



Fort Myers Beach Special Magistrate Hearing

**Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931
Wednesday, March 5, 2025**

Agenda

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- A. Special Magistrate Hearings February 5, 2025

III. VIOLATION CASES

- A. 207 Driftwood Ln., Praraz Builders LLC
FMB Case Number: 20241151
Property Owner: 207 Driftwood Ln., Praraz Builders LLC
Code Violation: Boat lift in disrepair and/or dangerous condition, causing a public safety concern. Weeds, plants, and/ or grass in excess of 12" in height.

IV. CONTINUED CASES

- A. 7864 Buccaneer Dr. Lyons, Henry E
FMB Case No.: 20240786 (Continued from February 5, 2025 hearing)
Property Owner: Lyons Henry E
Property Address: 7864 Buccaneer Dr.
Code Violation: Property in disrepair and in need of maintenance.

V. CERTIFICATION OF LIEN(S) (NON-COMPLIANCE)

VI. COMPLIANCE CASES (STATUS UPDATE)

- A. 32 Fairview Blvd., Celhart Properties LLC

VII. LIEN FORECLOSURE CASES

VIII. BUILDING OFFICIAL APPEALS

IX. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE SPECIAL MAGISTRATE IN ANY MATTER CONSIDERED AT THIS HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.



Fort Myers Beach Special Magistrate Hearing

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

Minutes

Wednesday, February 5,
2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Special Magistrate Monica Schmucker and Town Clerk Amy Baker.

II. APPROVAL OF MINUTES

- A. Special Magistrate Hearings - January 14, 2025
Special Magistrate Schmucker approved the minutes.

III. CONTINUED CASES

No cases.

IV. VIOLATION CASES

- A. Case Number 20240743; 190 Bayview Ave., Sullivan Scott B
Construction of a wood deck and/or structure outside the scope of work on permit #236648

Officer Batt requested that all documents be entered into the record. On August 15, 2024, she observed the construction of a wood deck or structure without a permit. Pictures that accurately reflect the violation were included in Exhibit B. A notice of violation was issued on August 15, 2024, and sent by certified receipt to the address of record, posted at Town Hall, loaded on the town's website and posted at the property. Copies of all documents are in Exhibit C. The property owner was given 30 days to come into compliance, which was on September 28, 2024. The property was reinspected on January 23, 2025, and the property was still in violation.

There has been no contact with the property owner. Photos taken of the property were in Exhibit D. A copy of the affidavit posting, a copy of the notice of hearing, photos, a copy of the certified mail receipt, notice of hearing posted at several locations on January 27, 2025, are in Exhibit F. All documents in Exhibit F were entered into the record.

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 per day if the violation continues past the date of compliance.

Mr. Sullivan, respondent, stated that his contractor from Night Creations was not in attendance yet, but he applied for the permits and assured him that everything was okay. He knew there was confusion surrounding the tiki hut and indicated that it was all one structure.

Zoning Coordinator Kendra Rosa explained that the structure for the raised deck needed a permit. Officer Batt described the two permits on file and indicated there was no permit for the decking included in the tiki hut. Mr.

Sullivan thought the decking was part of the tiki hut and only one permit was needed. Officer Batt stated the deck was completed before the tiki hut and Mr. Sullivan still needed to get a permit for the deck, which she estimated would take two to three weeks.

Craig Knight, contractor, indicated the deck and tiki hut were the same structure because they were tied together. The site plan for the permit included both structures. Mr. Sullivan said he met with someone from the town and changes were made before the permit was issued. Ms. Rosa thought it would be okay to consider it as one structure since the site plan did not clearly show the deck. A discussion was held regarding the timing of the permits and when the work was done. Mr. Knight acknowledged that he was confused because another permit from another contractor was active. Mr. Sullivan accepted responsibility for the confusion and lack of communication.

He will apply for another permit to comply with the code.

Special Magistrate Schmucker gave Mr. Sullivan 30 days to complete the process and will do a status check on April 2, 2025. If he is not in compliance by that date, fines will begin to accrue. Mr. Knight will submit a clearer site plan when he meets with the permitting department.

B. Case Number 20240786; 7864 Buccaneer Dr., Lyons Henry E

Property in disrepair and in need of maintenance.

Officer Batt noted that she spoke with the property owner on February 4, 2025, and he stated he would be in compliance within 30 days. She requested a continuance to March 5, 2025, to allow the property owner to come into compliance. She asked that copies of an affidavit, photos taken on February 3, 2025, and a copy of an email confirming contact with the property owner be entered into the record.

Special Magistrate Schmucker will issue an order for continuance to March 5, 2025.

V. CERTIFICATION OF LIEN(S) (NON-COMPLIANCE)

No liens.

VI. COMPLIANCE CASES (STATUS UPDATE)

No cases.

VII. LIEN FORECLOSURE CASES

No cases.

VIII. BUILDING OFFICIAL APPEALS

No appeals.

IX. ADJOURNMENT

Not recorded.

DRAFT

Property Address and Owner:

Hearing Date: March 5, 2025

FMB Case Number: 20241151

Property Owner: 207 Driftwood Ln., Praraz Builders LLC

Code Violation: Boat lift in disrepair and/or dangerous condition, causing a public safety concern.

Weeds, plants, and/ or grass in excess of 12" in height.

Subject:

Boat lift in disrepair and/or dangerous condition causing a public safety concern. Weeds, plants, and/ or grass in excess of 12" in height.

Code Section:

LDC Sec. 110.0 - Disrepair and/or dangerous condition causing a public safety concern.

LDC Sec. 6-2 - All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.

Reference Number:

20241151

Strap Number:

344624W40010C0100

Officer:

T. Hoffman

Narrative:

Case Number: 20241151

Violation: Boat lift in disrepair and/or dangerous condition causing a public safety concern. Weeds, plants, and/ or grass in excess of 12" in height.

Code Section: LDC Sec. 110.0 - Disrepair and/or dangerous condition causing a public safety concern.

LDC Sec. 6-2 - All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.

Code Officer: T. Hoffman

Attachments:

1. 3.5.25 Hearing Exhibit A - Notice of Hearing and Affidavit of Posting
2. 3.5.25 Hearing Exhibit B - Notice of Violation
3. 3.5.25 Hearing Exhibit C - Status of Compliance
4. Hearing Exhibit D 20241151

Town Recommendations:

The Town of Fort Myers Beach requests that an order be issued finding a violation of LDC Sec. 6-481 - Working outside the scope of the permit, including an order to correct the above listed violation(s) and/or the imposition of an administrative fee of \$250.00 to cover costs in bringing this matter before the Special Magistrate, a fine not to exceed \$250.00 for each day each violation continues past the date for compliance, and for such other and further relief as is consistent with the powers of the Special Magistrate.

Town Approvals:

Thomas Yozzo, Compliance & Securities Manager

Date: February 24, 2025

Traci Kohler, Assistant to the Town manager

Date: February 24, 2025

Frankie Kropacek, Operations & Compliance Director

Date: February 24, 2025

nancy stuparich, Town Attorney

Date: February 24, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: February 25, 2025

Amy Baker, Town Clerk

Date: February 25, 2025

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

02/19/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS, FL 33916,
Respondent.

Case Number:	20241151
Certified Mail:	9589071052700636641100
Regular Mail	

SITE ADDRESS: 207 DRIFTWOOD LN
PARCEL STRAP NO: 344624W40010C0100

NOTICE OF CODE ENFORCEMENT HEARING

YOU ARE HEREBY NOTIFIED that, pursuant to Chapter 162, Florida Statutes and Chapter 2, Article V of the Town of Fort Myers Beach Land Development Code, the undersigned Code Enforcement Officer has documented that (an) uncorrected violation(s) of one or more codes of the Town of Fort Myers Beach, as described in the **NOTICE OF VIOLATION**, previously provided to you (a copy of which is enclosed herewith), exists on the above-described property. A hearing before the Town's Code Enforcement Special Magistrate concerning the violation(s) has, therefore, been scheduled for **at 9:00 A.M. on 03/05/2025** in the Council Chambers at Town Hall, located at 2731 Oak St., Fort Myers Beach, Florida.

A copy of the evidentiary case file and all materials provided by the Town to the Special Magistrate in relation to this hearing can be viewed and accessed in advance of the hearing at the link below:

<http://www.fortmyersbeachfl.gov/209/Meetings-Agendas>

NO ADDITIONAL NOTICE OF THE HEARING WILL BE PROVIDED TO YOU. If you fail to attend this hearing, the Code Enforcement Special Magistrate will consider the case, even though you are not present, and may assess fines or take any other action(s) that may affect your rights. If you believe you have come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be performed to determine compliance.

D. Batt

Code Enforcement Officer
Town of Fort Myers Beach

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE NOTIFY THE TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH, 2525 ESTERO BLVD. FORT MYERS BEACH, FL 33931; TELEPHONE NUMBER (239) 765-0202, AT LEAST 72 BUSINESS HOURS BEFORE THE HEARING DATE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE MAY NEED TO ENSURE AT THEIR OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE BY A COURT REPORTER UPON WHICH THE APPEAL IS TO BE BASED.



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Praraz Builders LLC
4110 Center Pointe Dr #210
Fort Myers, FL 33916

Respondent,

FMB Case Number:	20241151
Certified Mail:	
Regular Mail:	
DOAH Case Number:	

Site Address: 207 Driftwood Ln,
Fort Myers Beach, FL 33931
Parcel Strap No.344624W40010C0100

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared D.Batt, who is the Code Compliance Coordinator for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20241151 for the boat lift in disrepair and /or dangerous condition causing a public safety concern and weeds, plants and /or grass in excess of 12" in height at the property of 207 Driftwood Ln, Fort Myers Beach, FL 33931.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified mail a copy of the Notice of Hearing scheduled 03/05/2025 to the following:

- a. Praraz Builders LLC
4110 Center Pointe Dr #210
Fort Myers, FL 33916
Certified Mail No. 9589071052700636641100
(Property Owner)

Copies of the certified mailing receipts are attached as evidence.

2. I posted a copy of the Notice at 207 Driftwood Ln, Fort Myers Beach, FL 33931, by which is the subject property. I took a photographs of the Notice I posted on the 19th day of February 2025. A true, accurate and unaltered copy of the photographs are attached.
3. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 2731 Oak Street, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 19th day of February 2025are attached.
4. In addition, I posted a copy of the Notice on the Town's publicly accessible website at <https://www.fortmyersbeachfl.gov/1294/Public-Notices> on the 19th day of February 2025. A copy of the posted webpage is attached as Evidence



Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

Signature of Affiant

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☒ personal presence or ☐ online notarization this 19th day of February, 2025, by D. Batt. She ☒ is personally known to me or ☐ has produced _____ as identification.



ASHLEY SHEPARD
Commission # HH 253125
Expires April 14, 2026

[Notary Seal]

Notary Public, State of Florida

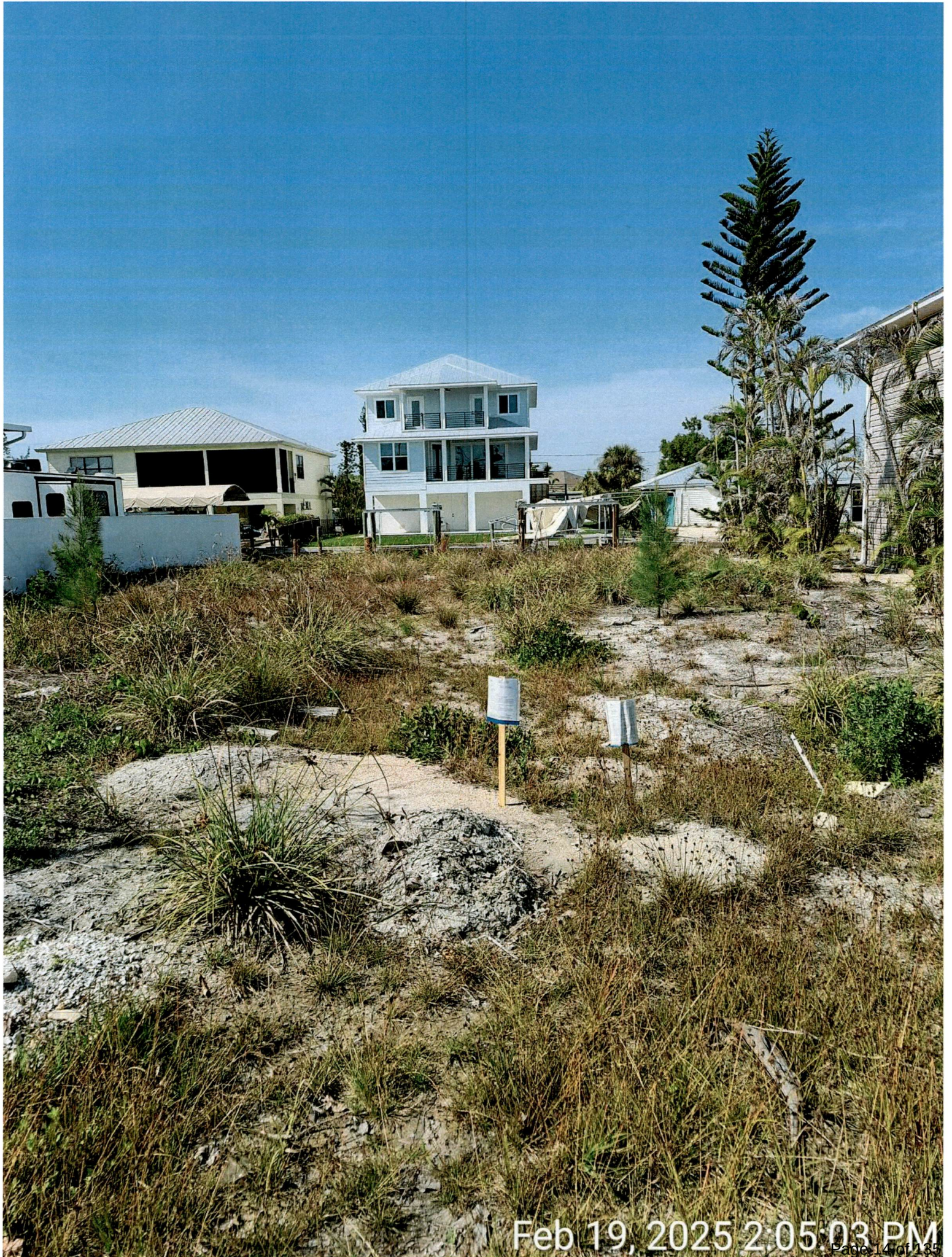
Print Name: Ashley Shepard

My Commission Expires: April 14, 2026

9589 0710 5270 0636 6411 00

U.S. Postal Service TM CERTIFIED MAIL [®] RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com .	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here NOH For 315/25 20241151 207 Driftwood LN
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	
☐ Return Receipt (electronic)	
☐ Certified Mail Restricted Delivery	
☐ Adult Signature Required	
☐ Adult Signature Restricted Delivery	
Postage \$	
Total Postage and Fees \$	
Sent To Praraz Builders LLC 4110 Center Pointe Dr #210 Fort Myers, FL 33916	
PS Form 3800, January 2023 PSN 7430-02-000-9017 See Reverse for Instructions	

Town of Fort Myers Beach
FEB 13 2025
Sent by: [Signature]



Feb 19, 2025 2:05:03 PM



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0302 Fax: (239) 765-4909

02/19/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

PRARAZ BUILDERS LLC
4119 CENTER POINTE DR #210
FORT MYERS, FL 33916,
Respondent.

