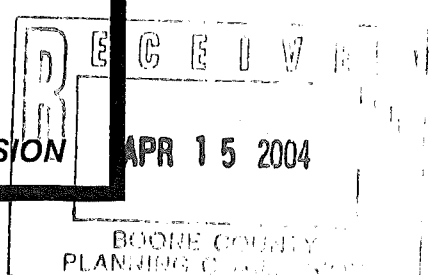


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
1. y Boone Florence Walton Union
2. Conditional Use Permit Variance Appeal
y Change in Non-Conforming Use
3. Applicant's Name Arthur Schneider, contact: Bartley Schneider
Phone Number (859) 586-8440 Fax No. (859) 689-0715
Applicant's Address 1687 North Bend Rd.
Hebron, KY 41048
4. Description of Request: see attached letter
5. Name of Development Art Schneider Pallet Co.
6. Location of Development 1419 Tanner Rd.
Hebron, KY 41048
7. Acreage Under Review .079 and 8.78 acres combined
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Arthur Schneider
Phone Number of Owner (859) 689-7415
10. Address of Property Owner same as above
11. Proposed Use(s) on Site see attached letter
12. Total Square Footage of Existing and/or Proposed Buildings 144 s.f.
13. Current Zoning on Property A2
14. Deed Book 555 Page No. 80 Group No. 2002
15. Is the site subject to a zone change? no
If yes, give date of approval
16. Have you submitted a Site Plan with this request? yes
17. Have you submitted a list of adjoining property owners with this request? yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature]

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 4-15-04 Fee Received \$ 395.00 ~~384.66~~
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No Also R 384.94
3. Staff Reviewer \_\_\_\_\_ 4-19-04 32.00
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
5/12/04 Approved  
5/12/04 Approved with Conditions (See #6)  
Denial (See #7).
6. Conditions of Approval: SEE 5/12/04 B.C.B.O.A.  
MEETING MINUTES
7. Reasons for Denial: \_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

## STAFF REPORT

APPLICANT: Bartley Schneider  
LOCATION: 1419 Tanner Road, Boone County, Kentucky  
ZONING: Agricultural Estate (A-2)  
DATE: May 12, 2004

### PROPOSAL

The applicant is requesting a Change in Non-Conforming Use so Art Schneider Pallet Company can construct a building addition or place a modular office building on the property. The submitted letters and Concept Development Plan (see attachments) indicates that proposed office will be located in one of the following locations:

- Option A: 144 square foot (12' x 12') office located on an existing concrete pad in the limits of the inventory yard.
- Option B: 140 square foot (10' x 14') office located along the northeast facade of the building.

The applicant has informed Staff that they have an approximate 144 square foot office in their existing building. They want to convert this office into a work space for employees that reconstruct pallets. This would allow the workers to work under roof when there is bad weather.

### SITE CHARACTERISTICS

The pallet company occupies approximately nine-tenths of an acre on the 9.6 acre tract. Access to the site is provided from a curb cut that exists on Tanner Road. The site does not contain any striped parking areas. Parking occurs in the Tanner Road right-of-way and in an aisle that is located between Tanner Road and the front of the building and pallet storage area. The site also contains a pallet incinerator and an approximate 2,250 square foot building. The building contains an approximate 144 square foot office and work areas for employees that construct pallets. The topography of the property ranges from 730 feet above sea level at the northwest property line (adjoining Parlor Grove) to 500 feet above sea level at the Tanner Road right-of-way. Other than the entrance, the pallet company is buffered from adjoining properties by large deciduous trees (see aerial map).

### APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to act on applications for changes in non-conforming use.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 272 of the Boone County Zoning Regulations states "where, at the time of the adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted."

K.R.S. 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The board of adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Article 6, Sections 621 and 623 of the Boone County Zoning Regulations do not list fabricated wood product businesses as principally permitted uses or conditional uses in the Agricultural Estates (A-2) zoning district.

Article 33, 3325 of the Boone County Zoning Regulations states that businesses shall provide one parking space per 250 square feet of office space; one stall for every company vehicle that is kept on site, and one parking stall per two employees on the largest shift.

