



Fort Myers Beach Special Magistrate Hearing

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

Minutes

**Wednesday, October 29,
2025**

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Code Compliance Manager Michael Hauserman, Town Clerk Administrative Coordinator Lizzette Roman, Town Attorney Nancy Stuparich and Special Magistrate John Van Laningham.

II. APPROVAL OF MINUTES

A. October 1, 2025

Special Magistrate Van Laningham approved the minutes.

III. VIOLATION CASES

A. FMB Case # 20250819

Property Owner: John Daniels

Property Address: 250/252 Bahia Via

Violation: Work without permit

Manager Hauserman noted that, in his testimony, he will refer to the exhibits in the agenda materials and request that they be entered into evidence and included in the record. On September 24, 2025, Emergency Services Director Thomas Yozzo observed the demolition and repair of the structure without permits. He submitted photos and documents to be entered as exhibits into evidence.

Manager Hauserman reinspected the property on October 28, 2025, and it remained in violation. Special Magistrate Van Laningham entered Exhibit B into evidence. Manager Hauserman stated that a permit had been submitted and was under review.

Joe Daniels, Mr. Daniel's son, represented his father. He did not dispute the allegations and has been in contact with the town. He fixed the siding because water was leaking in and he disclosed work done on the inside. He gathered documents from his father in Ohio and was waiting for the flood to be reviewed on the 31st. To his knowledge, the town had received all the

requested documents. He indicated that he was doing everything he could to solve the situation.

The town requested 30 days to come into compliance with the violation and a daily fine of \$250.00 if compliance is not achieved by December 3, 2025. The town requested \$250.00 in administrative costs. Special Magistrate Van Laningham set the compliance date for December 3, 2025, with a daily fine of \$250.00 to begin on December 4, 2025, if compliance is not achieved. If there are delays on the permitting side, the respondent could seek an extension of the deadline. He ordered an administrative fee of \$250.00 and set the case for review on January 6, 2026.

B. FMB Case # 20250852

Property Owner: Jennifer Ricks

Property Address: 140 Connecticut St.

Violation: Storing RV with no permit

Manager Hauserman noted that, in his testimony, he will refer to the exhibits in the agenda materials and request that they be entered into evidence and included in the record. On October 2, 2025, Officer Hoffman observed two RVs on the property without a permit. One appeared to be occupied. He provided photos and documents as exhibits to be entered as evidence.

Officer Hoffman gave the property owner until October 24, 2025, to come into compliance by removing the additional recreational vehicle, so only one remains on the lot. Manager Hauserman reinspected the property on October 28, 2025, and found the violation continued to exist. He submitted documents in Exhibit B and requested that they be accepted into the record. Special Magistrate Van Laningham accepted Exhibit B.

The town requested that the respondent come into compliance within 30 days or be assessed a daily fine of \$250.00 if compliance is not achieved. The town requested an administrative fee of \$250.00. The respondent was not present. Special Magistrate Van Laningham found a violation existed and ordered compliance by December 3, 2025. If compliance is not achieved, the fine will start to accrue on December 4, 2025, until compliance is achieved and he ordered administrative fees of \$250.00. The case will be reviewed on January 6, 2026.

C. FMB Case # 20250853

Property Owner: Adrienne Turner

Property Address: 12 Fairview Blvd

Violation: Work without permit

Manager Hauserman noted that, in his testimony, he will refer to the exhibits in the agenda materials and request that they be entered into evidence and included in the record. On September 30, 2025, Director Yozzo observed work being done with a permit, including a garage door. Photos and documents were submitted to be entered into evidence. The property owner was given until October 15, 2025, to comply by contacting the permitting department. Manager Hauserman reinspected the property on October 28,

2025, and the property remains in violation. A permit was applied for on October 15, 2025, and was under review. He requested that Exhibit B be entered into evidence. Special Magistrate Van Laningham accepted Exhibit B. He indicated that interior photos showed remodeling and were obtained from Zillow.

Adrian Turner, respondent, did not dispute the allegations and said the permit was under review. She noted that her ex-husband did the work and was unaware that he had not applied for permits. She was now trying to remedy the situation.

The town requested that the respondent come into compliance within 30 days, and if compliance is not achieved, \$250.00 a day will be assessed on December 4, 2025, until compliance is achieved. The town requested administrative fees of \$250.00.

Ms. Turner asked for an extension to January 6, 2026. She clarified that only interior work was done. Manager Hauserman produced photos of French doors that replaced the garage door. Ms. Turner was unaware that the work had been done.

Special Magistrate Van Laningham ordered compliance within 30 days with the \$250.00 fine beginning December 4, 2025, if compliance is not achieved and \$250.00 in administrative fees. The case will be reviewed on January 6, 2026.

D. FMB Case # 20250988

Property Owner: Tiva Invest Real LLC

Property Address: 8010 Estero Blvd

Violation: Work without permit

Manager Hauserman noted that, in his testimony, he will refer to the exhibits in the agenda materials and request that they be entered into evidence and included in the record. Special Magistrate Van Laningham accepted the exhibits into the record.

