



# Council Communication

**To:** Mayor and Village Council  
**From:** Jennifer DeBoisbriand , Planning Director  
**Date:** November 13, 2025  
**SUBJECT:** **Administrative Relief for 129 Porto Vista Court**

## **Background:**

Samuel Burstyn (the "Applicant") has applied for Administrative Relief (the "Application") pursuant to Section 30-477 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village"). Village Code Section 30-477 requires that a public hearing be held, during which the Village Council of Islamorada, Village of Islands (the "Village Council") shall consider all evidence presented regarding the Application, and shall follow the procedures, standards and criteria found within Code Sections 30-552 and 30-553, "Beneficial Use." The burden of proof shall be on the Applicant.

The subject property (the "Property") is located at 129 Porto Vista Court and legally described in Exhibit "A" of the proposed Resolution (Attachment A). The Application was entered into the Building Permit Allocation System (the "BPAS") on August 2, 2021. The Application has been considered in four (4) consecutive annual allocation periods and has failed to receive an allocation award. At the close of Quarter 3 of 2025, the Application was ranked 2nd with twenty (20) points. Pursuant to the requirements set forth in Code Section 30-477(a), the Applicant was eligible to apply for Administrative Relief between 12:01 PM on October 1, 2025, and 12:00 PM on January 29, 2026. The Applicant submitted the Application for Administrative Relief on October 1, 2025.

The proposed development is one single-family, two-bedroom, two-bathroom home, approximately 1,140 square feet.

The site is approximately 8,436 square feet with allowed clearing and mitigation based on habitat.

## **Analysis:**

Pursuant to Code Section 30-553, when considering an application for relief, the Village Council shall consider the following factors, in addition to those guidelines, within the comprehensive plan.

(1) Whether the comprehensive plan or land development regulations in effect at the time of the filing of the beneficial use application are rationally related to a legitimate government interest.

The Comprehensive Plan of Islamorada, Village of Islands (the "Village") dictates through Comprehensive Plan Policy 1-2.3.3 Residential Medium (RM) that:

"Policy 1-2.3.3: Residential Medium (RM). This designation is intended to provide stable, single-family neighborhoods and allow for uses which further the peaceful enjoyment and high-quality residential character valued by Village residents. Areas designated Residential Medium (RM) on the Future Land Use Map shall include one (1) single family unit on one lot of record, and duplexes. Duplexes shall only be permitted in Zoning Districts where legally permitted duplexes currently exist. Notwithstanding the density limitations, duplexes, triplexes and fourplexes shall be permitted on RM lots fronting U.S. 1, pursuant to the Building Permit Allocation System, if approved as affordable housing. The RM Future Land Use Map designation shall allow home occupations. Supportive community facilities ancillary to the residential uses may be located within areas designated RM. The Land Development Regulations shall provide regulatory procedures for considering the above-noted uses."

Code Section 30-684 "Residential Single-Family (R1) Zoning District" dictates that the Land Development Regulations (LDRs) affecting the property, including the purpose and intent of the R1 Zoning District: "...is to accommodate homes, homeowners' parks, and open space in single-family residential neighborhoods located in subdivisions and on streets where the primary land use is single-family residential."

The Applicant has not asserted that either the Comprehensive Plan or Land Development Regulations in effect at this time are not rationally related to a legitimate government interest. Both the Comprehensive Plan and Land Development Regulations in effect are rationally related to a number of legitimate government interests, as outlined in the Village's Comprehensive Plan and Principles for Guiding Development within the Florida Keys Area of Critical State Concern [F.S. 380.0552(7)]. The State Land Planning Agency (the Florida Department of Commerce ("DOC")) has confirmed this through the approval of the Village's Comprehensive Plan and Land Development Regulations.

(2) Whether the comprehensive plan or land development regulations in effect at the time of the filing of the beneficial use application deny all reasonable economic use of the parcel of real property.

At the time of the filing, the Application currently had a score of twenty (20) points. With one allocation remaining, Staff estimates that if the Application were to remain in the BPAS, the Property Owner could receive an allocation because it is currently ranked number 2 on the BPAS list. However, the Village is not intending to issue the final allocation until after March of 2026 and the property owner will have missed his opportunity for Administrative Relief if he waits until that time and is not awarded the allocation.

