

RESOLUTION Z06-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING A VARIANCE FROM SECTION 33-16.1(d)(9) OF THE MIAMI-DADE COUNTY CODE PERTAINING TO THE PERMITTED OPEN SIDE STRUCTURE FOR THE PROPERTY AT 11101 NW 72 TERRACE, FLORIDA; APPROVING A NON-USE GAZEBO VARIANCE; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, Mr. Del Monte ("Applicant") has requested approval of a variance from Section 33-16.1(d)(9) of the Miami-Dade County Code, which has been adopted by the City of Doral, on property located at 11101 NW 72 Terrace, Doral, Florida; and

WHEREAS, Section 33-16.1(d) (9) of the Code, establishes placement guidelines for open sided structures; and

WHEREAS, Applicants have requested a variance based on the criteria for variances provided for in Section 33-16.1(d)(9) of the Miami-Dade County Code as adopted by the City of Doral; and

WHEREAS, on August 23, 2006, the City Council, after careful review and deliberation of staff's report and of the testimony and evidence before it, has determined that the Applicants meet the requirements for a variance as provided for in Section 33-16.1 (d) (10) of the Miami-Dade County Code as adopted by the City of Doral;

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 33-16.1 (d) (9) of the Miami-Dade County Code. The location of the gazebo will be the same as shown on the survey attached hereto and incorporated as Exhibit “A.”

Section 3. In granting this variance, the City Council reviewed Section 33-36(f) (10) of the Miami-Dade County Code, as adopted by the City of Doral, and found that:

(1) The variance request was in harmony with the general appearance and character of the subject block face and would not result in a significant diminution of value to adjacent property.

(2) The variance request will not be detrimental to public welfare in that it will not have a substantial impact on public safety.

(3) The variance request will not create a materially greater adverse privacy impact on adjacent residences than that permitted by the underlying district regulations.

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.

WHEREAS, a motion to approve the Resolution was offered by Councilwoman Ruiz, who moved its adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

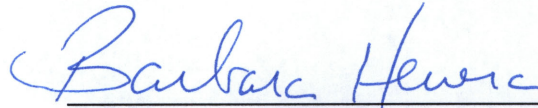
Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilmember Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilmember Robert Van Name	yes

PASSED AND ADOPTED this 23rd day of August, 2006.



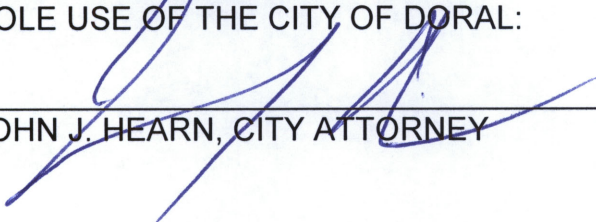
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY

