

Tax Map/Block/Parcel
No. 41-15-278

Building Permit/Zoning
Certificate No. 00-2254

Case 4562

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

APPLICANT: Sweetheart Cup Company, Inc.
10100 Reisterstown Road
Owings Mills, Maryland 21117

ATTORNEY: Richard R. Titus

REQUEST: An application for a conditional use request to install a 12,000-gallon double wall (UL #2085) above ground storage tank for diesel fuel to be used for fleet fueling.

LOCATION: The site is located on the south side of Houcksville Road at Sweetheart Cup, 630 Hanover Pike, Hampstead, MD 21074, on property zoned "IR" Restricted Industrial District in Election District 8.

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

HEARING HELD: April 24, 2001

FINDINGS AND CONCLUSION

On April 24, 2001, the Board of Zoning Appeals (the Board) convened to hear the application for a conditional use request to install a 12,000-gallon double wall (UL #2085) above ground storage tank for diesel fuel to be used for fleet fueling. Based upon the testimony presented, the Board makes the following findings of fact and conclusions of law.

The Applicant proposed to erect a 12,000 gallon above ground storage tank on the south side of Houcksville Road on the Sweetheart Cup warehouse facility. The proposed tank would meet all Federal, State and local codes regarding public safety, and will be inspected and approved by the Maryland Department of the Environment prior to being used. The proposed location is over 600 feet from the nearest residence. The exact location, more or less, is delineated on the site plan received by the Board as Exhibit "9".

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The fuel tank will serve only Sweetheart's on-site trucks and those of a designated common carrier. The only new traffic generated by the fuel tank would be periodic visits from a fuel truck to fill the tank. Installation of the tank is vital to the warehouse operation, as there are no other adequate refueling facilities in the area.

The Board finds that "above ground" storage tanks are more environmentally sound than buried tanks, which is a principal permitted use in the zone. The proposed tank will include safety features to protect against catastrophic fuel spills.

The Board concludes that the proposed location on the Sweetheart facility is ideal and well insulated from surrounding residences and neighboring facilities. In addition, the Board finds that the proposed use will not generate harmful effects above and beyond those inherently associated with such a use irrespective of its location within the "I-R" zone. Accordingly, the conditional use for an above ground fuel facility at the location delineated in Exhibit "9" is granted.

5-21-01

Date

Ronald F. Hoff

Ronald F. Hoff, Chairman