



Bethel Township, Miami County, Ohio Board of Zoning Appeals
Thursday, October 22, 2026 – 7:30 P.M. Agenda
Covenant of Life Church, 6805 US 40, Tipp City, Ohio

1. **Call to Order:** Time: _____ Presiding: _____
Roll call: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

2. **New Business**

Review of BZA procedures (opening statement)

Case: CU-11-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal, self-storage buildings and storage yards, excluding wrecking and dismantling of motor vehicles, and truck and heavy equipment service at 4110, 4130 & 4160 Lisa Dr., Tipp City, OH, Parcel ID#s A01-087281, -82, -83.

Motion to take from the table Case#CU-11-26 by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case A-02-26: A request from Jason McCoy to appeal the decision of the Bethel Township Planning & Zoning Administrator. Parcel address is 4150 Gibson Dr. Tipp City, OH, Parcel ID# A01-085385. On July 24, 2026, the applicant submitted application #ZC-22-26 to obtain a zoning certificate to operate as contractor's yard. The application was denied due to unpermitted structures (violations) on the property. Per Bethel Township Zoning Resolution Article 2, Section 2.07(D) (3) (c) Zoning Certificate. If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with the review procedure, or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Section 2.05 A. 1, Administrative Review, of this Zoning Resolution.

Motion to take from the table Case#A-02-26 by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case CU-12-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal and truck and heavy equipment service at 4265 & 4295 Lisa Dr., Tipp City, OH, Parcel ID#s A01-087260 & A01-087259.

Motion to take from the table Case#CU-12-26 by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case CU-13-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal and truck and heavy equipment service at 4405 Gibson Dr., Tipp City, OH, Parcel ID# A01-085363.

Motion to take from the table Case#CU-13-26 by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case A-01-26: A request from Jason McCoy to appeal the decision of the Bethel Township Planning & Zoning Administrator. The applicant submitted an application to obtain a zoning certificate, ZC-63-26, to operate as a Contractor's Yard at 4021 US 40, Tipp City, Parcel ID# A01-005500. The application was denied.

Motion to take from the table Case#A-01-26 by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case CU-14-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal and truck and heavy equipment service at 4185 & 4205 Lisa Dr., Tipp City, OH, Parcel ID #s A01-087263 & A01-087262.

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case CU-15-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal and truck and heavy equipment service at 4365 Gibson Dr. (4470 Lisa Dr.), Tipp City, OH, Parcel ID #s A01-085364 & A01-085365.

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case CU-16-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal, self-storage buildings and storage yards - excluding wrecking and dismantling of motor vehicles- and truck and heavy equipment service at 9195 SR 201, Tipp City, OH, Parcel ID #A01-014300.

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case CU-17-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal and truck and heavy equipment service at 4433 & 4465 Lisa Dr., Tipp City, OH, Parcel ID #s A01-087252 & A01-087253.

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Case CU-18-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal, self-storage buildings and storage yards – excluding wrecking and dismantling of motor vehicles, and truck and heavy equipment service at 9865 Wildcat Rd., Tipp City, OH, Parcel ID # A01-085379.

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

3. **Old Business**

October 1, 2026 meeting minutes

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

October 8, 2026 meeting minutes

Motion to approve by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

4. **Other**

Communications and Reports

- Bethel Township currently has one opening for an alternate on the Zoning Commission
- The next meeting will be October 29, 2026 at 630PM at the Township Meeting Room

5. **Adjournment**

Motion to adjourn by _____ Seconded by _____

Vote: Ms. Hughes: _____ Mr. Leskovich: _____ Ms. O'Quinn: _____
Mr. Staudter: _____ Mr. Swinderman: _____ Mr. Baker: _____
Mr. Mannheim: _____

Time: _____

Case CU-11-26

Case CU-11-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal, self-storage buildings and storage yards, excluding wrecking and dismantling of motor vehicles, and truck and heavy equipment service at 4110, 4130 & 4160 Lisa Dr., Tipp City, OH, Parcel ID#s A01-087281, -82, -83.

Applicant:	Keating Muething & Klekamp PLL
Property Address:	4110, 4130 & 4160 Lisa Dr.
Location:	Parcels are located on the south side of Lisa Dr.
Existing Land Use:	Industrial
Bethel Land Use Plan:	Industrial
Surrounding Land Use	North I-1 Light Industrial South I-1 Light Industrial East I-1 Light Industrial West I-1 Light Industrial
Road Frontage:	A01-087281 125' A01-087282 125.02' A01-087283 198.31'
Acreage:	A01-087281 0.72 acres A01-087282 0.72 acres A01-087283 0.73 acres
Current Zoning:	I-1 Light Industrial
Exhibits:	A – Bethel Township Zoning Map B – Auditor’s Map C – Street View D – Application
Fire Department Info/Review:	None
Miami County Health District:	None
County Planning Department:	None
Bethel Twp Zoning Commission:	N/A
Prior Zoning Cases:	

[illegible]

Exhibit C – Street View

4110 Lisa Dr
Tipp City, Ohio
Google Street View
Apr 2024 See more dates



4110 Lisa Dr
Tipp City, Ohio
Google Street View
Apr 2024 See more dates



4110 Lisa Dr
Tipp City, Ohio
Google Street View
Apr 2024 See more dates





BETHEL TOWNSHIP TRUSTEES
 BETHEL TOWNSHIP ZONING DEPARTMENT
 8735 SOUTH SECOND STREET – BRANDT, TIPP CITY, OHIO 45371
 PHONE: 937.845.8472 FAX: 937.845.7316

APPLICATION FOR A CONDITIONAL USE App. No.: CU-11-26

SECTION I: PROPERTY INFORMATION

Property Address: 4110, 4130, & 4160 Lisa Drive			Acreage: 2.71
Section: 25	Town: 2	Range: 9	Parcel: A01-087281, -82, -83
Subdivision Name and Lot No.: Wiley Industrial Park. Lots 69, 70, & 71			Zoning District: L-1

SECTION II: APPLICANT INFORMATION

Applicant Name: Keating Muething & Klekamp PLL; c/o Thomas M. Tepe		Phone: (513) 579-6400
Address: 1 East Fourth Street, Suite 1400	City, State: Cincinnati, Ohio	Zip Code: 45202
Property Owner: US Truck Lines, LLC		Phone: (937) 716-8118
Address: 4160 Lisa Drive	City, State: Tipp City, Ohio	Zip Code: 45371
Contractor Name:		Phone:
Address:		Zip Code:

SECTION III: PROJECT INFORMATION

REQUESTED USE FOR PROPERTY: See attached Statement in Support

EXISTING USE OF PROPERTY: See attached Statement in Support

EXPLAIN REQUESTED USE IN DETAIL:

Please Note: Please provide a narrative statement explaining the economic, noise, glare, and odor effects on adjoining properties and the general compatibility with adjacent and other properties in the area.

See attached Statement in Support

 04/05/2026
 Contractor/Applicant Date

DocuSigned by:
 September 3, 2026
 Owner Date

SECTION IV: SKETCH OF PROPERTY/PROJECT

ATTACH SKETCH OF PROPERTY AND/OR PROJECT:

Attach a plan for the proposed uses showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas.

See attached Site Plan

SECTION V: MISCELLANEOUS INFORMATION FOR COMMERCIAL/INDUSTRIAL DEVELOPMENT

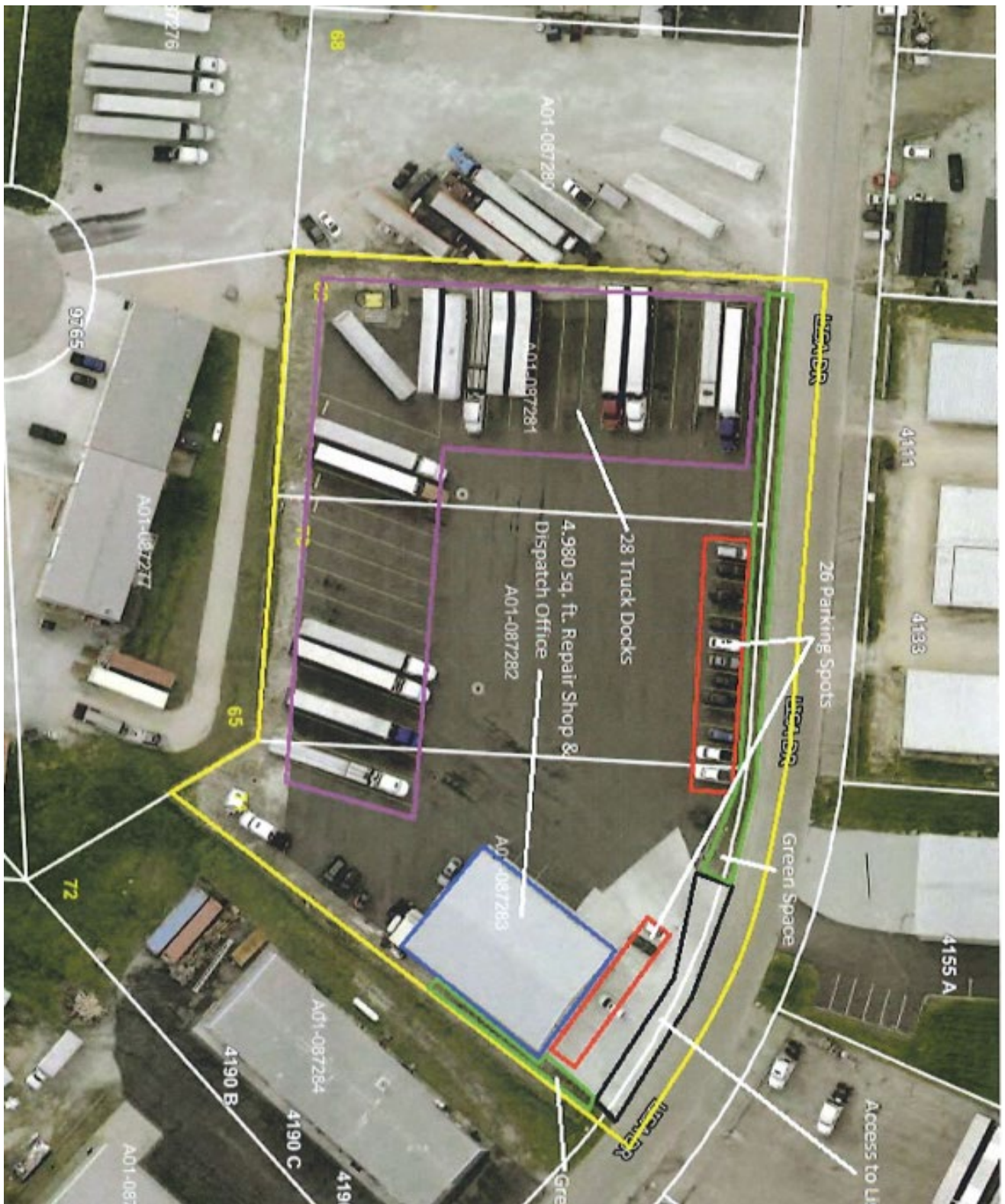
BLDG. STORIES:	1	PARKING SPACES:	26	BLDG. SQ. FT.:
BLDG. HEIGHT:	18	TRUCK DOCKS:	28	4,980

SECTION VI: PROJECT DIMENSIONS (FOR OFFICIAL USE ONLY)

PRIMARY ROAD FRONTAGE:	SECONDARY ROAD FRONTAGE:	LOT SIZE:
FRONT YARD:	REAR YARD:	SIDE YARD:
BUILDING HEIGHT:	BUILDING WIDTH:	
FIRST FLOOR AREA:	SECOND FLOOR AREA:	
TOTAL FLOOR AREA:	FINISHED BASEMENT? YES OR NO	
LOT WIDTH:	LOT DEPTH:	
ESTIMATED COST OF CONSTRUCTION:		

SECTION VII: ADMINISTRATIVE ACTION

REVIEWED BY: <u>AZA</u>	FEE: <u>1650</u>
DECISION DATE:	APPROVED:
REASON FOR APPROVAL OR DENIAL:	



Thomas M. Tepe Jr.

Partner

D: 513.639.3947

ttepe@kmdlaw.com

September 8, 2026

Bethel Township Board of Zoning Appeals

Donna Hughes, Member

Rachael Kiplinger, Member

Jim Leskovich, Member

Nikki O'Quinn, Member

Zach Staudter, Member

Pete Mannheim, Alternate

Michael Statesman, Alternate

c/o Mr. Arthur Franklin

8735 South Second Street

Tipp City, Ohio 45371

Re: Statement in Support of Application for Conditional Use Approval for 4110, 4130,
& 4160 Lisa Drive, Tipp City, Ohio 45371

Dear Board of Zoning Appeals Members:

This law firm represents US Truck Lines, LLC, an Ohio limited liability company ("US Truck Lines"), with respect to its use of the property located at 4110, 4130, & 4160 Lisa Drive, Tipp City, Ohio 45371 (the "Property").¹ US Truck Lines respectfully requests that the Bethel Township Board of Zoning Appeals (the "Board") codify its use of the Property as a motor freight depot, together with accessory semi-truck servicing and repair, self-storage, and dispatching.

