

RESOLUTION NO. 18-02-14

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20170393 FILED BY KIM DARIA CORSINI AND ROBERT F. JONES, JR., RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 199 CARROLL STREET, ON UPPER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, WITH PARCEL IDENTIFICATION NUMBER 00400900-000000, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on December 1, 2017, Kim Daria Corsini and Robert F. Jones, Jr., (the "Appellants") filed Administrative Appeal No. PLADA20170393 (the "Appeal") pursuant to Section 30-281 of the Code of Ordinances of Islamorada, Village of Islands (the "Village"); and

WHEREAS, the purpose of the Appeal is to seek the Village Council's review of a determination made by the Director of Planning (the "Director") regarding the findings set forth in Pre-Application Conference Application No. PLPRE20170169, specifically the determination of the number of legally established dwelling units on Appellants' property located at 199 Carroll Street, as legally described in Exhibit "A" attached hereto; and

WHEREAS, on February 1, 2018 a duly noticed public hearing was held before the Village Council pursuant to Section 30-281 of the Village Code of Ordinances (the "Code").

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

Section 1. Findings of Fact.

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

- (1) The Council heard the Appeal on February 1, 2018.
- (2) The hearing was noticed pursuant to Section 30-213(j) of the Village Code and all interested parties concerned in the matter were given an opportunity to be heard.
- (3) The Director presented the written recommendation of the Village Staff dated February 1, 2018 to the Village Council.
- (4) The Director's interpretation of the Code **is not** supported by the facts presented.
- (5) The granting of the appeal determining the existence of three (3) legally established residential dwelling units **is** supported by the facts and documents presented.

Section 2. Conclusions of Law.

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

- (1) The Appeal has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, including Section 30-281 of the Village Code; and
- (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 competent substantial evidence of record; and
- (3) In accordance with Sections 30-281(d), (e) and (f) of the Village Code, the Administrative Appeal submitted by Kim Daria Corsini and Robert F. Jones, Jr. is hereby **GRANTED** and the Village recognizes three (3) legally established dwelling units on the Property.

Section 3. Effective Date.

This Resolution shall not become effective until approved pursuant to Final Order by the State Department of Economic Opportunity ("DEO") pursuant to Section 163.3184, Florida Statutes or if the Final Order is challenged until the challenge to the order is resolved pursuant to Chapter 380.05, Florida Statutes.

Motion to adopt by Councilwoman Cheryl Meads, second by Councilman Mike Forster.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:


Mayor Chris Sante	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	ABSENT

PASSED AND ADOPTED THIS 1ST DAY OF FEBRUARY, 2018.



CHRIS SANTE, 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 2ND day of February, 2018.



Kelly Toth, Village Clerk

EXHIBIT "A"

Legal Description: The Southwest 50 feet of Lot 12, Block 10, Stratton's Subdivision, according to the Plat thereof, as recorded in Plat Book 2, at Page 38, of the Public Records of Monroe County, Florida, together with a parcel of submerged land in the Straits of Florida, in Section 28, Township 63 South, Range 37 East, Upper Matecumbe, Monroe County, Florida, more particularly described as follows:

From the Intersection of the dividing line between Lots 11 and 12, Block 10, Stratton's Subdivision, Plat Book 2, at Page 38, of the Public Records of Monroe County, Florida, with the Northwestern side of said Block 10, run Southeasterly along the said dividing line a distance of 407 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 Southeasterly on the prolongation of the last described course a distance of 214 feet, more or less; thence run Northeasterly with an interior angle of 76.44 feet a distance of 51.9 feet to a line which is parallel to and 50 feet distance Northeasterly from the said dividing line between Lots 11 and 12; thence Northwesterly along said line which is parallel and 50 feet distant Northeasterly from the said dividing line between Lots 11 and 12, a distance of 220 feet, more or less, to the said mean high tide line; thence Southwesterly meandering said mean high tide line a distance of 52 feet, more or less to the point of beginning, containing .25 acres.