RESOLUTION NO. 15-07-58

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING A REQUEST BY THOMAS YOUNG FOR A VARIANCE FROM CODE SECTION 30-1542(1)(b) TO ALLOW A REDUCTION OF THE REQUIRED SHORELINE SETBACK ON LOT 10 OF THE UNRECORDED PLANTATION LAKE ESTATES SUBDIVISION, PLANTATION KEY AT APPROXIMATELY MILE MARKER 87 WITH AN ADDRESS OF 318 NORTH DRIVE, AS RECORDED IN PLAT BOOK 1 AT PAGE 101, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Thomas Young (the "Applicant") submitted an application for a variance from Section 30-1542(1)(b) of the Islamorada, Village of Islands, Florida (the "Village") Code of Ordinances (the "Code"), to allow a reduction of the required shoreline setback from thirty (30) feet to 24.93 feet for a total area of 60.86 square feet for the construction of a balcony as shown on Exhibit "B" for property located on Lot 10 of the unrecorded Plantation Lake Estates subdivision, Plantation Key (the "Variance Request"), with an address of 318 North Drive, legally described in Exhibit "A" (the "Property"); and

WHEREAS, the Property is located within the Residential Single-Family (R1) Zoning District; and

WHEREAS, on July 9, 2015, a duly noticed public hearing was held by the Village Council to consider the application for a variance.

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

Section 1. Findings.

The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:
(1) The Application MEETS the requirements set forth in Section 30-221(d) of the Village Code and HAS demonstrated through competent substantial evidence that it meets the criteria for the granting of the Variance Request; and

(2) The Variance request is to allow for a reduction of the required shoreline setback from thirty (30) feet to 24.93 feet for a total area of 60.86 square feet for the construction of a balcony as shown in Exhibit "B"; and

(3) The Village Council hereby APPROVES the Variance Request submitted by the Applicant.

Section 2. Conclusions of Law.

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

(1) The Variance Request has been processed in accordance with the Village Comprehensive Plan and 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 substantial competent evidence contained within the record; and

(3) The Variance Request is hereby GRANTED.

Section 3. Effective Date.

This Resolution 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 Resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following rendition to the Florida Department of Economic Opportunity (the "DEO"), pursuant to Chapter 9J-1
of the Florida Administrative Code, unless exempt from rendition as provided within the DEO Memorandum of Understanding (the “MOU”) which was approved pursuant to Resolution number 11-12-90. If applicable, during the forty-five (45) day period following rendition, the DEO may appeal this Resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

Motion to adopt by Councilman Chris Sante, second by Councilman Jim Mooney.

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

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

PASSED AND ADOPTED this 9TH day of JULY, 2015.

ATTEST:

MIKE FORSTER, MAYOR

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 15 day of July, 2015.

KELLY TOTH, VILLAGE CLERK
PROPERTY DESCRIPTION:
A parcel of land in Section 1B, Township 63 South, Range 38 East on Plantation Key in Monroe County, Florida, being more particularly described as follows; Commencing at the intersection of the Easterly line of Lot 7 according to the George L. McDonald Plat of Government Lots 3, 5 and 6, Section 18, Township 63S, Range 38E as recorded in Plat Book 1 at Page 101 of the Public Records of Monroe County, Florida and the Southerly Right of Way line for 114.24 feet; thence 44°58'30" E for 653.17 feet to the Point of Curvature of a tangential curve to the right; said curve having a radius of 142.5 feet; thence along the arc of said curve, through a central angle of 37°58'30" for 94.45 feet; thence S 7°-00'E for 25.00 feet to the Point of beginning of the parcel hereinafter described; thence continues S 7°-00'E for 86.00 feet; thence N 68°-00'E for 168 feet, more or less to the mean high tide line of the Atlantic Ocean; thence meander the mean high tide line in a Northerly direction for 72 feet, more or less, to a point bearing N 73°-00'E of the IPoint of Beginning; thence S 73°-00'W for 161 feet, more or less to the Point of Beginning.
Together with and being part of and subject to a 25 foot easement created for the purpose of roadway and utility construction and maintenance, and being more particularly described as a strip of land, being 25 feet in width and having a centerline described as follows; Commencing at the intersection of the Easterly line of Lot 7 according to the George L. McDonald Plat of Government Lots 3, 5 and 6, Section 18, Township 63 South, Range 38 East as recorded in Plat Book 1 at Page 101 of the Public Records of Monroe County, Florida, and the Southerly Right of Way line of old State Road 4A, thence Southwesterly along said Right of Way line for 114.24 feet to the Point of Beginning; thence S 44°58'30" E for 653.17 feet to the point of curvature of a tangential curve to the right; said curve having a radius of 142.5 feet; thence along the arc of said curve, through a central angle of 37°58'30" for 94.45 feet; thence S 7°-00'E for 111.00 feet.
APPLICATION FOR VARIANCE
COVER PAGE
PAGE 1 OF 3

