



Alexander C. Johnson

Associate

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August 19, 2026

BETHEL TOWNSHIP BOARD OF ZONING APPEALS

Donna Hughes

Rachael Kiplinger

Jim Laskowich

Nikki O'Quinn

Zach Staudter

Pete Mannheim

Michael Statesman

c/o Arthur Franklin, Planning & Zoning Director

8735 South Second Street

Tipp City, Ohio 45371

Re: Appeal to the Bethel Township Board of Zoning Appeals from Zoning
Certificate Denial

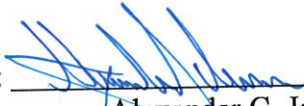
Dear Board of Zoning Appeals Members:

This law firm represents Monopoly IRL, LLC, an Ohio limited liability company, in connection with the July 30, 2026, decision of Mr. Arthur Franklin, Planning & Zoning Director, denying Application No. ZC-22-26, which requested a zoning certificate for the property located at 4150 Gibson Drive, Tipp City, Ohio 45371. Please find enclosed with this Letter a Notice of Appeal of that decision, together with a Statement in Support of the appeal and the exhibits thereto. The filing fee for this appeal is being tendered to Mr. Arthur Franklin by separate correspondence.

Upon receipt, please provide a copy of this submission, stamped "received," to me via email at alex.johnson@kmklaw.com

Sincerely,

KEATING MUETHING & KLEKAMP PLL

By: 

Alexander C. Johnson

Associate

cc: Jason McCoy
Thomas M. Tepe, Jr., Esq.

15892174.v1

Keating Muething & Klekamp PLL

Attorneys at Law

One East Fourth Street | Suite 1400 | Cincinnati, Ohio 45202

P: 513.579.6400 | F: 513.579.6457 | kmklaw.com

BEFORE THE BETHEL TOWNSHIP BOARD OF ZONING APPEALS

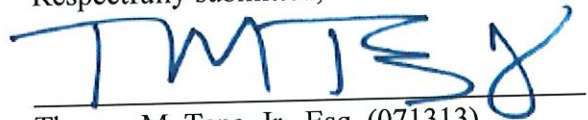
NOTICE OF APPEAL

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
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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

Monopoly IRL, LLC hereby gives notice to the Bethel Township Board of Zoning Appeals and to Arthur Franklin, Planning & Zoning Director, of Bethel Township Planning & Zoning of its appeal to the Bethel Township Board of Zoning Appeals from the decision of Mr. Franklin with respect to Monopoly IRL, LLC's Application for a Zoning Certificate, dated July 24, 2026, as set forth in the Letter of Denial, dated July 30, 2026, tendered by Mr. Franklin, acting in his capacity as the Administrative Official for Bethel Township. This Appeal is made pursuant to Section 2.07(D)(3)(c) of the Bethel Township Zoning Resolution and Section 519.15 of the Ohio Revised Code. The reasons for such appeal are detailed in the Letter in Support attached as Attachment 1.

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
Ph: (513) 639-3947
ttepe@kmklaw.com
alex.johnson@kmklaw.com
Counsel for Monopoly IRL, LLC

EXHIBIT A
LETTER IN SUPPORT

[See attached]



Thomas M. Tepe Jr.

Partner

D: 513.639.3947

ttepe@kmklaw.com

August 19, 2026

Arthur Franklin, Planning & Zoning Director
BETHEL TOWNSHIP PLANNING & ZONING
8735 South Second Street
Tipp City, Ohio 45371

BETHEL TOWNSHIP BOARD OF ZONING APPEALS

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c/o Arthur Franklin, Planning & Zoning
Director
8735 South Second Street
Tipp City, Ohio 45371

Re: Appeal to the Bethel Township Board of Zoning Appeals from Zoning Certificate Denial

Dear Board of Zoning Appeals Members:

This law firm represents Monopoly IRL, LLC, an Ohio limited liability company ("Monopoly IRL"), in connection with the July 30, 2026, decision of Mr. Arthur Franklin, Planning & Zoning Director (the "Administrator") (the "Decision"),¹ denying Application No. ZC-22-26, which requested a zoning certificate for the property located at 4150 Gibson Drive, Tipp City, Ohio 45371 (the "Property").^{2, 3} Monopoly IRL respectfully appeals this Decision to the Bethel Township Board of Zoning Appeals (the "Board") under Section 2.07(D)(3)(c) of the Bethel Township Zoning Resolution (the "BTZR" or the "Resolution") and Section 519.15 of the Ohio Revised Code.

I. STATEMENT OF FACTS AND PROCEDURAL POSTURE

The Property is a 0.72-acre tract on Gibson Drive, just east of its intersection with Wildcat Road, in a district zoned for Light Industrial (I-1) uses. The principal structure on the Property is

¹ A copy of the Decision is attached as **Exhibit A**.

² Miami County Auditor Parcel No. A01-085385.

³ The materials submitted by Monopoly IRL for consideration by the Administrator are attached as **Exhibit B**.

Keating Muething & Klekamp PLL

Attorneys at Law

One East Fourth Street | Suite 1400 | Cincinnati, Ohio 45202

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an existing 6,000-square-foot warehouse (the “Warehouse”).⁴ The Property also contains three Quonset hut-style accessory structures constructed of pre-cast concrete blocks and canvas roofs (the “Salt Sheds”).

Monopoly IRL leases the Property to an affiliated entity, Snow Xcellence, LLC, an Ohio limited liability company (“Snow Xcellence”), which provides snow removal services to commercial, industrial, and institutional customers on a contract basis. Snow Xcellence uses the Warehouse for cold storage of palletized materials and stores rock salt and heavy equipment in the Salt Sheds, all for use in connection with its snow removal operations.

On July 24, 2026, Monopoly IRL applied for a zoning certificate to permit the outdoor storage of equipment and materials used in Snow Xcellence’s business (the “Proposed Use”), asserting that the Proposed Use qualified as a “Contractor’s Yard”—a use permitted as of right on properties zoned for Light Industrial uses.⁵ On July 30, 2026, the Administrator denied this request, writing that, because the Property contains “one or more existing zoning violations[,]” a zoning certificate may not be issued “[u]ntil the existing zoning violation” has been cured. On August 3, 2026, the Administrator issued a separate Notice of Violation asserting that the Salt Sheds were constructed without zoning certificates and that the Property was being applied to an unpermitted use.^{6, 7}

II. MONOPOLY IRL IS ENTITLED TO THE REQUESTED ZONING CERTIFICATE

This appeal asks the Board to correct the Administrator’s misunderstanding of the authority granted to him. In short, the Resolution does not authorize the Administrator to deny a zoning certificate application based on existing zoning violations on a property. Without an express grant of that power, the Administrator cannot deny a certificate on such grounds. Moreover, because the Proposed Use is permitted as of right under the Resolution, there is no just reason to remand this matter for further review. The Board should reverse the Decision and either issue or instruct the Administrator to issue the requested zoning certificate.

a. THE DECISION IS UNTETHERED FROM THE LEGISLATIVELY-ADOPTED REVIEW CRITERIA

Under Ohio law, the role of a township zoning administrator is fundamentally ministerial—the officer’s role is to enforce the township trustees’ policy decisions, not to make policy.⁸ While some degree of discretion may be involved, the administrator may not exercise the legislative prerogative reserved to the township trustees.⁹ Accordingly, the administrator must act within the

⁴ The warehouse is a duly permitted structure. See Bethel Twp. Zoning Certificate No. ZC-54-21 (Oct. 29, 2021). A copy of the zoning certificate for the warehouse is attached as **Exhibit C**.

