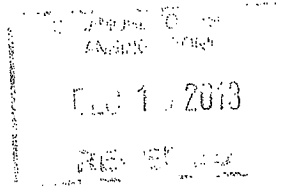


EXHIBIT 1

COMMERCIAL ZONING CERTIFICATE APPLICATION

SYZ-13-312

Submitted December 16, 2013



Legal Counsel.

DINSMORE & SHOHL LLP
255 East Fifth Street ^ Suite 1900 ^ Cincinnati, OH 45202
www.dinsmore.com

Kevin M. Detroy
(513) 977-8424 (direct) ^ (513) 977-8141 (fax)
kevin.detroy@dinsmore.com

December 16, 2013

HAND DELIVERED

Greg Bickford
Planning/Zoning Director
Sycamore Township
8540 Kenwood Road
Sycamore Township, Ohio 45236

RE: Commercial Zoning Certificate Application; LCA Vision Center

Dear Greg:

Enclosed please find four complete copies of the Commercial Zoning Certificate Application filed by Richard B. Tranter, Esq. on behalf of LCA-Vision Inc. Each application copy includes:

1. Completed Application Form with Attachment;
2. Affidavit of Leona Denardi G. Denardi;
3. Aerial view of the LCA Building Property (Exhibit A);
4. Elevated view of the former window art (Exhibit B); and
5. Elevated view of proposed window art (Exhibit C).

Additionally, enclosed is a check for \$300 payable to Sycamore Township for the application fee. Please note that because the Applicant is not seeking approval of a "sign" as defined in the Sycamore Township Zoning Code, the application fee does not include any amount based on the area (in square feet) of the proposed window art.

Greg Bickford
December 16, 2013
Page 2

Please contact me with any questions.

Sincerest regards,

A handwritten signature in black ink, appearing to read "Kevin M. Detroy". The signature is stylized with a large, sweeping initial "K" and several horizontal strokes.

Kevin M. Detroy

KMD:kd

Enclosures

SYCAMORE TOWNSHIP, OH
 DEPARTMENT OF PLANNING & ZONING
 8540 KENWOOD ROAD, CINCINNATI, OH 45236
 513.792.7250 PHONE 513.792.8564 FAX

COMMERCIAL APPLICATION

NEW BLDG, ADDITIONS, TENANT CHANGE, INT FINISH/ALT, SIGNS, FAÇADE RENOVATIONS, PKG LOT, WALLS, FENCES, ETC.

REVIEWED BY		
HOLBERT	GUNDERSON	BICKFORD

APPLICATION NUMBER

DO NOT WRITE IN THIS SPACE

PROJECT ADDRESS: 7840 Montgomery Road ZIP CODE: 45236

NAME	STREET ADDRESS	CITY	ST	ZIP	PHONE NUMBER
PROPERTY OWNER LCA-Vision Inc.	7840 Montgomery Rd.	Cincinnati	OH	45236	(513) 354-5824
CONTRACTOR N/A					
DESIGN PROFESSIONAL N/A					
APPLICANT Richard B. Tranter, Esq.	255 E. 5th St., Ste 1900	Cincinnati	OH	45202	(513) 977-8684
APPLICANTS E-MAIL ADDRESS richard.tranter@dinsmore.com					

WORK TYPE: ****Inspections Required****

- NEW BLDG ADDITION INTERIOR FINISH/ALTERATION TENANT CHANGE PKG LOT
 LOT SPLIT/CONSOLIDATION FENCE ACCESSORY STRUCTURE NEW SIGN
 TENT OTHER FAÇADE RENOVATIONS SIGN FACE CHANGE TEMP SIGN

DESCRIPTION OF WORK: See Attached

SQUARE FEET: See Attached USE: See Attached HEIGHT: See Attached

NO. OF SIGNS: _____ EST. START DATE: _____ EST. FINISH DATE: _____

THE DEPARTMENT OF PLANNING & ZONING IS DEDICATED TO THE CONTINUING PROSPERITY OF SYCAMORE TOWNSHIP. WE PROMOTE HIGH STANDARDS FOR DEVELOPMENT AND QUALITY PROJECTS. WE LOOK FORWARD TO SERVING OUR CITIZENS AND BUSINESS COMMUNITY TO MAKE SYCAMORE TOWNSHIP THE BEST IT CAN BE.

The owner of this project and undersigned do hereby agree to comply with the zoning laws of Sycamore Township pertaining to the construction of the proposed project according to the drawings and specifications submitted herewith, and certify that all of the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct. Lot consolidation is required to obtain zoning approval for the construction of any structure. The applicant and owner of the real property agree to grant Sycamore Township access to the property for review and inspection related to this application.

NOTE: FILING THIS APPLICATION DOES NOT CONSTITUTE PERMISSION TO BEGIN WORK.

Mard J... 12/13/13
 APPLICANT'S SIGNATURE DATE

Debra J Dehardi 12/16/13
 PROPERTY OWNER'S SIGNATURE DATE

DO NOT WRITE BELOW THIS LINE

RECOMMENDS PLAN APPROVAL: _____ DATE: _____

ZONING APPROVED BY: _____ DATE: _____

DATE PERMIT ISSUED: _____

Commercial Zoning Certificate Application

LCA-Vision Inc.

Attachment

Richard B. Tranter, Esq. (the "Applicant") submits this Commercial Zoning Certificate Application on behalf of LCA-Vision Inc., the owner of the subject property.

By filing this Application, the Applicant seeks a determination by the Sycamore Township Department of Planning and Zoning (the "Department") that the window decals affixed to the LCA Building constitute an art display which is not subject to the restrictions applicable to signs found in Chapter 13 of the Sycamore Township Zoning Resolution (the Resolution").

The decals cover the windows on the northeast face of the LCA Building. Collectively, the decals form the image of a woman's eye that is approximately 80 feet wide by 25 feet high. There is neither text nor trade or registered marks on any of the decals.

Works of art "which in no way identify a product or business logo" are not signs as defined in the Resolution.¹ The image at issue here constitutes a work of art because it does not identify a product or business logo. While the image may draw attention to the LCA Building, that alone does not make the image a sign. For much the same reason, the image is not transformed into a sign merely because vision services are performed in the LCA Building. This same image would be deemed a work of art on any other business in the area, and it does not lose this character when placed on the LCA Building.

This Application includes the Affidavit of Leona G. Denardi, LCA's Director of Operations Support. The Affidavit supports the foregoing points, and additionally includes: (1) aerial views of the LCA Building and property obtained from the Hamilton County Auditor's website (Exhibit A); (2) a street-level view of the image prior to its removal (Exhibit B); and (3) a street level view of the proposed new image (Exhibit C).²

¹ Resolution § 13-3D.

² Please note that LCA removed the decals in November 2012 as the decals had fallen into a state of disrepair. However, LCA removed the decals with the intention of replacing them with a similar image of the same dimension.

AFFIDAVIT

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

I, Leona G. Denardi, having been first duly cautioned and sworn, hereby state as follows:

1. I am the Director of Operations Support of LCA-Vision Inc. ("LCA"). I have been employed by LCA since April 2001.

2. As LCA's Director of Operations Support, I am familiar with the history of the window decals that are the subject of the present Commercial Zoning Certificate Application filed with the Sycamore Township Department of Planning and Zoning.

3. I work at the LCA-Vision Building (the "LCA Building") located at 7840 Montgomery Road, Cincinnati, Ohio 45236. Attached hereto as Exhibit A are aerial views of the LCA Building and adjacent property.¹

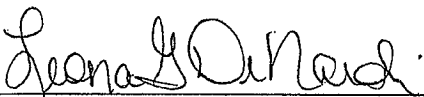
4. The window decals at issue cover the northwest windowed façade of the LCA Building. The decals collectively form an image of a woman's eye. There is no text or trademark of any kind on the window decals, nor has the image been duplicated in LCA's marketing materials. Attached as Exhibits B and C are street level views of the LCA Building showing the previous image and the proposed new image, respectively.²

¹ The images on Exhibit A were obtained from the Hamilton County Auditor's website.

² There are currently no window decals on the LCA Building. The image on Exhibit B shows the most recent set of window decals that LCA elected to remove in November 2012 because the decals had begun to peel. It was and remains LCA's intention to replace the decals as soon as possible.

5. The window decals were originally installed in 1997. Before going forward with the installation, LCA obtained approval from Hamilton County zoning authority.³ The Hamilton County zoning authority based its approval on the grounds that the image was a work of art.

Further Affiant Sayeth Naught



Leona G. Denardi

Sworn to before me and signed in my presence this 13 day of November, 2013.



Print Name: Kevin M. Detroy

Notary Public, State of Ohio



Kevin Mitchell Detroy, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

³ The window decals were originally installed prior to the delegation of zoning authority from Hamilton County to Sycamore Township.