MEMORANDUM

DATE: May 14, 2007

TO: Sanibel City Councilmembers

FROM: Judie Zimomra, City Manager

SUBJECT: Supplemental Material for May 15, 2007 City Council Meeting

---

Please find attached the following supplemental material for the May 15, 2007 Council Meeting:

Agenda Item 7 – Quasi-judicial Hearing and **Appeal of Planning Commission** Resolution 07-02 that denied a Variance application to permit a three-unit multi-family (building) development to be established on a parcel of land that is less than the required minimum lot size of one acre. The subject parcel of land (tax parcel no. 35-46-22-T1-00010.0110) is currently the site of the **Riveria Restaurant, 2761 West Gulf Drive**

This packet involves additional information as well as photos.

JAZ/ps

Xc: Ken Cuyler, City Attorney
Pamela Smith, City Clerk

CASE FILE EXHIBIT CONTENTS

FILE NAME: Island Wine & Dine 3-Story Condominium **Application No:** 06-3745V

CITY EXHIBITS:

DATE	EXHIBIT NUMBER	SHORT DESCRIPTION
2/27/7	C-1	Staff Report

APPLICANT EXHIBITS:

DATE	EXHIBIT NUMBER	SHORT DESCRIPTION
2/27/07	A-1	Photograph of Nutmeg Village
	A-2	Photograph of Nutmeg Village
	A-3	Photograph of Nutmeg Village
	B	Photo Composite of Riviera Restaurant Property and Contiguous Neighboring Properties
	C	Rendering of proposed 3-Unit Condominium

PUBLIC EXHIBITS

DATE	EXHIBIT NUMBER	SHORT DESCRIPTION

City of Sanibel

Planning Commission

Planning Department
Staff Report

Planning Commission Meeting: February 27, 2007
Planning Commission Agenda Item: 5b
Application No.: 06-3745V
Applicant: Island Wine and Dine Corporation

A **variance** to Land Development Code, Section 86-158. Minimum Size of Parcel, to permit a three-unit multifamily (building) development on a parcel of land that is less than the required minimum lot size of one (1) acre in advance of the proposed redevelopment of the Riviera Restaurant site located at 2761 West Gulf Drive.

PROPOSAL

The applicant seeks the approval of a variance to Land Development Code Section 86-158, to provide for the redevelopment and change of use of the subject property, from a nonconforming commercial restaurant, to a 3-unit nonresort multi-family (building) development. Land Development Code Section 86-158. Minimum Size of Parcel requires that the minimum size of the total parcel for any multifamily development be at least one acre. Because the subject parcel is less than one acre in size, the applicant must first obtain variance approval from the Planning Commission, prior to seeking (long-form) development permit approval for this particular use conversion.

A copy of the variance application submitted with this request, including the applicant's response to the standards for granting a variance, is included with this report as **Attachment A**.

BACKGROUND

The subject parcel of land lies within the Resort Housing District. It is currently the location of the Riviera Restaurant, a nonconforming commercial use permitted for 92-seats. Use of the property as a restaurant dates back to the early 1960's and precedes the City's incorporation and the applicant's ownership. The existing 1-story principle building is considered nonconforming with respect to the required base flood elevation and minimum yard setbacks. Also, the existing site is nonconforming in that it exceeds the maximum allowed developed area permitted for the site.

The subject parcel abuts West Gulf Drive to the north, Sand Pointe Condominium to the east and Nutmeg Village Condominium to the west and south. The residential development of Seagull Estates Subdivision lies on the north side of West Gulf Drive opposite of the subject property. A location map is included with this report as **Attachment B**.

CITY OF SANIBEL EXHIBIT
C – 1
APPL# 06-3745V
DATE: 2-27-7

Site Description

Ecological Zone	Gulf Beach Ridge
Permitted Residential Density	5 Dwelling Units per Acre
Overlay District	Resort Housing
Parcel Size Required by LDC Section 86-158	
Required	43, 560 SF or 1 acre
Existing	28,460 SF or .6 acre
Impermeable Coverage	
Permitted	7,115 SF
Existing	4,548 SF
Proposed	6,963 SF
Developed Area	
Permitted	8,538 SF
Existing	17,156 SF
Proposed	8,533 SF
Base Flood Elevation Velocity Zone	
Required	
(FEMA Flood Insurance Base Map)	13' NGVD
(New FEMA FIRM)	13' NAVD
Florida Building Code	16' NGVD
Existing	9' NGVD
Front Yard Setback	
Required	75 ft from C/L of ROW
Existing	80 ft from C/L of ROW
Proposed	76 ft from C/L of ROW
Rear Yard Setback	
Required	10 ft from P/L
Existing	8 ft from P/L
Proposed	27 ft from P/L
Side Yard Setback	
Required	10 ft from P/L
Existing	8 ft from P/L
Proposed	18 ft from P/L

A copy of the proposed redevelopment site plan, submitted with this request, is included with this report as **Attachment C.**

ANALYSIS OF KEY ISSUES AND CONDITIONS

The applicant must first obtain Planning Commission approval of a variance to Land Development Code Section 86-158. Minimum Size of Parcel, in advance of submitting a long-form development permit application to redevelop the site for multifamily use. The following key issues and conditions are presented for the Commission's consideration of this variance request.

Parcel Size and Density

At 28,460 square feet (.65 acre) the subject parcel is 15,100 square feet (.34 acre) under the minimum parcel size of 1 acre (43,650 square feet) required for multifamily developments. The subject parcel's size was not created by any actions taken by the applicant, but occurred prior to the City's incorporation.

For all lands south of West Gulf Drive, between Tarpon Bay Road and the West Wind Inn, the permitted residential density is 5.0 units per acre. The subject parcel contains 28,460 square feet or .65 acre. At 5 dwelling units per acre, the .65 acre subject property qualifies for 3 dwelling units, i.e., .65 acre x 5 dwelling units per acre = 3.25 or 3 dwelling units.

The size of the parcel is unique in that it qualifies under the permitted density for 3 dwelling units but does not meet the minimum parcel size of 1 acre that is required for multifamily developments. At 5 dwelling units per acre, the .65 acre subject property qualifies for 3 dwelling units. A variance to Land Development Code Section 86-158. Minimum Size of Parcel does not directly or indirectly increase residential density on the subject property. Although a variance would not be required if the subject property was redeveloped with either a single-family residence or duplex, to actually redeveloped the site in either manner would result in the lost of 1 to 2 units.

Also due to the size of the parcel it is not possible to redevelop he site with 3 detached single family residences as a cluster development as there are no other adjacent lands which are readily available to increase the subject parcel's size to 1-acre.

It is important to note that immediately west of the subject property there is an at-grade, single story, nonconforming commercial use, real estate office that has frontage along West Gulf Drive; that is the location for John Gee Realty. Like the subject parcel this particular property is also less than 1acre in size. At 12,900 SF it is less than half the size of the subject property and (regardless of its permitted residential density of 1-unit) this parcel does not meet the minimum lot requirement of 20,000 SF for the redevelopment of a single family residence. As a result the restaurant and real estate office properties are similar in that they are both significantly smaller in size than any of the other properties within the Resort Housing District. In order for either of these sites to be redeveloped at their respective permitted densities, both properties would require variance to the minimum parcel size requirements of the Code.

Height

In addition to parcel size, another important issue to address with the subject parcel is the height of proposed structure; and whether or not the reduced parcel size and the proposed redevelopment of the site with a multifamily building is compatible with the existing surrounding developments and land uses.

With regards to height no principal residential structure, located in the Resort Housing District, may exceed 45 feet above mean sea level unless both of the following circumstances exist:

a. The buildings are located, in whole or in part, seaward of the coastal construction control line as established by the state department of environmental protection in 1991; and

b. The flood elevation required by the Florida Building Code is higher than the base flood elevation required by the city.

Furthermore, Land Development Code Section 126-354, Required Conditions (b) Height, states that, as a further limitation, except for multifamily structures in the resort housing district, the height of structures or portions of structures in the Gulf Beach Ridge Zone shall not exceed 35 feet above predevelopment grade. Multifamily buildings may only be permitted to exceed 45 feet mean sea level by no more than the difference between the base flood elevation required by the Florida Building Code and the base flood elevation required by the city's adopted Flood Insurance Rate Map.

For each of the multifamily developments that have been mentioned in this report all are existing resort housing development that have multifamily building, containing 3 living floors elevated above the required base flood elevation, built near a maximum height of 45 feet mean sea level. Both the Nutmeg Village and Sand Point Condominiums have multifamily buildings with three living floors elevated above the required base flood elevation and parking under the buildings.

Except for multifamily structures within the Resort Housing District, the height of all other structures and portion of structures within the Gulf Beach Zone cannot exceed 35 feet above predevelopment grade. The subject property has a predevelopment grade elevation of 6 NGVD (above sea level). Therefore, a single family residence or duplex, with no more than 2 living floors elevated above the required base flood elevation, could conceivably reach a maximum height of 41 feet above sea level. For a multifamily development to be permitted on this parcel of land, the height of the principal residential structure could be as high as 45 feet above sea level, plus an additional 3 feet or the difference between the State's higher base flood elevation and base flood elevation on the Federal Insurance Rate Map.

Between Sand Pointe and Sandpiper West Condominiums are the Riviera Restaurant, Nutmeg Village, John Gee Realty and Shalimar Resort there is a transition in the height of buildings located along this part of the Resort Housing District. With the exception of the Riviera Restaurant John Gee Realty and Shalimar Resort properties, most of the taller (multifamily) buildings between Tarpon Bay Road and West Wind Inn are on much larger and deeper parcels of land. For a majority of these properties there is a greater separation between the multifamily buildings and West Gulf Drive. The principal buildings are located closer towards the beach and further away from West Gulf Drive. The subject property, however, lacks sufficient size and depth to maintain this same pattern of separation from West Gulf Drive.

Permitted and Surrounding Land Use

The subject property is located in the Gulf Beach Ridge Ecological Zone where primary intended uses include single family, duplex and multifamily dwellings. In addition, the subject property is also in the Resort Housing District where the average occupancy per dwelling, turnover in occupancy, traffic, recreational facilities and other related demands are greater than nonresort residential housing uses. The immediate abutting land uses includes the multifamily developments of Nutmeg Village and Sand Pointe Condominiums.

Within the Resort Housing District the permitted use of lands are controlled by the regulations set forth for the Resort Housing District. In this instance, the site is subject to all conditions, limitations, and regulation applicable to both the Resort Housing District and the Gulf Beach Zone. One such applicable requirement is that multifamily developments have a minimum parcel size of one acre. "Multifamily dwelling" is defined by the Land Development Code as a structure which contains three or more dwelling units. The applicant proposes to redevelop the site with a 3-unit (nonresort use) multifamily building with an accessory swimming pool. The principal building will consist of 3 habitable floors above the base flood elevation with vehicular parking located under the building.

A copy of the Resort Housing Map is included with this report as **Attachment D.**

Neighborhood Characteristics

The variance to the minimum parcel size does not adversely affect the existing developed neighborhood scheme of lands within the Resort Housing District. The Nutmeg Village has a total of 42-units and Sand Pointe has a total of 45-units.Both properties are existing resort housing uses, which have a higher presumed occupancy rate than nonresort residential housing, and are permitted to rent for periods of less than 4 consecutive weeks.

