



Board of Zoning Appeals

~Agenda~

<http://www.ci.moraine.oh.us/>

Clerk of Council
937-535-1005

October 14, 2025

6:00 PM

- I. Call to Order**
- II. Approval of Minutes**
 - A. Board of Zoning Appeals Meeting Minutes - November 5, 2024
- III. Public Hearing - BZA 2025-01**
 - A. Staff Report
 - B. Opponents / Proponents
 - C. Close Public Hearing
- IV. Business**
 - A. Decision - BZA 2025-01 2770 E. River Road-TNT Sign Variance Request
- V. Other Business**
- VI. Adjournment**

RECORD OF PROCEEDINGS

Minutes of Board of Zoning Appeals

Held November 5, 2024

Public Hearing - BZA 2024-04

Mr. James Kempe opened the Public Hearing regarding BZA Case 2024-04 at 6:00 PM.

Staff Report

Mr. Brent Carpenter stated the appellant is Nancy Beane who is located at 5000 Shank Road, City Lot 4238 in Zoning District A-1 (Agricultural District). He reported that the appellant is requesting the appeal of Moraine Codified Ordinance Section 1181.04-1 Standards For Accessory Buildings and Uses in Residential and Agricultural Districts pertaining to the height of any ornamental fence or wall in the front yard may not exceed three feet above ground at any point. He said the appellant is requesting approval to construct a five-foot-high fence along the front yard with a gate at the driveway. He noted that as this exceeds the allowable use, the case is being brought before the Board of Zoning Appeals for a variance. Mr. Carpenter further reported a new home is currently under construction on the property, and a Knox Box will be installed for the Fire Department at the gate. He said the Technical Review Committee has no objections to the proposed gate. He stated no phone calls or comments were made by neighboring properties after notifications were sent to contiguous properties on October 18, 2024. He said if the front yard fence and gate height variance were to be approved by the Board of Zoning Appeals, Ms. Beane will have to follow the Ohio Building Code and a Building Plan Review will be conducted by the Building and Zoning Department for the permit to be issued.

Opponents/Proponents - None

Close Public Hearing - BZA 2024-04

With no further comments, Mr. Kempe closed the Public Hearing regarding BZA case 2024-04 at 6:03 PM.

Call to Order

Board of Zoniong Appeals Meeting called to order at 6:03 PM.

Jim Kempe	Chair	Present
Patricia Bond	Member	Present
Sharon Duff	Member	Present
Tom Hicks	Member	Absent

Staff Members Present: City Planner Nick Sorice and Building and Zoning Administrator Brent Carpenter

Approval of Minutes

Board of Zoning Appeals Meeting Minutes - July 2, 2024

Mr. Kempe asked if there were any changes or corrections to the July 2, 2024, Board of Zoning Appeals meeting minutes. Hearing none, the minutes were approved as submitted.

Business

Decision - BZA case 2024-04 - 5000 Shank Road Fence & Gate Height Variance - Front Yard

Mrs. Bond moved to approve the applcation for BZA Case 2024-04; Mrs. Duff seconded the motion.

RECORD OF PROCEEDINGS

Minutes of **Board of Zoning Appeals**

Held **November 5, 2024**

RESULT: Passed (*Yes 3, No 0, Abstained 0*)
MOVER: Patricia Bond
AYES: Jim Kempe, Sharon Duff, Patricia Bond
NAYS: None
ABSTAIN: None

Other Business - None

Adjournment

Meeting adjourned at 6:05 PM.

Staff Report

Department: Community Development

Request: Staff Report

Item Background and Purpose:

The Moraine Board of Zoning will be holding a meeting to hear an appeal request (Case No. 2025-01) submitted by Dave Williams and KAP Signs for the premises located at 2770 East River Rd. City Lot No. 3234. The appellant requests an appeal to Moraine Codified Ordinances (MCO) sections: 1. MCO 1189.09 (a): Free standing signs shall not exceed one hundred (100) square feet in area, with no single face exceeding fifty (50) square feet. 2. MCO 1189.09 (b): Only one (1) free standing sign per business shall be allowed. 3. MCO 1189.09 (c): The height of a free standing sign shall be equal to the height of the building served by the sign or eighteen (18) feet, whichever is less. Appellant requests to add second free standing sign. The second sign would be 35 feet tall and have 2 pylon signs. The larger pylon sign would be 174.44 sq ft and the second pylon sign would be 100 sq ft. The sign is for a new business at 2770 East River Road. The business is in an M-1 district. This sign is comparable to adjacent businesses' free standing signs along the I75 corridor.

