BZA Case CU-18-26

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.

Applicant:	Keating Muething & Klekamp PLL
Property Address:	9865 Wildcat Road, Tipp City, OH 45371
Location:	Parcel is located at the intersection of Wildcat Rd & Gibson Dr
Existing Land Use:	Industrial
Bethel Land Use Plan:	Commercial
Surrounding Land Use	North I-1 Light Industrial District South A-2 General Agricultural District East I-1 Light Industrial District West Huber Heights
Road Frontage:	250' on Wildcat and 220' on Gibson
Acreage:	1.2630 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

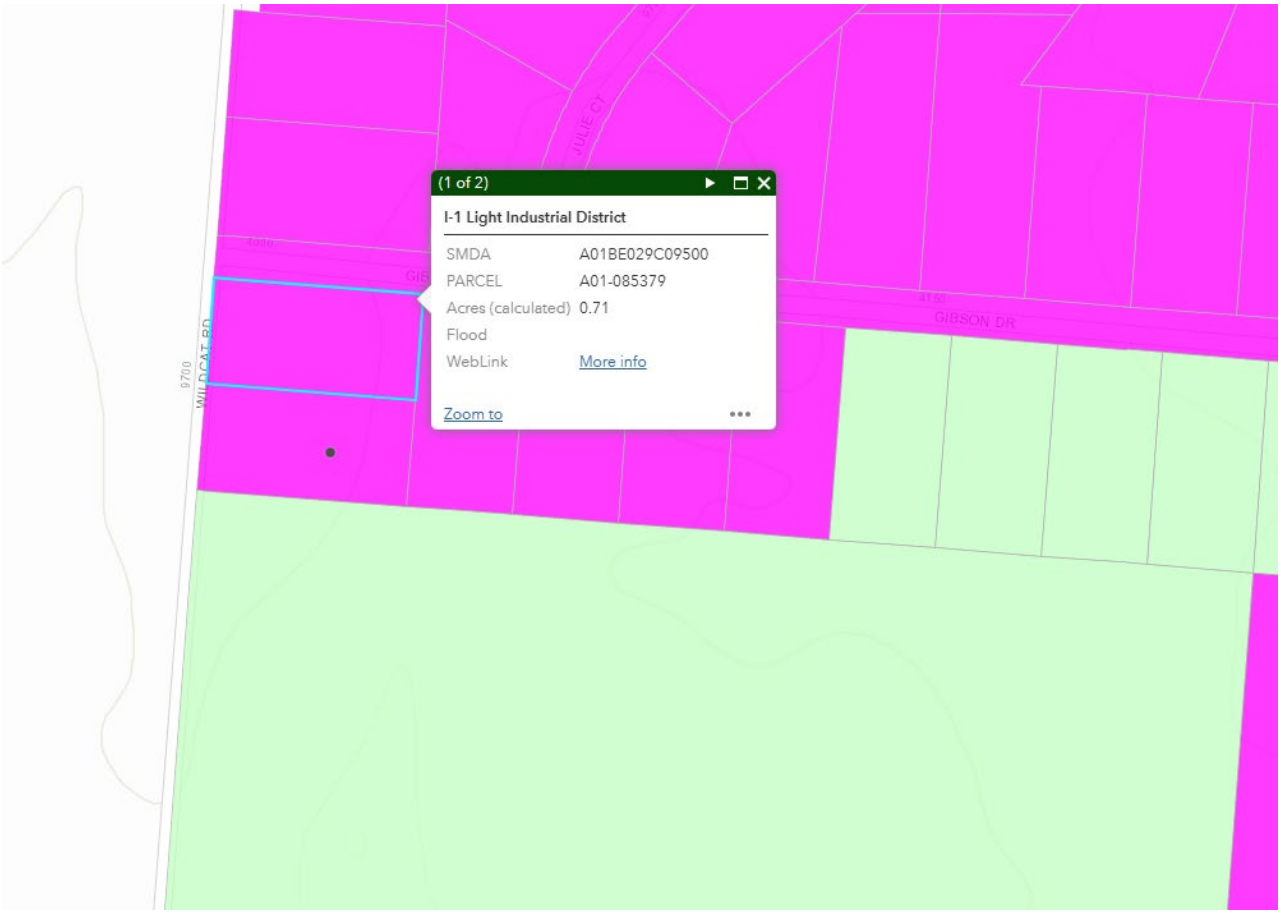


Exhibit B – Auditor's Map



Exhibit C – Street Views





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- 18-26

SECTION I: PROPERTY INFORMATION

Property Address: 9865 Wildcat Road			Acreage: 1.26
Section: 25	Town: 2	Range: 9	Parcel: A01-085379
Subdivision Name and Lot No.: Wiley Industrial Park, Lot 84			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: Said Agaliyev		Phone: (206) 412-5382
Address: 9865 Wildcat Road	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 — 08/08/2026 — Date

