

**RESOLUTION Z05-41**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING A VARIANCE FROM SECTION 33-20(C) OF THE MIAMI-DADE COUNTY CODE PERTAINING TO MINIMUM SETBACKS FOR SWIMMING POOLS FOR THE PROPERTY LOCATED AT 11009 NW 45 TERRACE, DORAL, FLORIDA; APPROVING A REAR PROPERTY LINE AND SIDE PROPERTY LINE SETBACKS; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Mr. And Mrs. Guba ("Applicants") have requested approval of a variance from Section 33-20(c) of the Miami-Dade County Code, which has been adopted by the City of Doral, on property located at 11009 NW 45 Terrace, Doral, Florida; and

**WHEREAS**, the property is zoned RU-3M (Minimum Apartment House District), however, was assigned to the RU-IMa (Modified Single Family Residential, Dimensional Requirements); and

**WHEREAS**, according to Section 33-20(c) of the Code, swimming pools in the RU-3M District must be setback a minimum of 10 feet from the side property line and 7.5 feet from the rear property line; and

**WHEREAS**, Applicants have requested a variance based on the criteria for variances provided for in Section 33-36.1(f)(10) of the Miami-Dade County Code as adopted by the City of Doral; and

**WHEREAS**, 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 33-36 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 a side setback and rear yard setback variance as follows:

(1) Applicants are granted a 3.5 foot setback variance allowing the swimming pool to be placed 4 feet from the rear property line instead of the required 7.5 foot minimum.

(2) Applicants are granted a 5 foot side setback variance for the east side property line instead of the minimum swimming pool side yard setback of 10 feet.

**Section 3.** In granting this variance, the City Council reviewed Section 33-36 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 Councilman Van Name and upon being put to a vote, the vote was as follows:

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

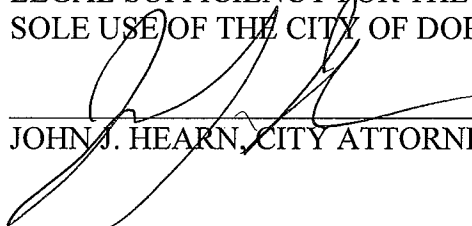
PASSED AND ADOPTED this 24<sup>th</sup> day of August, 2005.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
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CITY CLERK

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

  
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JOHN J. HEARN, CITY ATTORNEY