



Board of Zoning Appeals

~Agenda~

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Clerk of Council
937-535-1005

March 10, 2026

6:00 PM

- I. Call to Order - Organizational Meeting**
- II. Approval of Minutes**
 - A. Board of Zoning Appeals Meeting Minutes - October 14, 2025
- III. Business**
 - A. Nomination of Officers
 - B. Review of Bylaws and Robert's Rules of Order
 - C. Discussion
- IV. Other Business**
- V. Adjournment**

RECORD OF PROCEEDINGS

Minutes of Board of Zoning Appeals

Held October 14, 2025

Call to Order

Meeting called to order at 6:00 PM.

Jim Kempe	Chair	Present
Patricia Bond	Member	Present
Sharon Duff	Member	Present

Mr. Kempe reported that all board members were sworn in prior to the start of the meeting. He requested a nomination for Chairperson for 2025.

Mrs. Bond nominated Mr. Kempe as Chairperson; Mrs. Duff seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)

MOVER: Patty Bond

AYES: Jim Kempe, Sharon Duff, Patty Bond

NAYS: None

ABSTAIN: None

Approval of Minutes

Board of Zoning Appeals Meeting Minutes - November 5, 2024

Mr. Kempe asked if there were any changes or corrections to the November 5, 2024, Board of Zoning Appeals meeting minutes. Hearing none, the minutes were approved as submitted.

Public Hearing - BZA 2025-01

Mr. Kempe opened the Public Hearing regarding BZA Case 2025-01.

The Clerk of Council administered the Oath to individuals present to provide testimony.

Staff Report

Building and Zoning Administrator Brent Carpenter provided a Staff Report. He said the application for a variance was submitted by Dave Williams of KAP Signs for premises located at 2770 East River Road, City Lot No. 3234. He reported that the appellant requests an appeal to the following sections of the Moraine Codified Ordinances (MCO). Sections 1. MCO 1189.09 (a): Freestanding signs shall not exceed one hundred (100) square feet in area, with no single face exceeding fifty (50) square feet; Section 2. MCO 1189.09 (b): Only one (1) freestanding sign per business shall be allowed; and Section 3. MCO 1189.09 (c): The height of a freestanding sign shall be equal to the height of the building served by the sign or eighteen (18) feet, whichever is less. Mr. Carpenter noted that the appellant requests to add a second freestanding sign which would be 35 feet tall and have two pylon signs. He noted the larger pylon sign would be 174.44 square feet and the second pylon sign would be 100 square feet. He said the sign is for a new business at 2770 East River Road. He noted that the business is in an M-1 district and the sign is comparable to adjacent businesses' freestanding signs along the I-75 corridor.

Opponents / Proponents

Mr. Dave Williams provided testimony regarding the request for a variance. Due to sound issues with the microphone, the testimony was mostly inaudible.

Mr. Kempe said he was in the area to see what signage other businesses have in the area. He said that other than the big electrical sign down by Orbit, he saw no highway signs typical of

RECORD OF PROCEEDINGS

Minutes of **Board of Zoning Appeals**

Held **October 14, 2025**

those he sees going down Interstate 75. He asked Mr. Williams if there were other similar-sized signs in Moraine?

Mr. Williams discussed the signage on the properties to the north and south and in the corridor.

David Butler of TNT Fireworks provided testimony regarding the application. Due to sound issues with the microphone, the discussion was mostly inaudible. Mr. Butler did state that TNT is very excited to have a location in the City of Moraine.

Mr. Kempe asked if the proposed digital sign is strictly for presenting TNT's message, or will it be used to carry messages for other concerns?

Mr. Butler replied the sign is strictly for TNT messaging.

Mr. Kempe asked if anyone else would like to speak regarding this case.

There were no other opponents or proponents wishing to speak regarding Case No. 2025-01.

Close Public Hearing

Mr. Kempe closed the Public Hearing for BZA Case 2025-01 at 6:11 PM.

Business

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

Mr. Kempe asked Mr. Carpenter if this request is in line with what was laid out in the Staff Report and if there are any concerns from staff?

Mr. Carpenter said the TNT sign is in line with the Mandalay sign and would be the same height.