### SURROUNDING LAND USES & ZONING

- North: Single-Family Residential Dwellings Fronting on River Road (A-2)
- South: Single-Family Residential Dwelling (A-2 & RS)
- East: Tanner Road & Undeveloped Parcel (A-2 & SR-1/SC)
- West: Single-Family Residential Dwellings In Parlor Grove Subdivision (RS)

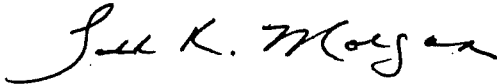
### STAFF COMMENTS

1. The business is non-conforming because it is located in an Agricultural Estate (A-2) zoning district. Pallet businesses without incinerators are principally permitted in the Industrial One (I-1) and Industrial Two (I-2) zoning districts. Pallet businesses with incinerators are conditional uses in the Industrial Two (I-2) zone.
2. Staff consulted legal counsel in regard to this request. It is Staff's understanding that the proposal for a change in non-conforming use can be viewed in the following fashions:
  - a. The proposed addition will enlarge the existing non-conforming use in terms of gross square footage;
  - b. The proposed addition will not be more objectionable than what already exists on the lot. The addition will be used as an accessory office to a pre-existing, non-conforming pallet business.
3. Staff is concerned that there are no striped parking areas for customers or employees.
4. Staff believes that option B is more aesthetically pleasing because it places the office addition against the existing building.
5. If the Board grants the request, Staff recommends the following conditions:
  - a. The approval is for option B only;
  - b. The office addition cannot be any closer to Tanner Road than the existing building;
  - c. Stripped parking will be provided on the site. The layout of the stalls and number of stalls will meet the requirements of the Boone County Zoning Regulations.

Conclusion

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Change-in-Non-Conforming Use.

