



March 4, 2021

Ms. Dori Schweitzer (dori@andisllc.com)
7897 Tippenhauer Road
Highland Heights, KY 41076

Mr. Ricky Schweitzer
7947 Tippenhauer Road
Highland Heights, KY 41076

RE: Non-conforming Use of Properties (999-99-20-004.00 and 999-99-20-004.01) as a Home-Based Business

Dear Ms. Dori Schweitzer and Mr. Ricky Schweitzer

In the fall of 2020, we received numerous complaints about heavy construction activity at the end of Tippenhauer Road. Further investigation clarified that Andis, LLC was operating in the area.

We appreciate the responsiveness of Ms. Schweitzer in responding to our inquiries regarding the use of two parcels (listed) and an understanding the on-site business activity.

- 999-99-20-004.00, 7947 Tippenhauer Road - Approximately 60 acres owned by SCHWEITZER RICKY and SCHWEITZER DORI
- 999-99-20-004.01, 7897 Tippenhauer Road - Approximately 11 acres owned SCHWEITZER DORI



These properties are located within the A-1 Zone as defined in Campbell County Zoning Ordinance Article X, Section 10.1 Agricultural Zone. A home-based business is eligible to be permitted with in this zone, provided that the business operates in accordance with Article IX, Section 9.11 Home Based Businesses.

These properties are also located within Agricultural Districts #019 as defined by the Campbell County Conservation District.

Field review - A field visit was conducted on December 5, 2020. Ms. Schweitzer was provided a copy of Campbell County Zoning Ordinance Section 9.11 Home Based Business and an application for a Home-Based Business (HBB) in advance of the field

visit. Ms. Schweitzer provided a completed copy of the HBB application for the activities ongoing at 7897 Tippenhauer Road at the time of the visit and provided a tour of the business activities which included both properties. No HBB application was provided for 7947 Tippenhauer Road.

It was found that Andis, LLC which is owned by Ms. Schweitzer was operating on both parcels.

Office - An accessory structure adjacent to the house at 7897 Tippenhauer Road (primary residence of Ms. Dori Schweitzer) was being converted into office space. This structure was originally permitted as a farm exempt barn in 2005.

Ms. Schweitzer indicated the building renovation was designed to hold 3 employees who are currently working from the house. No records of construction permits were found at the time of the initial field visit. Ms. Schweitzer subsequently filled for a building permit, electric permit and HVAC permit for the ongoing building renovation of the accessory structure adjacent to the house at 7897 Tippenhauer Road.



No evidence of outside storage related to the business was found at the office location. A vehicle bearing the Andis company logo with Illinois tags was present.

Construction Equipment Staging Area – A gravel parking area was located adjacent to a barn at 7947 Tippenhauer Road. The primary residence of 7947 Tippenhauer Road was not identified. Ms. Schweitzer indicated that numerous loads of gravel were brought into the site over a period of approximately 3 days. This coincides with the initial complaints of business activity.

Ms. Schweitzer later indicated that this was approximately \$30,000 of gravel.

Several pieces of construction equipment (flat bed, back hoe, drum roller) were stored outside. A shipping container and fuel dispenser were on site. A dump truck arrived during the site visit. Ms. Schweitzer indicated that there were 3 dump trucks in total.



Ms. Schweitzer stated that approximately 6 to 7 workers arrive to the site, park their cars and transport the trucks / equipment to an off-property work site. Ms. Schweitzer further

indicated the majority of the time the equipment is at a field site and would be remain at the field site for months at a time.

A gully adjacent to this gravel area has also been cleared. Ms. Schweitzer indicated that the intent was to backfill the gully to provide a larger parking area. No grading permit is on file with Sanitation District No.1.

Ms. Schweitzer was subsequently emailed a map indicating the flood zone and informed that a Stream Construction Permit would be required for the placement of fill in the Flood Zone.

Cattle farming activity was present at 7947 Tippenhauer Road and farm equipment was also present.

A subsequent visit to the site was conducted on March 2, 2021. Additional equipment was noted on site including a semi-trailer. Additional areas have been cleared and grubbed at the site since the initial visit.

In researching Andis, LLC, the following items were found.

The office of the Kentucky Secretary of State identifies that Andis, LLC as a Kentucky - Limited-Liability Company which was filed on January 10, 2018. The company's filing status is listed as A – Active. (File Number: 1007412)

The Registered Agent on file for this company is Dori Schweitzer and is located at 7897 Tippenhauer Rd, Highland Heights, KY 41076. The company's principal address is 7897 Tippenhauer Rd, Highland Heights, KY 41076.