Attachments:

Decision - BZA 2025-01 2770 E. River Road-TNT Sign Variance Request

Department: Community Development

Request: Staff Report

Item Background and Purpose:

Appellant requests to add second free standing sign. The second sign would be 35 feet tall and have 2 pylon signs. The larger pylon sign would be 174.44 sq ft and the second pylon sign would be 100 sq ft. The sign is for a new business at 2770 East River Road. The business is in an M-1 district. This sign is comparable to adjacent businesses' free standing signs along the I-75 corridor.

Attachments:

1. 2025-01 2770 East River Legal Notice
2. 2025-01 2770 East River application
3. 2025-01 2770 East River Property owner notice
4. Envelopes 2770 E River BZA
5. 2025-01 2770 East River Site Plan
6. 2025-01 2770 East River Sign Plans
7. 2025-01 TRC Staff Comments



4200 Dryden Road, Moraine, Ohio 45439-1495 Community Development (937) 535-1030 Fax (937) 535-1284
www.ci.moraine.oh.us

BZA 2025-01 LEGAL NOTICE

The Moraine Board of Zoning will be holding a meeting to hear an appeal request (Case No. 2025-01) submitted by Dave Williams and KAP Signs for the premises located at 2770 East River Rd. City Lot No. 3234.

The appellant requests an appeal to Moraine Codified Ordinances (MCO) sections:

1. MCO 1189.09 (a): Free standing signs shall not exceed one hundred (100) square feet in area, with no single face exceeding fifty (50) square feet.
2. MCO 1189.09 (b): Only one (1) free standing sign per business shall be allowed.
3. MCO 1189.09 (c): The height of a free standing sign shall be equal to the height of the building served by the sign or eighteen (18) feet, whichever is less.

Appellant requests to add second free standing sign. The second sign would be 35 feet tall and have 2 pylon signs. The larger pylon sign would be 174.44 sq ft and the second pylon sign would be 100 sq ft. The sign is for a new business at 2770 East River Road. The business is in an M-1 district. This sign is comparable to adjacent businesses' free standing signs along the I-75 corridor.

The meeting will be held on Tuesday, October 14, 2025, at the Payne Recreational Center, 3800 Main Street, Moraine, Ohio 45439. Any person interested in or affected by this public meeting may appear and be heard at said public meeting. Additional information regarding this proposal may be obtained by visiting the Department of Community Development or by calling (937) 535-1030.

All interested parties are invited to attend.

Brent Carpenter
Building and Zoning Administrator
937-535-1038

BZA 2025-01

<u>Case #</u>	<u>Accela Application #</u>	<u>Fees</u>	<u>Date Paid</u>	<u>Receipt #</u>
<u>2770 E. River Rd.</u> Address/Location of Property	<u>Moraine, OH 45439</u> City, State, Zip	<u>344.04105.0045</u> City Lot #	<u>M-1</u> Zoning District	

APPELLANT/APPLICANT:

David Williams /KAP Signs
Name

7464 Webster St. Dayton, OH 45414
Address City, State, Zip

937-223-2155
Phone/Fax

dmwilliams@kapsigns.com
Email

OWNER:

TNT Fireworks
Name

4511 Helton Dr. Florence, AL 35630
Address City, State, Zip

256-718-2415
Phone/Fax

HawkK@tntfireworks.com
Email

Appellant's reason for requesting a variance:

We are requesting a variance to the size and height allowance for a free standing sign along I-75. A sign of this size is needed for visibility by northbound as well as southbound traffic. TNT Fireworks wants to have the same ability to advertise as their neighboring businesses. We are requesting a variance to allow two free standing signs on this property.

David M. Williams
Signature of Appellant

8.19.25
Date

OFFICE USE ONLY

Has any previous applications been filed for property? NO Date _____

Special Exceptions

Variance Request (code sections)

Appeals

Other

List of contiguous property owners: Date Mailed: 09 / 12 / 2025

4 MCCONNELLS LLC 2700 E RIVER ROAD MORaine, OHIO 45439

EVERSTAR RIVER ROAD LLC 824 FAR HILLS AVE DAYTON, OHIO 45419

MIAMI CONSERVANCY DISTRICT 38 E MONUMENT AVE DAYTON, OHIO 45402

HOUSER REAL ESTATE 2620 E RIVER RD DAYTON, OHIO 45439

VANDERPOHL PROPERTY LLC 2221 ARBOR BLVD DAYTON, OHIO 45439

DDN Advertisement Deadline

DDN Publication Dates

Meeting Date:

Approved/Denied/Notes:

ACCELA PERMIT #

Date Issued



4200 Dryden Road, Moraine, Ohio 45439-1495 Community Development (937) 535-1030 Fax (937) 535-1284
www.ci.moraine.oh.us

09/24/2025

Dear Property Owner,

As a property owner located next to or across from a property whose owner is requesting a variance to Moraine Building & Zoning Code, the City is notifying you of a public hearing where the case will be heard. You are invited to attend or send someone as your representative. You may also call 937-535-1037 to ask any questions or make any comments. Below is the description of the case and the time and location of the public hearing.

BZA 2025-01 LEGAL NOTICE

The Moraine Board of Zoning will be holding a meeting to hear an appeal request (Case No. 2025-01) submitted by Dave Williams and KAP Signs for the premises located at 2770 East River Rd. City Lot No. 3234. The meeting will take place on October 14, 2025 at 6:00 pm at the Payne Recreation Center.

The appellant requests an appeal to Moraine Codified Ordinances (MCO) sections:

1. MCO 1189.09 (a): Free standing signs shall not exceed one hundred (100) square feet in area, with no single face exceeding fifty (50) square feet.
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All interested parties are invited to attend.

Brent Carpenter
Building and Zoning Administrator
937-535-1038



City of Moraine
4200 Dryden Road
Moraine, OH 45439-1495



City of Moraine
4200 Dryden Road
Moraine, OH 45439-1495

Vanderpohl Property LLC
2221 Arbor Blvd
Dayton, Ohio 45439

Houser Real Estate
2620 E. River Road
Dayton, Ohio 45439

Second Notice with amended date
Mailed on 9/24/25



City of Moraine
4200 Dryden Road
Moraine, OH 45439-1495



City of Moraine
4200 Dryden Road
Moraine, OH 45439-1495

Miami Conservancy District
38 E. Monument Ave.
Dayton, Ohio 45402

Everstar River Road LLC.
824 Far Hills Ave.
Dayton, Ohio 45419

Second notice with amended date
Mailed on 9/24/25



City of Moraine
4200 Dyden Road
Moraine, OH 45439-1495

4 McConnells LLC.
2700 E. River Road
Moraine, Ohio 45439

Second notice with amended data
Mailed on 9/24/25



****DISCLAIMER:**

This map is a visual presentation of data to be used as a public resource of general information and is provided strictly as a courtesy. The Montgomery County Auditors Office makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any information provided herein.

Furthermore The Montgomery County Auditors Office shall assume no liability for

1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused; or
2. Any decision made or action taken or not taken by the reader in reliance upon any information furnished hereunder.

Note: Exact property boundaries must be derived by a legal survey of the property.



1 inch = 215 ft

TNT Fireworks 2770 East River Rd. Moraine, Ohio 45439

TNT Site Map Building Elevations 2 (6-26-2025)

Site Map



Client Signature insures that all spelling, colors and specifications for signage rendered on this sketch meet client satisfaction. Approved by: _____ Date: _____

The original design and information contained herein are the property of KAP Signs and subject to return. Any reproduction or reuse of this drawing without the express written consent of KAP Signs is strictly forbidden.
Violators will be held accountable for their actions and any viable legal action will be pursued to correct any damages that result from improper use of these materials.

