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Planning and Development Services Department
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Florida 33036

RESOLUTION NO. 22-03-22

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF ISLAMORADA FISHING CLUB FOR A VARIANCE FROM THE PROVISIONS OF SECTION 30-1542(1)(A), TO ALLOW FOR A REDUCTION IN THE SHORELINE SETBACK FROM 20 FEET TO TWO (2) FEET FOR PRINCIPAL STRUCTURES FOR PROPERTY LOCATED AT 104 MADEIRA ROAD ON UPPER MATECUMBE KEY, WITHIN THE VC (VILLAGE CENTER) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00399380-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (File No.: PLVAR20210052)

WHEREAS, Islamorada Fishing Club (the "Applicant") is the owner of properties located at 104 Madeira Road on Upper Matecumbe Key, with Parcel Identification Number 00399380-000000 and legally described below (the "Property") within Islamorada, Village of Islands, Florida (the "Village"); and,

WHEREAS, the Applicant has submitted an application for a Variance from Section 30-1542(1)(a) of the Village Code of Ordinances (the "Code"), to allow for a reduction in the required setback from a minimum setback of 20 feet from the Mean High Water Line (MHWL) for principal structures. The applicant would like to reduce the required setback to two (2) feet, on the Property legally described below; and,

WHEREAS, on February 17, 2022, the Village Council of Islamorada, Village of Islands, Florida (the "Village Council") conducted a duly noticed Public Hearing regarding the Variance Request (the "Request"); and

WHEREAS, by motion of the Village Council, the Public Hearing was continued until the March 31, 2022, Village Council meeting, when it was considered by the Village Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

Section 1. **Recitals.** The above recitals are true, correct, and incorporated herein by this reference.

Section 2. **Findings of Fact.** The Village Council, having considered the Request, the relevant support materials, and public testimony given at the Hearing, does hereby find and determine:

1. The Request complies with the standards of Code Section 30-221(d) for considering Variances, subject to the following Conditions of Approval:

- a. Approval of the Variance is subject to the finalization of a Text Amendment to the Code of Ordinances allowing Private Clubs as a Permitted Use within the Village Center Zoning District; and,
- b. The Variance shall meet the requirements of Comprehensive Plan Coastal Element Policy 5-1.2.13, which requires a Water Quality Monitoring Program.

2. The Request is consistent with the goals, objectives, and policies of the Village Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

3. The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:

- a. The Application for a Variance meets the requirements set forth in Code Section 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and,
- b. The Village Council approves the Request submitted by the Applicant, for the following described property:

The following described portion of Lots 1 and 2, according to that "Re-Survey" of Lots 1, 2, 3, 4, 5 & 6, Block 4, of STRATTON'S SUBDIVISION, as recorded in Plat Book 2, at Page 38, Monroe County, Florida records made by C.G. Bailey, Surveyor, and dated October 31, 1952 to wit:

From the intersection of the Easterly line of Lot 2 with the Northerly line of the street, run twenty (20) feet in a Southwesterly direction along said Northerly line of the Street for a point of beginning. From said point of beginning, run Southwesterly along the Northerly line of the Street a distance of one hundred (100) feet to a point; thence run Northwesterly along a line perpendicular to said Northerly line of the Street a distance of ninety-six (96) feet more or less to a point on the shoreline of the Basin; thence run Northeasterly along the shore line of the Basin a distance of one hundred (100) feet more or less to a point, said point being on the prolongation of a line running Northwesterly through the point of beginning to the Northerly line of the Street; thence run Southeasterly along said line a prolongation a distance of one hundred three (103) feet more or less to a point of beginning.

Section 3. **Conclusions of Law.** Based upon the above Findings of Fact, the Village

Council does hereby make the following Conclusions of Law:

(1) The Request has been processed in accordance with the applicable provisions of the LDRs, and will not be detrimental to the community as a whole.

(2) In rendering its decision, as reflected in this Resolution, the Village Council has:

- (a) Accorded procedural due process; and,
- (b) Observed the essential requirements of the law; and,
- (c) Supported its decision by substantial competent evidence contained within the record.

(3) The Request is hereby **APPROVED** subject to the following conditions:

- (a) Approval of the Variance is subject to the finalization of a Text Amendment to the Code of Ordinances allowing Private Clubs as a Permitted Use in the Village Center Zoning District; and,
- (b) The Variance shall meet the requirements of Comprehensive Plan Coastal Element Policy 5-1.2.13, which requires a Water Quality Monitoring Program.

Section 4. **Effective Date.** This Resolution shall not take effect until after thirty (30) days

following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Village Code.

Motion to adopt by Councilman David Webb, seconded by Councilman Buddy Pinder.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Peter Bacheler	YES
Vice-Mayor Henry Rosenthal	YES
Councilman Joseph B. Pinder III	YES
Councilman Mark H. Gregg	YES
Councilman David Webb	YES

PASSED AND ADOPTED THIS 31st DAY OF MARCH, 2022.



PETE BACHELER, MAYOR

ATTEST:



STEPHANIE CONDE, ACTING VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY