Case CU-15-26

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.

Applicant:	Keating Muething & Klekamp PLL
Property Address:	4365 Gibson Dr. (4470 Lisa Dr.)
Location:	Parcels are located at the intersection of Gibson & Lisa Drives
Existing Land Use:	Industrial
Bethel Land Use Plan:	Commercial
Surrounding Land Use	North I-1 Light Industrial District South I-1 Light Industrial District East I-1 Light Industrial District West I-1 Light Industrial District
Road Frontage:	109.48' and 125 ' on Gibson and 234.48' on Lisa
Acreage:	0.72 and 0.72 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

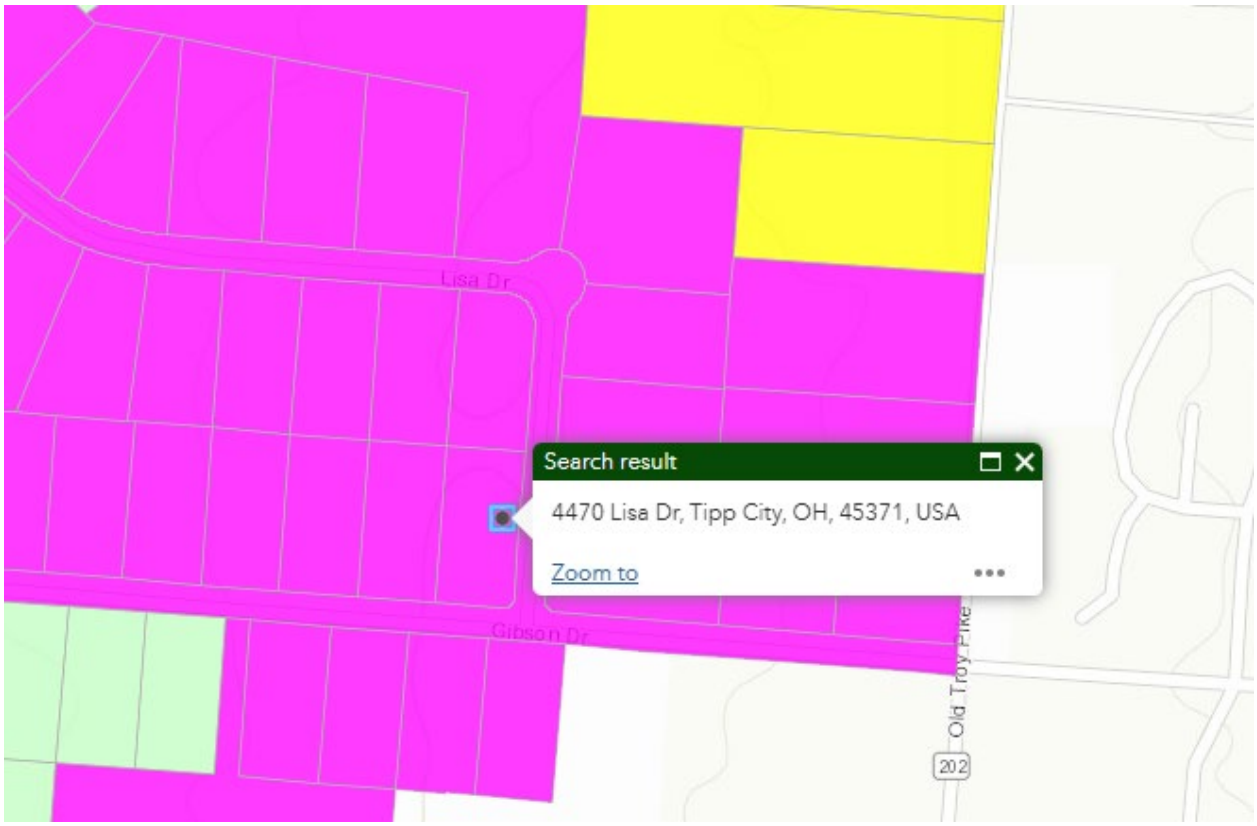


Exhibit B – Auditor's Map



Exhibit C – Street View







Exhibit D – Application

Bethel TOWNSHIP
MIAMI COUNTY - OHIO

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- 15-26

SECTION I: PROPERTY INFORMATION

Property Address: Gibson Drive, 4365 Gibson Drive			Acreage: 1.44
Section: 25	Town: 2	Range: 9	Parcel: A01-085364, -65
Subdivision Name and Lot No.: Wiley Industrial Park, Lots 4 & 5			Zoning District: I-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: Bros Transport LLC		Phone: (206) 504-6684
Address: 4365 Gibson 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 — Date: 9/08/2026

