



Bethel Township, Miami County, Ohio Zoning Commission
Thursday, June 25, 2026 – 7:30 P.M. Agenda
Township Meeting Room, 8735 S. Second Street, Brandt, Tipp City, Ohio

1. **Call to Order:** Time: _____ Presiding: _____
 Roll call: Mr. Corbett: _____ Ms. Cornish: _____ Mr. Hirt: _____
 Ms. Royse: _____ Mr. Underwood: _____

2. **Board and Township Staff Introductions:**

Board members: Ron Corbett, Gary Cornish, Jerry Hirt, Janice Royse
 Alternates: Jess Underwood
 Staff: Arthur Franklin – Zoning Inspector, Cathy Fortunato - Zoning Secretary

3. **New Business:**

Swear in new Zoning Commission Board member – Gary Cornish
 Review of Commissions procedures

Case ZA-03-26: A request from Richard Drake, Drake Architecture, to amend the zoning resolution to rezone to I-1, both 9140 SR 202, Tipp City, 0.66 acres zoned B-3, and 4423 US 40, Tipp City, 0.53 acres zoned B-1 and then combine them if lot size variance is granted. Proposed use is a convenience store with a fueling station. Miami County Parcel ID# A01-086200 and A01-086205.

Motion to approve by _____ Seconded by _____
 Vote: Mr. Corbett: _____ Mr. Cornish: _____ Mr. Hirt: _____
 Ms. Royse: _____ Mr. Underwood: _____

Case ZA-04-26: A request from Jason McCoy, PO Box 147, Tipp City, OH to amend the zoning resolution to rezone the entire 14.714 acre parcel located at 4021 E US 40, Tipp City, OH to I-1. The parcel is currently multi-zoned R-1AA, R-1AAA, and I-1. Proposed use on the current R-1AA/R-1AAA area, if rezoned, will be a contractor’s storage yard. Miami County Parcel ID# A01-005500.

Motion to approve by _____ Seconded by _____
 Vote: Mr. Corbett: _____ Mr. Cornish: _____ Mr. Hirt: _____
 Ms. Royse: _____ Mr. Underwood: _____

4. **Old Business:**

May 28, 2026 meeting minutes

Motion to approve by _____ Seconded by _____
 Vote: Mr. Corbett: _____ Mr. Cornish: _____ Mr. Hirt: _____
 Ms. Royse: _____ Mr. Underwood: _____

5. **Communications and Reports**

- Looking for ZC board volunteers
- Zoning Commission Comments

6. **Adjournment:**

Motion to adjourn by _____	Seconded by _____	
Vote: Mr. Corbett: _____	Mr. Cornish: _____	Mr. Hirt: _____
Ms. Royse: _____	Mr. Underwood: _____	
Time: _____		

ZC Case ZA-03-26

A request from Richard Drake, Drake Architecture, to amend the zoning resolution to rezone to I-1, both 9140 SR 202, Tipp City, 0.66 acres zoned B-3, and 4423 US 40, Tipp City, 0.53 acres zoned B-1 and then combine them if lot size variance is granted. Proposed use is a convenience store with a fueling station. Miami County Parcel ID# A01-086200 and A01-086205.

GENERAL INFORMATION:

Applicant/Property Owner:	Richard Drake, Drake Architecture
Property Address:	4423 US 40 and 9140 SR 202, Tipp City, OH
Current Zoning:	4423 US 40 is B-1 Highway Business District 9140 SR 202 is B-3 Neighborhood Business District
Location:	9140 is on the NW corner of SR 202 and US 40, 4423 is adjacent to the west
Existing Land Use:	Convenience store under construction and vacant lot
Bethel Land Use Plan:	Rural Settlement
Surrounding Land Use	North R-1A and R-1AAA Residential Districts South I-1 Light Industrial, B-1 Highway Business and R-1A Residential East B-3 Neighborhood Business District and A-2 General Agricultural West R-1A and R-1AAA Residential Districts
Road Frontage:	Combined road frontage if approved will be 155' on SR 202 and 209' on US 40
Exhibits:	A – Bethel Township Zoning Map B – Aerial Vicinity Map showing ROW (shown with current convenience store) C – Larger Aerial Vicinity Map (shown with previous house and business) D – Application E – Case ZA-02-17 Minutes from March 23, 2017 Zoning Commission Meeting F – Case ZA-02-17 Minutes from April 11, 2017 Trustee Meeting G – Miami County Engineer Report H – Street views

SPECIAL INFORMATION:

Fire Dept Information/Review:	N/A
Miami County Health District:	N/A
County Planning Commission:	Recommended approval of the application with a 7-yes to 1-no vote with conditions that 1) ODOT gives approval and 2) the required variance(s) are granted by the Bethel Township Board of Zoning Appeals

PRIOR ZONING CASES:

9140 SR 202:

- 9/4/85 – Zoning Certificate for 840 sq ft addition
- V-4-97 – Variance for off-street loading and parking granted
- ZA-02-17 – A request from Apex Engineering and Surveying Inc., agent for Takhar Oil/R & A Corporation to rezone the 2 parcels in this case to I-1 for the purpose of joining the parcels and erecting a gas station. Members voted unanimously to **NOT** recommend this zoning amendment to the Trustees on 3/23/17. The Bethel Township Board of Trustees voted unanimously to **DENY** this request on 4/11/17.

4423 US 40:

- 6/6/2018(both properties) – Violation letter to R&A Corporation (tall grass)
- 8/6/2018(both properties) – Violation letter to R&A Corporation (weeds, trash, dirt piles, burned vacant home)
- 9/7/2018 – Violation letter to R&A Corporation (squatters in burned vacant home)
- 7/10/2019 – Violation letter to R&A Corporation (tall weeds, squatters in unsafe, burned vacant home). This home was demolished in 2024.
- ZC-03-23 – New construction, 3000 sq ft Convenience Store with 10 parking spaces
- ZC-42-23 – New construction, Grocery Convenience Store
- ZC-17-26 – New construction of a 5' x 10' freestanding sign and a 25 sq ft triangular wall sign

