

APPEAL to the SANIBEL PLANNING COMMISSION

APRIL 8, 2025

From the Sanibel Vision Statement:

***The City of Sanibel will resist pressures
to accommodate increased development and
redevelopment that is inconsistent
with the Sanibel Plan...***

Code Compliance

CHAPTER 94 – FLOODS

Article1. ADMINISTRATION

Division 1. GENERAL

- **Sec. 94-2. Scope**

The provisions of the ordinance codified in this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to, the subdivision of land; filling, grading, and other site improvements...”

Code Compliance

- **94-3. Intent**

The purposes of this chapter and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to...

(2). Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3). Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

Code Compliance

- **94-3. Intent**

- (4). Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (6). Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

Code Compliance

- **94-3. Intent**

(7). Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8). Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22

Code Compliance

- **94-33 Applications and Permits**

(5) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(6). Review all development permit applications in the coastal high hazard area to determine if the proposed development alters mangrove stands, sand dunes or other existing features, so as to increase potential flood damage;

Code Compliance

- **94-33 Applications and Permits**

- (7) Provide available flood elevation and flood hazard information;
- (8). Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (9) Review applications to determine whether proposed development will be reasonably safe from flooding;

Code Compliance

- **94-38. Other Duties of the Floodplain Administrator**

(2). Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA)

(4). Review...documentation of elevations specified by this chapter and the Florida Building code to determine that such certifications and documentations are complete;

Code Compliance

- **94-39. Floodplain management records**

...the Floodplain manager shall...make available for public inspections all records that are necessary for the administration of this chapter...including... notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that flood-carrying capacity of altered watercourses will be maintained;

Code Compliance

- **94-52. Floodplain development permits or approvals**

...Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Code Compliance

- **94-54. Application for a permit or approval**

To obtain a floodplain development permit or approval the application shall...

(4) Be accompanied by a site plan or construction documents as specified in Article 1, Division 5 of this chapter.

(7) Give such other data and information as required by the floodplain administrator.

Code Compliance

- **94-55. Validity of Permit or approval**

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

Code Compliance

- **94-57. Suspension or revocation**

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any other ordinance, regulation or requirement of this community.

Code Compliance

(Article 1 – Division 5)

- **94-71 Information for development in flood hazard areas.**

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s)...
- (3) Location, extent, amount, and proposed final grades of any filling, grading or excavation
- (4) Where the placement of fill is proposed, the amount, type and source of fill material; compaction specifications, a description of the intended purpose of the fill area; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose

Code Compliance

- **94-71 Information for development in flood hazard areas.**

(7). Existing and proposed alignment of any proposed alteration of a watercourse.

Definition Reminder from 92-124

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Code Compliance

- **94-58 Other Permits Required**

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1). The South Florida Water Management District; F.S. 373.036

Code Compliance

- **94-97. Considerations for issuance of variances.**
 - (1). The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - (2). The danger to life and property due to flooding or erosion damage;
 - (6). The compatibility of the proposed development with existing and anticipated development;
 - (7). The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

🔴 Flood • Requires Re-submit • Carrera Christa • Completed : 08/08/2024

Due Date Completed Date

08/07/2024

08/08/2024

Corrections (4)

Correction Type	General	Category	General Correction
Corrective Action	N/A		
Comment	Please provide the NAVD elevation on the ground floor plan and the living floor plan Sheets A101 & A102		
Correction Type	General	Category	General Correction
Corrective Action	N/A		
Comment	A minimum of (2) flood vents on different walls is required for each enclosure. Please add (1) additional flood vent in the foyer & (2) flood vents in the storage room from the foyer.		
Correction Type	General	Category	General Correction
Corrective Action	N/A		
Comment	On the elevation view pages, please provide a cross hatch line for the BASE FLOOD ELEVATION (9.0 NAVD) and for the Mechanical Equipment and Power Meter which needs to be at 10.0 NAVD or higher - (please show the equipment on this view)		
Correction Type	General	Category	General Correction
Corrective Action	N/A		
Comment	Please provide a detailed list of flood damage-resistant materials being used for the ground floor (including the foyer). This list must include the flooring, the interior walls, insulation, the stairs, stair treads, railings, doors, door/window frames, trim materials, etc. - A note stating materials shall meet TB2 is not sufficient.		

✓ Flood • Approved • Carrera Christa • Completed : 10/07/2024

Due Date	Completed Date
10/08/2024	10/07/2024

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APPEAL

We appeal the current permits under Sec. 94-92 which states:

The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination by the floodplain administrator in the administration and enforcement of this chapter.

We ask that you remand the building permit for 1305 Seaspray Lane to the Floodplain administrator for the consideration of additional evidence.

APPEAL

1. We ask for a **full review of Section 94** of the Sanibel Land Development Code to include but not be limited too:
 - 94-3 – INTENT
 - 94-33 – APPLICATIONS & PERMITS
 - 94-38 – OTHER DUTIES OF FPA
 - 94-39 – FLOODPLAIN MANAGEMENT RECORDS
 - 94-52 – FLOODPLAIN DEVELOPMENT PERMITS OR APPROVALS
 - 94-54 – APPLICATION FOR A PERMIT OR APPROVAL
 - 95-55 – VALIDITY OF PERMIT OR APPROVAL
 - 94-57 – SUSPENSION OR REVOCATION
 - 94-58 – OTHER PERMITS REQUIRED
 - 94-71 – INFORMATION FOR DEVELOPMENT
 - 94-97 – CONSIDERATIONS FOR ISSUANCE OF VARIANCES

APPEAL

2. We ask the Planning Commission to require an Up-To-Date Survey of the property (per 94-57 Suspension or revocation.)

The Sanibel Land Development Code Section Sec. 82-383 (Filing Procedure) states that the developer shall file... “An up-to-date (meaning accurately reflecting present conditions) certified survey of the subject parcel bearing the signature and raised seal of a state registered land surveyor or professional engineer. **If the land borders or contains an open body of water, the survey must be dated within six months prior to the date the application is filed.**”

APPEAL

3. We ask the Planning Commission to request that the Floodplain Administrator/City Manager (per new Ordinance 25-001) require an Environmental Assessment Report of the Property by a licensed & certified professional Engineering Firm. (Per 94- 33 Applications & Permits)

The Sanibel Land Development Code Section 82-363 states that “When a proposed development involves areas of land...which are exceptionally low or wet, the planning commission may, in its discretion, require the filing by the applicant of an environmental assessment report.”

APPEAL

Highlights of an Environmental Assessment Report (EAR)

(Please refer to Sanibel Land Development Code 82-363 for the Complete List)

- Physical Condition of the site: Topography, Drainage of the site, Identification of the soils located on the site
- Vegetation on the site
- Discussion of the changes to the conditions that proposed project will cause on the site
- Analysis of specific conditions prior to development, & a detailed statement of various environmental factors after development

APPEAL

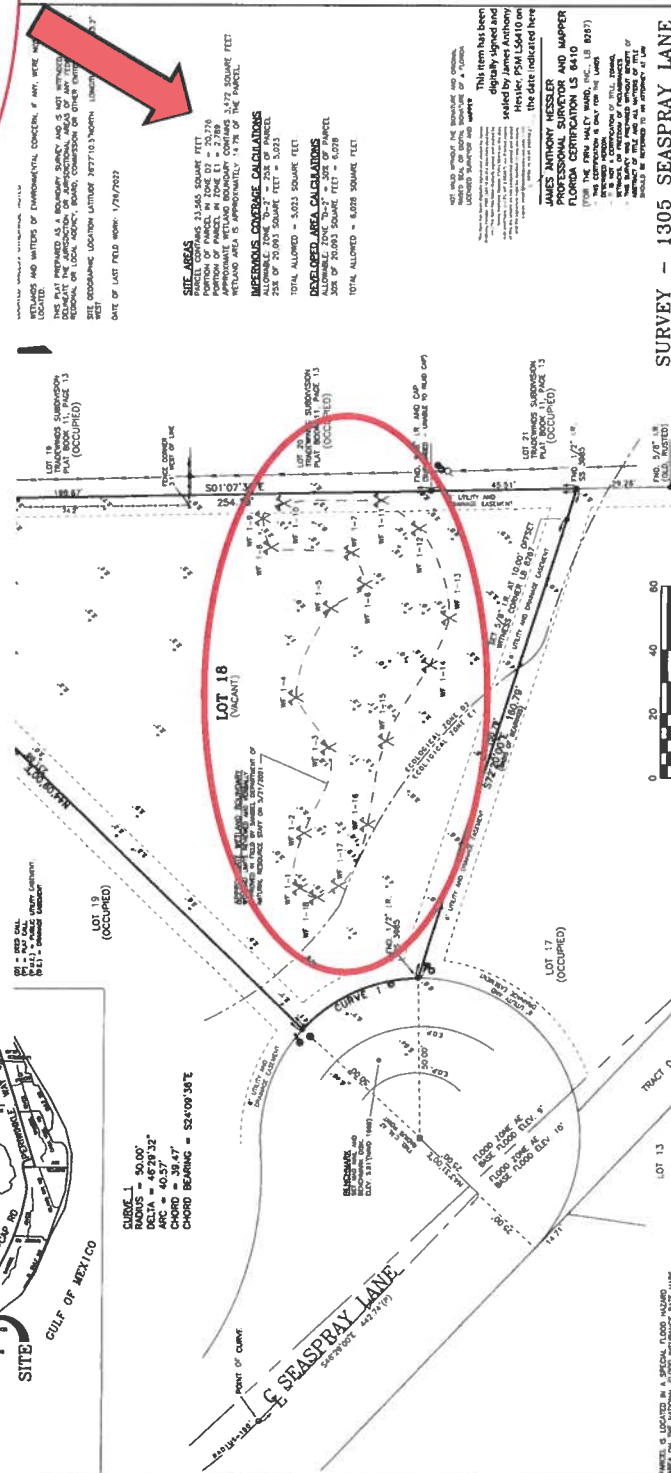
Highlights of an Environmental Assessment Report (EAR)

