

Tax Map/Block/Parcel
No. 20-19-1

Building Permit/Zoning
Certificate No. 98-0980

Case 4322

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANTS: Roger Neal and Linda Neal
2716 Bear Run Road
Taneytown, Maryland 21787

REQUEST: A conditional use request for a commercial recreational area (a paintball range)

LOCATION: 2716 Bear Run Road on property zoned "A" Agricultural District in Election District 2

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

On May 27, 1998, the Board of Zoning Appeals convened to hear the application of Roger and Linda Neal for a conditional use permit for a commercial recreational area (a paintball range) at 2716 Bear Run Road on property zoned "A" Agricultural District.

Mrs. Neal appeared at the hearing and testified that she, with her husband, own Parcel 1 on Tax Map 20, which is improved by a trench silo approximately 350' x 175'. The parcel is 260 acres. The Neals own approximately 542 acres comprising of several contiguous parcels as depicted on Applicant's Exhibit 1. The applicants wish to utilize a portion of the trench silo and approximately 7 acres of woods of Parcel 298 on Tax Map 20,¹ for a paintball facility. They would erect a "Speed Ball" Course in the silo. The land in question is subject to an Agricultural Preservation Easement. The State Board has requested the applicants receive zoning approval prior to approval from the State Agricultural Preservation Board. Mrs. Neal described the proposed use as a place where individuals could participate in paintball activities. Some movable targets would be erected as obstacles. Friends and the public would be allowed to participate free of charge. Mrs. Neal testified that no form of compensation would be charged from the participants. She expects to have between 50 and 75 participants at any one time. The facility would be open 7 days a week between the hours of 9:00 a.m. to 7:00 p.m. during the summer months and 9:00 a.m. to 5:00 p.m. the rest of the year. The silo and the woods in question are at least 1000 feet from the

¹Parcel 298 is also owned by the applicants. It is approximately 64 acres of woodland.

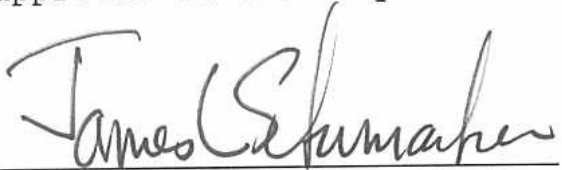
nearest residences.

Based on the testimony, the Board is of the opinion that the use contemplated does not constitute a commercial recreational area as contemplated in Section 6.3(o) of the ordinance as there are no fees being charged, collected or assessed; rather, the use constitutes a recreational area under 6.2(e) of the ordinance, i.e. a private noncommercial recreational area. The Board hereby remands the case to the Zoning Administrator to consider the request under the section noted.

The Board is aware that any approval received by the applicants would be subject to the approval of the Maryland State Agricultural Preservation Board.

6/23/98

Date


James L. Schumacher, Chairman

IM/bmh/c4322dec.bmh
June 22, 1998