

Planning Commission Meeting

June 23, 2026

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

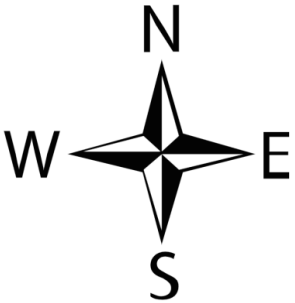
APPLICANT

**RAYCHEL THOMAS, ON BEHALF OF
GAETTA PARTNERS LP (PROPERTY OWNER)**

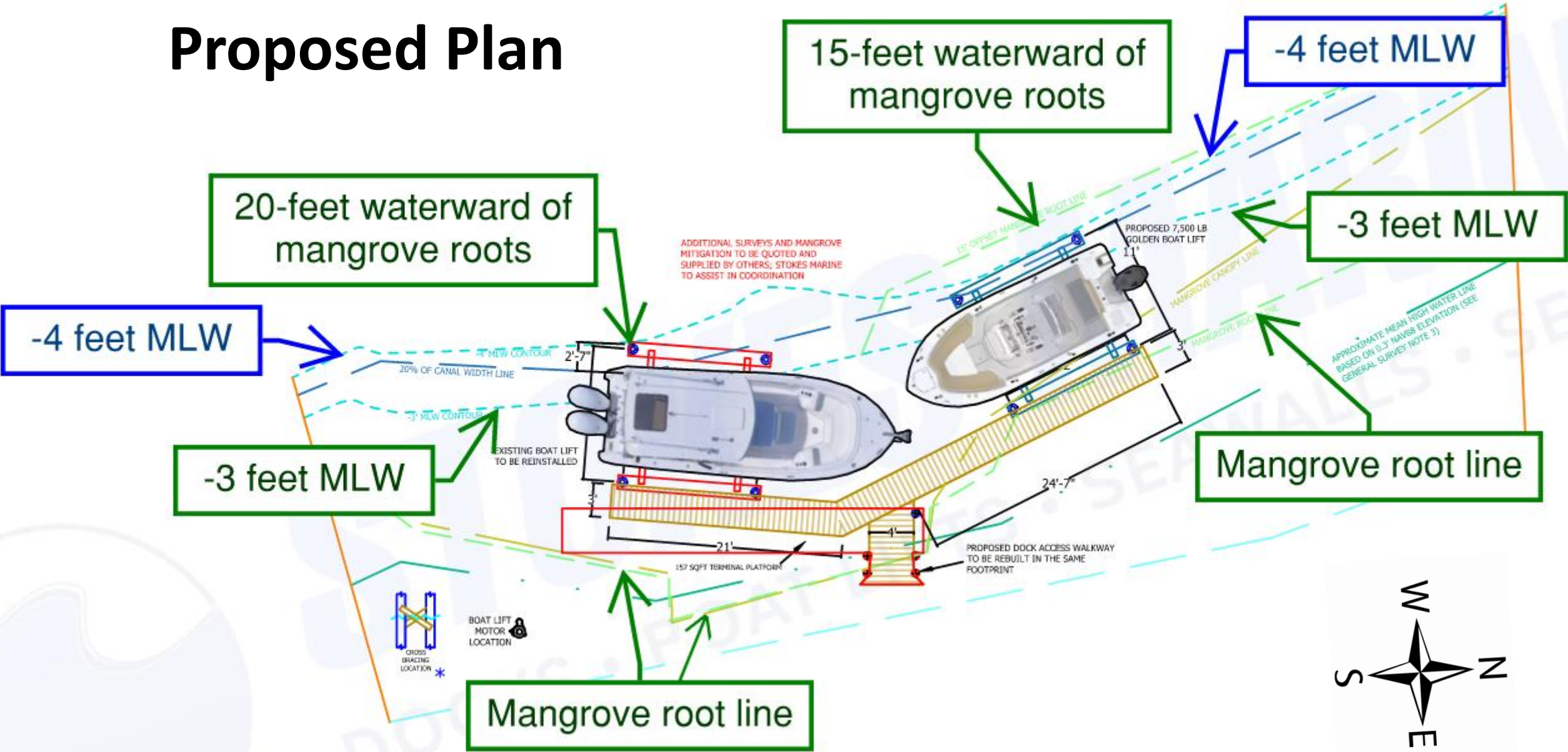
Variance Request

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?
<p>Sec. 82-140 – Variance Standards</p>		
<p>(6) That the requested variance will not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this Land Development Code, and will not cause the proposed development to be inconsistent with the Sanibel Plan nor adverse to the health, safety and general welfare of the community.4) That the applicant has taken all reasonable steps to mitigate or eliminate the requested variance by the acquisition of adjacent lands or the relocation or redesign of the structure involved.</p>	<p>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.</p>	<p>Yes</p>
<p>(7) That the variance granted is the minimum necessary to mitigate the hardship demonstrated.</p>	<p>The proposed design is the minimum necessary to accommodate a boat dock with two boat lifts as is allowed by the Sanibel Code.</p>	<p>Yes</p>

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.