

Tax Map/Block/Parcel  
No. 29-7-14

Building Permit/Zoning  
Certificate No. 92-1531

Case 3738

OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND

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

**REQUEST:** A conditional use for a farm airstrip (private airport) to keep three airplanes

**LOCATION:** 3722 Old Taneytown Road (Md. Rt. 832) in Election District 2

**BASIS:** Article 6, Sections 6.3(b) and 6.7; Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** June 25, 1992

On June 25, 1992, the Board of Zoning Appeals heard testimony and received evidence concerning the conditional use request for a farm airstrip (private airport) to keep three airplanes on the premises of 3722 Old Taneytown Road (Md. Rt. 832).

The Board visited the area of the site June 19, 1992.

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 will deny the request.

In considering this case, the Board exercised administrative notice regarding two previous cases involving the private airport. In Case 2406, the Board conditionally authorized establishment of a private airport as a conditional use in its decision dated November 15, 1985. Condition 3 of that decision limited the authorization to a single airplane normally kept on the premises. On October 25, 1990, in Case 3457, the Board conditionally authorized amendment of condition 3 of the Board's decision in Case 2406, to allow a second airplane to be kept on the property. Conditions 1, 2 and 4 were not amended and are currently in effect.

FINDINGS OF FACT

The 108.56 acre farm is located between Taneytown Pike (Md. Rt. 140) to the northeast and Old Taneytown Road (Md. Rt. 832) to the southwest. The principal uses of the land are agriculture and Mr. Greer's residence.

In Case 2406, the Board restricted the authorization of the private airport to one plane being kept on the property. The runway, established on the easterly portion of the property, is oriented east-west. A small hanger is located near the westerly end of the runway. In October of 1990, the Board approved Mr. Greer's request to amend condition 3 of Case 3457 to allow two airplanes to be kept there. The second airplane authorized to be kept there is an antique, used for recreational flying. One of the Board's findings of fact in that case was that, as requested, the second airplane would not substantially increase the number of take-offs and landings at the private airport.

The decision also indicated that guests operating airplanes capable of landing and taking off from the runway may use the facility, subject to Mr. Greer's permission.

Since then, Mr. Greer's wife and son have obtained their pilot licenses. However, both are licensed to operate a particular aircraft having a nosewheel. Mr. Greer is also licensed to operate this type of aircraft. Neither Mrs. Greer nor her son are licensed to operate airplanes having tailwheels. Accordingly, Mr. Greer's request now involves the airplane that his wife and son are licensed to operate. As noted during the course of the hearing, the requested third airplane would be kept there about one-half or less of the time.

In comparing the site location map used in this case with the map used in Case 2406, it is evident that residential subdivision has occurred to the southeast of the runway since 1985. Testimony presented in opposition to the request also directed attention to the new elementary school under construction east of Mayberry Road, immediately north of Md. Rt. 140.

Two owners and residents of nearby properties testified in opposition to the request, citing adverse affects to the peace and quiet of the neighborhood, the potential of depreciation of residential property values, and potential adverse affects to the nearby elementary school under construction.

#### CONCLUSION

In the previous decision in Cases 2406 and 3457, the Board was persuaded that the establishment and operation of the private airport, or take-off and landing strip, for first one airplane and then two airplanes would not substantially affect the residents of adjacent properties, the values of those properties, or the public interests. However, the Board is now convinced that authorization of the request would be contrary to the provisions of Article 17, Section 17.7 of the zoning ordinance, which govern the Board in deciding conditional use requests, for

reason that the same factors would be unduly affected by operation of the third airplane from the private airport.

In addition, due to the more intense use of the private airport, the Board is convinced that the request for the third airplane would be inconsistent with the standard governing special exceptions, or conditional uses, expressed by the Maryland Court of Appeals in case of *Schultz v. Pritts*, 291, Md. 1, 22, 1981.

The previous decisions in Cases 2406 and 3457 are not affected in any way by this decision.

Accordingly, the Board hereby denies the request for the conditional use for the farm airstrip (private airport) to keep three airplanes.

July 2, 1992  
Date

JDN/bmh/c3738dec  
July 1, 1992

John Totura  
John Totura, Chairman