⁵ BTZR § 12.02.

⁶ See Notice of Violation from Arthur Franklin, Planning and Zoning Director, Bethel Township, to Monopoly IRL LLC, dated July 29, 2026. A copy of this notice is attached as **Exhibit D**.

⁷ Monopoly IRL is addressing these asserted violations through the appropriate channels.

⁸ Willow Grove, Ltd. v. Olmsted Twp., 2015-Ohio-2702, 38 N.E.3d 1133, ¶ 39 (8th Dist.).

⁹ State ex rel. Ross v. Guion, 161 N.E.2d 800, 802–03 (8th Dist. 1959).

boundaries of the powers the Bethel Township Trustees have delegated to that office.¹⁰ Any decision that exceeds those boundaries is invalid.¹¹

These principles were put on display in *Allen v. Miami County Board of Zoning Appeals*. There, a property owner applied for zoning certificates to build residences on sixteen lots subdivided from a larger parcel.¹² The Miami County Planning Director denied the application based on his assessment that the owner had not registered the lots as a subdivision as required by Ohio law; the Second District Court of Appeals, however, concluded that this decision was in error.¹³ The court concluded, holding that, because the zoning certificate review standards did not authorize the Planning Director to consider compliance with subdivision regulations, and because the subdivision regulations did not provide for the denial of a zoning certificate based on an owner's noncompliance, the decision exceeded the Planning Director's delegated authority and was improper.¹⁴

The same principle applies here. The Resolution provides that the review standard for zoning certificate applications is whether the “*application*[] for a Zoning Certificate *** demonstrate[s] conformity” with the Resolution.¹⁵ In other words, the Administrator's review is cabined to assessing whether the *application* proposes a use or structure that conforms to the Resolution, not whether the existing conditions on the property conform to the Resolution.

If the Resolution barred property owners from establishing new uses or structures while a zoning violation remains outstanding or authorized the administrator to consider existing conditions on the property, the Administrator's denial might be justified—permitting a new use on a property with outstanding zoning violations would conflict with such a prohibition. But the Resolution contains no such bar.¹⁶ Because no provision of the Resolution authorizes the Administrator to deny a zoning certificate based on pre-existing violations, he may not do so.

The Administrator did precisely that. The Decision's sole basis for denial was that “the subject property is not presently in conformity with the applicable provisions of the [Resolution].” The Decision continues that “[u]ntil the existing zoning violation has been corrected *** [the Administrator is] without authority to issue a zoning certificate for the property.” But the Resolution permits the Administrator to review *only* whether the Proposed Use conforms to the Resolution. It does *not* authorize the Administrator to review the application based on pre-existing

¹⁰ *Allen v. Miami Cnty. Bd. of Zoning App.*, 186 Ohio App.3d 196, 2010-Ohio-377, 927 N.E.2d 33, ¶¶ 17–19 (2d Dist.). A copy of the Second District's decision in *Allen* is attached as **Exhibit E**.

¹¹ *Willow Grove*, 2015-Ohio-2702, ¶ 39.

¹² *Allen*, 2010-Ohio-377 at ¶¶ 2–7.

¹³ *Id.* at ¶¶ 7, 18–19.

¹⁴ *Id.* at ¶¶ 18–19.

¹⁵ BTZR § 2.07(E) (emphasis added).

¹⁶ On August 11, 2026, the Bethel Township Trustees adopted text amendments to the Resolution that bar the Administrator from accepting or processing rezoning, variance, and conditional use applications for properties with outstanding zoning violations. See Bethel Twp. Tr. Res. No. 26-08-076 (Aug. 11, 2026). However, this amendment is inapplicable here for two reasons. First, it does not bar the Administrator from accepting or processing zoning certificate applications in such circumstances. Second, the amendment takes effect after July 24, 2026—the date on which Monopoly IRL submitted the application at issue.

conditions on the Property. Because the Administrator issued the Decision based on a criterion that the Resolution does not recognize, the Decision must be reversed.

To be clear, this does not mean that the Resolution cannot be enforced against a property owner whose property may contain a nonconforming use or structure simply because the owner has applied for a zoning certificate. The Resolution separately empowers the Administrator to enforce its provisions through appropriate channels.¹⁷ But that enforcement authority is distinct from the zoning certificate review process. Allowing the Administrator to deny a certificate based on factors the Bethel Township Trustees have not authorized the Administrator to consider would effectively grant the Administrator policy-making authority—a power Ohio law reserves to those accountable to the electorate.¹⁸

b. THE PROPOSED USE IS PERMITTED AS OF RIGHT

This does not mean that the Board must return this matter to the Administrator for further consideration. The Ohio General Assembly expressly empowered township boards of zoning appeals to “modify the order, requirement, decision, or determination appealed from” and to exercise “all powers of the officer from whom the appeal is taken.”¹⁹ The Board therefore has the legal authority to “approve and issue” the requested zoning certificate.²⁰

It also has good reason to do just that; the Proposed Use plainly conforms to the Resolution. The Resolution plainly provides that “Contractor’s Yards” are uses permitted by right on properties zoned for Light Industrial uses—such as the Property. Although the Resolution does not define “Contractor’s Yard,” the term’s ordinary meaning readily encompasses the Proposed Use. A “contractor” is “one who contracts to do work for or supply goods to another[.]”²¹ A “yard,” in this context, is “an assembly or storage area[.]”²² Read together, a “Contractor’s Yard” is an assembly or storage area used by a party that provides goods or services to others on a contract-basis.

The Proposed Use fits this definition. Snow Xcellence will use the relevant portions of the Property not occupied by the Warehouse to stage and store the equipment and materials it needs to perform contract-based snow removal services. Functionally, the area will be “an assembly or storage area” for a business that provides contracted-for services—in other words, a “Contractor’s Yard.” The Proposed Use therefore conforms to the Resolution, and Monopoly IRL is entitled to the requested zoning certificate.

To the extent the Board has any residual doubt about whether the Proposed Use qualifies as a “Contractor’s Yard,” that doubt must be resolved in Monopoly IRL’s favor. Ohio law

¹⁷ BTZR § 2.03(A).

¹⁸ See OHIO REV. CODE § 519.02(A) (empowering only township trustees to regulate land use); *id.* § 519.16 (empowering township trustees to establish office for administering and enforcing duly adopted zoning regulations).

¹⁹ OHIO REV. CODE § 519.14.

²⁰ See BTZR § 2.07(D)(3).

²¹ *Contractor*, BLACK’S LAW DICTIONARY (12th ed. 2024).

²² *Yard*, MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY (12th ed. 2025).

recognizes that zoning regulations restrict rights that property owners otherwise enjoy.²³ Zoning regulations that permit a use “as of right”—like Section 12.02 of the Resolution—must be read broadly in the property owner’s favor.²⁴ Accordingly, if the Board is uncertain as to whether the Proposed Use qualifies as a “Contractor’s Yard,” it must resolve this matter in Monopoly IRL’s favor.

