



City of Sanibel Planning Commission

Planning Department Staff Report

Planning Commission Meeting: June 23, 2026
Application Number: PL20260014 (Variance)
Applicant: Raychel A. Thomas, Esquire, Pavese Law Firm
Address: 2544 Harbour Lane

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 126-894 – Location from lot lines, to allow installation of a dock and boat lifts less than the required side yard setback for structures not placed equidistant from lot lines at 2544 Harbour Lane – tax parcel (STRAP) no. 11-46-21-T1-00800.0020. The application is submitted by Raychel Thomas with Pavese Law Firm (the applicant), on behalf of Herbert and Rhonda Lord (the property owners). **Application No. PL20260014**

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 depth contours
C	Site Plan
D	Site Plan Aerial Overlays
E	Applicant’s Alternative Designs Analysis
F	Mangrove Mitigation Plan
G	FDEP Permit
H	Letters of Support

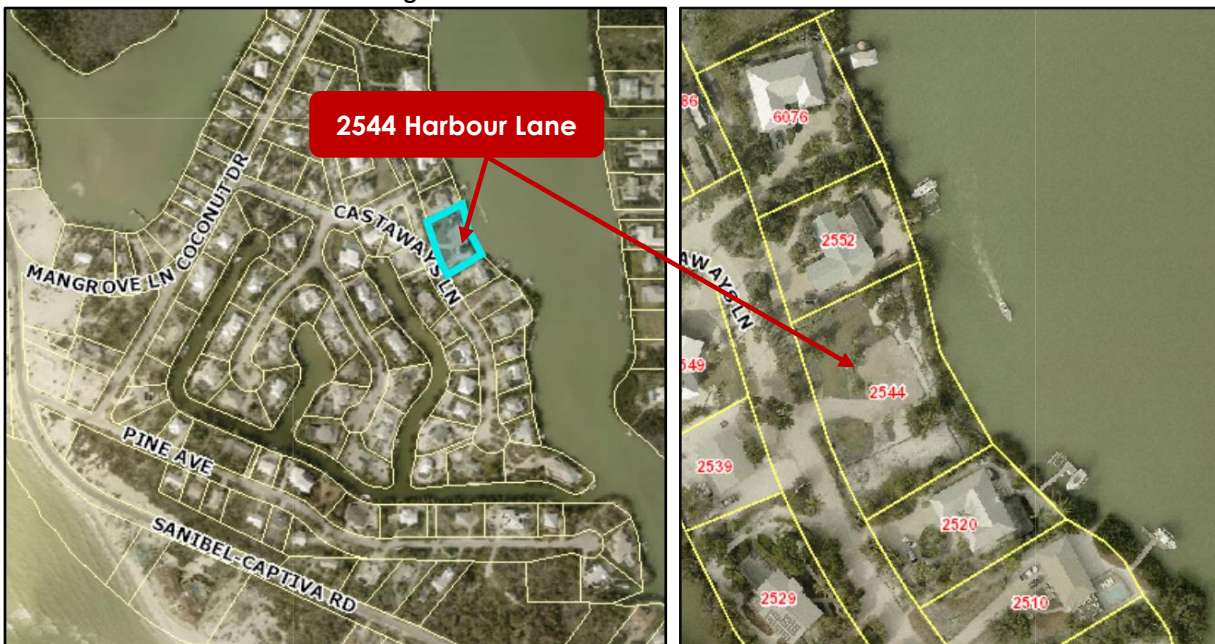
BACKGROUND

The proposed dock and boat lifts are located at 2544 Harbour Lane on the west end of Sanibel (Figure 1). The previously existing dock that was constructed prior to city incorporation was damaged by Hurricane Ian and demolished. 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). There is a mangrove fringe present along the property's shoreline. This property is not adjacent to the Pine Island Aquatic Preserve.

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 Ms. Thomas (applicant), Mr. Lord (property owner), and Stokes Marine (project design consultant) on the project site to discuss design alternatives.

Figure 1 – Location of 2544 Harbour Lane



PROPOSAL

This application requests two variances: (1) to allow a boat lift to be installed more than 15-feet waterward of the mangrove roots; and (2) to allow installation of a dock and boat lifts less than the required side yard setback for structures not placed equidistant from lot lines.

A copy of the project overview and applicant's response to the variance standards is **Attachment A**. A survey with water depth contours is **Attachment B**. The site plan is provided as **Attachment C**. The site plan overlaid on an aerial photograph is **Attachment D**. The applicant's alternative site designs analysis is **Attachment E**. The mangrove mitigation plan is **Attachment F**. A copy of the Florida Department of Environmental Protection

(FDEP) Permit is **Attachment G**. Letters of support from property owners along Harbour Lane including adjacent properties are **Attachment H**.

