City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final

Planning Commission

Tuesday, June 23, 2026 | **9:00 AM** | **MacKenzie Hall - 800 Dunlop Road**

1. Call To Order

2. Pledge of Allegiance (Commissioner Colter)

3. Roll Call

a. Motion to excuse absent member(s): Commissioner Welch

4. Public Comments on Items Not Appearing on the Agenda

(Maximum time allotted, 20 minutes, with a limitation of 3 minutes per speaker.)

5. City Council Liaison Report

6. Consent Agenda

a. Adoption of Minutes: June 9, 2026

Attachments: June 9, 2026 Minutes

7. 9:05 - Public Hearings:

a. 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**

Attachments:
7.a. 1 - Staff Report
7.a. 2 - Attachment A
7.a. 3 - Attachment B
7.a. 4 - Attachment C
7.a. 5 - Attachment D
7.a. 6 - Attachment E
7.a. 7 - Attachment F
7.a. 8 - PowerPoint Presentation
7.a. 9 - Resolution 26-15

b. 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**

Attachments:
7.b. 1 - Staff Report
7.b. 2 - Attachment A
7.b. 3 - Attachment B
7.b. 4 - Attachment C
7.b. 5 - Attachment D
7.b. 6 - Attachment E
7.b. 7 - Attachment F
7.b. 8 - Attachment G
7.b. 9 - Attachment H
7.b. 10 - PowerPoint Presentation
7.b. 11 - Resolution 26-16

8. Report From Planning Department

a Upcoming meeting dates:

i. Planning Commission - Tuesday, July 28, 2026
ii. Capital Improvement Projects Review (CIP) - 9:00 AM, Tuesday, July 14, 2026
iii. Report to City Council - Tuesday, July 21, 2026 - Commissioner Sergeant

Attachments:
2026 Planning Commission Dates
Subcommittees - 2026 Workplan Calendar and Committee Assignments
2026 CC Liaison Schedule

9. Report from Commission Members

a. Sanibel Plan Update Steering Committee Report

10. Public Comment

11. Adjournment

"RULES OF CIVILITY FOR PUBLIC PARTICIPATION"

Therefore, Sanibel City Council sanctioned these rules for public participation while conducting meetings and workshops:

1. Speakers are permitted to deliver his or her comments without interruption.

2. Speakers and debates should focus on issues, not on persons or personalities.

3. Persons are encouraged to participate in the governmental process.

4. Sidebar discussions while others are speaking are not permitted in Council Chambers. These discussions are to be removed from the chamber so as not to be disruptive to those conducting and following Council business.

5. Only the speaker recognized by the Chairperson has the floor. Speakers should raise their hand to be recognized. Speakers should identify themselves for the record. Speakers should utilize the microphone so that their comments can be recorded.

6. Anyone wishing to speak on an issue is given an opportunity to speak before speakers are recognized for an opportunity to speak a second time on an issue.

7. We seek to understand one another's points of view.

8. Anger, rudeness, ridicule, impatience and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing or hissing or intimidating body language are not permitted in Council Chambers or workshop facilities.

9. We should all take initiative to make things better. Our goal is to foster an environment, which encourages a fair discussion and exchange of ideas without fear of personal attacks.

As modified on January 18, 2019

ALL IN THE CITY OF SANIBEL, LEE COUNTY, FLORIDA

If a person decides to appeal a decision made by the Planning Commission on any matter considered at this meeting/hearing, such person may need to ensure that a verbatim record of the proceedings is made, to include the testimony and evidence upon which any such appeal is to be based.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding, to include hearing impairment, should contact Scotty Lynn Kelly, City Clerk, no later than one day prior to the proceedings at (239) 472-3700. For additional assistance if hearing impaired, telephone the Florida Relay Service at 711.

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City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft
Planning Commission

Tuesday, June 9, 2026 | **9:00 AM** | **MacKenzie Hall - 800 Dunlop Road**

1. Call To Order

The meeting convened at 9:00 a.m.

2. Pledge of Allegiance (Commissioner Burns)

Commissioner Burns led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Chair Paul Nichols, Vice Chair Erika Steiner, Commissioner Tiffany Burns, Commissioner Larry Schopp, Commissioner Ken Colter, and Commissioner Lyman Welch

Absent: 1 - Commissioner Kate Sergeant

a. Motion to excuse absent member(s):

Commissioner Schopp moved, seconded by Vice Chair Steiner, to excuse Commissioner Sergeant. The motion carried.

Excused: 1 - Commissioner Kate Sergeant

4. Public Comments on Items Not Appearing on the Agenda

Deputy Planning Director Gabriel Quintas introduced Ross Halligan, the Planning Department's new planner, who came to Sanibel from Columbia, Missouri. Mr. Halligan briefly addressed the Commission, noting it was his second day with the city and that he looked forward to working with the community.

There were no public comments from the audience.

5. City Council Liaison Report

Mayor Mike Miller, serving as City Council Liaison to the Planning Commission, provided a report on the June 2nd City Council meeting. He opened with a commendation of community members who participated in the Tunnel to Tower climb, singling out John Agnew for his performance, finishing 31st overall and 5th in his gender and age group out of 51 finishers.

Mayor Miller reported that the Council approved Ordinance 26-009, which had been previously recommended by the Planning Commission, allowing homes to be elevated up to 10 feet above ground level regardless of height limitations or angle-of-light

restrictions. The Council also held a first reading on an ordinance that would prohibit swimming pool dewatering onto private property or into the city's sewer or stormwater distribution systems.

The Council held its first discussion on the Fiscal Year 2027 budget. The initial June 1 property valuation estimate from the county assessor indicated a 1.175% decrease compared to the July 1, 2025 figures used for the current year's budget. A first draft of the five-year capital improvement plan was reviewed, with total FY27 capital spending projected at approximately $72 million - $43 million governmental and the remainder enterprise. Mayor Miller noted that a substantial portion of the governmental capital spending, which he estimated at roughly 90%, was grant-funded, covering projects such as the police station, the East Periwinkle Bridge, road repairs, and a shared-use path. Enterprise capital spending was approximately 64% grant-funded by his calculation.

The Council also discussed a proposed e-bike registration program but decided not to move forward with it at this time. Several contracts were approved, including those for Sanibel River clearing and dredging of the East Basin of the Sanibel River, Causeway Boulevard landscaping, and engineering design work for a new fishing pier.

No questions were raised by commissioners.

6. Consent Agenda

a. Adoption of Minutes: May 26, 2026

Commissioner Schopp noted that the May 26 minutes did not clearly reflect his observation, shared at the time by Chair Nichols, that the applicant's proposal to permit miniature golf courses up to five acres under a Land Development Code amendment was excessive, given that the average miniature golf course is approximately 20,000 square feet (roughly half an acre). City Attorney John Agnew suggested the minutes be amended to reflect that multiple commissioners commented that five acres was excessive. City Clerk Scotty Lynn Kelly clarified that such amendments would appear at the end of the published minutes and would be captured in the minutes for the current meeting.

Chair Nichols also identified what appeared to be a scrivener's error on page 7, where a paragraph attributed to Commissioner Burns regarding extending a potential TDR program appeared to be out of place within the discussion of the miniature golf item. Commissioner Welch agreed the paragraph should be relocated rather than deleted, as Commissioner Burns did make those comments, simply not in that portion of the discussion.

Commissioner Colter moved, seconded by Vice Chair Steiner, to adopt the May 26, 2026 minutes with the noted amendments. The motion carried by a vote of 6-0 with Commissioner

Sergeant excused.

Excused: 1 - Commissioner Kate Sergeant

7. 9:05 - Public Hearings:

a. Consideration of an application nominating the Sanibel Lighthouse located at 110-153 Periwinkle Way (tax parcel no. 21-46-23-T2-00038.0000) for placement on the Sanibel Register of Historic Landmarks filed pursuant to Land Development Code Section 98-33 - Procedure for placement on the local register, Section 98-34 - Criteria for listing on the local register, and Section 98-35 - Criteria for evaluation of historically significant structures as historic landmark for a structure. The application is submitted by the City of Sanibel, fee title owner. **Application No. PL20260022**

Planning Director Paula McMichael read the item into the record. The application, submitted by the City of Sanibel as fee title owner, seeks placement of the Sanibel Lighthouse, located at 110-153 Periwinkle Way (tax parcel no. 21-46-23-T2-00038.0000), on the Sanibel Register of Historic Landmarks pursuant to Land Development Code Sections 98-33, 98-34, and 98-35.

City Clerk Scotty Lynn Kelly polled the commission for site visit, ex-parte communications and conflict. There were no ex-parte communications or conflicts. Commissioners Schopp and Welch advised they had not done site visits. Clerk Kelly then swore in Kim Ruiz, Principal Planner and Staff Liaison to the Historical Preservation Committee, to present during the public hearing.

Ms. Ruiz explained that the current review arose from a broader examination of the Sanibel Plan, during which staff and the Historic Preservation Committee identified that several structures previously noted as historically significant in the 1976 Sanibel Plan had never been formally placed on the city's local historic register. The Sanibel Lighthouse, the Sanibel Cemetery, and the Wolford Cemetery were identified for nomination. The lighthouse, she noted, is currently on the National Register of Historic Places, and while most lighthouses are removed from the national register when their keepers' quarters are lost, the Sanibel Lighthouse is believed to be the first of its skeletal design type and the namesake of that design, making retention on the national register likely.

Ms. Ruiz reported that the lighthouse meets three of the four criteria for listing on the national register (historical, community, and geographic importance) and all five criteria for evaluation as a historically significant structure. The only criterion not met is archaeological importance, though only one criterion need be satisfied for listing.

Commissioner Welch asked about the structural integrity of the lighthouse following Hurricane Ian, during which one of its legs required repair. Ms. Ruiz confirmed that the replacement leg was cast to match the original and that, consistent with historic preservation standards, integrity is maintained when repairs are made to match original materials and design as closely as possible. Commissioner Welch and Vice Chair

Steiner both expressed strong support, with Ms. Steiner describing the lighthouse as "an icon of the island."

Commissioner Colter inquired about the Nutt House, which appeared on the current list of historic properties despite having been approved for demolition. Ms. Ruiz clarified that the Sanibel Plan list would be updated as part of the current amendment process: the Nutt House would be replaced by the Nutt Family Cemetery, and the White Herring House would be removed from the list entirely.

There were no public comments from the audience.

Commissioner Welch moved, seconded by Commissioner Schopp, to adopt Resolution 26-15, to close the public hearing, and to authorize the Chair to execute the resolution without bringing it back for further consideration. The motion carried by a vote of 6-0 with Commissioner Sergeant excused.

Excused: 1 - Commissioner Kate Sergeant

b. Consideration of an application nominating the Sanibel Cemetery located at 2001 Algiers Lane (tax parcel no. 36-46-22-T1-00007.0000) for placement on the Sanibel Register of Historic Landmarks filed pursuant to Land Development Code Section 98-33 - Procedure for placement on the local register, Section 98-34 - Criteria for listing on the local register, and Section 98-35 - Criteria for evaluation of historically significant structures as historic landmark for a structure. The application is submitted by the City of Sanibel, fee title owner. **Application No. PL20260023**

Planning Director McMichael read the item into the record. The application seeks placement of the Sanibel Cemetery, located at 2001 Algiers Lane (tax parcel no. 36-46-22-T1-00007.000), on the Sanibel Register of Historic Landmarks. The City of Sanibel is the fee title owner.

City Clerk Scotty Lynn Kelly polled the commission for site visit, ex-parte communications and conflict. There were no ex-parte communications or conflicts. Commissioners Colter, Schopp and Welch advised they had not done site visits. Clerk Kelly then swore in Kim Ruiz, Principal Planner and Staff Liaison to the Historical Preservation Committee, to present during the public hearing.

Ms. Ruiz noted that the Sanibel Cemetery is located within the city-owned Gulfside City Park and meets two of the four national register criteria, historical and geographic importance, with archaeological and architectural criteria not applicable. It meets four of the five criteria for evaluation as a historically significant structure, with the fifth not applicable.

Vice Chair Steiner asked whether the cemetery had survived Hurricane Ian intact. Planning Director McMichael confirmed that she and Deb Gleason, Chair of the Historic Preservation Committee, visited the site in October 2022 following the storm and found it essentially intact.

Chair Nichols observed that a display board at the cemetery had been washed out and was no longer legible. He suggested the Historic Preservation Committee consider replacing it, noting it would be valuable to have signage identifying those interred. Ms. Ruiz agreed to look into the matter, acknowledging that heritage trail signs generally need periodic replacement due to wear and storm damage.

Commissioner Welch raised a concern about the absence of a formal survey or map delineating the boundaries of the cemetery. Ms. Ruiz acknowledged that no such survey exists and that some burials are believed to lie outside the fenced area. Mr. Welch suggested that, at a minimum, GPS coordinates be used to map the full extent of the cemetery, including graves beyond the fence, both for the city council presentation and for potential future signage. Ms. Ruiz agreed to coordinate with local historians and the Historic Preservation Committee to develop a more complete map prior to the council meeting.

City Attorney John Agnew noted a proposed amendment to the draft resolution: the last "whereas" recital states the last burial occurred in 1967, but the PowerPoint presentation indicated the last burial was in 1974. He requested that the date be corrected accordingly.

There were no public comments from the audience.

Commissioner Welch moved, seconded by Commissioner Colter, to adopt Resolution 26-16, with the amendment to correct the date of last burial from 1967 to 1974 as suggested by City Attorney Agnew, to close the public hearing, and to authorize the Chair to execute the resolution without bringing it back for further consideration. The motion carried by a vote of 6-0 with Commissioner Sergeant excused.

Excused: 1 - Commissioner Kate Sergeant

c. Consideration of an application nominating the Wulfert Cemetery located at located adjacent to Baltusrol Court within The Sanctuary (tax parcel no. 12-46-21-T1-00005.0000) for placement on the Sanibel Register of Historic Landmarks filed pursuant to Land Development Code Section 98-33 - Procedure for placement on the local register, Section 98-34 - Criteria for listing on the local register, and Section 98-35 - Criteria for evaluation of historically significant structures as historic landmark for a structure. The application is submitted by the City of Sanibel, fee title owner. **Application No. PL20260024**

Planning Director McMichael read the item into the record. The application seeks placement of the Wulfert Cemetery, located adjacent to Baltusrol Court within The Sanctuary (tax parcel no. 12-46-21-T1-00005.000), on the Sanibel Register of Historic Landmarks. The City of Sanibel is the fee title owner.

City Clerk Scotty Lynn Kelly polled the commission for site visit, ex-parte communications and conflict. Chair Nichols disclosed a site visit and an ex parte communication (form to be filed with City Clerk and added to the record), explaining that the cemetery was extremely difficult to locate and that he had enlisted the assistance of the Sanctuary golf course superintendent, Mr. Kyle Sweet, who showed

him the site. Chair Nichols noted that he briefly discussed with Mr. Sweet whether historic designation would affect the golf course and was told it would not. All other commissioners reported no site visit, with Vice Chair Steiner noting she had chosen not to attempt entry onto the golf course property. Clerk Kelly then swore in Kim Ruiz, Principal Planner and Staff Liaison to the Historical Preservation Committee, to present during the public hearing.

Principal Planner Ruiz presented. She explained that the city owns the parcel, which is surrounded by preserve and golf course land within The Sanctuary community. Burials occurred in the early 1900s and any grave markers that may have existed are long gone. The general location of the cemetery is known, primarily through the knowledge of the golf course superintendent, but the exact boundaries have never been formally determined. Ground-penetrating technology would be required to identify precise burial locations. The site represents a pioneering agricultural community from the north end of the island that did not survive past World War II. The cemetery meets two of the four national register criteria, historical and geographic importance, and four of five criteria for evaluation as a historically significant structure, with the fifth not applicable.

The discussion that followed was extensive. Chair Nichols shared that his site visit revealed the area to be heavily overgrown jungle with nothing visible to indicate the presence of a cemetery. He questioned the purpose of designation when there is no marker, no accessibility, and no apparent plan from the Historic Preservation Committee to improve the site. Ms. Ruiz explained that listing on the historic register is often the prerequisite step that makes grant funding and other preservation resources available, and that recognition in the official register preserves the record for future generations.

Commissioner Welch raised questions about the absence of a boundary survey, the list of individuals believed to be buried at the site and its lack of documented provenance, the landlocked nature of the city-owned parcel, and whether the city holds a formal easement to access its own property. Ms. Ruiz indicated that the city coordinates access informally through the golf course superintendent and deferred legal access questions to City Attorney John Agnew. Mr. Agnew noted he was not certain whether a formal easement by necessity exists but agreed to research the matter and, if possible, engage with The Sanctuary proactively to confirm access arrangements. Deputy Planning Director Quintas added that Florida statutes provide family members and relatives a statutory right of access and maintenance for cemeteries regardless of whether the land is privately or publicly owned.

Vice Chair Steiner expressed uncertainty about whether the available record was sufficient to act, noting she had not been able to conduct a site visit and found the historical documentation, particularly regarding the provenance of the list of persons believed to be interred, to be insufficiently substantiated. Commissioner Welch

agreed, recommending that more historical documentation be compiled from local historians before the item proceeds to city council, including better sourcing for the list of individuals interred and a clearer delineation of the parcel's extent.

Commissioner Colter inquired whether the Commission could simultaneously designate the site as historic and restrict access to authorized personnel only. City Attorney Agnew confirmed that historic designation does not require public access, citing examples of privately held historic homes that never had public access.

Commissioner Schopp asked what the consequences would be of not designating the cemetery. Ms. Ruiz noted that historic designation provides cemeteries with an additional layer of formal recognition and makes them eligible for preservation resources, and that the Wulfert Cemetery represents the sole remaining remnant of an entire community. Planning Director McMichael added that the parcel was set aside by the city as part of the planning for The Sanctuary development, suggesting the historical record supporting the site's identity as a cemetery may be found in the original development property records, and that she would pull those records before the city council presentation.

Given the number of unresolved questions, including the need for more documented historical provenance, clarification of the city's access rights, and additional information from local historians, the Commission determined that continuation was appropriate.

There were no public comments from the audience.

Commissioner Welch moved, seconded by Vice Chair Sergeant, to continue the public hearing on the Wulfert Cemetery (Application No. PL20260024) to a date uncertain, to allow time for additional historical documentation, access research, and direct testimony from knowledgeable local historians. The motion to continue carried by a vote of 6-0 with Commissioner Sergeant excused.

Excused: 1 - Commissioner Kate Sergeant

Staff indicated the item would need to be re-advertised prior to the continued hearing.

8. Report from Planning Department

a. Upcoming meeting dates:
i. Planning Commission - Tuesday, June 23, 2026
ii.Report to City Council - Tuesday, July 21, 2026 - Commissioner Sergeant

b. Planning Reports
i. Planning Permit Review Report

ii. Planning Projects

iii. Plan Application Status Report

Planning Director McMichael advised the Commission of the following:

- The next Planning Commission meeting is scheduled for Tuesday, June 23, 2026, with two public hearing items on the agenda.
- The Report to City Council is scheduled for Tuesday, July 21, 2026, with Commissioner Sergeant as the designated liaison.
- The Planning Permit Review Report, Planning Project List, and Plan Application Status Report were attached to the agenda for commissioner review.

