



Special Magistrate Hearing

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Tuesday, August 4, 2026

Agenda

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. ADMINISTRATIVE ITEMS

III. APPROVAL OF MINUTES

- A. Special Magistrate Hearings — May 7, 2026
- B. Special Magistrate Hearings — June 2, 2026

IV. VIOLATION CASES

- A. FMB Case # 20240733
Property Address: 146 Hercules Dr
Property Owner: Midwest Decoration Co
Status: Work outside the scope of permit or without permit.
Officer: M Hauserman
- B. FYB Case #20250800
Property Address: 1668 I St
Property Owner: B + B Properties of Fort Myers
Status: Work conducted outside the scope of a permit.
Officer: M Hauserman
- C. FMB Case #20260700
Property Address: 303 Donora Blvd
Property Owner: Mackey Dean Ethan & Lynzie
Status: Overgrown property
Officer: M Chavez
- D. FMB Case #20260582
Property Address: 180 Donora Blvd
Property Owner: Henrikson Clinton & Tara L
Status: Overgrown property and unsecured swimming pool.
Officer: M Chavez

V. STATUS UPDATE (FINES ASSESMENTS)

- A. FMB CASE #20251060

TO BE CONTINUED TO SEPTEMBER 1, 2026

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

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

VII. LIEN FORECLOSURE CASES

VIII. BUILDING OFFICIAL APPEALS

IX. NEXT HEARING DATE - SEPTEMBER 1, 2026

X. 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
Thursday, May 7, 2026

Minutes

2:00 PM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Code Enforcement Manager Michael Hauserman, Town Clerk Administrative Coordinator Lizzette Roman, and Special Magistrate John Van Laningham

II. APPROVAL OF MINUTES

No minutes.

III. VIOLATION CASES

No cases.

IV. STATUS UPDATE (FINES ASSESMENTS)

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

Special Magistrate John Van Laningham swore in all who wish to testify. Code Enforcement Manager Michael Hauserman provided that this was a continued case for a status hearing for determination of compliance and possession of fines and certification of lien. The violation case was heard on December 4, 2025, and continued until January 6, 2026. After that continued hearing in January, but before the Special Magistrate entered an order on January 27, 2026, Ms. Thomas requested a reopening of the hearing, which was denied. Ms. Thomas then timely requested a rehearing, which was denied and announced at the April 7, 2026 hearing. There was a continuance until May 7, 2026, to allow the town and Ms. Thomas to further address the matter and to provide the respondent's new attorney time to review. The Special Magistrate had denied the request to reopen the hearing thereafter, entering a findings of facts and conclusion of law order on January 27, 2026. Mr. Hauserman presented, to the Special Magistrate and to the respondent's

attorney, Exhibits A, B, C, D, and E. These include his affidavit of non-compliance and the affidavits from Assistant Director for Community Services Georgina Cid, Floodplain Manager, Kelli DeFedericis, and Code Enforcement Coordinator Tracie Raski, regarding permit and communication searches.

The inspections were conducted on May 4, 2026, following a meeting with the Town Manager, Deputy Town Manager, Town Attorney, Code Enforcement Manager Michael Hauserman, two planning consultants, Mr. and Mrs. Thomas and their attorney. Since then, the Town has not been contacted by Ms. Thomas, her attorney, or the planning consultants. Code Enforcement Manager Hauserman performed a permit search this morning and did not find any permits filed in the system. He noted that the Special Magistrate's order mandated compliance within 60 days, which would be by March 28, 2026. Despite subsequent hearings and meetings, he asserted that the property remained non-compliant, as shown by the documents presented. The Town is seeking the imposition of fines in the amount of \$250 per day, starting March 28, 2026, until compliance is achieved. There was a further request for the original administrative costs in the amount of \$250. He noted that, as of May 7, 2026, the daily fines would amount to 39 days, or \$ 9,750.00. The Town would like authorization to record today's order in the public records, with respect to the fines and fees imposed. This would constitute a lien against the property on which the violation exists and upon any real or personal property owned by the respondents.

Zachary Liebetreu, Associate Attorney at Roetzel & Andress, representing the property owners, requested to read a statement, which was granted by Special Magistrate, John Van Laningham. Mr. Liebetreu noted that at the last hearing on April 7, 2026, there was an agreement to a 30-day continuance. The purpose of the continuance was to conduct a meeting with the town to discuss the after-the-fact permitting as a method to permit the improvements on the property. The town, the Thomases, Mr. Liebetreu, and the Thomases' architect and permitting agent, who was recently retained, all attended that meeting. He asserted that the meeting was productive and that they discussed what needed to be included in the permit application. He thanked Town Attorney Stuparich for her time. From that meeting, they have prepared most of the documents needed for permitting submittal, including plans and drawings. He stated that he had drafts available and that the items will be submitted within a matter of days. Mr. Liebetreu provided that they are requesting a 60-day continuance to allow for submission, review, and approval. They wish to come back by then to give an update. Special Magistrate John Van Laningham confirmed with the respondent's attorney that they are seeking to come into compliance by going through the permitting process, as opposed to removal and restoration to its last lawful condition. He then asked Code Enforcement Manager Michael Hauserman for his understanding of the status of the respondents' efforts. Manager Hauserman provided that they had discussed multiple options during that meeting and said that there were currently no permits submitted.

The Special Magistrate confirmed with both parties that the town has not yet reviewed any applications for this property. Attorney Liebetreu mentioned that while the specific plans were not drafted out then, they did discuss general concepts during the meeting on April 17, 2026. The Special Magistrate sought further clarification on the type of continuance that is currently being sought. The respondent's attorney responded that they would like a continuance of the compliance hearing and imposition of fines. Special Magistrate John Van Laningham confirmed with him that there was no dispute that the property was currently not in compliance. Attorney Liebetreu revised his request to a continuance on the imposition of fines based on a finding of continued non-compliance. The Special Magistrate noted that, based on the language of the order, the fines would begin starting March 28, 2026. He also mentioned that the order did provide some opportunities for discretion, in terms of fine deferral or adjustment, when there is evidence of substantial compliance. He then confirmed with Attorney Liebetreu that they believe the permits will be approved.

Floodplain Manager Kelli DeFedericis said that she was not present for the meeting but noted that she would be the decision-maker. She had not seen anything yet from the respondents. After being asked for the town's perspective on the continuance, Code Enforcement Manager Michael Hauserman stated that it would be up to the discretion of the Special Magistrate. He added that this case has been pending since December of last year.

Special Magistrate John Van Laningham accepted the exhibits and evidence. He noted that there was no dispute over the fact that the property is not currently in compliance. Based on attorney Liebetreu's representation that the permit would be filed within a few business days, he granted the continuance for 60 days without prejudice. However, there is no adjustment to the fines at this hearing, and those would continue to accrue. The Special Magistrate confirmed with Code Enforcement Manager Michael Hauserman that the daily fines have reached \$9,750.00. He also noted that this does not mean that these cannot be mitigated or adjusted after compliance. He stated that he did not see any prejudice at the moment to the town for moving back the status conference, given the respondent's representations that they will file the permits needed to obtain compliance. He will defer entering an order establishing the fines or certifying a lien. Those would be addressed in 60 days. He reminded the respondent's attorney that they should continue to press forward with all diligence.

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

No liens.

VI. LIEN FORECLOSURE CASES

No cases.

VII. BUILDING OFFICIAL APPEALS

No appeals.

VIII. ADJOURNMENT

The meeting was adjourned at 9:21 a.m.

DRAFT



Fort Myers Beach Special Magistrate Hearing

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

Minutes

Tuesday, June 2, 2026

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Code Enforcement Manager Michael Hauserman, Town Clerk Administrative Coordinator Lizzette Roman, and Special Magistrate John Van Laningham

II. ADMINISTRATIVE ITEMS

Code Enforcement Manager Michael Hauserman provided that the property at 136/138 Madison Court has been found to be in compliance and will not need to be heard.

III. APPROVAL OF MINUTES

A. May 5, 2026

Special Magistrate John Van Laningham approved the minutes, without any objections.

IV. VIOLATION CASES

A. FYB Case#20260407

Property Owner: Katherine F Brewster

Property Address: 13 Fairview Blvd

Status: Violation for Work Performed on Dock and Seawall without Permits

Officer: T Hoffman

The respondent was not present. Special Magistrate John Van Laningham swore in all those who wished to testify. Code Enforcement Officer Michael Hauserman reported that he will be presenting on behalf of Officer Hoffman. He stated that the initial inspection was conducted on April 17, 2026. Officer Hoffman discovered that there was construction and rebuilding of a dock without a building permit. He then ran a records search, and no permits were found. On April 21, 2026, a notice of violation was issued, giving the respondents until May 21, 2026, to come into compliance. If compliance was

not achieved, the respondents were notified to appear at today's hearing. Affidavit of service was executed on April 21, 2026 by posting at 13 Fairview Boulevard and at Town Hall. Certified mail was sent to the address listed by the Lee County Property Appraiser's Office. Code Enforcement Officer Michael Hauserman asked that Exhibit A be submitted into evidence. Special Magistrate John Van Laningham granted the request. Code Enforcement Officer Hauserman conducted a permit search on the morning of this hearing and reported that a dock permit application has been submitted, Permit #260833. The current status is "waiting on resubmittal." He noted that there are currently some zoning, site plan, and encroachment issues that will need to be addressed by the owner. He asked that Exhibit B be submitted into evidence. The exhibit contains the permit records, the letter submitted to the owner by the Building Department, and the current cost sheet. Special Magistrate John Van Laningham approved the request. Code Enforcement Officer Michael Hauserman recommended a finding of violation of the codes cited. He requested that 60 days be provided to the owner to come into compliance. If this is not achieved by the proposed deadline, he asked that there be a fine of \$150.00 per day and an administrative fee of \$340.44. Special Magistrate John Van Laningham, based upon the testimony, stated that he will start to set forth the violation and set the recommended compliance date for 60 days. He noted that the requested daily fine and administrative cost will also be assessed, as applicable.

B. FYB Case# 20260234

Property Owner: Eugene E Reich Trust for Reich Trust E Reich and Doris F Reich

Property Address: 340 Crescent St

Status: Violation for Performing Work Without a Building Permit

Officer: T Weich

The respondent was not present. Special Magistrate John Van Laningham swore in all those who wished to testify. Code Compliance Officer Terri Weich noted that the documentation had been attached as exhibits and asked that they be submitted into evidence. Exhibit A contained the affidavit of notice and posting, the notice of violation, the certified mail receipts, photographs of the notice of violation and notice of hearing posted at Town Hall and on-site on April 22, 2026, documentation showing that the respondents own the real property that is subject to this case, a copy of the Lee County tax notice, a Lee County Property Appraisers printout, the deed showing property ownership, and photographs taken on March 3 and 6, 2026. She asserted that these photographs showed the unsafe conditions of the home. This included an individual sitting on the second floor with the door open and no railing or porch. There were also images provided that were taken before and after Hurricane Ian. She noted that these show that changes have been made following the storm. These include, but are not limited to, new doors, new windows, and windows replaced with siding. Exhibit A also included a photograph taken on April 22, 2026, which showed

the installation of one of the new windows without a permit. She provided that the copies submitted were true, accurate, and unaltered. Code Compliance Officer Terri Weich reported that the respondent had been provided with 60 days to come into compliance. This would have been on or about May 23, 2026. She asserted that the following code sections were violated: Sec. 6-441 Permits Required, Section 6-111, Sec. 105.1 Permits Required, and Sec. 103.5 Unsafe Building or System. On May 23, 2026, a permit application was submitted to correct these issues. The permit has been in review status for 17 hours. On May 26, 2026, an inspection was completed. Exhibit B contained an affidavit of non-compliance, photographs of the inspection conducted on May 26, 2026, permit affidavit, a copy of the permit record, e-mail communications with the property owner's realtor, and the signed certified mail green card. Special Magistrate John Van Laningham accepted both exhibits. Code Compliance Officer Terri Weich requested that an order be issued, in light of the sworn testimony and admitted evidence. The town is seeking to impose an administrative fee of \$250.00 to cover the costs of bringing this matter before the Special Magistrate and to provide the owner with 10 days to temporarily install a guardrail at least 36 inches high and rungs no less than 4 inches apart. This would secure the second floor door facing Crescent Street. She asked that 60 days be provided for the owner to come into compliance and to supply all required paperwork associated with Permit #260954, to the point where it can be issued. If all needed documentation is not submitted, a status hearing will be held. The town would then like to impose daily fines of \$250.00 until the violation has been abated. Special Magistrate John Van Laningham confirmed that the requests for the periods of compliance and that the daily fines will run after the compliance date. Based on the testimony and exhibits, there was a finding of violation. He noted that the photographic evidence of the doorway on the second floor looked unsafe. The Special Magistrate accepted the recommendations, noting a compliance date of June 12, 2026, for the installation of a guardrail, and a 60-day compliance period (with a deadline on August 1, 2026) for the completion of the application paperwork. If the owner fails to fulfill these requirements by the provided dates, there will be a status hearing to determine the next steps. This could include the imposition of the daily fine of \$250.00, beginning after the compliance date on August 1, 2026. There will also be an assessment if there if a temporary guardrail is not installed by the required date. Special Magistrate John Van Laningham confirmed that the respondent is not present. Code Compliance Officer Terri Weich added that she has only been in communication with their realtor. The Special Magistrate stated that a daily fine of \$250.00 will be included in the order, which can be retroactively applied, if the temporary installation is not completed by the provided date. A final decision will be determined at the status hearing.

Code Enforcement Officer Terri Weich announced that she will inform the contractor of what has occurred in this hearing. She believes that he will work with the town to get that property into a safe condition.

C. FMB Case # 20251083

Property Owner: Open Doors 4U Investments LLC

Property Address: 8000 Lagoon Rd

Status: Violation for Failure to Maintain Property

Officer: M Chavez

Special Magistrate John Van Laningham swore in all those who wished to testify. Code Enforcement Officer Marcio Chavez noted an error on the notice of violation. The case number should have been 20251083. He reported that Exhibit A contained a notice of violation, a notice of hearing sent on April 24, 2026, an affidavit of notice and posting, a copy of certified mail receipt, photographs of the postings of the notice of violation and the notice of hearing at Town Hall and on-site on April 24, 2026, documentation that the respondent owned the real property that is subject to this case, and copies from the Lee County Property Appraiser's Office and Lee County Tax Collector. Exhibit B included an affidavit of non-compliance with photographs. An inspection had been conducted on May 20, 2026, and he asserted that the subject property was still in violation. He asked that both exhibits be admitted into evidence. This request was granted. Code Enforcement Officer Marcio Chavez presented that the respondent had been provided 30 days to come into compliance, which would be on or before May 22, 2026. As a result of the owner's failure to bring the property into compliance with Code Sec. 6-1. and Sec. 301.3, and based upon the sworn testimony and evidence provided, he asked that an order be issued. The town is seeking the imposition of a \$250.00 administrative fee to cover the costs of bringing this matter before the Special Magistrate, as well as a daily fine of \$250.00, starting on this date and until the violation has been abated.

Special Magistrate John Van Laningham asked what the owners would need to accomplish code compliance. Code Enforcement Officer Marcio Chavez stated that they will need to board up all the windows and doors. He asserted that a permit would not be required to complete these tasks. Special Magistrate John Van Laningham noted that he will make a finding of violation of the charges set forth in the notice. The respondent must comply by securing the property and boarding up the doors and windows. The deadline is June 17, 2026. The daily fine of \$250.00 will begin on June 18, 2026, and will continue to accrue until the property comes into compliance. An administrative fee of \$250.00 will also be imposed.

D. FMB Case # 20260455

Property Owner: Hutchinson George III & Janet

Property Address: 136/138 Madison Ct

Status: Violation for Failure to Maintain Property

Officer: M Chavez

Code Enforcement Officer Michael Hauserman had previously noted that this property has come into compliance and that this case does not need to be heard.

V. STATUS UPDATE (FINES ASSESMENTS)

No updates.

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

No certifications.

VII. LIEN FORECLOSURE CASES

No cases.

VIII. ADJOURNMENT

The meeting was adjourned at 9:26 a.m.

DRAFT

Property Address and Owner:

Hearing Date: August 4, 2026

Property Address: 146 Hercules Dr
Property Owner: Midwest Decoration Co
Status: Work outside the scope of permit or without permit.
Officer: M Hauserman

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

Attachments:

1. 20240733_146 Hercules Dr_ Order of Continuance dated 05052026 Signed
2. 20240733_146 Hercules Dr_ Order of Continuance dated 03032026 Signed
3. 20240733_146 Hercules Dr_ Exhibit A_Historical Notices Service Ownership and Evidence
4. 20240733_146 Hercules Dr_ Exhibit B_Current Notice of Violation and Hearing Affidavit of Service Proof of Service Proof of Ownership
5. 20240733_146 Hercules Dr_ Exhibit C _Affidavit of Non Comp and Evidence

Town Recommendations:

Town Approvals:



Date: July 20, 2026

Tracie Raski, Magistrate Coordinator

Date: July 21, 2026

Michael Hauserman, Code Compliance Manager

Date: July 22, 2026

Philip Rizzo, Emergency Services Director



Date: July 22, 2026

Traci Kohler, Deputy Town Manager

Date: July 22, 2026

nancy stuparich, Town Attorney

Date: July 23, 2026

Lizzette Roman, Town Clerk Administrative Coordinator

Amy Baker, Town Clerk

**CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA**

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation,

Petitioner,

vs.

FMB CASE NO. 20240733

MIDWEST DECORATION CO

Respondent.

_____ /

ORDER OF CONTINUANCE

The undersigned hereby gives notice that the Honorable Judge John G. Van Laningham continued a hearing in the above case at the Fort Myers Beach Council Chambers from Tuesday, May 5, 2026. The continued hearing will be held on **Tuesday, August 4, 2026, at 9:00 a.m.** at the Town of Fort Myers Beach Town Hall located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.

ORDERED this 5th day of May, 2026.



John C. Van Laningham,
Special Magistrate

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 5 day of May, 2026, to:

MIDWEST DECORATION CO
15214 TONKEL RD
LEO, IN 46865

Nancy Stuparich: nstuparich@voselaw.com
Michael Hauserman: Michael.Hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

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

BY: 
Amy Baker (May 5, 2026 13:41:37 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: May 5, 2026

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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “Town of Fort Myers Beach,” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

20240733_Order_of_Continuance

Final Audit Report

2026-05-05

Created:	2026-05-05
By:	Lizzette Roman (Lroman@fmbgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3Ukb3Ynf5VDErOHDfI5kYoxWp-rCU-TF

"20240733_Order_of_Continuance" History

-  Document created by Lizzette Roman (Lroman@fmbgov.com)
2026-05-05 - 5:27:07 PM GMT
-  Document emailed to Amy Baker (AMY@FMBGOV.COM) for signature
2026-05-05 - 5:27:11 PM GMT
-  Document e-signed by Amy Baker (AMY@FMBGOV.COM)
Signature Date: 2026-05-05 - 5:41:37 PM GMT - Time Source: server
-  Agreement completed.
2026-05-05 - 5:41:37 PM GMT

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation,

Petitioner,

vs.

FMB CASE NO. 20240733

MIDWEST DECORATION CO

Respondent.

_____/

ORDER OF CONTINUANCE

The undersigned hereby gives notice that the Honorable Judge John G. Van Laningham continued a hearing in the above case at the Fort Myers Beach Council Chambers from Tuesday, March 3, 2026. The continued hearing will be held on **Tuesday, May 5, 2026, at 9:00 a.m.** at the Town of Fort Myers Beach Town Hall located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.

Ordered this 3rd day of March, 2026.



John G. Van Laningham,
Special Magistrate

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 5 day of March 2026, to:

MIDWEST DECORATION CO
15214 TONKEL RD
LEO, IN 46865

Nancy Stuparich: nstuparich@voselaw.com
Michael Hauserman: Michael.Hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

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

BY: 
[Amy Baker \(Mar 5, 2026 12:59:08 EST\)](#)
Town Clerk and Clerk to the Special Magistrate

Dated: Mar 5, 2026

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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

EXHIBIT A

- Notice of Violation & Hearing
- Evidence of Service
 - Affidavit of Positing
 - Evidence of Posting at violation address
 - Evidence of Posting at Town Hall
 - Evidence of Mailing / Certified Mail
- Evidence of Ownership
 - Lee County Property Appraisers
 - Tax Bill
- Initial Inspection Evidence
 - Photographs
 - Permit records
 - Other Evidence



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

TOWN OF FORT MYERS BEACH,
FLORIDA,

Petitioner,
vs.

Midwest Decoration Co.
Respondent.

Case #:	20240733
Certified Mail:	9589071052713142142185 9589071052703142142178
Regular Mail:	USPS 11/14/2025

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Michael J Hauserman, who being duly sworn by me, on oath, deposes and says the following regarding that certain Notice of Violation and Notice of Hearing attached hereto as **Exhibit A** ("the Notice"):

1. My name is Michael J Hauserman. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed as the Code Compliance Manager for the Town of Fort Myers Beach ("Town").
3. On 11/14/2025, I personally mailed a copy of the Notice by certified mail and first-class mail as follows:
 - a. To the property owner at the address listed in the records of the Lee County Tax Collector and/or Lee County Property Appraiser for tax notices, which address is: 15214 Tonkel Road, Leo, IN 46765. A true and correct copy of the property ownership and address information obtained from the Tax Collector/Property Appraiser is attached hereto as **Exhibit A**. A copy of the certified mail receipt is attached hereto as **Exhibit A**.

- b. To the following additional address(es) reasonably believed to be valid for the property owner: **Midwest Decoration Co.**. A copy of the certified mail receipt is attached hereto as **Exhibit A**.
- c. The property is owned by **Midwest Decoration Co.**, a business entity not registered in the State of Florida or the State of Indiana. I mailed a copy of the Notice by certified mail and first-class mail to the business at the following address: **15214 Tonkel Road, Leo IN 46765**. A copy of the certified mail receipt is attached hereto as **Exhibit A**. A true and correct copy of the Florida Division of Corporations record for the entity, identifying its Registered Agent, is attached hereto as **Exhibit A**.

4. On **11/14/2025**, I mailed via USPS regular mail and posted a copy of the Notice at **146 Hercules Drive, Fort Myers Beach, FL 33931**, which is the property upon which the violation is alleged to exist. Photographs of the posted Notice, taken by me on that date, are attached hereto as **Exhibit A**.

5. On **11/14/2025**, I posted a copy of the Notice at Town Hall, located at 6231 Estero Boulevard, Fort Myers Beach, FL 33931, which is the primary municipal government office for the Town of Fort Myers Beach. Photographs of the posted Notice, taken by me on that date, are attached hereto as **Exhibit A**.

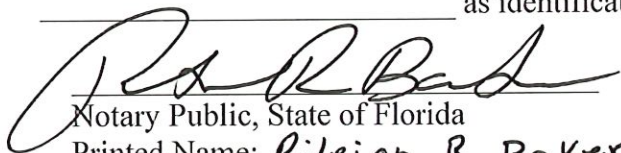
Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town of Fort Myers Beach Land Development Code and Section 162.12, Florida Statutes.

SWORN AND ATTESTED BY:

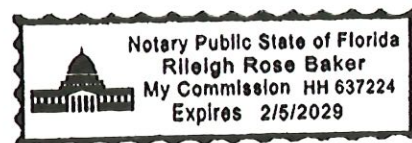


Signature of Affiant
Printed Name: Michael J Hauserman
Title: Code Compliance Manager

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☒ physical presence / ☐ online notarization, this 14 day of November, 2025 by Michael J Hauserman, who ☒ is personally known to me ☐ or has produced _____ as identification.



Notary Public, State of Florida
Printed Name: Rileigh R Baker
My Commission No.: HH 637224
My Commission Expires: 2/5/2029





Town of Fort Myers Beach

NOTICE OF VIOLATION AND NOTICE OF CODE ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

REISSUED

Date: November 14, 2025

Case Number: **20240733**

Owner: **Midwest Decoration Co**

Mailing Address: 15214 Tonkel Road, Leo, IN 46765

Property Address: **146 Hercules Dr, Fort Myers Beach, FL 33931**

Certified Mail# 9589071052703142133961 & 9589071052703142172502

Parcel: 29-46-24-W2-0060A.0110

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on October 15, 2025 the following violation(s) of the Florida Building Code, Eighth Edition and the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 10/15/2025, a violation was discovered Interior and Exterior remodel, exceed the scope of the approved permit 234613. Permit 234613 has expired thus leaving the construction work conducted without the required building permits as defined in Division 3 Section 6-111 (adoption; amendments) of the FMB Code of Ordinances in adoption of the Florida Building Code.

Relevant Codes:

Sec. 6-111. - Adoption; amendments.

The Florida Building Code is hereby adopted by reference and made a part of this article, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

2023 Florida Building Code, Building, Eighth Edition

FBC Sec 105.1 Permits required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

LDC Sec 6-441 – 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.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Corrective Action Required:

The following action is required to bring the violation(s) into compliance. Obtain / reactivate the required building permits for the unpermitted construction or retore the structure to it's original permit condition.

Compliance is required on or before: December 3, 2025

If the referenced violations are corrected from the date of issuance of this notice, you must contact the (Emergency Services Director) Thomas Yozzo at (239) 765-0202 or (Code Manager) Michael Hauserman at (239) 478-9363

A HEARING FOR THIS MATTER HAS BEEN SET BY THE SPECIAL MAGISTRATE CLERK FOR THE 7th DAY OF JANUARY 2026, AT 9:00 AM, AT 6231 ESTERO BLVD, FORT MYERS BEACH, FL 33931. (Fort Myers Beach Town Hall Council Chambers)

☒ Should all violations not be corrected and approved by the undersigned Code Enforcement Officer within the date and time specified above, you will be required to appear at the prosecution of this matter before the Town's Special Magistrate for Code Compliance, pursuant to Division 2 of Article V of Chapter 2 of the Town Land Development Code and Chapter 162, Florida Statutes. **THIS HEARING, REQUIRING YOU TO BE PRESENT, WILL BE HELD IF THE VIOLATION(S) HAVE NOT BEEN BROUGHT INTO COMPLIANCE AND APPROVED BY THE CODE ENFORCEMENT DEPARTMENT BY Wednesday, December 3, 2025 AS EVIDENCED BY THE ISSUANCE OF AN AFFIDAVIT OF COMPLIANCE BY THE CODE ENFORCEMENT OFFICER.** If a violation is corrected and then recurs, or if a violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the board hearing.

☐ The Code Officer has reason to believe that the violation(s) or the condition causing the violation(s) presents a serious threat to the public health, safety, and welfare or is irreparable or irreversible in nature, and therefore, no compliance date has been provided. This case may be presented to the Special Magistrate even if the violation(s) have been corrected prior to the hearing.

☐ The Code Officer has reason to believe that repeat violations have been found, and therefore, no compliance date has been provided. This case may be presented to the Special Magistrate even if the repeat violation(s) have been corrected prior to the hearing.

The purpose of this Hearing is for the Special Magistrate to make "Findings of Fact" and "Conclusions of Law" relating to the violation(s) specified in the attached Violation detail and to issue an appropriate Order. The Hearing is also your opportunity to present evidence and/or contest the alleged violations, should you wish to do so. If a violation is found, the Order may require you to correct the violation(s) by a specified date. In addition, the Order may impose daily fines as per Florida Statutes Section 162.09(2)(a) of the following:

- \$250/ day per violation
- \$500/day for repeat offenses
- \$5,000 for irreversible or irreparable violations

Additionally, administrative fines may be imposed to recover all costs incurred by the Town in prosecuting this matter. If all violations are not corrected prior to the Hearing date, you may be assessed any such costs. **THE IMPOSITION OF FINES AND/OR COSTS MAY RESULT IN A LIEN AGAINST YOU AND YOUR PROPERTY.**

You should be aware that if the alleged violation(s) is/are corrected prior to the Hearing and recurs within five (5) years from the date of the original Notice of Violation, the case may be presented to the Special Magistrate as a Recurring Violation even if the violation is subsequently corrected.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the Hearing. If you wish to be represented by an attorney, your attorney **MUST** notify the Special Magistrate's Clerk in writing at least five (5) working days before the Hearing.

You may also have other rights which are set forth in Division 2 of Article V of Chapter 2 of the Town Land Development Code. If a person decides to appeal any decision with respect to any matter considered at this Hearing, such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

For additional HEARING information, contact the Town of Fort Myers Beach Special Magistrate Clerk at (239) 478-9363.

Michael J Hauserman, CEP



Signature of Affiant

Code Enforcement / Code Compliance Manager
Fort Myers Beach, Florida

9589 0710 5270 3142 1421 85

U.S. Postal Service™ 20240733 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. City, State, ZIP	Midwest Decoration Co 146 Hercules Dr Fort Myers Beach, FL 33931
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 3142 1421 78

U.S. Postal Service™ 20240733 CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com .	
OFFICIAL USE	
Certified Mail Fee \$ _____	11-14-25 Postmark Here MT
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. City, State, ZIP	Midwest Decoration Co 15214 Tonkel Rd Leo, IN 46765
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	



Nov 14, 2025 12:12:30 PM
Fort Myers Beach

requirements of the ordinance and all other applicable codes and regulations has been subject to the requirements of the ordinance and all other applicable codes and regulations that connect two or more existing structures undertake a series of any improvements, additions, and/or demolitions that connect two or more existing structures in a manner that evades the requirements of this ordinance and the Florida Building Code.

CH Posting
11-14-25 MJK



Town of Fort Myers Beach

NOTICE OF VIOLATION AND NOTICE OF CODE ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

REISSUED

Date: November 14, 2025

Case Number: 20240733

Owner: Midwest Decoration Co
Mailing Address: 15214 Tonkel Road, Leo, IN 46765
Property Address: 146 Hercules Dr, Fort Myers Beach, FL 33931
Certified Mail# 9589071052703142133961 & 9589071052703142172502
Parcel: 29-46-24-W2-0060A.0110

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on October 15, 2025 the following violation(s) of the Florida Building Code, Eighth Edition and the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 10/15/2025, a violation was discovered Interior and Exterior remodel, exceed the scope of the approved permit 234613. Permit 234613 has expired thus leaving the construction work conducted without the required building permits as defined in Division 3 Section 6-111 (adoption; amendments) of the FMB Code of Ordinances in adoption of the Florida Building Code.

Relevant Codes:

Sec. 6-111. - Adoption; amendments.

The Florida Building Code is hereby adopted by reference and made a part of this article, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

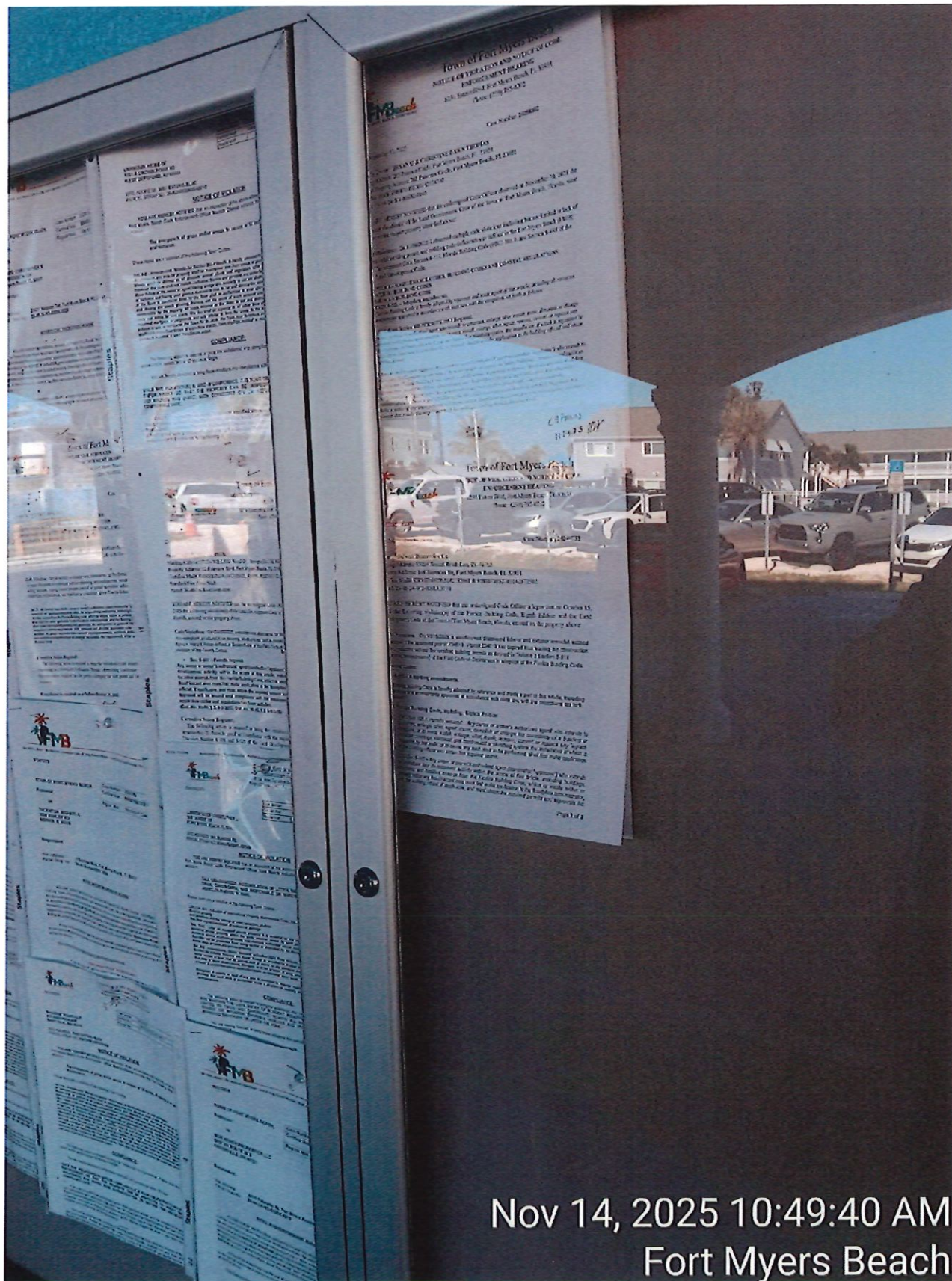
2023 Florida Building Code, Building, Eighth Edition

FBC Sec 105.1 Permits required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

LDC Sec 6-441 - 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

Page 1 of 3

Nov 14, 2025 10:49:31 AM
Fort Myers Beach



Nov 14, 2025 10:49:40 AM
Fort Myers Beach



Property Data

STRAP: 29-46-24-W2-0060A.0110 Folio ID: 10229746

Tax Roll Value Letter 2025 ▼

Generated on 12/22/2025 8:15 AM

Owner Of Record - Sole Owner

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



MIDWEST DECORATION CO
15214 TONKEL RD
LEO IN 46765

Site Address

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

146 HERCULES DR
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



HERCULES PARK BLK A PB 5 PG 22 LOTS 11 + 12

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 5 and 22 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	3 / 3.0
Gross Living Area	1,678
1st Year Building on Tax Roll	1958
Historic Designation	No

Township	Range	Section	Block	Lot
46	24E	29	0060A	0110
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.4404	-81.92379		

[View Parcel on Google Maps](#)

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Image of Structure



◀ Photo Date February of 2013 ▶ ☐ View other photos

Last Inspection Date: 04/16/2018

Property Values / Exemptions / TRIM Notices

Generated on 12/22/2025 8:15 AM

No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2025 / Additional Info	2025 (Final Value)	613,611	613,601	613,611	613,611	0	0	613,611
2024 / Additional Info	2024 (Final Value)	773,706	773,696	773,706	773,706	0	0	773,706
2023 / Additional Info	2023 (Corrected Value)	442,811	442,801	442,811	442,811	0	0	442,811

2022 / Additional Info	2022 (Final Value)	752,002	527,900	752,002	199,105	50,000	0	149,105
2021 / Additional Info	2021 (Final Value)	516,619	384,800	516,619	193,306	50,000	0	143,306
2020 / Additional Info	2020 (Final Value)	446,555	384,800	446,555	190,637	50,000	0	140,637
2019 / Additional Info	2019 (Final Value)	435,231	355,800	435,231	186,351	50,000	0	136,351
2018 / Additional Info	2018 (Final Value)	429,598	355,800	429,598	182,876	50,000	0	132,876
2017 / Additional Info	2017 (Final Value)	425,556	338,800	425,556	179,115	50,000	0	129,115
2016	2016 (Final Value)	426,306	338,800	426,306	175,431	50,000	0	125,431
2015	2015 (Final Value)	339,097	338,800	339,097	174,212	50,000	0	124,212
2014	2014 (Final Value)	311,799	220,000	311,799	172,829	50,000	0	122,829
2013	2013 (Final Value)	286,303	155,800	286,303	170,275	50,000	0	120,275
2012	2012 (Final Value)	334,554	230,000	334,554	167,429	50,000	0	117,429
2011	2011 (Final Value)	351,528	230,000	351,528	162,552	50,000	0	112,552
2010	2010 (Final Value)	383,265	260,000	383,265	160,150	50,000	0	110,150
	2009 (Final Value)	430,620	300,000	430,620	155,940	50,000	0	105,940
	2008 (Final Value)	497,140	350,000	497,140	155,780	50,000	0	105,780
	2007 (Final Value)	573,490	425,000	0	151,250	25,000	0	126,250
	2006 (Final Value)	568,110	391,000	0	147,560	25,000	0	122,560
	2005 (Final Value)	439,630	280,500	0	143,260	25,000	0	118,260
	2004 (Final Value)	409,100	300,000	0	139,090	25,000	0	114,090
	2003 (Final Value)	362,710	200,000	0	136,490	25,000	0	111,490
	2002 (Final Value)	212,680	80,000	0	129,890	25,000	0	104,890
	2001 (Final Value)	188,340	80,000	0	127,840	25,000	0	102,840
	2000 (Final Value)	172,290	62,500	0	124,120	25,000	0	99,120
	1999 (Final Value)	165,210	62,500	0	120,860	25,000	0	95,860
	1998 (Final Value)	152,130	62,500	0	118,960	25,000	0	93,960
	1997 (Final Value)	150,190	60,000	0	116,970	25,000	0	91,970
	1996 (Final Value)	146,020	60,000	0	113,560	25,000	0	88,560
	1995 (Final Value)	95,130	55,000	0	95,130	25,000	0	70,130
	1994 (Final Value)	96,750	55,000	0	96,750	0	0	96,750
	1993 (Final Value)	81,850	35,000	0	81,850	0	0	81,850
	1992 (Final Value)	72,940	35,000	0	72,940	0	0	72,940

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)

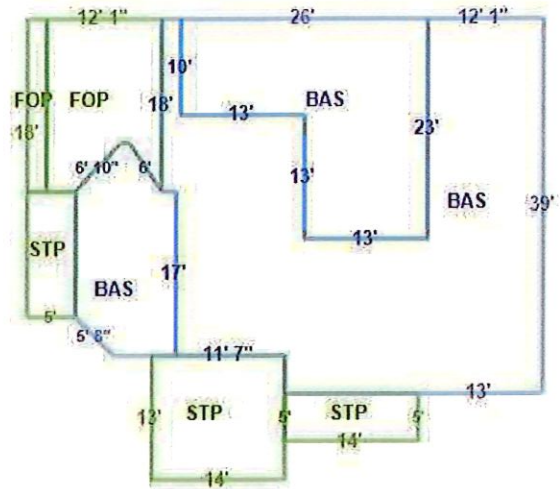
Property Details (Current as of 12/21/2025)

Generated on 12/22/2025 8:15 AM

Land Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
100	Single Family Residential	2.00	Units

Buildings



Property Details (2025 Tax Roll)



Generated on 12/22/2025 8:15 AM

Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
100	Single Family Residential	2.00	Units

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
103 - Split Entry/Raised Ranch	1 - SINGLE FAMILY RESIDENTIAL	1.0	1
Bedrooms	Bathrooms	Year Built	Effective Year Built
3	3.0	1958	1992

Building Subareas

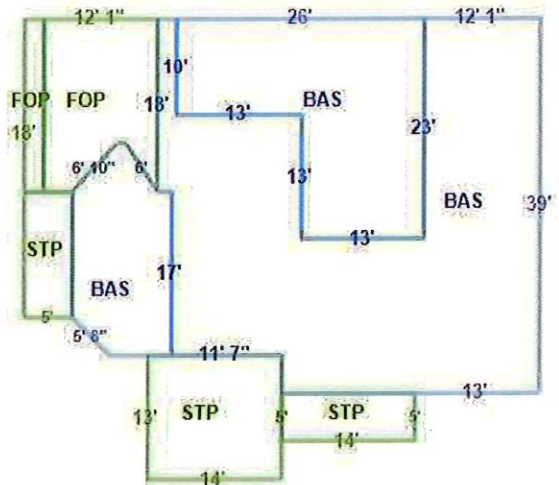
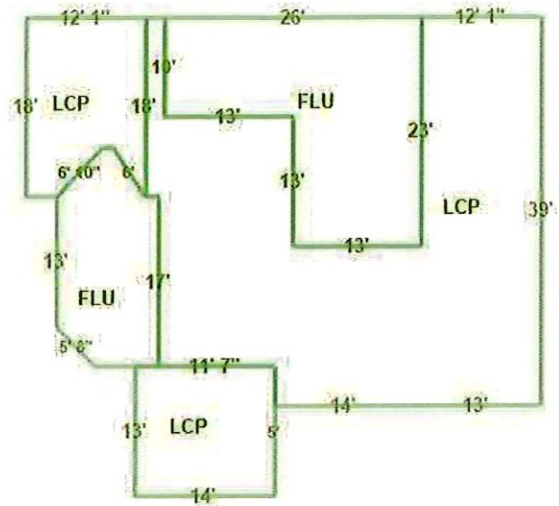
Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	1,484
BAS - BASE	Y	194
FLU - FINISHED LOWER UTILITY	N	623
FOP - FINISHED OPEN PORCH	N	35
FOP - FINISHED OPEN PORCH	N	193
LCP - LOWER CARPORT / OPEN PORCH	N	1,430
STP - STOOP	N	252
STP - STOOP	N	65

Building Front Photo

Building Footprint



Photo Date: February of 2013



Taxing Authorities

Generated on 12/22/2025 8:15 AM

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 12/22/2025 8:15 AM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
700,000.00	04/14/2023	2023000167724	01		I
100.00	11/09/2004	4516/299	01		I
71,500.00	09/01/1987	1944/1293	03		I
0.00	01/01/1980	1404/421	01		I

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **5** and **22** 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 12/22/2025 8:15 AM

Permit Number	Permit Type	Date
235522	Building Remodel / Repair	09/22/2023
234613	Building Remodel / Repair	07/12/2023
ROF14-0028	Roof	04/21/2014
BLD12-0095	Building Remodel / Repair	06/26/2012

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 12/22/2025 8:15 AM

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
29-46-24-06-0000A.0110	N/A	Reserved for Renumber ONLY	01/12/1995

Solid Waste (Garbage) Roll Data

Generated on 12/22/2025 8:15 AM

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	R - Residential Category		1	358.45
Collection Days				
Garbage	Recycling	Horticulture		
Thursday	Thursday	Thursday		

Flood and Storm Information

Generated on 12/22/2025 8:15 AM

Flood Insurance Find my flood zone				Evacuation Zone
Community	Panel	Version	Date	
071C	0558	G	11/17/2022	A

Generated on 12/22/2025 8:15 AM

DO NOT PAY - THIS IS NOT A BILL
NOTICE OF PROPOSED PROPERTY TAXES
TAX INFORMATION

10229746
MIDWEST DECORATION CO
15214 TONKEL RD
LEO, IN 46765

071060
Parcel ID: 29-46-24-W2-0060A.0110
HERCULES PARK
BLK A PB 5 PG 22
LOTS 11 + 12
146 HERCULES DR

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION. Each taxing authority may AMEND OR ALTER its proposals at the hearing.