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.

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. is the maximum waterward extension that should be applied limiting the maximum waterward extension to 15-feet waterward of the mangrove roots.

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. On natural bodies of water, this standard for natural shorelines was meant to allow a dock and boat lift 15-feet waterward of mangrove roots even if the resulting dimension exceeds 30-feet waterward of the mean high water line.

The proposed project includes a 3-foot wide dock with a 12-foot 6-inch wide and a 15-foot wide boat lift. The furthest waterward extension of the proposed dock is approximately 50-feet waterward of the mangrove roots. However, the shoreline of this property bends inward resulting in the proposed dock and boat lifts being landward of those on the adjacent properties (Figure 2). The location of the proposed dock and boat lifts do not interfere with the navigable channel.

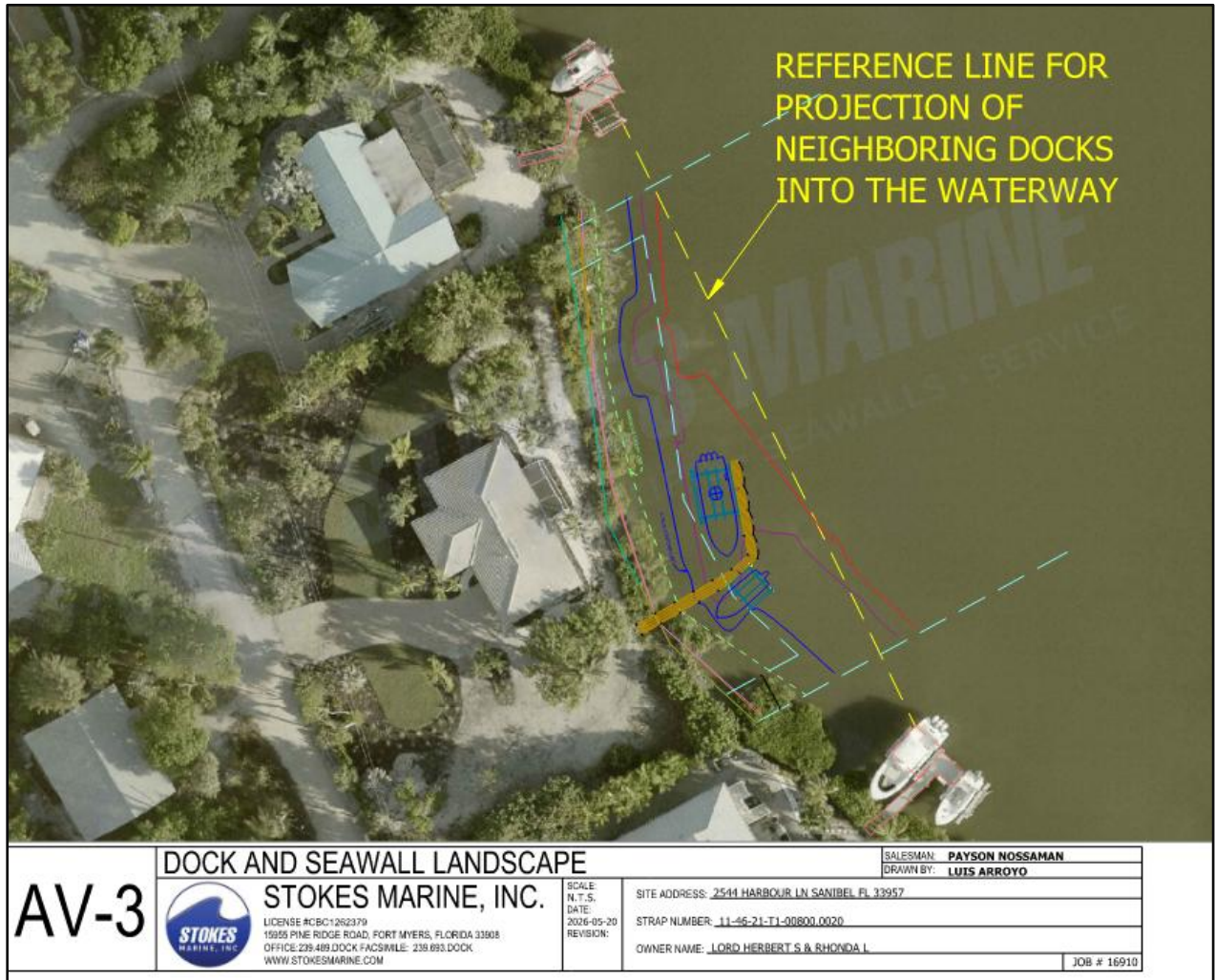
2. Sec. 126-894. – Location from lot lines.

