



**Board of Zoning Appeals
May 28, 2026 - 6:00 PM
233 South Main Street, Monroe, Ohio**

Call to Order

- Roll Call

Approval of Minutes

- Meeting Minutes from the March 23, 2026 Board of Zoning Appeals meeting

Old Business

New Business

- BZA-2026-5– Consideration of an appeal application from Solid Rock Ministries International.
- BZA-2026-6– Consideration of a Variance Application from Atlantic Sign Company regarding the maximum height of a proposed monument sign for Izzy's. **WITHDRAWN**

Adjournment



**Board of Zoning Appeals Minutes
March 23, 2026
233 South Main Street, Monroe, Ohio**

Call to Order

Mr. Adam, Chair, called the meeting to order at 6:00 p.m.

Roll Call

Board of Zoning Appeals members present: Lorenzo Adam, Joshua Mason , Casey Walters, Danielle Baxter, and Catherine Walton

Staff members present: Jameson Cole, Planner; Michelle Layman, Planning and Zoning Specialist.

Election of Officer Positions

Mr. Adam asked for nominations for the Board of Zoning Appeals Chair. Mr. Mason moved to nominate Mr. Adam. Seconded by Mr. Walters. Voice vote. Motion carried.

Mr. Adam asked for nominations for Vice Chair. Mr. Adams moved to nominate Mr. Walters. Seconded by Mr. Mason. Voice vote. Motion carried.

Mr. Adam asked for nominations for Secretary. Mr. Walter moved to nominate Mr. Mason. Seconded by Mrs. Walton. Voice vote. Motion carried.

Approval of Minutes

Mr. Mason moved to approve the minutes from the December 17, 2024, Board of Zoning Appeals meeting; seconded by Mr. Walters. Voice vote. Motion carried.

Old Business

None

New Business

Mr. Adam opened the Public Hearing for Case No. BZA-2026-1- Consideration of a variance application from Cronin Ford regarding the architectural requirement for Base, Body, and Cap.



Mr. Adam stated the following: The request will be presented by Staff. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn in. The Board of Zoning Appeals has the opportunity to question any speaker after they have completed their presentation. Once the public hearing is closed, individual speakers have no right to comment during discussion by the Board of Zoning Appeals.

Mr. Adam asked all those wishing to speak during this public hearing (including staff) to stand and raise their right hand to be sworn in. Mr. Adam swore all in at once.

Having been sworn in Mr. Cole reviewed the background as follows:

- Eric Koren, on behalf of Cronin Ford, has applied for variance regarding the architectural requirements of Base, Body, and Cap elements for a proposed car dealership.
- The property owned by, Cronin Land Acquisition LLC, is 9.255 acres and zoned GC-General Commercial.
- The applicant wishes to construct the proposed dealership based on Ford's current prototype.

Mr. Cole reviewed the variance purpose as follows:

- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exists that prevent strict application of this code.

Mr. Cole reviewed the variance request as follows:

- To allow the building to be built as shown for compliance with Ford's Prototype dealership model.
- Section 1204.07(C)(5)(a) Building Mass Standards outlines this requirement as the following:
 - Base, Body, and Cap. All architectural elevations of principal buildings shall consist of a base, a body, and a cap as illustrated in Figure 1204.07-2, Building Mass. The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, and texture.

Mr. Cole reviewed the review criteria as follows:



The following factors shall be considered and weighed by BZA to determine practical difficulty. Staff's findings are listed after each criterion:

- Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions.

This property is similar to other GC General Commercial properties as it fronts SR63 and is surrounded by other GC General Commercial properties. The site has a high-power utility tower, which creates some challenges but is not dissimilar to other commercial properties that have dealt with the same challenge.

The applicant has stated that the difficulty is predominantly due to site conditions (topography, transmission tower, underground utilities).

- Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

The property may yield a reasonable return and be of beneficial use without the requested variance.

The applicant has stated that if the Owner cannot comply with Ford's Franchise Agreement, then the dealership won't be able to be built.

- Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.

The variance requested is substantial because it sets a precedent for all future commercial franchise development within the City. The request is not the minimum necessary to make use of the land and structures.

The applicant has stated that the Base/Body/Cap requirement does not allow the building to be built per Ford's Corporate Prototype (as designed) and prevents the Owner from complying with the Franchise Agreement.

- Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.



The essential character of this development was already poised to be altered with the approval of the PUD Amendments for this property back in 2023. These amendments excluded the property from having to follow the same materials and color schemes, prohibited the use of automotive sales, and prohibited display and outdoor bulk storage.

Based on the amendments to the existing PUD that cover this property, the variance would not alter the neighborhood's essential character, as the amendments allow the property to differ in materials and color schemes, use for automotive sales, and permit outdoor display of bulk storage. The adjoining properties would also not suffer any detriment as a result of the variance, as it is a minimal comparison to already approved amendments to the PUD

- Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.

The variance would not adversely affect the delivery of governmental services.

- Whether special conditions or circumstances exist as a result of actions of the owner.

The requested variance is due to the owner's requirement from Ford as a franchisee to comply with all Franchise Agreement requirements which in this case requires the building to be built as shown in the elevations above.

The applicant has stated that in the PUD Amendment dated March 1, 2024, the Owner needs to "maintain compliance with its Franchise Regulations" with respect to the Ford Branding

- Whether the property owner's predicament can feasibly be removed through some method other than a variance.

Staff cannot determine whether the predicament can feasibly be resolved through alternative designs because it involves a 3rd party. Staff will state that in other cases throughout the City, feasible design alternatives were achieved to meet City and franchise requirements.

- Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.

The requested variance may not meet the spirit and intent behind the code.



The applicant has stated that the variance would comply with the approved PUD Amendment dated March 1, 2024.

- Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

The granting of this variance may provide the applicant with a privilege over other development in commercial areas where this requirement applies.

The applicant has stated that they do not believe this would grant them any special privilege as this building would comply with the site specific PUD amendment dated March 1, 2024.

Mr. Cole reviewed the department comments as follows:

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.

Mr. Cole stated there were no public comments received as of March 19, 2026.

Mr. Cole reviewed staff's recommendation as follows:

- As a reminder, a variance from the requirements of this Code may be granted by the Board of Zoning Appeals when the Board determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this Code.
- Staff's review and recommendation are based on Code interpretations as well as the potential for precedents that could affect overall enforcement of City standards and regulations. The BZA's approval, denial, or modification is not required to be based on all the above criteria being met. No single factor listed above may control and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Mrs. Walton asked if the amendments made to the PUD were made for this applicant or for general use. Mr. Cole stated it was only for this applicant.

Mrs. Baxter asked if the applicants proposal meets the architectural standards but not the code. Mr. Cole stated the PUD does not directly specify architectural elements being waived. Mr. Cole stated the materials would be permitted now, that the color needed to



be altered from what the PUD allowed for the existing strip center, stating in these cases it allows these to be different.

Mr. Adam asked if there are any other general commercial districts in the city. Mr. Cole stated there are multiple general commercial districts within the city.

Mrs. Baxter asked if Mr. Cole knew why these architectural standards were omitted. Mr. Cole stated he believed it was an oversight.

Mr. Eric Koren representative of Cronin Ford, came forward to speak on behalf of the applicant. Mr. Koren stated they can only build what Ford allows them to build and that the building must be in compliance in order to receive the franchise agreement. Mr. Koren stated the lawyer who drafted the PUD amendment removed the automotive part as a conditional use and forgot to re-insert "must be a prototype building to be constructed." Mr. Koren stated this was discussed at the previous Zoning meetings that were held and that purchasing this property was contingent on this factor.

Mrs. Walton asked if the prototype that was presented at the PUD hearing met the architectural guidelines. Mr. Koren stated they did not.

Mr. Adam asked how long this prototype has been in use. Mr. Koren stated 20 years.

Mrs. Baxter asked for clarification on what the previous prototype looked like. Mr. Koren reviewed this.

Mrs. Baxter asked if any new dealership would need to look like the proposed prototype. Mr. Koren stated yes.

Mrs. Baxter asked if there was any way to change out any portion of the building color scheme in order to meet code. Mr. Koren stated no, it must be what Ford chose as their color scheme.

Mrs. Walton moved to accept the documents for the record. Seconded by Mrs. Baxter. Voice vote. Motion carried.

Mr. Mason moved to close the public hearing. Seconded by Mr. Walters. Voice vote. Motion carried.

Mrs. Walton stated she feels the PUD amendment did include this building only in a different color scheme and does have architectural features. Mr. Mason agreed.

Mr. Mason moved to recommend approval regarding Case No. BZA 2026-1- Consideration of a variance application from Cronin Ford regarding the architectural



requirement for base, body, and cap. Seconded by Mr. Walters. Roll call vote. 5 ayes. Motion carried.

Mr. Adam opened the Public Hearing for Case No. BZA-2026-2- Consideration of a variance application from Cronin Ford regarding the parking island landscaping.

Mr. Adam stated the following: The request will be presented by Staff. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn in. The Board of Zoning Appeals has the opportunity to question any speaker after they have completed their presentation. Once the public hearing is closed, individual speakers have no right to comment during discussion by the Board of Zoning Appeals.

Mr. Adam asked all those wishing to speak during this public hearing (including staff) to stand and raise their right hand to be sworn in. Mr. Adam swore all in at once.

Having been sworn in Mr. Cole reviewed the background as follows:

- Eric Koren, on behalf of Cronin Ford, has applied for variance regarding the development landscaping pertaining to canopy trees in the parking islands.
- The property owned by Cronin Land Acquisition LLC is 9.255 acres and is zoned GC- General Commercial.
- The applicant wishes to waive the required canopy trees in each parking island and replace them with Little Girl Anne Magnolia to limit the impact of leaves and other debris damaging the inventory.

Mr. Cole reviewed the variance purpose as follows:

- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code.

Mr. Cole reviewed the variance request as follows:

- To alter the canopy tree requirement for the trees in each parking island to limit the impact of leaves and other debris damaging the inventory and replace them with ornamental trees.
- Section 1204.20 Development landscaping, Parking Islands.

Mr. Cole reviewed the review criteria as follows:

The following factors shall be considered and weighed by BZA to determine practical difficulty. Staff's findings are listed after each criterion:

- Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions.

This property is similar to other GC General Commercial properties as it fronts SR63 and is surrounded by other GC General Commercial properties. The site has a high-power utility tower, which creates some challenges but is not dissimilar to other commercial properties that have dealt with the same challenge.

The applicant has stated that the difficulty is predominantly due to site conditions (topography, transmission tower, underground utilities).

- Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

The property may yield a reasonable return and be of beneficial use without the requested variance.

The applicant states that the property cannot yield a reasonable return if the display of the vehicle inventory is reduced. Also, the required trees could drop sap, leaves, and fruit onto parked vehicles, potentially damaging paint finishes or requiring more frequent washing of inventory, increasing the Cost of Doing Business.

Staff would note that the request pertains only to the parking island trees, not to the required perimeter and front yard landscaping requirements.

- Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.

The variance request is significant because it sets a precedent for exchanging canopy trees for smaller trees and/or larger shrubs. Eliminating all parking island trees and replacing them with alternative ornamental trees/shrubs exceeds what is necessary to allow reasonable use of the land.

The applicant asserts that the purpose of the site design is to maximize the visibility of new vehicles for sale. The required landscaping, they argue, would obstruct sight lines to these vehicles and increase the risk of damage from falling debris or contact with trees.

The applicant has indicated a willingness to collaborate with staff on a landscape plan that enhances vehicle visibility while preserving the intent of the code. The applicant proposed replacing the canopy trees with Little Girl Ann Magnolia, a hybrid between an ornamental tree and a shrub. Staff would recommend something along the lines of Japanese Tree Lilac for its tolerances to urban stress from heat, pavement, and compacted soils.

- Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.

The neighborhood's essential character would be substantially altered, as all other development sites across the City must comply with these requirements. The adjoining properties would not suffer any detriment to this variance, as the parking islands along their shared property line are expected to meet the landscaping requirements.

The essential character will be altered as part of this variance, but as indicated by the applicant, collaborating with staff on a landscape plan can mitigate the significance of the change by replacing the canopy trees with a similar tree that will not negatively impact the business.

- Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.

The variance would not adversely affect the delivery of governmental services.

- Whether special conditions or circumstances exist as a result of actions of the owner.

The requested variance is not necessarily due to the owner's actions, but rather to the use itself.

The applicant has stated that the property cannot yield a reasonable return if the display of the vehicle inventory is reduced. Also, the required trees could drop sap, leaves, and fruit onto parked vehicles, potentially damaging paint finishes or

requiring the inventory to be washed more often, increasing the cost of doing business.

- Whether the property owner's predicament can feasibly be removed through some method other than a variance.

The predicament can be addressed by choosing the right species of canopy trees. If the applicant chooses the correct canopy tree that provides strong branches that won't break over cars, now messy fruit, sap, or large seed pods, and has a high canopy to clear the vehicles and tolerate heat, salt, and pavement reflection.

The applicant has stated that there are no alternative methods to resolve the predicament.

Staff would note that one of the biggest constraints for large canopy trees is the fact that the Duke transmission lines are overhead, limiting the height of trees. The applicant has noted their willingness to work with staff on the landscaping plan, and staff believe an equitable solution can be found.

- Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.

The requested variance, as requested, meets the spirit and intent of the code because they are not seeking to remove the planting but instead to use alternative planting to limit the additional challenges they could face with certain canopy trees.

Staff believes that the canopy trees not directly within the Duke easement should remain as required canopy trees, and those within the easement should be altered to the minimum extent possible to meet the regulations set forth by Duke, while also preserving the intent of the code.

- Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

The granting of this variance may provide the applicant with the privilege of altering the canopy tree requirement, whereas other developments in the City must adhere to it.

Mr. Cole reviewed the department comments as follows:

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.



Mr. Cole stated there were no public comments received as of March 19, 2026.

Mrs. Baxter asked if the shrub requirement had been met. Mr. Cole stated that it has been.

Mrs. Walton asked how many canopy trees this would remove if approved. Mr. Cole stated around 30 trees.

Mr. Adam asked about the difference between the trees in question. Mr. Cole stated there are several types of both Magnolia and Japanese Lilac trees but that based on his research the Japanese Lilac trees seemed to be more durable from heat and compacted soils.

Mr. Mason asked if the PUD addressed landscaping. Mr. Cole stated it does not.

Mr. Koren stated the issue they have with planting trees is because of the possible damage that can occur to vehicles, mentioning they have cars for sometimes up to a year. Mr. Koren pointed out some areas where they are installing trees instead of shrubs. Mr. Koren stated they are willing to work with staff.

Mr. Mason asked if the landscape plan is a proposed plan. Mr. Koren stated yes.

Mrs. Walton asked if they are opposed to planting the required trees in areas that are more suited for customer parking. Mr. Koren stated any area that could potentially damage cars on the property is where they are asking for a variance.

Mrs. Baxter stated staff recommended planting smaller trees around the utility lines and larger canopy trees in the other areas. Mr. Koren stated Duke Energy doesn't want any trees around their powerlines. Mr. Koren also stated they plan to do their best with plantings.

Mr. Koren stated that any dripping with sap on it could potentially eat through the clearcoat of paint on the vehicles.

Mrs. Baxter stated she feels there should be a tree compromise and asked if they were saying any tree with leaves will cause damage. Mr. Koren stated that any tree that bears fruit or seeds could potentially cause damage. Mr. Koren reiterated they are willing to work with staff to remain with the spirit of the code.

Mr. Koren mentioned wanting the area to be visually appealing to customers. Mrs. Baxter asked what is being done with the front portion of the lot that would be most visible to customers. Mr. Koren stated that at this time, due to budget, this portion will not be

developed. Mr. Koren also stated that due to the grading there isn't much visibility to State Rt 63.

Mrs. Baxter asked if the trees being planted near Kroger are more than what is required or the minimum. Mr. Cole stated it is the minimum.

Mrs. Baxter asked if additional trees could be planted in the back lot. Mr. Koren was not sure.

Mr. Ben Poole asked for clarification from Mr. Cole on whether the canopy trees on the bottom left and right side are in addition to what is required. Mr. Poole also stated the requirement in the Duke easement are all ornamental trees and that they do not require any vegetation over 15 feet high. Mr. Poole stated the minimum canopy tree plantings on the perimeter has been met.

Mr. Mason moved to accept the documents for the record. Seconded by Mrs. Walton. Voice vote. Motion carried.

Mrs. Baxter moved to close the public hearing. Seconded by Mr. Mason. Voice vote. Motion carried.

Mrs. Baxter stated she is okay with decreasing the canopy trees in easement but feels there could be another canopy tree species for the other areas, stating they could work with staff to figure this out.

Mr. Adam asked if there are any sprinkler or irrigation systems on the island areas and was told there are not.

Mrs. Baxter moved to recommend approval regarding Case No. BZA 2026-2- Consideration of a Variance Application from Cronin Ford regarding Parking Island Landscaping with the following conditions:

- To plant landscaping in the Duke easement as proposed and for the parking islands outside of the Duke easement, the canopy trees cannot bear fruit or drop branches that would damage vehicles and must meet the site-specific conditions in order to be viable. If this specific tree cannot be found, then the applicant will work with staff to meet a good alternative.

Seconded by Mr. Mason. Roll call vote. 5 ayes. Motion carried.

Mr. Adam opened the Public Hearing for Case No. BZA-2026-3- Consideration of a variance application from Cronin Ford regarding parking space width.

Mr. Adam stated the following: The request will be presented by Staff. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn in. The Board of Zoning Appeals has the opportunity to question any speaker after they have completed their presentation. Once the public hearing is closed, individual speakers have no right to comment during discussion by the Board of Zoning Appeals.

Mr. Adam asked all those wishing to speak during this public hearing (including staff) to stand and raise their right hand to be sworn in. Mr. Adam swore all in at once.

Having been sworn in Mr. Cole reviewed the background as follows:

- Eric Koren, on behalf of Cronin Ford, has applied for variance regarding the standard size of the parking spaces.
- The property owned by Cronin Land Acquisition LLC is 9.255 acres and is zoned GC- General Commercial.
- The applicant wishes to permit all parking spaces to be 9'x18' except parking designated as customer & employee parking.

Mr. Cole reviewed the variance purpose as follows:

- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code.