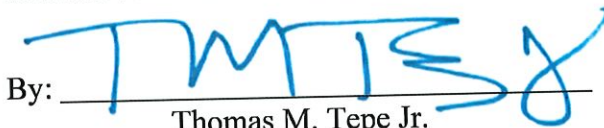
III. THE BOARD SHOULD REVERSE THE DECISION AND ISSUE THE REQUESTED ZONING CERTIFICATE

This is not a complicated case. The Administrator denied the requested zoning certificate based on a criterium—pre-existing zoning violations—that the Resolution does not authorize the Administrator to weigh. Allowing the Administrator to deny certificates on such grounds would give an appointed official power reserved for those accountable to the electorate, here the Bethel Township Trustees. This is not a bridge Ohio law allows to be crossed. Moreover, the Proposed Use is permitted as of right under the Resolution. As such, the Board should exercise its statutory powers of superintendence to reverse the Decision and either issue the requested zoning certificate or instruct the Administrator to.

Respectfully submitted,

KEATING MUETHING & KLEKAMP PLL

By: _____



Thomas M. Tepe Jr.
Partner

²³ Saunders v. Clark Cnty. Zoning Dept., 66 Ohio St.2d 259, 261, 421 N.E.2d 152 (1981).

²⁴ Terry v. Sperry, 130 Ohio St.3d 125, 2011-Ohio-3364, 956 N.E.2d 276, ¶ 19.

EXHIBIT A

DECISION DENYING ZONING CERTIFICATE APPLICATION NO. ZC-22-26

[See attached]

Johnson, Alexander C.

From: Zoning Department <zoning@betheltownship.org>
Sent: Thursday, July 30, 2026 4:32 PM
To: Johnson, Alexander C.
Cc: Jason M
Subject: Application of Zoning Certificate (4150 Gibson Dr)
Attachments: McCoy Application.pdf

Mr. McCoy,

After review of your application for a Zoning Certificate, I have determined that the requested zoning certificate cannot be issued.

The zoning certificate is denied because the subject property is not presently in conformity with the applicable provisions of the Bethel Township Zoning Resolution. As currently situated, the property contains one or more existing zoning violations that prevent the issuance of a zoning certificate.

I have determined that an existing structure or use on the property was established or constructed in violation of the Bethel Township Zoning Resolution. Until the existing zoning violation has been corrected, legalized through an available administrative process, or otherwise resolved as permitted by law, I am without authority to issue a zoning certificate for the property.

This determination is based upon the authority granted to the Zoning Administrator under the Bethel Township Zoning Resolution and Chapter 519 of the Ohio Revised Code.

Respectfully,

Arthur Franklin



BETHEL TOWNSHIP TRUSTEES
BETHEL TOWNSHIP ZONING DEPARTMENT
3735 SOUTH SECOND STREET - BRANDT, TIPP CITY, OHIO 45371
PHONE: 937.845.8472 FAX: 937.845.7316

APPLICATION FOR A ZONING CERTIFICATE

App. No.: ZC- 22- 26

SECTION I: PROPERTY INFORMATION

Property Address: 4150 Gibson Dr. Tipp City OH 45371	Acreage: 0.72
Section: 25 Town: 2 Range: 9	Parcel: A01- 085 385
Subdivision Name and Lot No.: Wiley Industrial Park, lot # unknown	Zoning District:

SECTION II: APPLICANT INFORMATION

Applicant Name: Monopoly IRL, LLC	Phone: 937-524-5885
Address: PO Box 147	Zip Code: 45371
Property Owner: Monopoly IRL, LLC	Phone: 937-524-5885
Address: PO Box 147	Zip Code: 45371
Contractor Name: N/A	Phone: N/A
Address: N/A	Zip Code: N/A

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, Contractor's 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

DENIED

Contractor/Applicant

7-24-26
Date

Owner

7-24-26
Date

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? ☒ N

PUBLIC SEWER AVAILABLE? ☒ N

HYDRANTS WITHIN 500'? ☒ N

SANITATION TO BE APPROVED BY:

☒ MIAMI COUNTY HEALTH DEPT.

☐ OHIO E.P.A.

☐ OTHER _____

Continued on Next Page

SECTION V: ATTACH SKETCH OF PROPERTY/PROJECT

Attach a plan for the proposed use 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: 125	SECONDARY ROAD FRONTAGE: N/A	LOT SIZE: 0.72
FRONT YARD: NA	REAR YARD: N/A	SIDE YARD: N/A
BUILDING HEIGHT: 25'	BUILDING WIDTH: 60'	
FIRST FLOOR AREA: 6000 sq ft	SECOND FLOOR AREA: N/A	
TOTAL FLOOR AREA: 6000 sq ft	FINISHED BASEMENT? YES OR NO NA	
LOT WIDTH: 125	LOT DEPTH: 250	
ESTIMATED COST OF CONSTRUCTION: \$ 0.00		

SECTION VII: MISCELLANEOUS INFORMATION FOR COMMERCIAL/INDUSTRIAL DEVELOPMENT

BLDG. STORIES: 1	PARKING SPACES: 7	BLDG. SQ. FT.: 6000
BLDG. HEIGHT: 25'	TRUCK DOCKS: 0	

SECTION VIII: ADMINISTRATIVE ACTION

REVIEWED BY: ANTHONY PRANACIN	FEE: \$100
DECISION DATE: 7/30/26	APPROVED: _____
REASON FOR APPROVAL OR DENIAL: SEE EMAIL	

DENIED

Bethel Township Zoning Resolution Article 12 -- "I-1" Light Industrial District
September 2018

ARTICLE 12

"I-1" LIGHT INDUSTRIAL DISTRICT

Section 12.01 Purpose

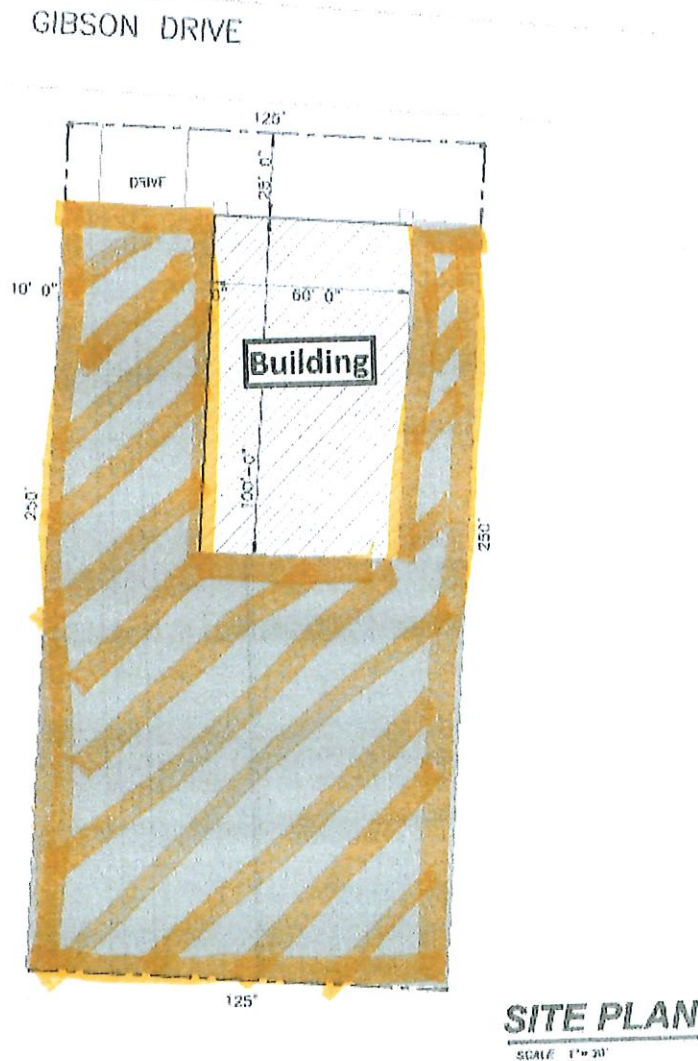
The purpose of the "I-1" Light Industrial District is to provide appropriate places for clean, low environmental impact industrial and manufacturing uses that are located completely indoors, limit off-site impacts, outdoor storage and that provide adequate landscaping and screening for buildings, structures 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:

