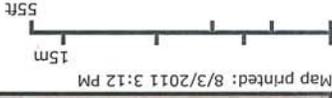


Administrative Appeal – COP 2002-00013

Lee Property Appraiser Geoview Map



Disclaimer: Maps and documents made available to public by the Lee County Property Appraiser's office are not legally recorded maps or surveys and therefore are not intended to be used as such. The maps and documents are created as part of a Geographic Information System (GIS) that compiles records, information and data from various departments, cities, county, state and federal sources. The source data may contain errors. Users are encouraged to examine the documentation or metadata associated with the data on which the map is based for information related to its accuracy, currentness, and limitations.



Aerial Imagery
2010 Hi-Res (1/2 foot)

Parcels and Streets

- Parcel Lines
- Street Centerlines
- Delinquent Tax Parcels

Planning and Zoning

Coastal Const. Control Line

- 1978
- 1991

4. The following condition existed on the subject property located, as reported by the Petitioner, at:

1250 ESTERO BLVD., FORT MYERS BEACH, FLORIDA

VIOLATION OF ADMINISTRATIVE APPROVAL COP2002-00013 BY THE OWNER BY NOT CONFORMING TO THE APPROVAL FOR THIS ADMINISTRATIVE APPROVAL. VIOLATION OF FMB LDC SECTION 34-1264 SALE OR SERVICE ON-PREMISES CONSUMPTION.

5. The violation was abated by Respondent, BUT NOT ABATED IN TIME GIVEN FOR ABATEMENT.
6. Petitioner has incurred administrative costs and expenses in the amount of \$285.00 IN the prosecution of this case.

B. CONCLUSION OF LAW

1. Respondent, by reason of the foregoing, in violation of FMB LDC SECTION 34-1264 SALE OR SERVICE ON-PREMISES CONSUMPTION.
2. The costs incurred herein constitute a legal debt against the Respondent, pursuant to Section 162.09, Florida Statutes, which is due and owing to the Petitioner as of the date of AUGUST 4, 2004.

Wherefore it is ORDERED that:

1. The violation on the subject property has been abated; and ABATEMENT MUST BE CONFIRMED BY AUGUST 4, 2004 and:

2. The Respondent will reimburse the Petitioner for the costs set out in Finding #6 above.

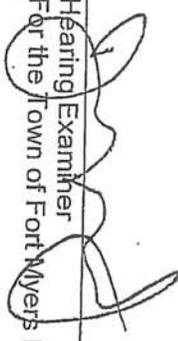
Respondent advised that because the abatement of the violation occurred after the time allowed in the initial Notice Of Code Violation, any similar violation on the same property in the future may be treated as a "repeat offense" for fine assessment purposes.

In the event the costs awarded herein are not paid prior to AUGUST 4, 2004, these costs may become a lien against the Respondent, upon being recorded in the Public Records of Lee County.

Payment of administrative costs: checks should be made payable to "Town of Fort Myers Beach" and mailed to the Town of Fort Myers Beach (Code Enforcement), 2523 Estero Blvd., Fort Myers Beach, Florida, 33931, or made in person at the offices of the Town of Fort Myers Beach, 2523 Estero Blvd., Fort Myers Beach, Florida. Please include case number on checks.

Upon recording in the public records, this Order shall constitute an acknowledgment of no imposition of a fine or lien against the Respondent pursuant to Chapter 162, F.S. for this Order dated JULY 13, 2004.

DONE AND ORDERED at Town of Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Lee County, Florida on JULY 13, 2004.


Hearing Examiner
For the Town of Fort Myers Beach

APPEAL: An aggrieved party may appeal an Order of the Hearing Examiner to the Circuit Court. The appeal shall be limited to appellate review of the record created before the Hearing Examiner. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent by U.S. Mail to RESPONDENT, and to Dick Roosa, Esquire, Town of Fort Myers Beach, 2523 Estero Blvd., Fort Myers Beach, FL 33931; and by hand delivery to Lee County Development Services Division (Code Enforcement), JULY 14, 2004.


SECRETARY
LEE COUNTY HEARING EXAMINER'S OFFICE

7/26/04.iva

7A

ADMINISTRATIVE APPROVAL COP2002-00013

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, M & M Inc., filed an application for administrative approval for Consumption on Premises for a 4-COP SRX Alcoholic Beverage License on a project known as Beach Dog House; and

WHEREAS, the subject property is located at 1270 Estero Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Lots 1 thru 5 less the Easterly 45 feet of Lots 1 and 2 and the Northerly 2.7 feet of Easterly 45 feet of Lot 3, Block F of Crescent Park Subdivision as recorded in Plat Book 4, Page 45 and Lots 1, 2 and the Easterly 2.5 feet of Lot 3, Block C of Crescent Park Subdivision as recorded in Plat Book 4, Page 39

WHEREAS, the applicant has indicated the property's current STRAP number is 19-46-24-W4-0070F.0010; and

WHEREAS, Colorado East, the owner of the subject parcel, has authorized Mark Combs with M& M Inc., to act as agent to pursue this application; and

WHEREAS, the Lee County Land Development Code provides for certain administrative approvals for Consumption on Premises; and

WHEREAS, the subject application has been filed to clarify and legitimize the location of the uses on the subject property in conjunction with consumption on premises of alcoholic beverages; and

WHEREAS, the subject property was developed in or around 1925 and the restaurant use was established with consumption on premises of alcoholic beverages prior to the implementation of zoning in Lee County; and

WHEREAS, the property is currently developed with a restaurant complex which includes the Gulfshore Grill, The Cottage, The Beach Dog House, gift shop, beach rentals and administrative offices; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, there will be no apparent deleterious effect of such use upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises; and

WHEREAS, the premises are suitable in regard to their location, site characteristics and intended purpose. Lighting on the permitted premises must be shuttered and shielded from surrounding properties.

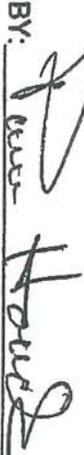
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for Consumption on Premises is **APPROVED**.

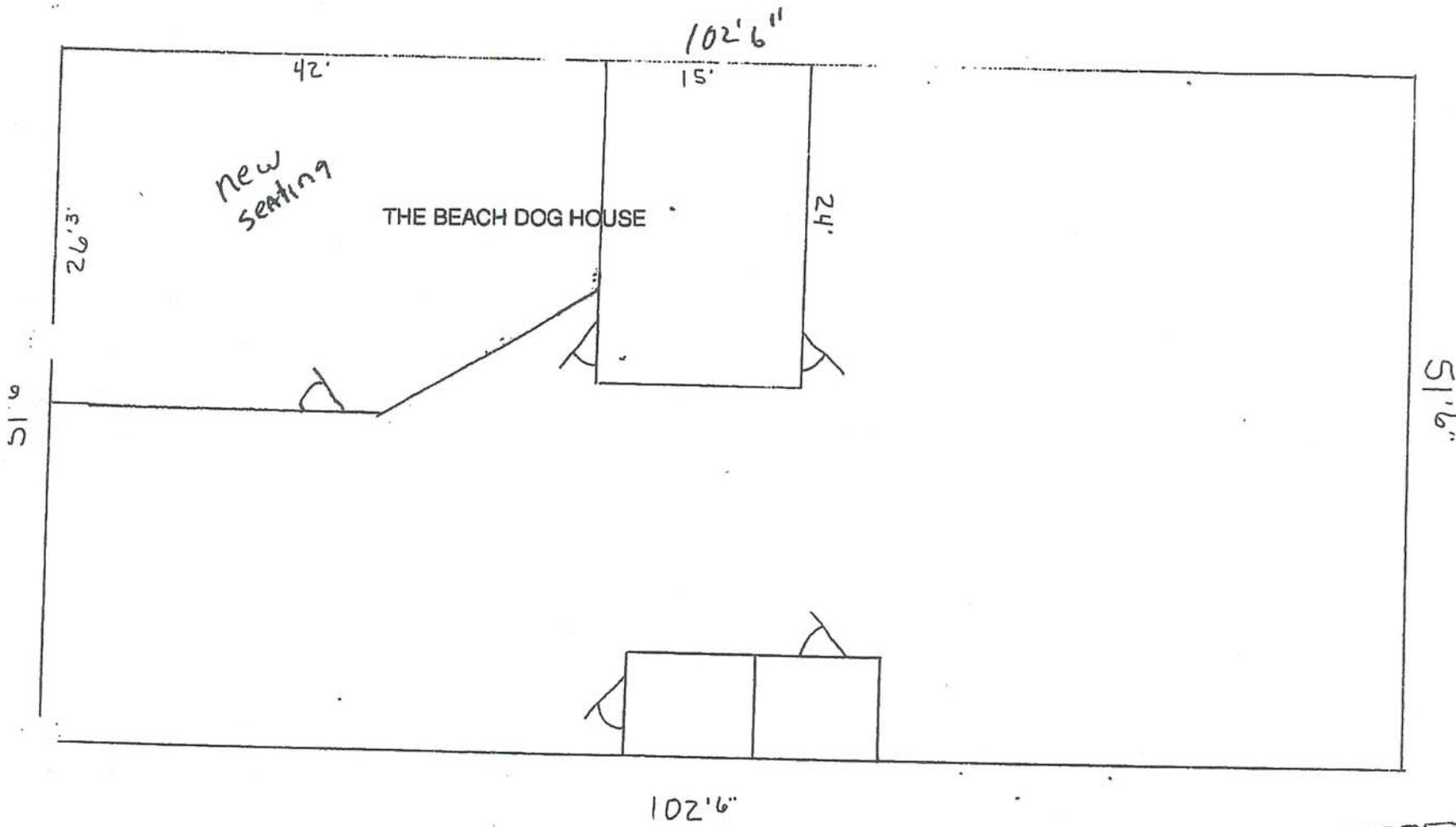
Approval is subject to the following conditions:

1. Consumption on premises is limited to a 4-COP SRX series license in conjunction with the existing Group II and III Restaurants.
2. The approval for consumption on premises (4-COPSRX) is based on the 2-page floor plan stamped received by Community Development on October 10, 2001, and attached hereto.
3. The approval for consumption on premises (4-COP-SRX) is limited the existing restaurant complex know as the Gulf Shores Grill, The Cottage and The Beach Dog House and the existing outdoor seating areas shown on the wood deck on the above referenced floor plan.
4. Hours of operation for service of alcoholic beverages in conjunction with the Group II and III Restaurants will be:

The Beach Dog House	10:00 am to 10:00 pm Monday through Sunday
The Cottage	10:00 am to 2:00 am Monday through Sunday
The Gulf Shore Grill	7:00 am to 10:00 pm Monday through Sunday
5. Outdoor music and entertainment are prohibited in the outdoor seating areas.

DULY SIGNED this 13th day of March, A.D., 2002.

BY: 
Pam Houck, Director
Division of Zoning
Department of Community Development



RECEIVED
JAN 23 2032
PERMIT COUNTER



LEE COUNTY

RECEIVED
JAN 23 2002
PERMIT COUNTER

APPLICATION FOR ADMINISTRATIVE ACTION

APPLICATION FOR:

- Administrative Variance (Sup A) _____ Commercial Lot Split (Sup B) _____
- Consumption On Premises Per. (Sup C) _____ Mini. Use Determination (Sup D) _____
- Ordinance Interpretation (Sup E) _____ Relief for Desig. Hist. Res. (Sup F) _____
- Relief for Easement Encroachment (Sup G) _____ Adm. Amend. PUD or PD (Sup H) _____
- Admin. Deviation from Chapter 10 (Sup I) _____ Placement of Model Home/Unit or Model Display Center (Sup. J) _____
- Dock & Shoreline structures (Sup. K) _____ Redevelopment District (Sup L) _____
- Final Plan Approval per Resolution: # _____

Applicant's Name: Mark Combs/MJM INC Phone #: 941-633-3542

Project Name: BEACH LOG HOUSE

STRAP Number: 19-46-24-W4-0070F.001D

Application Form: _____ Computer Generated* County Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Commission District: 03 Land Use Classification: Urban Com.

Current Zoning: C-1 Lee Plan Density Range: _____

Case Number: 00P2D02-00013. Fee: \$650.00

Date of Application: 1/23/02. Date Fee Paid: _____

Intake by: _____ Receipt Number: _____

* Supplements "A" through "H" & "J" through "L" & Final Plan Approval only ** Supplement "I" only

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

PART I - GENERAL INFORMATION.

1. APPLICANTS NAME: BEACH DOG HOUSE / M + M INC
Mailing Address: _____

Street: 1270 ESTERO BLVD

City: FORT MYERS BEACH State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 633-3542 Ext: _____

Fax Number: Area Code: 941 Number: 265-5018

E-mail address: _____

2. Relationship of applicant to property:

Owner _____ Trustee _____
 Option holder _____ Contract Purchaser _____
 Lessee _____ Other (indicate) _____

If applicant is NOT the owner, submit a Notarized Authorization Form from the owner to the applicant.

3. AGENTS NAME(S): (Use additional sheets if necessary): MARK COMBS

Mailing Address: _____

Street: 1270 ESTERO BLVD

City: FORT MYERS BEACH State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 633-3542 Ext.: _____

Fax Number: Area Code: 941 Number: 265-5018

E-mail address: _____

4. TYPE OF REQUEST (please check one)

- Administrative Variance (requires supplement A)
- Commercial Lot Split (requires supplement B)
- Consumption On Premises (requires supplement C)
- Minimum Use Determination (requires supplement D)
- Ordinance Interpretation (requires supplement E)
- Relief for Designated Historic Resources (requires supplement F)
- Easement Encroachment (requires supplement G)
- Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Redevelopment District (requires supplement L)
- Final Plan Approval (no supplement)

5. NATURE OF REQUEST (please print): _____

PART II - PROPERTY INFORMATION

Is this request specific to a particular tract of land? NO YES. If the answer is yes, please complete the following:

1. Is this action being requested as a result of a violation notice? NO YES.

a. If yes, date of notice: _____
b. Specific nature of violation: _____

2. Relationship of applicant to property: lessee Owner _____ Other (please indicate): _____

3. Name of owner of property: Coloano East / Stacy Ferreira

Mailing Address: Street: 1190 Rosewood Trail

City: Mt. Juliet State: TN Zip: 37122

Phone Number: Area Code: 615 Number: 773-5745 Ext.: _____

Fax Number: Area Code: 615 Number: 773-7868

4. Legal Description: Is property description clearly shown within a platted subdivision recorded in the official Plat Books of Lee County?

NO. Attach a legible copy of the legal description and certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code.

YES. Property is identified as:

Subdivision Name: QUEST BEACH LTS LT3 BLK 6 P134 P645
1-5 DKF + LTS
1-2+2.5 FTOF

Plat Book 2575 Page 998 Unit _____ Block _____ Lot _____

5. STRAP NUMBER: 19-46-24-W4-0070F.0010

6. Property Dimensions:

Area: _____ square feet or _____ acres.

Width along roadway: 55' feet.

Depth: _____ feet.

7. Property Street Address: 1270 ESTERO BLVD

8. General Location Of Property: South A 100' yards from time square.
next to Cantina

PART III

AFFIDAVIT

I, MARK COMBS, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application.

Mark Combs Signature of owner or owner-authorized agent 1-25-02 Date

MARK COMBS Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 23 day of January, 2002 by Mark K. Combs, who is personally known to me or who has produced FL DL 0512-551-63-0330 as identification.

Catherine R. Cropper Signature of notary public
(SEAL)

Printed name of notary public _____





LEE COUNTY

ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT C

CONSUMPTION ON PREMISES
per Sections 34-1261-1264 LDC

If the request is for an administrative approval of a consumption-on-premises permit as set forth in Sections 34-1261-1264 of the Land Development Code, please submit the "Application for Administrative Action" form and the following:

1. Type of permit requested:

Regular (complete items 2 through 6) Temporary (complete item 7)

2. Type of Establishment: RestAcrnVj. If a restaurant, submit copy of printed menu.

3. Is there (or will there be) outdoor seating areas? NO YES. If yes, please indicate the outdoor seating capacity (i.e. number of seats) and indicate the seating area on the site plan.

4. Hours of operation: 10 AM to 10 PM.

5. Type of license requested: Extension of Premises. -1002502

6. ADDITIONAL SUBMITTAL REQUIREMENTS

a. SITE PLAN and FLOOR PLAN: (see back of this form for items to be included)

7. TEMPORARY "ONE-DAY-PERMIT"

a. Type of Event: _____

b. Has a Temporary Alcoholic Beverage Permit been issued at this location within the past twelve months? NO YES If yes, please list all dates permitted. _____

c. Provide a general description of the exact location or site where the alcoholic beverages are to be sold and consumed. All location. New location. Highlighted.

d. Type of alcoholic beverages to be sold: _____

(SEE REVERSE SIDE)

GIS Tracking Sheet

Case No.: COP2002-00013

Intake Date:

Project Name: M4M Inc. in ref. to Beach Dog House

STRAP Number(s): 19-46-24-W4-0070F.0010

Planner Name: Ext.

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: INTAKE:

LEGAL SUFFICIENT YES NO Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: *MM/DD*

- Hearing Examiner Decision Board of County Commissioner's Resolution
 Administrative Approval Blue Sheet

Zoning Notes: COP2002-00013, 13MARD2, ADMIN APRVL FOR 4-COP-SRX;
SUBS TO CONDS. *Apply*

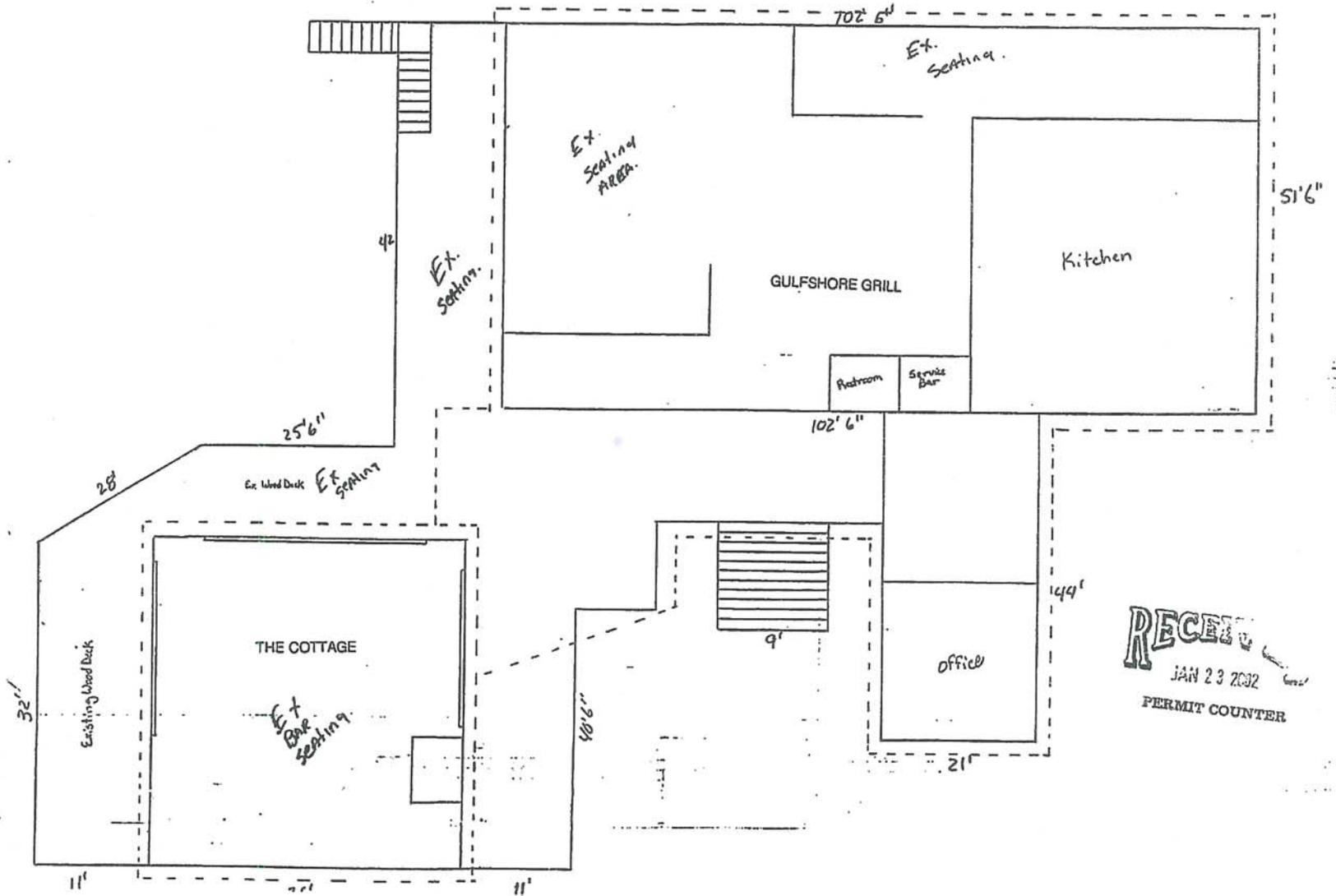
MAP UPDATED YES NO Initials: *MM*

If not, give brief explanation:

No legal ←

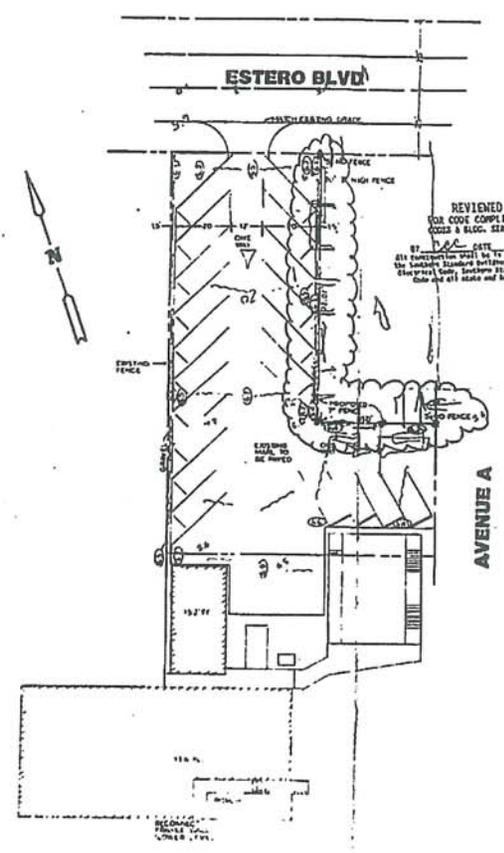
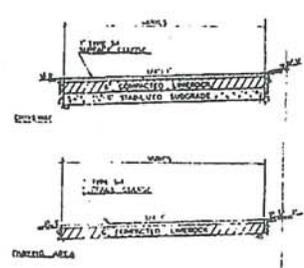
Zone: C:1: 003044
Zone: C:1: 00311 *Created*

Gulf



RECEIVED
JAN 23 2032
PERMIT COUNTER

Mr. Dole



REVIEWED
FOR CODE COMPLIANCE
CODES & BLOCK SERVICES
BY DEC 28 1989
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH
THE LATEST EDITIONS OF THE FLORIDA
ELECTRICAL CODE, SOUTHERN STANDARD PRACTICE
CODE AND ALL STATE AND LOCAL ORDINANCES.

