RESOLUTION NO. 12-04-25

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE REQUEST OF GEORGE AND EVANGELINE VROTSOS, FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 75465 OVERSEAS HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to the Islamorada Code of Ordinances (the "Village Code"), Chapter 30, Article IV, Division 11 "Building Permit Allocation System," Section 30-477 "Administrative Relief," George and Evangeline Vrotsos, (the "Applicant") have applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village") for administrative relief from the Building Permit Allocation System (the "BPAS") for property located at 75465 Overseas Highway, Lower Matecumbe Key at approximately Mile Marker 75.4, as legally described in Exhibit "A;" and

WHEREAS, on April 26, 2012, a duly noticed public hearing was held by the Village Council; 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 possesses 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:

(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 of 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 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 is hereby GRANTED.

Section 3. Effective Date.

This Ordinance 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 Ordinance shall not be effective or
acted upon by the Owner until forty-five (45) days following the rendition to DEO, pursuant to
Chapter 9J-1 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 Vice Mayor Philipson, second by Councilman Achenberg.

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

Mayor Michael Reckwerdt      YES
Vice Mayor Ken Philipson      YES
Councilman Don Achenberg     YES
Councilman Ted Blackburn     YES
Councilman Dave Purdo         YES

PASSED AND ADOPTED THIS 26th DAY OF APRIL, 2012.

Ken Philipson
KEN PHILIPSON, VICE MAYOR

ATTEST:

Debra Eastman, MMC
VILLAGE CLERK

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

VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 27 day of April, 2012.

Debra Eastman, Village Clerk

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Exhibit “A”

Lot 81, Lower Matecumbe Harbor Subdivision, Lower Matecumbe Key, according to the plat thereof, as recorded in Plat Book 2 Page 105 of the public records of Monroe County, Florida with Real Estate Number 00394680-000000.