

Town of Calais
Development Review Board

2012-37



Request to Cure a Notice of Violation for Appellant's Expanding A Home Bakery Without a Permit and For Changing a Wholesale Into A Retail Business Without A Permit by Applying for a Permit to Expand the Bakery After the Fact

Appellants: Ann Bakst and Robert Hunt of Bohemian Bread
Members of the DRB participating in the hearing were Margaret Bowen, Chairman, and members Ruth Porter, Barbara Weedon, Steve Duke, and Nedene Martin.

FINDINGS OF FACT

On July 24, 2012, the Calais Zoning Administrator issued a Notice of Violation, which stated that Bohemian Bread "expanded your bakery building without a zoning permit" and "expanded your bread bakery into a retail bakery without a zoning permit."

On August 2, 2012, Ann Bakst submitted Application 2012-37 for an expansion of the bakery building and for a change of use so that the business could be a retail business one day a week for about five hours. The bakery is on East Hill Road in East Calais. It is in the Rural Residential district. This application was a good faith effort to cure the violation.

On August 30, 2012, the Calais Development Review Board held a duly noticed public hearing at 7:30 p.m. at the Calais Recreation Center in East Calais Village to hear the applicants.

On Monday, September 3, 2012, at 8:30 in the morning, the DRB members conducted a site visit to the Bohemian Bread Bakery. Barbara Weedon, Ruth Porter, Margaret Bowen, Walter Amses, and Nedene Martin were present. Ann Bakst and Robert Hunt were also present.

For about a year and a half, up until September 3, 2012, the Bohemian Bread Company had been running a retail business every Sunday for about 5 hours at the bakery. A permit had not been requested for that change of use. However, after the NOV was issued, Ann Bakst applied for a conditional use permit to allow the bakery to do retail business one day a week and for an expansion of the bakery building.

There had been numerous complaints that the customers of the Sunday business were parking along the road, making it impossible for regular traffic to get through. Application 2012-37 contained a map of where 15 cars could be parked, but the DRB members felt that there needed to be parking for between 22 to 35 cars. When the DRB members arrived for the site visit, they walked up into the backyard behind the bakery building. It was easy to see that there was plenty of room to put more cars well off the road and behind the building where there are flower gardens. Robert Hunt and Ann Bakst did not like that option and

decided to withdraw the part of their application which requested a change of use to a retail business one day a week.

Bohemian Bread was also in violation for expanding the bakery building without first getting a permit to do so. There was an open wood storage area in the northwest quadrant of the bakery building. In May 2012, Bakst and Hunt closed in this section of the building to install a commercial coffee roaster. No change was made to the footprint of the building. Application 2012-37 submitted on August 2, 2012, requested a permit to enclose the 9' by 13' quadrant of the existing structure.

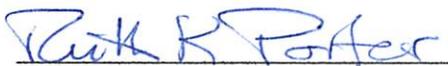
DECISION

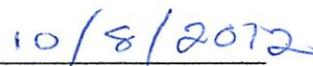
The DRB finds that the Bohemian Bread Company owned by Ann Bakst and Robert Hunt did expand the bakery business into a retail business without a zoning permit and did expand the bakery building without a zoning permit. However, the DRB sees no reason to take action since the violations have been addressed and corrected. Bakst and Hunt have decided not to continue the retail part of the bakery, and they have applied for a permit for the expansion of the building. (At the site visit and at the NOV hearing Robert Hunt said several times that the popularity of their retail business was a surprise to them. It needs to be noted however, that they did advertise on their website. To say that they had no idea how it happened was disingenuous.)

The DRB is satisfied that while there was a violation, no further action needs to be taken. The DRB grants approval to Bohemian Bread for the already-completed expansion of the bakery building, thus curing the violation.

Margaret Bowen, Chair

Date


Ruth K. Porter


Date

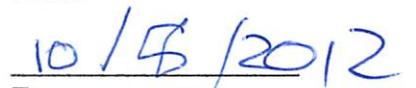

Barbara Weedon


Date

Steve Duke

Date


Nedene Martin


Date


Attach this second signature sheet to: Bohemian Bread, Ann Bakst and Robert Hunt DRB Decision.



Margaret Bowen, Chair

10/14/12

Date

Ruth K. Porter

Date

Barbara Weedon

Date



Steve Duke

10/14/12

Date

Nedene Martin

Date