

APPLICATION FORM  
**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION**

(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

- (Check One)  
1.        Boone   x   Florence        Walton        Union  
(Check One)  
2.        Conditional Use Permit   x   Variance        Appeal  
       Change in Non-Conforming Use
3. Applicant's Name Lou Colantuono-President-Original Mattress Factory  
Phone Number (513) 860-9988 Fax No. (513) 860-9985  
Applicant's Address 7010 Fairfield Business Center Dr.  
      Fairfield      OH      45014  
          City          State          Zip
4. Description of Request: See Attached
5. Name of Development Florence Square Shopping Center  
6. Location of Development #7653 D Mall Rd. - Outbuilding in front  
of Staples, across the street from Florence Mall  
7. Acreage Under Review N/A  
8. Lot Number and Name of Subdivision (if part of a subdivision)  
N/A  
9. Owner of Property B & J Development Co.  
Phone Number of Owner (513) 721-2744  
10. Address of Property Owner 212 East Third St.  
Cincinnati, OH 45202-3585  
City State Zip  
11. Proposed Use(s) on Site See Attached
12. Total Square Footage of Existing and/or Proposed Buildings  
Our space is 41'3" frontage and 48' deep - 1980 sq. ft.  
13. Current Zoning on Property Commercial  
14. Deed Book 211 Page No. 411 Group No. 966 & 2040  
15. Is the site subject to a zone change? N/A  
If yes, give date of approval \_\_\_\_\_  
16. Have you submitted a Site Plan with this request? Will forward sign  
17. Have you submitted a list of adjoining property owners with drawing  
this request? Yes, see attached  
18. I, or we, understand and agree that this application and  
drawing(s) are being filed in accordance with the Boone County  
Zoning Regulations.  
Applicant's Signature: [Signature] 11/20/94  
Property Owner's Signature: [Signature] North American Properties  
agent for B & J Development

(over)

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
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**SECTION B** (To be completed by the Boone County Planning  
Commission Staff)

1. Date Received 11-28-94 Fee Received \$451.00 R# 5397
2. Is application complete?  Yes  No
3. Staff Reviewer Hayes/Jonas
4. Scheduled Board Action Date 12-14-94 (Withdrawn)
5. Board Action:  
 **Approved**  
 **Approved with Conditions** (See #6)  
 **Denial** (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

# STAFF REPORT

DEVELOPMENT: Original Mattress Factory  
APPLICANT: Lou Colantuono  
LOCATION: 7653 D Mall Road, Florence, Kentucky  
ZONING: Commercial Two (C-2)  
DATE: December 14, 1994

The applicant is requesting a Variance to install a 22.5 square foot building mounted sign along the east face of the building (See Map #1). This multi-tenant building contains two other tenants which advertise on the same end of the building. The Variance would increase the size of the sign by 7.5 feet over the permitted 15 square feet.

Article 34, Section 3413, of the Boone County Zoning Regulations require that a building mounted sign be located on the facade of the individual tenant space for which it is advertising. This specific building which is oriented sideways on the site has two existing signs which are located on the east end of the building. These signs are pre-existing non-conforming because they are considered off-premise building mounted signs. The Zoning Administrator has determined (See Exhibit A) that the applicant would be permitted a sign of equal size to that of the previous tenant. The previous tenant's sign was 15 square feet and was located on the east building facade.

The applicant's particular name is rather lengthy and contains many letters which the applicant does not feel can be sufficiently handle within the 15 square foot area permitted. If the sign were to be designed to be incorporated within the area permitted the applicant believes the letters would be too small to properly advertise their business thus putting them at a disadvantage with competitors.

## Mall Road Commercial Sign District

Signs have as significant of an impact upon the character of an area as the types of land uses allowed. An example is the Mall Road area. When this was originally developed, it was the intent of the Commission, the County, and the City, that a particular character be established and maintained for this commercial district. This desired character called for a boulevard area with low key and aesthetically pleasing signage identifying larger commercial developments located along it. The desired effect was to discourage the area from becoming cluttered with sign upon sign, with each one trying to be bigger and more visible than the next.


Staff Concerns

1. Staff believes the Variance request as proposed will not create an unreasonable circumvention of the requirements of the Zoning Regulations.
2. Staff believes that the increase in sign area is appropriate given the length of the name for the business and that this is a special circumstance which is not common with most business names.
3. Staff believes that if the Variance is approved that it should apply only to the Original Mattress Factory and not any other existing or future tenants.
4. If the Variance is approved the applicant is required to apply for a sign permit.

