

**TATE TOWNSHIP
BOARD OF APPEALS
MINUTES
SEPTEMBER 30, 2025**

MEMBERS PRESENT

David Petrik
Ron Bulow
Dawn Paul
Shelby Baird, Zoning Inspector
Kathy Brannock, Secretary

ALSO PRESENT

Jeremy Trester via skype
Frank Wilson
Dan Davis
Carolyn Davis
Quaz Doench
Lockward Doench
Ronnie Alsept
James Alsept
John Spiller

David Petrik called the meeting to order. After the pledge to allegiance, board members were introduced. Minutes were reviewed. Mr. Petrik asked if there were any corrections.

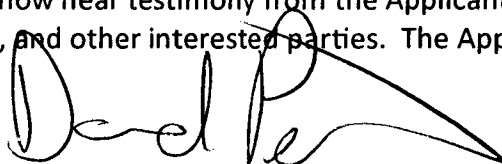
Mr. Petrik made a motion to accept the minutes of August 19, 2025. Mr. Bulow 2nd the motion. Roll call: Mr. Bulow, yes, Mr. Petrik, yes.

Mr. Petrik opened the hearing for Case 1905SB at 7:06 PM. The reason for the hearing is for a home occupation permit at 2350 State Route 133. The legal notice for this hearing was posted on September 18, 2025, to the Tate township website with paper notices being conspicuously placed at both the Fire Department and Zoning Office per township policy. An attempt to mail notice of this hearing to the Applicant, property owners both contiguous to and across the street from the subject property, and those other interested parties having requested notification was also made.

Mr. Petrik asked anyone that wished to speak to sign in. Those who wished to speak were sworn in.

Mr. Petrik announced that the following are marked as exhibits "A"- "D":
Exhibit "A"-Legal Notice
Exhibit "B"-Sign in Sheet
Exhibit "C" Application w/Supporting Documents
Exhibit "D" Zoning Department Memorandum and Enclosures, dated 9/26/2025

Mr. Petrik stated that the board will now hear testimony from the Applicant, the Zoning Inspector, adjacent property owners, and other interested parties. The Applicant, Jeremy

A handwritten signature in black ink, appearing to read "David Petrik", is written over the bottom of the text block.

Trester, will begin with the presentation of his application for up to thirty minutes. All testimony is to directed to the Chair, and members of the board may ask questions to the respective speakers as the members of the board may deem necessary. Upon conclusion the staff report, and public testimony, the Applicant will be provided with the opportunity for a rebuttal.

Mr. Trester stated that he is asking for a home occupation permit because it is a requirement in order to get a used auto dealer license. As an auctioneer there are situations that make it necessary to have a dealer license. In order to comply with the state laws, he must comply with local zoning rules.

Mr. Petrik asked Mr. Trester how many vehicles he might have at one time. Mr. Trester responded that he would not have many. He will not have a display lot and the vehicles will be stored out of sight. Estate sales usually have no more than 3 vehicles. The dealer license has to be tied to a specific address, which in this case is his home address. Most vehicles will not be on site.

Mr. Bulow asked how many vehicles he has had in the past. Mr. Trester responded that since he does not have a dealer license, he has not been able to have any. Mr. Bulow asked if he has done this in the past. The response was no. Mr. Petrik asked Mr. Trester to clarify that he is not repairing cars, he is just selling them. Mr. Trester responded that that is correct.

Mr. Petrik announced that the Applicant's testimony has concluded and that the Zoning Inspector will now provide an overview of his Staff Memorandum marked Exhibit D and other testimony he may wish to add.

Mr. Baird presented the board with the following:

1) Property Information:

The property is located at 2350 State Route 133, Bethel, Ohio. The subject property is locally known as the "Saner's Farm" or "Saner's Orchard". The home was built in 1940. The previous owners purchased the overall property from Mr. Saner on April 13, 2018, with the subject parcel being created on May, 2018. The subject parcel was purchased by the applicant on August 16, 2018. On August 30, 2019, the applicant submitted an application for a 5'X18' room addition and certificate 1385GE was issued. On February 12, 2025, the Applicant contacted the Tate Township Zoning Department to inquire about a zoning variance to get his automotive dealer's license. On August 13, 2025, the Applicant formally submitted the application for a Conditional Use Home Occupation Permit. On September 8, 2025, the Zoning Inspector contacted the Applicant to request additional documentation to accompany the application. On September 9, 2025, the application was marked as accepted by the Zoning Inspector. On September 26, 2025, the Applicant sent an email detailing the requirements for application for his Dealer's License.

2) Pertinent Zoning Regulations:

Article VI Section 1.A.5 of the Tate Township Zoning Resolution provides the terms under which the Zoning Inspector may issue a permit for a Home Occupation.

Article VI Section 1.B.10 of the Tate Township Zoning Resolution provides the terms under which a Conditional Use Home Occupation Permit may be issued by the Board of Zoning Appeals.

3) Application Details:

Mr. Baird stated that he did retype the questions and answers on the application that was submitted by the Applicant. The application was presented to the board.

4) Zoning Inspector's Comments:

Mr. Baird commented that the Applicant had called asking about the process for a variance. During the discussion, it was determined that the Applicant would need a Conditional Use Home occupation permit by way of Board of Zoning Appeals hearing rather than a Variance or some other zoning relation action. Initial contact was made in mid-February, 2025 with the Applicant submitting a conceptual site plan of his property for review. As detailed in the enclosed copy of a February 24, 2025 email, the Zoning Inspector replied to the Applicant with a blank application, references for his review in the Tate Township Zoning Resolution, and some suggestions for modifications to his site plan. The Applicant submitted an updated site plan along with is completed application August 13, 2025.

On September 8, 2025, the Applicant was contacted by phone requesting a copy of his vendor's license as referenced on his application, and for an update on when he will be submitting his payment of the application fee. The requested copy of the vendor's license was received by email late September 8, 2025 and his application was marked as accepted on September 9, 2025. The hearing was tentatively scheduled for September 16, 2025 but due to a lack of quorum availability the hearing was rescheduled for September 24, 2025. Due to an error with posting notification on the Tate Township website 10 or more days ahead of the hearing the hearing was rescheduled for September 30, 2025.

On September 25, 2025 the Applicant sent a detailed e-mail with information regarding Dealer Licensing requirements.

Mr. Baird stated that he sees no issues of concern that should prevent the Board of Zoning Appeals from issuing the requested Conditional Use Home Occupation permit and recommended that the Board clearly state any conditions attached thereto as determined by the Board, along with the following standard conditions:

- 1) That this Permit is only for the specified purposes listed in the application and approved by the Board, and,
- 2) That this Permit is for the original Applicant only, and that the Permit expires if the property is sold to a new owner, and

- 3) That this Permit is Revokable upon findings that violations of the conditions set forth with the permit exist, or upon any other violations of the Tate township Zoning Resolution, and
- 4) That this Permit is further conditioned that any future development of the parcel and any structures thereon must comply with any and all regulations from Clermont County, Tate Township, the Stat of Ohio, or any other applicable agency.

Mr. Baird asked the board if they had any questions. There were no questions.

Mr. Baird recommended conditions of approval are that it be only for specific purposes approved by the board for the original applicant. It is revocable if the property is sold or finding of violations of the conditions of permit or any violation of zoning resolution and any future development of the parcel and any structures thereon must comply with any and all regulations from Clermont County, Tate Township, the State of Ohio, or any other applicable agency. The board was asked if they had any questions.

Mr. Petrik read the public participation policy. He asked if there was anyone that wished to speak in support of the home occupation permit. There was no one.

Mr. Petrik asked if there was anyone that wished to speak in opposition of the home occupation permit.

Frank Wilson stated that he does not believe in spot zoning. He said he thought the Board of Zoning Appeals only issued variances for hardship cases. Everything around the property is agricultural and he wants it to remain agricultural.

Dan Davis commented that there are no businesses on State Route 133 until you get to Felicity. He used Dempsey Auto Parts as an example and said that he does not want that across the road from him. He is concerned about traffic going in and out. Ron Bulow asked him what he is the most afraid of. He replied that he is afraid that property taxes will increase and that the property values will go down. He is afraid that Jeremy Trester will be buying auction vehicles to repair and resell.

Lockwood Doench stated that the property is 10 feet from the property line. He wants to protect the character of the district. He is afraid that if they make an exception, it will never end: It will set a precedent. Mr. Petrik stated, "not necessarily, it is case by case". One third of the residence must be used for business per zoning regulation.

Dan Davis commented that this permit would be nothing but negative.

Frank Wilson stated that he has it recorded on his deed that no houses can be built on his 38 acres.

Mr. Petrik closed the public participation portion of the hearing and asked the property owner for a rebuttal.

Mr. Trester stated that the permit is strictly for a dealer license. It will not be a junk yard. That requires a different license. When Saner's Orchard was there, there were cars in and out. It will remain the same farm.

Mr. Bulow asked for a description of what his business will look like. Mr. Trester replied that there will be times when auctioneers sell vehicles. In that case a dealership is a necessity if they need to be offsite. There will be no car lot or flags by the road. It will not be a Jeff Wyler. The state mandates requirements to hold the license. The buyer may drive or haul the vehicles out. There must be a physical location in order to have a license and must be zoning compliant.

Mr. Bulow asked Mr. Trester about the black vehicle in the photo. He was told that it belongs to Trester Bros., LLC. It needs a new bumper.

Mr. Bulow stated that people are allowed to buy 5 salvage titled vehicles per year. He asked Mr. Trester if he intends to sell salvage vehicles. He also asked what condition the vehicles would be in. Mr. Trester stated that the condition varies. He does not often sell salvage vehicles at an estate sale. They are usually sold as is. It is not common or considered normal in the industry.

