



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MAUREEN E. MURPHY  
Chief Administrative Law Judge  
ANDREW M. BELT  
Administrative Law Judge  
DEREK J. BAUMGARDNER  
Administrative Law Judge

July 18, 2024

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Towson, MD 21204

RE: Petitions for Special Exception & Variance  
Case No. 2024-0058-XA  
Property: 7525-7545 Windsor Mill Road

Dear Ms. Grossi:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A blue ink signature of Derek J. Baumgardner, consisting of stylized, overlapping loops and a long horizontal stroke.

DEREK J. BAUMGARDNER  
Administrative Law Judge  
for Baltimore County

DJB:dlm  
Enclosure  
C : See Next Page -

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Case No: 2024-0058-XA

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|                                                 |   |                                |
|-------------------------------------------------|---|--------------------------------|
| <b>IN RE: PETITIONS FOR SPECIAL EXCEPTION *</b> |   | <b>BEFORE THE</b>              |
| <b>AND VARIANCE</b>                             |   |                                |
| <b>(7525-7545 Windsor Mill Road)</b>            | * | <b>THE OFFICE</b>              |
| 2nd Election District                           |   |                                |
| 4 <sup>th</sup> Council District                | * | <b>ADMINISTRATIVE HEARINGS</b> |
| Islamic Society of Baltimore, Inc               |   |                                |
| <i>Legal Owner</i>                              | * | <b>FOR BALTIMORE COUNTY</b>    |
| <b>Petitioner</b>                               | * | <b>Case No: 2024-0058-XA</b>   |
|                                                 |   |                                |
| * * * * *                                       |   |                                |

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Exception and Variance filed by the Islamic Society of Baltimore, Inc. (“Petitioner” or “the Society”) for the property known as 7525-7545 Windsor Mill Road, Windsor Mill, Baltimore County, Maryland (the “Property”). The Petition for Special Exception was filed pursuant to Baltimore County Zoning Regulations (“BCZR”) § 1B01.1.C.9, to permit a Cemetery and Funeral Establishment.<sup>1</sup> The Petition for Variance was filed seeking relief from BCZR § 1B01.1.B.1.e.5 to allow a structure to be constructed within the Residential Transition Area (“RTA”) setback so that the structure remains inside the Urban Rural Demarcation Line (“URDL”), and for such other and further relief as may be required by the Administrative Law Judge (“ALJ”).

A public hearing was conducted on June 24, 2024, using the virtual platform WebEx in lieu of an in-person hearing. Faizan Mahmoodi and Amir Ahmad, authorized representatives of The Islamic Society of Baltimore, Inc., and Joshua Sharon, Professional Engineer with Morris &

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<sup>1</sup> The funeral establishment also constitutes a “building for religious worship” under BCZR § 1B01.1(A)(3). Such uses are permitted by right in all DR zones.

Ritchie Associates (“MRA”), appeared and gave testimony. Petitioner was represented by Amy Grossi, Esq. and Jason Vettori, Esq. of Smith, Gildea & Schmidt, LLC.

The file contains numerous letters from community members in opposition to the relief requested in the Petition. *See* Protestant’s Exhibit 1. These letters were each read and considered when evaluating this Petition. Multiple members of the community appeared in opposition to the Petition including members from the Nolanbrook Homeowner’s Association, the Rolling Oaks Community Association, and the Greater Patapsco Community Association. The following individuals provided testimony: Phyllis Brewer, Kathleen Skullney, Ari Lewis, Robert Williams, Douglas Carl, Bruce Kopp, Vijay Sawh, Heather Berry, Leonidas Fowlkes, and Laura Kopp-Star. Other individuals asked questions on cross-examination of Petitioner’s witnesses. The record was left open at the conclusion of the hearing to accept written comments from community members who did not have the opportunity to testify. Written comments were received, read, and considered during the evaluation of this Petition. *See* Protestants’ Exhibit 2. As is customary, community members appearing in opposition will be referred to as “Protestants” throughout this opinion and order.

The following exhibits were received from Petitioner and admitted into the record: (1) grave marker photographs (a-c); (2) Josh Sharon CV; (3) Site Plan; (4) GIS aerial (far); (5) GIS aerial (close); and (6) Street View photographs. Petitioner also submitted a post-hearing memorandum. The following exhibits were received from county agencies and admitted into the record: (1) Zoning Advisory Committee (“ZAC”) comments from the Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (“DEPS”) comments; (3) Development Plans Review (“DPR”) comments on behalf of DPR and the Department of Public

Works and Transportation (“DPW&T”), Landscaping, and Recreation & Parks (“R&P”). County agency reports do not indicate any agency objections to the requested relief.

### **Preliminary Motion**

Protestants raised the issue of proper notice by preliminary motion. Protestants argue that public notice via posting and publication were deficient in that the appropriate BCZR code section was omitted from the notice. This property is split-zoned RC-6/DR-3.5. The public posting and publication stated the correct code citation for the DR-3.5 zoned portion of the property (BCZR § 1B01.1.C.9) while omitting the code citation for the RC-6 portion of the property (BCZR § 1A07.3.B.4). Petitioner acknowledged the mistake and characterized the omission as a typographical error. Protestants assert this error prohibits Petitioner from moving forward with their case until the omission was cured and the property reposted. In response, Petitioner asserts that the error is immaterial as the relief requested remained consistent and the property was accurately identified and posted, and that Protestants had actual notice of the correct code citation with adequate time to prepare and were not prejudiced by the omission.

The function of public notice is to provide accurate, timely, and substantive notice of public hearings to provide reasonable opportunities for individuals to participate in the public hearing process. Typographical errors in public notices that do not interfere, limit, confuse, or otherwise impede public participation are not fatal to a Petition. Moreover, under the facts of this case, Petitioner acknowledged the omission and asserted that Protestants were equally aware of the error. Mr. Ahmad testified that the public posting omission was discussed with members of the community including members of the Greater Patapsco Community Association at some time prior to the hearing. Further, other indicia of deficient public notice are not present in this case. The property was correctly identified, the time and date of the public hearing were accurate, and the

substance of the petition remained consistent with the relief requested in the Petition. Importantly, with respect to the specific relief requested under this Petition, cemeteries are permitted by special exception in both the DR-3.5 and RC-6 zones. Regardless of the omitted code citation for the RC-6 portion of the property, the relief requested remained the same as the proposed cemetery would be evaluated through the identical lens of BCZR § 502.1 and Maryland common law. A typographical error in a public notice with regard to the specific code sections referenced in the Petition is not, without more, fatal to moving forward on the merits of a case particularly when prejudice has not been sufficiently articulated. Facts were not presented by Protestants sufficient to require the hearing on the merits to be continued or dismissed. Under these facts, Protestants had actual knowledge of the relief requested in the Petition, they had sufficient time to prepare, and they suffered no prejudice moving forward with the hearing despite the omitted code citation. Accordingly, I find that the omission was immaterial to the merits of the case and that Protestants had adequate notice to prepare their case in opposition.

“While failure of an administrative board to give proper notice is jurisdictional and, in some circumstances, may be fatal, *Cassidy v. Board of Appeals*, 218 Md. 418, 421-22, 146 A.2d 896 (1958), the requirement of notification purposed to inform may be satisfied by actual knowledge. *Clark v. Wolman*, 243 Md. 597, 600, 221 A.2d 687 (1966), especially when it is acted upon.”

*Largo Civic Ass'n v. Prince George's Cnty.*, 21 Md. App. 76, 86, 318 A.2d 834, 841 (1974)

### **Findings of Fact**

The property is approximately 31.034 acres in land area and is split-zoned DR-3.5/RC-6. The property straddles the URDL and is currently vacant and unimproved. The property has no zoning history of note. Petitioner's Site Plan indicates a building will be constructed in the DR-3.5 portion of the site at the northeast corner that serve as both a House of Worship and funeral establishment. Petitioner's Exhibit 3. The Site Plan also indicates the construction of an accessory

surface parking lot with 193 parking spaces to serve the House of Worship and funeral establishment on both the DR-3.5 and RC-6 portions of the property and includes a small accessory building on the northwest corner of the lot. *Id.* The property has access to public water and sewer.

Mr. Mahmoodi, Vice President, Islamic Society of Baltimore, testified on behalf of the Petitioner. Mr. Mahmoodi described his role at the Society as overseeing capital projects. Mr. Mahmoodi explained the history of the Society dating back to the 1980's with the Society's main campus located at 6601-6631 Johnnycake Road in Baltimore County. With respect to funerary services offered to members and others, the Society currently utilizes pre-purchased lots on a 5-acre parcel at King Memorial Park located at 8710 Dogwood Road in Baltimore County. All burials at King Memorial Park are managed by on-site staff at King Memorial Park not necessarily employees or members of the Society. Mr. Mahmood explained that the Society is running out of burial plots at King Memorial Park and the subject property is intended to be used in a similar manner but with enhanced capacity to perform and manage funerary customs, services, and burials on-site comporting with religious requirements. Mr. Mahmoodi stated that he was unaware of any public complaints from the Society's use of their burial plots at King Memorial Park.

Mr. Mahmoodi stated that the subject Property was purchased approximately 10 years ago and has remained unimproved and vacant since that time. The proposed joint House of Worship and funeral establishment is approximately 5,000 sq. ft. and will contain administrative offices, areas to perform religious services including ritual washing, religious prayer, and gatherings to accompany burials. A surface parking lot is proposed to serve the funeral establishment and cemetery. Mr. Mahmoodi stated that the grave markers that will be utilized will be parallel to the ground, appearing flat and not raised, as opposed to raised headstones perpendicular to the ground which are more visible from public roads and neighboring properties.

Mr. Mahmoodi further explained that burial and funeral practices in the Islamic faith involve a ritual washing and shrouding of the body, prayer services, and then interment of the body in the ground shortly after expiration. Mr. Mahmoodi testified that that the Society currently engages in 1-3 burials per week and he does not expect the frequency of burials to change at the subject property. Mr. Mahmoodi further stated that the property will afford the Society the ability to perform all aspects of burial and funerary rights on-site.

Mr. Amir Ahmad, a member of the building committee of the Islamic Society of Baltimore, testified on behalf of Petitioner. Mr. Ahmad described the proposed operation of the cemetery, funeral establishment, and functions of the religious building. With respect to the cemetery, Mr. Ahmad stated that elevated headstones will not be used and the Society will instead use surface-mount headstones only. *See* Petitioner's Exhibits 1a-1c. The number of individuals who attend funeral services will vary depending upon the decedent and the wishes of the family. Mr. Ahmad further detailed the Society's current practice at Kings Memorial Park in which a deceased person is transported from the place of death to a funeral home per state law, then transported to a mosque where ritual washing, shrouding, and prayer takes place, with final transportation of the remains to the burial plot, all in quick succession. Embalming or cremation of remains is not performed as those practices are not within Islamic tradition. Mr. Ahmad further stated that it is customary for ritual washing to occur during the morning hours with burial between 12-2pm in conjunction with midday prayer. With respect to vehicle parking, Mr. Ahmad stated that more parking is proposed on the surface parking lot than is required to alleviate any tendency for individuals to park their vehicles on the grass, along Windsor Mill Road, or elsewhere in the community. Mr. Ahmad testified that the Greater Patapsco Community Association had actual knowledge of the public posting omission prior to this hearing as that topic was raised in discussions between the parties.