TAXING AUTHORITY ⓘ		COLUMN 1*		COLUMN 2*		COLUMN 3*
032 TOWN OF FT MYERS BEACH	LAST YEAR'S ACTUAL TAX RATE 2024 (MILLAGE) ⓘ	YOUR PROPERTY TAXES LAST YEAR 2024	YOUR TAX RATE THIS YEAR IF NO BUDGET CHANGE IS ADOPTED (MILLAGE)	YOUR TAXES THIS YEAR IF NO BUDGET CHANGE IS ADOPTED	THIS YEAR'S PROPOSED TAX RATE 2025 (MILLAGE)	YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED 2025
COUNTY:						
LEE CO GENERAL REVENUE	3.7623	\$2,910.91	3.6162	\$2,218.94	3.7623	\$2,308.59
SCHOOL:						
PUBLIC SCHOOL - BY LOCAL BOARD	2.2480	\$1,739.29	2.2302	\$1,368.48	2.2480	\$1,379.40
PUBLIC SCHOOL - BY STATE LAW	3.0380	\$2,350.52	3.0139	\$1,849.36	3.0710	\$1,884.40
MUNICIPALITY OR MSTU:						
TOWN OF FORT MYERS BEACH FLORIDA	0.9900	\$765.97	0.8954	\$549.43	1.2550	\$770.08
WATER MANAGEMENT DISTRICT:						
SFWM-DISTRICT-WIDE	0.0948	\$73.35	0.0889	\$54.55	0.0948	\$58.17
SFWM-EVERGLADES CONSTRUCTION PROJECT	0.0327	\$25.30	0.0306	\$18.78	0.0327	\$20.07
SFWM-OKEECHOBEE BASIN	0.1026	\$79.38	0.0961	\$58.97	0.1026	\$62.96
INDEPENDENT SPECIAL DISTRICTS:						
FORT MYERS BEACH FIRE CONTROL DIST	2.8000	\$2,166.38	2.5436	\$1,560.78	2.8000	\$1,718.11
FORT MYERS BEACH MOSQUITO CONTROL	0.1123	\$86.89	0.1018	\$62.47	0.1123	\$68.91
FORT MYERS BEACH PUBLIC LIBRARY DIST	0.1612	\$124.72	0.1464	\$89.83	0.1612	\$98.91
LEE CO HYACINTH CONTROL DIST	0.0200	\$15.47	0.0192	\$11.78	0.0200	\$12.27
WEST COAST INLAND NAVIGATION DIST	0.0394	\$30.48	0.0381	\$23.38	0.0394	\$24.18
TOTAL TAX RATES:	13.4013		12.8204		13.6993	
TOTAL PROPERTY TAXES:		\$10,368.66		\$7,866.75		\$8,406.05
		COLUMN 1*		COLUMN 2*		COLUMN 3*

NOTICE OF PROPOSED PROPERTY TAXES EXPLANATION (Section 200.069, Florida Statutes)

***COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"** - This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

***COLUMN 2—"YOUR TAXES IF NO BUDGET CHANGE IS ADOPTED"** - This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment.

***COLUMN 3—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED"** - This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on this notice. The difference between Columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

NOTE: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

NON-AD VALOREM ASSESSMENTS: ⓘ Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district

A Public Hearing ⓘ on the Proposed Taxes and Budget Will Be Held:

COUNTY/MSTU:	09/04/2025 5:05PM	Lee Co Commission Chambers	2120 Main St	Fort Myers FL 33901	239-533-2221
SCHOOL:	09/09/2025 5:05PM		2855 Colonial Blvd	Fort Myers FL 33966	239-337-8215
MUNICIPALITY:	09/11/2025 5:01PM		6231 Estero Blvd	Fort Myers Beach FL 33931	239-765-0202
WATER MANAGEMENT DISTRICT:	09/11/2025 5:15PM	SFWM Auditorium	3301 Gun Club Rd B-1 Bldg	West Palm Beach FL 33406	561-686-8800
LEE CO MOSQUITO AND/OR HYACINTH:	09/11/2025 5:01PM/5:15PM		15191 Homestead Rd	Lehigh Acres FL 33971	239-694-2174
FORT MYERS BEACH FIRE CONTROL DIST:	09/10/2025 5:05PM	Diamond Head Resort	2000 Estero Blvd	Ft Myers Beach FL 33931	239-590-4200
FORT MYERS BEACH MOSQUITO CONTROL:	09/03/2025 5:01PM		161 Bay Rd	Ft Myers Beach FL 33931	239-247-1205
FORT MYERS BEACH PUBLIC LIBRARY DIST:	09/11/2025 5:05PM		2755 Estero Blvd	Ft Myers Beach FL 33931	239-463-9691
WEST COAST INLAND NAVIGATION DISTRICT:	09/05/2025 5:01PM		1575 E Venice Ave	Venice FL 34292	941-485-9402

**** PROPERTY RECORD UPDATE -- WEBSITE AND PERSONALIZED CODE FOR 2025****

Enter your [personalized code TR9C17F2](#) to review your property details and

- Report or update hurricane damage

- Confirm or update your homestead exemption status
- Discover how your value was impacted

PROPERTY VALUATION		
	Last Year 2024 ⓘ	This Year 2025 ⓘ
MARKET VALUE	\$773,706	\$613,611
Market Value in Florida is also known as "just value" as provided by the constitution and described in state law. It is the amount a purchaser willing but not obliged to buy would pay to one willing but not obliged to sell, after proper consideration of all eight factors in section 193.011, F.S.		
ASSESSED VALUE		
Assessed Value is the market value of your property minus the amount of any assessment reductions. The assessed value may be different for millage levies made by different taxing authorities.		
ASSESSMENT REDUCTIONS	APPLIES TO	VALUE
Assessment Reduction amounts are based on applicable statutory limitations and benefits that may affect the Assessed Value, such as the Save Our Homes cap or an Agricultural Classification. The value of these limitations and benefits make up the difference between market and assessed value.		

EXEMPTIONS	APPLIES TO	VALUE
Exemptions are specific dollar or percentage amounts that reduce taxable value. These are usually based on characteristics of the property or property owner. Examples include the homestead exemption, veterans' disability exemptions and charitable exemptions. In some cases, the maximum exemption amount may not be applied because of a lower assessed value. Many exemptions apply only to tax levies by the taxing authority granting the exemption.		

VALUE CALCULATIONS						
Taxable Value is the assessed value minus qualifying exemptions. This is the value used to calculate the tax due on your property. The assessed and taxable values may vary by taxing authority because certain assessment reductions and exemptions may not apply to all levies and discounts.						
TAXING AUTHORITY	ASSESSED VALUE		EXEMPTIONS		TAXABLE VALUE	
	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR ⓘ
COUNTY:						
LEE CO GENERAL REVENUE	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
SCHOOL:						
PUBLIC SCHOOL - BY LOCAL BOARD	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
PUBLIC SCHOOL - BY STATE LAW	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
MUNICIPALITY OR MSTU:						
TOWN OF FORT MYERS BEACH FLORIDA	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
WATER MANAGEMENT DISTRICT:						
SFWMD-DISTRICT-WIDE	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
SFWMD-EVERGLADES CONSTRUCTION PROJECT	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
SFWMD-OKEECHOBEE BASIN	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
INDEPENDENT SPECIAL DISTRICTS:						
FORT MYERS BEACH FIRE CONTROL DIST	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
FORT MYERS BEACH MOSQUITO CONTROL	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
FORT MYERS BEACH PUBLIC LIBRARY DIST	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
LEE CO HYACINTH CONTROL DIST	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611
WEST COAST INLAND NAVIGATION DIST	\$773,706	\$613,611	\$0	\$0	\$773,706	\$613,611

If you feel the market value of your property is inaccurate or does not reflect fair market value, or if you are entitled to an exemption or classification that is not reflected on this form, please call us at **(239) 533-6100** or visit the Lee County Property Appraiser's office at 2480 Thompson Street, 4th Floor, Fort Myers, FL.

If we are unable to resolve a matter as to the market value, classification, or an exemption, you may file a petition for adjustment with the Value Adjustment Board. ⓘ Online filing is available at www.leeclerk.org. Petition forms are available from the Lee County Property Appraiser's office. All petitions must be filed with the Clerk of Courts Office on or before **September 12, 2025**.

**** PROPERTY RECORD UPDATE -- WEBSITE AND PERSONALIZED CODE FOR 2025****

Enter your [personalized code TR9C17F2](#) to review your property details and

- Report or update hurricane damage
- Confirm or update your homestead exemption status
- Discover how your value was impacted



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search By Entity Name](#) /

[Next List](#)

MIDWEST DECORATION C

Entity Name List

Corporate Name	Document Number	Status
THE MIDWEST DEFENDERS OF ISRAEL, INC	N19000012992	INACT
MIDWEST DENTAL ARTS, INC.	F13000005030	Active
MIDWEST DESIGN GROUP LLC	M22000014835	Active
MIDWEST DETASSELING, LLC	L12000132437	INACT
MIDWEST DETOX AT AMBROSIA LLC	L23000294420	Active
MIDWEST DEVELOPERS, LLC	L06000023861	Active
MIDWEST DEVELOPMENT, INC.	H75334	INACT
MIDWEST DEVELOPMENT CORP	P04000129714	INACT
MID-WEST DEVELOPMENT CORPORATION OF FORT LAUDERDALE	227189	INACT
MIDWEST DIAGNOSTIC MANAGEMENT, LLC	M07000005692	INACT
MIDWEST DIAL TONE, LLC	M21000009534	Active
MIDWEST DIESEL CONSULTANTS LLC	L21000388766	INACT
MIDWEST DIGITAL SOLUTIONS LLC	L18000167552	INACT
MIDWEST DIRECT INC	P04000096673	INACT
MID-WEST DIRECT INC.	P94000050117	INACT
MIDWEST DISCOUNT BROKERS, INC.	F98000005791	INACT
MIDWEST DISPOSAL, INC.	P95000014637	INACT
MIDWEST DISTRIBUTING COMPANY INC	174354	INACT
MIDWEST DISTRIBUTING SERVICE, INC.	490033	INACT
MID WEST DISTRIBUTORS, INC.	L53137	INACT

[Next List](#)

MIDWEST DECORATION C

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
12/22/2025 08:19 AM

Business Details

Business Name: **MIDWEST DECORATION CO.** Business ID: **201812061292509**
Entity Type: **Domestic For-Profit Corporation** Business Status: **Active**
Creation Date: **12/06/2018** Inactive Date:
Principal Office Address: **15214 Tonkel Road, Leo, IN, 46765, USA** Expiration Date: **Perpetual**
Jurisdiction of Formation: **Indiana** Business Entity Report Due Date: **12/31/2026**
Years Due:

Governing Person Information

Title	Name	Address
President	Casey S Johnson	1332 Brandon Way, Fort Wayne, IN, 46845, USA
President	Casey Johnson	1332 Brandon Way, Fort Wayne, IN, 46845, USA
President	Casey Johnson	1332 Brandon Way, Fort Wayne, IN, 46845, USA

Incorporators Information

Name	Title	Address
Charles J Heiny	Incorporator	444 East Main Street, Fort Wayne, IN, 46802, USA

Registered Agent Information

Type: **Individual**
Name: **Casey S. Johnson**
Address: **1332 Brandon Way, Fort Wayne, IN, 46845, USA**

Case #:	20250804	Contractor Name:		Time of Site Inspection:		Case Closed:	
Case Date:	08/01/25	Compliance Date of Violation:		Citation Number:		Repair Damage Due To:	--
Case Type:	Work without Permit	Hearing Date:	12/04/2025	How to bring violation into Compliance:		Storm Damage:	--
Description:	Paperwork	Completion Date of Site Inspection:		Days to Comply:		Assigned To:	Michael Hauserman
Status:	--	Referred:	--			GIS Link ID:	294624W20060A0110

Cases For Property (Code Enforcement)

Permits For Property (Permit Management)

Date	Permit #	Permit Type	Status	Permit Type	Sub Type	Assigned To	Type of Construction	Type of Occupancy/Use	Contractor Business Name/Applicant
11/20/2025	252335		FINALED	Residential	OTC Electrical		N/A	Residential	Mister Sparky
02/14/2025	250379		FINALED	Residential	Fence	*	N/A	Residential	Russ Carter Fence
12/10/2024	243194		FINALED	Residential	Pool-Below Ground		N/A	Residential	Rum Row Pools
09/07/2023	235522		FINALED	Residential	OTC Mechanical		N/A	Residential	COOL AIR PROS
08/14/2023	235122		VOID	Residential	OTC Electrical				
07/05/2023	234613		HOLD	Residential	Remodel		N/A	Residential	EVERGLADES CONSTRUCTION GROUP
10/22/2018	181937		FINALED	ZOTC Mechanical	Not Required				UNIQUE SERVICES

Show Last 25 | Show All

Show Last 25 | Show All



Permit #: 234613

Permit Date: 07/05/23

Permit Type:

Permit Type: Residential

Sub Type: Remodel

Type of Construction: N/A

Type of Occupancy / Use: Residential

Contractor Business Name/Applicant: EVERGLADES CONSTRUCTION GROUP

Contact Name: BRITTNEY SABULA

Contractor/Applicant Email: brittney@evergladesconstructiongroup.com

Contractor/Applicant Phone #: 8632543028

Property Owner's Email:

Current Use: r

Proposed Use: r

Scope of Work: Interior put back after Hurricane Ian. Like for like.

Project Cost: 82273

Gross Square Feet: 1678

Issued Date: 07/12/2023

Expiration Date: 01/24/2024

Finaled Date:

Closed Date:

Repair Damage Due To:

Storm Damage:

Floodplain:

Status: HOLD

Assigned To:

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
294624W20060A0110	146 HERCULES DR	HERCULES PARK BLK A PB 5 PG 22 LOTS 11 + 12	MIDWEST DECORATION CO		RS-1

Contractors

Contractor	Primary Contact	Phone	Address	Contractor Type	License	License #
Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Liability Insurance	NPP1549804
West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	Comm. Gen. Liability	20362149

West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	Work Comp	EIG588433000
Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Contractor License	CGC1522985
West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	State of Florida	CFC1427865
Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Workman's Comp	WC Exempt

Inspections

Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
02/06/2024	Electrical - 305 Electric Final	aLL KITCH AND DW AND GD IS MISSING GFI PROTECTION AND ALL NEW RECEP TO COMPLY WITH SECTION 406.4(D)	02/08/2024	02/08/2024	Ron Cohowecz	Fail
02/06/2024	Plumbing - 204 Final Plumbing	Call Melissa when you arrive 757-692-4600 Call Melissa when you arrive 757-692-4600 plumbing fixtures hook up only	02/08/2024	02/08/2024	Ron Cohowecz	Pass
11/07/2023	Building - 106 Final Building	Pending EL & PL Finals. A.S.	11/13/2023	11/14/2023	Adam Stauffer	Pass with Conditions
07/28/2023	Building - 105 Rough Framing / Windows, Door, Wall Dry In	picked this inspection up no visible framing members changes just some 3/4 " flooring replaced jmc 7/28/23	07/28/2023	07/28/2023	John Clements	Pass
07/27/2023	Building - 107 Insulation	scope shows no rough inspections only finals insulation on 2nd fl ok walls only 1st floor floor joists spray foam insulation but stated in scope no work on 1st floor jmc 7/28/23	07/28/2023	07/27/2023	John Clements	Pass with Conditions
07/06/2023	NOC		07/06/2023	07/06/2023	Misty Alexander	Pass

Plan Reviews

Date	Review Type	Description	Assigned To	Review Status
07/05/2023	Notice of Commencement	NOC must be recorded with Lee County Clerk of Court *Received 7/6/23	Misty Alexander	DONE
07/05/2023	Reviews completed- Notification sent		Andrew Garry	DONE
07/05/2023	Review Flood		CGA	REVIEWED W/CONDITIONS
07/06/2023	Review Res. Plan review		CGA	REVIEWED FOR COMPLIANCE
07/05/2023	Review FMB Application	Check INBiz for Casey Johnson.	Tracie Raski	DONE
11/07/2023	Plumb. Sub Permit Req	West Coast Plumbing & Water Treatment LLC CFC1427865	Misty Alexander	DONE
02/28/2024	Elec. Sub Permit Req.		*	
05/20/2024	Review Flood		Rereview Kristin Schumacher	RESUBMITTAL REQUIRED
05/20/2024	Rejection Letter Sent	1st Flood review rejection letter has been uploaded to the permit portal for review.	Korey Lastinger	DONE

08/23/2024	Resubmitted (Flood Review)	RE-REVIEW RESUB FLOOD	Carl Thomas	REVIEWED W/CONDITIONS
09/11/2024	Review Flood	Re-Review	Carl Thomas	RESUBMITTAL REQUIRED
09/19/2024	Rejection Letter Sent	2nd flood rejection	Misty Alexander	DONE

Fees				
Fee	Description	Notes	Amount	
	Includes: Application Processing Fee Building Review and Inspection Flood Review Electrical Review and Inspection Mechanical Review and Inspection Plumbing Review and Inspection			
RES – Interior Remodel (up to 50% of Structure Value) (2024)			\$800.00	
* MISC- DBPR & DCA Admin Fees			\$20.00	
		Total	\$820.00	

Attached Letters

Date	Letter	Description
07/12/2023		Building Permit

Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
07/06/2023	NICHOLAS SABULA	Invoice: 644574			\$820.00
				Outstanding Balance	\$0.00

Notes

Date	Note	Created By:
08/15/2024	Received a voicemail from Nick #713-443-7963 requesting a call back. I called with negative results and leaving a voicemail requesting a call back. Received call from Nick and advised of what needs to be corrected and collected regarding permit #234613. He advised he would contact permitting and get corrected immediately.	D. Batt
08/01/2024	Called and spoke with property owner Casey #260-417-6667. I advised him of the permit being on hold and that he needs to contact permitting in which he agreed to call the contractor and have it rectified.	D. Batt
06/06/2024	Permit has been placed on HOLD until they have come into compliance.	Tracie Raski
05/17/2024	Need new cost form and proper breakdown of all costs. Need break down for labor, materials- cabinets, countertops, plumbing fixtures, all electrical repairs, doors, windows and any additional repairs done.	Kristin Schumacher
02/28/2024	You must attach an electrical sub-contractor to this permit.	Andrew Garry

Uploaded Files

Date	File Name
10/31/2025	29243264-146 Hercules .xlsx
09/19/2024	22453708-234613 2nd Flood Rejection Letter.pdf
08/23/2024	22126635-20736621-1st Flood Review Rejection Letter 234613.pdf
08/23/2024	22126634-234613 Updated Cost Sheet.pdf
05/20/2024	20736621-1st Flood Review Rejection Letter 234613.pdf
11/07/2023	17421760-234613 07-Nov-2023 09-47-48.pdf
08/10/2023	16465647-234613.pdf
07/11/2023	16100459-JOBSITE COPY 234613.pdf
07/06/2023	16052353-Notice Of Commencement (8).pdf

07/06/2023

[16050384-warranty deed 234613 05-Jul-2023 14-43-46.pdf](#)

07/03/2023

[9e21126892498d7a85358c56ac72b0a9_146_hercules_tax_roll_letter.pdf](#)

07/03/2023

[01f7a21870bcff9bb07f7828768d767_146_hercules_permit_app_packet.pdf](#)



Date: 09/19/2024
Contractor: Everglades Construction Group
RE: 234613

The drawings submitted for the referenced project have been reviewed following the 8th Edition (2023) Florida Building Codes, Florida Statutes (F.S), and the Town of Fort Myers Beach Land Development Code. For the reasons listed below, we cannot approve your application at this time.

Please provide the Rejection Letter and a Cover Letter showing where each corrected item can be found.

2nd Rejection Letter – Flood
Carl Thomas, cthomas@fmbgov.com (Flood Reviewer)

REJECTION COMMENTS:

Based on the information below, the structure appears to meet substantial damage and must be redesigned to meet current flood design criteria (i.e., elevate, floodproof) based on the following:

-The current cost of repairs is already 40% of the structural value and includes no line items for carpentry, roofing, windows, exterior finish, etc. Adding these additional repairs will increase the costs by over 50%.

-Insurance claim payout information: FEMA makes it abundantly clear that insurance claims cannot be used as the basis for determining substantial damage. This is because insurance claims usually only cover some associated costs to restore the structure to its pre-lan conditions. In this case, the claim, even though it may not cover all repairs, is already over the 50% structural value.

PLEASE NOTE:

- Mailed in or paper plans will not be accepted.
- Submit all corrections together at one time with an appropriate response/ cover letter showing where each corrected item can be found to resubmittal@fmbgov.com.
- Please note that no other reviews will be done until the **Zoning Review** is approved.
- Resubmittals will not be processed unless all review comments are addressed.

Please refer to the **Permit Portal** to access a copy of this rejection letter.

Sincerely,

Town of Fort Myers Beach Building Services and Community Development Departments.



Oct 15, 2025 3:20:34 PM
Fort Myers Beach



Oct 15, 2025 3:20:24 PM
Fort Myers Beach



Oct 15, 2025 3:19:59 PM
Fort Myers Beach



Oct 15, 2025 3:21:08 PM
Fort Myers Beach

EXHIBIT B

Notice of Violation and Hearing 12/29/2025

Affidavit of Service

Proof of Service



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

TOWN OF FORT MYERS BEACH,
FLORIDA,

Petitioner,
vs.

MIDWEST DECORATION CO
Respondent.

Certified Mail:	9589071052703142134333
	9589071052703142134326
Regular Mail:	USPS 12/30/2025
Case #	20240733

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Michael J Hauserman, who being duly sworn by me, on oath, deposes and says the following regarding that certain Notice of Violation and Notice of Hearing attached hereto as **Exhibit A** ("the Notice"):

1. My name is Michael J Hauserman. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed as the Code Compliance Manager for the Town of Fort Myers Beach ("Town").
3. On 12/30/2025, I personally mailed a copy of the Notice by certified mail and first-class mail as follows:
 - a. To the property owner at the address listed in the records of the Lee County Tax Collector and/or Lee County Property Appraiser for tax notices, which address is: **15214 Tonkel Rd, Leo, IN 46765**. A true and correct copy of the property ownership and address information obtained from the Tax Collector/Property Appraiser is attached hereto as **Exhibit A**. A copy of the certified mail receipt is attached hereto as **Exhibit A**.

- b. To the following additional address(es) reasonably believed to be valid for the property owner: **146 Hercules Dr, Fort Myers Beach, FL 33931**. A copy of the certified mail receipt is attached hereto as **Exhibit A**.
- c. The property is owned by **Midwest Decoration Co**, a business entity registered in the State of IN. I mailed a copy of the Notice by certified mail and first-class mail to the business entity's **Registered Agent, Casey S Johnson**, at the following address: **1332 Brandon Way, Fort Wayne, IN 46845**. A copy of the certified mail receipt is attached hereto as **Exhibit A**. A true and correct copy of the IN Division of Corporations record for the entity, identifying its Registered Agent, is attached hereto as **Exhibit A**.

4. On **December 30, 2025**, I posted a copy of the Notice at **146 Hercules Drive, Fort Myers Beach, FL 33931**, which is the property upon which the violation is alleged to exist. Photographs of the posted Notice, taken by me on that date, are attached hereto as **Exhibit A**.

5. On **December 30, 2025**, I posted a copy of the Notice at Town Hall, located at 6231 Estero Boulevard, Fort Myers Beach, FL 33931, which is the primary municipal government office for the Town of Fort Myers Beach. Photographs of the posted Notice, taken by me on that date, are attached hereto as **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 of Fort Myers Beach Land Development Code and Section 162.12, Florida Statutes.

SWORN AND ATTESTED BY:

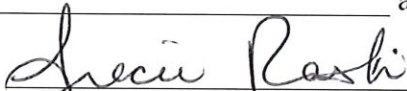


Signature of Affiant

Printed Name: Michael J Hauserman

Title: Code Compliance Manager

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☒ physical presence / ☐ online notarization, this 24th day of February, 2026, by Michael J Hauserman, who ☒ is personally known to me ☐ or has produced _____ as identification.

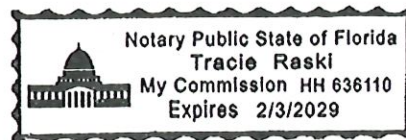


Notary Public, State of Florida

Printed Name: Tracie Raski

My Commission No.: HH 636110

My Commission Expires: 2/3/2029



proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

For additional HEARING information, contact the Town of Fort Myers Beach Special Magistrate Clerk at (239) 478-9363.

Michael J Hauserman, CEP



Signature of Affiant

Code Enforcement / Code Compliance Manager
Fort Myers Beach, Florida



Town of Fort Myers Beach

NOTICE OF VIOLATION AND NOTICE OF CODE ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

*****REISSUED*****

Date: December 29, 2025

Case Number: **20240733**

Owner: **Midwest Decoration Co**

Mailing Address: 15214 Tonkel Road, Leo, IN 46765

Property Address: **146 Hercules Dr, Fort Myers Beach, FL 33931**

Certified Mail# 9589071052703142133961 & 9589071052703142172502

Parcel: 29-46-24-W2-0060A.0110

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on October 15, 2025 the following violation(s) of the Florida Building Code, Eighth Edition and the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 10/15/2025, a violation was discovered Interior and Exterior remodel, exceed the scope of the approved permit 234613. Permit 234613 has expired thus leaving the construction work conducted without the required building permits as defined in Division 3 Section 6-111 (adoption; amendments) of the FMB Code of Ordinances in adoption of the Florida Building Code.

Relevant Codes:

Sec. 6-111. - Adoption; amendments.

The Florida Building Code is hereby adopted by reference and made a part of this article, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

2023 Florida Building Code, Building, Eighth Edition

FBC Sec 105.1 Permits required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

LDC Sec 6-441 – 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.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

ASCE 24-14 A copy is available at https://www.fema.gov/sites/default/files/2020-07/asce24-14_highlights_jan2015.pdf

Sec. 6-501. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 6-443, buildings, structures and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, must be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings must comply with the requirements of division 10, subdivision VII.

Sec. 6-525. - General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, must:

(1) Be located and constructed to minimize flood damage; (2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; (3) Be constructed of flood damage-resistant materials; and (4) Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Corrective Action Required:

The following action is required to bring the violation(s) into compliance. Obtain / reactivate the required building permits for the unpermitted construction or restore the structure to its original permit condition. Remove any and all construction in violation of ASCE 24-14, Section 6-501, and Section 6-525.

Compliance is required on or before: February 2, 2026

If the referenced violations are corrected from the date of issuance of this notice, you must contact the (Emergency Services Director) Thomas Yozzo at (239) 765-0202 or (Code Manager) Michael Hauserman at (239) 478-9363

A HEARING FOR THIS MATTER HAS BEEN SET BY THE SPECIAL MAGISTRATE CLERK FOR THE 3rd DAY OF MARCH 2026, AT 9:00 AM, AT 6231 ESTERO BLVD, FORT MYERS BEACH, FL 33931. (Fort Myers Beach Town Hall Council Chambers)

☒ Should all violations not be corrected and approved by the undersigned Code Enforcement Officer within the date and time specified above, you will be required to appear at the prosecution of this matter before the Town's Special Magistrate for Code Compliance, pursuant to Division 2 of Article V of Chapter 2 of the Town Land Development Code and Chapter 162, Florida Statutes. **THIS HEARING, REQUIRING YOU TO BE PRESENT, WILL BE HELD IF THE VIOLATION(S) HAVE NOT BEEN BROUGHT INTO COMPLIANCE AND APPROVED BY THE CODE ENFORCEMENT DEPARTMENT BY Wednesday, December 3, 2025 AS EVIDENCED BY THE ISSUANCE OF AN AFFIDAVIT OF COMPLIANCE BY THE**

CODE ENFORCEMENT OFFICER. If a violation is corrected and then recurs, or if a violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the board hearing.

☐ The Code Officer has reason to believe that the violation(s) or the condition causing the violation(s) presents a serious threat to the public health, safety, and welfare or is irreparable or irreversible in nature, and therefore, no compliance date has been provided. This case may be presented to the Special Magistrate even if the violation(s) have been corrected prior to the hearing.

☐ The Code Officer has reason to believe that repeat violations have been found, and therefore, no compliance date has been provided. This case may be presented to the Special Magistrate even if the repeat violation(s) have been corrected prior to the hearing.

The purpose of this Hearing is for the Special Magistrate to make "Findings of Fact" and "Conclusions of Law" relating to the violation(s) specified in the attached Violation detail and to issue an appropriate Order. The Hearing is also your opportunity to present evidence and/or contest the alleged violations, should you wish to do so. If a violation is found, the Order may require you to correct the violation(s) by a specified date. In addition, the Order may impose daily fines as per Florida Statutes Section 162.09(2)(a) of the following:

- \$250/ day per violation
- \$500/day for repeat offenses
- \$5,000 for irreversible or irreparable violations

Additionally, administrative fines may be imposed to recover all costs incurred by the Town in prosecuting this matter. If all violations are not corrected prior to the Hearing date, you may be assessed any such costs. **THE IMPOSITION OF FINES AND/OR COSTS MAY RESULT IN A LIEN AGAINST YOU AND YOUR PROPERTY.**

You should be aware that if the alleged violation(s) is/are corrected prior to the Hearing and recurs within five (5) years from the date of the original Notice of Violation, the case may be presented to the Special Magistrate as a Recurring Violation even if the violation is subsequently corrected.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the Hearing. If you wish to be represented by an attorney, your attorney **MUST** notify the Special Magistrate's Clerk in writing at least five (5) working days before the Hearing.

You may also have other rights which are set forth in Division 2 of Article V of Chapter 2 of the Town Land Development Code. If a person decides to appeal any decision with respect to any matter considered at this Hearing, such person will need to ensure that a verbatim record of the

9589 0710 5270 3142 1343 26

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 To	MIDWEST DECORATION CO
Street and Apt. No., or P.O. Box	15214 TONKEL RD
City, State, ZIP+4®	LEO IN 46765

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

12/30/25
 Postmark Here
 mt

9589 0710 5270 3142 1343 33

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 To	MIDWEST DECORATION CO
Street and Apt. No., or P.O. Box	C/O Casey S. Johnson, RA
City, State, ZIP+4®	1332 Brandon Way Fort Wayne, IN 46845

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

12/30/25
 Postmark Here
 mt



MIDWEST DECORATION CO
15214 TONKEL RD
LEO IN 46765



MIDWEST DECORATION CO
C/O Casey S. Johnson, RA
1332 Brandon Way
Fort Wayne, IN 46845



MIDWEST DECORATION CO
146 HERCULES DR
FORT MYERS BEACH FL 33931



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33914
Phone: (239) 765-0302

REISSUED

Date: December 29, 2025

Case Number: 20240733

Owner: Midwest Decoration Co
Mailing Address: 15214 Tonkel Road, Leo, IN 46765
Property Address: 146 Hercules Dr, Fort Myers Beach, FL 33931
Certified Mail# 9589071052703142133961 & 9589071052703142172502
Parcel: 29-46-24-W2-0060A.0110

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on October 15, 2025 the following violation(s) of the Florida Building Code, Eighth Edition and the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 10/15/2025, a violation was discovered Interior and Exterior mural used the scope of the approved permit 234613. Permit 234613 has expired thus leaving the consumer work conducted without the required building permits as defined in Division 3 Section 2-101 (adoption, amendments) of the FMB Code of Ordinances in adoption of the Florida Building Code.

Relevant Codes:

Sec. 6-111. - Adoption; amendments.

The Florida Building Code is hereby adopted by reference and made a part of the entire building code of this town, with the exception of any revisions and amendments approved in accordance with state law, with the exception of any revisions and amendments approved in accordance with state law.

2023 Florida Building Code, Building, Eighth Edition

FBC Sec 105.1 Permits required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the existing building or structure, or to erect, install, enlarge, alter, repair, remove, cover or change any building or structure, or to erect, install, enlarge, alter, repair, remove, cover or change any building or structure, or to cause any such work to be performed, shall first obtain a permit from the building official and obtain the required permit.

LDC Sec 6-441 - Any owner or owner's authorized agent (hereinafter referred to as the owner) who intends to undertake any development activity within the scope of this code, shall first obtain a permit from the building official and obtain the required permit.

Dec 30, 2025 9:59:03 AM
Fort Myers Beach



Compliance is required on or before: January 23, 2026

Posted 12.30.25
MT

Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 766-9202

REISSUED

Date: December 29, 2025

Case Number: 20240733

Owner: Midwest Decoration Co
Mailing Address: 15214 Tonkel Road, Leo, IN 46765
Property Address: 146 Hercules Dr, Fort Myers Beach, FL 33931
Certified Mail# 9589071052703142133961 & 9589071052703142172502
Parcel: 29-46-24-W2-0060A.0110

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on October 15, 2025 the following violation(s) of the Florida Building Code, Eighth Edition and the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 10/16/2025, a violation was discovered Interior and Exterior remodel, exceed the scope of the approved permit 234813. Permit 234813 has expired thus leaving the construction work conducted without the required building permits as defined in Division 3 Section 6-111 (adoption; amendments) of the FMB Code of Ordinances in adoption of the Florida Building Code.

Relevant Codes:

Sec. 6-111. - Adoption; amendments.

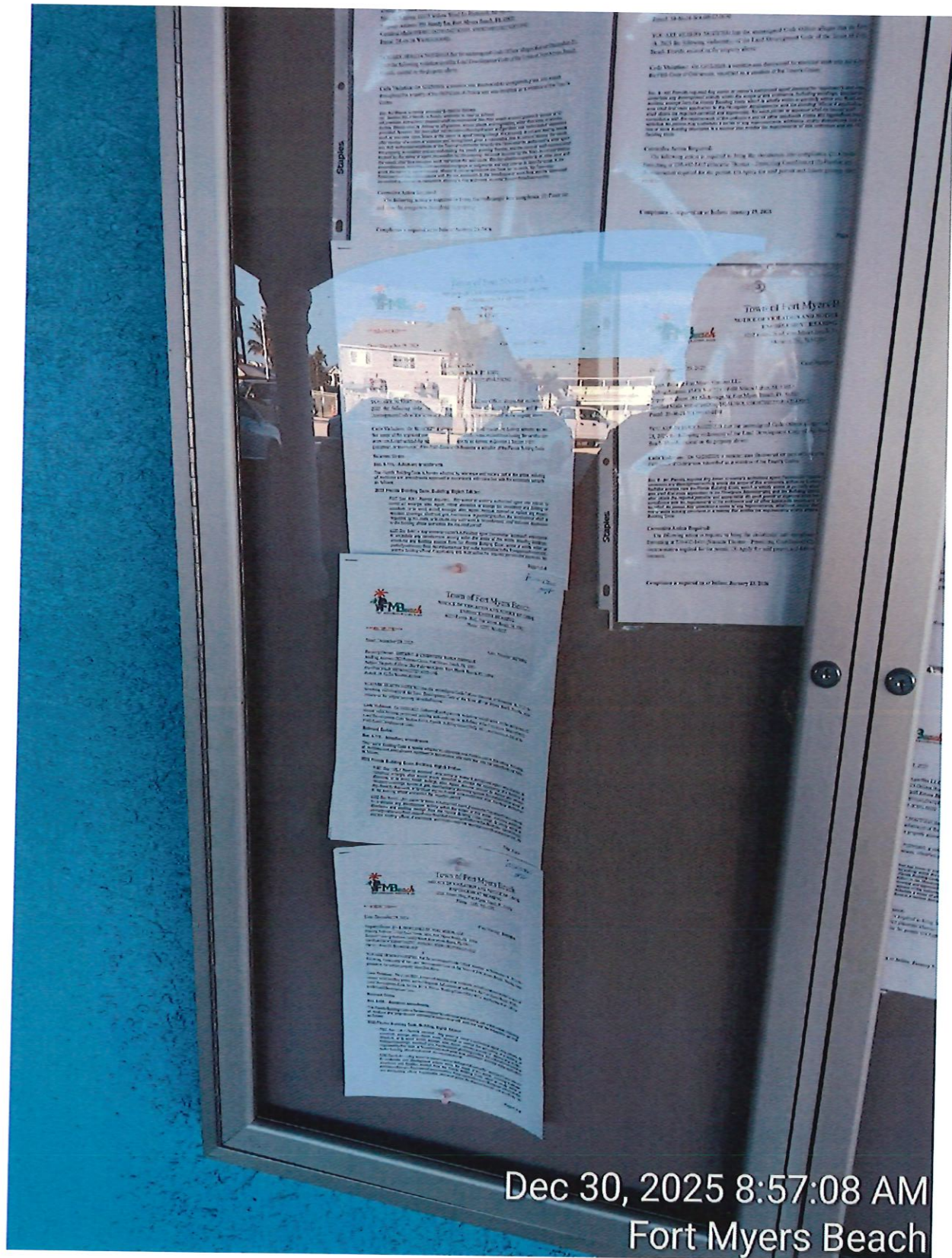
The Florida Building Code is hereby adopted by reference and made a part of this article, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

2023 Florida Building Code, Building, Eighth Edition

FBC Sec 105.1 Permits required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

LDC Sec 6-441 - 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.

Dec 30, 2025 8:57:00 AM
Fort Myers Beach





Property Data

STRAP: 29-46-24-W2-0060A.0110 Folio ID: 10229746

Tax Roll Value Letter 2025 ▾

Generated on 2/24/2026 10:14 AM

Owner Of Record - Sole Owner

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



MIDWEST DECORATION CO
15214 TONKEL RD
LEO IN 46765

Site Address

Site Address maintained by **E911 Program Addressing**

146 HERCULES DR
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



HERCULES PARK BLK A PB 5 PG 22 LOTS 11 + 12

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 5 and 22 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	3 / 3.0
Gross Living Area	1,678
1st Year Building on Tax Roll	1958
Historic Designation	No

Township	Range	Section	Block	Lot
46	24E	29	0060A	0110
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.4404	-81.92379		

[View Parcel on Google Maps](#)

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Image of Structure



◀ Photo Date February of 2013 ▶ ☐ View other photos

Last Inspection Date: 04/16/2018

Property Values / Exemptions / TRIM Notices

Generated on 2/24/2026 10:14 AM

No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2025 / Additional Info	2025 (Final Value)	613,611	613,601	613,611	613,611	0	0	613,611
2024 / Additional Info	2024 (Final Value)	773,706	773,696	773,706	773,706	0	0	773,706
2023 / Additional Info	2023 (Corrected Value)	442,811	442,801	442,811	442,811	0	0	442,811

BUSINESS INFORMATION
DIEGO MORALES
INDIANA SECRETARY OF STATE
02/24/2026 10:15 AM

Business Details

Business Name: **MIDWEST DECORATION CO.** Business ID: **201812061292509**
Entity Type: **Domestic For-Profit Corporation** Business Status: **Active**
Creation Date: **12/06/2018** Inactive Date:
Principal Office Address: **15214 Tonkel Road, Leo, IN, 46765, USA** Expiration Date: **Perpetual**
Jurisdiction of Formation: **Indiana** Business Entity Report Due Date: **12/31/2026**
Years Due:

Governing Person Information

Title	Name	Address
President	Casey S Johnson	1332 Brandon Way, Fort Wayne, IN, 46845, USA
President	Casey Johnson	1332 Brandon Way, Fort Wayne, IN, 46845, USA
President	Casey Johnson	1332 Brandon Way, Fort Wayne, IN, 46845, USA

Incorporators Information

Name	Title	Address
Charles J Heiny	Incorporator	444 East Main Street, Fort Wayne, IN, 46802, USA

Registered Agent Information

Type: **Individual**
Name: **Casey S. Johnson**
Address: **1332 Brandon Way, Fort Wayne, IN, 46845, USA**

EXHIBIT C

- Affidavit of Non-Compliance
 - Permit Records
 - Rejection Letter
 - Photos of Property



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MIDWEST DECORATION CO

Respondent.