Case Number:	20241151
Certified Mail:	95690713527036364100
Regular Mail:	

SITE ADDRESS: 207 DRIFTWOOD LN
PARCEL STRAP NO: 34624W40010C9100

NOTICE OF CODE ENFORCEMENT HEARING

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D. Best
Code Enforcement Officer
Town of Fort Myers Beach

© 2019 TOWN OF FORT MYERS BEACH. ALL RIGHTS RESERVED. MADE BY TOWN OF FORT MYERS BEACH. MAGISTRATE WITH RESPECT TO ANY

Staples



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

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Feb 19, 2025 12:47:14 PM



NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

02/19/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS, FL 33916,
Respondent.

SITE ADDRESS: 207 DRIFTWOOD LN
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Feb 19, 2025 12:48:55 PM



Feb 19, 2025 12:49:06 PM

WorQ x Property Data Search | Lee Co. x Public Notices | Town of Fort M... x ARTICLE I - PROPERTY MAINT... x +

fortmyersbeachfl.gov/1294/Public-Notices

CIVICPLUS Municipal Websites Central

HOME PAGE DASHBOARD MODULES LIVE EDIT IS OFF

ABOUT FMB DOING TOWN BUSINESS THINGS TO DO HOW DO I?

Bids and Proposals

Careers

Fact or Fiction

Holidays

Public Information

Public Notices

NOTICE OF HEARING

Notice of Hearings

- 1249 Estero Blvd case #20240919 12/23/2024
- 1035 Estero Blvd case #20240915 12/23/2024
- 406 Estero Blvd case #20240921 12/23/2024
- 4900 Estero Blvd case #20240960 12/23/2024
- 2815 Estero Blvd case #20240994 12/23/2024
- 2450 Estero Blvd case #20240946 12/23/2024
- 1821 Estero Blvd case #20240914 12/23/2024
- 81 Miramar St. case #20240912 12/23/2024
- 2450 Estero Blvd case #20240946 (rescheduled) 12/30/2024
- 201 Delmar Ave case #20240647 01/02/2025 (CANCELED)
- 1 Fairview Blvd case #20240850 01/02/2025 (CANCELED)
- 32 Fairview Blvd case #20240680 01/02/2025
- 3127 Estero Blvd case #20240784 01/02/2025 (CANCELED)
- 104 Washington Ave case #20240522 01/02/2025 (CANCELED)
- 80 Avenue E case #CE140394 01/10/2025
- 7864 Buccaneer Dr. case #20240786 01/27/2025
- 190 Bayview Ave case #20240743 01/27/2025
- 32 Fairview Blvd case #20240680 01/27/2025
- 8285 Estero Blvd case #20241106 01/31/2025
- 406 Estero Blvd case #20240921 Amended 02/03/2025
- 4900 Estero Blvd case #20240960 Amended 02/03/2025
- 1249 Estero Blvd case #20240919 Amended 02/03/2025
- 2450 Estero Blvd case #20240946 Amended 02/03/2025
- 8285 Estero Blvd case #20241106 Amended 02/03/2025

WorQ x Property Data Search | Lee Co. x Public Notices | Town of Fort M... x ARTICLE I - PROPERTY MAINT... x +

fortmyersbeachfl.gov/1294/Public-Notices

CIVICPLUS Municipal Websites Central

HOME PAGE DASHBOARD MODULES LIVE EDIT IS OFF

ABOUT FMB DOING TOWN BUSINESS THINGS TO DO HOW DO I?

PUBLIC HEARINGS

- 81 Miramar St. case #20240912 12/23/2024
- 2450 Estero Blvd case #20240946 (rescheduled) 12/30/2024
- 201 Delmar Ave case #20240647 01/02/2025 (CANCELED)
- 1 Fairview Blvd case #20240850 01/02/2025 (CANCELED)
- 32 Fairview Blvd case #20240680 01/02/2025
- 3127 Estero Blvd case #20240784 01/02/2025 (CANCELED)
- 104 Washington Ave case #20240522 01/02/2025 (CANCELED)
- 80 Avenue E case #CE140394 01/10/2025
- 7864 Buccaneer Dr. case #20240786 01/27/2025
- 190 Bayview Ave case #20240743 01/27/2025
- 32 Fairview Blvd case #20240680 01/27/2025
- 8285 Estero Blvd case #20241106 01/31/2025
- 406 Estero Blvd case #20240921 Amended 02/03/2025
- 4900 Estero Blvd case #20240960 Amended 02/03/2025
- 1249 Estero Blvd case #20240919 Amended 02/03/2025
- 2450 Estero Blvd case #20240946 Amended 02/03/2025
- 8285 Estero Blvd case #20241106 Amended 02/03/2025
- 131/133 Estero Blvd case #20240653 02/10/2025
- 131/133 Estero Blvd case #20250056 02/10/2025
- 207 Driftwood Ln case #20241151 02/19/2025

NOTICE TO VACATE AND DEMOLITION NOTICE

OTHER NOTICES

FMB PERMITS

CDBG-DR



Property Data

STRAP: 34-46-24-W4-0010C.0100 Folio ID: 10231075

Hurricanes Helene/Milton Tax Roll Value Letter Hurricane Ian Tax Roll Value Letter

Generated on 2/19/2025 10:36 AM

Owner Of Record - Sole Owner

[\[Change Mailing Address\]](#)

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS FL 33916



Site Address

Site Address maintained by E911 Program Addressing

207 DRIFTWOOD LN
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!

FLAMINGO PARK BLK C PB 9 PG 66 LOT 10 NELY 55 FT

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 9 and 66 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms 0
1st Year Building on Tax Roll N/A
Historic Designation No

Township	Range	Section	Block	Lot
46	24E	34	0010C	0100
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.42501	-81.90411		

[View Parcel on Google Maps](#)

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)



[\[Pictometry Aerial Viewer \]](#)

Image of Structure



◀ Photo Date February of 2024 ▶ ☐ View other photos

Last Inspection Date: 02/02/2024

Property Values / Exemptions / TRIM Notices

Generated on 2/19/2025 10:36 AM

No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2024 / Additional Info	2024 (Final Value)	423,404	417,404	423,404	0	0	0	394,818
2023 / Additional Info	2023 (Final Value)	358,925	358,915	358,925	0	0	0	358,925
2022 / Additional Info	2022 (Final Value)	575,414	312,100	575,414	0	50,000	0	145,981
2021 / Additional Info	2021 (Final Value)	393,613	291,700	393,613	0	50,000	0	140,273
2020 / Additional Info	2020 (Final Value)	359,344	291,700	359,344	0	50,000	0	137,646
2019 / Additional Info	2019 (Final Value)	349,645	243,100	349,645	0	50,000	0	133,427
2018 / Additional Info	2018 (Final Value)	325,423	221,000	325,423	0	50,000	0	130,007
2017 / Additional Info	2017 (Final Value)	335,922	157,500	335,922	0	50,000	0	126,305
2016	2016 (Final Value)	287,357	157,500	287,357	0	50,000	0	122,679

2015	2015 (Final Value)	396,298	157,500	396,298	0	50,000	0	121,479
2014	2014 (Final Value)	362,503	157,500	362,503	0	50,000	0	120,118
2013	2013 (Final Value)	197,653	185,400	197,653	0	50,000	0	117,604
2012	2012 (Final Value)	216,182	150,000	216,182	0	50,000	0	162,267
2011	2011 (Final Value)	206,084	170,000	206,084	0	50,000	0	156,084
2010	2010 (Final Value)	274,840	225,000	274,840	0	50,000	0	224,840
	2009 (Final Value)	325,150	275,000	325,150	0	0	0	325,150
	2008 (Final Value)	410,900	361,680	410,900	0	0	0	410,900
	2007 (Final Value)	462,140	411,800	0	0	0	0	462,140
	2006 (Final Value)	409,510	360,000	0	0	25,000	0	314,160
	2005 (Final Value)	329,280	288,000	0	0	25,000	0	304,280
	2004 (Final Value)	234,710	206,010	0	0	0	0	234,710
	2003 (Final Value)	263,730	226,060	0	0	0	0	263,730
	2002 (Final Value)	168,540	120,680	0	0	0	0	168,540
	2001 (Final Value)	141,660	93,000	0	0	0	0	141,660
	2000 (Final Value)	109,310	75,000	0	0	25,000	0	68,730
	1999 (Final Value)	94,940	60,000	0	0	25,000	0	66,270
	1998 (Final Value)	95,920	60,000	0	0	25,000	0	64,830
	1997 (Final Value)	97,450	60,000	0	0	25,000	0	63,330
	1996 (Final Value)	99,500	61,440	0	0	25,000	0	60,760
	1995 (Final Value)	83,670	43,530	0	0	25,000	0	58,670
	1994 (Final Value)	85,040	43,620	0	0	25,000	0	60,040
	1993 (Final Value)	77,290	34,720	0	0	25,000	0	52,290
	1992 (Final Value)	72,860	34,730	0	0	25,000	0	47,860

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)). For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\)\(a\)](#)).

The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.

(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for Homestead properties OR 10% for non-Homestead properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.

(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current as of 2/18/2025)

Generated on 2/19/2025 10:36 AM

Land			
Land Tracts			
Use Code	Use Code Description	Number of Units	Unit of Measure
0	Vacant Residential	1.00	Lot
Land Features			
Description		Year Added	Units
SEAWALL - CONCRETE		2000	55
BOAT LIFT		2010	1



Property Details (2024 Tax Roll)

Generated on 2/19/2025 10:36 AM

Land			
Land Tracts			
Use Code	Use Code Description	Number of Units	Unit of Measure
0	Vacant Residential	1.00	Lot
Land Features			
Description		Year Added	Units
SEAWALL - CONCRETE		2000	55
BOAT LIFT		2010	1

Taxing Authorities

Generated on 2/19/2025 10:36 AM

TOWN OF FT MYERS BEACH / 032

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 100 VOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2837 FORT MYERS BEACH FL 33932-2837
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931

PUBLIC SCHOOL - BY LOCAL BOARD / 012

Public Schools

LEE COUNTY SCHOOL BOARD
BUDGET DEPARTMENT
2855 COLONIAL BLVD
FORT MYERS FL 33966

PUBLIC SCHOOL - BY STATE LAW / 013

Public Schools

LEE COUNTY SCHOOL BOARD
BUDGET DEPARTMENT
2855 COLONIAL BLVD
FORT MYERS FL 33966

GREEN CORRIDOR PACE / 363

Special District

SFWMD-DISTRICT-WIDE / 110

Water District

SFWMD
3301 GUN CLUB RD
WEST PALM BEACH FL 33406

SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084

Water District

SFWMD
3301 GUN CLUB RD
WEST PALM BEACH FL 33406

SFWMD-OKEECHOBEE BASIN / 308

Water District

SFWMD
3301 GUN CLUB RD
WEST PALM BEACH FL 33406

Sales / Transactions

Generated on 2/19/2025 10:36 AM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
570,000.00	11/18/2022	2022000361451	03		I
310,000.00	02/15/2012	2012000036196	01		I
205,000.00	09/25/2009	2009000266639	12		I
100.00	11/17/2008	2008000315482	03		I
605,000.00	04/13/2006	2006000162768	06		I
100.00	10/13/2004	2006000067857	01		I
340,000.00	10/03/2004	4470/68	06		I
175,500.00	09/15/2000	3312/2	06		I
100.00	12/20/1997	2904/3933	01		I
34,000.00	09/01/1988	2026/2062	06		V
62,500.00	09/01/1985	1804/4163	01		I

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **9** and **66** for the book and page numbers and **Plats** **Book** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data

Generated on 2/19/2025 10:36 AM

Permit Number	Permit Type	Date
ELE17-0019	Electric	01/25/2017
DSH09-0048	Boathouse, Dock & Shoreline	11/04/2009

DSH2001-00095	Boathouse, Dock & Shoreline	02/07/2001
DSH2000-00814	Boathouse, Dock & Shoreline	11/08/2000
199202176	Mobile Home	03/09/1992
199101071	Boathouse, Dock & Shoreline	02/01/1991
198911802	Mobile Home	11/01/1989
198906520	Mobile Home	06/09/1989
198906136	Mobile Home	05/30/1989

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Parcel Numbering History

Generated on 2/19/2025 10:36 AM

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
34-46-24-01-0000C.0100	N/A	Reserved for Renumber ONLY	01/12/1995

Solid Waste (Garbage) Roll Data

Generated on 2/19/2025 10:36 AM

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	R - Residential Category		0	0.00
Collection Days Garbage Thursdays Recycling Thursdays Horticulture Thursdays				

Flood and Storm Information

Generated on 2/19/2025 10:36 AM

Flood Insurance Find my flood zone				Evacuation Zone
Community	Panel	Version	Date	
071C	0567	G	11/17/2022	A

Generated on 2/19/2025 10:36 AM

Prepared by:
Jennifer Parks
Entitled, LLC
Title Insurance Agency
2180 West First Street, Suite 530
Fort Myers, Florida 33901
File Number: 22ENT-0915

General Warranty Deed

Made this November 18, 2022 A.D. By **Michael R. Rahn and Candace A. Rahn, husband and wife**, whose address is: 1129 County Rd. E., Spooner, Wisconsin 54801, hereinafter called the grantor, to **Praraz Builders LLC, a Florida Limited Liability Company**, whose post office address is: 4110 Center Pointe Dr. Ste 210, Fort Myers, Florida 33916, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lot 10, less the Southwesterly 10 feet thereof, Block C, Flamingo Park, according to plat thereof as recorded in Plat Book 9, Page 66, of the Public Records of Lee County, Florida.

Together with that certain 1989 PARKER mobile home with identification numbers CLFL91372A & CLFL91372B located thereon and attached thereto.

Parcel ID Number: **34-46-24-W4-0010C.0100**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2022.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Sarah Letter
Witness #1 Signature

Witness #1 Printed Name Sarah Letter

Jennifer Parks
Witness #2 Signature

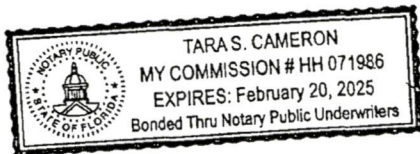
Witness #2 Printed Name Jennifer Parks

Michael Rahn (Seal)
Michael R. Rahn
Address: 1129 County Rd. E., Spooner, Wisconsin 54801

Candace A. Rahn (Seal)
Candace A. Rahn
Address: 1129 County Rd. E., Spooner, Wisconsin 54801

State of FL
County of Lee

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this 18th day of November, 2022, by Michael R. Rahn and Candace A. Rahn, husband and wife, who is/are personally known to me or who has produced FL Driver License as identification.



