

APPLICATION FOR ZONING ACTION

TO: Boone County Planning Commission City of Union Board of Adjustmen
 City of Florence Board of Adjustment City of Walton Board of Adjustme
 Boone County Board of Adjustment Zoning Enforcement Officer

FOR: Zoning Text Amendment Zoning Map Amendment
 Comprehensive Plan Change Preliminary Plat Approval
 Improvement Plat Approval Final Plat Approval
 Conditional Use Permit Site Plan Review
 Concept Development Plan Historic District Overlay
 Preliminary Development Plan Sign Permit
 Change of Non-Conforming Use Appeal or Variance
 Design Review Board Hearing and Certificate of Appropriateness

Applicant: LACKNER CUSTOM SIGN Owner Agent

Address: 1120 EASTERN AVE
CINCINNATI OHIO 45202 Telephone: 241-3780

Location: TOYS -R- US

Name of Owner: FLORENCE PLAZA /CONNECTOR DRIVE

Address of Owner: DEED BOOK 316/120 62T-4M3 GROUP 2040

Zone: 19, SECT 1912 C-2 Area in Acres: 5.224 Acr.

Description of Request: INSTALL 1 ADDITIONAL S/F WALL SIGN, ILLUMINA
ON NORTH ELEVATION

Owner's Signature: John Cressy

Applicant's Signature: John F. Schneider

FOR PLANNING COMMISSION USE:

Date application and fee of \$ _____ Received: _____

Referred to: _____ For Meeting Date: _____

Action: _____ Date: _____

BOARD of ZONING ADJUSTMENT and APPEALS CHECKLIST

MEETING: OCTOBER 10, 1984

I. GENERAL INFORMATION

Applicant's Name: Lackner Custom Sign Co (agent) for Toys-R-Us (lessee)

Interest in Property: and on property owned by Florence Plaza

Location and/or Address of the Property: Off of Connector Drive, Florence
which is off of Mall Road (being behind the current Chi-Chi's
Restaurant)

Deed Book: 316 Page Number: 120 Group Number: 2040

Request of the Applicant: To permit a second building mounted sign
for the store being a variance in the number of building mounted
signs allowed.

Present Zoning of the Property and the Affected Sections of the
Regulations: Presently zoned Commercial Two, C-2 but affecting
Section 1912 of the sign regulations found on page 19-3.

Present Use of the Subject Property and the Adjoining Property(s):
Present use of the subject property is a developing commercial
shopping center. Adjoining to the north, south, and east
is commercial land uses. To the west is current residential land
use.

III. VARIANCE REQUESTS:

1. *What Variance is Needed and to What Section(s) do They Apply:*

A variance is needed in the number of building mounted signs permitted for a single business, which is regulated by Section 1912 of Article 19. This Section states that each business is permitted one flat or wall sign at 1.5 square feet per lineal foot of building width and that business located on a corner is permitted one sign per frontage.

2. *What Could be the Unique Conditions to Justify the Granting of the Request:*

If the Board decides to approve this request, one unique condition of the shopping center development is the arrangement of the building on the site. The development does not run parallel to Connector Drive, but generally is at a 45 degree angle to the road, for this building.

3. *What Reasonable Use of the Land Will be Denied if This is not Granted:*

I do not believe that the applicant nor the business will be denied any reasonable use because the business has already had approved and erected one building mounted sign (see enclosed plans). Also, this board granted to the shopping center a variance for a free-standing sign. This business has 91.7 square feet

4. *Has the Applicant Caused These Unique Conditions? on this sign on Mall Rd.*

The applicant has not caused these unique condition, but the developer has due to the arrangement of the building on the site as they have developed this property.

5. *Will the Variance be Detrimental, or will it Preserve, the Public Welfare and How? Will it Alter the Essential Character of the Neighborhood?*

The variance, if granted, will not be detrimental to the Public Welfare. Currently the corner lots on Mall Road, in some cases have double signage as allowed, so it may not change the total character. But only two businesses have been allowed a variance for more signage, those being Chuck E. Cheese's and G.D. Ritzy's restaurant.

