



City of Sanibel

Planning Commission

Planning Department Staff Report

Planning Commission Meeting: July 22, 2025

Application Number: VAR-2025-000264 and DKSL-2024-016699

Applicant: Submerged Consultants, LLC on behalf of Grace Amplatz, the property owner

Address: 5809 Sanibel Captiva Road

PUBLIC HEARING DESCRIPTION

Consideration of an application filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision II. – Variances, Section 82-138. – Application and hearing, to request a variance from Sec. 126-876. – Relation to mean low water level, to allow for a dock limited to non-motorized vessels and observational purposes on a natural water body with a mean low water level less than three feet above the bottom surface located at 5809 Sanibel Captiva Road – tax parcel (STRAP) no. 11-46-21-T3-00012.0070. The application is submitted by Submerged Consultants, LLC on behalf of Grace Amplatz, the property owner. **Application Nos. VAR-2025-000264 and DKSL-2024-016699.**

ISSUES

Pursuant to Sanibel Code Section 82-137. – Conditions and Section 82-140. – Standards-Generally, the subject application has been referred to the Planning Commission to address the following issues:

1. Does the proposed dock meet the seven variance standards provided in Sanibel Code Section 82-140?
2. If the Planning Commission approves the application, what additional conditions should be required?

ATTACHMENTS

A	Applicant's narrative response to general requirements (Sec. 82-140)
B	Bathymetric survey with proposed dock location
C	Dock detailed plan
D	FDEP permit exemption with Federal review approval
E	Mangrove impact and mitigation plan
F	Natural Resources Department memorandum

BACKGROUND

The project is located at 5809 Sanibel Captiva Road which abuts Clam Bayou (Figure 1), a natural body of water. This is a large-lot single-family residential area. Many of the houses located on Clam Bayou have docks. The water depths within Clam Bayou vary. Some shoreline areas have less than 3-feet of water depth at Mean Low Tide Level (MLTL). The subject property is within the D2-Upland Wetlands Ecological Zone with a mangrove fringe along Clam Bayou.



Figure 1: Project Location

The mangrove impacts and mitigation plan have been reviewed by the Department of Natural Resources staff. The mangrove impact list and mitigation plan submitted by Mighty Mangroves dated 4/8/2025 has been approved by the Natural Resources staff with the condition that a final mangrove mitigation plan shall be submitted as a final document for permit DKSL-2024-016699 prior to final inspection to ensure impacts have been adequately addressed.

PROPOSAL

The applicant is requesting a variance from Sanibel Code Sec. 126-876 – Relation to mean low water level, to construct a dock limited to non-motorized vehicles (e.g., kayak, canoe) and observational use on a natural water body where the mean low water level is less than three feet above the bottom surface.

ANALYSIS

The *Sanibel Plan* states “any new facilities that provide boat access to water must be developed in a manner that is compatible with the preservation of the natural scenic beauty and residential use of the shoreline” (Section 3.2.1 Coastal Protection Element, Water-Dependent and Water-Related Uses). Priority is to be given to water-dependent and water-related uses that are compatible with the residential and conservation/open space character of the shoreline (Section 3.2.1 Coastal Protection Element, Objective 4). The *Sanibel Code* includes a division with standards for [Accessory Marine Structures](#) to implement these *Sanibel Plan* provisions for motorized vessels. Docks may be constructed on land along Clam Bayou (Sec. 126-872) where the appropriate mean low water level is at least three feet above the bottom surface (Sec. 126-876).

The FDEP exemption and Federal permit review (Attachment D) require the waterward most portion of the dock to be 20-feet from the shoreline instead of the 17-feet shown on the proposed plans. This will place the dock at a water depth of approximately 2-feet at mean low water level.

The variance request is to allow the construction of a dock for non-motorized vessel and observational use only. Table 1 provides staff’s analysis of the seven variance standards that must be met for the Planning Commission to approve a variance request.