Mr. Cole reviewed the variance request as follows:

- To allow all parking spaces to be resized to 9'x18' except parking designated as customer and employee parking.
- Section 1204.11 A (5) Parking Module Dimensions outlines this requirement as follows:

Mr. Cole reviewed the review criteria as follows:

The following factors shall be considered and weighed by BZA to determine practical difficulty. Staffs findings are listed after each criterion:

- Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions.

This property is similar to other GC General Commercial properties as it fronts SR63 and is surrounded by other GC General Commercial properties. The site has a high-power utility tower, which creates some challenges but is not dissimilar to other commercial properties that have dealt with the same challenge.

The applicant has stated that the difficulty is predominantly due to site conditions (topography, transmission tower, underground utilities).

- Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

The property may yield a reasonable return and be of beneficial use without the requested variance.

The applicant states that if all vehicle storage and service spaces on-site are 10' wide, there is not enough vehicle storage space for normal business operations. The frequently used parking spaces for customers and employees will remain 10' wide in accordance with the Monroe Zoning Code.

- Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.

The requested variance is not necessarily substantial, but it is not the minimum necessary to make use of the land. The property could still operate as a car dealership.

The applicant states that the site has already been designed to maximize usable space, given the topographic constraints and the need to accommodate the transmission tower in the southern half of the site.

The zoning code allows for an administrative waiver on certain aspects of developments, such as the number of parking spaces, but staff cannot waive the dimensions of the parking spaces, and therefore requiring a variance.

- Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.

The essential character of the neighborhood would not be altered, and adjoining properties would not suffer detriment as a result of the variance because the Heritage Plaza, where Kroger is located, was permitted with 9'x19' parking stalls.

The proposed variance will impact the storage and display parking, while the customer and employee parking will meet current standards of 10'x18'.

- Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.

The variance would not adversely affect the delivery of governmental services.

- Whether special conditions or circumstances exist as a result of actions of the owner.

There are special conditions that will result from the owner's action. The owner is creating a car dealership that will need to store a large inventory of new and used cars. The amount of car inventory is up to the owner and is a result of their decisions.

The applicant has stated that if all vehicle storage and service spaces on-site are 10' wide, there would not be enough vehicle storage space for normal business operations.

- Whether the property owner's predicament can feasibly be removed through some method other than a variance.

Staff cannot determine if there are other feasible alternatives at this time. Further review will be done during the site plan review.

The applicant has stated that the site has already been designed to maximize usable space, given the topographic constraints and the need to accommodate the transmission tower in the southern half of the site.

- Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.

The requested variance meets the spirit and intent of the code, as the applicant is not intending to alter any spaces used by customers or employees and is focusing only on storage and display areas. The intent of this code is to promote adequate maneuverability of customers and other patrons visiting businesses throughout the City.



- Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

The granting of this variance might confer a special privilege based on new and future developments within GC General Commercial, but would not give any special privilege compared to existing businesses, as they already have parking of the same dimensions as requested.

Mr. Cole reviewed the department comments as follows:

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.

Mr. Cole stated no public comments were received as of March 19, 2026.

Mr. Cole reviewed staff's recommendation as follows:

- As a reminder, a variance from the requirements of this Code may be granted by the Board of Zoning Appeals when the Board determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this Code.
- Staff's review and recommendation are based on Code interpretations as well as the potential for precedents that could affect overall enforcement of City standards and regulations. The BZA's approval, denial, or modification is not required to be based on all the above criteria being met. No single factor listed above may control and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Mr. Adam asked what the zoning code requirements are regarding parking. Mr. Cole stated based on single row parking it is 10 x 18, and with double row parking it is 10 x 20. He stated that the use as well as the square footage of the building impacts the number of spots that can be had.

Mr. Mason asked for clarification on the map about what parking area is in question.

Mrs. Walton asked if the stacking of the spaces is permitted. Mr. Cole stated it is.

Mr. Adam asked how many spaces are currently on the plans. Mr. Cole stated 328 spaces in total.



Mr. Koren stated the goal is that the storage area display parking area be 9 feet, but where customer and employee parking is, 10 feet.

Mrs. Baxter asked if there was intent to develop the front of the parcel. Mr. Koren stated it is unknown at this time.

Mr. Poole stated there are around 330 spaces total. He stated widening them to 10 feet will make an impact of around 100 spaces.

Mr. Koren asked Mr. Cole what the size of Kroger's parking area is. Mr. Cole stated 9 feet.

Mrs. Baxter moved to accept the documents for the record. Seconded by Mr. Walters. Voice vote. Motion carried.

Mrs. Walton moved to close the public hearing. Seconded by Mr. Mason. Voice vote. Motion carried.

Mr. Cole stated there is no maximum number of parking spaces per the zoning code. There is a minimum of 1 every 500 square feet of sales/service building in the zoning code.

Some discussion was had with the board members, but it was inaudible.

Mrs. Baxter asked if square footage total was based on the footprint of the building or of the second floor of the building as well. Mr. Cole stated it is based on the footprint of the building.

Mr. Mason moved to recommend approval regarding Case No. BZA 2026-3- Consideration of a Variance Application from Cronin Ford regarding Parking Space Width. Seconded by Mr. Walters. Roll call vote. 5 ayes. Motion carried.

Mr. Adam opened the Public Hearing for Case No. BZA-2026-4- Consideration of a variance application from Cronin Ford regarding the street tree requirement.

Mr. Adam stated the following: The request will be presented by Staff. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn in. The Board of Zoning Appeals has the opportunity to question any speaker after they have completed



their presentation. Once the public hearing is closed, individual speakers have no right to comment during discussion by the Board of Zoning Appeals.

Mr. Adam asked all those wishing to speak during this public hearing (including staff) to stand and raise their right hand to be sworn in. Mr. Adam swore all in at once.

Having been sworn in Mr. Cole reviewed the background as follows:

- Eric Koren, on behalf of Cronin Ford, has applied for variance regarding the street tree requirement.
- The property owned by Cronin Land Acquisition LLC is 9.255 acres and is zoned GC- General Commercial.
- The applicant wishes to construct the proposed car dealership without having to install any street trees on all road frontages.

Mr. Cole reviewed the variance purpose as follows:

- A variance from the requirements of this code may be granted by the BZA when the BZA determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this code.

Mr. Cole reviewed the variance request as follows:

- To waive the street tree requirement along all frontages when developing the site.
- Section 1204.19 E Street trees outlines this requirement as the following:

E. Street Trees.

1. Street trees shall be required on all public and private frontages, except interstate frontage and alleys, for all subdivisions, new sites or development, and expansions of sites or developments.
2. All new roads or extensions of existing roads, public or private whether internal or external to a site, are subject to the street tree requirements.
3. Street trees shall be required along both sides of all streets, public or private, planted 40 feet on center in the tree lawn.
4. All developments shall include street trees that comply with the requirements for plants in [1204.19\(D\)](#), *Landscape Material Standards*, above.
5. Specific tree types or species prohibited or permitted to be installed within the public right-of-way shall be established in the Development Guidebook, maintained by the Development Department.
6. Street tree placement may be subject to setback requirements from the curb, sidewalk, driveway, and other utilities. Such restrictions shall be established in the Development Guidebook, maintained by the Development Department.
7. At the time of planting, the lowest limb of any tree shall not be less than five feet above the ground.
8. *Street Tree Alternate Locations.* During the Site Plan Review or a platting decision process, it may be determined a number of street trees cannot be located in the tree lawn as required due to spacing conflicts with driveways, utilities, street light poles, or otherwise within the sight triangle as established in [Article 02.05, Measurements and Specific Allowances](#). The Director or Planning Commission, as applicable, may permit the applicant to locate those required street trees in alternate locations within the site or development such as common open or amenity spaces.

Mr. Cole reviewed the review criteria as follows:

The following factors shall be considered and weighed by BZA to determine practical difficulty. Staff's findings are listed after each criterion:

- Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions.

This property is similar to other GC General Commercial properties as it fronts SR63 and is surrounded by other GC General Commercial properties. The site has a high-power utility tower, which creates some challenges but is not dissimilar to other commercial properties that have dealt with the same challenge.

The applicant has stated that the difficulty is predominantly due to site conditions (topography, transmission tower, underground utilities).

- Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

The property may yield a reasonable return and be of beneficial use without the requested variance.

The applicant has stated that modifying the site to accommodate street trees would reduce parking counts, which are critical to the business's operation.

Staff would note that the applicant has revised their site plan to only develop on the southern side of Ring Road. The previous site plan involving the entire site could be developed if parking were an issue.

- Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.
The variance requested is substantial because it sets a precedent for all future commercial franchise development within the City by waiving this requirement. The request is not the minimum necessary to make use of the land and structures. The applicant has stated that there is no viable location for street trees due to utilities (sanitary & storm sewer on the north side of the road, water on the south side) and the sidewalk required on the north side of the road.
Staff would note that, although we understand utilities can cause some issues with street trees, the issues do not prevent them from being installed. There are plenty of cases in - subdivision built in the City where street trees are required and have been installed over utilities.
- Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.

The essential character of the neighborhood would be substantially altered, and adjoining properties would suffer detriment as a result of the variance. All new and future development in any district in the City is required to install street trees. In some cases, previously developed areas are non-conforming, but with roadway improvements and sidewalk installations, those areas will come into compliance.

The applicant has stated that the granting of the variance would be consistent with the surrounding area. The majority of the previously developed section of the Garver-Majors PUD (Heritage Green) does not have street trees, but island & perimeter landscaping similar to what is being proposed for this development.

