

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPELLANT: Joel C. Greer, Jr.
3722 Old Taneytown Road
Taneytown, Maryland 21787

REQUEST: An appeal of the Zoning Administrator's Notice of Violation dated November 23, 1988 pertaining to construction of the air strip (private airport) authorized by the Board in Case 2406.

LOCATION: 3722 Old Taneytown Road in Election District 2

BASIS: Article 17, Section 17.4; Ordinance 1E

HEARING HELD: March 28, 1989

On March 28, 1989 the Board of Zoning Appeals heard testimony and received evidence concerning the appeal of the Zoning Administrator's Notice of Violation dated November 23, 1988 pertaining to construction of the air strip (private airport) authorized by the Board in Case 2406 at 3722 Old Taneytown Road in Election District 2. The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record of the case, the Board will affirm the appeal and dismiss the Notice of Violation. The pertinent findings include the following facts.

FINDINGS OF FACT

On November 15, 1985, the Board of Zoning Appeals conditionally authorized establishment of a private airport described within the decision as a grass takeoff and landing strip. The landing strip was subsequently staked to identify its boundaries. Thereafter no crops were planted within the boundaries of the takeoff and landing strip during 1987, 1988 and 1989. Following application, Zoning Certificate Number 86-6837Z was issued on October 8, 1986. Preparatory work, including removal of several rows of corn in order establish access to the strip was done in

September of 1986. Thereafter brush and trees were removed, and some grading was performed. The strip was mowed at least one time during the summer of 1987. Fencing was also relocated in order to accommodate the takeoff and landing strip, and adjoining pasture land. The appearance of the take off and landing strip has not been substantially changed from when the land was being farmed. In addition, visibility of the takeoff and landing strip from Maryland Route 140 is diminished when crops are in the field.

APPLICABLE LAW

Article 16, Section 16.2(e) of Ordinance 1E states:

"A Zoning Certificate shall be "A Zoning Certificate shall become void one (1) year after the date of issuance if the construction or use for which the certificate was issued has not been started."

REASONING

It is evident that work deemed necessary by Mr. Greer to establish the grass takeoff and landing strip was started within one year of the date of the issuance of the Zoning Certificate. The work performed satisfies the requirement as stated in Section 6.2(e) of Ordinance 1E.

CONCLUSION AND ORDER

Mr. Greer has met the burden of proof in establishing compliance with the regulation. The appeal of the Zoning Administrator's Notice of Violation is hereby affirmed, and the Board hereby dismisses the Notice of Violation.

April 6, 1989
Date

John Totura
John Totura, Chairman