

Local building departments in Flagler and Volusia counties are saying that a propane tank must be located a minimum of 10 feet from the property line regardless of setbacks. If zoning currently requires a 10 foot setback, building departments are claiming that at some point in the future the current setbacks could be changed. Per the Florida Gas Code 401.2 Liquefied petroleum gas storage, location of storage systems for LP gas is governed by NFPA 58. We have previously petitioned the Florida Bureau of LP and they have said that the rule as stated in NFPA 58 stating that distance is measured to the "line of adjoining property that can be built upon" does not mean the property line but means the closest proximity to that line that a building can be built according to current setbacks.

We feel that per the below excerpt from NFPA, the intent is to consider current setbacks and that if the adjoining property owner wants to build closer than the setbacks currently allow, that property owner would have to apply for a variance and determination of granting or not granting the variance and who would have to pay for moving the tank at that time would be determined at the time of the decision on the variance.

401.2 Liquefied petroleum gas storage.

The storage system (container, regulators, piping and all components upstream to the point of delivery) for liquefied petroleum gas shall be designed and installed in accordance with the *Florida Fire Prevention Code* and NFPA 58.

According to NFPA 58

Paragraph 3-2.2.2 states that this distance from the tank is measured to the "line of adjoining property that can be built upon".

In an interpretation by NFPA they state "If the adjacent property can be built upon, and if there are no setbacks, the tank must be a minimum of 10 ft from the property line. If there is a zoning setback of 10 ft, and the community has a history of not granting variances without thorough study, the tank can be installed at the property line."

The above interpretation can be seen on NFPA's website at the following link:

<http://www.nfpa.org/fag.asp?categoryID=924&cookie%5Ftest=1>

We are seeking a binding interpretation of this rule in line with NFPA's interpretation that:

"If the adjacent property can be built upon, and if there are no setbacks, the tank must be a minimum of 10 ft from the property line. If there is a zoning setback of 10 ft, and the community has a history of not granting variances without thorough study, the tank can be installed at the property line."

Please advise if there are any further steps that must be taken or any other information that you may require.