Exhibit A – Bethel Township Zoning Map

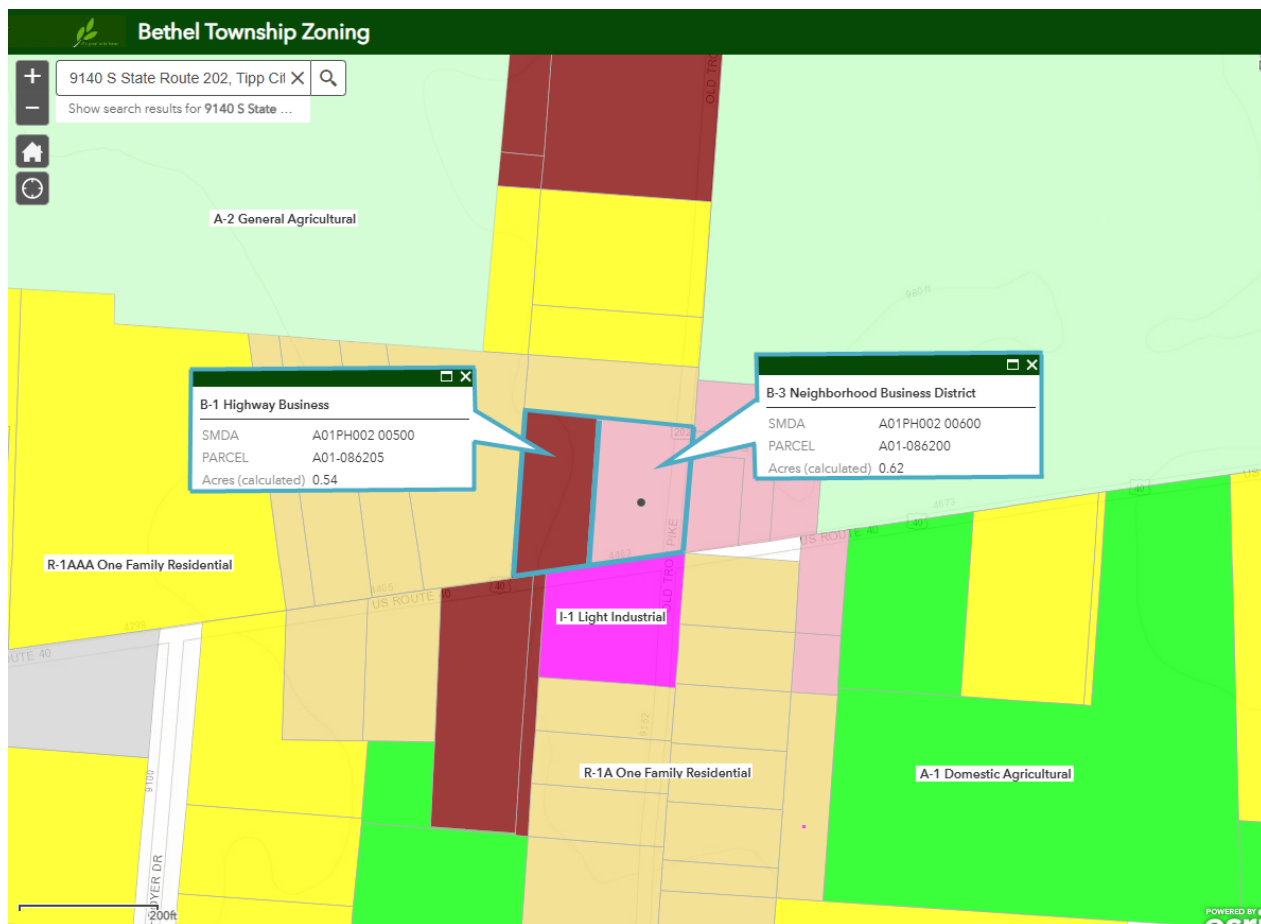


Exhibit B – Aerial Vicinity Map with ROW (shown with current convenience store)

