

BETHEL TOWNSHIP, MIAMI COUNTY, OHIO BOARD OF ZONING APPEALS

THURSDAY, OCTOBER 8, 2026 – 6:30 PM MINUTES

COVENANT LIFE CHURCH, 6805 US 40, TIPP CITY, OHIO

Meeting brought to order: 7:14 pm

1: Board and Township Staff

Board members in attendance: Ms. O'Quinn, Ms. Kiplinger, Ms. Hughes, Mr. Leskowich

Board members not in attendance: Mr. Mannheim, Mr. Staudter

Staff Members in attendance: Cathy Fortunato-Zoning Secretary, Arthur Franklin – Zoning Administrator

2: New Business

Review of BZA procedures for audience members

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.

All testimony was given under oath.

Applicant statement:

Alexander Johnson (attorney) stated his client had to be out of state, therefore he requested to table this case.

Ms. O'Quinn moved to table this case until a later date. Ms. Hughes seconded

Approved 4-0

Votes:

Ms. O'Quinn: Yes

Ms. Kiplinger: Yes

Ms. Hughes: Yes

Mr. Leskowich: Yes

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.

Mr. Franklin gave the staff report describing the physical placement, measurements and current uses and characteristics of the property making use of slides and printouts.

Applicant Statement:

Alexander Johnson (attorney) stated it is their position that the CU requested may be permitted by the board and that no conditions should be necessary but if they are imposed they should be narrowly tailored to address specific concerns. He asked if he could call witnesses to present testimony. Mr. Englert (Miami County Atty) said yes, just as anyone else could ask questions. Mr. Johnson stated if the application was denied tonight he had every intention of appealing the decision to the court of common pleas. He would like to get the testimony on record tonight so it won't have to be done all over again.

-At this time Ms. Hughes pointed out the application had the wrong acreage written indicating the property was 2.71-ac. The actual acreage is 2.17. Mr. Johnson acknowledged this error.

Mr. Johnson called his **first witness – Mr. Emil Kuchiyeu**. He is the owner of US Trucklines, the business requesting the conditional use. He has owned the property since 2021. Current operation and use of the property began in 2021. It is

a general freight moving business. Most drivers leave Sunday and return on Friday and go to their homes for the weekend. They also do maintenance on their own trucks. He described Wiley Industrial Park as having clean paved parking lots. Other properties are clean, no trash. Other businesses are trucks, metal testing and his property is similar to others in the park. He has had no complaints from neighbors, no work place accidents. The traffic inside the park is light, never backed up on his property. There are no scenic features, it is an industrial property.

-Ms. Hughes asked when the building was built? Mr. Kuchiyev answered 2022.

-Ms. Hughes asked if he had a permit from Bethel Township Zoning. Mr. Kuchiyev stated the building was built by ANRO builders and he was told they would take care of all the permits.

-Ms. Hughes asked when the ground was leveled up 6 feet. He said the previous owners had done that. She asked if the snow was pushed to the back. He stated no, there would be no runoff and it would stay on the blacktop.

-Ms. Hughes asked about the impervious surface – he said the property was paved as it is now when he bought it.

-Ms. Hughes asked where the water flows. He stated he has no catch basins. He contacted his neighbors and his water flows to the same place where all the other property water goes. He said there are drains on his parking lot and his neighbor let him put a drain through the neighbor's property.

-Mr. Leskowich asked him how many tractor trailers he currently owned. Mr. Kuchiyev answered 6 trucks & 8 trailers.

-Mr. Leskowich asked if other independent owners were leased onto him. Mr. Kuchiyev said no.

-Ms. Hughes pointed out one of the photos showed 16 trucks. He said some were rented. He said 10-12 of the 28 spots were rented.

-Mr. Leskowich asked if they offload the trucks with forklifts. He said yes, and they predominantly use flatbeds and that the area designated as parking spaces is not used to load and unload.