Mr. Kempe asked for a motion to approve the request for a sign variance.

Mrs. Bond moved to approve; Mrs. Duff seconded the motion.

RESULT: Passed (*Yes 3, No 0, Abstained 0*)

MOVER: Patty Bond

AYES: Jim Kempe, Sharon Duff, Patty Bond

NAYS: None

ABSTAIN: None

Other Business - None

Adjournment

Meeting adjourned at 6:13 PM.

Review of Bylaws and Robert's Rules of Order

Department: Clerk of Council

Request: Staff Report

Item Background and Purpose:

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Attachments:

1. BZA Overview Presentation
2. Robert's Rules of Order - Motions Chart - Revised

CITY OF MORAINE BOARD OF ZONING APPEALS

EFFECTIVE MEETING
MANAGEMENT
&
OVERVIEW OF ROBERT'S
RULES OF ORDER



ROLES OF PARTICIPANTS

- Chairperson
 - Plan Meeting
 - Start Meeting
 - Controls Discussion
 - Quiets the Talkative
 - Draws out the Silent
 - Facilitate meeting
 - Summarizes/Ends all Meetings or Actions
 - Monitors Follow Through

ROLES OF PARTICIPANTS

- Members or Attendees
 - Arrive On Time
 - Provide Feedback
 - Assist in the Pre-Planning as Needed
 - Commit to Actions or Decisions Made
 - Remain Constructive
 - Follows Requirements of By-laws

BY-LAWS

- Highest Authority
- Clearly Defined Executive Roles
- Easy to Read and Follow
- Robert's Rules of Order
- Rules May Not Be Suspended Unless By-laws Allow for Such

ORDER OF BUSINESS

- Regular Meeting
 - Roll Call
 - Approval of Minutes
 - Administration of Oaths
 - Administered by the Secretary
 - All providing testimony, including staff members, must take the oath
 - Public Hearing(s)

ORDER OF BUSINESS (CONTINUED)

- Reconvene Regular Meeting
- Decisions on Cases; Deliberation of other items of business
- Building & Zoning Administrator's Report
- Items of the Public
- Matters of the Board
- Adjournment

PUBLIC HEARINGS

- All facts of the case must be presented during the hearing
- All questions of the applicant or staff must occur during the hearing
- If sworn testimony is provided, appeals may only be filed on material presented during the hearing
- Once adjourned, no questions or additional information may be entered into the record

PUBLIC HEARING FORMAT

- Call to Order
- Call for Abstentions
- Staff Report & Summary of Case
 - Questions of the Staff Member
 - No Time Limit
- Applicant
 - Questions of the Applicant
 - No Time Limit

PUBLIC HEARING FORMAT

- Proponents (Those in Favor)
 - Questions of Proponents
 - Time Limit: 5 minutes (unless changed by board)
- Opponents (Those Opposed)
 - Questions of Opponents
 - Time Limit: 5 minutes (unless changed by board)
- Rebuttal
 - Time Limit: 5 minutes (unless changed by board)
- Adjournment

PUBLIC HEARING FORMAT

- Changes to the Order of Business may be made by majority vote
- Time limits may be established or changed by majority vote
- If additional information is needed, the public hearing may be reopened immediately or continued to a specified time and date
- Public hearings may be called as required by law or as determined by the Board to be in the public's interest

DELIBERATION & DECISION

- Deliberation
 - No questions!
 - No new information!
 - Disagreement vs. disrespect
 - May take place in the Public Hearing if desired
- Decision
 - Motion and Second (in the affirmative)
 - Roll Call
 - A failed motion to approve is the same as a motion to deny

DECISION PROCEDURE

- Adjourn the hearing
- Reconvene the meeting
- Deliberate and decide on the subject of the public hearing
 - More efficient
 - Easier to remember the facts of the case
 - Reduces the likelihood of errors
 - Reduces the temptation to ask questions

ROBERT'S RULES OF ORDER

Parliamentary Procedure is a time-tested method for the smooth functioning of an assembly and to provide answers to questions of procedure that may arise.

Robert's Rules of Order Newly Revised (12th edition, 2020) is the basis for most instruction on parliamentary procedure.

