

RECEIVED CITY OF SANIBEL
JUN 26 2024 PM 12:01



City of Sanibel

Office of Code Enforcement
800 Dunlop Road
Sanibel, FL 33957
Phone-239-472-4136....Fax-239-472-8826

NOTICE OF HEARING **BEFORE THE CODE ENFORCEMENT HEARING EXAMINER,** **CITY OF SANIBEL, LEE COUNTY, FLORIDA**

CITY OF SANIBEL vs. Revitalize Homes LLC

CASE NO. 2024-1169 SUBJECT PROPERTY: 1298 Par View DR. SANIBEL, FL.33957

YOU ARE HEREBY NOTIFIED THAT ON: July 8th, 2024 @ 1 p.m.

A Hearing will be held on July 8th, 2024, before the Sanibel Code Enforcement Hearing Examiner/ Special Magistrate. This hearing will commence at 1 p.m. @ BIG ARTS, 900 Dunlop Road, in the City of Sanibel, Florida, in accordance with **Section 126-1077 RENTAL DWELLING LICENSE AND BUSINESS TAX RECEIPT** advertised on one or more rental websites, making the home available to rent less than four (4) consecutive weeks of the Sanibel Code of Ordinances to determine whether you have violated one or more provisions and/or sections of the City of Sanibel's ordinances. Said ordinances are set forth in the Notice of Violation dated April 3rd, 2024, sworn to by the Code Enforcement officer of the City of Sanibel. (Attached)

You are entitled to be represented by counsel, present testimony, and evidence, and to testify on your behalf. Subpoenas for records, surveys, plats and other materials, and for witnesses may be requested and will be issued by the City upon proper request.

.....
IF A PERSON DECIDES TO APPEAL ANY DECISION OF THE BODY WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SHE/HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSES MAY 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.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, TO INCLUDE HEARING IMPAIRMENT, SHOULD CONTACT THE CITY CLERK'S OFFICE, NO LATER THAN ONE DAY PRIOR TO THE PROCEEDINGS AT (239) 472-3700. FOR ADDITIONAL ASSISTANCE IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE AT 711.

Dated: 6/26/24


HEARING EXAMINER / CITY CLERK

Method of Service: Certified Mail # Regular mail/ Posted notice

Included: Notice of Violation and Stipulation Agreement

C: City Attorney, John Agnew
CE File No. 2024-1169



Lee County Property Appraiser

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Database Search

Property Information

Deed/Recording Information

Tangible Personal Property Information

Search by Address for '1298 par view' found 1 match

STRAP / Folio ID	Owner	Site Address / Property Description	Links
30-46-23-T4-0190A.0820 10128844	REVITALIZE HOMES LLC 2242 GORHAM AVE FORT MYERS FL 33907	1298 PAR VIEW DR SANIBEL FL 33957 BEACHVIEW COUNTRY CLUB EST BLK A PB 28 PG 49 LOT 82	Parcel Details Aerial Viewer Tax Estimator Variance Report View Comps Change Address 2023 TRIM

Page 1 of 1

[Modify Current Search](#) [New Search](#)

PARCEL # 30-46-23 T4 0190A.0820 1298 PAR VIEW DR.

THIS SPACE FOR RECORDING
BEFORE THE HEARING EXAMINER OF
SANIBEL, FLORIDA

CITY OF SANIBEL
Petitioner,

vs.

Case #2024-1169

REVITALIZE HOMES LLC
Respondent (s)

STIPULATION FOR AGREED CODE ENFORCEMENT ORDER

AS PREPARED ON June 26 ,2024

The undersigned Petitioner and Respondent(s) (hereafter referred to collectively as "Respondent") hereby stipulate and agree to the entry of an agreed code enforcement order as set forth in this stipulation:

