

Tax Map/Block/Parcel
No. 59-11-641

Building Permit/Zoning
Certificate No. 97-1461

Case 4233

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Naylor Clearing Company, Inc.
10103 Davis Avenue
Woodstock, Maryland 21163

REQUEST: A conditional use request for the installation of an aboveground 5,000 gallon diesel fuel tank with containment tank

LOCATION: North side of Industrial Park Drive about one tenth of a mile west of Congoleum Road on property zoned "I-G" General Industrial District in Election District 4

BASIS: Article 13, Section 13.2(a); Ordinance 1E (The Carroll County Zoning Ordinance)

On June 30, 1997, the Board of Zoning Appeals ("the Board") held a hearing regarding case 4233 (permit application 97-1461). Naylor Clearing Company, Inc., the applicant, requested conditional use approval for the installation of an aboveground 5,000 gallon diesel fuel tank (with containment tank), on the subject property. The property is located one tenth of a mile west of Congoleum Road in Election District 4. The zoning designation for the property is "I-G" Industrial General District. The applicable section in the Carroll County Zoning Ordinance, upon which the Board will consider the case, is Article 13, Section 13.2(a).

Mr. Naylor, President of Naylor Clearing, Company, Inc., testified that he needed the fuel tank to fuel the trucks and equipment he uses for his clearing business. The property is currently used to park his equipment and vehicles. The existing building is used for machine and vehicle repairs and maintenance. A "Hoover" double walled aboveground diesel fuel tank will be installed.

Ms. Laura O'Callaghan, a representative from the Finksburg Planning Area Council, appeared and expressed concern about the close proximity of the Liberty Reservoir and the North Branch of the Patapsco River to the proposed use. Board members also had concerns about contamination of the Liberty Watershed. In addition, concern was expressed about the possibility of trucks hitting the tank and causing a spill.

Mr. Naylor agreed to undertake measures to help prevent diesel fuel spillage. The measures include the installation of monitoring equipment to detect leaks and the construction of a suitable barrier around the tank to prevent trucks from hitting the tank. He has a cleanup emergency response plan for possible spills and he has hired "Clean America" to respond to the site in case of an emergency spill.

The Board finds the testimony presented to be credible and adopts it as its findings. The Board concludes that the proposed use would not adversely affect the public health, safety, security, morals or general welfare, or would jeopardize the lives or property of people living in the neighborhood, provided conditions are placed on the approval of the use to address the potential for fuel leaks. The Board considered the items listed in Section 17.7 of the Zoning Ordinance.

On motion by Mr. Wolfe and seconded by Mr. Hoff, the Board voted unanimously to approve the conditional use request for an aboveground 5,000 gallon diesel fuel tank (with containment tank), subject to the following conditions:


1. The tank must be surrounded by steel I-beams or concrete walls to prevent trucks and other equipment from hitting the tank. The I-beams and/or concrete walls must be installed deep enough in the ground provide a strong barrier. The applicant said the I-beams would be a minimum four to five feet deep in the ground. The Board found this to be logical, but requires that it will be the applicant's responsibility to insure that the barrier is strong enough to stop any large truck or vehicle from hitting the tank, whatever structural methods or standards are used.

2. Leak monitoring equipment must be installed to detect inner tank leaks. The equipment must have an adequate warning devise to allow the owner or manager to respond quickly to leaks.

August 5, 1997

Date

IM/bmh/c4233dec.bmh
August 5, 1997


James L. Schumacher, Chairman