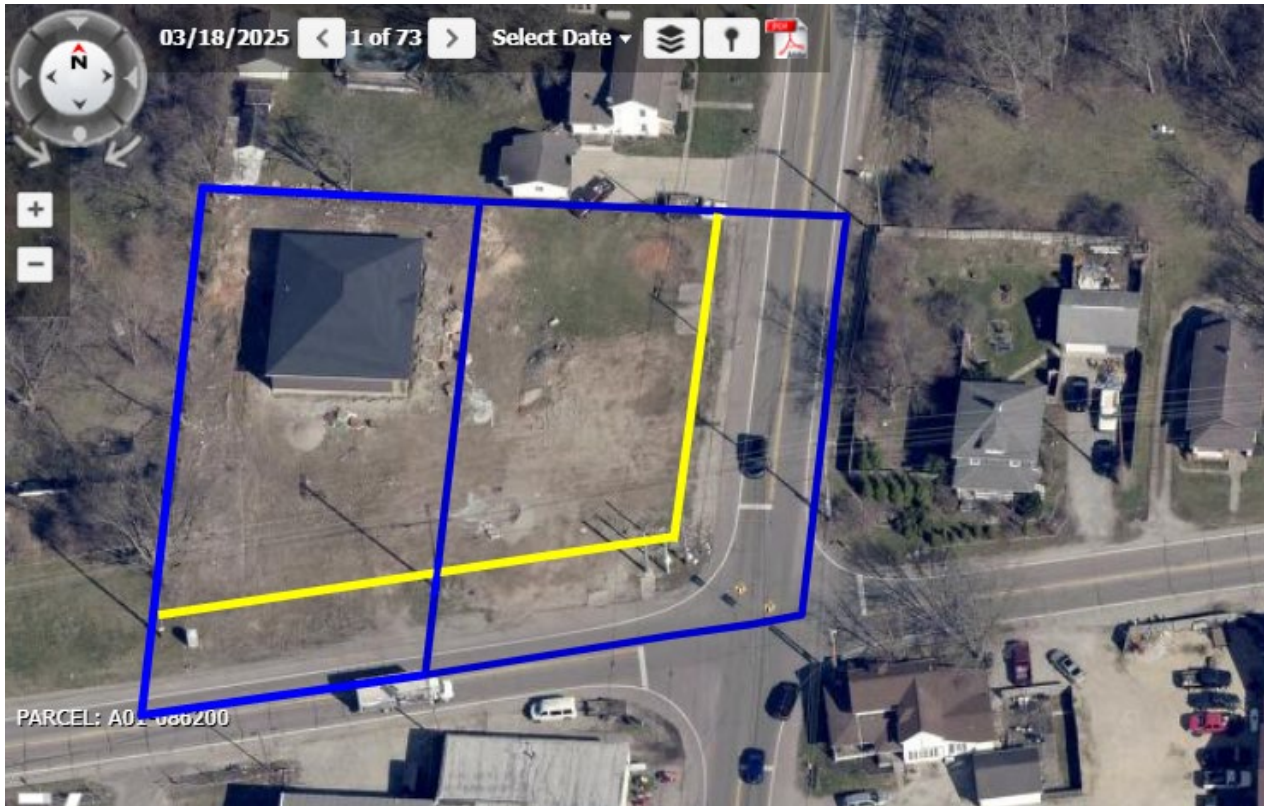
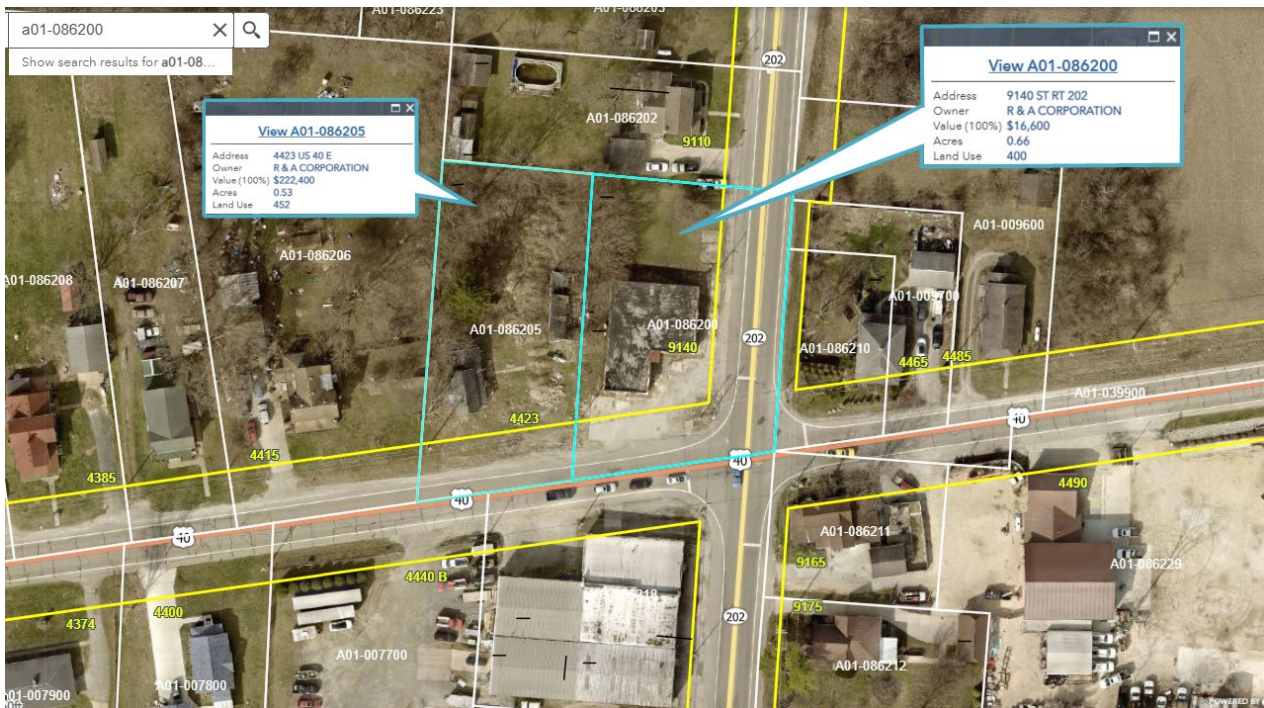


Exhibit C – Larger Aerial Vicinity Map (shown with previous house and business)





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 ZONING AMENDMENT

App. No.: ZA- -

SECTION I: PROPERTY INFORMATION

Property Location: 4423 US-40 & 9140 STR 202		Acreage: .53 & .66
Section:	Town:	Range:
Subdivision Name and Lot No.:		Parcel:
		Zoning District:

A01-086205
 A01-086200

SECTION II: APPLICANT INFORMATION

Applicant Name: Richard Drake, Drake Architecture		Phone: 937-609-1449
Address: 189 Breakness CT	City, State: Vandalia OH	Zip Code: 45377
Property Owner: Jayi Takhar		Phone: 937-503-2034
Address: 7030 Poe AVE	City, State: Dayton, OH	Zip Code: 45414

SECTION III: AREA TO BE AMENDED

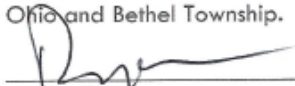

Current Zoning: B-3 & B-3
Current Use: Convenient Store & Vacant Lot
Proposed Zoning: F-1 For Both
Proposed Use: Convenient Store with Fueling Station
Description of Proposed Area To Be Rezoned: These two Properties will Be Combined IF they are Allowed to Be Rezoned & the Lot Size Variance is Approved

SECTION IV: WATER AND SANITATION INFORMATION

PUBLIC WATER AVAILABLE? Y N PUBLIC SEWER AVAILABLE? Y N HYDRANTS WITHIN 500'? Y N
 SANITATION TO BE APPROVED BY:
 MIAMI COUNTY HEALTH DEPARTMENT OHIO E.P.A. (Pending) WAIVER

Note: The Zoning Inspector may require other information such as maps, plot plans, etc. in order to process this application.

The Applicant hereby certifies under penalty of perjury that he/she has read the information contained in the foregoing application and that it is true. Applicant further understands that he/she must comply with all requirements of the Bethel Township Zoning Resolution and all applicable statutes and resolutions of the State Of Ohio and Bethel Township.

 4/29/20 Date
 4/29/20 Date
 Only One Signature Required

SECTION VII: ADMINISTRATIVE ACTION

APPLICATION RECEIVED BY:			DATE OF APPLICATION:
MIAMI CO. PLANNING COMM.	APPROVED	DENIED	MODIFIED
BETHEL TWP. ZONING COMM.	PUBLIC HEARING:		COMMENT:
CHMN:	APPROVED	DENIED	MODIFIED
BOARD OF TRUSTEES	PUBLIC HEARING:		PUBLIC NOTICE:
CLERK:	APPROVED	DENIED	MODIFIED
			COMMENT:

Exhibit E – Case ZA-02-17 Minutes from March 23, 2017 Zoning Commission Meeting

Case: ZA-02-17: A request from Apex Engineering and Surveying, Inc., 1068 N. University Blvd., Middletown, OH 45042, agent for R&A Corporation/Takhar Oil, to rezone two parcels located at 9140 St. Rt. 202 (Parcel #A01-086200 – .66 acres) and 4423 E. US 40 (Parcel #A01 086205 – .534 acres) for the purpose of joining the parcels and erecting a gas station. Parcel #A01-086205 is presently zoned B-1 and Parcel #A01-086200 is presently zoned B-3. Both parcels to be zoned I-1 and then joined. Approval to be contingent on joining the parcels and receiving a variance on lot size smaller than required for I-1.

Mr. Caskey presented the staff report.

Mr. Caskey asked if there were any questions for him. No questions since the applicant was available.

The owners were represented by Mr. Matt Geddis of Apex Engineering. Mr. Geddis presented the plans in hard copy and with a verbal overview.

Ms. Reese: If a turn lane has to be put in to control traffic, who pays for that?

Mr. Geddis: It would either be ODOT or the applicant depending on location.

Ms. Reese: Has a traffic study been done?

Mr. Geddis: Not yet. Should be completed within two weeks.

Ms. Furderer: Didn't they put the "cart before the horse" here by purchasing the lots and then coming to the Township?

Mr. Geddis: The sale had to be completed quickly and based on how projects have gone in other parts of the county, they did not foresee any problems.

Ms. Reese: What will be sold at the store part and how many pumps are planned?

Mr. Geddis: The store will sell the standard convenience items, as well as beer and wine. No hard liquor. There will be eight pumps.

Mr. Serra: Traffic looks like it would be a huge concern. Would any road widening come out of 2 the applicant's property and not neighbors'?

Mr. Geddis: Yes.

Ms. Furderer: What about tanker trucks? How would they get in and out? What hours do they operate?

Mr. Geddis: Tankers would be able to get in and out. Hours of operation for the station would be 5:30 a.m. until 9:30 p.m.

Ms. Furderer: Any comments from those for the request?

Mr. Don Caldwell: He doesn't live there but thinks anything is better than what is there now and would increase property values.

Ms. Furderer: Any comments from those against the request?

Ms. Elizabeth Wenrick sent in a letter opposed to the gas station due to traffic.

Ms. Janice Royce: With the large right of way and the traffic problems, how will that be dealt with?

Mr. James Snegly: Has concerns about traffic, lighting, privacy (lots of people in and out by his house), and fuel smells.

Ms. Tracy and Mr. Jason Haier: They were there for their mother, who is unable to come. She is concerned about water and fuel runoff polluting wells, traffic, screening, noise and lights. They stated they pay for sewer and water to keep Huber Heights and this type of development out of Bethel Township.

Mr. Len Thomlen: His issue was traffic.

Ms. Lisa Rolline: There should be a requirement to have the ODOT study completed before a decision. This proposed use is dangerous and disturbing.

Michelle Quinn: What will be sold? How were people notified? Runoff, traffic and air quality were primary concerns. Mr. Caskey responded that notifications are determined by the Ohio Revised Code and Bethel Township exceeds these parameters.

Mr. Joe Sumpter: He was there to support his neighbors. He doesn't feel this use is right for the comprehensive land use plan put in place. He said any gas station should be on a larger parcel.

Public comment against the project closed. Mr. Geddis asked to respond. Ms. Furderer allowed that.

Mr. Geddis: There are no plans to have the station open for 24 hours. Not cost effective with the amount of traffic flow. They are following all processes at the state, county and township level to ensure all concerns about screening, runoff, traffic, lighting, etc., are addressed. The clientele of the station will be locals for the most part and it shouldn't draw the "wrong crowd." The traffic 3 study will determine a lot of the requirements and they will follow all recommendations. Runoff has never been a problem with any of their projects and they don't see that here either. It is not possible for gas to runoff due to safety equipment. They believe the project will improve the looks of the intersection, improve visibility, and not cause light pollution.

Public discussion is closed. Ms. Furderer: Do we have any further discussion on this case? None.

Motion: Mr. Serra moved to approve the rezoning with the condition that the variance for size is approved by the Board of Zoning Appeals, stating that it should come to a vote. Mr. Berbach seconds the motion after explaining his views on the project and wanting it to come to a vote.

VOTE:

Ms. Reese – No

Ms. Furderer – No

Mr. Berbach – No

Mr. Serra – No

Case ZA-02-17 fails 4-0.

Exhibit F – Case ZA-02-17 Minutes from April 11, 2017 Trustee Meeting

RESOLUTION #17-04-039

A RESOLUTION UPHOLDING THE BETHEL TOWNSHIP ZONING COMMISSION RECOMMENDATION FOR THE DENIAL OF THE RE-ZONING REQUEST FROM APEX ENGINEERING AND SURVEYING, INC., 1068 N. UNIVERSITY BLVD., MIDDLETOWN, OH 45042, AGENT FOR R&A CORPORATION/TAKKAR OIL, TO REZONE TWO PARCELS LOCATED AT 9140 ST. RT. 202 (PARCEL #A01-086200 – .66 ACRES) AND 4423 E. US 40 (PARCEL #A01-086205 – .534 ACRES) FOR THE PURPOSE OF JOINING THE PARCELS AND ERECTING A GAS STATION. PARCEL #A01-086205 IS PRESENTLY ZONED B-1 AND PARCEL #A01-086200 IS PRESENTLY ZONED B-3. BOTH PARCELS ARE REQUESTED TO BE ZONED I-1 AND THEN JOINED. ANY APPROVAL WOULD BE CONTINGENT ON JOINING THE PARCELS AND RECEIVING A VARIANCE ON LOT SIZE SMALLER THAN REQUIRED FOR I-1.

