

May, 20, 2013

City Council, City of Sanibel

Attn: Pamela Smith, City Clerk

Request to waive fees associated with variance request.

Subject to Planning Commission approval, we propose a \$30,000 project to improve our property at 1198 Harbour Cottage Court. We will replace the seawall cap, re-anchor the canal wall to existing "dead men," and replace the existing dock with a new structure including posts, necessary stringers and decking. We will also address an existing safety problem inherent in the current structure. The variance is necessary as there exist no variance-free alternative solution available. Planning has carefully reviewed our plan and has indicated their intention of recommending approval to the Planning Commission.

The variance request is scheduled to go to the next available Planning Commission. Two request are being made; one request is to waive the requirement of a 15' lot line setback to allow the current 10' setback in order that access to our boat can be maintained, and the other is to correct a safety issue involving a hazardous gap in the deck which could result in a dangerous fall.

Together with the City Planning Department we have concluded that this proposal is the only viable solution.

Because this proposal increases our property value and that the surrounding properties, stabilizes a common community seawall and corrects a severe safety defect, and there exist no other solution we respectfully request that the fee associated with the variance filing be waived in this case.

Yesterday I returned from Minnesota to try to fashion a solution with James Jordan, and subsequently with Judith Zimomra. I believe we have found a solution. I want to thank them both for their efforts.

Sincerely,

Cary and Patti Giese

cc: Judy Zimomra, Jim Jordan, Julia Guernsey

CITY OF SANIBEL

RESOLUTION NO. 13-051

A RESOLUTION GRANTING A WAIVER OF THE VARIANCE FEE FOR APPLICANTS CARY AND PATTI GIESE FOR A VARIANCE APPLICATION RELATING TO EXISTING SEAWALL AND DOCK WORK AT THEIR RESIDENTIAL PARCEL LOCATED AT 1198 HARBOUR COTTAGE COURT, SANIBEL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cary and Patti Giese, applied for consideration of a variance for work related to their existing seawall and dock located at 1198 Harbour Cottage Court; and

WHEREAS, Cary and Patti Giese have requested that the application fee for the variance be waived and such written request has been considered by City Council; and

WHEREAS, pursuant to Section 90-5(f)(1)-(3) of the Sanibel Code, the City Council, by Resolution, may waive payment of all or part of a fee for any of the reasons set forth therein; and

WHEREAS, the City Council finds it appropriate to waive the application fee for the variance filed by Cary and Patti Giese;

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Sanibel, Florida, that:

SECTION 1. Pursuant to Sanibel Code Section 90-5(f)(1)and(3), the City Council finds that the criteria for the granting of a waiver of the variance fee have been met and the variance application fee is hereby waived.

SECTION 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida this 4th day of June, 2013.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:



Kenneth B. Cuyler, City Attorney



Date

Vote of Council Members:

Ruane ___
Congress ___
Denham ___
Harrity ___
Jennings ___

Date filed with City Clerk: _____