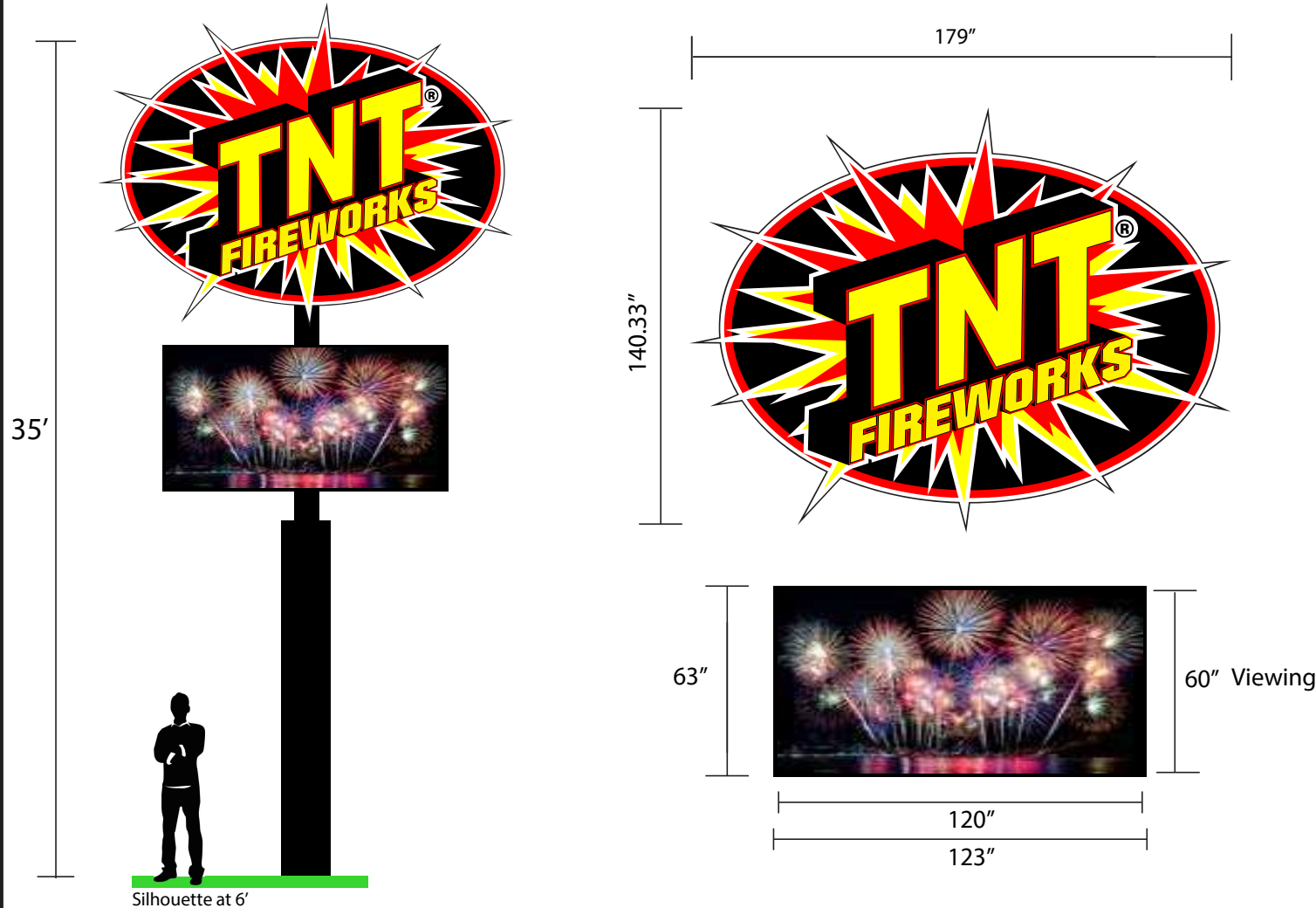


TNT Pylon Sign Options 2.3



TNT Fireworks 2770 East River Rd. Moraine, Ohio 45439

TNT Pylon Sign Options 2.3 (9-10-2025)



Matthews Black	Cabinets
Orcal 8800-070 Black	Vinyl
Orcal 8800-031 Red	Orcal 8800-021 Yellow
 watchfire® 10 mm or 16 mm Full Color	

Furnish and install (1) double faced internally illuminated pylon sign. Top cabinet to be aluminum fabricated painted black. Flex face digital printed make logo. Bottom cabinet to be aluminum painted black with flat faces with first surface applied vinyl to make copy. White LED illumination on both cabinets. Electronic message centers to be full color (10 mm or 16mm) with a viewing area of 5' H x 10' W. Pole to be painted black. Overall size 140.33" H x 179" W, totaling 174.44 square feet.

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TNT Fireworks 2770 East River Rd. Moraine, Ohio 45439

TNT Pylon Sign Options 2.3 (9-10-2025)

PRODUCT SPECIFICATIONS

Pixel Pitch:	W10mm LED RGB
Pixel Matrix:	150H X 300W
Ventilation Style:	Front Ventilation
Cabinet Size:	5ft 5in H x 10ft 3in L x 8in D
Viewing Area:	5ft H x 10ft L
Cabinet Style:	Double Face
Character Size:	18 lines / 60.0 Characters at a 3" type
Approx. Weight:	1187.00 Lbs.
Warranty:	Standard 5 Year Watchfire warranty applies.
Mfg. Lead Time:	3-5 weeks (Based on signed quote, receipt of deposit, and artwork approval - if applicable)
Electrical Service:	120 VOLT 60.0 amps (30.00 per face) Single Phase Service. Refer to the Installation manual for details on wiring. Based on 18 hours of operation a day, plus or minus 10% depending on how the sign is programmed. <i>Example: 37.3 KWHrs x \$0.12 = \$4.48/Day</i>

STANDARD FEATURES

Brightness	Daytime 7500 NITs Maximum; Nighttime 700 NITs Maximum
Color	LED RGB
Color Capability	Min. 1.2 Quintillion
Includes	Ignite Graphics Software
Video	Up to 30FPS
Viewing Angles	150 Horizontal/95 Vertical

OPTIONS

Software	Ignite OPx (cloud-based)
Software Training	Web Based Software Training
Communications	OPx - 4G Wireless with Watchfire Cellular Data Plan
Wireless Data Plan	Life-of-sign Data Plan
Cabinet Separation	Standard Up To 15 Feet
Power Requirements	US 120 Volts
Temperature Sensor	Not Ordered
Painted Cabinet Back	Not Ordered
Sign Mounting Kit	Not Ordered / Not Required
Technician On-Site	Not Ordered
Warranty	Standard 5-Year Parts
Spare Parts Kit	Not Ordered

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MANUFACTURER

WARRANTY

Watchfire warrants its manufactured displays against defects in material and workmanship for 5 years from the date of shipment when installed according to published guidelines and operated in typical environmental conditions. During the warranty period, Watchfire will repair or replace those parts of the display system which prove to be defective. Repaired or replaced parts provided under warranty will be covered for the balance of the original warranty period. Parts replaced or repaired outside of any warranty period shall have a warranty of replacement for 1 year from date of shipment.*

*Any parts not manufactured by Watchfire, but which are added to the System manufactured by Watchfire, are covered only by their original manufacturer's warranty. Watchfire is not responsible for availability of telecommunications or Internet or for limitations caused by environmental conditions or incompatibilities with other systems.



5-YEAR

MANUFACTURER

WARRANTY

TECHNICAL REVIEW COMMITTEE

Michael Davis, City Manager
Nick Sorice, City Planner
Brent Carpenter, Building and Zoning Administrator
Lauren Alvarado, City Engineer
Doug Hatcher, Fire Inspector
Beth Waters, Permit Secretary

Staff Comments

BZA CASE 2025-01

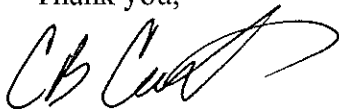
Location: 2770 East River Road. City Lot No. 3234

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Thank you,



Brent Carpenter
Building and Zoning Administrator