(3) Relevant parcel.

a. Platted lots: If an applicant owns more than one platted lot, a question may exist as to whether more than one of the applicant's platted lots should be considered together as one parcel for the beneficial use determination. In determining the relevant parcel, the Village Council should focus on "the parcel as a whole" and not on particular segments or portions of the parcel. The village council shall consider three factors to determine whether individual platted lots should be combined and considered as one parcel for the purpose of the beneficial use determination:

1. The "physical contiguity" of the lots;

2. The "unity of ownership" of the lots (i.e., does the applicant own all of the lots in question);
3. The "unity of use" between the lots, i.e., platted urban lots should generally be considered as separate uses, but can be combined for purposes of a beneficial use determination if the lots are part of a larger property, based on an analysis of the following factors, which must be applied to the particular facts and circumstances on a case-by-case basis:
  - i. Was it the intent of the landowner to use the lots for a single use?
  - ii. What is the suitability of the lots for a single or separate use versus a combined use?
  - iii. Are the lots dependent on each other for the ability to have a single use?
  - iv. Is there a reasonable economic use of the lots if unified?
  - v. What is the current zoning of each lot?
  - vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed?
  - vii. What is the actual current use of the lots?
  - viii. What is the possibility of the lots being used together in the next ten years?

Factor 3a. is not applicable to the Property.

- b. The village council shall not consider anything less than a platted lot to be the parcel of real property.

The Property is a platted lot which meets the density of the Residential Single Family (R1/R1M) Zoning District.

- (4) Once the relevant parcel is determined, the village council must analyze the following factors for that parcel:

- a. The economic impact of the regulation on the parcel; and

Due to the scoring and ranking system implemented in the BPAS, the Code has effectively rendered the construction of a single-family home on the Property not possible for the previous four (4) years.

- b. The extent to which the regulation has interfered with the applicant's investment-backed expectations for the parcel, including any relevant factors such as:

1. The history of the parcel (i.e., When was it purchased? How much land was purchased? Where was the parcel located? What was the nature of title? What was the natural character of the land and how was it initially used?);

The Property was purchased for \$60,000 via Warranty Deed on January 1, 1988 and is currently developed with a concrete dock and seawall. The Property is 8,436 square feet and has no habitat map.

2. The history of the development of the parcel (i.e., What was built on the parcel and by whom? How was it subdivided and to whom, when and at what price was it sold? What plats were applied for or approved? What infrastructure is in place?);

The Property is in a legally platted subdivision recorded in Plat Book 6, Page 25. The Property is minimally developed, and infrastructure is available to serve the Property; both

electricity and potable water are available.

3. The history of zoning and regulation (i.e., How, and when was the parcel classified? How was the use proscribed? What changes in classifications occurred?);

Between 1963 and 1986, the Property was zoned RU-1-M (Single-Family Residential). After the effective date of the 1986 Monroe County Comprehensive Plan, the Property was zoned "Improved Subdivision" (IS) which established areas of low to medium density residential uses characterized principally by single-family detached dwellings.; the referenced zoning district permitted detached residential dwellings, along with accessory structures. Since 2002, the Property has been zoned Residential Single Family (R1), which permits the development of one (1) single-family dwelling unit.

4. How development changed when title was passed;

The Property has remained unchanged since the Property Owner purchased it.

5. What is the present nature and extent of the use of the parcel;

Presently, the Property has accessory uses and meets the minimum lot size and density for the Residential Single Family (R1) zoning district in which it is located.

6. What were the reasonable expectations of the landowner under Florida common law;

The reasonable expectation of the landowner is based on the development of the land, as it was acquired, when it was acquired. The owner must show the elimination of all or substantially all economic use of the property. Whether an owner has been deprived of all or substantially all economic use of his property must be determined on an individual basis and includes consideration of factors which may include:

1. Whether there is a physical invasion of the property.
2. The degree to which there is a diminution in value of the property. Or stated another way, whether the regulation precludes all economically reasonable use of the property.
3. Whether the regulation confers a public benefit or prevents a public harm.
4. Whether the regulation promotes the health, safety, welfare, or morals of the public.
5. Whether the regulation is arbitrarily and capriciously applied.
6. The extent to which the regulation curtails investment-backed expectations.

There is no set value assigned to any individual factor. In the instant case, the Property Owner originally purchased the Property, which has remained unchanged. Under common law, evaluation of the factors should be made as they apply to the Property.