CERTIFICATE OF RECORDING OFFICER I, DEBORAH A. WATSON, HEREBY CERTIFY THAT THE FORGOING IS A TRUE AND CORRECT COPY OF RESOLUTION #17-04-039 ADOPTED BY THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP, MIAMI COUNTY HELD ON THE 11TH DAY OF APRIL, 2017, AND THAT I AM DULY AUTHORIZED TO EXECUTE THIS CERTIFICATE

_____ DEBORAH A. WATSON FISCAL OFFICER BETHEL TOWNSHIP, MIAMI COUNTY

THE ABOVE RESOLUTION WAS MOVED BY MR. HIRT AND SECONDED BY MR. BIGGS AND THE VOTE BEING TAKEN AS:

MR. BIGGS YES

MR. HIRT YES

MRS. VANHAAREN YES

Exhibit G – Miami County Engineer’s Comments

Applicant’s Name: Richard Drake, Drake Architecture
189 Preakness Ct., Vandalia, Ohio 45377

Page 2 of 4

Application No: Bethel Township Planning and Zoning
Nature of Request: To combine and rezone 2 lots from B-3, Neighborhood Commercial to I-1, Light Industrial.

Present Zoning District: B-3, Neighborhood Commercial

Proposed Zoning District: I-1, Light Industrial

Location: The properties are located at 4423 US 40 & 9140 St Rt 202

Township: Bethel **Section:** 25 **Town:** 2 **Range:** 9

Comments: Comments previously submitted for the March rezoning remain applicable to this tract combination-rezoning. *“The existing tract (eastern) formerly contained a business-commercial-type structure that has been removed. The existing and proposed access to State Route 202 and U.S. Route 40 require ODOT review and approval. Additionally, ODOT may require a traffic impact study and improvements to the adjacent roadways as part of development. The MCEO has limited knowledge or review of site development within Bethel Township. The Bethel Township Trustees, Developer, Owner, etc. are encouraged to contact ODOT as part of development review. Further review of the tract prior to future development is recommended.”* A commercial type structure and asphalt parking area, and driveway entrance to U.S. Route 40 had been installed on the western tract at the time of the site review.

Exhibit H – Street views





ZC Case ZA-04-26

A request from Jason McCoy, PO Box 147, Tipp City, OH to amend the zoning resolution to re-zone the entire 14.714 acre parcel located at 4021 E US 40, Tipp City, OH to I-1. The parcel is currently multi-zoned R-1AA, R-1AAA, and I-1. Proposed use on the current R-1AA/R-1AAA area, if rezoned, will be a contractor's storage yard. Miami County Parcel ID# A01-005500.

GENERAL INFORMATION:

Applicant/Property Owner: Jason McCoy

Property Address: 4021 E US 40, Tipp City, OH 45371

Current Zoning: R-1AA, R-1AAA and I-1

Location: The NE corner of Wildcat Road and US 40

Existing Land Use: Agricultural

Bethel Land Use Plan: Rural Settlement

Surrounding Land Use

North	A-2 Agricultural and R-1AA Residential Districts
South	R-1AAA and R-1C Residential and A-2 Agricultural Districts
East	I-1 Light Industrial
West	R-1A and R-1AAA Residential

Road Frontage: Approximately 720' on Wildcat Rd and 846' on US 40

Exhibits:

- A – Bethel Township Zoning Map
- B – Aerial Vicinity Map showing ROW
- C – Aerial Map (current, 6/18/26)
- D – Plat Survey
- E – Letter from Shipman, Dixon, & Livingston Co., LPA dated 12/19/25
- F – Application
- G – ODOT letter regarding a Field Drive Permit dated 3/30/26
- H – Violation letter from Ohio EPA dated 4/8/26
- I – Resolution letter from Ohio EPA on 6/10/26
- J – MC Engineer's comments dated 6/8/26

SPECIAL INFORMATION:

