

FRANCIS X. BORGERDING, JR.

ATTORNEY AT LAW

409 WASHINGTON AVENUE, SUITE 600
TOWSON, MARYLAND 21204
(410) 296-6820
FAX: (410) 296-6884

RECEIVED

DEC 15 2016

OFFICE OF ADMINISTRATIVE HEARINGS

December 12, 2016

John E. Beverungen
Administrative Law Judge
for Baltimore County
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

RE: Petition for Special Exception and Variance
Property: 6607 Johnnycake Road
Case No.: 2017-0092-XA

Dear ALJ Beverungen:

Please treat this correspondence as a motion for reconsideration of your opinion entered in the above-referenced case on December 8, 2016. I did not attend the hearing because I was unaware of it and request that you reset this matter for hearing.

Thank you very much for your cooperation of this request.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(6607 Johnnycake Road)
1st Election District
1st Council District
Islamic Society of Baltimore
Petitioner**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2017-0092-XA**

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration of the December 8, 2016 Order issued in the above case. That Order dismissed without prejudice the petition in this case upon the failure of Petitioner or counsel to attend the hearing.

By letter dated December 12, 2016, Mr. Borgerding advised he was unaware of the previously scheduled hearing, and requests it be "reset for hearing." While I am amenable to granting the motion, the case cannot simply be reset on the schedule. Although a new petition does not need to be filed, Petitioner will need to contact the Department of Permits, Approvals and Inspections (PAI) and arrange for posting of the property as required by the regulations. Based on my review of the file it does not appear the property was posted in advance of the initial hearing. Provided the posting requirements are satisfied, PAI will schedule the case for hearing on the OAH calendar.

THEREFORE, IT IS ORDERED this 19th day of December, 2016, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED Petitioner must post the property in a conspicuous fashion as required by the regulations to advise interested parties of the time and place of the rescheduled hearing in this case.

ORDER RECEIVED FOR FILING

Date 12/19/16

By slh

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR

Date 12/19/16

By sln

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(6607 Johnnycake Road)
1st Election District
1st Council District
Islamic Society of Baltimore
Petitioner**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2017-0092-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Exception and Variance filed on behalf of Islamic Society of Baltimore, legal owner. The Special Exception was filed pursuant to §424 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to use the herein described property for a nursery school. In addition a Petition for Variance seeks: (1) to permit 0 parking spaces in lieu of the required 10 spaces; and (2) providing 0 ft. in lieu of the required 50 ft. RTA buffer and 75 ft. RTA setback.

A public hearing in this case was scheduled for Wednesday, December 7, 2016 at 1:30 p.m. The Petitioner and/or its counsel failed to appear at the hearing. As such, this case will be dismissed.

THEREFORE, IT IS ORDERED this 8th day of December, 2016 by this Administrative Law Judge, that the Petition for Special Exception pursuant to B.C.Z.R. §424 to use the herein described property for a nursery school, be and is hereby DISMISSED without prejudice.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit 0 parking spaces in lieu of the required 10 spaces; and (2) providing 0 ft. in lieu of the required 50 ft. RTA buffer and 75 ft. RTA setback, be and is hereby DISMISSED without prejudice.

ORDER RECEIVED FOR FILING

Date

12/8/16

By

Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 12/8/16

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6607 Johnnycake Rd., Baltimore, MD 21244 which is presently zoned DR 5.5

Deed References: 17217/00148 10 Digit Tax Account # 0 1 2 0 8 0 0 1 2 0

Property Owner(s) Printed Name(s) Islamic Society of Baltimore

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for Nursery School from Section 424

3. X a **Variance** from Section(s) 409 0 parking spaces in lieu of the required 10 parking spaces
There is ample parking at the mosque located in close proximity

X a **Variance** from Section 1B01.1(e)5 providing 0 feet in lieu of the required 50 foot buffer and 75 foot setback.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Francis X. Borgerding, Jr.

Name- Type or Print

Signature

409 Washington Ave., #600, Towson, MD

Mailing Address

City

State

21204

410-296-6820

borgerdinglaw@aol.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Islamic Society
of Baltimore

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6607 Johnnycake Rd., Baltimore, MD

Mailing Address

City

State

21244

Zip Code

Telephone #

Email Address

Representative to be contacted:

Francis X. Borgerding, Jr.

