RESOLUTION NO. 13-08-61

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, DENYING THE REQUEST BY SCOTT DAIAGI FOR A DOCK LENGTH VARIANCE FOR THE DEVELOPMENT OF A PIER-TYPE DOCK WITH A 4’ X 315’ ACCESS WALK CULMINATING IN A 160 SQUARE FOOT (8’ X 20’) TERMINAL PLATFORM AND TWO DOLPHIN WOOD MOORING PILINGS LOCATED 25 FEET OFF THE TERMINAL END OF THE DOCKING FACILITY 20 FEET APART, FOR A DOCKING FACILITY WITH A TOTAL FOOTPRINT OF 1,920 SQUARE FEET ON PROPERTY LOCATED AT 89401 OLD HIGHWAY, PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A;” PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Scott Daiagi, (the “Applicant”) submitted an application for a dock length variance pursuant to Section 30-1550(g) of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”) to construct a pier-type dock with a 4’ x 315’ access walk culminating in a 160 square foot (8’ x 20’) terminal platform and two dolphin wood mooring pilings located 25 feet off the terminal end of the docking facility 20 feet apart, for a docking facility total footprint of 1,920 square feet (the “Request”) on property located at 89401 old highway, Plantation Key, as legally described in exhibit “A;” (the “Property”); and

WHEREAS, the Property is located within the Native Residential (NR) Zoning District; and

WHEREAS, the Village Council initially conducted a duly noticed public hearing regarding the Request on May 23, 2013; and

WHEREAS, a deferral and continuance was granted by the Village Council considering a determination of the request in order to provide the applicant an opportunity to address concerns and provided additional information; and
WHEREAS, on May 23, 2013, the Village Council conducted a duly noticed public hearing regarding the Request.

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

Section 1. Findings of Fact.

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

(1) The Application for dock length variance does not meet the requirements set forth in Code Section 30-1550(g) and has not demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council denies the Request submitted by the Applicant.

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 Request has been processed in accordance with the Village Comprehensive Plan and the 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 contained within the record.

Section 3. Effective Date.

This Resolution shall not take effect until 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.
The foregoing resolution offered by Councilman Mike Forster, who moved for its adoption on reading. This motion was seconded by Councilwoman Deb Gillis and upon being put to a vote, the vote is as follows:

**FINAL VOTE AT ADOPTION**

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

Mayor Ken Philipson       YES
Vice Mayor Ted Blackburn  YES
Councilman Mike Forster   YES
Councilwoman Deb Gillis   YES
Councilman Dave Purdo     YES

PASSED AND ADOPTED this 22\textsuperscript{nd} day of August, 2013.

KEN PHILIPSON, MAYOR

ATTEST:

____________________________________
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 23\textsuperscript{rd} day of August, 2013.

____________________________________
VILLAGE CLERK