

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
92992
JUL 15 2025
BOONE COUNTY
PLANNING COMMISSION

One (1) scaled copy and one (1) 11 x 17 reduction of submitted drawings are required 017

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

SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant: Luisa Tijero
Address: 731 Peach tree Ln
Erlanger Ky 41018
City State Zip Code
Phone Number: 859-391-8241 Fax Number: _____
Email: luchatihero@gmail.com
4. Description of Request: reduce front yard from 30' to 20' for covered porch
5. Name of Development: _____
6. Location of Development: 731 Peach tree Ln.
Erlanger Ky 41018
City State Zip Code
7. Acreage Under Review: 0.17 acres
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: Luisa Tijero
Address: 731 Peach tree Ln.
Erlanger Ky 41018
City State Zip Code
Phone Number: 859-391-8241 Fax Number: _____
Email: luchatihero@gmail.com

10. Proposed Use(s) on Site: covered porch

11. Total Square Footage of Existing and/or Proposed Buildings: _____

12. Current Zoning: _____

13. 1123 29 2022
Deed Book Page Group Number

14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

15. Have you submitted a Site Plan with this request: Yes No

16. Have you submitted a list of adjoining property owners with this request: Yes No

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature: Luisati jew

Applicant's Signature: Luisati jew

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 7/15/25 Fee Received: \$6666 Receipt #: 92992

2. Is application complete:

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 8/13/2025

5. Board Action: 8/13/2025

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#2

APPLICANT: Luisa Tijero

LOCATION: 731 Peach Tree Lane, Boone County, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: August 13, 2025

PROPOSAL

- A. The applicant is requesting a Variance reducing the minimum front yard setback from thirty (30) feet to twenty (20) feet for a covered porch.

SITE HISTORY

- 1962 On June 28, 1962, the Erlanger Planning and Zoning Commission approved a Final Plat for Cherry Hill Subdivision, Section 4, creating the lot in question.
- 2020 On June 15, 2020, the Boone County Planning Commission approved a Zoning Permit for an inground pool on the site in question.

APPLICABLE REGULATIONS

- A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 4000 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 204.D and 204.E of the Boone County Zoning Regulations.
1. Findings listed in Section 204.D and 204.E:
 - a. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will

not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
- (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

b. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

- D. Section 904.A of the Boone County Zoning Regulations states that 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.
- E. Section 3123.A of the Boone County Zoning Regulations states that open structures such as porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front yard.
- F. Section 3111 of the Boone County Zoning Regulations states that the minimum front yard setback within the SR-2 district is thirty (30) feet.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question as “Suburban Density Residential”, which is described as single family housing of up to four units per acre.

- B. Peach Tree Lane is identified as a County maintained local street providing for two-way traffic within an approximate twenty (20) foot pavement width. There are sidewalks along both sides of the roadway.

SURROUNDING LAND USES AND ZONING

North: Single family residential (SR-2)
South: Single family residential (SR-2)
East: Single family residential (SR-2)
West: St. Henry High School (PF/HDO)

SITE CHARACTERISTICS

- A. The approximate 0.17 acre property is located on the southwest side of Peach Tree Lane, approximately 1,150 feet southeast of Pine Tree Lane.
- B. The site has sixty (60) feet of frontage along Peach Tree Lane.
- C. The site is currently occupied by a detached single-family residential dwelling.
- D. Access to the site is from a single curb cut onto Peach Tree Lane.
- E. The site is located within a six hundred sixty (660) foot buffer of an underground pipeline.
- F. Topographically, the site slopes downward, front to back, at an average grade of ten (10) percent.

STAFF COMMENTS

- A. The applicant wants to provide a cover over the existing ground level porch.
- B. On June 9, 2010, the Boone Board of Adjustment approved a Variance reducing the front yard setback from thirty (30) feet to eighteen (18) feet so a covered porch could be constructed on the property located at 704 Peach tree Lane (BCBOA-10-005).

CONCLUSION

- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

- B. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

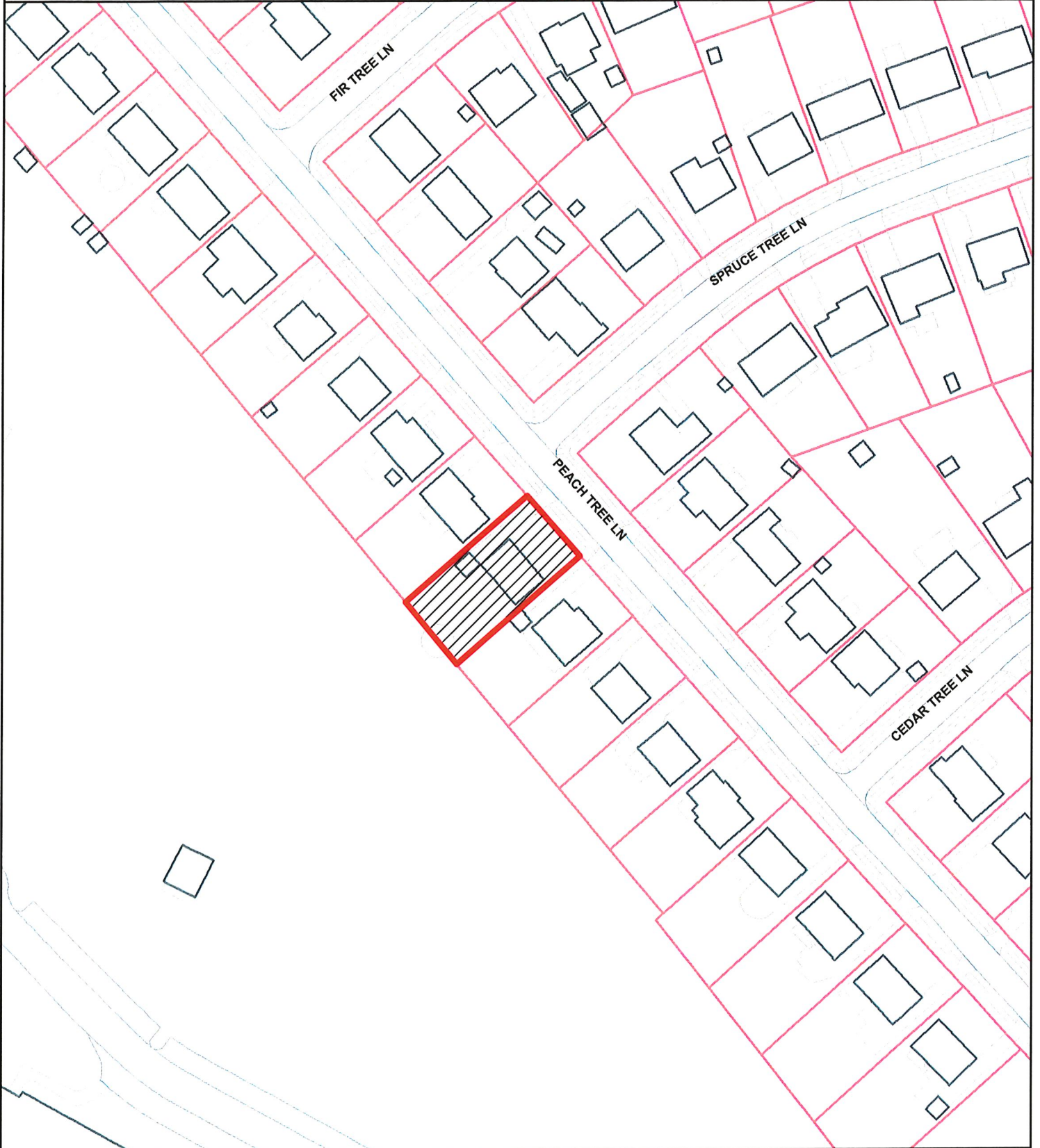
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Pipeline Buffer Map
- *Topographic Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Development Plan

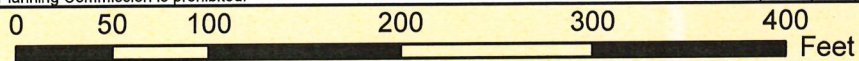
Vicinity Map

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1 inch = 100 feet



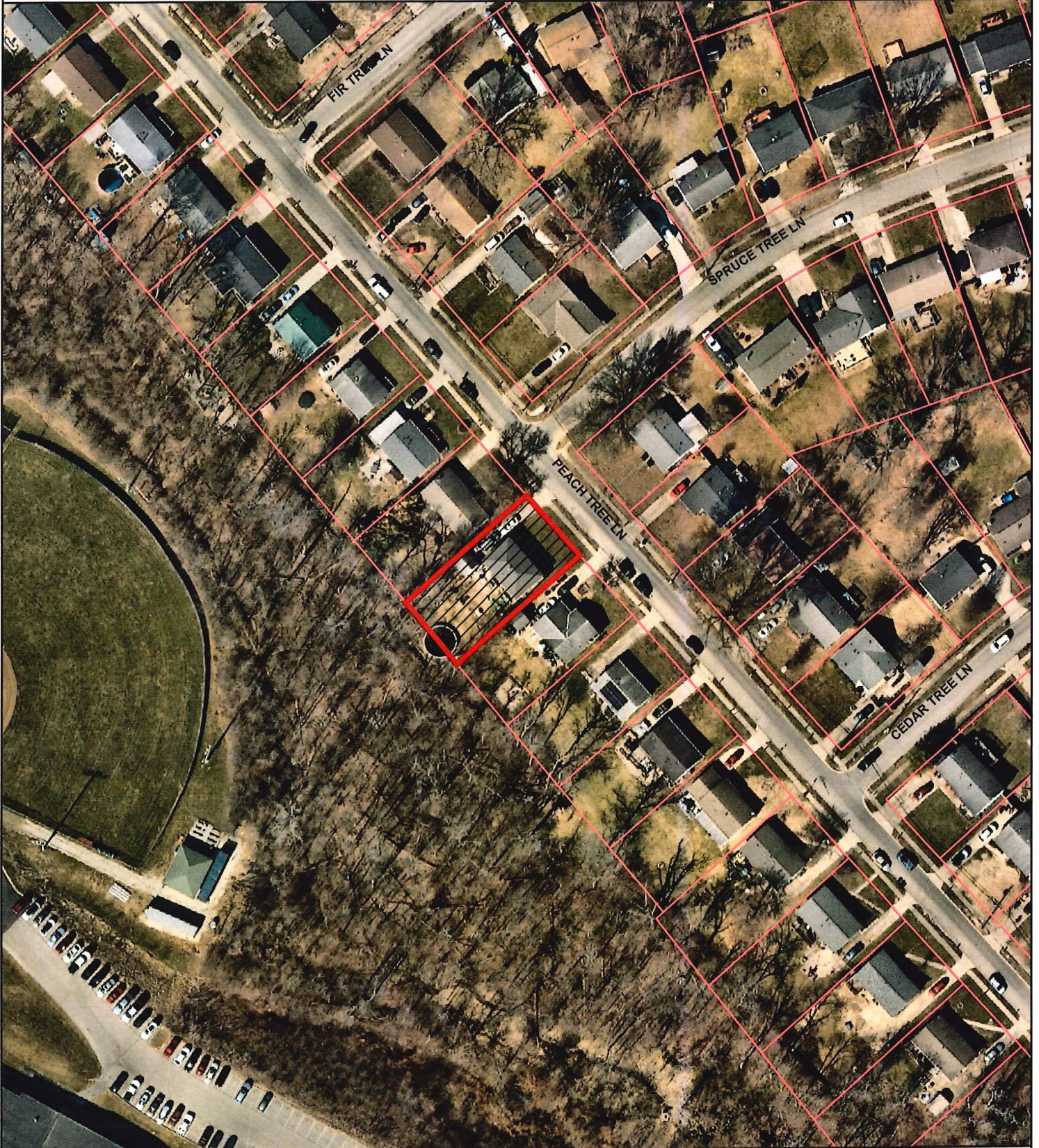
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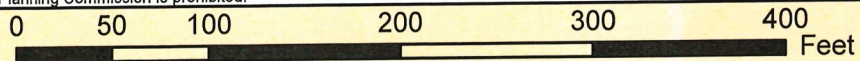
Aerial Map

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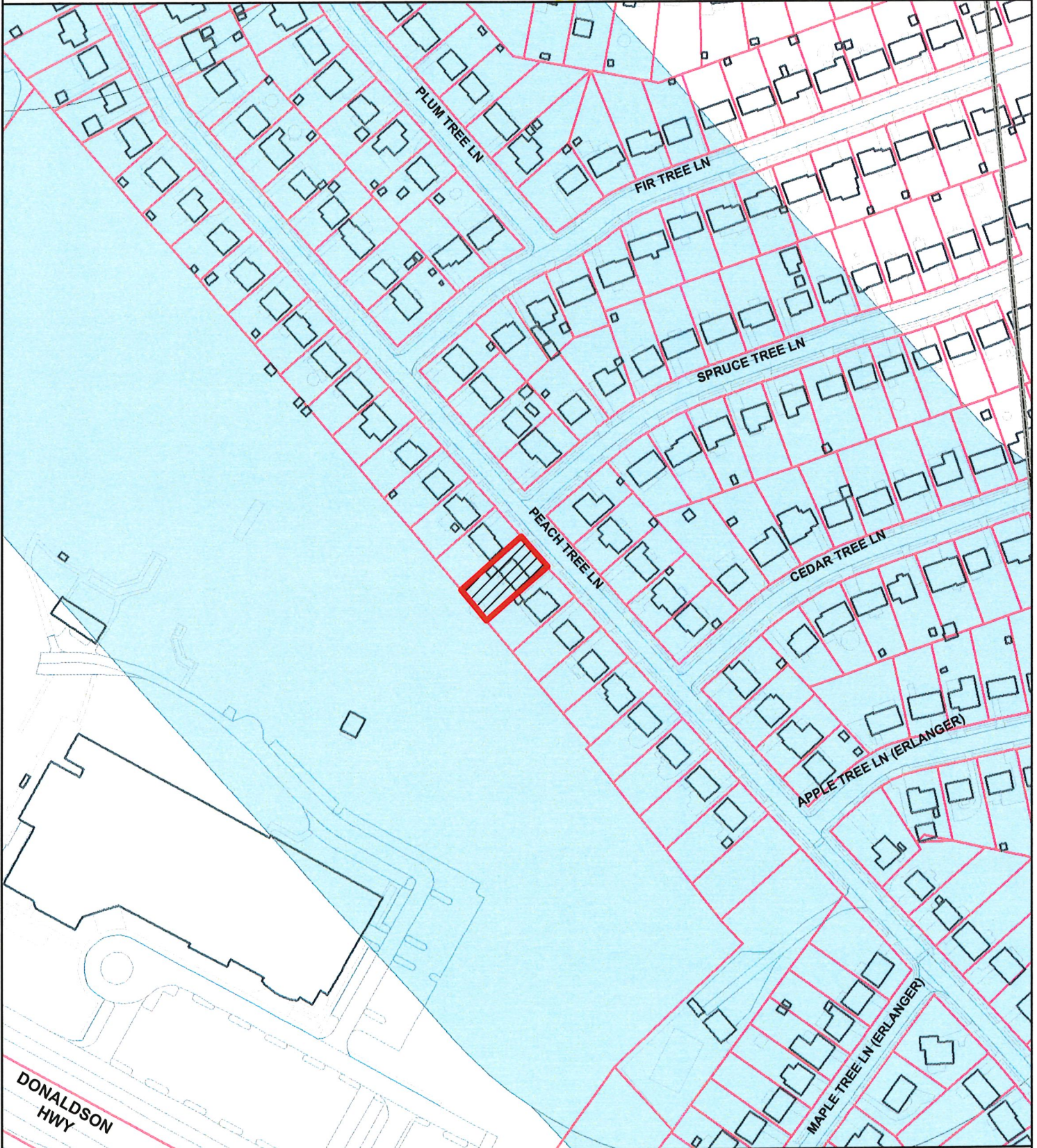
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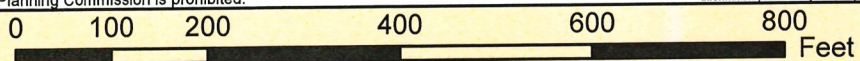
Pipeline Buffer Map

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1 inch = 200 feet



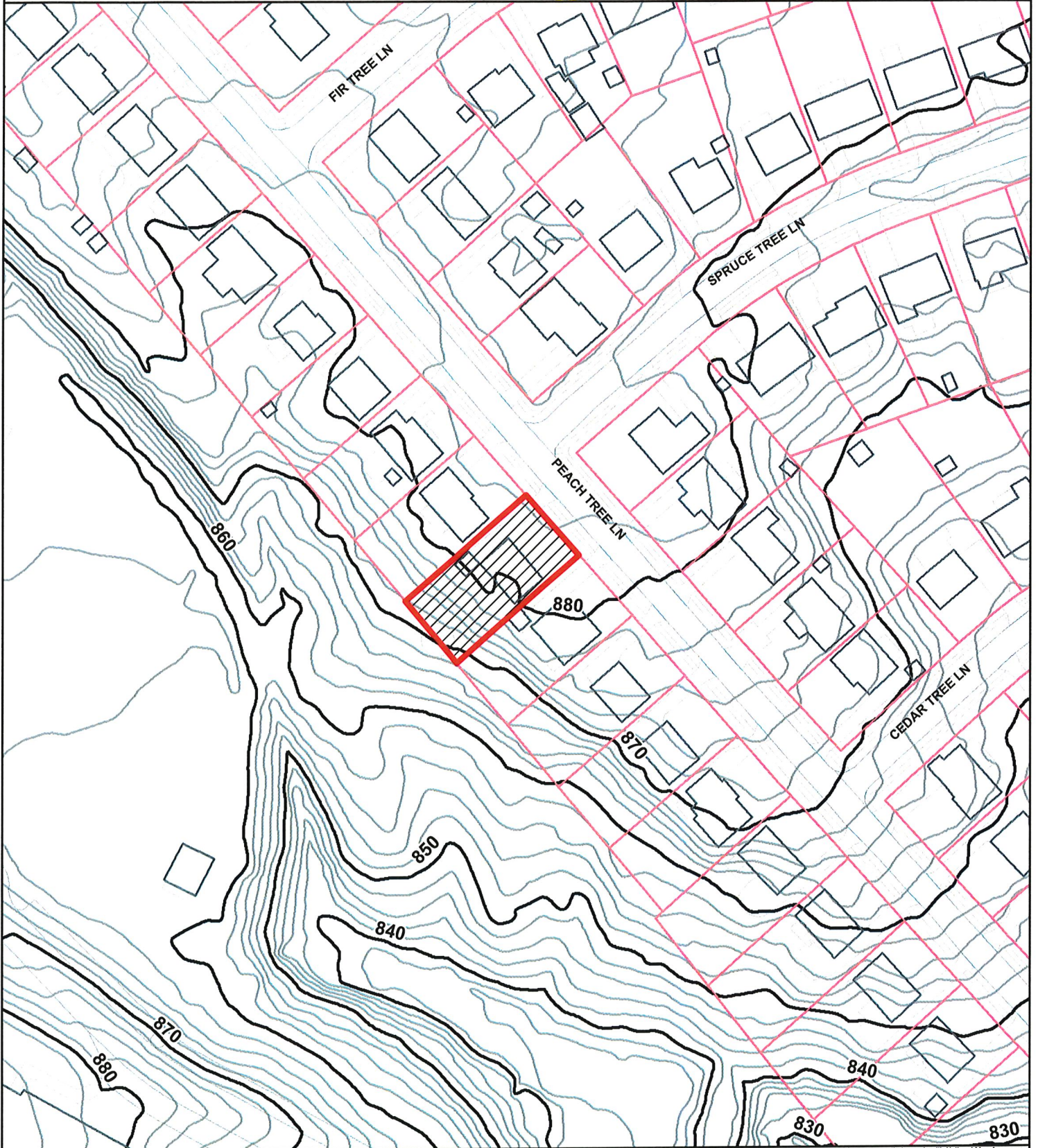
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ArcMap Document (*.mxd)

Topographic Map

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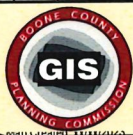


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0 50 100 200 300 400 Feet

1 inch = 100 feet



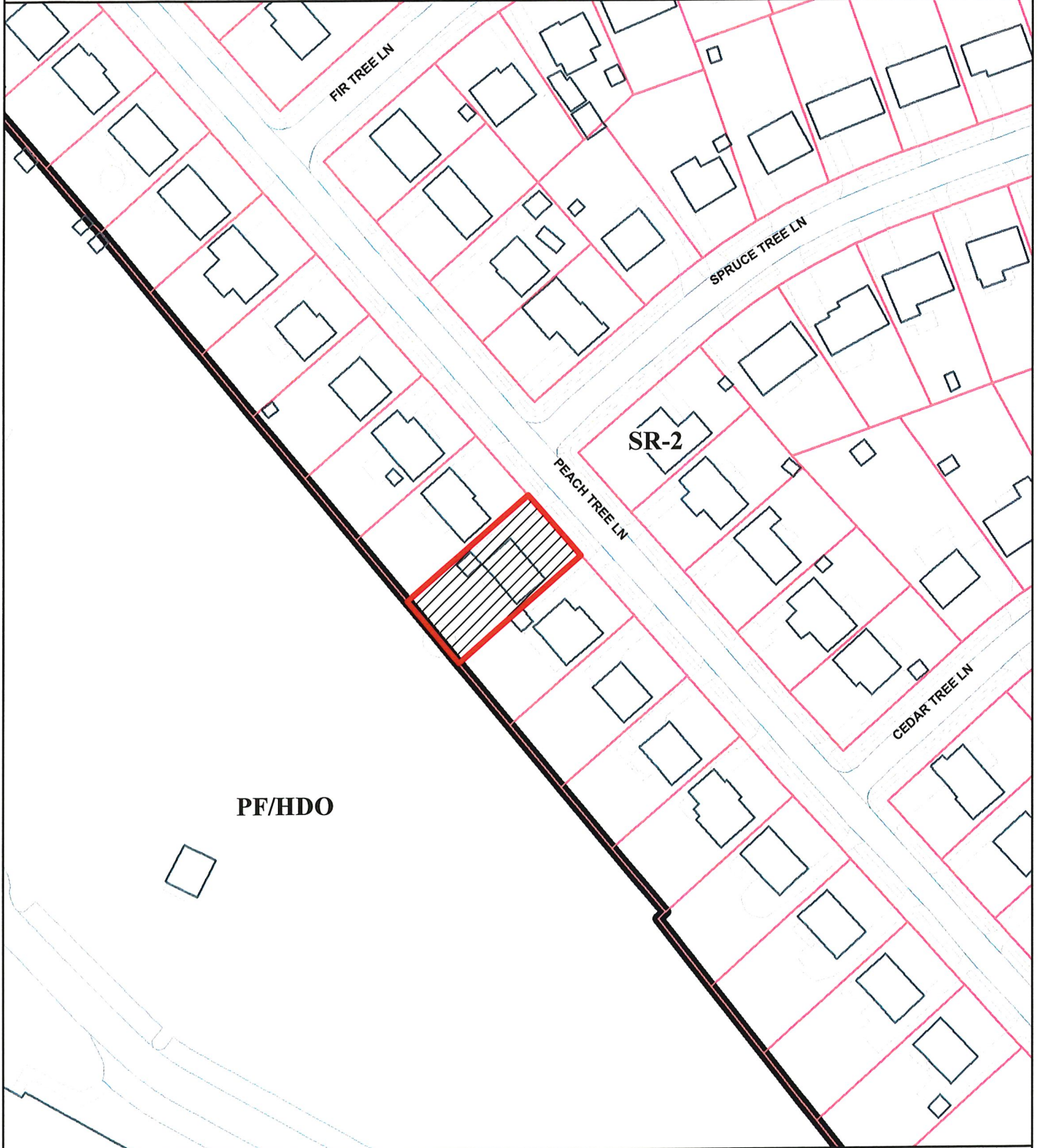
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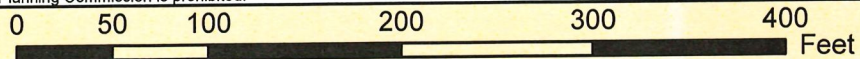
Zoning Map

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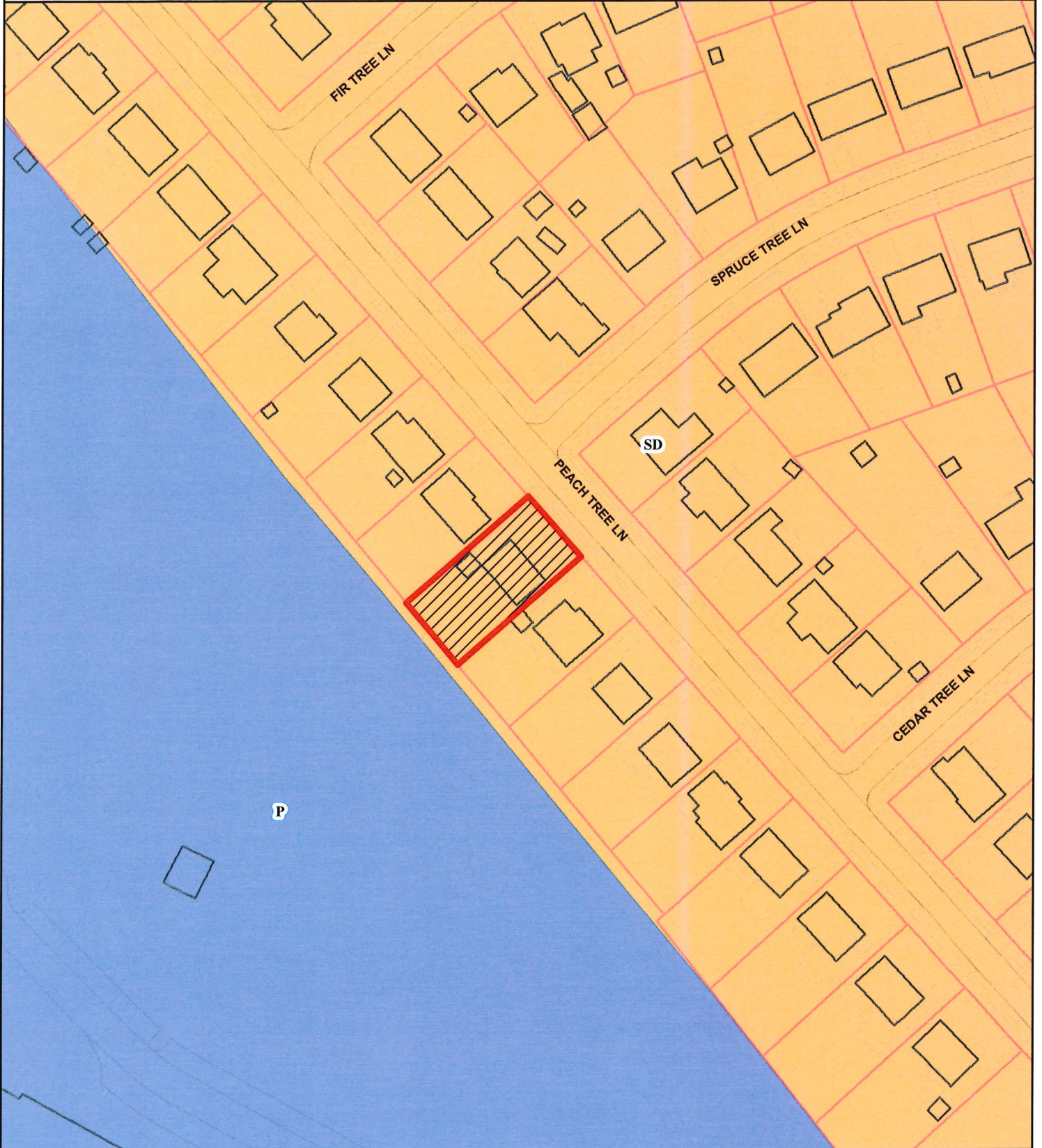
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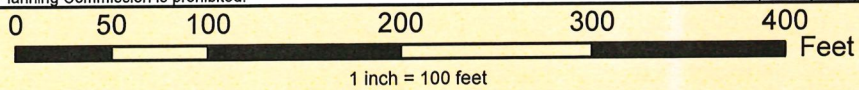
2040 Future Land Use Map

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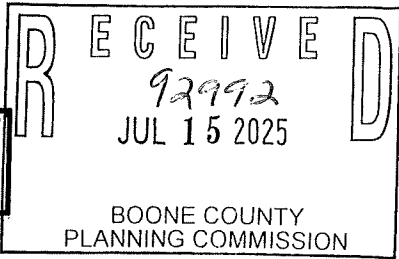


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11. Total Square Footage of Existing and/or Proposed Buildings: _____

12. Current Zoning: _____

13. 1123 29 2022
Deed Book Page Group Number

14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

15. Have you submitted a Site Plan with this request: Yes No

16. Have you submitted a list of adjoining property owners with this request: Yes No

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Luisati jew

Applicant's Signature:

Luisati jew

SECTION B: (To be completed by Planning Commission staff)

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2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

- _____ Approved
- _____ Approved with Conditions (see #6)
- _____ Denial (See #7)

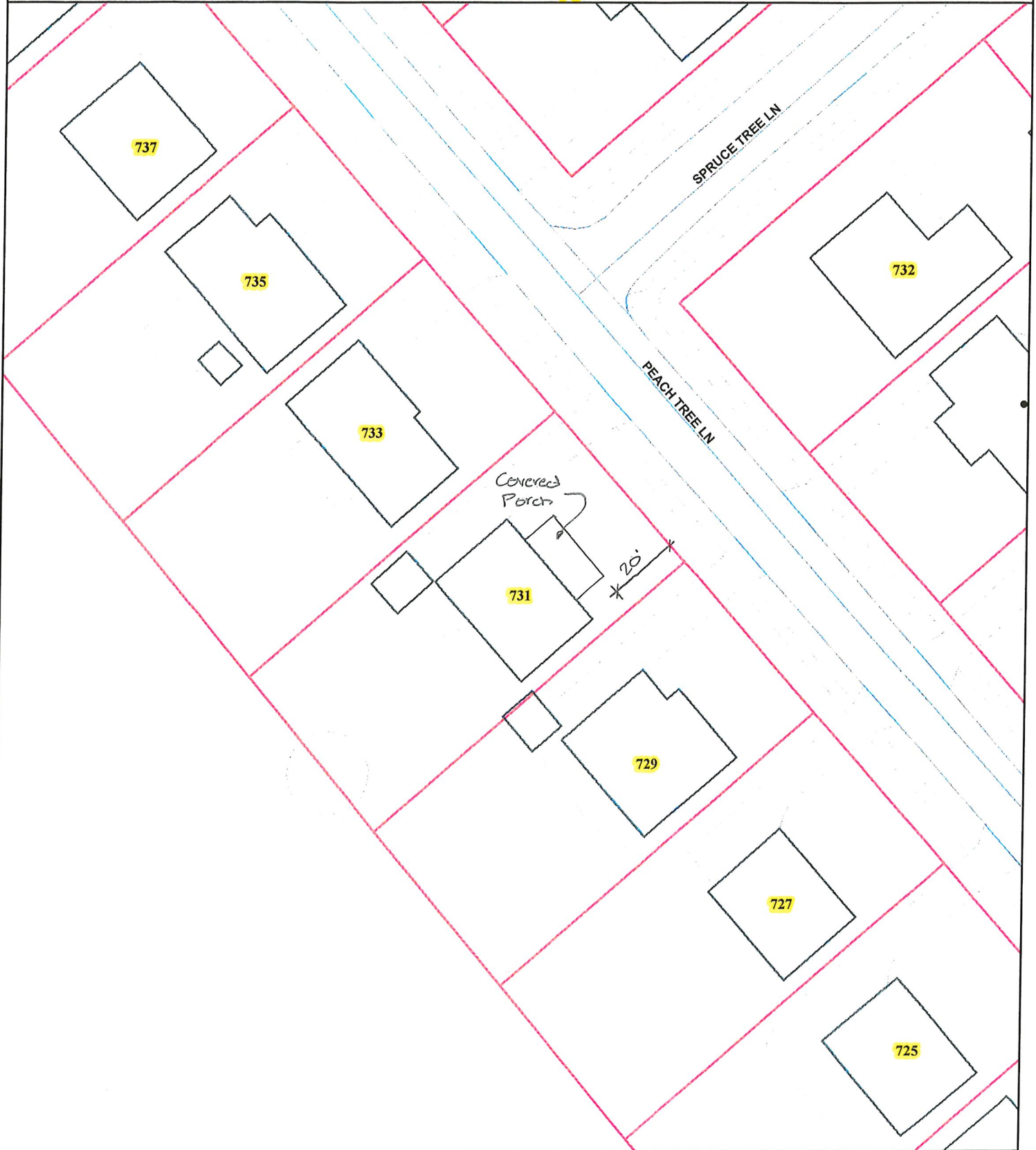
6. Conditions of Approval: _____

7. Reasons for Denial: _____

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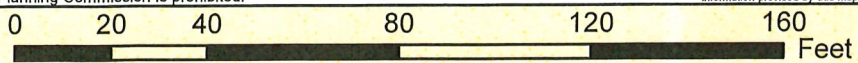
Boone County GIS Map

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1 inch = 40 feet



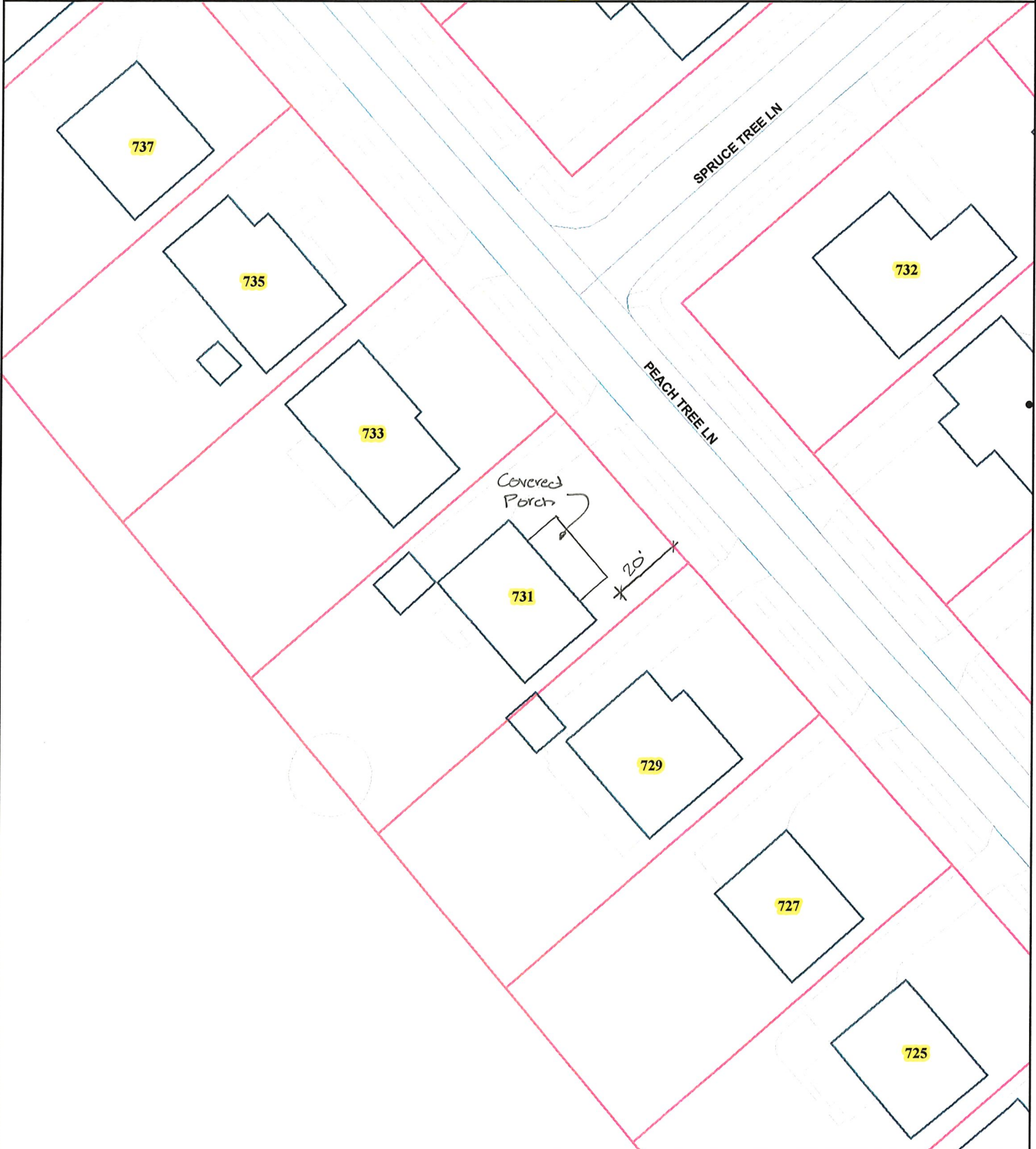
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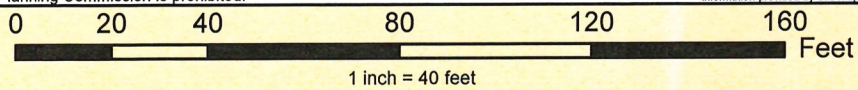
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Boone County GIS - Putting Northern Kentucky on the Map

State Plane - Kentucky North MGRS 1883
ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Jose & Luisa Tijero
731 Peach Tree Ln
Erlanger, KY 41018

- 2. ADDRESS OF PROPERTY
731 Peach Tree Ln
Erlanger, KY 41018
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Tijero Variance

- 4. DEED BOOK 1123 PAGE NO. 29 GROUP NO. 2022

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 - Zoning Map Amendment: Conditional Use Permit
 - From _____ To _____
 - Development Plan Conditional Zoning
 - Subdivision Plat Other:
 - (Not Recorded)
 - 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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

SIGNATURE OF COMPLETING OFFICIAL

Michael D. Schwartz, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone
County Planning Commission this 14th day of August, 2025.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:



Nicole Dierna
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

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