With respect to compatibility with surrounding land uses in the Resort Housing District, the proposed change of use to a nonresort multifamily development is less intense than the existing restaurant and surrounding resort housing uses. In comparison, there will be less developed area, pedestrian and vehicular trips, parking, trash and sewage disposal, water consumption, noise, odor and litter associated with the proposed redevelopment of the subject site as a nonresort multifamily use than as a 92-seat restaurant.

With regard to the proposed multifamily building's proximity to West Gulf Drive, the building will meet the minimum required set of 75 feet from the centerline of the public right-of-way. The proposed multifamily building will setback from the right-of-way of West Gulf Drive similar to the multifamily building at Sand Pointe Condominium closest to the subject property (see **Attachment C**). However, to replace the existing single story restaurant building with a significantly larger and taller 3-story building will certainly have a noticeable visual impact along the resort housing corridor of West Gulf Drive. Any development permit approval to change the use of the site to multifamily should require that the property's frontage along West Gulf Drive be buffered sufficiently with vegetation to minimize the size and mass of the building.

The multifamily building at Nutmeg Village and Sand Pointe Condominiums are all oriented with a primary view to the south towards the Gulf. The proposed multifamily building will also be similarly situated.

Aerial photos of the subject and surrounding properties are included with this report as **Attachment E.** In addition, photographs (provided by the applicant) of the elevation of neighboring buildings are included with this report as **Attachment F**.

SUMMARY

In consideration of this variance request, a threshold issue should be whether or not the proposed change of use (from a nonconforming restaurant to a multifamily development) is compatible with the existing surrounding lands and uses. Although multifamily development is a permitted use in the Resort Housing District, the subject property does not meet the minimum parcel size of 1 acre required for multifamily development. The proposed change of use to multifamily development

should be carefully examined for compatibility with the established character, development scheme and overall building height of the other surrounding multifamily developments that are similarly situated in the Resort Housing District.

The subject property is also unique to other similarly situated properties in that it does qualify for 3-units however the parcel size precludes redeveloped with multifamily (building) in the same manner as other similarly situated properties in the Resort Housing District.

PLANNING COMMISSION ACTION

Land Development Code Section 82-140. Standards, allows the Planning Commission to grant variances upon a positive finding on each of the seven variance criteria. These 7 standards are included with this report as part of **Attachment A.**

The Planning Commission may take the following action on this application for a variance to Land Development Code Section 86-158. Minimum Size of Parcel:

- Approval of the requested variance,
- Approval of the requested variance with conditions, or
- Denial of the requested variance.

If the Planning Commission is incline to approve this variance, the **Planning Department recommends that** the following conditions also be considered:

1. That a long-form development permit approval be required for the proposed change of use from restaurant to multifamily development.

2. That the maximum height of the multifamily building shall not exceed 35 feet above predevelopment grade unless the applicant can clearly demonstrate, during the long-form permitting process, that the building can also meet all code requirements pertaining to adequate air and light circulation and will be compatible with the surrounding neighborhood and community as a whole. Only then may the building's maximum height be allowed at 45 feet above sea level plus the difference between the base flood elevation required by FIRM and the State of Florida, pursuant to Land Development Code, Section 126-635 (4).

3. All other relevant zoning and compatibility issues will need to be reviewed by the Planning Commission once a long form application for a development permit has been submitted to redevelop the subject property for multifamily use.

Attachment A, Variance Application w/Applicant's Variance Criteria Responses
Attachment B, Location map
Attachment C, Proposed site plan
Attachment D, Resort Housing District Map
Attachment E, Aerial Photos
Attachment F, Neighboring Building Elevations

VARIANCE STANDARDS

Land Development Code, Section 82-140, Standards, states that, the planning commission may grant variances upon finding all of the following:

(1) A literal enforcement of the particular regulation would result in undue and unnecessary hardship to a property owner because the particular shape, size, location or topography of a lot or parcel, or of a structure thereon, would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of such lot or parcel in the same manner as other properties similarly situated.

(2) That the special conditions relate to unusual conditions peculiar to the specific lot or parcel or relate to special conditions of the structure involved, and are not generally applicable to other lands or structures similarly situated.

(3) That the special conditions and circumstances do not result from actions taken by the applicant or proposed by the applicant, and are not otherwise self-imposed.

(4) That the applicant has taken all reasonable steps to mitigate or eliminate the requested variance by the acquisition of adjacent lands or the relocation or redesign of the structure involved.

(5) That the development or use of the subject parcel in some other manner than that proposed, in accordance with the applicable requirements, is not feasible.

(6) That the requested variance will not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this land development code, and will not cause the proposed development to be neither inconsistent with the Sanibel Plan nor adverse to the health, safety and general welfare of the community.

(7) That the variance granted is the minimum necessary to mitigate the hardship demonstrated.

VARIANCE APPLICATION
CITY OF SANIBEL DEVELOPMENT PERMIT APPLICATION

****

APPLICATION NO 06-3745V FILING DATE: 12-11-06 ACCEPTED BY: JC FEE PAID $2,762.00

OTHER APPLICATIONS FILED WITH THIS REQUEST: _____

****

RECEIVED DEC 11 2006

BY: _____

PART I. PARCEL IDENTIFICATION

TAX STRAP NUMBER: 35-46-22-T1-00003.0010

STREET ADDRESS OF PROPERTY: 2761 West Gulf Drive, Sanibel, FL 33957

PART II. OWNER/APPLICANT INFORMATION

NAME OF OWNER: Island Wine & Dine Corp.

OWNER ADDRESS: P. O. Box 1128, Sanibel, FL 33957

OWNER E-MAIL ADDRESS: _____

OWNER PHONE NO: Home N/A Business 395-9300 Fax 395-9501

NAME OF APPLICANT: Island Wine & Dine Corp.

APPLICANT ADDRESS: P. O. Box 1128, Sanibel, FL 33957

APPLICANT E-MAIL ADDRESS: _____

APPLICANT PHONE NO: Home N/A Business 395-9300 Fax 395-9501

APPLICANT'S INTEREST IN PROPERTY: Owner

PART III. PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED DEVELOPMENT:

A 3-story (above parking), 3-unit condominium is proposed on .65 acre in the Resort Housing District.

IDENTIFY THE LAND DEVELOPMENT CODE SECTION(S) FROM WHICH VARIANCE IS REQUESTED:

From: LDC §86-158 requiring minimum lot size of 1 acre for multi-family residential

To: Allow .65 acre lot size

PART IV. ATTACHMENTS CHECKLIST:

The information and attachments requested as part of this application are the minimum necessary to determine compliance with the requirements of the Sanibel Plan and the Land Development Code (LDC). The city may require additional information, or waive certain requirements, at any time during the application process, depending upon the nature of the variance request. (Ref. Land Development Code Section 82-138). For a complete explanation of each item, refer to the Planning Department handout entitled "Instructions For Permits And Other Applications OF The Sanibel land Development code".

Attachment A

PART IV. ATTACHMENTS CHECKLIST

✓ DESCRIPTION OF HOW THIS APPLICATION MEETS THE SEVEN VARIANCE STANDARDS (Complete Attachment A, "Variance Standards").
✓ DEED
✓ OWNER'S AUTHORIZATION (Certified-Form available in City Planning Department)
N/A OTHER AGENCY PERMITS (Certified Statement RE: Required Permits and Copy of Applications/Permits)
✓ VERIFICATION OF PERMITTED RESIDENTIAL DENSITY (See LDC Sections 86-91 and 86-92) ON SITE PLAN
✓ LOCATION MAP on site plan
✓ SITE DEVELOPMENT PLAN (1"=20')
✓ DRAINAGE PLAN OR VERIFICATION OF EXISTING DRAINAGE IMPROVEMENTS
N/A EXTERIOR LIGHTING PLAN
✓ VEGETATION PLAN
N/A WILDLIFE HABITAT IDENTIFICATION AND PLAN FOR PRESERVATION
N/A VERIFY GOPHER TORTOISES ARE PROTECTED ON SITE OR HAVE BEEN REMOVED (If applicable)
✓ IWA WATER AVAILABILITY LETTER
N/A BUILDING PERMIT APPLICATION
N/A FLOOR PLANS (1/4"=1')
N/A TYPICAL WALL SECTION (1/4"=1')
✓ BUILDING ELEVATIONS (Front, Back and Side, Showing Height and Setback Compliance)
N/A FLOODPROOFING CERTIFICATION (For Coastal High Hazard Areas Only)
✓ OTHER INFORMATION REQUIRED FOR COMPLIANCE WITH THE LAND DEVELOPMENT CODE:
✓ Survey w/buildings; ✓ Site plan w/landscape and adj. buildings; ✓ Aerial
X Photos of contiguous neighboring properties

PART V. PUBLIC HEARING NOTIFICATION REQUIREMENT

✓ Provide name and address labels for all property owners within a radius of 300 feet of the extreme limit to the parcel proposed for development (to be obtained from Lee County Geographic Information System Department). Refer to the "Adjacent Property Owners" section of the "Instructions for Permits and Other Applications of the Sanibel Land Development code" for details on obtaining this information.

*** * * * CERTIFICATION * * * ***

I hereby certify that the information contained in this application and the attachments hereto are true and correct to the best of my knowledge and belief. Furthermore, I acknowledge that the City has the right to inspect the subject property in conjunction with this variance application. (Please advise the City of any restrictions or limitations on the inspections.)

[signature] 11-17-06

SIGNATURE OF OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE **DATE**

NOTE TO OWNER/APPLICANT: A development permit is required in addition to this variance request in order to implement the use and may be filed concurrently or subsequently to this application. If filed subsequently to this application, the development permit must be obtained within a period of twelve (12) months after variance approval. The proposed development may be subject to private deed restrictions or covenants. It is the applicant's responsibility to verify with the appropriate property owners association whether the proposed development complies with the applicable deed restrictions or covenants. The City does not enforce deed restrictions or act as an arbitrator between the applicant and the association.

November 29, 2006

VARIANCE APPLICATION - ATTACHMENT A

From: **LDC §86-158 requiring minimum lot size of 1 acre;**
To: **Allow .65 acre lot size**

VARIANCE STANDARDS

The Planning Commission may grant variances only upon finding that the request meets the seven standards set forth in Land Development Code Section 82-140. Describe how your request meets each requirement:

This is an effort to reduce the intensity of an existing nonconforming commercial use (Riviera Restaurant) which is incompatible with the existing higher density multi-family residential uses (Sand Pointe Condominium and Nutmeg Village Condominium Phases I and II) by changing it to a compatible, low density 3-unit multi-family residential condominium which would be conforming upon the approval of this variance. The Sanibel Development Intensity Map permits 3.3 units of density on this parcel. The developed area of the proposed multi-family will be reduced to meet the 30% requirements as opposed to the existing ±60% developed area.

