



Fort Myers Beach Special Magistrate Hearings

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Tuesday, October 7, 2025

Agenda

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. APPROVAL OF MINUTES

A. September 3, 2025

III. COMPLIANCE CASES (STATUS UPDATE)

A. FMB Case No.: 20250344

Property Owner: Little Conga LLC

Property Address: 5531 Estero Blvd

Status: Property Maintenance (Pool)

B. 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

C. FMB Case No.: 20250119

Property Owner: Cummings Mary K & Driscoll Steven S

Property Address: 280 Fairweather Ln

Violation: Property Maintenance

D. FMB Case No.: 20250067

Property Owner: Starlite Property Investments

Property Address: 132 Andre Mar Dr

Violation: Property Maintenance

E. FMB Case No.: 20250115

Property Owner: Bayview Life Inc

Property Address: 16 Bayview Blvd

Violation: Property Maintenance

- F. FMB Case No.: 20250372
Property Owner: Dinon Marie S L/E
Property Address: 3111 Shell Mound Blvd
Violation: Property Maintenance
- G. FMB Case No. 20250540
Property Owner: Yeaa LLC
Property Address: 1901 Estero Blvd
Status: Unsafe Structure
- H. FM Case No.: 20241183
Property Owner: Katta Dan IV LLC
Property Address: 5530 Palmetto St
Status: Property in disrepair

IV. VIOLATION CASES

- A. FMB Case # 20250560
Property Owner: Lopez Mario A Pinto & Traitel Ana
Property Address: 8100 Lagoon Rd
Violation: Work without a Permit
- B. FMB Case No.: 20250674
Property Owner: Eckmann Douglas H & Swayze Eckmann Courtney
Property Address: 120 Sabal Dr
Status: Property Maintenance
- C. FMB Case No.: 20250681
Property Owner: Rodeheffer Sean M
Property Address: 130 Sabal Dr
Status: Property Maintenance
- D. FMB Case No.: 20250341
Property Owner: Drebes Lawrence T Jr TR for Drebes Family Trust
Property Address: 5850 Estero Blvd
Status: Property Maintenance
- E. FMB Case No.: 20250675
Property Owner: MSV Holding Trust Corp
Property Address: 140 Flamingo St
Status: Property Maintenance

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

VI. COMPLIANCE CASES (STATUS UPDATE)

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
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Wednesday, September 3,
2025

Minutes

9:00 AM

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

- A. August 11, 2025
Special Magistrate Schmucker approved the minutes.

III. COMPLIANCE CASES (STATUS UPDATE)

Special Magistrate Schmucker swore in those providing testimony.

- A. FMB Case No.: 20240736

FMB Case: 20240736

Property Owner: Robertson Christopher & Robertson Shannon Property

Address: 4855 Dolphin Ln

Status: Violation - Working without a permit

Officer Weich noted that an inspection was completed on August 28, 2025, and the property was still not in compliance. No permits have been approved. Chris Robertson, property owner, stated that everything was complete and went over the list provided by the town numerous times. Pictures were emailed and he provided a receipt of the recorded floodplain regulations. Pictures of the flooding vents were sent to Officer Weich, which was the last item on the list. Shannon Robertson added that a permit to finish the siding was pending. Mr. Robertson stated that they completed and submitted everything the town asked for.

Officer Weich noted that permit 242455 for the enclosure of the carport was on hold for review by the town. Special Magistrate Schmucker asked what the property owners needed to do now. Officer Weich read a list of line items and would identify which items had been completed.

Special Magistrate Schmucker requested that they review the list today so

she can determine whether there has been substantial compliance. Officer Weich reported that the town had not received any of the items the property owner said he sent to the town.

Special Magistrate Schmucker noted they had the respondents' list, which was Exhibit 1, the list from the town is marked as Exhibit A and the affidavit of noncompliance as Exhibit B. Special Magistrate Schmucker will review the documents and enter an order. She asked that the town continue to work with the property owners. Officer Weich will contact them.

B. 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

Officer Weich stated that the permit for the tiki hut was under review. The pool decking permit was still expired. She inspected the property on August 28, 202, and provided an affidavit of partial compliance.

Scott Sullivan, property owner, noted that the permits had been sitting in the town's email and he had made multiple attempts to rectify the situation. He contacted several survey companies and one company told him to call back on September 15 to schedule a date. He described all the ways he tried to contact the town. A woman named Jennifer from Night Construction had been in contact with the town and said the permits had been submitted. He was told that he needed a permit for shell rock, but he could not find that requirement in the code book. He acknowledged receiving a letter from the town stating that there was a problem with a permit, but he was not sure why. He was frustrated and asked for a continuance.

Special Magistrate Schmucker asked whether the wood deck surrounding the tiki hut should be a separate permit. Mr. Sullivan responded that he applied for one permit because it was one structure. The tiki hut sat on top of the raised deck. Special Magistrate Schmucker asked what the town needed.

Officer Weich felt that it would probably be easier if Mr. Sullivan included the deck with the tiki hut permit. She suggested that he revise the current tiki hut permit under review. Mr. Sullivan agreed to submit a revision. Officer Weich will contact permitting for guidance and get back to Mr. Sullivan.

Special Magistrate Schmucker spoke with Town Clerk Baker, but the conversation was inaudible.

Officer Weich checked with permitting and they will allow a revision to the permit. Special Magistrate Schmucker will issue an order with a new benchmark.

IV. VIOLATION CASES

A. FMB Case No.: 20250119

FMB Case No.: 20250119

Property Owner: Cummings Mary K & Driscoll Steven S

Property Address: 280 Fairweather Ln**Violation: Property Maintenance**

Officer Hoffman stated that the documentation was attached to the agenda as exhibits and asked that all documents be accepted into evidence. Special Magistrate Schmucker entered all the evidence submitted electronically. She confirmed that the respondent was not in attendance.

Officer Hoffman described the documents contained in Exhibits A-D as stated on the red sheet. He testified that the pool on the property was not properly secured and contained stagnant water, which was a public safety concern.

Chairs, fencing, stucco and other items throughout the property were not properly stored and the overall structure on the property was in disrepair, causing safety concerns for the public. Officer Hoffman noted that the property owner had not made any effort to come into compliance. They were ordered to come into compliance on or before March 13, 2025. Officer Hoffman inspected the property on September 2, 2025, and the property was still in violation, per documents in Exhibit E. Special Magistrate Schmucker accepted Exhibit E into the record.

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

Officer Schmucker issued an order to come into compliance in three weeks and set it for the October 7, 2025, hearing. If the property owner does not come into compliance on the 24th, the fine will begin to accrue as of the 25th.

At the October 7, 2025, hearing, a determination will be made on whether the town needs to clean up the property and a lien on the property will be assessed if necessary.

B. FMB Case No.: 20250067**FMB Case No.: 20250067****Property Owner: Starlite Property Investments****Property Address: 132 Andre Mar Dr Violation:****Property Maintenance**

Officer Hoffman stated that the documentation was attached to the agenda as exhibits and asked that all documents be accepted into evidence. Special Magistrate Schmucker entered all the evidence submitted electronically. She confirmed that the respondent was not in attendance.

Officer Hoffman described the documents contained in Exhibits A-D as stated on the red sheet. He reinspected the property on August 18, 2025, and the violations continued because the pool was not secured with fencing and stagnant water remained, causing a safety concern. To his knowledge, the respondent has not made an effort to contact the town. The respondent was given until February 2, 2025, to come into compliance. Upon his last inspection on September 2, 2025, the violation continued and documentation was included in Exhibit E. Special Magistrate Schmucker accepted the evidence into the record.

The town requested a finding of violation, an administration fee of \$250.00 and a daily fine of \$250.00 until the violations are abated.

Special Magistrate Schmucker issued an order on the 24th, with fines accruing on the 25th if not in compliance. The case will be on the October 7, 2025, agenda to determine whether compliance has been achieved.

C. FMB Case No.: 20250115

FMB Case No.: 20250115

Property Owner: Bayview Life INC

Property Address: 16 Bayview Blvd

Violation: Property Maintenance

Officer Chavez stated that the documentation was attached to the agenda as exhibits and asked that all documents be accepted into evidence. Special Magistrate Schmucker entered all the evidence submitted electronically. She confirmed that the respondent was not in attendance.

Officer Chavez described the documents contained in Exhibits A-D as stated on the red sheet. He observed the property on March 6, 2025, and noted the pool was not secured with fencing. To repair and make it safe, it needs to be boarded up for future repair or demolished. Officer Chavez inspected the property on April 16, 2025, the property was still in violation. The property owner was given 10 days to come into compliance, which was March 16, 2025. The property was inspected again on September 2, 2025, and the property was still in violation. Documentation was included in Exhibit E. Special Magistrate Schmucker admitted Exhibit E into the record.

The town requested a finding of violation, an administration fee of \$250.00 and a daily fine of \$250.00 until the violations are abated. Officer Chavez confirmed that there was no communication with the respondent.

Special Magistrate Schmucker issued an order on the 24th, with fines accruing on the 25th if not in compliance. The case will be on the October 7, 2025, agenda to determine whether compliance has been achieved.

D. FMB Case No.: 20250628

FMB Case No.: 20250628

Property Owner: Reber David A TR for David A Reber Trust Property

Address: 710 Matanzas Ct

Violation: Property Maintenance

Officer Chavez stated that the documentation was attached to the agenda as exhibits and asked that all documents be accepted into evidence. Special Magistrate Schmucker entered all the evidence submitted electronically. She confirmed that the respondent was not in attendance.

Officer Chavez described the documents contained in Exhibits A-D as stated on the red sheet. He observed the property on June 18, 2025, and noted that the pool was not clean, sanitary, or in good repair. The landscape on the property was not maintained. Officer Chavez reinspected the property on August 20, 2025, and the property was still in violation. The property owner was given 30 days to come into compliance, which was July 18, 2025. The property was inspected again on September 2, 2025, and was in compliance. Documentation was included in Exhibit E. Special Magistrate Schmucker admitted Exhibit E into the record.

The town requested a finding of violation and an administration fee of \$250.00.

Special Magistrate Schmucker issued a finding of violation and a finding of compliance. She imposed a \$250.00 administrative fee to be paid within 30 days, but no fine.

E. FMB Case No.: 20250372

FMB Case No.: 20250372

Property Owner: Dinon Marie S L/E Property

Address: 3111 Shell Mound Blvd Violation:

Property Maintenance

Officer Weich stated that the documentation was attached to the agenda as exhibits and asked that all documents be accepted into evidence. Special Magistrate Schmucker entered all the evidence submitted electronically. She confirmed that the respondent was not in attendance.

Officer Hoffman described the documents contained in Exhibits A-D as stated on the red sheet. On April 16, 2025, she observed that the property was in disrepair. A reinspection was performed on July 23, 2025, and the property was still in violation. The respondent was given until May 18, 2025, to come into compliance. Upon her last inspection on September 3, 2025, the violation continued. The property owner had applied for a permit to demolish the building, but the grass was still tall, debris remained on the property and the building was wide open. The permit was issued on August 21, 2025.

Officer Weich described the contents in Exhibit E and asked that it be entered into the record. Special Magistrate Schmucker accepted the evidence into the record.

Officer Weich indicated she had talked to the son on several occasions. The town requested a finding of violation and an administration fee of \$250.00.

Special Magistrate Schmucker issued an order to bring the home into compliance within the next three weeks, which would include demolishing or securing the property, removing the debris, fencing, junk and cutting the grass. A fine will begin to accrue on the 25th if those items are not addressed. She also ordered an administrative fee of \$250.00.

F. FMB Case No.: 20240691

FMB Case No.: 20240691

Property Owner: Rukavina Andrew J

Property Address: 5560 Avenida Pescadora

Violation: Work without permit

Officer Weich stated that the documentation was attached to the agenda as exhibits and asked that all documents be accepted into evidence. Special Magistrate Schmucker entered all the evidence submitted electronically. She confirmed that the respondent was in attendance virtually. Andrew Rukavina confirmed reviewing the exhibits.

Officer Weich described the documents contained in Exhibits A-D as stated on the red sheet. On May 30, 2025, she observed that two structures were

installed with lighting on either side of the driveway, the installation of driveway pavers and a driveway gate.

The respondent was given until June 30, 2025, to come into compliance. A reinspection was performed on July 30, 2025, and the property was still in violation. Officer Weich noted that the property owner applied for a permit for the driveway pavers only. The permit was still in review, but did not include the two structures, electricity or the gate.

Upon her last inspection on September 3, 2025, the violation continued. The respondent confirmed receipt of Exhibit E. Officer Weich described the contents in Exhibit E and asked that it be entered into the record. Special Magistrate Schmucker accepted the evidence into the record.

The town requested a finding of non-compliance, an administration fee of \$250.00 and fines.

Mr. Rukavina was not aware that the two structures were in violation because they seemed to be behind the easement. He indicated that the permit for the driveway covered the structures and the gate. He expected that the permit would be issued any day. He was not aware that he was in violation and would do whatever it took to come into compliance.

Officer Weich confirmed that Mr. Rukavina included the other items with the driveway permit, but the town added notes that said it was for the driveway only. She submitted a copy of the permit and marked it as Exhibit F. Mr. Rukavina emailed his permit documentation and Special Magistrate Schmucker marked it as Exhibit 1.

Officer Weich was told that Mr. Rukavina would have to apply separately for the gate and pillars. Mr. Rukavina responded that he was told to put everything on one permit. Officer Weich pointed out that the notice of commencement only included the driveway pavers.

Special Magistrate Schmucker will take the matter under advisement and will issue an order within 15 days. She recommended that he contact the town.

G. FMB Case No.: 20240936

FMB Case No.: 20240936

Property Owner: Giesey Bryce E & Barbara A

Property Address: 126 Anchorage St

Violation: Work without permit

Officer Weich stated that the documentation was attached to the agenda as exhibits and asked that all documents be accepted into evidence. Special Magistrate Schmucker entered all the evidence submitted electronically. She confirmed that the respondent was not in attendance.

Officer Weich described the documents contained in Exhibits A-G as stated on the red sheet. On November 8, 2024, she observed new window installation, lower-level improvements and improvements to the porch and stairs.

The respondent was given until December 15, 2024, to come into compliance. A reinspection was performed on June 18, 2025, and the property was still in violation.

Upon her last inspection on September 3, 2025, the violation continued. The

property owner had a permit for certain items in 2023, but not for the lower level as it appeared today. The lower level was completely enclosed but was not included in the permit, so it would have to be removed. Officer Weich had not communicated with the respondent. She indicated that the Floodplain Manager marked the items that the town would not be able to approve on the permit.

The town requested a finding of violation, an administration fee of \$250.00 and fines.

Special Magistrate Schmucker will take the matter under advisement and issue an order within 15 days.

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

No liens.

VI. LIEN FORECLOSURE CASES

No cases.

VII. BUILDING OFFICIAL APPEALS

No appeals.

VIII. ADJOURNMENT

Special Magistrate Schmucker adjourned the hearing at 11:03 AM.

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Little Conga LLC
Property Address: 5531 Estero Blvd
Status: Property Maintenance (Pool)

Subject:

Code Section:

Cha. 6-1, Sec. 303.1

Reference Number:

Strap Number:

Officer:

M. Chavez

Narrative:

Attachments:

1. 20250344_Little Conga LLC _5531 Estero Blvd_Signed Code Enforcement Order_08.11.25

Town Recommendations:

Town Approvals:



Traci Kohler, Deputy Town Manager

Date: September 24, 2025

nancy stuparich, Town Attorney

Date: September 24, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 24, 2025

Amy Baker, Town Clerk

Date: September 26, 2025

PARCEL #: 33-46-24-W1-00204.0180
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
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. 20250344

LITTLE CONGA LLC,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on August 11, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Respondent did not. Having considered the sworn testimony, evidence and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. Respondent, LITTLE CONGA LLC (“Respondent”), is the owner, lessee, responsible entity, or otherwise in charge of or responsible for the subject property located at 5531 Estero Boulevard, Fort Myers Beach, FL, 33931 (“Property”).
2. On April 10, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach observed the following, which Petitioner found to be in violation of the Town of Fort Myers Beach Code of Ordinances:

The maintaining of a green and/or stagnant pool indicating possibly broken filtration system creating it to be unsafe and unsanitary, in need of repair and/or removal; the failure to have a required pool barrier.

3. The Code Enforcement Officer found that to be in violation of Section 303.1 of the International Property Maintenance Code, as adopted by Section 6-1 of the Fort Myers Beach Land Development Code; and violation of Section 34-1176(c)(1) of the Fort Myers Beach Land Development Code.
4. On April 10, 2025, the Code Enforcement Officer issued a Notice of Violation, which provided the code ordinances referenced and stated that in order to bring the property into compliance, Respondent would have to repair the pool filtration system if necessary; clean and maintain the pool, appropriately creating a sanitary pool with clean and clear water and/or contact permitting to get necessary permits to remove the pool/structure from the property; and add the required allowable pool barrier. The Notice also required that Respondent notify Code Enforcement once the violations had been corrected so that an officer could reinspect the property and verify compliance.
5. The Notice of Violation gave Respondent ten days to come into compliance with the Town's Ordinances, which was to occur by April 20, 2025.
6. On August 8, 2025, a Code Compliance Officer performed an inspection of the Subject Property and found that the property remained in violation, and no progress had been made towards bringing the property into compliance.
7. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

1. Respondent is in violation of Section 303.1 of the International Property Maintenance Code, as adopted by Section 6-1 of the Fort Myers Beach Land Development Code, in its failure to maintain its pool in a clean and sanitary condition and in good repair.
2. Respondent is in violation of Section 34-1176(c)(1) of the Fort Myers Beach Land Development Code in its failure to have a proper barrier or enclosure around its pool.

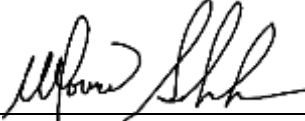
C. ORDER

It is HEREBY ORDERED:

1. Respondent shall bring the property into full compliance of the aforementioned code violations within two weeks of this hearing, which must occur on or before August 25, 2025.

2. Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the property to verify compliance. A compliance re-inspection will not be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.
3. **Respondent and Petitioner** shall appear at the next regularly scheduled Special Magistrate **Hearing**, currently scheduled for **September 3, 2025**, to report the status of bringing the property into compliance and determine whether Respondent achieved full compliance by the August 25, 2025 deadline.
4. If Respondent has not come into compliance or substantial compliance by August 25, 2025, a daily fine of \$200.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved compliance or substantial compliance by the August 25, 2025 deadline, a fine will be imposed even if compliance is achieved before the next hearing date. Respondent will also be assessed administrative costs and fees to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given.

ORDERED this 11th day of August, 2025, and executed this 20th day of August, 2025.



Monica Schmucker, Special Magistrate

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.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 21st day of August, 2025 to:

Little Conga LLC
622 San Antonio Ave
Coral Gables, FL

Musa, Ileana M
622 San Antonio Ave
Coral Gables, FL 33416

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Amy Baker (Aug 21, 2025 14:11:12 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: Aug 21, 2025

Property Address and Owner:

Hearing Date: October 7, 2025

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

Subject:

The construction of a wood deck and/or structure outside the scope of work on permit #236648

Code Section:

LDC Sec. 6-481 - Working outside the scope of the permit

Reference Number:

20240743

Strap Number:

297624W30080C0190

Officer:

T. Weich

Narrative:

Case Number: 20240743

Violation: The construction of a wood deck and/or structure outside the scope of work on permit #236648

Code Section: LDC Sec. 6-481 - Working outside the scope of the permit

Building Permit #236648

Attachments:

1. 20240743_190 Bayview Ave_Code Enforcement Order Signed_09152025

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, Emergency Services Director

Date: September 16, 2025



Date: September 16, 2025

Traci Kohler, Deputy Town Manager

Date: September 24, 2025

nancy stuparich, Town Attorney

Date: September 26, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 26, 2025

Amy Baker, Town Clerk

PARCEL #: 294624W30080C0190
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
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. 20240743

**SULLIVAN SCOTT B., 1 VALLEY VIEW DR
SAVANNA, IL 61074**

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for a status conference hearing on September 3, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach to determine the status of compliance with the Code Enforcement Order dated June 6, 2025. Respondent appeared at this hearing via video conferencing. Petitioner, Town of Fort Myers Beach, appeared 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, Sullivan B. Scott ("Respondent"), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 190 Bayview Avenue, Fort Myers Beach, FL, 33931 ("Property").
2. A Notice of Violation was issued on August 15, 2024, and served on Respondent after a Code Enforcement Officer for the Town of Fort Myers Beach inspected the Property and observed the following, in violation of 6-481 of the Town of Fort Myers Beach Land Development Code:

**CONSTRUCTION OF WOOD DECK AND/OR
STRUCTURE OUTSIDE THE SCOPE OF WORK ON
PERMIT #236648**

3. The Notice gave Respondent thirty days to come into compliance with the Town's Ordinances, which was to occur by September 15, 2024; but Respondent failed to do so.
4. A hearing was held on February 5, 2025, where the matter was continued to allow Respondent's contractor to work with the Town to bring the Property into compliance and obtain the proper permits. Another hearing was held on June 6, 2025, wherein the contractor was no longer working with Respondent, and Respondent was given until July 6, 2025, to correct the violations by applying for the proper permits.
5. This status of compliance hearing was held September 3, 2025, to determine whether Respondent has taken the necessary steps to come into compliance pursuant to the June 6, 2025 Order. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.
6. Respondent has submitted the paperwork to obtain the permit for the tiki hut structure. That permit is under review with the Town. As to the tiki hut, Respondent has taken the necessary steps to date to come into substantial compliance with the code.
7. The deck surrounding the tiki hut structure, however, is not part of the scope of any permit or permit application currently submitted.
8. Respondent must take additional steps to come into full compliance and avoid the imposition of fines. Specifically, the decking surrounding the tiki hut still needs permitting or removal.

B. CONCLUSION OF LAW

1. Respondent remains in violation of Section 6-481 of the Fort Myers Beach Land Development Code, and will remain in violation unless and until:
 - a. The permit for the tiki hut is issued, or otherwise the tiki hut is removed and the Property is returned to its prior condition; and
 - b. Respondent submits additional documentation or information to obtain the necessary permitting for the wood decking surrounding the tiki hut, or otherwise removes the decking and restores the Property to its prior condition.
2. Respondent, in submitting the permit paperwork for the tiki hut, has taken reasonable substantial steps to come into compliance with the June 6, 2025 Order, warranting the deferral of fines at this time.

C. ORDER

It is HEREBY ORDERED:

1. Respondent shall submit all requested documentation to obtain all necessary permits for the full scope of work completed on the property, including the tiki hut and deck. This includes submitting any additional documents/information for a proper permit for the full scope of the work completed and/or applying for any additional permits for any of the work that must be permitted separately in relation to the tiki bar and deck. Otherwise, Respondent must remove all unpermitted structures and development activity and restore the property to its prior condition.
2. All necessary steps to submit a new or revised permit for the full scope of the foregoing work shall be done by:

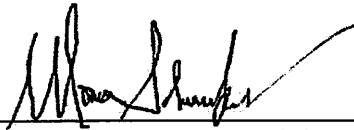
September 30, 2025

3. Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to verify compliance. **Respondent will NOT be deemed to be in compliance until Respondent contacts the Town and such compliance is verified.**
4. A Status of Compliance Hearing will be held following the above deadline to determine whether Respondent has achieved compliance with this Order by the September 30, 2025 deadline, and to assess the imposition of fines. **All parties shall appear at this hearing, which is currently scheduled for:**

**October 7, 2025, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

5. If Respondent fails to come into compliance with this Order by September 30, 2025, a fine (of up to \$250.00 per day) may be imposed for each day thereafter that the Property remains in violation. A fine may be imposed for each day of noncompliance after the September 30, 2025 deadline date, even if compliance is achieved before the following hearing date, unless such fine is deferred or abated at the next status of compliance hearing based on circumstances at that time.
6. **Respondent may also be assessed \$250.00 in administrative costs and fees to cover the Town's costs for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time given.**

ORDERED this 15th day of September, 2025.

A handwritten signature in black ink, appearing to read 'Monica Schmucker', is written over a horizontal line.

Monica Schmucker, Special Magistrate

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.

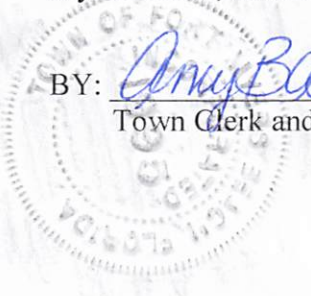
Pursuant to Chapter 162.09 (3), Florida Statutes, a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 15th day of September, 2025 to:

SULLIVAN SCOTT B
1 VALLEY VIEW DR
SAVANNA, IL 61074

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 



Town Clerk and Clerk to the Special Magistrate

Dated: Sept. 15, 2025

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Cummings Mary K & Driscoll Steven S
Property Address: 280 Fairweather Ln
Violation: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

T.Hoffman

Narrative:

Attachments:

1. 20250119_Cummings_280 Fairweather Ln_Signed Order_09.03.25

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 16, 2025



Traci Kohler, Deputy Town Manager

Date: September 16, 2025

nancy stuparich, Town Attorney

Date: September 24, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 24, 2025

Amy Baker, Town Clerk

Date: September 26, 2025

PARCEL #: 19-46-24-W3-0110D.0280
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
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. 20250119

**CUMMINGS MARY K + DRISCOLL STEVENS S
1534 W LOVELAND AV LOVELAND OH 45140**

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on September 3, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Respondent was not present. Petitioner, Town of Fort Myers Beach, appeared 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, CUMMINGS MARY K + DRISCOLL STEVENS S 1534 W LOVELAND AV LOVELAND OH 45140 ("Respondent"), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 280 Fairweather Lane, Fort Myers Beach, Florida, 33931 ("Property").
2. On February 11, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach inspected the Property and observed the following:
 - a. A vehicle on the property, specifically a silver Ford F-150 with Ohio Tag KJZ9425 having an expired registration as of January 2025, being inoperable and/or in disrepair, which the officer found to be in violation of Town of Fort

Myers Beach Land Development Code Section 6-2(x) adopting and amending Section 302.8 of the International Property Maintenance Code;

- b. The pool on the property was not properly secured and contained stagnant water causing safety concerns to the general public, which the officer found to be in violation of Town of Fort Myers Beach Land Development Code Section 6-1 adopting Sections 303.1 and 303.2 of the International Property Maintenance Code;
 - c. Chairs, fencing, stucco, and other miscellaneous items throughout the property, which the officer found to be not properly stored per Town requirements and in violation of Town of Fort Myers Beach Land Development Code Section 6-2(y) adopting and amending Section 302.10 of the International Property Maintenance Code;
 - d. The overall structure on the property being in disrepair causing safety concerns to the general public, for example missing doors and windows, roof in disrepair, paint peeling off the structure, and miscellaneous materials from the structure loose on the property causing safety concerns to the general public, which the officer found to be in violation of Town of Fort Myers Beach Land Development Code Section 6-2(q) adopting and amending Section 110.1 of the International Property Maintenance Code.
- 3. On February 11, 2025, Code Enforcement issued a Notice of Violation, giving Respondent thirty days to come into compliance with the Town's Ordinances, which was to occur by March 13, 2025.
 - 4. On April 16, 2025, again on August 18, 2025, and again on September 2, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach inspected the Property and observed that the Property remained in violation.
 - 5. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

- 1. Respondent is in violation of FMBLDC Section 6-2(x) adopting and amending IPMC Section 302.8, which states, in relevant part:
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.
- 2. Respondent is in violation of FMBLDC Section 6-1 adopting IPMC Section 303.1, which states:

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

3. Respondent is in violation of IPMC Section 303.2 adopted by FMBLDC Section 6-1 and amended by FMBLDC Section 6-2(z), which states in relevant part:
Residential swimming pools shall be maintained in compliance with the State Residential Swimming Pool Safety Act, as contained in F.S. ch. 515.

Said Act requires swimming pool barriers with certain specifications.

4. Respondent is in violation of FMBLDC Section 6-2(y) adopting and amending IPMC Section 302.10, which states in relevant part:
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.

5. FMBLDC Section 6-2(q) adopting and amending IPMC Section 110.1 states 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.

6. Respondent keeping its Property in disrepair is a violation of FMBLDC Section 6-1 adopting the IPMC. For example, IPMC Section 304.1 requires that the exterior of a structure be maintained in good repair, structurally sound, and sanitary; and Section 301.3 requires that a property owner maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code. However, IPMC Section 110.1, as adopted by FMBLDC Section 6-1 and amended by Section 6-2(q) is not something of which Respondent can be in violation, but rather it gives Petitioner's Code Enforcement Officer the authority to order Respondent to repair, demolish, or secure the unsafe property, which Petitioner did in the Notice of Violation dated February 11, 2025.
7. Respondent is in violation of the Code Enforcement Officer's order to bring the Property into compliance within thirty days pursuant to the Notice issued by Petitioner

on February 11, 2025, in that Respondent failed to make the necessary repairs to bring the Property out of disrepair.

8. Respondent failed to bring the property into compliance as to any of the above violations within the time initially provided by the Code Enforcement Officer in the Notice of Violation and is therefore subject to fines.

C. ORDER

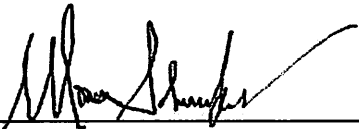
It is HEREBY ORDERED:

1. Respondent shall bring the Property into compliance with the aforementioned Code Sections by:
 - a. Removing any and all vehicles that are inoperative and/or unlicensed and/or having expired registrations;
 - b. Bringing the pool into compliance by
 - i. Bringing the pool into a clean and sanitary condition and erecting a pool barrier as required by law; or
 - ii. Removing the pool;
 - c. Removing or properly storing all equipment, materials, and furnishings not designed for use or storage outdoors;
 - d. Repairing, securing, or demolishing and removing the structure to bring the Property into compliance with the Fort Myers Beach Code and the Code Compliance's Notice of Violation dated February 11, 2025.
 - e. Obtaining any and all required permitting for the work necessary to bring the Property into full compliance.
2. Respondent shall take all necessary steps to CORRECT THE VIOLATIONS by:
September 24, 2025
3. Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance. A COMPLIANCE RE-INSPECTION WILL NOT be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. **Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.**
4. A Status of Compliance Hearing will be held following the deadline to determine whether Respondent achieved full compliance by the September 24, 2025 deadline, and to assess the necessity and value of imposing a fine and/or ordering the Town to correct the violations if they still exist, in light of the hazard this violation poses to the public. **Both parties shall appear at this hearing, which is currently scheduled for:**

**October 7, 2025, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

5. If Respondent has not come into compliance by September 24, 2025, a daily fine of \$250.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved substantial compliance by the September 24, 2025 deadline, a fine will be imposed even if compliance is achieved before the following hearing date, unless such fine is deferred or abated at the next status of compliance hearing based on circumstances at that time.
6. Respondent will also be assessed administrative costs and fees of \$250 to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given.
7. If deemed necessary and if the violation persists at the next hearing, an order may also be entered ordering the Town to secure and/or demolish the Property. Such expense would then be charged against the Property and a lien placed on the Real Property for that cost.

ORDERED this 3rd day of September, 2025, and executed this 8th day of September, 2025.



Monica Schmucker, Special Magistrate

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.

Pursuant to Chapter 162.09 (3), Florida Statutes, a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 10th day of September, 2025 to:

Cummings Mary K + Driscoll Steven S
1534 W Loveland Av
Loveland, OH 45140

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: _____

Town Clerk and Clerk to the Special Magistrate

Dated: _____

Sept. 10, 2025

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Starlite Property Investments
Property Address: 132 Andre Mar Dr
Violation: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

T. Hoffman

Narrative:

Attachments:

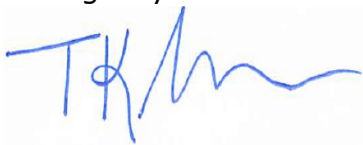
1. 20250067_Starlite Property Inv. _132 Andre Mar Dr_ Signed Order_09.03.25

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 17, 2025



Traci Kohler, Deputy Town Manager

Date: September 17, 2025

nancy stuparich, Town Attorney

Date: September 24, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 24, 2025

Amy Baker, Town Clerk

Date: September 26, 2025

PARCEL #: 29-46-24-W2-00152.B120
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
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. 20250067

STARLITE PROPERTY INVESTMENTS,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on September 3, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Respondent was not present. Petitioner, Town of Fort Myers Beach, appeared 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, STARLITE PROPERTY INVESTMENTS ("Respondent"), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 132 Andre Mar Drive, Fort Myers Beach, Florida, 33931 ("Property").
2. On January 23, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach inspected the Property and observed that the pool on the Property was not properly secured with proper fencing and contained stagnant water causing safety concerns to the general public, which the officer found to be in violation of Town of Fort Myers Beach Land Development Code Section 6-1 adopting Section 303.1 of the International Property Maintenance Code and in violation of Town of Fort Myers Beach Land Development Code Section 34-1176 (c) (1).

3. On January 23, 2025, Code Enforcement issued a Notice of Violation, giving Respondent ten days to come into compliance with the Town's Ordinances, which was to occur by February 2, 2025.
4. On August 18, 2025, and again on September 2, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach inspected the property and observed that the Property remained in violation.
5. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

1. Respondent is in violation of FMBLDC Section 6-1 adopting IPMC Section 303.1, which states:
Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
2. Respondent is in violation of FMBLDC Section 34-1176 (c) (1), which states, in relevant part:
Every swimming pool, hot tub, spa, or similar facility shall be enclosed by a fence, wall, screen enclosure or other structure, not less than four feet in height, constructed or installed so as to prevent unauthorized access to the pool by persons not residing on the property.
3. Respondent failed to bring the Property into compliance within the time initially provided by the code enforcement officer in the Notice of Violation and is therefore subject to fines.

C. ORDER

It is HEREBY ORDERED:

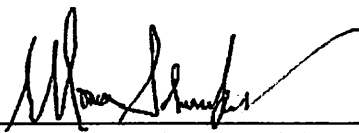
1. Respondent shall bring the Property into compliance with the aforementioned Code Sections by:
 - a. Bringing the pool into a clean and sanitary condition and erecting a pool barrier as required by law; or
 - b. Removing the pool.
2. Respondent shall obtain any and all required permitting for the work necessary to bring the Property into full compliance.
3. Respondent shall take all necessary steps to CORRECT THE VIOLATIONS by:
September 24, 2025

4. Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance. A COMPLIANCE RE-INSPECTION WILL NOT be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. **Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.**
5. A Status of Compliance Hearing will be held following the deadline to determine whether Respondent achieved full compliance by the September 24, 2025 deadline, and to assess the necessity and value of imposing a fine and/or ordering the Town to correct the violations if they still exist, in light of the hazard this violation poses to the public. **Both parties shall appear at this hearing, which is currently scheduled for:**

**October 7, 2025, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

6. If Respondent has not come into compliance by September 24, 2025, a daily fine of \$200.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved compliance by the September 24, 2025 deadline, a fine will be imposed even if compliance is achieved before the following hearing date, unless such fine is deferred or abated at the next status of compliance hearing based on circumstances at that time.
7. Respondent will also be assessed administrative costs and fees of \$250 to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given.
8. If deemed necessary and if the violation persists at the next hearing, an order may also be entered ordering the Town to secure the Property or otherwise correct the violations in order to make the property safe. Such expense would then be charged against the Property and a lien placed on the Real Property for that cost.

ORDERED this 3rd day of September, 2025, and executed this 9th day of September, 2025.



Monica Schmucker, Special Magistrate

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.

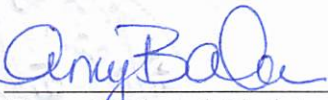
Pursuant to Chapter 162.09 (3), Florida Statutes, a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 10th day of September, 2025 to:

Starlite Property Investments
132 Andrew Mar Dr
Fort Myers Beach, FL 33931

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Town Clerk and Clerk to the Special Magistrate

Dated: Sept 10, 2025

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Bayview Life Inc
Property Address: 16 Bayview Blvd
Violation: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

M. Chavez

Narrative:

Attachments:

1. 20250115_Bayview Life Inc_16 Bayview Blvd_Signed Order_9.03.25

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 16, 2025



Traci Kohler, Deputy Town Manager

Date: September 16, 2025

nancy stuparich, Town Attorney

Date: September 24, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 24, 2025

Amy Baker, Town Clerk

Date: September 26, 2025

PARCEL #: 34-46-24-W4-00800.0170
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
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. 20250115

BAYVIEW LIFE INC.

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on September 3, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Respondent was not present. Petitioner, Town of Fort Myers Beach, appeared 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, BAYVIEW LIFE INC. ("Respondent"), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 16 Bayview Boulevard, Fort Myers Beach, Florida, 33931 ("Property").
2. On February 28, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach inspected the Property and observed the following:

Maintaining of a green and/or stagnant pool, indicating possibly broken filtration system creating it to be unsafe and unsanitary and in need of repair and/or removal; and no required pool barrier.

3. The officer found this to be a violation of Town of Fort Myers Beach Land Development Code Section 6-1 adopting Sections 303.1, 303.2, and 110.1 of the International Property Maintenance Code.
4. On March 6, 2025, Code Enforcement issued a Notice of Violation, giving Respondent ten days to come into compliance with the Town's Ordinances, which was to occur by March 16, 2025.
5. On April 16, 2025, and again on September 2, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach inspected the property and observed that the Property remained in violation.
6. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

1. Respondent is in violation of FMBLDC Section 6-1 adopting IPMC Section 303.1, which states:
Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
2. Respondent is in violation of IPMC Section 303.2 adopted by FMBLDC Section 6-1 and amended by Section 6-2(z), which states in relevant part:
Residential swimming pools shall be maintained in compliance with the State Residential Swimming Pool Safety Act, as contained in F.S. ch. 515.

Said Act requires swimming pool barriers with certain specifications.

3. Respondent's actions are not a violation of IPMC Section 110.1, as adopted by FMBLDC Section 6-1 and amended by Section 6-2(q), stating 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.

4. Respondent failed to bring the property into compliance with the applicable codes within the time initially provided by the code enforcement officer in the Notice of Violation and is therefore subject to fines.

C. ORDER

It is HEREBY ORDERED:

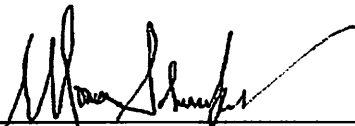
1. Respondent shall bring the Property into compliance with the aforementioned Code Sections by:
 - a. Bringing the pool into a clean and sanitary condition and erecting a pool barrier as required by law; or
 - b. Removing the pool.
2. Respondent shall obtain any and all required permitting for the work necessary to bring the Property into full compliance.
3. Respondent shall take all necessary steps to CORRECT THE VIOLATIONS by:
September 24, 2025
4. Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance. A COMPLIANCE RE-INSPECTION WILL NOT be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. **Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.**
5. A Status of Compliance Hearing will be held following the deadline to determine whether Respondent achieved full compliance by the September 24, 2025 deadline, and to assess the necessity and value of imposing a fine and/or ordering the Town to correct the violations if they still exist, in light of the hazard this violation poses to the public. **Both parties shall appear at this hearing, which is currently scheduled for:**

**October 7, 2025, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

6. If Respondent has not come into compliance by September 24, 2025, a daily fine of \$200.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved substantial compliance by the September 24, 2025 deadline, a fine will be imposed even if compliance is achieved before the following hearing date, unless such fine is deferred or abated at the next status of compliance hearing based on circumstances at that time.

7. Respondent will also be assessed administrative costs and fees of \$250 to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given.
8. If deemed necessary and if the violation persists at the next hearing, an order may also be entered ordering the Town to secure the Property or otherwise correct the violations in order to make the property safe. Such expense would then be charged against the Property and a lien placed on the Real Property for that cost.

ORDERED this 3rd day of September, 2025, and executed this 9th day of September, 2025.



Monica Schmucker, Special Magistrate

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.

Pursuant to Chapter 162.09 (3), Florida Statutes, a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

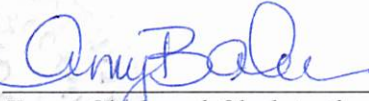
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 10th day of September, 2025 to:

Bayview Life Inc.
1604 Washington Ave
Miami Beach, FL 33139

Bayview Life Inc
16 Bayview Blvd.
Fort Myers Beach, FL 33931

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Town Clerk and Clerk to the Special Magistrate

Dated: Sept. 10, 2025

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Dinon Marie S L/E
Property Address: 3111 Shell Mound Blvd
Violation: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

T. Weich

Narrative:

Attachments:

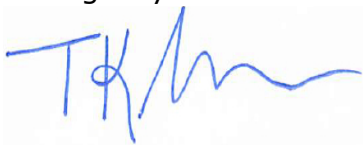
1. 20250372_Dinon Marie S L_E_3111 Shell Mound Blvd_Signed Order_09.03.25

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 16, 2025



Traci Kohler, Deputy Town Manager

Date: September 16, 2025

nancy stuparich, Town Attorney

Date: September 24, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 25, 2025

Amy Baker, Town Clerk

Date: September 26, 2025

PARCEL #: 294624W10120B0230
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
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. 20250372

DINON MARIE S L/E

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on September 3, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Respondent was not present. Petitioner, Town of Fort Myers Beach, appeared 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, DINON MARIE S L/E ("Respondent"), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 3111 Shell Mound Boulevard, Fort Myers Beach, Florida, 33931 ("Property").
2. On or about April 16, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach inspected the Property and observed that the property was in disrepair, including but not limited to overgrown vegetation, missing windows and doors, debris, and fallen fencing.
3. The Code Enforcement Officer found these conditions to be a violation of Fort Myers Beach Land Development Code, specifically:

- a. Section 6-2(q) adopting and amending Section 110.1 of the International Property Maintenance Code;
 - b. Section 6-2(r) adopting and amending Section 110.3 of the International Property Maintenance Code; and
 - c. Section 6-2 (w) adopting and amending Section 302.4 of the International Property Maintenance Code.
4. On April 18, 2025, Code Enforcement issued a Notice of Violation, giving Respondent thirty days to come into compliance with the Town's Ordinances, which was to occur by May 19, 2025.
5. On July 23, 2025, and again on September 3, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach inspected the Property and observed that the Property remained in violation.
6. Petitioner testified that Respondent had applied for a permit to demolish the structure, which was issued on August 21, 2025. However, as of the date of the hearing, demolition had not begun and the property had not otherwise been brought into compliance nor had the grass been mowed.
7. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

1. Respondent is in violation of FMBLDC Section 6-2(w) adopting and amending IPMC Section 302.4, which states:
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.

2. FMBLDC Section 6-2(q) adopting and amending IPMC Section 110.1 states 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.

3. FMBLDC Section 6-2(r) adopting and amending IPMC Section 110.3 states 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.

4. Respondent keeping its Property in disrepair is a violation of FMBLDC Section 6-1 adopting the IPMC. For example, IPMC Section 304.1 requires that the exterior of a structure be maintained in good repair, structurally sound, and sanitary; and Section 301.3 requires that a property owner maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code. However, FMBLDC Section 6-2(q) adopting and amending IPMC Section 110.1 is not something of which Respondent can be in violation, but rather it gives Petitioner's Code Enforcement Officer the authority to order Respondent to repair, demolish, or secure the unsafe property, which Petitioner did in the Notice of Violation dated April 18, 2025.
5. Similarly, FMBLDC Section 6-2(r) adopting and amending IPMC Section 110.3 is not something of which Respondent can be in violation, but rather it gives the Town

the authority to cause the structure to be demolished and removed, and charge such costs to the Respondent as a lien on the Real Property if Respondent fails to comply with a demolition order.

6. The Code Enforcement Officer had valid grounds to order Respondent to come into compliance with the code pursuant to FMBLDC 6-2(q) because the Officer found, and Petitioner has established, that the Property is deteriorated and has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and it needed to be either repaired, secured, or demolished to come into compliance.
7. Respondent is in violation of the Code Enforcement Officer's order to bring the Property into compliance within thirty days pursuant to the Notice issued by Petitioner on April 18, 2025, in that Respondent failed to take the necessary actions to bring the Property out of disrepair and/or into compliance within the time provided.
8. Respondent is therefore subject to fines and/or penalties.
9. The Notice of Violation, however, did not specify that demolition was required; rather, it only ordered Respondent to bring the Property into compliance, which could potentially include repair, boarding up, or demolition of the structure. The evidence admitted did not establish that demolition was the only option. Thus, application of Section 6-2(r) at this time is not warranted.

C. ORDER

It is HEREBY ORDERED:

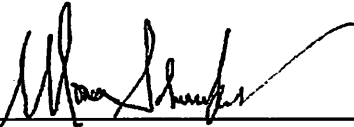
1. Respondent shall bring the Property into compliance with the aforementioned Code Sections by:
 - a. Mowing and/or removing weeds and/or vegetation and/or plant growth in excess of 12 inches on the subject property, and otherwise coming into compliance with FMBLDC Sec. 6-2(w);
 - b. Repairing, securing, or demolishing and removing the structure to bring the Property into compliance with the Fort Myers Beach Code and the Notice of Violation dated April 18, 2025.
 - c. Repairing and/or removing the fence, removing the debris on the property, and otherwise bringing the Property into compliance with the Fort Myers Beach Code and the Notice of Violation dated April 18, 2025;
 - d. Obtaining any and all required permitting for the work necessary to bring the Property into full compliance.
2. Respondent shall take all necessary steps to CORRECT THE VIOLATIONS by:
September 24, 2025

3. Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance. A COMPLIANCE RE-INSPECTION WILL NOT be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. **Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.**
4. A Status of Compliance Hearing will be held following the deadline to determine whether Respondent achieved full compliance by the September 24, 2025 deadline, and to assess the necessity and value of imposing a fine and/or ordering the Town to correct the violations if they still exist, in light of the hazard this violation poses to the public. **Both parties shall appear at this hearing, which is currently scheduled for:**

**October 7, 2025, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

5. If Respondent has not come into compliance by September 24, 2025, a daily fine of \$250.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved substantial compliance by the September 24, 2025 deadline, a fine will be imposed even if compliance is achieved before the following hearing date, unless such fine is deferred or abated at the next status of compliance hearing based on circumstances at that time.
6. Respondent will also be assessed administrative costs and fees of \$250 to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given.
7. If deemed necessary and if the violation persists at the next hearing, an order may also be entered ordering the Town to secure and/or demolish the Property and/or remove vegetation, fence, or other debris in order to bring the Property into compliance. Such expense would then be charged against the Property and a lien placed on the Real Property for that cost.

ORDERED this 3rd day of September, 2025, and executed this 11th day of September, 2025.



Monica Schmucker, Special Magistrate

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.

Pursuant to Chapter 162.09 (3), Florida Statutes, a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 11th day of September, 2025 to:

Dinon Marie S L/E
3111 Shell Mound Blvd
Fort Myers Beach, FL 33931

Dinon Stephen
1700 Gavin St
Orlando, FL 32803

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY:



Town Clerk and Clerk to the Special Magistrate

Dated:



Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Yeaa LLC
Property Address: 1901 Estero Blvd
Status: Unsafe Structure

Subject:

Code Section:

Sec. 110-1

Reference Number:

Strap Number:

Officer:

T. Hoffman

Narrative:

Attachments:

1. 20250540_Yeaa LLC_1901 Estero Blv_Signed Order_08.11.25
2. 20250540_Hearing Exhibit A_Notice of Hearing and Affidavit of Post

Town Recommendations:

Town Approvals:

_____ Thomas Yozzo, Emergency Services Director	Date: September 17, 2025
	
_____ Traci Kohler, Deputy Town Manager	Date: September 17, 2025
_____ nancy stuparich, Town Attorney	Date: September 24, 2025
_____ Lizzette Roman, Town Clerk Administrative Coordinator	Date: September 26, 2025
_____ Amy Baker, Town Clerk	Date: September 26, 2025

PARCEL #: 19462W40090B0080
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
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. 20250540

YEAA LLC,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on August 11, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach. James Ink of Ink Engineering appeared on behalf of Respondent. Petitioner, Town of Fort Myers Beach, also appeared 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, YEAA LLC ("Respondent"), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 1901 Estero Boulevard, Fort Myers Beach, FL, 33931 ("Property").
2. On or about May 21, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach observed the following, which Petitioner found to be in violation of the Town of Fort Myers Beach Code of Ordinances:

**The keeping or maintaining of a dwelling in disrepair
and unsafe condition, such as but not limited to damaged
or missing gutters, missing and /or falling siding, exposed**

wiring and missing sections of the structure in the rear of the building causing it to be unsecured and a safety concern to the general public.

3. The Code Enforcement Officer found that to be in violation of Section 110.1 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(q) of the Fort Myers Beach Land Development Code.

4. That Section reads 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.

5. On May 21, 2025, Petitioner issued a Notice of Violation, giving Respondent thirty days to come into compliance with the Town's Ordinances, which was to occur by June 23, 2025. Specifically, the Notice stated that Respondent was in violation of the Town's Code for keeping or maintaining the dwelling in disrepair and in an unsafe condition, including but not limited to damaged or missing gutters, missing and /or falling siding, exposed wiring, and missing sections of the structure in the rear of the building causing it to be unsecured and a safety concern to the general public. The Notice went on to state that in order to bring these violations into compliance, Respondent was to contact permitting to obtain required permits and repair, replace, or demo the structure in disrepair.
6. On June 18, 2025, and again on August 09, 2025, a Code Compliance Officer performed an inspection of the Subject Property and found that the property remained in violation with no progress towards compliance.
7. Petitioner testified that this is a building that is in a great state of disrepair in a very busy area on the north part of the island. Petitioner also testified that part of the danger is that the building has multiple access points, and unsafe parts of the building are easily accessible to the public.
8. Respondent testified that it has secured part of the building and has hired a contractor to take care of the remaining portions of the building that still need to be

secured. Respondent testified that the contractor should be out there within the next one to two weeks to work on securing the building and will need thirty days or so from the date of this hearing to bring the premises into compliance by closing it off from the public until repairs are complete or the property is brought into a safe condition.

9. Respondent testified that it intends to salvage the portion of the building in its existing construction plans and that demolition of the remaining structure is unwarranted.
10. This building constitutes a danger to the general public if it were to remain unsecured, unrepaired, and accessible to the passing public.
11. If the building is to be repaired, the property may be brought into compliance in the meantime by securing the property so as to not allow public access to it while it is in an unsafe state, including the installation of a fence around the property.
12. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

1. The condition of Respondent's property is actually a violation of Section 301.3 of the International Property Code, adopted by the same code section 6-1 of the Fort Myers Beach Land Development Code, which requires that a property owner maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code.
2. Respondent is not actually in direct violation of the Section cited by Petitioner, 110.1, because Section 110.1 simply gives Petitioner the authority to order Respondent to demolish or secure the unsafe property, which Petitioner did in the Notice of Violation. Rather, Respondent is in violation of the Code Enforcement Officer's order to bring the property into compliance by making it safe.
3. Pursuant to Section 110.3 of the same International Property Maintenance Code, also adopted by Section 6-1 of the Fort Myers Beach Land Development Code, Respondent's failure to comply with a Code Official's order to demolish or secure the building means that Petitioner must cause the structure to be demolished, and such expenses shall be charged against the real estate as a lien on the property.
4. Respondent is in violation of the Town's Land Development Code by failing to maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code.
5. Respondent is in violation of the Code Official's order to repair, demolish, or secure the property within thirty days of the Notice of Violation issued.

6. If Respondent is able to salvage the portion of the property that remains and if demolition is not absolutely necessary to achieve full, safe repairs of the property, Respondent must secure the property so that it does not pose a threat to the public's safety before and during the repair phase and/or until the building is deemed safe.

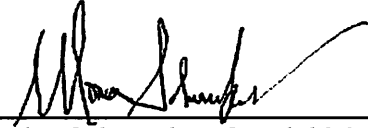
C. ORDER

It is HEREBY ORDERED:

1. Respondent is hereby found to be in violation of the aforementioned Code Sections.
2. Respondent is hereby ordered to either properly secure the building by erecting a fence or other type of barrier permitted by the Town's Code, or otherwise demolish it as necessary, to make the property safe and in compliance with the Code; and this must be done by no later than **September 10, 2025**.
3. Respondent is hereby ordered to work with the Town to ensure the appropriate permits for any such barrier are obtained.
4. Respondent is ordered to contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the property to verify compliance. A COMPLIANCE RE-INSPECTION WILL NOT be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. **Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.**
5. A Final Status of Compliance Hearing will be held following the deadline to determine whether Respondent achieved full compliance by the September 10, 2025 deadline, and to assess the necessity and value of imposing a fine and/or ordering the Town to correct the violation if it still exists, in light of the hazard this violation poses to the public. **Both parties shall appear at this hearing.** A Notice of date, time, and location will be issued.
6. If Respondent has not come into compliance or substantial compliance by September 10, 2025, a daily fine of \$250.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved compliance or substantial compliance by the September 10, 2025 deadline, a fine will be imposed even if compliance is achieved before the following hearing date. Respondent will also be assessed administrative costs and fees to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given. If deemed necessary and if the violation persists at the next hearing, an order may also be entered ordering

the Town to secure or demolish the property. Such expense would then be charged against the property, and a lien may then be placed on the real property.

ORDERED this 11th day of August, 2025, and executed this 20th day of August, 2025.



Monica Schmucker, Special Magistrate

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.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

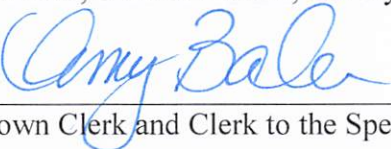
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 20th day of August, 2025 to:

YEAA LLC
14511 Stirling Rd
Southwest Ranches, FL 33330

Michael Kadoch
7501 NW 4th St. Ste 201
Plantation, FL 33317

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Town Clerk and Clerk to the Special Magistrate

Dated: 

Signature:

Email: AMY@FMBGOV.COM

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



09/25/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

YEAA LLC
14511 STIRLING RD
SOUTHWEST RANCHES, FL 33330

Respondent.

Case Number:	20250540
Certified Mail:	9589071052703142134760 9589071052703142134777
Regular Mail:	Standard 1 st Class

Site Address: 1901 ESTERO BLVD, Fort Myers Beach, FL 33931
Parcel Strap No.: 19-46-24-W4-0090B.0080

NOTICE OF CODE ENFORCEMENT HEARING TO IMPOSE/CERTIFY LIEN

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 found by the Special Magistrate on 08/11/2025, exists on the above-described property. A Hearing to Impose a Lien before the Town's Code Enforcement Special Magistrate concerning the previously issued Code Enforcement Order by the Special Magistrate, has therefore, been scheduled for:

Tuesday 10/07/2025 at 9:00 A.M. in the Council Chambers at Town Hall, located at 6231 Estero Blvd, Fort Myers Beach, Florida.

A copy of the previously issued CODE ENFORCEMENT ORDER is attached hereto and incorporated herein by reference.

NO ADDITIONAL NOTICE OF THE HEARING TO IMPOSE A LIEN 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 other actions that will affect your rights. If you believe

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)



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.

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 or is repeated. 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(s) has been corrected or abated prior to the hearing.

T. Hoffman

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

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

PARCEL #: 19462W40090B0080
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
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. 20250540

YEAA LLC,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on August 11, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach. James Ink of Ink Engineering appeared on behalf of Respondent. Petitioner, Town of Fort Myers Beach, also appeared 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, YEAA LLC ("Respondent"), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 1901 Estero Boulevard, Fort Myers Beach, FL, 33931 ("Property").
2. On or about May 21, 2025, a Code Enforcement Officer for the Town of Fort Myers Beach observed the following, which Petitioner found to be in violation of the Town of Fort Myers Beach Code of Ordinances:

The keeping or maintaining of a dwelling in disrepair and unsafe condition, such as but not limited to damaged or missing gutters, missing and /or falling siding, exposed

wiring and missing sections of the structure in the rear of the building causing it to be unsecured and a safety concern to the general public.