Certified Mail: N/A
Regular Mail: N/A
Case # 20240733

Site Address: **146 HERCULES DRIVE**, Fort Myers Beach, FL, 33931
Parcel Strap No. **294624W20060A0110**

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared **Michael J Hauserman** who is the Code Enforcement Manager for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case **#20240733**.

1. That on **December 29, 2025**, A Code Enforcement Violation and Hearing Notice was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before **February 2, 2026**.
3. That an inspection was performed of the records and property on **May 4, 2026**. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.
5. I have attached permit records related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

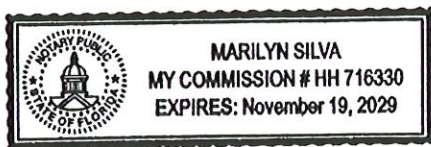
Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge.

X 

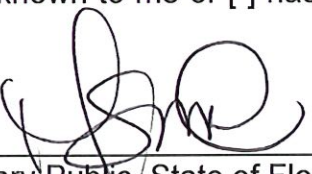
Signature of Affiant

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 5 day of May, 2026, by Michael J Hauserman. He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]



Notary Public, State of Florida
Print Name: Marilyn Silva
My Commission Expires: 11-19-29



Permit #: 234613

Permit Date: 07/05/23

Permit Type:

Permit Type: Residential

Sub Type: Remodel

Type of Construction: N/A

Type of Occupancy / Use: Residential

Contractor Business Name/Applicant: EVERGLADES CONSTRUCTION GROUP

Contact Name: BRITTNEY SABULA

Contractor/Applicant Email: brittney@evergladesconstructiongroup.com

Contractor/Applicant Phone #: 8632543028

Property Owner's Email:

Current Use: r

Proposed Use: r

Scope of Work: Interior put back after Hurricane Ian. Like for like.

Project Cost: 82273

Gross Square Feet: 1678

Issued Date: 07/12/2023

Expiration Date: 01/24/2024

Finaled Date:

Closed Date:

Repair Damage Due To:

Storm Damage:

Floodplain:

Road Ready Trailer:

Status: WAITING ON RESUBMITTAL

Assigned To:

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
294624W20060A0110	146 HERCULES DR	HERCULES PARK BLK A PB 5 PG 22 LOTS 11 + 12	MIDWEST DECORATION CO		RS-1

Contractors

Contractor	Primary Contact	Phone	Address	Contractor Type	License	License #
West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	Workers Compensation	EIG588433001

Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Liability Insurance	NPP1549804
West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	Comm. Gen. Liability	20362149
Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Contractor License	CGC1522985
West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	State of Florida	CFC1427865
Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Workman's Comp	WC Exempt

Inspections

Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
02/06/2024	Electrical - 305 Electric Final	aLL KITCH AND DW AND GD IS MISSING GFI PROTECTION AND ALL NEW RECEP TO COMPLY WITH SECTION 406.4(D)	02/08/2024	02/08/2024	Ron Cohowcz	Fail
02/06/2024	Plumbing - 204 Final Plumbing	Call Melissa when you arrive 757-692-4600 Call Melissa when you arrive 757-692-4600 plumbing fixtures hook up only	02/08/2024	02/08/2024	Ron Cohowcz	Pass
11/07/2023	Building - 106 Final Building	Pending EL & PL Finals. A.S.	11/13/2023	11/14/2023	Adam Stauffer	Pass with Conditions
07/28/2023	Building - 105 Rough Framing / Windows, Door, Wall Dry In	picked this inspection up no visible framing members changes just some 3/4 " flooring replaced jmc 7/28/23	07/28/2023	07/28/2023	John Clements	Pass
07/27/2023	Building - 107 Insulation	scope shows no rough inspections only finals insulation on 2nd fl ok walls only 1st floor floor joists spray foam insulation but stated in scope no work on 1st floor jmc 7/28/23	07/28/2023	07/27/2023	John Clements	Pass with Conditions
07/06/2023	NOC		07/06/2023	07/06/2023	Misty Alexander	Pass

Plan Reviews

Date	Review Type	Description	Assigned To	Review Status
07/05/2023	Notice of Commencement	NOC must be recorded with Lee County Clerk of Court *Received 7/6/23	Misty Alexander	DONE
07/05/2023	Reviews completed- Notification sent		Andrew Garry	DONE
07/05/2023	Review Flood		CGA	REVIEWED W/CONDITIONS
07/06/2023	Review Res. Plan review		CGA	REVIEWED FOR COMPLIANCE
07/05/2023	Review FMB Application	Check INBiz for Casey Johnson.	Tracie Raski	DONE
11/07/2023	Plumb. Sub Permit Req	West Coast Plumbing & Water Treatment LLC CFC1427865	Misty Alexander	DONE
02/28/2024	Elec. Sub Permit Req.		*	
05/20/2024	Review Flood	Rereview	Kristin Schumacher	RESUBMITTAL REQUIRED

05/20/2024	Rejection Letter Sent	1st Flood review rejection letter has been uploaded to the permit portal for review.	Korey Lastinger	DONE
08/23/2024	Resubmitted (Flood Review)	RE-REVIEW RESUB FLOOD	Carl Thomas	REVIEWED W/CONDITIONS
09/11/2024	Review Flood	Re-Review	Carl Thomas	RESUBMITTAL REQUIRED
09/19/2024	Rejection Letter Sent	2nd flood rejection In review of the cost breakdown, there is a discrepancy between the cost to rebuild and the amount paid out by the flood insurance.	Misty Alexander	DONE
12/22/2025	Resubmitted (Flood Review)	Please provide me a copy of the insurance payout breakdown. I understand things may cost less than what was paid out, but the discrepancy is to large to validate thus we need the flood insurance payout. - Kelli - Floodplain	Kelli DeFedericis	RESUBMITTAL REQUIRED
02/19/2026	Rejection Letter Sent	3rd flood review rejection letter.	Jerlydene Naidoo	DONE

Fees

Fee	Description	Notes	Amount
RES – Interior Remodel (up to 50% of Structure Value) (2024)	Includes: Application Processing Fee Building Review and Inspection Flood Review Electrical Review and Inspection Mechanical Review and Inspection Plumbing Review and Inspection		\$800.00
* MISC- DBPR & DCA Admin Fees			\$20.00
*MISC – Resubmittal Fee after 1st resubmittal (2024)	(if our reviewers request more information and the information provided by the permit holder does not fulfill request) Enter number of resubmittals after 1st.		\$60.00
Total			\$880.00

Attached Letters

Date	Letter	Description
07/12/2023	Building Permit	

Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
07/06/2023	NICHOLAS SABULA	Invoice: 644574			\$820.00
Outstanding Balance					\$60.00

Notes

Date	Note	Created By:
02/12/2026	This permit has a code case I have emailed Kelli regarding the flood review 2/12/26	Misty Alexander
08/15/2024	Received a voicemail from Nick #713-443-7963 requesting a call back. I called with negative results and leaving a voicemail requesting a call back. Received call from Nick and advised of what needs to be corrected and collected regarding permit #234613. He advised he would contact permitting and get corrected immediately.	D. Batt
08/01/2024	Called and spoke with property owner Casey #260-417-6667. I advised him of the permit being on hold and that he needs to contact permitting in which he agreed to call the contractor and have it rectified.	D. Batt
06/06/2024	Permit has been placed on HOLD until they have come into compliance.	Tracie Raski

05/17/2024	Need new cost form and proper breakdown of all costs.Need break down for labor, materials-cabinets, countertops, plumbing fixtures, all electrical repairs, doors, windows and any additional repairs done.	Kristin Schumacher
02/28/2024	You must attach an electrical sub-contractor to this permit.	Andrew Garry

Uploaded Files

Date	File Name
02/19/2026	<u>30866285-3rd Flood review rejection letter 234613.pdf</u>
12/22/2025	<u>29997505-146 Hercules _234613.pdf</u>
09/19/2024	<u>22453708-234613 2nd Flood Rejection Letter.pdf</u>
08/23/2024	<u>22126635-20736621-1st Flood Review Rejection Letter 234613.pdf</u>
08/23/2024	<u>22126634-234613 Updated Cost Sheet.pdf</u>
05/20/2024	<u>20736621-1st Flood Review Rejection Letter 234613.pdf</u>
11/07/2023	<u>17421760-234613 07-Nov-2023 09-47-48.pdf</u>
08/10/2023	<u>16465647-234613.pdf</u>
07/11/2023	<u>16100459-JOBSITE COPY 234613.pdf</u>
07/06/2023	<u>16052353-Notice Of Commencement (8).pdf</u>
07/06/2023	<u>16050384-warranty deed 234613 05-Jul-2023 14-43-46.pdf</u>
07/03/2023	<u>9e21126892498d7a85358c56ac72b0a9_146_hercules_tax_roll_letter.pdf</u>
07/03/2023	<u>01f7a21870bcff9bb07f7828768d767_146_hercules_permit_app_packet.pdf</u>



Date: 02/19/2026

Contractor: EVERGLADES CONSTRUCTION GROUP

RE: 234613 146 HERCULES DR, FORT MYERS BEACH, 33931/ INTERIOR PUT BACK AFTER HURRICANE IAN.
LIKE FOR LIKE.

CC: Property Owner

The submitted drawings for the referenced project have been reviewed in accordance with the 8th Edition (2023) Florida Building Code, applicable Florida Statutes (F.S.), and the Town of Fort Myers Beach Land Development Code. At this time, we are unable to approve your application due to the reasons outlined below.

Please provide the Rejection Letter and a Cover Letter showing where each corrected item can be found.

3rd Flood Review – 02/18/2026 Kelli DeFedericis kdefedericis@fmbgov.com

Denied Reason:

In review of the cost breakdown, there is a discrepancy between the cost to rebuild, and the amount paid out by the flood insurance.

Please provide me with a copy of the insurance payout breakdown.

I understand things may cost less than what was paid out, but the discrepancy is too large to validate thus we need the flood insurance payout. - Kelli – Floodplain

PLEASE NOTE:

- Mailed in or paper plans will not be accepted.
 - Submit all corrections together at one time with an appropriate response/ cover letter showing where each corrected item can be found to resubmittal@fmbgov.com.
 - Please note that no other reviews will be done until the **Zoning Review** is approved.
 - Resubmittals will not be processed unless all review comments are addressed.
- Please refer to the **Permit Portal** to access a copy of this rejection letter.

Sincerely,

Town of Fort Myers Beach Building Services and Community Development Departments.



May 4, 2026 11:36:18 AM
Fort Myers Beach



May 4, 2026 11:36:08 AM
Fort Myers Beach





May 4, 2026 11:35:32 AM
Fort Myers Beach

Property Address and Owner:

Hearing Date: August 4, 2026

Property Address: 1668 I St
Property Owner: B + B Properties of Fort Myers
Status: Work conducted outside the scope of a permit.
Officer: M Hauserman

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

Attachments:

1. 20250800_1668 I Street_Notice of Continued Hearing Signed 05052026
2. 20250800_1668 I Street_Proof of Email Service of Continued Hearing to Owners Attorney of Record 05052026
3. 20250800_1668 I Street_Notice of Continued Hearing Signed 03032026
4. 20250800_1668 I Street_ Exhibit A_Notice of Violation and Hearing Affidavit Ownership
5. 20250800_1668 I Street_ Exhibit B_Email Chain with Notice of Representation
6. 20240733_146 Hercules Dr_Exhibit C _Affidavit of Non Comp and Evidence

Town Recommendations:

Town Approvals:

Michael Hauserman, Code Compliance Manager

Date: July 24, 2026

Philip Rizzo, Emergency Services Director

Date: July 24, 2026



Traci Kohler, Deputy Town Manager

Date: July 24, 2026

nancy stuparich, Town Attorney

Date: July 27, 2026

Lizzette Roman, Town Clerk Administrative Coordinator

Date: July 27, 2026

Amy Baker, Town Clerk

Date:

**CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA**

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation,

Petitioner,

vs.

FMB CASE NO. 20250800

B + B PROPERTIES OF FORT MYERS,
LLC

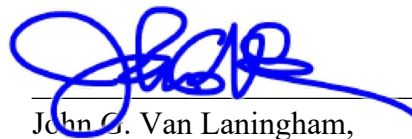
Respondent.

_____ /

ORDER OF CONTINUANCE

The undersigned hereby gives notice that the Honorable Judge John G. Van Laningham continued a hearing in the above case at the Fort Myers Beach Council Chambers from Tuesday, May 5, 2026. The continued hearing will be held on **Tuesday, August 4, 2026, at 9:00 a.m.** at the Town of Fort Myers Beach Town Hall located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.

ORDERED this 5th day of May, 2026.



John G. Van Laningham,
Special Magistrate

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S.
Mail on the 5 day of May, 2026, to:

B + B PROPERTIES OF FORT MYERS, LLC
21050 SAINT PETERS DR
FORT MYERS BEACH, FL 33931

Nancy Stuparich: nstuparich@voselaw.com
Michael Hauserman: Michael.Hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

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

BY: 
Amy Baker (May 5, 2026 13:42:34 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: May 5, 202

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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made
payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

20250800_Order_of_Continuance

Final Audit Report

2026-05-05

Created:	2026-05-05
By:	Lizzette Roman (Lroman@fmbgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIVmMs3gdAOfSXvBJb8UokWYuRhUxFEdD

"20250800_Order_of_Continuance" History

-  Document created by Lizzette Roman (Lroman@fmbgov.com)
2026-05-05 - 5:28:46 PM GMT
-  Document emailed to Amy Baker (AMY@FMBGOV.COM) for signature
2026-05-05 - 5:28:51 PM GMT
-  Document e-signed by Amy Baker (AMY@FMBGOV.COM)
Signature Date: 2026-05-05 - 5:42:34 PM GMT - Time Source: server
-  Agreement completed.
2026-05-05 - 5:42:34 PM GMT

From: [Michael Hauserman](#)
To: [Colten Thomas](#)
Cc: [apd@studioad.net](#); [Nancy Stuparich](#)
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800
Date: Tuesday, May 5, 2026 2:09:38 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[20250800_Order_of_Continuance_dated_05052026_Signed.pdf](#)

Please see the attached order of continuance. If you have any questions, please contact me.

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Monday, April 27, 2026 3:25 PM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: [apd@studioad.net](#); Frankie Kropacek <[fkropacek@fmbgov.com](#)>; Nancy Stuparich <[nstuparich@voselaw.com](#)>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good afternoon, Mr. Hauserman:

Received. Given the ongoing corrective actions/status of remediation, will the Town recommend a similar continuance at the May 5 hearing?

Thank you,

Colten Thomas
Attorney at Law
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
[Direct Dial: 239.344.1213](#)
Fax: 239.344.1213
[Colten.Thomas@henlaw.com](#)
[www.henlaw.com](#)
Blogs: [www.swflbusinessandipblog.com](#) • [www.legalscoopswflre.com](#)



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Sent: Monday, April 27, 2026 2:50 PM
To: Colten Thomas <Colten.Thomas@henlaw.com>
Cc: apd@studioad.net; Frankie Kropacek <fkropacek@fmbgov.com>; Nancy Stuparich <nstuparich@voselaw.com>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

Sorry for the delay. The Magistrate signed the order, and it was sent to the owner's address. I have attached it to this email. As discussed, it was continued to May 5, 2026 at 9am.

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Thursday, February 26, 2026 10:24 AM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: apd@studioad.net; Frankie Kropacek <fkropacek@fmbgov.com>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good morning, Mr. Hauserman:

Received, thank you.

Best,

Colten Thomas
Attorney at Law
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
[Direct Dial: 239.344.1213](tel:239.344.1213)
Fax: 239.344.1213
Colten.Thomas@henlaw.com
www.henlaw.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Sent: Thursday, February 26, 2026 10:17 AM
To: Colten Thomas <Colten.Thomas@henlaw.com>
Cc: apd@studioad.net; Frankie Kropacek <fkropacek@fmbgov.com>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

The Town has agreed to postpone the hearing to May 5, 2026 at 9am. The magistrate must approve and sign the order at the May hearing. Attached is our draft order presented to the magistrate..

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Wednesday, February 25, 2026 4:45 PM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>; Frankie Kropacek <fkropacek@fmbgov.com>
Cc: apd@studioad.net
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good afternoon, all:

I hope all is well. I am writing to follow up on the below. At your earliest convenience, please confirm the continuation of Case 20250800 and advise whether the Special Magistrate's meeting agenda/calendar for March 3, 2026, has been updated to reflect the same.

Thank you!
Colten

Colten Thomas

Attorney at Law

Henderson, Franklin, Starnes & Holt, P.A.

1715 Monroe Street

Fort Myers, FL 33901

Direct Dial: [239.344.1213](tel:239.344.1213)

Fax: 239.344.1213

Colten.Thomas@henlaw.comwww.henlaw.comBlogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com

CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Colten Thomas**Sent:** Monday, February 16, 2026 1:46 PM**To:** Michael Hauserman <Michael.Hauserman@fmbgov.com>; Frankie Kropacek <fkropacek@fmbgov.com>**Cc:** apd@studioad.net**Subject:** RE: Special Magistrate Clerk 1668 I Street Case #20250800

Good afternoon, all:

Received, thank you. Please advise if/when the continuation is confirmed and an amended notice is generated, and I will pass the update along to my client.

At your earliest convenience, please also advise if the Town has capacity to touch base with The Beach Bar's design and construction team to confirm receipt and review of their portal submissions/remediation plan. We are relying on the Town's acknowledgement and approval to expedite the project(s), and my client is eager to resolve this.

If there is anything we can do to facilitate things on our end, please advise.

Thank you,

From: Michael Hauserman <Michael.Hauserman@fmbgov.com>**Sent:** Thursday, February 12, 2026 1:33 PM**To:** Colten Thomas <Colten.Thomas@henlaw.com>**Cc:** Frankie Kropacek <fkropacek@fmbgov.com>; apd@studioad.net**Subject:** RE: Special Magistrate Clerk 1668 I Street Case #20250800**Importance:** High

Unless there are any objections, the Town is going to request this case be continued to the May 5, 2026 hearing to allow for compliance.

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd



Fort Myers Beach, FL 33931
Phone: (239) 478-9363

FMBgov.com



From: Frankie Kropacek <fkropacek@fmbgov.com>
Sent: Thursday, February 5, 2026 7:53 AM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: Thomas Yozzo <tyozzo@fmbgov.com>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

Good morning, Michael.

Before you respond please see Tom and I to discuss this please

Thank You

Frankie Kropacek
*Community Development
Director*
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 765-0202



FMBgov.com



From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Wednesday, February 4, 2026 5:04 PM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: Frankie Kropacek <fkropacek@fmbgov.com>; Albert Dambrose <apd@studioad.net>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good afternoon, Mr. Hauserman:

I hope this email finds you well. I am writing to follow up on the above-mentioned Code case, in light of the ongoing compliance activity at 1668 I Street.

As you know, my client has been working diligently to address each item raised by the Town. Specifically, by submitting an updated V-zone certificate, permit/design revisions, and other remediation plans for staff's review and approval in early December. However, these items have not yet been assigned to review. It follows that the design and construction team cannot proceed with handling until plans are approved; nor can they move forward with the second phase of remediation.

Given the circumstances—and in consideration of the unique hardship, holiday backlog, and time-intensive repairs—we kindly request an additional extension to the compliance deadline/rescheduled hearing date before the Town's Special Magistrate, consistent with Section 2-424(b) of the Town's Land Development Code.

Please advise if this is acceptable, and if you need any additional information from us to facilitate a review/approval of

my client's intended plans. Project architect Albert Dambrose, copied here, is likely the best point of contact for any technical questions—but I am also available to assist as needed.

Thank you for your time, assistance, and understanding.

All the best,

Colten Thomas

Attorney at Law

Henderson, Franklin, Starnes & Holt, P.A.

1715 Monroe Street

Fort Myers, FL 33901

[Direct Dial: 239.344.1213](tel:239.344.1213)

Fax: 239.344.1213

Colten.Thomas@henlaw.com

www.henlaw.com

Blogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Colten Thomas <Colten.Thomas@henlaw.com>

Sent: Tuesday, December 30, 2025 8:59 AM

To: Michael Hauserman <Michael.Hauserman@fmbgov.com>

Cc: Kirsten Shultz <Kirsten.Shultz@henlaw.com>; Frankie Kropacek <fkropacek@fmbgov.com>

Subject: Re: Special Magistrate Clerk 1668 I Street Case #20250800

Good Morning:

Received, thank you. I will pass this information on to my client and will follow up as needed.

We appreciate your assistance and consideration in connection with this matter.

Best,

From: Michael Hauserman <Michael.Hauserman@fmbgov.com>

Sent: Monday, December 29, 2025 4:12:45 PM

To: Colten Thomas <Colten.Thomas@henlaw.com>

Cc: Kirsten Shultz <Kirsten.Shultz@henlaw.com>; Frankie Kropacek <fkropacek@fmbgov.com>

Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

Thank you for your efforts to come into compliance. I have reissued the notice. (see attached) Extension granted with compliance date by 2/2/26 or a hearing on 3/3/26 at 9am.

Michael J.

Hauserman, CEP

Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Sent: Monday, December 29, 2025 11:49 AM
To: Colten.Thomas@henlaw.com
Cc: Lizzette Roman <Lroman@fmbgov.com>; Amy Baker <Amy@fmbgov.com>; Kirsten.Shultz@henlaw.com; Frankie Kropacek <fkropacek@fmbgov.com>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

I see that your permit is currently in review/revision. Due to your contact and efforts toward compliance, I will be reissuing your Notice of Hearing for the March 2026 hearing at 9am. I will email you a copy by the end of the day on Tuesday. Please keep me updated on your compliance efforts.

If you have any questions or concerns, please let me know.

Michael J.

Hauserman, CEP

Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Amy Baker <Amy@fmbgov.com>
Sent: Monday, December 29, 2025 11:05 AM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: Lizzette Roman <Lroman@fmbgov.com>
Subject: FW: Special Magistrate Clerk

Please see below request

Amy Baker

Town Clerk
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 765-0202



FMBgov.com



As of January 1, 2024 the Town has implemented online records request. Please consider submitting your request through the portal. **Any requests received via email will be transferred by staff to this portal, with all responses coming from "Town of Fort Myers Beach Public Records"**

<https://fortmyersbeachfl.nextrequest.com/>

From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Tuesday, December 23, 2025 4:35 PM
To: Amy Baker <Amy@fmbgov.com>
Cc: Kirsten Shultz <Kirsten.Shultz@henlaw.com>; Lizzette Roman <Lroman@fmbgov.com>
Subject: RE: Special Magistrate Clerk

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good afternoon, Amy:

Thank you for the clarification, and for the quick response!

My name is Colten Thomas, and I represent B + B Properties of Fort Myers, LLC, in connection with the Notice of Violation issued at 1668 I Street, Fort Myers Beach, FL 33931 (Case No. 20250800).

We are just reaching out to confirm that the Special Magistrate's meeting agenda/calendar for January 7, 2026, has been updated to reflect that the original hearing for 20250800 was **cancelled/postponed**. I already spoke with Frankie Kropacek last week, who confirmed with Tom Yozzo—but I just wanted to confirm before the holidays ramp up.

Additionally—if/when the hearing is rescheduled—please allow this email to serve as written notice that I will be attending on behalf of B + B Properties. (I do not foresee this matter requiring a future hearing, but I don't want to miss that 5-day notice requirement.)

Thank you! I hope you have a fantastic Christmas and Happy New Year!

Best,

Colten Thomas

Attorney at Law
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
[Direct Dial: 239.344.1213](tel:239.344.1213)
Fax: 239.344.1213
Colten.Thomas@henlaw.com
www.henlaw.com
Blogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Amy Baker <Amy@fmbgov.com>
Sent: Tuesday, December 23, 2025 4:07 PM
To: Kirsten Shultz <Kirsten.Shultz@henlaw.com>
Cc: Lizzette Roman <Lroman@fmbgov.com>
Subject: RE: Special Magistrate Clerk

Kirsten,

I am technically the Clerk to the Special Magistrate for the Town, although my Lizzette Roman attends the hearings.

Is there something I can help you with? I have also copied Lizzette in the email.

Have a wonderful Christmas!

Amy Baker

Town Clerk
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 765-0202



FMBgov.com



As of January 1, 2024 the Town has implemented online records request. Please consider submitting your request through the portal. **Any requests received via email will be transferred by staff to this portal, with all responses coming from "Town of Fort Myers Beach Public Records"**

<https://fortmyersbeachfl.nextrequest.com/>

From: Kirsten Shultz <Kirsten.Shultz@henlaw.com>
Sent: Tuesday, December 23, 2025 3:38 PM
To: Amy Baker <Amy@fmbgov.com>
Subject: Special Magistrate Clerk

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good Afternoon: Sorry to bother you, but does the Special Magistrate Clerk have an email address? I have called 239-765-4222 and the mailbox is full. Thank you for any assistance.

Kirsten Shultz

Legal Assistant
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
[Direct Dial: 239.344.1208](tel:239.344.1208)
Fax: 239.344.1208
Kirsten.Shultz@henlaw.com
www.henlaw.com
Blogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation,

Petitioner,

vs.

FMB CASE NO. 20250800

B + B PROPERTIES OF FORT MYERS, LLC

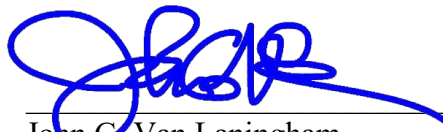
Respondent.

_____/

ORDER OF CONTINUANCE

The undersigned hereby gives notice that the Honorable Judge John G. Van Laningham continued a hearing in the above case at the Fort Myers Beach Council Chambers from Tuesday, March 3, 2026. The continued hearing will be held on **Tuesday, May 5, 2026, at 9:00 a.m.** at the Town of Fort Myers Beach Town Hall located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.

Ordered this 3rd day of March, 2026.



John G. Van Laningham,
Special Magistrate

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the 5 day of March 2026, to:

B + B PROPERTIES OF FORT MYERS, LLC
21050 SAINT PETERS DR
FORT MYERS BEACH, FL 33931

Nancy Stuparich: nstuparich@voselaw.com
Michael Hauserman: Michael.Hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

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

BY: 
[Amy Baker \(Mar 5, 2026 13:00:58 EST\)](#)
Town Clerk and Clerk to the Special Magistrate

Dated: Mar 5, 2026

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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

EXHIBIT A

- Notice of Violation & Hearing
- Evidence of Service
 - Affidavit of Positing
 - Evidence of Posting at violation address
 - Evidence of Posting at Town Hall
 - Evidence of Mailing / Certified Mail
- Evidence of Ownership
 - Lee County Property Appraisers
 - Tax Bill
- Initial Inspection Evidence
 - Photographs
 - Permit records
 - Other Evidence



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,
vs.

Certified Mail:	9589071052713142134357
	9589071052703142134364
Regular Mail:	USPS 11/12/2025

B+B Properties of Fort Myers LLC
Respondent.

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Michael J Hauserman, who being duly sworn by me, on oath, deposes and says the following regarding that certain Notice of Violation and Notice of Hearing attached hereto as **Exhibit A** ("the Notice"):

1. My name is Michael J Hauserman. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed as the Code Compliance Manager for the Town of Fort Myers Beach ("Town").
3. On 11/12/2025, I personally mailed a copy of the Notice by certified mail and first-class mail as follows:
 - a. To the property owner at the address listed in the records of the Lee County Tax Collector and/or Lee County Property Appraiser for tax notices, which address is: 21050 Saint Peters Drive, Fort Myers Beach, FL 33931. A true and correct copy of the property ownership and address information obtained from the Tax Collector/Property Appraiser is attached hereto as **Exhibit A**. A copy of the certified mail receipt is attached hereto as **Exhibit A**.

- b. [If applicable] To the following additional address(es) reasonably believed to be valid for the property owner: _____. A copy of the certified mail receipt is attached hereto as **Exhibit A**.
- c. The property is owned by **B+B Properties of Fort Myers LLC**, a business entity registered in the State of Florida. I mailed a copy of the Notice by certified mail and first-class mail to the business entity's Registered Agent, **Gregory J Boyd, RA**, at the following address: 21050 Saint Peters Dr, Fort Myers Beach, FL 33931 . A copy of the certified mail receipt is attached hereto as **Exhibit A**. A true and correct copy of the Florida Division of Corporations record for the entity, identifying its Registered Agent, is attached hereto as **Exhibit A**.

4. On 11/12/2025, I posted a copy of the Notice at 1668 I Street, Fort Myers Beach, FL 33931, which is the property upon which the violation is alleged to exist. Photographs of the posted Notice, taken by me on that date, are attached hereto as **Exhibit A**.

5. On 11/12/2025, I posted a copy of the Notice at Town Hall, located at 6231 Estero Boulevard, Fort Myers Beach, FL 33931, which is the primary municipal government office for the Town of Fort Myers Beach. Photographs of the posted Notice, taken by me on that date, are attached hereto as **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 of Fort Myers Beach Land Development Code and Section 162.12, Florida Statutes.

SWORN AND ATTESTED BY:

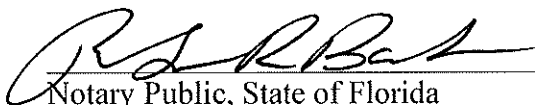


Signature of Affiant

Printed Name: Michael J Hauserman

Title: Code Compliance Manager

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☒ physical presence / ☐ online notarization, this 12th day of November, 2025 by Michael J Hauserman, who ☒ is personally known to me ☐ or has produced _____ as identification.



Notary Public, State of Florida

Printed Name: R. R. Baker

My Commission No.: #H637224

My Commission Expires: 2/5/2029



Town of Fort Myers Beach

NOTICE OF VIOLATION AND NOTICE OF CODE ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone: (239) 765-0202

Date: November 12, 2025

Case Number: **20250800**

Property Owner: B + B PROPERTIES OF FORT MYERS, LLC
Mailing Address: 21050 Saint Peters Drive, Fort Myers Beach, FL 33931
Subject Property Address: 1668 I Street, Fort Myers Beach, FL 33931
Certified Mail# 9589071052703142134364, 9589071052703142134357
Parcel: 19-46-24-W4-0070B.0110

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer observed on November 10, 2025 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, were present on the subject property identified above:

Code Violation: On 11/10/2025, I observed multiple code violations including but not limited to lack of current valid building permit and building code deficiencies as defined in the Fort Myers Beach (FMB) Land Development Code Section 6-111, Florida Building Code (FBC) 105.1, and Section 6-441 of the FMB Land Development Code.

CHAPTER 6 – MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS

ARTICLE II. BUILDING CODES

DIVISION 3. – BUILDING CODE

SECTION 6-111. – Adoption; amendments.

The Florida Building Code is hereby adopted by reference and made a part of this article, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

FBC 7th Edition Section 105 PERMITS 105.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

***FMB 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 ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of the ordinance and all other applicable codes and regulations has been satisfied. No person may undertake a series of any improvements, additions, and/or demolitions that connect two or more existing structures in a manner that evades the requirements of this ordinance and the Florida Building Code.*

Specific Violations:

1. FBC 7th Edition 1612.4 Design and construction. ASCE 24.7.1

Violation: Sink and associated plumbing located at ground level.

Corrective action: The sink and associated plumbing will have to be removed from ground level or elevated to the required elevated location.

2. FBC 7th Edition 1612.5 Floor hazard documentation.

Violation: Lack of V-Zone certificate provided with permit.

Corrective action: Provide a V-Zone certificate to the Town with permit application.

3. FBC 7th Edition 1612.4 Design and construction. ASCE 4.6.2

Violation: Lack of required hydrostatic relief vents. Blocked hydrostatic relief vents.

Corrective action: Provide the required hydrostatic relief vents that are required per the FMB Floodplain Manager's comments. All hydrostatic relief vents must kept clear of blockage.

4. FBC 7th Edition 1612.5 Flood hazard documentation.

Violation: Lack of required approved elevation certificate.

Corrective action: Provide an approved elevation certificate for review and approved by the FMB Floodplain Manager.

Corrective Action Required: The following action is required to bring the violation(s) into compliance: Correct all deficiencies listed above as items 1-4. Obtain the required building permits once corrective action is taken for all unpermitted construction.

Code Enforcement Compliance Date: Compliance is required on or before **December 12, 2025**

If the referenced violations are corrected, you must contact the **Code Manager Michael J Hauserman at (239) 478-9363**.

A HEARING FOR THIS MATTER HAS BEEN SCHEDULED FOR REVIEW BY THE SPECIAL MAGISTRATE ON THE 7th DAY OF JANUARY 2026, AT 9:00 AM, AT 6231 ESTERO BLVD, FORT MYERS BEACH, FL 33931. (Fort Myers Beach Town Hall Council Chambers)

☒ You are required to notify the undersigned Code Enforcement Officer when you complete the required actions to attain compliance with the Town's Codes. If you are able to complete the corrected action prior to the Code Enforcement Compliance Date, the scheduled hearing will be cancelled. Should all violations not be corrected and approved by the undersigned Code Enforcement Officer prior to the Code Enforcement Compliance Date, you will be required to appear at the scheduled hearing before the Town's Special Magistrate, pursuant to Division 2 of Article V of Chapter 2 of the Town Land Development Code and Chapter 162, Florida Statutes. If a violation is corrected after the Code Enforcement Compliance Date but before the scheduled hearing, the case may still be presented to the Special Magistrate.

☐ The Code Officer has reason to believe that the violation(s) or the condition causing the violation(s) presents a serious threat to the public health, safety, and welfare or is irreparable or irreversible in nature. Therefore, no Code Enforcement Compliance Date has been provided, and the case may be presented to the Special Magistrate even if the violation(s) have been corrected prior to the hearing.

☐ The Code Officer has reason to believe that this violation is the same violation that occurred within the past 5 years ("Repeat Violation"). Therefore, no Code Enforcement Compliance Date has been provided. This case may be presented to the Special Magistrate even if the Repeat Violation(s) have been corrected prior to the hearing.

The purpose of the scheduled Code Enforcement Hearing is for the Special Magistrate to make "Findings of Fact" and "Conclusions of Law" relating to the observed violation(s) and to issue an appropriate Order. The Hearing is also your opportunity to present evidence and/or contest the observed violations, should you wish to do so. If a violation is found, the Order may require you to correct the violation(s) by a specified date. In addition, the Order may impose daily fines as per Florida Statutes Section 162.09(2)(a) of the following:

- \$250/ day per violation
- \$500/day for repeat offenses
- \$5,000 for irreversible or irreparable violations

Additionally, administrative fees may be requested by the Town to recover all costs incurred by the Town in scheduling and presenting the code enforcement case to the Special Magistrate as ordered by the Special Magistrate. **THE IMPOSITION OF FINES AND/OR ADMINISTRATIVE FEES AND COSTS MAY RESULT IN A FUTURE LIEN AGAINST YOUR PERSONAL AND REAL PROPERTY.**

You have the right to be represented by an attorney at the scheduled hearing and to respond and present evidence (documents and testimony by witnesses) at the scheduled hearing. If you wish to be represented by an attorney, your attorney **MUST** notify the Special Magistrate's Clerk in writing at least five (5) working days before the scheduled hearing.

You may also have other rights which are set forth in Division 2 of Article V of Chapter 2 of the Town Land Development Code. If a person decides to appeal any decision with respect to any matter considered at the scheduled hearing, such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

For additional information, contact the Town of Fort Myers Beach Special Magistrate Clerk at (239) 765-4222.

Michael J Hauserman



Code Enforcement Manager
Fort Myers Beach, Florida
239-478-9363



Nov 12, 2025 2:14:54 PM
Fort Myers Beach

garbage.

Corrective Action Required:

The following actions are required to bring the violation(s) into compliance. (1) Cut/Mow weeds and grass and maintain the property free from weeds or plant growth in excess of 12 inches. (2) remove or replace the tarp on the roof so it no longer creates litter. (3) repair the building so loose objects, such as railings, can fall or blow onto other properties in a high wind event. Replacement will require permits. Questions call Permitting at 239-765-0202.

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

Page 1 of 3



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone: (239) 765-0202

Date: November 12, 2025

Case Number: 20250800

Property Owner: B + B PROPERTIES OF FORT MYERS, LLC
Mailing Address: 21050 Saint Peters Drive, Fort Myers Beach, FL 33931
Subject Property Address: 16681 Street, Fort Myers Beach, FL 33931
Certified Mail# 9589071052703142134364, 9589071052703142134357
Parcel: 19-46-24-W4-0070B.0110

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer observed on November 10, 2025 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, were present on the subject property identified above:

Code Violation: On 11/10/2025, I observed multiple code violations including but not limited to lack of current valid building permit and building code deficiencies as defined in the Fort Myers Beach (FMB) Land Development Code Section 6-111, Florida Building Code (FBC) 105.1, and Section 6-441 of the FMB Land Development Code.

CHAPTER 6 - MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS
ARTICLE 11. BUILDING CODES
DIVISION 3. - BUILDING CODE
SECTION 6-111. - Adoption; amendments.

The Florida Building Code is hereby adopted by reference and made a part of this article, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

FBC 7th Edition Section 105 PERMITS 105.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, move, demolish or change the permanent covering, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

FMB 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 ordinance, including buildings, structures and facilities except from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall first obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of the ordinance and all other applicable codes and regulations has been satisfied. No person may undertake a series of any improvements, additions, and/or demolitions that connect two or more existing structures in a manner that violates the requirements of this ordinance and the Florida Building Code.

Page 1 of 3

Nov 12, 2025 2:14:51 PM
Fort Myers Beach



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone: (239) 765-0202

Date: November 12, 2025

Case Number: 20250800

Property Owner: B + B PROPERTIES OF FORT MYERS, LLC
Mailing Address: 21050 Saint Peters Drive, Fort Myers Beach, FL 33931
Subject Property Address: 1668 I Street, Fort Myers Beach, FL 33931
Certified Mail# 9559071052703142134364, 9559071052703142134357
Parcel: 19-46-24-W4-C0700.0110

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer observed on November 10, 2025 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, were present on the subject property identified above:

Code Violation: On 11/10/2025, I observed multiple code violations including but not limited to lack of current valid building permit and building code deficiencies as defined in the Fort Myers Beach (FMB) Land Development Code Section 6-111, Florida Building Code (FBC) 105.1, and Section 6-441 of the FMB Land Development Code.

