



Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Monday, August 11, 2025

Minutes

1:00 PM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Town Clerk Amy Baker, Town Clerk Administrative Coordinator Lizzette Roman and Special Magistrate Monica Schmucker.

II. APPROVAL OF MINUTES

No minutes.

III. COMPLIANCE CASES (STATUS UPDATE)

Special Magistrate Schmucker swore in those providing testimony.

A. FMB Case No.: 20240786 - No Action Required

FMB Case No. 20240786

Property Owner: Lyons, Henry E

Property Address: 7864 Buccaneer Dr.

Special Magistrate Schmucker noted that the property owner was in compliance and paid \$250.00 in administrative fees. She will issue an order of compliance if it has not been done.

B. FMB Case Number 20241151 - No Action Required

FMB Case Number: 20241151

Property Owner: 207 Driftwood Ln., Praraz Builders LLC

Special Magistrate Schmucker indicated she would have to review the evidence before issuing an order.

C. FMB Case No. 20240736

FMB Case: 20240736

Property Owner: Robertson Christopher & Robertson Shannon

Property Address: 4855 Dolphin Ln

Status: Violation

Mr. Robertson stated that he received a list of items to repair. He presented evidence that items had been received and would be installed. Special Magistrate Schmucker noted that she would wait to receive a status report or a final permit from the town.

D. FMB Case No. 20240743**FMB Case No.: 20240743****Property Owner: Sullivan Scott B****Property Address: 190 Bayview Ave****Violation: Construction of a wood deck and/or structure outside the scope of work on permit #236648**

Special Magistrate Schmucker continued the case because neither the town's representative nor the property owner attended the hearing.

IV. VIOLATION CASESA. FMB Case # 20250117**FMB Case # 20250117****Property Owner: Gulf Breeze at Fort Myers Beach Condominium Assn Inc****Property Address: 2610 Estero Blvd****Status: Violation: No fencing and stagnant water and debris**

Officer Tim Hoffman noted that all documentation was attached to the agenda as exhibits and asked that all documents be accepted into evidence. Special Magistrate Schmucker entered the documents into the record.

Officer Hoffman indicated the correct address was 5577 Estero Blvd. A notice of hearing was sent on July 22, 2025. An affidavit of notice and posting, a copy of the certified mail receipt and photos of the hearing were posted on site and at town hall on July 22, 2025. A copy of the Lee County Property Appraiser and Sunbiz was included, along with a notice to the property owner. The Notice of Violation was sent on February 10, 2025.

On February 5, 2025, Officer Hoffman observed that the pool at Gulf Breeze was not properly secured and required fencing. The pool contained stagnant water and debris, which caused a safety concern for the public. True and accurate photos were taken on the first site inspection. The notice of violation was sent by certified mail on February 10, 2025. An affidavit of violation and posting, a copy of certified mail received and photos of the notice of violation posting on site and at town hall on February 10, 2025, were provided. An affidavit of compliance and photos were also provided. Officer Hoffman reinspected the site on August 9, 2025, and found the property to be in compliance. The town asked for an administrative fee of \$250.00. Special Magistrate Schmucker accepted all documentation into the record.

Special Magistrate Schmucker entered an order of compliance with a finding of violation and \$250.00 in administrative fees.

B. FMB Case # 20250540**FMB Case # 20250540****Property Owner: Yeaa LLC****Property Address: 1901 Estero Blvd****Status: Unsafe Structure**

Officer Hoffman noted documentation was attached to the agenda and asked

that it be accepted into evidence. Special Magistrate Schmucker entered the documentation into the record.

A notice of hearing was sent on July 22, 2025. An affidavit of notice and posting, a copy of the certified mail receipt, a green card and photos of the hearing posted on site on July 22, 2025, were included. A copy of the Lee County Property Appraiser and the special warranty deed were provided. On May 21, 2025, Officer Hoffman observed that the dwelling was in disrepair and an unsafe condition. True and accurate photos were taken on May 21, 2025. The notice of violation was sent by certified mail on May 21, 2025. An affidavit of notice and violation, posting, a copy of certified mail receipt and photos of the notice of violation posting on site on May 21, 2025, were provided along with an affidavit of non-compliance and photos.

Officer Hoffman reinspected the property on June 18, 2025, and August 9, 2025, and found that violations still existed. The property owner was informed that he had to apply for permits and secure the property on June 4, 2025. As of today, nothing has been done. The property owner was given 30 days to come into compliance, which was on or before June 21, 2025.

Copies of an affidavit of non-compliance and photos were included.

James Ink represented the property owner and reviewed the documentation and it was entered into the record.

The town asked for a finding of violation, an administrative fee of \$250.00, and a fine of \$250.00 per day until the violations are abated.

Mr. Ink stated that they were close to finishing the development order, which would let them start construction. The owner secured part of the building, but the stairs in the back were not secured. The owner hired a contractor who did not complete the task. Mr. Ink was contacted this morning and his contractor will be out there next week to fix the violation. He asked that the town not impose fines for 30 days. He explained how the property would be fixed and noted it was about a two-week process.