I. STATEMENT OF FACTS

The Property is a 2.71-acre tract zoned for Light Industrial (I-1) uses that is located within the heart of Wiley Industrial Park. The adjacent parcels on all sides are zoned likewise and variously used as manufacturing facilities for specialty machines and tools, a self-storage facility, semi-truck repair shops, and a motor freight depot.

Since at least 2018, the Property has been used as a motor freight depot. US Truck Lines acquired the Property in 2021 with the intent of continuing that use and tailoring the Property to meet its business needs. Accordingly, soon after purchasing the Property, US Truck Lines established designated docking spaces for twenty-eight trucks on the and began construction on a now complete 4,980-square-foot structure. US Truck Lines principally uses the Property as a motor

¹ Miami County Auditor Parcel Nos. A01-087281, A01-087282, and A01-087283.

freight depot for transloading—the unloading, transfer, and reloading of freight. In connection with, and as an accessory to, that use, it uses the structure on the Property for short-term storage of freight being transloaded, as a repair shop for working on its own trucks, and as a dispatching office. It also uses ten of the docking spots on the Property to park its trucks and trailers in between shipments and leases the balance to third-parties for the same purposes—transloading and short-term parking.

II. THE PROPOSED USE FALLS WITHIN THE RESOLUTION'S INDUSTRIAL USE FRAMEWORK

However, US Truck Lines was recently made aware that the necessary zoning approvals were never obtained to permit the Property's current uses. It now seeks to bring the Property into compliance with the Bethel Township Zoning Resolution (the "Resolution" or the "BTZR") by requesting approval to use the Property as a motor freight depot, together with accessory semi-truck and trailer parking for its own trucks and those owned by others, servicing its own trucks, and dispatching (the "Proposed Use").² The Proposed Use falls within the industrial-use framework described below and, based on the surrounding land uses and the information presently available, can be operated without unreasonable impacts on neighboring properties. US Truck Lines therefore respectfully requests approval of the Proposed Use, without conditions, or subject to only narrowly tailored conditions supported by the record.

The primary consideration for the Board in determining whether to issue a conditional use certificate is the use's harmony with the Resolution. BTZR § 2.06(A)(4). The more specific standards in BTZR § 2.06(D)(3) direct the Board to consider nine factors addressing the Proposed Use's consistency with the Resolution and the Bethel Township Comprehensive Land Use Plan (the "Comprehensive Plan"); its compatibility with surrounding uses and potential impacts on the surrounding areas; and access to critical infrastructure and services. The Property is located within an industrial park, with industrial uses that are either identical or of a similar intensity on all sides. Those circumstances support approval without conditions or only narrowly tailored conditions if the record shows they are necessary.

a. EACH ASPECT OF THE PROPOSED USE IS PERMITTED

First, the components of the Proposed Use correspond to uses identified for I-1 districts. See BTZR § 2.06(D)(3)(a). BTZR § 12.04 lists among the uses conditionally permitted in an I-1 district: (i) "Motor Freight Depot or Trucking Transfer Terminal"; (ii) "Self-Storage Building and Storage Yards, Excluding Wrecking and Dismantling of Motor Vehicles"; and (iii) "Truck and Heavy Equipment Service."

The principal operation cleanly fits within the Resolution's motor-freight category. BTZR § 3.02 describes a "Truck Transfer Terminal" and "Motor Freight Depot" as land "used as a relay

² US Truck Lines is submitting an application for a zoning certificate to permit semi-truck and trailer repairs, based on the Resolution's identification of "Automobile, Truck, and Recreational Vehicle Repair" as a use permitted as of right. In submitting this application, US Truck Lines does not concede that conditional use approval is a prerequisite to carrying on that use on the Property.

Accordingly, the principal use is identified in the Resolution as a conditionally permitted I-1 use. Semi-truck and trailer servicing, short-term parking, and storage are directly related to that use and are reasonably viewed as necessary incidents to that principal use. Dispatching is an administrative function that supports on-site freight transfer and vehicle coordination. The requested operations should therefore be evaluated together as a coherent light industrial use and approved subject only to conditions necessary to mitigate excessive external effects.

b. THE PROPOSED USE ACCORDS WITH THE RESOLUTION AND COMPREHENSIVE PLAN

The Proposed Use must also be consistent with the general objectives set forth in the Resolution and Comprehensive Plan. *See* BTZR § 2.06(D)(3)(b). The information described above supports that finding. One of the Resolution's key purposes is to define the "peculiar suitability" of each district for particular uses based on the district's character. BTZR § 1.02. The I-1 district's inclusion of motor freight depots and truck service conclusively indicates, under the Resolution's plain language, that the Bethel Township Trustees have determined such activities are compatible with the district's industrial character. The district in question is therefore "peculiar[ly] suit[ed]" to the Proposed Use.

A limited dispatching office is also consistent with the Resolution's stated goal of lessening "congestion on public streets[.]" BTZR § 1.02. Coordinating the receipt, transfer, parking, and dispatch of freight on the Property is necessary to mitigate and avoid traffic-impeding queues, idling, and circulation on public roads. US Truck Lines does not suggest that a dispatch office will eliminate traffic; rather, it provides a practical means of organizing on-site activity and keeping trucks, to the extent feasible, within the Property while they await service or transfer. For that reason, the dispatching function supports the Resolution's purpose of reducing congestion.

The Proposed Use is also consistent with the Comprehensive Plan. The Comprehensive Plan designates the Property as part of an area selected for industrial planning and specifically calls for industrial uses of the Property. While "manufacturing and related retail uses" are identified as preferred uses, the Comprehensive Plan recognizes that "preferred land uses are just that, preferred"—not exclusive. The Proposed Use supports the preferred industrial activity by providing transfer, staging, and service capacity for manufacturers in the Miami Valley and beyond. Further, the information presently available does not show that the Proposed Use would displace a preferred use or conflict with the industrial planning designation. Accordingly, the fact that trucking and logistics are not identified as preferred uses does not make the Proposed Use inconsistent with the Comprehensive Plan, especially given the use's necessity to carrying on a preferred use.

c. WILEY INDUSTRIAL PARK IS A HAVEN FOR THE TRUCKING INDUSTRY

The Board must also consider whether the Proposed Use is harmonious with the character of the area in question or whether it would alter its essential characteristics. *See* BTZR § 2.06(D)(3)(c). The surrounding uses support compatibility. The Property lies within Wiley Industrial Park. Based on the available information, of the forty-two distinct developments within that area, a full third use their properties to functionally the same uses, including one owner on the other side of Lisa Drive. A number of other owners principally use their properties for an accessory

aspect of the Proposed Use, especially semi-truck repair. Approving the Proposed Use would therefore be consistent with the park's existing pattern and would reinforce, rather than materially change, its essential character.

d. THE PROPOSED USE CAN OCCUR WITHOUT UNREASONABLE HAZARDS OR DISRUPTIONS

Neither will the Proposed Use create unreasonable hazards for or disruptions to neighboring land users, another factor the Board must consider. *See* BTZR § 2.06(D)(3)(d). The Proposed Use does not involve manufacturing or the production, handling, or storage of caustic, flammable, or explosive compounds. It does not require continuous operation of manufacturing machinery or a steady flow of retail customers. The proposed activities—freight receipt and transfer, truck and trailer service, short-term parking, storage, and dispatch—are industrial in character. They do not present extraordinary traffic, noise, or safety considerations, and nothing in the information presently available indicates an unusual or unmanageable hazard.

Nor should the Proposed Use be disruptive if operated as described. It will be carried on within the heart of an industrial park dominated by those involved in the same industry. Potential impacts can be limited through ordinary site-management measures, including conducting repairs indoors where feasible, prohibiting unnecessary idling, and coordinating truck movements so that vehicles do not queue on public roads. If the Board identifies a specific concern, it can address that concern through a reasonable, narrowly tailored condition rather than by denying the application outright.

e. EXTERNAL EFFECTS CAN BE MITIGATED

The Board must also consider whether the Proposed Use would adversely affect particular persons or property or the general welfare, through the "excessive production of traffic, noise, smoke, fumes, glare, or odors." BTZR § 3.06(D)(3)(g). US Truck Lines acknowledges that semi-trucks generate some traffic, noise, and exhaust and that truck service can generate additional noise. But the relevant question is whether those impacts would be excessive in this setting. The Property can accommodate no more than twenty-eight trucks at a time, is located in an industrial park, and is surrounded on all sides by industrial users. Those circumstances support a finding that the impacts will be limited and manageable.

If the Board identifies a specific impact, it can address it with a narrowly tailored condition rather than deny approval outright. If, based on the evidence presented, the Board has concern with the Proposed Use's effects, appropriate conditions could include limiting idling by parked trucks, requiring that repairs occur inside the structure on the Property, and limiting truck arrivals and departures outside peak traffic hours. Again, the Proposed Use's impacts can hardly be classified as "excessive" under the circumstances, but the solution to preventing these impacts is not to withhold conditional approval. The remedy is to impose conditions tied to a demonstrated concern and framed to mitigate the concern without unnecessarily restricting a use the Resolution contemplates in the I-1 district.

f. THE PROPERTY HAS ADEQUATE ACCESS TO INFRASTRUCTURE AND SERVICES

Section 2.06(D)(3)(e) of the Resolution also directs the Board to consider whether the Property has adequate access to critical infrastructure and services needed to carry on the Proposed Use safely. The circumstances presented for review support such a finding. The Property is located on Lisa Drive, which has direct access to U.S. Highway 40 via Wildcat Road and State Route 202 by way of Gibson Drive. This access point provides ready access for ordinary and emergency vehicles. Further, the Property's center is entirely unoccupied, leaving ample room for emergency response vehicles to maneuver. The Proposed Use is nonresidential and therefore will not create additional demand for school capacity.

g. THE PROPERTY HAS SUFFICIENT INGRESS AND EGRESS TO AVOID MATERIAL INTERFERENCE WITH TRAFFIC

The Board must also consider whether the Property has adequate vehicular approaches to avoid interfering with traffic on surrounding public roads. *See* BTZR § 2.06(D)(3)(h). The Property is accessed from Lisa Drive, a side street whose traffic is largely limited to those doing business within Wiley Industrial Park, through an approximately 136-foot-wide access lane. The minimal traffic on Lisa Drive and the distance between the Property and any major roadways supports the conclusion that the Property is sufficiently accessible to avoid material impacts on traffic.

h. THE PROPOSED USE IS CONSISTENT WITH THE TOWNSHIP'S FISCAL AND ECONOMIC INTERESTS

The Board must also consider whether the Proposed Use would impose an excessive burden on the public fisc and the extent to which it would contribute to the Township's economic well-being. *See* BTZR § 2.06(D)(3)(f). Any impacts that the Proposed Use will have on the treasury are nugatory. It will not necessitate infrastructure improvements on Lisa Drive. Its draw on utilities is minimal, especially for a Light Industrial use. It does not add additional burdens on Bethel Township schools as it is not a residential development. On this record, the Proposed Use is not expected to impose a material burden on public resources.

Instead, the Proposed Use will contribute to the Township's economic health by supporting industrial and logistics activity in an area designated for such uses. It would provide logistics services for manufacturers in the Miami Valley and beyond. Its location within an established industrial park, well away from residential developments, largely eliminates its impacts on residential property values. Thus, the Proposed Use will contribute to the Township's economic wellbeing without draining public resources.

i. THE PROPERTY LACKS NATURAL, SCENIC, OR HISTORIC FEATURES

Finally, the Board must consider whether approval would result in the destruction or loss of "natural, scenic, or historic features of major importance." BTZR § 2.06(D)(3)(i). The Proposed Use will have none of these effects. The Property sits within an industrial park, which are not renowned for natural or scenic beauty, and Wiley Industrial Park is no different. The Property has

no historical significance, and has not been designated as a historic landmark. Regardless, the Proposed Use is just that—a use. It will not involve any new developments that have not already been permitted and will not result in the loss of a protected feature, even of minor importance.

III. THE BOARD SHOULD GRANT CONDITIONAL-USE APPROVAL

In sum, the Proposed Use is consistent with the Resolution, the Comprehensive Plan, and the character of Wiley Industrial Park. It will have minimal impacts on neighboring properties, traffic, and public resources, none of which are incapable of being managed through reasonable, appropriately tailored conditions. US Truck Lines seeks approval to bring the Property's existing and intended operations into compliance and to continue using it as a motor freight depot and trucking transfer terminal, with the related parking, servicing, repair, self-storage, and dispatching functions described above. On behalf of US Truck Lines, we therefore respectfully request that the Board approve the Proposed Use without conditions, or otherwise subject only to conditions supported by the record and tailored to address a specific concern.