At this point in time, the Society has consulted with licensed morticians regarding the funeral establishment portion of this request but other than MRA, the civil engineering firm engaged by Petitioner for this application, has not consulted with any other professionals regarding the management and operation of the proposed cemetery. Mr. Ahmad further expressed the Society's preference for burial plots without caskets, encased liners, or vaults, with the remains of the deceased in direct contact with the soil and subject to natural decomposition, but stated that they would comply with the requirements of state and county licensure or permitting for the use of the property as a "cemetery" and not a Natural Burial Ground.

Joshua Sharon, a professional engineer with Morris & Ritchie Associates ("MRA"), testified on behalf of the Petitioner. Mr. Sharon was admitted as an expert in land development in Baltimore County. Mr. Sharon explained that MRA has been involved with the property since 2006 when the property was under prior ownership. The property was subject to a prior development application resulting in an approved development plan for a 37,000 sq. ft. "megachurch" with up to 536 parking spaces. That project did not move forward.

Mr. Sharon prepared, signed and sealed Petitioner's Site Plan. *See* Petitioner's Exhibit 3. Mr. Sharon described the conditions on the property, the layout of the proposed cemetery and funeral establishment building, the physical contours of the Property, and the basis of the relief requested. Mr. Sharon testified that the parcel is largely wooded with varying degrees of quality of vegetation. *See* Petitioner's Exhibit 6a-6d. Mr. Sharon confirmed that the proposed cemetery is permitted by special exception in both the DR-3.5 and RC-6 zones, and the religious building is permitted by right for its use and through RTA variance because of its siting. Mr. Sharon described the surrounding road network and stated that under the Baltimore County Basic Services Map for water, sewer, and transportation, the area is not located in a failed or failing service area, with a

transportation level of service rating of "D." Primary access to the site will be from Windsor Mill Road with secondary access from Salem Road. The Salem Road access point will only be used for maintenance or other vehicles needed to perform work on the property. The Site Plan indicates the proposed construction of a small accessory building on the northeast corner of the property. Mr. Sharon testified this building is intended to be used for storage.

Mr. Sharon further addressed the BCZR § 502.1 factors and affirmed that the proposed special exception satisfied those standards. Mr. Sharon indicated that during the development plan review process Baltimore County will likely require Petitioner to grant easements for rights-of-way or dedications in order to expand Windsor Mill Road or make modifications to enable the construction of turn lanes, curbs, or gutters to accommodate both stormwater control and facilitate safe ingress and egress at the site. Mr. Sharon further explained that a forest buffer easement of between 35-50 ft. will be recorded and maintained along the perimeter of the property including along the entirety of the Windsor Mill Road frontage to act as screening from adjacent residential properties. *See* Petitioner's Exhibit 3. As for visual impact, Mr. Sharon stated that the closest burial plots to Windsor Mill Road are approximately 300 ft. and the slope of the land and flat headstones will make visual impacts minimal. A schematic landscape plan will be required at development plan review stage and additional screening will likely be required at that time including screening and plantings for the proposed parking lot. With respect to environmental impact, 10-13 acres will likely be placed into forest conservation pursuant to county requirements to protect environmental features including forest cover. Stormwater management controls will be required to manage and treat stormwater. With respect to vehicle parking, Mr. Sharon testified that 146 vehicle spaces are required for the use and 193 are being provided. *See* Petitioner's Exhibit 3. Mr. Sharon also expressed a desire to explore pervious options including pervious pavers or similar materials to

reduce impervious surface on the property. No hydrological studies or evaluations have been performed at this time but will likely be required at development plan review pursuant to county requirements.

With respect to the RTA variance, Mr. Sharon testified that the religious building and the burial plots are required to have a particular directional orientation because of the religious practices of the Society. Planning for the expected right-of-way easement and/or road dedication results in the placement of the northern corner of the building into the RTA setback. Mr. Sharon stated that without the easement and road dedication the building would not encroach into the RTA setback and would be buildable by right. Further, the property straddles the URDL, and the RTA variance is requested to enable the building to legally rest inside the URDL providing access to public water and sewer. Mr. Sharon concluded that the reduction in the RTA will not adversely impact adjacent property owners. Mr. Sharon described the property as being unique because of its size, shape, lack of prior development, slope with an 80 ft. drop in elevation from Windsor Mill Road towards the south, split-zoning, location straddling the URDL, and impacts of the roadway easement and dedication. Adjacent properties on Windsor Mill Road are not encumbered by these future easements or subject to potential road dedications.

Protestants testified to disruptions to their viewsheds from adjacent and confronting residential homes, depreciation of property values, traffic congestion from burials and services, environmental harms from tree removal, and increased impervious surface leading to stormwater runoff and erosion. Other community members expressed concerns regarding natural burial practices impacting adjacent properties including farms, aquifers, and a stream running to the rear of the property.

Mr. Lewis testified to concerns regarding natural burial practices impacting his neighboring farm and environmental harms from the proposed development. Mr. Lewis asserted that the development would be detrimental to his farming operations and the removal of natural habitat would cause environmental harm.

Ms. Skullney, on behalf of the Greater Patapsco Community Association, testified to concerns regarding cemetery development in the RC-6 zone. Specifically, whether natural burial practices in which human remains decompose into soil are properly evaluated for human and environmental health. Ms. Skullney stressed the need for proper evaluation of cemeteries for their environmental impacts. Ms. Skullney further asserted that such burial practices were accounted for in BCZR under “Natural Burial Ground” with specific criterion that are required to be satisfied prior to and during the special exception evaluation process. Ms. Skullney requested that the criterion for “Natural Burial Ground” be applied to the subject petition based upon the testimony offered by Petitioners at the hearing.

Bruce Kopp testified regarding his concerns about the potential adverse impacts of stormwater runoff on his adjacent agricultural property to groundwater and the need for proper mitigation. He further stated that the area contains problematic soil and less-than ideal subgrade conditions for excavation and foundation construction.

Robert Williams testified that the project will negatively impact this community. He further expressed concerns regarding groundwater quality, the removal of forest cover in contravention of state goals promoting conservation of natural habitats and greenhouse gas sequestration, and downstream impacts on Chesapeake Bay.

Douglas Carl expressed concern that large parking areas, like the accessory vehicle parking area proposed under this petition, are not compatible with the property’s RC-6 zoning. Mr. Carl

expressed concern regarding the proposed secondary access to the site from Salem Road as potentially presenting a hazard. He further stated that Salem Road is a narrow one-lane road, mostly maintained by neighbors, and vehicles traveling in opposite directions would be unable to pass one another because of the road's narrow width, perhaps causing traffic to drive upon his property for passing. Mr. Carl stated that he objected to any access to the site being located on Salem Road. Mr. Carl further expressed concerns regarding tree removal as it pertains to stormwater runoff. Mr. Carl stated that heavy rains currently cause washouts on Salem Road, impacting community access and Mr. Kopp's fields, and the extensive tree cover on the property currently mitigates those issues. With extensive tree removal, that natural stormwater control will no longer be available.

Vijay Sawh further noted the loss of mature forest on the property and the loss of biodiversity from the proposed development. Mr. Sawh further noted the windbreak that forest provides to community members. Mr. Sawh further testified that the environmental features and forest cover were reasons he purchased his home in this community.

### **Conclusions of Law**

Petitioner requests special exception approval of a "cemetery" and funeral establishment pursuant to BCZR §§ 1B01.1.C.9 and 1A07.3.B.4. Pursuant to BCZR § 1A073.B.4, for the portion of the property zoned RC-6, cemeteries are exempt from the conservancy-related provisions of BCZR §§ 1A07.4, 1A07.5, 1A07.6, 1A07.7, 1A07.8, 1A07.9 and 1A07.10.

BCZR does not provide an express definition for "cemetery." However, pursuant to BCZR § 101.1, when express terms remain undefined, "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." BCZR § 101.1. Webster's

Third New International Dictionary of the English Language, Unabridged, provides the following definition for “cemetery”: an area for burial or entombment. “Natural Burial Ground[s]” are also listed as permitted uses in the RC-6 zone by special exception under BCZR § 1A07.3.B.17, but contrary to cemeteries are a defined term. “Natural Burial Ground” is defined as:

“A property intended for use for the burial or permanent disposition of the remains of the dead, utilizing natural burial methods and biodegradable materials that permit the body to return naturally to the earth.”

BCZR §101.1. Petitioner does not request approval of a “Natural Burial Ground” under this Petition. Various conditions of approval are required for natural burial grounds including acreage minimums, density restrictions, the submittal of hydrological performance studies, and PIA regulatory requirements and oversight. *See* BCZR § 401.2. As this use is not requested under this Petition those conditions are not examined here nor addressed by Petitioner.

The fact-finder’s role remains to determine whether the Petition satisfactorily describes the use cited in the Petition to ensure the proposed use comports with BCZR. The determination of whether a use described in a Petition and articulated during a public hearing meets the definitional requirements of a particular use falls squarely within the jurisdiction of OAH in the special exception hearing process. The fact-finder’s role is to execute the purpose and intent of the Baltimore County Council in enacting BCZR by ensuring that proposed uses of land satisfy the use standards and definitions provided under BCZR. “When undertaking an exercise in statutory interpretation, we start with the cardinal rule of statutory interpretation—to ascertain and effectuate the [legislature’s] purpose and intent when it enacted the statute.” *Shivers v. State*, 256 Md. App. 639, 658, 287 A.3d 1255, 1266 (2023) (citing *Wheeling v. Selene Fin. LP*, 473 Md. 356, 376, 250 A.3d 197 (2021) (citing *75-80 Properties, L.L.C. v. RALE, Inc.*, 470 Md. 598, 623, 236 A.3d 545 (2020))). The primary goal in interpreting statutory language “is to discern the legislative purpose,

the ends to be accomplished, or the evils to be remedied by the statutory provision under scrutiny.” *Id.* (quoting *Lockshin v. Semsker*, 412 Md. 257, 274, 987 A.2d 18 (2010)). The fact finder is assisted by the rules and cannons of statutory interpretation and construction when determining whether the use described during a public hearing matches the use cited in a petition for zoning relief.

Petitioner described the function and operation of the proposed cemetery and funeral establishment and repeatedly asserted that specific burial practices would comport with county and state regulations. Mr. Mahmoodi and Mr. Ahmad explained that when an individual expired, they would be taken to the funeral establishment, the body would be prepared, services would be held, and the body would be laid in the earth. Mr. Mahmoodi and Mr. Ahmad further described burial practices specific to the Islamic faith including the specific preparation of the body and the practice to lay the body to rest quickly after death. Mr. Mahmoodi and Mr. Ahmad also described a preference for natural decomposition with at least a portion of the burial plot being open to the earth, but characterized this practice as organizational or individual preference. Petitioner maintained the position throughout the hearing that all burial practices would comport with county and state regulations including zoning restrictions through the special exception hearing process. Petitioner’s witness testimony was credible and I find that the proposed use described by Petitioner satisfies the definitional component of “cemetery” as detailed above. In large part, most of the funerary practices described by Petitioner are analogous to many other funerary practices performed at other funeral establishments and cemeteries.

The proposed cemetery is permitted by special exception in both the DR-3.5 and RC-6 zones. Approval of one designated use inherently recognizes the lack of approval for a separate designated use unless otherwise expressly authorized. Under accepted cannons of statutory

construction, the provisions of a text should be interpreted in a way that renders them compatible, not contradictory (e.g., Harmonious-Reading Cannon). *See* Reading Law: Interpretation of Legal Text, Scalia & Garner, 2012, §27 at p. 180. Further, if there is a conflict between a general provision and a specific provision, the specific provision prevails (e.g., General/Specific Cannon). *See* Reading Law: Interpretation of Legal Text, Scalia & Garner, 2012, §28 at p. 183. For this reason, under this Petition, approval of a “cemetery” use precludes the use of the property as a “Natural Burial Ground,” as the Petition requests authorization for the operation of a more general “cemetery” use rather than the specific use of a “Natural Burial Ground.”

