



City of Sanibel Planning Commission

Planning Department Staff Report

Planning Commission Meeting: June 23, 2026
Application Number: PL20260025 (Variance)
Applicant: Raychel A. Thomas, Esquire, Pavese Law Firm
Address: 5270 Indian Court

PUBLIC HEARING DESCRIPTION

Consideration of an application for a variance 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 Section 126-875(1)(b) – Waterward extension, to allow the installation of a boat lift with a waterward extension greater than 15-feet waterward of the mangrove roots, and to request a variance from Section 126-876 – Relation to mean low water level, to allow boat docking or mooring in an area with less than 3-feet of water above the bottom surface at mean low water level at 5270 Indian Court – tax parcel (STRAP) no. 12-46-21-T3-00009.0250. The application is submitted by Raychel Thomas with Pavese Law Firm (the applicant), on behalf of Gaetta Partners LP (the property owner). **Application No. PL20260025**

ISSUES

Pursuant to Sanibel Code Section 82-136. – Authorization, the subject application has been referred to the Planning Commission to address the following issues:

1. Does the application meet all seven variance standards listed in *Sec. 82-140 – (Variance) Standards – Generally* for each of the variances requested?
2. If the Planning Commission approves the application, what additional conditions should be required?

ATTACHMENTS

A	Project overview and applicant’s response to variance standards (Sec. 82-140)
B	Survey with water depths
C	Site Plan
D	Site Plan Aerial Overlay
E	Mangrove Mitigation Plan
F	Letters of Support

BACKGROUND

The proposed dock and boat lifts are located at 5270 Indian Court on the west end of Sanibel (Figure 1). There is an existing boat dock with one boat lift (Permit #DKSL-2022-004521). The dock and boat lift permit issued in 2022 reduced the dock size and reinstalled the boat lift that was permitted in 1992 (Permit #1992-010531). The current proposal is to redesign the dock to accommodate two boat lifts. This is a single-family property which is allowed to have one boat dock with facilities for no more than two boats (Sec. 126-874). The adjacent natural waterway is part of the Pine Island Aquatic Preserve (Figure 2). There is a mangrove fringe present along most of the property's shoreline.

The Sanibel Code was amended in 2024 to revise the maximum waterward extension for properties with mangrove shorelines. The code amendment was based upon multiple variances being granted for dock and boat lift designs that included a 3-foot wide dock with a 12-foot wide boat lift waterward of the mangrove roots when the proposed waterward extension was greater than 30-feet on natural bodies of water. This amendment was meant to codify the conditions that were repetitively applied when the Planning Commission approved waterward extension variances. However, there are unique site conditions with the variability of natural shorelines where the updated standard cannot be met and require a variance request.

Natural Resources and Planning staff met with Stokes Marine (project design consultant) and Mighty Mangroves (mangrove consultant) on the project site to discuss design alternatives. The design that was determined to have the least amount of mangrove impacts was submitted with this variance application.

Figure 1 – Location of 5270 Indian Court

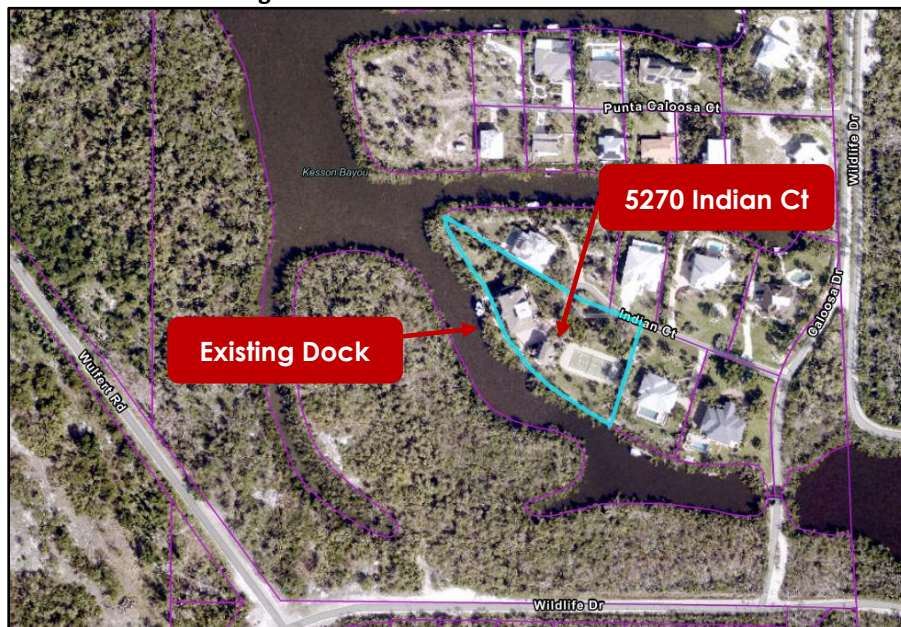
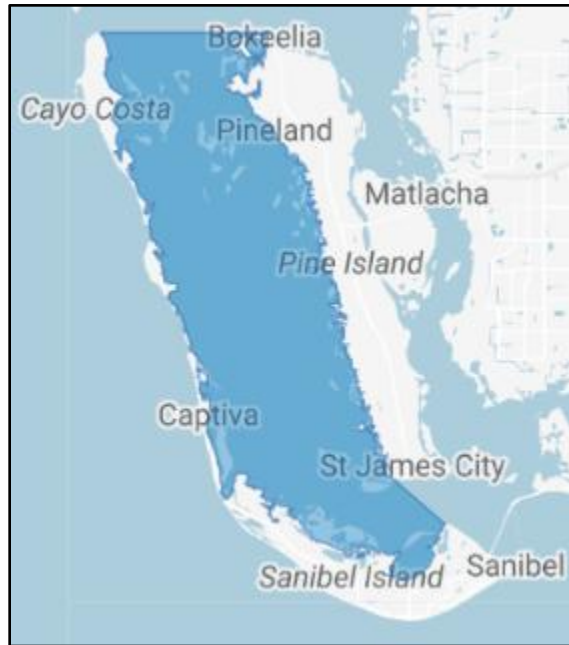


Figure 2 – Location of Pine Island Sound Aquatic Preserve (Dark Blue)



PROPOSAL

This application is to request two variances: (1) to allow a boat lift to be installed more than 15-feet waterward of the mangrove roots; and (2) to allow boat docking or mooring in an area with less than 3-feet of water above the bottom surface at mean low water level.

A copy of the project overview and applicant's response to the variance standards is **Attachment A**. A survey with water depths is **Attachment B**. The site plan is provided as **Attachment C**. The site plan overlaid on an aerial photograph is **Attachment D**. The mangrove mitigation plan is **Attachment E**. Letters of support from adjacent property owners are **Attachment F**.

ANALYSIS

Consistency with Sanibel Plan

The proposed dock and boat lifts were designed to reduce impacts to mangroves to the extent feasible and provide mitigation of unavoidable impacts to mangroves. This is consistent with the following Sanibel Plan Sections, statements, goals, objectives and policies:

Section 3.2.1 Coastal Zone Protection Element

- 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.
- All species of mangroves are critically important to the Island and estuarine ecosystem and must be preserved as an invaluable resource.

Objective 2 – To maintain or improve estuarine environmental quality, ensure that the natural functions of the mangrove and adjacent ecological zones are maintained by continued implementation of the development regulations and performance standards established in the Land Development Code and best management practices.

Policy 2.3. New boat docks in the waters of the Pine Island Sound Aquatic Preserve will comply with the requirements of the Land Development Code and the requirements of the Department of Environmental Protection.

Objective 4 – Give priority to water-dependent and water related uses that are compatible with the residential and conservation/open space character of the shoreline.

Policy 4.1. Priority ranking for water-dependent and water-related uses are as follows:

- Conservation uses
- Residential uses
- Water-oriented recreation that is compatible with the conservation features of the beach, available to the public
- Marinas, available to the public

Section 3.2.2. Conservation Element

Plan for Conservation and Recreational Use: Use of natural resources should be compatible with conservation efforts.

Goal Statement – Protect and appropriately manage Sanibel’s natural resources to ensure the conservation of ecosystems by maintaining air quality, water quality, native vegetation, native habitats and species diversity.

Objective 1 – Sanibel is and shall remain a barrier island sanctuary.

Policy 1.2. Strive to sustain ecological balance and preserve and restore natural settings for residents, visitors and wildlife.

Consistency with Sanibel Code

The variances requested are from the following Marine Accessory Structures standards:

1. Sec. 126-875. – Waterward extension

Docks, boat davits, and boat lifts shall not be extended waterward (from the approximate mean high water line) to a distance greater than is necessary to provide reasonable use of the facility based upon the following standards:

(1) For properties located on natural bodies of water:

b. For shorelines with extensive mangrove vegetation, such structures may extend up to 15 feet waterward past the roots of the mangroves from which the structure projects; provided such structures can be located where the water depth is greater than three feet above the bottom surface at mean low water and the dock with a moored boat or a boat lift does not encroach into the existing navigable channel.

Staff Analysis: This project has a shoreline with extensive mangrove vegetation. Therefore, subsection

b. limits the maximum waterward extension to 15-feet waterward of the mangrove roots. The shoreline adjacent to the existing dock was devoid of vegetation in 1998 with only a few small mangroves now present. Mature mangroves are established east and west of the existing dock. The dock expansion and addition of a second boat lift was designed to have the least amount of impacts to mangroves as feasible. The area between the proposed dock and shoreline with limited mangrove growth will serve as a mitigation area to plant mangroves resulting in an improved shoreline.

The 15-foot waterward of mangrove roots standard was established based upon the minimum necessary dock width of 3-feet and a 12-foot wide boat lift typically used on Sanibel. The proposed project includes a 3-foot wide dock with an 11-foot wide and a 12-foot wide boat lift, consistent with how the standard was established. The 11-foot wide boat lift extends less than the 15-foot waterward of mangrove roots standard. The 12-foot wide boat lift extends approximately 20-feet waterward of mangrove roots. The location of the proposed dock and boat lifts do not interfere with the navigable channel.

2. Sec. 126-876. – Relation to mean low water level.

Docks, boat davits and boat lifts, except for such structures located on or adjacent to manmade canals, shall be located so as to provide boat docking or mooring where the appropriate mean low water level is at least three feet above the bottom surface.

Staff Analysis: While the city’s code establishes a minimum mean low level of 3-feet, the State’s aquatic preserve standards limit boat dockage to areas less than 4-foot in depth at mean low water. This restricts the location available for a dock and boat lifts at the subject property due to the unique shoreline topography.

Natural Resources staff reviewed the application for impacts to mangroves and mitigation of those impacts. Their recommended conditions of approval are included at the end of the staff report.

Planning staff reviewed the subject application relative to the seven variance standards in Section 82-140. The tables below include the variance standards, the applicant’s response on how the standards are met, and staff review notes for the requested variances. The variances are evaluated together based upon the Sanibel Plan, Sanibel Code, and the Florida Department of Environmental Protection’s (FDEP) restriction on the water depth at which a dock and boat lift may be located within the Pine Island Aquatic Preserve.

Table 1: Consistency with the Sanibel Code Variance Standards

Sanibel Code Requirement	Applicant's Response	Staff Comments	Standard met?
Sec. 82-140. – Variance Standards			
(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.	A literal enforcement of LDC §126-876 would prevent construction of the new lifts because the FDEP restriction hinders both lifts from being located completely in water of at least -3' MLW, and thus deprive the owners of the reasonable use and enjoyment of the parcel in the same manner as other lots in the area. Due to the reduced water depths, a literal enforcement of LDC §126-875 would keep the lifts from maximizing the portion of the lifts that are able to be located within the -3' MLW area and would require greater adverse impacts to mangroves and vegetation. Approval of the requested variances will facilitate reasonable use and enjoyment of the property by allowing the two lifts to be located in the deepest water possible while limiting environmental impacts to the mangroves and complying with FDEP restrictions.	A boat dock and lifts at this property cannot be built in compliance with both city and state requirements, necessitating the requested variances. Other properties similarly situated within the Pine Island Aquatic Preserve in this area have been able to construct boat docks for residential recreational boating.	Yes
(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 relate to the submerged land and reduced water depths associated with the property and that the -3' MLW area exists so close to the -4' MLW depth. These property-specific conditions limit the feasible placement and orientation of a dock and lift structures and distinguish the property from other waterfront parcels where the -3' MLW is located closer to shore and farther from -4' MLW. Additionally, the mangroves and vegetation across this property line limit areas where a dock can be built without impacting or with minimal impacts to vegetation and particularly the mangrove root systems. Utilizing the existing opening in the mangroves from the previous dock and extending and angling the proposed lifts as requested helps avoid significant mangrove and vegetation impacts.	The water depth profile at this location limits the area available for a boat dock due to FDEP standards within aquatic preserves.	Yes
(3) That the special conditions and circumstances do not result from actions taken by the applicant	The special conditions and circumstances are attributable solely to natural conditions present	The applicant did not alter the shoreline or the water depth profile adjacent to the property.	Yes

or proposed by the applicant, and are not otherwise self-imposed.	along this part of the property and are not the result of the applicant/property owner's actions.		
(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 design team evaluated multiple alternative dock configurations, reduced structural dimensions where practicable, and adjusted lift placement to place as much of the lifts in the required depth as possible, without encroaching into the depth prohibited by FDEP and to limit impacts to mangroves and vegetation along the shore. The design team met with FDEP to request permission for the lifts to extend into -4' MLW depth and this request was denied. Alternative relocation or redesign would not achieve compliance with the code requirements due to the limited distance between the -3' MLW and -4' MLW depths. Adjacent lands are not currently available for acquisition and acquisition of them would not eliminate the depth issue.	There are no adjacent lands to acquire. The applicant has taken all reasonable steps to mitigate the requested variances. The subject property contains approximately 510-linear feet of shoreline. The proposed project preserves approximately 465-linear feet of mangrove shoreline, involves trimming within approximately 20-linear feet, and provides approximately 20-linear feet for planting mangrove between the dock and previously disturbed shoreline. The dock area is limited to a 3-foot width and covers 157-square feet, just under the maximum 160-square feet allowed (Note: The access walkway to the dock is not included in the maximum allowed dock surface area). The boat lifts are 11-feet and 12-feet wide which are typical on Sanibel.	Yes
(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.	Due to the water depths and heavy vegetation present along the bank, development of the property in full compliance with the applicable requirements is not feasible. The dock walkway is located within an existing opening in the mangroves to avoid additional mangrove and native vegetation impacts. Alternative placements would either require increased vegetation impacts and/or increased square footage over water beyond the 160 square feet permitted by LDC §126-877(3)(a).	The placement of the new dock and two boat lifts within and adjacent to the existing opening in the mangrove shoreline follows best management practices for protecting mangroves and mitigating impacts.	Yes
(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.	Approving the variances to allow construction of the dock and lifts as proposed will allow continued use of the lot in a manner that is historically compatible with other properties and not adverse to the existing neighborhood scheme. Many of the waterfront properties on Kesson Bayou are developed with docks and boat lifts of comparable size and scale and the subject property has historically had a dock and a boat lift. The canal the subject property is located on is not a through canal	Other properties within the Caloosa Shores Neighborhood have boat docks and preserved mangrove shoreline. The proposed project is consistent with the Sanibel Code and Sanibel Plan as noted above.	Yes

	<p>and only two properties are located to the southeast of the subject property on the canal. The proposed dock is located at one of the wider sections of the canal and leaves more than 53 feet for vessel navigation, so the extension of the proposed dock will not impede the access or safe navigation of other lot owners the canal. The proposed dock and lift placement minimizes environmental impact by utilizing an existing shoreline opening to avoid clearing additional mangroves for a walkway, and the proposed lifts keep the boats out of the water to avoid water quality impacts from bottom paint if lifts were not allowed to be used consistent with the overall scheme of the Land Development Code and goals of the Sanibel Plan.</p>		
<p>(7) That the variance granted is the minimum necessary to mitigate the hardship demonstrated.</p>	<p>These variances are the minimum needed to extend the dock to an adequate water depth to accommodate two boats and comply with state restrictions.</p>	<p>The proposed design is the minimum necessary to accommodate a boat dock with two boat lifts as is allowed by the Sanibel Code.</p>	<p>Yes</p>

PUBLIC COMMENT

Three letters of support were submitted (Attachment E).

RECOMMENDATIONS AND CONDITIONS

Staff has made the following findings in support of its recommendations:

- Staff finds the proposed design meets the seven variance standards (Sec. 82-140) for the variances requested from Sec. 126-875 Waterward extension and Sec. 126-876 Relation to mean low water level.
- Staff recommends conditions of approval related to mangrove impacts and mangrove mitigation.

Staff, therefore, recommends approval of application PL20260025 subject to the following conditions:

1. Approval of the two variance requests to allow the 12-foot wide boat lift to extend 20-feet waterward of the existing mangrove roots and to allow boat mooring of two boats in locations with less than 3-feet of water above the bottom surface at mean low water levels.
2. A Building Permit, Development Permit, and Vegetation Permit must be obtained for the construction of the dock and two boat lifts which is consistent with the proposed site plan (Attachment C).
3. Natural Resources authorizes the proposed impacts to marine resources and other native vegetation associated with this project. Staff also approves the mitigation plan submitted by the applicant (dated 5/26/26), which must be installed prior to project completion.

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.