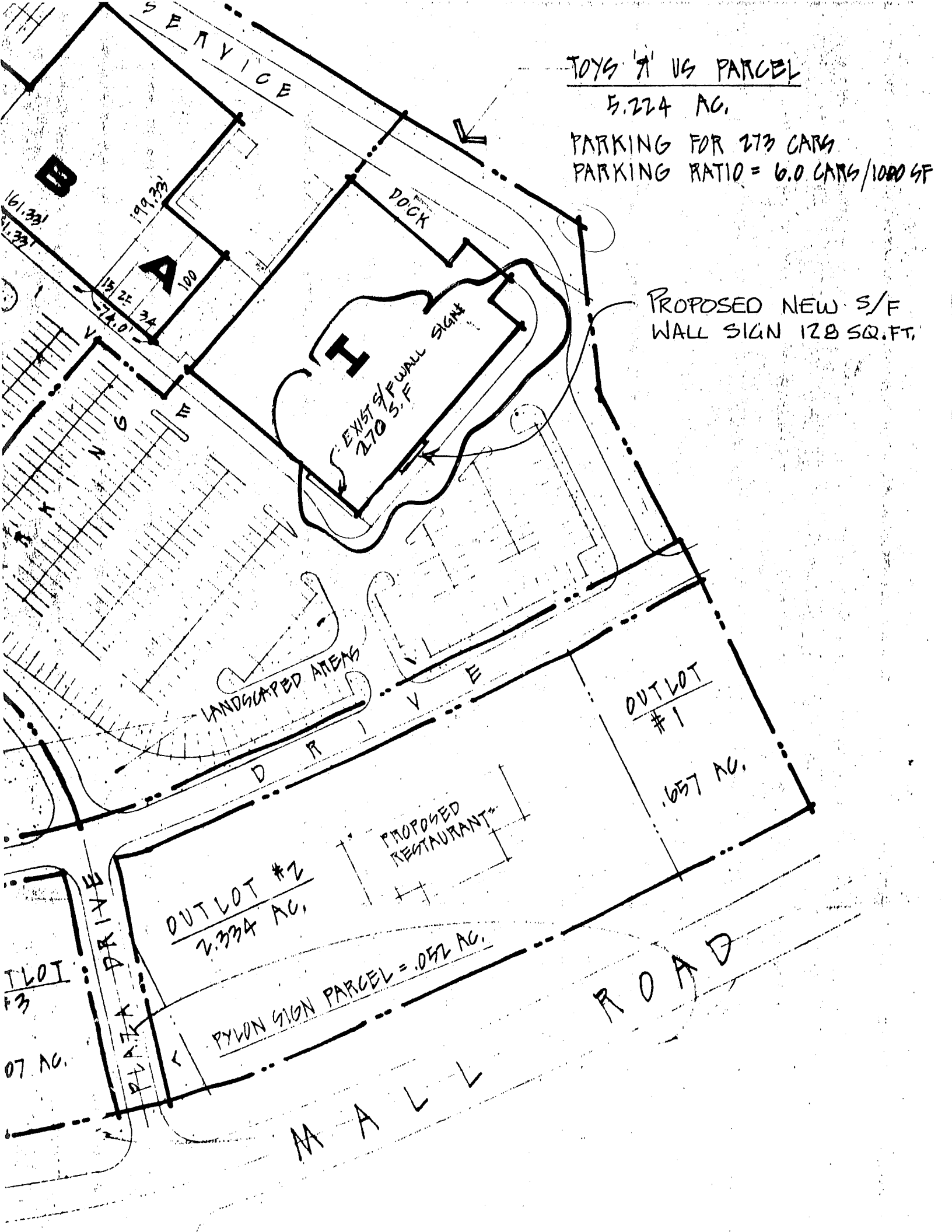
TOYS 'R' US PARCEL

5.224 AC.

PARKING FOR 273 CARS

PARKING RATIO = 6.0 CARS/1000 SF

PROPOSED NEW S/F
WALL SIGN 128 SQ. FT.



EXIST S/F WALL SIGN
270 S.F.

LANDSCAPED AREAS

OUTLOT #1

1.657 AC.

OUTLOT #2
2.334 AC.

PROPOSED RESTAURANT

PYLON SIGN PARCEL = .052 AC.

TLOT #3
0.07 AC.

MALL ROAD

B

A

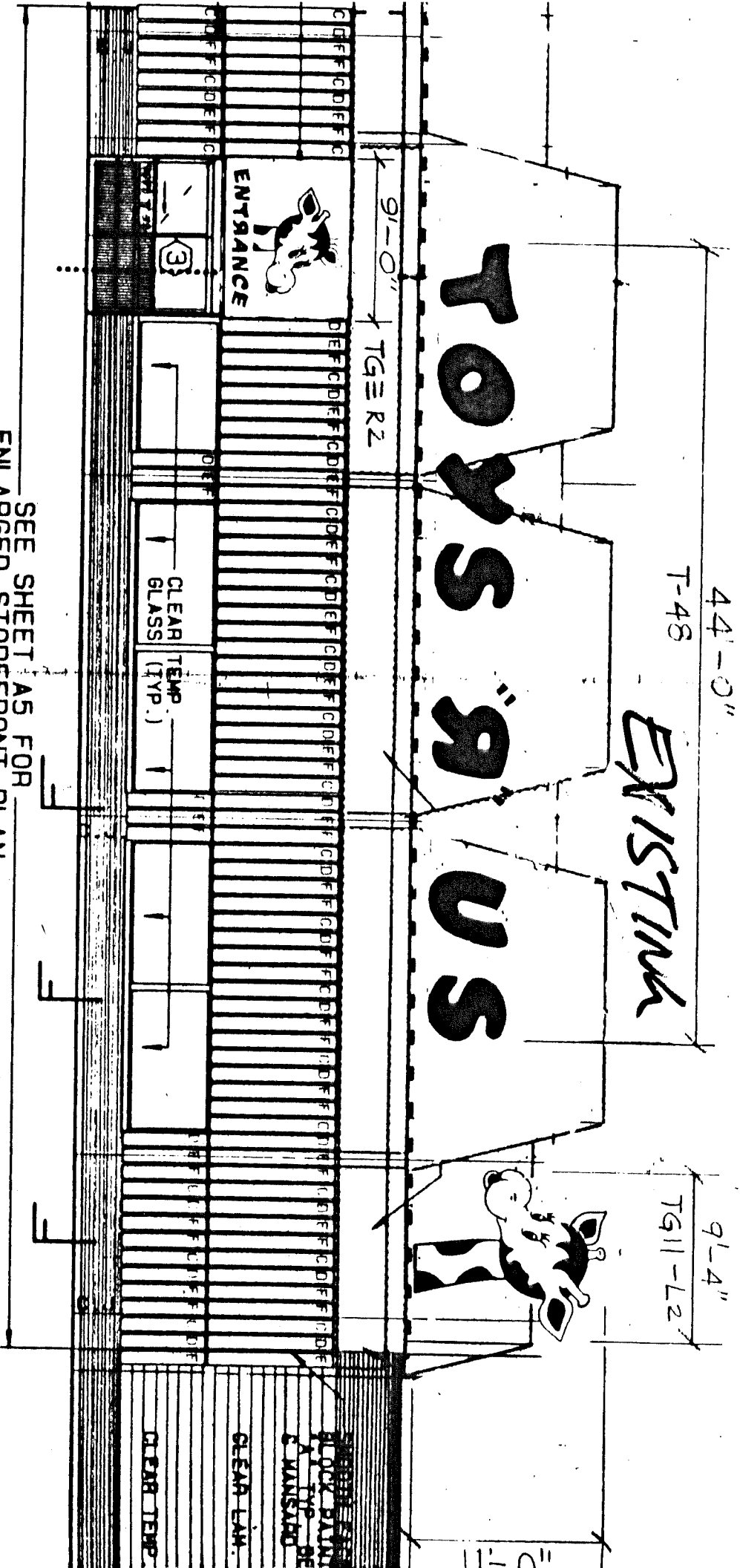
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SEE SHEET AS FOR
ENLARGED STOREFRONT PLAN