3. The Code Enforcement Officer found that to be in violation of Section 110.1 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(q) of the Fort Myers Beach Land Development Code.

4. That Section reads 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.

5. On May 21, 2025, Petitioner issued a Notice of Violation, giving Respondent thirty days to come into compliance with the Town's Ordinances, which was to occur by June 23, 2025. Specifically, the Notice stated that Respondent was in violation of the Town's Code for keeping or maintaining the dwelling in disrepair and in an unsafe condition, including but not limited to damaged or missing gutters, missing and /or falling siding, exposed wiring, and missing sections of the structure in the rear of the building causing it to be unsecured and a safety concern to the general public. The Notice went on to state that in order to bring these violations into compliance, Respondent was to contact permitting to obtain required permits and repair, replace, or demo the structure in disrepair.
6. On June 18, 2025, and again on August 09, 2025, a Code Compliance Officer performed an inspection of the Subject Property and found that the property remained in violation with no progress towards compliance.
7. Petitioner testified that this is a building that is in a great state of disrepair in a very busy area on the north part of the island. Petitioner also testified that part of the danger is that the building has multiple access points, and unsafe parts of the building are easily accessible to the public.
8. Respondent testified that it has secured part of the building and has hired a contractor to take care of the remaining portions of the building that still need to be

secured. Respondent testified that the contractor should be out there within the next one to two weeks to work on securing the building and will need thirty days or so from the date of this hearing to bring the premises into compliance by closing it off from the public until repairs are complete or the property is brought into a safe condition.

9. Respondent testified that it intends to salvage the portion of the building in its existing construction plans and that demolition of the remaining structure is unwarranted.
10. This building constitutes a danger to the general public if it were to remain unsecured, unrepaired, and accessible to the passing public.
11. If the building is to be repaired, the property may be brought into compliance in the meantime by securing the property so as to not allow public access to it while it is in an unsafe state, including the installation of a fence around the property.
12. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

1. The condition of Respondent's property is actually a violation of Section 301.3 of the International Property Code, adopted by the same code section 6-1 of the Fort Myers Beach Land Development Code, which requires that a property owner maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code.
2. Respondent is not actually in direct violation of the Section cited by Petitioner, 110.1, because Section 110.1 simply gives Petitioner the authority to order Respondent to demolish or secure the unsafe property, which Petitioner did in the Notice of Violation. Rather, Respondent is in violation of the Code Enforcement Officer's order to bring the property into compliance by making it safe.
3. Pursuant to Section 110.3 of the same International Property Maintenance Code, also adopted by Section 6-1 of the Fort Myers Beach Land Development Code, Respondent's failure to comply with a Code Official's order to demolish or secure the building means that Petitioner must cause the structure to be demolished, and such expenses shall be charged against the real estate as a lien on the property.
4. Respondent is in violation of the Town's Land Development Code by failing to maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code.
5. Respondent is in violation of the Code Official's order to repair, demolish, or secure the property within thirty days of the Notice of Violation issued.

6. If Respondent is able to salvage the portion of the property that remains and if demolition is not absolutely necessary to achieve full, safe repairs of the property, Respondent must secure the property so that it does not pose a threat to the public's safety before and during the repair phase and/or until the building is deemed safe.

C. ORDER

It is HEREBY ORDERED:

1. Respondent is hereby found to be in violation of the aforementioned Code Sections.
2. Respondent is hereby ordered to either properly secure the building by erecting a fence or other type of barrier permitted by the Town's Code, or otherwise demolish it as necessary, to make the property safe and in compliance with the Code; and this must be done by no later than **September 10, 2025**.
3. Respondent is hereby ordered to work with the Town to ensure the appropriate permits for any such barrier are obtained.
4. Respondent is ordered to contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the property to verify compliance. A COMPLIANCE RE-INSPECTION WILL NOT be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. **Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.**
5. A Final Status of Compliance Hearing will be held following the deadline to determine whether Respondent achieved full compliance by the September 10, 2025 deadline, and to assess the necessity and value of imposing a fine and/or ordering the Town to correct the violation if it still exists, in light of the hazard this violation poses to the public. **Both parties shall appear at this hearing.** A Notice of date, time, and location will be issued.
6. If Respondent has not come into compliance or substantial compliance by September 10, 2025, a daily fine of \$250.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved compliance or substantial compliance by the September 10, 2025 deadline, a fine will be imposed even if compliance is achieved before the following hearing date. Respondent will also be assessed administrative costs and fees to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given. If deemed necessary and if the violation persists at the next hearing, an order may also be entered ordering

the Town to secure or demolish the property. Such expense would then be charged against the property, and a lien may then be placed on the real property.

ORDERED this 11th day of August, 2025, and executed this 20th day of August, 2025.



Monica Schmucker, Special Magistrate

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.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 20th day of August, 2025 to:

YEAA LLC
14511 Stirling Rd
Southwest Ranches, FL 33330

Michael Kadoch
7501 NW 4th St, Ste 201
Plantation, FL 33317

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY:



Town Clerk and Clerk to the Special Magistrate

Dated:



Signature:

Email: AMY@FMBGOV.COM



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

YEAA LLC
14511 STIRLING RD
SOUTHWEST RANCHES, FL 33330

FMB Case Number:	20250540
Certified Mail:	9589071052703142134760 9589071052703142134777
Regular Mail:	Standard 1st Class
DOAH Case Number:	Not Assigned

Respondent,

Site Address: 1901 Estero Blvd.
Fort Myers Beach, FL 33931
Parcel Strap No.19-46-24-W4-0090B.0080

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared T. Hoffman, who is a Code Enforcement Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250540 that certain Notice Of Special Magistrate Hearing to impose/certify lien. Presented as Hearing Exhibit A (" The Notice")

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class service a copy of the Notice of Hearing (Status Update) to the following:

- a. Yeaa LLC
14511 Stirling Rd
Southwest Ranches, FL 33330
Certified Mail No. 9589071052703142134760
(Lee County Property Appraiser)
- b. Michael Kadoch
7501 NW 4th Street, Suite 204
Plantation, FL 33317
Certified Mail No. 9589071052703142134777
(Listed Registered Agent Sunbiz)

Copies of the certified mailing receipts are attached in Hearing Exhibit A.

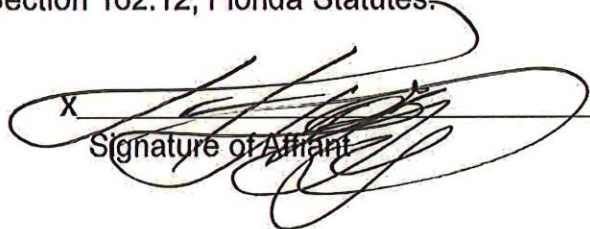
1. I posted a copy of the Notice at 1901 Estero Blvd, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 25th day of September 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 25th day of September 2025 are attached in Hearing Exhibit A.



FMBgov.com

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 25 day of September, 2025, by T. Hoffman He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]


Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

FORT MYERS BEACH ESTERO ISLAND

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

Page 3 | 3

9589 0710 5270 3142 1347 60

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

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OFFICIAL USE

Certified Mail Fee \$ 20250540

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 \$

Town of Fort Myers Beach

SEP 25 2025

Postmark Here

Sent by: [Signature]

1901 ESTERO BLVD

YEAA LLC

14511 STIRLING RD

SOUTHWEST RANCHES, FL 33330

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

9589 0710 5270 3142 1347 77

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 \$ 20250540

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 \$

Town of Fort Myers Beach

SEP 25 2025

Postmark Here

Sent by: [Signature]

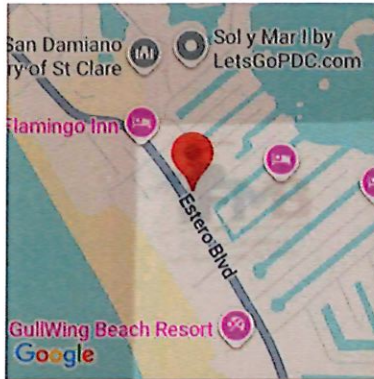
1901 ESTERO BLVD

MICHAEL, KADOCH

7501 NW 4TH STREET, SUITE 204

PLANTATION, FL 33317

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



Sep 25, 2025 4:09:19 PM
Fort Myers Beach

YEAA LLC
14511 STIRLING RD
SOUTHWEST RANCHES, FL 33330

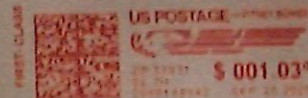


9559 0710 5270 3142 1347 L0

YEAA LLC
14511 STIRLING RD
SOUTHWEST RANCHES, FL 33330



MICHAEL, KADOCH
7501 NW 4TH STREET, SUITE 204
PLANTATION, FL 33317



CERTIFIED MAIL



9559 0710 5270 3142 1347 77

MICHAEL, KADOCH
7501 NW 4TH STREET, SUITE 204
PLANTATION, FL 33317





Google



FMBgov.com

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

09/25/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

YEAA LLC
14511 STIRLING RD
SOUTHWEST RANCHES, FL 33330

Respondent.

Site Address: 1901 ESTERO BLVD, Fort Myers Beach, FL 33931
Parcel Strap No.: 19-46-24-W4-0090B.0080

Case Number:	20250540
Certified Mail:	9589071052703142134760
Regular Mail:	9589071052703142134777
Regular Mail:	Standard 1 st Class

NOTICE OF CODE ENFORCEMENT HEARING TO IMPOSE/CERTIFY LIEN

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 found by the Special Magistrate on 08/11/2025, exists on the above-described property. A Hearing to Impose a Lien before the Town's Code Enforcement Special Magistrate concerning the previously issued Code Enforcement Order by the Special Magistrate, has therefore, been scheduled for:

Tuesday 10/07/2025 at 9:00 A.M. in the Council Chambers at Town Hall, located at 6231 Estero Blvd, Fort Myers Beach, Florida.

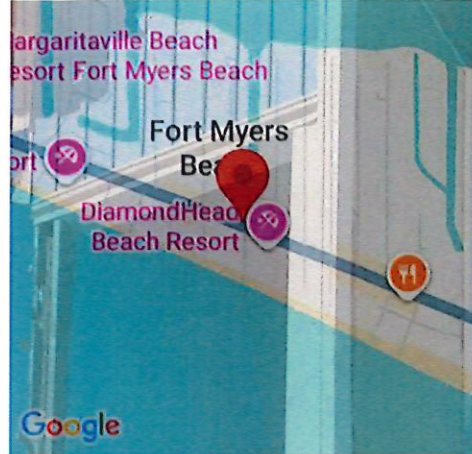
A copy of the previously issued CODE ENFORCEMENT ORDER is attached hereto and incorporated herein by reference.

NO ADDITIONAL NOTICE OF THE HEARING TO IMPOSE A LIEN 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 other actions that will affect your rights. If you believe

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(10-25-2024)



Sep 25, 2025 3:36:35 PM
Fort Myers Beach



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 other actions that will affect your rights. If you believe



FMBgov.com

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

09/25/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

YEAA LLC
14511 STIRLING RD
SOUTHWEST RANCHES, FL 33330

Respondent.

Site Address: 1901 ESTERO BLVD, Fort Myers Beach, FL 33931
Parcel Strap No.: 19-46-24-W4-0090B.0080

Case Number:	20250540
Certified Mail:	9589071052703142134760 9589071052703142134777
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Tuesday 10/07/2025 at 9:00 A.M. in the Council Chambers at Town Hall, located at 6231 Estero Blvd, Fort Myers Beach, Florida.

A copy of the previously issued CODE ENFORCEMENT ORDER is attached hereto and incorporated herein by reference.

NO ADDITIONAL NOTICE OF THE HEARING TO IMPOSE A LIEN 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 other actions that will affect your rights. If you believe

FORT MYERS BEACH, ESTERO ISLAND
P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)

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

07/29/2025

Sep 25, 2025 2:41:39 PM

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Katta Dan IV LLC
Property Address: 5530 Palmetto St
Status: Property in disrepair

Subject:

Code Section:

Sec. 110.1, Sec. 6-2

Reference Number:

Strap Number:

Officer:

T. Hoffman

Narrative:

Attachments:

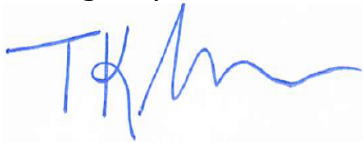
1. 20241183_Katta Dan IV LLC_5530 Palmetto St_Order Signed_08.11.25
2. 20241183_Hearing Exhibit A_Notice of Hearing and Affidavit of Posting

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 26, 2025



Traci Kohler, Deputy Town Manager

Date: September 26, 2025

nancy stuparich, Town Attorney

Date: September 29, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 29, 2025

Amy Baker, Town Clerk

Date: September 29, 2025

PARCEL #: 334624W1002040090
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
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. 20241183

KATTA DAN IV LLC,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on August 11, 2025, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Respondent did not. Having considered the sworn testimony, evidence and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. Respondent, KATTA DAN IV LLC (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 5530 Palmetto Street, Fort Myers Beach, FL, 33931 (“Property”).
2. On December 9, 2024, a Code Enforcement Officer for the Town of Fort Myers Beach observed the following, which Petitioner found to be in violation of the Town of Fort Myers Beach Code of Ordinances:

**Property in disrepair and/or unsafe conditions.
Overgrowth of plants, weeds and/or grass in excess of 12”
in height.**

3. The Code Enforcement Officer found that to be in violation of Section 110.1 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(q) of the Fort Myers Beach Land Development Code; and violation of Section 302.4 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(w) of the Fort Myers Beach Land Development Code.
4. On December 9, 2024, the Code Enforcement Officer issued a Notice of Violation, which provided the code ordinances referenced.
5. Section 6-2(q) amending 110.1 reads 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.
6. Section 6-2(w) amending 302.4 reads 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.

7. The Notice of Violation gave Respondent thirty days to come into compliance with the Town's Ordinances, which was to occur by January 10, 2025. Specifically, to come into compliance, the Notice stated that Respondent must secure and/or repair the property within Town Code compliance; trim and/or mow plants, weeds, and/or grass to under 12" in height; and maintain the property to Town Code compliance.
8. On July 22, 2025, and again August 9, 2025, a Code Compliance Officer performed an inspection of the Subject Property and found that the property remained in violation, and no progress had been made towards bringing the property into compliance.
9. At the hearing, Petitioner's Code Enforcement Officer testified that Respondent had since mowed, but that the property was still in disrepair and not in full compliance.
10. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

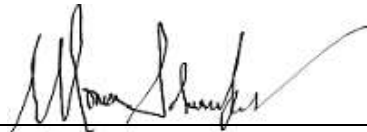
1. Respondent is found to have been in violation of Section 302.4 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(w) of the Fort Myers Beach Land Development Code, when Respondent permitted the overgrowth of grass and/or weeds on the Subject Property and failed to correct this violation within the thirty days provided in the Notice of Violation dated December 9, 2024.
2. Respondent is now in compliance with Section 302.4 as described above.
3. Respondent keeping its property in disrepair is a violation of Section 6-1 of the Fort Myers Beach Land Development Code adopting the International Property Maintenance Code. For example, Section 304.1 of the International Property Maintenance Code requires that the exterior of a structure be maintained in good repair, structurally sound, and sanitary. However, Section 110.1 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(q) of the Fort Myers Beach Land Development Code is not something of which Respondent can be in violation, but rather it gives Petitioner's Code Enforcement Officer the authority to order Respondent to repair, demolish, or secure the unsafe property, which Petitioner did in the Notice of Violation dated December 9 2024.
4. Respondent is in violation of the Code Enforcement Officer's order to bring the property into compliance within thirty days pursuant to the Notice issued by Petitioner on December 9, 2024, in that Respondent failed to make the necessary repairs to bring the property out of disrepair.

C. ORDER

It is HEREBY ORDERED:

1. Respondent shall bring the property into full compliance of the aforementioned code violations within two weeks of this hearing, which must occur on or before August 25, 2025.
2. Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the property to verify compliance. A compliance re-inspection will not be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.
3. **Respondent and Petitioner** shall appear at the next regularly scheduled Special Magistrate **Hearing**, currently scheduled for **September 3, 2025**, to report the status of bringing the property into compliance and determine whether Respondent achieved full compliance by the August 25, 2025 deadline.
4. If Respondent has not come into compliance or substantial compliance by August 25, 2025, a daily fine of \$125.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved compliance or substantial compliance by the August 25, 2025 deadline, a fine will be imposed even if compliance is achieved before the next hearing date. Respondent will also be assessed administrative costs and fees to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given.

ORDERED this 11th day of August, 2025, and executed this 20th day of August, 2025.



Monica Schmucker, Special Magistrate

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.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien

against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 21st day of August, 2025 to:

Katta Dan IV LLC
6526 S Kanner Hwy Ste 308
Stuart, FL 34997

Haley, Timothy J
6526 S Kanner Hwy Ste 308
Stuart, FL 34997

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Amy Baker (Aug 21, 2025 09:03:18 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: Aug 21, 2025

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



09/25/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

KATTA DAN IV LLC
6526 S. KANNER HWY STE 308
STUART, FL 34997

Case Number:	20241183
Certified Mail:	9589071052703142135149 9589071052703142135132
Regular Mail:	Standard 1 st Class

Respondent.

Site Address: 5530 Palmetto Blvd, Fort Myers Beach, FL 33931
Parcel Strap No.: 33-46-24-W1-00204.0090

NOTICE OF CODE ENFORCEMENT HEARING TO IMPOSE/CERTIFY LIEN

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 found by the Special Magistrate on 08/11/2025, exists on the above-described property. A Hearing to Impose a Lien before the Town's Code Enforcement Special Magistrate concerning the previously issued Code Enforcement Order by the Special Magistrate, has therefore, been scheduled for:

Tuesday 10/07/2025 at 9:00 A.M. in the Council Chambers at Town Hall, located at 6231 Estero Blvd, Fort Myers Beach, Florida.

A copy of the previously issued CODE ENFORCEMENT ORDER is attached hereto and incorporated herein by reference.

NO ADDITIONAL NOTICE OF THE HEARING TO IMPOSE A LIEN 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 other actions that will affect your rights. If you believe

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)



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.

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 or is repeated. 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(s) has been corrected or abated prior to the hearing.

T. Hoffman

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

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

PARCEL #: 334624W1002040090
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
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. 20241183

KATTA DAN IV LLC,

Respondent.

CODE ENFORCEMENT ORDER

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A. FINDINGS OF FACT:

1. Respondent, KATTA DAN IV LLC ("Respondent"), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 5530 Palmetto Street, Fort Myers Beach, FL, 33931 ("Property").
2. On December 9, 2024, a Code Enforcement Officer for the Town of Fort Myers Beach observed the following, which Petitioner found to be in violation of the Town of Fort Myers Beach Code of Ordinances:

**Property in disrepair and/or unsafe conditions.
Overgrowth of plants, weeds and/or grass in excess of 12"
in height.**

3. The Code Enforcement Officer found that to be in violation of Section 110.1 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(q) of the Fort Myers Beach Land Development Code; and violation of Section 302.4 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(w) of the Fort Myers Beach Land Development Code.
4. On December 9, 2024, the Code Enforcement Officer issued a Notice of Violation, which provided the code ordinances referenced.
5. Section 6-2(q) amending 110.1 reads 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.
6. Section 6-2(w) amending 302.4 reads 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.

7. The Notice of Violation gave Respondent thirty days to come into compliance with the Town's Ordinances, which was to occur by January 10, 2025. Specifically, to come into compliance, the Notice stated that Respondent must secure and/or repair the property within Town Code compliance; trim and/or mow plants, weeds, and/or grass to under 12" in height; and maintain the property to Town Code compliance.
8. On July 22, 2025, and again August 9, 2025, a Code Compliance Officer performed an inspection of the Subject Property and found that the property remained in violation, and no progress had been made towards bringing the property into compliance.
9. At the hearing, Petitioner's Code Enforcement Officer testified that Respondent had since mowed, but that the property was still in disrepair and not in full compliance.
10. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

B. CONCLUSION OF LAW

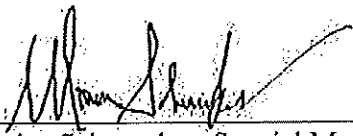
1. Respondent is found to have been in violation of Section 302.4 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(w) of the Fort Myers Beach Land Development Code, when Respondent permitted the overgrowth of grass and/or weeds on the Subject Property and failed to correct this violation within the thirty days provided in the Notice of Violation dated December 9, 2024.
2. Respondent is now in compliance with Section 302.4 as described above.
3. Respondent keeping its property in disrepair is a violation of Section 6-1 of the Fort Myers Beach Land Development Code adopting the International Property Maintenance Code. For example, Section 304.1 of the International Property Maintenance Code requires that the exterior of a structure be maintained in good repair, structurally sound, and sanitary. However, Section 110.1 of the International Property Maintenance Code, as adopted by Section 6-1 and amended by Section 6-2(q) of the Fort Myers Beach Land Development Code is not something of which Respondent can be in violation, but rather it gives Petitioner's Code Enforcement Officer the authority to order Respondent to repair, demolish, or secure the unsafe property, which Petitioner did in the Notice of Violation dated December 9 2024.
4. Respondent is in violation of the Code Enforcement Officer's order to bring the property into compliance within thirty days pursuant to the Notice issued by Petitioner on December 9, 2024, in that Respondent failed to make the necessary repairs to bring the property out of disrepair.

C. ORDER

It is HEREBY ORDERED:

1. Respondent shall bring the property into full compliance of the aforementioned code violations within two weeks of this hearing, which must occur on or before August 25, 2025.
2. Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the property to verify compliance. A compliance re-inspection will not be conducted unless Respondent contacts the Town of Fort Myers Beach Code Enforcement Department. Respondent will NOT be deemed to be in compliance until it contacts the Town and such compliance is verified.
3. Respondent and Petitioner shall appear at the next regularly scheduled Special Magistrate Hearing, currently scheduled for September 3, 2025, to report the status of bringing the property into compliance and determine whether Respondent achieved full compliance by the August 25, 2025 deadline.
4. If Respondent has not come into compliance or substantial compliance by August 25, 2025, a daily fine of \$125.00 per day will be imposed for each day thereafter that the Property remains in violation. If Respondent has not achieved compliance or substantial compliance by the August 25, 2025 deadline, a fine will be imposed even if compliance is achieved before the next hearing date. Respondent will also be assessed administrative costs and fees to cover the Town's cost for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time initially given.

ORDERED this 11th day of August, 2025, and executed this 20th day of August, 2025.



Monica Schmucker, Special Magistrate

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.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien

against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 21st day of August, 2025 to:

Katta Dan IV LLC
6526 S Kanner Hwy Ste 308
Stuart, FL 34997

Haley, Timothy J
6526 S Kanner Hwy Ste 308
Stuart, FL 34997

I certify this document to a be true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Amy Baker (Aug 21, 2025 09:03:18 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: Aug 21, 2025



FMBgov.com

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

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

KATTA DAN IV LLC
6526 S KANNER HWY #308
STUART, FL 34997

FMB Case Number:	20241183
Certified Mail:	9589071052703142135149 9589071052703142135132
Regular Mail:	Standard 1st Class
DOAH Case Number:	Not Assigned

Site Address: 5530 Palmetto St.
Fort Myers Beach, FL 33931
Parcel Strap No.33-46-24-W1-00204.0090

Respondent,

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared T. Hoffman, who is a Code Enforcement Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20241183 that certain Notice Of Special Magistrate Hearing to impose/certify lien. Presented as Hearing Exhibit A (" The Notice")

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class service a copy of the Notice of Hearing (Status Update) to the following:

- a. Katta Dan IV LLC
6526 S Kanner Hwy Ste 308
Stuart, FL 34997
Certified Mail No. 9589071052703142135149
(Lee County Property Appraiser)
- b. Haley, Timothy J
6526 S Kanner Hwy Ste 308
Stuart, FL 34997
Certified Mail No. 9589071052703142135132
(Listed Registered Agent Sunbiz)

Copies of the certified mailing receipts are attached in Hearing Exhibit A.

1. I posted a copy of the Notice at 5530 Palmetto St, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 25th day of September 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. 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 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 25th day of September 2025 are attached in Hearing Exhibit A.



FMBgov.com

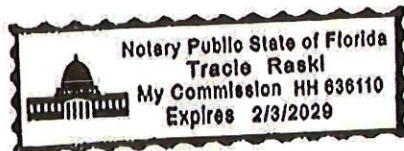
Dan Allers, Mayor | Jim Atterholt, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Woodson, Council Member

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 25 day of September, 2025, by T. Hoffman He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]

Tracie Raski
Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

9589 0710 5270 3142 1351 49

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 \$ 20241193

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 \$ 5530 PALMETTO ST

Sent by: Town of Fort Myers Beach

Postmark Here SEP 25 2025

KATTA DAN IV LLC
 6526 S. KANNER HWY STE 308
 STUART, FL 34997

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

9589 0710 5270 3142 1351 32

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 \$ 20241193

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 \$ 5530 PALMETTO ST

Sent by: Town of Fort Myers Beach

Postmark Here SEP 25 2025

HALEY, TIMOTHY J
 6526 S KANNER HWY STE 308
 STUART, FL 34997

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



Sep 25, 2025 4:07:07 PM
Fort Myers Beach

KATTA DAN IV LLC
6526 S. KANNER HWY STE 308
STUART, FL 34997



9589 0710 5270 3142 1351 49



KATTA DAN IV LLC
6526 S. KANNER HWY STE 308
STUART, FL 34997



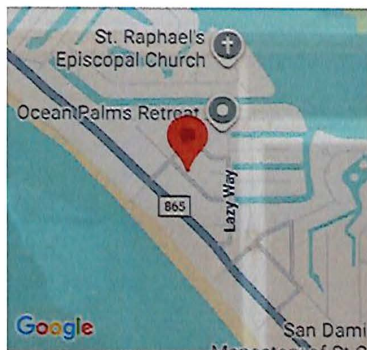
HALEY, TIMOTHY J
6526 S KANNER HWY STE 308
STUART, FL 34997



9589 0710 5270 3142 1351 32



HALEY, TIMOTHY J
6526 S KANNER HWY STE 308
STUART, FL 34997



Sep 25, 2025 3:25:34 PM
Fort Myers Beach



FMBgov.com

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

09/25/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

KATTA DAN IV LLC
6526 S. KANNER HWY STE 308
STUART, FL 34997

Respondent.

Site Address: 5530 Palmetto Blvd, Fort Myers Beach, FL 33931
Parcel Strap No.: 33-46-24-W1-00204.0090

NOTICE OF CODE ENFORCEMENT HEARING TO IMPOSE/CERTIFY LIEN

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 found by the Special Magistrate on 08/11/2025, exists on the above-described property. A Hearing to impose a Lien before the Town's Code Enforcement Special Magistrate concerning the previously issued Code Enforcement Order by the Special Magistrate, has therefore, been scheduled for:

Tuesday 10/07/2025 at 9:00 A.M. in the Council Chambers at Town Hall, located at 6231 Estero Blvd, Fort Myers Beach, Florida.

A copy of the previously issued CODE ENFORCEMENT ORDER is attached hereto and incorporated herein by reference.

NO ADDITIONAL NOTICE OF THE HEARING TO IMPOSE A LIEN 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 other actions that will affect your rights. If you believe

FORT MYERS BEACH, ESTERO ISLAND
P. 239-765-0202 | F. 239-765-0979 | 2751 Oak Street, Fort Myers Beach, FL 33953

(Last 06/2024)



St. Raphael's
Episcopal Church



FMBgov.com

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

09/25/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

KATTA DAN IV LLC
6526 S. KANNER HWY STE 308
STUART, FL 34997

Respondent.

Case Number:	20241183
Certified Mail:	9589071052703142135149
	9589071052703142135132
Regular Mail:	Standard 1 st Class

Site Address: 5530 Palmetto Blvd, Fort Myers Beach, FL 33931
Parcel Strap No.: 33-46-24-W1-00204.0090

NOTICE OF CODE ENFORCEMENT HEARING TO IMPOSE/CERTIFY LIEN

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Tuesday 10/07/2025 at 9:00 A.M. in the Council Chambers at Town Hall, located at 6231 Estero Blvd, Fort Myers Beach, Florida.

A copy of the previously issued CODE ENFORCEMENT ORDER is attached hereto and incorporated herein by reference.

NO ADDITIONAL NOTICE OF THE HEARING TO IMPOSE A LIEN 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 other actions that will affect your rights. If you believe

Sep 25, 2025 2:41:34 PM

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Lopez Mario A Pinto & Traitel Ana
Property Address: 8100 Lagoon Rd
Violation: Work without a Permit

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

T. Weich

Narrative:

Attachments:

1. 20250560_Hearing Exhibit A_Notice of Hearing and Affidavit of Posting
2. 20250560_Hearing Exhibit B_Notice of Violation
3. 20250560_Hearing Exhibit C_Status of compliance
4. 20250560_Hearing Exhibit D_Violated Regulation(s)

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 16, 2025



Traci Kohler, Deputy Town Manager

Date: September 16, 2025

nancy stuparich, Town Attorney

Date: September 24, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 25, 2025

Amy Baker, Town Clerk

Date: September 26, 2025

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



9/5/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MARIO S PINTO LOPEZ & ANA TRAITEL
3585 NORTHCREST RD
ALTANTA GA 30340

Respondent.

Case Number:	20250560
Certified Mail:	7022 2410 0000 8470 1877
Regular Mail:	Standard 1 st Class

Site Address: 8100 LAGOON ROAD, Fort Myers Beach, FL 33931
Parcel Strap No.: 304724W3001020250

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 (another 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 **TUESDAY OCTOBER 7, 2025 at 9:00 A.M. COUNCIL CHAMBERS 6231 Estero Blvd, Fort Myers Beach, Florida.**

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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>

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)



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 other actions that will 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 carried out to determine compliance.

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 or is repeated. 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(s) has been corrected or abated prior to the hearing.

TERRI WEICH

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

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MARIO S PINTO LOPEZ & ANA TRAITEL
3585 NORTHCREST RD
ALTANTA GA 30340

Respondent,

FMB Case Number:	20250560
Certified Mail:	7022 2410 0000 8470 1877
Regular Mail:	SENT

Site Address: 8100 LAGOON ROAD
Fort Myers Beach, FL 33931
Parcel Strap No. 034724W3001020250

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared TERRI WEICH, who is a Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250560 that certain Notice Of Magistrate Code Hearing. Presented as Hearing Exhibit A (NOTICE OF HEARING)

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class mail service a copy of the Notice of Hearing to the following:

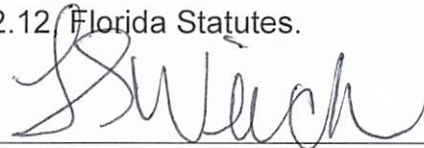
MARIO S PINTO LOPEZ & ANA TRAITEL
3585 NORTHCREST RD
ALTANTA GA 30340
Certified Mail No. 7022 2410 0000 8470 1877
(property owner)

Copies of the certified mailing receipts are attached in Hearing Exhibit A.

1. I posted a copy of the Notice at 8100 LAGOON ROAD, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 5th day of SEPTEMBER 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. 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 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 5th day of SEPTEMBER 2025 are attached in Hearing Exhibit A.



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 5TH day of SEPTEMBER, 2025, by I. Weich She ☒ is personally known to me or ☐ has produced _____ as identification.




Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

7022 2410 0000 8470 1877

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	Postmark Here
\$	
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	
Street and Apt. No., or PO Box No. 8100 Lagoon	
City, State, ZIP+4® 25-0560	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



FORT MYERS BEACH • ESTERO ISLAND

6231 Estero Boulevard
Fort Myers Beach, FL 33931

MARIO S PINTO LOPEZ & ANA
TRAITEL
3585 NORTHCREST RD
ALTANTA GA 30340



FORT MYERS BEACH • ESTERO ISLAND

6231 Estero Boulevard
Fort Myers Beach, FL 33931



7022 2410 0000 8470 1877

MARIO S PINTO LOPEZ & ANA
TRAITEL
3585 NORTHCREST RD
ALTANTA GA 30340



Sep 5, 2025 10:37:43 AM
Town of Fort Myers Beach



FMBgov.com

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

9/5/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MARIO S PINTO LOPEZ & ANA TRITEL
3585 NORTHCREST RD
ALANTA GA 30340

Respondent.

Site Address: 8100 LAGOON ROAD, Fort Myers Beach, FL 33931
Parcel Strap No.: 304724W3001020250

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 (another 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 **TUESDAY OCTOBER 7, 2025 at 9:00 A.M., COUNCIL CHAMBERS 6231 Estero Blvd, Fort Myers Beach, Florida**.

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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>

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)

Sep 5, 2025 10:37:36 AM
Town of Fort Myers Beach



Sep 5, 2025 10:37:54 AM
Town of Fort Myers Beach

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Please contact permitting 239-765-0202 to obtain the required permit(s).

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) ongoing,



FMBgov.com

an Allen, Mayor | Jim Attiehoff, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Wootton, Council Member

9/5/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MARIO S PINTO LOPEZ & ANA TRATEL
3585 NORTHCOREST RD
ALTANTA GA 30340

Respondent.

Case Number	21230555
Certified Mail	7122 2411 0001 8479 1877
Regular Mail	Standard 1 st Class

Site Address: 8100 LAGOON ROAD, Fort Myers Beach, FL 33931
Parcel Strip No.: 304724W30D1020250

NOTICE OF CODE ENFORCEMENT HEARING

YOU ARE HEREBY NOTICED 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 (another 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 **THURSDAY, OCTOBER 9, 2025 at 9:00 A.M. COUNCIL CHAMBERS 1230 Edison Blvd, Fort Myers Beach, Florida.**

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

<http://www.fortmyersbeachfl.gov/205/Meetings/20250909>

FORT MYERS BEACH, EDWARD BLAND

P. 239-765-0202 F. 239-765-0905 1230 Edison Blvd, Fort Myers Beach, FL 33931

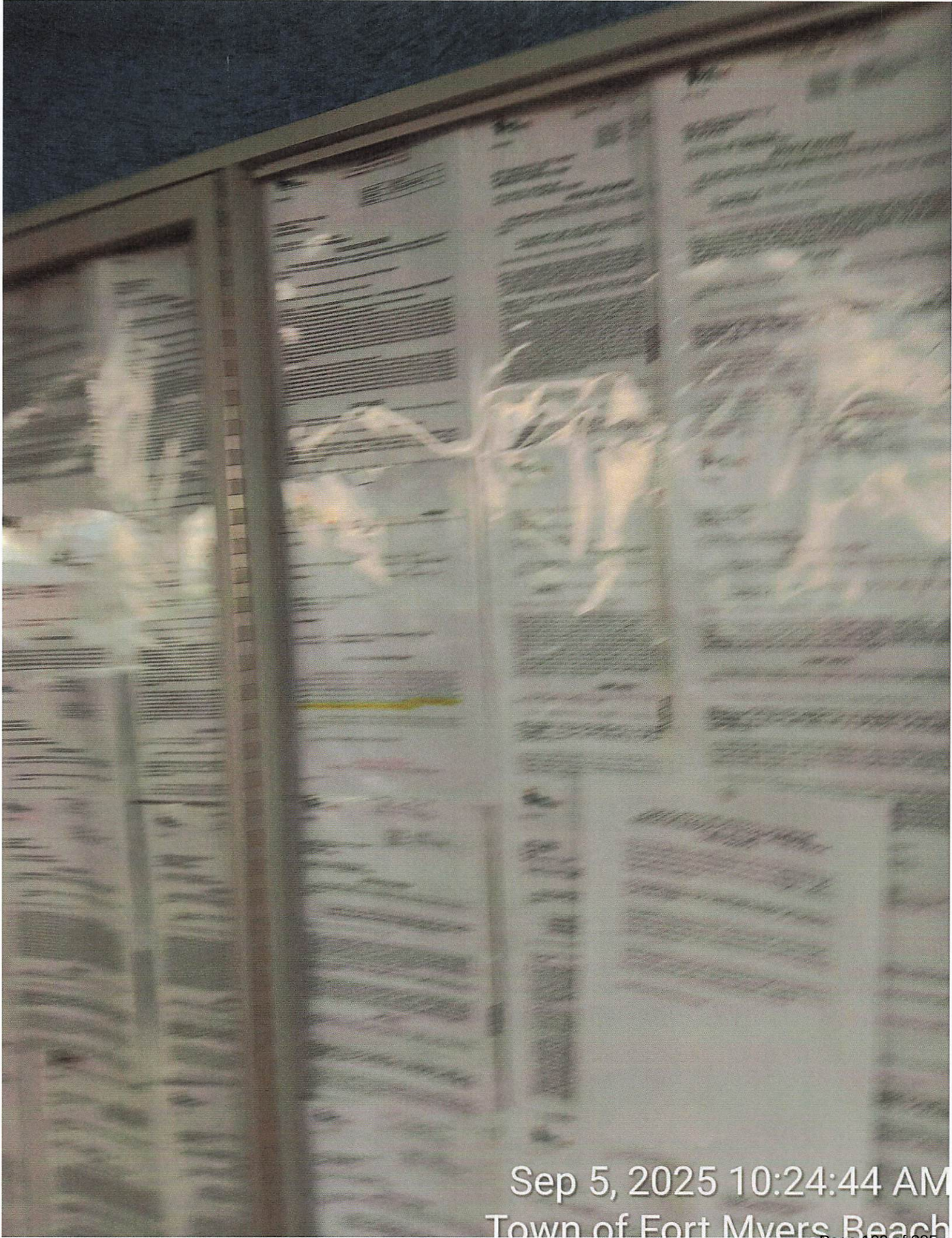
(Last 16/2024)



09/18/2025

CODE COMPLIANCE
239-765-0202
F. 239-765-0905

Sep 5, 2025 10:24:39 AM
Town of Fort Myers Beach



Sep 5, 2025 10:24:44 AM
Town of Fort Myers Beach



Lee County Tax Collector

Noelle Branning

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

2024 Real Estate Tax Notice

Account Number:
03-47-24-W3-00102.0250
Alternate Key:
2100154420
Millage Code:
032

Site Address/Legal Description:
8100 LAGOON RD
LAGUNA SHORES UNIT 1 BLK.2 PB 9 PG 29 LOT
25



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

Exemptions/Values	
Market Value	655,005
Assessed Value	655,005
Taxable Value	655,005

★ See message below.

LOPEZ MARIO A PINTO &
TRAITEL ANA
3585 NORTHCREST RD
ATLANTA, GA 30340

Paid 12/31/2024 INT-00-03077227 \$8,825.35

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	655.005	0	655.005	2,464.33
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	655.005	0	655.005	1,472.45
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.0380	655.005	0	655.005	1,989.91
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	655.005	0	655.005	648.45
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	655.005	0	655.005	62.09
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	655.005	0	655.005	21.42
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	655.005	0	655.005	67.20
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.8000	655.005	0	655.005	1,834.01
FORT MYERS BEACH MOSQUITO	239-247-1205	0.1123	655.005	0	655.005	73.56
FORT MYERS BEACH LIBRARY	239-463-9691	0.1612	655.005	0	655.005	105.59
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0200	655.005	0	655.005	13.10
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	655.005	0	655.005	25.81

Non-Ad Valorem Assessments Levying Authority

LEE COUNTY SOLID WASTE ASSESSMENT

Telephone
239-533-8000

Basis
ACTL LEVY

Amount
320.38

2024 Combined Total Ad Valorem and Non-Ad Valorem:

\$9,098.30

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-W3-00102.0250

Site Address: 8100 LAGOON RD

Alternate Key: 2100154420

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

LOPEZ MARIO A PINTO &
TRAITEL ANA
3585 NORTHCREST RD
ATLANTA, GA 30340

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



Paid 12/31/2024 INT-00-03077227 \$8,825.35



Property Data

STRAP: 03-47-24-W3-00102.0250 Folio ID: 10234045

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

Generated on 6/13/2025 7:18 AM

Owner Of Record - Tenants by Entirety [Change Mailing Address]



LOPEZ MARIO A PINTO &
TRAITEL ANA
3585 NORTHCREST RD
ATLANTA GA 30340

Site Address

Site Address maintained by E911 Program Addressing

8100 LAGOON RD
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



LAGUNA SHORES UNIT 1 BLK.2 PB 9 PG 29 LOT 25

[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	2 / 2.0
Gross Living Area	1,688
1st Year Building on Tax Roll	1972
Historic Designation	No

Township	Range	Section	Block	Lot
47	24E	03	00102	0250
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.40641	-81.89076		

[View Parcel on Google Maps](#)

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Image of Structure



◀ Photo Date May of 2003 ▶ ☐ View other photos

Last Inspection Date: 04/02/2018

Property Values / Exemptions / TRIM Notices

Generated on 6/13/2025 7:18 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)	655,005	556,086	655,005	655,005	0	0	655,005
2023 / Additional Info	2023 (Final Value)	648,358	437,962	648,358	412,723	0	0	412,723
2022 / Additional Info	2022 (Final Value)	503,129	280,500	503,129	375,203	0	0	375,203
2021 / Additional Info	2021 (Final Value)	341,618	250,400	341,618	341,094	0	0	341,094
2020 / Additional Info	2020 (Final Value)	310,085	278,200	310,085	310,085	0	0	310,085
2019 / Additional Info	2019 (Final Value)	298,776	264,924	298,776	298,776	0	0	298,776

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

06/21/2025

Case Number:	20250560
Certified Mail:	7022 2410 0000 8470 1808
Regular Mail	

LOPEZ MARIO A PINTO & TRAITEL ANA
3585 NORTHCREST RD
ATLANTA, GA 30340

SITE ADDRESS: 8100 LAGOON RD
PARCEL STRAP NO: 034724W3001020250

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on by Town of Fort Myers Beach Code Enforcement Officer **Terri Weich** indicates that the following items are in violation:

Construction of a structure without a permit

These items are a violation of the following Town Codes:

Sec. 26-45 - Permits required.

(a) A permit is required prior to starting any work addressed by this article, except where explicitly stated otherwise.

(b) Permit applications must be submitted to the director on an appropriate form containing the following:

(1) The names, addresses and telephone numbers of the property owner(s);

(2) The name, address and telephone number of the property owner's agent, if applicable;

(3) Written authorization from the property owner to the agent, if applicable;

(4) The property street address;

(5) The property STRAP number;

(6) A site plan, showing the following:

a. The proposed location of the work relative to riparian property lines; and

b. Dimensions and side setbacks of all proposed structures or work.

(7) Copies of all necessary state and federal agency approvals; and

(8) The appropriate fee.

(c) Work relating to commercial or multi-slip docks may require a development order in accordance with ch. 10 of this LDC and construction drawings sealed by a professional engineer or registered architect. All development order applications will be reviewed for compliance with this article.

(d) The director has the discretion to require construction drawings sealed by a professional engineer or registered architect and a sealed boundary or record survey identifying the property boundary or riparian extensions into the waterbody in relation to construction or work. The director also has the discretion to require submission of a sealed post-construction as-built survey certified to the town prior to issuance of a certificate of completion for any permit under this section.

(e) The director may conduct on-site inspections to determine if the proposed work or structure meets the required minimum standards.

(f) A permit is required to replace an existing structure; however, ordinary minor repairs may be made without a permit to the extent allowed by § 6-111 of this code.

(g) The director can authorize minor design alterations necessary to comply with the Americans with Disabilities Act.

(h) Permit approvals granted under this section will be based upon the information submitted by the applicant. An approval under this section does not constitute a legal opinion regarding the riparian rights boundaries of the subject property or adjacent property and may not be used to substantiate a claim of right to encroach into another property owner's riparian rights area.

Sec. 6-441- Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area must first make application to the floodplain administrator, and the building official, if applicable, and must obtain the required permits and approvals. No such permit or approval will be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. APPLY FOR AND RECEIVE A PERMIT FOR THE STRUCTURE BEING BUILT IN THE BACK YARD.

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 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,



Terri Weich

Code Enforcement Officer
Town of Fort Myers Beach



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MARIO S PINTO LOPEZ & ANA TRAITEL
3585 NORTHCREST RD
ALTANTA GA 30340

Respondent,

FMB Case Number:	20250560
Certified Mail:	7022 2410 0000 8470 1808
Regular Mail:	SENT

Site Address: 8100 LAGOON ROAD
Fort Myers Beach, FL 33931
Parcel Strap No. 034724W3001020250

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared TERRI WEICH, who is a Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250560 that certain Notice Of Magistrate Code Hearing. Presented as Hearing Exhibit B (NOTICE OF VIOLATION)

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class mail service a copy of the Notice of Violation to the following:

MARIO S PINTO LOPEZ & ANA TRAITEL
3585 NORTHCREST RD
ALTANTA GA 30340
Certified Mail No. 7022 2410 0000 8470 1808
(property owner)

Copies of the certified mailing receipts are attached in Hearing Exhibit B.

1. I posted a copy of the Notice at 8100 LAGOON ROAD, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 24th day of JUNE 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit B.
2. 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 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 24th day of JUNE 2025 are attached in Hearing Exhibit B.

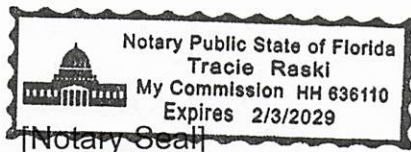


Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

x *T. Weich*
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 24TH day of JUNE, 2025, by T. Weich She ☒ is personally known to me or ☐ has produced _____ as identification.



Tracie Raski
Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

FORT MYERS BEACH ESTERO ISLAND

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

7022 2410 0000 8470 1808

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 | \$ | |

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

8100 Lagoon
25-560

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



2525 Estero Boulevard
Fort Myers Beach, FL 33931

FIRST-CLASS



US POSTAGE

ZIP 33931
02 7H
0006188942

LOPEZ MARIO A PINTO & TRAITEL
ANA
3585 NORTHCREST RD
ATLANTA, GA 30340



2525 Estero Boulevard
Fort Myers Beach, FL 33931

CERTIFIED MAIL



7022 2410 0000 8470 1808

FIRST-CLASS



US POSTAGE

ZIP 33931
02 7H
0006188942

LOPEZ MARIO A PINTO & TRAITEL
ANA
3585 NORTHCREST RD
ATLANTA, GA 30340

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 LOPEZ MARIO A PINTO & TRAITEL
ANA
3585 NORTHCREST RD
ATLANTA, GA 30340



9590 9402 9466 5069 6092 59

2 (Transfer from service label)

7022 2410 0000 8470 1808

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X RT 4037

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Is different from item 1? ☐ Yes
Delivery address below: ☐ No

JUL 7 2025

Received by: _____

3. Service type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

☐ Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

6/21/25, 3:17 PM

http://www.fortmyersbeach.com/Pages/PopupEditLetterPrint.php?id=ZP2515PT33OQT9VK0VS5HPT983400&id=7064047&k=9556



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

06/21/2025

Case Number:	20250560
Certified Mail:	7022 2410 0000 8470 1808
Regular Mail:	

LOPEZ MARIO A PINTO & TRAITEL ANA
3585 NORTHCREST RD
ATLANTA, GA 30340

SITE ADDRESS: 8100 LAGOON RD
PARCEL STRAP NO: 034724W3001020250

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on by Town of Fort Myers Beach Code Enforcement Officer Terri Welch indicates that the following items are violation:

Construction of a structure without a permit

These items are a violation of the following Town Codes:

Sec. 26-45 - Permits required.

- (a) A permit is required prior to starting any work addressed by this article, except where explicitly stated otherwise.
 - (b) Permit applications must be submitted to the director on an appropriate form containing the following:
 - (1) The names, addresses and telephone numbers of the property owner(s);
 - (2) The name, address and telephone number of the property owner's agent, if applicable;
 - (3) Written authorization from the property owner to the agent, if applicable;
 - (4) The property street address;
 - (5) The property STRAP number;
 - (6) A site plan, showing the following:
 - a. The proposed location of the work relative to riparian property lines; and
 - b. Dimensions and side setbacks of all proposed structures or work.
 - (7) Copies of all necessary state and federal agency approvals; and
 - (c) Work relating to commercial or multi-slip docks may require a development order in accordance with ch. 10 of this LDC and construction drawings sealed by a professional engineer or registered architect. All development order applications will be reviewed for compliance with this article.
 - (d) The director has the discretion to require construction drawings sealed by a professional engineer or registered architect and a sealed boundary or record survey identifying the property boundary or riparian extensions into the waterbody in relation to construction or work. The director also has the discretion to require submission of a sealed post-construction as-built survey certified to the town prior to issuance of a certificate of completion for any permit under this section.
 - (e) The director may conduct on-site inspections to determine if the proposed work or structure meets the required minimum standards.
 - (f) A permit is required to replace an existing structure; however, ordinary minor repairs may be made without a permit to the extent allowed by § 6-111 of this code.
 - (g) The director can authorize minor design alterations necessary to comply with the Americans with Disabilities Act.
 - (h) Permit approvals granted under this section will be based upon the information submitted by the applicant. An approval under this section does not constitute a legal opinion regarding the riparian rights boundaries of the subject property or adjacent property and may not be used to substantiate a claim of right to encroach into another property owner's riparian rights area.
- Sec. 6-441. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and other improvements, shall first obtain the required permits and approvals. No such permit or approval will be issued unless the applicant has first made application to the floodplain administrator, and the building official, and the applicant must first obtain the required permits and approvals. No such permit or approval will be issued unless the applicant has first obtained the required permits and approvals.

Jun 24, 2025 3:55:10 PM
Town of Fort Myers Beach





Town of Fort Myers Beach
CODE COMPLIANCE

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

06/21/2025

Case Number:	20250560
Certified Mail:	7022 2410 0000 8470 1808
Regular Mail	

LOPEZ MARIO A PINTO & TRAITEL ANA
3585 NORTHCREST RD
ATLANTA, GA 30340

SITE ADDRESS: 8100 LAGOON RD
PARCEL STRAP NO: 034724W3001020250

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 - (6) A site plan, showing the following:
 - a. The proposed location of the work relative to riparian property lines; and
 - b. Dimensions and setbacks of all proposed structures or work.
 - (7) Copies of all necessary state and federal agency approvals; and
 - (8) The appropriate fee.
- (c) Work relating to commercial or multi-slip docks may require a development order in accordance with ch. 1 this LDC and construction drawings sealed by a professional engineer or registered architect. All development order applications will be reviewed for compliance with this article.
- (d) The director has the discretion to require construction drawings sealed by a professional engineer or registered architect and a sealed boundary or record survey identifying the property boundary or riparian extensions into the waterbody in relation to construction or work. The director also has the discretion to require submission of a sealed post-construction as-built survey certified to the town prior to issuance of a certificate of completion for any permit under this section.
- (e) The director may conduct on-site inspections to determine if the proposed work or structure meets required minimum standards.
- (f) A permit is required to replace an existing structure; however, temporary repairs may be made without a permit to the extent allowed by § 6-111 of this code.
- (g) The director can authorize minor design alterations necessary to comply with the minimum standards.

Jun 24, 2025 9:55:57 AM

Town of Fort Myers Beach Page 123 of 285



Jun 24, 2025 9:56:15 AM
Town of Fort Myers Beach



Jun 18, 2025 10:15:42 AM

Town of Fort Myers Page 125 of 203



Jun 18, 2025 10:15:18 AM

Town of Fort Myers Research

HEARING

EXHIBIT

C

- Status of Compliance


FMBgov.com

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

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

LOPEZ MARIO A PINTO & TRAITEL ANA

Respondent.

Site Address: **8100 LAGOON RD**
Parcel Strap No.: **034724W3001020250**

Case Number:	20250560
Certified Mail:	
Regular Mail:	

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

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

1. I, Terri Weich, 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 06/18/2025, LOPEZ MARIO A PINTO & TRAITEL ANA (property owner) was observed in violation of CODE SECTION 26-45 PERMIT REQUIRED AND 6-441 of the Town of Fort Myers Beach Code of Ordinances, Construction of a structure without a permit, at the property located at 8100 LAGOON RD, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 06/21/2025, and sent certified mail to the address of record, 3585 NORTHCREST RD, ATLANTA, GA 30340, posted to the violation property located at 8100 LAGOON RD, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. LOPEZ MARIO A PINTO & TRAITEL ANA was/were given 30 DAYS to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 07/22/2025.

5. I performed an inspection of the Subject Property on 09/04/2025, 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 8100 LAGOON RD, 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 current condition of the Subject Property I personally observed on 09/09/2025. 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.

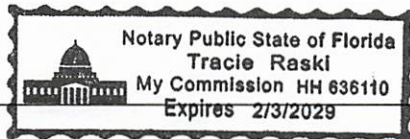
8. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate that and an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) and/or the imposition of an administrative fine not to exceed \$250.00 for each day each 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 ☒ physical presence
OR ☐ online notarization, this 5th day of Sept, 2025 by
T. Weich, ☒ who is personally known to me OR ☐ who has produced
_____ as identification.



(SEAL)

Notary Public Signature

My Commission Expires: 2/3/2029



Sep 4, 2025 1:48:06 PM
Town of Fort Myers Beach



Sep 4, 2025 1:47:56 PM
Town of Fort Myers Beach



Sep 4, 2025 1:47:58 PM
Town of Fort Myers Beach

HEARING

EXHIBIT

D

- Violated Regulation(s)

See relevant highlighted section(s) of
applicable code

Sec. 26-45 - Permits required.

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 - b. Dimensions and side setbacks of all proposed structures or work.
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- (g) The director can authorize minor design alterations necessary to comply with the Americans with Disabilities Act.
- (h) Permit approvals granted under this section will be based upon the information submitted by the applicant. An approval under this section does not constitute a legal opinion regarding the riparian rights boundaries of the subject property or adjacent property and may not be used to substantiate a claim of right to encroach into another property owner's riparian rights area.

Sec. 6-441- Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area must first make application to the floodplain administrator, and the building official, if applicable, and must obtain the required permits and approvals. No such permit or approval will be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Eckmann Douglas H & Swayze Eckmann Courtney
Property Address: 120 Sabal Dr
Status: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

M. Chavez

Narrative:

Attachments:

1. 20250674_Hearing Exhibit A_Notice of Hearing and Affidavit of Posting
2. 20250674_Hearing Exhibit B_Notice of Violation
3. 20250674_Hearing Exhibit C_Status of Compliance
4. 20250674_Hearing Exhibit D_Violated Regulation(s)

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 16, 2025



Traci Kohler, Deputy Town Manager

Date: September 16, 2025

nancy stuparich, Town Attorney

Date: September 29, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 29, 2025

Amy Baker, Town Clerk

Date: September 29, 2025

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



09/09/25

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

ECKMANN DOUGLAS H & SWAYZE ECKMANN COURTNEY
120 SABAL DR
FORT MYERS BEACH, FL 33931
Respondent.

Case Number:	20250674
Certified Mail:	9589071052703142134944
Regular Mail:	Standard 1 st Class

Site Address: 120 Sabal Dr
Parcel Strap No.: 29-46-24-W3-01017.0000

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 (another 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 **Tuesday 10/07/2025 at 9:00 A.M.** in the community room at the Town of Fort Myers Beach (Town Hall), located at 6231 Estero Blvd, Fort Myers Beach, Florida 33931.

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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 other actions that will affect your rights. If you believe you have

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931



come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be carried out to determine compliance.

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 or is repeated. 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(s) has been corrected or abated prior to the hearing.

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

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Eckmann Douglas H & Swayze Eckmann Courtney
120 Sabal Dr
Fort Myers Beach, FL 33931

Respondent,

FMB Case Number:	20250674
Certified Mail:	9589071052703142134944
Regular Mail:	Standard 1st Class
DOAH Case Number:	Not Assigned

Site Address: 120 Sabal Dr,
Fort Myers Beach, FL 33931
Parcel Strap No. 29-46-24-W3-01017.0000

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Marcio Chavez, who is a Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250674 that certain Notice Of Special Magistrate Code Hearing. Presented as Hearing Exhibit A (" The Notice")

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class service a copy of the Notice of Hearing to the following:

- a. **Eckmann Douglas H & Swayze Eckmann Courtney**
120 Sabal Dr
Fort Myers Beach, FL 33931
Certified Mail No. 9589071052703142134944
(Listed Leepa.org Property Owner Address)

Copies of the certified mailing receipts are attached in Hearing Exhibit A.

1. I posted a copy of the Notice at 120 Sabal Dr, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 9th day of September 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. 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 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 9th day of September 2025 are attached in Hearing Exhibit A.



FMBgov.com

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]
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 9 day of September, 2025, by Marcio Chavez. He ☒ is personally known to me or ☐ has produced _____ as identification.

[Notary Seal] [Signature]
Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

FORT MYERS BEACH ESTERO ISLAND

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

9589 0710 5270 0720 3142 3142 44

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

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

OFFICIAL USE
Town of Fort Myers Beach

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

\$

SEP 09 2025

Sent by:

MC Postmark
Here

Case #20250674

120 Sabal Dr

ECKMANN DOUGLAS H & SWAYZE ECKMANN COURTNEY
120 SABAL DR
FORT MYERS BEACH, FL 33931

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





Sep 9, 2025 4:14:25 PM



FMBgov.com

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

09/09/25

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

ECKMANN DOUGLAS H & SWAYZE ECKMANN COURTNEY

120 SABAL DR

FORT MYERS BEACH, FL 33931

Respondent.

Site Address: 120 Sabal Dr

Parcel Strap No.: 29-46-24-W3-01017.0000

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FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)

Sep 9, 2025 3:55:44 PM



Property Data

STRAP: 29-46-24-W3-01017.0000 Folio ID: 10229982

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

Generated on 8/20/2025 4:28 PM

Owner Of Record - Sole Owner

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

ECKMANN DOUGLAS H &
SWAYZE ECKMANN COURTNEY
120 SABAL DR
FORT MYERS BEACH FL 33931

+ Site Address

Site Address maintained by E911 Program Addressing

120 SABAL DR
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



SABAL SHORES PB 10 PG 64 LOT 17

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 10 and 64 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
16	24E	29	01017	0000
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.43891	-81.92343		

[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: 02/08/2024



Property Values / Exemptions / TRIM Notices

Generated on 8/20/2025 4:28 PM



Property Details (Current as of 8/19/2025)



Generated on 8/20/2025 4:28 PM



Lee County Tax Collector

Noelle Branning

Account Number:

29-46-24-W3-01017.0000

Alternate Key:

2100536069

Millage Code:

032

Site Address/Legal Description:

120 SABAL DR

SABAL SHORES PB 10 PG 64 LOT 17



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

Exemptions/Values

Market Value	813,953
Assessed Value	208,641
Taxable Value	208,641
Homestead Exemption	25,000
Additional Homestead Exemption	25,000

★ See message below.

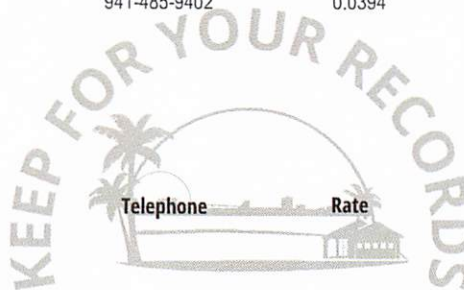
ECKMANN DOUGLAS H &
SWAYZE ECKMANN COURTNEY
120 SABAL DR
FORT MYERS BEACH, FL 33931

Paid 12/30/2024 DP-00-03066640 \$2,190.40

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	208,641	50,000	158,641	596.86
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	208,641	25,000	183,641	412.82
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.0380	208,641	25,000	183,641	557.90
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	208,641	50,000	158,641	157.05
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	208,641	50,000	158,641	15.04
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	208,641	50,000	158,641	5.19
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	208,641	50,000	158,641	16.28
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.8000	208,641	50,000	158,641	444.19
FORT MYERS BEACH MOSQUITO	239-247-1205	0.1123	208,641	50,000	158,641	17.82
FORT MYERS BEACH LIBRARY	239-463-9691	0.1612	208,641	50,000	158,641	25.57
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0200	208,641	50,000	158,641	3.17
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	208,641	50,000	158,641	6.25

Non-Ad Valorem Assessments Levying Authority



Telephone Rate Basis Amount

2024 Combined Total Ad Valorem and Non-Ad Valorem:

\$2,258.14

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: 29-46-24-W3-01017.0000

Site Address: 120 SABAL DR

Alternate Key: 2100536069

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

ECKMANN DOUGLAS H &
SWAYZE ECKMANN COURTNEY
120 SABAL DR
FORT MYERS BEACH, FL 33931

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



Paid 12/30/2024 DP-00-03066640 \$2,190.40

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

07/02/2025

Case Number:	20250674
Certified Mail:	70222410000084703581
Regular Mail	

**ECKMANN DOUGLAS H & SWAYZE ECKMANN
COURTNEY
120 SABAL DR
FORT MYERS BEACH, FL 33931**

**SITE ADDRESS: 120 SABAL DR
PARCEL STRAP NO: 294624W3010170000**

NOTICE OF VIOLATION

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

The overgrowth of grass and/or weeds in excess of 12 inches. Property is in need of maintenance,

These items are a violation of the following Town Codes:

*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. Please mow and maintain grass and/or weeds below 12 inches in height..

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.

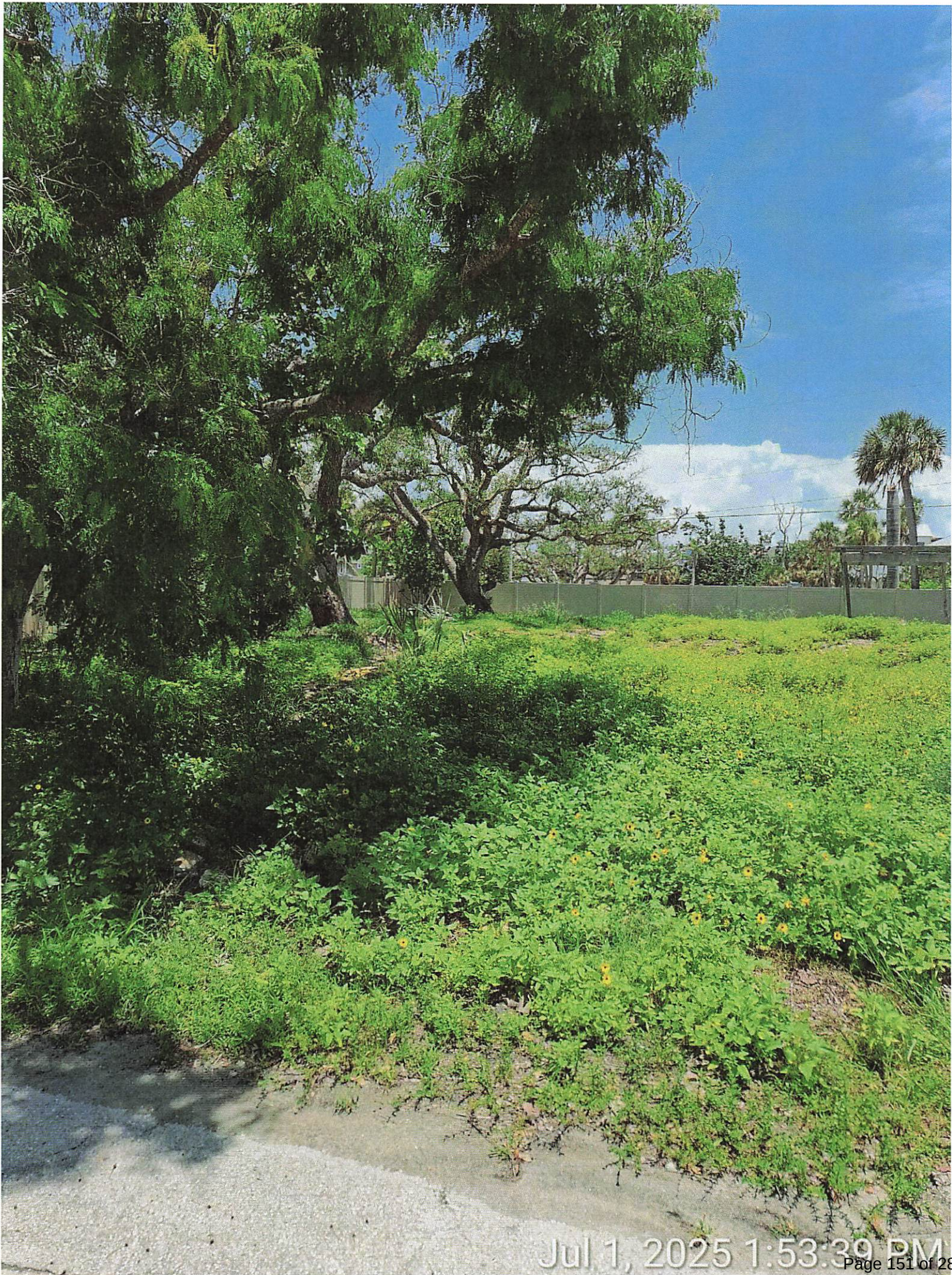
You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers

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



Jul 1, 2025 1:53:39 PM



Jul 1, 2025 1:53:43 PM



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Eckmann Douglas H & Swayze Eckmann Courtney
120 Sabal Dr
Fort Myers Beach, FL 33931

Respondent,

FMB Case Number:	20250674
Certified Mail:	70222410000084703581
Regular Mail:	Standard 1st Class
DOAH Case Number:	Not Assigned

Site Address: 120 Sabal Dr,
Fort Myers Beach, FL 33931
Parcel Strap No. 29-46-24-W3-01017.0000

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Marcio Chavez, who is a Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250674 that certain Notice Of Special Magistrate Code Hearing. Presented as Hearing Exhibit A (" The Notice")

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class service a copy of the Notice of Hearing to the following:

- a. **Eckmann Douglas H & Swayze Eckmann Courtney**
120 Sabal Dr
Fort Myers Beach, FL 33931
Certified Mail No. 70222410000084703581
(Listed Leepa.org Property Owner Address)

Copies of the certified mailing receipts are attached in Hearing Exhibit A.

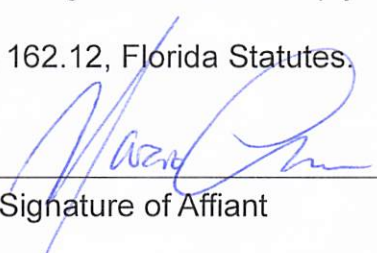
1. I posted a copy of the Notice at 120 Sabal Dr, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 8th day of July 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 8th day of July 2025 are attached in Hearing Exhibit A.



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 8 day of July, 2025, by Marcio Chavez. He ☒ is personally known to me or ☐ has produced _____ as identification.

[Notary Seal]


Notary Public, State of Florida
Print Name: Tracie Rask
My Commission Expires: 2/3/2029

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: Town of Fort Myers Beach Postmark Here JUL 02 2023 MC Case # 20250674 120 Sabal Dr.	
ECKMANN DOUGLAS H & SWAYZE ECKMANN COURTNEY 120 SABAL DR FORT MYERS BEACH, FL 33931	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2430 0000 8470 3581

Jul 8, 2025 at 9:28:17 AM
Fort Myers Beach, FL



07/02/2025

Town of Fort Myers Beach
CODE COMPLIANCE
27 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

Case Number:	20250674
Certified Mail	70222410000084703561
Regular Mail	

ECKMANN DOUGLAS H & SWAYZE ECKMANN
COURTNEY
120 SABAL DR
FORT MYERS BEACH, FL 33931

SITE ADDRESS: 120 SABAL DR
PARCEL STRAP NO: 294624W3010170000

NOTICE OF VIOLATION

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

The overgrowth of grass and/or weeds in excess of 12 inches. Property is in need of maintenance.

These items are a violation of the following Town Codes:

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 oaks. Upon failure of the owner or agent having charge of a property to cut and destroy the 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 interior 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. Please mow and maintain grass and/or weeds below 12 inches in height.

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

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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

Staples

Jul 8, 2025 at 9:28:25 AM
Fort Myers Beach, FL



ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED FOR VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.



Town of Fort Myers Beach
CODE COMPLIANCE

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

07/02/2025

Case Number:	20250674
Certified Mail:	70222410000084703581
Regular Mail	

ECKMANN DOUGLAS H & SWAYZE ECKMANN
COURTNEY
120 SABAL DR
FORT MYERS BEACH, FL 33931

SITE ADDRESS: 120 SABAL DR
PARCEL STRAP NO: 294624W3010170000

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These items are a violation of the following Town Codes:

*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. Please mow and maintain grass and/or weeds below 12 inches in height..

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.



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

Jul 24, 2025 3:40:03 PM Page 159 of 285

HEARING

EXHIBIT

C

- Status of Compliance



08/21/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

Eckmann Douglas H & Swayze Eckmann Courtney
Respondent.

Case Number:	20250674
Certified Mail:	
DOAH Case:	

Site Address: 120 Sabal Dr
Parcel Strap No.: 29-46-24-W3-01017.0000

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, Officer Marcio Chavez, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, Marcio Chavez, 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 07/02/2025, **Eckmann Douglas H & Swayze Eckmann Courtney** was observed in violation of Sec. 6-2 Weeds At the property located at 120 Sabal Dr Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 07/02/2025, and sent certified mail to the addresses of record to the property owner **Eckmann Douglas H & Swayze Eckmann Courtney, 120 Sabal Dr Fort Myers Beach, FL 33931** posted to the violation property located at 120 Sabal Dr Fort Myers Beach, FL 33931 and posted to Town Hall located at 6231 Estero Blvd, Fort Myers Beach, FL 33931 both inside and outside on the N/W wall at the entrance to Town Hall.

4. 120 Sabal Dr was/were given 30 days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 08/02/2025.

5. I performed an inspection of the Subject Property on 08/21/2025, 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 120 Sabal Dr, Fort Myers Beach, FL 33931.

FORT MYERS BEACH ESTERO ISLAND

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



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

6. Photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 08/21/2025. These photographs are a true and accurate representation of my observations on this date.

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 on Tuesday, October 7th, 2025 and that an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) through a Stipulation 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.

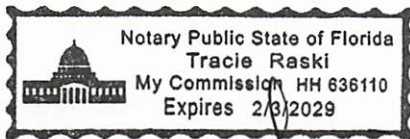
Signature of Affiant

[Signature]

**STATE OF FLORIDA
COUNTY OF LEE**

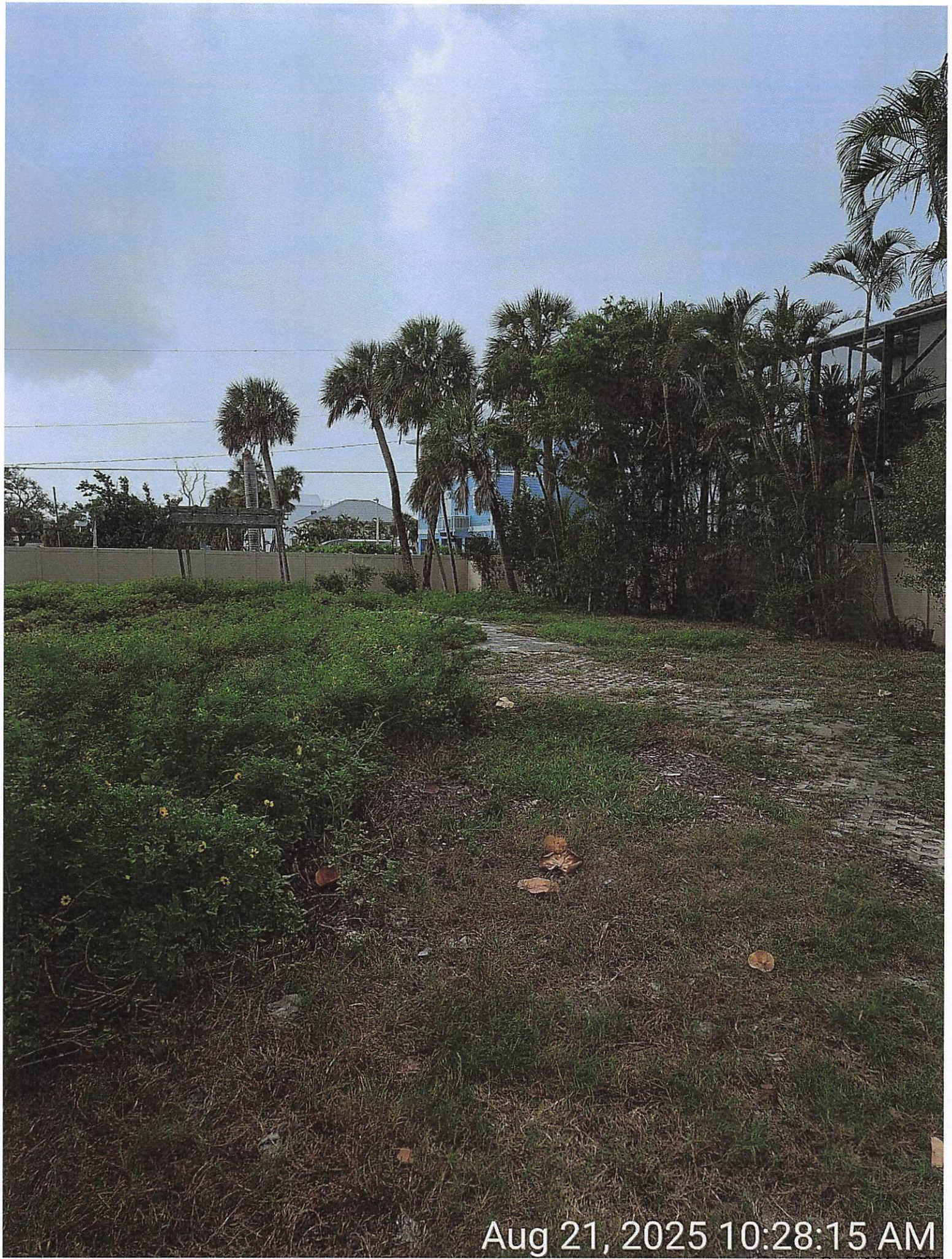
The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 21 day of August 2025, by Marcio Chavez, who is personally known to me OR who has produced as identification.

(SEAL)



Notary Public Signature: *[Signature]*

My Commission Expires: 2/3/2029



Aug 21, 2025 10:28:15 AM



Aug 21, 2025 10:28:24 AM



Aug 21, 2025 10:28:18 AM

HEARING

EXHIBIT

D

- Violated Regulation(s)

See relevant highlighted section(s) of
applicable code

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.

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Rodeheffer Sean M
Property Address: 130 Sabal Dr
Status: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

M. Chavez

Narrative:

Attachments:

1. 20250681_Hearing Exhibit A_Notice of Hearing and Affidavit of Posting
2. 20250681_Hearing Exhibit B_Notice of Violation
3. 20250681_Hearing Exhibit C_Status of Compliance
4. 20250681_Hearing Exhibit D_Violated Regulation(s)

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 17, 2025



Traci Kohler, Deputy Town Manager

Date: September 17, 2025

nancy stuparich, Town Attorney

Date: September 29, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 29, 2025

Amy Baker, Town Clerk

Date: September 29, 2025

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



09/09/25

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS, FL 33908
Respondent.

Case Number:	20250681
Certified Mail:	9589071052703142134937
Regular Mail:	Standard 1 st Class

Site Address: 130 Sabal Dr
Parcel Strap No.: 29-46-24-W3-01016.0000

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 (another 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 **Tuesday 10/07/2025 at 9:00 A.M.** in the community room at the Town of Fort Myers Beach (Town Hall), located at 6231 Estero Blvd, Fort Myers Beach, Florida 33931.

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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 other actions that will affect your rights. If you believe you have

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931



come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be carried out to determine compliance.

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 or is repeated. 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(s) has been corrected or abated prior to the hearing.

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

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Rodeheffer Sean M
15371 Iona Lakes Dr
Fort Myers, FL 33908

Respondent,

FMB Case Number:	20250681
Certified Mail:	9589071052703142134937
Regular Mail:	Standard 1st Class
DOAH Case Number:	Not Assigned

Site Address: 130 Sabal Dr,
Fort Myers Beach, FL 33931
Parcel Strap No. 29-46-24-W3-01016.0000

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Marcio Chavez, who is a Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250681 that certain Notice Of Special Magistrate Code Hearing. Presented as Hearing Exhibit A (" The Notice")

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class service a copy of the Notice of Hearing to the following:

- a. **Rodeheffer Sean M**
15371 Iona Lakes Dr
Fort Myers, FL 33908
Certified Mail No. **9589071052703142134937**
(Listed Leepa.org Property Owner Address)

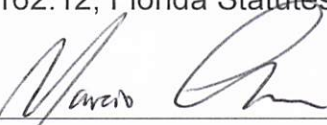
Copies of the certified mailing receipts are attached in Hearing Exhibit A.

1. I posted a copy of the Notice at 130 Sabal Dr, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 9th day of September 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. 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 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 9th day of September 2025 are attached in Hearing Exhibit A.



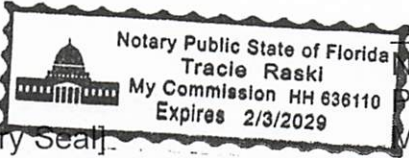
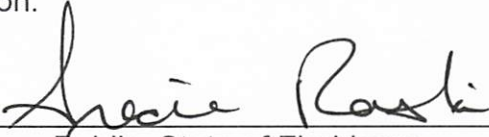
Dan Allers, Mayor | Jim Atterholt, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Woodson, Council Member

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 9 day of September, 2025, by Marcio Chavez. He ☒ is personally known to me or ☐ has produced _____ as identification.

 
Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

9589 0710 5270 3142 1349 37

U.S. Postal Service TM	
CERTIFIED MAIL [®] RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com .	
OFFICIAL USE	
Certified Mail Fee	Town of Fort Myers Beach
\$	
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	
\$	
Se	
St	
City	
RODEHEFFER SEAN M	
15371 IONA LAKES DR	
FORT MYERS, FL 33908	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

Town of Fort Myers Beach

SEP 09 2025

Sent by:

MC Postmark Here

Case #20250681

130 Sabal Dr



FMBgov.com

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

09/09/25

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS, FL 33908
Respondent.

Case Number:	20250681
Certified Mail:	9589071052703142134937
Regular Mail:	Standard 1 st Class

Site Address: 130 Sabal Dr
Parcel Strap No.: 29-46-24-W3-01016.0000

NOTICE OF CODE ENFORCEMENT HEARING

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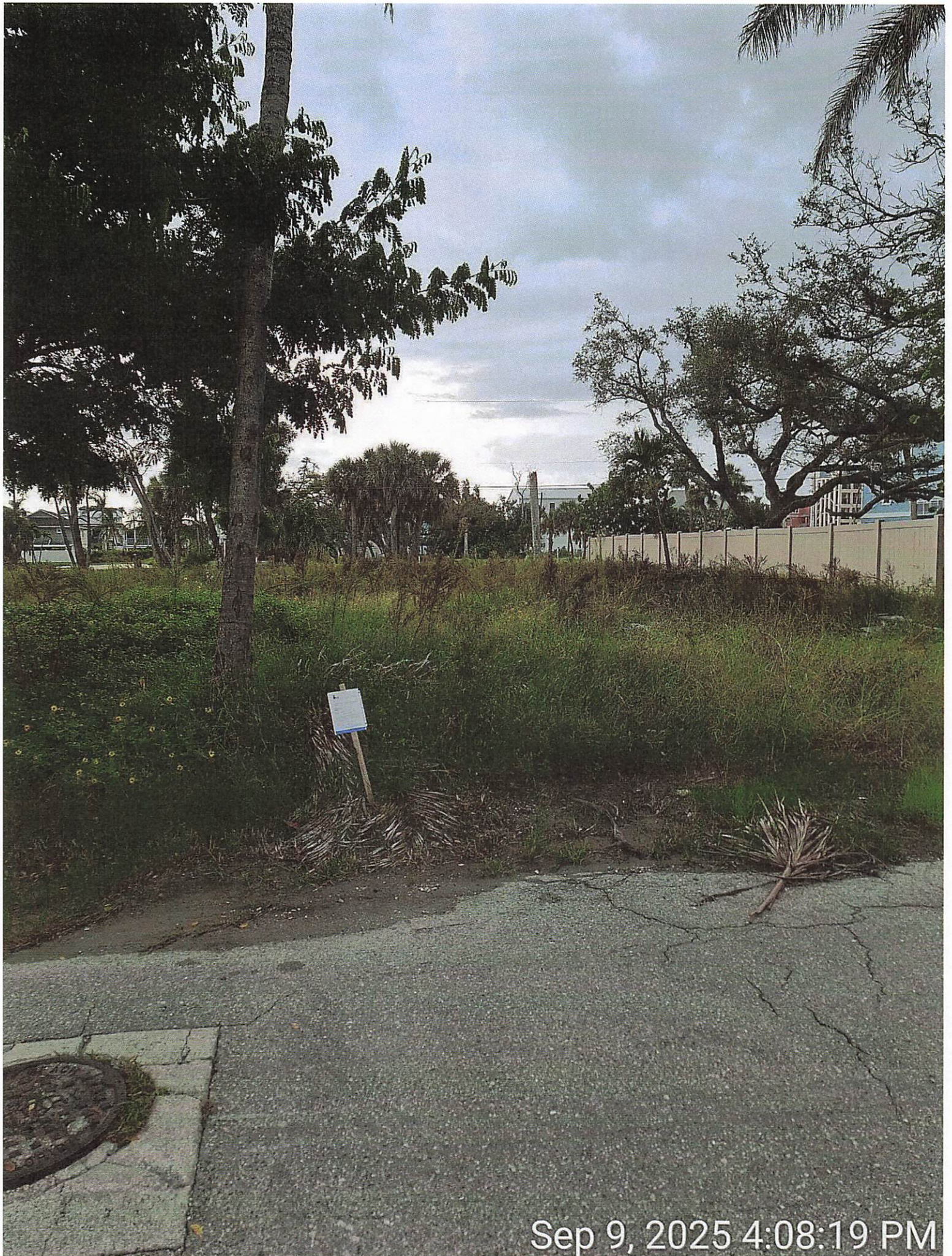
NO ADDITIONAL NOTICE OF THE HEARING WILL BE PROVIDED TO YOU. If you fail to attend this hearing, the Code Enforcement Special Magistrate will consider the case, even though you are not present, and may assess fines or take other actions that will affect your rights. If you believe you have

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

Staples

Sep 9, 2025 4:07:48 PM



Sep 9, 2025 4:08:19 PM



FMBgov.com

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

09/09/25

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS, FL 33908
Respondent.

