

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2587

PETITION OF QUARLES PETROLEUM

OPINION OF THE BOARD

(Opinion Adopted July 21, 2004)

(Effective Date of Opinion: August 17, 2004)

Case No. S-2587 is an application for a special exception pursuant to Section 59-G-2.06 (Automobile Filling Station) of the Zoning Ordinance to permit: Quarles Petroleum, Inc. proposes to lease and operate the fueling facility component of the existing Ryder rental facility, as a Class 1, unattended automobile filling station. The special exception area covers the fueling facility component of the property and consists of approximately 0.23 acres (9,987 square feet) of the site. The proposed filling station will be a typical Q-Card station that will be used by business account credit holders only, using the Q-Card system. There will be no cash sales.

The existing fueling facilities located on site include 4 diesel fuel dispensers, an illuminated canopy over the fueling area, an attendant kiosk under the canopy and 2 underground storage tanks. Quarles proposes no installation of additional fueling dispensers and proposes no major modifications to existing facilities. The station will be open twenty-four hours a day, seven days a week, 365 days a year, with visits by fuel delivery and technical personnel two to three times weekly.

Pursuant to the authority in Section 59-A-4.125 of the Zoning Ordinance, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to hold a hearing and submit a written report and recommendation for Board approval. The Hearing Examiner convened a hearing on May 3, 2004. Following a motion to amend the Petition, and several subsequent submissions from the Petitioner, the record closed on June 17, 2004. On July 16, 2004, the Hearing Examiner issued a report and recommendation for approval of the special exception, with conditions.

The subject property is in Lot 1; Block H; Montgomery County Airpark Industrial Sites Subdivision, located at 19210 Woodfield Road, Gaithersburg, Maryland, 20879, in the I-4 Zone.

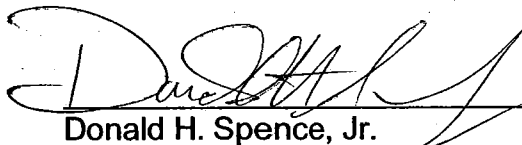
Decision of the Board: Special Exception Granted Subject to —
conditions enumerated below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on July 21, 2004. After careful consideration and review of the record, the Board adopts the report and recommendation and grants the special exception subject to the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel to the extent that such evidence and representations are identified in the Hearing Examiner's Report or in the Opinion of the Board.
2. The special exception is limited to four existing pumping stations/three fuel dispensers as an unattended operation.
3. The Petitioner must comply with stormwater and sediment control regulations of the Montgomery County Department of Permitting Services (DPS).
4. Fuel storage tank and fuel pump installation and use, must comply with the control guidelines and air quality permitting requirements of the Maryland Department of the Environment (MDE). In particular, the Petitioner must properly install, maintain and use Stage I and Stage II Vapor Recovery systems and a Vapor balance line.
5. Fuel storage tanks must meet required technical standards and must comply with all county, state and federal permitting requirements.
6. The canopy area for the automobile fuel pumps is limited to its current dimensions.
7. The former attendant's kiosk, proposed as an electrical/storage equipment storage kiosk, is limited to its present dimensions.
8. The Board's opinion will be effective no sooner than July 26, 2004.

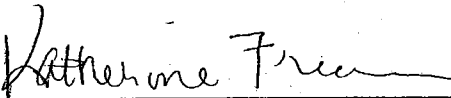
On a motion by Donna L. Barron, seconded by Louise L. Mayer, with Angelo M. Caputo and Donald H. Spence, Jr., Chairman in agreement and Allison Ishihara Fultz necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 17th day of August, 2004.



Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

