RESOLUTION NO. 17-10-89

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. PLADA20170113 FILED BY ANDREAS HOPMAN, RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 76291 OVERSEAS HIGHWAY, ON LOWER MATECUMBE KEY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, WITH PARCEL IDENTIFICATION NUMBER 00395590-000000, AS LEGALLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 1, 2017, Andreas Hopman, (the “Appellant”) filed Administrative Appeal No. PLADA20170113 (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. PLPRE20170086, specifically the determination of the number of legally established dwelling units on Appellant’s property located at 76291 Overseas Highway, as legally described in Exhibit “A” attached hereto; and

WHEREAS, on October 26, 2017 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 Appellant and the Director, does hereby find and determine:
(1) The Council heard the Appeal on October 26, 2017.

(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 October 26, 2017 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 a legally established residential dwelling unit(s) 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 Andreas Hopman is hereby GRANTED.

**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 Deb Gillis, second by Councilman Mike Forster.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

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

PASSED AND ADOPTED THIS 26th DAY OF OCTOBER, 2017.

JIM MOONEY, MAYOR

ATTEST:
KELLY TOOTH, 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 31 day of October, 2017.
EXHIBIT “A”

Legal Description: Matecumbe Ocean-Bay Amended and Extended Plat, Lot 43, Block 3 according to the Plat thereof recorded in Plat Book 2, Page 96 of the public records of Monroe County.