



10/16/2024

Owner of Record: **HAYDENBERRY HOLDINGS LLC**

Address of Record: PO BOX 69, MILTON, VT 05468

RE: 226 Fairweather Ln.

NOTICE TO VACATE

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property was completed on the 16th day of October 2024 by the FMB Building Official. In accordance with Section 6-36 of the Land Development Code of the Town of Fort Myers Beach, Florida, the structure on the above-referenced property is determined to be in violation of the Town of Fort Myers Beach Code and UNSAFE pursuant to the Demolition Notice, a copy of which is attached.

**THE PREMISES MUST BE VACATED WITHIN
60 DAYS OF THIS NOTICE.**

**THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY
HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.**

You have a right appeal this Notice to the Lee County Board of Adjustment and Appeals by submitting a written appeal and filing it with the Building Official within 30 days of this notice in accordance with Division 2 of Article II of Chapter 6 of the Fort Myers Beach Code of Ordinances. Failure to submit a timely appeal will constitute a waiver of all rights to an administrative hearing.

If an appeal is not filed or if no application for a demolition permit is received and 60 days have lapsed since the date of this Notice, the Town intends to proceed with demolition of this structure, as further outlined in the Demolition Notice.

If you have any questions, please contact the Building Official by email at jspecht@fmbgov.com

Town of Fort Myers Beach, Florida
Joseph W Specht
Building Official

FORT MYERS BEACH, ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931



10/16/2024

Owner of Record: **HAYDENBERRY HOLDINGS LLC**

Address of Record: PO BOX 69, MILTON, VT 05468

RE: 226 Fairweather Ln, Fort Myers Beach, FL 33931

DEMOLITION NOTICE

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property was completed on the 16th day of October, 2024 by the FMB Building Official. In accordance with Section 6-36 of the Land Development Code of the Town of Fort Myers Beach, Florida, the structure on the above-referenced property is determined to be in violation of the Town of Fort Myers Beach Code and UNSAFE for the following reasons:

- [] 1. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
- [] 2. Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
- [] 3. The stress in any material, member or portion thereof, due to all imposed loads including dead loads exceeds the stresses allowed in the Florida Building Code for new buildings.
- [✓] 4. The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Florida Building Code for new buildings.
- [✓] 5. Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Florida Building Code for new buildings.
- [✓] 6. The building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- [✓] 7. The building, structure or portion thereof as a result of decay, deterioration or dilapidation appears likely to fully or partially collapse.
- [✓] 8. The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Standard Codes or of a city, county or state law.
- [✓] 9. The building, structure, or portion thereof is in such a condition as to constitute a public nuisance.



FMBgov.com

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

- ☒ 10. The building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- ☐ 11. OTHER: _____

The Town of Fort Myers Beach has determined that it is unreasonable to repair this structure. The premises MUST BE vacated within 60 days of service of this notice. As the property owner you may:

- 1) Immediately apply for a demolition permit and arrange for the structure to be demolished. Please provide documentation of these arrangements, including your case number (if applicable), to the Director of Operations and Compliance, at fkropacek@fmbgov.com within 10 days. OR
- 2) Appeal this Demolition Notice to the Lee County Board of Adjustment and Appeals by submitting a written appeal and filing it with the Building Official within 30 days of this notice in accordance with Division 2 of Article II of Chapter 6 of the Fort Myers Beach Code of Ordinances. Failure to submit a timely appeal will constitute a waiver of all rights to an administrative hearing of this matter. OR
- 3) Voluntarily waive your rights to an appeal of the Demolition Notice and any rights you may have under the Notice to Vacate before expiration the appeal and vacation period, by informing the Director of Operations and Compliance, at fkropacek@fmbgov.com. If you choose this option, the Town will schedule and demolish the structure at your expense and bill you for the costs.

If an appeal is not filed, no application for a demolition permit is received and 60 has lapsed since the date of service of this notice, demolition of the structure on the above referenced property will be scheduled. You will then be charged at your expense for all costs incurred by the Town for the demolition, which will be recorded as a lien against the property in the event of nonpayment. The Town will use any and all legal means to collect monies owed due to the demolition.

If you have any questions, please contact the Building Official by email at jspecht@fmbgov.com.

Joseph W Specht
Building Official