-Ms. O'Quinn asked if he rented spaces other than to relatives. He responded no, but he does charge his relatives.

-Mr. Leskowich asked if anyone sleeps in their trucks. Mr. Kuchiyev said no, all the drivers live nearby in Carriage Trails and they don't store any refrigerated freight. He also said they provide restroom facilities to their drivers.

Public questioning of the applicant:

Michelle Swank – What does your forklift run on and how long? He responded propane and 8 hours. She asked if the truck hours were limited. He answered they could come and go anytime but could only unload during regular business hours and when he is present. Michelle asked if there was any dismantling going on. He replied no, just regular maintenance. She asked if tires were left lying around and he said they were picked up every 10 days. She noted the property looked very clean. She asked about emergency plans because of fuel, etc. He responded yes, we keep special chemicals and absorbent. He said he has had no emergency instances since 2021. She asked if all the drivers had a valid CDL. He responded yes.

Mary Hubbard – There are 14 rentable spots. Are 100% of those renters family and do you know what is in those loads? Mr. Kuchiyev said yes. Ms. Hubbard asked how long the load sits there. He responded not very long. 95% of the trailers there are empty.

Ted Williams – If he hasn't been in compliance since 2021, is there a fine? Mr. Franklin stated it is double the price of the zoning certificate plus a \$250 administrative fee. He asked if there is a fee for this approval. Mr. Franklin replied yes, there is. Mr. Williams asked how many trucks go in and out? Mr. Kuchiyev replied 6-7. Mr. Englert stated this Board is not in charge of fines, they are making a decision on the CU only.

Connie Elam – She asked if he has ever had any citations or violations? Are you in complete compliance since 2021 for your business? Mr. Franklin answered that the applicant does not currently have any zoning certificates on file. Ms. O'Quinn stated that he has applied for this CU before them now because zoning had not been properly enforced in the past but it is now.

Michelle Swank – Do you have a viable business? Do you pay your taxes in Bethel Twp? Do you pay your property taxes, school taxes? Do you operate safely and make money for the township? He answered yes to all.

Julie Reese – Do you know the impervious surface percentage? Answer: No.

Did you contact the county or the township to approve your drainage plan? Answer: I called the city. There are no catch basins on my side of the street. He said the township could install a system and he would pay for it with his taxes.

Mr. Englert asked if he had called Miami County or Bethel Township. Mr. Kuchiyev replied, a friend of his called the city but he had no proof of that.

Ms. Reese – Do people renting truck spaces perform truck repair?

Mr. Kuchiyev – Not on the lot, they have to go somewhere else.

Michelle Swank – Where does the water go?

Mr. Kuchiyev – Into the creek.

Attorney Johnson called his next witness – Mr. Jeff Crompton – he owns a business adjacent to the applicant

He said he has had no issues with his neighbor, the applicant.

Ms. Kiplinger – are those your trucks parked on your property?

Mr. Crompton – no, they are not.

Julie Reese – Whose trucks are on your property?

Mr. Crompton – those are the subject of a separate case.

Ms. Reese – Do you profit financially from this case?

Mr. Crompton – I don't like where you're going with this and that's where my comment is going to end.

Ms. Hughes asked Atty. Johnson if the applicant could sell one of the three parcels.

Atty. Johnson – I suppose, if someone wanted to buy it.

Closing by Atty. Johnson - This property is subject to I-1 zoning. What the applicant is asking for is a legitimate conditional use in the Bethel Township Zoning Resolution. The preferred use is manufacturing but manufacturing is useless if the goods cannot be brought in or delivered and that's where my client's business comes in. They provide the necessary transportation for manufacturing. It is clear Wiley Industrial park is a haven for the trucking industry and this property fits right in. There is no better place for this use in this township and maybe even Miami County. If the board has concerns we would welcome conditions that would alleviate those concerns. The appropriate solution is to condition the use – not deny the application.

