

**Tax Map/Block/Parcel
No. 77-23-467**

Case 5367

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

APPLICANT: Southern States Co-op, Inc.
c/o Jim Lillard
6606 West Broad Street
Richmond, VA 23260

ATTORNEY: Clark R. Shaffer

REQUEST: Conditional use for petroleum products storage tanks above ground (with capacity in excess of 1,000 gallons) and related facilities and variances (if needed) from 800 ft. to approximately 474 ft. (Tax Map 77, Parcel 427 and Jason Mabe property).

LOCATION: The site is located at the South Carroll Gateway Industrial Park, Lot 3, 615 Wedekind Drive, Woodbine, on property zoned "I-G" General Industrial District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Section 223-16 and 223-126

HEARING HELD: November 28, 2007

FINDINGS AND CONCLUSION

On November 28, 2007, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for petroleum products storage tanks above ground (with capacity in excess of 1,000 gallons) and related facilities and variances (if needed) from 800 ft to approximately 474 ft. The Board made the following findings and conclusion:

The subject property is Lot 3 in the South Gateway Industrial Park. It is a 3.7 acre parcel located along MD Route 97. This property is part of a 500 acre land mass of "I-G" General Industrial zoned land in South Carroll. Its neighbors are an asphalt plant, a foundation company, and a capped landfill that is being used as a recycling operation. The property is long and linear shaped, and it is 400 feet wide at the northernmost point and 800 feet at its southernmost point. The property is split by the Colonial Pipeline, a fuel transmission line. No excavation or similar work is permitted within the pipeline easement area. The property will be served by well and

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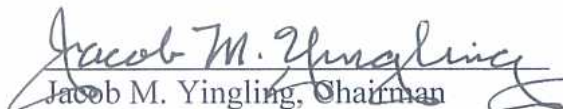
septic. There are steep slopes on a portion of the property, and a stormwater management facility will occupy the northwest corner of the property.

The Applicant hopes to open an above ground fuel tank storage complex. Two tanks of 30,000 gallons each are proposed. In addition, empty propane storage tanks would be stored there and there will be a refueling station for the Applicant's trucks. According to a traffic expert found to be credible by the Board, there will be 28 "peak hour" trips by the Applicant's trucks to and from this site. There will be a security fence around the facility, which will typically be used between the hours of 7:00 a.m. and 6:00 p.m.

Based on the above, the Board found the use to be compatible with the neighborhood. It is a less intense industrial use, with light septic and water usage. It will be unmanned, quiet, and it will not generate noise, fumes, glare, dust or other adverse effects greater here than elsewhere in the zone. The use will not generate an inordinate amount of traffic. The site is well buffered. In short, this is a much more desirable use here than other possible "I-G" uses. (e.g. an asphalt plant, factory, etc.) Accordingly, the conditional use was granted.

As for the variance, the Board found the property to be an oddly shaped, linear parcel, with several distinguishing features. It is encumbered by the Colonial Pipeline, a stormwater management facility, and has steep slopes. Taken together, these features render the property practically unusable for any industrial use absent the grant of the variance. Accordingly, the Board concluded that a strict application of the setbacks in this case result in unnecessary hardship and the variance was granted.

12/26/07
Date


Jacob M. Yingling, Chairman

**Tax Map/Block/Parcel
No. 77-23-467**

Case 5367A

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

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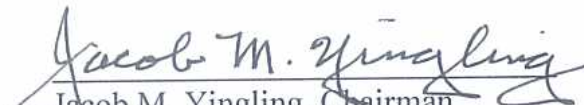
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1/16/08
Date


Jacob M. Yingling, Chairman

***Amended 1/16/08 to reflect the plan as submitted to the Board at the hearing on November 28, 2007.**