BZA 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

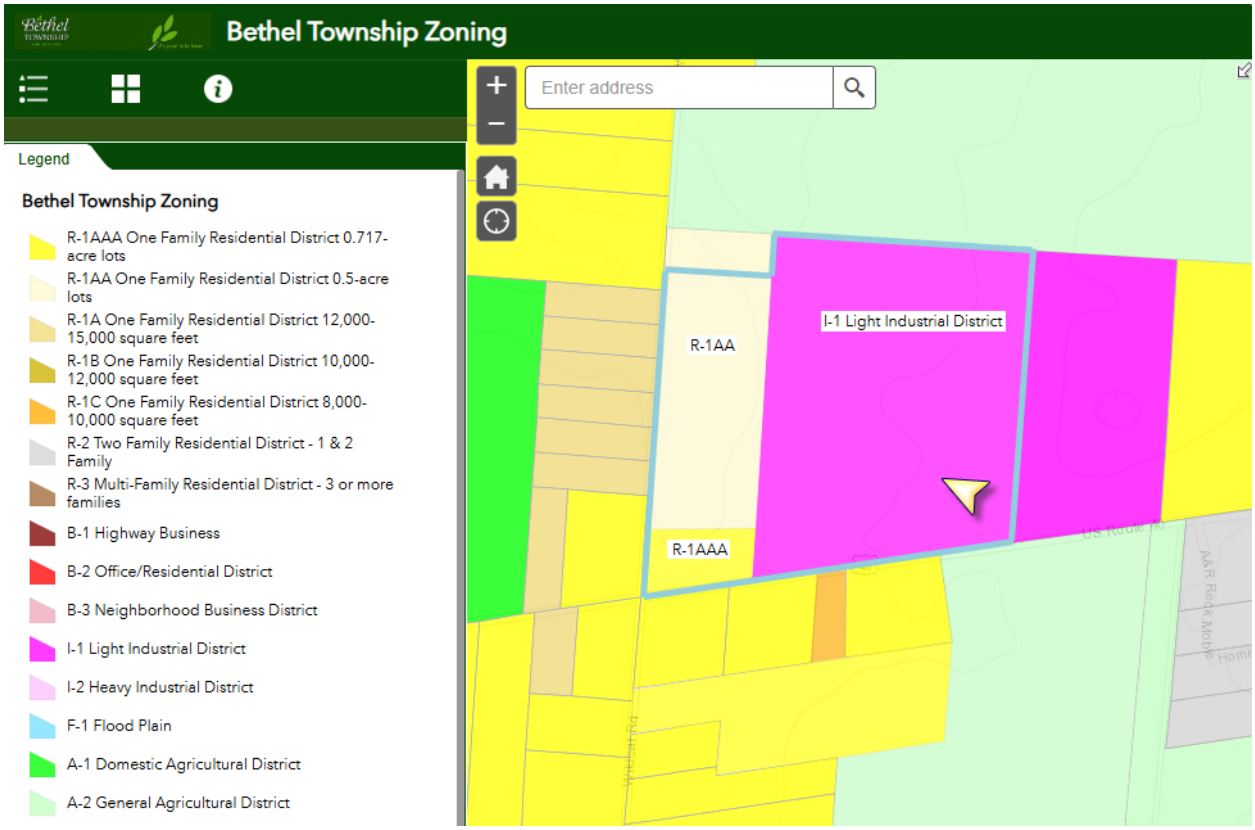


Exhibit B – Auditor's Map



Exhibit C – Denied application

Bethel TOWNSHIP

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: 4021 E US-40 Tipp City OH 45371			Acreage: 14.714
Section: 25	Town: 2	Range: 9	Parcel:A01- 005500
Subdivision Name and Lot No.: 9-2-25			Zoning District: I-1

SECTION II: APPLICANT INFORMATION

Applicant Name: Jason McCoy			Phone: 937-524-5885
Address: PO Box 147	City, State: Tipp City OH		Zip Code: 45371
Property Owner: Eetsabarn LLC			Phone: 937-524-5885
Address: PO Box 147	City, State: Tipp City OH		Zip Code: 45371
Contractor Name: Eetsabarn LLC			Phone: 937-524-5885
Address: PO Box 147	City, State: Tipp City OH		Zip Code: 45371

SECTION III: PROJECT INFORMATION (CHECK ALL THAT APPLY)

RESIDENTIAL

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

COMMERCIAL/INDUSTRIAL

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

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 — Date: 6-29-26

Owner — Date: 6-29-26

SCANNED 7/2/26

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 N/A

Continued on Next Page

SECTION V: ATTACH SKECTCH 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: +/- 540 ft	SECONDARY ROAD FRONTAGE: N/A	LOT SIZE: I-1 +/- 10 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 COMMERICAL/INDUSTRIAL DEVELOPMENT

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

SECTION VIII: ADMINISTRATIVE ACTION

REVIEWED BY: Allison FRANKLIN	FEE: $100.00
DECISION DATE: 7-2-26	APPROVED: DENIED
REASON FOR APPROVAL OR DENIAL: Snow Plows ARE NOT PERMITTED - PLEASE SEE ATTACHED DEFINITIONS OF WHAT IS ALLOWED.	

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 adequat 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

Gmail

Eetsabarn LLC <eetsabarn@gmail.com>

Zoning certificate

Zoning Department <zoning@betheltownship.org> Thu, Jul 2, 2026 at 3:58 PM
To: Eetsabarn LLC <eetsabarn@gmail.com>

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]

Exhibit E – Motion to Stay

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 Leskowich
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

RECEIVED
AUG 26 2026
BY: .....

Respectfully submitted,

Thomas M. Tepe, Jr., Esq. (071313)
Alexander C. Johnson, Esq. (104761)
KEATING MUETHING & KLEKAMP PLL
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202

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