CHAPTER 6 - MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS
ARTICLE 11 - BUILDING CODES
DIVISION 3 - BUILDING CODE
SECTION 6-111 - ADAPTING AN EXISTING BUILDING

The Florida Building Code is hereby adopted by reference and made a part of this code, including all revisions and amendments approved in accordance with state law, with the exceptions set forth as follows:

FBC 7th Edition Section 105 PERMITS 105.1 Required.
Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any structural member, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

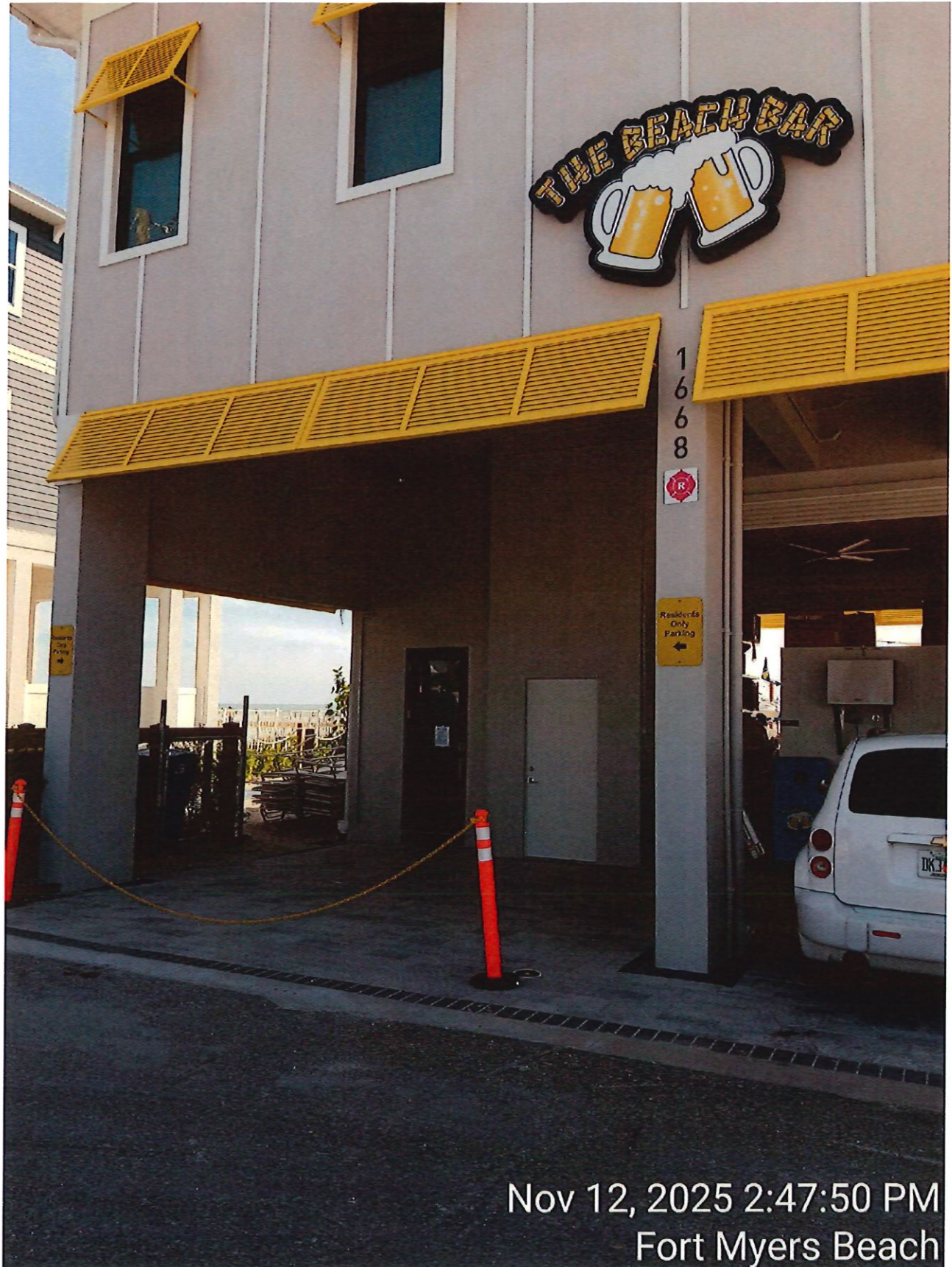
FMB Sec. 6 - 441 Permit required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of the ordinance and all other applicable codes and regulations has been satisfied. No person may undertake a series of any improvements, additions, and/or demolitions that connect two or more existing structures in a manner that violates the requirements of this ordinance and the Florida Building Code.

Page 1 of 3

Nov 12, 2025 2:47:30 PM
Fort Myers Beach



Nov 12, 2025 2:47:43 PM
Fort Myers Beach



Nov 12, 2025 2:47:50 PM
Fort Myers Beach

9589 0710 5270 3142 1343 57

U.S. Postal Service™ 20250800
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 \$

Postmark
 11-12-25
 [Signature]

Sent To: B+B PROPERTIES OF FORT MYERS, LLC
 Street: C/O Gregory J Boyd, RA
 City, St: 21050 Saint Peters Drive
 Fort Myers Beach, FL 333931

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

9589 0710 5270 3142 1343 64

U.S. Postal Service™ 20250800
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 \$

Postmark
 11-12-25
 [Signature]

Sent To: B+B PROPERTIES OF FORT MYERS, LLC
 Street: 21050 Saint Peters Drive
 City, St: Fort Myers Beach, FL 333931

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



Property Data

STRAP: 19-46-24-W4-0070B.0110 Folio ID: 10228182

Tax Roll Value Letter 2025 ▾

Generated on 11/10/2025 12:00 PM

Owner Of Record - Sole Owner [Change Mailing Address]



B + B PROPERTIES OF FORT MYERS
21050 SAINT PETERS DR
FORT MYERS BEACH FL 33931

Site Address

Site Address maintained by **E911 Program Addressing**

1668 I ST
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



CRESCENT BEACH BLK.B PB 4 PG 45 LOT 11

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 4 and 45 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	4 / 4.0
1st Year Building on Tax Roll	2025
Historic Designation	No

Township	Range	Section	Block	Lot
46	24E	19	0070B	0110
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.45019	-81.94948		

[View Parcel on Google Maps](#)

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Image of Structure



◀ Photo Date July of 2025 ▶ ☐ View other photos

Last Inspection Date: 01/22/2025

Property Values / Exemptions / TRIM Notices

Generated on 11/10/2025 12:00 PM

No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2025 / Additional Info	2025 (Final Value)	2,228,905	2,228,905	2,228,905	1,208,788	0	0	1,208,788
2024 / Additional Info	2024 (Final Value)	2,228,905	2,228,905	2,228,905	1,098,898	0	0	1,098,898
2023 / Additional Info	2023 (Final Value)	1,639,334	1,639,334	1,639,334	998,998	0	0	998,998

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
21 - Stores/Office/Res Combination	4 - COMMERCIAL	3.0	2
Bedrooms	Fixtures	Year Built	Effective Year Built
4	4.0	2025	2025

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
AP2 - APARTMENT 2	Y	1,325
APT - APARTMENT	Y	1,858
BAL - BALCONY	N	63
BAS - BASE	Y	281
FCP - FINISHED CARPORT	N	1,577
FEP - FINISHED ENCLOSED PORCH	N	63
FOP - FINISHED OPEN PORCH	N	320
FOP - FINISHED OPEN PORCH	N	320
FOP - FINISHED OPEN PORCH	N	320

Building Features

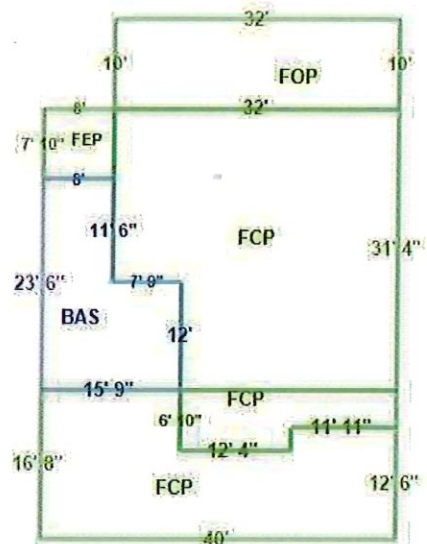
Description	Year Added	Units
ELEVATOR - FREIGHT	2025	3
SPRINKLER SYSTEM (INTERIOR)	2025	6,224

Building Front Photo



Photo Date: July of 2025

Building Footprint



Description	Heated / Under Air	Area (Sq Ft)
AP2 - APARTMENT 2	Y	1,325
APT - APARTMENT	Y	1,858
BAL - BALCONY	N	63
BAS - BASE	Y	281
FEP - FINISHED ENCLOSED PORCH	N	973
FGR - FINISHED GARAGE	N	667
FOP - FINISHED OPEN PORCH	N	320
FOP - FINISHED OPEN PORCH	N	320
FOP - FINISHED OPEN PORCH	N	320

Building Features

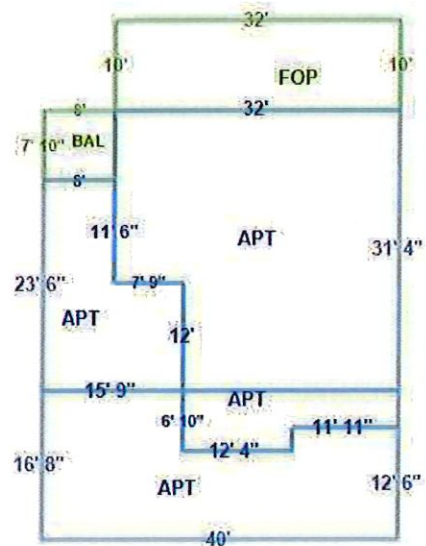
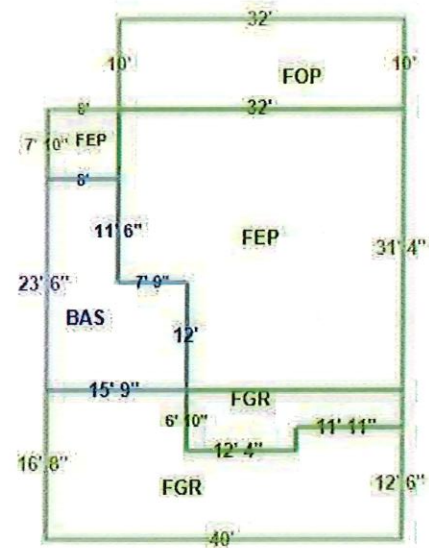
Description	Year Added	Units
ELEVATOR - FREIGHT	2025	3
SPRINKLER SYSTEM (INTERIOR)	2025	6,224

Building Front Photo



Photo Date: July of 2025

Building Footprint



Sales / Transactions

Generated on 11/10/2025 12:01 PM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
800,000.00	12/04/2009	2009000330729	01		I
1,700,000.00	03/24/2005	4643/2138	08		I
100.00	04/22/2004	4308/654	01		I
192,000.00	11/01/1987	1952/218	06		I
83,500.00	04/01/1977	1196/980	06		I

[View Recorded Plat at LeeClerk.org](#)Use the above link to do a search on the Lee County Clerk of Courts website, using **4** and **45** 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 11/10/2025 12:01 PM

Permit Number	Permit Type	Date
240836	Building New Construction	10/30/2024
242556	Fence	10/16/2024
224382	Mobile Home	07/31/2023
234424	Demolition	07/10/2023
224847	Site Development - Driveway / Sidewalks	02/03/2023
225045	Electric	12/22/2022
ROF17-0029	Roof	04/07/2017
ELE15-0153	Electric	06/01/2015
COM15-0173	Shutter, Awning	05/29/2015
FIR13-0041	Fire	09/06/2013
COM10-0123	Building Remodel / Repair	08/09/2010
FNC2007-00944	Fence	05/14/2007
COM2005-01361	Building Remodel / Repair	07/12/2005
ROF2004-08413	Roof	12/17/2004
198911388	Commercial	10/23/1989

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

DO NOT PAY - THIS IS NOT A BILL
NOTICE OF PROPOSED PROPERTY TAXES
TAX INFORMATION

10228182
 B + B PROPERTIES OF FORT MYERS
 21050 SAINT PETERS DR
 FORT MYERS BEACH, FL 33931

532014
 Parcel ID: 19-46-24-W4-00708.0110
 CRESCENT BEACH
 BLK.B PB 4 PG 45
 LOT 11
 1668 I ST

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION. Each taxing authority may AMEND OR ALTER its proposals at the hearing.

TAXING AUTHORITY ⓘ		COLUMN 1*		COLUMN 2*		COLUMN 3*
277 TOWN OF FM BCH / FM BCH DOWNTOWN REDEV	LAST YEAR'S ACTUAL TAX RATE 2024 (MILLAGE) ⓘ	YOUR PROPERTY TAXES LAST YEAR 2024	YOUR TAX RATE THIS YEAR IF NO BUDGET CHANGE IS ADOPTED (MILLAGE)	YOUR TAXES THIS YEAR IF NO BUDGET CHANGE IS ADOPTED	THIS YEAR'S PROPOSED TAX RATE 2025 (MILLAGE)	YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED 2025
COUNTY:						
LEE CO GENERAL REVENUE	3.7623	\$4,134.38	3.6162	\$4,371.22	3.7623	\$4,547.82
SCHOOL:						
PUBLIC SCHOOL - BY LOCAL BOARD	2.2480	\$5,010.58	2.2302	\$4,970.90	2.2480	\$5,010.58
PUBLIC SCHOOL - BY STATE LAW	3.0380	\$6,771.41	3.0139	\$6,717.70	3.0710	\$6,844.97
MUNICIPALITY OR MSTU:						
TOWN OF FORT MYERS BEACH FLORIDA	0.9900	\$1,087.91	0.8954	\$1,082.35	1.2550	\$1,517.03
WATER MANAGEMENT DISTRICT:						
SFWM-DISTRICT-WIDE	0.0948	\$104.18	0.0889	\$107.46	0.0948	\$114.59
SFWM-EVERGLADES CONSTRUCTION PROJECT	0.0327	\$35.93	0.0306	\$36.99	0.0327	\$39.53
SFWM-OKEECHOBEE BASIN	0.1026	\$112.75	0.0961	\$116.16	0.1026	\$124.02
INDEPENDENT SPECIAL DISTRICTS:						
FORT MYERS BEACH FIRE CONTROL DIST	2.8000	\$3,076.91	2.5436	\$3,074.67	2.8000	\$3,384.61
FORT MYERS BEACH MOSQUITO CONTROL	0.1123	\$123.41	0.1018	\$123.05	0.1123	\$135.75
FORT MYERS BEACH PUBLIC LIBRARY DIST	0.1612	\$177.14	0.1464	\$176.97	0.1612	\$194.86
LEE CO HYACINTH CONTROL DIST	0.0200	\$21.98	0.0192	\$23.21	0.0200	\$24.18
WEST COAST INLAND NAVIGATION DIST	0.0394	\$43.30	0.0381	\$46.05	0.0394	\$47.63
TOTAL TAX RATES:	13.4013		12.8204		13.6993	
TOTAL PROPERTY TAXES:		\$20,699.88		\$20,846.73		\$21,985.57
		COLUMN 1*		COLUMN 2*		COLUMN 3*

NOTICE OF PROPOSED PROPERTY TAXES EXPLANATION (Section 200.069, Florida Statutes)

***COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"** - This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

***COLUMN 2—"YOUR TAXES IF NO BUDGET CHANGE IS ADOPTED"** - This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment.

***COLUMN 3—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED"** - This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on this notice. The difference between Columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

NOTE: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

NON-AD VALOREM ASSESSMENTS: ⓘ Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district

A Public Hearing ⓘ on the Proposed Taxes and Budget Will Be Held:

COUNTY/MSTU:	09/04/2025 5:05PM	Lee Co Commission Chambers	2120 Main St	Fort Myers FL 33901	239-533-2221
SCHOOL:	09/09/2025 5:05PM		2855 Colonial Blvd	Fort Myers FL 33966	239-337-8215
MUNICIPALITY:	09/11/2025 5:01PM		6231 Estero Blvd	Fort Myers Beach FL 33931	239-765-0202
WATER MANAGEMENT DISTRICT:	09/11/2025 5:15PM	SFWM Auditorium	3301 Gun Club Rd B-1 Bldg	West Palm Beach FL 33406	561-686-8800
LEE CO MOSQUITO AND/OR HYACINTH:	09/11/2025 5:01PM/5:15PM		15191 Homestead Rd	Lehigh Acres FL 33971	239-694-2174
FORT MYERS BEACH FIRE CONTROL DIST:	09/10/2025 5:05PM	Diamond Head Resort	2000 Estero Blvd	Ft Myers Beach FL 33931	239-590-4200
FORT MYERS BEACH MOSQUITO CONTROL:	09/03/2025 5:01PM		161 Bay Rd	Ft Myers Beach FL 33931	239-247-1205
FORT MYERS BEACH PUBLIC LIBRARY DIST:	09/11/2025 5:05PM		2755 Estero Blvd	Ft Myers Beach FL 33931	239-463-9691
WEST COAST INLAND NAVIGATION DISTRICT:	09/05/2025 5:01PM		1575 E Venice Ave	Venice FL 34292	941-485-9402

** PROPERTY RECORD UPDATE -- WEBSITE AND PERSONALIZED CODE FOR 2025**

Enter your [personalized code TR9C11D6](#) to review your property details and

- Report or update hurricane damage

PROPERTY VALUATION		
	Last Year 2024 ⓘ	This Year 2025 ⓘ
MARKET VALUE	\$2,228,905	\$2,228,905
Market Value in Florida is also known as "just value" as provided by the constitution and described in state law. It is the amount a purchaser willing but not obliged to buy would pay to one willing but not obliged to sell, after proper consideration of all eight factors in section 193.011, F.S.		
ASSESSED VALUE		
Assessed Value is the market value of your property minus the amount of any assessment reductions. The assessed value may be different for millage levies made by different taxing authorities.		
ASSESSMENT REDUCTIONS	APPLIES TO	VALUE
Assessment Reduction amounts are based on applicable statutory limitations and benefits that may affect the Assessed Value, such as the Save Our Homes cap or an Agricultural Classification. The value of these limitations and benefits make up the difference between market and assessed value.		
Assessment Limitation Benefit	Non-School Levies	\$1,020,117
EXEMPTIONS	APPLIES TO	VALUE
Exemptions are specific dollar or percentage amounts that reduce taxable value. These are usually based on characteristics of the property or property owner. Examples include the homestead exemption, veterans' disability exemptions and charitable exemptions. In some cases, the maximum exemption amount may not be applied because of a lower assessed value. Many exemptions apply only to tax levies by the taxing authority granting the exemption.		

VALUE CALCULATIONS						
Taxable Value is the assessed value minus qualifying exemptions. This is the value used to calculate the tax due on your property. The assessed and taxable values may vary by taxing authority because certain assessment reductions and exemptions may not apply to all levies and discounts.						
TAXING AUTHORITY	ASSESSED VALUE		EXEMPTIONS		TAXABLE VALUE	
	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR	LAST YEAR	THIS YEAR ⓘ
COUNTY:						
LEE CO GENERAL REVENUE	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
SCHOOL:						
PUBLIC SCHOOL - BY LOCAL BOARD	\$2,228,905	\$2,228,905	\$0	\$0	\$2,228,905	\$2,228,905
PUBLIC SCHOOL - BY STATE LAW	\$2,228,905	\$2,228,905	\$0	\$0	\$2,228,905	\$2,228,905
MUNICIPALITY OR MSTU:						
TOWN OF FORT MYERS BEACH FLORIDA	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
WATER MANAGEMENT DISTRICT:						
SFWMD-DISTRICT-WIDE	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
SFWMD-EVERGLADES CONSTRUCTION PROJECT	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
SFWMD-OKEECHOBEE BASIN	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
INDEPENDENT SPECIAL DISTRICTS:						
FORT MYERS BEACH FIRE CONTROL DIST	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
FORT MYERS BEACH MOSQUITO CONTROL	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
FORT MYERS BEACH PUBLIC LIBRARY DIST	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
LEE CO HYACINTH CONTROL DIST	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
WEST COAST INLAND NAVIGATION DIST	\$1,098,898	\$1,208,788	\$0	\$0	\$1,098,898	\$1,208,788
If you feel the market value of your property is inaccurate or does not reflect fair market value, or if you are entitled to an exemption or classification that is not reflected on this form, please call us at (239) 533-6100 or visit the Lee County Property Appraiser's office at 2480 Thompson Street, 4th Floor, Fort Myers, FL.						
If we are unable to resolve a matter as to the market value, classification, or an exemption, you may file a petition for adjustment with the Value Adjustment Board. ⓘ Online filing is available at www.leeclerk.org. Petition forms are available from the Lee County Property Appraiser's office. All petitions must be filed with the Clerk of Courts Office on or before September 12, 2025.						

**** PROPERTY RECORD UPDATE -- WEBSITE AND PERSONALIZED CODE FOR 2025****

Enter your [personalized code TR9C11D6](#) to review your property details and

- Report or update hurricane damage
- Confirm or update your homestead exemption status
- Discover how your value was impacted

Prepared by and Return Recorded Original to:

Charles R. Meador, Jr., Attorney at Law
2085 Estero Boulevard
Fort Myers Beach, FL 33931
Telephone: (239) 463-6619
Facsimile: (239) 463-6454

Property Appraiser Parcel I.D. No. 19-46-24-W4-0070B.0110
Grantee Taxpayer I.D. No. _____
Documentary Stamp Tax on Transfer: \$5600

Reserved For Recorder

(STATUTORY FORM - Section 689.02, F.S.)

WARRANTY DEED

THIS WARRANTY DEED, made this 4 day of DECEMBER, A.D. 2009, between LAKESIDE PROPERTIES, LLC, a Florida limited liability company, whose post office address is P.O. Box 1, Branch 1, Fort Myers Beach, FL 33931, hereinafter called Grantor, and B+B PROPERTIES OF FORT MYERS BEACH, LLC, a Florida limited liability company, whose post office address is 21050 St. Peters Drive, Fort Myers Beach, FL 33931, hereinafter called Grantee.

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten and No/100's Dollars (\$10.00), and other good and valuable consideration, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

Lot 11, Block B, CRESCENT BEACH SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 4, Page 45, Public Records of Lee County, Florida.

SUBJECT TO easements, restrictions and reservations of record and taxes for the current and subsequent years.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

*"Grantor" and "Grantee" are used for singular and plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and

Reserved For Recorder

year first above written.

Signed in the presence of:

LAKESIDE PROPERTIES, LLC, a Florida limited liability company

By: CHEMONG ENTERPRISES, LLC, a Nevis limited liability company, as Manager

WI

x M. Rea
 ✓ M. Rea
 Witness Name - print or type

By: x

Alida Carlsake

Alida Carlsake, as Manager

WII

x Nancy Day
 ✓ NANCY DAY
 Witness Name - print or type

PROVINCE

STATE OF ONTARIO

COUNTY OF PETERBOROUGH, CANADA

EXECUTION OF the foregoing instrument was acknowledged before me this 4 day of DECEMBER, 2009, by Alida Carlsake, as Manager of CHEMONG ENTERPRISES, LLC, a Nevis limited liability company, as Manager of LAKESIDE PROPERTIES, LLC, a Florida limited liability company, who is (CHECK ONE OF THE FOLLOWING AS APPLICABLE) ☒ personally known to me, or ☐ who has produced () as identification.

x John Joseph Crook
 NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME - JOHN JOSEPH CROOK (Notary Seal)

COMMISSION NO. - N/A

COMMISSION EXP. DATE - LIFE

(Notary Name/Commission No./Exp. Date - typed or printed)



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company

B + B PROPERTIES OF FORT MYERS BEACH, LLC

Filing Information

Document Number L09000115105

FEI/EIN Number 27-1417918

Date Filed 12/02/2009

State FL

Status ACTIVE

Principal Address

21050 ST PETERS DR
FT MYERS BEACH, FL 33931

Mailing Address

21050 ST PETERS DR
FT MYERS BEACH, FL 33931

Registered Agent Name & Address

BOYD, GREGORY J
21050 ST. PETER'S DR
FT MYERS BEACH, FL 33931

Name Changed: 02/11/2012

Address Changed: 02/11/2012

Authorized Person(s) Detail

Name & Address

Title MGR

BOYD, GREGORY J
21050 ST PETERS DR
FT MYERS BEACH, FL 33931

Title MGR

BOYD, MADELINE M
604 HUDSON STREET #2
HOBOKEN, NJ 07030

Annual Reports

Report Year	Filed Date
2023	02/14/2023
2024	02/29/2024
2025	02/13/2025

Document Images

02/13/2025 -- ANNUAL REPORT	View image in PDF format
02/29/2024 -- ANNUAL REPORT	View image in PDF format
02/14/2023 -- ANNUAL REPORT	View image in PDF format
02/24/2022 -- ANNUAL REPORT	View image in PDF format
01/21/2021 -- ANNUAL REPORT	View image in PDF format
01/27/2020 -- ANNUAL REPORT	View image in PDF format
02/05/2019 -- ANNUAL REPORT	View image in PDF format
01/15/2018 -- ANNUAL REPORT	View image in PDF format
02/07/2017 -- ANNUAL REPORT	View image in PDF format
02/17/2016 -- ANNUAL REPORT	View image in PDF format
02/23/2015 -- ANNUAL REPORT	View image in PDF format
02/28/2014 -- ANNUAL REPORT	View image in PDF format
02/20/2013 -- ANNUAL REPORT	View image in PDF format
02/11/2012 -- ANNUAL REPORT	View image in PDF format
02/11/2011 -- ANNUAL REPORT	View image in PDF format
03/04/2010 -- ANNUAL REPORT	View image in PDF format
12/02/2009 -- Florida Limited Liability	View image in PDF format



Subject: Revocation of Permit Due to Non-Compliance with Floodplain Requirements in AE Flood Zone

Dear B + B PROPERTIES OF FORT MYERS,

This letter serves as formal notice that the Town of Fort Myers Beach is revoking the building permit previously issued for your property located at **1668 I St Fort Myers Beach, FL 33931**. (STRAP# 194624W40070B0110)

Upon further review, it has been determined that the permit was issued in error. The proposed development is located within a FEMA-designated AE Flood Zone and does not currently meet the floodplain management requirements established by FEMA and adopted by the Town.

Reason for Revocation:

As a participant in the National Flood Insurance Program (NFIP), the Town is required to enforce FEMA's floodplain regulations to reduce flood risk and maintain eligibility for federally backed flood insurance. In AE Flood Zones—classified as high-risk areas—development must meet stringent elevation and construction standards, including but not limited to:

- Residential structures must have the lowest floor elevated to or above the Base Flood Elevation (BFE) shown on current FEMA Flood Insurance Rate Maps (FIRMs).
- Non-residential structures must be either elevated or floodproofed to the BFE.
- All development must avoid obstructing or altering the floodplain in ways that increase flood risk to adjacent properties.
- Proper flood openings, materials, and anchoring methods must be used in accordance with federal and local flood-resistant construction standards.

The permit in question was issued without adequate verification that these requirements had been met. Continuing construction under the current permit would increase flood risk, violate FEMA and Town regulations, and jeopardize the



FMBgov.com

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

Town's standing in the NFIP—which could negatively impact flood insurance availability for all Fort Myers Beach property owners.

Next Steps:

We understand the inconvenience this may cause and are committed to assisting you in moving forward in compliance. We recommend consulting with a licensed Florida engineer, architect, or land surveyor experienced in FEMA floodplain regulations.

You may submit revised plans for review once all applicable floodplain development standards have been met.

Our Building Services and Floodplain Management teams are available to answer any questions and provide guidance throughout this process.

Thank you for your understanding and cooperation as we work to protect the safety and resilience of our community.

Sincerely,
Joe Specht
Building Official
Town of Fort Myers Beach

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 6231 Estero Boulevard, Fort Myers Beach, FL 33931

1. The sink and associated plumbing will have to be removed at the ground level.

FBC 1612.4, ASCE 24 7.1

1612.4 Design and construction.

The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and Coastal A Zones, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24.

2023 Florida Building Code, Building, Eighth Edition / CHAPTER 16 / SECTION 1612 / 1612.4

2. A V-Zone certificate is required from the owner. **FBC 1612.5**

1612.5 Flood hazard documentation.

The following documentation shall be prepared and sealed by a licensed professional surveyor and mapper or a registered design professional, as applicable, and submitted to the building official:

1. For construction in *flood hazard areas* other than *coastal high hazard areas* or *coastal A zones*:
 - 1.1. The elevation of the lowest floor, including the basement, as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.
 - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, *construction documents* shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.
 - 1.3. For *dry floodproofed* nonresidential buildings, *construction documents* shall include a statement that the *dry floodproofing* is designed in accordance with ASCE 24 and shall include the flood emergency plan specified in Chapter 6 of ASCE 24.
 - 1.4. For *dry floodproofed* nonresidential buildings, the elevation to which the building is *dry floodproofed* as required for the final inspection in Section 110.3, Building, 6.1.
2. For construction in *coastal high hazard areas* and *coastal A zones*:

2.1.The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.

2.2.*Construction documents* shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

2.3.For breakaway walls designed to have a resistance of more than 20 psf (0.96 kN/m²) determined using allowable stress design, *construction documents* shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

2.4.For breakaway walls where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.

2023 Florida Building Code, Building, Eighth Edition / CHAPTER 16 / SECTION 1612 / 1612.5

3. Hydrostatic relief vents are required per the FMB Floodplain Manager's comments. FBC 1612.4, ASCE 4.6.2

1612.4 Design and construction.

The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and Coastal A Zones, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24.

2023 Florida Building Code, Building, Eighth Edition / CHAPTER 16 / SECTION 1612 / 1612.4

4. All hydrostatic relief vents must kept clear of blockage. FBC 1612.4, ASCE 4.6.2

1612.4 Design and construction.

The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and Coastal A Zones, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24.

2023 Florida Building Code, Building, Eighth Edition / CHAPTER 16 / SECTION 1612 / 1612.4

5. A corrected Elevation Certificate is required and to be reviewed and approved by the FMB Floodplain Manager. FBC 1612.5

1612.5 Flood hazard documentation.

The following documentation shall be prepared and sealed by a licensed professional surveyor and mapper or a *registered design professional*, as applicable, and submitted to the *building official*:

1. For construction in *flood hazard areas* other than *coastal high hazard areas* or *coastal A zones*:
 - 1.1. The elevation of the lowest floor, including the basement, as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.
 - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, *construction documents* shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.
 - 1.3. For *dry floodproofed* nonresidential buildings, *construction documents* shall include a statement that the *dry floodproofing* is designed in accordance with ASCE 24 and shall include the flood emergency plan specified in Chapter 6 of ASCE 24.
 - 1.4. For *dry floodproofed* nonresidential buildings, the elevation to which the building is *dry floodproofed* as required for the final inspection in Section 110.3, Building, 6.1.
2. For construction in *coastal high hazard areas* and *coastal A zones*:
 - 2.1. The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.3, Building, 5.1.
 - 2.2. *Construction documents* shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

2.3. For breakaway walls designed to have a resistance of more than 20 psf (0.96 kN/m²) determined using allowable stress design, *construction documents* shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

2.4. For breakaway walls where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.

2023 Florida Building Code, Building, Eighth Edition / CHAPTER 16 / SECTION 1612 / 1612.5

EXHIBIT B

Email chain

- Notice of Representation
- Requests and Agreements of Continuances

Michael Hauserman

From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Monday, February 16, 2026 1:46 PM
To: Michael Hauserman; Frankie Kropacek
Cc: apd@studioad.net
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good afternoon, all:

Received, thank you. Please advise if/when the continuation is confirmed and an amended notice is generated, and I will pass the update along to my client.

At your earliest convenience, please also advise if the Town has capacity to touch base with The Beach Bar's design and construction team to confirm receipt and review of their portal submissions/remediation plan. We are relying on the Town's acknowledgement and approval to expedite the project(s), and my client is eager to resolve this.

If there is anything we can do to facilitate things on our end, please advise.

Thank you,

Colten Thomas
Attorney at Law
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
Direct Dial: 239.344.1213
Fax: 239.344.1213
Colten.Thomas@henlaw.com
www.henlaw.com
Blogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply mail and destroy all copies of the original message.

From: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Sent: Thursday, February 12, 2026 1:33 PM
To: Colten Thomas <Colten.Thomas@henlaw.com>
Cc: Frankie Kropacek <fkropacek@fmbgov.com>; apd@studioad.net
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800
Importance: High

Unless there are any objections, the Town is going to request this case be continued to the May 5, 2026 hearing to allow for compliance.

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Frankie Kropacek <fkropacek@fmbgov.com>
Sent: Thursday, February 5, 2026 7:53 AM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: Thomas Yozzo <tyozzo@fmbgov.com>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

Good morning, Michael.

Before you respond please see Tom and I to discuss this please

Thank You

Frankie Kropacek
*Community Development
Director*
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 765-0202



FMBgov.com



From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Wednesday, February 4, 2026 5:04 PM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: Frankie Kropacek <fkropacek@fmbgov.com>; Albert Dambrose <apd@studioad.net>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good afternoon, Mr. Hauserman:

I hope this email finds you well. I am writing to follow up on the above-mentioned Code case, in light of the ongoing compliance activity at 1668 I Street.

As you know, my client has been working diligently to address each item raised by the Town. Specifically, by submitting an updated V-zone certificate, permit/design revisions, and other remediation plans for staff's review and approval in early December. However, these items have not yet been assigned to review. It follows that the design and construction team cannot proceed with handling until plans are approved; nor can they move forward with the second phase of remediation.

Given the circumstances—and in consideration of the unique hardship, holiday backlog, and time-intensive repairs—we kindly request an additional extension to the compliance deadline/rescheduled hearing date before the Town's Special Magistrate, consistent with Section 2-424(b) of the Town's Land Development Code.

Please advise if this is acceptable, and if you need any additional information from us to facilitate a review/approval of my client's intended plans. Project architect Albert Dambrose, copied here, is likely the best point of contact for any technical questions—but I am also available to assist as needed.

Thank you for your time, assistance, and understanding.

All the best,

Colten Thomas
Attorney at Law
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
Direct Dial: 239.344.1213
Fax: 239.344.1213
Colten.Thomas@henlaw.com
www.henlaw.com
Blogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the us the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribu or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by repl mail and destroy all copies of the original message.

From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Tuesday, December 30, 2025 8:59 AM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: Kirsten Shultz <Kirsten.Shultz@henlaw.com>; Frankie Kropacek <fkropacek@fmbgov.com>
Subject: Re: Special Magistrate Clerk 1668 I Street Case #20250800

Good Morning:

Received, thank you. I will pass this information on to my client and will follow up as needed.

We appreciate your assistance and consideration in connection with this matter.

Best,

From: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Sent: Monday, December 29, 2025 4:12:45 PM
To: Colten Thomas <Colten.Thomas@henlaw.com>
Cc: Kirsten Shultz <Kirsten.Shultz@henlaw.com>; Frankie Kropacek <fkropacek@fmbgov.com>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

Thank you for your efforts to come into compliance. I have reissued the notice. (see attached) Extension granted with compliance date by 2/2/26 or a hearing on 3/3/26 at 9am.

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Sent: Monday, December 29, 2025 11:49 AM
To: Colten.Thomas@henlaw.com
Cc: Lizzette Roman <Lroman@fmbgov.com>; Amy Baker <Amy@fmbgov.com>; Kirsten.Shultz@henlaw.com; Frankie

Kropacek <fkropacek@fmbgov.com>

Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

I see that your permit is currently in review/revision. Due to your contact and efforts toward compliance, I will be reissuing your Notice of Hearing for the March 2026 hearing at 9am. I will email you a copy by the end of the day on Tuesday. Please keep me updated on your compliance efforts.

If you have any questions or concerns, please let me know.

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Amy Baker <Amy@fmbgov.com>

Sent: Monday, December 29, 2025 11:05 AM

To: Michael Hauserman <Michael.Hauserman@fmbgov.com>

Cc: Lizzette Roman <Lroman@fmbgov.com>

Subject: FW: Special Magistrate Clerk

Please see below request

Amy Baker
Town Clerk
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL
33931
Phone: (239) 765-0202



FMBgov.com



As of January 1, 2024 the Town has implemented online records request. Please consider submitting your request through the portal. Any requests received via email will be transferred by staff to this portal, with all responses coming from "Town of Fort Myers Beach Public Records"

<https://fortmyersbeachfl.nextrequest.com/>

From: Colten Thomas <Colten.Thomas@henlaw.com>

Sent: Tuesday, December 23, 2025 4:35 PM

To: Amy Baker <Amy@fmbgov.com>

Cc: Kirsten Shultz <Kirsten.Shultz@henlaw.com>; Lizzette Roman <Lroman@fmbgov.com>

Subject: RE: Special Magistrate Clerk

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good afternoon, Amy:

Thank you for the clarification, and for the quick response!

My name is Colten Thomas, and I represent B + B Properties of Fort Myers, LLC, in connection with the Notice of Violation issued at 1668 I Street, Fort Myers Beach, FL 33931 (Case No. 20250800).

We are just reaching out to confirm that the Special Magistrate's meeting agenda/calendar for January 7, 2026, has been updated to reflect that the original hearing for 20250800 was cancelled/postponed. I already spoke with Frankie Kropacek last week, who confirmed with Tom Yozzo—but I just wanted to confirm before the holidays ramp up.

Additionally—if/when the hearing is rescheduled—please allow this email to serve as written notice that I will be attending on behalf of B + B Properties. (I do not foresee this matter requiring a future hearing, but I don't want to miss that 5-day notice requirement.)

Thank you! I hope you have a fantastic Christmas and Happy New Year!

Best,

Colten Thomas

Attorney at Law

Henderson, Franklin, Starnes & Holt, P.A.

1715 Monroe Street

Fort Myers, FL 33901

Direct Dial: 239.344.1213

Fax: 239.344.1213

Colten.Thomas@henlaw.com

www.henlaw.com

Blogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply mail and destroy all copies of the original message.

From: Amy Baker <Amy@fmbgov.com>
Sent: Tuesday, December 23, 2025 4:07 PM
To: Kirsten Shultz <Kirsten.Shultz@henlaw.com>
Cc: Lizzette Roman <Lroman@fmbgov.com>
Subject: RE: Special Magistrate Clerk

Kirsten,

I am technically the Clerk to the Special Magistrate for the Town, although my Lizzette Roman attends the hearings.

Is there something I can help you with? I have also copied Lizzette in the email.

Have a wonderful Christmas!

Amy Baker

Town Clerk
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL
33931
Phone: (239) 765-0202



FMBgov.com



As of January 1, 2024 the Town has implemented online records request. Please consider submitting your request through the portal. Any requests received via email will be transferred by staff to this portal, with all responses coming from "Town of Fort Myers Beach Public Records"

<https://fortmyersbeachfl.nextrequest.com/>

From: Kirsten Shultz <Kirsten.Shultz@henlaw.com>
Sent: Tuesday, December 23, 2025 3:38 PM
To: Amy Baker <Amy@fmbgov.com>
Subject: Special Magistrate Clerk

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good Afternoon: Sorry to bother you, but does the Special Magistrate Clerk have an email address? I have called 239-765-4222 and the mailbox is full. Thank you for any assistance.

Kirsten Shultz

Legal Assistant
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
Direct Dial: 239.344.1208

Fax: 239.344.1208

Kirsten.Shultz@henlaw.com

www.henlaw.com

Blogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Michael Hauserman

From: Michael Hauserman
Sent: Monday, December 29, 2025 3:13 PM
To: Colten.Thomas@henlaw.com
Cc: Kirsten.Shultz@henlaw.com; Frankie Kropacek
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800
Attachments: 20251229145528518.pdf

Thank you for your efforts to come into compliance. I have reissued the notice. (see attached) Extension granted with compliance date by 2/2/26 or a hearing on 3/3/26 at 9am.

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 478-9363



FMBgov.com



From: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Sent: Monday, December 29, 2025 11:49 AM
To: Colten.Thomas@henlaw.com
Cc: Lizzette Roman <Lroman@fmbgov.com>; Amy Baker <Amy@fmbgov.com>; Kirsten.Shultz@henlaw.com; Frankie Kropacek <fkropacek@fmbgov.com>
Subject: RE: Special Magistrate Clerk 1668 I Street Case #20250800

I see that your permit is currently in review/revision. Due to your contact and efforts toward compliance, I will be reissuing your Notice of Hearing for the March 2026 hearing at 9am. I will email you a copy by the end of the day on Tuesday. Please keep me updated on your compliance efforts.

If you have any questions or concerns, please let me know.

**Michael J.
Hauserman, CEP**
Code Compliance Manager
Town of Fort Myers Beach
6231 Estero Blvd



Fort Myers Beach, FL 33931
Phone: (239) 478-9363

FMBgov.com



From: Amy Baker <Amy@fmbgov.com>
Sent: Monday, December 29, 2025 11:05 AM
To: Michael Hauserman <Michael.Hauserman@fmbgov.com>
Cc: Lizzette Roman <Lroman@fmbgov.com>
Subject: FW: Special Magistrate Clerk

Please see below request

Amy Baker

Town Clerk
Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL
33931
Phone: (239) 765-0202



FMBgov.com



As of January 1, 2024 the Town has implemented online records request. Please consider submitting your request through the portal. Any requests received via email will be transferred by staff to this portal, with all responses coming from "Town of Fort Myers Beach Public Records"

<https://fortmyersbeachfl.nextrequest.com/>

From: Colten Thomas <Colten.Thomas@henlaw.com>
Sent: Tuesday, December 23, 2025 4:35 PM
To: Amy Baker <Amy@fmbgov.com>
Cc: Kirsten Shultz <Kirsten.Shultz@henlaw.com>; Lizzette Roman <Lroman@fmbgov.com>
Subject: RE: Special Magistrate Clerk

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good afternoon, Amy:

Thank you for the clarification, and for the quick response!

My name is Colten Thomas, and I represent B + B Properties of Fort Myers, LLC, in connection with the Notice of Violation issued at 1668 I Street, Fort Myers Beach, FL 33931 (Case No. 20250800).

We are just reaching out to confirm that the Special Magistrate's meeting agenda/calendar for January 7, 2026, has been updated to reflect that the original hearing for 20250800 was **cancelled/postponed**. I already spoke

with Frankie Kropacek last week, who confirmed with Tom Yozzo—but I just wanted to confirm before the holidays ramp up.

Additionally—if/when the hearing is rescheduled—please allow this email to serve as written notice that I will be attending on behalf of B + B Properties. (I do not foresee this matter requiring a future hearing, but I don't want to miss that 5-day notice requirement.)

Thank you! I hope you have a fantastic Christmas and Happy New Year!

Best,

Colten Thomas

Attorney at Law

Henderson, Franklin, Starnes & Holt, P.A.

1715 Monroe Street

Fort Myers, FL 33901

Direct Dial: 239.344.1213

Fax: 239.344.1213

Colten.Thomas@henlaw.com

www.henlaw.com

Blogs: www.swflbusinessandipblog.com • www.legalscoopsfwflre.com



CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Amy Baker <Amy@fmbgov.com>

Sent: Tuesday, December 23, 2025 4:07 PM

To: Kirsten Shultz <Kirsten.Shultz@henlaw.com>

Cc: Lizzette Roman <Lroman@fmbgov.com>

Subject: RE: Special Magistrate Clerk

Kirsten,

I am technically the Clerk to the Special Magistrate for the Town, although my Lizzette Roman attends the hearings.

Is there something I can help you with? I have also copied Lizzette in the email.

Have a wonderful Christmas!

Amy Baker

Town Clerk

Town of Fort Myers Beach

6231 Estero Blvd

Fort Myers Beach, FL

33931

Phone: (239) 765-0202



FMBgov.com



As of January 1, 2024 the Town has implemented online records request. Please consider submitting your request through the portal. Any requests received via email will be transferred by staff to this portal, with all responses coming from "Town of Fort Myers Beach Public Records"

<https://fortmyersbeachfl.nextrequest.com/>

From: Kirsten Shultz <Kirsten.Shultz@henlaw.com>

Sent: Tuesday, December 23, 2025 3:38 PM

To: Amy Baker <Amy@fmbgov.com>

Subject: Special Magistrate Clerk

CAUTION: This email originated from outside of Town of Fort Myers Beach. Do not click links or open attachments unless you know the content is safe.

Good Afternoon: Sorry to bother you, but does the Special Magistrate Clerk have an email address? I have called 239-765-4222 and the mailbox is full. Thank you for any assistance.

Kirsten Shultz

Legal Assistant

Henderson, Franklin, Starnes & Holt, P.A.

1715 Monroe Street

Fort Myers, FL 33901

Direct Dial: 239.344.1208

Fax: 239.344.1208

Kirsten.Shultz@henlaw.com

www.henlaw.com

Blogs: www.swflbusinessandipblog.com • www.legalscoopswflre.com



Henderson|Franklin
ATTORNEYS AT LAW

CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply mail and destroy all copies of the original message.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

EXHIBIT C

- Affidavit of Non-Compliance
 - Permit Records
 - Rejection Letter
 - Photos of Property



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

MIDWEST DECORATION CO

Respondent.

Certified Mail: N/A
Regular Mail: N/A
Case # 20240733

Site Address: **146 HERCULES DRIVE**, Fort Myers Beach, FL, 33931
Parcel Strap No. **294624W20060A0110**

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared **Michael J Hauserman** who is the Code Enforcement Manager for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case **#20240733**.

1. That on **December 29, 2025**, A Code Enforcement Violation and Hearing Notice was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before **February 2, 2026**.
3. That an inspection was performed of the records and property on **May 4, 2026**. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.
5. I have attached permit records related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

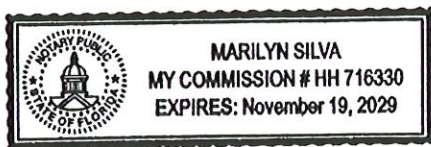
Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge.

X 

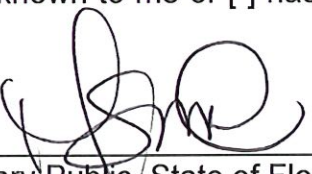
Signature of Affiant

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 5 day of May, 2026, by Michael J Hauserman. He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]



Notary Public, State of Florida
Print Name: Marilyn Silva
My Commission Expires: 11-19-29



Permit #: 234613

Permit Date: 07/05/23

Permit Type:

Permit Type: Residential

Sub Type: Remodel

Type of Construction: N/A

Type of Occupancy / Use: Residential

Contractor Business Name/Applicant: EVERGLADES CONSTRUCTION GROUP

Contact Name: BRITTNEY SABULA

Contractor/Applicant Email: brittney@evergladesconstructiongroup.com

Contractor/Applicant Phone #: 8632543028

Property Owner's Email:

Current Use: r

Proposed Use: r

Scope of Work: Interior put back after Hurricane Ian. Like for like.

Project Cost: 82273

Gross Square Feet: 1678

Issued Date: 07/12/2023

Expiration Date: 01/24/2024

Finaled Date:

Closed Date:

Repair Damage Due To:

Storm Damage:

Floodplain:

Road Ready Trailer:

Status: WAITING ON RESUBMITTAL

Assigned To:

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
294624W20060A0110	146 HERCULES DR	HERCULES PARK BLK A PB 5 PG 22 LOTS 11 + 12	MIDWEST DECORATION CO		RS-1

Contractors

Contractor	Primary Contact	Phone	Address	Contractor Type	License	License #
West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	Workers Compensation	EIG588433001

Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Liability Insurance	NPP1549804
West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	Comm. Gen. Liability	20362149
Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Contractor License	CGC1522985
West Coast Plumbing & Water Treatment, LLC	Brian Wallin	239-340-8224	5651 Halifax Ave	Certified Plumbing	State of Florida	CFC1427865
Everglades Construction Group LLC	David Ryan Edmonds	863-254-3028	214 E. Crescent Drive	Certified General	Workman's Comp	WC Exempt

Inspections

Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
02/06/2024	Electrical - 305 Electric Final	aLL KITCH AND DW AND GD IS MISSING GFI PROTECTION AND ALL NEW RECEP TO COMPLY WITH SECTION 406.4(D)	02/08/2024	02/08/2024	Ron Cohowcz	Fail
02/06/2024	Plumbing - 204 Final Plumbing	Call Melissa when you arrive 757-692-4600 Call Melissa when you arrive 757-692-4600 plumbing fixtures hook up only	02/08/2024	02/08/2024	Ron Cohowcz	Pass
11/07/2023	Building - 106 Final Building	Pending EL & PL Finals. A.S.	11/13/2023	11/14/2023	Adam Stauffer	Pass with Conditions
07/28/2023	Building - 105 Rough Framing / Windows, Door, Wall Dry In	picked this inspection up no visible framing members changes just some 3/4 " flooring replaced jmc 7/28/23	07/28/2023	07/28/2023	John Clements	Pass
07/27/2023	Building - 107 Insulation	scope shows no rough inspections only finals insulation on 2nd fl ok walls only 1st floor floor joists spray foam insulation but stated in scope no work on 1st floor jmc 7/28/23	07/28/2023	07/27/2023	John Clements	Pass with Conditions
07/06/2023	NOC		07/06/2023	07/06/2023	Misty Alexander	Pass

Plan Reviews

Date	Review Type	Description	Assigned To	Review Status
07/05/2023	Notice of Commencement	NOC must be recorded with Lee County Clerk of Court *Received 7/6/23	Misty Alexander	DONE
07/05/2023	Reviews completed- Notification sent		Andrew Garry	DONE
07/05/2023	Review Flood		CGA	REVIEWED W/CONDITIONS
07/06/2023	Review Res. Plan review		CGA	REVIEWED FOR COMPLIANCE
07/05/2023	Review FMB Application	Check INBiz for Casey Johnson.	Tracie Raski	DONE
11/07/2023	Plumb. Sub Permit Req	West Coast Plumbing & Water Treatment LLC CFC1427865	Misty Alexander	DONE
02/28/2024	Elec. Sub Permit Req.		*	
05/20/2024	Review Flood	Rereview	Kristin Schumacher	RESUBMITTAL REQUIRED

05/20/2024	Rejection Letter Sent	1st Flood review rejection letter has been uploaded to the permit portal for review.	Korey Lastinger	DONE
08/23/2024	Resubmitted (Flood Review)	RE-REVIEW RESUB FLOOD	Carl Thomas	REVIEWED W/CONDITIONS
09/11/2024	Review Flood	Re-Review	Carl Thomas	RESUBMITTAL REQUIRED
09/19/2024	Rejection Letter Sent	2nd flood rejection In review of the cost breakdown, there is a discrepancy between the cost to rebuild and the amount paid out by the flood insurance.	Misty Alexander	DONE
12/22/2025	Resubmitted (Flood Review)	Please provide me a copy of the insurance payout breakdown. I understand things may cost less than what was paid out, but the discrepancy is to large to validate thus we need the flood insurance payout. - Kelli - Floodplain	Kelli DeFedericis	RESUBMITTAL REQUIRED
02/19/2026	Rejection Letter Sent	3rd flood review rejection letter.	Jerlydene Naidoo	DONE

Fees

Fee	Description	Notes	Amount
RES – Interior Remodel (up to 50% of Structure Value) (2024)	Includes: Application Processing Fee Building Review and Inspection Flood Review Electrical Review and Inspection Mechanical Review and Inspection Plumbing Review and Inspection		\$800.00
* MISC- DBPR & DCA Admin Fees			\$20.00
*MISC – Resubmittal Fee after 1st resubmittal (2024)	(if our reviewers request more information and the information provided by the permit holder does not fulfill request) Enter number of resubmittals after 1st.		\$60.00
Total			\$880.00

Attached Letters

Date	Letter	Description
07/12/2023	Building Permit	

Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
07/06/2023	NICHOLAS SABULA	Invoice: 644574			\$820.00
Outstanding Balance					\$60.00

Notes

Date	Note	Created By:
02/12/2026	This permit has a code case I have emailed Kelli regarding the flood review 2/12/26	Misty Alexander
08/15/2024	Received a voicemail from Nick #713-443-7963 requesting a call back. I called with negative results and leaving a voicemail requesting a call back. Received call from Nick and advised of what needs to be corrected and collected regarding permit #234613. He advised he would contact permitting and get corrected immediately.	D. Batt
08/01/2024	Called and spoke with property owner Casey #260-417-6667. I advised him of the permit being on hold and that he needs to contact permitting in which he agreed to call the contractor and have it rectified.	D. Batt
06/06/2024	Permit has been placed on HOLD until they have come into compliance.	Tracie Raski

05/17/2024	Need new cost form and proper breakdown of all costs.Need break down for labor, materials-cabinets, countertops, plumbing fixtures, all electrical repairs, doors, windows and any additional repairs done.	Kristin Schumacher
02/28/2024	You must attach an electrical sub-contractor to this permit.	Andrew Garry

Uploaded Files

Date	File Name
02/19/2026	<u>30866285-3rd Flood review rejection letter 234613.pdf</u>
12/22/2025	<u>29997505-146 Hercules _234613.pdf</u>
09/19/2024	<u>22453708-234613 2nd Flood Rejection Letter.pdf</u>
08/23/2024	<u>22126635-20736621-1st Flood Review Rejection Letter 234613.pdf</u>
08/23/2024	<u>22126634-234613 Updated Cost Sheet.pdf</u>
05/20/2024	<u>20736621-1st Flood Review Rejection Letter 234613.pdf</u>
11/07/2023	<u>17421760-234613 07-Nov-2023 09-47-48.pdf</u>
08/10/2023	<u>16465647-234613.pdf</u>
07/11/2023	<u>16100459-JOBSITE COPY 234613.pdf</u>
07/06/2023	<u>16052353-Notice Of Commencement (8).pdf</u>
07/06/2023	<u>16050384-warranty deed 234613 05-Jul-2023 14-43-46.pdf</u>
07/03/2023	<u>9e21126892498d7a85358c56ac72b0a9_146_hercules_tax_roll_letter.pdf</u>
07/03/2023	<u>01f7a21870bcff9bb07f7828768d767_146_hercules_permit_app_packet.pdf</u>



Date: 02/19/2026

Contractor: EVERGLADES CONSTRUCTION GROUP

RE: 234613 146 HERCULES DR, FORT MYERS BEACH, 33931/ INTERIOR PUT BACK AFTER HURRICANE IAN.
LIKE FOR LIKE.

CC: Property Owner

The submitted drawings for the referenced project have been reviewed in accordance with the 8th Edition (2023) Florida Building Code, applicable Florida Statutes (F.S.), and the Town of Fort Myers Beach Land Development Code. At this time, we are unable to approve your application due to the reasons outlined below.

Please provide the Rejection Letter and a Cover Letter showing where each corrected item can be found.

3rd Flood Review – 02/18/2026 Kelli DeFedericis kdefedericis@fmbgov.com

Denied Reason:

In review of the cost breakdown, there is a discrepancy between the cost to rebuild, and the amount paid out by the flood insurance.

Please provide me with a copy of the insurance payout breakdown.

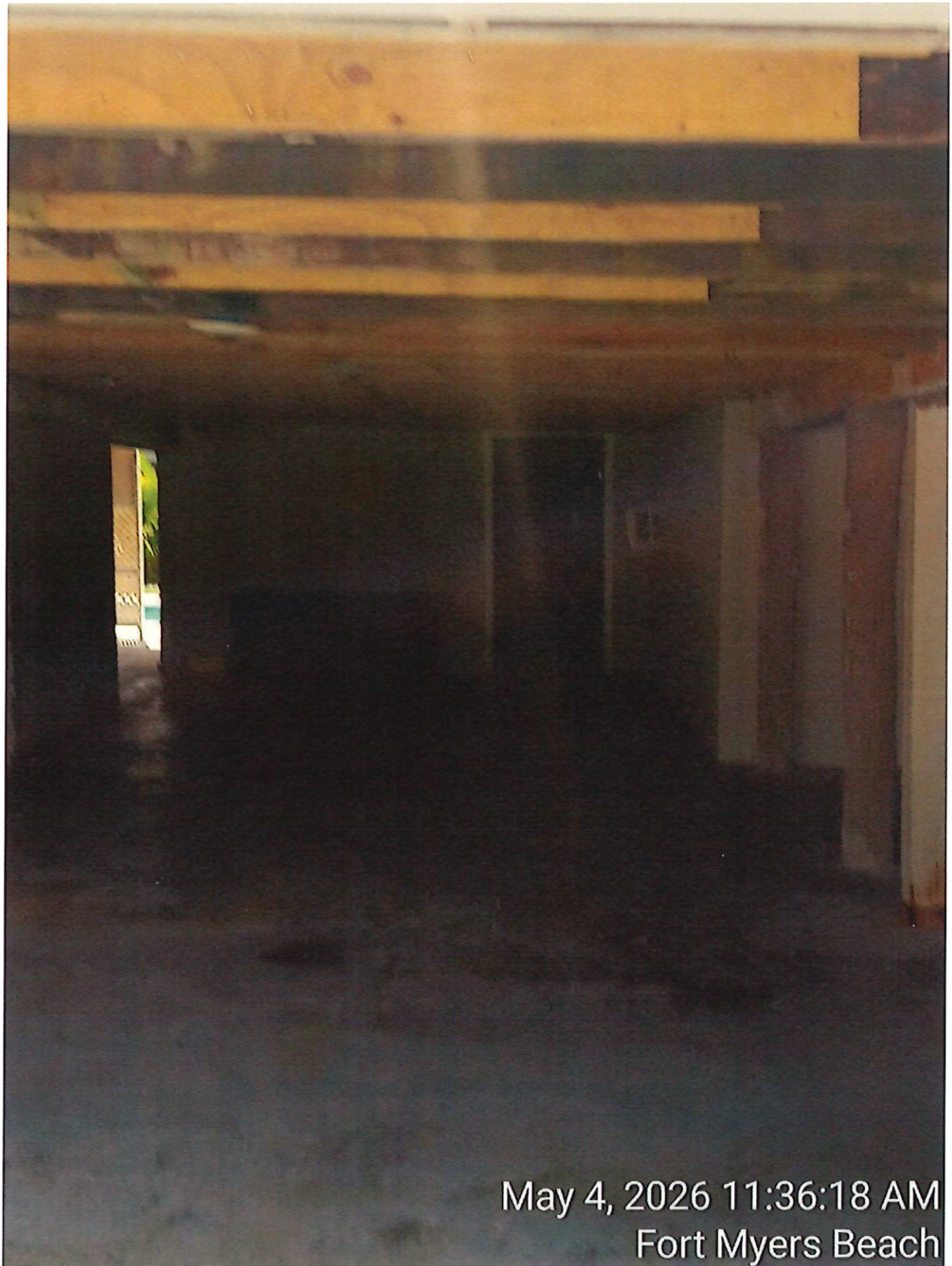
I understand things may cost less than what was paid out, but the discrepancy is too large to validate thus we need the flood insurance payout. - Kelli – Floodplain

PLEASE NOTE:

- Mailed in or paper plans will not be accepted.
 - Submit all corrections together at one time with an appropriate response/ cover letter showing where each corrected item can be found to resubmittal@fmbgov.com.
 - Please note that no other reviews will be done until the **Zoning Review** is approved.
 - Resubmittals will not be processed unless all review comments are addressed.
- Please refer to the **Permit Portal** to access a copy of this rejection letter.

Sincerely,

Town of Fort Myers Beach Building Services and Community Development Departments.



May 4, 2026 11:36:18 AM
Fort Myers Beach



May 4, 2026 11:36:08 AM
Fort Myers Beach





May 4, 2026 11:35:32 AM
Fort Myers Beach

Property Address and Owner:

Hearing Date: August 4, 2026

Property Address: 303 Donora Blvd
Property Owner: Mackey Dean Ethan & Lynzie
Status: Overgrown property
Officer: M Chavez

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

Attachments:

1. 20260700_303 Donora Blvd_Exhibit A_Notice Service Ownership Photos

Town Recommendations:

Town Approvals:



Date: July 20, 2026

Tracie Raski, Magistrate Coordinator

Date: July 24, 2026

Michael Hauserman, Code Compliance Manager

Date: July 24, 2026

Philip Rizzo, Emergency Services Director



Date: July 24, 2026

Traci Kohler, Deputy Town Manager

Date: July 27, 2026

nancy stuparich, Town Attorney

Date: July 27, 2026

Lizzette Roman, Town Clerk Administrative Coordinator

Date:

Amy Baker, Town Clerk

EXHIBIT A

- Affidavit of Posting
 - Notice of Violation and Hearing
 - Certified Mail Receipts
 - Photograph of Posting at Town Hall
 - Photographs of Posting at Property
- Proof of Ownership
 - Lee County Property Appraiser
 - Lee County Tax Collector
 - Deed
- Original Inspection Photographs



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

**Petitioner,
vs.**

**Mackey Dean Ethan & Lynzie
303 Donora Blvd
Fort Myers Beach, FL 33931**

Respondent.

Case #:	20260700
Certified Mail:	
Regular Mail:	USPS 07/08/2026

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Marcio Chavez, who being duly sworn by me, on oath, deposes and says the following regarding that certain Notice of Violation and Notice of Hearing attached hereto as **Exhibit A** ("the Notice"):

1. My name is Marcio Chavez. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed as the Code Enforcement Officer for the Town of Fort Myers Beach ("Town").
3. On 07/08/2026, I personally mailed a copy of the Notice by certified mail and first-class mail as follows:
 - a. To the property owner at the address listed in the records of the Lee County Tax Collector and/or Lee County Property Appraiser for tax notices, which address is: **303 Donora Blvd Fort Myers Beach, FL 33931**. A true and correct copy of the property ownership and address information obtained from the Tax

Collector/Property Appraiser is attached hereto as **Exhibit A**. A copy of the certified mail receipt is attached hereto as **Exhibit A**.

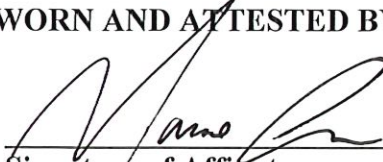
- b. [N/A] To the following additional address(es) reasonably believed to be valid for the property owner: _____. A copy of the certified mail receipt is attached hereto as **Exhibit A**.
- c. [N/A] The property is owned by _____, a business entity registered in the State of Florida. I mailed a copy of the Notice by certified mail and first-class mail to the business entity's Registered Agent, _____ at the following address: . A copy of the certified mail receipt is attached hereto as **Exhibit A**. A true and correct copy of the Florida Division of Corporations record for the entity, identifying its Registered Agent, is attached hereto as **Exhibit A**.

4. On 07/08/2026, I posted a copy of the Notice at 303 Donora Blvd, which is the property upon which the violation is alleged to exist. Photographs of the posted Notice, taken by me on that date, are attached hereto as **Exhibit A**.

5. On 07/08/2026, I posted a copy of the Notice at Town Hall, located at 6231 Estero Boulevard, Fort Myers Beach, FL 33931, which is the primary municipal government office for the Town of Fort Myers Beach. Photographs of the posted Notice, taken by me on that date, are attached hereto as **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 of Fort Myers Beach Land Development Code and Section 162.12, Florida Statutes.

SWORN AND ATTESTED BY:

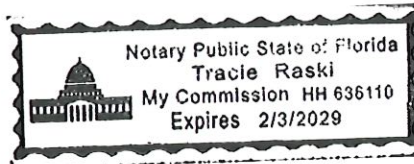


Signature of Affiant
Printed Name: Marcio Chavez
Title: _____

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☒ physical presence / ☐ online notarization, this 8th day of July 2026, by Marcio Chavez, who ☒ is personally known to me ☐ or has produced _____ as identification.



Notary Public, State of Florida
Printed Name: Tracie Raski
My Commission No.: _____
My Commission Expires: _____



AFFIDAVIT COMPOSITE

EXHIBIT A

- Notice of Violation and Hearing
- Certified Mail Receipts
- Photograph of Posting at Town Hall
- Photographs of Posting at Property



Town of Fort Myers Beach

NOTICE OF VIOLATION AND NOTICE OF CODE ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

Date: July 8, 2026

Case Number: **20260700**

Owner: Mackey Dean Ethan & Lynzie

Mailing Address: 303 Donora Blvd Fort Myers Beach, FL 33931

Property Address: 303 Donora Blvd, Fort Myers Beach, FL 33931

Certified Mail: 9589071052703371473203

Parcel: 29-46-24-W1-0120A.0100

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on July 7, 2026 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 07/07/2026, a violation was discovered for overgrowth of the FMB Code of Ordinances was identified as a violation of the Town's 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.

Corrective Action Required:

The following action is required to bring the violation(s) into compliance. (1) Please cut the overgrowth throughout the property.

Compliance is required on or before: July 24, 2026

If the referenced violations are corrected from the date of issuance of this notice, you must contact the (Code Officer) Marcio Chavez at (239) 460-7560.

A HEARING FOR THIS MATTER HAS BEEN SET BY THE SPECIAL MAGISTRATE CLERK FOR THE 4TH DAY OF AUGUST 2026, AT 9:00 AM, AT 6231 ESTERO BLVD, FORT MYERS BEACH, FL 33931. (Fort Myers Beach Town Hall Council Chambers)

☒ Should all violations not be corrected and approved by the undersigned Code Enforcement Officer within the date and time specified above, you will be required to appear at the prosecution of this matter before the Town's Special Magistrate for Code Compliance, pursuant to Division 2 of Article V of Chapter 2 of the Town Land Development Code and Chapter 162, Florida Statutes. **THIS HEARING, REQUIRING YOU TO BE PRESENT, WILL BE HELD IF THE VIOLATION(S) HAVE NOT BEEN BROUGHT INTO COMPLIANCE AND APPROVED BY THE CODE ENFORCEMENT DEPARTMENT BY Friday, July 24, 2026 AS EVIDENCED BY THE ISSUANCE OF AN AFFIDAVIT OF COMPLIANCE BY THE CODE ENFORCEMENT OFFICER.** If a violation is corrected and then recurs, or if a violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the board hearing.

☐ The Code Officer has reason to believe that the violation(s) or the condition causing the violation(s) presents a serious threat to the public health, safety, and welfare or is irreparable or irreversible in nature, and therefore, no compliance date has been provided. This case may be presented to the Special Magistrate even if the violation(s) have been corrected prior to the hearing.

☐ The Code Officer has reason to believe that repeat violations have been found, and therefore, no compliance date has been provided. This case may be presented to the Special Magistrate even if the repeat violation(s) have been corrected prior to the hearing.

The purpose of this Hearing is for the Special Magistrate to make "Findings of Fact" and "Conclusions of Law" relating to the violation(s) specified in the attached Violation detail and to issue an appropriate Order. The Hearing is also your opportunity to present evidence and/or contest the alleged violations, should you wish to do so. If a violation is found, the Order may require you to correct the violation(s) by a specified date. In addition, the Order may impose daily fines as per Florida Statutes Section 162.09(2)(a) of the following:

- \$250/ day per violation

- \$500/day for repeat offenses
- \$5,000 for irreversible or irreparable violations

Additionally, administrative fines may be imposed to recover all costs incurred by the Town in prosecuting this matter. If all violations are not corrected prior to the Hearing date, you may be assessed any such costs. **THE IMPOSITION OF FINES AND/OR COSTS MAY RESULT IN A LIEN AGAINST YOU AND YOUR PROPERTY.**

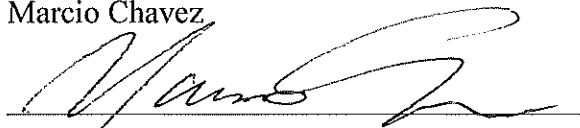
You should be aware that if the alleged violation(s) is/are corrected prior to the Hearing and recurs within five (5) years from the date of the original Notice of Violation, the case may be presented to the Special Magistrate as a Recurring Violation even if the violation is subsequently corrected.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the Hearing. If you wish to be represented by an attorney, your attorney **MUST** notify the Special Magistrate's Clerk in writing at least five (5) working days before the Hearing.

You may also have other rights which are set forth in Division 2 of Article V of Chapter 2 of the Town Land Development Code. If a person decides to appeal any decision with respect to any matter considered at this Hearing, such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

For additional HEARING information, contact the Town of Fort Myers Beach Special Magistrate Clerk at (239) 765-0202 x 1351.

Marcio Chavez



Signature of Affiant

Code Enforcement Officer
Fort Myers Beach, Florida

9589 0710 5270 3371 4732 03

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 \$

Sent by:

Postmark
Here

Case # 2026 0700

303 Donora Blvd

Postage

\$

Total Postage and Fees

\$

\$

\$

\$

\$

MACKEY DEAN ETHAN & LYNZIE
303 DONORA BLVD
FORT MYERS BEACH, FL 33931

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



Town of Fort Myers Beach

NOTICE OF VIOLATION AND NOTICE OF CODE ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

Case Number: 20260700

Date: July 8, 2026

Owner: Mackey Dean Ethan & Lynzie
Mailing Address: 303 Donora Blvd Fort Myers Beach, FL 33931
Property Address: 303 Donora Blvd, Fort Myers Beach, FL 33931
Certified Mail: 9589071052703371473203
Parcel: 29-46-24-W1-0120A.0100

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on July 7, 2026 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 07/07/2026, a violation was discovered for overgrowth of the FMB Code of Ordinances was identified as a violation of the Town's 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 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.

Corrective Action Required:

The following action is required to bring the violation(s) into compliance. (1) Please cut the overgrowth throughout the property.



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

Date: July 8, 2026

Case Number: 20260700

Owner: Mackey Dean Ethan & Lynzie
Mailing Address: 303 Donora Blvd Fort Myers Beach, FL 33931
Property Address: 303 Donora Blvd, Fort Myers Beach, FL 33931
Certified Mail: 9589071052703371473203
Parcel: 29-46-24-W1-0120A.0100

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on July 7, 2026 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 07/07/2026, a violation was discovered for overgrowth of the FMB Code of Ordinances was identified as a violation of the Town's 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.

Corrective Action Required:

The following action is required to bring the violation(s) into compliance. (1) Please cut the

Jul 8, 2026 12:54:12 PM



Jul 8, 2026 12:54:22 PM



Property Data

STRAP: 29-46-24-W1-0120A.0100 Folio ID: 10229471

Tax Roll Value Letter 2022 ▾

Generated on 7/8/2026 8:35 AM

Owner Of Record - Tenants by Entirety

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

MACKEY DEAN ETHAN & LYNZIE
303 DONORA BLVD
FORT MYERS BEACH FL 33931

+ Site Address

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

303 DONORA BLVD
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



ZIMMERS ADD.SHELL MOUND PK BLK.A PB 11 PG 54 LOT 10

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 11 and 54 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	4 / 2.5
Gross Living Area	2,100
1st Year Building on Tax Roll	1992
Historic Designation	No

Township	Range	Section	Block	Lot
16	24E	29	0120A	0100
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.4473	-81.93337		

[View Parcel on Google Maps](#)

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Image of Structure

[◀ Photo Date August of 2025 ▶](#) ☐ View other photos

Last Inspection Date: 08/25/2025



Property Values / Exemptions / TRIM Notices

Generated on 7/8/2026 8:35 AM



Property Details (Current as of 7/7/2026)

Generated on 7/8/2026 8:35 AM



Lee County Tax Collector

Noelle Branning

Account Number:
29-46-24-W1-0120A.0100
Alternate Key:
2100535501
Millage Code:
032

Site Address/Legal Description:
303 DONORA BLVD
ZIMMERS ADD.SHELL MOUND PK BLK.A PB 11 PG
54 LOT 10



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

2025 Real Estate Tax Notice

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

Exemptions/Values
Market Value 472,011
Assessed Value 370,647
Taxable Value 370,647
Homestead Exemption 25,000
Additional Homestead Exemption 25,722

★ See message below.

MACKEY DEAN ETHAN & LYNZIE
303 DONORA BLVD
FORT MYERS BEACH, FL 33931

Paid 11/25/2025 EEX-00-04072632 \$4,601.06

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	370.647	50.722	319.925	1,203.65
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	370.647	25.000	345.647	777.01
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.0710	370.647	25.000	345.647	1,061.48
TOWN OF FORT MYERS BEACH	239-765-0202	1.0294	370.647	50.722	319.925	329.33
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	370.647	50.722	319.925	30.33
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	370.647	50.722	319.925	10.46
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	370.647	50.722	319.925	32.82
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.7600	370.647	50.722	319.925	882.99
FORT MYERS BEACH MOSQUITO	239-247-1205	0.1123	370.647	50.722	319.925	35.93
FORT MYERS BEACH LIBRARY	239-463-9691	0.1612	370.647	50.722	319.925	51.57
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0192	370.647	50.722	319.925	6.14
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	370.647	50.722	319.925	12.61

Non-Ad Valorem Assessments Levying Authority

LEE COUNTY SOLID WASTE ASSESSMENT



Telephone 239-533-8000 Rate

Basis
ACTL LEVY

Amount
358.45

2025 Combined Total Ad Valorem and Non-Ad Valorem:

\$4,792.77

2025 Real Estate Tax Notice

PAY ONLY ONE AMOUNT

If Received By:

- ☐ Nov 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-W1-0120A.0100

Site Address: 303 DONORA BLVD

Alternate Key: 2100535501

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

MACKEY DEAN ETHAN & LYNZIE
303 DONORA BLVD
FORT MYERS BEACH, FL 33931

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



Paid 11/25/2025 EEX-00-04072632 \$4,601.06

Prepared by & Return to:
Erik C. Halgrim
Old Florida Title
2080 McGregor Blvd. # 100
Fort Myers, Florida 33901

File Number: 21-0803
Consideration: \$650,000.00

WARRANTY DEED

Made this September 17, 2021 Between
Kenneth R. Devos, an unremarried widower
whose mailing address is: 303 Donora Boulevard, Fort Myers Beach, Florida 33931, hereinafter called the grantor
to
Dean Ethan Mackey and Lynzie Mackey, husband and wife
whose mailing address is: 303 Donora Boulevard, Fort Myers Beach, Florida 33931, hereinafter called the grantee

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

LOT 10, BLOCK A, ZIMMER'S ADDITION TO SHELL MOUND PARK, ACCORDING TO THE MAP OR PLAT THEREOF,
AS RECORDED IN PLAT BOOK 11, PAGE 54, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Parcel ID Number: **29-46-24-W1-0120A.0100**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2020.

Prepared by & Return to:
Erik C. Halgrim
Old Florida Title
2080 McGregor Blvd. # 100
Fort Myers, Florida 33901

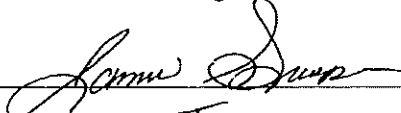
File Number: 21-0803

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

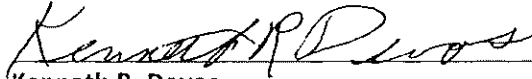
Signed, sealed and delivered in our presence:



Witness Printed Name Leigh A. Parent



Witness Printed Name Janet Suepe



Kenneth R. Devos (Seal)
Address: 303 Donora Blvd, Fort Myers Beach, Florida 33931

State of Florida
County of Lee

The foregoing instrument was acknowledged before me by means of [X] physical presence of [] online notarization this 10th day of September, 2021, by Kenneth R. Devos, who has produced a Florida Driver's License as identification.





Notary Public
Print Name: ERIK C HALGRIM
My Commission Expires: 2/10/2023



Jul 7, 2026 10:46:33 AM



Jul 7, 2026 10:46:39 AM

Property Address and Owner:

Hearing Date: August 4, 2026

Property Address: 180 Donora Blvd
Property Owner: Henrikson Clinton & Tara L
Status: Overgrown property and unsecured swimming pool.
Officer: M Chavez

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

Attachments:

1. 20260582_180 Donora Blvd_Exhibit A_Notice Service Ownership PHotos

Town Recommendations:

Town Approvals:



Date: July 20, 2026

Tracie Raski, Magistrate Coordinator

Date: July 24, 2026

Michael Hauserman, Code Compliance Manager

Date: July 24, 2026

Philip Rizzo, Emergency Services Director



Date: July 24, 2026

Traci Kohler, Deputy Town Manager

Date: July 27, 2026

nancy stuparich, Town Attorney

Date: July 27, 2026

Lizzette Roman, Town Clerk Administrative Coordinator

Date:

Amy Baker, Town Clerk

EXHIBIT A

- Affidavit of Posting
 - Notice of Violation and Hearing
 - Certified Mail Receipts
 - Photograph of Posting at Town Hall
 - Photographs of Posting at Property
- Proof of Ownership
 - Lee County Property Appraiser
 - Lee County Tax Collector
 - Deed
- Original Inspection Photographs



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

**Petitioner,
vs.**

**Henrikson Clinton & Tara L
1090 Nine Rock Rd
Sherman, IL 62684**

Respondent.

Case #:	20260582
Certified Mail:	
Regular Mail:	USPS 07/01/2026

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Marcio Chavez, who being duly sworn by me, on oath, deposes and says the following regarding that certain Notice of Violation and Notice of Hearing attached hereto as **Exhibit A** ("the Notice"):

1. My name is Marcio Chavez. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed as the Code Enforcement Officer for the Town of Fort Myers Beach ("Town").
3. On 07/01/2026, I personally mailed a copy of the Notice by certified mail and first-class mail as follows:
 - a. To the property owner at the address listed in the records of the Lee County Tax Collector and/or Lee County Property Appraiser for tax notices, which address is: **190 Nine Rock Rd Sherman, IL 62684**. A true and correct copy of the property ownership and address information obtained from the Tax

Collector/Property Appraiser is attached hereto as **Exhibit A**. A copy of the certified mail receipt is attached hereto as **Exhibit A**.

- b. [N/A] To the following additional address(es) reasonably believed to be valid for the property owner: _____. A copy of the certified mail receipt is attached hereto as **Exhibit A**.
- c. [N/A] The property is owned by _____, a business entity registered in the State of Florida. I mailed a copy of the Notice by certified mail and first-class mail to the business entity's Registered Agent, _____ at the following address: . A copy of the certified mail receipt is attached hereto as **Exhibit A**. A true and correct copy of the Florida Division of Corporations record for the entity, identifying its Registered Agent, is attached hereto as **Exhibit A**.

4. On 07/01/2026, I posted a copy of the Notice at 180 Donora Blvd, which is the property upon which the violation is alleged to exist. Photographs of the posted Notice, taken by me on that date, are attached hereto as **Exhibit A**.

5. On 07/01/2026, I posted a copy of the Notice at Town Hall, located at 6231 Estero Boulevard, Fort Myers Beach, FL 33931, which is the primary municipal government office for the Town of Fort Myers Beach. Photographs of the posted Notice, taken by me on that date, are attached hereto as **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 of Fort Myers Beach Land Development Code and Section 162.12, Florida Statutes.

SWORN AND ATTESTED BY:

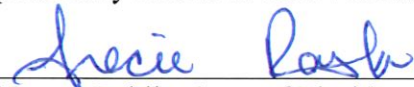


Signature of Affiant

Printed Name: Marcio Chavez

Title: _____

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☒ physical presence / ☐ online notarization, this 1st day of July 2026, by *Marcio Chavez*, who ☒ is personally known to me ☐ or has produced _____ as identification.



Notary Public, State of Florida

Printed Name: Tracie Raski

My Commission No.: _____

My Commission Expires: _____



AFFIDAVIT COMPOSITE

EXHIBIT A

- Notice of Violation and Hearing
- Certified Mail Receipts
- Photograph of Posting at Town Hall
- Photographs of Posting at Property



Town of Fort Myers Beach

NOTICE OF VIOLATION AND NOTICE OF CODE ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

Date: June 30, 2026

Case Number: 20260582

Owner: Henrikson Clinton & Tara L

Mailing Address: 1090 Nine Rock Rd Sherman, IL 62684

Property Address: 180 Donora Blvd, Fort Myers Beach, FL 33931

Certified Mail: 9589071052703371473128

Parcel: 29-46-24-W1-0120B.0130

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on June 25, 2026 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 06/25/2026, a violation was discovered for overgrowth and unsecured pool of the FMB Code of Ordinances was identified as a violation of the Town's Codes:

Cha 6-1, Sec. 303.1: Swimming Pools

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

Cha 6-1, Sec. 303.2: Enclosures

Private swimming pool, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

EXCEPTION: Spas or hot tubs with a safety cover that complies with the ASTM F1346 shall be exempt from the provisions of this section.

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.

Corrective Action Required:

The following action is required to bring the violation(s) into compliance. (1) Please secure, clean and maintain the pool. (2) Please cut the overgrowth throughout the property (3) Contact FMB Permitting at 239-492-1415 (Shanette Thomas – Permitting Coordinator)

Compliance is required on or before: July 30, 2026

If the referenced violations are corrected from the date of issuance of this notice, you must contact the (Code Officer) Marcio Chavez at (239) 460-7560.

A HEARING FOR THIS MATTER HAS BEEN SET BY THE SPECIAL MAGISTRATE CLERK FOR THE 4TH DAY OF AUGUST 2026, AT 9:00 AM, AT 6231 ESTERO BLVD, FORT MYERS BEACH, FL 33931. (Fort Myers Beach Town Hall Council Chambers)

☒ Should all violations not be corrected and approved by the undersigned Code Enforcement Officer within the date and time specified above, you will be required to appear at the prosecution of this matter before the Town's Special Magistrate for Code Compliance, pursuant to Division 2 of Article V of Chapter 2 of the Town Land Development Code and Chapter 162, Florida Statutes. **THIS HEARING, REQUIRING YOU TO BE PRESENT, WILL BE HELD IF THE VIOLATION(S) HAVE NOT BEEN BROUGHT INTO COMPLIANCE AND APPROVED BY THE CODE ENFORCEMENT DEPARTMENT BY Thursday, July 30, 2026 AS EVIDENCED BY THE ISSUANCE OF AN AFFIDAVIT OF COMPLIANCE BY THE CODE ENFORCEMENT OFFICER.** If a violation is corrected and then recurs, or if a violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the board hearing.

☐ The Code Officer has reason to believe that the violation(s) or the condition causing the violation(s) presents a serious threat to the public health, safety, and welfare or is irreparable or

irreversible in nature, and therefore, no compliance date has been provided. This case may be presented to the Special Magistrate even if the violation(s) have been corrected prior to the hearing.

☐ The Code Officer has reason to believe that repeat violations have been found, and therefore, no compliance date has been provided. This case may be presented to the Special Magistrate even if the repeat violation(s) have been corrected prior to the hearing.

The purpose of this Hearing is for the Special Magistrate to make "Findings of Fact" and "Conclusions of Law" relating to the violation(s) specified in the attached Violation detail and to issue an appropriate Order. The Hearing is also your opportunity to present evidence and/or contest the alleged violations, should you wish to do so. If a violation is found, the Order may require you to correct the violation(s) by a specified date. In addition, the Order may impose daily fines as per Florida Statutes Section 162.09(2)(a) of the following:

- \$250/ day per violation
- \$500/day for repeat offenses
- \$5,000 for irreversible or irreparable violations

Additionally, administrative fines may be imposed to recover all costs incurred by the Town in prosecuting this matter. If all violations are not corrected prior to the Hearing date, you may be assessed any such costs. **THE IMPOSITION OF FINES AND/OR COSTS MAY RESULT IN A LIEN AGAINST YOU AND YOUR PROPERTY.**

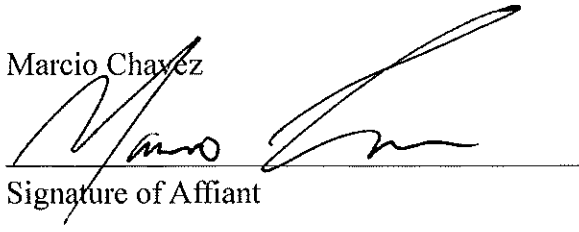
You should be aware that if the alleged violation(s) is/are corrected prior to the Hearing and recurs within five (5) years from the date of the original Notice of Violation, the case may be presented to the Special Magistrate as a Recurring Violation even if the violation is subsequently corrected.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the Hearing. If you wish to be represented by an attorney, your attorney **MUST** notify the Special Magistrate's Clerk in writing at least five (5) working days before the Hearing.

You may also have other rights which are set forth in Division 2 of Article V of Chapter 2 of the Town Land Development Code. If a person decides to appeal any decision with respect to any matter considered at this Hearing, such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

For additional HEARING information, contact the Town of Fort Myers Beach Special Magistrate Clerk at (239) 765-0202 x 1351.