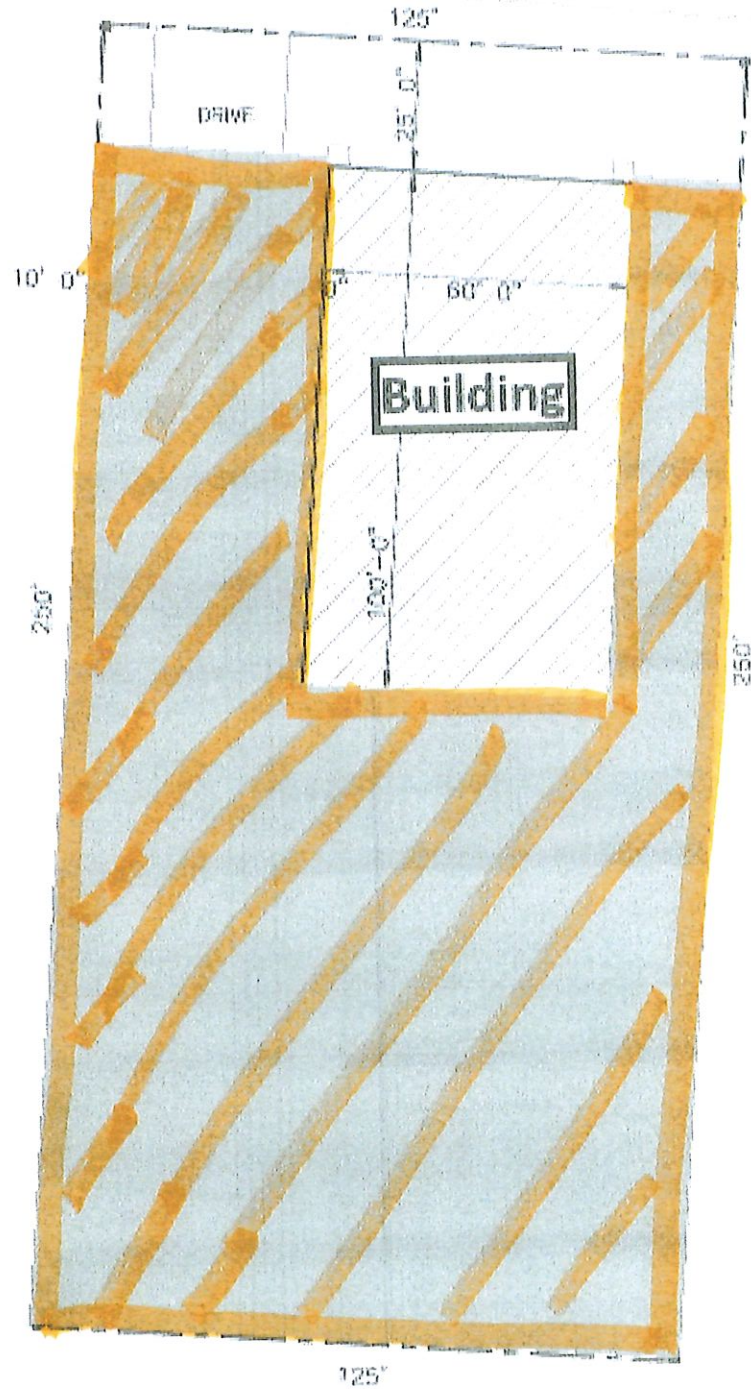
Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
• None	• Public Garages	• Agricultural Uses • Automobile Filling Station • Automobile, Recreational Vehicle, Boat Sales • Automobile, Truck, and Recreational Vehicle Repair • Building Services and Supplies • Building and Trades, Contractor's Yards, Utility Storage Yards • Commercial Greenhouse • Commercial Storage of Boats, Recreational Vehicles, and/or Construction Equipment in an Enclosed Building

Site Plan text explanation:



- 1) Ingress and egress to 4150 Gibson Drive Tipp City, Ohio 45371 will occur at the area labeled "DRIVE" on the above map. There will be no traffic circulation within the "Building and Trades, Contractor's Yard, Utility Storage Yard" area. The existing building is labeled "Building" on the above diagram. The "Building and Trades, Contractor's Yard, Utility Storage Yard" area will be placed in the orange shaded area in the map. It will not require screening or off-street parking. There will be no signs, utilities are preexisting, and there are preexisting salt shed accessory buildings on site.

GIBSON DRIVE



SITE PLAN

SCALE 1" = 30'

EXHIBIT B

BETHEL TOWNSHIP ZONING CERTIFICATE APPLICATION NO. ZC-22-26

[See attached]



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-

SECTION I: PROPERTY INFORMATION

Property Address: 4150 Gibson Dr. Tipp City OH 45371
Section: 25 Town: 2 Range: 9
Subdivision Name and Lot No.: Wiley Industrial Park, lot # unknown
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Parcel: A01-085385
Zoning District:

SECTION II: APPLICANT INFORMATION

Applicant Name: Monopoly IRL, LLC
Address: PO Box 147 City, State: Tipp City OH
Property Owner: Monopoly IRL, LLC
Address: PO Box 147 City, State: Tipp City OH
Contractor Name: N/A
Address: N/A
Phone: 937-524-5885
Zip Code: 45371
Phone: 937-524-5885
Zip Code: 45371
Phone: N/A
Zip Code: N/A

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☐ DECK ☐ POOL ☐ ADDITION
☐ BASEMENT FINISHING ☐ SHED/GARAGE ☐ DEMOLITION
☐ FREE STANDING SIGN ☐ TEMPORARY SIGN ☐ OTHER

COMMERCIAL/INDUSTRIAL

- ☐ NEW CONSTRUCTION ☐ WAREHOUSE ☐ BUSINESS
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☐ FREE STANDING SIGN ☐ WALL SIGN(S) ☐ TEMPORARY SIGN
☒ OTHER "Building and Trades, Contractor's Yards, Utility Storage Yards"

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

7-24-26
Date

Owner

7-24-26
Date

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.