Name - Type or Print

Signature

409 Washington Ave., #600, Towson, MD

Mailing Address

City

State

21204

410-296-6820

borgerdinglaw@aol.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2017-0092-XA

Filing Date

10/4/16

Do Not Schedule Dates:

Reviewer

AT

410-296-6824

REV. 10/4/11

PROPERTY DESCRIPTION

BEGINNING FOR THE SAME at a stone on the Southwest side of the main road (now known as the Johnny-Cake Road) and at the edge of said road, said point of beginning being at the end of the first lines of the whole lot secondly described and conveyed in a Deed from James Lee and wife to Charles W. Lee and Margaret Lee, his wife, dated January 22, 1891 and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 186, folio 61, etc of which the lot now being described is a part; and thence running at right angles Southwesterly and bounding on the second line of said whole lot six hundred ten and one-half feet, to the end thereof, thence at right angles Northwesterly parallel with the first line of said whole lot and bounding on the third line of said whole lot, one hundred forty-three feet; thence at right angles Northeasterly and parallel with the first line of the lot now being described, six hundred ten and one-half to the Southwest side of the aforesaid road; and thence Southeasterly bounding on said road and on the first line of said whole lot, one hundred forty-three feet, to the place of beginning. Containing two acres of land, more or less. The improvements thereon being known as 6607 Johnnycake Road.

2017-0092-XA



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4596270

Sold To:

Islamic Society of Baltimore - CU00572424
6607 Johnnycake Rd
Windsor Mill, MD 21244-2401

Bill To:

Islamic Society of Baltimore - CU00572424
6607 Johnnycake Rd
Windsor Mill, MD 21244-2401

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Nov 17, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

NOTICE OF ZONING HEARING The Administrative Law Judge 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: # 2017-0092-XA 6607 Johnnycake Road, SW/s Johnnycake Road, 150 ft. NW of the centerline of Dillon Heights Avenue 1st Election District - 1st Councilmanic District Legal Owner(s) Islamic Society of Baltimore Variance to permit 0 parking spaces in lieu of the required 10 spaces. (There is ample parking at the mosque located in close proximity). Providing 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback. Hearing: Wednesday, December 7, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204. ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868. (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 11/120 November 17 4596270



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 9, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0092-XA

6607 Johnnycake Road

SW/s Johnnycake Road, 150 ft. NW of the centerline of Dillon Heights Avenue

1st Election District — 1st Councilmanic District

Legal Owners: Islamic Society of Baltimore

Special Exception to use property for Nursery School. **Variance** to permit 0 parking spaces in lieu of the required 10 spaces. (There is ample parking at the mosque located in close proximity). Providing 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback.

Hearing: Wednesday, December 7, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Francis Borgerding, Jr., 409 Washington Avenue, Ste. 600, Towson 21204
Islamic Society of Baltimore, 6607 Johnnycake Road, Baltimore 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., NOVEMBER 17, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 17, 2016 Issue - Jeffersonian

Please forward billing to:

Islamic Society of Baltimore
6607 Johnnycake Road
Baltimore, MD 21244

443-253-8204

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0092-XA

6607 Johnnycake Road

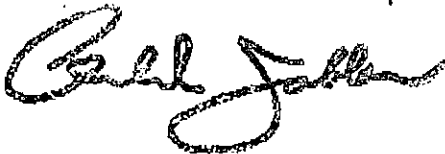
SW/s Johnnycake Road, 150 ft. NW of the centerline of Dillon Heights Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Islamic Society of Baltimore

Special Exception to use property for Nursery School. **Variance** to permit 0 parking spaces in lieu of the required 10 spaces. (There is ample parking at the mosque located in close proximity). Providing 0 ft. in lieu of the required 50 ft. buffer and 75 ft. setback.

Hearing: Wednesday, December 7, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
6607 Johnnycake Road; SW/S Johnnycake Rd,* OF ADMINISTRATIVE
150' NW of c/line Dillon Heights Avenue *
1st Election & 1st Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Islamic Society of Baltimore *
Petitioner(s) * BALTIMORE COUNTY
* 2017-092-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 14 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 2016, a copy of the foregoing Entry of Appearance was mailed to Francis Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0092-XA

Property Address: 6607 JOHNNY CAKE ROAD

Property Description: _____

Legal Owners (Petitioners): ISLAMIC SOCIETY OF BALTIMORE

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Islamic Society of Baltimore

Company/Firm (if applicable): N/A

Address: 6607 Johnny Cake Road B. Hunt
MD 21244

Telephone Number: 443-253-8204

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

№ 145707

Date: 10/04/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub_Obj	Dept	Obj	BS Acct	Amount
001	K06	0000		6157					\$1,000

Total: \$1,000

Rec From: _____
For: 6607 JOHNNYCAICE ROAD
2017-0092-XA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
10/04/2016 10/05/2016 16:17:35 1
REG NO01 WALKIN LJR
>>RECEIPT # 434950 10/05/2016 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 1457071
Rcpt Tot \$1,000.00
\$1,000.00 / CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

November 29, 2016

Islamic Society of Baltimore
6607 Johnnycake Road
Baltimore MD 21244

RE: Case Number: 2017-0092 A, Address: 6607 Johnnycake Road

Dear Mr. Bell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 4, 2016. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Francis X Borgerding, Esquire, 409 Washington Avenue, Suite 600, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/11/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0092 XA.