Respectfully submitted,

KEATING MUETHING & KLEKAMP PLL

By: 

Thomas M. Tepe Jr.
Partner

cc: Mr. Emil Kuchiyev, Principal, US Truck Lines, LLC
Alexander C. Johnson, Esq., Associate Attorney, Keating Muething & Klekamp PLL
15934401.v1

Case A-02-26

Case A-02-26: A request from Jason McCoy to appeal the decision of the Bethel Township Planning & Zoning Administrator. Parcel address is 4150 Gibson Dr. Tipp City, OH, Parcel ID# A01-085385. On July 24, 2026, the applicant submitted application #ZC-22-26 to obtain a zoning certificate to operate as contractor's yard. The application was denied due to unpermitted structures (violations) on the property. Per Bethel Township Zoning Resolution Article 2, Section 2.07(D) (3) (c) Zoning Certificate. If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with the review procedure, or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Section 2.05 A. 1, Administrative Review, of this Zoning Resolution.

Applicant:	Jason McCoy	
Property Address:	4150 Gibson Dr.	
Location:	Parcel is located approximately ½ mile west of SR 202 on the south side of Gibson Dr	
Existing Land Use:	I-1 Light Industrial District	
Bethel Land Use Plan:	Commercial	
Surrounding Land Use	North	I-1 Light Industrial
	South	A-2 General Agricultural
	East	I-1 Industrial
	West	I-1 Light Industrial
Road Frontage:	125'	
Acreage:	0.72 acres	
Current Zoning:	I-1 Light Industrial	
Exhibits:	A – Bethel Township Zoning Map B – Auditor's Map C – Street View D – Denied Application E – Email from A. Franklin requesting complete application F – Denial from A. Franklin G – Legal Appeal (separate document)	
Fire Department Info/Review:	None	
Miami County Health District:	None	
County Planning Department:	None	
Bethel Twp Zoning Commission:	N/A	
Prior Zoning Cases:		

Exhibit A - Bethel Township Zoning Map

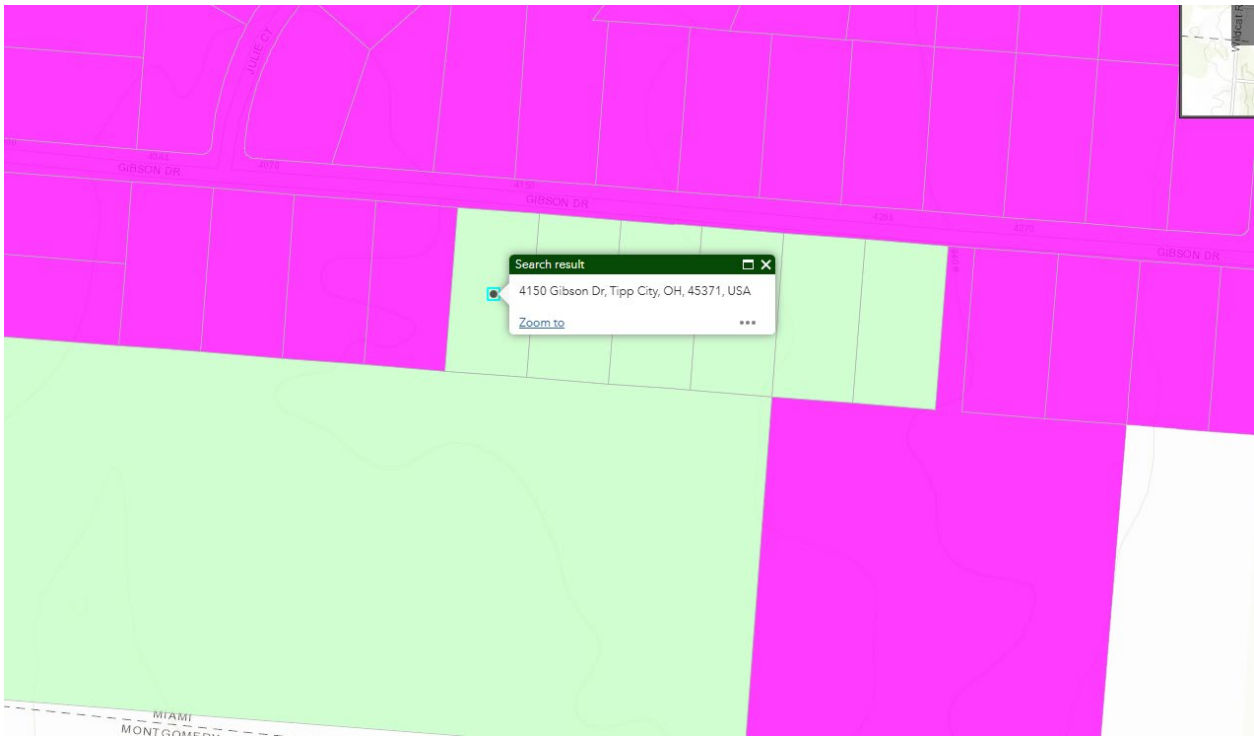


Exhibit B – Auditor’s Map



Exhibit C – Street View



Exhibit D – Denied application



BETHEL TOWNSHIP TRUSTEES
BETHEL TOWNSHIP ZONING DEPARTMENT
8735 SOUTH SECOND STREET – BRANDT, TIPP CITY, OHIO 45371
PHONE: 937.845.8472 FAX: 937.845.7316

APPLICATION FOR A ZONING CERTIFICATE

App. No.: ZC- 22- 26

SECTION I: PROPERTY INFORMATION

Property Address: 4150 Gibson Dr. Tipp City OH 45371	Acreage: 0.72
Section: 25 Town: 2 Range: 9	Parcel: A01- 085 385
Subdivision Name and Lot No.: Wiley Industrial Park, lot # unknown	Zoning District:

SECTION II: APPLICANT INFORMATION

Applicant Name: Monopoly IRL, LLC	Phone: 937-524-5885
Address: PO Box 147	City, State: Tipp City OH
Property Owner: Monopoly IRL, LLC	Zip Code: 45371
Address: PO Box 147	Phone: 937-524-5885
City, State: Tipp City OH	Zip Code: 45371
Contractor Name: N/A	Phone: N/A
Address: N/A	City, State: N/A
	Zip Code: N/A

SECTION III: PROJECT INFORMATION (CHECK ALL THAT APPLY)

RESIDENTIAL

- | | | |
|---|---|--|
| ☐ NEW CONSTRUCTION | ☐ SINGLE FAMILY DWELLING | ☐ MULTI-FAMILY DWELLING |
| ☐ DECK | ☐ POOL | ☐ ADDITION |
| ☐ BASEMENT FINISHING | ☐ SHED/GARAGE | ☐ DEMOLITION |
| ☐ FREE STANDING SIGN | ☐ TEMPORARY SIGN | ☐ OTHER _____ |

COMMERCIAL/INDUSTRIAL

- | | | |
|---|--|---|
| ☐ NEW CONSTRUCTION | ☐ WAREHOUSE | ☐ BUSINESS |
| ☐ OFFICE | ☐ NEW USE | ☐ CHANGE OF USE |
| ☐ FREE STANDING SIGN | ☐ WALL SIGN(S) | ☐ TEMPORARY SIGN |
| ☐ DEMOLITION | ☒ OTHER "Building and Trades, Contractor's Yards, Utility Storage Yards" | |

EXPLAIN REQUESTED USE IN DETAIL:

Please Note: Please provide a narrative state explaining the economic, noise, glare, and odor effects on adjoining properties and the general compatibility with adjacent and other properties in the area.

see attached memo

DENIED

Contractor/Applicant

7-24-26
Date

Owner

7-24-26
Date

Please Note: This application, if approved, must further be submitted to the Miami County Building Regulations Department, 1506 One Stop Court, Suite 6, Troy, Ohio 45373 for the applicable building permits. Building permits are mandatory before construction begins within Bethel Township, Miami County. A copy of all zoning certificates received by the Miami County Building Regulations Department shall be signed and dated and returned to the Bethel Township Zoning Department by said office.

SECTION IV: WATER AND SANITARY INFORMATION

PUBLIC WATER AVAILABLE? ☒ N PUBLIC SEWER AVAILABLE? ☒ N HYDRANTS WITHIN 500'? ☒ N
SANITATION TO BE APPROVED BY:
☒ MIAMI COUNTY HEALTH DEPT. ☐ OHIO E.P.A. ☐ OTHER _____

Continued on Next Page

SECTION V: ATTACH SKETCH OF PROPERTY/PROJECT

Attach a plan for the proposed used showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas.

See attached diagram

SECTION VI: PROJECT DIMENSIONS (FOR OFFICIAL USE ONLY)

PRIMARY ROAD FRONTAGE: 125	SECONDARY ROAD FRONTAGE: N/A	LOT SIZE: 6.72
FRONT YARD: N/A	REAR YARD: N/A	SIDE YARD: N/A
BUILDING HEIGHT: 25'	BUILDING WIDTH: 60'	
FIRST FLOOR AREA: 6000 sq ft	SECOND FLOOR AREA: N/A	
TOTAL FLOOR AREA: 6000 sq ft	FINISHED BASEMENT? YES OR NO N/A	
LOT WIDTH: 125	LOT DEPTH: 250	
ESTIMATED COST OF CONSTRUCTION: \$ 0.00		

SECTION VII: MISCELLANEOUS INFORMATION FOR COMMERCIAL/INDUSTRIAL DEVELOPMENT

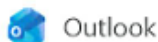
BLDG. STORIES: 1	PARKING SPACES: 7	BLDG. SQ. FT.: 6000
BLDG. HEIGHT: 25'	TRUCK DOCKS: 0	

SECTION VIII: ADMINISTRATIVE ACTION

REVIEWED BY: Arthur P. P. P. P. P.	FEE: \$100
DECISION DATE: 7/30/26	APPROVED: _____
REASON FOR APPROVAL OR DENIAL: SEE EMAIL	

DENIED

Exhibit E – Letter of Denial



Application for Zoning Certificate (4150 Gibson Dr)

From Zoning Department <zoning@betheltownship.org>

Date Fri 7/24/2026 3:11 PM

To Jason M <mccoyjasonm@gmail.com>

Good afternoon Mr. Jason,

I just wanted to touch bases with you concerning the application you submitted earlier for a zoning certificate at the property located at 4150 Gibson Dr. Unfortunately, the property has snowplows on it which are not allowed. This is the reason that your application was denied at the property located at 4021 E US 40. Both properties are zoned I-1. (See email dated July 2, 2026 @ 3:58PM

As a courtesy, I will not deny the application and will allow you to visit the office to complete the application and explain the requested use in detail. Again, the current use (snow plows) is not allowed as you were informed in previous conversations. Thank you and sorry for any inconvenience this may have caused. Again, I will extend the review period, which is normally 3 days, and allow you the opportunity to complete your application so that I can properly review it.

Regards,

Arthur

Exhibit F – Denial from A. Franklin

Johnson, Alexander C.

From: Zoning Department <zoning@betheltownship.org>
Sent: Thursday, July 30, 2026 4:32 PM
To: Johnson, Alexander C.
Cc: Jason M
Subject: Application of Zoning Certificate (4150 Gibson Dr)
Attachments: McCoy Application.pdf

Mr. McCoy,

After review of your application for a Zoning Certificate, I have determined that the requested zoning certificate cannot be issued.

The zoning certificate is denied because the subject property is not presently in conformity with the applicable provisions of the Bethel Township Zoning Resolution. As currently situated, the property contains one or more existing zoning violations that prevent the issuance of a zoning certificate.

I have determined that an existing structure or use on the property was established or constructed in violation of the Bethel Township Zoning Resolution. Until the existing zoning violation has been corrected, legalized through an available administrative process, or otherwise resolved as permitted by law, I am without authority to issue a zoning certificate for the property.

This determination is based upon the authority granted to the Zoning Administrator under the Bethel Township Zoning Resolution and Chapter 519 of the Ohio Revised Code.

Respectfully,

Arthur Franklin

Case CU-12-26

Case CU-12-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal and truck and heavy equipment service at 4265 & 4295 Lisa Dr., Tipp City, OH, Parcel ID#s A01-087260 & A01-087259.