For these reasons, I find that it was the intent of the Baltimore County Council (“BCC”) by enacting zoning regulations listing both cemeteries and Natural Burial Grounds as separate and distinct uses that approval of one precludes the approval of the other under the same application. I further find that Petitioner’s description of the use matches with the definition of cemetery as “an area for burial or entombment.” Protestants claim this application is a “run around” from the more stringent requirements in the RC-6 zoned or a “bait and switch” from the true intended use of the property as a Natural Burial Ground. There is no evidence to support this claim and this Opinion and Order make clear that a “Natural Burial Ground” is not evaluated or approved under its authority.

#### SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the Court of Appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and

circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. “A special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity.” *Id.* at 285 (*citing* Schultz, 291 Md. at 11, 432 A.2d at 1325 (1981)).

“A special exception...is merely deemed *prima facie* compatible in a given zone. The special exception requires a case-by-case evaluation by an administrative zoning body or officer according to legislatively-defined standards. That case-by-case evaluation is what enables special exception uses to achieve some flexibility in an otherwise semi-rigid comprehensive legislative zoning scheme.” *People's Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 71–72, 956 A.2d 166, 176 (2008). In Baltimore County, Petitioners are further required to satisfy the special exception factors pursuant to BCZR § 502.1 and OAH is required to make affirmative findings in regard to these special exception factors as well as the prevailing common law.

### **The Special Exception Factors: BCZR § 502.1**

I find Petitioner has satisfied both the burden of production and persuasion in demonstrating *prima facie* and rebuttal cases through the evidence adduced at the hearing. Petitioner satisfies the Special Exception factors pursuant to BCZR § 502.1 in the following manner:

#### **A. Be detrimental to the health, safety or general welfare of the locality involved;**

There is no persuasive evidence in this record to indicate that approval of the proposed cemetery would be detrimental to the health, safety or general welfare of participants, adjacent or nearby property owners, or the community at large. Mr. Sharon testified that the proposed use

would not be detrimental to the property or community and Mr. Mahmoodi's and Mr. Ahmad's testimony offered no further indication of adverse impacts to the property or community.

Protestants provided substantial testimony with regard to their opposition to natural burial practices and the potential adverse impacts on their properties and their community. However, "Natural Burial Ground" is not proposed under this Petition. Therefore, much of that testimony is not relevant in evaluating the proposed special exception. With regard to community testimony relevant to the proposed cemetery, community members expressed concerns that the proposed cemetery would cause disruption to their viewsheds from adjacent and confronting residential homes, depreciation of property values, traffic congestion from burials and services, to environmental harms from tree removal and increased impervious surfaces. Protestants further stated that access to the cemetery from Windsor Mill Road was potentially hazardous because of increased traffic and the potential for queueing. Notwithstanding this testimony, Protestants did not offer credible evidence of these potential harms by way of real estate market analyses, traffic studies, empirical studies, expert testimony, or lay testimony with direct experience of similar uses causing similar harms. For example, written comments expressed concerns regarding depreciation of property values and referenced studies attesting to this impact, but no studies were provided.

By contrast, the testimony adduced by Petitioner was persuasive and credible that the proposed cemetery will have no adverse impacts beyond those inherent impacts commonly associated with a cemetery irrespective of its location within the zone. Petitioner's witnesses described what is a rather ordinary cemetery and funeral establishment use without unusually disruptive or damaging elements impacting the land or neighboring properties. Significant buffers are proposed on the property's perimeter to screen the use from neighboring properties, the design of the cemetery has a low profile with burial plots several hundred feet from public roads and

residential homes, and the types of burials offered comporting with religious practices of the Society inherently limit the intensity of use both in frequency and hours of operation. That testimony and evidence coupled with the lack of any persuasive evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

**B. Tend to create congestion in roads, streets or alleys therein;**

Mr. Sharon testified that the traffic impacts from this use will likely be minimal and a traffic study is not required at this time. Mr. Mahmoodi stated that he expects the frequency of funeral services to remain at between 1-2 per week and there are no explicit plans or marketing strategies to increase that frequency. The size of funeral services is expected to vary depending upon the decedent, the decedent's family, and the family's wishes. Lastly, peak use for purposes of vehicular traffic will be late morning through midday because of religious customs associated with Islamic burial, which falls outside peak a.m. or peak p.m. traffic periods on surrounding roads. Mr. Carl credibly testified as to potential adverse impacts from traffic accessing the site from Salem Road. Given the constraints of that public roadway, it is reasonable to condition any approval on limiting that secondary access point to emergency or maintenance vehicles only. *See* Condition #5 below.

For all these reasons, and considering the sufficiency of on-site parking provided, I find that Petitioner has met their burden in demonstrating that the proposed cemetery and funeral establishment will not cause undue congestion on Windsor Mill Road or the surrounding road network. Protestants offered lay testimony stating their concerns about traffic congestion but did not provide any further reliable evidence as to traffic impacts. As a special exception enjoys the benefit of the presumption of validity, traffic concerns of a general nature, without specific impacts identified from a particular project, do not rebut the presumption that otherwise bends in

Petitioner's favor. Protestants have offered no credible and reliable evidence that traffic congestion would be created by this use above and beyond traffic impacts inherent with any cemetery located anywhere within the zone. Petitioner's evidence including the extent of the proposed parking area, access from Windsor Mill Road, and extensive screening satisfies Petitioner's burden of showing that this use will not have adverse impacts on the surrounding community with respect to traffic congestion above and beyond those impacts normally associated with a cemetery. Given the intensity of use, frequency of burials, and limited non-peak hour use, I find that there will be no queueing on public roads or discernable increase in traffic congestion on Windsor Mill Road. Mr. Mahmoodi's, Mr. Ahmad's, and Mr. Sharon's testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

**C. Create a potential hazard from fire, panic or other danger;**

There is nothing in this record to indicate that the proposed use will create a potential hazard from fire, panic or other danger. Mr. Sharon stated that the funeral establishment building will meet all local and state requirements for building safety and the use will not create any potential hazards. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

**D. Tend to overcrowd land and cause undue concentration of population;**

The proposed cemetery use is not a residential use and therefore does not cause undue concentration of population. The property's size at 30+ acres is sufficient to accommodate the funerary services proposed and does not overcrowd the land. Petitioner will be required to satisfy all state law requirements through the Maryland Office of Cemetery Oversight ("OCO") and the Board of Morticians & Funeral Directors, including all Code of Maryland Regulations ("COMAR") requirements for licensure, permitting, and maintenance, in addition to any Baltimore

County requirements. Mr. Sharon testified that the use will not overcrowd land or cause undue concentration of population. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

**E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;**

The property is not located in a failed service area for public water, sewer, or transportation. The property's use as a cemetery does not impact schools and parks, and there is no credible evidence that the use will negatively impact transportation or other public requirements, conveniences or improvements. The proposed funeral establishment building is sited to access public water and sewer. The RTA variance proposed in conjunction with this special exception Petition is meant to address that issue. The proposed building housing administrative offices, facilities for ritual bathing, and gathering spaces for mourning, prayer, and religious worship and will not have significant impacts on public water and sewer given the limited and infrequent use. Mr. Sharon testified that the use will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

**F. Interfere with adequate light and air;**

The proposed cemetery will utilize flat grave markers and will not employ a mausoleum, separate prayer chapels, or other accessory structures of any height. The proposed funeral building will be two-stories and limited to 35 feet in height and will lie adjacent to the RTA buffer along Windsor Mill Road hundreds of feet from neighboring properties or structures. The building will be bounded on the southwest by substantial vegetative buffers screening the building from neighboring properties. Mr. Sharon testified that the use will not interfere with adequate light and

air. Given the size of the property at 30+ acres, the single 5,000 sq. ft. building location will have no discernable impact on light and air. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

**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;**

Pursuant to BCZR § 1A07.1, the Baltimore County Council sought to achieve the following goals for certain properties in the R.C.6 Zone:

A. Primary conservancy area.

1. To preserve and protect total ecosystem function, including riparian and aquatic ecosystems;
2. To protect forests, streams, wetlands, rock formations and floodplains;
3. To protect the water quality of watercourses, the Chesapeake Bay and regional biodiversity;
4. To provide for the environmentally sound use of land and forest resources, and to prevent forest fragmentation, especially in areas of extensive interior forest; and
5. To implement federal mandates for the protection of natural resources.

B. Secondary conservancy area.

1. To maintain the unique character of the rural areas by preserving natural, agricultural, historic, cultural, architectural and archeological resources and scenic views; and
2. To establish interconnected greenways for passive recreation.

C. Development areas.

1. To foster creative site planning which results in well-designed, rural residential development;
2. To incorporate rural amenities into new developments, including open space for passive and active recreation, and scenic views from building lots;
3. To preserve the traditional character of rural communities by limiting the scale and intensity of development;
4. To incorporate natural features and traditional features of the local built environment into development; and
5. To maintain the rural scale and character of area roads by limiting growth in the volume of traffic generated by local development.

Pursuant to BCZR § 1B00.1, the legislative statement for findings for the DR-3.5 zoning district are as follows:

The Baltimore County Council finds:

- A. That residential zoning regulations heretofore in effect have not been conducive to the creation of housing diversity in Baltimore County subdivisions;
- B. That minimum standards for individual lots, having been derived from maximum overall density standards, have resulted in an excessive spreading of residential development over subdivision tracts; such spreading of development has led to removal or undesirable transformation of natural vegetation and other features more properly left in their natural or previous states, and has led to visual monotony;
- C. That zoning reclassifications based on lot sizes and types of housing have, in some situations, prevented the construction of the maximum numbers of housing units intended to be permitted on development tracts, especially in cases of severe topographical variation, or have induced "cramped" layout or other undesirable subdivision design characteristics as accommodation of maximum density is achieved;
- D. That evolving markets for types of housing units not permitted in lower-density zones have created pressures leading to frequent rezoning, ultimately resulting in vastly greater population levels than have been planned for, tending to nullify planning efforts and to overload and overcrowd public facilities;
- E. That, as a result of such rezoning, residential zoning classifications at the various density levels have not been applied to a satisfactory degree in proper relation or with sufficient regard to: location or size of commercial or industrial areas or uses; utilities, motorways, schools or other public facilities; timeliness of development; conservation and allocation of land resources; and other factors which should be considered in planning for the development of the county on the basis of a comprehensive rationale;
- F. That, in light of the above findings, it is in the interest of the general welfare that new zoning classifications, formulated so as to avoid such effects in future residential development, be established as hereinafter provided;
- G. That the ability to distribute density across different zone boundaries, as provided for in Bill No. 100-1970, has resulted in density patterns often unintended by the county during the comprehensive zoning map process; and
- H. That the flexibility of density residential zoning has resulted, in some situations, in residential development that is incompatible with existing neighborhoods.

§ 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.

