

RESOLUTION NO. 24-12-141

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY ISLAND CONSTRUCTION MANAGEMENT INC FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 33 FLAMINGO HAMMOCK RD, UPPER MATECUMBE, AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; 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 (the "Code") of Islamorada, Village of Islands (the "Village"), Island Construction Management Inc (the "Applicant") on behalf of Ernstes-Jones Holly Lynn Revocable Trust (the "Property Owner") has applied to the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") for administrative relief from the Village Building Permit Allocation System (the "BPAS") for property located at 33 Flamingo Hammock Rd, having parcel ID number 00403041-003300 located in the Bay Hammock Community subdivision on Upper Matecumbe Key, as legally described in Exhibit "A", and

WHEREAS, on May 9, 2024 and December 12, 2024, duly noticed public hearings were held by the Village Council to consider the applications 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 demonstrates a beneficial use providing economic benefit to the Property Owner.

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 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 the opportunity to be heard.

- (2) The Application, based on the evaluation meets the standards set forth in Sections 30-477 and 30-533 of the Village code to require remedial action to provide for administrative relief in the form of a building permit allocation.

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 of administrative relief 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 Department of Commerce ("DOC"), pursuant to Chapter 73C-44.002 of the Florida Administrative Code. During those forty-five (45) days, the DOC 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 Councilwoman Gillis, seconded by Councilman Pinder.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	ABSTAIN
Councilman Joseph B. Pinder III	YES
Councilwoman Deb Gillis	YES
Councilman Steve Friedman	YES

PASSED AND ADOPTED THIS 12TH DAY OF DECEMBER 2024.


SHARON MAHONEY, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

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


JOHN QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 20 day of December, 2024.



EXHIBIT "A"
(LEGAL DESCRIPTION)

Parcel ID: 00403041-003300

LOT 33 OF BAY HAMMOCK COMMUNITY, PLAT BOOK 7, PAGE 30 OF THE PUBLIC RECORDS OF
MONROE COUNTY, FLORIDA.