Applicant:	Keating Muething & Klekamp PLL	
Property Address:	4265 & 4295 Lisa Dr.	
Location:	Parcels are located on the north side of Lisa Dr.	
Existing Land Use:	Industrial	
Bethel Land Use Plan:	Industrial	
Surrounding Land Use	North	I-1 Light Industrial
	South	I-1 Light Industrial
	East	I-1 Light Industrial
	Wes	I-1 Light Industrial
Road Frontage:	A01-087260	180.59'
	A01-087259	150'
Acreage:	A01-087260	0.75 acres
	A01-087259	1.05 acres
Current Zoning:	I-1 Light Industrial	
Exhibits:	A – Bethel Township Zoning Map	
	B – Auditor’s Map	
	C – Street View	
	D – Application	
Fire Department Info/Review:	None	
Miami County Health District:	None	
County Planning Department:	None	
Bethel Twp Zoning Commission:	N/A	
Prior Zoning Cases:		

Exhibit A - Bethel Township Zoning Map

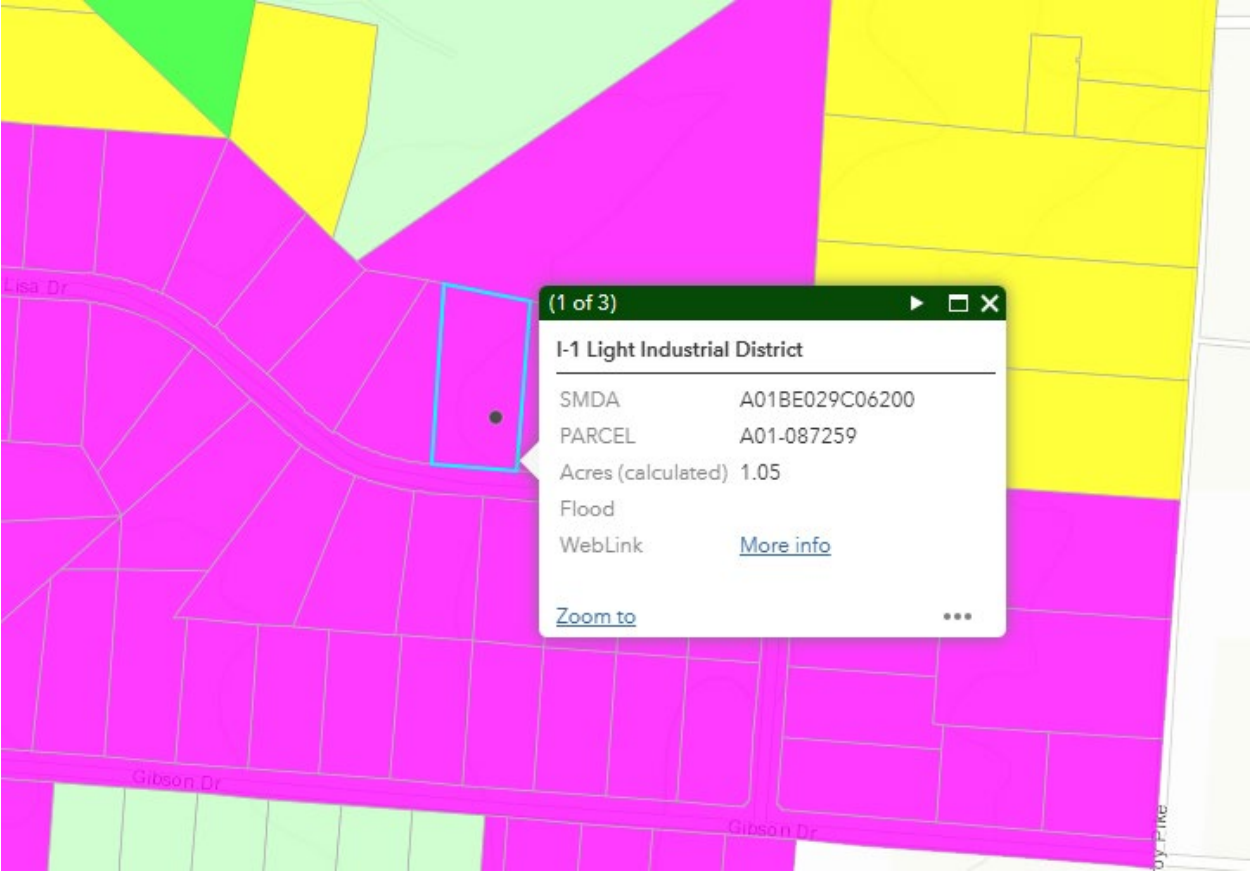


Exhibit B – Auditor’s Map



Exhibit C – Street View





BETHEL TOWNSHIP TRUSTEES
BETHEL TOWNSHIP ZONING DEPARTMENT
 8735 SOUTH SECOND STREET – BRANDT, TIPP CITY, OHIO 45371
 PHONE: 937.845.8472 FAX: 937.845.7316

APPLICATION FOR A CONDITIONAL USE App. No.: CU- 17-26

SECTION I: PROPERTY INFORMATION

Property Address: 4265 & 4295 Lisa Drive	Acreage: 1.80
Section: 25 Town: 2 Range: 9	Parcel: A01-087259, -60
Subdivision Name and Lot No.: Wiley Industrial Park, Lots 47 & 48	Zoning District: J-1

SECTION II: APPLICANT INFORMATION

Applicant Name: Keating Muething & Klekamp PLL; c/o Thomas M. Tepe	Phone: (513) 579-6400
Address: 1 East Fourth Street, Suite 1400 City, State: Cincinnati, Ohio	Zip Code: 45202
Property Owner: On Time Truck & Trailer Repair LLC	Phone: (206) 631-9667
Address: 4295 Lisa Drive City, State: Tipp City, Ohio	Zip Code: 45371
Contractor Name:	Phone:
Address:	City, State:
	Zip Code:

SECTION III: PROJECT INFORMATION

REQUESTED USE FOR PROPERTY: See attached Statement in Support

EXISTING USE OF PROPERTY: See attached Statement in Support

EXPLAIN REQUESTED USE IN DETAIL:

Please Note: Please provide a narrative statement explaining the economic, noise, glare, and odor effects on adjoining properties and the general compatibility with adjacent and other properties in the area.

See attached Statement in Support

Contractor/Applicant

09/08/2026
 Date

Signed by:

 Owner

September 3, 2026
 Date

SECTION IV: SKETCH OF PROPERTY/PROJECT

ATTACH SKETCH OF PROPERTY AND/OR PROJECT:

Attach a plan for the proposed uses showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas.

See attached Site Plan

SECTION V: MISCELLANEOUS INFORMATION FOR COMMERCIAL/INDUSTRIAL DEVELOPMENT

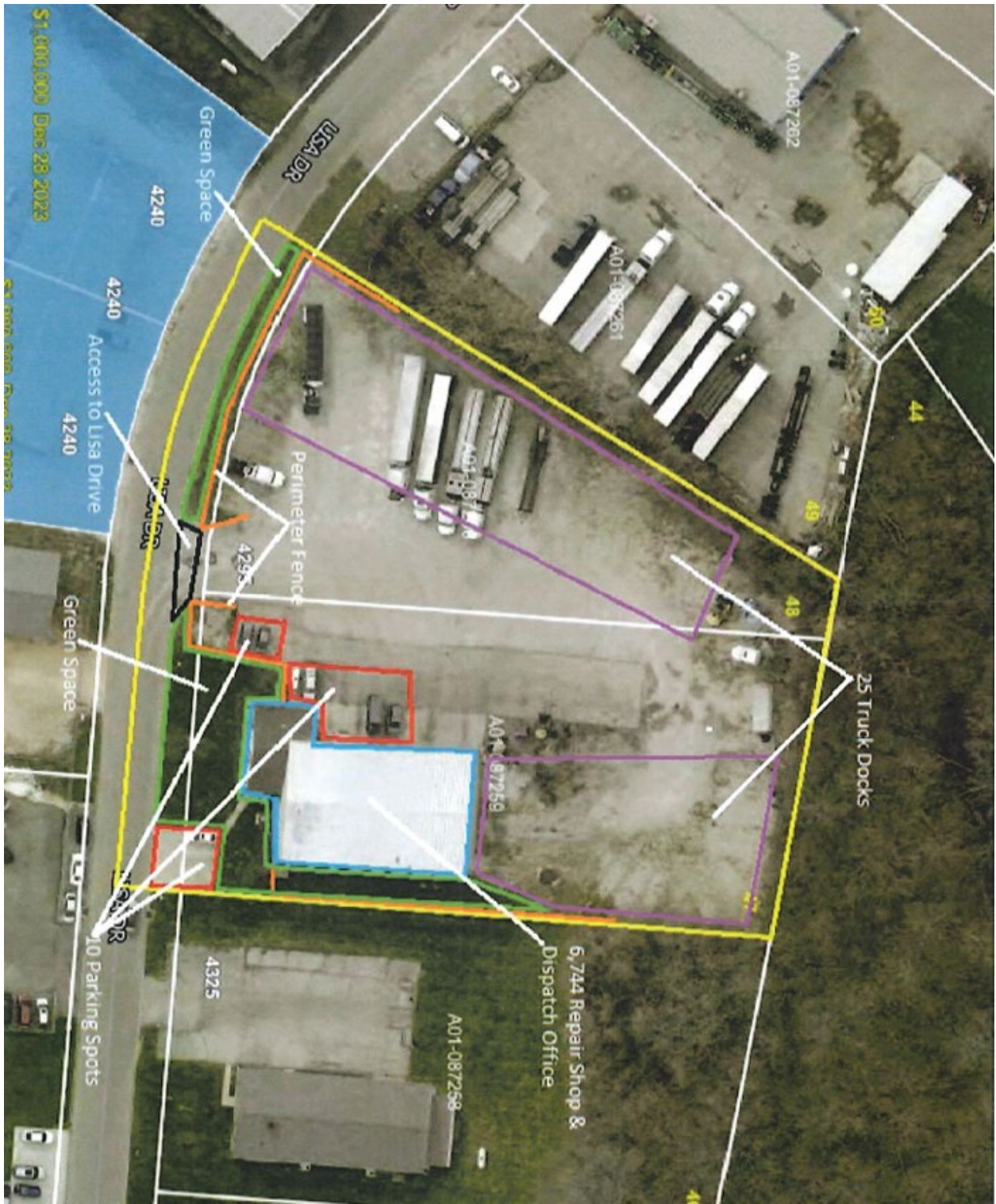
BLDG. STORIES:	1	PARKING SPACES:	10	BLDG. SQ. FT.:
BLDG. HEIGHT:	14	TRUCK DOCKS:	25	6,744

SECTION VI: PROJECT DIMENSIONS (FOR OFFICIAL USE ONLY)

PRIMARY ROAD FRONTAGE:	SECONDARY ROAD FRONTAGE:	LOT SIZE:
FRONT YARD:	REAR YARD:	SIDE YARD:
BUILDING HEIGHT:	BUILDING WIDTH:	
FIRST FLOOR AREA:	SECOND FLOOR AREA:	
TOTAL FLOOR AREA:	FINISHED BASEMENT? YES OR NO	
LOT WIDTH:	LOT DEPTH:	
ESTIMATED COST OF CONSTRUCTION:		

SECTION VII: ADMINISTRATIVE ACTION

REVIEWED BY: 152A	FEE: \$500
DECISION DATE:	APPROVED:
REASON FOR APPROVAL OR DENIAL:	



Thomas M. Tepe Jr.
Partner
D: 513.639.3947
ttepe@kmlaw.com

September 8, 2026

Bethel Township Board of Zoning Appeals

Donna Hughes, Member
Rachael Kiplinger, Member
Jim Leskovich, Member
Nikki O'Quinn, Member
Zach Staudter, Member
Pete Mannheim, Alternate
Michael Statesman, Alternate

c/o Mr. Arthur Franklin
8735 South Second Street
Tipp City, Ohio 45371

Re: Statement in Support of Application for Conditional Use Approval for 4265 &
4295 Lisa Drive, Tipp City, Ohio 45371

Dear Board of Zoning Appeals Members:

This law firm represents On Time Truck & Trailer Repair LLC, an Ohio limited liability company ("On Time"), with respect to its use of the property located at 4265 and 4295 Lisa Drive, Tipp City, Ohio 45371 (the "Property").¹ On Time respectfully requests that the Bethel Township Board of Zoning Appeals (the "Board") codify its use of the Property as a motor freight depot, together with accessory semi-truck parking, self-storage, servicing, and dispatching.

I. STATEMENT OF FACTS

The Property is a 1.85-acre tract zoned for Light Industrial (I-1) uses that is located along the northeastern boundary of Wiley Industrial Park. Each of the surrounding parcels are subject to the same zoning designation, with the tracts to the north and west and one of the three tracts to the south being applied to uses virtually identical to the Property. The tract to the east and one of the parcels to the south are used as a semi-truck and trailer repair shops. The remaining parcel to the south is used as a vehicle repair shop that leases vehicle lifts for short-term personal use.

The Property contains an existing 6,744-square-foot facility, originally constructed in 1978. While operations on the Property have gradually expanded over time, since at least the mid-1990s, the Property has been applied to its current use as a motor freight depot with accessory

¹ Miami County Auditor Parcel Nos. A01-087259 and A01-087260.

semi-truck parking. In support of that use, the Property contains twenty-five docking spots for semi-trucks and trailers. Additionally, the existing structure has been used to store freight being transloaded and as a semi-tractor and trailer repair facility.

On Time acquired the Property in 2025 with the intent of perpetuating the Property's established use and tailoring that use somewhat to meet its needs. On Time continues to utilize the docking spaces to store its own trucks between runs and to transload freight between trailers and rigs and leases some spaces to third parties for the same purposes. Further, On Time continues to utilize the structure on the Property as a repair facility both for its own trucks and trailers and those owned by others. On Time also utilizes a small office within the structure for dispatching and administrative purposes.

II. THE PRINCIPAL & ACCESSORY USES ARE CONDITIONALLY PERMITTED

However, On Time recently learned that, despite the longstanding application of the Property to its current uses, the necessary zoning approvals were never obtained. It now seeks to bring the Property into compliance with the Bethel Township Zoning Resolution (the "Resolution" or the "BTZR") by requesting approval to use the Property as a motor freight depot, together with accessory semi-truck and trailer parking, self-storage, servicing, and dispatching (the "Proposed Use").² The Proposed Use falls within the industrial-use framework described below and, based on the surrounding land uses and the information presently available, can be operated without unreasonable impacts on neighboring properties. On Time therefore respectfully requests approval of the Proposed Use, without conditions, or subject to only narrowly tailored conditions supported by the record.

The primary consideration for the Board in determining whether to issue a conditional use certificate is the use's harmony with the Resolution. BTZR § 2.06(A)(4). The more specific standards in BTZR § 2.06(D)(3) direct the Board to consider nine factors addressing the Proposed Use's consistency with the Resolution and the Bethel Township Comprehensive Land Use Plan (the "Comprehensive Plan"); its compatibility with surrounding uses and potential impacts on the surrounding areas; and access to critical infrastructure and services. The Property is located within an industrial park, with industrial uses that are either identical or of a similar intensity on all sides. Those circumstances support approval without conditions or only narrowly tailored conditions if the record shows they are necessary.

a. EACH ASPECT OF THE PROPOSED USE IS PERMITTED

First, the components of the Proposed Use correspond to uses identified for I-1 districts. See BTZR § 2.06(D)(3)(a). BTZR § 12.04 lists a "Motor Freight Depot or Trucking Transfer

² On Time is submitting an application for a zoning certificate to permit semi-truck and trailer repairs, based on the Resolution's identification of "Automobile, Truck, and Recreational Vehicle Repair" as a use permitted as of right. In submitting this application, On Time does not concede that conditional use approval is a prerequisite to carrying on that use on the Property.

Terminal” and “Truck and Heavy Equipment Service” among the uses conditionally permitted in an I-1 district.

The principal operation cleanly fits within the Resolution’s motor-freight category. BTZR § 3.02 describes a “Truck Transfer Terminal” and “Motor Freight Depot” as land “used as a relay station for the transfer of a load from one truck or truck trailer to another, or from one party to another, which can accommodate the simultaneous loading or unloading of four (4) or more trucks.” On Time uses, and seeks approval to continue using, the Property for short-term parking of not more than twenty-five semi-tractors and trailers between hauls and for transferring freight and trailers between rigs before delivery to their ultimate destinations. In other words, On Time uses the Property as a “relay station” for transferring loads “from one truck or trailer to another” and temporarily holding trucks. The requested principal use therefore falls within the motor-freight category identified in the Resolution and is eligible for conditional-use consideration.

The accessory aspects of the Proposed Use likewise qualify as conditionally permitted uses on properties subject to I-1 zoning and fit the bill of being customarily carried on in connection with the principal use. *See* BTZR § 12.03. The Resolution identifies “Self-Storage Buildings and Storage Yards” as conditionally permitted uses of Light Industrial properties. BTZR § 12.04. Section 3.02 of the Resolution describes that use as “property that is leased, rented or owned by different individuals for the storage of individual possessions or personal property.” BTZR § 3.02. On Time leases docking spaces to third parties who use them for parking and transloading in connection with their trucking operations. Because the spaces provide temporary storage and staging for trucks, trailers, or freight used in those operations, and will not involve wrecking, the requested storage component is both incidental to, and ordinarily found in connection with, the Property’s principal use. Thus, it qualifies as a permissible accessory use that is, at a minimum, appropriately approved under the Resolution’s accessory-use provision, BTZR § 12.03.

The same relationship exists for the proposed repair and service facilities. BTZR § 12.04 lists “Truck and Heavy Equipment Service” as a conditionally permitted I-1 use. Although the Resolution does not define that phrase, its ordinary meaning encompasses maintenance and repair of trucks and other heavy equipment. Just like any other vehicle or trailer, semi-trucks and trailers require periodic maintenance and repairs, and on-site service for vehicles between runs and in transit supports their safe and efficient operation. On Time intends to perform service and repair work in the existing freestanding on the Property both for its own equipment and commercially. Whether the repair component is treated as a use permitted as of right or as part of the conditional-use request, the requested service activity is consistent with the Resolution’s treatment of I-1 uses and necessary and incidental to the proper operation of a motor freight depot.

An office for dispatching is the one component of the Proposed Use not identified in the cited list of permitted or conditionally permitted I-1 uses. The proposed dispatching office, however, would be limited to coordinating the receipt, transfer, parking, and dispatch of trucks and freight at the Property; it would not operate as a separate retail or general office business. Just as semi-trucks will not repair themselves, a motor freight depot will not operate itself. A limited administrative function of that kind is customarily incidental to, and necessary to the orderly

operation of, a motor freight depot. The Board may therefore treat dispatching as an accessory function under BTZR § 12.03, or approve it as a necessary incident of the Proposed Use.

Accordingly, the principal use is identified in the Resolution as a conditionally permitted I-1 use. Semi-truck and trailer servicing, short-term parking, and storage are directly related to that use and are reasonably viewed as necessary incidents to that principal use. Dispatching is an administrative function that supports on-site freight transfer and vehicle coordination. The requested operations should therefore be evaluated together as a coherent light industrial use and approved subject only to conditions necessary to mitigate excessive external effects.

b. THE PROPOSED USE ACCORDS WITH THE RESOLUTION AND COMPREHENSIVE PLAN

The Proposed Use must also be consistent with the general objectives set forth in the Resolution and Comprehensive Plan. *See* BTZR § 2.06(D)(3)(b). The information described above supports that finding. One of the Resolution's key purposes is to define the "peculiar suitability" of each district for particular uses based on the district's character. BTZR § 1.02. The I-1 district's inclusion of motor freight depots, self-storage yards, and truck service conclusively indicates, under the Resolution's plain language, that the Bethel Township Trustees have determined such activities are compatible with the district's industrial character. The district in question is therefore "peculiar[ly] suit[ed]" to the Proposed Use.

A limited dispatching office is also consistent with the Resolution's stated goal of lessening "congestion on public streets[.]" BTZR § 1.02. Coordinating the receipt, transfer, parking, and dispatch of freight on the Property is necessary to mitigate and avoid traffic-impeding queues, idling, and circulation on public roads. On Time does not suggest that a dispatch office will eliminate traffic; rather, it provides a practical means of organizing on-site activity and keeping trucks, to the extent feasible, within the Property while they await service or transfer. For that reason, the dispatching function supports the Resolution's purpose of reducing congestion.

The Proposed Use is also consistent with the Comprehensive Plan. The Comprehensive Plan designates the Property as part of an area selected for industrial planning and specifically calls for industrial uses of the Property. While "manufacturing and related retail uses" are identified as preferred uses, the Comprehensive Plan recognizes that "preferred land uses are just that, preferred"—not exclusive. The Proposed Use supports the preferred industrial activity by providing transfer, staging, and service capacity for manufacturers in the Miami Valley. Further, the information presently available does not show that the Proposed Use would displace a preferred use or conflict with the industrial planning designation. Accordingly, the fact that trucking and logistics are not identified as preferred uses does not make the Proposed Use inconsistent with the Comprehensive Plan, especially given the use's necessity to carrying on a preferred use.

c. WILEY INDUSTRIAL PARK IS A HAVEN FOR THE TRUCKING INDUSTRY

The Board must also consider whether the Proposed Use is harmonious with the character of the area in question or whether it would alter its essential characteristics. *See* BTZR § 2.06(D)(3)(c). The surrounding uses support compatibility. The Property lies within Wiley Industrial Park. Based on the available information, of the forty-two distinct developments within

that area, a full third use their properties to functionally the same uses, including the owners to the north, west, and south. A number of other owners principally use their properties for an accessory aspect of the Proposed Use, especially semi-truck repair. Approving the Proposed Use would therefore be consistent with the park's existing pattern and would reinforce, rather than materially change, its essential character.

d. THE PROPOSED USE CAN OCCUR WITHOUT UNREASONABLE HAZARDS OR DISRUPTIONS

Neither will the Proposed Use create unreasonable hazards for or disruptions to neighboring land users, another factor the Board must consider. *See* BTZR § 2.06(D)(3)(d). The Proposed Use does not involve manufacturing or the production, handling, or storage of caustic, flammable, or explosive compounds. It does not require continuous operation of manufacturing machinery or a steady flow of retail customers. The proposed activities—freight receipt and transfer, truck and trailer service, short-term parking, storage, and dispatch—are industrial in character. They do not present extraordinary traffic, noise, or safety considerations, and nothing in the information presently available indicates an unusual or unmanageable hazard.

Nor should the Proposed Use be disruptive if operated as described. It will be carried on within an industrial park dominated by those involved in the same industry. Potential impacts can be limited through ordinary site-management measures, including conducting repairs indoors where feasible, prohibiting unnecessary idling, and coordinating truck movements so that vehicles do not queue on public roads. If the Board identifies a specific concern, it can address that concern through a reasonable, narrowly tailored condition rather than by denying the application outright.

e. EXTERNAL EFFECTS CAN BE MITIGATED

The Board must also consider whether the Proposed Use would adversely affect particular persons or property or the general welfare, through the “excessive production of traffic, noise, smoke, fumes, glare, or odors.” BTZR § 3.06(D)(3)(g). On Time acknowledges that semi-trucks generate some traffic, noise, and exhaust and that truck service can generate additional noise. But the relevant question is whether those impacts would be excessive in this setting. The Property can accommodate no more than twenty-five trucks at a time, is located in an industrial park, and is surrounded on all sides by industrial users, including several that apply their properties to materially identical uses. Those circumstances support a finding that the impacts will be limited and manageable.

If the Board identifies a specific impact, it can address it with a narrowly tailored condition rather than deny approval outright. If, based on the evidence presented, the Board has concern with the Proposed Use's effects, appropriate conditions could include limiting idling by parked trucks, requiring that repairs occur inside the structure on the Property, and limiting truck arrivals and departures outside peak traffic hours. Again, the Proposed Use's impacts can hardly be classified as “excessive” under the circumstances, but the solution to preventing these impacts is not to withhold conditional approval. The remedy is to impose conditions tied to a demonstrated concern and framed to mitigate the concern without unnecessarily restricting a use the Resolution contemplates in the I-1 district.

f. THE PROPERTY HAS ADEQUATE ACCESS TO INFRASTRUCTURE AND SERVICES

Section 2.06(D)(3)(e) of the Resolution also directs the Board to consider whether the Property has adequate access to critical infrastructure and services needed to carry on the Proposed Use safely. The circumstances presented for review support such a finding. The Property is located on Lisa Drive, which has direct access to U.S. Highway 40 via Wildcat Road and State Route 202 via Gibson Drive through a fifty-five-foot-wide entry. This access point provides sufficient access for ordinary and emergency vehicles. Further, the Property contains substantial yard space that would allow emergency vehicles to circulate within the Property. The Proposed Use is also nonresidential and therefore will not create additional demand for school capacity.

g. THE PROPERTY HAS SUFFICIENT INGRESS AND EGRESS TO AVOID MATERIAL INTERFERENCE WITH TRAFFIC

The Board must also consider whether the Property has adequate vehicular approaches to avoid interfering with traffic on surrounding public roads. *See* BTZR § 2.06(D)(3)(h). The Property is accessed from Lisa Drive, a side street whose traffic is largely limited to those doing business within Wiley Industrial Park, through an approximately fifty-five-foot curb cut. The minimal traffic on Lisa Drive and the distance between the Property and any major roadways supports the conclusion that the Property is sufficiently accessible to avoid material impacts on traffic.

h. THE PROPOSED USE IS CONSISTENT WITH THE TOWNSHIP'S FISCAL AND ECONOMIC INTERESTS

The Board must also consider whether the Proposed Use would impose an excessive burden on the public fisc and the extent to which it would contribute to the Township's economic well-being. *See* BTZR § 2.06(D)(3)(f). Any impacts that the Proposed Use will have on the treasury are nugatory. It will not necessitate infrastructure improvements on Gibson Drive or Lisa Drive. Its draw on utilities is minimal, especially for a Light Industrial use. It does not add additional burdens on Bethel Township schools as it is not a residential development. On this record, the Proposed Use is not expected to impose a material burden on public resources.

Instead, the Proposed Use will contribute to the Township's economic health by supporting industrial and logistics activity in an area designated for such uses. It would provide logistics services for manufacturers in the Miami Valley. Its location within an established industrial park, well away from residential developments, largely eliminates its impacts on residential property values. Thus, the Proposed Use will contribute to the Township's economic wellbeing without draining public resources.

i. THE PROPERTY LACKS NATURAL, SCENIC, OR HISTORIC FEATURES

Finally, the Board must consider whether approval would result in the destruction or loss of "natural, scenic, or historic features of major importance." BTZR § 2.06(D)(3)(i). The Proposed Use will have none of these effects. The Property sits within an industrial park, which are not renowned for natural or scenic beauty, and Wiley Industrial Park is no different. The Property has

no historical significance, and has not been designated as a historic landmark. Regardless, the Proposed Use is just that—a use. It will not involve any new developments that have not already been permitted and will not result in the loss of a protected feature, even of minor importance.

