

**BOONE COUNTY BOARD OF ADJUSTMENT  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
BUSINESS MEETING  
JUNE 10, 2020  
6:00 P.M.**

Chairman Whitton called the meeting to order at 6:01 P.M.

Mr. Schwartz stated that the meeting was being held via video teleconference pursuant to KRS 61.826, SB 150 and OAG 20-05. He stated that the public hearing format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic.

Mr. Schwartz confirmed that all those in attendance could see and hear the proceedings. All those in attendance stated that they could see and hear the proceedings.

**BOARD MEMBERS PRESENT:**

Mr. George Whitton, Chairman  
Mr. Richard Miller, Vice-Chairman  
Mrs. Sherry Hempfling  
Mr. Chris Vaught  
Mr. Bill Weltzer

**BOARD MEMBERS NOT PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Mr. Michael Schwartz, Planner

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**APPROVAL OF MINUTES**

Chairman Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of March 11, 2020. He asked if there were any other comments or corrections. Vice Chairman Miller moved to approve the minutes and Mr. Vaught seconded the motion. Chairman Whitton called for the vote and it carried unanimously.

**ACTION ON REVIEWS**

1. Request of Codey and Lindsay Jones for a Variance to reduce the minimum required front yard setback from eighty (80) feet to 22' – 4" in order to build an accessory structure in the front yard. The approximate 13 acre site is located at 4363 Hathaway Road, Boone County, Kentucky and is zoned Agricultural One (A-1).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions. Vice-Chairman Miller asked what type of structure will be constructed. Mr. Codey Jones stated that the structure will be a typical pole barn measuring 48 feet wide by 30 feet deep.

Mr. Vaught asked how tall will the structure be. Mr. Jones stated that the structure will be 12 feet to the bottom of the trusses and an overall height of 20 feet.

Chairman Whitton asked the applicant if he would like to provide the Board with any other information. Mr. Jones stated that there is a utility easement along the roadway and there is another utility easement that runs through the property approximately 90 feet back from the roadway.

Mr. Weltzer asked if the structure would be used just for personal items. Mr. Jones replied yes.

Chairman Whitton asked if there was anyone else that wanted to speak to this issue. There were none. Mr. Schwartz stated that no one from the public has contacted staff about attending the meeting tonight or to provide information to present to the Board.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Vice-Chairman Miller made a motion to approve the proposed variance. Mrs. Hempfling seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

2. Request of The C.I. Thornburg Company, dba Viking Supply, per Jeffrey Morrison, on behalf of James Parsons, for a Conditional Use Permit to allow the storage of

chemicals and the wholesale trade of non-containerized chemicals. The approximate 2.7 acre site is located at 1639 Youell Road, Boone County, Kentucky and is zoned Rural Suburban (RS) and Industrial One (I-1).

Staff Member, Michael Schwartz, presented the Staff Report which included a Powerpoint presentation (see Staff Report).

Chairman Whitton asked the Board if they had any questions for staff. Mrs. Hempfling asked if there were any chemicals currently on the site. Mr. Schwartz stated that the applicant has received a permit to allow the storage of containerized chemicals but that to the best of staff's knowledge, no chemicals were being stored on the site at the present time.

Mr. Weltzer asked if the chemicals were subject to secondary containment. Ms. Mary Beth Anderson replied no. She asked Mr. Rick Parks to elaborate on the transfer of the chemicals. Mr. Parks stated that the delivery of the chemicals from the transport vehicle to a reusable tote is done in a closed system whereby a pipe fitting is placed on the transport truck and the other end has a pipe fitting to the internal storage.

Vice-Chairman Miller asked if there was any containment protocols for the transfer of the chemicals. Ms. Anderson stated that they do have a spill response protocol if the need arises.

Chairman Whitton asked the applicant if they would like to provide the Board with any other information. Ms. Anderson stated that the business is a third generation water/wastewater treatment distributor. She stated that they have voluntarily joined the National Association of Chemical Distributors (NACD). She stated that they are independently audited by the NACD. She stated that they have four other branch facilities.

Mrs. Hempfling asked if they had any data on any chemical spills in any of their other facilities. Ms. Anderson stated that they would have to keep those kinds of records, but they have not had any spills in any of their facilities.

Mr. Weltzer asked if they are subject to regulatory reporting requirements. Ms. Anderson stated that they are regulated by Homeland Security, US Department of Transportation, and OSHA.

Chairman Whitton asked if there was anyone else that wanted to speak to this issue. There were none. Mr. Schwartz stated that no one from the public has contacted staff about attending the meeting tonight or to provide information to present to the Board.

Chairman Whitton asked if there was any further discussion. There was none. Chairman Whitton asked if the Board wanted to make a motion.

Mr. Vaught made a motion to approve the proposed conditional use permit. Mr. Weltzer seconded the motion.

Chairman Whitton called for the vote and it carried unanimously.

**OTHER**

Mr. Schwartz informed the Board that an application has been received for the July meeting and that others may be submitted. Mr. Schwartz stated that it is the intent of staff to hold the July Board meeting live in the County Administration Building.

**ADJOURNMENT**

Chairman Whitton asked for a motion to adjourn the meeting. Vice-Chairman Miller made a motion to adjourn and Mr. Vaught seconded the motion.

Chairman Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:32 p.m.

**APPROVED**

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**Chairman George Whitton**

**ATTEST:**

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**Michael D. Schwartz**  
**Planner**