

## **RESOLUTION NO. 24-08-86**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF DAVID L AND LAURIE V WEBB FOR A VARIANCE FROM THE PROVISIONS OF SECTION 30-684(E)(4)(B)(2) – SIDE YARD SETBACK, TO ALLOW FOR THE CONSTRUCTION OF A NEW CARGO LIFT WITHIN THE SIDE YARD SETBACK FOR PROPERTY LOCATED AT 92 W PLAZA DEL SOL ON LOWER MATECUMBE KEY, WITHIN THE R1M (RESIDENTIAL SINGLE FAMILY - MASONRY) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00394488-010800, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, David and Laurie Webb (the “Applicant”) is the owner of property located at 92 W Plaza del Sol on Lower Matecumbe Key, with Parcel Identification Number 00394488-010800 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 30-684(e)(4)(b)(2) to allow for the new cargo lift within the side yard setback. The proposed variance is for a five foot seven inch (5’-7”) reduction in the required ten foot (10’) side yard setback; and

**WHEREAS**, on August 8, 2024, the Village Council of Islamorada, Village of Islands, Florida (the “Village Council”) conducted a duly noticed Public Hearing regarding the Variance Request (the “Request”).

**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 Sec. 30-221(d) for considering Variances.

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 **does** meet 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:

Port Antigua-Plat No 3 and 4, Plat Book 6, Page 24, Lower Matecumbe Lot 199 as shown in the Public Records of Monroe County.

**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**.

**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 Councilman Rosenthal, seconded by Councilman Gregg.

**FINAL VOTE AT ADOPTION**

Mayor Joseph B. Pinder III	YES
Vice Mayor Sharon Mahoney	YES
Councilmember Mark Gregg	YES
Councilmember Elizabeth Jolin	YES
Councilmember Henry Rosenthal	YES

**PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF AUGUST 2024.**

Signed by:  
*Joseph B. Pinder III*  
F8EB3A68BD794EF

JOSEPH B. PINDER III, MAYOR

ATTEST:

DocuSigned by:  
*Marne B. McGrath*  
008BA9A9B2704D5

MARNE MCGRATH, VILLAGE CLERK

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

Signed by:  
*John Quick*  
302BFAA7FDD417...

JOHN QUICK, INTERIM VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 29 day of August, 2024.