Cemeteries are listed as special exception uses in both the DR-3.5 and RC-6 zones. Contrary to Protestants' assertion that the RC-6 portion of the property was "in preservation," while the RC-6 zone has a preservation-quality imbedded in its regulations, RC-6 zones permit many different residential, commercial, and institutional uses including cemeteries. Presumably, this is to offer funeral and burial services to individuals in the communities in which they reside. Cemeteries support existing and proposed residential communities in furtherance of DR-3.5 goals (*See* BCZR § 1B00.1-2) and preserve significant amounts of open space, forests, grasslands, streams and wetlands and promote native species' renewal in furtherance of RC-6 conservation goals (*See* BCZR § 1A07.1). Cemeteries are common features in residential and rural communities throughout Baltimore County, including in DR and RC zones, especially when associated with places of worship. Further, their existence precludes residential or commercial development that might not be compatible with existing surrounding development, agriculture, or conservation.

Mr. Sharon testified that the use will be consistent with the purposes of the property's DR-3.5 and RC-6 zoning classifications and will be consistent with the spirit and intent of the Zoning Regulations. That testimony is credible and coupled with the lack of any credible evidence to the

contrary leads to the conclusion that the Petition satisfies this factor. Therefore, I find that the proposed use is consistent with the intent and purpose of both the DR-3.5 and RC-6 zones as outlined in the Baltimore County Council's findings and purposes under BCZR § 1A07.1 and BCZR § 1B00.1-2.

**H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor**

Mr. Sharon acknowledged that impervious surface requirements in the RC-6 zoned portion of the property will need to be addressed during the development plan review process. There is nothing in this record to indicate that the project will fail to satisfy impermeable surface and vegetative retention regulations under BCZR. Further, county agency reports do not indicate any deficiencies in the Site Plan or identify shortcomings in the Petition with respect to impervious surface or vegetation. *See* County Exhibits 1-3. DPR noted that Petitioner must comply with landscaping manual requirements and DEPS noted that Petitioner will be required to comply with Forest Conservation Regulations. Satisfying these requirements are included as conditions of approval per DPR and DEPS's reports. Mr. Sharon testified that the use will be consistent with the impermeable surface and vegetative retention provisions of BCZR. That testimony is credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

**I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.**

While the property is split-zoned DR-3.5 and RC-6, Mr. Sharon testified that the use will not be detrimental to the environmental and natural resources of the site and vicinity. DEPS report did not indicate objection to the Petition and commented that Petitioner will be required to follow

all Forest Conservation Regulations under the Baltimore County Code, as well as all water quality regulations. *See* County Exhibit 2. These regulations will likely require forest loss mitigation and stormwater management. Mr. Sharon testified that he would welcome comment from adjacent property owners to ensure that forest buffers remain intact, additional vegetative buffers could aid in further protections for specific impacts, and stormwater management is evaluated and employed to limit any impacts on downstream or downslope property owners and residents. That testimony was credible and coupled with the lack of any credible evidence to the contrary leads to the conclusion that the Petition satisfies this factor.

### **The *Schultz* Standard**

The legal test for a special exception is not whether neighboring property owners approve of, see, hear, smell or sense activities occurring on an adjacent parcel, as these impacts are expected, but rather, whether evidence presented is sufficient to show adverse impacts above and beyond those impacts inherently associated with that use. *See Schultz v. Pritts*, 291 Md. 1 (1981). “The inherent effects notwithstanding, the legislative determination necessarily is that the uses conceptually are compatible in the particular zone with otherwise permitted uses and with surrounding zones and uses already in place, provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur.” *People’s Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 106, 956 A.2d 166, 197–98 (2008). Moreover, there is a rebuttable presumption that a special exception is *prima facie* valid and in the public interest. *Id.*

The presumption of validity for Special Exception uses in Baltimore County is an intentionally high bar to overcome. “The local legislature, when it determines to adopt or amend the text of a zoning ordinance with regard to designating various uses as allowed only by special

exception in various zones, considers in a generic sense that certain adverse effects, at least in type, potentially associated with (inherent to, if you will) these uses are likely to occur wherever in the particular zone they may be located.” *People’s Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 106, 956 A.2d 166, 197 (2008). A common misnomer of special exceptions is that uses granted this favored designation by a local legislature are somehow “special” or “exceptional” when they are typically neither special nor exceptional to what is commonly permitted within their respective zones. To the contrary, pursuant to BCZR § 1B01.1.C.9 and BCZR § 1A07.3.B.4, the Baltimore County Council permits cemeteries in all DR-3.5 and RC-6 zoned properties by special exception, subject to the public hearing process and requisite findings under BCZR §502.1.

While the testimony offered by Protestants was by no doubt sincere, it was not sufficient either in content or in persuasiveness to either rebut the presumption that the proposed cemetery is in the public interest, or to show adverse impacts of the proposed cemetery at this particular location that would somehow be above and beyond those impacts inherently associated with any cemetery regardless of where it’s located within the zone. In addition to the lack of credible evidence to demonstrate adverse impacts of the proposed cemetery, Protestants did not identify, demonstrate, or provide evidence to show any *non-inherent* adverse impacts of this proposed cemetery which could also rebut or defeat the presumption. The bulk of community testimony expressed concerns over the impact of natural or “green” burial practices on this site. Under this Petition, a Natural Burial Ground is not under consideration. By contrast, the Petition requests zoning authorization for a conventional cemetery. Further, other community testimony expressed concerns over commonly perceived impacts of cemeteries experienced by any property owner living adjacent to or near a cemetery. These impacts include increased traffic, the view of

headstones, and the presence of parking areas. General impacts of a special exception are expected and unless those impacts are shown by competent evidence to be beyond the ordinary impact of that use (e.g., inherent impacts), or the use will create some unusual impacts not ordinary to the use (e.g., non-inherent impacts), the rebuttable presumption that the special exception is in the general interest stands. Petitioner met their burden of moving forward with the evidence in this case, and the evidence offered by community members was not sufficient to rebut the presumption of validity for special exception uses.

Based on the record and evidence submitted in this case, I find that the Petition satisfies the *Schultz* standard in that there are no facts and circumstances that show that the particular cemetery proposed at this location would have any adverse effects above and beyond those inherently associated with a cemetery irrespective of its location within the zone. *See Attar v. DMS Tollgate, LLC*, 451 Md. 272, 285–86, 152 A.3d 765, 773–74 (2017) (citing *Schultz*, 291 Md. at 22–23, 432 A.2d at 1327).

#### RTA VARIANCE

Petitioner requests variance relief from BCZR § 1B01.1.B.1.e.5 to allow a structure to be constructed within the RTA 75-foot setback so that the structure remains inside the URDL”.<sup>2</sup> In general, the RTA is a 100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed. BCZR § 1B01.1.B.1(a)(1). The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types. BCZR

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<sup>2</sup> Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception or pursuant to Section 409.8.B, shall provide a 50-foot buffer and 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area. BCZR § 1B01.1.B.1.e.5.

§ 1B01.1.B.1(a)(2). The Property qualifies for RTA variance review under BCZR § 1B01.1.B.1(c) as the property is more than 2 acres in land area and is vacant.

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions 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, and only in such manner as to grant relief without injury to public health, safety and general welfare...". A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Cromwell v. Ward*, 102 Md. App. 691 (1995).

Petitioners have met their burden in demonstrating that the subject property is unique due to its shape, composition of multiple parcels held under common ownership, slope of the land, bifurcation by the URDL, split-zoning, and the impacts of the prospective road widening and public roadway improvements. Further, the orientation of the building is a requirement of religious practices which makes the building itself unique for purposes of variance analysis. Mr. Sharon stated "this would be a variance-free Petition" without the likely required road widening including mandatory easements and dedications. Neighboring properties along Windsor Mill Road are not impacted in this same manner as those properties do not require road widening or roadway

dedications. Moreover, the URDL limits the buildable area on this property as public water and sewer are accessible only if the building is located within the relatively narrow strip along the property's northern boundary frontage to Windsor Mill Road. This condition determines the proposed siting of the building. A strict application of the RTA setback would result in the inability for the building to be sited inside the URDL while still maintaining the full RTA setback requirement. For these reasons, I find that this property is unique and that special circumstances or conditions exist that are peculiar to this property where strict compliance with the Zoning Regulations for Baltimore County with respect to the RTA would result in practical difficulty.

I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare. The RTA variance does not impact neighboring properties as the RTA variance requested in this instance is measured from the public right-of-way and not adjacent residential homes. The building will be substantially screened by vegetative buffers and access to public water and sewer benefits the general public by not further burdening the land with groundwater and septic access and maintenance.

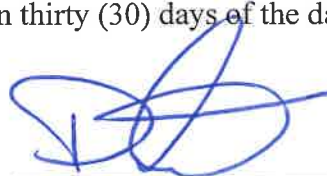
THEREFORE, IT IS ORDERED this **18th** day of **July, 2024**, by this Administrative Law Judge, that the Petition for Special Exception filed pursuant to BCZR, § 1B01.1.C.9 and BCZR § 1A07.3.B.4 to permit a cemetery and funeral establishment be, and it is hereby, **GRANTED**, and;

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, § 1B01.1.B.1.e.5 to allow the building to be constructed within the RTA 75 ft. setback be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition;
2. Pursuant to BCZR, § 502.3, this Special Exception is valid for a period of five (5) years from the date of this Order;
3. Petitioner's Site Plan (Petitioner's Exhibit 3) is incorporated herein and made a part hereof;
4. Petitioner must comply with the DOP ZAC comments, DPR/DPW&T comments, and DEPS comments, copies of which are attached hereto and made a part hereof;
5. Site access from Salem Road shall be marked, gated, or otherwise limited to secondary use for maintenance vehicles only. All visitors or guests of the property shall be directed through signage or paving indicators to use the primary entrance/exit on Windsor Mill Road. General public or daily employee access to the site from Salem Road is strictly prohibited;
6. Petitioner shall abide by all requirements of the Maryland Office of Cemetery Oversight ("OCO"), the Board of Morticians & Funeral Directors, and any other relevant state regulatory agency, and shall obtain and maintain all COMAR requirements for licensure, permitting, and maintenance. Failure to obtain and maintain any and all licenses, permits, or other regulatory requirements through the State of Maryland may result in the expiration or revocation of this approval.

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



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DEREK J. BAUMGARDNER  
Administrative Law Judge  
for Baltimore County

DJB:dlm


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- GENERAL NOTES**

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## PARKING TABULATIONS

[illegible]Petitioner's  
Exhibit 3

**MORRIS & RITCHIE ASSOCIATES, INC.**  
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
1220-B EAST JOPPA ROAD, SUITE 400K  
TOWSON, MARYLAND 21286  
(410) 821-1690  
FAX (410) 821-1748  
MVRAGTA.COM

**ISB CEMETERY**

**SITE PLAN TO ACCOMPANY  
SPECIAL EXCEPTION & VARIANCE PETITION**

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## PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 31478. EXPIRATION DATE: 06/30/2024

| DEVELOPER | OWNER |
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ISLAMIC SOCIETY OF

BALTIMORE, MD.  
6411 JONNYCAVE ROAD

BULLDOZER, WAPPAJAND 21744  
 PHONE: (501) 343-5151

[illegible]

www.oxford-journals.org



## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald  
Director, Department of Permits, Approvals and Inspections

**DATE:** 3/21/2024

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2024-0058-XA

**INFORMATION:**

**Property Address:** 7525-7545 Windsor Mill Road

**Petitioner:** Faizan Mahmoodi

**Zoning:** DR 3.5/RC 6

**Requested Action:** Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception -

1. Pursuant to Baltimore County Zoning Regulations (BCZR) Section 1B01.1.C.9, to permit a Cemetery and Funeral Establishment; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance -

1. From BCZR Section 1B01.1.B.1.e.5, variance to allow the building to be constructed within the RTA 75-foot setback so that the building remains inside the URDL; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is an approximately 31.03-acre property zoned DR 3.5/RC 6. The site has no previous Zoning history and is not located in a historic district.