Here, there has been no physical invasion of the Property. The total value (per Monroe County Property Appraiser) of the Property is as follows:

TAX YEAR	Total Assessed Value (Before & After Date of Purchase)
1987 (Before purchase)	\$40,375
1989 (After purchase)	\$343,096
2021 (Entered BPAS)	\$390,031
2022 (In BPAS)	\$429,034
2023 (In BPAS)	\$471,937

2024 (In BPAS)	\$519,131
2025 (in BPAS)	\$571,044

The Comprehensive Plan regulations confer a public benefit by maintaining the character of the area and preserving the density of the area. The regulations promote the health, safety, and welfare of the public by providing stability and preserving the natural conditions found in these areas. The regulations have been uniformly applied and there has been no arbitrary or capricious government action.

Given that the Property has been minimally developed since its purchase by the previous Property Owner, there is nothing to indicate the owner had any investment-backed expectations when the Property was purchased other than the submission of an application into the BPAS.

7. What were the reasonable expectations of the neighboring landowners under Florida common law;

Neighboring landowners have the reasonable expectation that the land surrounding them will be developed in character with the existing development and land use and zoning regulations. The Property is currently minimally developed. It is reasonable to assume that the neighboring landowners could expect the development of a single-family dwelling unit but only after demonstration of compliance with the applicable regulations and the receipt of a required allocation through the BPAS.

8. What was the diminution in the investment-backed expectations of the landowner, if any, after passage of the regulation; and

The total assessed value of the Property in 1988 was \$44,625 when the current property owner purchased the property.

The Village's BPAS regulations were in effect at the time the Property Owner submitted the application into the BPAS and therefore do not result in a diminution in the investment-backed expectation of the Property Owner. Furthermore, prior to the adoption of the BPAS regulation, the Property was within the jurisdictional boundaries of Monroe County and was subject to the County's Rate of Growth Ordinance (ROGO).

9. What was the appraised fair market value of the parcel immediately before and immediately after the effective date of the regulation?

The total assessed value of the Property in 1997 was \$84,099. In 2002, the total assessed value was \$132,752. In 2025, the just market value of the Property, according to the Monroe County Property Appraiser's Office is \$571,044.

Additional Information provided by the Applicant:

- The Property Owner has complied with all requirements of the Building Permit Allocation System (BPAS).
- The BPAS application has not been withdrawn at any time.
- The Property Owner has not applied for a deferral.
- The Applicant, as stated, is seeking an allocation award.

Remedies offered under Code Section 30-477(f): At the conclusion of the public hearing, the Village Council may take any or a combination of the following actions:

- (1) Grant the applicant an allocation award for all or part of the allocation requested in the next succeeding allocation period.
- (2) Offer to purchase the property at its fair market value.
- (3) Suggest such other relief as may be necessary and appropriate.

The Village currently has seventeen (17) allocations available for administrative relief.

**Budget Impact:**

Budget impact will be determined by the council's decision.

**Staff Impact:**

Staff impact will be determined by the council's decision.

**Recommendation:**

Staff recommends awarding the administrative relief allocation.

- Attachments:**
1. 129 Porto Vista File.Revised
  2. Reso 129 Porto Vista Dr. Burstyn JD edits



**Islamorada, Village of Islands**  
**Planning & Development Services**

86800 Overseas Highway, Islamorada, FL 33036  
T: 305-664-6400, F: 305-664-6467

**APPLICATION FOR ADMINISTRATIVE RELIEF**

Pursuant to Code Section 30-477

Application Fee: \$1,500.00

An application for administrative relief shall be filed with the Planning and Development Services Department **no earlier than the conclusion of the fourth annual allocation period and no later than 120 days following the close of the fourth annual allocation period.**

An application must be deemed complete and in compliance with the Village Code by Staff prior to the items being scheduled for review. **See list of required submittals and documents below.**

**APPLICANT / AGENT (if applicable):** Property owner must submit a notarized letter authorizing the applicant/agent to act on their behalf including the agent's name, address and phone number.

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**PROPERTY OWNER:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY:** If in metes and bounds, attach legal description on separate sheet.

Physical Address: \_\_\_\_\_ Mile Marker: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

☐ Plantation Key ☐ Windley Key ☐ Upper Matecumbe Key ☐ Lower Matecumbe Key

Real Estate (RE) Number: \_\_\_\_\_ Alternate Key: \_\_\_\_\_

**CRITERIA FOR ADMINISTRATIVE RELIEF:** Has the applicant complied with all requirements of the building permit allocation system (BPAS)? ☐ Yes ☐ No

Comments: \_\_\_\_\_

Has the subject application been withdrawn at any time? ☐ Yes ☐ No

Comments: \_\_\_\_\_

Has the subject application been considered in at least four (4) consecutive annual allocation periods and failed to receive an allocation award? Please provide appropriate information below.

Date of most recent BPAS application: \_\_\_\_\_ Permit Number: \_\_\_\_\_

What type of administrative relief are you seeking? Please check a box.

☐ Allocation award

☐ Purchase of property at fair market value

☐ Other (please specify): \_\_\_\_\_

**Please provide responses to the following:**

Pursuant to Code Sections 30-552 and 30-553, in making the proposed beneficial use determination, the Village Council will consider, in addition to those guidelines in the comprehensive plan, the following:

1. Whether the comprehensive plan or land development regulations in effect at the time of the filing of the beneficial use application are rationally related to a legitimate government interest. \_\_\_\_\_

\_\_\_\_\_

2. Whether the comprehensive plan or land development regulations in effect at the time of the filing of the beneficial use application deny all reasonable economic use of the parcel of real property. \_\_\_\_\_

\_\_\_\_\_

3. Relevant parcel. **(IF APPLICABLE)**

a. Platted lots: If an applicant owns more than one platted lot, a question may exist as to whether more than one of the applicant's platted lots should be considered together as one parcel for the beneficial use determination. In determining the relevant parcel, the Village Council should focus on "the parcel as a whole" and not on particular segments or portions of the parcel. The Village Council shall consider three factors to determine whether individual platted lots should be combined and considered as one parcel for the purpose of the beneficial use determination:

1. The "physical contiguity" of the lots: \_\_\_\_\_

\_\_\_\_\_

2. The "unity of ownership" of the lots (i.e., does the applicant own all of the lots in question): \_\_\_\_\_

\_\_\_\_\_

3. The "unity of use" between the lots, i.e., platted urban lots should generally be considered as separate uses, but can be combined for purposes of a beneficial use determination if the lots are part of a larger property, based on an analysis of the following factors, which must be applied to the particular facts and circumstances on a case-by-case basis:

i. Was it the intent of the landowner to use the lots for a single use? \_\_\_\_\_

\_\_\_\_\_

ii. What is the suitability of the lots for a single or separate use versus a combined use? \_\_\_\_\_

\_\_\_\_\_



iii. Are the lots dependent on each other for the ability to have a single use? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iv. Is there a reasonable economic use of the lots if unified? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

v. What is the current zoning of each lot? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

vi. What is the physical size and appearance of the lots and how are adjacent properties used or developed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

vii. What is the actual current use of the lots? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

viii. What is the possibility of the lots being used together in the next ten years? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. The Village Council shall not consider anything less than a platted lot to be the parcel of real property.

4. Once the relevant parcel is determined, the Village Council must analyze the following factors for that parcel:

a. The economic impact of the regulation on the parcel; and

b. The extent to which the regulation has interfered with the applicant's investment-backed expectations for the parcel, including any relevant factors such as:

1. The history of the parcel (i.e., When was it purchased? How much land was purchased? Where was the parcel located? What was the nature of title? What was the natural character of the land and how was it initially used?): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The history of the development of the parcel (i.e., What was built on the parcel and by whom? How was it subdivided and to whom, when and at what price was it sold? What plats were applied for or approved? What infrastructure is in place?): \_\_\_\_\_  
\_\_\_\_\_

- 
3. The history of zoning and regulation (i.e., How and when was the parcel classified? How was the use proscribed? What changes in classifications occurred?): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  4. How development changed when title was passed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  5. What is the present nature and extent of the use of the parcel: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  6. What were the reasonable expectations of the landowner under Florida common law: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  7. What were the reasonable expectations of the neighboring landowners under Florida common law: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  8. What was the diminution in the investment-backed expectations of the landowner, if any, after passage of the regulation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  9. What was the appraised fair market value of the parcel immediately before and immediately after the effective date of the regulation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please submit the following with all applications:**

- ☐ Correct fee (check or money order to “Islamorada, Village of Islands”)
- ☐ Current property record card from the Monroe County Property Appraiser
- ☐ Proof of ownership (i.e. warranty deed)

**If deemed necessary to complete a full review of the application, the Planning and Development Services Department reserves the right to request additional information.**

**I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate. I certify that all information required has been provided.**

Application for Administrative Relief

Digital signatures do not require notarization when they can be verified by a Trusted Certificate issued by a third-party Certificate Authority. If you are not using a "verifiable digital signature", print this document and have it notarized.

