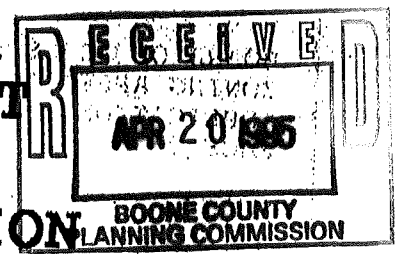


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. (Check One) Boone Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Change in Non-Conforming Use
3. Applicant's Name Boone County Chiropractic (Gail Forlenza, Pr
 Phone Number 371-2366 Fax No. 371-4490
 Applicant's Address 7312 U.S. 25
Florence KY 41042
 City State Zip
4. Description of Request: See Attachment
5. Name of Development N/A
6. Location of Development N/A
7. Acreage Under Review 0.14
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lots 24 & 25
9. Owner of Property Future Real Estate Corp.
Phone Number of Owner 371-4490
10. Address of Property Owner 8157 Woodcreek Dr.
Florence KY 41042
City State Zip
11. Proposed Use(s) on Site Chiropractic Doctor's Office
12. Total Square Footage of Existing and/or Proposed Buildings
1400 SF
13. Current Zoning on Property SR-2
- *14. Deed Book 568 Page No. 143 Group No. 2042
15. Is the site subject to a zone change? UNKNOWN
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: Gail Forlenza
 Property Owner's Signature: [Signature]

525-2663 when operational

(over)

* also Plat Book 1, Pg. 106

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

1. Date Received April 20, 95 Fee Received 416.⁰⁰ R# 6473
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ Approved
_____ Approved with Conditions (See #6)
_____ Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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

DEVELOPMENT: Boone County Chiropractic
APPLICANT: Jeff & Gail Forlenza
ZONING: Suburban Residential Two (SR-2)
DATE: May 10, 1995

The request by the applicant, Jeff & Gail Forlenza, is for an Appeal of the Zoning Administrator's interpretation of the City of Florence Official Zoning Map and the interpretation of the Boone County Zoning Regulations pertaining to the principally permitted uses within a Suburban Residential Two (SR-2) zoning district for property located at 7312 Dixie Highway, Florence, Kentucky, for the purpose of operating a chiropractic office.

History of Site/Complaint

On November 18, 1994 a letter regarding the zoning of 7312 Dixie Highway, Florence, was sent to Mr. Jeff Forlenza, as per his request (see Item #1).

Sometime before January 6, 1995 a copy of an old record plat, with lots 20 & 21 highlighted (north side of Fair Street) was submitted to assist in determining the zoning classification (see Item #2).

On January 6, 1995 a second letter regarding the zoning of 7312 Dixie Highway, Florence, was sent to Mr. Forlenza giving the property a Commercial Two (C-2) zoning classification based on the information submitted (see Item #3). Also enclosed with the letter was a copy of the City of Florence Official Zoning Map "highlighting the area in question" (see Item #4).

On February 21, 1995, a sign permit application and building permit application was received in the Boone County Planning Commission office with the same copy of the old record plat submitted as part of the application, but this time lots 24 & 25 were highlighted (south side of Fair Street) with a notation at the top of the page (see item #5). Also, a rough plot plan showing the location of the sign was submitted and did not show Fair Street (See Item #6). Both applications were given zoning approval on March 2, 1995 and sent to the Boone County Building Inspection Department for their review.

On April 13, 1995 a Minor Site Plan application was submitted in order to pave a portion of the rear yard for parking. A site drawing was submitted (See Item #7) as well as the same copy of the old record plat with the notation at the top "Lots 24 & 25" (see Item #8).

On April 18, 1995, I began my review of the Minor Site Plan application and discovered that this property was not to the north of Fair Street as originally thought but to the south. The zoning boundary clearly shows north of Fair Street Commercial Two (C-2) and south of Fair Street to be Suburban Residential Two (SR-2) (see Item #9). I then checked the letters and all information submitted up to that point and discovered where the problem began. I immediately called the Forlenza's to inform them of my discovery and that they would be receiving a letter stating the correct zoning classification (see Item #10).

On April 19, 1995 the Forlenzas were sent the last letter which clarified the zoning of 7312 Dixie Highway, Florence and listed their options (see Item #11).

A letter to the Forlenza's from Roger Rolfes, City Coordinator, City of Florence, allowing them to open if they agreed to the conditions in the letter (see Item #12).

Boone County Zoning Regulations

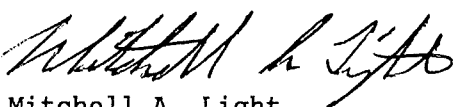
The current Boone County Zoning Regulations prohibit all commercial uses within a Suburban Residential Two (SR-2) district. The principally permitted uses are shown in Item #11.

Staff Concerns

Upon making a decision, the Board should consider the following staff concerns:

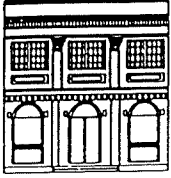
1. If this business is permitted to operate in a residential zone then the Board should treat this as a commercial use abutting a residential zone. The residents to the west and south will be effected and measures should be taken to protect the residential flavor.
 - A. The Minor Site Plan drawing (Item #7) showing five (5) spaces be reduced to four (4) spaces so as to better buffer to the west.
 - B. The buffer to the west should consist of a six (6) foot high "shadow box" privacy fence with deciduous trees along the fenceline.
 - C. A shrubline should be installed to the south of the parking spaces to block the headlights from the residences to the south.
 - D. Article 32, Section 3228 of the Boone County Zoning Regulations do not allow patrons of a business to back into a public right-of-way (ie. Dixie Highway) therefore, the driveway and apron should be removed so Fair Street would be the only access to the business.

