

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

**TOWN OF FORT MYERS BEACH,
A Florida Municipal Corporation,**

**DOAH Case No. 24-004838
FMB Case No. 20240994**

Petitioner,

vs.

HIMMELSTEIN ASSOCIATES LLC

Respondent,

NOTICE OF HEARING

The undersigned hereby gives notice that the Honorable Judge John G. Van Laningham will conduct a Certification of Lien Hearing in the above referenced case(s) at the Fort Myers Beach Town Council Chambers located at 2731 Oak Street, Fort Myers Beach, FL 33931 at **9:00 a.m. Tuesday, June 3rd, 2025.**

Signed this 22nd day of April 2025.



Thomas Yozzo,
Emergency Services Director

BEFORE THE TOWN OF FORT MYERS BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE

RE: 2815 ESTERO BLVD
PARCEL STRAP NO: 30-46-24-W2-003L0-0050

HIMMELSTEIN ASSOCIATES LLC
P.O. BOX 218
SOMERS POINT, NJ 08244

DOAH Case No.24-004838
CE Case No.20240994

AFFIDAVIT OF NON-COMPLIANCE & LIEN CERTIFICATION

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Thomas Yozzo, Emergency Services Director, who is the Code Enforcement Director for the Town of Fort Myers Beach, who being by me first duly sworn, on oath, deposes and says the following:

1. My name is Thomas Yozzo. 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 of the facts of these cases, the entire investigative files and all documents recorded with the Lee County Clerk of Court and contained in the files of the Town's official records.

2. I have been an employee of the Town of Fort Myers Beach, Florida ("Town") for over 2 years and currently serve as a Code Enforcement Manager of the Towns Code Enforcement Department. I am aware of the facts of the cases contained herein.

3. Himmelstein Associates LLC ("Himmelstein") is the recorded owner of real property located in Lee County, Florida ("Property") by virtue of that certain Special Warranty Deed ("Deed") recorded on May 4th, 2021 as Official Record Instrument No. 2021000747663 of the Public Records of Lee County, Florida. The Property is located at 2815 Estero Blvd, Fort

Myers Beach, Florida 33931, and is legally described as follows:

All of Block L of that certain subdivision known as Winkler's Second Division, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 8, Page 49.

A true and correct copy of the Warranty Deed is attached hereto in **Hearing Exhibit "A1"**.

4. On or about October 17, 2024 the Town issued a notice of violation ("Notice of Violation") to Himmelstein for violations of Section **6-494 (ASCE 24-14)** of the Town of Fort Myers Beach Code of Ordinances (the "Town Code"), which provides Section. 6-501, Section 6-443 & Section 6-525. A true and correct copy of the Notice of Violation is attached hereto as **Hearing Exhibit "B1"**.

5. The Notice of Violation specified that Himmelstein was required to correct the violations by a certain date (November 16, 2024) but Himmelstein failed or refused to do so.

6. As a result of Himmelstein's failure or refusal to correct the violations, the Town scheduled a code compliance hearing for January 07, 2025 and served Himmelstein with a notice of hearing for same.

7. On January 07, 2025 the Town's Special Magistrate ("Special Magistrate") held a duly noticed public hearing related to the violations. Himmelstein appeared at the hearing and had the opportunity to present testimony, evidence, and arguments in its defense.

8. As a result of the January 07, 2025 hearing, the Special Magistrate entered a code enforcement order ("Code Enforcement Order") on **January 15, 2025** finding that proper notice

of the hearing had been provided to the property owners/violators and that the Property was in violation of Section **6-494 (ASCE 24-14)** of the Town Code which provides.

9. The Code Enforcement Order ordered that the Respondent must remove or bring the non-compliant structures into compliance with Town and FEMA regulations by **March 1, 2025**. The Special Magistrate will consider compliance steps taken in deciding whether to impose or defer fines.

A fine of \$250.00 per day will be imposed for each day the violation continues beyond the Compliance Date, unless deferred at the status review hearing based upon the circumstances then existing.

