



Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931

Minutes

Wednesday, September 3,
2025

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.

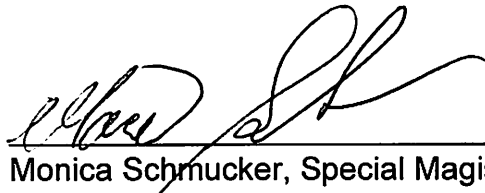
VII. BUILDING OFFICIAL APPEALS

No appeals.

VIII. ADJOURNMENT

Special Magistrate Schmucker adjourned the hearing.

Minutes approved as presented on October 7, 2025, by Special Magistrate Schmucker.



Monica Schmucker, Special Magistrate