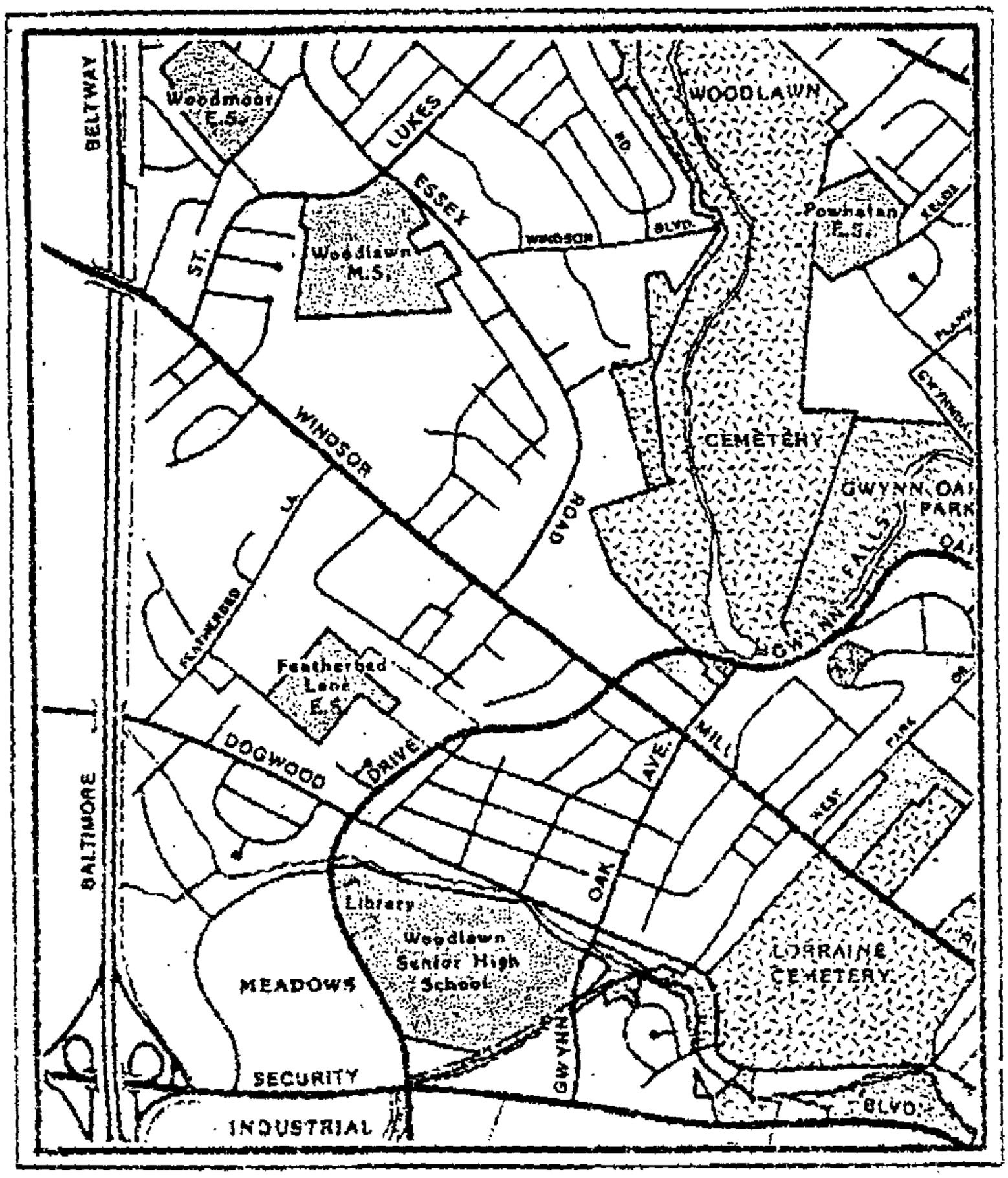
Revised December 10, 2007

KERNS



• Baltimore County • Focus on Community •

WOODLAWN/LIBERTY COMMUNITY PLAN

As Adopted By The Baltimore County Council on May 17, 1993 with Amendments

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PROPOSED AMENDMENTS
WOODLAWN/LIBERTY COMMUNITY PLAN

1. On page 25, in the first line of the third paragraph, change "Liberty", to "Woodlawn/Liberty Community Plan."

2. On page 27, at the end of Action #9, add:

   When considering moving county services to or within the Woodlawn/Liberty Community, the county should give first preference to moving the services into vacant properties in the area.

3. On page 33, under Action #2, add the following:

   "- Establish a committee with the area schools P.T.A. to host informational meeting with realtors listing homes in the Plan area. These meetings will provide a forum to give the realtors positive information about the school system."

4. On page 35, in the sixth paragraph, strike "and" and insert a comma. Add "and Health Services" to the end of the sentence.

5. On page 37, under Actions, add Action #5, to read as follows:

   "5. Children. Special emphasis should be placed on providing services for children, including increased day care and pre-school opportunities and after-school programs. Maintaining families and stability in the community requires a commitment and good facilities for children."

6. On page 37, strike Action #1 in its entirety and substitute the following:

   "1. Planning Team. Establish an inter-agency planning team with representation from Community Development, Social Services, Aging, Police, Substance Abuse, Planning, Health, Family Resource Center and Cooperative Extension Services. This planning team would work with the community including religious institutions to identify issues and offer solutions to the social services needs and concerns of the community. This team should establish a process that will address such needs of residents in the Plan area as they occur over the long term."

7. On page 37, add Action #6, to read as follows:

   "6. Juvenile Services. The planning team should coordinate the activities of all existing social services providers in the Plan area to identify and create programs that are targeted to the juvenile populations."

8. On page 23, in Item #2, in the second paragraph in the first line, eliminate "a sub-committee of" and substitute the following: "affiliated, free-standing and advisory to"

9. On page 39, delete "Table 14."

10. Delete page 40 and substitute the attached map as the new page 40.

11. On page 41, Action #1, second sentence, change "discouraged" to "Denied." In the third sentence, change "denied" to "discouraged." Add new sentence "Any zoning change from a residential use to a non-residential use should provide a public benefit to the community."

13. On page 44, under Action #1, add the following sentence: "Vacant properties should be maintained according to the Investment Property Act. The enforcement of the Investment Property Act should be a priority within the Plan area."

14. On page 44, Action #2, at the end of the 5th line, add: "unless a clear and distinct benefit to the community can be shown."

15. On page 33, Action #3, 2nd line, strike "and" and insert a comma. Add "and community at large" after "parent/families"

16. On page 33, Action #3, add a new item to read as follows:

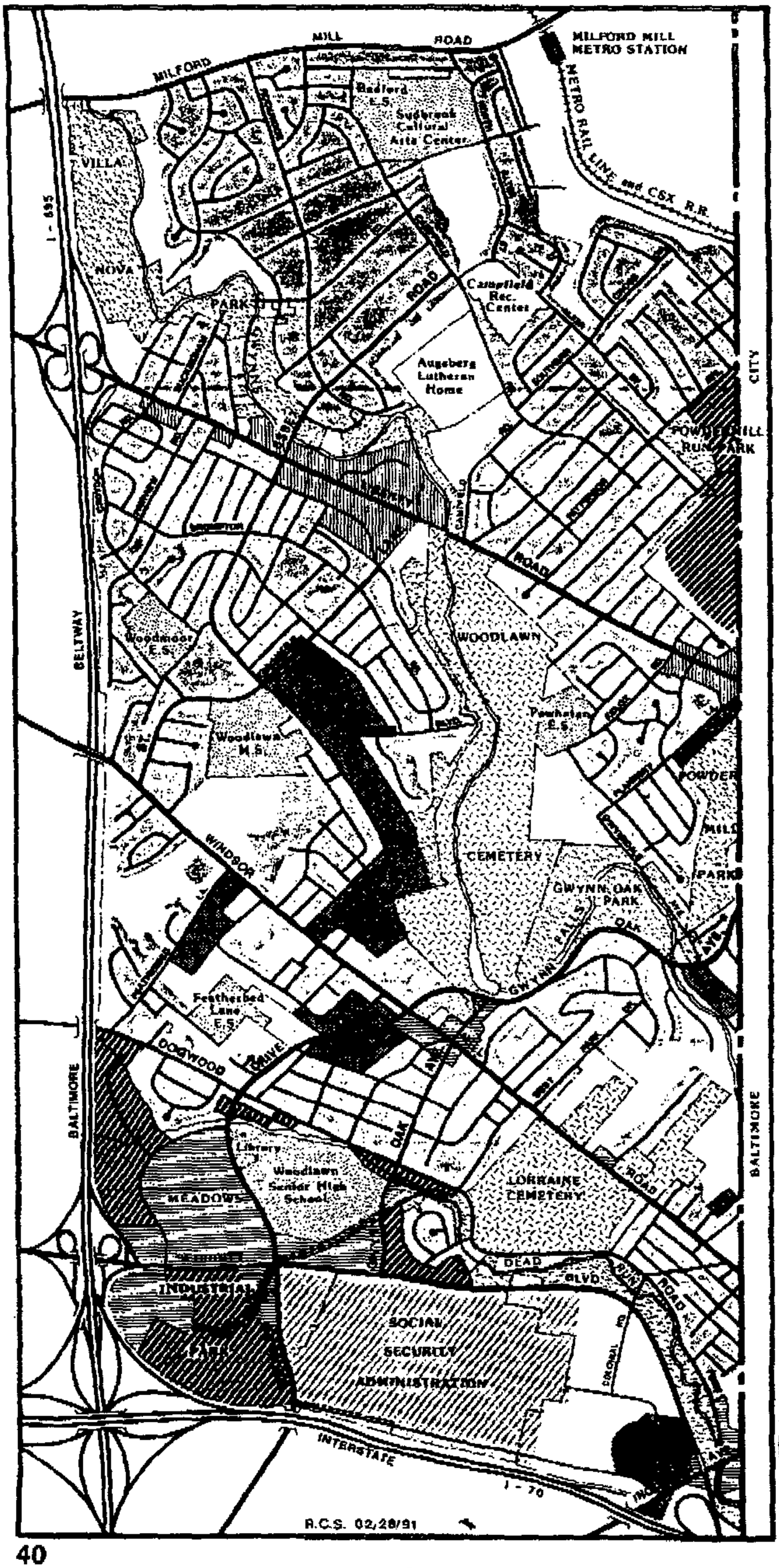
"- Establish a board of directors for each school in the Plan area made up of parents and faculty in order to create a compact of agreement on behavior and protocols at the school"

20. On page 47, Action #4, insert after the third santence:

"A program should be established to educate renters in the Plan area on the value of home ownership. This program should also provide counselling services on financing and the maintenance of homes in the Plan area." Change the new 6th sentence as follows: strike "These actions" and substitute "Additional actions"

WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 7
LAND USE



Legend:

- LOW DENSITY URBAN RESIDENTIAL
- MEDIUM DENSITY URBAN RESIDENTIAL
- OFFICE
- COMMERCIAL CORRIDOR
- COMMERCIAL
- OFFICE/ INDUSTRIAL
- PARK/ OPEN SPACE
- UNIMPROVED

N

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Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

887-3211

RESOLUTION
Adopting and Recommending
the
WOODLAWN/LIBERTY COMMUNITY PLAN

WHEREAS the Baltimore County Master Plan 1989-2000 proposed that the first of the community Action Plans in the Western Sector should be prepared for the Woodmoor-Lochearn-Woodlawn area; and

WHEREAS the Office of Planning & Zoning, with active assistance from the Woodlawn/Liberty Community Citizens Advisory Group, and in cooperation with other residents, property owners, business people and County agencies, has prepared a Plan for the Woodlawn/Liberty area, which is a logical unit for planning within Baltimore County; and

WHEREAS the draft Woodlawn/Liberty Community Plan, as submitted on May 2, 1991, was discussed in Committee meetings on May 16, June 20 and July 18, 1991, and was the subject of a public hearing by the Planning Board on June 6, 1991;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 22-12 of the Baltimore County Code, 1978, that the Baltimore County Planning Board hereby adopts the Woodlawn/Liberty Community Plan, March 1991, including the July 10, 1991 Addendum, to constitute a part of and an amendment to the Baltimore County Master Plan 1989-2000; and

BE IT FURTHER RESOLVED that the Woodlawn/Liberty Community Plan and the Addendum shall be transmitted to the Baltimore County Council for adoption in accordance with Section 523(a) of the Baltimore County Charter.

DULY ADOPTED by vote of the Planning Board this 18th day of July, 1991

Dave Fields

P. David Fields
Secretary to the Planning Board

PDF/TD/prh
SUMJULY.18/TXTPRH

Office of Planning & Zoning
Baltimore County, Maryland

July 10, 1991

ADDENDUM TO WOODLAWN/LIBERTY COMMUNITY PLAN

The following is a listing of changes to be made in the written text of the Woodlawn Liberty Community Plan.

Page 26 Action 1 - add the following sentence:

Funds should be provided for a paid staff person to help establish community associations in neighborhoods where there are none, provide established organizations with help and information, and support the actions within the Woodlawn/Liberty Community Plan.

Page 27 Action 10 - Revise the first sentence as follows:

Regulations. Develop regulations for the Woodlawn/Liberty Community Plan area, requiring that any new development without CRG approval of more than three dwelling units and any non-residential development be subject to a Special Development Review, taking into account:

Page 34 Action 3 - add sentence as follows:

The schools should refer the families of children with repeated suspensions, or expulsions to the Liberty Family Resource Center for counseling and a service needs assessment.

Page 34 Action 5 - add sentence as follows:

Provide extra staff at schools with high student turnover to help teachers and staff with the extra testing and paperwork that high student mobility entails.

Page 34 - add Action 8 as follows:

Outside Resources. Support efforts to bring programs with outside resources into the Woodlawn/Liberty Community Plan area schools, e.g. funds from President Bush's "Model Schools" program.

Page 34 - Action 6 add sentence as follows:

Provide Pre-K program for all eligible students within the Woodlawn/Liberty Community Plan School Service Area.

Page 34 - add new Action 8 as follows:

Responsibility. The Board of Education will be responsible for implementing the educational component of this plan. The educational sub-committee of the Planning Advisory Group should lobby the Board of Education to implement the education actions in the plan.

Page 43 - Revise paragraph 3 as follows:

Woodlawn Elementary School

In February 1991, residents of Woodlawn recommended to the County Council that a mixed-use facility be developed within the Woodlawn Elementary School. The facilities would include 61 units of senior housing, recreation and parks use and possibly a child care program.

Page 44 - Revise Action 7 as follows:

Overlay District. An overlay district for the Woodlawn/Liberty Community Plan should be developed as outlined in Appendix B. Language will be added to the district regulation that will protect existing business in the plan area.

Page 44 - Add Action 8 as follows:

Pedestrian Access. Pedestrian access to commercial projects should be provided where possible.

Page 49 - Revise paragraph 2

Recreation and Parks

There are a variety of recreational and park facilities within the Woodlawn/Liberty Community Plan area. In addition to the recreational facilities located at the area schools, there are presently two community centers located within the area; Woodlawn Elementary site and Campfield Elementary site.

A number of parks and local open spaces are available and include athletic fields, picnic areas, hiking trails, playgrounds, gardens and other park facilities.

1. Program Evaluation: The existing recreational programs are continuously being evaluated by the Woodlawn and Liberty Road Recreation and Parks Councils and programmatic changes are made as needed.

2. Volunteerism: Volunteers are continuously being recruited by recreation and parks staff and the local recreation and parks councils. As programs continue to grow, intensified efforts will be made to recruit and train the necessary volunteers.

Page 51 - Add Action 3 under Historic Preservation as follows:

Historic District. The community should work with Baltimore County Landmarks Preservation Commission to investigate the possibility of designating Larchmont as a Historic District

Page 51 - Add Action 7 under Environment as follows:

Pilot Program. The Department of Public Works and Department of Environmental Protection and Resource Management should identify an area that may serve as a pilot project to retro-fit existing drainage systems to new technology.

EMADDEN.WL/TXTLLF

WOODLAWN/LIBERTY COMMUNITY PLAN

MARCH, 1991

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

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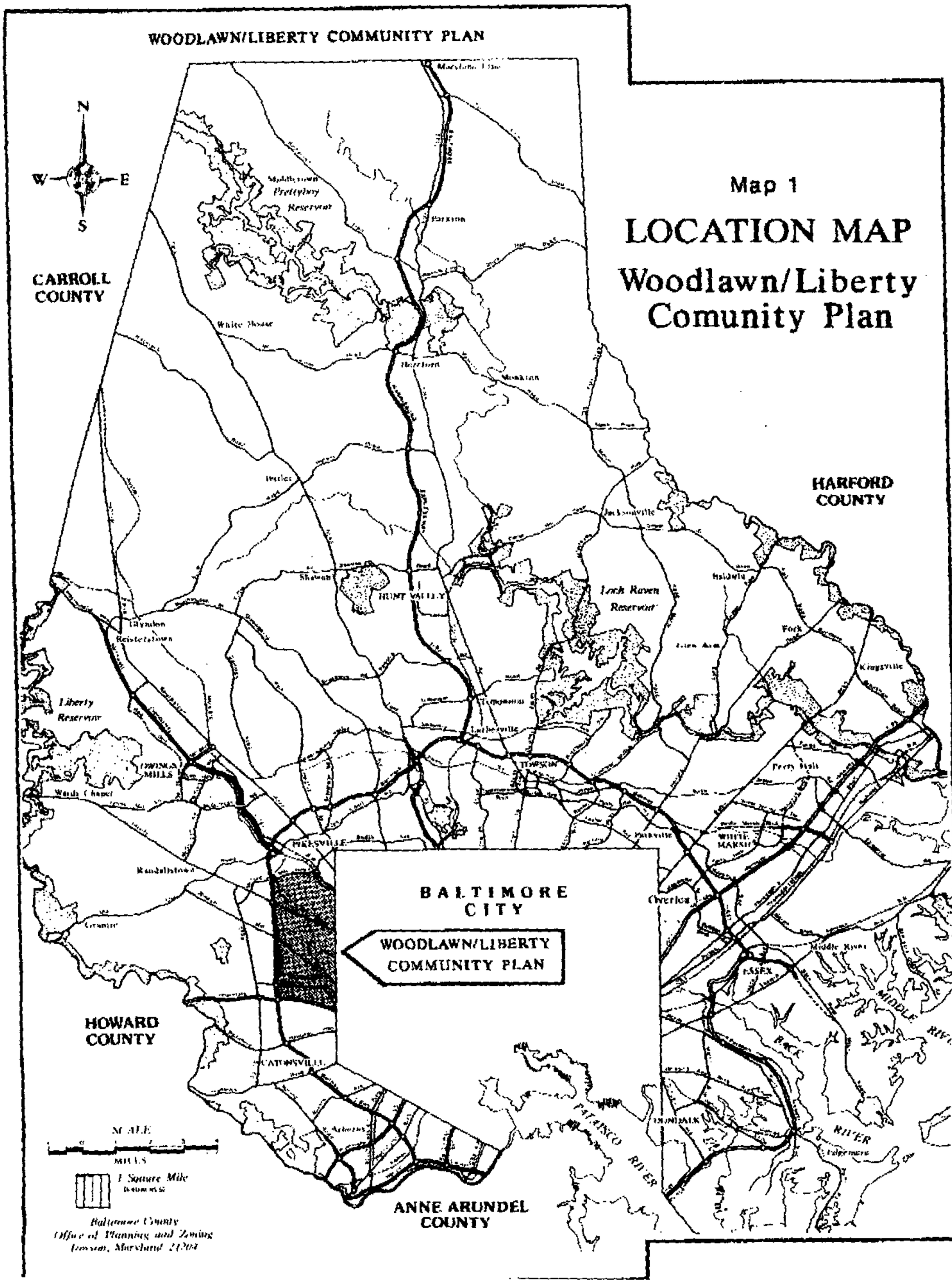


Map 1

LOCATION MAP

Woodlawn/Liberty Comunity Plan

INTRODUCTION

Background

The 1989-2000 Master Plan for Baltimore County designated the Woodlawn/Liberty community as both an enhancement area and a community conservation area. These designations were created and designed to address the needs of changing older communities such as the Woodlawn/Liberty community. This plan area is comprised of two communities, the Woodlawn community and the East Liberty Road community. The Woodlawn community consists of the commercial core (Woodlawn Village) with its surrounding residential development. The Liberty community is a commercial corridor (commercial nodes) with its supporting residential areas.

Like many older urban communities, the Woodlawn/Liberty Plan area has experienced rapid change over the past decade, and has seen changes in both its physical and social environments. Such factors influencing this change of environment are the conversion of large portions of land to development, greater density of residential development in recent years, and changing demographics from a predominately White-American to predominately African-American community. It appears that the most pressing issues for this community are those stemming from changes in the social environment.

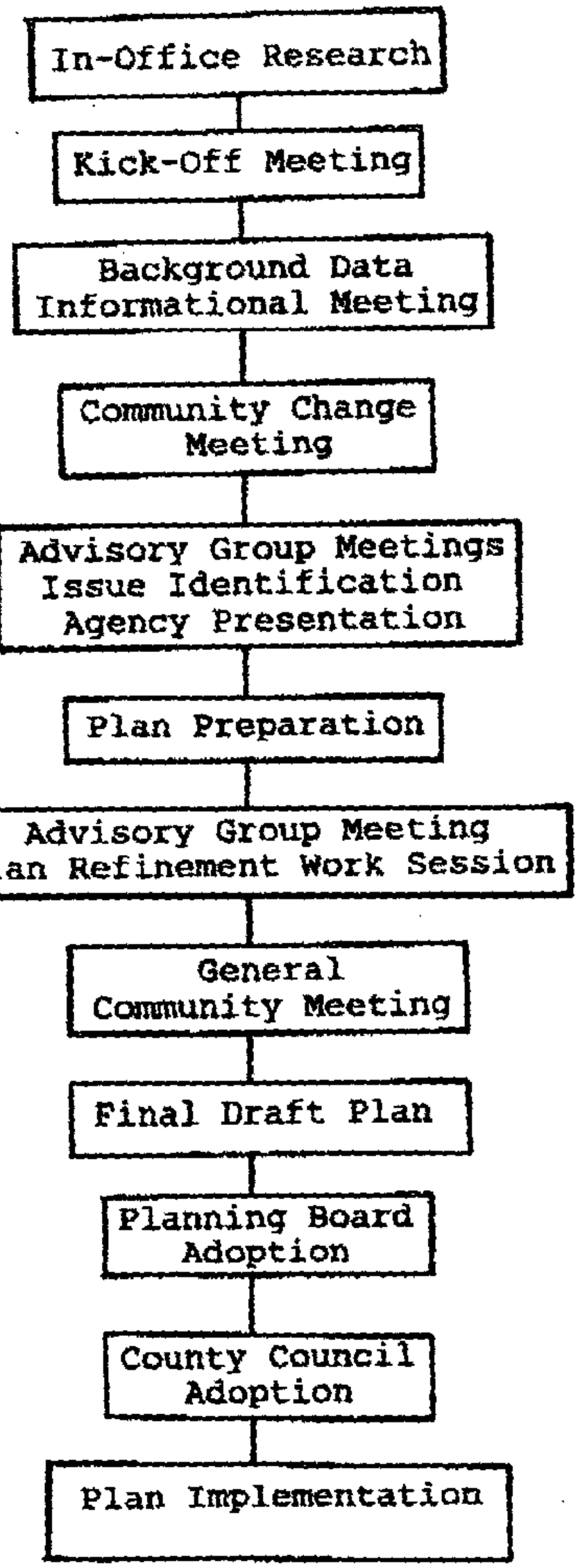
The issues identified in this plan were compiled from concerns voiced by community members at County Review Group [CRG] hearing, Community Wellness Audits, Master Plan meetings, etc. over several months. The Planning Office was careful not to create issues for the community but to work with the community in identifying issues that were of concern to them.

Process

To address these concerns, the Planning Office embarked on a planning process where community participation was the major component. An advisory group was established with representatives from the different neighborhoods. Representatives were responsible for guiding the identification of issues and actions for this plan.

The plan advisory group met the first and third Tuesday of each month from January 1990 to July 1990 at the Woodlawn Activity Center. At the onset of the process, a presentation was given to county and community representatives by academicians and professionals who deal with issues of changing neighborhoods.

COMMUNITY PLANNING PROCESS



Following this, a series of presentations was given to the community advisory group by various county agencies, chosen for their department's involvement in or impact on the Woodlawn/Liberty communities. The major focus of this process was to create an atmosphere where residents in the community could interact with the government agencies responsible for providing services to the neighborhoods. The advisory group, having developed and prioritized a list of issues, divided into four sub-committees. Each sub-committee developed its own working paper (education, crime and drugs, community image and land use), which have been incorporated into the plan.

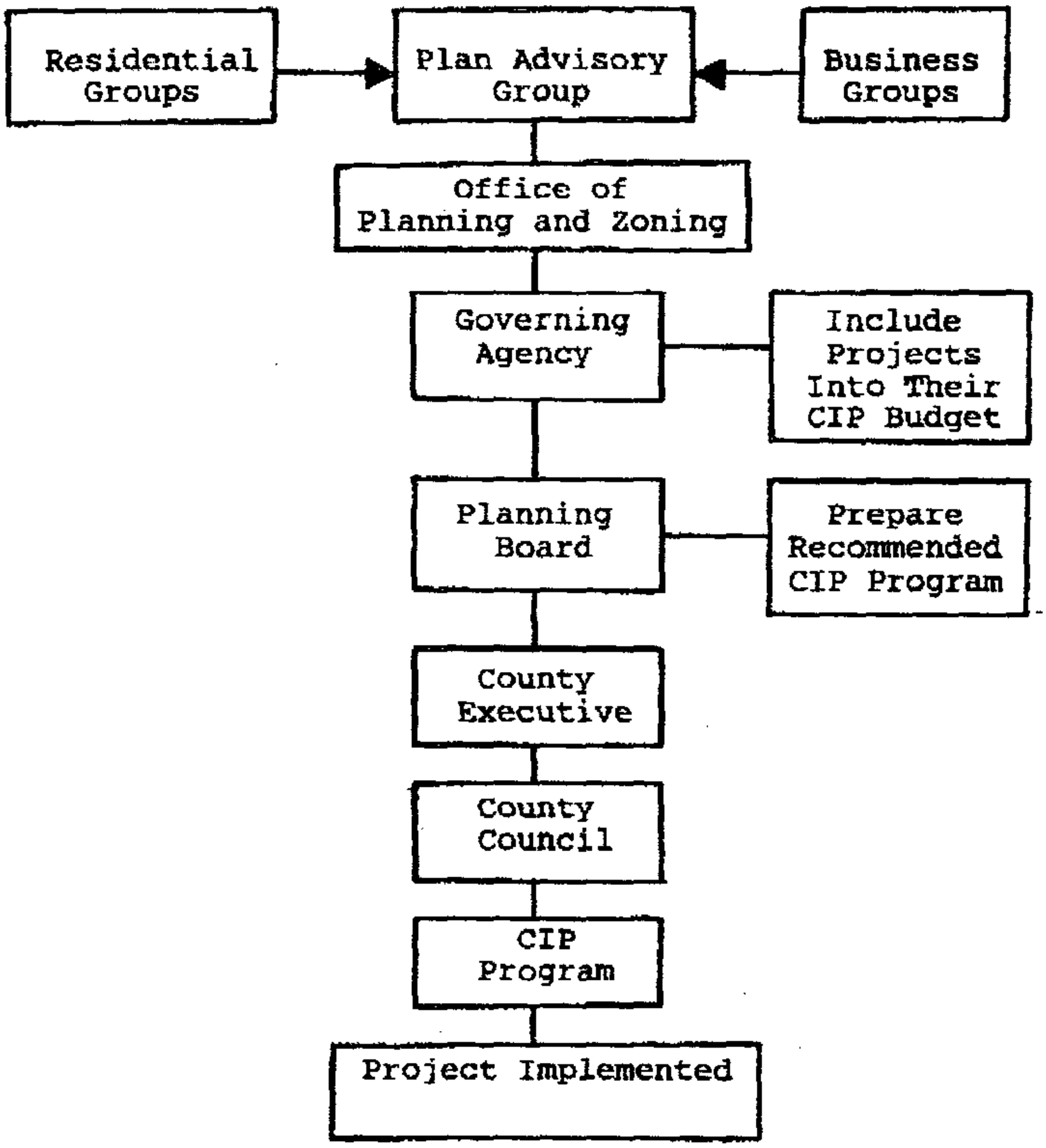
It should be stressed that this planning process has been a unique experience both for the county representatives and the community, since the foundation of the plan was built on the belief that the end product would be a plan of and for the community. The plan delved into issue areas that were new to traditional planning efforts in Baltimore County, such as human service needs, educational issues, integration and stabilization of communities, to name a few.

In the past, most planning processes that the Planning Office initiated were based upon the principle of creating a document that would be used by the community and county as an urban design or zoning tool. The Woodlawn/Liberty Community Plan is based on the concept of improving both the physical and social environment of the community.

The advisory group, which represented the community at large during this planning process, was given the opportunity to submit and react to strategies addressing the needs of their own community. The enthusiasm and creativity of this group enhanced the plan's final actions and recommendations, which are designed to reflect realistic answers to the Woodlawn/Liberty communities' critical issues for its future.

The plan's goal is to set forth potential actions that address the needs of the community. These actions and their implementation may be short term or long term in nature. The plan is designed to be implemented over time, and should be broad-based and flexible so that changing issues in the community can be reflected in the actions of the plan.

PLAN IMPLEMENTATION PROCESS



Implementation

One of the most important elements of the plan is the designation of those individual and agencies responsible for its implementation. While it is the county's desire to see the plan implemented in the future, it is also the county's desire to set forth a realistic set of responsibilities for implementation for the county, the community, and other involved parties.

With ever-shrinking fiscal resources and a rapidly increasing set of demands and priorities for the county, it is necessary to assess the extent to which other parties contribute to the successful implementation of the plan, and work as a team to this end.

Obviously, certain actions should be the sole responsibility of the county for implementation. However, there may be new ways of looking at a community's role, and incorporating various actions from the plan into the existing framework of community organizations and their activities. Rather than the traditional view of government "doing" for the citizens, this approach allows the community to "do" what it sees as important, with government's support and backing.

Private sector members who have a vested interest in the community should take some responsibility for plan implementation. Examples of key players are businesses represented in the community, and developers interested in projects in the community. A partnership should be created between business leaders and the county to implement certain relevant actions of the plan, and share the costs associated with those actions.

In each case, what is to be stressed is a new and creative approach to plan implementation that involves all those who benefit from this plan, and places the responsibility for fiscal resources, manpower, and time allocation on the appropriate party.

WOODLAWN/LIBERTY COMMUNITY PLAN GOALS

The following goals for this plan were developed by the community:

To improve the quality of life of all residents living within the boundaries of the Woodlawn/Liberty Community Plan;

To improve the image of the Woodlawn/Liberty community;

To improve the quality of education in the Woodlawn/Liberty community public schools;

To provide a stable community for all residents in the Woodlawn/Liberty communities;

To promote the Woodlawn/Liberty community as a good place to live and raise a family;

To develop a process to improve the delivery of services for all residents in the Woodlawn/Liberty Road Community Plan area;

To develop strategies to enhance the commercial viability of Woodlawn Village and the Liberty Road corridor;

To work with the commercial community to improve the image of commercial properties in the Woodlawn/Liberty Plan boundary;

To promote the Woodlawn/Liberty Community as an integrated community; and

To identify, enhance and protect the natural environment of the Woodlawn/Liberty community.

Plan Area

The Woodlawn/Liberty Community Plan area includes ten census tracts (4011.02, 4012.00, 4023.04, 4023.05, 4024.03, 4024.04, 4024.05, 4031.00, 4032.01, 4032.02) bounded by Milford Mill Road and the metro line on the north; I-70 to the south; Baltimore City line to the east; and Baltimore County Beltway (I-695) on the west. The plan area has an estimated 1990 population of 26,320 persons and covers a land area of approximately 4,387 acres (6.9 square miles).

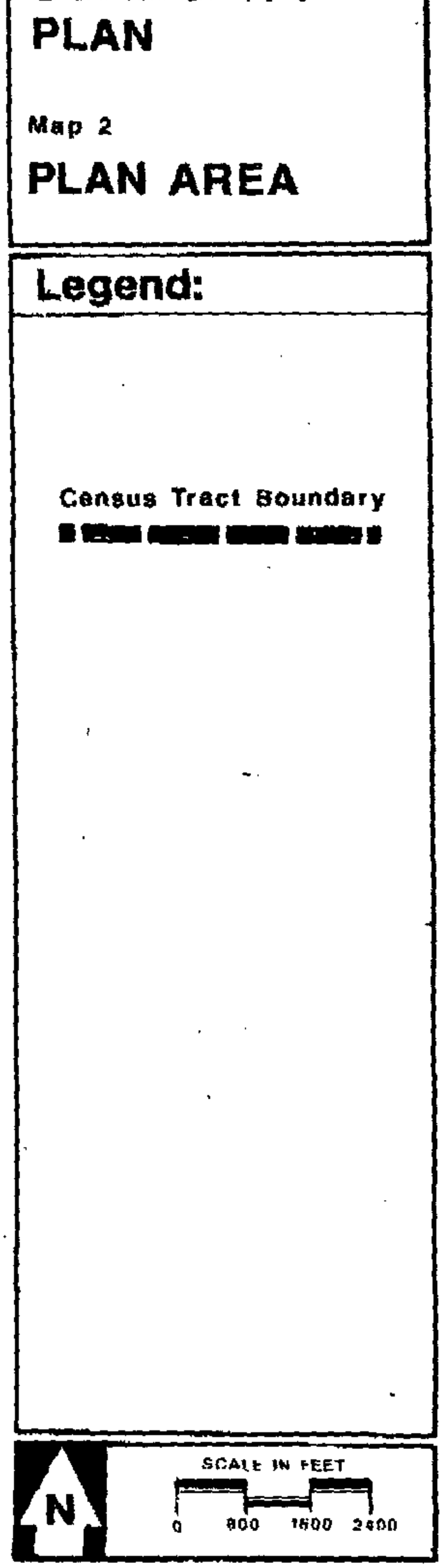
WOODLAWN/ LIBERTY COMMUNITY PLAN

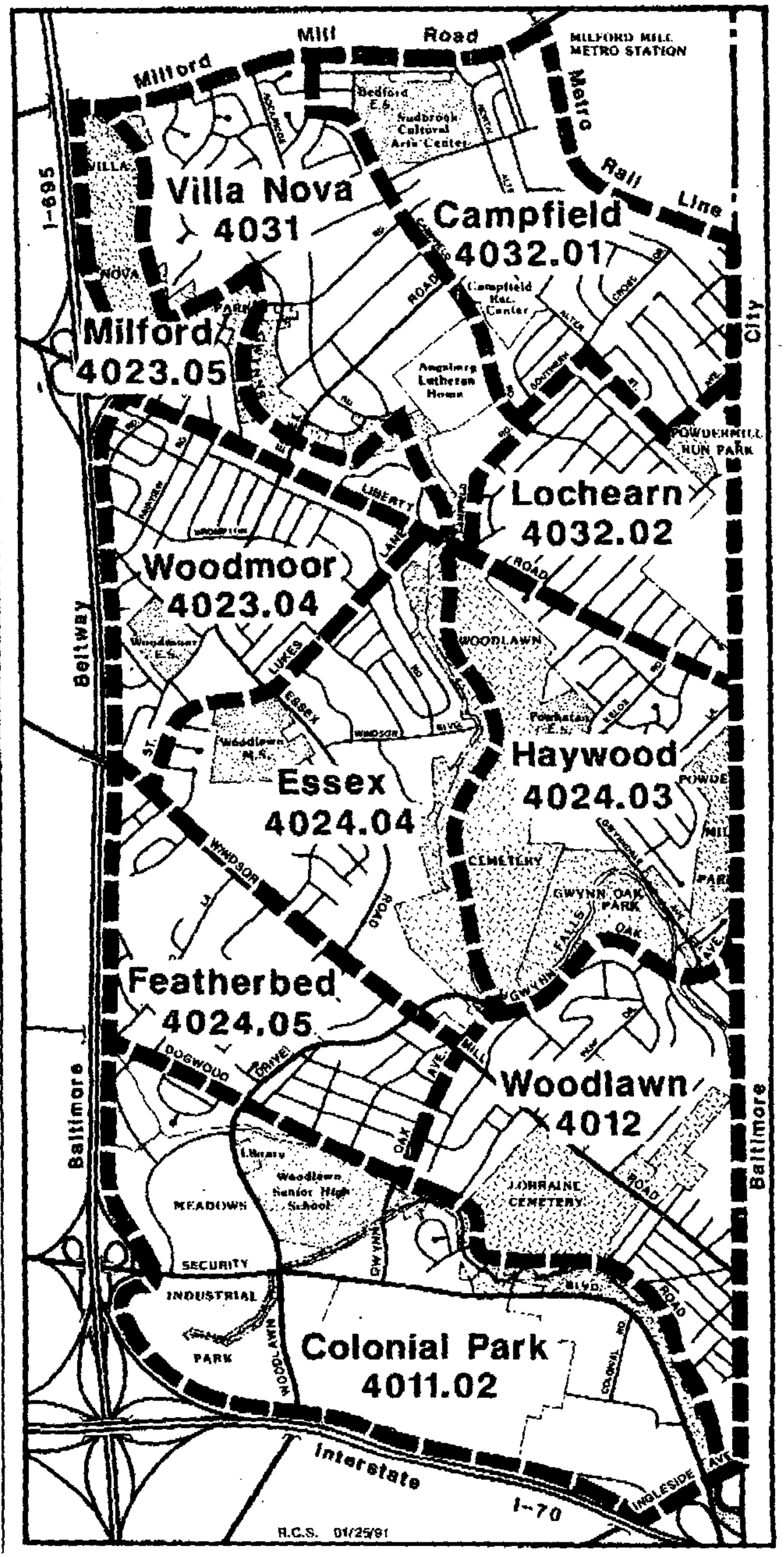
Map 2

PLAN AREA

Legend:

Census Tract Boundary





BACKGROUND DATA
Demographic Trends

Introduction

Selected socio-economic data were compiled and analyzed for the Woodlawn/Liberty Community Plan. The data, which were compiled from the 1970 U.S. Census, the 1980 U.S. Census, and 1990 projections from the Baltimore Regional Council of Governments and the Office of Planning and Zoning.

A discussion of population, housing and economic characteristics of the Woodlawn/Liberty Plan area follows.

Population

Population Change

As indicated in Table 1, the population of Baltimore County was projected to increase by 31,385 persons or a 4.8% change during the 10-year period from 1980 to 1990. During that same 10-year period the population in the study area was projected to decrease by 1,460 person or a -5.3% change.

An examination of the individual census tracts in the plan area reveals that the majority of the area is projected to experience a loss in population. That population loss will range from a -4% (Colonial Park) change to a -14% (Lochearn) change in population during the 10-year period from 1980 - 1990. Census tracts 4024.04 and 4023.04 (Essex and Woodmoor) are the only tracts that are projected to experience an increase of population (11% and 6%, respectively).

Most of the population lost in the study area may be attributed to the decreasing household size within the plan area. This trend is also reflected in other older urban areas in the county. If this trend continues, the county will be faced with a number of critical issues in the future, such as the delivery of services, low school enrollments and higher vacancy rates or smaller household sizes.

TABLE 1

POPULATION GROWTH, 1970-1990

COUNTY TOTALS	620409	655615	687000	66591	10.7%

	CENSUS TRACTS	1970 TOTAL POPULATION	1980 TOTAL POPULATION	1990 TOTAL POPULATION	ABSOLUTE DIFFERENCE IN POP (1970-1990)	PERCENT DIFFERENCE IN POP (1970-1990)
1	4011.02	1477	926	890	-587	-39.7%
2	4012.00	3422	2889	2810	-612	-17.9%
3	4023.04	3802	4222	4010	208	5.5%
4	4023.05	1928	1937	1780	-148	-7.7%
5	4024.03	2658	2395	2210	-448	-16.9%
6	4024.04	4176	4405	4630	454	10.9%
7	4024.05	2854	2975	2850	-4	-0.1%
8	4031.00	3293	2414	2230	-1063	-32.3%
9	4032.01	3539	3113	2830	-709	-20.0%
10	4032.02	2789	2404	2080	-709	-25.4%
	TOTALS	29938	27780	26320	-3618	-12.1%

SOURCE. U.S. CENSUS AND REGIONAL PLANNING COUNCIL

Population Change - 1985-1990

The short-term projection as depicted in Table 2 reveals that between 1985 and 1990, the population in the plan area will decrease from 26,640 persons to 26,320 persons: This decrease reflects a loss of 320 persons or a -1.2% change during the 5-year period from 1985 to 1990.

TABLE 2

POPULATION GROWTH, 1985-1990

COUNTY TOTALS >	670700	687000	16300	2.4%

	CENSUS TRACTS	1985 POPULATION	1990 POPULATION	ABSOULTE DIFFERENCE IN POP (1985-1990)	PERCENT DIFFERENCE IN POP (1985-1990)
1	4011.02	910	890	-20	-2.2%
2	4012.00	2910	2810	-100	-3.4%
3	4023.04	4020	4010	-10	-0.2%
4	4023.06	1840	1780	-60	-3.3%
5	4024.03	2280	2210	-70	-3.1%
6	4024.04	4320	4630	310	7.2%
7	4024.05	2910	2850	-60	-2.1%
8	4031.00	2310	2230	-80	-3.5%
9	4032.01	2960	2830	-130	-4.4%
10	4032.02	2180	2080	-100	-4.6%
	TOTALS	26640	26320	-320	-1.2%

SOURCE: REGIONAL PLANNING COUNCIL

Population Density

Population density refers to the number of people occupying a given unit of land area (usually an acre or a square mile). Ordinarily, population density is expressed in one of two ways: 1) residential density (persons per unit area of residential land); 2) gross density (persons per unit area of land). An examination of Table 3 reveals that the gross population density in the study area has been declining since 1970 while the population density in the county has been increasing.

During the period from 1970 to 1990 the population density of the study area decreased from 6.6 persons per acre to 5.8 person per acre, while population density of the county will increase from 1.6 person per acre to 1.8 person per acre.

Census tract 4024.04 (Essex) is the only tract within the study area that will experience an increase in gross population density.

TABLE 3

POPULATION DENSITY, 1970-1990

	Census Tracts	LAND AREA (ACRES)	1970 POPULATION DENSITY	1980 POPULATION DENSITY	1990 POPULATION DENSITY
	COUNTY TOTALS >	383987.6	1.6	1.7	1.8
1	4011.02	883.7	1.7	1.1	1.0
2	4012.00	475.8	7.2	6.3	5.9
3	4023.04	365.0	10.4	11.6	11.0
4	4023.05	419.7	4.6	4.8	4.2
5	4024.03	450.3	5.9	5.3	4.9
6	4024.04	472.8	9.8	9.3	9.8
7	4024.05	338.5	8.6	6.8	8.5
8	4031.00	470.2	7.0	5.1	4.7
9	4032.01	420.3	9.4	7.4	6.7
10	4032.02	293.9	9.5	8.2	7.1
	TOTALS	4566.0	6.8	6.1	5.8

SOURCE: U.S. CENSUS, REGIONAL PLANNING COUNCIL AND OFFICE OF PLANNING AND ZONING

Population by Race

In 1980, 53,955 persons, or 8% of the population in Baltimore County, were of African ancestry. Within the plan area, 13,297 persons, or 48% of the population were African-Americans and 51% were White-Americans. Table 4 reveals that the African-American population in the plan area range from 8% in Villa Nova to 76% in Woodmoor and Essex.

During the ten-year period between 1970 and 1980, the African-American population in the study area increased by 10,944 persons or 465%. The African-American population in all of the neighborhoods more than doubled during that period, with the Woodlawn community leading the way with a 907% increase.

TABLE 4

POPULATION BY RACE, 1980

	CENSUS TRACTS	1980 TOTAL POPULATION	1980 WHITE POPULATION	PERCENT WHITE POPULATION	1980 AFRICAN AMERICAN POPULATION	PERCENT AFRICAN AMERICAN POPULATION
COUNTY TOTALS >		655615	590283	90.0%	53955	8.2%
1	4011.02	926	773	83.5%	144	15.6%
2	4012.00	2989	2663	89.1%	302	10.1%
3	4023.04	4222	949	22.5%	3244	76.8%
4	4023.05	1937	1278	66.0%	635	32.8%
5	4024.03	2395	757	31.6%	1610	67.2%
6	4024.04	4405	1090	22.7%	3364	76.4%
7	4024.05	2975	1851	62.2%	1090	36.6%
8	4031.00	2414	2196	91.0%	196	8.1%
9	4032.01	3113	1527	49.1%	1552	49.9%
10	4032.02	2404	1224	50.9%	1160	48.3%
	TOTALS	27780	14218	51.2%	13297	47.9%

SOURCE: U.S. CENSUS

Drastic changes in the racial makeup of the plan area has caused the community residents to be concerned about their future. There is the belief that as the community becomes predominantly African-American county services to the community will decrease and the community will be the recipient of unwanted facilities. Both the county and the community must work together in order to prevent this perception from becoming a reality.

TABLE 4A

POPULATION BY RACE, 1970-1980

COUNTY TOTALS >	599027	590283	-1.5%	19555	53955	175.9%

	CENSUS TRACTS	1970 WHITE POPULATION	1980 WHITE POPULATION	PERCENT DIFFERENCE WHITE POPULATION	1970 AFRICAN AMERICAN POPULATION	1980 AFRICAN AMERICAN POPULATION	PERCENT DIFFERENCE AFRICAN AMERICAN POPULATION
1	4011.02	1399	773	-44.7%	64	144	125.0%
2	4012.00	3378	2683	-21.1%	30	302	906.7%
3	4023.04	3057	949	-69.0%	720	3244	350.6%
4	4023.05	1854	1274	-31.1%	87	835	847.8%
5	4024.03	2223	757	-65.9%	418	1610	287.0%
6	4024.04	2219	1000	-54.9%	483	3384	596.5%
7	4024.05	4408	1851	-58.0%	155	1090	603.2%
8	4031.00	3251	2196	-32.5%	23	196	752.2%
9	4032.01	3481	1527	-56.1%	189	1552	816.3%
10	4032.02	2556	1224	-52.1%	226	1180	413.3%
	TOTALS	27823	14218	-48.9%	2353	13297	465.1%

SOURCE: U.S. CENSUS

Population by Age

As presented in Table 5, the 1990 projected population by age groupings reveals that 6% of the population in Baltimore County will be between the ages of 0-5 and 15% of the population will be 65 and older. Within the plan area, 6% of the population will be between the ages of 0-5, while only 12% of the population will be 65 years of age or older. However, both Woodlawn (19%) and Villa Nova (21%) have a greater percentage of persons 65 and over.

The population age groups of 0-5 and 65 years of age or older are segments of the population that are in need of special services. For the younger group, there will be a need for child care services, while for the older group there will be a need for a combination of health care services and senior services.

TABLE 5

POPULATION BY AGE, 1990

Census Tracts	1990 ESTIMATED POPULATION (TOTAL)	1990 PROJECTED POPULATION (0-5)	1990 PROJECTED POPULATION (0-5 %)	1990 PROJECTED POPULATION (5-19)	1990 PROJECTED POPULATION (5-19 %)	1990 PROJECTED POPULATION (65 & OVER)	1990 PROJECTED POPULATION (65 & OVER %)
COUNTY TOTALS >	687000	39980	5.8%	113334	16.5%	103187	15.0%
4011.02	890	52	5.8%	100	11.2%	83	9.3%
4012.00	2810	174	6.2%	428	15.2%	535	19.0%
4023.04	4010	242	6.0%	829	20.7%	319	8.0%
4023.05	1780	88	4.9%	262	14.7%	287	16.1%
4024.03	2210	161	7.3%	485	21.9%	177	8.0%
4024.04	4630	308	6.7%	861	18.6%	237	5.1%
4024.06	2850	212	7.4%	433	15.2%	391	13.7%
4031.00	2230	113	5.1%	300	13.5%	468	21.0%
4032.01	2830	209	7.4%	523	18.5%	257	9.1%
4032.02	2080	132	6.3%	411	19.8%	289	13.9%
TOTALS	26320	1681	6.4%	4632	17.6%	3043	11.6%

SOURCE: REGIONAL COUNCIL OF GOVERNMENTS

Poverty Status

According to the 1980 census, 5% of the county's population was considered to be below the poverty level, while only 4% of the persons within the plan area were considered to be below the 1980 poverty level. Featherbed, Woodmoor and Essex experience the highest percentage of individuals below poverty level while Haywood Heights experiences the lowest.

The Liberty Family Resource Center should target programs in those areas where there is a high percentage of persons below the poverty level, to service their needs.

TABLE 6

POVERTY STATUS, 1980

COUNTY TOTALS >	855815	33861	5.2%

	CENSUS TRACTS	1980 TOTAL POPULATION	1980 PEOPLE BELOW POVERTY	PERCENT BELOW POVERTY
1	4011.02	926	25	2.7%
2	4012.00	2989	86	2.8%
3	4023.04	4222	211	5.0%
4	4023.05	1937	53	2.7%
5	4024.03	2395	17	0.7%
6	4024.04	4405	219	5.0%
7	4024.05	2975	201	6.8%
8	4031.00	2414	39	1.6%
9	4032.01	3113	54	1.7%
10	4032.02	2404	72	3.0%
	TOTALS	27780	976	3.5%

SOURCE: U.S. CENSUS

Labor Force

In 1987, the Baltimore County civilian labor force was 377,351 persons with an unemployment rate of 4%. The plan area had a civilian labor force of 17,726 persons with an unemployment rate of 3.8%. Table 7 reveals that the unemployment rate in the plan area ranged from .6% to 5.3% (Colonial Heights and Woodlawn Village, respectively). Several areas had rates above the county rate of 4% (Woodmoor, Essex and Featherbed).

TABLE 7

LABOR FORCE, 1987

	CENSUS TRACTS	1987 CIVILIAN LABOR FORCE	1987 NUMBER EMPLOYED	1987 NUMBER UNEMPLOYED	1987 UNEMPLOYMENT RATE
	COUNTY TOTALS >	377351	362384	14967	4.0%
1	4011.02	713	709	4	0.6%
2	4012.00	1700	1610	90	5.3%
3	4023.04	2538	2419	119	4.7%
4	4023.05	1350	1300	50	3.7%
5	4024.03	1488	1445	43	2.9%
6	4024.04	2854	2725	129	4.5%
7	4024.05	1829	1739	90	4.9%
8	4031.00	1379	1359	20	1.5%
9	4032.01	1943	1867	76	3.9%
10	4032.02	1932	1887	45	2.3%
	TOTALS	17726	17080	666	3.8%

SOURCE. EMPLOYMENT SECURITY ADMINISTRATION

Housing

Housing Unit Growth

Between 1970 and 1980 the housing stock in Baltimore County increased by 54,187 units or a 29% increase. Within the plan area, the housing stock increased by 649 units, or a 7%, during the same time period. Woodmoor (4012.00) and Essex (4024.04) experienced the greatest growth in housing units (310 and 230 units, respectively). Table 8 reveals that several census tracts within the plan area experienced a loss in housing units. Colonial Park (4011.02) experienced the greatest loss in housing units during 1970-1980 time period (-150 units).

TABLE 8

HOUSING UNITS GROWTH, 1970-1980

	CENSUS TRACTS	1970 HOUSING UNITS	1980 HOUSING UNITS	ABSOLUTE DIFFERENCE IN UNITS (1980-1970)	PERCENT DIFFERENCE IN UNITS (1980-1970)
COUNTY TOTALS		189807	243994	54187	28.5%
1	4011.02	582	432	-150	-25.8%
2	4012.00	1111	1152	41	3.7%
3	4023.04	1072	1382	310	28.9%
4	4023.05	649	855	206	31.7%
5	4024.03	798	742	-56	-7.0%
6	4024.04	1705	1935	230	13.5%
7	4024.05	1067	1213	146	13.7%
8	4031.00	909	840	-69	-7.6%
9	4032.01	1031	1027	-4	-0.4%
10	4032.02	821	816	-5	-0.6%
	TOTALS	9745	10394	649	6.7%

SOURCE: U.S. CENSUS

Owner/Renter Occupied Units

In 1980, 63% of the housing units in Baltimore County were owner-occupied. Table 9 shows that within the Woodlawn/Liberty Community Plan area, 67% of the units were owner-occupied, while 33% of the units were renter occupied. Villa Nova (4031) had the highest percentage of owner-occupied housing units (96%) while Essex (4024.04) had the highest percentage of renter-occupied housing units (67.5%).

TABLE 9

OWNER AND RENTER OCCUPIED UNITS, 1980

	CENSUS TRACTS	1980 HOUSING UNITS	1980 OWNER HOUSING UNITS	PERCENT OWNER	1980 RENTER HOUSING UNITS	PERCENT RENTER
	COUNTY TOTALS	243994	154795	63.4%	89199	36.6%
1	4011.02	432	142	32.9%	290	67.1%
2	4012.00	1152	917	79.6%	235	20.4%
3	4023.04	1382	1062	76.8%	320	23.2%
4	4023.05	855	380	44.4%	475	55.6%
5	4024.03	742	681	91.8%	61	8.2%
6	4024.04	1935	629	32.5%	1306	67.5%
7	4024.05	1213	657	54.2%	556	45.8%
8	4031.00	840	807	96.1%	33	3.9%
9	4032.01	1027	961	93.6%	66	6.4%
10	4032.02	816	760	93.1%	56	6.9%
	TOTALS	10394	6996	67.3%	3398	32.7%

SOURCE: U.S. CENSUS

Household Growth

According to the Baltimore Regional Council of Governments projections, the total households in Baltimore County will have increased by 17,700 or 7% in 1990. Table 10 shows that within the plan area most of the neighborhoods will experience an increase in households, while Campfield (4032.01) and Lochearn (4032.02) will not see an increase in households. Essex (4024.04) is projected to experience the greatest increase in households (230) during the five year period from 1985-1990.

TABLE 10

HOUSEHOLD GROWTH, 1985-1990

	CENSUS TRACTS	1985 HOUSEHOLDS	1990 HOUSEHOLDS	ABSOULTE DIFFERENCE IN H.H. (1985-1990)	PERCENT DIFFERENCE IN H.H. (1985-1990)
	COUNTY TOTALS >	251100	268800	17700	7.0%
1	4011.02	440	450	10	2.3%
2	4012.00	1150	1160	10	0.9%
3	4023.04	1370	1430	60	4.4%
4	4023.05	810	820	10	1.2%
5	4024.03	730	740	10	1.4%
6	4024.04	1880	2110	230	12.2%
7	4024.05	1220	1250	30	2.5%
8	4031.00	820	830	10	1.2%
9	4032.01	1020	1020	0	0.0%
10	4032.02	810	810	0	0.0%
	TOTALS	10250	10620	370	3.6%

SOURCE: REGIONAL PLANNING COUNCIL

Median Household Income

In 1980, the median household income for the plan area ranged from a low $17,000 (Featherbed) to a high of $30,000 (Villa Nova). At the same time, the median household income for the county was $22,000.

TABLE 11

MEDIAN HOUSEHOLD INCOME, 1980 AND 1990

	CENSUS TRACTS	1980 MEDIAN HOUSEHOLD INCOME	1990 MEDIAN HOUSEHOLD INCOME
	COUNTY TOTALS >	$21,640	$22,800
1	4011.02	$22,500	$23,973
2	4012.00	$18,789	$20,341
3	4023.04	$26,578	$27,913
4	4023.05	$19,946	$25,922
5	4024.03	$26,216	$26,839
6	4024.04	$15,493	$19,256
7	4024.05	$17,701	$19,258
8	4031.00	$29,846	$25,455
9	4032.01	$26,425	$27,586
10	4032.02	$26,032	$27,777
	TOTALS	$23,233	$24,432

SOURCE: U.S. CENSUS AND REGIONAL PLANNING COUNCIL

Housing Units (Building Permits) - Residential Absorption Rates

During the 8-year period from 1981 to 1988, there were a total of 236 completed permits issued in the plan area as indicated on Table 12. Essex (4024.04) had the greatest absorption of housing units (142) in the area. The average annual number of permits completed during that period was 30. Also, the number of permits completed in the last three years have been substantially higher than those completed in the early 1980s.

Over the next several years, the Woodlawn/Liberty community will experience an additional four hundred-eleven (411) housing units, if all the CRGs (sub-division plans) that are approved are built.

TABLE 12

COMPLETED RESIDENTIAL BUILDING PERMITS, 1980-1988

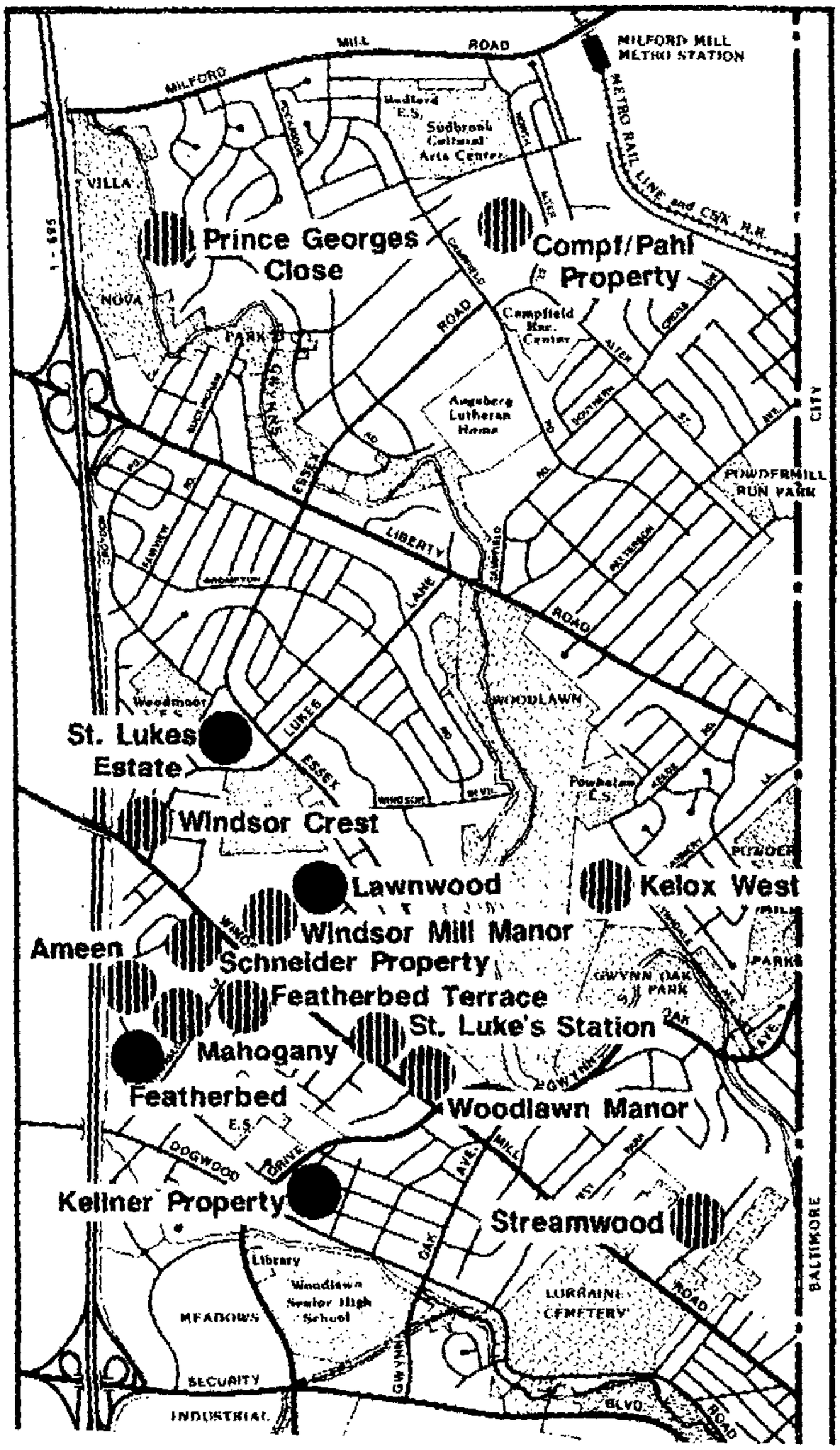
	CENUS TRACTS	1981	1982	1983	1984	1985	1986	1987	1988	TOTAL
1	4011.02	0	0	1	2	1	6	0	0	10
2	4012.00	2	2	4	2	5	0	2	1	18
3	4023.04	0	0	0	0	2	0	11	1	14
4	4023.05	1	1	0	0	0	0	0	1	3
5	4024.03	0	1	0	0	0	1	0	0	2
6	4024.04	1	16	0	6	0	16	62	39	142
7	4024.05	1	2	0	2	2	1	12	22	42
8	4031.00	0	1	0	0	0	0	1	0	2
9	4032.01	0	1	1	0	0	0	0	0	2
10	4032.02	1	0	0	0	0	0	0	0	1
	TOTALS	6	24	6	12	10	26	88	64	236

SOURCE: OFFICE OF PLANNING AND ZONING

WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 3

DEVELOPMENT PROJECTS



Legend:

Plan on File

Completed Project

School Enrollment

As indicated in Table 13, there are 7,218 students enrolled in the eight (8) elementary schools, two (2) middle school and the two (2) high schools serving the students in the plan area. Of the 7,218 students enrolled in the public schools, 67% of them are African-American, while only 18% of the school population of Baltimore County is African-American. Thirty percent of the school system's African-American population resides within the study area.

TABLE 13

SCHOOL ENROLLMENT, 1990

	SCHOOL	TOTAL ENROLLMENT	CAPACITY	CAPACITY MINUS ENROLLMENT	AFRICAN AMERICAN ENROLLMENT	PERCENT AFRICAN AMERICAN
1	BEDFORD ELEM	320	358	38	181	56.6%
2	FEATHERBED LANE ELEM	460	478	18	389	84.6%
3	POWHATAN ELEM	315	392	77	274	87.0%
4	WOODMOOR ELEM	477	478	1	470	98.5%
5	MILBROOK ELEM	429	416	-13	146	34.0%
6	WELLWOOD ELEM	378	508	130	115	30.4%
7	JOHNNYCAKE ELEM	480	478	-2	255	53.1%
8	EDMONDSON HGTS ELEM	521	702	181	125	24.0%
9	WOODLAWN MIDDLE	787	1189	402	730	92.8%
10	JOHNNYCAKE MIDDLE	865	1144	279	467	54.0%
11	MILFORD MILL HIGH	708	1505	797	606	85.6%
12	WOODLAWN HIGH	1478	2050	572	1066	72.1%
	TOTALS	7218	9698	2480	4824	66.8%

SOURCE: DEPARTMENT OF EDUCATION 9/28/90

Actions

1. Census Data Update. The Office of Planning and Zoning will update the community data for this plan once the 1990 census is available.

2. Plan Advisory Group. The planning advisory group for the Woodlawn/Liberty Community Plan should be established as a permanent group with representatives from the business and residential community, Baltimore County, and major organizations in the area.

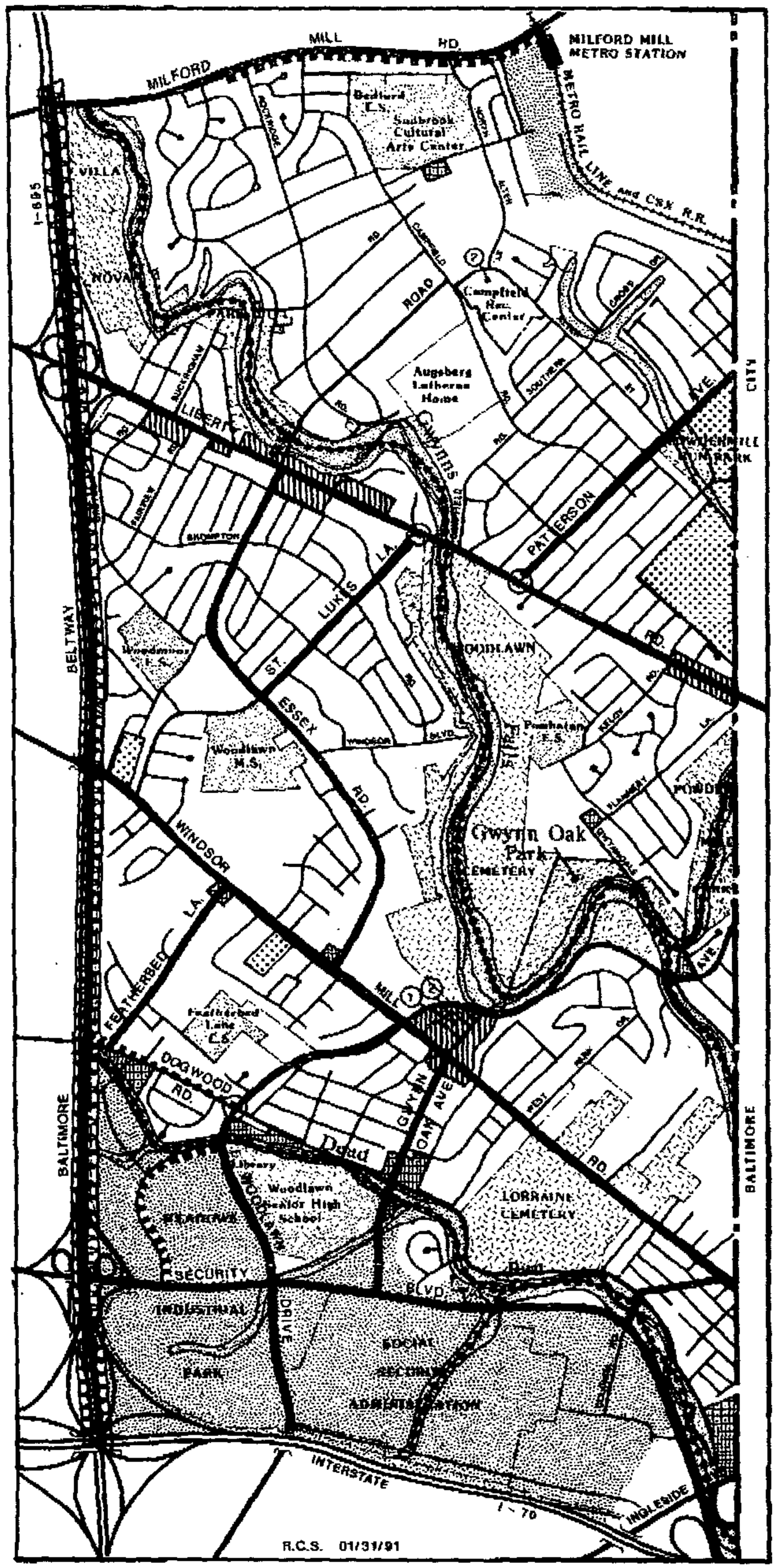
   REVISE AS PER AMEND. #8

   This group should be a sub-committee of the Liberty Road Community Council (LRCC). This sub-committee should be known as the Community Action Committee with major responsibilities of insuring continued community participation in the actions set forth through the plan, and monitoring the community's needs in the future.

WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 4

COMMUNITY CONSERVATION



Legend:

OPEN SPACE
Flood impact area.
Establish stream valley trail system:
- Identify linkage to system.
- Plant trees.
- Monitor water quality.

Promote use of Gwynn Oak Park.
★ Urban tree planting program.
★ Prepare surface drainage study to reduce flooding.

HIGHWAY/TRAFFIC
Traffic impact area.
Reduce highway noise.
Road improvement project.
High impact non-residential traffic area.
★ Provide shared access for all new and redeveloped projects.

COMMERCIAL
Commercial revitalization area.
★ Sign variances should be denied.
Commercial impact area.

RESIDENTIAL
Vacant land.
★ Apply livability code to all residential units.
★ Maintain vacant properties.
★ Deny commercial zoning in residential areas.
★ Infill development must be compatible with existing community.
★ Require public hearings for single family conversions.
★ Protect properties of historical significance.
★ Preserve existing tree cover.

SCHOOL/RECREATION
① Reuse Woodlawn Elementary School.
② Make physical improvements to Woodlawn and Campfield Recreational Centers.

NOTE:
★ Star indicates policy or program applies to the entire Woodlawn/ Liberty Community Plan area.

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COMMUNITY CONSERVATION PLAN

Community Conservation

Community conservation deals with establishing policies and programs that will be used to protect, stabilize and enhance existing communities. When talking about community conservation most individuals concentrate on the physical environment of the community. However, in the case of Woodlawn/Liberty, there are major concerns about the social welfare of the community.

A comparison of 1970 and 1980 census data shows that there has been a drastic change in the racial composition of this community. The residents are concerned about whether this change has occurred as a natural progression of residential change or whether policies and actions (government and private sector) are promoting this change.

Community groups in the Liberty area have taken strong positions supporting the maintenance of the area as a successful interracial neighborhood. This position was taken in support of diverse interracial neighborhoods. It was not taken in opposition to predominately white or predominately minority neighborhoods.

A diverse interracial neighborhood in the Baltimore area may be defined simply as a community in which both blacks, whites and other races move into the neighborhood in relatively similar proportions.

In the past, there have been active segregative policies and practices by both the government and private sector.

Redlining by the government in FHA and VA mortgages through the early 60s, blockbusting, and racially restrictive covenants in deeds were some of the most obvious discriminatory practices. There is the possibility that remnants of these policies exist today. Juliet Saltman, in her book, "A Fragile Movement - The Struggle for Neighborhood Stabilization", documents the problems of integrated communities. These included undesirable zoning changes, concentration of public housing developments and clustering of group homes in integrated neighborhoods.

Consequently, a major effort must be made to insure that the government and private sector policies are not segregative in nature. Essentially the integrated neighborhoods of Woodlawn/Liberty and other diverse interracial neighborhoods must be treated fairly. There cannot be a disproportionate number of undesirable programs concentrated in the communities. All programs that are perceived negatively by the community should be analyzed for their impact.

There are policies and resources that the county can control in order to achieve community conservation and stabilization. In providing for a stable community, all types of people will be attracted to live in the community.

Actions

1. **Community Plans.** The county should provide funds to Liberty Road Community Council (LRCC) to support the efforts of the Woodlawn/Liberty Community Plan.

2. **County Policies.** All county programs and policies will be evaluated to insure that they are sensitive to the special needs of the diverse interracial communities and shall at no time contribute to the demise of these communities. Special efforts shall be made to preserve the stability, health and general welfare of diverse interracial communities when government funding is used in whole or part.

3. **Race Relations.** As part of LRCC, there should be a Race Relations Board where issues of race and ethnicity can be discussed. The county should provide funds and training for this board. In addition to representatives from LRCC, there should be representatives from CHAI, LCDC, NAACP and any other similar type of organizations.

4. **Community Promotion.** LRCC should work with the Department of Community Development to promote their neighborhood as a place to live and raise a family.

5. **Cultural Programs.** As part of showcasing the ethnic variety of the community, the community should establish a cultural festive day. The community could also work with the school system to provide cultural programs as part of the school programs.

6. **Realtors.** LRCC should provide realtors who list houses in the area with a packet of information showcasing the positive aspects of the community.

7. **Neighborhood Residents.** Each resident in the community should take it upon themselves to get to know their neighbors.

8. **Livability Code.** The livability code governing the outside appearance for rental units should be applied to all residential units in the plan area.

9. **Vacant Properties.** There are several vacant properties within the study area, both residential and commercial. Their non-use is a problem for the community, and permitting them to continue leads to an increase in disinvestment in the area. The county must establish regulations that ensure vacant properties in community conservation areas are well-maintained and returned to active use as soon as possible. Such a program would include incentives for reuse to benefit the community and punitive measures for prolonged non-use of buildings. This initiative would require amendments to the county code. The county should develop programs to encourage and require reuse of vacant buildings.

ADD AMENDMENT #2

10. **Regulations.** Develop regulations for the Woodlawn/Liberty plan area, requiring that any new development of more than three dwelling units and any non-residential development be subject to a Special Development Review, taking into account:

    a. negotiation of phasing within developments to correspond to a planned schedule of community service facilities and improvements in the area;
    b. an analysis of the relationship of the proposed development to the surrounding community;
    c. an analysis of marketing techniques to be used by the proposed developer;
    d. an evaluation of additional demands projected to be placed upon utility and transportation facilities and community services in the area as against the present adequacy of these facilities and services;
    e. an analysis of the impact of proposed development upon schools, libraries, post offices, police protection and recreational facilities in the area.

Developers of projects within the plan area should provide the above information to the planning office.

Image

During the planning process, the community identified "Image" as one of the central issues that needed to be addressed. There was a consensus that the Woodlawn/Liberty area has an undeservedly poor image, both within the community and to outsiders. The planning group agreed that this image contributed to problems within the community, and could eventually contribute to instability.

The Woodlawn/Liberty area has many positive attributes:

- Excellent road and transportation access.
- Excellent employment opportunities within or close to the community.
- Excellent commercial services.
- Affordable, quality housing.
- Diverse architecture and environmental qualities.
- Active and strong community groups.

Various concerns and perceptions have prevented these positive attributes from being appreciated. For example, the visual quality of the community's major thoroughfares is not as high as that in other parts of the community. Poor maintenance of these highly visible properties along the thoroughfares contributes to the poor image of the community. Another factor contributing to a poor image is the frequent identification of Woodlawn as the location of crimes, due to the location of the police station and the reporting methods of the police department.

There must be coordinated efforts to improve the Woodlawn/Liberty area's image. An improved image could result in attracting new residents and prosperous businesses, and instill current residents with pride to continue to maintain and support their community.

Actions:

1. Community Promotion Program. A community promotion program would highlight the positive aspects of the community and relay this information to potential homebuyers or new busi-

nesses. The program should be developed with the assistance of local realtors, the county government and possibly professional public relations assistance.

2. Community Activities. Selected community needs should be addressed through organized community efforts, especially those which will lead to immediate, visible success. These activities would increase community empowerment and self-image, as well as contributing to a positive community image. Possible activities could include clean-ups, beautification plantings or the acquisition and installation of play ground equipment.

3. Building Maintenance. Several properties on major roads through the community appear to be in disrepair. The community should ensure that property owners know of the community's concerns for the image of the area and encourage property maintenance. Funds for property improvement, where applicable, should be made available. Additionally, it must be ensured that no Baltimore County Code violations are allowed to contribute to this situation.

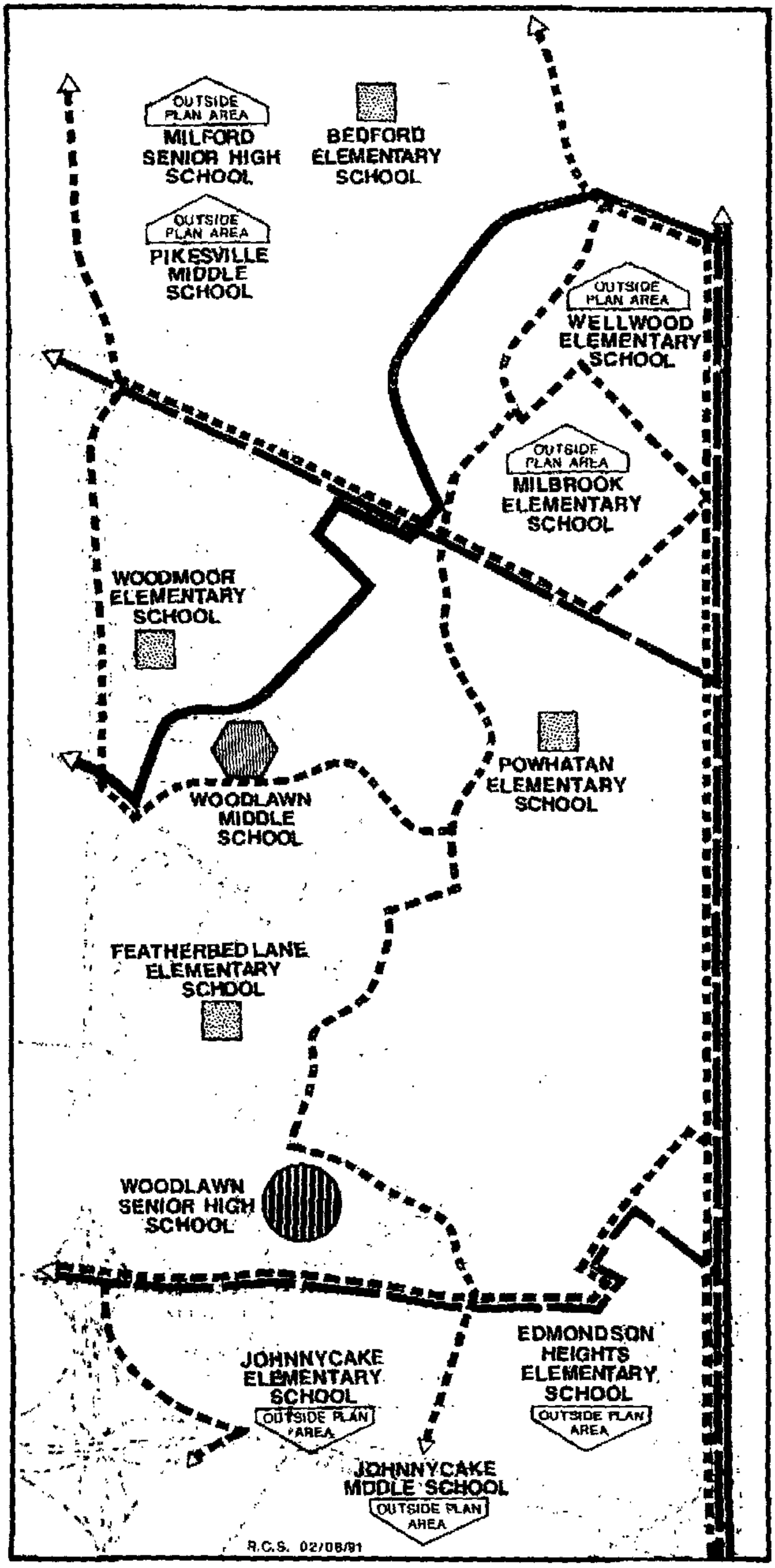
Education

In choosing priorities for the conservation of the Woodlawn/Liberty communities, a major issue to consider is the quality and consistency of public education. There exists a perception that the quality of schooling has decreased, and that the efficacy of instruction, curriculum, and general school discipline has lessened in recent years.

The education sub-committee of the Woodlawn/Liberty Community Advisory Group, in studying the issues surrounding education, state:

> "...We feel that quality schools are absolutely vital to the health and well-being of any community. Of all the things that could be done to improve the quality of life in Woodlawn, [maintaining and enhancing] the quality of the public schools is perhaps the most important."

The subcommittee felt that the issues surrounding education were not only the responsibility of the Board of Education, but of county government and of the community. All three sources must dedicate



WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 5

SCHOOL DISTRICTS

Legend:

ELEMENTARY SCHOOL

ELEMENTARY SCHOOL DISTRICT BOUNDARY

MIDDLE SCHOOL

MIDDLE SCHOOL DISTRICT BOUNDARY

SENIOR HIGH SCHOOL

SENIOR HIGH SCHOOL DISTRICT BOUNDARY

N

SCALE IN FEET

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themselves to the continuance of quality educational services in the Woodlawn/Liberty area.

The following is a statement of the issues concerning education both from the sub-committee's and the Board of Education's perspective.

Statement of Goals

1. To increase the visibility and exposure of good schools in the area, highlighting high scholastic achievements, successful racial integration, and innovative programs.

2. To develop specialized programs within targeted schools in the community to address low achievement or poorly motivated students.

3. To dispel myths and negative perceptions concerning schools with a very high population of minority students, using schools in the general area as models.

4. To examine and address the high mobility rate of both teachers and students.

5. To attract and retain highly qualified teachers and administrators.

6. To establish curricula, programs, and services that address the unique needs and interests of minority students.

7. To establish programs that enhance the achievement potential of minority students.

8. To encourage community support for the area schools, and involve parents in relevant ways in the student's education.

The major concern expressed by the community and supported by the Board of Education was that there is a lack of confidence by the community about the quality of education; however, the Board of Education feels strongly that this is a perception and not based in any current real data. Whatever the source, it seems that the frequent teacher turnover, high percentage of minority student representation, and lack of parental involvement all add to this "image" of the study area schools. It is important to add that there are schools in the area that are successful and academically challenging, but have not been recognized as such. However, there is a perception that all schools "suffer" from a poor image.

An additional factor is that the middle-class parents of the area send their offspring to private schools, believing these perceptions of poor quality schooling in the area. This movement away from the local schools should be stemmed. An additional result of the flight away from area schools by the middle-class is the under capacity of some schools. This negatively affects the schools by causing cuts in school personnel and some services.

The result of this tendency of middle-class children away from the area schools is that the student body of these schools is becoming more homogeneous in its background (lower middle-class and economically disadvantaged students, often from single-parent households, may be poorly motivated). These changing needs of students dictate that the educational system must address these emerging needs, and yet maintain a consistently high level of academic achievement.

In certain schools, the racial composition has become such that there exists a very high percentage of minority students. This has been a non-issue in some area schools (e.g., Woodlawn High) that have maintained a high level of academic achievement, and a good reputation in the community at large. Other schools, however, have fallen victim to perceptions of a lowering of academic standards, or loss of prestige in the community. White and African/American parents are concerned that students in these schools are perceived by teachers, professionals, and possibly family members as only capable of achieving at a lower standard than their more racially-balanced counterparts. Additionally, the special needs of minority students are inconsistently addressed. Such needs as lessened sensitivity towards the feelings of minority students, lack of role models, lack of accurate and relevant history of African-American culture and beliefs, are examples.

These and many other negative perceptions can be heavily affected by the school administrator's acknowledgement of the issues surrounding his/her school. Both the community and the Board of Education felt that the school administrator was the pivot point to much of the success that a school and its students experience. It is a pride in achievement that the administrator instills in teachers and students that can start to ameliorate negative perceptions of or by the school. Additionally, the positive image projected by an administrator can heavily affect the feelings and perceptions that the teachers and instructors may hold concerning students. The administrator holds the power of change, be it positive or negative.

Various parties feel that a feasible alternative to the present system of schools in the area would be that of magnet schools. Not

only would they enhance the area schools, curriculum programs of this type would also allow students more specialization in areas of interest, and place these school sites on the cutting edge of the educational process in the county.

Actions

1. Magnet Schools. Baltimore County Board of Education should set up a cluster of magnet schools in the areas, centering on the following:

   - Math and Science
   - Foreign Language
   - Fine Arts
   - Open classroom
   - Multi-cultural emphasis
   - Environmental emphasis

2. Volunteer Programs. Develop volunteer programs for certain schools, designed to address the following:

   - Create recruitment system for positive role models (M/F) to provide special training and/or regular involvement.

   - Create special programs with and for volunteers, such as grandparent programs in K-4 grades with retired citizens, or Big Brother/Sister programs in grades 5-8 with senior high students (academic/athletic/social orientation).

   - Encourage joint partnerships between a school and local businesses. The school could benefit by funding, and being exposed to local community leaders.

   - Use volunteers in extra-curricular activities.

   - Establish a committee to study other school system's successes on community participation and involvement.

ADD AMENDMENT #3

3. Family involvement. Improve family and parental involvement in the school, its programs, and activities.

AMEND. #15

   - Establish systems of frequent dialogue and progress updating between teachers ~~and~~ parents/families, both on individual and group achievements and difficulties.

   - Establish a coalition of parents/families, community members and business leaders to advocate for local schools.

* ADD AMEND #16

- Encourage neighborhood and community involvement with local schools in such areas as school events, community events, recreation events, fund raising, etc.

- Provide family intervention or parenting skills workshops in the school, through Family Resources Programs.

4. African-American Programs. Develop programs and services that are responsive to the unique needs of African/American students.

- Support and fund the Minority Achievement and Participa tion Plan.

- Provide T.E.S.A. (Teacher Expectations/Student Achievement) training for all teachers in the study area within the next three years.

- Establish as part of all schools' curriculum a section on African-American history.

5. Teacher Retention. Develop programs to enhance the retention of teachers in the schools in the area.

- Provide incentive programs to attract and retain good teachers.

- Establish criteria for incentive programs for academic achievement. Rewards should be given to all teachers and students for achievement.

- Require exit interviews for teachers who transfer or leave the area schools.

6. Achievement. Increase achievement levels for the area schools.

- Establish "search" programs to identify and foster gifted and talented minority students.

- Establish specialized and/or individualized instructional programs for students experiencing difficulty.

- Insure the maintenance of all needed support services (full or part-time provision) even in under enrolled schools.

7. Adequate Public Facilities. Support the inclusion of school capacity in the adequate facilities legislation.

Community Services

The residents of the Woodlawn/Liberty Community Plan area enjoy the benefits of a wide range of public facilities and county services. Unfortunately, many of the residents are either unaware of these services or do not have ready access to them.

The community is served by six (6) elementary schools (Bedford, Milbrook, Featherbed Lane, Powhatan, Wellwood and Woodmoor); one middle school (Woodlawn); and two high schools (Milford Mill and Woodlawn). Area residents are also served by several private schools.

Numerous religious institutions provide both spiritual and civic leadership in the community. Several of them make their facilities available to the community on a regular basis.

During the preparation of this plan, residents expressed great concern about the level and quality of county services they are receiving. The perception was that the community was not getting its fair share of county services and that the quality of the services that they received was below that of other areas in the county. Several county departments made presentations to the advisory group on their department's responsibilities and how to access their services.

At the time of the 1980 census, the Woodlawn/Liberty plan area had an elderly population (65 and over) below the county average (15%). However, there are several areas that have an elderly population above the county average, Woodlawn (19%), Milford (16%), and Villa Nova (21%). Presently the residents in the plan area are served by the two full-time senior centers located in Randallstown in the Liberty Family Resource Center and Catonsville Senior Center.

The 1980 census also reveals that there are areas in Woodlawn/Liberty that have need for the following services: child care, juvenile services and social services, Health Services (AMEND. # 4)

Three fire companies serve the area, the Woodlawn Volunteer, Pikesville Volunteer and Woodlawn Company #3 (two volunteer and one paid). The new police station Precinct #2 is located at the intersection of Woodlawn Drive and Windsor Mill Road.

The Woodlawn Public Library located on Woodlawn Drive is well used by the residents of the area and serves as an activity center for the community.

WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 6

PUBLIC FACILITIES

MILL ROAD
MILFORD MILL METRO STATION
MILFORD
Bedford E.S.
Sudbrook Cultural Arts Center
METRO RAIL LINE and CSX R.R.
I-695
VILLA NOVA PARK
CAMPFIELD ROAD
Campfield Rec. Center
Angelberg Lutheran Home
GWYNN OAK
ESSEX
LIBERTY
POWDERMILL RUN PARK
CITY
BELTWAY
Woodmoor E.S.
LUKES
Woodlawn M.S.
WINDSOR
WOODLAWN
Powhatan E.S.
CEMETERY
GWYNN OAK PARK
POWDER MILL PARK
Featherbed Lane E.S.
DOGWOOD DRIVE
Library
Woodlawn Senior High School
MEADOWS
LORRAINE CEMETERY
SECURITY INDUSTRIAL PARK
SOCIAL SECURITY ADMINISTRATION
INTERSTATE I-70
INGLESIDE AVE.
R.C.S. 01/20/91

Legend:

- SCHOOL
- CEMETERY
- LIBRARY
- POLICE
- FIRE
- METRO STATION
- PARK
- SURPLUS SCHOOL

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Actions

1. Planning Team. Establish an inter-agency planning team with representation from Community Development, Social Services, Aging, Police, Substance Abuse, Planning, and Family Resource Center. This planning team would work with the community to identify the social service needs and concerns of the community.

REVISE AS PER AMEND. #6

2. Information. The programs offered at the Liberty Family Resource Center should be promoted aggressively within the study area.

3. Target Population. The planning team should identify the population with the most need and target services in those areas.

4. Community Education. LRCC should establish planning sessions and work shops for the development and delivery of services.

5. CHILDREN (AMEND. #5)

Community Improvement

6. JUVENILE SERVICES (AMEND. #7)

The Woodlawn/Liberty community is an older urban community with an aging infrastructure. Residents believe that the facilities in this community are not maintained regularly. During the planning process for this plan, the community identified several areas in need of attention:

street resurfacing	tree trimming	tree planting
street cleaning	flooding and drainage	stream clean-ups

The Office of Planning and Zoning forwarded the community's concerns to the Department of Public Works. The Department is following up on these concerns.

Actions

1. C.I.P. Subcommittee. Establish a capital improvement subcommittee as part of LRCC to identify projects to be submitted to Baltimore County.

2. C.I.P. Priorities. Develop a list of projects to be added to the Capital Improvement Program.

3. Community Projects. Identify projects that can be completed without C.I.P. funds.

Crime and Drugs

Over the past several years, the residents of the Woodlawn/ Liberty Plan area have seen an increase in the crime rate and drug trafficking. This problem is not unique to the plan area, but a phenomenon that is occurring in other areas of the county as well.

The Subcommittee of Crime and Drugs prepared an extensive list of the different services and programs that the community may use to combat the problem of crime and substance abuse in their community.

Actions

1. **Substance Abuse Center.** Identify a location within the study area to serve as a substance abuse center.

2. **Community Education.** Print and distribute the listing of services developed by the Crime and Drugs Sub-committee. (see Appendix F)
3. **Community Programs.** Work with the Substance Abuse Office to develop community-based substance abuse programs.

4. **Police Involvement.** Work with the captain at Precinct 2 on ways to reduce crime in the area and how to report crime statistics to the media.

Land Use and Zoning

The Woodlawn/Liberty community encompasses a total of 4,387 acres. Of that total, 89% is zoned for residential use; 5% for commercial use, 0.5% for office use; and 6% zoned for industrial use. Table 15 indicates acreage distribution of the zoning/land use categories within the plan area.

While residential use is distributed throughout the area, the vast majority of the non-residential uses (commercial, office and industrial) are primarily located along the arterial roads (Security Boulevard, Windsor Mill, Dogwood and Liberty Roads) traversing the area.