If compliance is not achieved by the deadline and no satisfactory progress is reported at the hearing, the town may abate the violation by removing the non-compliant structures. Associated costs will be recoverable as a lien on the Subject Property. **A true and correct copy of the Code Enforcement Order is attached hereto as Hearing Exhibit "C1"**.

10. Despite the Special Magistrate's Order, Himmelstein continued to fail or refuse to bring the Property into compliance.

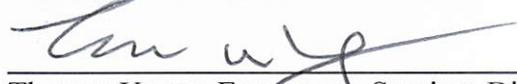
11. As of March 1, 2025, daily fines began to accrue in the amount of \$250.00 per day as specified in the Code Enforcement Order.

12. The Non-Compliant Structures have not been removed or brought into compliance as ordered. **Please see Hearing Exhibit "D1" for true and accurate photo's showing same.**

13. Due to Himmelstein's continued failure to bring the Property into compliance since March 1, 2025 to April 22, 2025 the Subject Property has been in non-compliance for 53 days.

14. As of April 22, 2025 a fine in the amount of \$13,250.00 is due and owing to the Town.

SWORN AND ATTESTED BY:



Thomas Yozzo, Emergency Services Director
Town of Fort Myers Beach

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either personal presence or online notarization this 22 day of April, 2025, by Thomas Yozzo. He is personally known to me or has produced FL DL as identification.



[Notary Seal]



Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

HEARING

EXHIBIT

A1

- Warranty Deed

Prepared by and Return to:
Accent Title Insurance Agency, Inc.
17693 Summerlin Road
Fort Myers, Florida 33908
Our File Number: 21-6045

Rec 27-
Doc 8225
825 2

For official use by Clerk's office only

STATE OF FLORIDA)
COUNTY OF LEE)

SPECIAL WARRANTY DEED
(Corporate Seller)

THIS INDENTURE, made effective this May 4, 2021, between WELLS FARGO BANK, NATIONAL ASSOCIATION, a national banking association, whose mailing address is Attn: Property Admin (BE#140978) MAC D1116-L10, 1525 West W.T. Harris Blvd, Charlotte, North Carolina 28262, Grantor, and HIMMELSTEIN ASSOCIATES, L.L.C., a New Jersey limited liability company, whose mailing address is: P.O. Box 218, Somers Point, New Jersey 08244, Grantee,

WITNESSETH:

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto Grantee, his/her/their heirs and assigns, the following described property, towit:

All of Block L of that certain subdivision known as Winkler's Second Division, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 8, Page 49.

LESS AND EXCEPT the following described Parcel:

All of that Tract or Parcel of land lying and being in Sections 19 and 30, Township 46 South, Range 24 East, Lee County, Florida, and being part of Block "L" of Winkler's 2nd Subdivision, as recorded in Plat Book 8, Page 49, Lee County Public Records, and being more particularly described as follows:

Commencing at the Point of Intersection of the Southeasterly right of way line of Bay Street with the Northeasterly right of way line of Estero Boulevard, run North 32 degrees 40 minutes 08 seconds East along the Southeasterly right of way line of Bay Street 73.16 feet to the Point of Beginning; thence continue North 32 degrees 40 minutes 08 seconds East along said right of way line 228.00 feet; thence South 61 degrees 36 minutes 48 seconds East 182.97 feet to the Westerly right of way line of a 50 foot roadway; thence South 07 degrees 48 minutes 42 seconds West along said right of way line 181.98 feet; thence North 82 degrees 31 minutes 18 seconds West 180.88 feet; thence North 57 degrees 19 minutes 52 seconds West 96.24 feet to the Southeasterly right of way line of Bay Street and the Point of Beginning.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 Grantor hereby covenants with said Grantee, that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it binds itself, its successors and assigns, to fully warrant all and singular the title to said land and will defend the same against the lawful claims of all persons claiming the same or any part thereof, by, through or under the Grantee, but not otherwise, other than the following exceptions:

- 1. "Affiliated Entity" means any entity that controls, is controlled by, or is under common control with Grantor, including successors by merger, acquisition, or otherwise. "Financial Services Business" means a state or national bank; a savings bank; a credit union; a savings and loan institution; a finance company; an industrial bank; a mortgage company; a securities broker or dealer; a trust company; an investment advisor; a wealth manager; and any other business in the financial services industry that accepts deposits; originates loans; cashes checks; provides automated teller machine services; offers trust services; sells stocks, bonds, or mutual funds; provides investment advice; or offers wealth management services. No entity or person other than Grantor or an Affiliated Entity may conduct a Financial Services Business from the Property (the "Financial Use Restriction"). In addition, Grantee shall not permit, allow, or install at the Property any type of signage, whether pylon, monument, plaque, or otherwise, and whether or not interior or exterior, that includes the name or logo of any Financial Services Business other than Grantor (the "Signage Restriction"). The Financial Use Restriction and the Signage Restriction are binding upon Grantee and Grantee's successors and assigns; are deemed to be covenants that touch and concern the land and run with the land; are for the benefit of Grantor and its successors and assigns and its properties located within the same county and state in which the property is located (as well as the counties adjacent thereto); and expire two (2) years after the recording date of this Deed. Grantee acknowledges that a breach of the Financial Use Restriction or the Signage Restriction will cause irreparable damage to Grantor, the exact amount of which will be difficult or impossible to ascertain, and that remedies at law for such breach will be inadequate. Therefore, if Grantee breaches the Financial Use Restriction or the Signage Restriction, then in addition to any other remedy that might be available at law or in equity, (i) Grantor shall be entitled to specific performance and injunctive relief without the necessity of proving that actual damages are not an adequate remedy and (ii) Grantee shall not raise the defense that there is an adequate remedy at law;**
- 2. Any easements, encumbrances, restrictions, and other matters of record;**
- 3. Any matters that would be disclosed by an accurate, current survey and inspection of the property herein conveyed; and**
- 4. A lien for ad valorem taxes for 2021 and subsequent years, not yet due and payable, which shall be paid by Grantee.**

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on May 4, 2021.

Signed, sealed and delivered
in the presence of:

[Signature]
Witness #1 signature

Wylie Johnson
Print witness #1 name

[Signature]
Witness #2 signature

Tamaris White
Print witness #2 name

WELLS FARGO BANK, NATIONAL ASSOCIATION

By: [Signature]
Joni Marie Lawler, Vice President

State of North Carolina
County of Buncombe

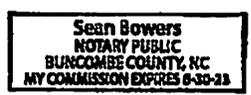
THE FOREGOING INSTRUMENT was acknowledged before me by means of physical presence this 29th day of April, 2021 by Joni Marie Lawler, Vice President of WELLS FARGO BANK, NATIONAL ASSOCIATION who is personally known to me or who has produced NCOL as identification.

[Signature]

Notary Public
Sean Bowers
Print Notary Name

My Commission Expires: 8/30/2023

Notary Seal



HEARING

EXHIBIT

B1

- Notice of Violation



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

10/17/2024

Table with 2 columns: Mail Type, Value. Rows: Case Number: 20240994, Certified Mail: 9589071052700183636864, Regular Mail:

HIMMELSTEIN ASSOCIATES LLC
PO BOX 218
SOMERS POINT, NJ 08244

SITE ADDRESS: 2815 ESTERO BLVD
PARCEL STRAP NO: 304624W2003L00050

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on by Town of Fort Myers Beach Code Enforcement Officer Thomas Yozzo indicates that the following items are in violation:

For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances.

These items are a violation of the following Town Codes:

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.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. 1) Remove Structure(s) and/or Shipping Containers from property. 2) Provide proof of compliance with the requirements of Chapter 6, Article IV Division Section 6-501 and 5-525 of the Land Development Code.