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PUBLIC WATER AVAILABLE? ☒ N PUBLIC SEWER AVAILABLE? ☒ N HYDRANTS WITHIN 500'? ☒ N
SANITATION TO BE APPROVED BY:
☒ MIAMI COUNTY HEALTH DEPT. ☐ OHIO E.P.A. ☐ OTHER

Continued on Next Page

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Attach a plan for the proposed use 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

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BUILDING HEIGHT: 25'	BUILDING WIDTH: 60'	
FIRST FLOOR AREA: 6000 sq ft	SECOND FLOOR AREA: N/A	
TOTAL FLOOR AREA: 6000 sq ft	FINISHED BASEMENT? YES OR NO NA	
LOT WIDTH: 125	LOT DEPTH: 250	
ESTIMATED COST OF CONSTRUCTION: \$0.00		

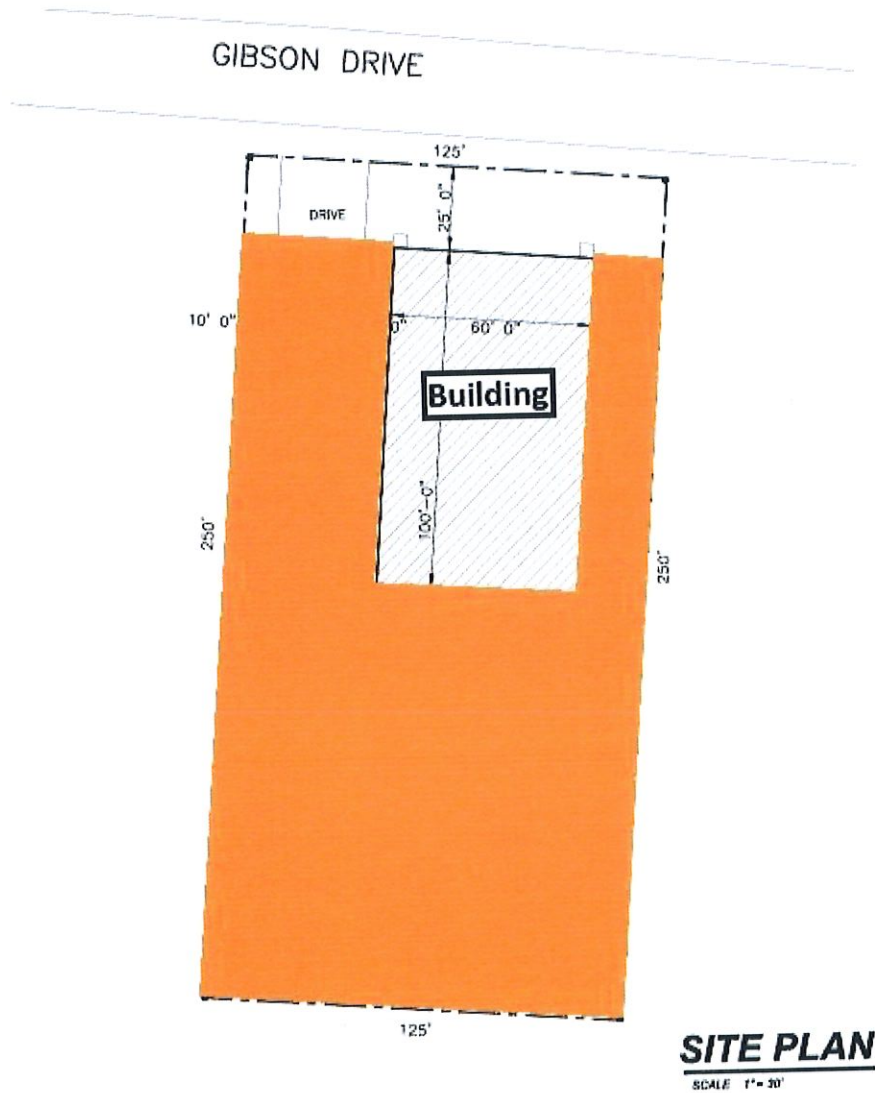
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BLDG. STORIES: 1	PARKING SPACES: 7	BLDG. SQ. FT.: 6000
BLDG. HEIGHT: 25'	TRUCK DOCKS: 0	

SECTION VIII: ADMINISTRATIVE ACTION

REVIEWED BY:	FEE:
DECISION DATE:	APPROVED:
REASON FOR APPROVAL OR DENIAL:	

Site Plan text explanation:



- 1) Ingress and egress to 4150 Gibson Drive Tipp City, Ohio 45371 will occur at the area labeled "DRIVE" on the above map. There will be no traffic circulation within the "Building and Trades, Contractor's Yard, Utility Storage Yard" area. The existing building is labeled "Building" on the above diagram. The "Building and Trades, Contractor's Yard, Utility Storage Yard" area will be placed in the orange shaded area in the map. It will not require screening or off-street parking. There will be no signs, utilities are preexisting, and there are preexisting salt shed accessory buildings on site.

Written Narrative:

Monopoly IRL, LLC's desire is to create a "Building and Trades, Contractor's Yard, Utility Storage Yard" area for tenant uses suitable for this zoning certificate using Harvey S. Moskowitz's Book of Development Definitions and the Zoning Department's same definitions, shown below:

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.

**Bethel Township Zoning Resolution Article 12 – "I-1" Light Industrial District
September 2018**

ARTICLE 12

"I-1" LIGHT INDUSTRIAL DISTRICT

Section 12.01 Purpose

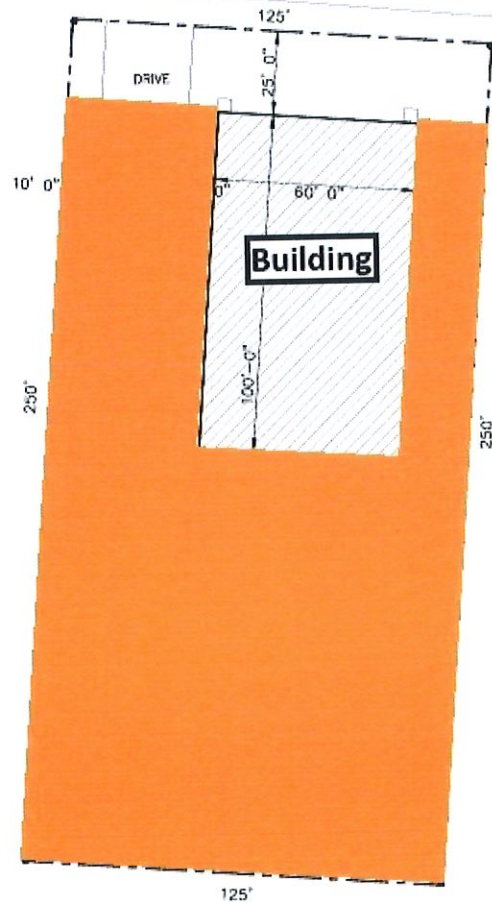
The purpose of the "I-1" Light Industrial District is to provide appropriate places for clean, low environmental impact industrial and manufacturing uses that are located completely indoors, limit off-site impacts, outdoor storage and that provide adequate landscaping and screening for buildings, structures 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

GIBSON DRIVE



SITE PLAN

SCALE 1" = 30'

EXHIBIT C

BETHEL TOWNSHIP ZONING CERTIFICATE No. ZC-54-21

[See attached]



ZONING CERTIFICATE
BETHEL TOWNSHIP BOARD of TRUSTEES
PLANNING & ZONING DEPARTMENT
8735 SOUTH SECOND STREET – BRANDT
TIPP CITY, OH 45371

CERTIFICATE NUMBER: ZC-54-21

ADDRESS: 4150 GIBSON DR
PARCEL NUMBER: A01-085385
ZONING DISTRICT: I-1
ISSUED TO: MONOPOLY LLC
PERMIT TYPE: NEW CONSTRUCTION
PERMIT DATE: 10-29-21
FEE: \$100 EXPIRATION DATE: 10-30-22
PAID: Y CHECK NUMBER:

It is hereby certified that the above use as shown on the site plan and drawings submitted with the application conforms to all applicable provision of the Bethel Township Zoning Resolution. The issuance of this Permit does not allow the violation of the Bethel Township Zoning Resolution or other governing Regulations.

The applicant is responsible for obtaining all building permits through the Miami County Building Regulations Department located at 510 West Water Street – Suite 120, Troy, Ohio 45373-2984 prior to commencing work on the proposed improvement. A final zoning inspection must be scheduled by the applicant.