Respectfully submitted,

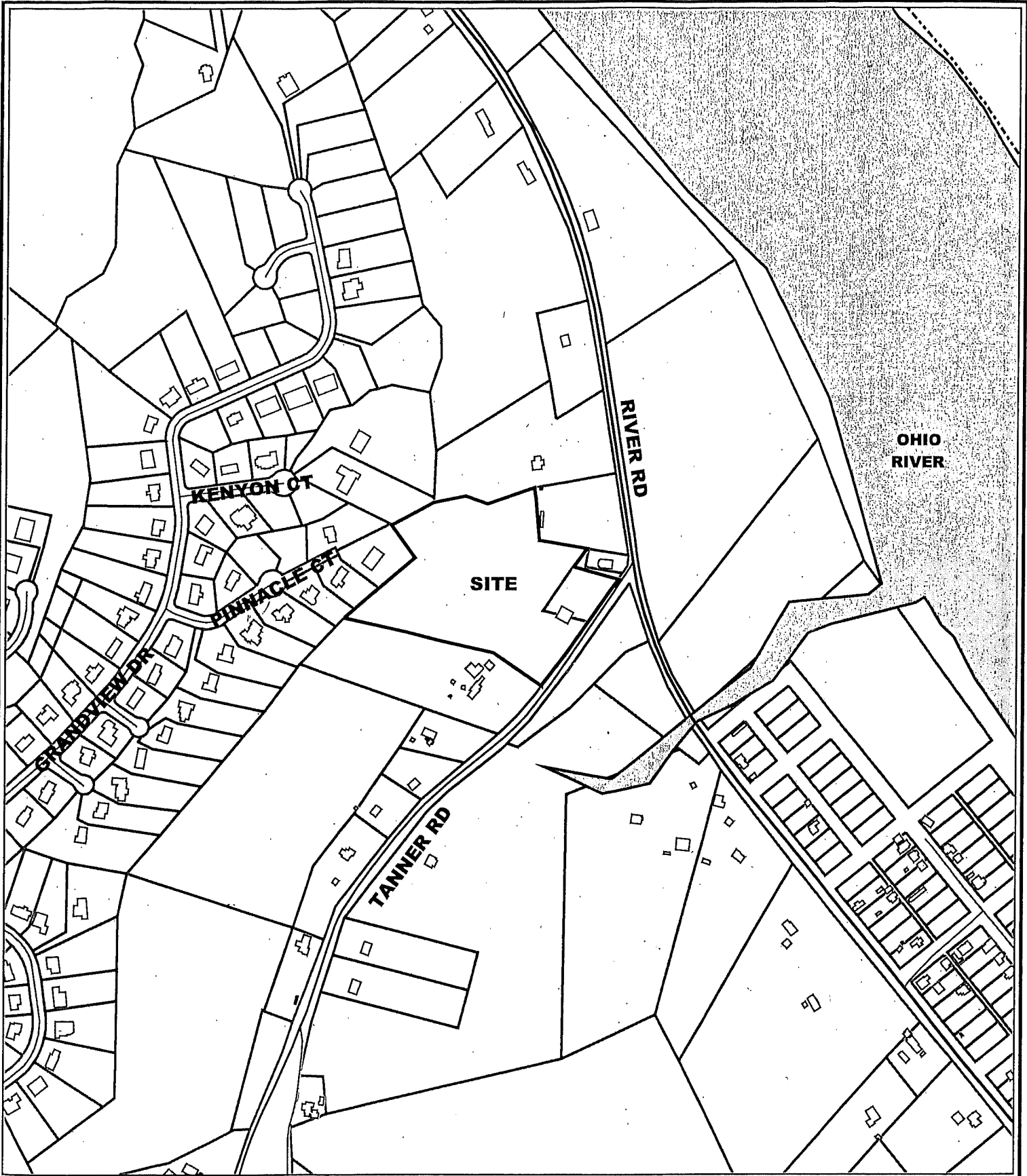


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter 1 From Applicant
- Exhibit C – Letter 2 From Applicant
- Exhibit D – Concept Plan
- Exhibit E – Aerial Map
- Exhibit F – Zoning Map
- Exhibit G – Topographical Map
- Exhibit H – Application



1 inch equals 500 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 19, 2004



# 1419 Tanner Road

ART SCHNEIDER PALLET CO.  
1687 North Bend Road  
Hebron, KY 41048

859-586-8440 - Sales  
859-689-7415 - Accounting Dept.  
859-689-0715 - Fax

April 13, 2004

Board of Adjustment & Zoning Appeals Action  
Boone County Planning Commission  
2995 Washington St.  
Burlington, KY 41005

Dear Sirs,

Our company is an existing pallet sales facility who is seeking change in a non-conforming use which would rearrange and improve existing uses on this site.

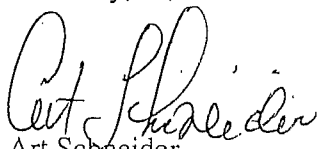
We want to move the interior office by proposing one of 2 options so we can create a usable workspace for someone who is currently working outside in all types of weather.

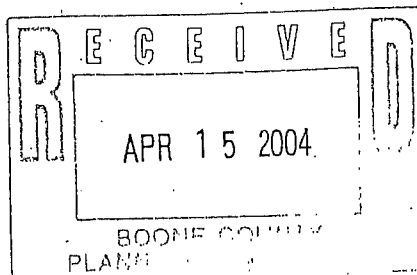
(A) Option 1: To re-locate interior office on the existing concrete pad near the front of the lot by constructing a framed out building similar to our existing building. Dimensions 12 x 12'.

(B) Option 2: To re-locate office adjacent to our existing building on the concrete pad with a frame construction. Dimensions 10 x 14'.

Please contact us at the number listed above if you have further questions or comments. Thank you.

Sincerely,

  
Art Schneider  
Bartley Schneider  
Owners



ADDING EITHER 140 FE<sup>2</sup> OR 144 FE<sup>2</sup>  
BUILDING FOR OFFICE WORK  
(OPTION A + B)

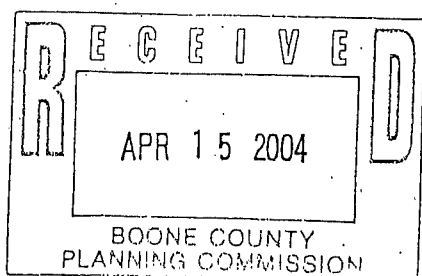
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<sup>OFFICE</sup>  
THIS ACTIVITY IS CURRENTLY BEING  
PERFORMED IN AN APPROXIMATE  
12' X 12' OFFICE IN THE EXISTING  
BUILDING.