LEE COUNTY ZONING APPROVAL
By: MJP Date: 1-17-89
FOR: 1202 sq ft and 1/2 acre
Zoning: R-1
APPROVAL BASED ON SITE INFORMATION
SUPPLIED BY APPLICANT.

RECEIVED
JAN 20 1989

ZONING COUNCIL
FENCE MUST MAINTAIN 5' FOOT R.O.W.
SETBACK REQUIREMENT.

Handwritten signature

DSO EXEMPTION FOR:
GULF SHORE RES.

SITE PLAN

BARBOT & ASSOCIATES, INC.

REGISTERED PROFESSIONAL ENGINEERS
MEMBER IBE, ASEE, ELECTRICAL DIVISION, POWER DIVISION, FL. REG. NO. 638-17553

DESIGNED BY	TKS	CHECKED BY	TKS	DATE	12/12/88
DRAWN BY	TGL	CLIENT PROJECT NO.		SHEET	1 OF 1
DATE	12/12/88	SCALE	1" = 20'	PROJECT NO.	2093

LEE COUNTY, FLORIDA

19 46 24 07 F.001

DATE OF SALE	AMOUNT	BLK & PG. NO.	OWNER'S NAME	ADDRESS	DESCRIPTION
			THE GULF SHORE INN, INC.	P.O. BOX 2665	CRESCENT BEACH
			FT. MYERS BEACH, FLA.	DR2197768	BLK. F PB 4 PG 45
10/26/74	800	1067/1509	Young, Malcolm D & Helen E	REINERED, David G. Tr.	PT LOTS 1, 2, 3, 4, 5
3/9/76	300	1130/1614	2255 Estero Blvd	Ft. Myers Beach FL 33931	TH W 55 FT LOTS 1, 2
12-2-76	91800	OR 1145/1383 75/1405	FERRIS, WALTER & HELEN E	UNDIV 40%	3, 4, & WLY 5 FT LOT 5
12-25-76	91800		YOUNG, COREY R ET AL	1 Bayview Blvd	ET AL Corey R Young Reinforced 30%
			Ft Myers Beach FL 33931		Corey R Young 15%
					Richard D. Murphy 15%
					Walter & Helen E Ferris 40%

field cards
for Gulf Shore

FACTOR	1973	1974	1976	1978
YEAR	1973	1974	1976	1978
LAND	17670	17630	17630	22510
BLDGS	31740	31740	33780	33780
TOTAL	49410	49370	51410	56290

ASSOCIATED SURVEYS CO. OF FLA.

BUILDING		1. STORY HEIGHT				YEAR	YEAR
NO.	C.	CLASS.	1STY.	2STY.	3STY.	DUPLY	REARO.
1	C	X				1925	
2							
3							
4							

1-1-12 1st FR. RDW. M-2
 -6% NO AIR -5% FR.
 -4% NO HEAT -6% NO AIR
 -10% X.B.P. -3% NO HEAT
 -14% X.B.P.
 290 290 H
 190 190 H
 238 470 H X 12' - 1975 =
 150 470 H X 12' - 1975 =
 258 P X 9 Z
 2 HISTORY 2nd FR. RDW. M-2
 APT. M-2
 1/2 A.P. -5% FR.
 185 -6% NO AIR
 -3% NO HEAT
 -5% MIXING MILLS
 -19% X.B.P.
 150.4 X 23.35 = 1970 =
 11.4 X 18.2 = 2837
 8,012.701
 05 1.5 2 5 ADJUST

2. FOUNDATION	
NONE	
FOOTINGS	
PILES (+10)	
SLAB	
PIERS (-4)	
WALL	
WOOD	
C.C.	
BRICK	
CONCRETE	
STONE	
NOTES	

3. BASEMENT	
NONE	
DIRT FL.	(-4)
CONCRETE FL.	
UNIMP. AREA	
UTILITY AREA	
LIVE AREA (+24)	
NOTES	

4. CONSTRUCTION	
WOOD	
STEEL	
M.C.C.	
FRAME	
IMPT.	
CL	
GL	
BRICK	
STONE	
SIACPROOF	
SIACFIREPROOF	
DEXPAS.	
NOTES	

5. EXTERIOR	
UNFINISHED	
PAINTED	
STUCCO	
SMOKING	
WALK-WAY	
VERT. SIDING	
CON. BRICK	
FACE BRICK	
STONE	
COMPOSITION	
GL.	
ALUMINUM	
ASBESTOS	
WOOD	
ROOF	
SHIELD	
SHINGLES	
NOTES	

6. ROOF	
WOOD FRAME	
STEEL FRAME	
CONCRETE	
PEAT	
SHED	
CANOE	
HIP	(+1)
GAMBREL	(+1)
BULL-UP	(+2)
COMPOSITION	
CL.	
ALUMINUM	
ASBESTOS	
WOOD	

7. ATTIC	
NONE	
FLOORED	
UNIMP. AREA	
UTILITY AREA	
LIVE AREA (+10)	
NOTES	

8. INTERIOR	
UNFINISHED (-32)	
TOTAL ROOMS	
REAROOMS	
TOTAL APPTS (+3)	
RM. APPTS.	
GR. APPTS.	
HW. APPTS.	
NOTES	

9. PLUMBING	
DIRT	
SINGLE	(-2)
DOUBLE	
HEAVY	
PINE	
HARDWOOD	
CONCRETE	
ASPHALT TILE	
CERAMIC TILE	
TERRAZO	
NOTES	

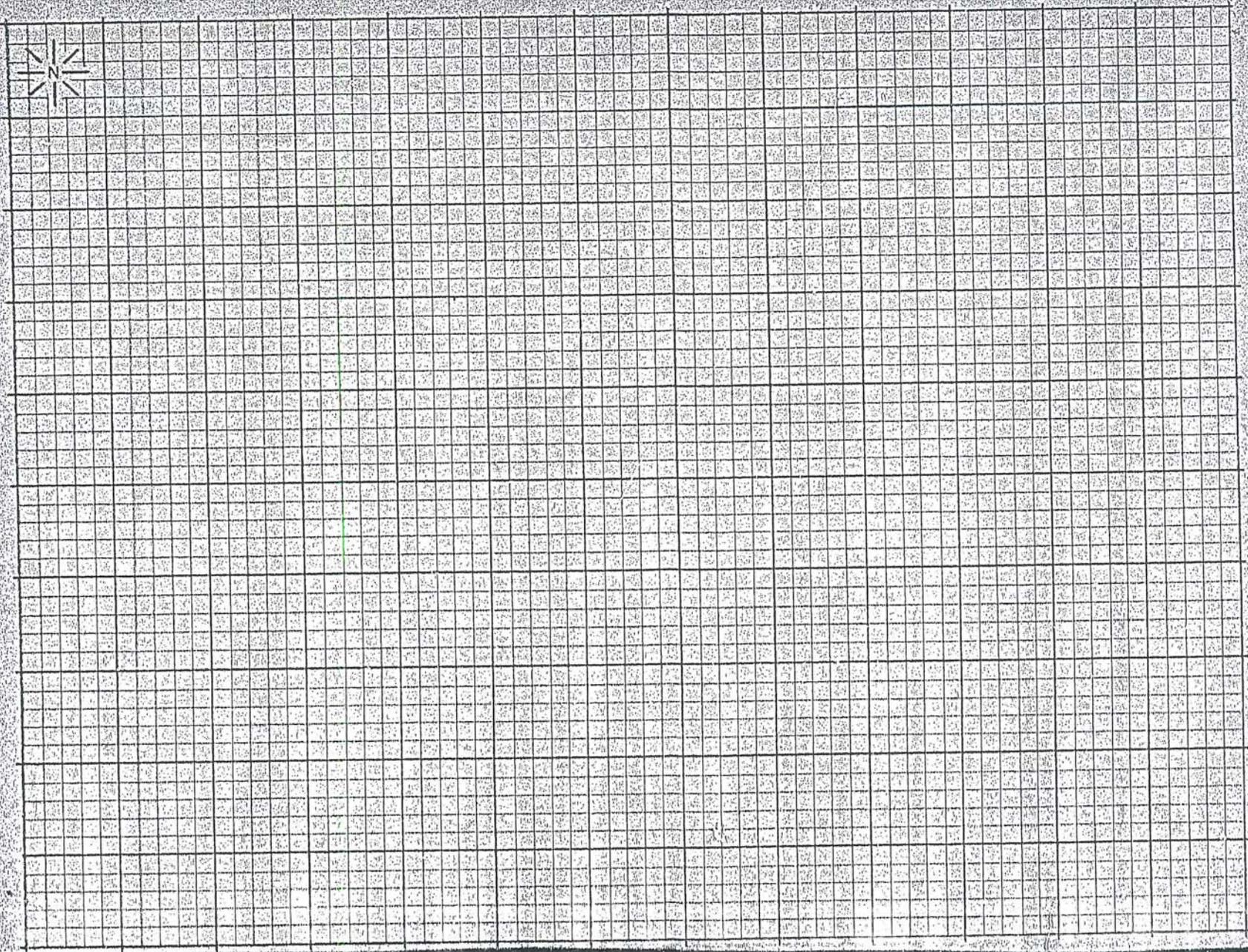
10. FIN. WALLS	
NONE	
UNFINISHED	
PLASTERED	
CEILING	
DRY WALL	
PLYWOOD	
PANELED	
IMPK. MASONRY	
FURRED MASONRY	
NOTES	

11. CEILING	
NONE	
PLASTERED	
CEILING	
TRYPHAL	
ACOUSTIC	
PLYWOOD	
EXPOSED BEAMS	
NOTES	

12. ELECTRIC	
NONE	
NOTES	

13. HEATING	
NONE	(-2)
STOVETOPS	(-2)
HEAT. FURN.	(-2)
CIRCULAT. AIR	
HOT WATER	
RADIANT	
WALL	(-2)
FLOOR	(-2)
NOTES	

14. FIRE PLACES	
NO. 3 SMO.	
NO. 4 SMO.	
NO. 5 SMO.	
NO. 6 SMO.	
NO. 7 SMO.	
NO. 8 SMO.	
NO. 9 SMO.	
NO. 10 SMO.	
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LEE COUNTY, FLORIDA

1 19 46 24 07 F.001A
 MAP NO. COUNTY SEC. TWP. RISE AREA PARCEL NUMBER

DATE OF SALE	AMOUNT	BK. & PG. NO.	OWNER'S NAME	ADDRESS	DESCRIPTION
			PICKERING, CATHERINE YATES FT. MYERS BEACH, FLA.	3450 ESTERO BLVD. OR 3271339	CRESCENT BEACH BLK. F PB 4 PG 45 PT LOTS 1, 2, 3
10/68	11200	OR 489/652	ARTISER, JOE R. + THOMAS	1290 ESTERO BLVD FT. MYERS BEACH, FLA.	THE E 45 FT LOTS 1 6 2, 8 TH E 45 FT OF N 2.07 LOT 3
3/10	80000	OR 375/162 OR 445/171	Partlow, Charles O + Gertrude I HALL ST. HALL ST. HALL ST.	2215 S 9th St Napaville Ind 47905	N/C 3/10/80 D
11/73	15300	1005/609	PARTLOW C + GERTRUDE I	HALL ST REYNOLD S	
1/20/75	46000	1119/1534	SCOGNA, JANE A	1070 ESTERO BLVD	
09/75	45000	1119/1536	FT MYERS Bch FL 33921		
10-19-76	135000	1165/1577	BECKER, H. + Elizabeth A. Ft. Myers, Fl. 33931	1270 Estero Blvd	AKA ANN E.

TOTALS	FACTOR				
	YEAR	1971	1972	1973	1974
	LAND	330	380	6890	6890
	BLDGE	1200	24190	24190	31830
	TOTAL	1530	27570	31080	38720

©

ASSOCIATED SURVEYS CO. OF FLA.

1. STORY HEIGHT									
BUILDING	R 106	1 STY	1431V	2 STY	ATTIC	65MT	YEAR BUILT	YEAR REMOD.	
NO. 1	C	✓					1961		
2									
3									
4									

C-1-12
 75% 1014
 -582 FCA
 -68% 100 AIR
 -10% 100 HEAT
 +5% 100 ART
 -21% 100 RBL

FELIX ELECT. - 10' MAIN X 6' CHIMNEY

2. FOUNDATION									
NONE									
FOOTINGS									
PIILING	(+10)								
SLAB									
PIERS	(-4)								
WALL									
WOOD									
C.B.									
TILE									
CONCRETE									
STONE									
NOTES									

3. BASEMENT									
NONE									
DIRT FLR	(-4)								
CONCRETE FLR									
UNIMP. AREA									
UTILITY AREA									
LIVG. AREA	(+20)								
NOTES									

4. CONSTRUCTION									
WOOD									
STEEL									
M.F.C.									
FRAME									
POULT.									
C.B.									
BRICK									
STONE									
ROOFING									
TEMPER. PROOF									
PER. FAUL.									
NOTES									

5. EXTERIOR									
UNFINISHED									
PAINTED									
STUCCO									
SHEATHED									
HORY. SIDING									
WEGE. SIDING									
CON. BRICK									
FACE BRICK									
STONE									
COMPOSITION									
G.I.									
ALUMINUM									
ASBESTOS									
WOOD	dry								
ROLL									
SHIRT									
SHINGLES									
NOTES									

6. ROOF									
WOOD FRAME									
STEEL FRAME									
CONCRETE									
FLAT									
SHED									
CABLE									
HIP	(+1)								
GAMBREL	(+2)								
BUILTUP									
COMPOSITION									
G.I.									
ALUMINUM									
ASBESTOS									
WOOD									
CONG. TILE	(+3)								
CLAY TILE	(+4)								
SLATE	(+2)								
ROLL	(-2)								
SHIRT									
SHINGLES									
NOTES									

7. ATTIC									
NONE									
FLOORED									
UNIMP. AREA									
UTILITY AREA									
LIVG. AREA	(+10)								
NOTES									

8. INTERIOR									
UNFINISHED	(-12)								
TOTAL ROOMS									
BEDROOMS									
TOTAL ADTS.	(+2)								
RM. ADTS.									
RM. ADTS.									
RM. ADTS.									
NOTES									

9. FIN. WALLS									
NONE									
UNFINISHED									
PLASTERED									
CEILING									
DRY WALL									
PLYWOOD									
KNEELED									
UNFIN. MASONRY									
TURBED MASONRY									
NOTES									

10. CEILING									
NONE									
PLASTERED									
CEILING									
DRY WALL									
ACOUSTIC									
PLYWOOD									
EXPANDED BEAM									
NOTES									

11. ELECTRIC									
NONE									
NOTES									

12. HEATING									
NONE									
STOV. HEAT	(-4)								
HEAT. PUM.	(+2)								
CIRC. HOT AIR									
HOT WATER									
RADIANT									
NOTES									

13. PLUMBING									
NONE									
1. FIX. T. ROOM									
2. FIX. B. ROOM									
3. FIX. H. ROOM									
4. FIX. B. ROOM									
5. FIX. H. ROOM									
6. LAVATORIES									
7. TILED FLOOR									
8. TILED WALLS									
NOTES									

14. FIREPLACES									
NONE									
1. PLUMBING									
2. CLEAR. OPEN J. 1101 + OR -									
3. INSULATION									
4. CENT. AC. (1 & 2)									
5. FIRE SPRINKLERS									
6. ELEVATORS									
NOTES									

NOTES	QUITLOG.	TYPE	DESCRIPTION & SIZE	AREA	RATE	VALUE	ACCRUED DEPR.	APPRAISED VALUE	BASE BLDG. AREA	(1)	(2)	(3)	(4)
4590' @ 1.50 = 6885 = 6890										2232			
										672			
										79			
										11849			
										1200			
										496			
										1850			
										100			
										100			
										1080			
										2232			

FRONTAGE	DEPT.H.	FACTOR	EQUIV. FRONT	UNIT PRICE	VALUE	INCL.	DISC.	APPRAISED VALUE
1-	45	102	100	45.0	75			3280

C

LEE COUNTY, FLORIDA

1 19 46 24 07 F-005A

MAP NO. CARDS SEC. TWP. RANGE AREA PARCEL NUMBER

DATE OF SALE	AMOUNT	BK. & PG. NO.	OWNER'S NAME	ADDRESS	DESCRIPTION
			BALLANTYNE, RONALD BIRMINGHAM, MICH. 2587458	789 WILLITS	CRESCENT BEACH BLK. F PB 4 PG 45 LOTS PT. 3, 4 & 5 ELY 45 FT OF SLY 47.93 FT LOT 3 & ELY 45 FT LOTS 4 & 5
6/68	28000	012-449/455	GULF SHORE INN, INC. 19-46-24-07-0000F.005A	1270 ESTERO BLVD. FT MYERS BEACH FL 33931	ISH, C. A. DEVELOPMENT (LMTD)
			GULF SHORE INN INC C/O M D YOUNG + D G REINFRIED TR 6220 ESTERO BLVD FT MYERS BEACH FL 33931		S, ONT, CANADA
				12/31/75	

FACTOR	1972	1973	1974	1978
YEAR	21960	22410	22710	33620
BLDGS.	7050	7050	8530	8530
TOTAL	14910	29460	60940	42150

COPY

Tidemark Advantage [Bruce F Thornburn - DE] - [Activity for 1/10/2004-02/30]

File Edit Options Window Help

Edit New Open Task List GBE GIS
 Close View Add Date Sign Off Print Documents

Menu Code	Date1	Date2	Date3	Assigned To	Disp	Done By	Notes	Create
A0000	2/12/2004		2/12/2004	DLP	DONE	DLP		02/12/21
H0700	2/12/2004	2/17/2004	2/12/2004	DLP	DONE	DLP	Notice sent	02/12/21
A0050	2/12/2004			HEX				02/12/21
H0710	3/29/2004	3/29/2004	3/29/2004	DLP	DONE	DLP	No change. To HEX.	03/29/21
A1001			3/29/2004	HEX			3/29/04	03/29/21
H0710	4/12/2004	4/12/2004	4/12/2004	DLP	DONE	DLP	No change.	04/12/21
1840	4/13/2004		4/13/2004	HEX	DONE	DLP	5/11/04	04/13/21
H0730	5/10/2004	5/10/2004	5/10/2004	HEX	DONE	DLP	No change	05/10/21
1830	5/11/2004		5/11/2004	HEX	DONE	DLP	Taken under advisement until 6/8/04.	05/11/21
1840	6/8/2004		8/4/2004	DLP	DONE	DLP	7/13/04. Finding of fact entered. Ordered to pay costs of \$285.00 and return to original floor	06/08/21
1840	6/10/2004			HEX			Continued to 7/13/04.	06/10/21
H0740	8/4/2004	8/4/2004	8/4/2004	DLP	DONE	DLP	Returned area to original plan. All costs paid 8/4/04.	08/04/21

AMERICAN BEES SKETCH

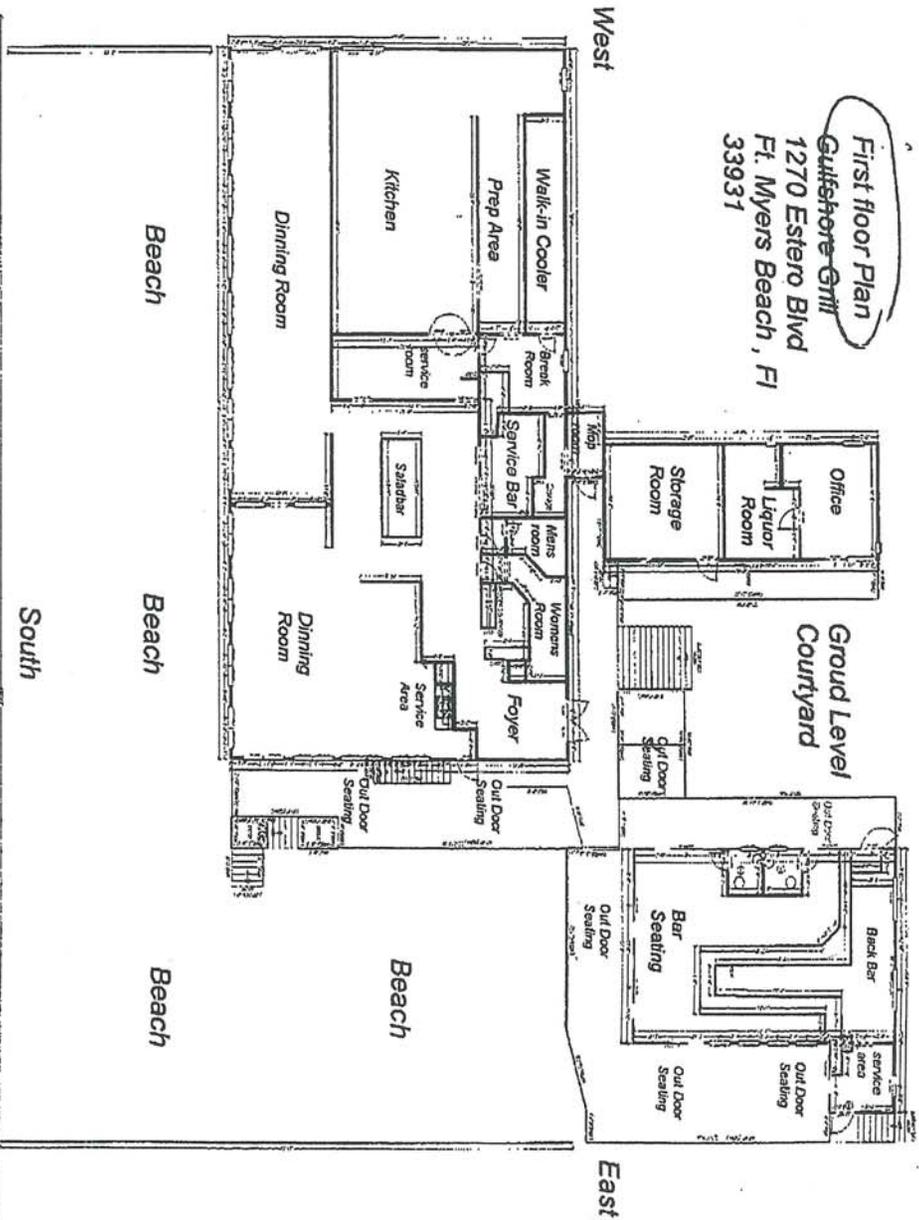
Estero Blvd.

