

Tax Map/Block/Parcel
No. 46/1/1584

Building Permit/Zoning
Certificate No. 99-1320

Case 4408

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

APPLICANT: Tevis Oil, Inc.
82 John Street
Westminster, Maryland 21157

ATTORNEY: J. Brooks Leahy, Esquire
127 East Main Street
Westminster, Maryland 21158

REQUEST: A request for a conditional use for 2 (two) 30,000 gallon above ground propane storage tanks and a variance from the distance requirements of 600 feet to 350 feet from residentially-used property of less than 3 acres.

LOCATION: Located at 86 John Street on property zoned "IR" Restricted Industrial District in Election District 7.

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

HEARING HELD: June 21, 1999

FINDINGS AND CONCLUSION

On June 21, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of Tevis Oil, Inc. for a conditional use for 2 (two) 30,000 gallon above ground propane storage tanks and a variance from the distance requirements of 600 feet from residences with less than 3 acres.

The applicant, Mr. Stanley Tevis, President of Tevis Oil, Inc., testified as follows. Tevis Oil, Inc. sells and delivers home heating oil, kerosene, and miscellaneous fuels. The business office and business operation of Tevis Oil, Inc. is located at 82 John Street. Two years ago, 86 John Street, LLC, a limited liability company owned by Mr. Tevis and his two sisters purchased the nearby property at 86 John Street to expand the business. Mr. Tevis is the President of 86 John Street, LLC. The site will be leased to Tevis Oil, Inc. Due to increasing consumer demand for propane, Tevis Oil, Inc. plans to store and receive shipments of propane, and make deliveries at the John Street location. The proposed customer sales base will include current and new customers. The Company projects the sale of approximately 900,000 gallons of propane per year, averaging 100 truck shipments per

year. Peak delivery and shipment periods are October through April. Due to the close proximity of Maryland Midland Railway, deliveries of propane from the railway are proposed. Customer deliveries will be made in delivery trucks averaging one to two trips per day. No retail sales will be conducted at the location. Two (2) 30,000 gallon above ground propane storage tanks will be installed at the location. The location and surrounding area are zoned "IR" Restricted Industrial District. However, there are some residences within this portion of the "IR" District. The closest residence is 350 feet from the site. The City of Westminster owns a parcel to the rear of the site.

Mr. Britt Medley, a L. P. Gas Specialist and President of Trans-Tech Energy, testified concerning the design and installation of the propane storage tanks. A summary of his testimony follows. His company is in the business of installing propane piping, contracting, engineering and design, and he holds a State certification for propane installation. Installation and use of the propane storage tanks must comply with the State and local Fire Marshall standards. The 2 above ground 30,000 gallon propane tanks installed at the location will have above ground piping with steel fabricated bulkheads anchored in at least three 3 feet of concrete designed to prevent accidents during transport or delivery connections. The facility will include emergency shut-off valves, relief valves, and will be designed to be explosion proof. To exceed industry standards, Tevis Oil, Inc. will undertake the following: 1) Multi-ports will be installed in the tanks which will allow relief valves to be checked without shutting the system down; 2) Steel saddles will be welded to the tanks on concrete, thereby preventing potential damage due to rust; 3) "Stubby" or shorter tanks, 4 to 7 feet in length and 11 feet in diameter, will be used rather than much larger tanks that are typically used; 4) The steel tank walls will be nearly one inch thick; and 5) the propane storage tanks will be located more than the required 50 feet from a structure. There will be no parking within 15 feet of the propane storage tank area. Posts will be installed to prevent vehicles from crashing into the propane storage tanks. The site will be designed to allow access to the area by emergency vehicles. The propane storage tank area will be 55 feet from the railroad. A 6 foot high fence with barbed wire at the top will surround the propane storage tank area.

Mr. David Bortner, Senior Vice President of Maryland Midland Railway, appeared before the Board and testified as follows. The railroad in the vicinity of the proposed propane storage tanks has a 10 mile per hour speed limit, beginning at the location of the site to Green Street. Due to the low speed of a train passing through the area, a train derailment is unlikely. Maryland Midland Railway currently delivers propane to a business in the Taneytown area. The propane is transported by rail in tanks which have double-layered metal walls.

Ms. Doris Kelly Bankert testified in opposition to the request and expressed safety concerns as her home is located near the proposed location of the propane storage tanks. Additionally, Ms. Bankert was concerned over potential unsafe conditions due to sparks, vibrations, or train derailments.

The Board finds the proposed use is fairly consistent with existing uses at or near this location in the "IR" zone. The Board also finds that the use will not result in an adverse impact on area residents with regard to safety as the applicant has demonstrated that the site will exceed industry

design standards and adequate safeguards will be installed. In addition, the Board finds that the location of the proposed use within the "IR" zone justifies a variance and the Applicant has demonstrated that unnecessary and unreasonable hardship would result from a strict imposition of distance regulations. The Board hereby approves the request of Tevis Oil, Inc. for a conditional use for 2 (two) 30,000 gallon above ground propane storage tanks and a variance from the distance requirements of 600 feet to 350 feet from residentially-used property of less than 3 acres.

7/2/99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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June 29, 1999