

APPEALS BOARD MINUTES
WEDNESDAY, NOVEMBER 19, 2025
6:00 PM
SOUTHWEST HARBOR TOWN OFFICE
MEETING ROOM & ZOOM

I. CALL TO ORDER

The Chair called the meeting to order at 6:00 PM.

II. ROLL CALL

Members present: Chair John Izenour, Secretary Ted Fletcher, James Geary (remotely), Adam Babbitt, and Scott Preston.

Alyson Meiselman was absent.

III. ADOPTION OF AGENDA

Secretary Fletcher moved to adopt the agenda as prepared. Member Babbitt seconded the motion and the Board voted 5-0 to approve the motion.

IV. MINUTES – November 5, 2025

Secretary Fletcher noted that the date on the first line should be corrected to “November 15, 2025,” replacing the incorrect date of “July 30, 2025.”

Chair Izenour also pointed out that under Item 1, the statement “Meiselman has resigned” was inaccurate and should be removed from the minutes.

Member Geary moved to approve the minutes as amended. Member Babbitt seconded the motion and the Board voted 4-0-1 to approve the minutes with Member Preston abstaining.

V. REVIEW OF APPLICATION

a. Ocean Kane Map 008 Lot 039 request of Setback Variance

The Chair asked if any members felt that they had a conflict of interest as it related to this application. No one expressed one. Chair Izenour disclosed that he is a customer of Mount Desert Spring Water but did not feel that it was a conflict of interest. The Board members agreed.

Chair Izenour addressed the applicant directly, thanking him for his submission and for participating in the appeals process. He assured the applicant that he would be given ample and adequate time to present his case. Chair Izenour also noted that variances are typically not granted, as the threshold for approval is high. Regardless of the Board's sympathy for a particular situation, established standards must be met in order to grant a variance.

The applicant, Ocean Kane introduced himself and explained that just prior to the submission of his application on October 29, he met with the Code Enforcement Officer who recommended he file this request.

The Chair requested that the minutes reflect that the Board received the application from the appellant, along with a copy of the abutters list.

Member Geary requested clarification regarding the identity of the applicant. He noted that the property deed lists the owner as SOCO Holdings LLC, while the appellant identified himself as Ocean Kane, and his Zoom display name appeared as Seamus Leary.

Mr. Kane explained that both he and Mr. Leary are owners of the property through SOCO Holdings LLC.

Mr. Kane reviewed his application with the Board and explained how he believed he met each of the hardship requirements. Following his presentation, Member Geary stated that he did not feel the application met the standard requiring that the need for the hardship not be the result of actions taken by the applicant or a prior owner.

Secretary Fletcher agreed and advised the applicant that there may be alternative ways to divide the lot. He suggested that the applicant's legal counsel could assist in identifying another solution.

Chair Izenour added that another concern was the limit of the Board's authority to grant variances. He explained that the Board cannot grant a variance exceeding 20% of the required standard; therefore, the 15-foot setback cannot be reduced to less than 12 feet. The applicant, however, was requesting a setback of 11 feet.

Chair Izenour also explained the hardship test, which states that "without a variance, the property has lost all or most of its value." He stated that he did not believe the applicant met this standard either. The other Board members agreed.

Chair Izenour suggested that it might be in the applicant's best interest to withdraw the application rather than have it denied. He noted that Mr. Kane might be able to modify the request and reapply, but the Board could not approve the current proposal.

Mr. Kane then asked whether there was any possibility that the Board could vary the requirement limiting variances to 20% of the setback. Chair Izenour responded that, in past applications, the Board has not adjusted or exceeded that requirement.

The applicant stated that he would like to withdraw his application. The Chair repeated that the application was being withdrawn at the request of the applicant.

VI. OTHER BUSINESS

Chair Izenour reminded the Board that mandatory Board training will be held on December 3, 2025, at 6:00 PM in the Town Office meeting room.

VII. ADJOURNMENT

Secretary Fletcher moved to adjourn at 6:33 PM. Member Preston seconded the motion and the Board voted 5-0 to approve the motion.

Theodore Fletcher
Secretary, Appeals Board

Date