III. THE BOARD SHOULD GRANT CONDITIONAL-USE APPROVAL

In sum, the Proposed Use is consistent with the Resolution, the Comprehensive Plan, and the character of Wiley Industrial Park. It will have minimal impacts on neighboring properties, traffic, and public resources, none of which are incapable of being managed through the ordinary course of operations. On Time seeks approval to bring the Property's existing and intended operations—a motor freight depot with the related parking and self-storage, servicing, repair, and dispatching functions described above—into compliance. On behalf of On Time, we therefore respectfully request that the Board approve the Proposed Use without conditions, or otherwise subject only to conditions supported by the record and tailored to address a specific concern.

Sincerely

KEATING MUETHING & KLEKAMP PLL

By: 

Thomas M. Tepe Jr.

Partner

cc: Mr. Aydin Muzaffer, Principal, On Time Truck & Trailer Repair LLC
Alexander C. Johnson, Esq., Associate Attorney, Keating Muething & Klekamp PLL
15934380.v1

Case CU-13-26

Case CU-13-26: The applicant, Keating, Muething & Klekamp PLL c/o Thomas M. Tepe, Jr. Esq., is requesting a conditional use for a motor freight depot or trucking transfer terminal and truck and heavy equipment service at 4405 Gibson Dr., Tipp City, OH, Parcel ID# A01-085363.

Applicant:	Keating Muething & Klekamp PLL	
Property Address:	4405 Gibson Drive	
Location:	Intersection of Gibson Dr and Lisa Dr	
Existing Land Use:	Industrial	
Bethel Land Use Plan:	Industrial	
Surrounding Land Use	North	I-1 Light Industrial
	South	I-1 Light Industrial
	East	I-1 Light Industrial
	West	I-1 Light Industrial
Road Frontage:	109.52' along Lisa, 24.32' along the corner curve, 264.52' along Gibson (corner lot)	
Acreage:	0.80 acres	
Current Zoning:	I-1 Light Industrial	
Exhibits:	A – Bethel Township Zoning Map	
	B – Auditor's Map	
	C – Street View	
	D – Application	
Fire Department Info/Review:	None	
Miami County Health District:	None	
County Planning Department:	None	
Bethel Twp Zoning Commission:	N/A	
Prior Zoning Cases:		

Exhibit A – Bethel Township Zoning Map

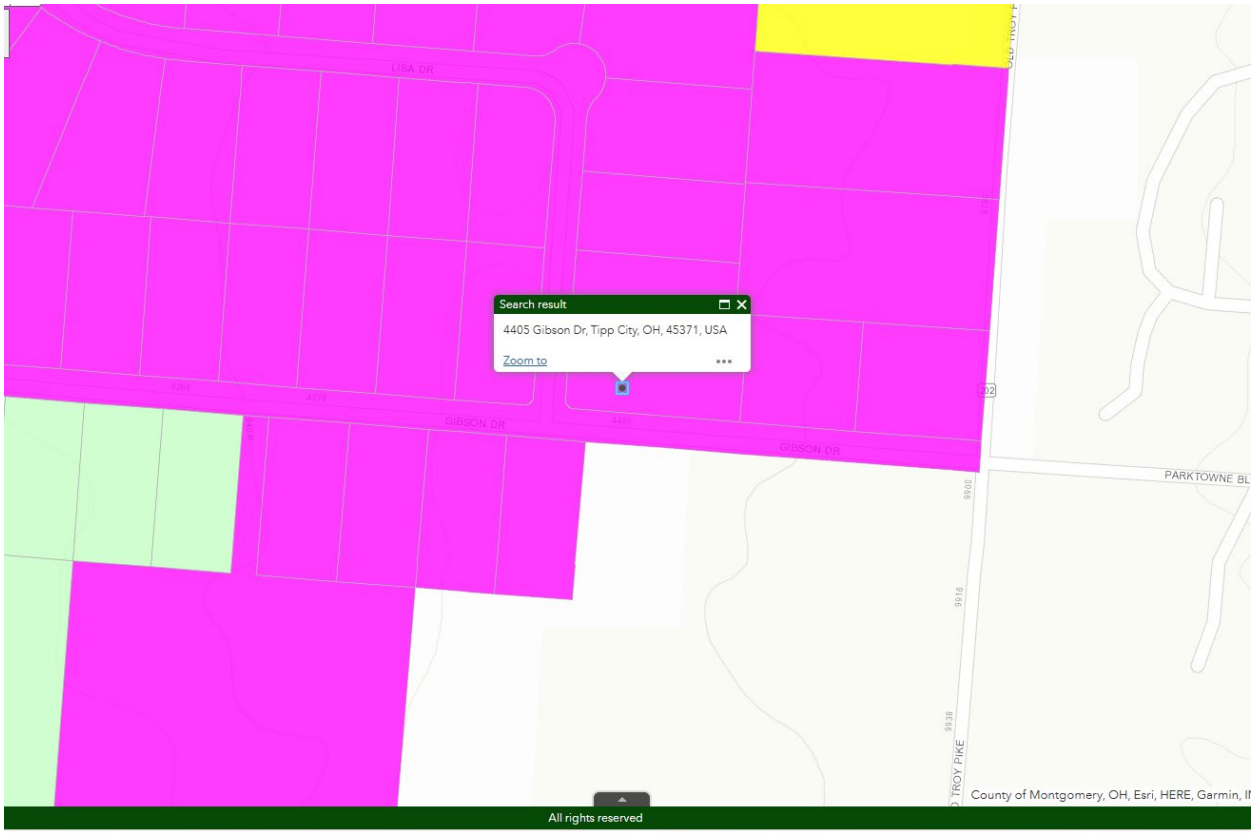


Exhibit B – Auditor’s Map



Exhibit C – Street View



Exhibit D – Application



BETHEL TOWNSHIP TRUSTEES
BETHEL TOWNSHIP ZONING DEPARTMENT
8735 SOUTH SECOND STREET – BRANDT, TIPP CITY, OHIO 45371
PHONE: 937.845.8472 FAX: 937.845.7316

APPLICATION FOR A CONDITIONAL USE App. No.: CU- 13-26

SECTION I: PROPERTY INFORMATION

Property Address: 4405 Gibson Drive			Acreage: 0.80
Section: 25	Town: 2	Range: 9	Parcel: A01-085363
Subdivision Name and Lot No.: Wiley Industrial Park, Lot 3			Zoning District: J-1

SECTION II: APPLICANT INFORMATION

Applicant Name: Keating Muething & Klekamp PLL; c/o Thomas M. Tepe		Phone: (513) 579-6400
Address: 1 East Fourth Street, Suite 1400		City, State: Cincinnati, Ohio
Property Owner: Rashid Muradov		Zip Code: 45202
Address: 4405 Gibson Drive		Phone: (253) 797-3168
City, State: Tipp City, Ohio		Zip Code: 45371
Contractor Name:		Phone:
Address:		City, State:
		Zip Code:

SECTION III: PROJECT INFORMATION

REQUESTED USE FOR PROPERTY: See attached Statement in Support

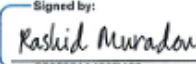
EXISTING USE OF PROPERTY: See attached Statement in Support

EXPLAIN REQUESTED USE IN DETAIL:

Please Note: Please provide a narrative statement explaining the economic, noise, glare, and odor effects on adjoining properties and the general compatibility with adjacent and other properties in the area.

See attached Statement in Support


Contractor/Applicant
Date

Signed by:

Owner
September 3, 2026
Date

SECTION IV: SKETCH OF PROPERTY/PROJECT

ATTACH SKETCH OF PROPERTY AND/OR PROJECT:

Attach a plan for the proposed uses showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas.

See attached Site Plan

SECTION V: MISCELLANEOUS INFORMATION FOR COMMERICAL/INDUSTRIAL DEVELOPMENT

BLDG. STORIES:	1	PARKING SPACES:	7	BLDG. SQ. FT.:	
BLDG. HEIGHT:	14	TRUCK DOCKS:	8		4,800

SECTION VI: PROJECT DIMENSIONS (FOR OFFICIAL USE ONLY)

PRIMARY ROAD FRONTAGE:	SECONDARY ROAD FRONTAGE:	LOT SIZE:
FRONT YARD:	REAR YARD:	SIDE YARD:
BUILDING HEIGHT:	BUILDING WIDTH:	
FIRST FLOOR AREA:	SECOND FLOOR AREA:	
TOTAL FLOOR AREA:	FINISHED BASEMENT? YES OR NO	
LOT WIDTH:	LOT DEPTH:	
ESTIMATED COST OF CONSTRUCTION:		

SECTION VII: ADMINISTRATIVE ACTION

REVIEWED BY: <i>BBA</i>	FEE: <i>\$500</i>
DECISION DATE:	APPROVED:
REASON FOR APPROVAL OR DENIAL:	



Thomas M. Tepe Jr.

Partner

D: 513.639.3947

ttepe@kmlaw.com

September 8, 2026

Bethel Township Board of Zoning Appeals

Donna Hughes, Member

Rachael Kiplinger, Member

Jim Leskovich, Member

Nikki O'Quinn, Member

Zach Staudter, Member

Pete Mannheim, Alternate

Michael Statesman, Alternate

c/o Mr. Arthur Franklin

8735 South Second Street

Tipp City, Ohio 45371

Re: Statement in Support of Application for Conditional Use Approval for 4405
Gibson Drive, Tipp City, Ohio 45371

Dear Board of Zoning Appeals Members:

This law firm represents Mr. Rashid Muradov ("Mr. Muradov") with respect to his use of the property located at 4405 Gibson Drive, Tipp City, Ohio 45371 (the "Property").¹ Mr. Muradov respectfully requests that the Bethel Township Board of Zoning Appeals (the "Board") codify his use of the Property as a motor freight depot, and his accessory use of the Property for semi-truck servicing.

I. STATEMENT OF FACTS

The Property is a 0.80-acre tract zoned for Light Industrial (I-1) uses that is located in Wiley Industrial Park, at the intersection of Gibson Drive and Lisa Drive. The parcels on all sides are likewise zoned for Light Industrial uses. The tracts to the north, east, and one of the parcels to the south are each applied to the same use as the Property—motor freight depots. The other property to the south is used as an automotive body shop. And a gas station is operated on the tract to the east.

¹ Miami County Auditor Parcel No. A01-085363.

The Property contains an existing 4,840-square-foot structure that was originally constructed in 1969. For at least the last quarter-century, the Property has been applied to its current use as a motor freight depot. To support that use, the Property contains eight truck docking spaces.

In 2021, Mr. Muradov purchased the Property with the intent of continuing that use and soon after began doing just that. Mr. Muradov currently uses several of the truck docking spaces to park his semi-trucks between runs and to hold the trucks during transloading. Mr. Muradov also leases a number of the spaces to third parties engaged in the same industry who use the leased spaces for the same purposes. To tailor the Property to meet his particular needs, Mr. Muradov converted the existing structure on the Property into a semi-truck repair facility.

II. THE PROPOSED USE FALLS WITHIN THE RESOLUTION'S INDUSTRIAL USE FRAMEWORK

Despite the property's use being long established, Mr. Muradov recently learned that the necessary zoning approvals were never obtained for the Property's uses. He now seeks to bring the Property into compliance with the Bethel Township Zoning Resolution (the "Resolution" or the "BTZR") by requesting approval to use the Property as a motor freight depot, together with accessory semi-truck and trailer parking, servicing, and dispatching (the "Proposed Use").² The Proposed Use falls within the industrial-use framework described below and, based on the surrounding land uses and the information presently available, can be operated without unreasonable impacts on neighboring properties. Mr. Agaliyev therefore respectfully requests approval of the Proposed Use, without conditions, or subject to only narrowly tailored conditions supported by the record.

The primary consideration for the Board in determining whether to issue a conditional use certificate is the use's harmony with the Resolution. BTZR § 2.06(A)(4). The more specific standards in BTZR § 2.06(D)(3) direct the Board to consider nine factors addressing the Proposed Use's consistency with the Resolution and the Bethel Township Comprehensive Land Use Plan (the "Comprehensive Plan"); its compatibility with surrounding uses and potential impacts on the surrounding areas; and access to critical infrastructure and services. The Property is located within an industrial park, with industrial uses that are either identical or of a similar intensity to the north, east, and south. Those circumstances support approval without conditions or only narrowly tailored conditions if the record shows they are necessary.

a. EACH ASPECT OF THE PROPOSED USE IS PERMITTED

First, the components of the Proposed Use correspond to uses identified for I-1 districts. See BTZR § 2.06(D)(3)(a). BTZR § 12.04 lists "Motor Freight Depot or Trucking Transfer

² Mr. Muradov is submitting an application for a zoning certificate to permit semi-truck and trailer repairs, based on the Resolution's identification of "Automobile, Truck, and Recreational Vehicle Repair" as a use permitted as of right. In submitting this application, Mr. Muradov does not concede that conditional use approval is a prerequisite to carrying on that use on the Property.

Terminal” and “Truck and Heavy Equipment Service” among the uses conditionally permitted in an I-1 district.

