



Fort Myers Beach Special Magistrate Hearing

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

Minutes

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~~ Knight on 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.

Minutes approved as amended on March 5, 2025, by Special Magistrate Schmucker.

Signature: 
Amy Baker (Mar 6, 2025 15:59 EST)
Amy Baker, Town Clerk