Case CU-17-26

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.

Applicant:	Keating Muething & Klekamp PLL
Property Address:	4433 & 4465 Lisa Drive, Tipp City, OH 45371
Location:	Parcels are located on the east side of Lisa Drive
Existing Land Use:	Industrial
Bethel Land Use Plan:	Commercial
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:	125' and 125'
Acreage:	0.765 and 0.74 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

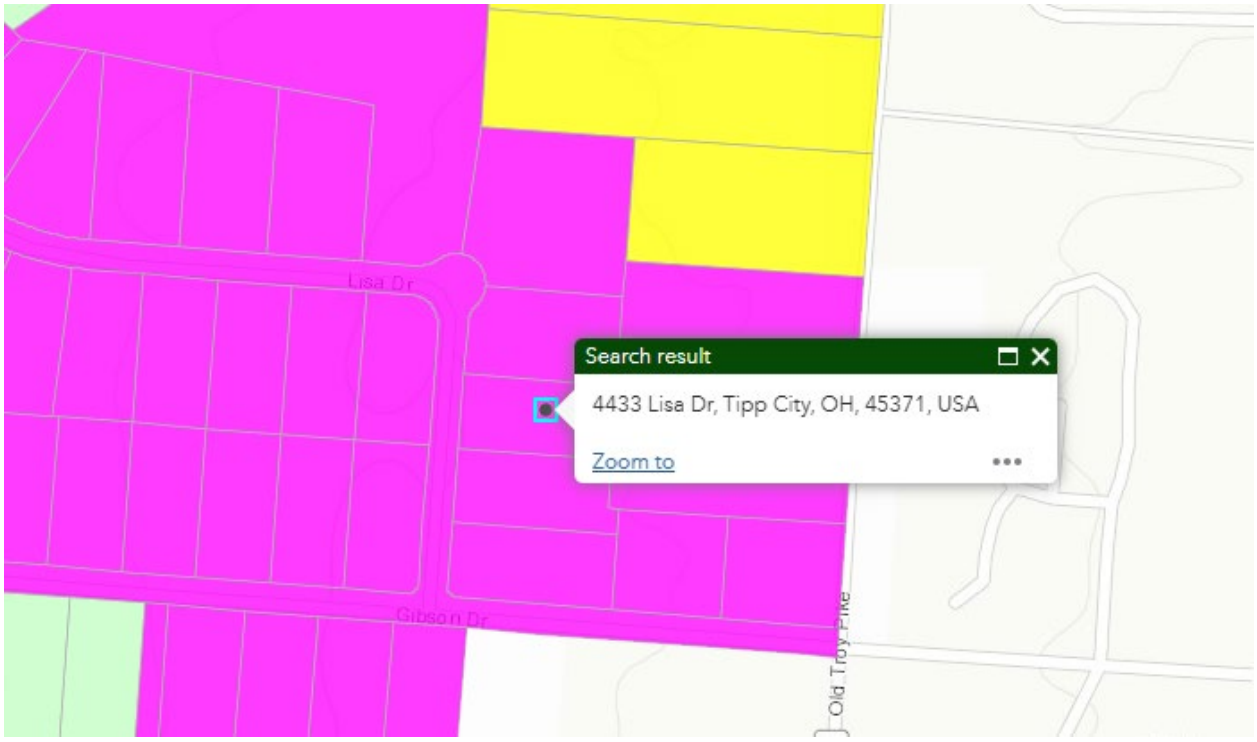


Exhibit B – Auditor's Map



Exhibit C – Street View





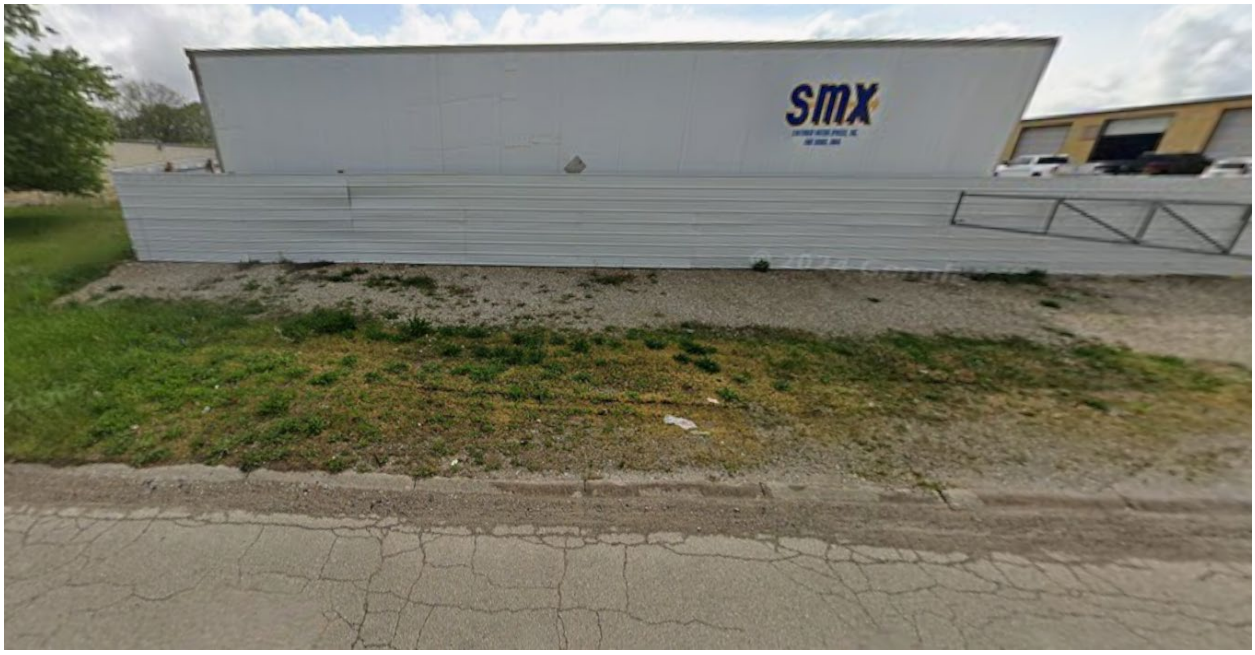


Exhibit D – Application

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- 17-26

SECTION I: PROPERTY INFORMATION

Property Address: 4433 & 4465 Lisa Drive			Acreage: 1.51
Section: 25	Town: 2	Range: 9	Parcel: A01-087252, -53
Subdivision Name and Lot No.: Wiley Industrial Park, Lots 40 & 41			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: Islom B. Akhmedov		Phone: (206) 446-4987
Address: 4465 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 — Date: 09/08/2026

Signed by: [signature] E9113A765487447...

Owner — Date: September 6, 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:	7	BLDG. SQ. FT.:
BLDG. HEIGHT:	16	TRUCK DOCKS:	16	7,200

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: BTA	FEE: $500
DECISION DATE:	APPROVED:
REASON FOR APPROVAL OR DENIAL:	

Site Plan: 4433 & 4465 Lisa Drive
Parcel Nos. A01-087252 & A01-087253
Owner: Islom B. Akhmedov



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 4433 and 4465 Lisa Drive

Dear Board of Zoning Appeals Members:

This law firm represents Mr. Islom B. Akhmedov ("Mr. Akhmedov") with respect to his use of the property located at 4433 and 4465 Lisa Drive, Tipp City, Ohio 45371 (the "Property").[1] Mr. Akhmedov respectfully requests that the Bethel Township Board of Zoning Appeals (the "Board") codify his principal use of the Property as a motor freight depot and trucking transfer terminal, together with accessory semi-truck and trailer parking, servicing, and dispatching.

I. STATEMENT OF FACTS

The Property is a 1.51-acre tract zoned for Light Industrial (I-1) uses that is located within Wiley Industrial Park, just north of the intersection between Lisa Drive and Gibson Road. The surrounding properties are, likewise zoned for Light Industrial uses. The properties to the west and south are used identically to the proposed use of the Property. The tract to the north contains a self-storage facility. And the parcel to the east contains a used car lot and automotive repair shop.