Conclusion

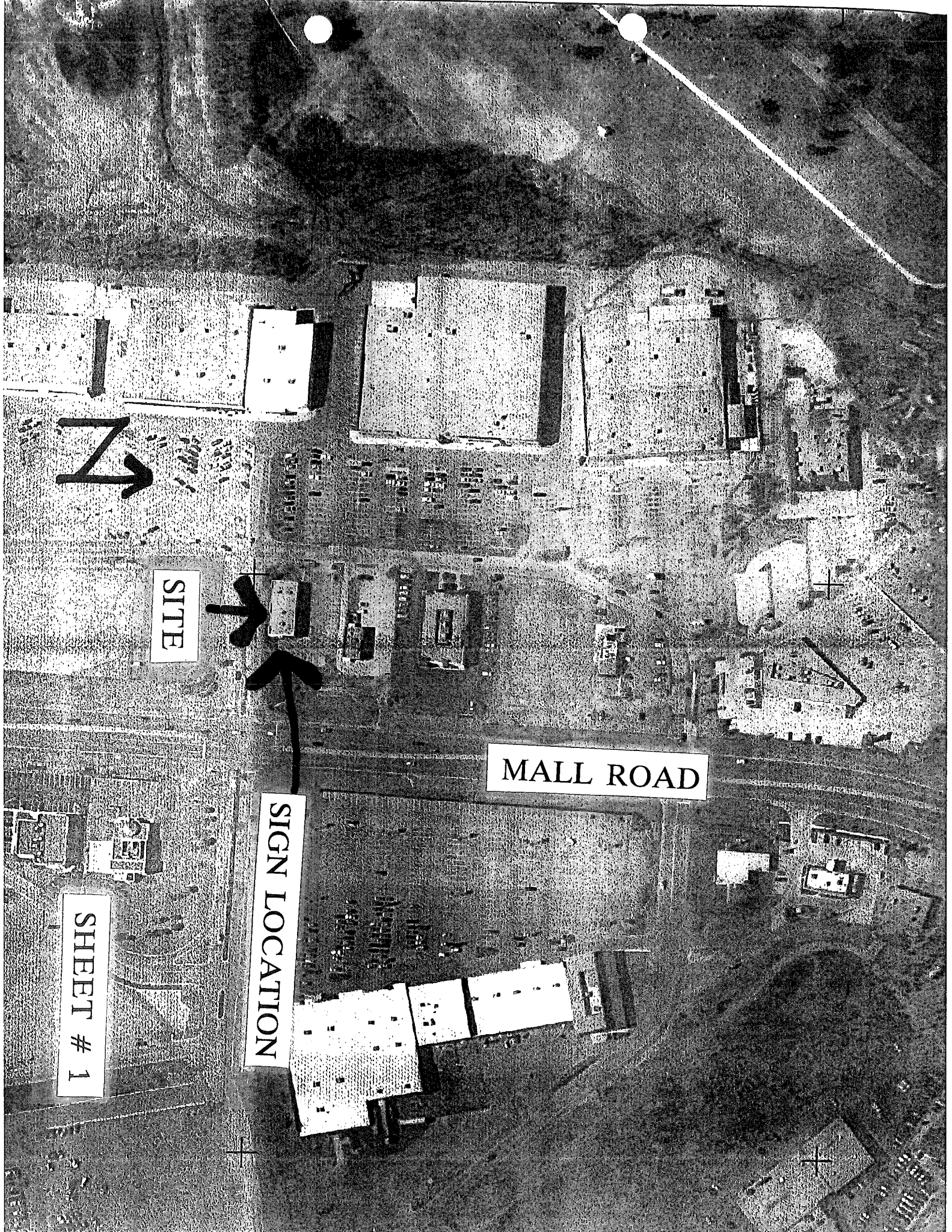
Staff believes that the proposed sign will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the Zoning Regulations. The Board should also determine whether the strict application of the provisions of the Zoning Regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

Respectfully Submitted,



Jeffrey F. Hayes  
Planner

JFH\par



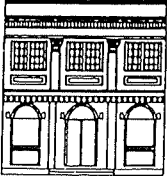
SITE

SIGN LOCATION

MALL ROAD

SHEET # 1

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

November 3, 1994

**EXHIBIT  
A**

Mr. Brian Neltner  
North American Properties  
212 East Third Street  
Suite 300  
Cincinnati, OH 45202-3585

FAX: ~~721-2744~~ 0332

RE: Signage at Florence Square Shopping Center  
Mall Road, Florence, KY

Dear Mr. Neltner:

I am writing in response to your letter dated 10/27/94 to Jeff Hayes regarding the installation of signage at Florence Square Shopping Center.

As Zoning Administrator (the individual charged with interpreting the Zoning Regulations), I agree with Bob Jonas that building mounted signage for an individual tenant space in a multi-tenant building must be placed on a facade that is part of the leased premises as specified in Section 3413 of the Boone County Zoning Regulations. Further, the 1986 Boone County Zoning Regulations contained the same requirement (Section 1920 of that code). Thus, it is apparent that the initial signage permitted on the east elevation in 1989 for tenant spaces that do not front onto Mall Road was done so in error. A sign permit issued in February of 1992 acknowledged that the initial signage did not meet the regulations by the conditions placed on the issuance of the permit. These conditions included "owner will remove three existing 'Skeffington's' building mounted signs" and "proposed sign will replace existing sign."