The principal operation cleanly fits within the Resolution’s motor-freight category. BTZR § 3.02 describes a “Truck Transfer Terminal” and “Motor Freight Depot” as land “used as a relay station for the transfer of a load from one truck or truck trailer to another, or from one party to another, which can accommodate the simultaneous loading or unloading of four (4) or more trucks.” Mr. Muradov uses, and seeks approval to continue using, the Property for short-term parking of not more than eight semi-tractors and trailers between hauls and for transferring freight and trailers between rigs before delivery to their ultimate destinations. In other words, Mr. Muradov uses the Property as a “relay station” for transferring loads “from one truck or trailer to another” and temporarily holding trucks. The requested principal use therefore falls within the motor-freight category identified in the Resolution and is eligible for conditional-use consideration.

The accessory aspects of the Proposed Use likewise qualify as conditionally permitted uses on properties subject to I-1 zoning and fit the bill of being customarily carried on in connection with the principal use. BTZR § 12.04 lists “Truck and Heavy Equipment Service” as a conditionally permitted I-1 use. Although the Resolution does not define that phrase, its ordinary meaning encompasses maintenance and repair of trucks and other heavy equipment. Just like any other vehicle or trailer, semi-trucks and trailers require periodic maintenance and repairs, and on-site service for vehicles between runs and in transit supports their safe and efficient operation. Mr. Muradov intends to perform service and repair work in the existing freestanding structure on the Property, for his own equipment and on a commercial basis. Whether the repair component is treated as a use permitted as of right or as part of the conditional-use request, the requested service activity is consistent with the Resolution’s treatment of I-1 uses and necessary and incidental to the proper operation of a motor freight depot.

Accordingly, the principal use is identified in the Resolution as a conditionally permitted I-1 use. Semi-truck and trailer servicing and short-term parking are directly related to that use and are reasonably viewed as necessary incidents to that principal use. The requested operations should therefore be evaluated together as a coherent light industrial use and approved subject only to conditions necessary to mitigate excessive external effects.

b. THE PROPOSED USE ACCORDS WITH THE RESOLUTION AND COMPREHENSIVE PLAN

The Proposed Use must also be consistent with the general objectives set forth in the Resolution and Comprehensive Plan. *See* BTZR § 2.06(D)(3)(b). The information described above supports that finding. One of the Resolution’s key purposes is to define the “peculiar suitability” of each district for particular uses based on the district’s character. BTZR § 1.02. The I-1 district’s inclusion of motor freight depots and truck service conclusively indicates, under the Resolution’s plain language, that the Bethel Township Trustees have determined such activities are compatible with the district’s industrial character. The district in question is therefore “peculiar[ly] suit[ed]” to the Proposed Use.

The Proposed Use is also consistent with the Comprehensive Plan. The Comprehensive Plan designates the Property as part of an area selected for industrial planning and specifically calls for industrial uses of the Property. While “manufacturing and related retail uses” are identified as preferred uses, the Comprehensive Plan recognizes that “preferred land uses are just that, preferred”—not exclusive. The Proposed Use supports the preferred industrial activity by providing transfer, staging, short-term storage, and service capacity for manufacturers in the Miami Valley. Further, the information presently available does not show that the Proposed Use would displace a preferred use or conflict with the industrial planning designation. Accordingly, the fact that trucking and logistics are not identified as preferred uses does not make the Proposed Use inconsistent with the Comprehensive Plan, especially given the use’s necessity to carrying on a preferred use.

c. WILEY INDUSTRIAL PARK IS A HAVEN FOR THE TRUCKING INDUSTRY

The Board must also consider whether the Proposed Use is harmonious with the character of the area in question or whether it would alter its essential characteristics. *See* BTZR § 2.06(D)(3)(c). The surrounding uses support compatibility. The Property lies within Wiley Industrial Park. Based on the available information, of the forty-two distinct developments within that area, a full third use their properties to functionally the same uses, including the owner immediately adjacent to the north, east, and west and one of the adjacent parcels to the south. A number of other owners principally use their properties for an accessory aspect of the Proposed Use, especially semi-truck repair. Approving the Proposed Use would therefore be consistent with the park’s existing pattern and would reinforce, rather than materially change, its essential character.

d. THE PROPOSED USE CAN OCCUR WITHOUT UNREASONABLE HAZARDS OR DISRUPTIONS

Neither will the Proposed Use create unreasonable hazards for or disruptions to neighboring land users, another factor the Board must consider. *See* BTZR § 2.06(D)(3)(d). The Proposed Use does not involve manufacturing or the production, handling, or storage of caustic, flammable, or explosive compounds. It does not require continuous operation of manufacturing machinery or a steady flow of retail customers. The proposed activities—freight receipt and transfer, truck and trailer service, short-term parking, and dispatch—are industrial in character. They do not present extraordinary traffic, noise, or safety considerations, and nothing in the information presently available indicates an unusual or unmanageable hazard.

Nor should the Proposed Use be disruptive if operated as described. It will be carried on within an industrial park dominated by those involved in the same industry. Potential impacts can be limited through ordinary site-management measures, including conducting repairs indoors where feasible, prohibiting unnecessary idling, and coordinating truck movements so that vehicles do not queue on public roads. If the Board identifies a specific concern, it can address that concern through a reasonable, narrowly tailored condition rather than by denying the application outright.

e. EXTERNAL EFFECTS CAN BE MITIGATED

The Board must also consider whether the Proposed Use would adversely affect particular persons or property or the general welfare, through the “excessive production of traffic, noise, smoke, fumes, glare, or odors.” BTZR § 3.06(D)(3)(g). Mr. Muradov acknowledges that semi-trucks generate some traffic, noise, and exhaust and that truck service can generate additional noise. But the relevant question is whether those impacts would be excessive in this setting. The Property can accommodate no more than eight trucks at a time, is located in an industrial park, and has industrial users on all sides. Those circumstances support a finding that the impacts will be limited and manageable.

If the Board identifies a specific impact, it can address it with a narrowly tailored condition rather than deny approval outright. If, based on the evidence presented, the Board has concern with the Proposed Use’s effects, appropriate conditions could include limiting idling by parked trucks, requiring that repairs occur inside the existing structure, and limiting truck arrivals and departures outside peak traffic hours. Again, the Proposed Use’s impacts can hardly be classified as “excessive” under the circumstances, but the solution to preventing these impacts is not to withhold conditional approval. The remedy is to impose conditions tied to a demonstrated concern and framed to mitigate the concern without unnecessarily restricting a use the Resolution contemplates in the I-1 district.

f. THE PROPERTY HAS ADEQUATE ACCESS TO INFRASTRUCTURE AND SERVICES

Section 2.06(D)(3)(e) of the Resolution also directs the Board to consider whether the Property has adequate access to critical infrastructure and services needed to carry on the Proposed Use safely. The circumstances presented for review support such a finding. The Property is directly accessible from Gibson Drive, which connects to Wildcat Road and State Route 202, which, in turn, connect to U.S. Highway 40. This access point provides a route for ordinary and emergency vehicles. The Proposed Use is nonresidential and therefore will not create additional demand for school capacity.

g. THE PROPERTY HAS SUFFICIENT INGRESS AND EGRESS TO AVOID MATERIAL INTERFERENCE WITH TRAFFIC

The Board must also consider whether the Property has adequate vehicular approaches to avoid interfering with traffic on surrounding public roads. See BTZR § 2.06(D)(3)(h). The Property is accessed from Gibson Drive, a side street whose traffic is largely limited to those doing business within Wiley Industrial Park. The minimal traffic on Gibson Drive and the distance between the Property and any major roadways supports the conclusion that the Property is sufficiently accessible to avoid material impacts on traffic.

h. THE PROPOSED USE IS CONSISTENT WITH THE TOWNSHIP’S FISCAL AND ECONOMIC INTERESTS

The Board must also consider whether the Proposed Use would impose an excessive burden on the public fisc and the extent to which it would contribute to the Township’s economic

well-being. *See* BTZR § 2.06(D)(3)(f). Any impacts that the Proposed Use will have on the treasury are nugatory. It will not necessitate infrastructure improvements on Wildcat Road. Its draw on utilities is minimal, especially for a Light Industrial use. It does not add additional burdens on Bethel Township schools as it is not a residential development. On this record, the Proposed Use is not expected to impose a material burden on public resources.

Instead, the Proposed Use will contribute to the Township's economic health by supporting industrial and logistics activity in an area designated for such uses. It would provide logistics services for manufacturers in the Miami Valley. Its location within an established industrial park, well away from residential developments, largely eliminates its impacts on residential property values. Thus, the Proposed Use will contribute to the Township's economic wellbeing without draining public resources.

i. THE PROPERTY LACKS NATURAL, SCENIC, OR HISTORIC FEATURES

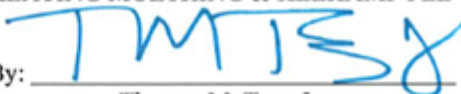
Finally, the Board must consider whether approval would result in the destruction or loss of "natural, scenic, or historic features of major importance." BTZR § 2.06(D)(3)(i). The Proposed Use will have none of these effects. The Property sits within an industrial park, which are not renowned for natural or scenic beauty, and Wiley Industrial Park is no different. The Property has no historical significance, and has not been designated as a historic landmark. Regardless, the Proposed Use is just that—a use. It will not involve any new developments that have not already been permitted and will not result in the loss of a protected feature, even of minor importance.

III. THE BOARD SHOULD GRANT CONDITIONAL-USE APPROVAL

In sum, the Proposed Use is consistent with the Resolution, the Comprehensive Plan, and the character of Wiley Industrial Park. It will have minimal impacts on neighboring properties, traffic, and public resources, none of which are incapable of being managed through reasonable, appropriately tailored conditions. Mr. Muradov seeks approval to bring the Property's existing and intended operations into compliance and to continue using it as a motor freight depot and trucking transfer terminal, with the related parking, servicing, repair, and dispatching functions described above. On behalf of Mr. Muradov, we therefore respectfully request that the Board approve the Proposed Use without conditions, or otherwise subject only to conditions supported by the record and tailored to address a specific concern.

Respectfully submitted,

KEATING MUETHING & KLEKAMP PLL

By: 

Thomas M. Tepe Jr.
Partner

cc: Mr. Rashid Muradov
Alexander C. Johnson, Esq., Associate Attorney, Keating Muething & Klekamp PLL

Case A-01-26

Case A-01-26: A request from Jason McCoy to appeal the decision of the Bethel Township Planning & Zoning Administrator. The applicant submitted an application to obtain a zoning certificate, - ZC-21-26 - to operate as a Contractor's Yard at 4021 US 40, Tipp City, Parcel ID# A01-005500. The application was denied

Applicant:	Jason McCoy	
Property Address:	4021 E US 40	
Location:	Parcel is located at the intersection of US Route 40 and Wildcat Rd	
Existing Land Use:	Agriculture	
Bethel Land Use Plan:	Rural Settlement	
Surrounding Land Use	North	A-2, General Agriculture
	South	R-1AAA Residential, A-2 General Agriculture
	East	I-1 Industrial
	West	R-1A & R1AAA Residential
Road Frontage:	Approximately 750' on Wildcat Rd and 846' on US 40	
Acreage:	14.714	
Current Zoning:	I-1, R-1AAA, R-1AA (Request is for I-1 portion of the parcel)	
Exhibits:	A – Bethel Township Zoning Map	
	B – Auditor's Map	
	C – Denied Application	
	D – Letter of Denial	
	E – Motion to Stay	
	F – Legal Appeal (separate document)	
Fire Department Info/Review:	None	
Miami County Health District:	None	
County Planning Department:	None	
Bethel Twp Zoning Commission:	N/A	
Prior Zoning Cases:		