Table 1: Sec. 82-140

Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-140. – Variance General Standards		
Sec. 82-140(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.	The water depth in Clam Bayou waterward of the mangrove fringe is less than 3-feet of water at mean low water level, prohibiting the reasonable use and enjoyment of access to a navigable waterway that many of the landowners along Clam Bayou have established through the construction of boat docks.	Yes
Sec. 82-140(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 area with a water depth of 3-feet at mean low water level coincides with the navigable channel in this location. Docks may not be installed where they interfere with the navigable channel.	Yes
Sec. 82-140(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 water depth is a natural condition.	Yes
Sec. 82-140(4) – That the applicant has taken all reasonable steps to mitigate or eliminate the requested variance by the acquisition of	The applicant obtained a bathymetric survey of the nearshore waterway (Attachment B) to determine if there	Yes

adjacent lands or the relocation or redesign of the structure involved.	was an area where a dock could be constructed at the <i>Sanibel Code</i> required water depth of a minimum 3-feet above the subsurface at mean low water level. Extending the dock to a 3-foot water depth would obstruct a navigable channel. The proposed dock location has a water depth of approximately 2-feet at mean low water level to ensure the non-motorized vessels will not impact the substrate.	
Sec. 82-140(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.	As stated above, there is not an area along this property where the water depths would allow construction of a dock following the <i>Sanibel Code</i> . The proposed use of the dock for non-motorized vessels and observational uses requires a variance from the water depth standard to allow a dock at a water depth of approximately 2-feet at mean low water level.	Yes
Sec. 82-140(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 of the community.	The proposed use of the dock for non-motorized vessels and observational uses will not be adverse to the neighborhood scheme and is consistent with the <i>Sanibel Plan</i> Coastal Protection Element.	Yes
Sec. 82-140(7) – That the variance granted is the minimum necessary to mitigate the hardship demonstrated.	The applicant has demonstrated through their dock design that the only variance from the Accessory Marine Structures standards is minimum water depth which they propose to mitigate through limiting the use of the dock to non-motorized vessels and observational use.	Yes

PUBLIC COMMENT

No public comment has been received.

RECOMMENDATIONS AND CONDITIONS

Staff have made the following findings in support of its recommendation:

Sanibel is and shall remain a barrier island sanctuary

1. A dock is an accessory use that is customarily incidental to a single-family residence located on a waterway in the Upland Wetlands Zone.
2. Constructing a dock to moor and launch non-motorized vehicles from a single-family residence is consistent with the passive recreation use allowed in Upland Wetlands Zone.
3. Locating the dock where the water depth is approximately 2-feet at mean low water level and limiting the dock to non-motorized vehicles and observational use will prevent damage to the substrate and benthic organisms and is consistent with the Coastal Protection Element of the *Sanibel Plan*.
4. The requested variance from Sec. 126-876. – Relation to mean low water level to allow for a dock limited to non-motorized vessels and observational purposes on a natural water body with a mean low water level of two feet above the bottom surface at mean low water level located at 5809 Sanibel Captiva Road is consistent with the seven variance standards.

Staff, therefore, recommends approval of applications VAR-2025-000264 and DKSL-2024-016699 subject to the following conditions:

1. The dock is limited to non-motorized vessels and observational uses.
2. The terminal platform of the dock is limited to a maximum 160-square feet.
3. A plan revision must be submitted for permit application DKSL-2024-016699 to have the waterward extent of the dock platform located 20-feet from the shoreline to be consistent with FDEP File No. 0318007-003-EE, Lee County, exemption letter and Federal review approval dated May 7, 2025.
4. Impacts to mangroves and other native plants shall be in accordance with the approved impact list & mitigation plan submitted by Mighty Mangroves (dated 4/8/2025). A final mitigation plan shall be submitted as a final document for review and approval by City staff prior to plant installation.
5. If unanticipated/unauthorized impacts occur as a result of the project, additional mitigation may be assessed during the final inspection.
6. Mangrove mitigation plantings must be installed on-site and are subject to an 80-percent survival success criteria for five years following the date of initial planting.
7. Any future trimming to maintain dock access or views of the water requires a separate annual mangrove trimming permit, and permit conditions must be strictly adhered to.

Conditions contained herein are in addition to the requirements of the Sanibel Code. The applicant is required to comply with all regulations of the City of Sanibel. Some conditions stated herein reflect the current code requirements applicable at the time of approval of this permit. After the issuance of the completion certificate for this development or upon expiration of the development permit, any subsequent development or change of use for the parcel must comply with the regulations in effect at that time.01