---

EXISTING OFFICE AREA INSIDE BUILDING  
WILL BE USED AS A WORKSPACE FOR  
AN EMPLOYEE THAT IS RECONSTRUCTING  
PALLET. THIS WILL ALLOW THE EMPLOYEE  
TO WORK UNDER ROOF (STAY OUT OF WEATHER)

---



Bartyl Shuler

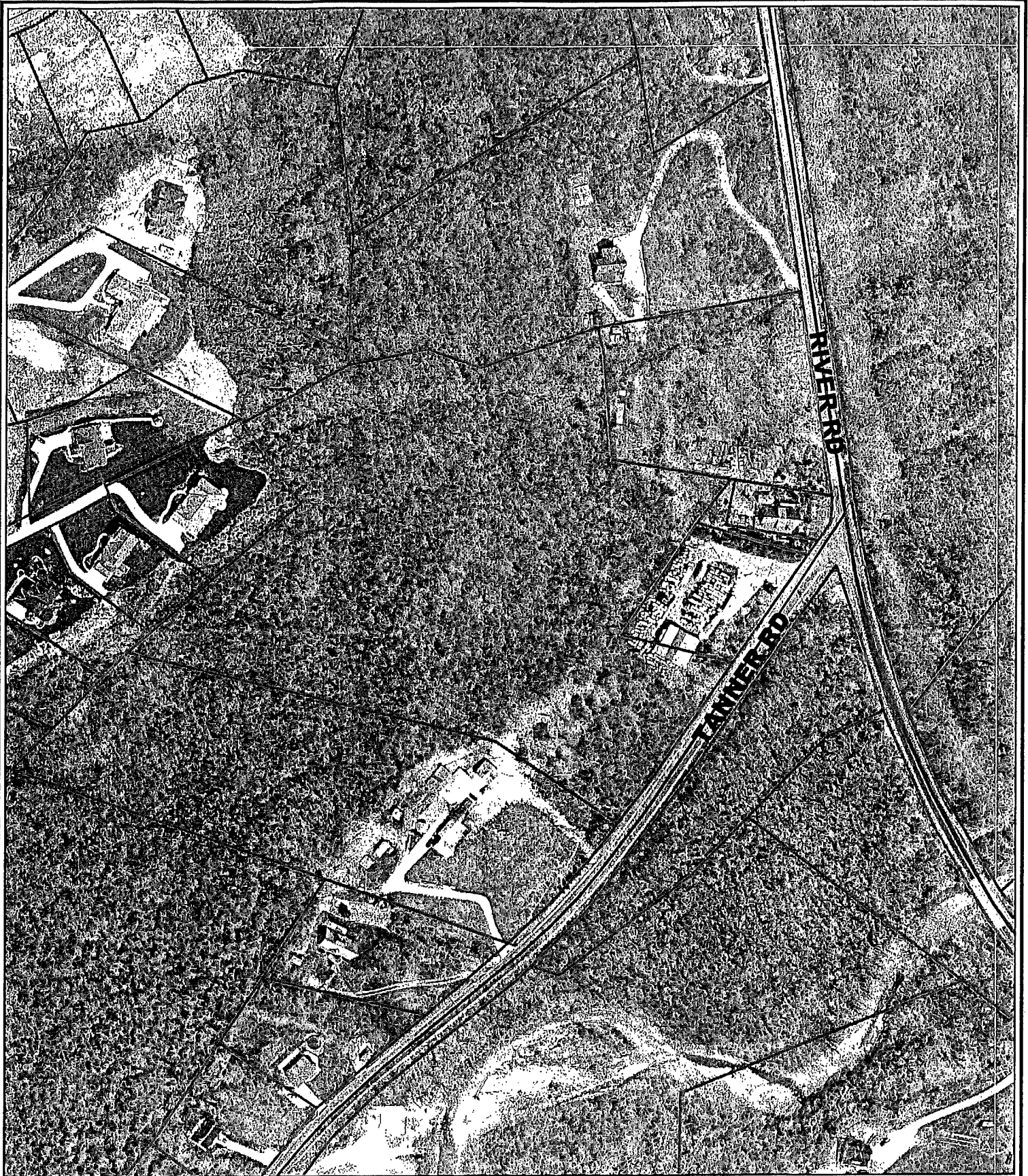


60 0 60 Feet

1 inch equals 60 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 12, 2004



# KY 8/Tanner Road



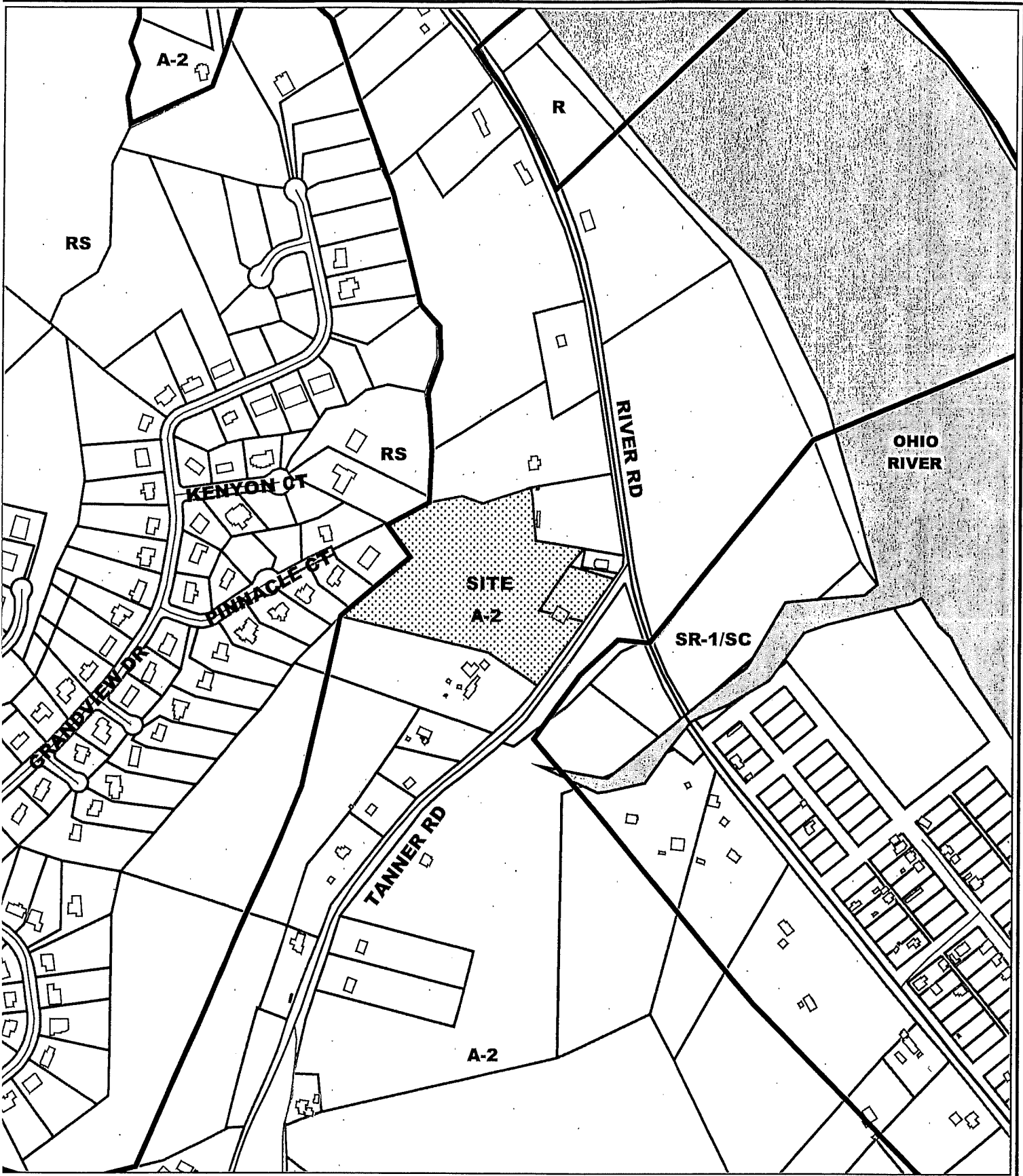
# 1419 Tanner Road Aerial Map

200 0 200 Feet

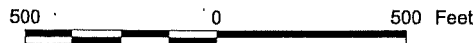
1 inch equals 200 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 19, 2004



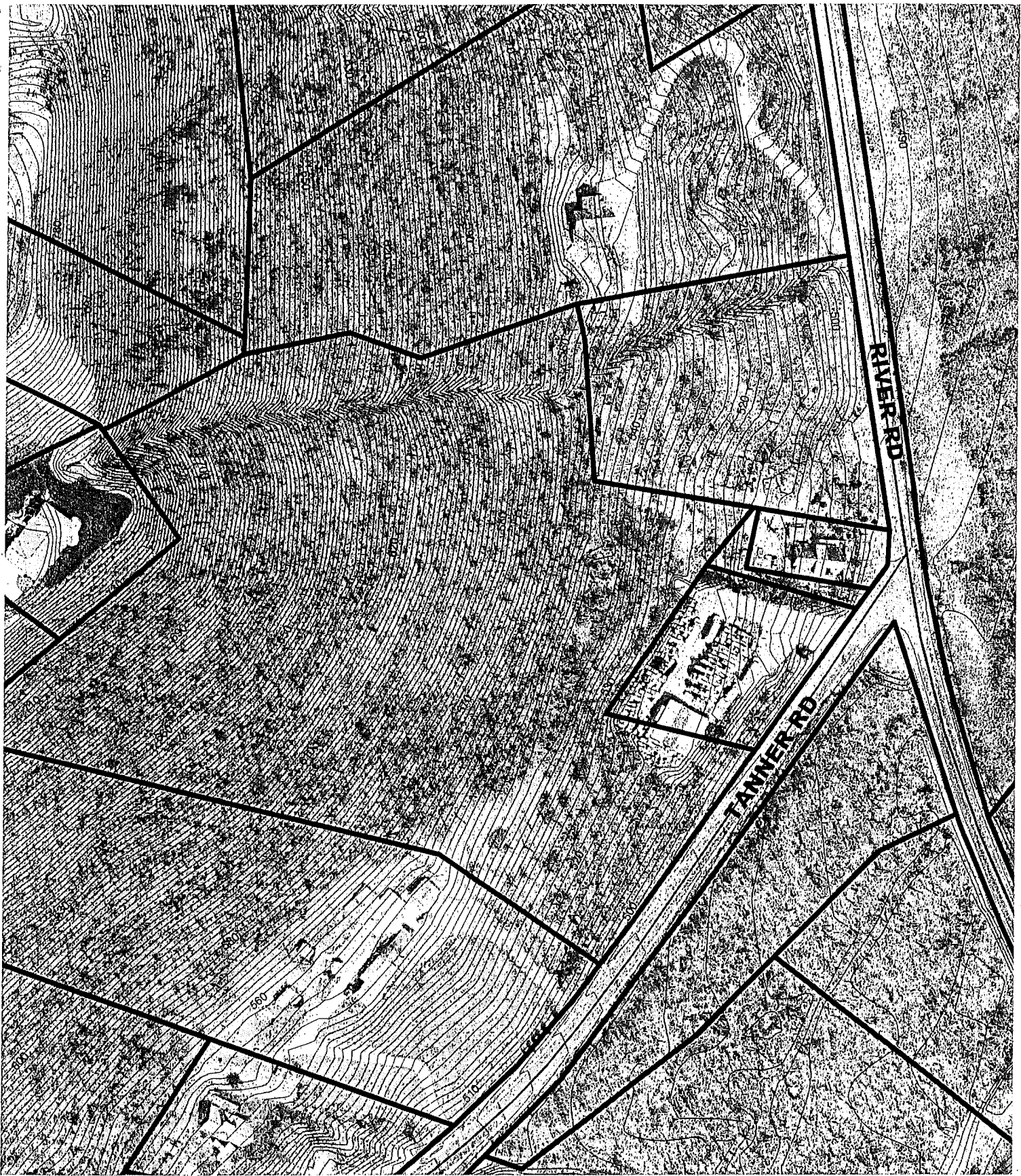


# 1419 Tanner Road Zoning Map

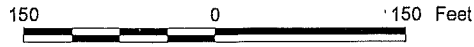


1 inch equals 500 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 April 19, 2004





# 1419 Tanner Road Topographical Map



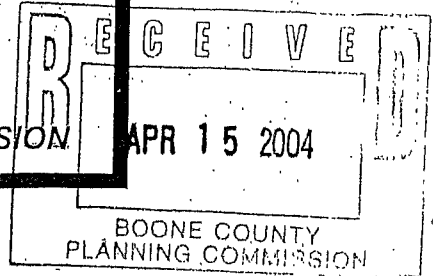
1 inch equals 150 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 3, 2004



APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One)

2. \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
 Change in Non-Conforming Use

3. Applicant's Name Arthur Schneider, contact: Bartley Schneider  
Phone Number (859) 586-8440 Fax No. (859) 689-0715  
Applicant's Address 1687 North Bend Rd.  
Hebron, KY 41048  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

4. Description of Request: see attached letter

5. Name of Development Art Schneider Pallet Co.

6. Location of Development 1419 Tanner Rd.  
Hebron, KY 41048

7. Acreage Under Review .079 and 8.78 acres combined

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property Arthur Schneider

Phone Number of Owner (859) 689-7415

10. Address of Property Owner same as above

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

11. Proposed Use(s) on Site see attached letter

12. Total Square Footage of Existing and/or Proposed Buildings 144 s.f.

13. Current Zoning on Property A2

14. Deed Book 555 Page No. 80 Group No. 2002

15. Is the site subject to a zone change? no

If yes, give date of approval \_\_\_\_\_

16. Have you submitted a Site Plan with this request? yes

17. Have you submitted a list of adjoining property owners with this request? yes

18. I, or we, understand and agree that this application and drawing(s) are being filed in

