



Petition # 317

Do you have a Local Board of Appeals Yes

If Yes, have they rendered a decision on this issue Yes

Date	Attached File
12/05/2025	Pet_ID_317_FNLOrder_Resolution 25-072.pdf

County Lee

Jurisdiction City of Sanibel

Building Official Craig Mole

 Address/Phone/Email 2475 Library Way
 Sanibel, FL 33957
 (239) 472-4555
 cam@mysanibel.com

Petitioner Name Whitecaps South Condominium Association, Inc.

 Address/Phone/Email 13410 Almond Drive
 Fort Myers, FL 33908
 (239) 334-2722
 mebelini@knott-law.com

Petitioner Representative's Name Mark Ebelini

 Address/Phone/Email Knott Ebelini Hart
 1625 Hendry Street Suite 301
 Fort Myers, FL 33901
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 mebelini@knott-law.com

Building Code Version 2023

Sub Code Building

Chapter & Topic Chapter 1 - Scope and Administration

Section 106.5

If permitted, date of permit application 07/05/2024

Enter explanation of how the Petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code

The local interpretation requires each unit in the Whitecaps South Condominium to have full ADA accessibility features not required by Florida law, which will cost the unit owners hundreds of thousands of dollars, including partial demolition of brand new modular building interiors. (See the attached statement.)

Date	Attached File
12/05/2025	Pet_ID_317_Interest_Statement_Supporting_Petitioner's_Appeal.pdf

Enter statement of the interpretation given to provisions of the Florida Building Code by the local building official and the manner in which the interpretation was rendered
(If information is entered, it must be exactly as it appears in the hardcopy)

The Building Official has relied upon the definition of a place of lodging and other definitions and provisions of the Florida Building Code rather than solely on the Federal ADA definitions of a "place of public accommodation" and a "place of lodging" as set forth in 28 CFR 36.104 when reviewing Whitecaps' building permit applications for ADA compliance.

Date	Attached File
12/05/2025	Pet_ID_317_BGD_Interp_Resolution_25-072.pdf

Enter statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code and a statement supporting the petitioner's interpretation

The City of Sanibel Building Official should apply solely the Federal ADA definitions of a "place of public accommodation" and a "place of lodging" as set forth in 28 CFR 36.104 when reviewing Whitecaps' building permit applications for ADA compliance, not the definition in the 2023 Florida Building Code, which contains additional and obsolete provisions not authorized by the Florida Legislature. (See attached statement.)

Date	Attached File
12/24/2025	Pet_ID_317_PET_Interp_WHITECAPS_CONDOMINIUM_PETITION_317 QUESTIONS FOR COMMITTEE.pdf

Enter local building official response by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation

see attached file

Date	Attached File
12/11/2025	Pet_ID_317_Response_Building_appeal_response.pdf

History

Date Paid	12/05/2025
Date Pending Building Official Response	12/11/2025 12:25 PM
Date Building Official Response	12/11/2025
Date Submitted to BOAF	12/11/2025
Date Accepted	01/12/2026

More Information Requested

Please upload the attached information and provide the specific question(s) the petitioner would like the BI Panel to address regarding the issue being appealed

Date Requested

12/19/2025

Time Waiver Granted

Date Extended To

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