*Special Exception Variance
Islamic Society of Baltimore
6607 Johnny Cake Road*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard A. Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/1/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

DEC 05 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-092

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 6607 Johnnycake Road
Petitioner: Islamic Society of Baltimore
Zoning: DR 5.5
Requested Action: Special Exception and Variance

The Department of Planning has reviewed the petition for special exception to use the property for a Nursery School and also the petition for a variance to permit 0 parking spaces and to provide a residential transition buffer and setback of 0 feet in lieu the required 10 parking spaces, 50 foot buffer and 75 foot setback respectively.

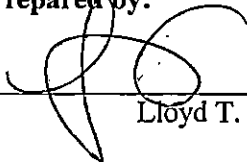
A site visit was conducted on October 18, 2016.

The Department cannot support granting the petitioned zoning relief as proposed. It is the recommendation of the Department that the site proposal should be reconsidered to address the concerns discussed below:

- The Department recommends that the lot can accommodate the required parking on-site. Alternatively, the Department can support an arrangement of parking at the existing mosque parking lot only if the intervening sidewalk spanning from said parking lot to the proposed school is complete with no gaps so that pedestrian safety is ensured, the fact that any proposed parking located at the existing mosque is in excess of 500' distant from the proposed school and contrary to the requirements of 409.7.B.1. notwithstanding.
- The petitioners have not demonstrated how the daily act of picking up and dropping off children of such a young age (between 2 and 4 years old by definition of a nursery school) with all their accoutrements can be efficiently executed such that traffic on Johnnycake Road is not adversely impacted thereby creating a safety issue. A traffic study would serve to enlighten the Department on this issue.
- The site plan proposes no landscaping. The residential transition area (RTA) may be modified pursuant to BCZR §1B01.B.c (2) but only upon a recommendation by the Department as to the compatibility objectives of BCC § 32-4-402. A narrative explaining how RTA requirements are being met to the extent possible within the context of compatibility is required by the Department in order for it to make a recommendation to the Administrative Law Judge.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Francis X. Borgerding, Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

12-7
RECEIVED

Inter-Office Correspondence

OCT 19 2016



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0092-XA
Address 6607 Johnnycake Road
(Islamic Society of Baltimore
Property)

Zoning Advisory Committee Meeting of **October 17, 2016.**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. A Special Variance of the Baltimore County Forest Conservation Law will also be required for the removal of any specimen trees.

Reviewer: J. Russo

Date: 10/11/16

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0092-XA
Address 6607 Johnnycake Road
(Islamic Society of Baltimore
Property)

Zoning Advisory Committee Meeting of **October 17, 2016**.

 X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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Additional Comments:

1. A Special Variance of the Baltimore County Forest Conservation Law will also be required for the removal of any specimen trees.

Reviewer: J. Russo

Date: 10/11/16

CASE NO. 2017-

0092XA

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

10/19/16

DEPS

(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

12/1/16

PLANNING

(if not received, date e-mail sent _____)

Comment

10/11/16

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/17/16

SIGN POSTING

Date:

by _____

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



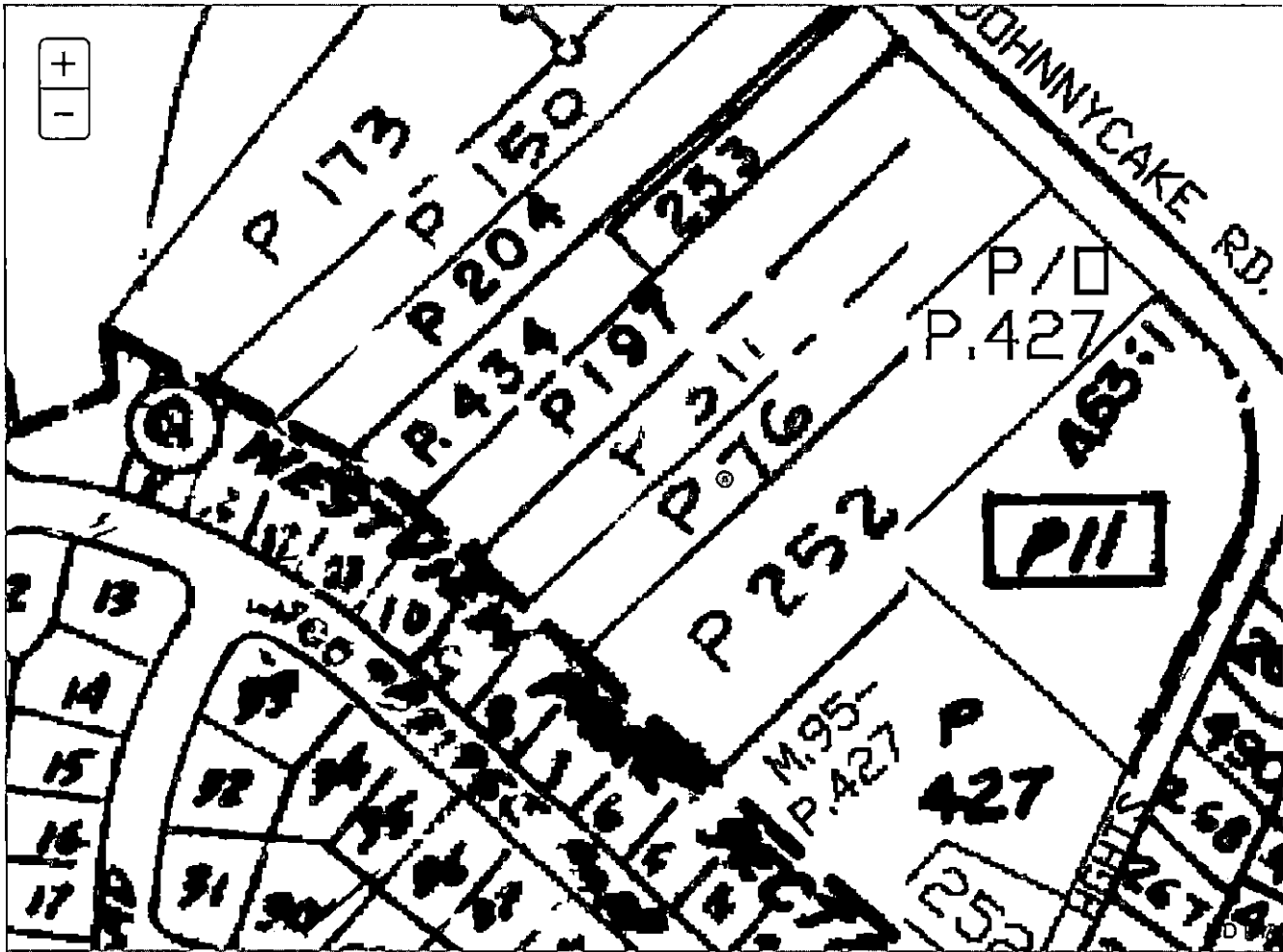
Comments, if any: _____

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 0120800120			
Owner Information					
Owner Name:	ISLAMIC SOCIETY OF BALTIMORE MARYLAND INC		Use:	RESIDENTIAL NO	
Mailing Address:	6631 JOHNNYCAKE RD BALTIMORE MD 21244-2401		Principal Residence:		
			Deed Reference:	/17217/ 00148	
Location & Structure Information					
Premises Address:		6607 JOHNNYCAKE RD 0-0000		Legal Description:	1.04 AC SWS 6607 JOHNNYCAKE RD 325 W OF DILLON HEIGHTS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0094	0012	0076		0000	2016
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			1.0200 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	71,300	71,300			
Improvements	0	0			
Total:	71,300	71,300	71,300	71,300	
Preferential Land:	0			0	
Transfer Information					
Seller: TUCKER MILDRED E		Date: 12/11/2002		Price: \$107,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /17217/ 00148		Deed2:	
Seller: TUCKER TRUMAN B		Date: 03/02/1995		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10959/ 00484		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

