

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
MAY 9, 2018
6:00 P.M.**

Mr. Whitton called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

Mr. Justin Bailey
Mr. Richard Miller, Vice-Chairman
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

Mrs. Sherry Hempfling
Mr. Chris Vaught

STAFF MEMBERS PRESENT:

Mr. Todd Morgan, AICP, Senior Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Mr. Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of April 11, 2018. He asked if there were any comments or corrections? Mr. Miller moved to approve the minutes and Mr. Bailey seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Donald Swain for Reladyne for a Conditional Use Permit to allow a lubricant sales and distribution business to store chemicals inside and outside the building in an Industrial One (I-1) zoning district. The approximate 18.7 acre site is located at 3015 Kustom Drive, Boone County, Kentucky.

Staff Member, Todd K. Morgan, presented the Staff Report which included a PowerPoint presentation (see Staff Report). Mr. Donald Swain, with Reladyne, indicated the exterior exterior tank locations were shown correctly on the exterior plan and incorrectly on the interior plan.

Mr. Miller asked if there is a distance requirement between the exterior tanks and the closest residence. Mr. Morgan replied the tanks comply with all building setbacks and landscape buffer requirements from the Boone County Zoning Regulations.

Mr. Swain indicated that he was the Director of Facilities for Reladyne. Mr. Whitton asked if there was anything he wanted to add to the Staff presentation? Mr. Swain said they have 23 trucks and they each make 1 trip in and out per day. As far as tractor trailer deliveries, he would expect 3 to 5 per week. Mr. Bailey asked how this differed from the existing tenants? Mr. Swain said the building is not heavily used right now.

Mr. Whitton asked if the proposed driveway enlargement would further encroach onto the adjoining property? Mr. Swain said they will enlarge the driveway in the other direction if that's an issue. They could also look into the getting an easement from the adjoining property owner.

Mr. Whitton asked if anybody else in the audience wanted to speak for the request? There was no response.

Mr. Whitton asked if anybody in the audience wanted more information or wanted to speak in opposition to the request?

Ms. Mary Callahan said she owned the old trailer park property to the north. She asked if any other property owners at the bottom of the hill were notified? Mr. Morgan replied they were not notified because they do not adjoin the subject site. She said her concern with the request is the topography and everything would drain downhill if a tank were to leak. She asked if storm water would be looked at? Mr. Whitton replied that a Site Plan would be submitted and drainage would be analyzed. Mr. Swain said their emergency plan requires inside and outside tanks to be contained with concrete walls. She asked who keeps an eye on this? Mr. Miller replied the State Fire Marshal, Building Department, and Point Pleasant Fire Department. Mr. Bailey said there are annual inspections. She asked if there are drawings for these containment areas? Mr. Swain said they would be submitted as part of the Building Permit application. Mr. Whitton said multiple agencies will be verifying the facility and tanks meet code and they will also perform inspections. Ms. Callahan asked where the chemical suppliers would coming from? Mr. Swain said the trucks would come from I-275. She asked if the tanks had to be located so close to the hill? She has concerns about chemicals leaking and them leaching into the soil as they come down the hill. Mr. Morgan said an email from Jerry Noran, the Chief Building Official for Boone County, is attached to the Staff Report. It indicates the outside storage tanks for hazardous liquids will need to be permitted, approved, and inspected by the State Fire Marshal's Office. She asked if she should contact them for more information? Mr. Whitton replied she should if she feels like she needs more information. She said she doesn't want her property values to be diminished because there are big tanks sitting on top of the hill. Mr. Miller said they will not be able to get a Certificate of Occupancy unless the facility and tanks are inspected by all the appropriate agencies. The tanks would be designed to current standards (double walled) because they are new. Ms. Callahan said things like Three Mile Island and Chernobyl have happened. Everybody assured nothing would ever happen at those places too before the disasters occurred. These tanks are right over her property and a lot of her neighbors didn't know about the request. Mr. Whitton said it's to Reladyne's benefit to see that the tanks don't leak. She replied that people and businesses can cut corners. Mr. Whitton replied that is why agencies perform inspections. She indicated that Sanitation District No.1 had her go through a lot of steps when removed the trailers from her property. They were concerned about runoff. Mr. Miller said that is why containment walls are required around the tanks. They would prevent chemicals from getting into the ground water.

Ms. Callahan asked how big the tanks would be? Mr. Swain estimated they would be 12' high and 12' wide. One tank would contain diesel fuel and the other would contain methanol, which is used to make windshield wiper fluid.

Mr. Whitton asked Mr. Swain to explain the chemicals and fuels in the tanks? Mr. Swain said part of their business is selling products to companies like Auto Zone. They would dilute the Methanol with water to create windshield wiper fluid. They also have a service group that keeps contracting equipment gassed, greased, and serviced. They would take the diesel fuel in the tank and deliver it to the job site. Ms. Callahan asked if there are any pipelines proposed? Mr. Swain responded there are not.

Mr. Whitton indicated that there was no one else present in the room the speak for or against the request. He asked for a motion.

Mr. Miller made a motion to approve the request as submitted and Mr. Bailey seconded the motion. He asked if there was any further discussion? There was no response. He called for the vote and it carried unanimously.

OTHER

No other business was discussed.

ADJOURNMENT

Mr. Whitton asked for a motion to adjourn the meeting. Mr. Miller made a motion to adjourn and Mr. Bailey seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:25 p.m.

APPROVED

Mr. George Whitton

ATTEST:

Todd K. Morgan, AICP
Senior Planner