Staff would note that Heritage Green Plaza does, in fact, have street trees along the public road of Heritage Green Drive. The internal road does not have street trees because, at the time of development, street trees were required only along public frontages. Staff still made sure that new developments, such as the Monroe Family Pet Hospital, installed street trees along the private road.

- Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pickup.

The variance would not adversely affect the delivery of governmental services.

- Whether special conditions or circumstances exist as a result of actions of the owner.

The requested variance is due to the owner's layout and overall site design of the proposed car dealership.

The applicant has stated that the hardship is predominantly due to the site's conditions (topography, transmission tower, and underground utilities).

- Whether the property owner's predicament can feasibly be removed through some method other than a variance.

This predicament can be resolved by slightly altering the layout and developing the north side of Ring Road if additional parking is necessary.

The applicant states that the site has already been designed to maximize usable space, given the topographic constraints and the need to accommodate the transmission tower in the southern half of the site.

- Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance.

The requested variance does not meet the spirit and intent of the code. The code requirement is to beautify the City's streetscapes as part of the City's ambition to make our streets and City more walkable and welcoming to our residents.

The applicant believes the request is to make the site constructible and usable, and to eliminate future issues with the existing utility and Duke restraints.

Staff does not believe that the street tree requirement is a determining factor in whether the site is constructible or usable, as the space allocated for street trees is in the tree lawn, which is located within the ROW and houses only the roadway, utilities, trees, and the sidewalk.

- Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.



Granting the variance would give the applicant special privilege over all other properties within the City, which are required to have street trees along all public and private frontages.

The applicant has stated that the request is to provide relief for the site-specific issues.

Mr. Cole reviewed department comments as follows:

- Public Works/Engineering: No comment.
- Police Department: No comment.
- Fire Department: No comment.

Mr. Cole stated there were no public comments as of March 19, 2026.

Mr. Cole reviewed the staff recommendation as follows:

- As a reminder, a variance from the requirements of this Code may be granted by the Board of Zoning Appeals when the Board determines that such a variance will not be contrary to the public interest and that, due to special conditions, practical difficulty or unnecessary hardship exist that prevent strict application of this Code.
- Staff's review and recommendation are based on Code interpretations as well as the potential for precedents that could affect overall enforcement of City standards and regulations. The BZA's approval, denial, or modification is not required to be based on all the above criteria being met. No single factor listed above may control and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Mr. Walters asked if this was a new addition to the zoning code. Mr. Cole stated it is not.

Mrs. Baxter asked if there is a list of prohibited trees. Mr. Cole stated trees cannot be fruit bearing and believes there is a preferred street tree.

Mr. Mason asked what the definition of a street tree is. Mr. Cole stated it is a tree that is located between the back of curb and the sidewalk.

Mrs. Baxter asked to see the proposed sidewalk on the plans. Mr. Cole stated there isn't a sidewalk on the new plans. Mr. Cole stated once staff and the applicant move into site plan review the location of sidewalks will be determined. Mr. Mason asked for clarification of where the sidewalk will be.



Mr. Walters asked who was responsible for the road. Mr. Cold stated Majors family is responsible.

Mrs. Walton asked if there are any other properties in the city that are split with a roadway like this parcel is. Mr. Cole stated he cannot think of one aside from the Kroger property.

Mr. Walters asked why Kroger wasn't separated like this parcel. Mr. Cole stated he is unsure.

Mr. Mason asked for clarification of where the sidewalk will be located. Mr. Cole stated that when the site plan review is completed, they will figure out where sidewalks are designated to go.

Mr. Mason asked where the utilities are located. Mr. Cole stated the sanitary line is on the north side of the road and the water line on the south side of the road.

Mr. Koren stated Cronin is in support of planting the trees, they just don't know where they should be. Mr. Koren stated they may need to apply for a variance for sidewalks at a later date. Mr. Koren asked for a recommendation to plant trees elsewhere from staff, if possible.

Mr. Walters asked if they considered separating the parcels. Mr. Koren stated no.

Mrs. Walton asked if they are asking for a variance for only the front piece or the entire parcel. Mr. Cole stated it is for the entire parcel. Mr. Cole stated the total number of trees on each frontage would be around 4-6 trees. Mr. Koren stated they are willing to work with staff to find alternative areas to plant the trees.

Mr. Koren stated they are willing to plant trees going up the hill and in front of the building but wish to wait to plant trees in the other two areas.

Mr. Mason moved to accept the documents for the record. Seconded by Mrs. Baxter. Voice vote. Motion carried.

Mr. Mason moved to close the public hearing. Seconded by Mr. Walters. Voice vote. Motion carried.

Mrs. Walton stated she is struggling with having them box in an undeveloped lot with trees because in the future the trees would most likely have to be removed.

Mrs. Baxter stated her concern is that if the trees aren't installed now, she fears they won't be later. Mrs. Walton stated they can require them to install them later.



Mrs. Baxter asked for clarification regarding if the part of the parcel under the power lines could be developed. Mr. Cole stated he can't unequivocally say it cannot be developed in any way.

Mr. Mason asked if they could make a recommendation with conditions.

Mr. Walter asked if the road between the parcel could be removed. Mr. Cole stated he is unsure of this, but staff plan to meet with Majors to better understand who is responsible for Ring Road.

Mr. Adam stated he agrees with Mrs. Walton stating he doesn't think the board should require them to install trees in an area that isn't currently being developed.

Some inaudible discussion was had by the board.

Mr. Walters asked if Cronin was aware of the sidewalks on the north part of the parcel. Mr. Cole stated they have not begun the site plan review but feels a discussion will occur regarding the sidewalk requirement.

Mr. Mason moved to recommend approval regarding Case No. 2026-4-Consideration of a Variance Application from Cronin Ford regarding Street Tree Requirement with the following conditions:

- Street trees be installed on the south side of Ring Road, west side of Ring Road from State Rt 63 and future trees be installed as required if the north lot is developed.

Seconded by Mr. Walters. Roll call vote. 5 ayes. Motion carried.

Adjournment

Mr. Adam moved to adjourn; seconded by Mr. Walters. Voice vote. Motion carried.

The Board of Zoning Appeals meeting adjourned at 8:19 p.m.

Respectfully submitted,

Michelle Layman
Planning and Zoning Specialist



CITY OF MONROE
Inter-Office Correspondence

TO: Members of the Monroe Board of Zoning Appeals
FROM: Kameryn Jones
Development Director

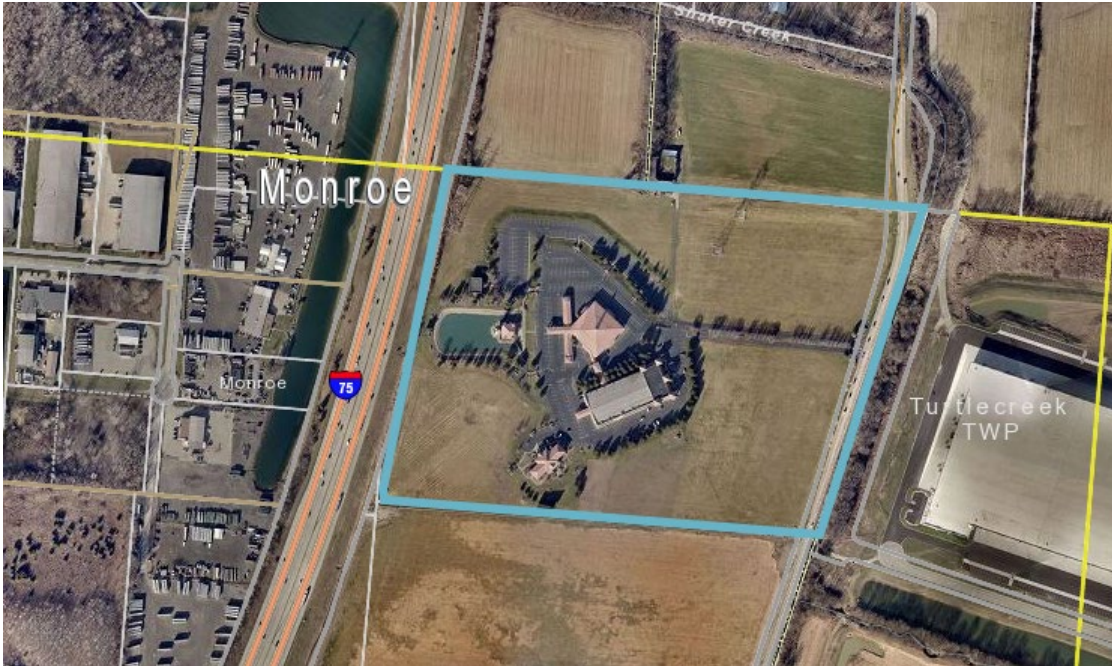
DATE: May 28, 2026

RE: Information Packet for **May 28, 2026** Board of Zoning Appeals Meeting at 6:00 p.m.