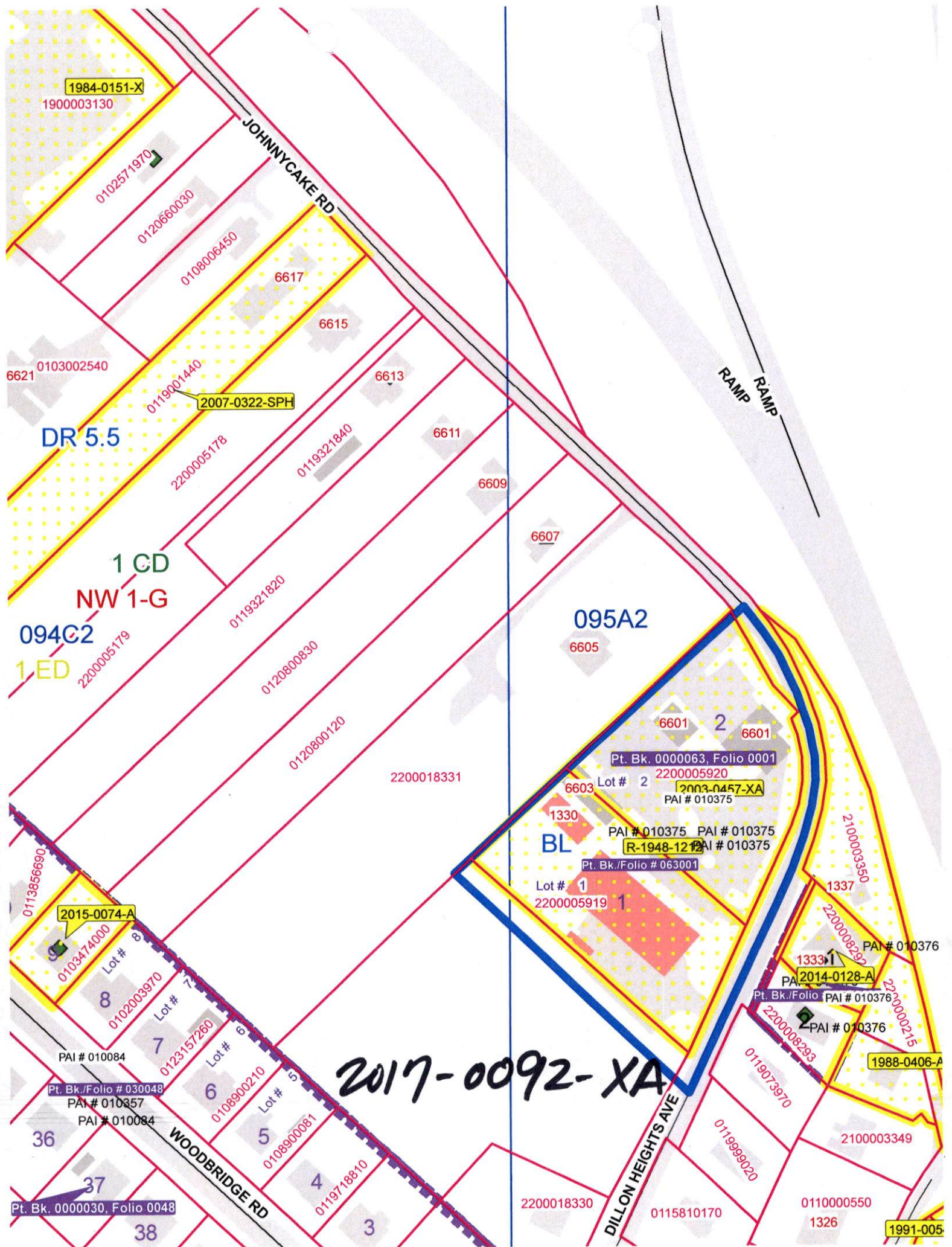
New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **01** Account Number: **0120800120**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



241-5700-7142

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 0120800120			
Owner Information					
Owner Name:	ISLAMIC SOCIETY OF BALTIMORE MARYLAND, INC		Use:	RESIDENTIAL NO	
Mailing Address:	6631 JOHNNYCAKE RD BALTIMORE MD 21244-2401		Principal Residence:	Deed Reference: /17217/ 00148	
Location & Structure Information					
Premises Address:		6607 JOHNNYCAKE RD 0-0000		Legal Description:	1.04 AC SWS 6607 JOHNNYCAKE RD 325 W OF DILLON HEIGHTS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0094	0012	0076		0000	2016 Plat Ref:
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			1.0200 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	71,300	71,300			
Improvements	0	0			
Total:	71,300	71,300	71,300	71,300	
Preferential Land:	0			0	
Transfer Information					
Seller: TUCKER MILDRED E		Date: 12/11/2002		Price: \$107,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /17217/ 00148		Deed2:	
Seller: TUCKER TRUMAN B		Date: 03/02/1995		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10959/ 00484		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2017-0092-XA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/1/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-092



INFORMATION:

Property Address: 6607 Johnnycake Road
Petitioner: Islamic Society of Baltimore
Zoning: DR 5.5
Requested Action: Special Exception and Variance

The Department of Planning has reviewed the petition for special exception to use the property for a Nursery School and also the petition for a variance to permit 0 parking spaces and to provide a residential transition buffer and setback of 0 feet in lieu the required 10 parking spaces, 50 foot buffer and 75 foot setback respectively.

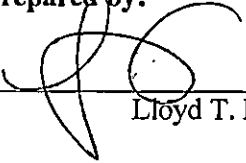
A site visit was conducted on October 18, 2016.