Fire Dept Information/Review: N/A

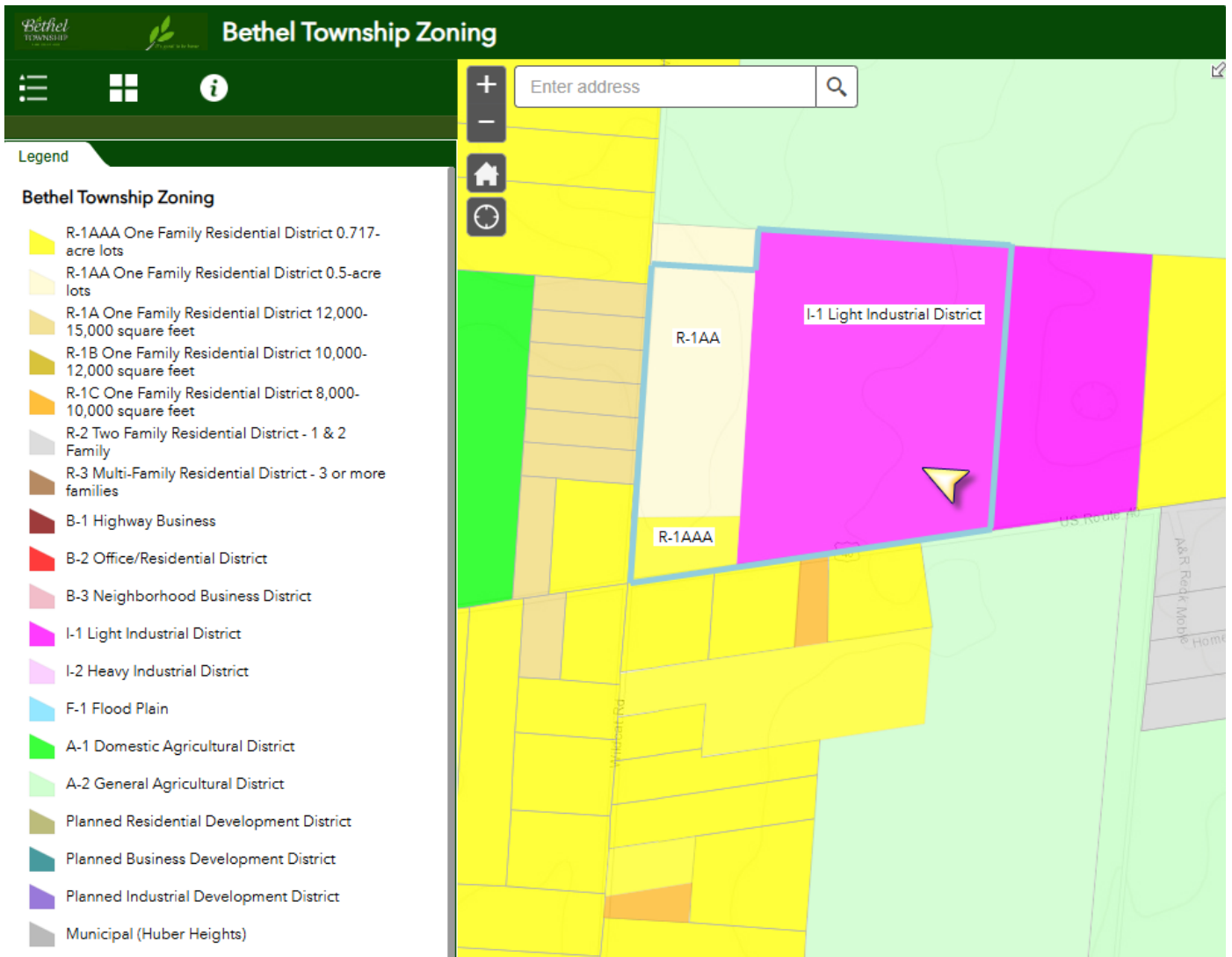
Miami County Health District: N/A

County Planning Commission: Recommended unanimous approval of the application with a 8-0 vote

PRIOR ZONING CASES:

- In June of 1954, the Swanks (husband and wife) and Bonnie Elliott, owners and a lienholder of the residential land asking to be rezoned, created a subdivision of 4.79 acres called Swankmoor Plat. They added protective covenants to restrict the usage of the land to residential. In addition, they dedicated easements for the construction, operation, maintenance, repair, replacement, or removal of water, sewer, gas, electric, telephone, or other utility lines or services, and for the express privilege of removing any and all trees or other obstruction to the free use of said utilities, and for providing ingress and egress to the property for said purposes and are to be maintained as such forever. The plat survey and covenants can be found in Exhibit D.
- On December 19, 2025, a letter was sent from the Township's attorney to the applicant and his attorney to state that using the residential portion of the property to store snow plows or other similar commercial purposes would be a violation of the Bethel Township zoning regulations. This letter was a result of the applicant conveying his intention to bring in dirt/gravel and to use the entirety of the property for some version of snow plow storage. This letter is attached as Exhibit E.

Exhibit A – Bethel Township Zoning Map



December 19, 2025

VIA CERTIFIED MAIL

EETSABARN, LLC
Statutory Agent: Andrew Pratt
18 E. Water St.
Troy, Ohio 45373

And

VIA REGULAR MAIL

Jason McCoy
PO Box 147
Tipp City, Ohio 45371

RE: 4021 E. US Rt. 40 Tipp City, Ohio 4531

Dear Mr. Pratt:

By way of introduction, my name is Andrew H. Johnston and I represent Bethel Township in regards to the anticipated land use violations at 4021 E. US Rt. 40, Tipp City, Ohio 45371 (“Property”) for which you are the Statutory Agent for the landowner, EETSABARN, LLC. It is my belief that Jason McCoy is the owner of the company.

It is my understanding that the Property is a 14.71-acre tract within Bethel Township that currently has three separate zoning districts on the *one* parcel. It is my opinion that the three zoning districts are R-1AA One Family Residential, R-1AAA One Family Residential, and I-1 Light Industrial. Further, I believe that Mr. McCoy has been in contact with the previous zoning administrator and one of the township trustees and he has conveyed his intention to bring in dirt/gravel and to use the entirety of the property for some version of snow plow/blade storage.

Out of an abundance of caution and an explicit attempt at transparency, I would like to bring to your attention that use of the Property in the zoning districts of R-1AA and R-1AAA to store snow plows/blades or other similar commercial purposes would be a violation of the Bethel Township zoning regulations. While it is impossible to determine a violation of the zoning regulations with any specificity in advance, the township wanted to try to avoid any miscommunication and prevent any possible land use violation in the future. Prior to this correspondence, Mr. McCoy made clear that he disagrees with this opinion and that his anticipated use of the Property would not violate any zoning regulation.

It is not my intention to cause any undue embarrassment in this matter, but Bethel Township is statutorily empowered and required to enforce the zoning regulations in place. If Bethel Township believes that a landowner is violating a zoning regulation, it will be required to take any and all steps to remedy the violation up to and including the filing of a misdemeanor criminal violation under Section 40.01 and 40.01 of the Bethel Township Zoning Ordinances. If my understanding of your anticipated land use is mistaken or if other material facts are incorrect, please reach out and let me know. It is my hope that the landowner and Bethel Township can find a path forward in which the Property is used in compliance with all zoning regulations. If you have any questions, please feel free to contact my office.

Respectfully,

Shipman, Dixon & Livingston Co., L.P.A.

Andrew H. Johnston

cc. Bethel Township Trustees

Exhibit F - 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 ZONING AMENDMENT

App. No.: ZA- -

SECTION I: PROPERTY INFORMATION

Property Location: 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.: N/A	Zoning District: Bethel

SECTION II: APPLICANT INFORMATION

Applicant Name: Jason McCoy	Phone: 937-776-2631
Address: PO Box 147 City, State: Tipp City OH	Zip Code: 45371
Property Owner: Eetsabarn LLC	Phone: N/A
Address: PO Box 147 City, State: Tipp City OH	Zip Code: 45371

SECTION III: AREA TO BE AMENDED

Current Zoning: R1-AA, R1-AAA, and I-1
Current Use: farm field and future development
Proposed Zoning: entirely I-1
Proposed Use: on the R1-AA and R1-AAA proposed use will be contractor's storage yard if rezoned.
Description of Proposed Area To Be Rezoned: rectangular area between Wildcat on West, US-40 on South, tree line on East and left station on North

SECTION IV: WATER AND SANITATION INFORMATION

PUBLIC WATER AVAILABLE? Y N PUBLIC SEWER AVAILABLE? Y N HYDRANTS WITHIN 500'? Y N

SANITATION TO BE APPROVED BY:

- MIAMI COUNTY HEALTH DEPARTMENT
- OHIO E.P.A. (Pending)
- WAIVER

Note: The Zoning Inspector may require other information such as maps, plot plans, etc. in order to process this application.

