

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

**Building Permit/Zoning
Certificate No. 02-3690**

Case 4737

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

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

ATTORNEY: John T. Maguire

REQUEST: An application for expansion of a conditional use (Case 4250 approved August 27, 1997) to add two (2) 30,000 gallon above-ground propane storage tanks (for a total of 4 tanks); a variance to allow the 2 additional tanks to be 440 ft. for a residential lot of less than 3 acres to the north and; a variance to the 4 tanks to be 237 ft. from the R-10,000 lots across MD Rt. 97 to the west.

LOCATION: The site is located at 509 Old Westminster Pike, Westminster, MD 21157, on property zoned "I-R" Restricted Industrial District in Election District 7.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-118 A (5), 223-16 A and B

HEARING HELD: November 1, 2002

FINDINGS AND CONCLUSION

On November 1, 2002, the Board of Zoning Appeals (the Board) convened to hear the request for expansion of a conditional use (Case 4250 approved August 27, 1997) to add two (2) 30,000 gallon above-ground propane storage tanks (for a total of 4 tanks); a variance to allow the 2 additional tanks to be 440 ft. for a residential lot of less than 3 acres to the north and; a variance to the 4 tanks to be 237 ft. from the R-10,000 lots across MD Rt. 97 to the west. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The request is for an additional two above ground 30,000 galloon storage tanks for the storage of propane. The Board already has approved two tanks in 1997. The Applicant is a fuel distributor company. The two new tanks will be placed adjacent to the existing tanks, and will be erected on concrete piers. Trucks will fill their distribution tanks from these tanks.

OFFICIAL DECISION

C4737

Page Two

The proposed use will meet all state, federal and local safety codes. The tanks are necessary to accommodate the company's ability to adequately supply fuel during peak periods. The facility will be open from 7:00 A.M. to 5:00 P.M. Monday through Friday with occasional Sunday hours. The site is accessible to emergency vehicles and equipment.

In support of the variance request, the Board notes the existing operation on the property, and testimony was presented regarding the unique configuration of the property and that strict imposition of the distance requirements would impact the business disproportionately.

Accordingly, the conditional use request and request for variance are granted. The property is already being used for fuel distribution, and two additional tanks will not generate adverse effects above and beyond those normally associated with such a use. The conditional use is conditioned upon the Applicant offering the local fire companies all appropriate information necessary to assist in the performance of their duties in the event of a public safety emergency at the site involving the fuel storage.

11/27/03

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman