

**CITY OF MARATHON, FLORIDA
PLANNING COMMISSION
RESOLUTION 2011-001**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARATHON, FLORIDA, DENYING THE APPEAL FILED BY FRANKLIN D. GREENMAN ON BEHALF OF RICHARD E. WARNER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JOSEPH ARDOLINO, II APPEALING THE DECISION OF THE PLANNING DIRECTOR FOR THE CITY OF MARATHON DATED JULY 27, 2011 FINDING THAT THE PROPERTY OWNED BY THE ESTATE OF ARDOLINO, KNOWN AS THE OVERSEAS LOUNGE AND LIQUOR STORE CORP., WAS ABANDONED, SOLELY BY THE ALLEGATION OF DISCONTINUANCE OF USE FOR 18 MONTHS, ON THE PROPERTY LOCATED AT 3574 OVERSEAS HIGHWAY; NEAREST MILE MARKER 49 AND FURTHER DESCRIBED AS SQUARE 4, PART LOT 4 AND ADJOINING PORTION OF OLD STATE ROAD 4 A, MARATHON BEACH SUBDIVISION, SECTION 10, TOWNSHIP 66 S, RANGE 32E, KEY VACA, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBERS 00336920-000000, 00336930-000000, AND 00336940-000000; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about July 11, 2011, Franklin Greenman, representing the Estate of Ardolino, requested a determination from the City of Marathon concerning the re-opening of the Overseas Lounge and Liquor Store previously operating at 3574 Overseas Highway, Marathon, Florida

WHEREAS, it is within the authority of the Planning Director to make administrative determinations concerning the City of Marathon Land Development Regulations (Chapter 101, Article 5, Section 101.12 – “Powers and Duties”); and

WHEREAS, on or about July 27, 2011 the Planning Director for the City of Marathon responded to Mr. Greenman’s request; and

WHEREAS, based on the determination letter provided by the Planning Director on July 27, 2011, Mr. Greenman filed a request for appeal with the City on or about July 29, 2011; and

WHEREAS, the City of Marathon Planning Commission held a public hearing on August 22, 2011 at which the Commission received and discussed testimony concerning the appeal at hand ; and voted to deny the appeal by a 4-1 decision; and

WHEREAS, due process was afforded the parties, the essential requirements of law were adhered to and competent and substantial evidence was presented.

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

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

Section 2. Based on the competent, substantive, evidence provided to the Planning Commission at its August 22, 2011 regular meeting, and made part of the record hereof, the Planning Commission denies the appeal of the applicant upholding the position of the Planning Director in his determination letter dated July 27, 2011.

Section 3. This resolution shall take effect immediately upon its adoption and shall be recorded with the City Clerk.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MARATHON, FLORIDA, THIS 19th DAY OF SEPTEMBER, 2011.


**THE PLANNING COMMISSION
CITY OF MARATHON, FLORIDA**



Marien Aran Spinrad, Chair

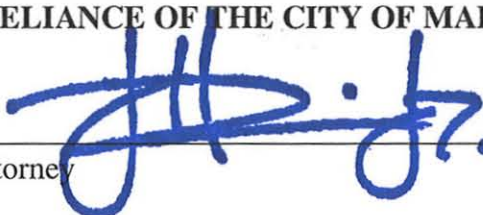
AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:



Stacy Charlton, Staff Assistant to the Planning Commission

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



City Attorney
#235419 v1