Marcio Chavez



Signature of Affiant

Code Enforcement Officer
Fort Myers Beach, Florida

9589 0710 5270 3371 4731 28

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

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

OFFICIAL **Town of Fort Myers Beach**

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$ **Sent by:**
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$
 Total Postage and Fees \$

JUN 30 2026
MC
 Postmaster
 Here

Case # 0260582
180 Donna Blvd

St
 St
 Ci

HENRIKSON CLINTON & TARA L
1090 NINE ROCK RD
SHERMAN, IL 62684

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



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

Date: June 30, 2026

Case Number: 20260582

Owner: Henrikson Clinton & Tara L
Mailing Address: 1090 Nine Rock Rd Sherman, IL 62684
Property Address: 180 Donora Blvd, Fort Myers Beach, FL 33931
Certified Mail: 9589071052703371473128
Parcel: 29-46-24-W1-0120B.0130

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on June 25, 2026 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 06/25/2026, a violation was discovered for overgrowth and unsecured pool of the FMB Code of Ordinances was identified as a violation of the Town's Codes:

Cha 6-1, Sec. 303.1: Swimming Pools

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

Cha 6-1, Sec. 303.2: Enclosures

Private swimming pool, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

EXCEPTION: Spas or hot tubs with a safety cover that complies with the ASTM F1348 shall be exempt from the provisions of this section.

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



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

Date: June 30, 2026

Case Number: 20260582

Owner: Henrikson Clinton & Tara L
Mailing Address: 1090 Nine Rock Rd Sherman, IL 62684
Property Address: 180 Donora Blvd, Fort Myers Beach, FL 33931
Certified Mail: 9589071052703371473128
Parcel: 29-46-24-W1-0120B.0130

YOU ARE HEREBY NOTIFIED that the undersigned Code Officer alleges that on June 25, 2026 the following violation(s) of the Land Development Code of the Town of Fort Myers Beach, Florida, existed on the property above:

Code Violation: On 06/25/2026, a violation was discovered for overgrowth and unsecured pool of the FMB Code of Ordinances was identified as a violation of the Town's Codes:

Cha 6-1, Sec. 303.1: Swimming Pools

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

Cha 6-1, Sec. 303.2: Enclosures

Private swimming pool, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

EXCEPTION: Spas or hot tubs with a safety cover that complies with the ASTM F1346 shall be exempt from the provisions of this section.

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.



Jul 1, 2026 9:25:43 AM



Property Data

STRAP: 29-46-24-W1-0120B.0130 Folio ID: 10611139

Tax Roll Value Letter ▼

Generated on 6/30/2026 7:26 AM

Owner Of Record - Tenants by Entirety

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

HENRIKSON CLINTON & TARA L
1090 NINE ROCK RD
SHERMAN IL 62684

+ Site Address

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

180 DONORA BLVD
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG 54 LOT 13

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		
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.44661	-81.93492		

[View Parcel on Google Maps](#)

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Image of Structure

[◀ Photo Date January of 2024 ▶](#) ☐ View other photos

Last Inspection Date: 01/29/2024



Property Values / Exemptions / TRIM Notices

Generated on 6/30/2026 7:26 AM



Property Details (Current as of 6/29/2026)

Generated on 6/30/2026 7:26 AM



Lee County Tax Collector

Noelle Branning

Account Number:
29-46-24-W1-0120B.0130
Alternate Key:
2100535520
Millage Code:
032

Site Address/Legal Description:
180 DONORA BLVD
ZIMMERS ADD SHELL MOUND PK BLK B PB 11 PG
54 LOT 13



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

Exemptions/Values

Market Value 565,107
Assessed Value 565,107
Taxable Value 565,107

★ See message below.

HENRIKSON CLINTON & TARA L
1090 NINE ROCK RD
SHERMAN, IL 62684

Paid 11/25/2025 INT-00-04072428 \$7,287.39

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
3.0710
1.0294
0.0948
0.0327
0.1026
2.7600
0.1123
0.1612
0.0192
0.0394

Assessed

565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107

Exemption

0
0
0
0
0
0
0
0
0
0
0
0

Taxable

565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107
565,107

Amount

2,126.10
1,270.36
1,735.44
581.72
53.57
18.48
57.98
1,559.70
63.46
91.10
10.85
22.27



Non-Ad Valorem Assessments Levying Authority

Telephone

Rate

Basis

Amount

2025 Combined Total Ad Valorem and Non-Ad Valorem:

\$7,591.03

2025 Real Estate Tax Notice

PAY ONLY ONE AMOUNT

If Received By:

- ☐ Nov 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-W1-0120B.0130

Site Address: 180 DONORA BLVD

Alternate Key: 2100535520

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

HENRIKSON CLINTON & TARA L
1090 NINE ROCK RD
SHERMAN, IL 62684

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



Paid 11/25/2025 INT-00-04072428 \$7,287.39

This instrument prepared by & return to: Adrienne Graeber
Sun National Title Company, LLC
2801 Estero Boulevard, Suite R
Fort Myers Beach, FL 33931
Consideration: \$1,080,000.00
Rec.: \$22.50
Tax ID No: 29-46-24-W1-0120B.0130
Our File: 2022-5257

General Warranty Deed

Made this 10th day of March 2022, by **Jeffrey Gene Neddo, a married man, individually and as Trustee of the Jeffrey Gene Neddo Revocable Living Trust dated August 17, 2017, joined by his spouse, Victoria Lynn Neddo, as husband and wife**, whose post office address is: 16421 Millstone Circle, Unit 204, Fort Myers, FL 33908, hereinafter called the grantor, to: **Clinton Henrikson and Tara L. Henrikson, Husband and Wife**, whose post office address is: 1090 Nine Rock Road, Sherman, IL 62684, hereinafter called the grantee,

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: that the grantor, for and in consideration of the sum of ten dollars and zero cents (\$10.00) and other variable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situated in Lee, Florida, viz:

A tract or parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, in Section 29, Township 46 South, Range 24 East, being all of Lot 13 and a part of Lot 14, Block "B", Zimmer's Addition to Shell Mound Park as recorded in Plat Book 11 at Page 54 of the Public Records of said Lee County and further described as follows:

Beginning at the northwest corner of said Lot 13, Block "B"; thence S12°28'20"W along the easterly right of way line of Donora Boulevard (50 feet wide) for 114.53 feet to an iron rod with cap marked LB8267; thence S89°04'24"E for 68.06 feet; thence N89°28'56"E for 36.83 feet to a disk in a seawall marked LB8267; thence N11°53'50"E along the easterly line of said Lots 13 and 14, Block "B" for 54.96 feet to the northeast corner of said Lot 13, Block "B"; thence N57°15'40"W along the north line of said Lot 13, Block "B" for 108.76 feet to the Point of Beginning.

Bearings are based on state plane grid for the Florida West Zone (North American Datum of 1983/1990 adjustment) based on global positioning system (gps) ties to the Florida high precision geodetic network holding national geodetic survey control monument "boob-2".

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 12/31/2021.

Subject to easements, restrictions, reservations and limitations of record, if any.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

[Signature]
Witness

Harriette C. Grobar
Print Name

[Signature]
Witness

FRANCES I COOKE
Print Name

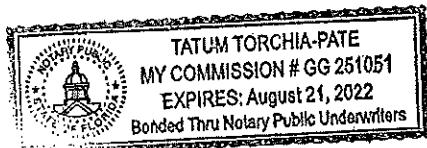
[Signature]
Jeffrey Gene Neddo, individually and as Trustee
-Aforesaid

[Signature]
Victoria Lynn Neddo

State of Florida
County of Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10th day of March 2022, by Jeffrey Gene Neddo and Victoria Lynn Neddo, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Seal]



[Signature]
Notary Public
Print Name: Tatum Torchia-Pate
My Commission Expires: 08/21/2022



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

FORMERLY: CES INC

DESCRIPTION OF
A PARCEL OF LAND
LYING IN
SECTION 29, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA
(NORTH PARCEL)

A tract or parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, in Section 29, Township 46 South, Range 24 East, being all of Lot 13 and a part of Lot 14, Block "B", Zimmer's Addition to Shell Mound Park as recorded in Plat Book 11 at Page 54 of the Public Records of said Lee County and further described as follows:

Beginning at the northwest corner of said Lot 13, Block "B"; thence S12°28'20"W along the easterly right of way line of Donora Boulevard (50 feet wide) for 114.53 feet to an iron rod with cap marked LB8267; thence S89°04'24"E for 68.06 feet; thence N89°28'56"E for 36.83 feet to a disk in a seawall marked LB8267; thence N11°53'50"E along the easterly line of said Lots 13 and 14, Block "B" for 54.96 feet to the northeast corner of said Lot 13, Block "B"; thence N57°15'40"W along the north line of said Lot 13, Block "B" for 108.76 feet to the Point of Beginning.

Said parcel contains 8,699 square feet (0.20 acres more or less).

Said parcel is subject to an anchor easement over and across the northerly 6 feet (as measured on a perpendicular) of the easterly 25 feet of said Lot 13, Block "B" (as measured parallel with the north line of said Lot 13, Block "B").

Parcel subject to all easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on state plane grid for the Florida West Zone (North American Datum of 1983/1990 adjustment) based on global positioning system (gps) ties to the Florida high precision geodetic network holding national geodetic survey control monument "boob-2".

HALEY WARD, INC. (LB 8267)

Scott C.
Whitaker

Digitally signed by
Scott C. Whitaker
Date: 2021.08.19
11:06:37 -04'00'


Scott C. Whitaker, P.S.M., No. LS4324
Professional Surveyor & Mapper
State of Florida

DESC_NORTH_PARCEL | 07-15-21 | Page 1 OF 2

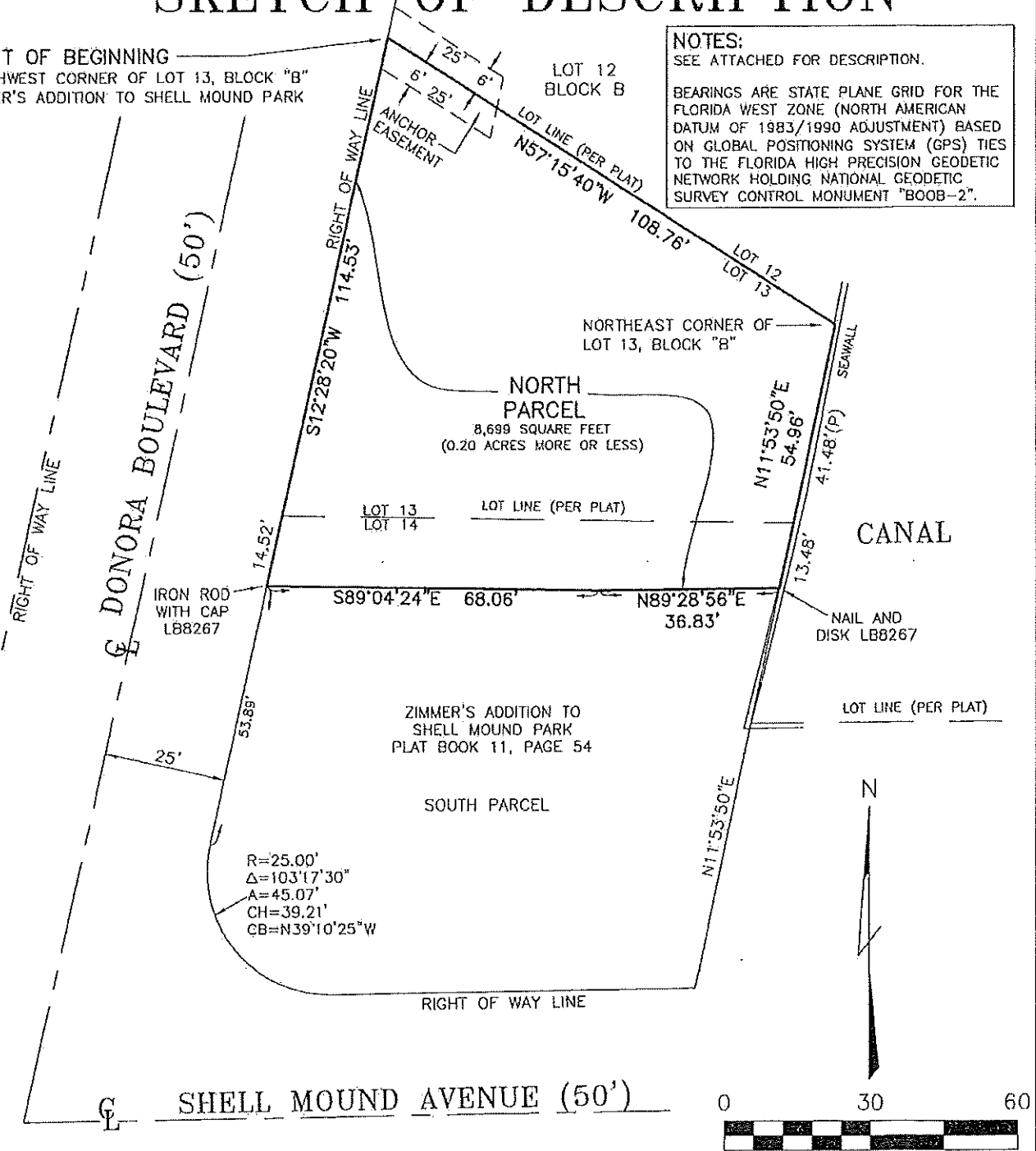
13041 McGregor Boulevard, Fort Myers, FL 33919
T: 239.481.1331 | HALEYWARD.COM



SKETCH OF DESCRIPTION

POINT OF BEGINNING
NORTHWEST CORNER OF LOT 13, BLOCK "B"
ZIMMER'S ADDITION TO SHELL MOUND PARK

NOTES:
SEE ATTACHED FOR DESCRIPTION.
BEARINGS ARE STATE PLANE GRID FOR THE
FLORIDA WEST ZONE (NORTH AMERICAN
DATUM OF 1983/1990 ADJUSTMENT) BASED
ON GLOBAL POSITIONING SYSTEM (GPS) TIES
TO THE FLORIDA HIGH PRECISION GEODETIC
NETWORK HOLDING NATIONAL GEODETIC
SURVEY CONTROL MONUMENT "BOOB-2".



NORTH PARCEL
ALL OF LOT 13 AND PART OF LOT 14, BLOCK B,
ZIMMER'S ADDITION TO SHELL MOUND PARK

*** NOT A SURVEY ***
HALEY WARD, INC

SCOTT C. WHITAKER, P.S.M., NO. 154324
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA



HALEY WARD

Engineering | Environmental | Surveying

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33910

PH (239) 481-1331

2011190.001SK_NORTH PARCEL.DWG

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB32604 & LB8267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
07-15-21	11190.001	JLL/MAB	1" = 30'	2 OF 2	29-46-24



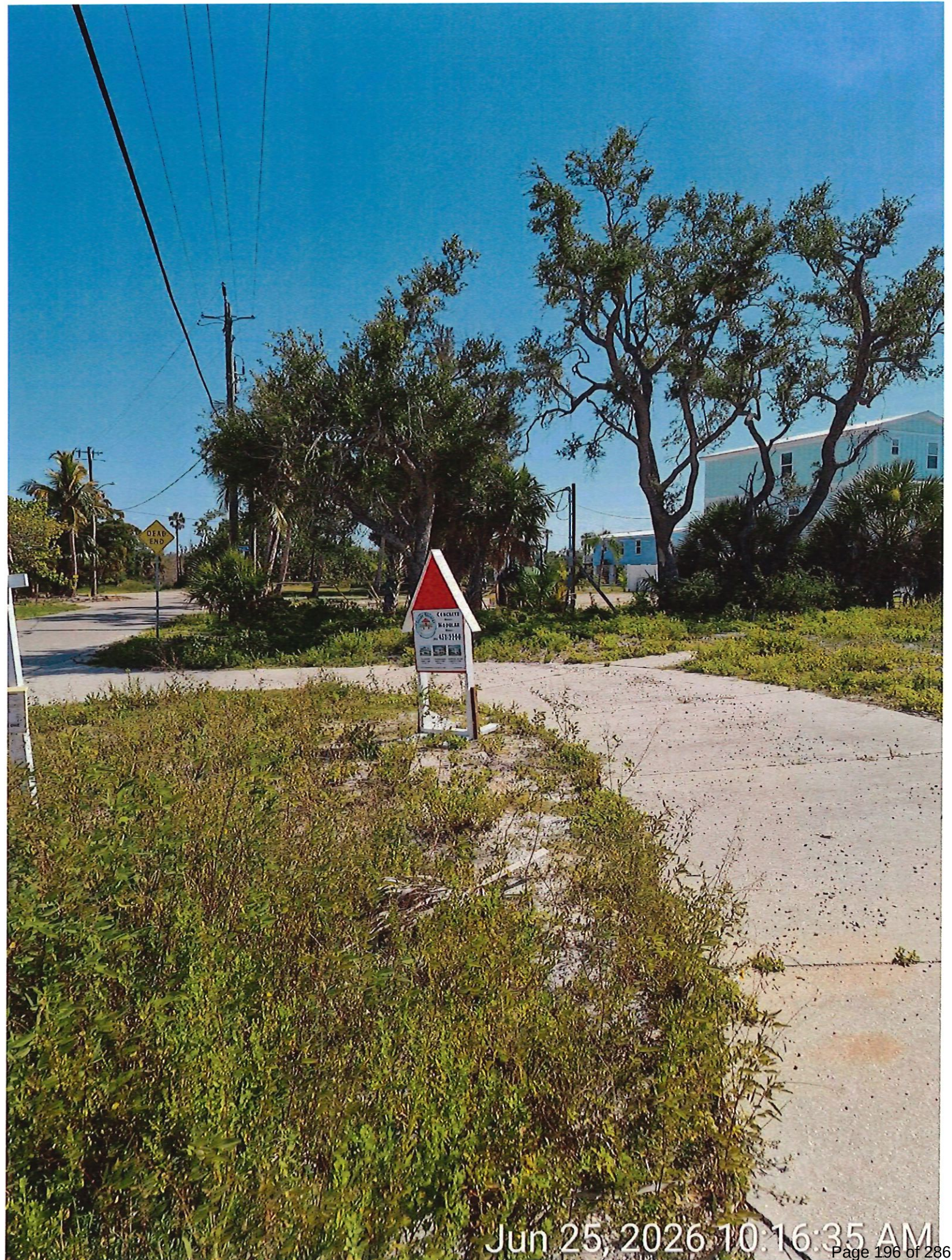
Jun 25, 2026 10:16:52 AM



Jun 25, 2026 10:16:43 AM



Jun 25, 2026 10:16:37 AM



Jun 25, 2026 10:16:35 AM



Jun 25, 2026 10:16:30 AM

EXHIBIT A

151 Miramar St Case #20251060

- Special Magistrate Order from 1/6/2026 Dated 1/27/2026

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation

Petitioner,

vs.

FMB CASE NO. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

CODE ENFORCEMENT VIOLATION FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE came before the undersigned Code Compliance Special Magistrate for the Town of Fort Myers Beach (the "Special Magistrate") at duly noticed public hearings conducted on December 4, 2025, and January 6, 2026, for adjudication of the violations alleged in the Notice of Violation and Notice of Code Enforcement Hearing dated October 20, 2025 (the "NOV"). Based upon the sworn testimony received, the documentary evidence admitted, the arguments of the parties, and the entire record, and being otherwise fully advised in the premises, the Special Magistrate enters the following Findings of Fact, Conclusions of Law, and Order.

A. FINDINGS OF FACT

1. Respondents, Danny Lewis Thomas and Carol Jean Thomas (collectively, "Respondents"), are the owners of the real property located at 151 Miramar Street, Fort Myers Beach, Florida 33931 (Parcel/STRAP No. 19-46-24W-40080B.0070) (the "Subject Property").

2. This enforcement proceeding has been initiated by the Town of Fort Myers Beach (the "Town") pursuant to chapter 162, Florida Statutes, and the Town's Code of Ordinances and Land Development Code. Jurisdiction has been invoked, and notice has been provided, in accordance with applicable law.

3. On or about October 15, 2025, Town staff inspected the Subject Property and observed conditions consisting of the keeping and/or maintaining of a noncompliant portion of the structure, including but not limited to a sink and related plumbing within the ground-floor enclosure, and interior and/or exterior construction without the required building permits, which the Town alleged to be inconsistent with applicable floodplain and building-code requirements in special flood hazard areas referenced in Town Code section 6-494.

4. On October 20, 2025, the Town issued the NOV alleging that the foregoing conditions constituted violations of Town Code section 6-111 (incorporating by reference Florida Building Code section 105.1, permits required) and Land Development Code section 6-441 (floodplain development permits). The NOV also referenced special flood hazard areas as defined in Town Code section 6-494. The NOV directed Respondents to bring the Subject Property into compliance by obtaining required permits for unpermitted construction or by restoring the structure to its original permitted condition, and it set a compliance date of November 17, 2025.

5. The record shows that the NOV and notice of hearing were served and posted in the manner required by law, and that Respondents were afforded notice of the allegations and an opportunity to be heard at both hearings. Respondents appeared at both hearings and presented testimony, argument, and documentary materials.

6. A code enforcement hearing was convened on December 4, 2025, and was continued to January 6, 2026, for receipt of additional evidence and argument, including on Respondents' contention that the ground-floor enclosure and related plumbing were lawfully established and therefore protected as a lawful nonconforming condition.

7. At the hearings, the Town presented the testimony of its Floodplain Manager, Kelli DeFedericis, together with documentary evidence, including the NOV and supporting materials. Respondents presented testimony and documentary evidence, including affidavits, appraisal excerpts, historical materials, and permit-related documents, and called witnesses in support of their position, including Helen and James Crumby and Patty Smyth (via Zoom).

8. Based upon the greater weight of the competent substantial evidence, including the testimony of the Town's Floodplain Manager, it is found that the Subject Property contains

a ground-floor enclosure located within a special flood hazard area subject to the Town's floodplain regulations, and that the enclosure contains plumbing fixtures and related improvements, including a sink. It is further found that the presence and/or maintenance of such plumbing and related improvements within the ground-floor enclosure is not authorized absent compliance with applicable floodplain and building-code requirements and the issuance of required permits and approvals. The dispute presented was not whether the ground-floor enclosure and plumbing are within a special flood hazard area and therefore subject to floodplain regulation, but whether the cited condition was lawfully authorized and therefore entitled to be maintained as a lawful nonconforming condition, i.e., "grandfathered."

9. At the continued hearing, Ms. DeFedericis testified that FEMA had identified the Subject Property as among a group of structures for which FEMA requested compliance-verification records; that FEMA requested proof regarding whether the ground-floor enclosure could be converted to habitable space in compliance with applicable floodplain requirements; and that, absent documentation demonstrating lawful authorization and compliance, the Town remained unable to provide FEMA the requested proof. No written FEMA correspondence was offered into evidence; however, this testimony was found credible and was not rebutted.

10. The credible evidence establishes that, as of the dates of the hearings, Respondents had not obtained permits authorizing the sink and related plumbing and had not obtained permits authorizing any associated interior and/or exterior work encompassed by the NOV. Respondents did not present an elevation certificate, engineering reports, or other documentary evidence establishing that the ground-floor plumbing and related improvements satisfy current floodplain design and elevation criteria. Instead, Respondents' evidentiary presentation was directed to establishing that the ground-floor improvements have existed for decades and should be "grandfathered."

11. It was acknowledged at hearing that the ground-floor plumbing has been present for many years. The Town's theory of enforcement is that post-Hurricane Ian repair and associated permitting activity triggered the requirement that the ground-floor features be lawfully verified and, if maintained, brought into compliance with applicable floodplain and building-code permitting requirements.

12. Respondents asserted, in defense, that the ground-floor enclosure and related plumbing and bathroom facilities should be allowed to remain as a lawful nonconforming condition. This defense requires Respondents to show, by competent evidence, that the condition was lawful when created or was later legalized through valid approvals and permits, because unlawful or unpermitted conditions are not entitled to nonconforming protection.

13. Ms. DeFedericis, the Town's Floodplain Manager, testified that the Town relies on Town records, Lee County records, and Lee County Property Appraiser data to verify authorized ground-floor use and fixtures in elevated structures within special flood hazard areas, and that a review of these sources did not disclose records establishing lawful authorization for the ground-floor plumbing and related improvements at the Subject Property.

14. Ms. DeFedericis testified that a permit was issued in 2023 (Permit No. 232518) for repair of doors and windows with a revision in 2024 for repairs to the ground level that was not approved. She specifically testified that the revision to include the ground level construction was not approved. In her opinion, the lack of an approved revision means that any work that was performed on the ground level was performed without proper permitting. Ms. DeFedericis testimony is credited to the extent that it corroborates the permit record, which reflects that Permit No. 232518, as revised, addressed work relating to windows, front door, soffit, fascia, gutters, and vinyl siding, not ground-floor plumbing fixtures and associated interior improvements.

15. In support of their contention that the ground-floor enclosure and associated plumbing fixtures are "grandfathered" because the Town previously "acknowledged" or "approved" a lower-level bathroom and plumbing through prior permitting activity, Respondents rely in part upon: (a) historical property appraiser materials referencing a "finished lower level" and/or containing narrative statements characterizing a lower-level efficiency and bath as "grandfathered"; (b) permit-file materials from approximately 2007-2008 that, according to Respondents, depict a lower-level bathroom and plumbing layout; (c) Respondents' recollection of an alleged zoning-related statement or "acknowledgment" by Town personnel; and (d) Permit No. 232518 and a related completion certificate, which Respondents contend constitutes an approval of lower-level work.

16. The evidence credited by the Special Magistrate establishes that the existence of historical descriptions of a “finished lower level,” and/or the inclusion of “grandfathered” language within private appraisal narratives, affidavits, listings, or other secondary descriptions, does not constitute a governmental determination that the ground-floor plumbing fixtures and associated interior improvements were lawfully established or are presently authorized under the Florida Building Code or the Town’s floodplain development regulations, nor does such constitute an issued permit or approval authorizing the conditions alleged in the NOV to exist at the Subject Property.

17. With respect to the 2007-2008 permit-file materials, the credible evidence does not establish that any drawings, notations, or depictions within the file operated as an issuance of a permit approving, legalizing, or otherwise authorizing the ground-floor plumbing fixtures and interior improvements at issue, as distinct from proposed work, background descriptions, or permit activity limited to the scope of work actually reviewed, approved, and inspected. The record further supports the finding that plan review and inspections are confined to the scope of work included within the issued permit, and that the presence of depictions or references within a file is not, standing alone, proof of lawful authorization for the nonconforming structure or use.

18. As for Respondents’ references to zoning-related “acknowledgments” or statements attributed to Town personnel, the record does not contain competent evidence of an issued development order, variance, written nonconformity determination, written interpretation, or other formal action that constitutes an approval of the ground-floor plumbing fixtures and interior improvements in the special flood hazard area, and no such informal statement, even if made, would constitute the building or floodplain authorization required by the cited code provisions.

19. Respondents contend that Permit No. 232518 and the related completion certificate demonstrate approval of lower-level work. The record, however, supports the finding that the permit documentation, even when considered in the light most favorable to Respondents, is limited by its stated scope and does not constitute a permit or approval specifically authorizing the ground-floor plumbing fixtures and interior improvements that are the subject of the NOV in this enforcement case.

20. Accordingly, it is found that Respondents did not carry their burden to prove that the ground-floor enclosure and related plumbing constitute a lawful nonconforming condition. The condition is therefore found to be unpermitted and unlawful. Because lawful authorization has not been established, determinations concerning substantial improvement and/or substantial damage thresholds are not necessary to the disposition of the charged violations in this enforcement case.

21. Respondents have requested that enforcement be stayed for ninety (90) days. This request is not supported by competent evidence demonstrating a legal basis for a stay, and the compliance framework set forth herein, including a defined compliance deadline and a scheduled status review, provides an orderly mechanism to monitor compliance without impairing the enforceability of this Order.

B. CONCLUSIONS OF LAW

22. Code enforcement proceedings are quasi-judicial in nature. Basic due process is satisfied where the parties are provided notice and an opportunity to be heard, and the decision is supported by competent substantial evidence. *See, e.g., Verdi v. Metro. Dade Cnty.*, 684 So. 2d 870 (Fla. 3d DCA 1996); *Lee Cnty. v. 4 Sunbelt Equities, II, Ltd. P'ship*, 619 So. 2d 996 (Fla. 2d DCA 1993); *Dep't of High. Saf. & Motor Veh. v. Hofer*, 5 So. 3d 766 (Fla. 2d DCA 2009).

23. The Town bore the burden to prove, by competent substantial evidence, the violations alleged in the NOV. For the reasons set forth in the Findings of Fact, the Town met its burden. Even assuming, arguendo, that the Town also bore the burden to prove the absence of lawful authorization for the cited condition, that burden was met through the Floodplain Manager's testimony regarding the records review conducted and the absence of any issued permit or approval authorizing the disputed ground-floor plumbing and related improvements.

24. Town Code section 6-111 adopts the Florida Building Code section 105.1, which provides, in material part, as follows:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to install, enlarge, alter, repair, remove, convert, or replace any

plumbing system regulated by the Code, shall first make application to the building official and obtain the required permit.

25. The NOV also cited Land Development Code section 6-44 I, which requires that an owner or owner's authorized agent who intends to undertake development activity within the scope of the Town's floodplain regulations, wholly within or partially within any flood hazard area, must first make application to the floodplain administrator (and the building official, if applicable) and obtain required permits and approvals.

26. Respondents argued that the existence of the ground-floor enclosure and plumbing should be treated as a lawful nonconforming condition. The Town, in its proposed order, asserted that the Special Magistrate should make no ruling on "grandfathered" status and that such a determination is outside the Special Magistrate's authority in a chapter 162 proceeding. That position is rejected to the extent it is construed as precluding the Special Magistrate from resolving, for purposes of this enforcement case, whether Respondents have established lawful authorization for the cited condition.

27. Chapter 162 authorizes the Special Magistrate to hear and determine alleged code violations, to make findings of fact and conclusions of law, and to enter orders requiring compliance and imposing lawful penalties. Where a respondent asserts, as an affirmative defense to enforcement, that the cited condition was lawful when established and thus is protected as a lawful nonconforming condition, the Special Magistrate is authorized to determine whether competent evidence of lawful establishment has been produced, unless local law vests exclusive jurisdiction over such issue to a different decision-maker, which is not the case here. Such a determination is integral to adjudicating whether a violation exists and what compliance is required. This nonconformity analysis is undertaken solely to resolve Respondents' affirmative defense to the violations charged in the NOV on this record and is not intended to confer, deny, or otherwise adjudicate nonconforming status for all purposes or in any separate administrative, land-use, or permitting proceeding.

28. Generalized references in property appraiser records, private appraisals, listings, or similar secondary descriptions to a "finished lower level," an "efficiency," or a "grandfathered" condition do not, without more than has been shown here, constitute persuasive proof of lawful establishment or continuing lawful authorization under the

Florida Building Code, as adopted by Town Code section 6-111, or Land Development Code section 6-441 (floodplain development permitting requirements). Thus, Respondents have not met their burden of producing persuasive evidence of a lawful nonconforming structure or use.

29. Likewise, the existence of drawings, notations, or depictions within a historical permit file does not, standing alone, establish that the depicted condition was reviewed and approved within the scope of an issued permit authorizing the ground-floor plumbing fixtures and interior improvements at issue; rather, lawful authorization requires proof of an issued permit and approvals that encompass the particular work or condition for which compliance is ordered. The evidence in this record does not establish such authorization for violations charged in the NOV.

30. To the extent Respondents contend that zoning-related “acknowledgments” or informal statements by Town personnel operate as approval or legalization of the ground-floor enclosure and related plumbing fixtures, that contention is rejected. Informal statements or generalized zoning discussions are not a substitute for the building and floodplain permits and approvals required by the cited provisions, and the record does not contain competent evidence of a formal written determination conferring lawful nonconforming status or authorizing the ground-floor plumbing fixtures and interior improvements at issue.

31. Permit No. 232518 appears to have been properly issued and finalized; a related completion certificate reflects a close-out status for the permitted scope. These facts, however, are not dispositive because the permit materials fail to establish lawful authorization for the specific nonconforming structure or use at issue, namely, the ground-floor plumbing fixtures and associated interior improvements within the lower enclosure in the floodplain.

32. Because the Town proved the cited violations and Respondents did not prove lawful authorization for the ground-floor plumbing and related improvements, a finding of violation is required, and an order compelling compliance is appropriate.

33. Respondents’ request for a ninety (90) day stay is denied. A stay is not warranted on this record, and the compliance and status-review structure set forth in this Order constitutes a reasonable, orderly, and enforceable framework for achieving compliance

while preserving the Town's ability to enforce its code requirements absent a written stay entered by the Special Magistrate or a court of competent jurisdiction.

C. ORDER

Based on the foregoing, it is hereby ORDERED as follows:

1. Violation Found. Respondents are found to be in violation of Town Code section 6-111 and Land Development Code section 6-441, as alleged in the NOV.
2. Compliance Deadline and Methods. Respondents shall bring the Subject Property into compliance no later than sixty (60) days from the date of this Order (the "Compliance Deadline"), by either: (a) obtaining all required building and floodplain permits for the unpermitted construction and, thereafter, achieving final approval/close-out in full compliance with applicable floodplain and building-code requirements; or (b) restoring the structure to its last lawfully permitted condition, which shall include, at minimum, removal and/or permanent abandonment of all unpermitted plumbing fixtures and related improvements within the ground-floor enclosure, including capping and disconnecting any water supply and sanitary drainage lines serving such fixtures, and otherwise limiting the enclosure to uses permitted by applicable floodplain regulations (including, as applicable, parking, building access, and storage), as verified for compliance purposes by the Town's building official and floodplain administrator.
3. Status Review Hearing; Substantial Compliance. A status review hearing is set for April 7, 2026, to assess the status of compliance. It is recognized that Respondents may seek administrative or permitting determinations relevant to obtaining after-the-fact permits; accordingly, evidence of substantial compliance or substantial efforts toward compliance may be considered at the status review hearing in determining whether to extend deadlines, to impose or defer penalties, or to enter such further orders as may be appropriate.
4. Daily Fine. If compliance is not achieved by the Compliance Deadline, a fine of \$250.00 per day shall be imposed for each day the violation continues thereafter, subject to any written order entered by the Special Magistrate deferring, modifying, or otherwise addressing the accrual of fines based upon the evidence presented at the status review hearing.

5. Administrative Costs. Pursuant to section 162.07(2), Florida Statutes, Respondents shall pay \$250.00 as an administrative cost assessment associated with this enforcement action.
6. Abatement Authorization. If Respondents fail to achieve compliance by the Compliance Deadline and do not demonstrate substantial progress at the status review hearing, then, as an alternative means of attaining compliance, the Town is authorized to initiate abatement of the violation, including removal of noncompliant portions of the structure, to the extent permitted by law. All abatement costs shall be assessed as a lien against the Subject Property, enforceable under applicable Florida law.
7. No Stay by Administrative Request. This Order is entered without prejudice to Respondents' pursuit of any administrative or permitting relief otherwise available by law; however, absent a written stay entered by the Special Magistrate or a court of competent jurisdiction, the filing or pendency of any such request shall not operate as a stay of this Order.

This Order may be appealed by any aggrieved party to the Circuit Court of Lee County no later than 30 days from the date of this Order. Failure to timely file a written Notice of Appeal will waive the right of appeal.

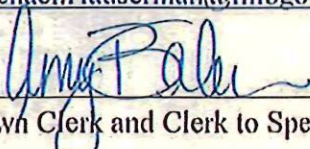
DONE AND ORDERED this 27th day of January, 2026, at the Division of Administrative Hearings, Tallahassee, Florida.


John G. Van Laningham,
FMB Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Order has been furnished by U.S. mail on the 27 day of January, 2026, to:
Danny Lewis & Carol Jean Thomas
151 Miramar St, Fort Myers Beach, Florida 33931
dcthomasaugust1978@gmail.com

FMB Code Enforcement Officer Michael Hauserman,
6231 Estero Boulevard,
Fort Myers Beach, Florida 33931
Michael.Hauserman@fmbgov.com



Town Clerk and Clerk to 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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS, OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

EXHIBIT B

151 Miramar St Case #20251060

- Affidavit of non-compliance
- Photographs of exterior of 151 Miramar St 3/30/26
- Affidavit of permit status



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

THOMAS DANNY LEWIS & CAROL JEAN
22067 565th Ave
Austin, MN 55912

Respondent.

Certified Mail: N/A
Regular Mail: N/A
Case # 20251060

Site Address: **151 Miramar St**, Fort Myers Beach, FL, 33931
Parcel Strap No. 19-46-24-W4-0080B.0070

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared **Michael J Hauserman** who is the Code Enforcement Manager for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case **#20251060**.

1. That on **January 27, 2026**, A Code Enforcement Violation Finding of Fact, Conclusion of Law, and Order was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before **March 27, 2026**.
3. That an inspection was performed of the records and property on **March 30, 2026**. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

5. I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).
6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

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.

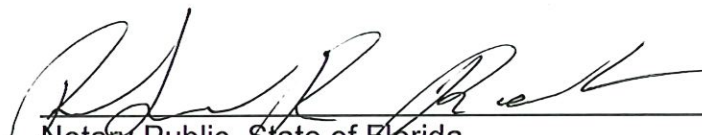
x 
Signature of Affiant

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 1 day of April, 2026, by **Michael J Hauserman**. He [☒] is personally known to me or [] has produced _____ as identification.

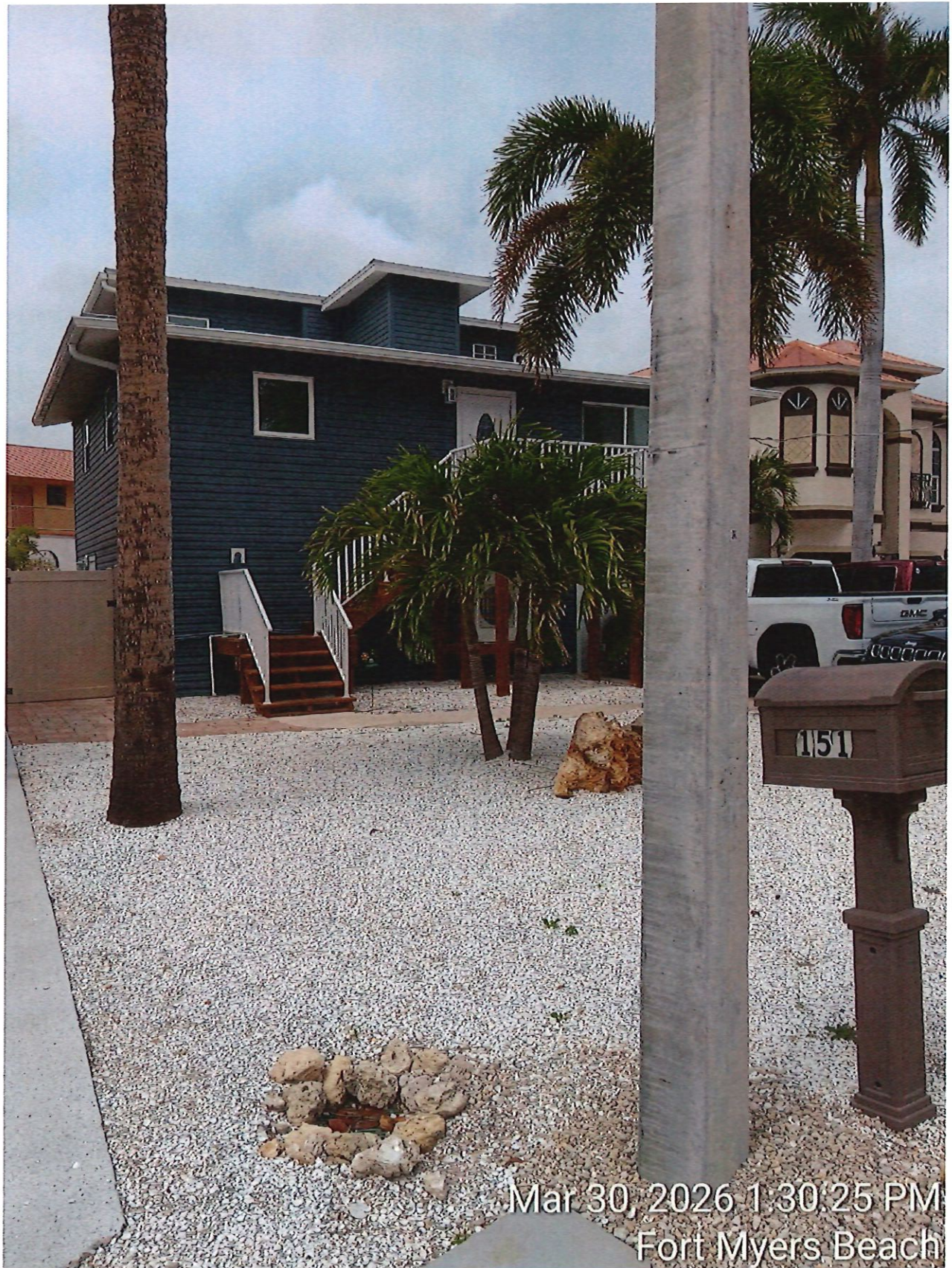


[Notary Seal]


Notary Public, State of Florida
Print Name: Raleigh R Baker
My Commission Expires: 2/5/2029



Mar 30, 2026 1:29:45 PM
Fort Myers Beach



Mar 30, 2026 1:30:25 PM
Fort Myers Beach



Mar 30, 2026 1:30:34 PM
Fort Myers Beach



Mar 30, 2026 1:30:45 PM
Fort Myers Beach





Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0909

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20251060

vs.

**THOMAS DANNY & CAROL JEAN
Respondent.**

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Georgina Cid, who being duly sworn by me, on oath, deposes and says the following:

1. My name is Georgina Cid. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.

2. I am employed by the Town of Fort Myers Beach ("Town") Building Department as Assistant Community Development Director. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.

3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.

4. On March 30, 2026, I personally conducted a search of the Building Department's permit records for:

[Last Rev. 10/23/25 CB]

a. Property address: **151 Miramar St, Fort Myers Beach, FL 33931**

b. Relevant date range: January 1, 2026 through present

5. Based on that search, I did not locate any permits covering the unpermitted construction on the ground floor including but not limited to the enclosure of the first floor, electrical installation, and plumbing installation in the Building Department's records for the work described at the above-described property for the date range searched.

6. Attached hereto as **Exhibit "A"** is a screenshot of the Town Building Department's records system reflecting the results of the search described above. **Exhibit "A"** is a true and correct depiction of those records as they appeared on **March 30, 2026**.

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.

SWORN AND ATTESTED BY:



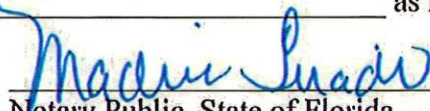
Signature of Affiant

Printed Name: Georgina Gid

Title: Asst. Comm. Dev. Director

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of
☐ physical presence / ☐ online notarization, this 30th day of March, 2026, by
Georgina Gid, who ☒ is personally known to me ☐ or has produced

as identification.

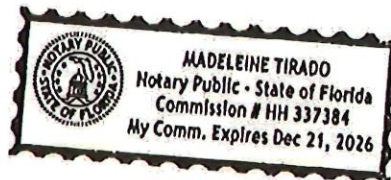


Notary Public, State of Florida

Printed Name: Madeleine Tirado

My Commission No.: HH 337384

My Commission Expires: 12/21/2024



[PERMIT GRAPHS](#)

ADVANCED SEARCH RESULTS

[Select View](#)

Selected	Permit Number	Permit Date	Permit Type	Property Address	Permit Type	Type of Construction	Type of Occupancy / Use	Scope of Work	Issued Date	Expiration Date	Final Date	Closed Date	Last Inspection Date	Status	Edit/View
☐	260087	01/20/2026		151 MIRAMAR ST	Residential	N/A	Residential	REV* Add Lower Level - repair like for like - Upper level - Replace windows sds, front door, vinyl siding, soffit, fascia & gutters	03/25/2023		02/08/2024			VOID	
☐	240718	03/12/2024		151 MIRAMAR ST	Residential	N/A	Residential	Repair/restore living space, exterior and interior walls, windows, door lower level.						VOID	
☐	236128	10/24/2023		151 MIRAMAR ST	Residential	N/A	Residential	replace panel and breakers	10/27/2023		11/08/2023			FINALED	
☐	232518	03/17/2023		151 MIRAMAR ST	Residential	N/A	Residential	REV* Add Lower Level - repair like for like - Upper level - Replace windows sds, front door, vinyl siding, soffit, fascia & gutters	03/25/2023		02/08/2024		02/07/2024	ISSUED	
☐	223775	11/18/2022		151 MIRAMAR ST	Temporary Use		Residential	42 Sundance 3600QB	11/18/2022			02/02/2024		CLOSED	
☐	222594	10/26/2022		151 MIRAMAR ST	ZOTC Electrical			New Electrical Panel, Breakers		04/24/2023				VOID	
☐	222251	10/22/2022		151 MIRAMAR ST	Structural / Electrical Insp. Letter		Residential	Hurricane Ian			10/25/2022			FINALED	
☐	222181	10/21/2022		151 MIRAMAR ST	ZOTC Electrical		Residential	New Electrical Panel, Breakers		04/19/2023				VOID	
☐	221025	06/21/2022		151 MIRAMAR ST	ZFence / Wall		Residential	NEW-6 VINYL FENCE W/GATES-Pool Barrier	07/26/2022		01/30/2024		01/30/2024	FINALED	
☐	211580	09/16/2021		151 MIRAMAR ST	ZPool		Residential	pool	12/22/2021		04/21/2023		04/20/2023	FINALED	
☐	211578	09/16/2021		151 MIRAMAR ST	Vegetation	N/A	Residential	See attached drawing with list of trees to be removed, installing a pool.	10/01/2021		02/23/2022		02/25/2022	FINALED	
☐	201083	08/21/2020		151 MIRAMAR ST	Residential	N/A	Residential	Rebuild front entry stairs and deck	09/11/2020		12/10/2020		12/10/2020	FINALED	

1 Records 1 to 12 (of 12)

1



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20251060

vs.

**THOMAS DANNY & CAROL JEAN
Respondent.**

_____ /

AFFIDAVIT OF RECORDS SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Kelli DeFedericis** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Kelli DeFedericis**. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed by the Town of Fort Myers Beach ("Town") Building Department as **Floodplain Manager**. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department and Floodplain Manager maintains records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.

4. On March 30, 2026, I personally conducted a search of my communications and records for the following:

- a. Property address: **151 Miramar St, Fort Myers Beach, FL 33931**
- b. Relevant date range: January 1, 2026, through present

5. Based on that search, I did not locate any records or communications that would comply with the Special Magistrate's Order signed on January 27, 2026. Order is attached as **Affidavit Exhibit A**.

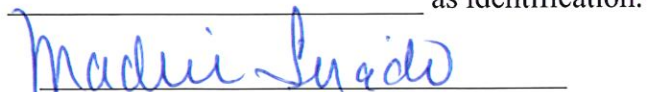
Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town of Fort Myers Beach Land Development Code and Section 162.12, Florida Statutes.

SWORN AND ATTESTED BY:



Signature of Affiant
Printed Name: Kelli Defedericis
Title: Floodplain

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☒ physical presence / ☐ online notarization, this 30th day of March, 2026, by _____, who ☒ is personally known to me ☐ or has produced _____ as identification.



Notary Public, State of Florida
Printed Name: Madeleine Tirado
My Commission No.: HH 337384
My Commission Expires: 2/21/2026



Affidavit Exhibit A

CODE COMPLIANCE SPECIAL MAGISTRATE THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation

Petitioner,

vs.

FMB CASE NO. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

CODE ENFORCEMENT VIOLATION FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE came before the undersigned Code Compliance Special Magistrate for the Town of Fort Myers Beach (the "Special Magistrate") at duly noticed public hearings conducted on December 4, 2025, and January 6, 2026, for adjudication of the violations alleged in the Notice of Violation and Notice of Code Enforcement Hearing dated October 20, 2025 (the "NOV"). Based upon the sworn testimony received, the documentary evidence admitted, the arguments of the parties, and the entire record, and being otherwise fully advised in the premises, the Special Magistrate enters the following Findings of Fact, Conclusions of Law, and Order.

A. FINDINGS OF FACT

1. Respondents, Danny Lewis Thomas and Carol Jean Thomas (collectively, "Respondents"), are the owners of the real property located at 151 Miramar Street, Fort Myers Beach, Florida 33931 (Parcel/STRAP No. 19-46-24W-40080B.0070) (the "Subject Property").

2. This enforcement proceeding has been initiated by the Town of Fort Myers Beach (the "Town") pursuant to chapter 162, Florida Statutes, and the Town's Code of Ordinances and Land Development Code. Jurisdiction has been invoked, and notice has been provided, in accordance with applicable law.

3. On or about October 15, 2025, Town staff inspected the Subject Property and observed conditions consisting of the keeping and/or maintaining of a noncompliant portion of the structure, including but not limited to a sink and related plumbing within the ground-floor enclosure, and interior and/or exterior construction without the required building permits, which the Town alleged to be inconsistent with applicable floodplain and building-code requirements in special flood hazard areas referenced in Town Code section 6-494.

4. On October 20, 2025, the Town issued the NOV alleging that the foregoing conditions constituted violations of Town Code section 6-111 (incorporating by reference Florida Building Code section 105.1, permits required) and Land Development Code section 6-441 (floodplain development permits). The NOV also referenced special flood hazard areas as defined in Town Code section 6-494. The NOV directed Respondents to bring the Subject Property into compliance by obtaining required permits for unpermitted construction or by restoring the structure to its original permitted condition, and it set a compliance date of November 17, 2025.

5. The record shows that the NOV and notice of hearing were served and posted in the manner required by law, and that Respondents were afforded notice of the allegations and an opportunity to be heard at both hearings. Respondents appeared at both hearings and presented testimony, argument, and documentary materials.

6. A code enforcement hearing was convened on December 4, 2025, and was continued to January 6, 2026, for receipt of additional evidence and argument, including on Respondents' contention that the ground-floor enclosure and related plumbing were lawfully established and therefore protected as a lawful nonconforming condition.

7. At the hearings, the Town presented the testimony of its Floodplain Manager, Kelli DeFedericis, together with documentary evidence, including the NOV and supporting materials. Respondents presented testimony and documentary evidence, including affidavits, appraisal excerpts, historical materials, and permit-related documents, and called witnesses in support of their position, including Helen and James Crumie and Patty Smyth (via Zoom).

8. Based upon the greater weight of the competent substantial evidence, including the testimony of the Town's Floodplain Manager, it is found that the Subject Property contains

a ground-floor enclosure located within a special flood hazard area subject to the Town's floodplain regulations, and that the enclosure contains plumbing fixtures and related improvements, including a sink. It is further found that the presence and/or maintenance of such plumbing and related improvements within the ground-floor enclosure is not authorized absent compliance with applicable floodplain and building-code requirements and the issuance of required permits and approvals. The dispute presented was not whether the ground-floor enclosure and plumbing are within a special flood hazard area and therefore subject to floodplain regulation, but whether the cited condition was lawfully authorized and therefore entitled to be maintained as a lawful nonconforming condition, i.e., "grandfathered."

9. At the continued hearing, Ms. DeFedericis testified that FEMA had identified the Subject Property as among a group of structures for which FEMA requested compliance-verification records; that FEMA requested proof regarding whether the ground-floor enclosure could be converted to habitable space in compliance with applicable floodplain requirements; and that, absent documentation demonstrating lawful authorization and compliance, the Town remained unable to provide FEMA the requested proof. No written FEMA correspondence was offered into evidence; however, this testimony was found credible and was not rebutted.

10. The credible evidence establishes that, as of the dates of the hearings, Respondents had not obtained permits authorizing the sink and related plumbing and had not obtained permits authorizing any associated interior and/or exterior work encompassed by the NOV. Respondents did not present an elevation certificate, engineering reports, or other documentary evidence establishing that the ground-floor plumbing and related improvements satisfy current floodplain design and elevation criteria. Instead, Respondents' evidentiary presentation was directed to establishing that the ground-floor improvements have existed for decades and should be "grandfathered."

11. It was acknowledged at hearing that the ground-floor plumbing has been present for many years. The Town's theory of enforcement is that post-Hurricane Ian repair and associated permitting activity triggered the requirement that the ground-floor features be lawfully verified and, if maintained, brought into compliance with applicable floodplain and building-code permitting requirements.

12. Respondents asserted, in defense, that the ground-floor enclosure and related plumbing and bathroom facilities should be allowed to remain as a lawful nonconforming condition. This defense requires Respondents to show, by competent evidence, that the condition was lawful when created or was later legalized through valid approvals and permits, because unlawful or unpermitted conditions are not entitled to nonconforming protection.

13. Ms. DeFedericis, the Town's Floodplain Manager, testified that the Town relies on Town records, Lee County records, and Lee County Property Appraiser data to verify authorized ground-floor use and fixtures in elevated structures within special flood hazard areas, and that a review of these sources did not disclose records establishing lawful authorization for the ground-floor plumbing and related improvements at the Subject Property.

14. Ms. DeFedericis testified that a permit was issued in 2023 (Permit No. 232518) for repair of doors and windows with a revision in 2024 for repairs to the ground level that was not approved. She specifically testified that the revision to include the ground level construction was not approved. In her opinion, the lack of an approved revision means that any work that was performed on the ground level was performed without proper permitting. Ms. DeFedericis testimony is credited to the extent that it corroborates the permit record, which reflects that Permit No. 232518, as revised, addressed work relating to windows, front door, soffit, fascia, gutters, and vinyl siding, not ground-floor plumbing fixtures and associated interior improvements.

15. In support of their contention that the ground-floor enclosure and associated plumbing fixtures are "grandfathered" because the Town previously "acknowledged" or "approved" a lower-level bathroom and plumbing through prior permitting activity, Respondents rely in part upon: (a) historical property appraiser materials referencing a "finished lower level" and/or containing narrative statements characterizing a lower-level efficiency and bath as "grandfathered"; (b) permit-file materials from approximately 2007-2008 that, according to Respondents, depict a lower-level bathroom and plumbing layout; (c) Respondents' recollection of an alleged zoning-related statement or "acknowledgment" by Town personnel; and (d) Permit No. 232518 and a related completion certificate, which Respondents contend constitutes an approval of lower-level work.

16. The evidence credited by the Special Magistrate establishes that the existence of historical descriptions of a “finished lower level,” and/or the inclusion of “grandfathered” language within private appraisal narratives, affidavits, listings, or other secondary descriptions, does not constitute a governmental determination that the ground-floor plumbing fixtures and associated interior improvements were lawfully established or are presently authorized under the Florida Building Code or the Town’s floodplain development regulations, nor does such constitute an issued permit or approval authorizing the conditions alleged in the NOV to exist at the Subject Property.

17. With respect to the 2007-2008 permit-file materials, the credible evidence does not establish that any drawings, notations, or depictions within the file operated as an issuance of a permit approving, legalizing, or otherwise authorizing the ground-floor plumbing fixtures and interior improvements at issue, as distinct from proposed work, background descriptions, or permit activity limited to the scope of work actually reviewed, approved, and inspected. The record further supports the finding that plan review and inspections are confined to the scope of work included within the issued permit, and that the presence of depictions or references within a file is not, standing alone, proof of lawful authorization for the nonconforming structure or use.

18. As for Respondents’ references to zoning-related “acknowledgments” or statements attributed to Town personnel, the record does not contain competent evidence of an issued development order, variance, written nonconformity determination, written interpretation, or other formal action that constitutes an approval of the ground-floor plumbing fixtures and interior improvements in the special flood hazard area, and no such informal statement, even if made, would constitute the building or floodplain authorization required by the cited code provisions.

19. Respondents contend that Permit No. 232518 and the related completion certificate demonstrate approval of lower-level work. The record, however, supports the finding that the permit documentation, even when considered in the light most favorable to Respondents, is limited by its stated scope and does not constitute a permit or approval specifically authorizing the ground-floor plumbing fixtures and interior improvements that are the subject of the NOV in this enforcement case.

20. Accordingly, it is found that Respondents did not carry their burden to prove that the ground-floor enclosure and related plumbing constitute a lawful nonconforming condition. The condition is therefore found to be unpermitted and unlawful. Because lawful authorization has not been established, determinations concerning substantial improvement and/or substantial damage thresholds are not necessary to the disposition of the charged violations in this enforcement case.

21. Respondents have requested that enforcement be stayed for ninety (90) days. This request is not supported by competent evidence demonstrating a legal basis for a stay, and the compliance framework set forth herein, including a defined compliance deadline and a scheduled status review, provides an orderly mechanism to monitor compliance without impairing the enforceability of this Order.

B. CONCLUSIONS OF LAW

22. Code enforcement proceedings are quasi-judicial in nature. Basic due process is satisfied where the parties are provided notice and an opportunity to be heard, and the decision is supported by competent substantial evidence. *See, e.g., Verdi v. Metro. Dade Cnty.*, 684 So. 2d 870 (Fla. 3d DCA 1996); *Lee Cnty. v. 4 Sunbelt Equities, II, Ltd. P'ship*, 619 So. 2d 996 (Fla. 2d DCA 1993); *Dep't of High. Saf. & Motor Veh. v. Hofer*, 5 So. 3d 766 (Fla. 2d DCA 2009).

23. The Town bore the burden to prove, by competent substantial evidence, the violations alleged in the NOV. For the reasons set forth in the Findings of Fact, the Town met its burden. Even assuming, arguendo, that the Town also bore the burden to prove the absence of lawful authorization for the cited condition, that burden was met through the Floodplain Manager's testimony regarding the records review conducted and the absence of any issued permit or approval authorizing the disputed ground-floor plumbing and related improvements.

24. Town Code section 6-111 adopts the Florida Building Code section 105.1, which provides, in material part, as follows:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to install, enlarge, alter, repair, remove, convert, or replace any

plumbing system regulated by the Code, shall first make application to the building official and obtain the required permit.

25. The NOV also cited Land Development Code section 6-441, which requires that an owner or owner's authorized agent who intends to undertake development activity within the scope of the Town's floodplain regulations, wholly within or partially within any flood hazard area, must first make application to the floodplain administrator (and the building official, if applicable) and obtain required permits and approvals.

26. Respondents argued that the existence of the ground-floor enclosure and plumbing should be treated as a lawful nonconforming condition. The Town, in its proposed order, asserted that the Special Magistrate should make no ruling on "grandfathered" status and that such a determination is outside the Special Magistrate's authority in a chapter 162 proceeding. That position is rejected to the extent it is construed as precluding the Special Magistrate from resolving, for purposes of this enforcement case, whether Respondents have established lawful authorization for the cited condition.

27. Chapter 162 authorizes the Special Magistrate to hear and determine alleged code violations, to make findings of fact and conclusions of law, and to enter orders requiring compliance and imposing lawful penalties. Where a respondent asserts, as an affirmative defense to enforcement, that the cited condition was lawful when established and thus is protected as a lawful nonconforming condition, the Special Magistrate is authorized to determine whether competent evidence of lawful establishment has been produced, unless local law vests exclusive jurisdiction over such issue to a different decision-maker, which is not the case here. Such a determination is integral to adjudicating whether a violation exists and what compliance is required. This nonconformity analysis is undertaken solely to resolve Respondents' affirmative defense to the violations charged in the NOV on this record and is not intended to confer, deny, or otherwise adjudicate nonconforming status for all purposes or in any separate administrative, land-use, or permitting proceeding.

28. Generalized references in property appraiser records, private appraisals, listings, or similar secondary descriptions to a "finished lower level," an "efficiency," or a "grandfathered" condition do not, without more than has been shown here, constitute persuasive proof of lawful establishment or continuing lawful authorization under the

Florida Building Code, as adopted by Town Code section 6-111, or Land Development Code section 6-441 (floodplain development permitting requirements). Thus, Respondents have not met their burden of producing persuasive evidence of a lawful nonconforming structure or use.

29. Likewise, the existence of drawings, notations, or depictions within a historical permit file does not, standing alone, establish that the depicted condition was reviewed and approved within the scope of an issued permit authorizing the ground-floor plumbing fixtures and interior improvements at issue; rather, lawful authorization requires proof of an issued permit and approvals that encompass the particular work or condition for which compliance is ordered. The evidence in this record does not establish such authorization for violations charged in the NOV.

30. To the extent Respondents contend that zoning-related “acknowledgments” or informal statements by Town personnel operate as approval or legalization of the ground-floor enclosure and related plumbing fixtures, that contention is rejected. Informal statements or generalized zoning discussions are not a substitute for the building and floodplain permits and approvals required by the cited provisions, and the record does not contain competent evidence of a formal written determination conferring lawful nonconforming status or authorizing the ground-floor plumbing fixtures and interior improvements at issue.

31. Permit No. 232518 appears to have been properly issued and finalized; a related completion certificate reflects a close-out status for the permitted scope. These facts, however, are not dispositive because the permit materials fail to establish lawful authorization for the specific nonconforming structure or use at issue, namely, the ground-floor plumbing fixtures and associated interior improvements within the lower enclosure in the floodplain.

32. Because the Town proved the cited violations and Respondents did not prove lawful authorization for the ground-floor plumbing and related improvements, a finding of violation is required, and an order compelling compliance is appropriate.

33. Respondents’ request for a ninety (90) day stay is denied. A stay is not warranted on this record, and the compliance and status-review structure set forth in this Order constitutes a reasonable, orderly, and enforceable framework for achieving compliance

while preserving the Town's ability to enforce its code requirements absent a written stay entered by the Special Magistrate or a court of competent jurisdiction.

C. ORDER

Based on the foregoing, it is hereby ORDERED as follows:

1. Violation Found. Respondents are found to be in violation of Town Code section 6-111 and Land Development Code section 6-441, as alleged in the NOV.
2. Compliance Deadline and Methods. Respondents shall bring the Subject Property into compliance no later than sixty (60) days from the date of this Order (the "Compliance Deadline"), by either: (a) obtaining all required building and floodplain permits for the unpermitted construction and, thereafter, achieving final approval/close-out in full compliance with applicable floodplain and building-code requirements; or (b) restoring the structure to its last lawfully permitted condition, which shall include, at minimum, removal and/or permanent abandonment of all unpermitted plumbing fixtures and related improvements within the ground-floor enclosure, including capping and disconnecting any water supply and sanitary drainage lines serving such fixtures, and otherwise limiting the enclosure to uses permitted by applicable floodplain regulations (including, as applicable, parking, building access, and storage), as verified for compliance purposes by the Town's building official and floodplain administrator.
3. Status Review Hearing; Substantial Compliance. A status review hearing is set for April 7, 2026, to assess the status of compliance. It is recognized that Respondents may seek administrative or permitting determinations relevant to obtaining after-the-fact permits; accordingly, evidence of substantial compliance or substantial efforts toward compliance may be considered at the status review hearing in determining whether to extend deadlines, to impose or defer penalties, or to enter such further orders as may be appropriate.
4. Daily Fine. If compliance is not achieved by the Compliance Deadline, a fine of \$250.00 per day shall be imposed for each day the violation continues thereafter, subject to any written order entered by the Special Magistrate deferring, modifying, or otherwise addressing the accrual of fines based upon the evidence presented at the status review hearing.

5. Administrative Costs. Pursuant to section 162.07(2), Florida Statutes, Respondents shall pay \$250.00 as an administrative cost assessment associated with this enforcement action.
6. Abatement Authorization. If Respondents fail to achieve compliance by the Compliance Deadline and do not demonstrate substantial progress at the status review hearing, then, as an alternative means of attaining compliance, the Town is authorized to initiate abatement of the violation, including removal of noncompliant portions of the structure, to the extent permitted by law. All abatement costs shall be assessed as a lien against the Subject Property, enforceable under applicable Florida law.
7. No Stay by Administrative Request. This Order is entered without prejudice to Respondents' pursuit of any administrative or permitting relief otherwise available by law; however, absent a written stay entered by the Special Magistrate or a court of competent jurisdiction, the filing or pendency of any such request shall not operate as a stay of this Order.

This Order may be appealed by any aggrieved party to the Circuit Court of Lee County no later than 30 days from the date of this Order. Failure to timely file a written Notice of Appeal will waive the right of appeal.

DONE AND ORDERED this 27th day of January, 2026, at the Division of Administrative Hearings, Tallahassee, Florida.

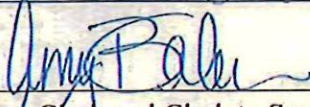

John G. Van Laningham,
FMB Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Order has been furnished by U.S. mail on the 27 day of January, 2026, to:

Danny Lewis & Carol Jean Thomas
151 Miramar St, Fort Myers Beach, Florida 33931
dcthomasaugust1978@gmail.com

FMB Code Enforcement Officer Michael Hauserman,
6231 Estero Boulevard,
Fort Myers Beach, Florida 33931
Michael.Hauserman@fmbgov.com



Town Clerk and Clerk to 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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS, OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT C

- Affidavit of Non-Compliance dated 4/6/26
- Affidavit of Records Search dated 4/6/26
- Affidavit of of Permit Search dated 4/6/26
- Supporting Documents and Photographs



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

THOMAS DANNY LEWIS & CAROL JEAN

Respondent.

Certified Mail: N/A
Regular Mail: N/A
Case # 20251060

Site Address: **151 Miramar Street**, Fort Myers Beach, FL, 33931
Parcel Strap No. 19-46-24-W4-0080B.0070

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared **Michael J Hauserman** who is the Code Enforcement Manager for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case **#20251060**.

1. That on **January 27, 2026**, a Code Enforcement Violation Finding of Fact, Conclusion of Law, and Order was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before **March 28, 2026**.
3. That an inspection was performed of the records and property on **April 6, 2026**. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.
5. I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

5. I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).
6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

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.

X 
Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

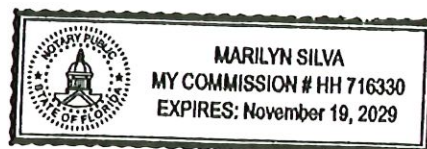
The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☐ personal presence or ☐ online notarization this 10 day of April, 2026, by Michael J Hauserman. He ☒ is personally known to me or ☐ has produced _____ as identification.

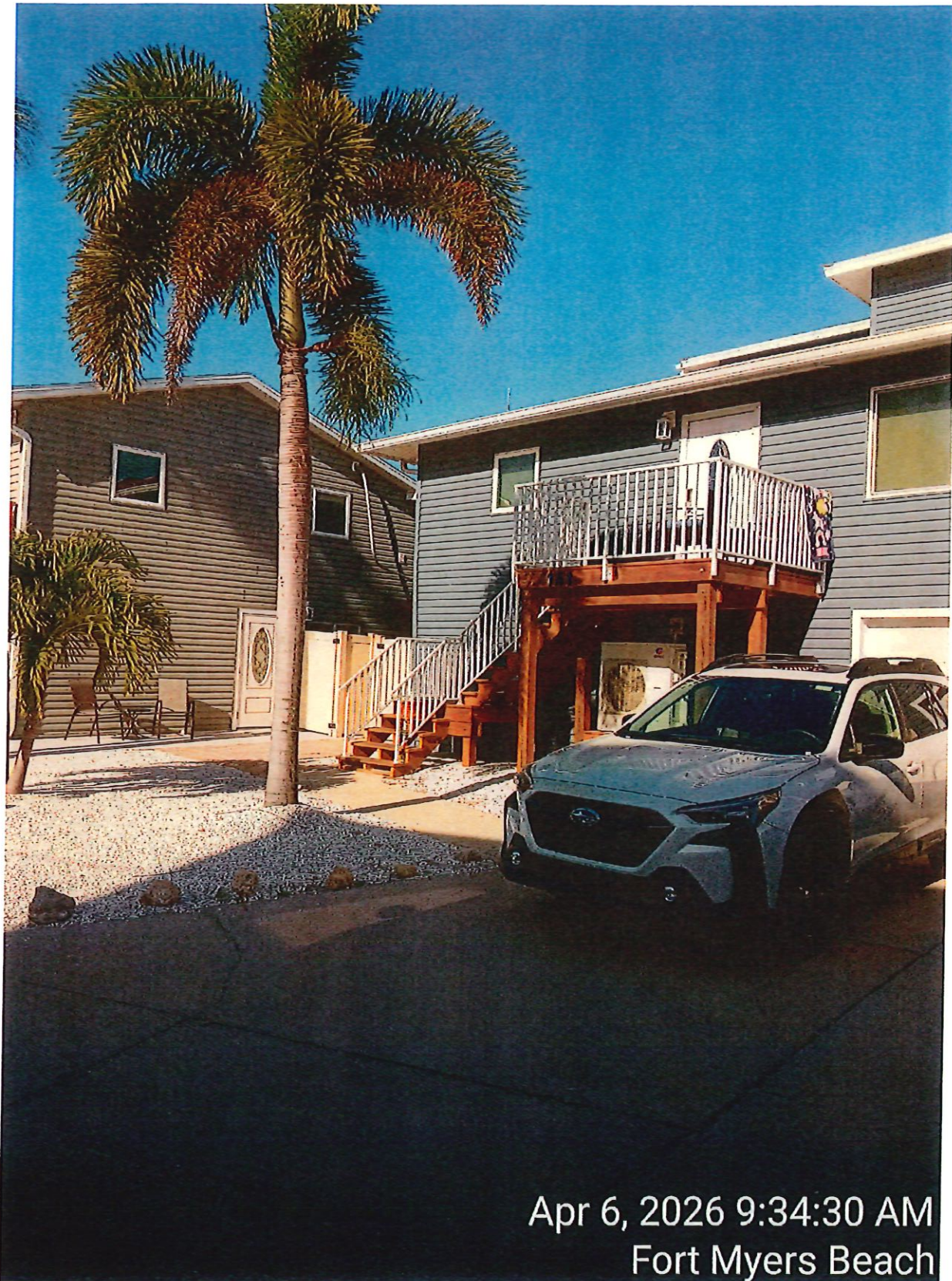


Notary Public, State of Florida

Print Name: Marilyn Silva

My Commission Expires: 11-19-29











Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20251060

vs.

**THOMAS DANNY & CAROL JEAN
Respondent.**

_____ /

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Georgina Cid** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Georgina Cid**. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed by the Town of Fort Myers Beach ("Town") Building Department as **Assistant Community Development Director**. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.
4. On **April 6, 2026**, I personally conducted a search of the Building Department's permit records for:

a. Property address: **151 Miramar St, Fort Myers Beach, FL 33931**

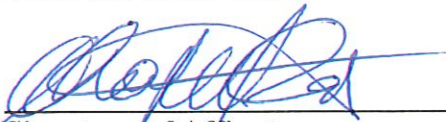
b. Relevant date range: **January 1, 2026** through present

5. Based on that search, I did not locate any permits covering the unpermitted construction on the ground floor including but not limited to the enclosure of the first floor, electrical installation, and plumbing installation in the Building Department's records for the work described at the above-described property for the date range searched.

6. Attached hereto as **Exhibit "A"** is a screenshot of the Town Building Department's records system reflecting the results of the search described above. **Exhibit "A"** is a true and correct depiction of those records as they appeared on **April 6, 2026**.

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.

SWORN AND ATTESTED BY:



Signature of Affiant

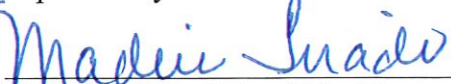
Printed Name: **Georgina Cid**

Title: **Assistant Community Development Director**

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of

☐ physical presence / ☐ online notarization, this **6th** day of **April, 2026**, by **Georgina Cid** who

☒ is personally known to me ☐ or has produced **Personally Known** as identification.



Notary Public, State of Florida

Printed Name: **MADELEINE TIRADO**

My Commission No.: **HH 337384**

My Commission Expires: **12/21/2026**



Exhibit A

PERMIT GRAPHS
ADVANCED SEARCH RESULTS

Select View -

Permit Number	Permit Type	Property Address	Permit Type	Sub Type	Type of Construction	Scope of Work	Issued Date	Expiration Date	Filed Date	Closed Date	Permit Dumps Due To	Storm Damage	Readplan	Assigned To	Primary Contractor	Upload Fees	slip	Letter	Inspection	Last Inspection Date	Status	Uploads	Fee Total	Time As Status	Time Since Closed	Editor/Rev		
26597	01/02/2026	151 MIAMAAAR ST	Residential	Remodel	N/A	Repair base for the - Upper level - Replace windows and doors - Replace vinyl siding, soffits, fascia & gutters	07/22/2023		03/08/2024									0		03		VOID	2		7 days	78 days	/	
245714	09/12/2024	151 MIAMAAAR ST	Residential	Remodel	N/A	Replacements living room fireplace, interior walls, windows, door lower level.									Daisy Thomas/ Owner/Builder		0	0	03		VOID	2	\$719 days	755 days	/			
235128	10/24/2023	151 MIAMAAAR ST	Residential	OTC Electrical	N/A	Replace panel and breakers	10/27/2023		11/09/2023						Sol Electric LLC		0	0	03		FINALD	2	\$205.00	874 days	895 days	/		
332518	03/17/2023	151 MIAMAAAR ST	Residential	Remodel	N/A	Repair base for the - Upper level - Replace windows and doors - Replace vinyl siding, soffits, fascia & gutters	07/22/2023		02/08/2024									0	0	03		VOID	2	\$2,250.00	139 days	1116 days	/	
232775	11/16/2022	151 MIAMAAAR ST	Temporary Use	Property Repairs/Replacements		42' Sundance 3002QB New Electrical Panel, Breakers	11/16/2022			02/02/2024								0	0	03		CLOSD	2		793 days	1234 days	/	
222594	10/24/2022	151 MIAMAAAR ST	OTC Electrical	OTC Electrical		New Electrical Panel, Breakers	04/24/2023										\$179.38	0		03		VOID	2	\$179.38	1253 days	1258 days	/	
232351	10/22/2022	151 MIAMAAAR ST	OTC Electrical	OTC Electrical		Hurricane fan			10/22/2022									0		03		FINALD	2		1259 days	1302 days	/	
222181	10/21/2022	151 MIAMAAAR ST	OTC Electrical	OTC Electrical		New Electrical Panel, Breakers		04/19/2023		01/29/2024					MO Electric, Inc		0		03		VOID	2		1195 days	1303 days	/		
221035	06/21/2022	151 MIAMAAAR ST	Fence / Wall	Fence Barrier		NEW-6 VINYL FENCE WINDUP VINYL FENCE	07/24/2022		01/29/2024						Quality Window Services of SWFL		0	0	03		FINALD	2	\$179.38	796 days	1385 days	/		
211340	09/16/2021	151 MIAMAAAR ST	Pool - Below Ground	Pool		pool	12/22/2021		04/27/2023						Tropical Pools Construction, LLC		0	0	03		FINALD	2	\$749.20	101 days	1603 days	/		
211578	09/16/2021	151 MIAMAAAR ST	Vegetation		N/A	See attached drawing with the of trees to be removed, installing a pool.	10/01/2021		02/23/2022						Tropical Pools Construction, LLC		0	0	03		FINALD	2	\$35.00	1402 days	1603 days	/		
201893	08/21/2020	151 MIAMAAAR ST	Residential	Accessory Structure	N/A	Pool deck from entry stairs and deck.	09/11/2020		12/10/2020						Owner/Builder		0	0	03		FINALD	2	\$333.13	1550 days	2054 days	/		

Records 1 to 12 of 12



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20251060

vs.

**THOMAS DANNY & CAROL JEAN
Respondent.**

AFFIDAVIT OF RECORDS SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Kelli DeFedericis** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Kelli DeFedericis**. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed by the Town of Fort Myers Beach ("Town") Building Department as **Floodplain Manager**. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department and Floodplain Manager maintains records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.

4. On April 6, 2026, I personally conducted a search of my communications and records for the following:

- a. Property address: **151 Miramar St, Fort Myers Beach, FL 33931**
- b. Relevant date range: **January 1, 2026, through present.**

5. Based on that search, I did not locate any records or communications that would bring the property into compliance with the Special Magistrate's Order signed on January 27, 2026. More specifically, **Section C. ORDER 1. Violation Found., 2. Compliance Deadline and Methods, and 3. Status Review Hearing Substantial Compliance.** Order is attached as *Affidavit Exhibit A*.

I have not found communications, records, or other evidence that permits have been obtained for the violations cited, the structure being restored to its last lawfully permitted condition, or evidence of substantial compliance or substantial efforts toward compliance.

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.

SWORN AND ATTESTED BY:


Signature of Affiant
Printed Name: Kelli Defedericis
Title: Floodplain Manager

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☐ physical presence ☒ online notarization, this 6 day of April, 2026 by Kelli Defedericis, who ☒ is personally known to me ☐ or has produced _____ as identification.

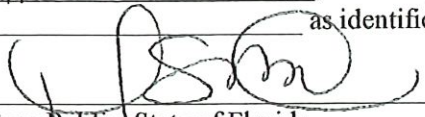

Notary Public, State of Florida
Printed Name: Marilyn Silva
My Commission No.: HH 716330
My Commission Expires: 11-19-29



Exhibit A

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation

Petitioner,

vs.

FMB CASE NO. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

CODE ENFORCEMENT VIOLATION FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE came before the undersigned Code Compliance Special Magistrate for the Town of Fort Myers Beach (the "Special Magistrate") at duly noticed public hearings conducted on December 4, 2025, and January 6, 2026, for adjudication of the violations alleged in the Notice of Violation and Notice of Code Enforcement Hearing dated October 20, 2025 (the "NOV"). Based upon the sworn testimony received, the documentary evidence admitted, the arguments of the parties, and the entire record, and being otherwise fully advised in the premises, the Special Magistrate enters the following Findings of Fact, Conclusions of Law, and Order.

A. FINDINGS OF FACT

1. Respondents, Danny Lewis Thomas and Carol Jean Thomas (collectively, "Respondents"), are the owners of the real property located at 151 Miramar Street, Fort Myers Beach, Florida 33931 (Parcel/STRAP No. 19-46-24W-40080B.0070) (the "Subject Property").

2. This enforcement proceeding has been initiated by the Town of Fort Myers Beach (the "Town") pursuant to chapter 162, Florida Statutes, and the Town's Code of Ordinances and Land Development Code. Jurisdiction has been invoked, and notice has been provided, in accordance with applicable law.

3. On or about October 15, 2025, Town staff inspected the Subject Property and observed conditions consisting of the keeping and/or maintaining of a noncompliant portion of the structure, including but not limited to a sink and related plumbing within the ground-floor enclosure, and interior and/or exterior construction without the required building permits, which the Town alleged to be inconsistent with applicable floodplain and building-code requirements in special flood hazard areas referenced in Town Code section 6-494.

4. On October 20, 2025, the Town issued the NOV alleging that the foregoing conditions constituted violations of Town Code section 6-111 (incorporating by reference Florida Building Code section 105.1, permits required) and Land Development Code section 6-441 (floodplain development permits). The NOV also referenced special flood hazard areas as defined in Town Code section 6-494. The NOV directed Respondents to bring the Subject Property into compliance by obtaining required permits for unpermitted construction or by restoring the structure to its original permitted condition, and it set a compliance date of November 17, 2025.

5. The record shows that the NOV and notice of hearing were served and posted in the manner required by law, and that Respondents were afforded notice of the allegations and an opportunity to be heard at both hearings. Respondents appeared at both hearings and presented testimony, argument, and documentary materials.

6. A code enforcement hearing was convened on December 4, 2025, and was continued to January 6, 2026, for receipt of additional evidence and argument, including on Respondents' contention that the ground-floor enclosure and related plumbing were lawfully established and therefore protected as a lawful nonconforming condition.

7. At the hearings, the Town presented the testimony of its Floodplain Manager, Kelli DeFedericis, together with documentary evidence, including the NOV and supporting materials. Respondents presented testimony and documentary evidence, including affidavits, appraisal excerpts, historical materials, and permit-related documents, and called witnesses in support of their position, including Helen and James Crumble and Patty Smyth (via Zoom).

8. Based upon the greater weight of the competent substantial evidence, including the testimony of the Town's Floodplain Manager, it is found that the Subject Property contains

a ground-floor enclosure located within a special flood hazard area subject to the Town's floodplain regulations, and that the enclosure contains plumbing fixtures and related improvements, including a sink. It is further found that the presence and/or maintenance of such plumbing and related improvements within the ground-floor enclosure is not authorized absent compliance with applicable floodplain and building-code requirements and the issuance of required permits and approvals. The dispute presented was not whether the ground-floor enclosure and plumbing are within a special flood hazard area and therefore subject to floodplain regulation, but whether the cited condition was lawfully authorized and therefore entitled to be maintained as a lawful nonconforming condition, i.e., "grandfathered."

9. At the continued hearing, Ms. DeFedericis testified that FEMA had identified the Subject Property as among a group of structures for which FEMA requested compliance-verification records; that FEMA requested proof regarding whether the ground-floor enclosure could be converted to habitable space in compliance with applicable floodplain requirements; and that, absent documentation demonstrating lawful authorization and compliance, the Town remained unable to provide FEMA the requested proof. No written FEMA correspondence was offered into evidence; however, this testimony was found credible and was not rebutted.

10. The credible evidence establishes that, as of the dates of the hearings, Respondents had not obtained permits authorizing the sink and related plumbing and had not obtained permits authorizing any associated interior and/or exterior work encompassed by the NOV. Respondents did not present an elevation certificate, engineering reports, or other documentary evidence establishing that the ground-floor plumbing and related improvements satisfy current floodplain design and elevation criteria. Instead, Respondents' evidentiary presentation was directed to establishing that the ground-floor improvements have existed for decades and should be "grandfathered."

11. It was acknowledged at hearing that the ground-floor plumbing has been present for many years. The Town's theory of enforcement is that post-Hurricane Ian repair and associated permitting activity triggered the requirement that the ground-floor features be lawfully verified and, if maintained, brought into compliance with applicable floodplain and building-code permitting requirements.

12. Respondents asserted, in defense, that the ground-floor enclosure and related plumbing and bathroom facilities should be allowed to remain as a lawful nonconforming condition. This defense requires Respondents to show, by competent evidence, that the condition was lawful when created or was later legalized through valid approvals and permits, because unlawful or unpermitted conditions are not entitled to nonconforming protection.

13. Ms. DeFedericis, the Town's Floodplain Manager, testified that the Town relies on Town records, Lee County records, and Lee County Property Appraiser data to verify authorized ground-floor use and fixtures in elevated structures within special flood hazard areas, and that a review of these sources did not disclose records establishing lawful authorization for the ground-floor plumbing and related improvements at the Subject Property.