Site Address: 130 Sabal Dr
Parcel Strap No.: 29-46-24-W3-01016.0000

Case Number:	20250681
Certified Mail:	9589071052703142134937
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FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)



07/30/2025

PESSOTTI, RUBY
6875 ESTERO BLVD
FORT MYERS BEACH, FL 33931

SITE ADDRESS: 6875 ESTERO BLVD

2731 Oak Street Fort Myers
Phone: (239) 765-0202 Fax: (239) 765-0909

Case Number:	20250681
Certified Mail:	9589071052703142134937
Regular Mail:	Standard 1 st Class

Sep 9, 2025 3:54:30 PM

The following action
grass and/or weeds below

You are hereby directed

VIOLATION(S) HAS (HA)
Page 179 of 285

**Property Data**

STRAP: 29-46-24-W3-01016.0000 Folio ID: 10229981

Tax Roll Value Letter **2025** ▾

Generated on 9/4/2025 2:00 PM

Owner Of Record - Sole Owner[\[Change Mailing Address\]](#)RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS FL 33908**+ Site Address**Site Address maintained by [E911 Program Addressing](#)130 SABAL DR
FORT MYERS BEACH FL 33931**Property Description**

Do not use for legal documents!

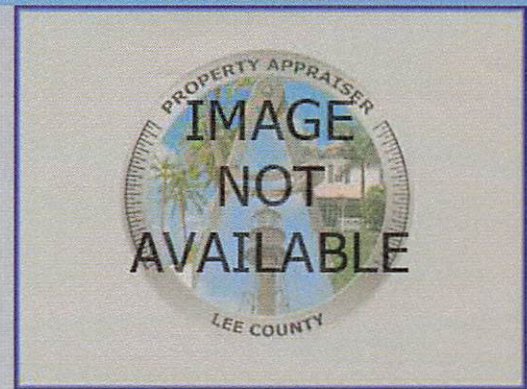


SABAL SHORES PB 10 PG 64 LOT 16.

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 10 and 64 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	29	01016	0000
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.4391	-81.92321		

[View Parcel on Google Maps](#)**[Tax Map Viewer] [View Comparables]****[Pictometry Aerial Viewer]****Image of Structure****Property Values / Exemptions / TRIM Notices**

Generated on 9/4/2025 2:00 PM

**Property Details (Current as of 9/3/2025)**

Generated on 9/4/2025 2:00 PM



Lee County Tax Collector

Noelle Branning

Account Number:
29-46-24-W3-01016.0000
Alternate Key:
2100536068
Millage Code:
032

Site Address/Legal Description:
130 SABAL DR
SABAL SHORES PB 10 PG 64 LOT 16.



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

2024 Real Estate Tax Notice

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

Exemptions/Values	
Market Value	773,696
Assessed Value	148,812
Taxable Value	148,812
Homestead Exemption	25,000
Additional Homestead Exemption	25,000
Widower Exemption	5,000

★ See message below.

RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS, FL 33908

Paid 04/14/2025 S05-00-03371435 \$1,431.04

Ad Valorem Taxes Levying Authority

LEE COUNTY GENERAL REVENUE
PUBLIC SCHOOL - BY LOCAL BOARD
PUBLIC SCHOOL - BY STATE LAW
TOWN OF FORT MYERS BEACH
SFL WATER MGMT-DISTRICT LEVY
SFL WATER MGMT-EVERGLADE CONST
SFL WATER MGMT-OKEECHOBEE LEVY
FORT MYERS BEACH FIRE CONTROL DISTRICT
FORT MYERS BEACH MOSQUITO
FORT MYERS BEACH LIBRARY
LEE COUNTY HYACINTH CONTROL
WEST COAST INLAND NAVIGATION DISTRICT

Telephone

239-533-2221
239-337-8215
239-337-8215
239-765-0202
561-686-8800
561-686-8800
561-686-8800
239-590-4200
239-247-1205
239-463-9691
239-694-2174
941-485-9402

Mill Rate

3.7623
2.2480
3.0380
0.9900
0.0948
0.0327
0.1026
2.8000
0.1123
0.1612
0.0200
0.0394

Assessed

148.812
148.812
148.812
148.812
148.812
148.812
148.812
148.812
148.812
148.812
148.812
148.812

Exemption

55.000
30.000
30.000
55.000
55.000
55.000
55.000
55.000
55.000
55.000
55.000
55.000

Taxable

93.812
118.812
118.812
93.812
93.812
93.812
93.812
93.812
93.812
93.812
93.812
93.812

Amount

352.95
267.09
360.95
92.87
8.89
3.07
9.63
262.67
10.54
15.12
1.88
3.70

Non-Ad Valorem Assessments Levying Authority

Telephone

Rate

Basis

Amount

2024 Combined Total Ad Valorem and Non-Ad Valorem:

\$1,389.36

2024 Real Estate Tax Notice

PAY ONLY ONE AMOUNT

If Received By:

- ☐ Apr 30, 2025
☐
☐
☐
☐

Amount Due:

\$0.00

Phone/Email Contact: _____

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

Account: 29-46-24-W3-01016.0000

Site Address: 130 SABAL DR

Alternate Key: 2100536068

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

RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS, FL 33908

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

Paid 04/14/2025 S05-00-03371435 \$1,431.04

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

07/02/2025

Case Number:	20250681
Certified Mail:	70222410000084703567
Regular Mail	

RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS, FL 33908

SITE ADDRESS: 130 SABAL DR
PARCEL STRAP NO: 294624W3010160000

NOTICE OF VIOLATION

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

The overgrowth of grass and/or weeds in excess of 12 inches. Property is in need of maintenance,

These items are a violation of the following Town Codes:

*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. Please mow and maintain grass and/or weeds below 12 inches in height..

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

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,

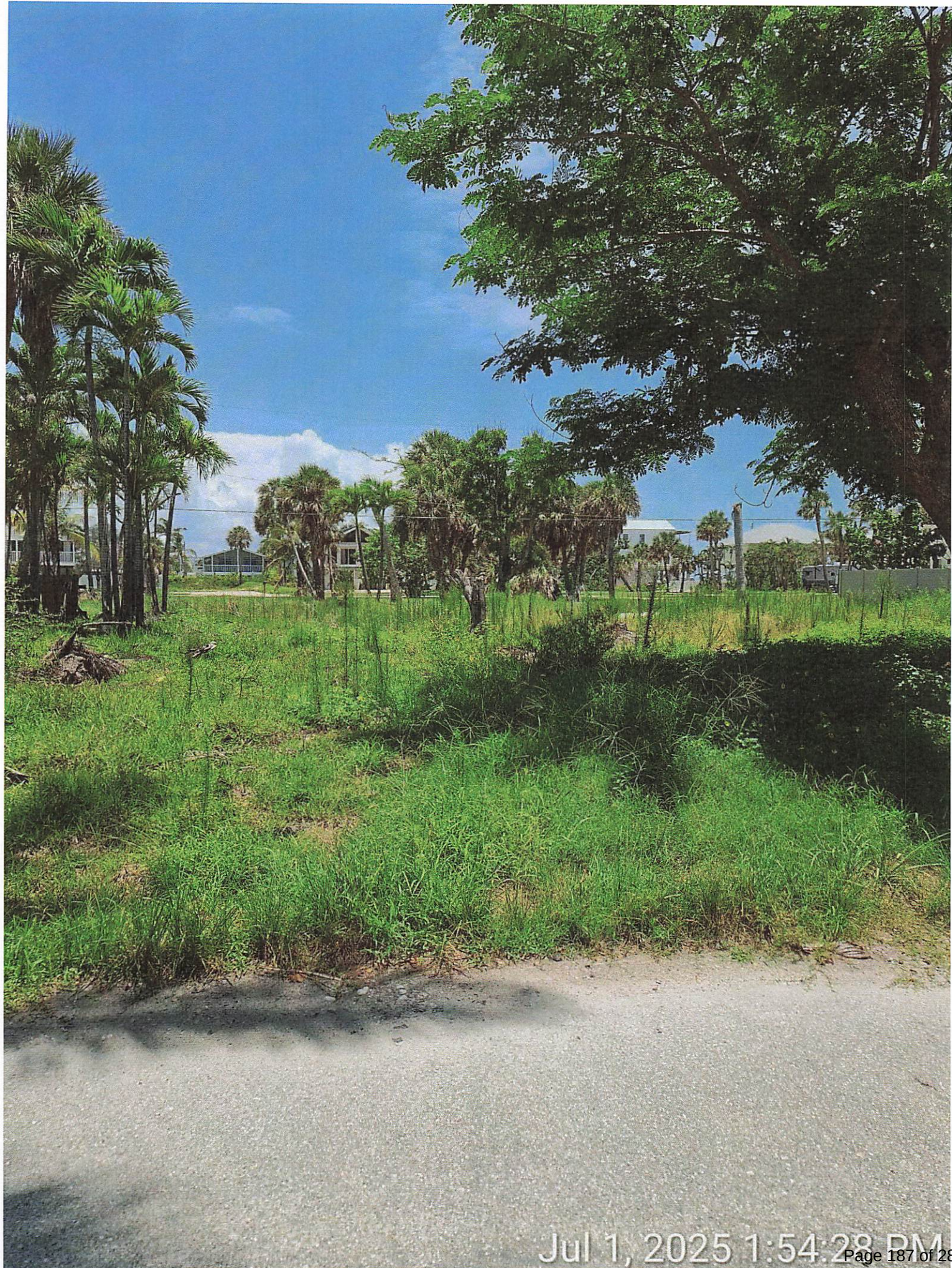
Marcio Chavez
Code Enforcement Officer
Town of Fort Myers Beach



Jul 1, 2025 1:54:12 PM



Jul 1, 2025 1:54:15 PM



Jul 1, 2025 1:54:28 PM



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Sean M Rodeheffer
15371 Iona Lakes Dr
Fort Myers, FL 33908

Respondent,

FMB Case Number:	20250681
Certified Mail:	70222410000084703567
Regular Mail:	Standard 1 st Class
DOAH Case Number:	Not Assigned

Site Address: 130 Sabal Dr,
Fort Myers Beach, FL 33931
Parcel Strap No. 29-46-24-W3-01016.0000

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Marcio Chavez, who is a Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250681 that certain Notice Of Special Magistrate Code Hearing. Presented as Hearing Exhibit A (" The Notice")



I personally mailed by certified mail & first class service a copy of the Notice of Hearing to the following:

- a. **Sean M Rodeheffer**
15371 Iona Lakes Dr
Fort Myers, FL 33908
Certified Mail No. 70222410000084703567
(Listed Leepa.org Property Owner Address)

Copies of the certified mailing receipts are attached in Hearing Exhibit A.

1. I posted a copy of the Notice at 130 Sabal Dr, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 8th day of July 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. 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 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 24th day of July 2025 are attached in Hearing Exhibit A.



FMBgov.com

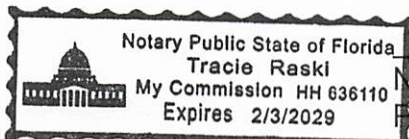
Dan Allers, Mayor | Jim Atterholt, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Woodson, Council Member

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 Marcio Chavez
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 24 day of July, 2025, by Marcio Chavez. He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]

Tracie Raski
Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

FORT MYERS BEACH ESTERO ISLAND

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

7022 2410 0000 8470 3567

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	Town of Fort Myers Beach
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	
Postmark Here	
Case # 20250681	
130 Sabal Dr.	
Sent To	RODEHEFFER SEAN M
Street	15371 IONA LAKES DR
City, St	FORT MYERS, FL 33908
PS Form 3800, April 2015 PSN 7530-02-000-9047	
See Reverse for Instructions	

Jul 8, 2025 at 9:29:25 AM
Fort Myers Beach, FL



Town of Fort Myers Beach
CODE COMPLIANCE
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 665-0202 Fax: (239) 765-0909

07/02/2025

Case Number:	20250681
Certified Mail:	70222410000084703567
Regular Mail:	

RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS, FL 33908

SITE ADDRESS: 130 SABAL DR
PARCEL STRAP NO: 294624W3010160000

NOTICE OF VIOLATION

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

The overgrowth of grass and/or weeds in excess of 12 inches. Property is in need of maintenance.

These items are a violation of the following Town Codes:

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 do so, 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. Please mow and maintain grass and/or weeds below 12 inches in height.

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 reoccurs, this 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 subsequent violations may be imposed for each day the violation continues to exist past the compliance date.

Staples

Jul 8, 2025 at 9:29:34 AM
Fort Myers Beach, FL





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

07/02/2025

Case Number:	20250681
Certified Mail:	70222410000084703567
Regular Mail	

RODEHEFFER SEAN M
15371 IONA LAKES DR
FORT MYERS, FL 33908

SITE ADDRESS: 130 SABAL DR
PARCEL STRAP NO: 294624W3010160000

NOTICE OF VIOLATION

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

The overgrowth of grass and/or weeds in excess of 12 inches. Property is in need of maintenance,

These items are a violation of the following Town Codes:

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. Please mow and maintain grass and/or weeds below 12 inches in height..

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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

HEARING

EXHIBIT

C

- Status of Compliance



08/21/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

Rodeheffer Sean M
Respondent.

Case Number:	20250681
Certified Mail:	
DOAH Case:	

Site Address: 130 Sabal Dr
Parcel Strap No.: 29-46-24-W3-01016.0000

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, Officer Marcio Chavez, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, Marcio Chavez, 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 07/02/2025, **Rodeheffer Sean M** was observed in violation of Sec. 6-2 Weeds At the property located at 130 Sabal Dr Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 07/02/2025, and sent certified mail to the addresses of record to the property owner **Rodeheffer Sean M, 130 Sabal Dr Fort Myers Beach, FL 33931** posted to the violation property located at 120 Sabal Dr Fort Myers Beach, FL 33931 and posted to Town Hall located at 6231 Estero Blvd, Fort Myers Beach, FL 33931 both inside and outside on the N/W wall at the entrance to Town Hall.

4. 130 Sabal Dr was/were given 30 days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 08/02/2025.

5. I performed an inspection of the Subject Property on 08/21/2025, 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 130 Sabal Dr, Fort Myers Beach, FL 33931.

FORT MYERS BEACH ESTERO ISLAND

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



6. Photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 08/21/2025. These photographs are a true and accurate representation of my observations on this date.

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 on Tuesday, October 7th, 2025 and that an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) through a Stipulation 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

Marcio Chavez

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 21 day of August 2025, by Marcio Chavez, who is personally known to me OR who has produced as identification.

(SEAL)

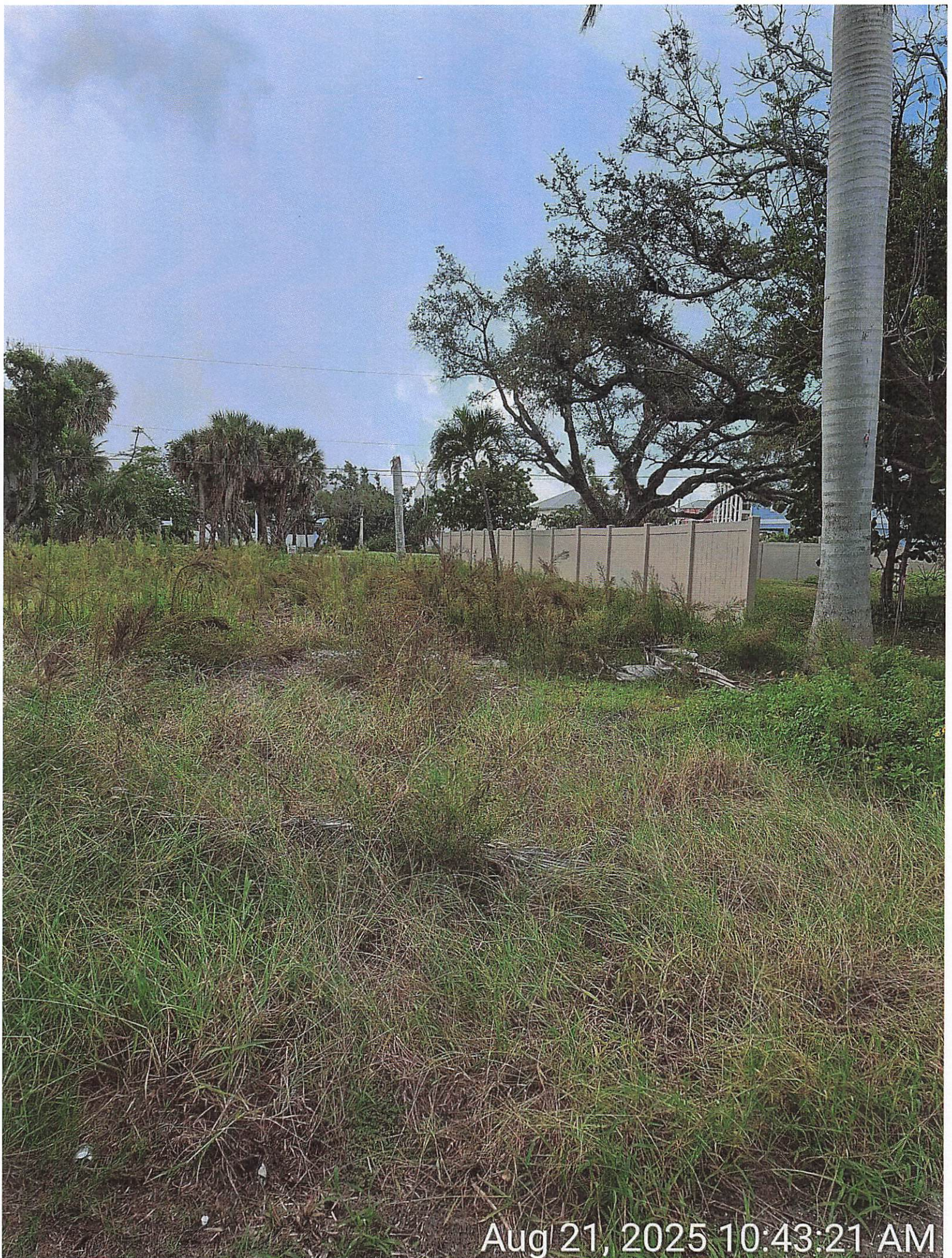


Notary Public Signature: Tracie Raski

My Commission Expires: 2/3/2029



Aug 21, 2025 10:43:33 AM



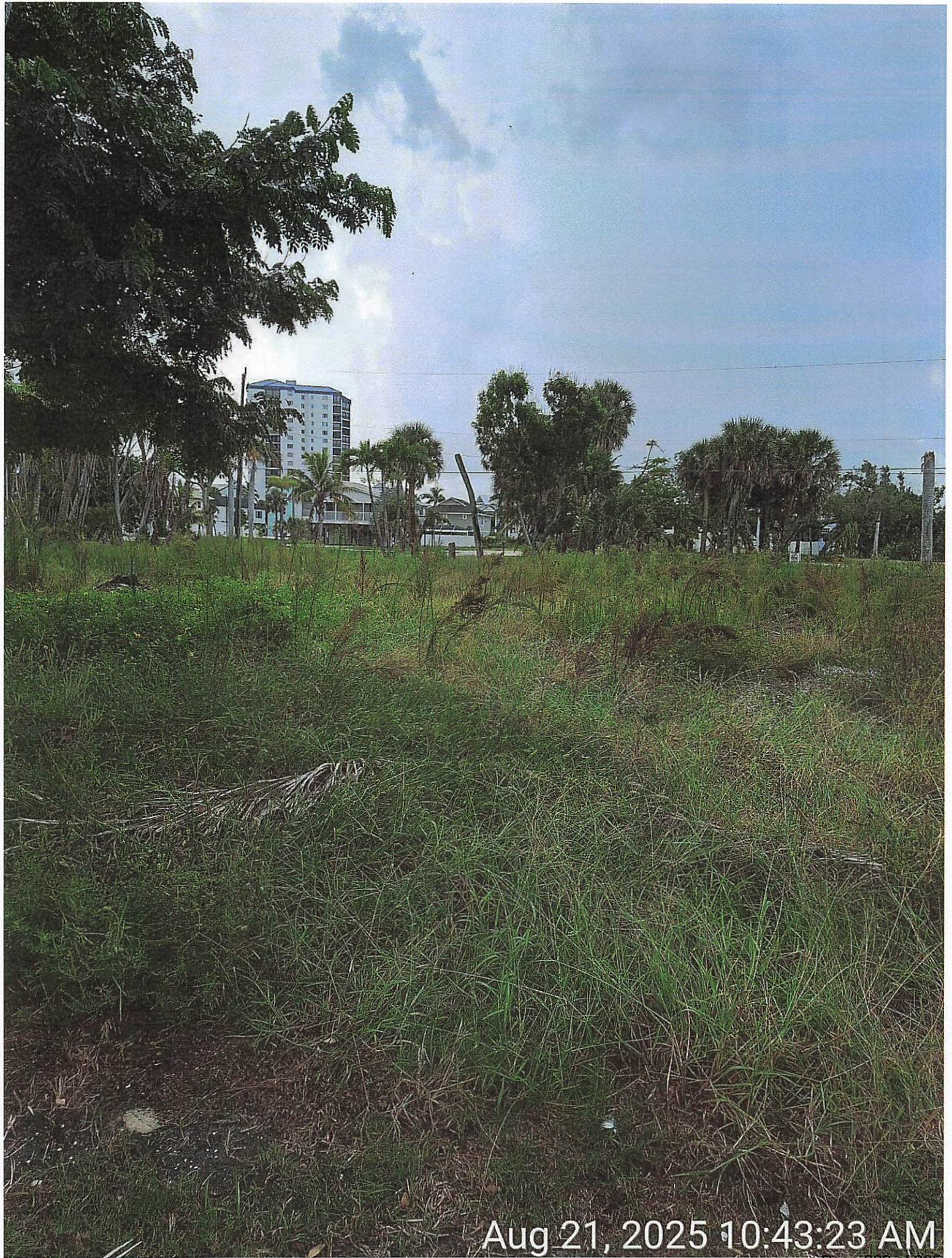
Aug 21, 2025 10:43:21 AM



Aug 21, 2025 10:43:40 AM



Aug 21, 2025 10:43:28 AM



Aug 21, 2025 10:43:23 AM

HEARING

EXHIBIT

D

- Violated Regulation(s)

See relevant highlighted section(s) of
applicable code

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.

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: Drebes Lawrence T Jr TR for Drebes Family Trust
Property Address: 5850 Estero Blvd
Status: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

M. Chavez

Narrative:

Attachments:

1. 20250341_Hearing Exhibit A_Notice of Hearing and Affidavit of Posting
2. 20250341_Hearing Exhibit B_Notice of Violation
3. 20250341_Hearing Exhibit C_Status of Compliance
4. 20250341_Hearing Exhibit D_Violated Regulation(s)

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 16, 2025



Traci Kohler, Deputy Town Manager

Date: September 16, 2025

nancy stuparich, Town Attorney

Date: September 24, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 25, 2025

Amy Baker, Town Clerk

Date: September 26, 2025

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



09/09/25

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

DREBES LAWRENCE T JR TR FOR DREBES FAMILY TRUST
3820 GULF BLVD APT 504
SAINT PETE BEACH, FL 33706
Respondent.

Case Number:	20250341
Certified Mail:	9589071052703142134951
Regular Mail:	Standard 1 st Class

Site Address: 5850 ESTERO BLVD
Parcel Strap No.: 33-46-24-W2-0030C.0050

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 (another 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 **Tuesday 10/07/2025 at 9:00 A.M.** in the community room at the Town of Fort Myers Beach (Town Hall), located at 6231 Estero Blvd, Fort Myers Beach, Florida 33931.

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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 other actions that will affect your rights. If you believe you have

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931



come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be carried out to determine compliance.

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 or is repeated. 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(s) has been corrected or abated prior to the hearing.

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

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Drebes Lawrence T JR TR For Drebes Family Trust
3820 Gulf Blvd Apt 504
Saint Pete Beach, FL 33706

Respondent,

_____ /

FMB Case Number:	20250341
Certified Mail:	9589071052703142134951
Regular Mail:	Standard 1st Class
DOAH Case Number:	Not Assigned

Site Address: 5850 Estero Blvd,
Fort Myers Beach, FL 33931
Parcel Strap No. 33-46-24-W2-0030C.0050

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Marcio Chavez, who is a Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250341 that certain Notice Of Special Magistrate Code Hearing. Presented as Hearing Exhibit A (" The Notice")

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class service a copy of the Notice of Hearing to the following:

- a. **Drebes Lawrence T JR TR For Drebes Family Trust**
3820 Gulf Blvd Apt 504
Saint Pete Beach, FL 33706
Certified Mail No. **9589071052703142134951**
(Listed Leepa.org Property Owner Address)

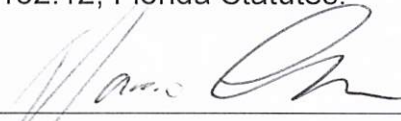
Copies of the certified mailing receipts are attached in Hearing Exhibit A.

1. I posted a copy of the Notice at 5850 Estero Blvd, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 9th day of September 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. 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 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 9th day of September 2025 are attached in Hearing Exhibit A.



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

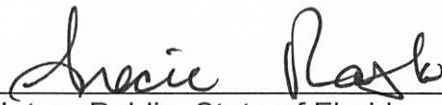
Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

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 9 day of September, 2025, by Marcio Chavez. He ☒ is personally known to me or ☐ has produced _____ as identification.




Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

9589 0710 5270 3142 1349 51

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 \$ Town of Fort Myers Beach

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

☐ Return Receipt (hardcopy) \$ SEP 09 2025

☐ Return Receipt (electronic) \$ MC Postmark Here

☐ Certified Mail Restricted Delivery \$ Sent by:

☐ Adult Signature Required

☐ Adult Signature Restricted Delivery \$

Postage \$ case #20250341

Total Postage and Fees \$ 5850 Estero Blvd

DREBES LAWRENCE T JR TR FOR DREBES FAMILY TRUST
3820 GULF BLVD APT 504
SAINT PETE BEACH, FL 33706

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



FMBgov.com

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

09/09/25

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

DREBES LAWRENCE T JR TR FOR DREBES FAMILY TRUST
3820 GULF BLVD APT 504
SAINT PETE BEACH, FL 33706
Respondent.

Site Address: 5850 ESTERO BLVD
Parcel Strap No.: 33-46-24-W2-0030C.0050

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 (another 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 Tuesday 10/07/2025 at 9:00 A.M. in the community room at the Town of Fort Myers Beach (Town Hall), located at 6231 Estero Blvd, Fort Myers Beach, Florida 33931.

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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 other actions that will affect your rights. If you believe you have

FORT MYERS BEACH- ESTERO ISLAND

Staples

Sep 9, 2025 4:02:51 PM



Sep 9, 2025 4:02:59 PM

Certified Mail:	9589071052703142132087
Regular Mail:	Standard 1st Class

1415 B AVE
VINTON, IA 52349

SITE ADDRESS: 370 MADISON CT
PARCEL STRAP NO: 294624W10110D0280



FMBgov.com

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

09/09/25

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

DREBES LAWRENCE T JR TR FOR DREBES FAMILY TRUST
3820 GULF BLVD APT 504
SAINT PETE BEACH, FL 33706
Respondent.

Site Address: 5850 ESTERO BLVD
Parcel Strap No.: 33-46-24-W2-0030C.0050

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 (another 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 Tuesday 10/07/2025 at 9:00 A.M. in the community room at the Town of Fort Myers Beach (Town Hall), located at 6231 Estero Blvd, Fort Myers Beach, Florida 33931.

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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 other actions that will affect your rights. If you believe you have

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)

Sep 9, 2025 3:56:06 PM

**Property Data**

STRAP: 33-46-24-W2-0030C.0050 Folio ID: 10230370

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

Generated on 4/10/2025 10:08 AM

Owner Of Record - Sole Owner[\[Change Mailing Address\]](#)

DREBES LAWRENCE T JR TR
FOR DREBES FAMILY TRUST
3820 GULF BLVD APT 504
SAINT PETE BEACH FL 33706

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

5850 ESTERO BLVD
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



MC PHIE PARK UNIT 1 BLK C PB 8 PG 52 LOT 5

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 8 and 52 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	5 / 5.0
Gross Living Area	5,550
1st Year Building on Tax Roll	2004
Historic Designation	No

Township	Range	Section	Block	Lot
46	24E	33	0030C	0050
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.42695	-81.91025		

[View Parcel on Google Maps](#)[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)[\[Pictometry Aerial Viewer \]](#)**Image of Structure**◀ Photo Date February of 2011 ▶ ☐ View other photos

Last Inspection Date: 07/01/2022

**Property Values / Exemptions / TRIM Notices**

Generated on 4/10/2025 10:08 AM

**Property Details (Current as of 4/9/2025)**

Generated on 4/10/2025 10:08 AM

**Property Details (2024 Tax Roll)**

Generated on 4/10/2025 10:08 AM

**Taxing Authorities**



Lee County Tax Collector

Noelle Branning

Account Number:

33-46-24-W2-0030C.0050

Alternate Key:

2100593682

Millage Code:

032

Site Address/Legal Description:

5850 ESTERO BLVD

MC PHIE PARK UNIT 1 BLK C PB 8 PG 52 LOT 5



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

2024 Real Estate Tax Notice

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

Exemptions/Values

Market Value	3,495,754
Assessed Value	3,495,754
Taxable Value	2,841,564

★ See message below.

