## RESOLUTION NO.

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, <u>AFFIRMING/REVERSING</u> THE CITY PLANNING DIRECTOR'S DENIAL OF PEACON LANE REALTY, LLC'S APPLICATION FOR A LAWFUL UNIT DETERMINATION FOR 329 PEACON LANE, UPON THE FINDINGS DETAILED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at its meeting on September 14, 2023, the City Commission, in its capacity as the Key West Board of Adjustment, conducted a quasi-judicial hearing concerning an appeal by Peacon Lane Realty, LLC - the owner of 329 Peacon Lane - more particularly described in that certain Warranty Deed recorded on January 7, 2020, in Monroe County Official Records Book 3002, Page 1722; and

WHEREAS, the Board of Adjustment considered the record evidence upon which the City Planner rendered the decision, and provided opportunity for presentation by the appellant and the City Planner; and

WHEREAS, City Code of Ordinances section 90-431(4) requires the concurring vote of no less than four members of the Board of Adjustment/City Commission to reverse or modify the order, requirement, decision or determination of the City Planner; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS: <u>Section 1</u>: The Planning Director's denial of the Applicant's request for a lawful unit determination is hereby **affirmed/reversed**, based upon the following:

<u>Section 2</u>: The record **contains/does not contain** legally sufficient evidence to support the Planning Director's decision, the essential requirements of law **were/were not** followed, and procedural due process **was/was not** afforded.

<u>Section 3</u>: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Board. Passed and adopted by the Board of Adjustment meeting at a meeting held this 14<sup>th</sup> day of September 2023.

Authenticated by the Presiding Officer and Clerk of the Board on the \_\_\_\_\_ day of September 2023.

Filed with the Clerk on \_\_\_\_\_, 2023. Mayor Teri Johnston \_\_\_\_\_ Vice Mayor Sam Kaufman \_\_\_\_\_ Commissioner Lissette Carey \_\_\_\_\_ Commissioner Mary Lou Hoover \_\_\_\_\_ Commissioner Clayton Lopez \_\_\_\_\_ Commissioner Billy Wardlow \_\_\_\_\_ Commissioner Jimmy Weekley \_\_\_\_\_

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK