

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-74**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, DENYING AN APPEAL HELD PURSUANT TO CHAPTER 102, ARTICLE 17, "APPEALS," FILED BY NICHOLAS MULICK ON BEHALF OF SEAWATCH AT MARATHON CONDOMINIUM ASSOCIATION INC. SEEKING TO OVERTURN THE DECISION OF THE CITY OF MARATHON PLANNING COMMISSION WHOSE DECISION APPROVED A VARIANCE FOR WETLAND SETBACK REDUCTION (PC RESOLUTION 2021-001); PROVIDING FOR THE DENIAL OF THE APPEAL BY CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 17th, 2021, the Planning Commission, sitting as the Deciding Body for variances, heard the variance request taking testimony and evidence from the City, the Applicant, and other affected parties determining in a unanimous decision to approve the variance; and

WHEREAS, on August 2nd, 2021 pursuant to Chapter 102, Article 17, Nick Mulick on behalf of Seawatch at Marathon Condominium Association, Inc., affected parties, appealed the decision by the Planning Commission in their determination to issue a variance as certified by PC resolution 2021-001; and

WHEREAS, on September 14, 2021, the City Council, sitting as the City's Appellate Body for decisions of the Planning Commission and other appointed bodies, heard the appeal taking testimony and evidence from the City, the Appellant, and other affected parties determining in a decision to deny the appeal; and

WHEREAS, this Resolution represents the public record of the decision of the City Council to deny the appeal brought by Seawatch at Marathon Condominium Association, Inc.; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. 1. the appeal of Seawatch at Marathon Condominium Association, Inc. concerning the issuance of PC Resolution 2021-001 is hereby denied.

2. this Resolution is subject to appeal for a period of no longer than thirty (30) days pursuant to the City's Code of Ordinances.

Section 3. The City Clerk shall forward a certified copy of this Resolution to the Applicant.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14TH DAY OF SEPTEMBER, 2021.

THE CITY OF MARATHON, FLORIDA



Luis Gonzalez, Mayor

AYES: Senmartin, Cook, Bartus, Zieg, Gonzalez
NOES: None
ABSENT: None
ABSTAIN: None

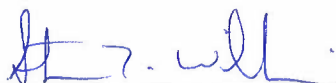
ATTEST:



Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



Steve T. Williams, City Attorney