1. **A literal enforcement of the particular regulation would result in undue and unnecessary hardship to a property owner because the particular shape, size, location or topography of a lot or parcel, or of a structure thereon, would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of said lot or parcel in the same manner as other properties similarly situated.**

   Due to the surrounding residential developments, there is no ability to increase the .65 acre existing lot size for this parcel. The same residential developments result in compatibility issues arising between the existing commercial use as a restaurant (due to noise, odors, and late evening activities which impact on the adjacent residential properties). While redevelopment as a commercial use would not be compatible with the adjacent residential condominiums, those intense multi-family uses would also be incompatible with a single-family development which would otherwise be required on the parcel if the minimum 1-acre lot size required for multi-family use is enforced on this site. For those reasons to deny the variance would deprive the owner of the reasonable use and enjoyment of this property in the same manner as other properties that are similarly situated in this area.

2. **That the special conditions relate to unusual conditions peculiar to the specific lot or parcel or relate to special conditions of the structure involved, and are not generally applicable to other lands or structures similarly situated:**

   The special conditions related above are unique to the location of this restaurant in the Gulf Beach Ridge Ecozone being surrounded by higher density multi-family residential parcels that preclude it from expanding to meet the minimum 1-acre lot size. These conditions would not generally apply to other similarly situated lands.

3. **That the special conditions and circumstances do not result from actions taken by the applicant or proposed by the applicant, and are not otherwise self-imposed:**

The special conditions and circumstances do not result from actions taken by the applicant and are not self-imposed. The property has been an existing commercial restaurant since 1948. It was placed in the Gulf Beach Ridge Ecozone when the City imposed zoning regulations. The current ecozone does not permit commercial uses, and due to the size of the parcel it would not permit multi-family residential unless this variance is granted.

4. **That the applicant has taken all reasonable steps to mitigate or eliminate the requested variance by the acquisition of adjacent lands or the relocation or redesign of the structure involved:**

The applicant has taken all reasonable steps to eliminate the variance, but it is not possible to acquire adjacent lands (which are already developed at residential densities greater than permitted by the Sanibel Plan), nor will relocation or redesign of the structure increase the lot to meet the minimum 1-acre requirement.

5. **That the development or use of the subject parcel in some other manner than that proposed, in accordance with the applicable requirements, is not feasible:**

Developing or using the parcel in a manner other than for a 3-unit, 3-story (above parking) condominium is not feasible, because it would require the redevelopment of a commercial restaurant which is not permitted in the Gulf Beach Ridge ecozone. A low density (3 units) multi-family development on this parcel which is surrounded by adjacent higher density multi-family condominiums is the most compatible use of the property which is feasible.

6. **That the requested variance will not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this land development code, and will not cause the proposed development to be inconsistent with The Sanibel Plan nor adverse to the health, safety and general welfare fo the community.**

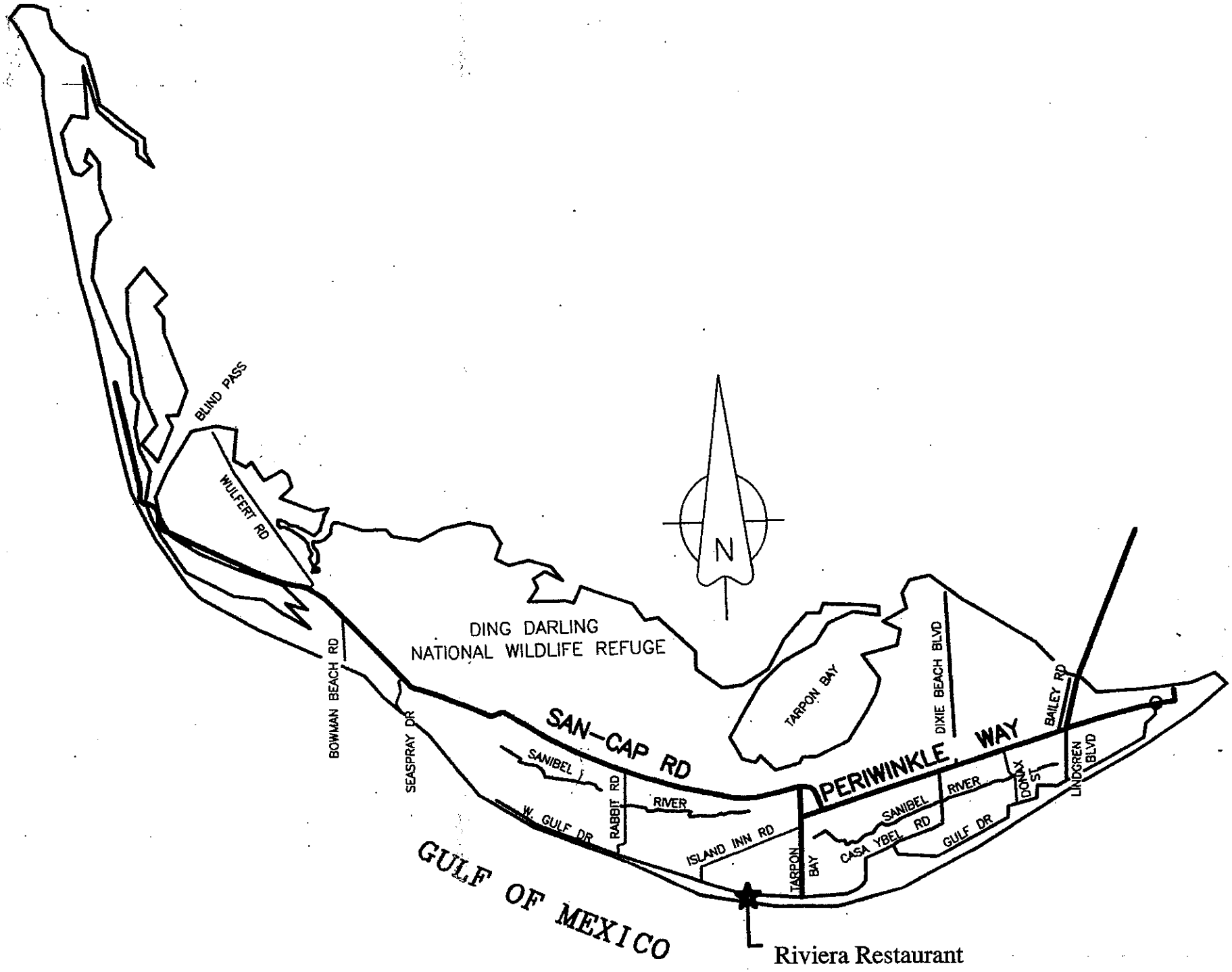
The requested variance will not be adverse to the developed neighborhood scheme (which has higher densities than even the Sanibel Development Intensity Map) nor will it be inconsistent with the Sanibel Plan, nor adverse to the health, safety and welfare of the community. Instead, permitting this lower density 3-unit multi-family condominium on this parcel will be compatible with the developed neighborhood. It will also promote the health, safety and welfare of the community by replacing an existing more intense, less compatible commercial restaurant with a low density multi-family condominium consistent with the existing condominiums in the neighborhood.

7. **That the variance is granted is the minimum necessary to mitigate the hardship demonstrated:**

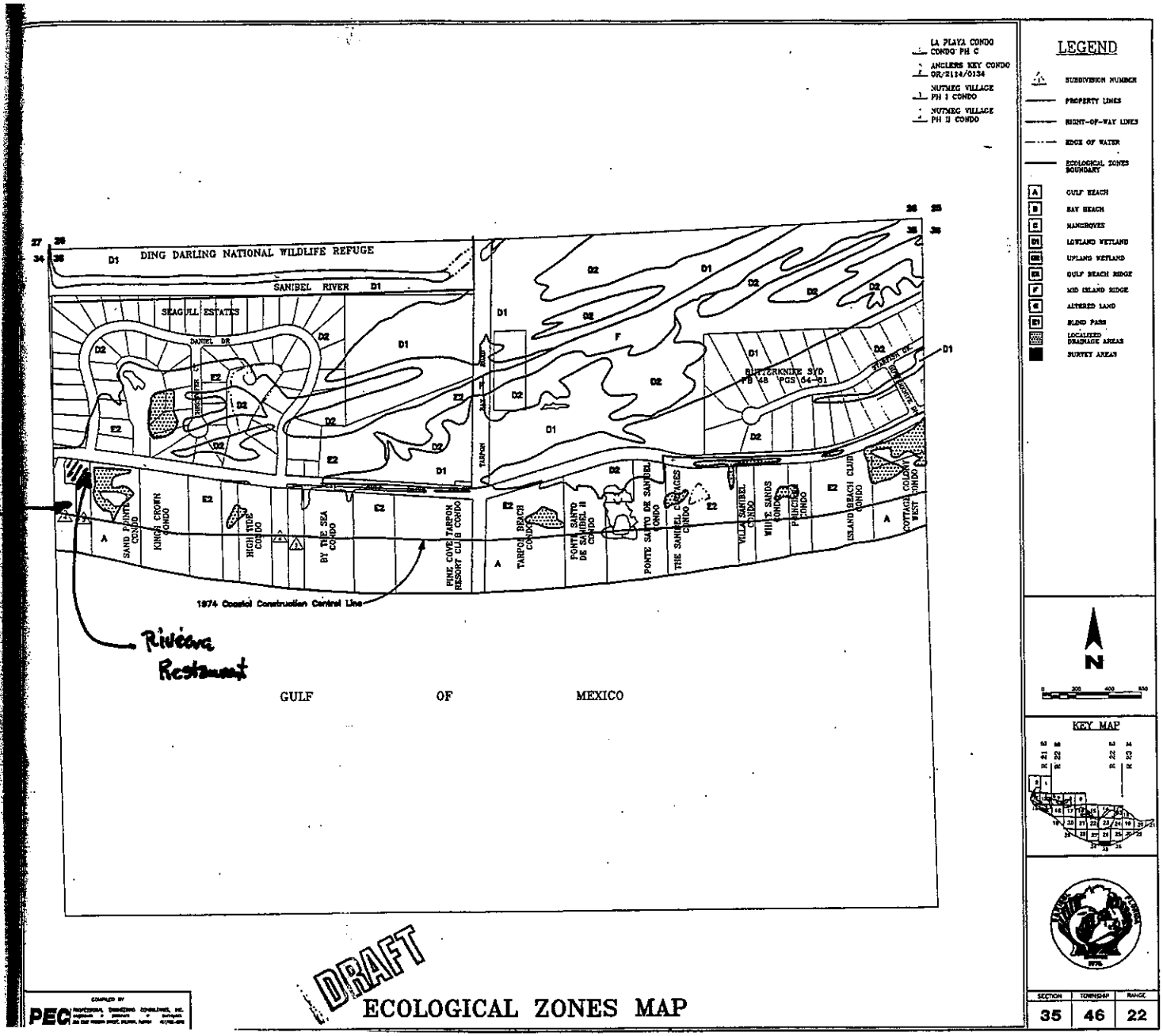
Permitting the minimum lot size to be .65 acres is the minimum variance needed in this instance because no additional property is available to increase the parcel size to 1 acre.

