



Fort Myers Beach Special Magistrate Hearing

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

Minutes

Tuesday, January 14, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Special Magistrate Monica Schmucker, Town Clerk Amy Baker and Code Enforcement Officer Danielle Batt.

II. APPROVAL OF MINUTES

- A. Special Magistrate Hearings - December 4, 2024
Special Magistrate Schmucker approved the minutes.

III. CONTINUED CASES

No cases.

IV. PARKING ENFORCEMENT

No cases.

V. NEW CASES TO BE HEARD

- A. 32 Fairview Blvd, Celhart Properties LLC

Case Number: 20240680

Subject: For the maintaining and/or of structures on property in need of repair and/or demolition, i.e. but not limited to shuttered windows indicating broken and/or improperly installed, missing and/or falling sections of fence, diminished tarp on roof indicating damaged and/or improperly installed, etc,

Code Section: Sec. 110.1

Code Officer: D. Batt

Officer Batt stated that all documents described were attached as exhibits and asked that they be entered into the record. Special Magistrate Schmucker entered the exhibits into the record.

On July 23, 2024, Officer Batt observed that the property needed repair or demolition. The shuttered windows were improperly installed and broken, indoor sections of the fence were missing and the tarp on the roof was diminished, indicating damage and or improper installation. Photos taken on

July 23, 2024, accurately represented the condition of the property. A notice of violation was issued on July 24, 2024, and sent by certified mail with a return receipt to the property owner's and registered agent's address of record. The notice was also posted at the town hall, on the town's website and at the property location on July 25, 2024. The respondent was given 30 days to come into compliance, which was August 28, 2024. Officer Batt inspected the property on December 17, 2024, and found the respondent did some work but remained in violation. It has now been six months without full compliance, with no contact from the respondent, so she prepared an affidavit of non-compliance. They were also provided a notice of code enforcement hearing for today's hearing. Officer Batt provided copies of all documents and noted she did another inspection on January 9, 2025, prior to today's hearing. The town requested that an order be issued finding a violation, an order to correct the violation, an administrative fee of \$250.00 and a fine of \$250.00 for each day the violation continued past the date of compliance. She also requested a \$500.00 fine for each day the violation was repeated.

Officer Batt stated that the fence had not been fixed; part of it was falling down, and sections were missing. She noted that the shutters and windows were removed, the tarp on the roof was gone and the grass was mowed.

Special Magistrate Schmucker will issue an order allowing the respondent 21 days to resolve the violation and the fine of \$250.00 per day will start accruing if they do not come into compliance. She imposed a \$250.00 administrative fee regardless.

VI. ADMINISTRATIVE AGENDA

No items.

The meeting was adjourned at 9:13 a.m.

Minutes approved with / without changes, February 5, 2025, by Special Magistrate Schmucker.

Signature: _____