North

Parking Lot

Parking Lot

First floor Plan
 Gulfshore Grill
 1270 Estero Blvd
 Ft. Myers Beach, FI
 33931

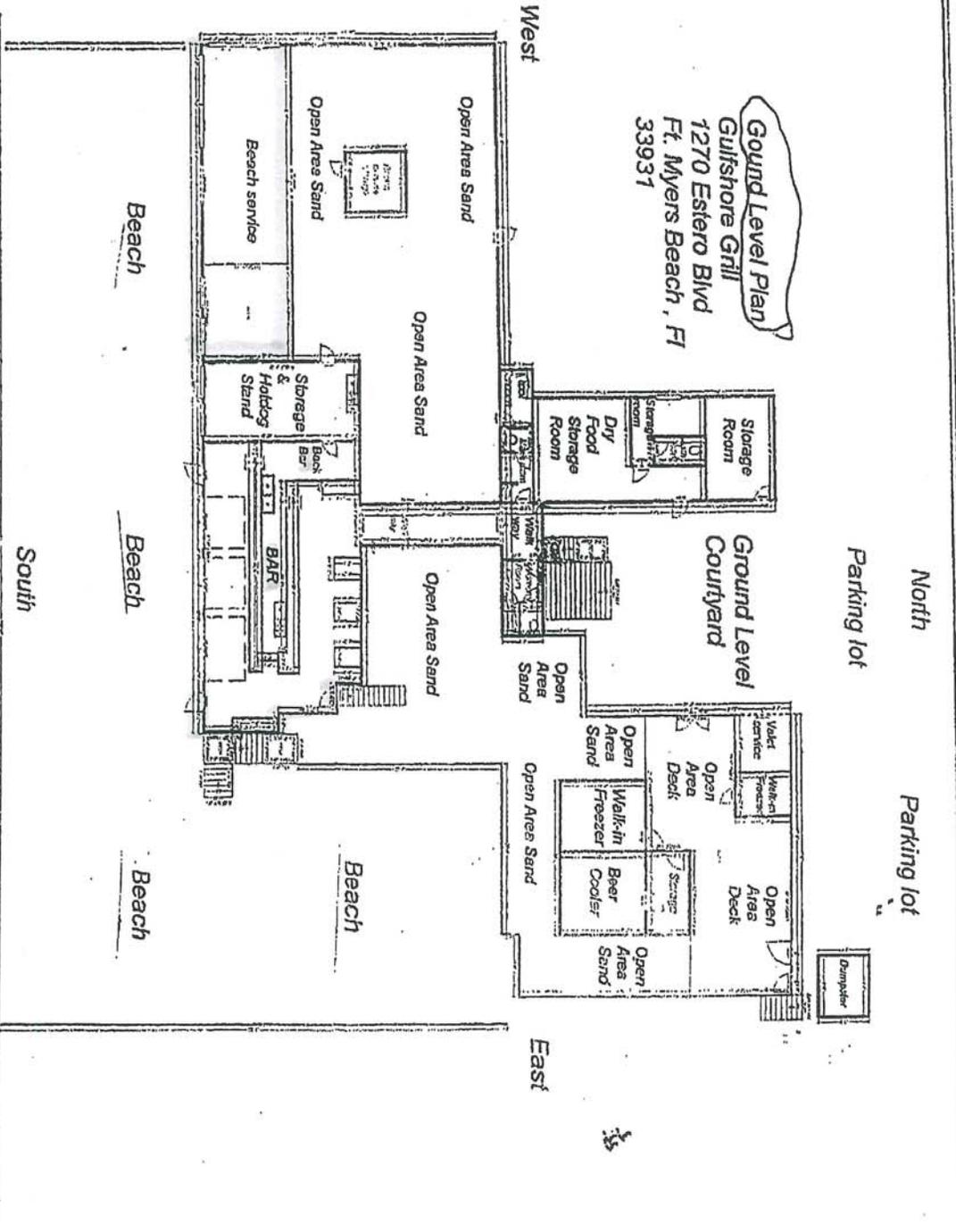


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AMENDED SKETCH

Estero Blvd.



Ground Level Plan
Gulfshore Grill
 1270 Estero Blvd
 Ft. Myers Beach, FL
 33931

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AMENDED SKETCH

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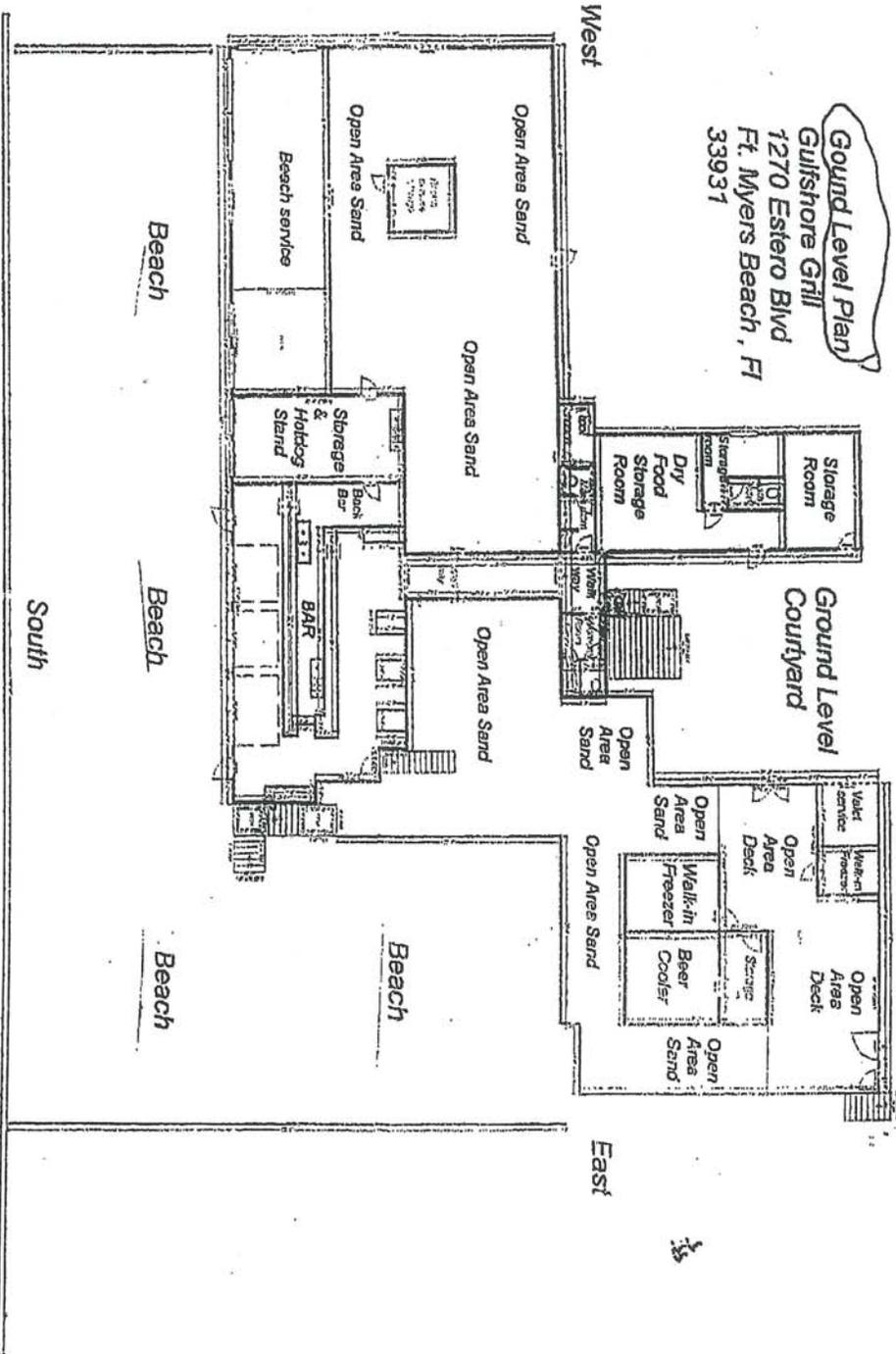
North

Parking lot

Parking lot



Ground Level Plan
Gulfshore Grill
1270 Estero Blvd
Ft. Myers Beach, FL
33931



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AMENITIES SKETCH

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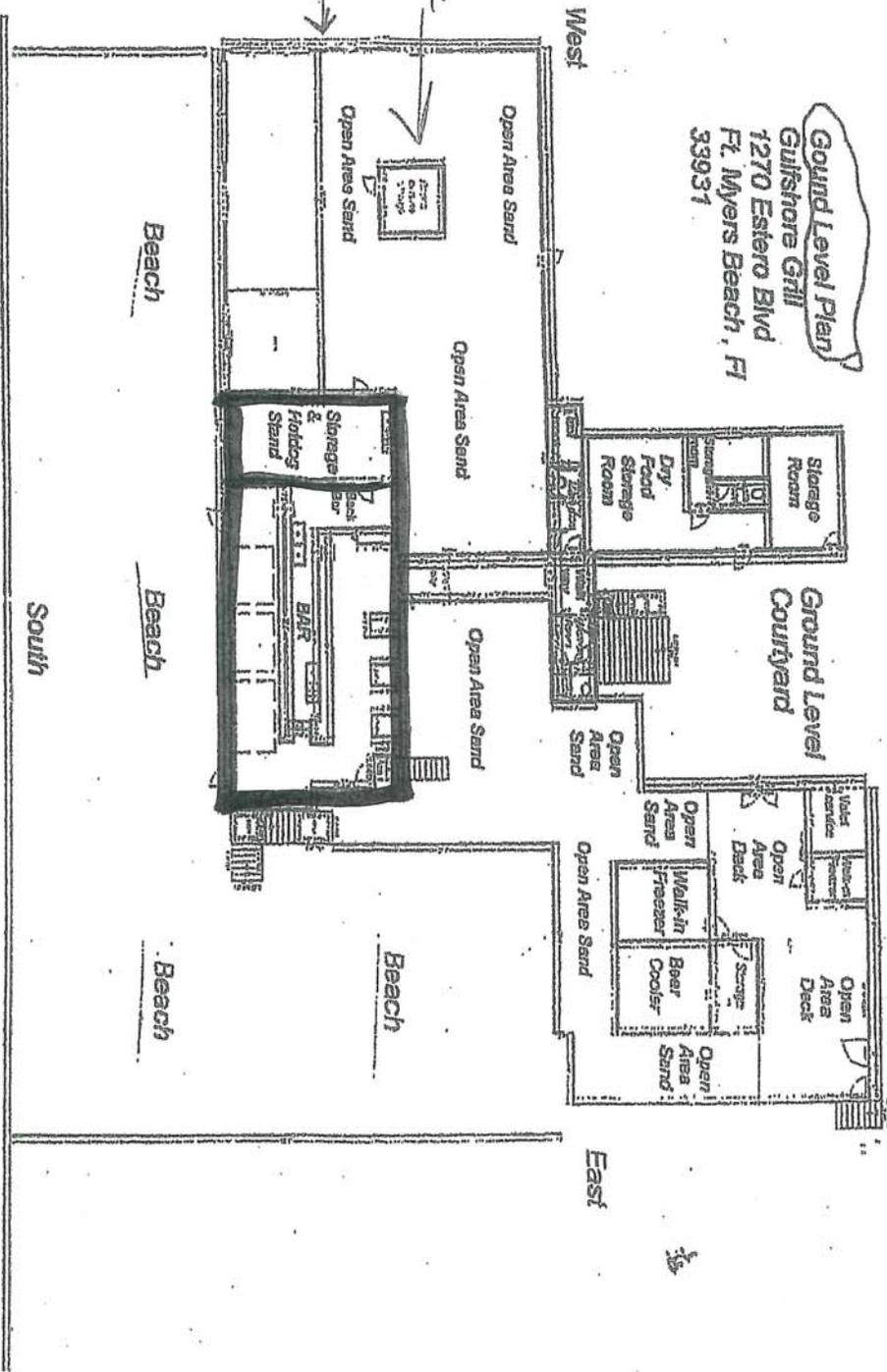
North

Parking lot

Parking lot



Ground Level Plan
Gulfshore Grill
1270 Estero Blvd
Ft. Myers Beach, FL
33931



Gulf of Mexico

South

East

Beach

Beach

Beach

Storage Closet

Office

Ground Level Courtyard

Storage Room

Dry Food Storage Room

Open Area Sand

Open Area Sand

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Open Area Deck

Walk-in Freezer

Beer Cooler

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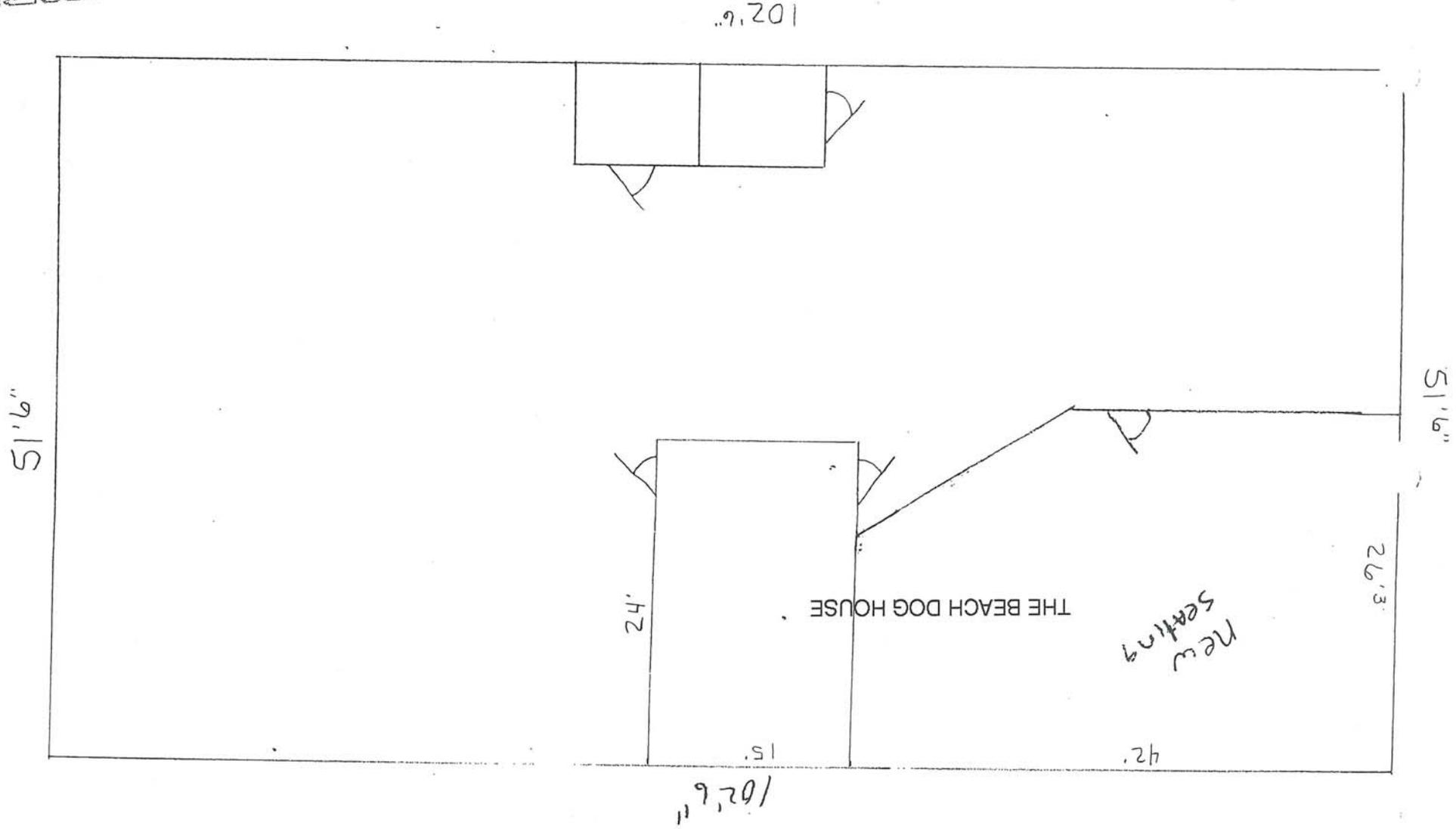
Open Area Deck

Walk-in Freezer

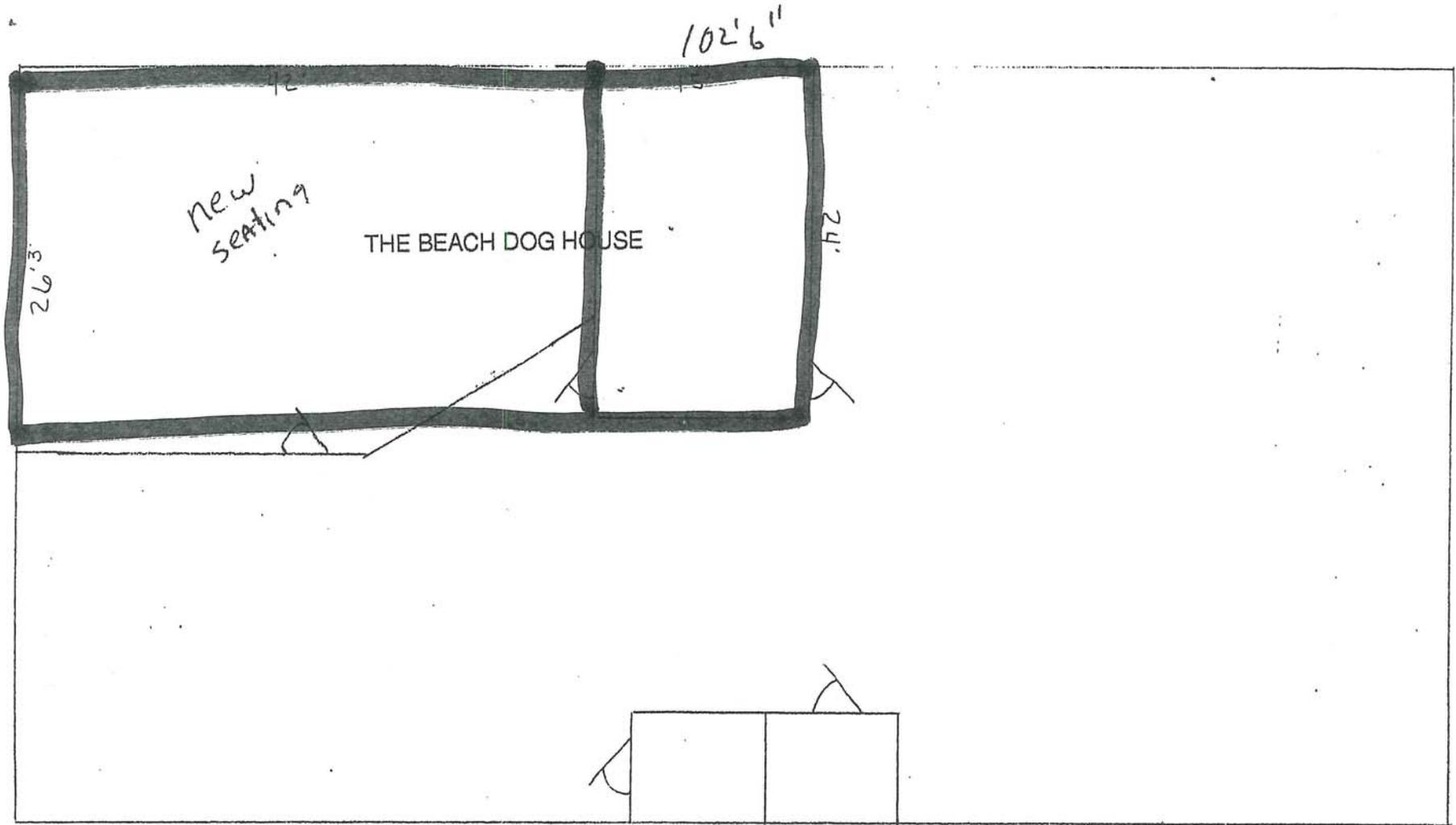
Beer Cooler

Open Area Deck

RECEIVED
JAN 23 2002
PERMIT COUNTER



51'6"