DREBES LAWRENCE T JR TR & FOR DREBES FAMILY TRUST
3820 GULF BLVD #504
SAINT PETE BEACH, FL 33706

Paid 11/29/2024 INT-00-02941120 \$40,184.72

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	2,841,564	0	2,841,564	10,690.82
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	3,495,754	0	3,495,754	7,858.45
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.0380	3,495,754	0	3,495,754	10,620.10
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	2,841,564	0	2,841,564	2,813.15
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	2,841,564	0	2,841,564	269.38
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	2,841,564	0	2,841,564	92.92
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	2,841,564	0	2,841,564	291.54
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.8000	2,841,564	0	2,841,564	7,956.38
FORT MYERS BEACH MOSQUITO	239-247-1205	0.1123	2,841,564	0	2,841,564	319.11
FORT MYERS BEACH LIBRARY	239-463-9691	0.1612	2,841,564	0	2,841,564	458.06
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0200	2,841,564	0	2,841,564	56.83
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	2,841,564	0	2,841,564	111.96

Non-Ad Valorem Assessments Levying Authority

	Telephone	Rate	Basis	Amount
LEE COUNTY SOLID WASTE ASSESSMENT	239-533-8000		ACTL LEVY	320.38

2024 Combined Total Ad Valorem and Non-Ad Valorem:

\$41,859.08

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: 33-46-24-W2-0030C.0050

Site Address: 5850 ESTERO BLVD

Alternate Key: 2100593682

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

DREBES LAWRENCE T JR TR & FOR DREBES FAMILY TRUST
3820 GULF BLVD #504
SAINT PETE BEACH, FL 33706

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

Paid 11/29/2024 INT-00-02941120 \$40,184.72

Return with payment



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

04/10/2025

Case Number:	20250341
Certified Mail:	70222410000084714556
Regular Mail	

**DREBES LAWRENCE T JR TR FOR DREBES
FAMILY TRUST
3820 GULF BLVD APT 504
SAINT PETE BEACH, FL 33706**

**SITE ADDRESS: 5850 ESTERO BLVD
PARCEL STRAP NO: 334624W20030C0050**

NOTICE OF VIOLATION

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

The maintaining of a green and/or stagnant pool indicating possibly broken filtration system creating it to be unsafe and unsanitary in need of repair and/or removal, required pool barrier.

These items are a violation of the following Town Codes:

Cha 6-1, Sec. 303.1: Swimming Pools Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Sec. 34-1176 (C,1) In-ground Swimming Pools In-ground swimming pools, hot tubs and spas. Every swimming pool, hot tub, spa, or similar facility shall be enclosed by a fence, wall, screen enclosure or other structure, not less than four feet in height, constructed or installed so as to prevent unauthorized access to the pool by persons not residing on the property. For purposes of this subsection, the height of the structure shall be measured from the ground level outside of the area so enclosed. The enclosure may be permitted to contain gates, provided they are self-closing and self-latching.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Repair pool filtration system if necessary, clean and maintain appropriately creating a sanitary pool with clean and clear water and/or contact permitting to get necessary permit(s) to remove the pool/structure from property and add required allowable pool barrier if necessary..

You are hereby directed to bring these violations into compliance within 10 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



Apr 8, 2025 7:59:43 AM



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Drebes Lawrence T Jr TR For Drebes Family Trust
3820 Gulf Blvd Apt 504
Saint Pete Beach, FL 33706

Respondent,

FMB Case Number:	20250341
Certified Mail:	70222410000084714556
Regular Mail:	Standard 1 st Class
DOAH Case Number:	Not Assigned

Site Address: 5850 Estero Blvd,
Fort Myers Beach, FL 33931
Parcel Strap No. 34-46-24-W2-0030C.0050

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Marcio Chavez, who is a Code Compliance Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250341 that certain Notice Of Special Magistrate Code Hearing. Presented as Hearing Exhibit A (" The Notice")



I personally mailed by certified mail & first class service a copy of the Notice of Hearing to the following:

- a. **Drebes Lawrence T Jr TR For Drebes Family Trust**
3820 Gulf Blvd Apt 504
Saint Pete Beach, FL 33706
Certified Mail No. 70222410000084714556
(Listed Leepa.org Property Owner Address)

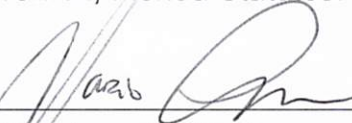
Copies of the certified mailing receipts are attached in Hearing Exhibit A.

1. I posted a copy of the Notice at 5850 Estero Blvd, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 11th day of April 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. 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 St, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 11th day of April 2025 are attached in Hearing Exhibit A.



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 11 day of April, 2025, by Marcio Chavez. He ☒ is personally known to me or ☐ has produced _____ as identification.




Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

FORT MYERS BEACH ESTERO ISLAND

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

7022 2410 0000 8471 4556

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

Town of Fort Myers Beach

\$

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

☐ Return Receipt (hardcopy)

APR 10 2025

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

Sent by:

MC

☐ Adult Signature Restricted Delivery

\$

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Case # 20250341

5850 Estero Blvd

Sent To

DREBES LAWRENCE T JR TR FOR DREBES FAMILY TRUST
3820 GULF BLVD APT 504
SAINT PETE BEACH, FL 33706

PS Form 3800, April 2015 PSN 7580-02-000-9047

See Reverse for Instructions

4/10/25, 10:15 AM

hworq.net/hworq/0_Pages/popup...&letterlinkid...

6BNPT1J9FY6400&id=6609004&k=476&letterlinkid...



Town of Fort Myers Beach
CODE COMPLIANCE

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

04/10/2025

Case Number:	20250341
Certified Mail:	7022241000084714556
Regular Mail:	

DREBES LAWRENCE T JR TR FOR DREBES
FAMILY TRUST
3820 GULF BLVD APT 504
SAINT PETE BEACH, FL 33706

SITE ADDRESS: 5850 ESTERO BLVD
PARCEL STRAP NO: 334624W20030C0050

NOTICE OF VIOLATION

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

The maintaining of a green and/or stagnant pool indicating possibly broken filtration system creating it to be unsafe and unsanitary in need of repair and/or removal, required pool barrier.

These items are a violation of the following Town Codes:

Cha 6-1, Sec. 303.1: Swimming Pools Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Sec. 34-1176 (C,1) In-ground Swimming Pools In-ground swimming pools, hot tubs and spas. Every swimming pool, hot tub, spa, or similar facility shall be enclosed by a fence, wall, screen enclosure or other structure, not less than four feet in height, constructed or installed so as to prevent unauthorized access to the pool by persons not residing on the property. For purposes of this subsection, the height of the structure shall be measured from the ground level outside of the area so enclosed. The enclosure may be permitted to contain gates, provided they are self-closing and self-latching.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Repair pool filtration system if necessary, clean and maintain appropriately creating a sanitary pool with clean and clear water and/or contact permitting to get necessary permit(s) to remove the pool/structure from property and add required allowable pool barrier if necessary.

You are hereby directed to bring these violations into compliance within 10 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 shall be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Officer, in their discretion, schedule the case for a hearing and seek a finding of violation even if you have corrected the violation prior to the time set for the hearing.

https://

STAPLES

Apr 11, 2025 1:59:52 PM





Town of Fort Myers Beach
CODE COMPLIANCE

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

04/10/2025

Case Number:	20250341
Certified Mail:	70222410000084714556
Regular Mail:	

**DREBES LAWRENCE T JR TR FOR DREBES
FAMILY TRUST**
3820 GULF BLVD APT 504
SAINT PETE BEACH, FL 33706

SITE ADDRESS: 5850 ESTERO BLVD
PARCEL STRAP NO: 334624W20030C0050

NOTICE OF VIOLATION

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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.

Apr 10, 2025 10:23:50 AM

Staples

HEARING

EXHIBIT

C

- **Status of Compliance**



04/29/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

Drebes Lawrence T JR TR For Drebes Family
Trust
Respondent.

Case Number:	20250341
Certified Mail:	
DOAH Case:	

Site Address: 5850 Estero Blvd
Parcel Strap No.: 33-46-24-W2-0030C.0050

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, Officer Marcio Chavez, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, Marcio Chavez, 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 04/08/2025, **Drebes Lawrence T JR TR For Drebes Family Trust** was observed in violation of Cha 6-1, Sec. 303.1 Swimming Pools and Sec. 34-1176 (C,1) In- ground swimming pools, at the property located at 5850 Estero Blvd Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 04/10/2025, and sent certified mail to the addresses of record to the property owner **Drebes Lawrence T JR TR For Drebes Family Trust, 3820 Gulf Blvd Apt 504** posted to the violation property located at 5850 Estero Blvd Fort Myers Beach, FL 33931 and posted to Town Hall located at 6231 Estero Blvd, Fort Myers Beach, FL 33931 both inside and outside on the N/W wall at the entrance to Town Hall.

4. 5850 Estero Blvd was/were given 10 days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 04/18/2025.

5. I performed an inspection of the Subject Property on 04/29/2025, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be

FORT MYERS BEACH ESTERO ISLAND

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



any progress made towards compliance at 5850 Estero Blvd, Fort Myers Beach, FL 33931.

6. Photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 04/29/2025. These photographs are a true and accurate representation of my observations on this date.

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 on Tuesday, October 7th, 2025 and that an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) through a Stipulation 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.

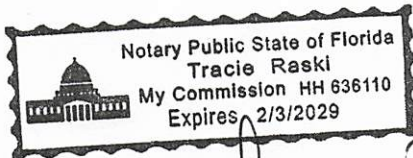
Signature of Affiant

[Signature]

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of ✓ physical presence Or online notarization, this 29 day of April 2025, by Marcio Chavez, who is personally known to me Or who has produced as identification.

(SEAL)



Notary Public Signature: [Signature]

My Commission Expires: 2/3/2029



HEARING

EXHIBIT

D

- Violated Regulation(s)

See relevant highlighted section(s) of
applicable code

Cha 6-1, Sec. 303.1: Swimming Pools

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Sec. 34-1176 (C,1) In-ground Swimming Pools

In-ground swimming pools, hot tubs and spas. Every swimming pool, hot tub, spa, or similar facility shall be enclosed by a fence, wall, screen enclosure or other structure, not less than four feet in height, constructed or installed so as to prevent unauthorized access to the pool by persons not residing on the property. For purposes of this subsection, the height of the structure shall be measured from the ground level outside of the area so enclosed. The enclosure may be permitted to contain gates, provided they are self-closing and self-latching.

Property Address and Owner:

Hearing Date: October 7, 2025

Property Owner: MSV Holding Trust Corp
Property Address: 140 Flamingo St
Status: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

Attachments:

1. 20250675_Hearing Exhibit A_Notice of Hearing and Affidavit of Posting
2. 20250675_Hearing Exhibit B_Notice of Violation
3. 20250675_Hearing Exhibit C_Status of Compliance
4. 20250675_Hearing Exhibit D_Violated Regulation(s)

Town Recommendations:

Town Approvals:

Thomas Yozzo, Emergency Services Director

Date: September 16, 2025



Traci Kohler, Deputy Town Manager

Date: September 16, 2025

nancy stuparich, Town Attorney

Date: September 29, 2025

Lizzette Roman, Town Clerk Administrative Coordinator

Date: September 29, 2025

Amy Baker, Town Clerk

Date: September 29, 2025

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



9/9/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

Case Number:	20250675
Certified Mail:	9589071052703142134975 9589071052703142134968
Regular Mail:	Standard 1 st Class

Respondent.

Site Address: 140 Flamingo St., Fort Myers Beach, FL 33931
Parcel Strap No.: 33-46-24-W3-0010C.0320

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 (another 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 **Tuesday October 7th at 9:00 A.M.** at the Town of Fort Myers Beach (Town Hall) 6231 Estero Blvd, Fort Myers Beach, Florida 33931.

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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>

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)



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 other actions that will 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 carried out to determine compliance.

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 or is repeated. 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(s) has been corrected or abated prior to the hearing.

T Hoffman

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

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 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

07/02/2025

Case Number:	20250675
Certified Mail:	70222410000084703598
Regular Mail	

MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

SITE ADDRESS: 140 FLAMINGO ST
PARCEL STRAP NO: 334624W30010C0320

NOTICE OF VIOLATION

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

For the overgrowth of grass and / or weeds exceeding 12 inches in height throughout the property and failure to keep the exterior of the property free of rubbish and/ or debris. In example but not limited to brick pile, yard debris and other miscellaneous items throughout the property.

These items are a violation of the following Town Codes:

LDC Sec. 6-1. - Adoption of International Property Maintenance Code.; 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

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. Mow and / or trim all grass and weeds to under 12 inches in height throughout the property. Clear property of all trash, rubbish and/or debris in example but not limited to brick pile, yard debris and other miscellaneous items throughout the property and Maintain property per Town Code Requirements..

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.

MSV HOLDING TRUST CORP
140 FLAMINGO ST.
FORT MYERS BEACH, FL 33931

Respondent,

FMB Case Number:	20250675
Certified Mail:	9589071052703142134975 9589071052703142134968
Regular Mail:	Standard 1st Class
DOAH Case Number:	Not Assigned

Site Address: 140 Flamingo St.
Fort Myers Beach, FL 33931
Parcel Strap No.33-46-24-W3-0010C.0320

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared T. Hoffman, who is a Code Enforcement Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20250675 that certain Notice Of Special Magistrate Hearing. Presented as Hearing Exhibit A (" The Notice")

FORT MYERS BEACH ESTERO ISLAND

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



I personally mailed by certified mail & first class service a copy of the Notice of Hearing to the following:

- a. MSV Holding Trust Corp
140 Flamingo St.
Fort Myers Beach, FL 33931
Certified Mail No. 9589071052703142134975
(Lee County Property Appraiser)
- b. Kobe, Thomas
11211 Yellow Poplar Dr.
Fort Myers, FL 33913
Certified Mail No. 9589071052703142134968
(Listed Registered Agent Sunbiz)

Copies of the certified mailing receipts are attached in Hearing Exhibit A.

1. I posted a copy of the Notice at 140 Flamingo St, Fort Myers Beach, FL 33931, which is the subject property. I took photographs of the Notice I posted on the 10th day of September 2025. A true, accurate and unaltered copy of the photographs are attached in Hearing Exhibit A.
2. 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 6231 Estero Blvd, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 10th day of September 2025 are attached in Hearing Exhibit A.

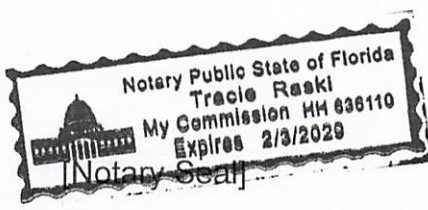


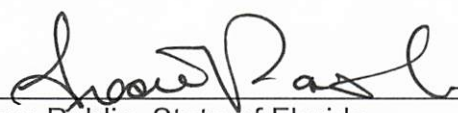
Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

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 10 day of September, 2025, by T. Hoffman He ☒ is personally known to me or ☐ has produced _____ as identification.




Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

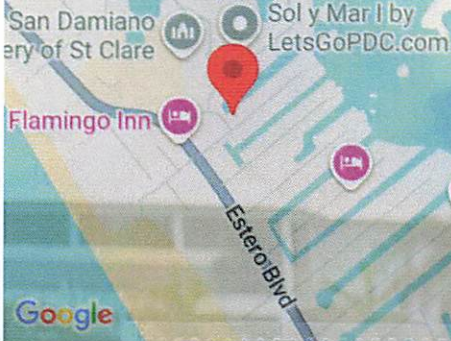
9589 0710 5270 3142 1349 75

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 \$	Town of Fort Myers Beach 20250675
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$ SEP 09 2025
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage \$	Sent by: [Signature]
Total Postage and Fees \$	140 FLAMINGO ST
MSV HOLDING TRUST CORP 140 FLAMINGO ST FORT MYERS BEACH, FL 33931 (N.W.)	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 3142 1349 68

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 \$	20250675
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$ Town of Fort Myers Beach
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$ SEP 09 2025
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage \$	Sent by: [Signature]
Total Postage and Fees \$	140 FLAMINGO ST.
Sent To KOBE, THOMAS 11211 YELLOW POPLAR DR FORT MYERS, FL 33913 (N.W.)	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

Sep 10, 2025 11:28:25 AM
Fort Myers Beach



FMBgov.com

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

9/9/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

Respondent.

Site Address: 140 Flamingo St., Fort Myers Beach, FL 33931
Parcel Strap No.: 33-46-24-W3-0010C.0320

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 (another 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 **Tuesday October 7th at 9:00 A.M.** at the Town of Fort Myers Beach (Town Hall) 6231 Estero Blvd, Fort Myers Beach, Florida 33931.

A copy of the evidentiary case file and all materials provided by the Town Code Enforcement Unit 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>

FORT MYERS BEACH, ESTERO ISLAND
P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)

Sep 10, 2025 11:28:38 AM

Fort Myers Beach

San Damiano
ary of St Clare

Sol y Mar I by
LetsGoPDC.com

Flamingo Inn

Estero Blvd

Google





Sep 10, 2025 10:50:08 AM
Fort Myers Beach

FMBgov.com

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

9/9/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

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

FORT MYERS BEACH, ESTERO ISLAND
P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

(Last 06/2024)



Property Data

STRAP: 33-46-24-W3-0010C.0320 Folio ID: 10230731

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

Generated on 7/2/2025 7:46 AM

Owner Of Record - Sole Owner [Change Mailing Address]



MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH FL 33931

Site Address

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

140 FLAMINGO ST
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



FLAMINGO PARK BLK C PB 9 PG 66 LOT 32.

[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	33	0010C	0320
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.42499	-81.9049		

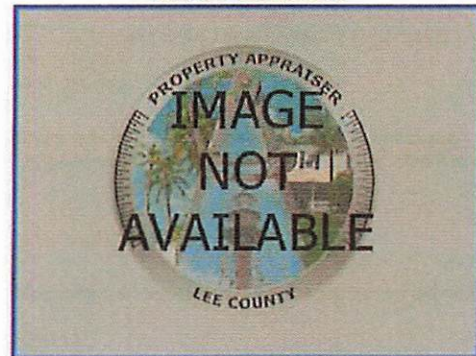
[View Parcel on Google Maps](#)

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Image of Structure



Property Values / Exemptions / TRIM Notices

Generated on 7/2/2025 7:46 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)	538,270	531,241	538,270	538,270	0	0	538,270
2023 / Additional Info	2023 (Final Value)	358,925	358,915	358,925	201,117	201,117	0	0
2022 / Additional Info	2022 (Final Value)	394,022	312,100	394,022	195,259	195,259	0	0
2021 / Additional Info	2021 (Final Value)	327,666	291,700	327,666	189,572	189,572	0	0
2020 / Additional Info	2020 (Final Value)	324,638	291,700	324,638	186,955	186,955	0	0

2019 / Additional Info	2019 (Final Value)	276,325	243,100	276,325	182,752	182,752	0	0
2018 / Additional Info	2018 (Final Value)	224,487	221,000	224,487	179,344	179,344	0	0
2017 / Additional Info	2017 (Final Value)	223,675	157,500	223,675	175,655	175,655	0	0
2016	2016 (Final Value)	191,753	157,500	191,753	172,042	172,042	0	0
2015	2015 (Final Value)	278,401	157,500	278,401	170,846	170,846	0	0
2014	2014 (Final Value)	252,203	157,500	252,203	169,490	169,490	0	0
2013	2013 (Final Value)	202,540	196,300	202,540	166,985	166,985	0	0
2012	2012 (Final Value)	164,194	150,000	164,194	164,194	164,194	0	0
2011	2011 (Final Value)	184,454	170,000	184,454	184,454	184,454	0	0
2010	2010 (Final Value)	245,453	225,000	245,453	245,453	245,453	0	0
	2009 (Final Value)	295,470	275,000	295,470	263,300	263,300	0	0
	2008 (Final Value)	380,790	360,000	380,790	263,030	263,030	0	0
	2007 (Final Value)	431,280	410,000	0	255,370	255,370	0	0
	2006 (Final Value)	421,610	400,000	0	249,140	249,140	0	0
	2005 (Final Value)	343,020	320,000	0	241,890	241,890	0	0
	2004 (Final Value)	234,840	210,000	0	234,840	234,840	0	0
	2003 (Final Value)	254,250	225,000	0	254,250	254,250	0	0
	2002 (Final Value)	154,740	120,000	0	154,740	25,500	0	129,240
	2001 (Final Value)	123,300	93,000	0	95,790	25,000	0	70,790
	2000 (Final Value)	93,000	75,000	0	93,000	25,000	0	68,000
	1999 (Final Value)	78,100	60,000	0	78,100	0	0	78,100
	1998 (Final Value)	78,200	60,000	0	78,200	0	0	78,200
	1997 (Final Value)	78,200	60,000	0	78,200	0	0	78,200
	1996 (Final Value)	73,260	60,000	0	73,260	0	0	73,260
	1995 (Final Value)	53,660	42,000	0	53,660	0	0	53,660
	1994 (Final Value)	53,660	42,000	0	53,660	0	0	53,660
	1993 (Final Value)	50,660	39,000	0	50,660	0	0	50,660
	1992 (Final Value)	50,660	39,000	0	50,660	0	0	50,660

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 7/1/2025) ?

Generated on 7/2/2025 7:46 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		1996	50
DOCK - BOAT - WOODEN		1997	30



Property Details (2024 Tax Roll)



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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	1996	50
DOCK - BOAT - WOODEN	1997	30
BOAT LIFT	2003	1

Taxing Authorities

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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 7/2/2025 7:46 AM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
10.00	05/10/2023	2023000306350	11		I
630,000.00	05/10/2023	2023000170753	98	Unable to process transfer due to deed or transfer instrument errors (examples: incomplete or incorrect legal description, incorrect grantor) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... 33-46-24-W3-0010C.0330	I
215,000.00	05/21/2001	3422/3890	06		I
85,000.00	02/01/1996	2680/3659	06		I
100.00	08/01/1995	2626/3404	03		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 7/2/2025 7:46 AM

Permit Number	Permit Type	Date
231548	Demolition	02/22/2023
MEC13-0229	AC New / Change out	08/28/2013
DSH2003-00241	Boathouse, Dock & Shoreline	03/12/2003
RES199603956	Building Addition	04/16/1996

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 7/2/2025 7:46 AM

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
33-46-24-01-0000C.0320	N/A	Reserved for Renumber ONLY	01/12/1995

Solid Waste (Garbage) Roll Data

Generated on 7/2/2025 7:46 AM

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

Flood and Storm Information

Generated on 7/2/2025 7:46 AM

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

Generated on 7/2/2025 7:46 AM



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

Detail by Entity Name

Florida Profit Corporation

MSV - HOLDING TRUST CORP.

Filing Information

Document Number P14000067493
FEI/EIN Number 47-1594179
Date Filed 08/13/2014
Effective Date 08/08/2014
State FL
Status ACTIVE

Principal Address

203 Hibiscus dr
 FORT MYERS BEACH, FL 33931

Changed: 04/29/2023

Mailing Address

203 Hibiscus dr
 FORT MYERS BEACH, FL 33931

Changed: 08/02/2025

Registered Agent Name & Address

Kobe, Thomas
 11211 YELLOW POPLAR DR
 Fort Myers, FL 33913

Name Changed: 03/11/2015

Address Changed: 05/01/2021

Officer/Director Detail

Name & Address

Title PVST

Schumacher, Michael
 PO BOX 528
 ESTERO, FL 33929

Title D



Lee County Tax Collector

Noelle Branning

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

2024 Real Estate Tax Notice

Account Number:
33-46-24-W3-0010C.0320
Alternate Key:
2100594040
Millage Code:
032

Site Address/Legal Description:
140 FLAMINGO ST
FLAMINGO PARK BLK C PB 9 PG 66 LOT 32.



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

Exemptions/Values	
Market Value	538,270
Assessed Value	538,270
Taxable Value	538,270

★ See message below.

MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

Paid 11/21/2024 DP-00-02871915 \$6,924.99

Ad Valorem Taxes Levying Authority	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	538.270	0	538.270	2,025.13
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	538.270	0	538.270	1,210.03
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.0380	538.270	0	538.270	1,635.26
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	538.270	0	538.270	532.89
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	538.270	0	538.270	51.03
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	538.270	0	538.270	17.60
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	538.270	0	538.270	55.23
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.8000	538.270	0	538.270	1,507.16
FORT MYERS BEACH MOSQUITO	239-247-1205	0.1123	538.270	0	538.270	60.45
FORT MYERS BEACH LIBRARY	239-463-9691	0.1612	538.270	0	538.270	86.77
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0200	538.270	0	538.270	10.77
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	538.270	0	538.270	21.21

Non-Ad Valorem Assessments Levying Authority

Telephone	Rate	Basis	Amount
-----------	------	-------	--------

2024 Combined Total Ad Valorem and Non-Ad Valorem:

\$7,213.53

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: 33-46-24-W3-0010C.0320

Site Address: 140 FLAMINGO ST

Alternate Key: 2100594040

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

MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

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



Paid 11/21/2024 DP-00-02871915 \$6,924.99

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

07/02/2025

Case Number:	20250675
Certified Mail:	70222410000084703598
Regular Mail	

MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

SITE ADDRESS: 140 FLAMINGO ST
PARCEL STRAP NO: 334624W30010C0320

NOTICE OF VIOLATION

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

For the overgrowth of grass and / or weeds exceeding 12 inches in height throughout the property and failure to keep the exterior of the property free of rubbish and/ or debris. In example but not limited to brick pile, yard debris and other miscellaneous items throughout the property.

These items are a violation of the following Town Codes:

LDC Sec. 6-1. - Adoption of International Property Maintenance Code.; 308.1 Accumulation of rubbish or garbage.
Exterior property
and premises, and the interior of every structure, shall be
free from any accumulation of rubbish or garbage.

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. Mow and / or trim all grass and weeds to under 12 inches in height throughout the property. Clear property of all trash, rubbish and/or debris in example but not limited to brick pile, yard debris and other miscellaneous items throughout the property and Maintain property per Town Code Requirements..

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.