Signature of Applicant

Date

Print Name:

STATE OF

COUNTY OF

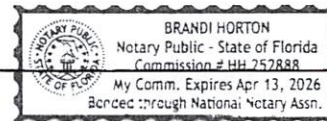
Sworn to and subscribed before me by means of ☒ physical appearance or \_\_\_\_\_ online notarization, this 11<sup>th</sup> day of Oct 2025, by Samuel Burstyn (name of person signing the application) as \_\_\_\_\_ (type of authority e.g. officer, manager / member, trustee, attorney in fact) for \_\_\_\_\_ (name of entity or party on behalf of whom application was executed).

Signature of Notary Public

SEAL:

Type of ID

☒ Personally Known ☐ Produced Identification



## Monroe County, FL

**\*\*PROPERTY RECORD CARD\*\*****Disclaimer**

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00394489-012000  
 Account# 1486612  
 Property ID 1486612  
 Millage Group 50VI  
 Location Address 129 PORTO VISTA Ct, LOWER MATECUMBE KEY  
 Legal Description LT 317 PORT ANTIGUA PLAT NO 5-6 PB6-25 OR563-1055 OR785-394 OR993-2454 OR1043-2234 OR1125-480 OR2074-594/96  
 (Note: Not to be used on legal documents.)  
 Neighborhood 1467  
 Property Class VACANT RES (0000)  
 Subdivision PORT ANTIGUA PLAT NO 5 & 6  
 Sec/Twp/Rng 21/64/36  
 Affordable Housing No

**Owner**

[BURSTYN SAMUEL I](#)  
 1550 Biscayne Blvd  
 Ste 201  
 Miami FL 33132

**Valuation**

	2025 Preliminary Values	2024 Certified Values	2023 Certified Values	2022 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$90,394	\$90,394	\$90,394	\$94,168
+ Market Land Value	\$966,955	\$966,955	\$680,595	\$611,947
= Just Market Value	\$1,057,349	\$1,057,349	\$770,989	\$706,115
= Total Assessed Value	\$571,044	\$519,131	\$471,937	\$429,034
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,057,349	\$1,057,349	\$770,989	\$706,115

**Historical Assessments**

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$966,955	\$0	\$90,394	\$1,057,349	\$519,131	\$0	\$1,057,349	\$0
2023	\$680,595	\$0	\$90,394	\$770,989	\$471,937	\$0	\$770,989	\$0
2022	\$611,947	\$0	\$94,168	\$706,115	\$429,034	\$0	\$706,115	\$0
2021	\$435,424	\$0	\$93,916	\$529,340	\$390,031	\$0	\$529,340	\$0
2020	\$400,119	\$0	\$97,535	\$497,654	\$354,574	\$0	\$497,654	\$0
2019	\$349,124	\$0	\$101,154	\$450,278	\$322,340	\$0	\$450,278	\$0
2018	\$361,694	\$0	\$86,194	\$447,888	\$293,036	\$0	\$447,888	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL CANAL UNPERMITTED (01CM)	8,436.00	Square Foot	0	0

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade
CONCRETE DOCK	1987	1988	8 x 150	1	1200 SF	4
SEAWALL	1987	1988	8 x 150	1	1200 SF	4

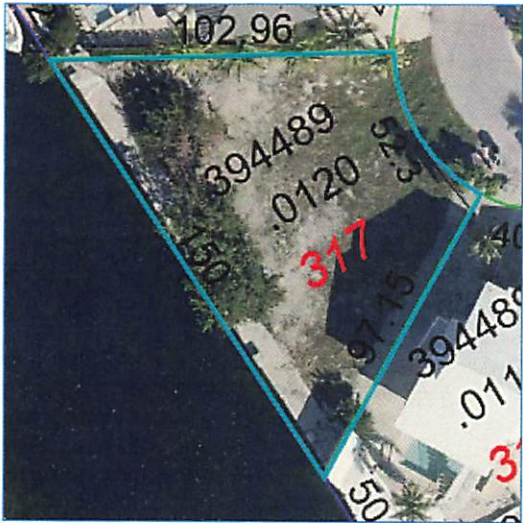
Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
1/1/1988	\$60,000	Warranty Deed		1043	2234	U - Unqualified	Vacant		
3/1/1979	\$10,100	Conversion Code		785	394	Q - Qualified	Vacant		

View Tax Info

[View Taxes for this Parcel](#)

Map



TRIM Notice

[2025 TRIM Notice \(PDF\)](#)

No data available for the following modules: Buildings, Permits, Sketches (click to enlarge), Photos.

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

[User Privacy Policy](#) | [GDPR Privacy Notice](#)  
Last Data Upload: 9/20/2025, 1:59:27 AM

Contact Us



This instrument prepared by:  
Russell S. Jacobs, Esq.  
Bilzin Sumberg Baena Price & Axelrod LLP  
200 South Biscayne Boulevard  
Suite 2500  
Miami, FL 33131

Parcel Identification Number: 00394489-012000

Doc# 1489153 01/06/2005 3:52PM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

DEED DOC STAMP CL: RHONDA \$0.70

Doc# 1489153  
Bk# 2074 Pg# 594

### **SPECIAL WARRANTY DEED**

THIS INDENTURE, made effective as of the 21 day of January, 2004 between ANGELA ALOMA (f/k/a ANGELA BURSTYN), a single woman ("Grantor"), whose address is 1631 W. 28<sup>th</sup> Street, Miami Beach, Florida 33140, in favor of SAMUEL I. BURSTYN, a single man ("Grantee"), whose address is c/o Samuel I. Burstyn, P.A., One Biscayne Tower, Suite 2600, Two South Biscayne Blvd., Miami, Florida 33131:

### **WITNESSETH THAT:**

Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars (\$10.00), lawful money of the United States of America, to it in hand paid by Grantee, at or before the unsealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee and its successors and assigns forever, the parcel of land, situate, lying and being in the County of Monroe, State of Florida, and more particularly described as follows:

**See Attached Exhibit "A" (the "Property").**

Subject however, to the following:

- (a) Real property taxes and assessments for the year 2004 and thereafter;
- (b) Zoning and other regulatory laws and ordinances affecting the Property;
- (c) Matters which would be disclosed by an accurate survey;
- (d) Any plat affecting the Property;
- (e) Easements, rights of way, limitations, conditions, covenants, restrictions, and other matters of record, without thereby reimposing same; and
- (f) Mortgage(s) of record (if any).

***Note to Recorder: This transfer is made pursuant to a final judgment of dissolution of Grantors' marriage. No additional or specific consideration has been given for the transfer of this property, nor is it subject to a mortgage. According to advice from the Florida Department of Revenue, only minimum documentary stamps are due.***


TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee, Grantee's successors, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the day and year first above written.

**Signed, sealed and delivered in the  
in the presence of:**

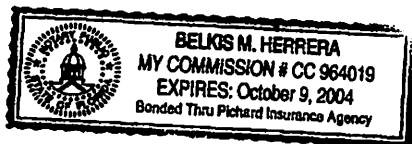
Signature: \_\_\_\_\_  
Print Name: Russell Jacobs

  
Name: Angela Aloma (f/k/a Angela Burstyn)

Signature: Melissa Jacobs  
Print Name: Melissa Jacobs

STATE OF FLORIDA )  
 ) SS.  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 27 day of January, 2004 by Angela Aloma (f/k/a Angela Burstyn). She    is personally known to me or ~~has~~ produced a Florida driver's license as identification.



Notary Public  
Print Name: Belkis Heveira  
Serial No. (if any): CC 564015

**EXHIBIT A**

**Lot 317, PORT ANTIGUA, PLAT NO. 5-6, according to the Plat thereof, as recorded in Plat Book 6, at Page 25, of the Public Records of Monroe County, Florida.**



## **RESOLUTION NO. 25-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY PROPERTY OWNER SAMUEL I. BURSTYN FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 129 PORTO VISTA COURT, LOWER 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"), Samuel Burstyn (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 Porto Vista Court , having parcel ID number 00394489-012000 located the Port Antigua subdivision on Lower Matecumbe Key, as legally described in Exhibit "A", and

**WHEREAS**, on November 13, 2025, 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 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 \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION**

Mayor Sharon Mahoney \_\_\_\_\_

Vice Mayor Don Horton \_\_\_\_\_

Councilwoman Deb Gillis \_\_\_\_\_

Councilman Steve Friedman \_\_\_\_\_

**PASSED AND ADOPTED THIS 13<sup>th</sup> DAY OF NOVEMBER 2025.**

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 2025.

EXHIBIT "A"  
(LEGAL DESCRIPTION)

Parcel ID: 00394489-012000

LT 317 PORT ANTIGUA PLAT NO 5-6 PB6-25

LOWER MATECMBE KEY, of the Public Records of Monroe County, Florida.