



City of Sanibel

Code Enforcement
2475 Library Way
Sanibel, FL 33957
239-472-4555

NOTICE OF VIOLATION

CASE NO. 2025-001467

LAZY FLAMINGO PLAZA INC
6520-A PINE AVE
SANIBEL, FL 33957

Certified Mail # 7022 1670 0001 2158 5746

Subject Property: 2495 Coconut Dr., Sanibel FL 33957
STRAP: 11-46-21-T1-0010C.0060

Dear Property Owner:

During the discussion on January 16th, 2025, staff notified you of the dangerous building located at the aforementioned subject property. After a search of City records, it does not appear there has been any permitting activity towards resolving the concerns associated to this building. The City has a responsibility and obligation to regulate and enforcement applicable sections of the City of Sanibel's Code of Ordinances (the "Sanibel Code"), as such, please review and respond to this notice of violation.

This Notice is sent in accordance with the City of Sanibel's Code of Ordinances (the "Sanibel Code") Sections 14-268 and 14-269 to inform you that the structure at the above-referenced subject property is in violation of Sanibel Code Section 14-243 and Subpart B – Land Development Code (the "LDC") Chapter 94 – Floods, Section 94-34. The structure has been determined to be dangerous and substantially damaged (see attached Substantial Damage determination).

The City Code section(s) of which you are in violation, or which are otherwise cited herein, are indicated in Attachment A to this Notice of Violation, and this notice serves as a written order to achieve compliance. In the absence of a timely appeal in accordance with Sanibel Code Section 14-270(b), regarding the determination that the structure at the subject property has been found to be dangerous or hazardous to the City, you have **60 days** to obtain any necessary permits and diligently proceed with either (a) performing required repairs or alterations to bring the structure at the subject property into full compliance with the Florida Building Code or (b) demolition the structure.

Failure to comply with the requirements of this Notice of Violation will result in the City pursuing enforcement action as described in [Chapter 14, Article VI, of the City Code of Ordinances, which](#)



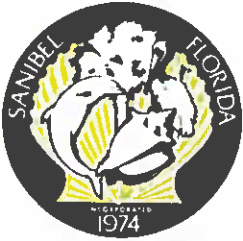
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includes the City making repairs to or demolishing the structure at the above-referenced subject property, in accordance with Section 14-269(d), and levy a lien to recover any and all City expenses related to the repair or demolition of the structure on the above-referenced subject property in accordance with Section 14-272.

If you have any questions about this process, please contact Building Official Craig Mole' at cam@mysanibel.com or 239-472-4555.

ISSUED BY: Craig Mole' DATE: 2/19/25
Craig Mole', Chief Building Official



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ATTACHMENT A

CODE REFERENCES FOR NOTICE OF VIOLATION CASE NO. 2025-001436

Pursuant to Section 14-243. – Dangerous buildings., a building shall be declared a dangerous building if it has any or all of the defects described in the following subsections:

- (1) Those buildings whose exterior or interior walls or other structural members list, lean or buckle, or the support for which has become damaged or deteriorated, to such an extent that there is a reasonable likelihood that such walls or other structural members may fail.
- (2) Those buildings which have improperly distributed loads upon the floors or roofs in which the floors or roofs are overloaded, or which have insufficient strength to be reasonable safe for the purpose used.
- (3) Those buildings which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the city.
- (4) Those buildings which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are, by any applicable health code or environmental regulation, unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those working or living therein or of the public.
- (5) Those buildings having light, air, sanitation facilities which are inadequate, by any applicable building or health code or environmental regulation, to protect the health, safety or general welfare of human beings who may live or work therein.
- (6) Those buildings having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of egress, to the extent that occupants thereof may not be able to evacuate the building in a reasonably safe and quick fashion.
- (7) Those building which have parts thereof which are so attached that there is reasonable likelihood they may fall and injure members of the public or property in general.
- (8) Those building which are vacant and not sufficiently secured to prevent easy access to trespassers, loiterers and vagrants.
- (9) Those buildings which are untended or unkempt to the extent that they pose a health or safety hazard.
- (10) Those buildings, portion of buildings or other development for which construction has commenced but which has not been completed, and for which the building permit has been expired for more than 90 days.

Please be advised, the subject property at 4819 Tradewinds Dr., Sanibel FL 33957 is found to have those defects identified in **Section 14-243: (1), (2) (3), (4), (5), (6), (7), (8), and (9)** as further evident by the supporting photos taken on January 9th, 2025 (included herein with this Notice).

In accordance with Section 14-268 of the Code of Ordinances, you are hereby notified of the following concerning the above subject property:

- a. A description of the location of the buildings or land involved, either by street address or by legal description or tax parcel number.



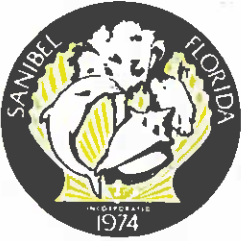
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- b. A statement indicating the nature of the violation and reason or reasons why the notice of violation is issued.
- c. A specification of the section or sections of this article upon which the notice of violation is based.
- d. If repairs or alterations will bring the structure into compliance with this article, a statement of the nature and extent of such repairs or alterations necessary to comply.
- e. If the violation is of such a character that repairs or alterations cannot bring the building into compliance, a statement to this effect and an order of demolition of the building indicating fully the reason therefor.
- f. If hazardous lands are involved, a statement of the steps necessary to abate the conditions creating the hazard and to bring such lands in compliance with this article.
- g. If repairs, alterations or demolition of a building or structure are necessary for compliance, a time period for performing such repair, alteration or demolition, which shall not be less than ten nor more than 90 days. If the violation pertains only to hazardous lands, a time period for cleaning, clearing or abating such hazardous land, which shall not be less than ten nor more than 30 days.
- h. If vacation of a dangerous building is necessary, a statement to this effect and an order requiring vacation of the building within 30 days, unless the enforcing official believes the building is so dangerous that injury to an occupant is imminent, in which case an immediate vacation may be ordered.
- i. The name or names of persons upon whom the notice of violation is served as stated in subsection (1) of this section.
- j. A statement advising that upon the owner's failure to comply with the notice, the city may perform or cause to be performed the repairs, alterations, demolition or cleaning up of the building or land involved, and that the expense of such performance by the city shall constitute a lien against the property involved.
- k. A statement advising of the procedures available for review of the action of the enforcing official as set out in [section 14-270](#).

In accordance with Section 14-269, you are hereby served this notice of violation in accordance with the below standards:

- a) The written notice of violation referred to in [section 14-268](#) shall in all cases be served upon the owner, as well as upon the occupant of the premises if the premises are occupied by someone other than the owner. Such service shall be deemed complete if personally delivered and if the written notice cannot be delivered personally within the city, then service shall be deemed complete upon sending such written notice by certified mail, return receipt requested, to the last known address of the owner as shown on the tax rolls of the city, and by posting a copy of such notice in a conspicuous place on the premises.
- b) The enforcing official shall endorse on the copies of the written notice forwarded to the city manager and the city attorney the manner of service of the notice or notices as are required by this section.
- c) When any written notice of violation shall become an order, either because no petition for review of the decision of the enforcing official has been taken or because such petition for review has been taken and the decision of the enforcing official has not been reversed, then such order shall be executed by the enforcing official.
- d) If such order is not complied with in the time specified in the order, then the city may make such repairs, alterations, demolition or clean-up as may be required in such order. Such expense shall be paid by the owner in accordance with [section 14-272](#).
- e) The enforcing official shall place a notice on all dangerous buildings and post such notice on hazardous land, reading as follows:



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"This building (or land) has been found to be dangerous or hazardous by the city. This notice is to remain on this building (or land) as placed thereon until the requirements of the notice which has been given the owner have been fully complied with. It is unlawful to remove this notice until such requirements have been complied with."

The property owner has a right to appeal to City Council, subject to those procedures found in Section 14-270, as follows:

- a) Generally. Notice of violation by the enforcing official may be appealed to the city council, as provided in this section.
- b) Procedure. Appeals for dangerous building and hazardous land violations may be taken by any person aggrieved by any notice which has been issued in connection with the enforcement of this article. Such appeal shall be taken within 14 days after the notice of violation was served, by filing in the office of the city manager a written petition to the city council, setting forth the grounds therefor. Upon the receipt of such petition, the city manager shall schedule a hearing on the appeal at the next regular city council meeting more than ten days after the petition is filed. Written notice of the time and place of the hearing shall be sent by certified mail, return receipt requested, to the person taking such appeal at least ten days prior to the date of such hearing. At the hearing, any party may appear in person or by agent or attorney.
- c) Power to sustain, modify or withdraw the notice of violation. After public hearing, the city council may sustain, modify or withdraw the notice of violation.
- d) Findings—Sustaining. If the city council sustains the enforcing official, it shall find that:
 - (1) The facts as stated in the written notice of violation are correct and that the situation covered by the notice is, in fact, a violation of this article; and
 - (2) The remedy stated by the enforcing official in the written notice of violation is the minimum remedial action which will bring the building or the land cited into compliance with the article.
- e) Same—Modification or withdrawal. If the city council shall modify or withdraw the notice of violation, it shall find the following, as may be applicable to the specific case:
 - (1) That the facts as stated in the written notice of violation are not correct and that the situation as covered by the notice is not, in fact, a violation of this article, or that the procedures required of the enforcing official in this article have not been complied with; or
 - (2) That the remedial action required by the enforcing official is not the minimum remedial action necessary to bring the structure or premises into compliance with this chapter and that some other remedial action, to be stated by the city council as a part of the record of the case, is the minimum action necessary to secure compliance with this article.

The City has the right to assess liens on the property in accordance with Section 14-272, as follows:

- a) Billing and notice. Promptly after completion of any demolition, repairs, alterations, clearing or cleanup done by the city under authority of this article, the enforcing official shall cause the owner to be billed for the cost of such work including labor, materials and title searches. The bill shall be served upon the owner by delivery to the owner personally or by certified mail, return receipt requested, at his/her last known address as shown in the city tax rolls. If the bill is not paid within 30 days following such service,



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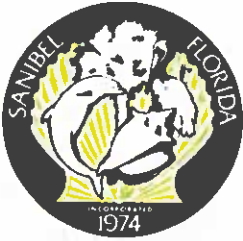
the owner shall be notified of the enforcing official's intention to apply for a lien against the property. Such notice shall:

- (1) Describe the premises involved either by legal description or street address;
 - (2) Describe the nature of the work done thereon and state the amount for which a lien assessment is sought;
 - (3) Specify the date on which the city council will hold a public hearing for the purpose of making a lien assessment against the property for the cost of the work done thereon, and advise the owner of his/her right to be heard on any matter pertaining to the proposed lien assessment; and
 - (4) Such notice shall be served on the owner not less than ten days prior to the date set for the hearing in the same manner as set forth in this section.
- b) Hearings on liens. At the hearing, the enforcing official shall report to the city council on the nature of the work accomplished, the cost of the work, and the service of the required notice. All interested parties shall be given an opportunity to be heard at such hearing with respect to the validity and amount of the proposed lien assessment.
- c) Levy by city council. After such hearing, the city council may levy an assessment against the property for the cost of such work done on such property in such amount as the city council may find to be proper and reasonable. Such assessments shall be made by the adoption of a resolution containing findings of the city council, including the finding that:
- (1) The procedures of this article have been followed;
 - (2) That the work done was in conformity with the requirements of this article; and
 - (3) That the amount of assessment is just and reasonable and based on the actual cost of such work.

The resolution shall contain a legal description of the property, the names of the owners of such property, and such other information as may be deemed appropriate. The assessment shall become effective immediately upon the adoption of the resolution and shall bear interest thereafter at the rate of ten percent per annum. Upon the adoption of the resolution, the city shall have a lien against the property on which the work was done and on the real estate on which it is located, as described in the resolution, which lien shall be of equal dignity, with other municipal liens for taxes, levies and assessments, and may be enforced as other such municipal liens. Upon foreclosure of such lien, the property owner shall be liable for all costs incidental to such foreclosure, including a reasonable attorney's fee, which shall also be secured by such lien.

- d) Notice of adoption of resolution. A copy of such resolution shall be served on the owner by certified mail within ten days of the date of its adoption.

The City's Floodplain Administrator in conjunction with the Building Official has determined this structure to be substantially damaged in accordance with those provisions found in Section 94-34, as follows:

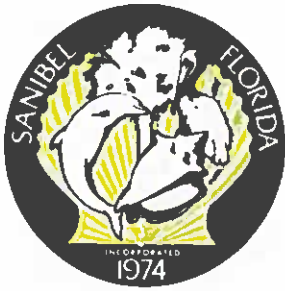


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For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - a. For purposes of determining the cost of the improvements or repairs, the greater of the following shall be used:
 1. Good faith estimates of costs certified by a licensed professional; or
 2. Actual costs as evidenced by a contract or group of contracts, certified by a licensed professional; or
 3. An estimate of costs based upon the prevailing costs in the city for similar construction; and
 4. Regardless of how the costs are determined, the costs shall include, without limitation, labor, materials, overhead, profit and demolition costs.
 - b. For purposes of determining market value, the following shall be used:
 1. The floodplain administrator shall have the authority to require the owner or applicant to provide an appraisal report containing an opinion as to market value of the structure; in any case where the costs of proposed repairs, reconstruction, rehabilitation, addition or other improvements exceed \$5,000.00 and where a good faith question exists as to whether the proposed repairs, reconstruction, rehabilitation, addition, or combination or accumulation of the proposed reconstruction, rehabilitation, addition or other improvement qualify as a substantial improvement or repair of substantial damage as defined in this chapter. Cost of the appraisal shall be borne by the owner or applicant.
 2. Where an appraisal report is voluntarily submitted or required, it shall be prepared by a qualified appraiser, holding membership in a recognized appraisal organization, or certified under state law, conducting the appraisal within his/her area of designation, and conducting the appraisal in accordance with generally recognized standards and methods of appraisal.
 3. Upon submittal by the owner or applicant of the appraisal report, the floodplain administrator shall have the authority to have the appraisal report reviewed by a qualified appraiser or to have another appraisal conducted by a qualified appraiser. The cost of this appraisal review or appraisal shall be borne by the city.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this chapter is required.



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Building Department
2475 Library Way
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Phone: 239-472-4555

Date: 2/19/25

LAZY FLAMINGO PLAZA INC
6520-A PINE AVE
SANIBEL FL 33957

Re: Notice of Substantial Damage Determination
Property address: 2495 Coconut Dr., Sanibel FL 33957

Parcel ID: 11-46-21-T1-0010C.0060

Dear Property Owner:

We have reviewed the condition of the structure that was damaged by Hurricane Ian, Hurricane Helene, and Hurricane Milton. The building is in a mapped Special Flood Hazard Area. As required by our floodplain management regulations and the Florida building code, we have determined that the building is substantially damaged. This determination is based on our estimated cost of the work required to restore the building to its pre-storm condition to the market value of the building minus depreciation (excluding land value). When the cost to repair equals or exceeds 50 percent of the market value of the building, the structure is deemed to be substantially damaged.

As a result of this determination, you are required to bring the building into compliance with the flood damage-resistant provisions of the City of Sanibel Code Chapter 94-Floods and Florida building code.

We would be pleased to meet with you and/or your designated representative to discuss this determination and review your repair cost estimate and the market value to verify this determination is accurate. There are several aspects that must be addressed to achieve compliance with floodplain regulations. The most significant requirement is that the lowest floor, as defined in the regulations/code, must be elevated to or above the base flood elevation plus 1 foot (BFE +1). You may wish to contact your insurance agent to understand how raising the lowest floor higher than the minimum required elevation can reduce NFIP flood insurance premiums.

If the damage was caused by flooding and if you have a flood insurance policy from the National Flood Insurance Program, you should contact your adjuster to discuss the Increased Cost of Compliance (ICC) coverage. This coverage may provide a claim payment to help pay for work required to bring your home into compliance. Your adjuster can explain that the ICC claim may also be used to pay certain costs associated with demolishing and rebuilding your home or



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moving your home to a site outside of the floodplain.

Please submit your permit applications along with plans and specifications that incorporate compliance measures. Construction activities that are undertaken without a proper permit are violations and may result in citations, fines, or other legal action.

Sincerely,

Craig Mole'

Craig Mole', CBO, RA, AIA, CFM

Director of Building

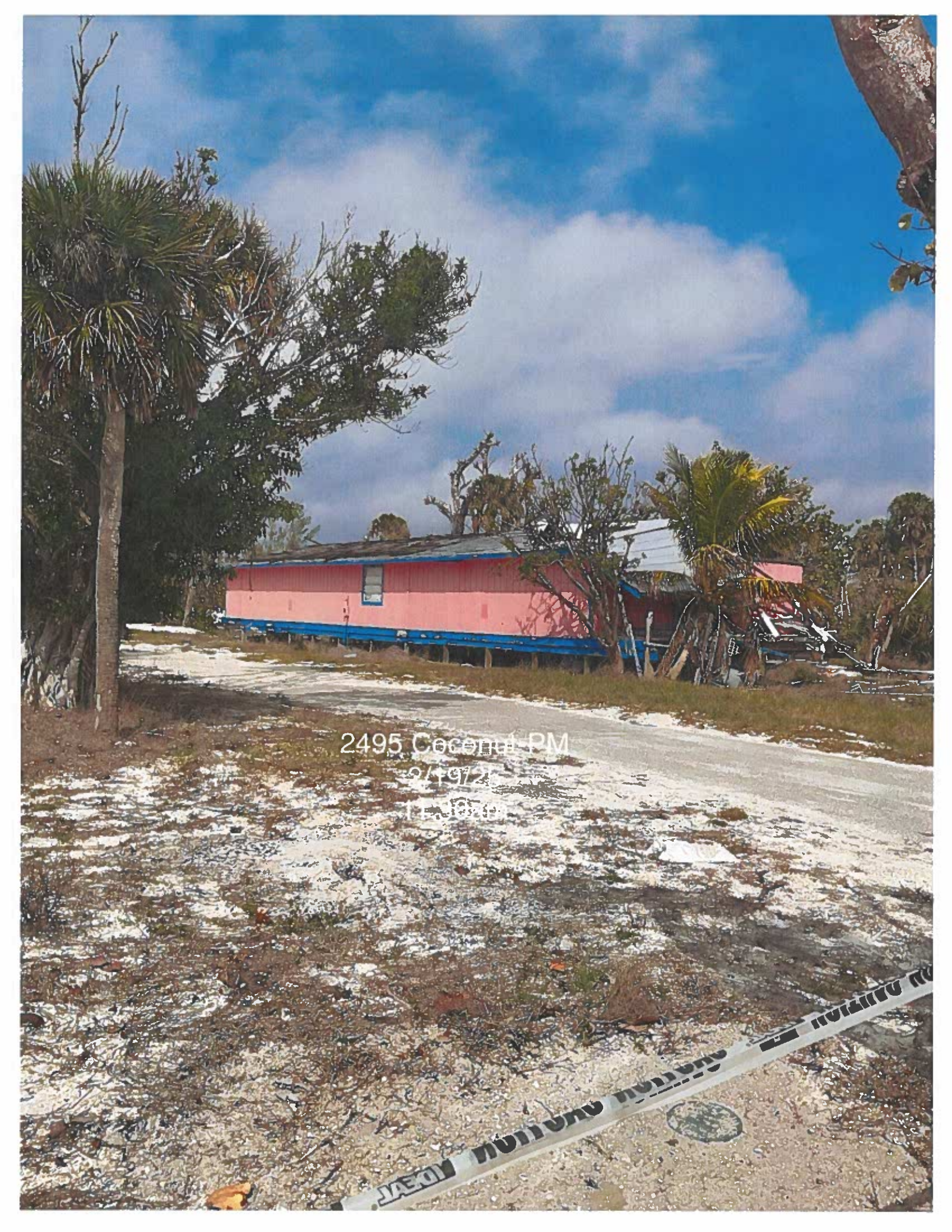
Chief Building Official

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City of Sanibel, Florida 33957



2495 Coconut PM
2/19/25
11:30am



2495 Cocopa PM

9/19/21

1-18-21