

Variance Standards Response – Residential Pool Installation, 499 Leather Fern Place, Sanibel, FL 33957

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.

The property located at 499 Leather Fern Place lies within the Sanibel Highlands, an interior wetlands conservation district that limits development to 20 percent of the lot area, as compared to 30 percent for non-wetlands properties. This reduced developable area, combined with the parcel's irregular shape, the placement of the existing residence and driveway, required setbacks, drainage requirements, easements, and protected wetland areas, significantly restricts the available buildable envelope of the residential pool and deck. As a result, there is insufficient impervious and developable area to accommodate a reasonably sized residential swimming pool under strict application of the development regulations. This practical hardship arises from the property's unique physical characteristics and applicable regulatory constraints, not from any action by the property owners.

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.

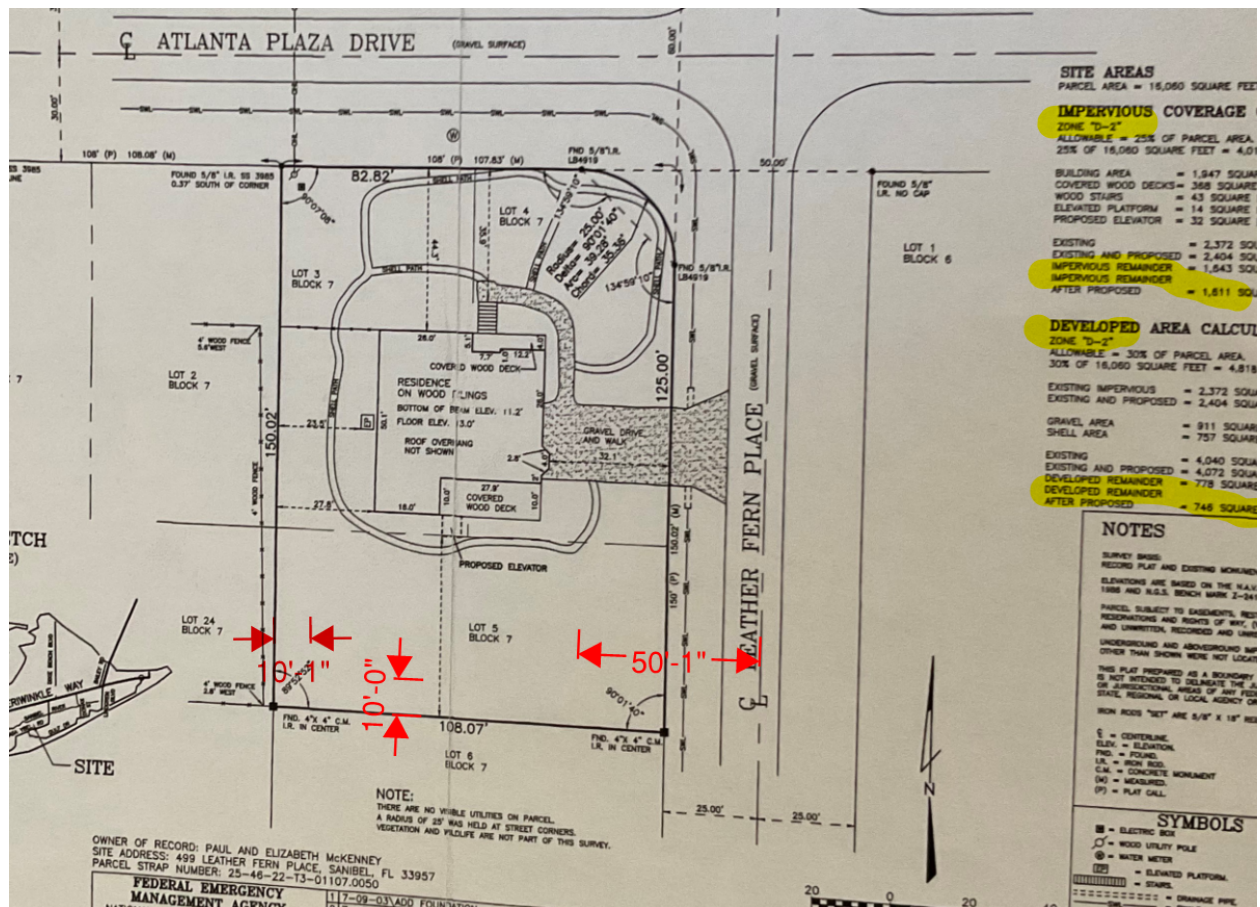
The conditions necessitating the variance are unique to this parcel and are not representative of general conditions within the zoning district. Many surrounding properties have larger or less constrained buildable areas that allow for pools without variance relief. At 499 Leather Fern Place, however, the wetlands designation and the existing site layout substantially limit yard space. Given these site-specific constraints, the proposed side-yard location, as shown on the amended plat and drainage plan, represents the only feasible placement for a residential pool.

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 hardship is not self-created and results solely from a combination of the property's environmental designation and development limitations, as well as errors made on the City of Sanibel's part. This information was requested when we were initially looking to purchase a home. A requirement for us was having a pool, thus the inquiry about adding a pool to 499 Leather Fern Pl. when I made the inquiry on March 19th 2025, this is the information I was provided by Savannah White, Senior Planner at the City of Sanibel's office, after I provided the property plat:

“The setbacks drawn are approximate and not to exact scale.”

The required setbacks in the Upland Wetland Zone are as follows:



Front yard: 50' from centerline of Leather Fern
 Side yard: 10' from property line
 Rear yard: 10' from property line

According to the calculations on the survey, this property has a remainder of 1,511sf of impervious area left and 745sf developed area left."

When we were provided this information, we made the decision to purchase 499 Leather Fern Place. Once we closed on the home May 2, 2025, about a week later we had our electric upgraded with anticipation of installing a pool, this upgrade cost to get the electric up to spec to handle the amperage of a pool pump and pool heater, cost us over \$13,000. We immediately contracted with a pool company, Bahama Pools of Fort Myers. Their engineer (LIS Engineering) drew up a pool and small brick paver deck based on the information provided by Savannah White on March 19th 2025. Once the permit was submitted to the City of Sanibel, it was rejected after a deeper dive was done on the property, after extensive conversations with several city planners and officials, and ultimately Kim Ruiz, the original plans weren't calculated correctly. Which she can speak to.

In addition, the proposed pool will provide significant health and quality-of-life benefits for Caitlin Bouchard, a resident of the home who has Phelan-McDermid Syndrome, a rare and profound developmental disability, she is unable to speak and requires 24-hour care by her family. Aquatic therapy is an essential component of her care, offering physical benefits such as improved mobility, balance, strength, and circulation, as well as important psychological benefits including reduced anxiety and improved emotional well-being. The pool will serve a meaningful therapeutic purpose while remaining consistent with residential use.

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 applicants have made diligent efforts to minimize the variance request. The pool has been reduced in size and carefully configured to remain as compliant as possible within the limited buildable area. Alternative layouts, including rear-yard placement and further dimensional reductions, were thoroughly evaluated but found to be impractical due to safety, functionality, or continued noncompliance. Acquisition of adjacent property is not feasible, as all neighboring parcels are fully developed.

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 cumulative effect of the 20 percent developable area limitation, required setbacks, and existing site conditions, development of a conforming residential swimming pool is not feasible without variance relief. Without approval, the applicants would be deprived of a customary residential accessory improvement that is otherwise permitted within the zoning district and commonly found throughout the surrounding neighborhood.

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.

Granting the variance will not adversely affect the character of the neighborhood or conflict with the intent of the Land Development Code or the Sanibel Plan. Residential swimming pools are customary accessory uses within this zoning district. The proposed pool will remain entirely within property boundaries, comply with all safety, barrier, and drainage requirements, and will not impact neighboring properties or public areas. The limited setback adjustment will not be visible from the public right-of-way and will preserve the established residential character of the area.

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

The requested variance represents the minimum adjustment necessary to address the documented hardship and allow for reasonable residential use of the property. Approval will support the

health, safety, and general welfare of the occupants while remaining consistent with surrounding development patterns and regulatory objectives. No greater relief is requested than is necessary to permit installation of a reasonably sized residential pool and associated deck in the plans provided in the official variance request.