The Property contains an existing 7,200-square-foot structure originally constructed in 1981 for use as a semi-truck repair garage that has been utilized for that purpose since. At the same time the repair facility was constructed, or shortly thereafter, the Property began to be used as a

motor freight depot and for semi-truck parking between hauls. To support this use, the Property contains sixteen docking spaces.

Mr. Akhmedov acquired the Property in 2021 with the intent of continuing that use. Accordingly, Mr. Akhmedov began operating his overland trucking business out of the Property, utilizing the Property as the center for his operations, for transloading—the unloading, transfer, and reloading of freight—and for semi-truck repairs. Presently, Mr. Akhmedov utilizes a number of truck docking spaces on the Property for storing his own trucks and trailers between hauls and while the freight is being rearranged. Mr. Akhmedov uses the balance of the docking spots for parking tractors and trailers while they sit in the queue for repairs.

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

Mr. Akhmedov recently learned that operations on the Property had been carried on since the early 1980s without the necessary zoning approvals. 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. Akhmedov 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.

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[2] Mr. Akhmedov 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. Akhmedov does not concede that conditional use approval is a prerequisite to carrying on that use on the Property.

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. Akhmedov uses, and seeks approval to continue using, the Property for short-term parking of not more than sixteen semi-tractors and trailers between hauls and for transferring freight and trailers between rigs before delivery to their ultimate destinations. In other words, Mr. Akhmedov 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. Mr. Akhmedov 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.

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. Mr. Akhmedov 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 immediately adjacent to the south and west. 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). Mr. Akhmedov 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 sixteen 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 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

Respectfully submitted,

KEATING MUETHING & KLEKAMP PLL

By: _____
Thomas M. Tepe Jr.
Partner

cc: Islom B. Akhmedov
Alexander C. Johnson, Esq., Associate Attorney, Keating Muething & Klekamp PLL

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