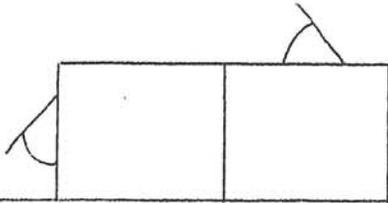
102'6"

26'3"

New seating

THE BEACH DOG HOUSE

24'



102'6"

51'6"

RECEIVED
JAN 23 2002

PERMIT COUNTER

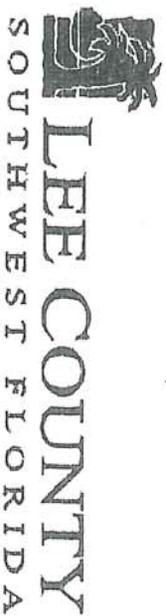
*** TX REPORT ***

TRANSMISSION OK

1854

97650909

TX/RX NO	1854	
CONNECTION TEL		97650909
CONNECTION ID		
ST. TIME	01/23 11:51	
USAGE T	02'42	
PGS. SENT	10	
RESULT	OK	



FAX from
Department of Community Development

January 23, 2004

TO: Dan Folke

FAX: 765-0909

FROM: Pam Houck
Tele (239) 479-8995
Fax (239) 479-8341

No. of pages including cover: 10 pages

COP2002-00013, Beach Dog House

SECTION 4 - HEALTH APPROVAL
TO BE COMPLETED BY THE DIVISION OF HOTELS & RESTAURANTS, THE COUNTY HEALTH
AUTHORITY OR DEPARTMENT OF HEALTH & REHABILITATIVE SERVICES, WHICHEVER IS
APPLICABLE

(This section only applies to a permanent extension of licensed premises)

Trade Name (D/B/A) _____

Sulphore Bill

The above permanent extension of the licensed premises as shown in the sketch does comply or does not comply with the requirements of the Florida Sanitary Code.

Signed: _____

Date: _____

Title: _____

Agency: _____

SECTION 5 - AFFIDAVIT OF APPLICANT
NOTARIZATION REQUIRED

Trade Name (D/B/A) _____

Sulphore Bill

"I, the undersigned individually, or if a corporation for itself, its officers and directors, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the extended licensed premises and agree that the place of business may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the sheriff, his deputies, and police officers for the purposes of determining compliance with the beverage and cigarette laws."

I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that the foregoing information is true and correct."

If applying for a temporary extension, check the box to confirm the following statement:

"I understand that the premises must be restored to its original form at the conclusion of the authorized temporary event."

STATE OF _____

COUNTY OF _____

APPLICANT SIGNATURE _____

The foregoing was () Sworn to and Subscribed OR () Acknowledged Before me this _____ Day

of _____, 20____, By _____ who is () personally known

to me OR () who produced _____ as identification.

Notary Public _____ Commission Expires: _____

**SECTION 6 - DESCRIPTION OF PREMISES TO BE LICENSED
AB&T AUTHORIZED SIGNATURE REQUIRED**

Sketches should be drawn in ink and include all walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show each floor.

Trade Name (D/B/A) Supreme Bill

Large empty rectangular area for sketches and descriptions.

Receipt Number _____ Date of Receipt _____
Extension Fee _____ Date _____
AB&T Authorized Signature _____ Approved Disapproved

ADMINISTRATIVE APPROVAL COP2002-00013

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, M & M Inc., filed an application for administrative approval for Consumption on Premises for a 4-COP SRX Alcoholic Beverage License on a project known as Beach Dog House; and

WHEREAS, the subject property is located at 1270 Estero Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Lots 1 thru 5 less the Easterly 45 feet of Lots 1 and 2 and the Northerly 2.7 feet of Easterly 45 feet of Lot 3, Block F of Crescent Park Subdivision as recorded in Plat Book 4, Page 45 and Lots 1, 2 and the Easterly 2.5 feet of Lot 3, Block C of Crescent Park Subdivision as recorded in Plat Book 4, Page 39

WHEREAS, the applicant has indicated the property's current STRAP number is 19-46-24-W4-0070F.0010; and

WHEREAS, Colorado East, the owner of the subject parcel, has authorized Mark Combs with M& M Inc., to act as agent to pursue this application; and

WHEREAS, the Lee County Land Development Code provides for certain administrative approvals for Consumption on Premises; and

WHEREAS, the subject application has been filed to clarify and legitimize the location of the uses on the subject property in conjunction with consumption on premises of alcoholic beverages; and

WHEREAS, the subject property was developed in or around 1925 and the restaurant use was established with consumption on premises of alcoholic beverages prior to the implementation of zoning in Lee County; and

WHEREAS, the property is currently developed with a restaurant complex which includes the Gulfshore Grill, The Cottage, The Beach Dog House, gift shop, beach rentals and administrative offices; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, there will be no apparent deleterious effect of such use upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises; and

WHEREAS, the premises are suitable in regard to their location, site characteristics and intended purpose. Lighting on the permitted premises must be shuttered and shielded from surrounding properties.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for Consumption on Premises is **APPROVED**.

Approval is subject to the following conditions:

1. Consumption on premises is limited to a 4-COP SRX series license in conjunction with the existing Group II and III Restaurants.
2. The approval for consumption on premises (4-COPSRX) is based on the 2-page floor plan stamped received by Community Development on October 10, 2001, and attached hereto.
3. The approval for consumption on premises (4-COP-SRX) is limited the existing restaurant complex know as the Gulf Shores Grill, The Cottage and The Beach Dog House and the existing outdoor seating areas shown on the wood deck on the above referenced floor plan.
4. Hours of operation for service of alcoholic beverages in conjunction with the Group II and III Restaurants will be:

The Beach Dog House	10:00 am to 10:00 pm Monday through Sunday
The Cottage	10:00 am to 2:00 am Monday through Sunday
The Gulf Shore Grill	7:00 am to 10:00 pm Monday through Sunday
5. Outdoor music and entertainment are prohibited in the outdoor seating areas.

DULY SIGNED this _____ day of _____, A.D., 2002.

BY: _____
Pam Houck, Director
Division of Zoning
Department of Community Development

LEE COUNTY)
DEVELOPMENT SERVICES DIVISION)

Petitioner)
LEE COUNTY)
X TOWN OF FORT MYERS BEACH)
CITY OF BONITA SPRINGS)

vs.)
Respondent)

Colorado East Inc.)

Case # HEX2004-016F

Ref. # VIO2003-22069

General Information

Doing Business as: N/A

Violation Address: 1250 Estero Blvd.

Respondents Address: 1190 Rosewood Trail

Mt Juliet, TN 37122

Business phone: () Residence Phone: ()

Property owner (if different) Same

STRAP# 19-46-24-W4-0070F.0010

Zoning District: Downtown Commissioner District: 3

Complaint Initiated by: David Paschall Title: Code Enforcement

Date forwarded to H.E.: 3/29/04

Statement of Fact

An inspection of the above referenced parcel on 11/26/03 disclosed a violation in
The form of:

Remodeling the lower level of building without the required permits.

(posted through)

A notice dated 12/5/03 (received by respondent on) 12/10/03 gave 30
days to abate. Subsequent inspection disclosed that the violation has not been abated.

CODE SECTION AND TEXT

FMB LDC Section 6-111 adopting the Florida Building Code section 104.1.1 Permits.

ACTION NEEDED FOR COMPLIANCE

Obtain the required permits or return the area to the original condition.

Posted
Hand Delivered
Sent Process Server
Sent Certified
Official Notice of Code Violation

12/5/03

(Notice dated)

12/10/03

(notice received or posting completed)



Code Enforcement Officer

103.7.2 Accessibility Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with 11-2.2.

SECTION 104 PERMITS

104.1 Permit application

104.1.1 When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as part of the building's designated occupancy (single or mixed) or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.

Exceptions:

1. Permits shall not be required for the following mechanical work:
 - 1.1. any portable heating appliance;
 - 1.2. any portable ventilation equipment;
 - 1.3. any portable cooling unit;
 - 1.4. any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;
 - 1.5. replacement of any part which does not alter its approval or make it unsafe;
 - 1.6. any portable evaporative cooler;
 - 1.7. any self-contained refrigeration system containing 10 lb (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less; and
 - 1.8. The installation, replacement, removal, or metering of any load management control device.

104.1.2 Temporary structures. A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

104.1.3 Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

104.1.4 Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

104.1.5 Information required. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the building official. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of s. 713.135(6) & (7) Florida Statutes. Each application shall be inscribed with the date of application, and the code in effect as of that date. The code in effect on the date of application shall govern the project.

104.1.6 Time limitations. An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

104.1.7 Annual Facility Permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior non-structural office system(s), the building official is authorized to issue an annual permit for Group F occupancies to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A facility service permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

104.1.7.1 Annual Permit Records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have reasonable access to such records upon request. The permit holder shall list/identify all work performed on a form approved by the building official. At the end of the permit validity period, a copy of the log shall be filed with the building official. The building official is authorized to revoke or withhold the issuance of the future permits if a pattern of code violations is found to exist.

Whether or not you are present at this hearing, the Lee County Division of Codes and Building Services will go forward with the presentation of its case in support of the violation cited in the Notice of Code Violation previously received by you. At the conclusion of this hearing, the Town of Fort Myers Beach will request the Hearing Examiner to enter an order finding a violation has occurred and imposing a fine.

If the hearing Examiner finds you guilty of the violation as cited, a fine of up to \$250 per day may be imposed for each day the violation continues past the date set for compliance. **Upon a finding of violation, the Town is entitled to all costs incurred in prosecuting the case. This is in addition to any fine which may be imposed.**

Further, any fine imposed by the Hearing Examiner along with costs incurred by the Town of Fort Myers Beach to prosecute this case will be recorded as a lien against the property referenced above and any other real or personal property you may own.

In the event this violation is abated prior to the date set for hearing, it is in your best interest to contact Lee County Code Enforcement and request an inspection of the property to verify same. **However, even if the violation is abated prior to the date set for hearing, the Town may bring this case forward and seek a finding of violation.**

Please note, you may review your case file with respect to this violation upon reasonable notice to Lee County Code Enforcement located at 1825 Hendry Street, Fort Myers, Florida. You may also contact Code Enforcement with respect to any questions you may have at (239) 765-0919 Ext. 112.



David Paschall
Code Enforcement Officer

Reference# VIO 2003-22069

Certified Mail #: 4668 _____

DP/ln

PARCEL #: 19-46-24-W4-0070F.0010

THIS SPACE FOR RECORDING

BEFORE THE HEARING EXAMINER IN AND FOR
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH, FLORIDA

Petitioner,

vs.

Colorado East Inc.
Respondent

CASE NO.: HEX2004-016F

ORDER FINDING FIRST VIOLATION

THIS CAUSE came on for public hearing on May 11, 2004, before the undersigned Lee County Hearing Examiner with the Respondent. Having considered the sworn testimony, evidence and arguments presented, the Hearing Examiner finds and decides as follows:

A. FINDINGS OF FACT

1. The Respondent, the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property.
2. The Respondent received notice of the alleged existence of a certain condition on the property described herein, and that such condition constituted a violation of a Town of Fort Myers Beach Ordinance.
3. The notice given to the Respondent specified that certain actions to abate the alleged violation were to be taken by a time certain, but the Respondent failed to complete such actions timely.

4. The following condition exists on the subject property located, as reported by the Petitioner, at: 1250 Estero Blvd. Fort Myers Beach, Florida.

Violation of FMB LDC Section 6-111 adopting the Florida Building Code Section 104.1.1 Permits. This violation is in the form of remodeling lower level of building without the required permits, specifically installing a new sink.

B. CONCLUSION OF LAW

Respondent, by reason of the foregoing, in violation of the FMD LDC Section 6-111.

Wherefore it is **ORDERED**:

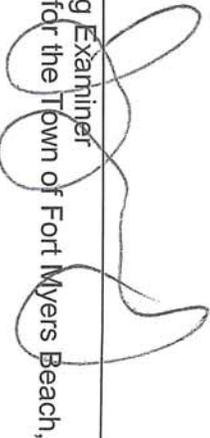
That Respondent shall correct or abate the aforesaid violation in the following manner **PRIOR TO** the date listed below:

In the event that the said violation is not corrected or abated as indicated above prior to June 9, 2004, a fine of **\$100.00 per day** shall be imposed against Respondent, beginning on that date and continuing for each day that the aforesaid violation continues to exist.

When the violation has been abated, the Respondent **MUST CALL DEVELOPMENT SERVICES DIVISION (CODE ENFORCEMENT) AT 335-2535 AND REQUEST A RE-INSPECTION.**

Non-compliance will result in the imposition of a lien against all real and personal property of Respondent in accordance with Section 162.09, Florida Statutes, and could result in a lien foreclosure action.

DONE AND ORDERED at Town of Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Lee County, Florida on .



Hearing Examiner
in and for the Town of Fort Myers Beach, Florida

UPDATE INSPECTION REPORT

Case number 2004-016F
Ref. Number W102003-22069

Name Deborah Suss
Hearing Date 6-8-04

Preliminary hearing Inspection _____
Hearing Examiner Directed Inspection _____
Inspection requested by _____ Phone _____

An Inspection conducted at 1250 55TH AVE
(Location)

by Dave Matikson on 6-8-04 disclosed that the
(Inspector) (Date)

violation was / was not abated
If abated: Abatement was achieved by Permit No 2004-00229

was 155000.

If not abated: The following items remain to be corrected _____

Contact with respondent / representative: _____

Attachments: _____

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

[Signature]
(Inspector)

Jones of 7th. Myers Beach.

DEVELOPMENT SERVICES
CODE ENFORCEMENT HEARING RECOMMENDATION

HEARING DATE 6/9/04

CASE # 2004-016 NAME Colorado Coast Inc. REF. # U102003-22069

REQUEST ORDER ACKNOWLEDGING COMPLIANCE

REQUEST ORDER IMPOSING \$ _____ LIEN FOR COST OF PROSECUTION AND ACKNOWLEDGING ABATEMENT OF VIOLATION

RECOMMEND FINE BE IMPOSED
 WITH \$ _____ COSTS OF PROSECUTION

RECOMMEND _____ DAY CONTINUANCE PER ATTACHED.

Paul Miller
CODE ENFORCEMENT

MINUTES

HEARING EXAMINER MacLellan

DISMISSED / ABATED CLOSE _____ OAC
_____ OAC COSTS PD

DISMISSED / OTHER _____ DO

ORDER QUASHED _____ QUASH

FINE IMPOSED _____ FLO
_____ FLO COSTS PD

WITH \$ _____ COSTS _____ FLO COSTS NT PD

IMPOSE COSTS ONLY _____ OAC COSTS NT PD

CONTINUED UNTIL _____ NC
_____ CONT
_____ OAC OC

Ref# VIO 2003-22069

March 29, 2004

Colorado East Inc. % Stacey Ferreira
4233 Warren Dr.
Franklin, TN 37067

Re: **FORT MYERS BEACH NOTICE OF HEARING**
ADDRESS OF VIOLATION: 1250 Estero Blvd.
STRAP NO.: 19-46-24-W4-0070F-0010
CASE NO.: HEXX2004-016F

Dear Property Owner:

Please be advised that a hearing has been scheduled before the Ft. Myers Beach Hearing Examiner with respect to a violation on the above-referenced property contrary to Fort Myers Beach:

_____ Land Development Code Section 6-111 adopting the Florida building code, as amended, Section(s) _____

_____ Land Development Code
Section(s) FMB LDC Section 6-111 adopting the Florida Building Code Section 104.1.1

_____ Ordinance _____

The date, time and place of this hearing is as follows:

Fort Myers Beach City Hall
2523 Estero Blvd., Fort Myers Beach, Florida
Date: Tuesday, April 13, 2004
Time: 9:00 a.m.

You are requested to attend this hearing. In defense against the cited violation, you or your representative is entitled to present evidence or argument and cross-examine witnesses. Should you or a representative fail to appear at this hearing, you will be deemed to have waived this right.

APPEAL: An aggrieved party may appeal an Order of the Hearing Examiner of Lee County to the Circuit Court. The appeal shall be limited to appellate review of the record created before the Hearing Examiner. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent by U.S. Mail to Respondent, and to Dick Roosa, Esquire, Town of Fort Myers Beach, 2523 Estero Blvd., Fort Myers Beach, FL 33931; and by interoffice mail or hand delivery to Lee County Development Services Division (Code Enforcement), on May 18, 2004.



Legal Assistant to the Hearing Examiner
for the town of Fort Myers Beach, Florida

COPY

PARCEL #: 19-46-24-W4-0070F.0010

THIS SPACE FOR RECORDING

BEFORE THE HEARING EXAMINER FOR
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH, FLORIDA

Petitioner,

vs.

Colorado East Inc.

Respondent

CASE NO.: 2004-016F

CODE ENFORCEMENT ORDER

THIS CASE was first heard by the undersigned Fort Myers Beach Hearing Examiner at a public hearing on May 11, 2004, after which an Order was entered which found that a violation existed on the subject property located, as reported by the Petitioner, at, and required the Respondent, as the responsible person or entity, to complete certain actions that would abate the violation by a date certain or face the imposition of a specified fine.

On June 9, 2004, the Hearing Examiner received competent evidence that the violation had been abated in accord with the above Order, and therefore finds and decides:

1. That the Respondent complied with the above-noted Order, and
2. That the violation on the subject property is abated.

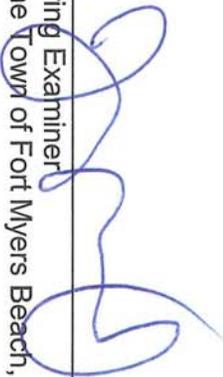
Respondent advised that because the abatement of the violation occurred after the time allowed in the initial Notice Of Code Violation, any similar violation in the future by the same property owner

6/18/04.oac

on property located in Lee County may be treated as a "repeat offense" for fine assessment purposes.

Upon recording in the public records, this Order shall constitute an acknowledgment of no imposition of a fine or lien against the Respondent pursuant to Chapter 162, F.S. for the Order dated.

DONE AND ORDERED at 1500 Monroe Street, Second Floor, Fort Myers, Lee County, Florida on June 9, 2004.



Hearing Examiner
for the Town of Fort Myers Beach, Florida

A copy of this Order has been furnished by regular U.S. Mail to the Respondent, and to Dick Roosa, Esquire, Town of Fort Myers Beach, 2523 Estero Boulevard, Fort Myers Beach, FL 33931; and by hand delivery to the Lee County Development Services Division (Code Enforcement), on June 18, 2004.

APPEAL: An aggrieved party may appeal an Order of the Hearing Examiner of Lee County to the Circuit Court. The appeal shall be limited to appellate review of the record created before the Hearing Examiner. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

COLORADO EAST INC. C/O STACEY FERREIRA
1190 ROSEWOOD TRAIL
MT JULIET, TN 37122

COMPLETE THIS SECTION ON DELIVERY

A. Signature Xtacey Ferreira Agent
B. Received by (Printed Name) Stacey Ferreira Addressee
C. Date of Delivery _____

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

3. Service Type

- Certified Mail Express Mail
- Registered Registered Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. ZIP+4® 7002 2030 0007 8838 0990

V102003-22069 DI.P

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035



**NOTICE OF COI VIOLATION
TOWN OF FT MYERS BEACH**



LEE COUNTY
SOUTH WEST FLORIDA

Ref: VIO2003-22069 Date: 12-5-03

Colorado East Inc. C/O Stacey Ferreira

1190 Rosewood Trail

Mt Juliet, TN 37122

**DEVELOPMENT SERVICES
CODE ENFORCEMENT**

**P.O. BOX 398
FT. MYERS, FL. 33902
(239)765-0202**

RE: VIOLATION ADDRESS: 1250 Estero Blvd.
STRAP# 19 - 46 - 24 - W4 - 0070F - 0010

Dear Property Owner/Tenant:

An inspection of the above referenced property on 11/26, 2003 disclosed the existence of a violation contrary to Town of Ft Myers Beach FMB LDC Section 6-111 adopting the Florida Building Code Section 104.1.1 Permits.

