

Opinion

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Let it be

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Landowner David Moxley's attorney, Roman Storz, has suggested that his client may challenge the recent decision by the Walkersville Board of Zoning Appeals. After much deliberation and public comment, the board voted late last week to deny the Ahmadiyya Muslim Community's application for a land-use exception. The decision to deny the AMC's request for religious use of Moxley's large, ag-zoned parcel of land was based on a number of code-specific objections.

Those objections related to a number of concerns clearly defined by Walkersville's zoning ordinances, and involved fundamental issues such as safety, traffic and the orderly growth of the town.

After last week's decision to deny the request for the exception, Storz said, "We are examining all of our options. We are considering a legal challenge seriously." The Ahmadiyya, Moxley and their legal teams have publicly speculated that the real reason Walkersville opposed the initiative was because the petitioners are Muslims.

We believe such a challenge would be ill-advised at this point. First, the zoning appeals board did not take its task lightly, and its findings would carry a lot of weight in a subsequent court challenge to the denial. We have suggested earlier that there may well be some anti-Muslim sentiment in Walkersville. That would not make Walkersville any different than many, if not most, other places. However, the possible existence of such sentiment has nothing to do with the factual findings of the zoning appeals board, nor could it in any way overshadow or make those findings irrelevant.

Storz says a challenge to the decision could be made on federal and state constitutional issues or via the Religious Land Use and Institutionalized Persons Act. Perhaps, but even if the AMC were able to successfully challenge the zoning board ruling, we believe, after all that has transpired, that it would be a flawed decision for them to move forward with their plans for this religious center.

Challenging on grounds of religious bias would be an indictment of Walkersville as a discriminatory, intolerant community, as well as a suggestion that the safety, growth and other serious concerns cited by the board were trumped up or are somehow irrelevant to the issue.

While no judicial decision can be predicted with certainty before the fact, we believe that a challenge to the zoning board's ruling would fail. Even if it somehow succeeded, forcing this initiative on Walkersville through a court ruling -- after the town has demonstrated sound, code-based justifications for rejecting it -- would be a truly inauspicious beginning for the AMC's project.

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