

**Tax Map/Block/Parcel
No. 38-1-737**

**Building Permit/Zoning
Certificate No. 00-3594**

Case 4557

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

APPLICANT: Countryside Driving Range, LLC
2960 Summer Drive
Westminster, Maryland 21157

ATTORNEY: William R. MacDonald, Esquire

REQUEST: An appeal of the Zoning Administrator's decision that a miniature golf course was not a principal permitted use or an accessory use to the present authorized conditional use for the premises as a golf driving range, or, in the alternative, an application for a conditional use for the establishment and operation of a miniature golf course.

LOCATION: The site is located at 1335 South Pleasant Valley Road, Westminster, MD 21158, on property zoned "A" Agricultural District in Election Districts 2 and 7.

BASIS: Article 17, Section 17.2(a); Article 6, Section 6.3(o); Zoning Ordinance 1E

HEARING HELD: January 29, 2001

FINDINGS AND CONCLUSION

On January 29, 2001, the Board of Zoning Appeals (the Board) convened to hear the Appeal of the Zoning Administrator's decision that a miniature golf course was not a principal permitted use and that a miniature golf course was not an accessory use to the present authorized conditional use for the premises as a golf driving range, or, in the alternative, an application for a conditional use for the establishment and operation of a miniature golf course comprising approximately one-half an acre.

Based on the testimony presented, the Board makes the following findings and conclusion of Law.

Initially, we find that a miniature golf course is not a principal permitted use in the "A" Agricultural zone. A true golf course, with its large, green, open spaces and wooded areas is a principal permitted use in the "A" Agricultural zone. However, a "putt-putt" course as presented

by the Appellant does not in anyway resemble a true golf course. As proposed, it is a small public amusement with synthetic grass and lighting more akin to a bowling alley, driving range or skating rink than an expansive golf course. Secondly, we find that miniature golf courses are not accessory uses to golf driving ranges. We find that miniature golf facilities are typically free standing public attractions and they are not customarily incident to and subordinate to golf driving ranges. They are of a totally different character and do not serve the same clientele. If the appeal were granted, the Board is unsure whether the driving range on the miniature golf facility would be subordinate to the other. The situation would be more akin to having two completely independent and different uses on the same parcel. Accordingly, we uphold the decisions of the Zoning Administrator on these two questions.

Turning to the conditional use, the Board notes that on July 2, 1999 in Case No. 4409 we approved the placement of a golf driving range on the subject property. The property that will house the driving range is a large parcel that had previously been used for agricultural purposes. Given the nature of a golf driving range, within its large open spaces and sporadic customer base, we had no trouble granting the conditional use in that case. That said, the Board is concerned that the miniature golf facility would, if granted, generate harmful effects at this location above and beyond those ordinarily associated with such uses. The neighborhood bounding the proposed use consists of agricultural uses and large lot residences. Given that we have already approved the driving range at that location, it is axiomatic that the addition of a miniature golf course at that same spot would generate increased noise, lighting and traffic. A successful miniature golf course must cater to younger people and stay open longer than the approved driving range, and a use with this intensity simply does not fit with the agricultural character of the neighborhood. Absent a driving range at this location, the Board may have arrived at a different result. However, given the totality of the circumstances, we hereby deny the request for a conditional use at the proposed location.

3/20/01

Date

Karl V. Reichlin
Karl V. Reichlin, Chairman