



Fort Myers Beach Special Magistrate Hearing

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

Minutes

Tuesday, January 6, 2026

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Code Enforcement Manager Michael Hauserman and Special Magistrate John Van Lanningham.

II. APPROVAL OF MINUTES

A. December 4, 2025

Special Magistrate Van Laningham approved the minutes.

III. VIOLATION CASES

A. FMB Case # 20251060

Property Owner: Danny Lewis & Carol Jean Thomas

Property Address: 151 Miramar St

Violation: Work without permits. Plumbing not in compliance with the code.

Officer: M. Hauserman

Manager Hauserman noted that Exhibits 1–14 were not authenticated by the permit records. Floodplain Manager Kelli DeFedericis stated that she had not found any records showing that the ground floor was legally permitted. A permit was received for doors and windows in 2023. They did a revision to remodel the ground floor, but it was not permitted.

Carol Jean Thomas described Exhibits 13 and 14, which were included in the agenda packet. She asked Manager DeFedericis several questions and whether she could prove that the ground floor bathroom was not permitted.

Manager DeFedericis repeated that they could not find any records. Ms. Thomas listed people she called for information regarding the definition of a ground floor. A discussion ensued about where her records were. Manager Hauserman objected to hearsay.

Ms. Thomas discussed Exhibit 9 regarding a finished lower level. Manager DeFedericis noted that the property appraiser did not have a record of Ms. Thomas having a bathroom on the ground floor. Ms. Thomas referred to

Exhibit 13, page 38, which showed a diagram of a bathroom, a kitchen, and a laundry area. She described Exhibit 12 and discussed Ordinance 34-3201 regarding a non-conforming use. Ms. Thomas did not have an official document stating that her property met the ordinance's qualifications. She indicated that Mr. Shocki reviewed everything, including the appraisal, and that there were 1.5 baths on the upper level and 1 bath on the ground floor.

The 2023 permit revision in Exhibit 7 showed the lower level with a bathroom and a kitchenette. Manager DeFedericis noted that no permit had been issued. Ms. Thomas pointed out that the permit in Exhibit 8 noted the work had been completed and was closed. Manager DeFedericis replied that the certificate of completion was rescinded. Ms. Thomas pointed to a permit issued on September 10, 2025, that noted the kitchenette and bathroom were approved in the revision and that the permit was finalized. Manager DeFedericis replied that the revision permit was never approved.

Patricia Smith from New Jersey appeared on Zoom. She testified that in 1980, her mother owned the house at 81 Miramar and added a bathroom, a laundry area, and a water heater in the lower level. Manager Hauserman asked if Ms. Smith was aware of any permits for the plumbing and bathroom. She replied negatively.

Ms. Thomas believed she had proved that a bathroom existed in the lower level and summarized her testimony. She stated that it was not her fault that there were no records before 1986 and asked the court to rule in her favor. Ms. DeFedericis noted that FEMA requested proof that the ground floor could be converted.

Special Magistrate Van Laningham said that no one disputed that the plumbing had been there for years.

Ms. Thomas stated that she purchased her home in 2021 as a four-bedroom, 3 1/2-bath home. Removing the lower level devalued her home.

The town requested that a violation existed and to give the property owner 60 days to come into compliance or a daily fine of \$250.00 plus administrative costs of \$250.00. The property owner would have to remove all unpermitted construction, including the plumbing, to come into compliance.

Special Magistrate Van Laningham requested that both parties submit proposed orders within a week so he can review the written arguments. Ms. Thomas asked to submit the order within two weeks. Special Magistrate Van Laningham agreed. The deadline for the proposed orders is January 20, 2026.

B. FMB Case # 20240733

Rescheduled to March 2026

Property Owner: Midwest Decoration Co

Property Address: 146 Hercules Dr

Violation: Interior and exterior remodel exceeding the scope of the permit and expired permit #234613.

Officer: M. Hauserman

- C. FMB Case # 20250800
Rescheduled to March 2026
Property Owner: B + B Properties of Fort Myers, LLC (The Beach Bar)
Property Address: 1668 I Street
Violation: Lack of current valid building permit and building code deficiencies.
Officer: M. Hauserman
- D. FMB Case # 20250802
Rescheduled to March 2026
FMB Case # 20250802
Property Owner: Bryan G & Christine Dawn Thomas
Property Address: 263 Palermo Circle
Violation: Lack of current valid building permit and building code deficiencies.
Officer: M. Hauserman

IV. STATUS UPDATE (FINES ASSESMENTS)

- A. FMB Case# 20250819
Property Owner: John Daniels
Property Address: 250/252 Bahia Via
Violation: Work without permits.
Officer: M. Hauserman
Manager Hauserman noted that on December 3, 2025, the violation still existed and he did not obtain the required permits. He submitted the documentation as Packet A.
Joseph Daniels, son of Mr. Daniels, commented that not much progress has been made. He was working with Ms. DeFedericis regarding a discrepancy between the cost breakdown provided and the policy payout. He has not submitted a response yet and has requested a week to gather the information for her. Ms. DeFedericis did not object to giving him an extra week, and Manager Hauserman agreed to extend the compliance date to January 20, 2026. Special Magistrate stated that administrative fees of \$250.00 will be assessed.
- B. FMB Case # 20250853
Property Owner: Adrienne Turner
Property Address: 12 Fairview Blvd
Violation: Work without permit
Officer: M. Hauserman
Manager Hauserman noted that permits were obtained on December 12, 2025, and documents were filed on December 18, 2025, with a compliance date of December 12, 2025. Mr. Hauserman agreed to waive the fine, but

the \$250.00 administrative fee remained due.

C. FMB Case # 20250988

Property Owner: Tiva Invest Real LLC

Property Address: 8010 Estero Blvd

Violation: Work without permit

Officer: M. Hauserman

Manager Hauserman reported that an affidavit of non-compliance was filed on December 8, 2025. The town has been working with this property owner, who lives out of the country and has a language barrier. Manager Hauserman requested an extension of the compliance date to January 30, 2026, for reinspection. Special Magistrate Van Laningham agreed.

D. FMB Case # 20250811

Property Owner: Mark & Sheri Brooks

Property Address: 7846 Buccaneer Dr.

Violation: Work without permit

Officer: M. Hauserman

Manager Hauserman noted that a copy of the order and affidavit of compliance was submitted as Exhibit A, showing compliance on December 4, 2025. Special Magistrate Van Laningham ordered administrative costs of \$250.00.

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.

Minutes adopted as presented on March 3, 2026, by Special Magistrate Van Laningham.



~~Amy Baker (Mar 13, 2026 14:57:50 EDT)~~

Amy Baker, Town Clerk