Special Magistrate Schmucker accepted all documentation into the record. She issued an order finding a violation and will not impose a fine for 30 days. She set a status report for September 3, 2025, to discuss compliance and the next steps.

C. FMB Case # 20241183

FMB Case # 20241183

Property Owner: Katta Dan IV LLC

Property Address: 5530 Palmetto St

Status: Property in despair

Officer Hoffman noted all documents were included in the agenda packet and asked that they be accepted into the record. Special Magistrate Schmucker accepted them into the record.

The notice of hearing was sent on July 22, 2025. An affidavit of notice and posting, a copy of the certified mail receipt, a green card and photos of the hearing posted on site and at town hall were included. A copy of the Lee County Property Appraiser proved ownership of the property.

Officer Hoffman observed that the property was in disrepair, unsafe and the

lawn was in excess of 12 inches in height on December 9, 2025. True and accurate photos were taken at that time. A notice of violation was sent by certified mail on December 10, 2024. An affidavit of notice of violation and posting, a copy of the certified mail receipt and photos of the notice of violation posted on site and at town hall were provided along with an affidavit of non-compliance and photos.

The property was reinspected on July 9, 2025, and August 9, 2025, and the violation still existed. The property owner was given 30 days to comply, which was January 9, 2025. The property owner cut the lawn and abated one violation. The property remains in disrepair, with unsafe conditions. The town asked for a finding of violation, an administrative fee of \$250.00 and a \$250.00 fine per day until the violation is abated. Special Magistrate Schmucker accepted all documentation into the record.

Special Magistrate Schmucker issued an order finding the property owner in violation and they must bring the property into compliance by August 25, 2025. They will have to notify the town if it is in compliance and it will be on the September 3, 2025, agenda. If the property is not in compliance, fines will be imposed and an administrative fee of \$250.00 will be ordered.

D. FMB Case # 20250312

FMB Case # 20250312

Property Owner: Courtney S Mark & Deborah S TR for Mark & Deborah Courtney Trust

Property Address: 831 Estero Blvd

Status: Pool safety and maintenance

Officer M. Chavez noted the documentation was attached to the agenda and asked that it be entered into the record. A notice of hearing was sent on July 24, 2025, along with an affidavit of notice in posting, proof of certified and regular mail, and photos of the notice of hearing posted on site and at the town hall. A copy of the Lee County Property Appraiser proved ownership. An affidavit of non-compliance with photos and true and accurate photos were provided.

Officer Chavez observed that the pool was not maintained in a clean condition or in good repair on April 3, 2025. A notice of violation and photos of the certified mail and regular mail were sent to the property owner and posted on site at the town hall on April 3, 2025.

Officer Chavez reinspected the property on April 29, 2025, and the property was still in violation. An affidavit of non-compliance and photos of the inspection were provided. The property owner was given 15 days to come into compliance, which was April 18, 2025. Officer Chavez inspected the property on August 5, 2025, and the property is in compliance. An affidavit of compliance and accurate photos were provided. The town asked for an order of compliance and an administrative fee of \$250.00. Special Magistrate Schmucker accepted all documentation into the record.

Special Magistrate Schmucker issued an order of violation and compliance with an administrative fee of \$250.00.

E. FMB Case # 20250344

FMB Case # 20250344

Property Owner: Little Conga LLC

Property Address: 5531 Estero Blvd

Status: Pool safety and maintenance

Officer Chavez noted the documentation was attached to the agenda and asked that it be entered into the record. Special Magistrate Schmucker entered it into the record. A notice of hearing was sent on July 22, 2025, along with an affidavit of notice in posting, proof of certified and regular mail and photos of the notice of hearing posted on site and at the town hall. A copy of the Lee County Property Appraiser proved ownership. An affidavit of non-compliance with photos and true and accurate photos were provided.

Officer Chavez observed that the pool was not maintained in a clean condition or good repair on April 10, 2025. True and accurate photos of the violation were provided. A notice of violation and photos of the certified mail and regular mail were sent to the property owner and posted on site at the town hall on April 10, 2025.

Officer Chavez reinspected the property on April 29, 2025, and the property was still in violation. An affidavit of non-compliance and photos of the inspection were provided. The property owner was given 10 days to come into compliance, which was April 20, 2025. Officer Chavez inspected the property on August 8, 2025, and the property was not in compliance. An affidavit of non-compliance and accurate photos were provided. The town asked for an order of non-compliance, an administrative fee of \$250.00 and a fine. Special Magistrate Schmucker accepted all documentation into the record.

Special Magistrate Schmucker issued an order of violation and compliance, an administrative fee of \$250.00 and gave them two weeks to come into compliance, which is August 25, 2025. They will have to notify the town, or fines will accrue. An order will be issued at the September 3, 2025, hearing if they are not in compliance.

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

Special Magistrate Schmucker adjourned the hearing.

Minutes adopted as presented on September 3, 2025, by Special Magistrate Schmucker.



Amy Baker (Sep 9, 2025 10:00:59 EDT)
Monica Schmucker, Special Magistrate