C:\Documents and Settings\kcline.ARMENIA\Local Settings\Temporary Internet Files\Content.IE5\8B3B2WXL\Attachment A - Variance LDC 86-158.wpd

5/5



Attachment B

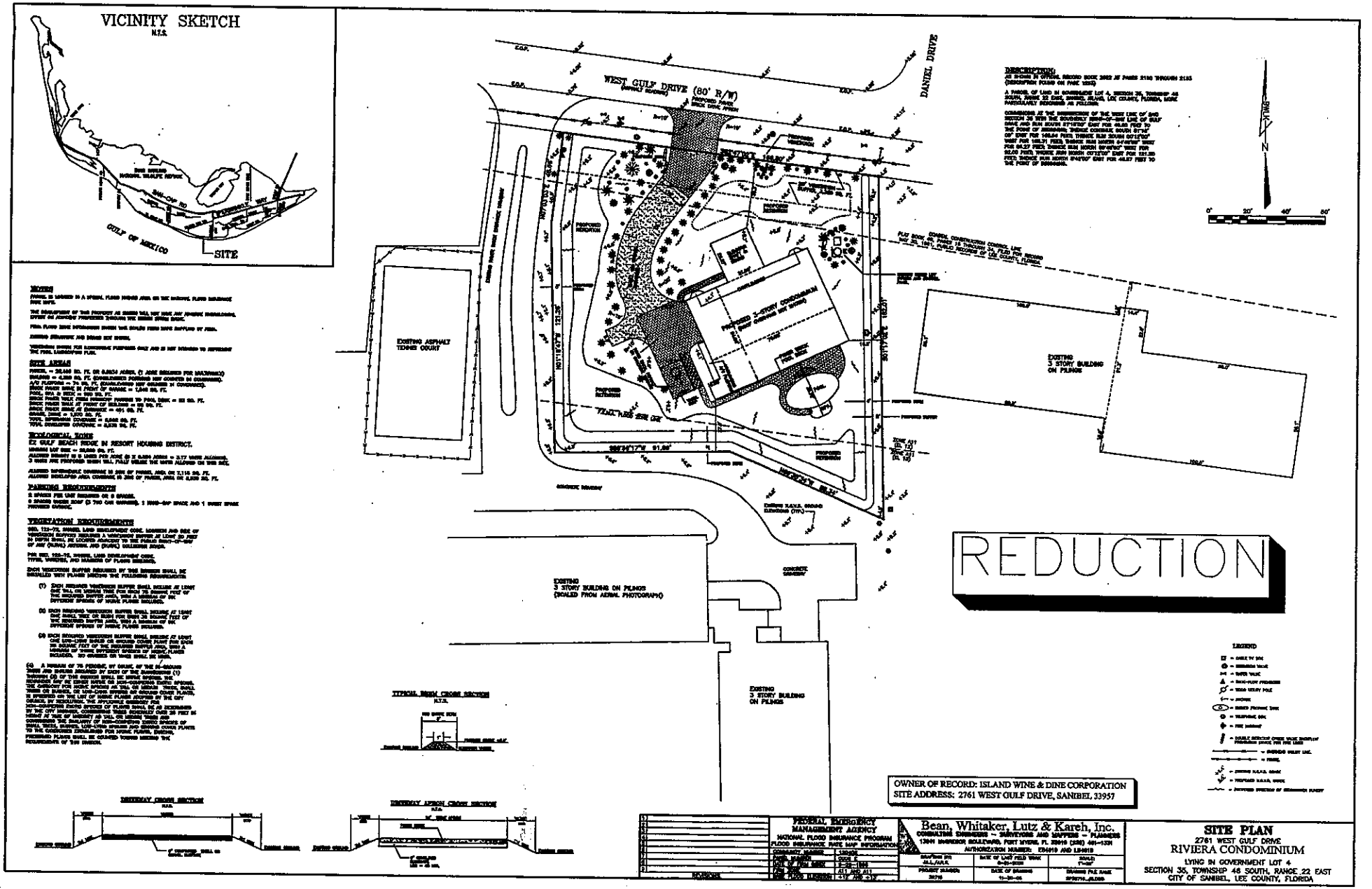


DRAFT

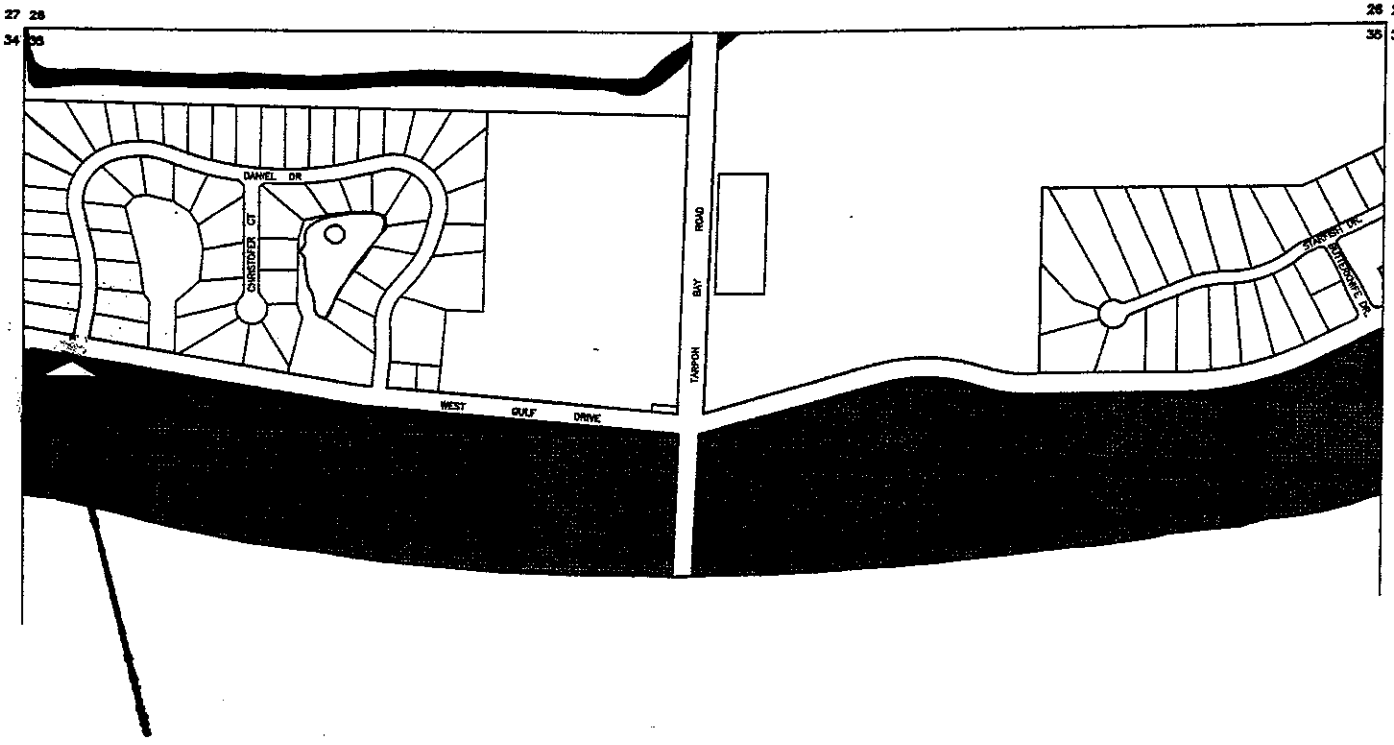
ECOLOGICAL ZONES MAP

PEC

SANIBEL LIGHTHOUSE



Attachment C



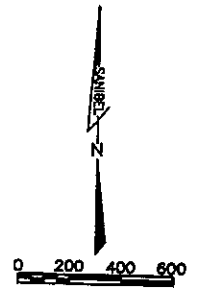
LEGEND

PROPERTY LINES

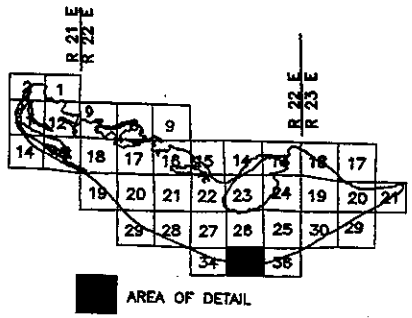
EDGE OF WATER

AREAS WITHIN THE RESORT HOUSING DISTRICT

NOTE:
Within the Resort Housing District, resort housing is a permitted use only in compliance with all requirements of the Land Development Code. In particular, open space requirements must be met, except for Sand Pointe Condominium and any structure lawfully constructed or permitted on or before April 10, 1979, with no limitation prohibiting resort housing use.



KEY MAP



SANIBEL FLORIDA INCORPORATED 1974

COMPILED BY:
Bean, Whitaker, Lutz & Karsh, Inc.
ENGINEERS-SURVEYORS-PLANNERS

RESORT HOUSING DISTRICT

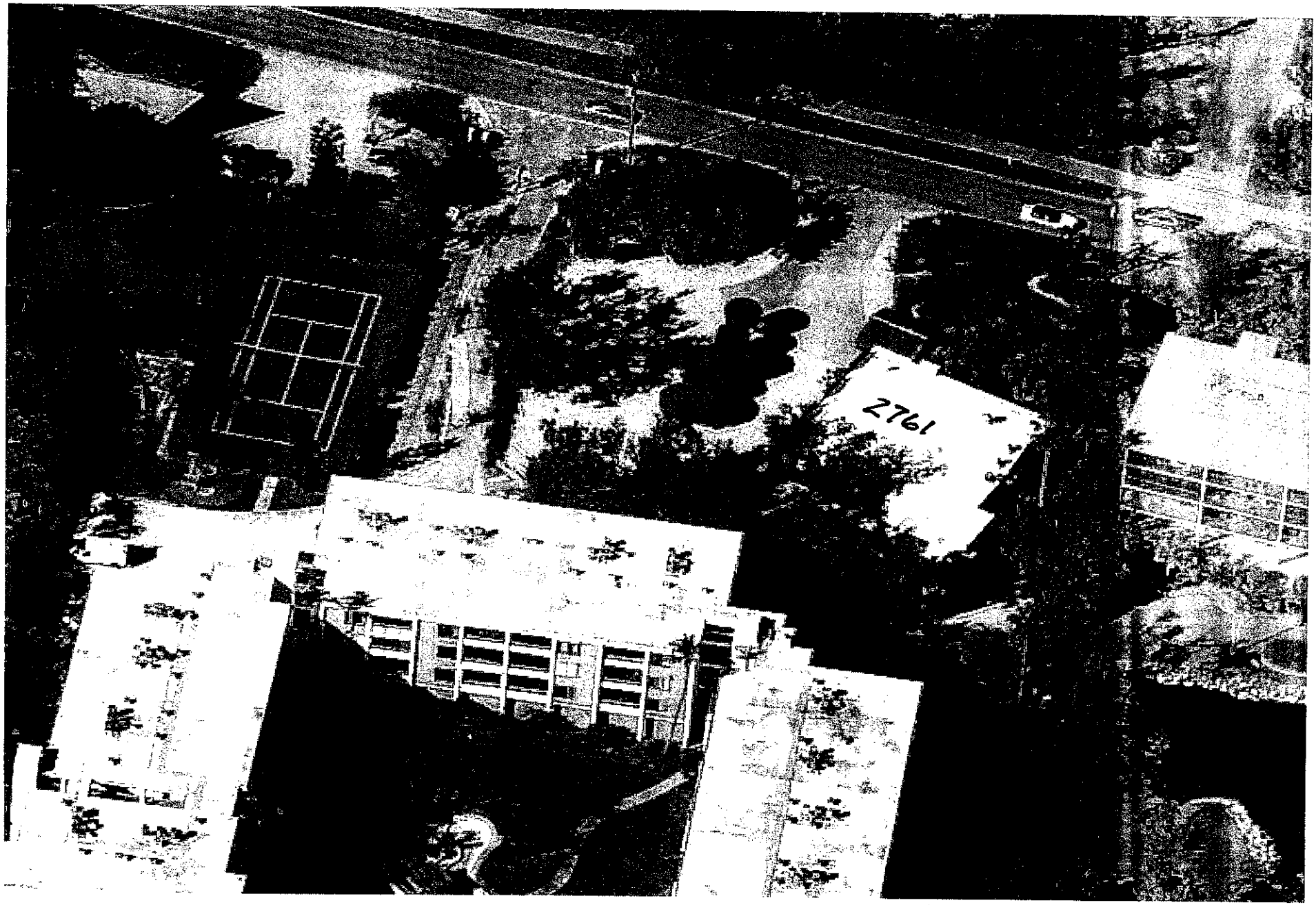
SECTION 35

Attachment D

RESORT HOUSING DISTRICT MAP

TURE LAND USE MAP SERIES 2006-2026

Aerial Photo Provided by Pictometry



ATTACHMENT E

Attachment E

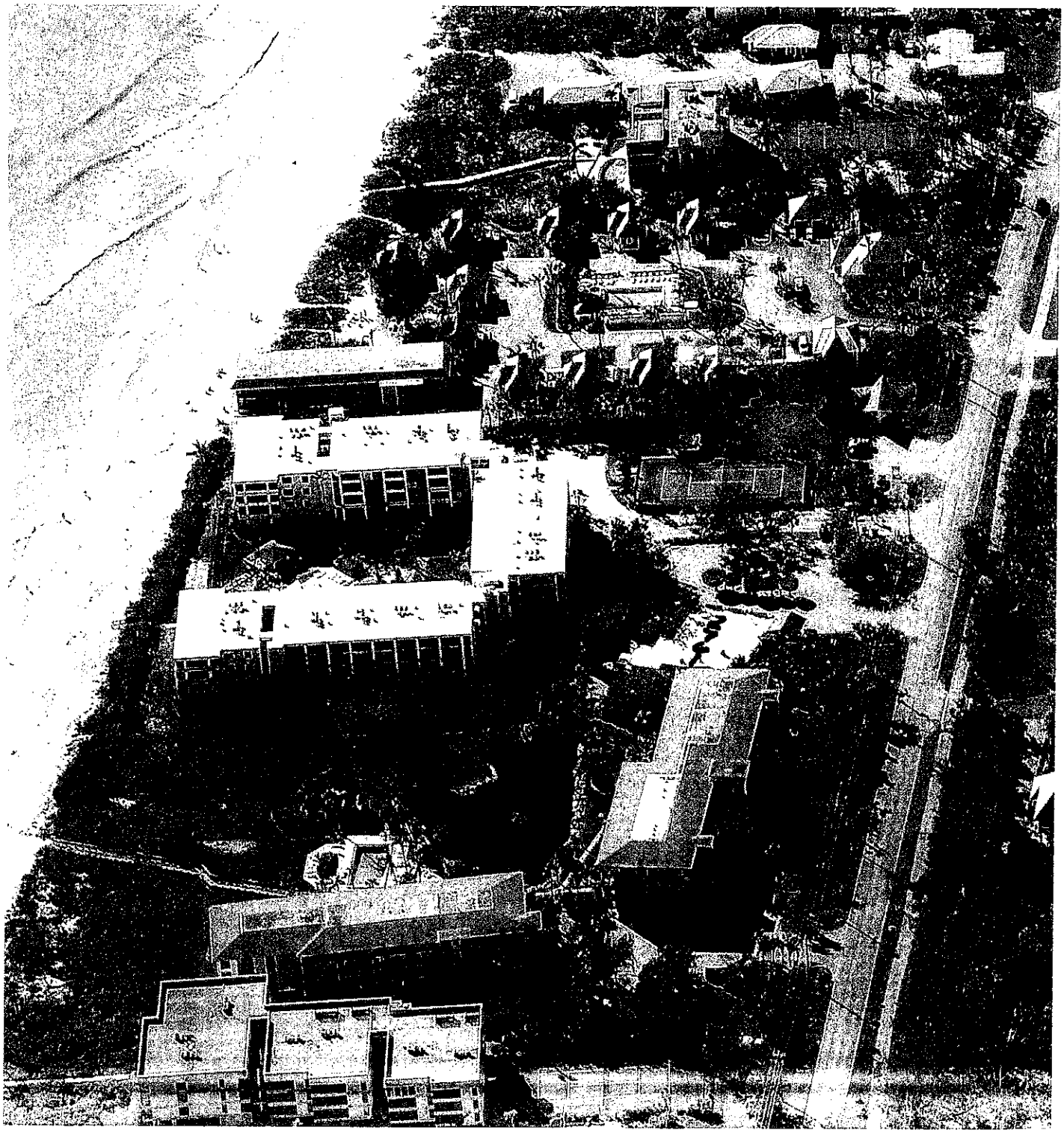