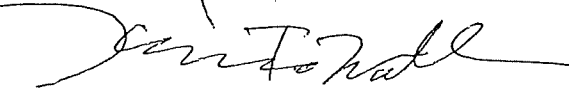
Even though the last sign that was placed on the Mall Road facade for the western-most tenant space has been removed, I will consider it "nonconforming" (legally permitted, but does not meet the current regulations) if you can provide documentation that demonstrates that there was not an intent to abandon the use of signage on this facade for the tenant space in question (advertisements, tip sheets, etc., that include statements to prospective tenants that signage could be installed on this

Mr. Brian Neltner  
November 3, 1994  
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facade). The nonconforming status would allow your prospective tenant to install an equal or less "intense" sign than that which was on the facade previously (i.e., same or lesser size, same or lesser illumination, etc.).

I hope that this letter provides an adequate solution to your dilemma. Please send any documentation to my attention and don't hesitate to call me if you have any questions or need any clarifications.

Sincerely,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

cc: Lou Colantuono, President  
Original Mattress Factory  
7010 Fairfield Business Center Drive  
Fairfield, OH 45014

Bob Jonas, Planner

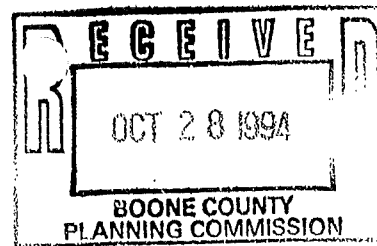
1. B.O.A. (Flor.)

1.25 x 10.½



NORTH AMERICAN  
PROPERTIES

AGENT FOR B & J DEVELOPMENT COMPANY



October 27, 1994

Mr. Jeff Hayes  
Boone County Planning Commission  
2995 Washington Ave.  
Burlington, KY 41005

Re: Florence Square Shopping Center  
Mall Road  
Florence, KY

Dear Jeff:

As you know, Lou Colontuno of the Original Mattress Factory would like to install a professionally prepared sign on the east face of the service outbuilding replacing the sign Computerland had, which was removed when they vacated. Bob Jonas has indicated that such a sign would not be permitted, because the east wall of the building is not a wall of the proposed Leased Premises. We have marketed this space as having the ability for signage on the east side of the building facing Mall Road as it has in the past.

I had no reason to believe such signage would not be permitted, considering the original plans of the building were approved with non-illuminated signage on the east face of the building, and all of the previous tenants had received sign permits to install signs on that wall. Previously, sign permits were given to Skeffington's Formal Wear, Galaxy Formal Wear, Computerland, Destinations Unlimited and Russell's Formal Wear. Building permits and the long history of signage permits seemed to indicate precedence and the probability of signage approval.

This building was designed, approved and built with plans for signage on the east wall for all tenant's occupying the building. If such signage would not have been approved we would have redesigned the building, orienting it toward Mall Road; or we might not have constructed the building at all. Now that the building has already been constructed, it is absolutely vital that signage for the building continue to be permitted facing Mall Road. Without the approval for signage, this particular tenant will not move ahead with its lease in this building, and other prospective retailers will have little or no interest in the space.

We would appreciate your help in this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

Brian J. Neltner

BJN/lg



EXHIBIT  
B

7010 FAIRFIELD BUSINESS CENTER DRIVE ■ FAIRFIELD, OHIO 45014 ■ 513/860-9988

November 20, 1994

Attachment to Boone County  
Board of Adjustment  
and  
Zoning Appeals Action  
Application Form

4. Description of Request

We need a larger sign facing Mall Road because:

- Company name "Original Mattress" has a lot of large shaped letters.
- Our space is located in the back of the outlot building with low visibility and the two other signs cannot be seen well from Mall Road.
- We have found that 20% of our customers come from "drive-by" traffic which is a direct result of highly visible signage.
- Most other businesses in this area have large internally illuminated signs facing Mall Road.

11. Proposed Use on Site

A 15 sq. ft.(15"x 12') non-internally illuminated sign has been approved by Kevin Wall and the Boone County Planning Commission. We respectfully request a 22.5 sq. ft.(18"x 15') non-internally illuminated sign facing Mall Road.

17. List of adjoining property owners:

B & J Development is also the property owner of all adjacent properties except:

The Florence Mall  
Western Southern Life Insurance Co.  
400 Broadway  
Cincinnati, OH 45202

(This owner information was provided by the Boone County PVA).

**We make mattresses right...right in our store.**