

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: May 21, 2007

Division: BOCC

Bulk Item: Yes  No

Department: Neugent – District 2

Staff Contact Person/Phone #: Terri Marble #4512

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**AGENDA ITEM WORDING:**

Discussion of a request by a constituent to waive minor conditional use fee for a one story motel located at the Sugarloaf Lodge .

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**ITEM BACKGROUND:**

See Attached Memo

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**PREVIOUS RELEVANT BOCC ACTION:**

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**CONTRACT/AGREEMENT CHANGES:**

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**STAFF RECOMMENDATIONS:**

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**TOTAL COST:** \_\_\_\_\_

**BUDGETED:** Yes  No

**COST TO COUNTY:** \_\_\_\_\_

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes  No  **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty \_\_\_\_\_ OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DOCUMENTATION:** Included  Not Required

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

Memo To: Commissioner George Neugent

Re: Request to waive minor conditional use fee

Dear Commissioner Neugent:

All 24 units in the one story motel located at Sugarloaf Lodge motel which were built at a four foot elevation in 1960 were badly damaged in Hurricane Wilma in October 2005.

Rather than attempting to restore those units at their former elevation, I sincerely believed for safety and flood plain considerations that it was much more prudent to replace each unit with an elevated motel room or suite as defined in the Monroe County Code to the flood plain level of A-11.

The planning staff issued letters of development rights determination on July 19, 2006, and August 9, 2006, acknowledging that the conversion of those units into larger suites was ROGO exempt and permissible under the existing Monroe County code.

The planning staff has now asserted that since I am substantially changing the size and nature of each unit I must apply for and go through a minor conditional use process which now calls for a fee of \$8,484.00 plus other costs.

It is my position that this places an unnecessary and unreasonable burden upon me in view of the fact that I have already sustained over a million dollar loss as a result of the damage done to these units by Wilma over and above any flood insurance received.

I also know FEMA encourages such remodeling with financial incentives to the owner who elevates and that such a high application fee tends to discourage such remodeling.

Division 3 conditional uses states in section 9-5-61 that the purpose of conditional use review is to ensure the appropriateness of the use at a particular location.

The existing 24-unit motel has been in continuous operation since 1960 and but for Wilma would still be in operation. Its appropriateness at the current location is not subject to any doubt at this time.

The standards to be considered under Section 9.5-65(a)(i) in granting this vested conditional use have been clearly met and none of the objections to such a conditional use enumerated therein exist.

Since there is nothing in the code to suggest that an existing lawful use cannot be restored after a catastrophic event I believe the review if necessary

should proceed without the imposition of the fee proposed or that that fee should be waived by the vote of the Board of County Commissioners.

Respectfully submitted,

Lloyd A. Good, Jr.