EAST ELEVATION

SCALE: 1/8" = 1'-0"

(G)

(F)

(E)

(3)

STAIRS W/ RAILING
SEE STAIR DRWG.

SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

(C)

(D)

32'-0"
7'-48"

JOHNSON

(12)

PAINT COLOR "A"
PAINT COLOR "B"

C.F.

(14)

ALUM. COPING
FACTORY BACKED

1/8" ALUM. SPL.
LOCK TYP.

WHITE SPLIT-FI

NORTH ELEVATION

SCALE: 1/8" = 1'-0"

(84)

(76)

(7)

(66)

(58)

(5)

10 SCALE

NOT TO SCALE

FLORENCE BOARD OF ADJUSTMENTS

OCTOBER 24, 1984

6:30 P.M.

Chairman Holland reconvened the Florence Board of Adjustment Meeting of October 10, 1984 on the above noted date.

The roll call was taken. Three members present: Messrs. Holland, White and Mr. Wilder. Counselor Dale Wilson was also present.

Chairman Holland requested the Minutes of the meeting reflect the fact that Mr. Roger Wilder was sworn in by Counselor Dale Wilson at the Florence Board of Adjustment Meeting of October 10, 1984. Chairman Holland stated the Board welcomes Mr. Wilder to the Florence Board of Adjustments.

Board members reviewed the Minutes of the Florence Board of Adjustments meeting of September 12, 1984. Mr. Holland moved that the Board accept the Minutes of the meeting of September 12, 1984 as reviewed. Mr. White seconded the motion. After discussion, the motion carried unanimously.

AGENDA ITEMS:

Variance

A request of Lackner Custom Sign Company (agent) for Rax Restaurant at 8115 U.S. 42, for a variance to allow a second building mounted sign on their building.

Mr. Block distributed photographs of the area for Board Members' review. Mr. Block explained the request of the applicant is for a variance in the number of signs permitted for the applicant's building. Mr. Block noted the Board had approved one building-mounted sign for the building and the applicant was requesting a second building mounted sign. Mr. Block described the present zoning and use of the subject and adjoining properties and the affected sections of the Zoning Regulations. Mr. Block noted that in his opinion there are no unique conditions for the site that would justify the Board granting such a variance to allow the additional signage. Mr. Block noted that, in his opinion, there would be no reasonable use denied the business should the variance not be granted. Mr. Block stated that if granted the variance would not be detrimental to the public welfare but the variance would alter the essential character of the neighborhood by allowing a second building mounted sign to a business with one frontage where other businesses only have one building mounted sign.

Mr. Ralph Reinhardt, representative of Rax Restaurant, urged the Commission to approve the variance. Mr. Reinhardt stated that from any one direction the two signs could not be visible. Mr. Reinhardt stated that several other businesses around town do have more than one building mounted sign with only one road frontage. Mr. Block stated that those around town who did have more than one sign were pre-existing to the current Zoning Regulations of July, 1980. Mr. Reinhardt stated that the total footage amount of both signs would still be under the permitted amount according to Rax Restaurant square foot frontage which allows them 68.5 sq. ft. with one building mounted sign and noted the two signs combined would be 60 sq. ft. of signage.

Mr. Jack Schneder, Lackner Sign Co., pointed out that while driving down Dixie Highway at night the additional signage would help to direct traffic to the Rax entrance.

