

Tax Map/Block/Parcel
No. 68-13-470
Case 5798

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Laney Properties, LLC/Eric Sheubrooks
5400 Enterprise Street
Sykesville, MD 21784

ATTORNEY: Clark R. Shaffer, Esq.
73 East Main Street, Suite 1
Westminster, MD 21157

REQUEST: A request for Conditional use to allow two new 10,000 gallon capacity above ground petroleum products storage tanks to replace two 1,000 gallon tanks and a variance from the distance requirement from 600' to 340' for a variance of 260'.

LOCATION: The site is located at 5400 Enterprise Street, Sykesville, MD on property zoned "IR" Industrial Restricted District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Chapter 158.079 D(1)(e); 158.040; and 158.133

HEARING HELD: January 6, 2015

FINDINGS AND CONCLUSION

On January 6, 2015, the Board of Zoning Appeals (the Board) convened to hear a request for Conditional use to allow two new 10,000 gallon capacity above ground petroleum products storage tanks to replace two 1,000 gallon tanks and a variance from the distance requirement from 600' to 340' for a variance of 260'. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Eric Sheubrooks testified on behalf of the applicant. The tanks would be installed in an area with no public water or sewer in the Industrial Restricted District. He stated that the new storage tanks would be as far back from Liberty Road as possible. He added that the nearest residents would be on the opposite side of Liberty Road. Mr. Sheubrooks testified that the tanks would not literally fit into any other area on the property and would be located near the existing tanks. The tanks complied with Maryland laws and would be installed pursuant to Maryland laws. The newer tanks have double walls and also have monitors on them.

Based on a November 26, 2014 letter from Philip R. Hager, Secretary, Planning & Zoning Commission and an November 26, 2014 memorandum from Lynda Eisenberg, Chief, Bureau of Comprehensive Planning, the property was consistent with the policies and recommendations contained in the Carroll County Master Plan, the 2001 Freedom Community Comprehensive Plan, the Carroll County Master Plan for Water & Sewerage, and other functional plans. The Planning staff did “not believe that replacing the existing fuel storage tanks with larger capacity tanks would have an adverse impact on the immediate neighborhood.” It further found that the surrounding area was comprised primarily of light industry and business with single-family residential opposite MD Route 26. The Board accepted and agreed with these findings.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use and the variance requested by the applicant.

January 22, 2015
Date

Brian DiMaggio
Brian DiMaggio, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.