You are hereby directed to bring these violations into compliance within 30-days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for

a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at 239-292-3568 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

Thomas Yozzo
Code Enforcement Officer
Town of Fort Myers Beach



Previous Parcel Number Next Parcel Number Tax Estimator Tax Bills Print

Property Data

STRAP: 30-46-24-W2-003L0.0050 Folio ID: 10230044

[Hurricanes Helene/Milton Tax Roll Value Letter](#) [Hurricane Ian Tax Roll Value Letter](#)

Generated on 4/23/2025 7:41 AM

Owner Of Record - Sole Owner
[\[Change Mailing Address\]](#)



HIMMELSTEIN
ASSOCIATES LLC
PO BOX 218
SOMERS POINT NJ
08244

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)



[\[Pictometry Aerial Viewer \]](#)

Image of Structure



◀ Photo Date December of 2024 ▶ View other photos

Site Address

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

2815 ESTERO BLVD
FORT MYERS
BEACH FL 33931

Property Description

Do not use for legal documents!

WINKLERS 2ND
DEV BLK L PB 8 PG
49 PT OF BLK L



Last Inspection Date:
09/17/2024

DESC IN OR 1167

PG 0722

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 8 and 49 for the book and page numbers.

Attributes and Location Details

Total Bedrooms 0 / 4
/ Fixtures

Gross Building Area 2,758

1st Year 1975

Building on Tax Roll

Historic Designation No

Township	Range	Section	Block	Lot
46	24E	30		

Municipality Latitude Longitude

Town of Fort 26.447 -81.93841

Myers
Beach

[View Parcel on
Google Maps](#)

Property Values / Exemptions / TRIM Notices

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Property Details (Current as of 4/22/2025) 

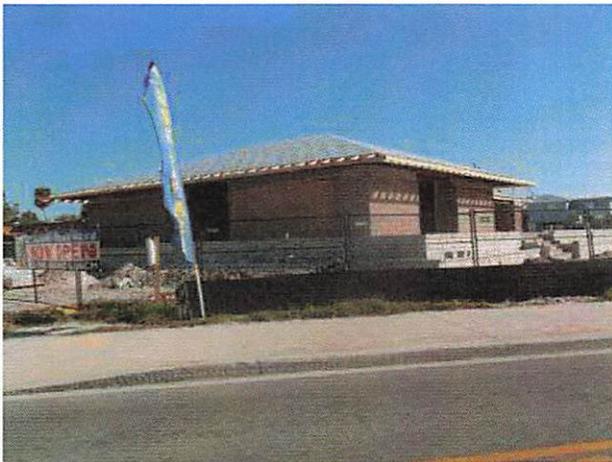
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Use Code		Land		Unit of Measure	
Use Code	Use Code Description	Land Tracts	Number of Units		
2300	Financial Institution		47045.00	Square Feet	
		Land Features			
Description		Year Added		Units	
BLACK TOP - IMPROVED		1978		23,928	
		Buildings			
		Building 1 of 1			
		Building Characteristics			
Improvement Type	Model Type	Stories	Living Units		
63 - Branch Bank	5 - OFFICE/MEDICAL	1.0	0		
Bedrooms	Bathrooms	Year Built	Effective Year Built		
0	0.0	1975	1981		
		Building Subareas			
Description		Heated / Under Air	Area (Sq Ft)		
BAS - BASE		Y	2,602		

FCP - FINISHED CARPORT	N	1,710
FOP - FINISHED OPEN PORCH	N	594
FST - FINISHED UTILITY	N	156

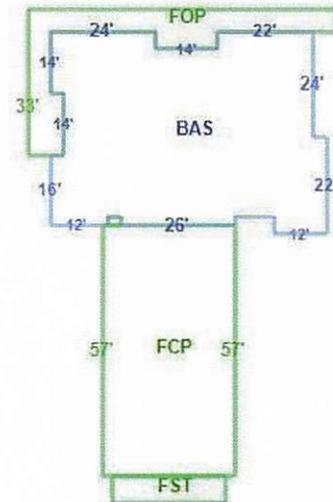
Building Features		
Description	Year Added	Units
TELLER WINDOWS	1996	1

