

March 3, 2025

Dear City Manager and Mayor,

This letter is a **formal appeal to the Sanibel Planning Commission** pursuant to Land Development Code Chapter 94, FLOODS, Division 3, “Duties and Powers of the Floodplain Administrator.”

In section 94-32 it states that “the floodplain administrator is authorized and directed to administer and enforce the provision of the chapter, to grant or deny development permit applications (short form) and make recommendations to the Sanibel Planning commission or City Council...” The section further states the City Manager is the flood plain administrator and the floodplain administrator may delegate performance of certain duties to other employees.

Under the next section 94-33, item 5, it states that the floodplain administrator...shall: “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”.

Specifically, we appeal the interpretation of the “Open Body of Water” boundaries on Lot 18 /1305 Seaspray Lane (the “Property”). As the Property is currently under consideration for a home development permit, this appeal is permitted under section 94-33.

The city’s interpretation of the Property’s “Open Body of Water” boundaries was based on an outdated survey dated May 21, 2021. Given the evident significant hydrological changes caused by Hurricanes Ian, Helene, and Milton, and Tropical Storm Debby after the survey was completed, and as demonstrated by photographic evidence, the city must require a new survey on which to base its interpretation of the Property’s open body of water boundaries.

We also ask the city to require an **Environmental Assessment Report** (EAR) as part of this appeal. The EAR should evaluate soil composition, hydrology, and vegetation to determine whether the Property qualifies as a protected “wetland” and/or regulated “open body of water” under the Sanibel Code of Ordinances as defined under Section 78-1, Rules of Construction and definitions; and Chapter 126, Interior Wetlands Conservation District, Section 125-553 (the lot borders the stated interior wetland properties on Jamaica Drive and the City has the discretion to extend wetland protections if an area is ecologically sensitive).

If so, the city must base its interpretation on the findings of the EAR, and ensure compliance with local, state and federal laws before allowing further development on the Property.

We request the City Manager, as floodplain administrator, to interpret the boundaries of the open body of water on the Property based on the results of a new survey and EAR report. He should work with staff, the city attorney, and state and federal regulatory agencies to ensure the Property is developable and compliant with all applicable regulations.

Until this work is completed, we request a **stay** of the permit and a **stop work order**.

We also hereby formally submit a **public records request** for all plans, surveys, reports or permit changes pertaining to the development of the Property.

Finally, we ask the city to include the undersigned in any discussions pertaining to the Property to the extent legally allowable.

Kind Regards,

1. Barb Lasky, 1451 Tahiti Drive
2. Holly Underwood, 1309 Seaspray Lane
3. Ned Underwood, 1309 Seaspray Lane
4. Fred Ryckman, 1307 Seaspray Lane
5. Susan Ryckman, 1307 Seaspray Lane
6. Arlene Dillon, 1371 Jamaica Drive
7. Dan Wexler, 1371 Jamaica Drive
8. Gary Williams, 1405 Jamaica Drive
9. Patti Williams, 1405 Jamaica Drive
10. Nicole McHale, 1329 Seaspray Lane
11. Jim McHale, 1329 Seaspray Lane
12. Suzanne Fuson, 1391 Jamaica Drive
13. Scott Fuson, 1391 Jamaica Drive
14. Jeff Wolski, 1381 Jamaica Drive
15. Lina Wolski, 1381 Jamaica Drive
16. Brent Teele, 1361 Jamaica Drive
17. Amy Teele, 1361 Jamaica Drive
18. Kathy Tucker, 1311 Seaspray Lane
19. Alan Tucker, 1311 Seaspray Lane
20. Keith McWalter, 1817 Buckthorn Lane
21. Courtney McWalter, 1817 Buckthorn Lane
22. David Lurio, 1310 Seaspray Lane

23. Jackie Lurio, 1310 Seaspray Lane
24. Timothy Horne, 1314 Seaspray Lane
25. Tom Rizzo, 1324 Seaspray Lane
26. Susan Rizzo, 1324 Seaspray Lane
27. Steve Klug, 1308 Seaspray Lane
28. Debbie Klug, 1308 Seaspray Lane
29. Rod Copes, 1304 Seaspray Lane
30. Susan Copes, 1304 Seaspray Lane
31. Tom Bandoni, 4801 Tradewinds Drive
32. Christine Bandoni, 4801 Tradewinds Drive
33. Mitch Eide, 1323 Seaspray Lane
34. Inez Eide, 1323 Seaspray Lane
35. Aimee Dudley, 1365 Jamaica Drive
36. Gary Griffis, 1365 Jamaica Drive
37. Margie Grosfeld, 1319 Seaspray Lane
38. Michael Comuzzi, 1347 Jamaica Drive
39. Suzanne Comuzzi, 1347 Jamaica Drive
40. Robert A. Van Tassel, MD, 1316 Seaspray Drive
41. Betty Van Tassel, 1316 Seaspray Drive
42. Rich McDonnell, 1333 Tahiti
43. Mary Eileen McDonnell, 1333 Tahiti
44. Becky Serra, 1396 Tahiti Drive
45. Paul Corrigan, 1325 Seaspray