6 STEPS TO EVERY MOTION

- Member is recognized and makes a motion
- Another member seconds the motion
- The presiding officer restates the motion
- The members debate the motion
- Vote occurs
- Result is announced, instructions are issued and the next item of business is introduced

PHRASING A MOTION

- A Quick Reference Chart is available describing the order of precedence
- Motions should be in the affirmative - even if you oppose it!

MOTIONS WITHOUT THE 6 STEPS

- Privileged Motions
 - Question of Privilege
 - Call for the Orders of the Day
- Incidental Motions
 - Point of Order
 - Point of Information
 - Division of Assembly
 - Object to Consideration

GENERAL EXCEPTIONS

- The presiding officer may offer a course of action “if there is no objection.” If no objection is raised, the 6 steps are skipped, and the motion is adopted.
- This procedure is used effectively for adoption of the minutes.

NON-DEBATABLE MOTIONS

- Recess
- Orders of the Day
- Lay/Take From the Table
- Limit or Close Debate
- Division of the Assembly
- Division of the Question
- Suspend the Rules
- Reconsider a Motion
- Dispense with Reading of the Minutes

NON-DEBATABLE MOTIONS

(CONTINUED)

- Adjourn
- Objection to Consideration of the Motion
- Previous Question (close debate)
- Limit or Extend Limits of Debate
- Parliamentary Inquiry
- Point of Information
- Point of Order
- Raise a Question of Privilege
- Appeal from the Decision of the Chair

5 WAYS TO MODIFY A MOTION

- Informally (prior to announcement)
- Unanimous Consent
- Motion to Amend
- Refer to Committee
- Substitute Motion

3 WAYS TO AMEND A MOTION

- Inserting Words or Paragraphs
 - Striking Out Words or Paragraphs
 - Inserting and Striking Out Words or Paragraphs
- *Amendments may also be amended

PROCESSING AN AMENDMENT

- The amendment should be debated and voted on prior to the consideration of adoption of the main motion
- There is no need to withdraw the main motion if another member wishes to amend the motion
- Order of Precedence

NON-AMENDABLE MOTIONS

- Adjourn
- Orders of the Day
- Division of the Assembly
- Lay/Take from Table
- Dispense with Reading of the Minutes
- Objection to consideration of the question
- Postpone Indefinitely

NON-AMENDABLE MOTIONS (CONTINUED)

- Previous Question (Close Debate)
- Parliamentary Inquiry
- Point of Information
- Raise Question of Privilege
- Suspend the Rules
- Appeal Decision of the Presiding Officer
- Reconsider Motion

OUT OF ORDER MOTIONS

- Motions that conflict with by-laws
- Motions that have already been rejected during the same session or conflict with adopted motions
- Motions that conflict or present the same question that has been temporarily disposed of
- Motions that propose actions outside of the scope of the organization's by-laws

QUICK SUMMARY

- The organization is paramount
- All participants must perform their given roles
- Effective leadership means effective meetings
- By-laws are the highest authority
- Motions should be in the affirmative
- Motions may be amended or modified prior to adoption without withdrawing the main motion
- Permissible interruptions don't require a 2nd

Robert's Rules of Order Motions Chart

Based on *Robert's Rules of Order Newly Revised (12th Edition)*

Part 1: Main Motions

These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.

§	Purpose	You Say	Interrupt?	2nd?	Debate?	Amend?	Vote
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break	I move to recess for ...	No	Yes	No	Yes	Majority
§19	Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate	I move the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10	Bring business before assembly	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Part 2: Incidental Motions

No order of precedence. These motions arise incidentally and are decided immediately.

§	Purpose	You Say	Interrupt?	2nd?	Debate?	Amend?	Vote
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29	Demand a rising vote	I move for a rising vote	Yes	No	No	No	None
§33	Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
§33	Request for information	Point of information	Yes	No	No	No	None

Part 3: Motions That Bring a Question Again Before the Assembly

No order of precedence. Introduce only when nothing else is pending.

§	Purpose	You Say	Interrupt?	2nd?	Debate?	Amend?	Vote
§34	Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Maj. w/notice
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

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Discussion

Department: Clerk of Council

Request: Staff Report

Item Background and Purpose:

Attachments: