

RESOLUTION NO. 20-06-43

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY MARY LOUISE FAZEKAS LIVING TRUST FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 75439 OVERSEAS HIGHWAY, LOWER MATECUMBE KEY, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 "Building Permit Allocation System," Section 30-477 "Administrative Relief," of the Code of Ordinances (the "Code") of Islamorada, Village of Islands (the "Village"), Mary Louise Fazekas Living Trust (the "Property Owner" / "Applicant") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Building Permit Allocation System (the "BPAS") for property located at 75439 Overseas Highway, Lower Matecumbe at approximately Mile Marker 75, as legally described in Exhibit "A" , and

WHEREAS, on June 18, 2020, a duly noticed public hearing was held by the Village Council to consider the application for administrative relief; and

WHEREAS, following the public hearing, upon review and examination of the record, the Village Council finds that pursuant to the requirements of the Village Code and existing case law, the Application demonstrates a beneficial use providing economic benefit to the Applicant.

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

Section 1. Findings.

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

(1) The hearing was properly noticed, the Application and the supporting documents and materials were properly before the Village Council for consideration, and all interested parties concerned in the matter were given opportunity to be heard.

(2) The Application, based on the evaluation **DOES** meet the standards set forth in Sections 30-477 and 30-553 of the Village Code to require remedial action to provide for administrative relief in the form of one (1) BPAS allocation award. This allocation award shall be awarded pursuant to Village Code Section 30-475(g) from previous market rate roll over allocations.

Section 2. Conclusions of Law.

(1) That granting of the Application is consistent with the Village Code and will not be detrimental to the community as a whole.

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

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

(3) Approval of administrative relief is hereby **GRANTED**.

Section 3. Effective Date.

This Resolution shall not take effect until after both 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 Code; and following the thirty (30) days, this Resolution shall not be effective or acted upon by the Owner/Applicant until forty-five (45) days following the rendition to the Florida Department of Economic Opportunity (“DEO”), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DEO may appeal this Ordinance to the

Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

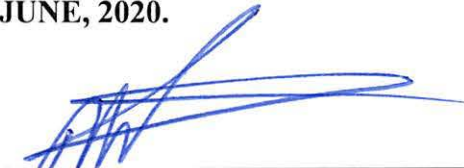
Motion to adopt by Councilman Chris Sante, second by Councilwoman Deb Gillis.

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 18TH DAY OF JUNE, 2020.



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



ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 19th day of June, 2020.



Kelly Toth, Village Clerk

Exhibit "A"

Legal Description:

Lot Seventy-six (76), MATECUMBE OCEAN-BEACH, Section "A", a subdivision in Section 21, Township 64 South, Range 36 East, according to the plat thereof recorded in Plat Book 2, page 39 of the Public Records of Monroe County, Florida; TOGETHER with riparian rights thereto pertaining, and a parcel from the intersection of the Southerly right of way line of State Road No. 5 with the dividing line between Lots 76 & 77, as shown on plat of Matecumbe Ocean Beach Section "A", recorded in Plat Book 2 at Page 39, Public Records of Monroe County, Florida, run southerly on the said dividing line between Lots 76 and 77, a distance of 235 feet, more or less, to the mean high tide line on the shore of the Straits of Florida and the Point of Beginning of the parcel hereinafter described; thence continue Southerly on the prolongation of last described course, a distance of 195 feet; thence Westerly and parallel with the Southerly right of way line of State Road No. 5, a distance of 100 feet to the prolongation of the dividing line between Lots 75 and 76, (2-39); thence northerly along said prolongation, a distance of 200 feet, more or less, to the said mean high tide line, at the dividing line between Lots 75 and 76; thence Easterly meandering said mean high tide line, a distance of 100 feet, more or less, to the point of beginning.