(NOTARY SEAL)

Tara S. Cameron
Notary Public Signature
Print Name: _____
My Commission Expires: _____



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company

PRARAZ BUILDERS LLC

Filing Information

Document Number L21000216197

FEI/EIN Number 86-3877539

Date Filed 05/10/2021

Effective Date 05/10/2021

State FL

Status ACTIVE

Principal Address

13690 Eagle Ridge Dr
FORT MYERS, FL 33912

Changed: 04/22/2024

Mailing Address

13690 Eagle Ridge Dr
FORT MYERS, FL 33912

Changed: 04/22/2024

Registered Agent Name & Address

KASIREDDY, HEMAPRASAD
13690 Eagle Ridge Dr
FORT MYERS, FL 33912

Address Changed: 04/22/2024

Authorized Person(s) Detail

Name & Address

Title MGR

KASIREDDY, HEMAPRASAD
4110 CENTER POINTE DR, STE 210
FORT MYERS, FL 33916

Title MGR

DEVAGUPTAPU, PALLAVI
3208 W RIVERSIDE DRIVE
FORT MYERS, FL 33901

Annual Reports

Report Year	Filed Date
2022	03/09/2022
2023	04/17/2023
2024	04/22/2024

Document Images

04/22/2024 -- ANNUAL REPORT	View image in PDF format
04/17/2023 -- ANNUAL REPORT	View image in PDF format
03/09/2022 -- ANNUAL REPORT	View image in PDF format
05/10/2021 -- Florida Limited Liability	View image in PDF format

HEARING

EXHIBIT

B

- Notice of Violation



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

12/09/2024

Case Number:	20241151
Certified Mail:	9589071052700183637113
Regular Mail	

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS, FL 33916

SITE ADDRESS: 207 DRIFTWOOD LN
PARCEL STRAP NO: 344624W40010C0100

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **12/04/2024** by Town of Fort Myers Beach Code Enforcement Officer **T. Hoffman** indicates that the following items are in violation:

Boat lift in disrepair and /or dangerous condition causing a public safety concern.
Weeds, plants and /or grass in excess of 12" in height.

These items are a violation of the following Town Codes:

Sec. 110.1 The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

*Sec. 6-2. - Amendments. (Weeds) (w) Section 302.4 Weeds, is hereby amended to read as follows:
All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.*

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Repair, replace and or secure boat lift according to Town Code Compliance. It is recommended that you contact permitting at 239-765-0202 to obtain any required permits. Trim and / or mow weeds, plants and grass below 12" in height and maintain property to Town Code Compliance..

You are hereby directed to bring these violations into compliance within 30 Days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE

VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

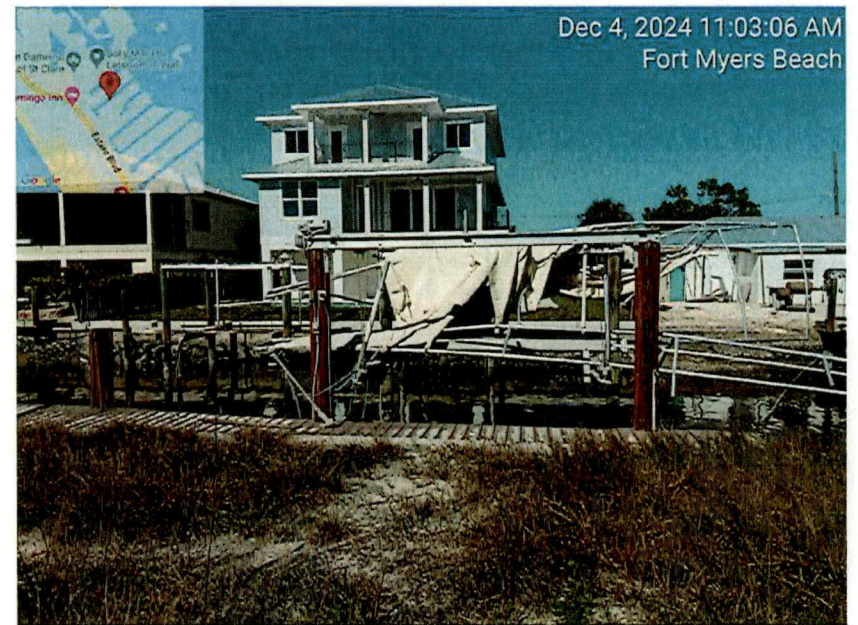
If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

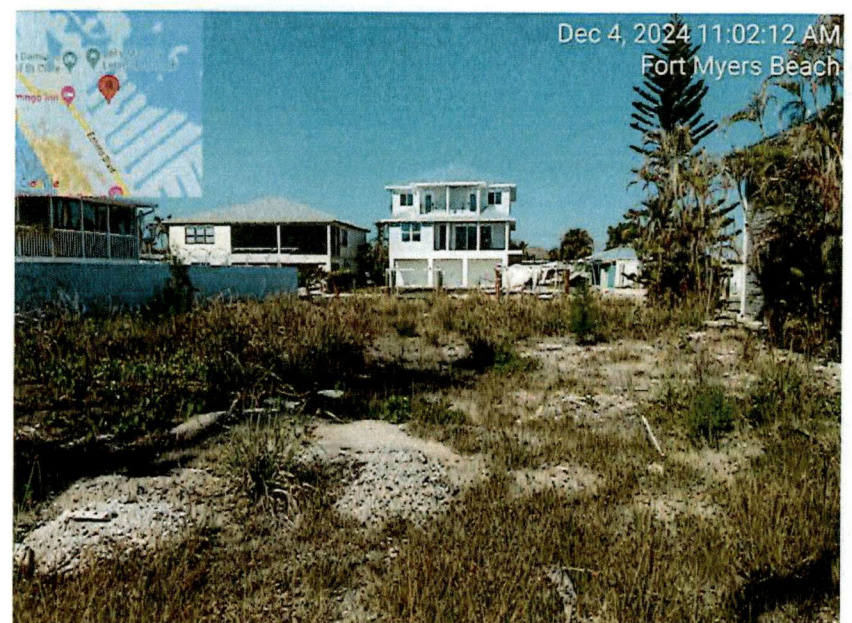
You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

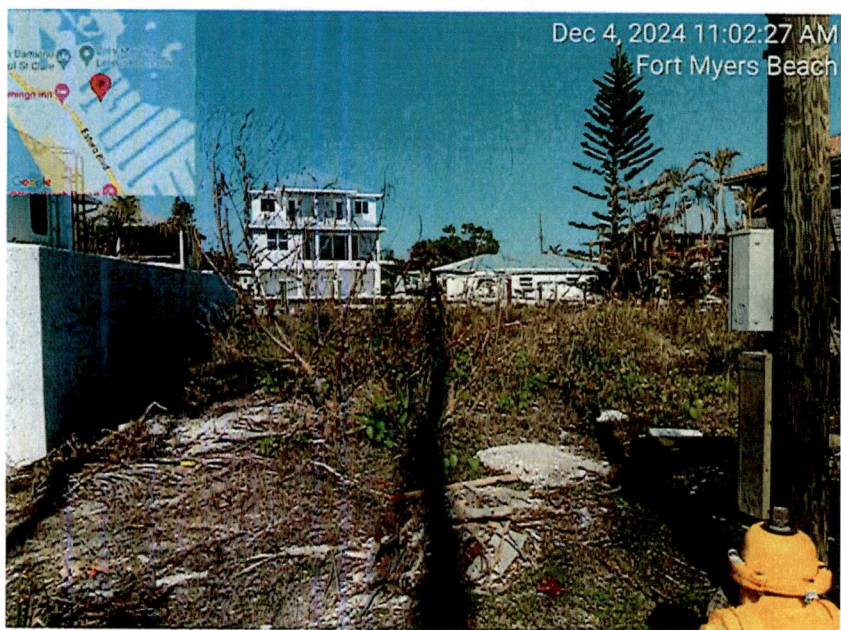
Please contact the Town of Fort Myers Beach Code Enforcement Division at 239-220-6458 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

T. Hoffman
Code Enforcement Officer
Town of Fort Myers Beach









TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Praraz Builders LLC
4110 Center Pointe Dr #210
Fort Myers, FL 33916

Respondent,

FMB Case Number:	20241151
Certified Mail:	
Regular Mail:	
DOAH Case Number:	[Not Applicable]

Site Address: 207 Driftwood Ln,
Fort Myers Beach, FL 33931
Parcel Strap No. 344624W40010C0100

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared T. Hoffman, who is the Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20241151 for a boat lift in disrepair and /or dangerous condition causing a public safety concern and Weeds, plants and /or grass in excess of 12" in height at the property of 207 Driftwood Ln, Fort Myers Beach, FL 33931 attached

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified mail a copy of the Notice of Violation to the following:
 - a. Praraz Builders LLC
4110 Center Pointe Dr #210
Fort Myers, FL 33916
Certified Mail No. 9589071052700183637113
(Property Owner)

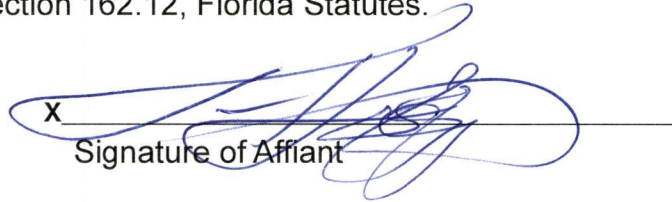
Copies of the certified mailing receipts are attached as evidence.

2. I posted a copy of the Notice at 207 Driftwood, Fort Myers Beach, FL 33931, by which is the subject property. I took a photographs of the Notice I posted on the 10th day of December 2024. A true, accurate and unaltered copy of the photographs are attached.
3. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 2731 Oak Street, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 10th day of December 2024 are attached.
4. In addition, Officer D. Batt posted a copy of the Notice on the Town's publicly accessible website at <https://www.fortmyersbeachfl.gov/1294/Public-Notices> on the 10th day of December, 2024. A copy of the posted webpage is attached as Evidence



Dan Allers, Mayor | Jim Atterholt, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Woodson, Council Member

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

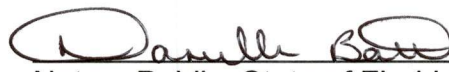
X 
Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☒ personal presence or ☐ online notarization this 19th day of February, 2025, by T. Hoffman. He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]


Notary Public, State of Florida
Print Name: Danielle Batt
My Commission Expires: July 14 2026

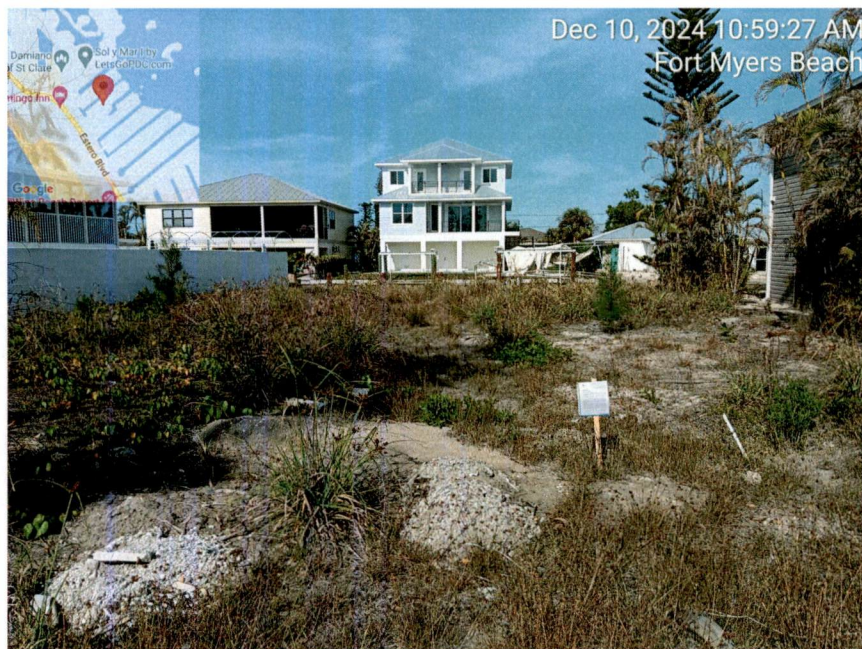
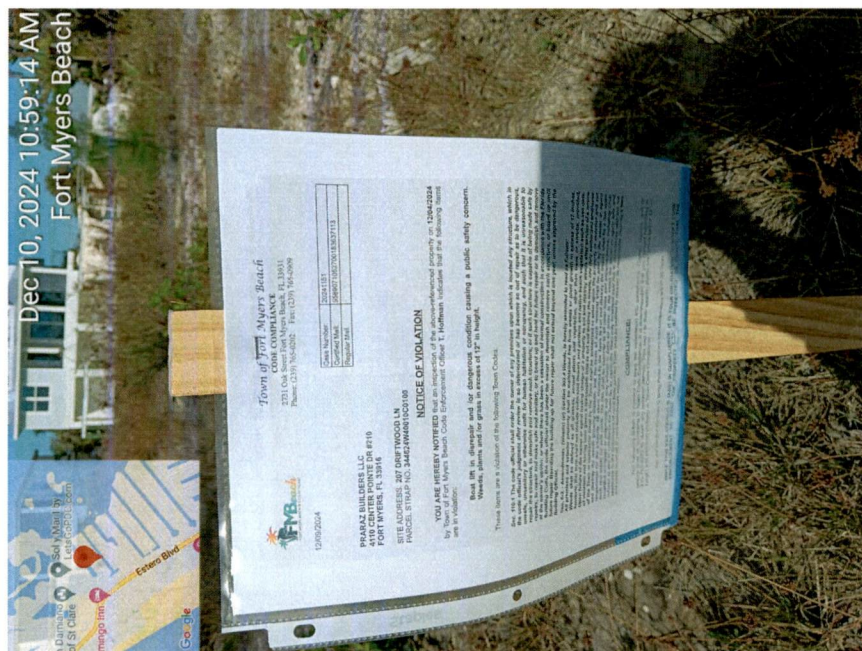
FORT MYERS BEACH ESTERO ISLAND

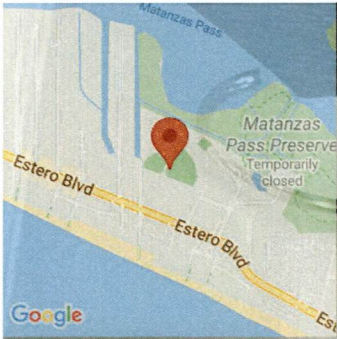
P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931

9589 0710 5270 0183 6371 13

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	\$ 20241151
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
PRARAZ BUILDERS LLC 4110 CENTER POINTE DR #210 FORT MYERS, FL 33916	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

Sent by:
Postmark Here
DEC 10 2024
Town of Fort Myers
Coach





12/09/2024

Dec 10, 2024 9:08:47 AM
Town of Fort Myers Beach
CODE COMPLIANCE
2731 Oak Street Fort Myers Beach, FL 33904
Phone: (239) 765-0202 Fax: (239) 765-0909

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS, FL 33916

SITE ADDRESS: 207 DRIFTWOOD LN
PARCEL STRAP NO: 344624W40010C0100

Case Number:	20241151
Certified Mail:	9589071052700183637113
Regular Mail:	

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on 12/04/2024 by Town of Fort Myers Beach Code Enforcement Officer T. Hoffman indicates that the following items are in violation:

Boat lift in disrepair and/or dangerous condition causing a public safety concern.
Weeds, plants and/or grass in excess of 12" in height.

These items are a violation of the following Town Codes:

Sec. 110.1 The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

Sec. 6-2. - Amendments. (Weeds) (w) Section 302.4 Weeds, is hereby amended to read as follows:
All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Repair, replace and/or secure boat lift according to Town Code Compliance. It is recommended that you contact permitting at 239-765-0202 to obtain any required permits. Trim and/or mow weeds, plants and grass below 12" in height and maintain property to Town Code Compliance.

You are hereby directed to bring these violations into compliance within 30 Days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE

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ABOUT FMB DOING TOWN BUSINESS THINGS TO DO HOW DO IT?

