

Prepared by and return to:
Islamorada, Village of Islands
Planning and Development Services Department
86800 Overseas Highway
Islamorada, Florida 33036

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

RESOLUTION NO. 25-10-106

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL OF NO. PLPRE20230193 FILED BY JOANNE M. PEREIRA, AGENT FOR GINO AND PIERA BOLOGNA (APPELLANT) RELATING TO A DWELLING UNIT DETERMINATION BY THE DIRECTOR OF PLANNING FOR PROPERTY LOCATED AT 82935 OVERSEAS HWY, 82925 OVERSEAS HWY AND 82929 OVERSEAS HWY, HAVING REAL ESTATE NUMBERS 00403650-000000, 00403630-000000 AND 00403640-000000, ON UPPER MATECUMBE KEY; AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE STATE DEPARTMENT OF COMMERCE AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS RESOLUTION FROM THE STATE DEPARTMENT OF COMMERCE.

WHEREAS, Gino and Piera Bologna, (the "Appellant") filed Administrative Appeal to Application No. PLPRE20230193 (the "Appeal") pursuant to Section 30-281 of the Code of Ordinances of Islamorada, Village of Islands (the "Village"); and

WHEREAS, the purpose of the Appeal is to seek the Village Council's review of a determination made by the Director of Planning (the "Director") regarding a pre-application conference requesting a dwelling unit determination of the Appellant's property located at 82925 and 82929 Overseas Highway, as legally described in Exhibit "A" attached hereto; and

WHEREAS, on June 7, 2024, the Planning and Development Services Department issued a determination recognizing two (2) legally established market rate dwelling units and 3,456 square feet of non-residential floor area; and

WHEREAS, on June 25, 2024, the Appellant requested the Director to reconsider the determination; and

WHEREAS, on July 9, 2024, the Appellant filed the Appeal of the Director's decision; and

WHEREAS, thereafter, the Appellant requested that that the Director delay presenting this Appeal to the Village Council; and

WHEREAS, on July 24, 2025, a public hearing was held before the Village Council pursuant to Section 30-281 of the Village Code of Ordinances (the "Code").

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings of Fact.

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

- (1) The Council heard the Appeal on October 7, 2025.
- (2) The hearing was duly noticed pursuant to Section 30-213(j) of the Code and all interested parties concerned in the matter were given an opportunity to be heard.
- (3) The Director presented the written recommendation of the Village Staff dated October 7, 2025, to the Village Council.
- (4) The criteria required pursuant to Section 30-473(d)(1) of the Village Code **has** been satisfied by the Appellant.
- (5) The criteria required pursuant to Section 30-473(d)(2) of the Village Code **has** been satisfied by the Appellant.
- (6) The criteria required pursuant to Section 30-473(d)(3) of the Village Code **has** been satisfied by the Appellant.

(7) The granting of the appeal is supported by the facts and documents presented.

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 Appeal has been processed in accordance with the Village's Comprehensive Plan and Land Development Regulations, including Section 30-281 of the Village Code; and
- (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 competent substantial evidence of record; and
- (3) In accordance with Sections 30-281(d), (e) and (f) of the Village Code, the Administrative Appeal submitted by the Appellant is hereby **GRANTED IN PART** and the **Village Council hereby legally establishes 8 market rate dwelling units and 3,456 square feet of non-residential floor area.**

Section 4. Effective Date.

This Resolution shall not take effect until after both 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 Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Commerce (DOC), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this resolution to the Florida Land and

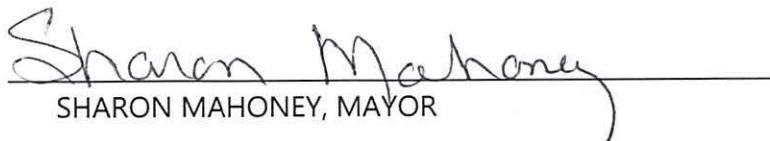
Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by Vice Mayor Horton, second by Councilwoman Gillis.

**FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:**

| | |
|------------------------------|-----|
| Mayor Sharon Mahoney | YES |
| Vice Mayor Don Horton | YES |
| Councilmember Deb Gillis | YES |
| Councilmember Steve Friedman | YES |
| Councilmember Anna Richards | YES |

PASSED AND ADOPTED THIS 7th DAY OF OCTOBER 2025.



SHARON MAHONEY, MAYOR

ATTEST:



MARNE MCGRATH, VILLAGE CLERK

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



JOHN J. QUICK, VILLAGE ATTORNEY



This Resolution was filed in the Office of the Village Clerk of this 13 day of October 2025.

Exhibit A

Parcel ID 00403650-000000

BK 1 LT 15 OCEAN VIEW PB1-193 UPPER MATECUMBE OR591-34 OR1556-1807D/C
OR1576-662

Parcel ID 00403630-000000

BK 1 LT 13 OCEAN VIEW PB1-193 UPPER MATECUMBE OR425-866/867 OR472-735/736
OR727-484 OR732-374 OR928-15/17 CASE84-365-CP-23 OR1040-2477 OR1127-654

Parcel ID 00403640-000000

BK 1 LT 14 OCEAN VIEW PB1-193 UPPER MATECUMBE OR425-866/867 OR472-735/736
OR727-484 OR732-374 UNRECORDED D/C ON FILE OR928-15/17 CASE#84-365-CP-23
OR1040-2477 OR1127-654