

**Tax Map/Block/Parcel
No. 77-10-401**

**Building Permit/Zoning
Certificate No. 99-1941**

Case 4429

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

APPELLANT: Joseph and Darlene Reckley, et al.
7595 Jenn Drive
Woodbine, Maryland 21797

ATTORNEY: Michelle M. Ostrander
23 North Court Street
Westminster, Maryland 21157

APPELLEE: Vivian Leatherwood
801 Hoods Mill Road
Woodbine, Maryland 21797

ATTORNEY: Charles M. Preston
Stoner, Preston & Boswell
188 East Main Street
P.O. Box 389
Westminster, Maryland 21158-0389

REQUEST: An appeal of the Zoning Administrator's decision concerning a site plan amendment to allow relocation of a dry parking area for Ramblin Pines Campground.

LOCATION: Located at 801 Hoods Mill Road on property zoned "A" Agricultural District in Election District 14.

BASES: Article 17, Section 17.4.2; Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: August 31, 1999

FINDINGS AND CONCLUSION

On August 31, 1999, the Board of Zoning Appeals (the Board) convened to hear an appeal of Joseph and Darlene Reckley, *et al*, of the Zoning Administrator's decision concerning a site plan amendment to allow relocation of a dry parking area for Ramblin Pines Campground located at 801

Hoods Mill Road on property zoned "A" Agricultural District in Election District 14. The following are the Board's Findings and Conclusions.

On December 15, 1972, the Board of Zoning Appeals in Case 749 approved a conditional use made by Samuel H. Leatherwood, Jr. for a Commercial Camping area at 801 Hoods Mill Road. On March 26, 1974, Solveig L. Smith, Acting Zoning Administrator, approved the designation of a dry parking area on the site for the storage of campers only. Ms. Smith determined that the dry parking area qualified as an Accessory Use under Section 6.3 of the Zoning Ordinance. The Board approved variances on the campground site in Case 3460, signed December 21, 1990. On April 23, 1999, George L. Beisser, Zoning Administrator, approved a request made by Charles M. Preston, Esquire, to relocate the dry parking area within the original boundary line of the campground site and he required an amended site plan outlining the new dry parking area. On May 19, 1999, Michelle Ostrander, Esquire, sent a letter to Mr. Beisser requesting that the issue of the proposed alterations of the Ramblin Pines Campground be reviewed and decided upon by the Board of Zoning Appeals. On June 2, 1999, Mr. Beisser denied Ms. Ostrander's request and concluded that the proposed dry parking area was an intensification of the accessory use and not an expansion of the site. On June 25, 1999, Ms. Ostrander, on behalf of her clients, submitted an application to the Board in appeal of Mr. Beisser's June 2, 1999 determination.

Ms. Ostrander represented the appellants, Joseph and Darlene Reckley, named in the application for appeal, as well as Jerry Markowitz, Cynthia Swisher, and Ellen Schultz. They are neighbors who reside in a development that abuts the campground known as "Jennifer Acres". Ms. Ostrander argued that the character of the neighborhood had changed significantly since the Board's approval of the Commercial Campground in 1974. The proposed dry parking area will be relocated from the center of the campground to the north boundary line and closer to the residential homes in Jennifer Acres. Additionally, Ms. Ostrander argued that the increase in size of the dry parking area was too substantial for an administrative review and determination by the Zoning Administrator.

Charles M. Preston, Esquire, represented the owner of the campground, Vivian Leatherwood. Mr. Preston counter-argued that the residents moved to the area after the campground was in operation and were fully aware of it. Additionally, he argued that dry parking area was an approved accessory use within the campground and it would merely be relocated within the boundary line of the campground approved in 1974.

George L. Beisser, Zoning Administrator, testified that based on his research, he found that "dry parking" was an accessory use, customarily incidental to camping areas. He determined that the relocation and change in size of the dry parking area were consistent with the Conditional Use approved in 1974. The use was existing and there was no enlargement of the campground perimeter. When there is an intensification of a conditional use, the submission of an as-built or existing conditions site plan is sufficient for the Zoning Administrator.

The Board finds that it has jurisdiction to hear this appeal of the Zoning Administrator's decision under Article 17 of the Zoning Ordinance which at Section 17.4.2 authorizes the Board to