Municipal Elections
Bids and Proposals
Careers
Fact or Fiction
Holidays
Public Information
Public Notices

NOTICE OF VIOLATION

Notice of Violations

- 110-138 Connecticut St case #20241086 11/13/2024
- 131 Lenell Rd case #20241087 11/13/2024
- 300 Lary Way case #20241088 11/13/2024
- 2654 Estero Blvd case #20241089 11/13/2024
- 2812 Estero Blvd case #20241090 11/13/2024
- 2322 Estero Blvd case #20241091 11/13/2024
- 4267 Bay Beach Ln case #20241092 11/13/2024
- 4501-4509 Bay Beach Ln case #20241093 11/13/2024
- 5711 Lander St case #20241094 11/13/2024
- 5790 Estero Blvd case #20241095 11/13/2024
- 6614 Estero Blvd case #20241097 11/18/2024
- 6642 Estero Blvd case #20241098 11/18/2024
- 6666 Estero Blvd case #20241099 11/18/2024
- 7150 Estero Blvd case #20241100 11/19/2024
- 7225 Estero Blvd case #20241101 11/19/2024
- 7295 Estero Blvd case #20241102 11/19/2024
- 7317 Estero Blvd case #20241108 11/19/2024
- 7404 Estero Blvd case #20241103 11/18/2024
- 7328 Estero Blvd case #20241105 11/18/2024
- 7652 Estero Blvd case #20241104 11/18/2024
- 8285 Estero Blvd case #20241106 11/19/2024
- 8352 Estero Blvd case #20241107 11/19/2024
- 5380 Estero Blvd case #20241032 11/22/2024
- 5660 Williams Dr case #20241153 12/04/2024
- 5720 Estero Blvd case #20241174 12/05/2024
- 5790 Estero Blvd case #20241175 (Registered Agent) 12/05/2024

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ABOUT FMB DOING TOWN BUSINESS THINGS TO DO HOW DO IT?

- 8352 Estero Blvd case #20241107 11/19/2024
- 5380 Estero Blvd case #20241032 11/22/2024
- 5660 Williams Dr case #20241153 12/04/2024
- 5720 Estero Blvd case #20241174 12/05/2024
- 5790 Estero Blvd case #20241175 (Registered Agent) 12/05/2024
- 5790 Estero Blvd case #20241175 (owner) 12/05/2024
- 292 Fairweather Ln case #20241173 12/05/2024
- 292 Fairweather Ln case #20241167 12/05/2024
- 265 Tropical Shores Way case #20240997 12/05/2024
- 5670 Estero Blvd case #20241060 12/10/2024
- 5120 Williams Dr case #20240972 12/10/2024
- 5110 Williams Dr case #20240973 12/10/2024
- 2661/2681 Estero Blvd case #20241008 12/10/2024
- 14801 Street case #20241009 12/10/2024
- 5530 Palmetto St case #20241183 12/10/2024
- 207 Driftwood Ln case #20241151 12/10/2024
- 70 Manya St case #20241193 12/11/2024
- 175/177 Tropical Shores Way case #20241197 12/12/2024
- 210 Estrellita Dr case #20241212 12/17/2024
- 110-138 Connecticut St case #20241198 12/17/2024
- 115 Gulf Island Dr case #20241217 12/18/2024
- 71 Avenue C case #20241215 12/18/2024
- 5395/5397 Palmetto St case #20241085 12/19/2024
- 107 Gullview Ave case #20241221 12/20/2024
- 329 Madison Ct case #20241223 01/06/2025
- 4854 Estero Blvd case #20250015 01/07/2025
- 4852 Estero Blvd case #20250012 01/07/2025
- 329 Madison Ct case #20241223 01/07/2025
- 253/255 Delmar Ave case #20250028 01/13/2025
- 1790 Nocatee Rd case #20241182 01/13/2025

HEARING

EXHIBIT

C

- Status of Compliance



02/19/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

PRARAZ BUILDERS LLC

Respondent.

Site Address: **207 DRIFTWOOD LN**
Parcel Strap No.: **344624W40010C0100**

Case Number: **20241151**

Certified Mail:

Regular Mail:

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Officer T. Hoffman, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, T. Hoffman, am a person authorized by law to inspect violations of the Town of Fort Myers Beach Code contained herein and the statements set forth herein are based upon personal knowledge.

2. On 12/04/2024, PRARAZ BUILDERS LLC (property owner) was observed in violation of 6-2 Sections 110.1 and 302.4 of the Town of Fort Myers Beach Code of Ordinances, Boat lift in disrepair and /or dangerous condition causing a public safety concern. Weeds, plants and /or grass in excess of 12" in height. , at the property located at 207 DRIFTWOOD LN, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 12/09/2024, and sent certified mail to the address of record, 4110 CENTER POINTE DR #210, FORT MYERS, FL 33916, posted to the violation property located at 207 DRIFTWOOD LN, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. PRARAZ BUILDERS LLC was/were given 30 Days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 01/09/2025.

5. I performed an inspection of the Subject Property on 02/17/2025, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be any progress made towards compliance at 207 DRIFTWOOD LN, Fort Myers Beach, FL 33931.

6. I have attached Exhibit A, which are photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 02/17/2025. These photographs have not been altered in any way.

7. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.

8. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate that and an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) and/or the imposition of an administrative fine not to exceed \$250.00 for each day each violation continues past the date for compliance or \$500.00 for each day each violation was repeated, and for such other and further relief as is consistent with the powers of the Special Magistrate.

FURTHER AFFIANT SAYETH NAUGHT.


Signature of Affiant

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of X physical presence OR _____ online notarization, this 19th day of February, 2025, by T. Hoffman, 1 who is personally known to me OR _____ who has produced _____ as identification.




Notary Public Signature

My Commission Expires: July 14 2026



Feb 17, 2025 11:19:42 AM
Fort Myers Beach



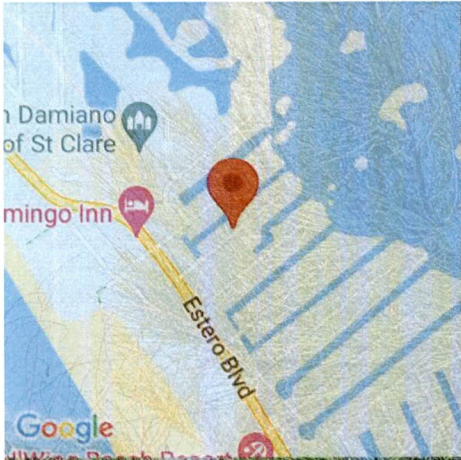
Feb 17, 2025 11:18:34 AM
Fort Myers Beach



Feb 17, 2025 11:19:39 AM
Fort Myers Beach



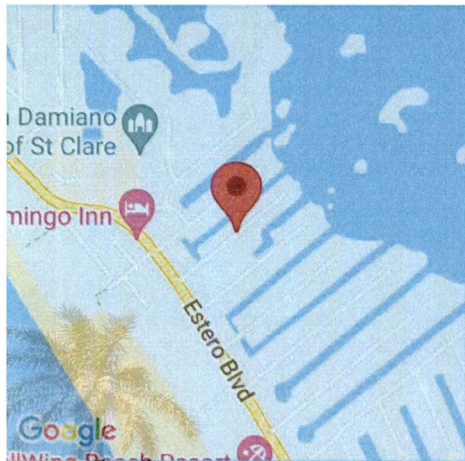
Feb 17, 2025 11:18:46 AM
Fort Myers Beach



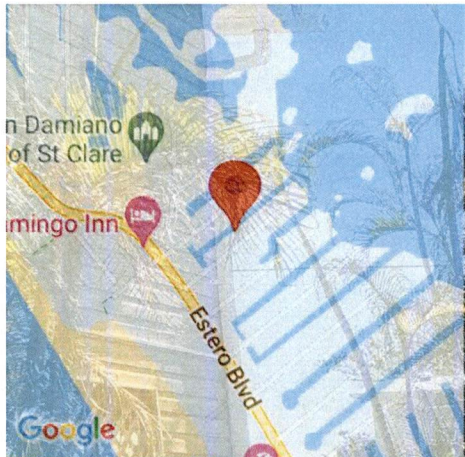
Feb 17, 2025 11:19:45 AM
Fort Myers Beach



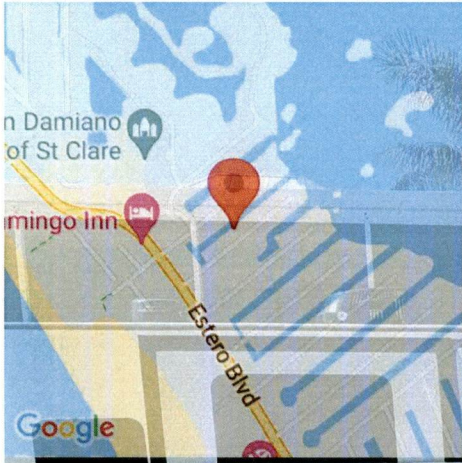
Feb 17, 2025 11:18:59 AM
Fort Myers Beach



Feb 17, 2025 11:19:57 AM
Fort Myers Beach



Feb 17, 2025 11:20:04 AM
Fort Myers Beach



HEARING

EXHIBIT

D

- Violated Regulation(s)

See relevant highlighted section(s) of
applicable code

Sec. 6-2. - Amendments.

The 2018 Edition of the International Property Maintenance Code is hereby amended as follows:

- (a) Wherever the term "code official" appears in the International Property Maintenance Code, that term shall be interpreted to mean the Director of the Department or Community Development or his or her designee. Wherever the term "department" appears in this code, it shall be interpreted to mean the Department of Community Development. Wherever the terms "International Building Code" or "International Existing Building Code" appear in this code, the term "Florida Building Code" shall be substituted for such terms.
- (b) Section 101.1 Title, is amended to read as follows:

These regulations shall be known as the Property Maintenance Code of the Town of Fort Myers Beach, Florida, hereinafter referred to as "this code."
- (c) *Section 102.3 Application of other codes*, is amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Florida Building Code, as amended.
- (d) *Section 102.6 Historic Buildings*, is amended to read as follows:

The provisions of this code shall not be mandatory for existing buildings or structures formally or officially designated as historic buildings by either the federal government, the state, or the Town, provided such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare.
- (e) *Section 102.7 Referenced codes and standards*, is amended to read as follows:

The codes and standards referenced in this code shall be the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code. Where there are differences between provisions of this code, the Florida Building Code and any other code or standard contained in Articles II, III and IV in

Chapter 6 of the Land Development Code, the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code, and any other code or standard contained in Articles II, III, and IV in Chapter 6 of the Land Development Code shall prevail.

- (f) *Section 103 Department of Property Maintenance Inspection* is hereby deleted in its entirety.
- (g) *Section 104.4 Right of Entry* is hereby deleted in its entirety.
- (h) Section 106.3 Prosecution of Violation, is hereby amended to read as follows:

Any person who fails to comply with a notice of violation or order served in accordance with Section 107 shall be adjudicated in accordance with the provisions of Chapter 162 of the Florida Statutes or any other method allowed by Florida law, or as provided in the codes and ordinances of the Town of Fort Myers.
- (i) *Section 107.2 Form*, is hereby amended to read as follows:

The notice prescribed in Section 107.1 shall comply with the requirements of F.S. ch. 162.
- (j) *Section 107.3 Method of Service*, is hereby amended to read as follows:

All notices shall be deemed to have been properly served if the service requirements contained in F.S. ch. 162 have been met.
- (k) *Section 107.5 Penalties*, is hereby amended to read as follows:

Penalties for noncompliance with orders and notices shall be as set forth in F.S. ch. 162, and the codes and ordinances of the Town of Fort Myers Beach.
- (l) *Section 107.6 Transfer of Ownership*, is hereby amended to read as follows:

If the owner of property that is subject to a code enforcement proceeding before the special magistrate, or court transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

 - (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
 - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.

- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
 - (4) File a notice with the code official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.
 - (5) A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.
- (m) *Section 108.2 Closing of vacant structures*, is hereby amended to read as follows:
- If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for closing or securing the premises fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.
- (n) *Section 108.7 Record*, is hereby amended to read as follows:
- The code official shall prepare a report on an unsafe condition. In addition, a written notice of the unsafe condition shall be recorded in the public records for Lee County. The notice shall state the occupancy of the structure and the nature of the unsafe condition.

(o) *Section 109.5 Costs of emergency repairs*, is hereby amended to read as follows:

Costs incurred in the performance of emergency work shall be paid by the Town. All costs incurred by the Town in the performance of emergency work shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for emergency repairs fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(p) *Section 109.6 Hearing*, is hereby amended to read as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon appeal to the Town Council, be afforded a hearing as described in this code.

(q) *Section 110.1 General*, is hereby amended to read as follows:

The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

(r) *Section 110.3 Failure to comply*, is hereby amended as follows:

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Town shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged

against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. In the event the owner or person creating the need for demolition and removal fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

- (s) *Section 111.1 Application for appeal*, is hereby amended to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued pursuant to this code shall have the right to appeal to the Town Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served on the affected person or from the date of posting on the property. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. This section shall not apply to orders issued by the Town special magistrate in connection with a code enforcement special magistrate hearing.

- (t) *Sections 111.2 through Section 111.8* are hereby deleted in their entirety.

- (u) *Section 112.4 Failure to comply*, is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a code violation and shall be subject to a fine as determined by the Town special magistrate.

- (v) *Section 302.3 Sidewalks and driveways*, is hereby amended to read as follows:

Section 302.3. Sidewalks, driveways and rights-of-way. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Trees and shrubs shall be maintained to provide for horizontal clearance of at least three (3) feet from and vertical clearance of at least eight (8) feet above any sidewalk, bike path, or street right-of-way. Unpaved areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

(w) *Section 302.4 Weeds*, is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(x) *Section 302.8 Motor Vehicles*, is hereby amended to read as follows:

Section 302.8 Motor Vehicles and Boats. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle or boat shall be parked, kept or stored on any premises, and no vehicle or boat shall at any time be in a state of major disassemble, disrepair, or in the process of being stripped or dismantled. Painting of vehicles or boats is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle or boat of any type is permitted to undergo major overhaul, including body or hull work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(y) A new *Section 302.10* is hereby added as follows:

Section 302.10 Exterior Storage.

1.

No temporary or permanent storage of materials or equipment is permitted on any vacant parcel, unless in conjunction with an active building permit or where such storage is specifically permitted by Chapter 34 of the Land Development Code.

2. Equipment, materials, and furnishings not designed for use outdoors, such as automotive parts and tires, building materials, and interior furniture, may not be stored outdoors.

(z) *Section 303.2 Enclosures*, is hereby amended to read as follows:

Public swimming pools, hot tubs and spas shall include all safety features specified by F.S. § 514.0315, including any subsequent amendments thereto. Residential swimming pools shall be maintained in compliance with the State Residential Swimming Pool Safety Act, as contained in F.S. ch. 515.

(aa) A new *Section 303.3* is hereby added as follows:

Section 303.3 Disposal of swimming pool water. Prior to disposing of any swimming pool water, chlorine and bromine levels must be reduced by not adding chlorine or bromine for a least five (5) days or until levels are below 0.1 mg per liter. One of the following methods of disposal shall be utilized:

1. Discharge of the water into roadside swales to allow for percolation of the water into the ground without any runoff to canals, beaches, wetlands, other tidal waters, or onto adjoining properties. This shall be the preferred method of disposal.
2. Discharge of the water into the sanitary sewer system operated by Lee County Utilities is also permitted, but is not the preferred method.

