



Fort Myers Beach Special Magistrate Hearing

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

Minutes

Wednesday, October 1, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Floodplain Manager Kelli DeFedericis, Town Clerk Administrative Coordinator Lizzette Roman, Town Attorney Nancy Stuparich, Special Magistrate John Van Laningham and Emergency Services Director Thomas Yozzo.

II. APPROVAL OF MINUTES

A. September 2, 2025

Special Magistrate Van Laningham approved the minutes as presented.

III. COMPLIANCE CASES (STATUS UPDATE)

Director Yozzo stated that Beach Baptist Church was still not in compliance and would return on the 29th for an update. He indicated that FEMA gave them an extension of October 19, 2025, to come into compliance.

IV. VIOLATION CASES

A. FMB Case No.: 20250876

Property Owner: Estero Bay Improvement Assn

**Property Address: 4400 - 4530 Bay Beach Ln Status:
Non-Compliant Structure**

Lisa Van Dien, general counsel for London Bay Development Group, explained that they had a sales trailer on the property. Director Yozzo reviewed the background of the case and noted the sales trailer was found to be non-compliant.

Ms. Van Dien filed an extension for the trailer, but it was denied. They were making arrangements to move the trailer by October 19, 2025, but the concrete facade would take longer to demo.

Special Magistrate Van Laningham found a violation existed and set the compliance date for October 19, 2025. If compliance is not achieved, a review date will be set for October 29, 2025. A fine of \$250.00 per day will be

imposed in the event compliance is not achieved by the status review; however, a ruling will be reserved at this point. An administrative fee of \$250.00 will be imposed at a future date.

B. FMB Case No.: 20250655

Property Owner: Lemos Unlimited LLC

Property Address: 6875 Estero Blvd

Status: Non-Compliant Structure

Director Yozzo noted that a non-compliant office trailer was located on the property.

Ruby Pessotti, owner of Lemos Unlimited, disputed the allegations of the violation.

Director Yozzo reviewed the background of the case and indicated that all documentation had been submitted in exhibits. The office container was not elevated and lacked engineered plans for the pilings or infrastructure.

Floodplain coordinator Kelli Defedericis confirmed that the structure was non-compliant. The respondent was given until August 15, 2025, to remove the structure or come into compliance with the requirements. The non-compliant structure still existed yesterday.

Ms. Pessotti stated that they removed the deck around the structure. Coordinator Defedericis was available for questions.

Ms. Pessotti reviewed the background of her case and noted that they had a temporary permit for the trailer and received notice in August that they were non-compliant. The new building was set to open in December 2025. They had a plan in place to evacuate the trailer and submitted it into evidence.

She explained that the building was set back by about two months due to Hurricanes Milton and Helene. She acknowledged the trailer was not to flood elevation, but they would be able to move it in the event of an evacuation order. Coordinator Defedericis noted that the trailer would require a semi to move it, whereas the requirement was that a light-duty truck could move it.

Ms. Pessotti replied that the company that leased the trailer would remove it within 48–72 hours. Coordinator Defedericis stated that it had to be moved off the island within four hours. Ms. Pessotti noted they had three heavy-duty trucks that could also move the trailer, but Coordinator Defedericis replied that it would not satisfy FEMA regulations.

Ms. Pessotti asked for a little more time.

Special Magistrate Coordinator Tracie Raski described her position. She described the nature of the temporary use permit and noted it expired on November 26, 2023. She indicated that a temporary placement permit had to be active before an extension could be requested. The property owner did not have an active permit and it did not appear that she had applied for an extension. Ms. Pessotti replied that she did apply for an extension and was told it would be denied.

Director Yozzo requested an order finding a violation as of November 19, 2024. The town asked that the trailer be removed by October 19, 2025, a fine of \$250.00 per day be imposed if compliance was not achieved and a \$250.00 administrative fee be imposed.

Ms. Pessotti asked for 60 days to come into compliance.