The Department cannot support granting the petitioned zoning relief as proposed. It is the recommendation of the Department that the site proposal should be reconsidered to address the concerns discussed below:

- The Department recommends that the lot can accommodate the required parking on-site. Alternatively, the Department can support an arrangement of parking at the existing mosque parking lot only if the intervening sidewalk spanning from said parking lot to the proposed school is complete with no gaps so that pedestrian safety is ensured, the fact that any proposed parking located at the existing mosque is in excess of 500' distant from the proposed school and contrary to the requirements of 409.7.B.1. notwithstanding.
- The petitioners have not demonstrated how the daily act of picking up and dropping off children of such a young age (between 2 and 4 years old by definition of a nursery school) with all their accoutrements can be efficiently executed such that traffic on Johnnycake Road is not adversely impacted thereby creating a safety issue. A traffic study would serve to enlighten the Department on this issue.
- The site plan proposes no landscaping. The residential transition area (RTA) may be modified pursuant to BCZR §1B01.B.c (2) but only upon a recommendation by the Department as to the compatibility objectives of BCC § 32-4-402. A narrative explaining how RTA requirements are being met to the extent possible within the context of compatibility is required by the Department in order for it to make a recommendation to the Administrative Law Judge.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Francis X. Borgerding, Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2016
Item No. 2017-0092