Internet searches of the Andis LLS resulted in website describing the business. The address and directions to the site are provided within the company's advertising.

Below are screen captures from the site:



ABOUT US

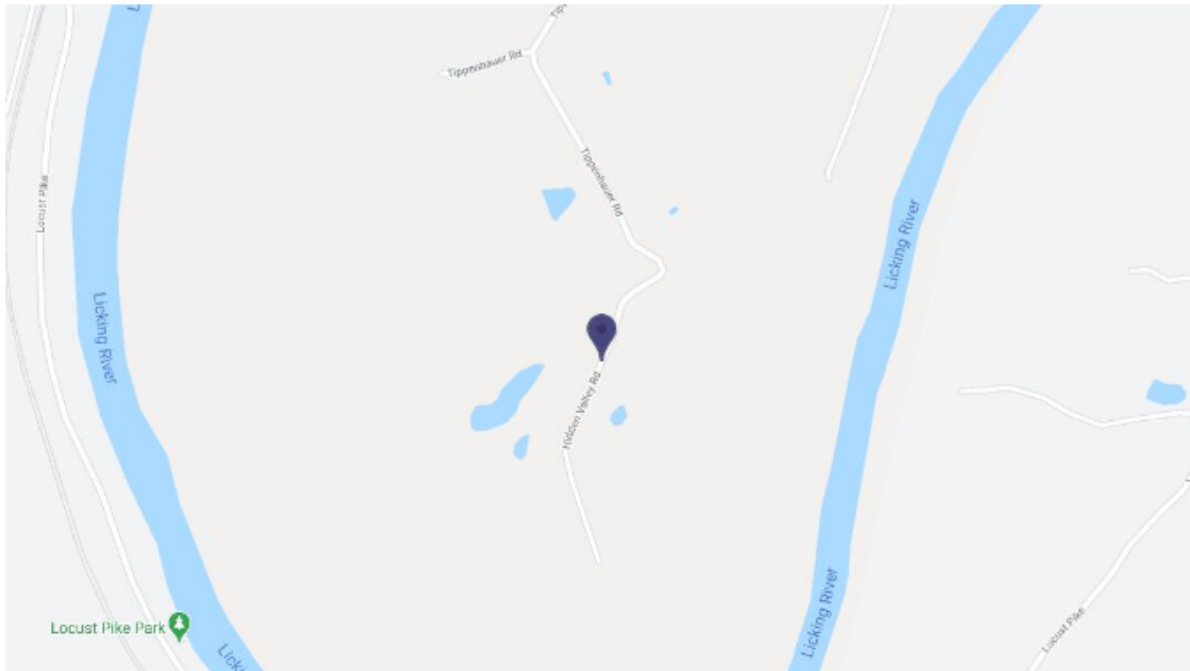
Organized in 2018 by, Dori Schweitzer, Andis, LLC is a certified Disadvantaged Business Enterprise (DBE) and certified Women's Business Enterprise National Council member (WBENC), providing site-solutions to companies throughout the Mid-West and beyond. Andis, LLC brings many years of experience in business management, project planning, logistics and communication, heavy equipment operation, and site supervision in the areas of recyclable metals, power plant demolition and environmental remediation, SWPPP Controls, Right-of-Way Clearing, and site access solutions; including but not limited to temporary construction entrances, access mating, and timber bridge installation.

Our company is young, but our core values combined with our dedication to providing our contractors with high quality and time efficient work, while maintaining safety standards, staying within budget, and focusing on environmental conservation within the scope of our work, pivots us to the forefront of the industry in which we serve.

GALLERY



CONTACT US



Contact

CALL NOW

(859) 905-0570

Address

GET DIRECTIONS

7897 Tippenhauer Rd
Highland Heights, KY 41076
United States

Business Hours

Mon: 8:00 AM – 6:00 PM
Tue: 8:00 AM – 6:00 PM
Wed: 8:00 AM – 6:00 PM
Thu: 8:00 AM – 6:00 PM
Fri: 8:00 AM – 6:00 PM
Sat: 8:00 AM – 3:00 PM
Sun: Closed

As a result of these investigations we have separated the request for the operation of a Home-Based Business into each of the respective parcels.

Office Operations at 7897 Tippenhauer Road - This site is the primary residence of the business owner, Ms. Dori Schweitzer. One accessory structure is permitted as part of a Home-Based within the A-1 Zone. The office structure (former barn) is clearly subordinate to the residential home. There is no change in the outside appearance of the building or premises or outdoor storage for the business on this parcel.

There is no signage on the property, but the business website includes direction to its site.

The zoning ordinance states - no more than one (1) No more than one (1) employee other than those residing on the premises shall be engaged in a Home-Based Businesses on the premises at any one point in time. The application indicates three (3) non-resident employees working on the property. The office has a capacity of five (5) persons.

Office-type work is a permitted Home-Based Business use. The Office hours from 8:00am to 5:30 pm as indicated on the application are acceptable. The application indicated that no deliveries related to the office use are received on the property.

We request that the office operations of ANDIS LLC Inc. at 7897 Tippenhauer Road be immediately modified to comply with Campbell County Zoning Ordinance Article IX, Section 9.11 HOME-BASED BUSINESS. A reduction in non-resident employees is required at the office site whether operating from the home or newly converted barn. Note that an applicant can apply to the Board of Adjustments for a waiver of one or more of the HOME-BASED BUSINESS regulations. However, to continue to operate, the business must remain in compliance with the Ordinance until such time as or if a waiver is granted.

Construction Equipment Staging Area at 7847 Tippenhauer Road – With respect to the operation of the Construction Equipment Staging area we find the following items to be in conflict with the Zoning Ordinance for Home-Based Businesses:

- The business owner for Andis LLC is Ms. Dori Schweitzer. Although Ms. Dori Schweitzer is a partial owner of 7847 Tippenhauer Road, this site is not her primary residence.
- Based upon the employee parking and statements by Ms. Schweitzer, more than one (1) employee other than those residing on the premises is gathering on this site.
- This portion of the business is being conducted outdoors including the staging of construction vehicles and related equipment. A semi-trailer and shipping container are being used to partially shield the construction vehicles/equipment from the road. Much of the equipment is larger than these units. The area is not property screening from neighboring residential properties.
- Ms. Schweitzer had indicated this equipment frequently travels off-site for months at a time but this statement is inconsistent with the regular activity at the site as indicated by the neighboring community.
- The large equipment traffic is in greater volumes, location or type than would normally be expected in a residential or agricultural neighborhood. The equipment is common to an industrial site.

Tippenhauer Road is a dead-end. The road varies in width but is consistently one lane. The road is posted at 25 MPH, with numerous tight curves, blind spots, and soft shoulders.

- A fuel dispensing unit not commonly associated with a home-based business is in the construction staging area.
- Noise from the equipment operation is not typical to a residential neighborhood. Multiple diesel construction vehicle enter and exit the site regularly often before 7:00 am.

In addition to being in conflict with numerous sections of the Zoning ordinance for Home Based Businesses, we have found that the Construction Equipment Staging Area at 7947 Tippenhauer Road exceeds the type, intensity, or use is unsuitable of a Home-Based Business in a residential or agricultural zone. **We would therefore order that the operation of this business known as ANDIS LLC Inc. immediately cease operation at 7947 Tippenhauer Road and storage of the equipment be brought into compliance with the zoning ordinance with ten (10) days.**

Your cooperation is greatly appreciated. You can contact our office at (859) 292-3880 with any questions.

Best regards,



Cynthia Minter, AICP CFM
Director of Planning & Zoning

*****NOTE: Any person, or entity claiming to be injuriously affected or aggrieved by this decision may appeal to the Campbell County and Municipal Board of Adjustment within thirty (30) days of receiving notice of this action, pursuant to KRS 100.261 and Campbell County Zoning Ordinance Section 18.2*****

Attachments

- Campbell County Zoning Ordinance - Article IX, SECTION 9.11 HOME- BASED BUSINESS
- Site Photos
- HHB Application

cc: Property File
M. Elberfeld, County Administrator
S. Franzen, County Attorney
M. Smith, P&Z Attorney

SECTION 9.11 HOME- BASED BUSINESS

Home occupations or a Home-Based Business is a business, profession or other economic activity conducted full- or part-time at the principal residence of the person conducting the business. Home-Based Businesses are frequently used as incubators during the start-up phase of the operation. Existing or new businesses which exceed the regulations of this ordinance may be deemed as ready to transition to a professional environment and are subject to action by the Planning Commission or their duly authorized representative regarding non-conformance with this Section 9.11.

The use of property for agricultural purposes is not considered a Home-Based Business and shall not be governed by the Home-Based Business regulations of this Section 9.11.

