



**Florida Building Codes**  
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OFFICE OF THE  
SECRETARY

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	<a href="#">Pet ID 317 FNLOrder Resolution 25-072.pdf</a>

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  
(239) 334-2722  
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	<a href="#">Pet ID 317 Interest Statement Supporting Petitioner's Appeal.pdf</a>

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	<a href="#">Pet ID 317 BGD Interp Resolution 25-072.pdf</a>

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	<a href="#">Pet ID 317 PET Interp WHITECAPS CONDOMINIUM PETITION 317 QUESTIONS FOR COMMITTEE.pdf</a>

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	<a href="#">Pet ID 317 Response Building appeal response.pdf</a>

#### 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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