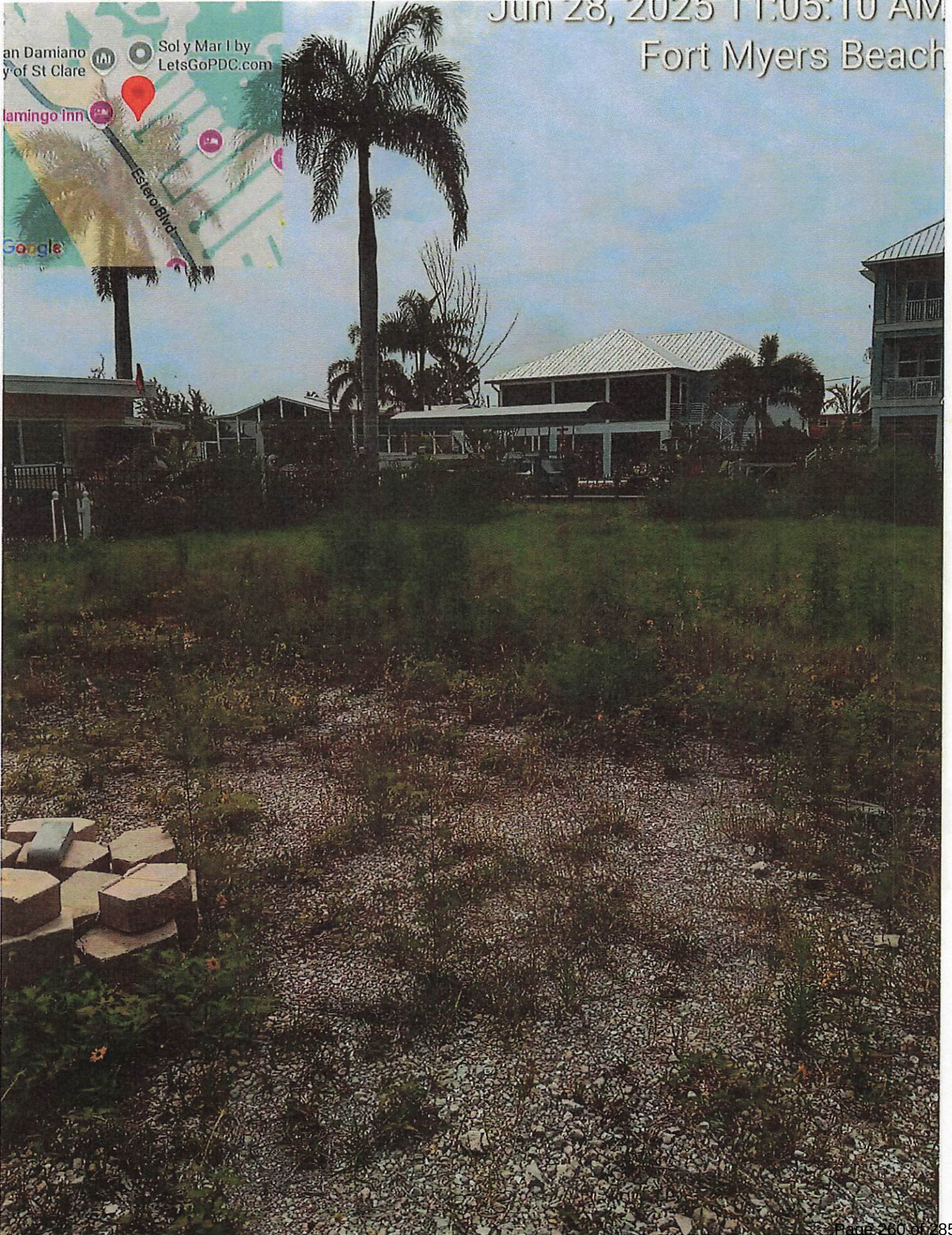
You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation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

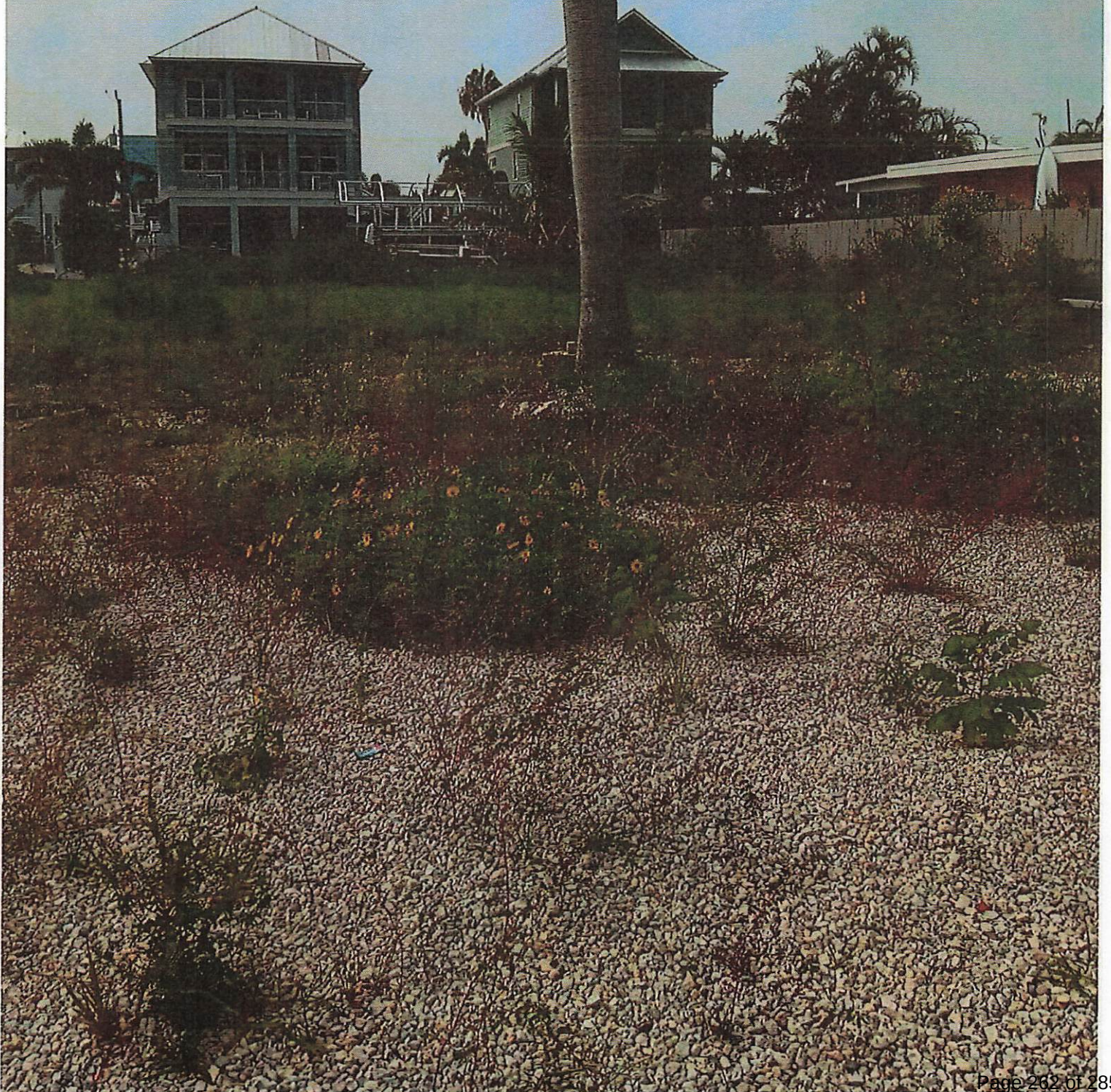
Jun 28, 2025 11:05:10 AM
Fort Myers Beach





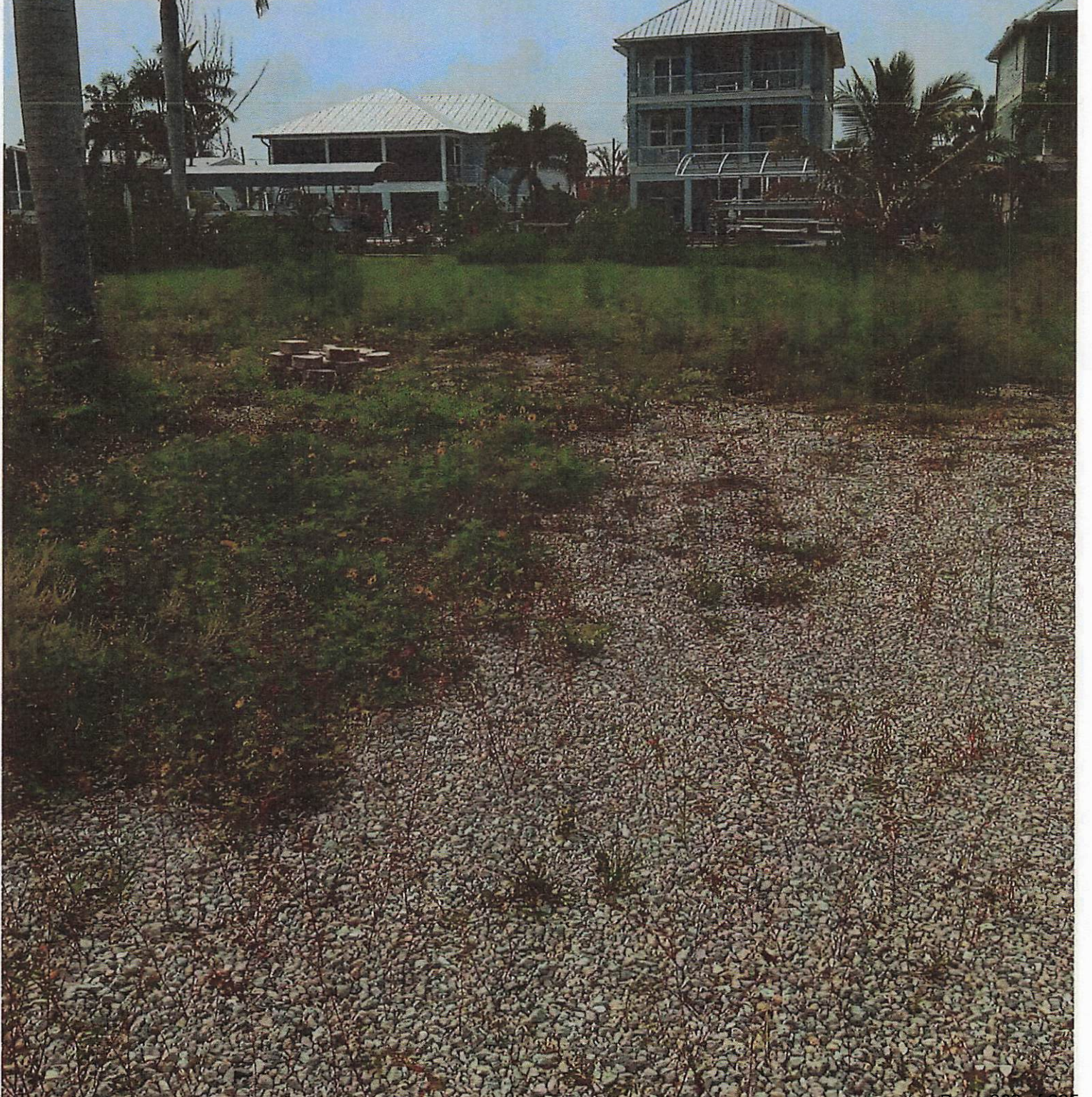


Jun 28, 2025 11:04:39 AM
Fort Myers Beach

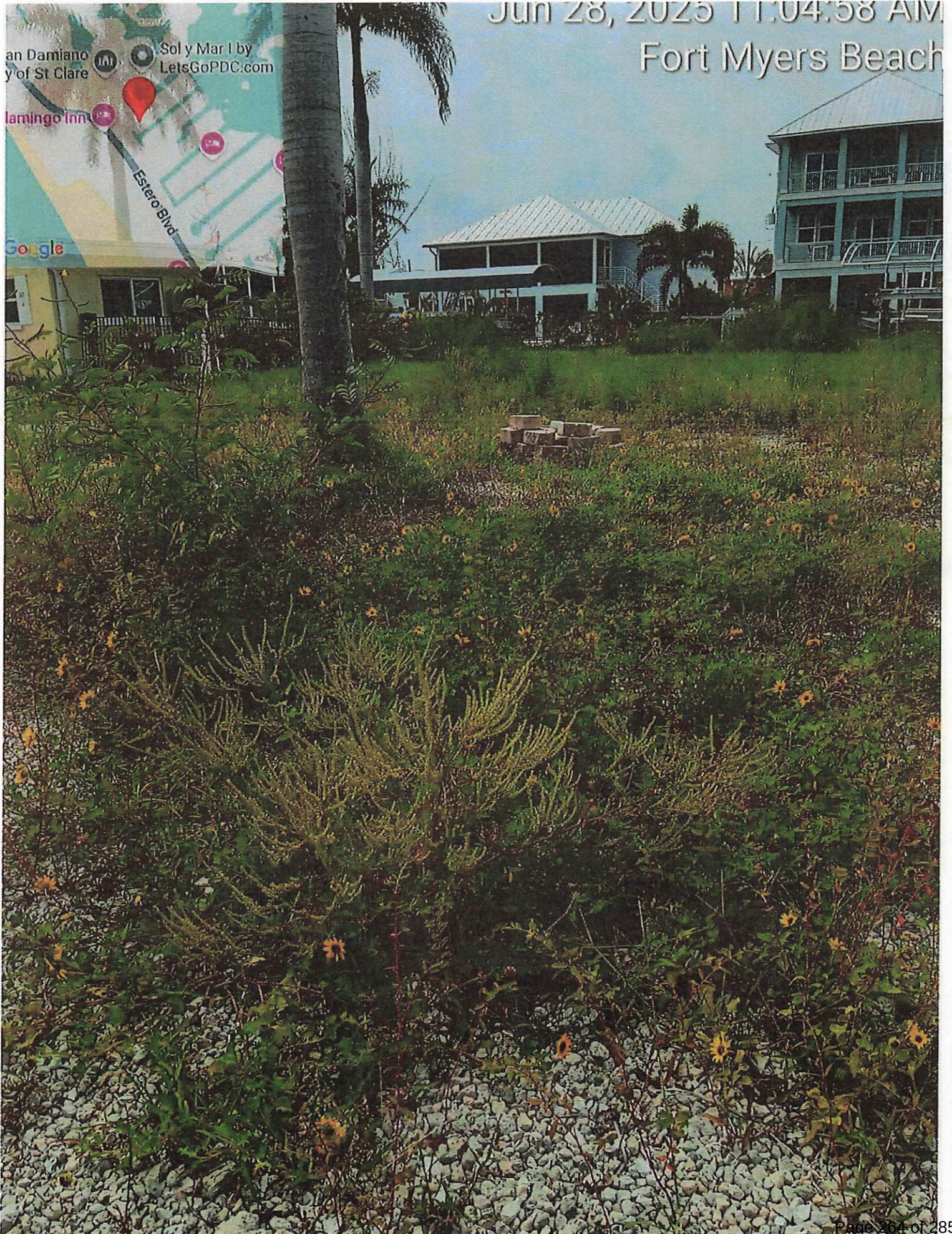


Jun 28, 2025 11:04:52 AM

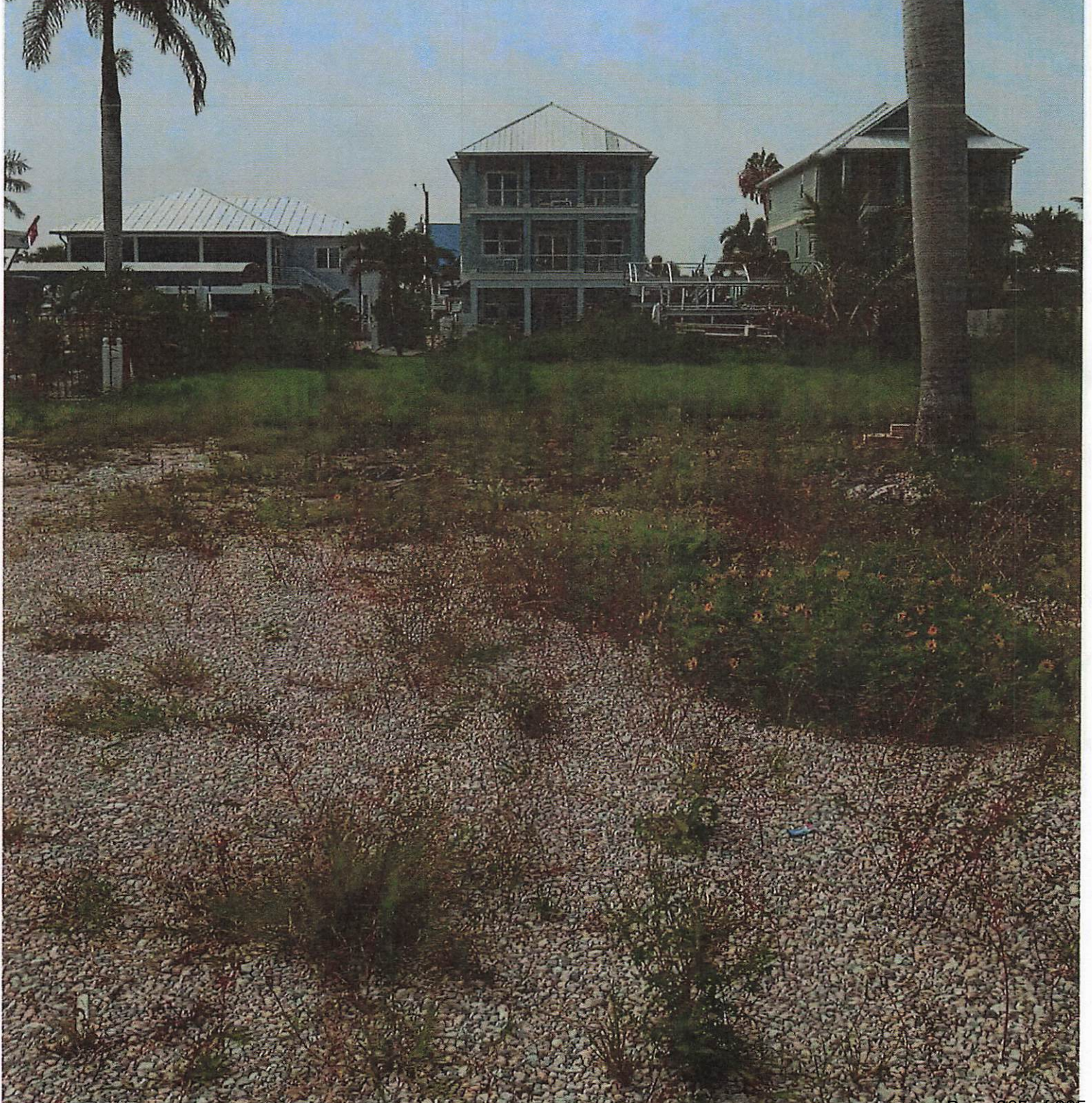
Fort Myers Beach



Jun 28, 2025 11:04:58 AM
Fort Myers Beach



Jun 28, 2025 11:04:36 AM
Fort Myers Beach



JUN 28, 2025 11:05:13 AM
Fort Myers Beach





FMBgov.com

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

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MSV HOLDINGS TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

FMB Case Number:	20250675
Certified Mail:	70222410000084703598
Regular Mail:	Standard 1 st Class
DOAH Case Number:	[Not Applicable]

Site Address: 140 Flamingo St.
Fort Myers Beach, FL, 33931
Parcel Strap No. 33-46-24-W3-0010C.0320

Respondent,

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared T. Hoffman 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 #20250675. For the overgrowth of grass and / or weeds exceeding 12 inches in height throughout the property and failure to keep the exterior of the property free of rubbish and/ or debris. In example but not limited to brick pile, yard debris and other miscellaneous items throughout the property. 140 Flamingo St. Fort Myers Beach. FL 33931 attached

FORT MYERS BEACH ESTERO ISLAND

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

Page 1 | 3



1. I personally mailed by certified mail a copy of the Notice of Violation 7/02/2025 to the following:

MSV HOLDINGS TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

(Property Owner)

Copies of the certified mailing receipts are attached as evidence.

2. I had a copy of the Notice posted at 140 Flamingo St, Fort Myers Beach, FL 33931, which is the subject property. I took a photographs of the Notice I posted on the 8th day of July 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 6231 Estero Blvd, Fort Myers Beach, FL 33931 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 8th day of July 2025 are attached.



FMBgov.com

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

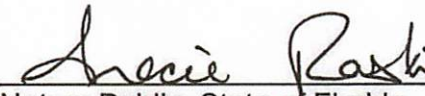
Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

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 8 day of September, 2025, by T. Hoffman. He ☒ is personally known to me or ☐ has produced _____ as identification.



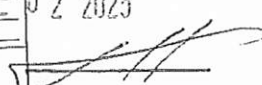

Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

FORT MYERS BEACH ESTERO ISLAND

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

Page 3 | 3

7022 2410 0000 8470 3598

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	\$ 20250675
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	\$ 140
Sent by: 	
Postmark: Town of Fort Myers Beach, Here JUL 02 2025	
Sent To: MSV HOLDING TRUST CORP 140 FLAMINGO ST FORT MYERS BEACH, FL 33931	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



2525 Estero Boulevard
Fort Myers Beach, FL 33931

CERTIFIED MAIL



7022 2410 0000 8470 3598

FT MYERS FL 339

9 JUL 2025 PM 1 L

FIRST CLASS



US POSTAGE TM PITNEY BOWES

ZIP 33931 \$ 009.92⁰
02 7H
0006188942 JUL 08 2025

MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

Town of Fort Myers Beach

JUL 29 2025

CH

Received by:

T-S
COA
07/11/25
LN

ANK

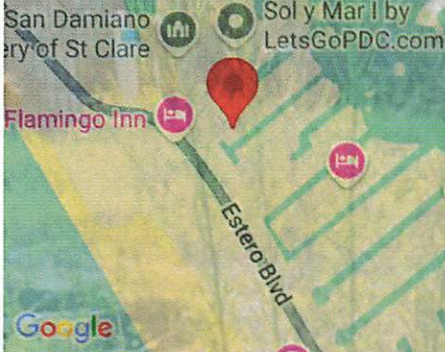
NIXIE 339 FE 1 0007/25/25

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 33981335425 *2374-09462-25-30

33931-43104
33931>3354

Jul 8, 2025 9:37:19 AM
Fort Myers Beach



07/02/2025

MSV HOLDING TRUST CORP
140 FLAMINGO ST
FORT MYERS BEACH, FL 33931

SITE ADDRESS: 140 FLAMINGO ST
PARCEL STRAP NO: 334624W30010C0320

Town of Fort Myers Beach
CODE COMPLIANCE

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

Case Number:	20250675
Certified Mail:	7022241000084703598
Regular Mail:	

NOTICE OF VIOLATION

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

For the overgrowth of grass and / or weeds exceeding 12 inches in height throughout the property and failure to keep the exterior of the property free of rubbish and/ or debris. In example but not limited to brick pile, yard debris and other miscellaneous items throughout the property.

These items are a violation of the following Town Codes:

LDC Sec. 6-1. - Adoption of International Property Maintenance Code.; 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Sec. 6-2. - Amendments. (Weeds) (v) 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. Mow and / or trim all grass and weeds to under 12 inches in height throughout the property. Clear property of all trash, rubbish and/or debris in example but not limited to brick pile, yard debris and other miscellaneous items throughout the property and Maintain property per Town Code Requirements.

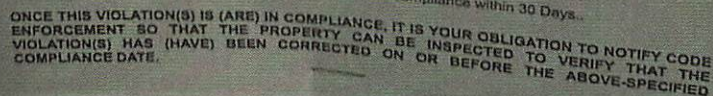
You are hereby directed to bring these violations into compliance within 30 Days.

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.



Jul 8, 2025 9:37:27 AM
Fort Myers Beach

Fort Myers Beach



HEARING

EXHIBIT

C

- Status of Compliance



09/09/2025

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MSV HOLDING TRUST CORP

Respondent.

Site Address: 140 FLAMINGO ST
Parcel Strap No.: 334624W30010C0320

Case Number: 20250675

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 06/28/2025, MSV HOLDING TRUST CORP (property owner) was observed in violation of Sec, 6-2- Amendments (Weeds), LDC Sec, 6-1 Adoption of International Property Maintenance Code; 308.1 Accumulation of rubbish or garbage. of the Town of Fort Myers Beach Code of Ordinances, For the overgrowth of grass and / or weeds exceeding 12 inches in height throughout the property and failure to keep the exterior of the property free of rubbish and/ or debris. In example but not limited to brick pile, yard debris and other miscellaneous items throughout the property. , at the property located at 140 FLAMINGO ST, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 07/02/2025, and sent certified mail to the address of record, 140 FLAMINGO ST, FORT MYERS BEACH, FL 33931, posted to the violation property located at 140 FLAMINGO ST, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. MSV HOLDING TRUST CORP was/were given 30 Days. to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 08/02/2025.

5. I performed an inspection of the Subject Property on 09/09/2025, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be any

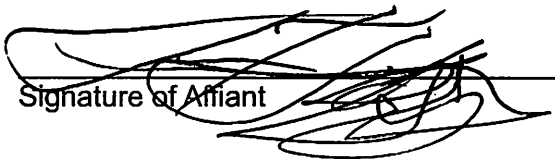
progress made towards compliance at 140 FLAMINGO ST, Fort Myers Beach, FL 33931.

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 09/09/2025. 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 ☒ physical presence
OR ☐ online notarization, this 9 day of September, 2025 by
T. Hoffman, ☒ who is personally known to me OR ☐ who has produced

as identification.



(SEAL)



Notary Public Signature

My Commission Expires: 2/3/2029

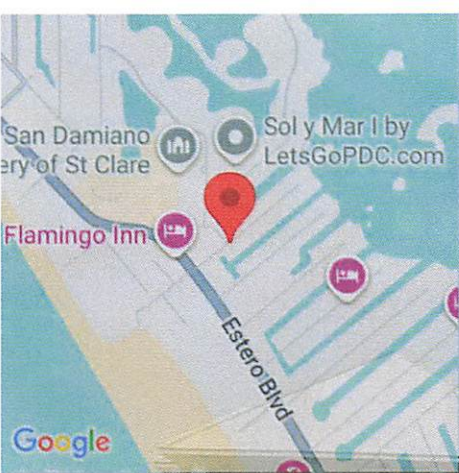
Sep 9, 2025 7:54:03 AM
Fort Myers Beach



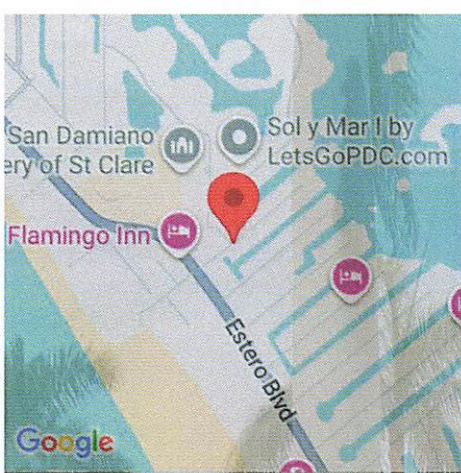
Sep 9, 2025 7:53:21 AM
Fort Myers Beach



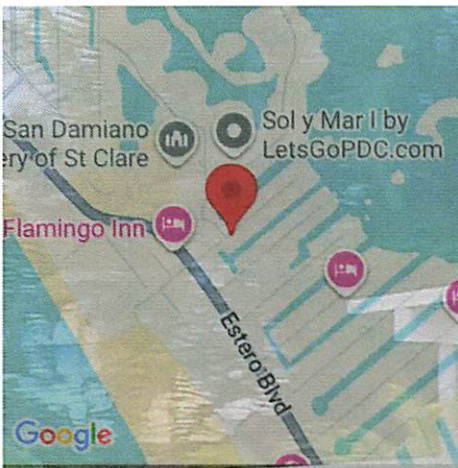
Sep 9, 2025 7:53:47 AM
Fort Myers Beach



Sep 9, 2025 7:53:52 AM
Fort Myers Beach



Sep 9, 2025 7:53:24 AM
Fort Myers Beach



Sep 9, 2025 7:53:19 AM
Fort Myers Beach

San Damiano
ry of St Clare

Sol y Mar I by
LetsGoPDC.com

Flamingo Inn

Ester Blvd

Google



HEARING

EXHIBIT

D

- Violated Regulation(s)

See relevant highlighted section(s) of
applicable code

Sec. 6-2- Amendments (Weeds)

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.

LDC Sec, 6-1. - Adoption of International Property Maintenance Code; 308.1 Accumulation of rubbish or garbage.

Exterior property

and premises, and the interior of every structure, shall be
free from any accumulation of rubbish or garbage.