Commissioner Welch asked when the Island Cow miniature golf conditional use application would return to the Commission. Planning Director McMichael indicated the target is the second meeting in July, though the timeline is dependent on receipt of revised language from the applicant's attorney.

9. Report from Commission Members

Commissioner Schopp reported that he attended the afternoon session of the most recent public meeting of the Sanibel Plan review process. He found the format constructive but was somewhat disappointed by the turnout at the session he attended, contrasting it with an earlier, more animated community engagement session held when the city manager first came on board. He attributed the difference in part to summertime and a reduced snowbird population.

Commissioner Welch offered three items. First, he reported on his liaison presentation to the City Council, noting that Council Member De Bruise raised Commissioner Burns's prior suggestion to include commercial development as part of the transfer of density rights (TDR) framework. The Council voted unanimously to formally direct city staff to further explore TDR for commercial buildings alongside the resort housing already under study. Second, Commissioner Welch also attended the afternoon session of the Sanibel Plan workshop and offered a somewhat more favorable assessment than Commissioner Schopp, noting that five of six discussion tables were filled and that the facilitating firm appeared to gather useful feedback on the three focus questions presented. He noted the evening session was reportedly smaller, with only two tables. He acknowledged that additional outreach may still be needed to capture the full range of community input on high-level planning concepts. Third, Commissioner Welch informed the Commission that he will be absent from the June 23rd meeting due to a family vacation.

Chair Nichols raised a concern about inaccurate information circulating on social media regarding Planning Commission matters, specifically a false report that the miniature golf application had been denied. He noted that the City's Public Information

Officer (PIO) does monitor social media and encouraged the city to continue correcting misinformation, while acknowledging the inherent limitations of engaging in social media debates. City Attorney Agnew acknowledged the difficulty of the issue and suggested that encouraging community members to attend meetings in person remained the most constructive approach.

10. Public Comment

There were no public comments from the audience.

11. Adjournment

There being no further business, the meeting adjourned at 10:11 a.m.

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:

<u>Section 3.2.1 Coastal Zone Protection Element</u>

- 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-feet 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

	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.		
(7) That the variance granted is the minimum necessary to mitigate the hardship demonstrated.	These variances are the minimum needed to extend the dock to an adequate water depth to accommodate two boats and comply with state restrictions.	The proposed design is the minimum necessary to accommodate a boat dock with two boat lifts as is allowed by the Sanibel Code.	Yes

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.

ATTACHMENT A - (*5270 Indian Ct.)*

DOCK VARIANCE STANDARDS FOR
GAETTA PARTNERS LP APPLICATION FOR VARIANCE

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 for a variance from:

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:

a. For properties with lawfully existing, nonconforming seawalls, or alternative shoreline stabilization, no such structure (including mooring pilings) on land having navigable access to state waters (including Clam Bayou and Old Blind Pass) *shall be extended waterward more than 30 feet or 20 percent of the width of the waterway, whichever is less, provided such structures can be located where the water depth is greater than three feet above the bottom surface at mean low water.* [Emphasis added].

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*. [Emphasis added].

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*. [Emphasis added].

INTRODUCTION

5270 Indian Ct., Sanibel, Florida 33957, is located on Kesson Bayou. The property is fringed with mangroves along the waterfront portion. A single-lift dock historically served the property but in recent years has been rendered virtually unusable due to the shallow water depths now present along the bank where the previous dock was located. The applicant, on behalf of the owner, Gaetta Partners LP, seeks approval to construct a new dock with two boat lifts to serve the residential property. The proposed dock configuration includes a straight four foot (4') wide walkway extending from the shoreline to an angled, T-Head terminal platform. The boat lifts are located on the waterward side of each of the terminal platform extensions.

The proposed dock requires variances from LDC §126-875(1) and §126-876 to allow for lifts that extend as far as possible into usable water depths while adhering to Florida Department of Environmental Protection (FDEP) restrictions and minimizing impacts to vegetation along the shoreline of the property. LDC §126-876 requires that boat lifts be located where the appropriate mean low water line is at least 3 feet below the bottom of the surface (-3' MLW). However, FDEP prohibits extension into a depth of four feet below the bottom of the surface (-4' MLW). There is not adequate

space between the -3' MLW line and the -4' MLW line for the proposed lifts to be located entirely within the -3' MLW area without extending past -4' MLW. Therefore, the applicant requests a variance from LDC §126-876 to allow the lifts to be partially located at a depth of less than -3' MLW as shown on the plans. The Applicant seeks a variance from LDC §126-875(1)(a) for the southern dock to angle approximately two feet, seven inches (2'-7") beyond 20% of the canal width to allow the southern boat lift to extend as far as it can into the -3' MLW depth without encroaching into the -4' MLW depth. The northern boat lift also extends slightly more than past 20% of the waterway, but remains within 15', of the mangrove root line present by this section of the dock, so a variance from the is not being requested, per LDC §126-875(1)(b).

1. **A literal enforcement of the particular regulations (waterward extension into the canal per LDC §126-875 and the water depth requirement of LDC §126-876) 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:**

   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.

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.

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 natural conditions present 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.

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).

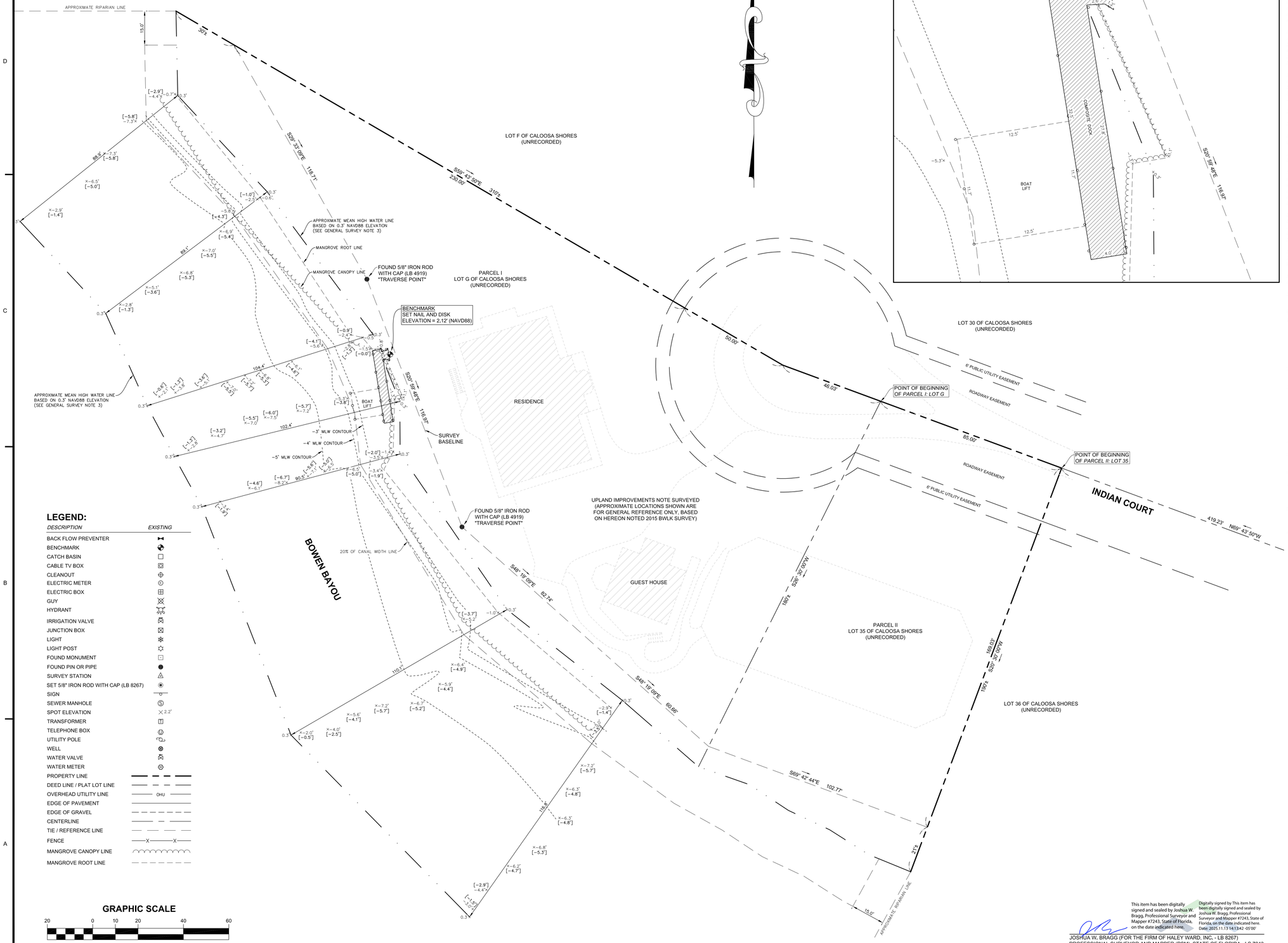
6. **That the requested variance will not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this Land Development Code, and will not cause the proposed development to be inconsistent with The Sanibel Plan nor adverse to the health, safety and 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 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.

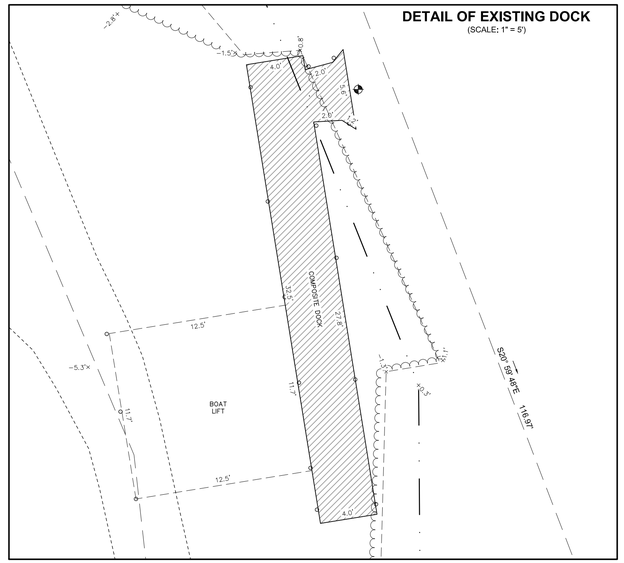
7. **That the variance is granted is the minimum necessary to mitigate the hardship demonstrated:**

These variances are the minimum needed to extend the dock to an adequate water depth to accommodate two boats and comply with state restrictions.

Attachment B - PL20260025
Survey with water depths



DETAIL OF EXISTING DOCK
(SCALE: 1" = 5')



RECORD DESCRIPTION OF UPLAND PARCEL:
(PER INSTRUMENT #2021000277401)

PARCEL I:
Lot G, Unrecorded Caloosa Shores, Section 12, Township 46 South, Range 21 East, City of Sanibel, Lee County, Florida.
A lot or parcel of land lying in Government Lot 9, Section 12, Township 46 South, Range 21 East, City of Sanibel, Lee County, Florida which lot or parcel is described as follows:

From the Southeast corner of said Government Lot 9 being the Southeast corner of said Section 12 run Westerly along the South line of said section for 150.00 feet; thence run North 00 degrees 16 minutes 10 seconds East along the centerline of a roadway easement 50 feet wide for 328.43 feet to Point of Curvature; thence run Northeasterly along said centerline along the arc of a curve to the right of radius 275 feet for 105.31 feet; thence run North 69 degrees 43 minutes 50 seconds West along the centerline of a roadway easement 50 feet wide for 419.23 feet to the center Point of Roadway turnaround of radius 50 feet and the Point of Beginning of the herein described Parcel.

From said Point of Beginning run South 69 degrees 43 minutes 50 seconds East along the last mentioned course for 46.03 feet; thence run South 26 degrees 30 minutes 00 seconds West for 185 feet more or less to the Waters of Bowen Bayou; thence run Northwesterly along said waters for 420 feet more or less to an intersection with the waters of the boat canal and a line bearing North 59 degrees 43 minutes 50 seconds West passing through the Point of Beginning; thence run South 59 degrees 43 minutes 50 seconds East along said line for 310 feet more or less to the Point of Beginning.

Subject to and Together with the hereinabove described roadway easement and roadway turnaround and a roadway easement 25 feet wide over and across the South 25 feet of that part of Government Lot 9 lying East of a Public Road known as Wulfert Road and lying West of the East 125 feet of said Lot 9.
Subject to easements for public utilities over and across a strip of land 6 feet wide lying outside and adjacent to said roadway easements.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

PARCEL II

Lot 35, Unrecorded Caloosa Shores G. L. 9, Section 12, Township 46 South, Range 21 East, Sanibel Island, Lee County, Florida.

A lot or parcel of land lying in Government Lot 9 in Section 12, Township 46 South, Range 21 East, Sanibel Island, Lee County, Florida which lot or Parcel is described as follows:

From the Southeast corner of said Lot 9 run Westerly along the South line of said lot for 150 feet; thence run North 00 degrees 16 minutes 10 seconds East, parallel with the East line of said lot, along the centerline of a roadway 50 feet wide for 328.43 feet to a Point of Curvature; thence run Northerly and Northeasterly along said centerline, along the arc of a curve to the right of radius 275.0 feet for 105.31 feet to an intersection with the centerline of a roadway easement 50 feet wide; thence run North 69 degrees 43 minutes 50 seconds West along said centerline for 288.20 feet to the Point of Beginning.

From said Point of Beginning continue North 69 degrees 43 minutes 50 seconds West along said centerline for 85 feet; thence run South 26 degrees 30 minutes West for 180 feet more or less to the waters of Bowen Bayou; thence run Southeasterly along said waters to an intersection with a line bearing North 20 degrees 30 minutes East passing through the Point of Beginning; thence run South 20 degrees 30 minutes West along said line for 190 feet more or less to the Point of Beginning.

Subject to and together with the hereinabove described roadway easements and an easement for roadway purposes 25 feet wide over and across the South 25 feet of that part of Government Lot 9 lying East of a Public Road known as Wulfert Road and lying West of the East 125 feet of said Lot 9.

Subject to an easement for public utilities over and across the strip of land 6 feet wide adjacent to said roadway easements.

Bearings hereinabove mentioned are plane coordinate for the Florida West Zone.

GENERAL SURVEY NOTES:

1. THIS SURVEY IS BASED ON A BOUNDARY SURVEY OF THE UPLAND PARCEL BY BEAN, WHITAKER, LUTZ, AND KAREH, INC. (DATED: AUGUST 24, 2015), FOUND MONUMENTS, AND FIELD MEASUREMENTS OF THE ELEVATIONS OF THE BED OF THE "BOWEN BAYOU", SO-CALLED.

   IT WAS PREPARED AS A SPECIFIC PURPOSE SURVEY TO DEPICT RELATION OF THE APPARENT POSITION OF THE BOUNDARY LINES EXTENDED AND ELEVATIONS WITHIN THE BOWEN BAYOU CANAL, FOR THE SPECIFIC PURPOSE OF EVALUATING POTENTIAL DOCK CONSTRUCTION.

2. BEARINGS REFER TO GRID NORTH, FLORIDA WEST ZONE (0902) - REFERENCE FRAME: NAD 83 (2011) WITH THE SURVEY BASELINE DEPICTED HEREON AS BEARING S20°59'46"E.

3. ELEVATIONS DEPICTED HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), BASED ON GLOBAL NAVIGATION SATELLITE SYSTEM ("GNSS") OBSERVATIONS REFERENCED TO FLORIDA PERMANENT REFERENCE NETWORK ("FPRN") STATION "SANIBEL ISLAND" (NGS PID: DR8129) OF THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT").

   THIS SURVEY UTILIZED +0.3 FEET (NAVD88) AS THE MEAN HIGH WATER (MHW) ELEVATION AND -1.5 FEET (NAVD88) AS THE MEAN LOW WATER (MLW) ELEVATION, BASED ON INFORMATION PREVIOUSLY PROVIDED BY THE FLORIDA DEP FOR THE SANIBEL AREA.

4. DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

5. WILDLIFE, VEGETATION AND ENVIRONMENTAL ISSUES, IF ANY, ARE NOT ADDRESSED ON THIS SURVEY.

6. UNDERGROUND AND ABOVEGROUND IMPROVEMENTS OTHER THAN SHOWN WERE NOT LOCATED.

7. THIS PLAT PREPARED AS A SPECIFIC PURPOSE SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY OR BOARD.

8. GENERAL LOCATION OF SUBJECT PROPERTY:
   STREET ADDRESS = 5270 INDIAN COURT, SANIBEL, FL 33957
   STRAP = 12-46-21-T3-00009.0250

9. DATE OF LAST FIELDWORK: NOVEMBER 6, 2025

LEGEND:

DESCRIPTION	EXISTING
BACK FLOW PREVENTER	
BENCHMARK	
CATCH BASIN	
CABLE TV BOX	
CLEANOUT	
ELECTRIC METER	
ELECTRIC BOX	
GUY	
HYDRANT	
IRRIGATION VALVE	
JUNCTION BOX	
LIGHT	
LIGHT POST	
FOUND MONUMENT	
FOUND PIN OR PIPE	
SURVEY STATION	
SET 5/8" IRON ROD WITH CAP (LB 8267)	
SIGN	
SEWER MANHOLE	
SPOT ELEVATION	X 2.2'
TRANSFORMER	
TELEPHONE BOX	
UTILITY POLE	
WELL	
WATER VALVE	
WATER METER	
PROPERTY LINE	
DEED LINE / PLAT LOT LINE	
OVERHEAD UTILITY LINE	OHU
EDGE OF PAVEMENT	
EDGE OF GRAVEL	
CENTERLINE	
TIE / REFERENCE LINE	
FENCE	X X
MANGROVE CANOPY LINE	
MANGROVE ROOT LINE	

GRAPHIC SCALE

20 0 10 20 40 60

(IN FEET)
1 inch = 20 ft.

This item has been digitally signed and sealed by Joshua W. Bragg, Professional Surveyor and Mapper #7243, State of Florida, on the date indicated here.

Digitally signed by This item has been digitally signed and sealed by Joshua W. Bragg, Professional Surveyor and Mapper #7243, State of Florida, on the date indicated here.
Date: 2025.11.13 14:13:42 -05'00'

JOSHUA W. BRAGG (FOR THE FIRM OF HALEY WARD, INC. - LB 8267)
PROFESSIONAL SURVEYOR AND MAPPER (PSM), STATE OF FLORIDA - LS 7243

- THIS CERTIFICATION IS ONLY FOR THE LAND DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM FROM ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.

REV.	DATE	DESCRIPTION	BY	CHK.