Exhibit A - Bethel Township Zoning Map

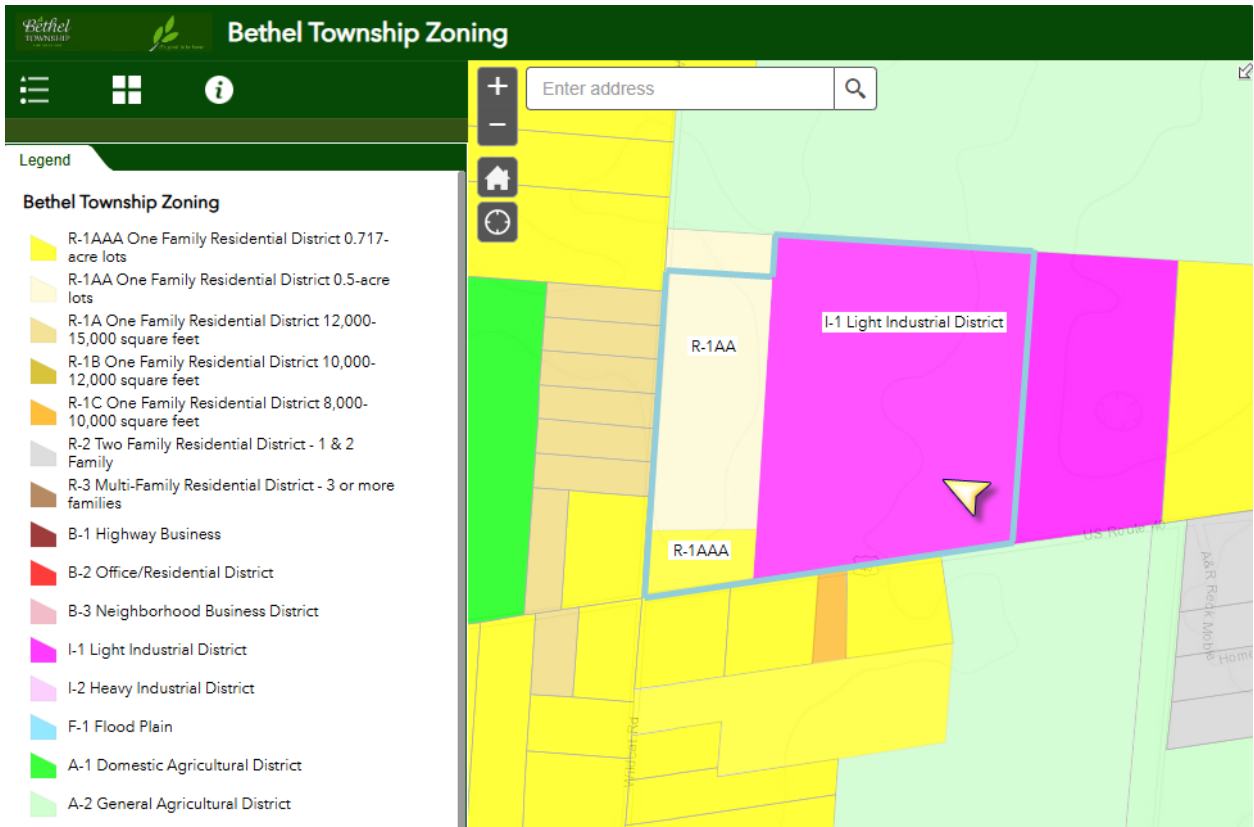


Exhibit B – Auditor’s Map



Exhibit C – Denied application



BETHEL TOWNSHIP TRUSTEES
BETHEL TOWNSHIP ZONING DEPARTMENT
 8735 SOUTH SECOND STREET – BRANDT, TIPP CITY, OHIO 45371
 PHONE: 937.845.8472 FAX: 937.845.7316

APPLICATION FOR A ZONING CERTIFICATE

App. No.: ZC-21 -26

SECTION I: PROPERTY INFORMATION

Property Address: <u>4021 E US-40 Tipp City OH 45371</u>	Acreage: <u>14.714</u>
Section: <u>25</u> Town: <u>2</u> Range: <u>9</u>	Parcel: A01- <u>005500</u>
Subdivision Name and Lot No.: <u>9-2-25</u>	Zoning District: <u>X-1</u>

SECTION II: APPLICANT INFORMATION

Applicant Name: <u>Joan McLoe</u>	Phone: <u>937-524-5885</u>
Address: <u>PO Box 147</u> City, State: <u>Tipp City OH</u>	Zip Code: <u>45371</u>
Property Owner: <u>Eetsaborn LLC</u>	Phone: <u>937-524-5885</u>
Address: <u>PO Box 147</u> City, State: <u>Tipp City OH</u>	Zip Code: <u>45371</u>
Contractor Name: <u>Eetsaborn LLC</u>	Phone: <u>937-524-5885</u>
Address: <u>PO Box 147</u> City, State: <u>Tipp City OH</u>	Zip Code: <u>45371</u>

SECTION III: PROJECT INFORMATION (CHECK ALL THAT APPLY)

RESIDENTIAL

- | | | |
|---|---|--|
| ☐ NEW CONSTRUCTION | ☐ SINGLE FAMILY DWELLING | ☐ MULTI-FAMILY DWELLING |
| ☐ DECK | ☐ POOL | ☐ ADDITION |
| ☐ BASEMENT FINISHING | ☐ SHED/GARAGE | ☐ DEMOLITION |
| ☐ FREE STANDING SIGN | ☐ TEMPORARY SIGN | ☐ OTHER _____ |

COMMERCIAL/INDUSTRIAL

- | | | |
|---|---|---|
| ☐ NEW CONSTRUCTION | ☐ WAREHOUSE | ☐ BUSINESS |
| ☐ OFFICE | ☐ NEW USE | ☐ CHANGE OF USE |
| ☐ FREE STANDING SIGN | ☐ WALL SIGN(S) | ☐ TEMPORARY SIGN |
| ☐ DEMOLITION | ☒ OTHER <u>"Building and Trades, Contractor's Yards, Utility Storage Yards"</u> | |

EXPLAIN REQUESTED USE IN DETAIL:

Please Note: Please provide a narrative state explaining the economic, noise, glare, and odor effects on adjoining properties and the general compatibility with adjacent and other properties in the area.

see attached memo

Contractor/Applicant [Signature] Date 6-24-26 Owner [Signature] Date 6-29-26



Please Note: This application, if approved, must further be submitted to the Miami County Building Regulations Department, 1506 One Stop Court, Suite 6, Troy, Ohio 45373 for the applicable building permits. Building permits are mandatory before construction begins within Bethel Township, Miami County. A copy of all zoning certificates received by the Miami County Building Regulations Department shall be signed and dated and returned to the Bethel Township Zoning Department by said office.

SECTION IV: WATER AND SANITARY INFORMATION

PUBLIC WATER AVAILABLE? ☒ **Y** **N** PUBLIC SEWER AVAILABLE? ☒ **Y** **N** HYDRANTS WITHIN 500'? ☒ **Y** **N**

SANITATION TO BE APPROVED BY:

☐ MIAMI COUNTY HEALTH DEPT.	☐ OHIO E.P.A.	☒ OTHER <u>N/A</u>
--	--------------------------------------	--

Continued on Next Page

SECTION V: ATTACH SKETCH OF PROPERTY/PROJECT

Attach a plan for the proposed use showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas.

see attached diagram

SECTION VI: PROJECT DIMENSIONS (FOR OFFICIAL USE ONLY)

PRIMARY ROAD FRONTAGE: +/- 540 ft	SECONDARY ROAD FRONTAGE: N/A	LOT SIZE: 1.1 = 1/2 acre
FRONT YARD: N/A	REAR YARD: N/A	SIDE YARD: N/A
BUILDING HEIGHT: N/A	BUILDING WIDTH: N/A	
FIRST FLOOR AREA: N/A	SECOND FLOOR AREA: N/A	
TOTAL FLOOR AREA: N/A	FINISHED BASEMENT? YES OR NO N/A	
LOT WIDTH: +/- 540 ft	LOT DEPTH: +/- 1082 on E, +/- 808 on W	
ESTIMATED COST OF CONSTRUCTION: \$4,000		

SECTION VII: MISCELLANEOUS INFORMATION FOR COMMERCIAL/INDUSTRIAL DEVELOPMENT

BLDG. STORIES: 0 N/A	PARKING SPACES: 0 N/A	BLDG. SQ. FT.: N/A
BLDG. HEIGHT: N/A	TRUCK DOCKS: N/A	

SECTION VIII: ADMINISTRATIVE ACTION

REVIEWED BY: ANTHONY FRANKLIN	FEE: \$100.00
DECISION DATE: 7-2-26	APPROVED: DENIED
REASON FOR APPROVAL OR DENIAL: <u>SNOW PLOWS ARE NOT PERMITTED - PLEASE SEE ATTACHED DEFINITIONS OF WHAT IS ALLOWED.</u>	

Site Plan & Site Plan Text Explanation:



- 1) Ingress and egress to 4021 E US 40 Tipp City OH 45371 will occur at area number 1 on the above map, via an ODOT-approved Commercial Driveway. There will be no traffic circulation within the 494 sq ft of this “Building and Trades, Contractor’s Yard, Utility Storage Yard” area. Future buildings may be sited at area #2 in the above diagram.
- 2) The “Building and Trades, Contractor’s Yard, Utility Storage Yard” area will be placed in the orange shaded area in the map above with the dimensions of 13 feet in width and 38 feet in depth and will not require screening or off-street parking as 494 sq ft falls below the 500 sq ft requirement of the current zoning resolutions. There will be no signs, utilities, or accessory buildings.

Written Narrative:

Eetsabarn LLC is in the business of leasing real estate. Its desire is to create a 494 square foot “Building and Trades, Contractor’s Yard, Utility Storage Yard” area for future tenant uses suitable for this zoning certificate.

Bethel Township Zoning Resolution Article 12 – “I-1” Light Industrial District
September 2018

ARTICLE 12
“I-1” LIGHT INDUSTRIAL DISTRICT

Section 12.01 Purpose

The purpose of the “I-1” Light Industrial District is to provide appropriate places for clean, low environmental impact industrial and manufacturing uses that are located completely indoors, limit off-site impacts, outdoor storage and that provide adequate landscaping and screening for buildings, structures and off-street parking areas.

Section 12.02 Principal Permitted Uses

The following uses are permitted as of right in the “I-1” Light Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• Public Garages	• Agricultural Uses • Automobile Filling Station • Automobile, Recreational Vehicle, Boat Sales • Automobile, Truck, and Recreational Vehicle Repair • Building Services and Supplies • Building and Trades, Contractor’s Yards, Utility Storage Yards • Commercial Greenhouse • Commercial Storage of Boats, Recreational Vehicles, and/or Construction Equipment in an Enclosed Building

7/9/26, 8:13 PM

Gmail - Zoning certificate



Eetsabarn LLC <eetsabarn@gmail.com>

Zoning certificate

Zoning Department <zoning@betheltownship.org>
To: Eetsabarn LLC <eetsabarn@gmail.com>

Thu, Jul 2, 2026 at 3:58 PM

Good afternoon Jason,

Unfortunately, after further review, your request to place snowplows on property located at [4021 E US 40](#) has been denied. Please see definitions obtained from Book of Development Definitions by Harvey S. Moskowitz. If you would like to appeal my decision, please refer to Section 2.07 Zoning Certificate.

Buildings and Trades

Buildings and Trades: Establishments engaged in the construction, repair, remodeling, installation, or maintenance of buildings, structures, and related improvements. This category typically includes businesses such as general contractors, electricians, plumbers, HVAC contractors, roofers, masons, painters, carpenters, and similar trades. Activities may include offices, workshops, indoor storage of tools and equipment, and incidental outdoor storage where permitted.

Contractor Yards

Contractor Yards: Facilities used by construction contractors or similar businesses as a base of operations for the storage, maintenance, dispatch, and staging of construction equipment, vehicles, materials, and supplies. Contractor yards may include offices, workshops, equipment maintenance, and outdoor storage areas, but are not intended for the processing or manufacture of construction materials.

Utility Storage Yards

Utility Storage Yards: Facilities operated by or on behalf of public or private utility providers for the storage, staging, maintenance, and distribution of equipment, vehicles, materials, and supplies used in the construction, operation, repair, and maintenance of utility systems, including electric, water, wastewater, natural gas, telecommunications, and similar infrastructure. These facilities may include fleet parking, equipment maintenance, warehouses, and outdoor storage.

Sincerely,

Arthur Franklin

From: Eetsabarn LLC <eetsabarn@gmail.com>
Sent: Thursday, July 2, 2026 11:33 AM
To: Zoning Department <zoning@betheltownship.org>
Subject: Re: Zoning certificate

[Quoted text hidden]

BEFORE THE BETHEL TOWNSHIP BOARD OF ZONING APPEALS

MOTION TO STAY

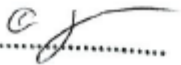
Arthur Franklin, Planning & Zoning Director
BETHEL TOWNSHIP PLANNING & ZONING
8735 South Second Street
Tipp City, Ohio 45371

BETHEL TOWNSHIP BOARD OF ZONING APPEALS
Donna Hughes
Rachael Kiplinger
Jim Leskovich
Nikki O'Quinn
Zach Staudter
Pete Mannheim
Michael Statesman and
c/o Arthur Franklin, Planning & Zoning Director
8735 South Second Street
Tipp City, Ohio 45371

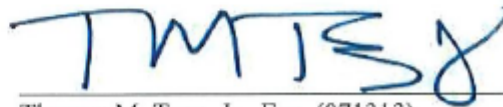
NOW COMES Eetsabarn LLC, an Ohio limited liability company ("Eetsabarn"), by and through counsel, and hereby requests that the Bethel Township Board of Zoning Appeals table its consideration of Eetsabarn's appeal of the July 2, 2026, decision by Mr. Arthur Franklin, Planning & Zoning Director, Bethel Township Planning & Zoning, denying a zoning certificate for the property located at 4021 U.S. 40, Tipp City, Ohio 45371, which is presently scheduled for August 27, 2026, to its meeting on September 24, 2026. Eetsabarn states that it is coordinating with Mr. Franklin to submit plans for the development of the subject property in accordance with a comprehensive site plan, which would render consideration of the present matter by the Board unnecessary. In the interest of respecting the Board's time and resources, Eetsabarn requests that this case be tabled for consideration at the Board's September meeting.

SCANNED
8/26/26

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Respectfully submitted,



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