OWNERS NAME: TOM AND SHEILA A. YOUNG

PROPERTY ADDRESS: 318 NORTH DRIVE, ISLAMORADA, FL 33036

SUBDIVISION: "PLANTATION LAKE ESTATES" AN UNRECORDED SUBDIVISION.

LEGAL DESCRIPTION OF PROPERTY: SEE METES AND BOUNDS DESCRIPTION ON PAGE 2 OF 3.

ALTERNATE KEY: 1108090

PARCEL ID: 00093420–001000

PC CODE: 01 SINGLE FAMILY

318 NORTH DRIVE, ISLAMORADA, FL
COVER PAGE PAGE 1 OF 3
LOCATION MAP
NOT TO SPECIFIC SCALE

PROPERTY DESCRIPTION:
A parcel of land in Section 18, Township 63 South, Range 38 East on Plantation Key in Monroe County, Florida, being more particularly described as follows;
Commencing at the intersection of the Easterly line of Lot 7 according to the George L. McDonald Plat of Government Lots 3, 5 and 6, Section 18, Township 63S, Range 38E as recorded in Plat Book 1 at Page 101 of the Public Records of Monroe County, Florida, and the Southerly Right of Way line for 114.24 feet; thence S 44°58′30″ E for 653.17 feet to the Point of Curvature of a tangential curve to the right; said curve having a radius of 142.5 feet;
thence along the arc of said curve, through a central angle of 37°58′30″ for 94.45 feet; thence S 7°00′E for 25.00 feet to the Point of beginning of the parcel hereinafter described; thence continues S 7°00′E for 86.00 feet; thence N 68°00′E for 188 feet, more or less to the mean high tide line of the Atlantic Ocean; thence meander the mean high tide line in a Northerly direction for 72 feet, more or less, to a point bearing N 73°00′E of the Point of Beginning; thence S 73°00′W for 161 feet, more or less to the Point of Beginning.
Together with and being part of and subject to a 25 foot easement created for the purpose of roadway and utility construction and maintenance, and being more particularly described as a strip of land, being 25 feet in width and having a centerline described as follows;
Commencing at the intersection of the Easterly line of Lot 7 according to the George L. McDonald Plat of Government Lots 3, 5 and 6, Section 18, Township 63 South, Range 38 East as recorded in Plat Book 1 at Page 101 of the Public Records of Monroe County, Florida, and the Southerly Right of Way line of old State Road 4A, thence Southwesterly along said Right of Way line for 114.24 feet to the Point of Beginning;
thence S 44°58′30″ E for 653.17 feet to the point of curvature of a tangential curve to the right; said curve having a radius of 142.5 feet; thence along the arc of said curve, through a central angle of 37°58′30″ for 94.45 feet; thence S 7°00′E for 111.00 feet.

318 NORTH DRIVE, ISLAMORADA, FL
LOCATION MAP AND PROPERTY DESCRIPTION
PAGE 2 OF 3
APPLICATION FOR VARIANCE
DETAIL PAGE
PAGE 3 OF 3

PROPOSED TO
60.86 SQUARE FEET

SCALE: 1 INCH = 20'

318 NORTH DRIVE, ISLAMORADA, FL
DETAIL PAGE 3 OF 3