

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 04, 2018

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB18-0310
2499 North Meridian Avenue

DRB18-0310, 2499 North Meridian Avenue. The applicant, Harriet Feuerman, is requesting Design Review Approval for the construction of a new two-story single-family residence to replace an existing two-story architecturally significant pre-1942 residence including one or more waivers.

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

Lot 21, Block 2, of "Mid-Golf Subdivision", according to Plat thereof, recorded in Plat Book 4, at Page 200, of the Public Records of Miami-Dade County, Florida.

HISTORY:

This application was continued at the November 04, 2018 Design Review Board (DRB) meeting for further design development.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 10,352 SF
Lot Coverage:
Existing: 2,378 SF / 23%
Proposed: 3,055 SF / **29.5%**
Maximum: 3,105 SF / 30%
Unit size:
Existing: 3,392 SF / 33%
Proposed: 5,176 SF / **50%**
Maximum: 5,176 SF / **50%**
2nd Floor to 1st: 2932 / 2187 | 74.5%*
***DRB WAIVER**

Height:
Proposed: 24'-0" flat roof
Maximum: 24'-0" flat roof

Grade: +4.36' NGVD

Base Flood Elevation: +8.00' NGVD
Difference: 3.64'
Adjusted Grade: +6.18' NGVD
30" (+2.5') Above Grade: +6.86' NGVD
First Floor Elevation: +9.00' NGVD
(BFE+1fb)

EXISTING STRUCTURE:

Year: 1928
Architect: Frank Wyatt Woods
Vacant: No
Demolition: Total

Surrounding Properties:

East: One-story 1950 residence
North: Miami Beach Golf Course
South: One-story 1949 residence
West: Miami Beach Golf Course

THE PROJECT:

The applicant has submitted plans entitled "2499 North Meridian Residence", as prepared by **H&W International** signed, sealed and dated 11/08/18.

The applicant is proposing to construct a new two-story residence on a corner lot, across the street to the east of the Miami Beach Golf Course.

The applicant is requesting the following waiver(s):

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c).
2. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).
3. A habitable roof deck that extends to the edge of the building edge to the rear for a non-waterfront lot in accordance with Section 142-105(b)(6).

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.
2. (6) *Roof decks*. Roof decks shall not exceed six inches above the main roofline and shall not exceed a combined deck area of 25 percent of the enclosed floor area immediately one floor below, regardless of deck height. Roof decks shall be setback a minimum of ten feet from each side of the exterior outer walls, when located along a front or side elevation, and from the rear elevation for non-waterfront lots. Built in planters, gardens or similar landscaping areas, not to exceed three and one-half feet above the finished roof deck height, may be permitted immediately abutting the roof deck area. All landscape material shall be appropriately secured. **The DRB may forego the required rear deck setback, in accordance with the applicable design review criteria.**
3. **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 previous open space.

The intent of this regulation is to break-up long expanses of uninterrupted two-story volumes 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 (3) 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 (3) 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 (3) 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 three (3) 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 (3) 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 (3) 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

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).
Satisfied
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 corner parcel located across the street to the east of the Miami Beach Golf Course that will replace an existing

pre-1942 architecturally significant two-story home. The home has been designed slightly under the maximum zoning thresholds for lot coverage and unit size allowances, but requests three design waivers to be approved by the Board as part of this application.

This item was previously presented at the November 04, 2018 Design Review Board meeting and continued to allow for the architect to further refine the design and address both Board and staff comments. The proposed residence is designed in a stately, yet modern style with a rigid symmetrical massing that is enhanced by a wide cornice banding that runs along both floor plates. Two strong street facades define the corner site with large expanses of floor-to-ceiling fenestration along both levels that highlight vistas onto the golf course and maximize unobstructed natural light into the residence. Since the last meeting, the applicant has modified several architectural feature of the home.

Along the North Meridian Avenue (west) elevation, the architect has refined the proportions and composition of the balconies and fenestration. Specifically, the upper floor, wrap-around balcony has been replaced with into two smaller features that match the proportions and continue the rhythm of the balconies on the West 28th Street façade. Furthermore, the second-floor glazing has been scaled to a similar proportion as the windows on the ground floor, which coupled with the balconies strengthens the overall elevation. Staff recommends further refinement of the staircase and the unaligned concrete pavers. Given that this is the secondary, informal entrance to the residence, the design of these architectural elements is incongruous to one another and to the façade they service. In addition to the refinement of the west façade, the applicant has also modified the recess within the massing along West 28th Street by removing the roof, while still retaining the cornice banding that bridges the void. The recess, now substantially open to the sky, serves as the formal, albeit side, entrance to the home, as well as an open area intended to break up the nearly 92'-0" two-story massing. Lastly, per the recommendation of the Board, the architect has simplified the design of the elevator bulkhead by removing the cornice banding at its roofline. The proposed design modifications endeavor, and achieve, a residence with two balanced and well-designed street facing facades.

This application is requesting three design waivers. The first design waiver pertains to the second floor to first floor ratio. Since the proposed home has a lot coverage of 30%, any second floor massing is restricted to 70% of the first floor unless a waiver is approved by the DRB. In this instance, the second floor exceeds the allowable first floor ratio by 5%. When reviewing the second floor volume rule, staff believes that the greater 2nd to 1st floor ratio request proposed is commensurate with the style and design of the home; offset by the corner location of the site and the larger side street and front setback requirements. Staff is supportive of the increased second floor ratio waiver.

Habitable roof decks are a permissible height exception in all single-family districts. As designed, the proposed roof deck complies with the square footage allowance for the deck space and the setback requirements from both of the sides and from the front exterior outer walls in order to ensure abutting properties' privacy are not negatively impacted. The Code further requires a 10'-0" setback from the rear elevation for non-waterfront lots but the DRB may forego the required rear deck setback, in accordance with the applicable design review criteria. In this instance, based on the L-formation of the design the roof deck, which is flush with a portion of the rear outer wall below, thus requiring the waiver from

the DRB. As the roof deck is centrally located within the roof plan and is not directly adjacent to a neighboring property's yard area, staff has no objection to the location of the roof deck and recommends approval of the habitable roof deck that extends to the edge of the rear building edge.

The applicant is also requesting a waiver of the open space requirement for two-story elevations that exceed 60'-0" in length. The architect has designed the north side street elevation with a nearly 92'-0" long street façade that contains a recessed central entryway along both levels that is substantially open to the sky – a cornice band bridges the recess at the roofline. The 13'-0" wide entrance recess of the central portion of the home divides the lengthy elevation in two halves, measuring 39'-10" to the western half and 38'-6" to the eastern half. This design decision creates a formal entrance to the residence and alleviates any overpowering impact of the overall two-story massing on respective properties and the street. Further, the architect has designed the residence with varied movement of vertical planes and architectural features, such as balconies, that provide visual interest. The design of the side elevation facing the street does address the intent of the ordinance to break up a monolithic, two-story massing. As such, staff is supportive of the requested open space waiver.

Staff recommends that the design of the replacement home be approved with the above-mentioned design modification of the front street façade, including all of the requested waivers.

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.

TRM/JGM

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 04, 2018

FILE NO: DRB18-0310

PROPERTY: **2499 North Meridian Avenue**

APPLICANT: Harriet Feuerman

LEGAL: Lot 21, Block 2, of "Mid-Golf Subdivision", according to Plat thereof, recorded in Plat Book 4, at Page 200, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single-family residence to replace an existing two-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, and 10 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 2499 North Meridian Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The architect shall further refine the steps and concrete pavers that service the front street (west) façade along North Meridian Avenue, 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 70% limitation for the second floor volume **shall be** waived as proposed.
 - c. The location of the habitable roof deck that extends to the edge of the rear building edge **shall be** waived as proposed.
 - d. The open space requirement along both the side street elevation **shall be** waived as proposed.
 - e. The final design details and color selection of the vertical 'ornamental aluminum screen' 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.
 - f. 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.
 - g. 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.
 - h. 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. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. 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.
- j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. 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.
- l. 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.

- m. 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 "2499 North Meridian Residence", as prepared by **H&W International** signed, sealed and dated 11/08/18, 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