On September 19, 2025, Director Yozzo observed demolition of a residential structure without permits after the fact. He submitted photos and documents for the record. He gave the property owner until October 15, 2025, to comply by contacting the permitting department. Manager Hauserman reinspected the property on October 28, 2025, and found the violation continued to exist. A permit was applied for on January 11, 2024, but it has not been completed and is awaiting documentation. The respondent was not present.

The town requested that the respondent come into compliance within 30 days and if compliance is not achieved, \$250.00 a day will be assessed on December 4, 2025, until compliance is achieved. The town requested administrative fees of \$250.00.

Special Magistrate Van Laningham ordered compliance within 30 days with the \$250.00 fine beginning December 4, 2025, if compliance is not achieved and \$250.00 in administrative fees. The case will be reviewed on January 6, 2026.

E. FMB Case # 20250864**Property Owner: Fels LLC & Maje LLC****Property Address: 21591/593 Widgeon Ter****Violation: Work without a permit**

The property was verified to be in full compliance prior to the hearing; therefore, no further action was taken.

F. FMB Case # 20241161**Property Owner: Christopher K Plourde****Property Address: 21631 Widgeon Ter****Violation: Work without permit**

Withdrawn.

G. FMB Case # 20250811**Property Owner: Mark & Sheri Brooks****Property Address: 7846 Buccaneer****Dr. Violation: Work without permit**

Manager Hauserman noted that, in his testimony, he will refer to the exhibits in the agenda materials and request that they be entered into evidence and included in the record. Special Magistrate Van Laningham accepted the exhibits into the record. On August 7, 2025, Officer Hoffman observed that windows, doors and a garage door were replaced without permits. He submitted photos and documents into the record. Officer Hoffman gave the respondent until August 29, 2025, to come into compliance by contacting the permitting department. Manager Hauserman reinspected the property on October 28, 2025, and the property remained in violation. A permit was applied for on October 17, 2025, and was under review.

Mark Brooks, respondent, did not dispute the violation. The application has been submitted and he will add the garage door.

The town requested that the respondent come into compliance within 30 days and if compliance is not achieved, \$250.00 a day will be assessed on December 4, 2025, until compliance is achieved. The town requested administrative fees of \$250.00.

Special Magistrate Van Laningham ordered compliance within 30 days with the \$250.00 fine beginning December 4, 2025, if compliance is not achieved and \$250.00 in administrative fees. The case will be reviewed on January 6, 2026.

H. FMB Case # 20250809**Property Owner: MDR Beach Properties LLC****Property Address: 5570 Palmetto St****Violation: Work without permit**

Continued to December 4, 2025.

IV. STATUS UPDATE (FINE ASSESSMENTS)**A. FMB Case No.: 20241086****Property Owner: First Baptist Church of Fort Myers, Inc.****Property Address: 134/138 Connecticut St****Violation: Non-Compliant Structure**

The property was brought into compliance on October 27, 2025. Documents were submitted into evidence. The town was not seeking fines, but requested \$250.00 in administrative fees.

Special Magistrate Van Laningham ordered \$250.00 in administrative fees.

B. FMB Case No.: 20250967**Property Owner: Freeland FL Holdings LLC****Property Address: 450 Harbor Ct****Violation: Non-Compliant Structure**

The property owner is in compliance. The town requested \$250.00 in administrative fees. Special Magistrate Van Laningham ordered \$250.00 in administrative fees.

C. FMB Case No.: 20250876**Property Owner: Estero Bay Improvement Assn****Property Address: 4400 - 4530 Bay Beach Ln****Violation: Non-Compliant Structure**

The property owner is in compliance. The town requested \$250.00 in administrative fees. Special Magistrate Van Laningham ordered \$250.00 in administrative fees.

D. FMB Case No.: 20250655**Property Owner: Lemos Unlimited LLC****Property Address: 6875 Estero Blvd****Violation: Non-Compliant Structure**

The property owner is in compliance. The town requested \$250.00 in administrative fees. Special Magistrate Van Laningham ordered \$250.00 in administrative fees.

E. FMB Case No.: 20250224**Property Owner: Bradford Joseph Benson Trust (Buffalo Grill)****Property Address: 1021 Estero Blvd****Violation: Non-Compliant Structure**

The property was inspected today and the violation continues to exist. The town requested that \$250.00 in fines be assessed on the day after the compliance date and \$250.00 in administrative fees. Special Magistrate Van Laningham ordered the fines to accrue on October 20, 2025, and \$250.00 in administrative fees.

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 Van Laningham adjourned the hearing at 10:06 AM.

Minutes adopted as presented on December 4, 2025, by Special Magistrate Van Laningham.



Amy Baker (Dec 9, 2025 09:41:16 EST)

Amy Baker, Town Clerk

SM Minutes 10.29.25 - Final for Signature

Final Audit Report

2025-12-09

Created:	2025-12-05
By:	Lizzette Roman (Lroman@fmbgov.com)
Status:	Signed
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-  Document created by Lizzette Roman (Lroman@fmbgov.com)
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