DRAWING ISSUE STATUS

SPECIFIC PURPOSE SURVEY

HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING
13041 McGregor Boulevard
Fort Myers, Florida 33919
239.481.1331
Florida@haleyward.com
WWW.HALEYWARD.COM

PROJECT

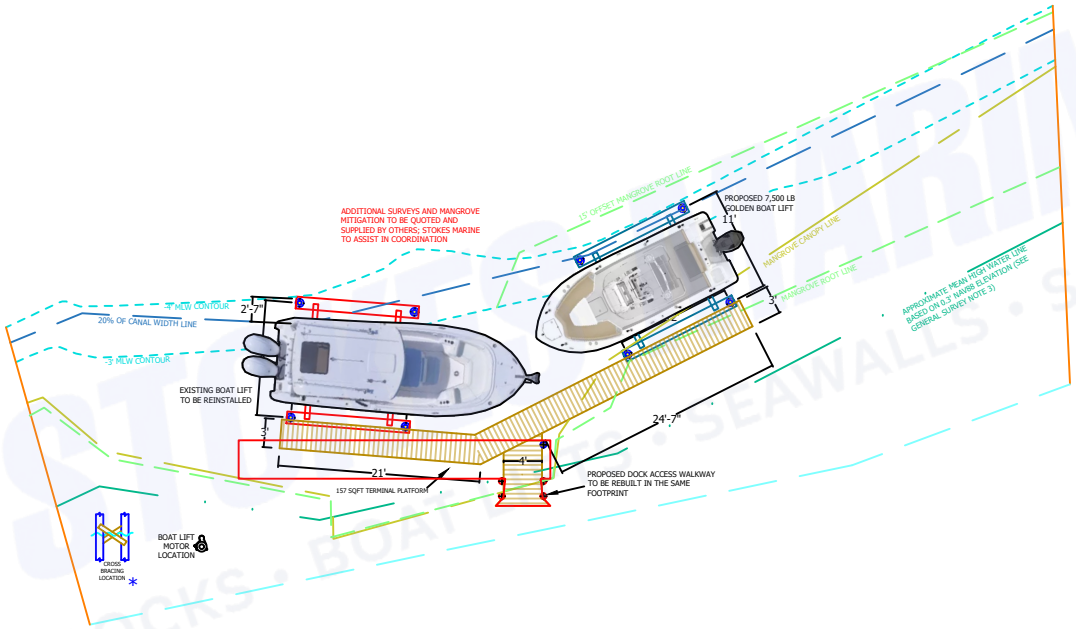
SURVEY PLAT
OF
SITE FEATURES WITHIN AND ALONG THAT PART OF BOWEN BAYOU ADJOINING LOTS G AND 35 OF CALOOSA SHORES (UNRECORDED)
LYING IN
SECTION 12, TOWNSHIP 46 SOUTH, RANGE 21 EAST, CITY OF SANIBEL, LEE COUNTY, FLORIDA

JOSHUA W. BRAGG LICENSE NUMBER LS7243 STATE OF FLORIDA Professional Surveyor and Mapper

DATE: 2025.11.06	SCALE: AS NOTED
DRAWN BY: JWB	DESIGNED BY: ---
CHECKED BY: JAH	
CERTIFICATE OF AUTHORIZATION No.: EB32664 & LB8267	S.T.R No.: 12-46-21
PROJECT No.: 2011249.003	
DRAWING No.: V101	REV.

FILE LOCATION: P:\FLC\2011249\CHRIS_SMITH\DGN\270 INDIAN COURT_ SANIBEL\SPEC\PC PURPOSE SURVEY\-V\REV2\CAD_FILES\SURVEY\2011249-V02A-USPS.DWG, 2025.11.13, 2:12 PM

Attachment C - PL20260025
Site Plan



SQUARE FOOTAGE

PROPOSED SQUARE FOOTAGE OVER WATER	166	TERMINAL PLATFORM SQFT	157
PROPOSED SQUARE FOOTAGE OVER LAND	14		
		TOTAL SQUARE FOOTAGE	180

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

- ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
- ALL STRINGERS TO BE .60 CCA/2"X8" R/S
- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL SIGNATURE: _____

APPROVAL DATE: _____

ALL DIMENSIONS HEREIN AND ON SITE ARE APPROXIMATE +/- 3"-4"
DOCK TO BE BUILT LEVEL REGARDLESS OF VARYING ELEVATIONS OF SEAWALL CAP
ALL BOAT LIFT PILING DIMENSIONS ARE MEASURED FROM CENTER OF PILING TO CENTER OF PILING

L-3

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

STOKES MARINE, INC.
LICENSE #CBC1262379
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908
OFFICE:239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE: 1"=20'
DATE: 2026-04-20
REVISION:

SITE ADDRESS: 5270 INDIAN CT SANIBEL FL 33957

STRAP NUMBER: 12-46-21-T3-00009.0250

OWNER NAME: GAETTA PARTNERS LP

JOB # 16616

Attachment D - PL20260025
Site Plan Aerial Overlay



AV

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **PAYSON NOSSAMAN**

STOKES MARINE, INC.
LICENSE #CBC1262379
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908
OFFICE:239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE: N.T.S.
DATE: 2025-11-21
REVISION:

SITE ADDRESS: 5270 INDIAN CT SANIBEL FL 33957

STRAP NUMBER: 12-46-21-T3-00009.0250

OWNER NAME: GAETTA PARTNERS LP

JOB # 16616

Mighty Mangroves

Sanibel Mangrove Mitigation Plan

Planting • Trimming • Permitting

Property Address
5270 Indian Court,
Sanibel Island, FL 33957

PREPARED FOR:

Chris Smith - Gaetta Partners LP

CREATED BY:

Lori Vogt
Mighty Mangroves

Sanibel Mangrove Mitigation Plan

Date: 12 / 19 / 2025

Property Information	
Property Owner	Gaetta Partners LP (Chris Smith)
Property Address	5270 Indian Court, Sanibel Island, FL 33957

Project Narrative

The dock project was designed to avoid and minimize impacts while providing adequate water depth for vessel access. Several dock designs were considered, and the Stokes Marine L-3 design results in less overall mangrove impacts. Mangrove alteration will be necessary with the proposed dock construction and vessel ingress/egress. Like for like species are typically installed with overall height mitigated at 2:1. The mangroves will be installed in a City of Sanibel designated mitigation area due to the historic riprap.

Impacted Vegetation with Required Mitigation Calculation

Impacted Vegetation	**Overall Height Requirement** (Number impacted @ Height x 2)	**Mitigation Plantings** (Specified number of plants at available size at 2:1 with final height requirement) ***substitute red mangroves if needed**
Red mangrove (Rhizophora mangle)	(5) @ 1" dbh = (25)' x2 (6) @ 2" dbh = (60)' x2 (4) @ 3" dbh = (60)' x2 (1) @ 4" dbh = (20)' x2 Dead mangrove branches	38 @ 16" Red mangrove = (50)' 90 @ 16" Red mangrove = (120)' 90 @ 16" Red mangrove = (120)' 30 @ 16" Red mangrove = (40)' No mitigation proposed

ASSESSMENT CRITERIA

Mitigation is typically calculated using the following formula: 1" dbh impacted = 5' height replacement, 2" dbh impacted = 10' height replacement, etc. Mitigation plantings are installed 2:1 with generally like for like species with best size replacements to achieve overall height requirements. The mitigation plantings are subject to success criteria of 80% survival over 5 years. A final report will be submitted after mangrove installation to provide the total number, planting location and final heights installed.

Provided by:

Lori Vogt

PMT/ISA Certified Arborist #FL-0559A

Professional Wetland Scientist #3242

LETTER OF SUPPORT

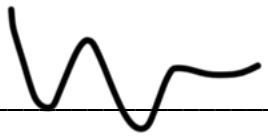
Sanibel Planning Department
Portal
800 Dunlop Rd.
Sanibel, FL 33957

Via: Uploaded to City of Sanibel Web

Dear Planning Commission,

I live at 5242 Indian Ct, Sanibel, within a 300-foot radius to 5270 Indian Ct. I have reviewed the attached plans for the proposed dock and lifts in Kesson Bayou. I am aware that construction of the proposed dock and lifts will require a variance from the water depth requirement and a variance to allow one of the lifts to extend past 20% of the canal width. Please let this letter represent my support for the requested variances and whatever approvals are needed for construction of the dock and lifts as proposed.

Sincerely,



28 April 2026

Print Name: Richard Hypes Date

Print Name: _____ Date



AV

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **PAYSON NOSSAMAN**

STOKES MARINE, INC.
LICENSE #CBC1262379
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908
OFFICE:239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE: N.T.S.
DATE: 2025-11-21
REVISION:

SITE ADDRESS: 5270 INDIAN CT SANIBEL FL 33957

STRAP NUMBER: 12-46-21-T3-00009.0250

OWNER NAME: GAETTA PARTNERS LP

JOB # 16616

LETTER OF SUPPORT

Sanibel Planning Department
Portal
800 Dunlop Rd.
Sanibel, FL 33957

Via: Uploaded to City of Sanibel Web

Dear Planning Commission,

I live at 5271 Indian Ct, within a 300-foot radius to 5270 Indian Ct. I have reviewed the attached plans for the proposed dock and lifts in Kesson Bayou. I am aware that construction of the proposed dock and lifts will require a variance from the water depth requirement and a variance to allow one of the lifts to extend past 20% of the canal width. Please let this letter represent my support for the requested variances and whatever approvals are needed for construction of the dock and lifts as proposed.

Sincerely,

E. Michelle Dear — 4/28/2026

Print Name: E. Michelle Dear — Date

[signature] — 4/28/2026

Print Name: Brian Dear — Date

LETTER OF SUPPORT

Sanibel Planning Department
Portal
800 Dunlop Rd.
Sanibel, FL 33957

Via: Uploaded to City of Sanibel Web

Dear Planning Commission,

I live at 5240 INDIAN COURT, within a 300-foot radius to 5270 Indian Ct. I have reviewed the attached plans for the proposed dock and lifts in Kesson Bayou. I am aware that construction of the proposed dock and lifts will require a variance from the water depth requirement and a variance to allow one of the lifts to extend past 20% of the canal width. Please let this letter represent my support for the requested variances and whatever approvals are needed for construction of the dock and lifts as proposed.

Sincerely,

Print Name: RENÉ J. AFFOURTIT

30 April 2026
Date

Print Name: _____

Date

Planning Commission Meeting

June 23, 2026

- **PLANNING COMMISSION AGENDA ITEM :** 7A
- **APPLICATION NUMBER:** PL20260025 (VARIANCE)
- **PROPERTY ADDRESS:** 5270 INDIAN COURT

APPLICANT

RAYCHEL THOMAS, ON BEHALF OF

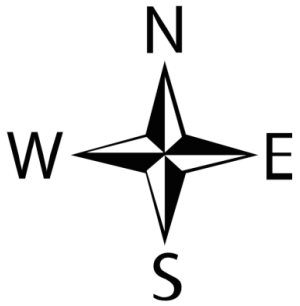
GAETTA PARTNERS LP(PROPERTY OWNER)

Variance Request

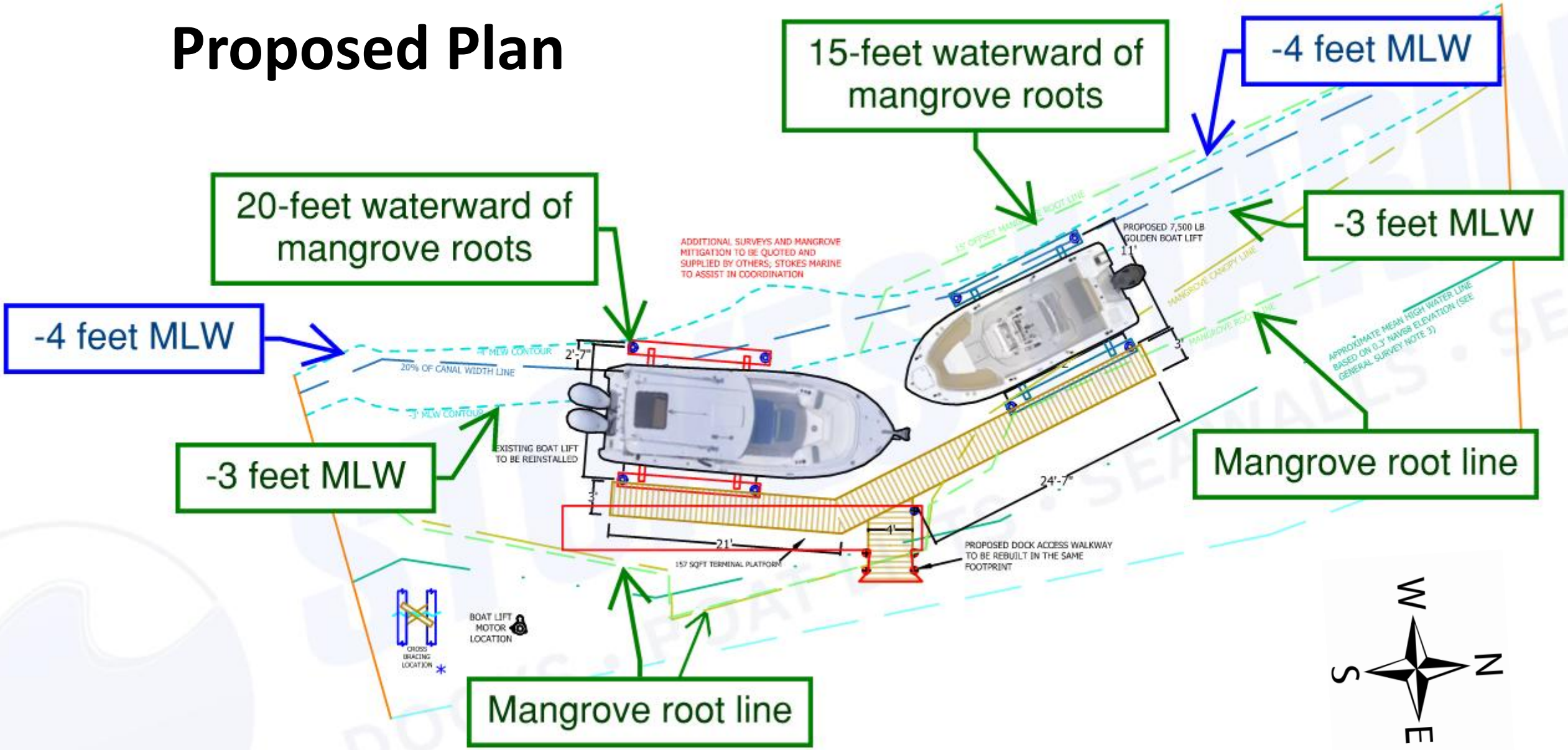
Consideration of an application for a variance filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision II – Variances, Section 82-138 – Application and hearing, to request a variance from Section 126-875(1)(b) – Waterward extension, to allow the installation of a boat 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.

Property Location





Proposed Plan



Proposed Plan





Sanibel Code Requirement	Staff Comments	Requirement 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 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 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 applicant did not alter the shoreline or the water depth profile adjacent to the property.	Yes

Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-140 – Variance Standards		
(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.	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.	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

Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-140 – Variance Standards		
(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.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.	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.	Yes
(7) That the variance granted is the minimum necessary to mitigate the hardship demonstrated.	The proposed design is the minimum necessary to accommodate a boat dock with two boat lifts as is allowed by the Sanibel Code.	Yes

The Planning Department finds the requested variances are consistent with the Sanibel Plan and Sanibel Code with Recommended Conditions of Approval

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.

Agenda Item
Meeting of June 23, 2026

CITY OF SANIBEL
DRAFT PLANNING COMMISSION RESOLUTION 26-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL; RELATING TO A VARIANCE (APPLICATION NO. PL20260025) RELATIVE TO 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 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, ON PROPERTY OWNED BY GAETTA PARTNERS LP, AND LOCATED AT 5270 INDIAN COURT, TAX PARCEL NO. 12-46-21-T3-00009.0250, FILED PURSUANT TO SECTION 82-138 OF THE LAND DEVELOPMENT CODE; MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 82-138 provides for the application for a variance; and Sections 82-140 of the Land Development Code provides that the Planning Commission may grant variances from the requirements of applicable provisions of the Land Development Code; Section 126-875(1)(b) provides that 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; and Section 126-876 provides that 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; and

WHEREAS, Gaetta Partners LP, owner of the property located at 5270 Indian Court, has authorized Raychel Thomas, Pavese Law Firm, to submit Application No. PL2060025 to allow the installation of a boat lift with a waterward extension greater than 15 feet waterward of the mangrove roots and 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; and

WHEREAS, the applicant has requested approval of Application No. PL20260025 for the property located at 5270 Indian Court; and

WHEREAS, a duly noticed public hearing of the application was held on June 23, 2026; and

WHEREAS, after providing the applicant, staff, and the public an opportunity to present testimony and evidence, and having reviewed the record, the Planning Commission finds that the variance application **does / does not** meet the seven variance criteria required by LDC Section 82-140.

NOW, THEREFORE, BE IT RESOLVED, THE PLANNING COMMISSION OF THE CITY OF SANIBEL hereby **approves / denies** Application No. PL20260025 to allow the installation of a boat lift with a waterward extension greater than 15 feet waterward of the mangrove roots and 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 property located at 5270 Indian Court (tax parcel No. 12-46-21-T3-00009.0250) and owned by Gaetta Partners LP.

Approval of this Variance Petition is pursuant to the application and attachments included with the item, and subject to the following condition(s) contained in the June 23, 2026, staff report:

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 to the staff report).

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.

This resolution will take effect immediately upon adoption.

EXPIRATION OF PLANNING COMMISSION ACTION; In accordance with Land Development Code Section 82-424(f) Action on Application. When a development order is approved with conditions imposed thereon, such conditions shall be satisfied within the time limit specified in the development order issued by the Planning Commission. When such conditions specify requirements to be completed before a development permit is issued, and no particular time limit is specified for satisfaction of the conditions, such conditions must be satisfied within six months after issuance of the development order. Failure to satisfy a condition imposed upon the approval of a development permit, within the time limit specified therefor, or such extended time period as the Planning Commission may approve upon timely application of the permittee, shall cause the development order approving the development permit to be null and void and of no further force or effect.

EFFECTIVE DATE OF PLANNING COMMISSION ACTION: Development Permit: In accordance with Land Development Code Section 82-97. All actions of the Planning Commission, including those which constitute final decisions, shall be effective upon the date of filing of the adopted Resolution with the City Manager, or at a later date if provided in the Resolution. However, permits authorized by final decisions shall not be issued until one of the following has occurred: 1) The time for filing an appeal to City Council has elapsed; 2) The applicant and all other persons having appeal rights have filed a written waiver of appeal rights; or 3) If an appeal has been timely filed, the City Council has finally disposed of the matter.

RIGHT TO APPEAL PLANNING COMMISSION ACTION: In accordance with Land Development Code Section 82-98. Appeals. The applicant is hereby advised that the following persons have the right to appeal a final decision of the Planning Commission adverse to their interests: 1) The applicant; 2) The owner of the property proposed for development; 3) The developer of the property proposed for development; and 4) Any other person residing upon, or owning property within the City, or owning or operating a business within the City, who participated by written comment before or at the Planning Commission hearing or who participated in person or through an authorized agent at the Planning Commission hearing. The appeal shall be filed within 15 days after the date that the Planning Commission decision was

filed. The appeal shall be filed with the City manager, and the filing fee shall be paid as a prerequisite to filing.

