

CITY OF SANIBEL  
**DRAFT** PLANNING COMMISSION RESOLUTION 25-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, **UPHOLDING / REVERSING / MODIFYING / REMANDING** THE FLOODPLAIN ADMINISTRATOR'S INTERPRETATION OF CHAPTER 94, FLOODS, ARTICLE 1, ADMINISTRATION, DIVISION 3, DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR, SECTION 94-33, APPLICATIONS AND PERMITS, SUBSECTION (5), FLOOD HAZARD AREA BOUNDARIES, AS IT RELATES TO THE ISSUANCE OF A BUILDING PERMIT, BLDR-2024-017801, FOR NEW CONSTRUCTION OF A SINGLE-FAMILY HOME ON PROPERTY OWNED BY WILLIAM AND SUNYOUNG P. COVALESKI AND LOCATED AT 1305 SEASPRAY LANE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Chapter 94 of the Sanibel Code is referred to as the floodplain management ordinance; and

**WHEREAS**, LDC Sec. 94-33(5), requires the flood plain administrator interpret flood hazard area boundaries in accordance with FEMA flood insurance rate maps and does not require the floodplain administrator to make a determination as to the boundaries of any open body of water; and

**WHEREAS**, flood hazard area is a defined term in both the City's floodplain management ordinance and the Florida Building Code; and

**WHEREAS**, flood hazard areas identified on the Flood Insurance Rate Map promulgated by FEMA are identified as a Special Flood Hazard Area (SFHA); and

**WHEREAS**, the SFHA as identified by the applicant was reviewed for the subject property and found to be consistent with the FIRM; and

**WHEREAS**, the floodplain administrator made no determination as to the boundaries of any open body of water on the subject property; and

**WHEREAS**, the floodplain administrator did not err in any requirement, decision, or determination in interpreting the flood hazard area boundaries of the subject property; and

**WHEREAS**, the building permit BLDR 2024-017801 was reviewed and issued based on the correct flood hazard area; and

**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 findings as part of this Resolution.

**SECTION 2.** The Planning Commission makes the following additional findings:

- (a) The Appellants have standing to appeal and timely filed their appeal to the Planning Commission; 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.

**SECTION 3.** The Floodplain Administrator's interpretation of Chapter 94, Floods, Article 1, Administration, Division 3, Duties And Powers Of The Floodplain Administrator, Section 94-33, Applications And Permits, Subsection (5), Flood Hazard Area Boundaries, as it relates to the issuance of a building permit, BLDR-2024-017801, for new construction of a single-family home is hereby **UPHELD / REVERSED / MODIFIED / REMANDED**.

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

**EFFECTIVE DATE OF PLANNING COMMISSION ACTION:** In accordance with Land Development Code Section 82-97. All actions of the Planning Commission, including those which constitute final decisions, shall be effective upon the date of filing of the adopted Resolution with the City Manager, or at a later date if provided in the Resolution. However, permits authorized by final decisions shall not be issued until one of the following has occurred: 1) The time for filing an appeal to City Council has elapsed; 2) The applicant and all other persons having appeal rights have filed a written waiver of appeal rights; or 3) If an appeal has been timely filed, the City Council has finally disposed of the matter.

**RIGHT TO APPEAL PLANNING COMMISSION ACTION:** In accordance with Land Development Code Section 94-92. Appeals. Any person aggrieved by the decision of the planning commission may appeal such decision to the Sanibel City Council. In accordance with Land Development Code Section 82-98, the appeal shall be filed within 15 days after the date that the Planning Commission decision was filed. The appeal shall be filed with the City manager, and the filing fee shall be paid as a prerequisite to filing.

**PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 8TH DAY OF APRIL 2025.**

Attest:

\_\_\_\_\_  
Scotty Lynn Kelly, City Clerk

\_\_\_\_\_  
Paul Nichols, Chair

Approved as to form and legality:

\_\_\_\_\_  
John D. Agnew, City Attorney

Date filed with City Clerk: \_\_\_\_\_

Vote of Commission Members:

Nichols	_____
Steiner	_____
Burns	_____
Colter	_____
Schopp	_____
Sergeant	_____
Welch	_____