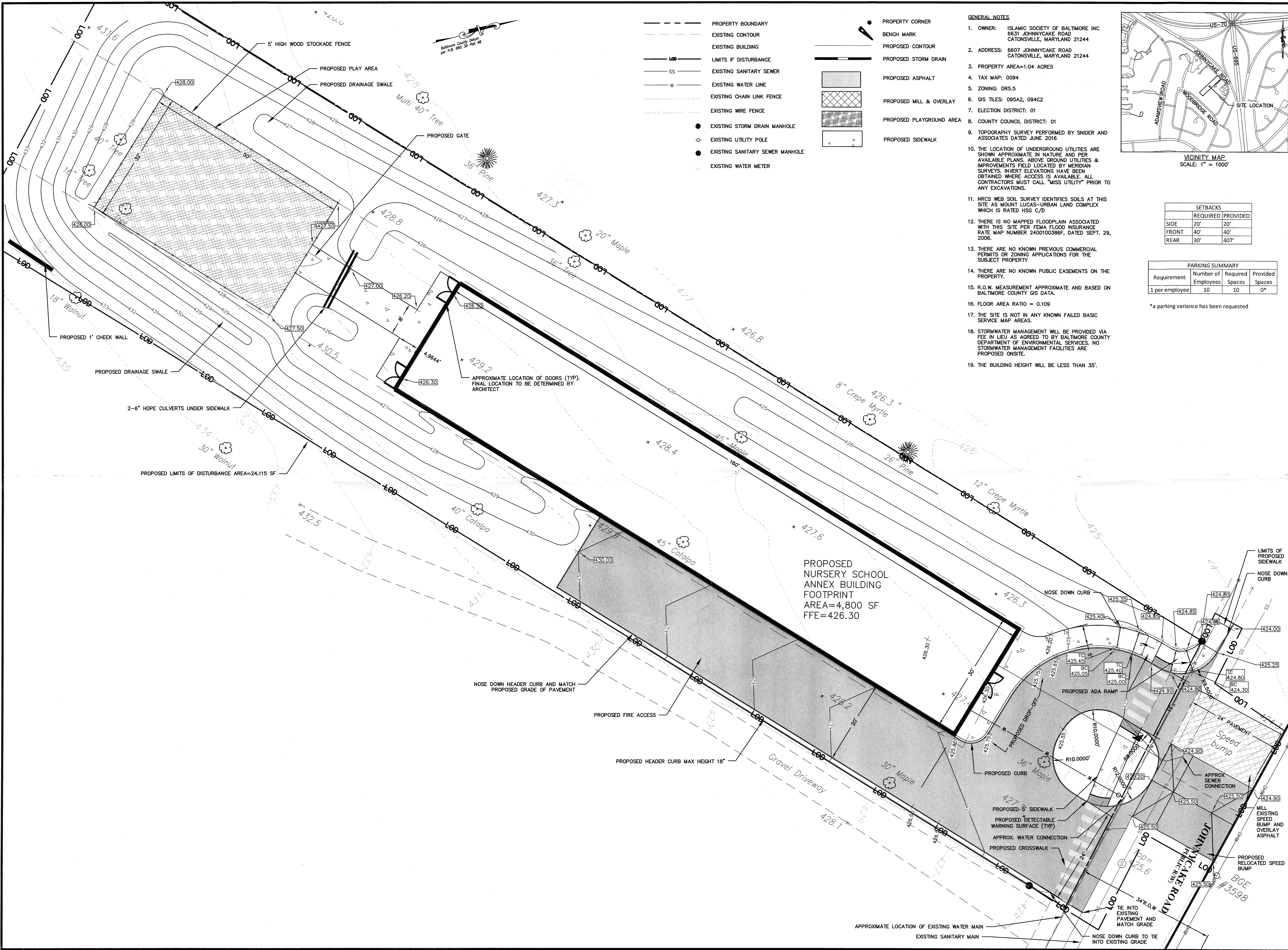
DATE: October 17, 2016

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

1. The speed bump may not be relocated without permission from the Bureau of Traffic Engineering
2. We wish to point out that offset parking proposed is about 550-feet away and sidewalk between the two sites is not continuous
3. Public works comments will be made during the development process, except that an ultimate 50-foot-wide right-of-way must be shown with setback based on it.
4. Landscape and Lighting Plans are required per Landscape Manual.

* * * * *

DAK:~~CEN~~
Cc:file
ZAC-ITEM NO 17-0092-10172016.doc



Engineering a Sustainable Future
Nobis Engineering, Inc.
20410 Century Boulevard, Suite 230
Germantown, MD 20874
T(301) 528-2010
www.nobiseng.com
Client - Focused, Employee - Owned



PROFESSIONAL CERTIFICATION:
I CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT
I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND.
LICENSE NO. 31168
EXPIRATION DATE: 01-12-2017

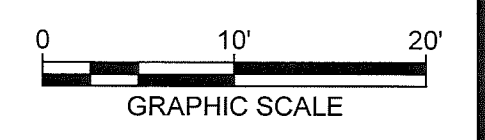
ISLAMIC SOCIETY
OF BALTIMORE
NURSERY SCHOOL
ANNEX

6607 JOHNNYCAKE ROAD
CATONSVILLE, MARYLAND

PLAN TO ACCOMPANY
SPECIAL EXCEPTION
HEARING

NO.	DATE	DESCRIPTION

REVISIONS



DATE: SEPTEMBER 2016
NOBIS PROJECT NO. 91360.00
DRAWN BY: DWC
CHECKED BY: JA
CAD DRAWING FILE:
91360.00-C-200-Site Plan.dwg
SHEET TITLE

SITE PLAN

SHEET
C-200

OF X

2017-0092-XA



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ISLAMIC SOCIETY OF BALTIMORE NURSERY SCHOOL ANNEX

6607 JOHNNYCAKE ROAD
CATONSVILLE, MARYLAND

PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING

NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

GRAPHIC SCALE

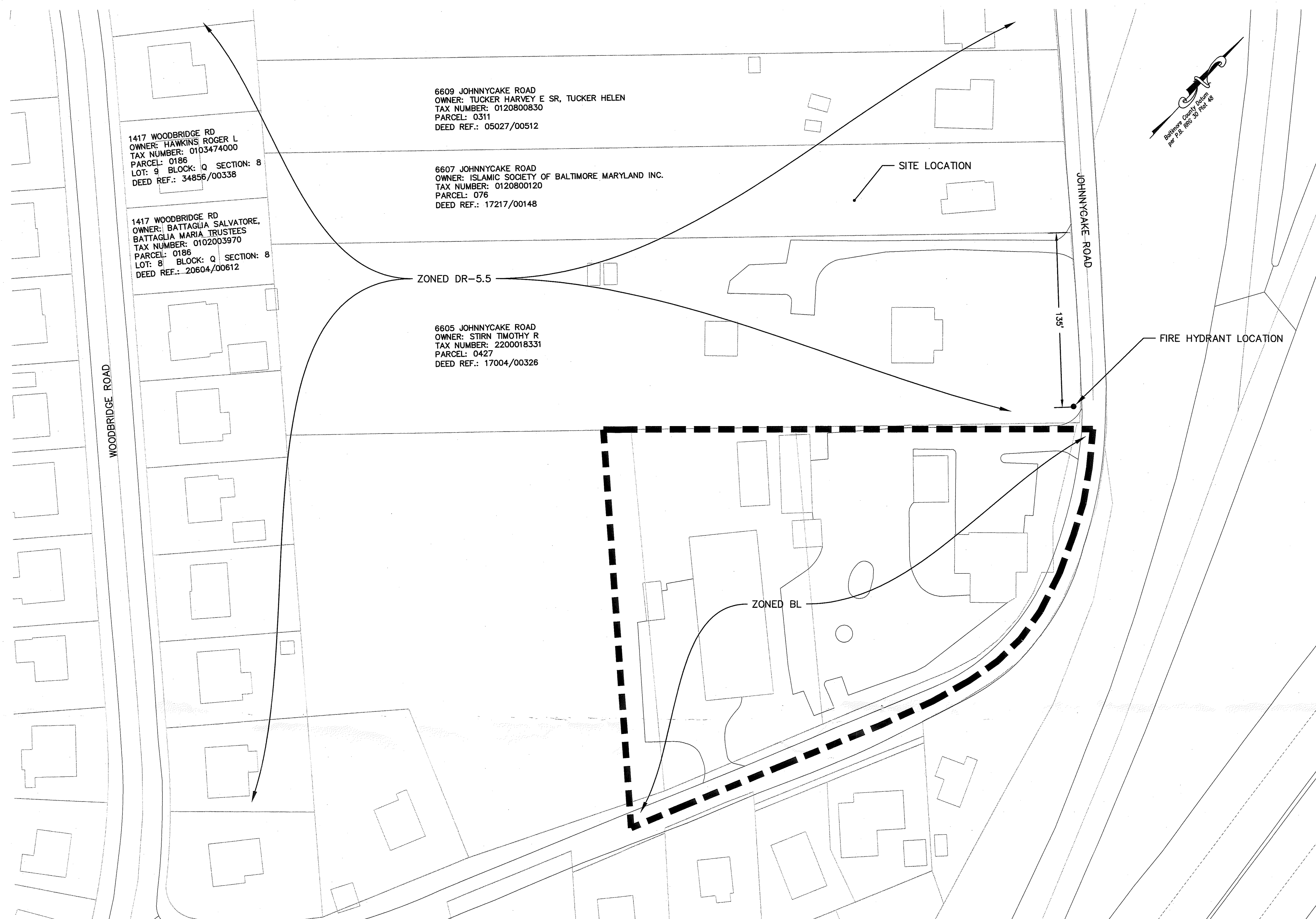
DATE: SEPTEMBER 2016
NOBIS PROJECT NO. 91380.00
DRAWN BY: DWC
CHECKED BY: JA
CAD DRAWING FILE:
91380.00-C-200-Site Plan.dwg
SHEET TITLE

SPECIAL EXCEPTION PLAN

SHEET
C-201

OF X

2017-0092-XA



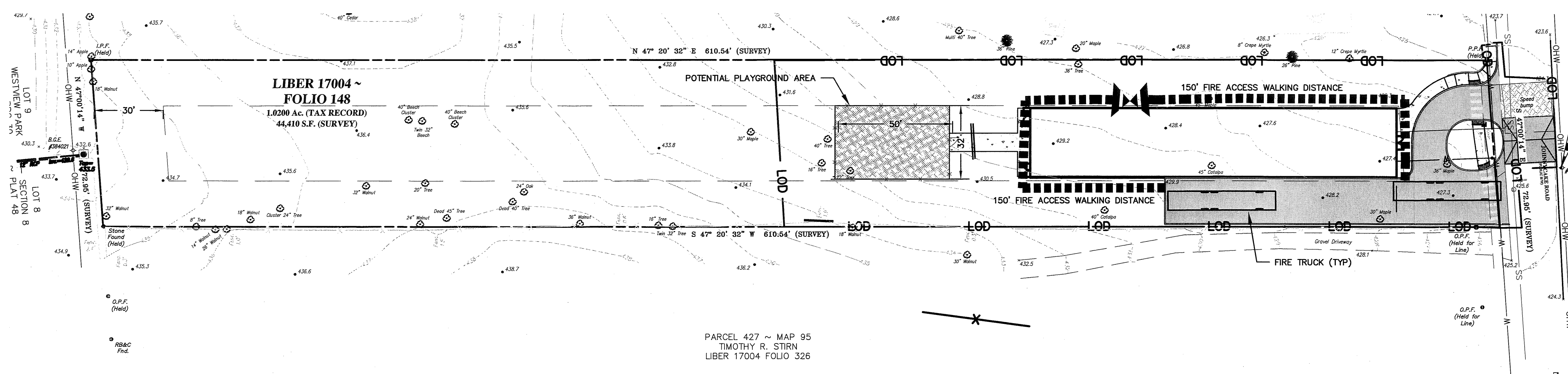
LEGEND

- PROPERTY BOUNDARY
- EXISTING ROADWAY
- EXISTING BUILDING
- ZONING BOUNDARY

NOTES

- 1) ALL ZONING BOUNDARY INFORMATION TAKEN FROM BALTIMORE COUNTY GIS.
- 2) FIRE HYDRANT LOCATION AND DISTANCE AN APPROXIMATION.

1 EXPANDED PLAN VIEW
SCALE: 1"=50'



2 FIRE ACCESS PLAN
SCALE: 1"=30'