

RESOLUTION NO. 25- 07-63

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF PATRICIA ESSLINGER FOR A VARIANCE FROM THE PROVISIONS OF SECTION 30-691(E)(4)(C) – REAR YARD SETBACK, TO ALLOW FOR THE CONSTRUCTION OF AN ADDITION WITHIN THE REAR YARD SETBACK FOR PROPERTY LOCATED AT 80951 OLD HWY ON UPPER MATECUMBE KEY, WITHIN THE SR (SETTLERS RESIDENTIAL) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00096200-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Patricia Esslinger (the "Applicant") is the owner of property located at 80951 Old Highway on Upper Matecumbe Key, with Parcel Identification Number 00096200-000000 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 30-691(e)(4)(c) to allow for the construction of an attached accessory structure within the rear yard setback. The proposed variance is for an eleven foot (11') reduction in the required twenty foot (20') rear yard setback; and

WHEREAS, on July 24, 2025, 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:

5 64 37 ISLAND OF UPPER MATECUMBE PB1-41 PT LOT 6 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 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 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, seconded by Councilwoman Richards.

FINAL VOTE AT ADOPTION

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	YES
Councilman Steve Friedman	YES
Councilwoman Deb Gillis	YES
Councilwoman Anna Richards	YES

PASSED AND ADOPTED THIS 24TH DAY OF JULY 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:


JOHN QUICK, INTERIM VILLAGE ATTORNEY



This Resolution was filed in the Office of the Village Clerk of this 30 day of July, 2025.