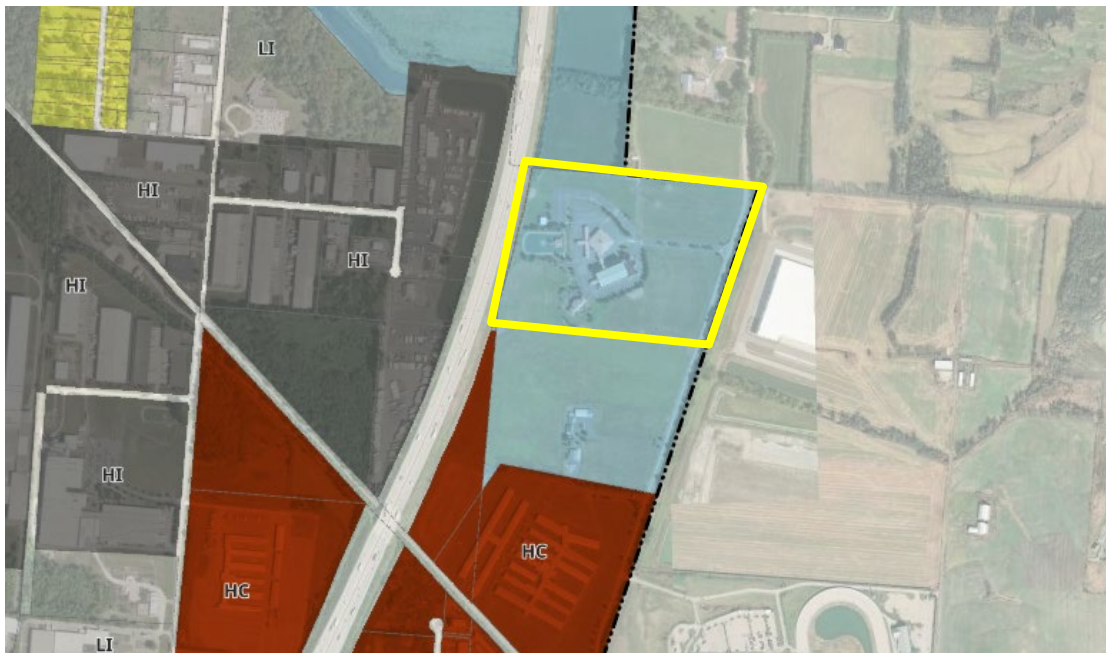
I. BZA-2026-5— Consideration of an appeal application from Solid Rock Ministries International.

A. Background:

- Darrell L. Smith, on behalf of Solid Rock Ministries International, has applied for appeal regarding a zoning permit application for new use/business for Lebanon Christian Schools to locate at 903 Union Road. This application was denied on March 2, 2026.
- The proposed use is described to accommodate school children ages 10-18. Based on the information provided, this use is classified as a Primary or Secondary Educational Institution per the Monroe Planning and Zoning Code.
- The subject property is currently zoned EC Employment Center, where this use is prohibited.



Overhead View of Site



Surrounding Zoning

B. Appeal Purpose:

- The purpose of an appeal is to provide a mechanism for the appeal of any final decision of an administrative review official or body. For appeals of administrative decisions, any party aggrieved by or alleged error in a decision of an administrative review official (Director, City Engineer, or other City staff) on a matter addressed in the Planning and Zoning Code may apply. In this case, the applicant seeks to appeal the decision of Development staff.

C. Appeal Request:

- The applicant requests an appeal of the decision rendered regarding the zoning permit application for new use/business in order to approve and allow the proposed use to operate at the subject property.
- Table 1203.02-1, Primary Use Table, identifies the Primary or Secondary Educational Institution use type as permitted, conditionally permitted, limited use, or prohibited in the following zoning districts:

Table 1203.02-1, Primary Use Table														
Key: P = Permitted Use C = Conditional Use L = Limited Use -- = Prohibited														
Use Category (1203.03)	Use Type	RR	SR	GR	NC	UR	MU	DT	HC	GC	EC	LI	HI	Use Standard
	Veterinary Office (Without Boarding)	--	--	--	--	--	P		P	P	P	P	P	
	Other Animal-Related uses not listed above	C	--	--	--	--	--		C	C	--	C	C	1203.05
Public and Civic Use Categories														
Community Facilities	Public Community Centers	C	C	C	C	C	P		P	P	P	--	--	1203.05
	Place of Public Assembly	C	C	C	C	C	P		P	P	--	--	--	1203.05
	Residential Recreational Facility	P	P	P	P	P	P		--	--	--	--	--	
	Other Community Facilities uses not listed above	--	--	--	--	--	P		P	P	--	--	--	
Daycare Facilities	All Daycare Facilities uses	--	--	--	--	C	L		--	L	L	L	--	1203.04 and 1203.05
Educational Facilities	College, University, or Other Higher Educational Institution	--	--	--	--	--	--		P	P	P	P	--	
	Primary or Secondary Educational Institution	C	C	C	C	C	C		--	--	--	--	--	1203.05

D. Review Criteria:

The following factors shall be considered by the Board:

- ***Common Review Criteria. All applicable common review criteria as denoted in Table 1207.07-1, Common Review Criteria;***

The request does not comply with all applicable common review criteria. The request does not comply with the zoning code. The request does not promote the purpose of the code in terms of fiscal health and capitalizing on the location and transportation advantages of the property, located along I-75 in an otherwise heavily commercial district. The request does not satisfy the purpose of the Employment Center zoning district, which is to provide for large-scale employment development such as medical, office, and research and development facilities.

- ***Record and Evidence. The decision being appealed was appropriate considering the written record of the case and the evidence presented;***

The decision being appealed is appropriate considering the written record and evidence presented. Attached to this report is a summary of activity and correspondence regarding this case.

As provided in the Board's packet, the City's legal representation has provided a letter countering the applicant's RLUIPA exemption claim. The next appropriate step is for the applicant to apply for a zoning map or text amendment if they wish to pursue this use at this site.

- ***Ordinance Requirements. The decision reflects the requirements contained in this PZC.***

As outlined above, the decision to deny the zoning permit application is appropriate and reflects the requirements of the Planning and Zoning Code, which outlines permitted and prohibited uses by zoning district. In this case, the educational institution use is prohibited in the Employment Center zoning district.

E. Public Comments:

- None received as of May 22, 2026.

F. Staff Recommendation:

- The Board of Zoning Appeals shall have the final decision-making powers of the decision-making body from whom the appeal is taken.
- A decision on an appeal cannot grant or issue a Variance, Use Variance, or Subdivision Design Waiver.
- Staff recommends the Board dismiss the appeal.



Application for Appeals

Monroe Development Department
233 South Main Street, Monroe, Ohio 45050
Phone: 513-539-7374
www.monroehio.gov

For Staff Use Only

Submittal Date:

Date Application Determined Complete:

Fee Paid:

Staff Initials:

Application/Case Number:

Appeals Information

1. An appeal shall stay all proceedings by the City in furthering the decision being appealed, except in cases where a stay would cause imminent peril to life or property.
2. The appeals procedure and review criteria are established in Section 1207.28 of the Monroe Planning and Zoning Code.
3. The application fee for a variance is due at the time the application is submitted. The fee schedule can be found in Chapter 286 of the Monroe Code of Ordinances.

Basic Project and Site Information

Project Address: 903 Union Road, Lebanon, Ohio 45036

County: Butler Warren

Total Lot Area:

County Tax Parcel ID: 1106200001

Existing Zoning District:

Date of decision being appealed:

Board or staff responsible for action being appealed:

Applicant Information

Applicant Name: Solid Rock Ministries International

Contact Person: Darrell L. Smith

Contact Address: 903 Union Road, Lebanon, Ohio 45036

Contact Phone Number: (513) 439-2477

Contact Fax Number: (513) 423-3236

Contact E-Mail: darrell@solidrockchurch.org

Project Address or Tax Parcel ID: 1106200001

Additional Project Information

1) Explain, in detail, the nature of your request for an appeal and what you feel is the justification for such appeal.

See attached.

Certification and Signature

Applicant Signature - I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful.

Print Name: Darrell L. Smith

Signature: *Darrell L. Smith*

Date: *4/2/26*

Submittal Requirement Checklist

Number of Copies <>

General Information

<input type="checkbox"/>	Appeal Application Form
<input type="checkbox"/>	Application fee
<input type="checkbox"/>	Any additional information determined to be necessary by the Development Department.
<input type="checkbox"/>	OPTIONAL - The applicant may submit any additional information that they feel supports their reasoning for an appeal to the BZA in advance of the hearing.

April 2, 2026

City of Monroe
Development Department
Board of Zoning Appeals
233 South Main Street
Monroe, OH 45050

Re: Administrative Appeal of Denial of Christian School at Solid Rock Ministries International Church

Dear Development Department/Board of Zoning Appeals:

Please accept this appeal on behalf of Solid Rock Ministries International Church (“SRC” or the “Church”) and Lebanon Christian School (“LCS”) from the City’s denial of our application to operate a Christian school on Church property located at our Church, 903 Union Road, Lebanon, Ohio 45036. The Church and LCS will jointly be referred to as “we” or “our.”

On March 2, 2026, the Church made an application for a Zoning Map/Text Amendment. A copy is attached as Exhibit 1. On March 14, 2026, the Church received an undated denial letter from the City of Monroe, Jameson Cole, Planner. A copy is attached as Exhibit 2. The city denied the application without articulating any reason, findings, or evidentiary basis. The denial is arbitrary and capricious and violates the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). We respectfully request that the City promptly: (a) vacate the denial; and (b) approve the Christian school as a permitted religious land use subject to reasonable, nondiscriminatory conditions, if any, supported by substantial evidence.

Factual Background.

The Church submitted an application on March 2, 2026, to operate a Christian school as an extension of our religious exercise and mission at 903 Union Road, Lebanon, Ohio. The record reflects compliance with all facially applicable, neutral land use criteria, including parking, traffic circulation, life-safety, building code, and occupancy plan placeholders. On March 14, 2026, the City issued a denial without any written findings, stated reasons, or evidence identifying noncompliance with adopted standards.

The City’s Prior Litigation History.

The Church has twice sued the City of Monroe over land use restrictions affecting the Church’s religious exercise at our Church campus. Solid Rock prevailed in each action, resulting in judicial determinations in Church’s favor with the Court granting relief against the City’s

1 | Page

challenged actions. These two separate lawsuits, both won by the Church, establish a clear history of the City's prior noncompliance with RLUIPA and the constitutional protections surrounding religious land uses, as well as the legal consequences of such noncompliance. The legal precedent set by these cases underscores that the City must evaluate religious land use applications under RLUIPA's protections and avoid discriminatory or unjustified burdens on religious exercise.

Land use regulation is defined by the statute as a zoning or landmarking law or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to the land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest." 42 U.S.C. § 2000cc-5(5). The Church owns the land and Lebanon Christian School has a lease agreement pertaining to certain building(s) on the Church's campus.

The city never determined if the use in question constitutes religious exercise. It does. Religious exercise applies to the use of a building. 42 U.S.C. § 2000cc-5(7)(B).

The Church has been used for religious exercise and religious education since 1992. The use of the building in 2026 will be the same as it has been since 1992, Christian Education. Every week since 1992 the building has been used for Christian Education and it will be used for the same primary use this fall. The primary use of the building will be the same in 2026 as it has been since 1992; a place of worship; a place where one can develop an understanding and learn about God's word, the Bible, and Christian Beliefs.

The primary¹ use table of the city will show no difference in 2026 to what it did in 1992 as the primary use is and has been for religious exercise, religious education.

RLUIPA's substantial burden provision forbids governments from imposing or implementing land-use regulations that create a substantial burden on the religious exercise of a person unless the government can show that the challenged action is both:

1. Taken to advance a compelling government interest, and
2. Takes the least restrictive means of achieving that compelling government interest.

¹ R.C. 519.21(A) does not define the word "primary," so we give the word its usual and ordinary meaning. *In re Foreclosure of Liens for Delinquent Land Taxes*, 140 Ohio St.3d 346, 2014-Ohio-3656, 18 N.E.3d 1151, ¶ 12. The word "primary" means "of first rank, importance, or value." *Merriam-Webster's Collegiate Dictionary* 986 (11th Ed.2003). We determine that whether a building is used primarily for vinting and selling wine is a question of fact that must be proven by a preponderance of the evidence. *Litchfield Twp. Bd. of Trs. v. Forever Blueberry Barn, L.L.C.*, 160 Ohio St. 3d 70, 72.

The City Has Not Demonstrated Any Compelling Government Interest.

The denial letter of March 14, 2026, describes no basis whatsoever for denying Christian education in the existing building. No new buildings will be built, and any changes to the existing building will be minimal. The city has yet to define any compelling government interest in denying the application nor has the city taken the least restrictive means of achieving that government interest.

In fact, currently this property is zoned as an “employment center”. The Church will have the largest employee count of any business in the employment center classification once the Christian education school is operational. Therefore, the zoning regulation designation of “employment center” will not only be met by the Church but will be the city’s largest employer in any employment center.

The city has not articulated any reason under the strict scrutiny judicial standard of review. Defining a compelling interest is of the highest order. The city has not articulated a single piece of generalized evidence or concern necessary to meet the strict scrutiny standard. RLUIPA forbids governments from imposing land use regulations that discriminate against an assembly or institution based on religious or religious denomination. 42 U.S.C. § 2000cc(b)(2).

In fact, the very first time the Church and School met with the city to discuss Christian education, city officials abruptly stopped the Church and School during the first few seconds of the meeting and stated, “let me interrupt you, we will deny your request.” Later on during the first meeting the city officials stated “you can go through the process, but we will deny your request”. The city officials also stated, “we will say no” The city officials also stated, “the church is in non-compliance, and we will deny your request.”

The point is, the Church is in and has been in Monroe since 1992. If the city is claiming a non-conforming use, then this non-conforming use of the Church has been in Monroe since 1992. The Church, as a place of Christian Learning, has been in its present location since 1992. The non-conforming use zoning laws² permit the Church to lawfully continue with its primary religious

² **1201.06(D). Nonconformities.**

1. *Legal Nonconformities Continue.* Any legal nonconformity that existed at the time this PZC became effective shall continue to be a legal nonconformity under this PZC as long as the situation that resulted in the nonconforming status under the previous code continues to exist and shall be controlled by Article 08. Nonconformities.

1208.02 B.2.b.ii. Nonresidential Uses. A minor nonconforming, nonresidential use, may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.

use, which includes Christian education. Christian education can never be separated from a Church. It is the very foundation and blood of any religious organization. Every Church Service has a reading of the Gospel, which is from the Bible. The Bible is used everyday as the foundation of Christian Education.

The denial is arbitrary and capricious because it lacks any stated reason or evidence. A city action that provides no articulated findings, standards-based analysis, or evidence-supported rationale is arbitrary and capricious. Here, the City issued a bare denial without identifying any code provision, objective criterion, or record evidence supporting the outcome, and without specifying how the application purportedly failed to satisfy an adopted standard. The absence of reasons prevents meaningful administrative or judicial review, reflects an impermissible departure from neutral, generally applicable procedures, and independently compels reversal.

The denial violates RLUIPA's core protections. RLUIPA prohibits land use regulations that impose a substantial burden on religious exercise unless the government demonstrates that the burden is the least restrictive means of furthering a compelling governmental interest. It also forbids unequal treatment of religious assemblies and unreasonable limitations on religious institutions. The City has not identified any compelling interest served by denying a faith-based school on existing church property, nor has it proposed any less restrictive alternatives. By issuing a reasonless denial, the City has failed to meet its burden and has effectively imposed a substantial burden on the Church's religious exercise in operating a Christian school integral to its ministry.

The City's Prior Losses to the Church on Land Use Issues Reinforce the Applicable Legal Precedent and the Need for Compliance.

The Church's two successful lawsuits against the City over land use restrictions establish binding and persuasive precedent regarding the City's obligations toward religious land uses. Those outcomes confirm that: (a) religious institutions are entitled to equal terms in zoning; (b) burdens on religious use must be justified with evidence and tailored conditions; and (c) failure to provide reasoned, evidence-based decisions risks judicial invalidation and remedies. The City should not repeat the same legal errors. Approval with narrowly tailored, evidence-supported conditions—if any are truly necessary—would align with the precedent and avoid renewed liability exposure.

The Church's Record Demonstrates Compliance with Neutral, Generally Applicable Standards, and Any Legitimate Concerns Can Be Addressed with Reasonable, Nondiscriminatory Conditions.

If the City has specific, objective concerns grounded in record evidence, those can be accommodated through reasonable conditions equally applied to comparable uses. An outright,

unexplained denial is not the least restrictive means to further any legitimate interest and is incompatible with RLUIPA.

Requested Disposition.

For the foregoing reasons, we respectfully request that the City: a) Vacate the denial as arbitrary and capricious and in violation of RLUIPA; and b) Approve the Christian school application forthwith, or, if necessary, approve subject to narrowly tailored, evidence-supported, and nondiscriminatory conditions consistent with the record.

Preservation of Rights.

We preserve all rights and remedies available under RLUIPA and other applicable laws, including the right to seek judicial relief, attorneys' fees, and other appropriate remedies, if necessary. Nothing herein waives any claim or argument.

The city is requested to preserve all records and documents pertaining to this request. Any document destruction policy must be immediately suspended, and a preservation order must be circulated to city employees.

Hearing Request and Contact.

The Church and School request that this appeal be placed on the earliest available agenda and that notice of hearing be provided to undersigned at the contact information above. Please include to us the full administrative record and staff report, if any, in advance of the hearing. This is a public record request.

Respectfully submitted,



Darrell L. Smith on behalf of
Solid Rock Ministries International and
Lebanon Christian School

Exhibit 1

Application for a Zoning Map/Text Amendment

Monroe Development Department
233 South Main Street, Monroe, Ohio 45050
Phone: 513-539-7374
Email: planning@monroeohio.gov
www.monroeohio.gov

For Staff Use Only

Submittal Date:

Date Application Determined Complete:

Date of Planning Commission Review:

Fee Paid:

Staff Initials:

Application/Case Number:

Zoning Amendment Review Information

1. The zoning map and text amendment review procedure and review criteria are established in Section 1207.04 of the Monroe Planning and Zoning Code.
2. A pre-application conference is required prior to submission of an application for a zoning map amendment unless the Development Director waives the requirement. Contact the Development Department to set up a time.
3. The application fee is due at the time the application is submitted to planning@monroeohio.gov

Basic Information

Project Address: 903 Union Rd. Lebanon, Ohio 45036

County: Butler Warren Total Area of Rezoning:

County Tax Parcel ID: 1106200001

Existing Zoning District:

Proposed Zoning District:

Applicant Information

Applicant Name: Solid Rock Ministries International

Contact Person: Darrell L. Smith

Contact Address: 903 Union Rd Lebanon, Ohio 45036

Contact Phone Number: 5134392477

Contact Fax Number: 5134233236

Contact E-Mail: darrell@solidrockchurch.org

Property Owner Name: Solid Rock Ministries International

The applicant may provide a separate attachment with contact information for additional people if necessary (e.g. additional owners, registered engineer, landscape architect, etc.). The same contact information shall be provided for each contact name.