AMEND. #9

TABLE 14

LAND USE, 1985

LAND USE	ACRES
AGRICULTURE	48.72
BARREN LAND	23.38
OPEN LAND	177.42
INSTITUTIONAL	509.89
FOREST	903.55
MEDIUM DENSITY RESIDENTIAL	2196.41
HIGH DENSITY RESIDENTIAL	240.59
COMMERCIAL	77.77
INDUSTRIAL	209.55
TOTAL	4387.34

SOURCE: MARYLAND OFFICE OF PLANNING

TABLE 15

ZONING, 1988

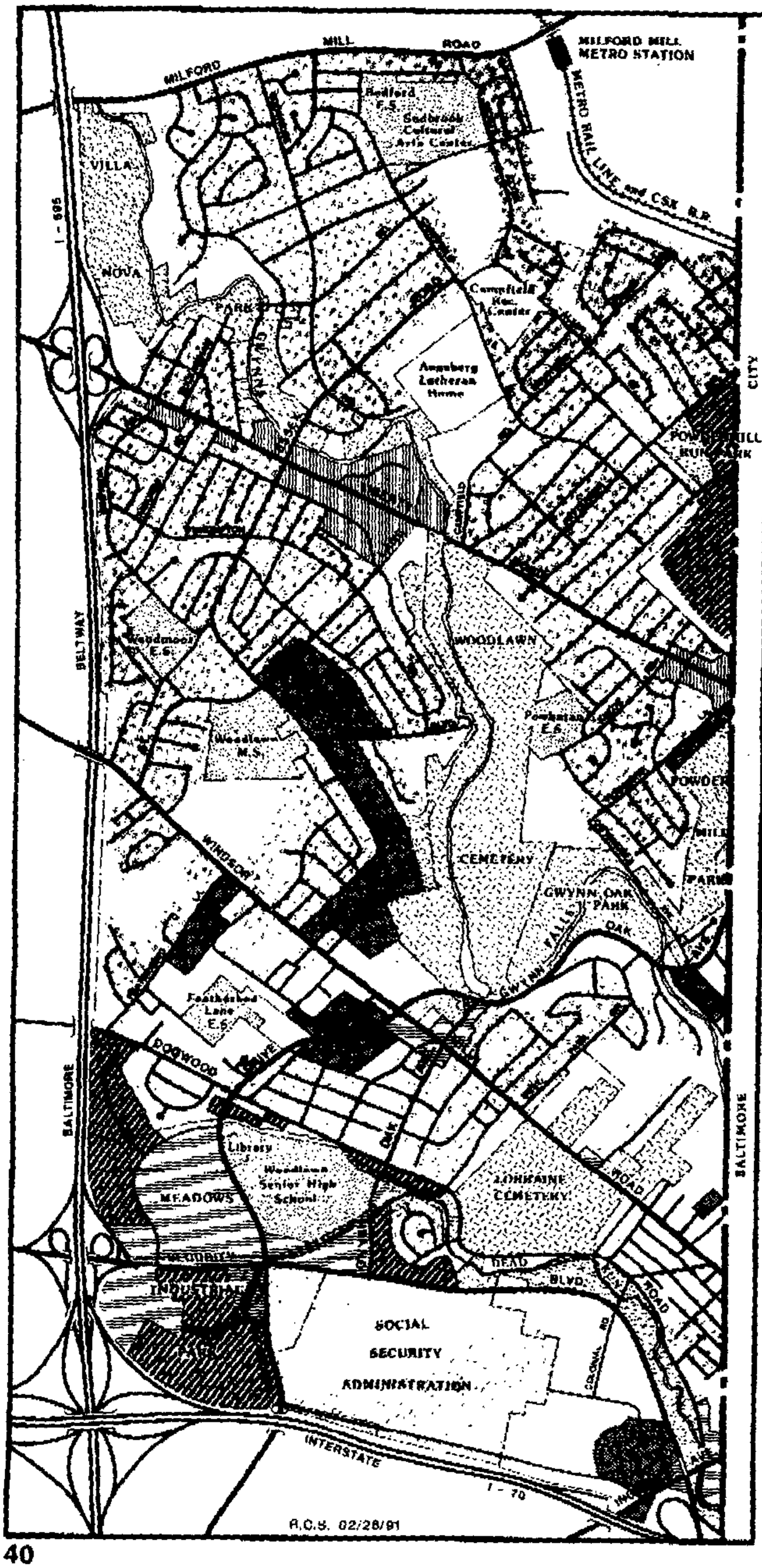
	ZONING	ACRES
1	BL	21.03
2	BL-CCC	7.83
3	BL-CNS	11.16
4	BL-CSA	0.40
5	BM	14.19
6	BM-CCC	22.22
7	BM-CNS	1.86
8	BM-CSA	4.57
9	BM-IM	43.44
10	BR	8.88
11	BR-CNS	8.20
12	BRCSA	15.29
13	BR-IM	38.10
14	DR 10.5	17.08
15	DR 16	196.32
16	DR 3.5	730.76
17	DR 5.5	2975.70
18	ML	54.59
19	ML-IM	142.83
20	MLR	53.24
21	RO	19.68
	TOTAL	4387.35

SOURCE: BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

REPLACE (AMEND #10)

WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 7
LAND USE



Legend:

- LOW DENSITY URBAN RESIDENTIAL
- MEDIUM DENSITY URBAN RESIDENTIAL
- OFFICE
- COMMERCIAL CORRIDOR
- COMMERCIAL
- OFFICE/ INDUSTRIAL
- PARK/ OPEN SPACE

N

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Nineteen percent (19%) of the land within the study area is dedicated to open space in the form of area parks, stream valley parks, schools, ball fields and cemeteries. As shown on the open space map, all segments of the community have access to a variety of open space in the area.

Residential Areas

The residential neighborhoods within the study area are designated low and medium urban density residential on the 1989 Master Plan land use map. Existing neighborhoods are strong and stable, and community members are concerned about ensuring that existing residential areas are not affected adversely by new or infill development projects.

Most of the large vacant parcels of land located within study area already have an approved sub-division plan (CRG). The stability of the community in the future will be impacted by the development of the infill sites in the community.

Actions

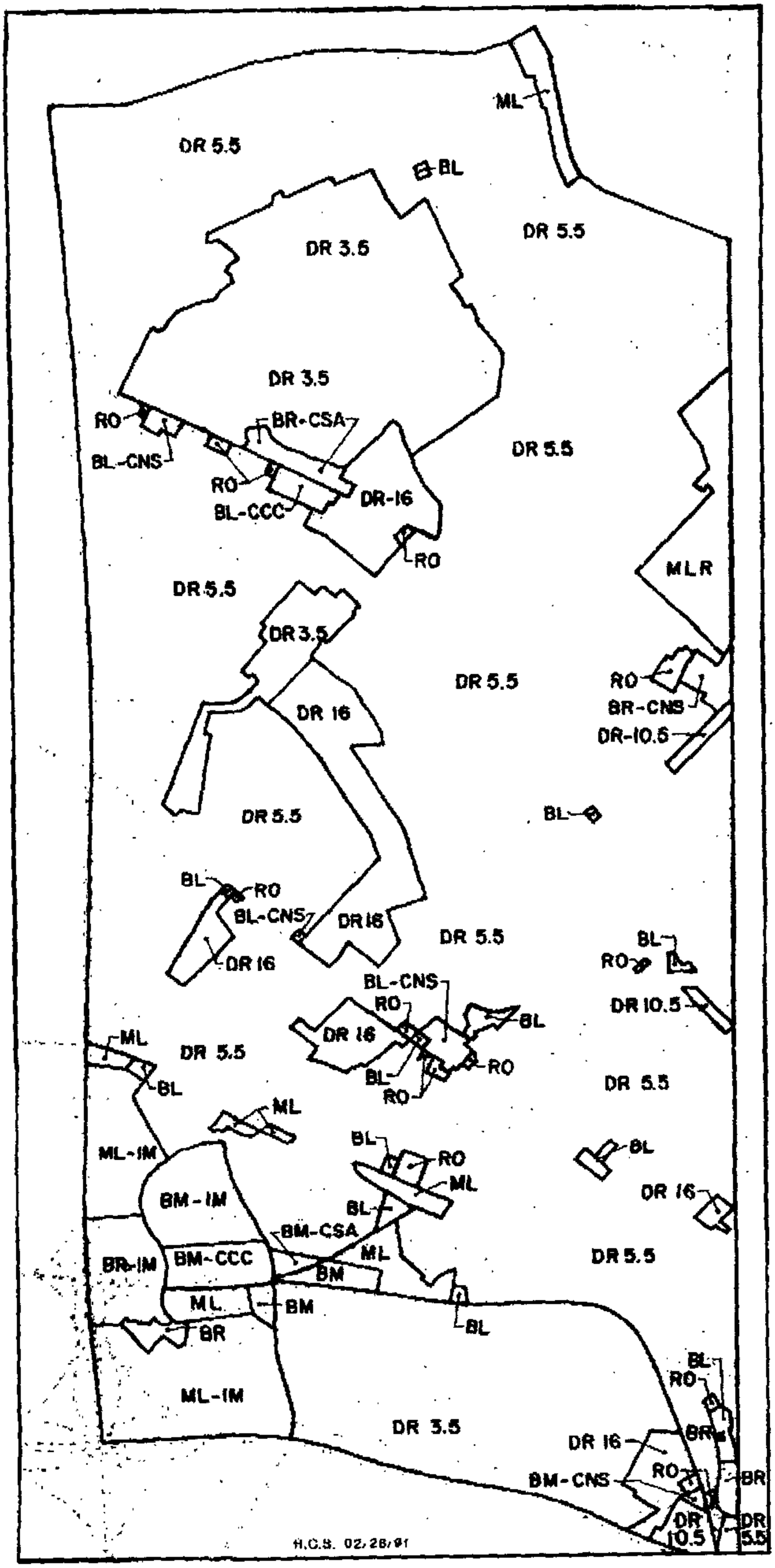
REVISE AS PER AMEND. #11

1. **Zoning.** The current zoning and land use designations are appropriate and should remain. Any request for higher density designations should be discouraged. All requests for commercial zoning in residential areas should be denied.

2. **New Construction/Infill Development.** New housing development projects should be designed and sited with sensitivity to the existing neighborhood, both in terms of architecture, landscaping, preservation of significant trees and street patterns. All new development should be compatible with the existing neighborhood character.

3. **Zoning Variances.** Zoning variances that would change the character of existing neighborhoods as it relates to lot size, building height, setback, and parking should be denied if they will have a negative impact on the community.

4. **Single-family Conversions.** The conversion of large, single-family housing units into multi-family units can have a detrimental effect on existing neighborhoods. All property conversion to multi-family dwellings will be required to have a public hearing before the Zoning Commissioner.



WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 8
ZONING

Legend:

RESIDENTIAL ZONES

DENSITY RESIDENTIAL

D.R. - 3.5

D.R. - 5.5

D.R. - 10.5

D.R. - 16

Number indicates maximum unites permitted per acre.

OFFICE ZONE

R.O. RESIDENTIAL OFFICE

BUSINESS ZONES

B.L. BUSINESS LOCAL

B.R. BUSINESS ROADSIDE

B.M. BUSINESS MAJOR

MANUFACTURING ZONES

M.L. MANUFACTURING LIGHT

M.L.R. MANUFACTURING LIGHT RESTRICTED

N

SCALE IN FEET

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5. **Neighborhood Standards.** Community standards for compatibility should be established. All new development projects within the Woodlawn/Liberty Plan area should be evaluated against existing community standards.

6. **Community Inspectors.** The county should develop a Community Inspection Program where community residents will be trained to inspect the outside condition of a house and identify code violations.

Woodlawn Elementary School

Woodlawn Elementary School is one of many elementary schools that were closed by the Board of Education during the 1970s because of low enrollment. Since that time, the facility has been deeded to Baltimore County as surplus property.

Presently, the facility is being used by the Department of Recreation and Parks as a community center where they offer a variety of activities. The structure was built in three (3) phases. The original structure, the front of the building, is in need of major roof repair. The rear of the building is being used by the Department of Recreation and Parks.

In February 1991, concerned community residents identified a mixed use facility which included 61 units of senior housing. The current recreation programs and possible child care as the priority use for the school.

Actions

1. **Approvals.** Pursue funding and zoning approval to support the development of senior housing on the site.

2. **Adaptive Reuse.** Initiate the redevelopment as soon as possible to eliminate the blighting influence on Woodlawn Village.

3. **Interim Improvement.** If redevelopment is delayed beyond the end of 1991, identify funding sources for interim improvements to the school.

Commercial Areas

The commercial nodes and strips along Liberty Road, Woodlawn Village and Woodmoor Shopping Center are in need of county action. Those areas have been designated as Commercial Revitalization Areas in the 1989-2000 Baltimore County Master Plan. Presently, there are Streetscaping activities occurring in these areas.

The actions identified in the 1989-2000 Baltimore County Master Plan for these revitalization areas are supported by this community plan.

The commercial activities along Woodlawn Drive and Security Boulevard are also in need of county actions. As redevelopment or new development occur in these areas the county should make every effort to mitigate the impact of that development on the existing community.

Actions

AMEND #13

1. **Vacant Buildings**. Vacant buildings in the study area that are contributing to the negative image of the community must be properly maintained.

AMEND #14

2. **Signage**. The present signage along Liberty Road contributes to the negative image of the community and adds to the visual disorder and clutter of the commercial corridor. Zoning variances or special exceptions for new signs should not be granted.

3. **Access**. The large number of individual curb cuts along the commercial roadways adds to traffic congestion. All new developments and redevelopment projects shall have shared access or provide for ultimate shared areas.

4. **Landscape buffers**. The intrusion of commercial development into the residential community has always been a major concern of community residents. Residential areas should be buffered from the impact of commercial developments. Effective screening should be used to negate noise, light or the visual intrusion of the use.

5. **Economic Impact**. All commercial development should be evaluated as to their economic impact on existing commercial areas.

6. **Neighborhood Services**. The county, in conjuction with the community, will develop a list of services that should be discouraged from locating within the Woodlawn/Liberty Community Plan area.

7. **Overlay District**. An overlay district for this community should be developed as outlined in Appendix B.

Housing

The Woodlawn-Liberty area contains a wide range of housing types, conditions and values. The diversity of the community reflects this variety. In the course of the planning process, housing conditions, values and the use of government housing programs were examined. The primary housing issue in this community is the perception of many residents that their community contains a disproportionate share of subsidized housing. This perception contributes to the issue of the community's poor image, and the perception that the government has purposefully directed such housing to the community.

Subsidized Housing

The most prevalent type of housing subsidy within the area is the Section 8 Rental Assistance existing program. This is a federally funded program administered by Baltimore County, through which individual households receive rent subsidies. The household then selects an eligible housing unit. Eligibility is based on housing quality standards and maximum rents prescribed by federal guidelines. The selection of a housing unit is made by the household. In April of 1990, there were 269 households with Section 8 certificates or vouchers residing in the Woodlawn/Liberty plan area. This number equals eight percent (8%) of the total households receiving Section 8 assistance in Baltimore County. A majority of these households reside in the community's multi-family developments. However, households receiving Section 8 assistance do not constitute the majority of the households in any one development.

The Section 8 existing program is a tenant-based subsidy program, where individual households receive a rent subsidy in whatever eligible housing unit they select. Baltimore County does contain thirteen developments which are directly subsidized through the federal government through low interest capital assistance or rental subsidies or both. None of these developments, totaling 2500 housing units countywide, are within the Woodlawn/Liberty plan area. When tenant-based and project-based subsidies were analyzed and it was found that this community contains an amount of subsidized housing roughly equivalent to its proportion of the county's total households.

Mortgage Assistance

Another form of housing assistance, the Maryland Mortgage program, has benefited many households in the study area. In the last four years, more than 260 households have purchased homes in the

Actions:

1. **Accessory Apartments.** Establish guidelines, separately from those in existence for home conversion, to meet the need of elderly homeowners to establish accessory apartments within their homes.

   Establish a promotion and monitoring system for accessory apartments, including financial and technical assistance. Units should be permitted by special use permit, which must be renewed annually, and a specific maximum number of such units should be established within individual areas to avoid saturation.

2. **Housing Affordability.** Establish a Community-Based Review Committee for Affordable Housing. This committee would consist of representatives of community organizations. The committee's function would be to advise the county on the expected impact of proposed affordable housing development on individual communities. The existence of the committee will also allow for greater community level understanding of affordable housing issues and programs.

3. **Senior Housing.** The community has noted that there is a significant senior population in the Woodlawn/Liberty area. There are no affordable housing facilities for seniors in the community, thus, a senior who wishes to move to specialized housing must leave the neighborhood. Sites and assistance should be identified in order to provide a range of housing types and services within this area.

4. **Monitor Homeownership Trends.** There are indications that some neighborhoods within the Woodlawn/Liberty area are experiencing a shift of housing units from owner-occupancy to rental. The resources were not available to confirm this or pinpoint particular areas. Census '90 data will confirm the tenure change within the community and help to identify areas where appropriate actions are needed. These actions would include the targeting of homeownership programs to specific neighborhoods, thus creating an incentive for homebuyers to purchase homes there. Such an initiative would include the use of an acquisition-rehabilitation program, which provides financing to home purchasers for the purchase and renovation of an existing, substandard home.

ADD AMEND #21

community with mortgage funds through this program. The Maryland Mortgage Program is a low interest mortgage program, which assists moderate income first time homebuyers. The community's share of the total program usage has ranged from 12 to 15 percent annually. This high proportion of program usage can be attributed to the basic affordability of housing in the Woodlawn/Liberty area. In 1989, the median home sale price (in the 21207 zip code) was $88,000, roughly equivalent to the maximum purchase price of $85,000 currently allowed under the Maryland Mortgage Program. The use of this program as is a tool for community stabilization. The availability of these funds, carrying this maximum purchase price creates an incentive for purchase of lower priced neighborhood homes. Without this incentive, these homes are more likely to be purchased by investors and converted to rental use.

Elderly Housing

Although there is a significant senior population in the community, there are no affordable senior housing developments. One elderly housing facility requires monthly fees beyond the means of many seniors in the community. The lack of affordable alternatives in their own community often prevents seniors from moving, even when their current situation is no longer manageable.

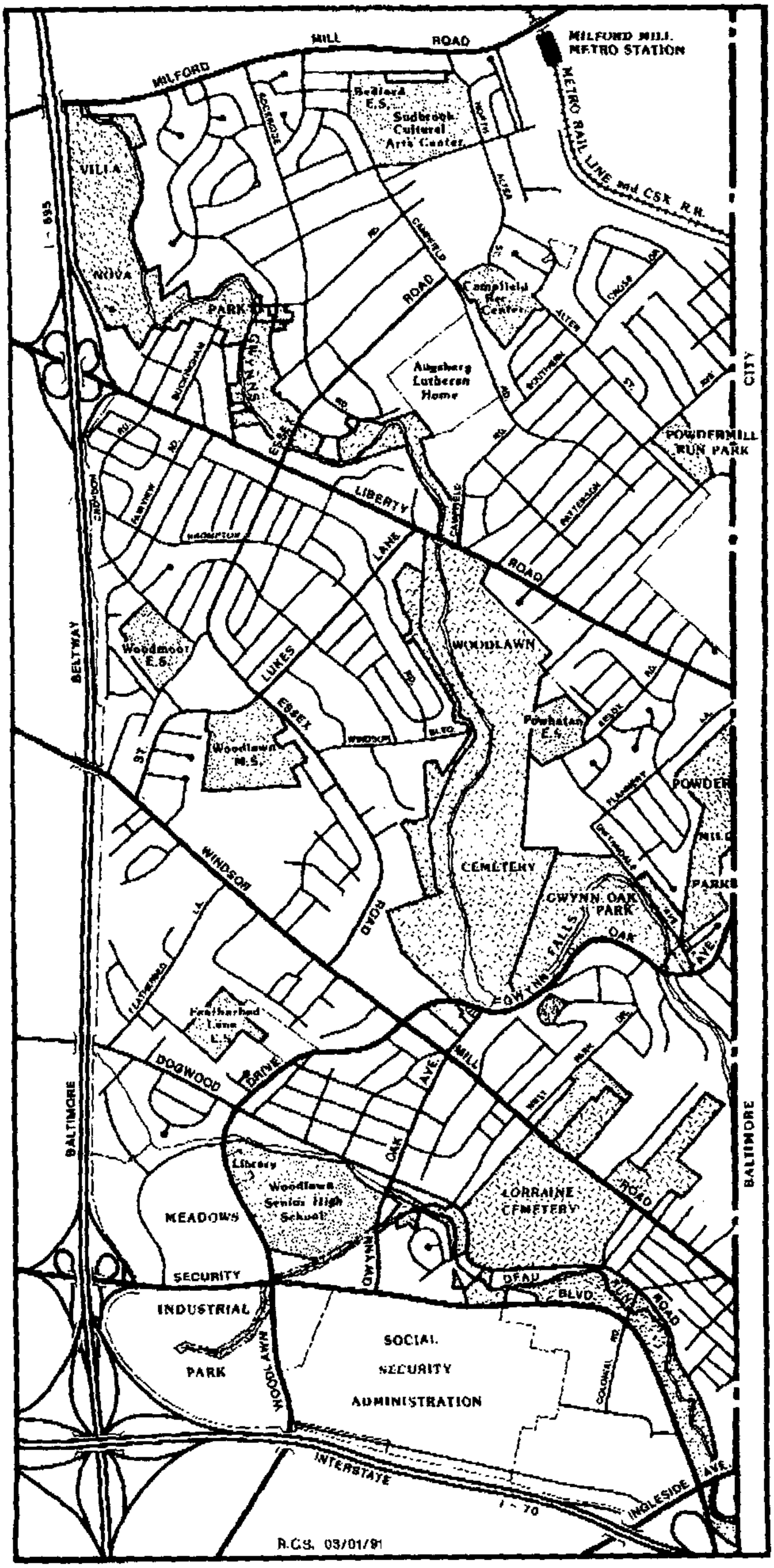
Accessory Dwelling Units

Many homes in the Woodlawn/Liberty plan area study are large dwellings, providing space beyond that needed by the average household. This has led to the conversion of some single-family homes to multi-dwelling buildings. Although such conversion can create community problems if not established and monitored subject to specific standards, in some cases this is the only feasible alternative to maintain such large homes.

This is especially true for the elderly, who may not want to leave the home they have lived in for many years, but are unable to maintain the home. The ideal solution would be the renovation of the home to permit an additional dwelling unit, providing companionship, assistance and additional income to the property owner. The county should ensure that this alternative is available to elderly homeowners, promoted in certain conservation areas and monitored to prevent an unmanageable number of conversions in any one location.

WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 9
OPEN SPACE



Legend:

PARKS

COUNTY RECREATION CENTERS

PRIVATE

N

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5. **Housing Rehabilitation and Livability Programs.** Through the plan advisory group, it became apparent that the community at large is not thoroughly educated in the county's housing maintenance programs. All community leaders in the Woodlawn/Liberty area will be informed of the benefits of these two programs and asked to share their knowledge with other community residents.

Recreation and Parks

There are a variety of recreational and park facilities within the Woodlawn/Liberty Community Plan area. In addition to the recreational facilities located at the area schools, there are two community centers in the area, Woodlawn and Campfield, and several stand alone ball fields.

Gwynn Oak Park is the major community park in the area and is supplemented by several smaller neighborhood pocket parks, the stream valley park system and the several cemeteries in the community.

Actions

Recreation

1. **Program Evaluation.** The existing recreational programs should be evaluated by the Liberty Road Community Council and programmatic changes should be made where necessary.

2. **Volunteerism.** Volunteers for new programs should be recruited.

3. **Building Maintenance.** The existing recreation center at Woodlawn and Campfield should be evaluated for physical improvements.

Parks

1. **Open Space Plan.** An open space plan for the Woodlawn/Liberty area should be developed with emphasis on identifying possible connection to the Patapsco area and the existing Gwynns Falls Valley Park System and community pocket parks.

2. **Trail System.** Investigate the feasibility of providing a bike and hike path system through the stream valley park system (Dead Run and Gwynns Falls). Establish useable trails through the Gwynns Falls Valley Park System.

3. **Park Use.** Promote the use and development of Gwynn Oak Park.

Environment

The preservation of the existing forests, open space and stream valleys is of primary importance in the mostly urbanized Woodlawn/Liberty community. The open space system, created by the Gwynns Falls System Valley Park and the Dead Run Stream Valley Park is an important amenity to the area. The water quality of these stream systems, the air quality and the noise level from the Beltway and other major roads are all significant issues to the community. In addition, drainage and flooding problems are contributing to wet basements and ice formation on streets in some areas.

Actions

1. **New construction/Infill Development.** New housing development projects should be designed to be in compliance with all stormwater management, sediment control, forest buffer and air quality regulations. The community should involve themselves in the development review to ensure compliance.

2. **Watershed.** Watershed studies and stream surveys should be continued on the Gwynns Falls and Dead Run systems. The Department of Environmental Protection and Resource Management will utilize these studies to determine the future stream restoration projects to be performed in the area.

3. **Tree Preservation**. Stream buffers may be enhanced by tree planting which filters stormwater run-off and provides water and air quality benefits. Trees may be obtained by the community through the state's Greenshores Program and Tree-Mendous Maryland Program.

4. **Stream Valleys**. Community groups should continue efforts to perform stream clean-ups with aid from Maryland Save-Our-Streams and local Girl/Boy Scout troops.

5. **Noise Intrusion**. Acoustical buffering consisting of berming and fencing in conjunction with landscaping may be required by Baltimore County on any proposed development to reduce highway noise. The use of these buffers to screen noise pollution in existing residential areas adjacent to major roads should be enforced to require all development to reduce noise levels to the state mandated 65 decibels.

6. **Drainage**. The County Department of Public Works should prepare an engineering analysis of the Woodlawn/Liberty area's surface drainage systems. In the event that a determination is made that improvements are necessary, these should be programmed into the Baltimore County Capital Improvement Program.

Historic Preservation

The Woodlawn/Liberty community has a long and rich history dating back to the early 1800s. There are scattered sites throughout the community worthy of preservation.

Over the past two (2) decades, a number of historically significant sites have been destroyed by both neglect and demolition. The Office of Planning and Zoning along with the community have identified several sites to be added to the historic preservation list (see Appendix D).

Actions

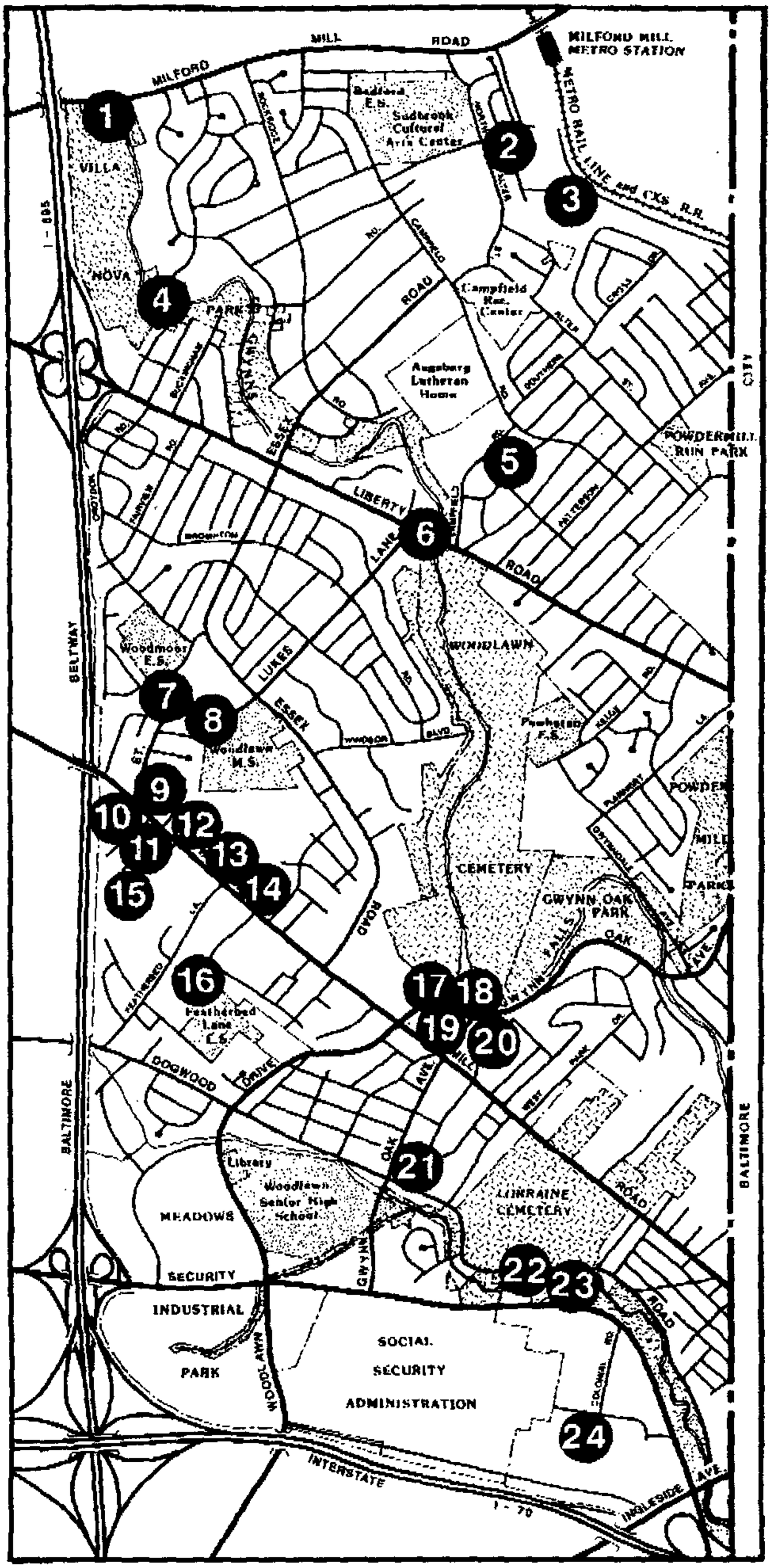
1. **Information**. Publicize the rich history of the Woodlawn/Liberty community.

2. **Historic Structures**. Urge the listing of significant buildings within the plan area on the Baltimore County landmarks list.

WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 10

HISTORIC SITES



Legend:

1. MILFORD MILL RUIN
2. CAMPFIELD A.M.E. CHURCH (2197)
3. JOHN R. WILHELM HOUSE (2072)
4. MILFORD MEADOWS (389)
5. BERMAN HOUSE (2471)
6. JAMISON POWDER MILL HOUSE (2243)
7. ST. LUKES M.E. CHURCH (Former) (2420)
8. RISING SUN PARSONAGE (2465)
9. TIMANUS-DUNN HOUSE (2474)
10. ZIMMERMAN HOUSE (WEST) (2466)
11. ZIMMERMAN HOUSE (EAST) (2467)
12. FENKER HOUSE (2473)
13. BEVERLY MANOR (2463)
14. BEVERLY MANOR COACH HOUSE (2464)
15. SMITH CEMENTERY (2475)
16. BURK HOUSE (2469)
17. WOODLAWN ABBEY (2472)
18. POWHATAN FACTORY OUTBUILDING (2103)
19. WOODLAWN SCHOOL HOUSE (2105)
20. POWHATAN FACTORY CHAPEL (2104)
21. GREYSTONE (2468)
22. LORRAINE CEMETERY GATE HOUSE (2225)
23. ST. MARY'S EPISCOPAL CHURCH (30)
24. MOUNT ALTO (2419)

NOTE: *Maryland Historical Trust* Inventory Numbers are shown in parenthesis.

N

SCALE IN FEET

0 800 1600 2400

Transportation

The major road facilities within the study area are Liberty Road (MD 26), Milford Mill Road (the northern boundary), Essex Road, Patterson Avenue, St. Lukes Lane, Windsor Mill Road, Gwynn Oak Avenue (MD 126), Dogwood Road, I-695 (the western boundary), Woodlawn Drive, Security Boulevard (MD 122), and I-70 (the southern boundary).

There are twenty-three signalized intersections within the study area. The actual intersections are listed below, and categorized by their level-of-service (L-O-S). The L-O-S rating indicates how well an intersection moves traffic during peak periods of travel. The best rating is an "A" and the worst rating is an "F". All of the signalized intersections within the study area are functioning at an acceptable level.

L-O-S, A Intersections

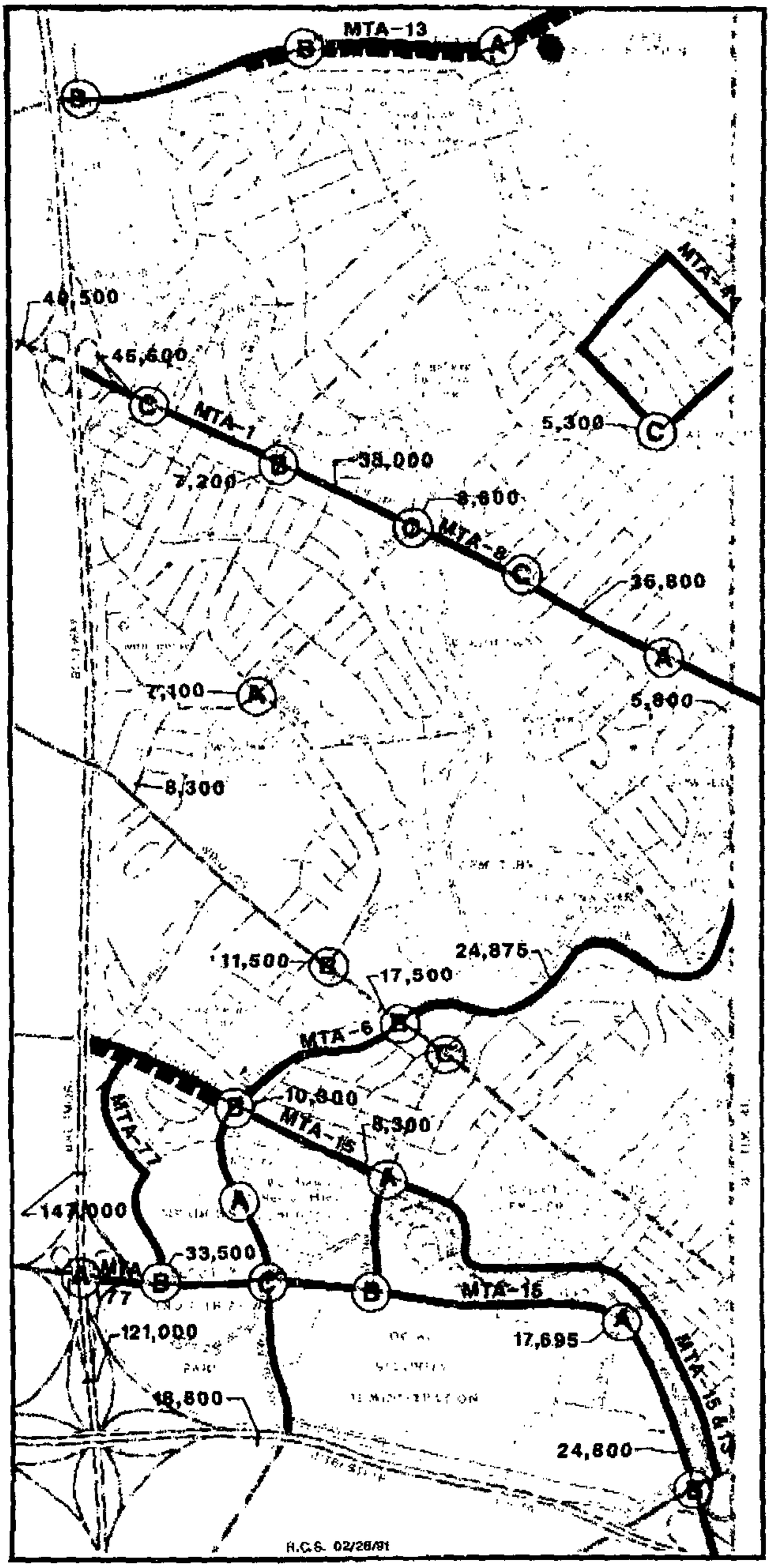
Milford Mill and the Metro Parking Lot
Liberty and Kelox Roads
Essex Road and St. Lukes Lane
Security Boulevard @ Beltway Ramp
Security Boulevard and Colonial Road
Gwynn Oak Avenue and Dogwood Road
Woodlawn Drive @ Pace Plaza
Security Boulevard and East Perimeter Drive

L-O-S, B Intersections

Milford Mill and Scotts Level Roads
Milford Mill Road and Sudbrook Lane
Windsor Mill and Essex Roads
Woodlawn Drive and Windsor Mill Road
Security Boulevard and Whitehead Road
Security Boulevard and Gwynn Oak Avenue
Security Boulevard and Ingleside Avenue
Woodlawn Drive and Dogwood Road
Liberty and Essex Roads

L-O-S, C Intersections

Patterson Avenue and Alter Road
Liberty and Croydon-Buckingham Road
Liberty Road and St. Lukes Lane
Liberty Road and Patterson Avenue
Windsor Mill Road and Gwynn Oak Avenue
Security Boulevard and Woodlawn Drive



WOODLAWN/ LIBERTY COMMUNITY PLAN

Map 11
TRANSPORTATION

Legend:

- (B) LEVEL OF SERVICE
- 6,800 AVERAGE DAILY TRIPS
- MTA-6 MTA BUS ROUTES
- METRO STATION
- ROAD IMPROVEMENT

N

SCALE IN FEET
0 800 1600 2400

The Mass Transit Administration (MTA) provides heavy rail transit service (Metro) to the area via the Milford Mill transit station and an extensive system of feeder bus service. The feeder bus network serves not only the Milford Mill station, but also the Owings Mills, Reisterstown Road, Rogers Avenue, and Mondawmin stations.

Access is provided to the various Metro stations by the M-1, M-2, M-3, M-6, M-8, M-12, and M-13 bus routes. The MTA also provides traditional radial bus service in the corridor via its numbers 13, 15, 20 and 44 bus routes. These bus routes provide service to the Fells Point, Gardenville, University Hospital, and Springlake areas respectively.

A review of the State Highway Administration's Accident Data File during an 18 month period from January, 1988 to June, 1989 indicates that there were more than 800 accidents reported within the study area. The roads within the study area were broken into quarter-mile segments and the number of accidents occurring within each segment was totalled. Additionally, the number of fatalities were totalled. The major accident locations and the number of accidents are listed below:

Milford Mill Road	45
Rockridge Road	10
Essex Road	46
Campfield Road	6
Liberty Road	226
Patterson Avenue	56
St. Lukes Lane	33
Windsor Mill Road	78
Dogwood Road	48
Security Boulevard	82
Woodlawn Drive	92
Gwynn Oak Avenue	53
Flannery Lane	10
Featherbed Lane	11
Gwynndale Avenue	5

There were three (3) fatalities among the more than 800 reported accidents. Two of the fatal accidents were on Liberty Road, one in the vicinity of Essex Road and the other in the vicinity of Fairview

Road. The third fatality occurred on Windsor Mill Road west of Featherbed Lane. In reviewing the data, the following locations seem to be particularly troublesome:

- Milford Mill Road between Silver Creek Road and the Scotts Level Branch Bridge; 25% of the accidents on Milford Mill Road occur over this .25 mile segment of roadway;

- Patterson Avenue at Liberty Road; 41% of the accidents on Patterson Avenue occur near this intersection;

- Gwynn Oak Avenue between Windsor Mill Road and .5 mile east of Windsor Mill Road; 47% of the accidents on Gwynn Oak occur over this section;

- Woodlawn Drive from the Security Shopping Center access drive to Richardson Drive; 65% of the accidents on Woodlawn Drive occur over this .5 mile section of roadway;

- Security Boulevard between Woodlawn Drive and Whitehead Road; 38% of the accidents on Security Boulevard occur over this .25 mile section of roadway;

- Windsor Mill Road between Summit Road and West Park Drive; 36% of the accidents on Windsor Mill Road happen on this .5 mile segment of roadway;

- Two .25 mile sections of Liberty Road have the highest accident totals, from the City line to Kelox Road, and from Sedgemoor to Sussex, which includes the intersection at Essex Road; there were 51 accidents reported between the City line and Kelox and 44 between Sedgemoor and Sussex. Together these segments of roadway account for 42% of the accidents on Liberty Road.

Actions

Road Improvements. The Baltimore County Master Plan recommends the upgrading of two existing roads within the study area. The recommended upgrades are: (1) Milford Mill Road from Templecliff to Greenwood and (2) Dogwood Road from Woodlawn Drive to Rolling Road. Before the upgrades are initiated, however, detailed engineering

studies will be conducted to determine the exact nature of the recommendations for both of these projects. In addition to the Master Plan recommendations, the following improvements might reduce accidents at some of the high accident locations:

- Restripe and resign the eastbound lanes of Milford Mill Road between Scotts Level Branch Bridge and Silver Creek to more clearly indicate lane reductions;

- Resurface approaches to high accident intersections where poor roadway surface could be a causal factor in accidents, e.g. Dogwood Road at Woodlawn Drive, St. Lukes Lane at Liberty Road;

- Reconfigure the northeast corner of Patterson Avenue at Liberty Road to allow for better sight distance of westbound traffic along Liberty Road.

- Resurface Whitehead Road from Woodlawn Drive to Security Boulevard.

County/City Interface

The Woodlawn/Liberty Community Plan boundary is adjacent to the northwest boundary of Baltimore City. The residents of the plan area in the county share some of the same problems and concerns of the city. Since this community shares a common boundary with the city, sometimes there are discrepancies as to who is responsible for the maintenance of open space and streets.

Actions

1. **City/county meetings**. The Office of Planning and Zoning should establish joint meetings with Baltimore City Planning Department. The meetings should be attended by citizens and elected representatives from both Baltimore County and Baltimore City. The purpose of these meetings would be to discuss common concerns that are shared by residents of both jurisdictions.

IMPLEMENTATION

In order for this plan to be successfully implemented, the county, community residents and the business community must work together as a team to insure its implementation over the next several years. The majority of the actions of this plan outlined below will depend on non-county resources. Because of this, the community should play a major role in creating and identifying new resources, manpower, and methods to carry through on these actions.

Actions

1. Implementation. An implementation sub-committee should be established as part of LRCC. The implementation schedule as shown in Table 16 should be used to monitor the progress of the Plan.

2. Plan Update. The county should update the community on an annual basis regarding the status of the plan.

TABLE 16 WOODLAWN/LIBERTY COMMUNITY PLAN
IMPLEMENTATION SCHEDULE

ACTION	RESPONSIBILITY	STATUS
BACKGROUND INFORMATION		
Update plan data with 1990 census	Office of Planning and Zoning	Initiate in 1991
Create a permanent planning advisory group (PAG)	Community OPZ & DCD	Initiate in 1991
COMMUNITY CONSERVATION		
Identify financial resources to support the planning advisory group (PAG) for community conservation	DCD, Community	Initiate in 1991
Promote the cultural diversity of the community	Community (PAG), DCD, OPZ	On Going
Adopt livability code for all residential properties	County Council	Initiate in 1991
Develop programs to govern vacant properties	OPZ, DCD	Initiate in 1991
Develop regulations for development in the Woodlawn/Liberty community	OPZ, DCD, PAG & EDC	Initiate in 1991

TABLE 16 (cont.) WOODLAWN/LIBERTY COMMUNITY PLAN
IMPLEMENTATION SCHEDULE

ACTION	RESPONSIBILITY	STATUS
IMAGE		
Develop Community Promotion Program	DCD, Community (PAG)	Initiate in 1991
Coordinate Community Activities	Community (PAG)	On Going
Promote the maintenance of high visibility properties	DCD, Community (PAG) OPZ & EDC	Initiate in 1991
EDUCATION		
Create a cluster of magnet schools	Bd. of Education, Community (PAG)	Introduce to Bd. of Ed 1991
Develop volunteer programs in schools	Bd. of Education, Community (PAG)	On Going
Develop programs to address the needs of African-American students	Bd. of Education, Community (PAG)	On Going (MAPP)
Improve family involvement in schools	Bd. of Education, Community (PAG)	On Going
Develop a teacher retention program	Bd. of Education, Community (PAG)	Introduce to Bd. of Ed 1991
Increase achievement levels in schools	Bd. of Education, Community (PAG)	On Going
Support the inclusion of school capacity in adequate public facilities legislation	Community (PAG)	On Going
COMMUNITY SERVICES		
Establish an inter-agency planning team	DCD, OPZ, Community (PAG)	Initiate in 1991
Hold planning sessions and work sessions and work shops	OPZ, DCD & EDC	Initiate in 1991
COMMUNITY IMPROVEMENTS		
Establish a capital improvement sub-committee	Community (PAG)	Initiate in 1991
Develop a list of CIP projects	Community (PAG)	Initiate in 1991

TABLE 16 (cont.) WOODLAWN/LIBERTY COMMUNITY PLAN
IMPLEMENTATION SCHEDULE

ACTION	RESPONSIBILITY	STATUS
CRIME AND DRUGS		
Identify a site for a substance abuse center	OPZ, DCD, Community (PAG) Office of Substance Abuse	Initiate in 1991
Work with Police Department to reduce crime in area	Community (PAG)	On Going
Print resources on crime and drugs	OPZ, DCD	Complete - See Appendix F
LAND USE AND ZONING		
Prepare overlay district	OPZ, DCD & EDC	Initiate in 1991 See Appendix A/B
Work with community to select a re-use project of the Woodlawn E.S.	OPZ, DCD	In progress
HOUSING		
Establish community-based review committee for affordable housing	DCD, Community (PAG)	Initiate in 1991
Promote the development of affordable senior housing	DCD, OPZ	Initiate in 1991
Monitor home ownership trends	DCD	Initiate in 1991
Promote housing rehabilitation and livability code programs	DCD, OPZ	Initiate in 1991
Promote accessory apartments to benefit elderly households	DCD, OPZ	Initiate in 1991
Promote home ownership in neighborhoods where there is a high number of rental units	DCD	Initiate in 1991
RECREATION AND PARKS		
Evaluate existing recreation programs	R&P, Community (PAG)	Initiate in 1991
Recruit volunteers for new programs	R&P, Community (PAG)	Initiate in 1991
Improve Woodlawn & Campfield recreation centers	R&P	Initiate in 1991
Develop an open space plan	R&P, (OPZ)	Initiate in 1991
Promote the use and development of Gwynn Oak Park	R&P, Community (PAG)	On Going

TABLE 16 (cont.) WOODLAWN/LIBERTY COMMUNITY PLAN
IMPLEMENTATION SCHEDULE

ACTION	RESPONSIBILITY	STATUS
ENVIRONMENT		
Monitor new projects (stormwater management, sediment control, forest buffer and air quality) for compliance with regulations	DEPRM, PW	On Going
Continue watershed studies along the Gwynn Falls system	PW, DEPRM, Save our Streams	In progress.

ACTION	RESPONSIBILITY	STATUS
Establish a stream buffer enhancement program	DEPRM, R&P	Initiate in 1991
Prepare engineering analysis of surface drainage systems	PW	Initiate in 1991
HISTORIC PRESERVATION		
Identify and list structures of historic significance	OPZ, PAG	Complete - See Appendix C
TRANSPORTATION		
Prepare engineering studies for Milford Mill and Dogwood Roads	PW	In Process
Identify projects to be included in the CIP program	OPZ, PW, Community (PAG)	On Going
COUNTY/CITY INTERACTION		
Establish meeting between city and county	OPZ	Initiate in 1991

DEPRM Department of Environmental Protection & Resource Management

PAG Planning Advisory Group

OPZ Office of Planning & Zoning

EDC Economic Development Commission

DCD Department of Community Development

R&P Department of Recreation & Parks

PW Department of Public Works

WOODLAWN/LIBERTY COMMUNITY PLAN

APPENDICES

WOODLAWN/LIBERTY COMMUNITY PLAN

APPENDIX A

WOODLAWN/LIBERTY COMMUNITY CITIZEN'S ADVISORY GROUP

Ms. Mary Blake
Brighton Assn.

Mr. Earl Towe
Campfield Assn.

Ms. Nancy Masters
Franklintown Community Assn.

Ms. Karen Gray
Gwynn Oak Improvement Assn.

Mr. Melvin Patterson
Hilltop Community Assn.

Mr. John Carrington
Liberty Crest-Shirley Hills
Improvement Assn.

Mr. William Obriecht
Liberty Road Community Council

Ms. Peggy Thweatt
Woodlawn Community Assn.

Mr. Robert L. Nealy
Woodmoor Community Assn.

Mr. Willie L. Dash
Lochearn Improvement Assn.

Mr. Yale Friedlander
Milford Mill Improvement Assn.

Mr. Henry Carp
Powhatan Farms Improvement Assn.

Ms. Joan Alston
Villa Nova Comm. Assn., Inc.

Ms. Jo Fisher

Ms. Adele Kass
Councilman Mintz's office

Mr. John Glorioso
Liberty Road Communities Development Corp.

Mr. Leon Couser
Brookside Manor Community Assn.

Ms. Julia Hopkins
Charleswood Improvement Assn.

Ms. Dorothy Sergeant
Gwynn Lake Park Assn.

Mr. Howard Green
Haywood Heights Improvement Assn.

Mr. Alfred E. Johnson, Jr.
Huntington Assn.

Mr. Adolph McDonald
Liberty Crest/Shirley Hills
Improvement Assn.

Mr. George W. Murphy
Windsor Neighbors Assn.

Ms. Valerie Bateman
Woodlawn Park Community Assn.

Mr. William Manning
Woodmoor Community Assn.

Ms. Sharon Jandorf
Milford Improvement Assn.

Mr. Warren Thomas
Patterson Avenue Improvement Assn.

Mr. Caleb Sandifer
Robin Hills Community Assn.

Ms. Deborah Cooper

Ms. Rebecca Truesdale

Ms. Audrey Simmons

Mr. I. William Chase
Baltimore County Planning Board

APPENDIX A (cont.)

Ms. Linda Soaper, President
Gwynn Lake Community Assn.

Mr. Clive Graham

Ms. Maureen Flynn

Ms. Marshal Greenfeld

Mr. Stewart Smith

Ms. Margaret Sas

Ms. Myrna Johnson

Dr. Elva Tillman
Morgan State University

Dr. E. Eff
Maryland Department of Housing and Community Development

Amy Johanson
Department of Community Development

Emery Hines
Office of Planning and Zoning

Joan Morrisey Ward
Office of Planning and Zoning

Patricia Beere
Office of Planning and Zoning

Ms. Diane O'Hagan
U.M.B.C.

Ms. Suzanne Wright
U.M.B.C.

Ms. Ella White Campbell
Liberty Road Community Corp.

Ms. Betsy Kahl
Liberty Family Resource Center

Ms. Shani Lerner
CHAI

Dr. Edward Orsen
University of Maryland Baltimore County

Mr. Robert Vassar
Baltimore Neighborhoods, Inc.

Dr. K. Barowski
Towson State University

Ms. L. Leaf
Long Island Community Resource Board

Gary Kerns
Office of Planning and Zoning

Ervin McDaniel
Office of Planning and Zoning

P. David Fields, Director
Office of Planning and Zoning

Pat Keller, Deputy Director
Office of Planning and Zoning

Ms. Bonnie Ritchie
U.M.B.C.

Ms. Clare Goggin
U.M.B.C.

APPENDIX B

SUGGESTED OVERLAY DISTRICT

WLC District - Woodlawn - Liberty Conservation District

Purpose

The WLC district is established to protect existing communities from blighting influences and to maintain and enhance the existing character of the communities within the established boundaries of the Woodlawn-Liberty Community Plan. The WLC district may be assigned to all zones within the Woodlawn-Liberty Community Plan.

Residential Zones

This district will limit the development and redevelopment of infill sites within the plan area to the existing community standards. All infill development within an existing community must have compatible densities, lot sizes, building design and materials, housing type, and open space ratios to the surrounding community.

All new development must maintain the existing character of the surrounding community. In this regard, the new development must relate to the existing street pattern and the open space network of the older community. Where the new development housing type and design is not compatible to the existing development, open space and landscape buffers must be used as a major design element to mitigate any detrimental impact of the new development.

Conversions

When a property owner is proposing to convert a single-family dwelling unit into a multi-family dwelling unit of three (3) or more units, the property owner must apply for a public hearing from the Zoning Office, before the zoning commissioner.

The outside entrance and appearance of the converted property must not be altered. The owner of the converted property must maintain all existing trees and landscaping on the property. Any variances for parking will be denied.

Community Standard

In evaluating the character of a new development project within the Woodlawn-Liberty plan boundaries, the Office of Planning and Zoning will examine the following elements in determining the standards of the existing community.

APPENDIX B (cont.)

building style	development density	open space network
building design	street pattern	building type
parking arrangement	building material	street trees

Commercial Zones

Development within commercial zones must respect the road on which they are built. There must be consistent facade treatment, signage and streetscaping of all commercial properties along street. All commercial properties that abut a residential area must provide a landscape buffer between the residential and commercial uses.

The following is a partial list of new uses that will not be permitted within the boundaries of the Woodlawn-Liberty Community Plan:

used car dealer	liquor stores	bill boards
maintenance garage	service stations	adult entertainment

The community-oriented business of the following type will be encouraged to locate with the Woodlawn-Liberty plan boundaries:

food store	floral shop	dry cleaners
barber shop	drug store	bakery
day care center		

Vacant Buildings

All vacant commercial buildings within the Woodlawn-Liberty plan boundaries must be well maintained. The property owner will be responsible for trash removal, grass cutting and the general appearance of vacant properties. Property owners are responsible for putting up window displays where large plate windows exist to reduce the visual impact of a vacant building.

Access

All new development and redevelopment of commercial properties shall have shared access or provide for alternate shared access.

Signage: The following standard shall apply to all signs within the WLC district.

Free-Standing Sign:

- Signs less than 15 ft. from roadway within a planting strip shall be no higher than 6 ft. and not greater than 40 sq. ft. in area.

APPENDIX B (cont.)

- Signs located 15-20 ft. from roadway may be 15 ft. in height and not greater than 60 ft. in area.

- Signs located farther than 20 ft. from roadway should be no higher than 15 ft. and not have an area greater than 60 sq. ft.

- No more than three (3) ground signs should be allowed for each commercial complex, with no two (2) signs closer than 200 ft.

Wall Signs

- All store units in a single building or complex must present a uniform design and placement of signs. Signs and cutout letters should not project above roof or canopy lines. Three (3) ft. of sign area is permitted for every 10 feet of wall length. Letters should not exceed 18 in. in height.

Public Directional Signs

- Each commercial node may have directional signs with specially designed logos at designated entrance points.

Streetscape

From the edge of curb line a 20 ft. streetscape should be provided that includes a 6 ft. sidewalk to the street and a 14 ft. landscape area. Streetscape should be in compliance with the streetscape policy of Baltimore County.

APPENDIX C

WOODLAWN/LIBERTY COMMUNITY PLAN
LIST OF HISTORIC SITES

Site	Maryland Historical Site No.
Milford Mill Ruin	
Campfield A.M.E. Church	2197
John R. Wilhelm House	2072
Milford Meadows	389
Berman House	2471
Jamison Powder Mill House	2243
St. Lukes M.E. Church	2420
Rising Sun Parsonage	2465
Timanus-Dunn House	2474
Zimmerman House (W)	2468
Zimmerman House (E)	2467
Fenker House	2473
Beverly Manor	2463
Beverly Manor Coach House	2464
Smith Cemetery	2475
Burk House	2469
Woodlawn Abbey	2472
Powhatan Factory Outbuilding	2103
Woodlawn School House	2105
Powhatan Factory Chapel	2104
Greystone	2466
Lorraine Cemetery Gate House	2225
St. Mary's Episcopal Church	30
Mount Alto	2419

APPENDIX D

WOODLAWN/LIBERTY COMMUNITY PLAN
ADVISORY GROUP MEETINGS

Date	Place	Subject
November 29, 1990	Milford Mill	Kick-off Meeting High School
January 16, 1990	Towson	Overview of Background Data (Ervin McDaniel)
January 31, 1990	Towson	Academic Research (Dr. E. Tillman, Morgan State; Dr. E. Orser, UMBC; Mr. R. Vassar, Baltimore Neighborhoods, Inc.; Dr. K. Barowski, Towson State; Mr. S. Brower, UMCP; Dr. E. Eff, MD. Dept. of Housing and Community Development; and Ms. L. Leaf, Long Island Community Resources Board)
February 6, 1990	Woodlawn Comm. Center	Strengths and Weaknesses (Ervin McDaniel)
February 20, 1990	Woodlawn Comm. Center	Government Services (Amy Johanson, Community Development) (Ervin McDaniel, OPZ)
March 6, 1990	Woodlawn Comm. Center	Aging and Historic Preservation (Joe Coffey, Dept. of Aging; John McGrain, OPZ)
March 20, 1990	Liberty Family Resource Ctr.	Education (Ms. E. Chatmon and James E. Kraft, Dept. of Education)
April 3, 1990	Woodlawn Comm. Center	Environmental Resource (Don Outen and Robert Ryan) Recreation and Parks (Paul Carr and Craig Linthicum)
April 17, 1990	Woodlawn Comm. Center	Crime and Drugs (Cpt. Schwartz and Off. Scott, Police Dept.; Mike Gimbel, Substance Abuse)

APPENDIX D (cont.)

May 1, 1990	Woodlawn Comm. Center	Housing (Amy Johanson, Dept. of Community Development)
May 15, 1990	Woodlawn Comm. Center	Overview of County-wide Data (Ervin McDaniel, OPZ) Sub-Committee Meetings*
June 6, 1990	Woodlawn Comm. Center	Sub-Committee Meetings*
June 20, 1990	Woodlawn Comm. Center	Sub-Committee Meetings
July 17, 1990	Woodlawn Comm. Center	Sub-Committee Reports
November 15, 1990	Woodlawn Comm. Center	Plan Preparation Working Meeting

* Sub-Committees: Crime and Drugs, Education, Image and Land-use.

APPENDIX E

APPROVED DEVELOPMENT PLANS

Residential Plans & Plats

Minor Sub-divisions

Name	Type	# Lots	Tract	Status
Security at Ingleside	SFD	1	401102	App. CRG
Fair, Charles	SFD	2	401102	Recorded by deed
Gerahty, Patrick	SFD	2	401102	" "
Talbott, Virginia	SFD	2	4012	Plat (app.)
Windsor, Terrace	SFD	2	4012	" "
Powhatan	SFD	2	402403	" "
Waskey, Eric	SFD	1	402404	Deed
Kellner, George	SFD	3	402405	Plat (Rec'd)
Bobo, Clifford	SFD	2	402304	Deed
Long, Jeane	SFD	3	402405	Deed
Villa Nova	SFD	1	4031	AM: Plat (Rec'd)
Hawkins, Sarah	SFD	2	403201	Plat (Rec'd)
Gordon, Ethel	SFD	2	403202	
Stream Wood	SFD	82	4012	Amend Plat Recorded
Featherbed Terrace	SFD	14	402405	Plat Recorded
Lawnwood	SFD	79	402404	Plat Recorded
Lawnwood	SFD	61	402404	Plat Recorded
St. Lukes Estates	SFD	44	402304	Plat Recorded
Woodlawn Manor	SFD	19	402404	Plat Recorded
Kellner, George	SFD	4	402405	Plat Recorded
Featherbed	SFD	34	402405	Plat Recorded
Windsor Crest	SFD	18	402304	App. CRG
Windsor Mill Manor	SFD	43	402404	App. CRG
St. Lukes Station	SFD	3	402404	Plan Approved
St. Lukes Station	TH	24	402404	Plan Approved
Kelox West	SFD	29	402403	App. CRG
Kelox West	Semi-Det	74	402403	App. CRG
Ameen	SFD	17	402405	Plan Filed
Mahogany	SFD	49	402405	Plan Filed
Prince George's Clse	TH	19	402305	CRG App.
Schneider Property	SFD	9	402404	CRG App.
Total		622		

APPENDIX E (cont.)

APPROVED DEVELOPMENT PLANS (cont.)

