



AGENDA MEMORANDUM

*Natural Resources
Department*

Planning Commission Meeting Date: April 22, 2025
1517 Periwinkle Way, Variance Request (VAR-2025-000256)
Item 7.b.

To: Craig Chandler, Planning Deputy Director
From: Dana Dettmar, Environmental Biologist
Date: April 14, 2025

SUBJECT: VARIANCE REQUEST FOR CHAPTER 122, ARTICLE II-LANDSCAPING, DIVISION II-COMMERCIAL AND INSTITUTIONAL USES

SUMMARY

Community Housing & Resources (CHR) has submitted a variance request from Sec. 122-48 (Location and size of required vegetation buffers) and Sec. 122-49 (Types, varieties and numbers of plants required) due to the presence of an easement on the eastern property line and the presence of the 200ft setback from the Sanibel River in accordance with the Interior Wetlands Conservation District.

Section 126-554. – Finding of fact

- (1) Few barrier islands in the world have an interior freshwater system such as the Sanibel River, which includes adjacent low-lying interior wetlands draining into the river. This interior system is one of the most unique and important of the island's natural resources. It supports over 40 species of vertebrate animals, countless invertebrates, and hundreds of valuable native plant forms.
- (5) Wetlands, through natural water filtration and biological and chemical processes, serve to purify water by modulating its passage through the wetlands system into the Sanibel River.

Section 126-555 – Objectives

- (4) To minimize erosion and sedimentation and to protect, restore, and maintain the chemical, physical and biological integrity of open bodies of water including the Sanibel River;

Land Development Code Article IX. – Interior Wetlands Conservation District places a high value on the preservation and protection of the Sanibel River and its surrounding wetlands, as noted in the above code sections. Natural Resources finds that the protection of the Sanibel River, by adhering to the 200ft development setback requirement, creates limitations within the buffers. As a result, full compliance with all aspects of the vegetation buffer standards is likely not feasible; however, conformance with vegetation buffer standards should be furthered to the greatest extent possible to properly and adequately address variance standards. In particular, standard 7: "That the variance granted is the minimum necessary to mitigate the hardship

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demonstrated.” Below is a table summarizing the variance request and buffer compliance and is based on the landscape plan submitted by the applicant and dated 2/8/2025.

	North (Front)	West (Side)	East (Side)	South (Rear)
<i>Location & Size (Sec. 122-48)</i>	Variance request due to 200ft Sanibel River setback resulting in development within buffer	Variance request due to 200ft Sanibel River setback resulting in development within buffer	Variance request due to 200ft Sanibel River setback resulting in development within buffer; presence of an easement	Variance request due to 200ft Sanibel River setback resulting in development within buffer
<i>Required buffer area vs. plantable area</i>	1,473 sqft required 711 sqft plantable	3,315 sqft required 2,754 sqft plantable	3,157 sqft required 2,155 sqft plantable	1,575 sqft required 1,542 sqft plantable
<i>Types, varieties & number of plants required (Sec. 122-49)</i>	Variance request due to existing vegetation and proximity to proposed infrastructure	Compliant within plantable area	Compliant within plantable area	Compliant within plantable area
<i>Native vs. Exotic Ratio (Sec. 122-49)</i>	100% native	100% native	100% native	100% native
<i>Installation Standards (Sec. 122-50)</i>	Compliant	Compliant	Compliant	Compliant

Natural Resources supports this variance request and finds that the applicant has furthered buffer compliance to the greatest extent possible. Additionally, the applicant is proposing to increase buffer areas where possible (mainly East & South buffers) in an attempt to offset depth deficits in other areas.

RECOMMENDATION

Staff recommends Planning Commission grant the variance request as described in this memorandum and accept the submitted buffer plan dated 2/8/2025 and stamped approved by Natural Resources on 3/26/2025.

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