Chairman Holland moved that the Board deny the variance for the second building mounted sign for the reason that no unique conditions exist that would warrant the additional signage over what is allowed according to the existing Zoning Regulations. Mr. White seconded the motion.

A roll call vote was taken on the motion.

Ayes: Messrs. Holland, White and Wilder.

The motion carried unanimously.

Variance

A request of Lackner Custom Sign Company (agent) for Toys-R-Us in the Florence Plaza Shopping Center, Connector Drive, for a variance to allow a second building mounted sign on their building.

Staff member Chip Block distributed photographs of the area. Mr. Block explained the request of the applicant is for a variance in the number of signs permitted for the applicant's building. Mr. Block described the present zoning and use of the subject and adjoining properties and the affected section of Sect. 1912 of the Zoning Regulations. Mr. Block noted that one unique condition of the shopping center development is the arrangement of the building on the site does not run parallel to Connector Drive but generally is at a 45 degree angle toward the road. Mr. Block noted that the applicant has not caused the unique condition he described but rather the developer had created the condition as they developed the property. Mr. Block noted that, in his opinion, there would be no reasonable use denied the business should the variance not be granted. Mr. Block stated that if granted the variance would not be detrimental to the public welfare nor would it alter the total character of the area as there are businesses in the area who have been allowed a similar variance, i.e. Chuck E. Cheese's and G. D. Ritzy's Restaurant.

Mr. Jack Schneder, Lackner Custom Sign representative, stated that when driving in a southbound direction the building is not identifiable from Mall Road. Mr. Schneder noted that the sign variance requested is reduced from the original amount requested with the building permit. Mr. Schneder stated the existing signage has less square footage than what is permissible by the Zoning Regulations based on lineal foot frontage. Mr. Schneder stated that it would be impossible to view both signs from any one direction. Mr. Schneder urged the approval of the second building mounted sign stating it would be an asset to the people of the community so that people entering the Florence Plaza know where the store is located. Mr. Schneder noted that the adjoining residential property would not have view of the proposed signage. Mr. Schneder stated the two existing signs are 500 to 600 feet from each other (one on Mall Road and one on the building itself) and so should not be considered when considering the actual building signage. Mr. Schneder stated the sign would be on the northeast side along Connector Drive.

Chairman Holland noted the free-standing sign was permitted with the understanding and agreement that there would not be a second building mounted sign. Mr. Block clarified that the agreement was to have only the existing free-standing sign. Mr. White recalled that at that previous meeting the developer stated they would have only one building sign. Mr. White noted that with that in mind the signs on the road puzzle him. Discussion followed of building signs and the agreement on the road sign with the developer and the variance already given on the subject development.

Mr. Schneder inquired of staff if since the property does have frontage along Connector Drive if the applicant could apply for pole signage along Connector Drive. Mr. Block stated a pole sign would not be permissible.

Board Member Wilder inquired if the proposed sign would be toward the front or rear corner of the building. Mr. Schneder indicated on the photograph for Mr. Wilder the proposed location of the sign.

Mr. Schneder stated he was not aware of the signage agreement with the developer.

Chairman Holland moved that the Board deny the variance to allow a second building mounted sign for the applicant Toys-R-Us. The motion was seconded by Mr. White.

A roll call vote was taken on the motion.

Ayes: Messrs. Holland, White and Wilder.

The motion carried unanimously.

Administration

Chairman Holland suggested a letter of appreciation be sent to former Board of Adjustment Member Thomas Schreiber thanking Mr. Schreiber for his contributed building construction expertise to the Board during his tenure. Counselor Wilson suggested perhaps a Proclamation. Mr. White stated his agreement with Mr. Wilson's response to Mr. Holland's suggestion. It was the general consensus of the Board that a Proclamation be so prepared and sent to Mr. Schreiber.

Chairman Holland moved that the Board adjourn. The motion was seconded by Mr. White. The motion carried unanimously.

The meeting ended approximately 7:55 p.m. =



Charles Holland, Chairman