This violation is in the form of Remodeling lower level of building without the required electrical, plumbing and carpentry permits.

You are directed to abate or remedy this violation within 30 days of receipt of this notice by Obtain all required permits, pass inspection and conform to code.

ONCE THE VIOLATION HAS BEEN CORRECTED, PLEASE CONTACT THE CODE ENFORCEMENT OFFICER NAMED BELOW at (239) 765-0202.

If you fail to remedy this condition within the time frame specified above or if the violation is abated and reoccurs, this case may be scheduled before the Lee County Hearing Examiner. You will be notified as to time, date and location of this hearing.

Please be advised that, under Florida Statutes Chapter 162 and Town of Ft Myers Beach Land Development Code Chapter 2, Article VII, a fine of up to \$250.00 per day may be imposed for each day this violation continues to exist past the date set for compliance by the Hearing Examiner.

Please contact Lee County Code Enforcement at (239) 765-0202 with respect to any questions you may have regarding this notice.

(Accepting party) PRINT NAME

David Paschall
PRINT

(Signature of accepting party) / (Date)

David Paschall
Code Enforcement Officer
Development Services Division

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirements of Florida Statute 162.12. The person accepting the document was informed of the contents of the notice at the time of delivery.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief.

Sworn and subscribed before me this _____ day of _____, 20__ by _____ personally known to me.

_____/ (Inspector/Affiant) _____ / (Date)

Notary Public State of Florida

0990

9

Contractor _____ Permit No. _____

Owner _____

Address 1270 ESCEND

Code Violation NO PERMITS

Corrective Action OBTAIN THE REQUIRED PERMITS

Date 1-26-03 Inspector DAVE JACKSON Phone 765-0202





RICHARD M. MCDOLE CPCA
MANAGEMENT LAW DEVELOPMENT

Building Consultant

28862 WINTHROP CIRCLE
BONITA SPRINGS, FL 34134

Phone: 941-992-5175
Fax: 941-498-6042

DECEMBER 15, 2003

GULFSHORE RESTAURANT (Men's Room.)
1270 ESTERO BLVD, F.M.B.

LEE COUNTY CODE ENFORCEMENT
CITY OF FORT MYERS BEACH, FL.
PO BOX 398
FORT MYERS, FLORIDA 33902
ATTN: MR. DAVID PASCHALL INSP OFFICER

RE: NOTICE OF VIOLATION
PENDING EMPLOYEE'S BATHROOM FLOOR, RELATED ELECTRICAL AND
PLUMBING, TO CONFORM WITH ADA REGULATIONS.

DEAR MR. PASCHALL:

THIS IS TO CONFIRM OUR PREVIOUS PHONE CONVERSATION.
PLEASE BE ADVISED MR DAN REINFRIED OF GULFSHORE GRILL, AT
1270 ESTERO BLVD. HAS EMPLOYED ME TO OBTAIN THE ABOVE PERMIT AS
REQUESTED.

THE EXISTING MENS BATHROOM WOOD FLOOR SURFACE WAS
DRYROTTED FROM AGE. THE FLOOR AND PLYWOOD WALLS WERE
REMOVED. ALL EXISTING FRAME WORK WAS EXISTING, NO STRUCTURAL
CHANGES WERE MADE.

HOWEVER, I WILL OBTAIN AN ENGINEERED PLAN AS REQUESTED
AND FOLLOW WITH A PERMIT FOR THE RE-INSTALLATION OF THE FLOOR
AND WALL SURFACES, WHICH WILL NOW INCLUDE WATERRESESTENT
MATERIALS.

I WILL COPY YOUR OFFICE AS SOON AS I OBTAIN THE NECESSARY
PERMITS.
PLEASE ALLOW ENOUGH TIME TO COMPLY WITH YOUR REQUEST,
BEFORE SUBMITTING TO THE HEARING OFFICE. THANK YOU FOR YOUR
CONSIDERATION. WE WILL ABATE THIS NOTICE AS REQUESTED.

Jan 16, 2004

*Mr. Paschall:
We continue to Abate's Abovs.
waiting for building dept
Plans for permit - usually
completed. Return.*

Richard M. McDole
RICHARD M. MCDOLE, CABO, CPCA

GENERAL CONTRACTOR CLASS "A" I.C. #CGC040111
BUILDING OFFICIAL STATE OF FLORIDA CERT. #434
NATIONAL CERTIFIED PROFESSIONAL CODE ADMINISTRATOR
NATIONAL CERTIFIED ARBITRATOR



HEARING EXAMINER COVER SHEET

NAME: Colorado East Inc.

CASE NO.: H5X2004-016 F

REF. NO.: MIO2003-22069

Date: 11/26/03

Pg. 1

Date of inspection request.

Date: 11/16/03²⁶

Pg. 9

Date of inspection.

Date: 12/5/03

Pg. 9

Date notice sent.

Date: 10

Pg. 12/10/03

Date notice received.

Date: 1/10/04

Pg. _____

Abatement deadline.

Date: 11/16/03

Pg. 8 Stop Work

Date of contact.

Date: 2/2/04

Pg. _____

Date of re-inspection.

Date: 3-24-04⁴⁻²⁰

Pg. _____

Notice to appear sent.

Date: 4-23-04⁴⁻²³⁻⁰⁴ Rec-

Pg. _____

Notice to appear.

Date: _____

Pg. 2 A-B

Legal

Date: _____

Pg. 3

Affidavit

Date: 11/26/03

Pg. 4 A-F

Pictures

Date: _____

Pg. 5

Affidavit

Date: 2/2/04

Pg. 6 A-D

Pictures

Date: 12/15/03

Pg. 7

Letter from consultant

Date: _____

Pg. _____

Date: _____

Pg. _____

**NOTICE OF CODE VIOLATION
TOWN OF FT MYERS BEACH**



**DEVELOPMENT SERVICES
CODE ENFORCEMENT
P.O. BOX 398
FT. MYERS, FL, 33902
(239)765-0202**

Ref: VIO2004-02437 Date: 2/12/04
Colorado East Inc. C/O Stacey Perrenia
1190 Rosewood Trail
Mt Juliet, TN 37122

RE: VIOLATION ADDRESS: 1250 Estero Blvd.
STRAP# 19 46 24 WA 0070F 0010

Dear Property Owner/Tenant:
An inspection of the above referenced property on 2/12/04 disclosed the existence of a violation contrary to Town of Ft Myers Beach FMB LDC Section 34-1264 Sale Or Service On-premises Consumption.

This violation is in the form of Administrative Approval COP2002-00013 has been violated by the owner by not conforming to the approved site plan presented for this Administrative Approval.

You are directed to abate or remedy this violation within 30 days of receipt of this notice by The site plan must be amended to indicate the increased service and seating area on the lower level. This must be approved, or the applicant must return to the originally approved site plan and conform to code.

ONCE THE VIOLATION HAS BEEN CORRECTED, PLEASE CONTACT THE CODE ENFORCEMENT OFFICER NAMED BELOW at (239) 765-0202.

If you fail to remedy this condition within the time frame specified above or if the violation is abated and reoccurs, this case may be scheduled before the Lee County Hearing Examiner. You will be notified as to time, date and location of this hearing.

Please be advised that, under Florida Statutes Chapter 162 and Town of Ft Myers Beach Land Development Code Chapter 2, Article VII, a fine of up to \$250.00 per day may be imposed for each day this violation continues to exist past the date set for compliance by the Hearing Examiner.

Please contact Lee County Code Enforcement at (239) 765-0202 with respect to any questions you may have regarding this notice.

(Accepting party) PRINT NAME
David Paschali

(Signature of accepting party) / (Date)
Code Enforcement Officer
Development Services Division

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirements of Florida Statute 162.12. The person accepting the document was informed of the contents of the notice at the time of delivery.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief.

Sworn and subscribed before me this _____ day of _____, 20____ by _____ (Inspector/Affiant) / (Date)
personally known to me.

Notary Public State of Florida

4 2865

COPY

REFERENCE VIO2004-02438

The 4 attached photo(s) were taken by David Paschall, Inspector
(Number)

on the 2nd day of February 2004, . The photo(s) fairly and accurately depict the
condition of the property located at 1250 Estero Blvd.
in Lee County, Florida.

Under penalties of perjury, I declare that I have read the foregoing document and that
the facts stated in it are true.



(Signature of Inspector)



4-0

2/2/04 Interior

4-2

2/2/04 Interior



9-B

2/2/04 Interior



2/2/04 View From Beach

4A

PROPERTY DATA FOR PARCEL 19-46-24-W4-0070F.0010
TAX YEAR 2003 FINAL

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 (Final)]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits on this Parcel | Display Tangible Accounts on this Parcel | Display Tax Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 FINAL ROLL.

PROPERTY DETAILS

OWNER OF RECORD

COLORADO EAST INC
C/O STACEY FERREIRA
1190 ROSEWOOD TRAIL
MT JULIET TN 37122

SITE ADDRESS

1250 ESTERO BLVD
FORT MYERS BEACH FL 33931

LEGAL DESCRIPTION

CRESCENT PARK LTS 1 + 2 + ESTRY
2.5 FT LT 3 + CRESCENT BEACH LTS
1-5 BLK F LESS ESTRLY 45FT OF
NRTHLY 2.7 LT 3

[VIEWER] [TAX MAP] [PRINT]



IMAGE OF STRUCTURE

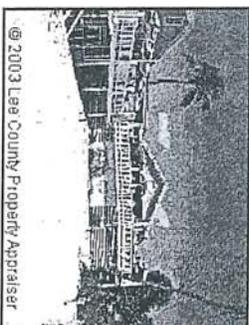


Photo Date: March of 2002

2

Whether or not you are present at this hearing, the Lee County Division of Codes and Building Services will go forward with the presentation of its case in support of the violation cited in the Notice of Code Violation previously received by you. At the conclusion of this hearing, the Town of Fort Myers Beach will request the Hearing Examiner to enter an order finding a violation has occurred and imposing a fine.

If the hearing Examiner finds you guilty of the violation as cited, a fine of up to \$250 per day may be imposed for each day the violation continues past the date set for compliance. Upon a finding of violation, the Town is entitled to all costs incurred in prosecuting the case. This is in addition to any fine which may be imposed.

Further, any fine imposed by the Hearing Examiner along with costs incurred by the Town of Fort Myers Beach to prosecute this case will be recorded as a lien against the property referenced above and any other real or personal property you may own.

In the event this violation is abated prior to the date set for hearing, it is in your best interest to contact Lee County Code Enforcement and request an inspection of the property to verify same. However, even if the violation is abated prior to the date set for hearing, the Town may bring this case forward and seek a finding of violation.

Please note, you may review your case file with respect to this violation upon reasonable notice to Lee County Code Enforcement located at 1825 Hendry Street, Fort Myers, Florida. You may also contact Code Enforcement with respect to any questions you may have at (239) 765-0919 Ext. 112.



David Paschall
Code Enforcement Officer

Reference# VIO 2004-02437

Certified Mail #: 4668

DP/m

Apr 05 04 04:33P Michael Stanton
Apr 05 04 05:16P M Jael Stanton
2004 00:45 FROM:DRN. GDSFDRD 615-595-1918

2397654900
9417 5018
IL JF1633018

P.2
P.1

765-0910 Ext. 112

March 29, 2004

Ref# VIO 2004-02437
Colorado East Inc. % Stacey Ferreira
4233 Warren Dr.
Franklin, TN 37067

Re: **FORT MYERS BEACH NOTICE OF HEARING**
ADDRESS OF VIOLATION: 1250 Estero Blvd.
STRAP NO.: 19-46-24-W4-0070F-0010
CASE NO.: HEX2004-014F

Dear Property Owner:

Please be advised that a hearing has been scheduled before the Ft. Myers Beach Hearing Examiner with respect to a violation on the above-referenced property contrary to Fort Myers Beach:

_____ Land Development Code Section 6-111 adopting the Florida building code, as amended, Section(s) _____

_____ Land Development Code
Section(s) **FMB LDC Section 34-**
1264

_____ Ordinance _____

The date, time and place of this hearing is as follows:

Fort Myers Beach City Hall
2523 Estero Blvd., Fort Myers Beach, Florida
Date: Tuesday, April 13, 2004
Time: 9:00 a.m.

You are requested to attend this hearing. In defense against the cited violation, you or your representative is entitled to present evidence or argument and cross-examine witnesses. Should you or a representative fail to appear at this hearing, you will be deemed to have waived this right.



RICHARD M. MCDOLE CPA
MANAGEMENT LAW DEVELOPMENT

Building Consultant

28862 WINTHROP CIRCLE
BONITA SPRINGS, FL 34134

Phone: 941-992-5175
Fax: 941-498-6042

Lee County Development Services
Code Enforcement
PO Box 398
Fort Myers, Florida 33902

May 10, 2004

Re: VIO2004-02437 Administrative approval of COP downstairs
Gulfshore Restaurant
Per: Colorado East Inc C/O Stacey Ferreira

Mr. David Paschal Code Enforcement Officer;
I submit this letter to confirm our intention to al
as we previously stated.

This violation was to obtain Administrative app
previously known as the hot dog area. At our last meet
violations existed, for which I had no knowledge or n
construction, plumbing and electric in the bar area wit
On inspection of this area in question and cor
that the bar top and lattice front was replaced, (see att
tops. A 3 compartment sink was installed to existing
was installed or changed, one replaced conduit run in
for per your previous request.

I contacted the County for a Building permit
was advised I could not get one for they deemed it t
pending, they would not issue a plumbing permit unu it was
Prior to your notice of violation, the owner had Administrative approval for u
in the downstairs hot dog area. Per your notice, he went to the county to obtained
confirmation of that approval. Staff reviewed the original approval and confirmed
approval per your notice, however, on your demand, that approval was rescinded. Again
the owner went to the County and obtained verification of original approval from the
original Administrative hearing documents, from Pam Houck who acknowledged
administrative approval for COP for the downstairs area. A detailed layout was also
submitted for the record, which was not requested for the original approval.

In conclusion, Administrative approval for COP in the downstairs area was in
place prior to the violation notice. The record was deficient of a detailed plan which has
now been rectified. No construction or electric was performed requiring a permit. As
stated previously bar and table tops do not require a permit.

Plumbing for the hook up of a 3 compartment sink will be supplied by the owner
if code enforcement does not prevent issuance by requiring a building permit also.

Bob:
This was in
a Bag to Beach
case file.
Please place in
proper file. PJ

ADMINISTRATIVE APPROVAL COP2002-00013

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, M & M Inc., filed an application for administrative approval for Consumption on Premises for a 4-COP SRX Alcoholic Beverage License on a project known as Beach Dog House; and

WHEREAS, the subject property is located at 1270 Estero Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Lots 1 thru 5 less the Easterly 45 feet of Lots 1 and 2 and the Northerly 2.7 feet of Easterly 45 feet of Lot 3, Block F of Crescent Park Subdivision as recorded in Plat Book 4, Page 45 and Lots 1, 2 and the Easterly 2.5 feet of Lot 3, Block C of Crescent Park Subdivision as recorded in Plat Book 4,
Page 39

WHEREAS, the applicant has indicated the property's current STRAP number is 19-46-24-W4-0070F.0010; and

WHEREAS, Colorado East, the owner of the subject parcel, has authorized Mark Combs with M& M Inc., to act as agent to pursue this application; and

WHEREAS, the Lee County Land Development Code provides for certain administrative approvals for Consumption on Premises; and

WHEREAS, the subject application has been filed to clarify and legitimize the location of the uses on the subject property in conjunction with consumption on premises of alcoholic beverages; and

WHEREAS, the subject property was developed in or around 1925 and the restaurant use was established with consumption on premises of alcoholic beverages prior to the implementation of zoning in Lee County; and

WHEREAS, the property is currently developed with a restaurant complex which includes the Gulfshore Grill, The Cottage, The Beach Dog House, gift shop, beach rentals and administrative offices; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, there will be no apparent deleterious effect of such use upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises; and

WHEREAS, the premises are suitable in regard to their location, site characteristics and intended purpose. Lighting on the permitted premises must be shuttered and shielded from surrounding properties.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for Consumption on Premises is **APPROVED**.

Approval is subject to the following conditions:

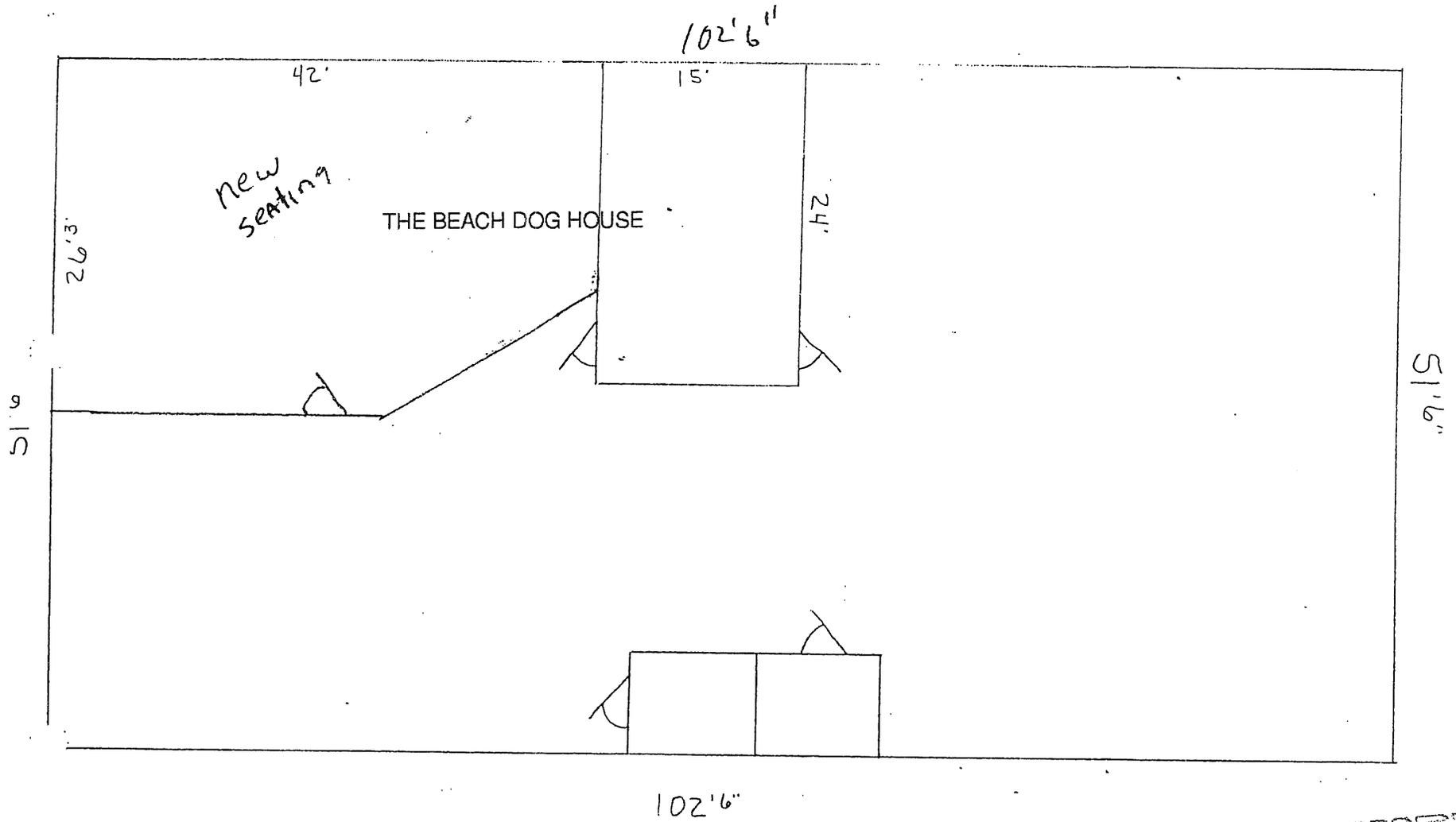
1. Consumption on premises is limited to a 4-COP SRX series license in conjunction with the existing Group II and III Restaurants.
2. The approval for consumption on premises (4-COP-SRX) is based on the 2-page floor plan stamped received by Community Development on October 10, 2001, and attached hereto.
3. The approval for consumption on premises (4-COP-SRX) is limited the existing restaurant complex know as the Gulf Shores Grill, The Cottage and The Beach Dog House and the existing outdoor seating areas shown on the wood deck on the above referenced floor plan.
4. Hours of operation for service of alcoholic beverages in conjunction with the Group II and III Restaurants will be:

The Beach Dog House	10:00 am to 10:00 pm Monday through Sunday
The Cottage	10:00 am to 2:00 am Monday through Sunday
The Gulf Shore Grill	7:00 am to 10:00 pm Monday through Sunday
5. Outdoor music and entertainment are prohibited in the outdoor seating areas.

DULY SIGNED this 18th day of March, A.D., 2002.

BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development



RECEIVED
JAN 23 2002
PERMIT COUNTER



LEE COUNTY

RECEIVED
JAN 23 2002

PERMIT COUNTER

APPLICATION FOR ADMINISTRATIVE ACTION

APPLICATION FOR:

- Administrative Variance (Sup A) _____ Commercial Lot Split (Sup B) _____
- Consumption On Premises Per. (Sup C) _____ Mini. Use Determination (Sup D) _____
- Ordinance Interpretation (Sup E) _____ Relief for Desig. Hist. Res. (Sup F) _____
- Relief for Easement Encroachment (Sup G) _____ Adm. Amend. PUD or PD (Sup H) _____
- Admin. Deviation from Chapter 10 (Sup I) _____ Placement of Model Home/Unit or Model Display Center (Sup. J) _____
- Dock & Shoreline structures (Sup. K) _____ Redevelopment District (Sup L) _____
- Final Plan Approval per Resolution: # _____

Applicant's Name: Mark Combs/MFM INC Phone #: 941-633-3542

Project Name: BEACH BOG HOUSE

STRAP Number: 19-46-24-W4-0070F.001D

Application Form: _____ Computer Generated* County Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Commission District: 03 Land Use Classification: Urban Com.

Current Zoning: C-1 Lee Plan Density Range: _____

Case Number: 20P2002-00013 Fee: \$650.00

Date of Application: 1/23/02 Date Fee Paid: _____

Intake by: _____ Receipt Number: _____

* Supplements "A" through "H" & "J" through "L" & Final Plan Approval only ** Supplement "I" only

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

PART I - GENERAL INFORMATION.

1. APPLICANT'S NAME: BEACH HOAG HOUSE (M + M INC)
Mailing Address: _____

Street: 1270 ESTERO BLVD
City: FORT MYERS BEACH State: FL Zip: 33931
Phone Number: Area Code: 941 Number: 633-3542 Ext: _____
Fax Number: Area Code: 941 Number: 265-5018
E-mail address: _____

2. Relationship of applicant to property:

Owner Trustee
 Option holder Contract Purchaser
 Lessee Other (indicate) _____

If applicant is NOT the owner, submit a Notarized Authorization Form from the owner to the applicant.

3. AGENT'S NAME(S): (Use additional sheets if necessary): MARK COMBS

Mailing Address: _____

Street: 1270 ESTERO BLVD
City: FORT MYERS BEACH State: FL Zip: 33931
Phone Number: Area Code: 941 Number: 633-3542 Ext: _____
Fax Number: Area Code: 941 Number: 265-5018
E-mail address: _____

4. TYPE OF REQUEST (please check one)

- Administrative Variance (requires supplement A)
- Commercial Lot Split (requires supplement B)
- Consumption On Premises (requires supplement C)
- Minimum Use Determination (requires supplement D)
- Ordinance Interpretation (requires supplement E)
- Relief for Designated Historic Resources (requires supplement F)
- Easement Encroachment (requires supplement G)
- Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Redevelopment District (requires supplement L)
- Final Plan Approval (no supplement)

5. NATURE OF REQUEST (please print): _____

PART II - PROPERTY INFORMATIC

Is this request specific to a particular tract of land? NO YES. If the answer is yes, please complete the following:

1. Is this action being requested as a result of a violation notice? NO YES.

a. If yes, date of notice: _____

b. Specific nature of violation: _____

2. Relationship of applicant to property: LESSEE Owner _____ Other (please Indicate): _____

3. Name of owner of property: COLRANO EAST / STACY FERREIRA

Mailing Address: Street: 1190 ROSEWOOD TRAIL

City: MT. SUỐI State: TX Zip: 37122

Phone Number: Area Code: 615 Number: 273-5745 Ext: _____

Fax Number: Area Code: 615 Number: 273-7868

4. Legal Description: Is property description clearly shown within a platted subdivision recorded in the official Plat Books of Lee County?

NO. Attach a legible copy of the legal description and certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code.

YES. Property is identified as: 1-5 BKF4 LTS

Subdivision Name: QUESCENT BEACH LTS L73 Bldk 6 P134 P645

Plat Book 2575 Page 998 Unit _____ Block _____ Lot _____

5. STRAP NUMBER: 19-46-24-W4-0070F.0010

6. Property Dimensions:

Area: _____ square feet or _____ acres.

Width along roadway: 55' feet.

Depth: _____ feet.

7. Property Street Address: 1270 ESTERO BLVD

8. General Location Of Property: South A 100' yards from Timesquare.
next to Cantaria

PART III
AFFIDAVIT

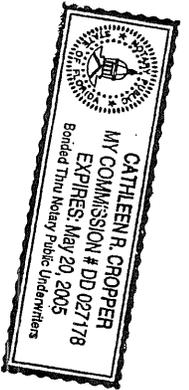
I, MARK COMBS, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application.

Mark Combs _____ Date 1-25-02
Signature of owner or owner-authorized agent
MARK COMBS _____
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 23 day of January,
2002 by Mark K. Combs, who is personally known to me
or who has produced FL DL 0512-551-63-0330 as identification.

(SEAL)
Signature of notary public *Cathleen R. Cropper*
Printed name of notary public _____





LEE COUNTY

ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT C

CONSUMPTION ON PREMISES
per Sections 34-1261-1264 LDC

If the request is for an administrative approval of a consumption-on-premises permit as set forth in Sections 34-1261-1264 of the Land Development Code, please submit the "Application for Administrative Action" form and the following:

1. Type of permit requested:

Regular (complete items 2 through 6) Temporary (complete item 7)

2. Type of Establishment: RESTAURANT. If a restaurant, submit copy of printed menu.

3. Is there (or will there be) outdoor seating areas? NO YES. If yes, please indicate the outdoor seating capacity (i.e. number of seats) and indicate the seating area on the site plan.

4. Hours of operation: 10 AM to 10 PM.

5. Type of license requested: Extension of Premises. - 400P 502

6. ADDITIONAL SUBMITTAL REQUIREMENTS

a. SITE PLAN and FLOOR PLAN: (see back of this form for items to be included)

7. TEMPORARY "ONE-DAY-PERMIT"

a. Type of Event: _____

b. Has a Temporary Alcoholic Beverage Permit been issued at this location within the past twelve months? NO YES. If yes, please list all dates permitted. _____

c. Provide a general description of the exact location or site where the alcoholic beverages are to be sold and consumed. All location. New location. HighLighter

d. Type of alcoholic beverages to be sold: _____

(SEE REVERSE SIDE)

GIS Tracking Sheet

Case No.: COP2002-00013

Intake Date:

Project Name: M+M Inc., in ref. to Beach Dog House

STRAP Number(s): 19-46-24-W4-0070F.0010

Planner Name: Ext.

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: INTAKE:

LEGAL SUFFICIENT YES NO Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 8/21/02

- Hearing Examiner Decision Board of County Commissioner's Resolution
 Administrative Approval Blue Sheet

Zoning Notes: COP2002-00013, 13MARB02, ADMIN APRVL FOR 4-COP-SRX;
SUBS TO CONDS. ~~ADD~~

MAP UPDATED YES ^{w/Notes} NO Initials: ~~MM~~

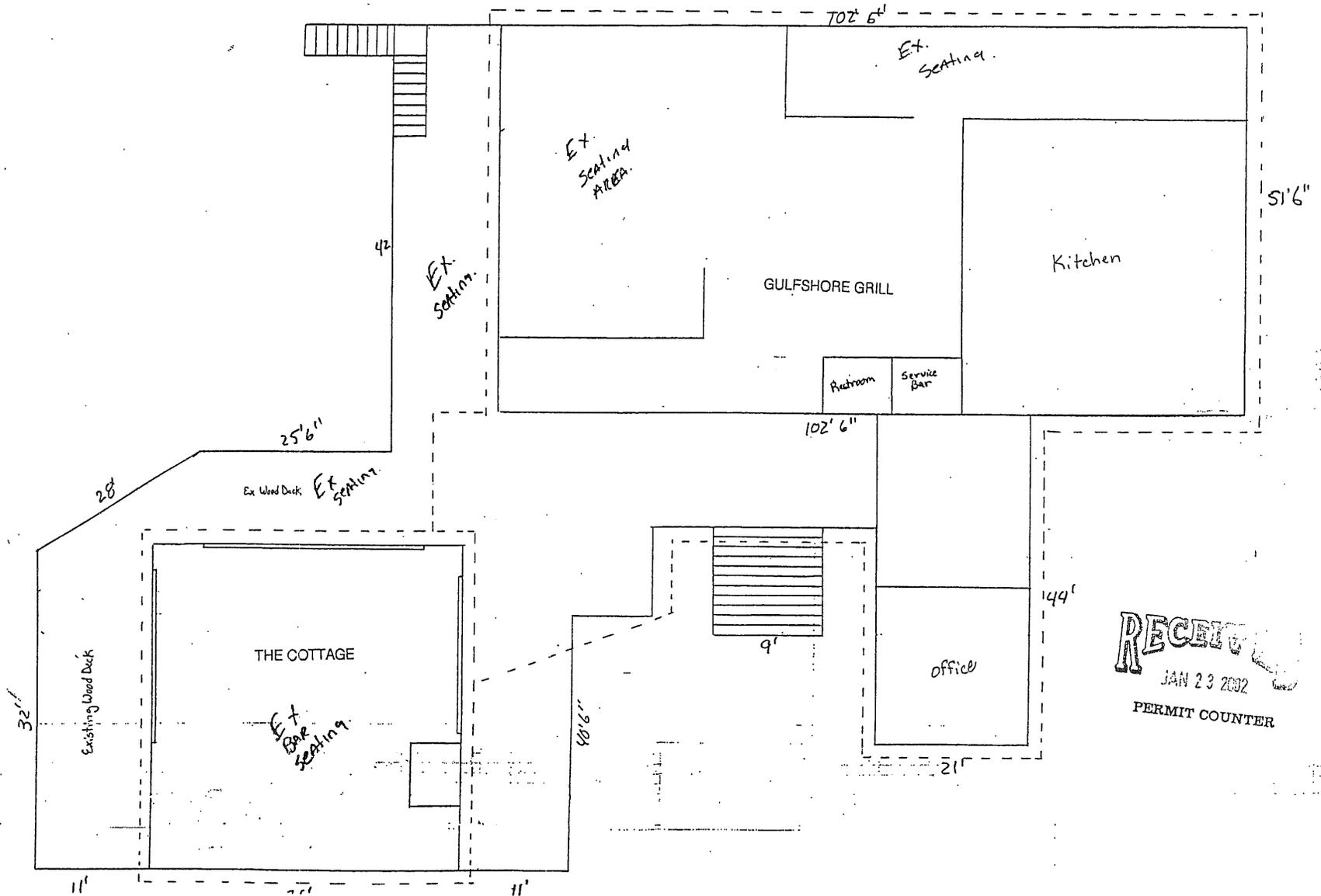
If not, give brief explanation:

No legal

Zone: C:1: 003044

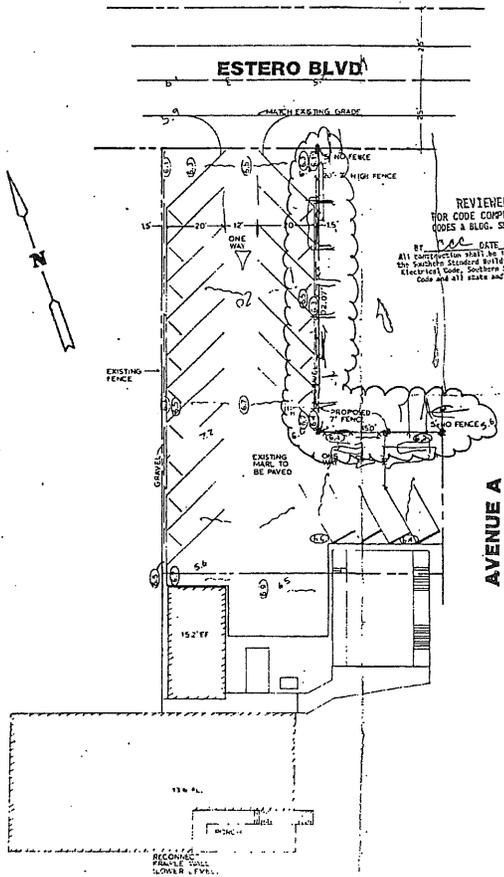
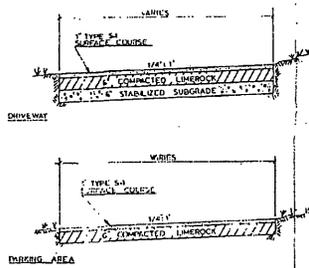
Zone: C:1: 000311 ~~Coastal~~

Gulf



RECEIVED
JAN 23 2002
PERMIT COUNTER

McDole



REVIEWED FOR CODE COMPLIANCE (CODES & BLOC. SERVICES) BY mc DATE 2-9-89

All construction shall be in accordance with the Southern Standard Building Code, National Electrical Code, Southern Standard Plumbing Code and all state and local codes.

LEE COUNTY ZONING APPROVAL
By: YHP Date: 1-17-89
FOR: 157' of 1" and 7' behind
Garage

* APPROVAL BASED ON SITE INFORMATION SUPPLIED BY APPLICANT.

RECEIVED
JAN 20 1989
ZONING COUNTER
FENCE MUST MAINTAIN 6' FOOT R-D-W SETBACK REQUIREMENT.

IK Stewart

D.S.O EXEMPTION FOR:
GULF SHORE RES.

SITE PLAN

BARBOT & ASSOCIATES, INC.

CONSULTING ENGINEERS
ROOM 108, 4571 CENTRAL BLVD., FORT MYERS, FL. PH. 838-7553

DESIGNED BY IKS	DRAWN BY TGL	CHECKED BY IKS	DATE 12/12/88	OFFICE PROJECT NO.	CLIENT PROJECT NO.	SHEET 1 OF 1	FILE NO. 2093
---------------------------	------------------------	--------------------------	-------------------------	--------------------	--------------------	--------------	-------------------------

1/2
1/6
1/9

Permitting Specialist of Food & Beverage ^{has}
1334 SE 3rd Street * Cape Coral, Fl 33990
Telephone Voice & Fax 239-772-5050

May 6, 2004

Pam Hauck/Jerry Murphy
Lee County Community Development
1500 Monroe St
Ft Myers, Fl 33901

CC: David Paschall

Re: Colorado East Inc/Gulfshore Grill

To All Interested Parties:

Thank you for meeting with me on Tuesday May 4, 2004 in regards to the above location. Per our discussion I have attached a copy of the sketch showing the area that is being used for consumption of alcoholic beverages. This area is really not different than the area that was approved through the Administrative Approval COP2002-00013.

I have highlighted or darkened the area that is being used. We will not be doing any beach service unless we apply for an additional approval.

You had questioned the area to the left of the storage & hotdog stand as to whether or not that was a wall. It is latticework that has always been there. Also, the square box in the open area sand is a storage closet that has always been there.

We are pulling any permits that needed to have been pulled for the build out of the bar counter.

I am hoping that this will take care of everything that you have concerns with. If you should have any questions please call Kathy Long at 239-850-9451. She is working on this for me.

Sincerely,



Michael Stanton
Operator of Restaurant

LEE COUNTY
RECEIVED
04 MAY -6 PM 4: 35
COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR



Case Activity Listing
Case #: COP2004-00040

3/31/2004
11:34:39AM

Description	Activity Enter Date	Target Date	Activity Completed Date	Status	Assigned To	Done By	Notes
Case Assigned	2/12/2004	2/13/2004	2/12/2004	DONE		MKW	
Update GIS Notes	2/12/2004		2/12/2004	DONE		MKW	
Legal Description Approved	2/12/2004		2/12/2004	DONE		MKW	
Application Received	2/12/2004		2/12/2004	DONE		MKW	application to update the floor plan
Warehoused	2/12/2004		2/12/2004	DONE		MKW	
Microfilmed	2/12/2004		2/12/2004	DONE		MKW	
Initial GIS Mapping	2/12/2004		2/12/2004	DONE		MKW	
GIS Map Update	2/12/2004		2/12/2004	DONE		MKW	
Sign Off State Licence Appl.	2/12/2004		2/12/2004	DONE		MKW	
Review File for Completeness	2/12/2004		2/12/2004	DONE		MKW	

228-715

STRAP 19-46-24-W4-0070F-0010

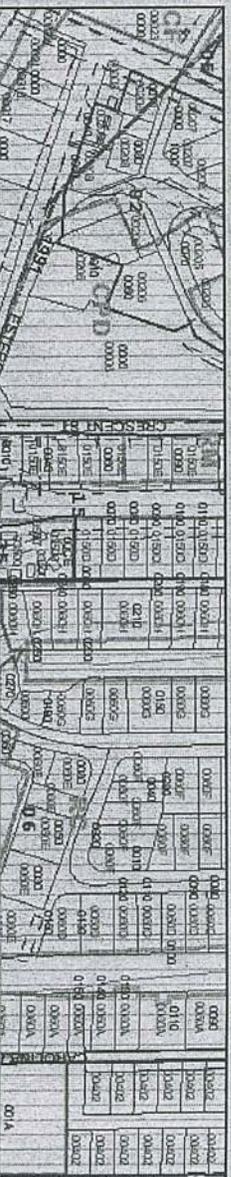
[Draw | Select]

Search

- Selected one -

Applications

- Selected one -



Zoning Review Notes - Microsoft Internet Explorer

Zoning Review Notes (Test Data)

STRAP: 19-46-24-W4-0070F-0010 [Prev] [Next] [Query] [Draw]

COP: YES
 ZONED: C-1
 RESOL: NONE-APVD BY BOCC CHMN 09/03/76
 BUS NAME: GULF SHORE GRILL
 TYPE LIC: 4COP/SRX
 LAST DT APVD: 10/07/97
 OUTDOOR SEAT: 777?

Login | Exit

Printable Page

Message: "Record Found"

Zoning Review Notes

Map: 672549.11, 770001.89 - Image: 668, 20

DBPR ABT-6029 - Division of Alcoholic Beverages and Tobacco Application for Extension of Licensed Premises or Amended Sketch of Licensed Premises



STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION
 1940 North Monroe Street
 Tallahassee, FL 32399-0783

If you have any questions or need assistance in completing this application, please contact the Department of Business and Professional Regulation or your local district office. Please submit your completed application to your local district office. This application may be submitted by mail, through appointment, or it can be dropped off. A District Office Address and Contact Information Sheet can be found on AB&T's page of the DBPR web site at the link provided below.

<http://www.state.fl.us/dbpr/abt/contact/index.shtml>

SECTION 1 - CHECK TRANSACTION REQUESTED

- Transaction Type:
- Temporary Extension
 - Permanent Extension
 - Amended Sketch

SECTION 2 - LICENSE INFORMATION

Full Name of Applicant: MAM line

Trade Name (D/B/A): Shelphore Grill

Location Address (Street): 1270 Esters Blvd.

City: St. Marys Park County: Lee State: Fla Zip Code: 33931

Beverage License Number: 46-04348 Series: 400 SRX Type: _____

FOR TEMPORARY EXTENSIONS ONLY:

Date(s) of Extension: _____

SECTION 3 - ZONING APPROVAL
 TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION
 (This section only applies to a permanent or temporary extension of licensed premises)

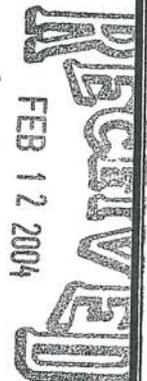
Trade Name (D/B/A): Subshere Grill

Are there outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed? Yes No copy 2004-60040

The above extension of the licensed premises as shown in the sketch does comply or does not comply with zoning requirements for the sale of alcoholic beverages pursuant to this application.

Signed: M.K. Swain Title: Permitting Rep Date: 2-12-04

194424 WY 66701F 0010



an kw
 PERMIT COUNTER



RICHARD M. McDOLE CPCA

MANAGEMENT LAW DEFENSE

Building Consultants

04 JUN -9 AM 11:38

28862 WINTHROP CIRCLE
BONITA SPRINGS, FL 33434
June 10, 2004

COMM. DEV./
PUB. WRKS. CONTR.
SECOND FLOOR

Phone: 941-992-5175
Fax: 941-498-6042

COPY

Department of Community Development
1500 Monroe St.
Fort Myers, Florida 33901
Attn: Mrs. Pam Houck

Re: Gulfshore Restaurant/COP/Beach Dog House
Per; Letter for FMB Code Enforcement/Recommendation on COP2002-00013

Dear Pam;

We requested the Hearing to be deferred to July in order to obtain a new letter and recommendation from you to replace your June 2, 2004 recommendation to submit for another Administrative approval for COP2002-00013.

The letter in question was before June 7, 2004, when I advised you of our intentions to comply specifically with the requirements as approved, to avoid any further submittals and abate the current notice of violation.

I advised Code Enforcement of our meeting and your agreement to review our request and consider it as a positive direction to conclude this matter.

Attached, find my report which I will submit in July to the Hearing Examiner on this issue and for the record. On page 7 find the suggestive outline we discussed and if you agree, please forward a new recommendation on your position.

Note; #1. Sink permit is complete and abated.

- #2, All liquor has been removed from the bar counter and drinks will be Served to the Beach Dog House area from the upstairs service bar or Cottage lounge as required and approved by COP2002-00013.
- #3. COP2004-00040 to my knowledge has already been rescinded by Code Enforcement.

#4. A complete layout is waiting on the Engineer to sign, and an after-the-fact permit will be pulled for the Beach Dog House area.

Note; The proposed service bar I had on the plan when I talked to you, has Been removed per your request, so not to alter the 00013 approval.
See plan attached.

If you could and can, I would like a copy of your new recommendation, so I know we are on the same page when we go to the next Hearing.

Our intentions are to comply and abate the problem and maintain the COP2002-00013 approval which took 5 months to get.

Richard M. McDole, CABO, CPCA

GENERAL CONTRACTOR CLASS "A" LIC. #CGC040111
BUILDING OFFICIAL STATE OF FLORIDA CERT. #434
NATIONAL CERTIFIED PROFESSIONAL CODE ADMINISTRATOR
NATIONAL CERTIFIED ARBITRATOR

**GULFSHORE RESTAURANT DEFENSE
4-COP/SRX VALID ADMIN APPROVALS**

County record of COP/SRX Approval;

1. **Gulfshore Restaurant:** Administratively approved **September 3, 1976** by Director or Building and Zoning, Mr. Don Malloy. See County exhibit #1.

His approval was confirmed for the record, by the Lee County Commission Chairman per County Administrative policy.

As a note to confirm this action, I Richard McDole, approved similar COP licenses as Administrative Director of Code Enforcement from 1978 to 1981.

2. **The Cottage and outside deck:** Administratively approved **October 7, 1997** by Zoning Tech III Hal McNemara. See exhibit #2, Request for Zoning Compliance and DBPR application with attached floor plan.

3. **Beach Dog House:** Administratively approved **March 13, 2002** by Pam Houck, Director of Division of Zoning Department of Community Development. Administrative Hearing, Administrative Action, # **COP2002-00013**.

Following are dates of responsible actions by the owner to complete Administrative Action requirements.

November 27, 2001, Started the Division of Alcoholic Beverage & Tobacco, DBPR Application. See exhibit #3B.

December 7, 2001, obtained Health Department Approval. See exhibit #3B.

January 23, 2002 filed for a Lee County Application for Administration Action to **specifically approve Beach Dog House / M&M Inc. with new seating per attached plan** shown with the permit counter stamp thereon. Also attached to Application was Administration Action Request Supplement C Consumption of Premises per Sections 34-1261-1264 LDC. Specifically addressing Extension of Premises 4-COP/SRX for all location, new location highlighted of attached plan to application and hours 10am to 10pm. See exhibit #3A.

March 13, 2002 the final Hearing document #**COP2002-00013** for Administrative Approval Consumption of Premises, Specifically for 4-COP/SRX, **specifically for Beach Dog** as per attached Plan of record was signed by Pam Houck, Director Division of Zoning Department of Community Development. See exhibit #3A.

March 15, 2002 the Division of Alcoholic Beverage & Tobacco, DBPR Application of November 27, 2001, was signed off by the Zoning permit rep. Jayne Coles as Approved. See exhibit #3B.

See following Administrative Approval Conditions to COP2002-00013.

The Administrative Approval of COP2002-00013 Conditions as follows:

1. COP on premises is limited to a 4-COP/SRX license in conjunction with the existing Group II and III Restaurants.
2. The approval for consumption on premises 4-COP/SRX is based on the 2-page floor plan stamped received by Community Development on October 10, 2001, and attached hereto.
3. The approval for COP on premises 4-COP/SRX is limited the existing restaurant complex know as the Gulf Shores Grill, The Cottage and The Beach Dog House and the existing outdoor seating areas shown on the wood deck on the above referenced floor plan.
4. Hours of operation for service of alcoholic beverages in conjunction with the Group II and III Restaurants will be:

The Beach Dog House	10am to 10pm	Mon through Sun
The Cottage	10am to 2am	Mon through Sun
The Gulf Shore Grill	7am to 10pm	Mon through Sun
5. Outdoor music and entertainment are prohibited in the outdoor seating areas.

CONCLUSION:

The Gulfshore Restaurant, the Cottage and Outside Deck and finally the Beach Dog House with extra seating were all properly Administratively Approved by Lee County from September 3, 1976, October 7, 1997 and finally March 13, 2002 per Hearing #COP2002-00013.

NOTICE OF VIOLATIONS DISPUTED

After two years operating the Beach Dog House, City of Fort Myers Beach Code Enforcement Officers, served notice of violations as follows;

1. On 2/12/2004 VIO2004-02437 Violation of administrative approval of COP.
2. On 2/12/2004 VIO2004-02438 Expansion of bar service area without permits.

These violations were issued when the City of Fort Myers Beach Enforcement Officer was on site to inspect the progress of the abatement of a notice of stop work order for the Bathroom near the area in question.

The Officer on the beginning of his inspections, he took a picture from the bath area towards an open doorway looking into the Beach Dog House. The picture showed a bar top with a few bottles on it and through to the outside.

The next photo of the same doorway near the conclusion of his inspection for the Bath area, he saw in the photo more construction. Specifically a bar top, with lattice front and back and his view to the outside was more restricted.

On inspection of that area, he issued the two Notices of Violation listed above dated February 12, 2004.

To comply with and abate the above notices, the owner met with County Zoning and DBPR on the same day the notices were issued. See exhibit #4.

Lee County Zoning Rep. M.K. Wise checked the County file and per the Administrative Approval of record, he signed off on the DBPR Application.

The fact the Code Enforcement Officers position and reason for his Notice of Violation, was the County record did not show any detailed plans for the area in question, also he did not think the area outlined in the record for the Beach Dog House was the area in question.

Now that the plans were at issue, both the County and DBPR were receptive to have the owner submit for the record, TO SUPPLEMENT THE RECORD, and both completed the application, WITH FULL DETAILED ATTACHED PLANS FOR UPSTAIRS AND BEACH DOG HOUSE ATTACHED THERETO. This approval was given case #COP2004-00040. See exhibit #4.

NOTE; THE OWNER WAS NOT REQUESTING ADMINISTRATIVE APPROVAL FOR THE BEACH DOG HOUSE AREA, BECAUSE HE ALREADY HAD THAT APPROVAL. HE WAS ONLY ATTEMPTING TO ABATE THE NOTICE OF VIOLATION, WHICH WAS NOT BEING UNDERSTOOD OR AGREED BY THE CODE ENFORCEMENT OFFICER AND AGREED TO SUPPLEMENT THE RECORD WITH MORE DETAILED PLANS BY THE ONLY VEHICAL FORMS AVAILABLE TO DO SO.

HERE IS WHERE THE CONFUSION AND CONFLICTS OF INTERPRETATIONS OF ADMINISTRATIVE APPROVALS BEGIN.

The Code Enforcement Officer and City Official fails to agree and ignores the fact that Gulfshore Restaurant, the Cottage and Deck and Beach Dog House has Administrative Approval of Record.

Then the Code Enforcement requested the County to rescind Approval for application case #COP2004-00040, which was to supplement the record with detailed plans, they all agreed would be a good thing to do.

Then the Code Enforcement officer filed this before the Hearing Examiner.

April 13 Hearing was re-scheduled due to failure to properly serve Notice.

At the May 11 Hearing after testimony the Hearing Examiner ruled on the Following:

VIO2004-02438: (14) Construction with out a permit, including (15) Plumbing and (16) Electrical.

It was agreed the bar and table tops did not require permits.

It was agreed that the owner would submit for a plumbing permit for a 3-compartment sink, the owner agreed was installed to existing waste and supply lines with out a permit.

This permit was to be submitted prior to the next Hearing June 8, 2004.
VIO2004-02437: Violation of Administrative Approval of COP.

It was recommended to have a collective meeting on site to see if some compromise could be reached for the next Hearing June 8, 2004.

**JOINT MEETING ON SITE AS REQUESTED
PER THE HEARING EXAMINER**

Results of that meeting;

The City Official continued to request that the owner file for Administrative Approval with the City and County for COP use of the Beach Dog House area in question.

The Code Enforcement officer, Challenged the completion of previous stop work order notice, issuance of plumbing and electrical and the final thereof. The Building Official informed him they were pulled as ordered and final per the record.

Pam Houck, Zoning Rep. who originally agreed Beach Dog House had proper Administrative Approval for COP, now on site, took issue with the serving of liquor from the Bar and the Cocktail Lounge atmosphere. She requested that a Bar was not approved, and she would have calculated parking with the application if it was a Cocktail Lounge. In conclusion, she suggested, **remove the liquor from the bar.**

It should be noted that per COP2002-00013 seating was approved for the area without parking calculations. Due to walk up patrons and the Beach Dog House being an Accessory Restaurant to the Principle use, sharing the same Kitchen.

See exhibit City of Fort Myers Beach 03-03 Ordinance, page 141, Sec. 34-2020 (2) h.1. Accessory Restaurant: When a restaurant is located within the same building as the principal use, and is clearly provided primarily for the employees and customers of the principal use, **no additional parking spaces are required.**

The Building Official, Robert Stewart, advised that although he agrees that each component with in the area individually did not require a permit, the end result of having a habitable area use, should have a permit of record to confirm county approval for occupancy compliance.

EXPLANATION AND SUGGESTION CONT.

FACT: Beach Dog House with new seating, as Approved per COP2002-00013, allows consumption and serving of liquor in the area outlined of record.

There are specific requirements that are attached to this COP approval, in both County and City Ordinance, and they are the same.

Sec. 34-1264 (2) a: Restaurants (Exception to location standards.) page 111

1. The restaurant is in full compliance with state requirements;
2. The restaurant serves cooked, full course meals, prepared daily on the premises; and
3. **Only a service bar is used and the sale or service of alcoholic beverages is only to patrons ordering meals, or, if the restaurant contains a cocktail lounge for patrons waiting to be seated at dining tables, the lounge shall be located so that there is no indication from the outside of the structure that the cocktail lounge is within the building.**
4. The other requirements of 34-1264(k) shall be met.

Suggestion for compliance for the Beach Dog House Only:

COP2002-00013 as Administratively Approved for the Beach Dog House area, allows the serving of liquor to the counter and tables as outlined of record, as long as the liquor is dispensed from the existing service bar upstairs or cottage lounge.

Beach Dog House will continue to serve food and dispense soft drinks and bottled beer from the counter and to the tables as allowed prior to COP2002-00013 and now, with the approval of COP2002-00013, serve a full menu from the principal kitchen and serve liquor, dispensed as stated above as an accessory restaurant.

1. Obtain a permit for the 3-compartment sink or remove it per Hearing Examiners ruling May 11, 2004. (See permit # PLU2004-00229 for compliance)
 2. Remove the liquor from behind the counter. **do not dispense or mix liquor from the counter, serve only as outlined above per COP2002-00013, except bottled and canned beer can be dispensed from coolers as previously allowed.**
 3. **Void COP2004-00040** which was initiated to abate a notice of violation and to supplement the County and DBPR COP file with a detailed plan. To avoid the confusion and problems of a new application for COP use in the area already approved per COP2002-00013, let the County and DBPR reference in their files, the Building Departments plan of record for further detailed information.
 4. Per the on site meeting, comply with the Building Officials request for a detailed layout of the Beach Dog House area, request an after-the-fact permit for the replacement of existing components, such as the floor deck, lattice work, stairs, security rollups and doors. No permits required for the existing plumbing or electrical.
- In conclusion;** the counter is a food counter, for fast food or full meals, as like the food service to the tables. Bottled and canned beer from coolers will be served from the counter as originally allowed, and liquor will be served to the counter and tables from the existing service bar upstairs or the cottage as allowed per COP2003-00013.

Therefore abating the Administration approval notice of violation.


Richard M. McDole, CABO, CPCA

PLUMBING

PERMIT

Plumbing

Commercial

PERMIT NUMBER: PLU2004-00229

ISSUED: 06/01/04
EXPIRES: 12/01/04

Owner Name: GIL JUAN C

Contractor: CFC035745 S AND S PLUMBING CONTRACTOR

Project Name: GULF SHORE GRILL

Description: SINK PLUMBING ON BAR

Job Address: 1270 ESTERO BLVD FORT MYERS BEACH 33931

Living Area: 0 SF

INSPECTION REQUEST LINE: 479-8997

DATE	BY	DATE	BY
201 1st R. Plumb		202 2nd R. Plumb	
204 Final Plumb		Other Inspection	

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

NOTICE: IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.

THIS PERMIT IS VOID IF THE FIRST INSPECTION IS NOT MADE WITHIN SIX (6) MONTHS FROM THE DATE ISSUED OR IF NO INSPECTION HAS BEEN MADE FOR A PERIOD OF SIX (6) MONTHS FROM THE MOST RECENT PASSED INSPECTION. BUILDING PLANS MUST BE ON JOB AT TIME OF INSPECTION. REINSPECTION FEE \$25.00.

THIS CARD MUST BE PLACED ON A BOARD AT EYE LEVEL SO IT CAN BE READ FROM

STREET AND BE ORIENTED TOWARD THE WEATHER



LEE COUNTY
S O U T H W E S T F L O R I D A

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8995

Bob James
District One
July 9, 2004

Douglas R. St. Cerny
District Two
Richard M. McDole
28862 Winthrop Circle
Bonita Springs, Fl. 34134

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stillwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

RE: COP2002-00013 for Beach Dog House at 1270 Estero Blvd.
Dear Mr. McDole:

In your letter of June 10, 2004, you requested a new letter and recommendation to replace my June 2, 2004 letter to David Paschall, Code Enforcement Inspector for the Town of Fort Myers Beach. You included a site plan in your letter with a copy of a 1998 survey of the property.

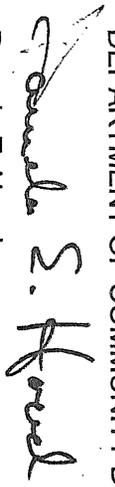
In our discussions I have related that I am concerned that the portion of the property where the Beach Dog House is located, may be seaward of the 1978 Coastal Construction Line and would therefore be located in the Environmentally Critical (EC) zoning district. The EC district has limited use and would not allow expansion of the restaurant or the opportunity to request a special exception for a bar.

The copy of the survey by S & H Land Survey Company and dated 6/16/98 places the entire structure (Gulfshore, The Cottage and The Beach Dog House) seaward of a 1977 CCCL. The 1978 CCCL appears to have been drawn on the survey and is at a location landward of the Gulfshore, placing The Beach Dog House seaward of the 1978 CCCL and in the EC zoning district.

Based upon this information, I can only recommend that the Beach Dog House may only exist as it was approved in COP2002-00013 and all new construction should be removed. It is my understanding that only a small stand and coolers existed at the time of that approval. The security roll-ups, counters are new, un-permitted additions and constitute the expansion of a nonconforming use.

Should you have questions, please feel free to contact me.

Sincerely,


Pamela S. Houck

Pamela E. Houck
Zoning Director

cc: Dave Paschall
Marsha Segal-George
Bob Stewart
Jerry Murphy

DEPARTMENT OF COMMUNITY DEVELOPMENT



**GULF SHORE RESTAURANT DEFENSE
FOR BEACH DOT HOUSE- 4-COP/SRX
ADMINISTRATIVE APPROVALS**

**Original notice of violation;
VIO2004-02437 issued on February 12, 2004 for; Administrative Approval
COP2002-00013 has been violated by the owner by not conforming to the approved
site plan presented for this Administrative Approval. (See exhibit 12)**

To abate or remedy this violation;

The site plan must be amended to indicate the increased service and seating area on the lower level, this must be approved

Or; the applicant must return to the originally approved site plan and conform to code. (See exhibit 12)

From this original notice of violation the following notices were issued to specifically address and attempt to clarify the violation of COP2002-00013.

2004-014F; Expansion of COP seating. (See exhibit 12)

2004-015F; Exceeding COP2002-00013 use without Administrative Approval.

(See exhibit 12)

2004-016F; Construction, electrical and plumbing without a permit, (Abated)

At the May 11, 2004 Hearing, after testimony and agreement of all parties,

Violation 2004-016F was abated when a permit was obtained for a 3-compartment sink.

Permit #PLU2004-00229 was submitted on June 8, 2004, **on June 9, 2004 an**

order of abatement was issued for 2004-016F. (See exhibit 7)

Violations 2004-014F and 2004-015F are related and from the same objection, expanding or exceeding the COP2002-00013 Administrative approval use, granted March 13, 2002. (See exhibit 4)

To understand Zoning's position, it's necessary to review the differences between the requirements for COP use for a Restaurant and those for a Bar/Lounge.

COP2002-00013 was administratively approved for a Restaurant. As approved, the Zoning regulations allow the **serving of liquor from a service bar or existing Lounge, with no additional parking or calculation of Lounge size or counting of seats as an accessory Restaurant.** (See exhibit 9 & 10)

Not aware of the specific regulations, the owner mixed and dispensed the liquor from the food bar counter. This changed the use to a Bar/Lounge use or operation, therefore, expanding and exceeding the 00013 approval as cited.

To mix and dispense liquor from the Bar counter, the Zoning regulations considers this to be a classification use change and expansion of use from the originally approved COP2002-00013 and requires filing for a new Administrative approval, as cited by 2004-015F; (exceeding COP2002-00013 use without Administrative approval) and as cited by 2004-014F; (expansion of COP seating) which requires the calculation of the Lounge seating area, to determine the need for additional parking spaces.

Note; As an attempt to abate the violations and obtain Approval for the expansion or exceeding of COP2002-00013, the owner filed for and obtained County approval, COP2004-00040, (See exhibit 5) which was voided when it was determined by the County and City of Fort Myers Beach a more formal Administrative application was necessary.

This Voided approval to abate the violations was COP2004-00040.

As requested from the May 11 Hearing, the on site meeting concluded with the owner wanting to conform to the March 13, 2002 COP2002-00013 Administrative approval and abate the Violations of expanding and exceeding the use to Bar/Lounge.

Pam Houck requested that the liquor be removed from the Bar counter and served to the area from an existing service bar or Lounge as originally approved by the 00013 Administrative Hearing.

The liquor was removed from the bar counter and service will be from the existing service bar or Lounge as requested, and conforming with the Code and original administrative approval, abating 2004-014F and 2004-015F. (See exhibit 11)

As originally cited February 12, 2004 and reissued as 014F and 015F;

To ABATE: "the applicant must return to the originally approved site plan and conform to code." (See exhibit 12)

Therefore; With the discontinuance of mixing, dispensing and removal of liquor from the bar counter at Beach Dog House area, and serving liquor as required by the Zoning regulations, from existing service bar or Lounge, as Administratively Approved per COP2002-00013, for the area and seating per the plan of record, we respectively abated the notices of violations and respectively request an order of abatement be issued. (See exhibit 11 photo for liquor removal) (See exhibit 4 for Beach Dog House COP2002-00013 Administrative Approval with plans of record attached, and note this approval took 5 months to obtain administratively)

I Richard M. McDole hereby attest that all of the attachments herein are true and accurate copies of the County record.



Richard M. McDole, CABO, CPCA
July 11, 2004

JULY 13, 2004

GULFSHORE HEARING CONCLUSION

Before I proceed to prove that we have Abated the Violations as Noticed, it is important to review what has transpired to this date;

1. In the very beginning, when the Code Inspector was preparing a case for a non-compliance issue, repairing the Men's bathroom floor adjacent to the Beach Dog House, he took a photo viewing through a door into the Dog House area, showing a single bar top and view of the Gulf.

2. During the first Hearing May 11, 2004, he presented that photo, and another into evidence, showing a bar top with lattice work and a 3-compartment sink, obstructing the view to the Gulf.

This evidence of change was the start of enforcement and the Community review of the Dog House area and use.

During this review, it was determined that the 2002 liquor approval 0013 was being used beyond what it was approved for, requiring additional Administrative approval and review, to continue its expanded use.

3. The first Notice of Violation was issued stating that “Administrative Approval COP2002-00013 has been violated by the owner by not conforming to the approved site plan presented for this Administrative Approval.”

To Abate; “The site plan must be amended to indicate the increased service and seating area on the lower level. This must be approved, or the applicant must return to the originally approved site plan and conform to code.”

4. At the first Hearing of May 11, we were surprised to find out that the above Notice of Violation, was now subdivided into three categories, the surprise can be checked on the tapes from that meeting and to my knowledge they were not “Due Processed” to the owner in that form until later when the owner was noticed for the next Hearing.

These three Notice of Violations were:

014F Expansion of COP seating

015F Exceeding COP2002-00013 use without Administrative Approval

and 016F Construction, electrical and plumbing without a permit.

All were specifically related to the first Notice of Violation.

5. At the first Hearing of May 11, 016F construction, electrical and plumbing, per the discussion and photos in evidence, the owner was ordered to specifically obtain a permit for a 3-compartment sink to Abate 016F. This was completed and Abated June 9.

6. To abate 014F and 015F a Community on-site meeting was ordered to resolve a solution. At that meeting, it was decided to remove the liquor from the food bar and comply with the 0013 original approved site plan as Noticed and comply with the code for that use

. The County was advised the liquor was removed and 0013 would be serviced as required by code as previously Administratively Approved and only for the seating area per the original plan of record. **There-by abating 014F and 015F.**

7. The Building Official stated and agreed that the individual components that were repaired or replaced did not require a permit. He also expressed a concern for the lack of detail on the record. He suggested we submit one and he would have no problem approving it.

It must be noted for the record, this submission is voluntary and not part of this Hearing as Noticed. It is not an expansion of 0013 original approval which was abated when the liquor was removed and the use in compliance with the approval and code.

8. To date the plan has been filed.

A Community meeting was held on the review of the plan and it was denied for approval due to the location of the 1978 cccl which is located landward of the Beach Dog House and County can not approve any expansion of use in an EC area.

July 9, I received a letter from Community Development Director, addressing the following;

Beach Dog House is seaward of the 1978 cccl in the EC district that has limited use and would not allow expansion of the restaurant or the opportunity to request a special exception for a bar.

I can only recommend that the Beach Dog House may only exist as it was approved in COP2002-00013 and all new construction should be removed.

It is my understanding that only a small stand and coolers existed at the time of that approval.

