

Tax Map/Block/Parcel
No. 77-5-424

Building Permit/Zoning
Certificate No. 97-1870

Case 4247

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Edward Primoff
7201 Old Washington Road
Woodbine, Maryland 21797

REQUEST: A conditional use request for a private airport

LOCATION: 7201 Old Washington Road on property zoned "A"
Agricultural District and "C" Conservation District
in Election District 14

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

On August 27, 1997, the Board of Zoning Appeals of Carroll County, hereinafter "the Board", held a hearing on Permit Application 97-1870, a conditional use request for a private landing field at 7201 Old Washington Road on property zoned "A" Agricultural and "C" Conservation District in Election District 14.

The following are the Board's findings and conclusions. The subject property is owned by Edward Primoff, and is identified as Parcel 24, Block 5 of Tax Map 77. The property comprises 193 acres, more or less. The property serves as the residence of Mr. Primoff and his wife. It is also being farmed by a tenant farmer. The applicant seeks conditional use approval for a private landing field which would accommodate Mr. Primoff's two single-engine planes, a 1976 Cessna 150 that seats two, and a 1978 Cessna 210 that seats four adults. The airstrip would be a 1,900 foot grass strip adjacent to the Primoff residence. The applicant testified that if authorized, he would be able to travel the airstrip and ascend to 1,000 feet prior to ever crossing his property line. He would never be taking off or landing over any adjoining property owners homes.

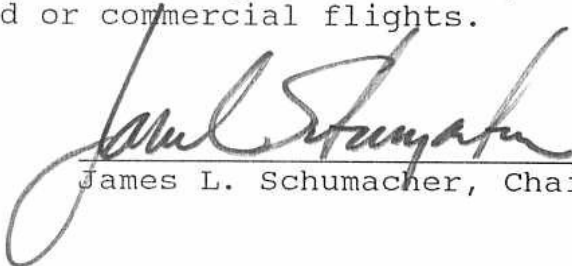
In support of the application, Mr. Bruce F. Mundy, Director of the Maryland Aviation Administration, testified. Small planes generally fly to a minimum altitude of 1,000 feet over populated areas, and 500 feet over rural terrain. Carroll County is classified as rural. Mr. Mundy has visited the site and determined that the landing field could be safely located on the property. Noise from planes of that size would not exceed acceptable noise levels as determined by the Maryland Aviation Administration. He indicated also that the Federal Aviation Administration would not permit any flights to take place during the evening hours, (one half hour before sunrise and one half hour after dusk) without the installation of lights.

Mr. Primoff seeks to have no more than the maximum 40 flights per year. Several adjoining property owners appeared and testified in opposition to the proposed use, questioning the safety of single-engine planes flying over their residences and raised concern over the level of noise generated by aircraft taking off and landing from the private airstrip. The Board finds no credible evidence that the noise generated from the 40 flights per year from the Primoff property would intrude on the neighbors quiet enjoyment of their property. The testimony indicated that planes descending and landing on the airstrip generally have their throttle at a very low setting, almost coasting in for a landing. At full throttle levels, the noise emanating from the plane is very little. The majority of the noise is occasioned by an engine taking off and as previously indicated, the ascension path would be over Mr. Primoff's own property. Accordingly, a very minimum amount of noise generated by the use would be heard by adjoining property owners. Mr. Primoff also indicated that he would like to have the ability to have several friends over on occasion who wish to land to his private landing field and would like to be authorized to do so. Subject to the conditions hereinafter imposed, the Board finds that the granting of the conditional use would not result in adverse effects upon the adjoining or surrounding properties unique and different from the adverse effects that would otherwise result in the location of a private landing field in an agricultural zone. The following conditions are:

1. A site plan must be submitted to the Zoning Administrator which shows the exact property measurements, and an air traffic pattern for landing and takeoffs.
2. Planes must ascend to an elevation of 1,000 feet prior to departing the subject property.
3. There will be no nighttime flights.
4. The maximum number of flights permitted per year is 40.
5. The maximum number of two airplanes identified as a 1976 Cessna 150 and a 1978 Cessna 210 be housed in the airport (the planes may be replaced with comparable sized planes).
6. The Board will allow the planes belonging to guests and aircraft making emergency landings to stay on a temporary basis on the premises.
7. The private strip is limited to personal uses, and may not to be for any paid or commercial flights.

September 22, 1997
Date

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James L. Schumacher, Chairman