Non-Residential Plans and Plats

Name	Type	Ac	Tract	Status
Meadows Ind. Park	Ind.	.4	401102	Amend Pt Rec
Meadows Ind. Park	Ind.	8.2	401102	Amend Pt Rec
Greater Eastern Holgo	Ind.	3.2	401102	Pt. Rec.
Pace Service Court	Comm/Ind.	20.1	401102	Pt. Rec.
Security Mini Warehouse	Ind.	4.1	401102	App. CRG
Shell Oil Station	Comm.	.7	401102	App. CRG
Knights Inn	Comm.	5.9	401102	App. CRG
Macedonia Apostolic Faith Church	Church	5.0	402405	Plat Recorded
Woodlawn Police Station	Public	6.4	4012	Plat Recorded
Woodlawn Vol. Fire Co.	Office	.6	402405	Filed CRG
Milford Industrial Park	Ind.		403201	Plat Recorded
Augsburg Lutheran Church	Inst.	51.7	4031	Plat Recorded

APPENDIX F

CRIME/DRUGS SUBCOMMITTEE REPORT

A. Crime

1. Prevention

a. Residential Security Program

This comprehensive program to control crime in Baltimore County consists of three (3) parts: 1) Neighborhood Watch, which is a comprehensive, yet simple, program aimed at rejuvenating community awareness; 2) Operation Identification, which involves marking valuables with one's Maryland driver's license number; and 3) the Home Security Survey phase, which entails informing the residents of methods of improving the physical security of their homes.

b. Block Parties and Pot Luck Dinners

These informal gatherings can be used to acquaint neighbors with each other so as to increase the cohesion of the community. Community contacts can be made and communication enhanced between neighbors. Neighbors can identify strangers in the area and become aware of unusual patterns of behavior, if they are in regular contact with each other.

c. Joblink Program

The Office of Employment and Training of the Office of Community Development.

This comprehensive program to provide training to unemployed and underemployed Baltimore County citizens can be utilized as a tool in the prevention of crime. It offers low income family members or recently laid-off citizens the choice of nine (9) different training programs: 1) machine tools; 2) bookkeeping; 3) computer operations; 4) printing trades; 5) office occupations; 6) drafting; 7) electronics technology; 8) maintenance technology ; and 9) construction crafts. In addition, the program provides an on-the-job training program as well as job search techniques. Since poverty is well known as a force which drives crime, this program should be well publicized.

d. The P.A.L. Program

The Baltimore County Police Athletic League (P.A.L.) attempts to improve youth's attitudes toward police

officers by providing them with positive role models and by offering youth-related crime prevention activities. The Campfield P.A.L. Center at 6834 Alter Street serves the Woodlawn-Liberty Road study area. Membership is open to all residents from 7-17 years of age. The center offers a variety of free programs and activities, including a recreation section so that participants can enjoy table tennis, billiards, video games, and other forms of entertainment. In addition, P.A.L. offers tutorial sessions, craft programs, and other activities designed to build the youth's confidence and self-esteem.

Since funding for a more local based center is not available at this time, transportation arrangements to Campfield from the Woodlawn Village Center is recommended.

e. **Community Association or Church-sponsored Youth-Operated Businesses**

Collection of aluminum cans for recycling, or "handy man" jobs done for senior citizens could be operated by youths and volunteer adults. The money generated could be used to provide weekly teen dances/pizza parties at St. Lukes Church (Pastor Davis - 944-4111) in the Woodlawn Village Center or in Woodlawn Elementary School. Possibly donations of Orioles or Blast game tickets could be distributed as bonuses for exceptional work.

f. **Expansion of Baltimore County Recreation and Parks Programs**

In the 1990 summer season, a 6-week program of tennis camp was offered at Woodlawn for ages 9 and up. A summer recreation program for ages 5-15 years of age is being offered at Woodlawn Elementary School Recreation Center, and teens from Woodlawn can enter a Baltimore City basketball league. More programs, possibly with the help of community volunteers, are needed, especially for teens.

2. **Break the Cycle**

a. **The New Woodlawn Police Station**

A new Woodlawn police station is being constructed in the village center. This police presence adds security to the area. In addition, it encourages stability within the work force.

b. **Police Notification**

When suspicious behavior is identified, police can be notified at the following numbers:
(1) Emergency - 911
(2) Non-emergency - 887-1340
(3) 24-hour answering service - 298-0452

This contact should be kept confidential so as to protect citizens and encourage calls.

c. **Volunteer Citizens Patrol**

These patrols have been shown to be most effective in fighting crime in adjacent communities. The success of the nationally recognized Northwest Citizen's Patrol in the Park Heights area of Baltimore City has shown that a community-organized patrol can reduce crime drastically. By enlisting volunteers to patrol the community each evening and radio any signs of suspicious behavior to the police, the community is now one of the safest places in the area. Not only has "real" crime decreased but the perception of the area as safe and the peace of mind of the residents has increased accordingly. Dr. Rusty White or Mr. Matt Hochberg of the Northwest Citizen's Patrol can be contacted for information on organizing a patrol at 664-NWCP.

d. **Petitions**

Signatures can be collected to petition the county for additional lighting and tree trimming in crime-sensitive areas.

e. **Family Counseling**

Family counseling for the treatment of child abuse and drug and alcohol problems can be emphasized. These social problems are at the root of much crime. Every effort to provide recognition and treatment of these problems should be promoted.

B. **Drugs and Alcohol**

1. **Prevention**

a. **Education**

(1) The Students Against Driving Drunk (S.A.D.D.) chapters can be supported. This organization, under the direction of the Baltimore County Office

APPENDIX F (cont.)

of Substance Abuse, has grown to one of the strongest S.A.D.D. organizations in the nation, with a chapter in each of the area's twenty-one high schools. Throughout the year, S.A.D.D. students work to keep the "Don't Drink and Drive" message alive in their community. The group also works to raise awareness about the problems of substance abuse in general.

(2) The Drug Abuse Resistance Education (D.A.R.E.) program can be supported. This fourteen-lesson curriculum which avoids scare tactics and focuses on developing critical thinking skills to resist the pressure to use drugs is given to seventh graders throughout the community. Discussions and role playing are used to encourage children to understand how and when to turn down drug offers from their friends (and sometimes family) in a way that preserves their social standing.

(3) Churches and community associations may be utilized to provide information to adults on the facts about drug use within the community. The Baltimore County Office of Substance Abuse (887-3823) can be contacted for educational materials and guidance.

(4) Formation of peer groups can be initiated.

Peer groups for adults and youths may be formed for the purpose of communication within the groups and between them.

(5) Peer helpers can be trained to work in the community.

These specially trained teenagers assist adult counselors in helping other teenagers deal with problems. These peer-helping programs are based on the premise that teenagers are uniquely qualified to understand and to talk to other teenagers.

2. **Break the Cycle**

a. **Treatment**

Treatment in the community is available at a satellite office of the Baltimore County Substance Abuse Treatment Program in Catonsville; First Step, Inc. at 8303 Liberty Road, Randallstown; Alcoholics and Narcotics Anonymous and Al-Anon and Nar-Anon meetings; and private counseling.

APPENDIX F (CONT.)

In addition, a Driving While Intoxicated (DWI) court-mandated treatment program is located at St. Luke's Church on Gwynn Oak Avenue.

It is recommended that an additional satellite office of the Baltimore County Substance Abuse Treatment Program be opened in the Woodlawn area to provide family-oriented treatment of drug and alcohol abuse.

APPENDIX G

1990 CENSUS UPDATE

POPULATION

Population Change

During the two decades from 1970 through 1990, the population in Baltimore County increased by 71,725 persons or a 12 percent change. The population within the Woodlawn/Liberty Community Plan area experienced a decrease in population during that same twenty year time period (-2,423 or a 8 percent change). While Baltimore County gained 3586 persons per year over that 20 year period, the population within the plan is decreased by 121 persons per year.

An examination of the individual census tracts in the plan area reveals that the majority of the area experienced a decrease in population. That population lost range from -3 percent change in Milford (4023.05) to a -42 percent change in Colonial Park (4011.02) during the two decades. Featherbed (4024.05), Woodmoor (4023.04) and Essex (4024.04) experienced an increase in population (4.4, 4.6 and 26.3 percent change respectively).

Most of the population lost in the plan area may be attributed to the decreasing household size within the plan area. This trend is also reflective of the County-wide trend of decreasing household sizes. The household size in both the County and the plan area has been decreasing since 1970.

Population By Race

In 1990, 85,451 persons or 12 percent of the population in Baltimore County were of African Ancestry. During the twenty year period from 1970 to 1990, the African-American population increased by 65,896 or 3,295 persons per year. Within the plan area, 18,123 persons or 66 percent of the population were African-Americans and 14,218 or 33 percent were white-Americans. The African-American population in the plan area increased by 15,770 or 786 persons per year, while the white-American population decreased by -18,487 or -924 persons per year for the period between 1970 and 1990.

The African-American population in the plan area more than tripled during the 20 year period (670 percent change). That population increased by 465 percent change from 1970 to 1980 while showing only a modest increase from 1980 to 1990 (36 percent change). The percent of African-Americans in the plan area range from 29 percent in Woodlawn (4012) to 89 percent in Essex (4024.04).

APPENDIX G (CONT.)

TABLE 1. WOODLAWN / LIBERTY COMMUNITY PLAN
POPULATION GROWTH, 1970 – 1990

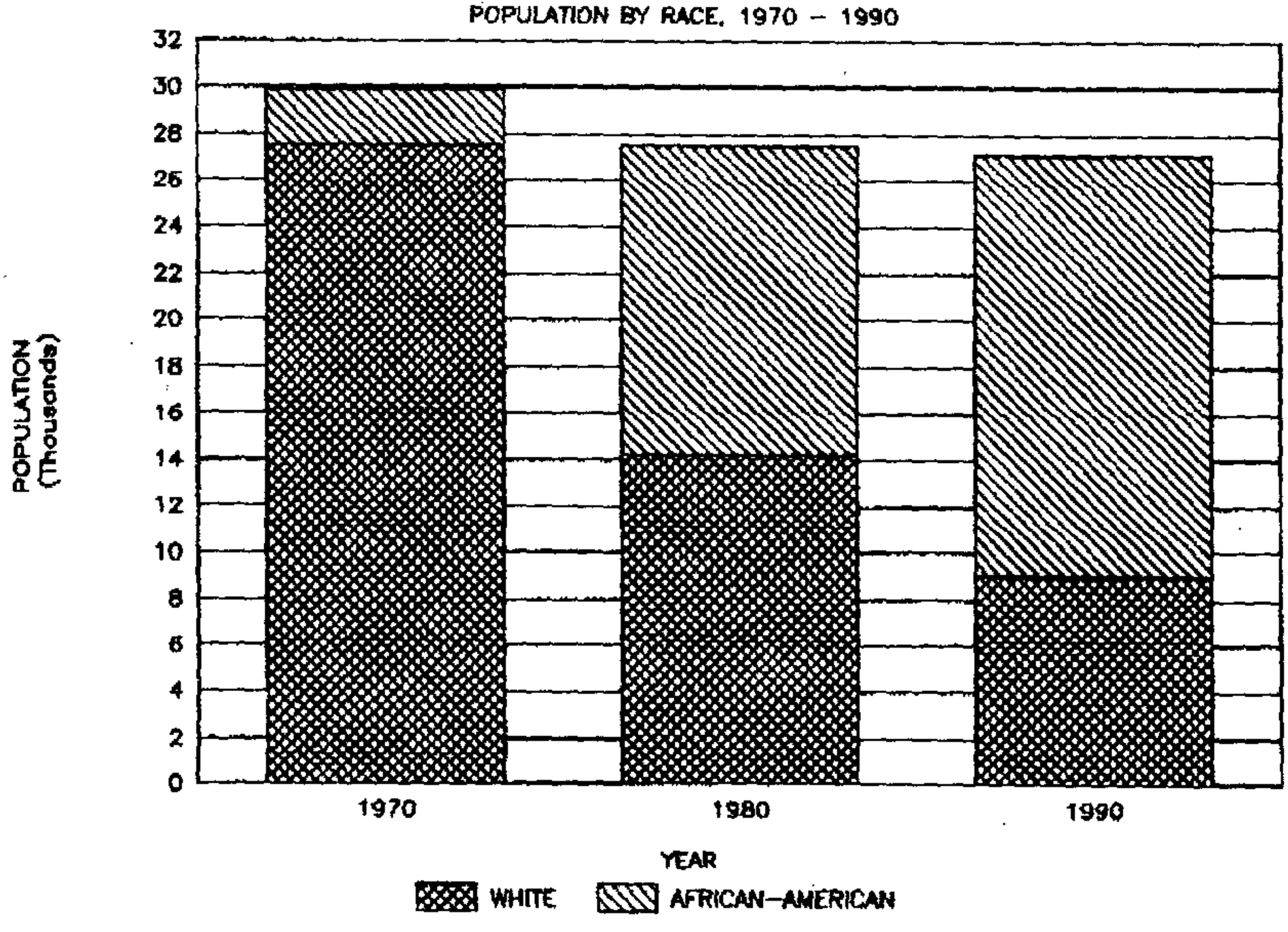
	CENSUS TRACTS	1970 TOTAL POPULATION	1980 TOTAL POPULATION	1990 TOTAL POPULATION	ABSOLUTE DIFFERENCE IN POP (1970–1990)	PERCENT DIFFERENCE IN POP (1970–1990)
	COUNTY TOTALS	620409	655615	692134	71725	11.6%
1	4011.02	1477	926	853	-624	-42.2%
2	4012.00	3422	2989	2853	-569	-16.6%
3	4023.04	3802	4222	3975	173	4.6%
4	4023.05	1928	1937	1873	-55	-2.9%
5	4024.03	2658	2395	2198	-460	-17.3%
6	4024.04	4176	4405	5274	1098	26.3%
7	4024.05	2854	2975	2981	127	4.4%
8	4031.00	3293	2414	2261	-1032	-31.3%
9	4032.01	3539	3113	2945	-594	-16.8%
10	4032.02	2789	2404	2302	-487	-17.5%
	TOTALS	29938	27780	27515	-2423	-8.1%

SOURCE: U.S. CENSUS AND REGIONAL PLANNING COUNCIL

APPENDIX G (CONT.)

GRAPH 2. WOODLAWN / LIBERTY PLAN

POPULATION BY RACE, 1970 – 1990



APPENDIX G (CONT.)

TABLE 2A. WOODLAWN / LIBERTY COMMUNITY PLAN
POPULATION BY RACE, 1970 – 1990

	CENSUS TRACTS	1970 WHITE POPULATION	1980 WHITE POPULATION	1990 WHITE POPULATION	WHITE POPULATION CHANGE	1970 AFRICAN AMERICAN POPULATION	1980 AFRICAN AMERICAN POPULATION	1990 AFRICAN AMERICAN POPULATION	AFRICAN AMERICAN POPULATION CHANGE
1	4011.02	1399	773	538	-861	64	144	301	237
2	4012.00	3378	2683	2008	-1370	30	302	819	789
3	4023.04	3057	949	460	-2597	720	3244	3483	2763
4	4023.05	1854	1278	776	-1078	67	635	1060	993
5	4024.03	2223	757	388	-1835	418	1610	1777	1381
6	4024.04	3562	1000	458	-3104	483	3384	4706	4223
7	4024.05	2666	1961	1306	-1359	155	1090	1624	1469
8	4031.00	3251	2196	1509	-1742	23	196	714	691
9	4032.01	3481	1627	946	-2535	189	1552	1973	1804
10	4032.02	2565	1224	609	-1946	220	1180	1660	1440
	TOTALS	27525	14218	9038	-18487	2355	13297	18125	15770
	COUNTY TOTALS >	509027	590263	547698	-11129	19856	53965	85451	65595

SOURCE: U.S. CENSUS

Population By Age

In 1990, there were 101,162 persons under 18 years of age in Baltimore County. That figure represents 15 percent of the population for the County. Within the Woodlawn/Liberty Community Plan are 6,279 persons or 23 percent of the population was under 18 years of age. The percentage within the plan area ranged from 17 percent in both Colonial Park and Villa Nova to 27 percent in Essex.

Housing Unit Growth

Between 1970 and 1990, the housing stock in Baltimore County increased by 91,746 units or 48 percent change. Within the plan area, the housing stock increased by 1,132 units or a 12 percent change during that same time period. Essex (4024.04) and Woodmoor (4023.04) experienced the greatest growth in housing units (564 and 385 units respectively). Several areas within the plan area experienced a loss in housing units. Colonial Park (4011.02) experienced the greatest loss in housing units during 1970 to 1990 (-156 units or a 27 percent change).

Implications

If the above trends continue, Baltimore County will be faced with a number of critical issues in order to stabilize this community in the future. These issues will focus on the following:

Population Decline - The population in the plan area has been decreasing over the past twenty years. If this area continues to experience a decline in population, the County will be faced with balancing the delivery of service to a smaller population base at a higher dollar cost. This declining population pace will also have an effect on overall school enrollment and classroom size.

Racial Change - Drastic changes in the racial make-up of the plan area has caused the community to be concerned about their future. There is the belief that because the community is predominately African-American, County services to the community will decrease and the community will be the recipient of unwanted facilities. Both the County and the community must work together in order to prevent this perception from becoming a reality. The County must establish policies and programs that will ensure the existence of this community as a viable integrated stable community.

Youth Population - The large number of young people in this community indicated that the recreational facilities in this area should be improved and increased.

Housing Growth - If the population of this community continues to decline and the housing production continues to increase, there is the possibility that the area may experience a high housing vacancy rate or unusually smaller household sizes.

APPENDIX G (CONT.)

WOODLAWN / LIBERTY COMMUNITY PLAN
POPULATION BY AGE

	CENSUS TRACTS	1990 TOTAL POPULATION	1990 POPULATION UNDER 18	PERCENT POPULATION UNDER 18
1	4011.02	853	143	16.8%
2	4012.00	2853	643	22.5%
3	4023.04	3975	880	22.1%
4	4023.05	1873	413	22.1%
5	4024.03	2198	485	22.1%
6	4024.04	5274	1396	26.5%
7	4024.05	2981	727	24.4%
8	4031.00	2261	375	16.6%
9	4032.01	2945	680	23.1%
10	4032.02	2302	537	23.3%
	TOTALS	27515	6279	22.8%
	COUNTY TOTA	692134	101162	14.6%

APPENDIX G (CONT.)

WOODLAWN / LIBERTY COMMUNITY PLAN
HOUSING UNITS GROWTH, 1970 – 1990

	CENSUS TRACTS	1970 HOUSING UNITS	1980 HOUSING UNITS	1990 HOUSING UNITS	ABSOLUTE DIFFERENCE IN UNITS (1980–1970)	ABSOLUTE DIFFERENCE IN UNITS (1990–1980)
1	4011.02	582	432	426	-150	-6
2	4012.00	1111	1152	1163	41	11
3	4023.04	1072	1382	1430	310	48
4	4023.05	649	855	844	206	-11
5	4024.03	798	742	764	-56	22
6	4024.04	1705	1935	2269	230	334
7	4024.05	1067	1213	1251	146	38
8	4031.00	909	840	876	-69	36
9	4032.01	1031	1027	1053	-4	26
10	4032.02	821	816	801	-5	-15
	TOTALS	9745	10394	10877	649	483
	COUNTY TOTALS >	189807	243994	281553	54187	37559

Baltimore County
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

APPEAL
Petition for Special Exception & Special Hearing
6334 Dogwood Road
N/s Dogwood Rd., 100 ft. N/of Gwynne Oak Drive
1st Election District – 4th Councilmanic District
Legal Owners: Sarkar Kabiruddin
Case No.: 08-042-SPHX

Petition for Special Hearing & Special Exception (July 24, 2007)

Zoning Description of Property

Notice of Zoning Hearing (December 5, 2007)

Certification of Publication (The Jeffersonian – January 10, 2008)

Certificate of Posting (January 10, 2008) by Martin Ogle

Entry of Appearance by People's Counsel (August 3, 2008)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – Two Sheets

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit
1. Site Plan
2. Amended Site Plan
3. Prior Case 06-486-SPH
4. Planning Comment
5. Photos (A and B)
6. Photos
7. Letter of Support

Protestants' Exhibits:
1. Photo of Parking Sign
2. Aerial Photo
3. Photos of sign
4. Photo of Mr. Warren's Home
5. Photos from east
6. Photos of cars parked
7. Photo
8. Woodlawn/Liberty Community Plan
9. Photos
10. Baltimore Sun Web Article
11. Meadowood Center Description
12. Crime Stats
13. Letter from Mr. Ross

Miscellaneous (Not Marked as Exhibit)
1. Letter from Stan Modjesky
2. Petitioners Memorandum
3. Protestants Memorandum
4. Article from Baltimore Sun Web
5. Letters of Opposition
6. Letter from Mr. Ross of WCEDA

Deputy Zoning Commissioner's Order (GRANTED – March 28, 2008)

Notice of Appeal received on April 24, 2008 by J. Carroll Holzer

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
See Attached

date sent June 12, 2008, klm

www.baltimoresun.com/news/local/baltimore_county/bal-md.co.dorms29sep29,0,6667808.story

Case # 08-042-XA

baltimoresun.com

School's dorm proposal has neighbors worried

It would be too much like group home, some say

By Laura Barnhardt

Sun reporter

September 29, 2007

An Islamic school wants to build a small dormitory in Woodlawn. But in an area with the highest concentration of homes for foster children and disabled and troubled youths in Maryland, a boarding school for 20 teenage boys sounds too much like a group home to some community leaders.

"We don't know where these kids are coming from," said Van Ross, president of the Woodlawn Community Education and Development Association. "We don't know if they are troubled young people or what. How would you like a dormitory or a group home next to your house?"

A zoning hearing on the religious school's plans, originally scheduled for Monday, has been postponed, in response to a request by County Councilman Kenneth N. Oliver and community leaders, who have expressed concerns about the proposal and said they want to learn more about it.

The school, Darul Uloom Maryland, is seeking approval from Baltimore County to build a dormitory for 15 to 20 students.

A lawyer for the organization, Francis X. Borgerding Jr., said the boarding school would be different from the group homes that have caused crime problems and disruptions in some northwest Baltimore County communities.

"We're not dealing with problem kids," said the school's principal, Irfan Kabiruddin. "This is a private religious school. We will take only select students, and they must come from strong backgrounds and good families."

The school received permission to open in the large stone house at Dogwood Road and Gwynn Oak Avenue under county regulations, but it must obtain approval before it can build a dormitory, county zoning officials said.

Such approval - called a special exception - is granted when a property owner can prove a "practical hardship" such as trying to avoid a wetland or to improve the design of a building, said Donald T. Rascoe, deputy director for county permits and development management.

The school opened in 2005 but suspended classes last year. The plan is to accept 15 to 20 students who would live in

the dormitory - a converted carriage house - and to accept five to 10 students who live nearby, Kabiruddin said.

The male students in the dorm would range in age from 9 to 20, he said.

They would study religion and academic subjects, Kabiruddin said.

In addition to approval for the dormitory, the school is seeking permission to bypass two other county regulations, one for building setback requirements and another for the width required for driveways.

Del. Emmett C. Burns Jr., a Baltimore County Democrat who organized a meeting with residents this week about the boarding school, said, "We don't want to appear that we are anti-Islamic. But we don't want any more group homes in our district."

As of last year, about two-thirds of the approximately 500 group homes in Maryland were in Baltimore County. Most are in Randallstown, Woodlawn and elsewhere in the northwestern part of the county.

In letters to county officials, neighbors of the boarding school said they are also concerned about businesses being allowed to open in residential areas and about possible disruptions of what they describe as a quiet, peaceful area.

"Please," one resident wrote to county officials, "don't disturb a good thing."

laura.barnhardt@baltsun.com

Stan Modjesky
2008 Hillcrest Road
Baltimore, Maryland 21207
phone: 410.944.0061 cell: 410.499.1122 email: modjesky@verizon.net

January 22, 2007

Baltimore County Zoning Commissioner
Via FAX: 410-887-3048

RE: Case No. **08-042-SPHX, 6334 Dogwood Road**

Mr. Commissioner:

I have been a resident and homeowner in Woodlawn since 1975. Over those 33 years, I have owned and rehabbed several properties in the neighborhood. For six years I was licensed real estate salesperson, and sold at least a dozen properties in the immediate neighborhood of 6334 Dogwood Road. As a former real estate investor, I have examined dozens of others, and for five years I owned a commercial building in the "Woodlawn Village," and operated a business there, in addition to managing the property with four tenants. In short, I think I know this area as well as anyone else, and am qualified to comment on the matter before the Commission as case number 08-042-SPHX.

The variances and exceptions sought by the owners of 6334 Dogwood Road should be granted without further delay. Those neighbors who have objected have raised no legitimate reason for concern, and the process has already been delayed by the puzzling intervention of Councilman Oliver.

To address each objection individually:

- The fearsome words "**group home**" have been invoked. I discussed this matter with Captain Barber of the Second police precinct, and he said that he would not consider Darul Uloom's proposed dormitory to be a group home. Of greater interest, the Captain told me that the police department does not maintain a record of service calls to so-called group homes, only to individual addresses. And the county has no thorough or accurate record of the number and locations of group homes. In fact, the county is only beginning the process of keeping track of rental properties, irrespective of their occupancy. Mr. Oliver's intervention in this matter is truly puzzling, considering that in an interview published a few years ago in "County Vibe," the councilman was quoted as saying he thought the group home issue was being blown out of proportion. I agree: where group homes are concerned, there is a great deal of emotion on the part of Woodlawn residents, but little concrete evidence of the scope and nature of the perceived problems.

The objection to the potential for **increased traffic** on nearby streets seems equally specious. The existence of a dormitory should actually reduce the traffic flow attributable to the school, since it will house students who might otherwise commute daily by car. There is the possibility of people taking two different short cuts to get back to Security Boulevard without driving all the way to Windsor Mill Road on Gwynn Oak Avenue (which is one way in this block). One short cut would be Lehnert Street to Englewood Avenue and back to Dogwood. Approximately 25 houses lie along that route. But Englewood is already a neighborhood thoroughfare, being one-way opposite the direction of Gwynn Oak Avenue. The other likely short cut would be Mount Alto Avenue to Hillside Drive, and back to Dogwood. Only fifteen houses lie along that route. The matter of drivers taking short cuts through residential streets is an ongoing problem in this part of Woodlawn, but any additional traffic attributable to this school would not be noticeable amidst that generated by the Social Security Administration and Kernan Hospital.

There are numerous more serious traffic problems nearby, and none of these appear to have caused any objection from the community. To name a few:

- At the football "stadium" at Woodlawn High, serious illegal parking occurs any time there is a game.
- The towing operation at Jordan Auto Service frequently results in a wrecker being illegally parked on Gwynn Oak Avenue. This has recently been exacerbated by the addition of outside security lighting at the garage, which blinds drivers as the come north on Gwynn Oak towards the very place a wrecker might have dropped anchor.
- Overflow parking from the Meadowood West building was a serious problem when that place was occupied by the Baltimore School of Massage.
- Overflow parking from events at the Redemption Christian Fellowship causes hazards along Dogwood Road.
- The daily drop-offs and pick-ups of children from the "Joy of Learning" day care center at Dogwood and Woodlawn drive have for years caused gridlock, collisions and near-miss incidents at this busy intersection.
- Serious congestion occurs at Dogwood Road and Featherbed Lane, caused by overdevelopment of the area north of Dogwood Road, and an intersection so narrow it cannot be negotiated by school buses.
- Maryland Diving Service operated for some years at the property adjacent to the so-called Graystone house. That operation involved storage of a large amount of contractor's equipment. Looking at an aerial view of THAT property, and you would think you are looking at a junkyard. Moreover, most of the time, until his untimely death, the owner illegally parked a large "low boy" trailer at the west curb of Gwynn Oak Avenue, effectively blocking the view of traffic for drivers exiting Hertsch's Tavern on to Gwynn Oak.
- Funerals at the numerous cemeteries in the neighborhood cause traffic backups on Dogwood Road, Gwynn Oak Avenue, Woodlawn Drive and Windsor Mill Road.

The property in question (6334 Dogwood Rd.) is zoned for Residential-Office (RO) use. The main house, having been built in 1921, has no particular historic value, and is—in the terminology of real estate appraisers—economically obsolete. That is, the place could not reasonably be sold as a single family residence. It was offered as such before Mr. Cignatta bought it in 1989, and being a licensed real estate salesman at the time, I showed the place to several prospective buyers. Six or more bedrooms, only one bath, and mechanical systems that were long out of date meant that anyone buying the place would have been faced with renovation costs exceeding the purchase price.

The reality is that, come what may of the Darul Uloom school, this property will end up in the hands of someone who will be forced to change things.

Presumably the county could buy the place and turn it into a park; that's a popular thing to propose. But then it would be out of the tax base, and would become just one more under-utilized and poorly maintained park in a part of the county that is already overloaded with such places.

With a change in zoning classification, entry on to a historic register and hundreds of thousands of dollars in renovations, the place could become a bed-and-breakfast. But who, after all, would want to stay there, considering that our neighborhood has the reputation of having the highest crime rate in the county?

With a different zoning change, someone might demolish the existing buildings and erect a few more overpriced, shabbily built houses, or a townhouse subdivision, condominium or rental apartments. Would the community benefit any more from those possibilities, compared to the Darul Uloom proposal, or would the place become just one more badly planned, poorly built, mismanaged haven for petty crime, like too many of the commercial apartments nearby?

To reiterate, both in 1989 and last year, the property was publicly offered for sale. There were no secret deals: "for sale" signs were posted, and the offering was on the real estate multiple listing service. Any one who was concerned about keeping things as they were would have been free to make an offer and buy the place. But only two buyers did. Eight years ago, one business man stepped forward and bought it, operating his offices there. Last year, another business enterprise bought the place. I have not heard any realistic or reasonable proposals for an alternative use of the property, so what is to be expected?

In short, I think those who object to this proposed use of the property need to grow up and face reality: The only way to control a property is to own it yourself; and the community has far more pressing problems that are not being addressed.

Yours truly,

S Modjesky

TRANSMISSION VERIFICATION REPORT

TIME : 01/23/2008 08:13
NAME : ZONING
FAX : 4108873048
TEL :
SER.# : BROB4J281084

DATE,TIME	01/23 08:11
FAX NO./NAME	#3468
DURATION	00:01:18
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

Stan Modjesky
2008 Hillcrest Road
Baltimore, Maryland 21207
phone: 410.944.0061 cell: 410.499.1122 email: modjesky@verizon.net

January 22, 2007

Baltimore County Zoning Commissioner
Via FAX: 410-887-3048

RE: Case No. **08-042-SPHX, 6334 Dogwood Road**

Mr. Commissioner:

I have been a resident and homeowner in Woodlawn since 1975. Over those 33 years, I have owned and rehabbed several properties in the neighborhood. For six years I was licensed real estate salesperson, and sold at least a dozen properties in the immediate neighborhood of 6334 Dogwood Road. As a former real estate investor, I have examined dozens of others, and for five years I owned a commercial building in the "Woodlawn Village," and operated a business there, in addition to managing the property with four tenants. In short, I think I know this area as well as anyone else, and am qualified to comment on the matter before the Commission as case number 08-042-SPHX.