The Applicant hereby certifies under penalty of perjury that he/she has read the information contained in the foregoing application and that it is true. Applicant further understands that he/she must comply with all requirements of the Bethel Township Zoning Resolution and all applicable statutes and resolutions of the State Of Ohio and Bethel Township.

 5-1-26 Date
 Builder/Applicant
 Only One Signature Required

 number 5-1-26 Date
 Owner

SECTION VII: ADMINISTRATIVE ACTION

APPLICATION RECEIVED BY:	DATE OF APPLICATION:
MIAMI CO. PLANNING COMM. APPROVED DENIED MODIFIED	COMMENT:
BETHEL TWP. ZONING COMM. PUBLIC HEARING:	PUBLIC NOTICE:
CHMN: APPROVED DENIED MODIFIED	COMMENT:
BOARD OF TRUSTEES PUBLIC HEARING:	PUBLIC NOTICE:
CLERK: APPROVED DENIED MODIFIED	COMMENT:

Exhibit G – ODOT letter regarding a Field Drive Permit dated 3/30/26

From: Loryn.Bryson@dot.ohio.gov
Subject: RE: TRAFFIC SAFETY HAZARD: Commercial Access Re-routing and Potential Culvert Failure on Wildcat Road (Intersecting US Route 40)
Date: Mar 30, 2026 at 4:57:42 PM
To: Col. Logan Elam-Crosley col.lelamcrosley@gmail.com, d07.pio@dot.ohio.gov

Col. Elam-Crosley,

Thank you for contacting the Ohio Department of Transportation (ODOT) to share your concerns regarding access to U.S. Route 40 and Wildcat Road in Miami County.

To provide clarification, ODOT has not issued any right-of-way permits—commercial or otherwise—for access onto Wildcat Road. Jurisdiction over access to county roads, including Wildcat Road, falls solely under the Miami County Engineer's Office.

Regarding U.S. Route 40, ODOT did issue a field drive permit to the property owner for access located east of Wildcat Road. This permit is strictly for agricultural use, such as accessing farmland, and is not a commercial permit.

Our department maintains rigorous oversight of these permits. When ODOT became aware that this field drive was being used in a manner inconsistent with its agricultural designation, the permit was promptly revoked, and the property owner was formally notified. Following corrective actions by the owner, the permit was reinstated strictly for agricultural use. At that time, ODOT again provided clear, formal guidance to the owner that any change in property use would necessitate a re-evaluation and could lead to further revocation or the requirement of a different permit type.

We trust this clarifies the department's actions and the jurisdictional boundaries involved.

Respectfully,

Loryn Bryson
Public Information Officer
District 7 Deputy Director's Office
1001 St. Marys Avenue
Sidney, Ohio 45365
D: 937.497.6959
loryn.bryson@dot.ohio.gov



April 8, 2026

EETSABARN LLC.
PO BOX 147
Tipp City, OH 45371

**Re: 4021 E US Route 40
Notice of Violation
NOV
NPDES
Miami County
8BU00689**

Subject: Ohio Environmental Protection Agency NPDES Construction Stormwater Notice of Violation

Dear EETSABARN LLC.:

Ohio EPA, Division of Surface Water (DSW), conducted an inspection of the active construction site located at 4021 E US Route 40, Tipp City, Ohio in Miami County, Ohio (Parcel Number: A01-005500) on March 31, 2026. This inspection was conducted in response to a complaint alleging unpermitted construction activity. I, along with Michelle Flanagan, represented Ohio EPA DSW during the inspection. The goal of our inspection was to determine your site's compliance with Ohio's environmental laws and regulations found in Ohio Revised Code (ORC) 6111, Ohio Administrative Code (OAC) 3745-39.

A photo log is included at the end of the inspection report documenting conditions of the site on the day of the site visit. If you have any questions regarding the violations cited below, please feel free to contact me.

Violations

Ohio EPA DSW observed the following violation of Ohio's environmental laws and regulations. It is recommended you promptly address the violation.

1. **Violation Description:** The active construction site is discharging stormwater from a regulated construction activity without authorization of an NPDES permit. This is a violation of ORC 6111.04(A)(1), OAC 3745-38(A)(1) and OAC 3745-39-04(A)(1)(b).

Additional Information: Per OAC 3745-39-04 (B)(13)(j) and OAC 3745-39-04 (B)(14), construction activities that will result in the disturbance of one or more acres of land or, that will disturb less than one acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acre, must discharge stormwater in accordance

50 W. Town Street
Suite 700
Columbus, Ohio 43215 U.S.A.

614 | 644 3020
epa.ohio.gov

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services

with a National Pollution Discharge Elimination System (NPDES) permit. My inspection revealed that you have disturbed around 2.5 acres based off the Miami County Auditor's Website.

Requested Action: Please provide me with a written plan of corrective action to address this violation. You should obtain coverage under the Ohio EPA General NPDES Permit for Stormwater Associated with Construction Activities OHC000006 (CGP). To obtain coverage under the CGP, you must first prepare a Storm Water Pollution Prevention Plan (SWP3) and then submit a Notice of Intent (NOI). The primary operator, i.e., developer, should submit the NOI. The operator with day-to-day operational control of the construction, typically the general contractor, is to submit a Co-Permittee NOI once the primary operator obtains NPDES permit coverage. Step-by-step instructions for completing this process can be found at links below:

- Create an OH|ID and eBiz Account: [eDMR How to Create OHID and eBIZ Account.pdf](#)
- Obtain a Personal Identification Number (PIN): [eBizPINHelpSheet.pdf](#)
- Create/Submit a Construction Stormwater NOI: [STREAMSGuide\(ConstSW\).pdf](#)
- Create/Submit a Construction Stormwater Co-Permittee NOI: [STREAMSGuide\(ConstSWMS4-copermit\).pdf](#) (If applicable).

SWP3 requirements can be found in the CGP at [OHC000006.pdf](#) and guidance can be found at [Rainwater and Land Development | Ohio Environmental Protection Agency](#). To demonstrate compliance, please notify me when an NOI has been submitted and provide photos showing the erosion and sediment controls that you have installed on site.

Conclusion

Within 14 days of receipt of this letter, please provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violations cited above. Documentation of steps taken to resolve this (these) violation(s) includes but is not limited to; written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to Daniel.Hoit@epa.ohio.gov. If circumstances delay resolution of violations, you are requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violations in a timely manner.

Failure to comply with Chapter 6111 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 6111.09 of the Ohio Revised Code.

If you have any questions or comments concerning this letter, please contact me at (937) 285-6104 or email at Daniel.Hoit@epa.ohio.gov.

Sincerely,



Daniel Hoit
Environmental Specialist II
Division of Surface Water

Ec:

Wesley Sluga, Ohio EPA DSW
Scott Sheerin, Ohio EPA DSW



Photo: 1

Taken by Daniel Hoit

4021 E US Route 40 – 8BU00689

March 31, 2025

Photo of unpermitted site located at 4021 E US Route 40, Tipp City, Ohio. Driveway onto Wildcat Road.



Photo: 2

Taken by Daniel Hoit

4021 E US Route 40 – 8BU00689

March 31, 2025

Photo of unpermitted site located at 4021 E US Route 40, Tipp City, Ohio. Gravel lot, unstabilized berm on north side of property.



Photo: 3

Taken by Daniel Hoit

4021 E US Route 40 – 8BU00689

March 31, 2025

Photo of unpermitted site located at 4021 E US Route 40, Tipp City, Ohio. Lack of BMPs in drainage swale and unstabilized berm.



Photo: 4

Taken by Daniel Hoit

4021 E US Route 40 – 8BU00689

March 31, 2025

Photo of unpermitted site located at 4021 E US Route 40, Tipp City, Ohio. Lack of BMPs in drainage swale and unstabilized berm.



June 10, 2026

Transmitted Electronically

Jason McCoy
Dba: EETSABARN LLC.
PO BOX 147
Tipp City, OH 45371
mccoyjasonm@gmail.com

**Re: 4021 E US Route 40
Resolution of Violation
ROV
NPDES
Miami County
1GC11035*AG**

Subject: Ohio Environmental Protection Agency NPDES Construction Stormwater Resolution of Violation

Dear Mr. McCoy:

Thank you for your resolution in response to Ohio EPA, Division of Surface Water's (DSW), April 8, 2026 Notice of Violation letter. The violations were originally communicated to you through the Notice of Violation letter following an inspection conducted on March 31, 2026 at the property located at 4021 E US Route 40, Tipp City, Ohio.

I have determined that Eetsabarn LLC. has now resolved all violations discovered during the March 31, 2026 inspection. To ensure that all the violations have been addressed, I have reviewed the documentation requested from Eetsabarn LLC. to ensure a response for each violation and its status.

Resolution of Violations

1. **Violation Description:** The active construction site is discharging stormwater from a regulated construction activity without authorization of an NPDES permit. This is a violation of ORC 6111.04(A)(1), OAC 3745-38(A)(1) and OAC 3745-39-04(A)(1)(b).

Additional Information: Per OAC 3745-39-04 (B)(13)(j) and OAC 3745-39-04 (B)(14), construction activities that will result in the disturbance of one or more acres of land or, that will disturb less than one acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acre, must discharge stormwater in accordance with a National Pollution Discharge Elimination System (NPDES) permit. My inspection revealed that you have disturbed around 2.5 acres based off the Miami County Auditor's Website.

50 W. Town Street 614 | 644 3020
Suite 700 epa.ohio.gov
Columbus, Ohio 43215 U.S.A.

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Applicant’s Name: Jason McCoy
P.O. Box 147, Tipp City, Ohio 45371

Application No: Bethel Township Planning and Zoning

Nature of Request: To rezone a 14-acre tract from R-1AAA, Single Family Residential to I-1, Light Industrial.

Present Zoning District: R-1AAA, Single Family Residential & I-1, Light Industrial

Proposed Zoning District: I-1, Light Industrial

Location: The property is located at 4021 E. US 40, Tipp City

Township: Bethel **Section:** 25 **Town:** 2 **Range:** 9

Comments: The MCEO, MSWCD, ODOT, and Bethel Township have been previously contacted (multiple occasions) regarding drainage concerns and more recent site development activities related to this site. The lot consists of Miamian Silt Loam (well drained) and Millsdale Silty Clay Loam (very poorly drained) soils. Sub-surface drainage tile, including portions of the Greider Ditch (tile) No. 359 and surface runoff from adjacent lands cross various portions of the subject tract. The tract currently has a driveway entrance from U.S. 40 and also from Wildcat Road. Please note the Wildcat Road driveway entrance has been in existence for many years, as indicated by historical aerial photos. The sight distance of the Wildcat Road driveway entrance was limited at the time of review. Site development activities had already been started prior to this recent review, including earth moving, site grading, and installation of a large aggregate parking area. No drainage site plan for the tract has been previously reviewed by MCEO. Runoff entering and crossing the tract from a U.S. 40 concrete box culvert (5’x3’) appeared to have been diverted westerly to Wildcat Road. This is upstream of the existing Wildcat Road driveway entrance for the subject 14.902-acre tract. The Wildcat Road driveway entrance is currently comprised of 4-15’

diameter culvert pipes, concrete headwall, concrete slab, with additional aggregate recently placed over the concrete slab. Aerial topography maps indicate this runoff previously flowed northwesterly across the subject tract, to an existing reinforce concrete elliptical roadway drainage culvert (48”x76”) beneath Wildcat Road, 725-feet north of U.S. 40. If the existing Wildcat Road driveway entrance will continue to be utilized, the culvert size, capacity, entrance width, and related ditch line improvements must be completed by the owner-developer and should be appropriately sized by the developer’s engineering firm as part of site development activities. Please note, culverts conveying runoff beneath U.S. Route 40 and onto the tract are a 5’x3’ concrete box culvert and 24” reinforced concrete pipe. The dedication of additional right-of-way, improvements to the existing berm and ditch line by the owner-developer, are strongly encouraged as part of this rezoning. This includes widening the roadside berm, relocating the ditch line away from the roadway, removal of woody vegetation adjacent to the roadway, etc. The MCEO typical roadway section is attached for reference. The developer will need to apply for a MCEO permit to complete the improvements adjacent to Wildcat Road and improve-upgrade the Wildcat driveway entrance; additional specifications and requirements will be issued at the time of application. A site plan signed and stamped by a registered professional engineer and/or professional land surveyor is strongly recommended. Further review of this site prior to future development is recommended.

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