A. AGREED FACTS:

1. The City of Sanibel Code Inspector initiated these proceedings.
 2. The respondent received adequate notice of the violation. The Notice of Violation 2024-1169 alleged the existence of violations of the City of Sanibel Ordinance, specifically Sanibel Code Sections: 126-1077, 126-1076
 3. The Respondent admits to the violations. The Respondent agrees to comply with the Notice of Violation, abate the violation, and to do the following, by: **JULY 8th ,2024**
- ☐ PAY THE PETITIONER'S COSTS IN THE AMOUNT OF **\$ 302.84 BY JULY 5th, 2024**
- ☐ CORRECTING THE VIOLATION BY: Apply/ obtain a rental dwelling license and business tax receipt as required by Sanibel Code Sec. 126-1077. Cease renting and advertising your home for rent less than four (4) consecutive weeks.
- ☐ TAKING & FULLY COMPLETING THE ACTIONS DESCRIBED ABOVE:
4. If respondent fails to abate the violation by the deadline determined by the Hearing Examiner with each of the foregoing, a fine in an amount determined by the Hearing Examiner, shall be imposed against Respondent by separate order without further notice to Respondent. The fine shall be calculated beginning as of the date of this Stipulation and continuing until the violation is abated as set forth herein.

5. The undersigned has the authority to make this stipulation on behalf of the Respondent (s) and Petitioner.

B. AGREED LEGAL ISSUES

1. These proceedings are pursuant to the Local Government Code Enforcement Board Act, Chapter 162, Florida Statutes.
2. The Hearing Examiner has the authority to impose administrative fines and other non-criminal penalties to provide an equitable, effective and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeat violation continues to exist.
3. Petitioner has prevailed in prosecuting its case and according to Section 162.02 (2), Florida Statutes, Petitioner is entitled to recover all costs in prosecuting the case which shall be included in the lien authorized by Section 162.09 (3), Florida Statutes.
4. Respondent's violation of any of Sanibel Codes Sections described in the Notice of Violation within five (5) years shall be a repeat violation as defined by Section 162.04 (5), Florida Statutes.

Upon recording this Order in the Public Records, this Order shall constitute a lien against all of Respondent's real and personal property, including but not limited to the subject property described herein, and subsequent foreclosure of the lien may result in the loss of such property.

IF THE PROPERTY OWNER CORRECTS THE VIOLATION, PAYS CITY COST, SIGNS AND RETURNS THIS STIPULATION AGREEMENT BY JULY 5th, 2024, THE HEARING WILL BE CANCELLED.

Agreed to on _____ at Sanibel, Lee County, Florida.

Respondent:

Petitioner:

By _____ its _____



City of Sanibel
Code Enforcement
2475 Library Way
Sanibel, FL 33957
Phone: 239-472-4136

NOTICE OF VIOLATION # 2024-1169

TO: Revitalize Homes LLC
c/o Kelly Foshee
2242 Gorham Ave
Fort Myers, FL 33907

CERTIFIED MAIL # 70221670000121587818

SUBJECT PROPERTY 1298 Par View Dr, Sanibel, FL 33957

This notice is to inform you that a violation of the City of Sanibel's Code of Ordinances (Sanibel Code) Section 126-1076, in reference to short-term rentals, has been found to exist at the above subject property. Per code, this dwelling unit may not be made available for rental for periods of less than four consecutive weeks. The violation observed was:

- The subject property is advertised on one or more rental websites, making the home available to rent for less than four (4) consecutive weeks; and
- The subject property does not have the **Rental Dwelling License and Business Tax Receipt** as required by Sanibel Code Sec. 126-1077.

Upon receipt of this notice, you must:

Cease renting and advertising your home for rent for less than 4 consecutive weeks or cease renting completely.

Once you have received a Business Tax Receipt and a Rental Dwelling License, you may rent your home, but only for **FOUR CONSECUTIVE WEEKS AT A TIME**.

