

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: October 02, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB19-0452  
**4736 North Bay Road**

**DRB19-0452, 4736 North Bay Road.** An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence to replace an existing three-story architecturally significant pre-1942 residence including one or more waivers.

### **RECOMMENDATION:**

Approval with conditions

### **LEGAL DESCRIPTION:**

Lot 8 of Block 1, NAUTILUS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida.

### **SITE DATA:**

Zoning:	RS-2
Future Land Use:	RS
Lot Size:	25,410 SF
Lot Coverage:	
Existing:	8,521 / 33%
Proposed:	7,531 SF / <b>29.6%</b>
Maximum:	7,623 SF / 30%
Unit size:	
Existing:	8,521 / 33%
Proposed:	12,552 / <b>49.4%</b>
Maximum:	12,705 SF / <b>50%</b>
<b>2<sup>nd</sup> Floor to 1<sup>st</sup>:</b>	<b>6017/5817_96.7%*</b>

**\*DRB WAIVER**

Height:  
Proposed: 28'-0" flat roof from BFE+5fb  
Maximum: 28'-0" flat roof

Grade: +4.08' NGVD  
Base Flood Elevation: +8.00' NGVD  
Difference: 3.92'

Adjusted Grade: +6.04' NGVD  
30" (+2.5') Above Grade: +6.58' NGVD  
First Floor Elevation: +13.00' NGVD  
(BFE+5' FB)  
Side Yard Elevations Min: 6.56' Max: 6.58'  
Read Yard Elevations Min: 6.56' Max: 13'

### **EXISTING STRUCTURE:**

Year: 1924  
Architect: Walter DeGarmo & Phineas Paist  
Vacant: Yes  
Demolition: Total

### **SURROUNDING PROPERTIES:**

East: Two-story 1933 residence  
North: Two-story 1939 residence  
South: Two-story 2015 residence  
(DRB 22950)  
West: Biscayne Bay

### **THE PROJECT:**

The applicant has submitted plans entitled "Niklas De La Motte Residence", as prepared by **Choeff Levy Fischman architecture + design** signed, sealed and dated August 05, 2019.

The applicant is proposing to construct a new two-story residence on a waterfront lot to replace an existing two-story, pre-1942 architecturally significant residence.

The applicant is requesting the following design waiver(s):

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c): **96.7%**
2. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

1. For two story homes with an overall lot coverage of 25% or greater, the physical volume of the second floor shall not exceed 70% of the first floor of the main home, exclusive of any enclosed required parking area and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a 2<sup>nd</sup> Floor Volume to 1<sup>st</sup> of 85% with a 30% lot coverage, which will require a waiver from the DRB.**
2. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard:
  - a. **The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line.**
  - b. The square footage of the additional open space shall not be less than one percent of the lot area. The open space provided along a side elevation in accordance with this subsection, whether required or not, shall not be included in the lot coverage calculation provided that the combined depth of the open space, as measured from the required side setback line(s), is less than 30 percent of the maximum developable building width of the property, as measured from the interior setback lines, and the total open space provided does not exceed five percent of the lot area. Any portions of the interior side yard open space in excess of five percent of the lot area shall be included in the total lot coverage calculation.
  - c. **The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and**
  - d. **At least 75 percent of the required interior open space area shall be sodded or landscaped with pervious open space.**

The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the

minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Not Satisfied; the applicant is requesting three design waivers from the Board.**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Not Satisfied; the applicant is requesting three design waivers from the Board.**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not Satisfied; the applicant is requesting three design waivers from the Board.**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Not Satisfied; the applicant is requesting four design waivers from the Board.**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Not Satisfied; the applicant is requesting three design waivers from the Board.**
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Not Satisfied; the applicant is requesting three design waivers from the Board.**
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses.

Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.

**Satisfied**

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

**Satisfied**

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

**Not Satisfied; a lighting plan has not been submitted.**

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

**Satisfied**

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Satisfied**

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Not Satisfied; the applicant is requesting three design waivers from the Board.**

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Satisfied**

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Satisfied**

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Not Applicable**
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.  
**Satisfied**
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Not Applicable**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.  
**Not Applicable**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied; see below**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.  
**Not Satisfied**  
**A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Not Satisfied**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional

Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

**Not Satisfied**

**Sea Level Rise projections were not taken into account.**

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

**Satisfied**

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

**Satisfied**

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

**Not Applicable**

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

**Satisfied**

- (10) Where feasible and appropriate, water retention systems shall be provided.

**Not Satisfied; as part of the civil engineering design to be provided at time of permit.**

**STAFF ANALYSIS:**

**DESIGN REVIEW**

The applicant is proposing to construct a new two-story residence on a waterfront lot that will replace an existing pre-1942 architecturally significant two-story residence. The existing structure was designed by DeGarmo and Paist and built in 1924 for Joseph Smoot, president of the Miami Jockey Club. Walter DeGarmo was a prominent architect in Miami Beach and known for his residential work in South Florida, especially large luxury residences in the Mission Revival and Mediterranean Revival styles, including several of the original Star Island estate homes.

