

**Tax Map/Block/Parcel
No. 21-6-36**

**Building Permit/Zoning
Certificate No. 02-2457**

Case 4705

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

APPELLANT: Don Craumer (Trustee of Deep Run Rifle and Revolver Club)
3341 Lineboro Road
Manchester, MD 21102

ATTORNEY: Clark R. Shaffer

REQUEST: An appeal of the Zoning Administrator's interpretation of a non-conforming use being lost for shooting at a gun club.

LOCATION: The site is the Deep Run Rifle and Revolver Club, 148 W. Deep Run Road, Westminster, MD 21158 on property zoned "A" Agricultural District in Election District 3.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-188 B

HEARING HELD: October 28, 2004*

FINDINGS AND CONCLUSION

On October 28, 2004, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Administrator's determination that a non-conforming use for shooting at a gun club was lost. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Appellant operates a gun club, featuring an outdoor shooting range and meeting hall on 6.4 acres (+-) at 148 West Deep Run Road in Westminster. The property is zoned "C" Conservation. The club has existed for over fifty years and was opened before zoning was adopted in the County. Therefore, the site is nonconforming.

In the mid 1990's the Appellant and its neighbors became embroiled in litigation regarding the level of noise resulting from the use of the club's outdoor shooting range. In March 2000, the Circuit Court for Carroll County issued an Order that required noise abatement procedures to be implemented by the Appellant within 6 months of the date of the Order. Shooting was permitted during certain hours during the 6 month period. After failing to present a noise abatement plan to the Court, the club appealed to the Court of Special Appeals. Since

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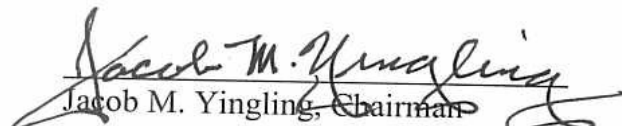
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early September 2000, there has been little or no shooting on the property, apparently in deference to the Court Order and pending appeals. In February 2002, a neighbor asked for a ruling from the County's Zoning Administrator that the club had lost its nonconforming status as a gun club under the Carroll County Public Local Laws and Ordinances, Section 223-9 because shooting had ceased for a period in excess of six months. In a letter dated May 22, 2002, the Zoning Administrator advised the club that since shooting had ceased for the six months, the club was now only allowed to operate as a non-shooting gun club. The Appellant appealed the Zoning Administrator's determination to the Board. Since another appeal of the shooting restrictions was pending before the Court of Special Appeals, the matter was postponed by the Board on September 26, 2002. However, the Court of Special Appeals has remanded the case to the Circuit Court for further proceedings. The Circuit Court then postponed its action on the matter until the Board adjudicated the issue of the loss of nonconforming status for outdoor shooting. The matter is now before the Board on this question.

Under Section 223-9 of our Zoning Code, a nonconforming use lapses when a use "has ceased" for twelve months or more, barring any extensions not applicable here. In this case, there is no dispute that outdoor shooting at the club has been all but nonexistent for a period well in excess of three years. It is also clear that the failure of the club to use the outdoor range can be directly attributed to their apparent inability to comply with the noise restrictions in Court Orders that are the subject of ongoing litigation between the club and its neighbors. The Appellant has not abandoned its intent to use the outdoor range, as is evidenced by its vigorous participation in the Court proceedings. The range has not been used for any other purpose pending resolution of the Court case. In addition, the photographs submitted to the Board indicate that the clubhouse remains intact and in use. The club still exists, collects dues, exercises corporate functions, and holds regular meetings. It remains a gun club, although outdoor shooting has been stopped by a Court Order. We know of no authority that would allow us to strip a gun club of its ability to continue to shoot where the club has otherwise maintained its nonconforming status as a gun club.

Under these circumstances, the Board finds that the use of the property as a gun club has not ceased, despite the lack of outdoor shooting. Accordingly, the nonconforming status of the Appellant, including outdoor shooting, has not been lost and the decision of the Zoning Administrator is reversed.

11-30-04
Date


Jacob M. Yingling, Chairman

*Due to the holiday, the period for submitting a written decision was extended by the Board in accordance with the Carroll County Public Local Laws and Ordinances, Chapter 223-188 to November 30, 2004.