IF THE ABOVE IS NOT CORRECTED IN 10 DAYS, THE CITY OF SANIBEL WILL PURSUE FURTHER CODE ENFORCEMENT ACTION. A VIOLATION OF THE CITY'S DWELLING RENTAL ORDINANCE IS PUNISHABLE AS A SECOND DEGREE MISDEMEANOR AND BY A FINE OF UP TO \$500.00 PER DAY, PER UNIT, PER VIOLATION. CODE ENFORCEMENT MAY ALSO ENFORCE THE TERMS OF THIS SECTION BY BRINGING THE CASE TO A SPECIAL MASTER OR BY CITATION UNDER F.S. § 162.21 (AS MAY BE AMENDED) OR BY ANY OTHER MEANS ALLOWABLE BY LAW. IF A CODE ENFORCEMENT NOTICE OF VIOLATION IS ISSUED, THE FINE SHALL BE \$250.00 PER DAY FOR A FIRST OFFENSE AND \$500.00 PER DAY FOR A SECOND OFFENSE. IN THE CASE OF ARRANGING, CONTRACTING, ADVERTISING, OR OTHERWISE MAKING AVAILABLE THE USE OF A DWELLING UNIT IN VIOLATION OF SECTION 126-1076, THE FINES SHALL BE COMPUTED ON THE BASIS OF THE NUMBER OF DAYS OF RENTAL WHICH WOULD HAVE BEEN IN VIOLATION OF THIS SECTION.

If you have any questions, please contact the City of Sanibel Code Enforcement at 239-472-4136.

ISSUED BY: 
Albert Sanchez, Code Enforcement Officer

ISSUE DATE 04-03-2024



City of Sanibel
Code Enforcement
2475 Library Way
Sanibel, FL 33957
Phone: 239-472-4136

NOTICE OF VIOLATION # 2024-1169

TO: Revitalize Homes LLC
c/o Kelly Foshee
1351 Hopedale Dr
Fort Myers FL 33919

CERTIFIED MAIL # 70221670000121588457

SUBJECT PROPERTY 1298 Par View Dr . Sanibel, FL 33957

This notice is to inform you that a violation of the City of Sanibel's Code of Ordinances (Sanibel Code) Section 126-1076, in reference to short-term rentals, has been found to exist at the above subject property. Per code, this dwelling unit may not be made available for rental for periods of less than four consecutive weeks. The violation observed was:

- The subject property is advertised on one or more rental websites, making the home available to rent for less than four (4) consecutive weeks; and
- The subject property does not have the **Rental Dwelling License** and **Business Tax Receipt** as required by Sanibel Code Sec. 126-1077.

Upon receipt of this notice, you must:

Cease renting and advertising your home for rent for less than 4 consecutive weeks or cease renting completely.

Once you have received a Business Tax Receipt and a Rental Dwelling License, you may rent your home, but only for FOUR CONSECUTIVE WEEKS AT A TIME.

IF THE ABOVE IS NOT CORRECTED IN 10 DAYS, THE CITY OF SANIBEL WILL PURSUE FURTHER CODE ENFORCEMENT ACTION. A VIOLATION OF THE CITY'S DWELLING RENTAL ORDINANCE IS PUNISHABLE AS A SECOND DEGREE MISDEMEANOR AND BY A FINE OF UP TO \$500.00 PER DAY, PER UNIT, PER VIOLATION. CODE ENFORCEMENT MAY ALSO ENFORCE THE TERMS OF THIS SECTION BY BRINGING THE CASE TO A SPECIAL MASTER OR BY CITATION UNDER F.S. § 162.21 (AS MAY BE AMENDED) OR BY ANY OTHER MEANS ALLOWABLE BY LAW. IF A CODE ENFORCEMENT NOTICE OF VIOLATION IS ISSUED, THE FINE SHALL BE \$250.00 PER DAY FOR A FIRST OFFENSE AND \$500.00 PER DAY FOR A SECOND OFFENSE. IN THE CASE OF ARRANGING, CONTRACTING, ADVERTISING, OR OTHERWISE MAKING AVAILABLE THE USE OF A DWELLING UNIT IN VIOLATION OF SECTION 126-1076, THE FINES SHALL BE COMPUTED ON THE BASIS OF THE NUMBER OF DAYS OF RENTAL WHICH WOULD HAVE BEEN IN VIOLATION OF THIS SECTION.

If you have any questions, please contact the City of Sanibel Code Enforcement at 239-472-4136.

ISSUED BY:


Albert Sanchez, Code Enforcement Officer

ISSUE DATE 05-01-2024



City of Sanibel
Code Enforcement
2475 Library Way
Sanibel, FL 33957
Phone: 239-472-4136

NOTICE OF VIOLATION # 2024-1169 (3rd attempt to mail)

TO: Revitalize Homes LLC
c/o Kelly Foshee
111 5th St unit A9
Fort Myers FL 33907

CERTIFIED MAIL # 9589071052701009319855

SUBJECT PROPERTY 1298 Par View Dr , Sanibel, FL 33957

This notice is to inform you that a violation of the City of Sanibel's Code of Ordinances (Sanibel Code) Section 126-1076, in reference to short-term rentals, has been found to exist at the above subject property. Per code, this dwelling unit may not be made available for rental for periods of less than four consecutive weeks. The violation observed was:

- The subject property is advertised on one or more rental websites, making the home available to rent for less than four (4) consecutive weeks; and
- The subject property does not have the **Rental Dwelling License and Business Tax Receipt** as required by Sanibel Code Sec. 126-1077.

Upon receipt of this notice, you must:

Cease renting and advertising your home for rent for less than 4 consecutive weeks or cease renting completely.

Once you have received a Business Tax Receipt and a Rental Dwelling License, you may rent your home, but only for **FOUR CONSECUTIVE WEEKS AT A TIME**.

IF THE ABOVE IS NOT CORRECTED IN 10 DAYS, THE CITY OF SANIBEL WILL PURSUE FURTHER CODE ENFORCEMENT ACTION. A VIOLATION OF THE CITY'S DWELLING RENTAL ORDINANCE IS PUNISHABLE AS A SECOND DEGREE MISDEMEANOR AND BY A FINE OF UP TO \$500.00 PER DAY, PER UNIT, PER VIOLATION. CODE ENFORCEMENT MAY ALSO ENFORCE THE TERMS OF THIS SECTION BY BRINGING THE CASE TO A SPECIAL MASTER OR BY CITATION UNDER F.S. § 162.21 (AS MAY BE AMENDED) OR BY ANY OTHER MEANS ALLOWABLE BY LAW. IF A CODE ENFORCEMENT NOTICE OF VIOLATION IS ISSUED, THE FINE SHALL BE \$250.00 PER DAY FOR A FIRST OFFENSE AND \$500.00 PER DAY FOR A SECOND OFFENSE. IN THE CASE OF ARRANGING, CONTRACTING, ADVERTISING, OR OTHERWISE MAKING AVAILABLE THE USE OF A DWELLING UNIT IN VIOLATION OF SECTION 126-1076, THE FINES SHALL BE COMPUTED ON THE BASIS OF THE NUMBER OF DAYS OF RENTAL WHICH WOULD HAVE BEEN IN VIOLATION OF THIS SECTION.

If you have any questions, please contact the City of Sanibel Code Enforcement at 239-472-4136.

ISSUED BY:


Albert Sanchez, Code Enforcement Officer

ISSUE DATE 05-15-2024



City of Sanibel
800 Dunlop Road
Sanibel, Florida 33957-4096

CERTIFIED MAIL®



MYERS FL 339

APR 2024 PM 11

7022 1670 0001 2158 7818



quadrant

FIRST-CLASS MAIL

MI

\$008.69⁹

04/04/2024 ZIP 33957

043M30259879

US POSTAGE

Revitalize Homes LLC
c/o Kelly Foshee
2242 Graham Ave
Fort Myer 23907

4/6/24

NIXIE 339 DE 1 0004/28/24

RETURN TO SENDER
UNCLAIMED
UNDELIVERABLE

UNC

BC: 33957402100

*0775-01658-04-41

33957402100

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD ON DOTTED LINE

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Revitalize Homes LLC
c/o Kelly Foshie
2242 Gorham Ave
Fort Myers, FL 33907



9590 9402 8626 3244 2937 91

2. Article Number (Transfer from service label)

7022 1670 0001 2158 7818

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



City of Sanibel
800 Dunlop Road
Sanibel, Florida 33957-4096

CERTIFIED MAIL



7022 1670 0001 2158 8457

FT MYERS FL 339

1 MAY 2024 PM 11

quadrant

FIRST-CLASS MAIL
IMI

\$008.69

05/01/2024 ZIP 33957
043M/30259879

US POSTAGE

Revitalize Homes LLC
c/o Kelly Foshree
1351 Hopedale Dr
Fort Myers

NIXIE

339 DE 1

0005/11/24

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UTF

BC: 33957402100

*0775-05281-01-41

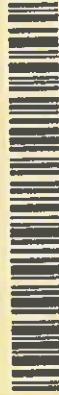
33957402100

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rehabilitate Homes LLC
C/O Kelly Foshee
1351 Hope Dale Dr.
Fort Myers FL 33919



9590 9402 8626 3244 2931 80

2. Article Number (Transfer from service label)

7022 1670 0001 2158 8457

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☐ Addressee
- X
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
- ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Priority Mail Express®
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery

Vial Restricted Delivery

Domestic Return Receipt

DIRECTION
75 deg(T)

26.43444°N
082.05554°W

ACCURACY 32 m
DATUM WGS84

1298



Albert Sanchez
Code Enforcement
Officer

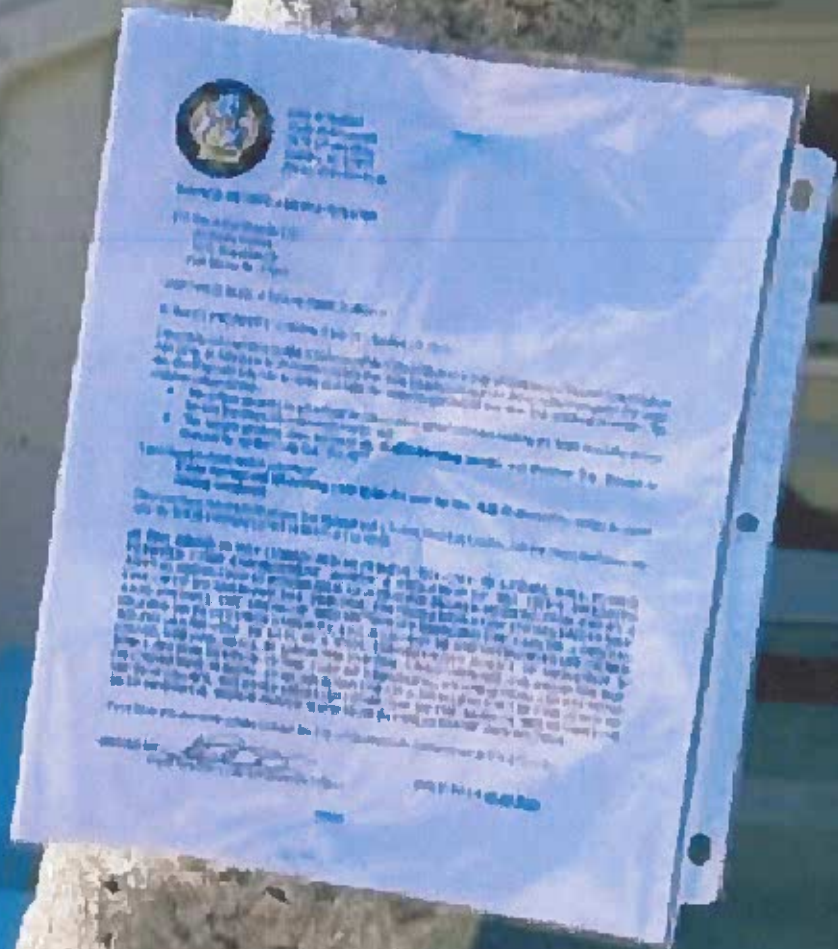
2024-05-15
15:31:28-04:00

DIRECTION
147 deg(T)

26.43430°N
082.05568°W

ACCURACY 22 m
DATUM WGS84

1
2
9
8



Albert Sanchez
Code Enforcement
Officer

2024-05-01
10:28:26-04:00