At this time **Kama Dick** went to the map to point out where the catch basins are in the area of this property. She said there is a 12 inch pipe that connects a catch basin to a carve out in the ground.

Atty. Johnson – Are you testifying as a trustee or a resident?

Ms. Dick - Resident

Atty. Johnson - Do you own any property in the vicinity of this property?

Ms. Dick – No

Atty. Johnson – Have you had any communication with the Board about this matter?

Ms. Dick – I think Cathy? I sent some pictures but she's not on the board.

Public speaking in support of the case:

Donald Black – I have no problem with the township addressing zoning but it should be addressed in the future. I was a trustee when the gentleman bought that property and moved in. I, as a trustee, saw nothing wrong with it because it was a business moving into Jack Wiley Industrial Park. I didn't have an opinion whether I liked it or not but the Industrial Park was already there. I am flabbergasted over the talk over the water issues. When it rains on my property, some soaks into the ground. He stated the roads in this township were not built correctly and that is not the applicant's fault.

Public speaking in opposition to the case:

Craig Riviello – I own a business directly across from the applicant. I've been at my location since 2006. There has been a proliferation of truck business since then. I agree with about 90% of what the applicant said and really don't have a problem with the facility. I do have a problem with the water runoff. It should be strictly monitored by the Miami County Sanitary Engineers. Fuel runoff from this property is not being monitored at all. I also disagree that they have not been working on their cars on the property. I have seen them. I am also concerned with the safety aspect. The trucks speed in the park (speed limit is 25 mph). When the building was built, it made a part of the road a blind curve. One of my employees was rear-ended three years ago. I do not have any complaints to this piece of property.

Connie Elam – It doesn't matter if someone doesn't live close to there – it affects the entire community. In Miami County, we were told it is illegal to do water runoff that goes onto anyone else's property. What is the guarantee of the stated number of trucks going forward?

-Ms. O'Quinn said they could set a number as a condition.

How much do we really benefit monetarily? The trucks put a lot of extra stress on the roads which creates a major expense for the township.

Tim Trimbach – I own Trimbach body shop in Wiley Industrial Park. I oppose approving these requests as presented. The board needs to determine what happened on each property in the past and what is happening now. Please require each applicant to show what uses were previously approved by Bethel Township Trustees and Zoning. To my knowledge, there have only been two previous businesses involving semi-trucking in Wiley Park and these were both repair shops. I have serious concerns about drainage. These lots appear to have been raised with fill by more than 5 feet. This can change rainwater flows. I would request an engineering review of the effect of neighboring properties. My concerns about the influx of traffic have been expressed to the Trustees. The township deserves enforceable safeguards – not general promises that everything can be managed. Industrial zoning does not mean every operation fits every property. Please postpone the decision and require information concerning possible zoning violations, property histories and current conditions.

Natalie Donahue – She has safety concerns about the traffic. She knows people who ride their golf carts in that area. People tend to abuse conditional uses once they get them. They take it as a carte blanche to do more than they have been approved for. When asked by Ms. Hughes, Natalie clarified her comments were just about general history and were not specific to this case.

Julie Reese – Atty. Englert verified with Ms. Reese that she was speaking as a resident and not a trustee. Ms. Reese said she is concerned with the amount of impervious surface as it appears to be over 85% and will cause drainage problems. She said the applicant stated the driveway was 136' wide which Ms. Reese said requires a permit from the county. She wants to know if a parking plan has been submitted to the township. Per the resolution, they are allowed 5 parking spaces and they are requesting 54 total spaces or 10 times what is allowed. In April 2017 these lots were vacant. In 2021 they were given a permit for a pole barn for an office and warehouse. The semi truck repair shops around them are likely not legal as there are only two in Wiley Park that were permitted. They want to do much more than a motor freight depot. They are asking for accessory uses that should be applied for as separate conditional uses. A self-storage facility has nothing to do with trucking. Their warehouse use that they already have fits what they say they are doing. They state they are leasing spaces. This is a separate business and is not a permitted or conditional use on I-1. The zoning code also states an accessory use located within a structure shall not occupy more than 25% of the structure. They say Wiley Park is a haven for trucking – almost all of the trucking businesses are not permitted. The infrastructure of Wiley Park was not designed for semi truck businesses. The township has received many complaints including trash, trucks running overnight, flooding, traffic and safety. If allowed to continue, the true Light Industrial businesses will be driven out. She read the definition of I-2 Heavy Industrial and said that is the District where these businesses should be. Semis weight over 100,000 lbs creates wear & tear that the township cannot afford to maintain. She said we get minimal tax money from these businesses. Many cities put moratoriums on businesses that begin to saturate their city.

