

SOUTHWEST HARBOR BOARD OF APPEAL

9 NOVEMBER 2022

MINUTES

 DRAFT

The Board of Appeal met in person at the Town Offices to hear an Appeal for a Set Back Variance from the Smileys . The Meeting was available and recorded with the Zoom video-conferencing software on September 28, 2022. to elect officers, review terms, and briefly review ordinances. Present were John Izenour, Chair, Theodore G. Fletcher, Jim Geary (zoom), and Jane Ayres Peabody. Also present were the Smileys, Appellant, John Larson, CEO, Ken Rozsahegyi, Appellant, Jesse Dunbar, and Ken Salvatore and John Williams, members of the Planning Board.

1. The Board heard the Appeal for a Set Back Variance from the Smileys, having been denied a permit for an attached garage by the Code Enforcement Officers because the proposed location was within the setback mandated by the Land Use Ordinance. The Board denied the Smiley appeal for the reasons set out in the Finding of Fact and Decision that is attached to these Minutes. (Geary/Fletcher).
2. The Board next heard the Rozsahegy Appeal of the Planning's action concerning the Dunbar subdivision on Blueberry Lane. The Appeal was based on a conflict of interest on the part of one of the Planning Board that was not adequately disclosed and not addresses within the procedures mandated by the Land Use Ordinance, state statutes, and the recently adopted Code of Conduct. Upon learning that the record lacked meeting minutes and recordings, the Board moved to table the matter and re-hear the appeal at a later date when the record could be completed. (Fletcher/Geary)
3. The Board moved to adjourn at 7:20 PM. (Peabody/Fletcher)

Respectfully submitted,

Theodore G. Fletcher, Secretary of the Board of Appeal