

# Board Of Zoning Appeals

## Minutes

### March 11, 2014

Members present: John Golzy (acting Chairperson), Lisa Carson, Joan Kraynanski, Kay Tousley, Edward Baum (alternate), Ellen Soltow (alternate).

City officials present: John Paszke (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:00pm in Council Chambers, third floor of City Hall. The Chairperson noted that with the absence of Betty Hollow, Mr. Baum would be a voting member of the Board for this meeting. The Chairperson noted new Board member Ellen Soltow, and welcomed her. The Chairperson read a prepared statement about the policies and procedures of the Board of Zoning Appeals. The Chairperson then swore in, under oath, those intending to give testimony.

**Case #14-02C          5 North Shafer Street          Zone R-3          Joe McGowan/Mother  
Earth Community Thrift, appellant**

**Appellant is requesting a conditional use permit to allow a furniture retail store in an R-3 zone, as per ACC 23.04.03(C)(7).**

The Chairperson called on the secretary to speak.

The secretary explained to the Board the procedure for findings for conditional uses, as per ACC 23.07.02(E). He said that the appellant wants to open a furniture thrift store at the site. The secretary noted that the proposed use would require four parking spaces on site, and that this site has eight spaces. Ms. Kraynanski asked about required parking for the apartments on site. The secretary responded that those spaces are still available.

The Chairperson called on the appellant to testify.

Joe McGowan addressed the Board. Mr. McGowan said that he was looking for a better space for the store, after it had been successful for the last year at its current site.

Mr. McGowan said that the store is serious about recycling, so they fix up used furniture and sell it at a reasonable price. Ms. Kraynanski asked about clientele. Mr. McGowan indicated that some business comes from Craigslist, with customers from a 30- to 40-mile radius. He also noted that college students and low- and moderate-income people would be customers as well. The Chairperson asked if the business would help the community in that area. Mr. McGowan responded that people on that end of town could use the store.

The Chairperson asked about donated furniture. Mr. McGowan stated that they have put out flyers to students about donating old furniture, and when getting a response, would bring back the furniture to the store.

The Chairperson called on anyone wanting to speak in favor of the conditional use permit.

John Brandewei (35093 Titus Road, Middleport, Ohio 45760, and 5 North Shafer Street property owner) addressed the Board. Mr. Brandewei said that the space in the building had previously housed an ambulance company for a couple of years, and also had been used as a banquet room by the former building tenant, Mistretta's.

Dawn Janczyk (6733 State Route 681) addressed the Board. Ms. Janczyk said that the furniture would be cleaned, sanitized and repaired. She indicated that the store would have layaway available, and would also offer clothes and linens at a low price. She said that the store would benefit the neighborhood, as there are many walkers in the area. Ms. Soltow asked if the store would accept donations. Ms. Janczyk said that they would do so.

Ms. Kraynanski asked about the repairs on-site. Ms. Janczyk said that it would be basic repairs and no painting or varnishing. The Chairperson noted that a state permit is required for sanitizing furniture, and asked if this store had one. Ms. Janczyk said that they did.

The Chairperson called on anyone wanting to make general comments about, or speak against the conditional use permit. No one came forward.

The Chairperson closed the floor for discussion.

**On a motion by Ms. Kraynanski, seconded by Ms. Tousley, the Board considered to grant to Joe McGowan and Mother Earth Community Thrift at 5 North Shafer Street, a conditional use permit to allow a furniture retail store in an R-3 zone, as per ACC 23.04.03(C)(7).**

#### **FINDINGS FOR ACC 23.07.02(E)**

**(E1)**—Not sure this use will serve area; it is more suited for Richland Avenue. In a small town, for most any business, people will drive to go.

**(E2)**—Yes, on its own merits.

**(E3a)**—Yes.

**(E3b)**—Yes.

**(E3c)**—Yes.

The Chairperson called for a vote: Tousley – yes, Carson – yes, Kraynanski – no, Baum – yes, Golzy – yes. Motion approved 4-1; conditional use granted.

#### **OTHER BUSINESS:**

**--Disposition of minutes from February 11, 2014 meeting.** On a motion by Mr. Baum, seconded by Ms. Carson, the Board approved the minutes 4-0.

**--Annual organizational meeting.** Mr. Golzy expressed his willingness to be Chairman. On a motion by Mr. Baum, seconded by Ms. Kraynanski, the Board voted to elect John Golzy Board of Zoning Appeals Chairperson for the next year, 5-0.

Mr. Baum wanted to get more information about how the Board approaches individual cases versus the City Comprehensive Plan, and mentioned last month's case (#14-01V) as an example. The Chairperson noted that he had met with Mayor Wiehl, and wants to meet with City Law Director Patrick Lang to discuss several issues.

The meeting was adjourned at 7:31pm.

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John Golzy, Chairperson

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Paul Eschenbacher, secretary