

Tax Map/Block/Parcel  
No. 73-11-302

Building Permit/Zoning  
Certificate No. 92-3248

Case 3815

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

**APPLICANTS:** Gilbert L. Fleming and Donna J. Fleming  
6222 Sykesville Road  
Sykesville, Maryland 21784

**ATTORNEY:** Charles M. Preston, Esquire  
188 East Main Street  
Westminster, Maryland 21157

**REQUEST:** An appeal of the Zoning Administrator's decision dated October 26, 1992 regarding replacement of underground petroleum storage tanks with aboveground storage tanks; and, in the alternative, a request for installation of five aboveground petroleum storage tanks with a total capacity of 90,000 gallons replacing underground storage tanks of 105,000 gallons

**LOCATION:** 6222 Sykesville Road (Md. Rt. 32) in Election District 5

**BASES:** Article 17, Section 17.4; Article 4, Sections 4.3(a)(1) and 4.26; Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** November 24, 1992

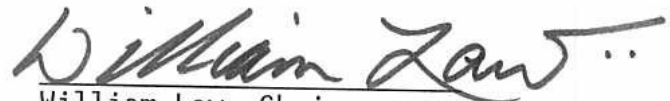
**FINDINGS AND CONCLUSION**

The application, testimony and evidence comprising the record of this case are hereby included by reference in this decision. Based on the record, the Board authorized the alternative request as structural alteration of the nonconforming use and denied the appeal. The pertinent findings determining the Board's decision include the following facts:

In 1980, in Case 1312, the Board held that replacement of four aboveground 10,000 gallon petroleum storage tanks with four 15,000 gallon underground storage tanks constituted intensification. Although this application is for less storage capacity, the five storage tanks to be erected aboveground, not underground, are structures regulated by Section 4.3(a)(1) of the zoning ordinance. However, the new storage tanks will not alter operation of the nonconforming petroleum distribution business, or adversely affect the values of adjoining properties. Accordingly, reestablishment of the storage tanks aboveground is consistent with the provisions of Article 17, Section 17.7 and the purpose of the zoning ordinance.

12/4/92  
Date

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William Law, Chairman