

**CITY OF KETTERING, OHIO**  
**BOARD OF ZONING APPEALS**

**MINUTES**  
**December 14, 2009**

Members Present: Carl Evers, Chairperson  
Hubert Webster, Vice-Chairperson  
Rob Pretzinger, Secretary  
Ronald Hershey  
Albert L. Sessler

City Staff Present: Ron Hundt, City Planner

The Board of Zoning Appeals of the City of Kettering, Ohio held its regular meeting on Monday, December 14 2009, at 7:30 p.m. in the Council Chambers of the Kettering Government Center, 3600 Shroyer Road. The Chairperson called the meeting to order.

The Chairperson explained the method by which appeals would be heard. Anyone has the right to appeal a decision of the Board within five working days to the Clerk of Council, Connie S. Gaw. A decision of the Board is good for a period of six months.

The meeting was audio and video recorded.

The first order of business was the approval of the Minutes of the Board meeting held on November 9, 2009. The minutes were approved as written. VOTE: 5:0

**Case #4006 (Re-opened)**

Pastor Dan Stevens  
Kettering Seventh-Day Adventist Church  
3939 Stonebridge Rd.  
Kettering, OH 45419 (Agent for Owner)  
(Pretzinger)

Request for re-approval of variances for a new sign at the Seventh Day Adventist Church, at 3939 Stonebridge Road.

Location: Along the south side of Stonebridge Rd., approximately 20 feet west of the intersection of Stroop Rd.

Officials from the Seventh Day Adventist Church, at 3939 Stonebridge Road have proposed to erect a new freestanding monument sign to replace one of the freestanding identification signs currently on this property. **Chapter 1171** of the Kettering Zoning Code establishes the standards for signs, including the maximum size and area for changeable copy on a freestanding sign. On October 26, 2009, the Kettering Board of Zoning Appeals completed a public hearing on this request and made a motion to approve the following variances.

- **C.O. 1171.08** establishes a maximum sign area of 24 square feet for all freestanding signs on a property containing a conditional use. The church intends to place a new 33.5 s.f. sign on top of their existing sign in the front yard of the church, but remove the letters on their existing sign. The total sign area would amount to 33.5 s.f. A variance of 9.5 s.f. is required.
- **C.O. 1171.09** establishes a maximum of 50% of any sign to be allocated for changeable copy. As proposed, the new freestanding sign would have a digital LED changeable sign area equal to 77.6% of the overall sign. A variance of 27.6% is required.

Unfortunately, when the Board made their motion to approve this request, the standards for approving both variances were not substantiated with written findings of fact as required by **C.O. 1175.11**. Therefore, City staff was obliged to appeal this decision to the Kettering City Council. On November 10, 2009 City Council remanded this case back to the Board of Zoning Appeals for further proceedings so as to render a decision in this case in conformance with Section 1175.11 of the Zoning Code of the City of Kettering. The applicant has submitted an addendum to their application that stipulates their rationale for approval, with a request that the Board re-approve the two variances based on written findings of fact.

The following exhibits and file contents were presented and are made a part of the permanent record for BZA Case #4006, which shall be kept on file in the Planning & Development Department:

Application filed July 29, 2009

Two exhibits submitted with the application, including:

- 1 – Proposed Sign for Seventh Day Adventist Church
- 2 – Photos of Current Sign

Six exhibits submitted for the second public hearing, including:

- 3 – Revised Sign with Message Only
- 4 – Revised Sign with Message and Graphic
- 5 – Signatures of Neighbor Endorsements
- 6 – Revised Size of Three Line Message
- 7 – Revised Size of Three Line Message & Graphic
- 8 – Revised Size of Two Line Message

Addendum to Appeal of BZA Decision – Case No. 4006 (2 pages)

One exhibit submitted at the second public hearing (now labeled):

- 10 – List of Community Use of Church

Board of Zoning Appeals Notice of Public Hearing dated September 17, 2009

Board of Zoning Appeals Notice of Public Hearing dated October 16, 2009

Board of Zoning Appeals Notice of Public Hearing dated December 5, 2009

Legal Notice and Proof of Publication in Cox Ohio Publishing (Dayton Daily News), published August 13, 2009

Legal Notice and Proof of Publication in Cox Ohio Publishing (Dayton Daily News), published September 17, 2009

Address list of neighbors notified of public hearing

Map of nearby property owners

Staff reviews with summary report prepared and presented by Ronald L. Hundt

Revised staff report prepared and presented by Ronald L. Hundt

Letter to applicant dated September 4, 2009

E-mail request from applicant to continue the BZA case dated 09/11/09

Memorandum from Tom Robillard to Secretary of BZA and to Clerk of Council indicating an intent to appeal

Memorandum from Ron Hundt to Dan Stevens dated September 11, 2009

E-mail from Ron Hundt to David Eubank and Tom Robillard dated 11/12/09  
Letter from Ronald L. Hundt to Pastor Dan Stevens dated September 22, 2009  
Memorandum from Ron Hundt to Connie Gaw dated November 5, 2009  
Memorandum from Ron Hundt to Board of Zoning Appeals dated November 11, 2009  
Copies of BZA Minutes for September 14, and October 26, 2009  
DRAFT Motion by Rob Pretzinger  
Meeting logs for August 24, October 26, and December 14, 2009  
Records of Attendance for August 24, October 26, and December 14, 2009  
Council Resolution No. 8724-09 remanding BZA Case #4006 back to the Board of Zoning Appeals

Mr. Pretzinger made the following motion:

**In Case No. 4006** where in Kettering Seventh-Day Adventist Church is the property owner and Pastor Dan Stevens is the Applicant and has appeared before this Board to appeal the refusal of the Zoning Administrator to issue a Zoning Certificate for a electronic sign on property located at 3939 Stonebridge Road in the City of Kettering, with refusal being based upon Codified Ordinances 1171.08, 1171.09 and 1171.10.

I would like to incorporate written variance standards B, D and E in the 26, October 2009 staff report as well as the standards contained in the addendum exhibit nine provided by the church as the preamble to this motion and as the findings of fact in this case. I would also like to impose the previous conditions in the 26 October motion.

**THEREFORE BE IT RESOLVED**, that in **Case No. 4006**, that the motion be approved.

Mr. Webster seconded the motion. VOTE—5:0

**BZA #4016**

Monte Williams  
Kap Signs  
1508 Kuntz Rd.  
Dayton, OH 45404 (Agent for Property Owner)

Brian O. Newcomb  
David's Church of Christ  
170 W. David Rd.  
Kettering, OH 45429 (Applicant/Property Owner)  
(Sessler)

Request to allow two new electronic message boards and a new internally illuminated sign to be installed on an existing brick sign wall at David's Church at 170 W. David Road.

Location: Along the south side of W. David, approximately 100 feet east of the intersection of W. David and Mad River Roads.

Officials from the David's Church have authorized installation of new internally illuminated signs to replace most of the individual letters on an existing brick wall located on the north side of their sanctuary at 170 W. David Road. The new signage would include three different sign panels described below:

- An 8” deep LED sign panel, 28” high by 76” wide to be installed on 2” thick framing on the eastern face of the brick wall, amounting to 14.8 square feet of sign area;
- An 8” deep LED sign panel, 28” high by 76” wide to be installed on 2” thick framing on the western face of the brick wall, amounting to 14.8 square feet of sign area; and
- A double-faced 12” deep internally illuminated church identification sign measuring 17.5 “ high by 76” wide to be installed on top of the brick wall amounting to 9.2 square feet of sign area.

The two LED sign panels would be installed on opposing sides of the existing brick wall, and have a combined width of 28”. These two signs would not be physically connected and would exceed the maximum width for such signage to be considered a single sign face. Therefore, both sign faces are counted separately in terms of the number and area of new signage. The new sign on top of the wall is only 12” deep, and thus is only counted as a single sign face as provided in **C.O. 1171.06C**. In addition to the three new sign panels, the applicant has proposed to keep individual letters on both the eastern and western faces of the existing brick wall. Since the brick wall is only 8” thick and the letters collectively are less than 1” in depth, this existing wall signage proposed to be retained would constitute a single sign. The existing letters they wish to retain are 3” high by 36” long, amounting to .75 square feet.

As designed, the following variances are requested:

As provided in **C.O. 1171.08** the David’s Church (which is a conditional use in a residential zone) is permitted to have up to 2 freestanding signs with a combined total sign area of 24 square feet. As designed the proposed collection of new and existing signage constitutes 4 different signs and thus a variance of two additional signs is requested.

