

Tax Map/Block/Parcel
No. 13-24-150

Building Permit/Zoning
Certificate No. 91-2437

Case 3618

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

APPLICANT: Dug Hill Rod and Gun Club, Inc.
c/o Duncan C. Horne, III
P.O. Box 36
Manchester, Maryland 21102

ATTORNEY: William R. MacDonald, Esquire
117 East Main Street, Suite 1-A
Westminster, Maryland 21157

REQUESTS: Requests for approval to intensify the rod and gun club facility by the addition of a target range; and, to enlarge the facility by the addition of a target range

LOCATION: 4100 Wine Road in Election District 6

BASIS: Article 4, Section 4.3(a)(1); Ordinance 1E.
(The Carroll County Zoning Ordinance)

HEARING HELD: April 29, 1992

FINDINGS AND CONCLUSION

The 41 acre parcel is zoned "A" Agricultural District as depicted on zoning map 13B. The applicant, Dug Hill Rod and Gun Club, has owned and managed the property since 1960. The clubhouse was constructed in 1962 and a pavilion was authorized by the Board of Zoning Appeals as an accessory use August 15, 1962, in Case 693. Still target ranges, and trap or skeet shooting ranges have been maintained on the property continuously since prior to the adoption of the zoning ordinance August 17, 1965. Accordingly, the property is a lawfully existing nonconforming use.

The club meets regularly and sponsors a variety of events, including firearms safety courses. Various shooting events have been, and are conducted on the property from time to time for various types of firearms, including those that use black powder. Members of the club are allowed to hunt on the property. Parking is provided on the premises.

At issue in this case is whether new firearms ranges constitute an intensification, or enlargement of the nonconforming use of the property. Intensification of a nonconforming use, as established by the Court of Appeals of Maryland, is lawful without Board of Zoning Appeals approval.

Enlargement of a nonconforming use is subject to Board authorization in accordance with the provisions of Article 4, Section 4.3(a)(1) of the zoning ordinance. The new ranges are located within the wooded area of the property, west of the existing ranges.

The existing handgun and rifle ranges will not be used when the new ranges are being used. Trap or skeet shooting may be allowed, depending upon the circumstances at the particular time. Shooting is prohibited after dark or before 9:00 a.m. Sundays. No changes, other than the additional ranges, are now proposed.

In considering the circumstances in this case, the Board is convinced that the primary use of the 41 acre parcel is the handgun, rifle, and trap and skeet shooting ranges. Although the new ranges are oriented differently than the existing ranges to better use the topography of the site and gain beneficial effects of being surrounded by woods, the ranges are relatively near the existing ranges.

The new ranges provide additional locations from which to shoot at still targets. Even though there is apparently sufficient space at the previously existing ranges for additional positions to be established from which to fire and space to erect corresponding targets, the club has determined that establishment of the new ranges within the wooded area is preferable.

After reviewing the Court of Special Appeals decision in the case of *County Commissioners of Carroll County, Maryland v. Maurice R. Zent*, 86 Md. App. 745 (1991), the Board concludes that the new ranges are an intensification of the nonconforming use, and are not subject to the regulations of the zoning ordinance governing enlargement of nonconforming uses, including authorization of the Board of Zoning Appeals.

May 11, 1992
Date

JDN/bdc/C3618DEC
May 8, 1992

John Totura
John Totura, Chairman