

After recording return to:
Brad Stein, AICP
Planning Dept.
Islamorada, Village of Islands
86800 Overseas Hwy
Islamorada FL 33036

Variance PLVAR20170280

RESOLUTION NO. 18-02-13

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST BY MICHELE AND JORGE FERNANDEZ FOR A VARIANCE TO THE REQUIRED FRONT YARD SETBACK PURSUANT TO SECTION 30-684(e)(4)a OF THE VILLAGE CODE OF ORDINANCES, REDUCING THE FRONT YARD SETBACK TO 5 FEET 10 INCHES FOR PROPERTY LOCATED AT 125 SAN JUAN DRIVE ON PLANTATION KEY WITHIN THE RESIDENTIAL SINGLE FAMILY (R1) ZONING DISTRICT, WITH THE PARCEL IDENTIFICATION NUMBER 00410502-020070, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Michele and Jorge Fernandez (the “Owners/Applicants”) are the owners of property located at 125 San Juan Drive on Plantation Key, with Parcel Identification Number 00410502-020070 and as legally described in Exhibit “A” (the “Property”) within Islamorada, Village of Islands, Florida (the “Village”); and

WHEREAS, the Applicants have submitted an application for a variance from Section 30-684(e)(4)a to the front yard setback, which is 25 feet or 20 feet where a five-foot-wide Class B bufferyard to 5’ feet 10” inches from the access easement (the “Request”), on property legally described in Exhibit “A”; and

WHEREAS, on November 16, 2017 the Village Council of Islamorada, Village of Islands, Florida (the “Village Council”) conducted a duly noticed public hearing regarding the Variance Request which was subsequently tabled to a date certain of the first available Village Council Meeting in January 2018;

WHEREAS, on January 8, 2018, the Applicants requested a continuance pursuant to Code Section 30-256(b) which was granted by the Village’s Director of Planning; and

WHEREAS, on February 1, 2018 the Village Council conducted a duly noticed public hearing regarding the Variance Request.

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

Section 1. **Recitals.** The above recitals are true, correct, and incorporated herein by this reference.

Section 2. **Findings of Fact.** The Village Council, having considered the Requests, the relevant support materials and public testimony given at the Hearing, does hereby find and determine:

1. The Property is located within the Residential Medium (RM) Future Land Use Map (FLUM) category.
2. The Property is located within the Residential Single-Family (R1) Zoning District.
3. The Request **does not comply** with the standards of Code Sec. 30-221(d) for considering variances.
4. The Request **is not** consistent with the purposes, goals, objectives and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

Section 3. **Conclusions of Law.** Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

(1) The Requests have been processed in accordance with the applicable provisions of the LDRs, and **will** be detrimental to the community as a whole.

(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 Request is hereby **DENIED**.

Section 4. **Effective Date.** This Resolution shall not take effect until after thirty (30) days following the date it is filed with the Village Clerk, during which time the Requests herein shall be subject to appeal as provided in the Village Code.

Motion to adopt by Vice Mayor Deb Gillis, second by Councilman Mike Forster.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:


Mayor Chris Sante	YES
Vice-Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	ABSENT

PASSED AND ADOPTED THIS 1ST DAY OF FEBRUARY, 2018.



CHRIS SANTE, MAYOR

ATTEST:


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 2ND day of February, 2018.


Kelly Toth, Village Clerk

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished to the Applicants, via U.S. certified mail, return receipt requested, addressed to Michele and Jorge Fernandez, 12257 SW Terrace, Miami, FL 33183 this 3RD day of Feb, 2018.



Kelly Toth, Village Clerk

Exhibit "A"

Legal Description of Property

Lot 7, Block 33, of the FIRST REVISION TO VENETIAN SHORES, PLAT NO. 6, as recorded in Plat Book 7, at Page 118 of the Public Records of Monroe County, Florida.