Signed by: FEBCF1C5D3534BF... — 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:	n/a	**PARKING SPACES:**	10	**BLDG. SQ. FT.:**
BLDG. HEIGHT:	n/a	**TRUCK DOCKS:**	21	n/a

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: BEA	**FEE:** 520
DECISION DATE:	**APPROVED:**
REASON FOR APPROVAL OR DENIAL:	

Site Plan: 9865 Wildcat Road
Parcel No. A01-085379
Owner: Said Agaliyev



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 9865 Wildcat Road

Dear Board of Zoning Appeals Members:

This law firm represents Mr. Said Agaliyev ("Mr. Agaliyev") in connection with his use of the property located at 9865 Wildcat Road, Tipp City, Ohio 45371 (the "Property").[1] Mr. Agaliyev respectfully requests that the Bethel Township Board of Zoning Appeals (the "Board") codify his principal use of the Property as a motor freight depot, together with accessory semi-truck and trailer parking, servicing, self-storage, and dispatching.

I. STATEMENT OF FACTS

The Property is a 1.26-acre tract zoned for Light Industrial (I-1) uses located within Wiley Industrial Park at the intersection of Wildcat Road and Gibson Drive. The parcels to the north, east, and south are also zoned for Light Industrial uses and are used, respectively, as an HVAC contractor's operations center, a pest-control company's operations center, and a motor freight depot. Agricultural land within the City of Huber Heights lies to the west.

Mr. Agaliyev acquired the Property as an undeveloped tract in 2024 and, shortly thereafter, began using it as a motor freight depot, with accessory parking both for his own trucks and other participants in the overland trucking industry. The Property currently contains a fenced gravel lot with parking for ten personal vehicles and twenty-one docking spaces for semi-trucks. Mr.

[1] Miami County Auditor Parcel No. A01-085379.

Agaliyev uses one docking space to park his own semi-truck and to transload freight, and leases the remaining twenty spaces to others in the same industry for parking and transloading.

In addition, a freestanding structure is under construction on the Property. Mr. Agaliyev obtained a zoning certificate for the structure and intends to use it as a repair shop for his own semi-truck and on a commercial basis. He also intends to use the structure for transloading—transferring freight between trailers.

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

Mr. Agaliyev recently learned that he had not obtained all zoning approvals necessary for the existing and intended operations.[2] 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, self-storage, and dispatching (the "Proposed Use").[3] 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 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] Mr. Agaliyev obtained a zoning certificate for the structure presently under construction.
[3] Mr. Agaliyev 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. Agaliyev does not concede that conditional use approval is a prerequisite to carrying on that use on the Property.

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. Agaliyev uses, and seeks approval to continue using, the Property for short-term parking of not more than twenty-one semi-tractors and trailers between hauls and for transferring freight and trailers between rigs before delivery to their ultimate destinations. In other words, Mr. Agaliyev 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. Mr. Agaliyev 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. Mr. Agaliyev intends to perform service and repair work in the freestanding structure under construction, 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 separately identified in the cited list of 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, 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. Mr. Agaliyev 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, 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 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). Mr. Agaliyev 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-one trucks at a time, is located in an industrial park, and has agricultural land along its western boundary. 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 under construction, 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 Wildcat Road, which connects 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 directly accessible from Wildcat Road, which terminates less than a quarter-mile south of the Property, and Kellenburger Road is the only intervening right-of-way between the Property's access point and that terminus. Thus, the only traffic on Wildcat Road would be individuals traveling to Wiley Industrial Park, a single residential parcel near Wildcat Road's southern terminus, and the wastewater facility and residential development accessed from Kellenburger Road. Even so, most access to the improvements on Kellenburger Road occurs through State Route 202, not Wildcat Road. This pattern suggests that traffic on Wildcat Road is limited and that the Proposed Use should not materially interfere with traffic flow. Mr. Agaliyev does not suggest that the road has no traffic, only that the Board's concerns with traffic flow may be addressed through site-management measures or a narrowly tailored condition.

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. Agaliyev 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 Mr. Agaliyev, 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. Said Agaliyev
Alexander C. Johnson, Esq., Associate Attorney, Keating Muething & Klekamp PLL

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