

Per LDC 82-140 and 94-72(b)

1. Special conditions exist that are peculiar to the land, structure, or building and that do not apply generally to other lands in the same district.

✓ *Met:* The subject property is located along a shallow portion of Clam Bayou where the mean high water line (MHWL) is approximately 0.25' NAVD, far shallower than most waterfront parcels in Sanibel. This shallow condition limits navigability and access, making the site unique in terms of design constraints.

2. The special conditions are not the result of the actions of the applicant.

✓ *Met:* The shallow water depth and mangrove recruitment are entirely **natural conditions**. Neither the upland property owner nor the contractor has altered the shoreline or bayou to cause these conditions.

3. Literal interpretation of the provisions of the land development code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

✓ *Met:* Without a variance, the property owner would be denied any reasonable access to the bayou for kayaking or paddleboarding—rights commonly exercised by other Sanibel waterfront homeowners. Other parcels are able to construct docks of similar function and reach navigable water.

4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

✓ *Met:* The proposed dock extends only 17 feet waterward from the shoreline, which is the minimum necessary distance to reach 2–3 feet of water depth for launching non-motorized vessels. This is supported by a professional bathymetric survey and avoids excessive encroachment into the bayou.

5. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

✓ *Met:* The dock complies with all 45-foot lateral setbacks, has been approved by the

FDEP, and has an issued vegetation permit with required mitigation. It will be used for non-motorized, passive recreation only. No lighting or utilities are proposed. It poses no interference to adjacent property owners, wildlife, or navigation.

6. The conditions upon which the requested variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

✓ *Met:* While Sanibel has many waterfront properties, this site's combination of extremely shallow MHWL and dense natural mangrove fringe makes it uniquely constrained and deserving of special consideration. The mitigation permit and dock design reflect these site-specific challenges.

7. The variance will be in harmony with the general intent and purpose of the land development code and the comprehensive plan.

✓ *Met:* The dock is designed for low-impact, non-motorized residential use, avoids all critical marine and mangrove resources, and complies with FDEP and City vegetation permitting. It supports the goals of the Comprehensive Plan by promoting responsible waterfront access without harming natural resources.

This variance request meets all seven standards for approval under LDC Section 82-140 and Section 94-72(b) and provides the minimum relief necessary to afford reasonable, environmentally responsible access to Clam Bayou.