

Tax Map/Block/Parcel
No. 28-05-327

Building Permit/Zoning
Certificate No. 99-1781

Case 4425

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Richard Hartman
2400B Bear Run Road
Taneytown, Maryland 21787

REQUEST: A conditional use request for a commercial recreation area.

LOCATION: Located at 3939 Old Taneytown Pike on property zoned "A"
Agricultural District in Election District 1.

BASIS: Article 6, Sections 6.3(o); Ordinance 1E (The Carroll County Zoning
Ordinance)

HEARING HELD: July 28, 1999

FINDINGS AND CONCLUSION

On July 28, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of Richard Hartman for a conditional use for a commercial recreation area located at 3939 Old Taneytown Pike on property zoned "A" Agricultural District in Election District 1.

Richard Hartman, the Applicant, and his father, William Hartman offered the following testimony. In September, 1999, the Applicant will purchase two parcels at the location. One parcel has 15.414 acres and the other has 26.675 acres. The parcel with 15.414 acres includes an existing catering facility. The Applicant will continue the operation of the catering facility. There are three existing picnic pavilions on the parcel with 26.675 acres which have been occasionally rented to church groups, clubs and private individuals. The picnic pavilions will be continued to be offered for rental. Paint ball playing fields and a shop for the sales of paint ball merchandise will be located only on the 26.675 acre parcel. The paint ball fields will be located 400 feet from the nearest residence. Paint ball activities will be kept away from residences and fenced areas containing farm animals. The recreation activities will operate seven (7) days a week, 9:00 a.m. to dusk. No overnight activities are permitted. Parking will be provided on the site. Security personnel will be hired to police the grounds. There will be staff to supervise recreational activities at the location. No disorderly conduct will be permitted. The location is buffered by woods and a hill. Minimal noise from the paint ball guns (comparable to a popping sound of a cap gun) will be generated. Additional noise at the location may include the voices of guests participating in the recreational activities. There will be no

outside speakers. No ground will be disturbed for the creation of the paint ball range. Removable bunkers will be used on the paint ball fields. The facility will promote education and safety. Paint ball participants play in small teams of five (5) to six (6) individuals. Protective head gear must be worn by paint ball participants. The material inside paint balls consists of vegetable oil and food coloring and is environmentally safe.

John D. Baugher is a neighbor of the proposed site. He testified in opposition with concerns that the paint ball activities will endanger his young daughter and her friends. Additionally, he was concerned that the paint ball activities would result in a decrease in the value of his property.

Mr. Timothy Goeman and Mr. Clarence Shanklin testified in favor of the paint ball activities. Both had been involved in paint ball activities for several years and have found the game to be safe and fun.

The Board finds the request to be an appropriate use of the property and a good location for the use. The Board finds that the paint ball activities will be conducted far enough away from adjoining properties so as to minimize safety hazards and they will not result in a diminution of property values. The Board hereby approves the application of Richard Hartman for a conditional use for a commercial recreation area for located at 3939 Old Taneytown Pike on property zoned "A" Agricultural District.

8/6/99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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August 4, 1999