Zoning Amendment Information

1) Describe any change in conditions, trends, or other facts that necessitates the proposed zoning amendment. Furthermore, describe how the proposed zoning district will remedy the change in conditions, trends, or other issues.

See Attached

Project Address or Tax Parcel ID:

Rezoning Information Continued

2) Describe how the proposed amendment furthers each of the objectives of the Comprehensive Plan.

See Attached

3) Provide information necessary to document and describe how the map amendment meets the review criteria established for zoning amendments [Table 1207.07-1 Common Review Criteria and Article 07.04 Text and Zoning Map Amendments].

Certification and Signatures

Applicant Signature - I certify that, to the best of my knowledge, the information contained in this form and within any attachments is correct and truthful. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this zoning map amendment application and any subsequent zoning permit or other review applications.

Print Name: DARRELL L. SMITH

Signature: Darrell L. Smith

Date: MARCH 2, 2026

Property Owner Signature - If the property owner is not the named applicant on this form, the property owner shall sign the form below acknowledging that the applicant is an authorized agent of the property owner as it relates to proposed project. If the proposed rezoning affects multiple properties owned by different property owners, each property owner subject to the rezoning shall be required to sign this form acknowledging consents of the rezoning request. Separate signature sheets or letters acknowledging such consent are acceptable.

Print Name: DARRELL L. SMITH

Signature: Darrell L. Smith

Date: MARCH 2, 2026

Note: A letter signed by the property owner, authorizing the applicant to act on their behalf may be submitted in lieu of the property owner's signature on this form.

Submittal Requirement Checklist

General Information

- Completion of required pre-application conference
- Zoning Map Amendment Review application form
- Application fee
- Legal description of the parcels subject to the proposed rezoning.
- Plans and maps established below at a scale no smaller than 1 inch = 100 feet, unless otherwise noted.
- Traffic Impact Study, if required by the City Engineer.
- Any additional information determined to be necessary by the Development Department

Vicinity Map (Scale may be smaller than 1" = 100')

- Date, north arrow, scale, and a legend for all symbols
- Boundary line of the land subject to the proposed rezoning
- All surrounding properties, streets, and corporation limits within a minimum of 500' of the outer boundaries of the project site

Proposed Zoning Text or Map

- The existing and proposed zoning for all properties part of the application for a zoning map amendment. The map shall also identify the existing zoning for all surrounding properties. For text amendments, a redline draft of the proposed text is required.
- Existing parcel lines for the properties to be rezoned and all parcel lines within 200' of the site
- Existing streets within 200' of site with names and centerlines
- Existing watercourses and bodies of water including any applicable flood hazard areas

Solid Rock Ministries International

Solid Rock Ministries International ("Solid Rock") is a religious organization formed as an Ohio Not-For-Profit Corporation, which is a Federally Tax-Exempt Organization, under § 501(c)(3) of the Internal Revenue Code, on February 5, 1979. Solid Rock moved to 903 Union Road, Lebanon, Ohio, in 1992. It has continually been in existence as a Church and Religious Organization at its campus located at 903 Union Road, Lebanon, Ohio, from 1992 to the present. As a Church and a Religious Organization, Solid Rock has continually engaged in Christian Education on its Campus. Christian Education includes youth and adult Christian Education Classes, Bible Study Classes, Doctrinal New Testament Study Classes, Small Group Discipleship Classes, Worship Biblical and Christian Educational Study Sessions, to name a few of the educational offerings at the Church. Christian Education has been an essential part of the Religious Fabric of the Church since 1992 at its Campus. Christian Education has been and will always be a core educational tenant at the Church from 1992 to the present on Union Road.

The Church and Lebanon Christian School are working together to further Christian Education at 903 Union Road, Lebanon, Ohio, by using existing space for Christian Education offerings for children grades 7 through 12 beginning in August of 2026. No new construction will take place for this Christian Education. As you know Lebanon Christian School has been in continuous operation for 50 years and it enjoys an outstanding reputation. No change to the primary use of 903 Union Road, Lebanon, Ohio, will take place.

The Religious Land Use and Institutionalized Persons Act (RLUIPA), enacted in 2000, is a federal law designed to protect individuals and religious organizations from zoning and land use regulations that substantially burden their religious exercise unless the government can demonstrate that the regulation serves a compelling governmental interest and is the least restrictive means of achieving that interest. RLUIPA applies to land use regulations and the religious exercise thereof and prohibits local governments from implementing zoning laws that discriminate against religious uses or treat them less favorably than secular uses.

The land use provisions of RLUIPA, 42 U.S.C. §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws.

Under RLUIPA, religious exercise is broadly defined to include any exercise of religion, whether or not compelled by or central to a system of religious belief, and extends to the use, building, or conversion of real property for religious purposes. The law also prohibits governments from unreasonably limiting religious land uses, or imposing substantial burdens on religious exercise without justification.

Since the Church has been using its campus for Christian Education since 1992, no primary use change will take place. No change will take place to the use of the campus. Also, no new

construction will take place to alter or change the existing buildings. This Christian Education will simply be one more aspect of Christian Education already present at the campus.

We look forward to working with the City of Monroe and to answering whatever questions you may have for us.

Solid Rock Ministries International

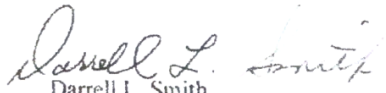

Darrell L. Smith
3/2/2024



Exhibit 2

MonroeOhio MonroeOH

Solid Rock Ministries International

To Whom It May Concern:

This letter is to inform you of the City's decision regarding your exemption request. The City has determined that the exemption referenced in your March 2nd letter does not apply. You may either appeal staff's decision on your change of use application or submit an application for rezoning and/or a zoning text amendment to permit schools as an allowable use. If you wish to appeal staff's decision, you must do so within 30 days of receiving this letter, and the appeal will be heard by the Board of Zoning Appeals. If you pursue rezoning or a text amendment, you must submit an application, which will be reviewed through the City's legislative process, including review by the Planning Commission and final consideration by City Council.

Please note that submitting an appeal or a rezoning/text amendment application does not guarantee approval, as each application is evaluated individually in accordance with City zoning regulations and applicable law.

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Jameson Cole
Planner.

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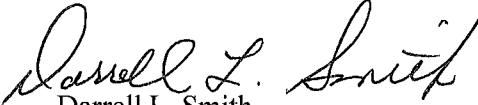
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We look forward to working with the City of Monroe and to answering whatever questions you may have for us.

Solid Rock Ministries International


Darrell L. Smith

3/2/2026

Jonathan Roach

Partner

P: +1 513.870.8288

F: +1 513.870.0999

jroach@fbtgibbons.com

April 17, 2026

VIA FEDERAL EXPRESS OVERNIGHT MAIL AND ELECTRONIC MAIL

Solid Rock Ministries International
Attn: Darrell L. Smith
903 Union Road
Lebanon, OH 45036

Re: 903 Union Road – Lebanon Christian School – Solid Rock Ministries
International

Mr. Smith:

I am writing to you at the request of officials with the City of Monroe in response to your letter dated April 2, 2026. Your letter misstates the relevant background and misunderstands both local and federal law. If Solid Rock Ministries International (“Solid Rock”) wishes to open a school at 903 Union Road in Monroe, then it needs to follow the same procedure as all other property owners in the city. Specifically, Solid Rock needs to apply to rezone its property to a zoning designation that permits a school.

However, Solid Rock has not submitted an application for a zoning map or text amendment to the City. The attachment to your letter – Exhibit 1 – was never submitted to the City. The City only received it when it received your April 2nd letter. You have not paid the required fee to apply for a zoning map or text amendment. More importantly, the application attached to your April 2nd letter does not identify what (if any) amendment you are seeking. The only document you have submitted to the City of Monroe is a letter essentially asserting that Solid Rock is free to use the property at 903 Union Road for the Lebanon Christian School because of the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). The City has correctly denied your request to be exempted from zoning under RLUIPA.

RLUIPA bars municipalities from “substantially burdening” an entity’s religious exercise. *See Livingston Christian Schools v. Genoa Charter Twp.*, 858 F.3d 996, 1003–04 (6th Cir. 2017). To constitute a “substantial burden,” the regulation generally must place “significant pressure on an institutional plaintiff to modify its behavior.” *Id.* at 1004. However, where “a plaintiff has imposed a burden upon itself, the government cannot be liable for a RLUIPA substantial-burden violation.” *Id.* The Sixth Circuit has explained this “self-imposed burden” concept as follows:

For example, when an institutional plaintiff has obtained an interest in land without a reasonable expectation of being able to use that land for religious purposes, the hardship that it suffered when the land-use regulations were enforced against it has been deemed an insubstantial burden.

That is precisely the situation here. Solid Rock seeks to use its property at 903 Union Road as a school; however the property is zoned EC – Employment Center and primary/secondary educational institutions are not a permitted use in such a district. Solid Rock knew (or should have known) this prior to seeking to lease or otherwise grant its space to Lebanon Christian Church. Any “hardship” Solid Rock now faces is entirely self-created.

Contrary to your letter, the City has not discriminated against Solid Rock or treated it differently than any other landowner, religious or non-religious. Solid Rock is not entitled to a blanket exemption from the City’s zoning laws because it is a religious institution: “Did Congress intend for [RLUIPA] to require municipalities to extend preferential treatment to religious entities? We think not.” *Tree of Life Christian Schools v. City of Upper Arlington, Ohio*, 905 F.3d 357, 368 (6th Cir. 2018). If Monroe City Schools, or any other private/charter school (religious or not) wished to operate a school at 903 Union Road, they too would need to seek a zoning amendment. Solid Rock has the same obligation.

However, Solid Rock still has not applied for an amendment to its zoning designation at 903 Union Road. The “Attachment A” to your April 2nd letter was never submitted to the City. The required fee for an amendment was never paid. And most importantly, Solid Rock has not even indicated what amendment it seeks. The City of Monroe reiterates its denial of Solid Rock’s argument that RLUIPA entitles it to operate a school at 903 Union Road without complying with the city’s zoning ordinance. If you would like to appeal the City’s decision that Solid Rock must follow the same zoning procedures as all other owners, you may do so and the City will grant you a hearing.

However, if Solid Rock wishes to operate a school (religious or non-religious) at 903 Union Road, it must apply for and obtain a zoning map amendment for the parcel. If you are represented by counsel in this matter, please forward this letter to them. Otherwise, if you would like to discuss further, I can be reached at (513) 870-8288.

Sincerely,

FBT Gibbons LLP



Jonathan Roach

JR

Darrell L. Smith
April 17, 2026
Page 3

cc: Jameson Cole, City Planner, City of Monroe



233 S Main St. P.O. Box 330
Monroe, OH 45050

Phone: 513-539-7374 **Fax:** 513-539-6460

May 15, 2026

BZA Case No. 2026-5
Solid Rock Ministries International Appeal
Dates of Correspondence

- 1/9/26—The applicant submits a Building Permit application for Certificate of Occupancy and a Zoning Permit application for a Change of Use.
- 1/21/26—Planner emails applicant Darrell Smith regarding the submitted applications and outstanding application fees owed.
- 1/29/26—Planner emails applicant Mr. Smith to request additional information regarding the change of use application.
- 2/2/26—The applicant provides the requested information.
- 2/3/26— Planner emails Mr. Smith informing him of the City's determination that the use is not permitted within the EC Employment Center zoning district. Following this email, John Stone, representing Lebanon Christian Schools, called regarding the City's code requirements, which were then provided.
- Between 2/3/26 and 2/9/26, Mr. Stone and City staff communicated about setting up a pre-application meeting for a potential zoning text or map amendment application.
- 2/19/26— A pre-application meeting is held with Mr. Smith and Mr. Stone.
- 2/20/26— Mr. Smith emails staff indicating they would proceed with the zoning text/map amendment process.
- 3/2/26— Mr. Smith brings to the City building a physical copy of a zoning text/map amendment. At the same time, Mr. Smith mentions a RLUIPA claim letter and expresses interest in claiming an exemption under RLUIPA. Staff takes the letter for review by legal counsel. *Mr. Smith never officially submitted the zoning amendment application.*
- 3/13/26— The City sends a response letter to the RLUIPA claim and the denied zoning permit application (included in BZA packet).
- 3/23/26— Mr. Smith requests and receives the appeal application.
- 4/2/26— Mr. Smith submits the appeal application.
- 4/22/26— Mr. Smith requests and receives the zoning map amendment application and the fee amount.
- 5/5/26— Mr. Smith emails to inform the City they are proceeding with the appeal.



233 S Main St. P.O. Box 330
Monroe, OH 45050

Phone: 513-539-7374 **Fax:** 513-539-6460

May 8, 2026

RE: LEGAL NOTICE, Monroe Board of Zoning Appeals Hearing

Dear Property Owner,

Notice is hereby given of a public hearing before the Monroe Board of Zoning Appeals on Thursday, May 28, 2026, at 6:00 PM in the City Council Chambers, 233 South Main Street, Monroe, Ohio 45050. The Board of Zoning Appeals will consider an appeal application from Darrell Smith on behalf of Solid Rock Ministries International, 903 Union Road, Lebanon, Ohio 45036, regarding a change-of-use application. The applicant is appealing the denial of a change-of-use application to allow a secondary educational institution to operate at the property.

The public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application. Monroe will provide assistance to persons with disabilities, needing interpreters, other auxiliary aids, and services in order to participate in this meeting. Any request for such assistance must be made no later than 72 hours in advance of the meeting by contacting the Development Department at 539-7374 ext.1013.

All documentation regarding the requested variance can be viewed at the City of Monroe Development Department located at 233 S. Main Street, Monroe, Ohio 45050. Written comments can also be sent prior to the public hearing to the address listed above. Development Department staff is also available to answer any questions related to the requested variance and can be reached at 513-539-7374 ext. 1013.

Sincerely,

A handwritten signature in black ink that reads 'Jameson Cole'.

Jameson Cole
Planner
colej@monroeohio.gov





233 S Main St. P.O. Box 330
Monroe, OH 45050

Phone: 513-539-7374 **Fax:** 513-539-6460

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Order Confirmation

Ad Order Number

0000896327

Customer

Monroe, City of

Payor Customer

Monroe, City of

PO Number

PUBLIC HEARING MAY 28, 2026

Sales Rep.

ohi.openlegal

Customer Account

16722

Payor Account

16722

Ordered By

MICHELLE LAYMAN

Order Taker

andrea.feltner

Customer Address

233 S Main St
Monroe OH 450500330 USA

Payor Address

233 S Main St
Monroe OH 450500330 USA

Customer Fax

Customer EMail

Order Source

Non Web

Customer Phone

5814646749

Payor Phone

5814646749

Special Pricing

Invoice Text

Ad Order Notes

Net Amount
\$153.90

Tax Amount
\$0.00

Total Amount
\$153.90

Payment Amount
\$0.00

Amount Due
\$153.90

Ad Number **Ad Type**
0000896327-01 Legal

Production Method **Production Notes**
AdBooker

External Ad Number **Ad Attributes** **Ad Released** **Pick Up**
No

Ad Size **Color**
1 X 45 li

<u>Run Date</u>	<u>Product</u>	<u>Placement</u>	<u>Sched Cst</u>	<u>Disc/Prem</u>	<u>Color</u>	<u>Pickup</u>	<u>Tax</u>	<u>Subtotal</u>
05/12/2026	O-Journal-News	Legals	\$153.90	\$0.00	\$0.00	\$0.00	\$0.00	\$153.90
05/12/2026 -	O-Web	Legals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
05/28/2026								

Ad Content

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5-12/2026

0000896327-01

GENERAL ACCEPTANCE POLICY AND TERMS AND CONDITIONS

1. Advertising Guidelines

The newspapers, websites, digital and broadcast platforms and their related services of Ohio Newspapers (hereinafter “the Publisher”), or its successors or assigns, reserve the right to revise or reject any advertisement deemed objectionable by the Publisher, in its sole discretion, in subject matter, phraseology or composition, or any advertisement that Publisher deems illegal under federal or state law. Fraudulent, dishonest or misleading advertising will not knowingly be accepted, and if recognized may be rejected by the Publisher in its sole discretion. Advertising placed to resemble news content matter must carry the word “Advertisement” clearly alerting the Publisher audience to the purpose of its content to the satisfaction of the Publisher. Political advertising must carry a clear identifier of political advertising and all subsequent notifications required by the laws governing political advertising in the Ohio Revised Code. # 3517.105

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In consideration for publication of the Advertiser’s advertisement by the Publisher, Advertiser agrees as follows:

Advertiser assumes all liability for content of advertising provided by it, and agrees to defend, hold harmless, and indemnify Publisher for any and all damages arising therefrom. Liability for typographical errors, wrong insertions, omissions, late publications, or non-publication, as well as all other matters Advertisers might raise relevant to this contract, is limited to no more than the charges payable, or paid, to Publisher for the specific advertisement in which the error occurred. Publisher will not be liable for lost profit, unachieved business opportunities, consequential damages or any other monetary damages beyond the advertising charges payable, or paid, to Publisher hereunder, and Advertiser hereby waives any and all such claims. Claims for an allowance for such matters must be made within seven (7) days of the matter’s first occurrence, or are deemed waived. Advertiser agrees that it is expressly required to check the first insertion of any advertisement for accuracy and to bring any issues to Publisher’s attention immediately and that the failure to do so constitutes a waiver of any further claims. Publisher is not responsible for more than one incorrect insertion, or more than one publication, per advertisement.

3. Advertising Rates and Terms

Publisher has the right to revise advertising rates at any time and will provide 30-day notice to advertisers under contracted rate agreements. Absent a written agreement to the contrary, signed by an officer of the Publisher, such rates and all terms of this agreement shall be binding. No verbal agreements, representations or promises shall be enforceable.

4. Application; No Jury or Class Action Claims

The foregoing General Acceptance Policy and Terms and Conditions shall apply to all current and subsequent advertisements placed by Advertiser with the Publisher, or its successors and/or assigns, unless otherwise modified in writing by both parties. The parties hereby waive any right to trial by jury and any right to assert against the other any claim as a member or representative of any class or representative action.

