

Tax Map/Block/Parcel
No. 46-14-557

Building Permit/Zoning
Certificate No. 97-1995

Case 4250

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Carroll Independent Fuel Company
2700 Loch Raven Road
Baltimore, Maryland 21218

ATTORNEY: Thomas Meachum, Esquire
10715 Charter Drive
Columbia, Maryland 21044

REQUEST: A conditional use request for two 30,000 gallon aboveground propane storage tanks and a variance as required

LOCATION: 509 Old Westminster Pike on property zoned "I-R" Restricted Industrial District in Election District 7

BASES: Article 12, Section 12.2(a); and Article 4, Section 4.12: Ordinance 1E (The Carroll County Zoning Ordinance)

On July 16, 1997, the Board of Zoning Appeals, hereinafter "the Board", received an application for a conditional use to allow construction of two 30,000 gallon aboveground propane storage tanks on property zoned "I-R" Restricted Industrial District and a variance from the distance requirement of 600 feet to 440 feet from residentially used property of less than three acres. The applicant in this case is Carroll Independent Fuel Company which was ably represented by Thomas Meachum, Esquire.

Carroll Independent Fuel Company is in the business of gas and heating oil distribution. The company owns or operates 95 gasoline service station in the area, 9 of which are in Carroll County. The subject property is identified as Parcel 557, Block 14, on Tax Map 46 in Election District 7 and is comprised of 3.8 acres. The site plan submitted with the application and identified as Applicant's Exhibit 1, reflects and supports that the property is currently used for a gas station. It will continue to be used as such. The applicant seeks to install two 30,000 gallon aboveground propane fuel tanks at the southernmost portion of the property, 50 feet away from the rear property line. Topography of the parcel reflects that the proposed location of the propane tanks will be the lowest point of elevation of the site, some 50 feet below street level. Bulk deliveries of the propane would be delivered to a propane filling shed some 350 feet away from the tanks. The propane would then be pumped into the tanks. Persons wishing to

purchase propane would be proceed to the propane filling shed where they can get their small propane tanks filled. The applicant anticipates propane sales would generate an average of 12-24 trips per day. For tanks 100 pounds or larger, the applicant will be delivering propane to the customers by the use of two trucks. Mr. Edwin How III, a civil engineer, testified regarding the structures to be erected and the safety features of them. The tanks are constructed from steel with brass fittings and meet the National Fire Protection Agency Standards.


In support of the variance request, testimony was offered that the property was unique and that the imposition of the distance requirements would impact the property disproportionately. Accordingly, the Board hereby grants the requested conditional use and variances subject to the following conditions.

1. The applicant shall offer the local fire companies any information which it deems appropriate to assist the agencies in the performance of their duties in the event of an emergency involving the propane.
2. Tanks 100 lbs. or larger must be delivered to customers. Customers may not pick up the large tanks from the site.
3. A six foot security fence forming a twenty foot +/- radius surrounding the tanks must be erected.
4. Site plan review is required.
5. Security lighting must be installed so as to discourage unauthorized persons to approach the tanks. The lighting must be directed onto the tanks and not cause glare to neighboring properties.
6. Landscaping must be provided on the south, east, and west property lines to buffer adjoining recreational and other uses.

October 8, 1997

Date

IM/bmh/c4250dec.bmh
October 3, 1997


James L. Schumacher, Chairman