

Tax Map/Block/Parcel
No. 35-23-37

Building Permit/Zoning
Certificate No. 92-0350

Case 3674

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

APPLICANT: Pipe Creek Bowhunter's, Inc.
c/o Mabel Stewart
50 York Street, Apartment A
Taneytown, Maryland 21787

REQUEST: A conditional use for an archery range; and, variances to the minimum distance requirements of 1,000 feet, and parking requirements pertaining thereto

LOCATION: 414 Bucher John Road in Election District 10

BASES: Article 6, Sections 6.3(p) and 6.7; Article 15, Section 15.5; Ordinance 1E. (The Carroll County Zoning Ordinance)

HEARING HELD: March 26, 1992

FINDINGS AND CONCLUSION

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board hereby approves the conditional use for the archery range and a variance to the minimum distance requirements. The variance to the minimum required width of the driveway to the proposed parking area is hereby denied for the northerly driveway serving parcels 34, 185 and 297 as identified on the site location map used in this case. A variance to the minimum required width of the driveway serving parcel 37 is hereby conditionally authorized, in part, as described below. The pertinent findings determining the Board's decision include the following facts:

As proposed, the archery range will be located in a forested area of Mr. Paul L. Doody, Jr.'s 123.84 acre farm, which is located on the southwest side of Bucher John Road about .4 of a mile south of Middleburg Road intersection. The archery range will be established and managed by Pipe Creek Bowhunter's, Inc., subject to the approval of Mr. Doody. The exterior dimensions of the archery range will be approximately 250 feet in width by 600 feet in length. The range will not disturb the environment. Use of the range will be limited to members of the club and guests, except for scheduled shoots. Typically, a scheduled shoot is held once a month. In the past, vehicular traffic to scheduled shoots has averaged about 25 vehicles. At other times, members of the club may visit the range to shoot. However, such traffic will not be significant. Parking for the range is planned on an adjoining tract identified as parcel 297 on the site location map and other exhibits.

Vehicular access to the parking area on parcel 297, which is also owned by Mr. Doody, is proposed by using a driveway located on parcel 297 (See C3674

Applicant's Exhibit 3). The parking area, consisting of 21 parking spaces with maneuvering space, is depicted by Parking Plans A or B.

The driveway serving parcels 34, 185 and 297 narrows to approximately 10 feet in width near its connection to Bucher John Road and cannot be widened. Due to the angle of intersection with Bucher John Road and the impossibility of widening the driveway to provide for two-way traffic, the Board finds that use of that driveway for access to and from the parking area cannot be authorized.

The driveway serving Mr. Doody's residence on parcel 37 is located to the south of the driveway described above. This driveway connection intersects Bucher John Road at approximately 90 degrees, and the sight distance of drivers is much better there than the sight distance is to the southeast of the driveway serving parcel 297. In addition, there are no structures or other restrictions prohibiting widening the driveway to 20 feet for an appropriate distance. Presumably, access to the parking area, as portrayed by either Parking Plan A or B, can be accomplished by improving Mr. Doody's driveway. Accordingly, the Board will restrict its authorization to that driveway, and conditionally authorize a variance to the minimum width requirement of 20 feet as stated below.

Although archery ranges are subject to the same minimum distance requirements of 1,000 feet as specified for gun ranges, there is no evidence that the minimum distance is necessary or appropriate in this case either because of noise or safety. Accordingly, the Board finds the variance to be justified.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby conditions authorization for the establishment of the archery range, and variances to the minimum distance requirements and minimum required width of the driveway as follows:

1. The driveway serving Mr. Doody's residence shall be increased in width to 20 feet to provide for two-way vehicular traffic for a distance of at least 100 feet extending from Bucher John Road. Thereafter the existing driveway may be used and a new section constructed to provide access to the parking area proposed to be established on parcel 297. The Board recognizes that the applicant may wish to revise the parking plan in order to orient it to the driveway as now required by the above condition. The driveway, and parking and maneuvering area shall be surfaced with gravel or stone. All other requirements pertaining to parking for the archery range remain applicable.

April 3, 1992
Date

John Totura
John Totura, Chairman