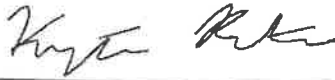
The subject property is currently a vacant parcel. The requested zoning relief, as said in above request, does not adversely impact the public right-of-way or the surrounding neighborhood. The petitioner proposes to erect a House of Worship on the northeast portion of the lot. The building will be located in an area that will encroach into the required RTA buffer while staying in the URDL (DR 3.5 portion) and will propose associated parking in both the DR 3.5 and RC 6 zones. The applicant has indicated that the location and orientation of the building cannot be altered due to religious implications. Pursuant to the Baltimore County Zoning Regulations, Cemeteries are allowed by special exception in a DR 3.5 zone and are exempt from the provisions of Sections 1A07.4, 1A07.5, 1A07.6, 1A07.7, 1A07.8, 1A07.9 and 1A07.10, which include, but not limited to, Scenic View regulations, Development area and standards, and Conservancy areas.

The Department of Planning has no objection to the requested relief conditioned upon the following:

1. According to the provided parking calculations, the site is over parked by 47 spaces. Re-examine the parking layout in an attempt to reduce the number of parking spaces and provide more landscaping and pervious surfaces.
2. Coordinate with the Baltimore County Landscape Architect to comply with any additional landscaping requirements.
3. Confirm that no forest buffer or forest conservation areas will be disturbed or encroached upon with this development.
4. Any additional conditions set forth by the Administrative Law Judge.

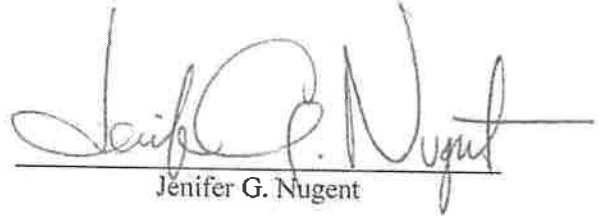
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jenifer G. Nugent

SL/JGN/KP

Amy L. Hicks Grossi, Esquire  
Joseph Wiley, Community Planner  
Kristen Lewis, Zoning Review  
Jeff Perlow, Zoning Review  
Office of Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2024-0058-XA

**DATE:** March 14, 2024

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

**DPR:** Both drainage and utility and access easements exist along lots. These areas may not be obstructed.

**DPW-T:** State Document Record Plat 65/113 shows several existing easements on the property. The plan provided with the application does not show any of the easements and must be revised to show all the easements. The revised plan must show if the easements are to remain or be vacated. If the easements are to remain, it should be noted that nothing can be built or laid in these easements.

**Landscaping:** If Special Exception, Special Hearing, and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

**Recreations & Parks:** No comment open space. Need to confirm the presence of lack there of recreational greenways.

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge  
Office of Administrative Hearings

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

DATE: March 18, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0058-XA  
Address: 7525-7545 WINDSOR MILL RD  
Legal Owner: Islamic Society of Baltimore, Inc.  
Faizan Mahmoodi

Zoning Advisory Committee Meeting of March 18, 2024.

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

- x Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 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:

Reviewer: Jannifer D. Anderson



# PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections  
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7525-7545 Windsor Mill Road (See attached Parcel Table) Currently Zoned DR 3.5 & RC 6  
Deed Reference 35990 / 00141 10 Digit Tax Account # See attached Parcel Table  
Owner(s) Printed Name(s) See attached Parcel Table

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

*Please see attached.*

3. ☒ a **Variance** from Section(s)

*Please see attached.*

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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Amy L. Hicks Grossi, Esquire

Name - Type or Print

Signature

600 Washington Ave., Ste 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / agrossi@sgs-law.com

Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

Faizan Mahmoodi, Authorized Rep of , the Islamic Society of Baltimore, Inc

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6631 Johnnycake Road

Baltimore MD

Mailing Address

City State

21244

410-988-4699

Faizan@isb.org

Zip Code

Telephone #'s (Cell and Home)

Email Address

## Representative to be contacted:

Amy L. Hicks Grossi, Esquire

Name - Type or Print

Signature

600 Washington Ave., Ste 200

Towson

MD

Mailing Address

City

State

21204 / (410) 821-0070

agrossi@sgs-law.com

Zip Code

Telephone #

Email Address

Case Number 2024-0058-XA Filing Date 3/4/24 Do Not Schedule Dates                      Reviewer JS

**ATTACHMENT TO PETITION FOR VARIANCE**

7525-7545 Windsor Mill Road  
4th Councilmanic District  
2nd Election District

Special Exception Relief:

1. Pursuant to BCZR §1B01.1.C.9, to permit a Cemetery and Funeral Establishment; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance Relief:

1. From BCZR §1B01.1.B.1.e.5 – Variance to allow the building to be constructed within the RTA 75-foot setback so that the building remains inside the URDL; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2024-0058-A

| PARCEL DATA TABLE |            |          |                        |
|-------------------|------------|----------|------------------------|
| Lot #             | Tax ID     | Parcel # | Address                |
| 1                 | 2200017049 | 0056     | 7525 Windsor Mill Road |
| 2                 | 2200017050 | 0056     | 7527 Windsor Mill Road |
| 3                 | 2200017051 | 0056     | 7529 Windsor Mill Road |
| 4                 | 2200017052 | 0056     | 7531 Windsor Mill Road |
| 5                 | 2200017053 | 0056     | 7533 Windsor Mill Road |
| 6                 | 2200017054 | 0056     | 7535 Windsor Mill Road |
| 7                 | 2200017055 | 0056     | 7537 Windsor Mill Road |
| 8                 | 2200017056 | 0056     | 7539 Windsor Mill Road |
| 9                 | 2200017057 | 0056     | 7541 Windsor Mill Road |
| 10                | 2300001832 | 0056     | 7545 Windsor Mill Road |
| Parcel<br>"A"     | 2200017058 | 0056     | Windsor Mill Road      |
| Parcel<br>"B"     | 2200017059 | 0056     | Windsor Mill Road      |

2024-0058-A

# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



February 5, 2024

## ZONING DESCRIPTION

BEGINNING for the same at the in the center of the Windsor Mill Road at a point distant South 65° 46' 18" East 400.65 feet measured along the center of the Windsor Mill Road from the end of the third line of a parcel of land secondly described in a deed dated May 29, 1933 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 911 folio 281 which was conveyed by G. William Parker, bachelor, to William A. Weidemeyer and wife, running thence the following courses and distances; viz:

South 24° 13' 43" West 215.29 feet; South 65° 44' 07" East 100.08 feet; South 65° 46' 18" East 574.44 feet; South 10° 18' 28" West 21.07 feet; South 66° 56' 13" East 149.56 feet; South 10° 27' 28" West 324.13 feet; South 70° 56' 39" West 1691.25 feet; North 40° 10' 36" W 229.09 feet; North 41° 50' 01" East 758.29 feet; North 24° 44' 03" East 859.18 feet; South 65° 46' 18" East 248.23 feet to the point of beginning and laying on the southwesterly side of Windsor Mill Road.

Containing an area of 1,351,841 square feet or 31.034 acres of land, more or less, and being located in the Second Election District, Fourth Councilmanic District, of Baltimore County, Maryland.

I certify that this description was either personally prepared by me or that I was in responsible charge over the preparation thereof in accordance with requirements set forth in the Code of Maryland Regulations (COMAR) 09.13.06.12.

This metes and bounds description is not a result of a field boundary survey. It is a result of compilation of record information and shall not be used for land conveyance and was only prepared per the zoning requirements of Baltimore County, Maryland.

Morris & Ritchie Associates, Inc.  
Joshua T. Sharon, PE  
Professional Engineer  
Maryland License No. 34479 Exp. 06/21/2024



2024-0058-A

1220-B East Joppa Road, Suite 400K, Towson, Maryland 21286 Tel: (410) 821-1690 Fax: (410) 821-1748

Abingdon, MD • Laurel, MD • Towson, MD • Georgetown, DE • Wilmington, DE • Raleigh, NC • Sterling, VA  
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2600 (984) 609-5252 (703) 674-0161

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24-0180 J25

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

No. 229845

Date: 2/29/24

| Fund   | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount    |
|--------|------|------|----------|-----------------|------------------|----------|---------|-----------|
| 001    | 806  | 0000 |          | 6150            |                  |          |         | \$1000.00 |
|        |      |      |          |                 |                  |          |         |           |
|        |      |      |          |                 |                  |          |         |           |
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|        |      |      |          |                 |                  |          |         |           |
| Total: |      |      |          |                 |                  |          |         | \$1000.00 |

Rec From: AMY HICKS

For: ISLAMIC SOCIETY

CASE # 780

2024-0058-1A  
JBBCASHIER'S  
VALIDATION

## DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!



## ISLAMIC SOCIETY OF BALTIMORE

6631 JOHNNYCAKE ROAD  
 WINDSOR MILL, MD 21224  
 410-747-4869

Bank of America  
 7-163/520

63407

2/14/2024

PAY TO THE ORDER OF Baltimore County, MD

\$\*\*1,000.00

One Thousand and 00/100\*\*\*\*\*

DOLLARS

Baltimore County, MD.

MEMO

Filing Fee - Windsor Mills/Petition

*[Signature]*  
 AUTHORIZED SIGNATURE

⑈063407⑈ ⑆052001633⑆ 003934341560⑈

**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 fifteen (15) 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.**

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**For Newspaper Advertising:**

Case Number: 2024-0058-A

Property Address: 7525-7545 Windsor Mill Road

Property Description: \_\_\_\_\_

Legal Owners (Petitioners): The Islamic Society of Baltimore

Contract Purchaser/Lessee: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Faizan Mahmoodi

Company/Firm (if applicable): The Islamic Society of Baltimore

Address: 6631 Johnnycake Road

Baltimore, MD 21244

Telephone Number: faizan@isb.org or (410) 988-4699

Revised 5/20/2014

Real Property Data Search ( )  
Search Result for BALTIMORE COUNTY

|                          |                                            |                                              |
|--------------------------|--------------------------------------------|----------------------------------------------|
| <a href="#">View Map</a> | <a href="#">View GroundRent Redemption</a> | <a href="#">View GroundRent Registration</a> |
|--------------------------|--------------------------------------------|----------------------------------------------|

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 2200017059

**Owner Information**

Owner Name: ISLAMIC SOCIETY OF BALTIMORE INC      Use: RESIDENTIAL  
Principal Residence: NO

Mailing Address: 6631 JOHNNYCAKE RD      Deed Reference: /35990/ 00141  
BALTIMORE MD 21244-

**Location & Structure Information**

Premises Address: WINDSOR MILL RD      Legal Description: 19.6162 AC PARCEL B  
0-0000      SSR WINDSOR MILL RD  
L KURT MILLER PROPERTY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
0087 0004 0056 2020019.04 0000 2022 Plat Ref: 0065/ 0113

Town: None

|                         |                         |                        |                    |            |
|-------------------------|-------------------------|------------------------|--------------------|------------|
| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|                         |                         |                        | 19.6100 AC         | 04         |

|         |          |      |          |         |                |        |                                   |
|---------|----------|------|----------|---------|----------------|--------|-----------------------------------|
| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|         |          |      |          |         |                |        |                                   |

