

**Town of Sanford  
Zoning Board of Appeals**

The Sanford Zoning Board of Appeals held a meeting on Monday, March 8, 2010 at the Sanford Town Hall. The meeting was called to order at 7:04 P.M. by the Chairperson of the Zoning Board of Appeals, Jane Bowker.

Members Present:                   **Jane Bowker, Chairperson**  
  **Mark Patterson, Vice Chairperson**  
  James T. Wendel  
  Naila Aslan-Khan  
  Kimberly Stewart  
  Kyle Landry

Also Present:                         Shirley Sheesley, Chief Code Enforcement Officer  
  Jamie Cole, Code Enforcement Officer  
  Charles E. Ellis, Administrative Assistant

Jane Bowker commenced with the Pledge of Allegiance.

Approval of minutes from January 25, 2010. Voted, all in favor 5-0.

The arrival of Kimberly Stewart following the approval of minutes from January 25, 2010.

Jane announced a Use Variance Appeal of Donald & Sandra Chasse, 82 Elm St, Springvale, Maine 04083. Property is located in the rural residential zone.

Jane asked for the disclosure of any conflict of interest. None were noted.

Determination of Standing. Donald & Sandra confirmed they were the owners of the property.

Appeal based on Section 280-23.C., Use Variance.

Jane asked Shirley to give basis for the appeal.

Shirley announced the basis for the appeal. A Certificate of Occupancy was denied because an antique shop is not allowed in the zone.

Jane gave a brief explanation to the appellant regarding his appeal and how the process would proceed following the Chief Code Enforcement Officer's presentation.

The appellant, Donald Chasse, in describing his barn, indicated the antique shop would be on the first floor only and the second floor would be used for storage. An old shed adjacent to the barn would be used for collections. He and his wife have spent months

preparing the barn putting in new flooring etc., etc. He talked about the quality of the antiques they would be selling, seventeen and eighteen hundred furniture. According to the appellant, he had spoken to the Town Planning Director who advised him he should have no problem securing a permit. Based on the response from Planning, he was told to go ahead and fill the barn with antiques, which he did! No problem with parking and when property was used for displaying old cars, they managed to park over a 100 cars on the property and off of the street.

With nothing further to say, Jane asked if any Board member had any question(s) for the appellant. With no questions from the Board, Jane asked the Chief Code Enforcement Officer if she would like to address the Board.

Shirley took the podium displaying the property from GIS on the overhead screen. The CCEO next went through the four criteria making comment to each criteria as to why she feels the appellant should be denied the variance as an undue hardship. She also stressed that although there is nothing in our ordinance regarding an antique shop; it does fall under the retail category and would require Planning Board approval. According to the Table of Land Uses, retail is not allowed in the rural residential zone. Bringing a retail business into a rural residential zone could change the neighborhood. As an option the applicant could operate his business as a yard sale provided he does not exceed the 4 days per calendar year maximum. Another option is to locate the business in an area where retail sales are permitted. A third option is to see if there could be a zone change through the Planning Board. Final conclusion from the Codes Officer is that she feels the applicant has not met any of the four criteria and therefore should be denied a variance. A question regarding an earlier "conditional use permit" was explained to the Board since this property at one time operated a race track (1987).

The applicant stated he had gone to the Planning Board November 8<sup>th</sup> where he was referred back to Codes. According to the applicant, he was told in November that come February he would have a permit and would be ready to go. When the applicant called the Planning Director in February, he stated that it was like he had never spoken to the Planning Director at all.

Mark Patterson, Vice Chairperson of ZBA, walked the applicant through the process if he chose to proceed with a use change through the Planning Department.

The question was asked by the appellant as to what direction he should take next. He was referred to by the Vice Chairperson of ZBA to contact Brad Littlefield.

With no additional questions from the appellant, Jane Bowker closed the meeting to the public in order for the ZBA Board to discuss the findings and to vote on the application request. **Note: You may view the results of the voting under Facts & Findings dated March 8, 2010. The Board voted 6-0 to deny the appeal.**

Mark Patterson made the motion to discuss the By-Laws on April 12, 2010. Kyle seconded the motion. The motion passed 6-0.

Mark requested a copy of the Table of Land Uses.

Mark made the motion to adjourn. Kyle seconded the motion and the Board voted 6-0 to adjourn. Meeting adjourned at 8:12 P.M.