

**CITY OF SANIBEL
RESOLUTION 25-072**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, REGARDING BUILDING OFFICIAL'S REJECTIONS TO PROPOSED REVISIONS TO BUILDING PERMIT NUMBERS BLDR-2024-017219, BLDR-2024-017228, BLDR-2024-017232, AND BLDR-2024-017233, FOR THE BUILDBACK PROJECT AT WHITECAPS SOUTH CONDOMINIUM ASSOCIATION, INC.; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Whitecaps South Condominium Association, Inc. (the "Appellant") submitted proposed permit revisions to Building Permit Numbers BLDR-2024-017219, BLDR-2024-017228, BLDR-2024-017232, and BLDR-2024-017233 (the "Proposed Permit Revisions"), relating to certain condominium units permitted to be reconstructed under the City's buildback provisions of the Land Development Code; and

WHEREAS, the Building Official rejected the Proposed Permit Revisions, which sought to eliminate certain accessibility requirements and fire sprinkler requirements; and

WHEREAS, Appellant timely appealed the Building Official's rejection of the Proposed Permit Revisions, pursuant to Sanibel Code Chapter 14, Buildings and Building Regulations, Article II, Administration, Division 2, Board of Adjustment, arguing the Building Official's rejection was in error, as it misconstrued or incorrectly interpreted the intent and meaning of certain regulations of Chapter 14, particularly with respect to certain provisions of the underlying Florida Building Code; and

WHEREAS, the City Council conducted a duly noticed hearing on the appeal on December 2, 2025, for which the City Council reviewed and considered the record before it, as well as the testimony, argument, and evidence presented.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The above "whereas" recitals are hereby found to be correct and are incorporated herein as part of this Resolution.

SECTION 2. The City Council makes the following findings:

- (a) The Appellant has standing to appeal and timely filed their appeal to City Council; and
- (b) All parties had notice and opportunity to be heard in the appeal; and
- (c) No objections were raised to form or procedure of the appeal; and
- (d) The Building Official did not err in his rejection of the Proposed Permit Revisions.

SECTION 3. The Building Official's rejection of the Proposed Permit Revisions is hereby upheld.

SECTION 4. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 2ND DAY OF DECEMBER 2025.

Attest:


Scotty Lynn Kelly
Scotty Lynn Kelly, City Clerk

Mike Miller
Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew
John D. Agnew, City Attorney

Date filed with City Clerk: 12/4/25

Vote of Council Members:

Miller	<u>Aye</u>
Smith	<u>Aye</u>
DeBruce	<u>Aye</u>
Henshaw	<u>Aye</u>
Johnson	<u>Aye</u>