Docks, boat davits, boat lifts, and mooring pilings shall be located to the extent possible, equidistant from the lot lines, as extended into the water, of the lot served by these structures to minimize their visual impact upon adjacent waterfront properties. For docks, boat davits, boat lifts and mooring pilings that are not located equidistant from lots lines, the structures shall be set back a minimum of 1½ feet from the property lines (as extended into the water) for every one foot that the docks, boat davits, boat lifts and mooring pilings extend beyond mean high water into the waterway. In all cases, whether the structure is located equal distance or meets the setbacks in this section, no dock, boat davits, boat lifts and mooring pilings shall be located closer than 15 feet to any property line as extended into the water.

Staff Analysis: The proposed dock extends approximately 53-feet from the mean high water line. Applying the 1.5-foot setback for each 1-foot of waterward projection would require a 79.5-foot setback from each side property line. A straight line measurement of the lot corner to lot corner along the

waterway is approximately 185 linear feet making strict compliance with this standard impossible. The applicant is proposing a 36-foot 5-inch side setback from the south property line and an approximately 92-foot setback from the north property line.

Figure 2: Proposed dock location relative to docks on adjacent parcels



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.

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.	Due to the unique shoreline configuration and inadequate water depths present at this property, a literal enforcement of the LDC §126-875 30' waterward extension limitation would prevent construction of the new lifts in water of appropriate depth, depriving the owners of the reasonable use and enjoyment of the parcel in the same manner as other lots in the area. The distance between the MHWL and the -3' MLW varies along this property, such that a literal enforcement of LDC §126-894 would require the access walkway of the dock to begin at a point where the -3' MLW contour that is even further away from the MHWL than proposed. This would require a greater extension of the dock past the 30' extension limitation in LDC §126-875 than proposed and result in impacts to mangroves and vegetation along the bank. Approval of the proposed dock design allows for reasonable use and enjoyment of the property at an appropriate water depth for two boat lifts while limiting environmental impacts to the mangroves and maintaining shore stabilization.	A literal enforcement of the standards would prohibit the establishment of two boat lifts because the minimum water depth, side yard setback, and/or maximum waterward extension would not be able to be met. Refer to Attachment E for the applicant's alternative designs analysis.	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 associated with the property which contain atypical depth contours due to the waterward curvature of the shoreline and shallow banks of the natural bayou. This causes the -3' MLW to exist at an extended distance from the shoreline of the property. The proposed dock location and configuration is shaped by the natural contours of the uplands and waterbody which create site-specific constraints not common to similarly situated properties along the coastline. These property-specific conditions limit the feasible placement and orientation of the dock and lift structures and distinguish the property from other waterfront parcels where the -3' MLW is located	The shoreline curvature combined with the offshore topographic contour are unusual conditions specific to this property.	Yes

	closer to shore. Additionally, the mangroves and vegetation across this property line limit areas where a dock can be built with minimal impacts to vegetation.		
(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 are attributable solely to the natural configuration of the property and natural bayou in which it exists. These physical characteristics are inherent to the location of the property and the natural system that was in existence long before the applicants purchased the parcel in 2022 and are not the result of the applicants' actions.	The natural conditions of the shoreline and nearshore topographic contour are not attributable to actions taken by the applicant or property owner. The proposed location of the dock is based upon multiple designs compiled and evaluated by the marine contractor (Attachment E).	Yes
(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.	<p>The property owners own the parcel bordering the subject property to the immediate south; however, ownership of this adjacent parcel does not eliminate the depth issue inherent to the subject property's location on the bayou. The design team evaluated a total of 8 multiple alternative dock configurations, reduced structural dimensions where practicable, and adjusted lift placement to minimize waterward expansion. Alternative relocation or redesign would not achieve compliance with all code requirements while maintaining the required water depth of 3' and minimizing vegetation impact and would increase the square footage over water beyond the 160 square feet permitted in a natural waterway under LDC §126-877(3)(a).</p> <p>Placement of the dock in one of the mangrove openings further north would hinder ingress and egress of the larger boat due to the shallow water depths along this property. The chosen natural opening represents the most practicable location that allows both boat lifts to extend waterward of the -3' MLW while avoiding unnecessary disturbance to existing mangroves and shoreline vegetation and allowing for successful ingress/egress. With respect to LDC §126-894, although the proposed dock alignment is</p>	Various designs and locations for placement of the dock were conducted by the marine contractor based upon the site specific natural conditions and circumstances (Attachments D and E) demonstrating all reasonable steps have been taken to mitigate or eliminate the requested variances.	Yes

	<p>approximately thirty-three feet (33') outside of the permitted dock envelope between lot lines, the property most directly affected by the proposed variance (2520 Harbour Lane) is already under common ownership.</p> <p>Construction of the dock and lifts as proposed leaves 36'-5" between the proposed dock and the southeastern property line. Use of the dock at 2520 Harbour Lane will not be impeded or adversely affected. Due to the natural curvature of the shoreline, the dock at 2520 Harbour Lane extends farther waterward than the proposed structure and will retain full access to navigable waters and experience no navigation limitations as a result of the requested variances. Likewise, the extension of the proposed dock will not impede the access or navigation of lot owners across the bayou as the requested extension is still significantly less than 20% of the distance of the waterway at this property.</p>		
<p>(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.</p>	<p>Due to the natural configuration of the shoreline and underwater contours, development of the property in full compliance with the applicable requirements is not feasible. The proposed configuration is the eighth rendition of possible configurations analyzed and evaluated by the design team. There is no portion of submerged land associated with the property wide enough for a dock and a boat lift past the -3' MLW, but also 30' or less from shore.</p> <p>The proposed dock walkway is aligned within an existing opening in the mangroves to avoid impacting the mangroves and other native vegetation and to provide for adequate water depths for ingress and egress of the larger boat, which must be entered on the port side. Alternative placements would either require greater waterward extension, increased mangrove impacts, and/or</p>	<p>A variance to the waterward extension would be necessary at any location along the property to reach the minimum water depth requirement. Due to the distance required to meet the minimum water depth, a variance to the side yard setback is also necessary for the installation of a dock with boat lifts.</p>	<p>Yes</p>

	<p>increased square footage over water beyond the 160 square feet permitted by LDC §126-877(3)(a). Placement of the dock walkway in one of the mangrove openings further north would hinder ingress and egress of the larger boat due to the shallow water depths along this property.</p>		
<p>(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.</p>	<p>Use of this parcel for a dock with two lifts as proposed is consistent with the existing developed neighborhood scheme and surrounding waterfront properties, many of which are developed with docks and boat lifts of comparable size and scale. The parcel has historically supported a dock and a boat lift. Permitting the variance that allows the proposed dock and lifts to be constructed will facilitate use of the lot in a manner that is historically compatible with and not adverse to other properties in the neighborhood. 5 surrounding property owners including the two directly adjacent neighbors have submitted letters of support for the variance which are attached as exhibits.</p> <p>The proposed dock minimizes environmental impact by utilizing an existing shoreline opening and allowing the lifts to be located at the appropriate - 3' MLW depth without dredging, consistent with the goals of the Sanibel Plan. Additionally, since the owners of the adjacent property to the southeast are the applicants for this variance, proximity-related impacts are minimized to both immediately adjacent neighbors. By locating the dock closer to property under the same ownership, potential effects on the northern boundary are reduced, with no adverse visual or ingress/egress impacts to the property along the southeastern boundary. The proposed dock will not create navigational limitations for other property owners along or across the bayou and will maintain unobstructed access to navigable waters for adjacent properties.</p>	<p>Other properties within the Del Sega Neighborhood have boat docks and preserved mangrove shoreline. The proposed project is consistent with the Sanibel Code and Sanibel Plan as noted above.</p>	<p>Yes</p>

<p>(7) That the variance granted is the minimum necessary to mitigate the hardship demonstrated.</p>	<p>The requested variances are the minimum needed to extend the dock to an adequate water depth to accommodate the applicants' boats as required by code and to provide for safe and successful ingress and egress of both boats given the shallow water depths present along the property. The proposed dock extends approximately twenty-three feet, four inches (23'-4") beyond the applicable 30' extension limitation and is approximately 33' closer to the southeastern lot line than required which allows the boat lifts to reach the required depth with the shortest extension in a manner that minimizes both impacts to mangroves and the total square footage constructed over water, gives the owners plenty of room to navigate the larger boat successfully through adequate water depths for ingress and egress without encroaching past the northern property line, and without visually impeding adjacent property owners or impeding access along the canal.</p>	<p>The proposed design is the minimum necessary to accommodate one boat dock with two boat lifts as is allowed by the Sanibel Code while reducing mangrove impacts and providing navigable access without interfering with neighboring properties.</p>	<p>Yes</p>
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PUBLIC COMMENT

Three letters of support were submitted (Attachment H).

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).
- Staff recommends conditions of approval related to mangrove impacts and mangrove mitigation.

Staff, therefore, recommends approval of application PL20260014 subject to the following conditions:

1. Approval of the two variance requests to allow the boat dock to extend approximately 50-feet waterward of the existing mangrove roots and to allow the side yard setback from the south property line to be reduced to 36-feet 5-inches.
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 4/23/26)(Attachment F), 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.