accordance with the Boone County Zoning Regulations.

Applicant's Signature: Arthur Schneider

Property Owner's Signature: Arthur Schneider

COPY

CLUR #04-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Arthur Schneider  
1419 Tanner Road  
Hebron, KY 41048

2. ADDRESS OF PROPERTY

1419 Tanner Road  
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Art Schneider Pallet Company

4. DEED BOOK 555

PAGE NO. 80

GROUP NO. 2002

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning

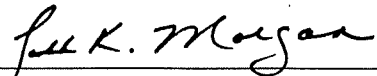
Subdivision Plat  
(Not Recorded)

Other: Change in Non-Conforming Use

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

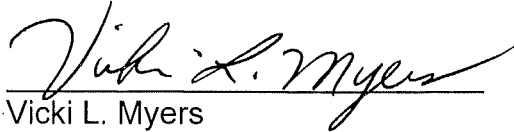
  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

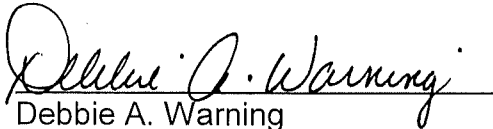
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 18 day of May, 2004.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2007

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Change in Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of May 12, 2004 Certificate of Land Use Restriction (#04-BCBOA-013-A), for Arthur Schneider, Property Owner(s).

The following conditions will apply:

- 1) The approval is for a 140 square foot , 10' x 14', office located along the northeast façade of the building on the basis that it will be connected to the existing structure and not create another building.
- 2) The office addition cannot be any closer to Tanner Road than the existing building.
- 3) There is to be a specific area marked for visitor parking so that visitors know where to park.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 555

PAGE NO. 80

GROUP NO. 2002