RESOLUTION NO. 15-07-59

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF KADEE DELLA DONNA AND WILLIAM JACKSON, FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 204 HARBOR DRIVE PLANTATION KEY, AS LEGALLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 30, Article IV, Division 11 “Building Permit Allocation System,” Section 30-477 “Administrative Relief,” of the Code of Ordinances of Islamorada, Village of Islands (the “Village”), Kadee Della Donna and William Jackson, (the “Applicants”) have applied to the Village Council of Islamorada, Village of Islands, Florida (the “Village Council”) for administrative relief from the Building Permit Allocation System (the “BPAS”) for property located at 204 Harbor Drive, Plantation Key at approximately Mile Marker 87, as legally described in Exhibit “A”, and

WHEREAS, on July 9, 2015, a duly noticed public hearing was held by the Village Council to consider the application for administrative relief; 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 that:

(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 set forth in Sections 30-477 and 30-553 of the Village Code to require remedial action to provide for administrative relief in the form of four (4) additional perseverance points from the BPAS.

Section 2. Conclusions of Law.

(1) That granting of 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 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 Owner until forty-five (45) days following the rendition to the Florida
This Resolution was filed in the Office of the Village Clerk of this 13th day of July, 2015.

Kelly Toth, Village Clerk
LOT 52, OF THE UNRECORDED PLAT OF PLANTATION LAKE ESTATES, SECTION 18, TOWNSHIP 63 SOUTH, RANGE 28 EAST, ON PLANTATION KEY, MONROE COUNTY, FLORIDA