Mr. Bulow asked where he would store the vehicles. Mr. Trester replied that there are several buildings on the property to store the vehicles. Mr. Bulow asked how many he intends to store. Mr. Trester replied that the vehicles would have to remain on site. He has to comply with zoning. A functional car lot is not the goal.

Mr. Bulow asked if the exterior view would change if the permit was granted. People are concerned about the looks.

A lot of farm operations have auto dealer licenses. Salvage vehicles usually end up consigned.

Mr. Bulow commented that the addition has a folding door. Mr. Trester stated that the farm has an air strip. The addition is a hanger but will be used as his office.

Mr. Bulow is interested in the context of the Ohio Used Auto Dealers License. He was told that it allows vehicles to be sold in a dealer's name. Private owners can only sell 5 vehicles per year.

Mr. Bulow stated that he thinks people are concerned about the outside, not the inside. He asked if Mr. Trester had any changes planned. Mr. Trester replied that he planned to put on new roofs, tear down the corn crib, remodel the house, put in a new foundation, and clean up the property. He is not going to jeopardize his own property value.

Mr. Bulow asked how many vehicles he can store. Mr. Trester responded 4-6 vehicles per building. He was asked if it is full now. He stated no.

Mr. Bulow asked if he was planning to fill it up. What is his projection. Mr. Trester responded that he would have less than 10 vehicles. Auctions fluctuate. There is no way to plan.

Mr. Trester stated that he is in the process of trying to rent a former dealership.

Mr. Bulow asked how many vehicles a typical estate has. Mr. Trester responded usually 3-4 vehicles. Most vehicles will remain on site. It costs money anytime a vehicle is moved. It is rare that a vehicle does not sell.

Mr. Petrik asked the board if they had any questions.

Board discussion:

Mr. Bulow asked for an explanation of the difference between a variance and a home occupation permit. Mr. Baird replied that Article 3, definition #33 defines a variance. Mr. Trester is asking for a conditional home occupation permit. There are 2 forms of home occupation permits. One is by right which cannot be in an exterior building, the other is conditional use permit. The request for a conditional use permit is not asking for rezoning. It will remain agricultural. Home occupation is a permitted use.

Mr. Petrik closed the open participation.

Mr. Petrik stated the board is trying to compromise with the residents and applicant by recommending a 1-year trial period. After 1 year, the permit will be reviewed for renewal. Mr. Bulow commented that they want as little change as possible, not visible. If there are any violations that occur after 2 30-day notices by the Zoning Inspector, the Board of Zoning Appeals will decide whether or not to take action.

Motion by Mr. Petrik to approve the application with conditions and to incorporate Exhibits A through D, as well as the Board's findings pertaining to the review of Article VI Section 1 (B)(10) of the Tate Township Zoning Resolution, into evidence and to approve the requested Conditional Use Home Occupation Permit as detailed in the incorporated Exhibit C to allow for operation of a used auto dealership by the Applicant, Jeremy Trester, in an Agricultural "A" District, at 2350 State Route 133 Bethel, OH 45106. This motion is based on the following Findings of Fact, pursuant to Article VI Section 1 (B)(10) of the Tate township Zoning Resolution.

Condition 1) This Permit is only for the specified purposes listed in the application and approved by the Board of Zoning Appeals.

Condition 2) This Permit is for the original Applicant Only, and that the Permit expires if the property is sold to a new owner.

Condition 3) This Permit is Revocable upon findings that violations of the conditions set forth with the permit exist or upon any other violations of the Tate Township Zoning Resolution.

Condition 4) This Permit is further conditioned that any future development of the parcel and any structures or uses thereon must comply with any and all regulations from Clermont County, Tate Township, the State of Ohio, or any other applicable agency.

Condition 5) No commercial vehicle repairs will be permitted on this property.

Condition 6) All vehicles must be auction vehicles and must be stored inside the buildings.

Condition 7) The permit will be reviewed for renewal in 1 year. Any zoning violations will be reported to the Zoning Inspector. If there are any violations that occur after 2 30-day notices by the Zoning Inspector, the Board of Zoning Appeals will decide whether or not to take action.

Condition 8) All commercial vehicles must be in inside storage.

The board was asked if they had any questions. Mr. Petrik asked the board to vote on is motion. Ms. Paul 2nd the motion. Roll call: Ms. Paul, yes, Mr. Petrik, yes, Mr. Bulow, yes.

Petrik made a motion to close the hearing 2nd by Mr. Bulow. Roll call: Ms. Paul, yes, Mr. Petrik, yes, Mr. Bulow, yes.

Old Business-no old business

The next meeting will be October 21, 2025 at 7:00 pm.

Mr. Petrik made motion to adjourn the meeting. Mr. Bulow 2nd the motion. Roll call: Ms. Paul, yes, Mr. Bulow, yes, Mr. Petrik, yes.