Aerial Photo Provided by Pictometry

ATTACHMENT E

Aerial Photo Provided by Pictometry

ATTACHMENT E

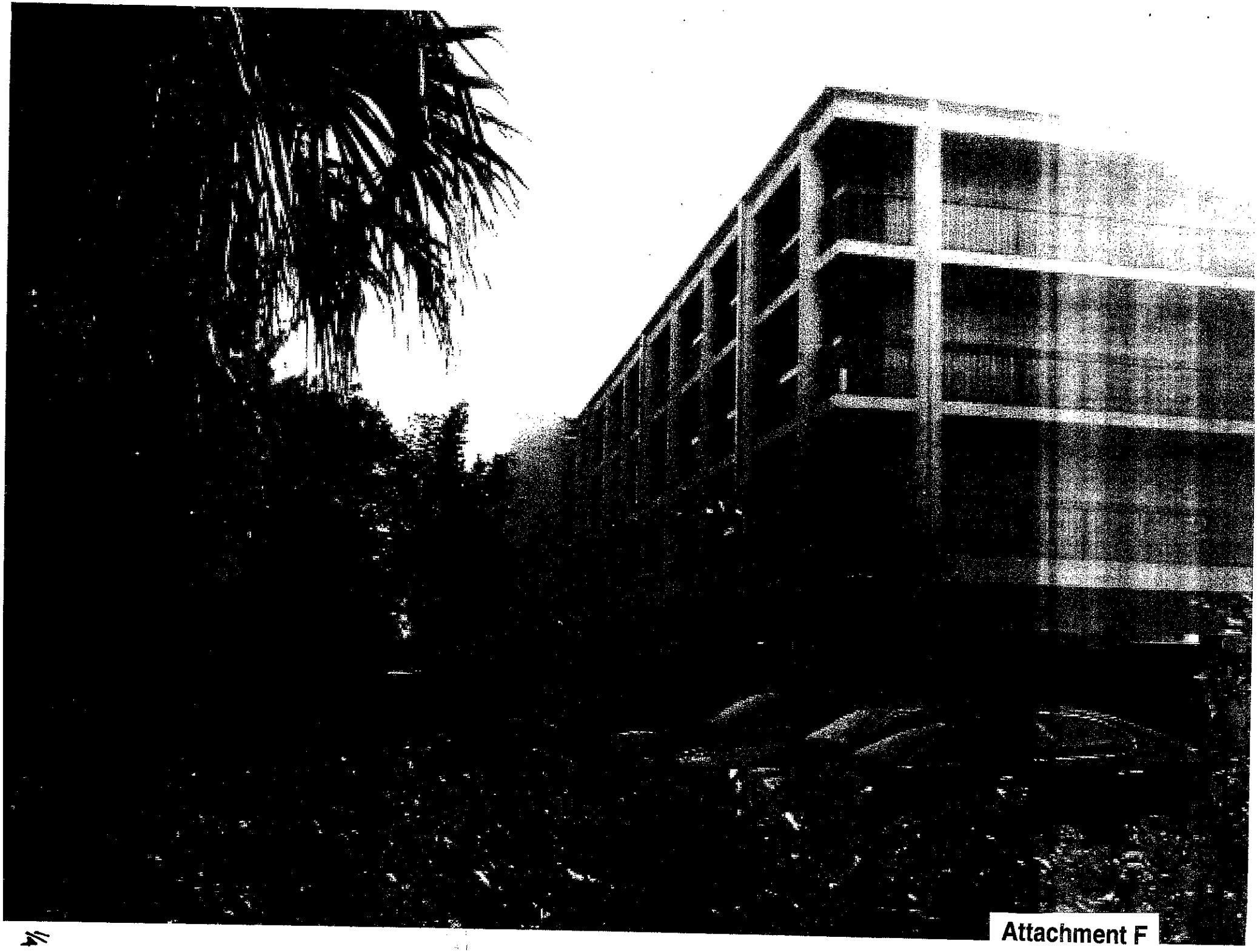
Aerial Photo Provided by Pictometry



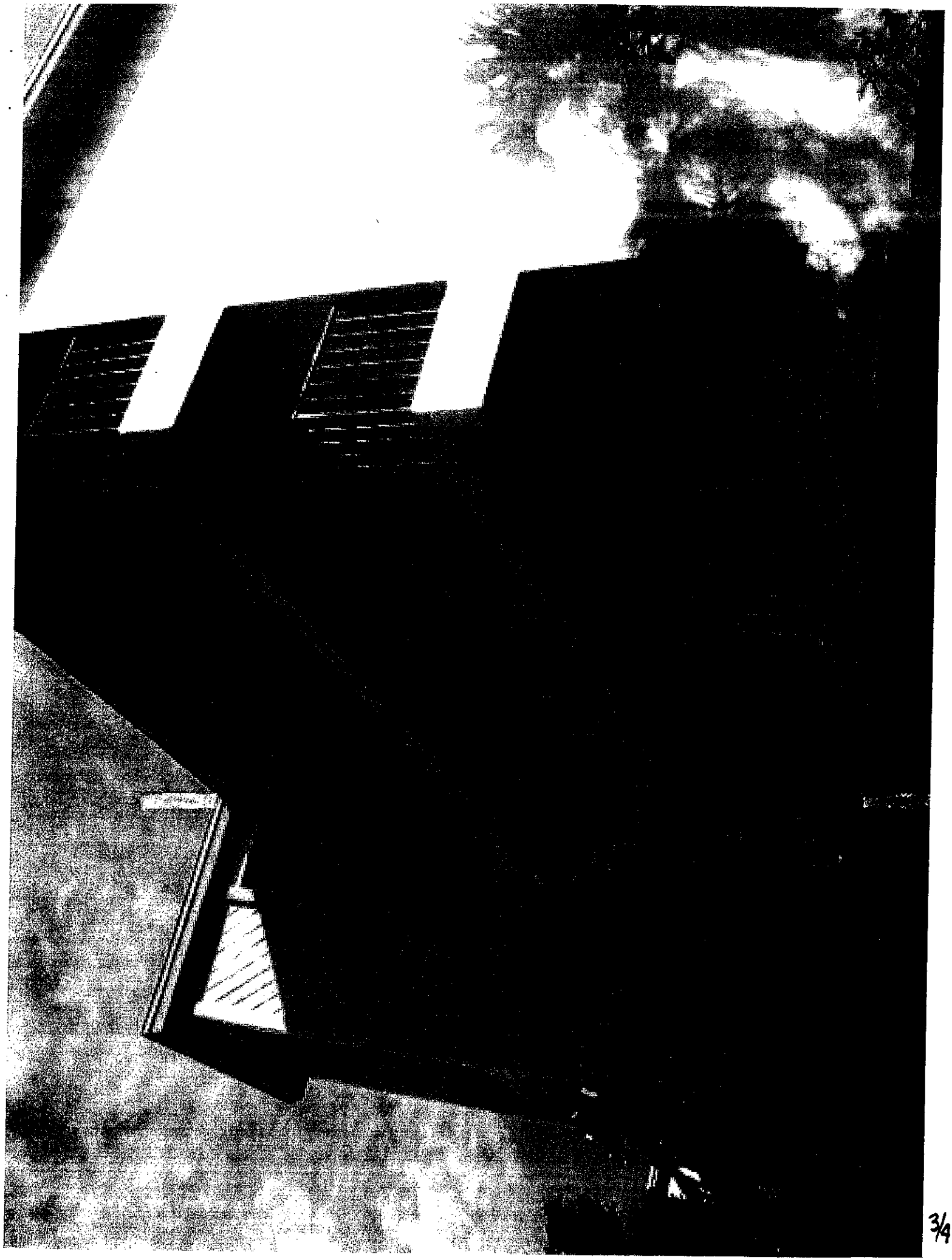
Aerial Photo Provided by Pictometry

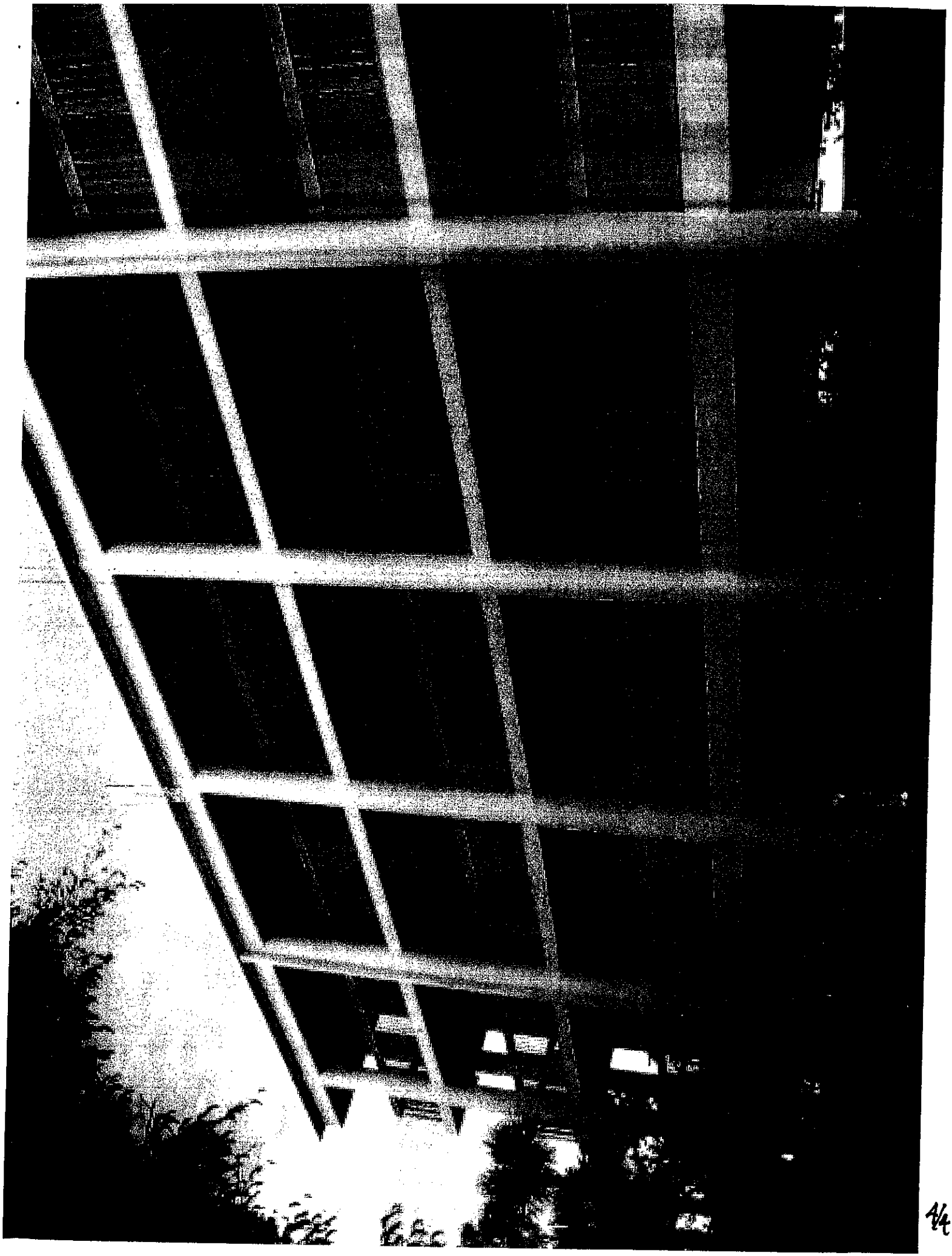
ATTACHMENT E

Aerial Photo Provided by Pictometry



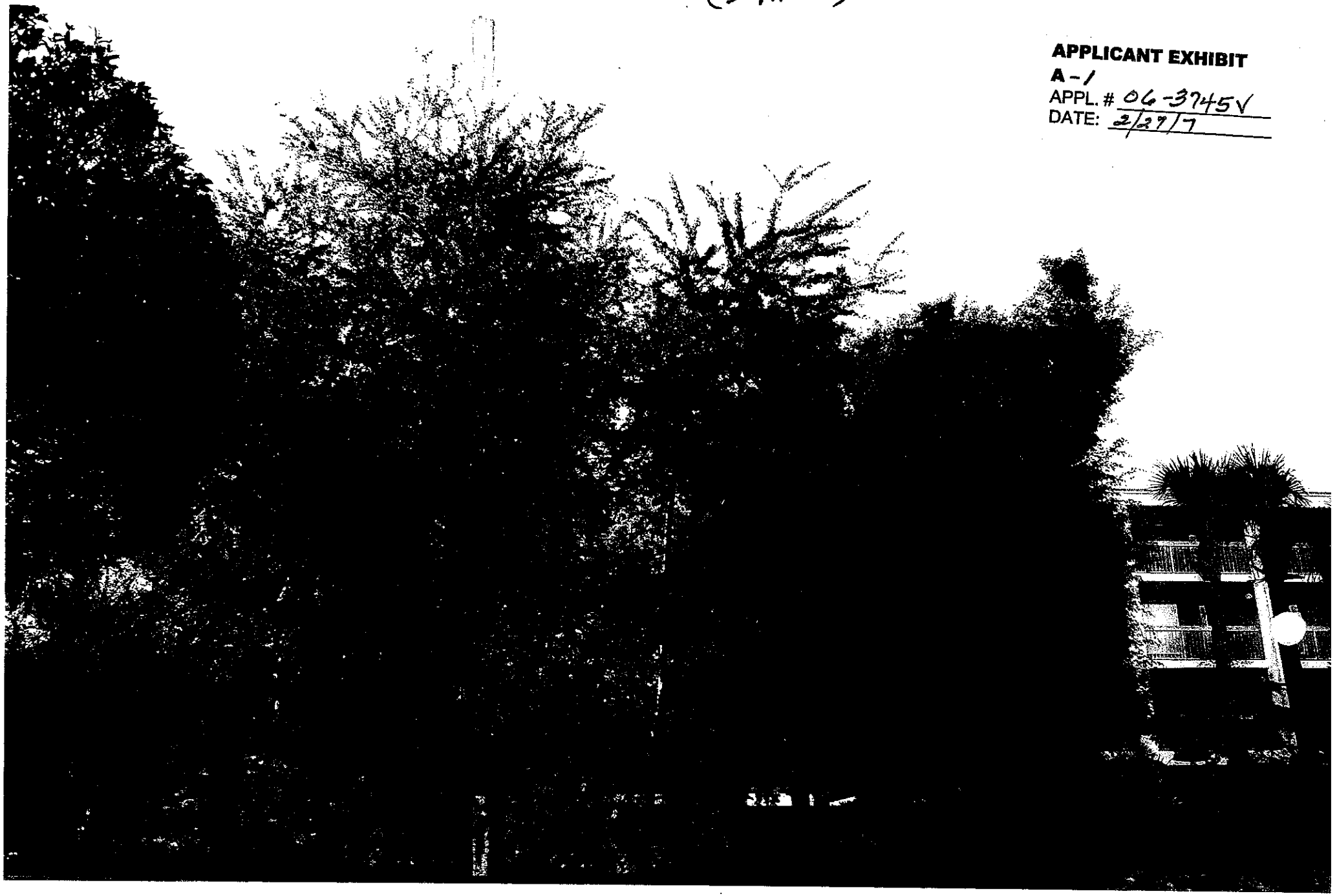
Attachment F





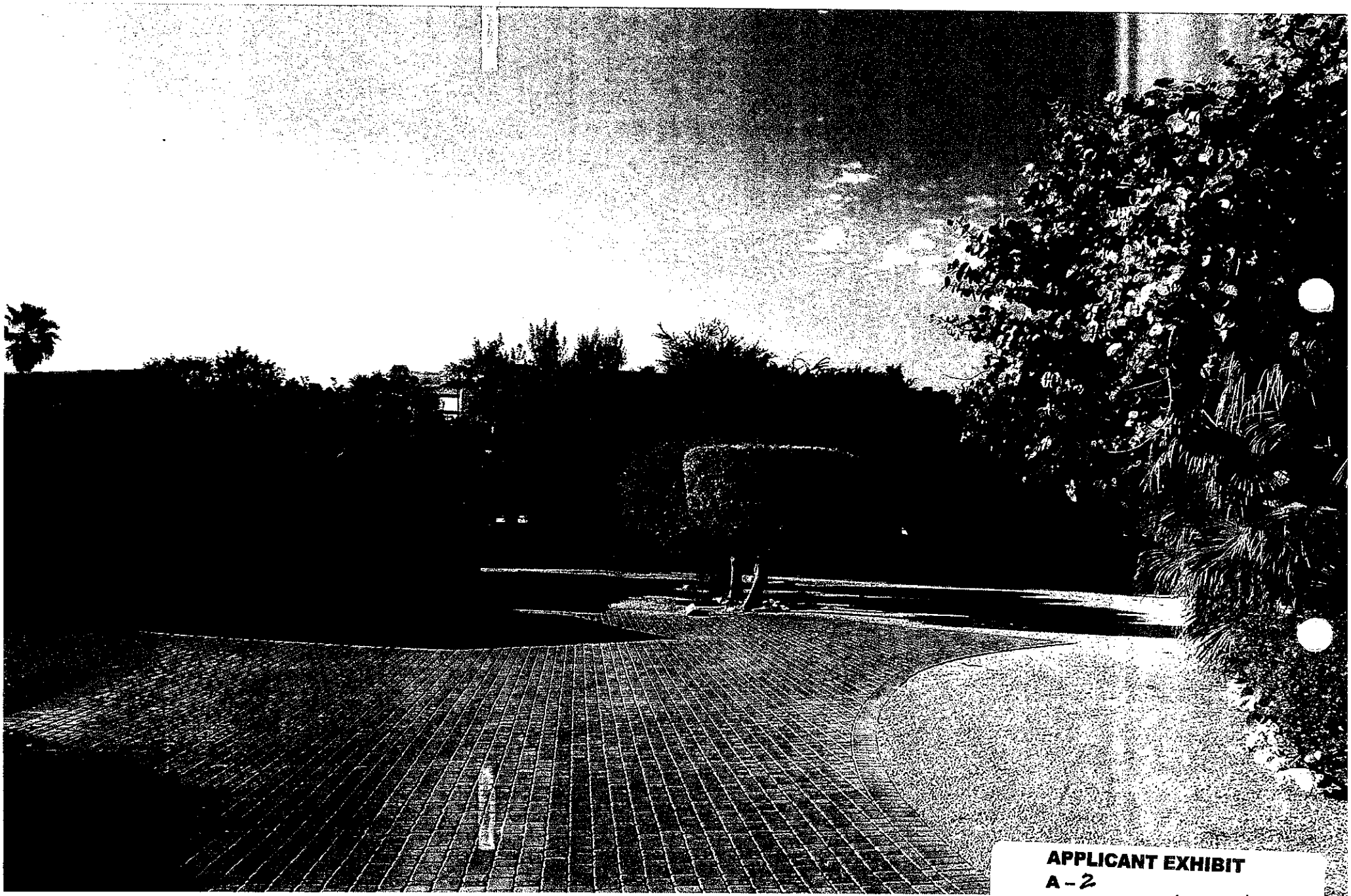
APPLICANTS COMPOSITE EXHIBIT A
(3 PHOTOS)

A-1



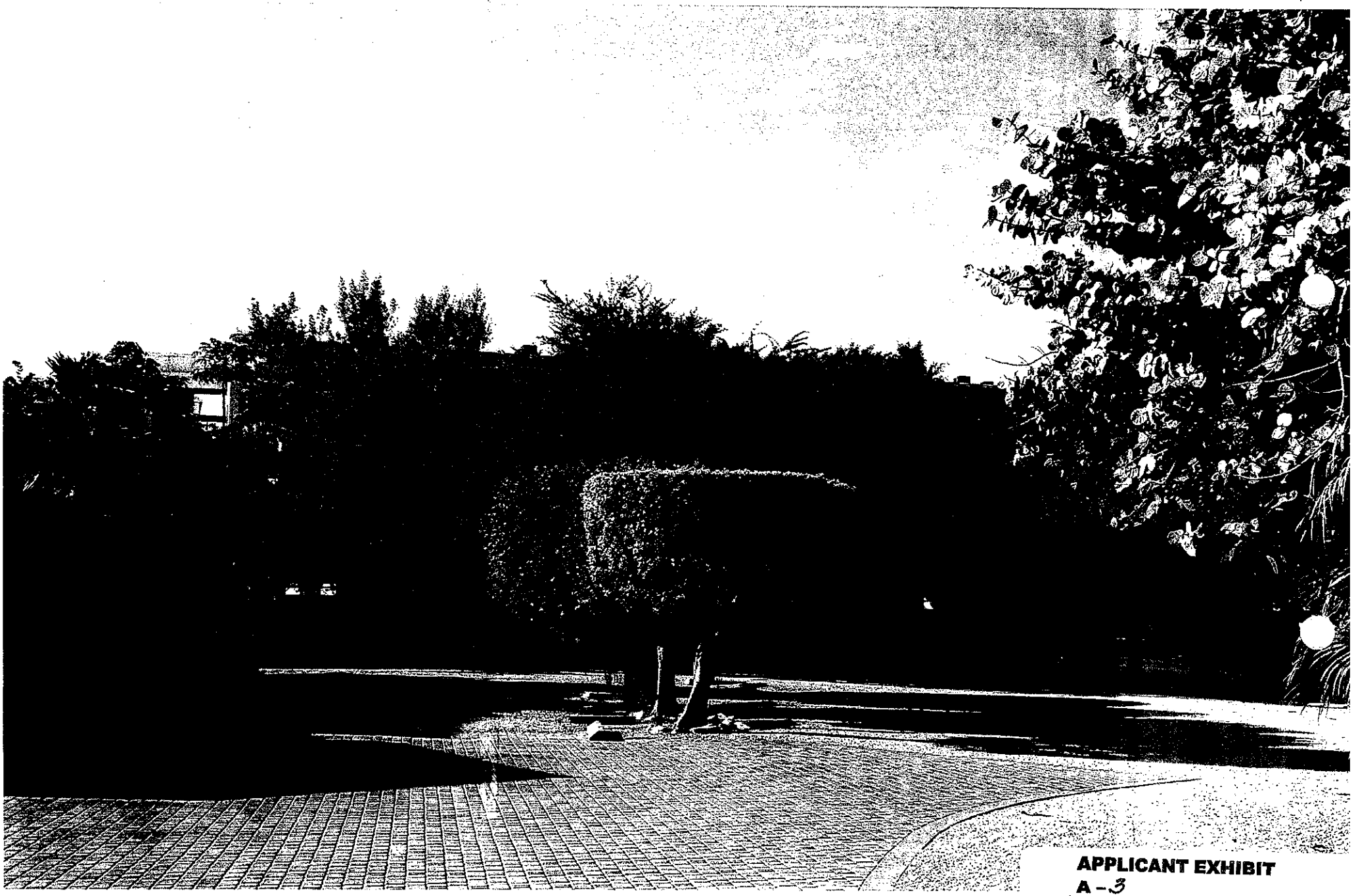
APPLICANT EXHIBIT
A-1
APPL. # 06-3745V
DATE: 2/27/7

A-2



APPLICANT EXHIBIT
A – 2
APPL. # 06-3745 √
DATE: 2/27/7

A-3



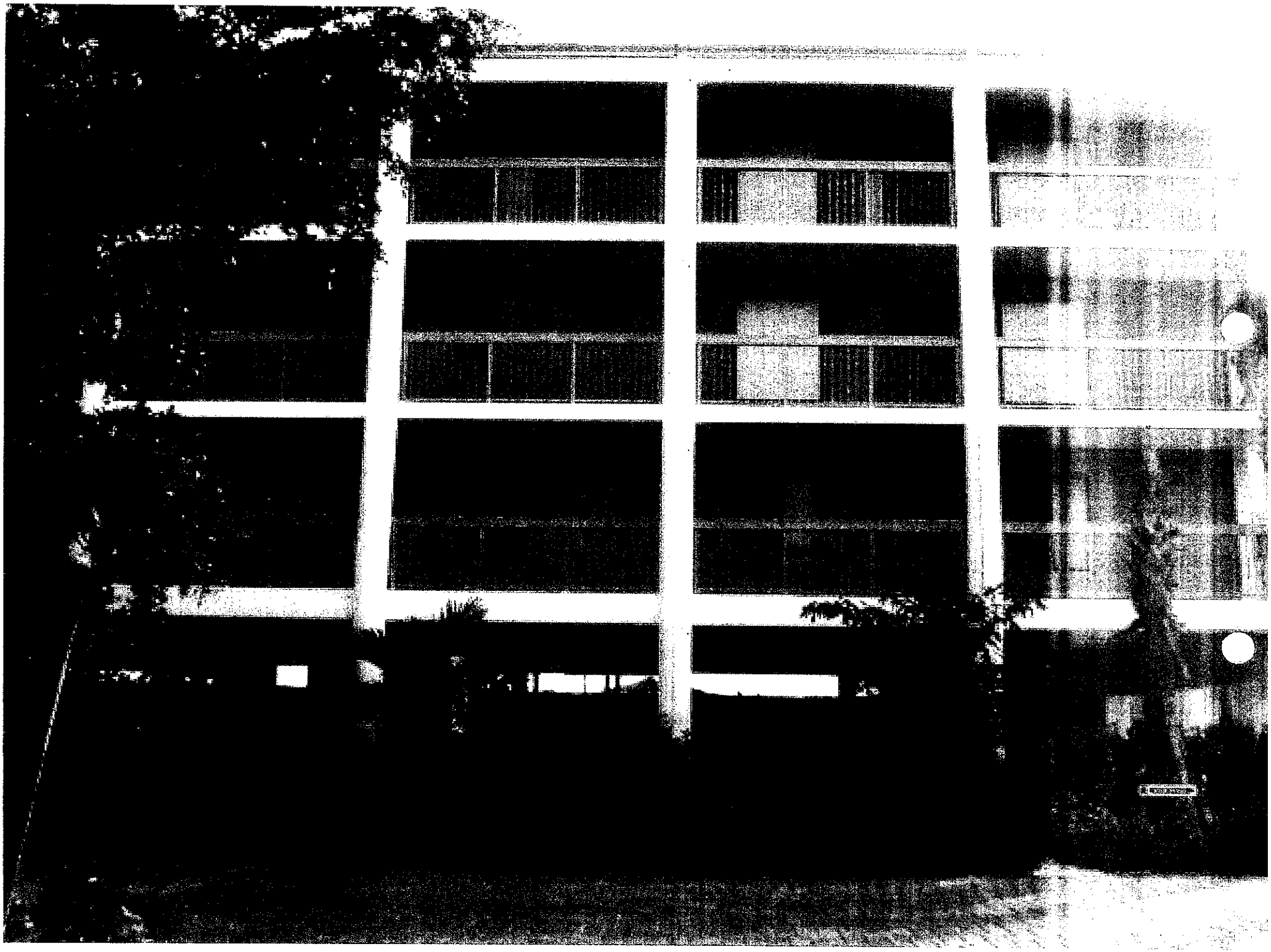
APPLICANT EXHIBIT
A-3
APPL. # 06-3745V
DATE: 2/27/7

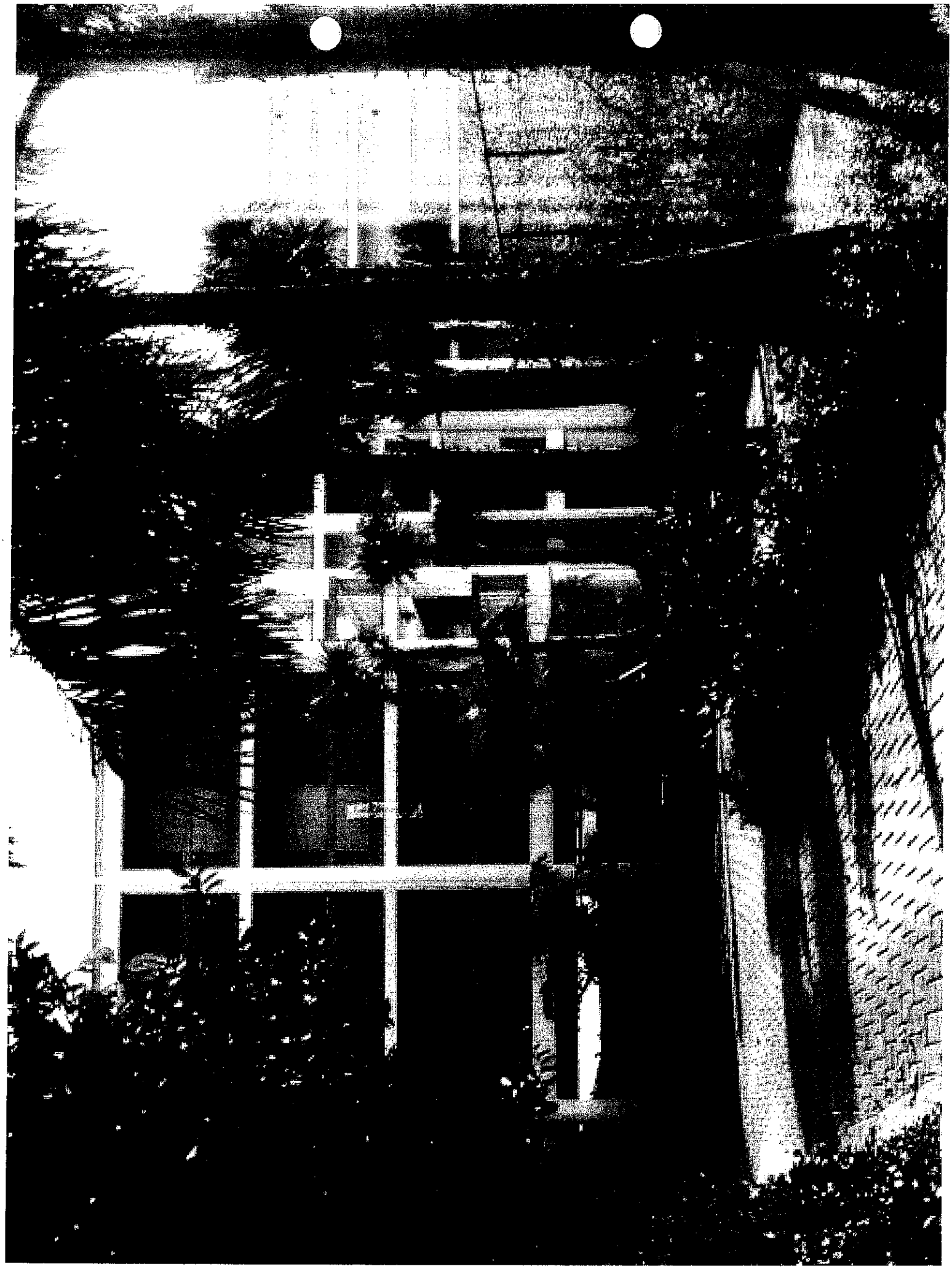
APPLICANT'S COMPOSITE EXHIBIT B
(14 PHOTOS)

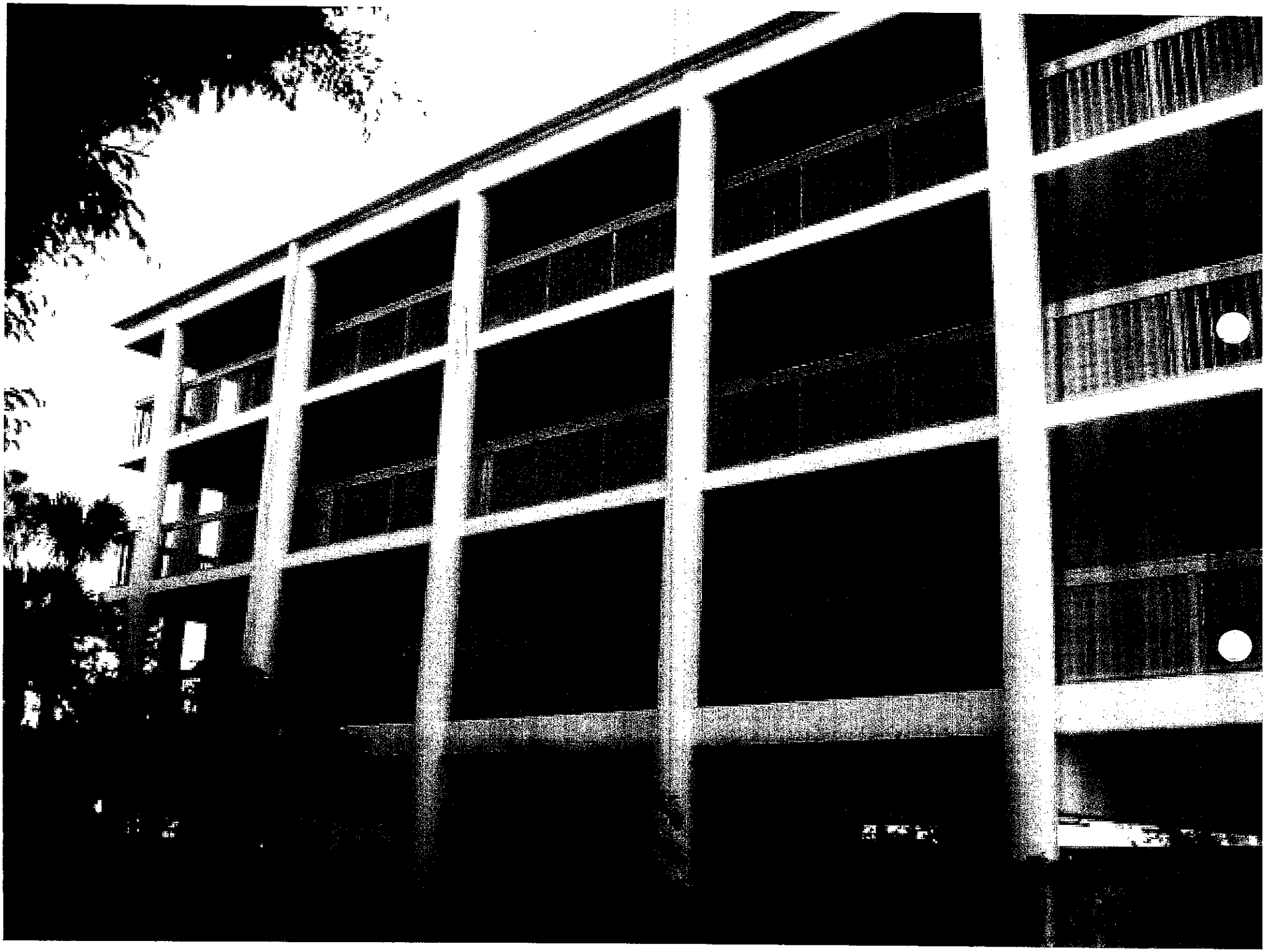
RIVIERA RESTAURANT PROPERTY

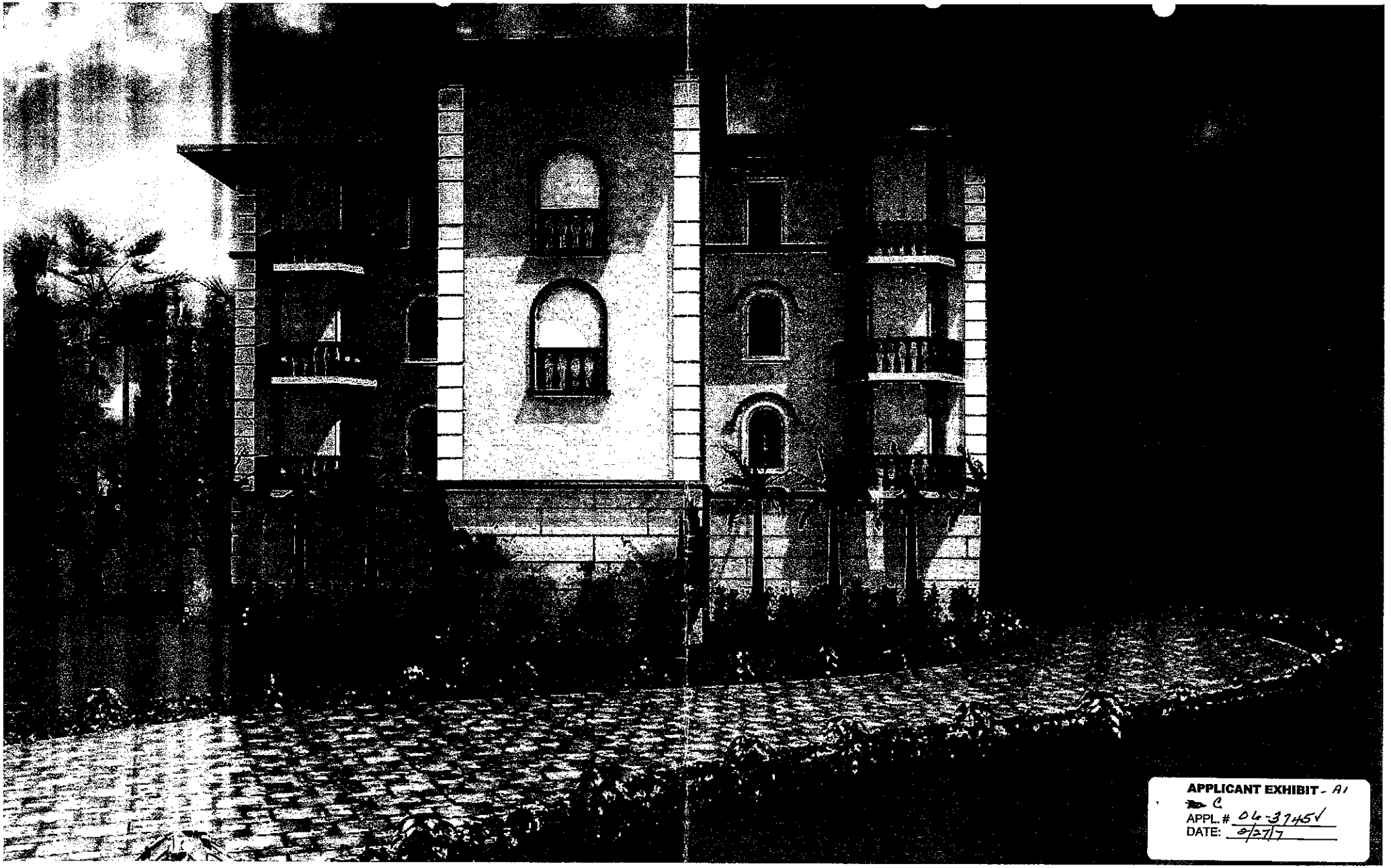
CONTIGUOUS NEIGHBORING PROPERTIES

APPLICANT EXHIBIT A-4
~~R~~ B
APPL. # 04-3745√
DATE: 2/27/7









APPLICANT EXHIBIT - A1
C
APPL. # 06-3745√
DATE: 3/27/7