



Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

Minutes

Thursday, October 3, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Special Magistrate Monica Schmucker called the hearing to order.

II. APPROVAL OF MINUTES

A. Special Magistrate Hearings - September 5, 2024

Special Magistrate Schmucker made the following changes:

The owner presented the same argument that his use was authorized under the county ordinances that were in effect at ~~that time~~ the time that the town incorporated and adopted its code of ordinances.

She stated that no special exception was filed when she filed her previous reply, but she verified that the respondent filed the application and ~~hamade~~ had made payment.

Town Attorney Stuparich requested that ~~a sign prohibiting paid parking be installed until a special exception is issued~~ something more be done to stop respondent from continuing to operate this parking lot and ask for any appropriate relief.

Special Magistrate Schmucker explained that this case was a repeat of the previous finding, which was adjudicated and to allow respondent to continue to operate after it was found to be illegal and then excuse respondent or allow respondent to relitigate the issue after a failure to appeal would be concerning.

She noted that the respondent never appealed the town council's previous decision and that respondent has not submitted sufficient evidence to support its position.

III. NEW CASES TO BE HEARD**A. 8000 Lagoon Rd., Open Doors 4U Investments, LLC****Case Number: 20240453****Violation: High vegetation- not mowed – abandoned maintenance****Code Section: LDC Sec. 6-2 - Amendments,
(w) Section 302.4- Weeds****Code Officer: D. Batt**

Officer Batt listed the items in Exhibit A. She stated that on May 16, 2024, Officer Randy Sobel observed high vegetation and the appearance of abandoned maintenance. Photos taken representative of the violation. The notice of violation was sent to the property owner by certified mail on May 16, 2024, and posted on the property and at the Town Hall. The property owners were given 30 days to come into compliance, but on September 16, 2024, the property remained in violation. A notice of hearing was sent by certified mail to the property owner and registered agent on September 17, 2024. Certified mail notices and pictures from the re-inspection on September 30, 2024, were included in Exhibit G. The Town requested a finding of violation, an order to correct the violation, an administrative fee of \$250.00 and a fine of \$250.00 each day the violation continued past the date of compliance. To comply, the property owner had to mow their lawn and maintain their property. Officer Batt had not been in contact with the property owners and they were not in attendance.

Special Magistrate Schmucker found a violation existed that warranted a \$250.00 fine per day as of June 17, 2024, and an administrative fee of \$250.00. She will prepare an order with the findings.

B. 4501 Estero Blvd. Oceanic Blue Retreats, LLC**Case Number: 20240524****Violation: Green water and debris in pool****Code Section: LDC Sec. 6-1 - Adoption of IPMC
Section 303.1 Swimming pools****Code Officer: D. Batt**

Officer Batt stated that the property owner's lawyer requested a continuance to November 2024, and the Town agreed. Special Magistrate Schmucker granted the continuance.

C. 290 Pearl St., Island Bay Marina, L.C.

Case Number: 20240666

Violation: The overgrowth of grass and/or weeds
in excess of 12 inches.

Code Section: LDC Sec. 6-2 - Amendments,
(w) Section 302.4- Weeds

Code Officer: D. Batt

Officer Batt stated this property came into compliance on September 30, 2024. The Town asked for a finding of violation and an administrative fee of \$250.00. The respondent was not in attendance.

Special Magistrate Schmucker issued an order finding that the respondent was in violation and imposed a \$250.00 administrative fee.

Minutes approved with/without changes, December 4, 2024, by Special Magistrate Schmucker.

Signature: _____