**Value Information**

|                    | Base Value | Value      | Phase-in Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As of      | As of                | As of      |
|                    |            | 01/01/2022 | 07/01/2023           | 07/01/2024 |
| Land:              | 678,800    | 678,800    |                      |            |
| Improvements       | 0          | 0          |                      |            |
| Total:             | 678,800    | 678,800    | 678,800              | 678,800    |
| Preferential Land: | 0          | 0          |                      |            |

**Transfer Information**

|                                          |                      |                  |
|------------------------------------------|----------------------|------------------|
| Seller: RESTORING LIFE                   | Date: 03/30/2015     | Price: \$530,000 |
| Type: ARMS LENGTH MULTIPLE               | Deed1: /35990/ 00141 | Deed2:           |
| Seller: ROCK INTERNATIONAL FAMILY CHURCH | Date: 04/23/2009     | Price: \$0       |
| Type: NON-ARMS LENGTH OTHER              | Deed1: /27973/ 00166 | Deed2:           |
| Seller: MILLER L KURT                    | Date: 06/28/2002     | Price: \$350,000 |
| Type: ARMS LENGTH MULTIPLE               | Deed1: /16583/ 00535 | Deed2:           |

**Exemption Information**

|                             |       |            |            |
|-----------------------------|-------|------------|------------|
| Partial Exempt Assessments: | Class | 07/01/2023 | 07/01/2024 |
| County:                     | 000   | 0.00       |            |
| State:                      | 000   | 0.00       |            |
| Municipal:                  | 000   | 0.00 0.00  | 0.00 0.00  |

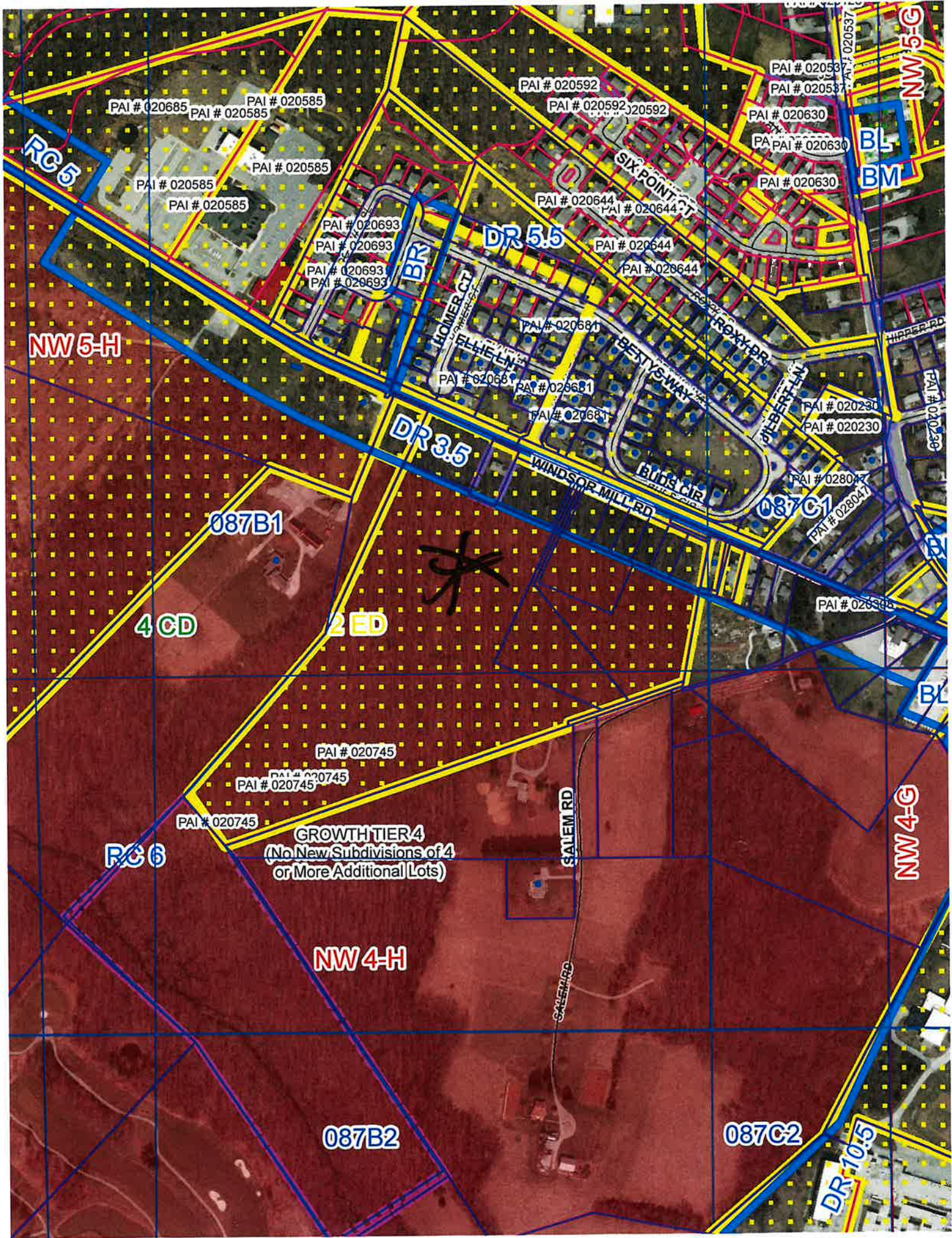
Special Tax Recapture: None

**Homestead Application Information**

Homestead Application Status: No Application

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application      Date:



PAI # 020685 PAI # 020585 PAI # 020585

PAI # 020592 PAI # 020592 PAI # 020592

PAI # 020537 PAI # 020537 PAI # 020537

PAI # 020585 PAI # 020585

PAI # 020693 PAI # 020693 PAI # 020693 PAI # 020693

PAI # 020644 PAI # 020644 PAI # 020644 PAI # 020644

PAI # 020630 PAI # 020630 PAI # 020630

NW 5-H

DR 3.5

087B1

4 CD

2 ED

WINDSOR MILL RD

087C1

PAI # 020230 PAI # 020230

PAI # 028047 PAI # 028047

PAI # 026382

RC 6

PAI # 020745

PAI # 020745 PAI # 020745

PAI # 020745

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)

NW 4-H

SALEM RD

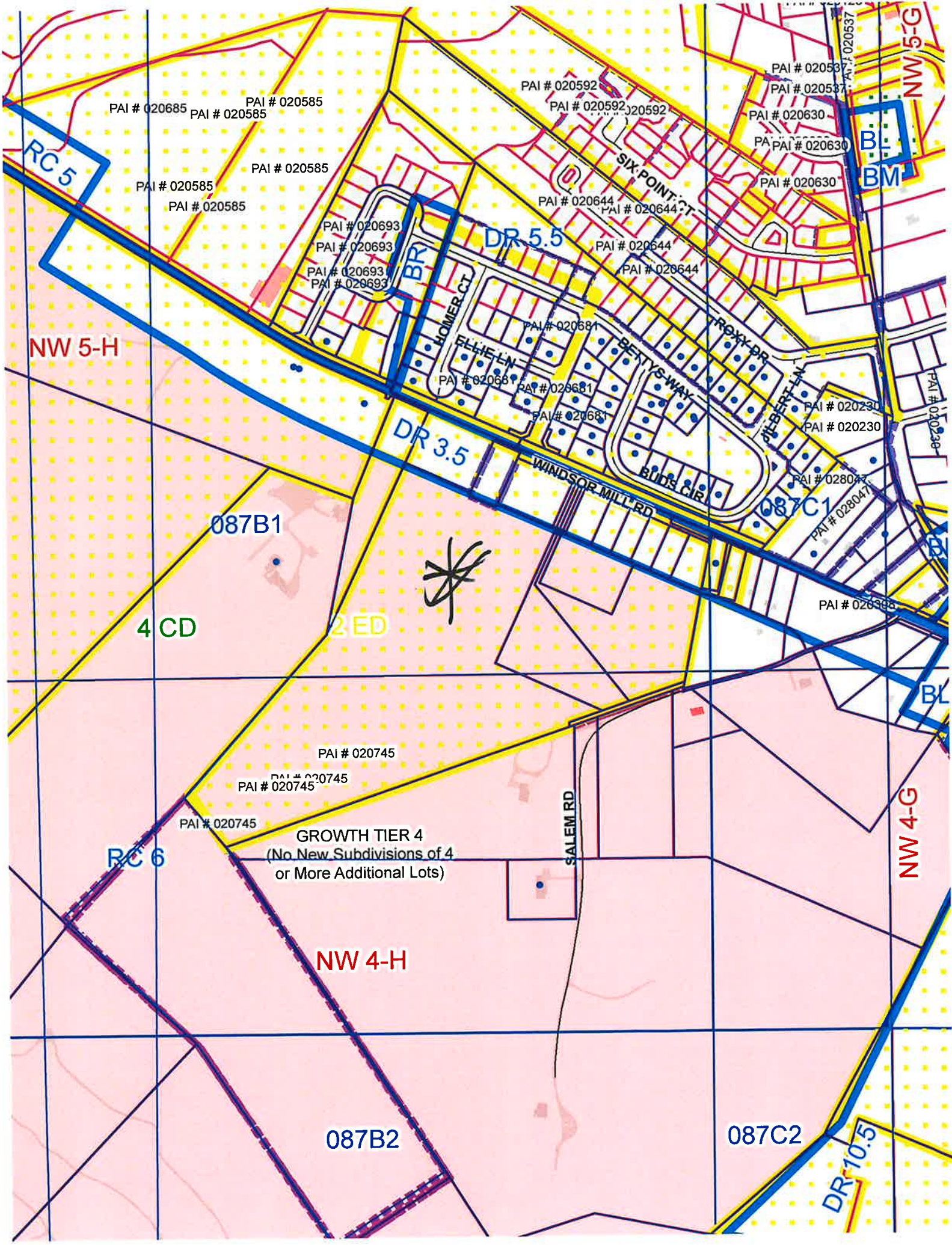
SALEM RD

NW 4-G

087B2

087C2

DR 10.5





# PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections  
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7525-7545 Windsor Mill Road (See attached Parcel Table) Currently Zoned DR 3.5 & RC 6  
Deed Reference 35990 / 00141 10 Digit Tax Account # See attached Parcel Table  
Owner(s) Printed Name(s) See attached Parcel Table

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

*Please see attached.*

3. ☒ a **Variance** from Section(s)

*Please see attached.*

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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Amy L. Hicks Grossi, Esquire

Name - Type or Print

Signature

600 Washington Ave., Ste 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / agrossi@sgs-law.com

Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

Faizan Mahmoodi, Authorized Rep of , the Islamic Society of Baltimore, Inc

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6631 Johnnycake Road

Baltimore MD

Mailing Address

City State

21244

410-988-4699

Faizan@isb.org

Zip Code

Telephone #'s (Cell and Home)

Email Address

## Representative to be contacted:

Amy L. Hicks Grossi, Esquire

Name - Type or Print

Signature

600 Washington Ave., Ste 200

Towson

MD

Mailing Address

City

State

21204 / (410) 821-0070

agrossi@sgs-law.com

Zip Code

Telephone #

Email Address

Case Number 2024-0058-XA Filing Date 3/4/24 Do Not Schedule Dates                      Reviewer JS

**ATTACHMENT TO PETITION FOR VARIANCE**

7525-7545 Windsor Mill Road  
4th Councilmanic District  
2nd Election District

Special Exception Relief:

1. Pursuant to BCZR §1B01.1.C.9, to permit a Cemetery and Funeral Establishment; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance Relief:

1. From BCZR §1B01.1.B.1.e.5 – Variance to allow the building to be constructed within the RTA 75-foot setback so that the building remains inside the URDL; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2024-0058-A