14. Ms. DeFedericis testified that a permit was issued in 2023 (Permit No. 232518) for repair of doors and windows with a revision in 2024 for repairs to the ground level that was not approved. She specifically testified that the revision to include the ground level construction was not approved. In her opinion, the lack of an approved revision means that any work that was performed on the ground level was performed without proper permitting. Ms. DeFedericis testimony is credited to the extent that it corroborates the permit record, which reflects that Permit No. 232518, as revised, addressed work relating to windows, front door, soffit, fascia, gutters, and vinyl siding, not ground-floor plumbing fixtures and associated interior improvements.

15. In support of their contention that the ground-floor enclosure and associated plumbing fixtures are "grandfathered" because the Town previously "acknowledged" or "approved" a lower-level bathroom and plumbing through prior permitting activity, Respondents rely in part upon: (a) historical property appraiser materials referencing a "finished lower level" and/or containing narrative statements characterizing a lower-level efficiency and bath as "grandfathered"; (b) permit-file materials from approximately 2007-2008 that, according to Respondents, depict a lower-level bathroom and plumbing layout; (c) Respondents' recollection of an alleged zoning-related statement or "acknowledgment" by Town personnel; and (d) Permit No. 232518 and a related completion certificate, which Respondents contend constitutes an approval of lower-level work.

16. The evidence credited by the Special Magistrate establishes that the existence of historical descriptions of a "finished lower level," and/or the inclusion of "grandfathered" language within private appraisal narratives, affidavits, listings, or other secondary descriptions, does not constitute a governmental determination that the ground-floor plumbing fixtures and associated interior improvements were lawfully established or are presently authorized under the Florida Building Code or the Town's floodplain development regulations, nor does such constitute an issued permit or approval authorizing the conditions alleged in the NOV to exist at the Subject Property.

17. With respect to the 2007-2008 permit-file materials, the credible evidence does not establish that any drawings, notations, or depictions within the file operated as an issuance of a permit approving, legalizing, or otherwise authorizing the ground-floor plumbing fixtures and interior improvements at issue, as distinct from proposed work, background descriptions, or permit activity limited to the scope of work actually reviewed, approved, and inspected. The record further supports the finding that plan review and inspections are confined to the scope of work included within the issued permit, and that the presence of depictions or references within a file is not, standing alone, proof of lawful authorization for the nonconforming structure or use.

18. As for Respondents' references to zoning-related "acknowledgments" or statements attributed to Town personnel, the record does not contain competent evidence of an issued development order, variance, written nonconformity determination, written interpretation, or other formal action that constitutes an approval of the ground-floor plumbing fixtures and interior improvements in the special flood hazard area, and no such informal statement, even if made, would constitute the building or floodplain authorization required by the cited code provisions.

19. Respondents contend that Permit No. 232518 and the related completion certificate demonstrate approval of lower-level work. The record, however, supports the finding that the permit documentation, even when considered in the light most favorable to Respondents, is limited by its stated scope and does not constitute a permit or approval specifically authorizing the ground-floor plumbing fixtures and interior improvements that are the subject of the NOV in this enforcement case.

20. Accordingly, it is found that Respondents did not carry their burden to prove that the ground-floor enclosure and related plumbing constitute a lawful nonconforming condition. The condition is therefore found to be unpermitted and unlawful. Because lawful authorization has not been established, determinations concerning substantial improvement and/or substantial damage thresholds are not necessary to the disposition of the charged violations in this enforcement case.

21. Respondents have requested that enforcement be stayed for ninety (90) days. This request is not supported by competent evidence demonstrating a legal basis for a stay, and the compliance framework set forth herein, including a defined compliance deadline and a scheduled status review, provides an orderly mechanism to monitor compliance without impairing the enforceability of this Order.

B. CONCLUSIONS OF LAW

22. Code enforcement proceedings are quasi-judicial in nature. Basic due process is satisfied where the parties are provided notice and an opportunity to be heard, and the decision is supported by competent substantial evidence. *See, e.g., Verdi v. Metro. Dade Cnty.*, 684 So. 2d 870 (Fla. 3d DCA 1996); *Lee Cnty. v. 4 Sunbelt Equities, II, Ltd. P'ship*, 619 So. 2d 996 (Fla. 2d DCA 1993); *Dep't of Hlgh. Saf. & Motor Veh. v. Hofer*, 5 So. 3d 766 (Fla. 2d DCA 2009).

23. The Town bore the burden to prove, by competent substantial evidence, the violations alleged in the NOV. For the reasons set forth in the Findings of Fact, the Town met its burden. Even assuming, *arguendo*, that the Town also bore the burden to prove the absence of lawful authorization for the cited condition, that burden was met through the Floodplain Manager's testimony regarding the records review conducted and the absence of any issued permit or approval authorizing the disputed ground-floor plumbing and related improvements.

24. Town Code section 6-111 adopts the Florida Building Code section 105.1, which provides, in material part, as follows:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to install, enlarge, alter, repair, remove, convert, or replace any

plumbing system regulated by the Code, shall first make application to the building official and obtain the required permit.

25. The NOV also cited Land Development Code section 6-441, which requires that an owner or owner's authorized agent who intends to undertake development activity within the scope of the Town's floodplain regulations, wholly within or partially within any flood hazard area, must first make application to the floodplain administrator (and the building official, if applicable) and obtain required permits and approvals.

26. Respondents argued that the existence of the ground-floor enclosure and plumbing should be treated as a lawful nonconforming condition. The Town, in its proposed order, asserted that the Special Magistrate should make no ruling on "grandfathered" status and that such a determination is outside the Special Magistrate's authority in a chapter 162 proceeding. That position is rejected to the extent it is construed as precluding the Special Magistrate from resolving, for purposes of this enforcement case, whether Respondents have established lawful authorization for the cited condition.

27. Chapter 162 authorizes the Special Magistrate to hear and determine alleged code violations, to make findings of fact and conclusions of law, and to enter orders requiring compliance and imposing lawful penalties. Where a respondent asserts, as an affirmative defense to enforcement, that the cited condition was lawful when established and thus is protected as a lawful nonconforming condition, the Special Magistrate is authorized to determine whether competent evidence of lawful establishment has been produced, unless local law vests exclusive jurisdiction over such issue to a different decision-maker, which is not the case here. Such a determination is integral to adjudicating whether a violation exists and what compliance is required. This nonconformity analysis is undertaken solely to resolve Respondents' affirmative defense to the violations charged in the NOV on this record and is not intended to confer, deny, or otherwise adjudicate nonconforming status for all purposes or in any separate administrative, land-use, or permitting proceeding.

28. Generalized references in property appraiser records, private appraisals, listings, or similar secondary descriptions to a "finished lower level," an "efficiency," or a "grandfathered" condition do not, without more than has been shown here, constitute persuasive proof of lawful establishment or continuing lawful authorization under the

Florida Building Code, as adopted by Town Code section 6-111, or Land Development Code section 6-441 (floodplain development permitting requirements). Thus, Respondents have not met their burden of producing persuasive evidence of a lawful nonconforming structure or use.

29. Likewise, the existence of drawings, notations, or depictions within a historical permit file does not, standing alone, establish that the depicted condition was reviewed and approved within the scope of an issued permit authorizing the ground-floor plumbing fixtures and interior improvements at issue; rather, lawful authorization requires proof of an issued permit and approvals that encompass the particular work or condition for which compliance is ordered. The evidence in this record does not establish such authorization for violations charged in the NOV.

30. To the extent Respondents contend that zoning-related "acknowledgments" or informal statements by Town personnel operate as approval or legalization of the ground-floor enclosure and related plumbing fixtures, that contention is rejected. Informal statements or generalized zoning discussions are not a substitute for the building and floodplain permits and approvals required by the cited provisions, and the record does not contain competent evidence of a formal written determination conferring lawful nonconforming status or authorizing the ground-floor plumbing fixtures and interior improvements at issue.

31. Permit No. 232518 appears to have been properly issued and finalized; a related completion certificate reflects a close-out status for the permitted scope. These facts, however, are not dispositive because the permit materials fail to establish lawful authorization for the specific nonconforming structure or use at issue, namely, the ground-floor plumbing fixtures and associated interior improvements within the lower enclosure in the floodplain.

32. Because the Town proved the cited violations and Respondents did not prove lawful authorization for the ground-floor plumbing and related improvements, a finding of violation is required, and an order compelling compliance is appropriate.

33. Respondents' request for a ninety (90) day stay is denied. A stay is not warranted on this record, and the compliance and status-review structure set forth in this Order constitutes a reasonable, orderly, and enforceable framework for achieving compliance

while preserving the Town's ability to enforce its code requirements absent a written stay entered by the Special Magistrate or a court of competent jurisdiction.

C. ORDER

Based on the foregoing, it is hereby ORDERED as follows:

1. Violation Found. Respondents are found to be in violation of Town Code section 6-111 and Land Development Code section 6-441, as alleged in the NOV.
2. Compliance Deadline and Methods. Respondents shall bring the Subject Property into compliance no later than sixty (60) days from the date of this Order (the "Compliance Deadline"), by either: (a) obtaining all required building and floodplain permits for the unpermitted construction and, thereafter, achieving final approval/close-out in full compliance with applicable floodplain and building-code requirements; or (b) restoring the structure to its last lawfully permitted condition, which shall include, at minimum, removal and/or permanent abandonment of all unpermitted plumbing fixtures and related improvements within the ground-floor enclosure, including capping and disconnecting any water supply and sanitary drainage lines serving such fixtures, and otherwise limiting the enclosure to uses permitted by applicable floodplain regulations (including, as applicable, parking, building access, and storage), as verified for compliance purposes by the Town's building official and floodplain administrator.
3. Status Review Hearing: Substantial Compliance. A status review hearing is set for April 7, 2026, to assess the status of compliance. It is recognized that Respondents may seek administrative or permitting determinations relevant to obtaining after-the-fact permits; accordingly, evidence of substantial compliance or substantial efforts toward compliance may be considered at the status review hearing in determining whether to extend deadlines, to impose or defer penalties, or to enter such further orders as may be appropriate.
4. Daily Fine. If compliance is not achieved by the Compliance Deadline, a fine of \$250.00 per day shall be imposed for each day the violation continues thereafter, subject to any written order entered by the Special Magistrate deferring, modifying, or otherwise addressing the accrual of fines based upon the evidence presented at the status review hearing.

5. Administrative Costs. Pursuant to section 162.07(2), Florida Statutes, Respondents shall pay \$250.00 as an administrative cost assessment associated with this enforcement action.
6. Abatement Authorization. If Respondents fail to achieve compliance by the Compliance Deadline and do not demonstrate substantial progress at the status review hearing, then, as an alternative means of attaining compliance, the Town is authorized to initiate abatement of the violation, including removal of noncompliant portions of the structure, to the extent permitted by law. All abatement costs shall be assessed as a lien against the Subject Property, enforceable under applicable Florida law.
7. No Stay by Administrative Request. This Order is entered without prejudice to Respondents' pursuit of any administrative or permitting relief otherwise available by law; however, absent a written stay entered by the Special Magistrate or a court of competent jurisdiction, the filing or pendency of any such request shall not operate as a stay of this Order.

This Order may be appealed by any aggrieved party to the Circuit Court of Lee County no later than 30 days from the date of this Order. Failure to timely file a written Notice of Appeal will waive the right of appeal.

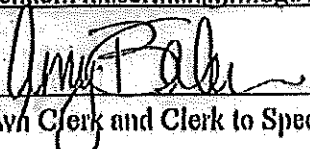
DONE AND ORDERED this 27th day of January, 2026, at the Division of Administrative Hearings, Tallahassee, Florida.


John G. Van Laningham,
FMB Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Order has been furnished by U.S. mail on the 27 day of January, 2026, to:
Danny Lewis & Carol Jean Thomas
151 Miramar St, Fort Myers Beach, Florida 33931
dclthomasaugust1978@gmail.com

FMB Code Enforcement Officer Michael Hauserman,
6231 Estero Boulevard,
Fort Myers Beach, Florida 33931
Michael.Hauserman@fmbgov.com


Town Clerk and Clerk to 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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS, OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT D

- Order of Continuance dated 4/7/26

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation,

Petitioner,

vs.

FMB Case No. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

_____ /

ORDER OF CONTINUANCE

IT IS HEREBY ORDERED that FMB Case No. 20251060, which was properly noticed for a code enforcement hearing on April 7, 2026, before the undersigned, is continued. The hearing shall be conducted on Thursday, May 7, 2026, at 2:00 p.m., at the Town of Fort Myers Beach Town Hall Chambers, located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.

ORDERED this 7th day of April, 2026.



John G. Van Laningham
Special Magistrate

CERTIFICATE OF SERVICE

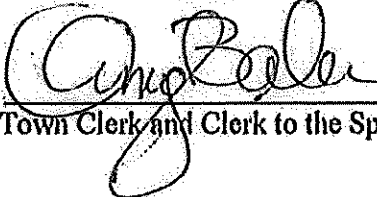
I HEREBY CERTIFY that a true and correct copy of this Order was furnished by U.S. Mail on the 7 day of April, 2026, to:

Danny Lewis & Carol Jean Thomas
151 Miramar St, Fort Myers Beach, Florida 33931
dclthomasaugust1978@gmail.com

Zachary A. Liebetreu, Esq.
Roetzel & Andress LPA
2320 First Street, Suite 1000
Ft. Myers, FL 33901
zliebetreu@ralaw.com

Nancy Stuparich, Esq., Town Attorney – nstuparich@voselaw.com
Michael Hauserman – Michael.Hauserman@fmbgov.com
Amy Baker – amy@fmbgov.com
Thomas Yozzo – tyozzo@fmbgov.com

I FURTHER CERTIFY that this document is a true and correct copy of the original on file in Town Hall, Fort Myers Beach, Lee County, Florida.

BY: 
Town Clerk and Clerk to the Special Magistrate

Dated: April 7, 2026

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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT E

- Affidavit of Non-Compliance dated 5/4/26
 - Affidavit of Permit Search dated 5/4/26
 - Permit Search Records
 - Inspection Photographs dated 5/4/26
- Affidavit of Permit Search Building Department dated 5/5/26
 - Permit Search Records
- Affidavit of Records Search dated 5/5/26



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

THOMAS DANNY LEWIS & CAROL JEAN

Respondent.

Certified Mail: N/A
Regular Mail: N/A
Case # 20251060

Site Address: **151 Miramar Street**, Fort Myers Beach, FL, 33931
Parcel Strap No. 19-46-24-W4-0080B.0070

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared **Michael J Hauserman** who is the Code Enforcement Manager for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case **#20251060**.

1. That on **January 27, 2026**, a Code Enforcement Violation Finding of Fact, Conclusion of Law, and Order was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before **March 28, 2026**.
3. That an inspection was performed of the records and property on **May 4, 2026**. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.
5. I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

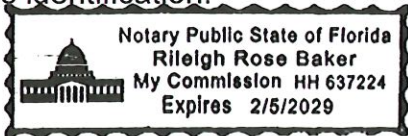
6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

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.

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 4 day of May, 2026, by Michael J Hauserman. He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]


Notary Public, State of Florida
Print Name: Rileigh R Baker
My Commission Expires: 2/5/2029



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0909

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20251060

vs.

**THOMAS DANNY LEWIS & CAROL JEAN
Respondent.**

_____ /

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Tracie Raski** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Tracie Raski** . I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed by the Town of Fort Myers Beach ("Town") Code Compliance Department as **Magistrate Coordinator**. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.
4. On **May 4, 2026**, I personally conducted a search of the Building Department's permit records for:

a. Property address: **151 Miramar St, Fort Myers Beach, FL 33931**

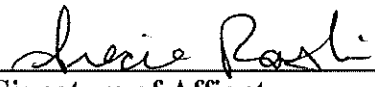
b. Relevant date range: **January 1, 2026**, through present

5. Based on that search, I did not locate any permits covering **151 Miramar St** in the Building Department's records for demolish, remodel, or general repair that would cover the violations cited at the above-described property for the date range searched.

6. Attached hereto is a screenshot of the Town Building Department's records system reflecting the results of the search described above. The attachment is a true and correct depiction of those records as they appeared on **May 4, 2026**.

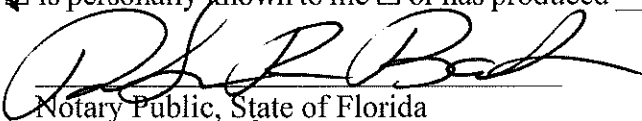
Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true and to the best of my knowledge.

SWORN AND ATTESTED BY:



Signature of Affiant
Printed Name: Tracie Raski
Title: Magistrate Coordinator

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of
☒ physical presence / ☐ online notarization, this **4 th** day of **May, 2026**, by **Tracie Raski** who
☒ is personally known to me ☐ or has produced _____ as identification.



Notary Public, State of Florida
Printed Name: Ryleigh R Baker
My Commission No.: 21512029
My Commission Expires: HH 637224

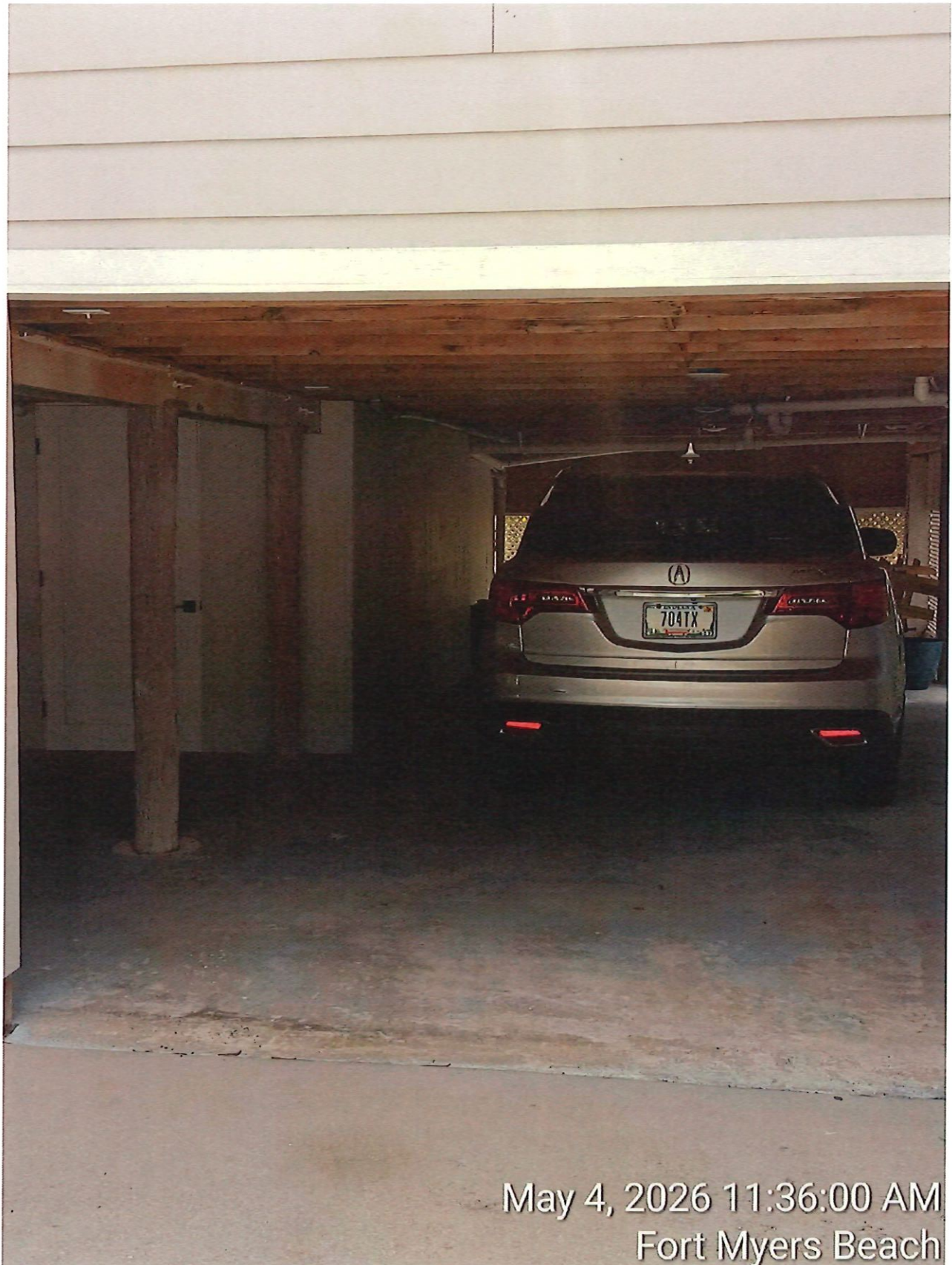
PERMIT GRAPHS

ADVANCED SEARCH RESULTS

Select View

Selected	Permit Number	Permit Date	Property Address	Scope of Work	Issued Date	Expiration Date	Finalized Date	Status	Edit/View
☐	260087	01/20/2026	151 MIRAMAR ST	REV* Add Lower Level repair like for like - Upper level - Replace windows s4s, front door, vinyl siding, soffit, fascia & gutters	03/25/2023		02/08/2024	VOID	
☐	240718	03/12/2024	151 MIRAMAR ST	Repair/restore living space. Exterior and interior walls, windows, door lower level.				VOID	
☐	236128	10/24/2023	151 MIRAMAR ST	replace panel and breakers	10/27/2023		11/08/2023	FINALED	
☐	232518	03/17/2023	151 MIRAMAR ST	REV* Add Lower Level repair like for like - Upper level - Replace windows s4s, front door, vinyl siding, soffit, fascia & gutters	03/25/2023		02/08/2024	ISSUED	
☐	223775	11/18/2022	151 MIRAMAR ST	42' Sundance 3600QB	11/18/2022			CLOSED	
☐	222594	10/26/2022	151 MIRAMAR ST	New Electrical Panel, Breakers		04/24/2023		VOID	
☐	222251	10/22/2022	151 MIRAMAR ST	Hurricane lan			10/25/2022	FINALED	
☐	222181	10/21/2022	151 MIRAMAR ST	New Electrical Panel, Breakers		04/19/2023		VOID	
☐	221025	06/21/2022	151 MIRAMAR ST	NEW-6' VINYL FENCE W/GATES-Pool Barrier	07/26/2022		01/30/2024	FINALED	
☐	211580	09/16/2021	151 MIRAMAR ST	pool	12/22/2021		04/21/2023	FINALED	
☐	211578	09/16/2021	151 MIRAMAR ST	See attached drawing with list of trees to be removed, installing a pool.	10/01/2021		02/23/2022	FINALED	
☐	201083	08/21/2020	151 MIRAMAR ST	Rebuild front entry stairs and deck.	09/11/2020		12/10/2020	FINALED	
1	Records 1 to 12 (of 12)								1







May 4, 2026 11:36:18 AM
Fort Myers Beach





Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0909

TOWN OF FORT MYERS BEACH,
FLORIDA,

Petitioner,

CASE NO.: 20251060

vs.

THOMAS DANNY & CAROL JEAN
Respondent.

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Georgina Cid who being duly sworn by me, on oath, deposes and says the following:

1. My name is Georgina Cid. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.

2. I am employed by the Town of Fort Myers Beach ("Town") Building Department as Assistant Community Development Director. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.

3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.

4. On May 5, 2026, I personally conducted a search of the Building Department's permit records for:

a. Property address: 151 Miramar St, Fort Myers Beach, FL 33931

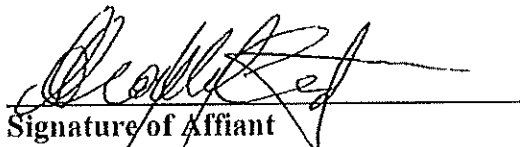
b. Relevant date range: January 1, 2026 through present

5. Based on that search, I did not locate any permits covering the unpermitted construction on the ground floor including but not limited to the enclosure of the first floor, electrical installation, and plumbing installation in the Building Department's records for the work described at the above-described property for the date range searched.

6. Attached hereto as Exhibit "A" is a screenshot of the Town Building Department's records system reflecting the results of the search described above. Exhibit "A" is a true and correct depiction of those records as they appeared on May 5, 2026.

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.

SWORN AND ATTESTED BY:

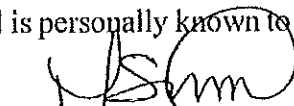


Signature of Affiant

Printed Name: Georgina Cid

Title: Assistant Community Development Director

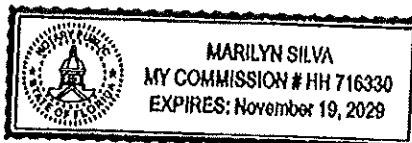
The foregoing instrument was sworn to, subscribed and acknowledged before me by means of
☒ physical presence / ☐ online notarization, this 6th day of April, 2026, by Georgina Cid who
☒ is personally known to me ☐ or has produced _____ as identification.


Notary Public, State of Florida

Printed Name: Marilyn Silva

My Commission No.: HH-716330

My Commission Expires: 11-19-29



PERMIT GRAPHS

ADVANCED SEARCH RESULTS

Exhibit A

Select View

Selected	Permit Number	Permit Date	Property Address	Scope of Work	Issued Date	Expiration Date	Finalized Date	Status	Edit/View
☐	260087	01/20/2026	151 MIRAMAR ST	REV* Add Lower Level repair like for like - Upper level - Replace windows s4s, front door, vinyl siding, soffit, fascia & gutters	03/25/2023		02/08/2024	VOID	
☐	240718	03/12/2024	151 MIRAMAR ST	Repair/restore living space. Exterior and interior walls, windows, door lower level.				VOID	
☐	236128	10/24/2023	151 MIRAMAR ST	replace panel and breakers	10/27/2023		11/08/2023	FINALED	
☐	232518	03/17/2023	151 MIRAMAR ST	REV* Add Lower Level repair like for like - Upper level - Replace windows s4s, front door, vinyl siding, soffit, fascia & gutters	03/25/2023		02/08/2024	ISSUED	
☐	223775	11/18/2022	151 MIRAMAR ST	42' Sundance 3600QB	11/18/2022			CLOSED	
☐	222594	10/26/2022	151 MIRAMAR ST	New Electrical Panel, Breakers		04/24/2023		VOID	
☐	222251	10/22/2022	151 MIRAMAR ST	Hurricane lan			10/25/2022	FINALED	
☐	222181	10/21/2022	151 MIRAMAR ST	New Electrical Panel, Breakers		04/19/2023		VOID	
☐	221025	06/21/2022	151 MIRAMAR ST	NEW-6' VINYL FENCE W/GATES-Pool Barrier	07/26/2022		01/30/2024	FINALED	
☐	211580	09/16/2021	151 MIRAMAR ST	pool	12/22/2021		04/21/2023	FINALED	
☐	211578	09/16/2021	151 MIRAMAR ST	See attached drawing with list of trees to be removed, installing a pool.	10/01/2021		02/23/2022	FINALED	

Records 1 to 12 (of 12)

1

Selected	Permit Number	Permit Date	Property Address	Scope of Work	Issued Date	Expiration Date	Finalized Date	Status	Edit/View
☐	201083	08/21/2020	151 MIRAMAR ST	Rebuild front entry stairs and deck.	09/11/2020		12/10/2020	FINALED	
1	Records 1 to 12 (of 12)								1



Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931

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

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20251060

vs.

**THOMAS DANNY & CAROL JEAN
Respondent.**

_____ /

AFFIDAVIT OF RECORDS SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Kelli DeFedericis** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Kelli DeFedericis**. I am over 18 years of age and am competent to testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge.
2. I am employed by the Town of Fort Myers Beach ("Town") Building Department as **Floodplain Manager**. In that capacity, I have access to and am familiar with the Town's records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department and Floodplain Manager maintains records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town's regularly conducted activity as a local government in the State of Florida.

4. On May 5, 2026, I personally conducted a search of my communications and records for the following:

- a. Property address: **151 Miramar St, Fort Myers Beach, FL 33931**
- b. Relevant date range: **January 1, 2026, through present.**

5. Based on that search, I did not locate any records or communications that would bring the property into compliance with the Special Magistrate's Order signed on January 27, 2026. More specifically, **Section C. ORDER 1. Violation Found., 2. Compliance Deadline and Methods, and 3. Status Review Hearing Substantial Compliance.** Order is attached as *Affidavit Exhibit A*.

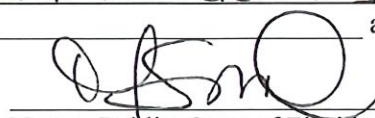
I have not found communications, records, or other evidence that permits have been obtained for the violations cited, the structure being restored to its last lawfully permitted condition, or evidence of substantial compliance or substantial efforts toward compliance.

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.

SWORN AND ATTESTED BY:


Signature of Affiant
Printed Name: Kelli Defedericis
Title: Floodplain Manager

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☐ physical presence / ☐ online notarization, this 5 day of May, 2026 by Kelli Defedericis, who ☒ is personally known to me ☐ or has produced _____ as identification.


Notary Public, State of Florida
Printed Name: Marilyn Silva
My Commission No.: 11-19-29-HH-716330
My Commission Expires: 11-19-29

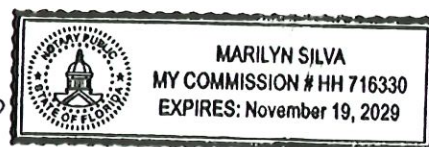


EXHIBIT F

- Special Magistrate Order
 - May 7, 2026 Hearing
 - Executed on May 12, 2026
 - Affidavit of Service May 13, 2026

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation,

Petitioner,

vs.

FMB Case No. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

_____ /

ORDER OF CONTINUANCE

THIS CAUSE came before the undersigned Code Compliance Special Magistrate for the Town of Fort Myers Beach (the “Special Magistrate”) on May 7, 2026, for a status review hearing previously set by the Code Enforcement Violation Findings of Fact, Conclusions of Law, and Order entered on January 27, 2026 (the “Order of Violation”), and rescheduled from April 7, 2026, by Order of Continuance entered April 7, 2026. The Town of Fort Myers Beach (the “Town”) appeared through Michael Hauserman, the Town’s Code Enforcement Manager, with Kelli DeFedericis, the Town’s Floodplain Manager, also in attendance. Respondents, Danny Lewis Thomas and Carol Jean Thomas (collectively, “Respondents”), were represented by Zachary A. Liebetreu, Esquire, of Roetzel & Andress LPA. Based upon the appearances, the testimony received, the exhibits offered and admitted, the oral representations and arguments of the parties, the oral ruling announced at the conclusion of the hearing, and the entire record, and

being otherwise fully advised in the premises, the Special Magistrate enters the following Order of Continuance.

A. PROCEDURAL BACKGROUND

1. The Order of Violation, entered January 27, 2026, found Respondents in violation of Town Code section 6-111 and Land Development Code section 6-441 with respect to unpermitted ground-floor plumbing fixtures and related interior improvements maintained at 151 Miramar Street, Fort Myers Beach, Florida 33931 (the “Subject Property”); required Respondents to bring the Subject Property into compliance no later than sixty (60) days from the date of the Order of Violation, i.e., on or before March 28, 2026 (the “Compliance Deadline”), by either obtaining all required building and floodplain permits and thereafter achieving final close-out, or by restoring the structure to its last lawfully permitted condition; imposed an administrative cost assessment of \$250.00 pursuant to section 162.07(2), Florida Statutes; and provided that, in the event compliance was not achieved by the Compliance Deadline, a fine of \$250.00 per day would be imposed for each day the violation continues thereafter, subject to any order entered by the Special Magistrate deferring, modifying, or otherwise addressing the accrual of fines based upon the evidence presented at a status review hearing originally set for April 7, 2026.

2. By Order of Continuance entered April 7, 2026, the status review hearing originally set for April 7, 2026, was continued to Thursday, May 7, 2026, at 2:00 p.m., at the Town of Fort Myers Beach Town Hall Chambers, located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.

B. PROCEEDINGS AT THE MAY 7, 2026, STATUS REVIEW HEARING

3. At the status review hearing convened on May 7, 2026, the Town offered, and there were received without objection, Exhibits A through E, consisting of affidavits of noncompliance

and supporting affidavits, including affidavits of Mr. Hauserman; of Georgina Cid, Assistant Community Development Director; of Ms. DeFedericis, the Town's Floodplain Manager; and of Tracie Raski, Magistrate Coordinator, addressing the results of inspections and records searches performed by Town staff.

4. Officer Hauserman testified that the Subject Property remains noncompliant as of the date of hearing; that no after-the-fact permit applications have been filed by Respondents as of May 7, 2026; that the Town has not been contacted by Respondents, their counsel, or their consultants since a working meeting held on April 17, 2026; and that he conducted a final search of the Town's permit records on the morning of May 7, 2026, and found no applications on file. Officer Hauserman further testified that, by operation of paragraph 4 of the Order of Violation, fines have accrued at the rate of \$250.00 per day from March 28, 2026, through May 7, 2026, equating to thirty-nine (39) days of noncompliance and an aggregate of \$9,750.00 in accrued daily fines, exclusive of the \$250.00 administrative cost assessment imposed by paragraph 5 of the Order of Violation. The Town requested that the accrued fines be imposed and that the Special Magistrate authorize the recordation of an order that, with respect to the fines and fees imposed, would constitute a lien against the Subject Property and against any other real or personal property owned by Respondents.

5. Counsel for Respondents represented that following the April 7, 2026, hearing the parties had agreed to a brief continuance in order to permit a meeting between the Town and Respondents at which the parties would explore whether Respondents might be permitted to pursue after-the-fact permitting authorizing the existing ground-floor improvements at the Subject Property as the method of achieving compliance with the Order of Violation; that, on April 17, 2026, such a meeting occurred and was attended by the Town Manager, the Deputy

Town Manager, the Town Attorney, Officer Hauserman, both Respondents, counsel for Respondents, and Respondents' recently retained architect and permitting consultant(s); that the meeting was productive and resulted in the parties' identification of the elements required for a permit application; that Respondents have prepared the substantial portion of the documentation necessary for a permit submittal, including draft permit plans and drawings; and that Respondents anticipate filing the permit application(s) within a matter of days, with submittal expected by the end of the current week or, at the latest, early the following week. Counsel for Respondents confirmed that Respondents elect to pursue compliance through after-the-fact permitting authorizing the existing ground-floor improvements, as opposed to restoring the structure to its last lawfully permitted condition; and, on that basis, requested a sixty (60) day continuance of the status review hearing and a continuance and deferral of any ruling imposing the accrued daily fines or certifying a lien.

6. Ms. DeFedericis confirmed, on the record, that she did not participate in the April 17, 2026, meeting; that she has not, as of the date of hearing, received or reviewed any submittal from Respondents concerning the ground-floor improvements proposed for after-the-fact permitting; and that floodplain review of any such submittal, and the determination whether to approve or reject the floodplain components thereof, would fall within her purview as the Town's Floodplain Administrator.

7. The Town did not affirmatively oppose a further continuance, taking the position that the matter is committed to the discretion of the Special Magistrate, while observing that the underlying enforcement proceeding has been pending for an extended period, dating back to the initial hearing conducted on December 4, 2025.

8. There being no genuine dispute on the present record that the Subject Property remains noncompliant as of May 7, 2026, the Special Magistrate orally announced, at the conclusion of the hearing, that, based upon Respondents' representations that they have elected to pursue compliance through after-the-fact permitting, have prepared the substantial portion of the necessary documentation, and anticipate filing their permit application(s) within days, the status review hearing would be continued for an additional sixty (60) days, without prejudice to the Town's right to seek, at the continued status review hearing, the imposition of fines retroactive to March 28, 2026, on the basis of continued noncompliance; that the daily fines authorized by the Order of Violation continue to accrue, from March 28, 2026, at the rate of \$250.00 per day, unless and until otherwise ordered; and that the determinations whether to impose the accrued fines, whether to certify a lien, and whether to grant any modification, mitigation, deferral, or other relief regarding fines, are reserved for consideration at the continued status review hearing on the basis of the evidence then presented, including evidence of substantial compliance with, or substantial efforts toward compliance with, the Order of Violation.

C. ORDER

Based on the foregoing, it is hereby **ORDERED** as follows:

1. *Continuance of Status Review Hearing.* The status review hearing in this matter is continued from May 7, 2026, to **Tuesday, July 7, 2026**, at the Town of Fort Myers Beach Town Hall Chambers, located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.

2. *Town's Exhibits Received.* The Town's Exhibits A through E, offered and received at the May 7, 2026, hearing, are admitted into the record of this proceeding.

3. *Continued Accrual of Daily Fines.* The daily fine of \$250.00 per day, imposed by paragraph 4 of the Order of Violation entered January 27, 2026, continues to accrue from March 28, 2026, for each day the violation continues thereafter, and shall continue to accrue until

compliance is achieved or the Special Magistrate enters a further order deferring, modifying, or otherwise addressing the accrual or imposition of fines. This Order does not adjudicate, mitigate, or finally fix the amount of the accrued fines; rather, the imposition, modification, mitigation, deferral, or other adjustment of accrued fines is reserved for the continued status review hearing.

4. *Reservation of Ruling on Imposition of Fines and Certification of Lien.* Any ruling on (a) the imposition of the daily fines accrued under the Order of Violation, (b) the certification of a lien against the Subject Property or against any other real or personal property of Respondents, and (c) the modification, mitigation, deferral, or other adjustment of fines, is reserved for the continued status review hearing now set for July 7, 2026. The continuance granted by this Order is without prejudice to the Town's right to seek, at the continued status review hearing, the imposition of fines retroactive to March 28, 2026, and is without prejudice to Respondents' right to present, at the continued status review hearing, evidence of substantial compliance with, or substantial efforts toward compliance with, the Order of Violation bearing upon mitigation, deferral, or other adjustment of fines.

5. *Diligence Expected; Preparation for Continued Hearing.* Respondents shall continue, with diligence, their efforts to bring the Subject Property into compliance with the Order of Violation, including, without limitation, the prompt filing of the after-the-fact permit application(s) and the diligent pursuit of permit review and approval by the Town's building official, by the Town's Floodplain Administrator, and by any other reviewing authority having jurisdiction over the proposed work. The parties shall be prepared, at the continued status review hearing, to present an updated factual record concerning the status of compliance and the status of any permitting submittals, reviews, approvals, conditions, or denials.

6. *Order of Violation Otherwise Unaffected.* Except as expressly addressed by this Order, the Order of Violation entered January 27, 2026, including, without limitation, the provisions concerning the Compliance Deadline, the alternative methods of compliance, the accrual of daily fines, the administrative cost assessment, the abatement authorization, and the provision that, absent a written stay entered by the Special Magistrate or a court of competent jurisdiction, the filing or pendency of any administrative or permitting request shall not operate as a stay of the Order of Violation, remains in full force and effect.

DONE AND ORDERED this 12th day of May, 2026, at the Division of Administrative Hearings, Tallahassee, Florida.



John G. Van Laningham
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Order was furnished by U.S. Mail on the ____ day of May, 2026, to:

Danny Lewis & Carol Jean Thomas
151 Miramar St, Fort Myers Beach, Florida 33931
dcthomasaugust1978@gmail.com

Zachary A. Liebetreu, Esq.
Roetzel & Andress LPA
2320 First Street, Suite 1000
Ft. Myers, FL 33901
zliebetreu@ralaw.com

Nancy Stuparich, Esq., Town Attorney – nstuparich@voselaw.com
Michael Hauserman – Michael.Hauserman@fmbgov.com
Amy Baker – amy@fmbgov.com
Thomas Yozzo – tyozzo@fmbgov.com

I FURTHER CERTIFY that this document is a true and correct copy of the original on file in Town Hall, Fort Myers Beach, Lee County, Florida.

BY: 
Amy Baker (May 13, 2026 09:46:01 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: May 13, 2026

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.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS, OR FINES: Checks should be made payable to "Town of Fort Myers Beach," include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

EXHIBIT G

- Order Granting Continuance to August 4, 2026

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
a Florida municipal corporation,

Petitioner,

Vs.

FMB Case No. 20251060

DANNY LEWIS THOMAS &
CAROL JEAN THOMAS,

Respondents.

ORDER GRANTING JOINT MOTION TO CONTINUE STATUS REVIEW HEARING

THIS CAUSE coming before the Court upon the Joint Motion to Continue Status Review Hearing (hereinafter the “Joint Motion”), and the Court, having reviewed the Joint Motion and being fully advised of the premises, it is,

ORDERED AND ADJUDGED that

1. The Joint Motion is hereby GRANTED.
2. The status review hearing currently set for July 7, 2026, shall be and hereby is canceled and is rescheduled hearing before the undersigned, is continued and will be heard on **Tuesday, August 4, 2026, at 9:00 a.m.** at the Town of Fort Myers Beach Town Hall Chambers located at 6231 Estero Boulevard, Fort Myers Beach, Lee County, Florida.
3. All other provisions of the Order of Continuance entered on May 13th, 2026, are not modified herein and remain in full force and effect.

DONE AND ORDERED this 29th day of June, 2026, at the Division of Administrative Hearings, Tallahassee, Florida.



John G. Van Laningham
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Order was furnished by U.S. Mail on the
29th day of June, 2026, to:

Danny Lewis & Carol Jean Thomas
151 Miramar Street, Fort Myers Beach, Florida 33931
Dcthomasaugust1978@gmail.com

Zacahry Liebetreu, Esq.
Roetzel & Andress, LPA
Ft. Myers, FL 33901
zliebetreu@ralaw.com

Nancy Stuparich, Esq., Town Attorney – nstuparich@voselaw.com
Michael Hauserman – michael.hauserman@fmbgov.com
Amy Baker – amy@fmbgov.com