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**RESOLUTION NO. 177 -2020**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FORMALIZING THE PRIOR APPROVAL OF THE SPECIAL MAGISTRATE'S *RECOMMENDED ORDER* REGARDING THE BENEFICIAL USE DETERMINATION APPLICATION OF SCOTT AND TONI BEAUCHAMP, AND DENIAL OF THE RELIEF SOUGHT BY APPLICANTS.**

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**WHEREAS**, Scott and Toni Beauchamp (“Applicants”) filed an application for a Determination of Beneficial Use (“BUD”) on January 14, 2013; and

**WHEREAS**, the BUD application was referred to a Special Magistrate as provided in Sections 102-105 and 102-106 of the Monroe County Code; and

**WHEREAS**, the duly appointed Special Magistrate, D. R. Alexander, held an evidentiary hearing on May 23, 2014; and

**WHEREAS**, the Special Magistrate issued a Recommended Order with recommended Findings of Fact and Conclusions of Law on July 10, 2014, and a copy of the Recommended Order is hereby appended to, and made a part of, this Resolution; and

**WHEREAS**, the Board of County Commissioners must approve, modify, reverse, or approve with conditions a Recommended Order from a Special Magistrate during a public hearing as provided in Monroe County Code, Section 102-108; and

**WHEREAS**, a public hearing was held before the Board of County Commissioners on March 23, 2016; and

**WHEREAS**, the Board of County Commissioners unanimously voted at the March 23, 2016, hearing to approve without conditions the July 10, 2014, Recommended Order and deny beneficial use relief; and

**WHEREAS**, the Board of County Commissioners also unanimously voted at the March 23, 2016, hearing to direct staff to search for other solutions for Applicants and other similarly situated property owners; and

**WHEREAS**, following the March 23, 2016, hearing the Board of County Commissioners did not formalize its decision to approve without conditions the July 10, 2014, Recommended Order and deny beneficial use relief pursuant to a written resolution; and

1           **WHEREAS**, on October 9, 2019, the Florida Division of Administrative Hearing  
2 requested that the County provide it with a written final decision on the Recommended Order in  
3 order to close out its case file; and  
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5           **WHEREAS**, the Board wishes to formalize its acceptance of the recommendation of the  
6 Special Magistrate as proposed in his Recommended Order; now therefore:  
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8           **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
9 **MONROE COUNTY, FLORIDA, as follows:**

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11           That the Board of County Commissioners hereby approves the Recommended Order  
12 dated July 10, 2014, made by the Special Magistrate and adopts it as the final decision of the  
13 Board. The final decision is denial of the relief sought by Applicants in their application for a  
14 BUD.

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16           **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County,  
17 Florida, at a regular meeting of the Board held on the 17<sup>th</sup> day of June, 2020.

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19	Mayor Carruthers	<u>Yes</u>
20	Mayor Pro Tem Coldiron	<u>Yes</u>
21	Commissioner Cates	<u>Yes</u>
22	Commissioner Rice	<u>Yes</u>
23	Commissioner Murphy	<u>Yes</u>
24		

25  
26 (SEAL)  
27 Attest: KEVIN MADOK, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA


28  
29  
30 By   
31 As Deputy Clerk  
32

By   
Mayor Heather Carruthers

CLERK OF  
MONROE COUNTY, FLA

2020 JUN 24 PM 12:18

FILED FOR RECORD

MONROE COUNTY ATTORNEY'S OFFICE  
APPROVED AS TO FORM  
  
PAUNECE SCULL  
ASSISTANT COUNTY ATTORNEY  
DATE: 06/18/2020