Respectfully Submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

November 18, 1994

Mr. Jeff Forlenza
8157 Woodcreek drive
Florence, KY 41042

RE: 7312 Dixie Highway

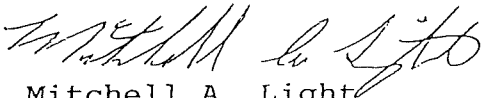
Dear Mr. Forlenza:

The property located at 7312 Dixie Highway, Florence, Kentucky, appears to be within a Commercial Two (C-2) zoning district. Without a copy of the plat to compare distances, it is impossible to give you a definite answer.

If you can supply us with more information, we will be able to give you a more accurate answer.

If you have any questions, please contact either myself or Kevin T. Wall, Director of Zoning Services, at the above number.

Sincerely,



Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\par

cc: Kevin T. Wall, AICP, CDT, Director, Zoning Services

CK 181-786 PT. BK. 1

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FOR AGREEMENT AND RESTRICTIONS
SEE DEED BOOK 82 PAGE 441 (LOTS 1-27 only)

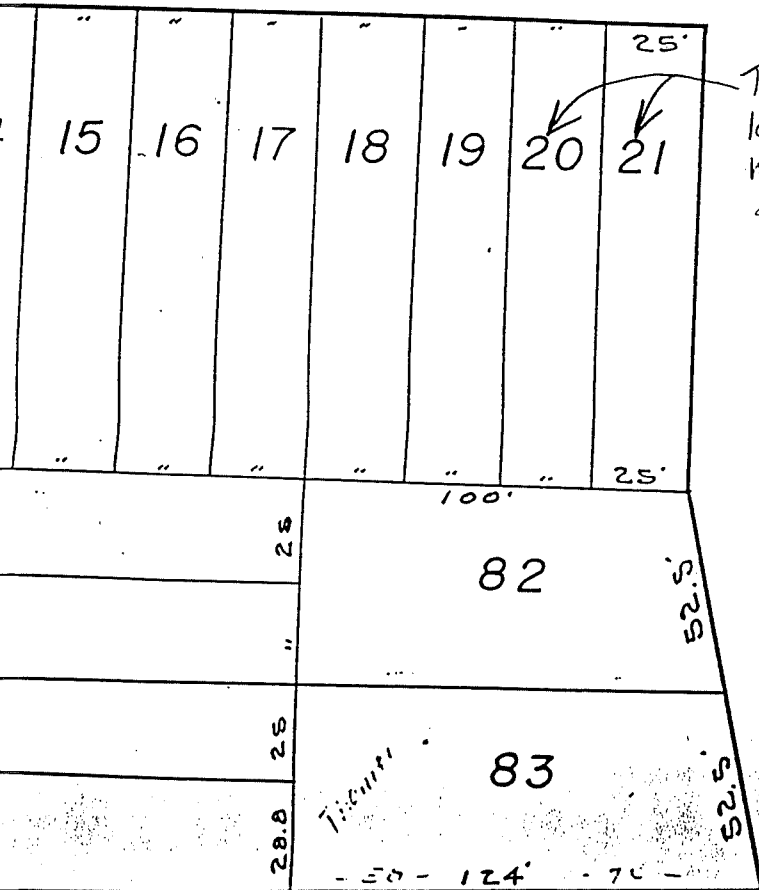
SEE PAGE 87 FOR ORIGINAL AS ORDERED BY COURT.

ERT B. ROUSE,
NOTARY PUBLIC
0, 1949.

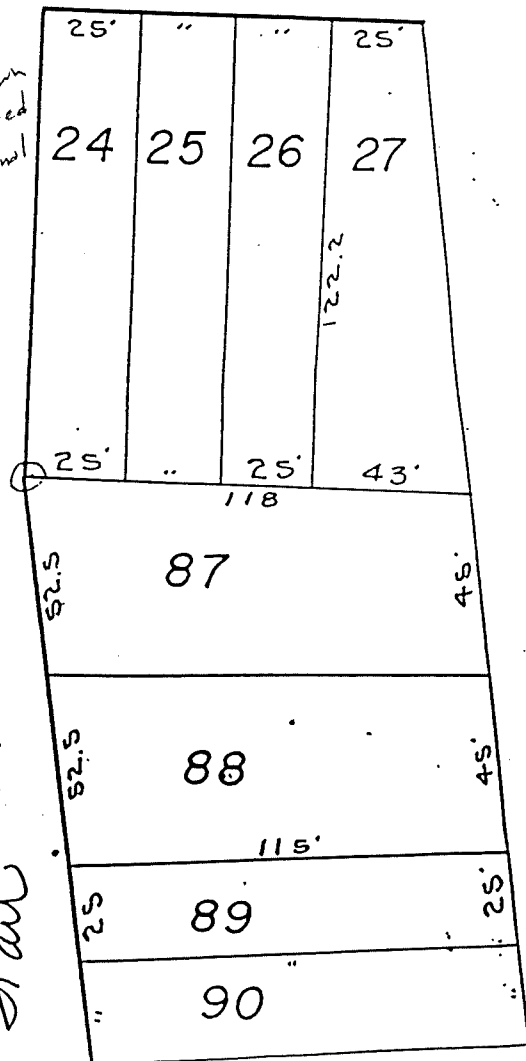
DAY, Oct. 1944. /s/ C. D. BENSON, CLERK.

Plp 25

LEXINGTON



These lots shown highlighted on original



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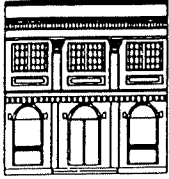
ST.

Fair

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BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

January 6, 1995

Mr. Jeff Forlenza
8157 Woodcreek Drive
Florence, KY 41042

RE: 7312 Dixie Highway

Dear Mr. Forlenza:

After further research, 7312 Dixie Highway, Florence, Kentucky, is within a Commercial Two (C-2) zoning district.

The copy that you supplied was of assistance in finding the correct zone. I have included a copy of the zoning map highlighting the area in question.

If you have any further questions, please contact me at the above number.

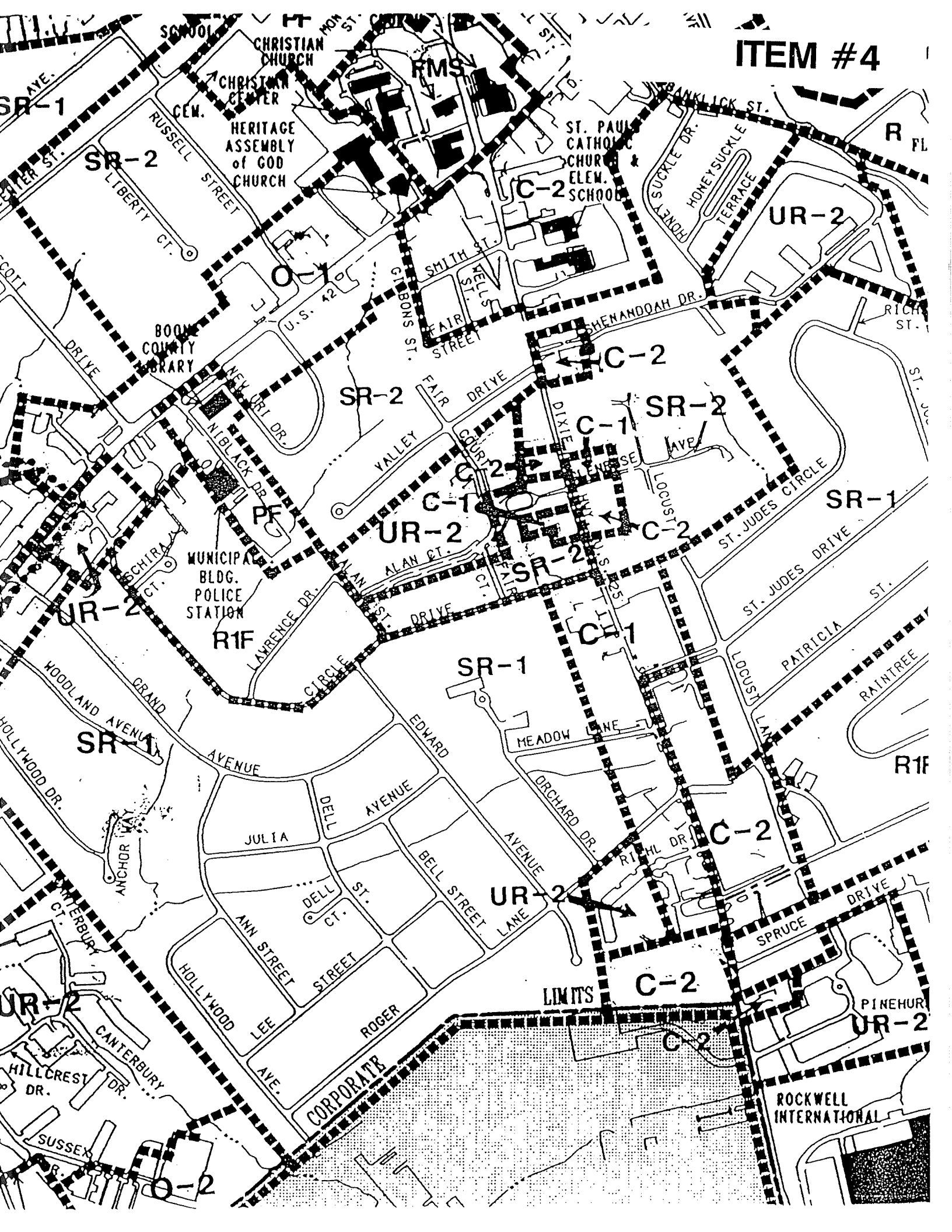
Sincerely,

Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\par

Enclosure

ITEM #4



CK 181-THG PT. BK. 1

LOTS 24 & 25

Pl. 3 of 3

ITEM #5

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FOR AGREEMENT AND RESTRICTIONS
SEE DEED BOOK 82 PAGE 441 (LOTS 24-27 only)

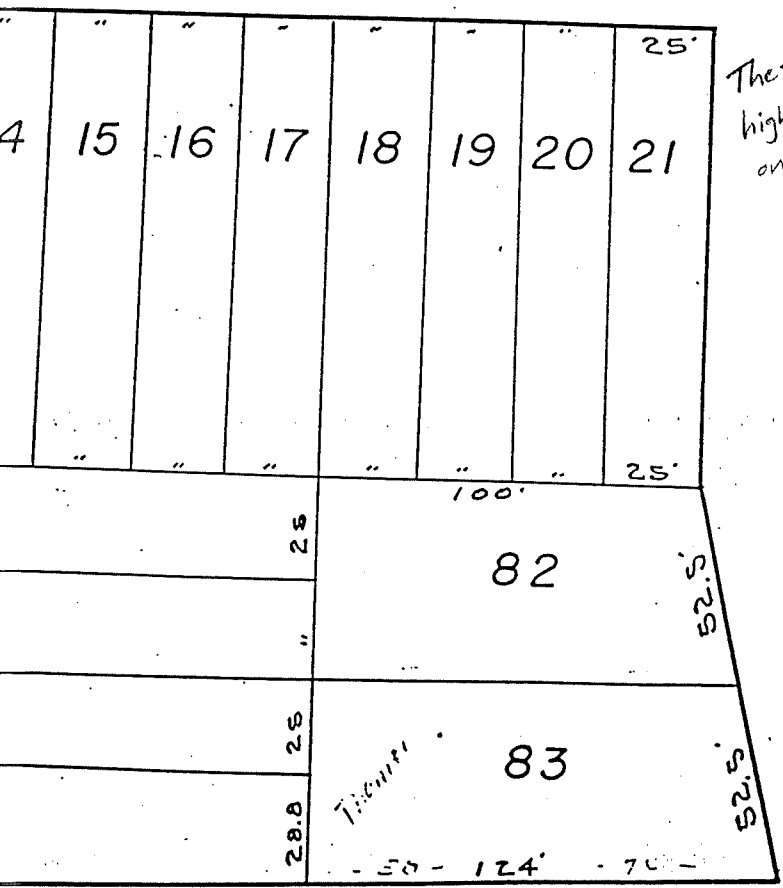
SEE PAGE 87 FOR ORIGINAL AS ORDERED BY COURT.

BERT B. ROUSE,
NOTARY PUBLIC
20, 1949.

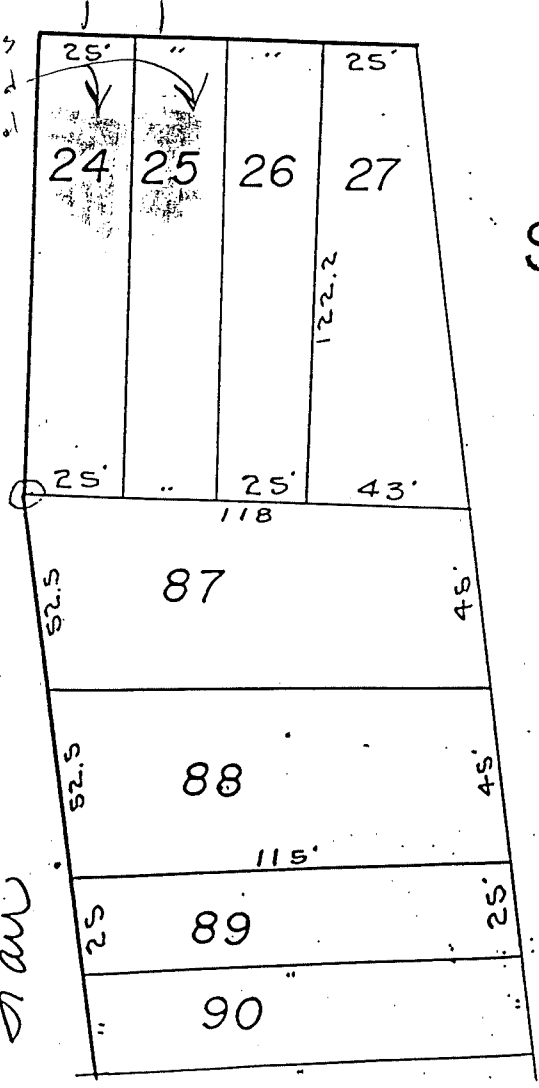
DAY, Oct. 1944. /s/ C. D. BENSON, CLERK.

Pl. 25

LEXINGTON



These lots highlighted on original

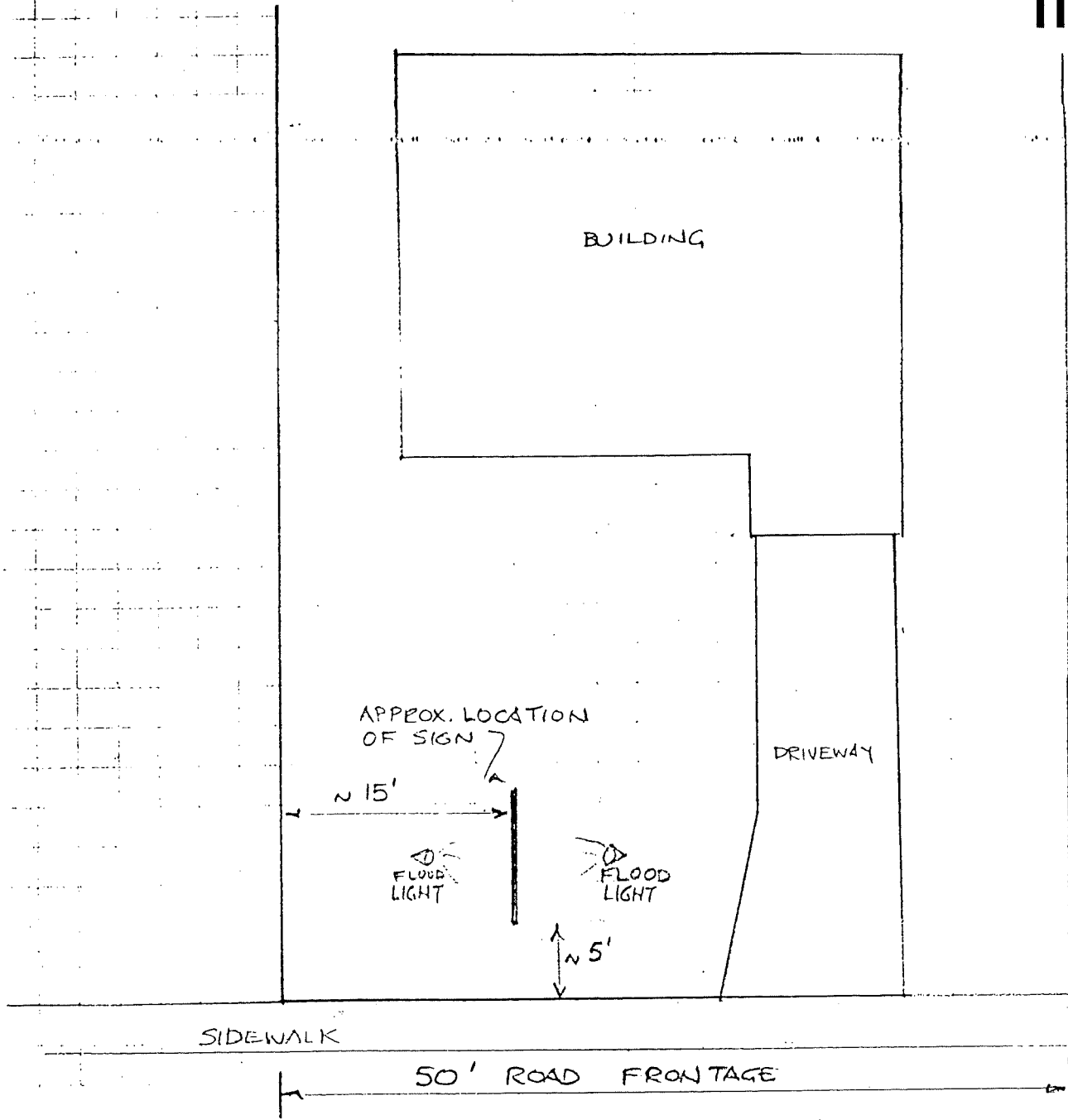


F
SEWELL
ST.

BOONE COUNTY
CHIROPRACTIC, INC.

DATE: 2/21/95
SUBJECT: SIGN PERMIT
PAGE 2 OF 3

ITEM #6



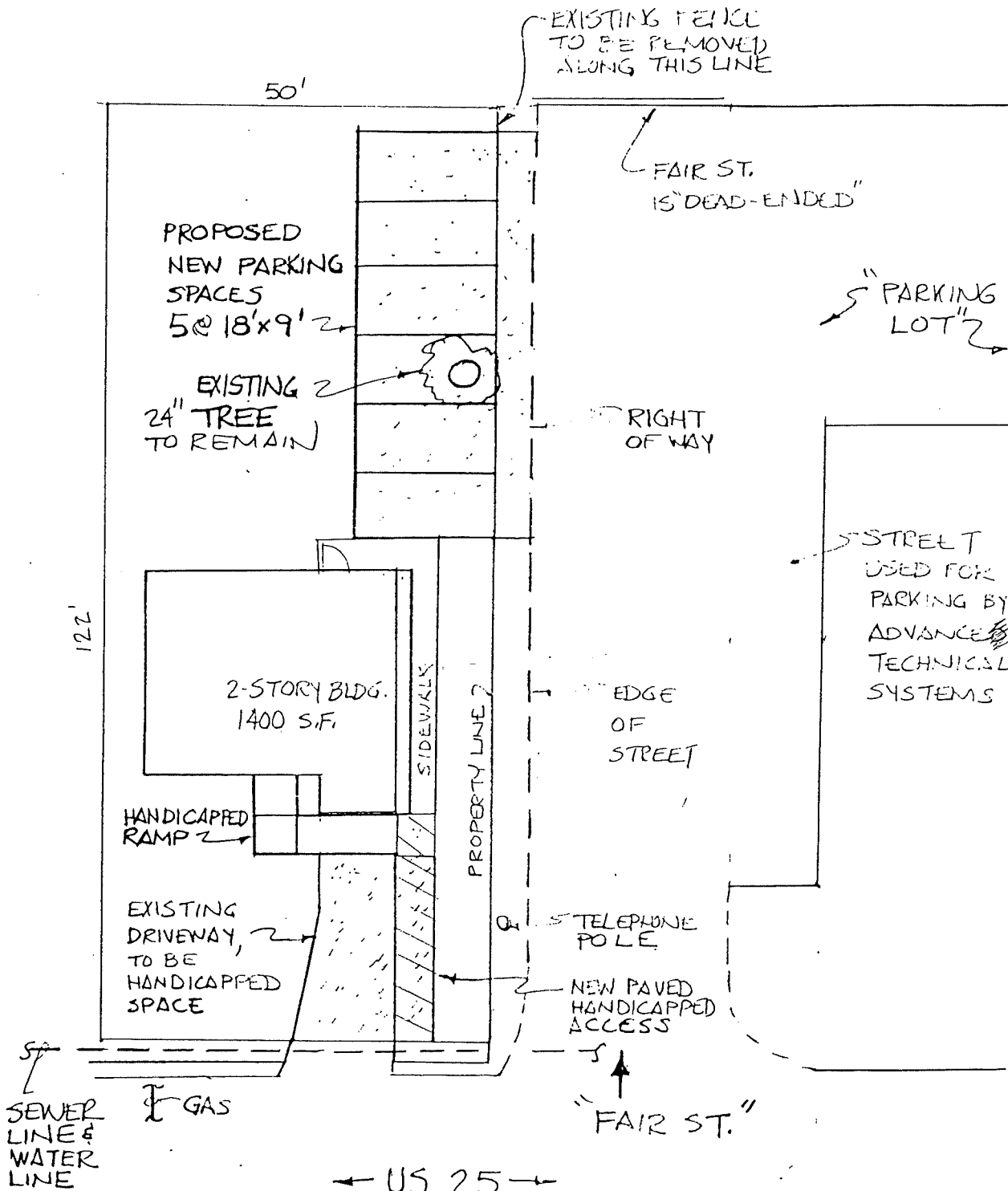
7312 DIXIE HIGHWAY, ROUTE 25

1" = 10'-0"

7312 U.S. 25, FLORENCE
BOONE COUNTY CHIROPRACTIC

ITEM #7

42-381 50 SHEETS 5 SQUARE
42-386 100 SHEETS 5 SQUARE
42-386 200 SHEETS 5 SQUARE
NATIONAL
M.A.S. U.S.A.



SCALE: 1" = 20'-0"



LOTS 24 & 25

CK 101-THG PT. BK. 1

Pg. 3 of 3

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FOR AGREEMENT AND RESTRICTIONS
SEE DEED BOOK 82 PAGE 441 (LOTS 1-27 only)

SEE PAGE 87 FOR ORIGINAL AS ORDERED BY COURT.

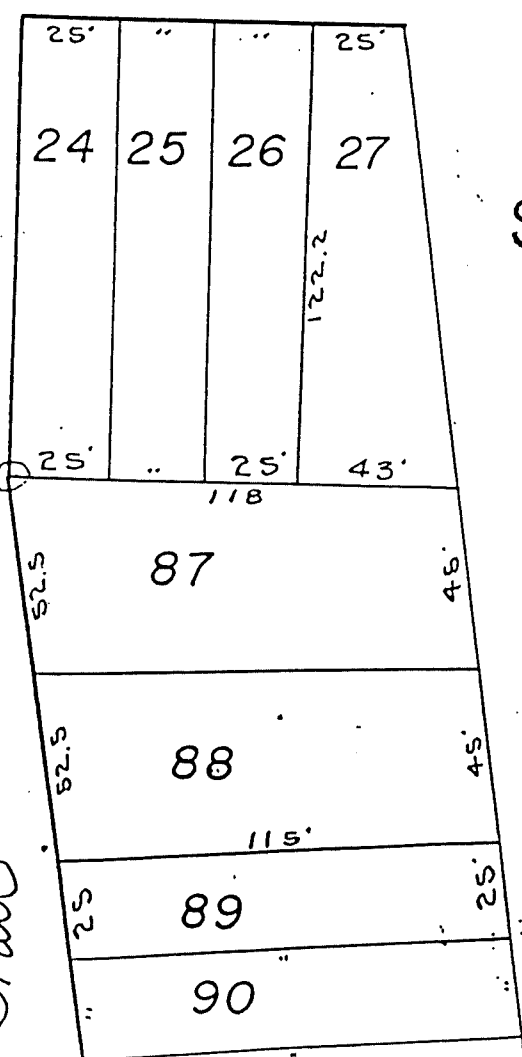
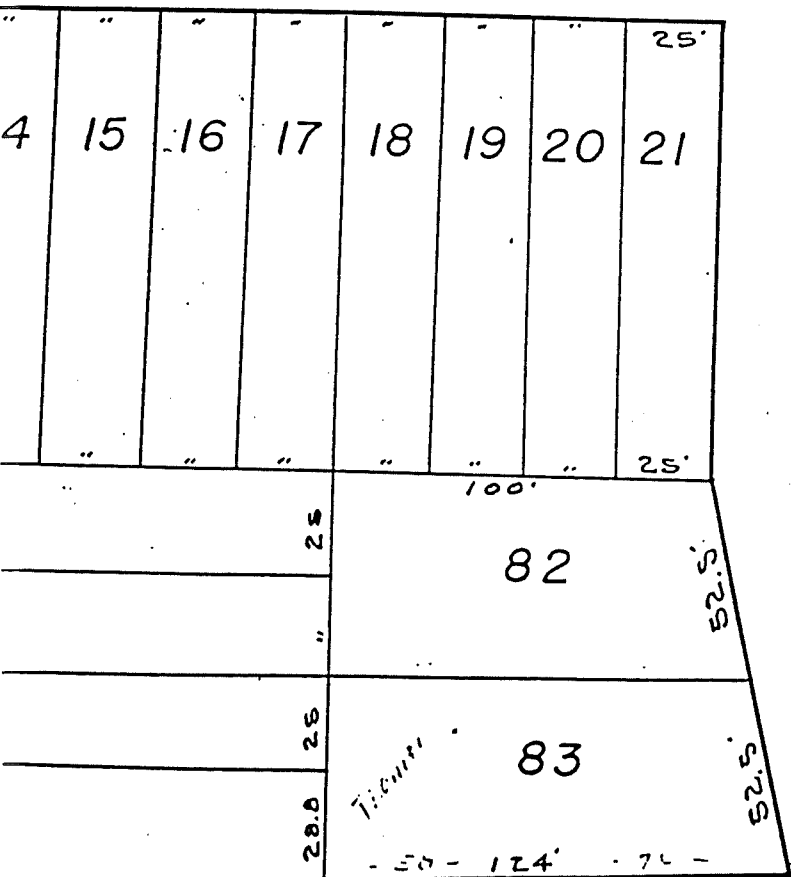
BERT B. ROUSE,
NOTARY PUBLIC
20, 1949.

ITEM #8

DAY, OCT. 1944. /s/ C. D. BENSON, CLERK.

Pls 25

LEXINGTON



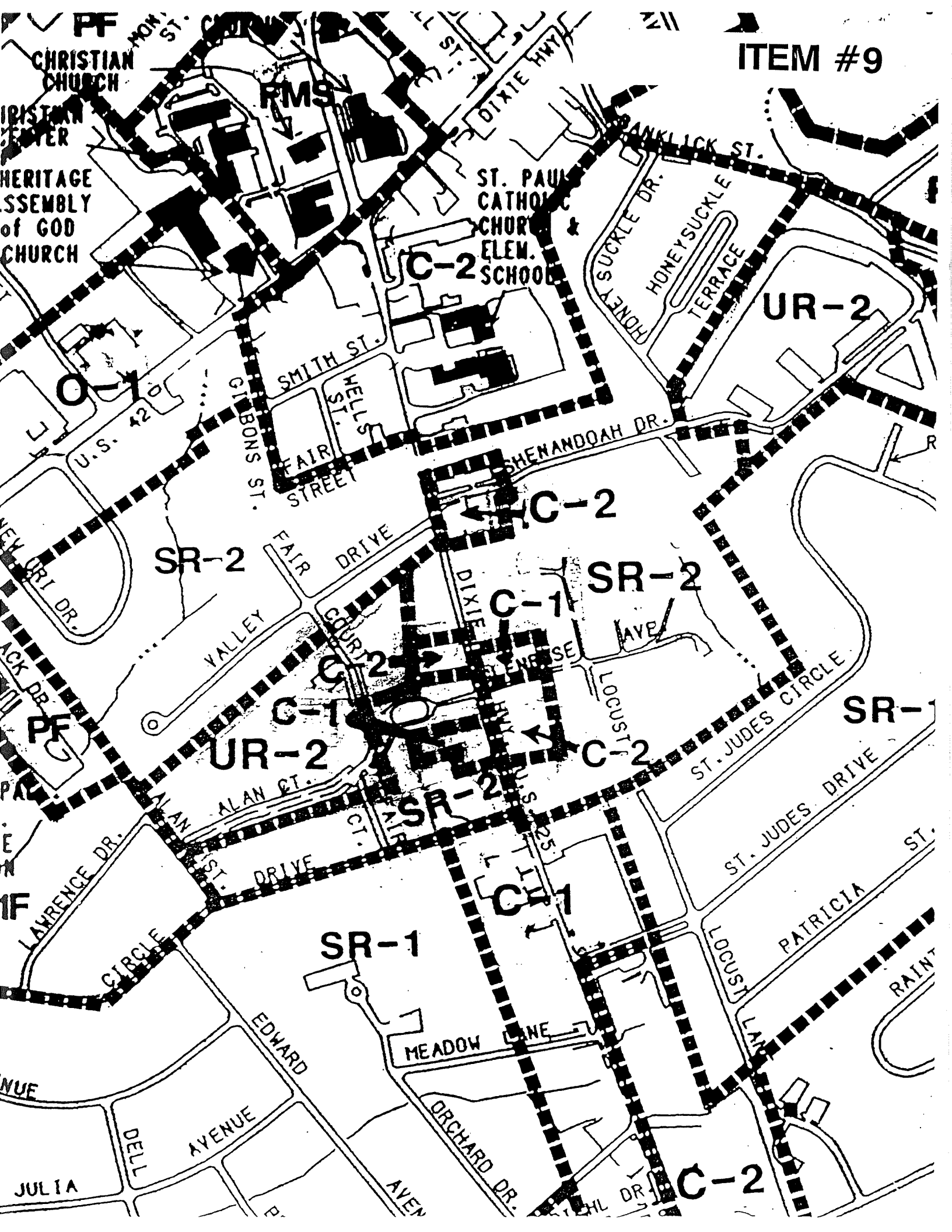
F
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ST.

Fair



CHRISTIAN CHURCH

RMS

HERITAGE ASSEMBLY of GOD CHURCH

ST. PAUL CATHOLIC CHURCH & ELEM. SCHOOL

C-2

UR-2

SR-2

C-2

SR-2

C-1

UR-2

SR-2

C-2

SR-1

SR-1

C-2

MON ST

ST ST

DIXIE HWY

BANKLICK ST.

HONEY SUCKLE DR.

HONEYSUCKLE TERRACE

SMITH ST.

HELPS ST.

GIBBONS ST.

FAIR STREET

SHENANDOAH DR.

FAIR DRIVE

VALLEY

COURT

DIXIE

AVE

LOCUST

ST. JUDES CIRCLE

ALAN ST.

DRIVE

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ST. JUDES DRIVE

PATRICIA

ST.

EDWARD

MEADOW LANE

ORCHARD DR.

LOCUST

LANE

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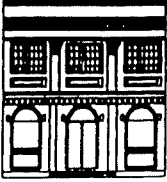
JULIA

DELL

AVENUE

AVEN

DR

BOONE COUNTY PLANNING COMMISSION

2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

April 19, 1995

Mr. Jeff Forlenza
7312 Dixie Highway
Florence, Kentucky 41042

RE: Zoning of 7312 Dixie Highway

Dear Mr. Forlenza:

On November 18, 1994, you were sent from this office a letter regarding the zoning of the property at 7312 Dixie Highway, Florence, Kentucky. That letter stated "it is impossible to give you a definite answer" unless "you can supply us with more information." A copy of a record plat was then submitted to assist in determining the correct zoning classification. The plat had the two (2) lots north of Fair Street (Lots 20 and 21) highlighted as to indicate them as the lots in question.

Based on that information, you received another letter from this office dated January 6, 1995, which stated that 7312 Dixie Highway "is within a Commercial Two (C-2) zoning district." and that the "copy that you supplied was of assistance in finding the correct zone." I also included a copy of the official zoning map for the City of Florence which shows the boundary between the Commercial Two (C-2) and Suburban Residential Two (SR-2) zoning districts splitting Fair Street. North of Fair Street is C-2 and south of Fair Street is SR-2.

On April 13, 1995, a Minor Site Plan was submitted for the purpose of installing a parking area to the rear of the property in question for a chiropractic office. The Minor Site Plan was assigned to me for review. While reviewing the material that was submitted I noticed that the property was not north of Fair Street but to the south, therefore, the site which was previously determined to be within the C-2 district is not the same site illustrated in the Minor Site Plan application.

Mr. Jeff Forlenza
April 19, 1995
Page 2

The correct zoning classification for 7312 Dixie Highway is Suburban Residential Two (SR-2) not Commercial Two (C-2). The SR-2 zone does not allow any commercial or office uses.

At this point, you have the following options if you wish to pursue the chiropractic office use at this location.

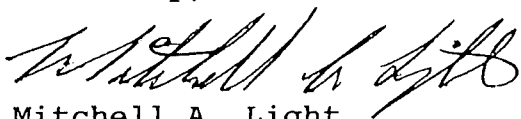
1. You may appeal this interpretation of the Boone County Zoning Regulations and/or the City of Florence Zoning Map boundaries to the Florence Board of Adjustments and Zoning Appeals. The application must be received within thirty (30) days from the date of this letter.
2. You can apply for a Zoning Map Amendment through the Boone County Planning Commission to change the zoning of your property from SR-2 to a more appropriate zone for your purposes.

Enclosed are copies of the two (2) previous letters sent to you regarding the zoning of the property in question, applications for the Board of Adjustments and Zoning Appeals and Zoning Map Amendment, fee schedules for both types of applications and the uses permitted within the SR-2 zoning district.

To reiterate, if you wish to appeal the interpretation you have thirty (30) days from the date of this letter to file the complete application in this office, however the deadline for the May 10, 1995 Public Hearing is April 20, 1995 at 5:00 P.M. There is no deadline for the Zoning Map Amendment application but the earlier the complete application is submitted, the earlier a public hearing can be set.

A facsimile precedes the hard copy to ensure proper notification. If you have any questions regarding any of this material, please feel free to contact either myself or Mr. Kevin T. Wall at the above number.

Sincerely,



Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\par

Enclosure

cc: Kevin T. Wall, AICP, CDT, Director, Zoning Services

ITEM #11**SECTION 940****SUBURBAN RESIDENTIAL TWO (SR-2)**

The purpose of the Suburban Residential Two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.

SECTION 941Principally Permitted Uses

The following uses are permitted:

1. Detached single-family dwelling units;
2. Duplex dwelling units with attached garages - (0-3 acre site), (Site Plan Review required).
(Not Applicable within the City of Florence)
3. Townhouse dwelling units (minimum 5 acres), (Site Plan Review required);
4. Agricultural farming, dairying, and stock-raising;
5. Recreation defined in this district to be open space parks, hiking areas and trails, bikeway systems and picnicking areas.

SECTION 942Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit:
 - a. Private garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of recreational vehicle or unit where appropriate;
 - e. Private swimming pool, sauna, bathhouse and like accessories;
 - f. The keeping and use of appropriate pets and animals;
2. Directional and incidental signage (see Article 34);
3. Parking (see Article 33);
4. Temporary buildings incidental to construction.

SECTION 943Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

City of Florence

April 25, 1995

BOONE COUNTY CHIROPRACTIC INC.
P.O. BOX 6283
7312 DIXIE HIGHWAY
FLORENCE, KY 41042

Re: Occupational license - 7312 Dixie Highway

Gail Forlenza

Dear Ms Forlenza:

This letter serves as notice that your occupational license to operate a chiropractic office, at the above location, will be issued conditionally based on your acceptance of the conditions as set forth below. The following events are the reasons for the conditional license:

1. The applicant did apparently request the current zoning from the Boone County Planning and Zoning. On 1/6/95 a letter was sent indicating that the zoning for 7312 Dixie Highway was C-2.
2. The applicant did obtain a commercial building permit to renovate 7312 Dixie Highway for use as a chiropractic office.
3. There was apparently some confusion on the lot numbers vs. address.
4. The applicant did inquire about 7308 Dixie Highway, which is next door and clearly is a C-2 zone. This could have added to the confusion.

Based on the above, a conditional occupational license will be issued upon your acceptance of the following:

1. A favorable ruling is obtained from the Florence Board of Adjustments within 90 days, to operate this use under current zoning because of these circumstances.
2. All treatments are administered by a licensed chiropractor.

Failure to comply with the above conditions will result in immediate revocation of the occupational license.

Boone County Chiropractic, Inc,
April 25, 1995

pg.2

If you have any questions, please contact this office.

Sincerely,

Roger W. Rolfes
City Coordinator

I _____, accept the conditions as set
forth on the previous page and agree to same, dated this _____
day of April, 1995.

Gail Forlenza

Roger W. Rolfes

COPY

NO.95-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Future Real Estate Corp.
8157 Woodcreek Drive
Florence, Kentucky 41042

2. ADDRESS OF PROPERTY

7312 U.S. 25
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
Boone County Chiropractic

DEED BOOK: 568

PAGE NO.: 143

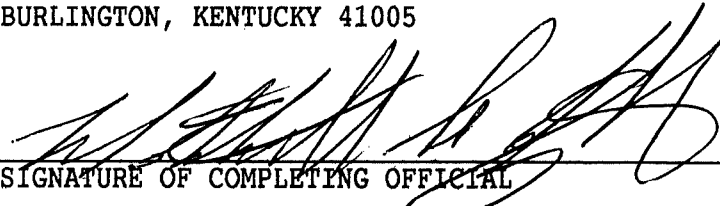
GROUP NO.: 2042

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

<input type="checkbox"/>	Zoning Map Amendment from <input type="checkbox"/> to <input type="checkbox"/>	<input type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Development Plan	<input type="checkbox"/>	Conditional Zoning
<input type="checkbox"/>	Subdivision Plat (Unrecorded)	<input checked="" type="checkbox"/>	Other: Appeal
<input type="checkbox"/>	Variance		

5. 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



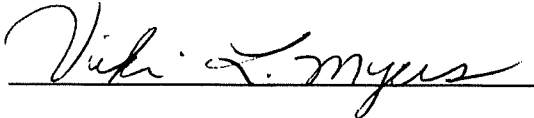
SIGNATURE OF COMPLETING OFFICIAL

Mitchell A. Light, Asst. Zoning Admin/Enforcement Officer
NAME AND TITLE OF COMPLETING OFFICIAL
(type or print)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Mitchell Light on behalf
of the Boone County Planning Commission this 11th day
of August, 1995.

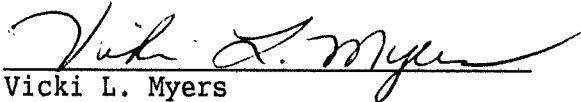


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Vicki L. Myers
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.)

CLUR# 95-FBOA-004-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Appeal as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of May 10, 1995, (Certificate of Land Use Restriction # 95-FBOA-004-A), for Future Real Estate Corp., property owner.

The following conditions will apply: (1) This property is in a residential zone, may be used as a commercial business.

The approved Appeal as well as the preceding conditions apply to the property described in: DEED BOOK 568 PAGE NO. 143 Group No. 2042