The new residence is designed in a contemporary architectural style with folded planes that offer a lot of exterior movement to the architecture and is characterized by clean, simple lines, a minimum of decoration, large expanses of glass along the front and rear façades, and flat rooflines. The design features a large open floor plan and abundance of indoor/outdoor living spaces, including a hidden secret garden. Simply detailed with smooth stucco and offset by stone cladding, the proposal includes three design waivers for the RS-2 zoned property. The finished first floor of the house has been configured at BFE +5 fb, or 13' NGVD.

The first design waiver pertains to the second floor to first floor ratio of the home. Since the proposed home has a lot coverage of nearly 30%, any second floor massing is restricted to 70% of the first floor, unless a waiver is approved by the DRB. As designed, the site plan

features a deep “L-shaped” side courtyard in the southern portion of the residence that, due to Code restrictions, must add approximately 600 SF towards the overall lot coverage calculations, despite the areas being unenclosed, unroofed, outdoor spaces. For analytic purposes, this square footage, along with the 400 SF front covered entry area, would deduct about 1000SF from the overall lot coverage calculations and would reduce the number to slightly over 25%. The abutting property to the south was reviewed and approved by the DRB on February 05, 2013, pursuant to DRB File No. 22950 and contains a second floor massing of about 82%. The residence is sited on the parcel setback approximately 65’-0” from the front property line and 85’-0” from the rear property line. When reviewing the second floor volume rule, staff believes that the greater 2<sup>nd</sup> to 1<sup>st</sup> floor ratio request is commensurate with the style and design of the home driven by the second floor’s cantilevered spaces and will be offset by the abovementioned setbacks of the siteplan. While allowing for a unique architectural design, as well as expansive courtyards that are “internal” to the site, staff is supportive of the increased second floor ratio waiver.

The applicant is also requesting a waiver of the open space requirement for two-story elevations that exceed 60’-0” in length along both elevations (north and south). The north side elevation spans 98’-8” in length at the ground level (not including the detached one-story garage) and about 91’-8” at the second. A small 7’-0” break, open to the sky, has been provided which bisects the elevations into 33’-6” and 58’-10” segments. The recess at the ground plane is set at the same design elevation of the principal structure’s first level, or 13’ NGVD, and is configured with a cascading water feature. The proposed open space does not meet the open space requirements as it is not “at least 75 percent landscaped” and has an elevation that **“exceed(s) the maximum permitted elevation height of the required side yard”**, or 6.58’, yet is surrounded on three sides.

Similarly, the portion of the south (side) elevation spans 92’-2” in length and is broken up with an approximately 14’-8” wide and approximately 40’-0” deep recess, that turns in an “L-shape” to create a secret passive garden. Again, the ground plane is set flush with first floor elevation of 13’ NGVD, and is configured with a passive reflecting water feature designed to cool the area and this outdoor space can be opened up to the interior ground floor of the residence. The provided open space is also configured with a depth that is greater than 30 percent of the maximum developable building width of the property and those areas have been attributed towards the lot coverage of the project. The proposed open space does not meet the open space requirements as it is not “at least 75 percent landscaped” and has an elevation that **“exceed(s) the maximum permitted elevation height of the required side yard”**, or 6.58’, yet is surrounded on three sides. Both resulting open spaces satisfy most of the regulation’s criteria and address the intent of the ordinance by successfully breaking up the massing of the two-story elevation. Staff is supportive of both of the side open space design waivers along the north and south side elevation.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: October 02, 2019

FILE NO: **DRB19-0452**

PROPERTY: **4736 North Bay Road**

APPLICANT: Niklas de la Motte

LEGAL: Lot 8 of Block 1, NAUTILUS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida.

IN RE: An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence to replace an existing three-story architecturally significant pre-1942 residence including one or more waivers.

**ORDER**

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 9, and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 5, 10, 11, and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
  - 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 4736 North Bay Road shall be submitted, at a minimum, such drawings shall incorporate the following:
    - a. The required 70% limitation for the second floor volume **shall be** waived as proposed and shall not be increased at time of permitting, in a manner to be



reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. The proposed (north and south) side open space requirements **shall be** waived as proposed.
  - c. The maximum height of the rooftop elevator cannot exceed 10'-0" over the main roof line of the residence.
  - d. The final design details and color selection of the "stone cladding" proposed finish shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - f. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - g. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
  - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
  - c. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved

relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.

- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- g. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- h. The applicant shall install street trees adjacent to the subject property consistent with the City's Street Tree Master Plan or similar to existing species along the street, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material

from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- n. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

## **II. Variance(s)**

- A. No variance(s) were filed as part of this application.

## **III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.**

- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. During construction work, the applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- C. If applicable, a Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- D. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Niklas De La Motte Residence", as prepared by **Choeff Levy Fischman architecture + design** signed, sealed and dated August 05, 2019, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )