



Variance Request

Application to the Board of Zoning Appeals
Clearcreek Township, Warren County

Case #: 23-BZA-001

Note: This application must be typewritten or computer generated and filed with the Clearcreek Township Zoning Inspector for presentation to the Board of Zoning Appeals. The following information must be filled out in its entirety and accompanied by a fee of \$550.00 to validate the application. The application must be received prior to the monthly scheduled cutoff date in order to be heard at the following monthly meeting. Application consents to a site visit from the Board of Zoning Appeals Members and Zoning Staff. The application also consents to a temporary sign being erected on the property to identify a pending appeal to the Board of Zoning Appeals. This sign shall be erected at least ten (10) days prior to the public hearing and removed after the public hearing. Attach additional computer generated or typewritten sheets as needed. Applicant is notified of the current board membership and the Rules and Regulations for the Board of Zoning Appeals, which outline the procedures by which the Board shall operate, are found on the website www.clearcreektownship.com or can be requested from staff.

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FEB 08 2023

CLEARCREEK TOWNSHIP
ZONING DEPT.

Name of Applicant: D. Keith Fickert

Mailing address of Applicant: P O Box 751414 Dayton, Ohio 45475-1414

Identify the Legal Description of Property to be Considered or Attach Metes and Bounds

Description: Parcel ID 0526200014 Single Family residence with one detached barn

Legal Description 5 -3-26 8.017 Acres including pond.

Wishing to build a second detached pole barn as the existing pole barn has become too small and some vehicles and equipment are being stored outdoors.

Property fronts on the following road(s): State Route 48

The legal title to said property recorded in the name(s) of: Darren Keith Fickert

Tax mailing address of individual(s) with whom the legal title to said property is recorded:

8616 St Rt. 48, Waynesville, Ohio 45068

The property is presently zoned: Residential TRI-1 currently with increases assessary building setbacks. The zoning classification at the time the original barn was build was R-1.

The current use of the property:

Residential

Parcel ID 052620014, Legal Description 5 -3-26 8.017 acres, Tax district 01 Clearcreek Township
Neighborhood ID 059002

Palmer, Jeff

From: Rob Fickert <rfickert@ficus.co>
Sent: Wednesday, February 8, 2023 11:23 AM
To: Palmer, Jeff
Subject: FW: Variance Request - Darren Keith Fickert, 8616 SR 48, Waynesville, OH
Attachments: Agent Authorization.pdf; Prelim Site 1-31-23.pdf

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Jeff,

Thank you for meeting with me yesterday, as discussed, herein please find answers to Questions #1 and #2. Also find the authorization signed by Keith to make me his agent for the variance hearing. FYI, Mike Bataglia, architect will also be attending the variance hearing.

Questions # 1, When I purchased this property, I viewed it as my forever, dream property in which I would build our home and live the rest of lives in. After building our home I built a barn for the storage of vehicles, trailers, equipment and toys. My intention is to maintain our vehicles and toys properly, keeping them out of the weather and out of sight. I do not like properties with trucks, trailers, cars and misc. equipment sitting outside and around the house or outbuildings. We have come to love this property and wish to maintain it in a pristine way. We love the rural setting, the privacy and the pond on the property. We also enjoy seeing the deer and other wild animals in our back yard. Our intention is to maintain the character of the neighborhood, and the natural beauty of the grounds, trees and pond. I am asking for a variance to build a second barn to the rear of the existing barn. The new barn would match the existing roofing, siding and exterior of the existing barn and the architectural styling of the house. The new barn would be used to store vehicles, trailers, toys and equipment indoors where they out of the weather and out of sight. The variance is requested to build the new barn in alignment, and to the rear of the existing bar. The property currently has a swale running from the neighbor's property, across our property to the creek on the north side of my parcel. A variance is requested so we can build a second barn and maintain the swale and pond as they currently exist.

Question #2, My property is 8.17 acres. A pond exist in the center or the parcel with a spring supplying it with fresh water. My intention is maintain the pond in its natural state and not alter the size or banks of the pond. As I love the rural setting of this property, I want to maintain that look, its classification and not impede upon the neighbors. My neighbor to the south also has out buildings on his property.

A variance is requested to build a second barn to the rear of the existing barn, and in alignment with the existing barn. A variance is requested as the township changed the zoning side yard setback requirement after I build the first barn. The swale and pond create obstacles for the placement of the new barn location.

If you need any other information, please feel free to contact me.

Rob Fickert
FICO-US, Inc.
P.O. Box 751414
Dayton, Ohio 45475
Direct Office: (937) 388-9948
Cell: (937) 469-1390

3. A variance must not alter the essential character of the neighborhood:

The requested variance will not alter the character of the neighborhood as surrounding properties also have barns and storage buildings.

A shared driveway will be maintained and only extended to the overhead door of the newly built barn.

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4. It is not enough to show that the effects of a variance would be harmless. Real,

unnecessary hardship must still be established by the applicant: The second barn will be used to house and store vehicles, trailers, and equipment indoors (some power and electrical) keeping all out of the weather and rain. The set back of the original barn was 10 feet and it was built in with a setback of 17 feet off the side property line in accordance to the zoning and building requirement of that date. Following the building of the barn, the zoning set back requirements were changed to 25 feet. There is currently a swale running from the neighbor's property across my property at the rear of the existing barn. The swale permits rain water from the neighbor's property to flow across my property to the creek on the north side. Building the new barn next, to the rear, of the existing would place in directly over the swale. Building the new barn with a setback of 25 feet off the side property line would place it too close to the existing pond to permit vehicle access. I am requesting a variance to build the second (new) barn with a side yard setback of 17 feet, matching that of the existing barn.

5. Any hardship must result from the requirements of the zoning resolution and not from the applicant's own actions:

If the new barn is built in accordance with the current side yard setback boundaries, the barn will be placed too close to the pond and turning radius of vehicles entering the barn is too small and not navigable. We are asking for release of the 25 foot side yard setback to match the side yard setback of the existing barn of 17 feet. This will place the new barn in direct alignment with the existing barn.

6. Whether the property owner purchased or acquired the property with knowledge of the zoning restriction:

The zoning regulations were changed after I purchased the property.

7. A variance must not be contrary to public interest, even if a hardship can be established:

The requested variance will not be contrary to public interest, but instead will be more desirable as the new barn will be constructed in alignment with the existing barn.

8. Other factors that the applicant considers important to the judgement of the case:

I purchase this property and built our dream home, planning to retiring and living the remainder of our lives here. This is our paradise. We enjoy watching the deer in the yard, squirrels and birds. We wish to store our vehicles (cars, trucks and trailers) indoors. The equipment and toys we have will become damaged if left outside. We need the sized of the barn as submitted

to properly store the vehicles. For safety reasons, we need the turning radius to enter the barn without falling into the pond.

Form Approved By BZA 4-9-2013

Fee Increase Trustee Resolution 5138 December 10, 2018

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To aid the Board of Zoning Appeals processing of the request, please submit the following documentation with your application:

1. A plot plan of the subject property which includes the following:

- A. North arrow and scale
- B. Name of the applicant/owner
- C. Information to locate the site: Street Name(s), Physical Address, Section, Town and Range Information, Parcel Number and Subdivision Lot Number
- D. The exact boundaries and dimension of subject property
- E. Identification of right-of-way dimensions
- F. Identification of all recorded easements
- G. Identification of area dedicated to the leach field as well as area dedicated to the replacement leach field
- H. Identification of location of well, cistern or spring
- I. The dimension(s) and location(s) of all existing structure(s), including setback(s) to all property lines
- J. The dimension(s) and location(s) of all proposed structure(s), including setback(s) to all property lines

Of which:

One (1) set of plot plans shall be submitted on paper measuring 24" by 36" for display during the public hearing

One (1) set of plot plans shall be submitted on paper measuring 11" by 17" for the Board of Zoning Appeal Member packets

2. A set of architectural/construction drawings which include the following:

- A. Scale
- B. Name of the applicant/owner
- C. Side elevations of existing structure, if request is an addition
- D. Side elevations of proposed structure
- E. Floor plan of proposed structure
- F. Illustration of existing sign face
- G. Illustration of proposed sign face
- H. Any other relevant renderings

Of which:

One (1) set of architectural/construction drawings shall be submitted on paper measuring 24" by 36" for display during the public hearing

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SCI OREGON FUNERAL SERVI...
N ROUTE 48
WAYNESVILLE, OH 45068

PRINCE DAVID N. & JULIA*
8591 ROUTE 48
WAYNESVILLE, OH 45068

STATE OF OHIO
ROUTE 48
WAYNESVILLE, OH 45068

STATE OF OHIO
ROUTE 48
WAYNESVILLE, OH 45068

SCI OREGON FUNERAL SERVI...
N ROUTE 48
WAYNESVILLE, OH 45068

FICKERT DARREN KEITH
8616 N ROUTE 48
WAYNESVILLE, OH 45068

MIAMI VALLEY MEMORY GARD...
1639 E LYTTLE-FIVE POINTS RD
WAYNESVILLE, OH 45068

TRACEY REBECCA S.
8590 ROUTE 48
WAYNESVILLE, OH 45068

HOFFMAN JAY M. AKA JAY
8709 ROUTE 48
WAYNESVILLE, OH 45068

MYERS MICHAEL & DONNA
8594 ROUTE 48
WAYNESVILLE, OH 45068

FLOWER PROPERTIES (PARTN)
N ROUTE 48
WAYNESVILLE, OH 45068

BORNTRAGER MARK
8506 N ROUTE 48
WAYNESVILLE, OH 45068

DALLAS P POWERS & JOYCE *
8721 ROUTE 48
WAYNESVILLE, OH 45068

STATE OF OHIO
ROUTE 48
WAYNESVILLE, OH 45068

GITHENS ELIZABETH M
8493 ROUTE 48
WAYNESVILLE, OH 45068

STATE OF OHIO
ROUTE 48
WAYNESVILLE, OH 45068

SCI OREGON FUNERAL SERVI...
8864 N ROUTE 48
WAYNESVILLE, OH 45068

MIAMI VALLEY MEMORY O
1639 E LYTTLE-FIVE POINTS RD
WAYNESVILLE, OH 45068

FICKERT D. KEITH
N ROUTE 48
WAYNESVILLE, OH 45068

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10. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip : _____

11. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip : _____

12. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____

13. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip : _____

14. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____

15. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____

16. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____

17. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____

18. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip: _____

19. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip : _____

20. Parcel#: _____ Acres/Lot#: _____
 Tax Name: _____
 Address, City, State, Zip : _____

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4. If the applicant is not the property owner, an agent letter from the property owner(s) outlining the length and terms of the agent status must be submitted with this application.

The undersigned certifies that information herein along with all submitted exhibits are factual and correct.

Applicant Signature

Date

2/8/2023



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From: Darren Keith Fickert
8616 SR 48
Waynesville, Ohio 45068

February 8, 2023

Re: Zoning Variance request

To whom it may concern,

Please be advised, I hereby authorize all parties to accept my brother Rob Fickert as my authorized agent concerning my variance request, and to handle any and all proceeding leading up to and including the variance request hearing, beginning February 1, 2023 and running through April 30, 2023. I am currently of the state and cannot attend the variance request hearing.

Darren Keith Fickert



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