RESOLUTION NO. 14-12-96

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. AA 15-01 FILED BY LISA AND JULIAN SIEGEL, RELATING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES FOR PROPERTY LOCATED AT 86801 OLD HIGHWAY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on November 12, 2014, Lisa and Julian Siegel, (the “Appellants”) filed Administrative Appeal AA No. 15-01 (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 was to seek the Village Council’s review of a determination made by the Director of Planning and Development Services (the “Director”) regarding Appellants’ inability to substantiate the existence of a legally established residential dwelling unit associated with Appellants’ property located at 86801 Old Highway, as legally described in Exhibit “A” attached hereto; and

WHEREAS, on December 18, 2014, a duly noticed public hearing was held before the Village Council pursuant to Section 30-281 of the Village 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 December 18, 2014.
(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 to the Village Council the written recommendation of the Village Staff dated December 18, 2014.

(4) The Director’s interpretation of the Code is not supported by the facts presented.

(5) The granting of the legally established residential dwelling unit 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 by Lisa and Julian Siegel is hereby APPROVED.

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.
This Resolution shall not take effect until Final Order approval by the DEO and thirty (30) days following the date it is filed with the Village Clerk. If during that time frame, the decision of the Village Council is appealed as provided in the Village Code and the Florida Rules of Appellate Procedure, such appeal shall stay the effectiveness of this Resolution until the appeal is resolved by a court of competent jurisdiction.

The foregoing Resolution was offered by Vice Mayor Deb Gillis, who moved for its adoption. This motion was seconded by Councilman Chris Sante, and upon being put to a vote, the vote was as follows:

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

Mayor Mike Forster       YES
Vice Mayor Deb Gillis    YES
Councilman Jim Mooney    YES
Councilman Chris Sante   YES
Councilman Dennis Ward   NO

PASSED AND ADOPTED THIS 18TH DAY OF DECEMBER, 2014.

ATTEST:

KELLY TOOTH, VILLAGE CLERK

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

ROGET V. BRYAN, VILLAGE ATTORNEY
A parcel of land in Section 18, Township 63 South, Range 36 East, Plantation Key, Monroe County, Florida, more particularly described as follows:

Commencing at the intersection of the west line of said Section 18 with the southerly right of way line of Old State Road 44, run N88°05'15"E for 62.44 feet to the Point of Beginning of the parcel hereinafter described; thence continue N88°05'15"E for 90.00 feet; thence run S21°4'45"E for 130.00 feet; thence run S68°05'15"W for 90.00 feet; thence run N21°4'45"W for 130.00 feet to the Point of Beginning.

Also known as: Lot 50, Unrecorded Plat of Plantation Lake Estates, by Paul Buckley Schuh & Jernigan, dated February, 1978.

Less and except the following described parcel:

Begin at the Point of Curvature of a curve having a radius of 20 feet, at the northwesterly corner of Lot 50, as shown on the unrecorded plat of Plantation Lake Estates, a subdivision located in Section 18, Township 63 South, Range 36 East in Monroe County, Florida, said point being 20.00 feet, southeasterly, as measured on a perpendicular from the southeasterly right of way line of Old State road 44; thence northwesterly along the arc of said curve, concave to the East for a distance of 3.0 feet to a point which bears N 20°28'46"W 1 feet from the Point of Beginning; thence run N68°05'15"E, parallel to said right of way line for a distance of 22.26 feet; thence run S21°4'45"E for a distance of 2.0 feet; thence run S68°05'15"W for a distance of 23.0 feet to the point on the northwesterly right of way line of South Drive; thence run N21°4'45"W along said right of way line for 1.0 feet to the Point of Beginning.

Also less and except those portions, if any, lying within the right of ways of South Drive and Harbor Drive.