APPROVED BY:

DATE: 10-29-21

Mike Arnold

Director, Planning and Zoning

MIAMI COUNTY BUILDING REGULATIONS DEPARTMENT RECEIVED: BY:

BLUE – FILE PINK – RESIDENT YELLOW – CO. BUILDING REGS GREEN – CO. TO RETURN TO BETHEL



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-54 -21

SECTION I: PROPERTY INFORMATION

Property Address: 4150 Gibson Dr. Tipp City, OH 45371			Acreage: .72
Section:	Town: 2	Range: 9	Parcel: A01-085385
Subdivision Name and Lot No.:			Zoning District:

SECTION II: APPLICANT INFORMATION

Applicant Name: MONOPOLY IRL LLC		Phone: 937-776-2631
Address: 2275 Foxdale Dr	City, State: Troy, OH	Zip Code: 45373
Property Owner:		Phone:
Address:	City, State:	Zip Code:
Contractor Name:		Phone:
Address:	City, State:	Zip Code:

SECTION III: SIGN PERMIT APPLICATION (CHECK ALL THAT APPLY)

- | | | |
|--|---|--|
| ☐ RESIDENTIAL | ☐ SINGLE FAMILY DWELLING | ☐ MULTI-FAMILY DWELLING |
| ☐ NEW CONSTRUCTION | ☐ POOL | ☐ ADDITION |
| ☐ DECK | ☐ SHED/ GARAGE | ☐ OTHER _____ |
| ☐ BASEMENT FINISHING | | |
| ☐ DEMOLITION | | |
| | | |
| ☐ COMMERCIAL/INDUSTRIAL | ☐ WAREHOUSE | ☐ BUSINESS |
| ☒ NEW CONSTRUCTION | ☐ NEW USE | ☐ FREE STANDING SIGN |
| ☐ OFFICE | | |
| ☐ OTHER _____ | | |

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.

Constructing a building for cold, dry storage of our palletized material. Minimal impact to neighboring properties since location is in a business park.

Jason McCoy	10/28/21	MONOPOLY IRL LLC	10/28/21
Contractor/ Applicant	Date	Owner	Date

Please Note: This application, if approved, must further be submitted to the Miami County Building Regulations Department, Hobart Center for County Government, 510 West Water Street, Suite 120, Troy, Ohio 45373 for the applicable building permits. Building permits are mandatory before construction begins with in 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? ☒ N PUBLIC SEWER AVAILABLE? ☒ N HYDRANTS WITHIN 500'? ☒ N
SANITATION TO BE APPROVED BY:
☐ MIAMI COUNTY HEALTH DEPT. ☐ OHIO EPA. ☒ OTHER N/A

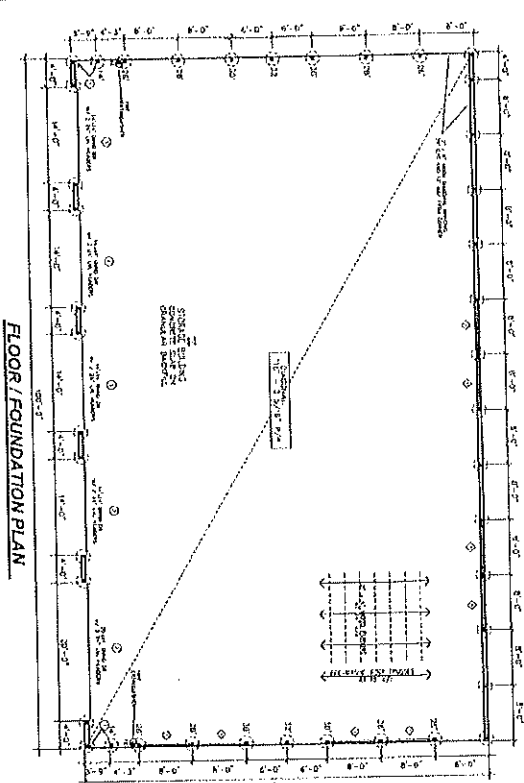
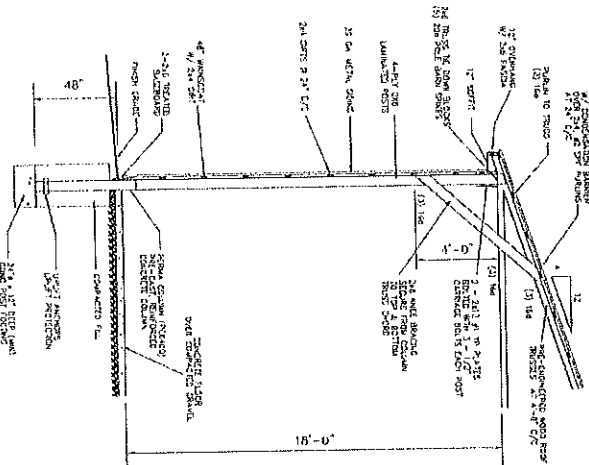
Continued on Next Page:

SECTION V: ATTACH SKETCH 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.

[illegible]

▲ ABOUT 5:15, THUNDER PHOTOGRAPHY WENT IN OUTDOOR 335 IN OTHER ROOM. THIS THUNDER STALL AT THE GOLF COURSE. WE WERE IN THE GOLF COURSE AND STAY THERE. WE WERE IN THE GOLF COURSE AND STAY THERE. WE WERE IN THE GOLF COURSE AND STAY THERE.



WINDOW SCHEDULE			
SYMBOL	SIZE		QUANTITY
	WIDTH	HEIGHT	
☉	36"	48"	1000

ROOM FIFTH SENECA			
NO.	NAME	AGE	SEX
1	JOHN	18	M
2	MARY	16	F
3	JOHN	14	M
4	MARY	12	F
5	JOHN	10	M
6	MARY	8	F
7	JOHN	6	M
8	MARY	4	F
9	JOHN	2	M
10	MARY	1	F

Date		Unit
1	10/10/10	10/10/10
2	10/10/10	10/10/10
3	10/10/10	10/10/10
4	10/10/10	10/10/10
5	10/10/10	10/10/10
6	10/10/10	10/10/10
7	10/10/10	10/10/10
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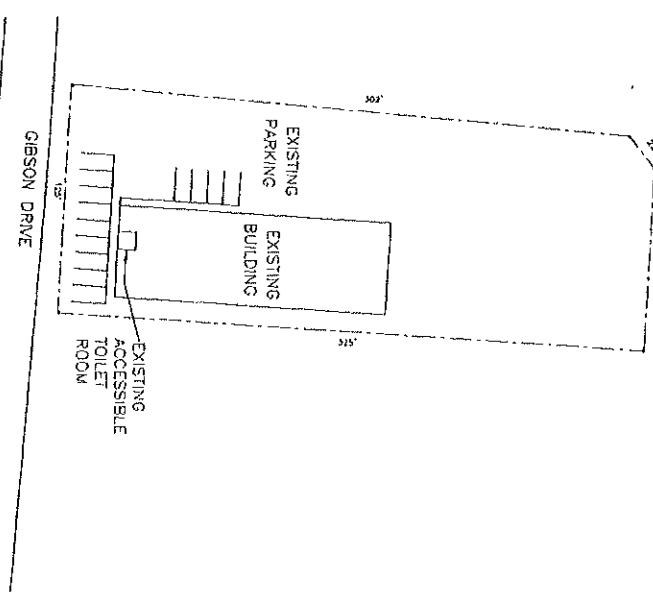


EXHIBIT D

**NOTICE OF VIOLATION FROM ARTHUR FRANKLIN, PLANNING AND ZONING DIRECTOR,
BETHEL TOWNSHIP, TO MONOPOLY IRL LLC, DATED JULY 29, 2026**

[See attached]

7/29/2026



MONOPOLY IRL LLC
PO BOX 354
TIPP CITY OH 45371

Location(s): 4150 Gibson
Bethel Township
Miami County, OH

Parcel #: A01-085385

Dear Property Owner:

Bethel Township has enacted a zoning resolution to ensure properties in the township are maintained and improved within guidelines that support the township's goals and visibility. While reviewing a recent application that you submitted, I found that there are accessory structures on the property that do not have permits along with snowplows which are not permitted in the I-1 District.