Under no circumstances shall any swimming pool water be discharged either directly or indirectly onto the beach, or into canals, wetlands, or any other tidal waters.

(bb) *Section 304.3 Premises Identification*, is hereby amended to read as follows:

All buildings shall have address numbers that have been assigned by Lee County placed in a position to be plainly legible and visible by emergency personnel from the street or road fronting the property. All address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.

Numbers shall be a minimum of 3 inches high. Numbers on all commercial, institutional, or multifamily buildings that are set back more than 50 feet from the street shall be at least eight inches high.

(cc) *Section 304.14 Insect screens*, is hereby amended to read as follows:

Every window in a residential structure that is capable of being opened and every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Screens shall not, however, be required where other approved means, such as air curtains or insect repellent fans, are employed.

(dd) A new *Section 308.4* is hereby added as follows:

308.4 Additional Regulations for Rubbish and Garbage Containers.

1. Rubbish and Garbage containers shall not be moved to the street more than 24 hours prior to scheduled curbside collection, nor remain there more than 24 hours after scheduled collection.
2. Each refuse container that is not movable shall be opaquely screened from view from streets and adjoining properties and such screening shall be of sufficient height to entirely screen the container. Screening may be achieved by landscaping, wall, or opaque fencing provided the wall or fence does not exceed the maximum height permitted for the property.
3. Any rubbish or garbage container not located within a roofed enclosure must have a cover or lid that renders the interior of the container inaccessible to animals.

(ee) *Section 402.2 Common halls and stairways*, is hereby amended to read as follows:

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including

exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads, provided, however, that during Sea turtle nesting season (May 1 through October 31), the provisions of Chapter 14, Article II of the Fort Myers Beach Land Development Code shall supersede the foregoing requirements.

(ff) *Section 507 Storm Drainage*, is hereby amended to read as follows:

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Point sources of stormwater discharge from private property directly onto the beach are prohibited. This prohibition includes drainage collected from parking lots or other paved surfaces and stormwater from roofs of buildings.

(gg) A new *Section 602.7* is hereby added as follows:

Section 602.7 Screening of Mechanical Equipment. Any new mechanical equipment placed on a roof shall be screened from view from ground level of adjoining properties and public rights-of-way. When mechanical equipment is being replaced on a roof of a building that is not undergoing structural alterations, such equipment shall be screened to the same standard using non-structural materials such as ornamental latticework.

(hh) *Section 701.1 Scope*, is hereby amended to read as follows:

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. All references to the "International Fire Code" in this Chapter 7 shall be replaced with the "Florida Fire Prevention Code."

(Ord. No. 13-01, § 2, 1-22-2013; Ord. No. 21-01, § 2(Exh. A), 3-15-2021)

Property Address and Owner:

Hearing Date: March 5, 2025

FMB Case No.: 20240786 (Continued from February 5, 2025 hearing)

Property Owner: Lyons Henry E

Property Address: 7864 Buccaneer Dr.

Code Violation: Property in disrepair and in need of maintenance.

Subject:

Code Section:

LDC Sec. 110.0 - The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgement after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

Reference Number:

20240786

Strap Number:

034724W3001030240

Officer:

M. Chavez

Narrative:

Case Number: 20240786

Code Section: LDC Sec. 110.0 - The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgement after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure

Code Officer: M. Chavez

Attachments:

1. Notice of Code Enforcement Hearing - 2.5.25
2. Hearing Exhibit A - Affidavit of Notice of Posting
3. Hearing Exhibit B - Notice of Violation
4. Hearing Exhibit C - Status of Compliance
5. Hearing Exhibit D - Violated Regulations 20240786

Town Recommendations:

The Town of Fort Myers Beach requests that an order be issued finding a violation of LDC Sec. 110.0, including an order to correct the above listed violation(s) and/or the imposition of an

administrative fee of \$250.00 to cover costs in bringing this matter before the Special Magistrate, a fine not to exceed \$250.00 for each day each violation continues past the date for compliance, and for such other and further relief as is consistent with the powers of the Special Magistrate.

Town Approvals:

_____ Thomas Yozzo, Compliance & Securities Manager	Date: February 24, 2025
_____ Traci Kohler, Assistant to the Town manager	Date: February 24, 2025
_____ Frankie Kropacek, Operations & Compliance Director	Date: February 24, 2025
_____ nancy stuparich, Town Attorney	Date: February 24, 2025
_____ Lizzette Roman, Town Clerk Administrative Coordinator	Date: February 25, 2025
_____ Amy Baker, Town Clerk	Date: February 25, 2025



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

01/23/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

LYONS HENRY E
PO BOX 7112
OVERLAND PARK, KS 66207,
Respondent.

Case Number:	20240786
Certified Mail:	9589071052700636643524
Regular Mail	

SITE ADDRESS: 7864 BUCCANEER DR
PARCEL STRAP NO: 034724W3001030240

NOTICE OF CODE ENFORCEMENT HEARING

YOU ARE HEREBY NOTIFIED that, pursuant to Chapter 162, Florida Statutes and Chapter 2, Article V of the Town of Fort Myers Beach Land Development Code, the undersigned Code Enforcement Officer has documented that (an) uncorrected violation(s) of one or more codes of the Town of Fort Myers Beach, as described in the **NOTICE OF VIOLATION**, previously provided to you (a copy of which is enclosed herewith), exists on the above-described property. A hearing before the Town's Code Enforcement Special Magistrate concerning the violation(s) has, therefore, been scheduled for **at 9:00AM on 02/05/2025** in the Council Chambers at Town Hall, located at 2731 Oak St., Fort Myers Beach, Florida.

A copy of the evidentiary case file and all materials provided by the Town to the Special Magistrate in relation to this hearing can be viewed and accessed in advance of the hearing at the link below:

<http://www.fortmyersbeachfl.gov/209/Meetings-Agendas>

NO ADDITIONAL NOTICE OF THE HEARING WILL BE PROVIDED TO YOU. If you fail to attend this hearing, the Code Enforcement Special Magistrate will consider the case, even though you are not present, and may assess fines or take any other action(s) that may affect your rights. If you believe you have come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be performed to determine compliance.

Marcio Chavez

Code Enforcement Officer
Town of Fort Myers Beach

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE NOTIFY THE TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH, 2525 ESTERO BLVD, FORT MYERS BEACH, FL 33931; TELEPHONE NUMBER (239) 765-0202, AT LEAST 72 BUSINESS HOURS BEFORE THE HEARING DATE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE MAY NEED TO ENSURE AT THEIR OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE BY A COURT REPORTER UPON WHICH THE APPEAL IS TO BE BASED.



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931

Phone: (239) 765-0202 Fax: (239) 765-0909

08/21/2024

Case Number:	20240786
Certified Mail:	9589071052700183637205
Regular Mail	

LYONS HENRY E
PO BOX 7112
OVERLAND PARK, KS 66207

SITE ADDRESS: 7864 BUCCANEER DR
PARCEL STRAP NO: 034724W3001030240

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **08/20/2024** by Town of Fort Myers Beach Code Enforcement Officer **Marcio Chavez** indicates that the following items are in violation:

Property unsafe and in disrepair. Roof in disrepair and debris flying onto neighbors yard. Property is in need of maintenance.

These items are a violation of the following Town Codes:

Sec. 110.1 The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Please obtain required permit(s) to repair structure. Please pick up and discard of roof debris..

You are hereby directed to bring these violations into compliance within 30 Days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is

irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at 239-460-7560 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

Marcio Chavez
Code Enforcement Officer
Town of Fort Myers Beach

Hearing Exhibit A

Notice of Hearing Affidavit of Posting



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Lyons Henry E
PO BOX 7112
Overland Park, KS 66207

Respondent,

FMB Case Number:	20240786
Certified Mail:	
Regular Mail:	
DOAH Case Number:	[Not Applicable]

Site Address: 7864 Buccaneer Dr.,
Fort Myers Beach, FL 33931
Parcel Strap No. 034724W3001030240

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared D. Batt, who is the Code Compliance Coordinator for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20240786 for the Property unsafe and in disrepair. Roof in disrepair and debris flying onto neighbor's yard. Property is in need of maintenance for the property 7864 Buccaneer Dr, Fort Myers Beach, FL 33931 attached

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified mail a copy of the Notice of Hearing scheduled 02/05/2025 to the following:
 - a. Lyons Henry E
PO BOX 7112
Overland Park, KS 66207
Certified Mail No. 9589071052700636643524
(Property Owner)

Copies of the certified mailing receipts are attached as evidence.

2. I posted a copy of the Notice at 7864 Buccaneer Dr, Fort Myers Beach, FL 33931, by which is the subject property. I took a photographs of the Notice I posted on the 27th day of January 2025. A true, accurate and unaltered copy of the photographs are attached.
3. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 2731 Oak Street, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 27th day of January 2025 are attached.
4. In addition, I posted a copy of the Notice on the Town's publicly accessible website at <https://www.fortmyersbeachfl.gov/1294/Public-Notices> on the 27th day of January 2025.



Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

Signature of Affiant

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☒ personal presence or ☐ online notarization this 27th day of January, 2025, by D. Batt. She ☒ is personally known to me or ☐ has produced _____ as identification.



ASHLEY SHEPARD
Commission # HH 253125
Expires April 14, 2026

[Notary Seal]

Notary Public, State of Florida

Print Name: Ashley Shepard

My Commission Expires: April 14, 2026

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
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01/23/2025

TOWN OF FORT MYERS BEACH,
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Case Number:	20240786
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D. Batt

Code Enforcement Officer
Town of Fort Myers Beach

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U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Overland Park, KS 66207

Certified Mail Fee \$4.35
 \$
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$10.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$3.71

Total Postage and Fees \$12.66

0440
 03

Postmark
 Here

*NOH + SM Packet
 2/15/25
 2014 1778125
 7864 Buccarex Dr*

Sent To
Lyons Henry E
PO BOX 7112
Overland Park, KS 66207

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0636 6435 24



Jan 27, 2025 10:26:28 AM

7864



Jan 27, 2025 10:26:17 AM



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

01/23/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

LYONS HENRY E
PO BOX 7112
OVERLAND PARK, KS 66207,
Respondent.

SITE ADDRESS: 7864 BUCCANEER DR
PARCEL STRAP NO: 034724W3001030240

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Town of Fort Myers Beach

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Staples

Jan 27, 2025 10:59:49 AM

DECLARATION OF INTEREST

I, the undersigned, being a candidate for the office of _____, do hereby declare that I am not a member of, nor am I connected with, any organization, association, or society, the purpose of which is to influence the action of the _____.

I further declare that I am not a member of, nor am I connected with, any organization, association, or society, the purpose of which is to influence the action of the _____.

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Notice of Hearings

- [1249 Estero Blvd case #20240919](#) 12/23/2024
- [1035 Estero Blvd case #20240915](#) 12/23/2024
- [406 Estero Blvd case #20240921](#) 12/23/2024
- [4900 Estero Blvd case #20240960](#) 12/23/2024
- [2815 Estero Blvd case #20240994](#) 12/23/2024
- [2450 Estero Blvd case #20240946](#) 12/23/2024
- [1821 Estero Blvd case #20240914](#) 12/23/2024
- [81 Miramar St. case #20240912](#) 12/23/2024
- [2450 Estero Blvd case #20240946 \(rescheduled\)](#) 12/30/2024
- [201 Delmar Ave case #20240647](#) 01/02/2025 (CANCELED)
- [1 Fairview Blvd case #20240850](#) 01/02/2025 (CANCELED)
- [32 Fairview Blvd case #20240680](#) 01/02/2025
- [3127 Estero Blvd case #20240784](#) 01/02/2025 (CANCELED)
- [104 Washington Ave case #20240522](#) 01/02/2025 (CANCELED)
- [80 Avenue E case #CE140394](#) 01/10/2025
- [7864 Buccaneer Dr. case #20240786](#) 01/27/2025
- [190 Bayview Ave case #20240743](#) 01/27/2025
- [32 Fairview Blvd case #20240680](#) 01/27/2025
- [8285 Estero Blvd case #20241106](#) 01/31/2025



Property Data

STRAP: 03-47-24-W3-00103.0240 Folio ID: 10234053

[Hurricanes Helene/Milton Tax Roll Value Letter](#) [Hurricane Ian Tax Roll Value Letter](#)

Generated on 1/23/2025 1:23 PM

Owner Of Record - Sole Owner

[\[Change Mailing Address\]](#)

LYONS HENRY E
PO BOX 7112
OVERLAND PARK KS 66207

Site Address

Site Address maintained by [E911 Program Addressing](#)

7864 BUCCANEER DR
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!

LAGUNA SHORES UNIT 1 BLK 3 PB 9 PG 29 LOT 24

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 9 and 29 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	3 / 2.0
Gross Living Area	2,119
1st Year Building on Tax Roll	1979
Historic Designation	No

Township	Range	Section	Block	Lot
47	24E	03	00103	0240
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.40595	-81.89356		

[View Parcel on Google Maps](#)

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)



[\[Pictometry Aerial Viewer \]](#)

Image of Structure



◀ Photo Date April of 2014 ▶ ☐ View other photos

Last Inspection Date: 05/17/2019

Property Values / Exemptions / TRIM Notices

Generated on 1/23/2025 1:23 PM

No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2024 / Additional Info	2024 (Final Value)	507,127	507,117	507,127	507,127	0	0	507,127
2023 / Additional Info	2023 (Final Value)	418,210	418,200	418,210	357,325	50,000	0	307,325
2022 / Additional Info	2022 (Final Value)	662,728	280,500	662,728	346,917	50,000	0	296,917
2021 / Additional Info	2021 (Final Value)	455,381	250,400	455,381	336,813	50,000	0	286,813
2020 / Additional Info	2020 (Final Value)	418,280	278,200	418,280	332,163	50,000	0	282,163
2019 / Additional Info	2019 (Final Value)	407,797	264,924	407,797	324,695	50,000	0	274,695
2018 / Additional Info	2018 (Final Value)	412,632	200,700	412,632	318,641	50,000	0	268,641
2017 / Additional Info	2017 (Final Value)	373,055	143,350	373,055	312,087	50,000	0	262,087

2016	2016 (Final Value)	374,883	143,350	374,883	305,668	50,000	0	255,668
2015	2015 (Final Value)	375,609	114,680	375,609	303,543	50,000	0	253,543
2014	2014 (Final Value)	349,913	114,680	349,913	301,134	50,000	0	251,134
2013	2013 (Final Value)	295,587	93,200	295,587	295,587	50,000	0	245,587
2012	2012 (Final Value)	309,655	155,000	309,655	207,423	50,500	0	156,923
2011	2011 (Final Value)	303,601	155,000	303,601	201,382	50,500	0	150,882
2010	2010 (Final Value)	315,563	160,000	315,563	198,406	50,500	0	147,906
	2009 (Final Value)	304,090	180,000	304,090	193,190	50,000	0	143,190
	2008 (Final Value)	413,380	250,000	413,380	193,000	50,000	0	143,000
	2007 (Final Value)	478,110	285,000	0	187,370	25,000	0	162,370
	2006 (Final Value)	497,950	240,000	0	182,800	25,000	0	157,800
	2005 (Final Value)	339,430	170,250	0	177,480	25,000	0	152,480
	2004 (Final Value)	302,990	170,250	0	172,310	25,000	0	147,310
	2003 (Final Value)	248,930	140,250	0	169,100	25,000	0	144,100
	2002 (Final Value)	294,790	99,880	0	165,140	25,000	0	140,140
	2001 (Final Value)	177,720	61,000	0	162,530	25,000	0	137,530
	2000 (Final Value)	157,800	45,000	0	157,800	25,000	0	132,800
	1999 (Final Value)	177,290	45,000	0	155,020	25,000	0	130,020
	1998 (Final Value)	167,630	43,500	0	152,580	25,000	0	127,580
	1997 (Final Value)	156,540	43,500	0	150,030	25,000	0	125,030
	1996 (Final Value)	148,800	40,000	0	145,660	25,000	0	120,660
	1995 (Final Value)	142,110	36,500	0	142,110	25,000	0	117,110
	1994 (Final Value)	139,730	44,000	0	139,730	25,000	0	114,730
	1993 (Final Value)	124,500	44,600	0	124,500	25,000	0	99,500
	1992 (Final Value)	141,640	44,600	0	141,640	25,000	0	116,640

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)). For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\) \(a\)](#)).