Special Magistrate Van Laningham made a finding of violation and set the compliance date to October 19, 2025. He will not impose fines immediately and will study FEMA regulations regarding her evacuation plan. He noted that she could elevate the trailer to bring it into compliance. He set a status review for October 29, 2025, and will decide where to go from there. An administrative fee of \$250.00 will be imposed at a future date.

C. FMB Case No.: 20241103

Property Owner: Leonardo Arms Beach Club I Property

Address: 7404 Estero Blvd

Status: Non-Compliant Structure

Director Yozzo noted the property was in compliance and the affidavit of compliance was forwarded.

Fletcher Megarity from Leonardo Arms Beach Club 1 said the storage containers had been removed from the property.

The town requested a finding of violation as of November 19, 2024, and the imposition of administrative fees of \$250.00.

Special Magistrate Van Laningham found that a violation existed and imposed a fee of \$250.00.

D. FMB Case No.: 20250781

Property Owner: Top Group Investments LLC

Property Address: 269 Driftwood Ln

Status: Non-Compliant Structure

Director Yozzo stated the respondent came into compliance and the paperwork was forwarded. The town requested a finding of violation and administrative costs of \$250.00.

Special Magistrate Van Laningham found that a violation existed and imposed a fee of \$250.00.

E. FMB Case No.: 20241093

Property Owner: Royal Pelican Townhouse Condo Assn Property

Address: 4501-4509 Bay Beach

Violation: Non-Compliant Structure

Director Yozzo stated the respondent came into compliance and the paperwork was forwarded. The town requested a finding of violation and administrative costs of \$250.00.

Special Magistrate Van Laningham found that a violation existed and imposed a fee of \$250.00.

F. FMB Case No.: 20250967

Property Owner: Moss Marina Freeland FL Holdings LLC

Property Address: 450 Harbor Ct

Violation: Non-Compliant Structure

Director Yozzo observed shipping containers and a mobile office on the property, which were found to be non-compliant.

Gary Foco, general manager of Moss Marina, noted that the containers had been removed, but the construction trailer was still on the property. Director Yozzo pointed out that the mobile office trailers would be moved within two weeks. Mr. Foco added that they were waiting for a permit to move the office into two houses on the property. Director Yozzo said that as soon as the office trailers were moved, they would be in compliance. The town requested compliance by October 19, 2025, a fine of \$250.00 per day if they do not come into compliance and an administrative fee of \$250.00.

Special Magistrate Van Laningham found a violation existed and set the compliance date for October 29, 2025. He will review the status at that time and consider the issue of fines. An administrative fee of \$250.00 will be imposed at a future date.

G. FMB Case No.: 20250224

Property Owner: Bradford Joseph Benson Trust

Property Address: 1021 Estero Blvd

Violation: Non-Compliant Structure

Director Yozzo stated that the structure was a constructed bar before FEMA changed its determination as to how it had to be removed.

Fred Mallone, tenant of the Buffalo Grill, did not dispute the allegation. Director Yozzo provided an overview of the case. He indicated that the owner contacted the town before they started construction and the town provided guidance with FEMA rules at that time. They were working towards compliance by removing the structure from the property.

Mr. Mallone agreed with the town and understood the town was handcuffed by FEMA. Once they were notified that they were non-compliant, they met with the town to develop a solution. He thought they could be in compliance by October 19, 2025.

Special Magistrate Van Laningham set the compliance date for October 19, 2025, with a status review scheduled for October 29, 2025, in the event compliance is not achieved by the 19th. A daily fine of \$250.00 for non-compliance on the 20th will be withheld until the status review. An administrative fee of \$250.00 will be imposed at a future date.

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

No liens.

VI. COMPLIANCE CASES (STATUS UPDATE)

See III.

VII. LIEN FORECLOSURE CASES

No cases.

VIII. BUILDING OFFICIAL APPEALS

No appeals.

IX. ADJOURNMENT

Special Magistrate Van Laningham adjourned the hearing.

Minutes adopted as presented on October 29, 2025, by Special Magistrate Van Laningham.



Amy Baker (Nov 5, 2025 13:53:23 EST)

Amy Baker, Town Clerk and Clerk to Special Magistrate