

RESOLUTION NO. -2007

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FOR ADMINISTRATIVE RELIEF MADE BY THOMAS CARL & JUDY M. ROTHDEUTSCH ON PROPERTY DESCRIBED AS LOT 6, BLOCK 4, PORT PINE HEIGHTS SUBDIVISION, **BIG PINE KEY**, RE #00289710.000000 IN THE FORM OF **ONE (1) DWELLING UNIT ALLOCATION AWARD.**

WHEREAS, Thomas Carl & Judy M. Rothdeutsch submitted an application for administrative relief under Sec. 9.5-122.3 of the Monroe County Land Development Regulations; and

WHEREAS, the Monroe County Board of County Commissioners makes the following findings of fact and conclusions of law:

1. The application for administrative relief from Thomas Carl & Judy M. Rothdeutsch is for Lot 6, Block 4, Port Pine Heights Subdivision, Big Pine Key in Monroe County, Florida having RE# 00289710.000000.
2. The date of the ROGO application is 6/23/03.
3. The ROGO allocation application has been in the ROGO system for at least four (4) consecutive years and qualifies for administrative relief under Policy 101.6.1 of the Monroe County Year 2010 Comprehensive Plan.
4. Monroe County Code (MCC) Section 9.5-122.3 provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief.
5. The Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5-122.3(f) and may grant the applicant a building allocation, offer to purchase the property at fair market value, or provide such other relief as may be necessary and appropriate.
6. The applicant applied for administrative relief on 5/3/07, under Section 9.5-122.3 of the MCC and Policy 101.6.1 of the 2010 Comprehensive Plan.
7. Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the

criteria includes the environmental sensitivity of the vegetative habitat on the lot including the Tier designation.

8. The subject property has the land use district designation of Improved Subdivision (IS), is located in the Port Pine Heights Subdivision.
9. The subject property has a Tier 1 designation because of the environmental sensitivity and importance for the continued viability of endangered species.
10. The Livable CommuniKeys Master Plan for Big Pine Key and No Name Key Action Item 1.3.1 prioritizes the purchase of Tier 1 lands over Tier II and Tier III in order to achieve the highest possible level of H protection, and to ensure compliance with the Incidental Take Permit (ITP) mitigation requirements.
11. Monroe County Comprehensive Plan Policy 101.6.1 provides that Monroe County, the state, or other acquisition agency shall pursue land acquisition through voluntary purchase of lands from private property owners denied a building permit through the Permit Allocation System, as the preferred option for administrative relief pursuant to Policy 101.6.1, if the subject permit is for development located within a designated Tier 1 area.
12. Section 9.5-122.3.3(f)(1) states that an offer to purchase is the preferred action if the property is located in a designated Tier 1 area or Tier II on Big Pine or No Name Keys.
13. This particular lot is scarified although it is in Tier 1.
14. It is surrounded by developed lots.
15. There are enough ROGO allocations designated for use for Tier 1 properties on Big Pine/No Name Keys to award a ROGO allocation to this property.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Administrative relief is granted to Thomas Carl & Judy M. Rothdeutsch, for Lot 6, Block 4, Port Pine Heights Subdivision, Big Pine Key in the form of one (1) dwelling unit allocation, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 of the Monroe County Year 2010 Comprehensive Plan and as required by Section 9.5-122.3 of the Monroe County Code.
2. The allocation award shall be taken out of the next quarterly allocation which closes on January 14, 2008 or in the succeeding quarterly allocation period in which administrative relief allocations are available.

3. This allocation is subject to the current Interim Development Ordinance concerning allocations on Big Pine/ No Name Keys and any possible mitigation required by any public agency, including Monroe County.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 19 day of December, 2007.

Mayor Charles "Sonny" McCoy	<u>Yes</u>
Mayor Pro Tem, Mario Di Gennaro	<u>Yes</u>
Commissioner Dixie Spehar	<u>Yes</u>
Commissioner George Neugent	<u>No</u>
Commissioner Sylvia J. Murphy	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

(SEAL)

BY _____
Mayor Charles "Sonny" McCoy

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