Signed by: Muradov Oydin — Owner — Date: September 4, 2026

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:	12	BLDG. SQ. FT.:
BLDG. HEIGHT:	14	TRUCK DOCKS:	13	10,400 (total)

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:	FEE: 530
DECISION DATE:	APPROVED:
REASON FOR APPROVAL OR DENIAL:	

Site Plan: Gibson Drive & 4365 Gibson Drive
Parcel Nos. A01-085364, A01-085365
Owner: Bros Transport LLC



KMK | Law

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

September 8, 2026

Bethel Township Board of Zoning Appeals
Donna Hughes, Member
Rachael Kiplinger, Member
Jim Leskowich, 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 4365 Gibson Drive, Tipp City, Ohio 45371

Dear Board of Zoning Appeals Members:

This law firm represents Bros Transport LLC, a Washington limited liability company ("Bros Transport"), with respect to its use of the property located at 4365 Gibson Drive, Tipp City, Ohio 45371 (the "Property").[1] Bros Transport 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, servicing, and dispatching.

I. STATEMENT OF FACTS

The Property is a 1.42-acre tract zoned for Light Industrial (I-1) uses that is located within Wiley Industrial Park, at the intersection of Gibson Drive and Lisa Drive. The adjacent tracts on all sides are zoned likewise and variously used as an automotive repair shop, motor freight depots, and the operations center for a lawn care company.

The Property contains an existing 10,400-square-foot structure that was originally constructed in 1971 and expanded upon in 1995. Bros Transport acquired the Property in 2021 and immediately began applying the Property to its current use after consulting with the then-acting Zoning Director for Bethel Township, who informed Bros Transport that no action was necessary to permit its use of the Property. Presently, Bros Transport principally uses the Property as a motor

[1] Miami County Auditor Parcel Nos. A01-085364 and A01-85365.

freight depot for transloading—the unloading, transfer, and reloading of freight. In connection with, and as an accessory to, that use, Bros Transport 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 the twelve docking spots on the Property to park its trucks and trailers in between shipments.

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

However, Bros Trucking 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, 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. Bros Transport 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 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." Bros Transport uses, and seeks approval to continue using, the Property for short-term

[2] Bros Transport 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, Bros Transport does not concede that conditional use approval is a prerequisite to carrying on that use on the Property.

parking of not more than twelve semi-tractors and trailers between hauls and for transferring freight and trailers between rigs before delivery to their ultimate destinations. In other words, Bros Transport 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 repair facilities likewise qualify as a conditionally permitted use 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. 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. Bros Transport intends to perform service and repair work in the existing freestanding on the Property for its own equipment only. 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 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. Bros Transport 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 east 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). Bros Transport 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 twelve 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 Gibson Drive, which has direct access to U.S. Highway 40 via Wildcat Road and State Route 202. This access point provides a route for ordinary and emergency vehicles. The Property also has egress to Lisa Drive that is connected to the access point on Gibson Drive. Accordingly, emergency response vehicles may readily navigate the Property without the need for large turnarounds. 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 Gibson Drive, a side street whose traffic is largely limited to those doing business within Wiley Industrial Park, through an approximately forty-foot curb cut. 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 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. Bros Transport seeks approval to bring the Property's existing and intended operations—a motor freight depot with the related parking, servicing, repair, and dispatching functions described above—into compliance. On behalf of Bros Transport, 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. Oydin Muradov, Principal, Bros Transport LLC
Alexander C. Johnson, Esq., Associate Attorney, Keating Muething & Klekamp PLL

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