

**RESOLUTION No. 19-81**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A NON-USE VARIANCE FROM SECTIONS 53-127 AND 68-824 OF THE LAND DEVELOPMENT CODE, TO PERMIT AN INTERIOR SIDE SETBACK OF 2 FEET, WHERE THE PERMITTED MINIMUM INTERIOR SETBACK IS 5 FEET AND TO PERMIT A REAR SETBACK OF 2 FEET WHERE 5 FEET ARE REQUIRED FOR A PROPOSED 1-STORY WAREHOUSE BUILDING FOR A PROPERTY LOCATED SOUTH OF NW 55 STREET BETWEEN NW 78 AVENUE AND NW 77 COURT, DORAL, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, M&R Twin Group, Inc. (the "Applicant"), is requesting a non-use variance from Sections 53-127 and 68-824 of the Land Development Code to allow the interior side setback of 2 feet, where the permitted minimum interior side setback is five (5) feet and rear setback of two (2) feet, where a minimum required setback of five (5) feet is required for a proposed one (1)-story warehouse building for a property to be located south of NW 55 Street between NW 78 Avenue and NW 77 Court, Doral, Florida as legally described in "Exhibit A", and

**WHEREAS**, the abutting properties are all developed as industrial sites and built prior to the City of Doral's incorporation following a zero (0') foot setback criteria under Miami-Dade County's zoning ordinances. Due to the substandard size of this lot and lack of available land to be acquired by the Applicant, a variance of setbacks is needed in order to make this a legal building site; and

**WHEREAS**, this non-use variance will be in harmony with the general intent and purpose of the Land Development Code and will not be injurious to the surrounding properties; and

**WHEREAS**, on March 27, 2019 the City Council held a quasi-judicial hearing and received testimony and evidence related to the application from the Applicant and other persons and found that the non-use variance is consistent with the Comprehensive Plan and is in the best interest of the residents of Doral; and

**WHEREAS**, the City Council has reviewed the City staff's report, incorporated herein, which contains data and analysis supporting the non-use variance application.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:**

**Section 1. Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Decision.** The City Council hereby approves/denies the non-use variance from Sections 53-127 and 68-824 of the Land Development Code to allow the interior side setback of 2 feet, where the permitted minimum interior side setback is 5 feet and rear setback of 2 feet, where a minimum required setback of 5 feet is required, for a property to be located south of NW 55 Street between NW 78 Avenue and NW 77 Court Doral, Florida as legally described in "Exhibit A", subject to the following conditions.

1. The Applicant shall provide an adequate location of its garbage storage facilities in compliance with Section 32-68 of the Land Development Code.

2. The Applicant shall comply with the City of Doral Public Works Department requirements.

3. Secure approval of the development program's site plan from the City of Doral consistent with Section 53-184 of the Land Development Code.

**Section 3. Effective Date.** This Resolution shall become effective upon passage by the City Council.

The foregoing Resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Fraga and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Absent/Excused
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes


PASSED AND ADOPTED this 27 day of March, 2019.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY

# EXHIBIT “A”

**Exhibit A**  
**LEGAL DESCRIPTION**

PARCEL A: The West 132.185 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the West 35 feet, and less the North 35 feet thereof. PARCEL B: The East 132.185 feet of the West 264.37 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East, less the North 35 feet thereof. PARCEL C: The East 132.20 feet of the West 264.40 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the South 25 feet thereof. PARCEL D: The West 132.20 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the South 25 feet and less the West 35 feet thereof. LESS THE FOLLOWING PARCELS: The South 10 feet of the North 45 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida. AND the East 5 feet of the West 40 feet of the North 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22, less the North 35 feet thereof. AND The area bounded by the South line of the North 45 feet of the NW 1/4 of said Section 22 and bounded by the East line of the West 40 feet of the NW 1/4 of said Section 22 and bounded by a 25-foot radius arc concave to the Southeast said arc being tangent to both of the last described lines. AND The East 5 feet of the West 40 feet of the South 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida, and the North 10 feet of the South 35 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22 and the area bounded by the East line of the West 40 feet of the South 1/2 of the NW 1/4 of the NW 1/4 of said Section 22 and bounded by the North line of the South 35 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22 and bounded by a 25 foot radius arc concave to the Northeast and being tangent to both the last described lines.