The variances and exceptions sought by the owners of 6334 Dogwood Road should be granted without further delay. Those neighbors who have objected have raised no legitimate reason for concern, and the process has already been delayed by the puzzling intervention of Councilman Oliver.

To address each objection individually:

08-042-XA
10-1-07
postponed

Woodlawn Community Education and Development Association, Inc.
P.O. Box 47702
Baltimore, MD 21244

Fax (410) 594-9120

November 16, 2007

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County
400 Washington Avenue
Towson, MD 21204

Dear Mr Bostwick:

Re: DaruiuLoom Maryland School
6334 Dogwood Road, Baltimore, MD 21207

The Woodlawn Community Education and Development Association, Inc., is the umbrella group for Home Associations in the Greater Woodlawn Area. As Leaders of this Community, we will not tolerate residents being harassed and terrorized which prompts the initiation of this letter which we would like to have **filed for the records**. As I was informed such was the case on Wednesday evening, November 14, 2007. The President of the DaruiuLoom Maryland School went through the neighborhood to several homes ***uninvited.*** *Demanding* **to know who was in charge.**

- Shouting racism
- Shouting that they will get their dormitory and they will not be stopped
- Chanting up and down the residential street

The following incident is the most disturbing:

An elderly resident was putting trash out; when she was approached from behind by the President of the above-mentioned school; demanding to know who was in charge. The startling and intimidating antics in our opinion does not constitute the behavior meriting the standards of a religious school. She felt threatened.

Our position is that this type of behavior is unacceptable and will not be tolerated towards any resident in our Community. Furthermore, if these type of antics, behaviors and demonstrations continues, we will be forced to take the position of

filing a Civil Lawsuit. **As citizens of this Country and residents of Baltimore County, the residents of Woodlawn have every right to *express* their *concerns in re* to any Zoning issue.**

Our Community continues to be unestimated, undervalued and marginalized.

If you have any questions, please feel free to contact Mrs. Ross and Mr. Griffin via email woodlawncommunity1@yahoo.com.

Sincerely,

/s/	/s/
Mrs. Van Ross, President	Mr. Dallas Griffin, Vice-President

cc:
William J. Wiseman, III, Zoning Commissioner
County Executive Jim Smith
Councilman Kenneth Oliver
Captain Barry Barber
Officer Bryen Glass
Senator Delores Kelley
Delegate Adrienne Jones
Delegate Emmitt Burns
Delegate Shirley Pulliam
Laura Barnhardt, Sun Reporter
Janet Anderson, The Northwest Voice
WCEDA Board
Affiliated Home Associations
Graystone Committee

Grace Williams
1918 Gwynn Oak Avenue
Baltimore, MD 21207

September 21, 2007

County Courts House Building
11 W. Chesapeake Avenue – Rm 111
Towson, MD 21204

Atten: Zoning – Case #08-042-XA

To Whom It May Concern:

I am a resident in the Woodlawn Community and I live on this block I opposed the owners on 6334 Gwynn Oak Avenue. I oppose this property to become a dormitory housing in our neighborhood. It is across from a bar and it is also down the street from a High School (Woodlawn Senior High). Why would they want it to become a dormitory in a residential neighborhood? The parking space will be terrible. Cars coming from all over and the traffic would be a mess. You cannot turn it into a 2-way traffic to access parking for the students. I just oppose this whole situation please do not pass this zoning case (#08-042-XA).

Grace E. Williams

To whom it may concern:

I am strongly **opposed to Case #08-042-XA**. I repeat I am **opposed to case #08-042-XA**

I own a home that is within walking distance of the proposed dormitory. I did not move into this quiet neighborhood to live beside a boarding house of any kind. It is not my desire to have a building full of teenagers as neighbors. I do not want to be faced with teens hanging out and doing what teen usually do in my neighborhood.. I do not want the noise, traffic, trash and other nuisances that a dormitory will bring to this area. The proposed location is directly across from a bar/lounge that is open 7 days a week. Who in their right mind would consider this an ideal location to house teenagers. This proposal is not a good idea and could cause property values to drop, and it could also damage a nice quiet area to live in. It could change the neighborhood for the worse. **I oppose Case #08-042-XA**. It is not a good idea, and the dormitory would be bad for this community.

A very concerned home owner

Spencer

County Courts
111 W. Chesapeake Ave Room 111
Towson, MD 21204

9-19-07

Re: CASE # 08-042-XA

To whom it may Concern:

Please be advised I am vehemently OPPOSED to the proposed "Dormitory" at 6334 Guyan OAK Ave, Woodlawn MD.

This neighborhood is a quiet Residential area that has cleaned up prior disturbances in the past (Drugs). We put up with ENOUGH noise and traffic from the TAVERN across the street from the proposed Dormitory. Any given night the PARKING lot surrounding this BAR has its share of Rowdy people and having the additional males across the Street could only lead to more activity that WE Do not WANT.

Please Rule AGAINST CASE # 08-042-XA and Keep our Community the SAFE, family place it is Now. Do not Disturb a good thing

THANK YOU.

William L. MEREDITH
6410 Gilmore ST.
Woodlawn, MD 21207
410-277-0131

To Whom It May Concern: 9/23/07

I'm sending in this letter in order t oppose the plan to move in a male dormitory housing unit at 6334 Gwynn Oak Ave. This dormitory will be placed in an area that is not zoned for it and will be located across from a bar. Why would anyone want to put a dormitory next to a bar; especially if it's also suppose to function as a religious school. Again I'm sending this letter to strongly oppose this planned dormitory in this area. This letter is in reference to CASE # 08-042-XA.

Respectfully;

Clarence Hunter
6405 Gilmore St.
Woodlawn Md. 21207

Case
08-042-XA

I am writing this letter concerning address 6334 Guyon Oak Ave. They want to use the 6334 address for a dormitory for housing males 9yrs to 21 with a religious school. Our Community has enough problems with the Bar across the street #6334 Guyon Oak - People hanging on Bar lot at night and drugs etc. So I don't want this new project to move in our Community. It been quiet pretty much so far over the yrs -

Thank You

Barry B Heeter
6444 Lehnert St
Balto, Md
21207

Mildred H. Chance
6305 Mt. Alto Ave.
Baltimore, MD 21207

Re: Case # 08-042 XA
6334 Gwynn Oak Ave.

As a senior citizen having lived in this community for many years over 50 I am PROTESTING Case # 08-042-XA located on 6334 Gwynn Oak Ave (which is adjacent to my present home) in the request to build a Boys Dormitory housing 15-20 student per sector.

This property is on a very busy traffic corner and unsafe for more traffic entering and exiting at this point. Which is situated just across from an existing Bar and Tavern, which has its own traffic patterns. The housing of many young men would cause more congestion and much more of a noise factor in an existing quiet community.

This is at present a quiet neighborhood which cannot withstand the possibility of more street traffic, more foot traffic less safety for the growing children. Please also consider those of us who have enjoyed these many years in a quiet and pleasant neighborhood we call home.

Sincerely
Mildred H. Chance

Mr. & Mrs. Wayne A. King
1916 Gwynn Oak Avenue
Gwynn Oak, Maryland 21207
September 18, 2007

Zoning Review Office
Baltimore County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

To Whom It May Concern:

RE: Case # 08-042-XA

This letter is in regard to a zoning hearing (currently scheduled for October 1, 2007) regarding the property located at 6334 Dogwood Road (at the corner of Dogwood Road and Gwynn Oak Avenue). It is our understanding that the new owners of this property are petitioning the zoning board to allow them to convert the current residence into a dormitory and school.

As residents of this community for the past 31 years, we have seen first-hand the challenges our community faces daily with regard to neighborhood traffic. Therefore, we strongly oppose the proposal to convert this residential property into a dormitory and school. It would increase traffic to a street that is already heavy with neighborhood traffic, traffic from Woodlawn High School, traffic from Social Security and traffic from Hertsch's Tavern. Hertsch's Tavern is a bar that is located directly across the street from the property at issue.

Guests leaving our house have been run from the street as they were trying to get into their cars because the many cars driving down Gwynn Oak Avenue drive too fast and too close to parked cars. Our personal vehicles have been struck and sideswiped while parked on the street so, many years ago, we had our driveway enlarged and started parking our vehicles off the street.

We've witnessed problems coming from Hertsch's Tavern. One evening last summer, we noticed an abundance of broken glass and trash up and down the street. Neighbors called the Police and they closed the street and rerouted traffic while our neighbors and we got

our brooms and cleaned up the mess. A person (or persons) took bags of glass and beer bottles from the bar's dumpster and threw them all over the street. This is one of the most recent incidents, over and above the trash we find daily in our yards and stuffed into the sewers on the street.

In May or June of this year about 10-15 students were arguing with each other and almost got into an altercation on their way home from school. This happened right in front of our house. Again, Police were called-in to break-up the argument and send them on their way.

This community already faces enough challenges with vehicular and pedestrian traffic on Gwynn Oak Avenue. We hope you will take these concerns and the concerns of our neighbors into consideration before making a decision that could further challenge this neighborhood.

Respectfully submitted,

Wayne A. King

JoAnn V. King

cc:
Delegate Emmett C. Burns, Jr.
House Office Building, Room 309
6 Bladen Street
Annapolis, MD 21401

PATRICIA BURTON
1802 ALTO VISTA AVE
BALTO., MD 21207-5240
SEPTEMBER 26, 2007

RE: CASE #08-042-XA

AS A RESIDENT OF THE GWYNN OAK COMMUNITY I AM WRITING TO EXPRESS MY CONCERNS ABOUT THE REQUEST TO ALLOW THE PROPERTY AT 6334 DOGWOOD RD (corner of dogwood & gwynn oak) TO BECOME DORMITORY HOUSING. MY MAIN CONCERN IS THE FACT THAT THIS IS A RESIDENTIAL NEIGHBORHOOD AND PLACING THIS TYPE OF HOUSING FOR YOUNG MEN BETWEEN THE AGES OF 9 AND 21 WOULD NOT BE IN THE BEST INTERST OF THE QUIET FAMILY ORIENTED NEIGHBORHOOD AS WE NOW NO IT TO BE. ANOTHER CONCERN IS THAT THIS BUILDING IS DIRECTLY ACROSS THE STREET FROM A NEIGHBORHOOD BAR AND GRILL ,WHICH HAS BEEN THERE FOR MANY YEARS AND HAS NOT HAD A NEGATIVE IMPACT ON THE COMMUNITY, HOWEVER ADD TO THAT YOUNG MEN, 21 YRS OF AGE , WHO CAN LEGALLY USE THE SERVICES OFFERED THERE WOULD POTENTIALLY PRESENT OTHER PROBLEMS. UNDERAGE DRINKING, ROUDINESS AND FREQUENT PARTYING TO NAME A FEW.

I, ON BEHALF OF MY HOUSEHOLD WOULD LIKE TO OPPOSE THE APPROVAL OF THS REQUEST.

SINCERELY,

PATRICIA BURTON

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-043-SPHXA
DATE

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
IRFAN KABIRUDDIN	1901 HILLSIDE DR GLENWOOD MD 21207		
Mohammed Mufti	6413 WINDSOR MILL RD BALT. MD 21207		
RIZWAN SIDDIQI	6413 WINDSOR MILL RD, BALT MD 21207		
OMAR SMITH	6613 Johnnycake Rd Balt MD 21244		
Gerald Rasheed	8706 Inwood Rd Windsor Mill MD 21244	WINDSOR MILL, MD 21244	
MOHAMMED SIDDIQUI	4 LENIS COURT BALTIMORE MD 21244	BALTIMORE MD 21244	
TAIYAB MOHIUDDIN	13920 WAGON WAY Silver Spring	SILVER SPRING MD 20906	
KABIRUDDIN SARKAR	2725 ATLANTA DRIVE SILVER SPRING, MD	SILVER SPRING MARYLAND 20906	KSARKAR@VCANBIO.COM

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-643-SPHxA
DATE

PROTESTANTS

~~CITIZEN'S~~ SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
EZIO M ROSS ✓	6614 RICHARDSON Rd 21207	Baltimore Md 21207	VAEZ@VERIZON.NET
VAN D. ROSS ✓	6614 Richardson Rd 21207	Baltimore Md 21207	
JOE LASTNER ✓	6409 LEHNERT ST 21207	BALTIMORE MD 21207	jlastn4@aol.com
KERRI LASTNER ✓	6409 LEHNERT ST 21207	BALTIMORE MD 21207	jlastn4@aol.com
WAYNE A. KING ✓	1916 Gwynn Oak Ave 21207	Gwynn Oak MD 21207	Kingwa@comcast.net
JOHN KING ✓	1916 GWYNN OAK AVE 21207	GWYNN OAK MD 21207	jrking@comcast.net
Patty Blocher ✓	1743 Little Creek Dr. 21207	Balto MD 21207	
JOHN BLOECHER	1743 LITTLE CREEK DR	BALTO MD 21207	DANZIG_REPEICE@COMCAST.NET
KATE REDDINGER ✓	5533 HUTTON Ave	Gwynn OAK MD 21207	
PHYLLIS WEAVERLING	6503 GILMORE ST.	GWYNN OAK MD 21207	
Michele Perrera ✓	6428 Kriel ST	Gwynn oak MD 21207	Michele@Auntieakeys.com
Donna Wirt ✓	2034 Russell Ave	Balto MD 21207	donnawirt@verizon.net
Carl Resnick ✓	2034 Russell Ave	Balto, MD 21207	cresnick1@verizon.net
Daisy G. Fossett ✓	6408 Walnut Street	Balto MD 21207	george.fossett@verizon.net
George L. Fossett ✓	6408 Walnut Street	Balto MD 21207	"
Undrea Wright ✓	6414 Dogwood Rd	Baltimore MD 21207	Undreaw@MSN.com
NANCY G. DROZY ✓	6407 LEHNERT ST	BALTO MD 21207	N/A
Kimberly Edwards	6433 Kriel Street	Balto, MD 21207	Kedwards@sbmhp.state.md.us
Evelyn Jackson ✓	6429 Kriel Street	Balto MD 21207	jjayson@yahoo.com
ANDRE SAMUEL	6414 LEHNERT St.	BALTO MD 21207	Agdeps@VERIZON.net

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-092-SPHA
DATE

PROTESTANT'S

~~CITIZEN'S~~ SIGN-IN SHEET

NAME	ADDRESS 21207	CITY, STATE, ZIP	E-MAIL
Robert Cotton ✓	5613 Windsor Mill Rd	Balto/Md. 21207	cottonhw@verizon.net
Betty Scott ✓	6418 Lehnert St	Md 21207	
Jenny Cowen ✓	6412 Lehnert St	Woodlawn MD 21207	
Mary Faulkner ✓	7930 Galloping Circle	Windsor Mill, MD 21244	fourmf@comcast.net
Delores Johnson ✓	6441 LEHNERT ST	Gwynn OAK, MD 21207	djohnson328@MSN.com
Jacqueline Dailey ✓	6520 Lehnert Street	Gwynn Oak, MD 21207	JDailey@umaryland.edu
Ruth Baskerville ✓	1917 Hillside Drive	Gwynn Oak, MD 21207	
George Baskerville ✓	" " "	" " "	
Doris Martin ✓	2003 Alto Vista Ave	Balt MD 21207	dapmartin@AOL.com
Rosetta Sanders ✓	1707 Englewood Ave.	" " "	rose19331@msn.com
Phyllis Hawkins ✓	6411 Lehnert St.		
Dallas Griffin ✓	1907 Woodlawn Dr	Balt MD 21207	dgriff@Jerrod.Net
Audrey Green ✓	6412 Lehnert St	Balt. MD 21207	acgreen38@msn.com

www.baltimoresun.com/news/local/baltimore_county/bal-md.co.woodlawn26nov26,0,2181502.story

baltimoresun.com

Troubled Woodlawn High plans academic overhaul

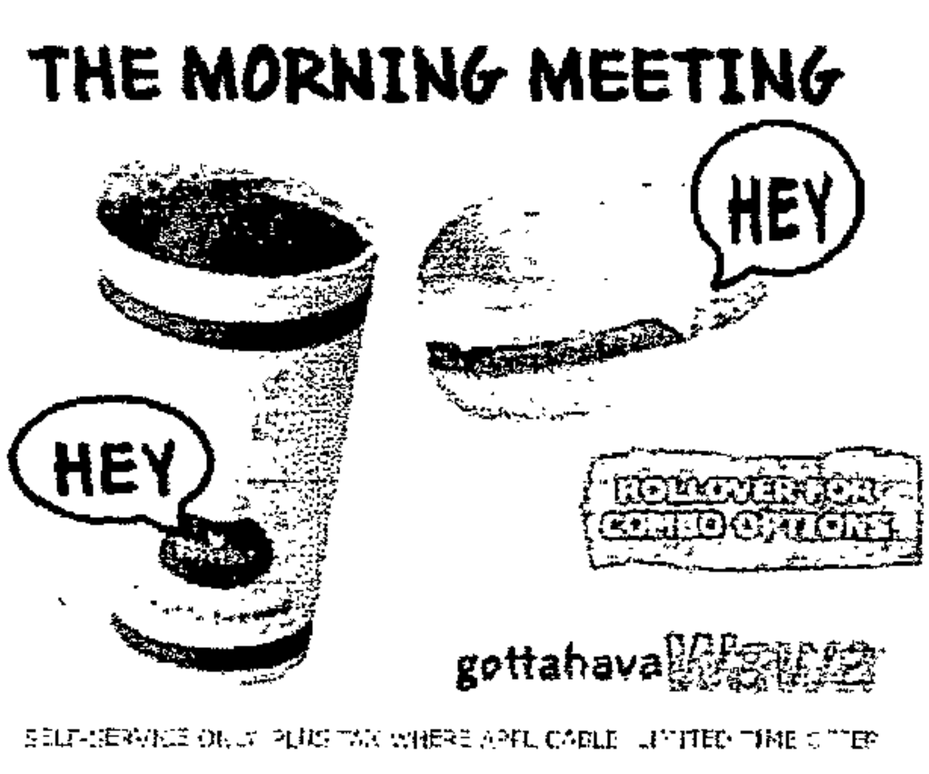
By Gina Davis

Sun reporter

November 26, 2007

PROTESTANT'S
EXHIBIT NO. 10

Administrators at Woodlawn High School, the only Baltimore County high school to have reached "restructuring status" after years of failing to meet state benchmarks in reading and math, have begun the wrenching process of planning an overhaul of the school's academic program.



In recent meetings with teachers, staff and parents, Principal Edward D. Weglein explained the four options being considered but stressed that no decisions have been made.

"Within any of them, there's no real perfect answer," Weglein said in an interview. "But we'll work toward picking the best option."

Under the No Child Left Behind Act, schools that fail to reach federal standards after five consecutive years enter the restructuring planning stage. Failing schools must develop a plan to replace most or all of the staff, reopen as a charter school, contract with a private entity or bring in a "distinguished principal" from another district.

In Maryland, 40 schools are in restructuring planning. Three of those schools are in Baltimore County - Woodlawn High and Southwest Academy and Lansdowne middle schools.

Woodlawn Middle implemented its restructuring plan last year, though it wasn't required to do so because it made required gains during the 2005-2006 school year.

Nearly 70 schools statewide have launched restructuring plans. Woodlawn High - whose plan is due by April to state education officials - would have to restructure next school year only if it fails to meet reading and math benchmarks this school year.

With nearly 2,000 students, Woodlawn is one of the county's largest high schools. In recent results, the school, which is 90 percent black, had only 32.3 percent of the Class of 2009 passing the state's high school assessment for algebra - one of four exams required for graduation.

Weglein said he met with teachers and parents to tell them that the restructuring planning process is

under way. Informing the public is one of the first steps required by state education rules.

He said the meetings were not scheduled to quell rumors of a state takeover that had been circulating among teachers and parents.

State education officials confirmed that they have no plans to take over the school. Ann E. Chafin, assistant state superintendent, said Maryland law doesn't prescribe a state takeover as a restructuring option. It is, however, an option that federal law allows.

Chafin said the state's role is to ensure that the school's planning is progressing. She said Woodlawn's leaders will need to address such questions as: How well do the teachers know the curriculum? Do the school's teachers have the capacity to move forward with changes? What does the school need, in terms of resources and money?

Weglein said the meetings were held to provide information, which he acknowledged is limited at this early stage in the process.

"I would love to say to somebody, 'Here is what you can expect,' but I can't," he said. "This is something of a major magnitude to the community, I can't play down that point. ... But we can't give details because we don't have details yet."

He said he and his staff noted questions raised during the meetings, and his goal is to gather more information and meet again before the winter break.

Parent Miko Baldwin said changes are necessary but that she worries about losing teachers and maintaining popular programs such as the robotics club and Advancement Via Individual Determination, a national college preparatory program. She said she hopes Weglein, the school's fifth principal in about a decade, will stay.

"If they go with a charter or a private entity, are they going to be able to maintain the same programs?" she asked.

The options have key differences. For instance, reopening as a charter school protects union contract provisions, while all terms are negotiable under a contract with a private entity. Schools that choose to force all or most of the staff to reapply - such as Annapolis High, where about half of its 111 teachers chose to leave this year - experience the turmoil of losing longtime educators.

Manuel Rodriguez, the system's southwest area assistant superintendent, said officials are researching the options. He said the involvement of parents, teachers, students and the community is vital to the process.

"It's natural for them to feel uncertainty because at this point we're all uncertain," Rodriguez said. "I can assure you that the intent is to keep everybody informed along the way."

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WOODLAWN H.S.

2nd Degree Assault (Not Domestic Abuse) 16
Suspicious Subject 3
Disturbance 12
Narcotics, Citizen Initiated 2
Non Enumerated Complaint 3
County Code Violation - Other 1
Child Abuse 1
Missing Adult 2
Juvenile Complaint 1
Traffic Stops 11
Arson 1
Traffic Complaint - Other 1
Suspicious Condition 3
Possession of a Deadly Weapon 1
Destruction of Property 3
Parking Complaint 1
Fires, Suspicious 2
Theft - Other 5
1st Degree Assault (Not Domestic Abuse) 1
Lost or Stolen Property 4
Robbery - UNARMED 7
Trespassing 10
Narcotics, Officer Initiated 3
Fires, Other 1
Theft - Altered Money/Counterfeiting 1
Hit & Run Accident - Property Damage 1

>>> <jlastn4@aol.com> 01/16/08 2:18 PM >>>

Officer Glass,

First, I wanted to thank you for all of your assistance.? You have been a tremendous help!

If I could just get general info on the following i.e. #?of assaults etc.? Since school is out in the summer it doesn't make much sense to include or start with June, maybe September through December.
The addresses?are as follows:

Woodlawn High school

Woodlawn Drive
Baltimore, MD 21207

and

Meadow Wood School

1849 Gwynn Oak Ave

Baltimore, MD 21207

Thanks again for everything!

Kerri Lastner

More new features than ever. Check out the new AOL Mail ! -
http://webmail.aol.com

2007 Maryland Report Card

RESULTS BY: STATE OF MARYLAND ▸ COUNTY ▸ SCHOOL ▸

AYP

Baltimore County

Woodlawn High Center For Pre-Eng. Res. (ID:0172)

2007 AYP: **Not Met**

▸ Show Trends

All indicators must be "Met" to make AYP. For details, click on the links below.

	Reading		Mathematics		
	▸Percent Proficient	▸Participation Rate	▸Percent Proficient	▸Participation Rate	▸Graduation
All Students	**Not Met**	**Met**	**Not Met**	**Met**	**Met**
American Indian/ Alaskan Native	na	na	na	na	
Asian/Pacific Islander	**Not Met**	na	**Met**	na	
African American	**Not Met**	**Met**	**Not Met**	**Met**	
White (not of Hispanic origin)	**Met**	na	**Met**	na	
Hispanic	**Met**	na	**Met**	na	
Free/Reduced Meals	**Not Met**	**Met**	**Not Met**	**Met**	
Special Education	**Not Met**	**Met**	**Not Met**	**Met**	
Limited English Proficient	**Not Met**	na	**Met**	na	

'na' indicates too few students for AYP rules.

Alternative Middle & High Schools
Even Start Family Literacy Program
Evening / Saturday High School
GED Classes for 16 - 21 yr olds
HIPPY
Home & Hospital Center
Home Schooling
Home Teaching Program
Maryland's Tomorrow *Program*
Summer School
<< Home >>

Alternative Middle and High Schools
Catonsville Center
Meadowood Education Center
Rosedale Center

Alternative Middle and High Schools

Academic Program	Therapeutic Component

Meadowood Center

1849 Gwynn Oak Avenue
Baltimore, Maryland 21207
410-887-6888 fax: 410-887-68889

Mission

The Meadowood Education Center (MEC) is an alternative middle school committed to servicing the needs of students who have not been successful in the traditional school setting. We, the staff, believe we must set the conditions for success through student assessment, a unique instructional program, and a comprehensive and therapeutic program of student services that stress social development and challenges students to become responsible citizens in an everchanging multicultural society.

Goals

- Provide and maintain a safe and orderly academic and therapeutic environment.
- Prepare students to return to their comprehensive home Schools and be successful utilizing the various interventions and skills they learned and were successful with at MEC.
- Provide an opportunity to allow students to increase their technology skills within the school environment.

School Profile

The Meadowood Education Center (MEC) is housed at the corner of Gwynn Oak Avenue and Dogwood Road in the Woodlawn section of Baltimore County. It is an alternative middle school serving a maximum of 75 students in grades 6, 7 and 8 from both the Southwest and Northwest areas of Baltimore County. Students enter MEC after having been referred by the respective Superintendent's Designee. The referrals are based on expulsions or program reviews. It is the intent of MEC to return each student to his/her home School with the skills necessary to be successful in a comprehensive school environment.

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PROTESTANT'S
EXHIBIT NO. 11

MEADOW WOOD SCHOOL

Emergency Commitment 1
Missing Child 3
Duplicate Call 1
Check on Location 1
Narcotics, Citizen Initiated 1
Juvenile Complaint 1
Suspicious Vehicle 1

>>> <glastn4@aol.com> 01/16/08 2:18 PM >>>

Officer Glass,

First, I wanted to thank you for all of your assistance.? You have been a tremendous help!

If I could just get general info on the following i.e. #?of assaults etc.? Since school is out in the summer it doesn't make much sense to include or start with June, maybe September through December.
The addresses?are as follows:

Woodlawn High school

Woodlawn Drive
Baltimore, MD 21207

and

Meadow Wood School

1849 Gwynn Oak Ave

Baltimore, MD 21207

Thanks again for everything!

Kerri Lastner

More new features than ever. Check out the new AOL Mail ! -
http://webmail.aol.com

Meadowwood Education Center

1849 Gwynn Oak Avenue
Baltimore, MD 21207

General Phone Numbers:

Main: 410-887-6888

Fax(Main): 410-887-6889

Area:	Southwest
Principal:	C. A. Thompson
Boundaries:	[illegible]*
Profile:	(Not yet available)
Test Scores:	[illegible]

Visit our school web site at
[illegible]

Visit our Teacher [illegible]!

More information coming soon.

* Please see our disclaimer in consideration of using BCPS School Attendance Boundary Maps

School Overview:

Definition of Terms	Meadowood Education Center
School Level	Middle school
School Type	Special education school
Grades Offered	Grades 6 - 8
County	Baltimore County, MD
Students & Faculty	
Total Students	58 students
% Male / % Female	74% / 26%
Total Classroom Teachers	11 teachers
Students by Grade	Grade 6 - 6 students Grade 7 - 29 students Grade 8 - 23 students

	This School	(MD) School Average
Teacher : Student Ratio	1:5	*1:16*
Students by Ethnicity	This School	(MD) School Average
% American Indian		
% Asian		*5%*
% Hispanic		*8%*
% Black	86%	*40%*
% White		

JAMES W. JOHNSON
Chief of Police

"INTEGRITY...FAIRNESS...SERVICE"

BALTIMORE COUNTY POLICE
Headquarters
700 East Joppa Road
Towson, MD 21286
(410) 887 - 2214
Fax (410) 821 – 8887
bcopd@baltimorecountymd.gov
www.baltimorecountymd.gov/police

January 18, 2008

Ms. Kerri Lastner
Graystone Community Association
6409 Lehnert Street
Baltimore, MD 21207

Dear Ms. Lastner:

Analysts of the Scanning and Forecasting Team have prepared the two tables attached tables in response to your request for Police Department Calls for Service information. Table 1 lists all Traffic Accidents at the intersection of Dogwood Road and Gwynn Oak Avenue in our record management system. Table 2 lists all Calls for Service generated from or directed to 1902 Gwynn Oak Avenue.

To request copies of police reports, send your request to Baltimore County Police Department; Record Request Unit; 700 East Joppa Road; Towson, Maryland 21286. You must include the reason for your request, report number, your name and a self-address stamped envelope. There is a $10.00 search fee for each requested report. Please make checks payable to Baltimore County, Maryland.

If there are any questions, please direct them to Ms. Emily Puls, the lead analyst assigned to this project. She can be reached at 410-887-4946.

Sincerely,

PROTESTANT'S
EXHIBIT NO. 12

Phil Canter
Director
Crime Analysis Section

C: Honorable Councilman Ken Oliver, 4th Council District
Chief James Johnson
Colonel William Kelly, Administrative and Technical Services Bureau
Major Joseph Burris, Administrative Services Division
Captain Barry Barber, Precinct 02
Lieutenant Pat Brennan, Precinct 02

TABLE 1

TRAFFIC ACCIDENTS AT THE INTERSECTION OF DOGWOOD ROAD AND GWYNN OAK AVENUE
JULY 1, 2007 => DECEMBER 31, 2007

COMPLAINT NUMBER	TYPE ACCIDENT	DATE	REPORT WRITTEN (Y/N)
071870710	Auto Accident - Property Damage	06-Jul-07	YES
072300336	Hit and Run Accident - Property Damage	18-Aug-07	YES
073412270	Hit and Run Accident - Property Damage	07-Dec-07	YES

TABLE 2 Hertsch's Tavern

CALLS FOR SERVICE GENERATED FROM OR DIRECTED TO
1902 GWYNN OAK AVENUE
JULY 1, 2007 => DECEMBER 31, 2007

COMPLAINT NUMBER	LITERAL DEFINITION	DATE	REPORT WRITTEN (Y/N)
071842150	Disturbance	03-Jul-07	NO
072101365	2nd Degree Assault (Not Domestic Abuse)	29-Jul-07	NO
072110216	Alarm Business-Accidental	30-Jul-07	NO
072191332	1st Degree Assault (Not Domestic Abuse)	07-Aug-07	YES
072281834	Theft - Other	16-Aug-07	YES
072410082	Check On Location	29-Aug-07	NO
072410111	Check On Location	29-Aug-07	NO
072701936	Suspicious Subject	27-Sep-07	NO
072922017	Disturbance	19-Oct-07	NO
073001194	Check On Location	27-Oct-07	NO
073260603	Abandoned Vehicle	22-Nov-07	YES
073621602	Altered Money/ Counterfeiting	28-Dec-07	YES
073631408	Sick or Injured Subject	29-Dec-07	NO

Information on Hersch's Tavern
1902 Gwynn Oak Ave.

071641576	6/3/07	18:54	narcotics
072101365	6/29/07	20:19	2nd degree assault
072191332	8/7/07	17:15	2nd degree assault
072281834	8/16/07	21:43	trespassing
072701706	9/22/07	20:50	disturbance
072922017	10/19/07		disturbance
073001194	10/27/07	16:47	disturbance
073192235	11/15/07	16:39	narcotics

Woodlawn Community Education and Development Association, Inc. (WCEDA)
P.O. Box 47702
Baltimore, MD 21244

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January 25, 2008

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County
400 Washington Avenue
Towson, MD 21204

PROTESTANT'S
EXHIBIT NO. 13

Dear Mr Bostwick:

Re: DaruiuLoom Maryland School
6334 Dogwood Road, Baltimore, MD 21207

My name is Pastor Ezio Ross, I am speaking on behalf of the Woodlawn Community Education and Development Association, Inc., who represents home associations in the Greater Woodlawn Area. On behalf of the Greater Woodlawn Community, this testimony is being voiced as a ***strong appeal*** to have our concerns as it applies to the Special Exception and Variance for a dormitory to be located at 6334 Dogwood Road/GwynnOak Avenue.

Also, the intent of this testimony after numerous meetings with our Community residents and stakeholders is to make our stance unequivocally clear as to our position on the following issues:

1) The number of group homes in the northwest area which has resulted in an oversaturated of Agency placed homes particularly in the northwest and southwest regions

   - It has been recorded as of last year, about two-thirds of the approximately 500 group homes in Maryland were in Baltimore County. Most are in Randallstown, Woodlawn and elsewhere in the northwestern part of the county.

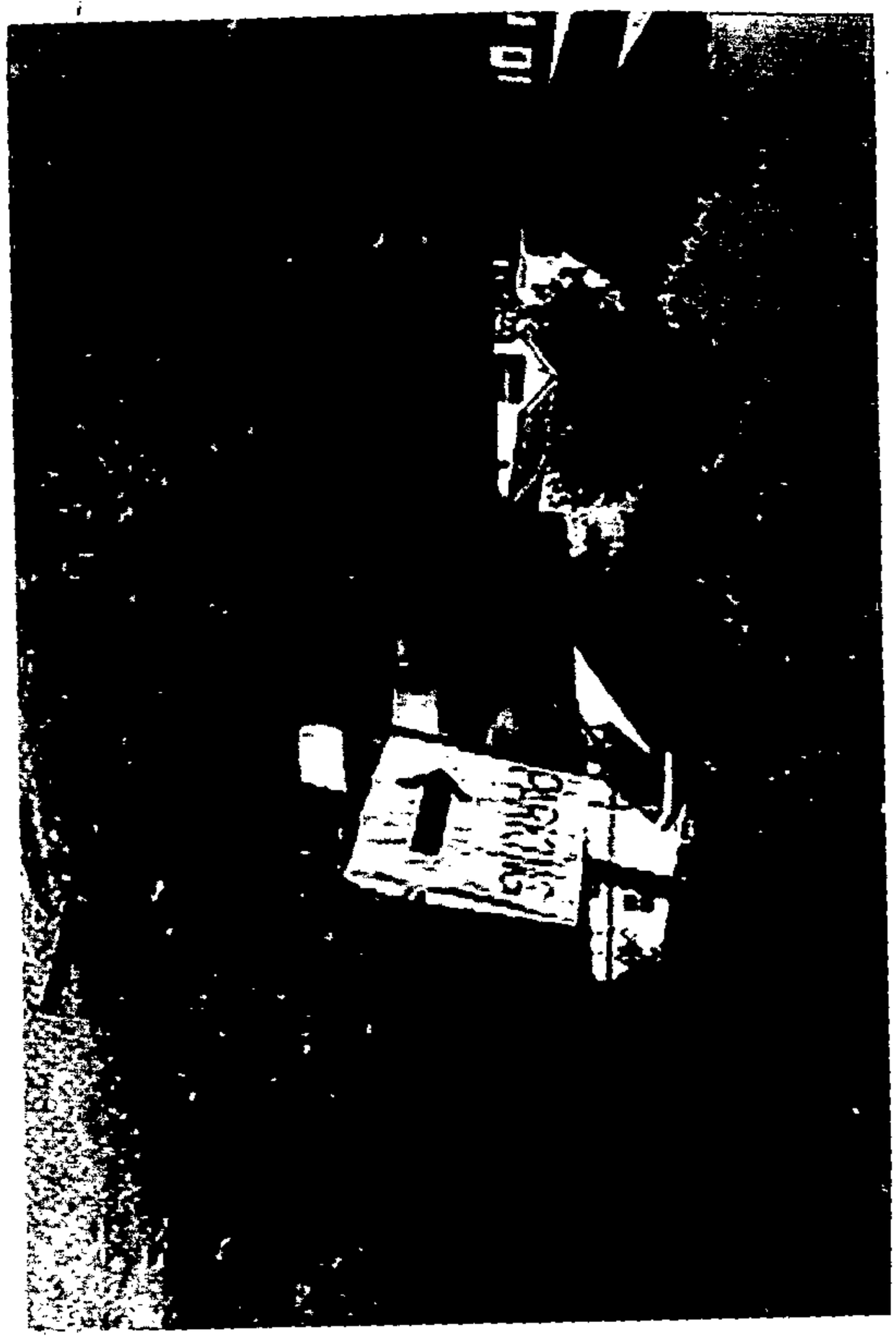
   - We feel strongly that this will cause a catastrophic impact on what presently exist as the highest concentration of group homes in the State of Maryland.

2) We also stand in strong support for the concerns about businesses being allowed to open in residential areas and the direct disruption it will cause in our neighborhoods.

The Community's concern is that if this permit is allowed, this could result in future zoning changes of the residential area.

Our desire is that the Zoning Commissioner, give ***strong consideration*** to this matter. As this represents the combined general interest of the Community-at-Large.

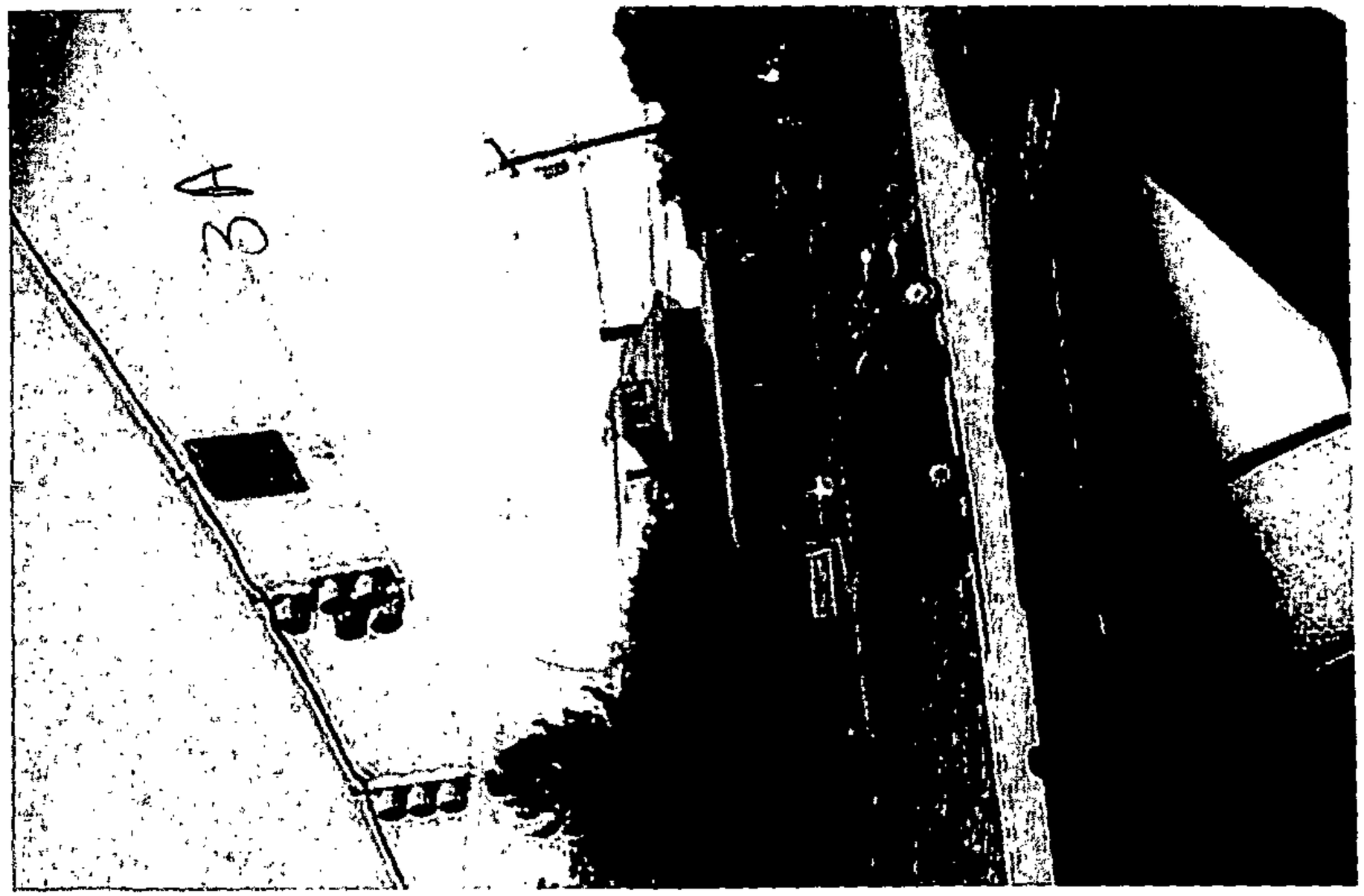
Exhibit
1

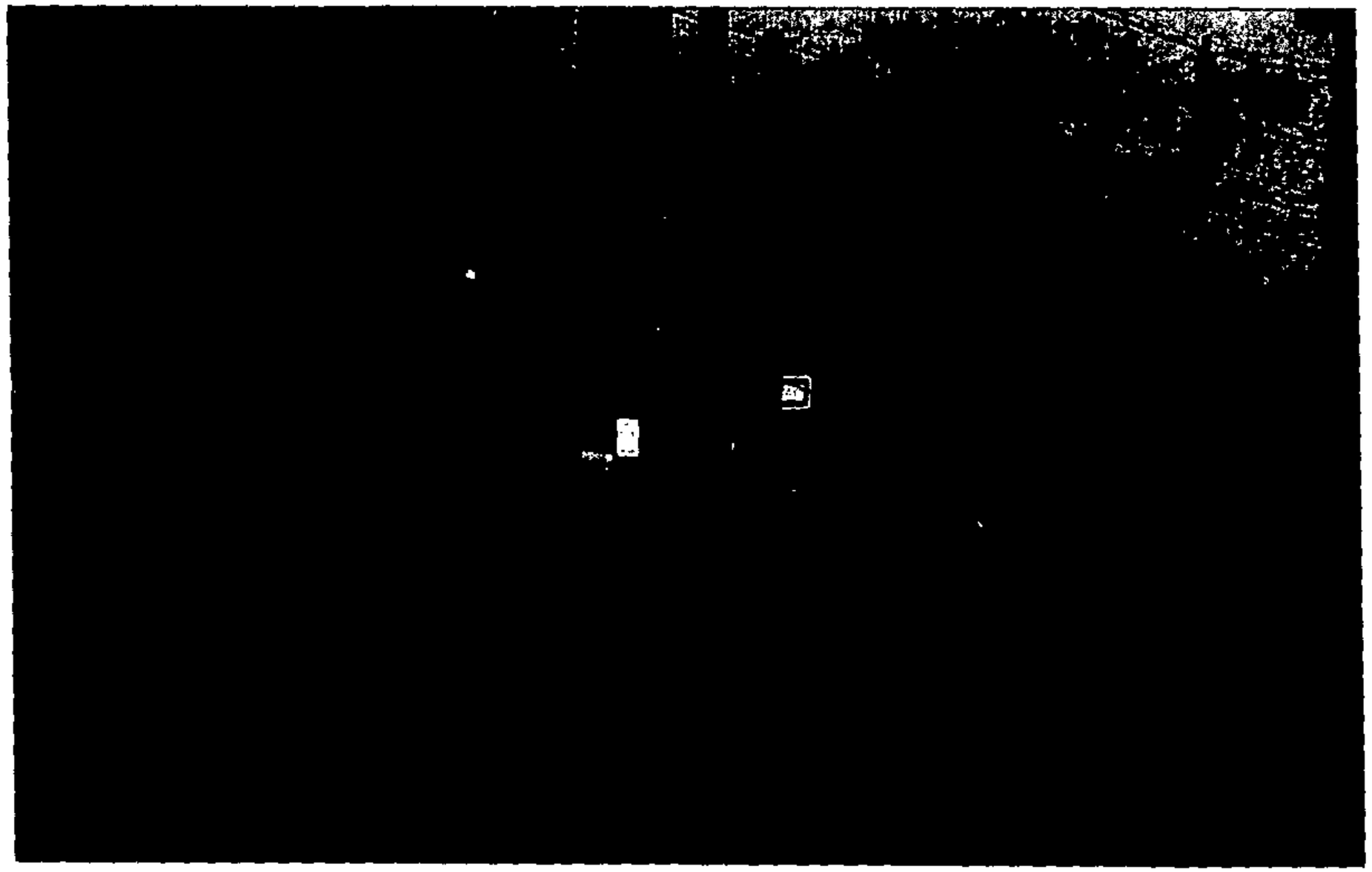


PROTESTANT'S

EXHIBIT NO. 2

ZONING

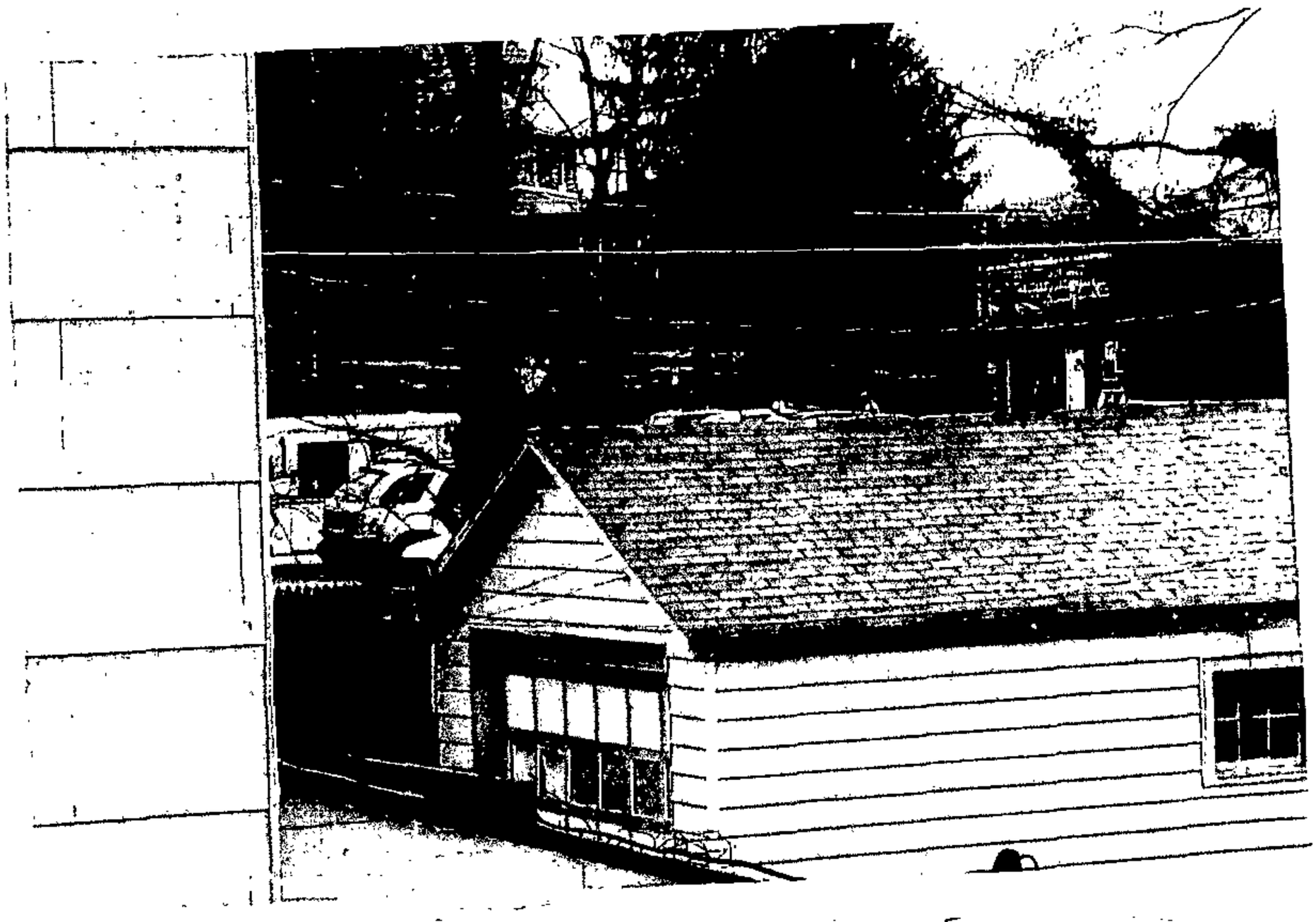




7B

9B

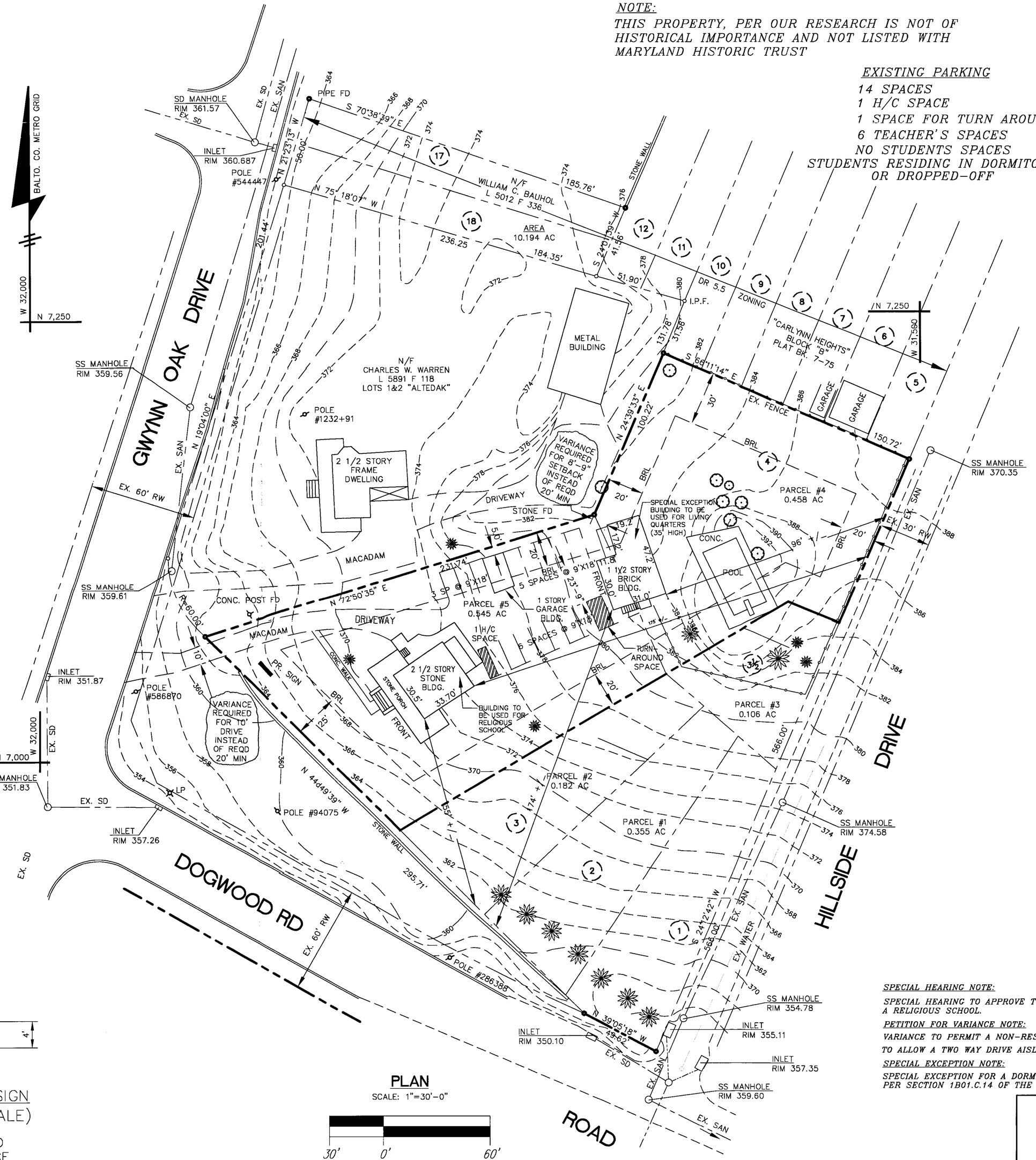
9C



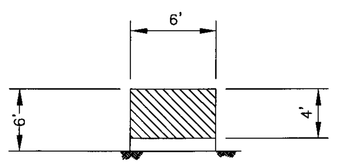
9A

NOTE:
THIS PROPERTY, PER OUR RESEARCH IS NOT OF HISTORICAL IMPORTANCE AND NOT LISTED WITH MARYLAND HISTORIC TRUST

EXISTING PARKING
14 SPACES
1 H/C SPACE
1 SPACE FOR TURN AROUND
6 TEACHER'S SPACES
NO STUDENTS SPACES
STUDENTS RESIDING IN DORMITORY OR DROPPED-OFF



PLAN
SCALE: 1"=30'-0"
30' 0' 60'



PROPOSED SIGN
(NOT TO SCALE)

ILLUMINATED
SINGLE FACE
24 SQ. FT. PER SIDE

BUILDING SETBACK NOTE:

BASED ON NON-RESIDENTIAL PRINCIPAL BUILDING SETBACKS IN DR5.5

GENERAL NOTES:

1. PROPERTY INFORMATION:

   DARUL ULOOM MARYLAND, INC.
   6334 DOGWOOD RD
   BALTIMORE, MARYLAND 21207

   MAP 88, GRID 20, PARCEL 229
   TAX ID# 01-0102004495
   NEW 200 SCALE GRID 088A3
   DEED REF: 25416/127

2. OWNER:
   SARKAR KABIRUDINN
   6334 DOGWOOD RD
   BALTIMORE, MD 21207
   PHONE: 410-982-4517
3. ZONED: R-O (RESIDENTIAL OFFICE)
4. SITE AREA:
   LOT # 4 - GROSS = 19,950 SFT (0.458 ACRES)
   LOT # 4 - NET = 19,950 SFT (0.458 ACRES)

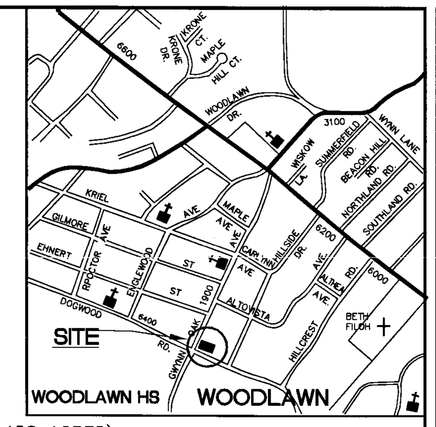
   LOT # 5 - GROSS = 23,740 SFT (0.545 ACRES)
   LOT # 5 - NET = 23,740 SFT (0.545 ACRES)
5. 2000 CENSUS TRACT: 401200
6. 2000 CENSUS BLOCK GROUP: 240054012001
7. LAND MANAGEMENT AREA: EMPLOYMENT CENTER
8. COUNCILMANIC DISTRICT: 4
9. ELEMENTARY SCHOOL DISTRICT: FEATHERBED LANE ES
10. MIDDLE SCHOOL DISTRICT: WOODLAWN MS
11. HIGH SCHOOL DISTRICT: WOODLAWN HS
12. REGIONAL PLANNING DISTRICT: 319
13. WATERSHED: GWYNNS FALLS
14. WATER SERVICE AREA: WESTERN THIRD ZONE
15. SEWER SHED: 63, 68, & 70 (ALL INTERSECT ON THE PROPERTY)
16. TRANSPORTATION ZONE: 0628
17. ZIP CODE: 21207
18. EXISTING AND PROPOSED USE:
    EXISTING: RESIDENTIAL
    PROPOSED: RELIGIOUS SCHOOL
19. FLOOR AREA RATIO: 0.067
20. OFF-STRET PARKING CALCULATIONS:
    EXISTING: 15 PARKING SPACES (INCLUDING H/C SPACE)
    TEACHERS: 6 PARKING SPACES
    STUDENTS: 8-10 STUDENTS LIVING IN DORMITORY AND 8-10 WILL BE DROPPED-OFF BY PARENTS. (NO PARKING REQUIRED FOR STUDENTS)
21. BUILDING SETBACKS:

LOCATION	REQUIRED	EXISTING
FRONT	25' FROM PL	>25'
REAR	30' FROM PL	>30'
NORTH SIDE	20' FROM PL	<20' (VARIANCE REQD)
SOUTH SIDE	20' FROM PL	>20'

22. MAX. BLDG. HEIGHT: ALLOWED 50' - EXISTING <35'
23. NO PREVIOUS COMMERCIAL PERMITS ON FILE. NO PRIOR ZONINGS ON SITE. PROPERTY LISTED AS "R-O" FOR THE FIRST TIME ON 1984 ZONING MAP. PREVIOUSLY IT WAS "DR 5.5" SHOWN ON BALTO. CO. ZONING MAO F2 IN BLOCK F2.
24. NO SIGN EXISTS. A NEW SIGN 6' WIDE X 4' HIGH WITH TOTAL HEIGHT ABOVE GROUND NOT TO EXCEED 6' IS PROPOSED AS SHOWN ON THIS DRAWING.
25. AMENITY OPEN SPACE REQUIREMENTS: NOT APPLICABLE
26. ANY LIGHT FIXTURES TO ILLUMINATE OFF-STREET PARKING SHALL BE SO ARRANGED AS TO REFELECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
27. THERE ARE NO WOODED AREAS, STREAM, WETLANDS OR FLOODPLAINS ON THIS PROPERTY. PROPERTY IS NOT IN CHESAPEAKE BAY CRITICAL AREA.
28. PROPERTY IS NOT IN AN AREA WITH A MORATORIUM OF FAILURE OF BASIC SERVICES.
29. NO LABORATORY OR MECHANICAL WORKSHOP IS PROPOSED.
30. ALL PARKING WILL BE DURABLE AND DUSTLESS SURFACE AND PERMANENTLY STRIPED.
31. SITE IS SERVED BY EXISTING PUBLIC WATER AND SEWER.
32. HORIZONTAL AND VERTICAL SURVEU DATUM ESTABLISHED FROM BALTO. CO METRO GRID SYSTEM CONTROL POINTS X-8066 AND X5403:

    X-8066-BRONZE DISC. ELEV. 341.286
    N 5339.73 W 33786.60

    X-5403-CUT + N CURB W BOUND LANE
    N 5194.26 W 31746.33
33. SURVEY SHIWN IS WITHOUT BENIFIT OF TITLE REPORT AND IS BASED ON DEEDS AND PLATS OF RECORD AND EVIDENCE FOUND IN FIELD.
34. ORIGINAL PLAT AND DEEDS DO NOT CLOSE USING RECORDED COURSES AND DISTANCES PLAT "CARLYNN HEIGHTS" PLAT BK 7-75, BLOCK "8" MAY 1924 DEEDS: L 4886, F 086 L 5891, F 118 L 8276, F 637 16



VICINITY MAP
SCALE: 1"=1000'

SPECIAL HEARING NOTE:

SPECIAL HEARING TO APPROVE TO USE OF A DORMITORY FOR 15-30 STUDENTS, AS AN ACCESSORY USE IN CONJUNCTION WITH A RELIGIOUS SCHOOL.

PETITION FOR VARIANCE NOTE:

VARIANCE TO PERMIT A NON-RESIDENTIAL PRINCIPAL BUILDING SIDE YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 20 FEET.
TO ALLOW A TWO WAY DRIVE AISLE WITH 10 FEET WIDTH IN LIEU OF THE REQUIRED 20 FEET.

SPECIAL EXCEPTION NOTE:

SPECIAL EXCEPTION FOR A DORMITORY (IN CONJUNCTION WITH A RELIGIOUS SCHOOL) FOR 15 TO 30 STUDENTS. PER SECTION 1B01.C.14 OF THE BCZR.

..6334 DOGWOOD RD..

PLAT TO ACCOMPANY SPECIAL HEARING
TO ALLOW DORMITORY
MAP 88 - GRID 20 - PARCEL 229
1ST ELECTION DISTRICT - 2ND COUNCILMANIC DISTRICT
SCALE : 1" = 30' DATE: JUNE 2007

REV 08 04 2008

Mufti & Associates, Inc.
6413 Windsor Mill Road
Baltimore, Md 21207

Phone: 443-604-3127
Fax: 410-298-2865

SEAL 10/17/07

SITE PLAN
DARUL ULOOM MARYLAND, INC.
6334 DOGWOOD ROAD
BALTIMORE COUNTY, MARYLAND 21207

Revisions:		Date:
Drawn by:	MM	10/16/07
Designed by:	MM	10/16/07

Sheet Title:
PLAT TO ACCOMPANY SPECIAL EXCEPTION TO ALLOW DORMITORY

Scale: AS NOTED

CASE #
C-1