

**Tax Map/Block/Parcel  
No. 53-16-949**

**Building Permit/Zoning  
Certificate No. 03-4057**

**Case 4891**

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

**APPELLANTS:** Todd Davis & Patricia Summers  
1862 & 1870 Sir Richards Court  
Finksburg, MD 21048

**ATTORNEY:** N/A

**REQUEST:** An appeal of a Notice of Violation issued by the Zoning Administrator, dated October 9, 2003, regarding a racecourse.

**LOCATION:** The site is located at 1862 and 1870 Sir Richards Court, Finksburg, on property zoned "C" Conservation District in Election District 4.

**BASIS:** Code of Public Local Laws and Ordinances, Chapter 223-186 A (1), 223-188 B, 223-71 (9), 223-33, and 223-34

**HEARINGS HELD:** January 7, 2004

**FINDINGS AND CONCLUSION**

On January 7, 2004, the Board of Zoning Appeals (the Board) convened to hear an appeal of a Notice of Violation issued by the Zoning Administrator, dated October 9, 2003, regarding a racecourse. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Appellants reside on two adjoining three-acre lots in a neighborhood. They constructed a motorcycle track across the rear of both lots by scraping the earth with construction equipment and trucking in dirt. In addition, approximately 15 earthen mounds were constructed along the track to serve as ramps or moguls. There is an existing residential neighborhood behind the location of the dirt track. One lot line in the neighboring subdivision is 30 feet from the track property.

The Appellants created the track for use by their children. In addition, neighbors and friends have used their motorcycles on the track. Up to 6 to 8 motorcycles have used the track at one to two hours at a time. Neighbors submitted an authenticated videotape of the track while being used. In this tape, numerous motorcycles sped along the track, generating loud noise and dust. Neighbors testified that they could not leave their windows open or sit outside during

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warm months due to the noise generated by the motorcycles. The noise of one motorcycle above was comparable to a loud chainsaw.

Racetracks are not permitted in the "C" Conservation zone where the subject property lies. The purpose of the Conservation District, as set forth in the Carroll County Code of Public Local Laws and Ordinances, Section 31 is to "conserve open spaces, water supply sources, woodland acres, wildlife and other natural resources". The evidence is overwhelming that the operation of a racetrack is occurring on the property. The ongoing noise above is intolerable and injurious to the health, safety and peaceful enjoyment of the neighborhood. The construction of a long track with its moguls and constructed dirt surface is hardly of the type of use that could be considered customarily associated with a residence.

We find the track to be a racetrack or course and therefore an illegal use. Accordingly, the Notice of Violation is upheld.

Jan 21, 2004  
Date

Jacob M. Yingling  
Jacob M. Yingling, Chairman