The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.

(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for Homestead properties OR 10% for non-Homestead properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.
(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current as of 1/22/2025)

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Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
100	Single Family Residential	1.00	Lot

Land Features

Description	Year Added	Units
IRRIGATION SYSTEM LAWN	1979	1
FENCE - CHAIN LINK - 4 FOOT	2005	54

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
102 - Ranch	1 - SINGLE FAMILY RESIDENTIAL	1.0	1
Bedrooms	Bathrooms	Year Built	Effective Year Built
3	2.0	1979	1989

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	2,119
FGR - FINISHED GARAGE	N	609
FOP - FINISHED OPEN PORCH	N	422
FSP - FINISHED SCREEN PORCH	N	154
PPT - POOL PATIO	N	912
PTO - PATIO	N	285

Building Features

Description	Year Added	Units
OUTDOOR SHOWER	1979	1
POOL - RESIDENTIAL	1993	392
PATIO - CONCRETE	1993	528
XTRA/ADDITIONAL A/C UNITS	2002	1

Building Front Photo

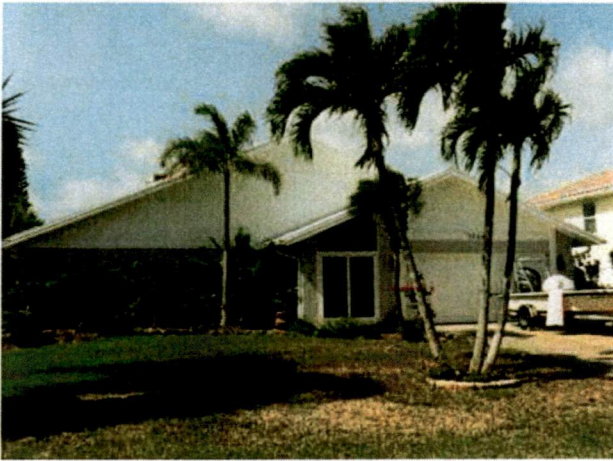
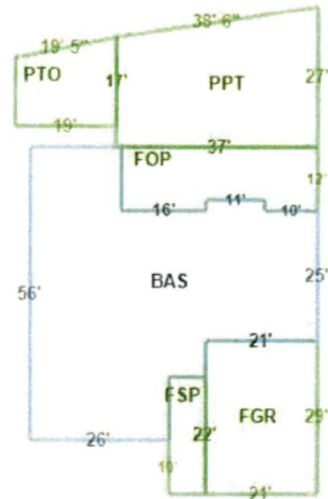


Photo Date: April of 2014

Building Footprint



Property Details (2024 Tax Roll)

Generated on 1/23/2025 1:23 PM

Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
100	Single Family Residential	1.00	Lot

Land Features

Description	Year Added	Units
IRRIGATION SYSTEM LAWN	1979	1
FENCE - CHAIN LINK - 4 FOOT	2005	54

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
102 - Ranch	1 - SINGLE FAMILY RESIDENTIAL	1.0	1
Bedrooms	Bathrooms	Year Built	Effective Year Built
3	2.0	1979	1989

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	2,119
FGR - FINISHED GARAGE	N	609
FOP - FINISHED OPEN PORCH	N	422
FSP - FINISHED SCREEN PORCH	N	154
PPT - POOL PATIO	N	912
PTO - PATIO	N	285

Building Features

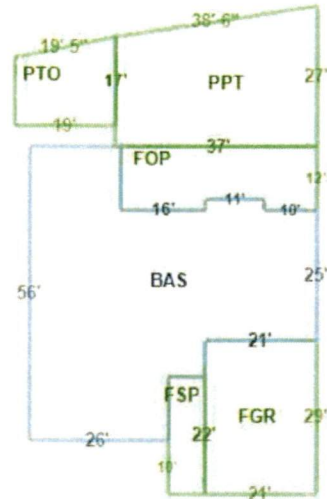
Description	Year Added	Units
OUTDOOR SHOWER	1979	1
POOL - RESIDENTIAL	1993	392
PATIO - CONCRETE	1993	528
XTRA/ADDITIONAL A/C UNITS	2002	1

Building Front Photo



Photo Date: April of 2014

Building Footprint



Taxing Authorities

Generated on 1/23/2025 1:23 PM

TOWN OF FT MYERS BEACH / 032

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 100 VOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2837 FORT MYERS BEACH FL 33932-2837
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
GREEN CORRIDOR PACE / 363	Special District	

SFWMD-DISTRICT-WIDE / 110

Water District

SFWMD
3301 GUN CLUB RD
WEST PALM BEACH FL 33406

SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084

Water District

SFWMD
3301 GUN CLUB RD
WEST PALM BEACH FL 33406

SFWMD-OKEECHOBEE BASIN / 308

Water District

SFWMD
3301 GUN CLUB RD
WEST PALM BEACH FL 33406

Sales / Transactions

Generated on 1/23/2025 1:23 PM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
600,000.00	04/21/2023	2023000143534	01		I
10.00	02/02/2017	2017000030720	11		I
		2012000192344			
390,000.00	08/30/2012	Sales Questionnaire Complete	01		I
100.00	05/14/2009	2009000133698	15	There are 4 additional parcel(s) with this document (may have been split after the transaction date)... 03-47-24-W3-00102.0010 12-46-24-04-07020.00D0 12-46-24-09-00012.00C0 34-47-25-B3-03300.0010	I
100.00	05/14/2009	2009000133697	15	There are 4 additional parcel(s) with this document (may have been split after the transaction date)... 03-47-24-W3-00102.0010 12-46-24-04-07020.00D0 12-46-24-09-00012.00C0 34-47-25-B3-03300.0010	I
145,000.00	01/01/1989	2042/3306	06		I
115,000.00	02/01/1986	1834/3289	06		I

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **9** and **29** for the book and page numbers and **Plats Book** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data

Generated on 1/23/2025 1:23 PM

Permit Number	Permit Type	Date
MEC15-0245	AC New / Change out	07/29/2015
ELE12-0278	Electric	10/19/2012
PLB12-0077	Plumbing	10/17/2012
BLD12-0164	Building Remodel / Repair	10/10/2012
199403063	Pool & Spa	03/28/1994
199305705	Pool & Spa	06/21/1993
706872	Residential	05/18/1987

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Parcel Numbering History ⓘ

Generated on 1/23/2025 1:23 PM

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
03-47-24-01-00003.0240	N/A	Reserved for Renumber ONLY	01/12/1995

Solid Waste (Garbage) Roll Data

Generated on 1/23/2025 1:23 PM

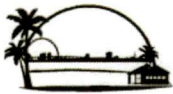
Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	R - Residential Category		1	320.38
	Collection Days			
Garbage	Recycling			Horticulture
Thursday	Thursday			Thursday

Flood and Storm Information

Generated on 1/23/2025 1:23 PM

Community	Flood Insurance Panel	Find my flood zone Version	Date	Evacuation Zone
071C	0569	G	11/17/2022	A

Generated on 1/23/2025 1:23 PM



Lee County Tax Collector

Noelle Branning

Account Number:
03-47-24-W3-00103.0240
Alternate Key:
2100154428
Millage Code:
032

Site Address/Legal Description:
7864 BUCCANEER DR
7864 BUCCANEER DR
LAGUNA SHORES UNIT 1 BLK 3 PB 9 PG 29 LOT
24

2024 Real Estate Tax Notice

Ad Valorem Taxes and Non-Ad Valorem Assessments for Lee County, Florida

Exemptions/Values	
Market Value	507,127
Assessed Value	507,127
Taxable Value	507,127

★ See message below.

LYONS HENRY E
PO BOX 7112
OVERLAND PARK, KS 66207



SCAN
THIS CODE
to pay online
or visit
LeeTC.com/pay-online

Paid 11/25/2024 DP-00-02898146 \$6,831.88

Ad Valorem Taxes Levying Authority	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	507,127	0	507,127	1,907.96
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	507,127	0	507,127	1,140.02
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.0380	507,127	0	507,127	1,540.65
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	507,127	0	507,127	502.06
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	507,127	0	507,127	48.08
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	507,127	0	507,127	16.58
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	507,127	0	507,127	52.03
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.8000	507,127	0	507,127	1,419.96
FORT MYERS BEACH MOSQUITO	239-247-1205	0.1123	507,127	0	507,127	56.95
FORT MYERS BEACH LIBRARY	239-463-9691	0.1612	507,127	0	507,127	81.75
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0200	507,127	0	507,127	10.14
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	507,127	0	507,127	19.98

Non-Ad Valorem Assessments Levying Authority
LEE COUNTY SOLID WASTE ASSESSMENT

Telephone	Rate	Basis	Amount
239-533-8000		ACTL LEVY	320.38

2024 Combined Total Ad Valorem and Non-Ad Valorem:

\$7,116.54

2024 Real Estate Tax Notice

PAY ONLY ONE AMOUNT

If Received By:

- ☐ Nov 30, 2024
☐
☐
☐
☐

Amount Due:

\$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.

Account: 03-47-24-W3-00103.0240

Site Address: 7864 BUCCANEER DR

Alternate Key: 2100154428

★ If the address below is not correct, visit LeePA.org to update your address.

LYONS HENRY E
PO BOX 7112
OVERLAND PARK, KS 66207

Make check payable to:
LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS, FL 33902-1609



Paid 11/25/2024 DP-00-02898146 \$6,831.88

Prepared by:

Accent Title Insurance Agency, Inc.

17693 Summerlin Road

Fort Myers, Florida 33908

File Number: 23-7296

Recorded at Official Records Instrument
_____, In the
Public Records of Lee County, Florida
on ____/____/____ at ____:____, via E-file

Rec 18.50
Doc 41200.00
\$ 41218.50

General Warranty Deed

Made this April 21, 2023 A.D., By **ANITA ELIZABETH BOONE f/k/a ANITA ELIZABETH BOONE-MERRIWETHER**, an unmarried woman, whose post office address is: 968 Greenwood Court South, Sanibel, Florida 33957, hereinafter called the grantor, to **HENRY E. LYONS**, an unmarried man, whose post office address is: P.O. Box 7112, Overland Park, Kansas 66207, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lot 24, Block 3, Unit No.1 Laguna Shores, according to the Plat thereof, recorded in Plat Book 9, Page(s) 29 and 30, of the Public Records of Lee County, Florida.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Parcel ID Number: 03-47-24-W3-00103.0240

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2022.

Prepared by:

Accent Title Insurance Agency, Inc.
17693 Summerlin Road
Fort Myers, Florida 33908

File Number: 23-7296

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

*Signed, sealed and delivered in our presence
as to all Grantors:*

Witness #1 Signature

Witness #1 Printed Name

Jocelyne Mufalli

Witness #2 Signature

Witness #2 Printed Name

ISABELLE WELLS

State of Florida

County of Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 17 day of April, 2023, by **ANITA ELIZABETH BOONE f/k/a ANITA ELIZABETH BOONE-MERRIWETHER**, an unmarried woman, who is/are personally known to me or who has produced FL Drivers license as identification.

(seal)



Anita Elizabeth Boone

**ANITA ELIZABETH BOONE f/k/a ANITA
ELIZABETH BOONE-MERRIWETHER**

Melanie Hess

Signature of Notary Public

Print Name: Melanie Hess

My Commission Expires: 10-13-23

Commission Number: 60921589

Hearing Exhibit B

Notice of Violation



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

08/21/2024

Case Number:	20240786
Certified Mail:	9589071052700183637205
Regular Mail	

LYONS HENRY E
PO BOX 7112
OVERLAND PARK, KS 66207

SITE ADDRESS: 7864 BUCCANEER DR
PARCEL STRAP NO: 034724W3001030240

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **08/20/2024** by Town of Fort Myers Beach Code Enforcement Officer **Marcio Chavez** indicates that the following items are in violation:

Property unsafe and in disrepair. Roof in disrepair and debris flying onto neighbors yard. Property is in need of maintenance.

These items are a violation of the following Town Codes:

Sec. 110.1 The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Please obtain required permit(s) to repair structure. Please pick up and discard of roof debris..

You are hereby directed to bring these violations into compliance within 30 Days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is

irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at 239-460-7560 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

Marcio Chavez
Code Enforcement Officer
Town of Fort Myers Beach





TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Lyons Henry E
PO BOX 7112
Overland Park, KS 66207

Respondent,

FMB Case Number:	20240786
Certified Mail:	
Regular Mail:	
DOAH Case Number:	[Not Applicable]

Site Address: 7864 Buccaneer Dr.,
Fort Myers Beach, FL 33931
Parcel Strap No. 034724W3001030240

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared M. Chavez, who is the Code Enforcement Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20240786 for Property unsafe and in disrepair. Roof in disrepair and debris flying onto neighbor's yard. Property is in need of maintenance for the property 7864 Buccaneer Dr., Fort Myers Beach, FL 33931. True, accurate and unaltered copy of the Notice of Violation attached.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified mail a copy of the Notice of Violation to the following:

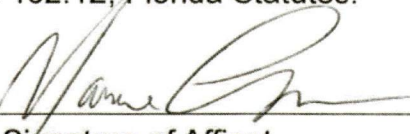
- a. Lyons Henry E
PO BOX 7112
Overland Park, KS 66207
Certified Mail No. 9589071052700183637205
(Property Owner)

Copies of the certified mailing receipts are attached as evidence.

- 2. I had a copy of the Notice posted at 7864 Buccaneer Dr., Fort Myers Beach, FL 33931, which is the subject property. I took a photographs of the Notice I posted on the 21st day of August 2024. A true, accurate and unaltered copy of the photographs are attached.
- 3. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 2731 Oak Street, Fort Myers Beach, FL 33931 in the book and to a window for availability to view 24 hours a day and 7 days a week. True, accurate and unaltered copies of photographs I took of the Notice posted on the 21st day of August 2024 are attached.
- 4. In addition, Code Compliance Coordinator Officer D. Batt posted a copy of the Notice of Violation to the Town Website for publication which is available 24 hours a day 7 days a week at <https://www.fortmyersbeachfl.gov/1294/Public-Notices>.

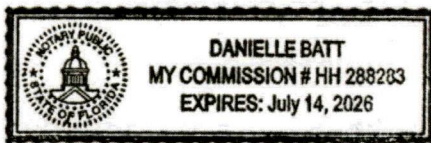


Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

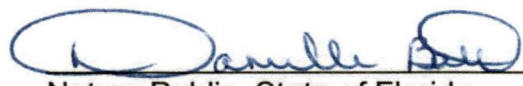
x 
Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☒ personal presence or ☐ online notarization this 23rd day of January, 2025, by M. Chavez. She or He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]


Notary Public, State of Florida
Print Name: Danielle Batt
My Commission Expires: July 14 2026

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931

Phone: (239) 765-0202 Fax: (239) 765-0909

08/21/2024

CASE NUMBER:	20240786
CERTIFIED MAIL:	9589071052700183637205
REGULAR MAIL:	

LYONS HENRY E
PO BOX 7112
OVERLAND PARK, KS 66207

SITE ADDRESS: 7864 BUCCANEER DR
PARCEL STRAP NO: 034724W3001030240

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent by: Case # 20240786
7864 Buccaneer Dr

Sent To: Lyons Henry E
P.O. Box 7112
Overland Park, KS 66207

PS Form 3800, January 2023 PSN 7530-02-000-9247 See Reverse for Instructions

9589 0710 5270 0183 6372 05

Town of Fort Myers Beach
Postmark Here
AUG 21 2024
19C

STATE OF VIOLATION

Inspection of the above-referenced property on **08/20/2024**
Development Officer **Marcio Chavez** indicates that the following

Roof in disrepair and debris flying onto
Intenence.

own Codes:

or of any premises upon which is located any structure, which in
eteriorated or has become so out of repair as to be dangerous,
n habitation or occupancy, and such that it is unreasonable to
h structure; or if such structure is capable of being made safe by
to board up and hold for future repair or to demolish and remove
cessation of normal construction in accordance with the Florida
owner to demolish and remove such structure, or board up until
repair shall not extend beyond one year, unless approved by the

COMPLIANCE:

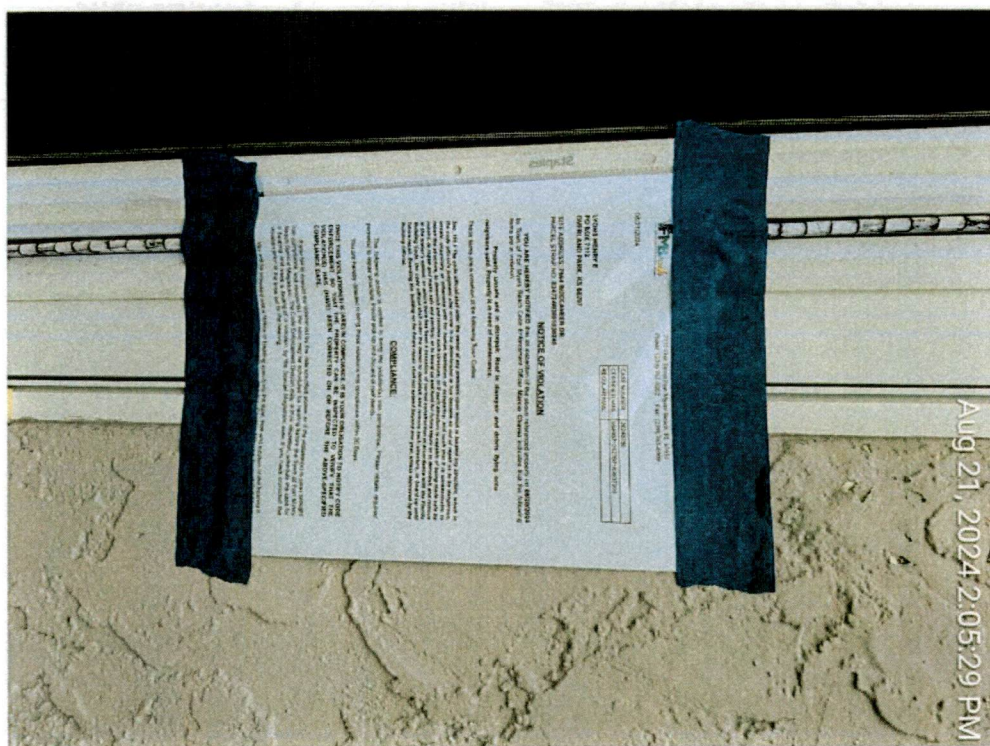
The following action is needed to bring the violation(s) into compliance. Please obtain required permit(s) to repair structure. Please pick up and discard of roof debris..

You are hereby directed to bring these violations into compliance within 30 Days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or



8/21/24, 9:43 AM

http://www.iworq.net/iworq/0_Pages/popupEditLetterPrint.php?sid=SLPQ4W03FLKPSQQ6BNPT1J9FY6400&id=5393706&k=507&letterlinkid=...



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931
 Phone: (239) 765-0202 Fax: (239) 765-0909

08/21/2024

CASE NUMBER:	20240786
CERTIFIED MAIL:	9589071052700183637205
REGULAR MAIL:	

LYONS HENRY E
 PO BOX 7112
 OVERLAND PARK, KS 66207

SITE ADDRESS: 7864 BUCCANEER DR
 PARCEL STRAP NO: 034724W3001030240

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on 08/20/2024 by Town of Fort Myers Beach Code Enforcement Officer Marcio Chavez indicates that the following items are in violation:

Property unsafe and in disrepair. Roof in disrepair and debris flying onto neighbors yard. Property is in need of maintenance.

These items are a violation of the following Town Codes:

Sec. 110.1 The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

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You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or

Hearing Exhibit C

Status of Compliance



01/23/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

LYONS HENRY E

Respondent.

Site Address: 7864 BUCCANEER DR
Parcel Strap No.: 034724W3001030240

Case Number: 20240786

Certified Mail:

Regular Mail:

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Officer D. Batt, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, D. Batt, am a person authorized by law to inspect violations of the Town of Fort Myers Beach Code contained herein and the statements set forth herein are based upon personal knowledge.

2. On 08/20/2024, LYONS HENRY E (property owner) was observed in violation of Chapter 6-2, Section 110.1 of the Town of Fort Myers Beach Code of Ordinances, Property unsafe and in disrepair. Roof in disrepair and debris flying onto neighbors yard. Property is in need of maintenance., at the property located at 7864 BUCCANEER DR, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 08/21/2024, and sent certified mail to the address of record, PO BOX 7112, OVERLAND PARK, KS 66207, posted to the violation property located at 7864 BUCCANEER DR, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. LYONS HENRY E was/were given 30 Days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 09/21/2024.

5. I performed an inspection of the Subject Property on 01/23/2025, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be any progress made towards compliance at 7864 BUCCANEER DR, Fort Myers Beach, FL 33931.

6. I have attached Exhibit A, which are photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 01/23/2025.

These photographs have not been altered in any way.

7. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.

8. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate that and an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) and/or the imposition of an administrative fine not to exceed \$250.00 for each day each violation continues past the date for compliance or \$500.00 for each day each violation was repeated, and for such other and further relief as is consistent with the powers of the Special Magistrate.

FURTHER AFFIANT SAYETH NAUGHT.



Signature of Affiant

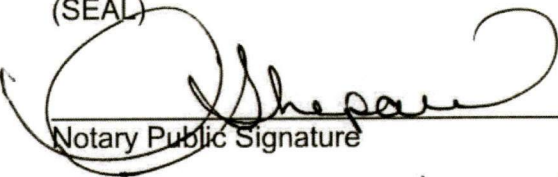
**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of X physical presence OR online notarization, this 23rd day of January, 2025, by D. Batt, X who is personally known to me OR who has produced as identification.



ASHLEY SHEPARD
Commission # HH 253125
Expires April 14, 2026

(SEAL)


Notary Public Signature

My Commission Expires: April 14, 2026



Jan 23, 2025 12:46:37 PM



Jan 23, 2025 12:47:08 PM



Jan 23, 2025 12:47:18 PM



Jan 23, 2025 12:47:46 PM



Jan 23, 2025 12:47:40 PM



Jan 23, 2025 12:48:03 PM



Jan 23, 2025 12:48:05 PM





Jan 23, 2025 12:48:24 PM

HEARING

EXHIBIT

D

- Violated Regulation(s)

See relevant highlighted section(s) of
applicable code

Sec. 6-2. - Amendments.

The 2018 Edition of the International Property Maintenance Code is hereby amended as follows:

- (a) Wherever the term "code official" appears in the International Property Maintenance Code, that term shall be interpreted to mean the Director of the Department or Community Development or his or her designee. Wherever the term "department" appears in this code, it shall be interpreted to mean the Department of Community Development. Wherever the terms "International Building Code" or "International Existing Building Code" appear in this code, the term "Florida Building Code" shall be substituted for such terms.
- (b) Section 101.1 Title, is amended to read as follows:

These regulations shall be known as the Property Maintenance Code of the Town of Fort Myers Beach, Florida, hereinafter referred to as "this code."
- (c) *Section 102.3 Application of other codes*, is amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Florida Building Code, as amended.
- (d) *Section 102.6 Historic Buildings*, is amended to read as follows:

The provisions of this code shall not be mandatory for existing buildings or structures formally or officially designated as historic buildings by either the federal government, the state, or the Town, provided such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare.
- (e) *Section 102.7 Referenced codes and standards*, is amended to read as follows:

The codes and standards referenced in this code shall be the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code. Where there are differences between provisions of this code, the Florida Building Code and any other code or standard contained in Articles II, III and IV in

Chapter 6 of the Land Development Code, the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code, and any other code or standard contained in Articles II, III, and IV in Chapter 6 of the Land Development Code shall prevail.

(f) *Section 103 Department of Property Maintenance Inspection* is hereby deleted in its entirety.

(g) *Section 104.4 Right of Entry* is hereby deleted in its entirety.

(h) *Section 106.3 Prosecution of Violation*, is hereby amended to read as follows:

Any person who fails to comply with a notice of violation or order served in accordance with Section 107 shall be adjudicated in accordance with the provisions of Chapter 162 of the Florida Statutes or any other method allowed by Florida law, or as provided in the codes and ordinances of the Town of Fort Myers.

(i) *Section 107.2 Form*, is hereby amended to read as follows:

The notice prescribed in Section 107.1 shall comply with the requirements of F.S. ch. 162.

(j) *Section 107.3 Method of Service*, is hereby amended to read as follows:

All notices shall be deemed to have been properly served if the service requirements contained in F.S. ch. 162 have been met.

(k) *Section 107.5 Penalties*, is hereby amended to read as follows:

Penalties for noncompliance with orders and notices shall be as set forth in F.S. ch. 162, and the codes and ordinances of the Town of Fort Myers Beach.

(l) *Section 107.6 Transfer of Ownership*, is hereby amended to read as follows:

If the owner of property that is subject to a code enforcement proceeding before the special magistrate, or court transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

(1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

(2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.

- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
 - (4) File a notice with the code official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.
 - (5) A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.
- (m) *Section 108.2 Closing of vacant structures*, is hereby amended to read as follows:
- If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for closing or securing the premises fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.
- (n) *Section 108.7 Record*, is hereby amended to read as follows:
- The code official shall prepare a report on an unsafe condition. In addition, a written notice of the unsafe condition shall be recorded in the public records for Lee County. The notice shall state the occupancy of the structure and the nature of the unsafe condition.

- (o) *Section 109.5 Costs of emergency repairs*, is hereby amended to read as follows:

Costs incurred in the performance of emergency work shall be paid by the Town. All costs incurred by the Town in the performance of emergency work shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for emergency repairs fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

- (p) *Section 109.6 Hearing*, is hereby amended to read as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon appeal to the Town Council, be afforded a hearing as described in this code.

- (q) *Section 110.1 General*, is hereby amended to read as follows:

The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

- (r) *Section 110.3 Failure to comply*, is hereby amended as follows:

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Town shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged

against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. In the event the owner or person creating the need for demolition and removal fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

- (s) *Section 111.1 Application for appeal*, is hereby amended to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued pursuant to this code shall have the right to appeal to the Town Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served on the affected person or from the date of posting on the property. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. This section shall not apply to orders issued by the Town special magistrate in connection with a code enforcement special magistrate hearing.

- (t) *Sections 111.2 through Section 111.8* are hereby deleted in their entirety.

- (u) *Section 112.4 Failure to comply*, is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a code violation and shall be subject to a fine as determined by the Town special magistrate.

- (v) *Section 302.3 Sidewalks and driveways*, is hereby amended to read as follows:

Section 302.3. Sidewalks, driveways and rights-of-way. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Trees and shrubs shall be maintained to provide for horizontal clearance of at least three (3) feet from and vertical clearance of at least eight (8) feet above any sidewalk, bike path, or street right-of-way. Unpaved areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

(w) *Section 302.4 Weeds*, is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(x) *Section 302.8 Motor Vehicles*, is hereby amended to read as follows:

Section 302.8 Motor Vehicles and Boats. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle or boat shall be parked, kept or stored on any premises, and no vehicle or boat shall at any time be in a state of major disassemble, disrepair, or in the process of being stripped or dismantled. Painting of vehicles or boats is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle or boat of any type is permitted to undergo major overhaul, including body or hull work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(y) A new *Section 302.10* is hereby added as follows:

Section 302.10 Exterior Storage.

1.

No temporary or permanent storage of materials or equipment is permitted on any vacant parcel, unless in conjunction with an active building permit or where such storage is specifically permitted by Chapter 34 of the Land Development Code.

2. Equipment, materials, and furnishings not designed for use outdoors, such as automotive parts and tires, building materials, and interior furniture, may not be stored outdoors.

(z) *Section 303.2 Enclosures*, is hereby amended to read as follows:

Public swimming pools, hot tubs and spas shall include all safety features specified by F.S. § 514.0315, including any subsequent amendments thereto. Residential swimming pools shall be maintained in compliance with the State Residential Swimming Pool Safety Act, as contained in F.S. ch. 515.

(aa) A new *Section 303.3* is hereby added as follows:

Section 303.3 Disposal of swimming pool water. Prior to disposing of any swimming pool water, chlorine and bromine levels must be reduced by not adding chlorine or bromine for a least five (5) days or until levels are below 0.1 mg per liter. One of the following methods of disposal shall be utilized:

1. Discharge of the water into roadside swales to allow for percolation of the water into the ground without any runoff to canals, beaches, wetlands, other tidal waters, or onto adjoining properties. This shall be the preferred method of disposal.
2. Discharge of the water into the sanitary sewer system operated by Lee County Utilities is also permitted, but is not the preferred method.

Under no circumstances shall any swimming pool water be discharged either directly or indirectly onto the beach, or into canals, wetlands, or any other tidal waters.

(bb) *Section 304.3 Premises Identification*, is hereby amended to read as follows:

All buildings shall have address numbers that have been assigned by Lee County placed in a position to be plainly legible and visible by emergency personnel from the street or road fronting the property. All address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.

Numbers shall be a minimum of 3 inches high. Numbers on all commercial, institutional, or multifamily buildings that are set back more than 50 feet from the street shall be at least eight inches high.

(cc) *Section 304.14 Insect screens*, is hereby amended to read as follows:

Every window in a residential structure that is capable of being opened and every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Screens shall not, however, be required where other approved means, such as air curtains or insect repellent fans, are employed.