(Please refer to Sanibel Land Development Code 82-363 for the Complete List)

- d. Wetlands and open bodies of water on the site:
 - 1. Identification of wetlands by boundary and square footage
 - 2. Identification of open bodies of water by boundary and square footage.

PARCEL CONTAINS 23,565 SQUARE FEET.
PORTION OF PARCEL IN ZONE D2 = 20,776.
PORTION OF PARCEL IN ZONE E1 = 2,789.
APPROXIMATE WETLAND BOUNDARY CONTAINS
WETLAND AREA IS APPROXIMATELY 14.7% OF

CURVE 1
RADIUS = 50.00'
DELTA = 46°29'32"
ARC = 40.57'
CHORD = 39.47'
CHORD BEARING = S24°09'36"E



COMMUNITY NUMBER	120402
PANEL NUMBER	12021005000
DATE OF FIRM PANEL	3/17/2022
FIRM ZONE	AE
ASSET CLASS	13.0000
LOCATION	9

CERTIFIED TO:
William and SunYoung Covalesski
Knight Barry Title Solutions, Inc.
Stewart Title Guaranty

1 CERTIFICATION TEXT/8-17-2021
2 TOPOGRAPHY, WETLAND FLAGS LOCATED. WETLANDS ADDED/3-28-2023
3 SITE AREAS UPDATED TO SHOW ADDITIONAL DETAILS/3-29-2024
4 FROM DATA REVISED/8-21-2024

SURVEY - 1305 SEASPRAY LANE
SHOULD BE RETURNED TO AN EMPLOYEE AT WORK

HALEY WARD

Engineering | Environmental | Surveying

13041 MCGREGOR BOULEVARD FORT MYERS, FLORIDA 33919

TEL NO (813) 491-1311 FAX (239) 491-1311
FUNDING CERTIFICATE OF AUTHORIZATION NUMBER CD00004 & L000047

DATE	PROJECT NO	DESIGN BY	SHEET	FILE NO (S-T-A)	
				1 ST OF 1	10--66--22
8/16/2021	023.017	J.A.H.			

Conclusion

- We respectfully ask the City of Sanibel to address the displacement, disruption and alteration of the environmentally sensitive area which took place after the appeal was sent.
- Under Sec. 86-41 - Restoration of environmentally sensitive area or wetland during Construction – “The developer shall completely restore any environmentally sensitive area or wetland area damaged during construction. Complete restoration means that the damaged area shall, within two years, be operating effectively as the natural system did before being destroyed or altered.”

Conclusion

- Finally, we ask that the Planning Commission to ask the City Manager to stop all work on the development of the parcel until the above reports and conditions are filed, reviewed, and where applicable, applied;
- We ask that development stop until a current wetland boundary and drainage plan for the parcel are correctly assessed and applied to the permits.

From City of Sanibel
Presentation
at the
Joint Workshop on
February 18th