## PARCEL DATA TABLE

| Lot #         | Tax ID     | Parcel # | Address                |
|---------------|------------|----------|------------------------|
| 1             | 2200017049 | 0056     | 7525 Windsor Mill Road |
| 2             | 2200017050 | 0056     | 7527 Windsor Mill Road |
| 3             | 2200017051 | 0056     | 7529 Windsor Mill Road |
| 4             | 2200017052 | 0056     | 7531 Windsor Mill Road |
| 5             | 2200017053 | 0056     | 7533 Windsor Mill Road |
| 6             | 2200017054 | 0056     | 7535 Windsor Mill Road |
| 7             | 2200017055 | 0056     | 7537 Windsor Mill Road |
| 8             | 2200017056 | 0056     | 7539 Windsor Mill Road |
| 9             | 2200017057 | 0056     | 7541 Windsor Mill Road |
| 10            | 2300001832 | 0056     | 7545 Windsor Mill Road |
| Parcel<br>"A" | 2200017058 | 0056     | Windsor Mill Road      |
| Parcel<br>"B" | 2200017059 | 0056     | Windsor Mill Road      |

2024-0058-A

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



February 5, 2024

### ZONING DESCRIPTION

BEGINNING for the same at the in the center of the Windsor Mill Road at a point distant South 65° 46' 18" East 400.65 feet measured along the center of the Windsor Mill Road from the end of the third line of a parcel of land secondly described in a deed dated May 29, 1933 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 911 folio 281 which was conveyed by G. William Parker, bachelor, to William A. Weidemeyer and wife, running thence the following courses and distances; viz:

South 24° 13' 43" West 215.29 feet; South 65° 44' 07" East 100.08 feet; South 65° 46' 18" East 574.44 feet; South 10° 18' 28" West 21.07 feet; South 66° 56' 13" East 149.56 feet; South 10° 27' 28" West 324.13 feet; South 70° 56' 39" West 1691.25 feet; North 40° 10' 36" W 229.09 feet; North 41° 50' 01" East 758.29 feet; North 24° 44' 03" East 859.18 feet; South 65° 46' 18" East 248.23 feet to the point of beginning and laying on the southwesterly side of Windsor Mill Road.

Containing an area of 1,351,841 square feet or 31.034 acres of land, more or less, and being located in the Second Election District, Fourth Councilmanic District, of Baltimore County, Maryland.

I certify that this description was either personally prepared by me or that I was in responsible charge over the preparation thereof in accordance with requirements set forth in the Code of Maryland Regulations (COMAR) 09.13.06.12.

This metes and bounds description is not a result of a field boundary survey. It is a result of compilation of record information and shall not be used for land conveyance and was only prepared per the zoning requirements of Baltimore County, Maryland.

Morris & Ritchie Associates, Inc.  
Joshua T. Sharon, PE  
Professional Engineer  
Maryland License No. 34479 Exp. 06/21/2024



2024-0058-A

1220-B East Joppa Road, Suite 400K, Towson, Maryland 21286 Tel: (410) 821-1690 Fax: (410) 821-1748

Abingdon, MD • Laurel, MD • Towson, MD • Georgetown, DE • Wilmington, DE • Raleigh, NC • Sterling, VA  
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2600 (984) 609-5252 (703) 674-0161

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# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 4/1/2024

**Case Number:** 2024-0058-XA

**Petitioner / Developer:** SMITH, GILDEA & SCHMIDT, LLC ~  
ISLAMIC SOCIETY OF BALTIMORE, INC. ~ FAIZAN MAHMOODI

**Date of Hearing:** APRIL 22, 2024

This is to certify under the penalties of perjury that the necessary sign(s)  
required by law were posted conspicuously on the property located at:  
7525 7545 WINDSOR MILL ROAD

The sign(s) were posted on: OCTOBER 8, 2022

**ZONING HEARING**

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

**CASE # 2024-0058-XA**  
**7525 7545 WINDSOR MILL ROAD**  
(SWs of Windsor Mill Road, at intersection with Farley Drive)  
Council District 4, Election District 2  
Legal Owners: Islamic Society of Baltimore, Inc.  
Faizan Mahmoodi

**PETITION REQUEST: SPECIAL EXCEPTION:**  
From the Baltimore County Zoning Regulations ("BCZR") 1B01.1.C.9 to permit a Cemetery and Funeral establishment and for such other and further relief as may be required by the Administrative Law Judge. For Baltimore County.

**WebEx Hearing: Monday, April 22, 2024 at 11:00 a.m.**

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0  
Email: [administrativehearings@baltimorecountymd.gov](mailto:administrativehearings@baltimorecountymd.gov)

Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, MD 21030  
(City, State, Zip of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)

1<sup>ST</sup> SIGN

## BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge  
Office of Administrative Hearings

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

DATE: March 18, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0058-XA  
Address: 7525-7545 WINDSOR MILL RD  
Legal Owner: Islamic Society of Baltimore, Inc.  
Faizan Mahmoodi

Zoning Advisory Committee Meeting of March 18, 2024.

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

- x Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 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:

Reviewer: Jannifer D. Anderson

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** March 14, 2024

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2024-0058-XA

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

**DPR:** Both drainage and utility and access easements exist along lots. These areas may not be obstructed.

**DPW-T:** State Document Record Plat 65/113 shows several existing easements on the property. The plan provided with the application does not show any of the easements and must be revised to show all the easements. The revised plan must show if the easements are to remain or be vacated. If the easements are to remain, it should be noted that nothing can be built or laid in these easements.

**Landscaping:** If Special Exception, Special Hearing, and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

**Recreations & Parks:** No comment open space. Need to confirm the presence of lack there of recreational greenways.

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald  
Director, Department of Permits, Approvals and Inspections

**DATE:** 3/21/2024

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2024-0058-XA

**INFORMATION:**

**Property Address:** 7525-7545 Windsor Mill Road  
**Petitioner:** Faizan Mahmoodi  
**Zoning:** DR 3.5/RC 6  
**Requested Action:** Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception -

1. Pursuant to Baltimore County Zoning Regulations (BCZR) Section 1B01.1.C.9, to permit a Cemetery and Funeral Establishment; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance -

1. From BCZR Section 1B01.1.B.1.e.5, variance to allow the building to be constructed within the RTA 75-foot setback so that the building remains inside the URDL; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is an approximately 31.03-acre property zoned DR 3.5/RC 6. The site has no previous Zoning history and is not located in a historic district.

The subject property is currently a vacant parcel. The requested zoning relief, as said in above request, does not adversely impact the public right-of-way or the surrounding neighborhood. The petitioner proposes to erect a House of Worship on the northeast portion of the lot. The building will be located in an area that will encroach into the required RTA buffer while staying in the URDL (DR 3.5 portion) and will propose associated parking in both the DR 3.5 and RC 6 zones. The applicant has indicated that the location and orientation of the building cannot be altered due to religious implications. Pursuant to the Baltimore County Zoning Regulations, Cemeteries are allowed by special exception in a DR 3.5 zone and are exempt from the provisions of Sections 1A07.4, 1A07.5, 1A07.6, 1A07.7, 1A07.8, 1A07.9 and 1A07.10, which include, but not limited to, Scenic View regulations, Development area and standards, and Conservancy areas.

The Department of Planning has no objection to the requested relief conditioned upon the following:

1. According to the provided parking calculations, the site is over parked by 47 spaces. Re-examine the parking layout in an attempt to reduce the number of parking spaces and provide more landscaping and pervious surfaces.
2. Coordinate with the Baltimore County Landscape Architect to comply with any additional landscaping requirements.
3. Confirm that no forest buffer or forest conservation areas will be disturbed or encroached upon with this development.
4. Any additional conditions set forth by the Administrative Law Judge.

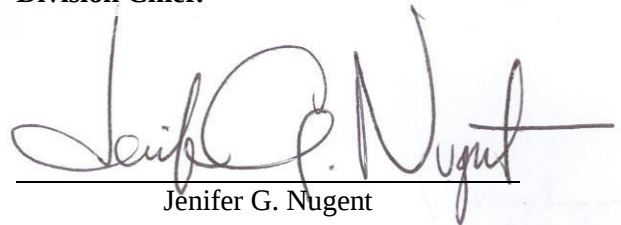
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