This condition is a violation of **Section 2.07 Zoning Certificate**. A. Applicability A Zoning Certificate shall be required for any of the following: 1. New construction or structural alteration of any building or structure, including accessory buildings; 2. Change in use of an existing building, accessory building, lot, or portion thereof, to a use of a different classification, excluding changing to any agricultural use; 3. Grading, excavation, or modification of any lot requiring an Earth Movement Permit from the Ohio Department of Natural Resources. 4. Occupancy and use of vacant land excluding agricultural land; 5. Change in the use of land to a use of a different classification; or 6. Any change in the use of a nonconforming use.

Please advise how you will correct this situation as soon as possible. Bethel Township can and will more formally pursue this violation through our legal department (the Miami County Prosecutor's Office) and through Miami County's Building Department.

You may contact me at 937.845.8472 or by email at zoning@betheltownship.org if you have any questions.

Sincerely,

BETHEL TOWNSHIP TRUSTEES


Arthur Franklin, Planning & Zoning Director



EXHIBIT E

ALLEN V. MIAMI COUNTY BOARD OF ZONING APPEALS, 186 OHIO APP.3D 196, 2010-OHIO-377, 927 N.E.2D 33 (2D DIST.)

[See attached]

186 Ohio App.3d 196
Court of Appeals of Ohio, Second District, Miami County.

ALLEN, Appellant,
v.
MIAMI COUNTY BOARD OF ZONING APPEALS, Appellee.

No. 2009 CA 34
I
Decided Feb. 5, 2010.

Synopsis

Background: Landowner sought review of a county board of zoning appeals decision to uphold county zoning department's denial of residential zoning permits for three lots. The Court of Common Pleas, Miami County, No. 09-196, upheld the decision. Landowner appealed.

The Court of Appeals, Donovan, P.J., held that county zoning department lacked authority to deny zoning permits based on landowner's alleged violation of subdivision regulations.

Judgment reversed and cause remanded.

Procedural Posture(s): On Appeal.

Attorneys and Law Firms

****33** John C. Chambers, Richard A. Talda, and Sasha Alexa M. VanDeGrift, for appellant.

****34** Gary Nasal, Miami County Prosecuting Attorney, and James R. Dicks Jr., Assistant Prosecuting Attorney, for appellee.

Opinion

DONOVAN, Presiding Judge.

***197** {¶ 1} Plaintiff-appellant, Josette M. Allen, appeals a judgment of the Miami County Court of Common Pleas that affirmed the decision issued by defendant-appellee, the Miami County Board of Zoning Appeals ("BZA"), in which the BZA ***198** denied appellant residential-zoning permits for three lots of real property that she owns in Miami County.

I

{¶ 2} The relevant history of the property at issue began in 1995 when appellant hired M.L. Oxner, a registered professional surveyor, to survey a 185-acre tract of land in an unincorporated area of Miami County. Pursuant to the survey that Oxner performed, appellant recorded a survey plat with the Miami County Record of Land Surveys, which divided the property into 16 individual lots.

{¶ 3} On January 5, 1996, David Allen, appellant's husband, recorded a deed in the Miami County Recorder's Office in which he transferred the 16 lots to appellant in order to make them "Lots of Record." The first deed was approved by the Miami County

Health Department, the County Engineer, and the County Auditor. Each of the 16 lots was in excess of ten acres and possessed at least 125 feet of road frontage along Horseshoe Bend Road in Miami County. On the same day she recorded the first deed, appellant made a second transfer of all 16 lots of record, this time to herself, as trustee.

{¶ 4} In late 2006, appellant began construction of a bridge and paved roadway that connected all 16 lots of record to Horse Shoe Bend Road.¹ Construction was completed in 2007. Appellant applied for and was granted all of the requisite permits from Miami County in order to construct the bridge and roadway that connected all the properties. We note that since 1996, appellant has paid semi-annual taxes on each of the 16 lots. Additionally, the record establishes that appellant paid taxes on each property at the residential tax rate in Miami County.

{¶ 5} In 2008, appellant hired Banah Development, L.L.C., to construct homes on three of the 16 lots, specifically lot No. 4, a 12.388-acre tract at 6828 Horseshoe Bend Road; lot No. 11, a 10.264-acre tract at 6756 Horseshoe Bend Road; and lot No. 14, a 10.309-acre tract at 6544 Horseshoe Bend Road. Kirk Schlecty, owner of Banah Development, testified that he met with representatives of the Miami County Zoning Department on numerous occasions regarding construction on the various lots. Schlecty testified that he provided all the necessary Health Department permits and driveway permits to the zoning department. Schlecty further testified that the zoning department informed him that it required no additional permits or other materials in regard to the lots.

*199 {¶ 6} Scott Dixon, another representative of appellant, testified that he spoke with Jacob Hoover, Miami County Planning Director, in regard to the grant of zoning permits to construct homes on the three lots. Dixon testified that he specifically asked Hoover at a meeting on December 11, 2008 (David Allen and Schlecty **35 were also present) whether there would be any obstacles that would prevent the issuance of the zoning permits, once the driveway permits were obtained. Dixon testified that Hoover stated that with the exception of a change in state law, there were no existing impediments to the issuance of the zoning permits.

{¶ 7} On December 29, 2008, however, Hoover sent a letter to appellant in which he indicated that the zoning department had denied the requests for zoning permits. The reason provided as the basis for the denial of the zoning permits was that appellant had failed to register the 16 lots of record as a subdivision as required by Ohio law. Hoover further stated that until appellant's apparent "subdivision" had been approved by the Miami County Planning Commission, the zoning department would not review appellant's application for zoning permits.

{¶ 8} Appellant appealed the denial of the zoning permits to the BZA. After a hearing held on February 19, 2008, the BZA affirmed Hoover's decision to deny the zoning permits. Appellant subsequently appealed the decision of the BZA to the Miami County Court of Common Pleas. In a judgment entry filed on July 27, 2009, the trial court affirmed the decision of the BZA denying the issuance of the zoning permits. Appellant filed a timely notice of appeal from the decision of the trial court on September 4, 2009.

II

{¶ 9} Appellant's first assignment of error is as follows:

{¶ 10} "The trial court erred by upholding the BZA's decision because the zoning department lacked authority to deny zoning permits based on subdivision regulations."

{¶ 11} In her first assignment, appellant contends that the trial court erred when it affirmed the BZA's decision because the zoning department did not have the statutory authority to deny the zoning permits based on an alleged violation of the subdivision regulations. Appellant argues that she had complied with every applicable zoning regulation in order to obtain the appropriate zoning permits. Appellant asserts that the question of whether the properties in question qualify as a subdivision should be left

to the planning commission, whose job it is to enforce the subdivision regulations, not the zoning department, whose job it is to enforce the zoning regulations.

*200 {¶ 12} In its merit brief, the BZA concedes that “neither the Miami County Zoning Resolution nor the [Ohio] Revised Code grants the BZA, the Planning Director or the Zoning Inspector the authority to enforce the Miami County Subdivision Resolution.” The BZA, however, argues that when Hoover denied appellant the zoning permits, he was not trying to enforce the subdivision regulations. Rather, the BZA asserts that Hoover was merely enforcing zoning resolution Section 20.02(H), which states:

{¶ 13} “The Planning Director or authorized representative shall stamp ‘approved’ upon acceptance of the site plan for review, may waive certain requirements where information is deemed unnecessary *and may require additional information not made referenced herein which may be necessary for proper review.*” (Emphasis added.)

{¶ 14} The BZA interprets this section of the zoning regulations to allow the planning director to refuse to issue a zoning permit when an applicant has failed to provide evidence of compliance with other land-use regulations. Specifically, the BZA argues that pursuant to Section **36 20.02(H) of the zoning regulations, Hoover possessed the authority to deny zoning permits based on appellant's failure to comply with the subdivision regulations.

{¶ 15} As we stated in *BP Oil Co. v. Dayton Bd. of Zoning Appeals* (1996), 109 Ohio App.3d 423, 432, 672 N.E.2d 256:

{¶ 16} “Ohio law is clear that in interpreting a zoning ordinance courts must strictly construe restrictions on the use of real property in favor of the property owner. *Liberty Sav. Bank v. Kettering* (1995), 101 Ohio App.3d 446, 655 N.E.2d 1322; *Rotellini v. W. Carrollton Bd. of Zoning Appeals* (1989), 64 Ohio App.3d 17, 580 N.E.2d 500; *State ex rel. Moore Oil Co. v. Dauben* (1919), 99 Ohio St. 406, 124 N.E. 232; *Whiteco Metrocom, Inc. v. Columbus* (1994), 94 Ohio App.3d 185, 640 N.E.2d 563.

{¶ 17} “ ‘All zoning decisions, whether on an administrative or judicial level, should be based on the following elementary principles which underlie real property law. Zoning restrictions are in derogation of common law and deprive a property owner of certain uses of his land to which he would otherwise be lawfully entitled. Therefore, such resolutions are ordinarily construed in favor of the property owner. Restrictions on the use of real property by the ordinance, resolution or statute must be strictly construed, and the scope of the restrictions cannot be extended to include limitations not clearly prescribed.’ (Citations omitted.) *Saunders v. Clark Cty. Zoning Dept.* (1981), 66 Ohio St.2d 259, 261, 20 O.O.3d 244, 246, 421 N.E.2d 152, 154. Ambiguities in zoning provisions which restrict the use of one's land must be construed against the zoning resolution because the enforcement of such a provision is an exercise [of] police power that *201 constricts property rights. *Freedom Twp. Bd. of Zoning Appeals v. Portage Cty. Bd. of Mental Retardation & Developmental Disabilities* (1984), 16 Ohio App.3d 387, 390, 16 OBR 456, 458–459, 476 N.E.2d 360, 363–364, [motion to certify record overruled]. Furthermore, the BZA's authority to regulate uses of land cannot be extended to include the authority to restrict uses not clearly proscribed in the ordinance. *Dauben*. ” Since Section 20.02(H) of the zoning resolutions purports to allow the planning director to place restrictions on the use of appellant's land, we are required to strictly interpret that section in favor of appellant.

{¶ 18} After a thorough review of the record, we find that the zoning department did not have the authority to deny appellant's zoning permits based on an alleged violation of the subdivision regulations. In order for the zoning department to issue a zoning permit, an applicant must establish that the building he or she wants to erect complies with the following requirements in the district in which the property is located: (1) it must be for a purpose permitted in the district, (2) it must conform to height or bulk limits established in the district, (3) it must conform with the yard or lot requirements in the district, (4) it must conform with all off-street parking and loading-space regulations in the district, and (5) there must not be more than one main building on the lot, unless otherwise provided for in the zoning regulations. Miami County Zoning Res. Article 18.01(A) through (E). The zoning resolution also contains a provision that sets forth the requirements for areas zoned for residential use. Miami County Zoning Res. Article 5. There is no provision in either Article 5 or 18, or any other section of the zoning resolution, which permits the zoning department to deny an application for a zoning permit based upon a failure to comply with the subdivision regulations.

Strictly construed in favor of appellant, Section 20.02(H), likewise, does ****37** not authorize the zoning department to deny a zoning permit for alleged noncompliance with the subdivision regulations.

{¶ 19} Additionally, the subdivision regulations contain no provision that allows for the denial of a zoning permit for failure to comply with the subdivision regulations. In the event of a violation, Article 8 of the subdivision regulations outlines the penalties that may be imposed. The penalties include monetary fines, as well as the institution of legal proceedings to have the property plat stricken from the record or petition for an injunction to enjoin further development on the property. The subdivision regulations also state that the body that determines whether a violation has occurred and implements penalties is the planning commission, not the zoning department. Thus, the zoning department had no authority to deny appellant's zoning permits for alleged noncompliance with the subdivision regulations. The authority to enforce the subdivision regulations, as well as impose penalties for noncompliance with the regulations, ***202** rests solely with the Miami County Planning Commission.² Thus, the trial court erred when it upheld the BZA's decision to deny appellant's zoning permits for failing to comply with the subdivision regulations.

{¶ 20} We also note that because Hoover declined to issue appellant's zoning permits in light of her noncompliance with the subdivision regulations, no decision was reached regarding whether appellant complied with the express requirements of the zoning resolution for the building of single-family residences on the properties in question. For clarification's sake, this opinion should in no way be interpreted as a directive to the Miami County Zoning Department to grant appellant's zoning permits. The zoning department, however, should be mindful to limit its consideration of the zoning permits to issues explicitly within its mandate as set forth in the zoning resolutions.

{¶ 21} Appellant's first assignment of error is sustained.

III

{¶ 22} Appellant's second and third assignments of error are as follows:

{¶ 23} "The trial court erred in affirming the BZA's decision because the BZA's decision was not based on substantial, reliable, and probative evidence.

{¶ 24} "The trial court erred by affirming the appellee BZA's decision because that decision, if upheld, would lead to a denial of due process."

{¶ 25} In light of our disposition with respect to appellant's first assignment of error, the second and third assignments are rendered moot and need not be addressed.

IV

{¶ 26} Appellant's first assignment of error having been sustained, the judgment of the trial court is reversed, and this matter is remanded for proceedings consistent with this opinion.

Judgment reversed and cause remanded.

BROGAN and FROELICH, JJ., concur.

All Citations

186 Ohio App.3d 196, 927 N.E.2d 33, 2010-Ohio-377

Footnotes

- 1 In 2006, Allen transferred one of the 16 properties to an attorney she employed in New York. Shortly thereafter, the attorney transferred the property back to Allen. Allen stated that the transfer of the property was a “test” to see if the Miami County Planning Commission would object to the transfer, since Allen had not applied for status as a subdivision at any point during her ownership or development of the entire property.
- 2 The question whether appellant violated the Miami County Subdivision Regulations is not before us; only the question whether the zoning department had the authority to deny a zoning permit for failure to comply with subdivision regulations is before us.

End of Document

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