The combined sign area of all four sign panels and individual letters would be 39.6 square feet. **C.O. 1171.08** establishes a maximum sign area of 24 square feet for a conditional use, and thus a sign area variance of 15.6 square feet is requested.

**C.O. 1171.09** establishes a maximum of 50% of the permitted sign area to be allocated for changeable copy. Since the permitted sign area for a conditional use is 24 square feet, the maximum amount of changeable copy is 12 square feet. As proposed, the two new LED signs would have a combined changeable sign area of 29.6 square feet. A variance of 17.6 square feet is requested.

The following exhibits and file contents were presented and are made a part of the permanent record for BZA Case #4016, which shall be kept on file in the Planning & Development Department:

Application filed November 25, 2009

Five exhibits submitted with the application, including:

- 1 — Site Plan of 170 W. David Road (showing existing sign)
- 2 — Photographs of Existing Freestanding Sign (on brick wall)
- 3 — Comparative Elevations of Existing and Proposed Signage
- 4 — Elevation of Proposed Signage
- 5 — Cross Section/Construction Plan of Proposed Signage

Two exhibits submitted via e-mail 12-9-09:

- 6 — Revised Elevation of Proposed Signage
- 7 — Revised Cross Section/Construction Plan of Proposed Signage

Four exhibits submitted at the public hearing (labeled after the exhibits were shown to the Board), including:

8 — Elevation of Church Sign in Centerville (example)

9 — Photograph of Similar Sign in Montgomery, Ohio

10 — Photograph of Similar Sign in Montgomery, Ohio

11 — Eight Examples of Similar Church Signs

Board of Zoning Appeals Notice of Public Hearing dated December 3, 2009

Legal Notice and Proof of Publication in Cox Ohio Publishing (Dayton Daily News), published December 4, 2009

Address list of neighbors notified of public hearing

Map of nearby property owners

13 page description of WatchFire Electronic Message Centers provided to City staff

Staff reviews with summary report prepared and presented by Ronald L. Hundt

Letter dated November 6, 2009 to Ed Langley from Ronald Hundt

Meeting log for December 14, 2009

Record of Attendance for December 14, 2009

Memorandum to Council Clerk indicating an intent to appeal

Mr. Sessler made the following motion:

**In Case No. 4016** wherein David's United Church of Christ is the property owner and Ed Langley of KAP Signs is the Applicant/Agent and has appeared before this Board to appeal the refusal of the Zoning Administrator to issue a Zoning Certificate for a new sign at the place of worship on property located at the southeast corner of West Stroop Road and Mad River Road at 170 West David Road in an R-1 Zoning District, with refusal being based upon **Codified Ordinances 1171.08 and 1171.09**.

I would like to incorporate the reports given to the Board by the City staff and my own report as a preamble to this motion and state that the incorporation of a new sign on the church property appears to be appropriate in this case and with a suitable limitation on certain variations in the sign and its electronic characteristics that this should not be detrimental to the interests of the adjoining property owners.

**THEREFORE BE IT RESOLVED**, that in **Case No. 4016**, the following variances are granted: first that a variance to **Codified Ordinance 1171.08** of 24 square feet of additional sign area is approved to allow two 24 sq. ft. free standing signs to be installed, one on the east side and one on the west side of the existing brick wall as shown in exhibit 6 and 7, and two a variance is granted to **Codified Ordinance 1171.09** for an additional 5.6 square feet of a changeable copy sign to allow two 28 inch tall by 76 inch wide LED changeable sign panels to be installed as part of new signage for David's Church with the following conditions:

1. That the hours of operation for the LED message board (which is the bottom portion of the two signs) be limited to from 6:00 a.m. to 11:00 p.m.;
2. That the font size of the letters be limited so that a maximum of three lines of text or a minimum of two lines of text can be displayed at any one time;
3. That any messages requiring multiple screens be cycled at a rate not faster than 30 seconds and that no text will be displayed as running text, and that no blinking text or graphics will be allowed;
4. That the graphical portion of each side of the sign be limited to not more than 50% of the total electronic message display;

5. That temporary sign allowances will be reduced by 50%, which means no more than 3 times per year on the subject property; and
6. That any text messages will be done with amber lights.

Mr. Hershey seconded the motion.

VOTE—5:0

There was no further business to come before the Board. Motion was made, seconded and carried that the meeting be adjourned.

The meeting adjourned at 8:40 p.m.

Carl Evers, Chairperson

Rob Pretzinger, Secretary