

**RESOLUTION NO. 20-07-54**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF JOCELYN TIEDEMANN FOR A VARIANCE PURSUANT TO THE VILLAGE CODE OF ORDINANCES - SECTION 30-816, TO ALLOW FOR A REDUCTION IN THE CLASS "D" BUFFERYARD REQUIRED BETWEEN THE R1 (RESIDENTIAL SINGLE FAMILY) ZONING DISTRICT AND THE NR (NATIVE RESIDENTIAL) ZONING DISTRICT FROM A MAXIMUM WIDTH OF THIRTY (30) FEET TO FIVE (5) FEET, FOR PROPERTY LOCATED AT 137 EAST RIDGE ROAD ON PLANTATION KEY, WITH THE PARCEL IDENTIFICATION NUMBERS 00411739-000000 AND 00411740-000000, AS LEGALLY DESCRIBED HEREIN, AND PROVIDING FOR AN EFFECTIVE DATE. (File No.: PLVAR20200021)**

**WHEREAS**, Jocelyn Tiedemann (the "Applicant") is the owner of properties located at 137 East Ridge Road on Plantation Key, with Parcel Identification Numbers 00411739-000000 and 00411740-0000000 and legally described below (the "Property") within Islamorada, Village of Islands, Florida (the "Village"); and,

**WHEREAS**, the Applicant has submitted an application for a Variance from Section 30-816 of the Village Code of Ordinances (the "Code"), to allow for a reduction in the required Class "D" Bufferyard between the R1 (Residential single family) Zoning District and the NR (Native Residential) Zoning District from a maximum of thirty (30) feet to five (5) feet (the "Request"), on the Property legally described below; and,

**WHEREAS**, on April 16, 2020, the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") conducted a duly noticed Public Hearing regarding the Variance Request (the "Request").

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2. Findings of Fact.** The Village Council, having considered the Request, the relevant support materials and public testimony given at the Hearing, does hereby find and determine:

1. The Request **complies** with the standards of Code Sec. 30-221(d) for considering Variances.

2. The Request **is** consistent with the goals, objectives, and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

3. The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:

a. The Application for a Variance **does** meet the requirements set forth in Code Section 30-221 and **has** demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and,

b. The Village Council **approves** the Request submitted by the Applicant, for the following described property:

*LOT 11 AND NORTH ½ OF LOT 12, BLOCK 1, PLANTATION RIDGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 43 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.*

**Section 3. Conclusions of Law.** Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

(1) The Request has been processed in accordance with the applicable provisions of the LDRs and **will not** be detrimental to the community as a whole.

(2) In rendering its decision, as reflected in this Resolution, the Village Council has:

- (a) Accorded procedural due process; and,
- (b) Observed the essential requirements of the law; and,
- (c) Supported its decision by substantial competent evidence contained within the record.

(3) The Request is hereby **APPROVE**.

**Section 4. Effective Date.** This Resolution shall not take effect until after thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Village Code.

Motion to adopt by Councilman Jim Mooney, second by Councilwoman Deb Gillis.

**FINAL VOTE AT ADOPTION**


**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:**

Mayor Mike Forster	YES
Vice-Mayor Ken Davis	YES
Councilwoman Deb Gillis	YES
Councilman Jim Mooney	YES
Councilman Chris Sante	YES

**PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF JULY, 2020.**

  
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MIKE FORSTER, MAYOR

ATTEST:

  
\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY

  
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ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 17<sup>th</sup> day of July, 2020.

  
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KELLY TOTH, VILLAGE CLERK