

RESOLUTION 13-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING A VARIANCE FROM CHAPTER 53-127 OF THE CITY OF DORAL LAND DEVELOPMENT CODE PERTAINING TO MINIMUM DEVELOPMENT STANDARDS TO PERMIT A SETBACK OF 0- FEET ON THE INTERIOR SIDE AND REAR PROPERTY LINES IN LIEU OF THE MINIMUM 5- FOOT SETBACK AND TO PERMIT 13.3 % OPEN SPACE IN LIEU OF THE MINIMUM 15 % OPEN SPACE REQUIREMENT FOR THE PROPERTY GENERALLY LOCATED ON NW 79TH AVENUE AND NW 55TH STREET, DORAL, FLORIDA; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, Daren Chen ("Applicant") has requested approval to permit a setback of 0-feet on the interior side and rear property lines in lieu of the minimum 5-feet pursuant to Section 53-127 of the City's Land Development Code and a variance to permit 13.3% open space in lieu of the minimum 15% pursuant to Section 53-127 of the City's Land Development Code, for the property generally located on NW 79th Avenue and NW 55 Street, Doral, Florida; and

WHEREAS, Section 53-127 of the Land Development Code establishes the minimum lot area of 7,500, minimum lot width of 75-feet and minimum open space of 15% for Industrial Uses; and

WHEREAS Applicants have requested a variance based on the criteria for variances provided for in Chapter 53, Article X, Section 53-468 (b), of the City of Doral Land Development Code ; and

WHEREAS, on February 27, 2013 the City Council, after careful review and deliberation of staff's report and of the testimony and evidence before it, has determined that the Applicant meets the requirements for a variance as provided Chapter 53, Article X, Section 53-468 (b), of the City of Doral Land Development Code (LDC);

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

Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution upon adoption hereof.

Section 2. The City Council of the City of Doral hereby approves Applicants' request for approval of a variance from Section 53-127 of the City's Land Development Code to permit a setback of 0-feet on the interior side and rear property lines in lieu of the minimum 5-feet pursuant to and a variance to permit 13.3% open space in lieu of the minimum 15% pursuant to Section 53-127 of the City's Land Development Code, for the property generally located on NW 79th Avenue and NW 55 Street, Doral, Florida.

Section 3. In granting this variance, the City Council reviewed Chapter 53, Article X, Section 53-468 (b), of the City of Doral Land Development Code (LDC), and found that:

- 1) *Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district.*
- 2) *The special conditions and circumstances are not the result of actions of the applicant.*
- 3) *Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code, and would work unnecessary and undue hardship on the applicant.*

- 4) *The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.*

- 5) *Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same zoning district.*

- 6) *The granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.*

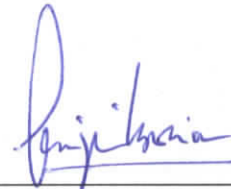
Section 4. This Resolution shall be recorded in the Public Records of Dade County, Florida, with the Applicant to pay the costs thereof.

Section 5. This resolution shall become effective upon its passage and adoption by the City Council.

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

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes

PASSED and ADOPTED this 27 day of February, 2013.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



JIMMY MORALES, CITY ATTORNEY