**Prepared by:**



Krystle Patchak

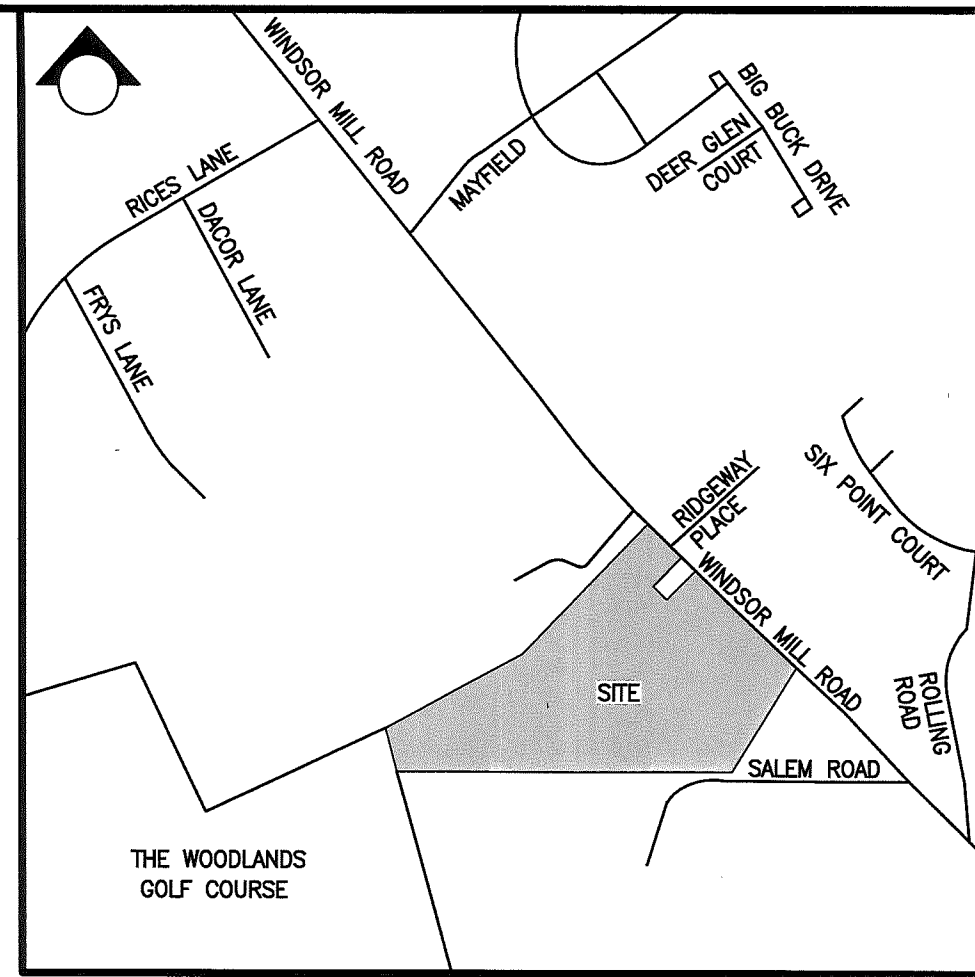
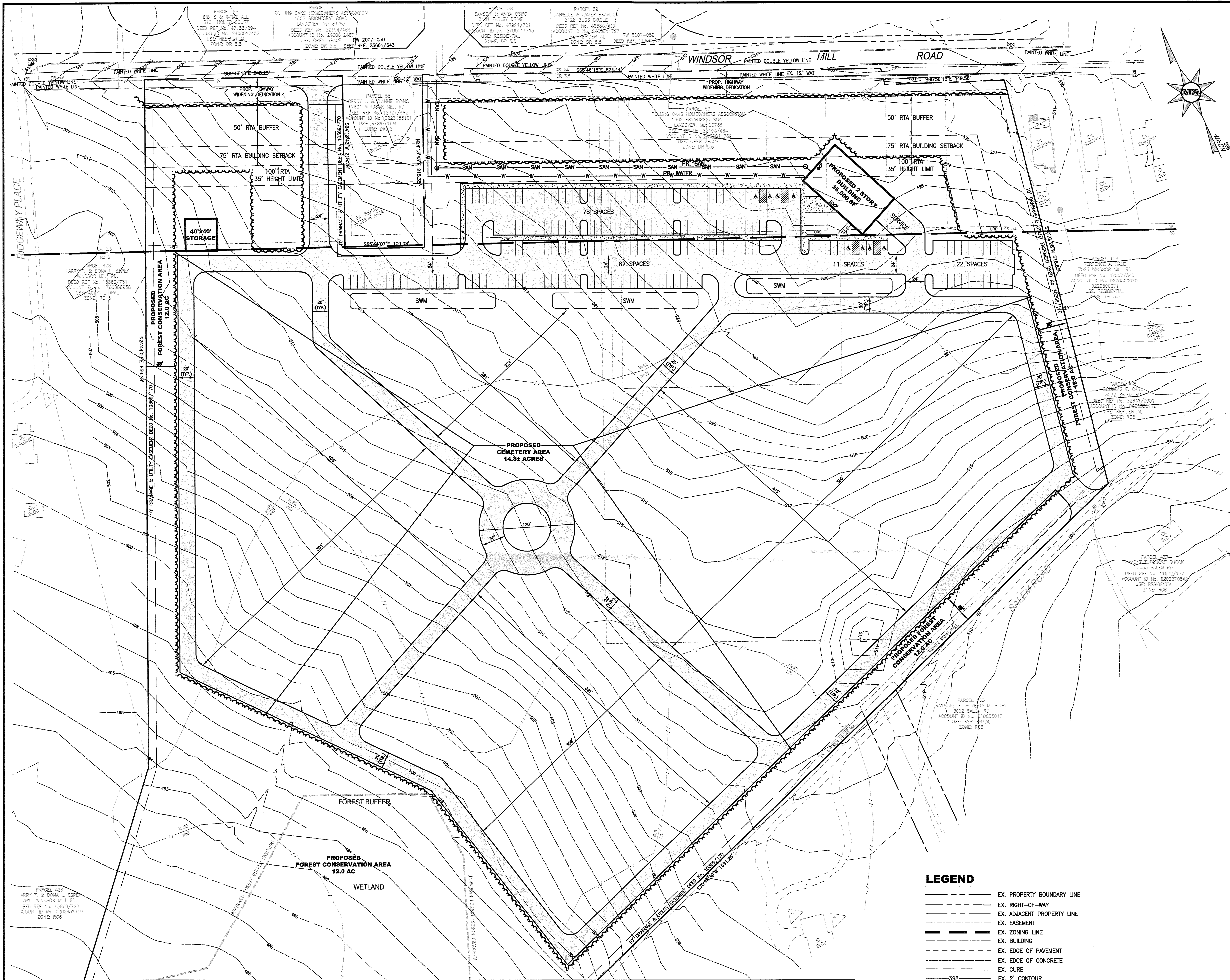
**Division Chief:**



Jenifer G. Nugent

SL/JGN/KP

Amy L. Hicks Grossi, Esquire  
Joseph Wiley, Community Planner  
Kristen Lewis, Zoning Review  
Jeff Perlow, Zoning Review  
Office of Administrative Hearings  
People's Counsel for Baltimore County



### VICINITY MAP

SCALE 1" = 1000'

### GENERAL NOTES

- PROPERTY INFORMATION:  
A. PROPERTY ADDRESS: 7525-7545 WINDSOR MILL ROAD  
B. NET ACREAGE: 30.15 AC ± (1,313,334 S.F.)  
C. GROSS ACREAGE: 31.03 AC ± (1,351,667 S.F.)  
D. ELECTION DISTRICT: 2  
E. COUNCILMANIC DISTRICT: 4  
F. ADC MAP: 32K4  
G. CENSUS TRACT: 4024.07  
H. TAX MAP: 0087  
I. PARCEL: 56  
J. TAX ACCOUNT NO.: 35990/00141  
K. DEED: SEE SHEET 2  
L. WATERSHED: PATAPSCO RIVER  
M. ZONING: DR 3.5 & RC 6  
N. FLOOR AREA RATIO: 0.0871  
O. EXISTING LAND USE: MAXIMUM PERMITTED = 2.0  
P. PROPOSED LAND USE: PROVIDED = 0.0046 (6,000 S.F. / 1,313,334 S.F. = 0.0046)  
Q. EXISTING LAND USE: MAXIMUM PERMITTED = 2.0  
R. PROPOSED LAND USE: PROVIDED = 0.0046 (6,000 S.F. / 1,313,334 S.F. = 0.0046)  
S. EXISTING LAND USE: MAXIMUM PERMITTED = 2.0  
T. PROPOSED LAND USE: PROVIDED = 0.0046 (6,000 S.F. / 1,313,334 S.F. = 0.0046)  
U. EXISTING LAND USE: MAXIMUM PERMITTED = 2.0  
V. PROPOSED LAND USE: PROVIDED = 0.0046 (6,000 S.F. / 1,313,334 S.F. = 0.0046)  
W. EXISTING LAND USE: MAXIMUM PERMITTED = 2.0  
X. PROPOSED LAND USE: PROVIDED = 0.0046 (6,000 S.F. / 1,313,334 S.F. = 0.0046)  
Y. EXISTING LAND USE: MAXIMUM PERMITTED = 2.0  
Z. PROPOSED LAND USE: PROVIDED = 0.0046 (6,000 S.F. / 1,313,334 S.F. = 0.0046)
- THIS SITE CONTAINS 4.76± AC. WITHIN THE URBAN RURAL DEMARCATION LINE AND 26.27 AC. OUTSIDE OF THE URBAN RURAL DEMARCATION LINE.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 2400100359F).
- THE SITE IS NOT LOCATED WITHIN IN A FAILED BASIC WATER, SEWER, OR TRANSPORTATION SERVICE AREA.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY. THERE ARE NO HISTORIC BUILDINGS ON SITE.
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.

### PARKING TABULATIONS

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6)

| USE                           | PARKING RATE | PARKING SPACES REQUIRED PER SECTION 409.6 |
|-------------------------------|--------------|-------------------------------------------|
| FUNERAL ESTABLISHMENT         | 10/1000      | 60                                        |
| EMPLOYEES                     | 1/2          | 4                                         |
| VEHICLE USED FOR THE BUSINESS | 1/VEHICLE    | 2                                         |
| HOUSE OF WARSHIP (SEATS 320)  | 1/4          | 80                                        |
| TOTAL PARKING REQUIRED        |              | 146                                       |
| TOTAL PARKING PROVIDED        |              | 193                                       |

### LEGEND

- EX. PROPERTY BOUNDARY LINE
- EX. RIGHT-OF-WAY
- EX. ADJACENT PROPERTY LINE
- EX. EASEMENT
- EX. ZONING LINE
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. EDGE OF CONCRETE
- EX. CURB
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- PR. CURB & GUTTER
- PR. BUILDING
- PR. SIDEWALK

### DATUM

DESIGN & DRAWING BASED ON  
MARYLAND COORDINATE SYSTEM (MCS):  
HORIZONTAL NAD 83 (2011)  
VERTICAL NAVD 88

### PROFESSIONAL CERTIFICATION

I HEREBY 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. 34479, EXPIRATION DATE: 06/21/2024.

### DEVELOPER

ISLAMIC SOCIETY OF  
BALTIMORE, INC.  
6631 JOHNNYCAKE ROAD  
BALTIMORE, MARYLAND 21244  
PHONE: (301) 343-5757  
ATTN: AMIR AHMAD

### OWNER

ISLAMIC SOCIETY OF  
BALTIMORE, INC.  
6631 JOHNNYCAKE ROAD  
BALTIMORE, MARYLAND 21244  
PHONE: (410) 747-4869  
ATTN: FAIZAN MAHMOOD

### COMMERCIAL PERMIT HISTORY

NONE ON FILE

### GENERAL NOTE

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

### MATCHLINE SEE SHEET 2 OF 2

### PLAN

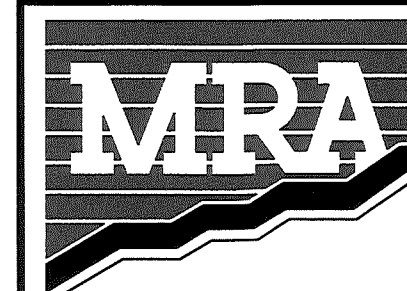
SCALE: 1" = 60'



### ZONING HISTORY

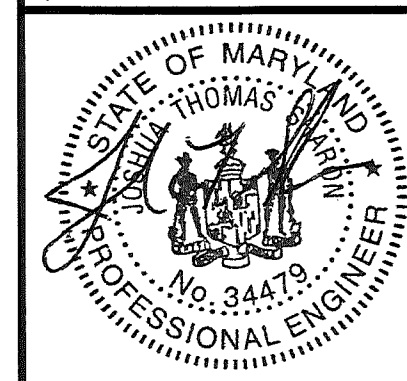
CASE NO. 2009-0234-SPHX - PETITION FOR SPECIAL HEARING, PURSUANT TO SECTION 1407.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO CONFIRM THAT A CHURCH AND OTHER BUILDINGS FOR RELIGIOUS WORSHIP ARE PERMITTED BY RIGHT WITHIN THE PRIMARY CONSERVANCY AREA AND TO CONFIRM THAT NO SECONDARY CONSERVANCY AREA IS REQUIRED, AND A PETITION FOR SPECIAL EXCEPTION, PURSUANT TO SECTION 1407.3.B.5 OF THE BALTIMORE COUNTY ZONING REGULATIONS, TO ALLOW A CHURCH (BUILDINGS, STRUCTURES, AND PARKING) IN THE RC 6 ZONE WITH MORE THAN 10% OF THE LOT COVERED BY IMPERVIOUS SURFACES. APPROVED ON DECEMBER 29, 2009.

2024-0058-XA



### MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
1220-B EAST JOPPA ROAD, SUITE 400K  
TOWSON, MARYLAND 21286  
(410) 821-1690  
FAX (410) 821-1748  
MRAGTA.COM  
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### ISB CEMETERY

7525 - 7545 WINDSOR MILL ROAD

SITE PLAN TO ACCOMPANY  
SPECIAL EXCEPTION & VARIANCE PETITION

4TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND 2ND ELECTION DISTRICT

| DATE | REVISIONS | JOB NO.:   | 16047X03   |
|------|-----------|------------|------------|
|      |           | SCALE:     | 1" = 60'   |
|      |           | DATE:      | 02/28/2024 |
|      |           | DRAWN BY:  | NOW        |
|      |           | DESIGN BY: | JTS        |
|      |           | REVIEW BY: | JTS        |
|      |           | SHEET:     | 01 OF 02   |