Building Front Photo



**Photo Date:
December of 2024**

Building Footprint



[Property Details \(2024 Tax Roll\)](#)

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[Taxing Authorities](#)

Generated on 4/23/2025 7:41 AM

[Sales / Transactions](#)

Generated on 4/23/2025 7:41 AM

Building / Construction Permit Data

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Parcel Numbering History

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Solid Waste (Garbage) Roll Data

Generated on 4/23/2025 7:41 AM

Flood and Storm Information

Generated on 4/23/2025 7:41 AM

Flood Insurance [Find my flood zone](#)

Community	Panel	Version	Date	Evacuation Zone
071C	0554	G	11/17/2022	A

Generated on 4/23/2025 7:41 AM

[Previous Parcel Number](#) [Next Parcel Number](#)

[New Query](#) [Search Results](#) [Home](#)

HEARING

EXHIBIT

C1

- Code Enforcement Order

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

TOWN OF FORT MYERS BEACH,
FLORIDA,

Petitioner,

vs.

CE CASE NO. 20240908
DOAH CASE NO. 24-4838

HIMMELSTEIN ASSOCIATES, LLC,

Respondent.

_____ /

**CODE ENFORCEMENT VIOLATION FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

THIS CAUSE came before the undersigned Administrative Law Judge, John G. Van Laningham, serving as the Special Magistrate for the Town of Fort Myers Beach (“Special Magistrate”), on January 7, 2025, for a public hearing. The Town of Fort Myers Beach (“Petitioner”) and Himmelstein Associates, LLC (“Respondent”), appeared, with Respondent represented by its Manager, Jeff Walker. The purpose of the hearing was to adjudicate the Town’s Notice of Violation, dated October 2, 2024, and the Town’s request for an Order finding the Respondent in violation. After reviewing sworn testimony and supporting evidence, including photographs, FEMA correspondence, and Town resolutions, the Special Magistrate makes the following findings and orders:

A. FINDINGS OF FACT

1. On February 6, 2023, Respondent applied for a Temporary Use Permit for the temporary placement of two shipping containers on the property located at 2815 Estero Boulevard, Fort Myers Beach, Florida (the “Subject Property”).¹ These containers were used to store inventory and display merchandise, allowing Respondent’s furniture business to continue operations while rebuilding after Hurricane Ian.

2. The Town issued Temporary Use Permit No. 231578 to Respondent on February 13, 2023, with an expiration date of September 23, 2025. The permit required compliance with hurricane

¹ The Subject Property’s Property Identification Number is 30-46-24-W2-003L0.0050. A legal description may be found in that certain Warranty Deed recorded as Instrument #2021000147663 in the Official Records of Lee County, Florida.

evacuation orders, proper tie-downs, and removal of temporary structures within 30 days after a certificate of occupancy or upon permit expiration.

3. On May 15, 2023, the Town Council of Fort Myers Beach adopted Ordinance 23-05 to address recovery efforts following Hurricane Ian. It authorized the temporary placement of emergency structures for recovery purposes. Ordinance 24-04, effective May 6, 2024, amended Ordinance 23-05 to explicitly authorize commercial Emergency Temporary Placement Permits (“ETPPs”) and establish conditions for revocation.

4. On September 19, 2024, Code Enforcement Officer Thomas Yozzo inspected the Subject Property and found two shipping containers non-compliant with FEMA floodplain regulations and Town Code Sections 6-501 and 6-525, which incorporate ASCE 24-14 standards. These standards require elevation to the Base Flood Elevation (“BFE”), secure anchoring, and flood openings. Respondent failed to meet these standards, increasing flood risks.

5. Floodplain Manager Carl Thomas confirmed the non-compliance and highlighted risks of structural displacement and public safety hazards.

6. On October 17, 2024, the Town issued a Notice of Violation to Respondent, detailing deficiencies and providing 30 days for compliance.

7. Follow-up inspections on December 10, 2024, and January 6, 2025, confirmed continued non-compliance. Jeff Walker testified that Respondent applied for permits to rebuild the store on the same footprint and expected full compliance within four to six weeks after permit issuance. An Affidavit of Non-Compliance and photographic evidence were presented.

8. FEMA issued letters to the Town directing the removal of non-compliant structures and stricter enforcement of floodplain regulations. A November 21, 2024, letter placed the Town on probation in the National Flood Insurance Program (“NFIP”), threatening increased insurance premiums and reduced disaster assistance.

9. On December 16, 2024, the Town Council adopted Resolution No. 24-296, revoking all non-compliant ETPPs.

10. On December 19, 2024, the Town notified Respondent that Temporary Use Permit No. 231578 had been revoked effective December 16, 2024.

11. The Special Magistrate acknowledges the challenges caused by Hurricane Ian and Respondent’s efforts to continue operations. However, ongoing non-compliance with floodplain regulations places the Town at risk of losing NFIP participation.

B. CONCLUSIONS OF LAW

12. Respondent violated Sections 6-501 and 6-525 of the Town’s Land Development Code and ASCE 24-14 by failing to elevate, anchor, or modify the shipping containers.

13. These violations jeopardize the Town's compliance with FEMA floodplain regulations, risking higher insurance premiums and reduced disaster assistance.

14. Respondent received proper notice and adequate opportunities to correct the violations but failed to take corrective action.

15. The Town's enforcement efforts reflect its responsibility to protect public safety and maintain NFIP eligibility.

C. ORDER

Based on the foregoing, it is hereby ORDERED as follows:

Compliance Deadline and Review Hearing: Respondent must remove or bring the non-compliant structures into compliance with Town and FEMA regulations by **March 1, 2025**. A status review hearing is scheduled for **March 4, 2025**, to evaluate compliance progress. The Special Magistrate will consider compliance steps taken in deciding whether to impose or defer fines.

Daily Fine: A fine of \$250 per day will be imposed for each day the violation continues beyond the Compliance Date, unless deferred at the status review hearing based upon the circumstances then existing.

Abatement Authorization: If compliance is not achieved by the deadline and no satisfactory progress is reported at the hearing, the Town may abate the violation by removing the non-compliant structures. Associated costs will be recoverable as a lien on the Subject Property.

Costs: Pursuant to section 162.07(2), Florida Statutes, Respondent shall pay \$250 to cover the costs associated with this enforcement action.

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 15th day of January, 2025, at the Division of Administrative Hearings, Tallahassee, Florida.



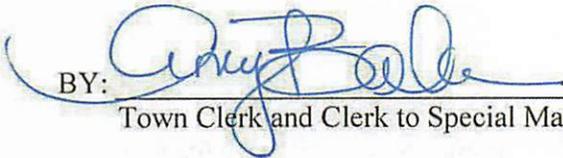
John G. Van Laningham
Special Magistrate

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of this Order has been furnished to
by U.S. mail on this 16 day of January, 2025, to:

Himmelstein Associates LLC
P.O. Box 218
Somers Point, NJ 08244

Himmelstein Associates LLC
907 Hyacinth Dr.
Delray Beach, Florida 33483

BY: 
Town Clerk and Clerk to Special Magistrate

Dated Jan. 16, 2025

HEARING

EXHIBIT

D1

- Photo's

Apr 22, 2025 9:36:45 AM
Town of Fort Myers Beach



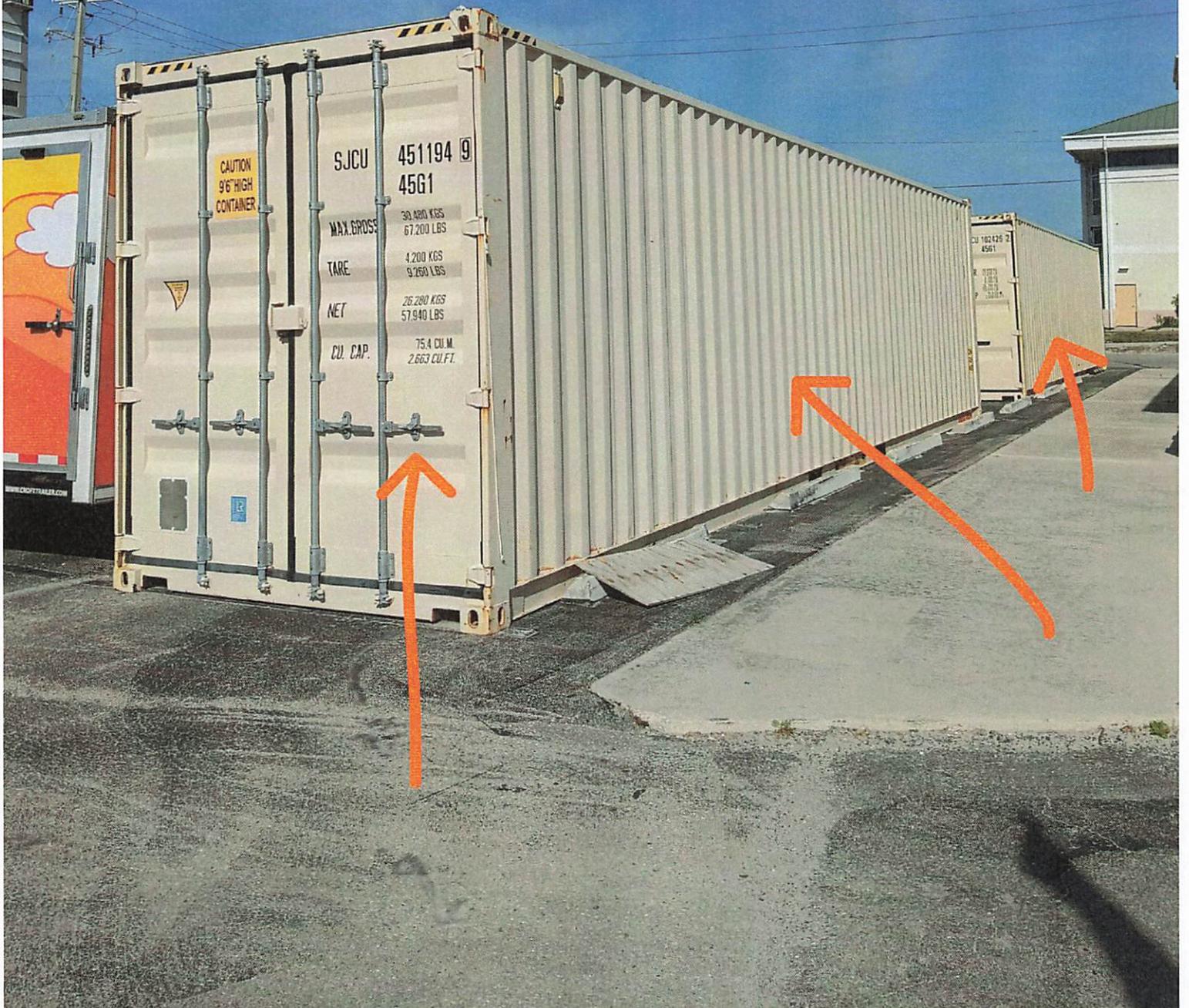
Apr 22, 2025 9:36:59 AM
Town of Fort Myers Beach



Apr 22, 2025 9:37:18 AM
Town of Fort Myers Beach



Apr 22, 2025 9:37:42 AM
Town of Fort Myers Beach



Apr 22, 2025 9:38:05 AM
Town of Fort Myers Beach