DISCLAIMER & PERMIT CONDITION (APPLICABLE ONLY IF FEDERAL OR STATE PERMITS ARE REQUIRED): Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 23RD DAY OF JUNE 2026.

Attest:

Scotty Lynn Kelly, City Clerk

Paul Nichols, Chair

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk:_____

Vote of Commission Members:

Nichols _____
Steiner _____
Burns _____
Colter _____
Schopp _____
Sergeant _____
Welch _____

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-feet 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.

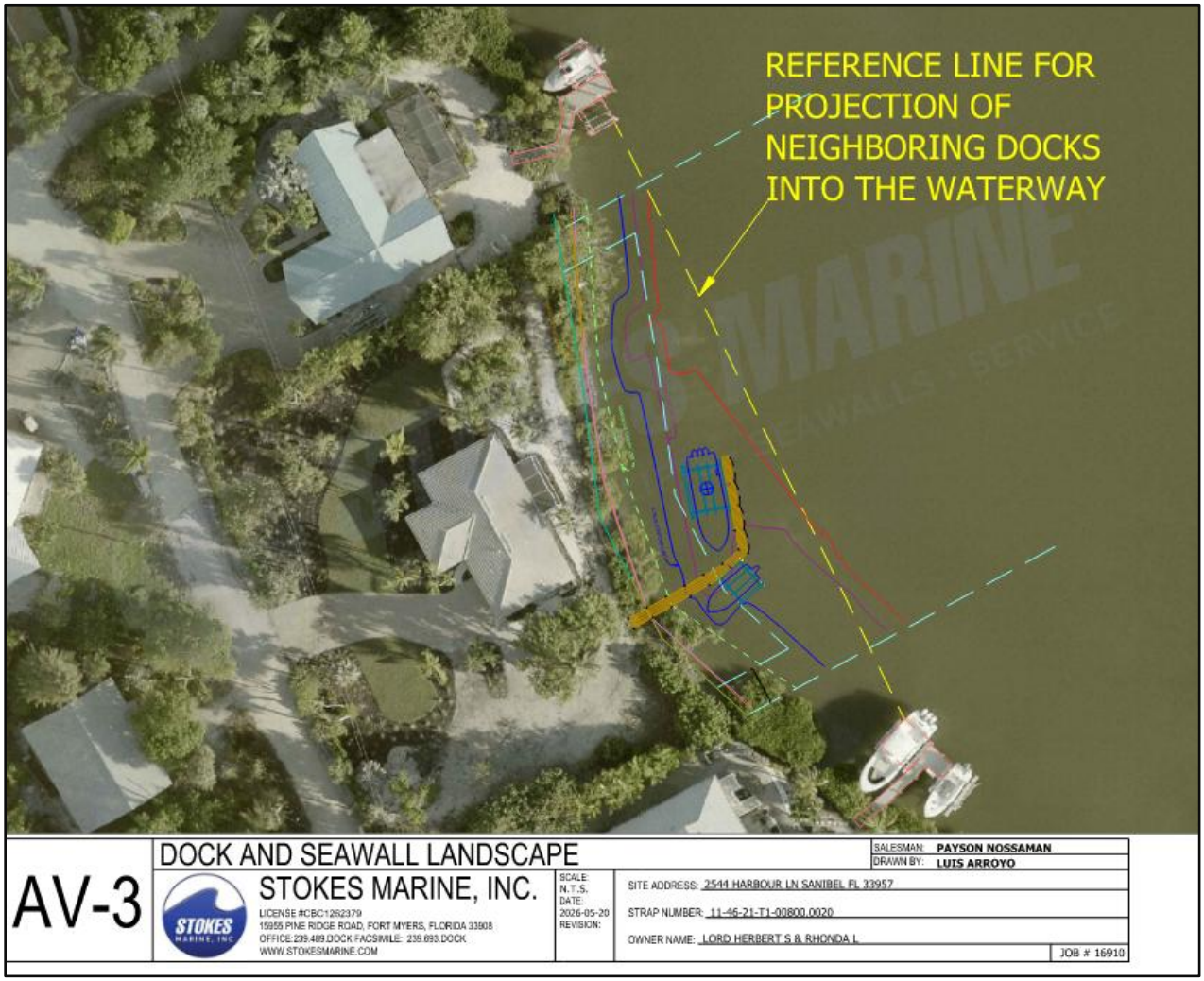
   The proposed project includes a 3-foot wide dock with a 12-foot 6-inch wide and a 15-foot wide boat lift. The furthest waterward extension of the proposed dock is approximately 50-feet waterward of the mangrove roots. However, the shoreline of this property bends inward resulting in the proposed dock 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.	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). 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	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

	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. 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.		
(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 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. 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	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.	Yes

	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.		
(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.	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. 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.	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.	Yes

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

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.

ATTACHMENT A - (*2544 Harbour Lane)* - Revised

DOCK VARIANCE STANDARDS FOR LORD APPLICATION FOR VARIANCE

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 for a variance from:

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:

a. For properties with lawfully existing, nonconforming seawalls, or alternative shoreline stabilization, no such structure (including mooring pilings) on land having navigable access to state waters (including Clam Bayou and Old Blind Pass) *shall be extended waterward more than 30 feet or 20 percent of the width of the waterway, whichever is less, provided such structures can be located where the water depth is greater than three feet above the bottom surface at mean low water.* [Emphasis added].

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. [Emphasis added].

INTRODUCTION

Herbert and Rhonda Lord own the property located at 2544 Harbour Ln, Sanibel, Florida 33957. The rear boundary of this property is fringed with mangroves and fronts Dinken Bayou facing northeast. A single boat lift dock previously served the property for more than twenty years prior to Hurricane Ian. The Lords purchased the property shortly after Hurricane Ian and now seek approval to construct a new dock with two boat lifts to serve the residential property, as the previous dock layout is no longer feasible for the current request. The prior configuration was designed to accommodate a single boat lift which, with current site conditions including decreased water depths, would no longer extend to a water depth more than three feet above the bottom surface at mean low water (-3' MLW) necessary for safe vessel docking and operation. The former access walkway alignment is now also impeded by established shoreline vegetation such that utilizing the previous alignment would require greater disturbance to mangroves than the proposed configuration. The proposed dock configuration consists of a straight four foot (4') wide walkway extending waterward from an existing opening in the mangroves of the shoreline to an angled, partial T-Head terminal platform. The two boat lifts are located on opposite sides of the angled portion of the walkway, with one lift aligned parallel to the partial T-Head on the shoreward side and a second lift positioned along the angled east side of the platform.

LDC §126-875 and §126-876 require that boat lifts be located to provide for boat docking where the appropriate mean low water level is at least three feet above the bottom surface at mean low water (-3' MLW). The distance between the Mean High-Water Line (MHWL) and the -3' MLW Line at this property is greater than is typical for other waterfront parcels on the island due to the curvature of the shore and shallow banks of the natural bayou. As a result, the dock and boat lifts must extend further from the shoreline than is permitted by the LDC to reach the appropriate usable depths as required by the LDC. Accordingly, the Applicant seeks a variance from the 30' extension limitation of LDC §126-875(1)(a) for the dock to extend twenty-three feet, four inches (23'-4") past the 30' limitation to situate the lifts so that both boats when docked are located entirely in water depth of -3' MLW. This placement allows the boat lifts to function without sitting the beams of the lift on the ground, which would increase environmental impacts to the bayou bed. The proposed dock configuration places both boat lifts at a natural indentation of the -3' MLW closest to land in an area that will not require impacts to mangroves and allows the boats ingress and egress through sufficient depths.

LDC §126-894 requires that docks be located equidistant from lot lines (as extended into the water) if possible, and if not, that docks be set back a minimum of 1½ feet from the property lines (as extended into the water) for every one foot that the dock, boat davits, boat lifts and mooring pilings extend beyond mean high water into the waterway. Strict application of the LDC §126-894 setback formula narrows the permissible dock envelope and imposes a constraint not experienced by typical waterfront lots where usable water depths occur closer to shore. In addition, locating the dock equidistant from the lot lines or at the alternative approximate 69'-6" setback from the lot lines would require impacts to the mangroves and severely limit the ingress and egress of the larger vessel at low tide.

The applicant requests a variance from LDC §126-894 allowing the access walkway for the proposed dock and lift configuration to be located approximately thirty-three feet (33') closer to the southeastern property line than otherwise permitted. At this location, the proposed walkway extends from a natural opening in the shoreline vegetation, minimizing disturbance to mangroves and other native vegetation that serve an important role in shoreline stabilization and protection. At this location, the proposed structures remain thirty-six feet, five inches (36'-5") away from the southern property line which complies LDC §126-894 requirement that no dock, boat davits, boat lifts and mooring pilings shall be located closer than 15 feet (15') to any property line as extended into the water.

The purpose of equidistant/alternative setback requirement of LDC §126-894 is to minimize the visual impact of the structures upon adjacent waterfront properties. Location of the dock at the proposed distance from the southern property line reduces visual impact to the adjacent property to the north and will not result in a negative visual impact of the property to the south given the extensive mangrove fringe at the waterward corner of the two properties and that the dock of the southern property extends further into the waterway than the proposed dock.

1. **A literal enforcement of the particular regulations (waterward extension into the canal per LDC §126-875 and the equidistant and setback requirements of LDC §126-894) 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 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.

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 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.

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 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).

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 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.

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.

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 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.

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 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.

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:

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.

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.

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

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.

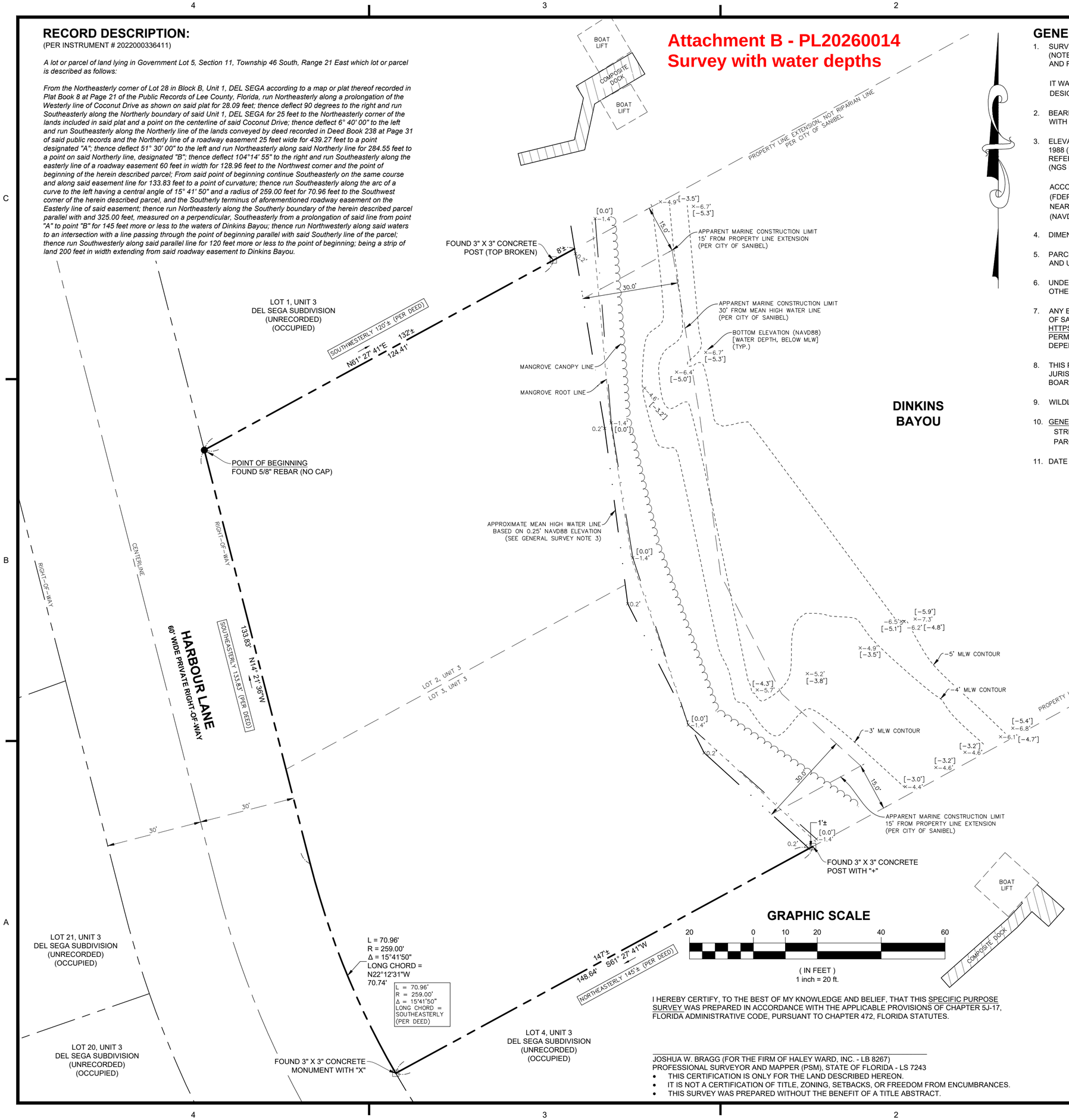
Attachment B - PL20260014
Survey with water depths

RECORD DESCRIPTION:

(PER INSTRUMENT # 2022000336411)

A lot or parcel of land lying in Government Lot 5, Section 11, Township 46 South, Range 21 East which lot or parcel is described as follows:

From the Northeasterly corner of Lot 28 in Block B, Unit 1, DEL SEGA according to a map or plat thereof recorded in Plat Book 8 at Page 21 of the Public Records of Lee County, Florida, run Northeasterly along a prolongation of the Westerly line of Coconut Drive as shown on said plat for 28.09 feet; thence deflect 90 degrees to the right and run Southeasterly along the Northerly boundary of said Unit 1, DEL SEGA for 25 feet to the Northeasterly corner of the lands included in said plat and a point on the centerline of said Coconut Drive; thence deflect 6° 40' 00" to the left and run Southeasterly along the Northerly line of the lands conveyed by deed recorded in Deed Book 238 at Page 31 of said public records and the Northerly line of a roadway easement 25 feet wide for 439.27 feet to a point designated "A"; thence deflect 51° 30' 00" to the left and run Northeasterly along said Northerly line for 284.55 feet to a point on said Northerly line, designated "B"; thence deflect 104°14' 55" to the right and run Southeasterly along the easterly line of a roadway easement 60 feet in width for 128.96 feet to the Northwest corner and the point of beginning of the herein described parcel; From said point of beginning continue Southeasterly on the same course and along said easement line for 133.83 feet to a point of curvature; thence run Southeasterly along the arc of a curve to the left having a central angle of 15° 41' 50" and a radius of 259.00 feet for 70.96 feet to the Southwest corner of the herein described parcel, and the Southerly terminus of aforementioned roadway easement on the Easterly line of said easement; thence run Northeasterly along the Southerly boundary of the herein described parcel parallel with and 325.00 feet, measured on a perpendicular, Southeasterly from a prolongation of said line from point "A" to point "B" for 145 feet more or less to the waters of Dinkins Bayou; thence run Northwesterly along said waters to an intersection with a line passing through the point of beginning parallel with said Southerly line of the parcel; thence run Southwesterly along said parallel line for 120 feet more or less to the point of beginning; being a strip of land 200 feet in width extending from said roadway easement to Dinkins Bayou.



GRAPHIC SCALE

20 0 10 20 40 60

(IN FEET)
1 inch = 20 ft.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SPECIFIC PURPOSE SURVEY WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

JOSHUA W. BRAGG (FOR THE FIRM OF HALEY WARD, INC. - LB 8267)
PROFESSIONAL SURVEYOR AND MAPPER (PSM), STATE OF FLORIDA - LS 7243

- THIS CERTIFICATION IS ONLY FOR THE LAND DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM FROM ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.

GENERAL SURVEY NOTES:

1. SURVEY BASED ON THE UNRECORDED PLAT OF UNIT THREE DEL SEGA, THE RECORD DESCRIPTION (NOTED HEREON), FOUND MONUMENTS, PREVIOUS SURVEYS FOUND IN THE FILES OF THIS FIRM, AND FIELD MEASUREMENTS OF THE ELEVATIONS OF THE BED OF DINKINS BAYOU.

   IT WAS PREPARED AS A SPECIFIC PURPOSE SURVEY TO DEPICT MARINE DETAILS RELATING TO THE DESIGN AND PERMITTING OF A PROPOSED DOCK AND BOAT LIFT.

2. BEARINGS REFER TO GRID NORTH, FLORIDA WEST ZONE (0902) - REFERENCE FRAME: NAD 83 (2011) WITH THE SOUTH LINE OF THE SUBJECT PARCEL BEARING S61°27'41"W.

3. ELEVATIONS DEPICTED HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), BASED ON GLOBAL NAVIGATION SATELLITE SYSTEM ("GNSS") OBSERVATIONS REFERENCED TO FLORIDA PERMANENT REFERENCE NETWORK ("FPRN") STATION "SANIBEL ISLAND" (NGS PID: DR8129) OF THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT").

   ACCORDING TO DATA PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) ON DECEMBER 23, 2025, THE MEAN HIGH WATER (MHW) ELEVATION OF DINKINS BAYOU, NEAR THE SUBJECT PROPERTY IS +0.25 FEET (NAVD 88) AND THE MEAN LOW WATER (MLW) IS -1.44 (NAVD 88).

4. DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

5. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

6. UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.

7. ANY ECOLOGICAL ZONE INFORMATION SHOWN HEREON IS BASED ON MAPS SUPPLIED BY THE CITY OF SANIBEL, BEING KNOWN AS THE FUTURE LAND USE MAP SERIES ("FLUMS") AVAILABLE ONLINE AT HTTPS://SANIBEL.MAPS.ARCGIS.COM/HOME/INDEX.HTML. INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON THIS INFORMATION.

8. THIS PLAT PREPARED AS A SPECIFIC PURPOSE SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

9. WILDLIFE AND/OR ENVIRONMENTAL ISSUES, IF ANY, ARE NOT ADDRESSED ON THIS SURVEY.

10. GENERAL INFORMATION
    STREET ADDRESS: 2544 HARBOUR LANE, SANIBEL, FL 33957
    PARCEL STRAP #: 11-46-21-T1-00800.0020

11. DATE OF LAST FIELD WORK: JANUARY 8, 2026

LEGEND:

DESCRIPTION	*EXISTING*
MEAN LOW WATER	MLW
FOUND MONUMENT	⊡
FOUND PIN OR PIPE	●
SPOT ELEVATION	× 2.2'
PROPERTY LINE	———
DEED LINE / PLAT LOT LINE	———
TIE / REFERENCE LINE	———
WATER BOUNDARY	———
MANGROVE CANOPY LINE	∿∿∿
MANGROVE ROOT LINE	- - -

REV.	DATE	DESCRIPTION	BY	CHK.

DRAWING ISSUE STATUS

SPECIFIC PURPOSE SURVEY

HALEY WARD
ENGINEERING | ENVIRONMENTAL | SURVEYING
13041 McGregor Boulevard
Fort Myers, Florida 33919
239.481.1331
Florida@haleyward.com
WWW.HALEYWARD.COM

PROJECT

SURVEY PLAT

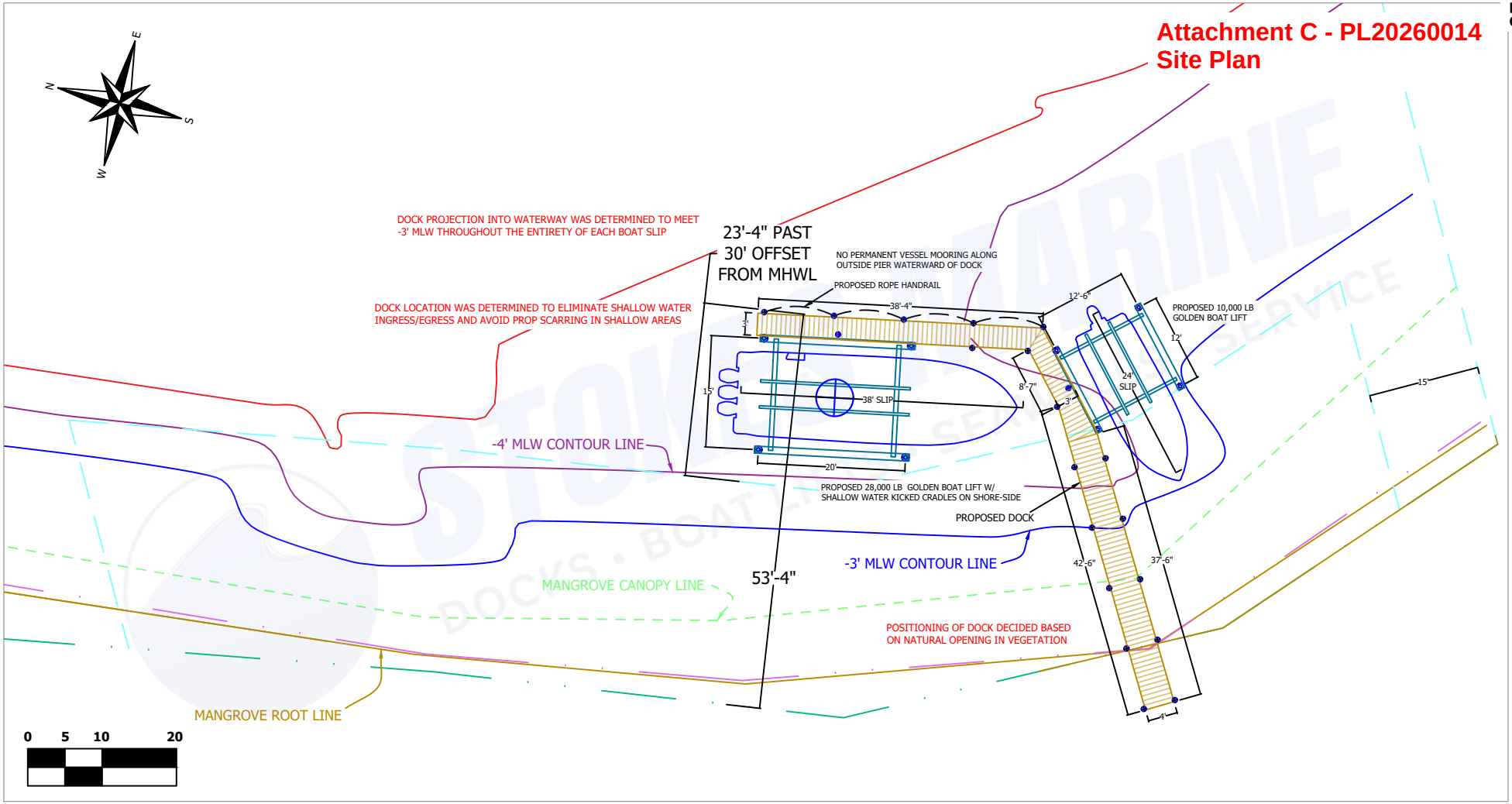
OF PORTION OF DINKINS BAYOU ABUTTING LAND DESCRIBED AS LOTS 2 AND 3, UNIT THREE, DEL SEGA (UNRECORDED) AND DESCRIBED IN INSTRUMENT # 2022000336411 LYING IN SECTION 11, TOWNSHIP 46 SOUTH, RANGE 21 EAST, CITY OF SANIBEL, LEE COUNTY, FLORIDA

DRAFT

DATE: 2026.01.08	SCALE: 1" = 20'	
DRAWN BY: AL	DESIGNED BY: ---	CHECKED BY: JWB
CERTIFICATE OF AUTHORIZATION No.: EB32664 & LB8267	S.T.R No.: 11-46-21	
PROJECT No.: 2012353.003		
DRAWING No.: SHEET 1 OF 1	REV.	

FILE LOCATION: P:\FL\2012353-HERB_LORD\003-2544 HARBOUR LANE, SANIBEL-SPS FOR DOCK-JWB\02-CAD_FILES\SURVEY\2012353.003-V-SPS.DWG, 2026.01.16, 1:08 PM

Attachment C - PL20260014
Site Plan



SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	160	PROPOSED SQUARE FOOTAGE OVER WATER	277
ACCESS WALKWAY SQUARE FOOTAGE	150	PROPOSED SQUARE FOOTAGE OVER LAND	33
		TOTAL DECKING SQUARE FOOTAGE	310

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

- ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
- ALL STRINGERS TO BE .60 CCA/2"X8" R/S
- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL SIGNATURE: _____

APPROVAL DATE: _____

ALL DIMENSIONS HEREIN AND ON SITE ARE APPROXIMATE +/- 3"-4"
DOCK TO BE BUILT LEVEL REGARDLESS OF VARYING ELEVATIONS OF SEAWALL CAP
ALL BOAT LIFT PILING DIMENSIONS ARE MEASURED FROM CENTER OF PILING TO CENTER OF PILING

L-8

DOCK AND SEAWALL LANDSCAPE

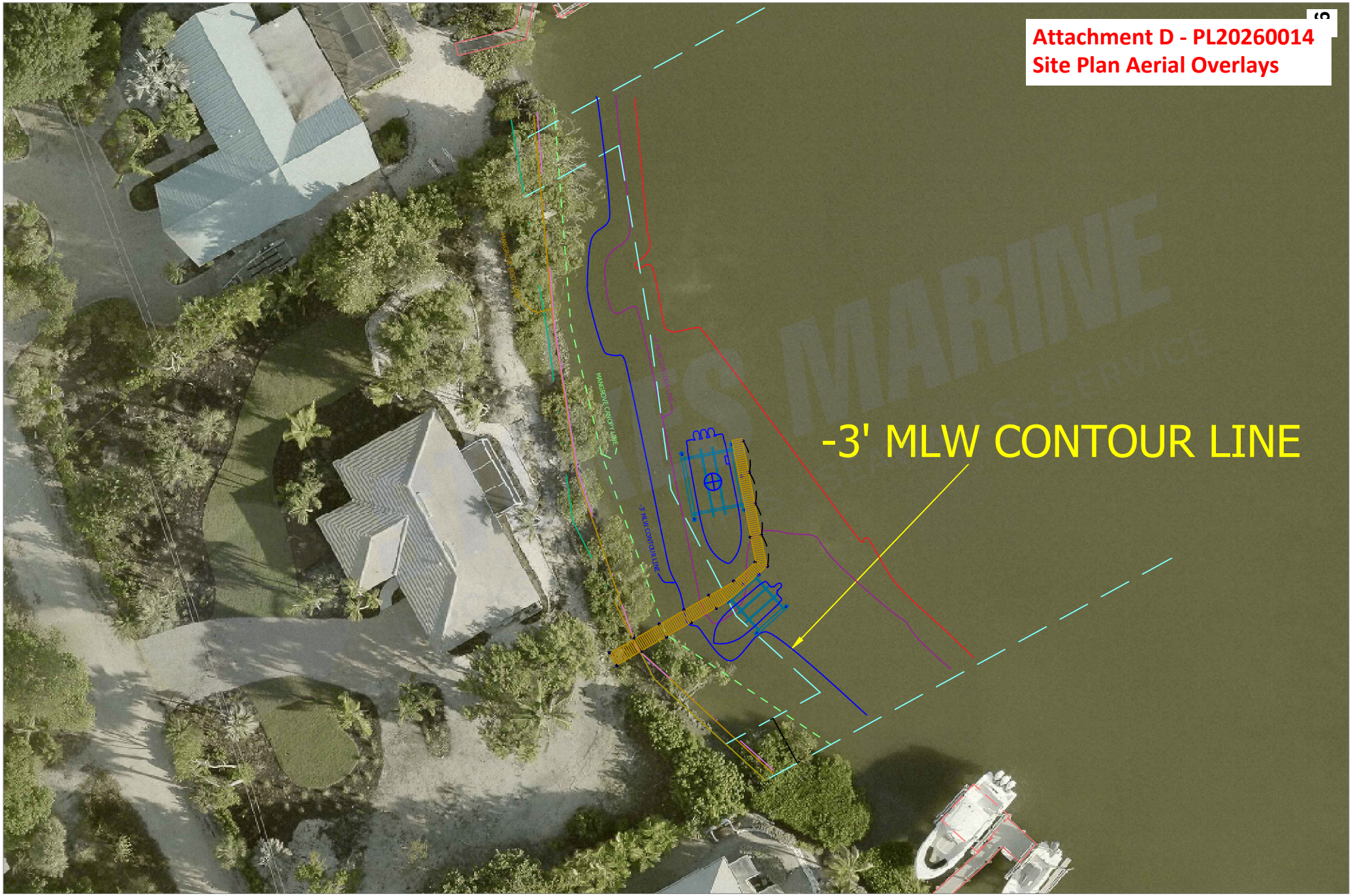
SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

STOKES MARINE, INC.
LICENSE #CBC1262379
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908
OFFICE:239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE: 1"=20'
DATE: 2026-05-20
REVISION:

SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957
STRAP NUMBER: 11-46-21-T1-00800.0020
OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



AV-2

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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OFFICE:239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE: N.T.S.
DATE: 2026-05-20
REVISION:

SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957

STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



AV-3

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

STOKES MARINE, INC.
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OFFICE:239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE: N.T.S.
DATE: 2026-05-20
REVISION:

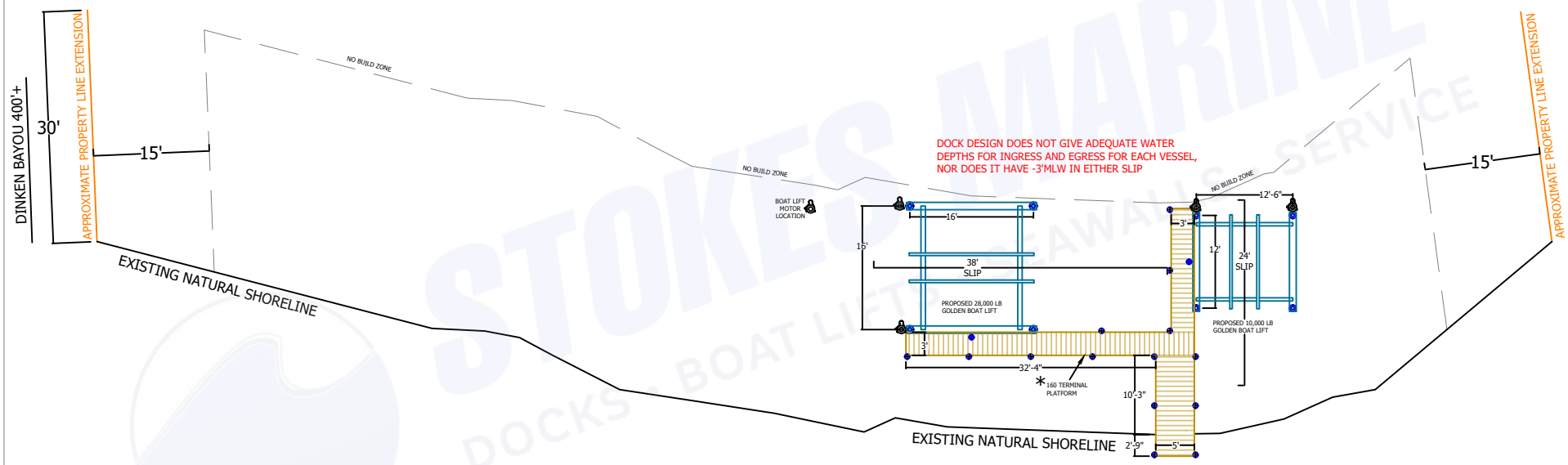
SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957

STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910

Attachment E - PL20260014
Applicant's Alternative Design Analysis



SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	160	PROPOSED SQUARE FOOTAGE OVER WATER	210
ACCESS WALKWAY SQUARE FOOTAGE	66	PROPOSED SQUARE FOOTAGE OVER LAND	16
		TOTAL DECKING SQUARE FOOTAGE	226

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

- ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
- ALL STRINGERS TO BE .60 CCA/2"X8" R/S
- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL SIGNATURE: _____

APPROVAL DATE: _____

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L-1

DOCK AND SEAWALL LANDSCAPE

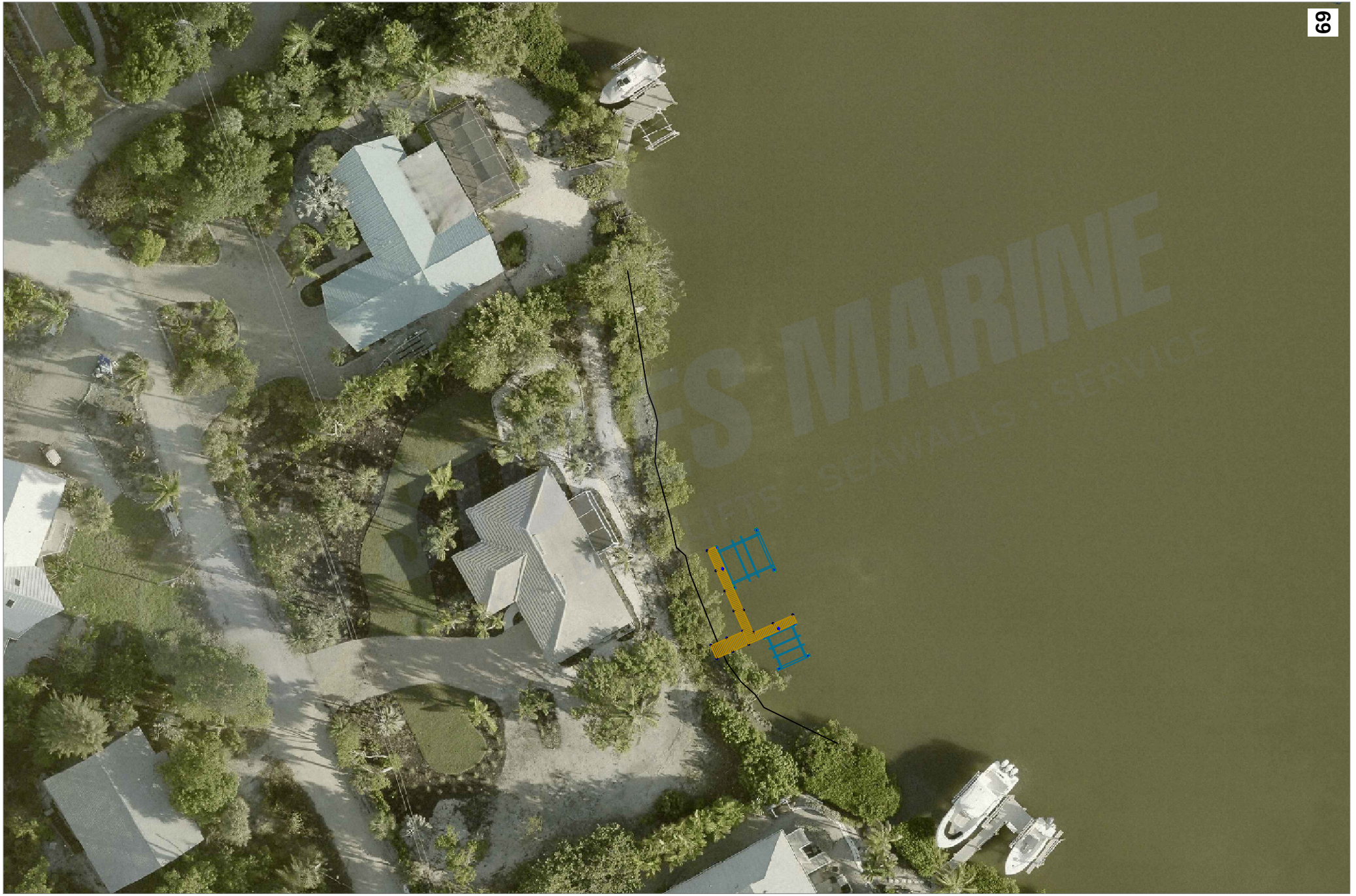
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JOB # 16910



AV
L-1

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
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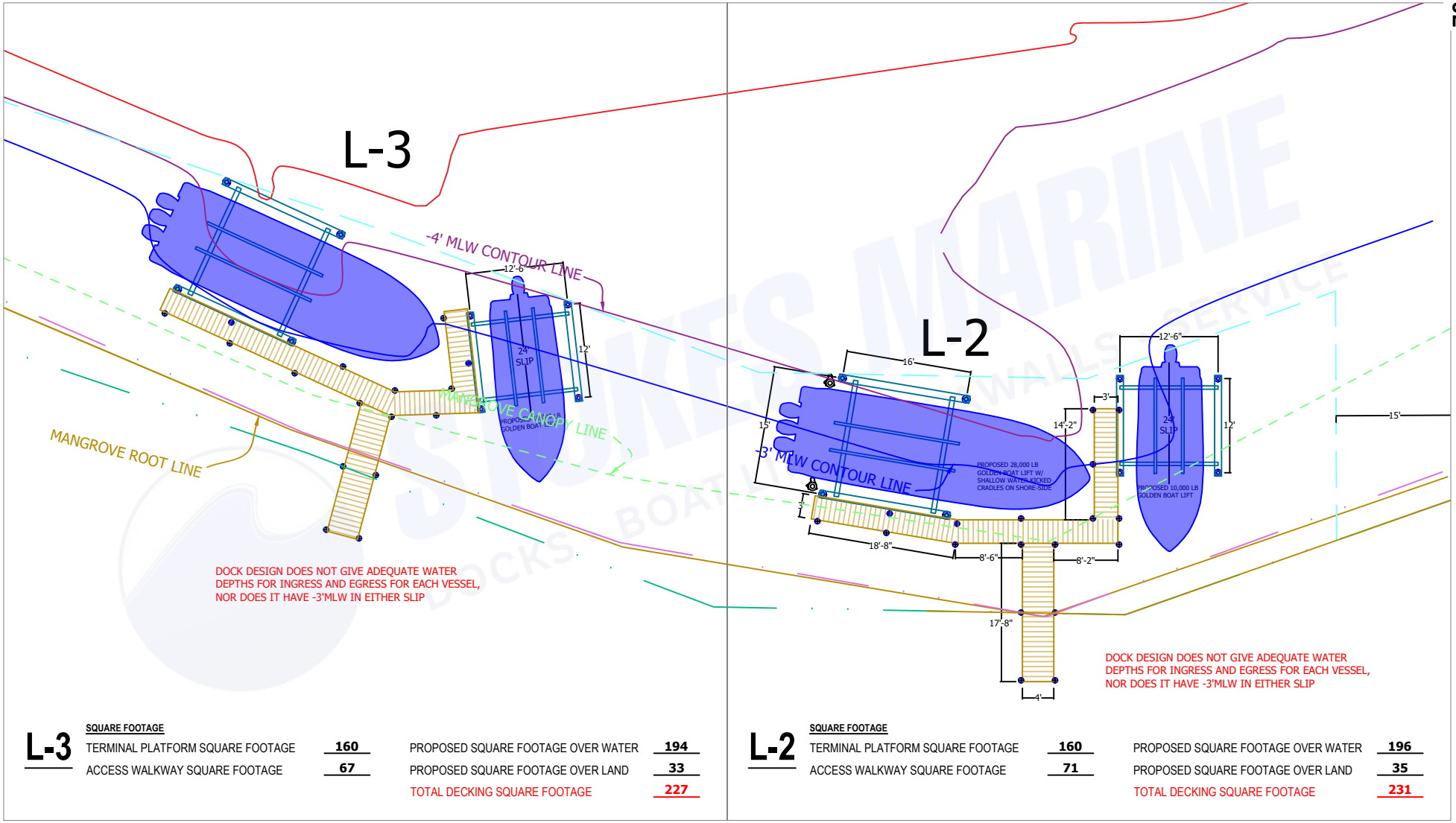
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SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957

STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



L-3 — SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	160	PROPOSED SQUARE FOOTAGE OVER WATER	194
ACCESS WALKWAY SQUARE FOOTAGE	67	PROPOSED SQUARE FOOTAGE OVER LAND	33
		TOTAL DECKING SQUARE FOOTAGE	227

L-2 — SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	160	PROPOSED SQUARE FOOTAGE OVER WATER	196
ACCESS WALKWAY SQUARE FOOTAGE	71	PROPOSED SQUARE FOOTAGE OVER LAND	35
		TOTAL DECKING SQUARE FOOTAGE	231

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

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- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

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APPROVAL DATE: _____

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L-2 / L-3

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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SCALE: N.T.S.
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OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



AV

L-2 / L-3

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**

DRAWN BY: **LUIS ARROYO**

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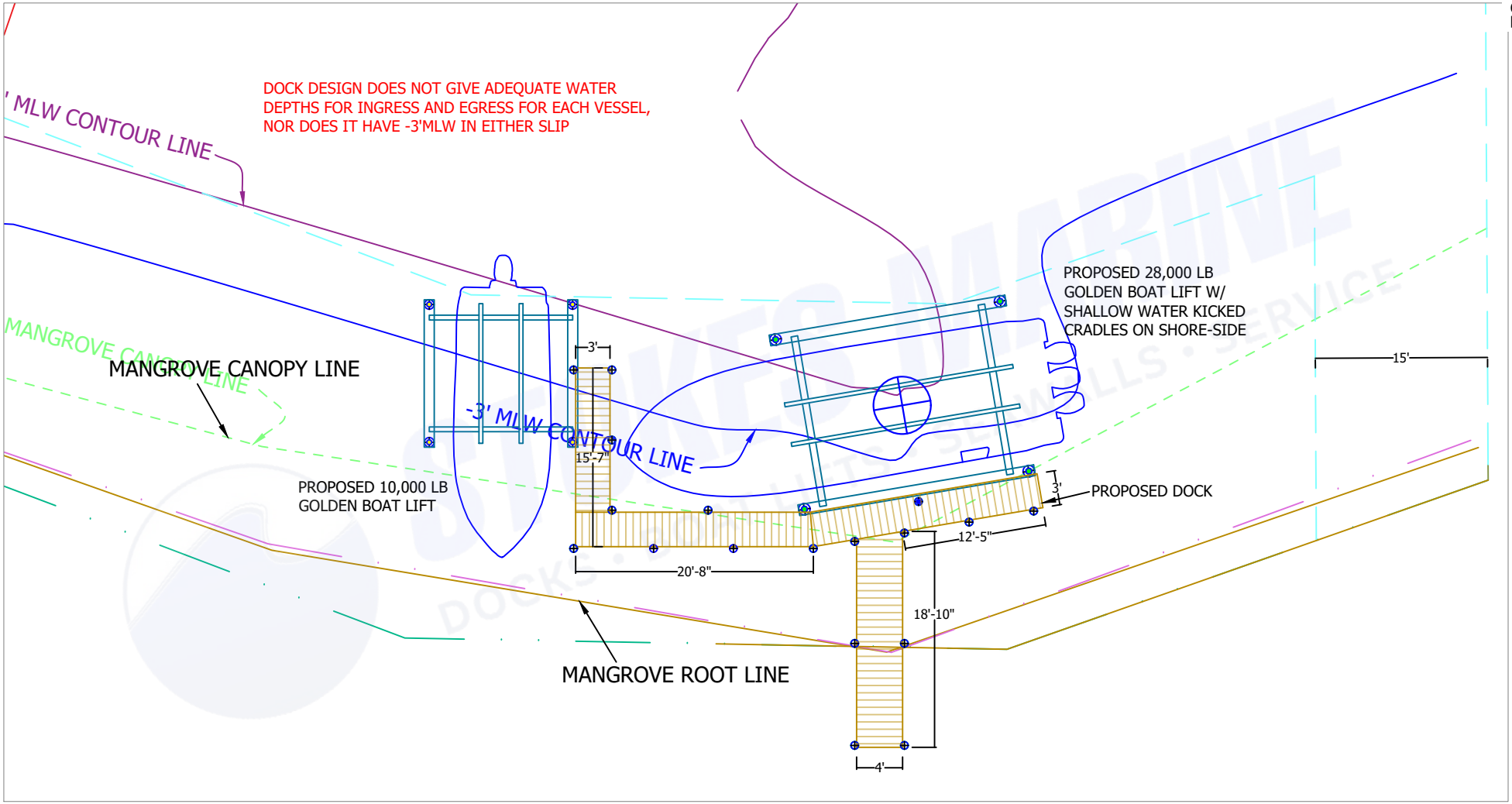
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STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	160	PROPOSED SQUARE FOOTAGE OVER WATER	199
ACCESS WALKWAY SQUARE FOOTAGE	74	PROPOSED SQUARE FOOTAGE OVER LAND	35
		TOTAL DECKING SQUARE FOOTAGE	234

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

- ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
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- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL SIGNATURE: _____

APPROVAL DATE: _____

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L-4

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



AV
L-4

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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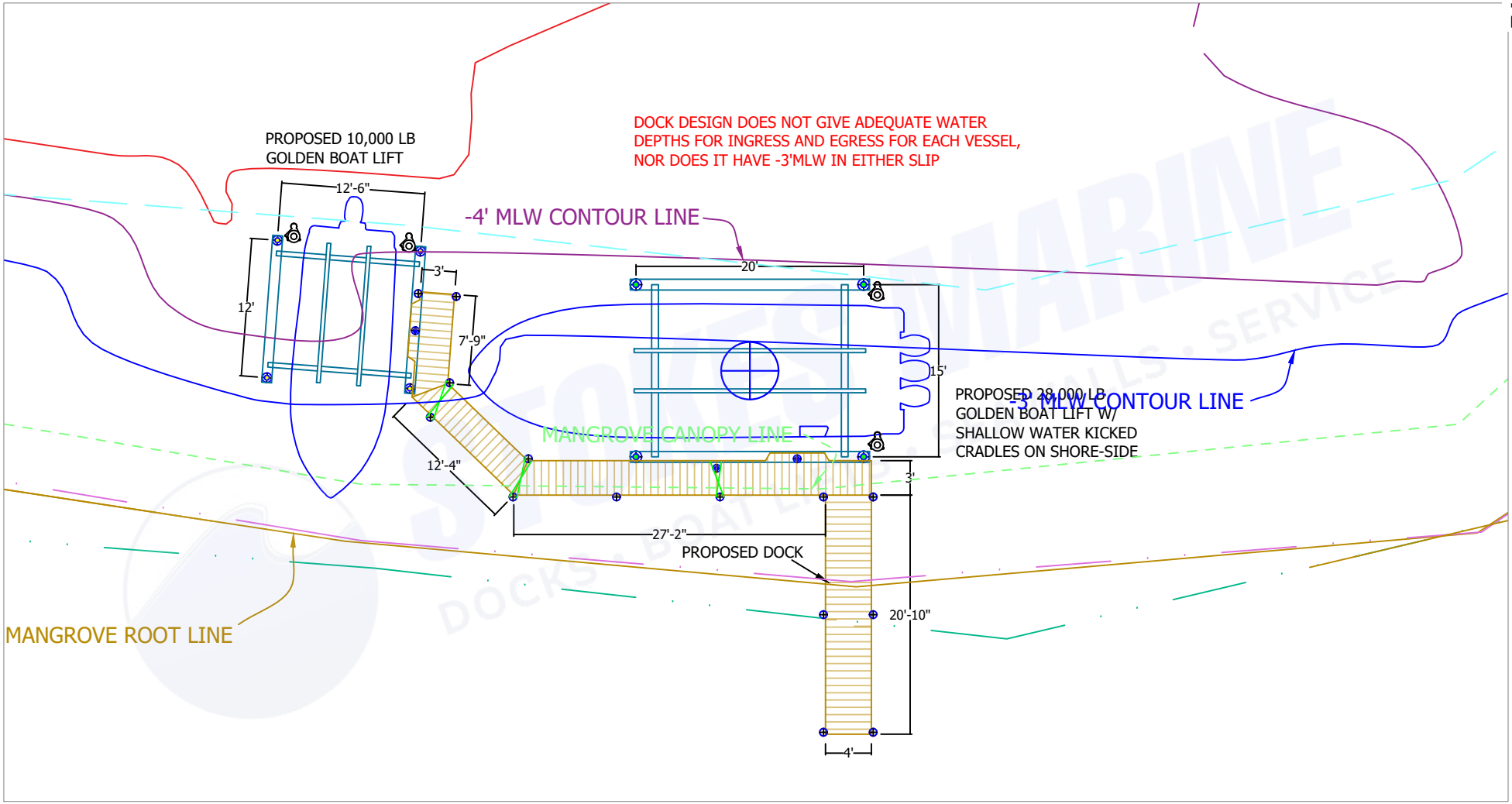
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STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	157	PROPOSED SQUARE FOOTAGE OVER WATER	201
ACCESS WALKWAY SQUARE FOOTAGE	84	PROPOSED SQUARE FOOTAGE OVER LAND	40
		TOTAL DECKING SQUARE FOOTAGE	241

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

- ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
- ALL STRINGERS TO BE .60 CCA/2"X8" R/S
- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL SIGNATURE: _____

APPROVAL DATE: _____

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L-5

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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SCALE: N.T.S.
DATE: 2026-05-21
REVISION:

SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957

STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



AV
L-5

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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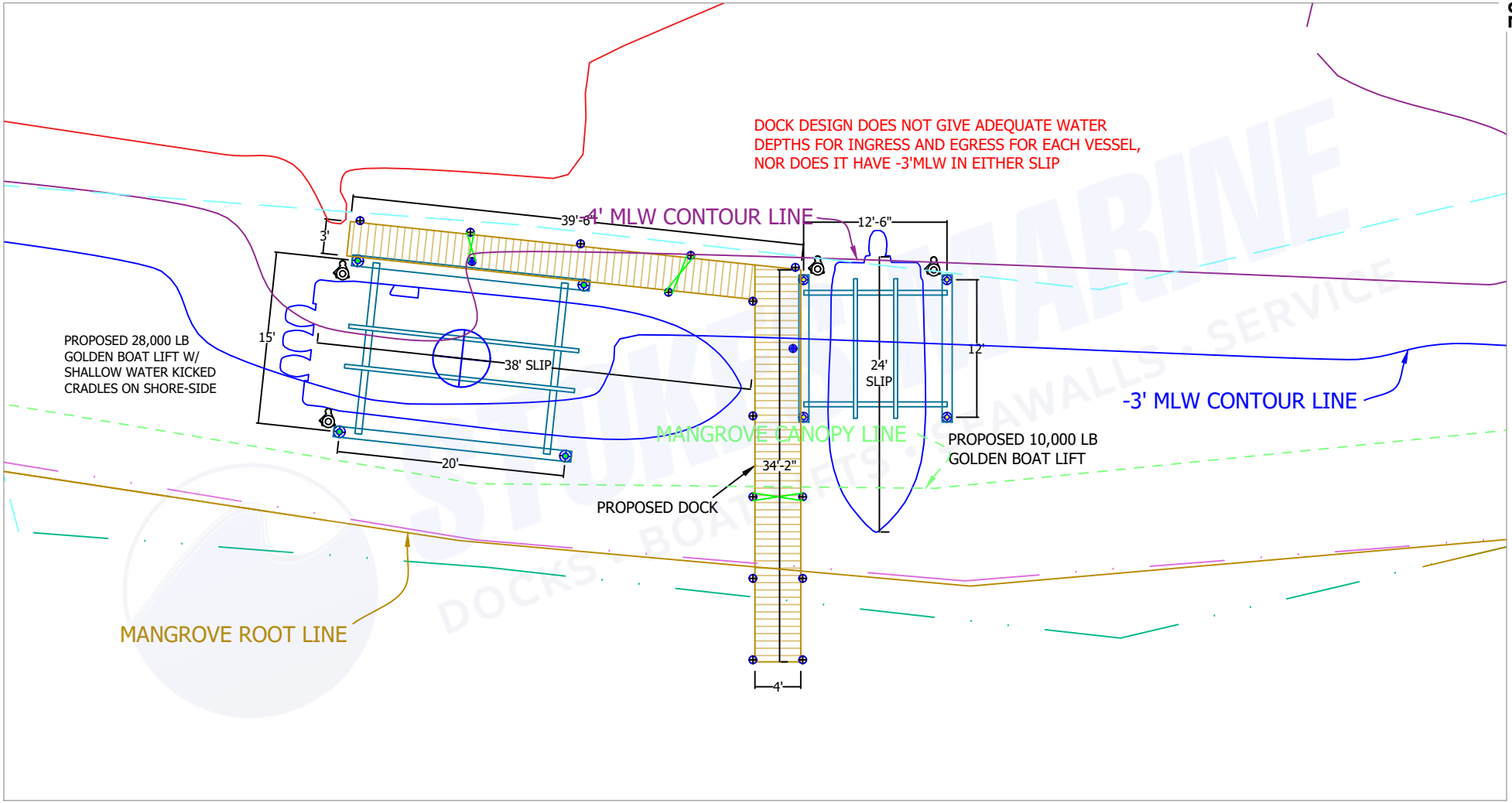
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SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957

STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	119	PROPOSED SQUARE FOOTAGE OVER WATER	223
ACCESS WALKWAY SQUARE FOOTAGE	126	PROPOSED SQUARE FOOTAGE OVER LAND	22
		TOTAL DECKING SQUARE FOOTAGE	245

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

- ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
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L-6

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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SCALE: N.T.S.
DATE: 2026-05-21
REVISION:

SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957

STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



AV
L-6

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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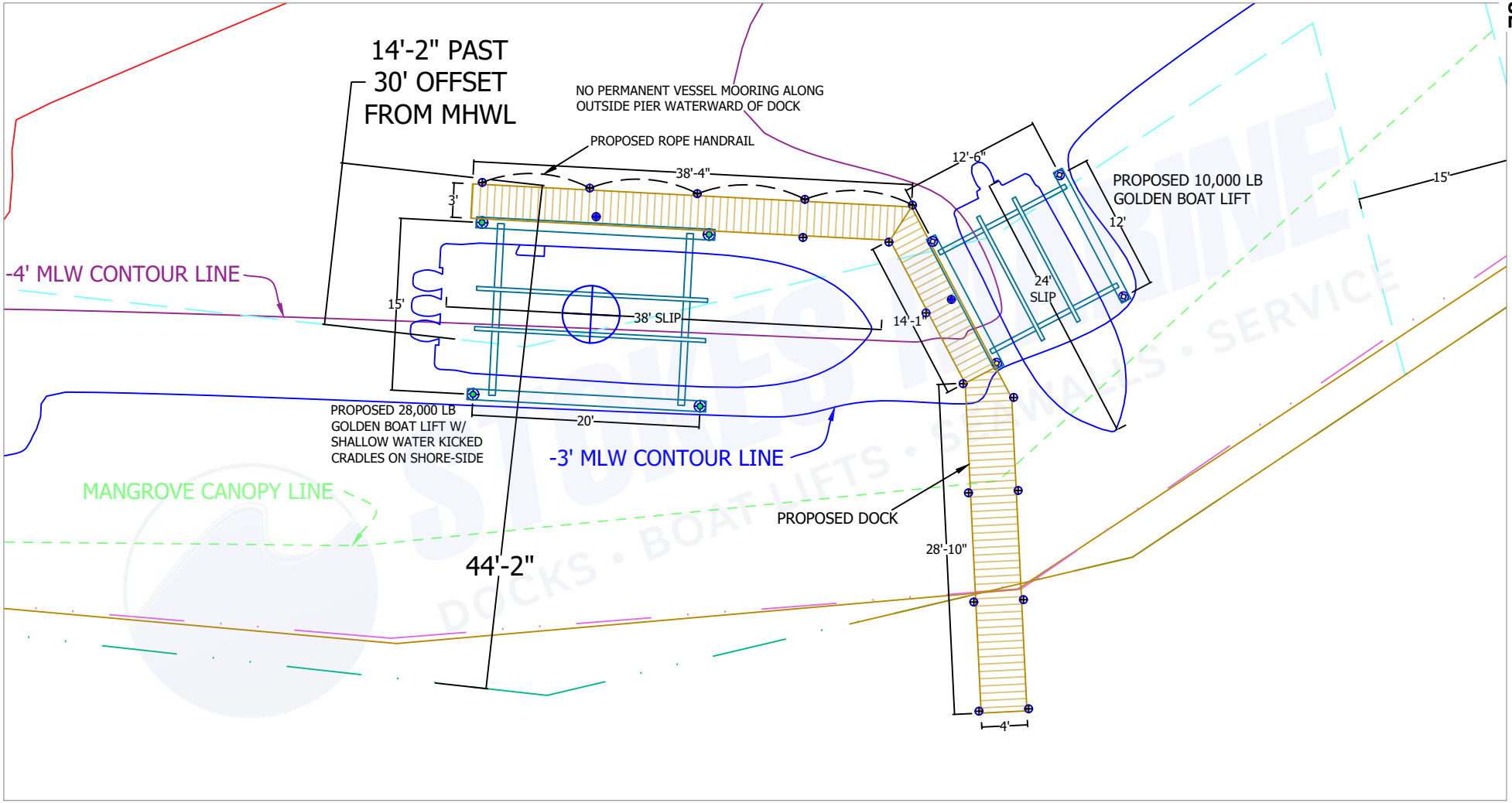
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STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	158	PROPOSED SQUARE FOOTAGE OVER WATER	231
ACCESS WALKWAY SQUARE FOOTAGE	74	PROPOSED SQUARE FOOTAGE OVER LAND	43
		TOTAL DECKING SQUARE FOOTAGE	274

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

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- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
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L-7

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



AV
L-7

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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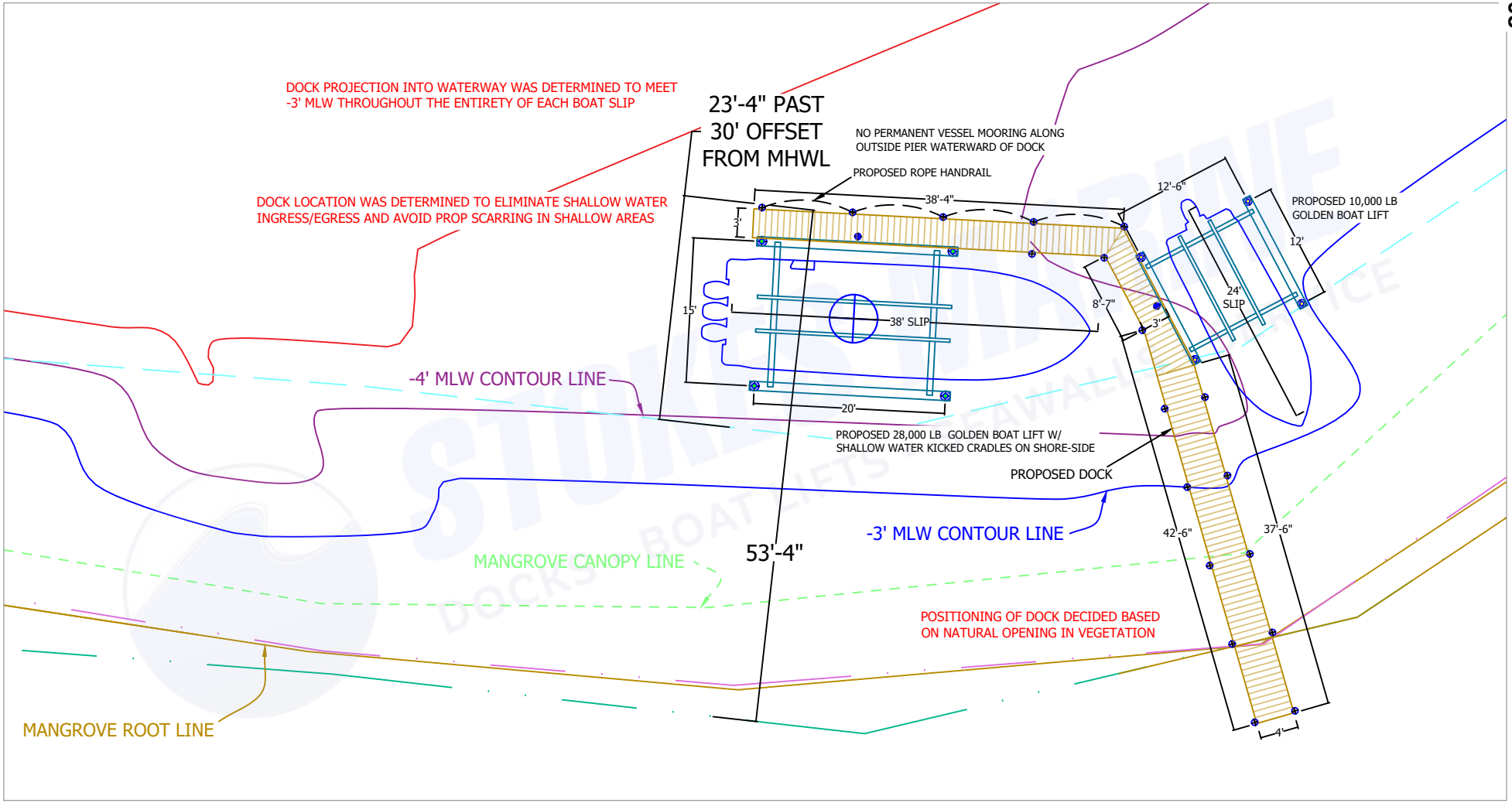
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JOB # 16910



SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	160	PROPOSED SQUARE FOOTAGE OVER WATER	277
ACCESS WALKWAY SQUARE FOOTAGE	126	PROPOSED SQUARE FOOTAGE OVER LAND	33
		TOTAL DECKING SQUARE FOOTAGE	310

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

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L-8

DOCK AND SEAWALL LANDSCAPE

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DRAWN BY: **LUIS ARROYO**

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JOB # 16910



AV
L-8

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **LUIS ARROYO**

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AV

DOCK AND SEAWALL LANDSCAPE

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SCALE: N.T.S.
DATE: 2026-06-11
REVISION:

SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957
STRAP NUMBER: 11-46-21-T1-00800.0020
OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910

Mighty Mangroves

Sanibel Vegetation Impact Survey

Planting • Trimming • Permitting

Property Address
2544 Harbour Lane
Sanibel Island, Florida 33957

PREPARED FOR:

Herbert & Rhonda Lord

CREATED BY:

Lori Vogt
Mighty Mangroves

Sanibel Vegetation Impact Survey

Date: 04 / 23 / 2026

Property Information	
Property Owner	Herbert & Rhonda Lord
Property Address	2544 Harbour Lane Sanibel Island, Florida 33957

Project Narrative

The dock project was designed to avoid and minimize impacts to mangroves, so the dock access location is being proposed further south. The relocation of the access walkway results in lesser mangrove impacts for mooring the southern vessel bow, along with greater water depth. Like for like species are typically installed with overall height mitigated at 2:1. The mangroves will be installed along the shoreline of the property in open areas.

Impacted Vegetation with Required Mitigation Calculation

Impacted Vegetation	**Overall Height Requirement** (Number impacted @ Height x 2)	**Mitigation Plantings** (Specified number of plants at available size at 2:1 with final height requirement) ***substitute red mangroves if needed**
Red mangroves *(Rhizophora mangle)*	23 @ 12" height = 23′ x 2 = 46'	18 plants @ 16" Red mangroves = 46′
White mangroves *(Laguncularia racemosa)*	8 @ 12" height = 8′ x 2 = 16' 1 @ 24" height = 2′ x 2 = 4' Lateral branch trimming to the south	12 plants @ 16" Red mangroves = 16′ 3 plants @ 16" Red mangroves = 4′ No mitigation proposed for branch trimming
Green buttonwood *(Conocarpus erectus)*	2 @ 3" dbh branch trimming for vessel mooring	No mitigation proposed for branch trimming

ASSESSMENT CRITERIA

Mitigation is typically calculated using the following formula: 1″ dbh impacted = 5′ height replacement, 2″ dbh impacted = 10′ height replacement, etc. Mitigation plantings are installed 2:1 with generally like for like species with best size replacements to achieve overall height requirements. The mitigation plantings are subject to success criteria of 80% survival over 5 years. A final report will be submitted after mitigation plant installation to provide the total number and final heights installed.

Provided by:

Lori Vogt

PMT/ISA Certified Arborist #FL-0559A

Professional Wetland Scientist #3242

Mighty Mangroves, LLC • 8256 Charter Club Circle Fort Myers, FL 33919 • 239-691-1072 • lori@mightymangroves.com

FLORIDA DEPARTMENT OF
Environmental Protection
South District
2295 Victoria Ave, Suite 364
Fort Myers FL 33901-3875
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

March 11, 2026

Herbert Lord
c/o Brent Stokes
Stokes Marine, Inc.
15955 Pine Ridge Road
Fort Myers, FL 33908
permitting@stokesmarine.com

File No.:0238560-002 EE, Lee County

Dear Herbert Lord:

On February 20, 2026, we received your Request for verification of exemption to perform the following activities:

> To install a 231 square foot private residential single-family dock with two uncovered boat lifts at 2544 Harbour Ln. Sanibel, Fl. 33957, Parcel ID No. 11-46-21-T1-00800.0020, in Dinkens Bayou, Class II Waters, Section 11, Township 46 South, Range 21 East, Lee County.

Your request has been reviewed to determine whether it qualifies for (1) a regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the **federal review portion** of this verification request. Specifically, the proposed structure is located on a natural waterbody and does not comply with the "Construction Guidelines". **Additional authorization must be obtained prior to commencement of the proposed activity**. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact us by telephone at (239) 344-5600 or by e-mail at SouthDistrict@floridadep.gov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(b), Florida Administrative Code, and Section 403.813(1) of the Florida Statutes from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review - GRANTED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-18, 18-20, and 18-21, Florida Administrative Code, as applicable.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b), Florida Administrative Code, and Section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities
All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities.

3. Federal Review - SPGP NOT APPROVED

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/.

Authority for review an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS
This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this

action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While

you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review
Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Lee County, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Toby Schwetje
Environmental Administrator
South District

Enclosures:
2 Project drawings
62-330.051(5)(b), F.A.C, 403.813(1)(b), F.S

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Fort Myers Office, fdep.other@usace.army.mil

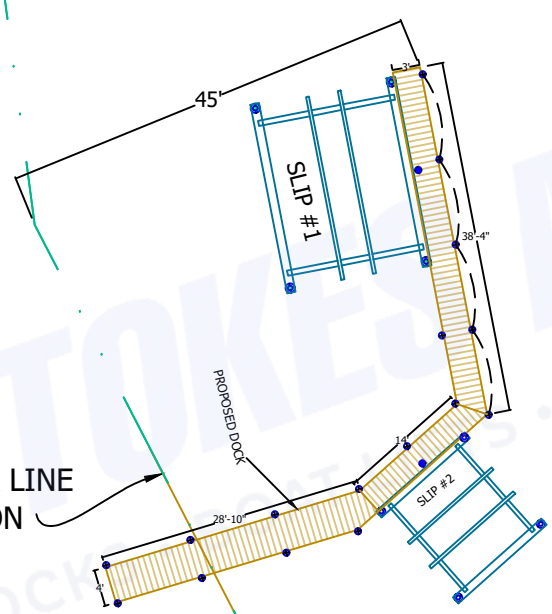
FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

_____ March 11, 2026_____
Clerk Date

* NO IMPACTS TO MANGROVES WILL OCCUR WITH DOCK PLACEMENT *

EXEMPT
File Number:
0238560-002 EE



APPROXIMATE MEAN HIGH WATER LINE
BASED ON 0.25' NAVD88 ELEVATION
(SEE GENERAL SURVEY NOTE 3)

SQUARE FOOTAGE

TERMINAL PLATFORM SQUARE FOOTAGE	158	PROPOSED SQUARE FOOTAGE OVER WATER	231
ACCESS WALKWAY SQUARE FOOTAGE	116	PROPOSED SQUARE FOOTAGE OVER LAND	43
		TOTAL DECKING SQUARE FOOTAGE	274

LEGEND

- 8"PILING - PILING HEIGHTS TO VARY
- 10"PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL
- CROSS-BRACING

ADDITIONAL INFORMATION

- ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
- ALL STRINGERS TO BE .60 CCA/2"X8" R/S
- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL SIGNATURE: _____
APPROVAL DATE: _____

ALL DIMENSIONS HEREIN AND ON SITE ARE APPROXIMATE +/- 3"-4"
DOCK TO BE BUILT LEVEL REGARDLESS OF VARYING ELEVATIONS OF SEAWALL CAP
ALL BOAT LIFT PILING DIMENSIONS ARE MEASURED FROM CENTER OF PILING TO CENTER OF PILING

L-7

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **PAYSON NOSSAMAN**

STOKES MARINE, INC.
LICENSE #CBC1262379
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908
OFFICE:239.489.DOCK FACSIMILE: 239.693.DOCK
WWW.STOKESMARINE.COM

SCALE: N.T.S.
DATE: 2026-02-20
REVISION:

SITE ADDRESS: 2544 HARBOUR LN SANIBEL FL 33957
STRAP NUMBER: 11-46-21-T1-00800.0020
OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910



AV

DOCK AND SEAWALL LANDSCAPE

SALESMAN: **PAYSON NOSSAMAN**
DRAWN BY: **PAYSON NOSSAMAN**

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STRAP NUMBER: 11-46-21-T1-00800.0020

OWNER NAME: LORD HERBERT S & RHONDA L

JOB # 16910

62-330.051 Exempt Activities.
The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –
(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:
1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Section 403.813, Florida Statutes Permits issued at district centers; exceptions.—
(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:
1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.
Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

Wendy

LETTER OF SUPPORT

Sanibel Planning Department
800 Dunlop Rd.
Sanibel, FL. 33957

via email: sanplan@mysanibel.com

Dear Planning Commissioners,

I live at 2529 Harbour Ln, within a 300-foot radius to Herbert and Rhonda Lord at 2544 Harbour Lane. The Lords have shown me their plans for a dock and lift in Dinken Bayou adjacent to our properties. I am aware that they will require a variance to exceed the 30' waterward extent for their dock and boat lift in order to reach an acceptable depth for their boat. I am also aware that a variance is requested with respect to maintaining equidistance from the lot lines. Please let this letter represent our support for their variances and whatever approvals are needed to allow their dock and boatlift to be built.

Sincerely,

Lynda W

Print Name: Winifred West

Mar 1st, 2026

Date

_____

Print Name: _____

_____, 2026

Date

Brian + Allison

LETTER OF SUPPORT

Sanibel Planning Department
800 Dunlop Rd.
Sanibel, FL. 33957

via email: sanplan@mysanibel.com

Dear Planning Commissioners,

I live at 2510 Harbour Ln, within a 300-foot radius to Herbert and Rhonda Lord at 2544 Harbour Lane. The Lords have shown me their plans for a dock and lift in Dinken Bayou adjacent to our properties. I am aware that they will require a variance to exceed the 30' waterward extent for their dock and boat lift in order to reach an acceptable depth for their boat. I am also aware that a variance is requested with respect to maintaining equidistance from the lot lines. Please let this letter represent our support for their variances and whatever approvals are needed to allow their dock and boatlift to be built.

Sincerely,

Brian Murphy — March 1, 2026

Print Name: Brian Murphy — Date

_____ — _____, 2026

Print Name: _____ — Date

LETTER OF SUPPORT

Sanibel Planning Department
800 Dunlop Rd.
Sanibel, FL. 33957

via email: sanplan@mysanibel.com

Dear Planning Commissioners,

I live at 2520 Harbour Ln, within a 300-foot radius to Herbert and Rhonda Lord at 2544 Harbour Lane. The Lords have shown me their plans for a dock and lift in Dinken Bayou adjacent to our properties. I am aware that they will require a variance to exceed the 30' waterward extent for their dock and boat lift in order to reach an acceptable depth for their boat. I am also aware that a variance is requested with respect to maintaining equidistance from the lot lines. Please let this letter represent our support for their variances and whatever approvals are needed to allow their dock and boatlift to be built.

Sincerely,

_____ 3-1, 2026

Print Name: Herb Lord Date

_____ _____, 2026

Print Name: _____ Date

MARK + Tammy

LETTER OF SUPPORT

Sanibel Planning Department
800 Dunlop Rd.
Sanibel, FL. 33957

via email: sanplan@mysanibel.com

Dear Planning Commissioners,

I live at 2552 HARBOUR LN, within a 300-foot radius to Herbert and Rhonda Lord at 2544 Harbour Lane. The Lords have shown me their plans for a dock and lift in Dinken Bayou adjacent to our properties. I am aware that they will require a variance to exceed the 30' waterward extent for their dock and boat lift in order to reach an acceptable depth for their boat. I am also aware that a variance is requested with respect to maintaining equidistance from the lot lines. Please let this letter represent our support for their variances and whatever approvals are needed to allow their dock and boatlift to be built.

Sincerely,

Mark R Headley

Print Name: Mark R. Headley

3/2/, 2026
Date

Tammy Headley

Print Name: Tammy Headley

3/2, 2026
Date

LETTER OF SUPPORT

Sanibel Planning Department
800 Dunlop Rd.
Sanibel, FL. 33957

via email: sanplan@mysanibel.com

Dear Planning Commissioners,

I live at 2499 Harbour Ln., within a 300-foot radius to Herbert and Rhonda Lord at 2544 Harbour Lane. The Lords have shown me their plans for a dock and lift in Dinken Bayou adjacent to our properties. I am aware that they will require a variance to exceed the 30' waterward extent for their dock and boat lift in order to reach an acceptable depth for their boat. I am also aware that a variance is requested with respect to maintaining equidistance from the lot lines. Please let this letter represent our support for their variances and whatever approvals are needed to allow their dock and boatlift to be built.

Sincerely,

Mark R. Headley 3/2, 2026

Print Name: Mark R. Headley Date

_____ _____, 2026

Print Name: _____ Date

Planning Commission Meeting

June 23, 2026

- **PLANNING COMMISSION AGENDA ITEM :** 7B
- **APPLICATION NUMBER:** PL20260014 (VARIANCE)
- **PROPERTY ADDRESS:** 2544 HARBOUR LANE

APPLICANT

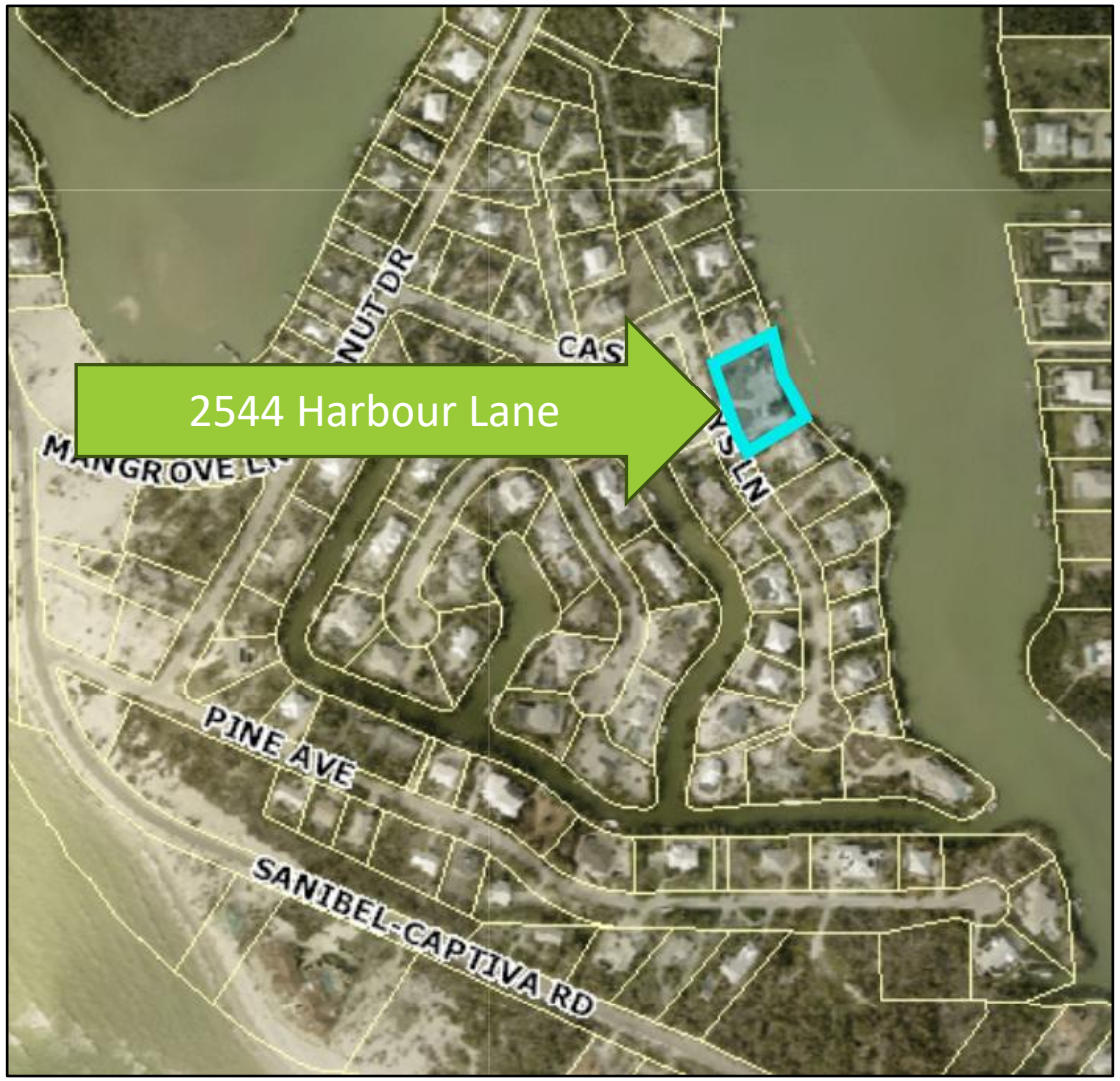
RAYCHEL THOMAS, ON BEHALF OF

HERBERT AND RHONDA LORD (PROPERTY OWNERS)

Variance Request

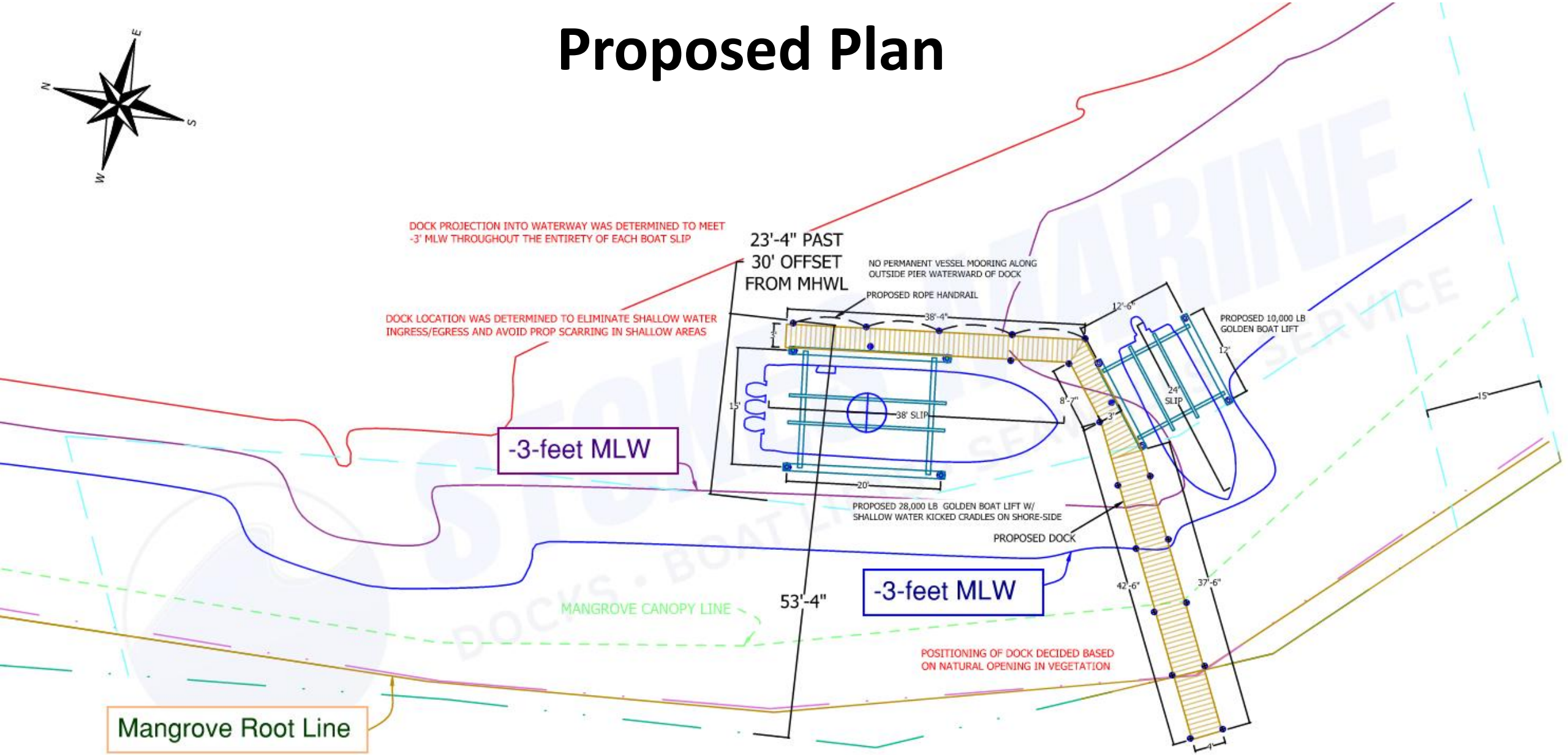
Consideration of an application for a variance filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision II – Variances, Section 82-138 – Application and hearing, to request a variance from Section 126-875(1)(b) – Waterward extension, to allow the installation of a boat 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.

Property Location



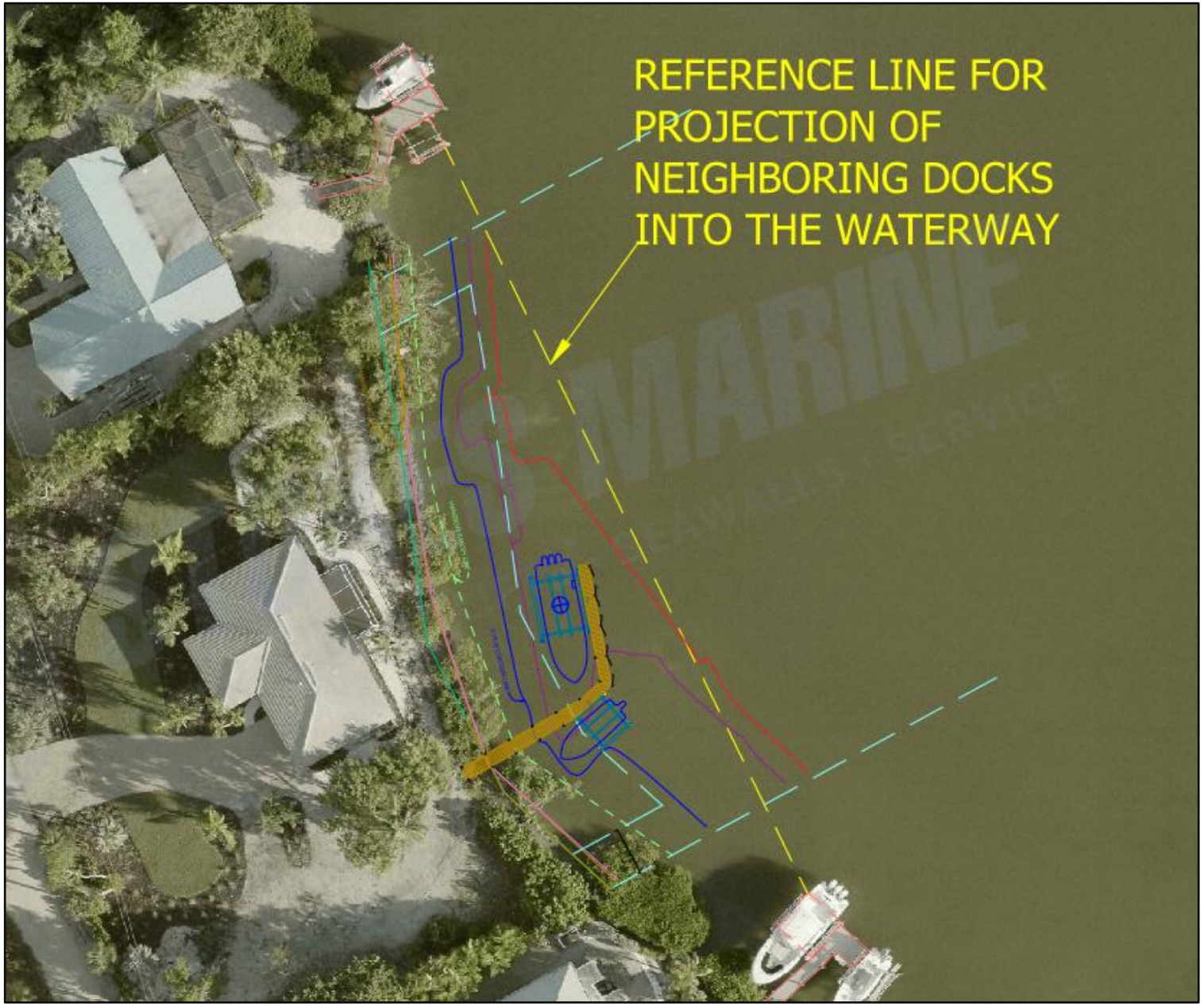


Proposed Plan



Application Numbers: PL20260014

Proposed Plan





Sanibel Code Requirement	Staff Comments	Requirement 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 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.	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 shoreline curvature combined with the offshore topographic contour are unusual conditions specific to this property.	Yes

Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-140 – Variance Standards		
(3) That the special conditions and circumstances do not result from actions taken by the applicant	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.	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.	Various designs and locations for placement of the dock were conducted by the marine contractor based upon the site specific natural conditions and circumstances demonstrating all reasonable steps have been taken to mitigate or eliminate the requested variances.	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.	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

Sanibel Code Requirement	Staff Comments	Requirement met?
Sec. 82-140 – Variance Standards		
(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.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.	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.	Yes
(7) That the variance granted is the minimum necessary to mitigate the hardship demonstrated.	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.	Yes

The Planning Department finds the requested variances are consistent with the Sanibel Plan and Sanibel Code with Recommended Conditions of Approval

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.

CITY OF SANIBEL
DRAFT PLANNING COMMISSION RESOLUTION 26-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL; RELATING TO A VARIANCE (APPLICATION NO. PL20260014) RELATIVE TO 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 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, ON PROPERTY OWNED BY HERBERT AND RHONDA LORD, AND LOCATED AT 2544 HARBOUR LANE, TAX PARCEL NO. 11-46-21-T1-00800.0020, FILED PURSUANT TO SECTION 82-138 OF THE LAND DEVELOPMENT CODE; MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 82-138 provides for the application for a variance; and Sections 82-140 of the Land Development Code provides that the Planning Commission may grant variances from the requirements of applicable provisions of the Land Development Code; and Section 126-875(1)(b) provides that 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; and Section 126-894 provides that 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; and

WHEREAS, Herbert and Rhonda Lord, owners of the property located at 2544 Harbour Lane, have authorized Raychel Thomas, Pavese Law Firm, to submit Application No. PL20260014 to allow the installation of a boat lift with a waterward extension greater than 15 feet waterward of the mangrove roots, and to allow installation of a dock and boat lifts less than the required side yard setback for structures not placed equidistant from lot lines; and

WHEREAS, the applicant has requested approval of Application No. PL20260014 for the property located at 2544 Harbour Lane; and

WHEREAS, a duly noticed public hearing of the application was held on June 23, 2026; and

WHEREAS, after providing the applicant, staff, and the public an opportunity to present testimony and evidence, and having reviewed the record, the Planning Commission finds that the variance application **does / does not** meet the seven variance criteria required by LDC Section 82-140.

NOW, THEREFORE, BE IT RESOLVED, THE PLANNING COMMISSION OF THE CITY OF SANIBEL hereby **approves / denies** Application No. PL20260014 to allow the installation of a boat lift with a waterward extension greater than 15 feet waterward of the mangrove roots, and

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 property located at 2544 Harbour Lane (tax parcel No. 11-46-21-T1-00800.0020) and owned by Herbert and Rhonda Lord.

Approval of this Variance Petition is pursuant to the application and attachments included with the item, and subject to the following condition(s) contained in the June 23, 2026, staff report:

1. Approval of the two variance requests to allow the boat dock to extend approximately 50-foot 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 to the staff report).

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 to the staff report), 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.

This resolution will take effect immediately upon adoption.

EXPIRATION OF PLANNING COMMISSION ACTION; In accordance with Land Development Code Section 82-424(f) Action on Application. When a development order is approved with conditions imposed thereon, such conditions shall be satisfied within the time limit specified in the development order issued by the Planning Commission. When such conditions specify requirements to be completed before a development permit is issued, and no particular time limit is specified for satisfaction of the conditions, such conditions must be satisfied within six months after issuance of the development order. Failure to satisfy a condition imposed upon the approval of a development permit, within the time limit specified therefor, or such extended time period as the Planning Commission may approve upon timely application of the permittee, shall cause the development order approving the development permit to be null and void and of no further force or effect.

EFFECTIVE DATE OF PLANNING COMMISSION ACTION: Development Permit: In accordance with Land Development Code Section 82-97. All actions of the Planning Commission, including those which constitute final decisions, shall be effective upon the date of filing of the adopted Resolution with the City Manager, or at a later date if provided in the Resolution. However, permits authorized by final decisions shall not be issued until one of the following has occurred: 1) The time for filing an appeal to City Council has elapsed; 2) The applicant and all other persons having appeal rights have filed a written waiver of appeal rights; or 3) If an appeal has been timely filed, the City Council has finally disposed of the matter.

RIGHT TO APPEAL PLANNING COMMISSION ACTION: In accordance with Land Development Code Section 82-98. Appeals. The applicant is hereby advised that the following persons have the right to appeal a final decision of the Planning Commission adverse to their interests: 1) The applicant; 2) The owner of the property proposed for development; 3) The

developer of the property proposed for development; and 4) Any other person residing upon, or owning property within the City, or owning or operating a business within the City, who participated by written comment before or at the Planning Commission hearing or who participated in person or through an authorized agent at the Planning Commission hearing. The appeal shall be filed within 15 days after the date that the Planning Commission decision was filed. The appeal shall be filed with the City manager, and the filing fee shall be paid as a prerequisite to filing.

DISCLAIMER & PERMIT CONDITION (APPLICABLE ONLY IF FEDERAL OR STATE PERMITS ARE REQUIRED): Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 23RD DAY OF JUNE 2026.

Attest:

Scotty Lynn Kelly, City Clerk

Paul Nichols, Chair

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk:_____

Vote of Commission Members:

Nichols _____
Steiner _____
Burns _____
Colter _____
Schopp _____
Sergeant _____
Welch _____

Planning Commission

2026 MEETING SCHEDULE

MacKenzie Hall - 800 Dunlop Road

(2nd and 4th Tuesday of the month at 9:00 a.m.)

9:00 AM (Only one meeting in Jan)	**Tuesday, January 27, 2026**
9:00 AM ~~**Tuesday, February 10, 2026**~~ **CANCELLED**	**Tuesday, February 24, 2026**
9:00 AM ~~**Tuesday, March 10, 2026**~~ **CANCELLED**	**Tuesday, March 24, 2026**
9:00 AM **Tuesday, April 14, 2026**	~~**Tuesday, April 28, 2026**~~ **CANCELLED**
9:00 AM **Tuesday, May 12, 2026**	**Tuesday, May 26, 2026**
9:00 AM **Tuesday, June 9, 2026**	**Tuesday, June 23, 2026**
9:00 AM ~~**Tuesday, July 14, 2026**~~ **CANCELLED**	**Tuesday, July 28, 2026**
9:00 AM **Tuesday, August 11, 2026**	**Tuesday, August 25, 2026**
9:00 AM **Tuesday, September 8, 2026**	**Tuesday, September 22, 2026**
9:00 AM **Tuesday, October 13, 2026**	**Tuesday, October 27, 2026**
9:00 AM **Tuesday, November 10, 2026**	(Only one meeting in Nov)
9:00 AM ***Tuesday, December 15, 2026** (3rd Tuesday due to Chanukah)	(Only one meeting in Dec)

PLANNING COMMISSION STANDING SUBCOMMITTEES

2026 Subcommittee Work Plan:

Below Market Rate Housing Review
Annual Review with CHR Board President and Planning Director
Capital Improvements Review
Annual Review with Planning Director
Land Development Code Review
Annual Review with Planning Director
Permitting Process Review
Annual Review with Planning Director

2026 Subcommittee Calendar:

	Below Market Rate Housing Review (BMRH)
July 14, 2026	Capital Improvement Projects Review (CIP)
February 24, 2026	Land Development Code Review (LDC)
	Permitting Process Review (PPR)

2026 Subcommittee Assignments

(No minimum or maximum membership requirements for any Planning Commission Subcommittee)

	2026 Membership
Below Market Rate Housing Review (BMRH)	**Kate Sergeant (Chair)**
	Tiffany Burns
	Paul Nichols
	Lyman Welch
Capital Improvement Projects Review (CIP)	**Erika Steiner (Chair)**
	Tiffany Burns
	Ken Colter
	Larry Schopp
	Kate Sergeant
Land Development Code Review (LDC)	**Larry Schopp (Chair)**
	Tiffany Burns
	Ken Colter
	Paul Nichols
	Kate Sergeant
	Erika Steiner
	Lyman Welch
Permitting Process Review (PPR)	**Ken Colter (Chair)**
	Tiffany Burns
	Paul Nichols
	Larry Schopp
	Erika Steiner
	Lyman Welch

PLANNING COMMISSION
2026 LIAISON TO COUNCIL
REPORT SCHEDULE

9:00 am	**Tuesday, January 13, 2026**	Commissioner Schopp
9:00 am	**Tuesday, February 3, 2026**	Commissioner Steiner
9:00 am	**Tuesday, March 3, 2026**	Commissioner Burns
9:00 am	**Tuesday, April 21, 2026**	Commissioner Nichols
9:00 am	**Tuesday, May 5, 2026**	Commissioner Colter
9:00 am	**Tuesday, June 2, 2026**	Commissioner Welch
9:00 am	**Tuesday, July 21, 2026**	Commissioner Sergeant
9:00 am	**Tuesday, August 18, 2026**	Commissioner Schopp
9:00 am	**Monday, September 14, 2026**	Commissioner Steiner
9:00 am	**Tuesday, October 6, 2026**	Commissioner Burns
9:00 am	**Tuesday, November 3, 2026**	Commissioner Nichols
9:00 am	**Tuesday, December 1, 2026**	Commissioner Colter

Approved 1/27/26