



## AGENDA MEMORANDUM

## Natural Resources Department

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Planning Commission Meeting Date: July 22, 2025  
5809 Sanibel-Captiva Road, Variance (VAR-2025-000264)  
Item 6(a)

**To:** Planning Commission  
**From:** Dana Dettmar, Environmental Biologist  
**Date:** July 11, 2025

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**SUBJECT:** VARIANCE REQUEST TO MEAN LOW WATER LIMIT FOR A NON-MOTORIZED VESSEL DOCK

### SUMMARY

The applicant has submitted a variance request to mean low water limit in order to install a dock for a non-motorized vessel on a natural waterbody (Clam Bayou). On April 10, 2025 & July 11, 2025, Natural Resources staff performed a site inspection to evaluate the project. Below are Natural Resources' findings:

- While seagrasses and oyster beds are present in Clam Bayou, Natural Resources did not observe any in this location that would be impacted by the installation of the terminal platform.
- A mangrove fringe is present on-site and a list of mangrove impacts was submitted by the applicant. While the number of impacts may seem significant (10 red mangroves & 7 white mangroves), the fringe is comprised of numerous mangrove saplings and lacks mature trees. The location of the dock footprint through the mangrove fringe in an area with a natural opening minimizes the extent of mangrove impacts. The proposed access is 4 feet in width. While this exceeds the minimum width (3-feet) allowed by the Sanibel Land Development Code, a reduction in width would not significantly reduce the extent of mangrove impacts.
- Natural Resource did not observe any active waterbird nests within the mangrove fringe at the time of inspection.

The applicant has received an exemption letter (0318007-003-EE) from the Florida Department of Environmental Protection (DEP) for the proposed dock construction and received authorization from the Army Corps of Engineers pursuant to the State Programmatic General Permit. The applicant must adhere to the conditions set forth DEP exemption letter.

### RECOMMENDATION

Staff recommends the following conditions be included as part of the variance resolution:

*Sanibel is and shall remain a barrier island sanctuary*

1. Impacts to mangroves and other native plants shall be in accordance with the approved impact list & mitigation plan submitted by Mighty Mangroves (dated 4/8/2025). A final mitigation plan shall be submitted as a final document for review and approval by City staff prior to plant installation.
2. If unanticipated/unauthorized impacts occur as a result of the project, additional mitigation may be assessed during the final inspection.
3. Mangrove mitigation plantings must be installed on-site and are subject to an 80-percent survival success criteria for five years following the date of initial planting.
4. Any future trimming to maintain dock access or views of the water requires a separate annual mangrove trimming permit, and permit conditions must be strictly adhered to.



Figure 1. Staked access through mangrove fringe





Figure 2. Stake marking end of accessway, placing terminal platform waterward of mangrove fringe