(dd) A new *Section 308.4* is hereby added as follows:

308.4 Additional Regulations for Rubbish and Garbage Containers.

1. Rubbish and Garbage containers shall not be moved to the street more than 24 hours prior to scheduled curbside collection, nor remain there more than 24 hours after scheduled collection.
2. Each refuse container that is not movable shall be opaquely screened from view from streets and adjoining properties and such screening shall be of sufficient height to entirely screen the container. Screening may be achieved by landscaping, wall, or opaque fencing provided the wall or fence does not exceed the maximum height permitted for the property.
3. Any rubbish or garbage container not located within a roofed enclosure must have a cover or lid that renders the interior of the container inaccessible to animals.

(ee) *Section 402.2 Common halls and stairways*, is hereby amended to read as follows:

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including

exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads, provided, however, that during Sea turtle nesting season (May 1 through October 31), the provisions of Chapter 14, Article II of the Fort Myers Beach Land Development Code shall supersede the foregoing requirements.

(ff) *Section 507 Storm Drainage*, is hereby amended to read as follows:

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Point sources of stormwater discharge from private property directly onto the beach are prohibited. This prohibition includes drainage collected from parking lots or other paved surfaces and stormwater from roofs of buildings.

(gg) A new *Section 602.7* is hereby added as follows:

Section 602.7 Screening of Mechanical Equipment. Any new mechanical equipment placed on a roof shall be screened from view from ground level of adjoining properties and public rights-of-way. When mechanical equipment is being replaced on a roof of a building that is not undergoing structural alterations, such equipment shall be screened to the same standard using non-structural materials such as ornamental latticework.

(hh) *Section 701.1 Scope*, is hereby amended to read as follows:

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. All references to the "International Fire Code" in this Chapter 7 shall be replaced with the "Florida Fire Prevention Code."

(Ord. No. 13-01, § 2, 1-22-2013; Ord. No. 21-01, § 2(Exh. A), 3-15-2021)

Property Address and Owner:

Hearing Date: March 5, 2025

Property Owner: Celhart Properties LLC

Property Address: 32 Fairview Blvd

Violation: For the maintaining 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.

Status update: Compliant

Subject:

For the maintaining 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 The code official shall order the owner of any premises upon which is located any structure, which In the code official's judgment after review Is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it Is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction In accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

Reference Number:

Case No: 20240680

Strap Number:

344624W4006000010

Officer:

D. Batt

Narrative:

Attachments:

1. Order-2024-01-Celhart-32Fairview
2. 20240680 Exhibit C - Status of Compliance

Town Recommendations:

Town Approvals:

Thomas Yozzo, Compliance & Securities Manager

Date: February 24, 2025

Date: February 24, 2025

Traci Kohler, Assistant to the Town manager

Frankie Kropacek, Operations & Compliance Director

nancy stuparich, Town Attorney

Lizzette Roman, Town Clerk Administrative Coordinator

Amy Baker, Town Clerk

Date: February 24, 2025

Date: February 24, 2025

Date: February 25, 2025

Date: February 25, 2025

PARCEL #: 344624W4006000010

This Document Prepared By and Return To:

Town of Fort Myers Beach Code Enforcement Department

2731 Oak Street

Fort Myers Beach, FL 33931

**CODE COMPLIANCE SPECIAL MAGISTRATE
FOR
THE TOWN OF FORT MYERS BEACH, FLORIDA**

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20240680

CELHART PROPERTIES, LLC,

Respondent.

**CODE ENFORCEMENT FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

THIS CAUSE came for public hearing on January 14, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach, upon a Notice of Violation for the maintaining of structures on property in need of repair and/or demolition, including but not limited to shuttered windows indicating broken and/or improperly installed, missing and/or falling sections of fence, and diminished tarp on roof indicating damaged and/or improperly installed. Respondent, Celhart Properties, LLC, did not appear at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT

1. Respondent, Celhart Properties, LLC (“Respondent”), is the owner of the subject property, located at 32 Fairview Blvd, Fort Myers Beach, Florida 33931 (“Property”).

2. On July 23, 2024, the Town’s Code Enforcement Officer observed that the property was unsafe and in need of repair or demolition as described in the Fort Myers Beach Land Development Code Chapter 6-2(q) amending Section 110.1 of the International Property Maintenance Code, by observing conditions including but not limited to shuttered windows

indicating they were broken and/or improperly installed, missing and/or falling sections of fence, and diminished tarp on roof indicating that it was damaged and/or improperly installed.

3. A Notice of Violation was issued on July 24, 2024, and pursuant to that Section, the Code Enforcement Officer ordered that the property be brought into compliance by repairing or demolishing the structures in disrepair within thirty (30) days. The Notice was sent to the address of record, 7901 4th ST. N., #300, SAINT PETERSBURG, FLORIDA 33702; was posted to the violated property located at 32 FAIRVIEW BOULEVARD, FORT MYERS BEACH, FLORIDA; and was posted to Town Hall located at 2731 OAK STREET, FORT MYERS BEACH, FLORIDA.

4. Respondent was given thirty (30) days, having until August 24, 2024, to repair or demolish the property that was in disrepair.

5. The Town's Code Enforcement Officer conducted an inspection of the subject property on December 17, 2024, and the subject property remained in violation of the Town's Ordinance. Some progress was shown towards coming into compliance, but the fence remained falling over, in disrepair, and in an unsafe condition.

6. Respondent was properly served with notice of this hearing, and this case is properly before the Special Magistrate.

B. CONCLUSIONS OF LAW

1. Section 302.7 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2 of the Fort Myers Beach Land Development Code mandates that accessory structures, including fences, are to be maintained structurally sound and in good repair.

2. Respondent was in violation of the Town's Land Development Code Sections 6-1 and 6-1 for failure to maintain its fence in good repair and in a structurally sound and safe condition.

3. Section 6-2(q) of the Fort Myers Beach Land Development Code, amending Section 110.1 of the International Property Maintenance Code, states that a code official who deems a structure deteriorated, out of repair, dangerous, or unsafe shall order the owner of the premises to make repairs to the structure if reasonable or demolish the structure if repairs are not reasonable.

4. The Code Enforcement Officer properly ordered Respondent to repair or demolish the property that was in disrepair in order to bring the property into compliance with the Code and maintained in safe condition pursuant to Section 6-2(q).

5. Respondent failed to comply with the Code Enforcement Officer's Order to bring the property into compliance within thirty (30) days of the Notice of Violation, and Respondent is therefore in violation of the Fort Myers Beach Land Development Code as described above, specifically for allowing the fence to remain in a state of disrepair.

6. Sections 2-425 through 2-427 of the Town of Fort Myers Beach Land Development Code provide for a fine of up to \$250.00 per day for this violation upon failing to comply with an Order by the Special Magistrate to bring the property into compliance. Those Sections also provide that the Special Magistrate may issue an Order to command whatever steps necessary to bring a violation into compliance and assess the cost of all repairs incurred by the Town as an additional component of the fine if the violation constitutes a serious threat to public health, safety, and welfare.

7. After consideration of all factors, Respondent has made some progress towards compliance after the initial Notice of Violation and should be afforded some additional time to repair or remove the unsafe fence. However, potential safety issues warrant the maximum fine if the violation continues beyond a reasonable time for Respondent to make such repairs or demolition.

8. The safety issues have not risen to the level of being a serious public threat. However, should conditions continue to deteriorate, safety issues may become serious enough to warrant additional action by the Town to repair or remove the fence, with such costs to be assessed to Respondent in addition to any fines accrued to that point. Section 2-424(d) of the Town's Land Development Code provides for this action in such situations, upon notice to Respondent and Request for immediate hearing by the Code Enforcement Officer.

C. ORDER

It is HEREBY ORDERED:

1. Respondent shall bring the property into compliance by repairing or removing the fence that is in disrepair by no later than February 4, 2024.

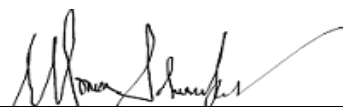
2. Respondent shall notify the Town when it has brought the property into compliance; Respondent must contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the property to verify compliance.

3. If Respondent fails to bring this property into compliance and notify the Town of such compliance by February 4, 2025, a fine of \$250 per day will be imposed for each day thereafter until Respondent is in full compliance and has notified the Town. Such fine will begin to accrue on February 5, 2025, and will continue to accrue each day until the property has come into compliance and Respondent has notified the Town of such compliance.

4. This matter shall come again for hearing before the Special Magistrate on February 5, 2025, to verify the status of Respondent's compliance. At that hearing, or at any subsequent hearing on this matter, if the violation remains and is deemed to have become a serious threat to the public, further relief may be granted, including an Order for the Town to repair or remove the fence, and such cost will be assessed to Respondent as an additional component of the fine.

5. Within 30 days of the execution of this Order, Respondent shall pay to the Town of Fort Myers Beach an Administrative Fee of \$250.00 to cover the Town's costs for bringing this matter before the Special Magistrate.

ORDERED this 14th day of January, 2025 and executed this 17th day of January, 2025.



Special Magistrate

REHEARING: Either party may request a rehearing of this decision by filing such a request in writing with the clerk within ten business days of the execution of this Order, pursuant to Section 2-428 of the Fort Myers Beach Land Development Code. The request for rehearing must be based only on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law that was fundamental to the decision of the special magistrate. The written request for rehearing must specify the precise reasons therefor.

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S.

Mail on the 17th day of January, 2025 to:

Celhart Properties LLC
7901 4th St. North #300
St. Petersburg, FL 33702



Town Clerk

HEARING

EXHIBIT

C

- Status of Compliance



02/04/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

CELHART PROPERTIES LLC

Respondent.

Case Number:	20240680
Certified Mail:	
Regular Mail:	

Site Address: 32 FAIRVIEW BLVD
Parcel Strap No.: 344624W4006000010

AFFIDAVIT OF COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Officer D. Batt, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, D. Batt, am a person authorized by law to inspect violations of the Town of Fort Myers Beach Code contained herein and the statements set forth herein are based upon personal knowledge.

2. On 07/23/2024, CELHART PROPERTIES LLC (property owner) was observed in violation of Chapter 6-2, Sec. 110.1 of the Town of Fort Myers Beach Code of Ordinances, 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., at the property located at 32 FAIRVIEW BLVD, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 07/24/2024, and sent certified mail to the address of record, 7901 4TH ST N #300, SAINT PETERSBURG, FL 33702, posted to the violation property located at 32 FAIRVIEW BLVD, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. CELHART PROPERTIES LLC was/were given 30-days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 08/24/2024.

5. I performed an inspection of the Subject Property on 01/30/2025, and the Subject Property was observed to be compliant with the Town of Fort Myers Beach Ordinance.

6. I have attached Exhibit A, which are photographs of the Subject Property, which I personally took, and which fairly represent the current condition of the Subject Property I personally observed on 01/30/2025. These photographs have not been altered in any way.

7. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.

8. The Town of Fort Myers Beach hereby has determined the property located at 32 FAIRVIEW BLVD is in compliance with Fort Myers Beach Code of Ordinances.

FURTHER AFFIANT SAYETH NAUGHT.



Signature of Affiant

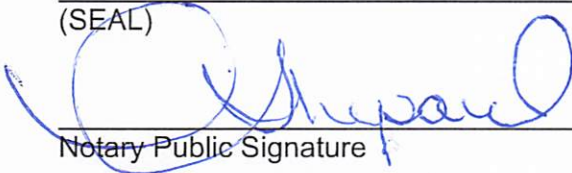
**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of X physical presence OR online notarization, this 24th day of February, 2025, by D. Batt, X who is personally known to me OR who has produced as identification.



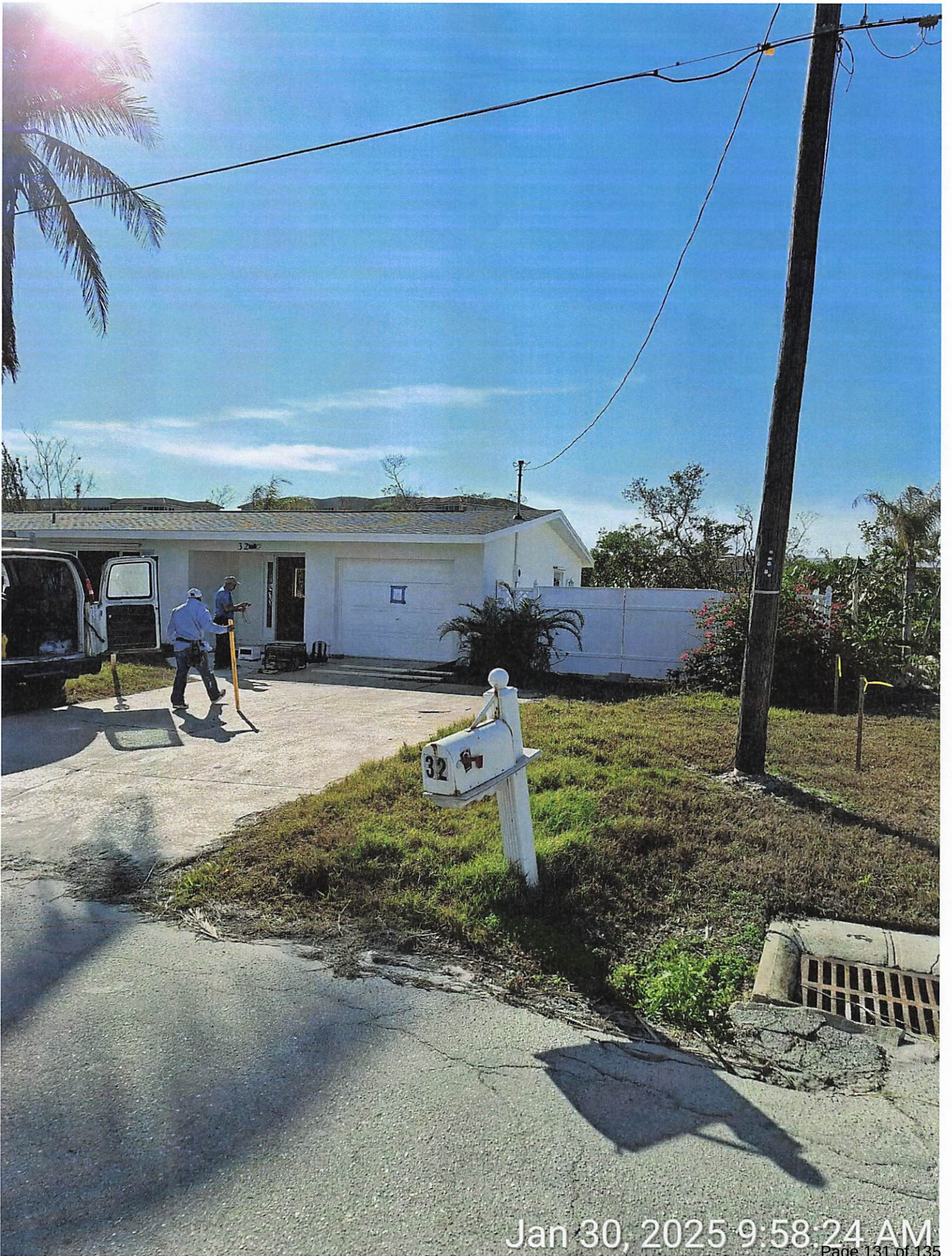
ASHLEY SHEPARD
Commission # HH 253125
Expires April 14, 2026

(SEAL)



Notary Public Signature

My Commission Expires: April 14, 2026



Jan 30, 2025 9:58:24 AM



Jan 30, 2025 9:58:34 AM



Jan 30, 2025 9:59:05 AM



Jan 30, 2025 9:59:13 AM



Jan 30, 2025 9:59:42 AM