Atty. Johnson – You said you received complaints.

Ms. Reese – Just from people I know.

Atty. Johnson – Have you received any complaints about this property?

Ms. Reese – Just people that have come to me saying they don't want these businesses

Mr. Crompton – A Melvin Stone in Huber Heights runs 50-60 trucks filled with stone through there a day. That needs to be addressed.

Ms. Reese – I think we need to put a stop to all of this until we figure all that out.

Owner of 4465 Lisa Drive – My question is what am I supposed to do if I can't do my business? That is my question for everyone.

Atty. Englert – Verified that the speaker was speaking in favor of the application.

Michelle Swank – I go down Lisa quite a bit. I have seen the trucks but I am for the business because Bethel needs business and I think they operate within the realm of Light Industrial. I just think the water should be fixed.

Donald Black – ANRO builders who built the building in 2021 is owned by Steve Owens who was on the BZA at the time it was built. When someone hires a builder, the builder gets all the necessary permits. Mr. Owens should have informed the owner. Mr. Black does not see how it is fair or legal to change zoning five years after the fact. The Bethel Twp zoning guy who would have been Mike Arnold and Marty Caskey before that never went out and checked on anything unless there was a complain. He stated he will support tightening up the zoning in the future but it's not right to change it for people in business for 5 years.

Connie Elam – The trustees approved a rezoning about 15-20 years ago for another industrial park. A referendum was placed on the ballot and was overwhelmingly voted down by the residents. This proves the township does not want these types of businesses.

Ms. O'Quinn read a letter submitted by **Jack Duty** – I have been operating a business in Wiley Park for 43 years. The park has been taken over by semi truck parking. He has witnessed excessive speeding, curves being cut short causing corners to be ground out. The mail box for 4390 Lisa and the 4x4 steel post has been broken many times. It is common to find trailers parked on the road. He has smelled foul smells from burn piles late at night, even found bottles of urine. He has personally posted 'No Truck Allowed' signs for his property to deter further violations. He does not feel the cost for repairs to the infrastructure due to all the semi truck traffic should be shared among all the businesses in the park.

Board Deliberation:

Ms. Hughes moved to go into executive session. Mr. Leskovich seconded

Approved 4-0

Votes:

Ms. O'Quinn: Yes

Ms. Kiplinger: Yes

Ms. Hughes: Yes

Mr. Leskovich: Yes

Board entered executive session at 10:03

Board exited executive session at 11:03

Ms. Kiplinger moved to table case CU-11-26 until the October 22 meeting to examine the evidence. Ms. O'Quinn seconded

Approved 4-0

Votes:

Ms. O'Quinn: Yes

Ms. Kiplinger: Yes

Ms. Hughes: Yes

Mr. Leskovich: Yes

Ms. O'Quinn moved to table case CU-12-26 and CU-13-26 because of lateness until the October 22 meeting to examine the evidence. Ms. Kiplinger seconded

Approved 4-0

Votes:

Ms. O'Quinn: Yes

Ms. Kiplinger: Yes

Ms. Hughes: Yes

Mr. Leskovich: Yes

Adjournment: 11:08 pm