A. GENERAL REQUIREMENTS: The following requirements shall apply to a Home-Based Business:

1. No more than one (1) employee other than those residing on the premises shall be engaged in a Home-Based Businesses on the premises at any one point in time.
2. The use of a structure for the Home-Based Business shall be clearly incidental and subordinate to its use for residential purposes. The Home-Based Business shall be conducted indoors.
3. There shall be no outdoor operations or storage of materials, products or equipment for a Home-Based Business in a residential zone. Accessory structures may be used for a Home-Based Business in the R-RE and A-1 zones but shall be limited to one (1) accessory structure per lot.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a Home-Based Business that will indicate from the exterior that the building is being utilized in part for any purpose other than its primary permitted use.
5. Signage is subject to Article XIV.
6. No unreasonable traffic or parking shall be generated by a Home-Based Business in greater volumes, location or type than would normally be expected in a residential neighborhood.
7. The use shall not involve the storage or use of hazardous, toxic, flammable or explosive substances, other than types and amounts commonly found in a dwelling.

8. No equipment or process, which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses beyond the boundary of the property shall be used in such Home-Based Business. Noise shall be limited to those typical to a residential neighborhood.
 9. Based upon the potential nuisances of a proposed Home-Based Business, it may be determined that a particular type, intensity, or use is unsuitable.
- B. **LIGHT HOME-BASED BUSINESS:** Light Home-Based Businesses shall be limited to the following types of activities and shall not require a zoning permit provided that they meet the General Requirements (listed above):
- Office-type work,
 - Custom sewing and fabric crafts,
 - Creation of visual or musical arts,
 - Sales and surveys over the phone or computer,
 - Off-site sales or work, where the premises are used only for office and/or storage,
 - Instruction or tutoring limited to a maximum of two (2) students on the premises at any one time, or
 - Trucking Owner/Operator limited to one (1) motorized vehicle without trailer.
- C. **GENERAL HOME-BASED BUSINESS:** In addition to the General Requirements (listed above), General Home-Based Businesses are subject to the additional requirements:
1. Include a minimum of one (1) off-street parking space (which may include a space for the dwelling). The front yard should not be used as a parking space in order to retain the residential character of the property.
 2. Hours of operation, including delivery and receiving, shall be conducted in a way that is not perceptible from beyond the lot line between the hours of 10:00 p.m. and 7:00 a.m.

General Home-Based Businesses are limited to the following types of activities and shall require a zoning permit:

- At-home childcare with a maximum child care capacity of ten (10) at any one (1) time,
- Auto detailing excluding body shop,
- Beauty/cosmetology,
- Catering for off-site consumption,
- Craftsmanship including woodworking/metalworking,

- Electronic repair,
- Gun/archery repair,
- Landscaping/mowing,
- Pet grooming excluding kennels and pet daycares,
- Printing/engraving,
- Small engine repair,
- Taxidermy, or
- Upholstery

- D. **OTHER HOME-BASED BUSINESS:** In addition to the General Requirements, Other Home-Based Businesses are commonly subject to additional requirements. No zoning or building permit shall be issued for Other Home-Based Businesses or any customary accessory buildings until and unless the location of said use shall have been applied for and approved as part of a conditional use permit by the Board of Adjustment as set forth in Section 9.14. Other Home-Based Businesses are those not specifically identified by Light or General Home-Based Businesses.
- E. **WAIVER:** A Home-Based Business may apply for a waiver of one or more of the General Requirements through the Board of Adjustments. KRS 100.247 states that a variance cannot contradict zoning regulation. The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

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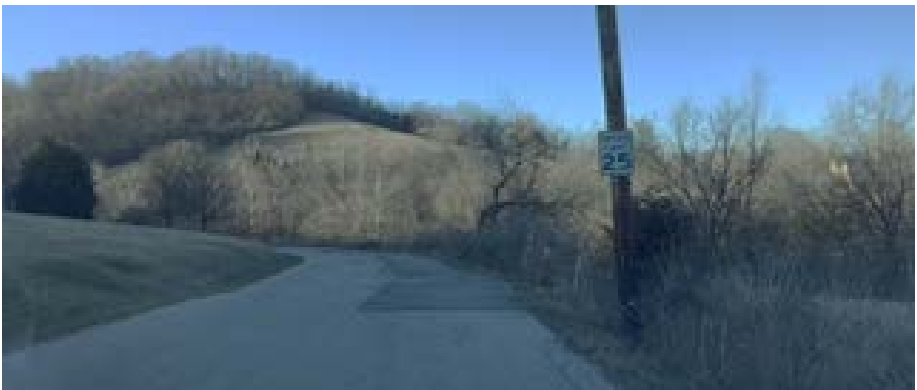
Approach to Site and Office Location



Farm



Employee Parking and Equipment Staging Area









Drainage Area / Grading