The security roll-ups, counters are new, un-permitted additions and constitute the expansion of a nonconforming use.

In Conclusion:

We have removed the liquor as requested and required to be in compliance with the code and the 00013 Administrative Approval and have therefore abated 014F and 015F.

We have no desire to submit for any expansion of 0013 to a bar or request a Special Exception for that expansion and are not required to do so.

We have yet to take issue with the July 9 letter from Community Development and the denial of our voluntary plan submittal to discuss the following;

1. The fact the 1978 cccl line was placed behind a Grand-fathered building existing since 1925 and the fact the lower area was then a kitchen for the upstairs restaurant and has been used as a fast food area since, with various County approvals.
2. The fact the Beach Dog House area was approved by 0013 March 12, 2002 before the EC district was adopted March 3, 2003. Retroactive enforcement not allowed.
3. The fact the original concrete floor still exist under the sand and the wood deck floor that has been replaced periodically from storm damage, as allowed per the code.
4. The fact Sec. 34-3245. Repairing a Building containing a nonconforming use. “Only ordinary repairs and maintenance, including repairs of roof covering, walls, fixtures, wiring, or plumbing, shall be permitted on any building or structure devoted to a nonconforming use. In no case shall such repairs include structural alterations.
5. The fact Counters and fixed tables do not require permits.
6. The fact all walls divisions and surfaces are existing prior to 0013 approval and there is no un-permitted additions as alleged in the letter. Reference 0013 plan of record dated March 12, 2002 for proof of approved area.
7. FEMA has not been involved or contacted for letter of no objection. If required.

Only 3 roll-up security doors, 2 walk-in doors were installed for security purposes. Including open lattice wood panels, replacing the 1x4 horizontal wood slats on the remainder of the exterior walls for appearance. All are non-structural, with no increase of area or expansion from the originally 0013 Administrative Approval plan of record outlining Beach Dog House area seating.

With new and staff changes from the beginning of this Hearing process, it is important to clearly focus on the initial Violation charge and identify with the fact that the owner complied with and abated that as charged.

Continued Community meetings continued to expand staffs resolve to expand compliance into areas not cited, thereby using the Hearing as leverage to obtain added submissions, compliance and approvals beyond the scope of the Violation of record.

The owner desires to continue to act in good faith as attested by his previous performance to assure compliance within the regulations, and respectively request this Hearing concluded and an Order of Abatement for VIO2004-02437 and related 014F and 015F as was Ordered for 016F on June 9, 2004.

**SUPPORTING EVIDENCE
TABLE OF CONTENTS**

1. History of Administrative Approvals for COP/SRX
2. 1976 COP Administrative Approval for Restaurant
3. 1997 COP Administrative Approval for Cottage Lounge
4. 2002 COP Administrative Approval for Beach Dog House # 2002-00013
5. 2004 COP Approval for Bar/Lounge use for Beach Dog House #2004-00040
(Approval request was to abate violations 2004-014F and 2004-015F this approval was voided due to approved without a formal hearing)
6. Copy of permit #PLU2004-00229 **abating violation 2004-016F**
7. Abated order for violation #2004-016F
8. Building Code section 104.1.4 allowing Minor repairs.
9. Bar/Lounge and Restaurant requirements Sec. 34-1264 (a)(1)a. and (a)(1)f resp.
Bar/Lounge Prohibited location (b)(1)
* Restaurant Exceptions to location (b)(2)a.
* Conforming with per 2002-00013 COP Administration approval
10. Restaurant Parking requirements (b)(3)
Restaurant Parking exception sec. 34-2020 h.1
** Bar/Lounge Parking requirement sec. 34-2020 h.2
** Using as Bar/Lounge this section was in violation requiring added parking
11. Photo showing removal of liquor from food counter Abating 014F &015F.
12. Copy of Hearing for 2004-014F &2004-015F, July 13, 2004
13. Plan Review receipt COM2004-01226
Plan for downstairs

**GULFSHORE RESTAURANT DEFENSE
4-COP/SRX VALID ADMIN APPROVALS**

County record of COP/SRX Approval;

1. **Gulfshore Restaurant:** Administratively approved **September 3, 1976** by Director of Building and Zoning, Mr. Don Malloy. See County exhibit #1.

His approval was confirmed for the record, by the Lee County Commission Chairman per County Administrative policy.

As a note to confirm this action, I Richard McDole, approved similar COP licenses as Administrative Director of Code Enforcement from 1978 to 1981.

2. **The Cottage and outside deck:** Administratively approved **October 7, 1997** by Zoning Tech III Hal McNemara. See exhibit #2, Request for Zoning Compliance and DBPR application with attached floor plan.

3. **Beach Dog House:** Administratively approved **March 13, 2002** by Pam Houck, Director of Division of Zoning Department of Community Development. Administrative Hearing, Administrative Action, # **COP2002-00013**.

Following are dates of responsible actions by the owner to complete Administrative Action requirements.

November 27, 2001, Started the Division of Alcoholic Beverage & Tobacco, DBPR Application. See exhibit #3B.

December 7, 2001, obtained Health Department Approval. See exhibit #3B.

January 23, 2002 filed for a Lee County Application for Administration Action to **specifically approve Beach Dog House / M&M Inc. with new seating per attached plan** shown with the permit counter stamp thereon. Also attached to Application was Administration Action Request Supplement C Consumption of Premises per Sections 34-1261-1264 LDC. Specifically addressing Extension of Premises 4-COP/SRX for all location, new location highlighted of attached plan to application and hours 10am to 10pm. See exhibit #3A.

March 13, 2002 the final Hearing document #**COP2002-00013** for

Administrative Approval Consumption of Premises, Specifically for 4-COP/SRX, **specifically for Beach Dog** as per attached Plan of record was signed by Pam Houck, Director Division of Zoning Department of Community Development. See exhibit #3A.

March 15, 2002 the Division of Alcoholic Beverage & Tobacco, DBPR Application of November 27, 2001, was signed off by the Zoning permit rep. Jayne Coles as Approved. See exhibit #3B.

See following Administrative Approval Conditions to COP2002-00013.

The Administrative Approval of COP2002-00013 Conditions as follows:

1. COP on premises is limited to a 4-COP/SRX license in conjunction with the existing Group II and III Restaurants.
2. The approval for consumption on premises 4-COP/SRX is based on the 2-page floor plan stamped received by Community Development on October 10, 2001, and attached hereto.
3. The approval for COP on premises 4-COP/SRX is limited the existing restaurant complex know as the Gulf Shores Grill, The Cottage and The Beach Dog House and the existing outdoor seating areas shown on the wood deck on the above referenced floor plan.
4. Hours of operation for service of alcoholic beverages in conjunction with the Group II and III Restaurants will be:
 - The Beach Dog House 10am to 10pm Mon through Sun
 - The Cottage 10am to 2am Mon through Sun
 - The Gulf Shore Grill 7am to 10pm Mon through Sun\
5. Outdoor music and entertainment are prohibited in the outdoor seating areas.

CONCLUSION;

The Gulfshore Restaurant, the Cottage and Outside Deck and finally the Beach Dog House with extra seating were all properly Administratively Approved by Lee County from September 3, 1976, October 7, 1997 and finally March 13, 2002 per Hearing #COP2002-00013.

Business Name: GULL SWINE AND CATTLE
Exact Location for which License is sought: 1270 Estero Blvd., Fort Myers Beach, FL

Residential: _____

Phone Numbers: Business: _____
TYPE OF LICENSE DESIRED:

- () Beer - Consumption on premises (1-COP) (1-APS)
- () Beer - Package Only
- () Beer & Wine - Consumption on Premises (2-COP) (2-APS)
- () Beer & Wine - Package Only
- () Beer, Wine & Liquor - Consumption on Premises (COP) (BROW OF BEVERAGE (PS) (MOTOR OF BEVERAGE
- () Beer, Wine & Liquor - Package Only
- () Beer, Wine & Liquor - In connection with a Hotel, Motel or Motor Court - or in connection with a Restaurant. (COP-S, COP-SR, COP-SRX)
- () Beer, Wine & Liquor - Club License (11-C)
- () Other - (Specify) - _____

DEPT. OF REVENUE
STATE OF FLORIDA
Sept. 14, 1976

SECTION BELOW TO BE COMPLETED BY THE DEPARTMENT OF REVENUE ONLY:

Please be advised that the subject dealer's Application for a Certificate of Sales and Use Tax Registration, under Section 212.18 F.S., has been received and approved by this office.

FROM: Department of Revenue J. M. Myers

Check One: Original Issue Reissued _____

Account Number, if Reissued: 416-New

Date: 9/9/76 Approved by: Juditha Coppin
For Department of Revenue

NOTE: Applicants for beverage license or CWD license are required to be first registered as dealers under the Sales and Use Tax law (F.S., Chapter 212).

SECTION BELOW TO BE COMPLETED BY THE LOCAL ZONING AUTHORITIES ONLY:

Kim Mally The above location DOES comply with local zoning ordinance for the sale of alcoholic beverages, as stated above.
The above location ~~DOES~~ NOT comply with the local zoning ordinance for the sale of alcoholic beverages, as stated above.

Is location within the limits of an incorporated municipality?
SIGNED: Walter Sawyer TITLE: Vice Chairman, Board of County Commissioners

CITY Fort Myers COUNTY Lee DATE Sept. 3, 1976

SECTION BELOW TO BE COMPLETED BY THE STATE/COUNTY HEALTH AUTHORITIES:

Inspection of the above-named establishment was made on the date of 8-30-76, and it was found that the sanitary facilities of the establishment comply with the minimum requirements under regulations of the Florida Sanitary Code, as promulgated under Chapter 19366, General Laws of Florida.

SUBJECT

W. S. Kelly

#2 Cottage

(For Staff Use Only)

REQUEST FOR ZONING COMPLIANCE
FOR APPLICATION FOR
ALCOHOLIC BEVERAGE LICENSE

Consumption on Premises
 Consumption Off Premises

Applicants' Name: MARK COMBS

Business Name: GOLF SHIRE GRILL

Location Address: 1270 ~~ESTRO~~ Blvd. Fort myers Bch. 3391

Mailing Address: 21620 Indian Bayou Dr. Fort myers Bch. 3391

Phone Number: 941-463-4298

STRAP NUMBER: S 19 T 46 R 24 A 614 P 0020 F 0010

ZONING DIST.: C10

Hearing for Special Exception: YES NO

Hearing Number: 1157 ~~1157~~ Appld ~~09/03/06~~ 09/03/06

Resolution Number: _____

ACOP/SRX

10/07/97

Department of Business and Professional Regulation

Division of Alcoholic Beverages and Tobacco

LICENSE/PERMIT APPLICATION

Please read the instructions before completing this application
SECTION I LICENSE INFORMATION

BUSINESS TELEPHONE #

941-463-9551

TYPE OF LICENSE: Check Appropriate Boxes

Retail Alcoholic Beverages
 Beer/Wine/Liquor Wholesaler
 Alcoholic Beverage Importer/Exporter
 Alcoholic Beverage Manufacturer

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Retail Cigarettes
 Cigarette/Tobacco Wholesaler
 Tobacco Exporter
 Cigarette Distributing Agent

TYPE OF APPLICATION: Check Appropriate Boxes

New
 Transfer
 Change of Location
 Change of Business Name
 Change of Officers/Stockholders

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Change in Series
 Decrease in Series
 Increase in Series
 Correction

Requested: 4 cop SEX Type requested: _____

Do you wish to purchase a temporary license? YES: NO:

Corporate Document #

P97000083676

Trade Name (D/B/A)

Gulf Shore Grill
(If this is a corporation or other legal entity enter the name as registered with Secretary of State) Enter document # above

Location Address (Street):

1270 Estero Boulevard

by Et Myers Beck

State

FL

Zip Code 33931

mailing Address 21620 Indians Bayou Drive

by Et Myers Beck

State

FL

Zip Code 33931

Resident Agent/Contact Person: Mark Combs/Michael Stanton

Phone Number

941-463-9551

Employer Federal Employer ID# or SS# FEIN# 65-0782169

SS#

Application is for a NEW license/permit, question 7-8 are not applicable.

License Number: _____

Series: _____

Type: _____

Tenant Business Name: _____

Reason for transfer of this license due to revocation proceedings? _____

Is there any personal relationship to the transferor? _____

What is the relationship: _____

BUSINESS NAME M + M INC

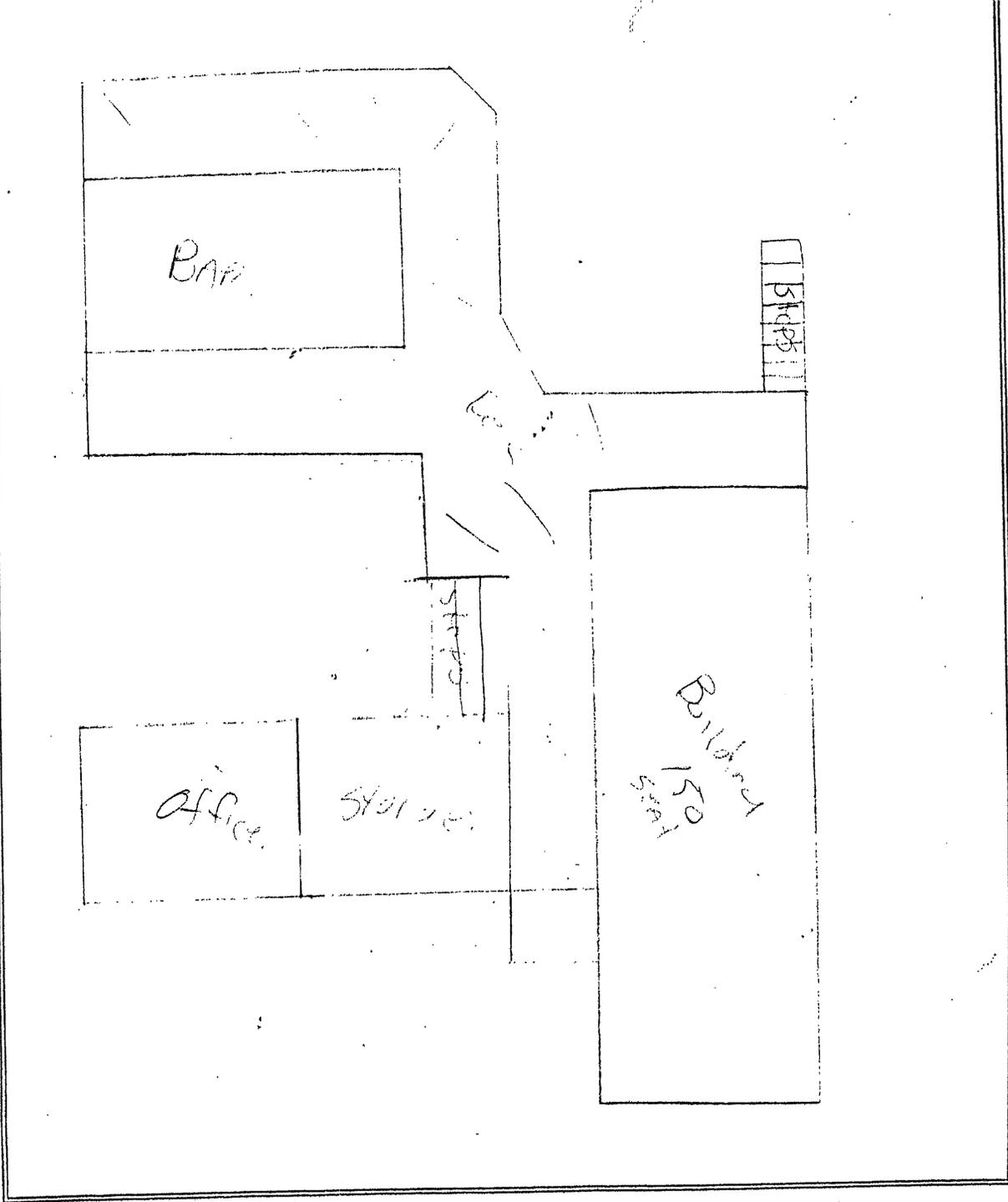
SECTION II DESCRIPTION OF PREMISES TO BE LICENSED

Is the proposed premises MOVABLE or ABLE TO BE MOVED? YES NO
Are the proposed premises located in a shopping center, mall or office building? YES NO

Is there any access through the premises to any area over which you do not have dominion and control? YES NO

Is the premises occupied by anyone not listed on this application? YES NO

Neatly draw a floor plan of the premises in INK, including the property boundaries, all parking areas, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show each floor plan.



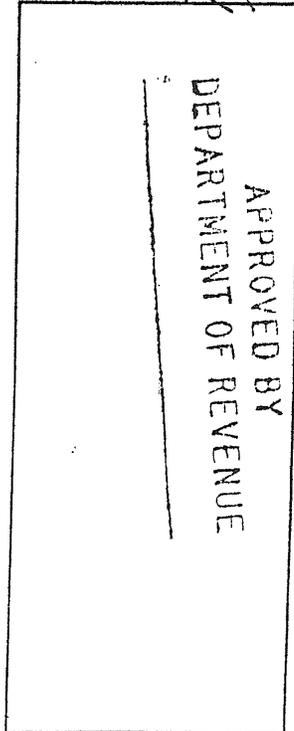
SECTION III SALES TAX - To be completed by the Department of Revenue.

he named applicant for a license/permit has complied with Florida Statutes concerning registration for Sales and Use tax.

is is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns appear to have been paid through the period ending 11/18 or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 212.10 (1), F.S. (Not applicable if no transfer involved.)

Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Signed: Shirley Miller Department of Revenue Stamp



Title: Specialty Specialist

Date: 10-7-97

SECTION IV ZONING - To be completed by the Zoning Authority governing your business location.

Street Address: 1370 ESTER BLVD.

City: FT. MYERS BEACH State: FL Zip Code: 33931

If this application is for the issuance of an alcoholic beverage license where zoning approval is required, the zoning authority must complete "A" and "B". If zoning approval is not required, the applicant must complete section "B".

A. The location complies with zoning requirements for the sale of alcoholic beverages ~~or wholesale tobacco products~~ pursuant to this application for a Series 4cap/slx alcoholic beverage ~~or wholesale tobacco~~ license.

Signed: Harold Newman Title ZONING TECH III Date 10-7-97

1. Is the location within the limits of an "Incorporated City or Town? YES []
If "YES", enter name of City or Town... FT. MYERS BEACH

SECTION V HEALTH - to be completed by the Division of Hotels and Restaurants or County Health authority or Department of Health and Rehabilitative services or the Department of Agriculture & Consumer services, whichever is applicable.

Address: _____
The above establishment Complies with the requirements of the Florida Sanitary Code.

Signed _____ Date _____
Agency _____

3A Beach Dog House



LEE COUNTY

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JAN 23 2002

PERMIT COUNTER

APPLICATION FOR ADMINISTRATIVE ACTION

APPLICATION FOR:

- Administrative Variance (Sup A) _____ Commercial Lot Split (Sup B)
- Consumption On Premises Per. (Sup C) _____ Mini. Use Determination (Sup D)
- _____ Ordinance Interpretation (Sup E) _____ Relief for Desig. Hist. Res. (Sup F)
- _____ Relief for Easement Encroachment (Sup G) _____ Adm. Amend. PUD or PD (Sup H)
- _____ Admin. Deviation from Chapter 10 (Sup I) _____ Placement of Model Home/Unit or Model Display Center (Sup. J)
- _____ Dock & Shoreline structures (Sup. K) _____ Redevelopment District (Sup L)
- _____ Final Plan Approval per Resolution: # _____

Applicant's Name: Mark Combs/MJM INC Phone #: 941-633-3542

Project Name: Beach Dog House

STRAP Number: 19-46-24-04-0070F.0010

Application Form: _____ Computer Generated* County Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Commission District: 03 Land Use Classification: Urban Com.

Current Zoning: C-1 Lee Plan Density Range: _____

Case Number: EOP2002-00013 Fee: \$650.00

Date of Application: 1/23/02 Date Fee Paid: _____

Intake by: _____ Receipt Number: _____

***** Supplements "A" through "H" & "J" through "L" & Final Plan Approval only ** Supplement "I" only *****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

PART I - GENERAL INFORMATION

1. APPLICANT'S NAME: BEACH AOG HOUSE / M + M INC
Mailing Address: _____

Street: 1270 ESTERO BLVD

City: FORT MYERS BEACH State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 633-3542 Ext: _____

Fax Number: Area Code: 941 Number: 265-5018

E-mail address: _____

2. Relationship of applicant to property:

Owner Trustee
 Option holder Contract Purchaser
 Lessee Other (indicate) _____

If applicant is NOT the owner, submit a Notarized Authorization Form from the owner to the applicant.

3. AGENT'S NAME(S): (Use additional sheets if necessary): MARK COMBS

Mailing Address: _____

Street: 1270 ESTERO BLVD

City: FORT MYERS BEACH State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 633-3542 Ext: _____

Fax Number: Area Code: 941 Number: 265-5018

E-mail address: _____

4. TYPE OF REQUEST (please check one)

- Administrative Variance (requires supplement A)
- Commercial Lot Split (requires supplement B)
- Consumption On Premises (requires supplement C)
- Minimum Use Determination (requires supplement D)
- Ordinance Interpretation (requires supplement E)
- Relief for Designated Historic Resources (requires supplement F)
- Easement Encroachment (requires supplement G)
- Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Redevelopment District (requires supplement L)
- Final Plan Approval (no supplement)

5. NATURE OF REQUEST (please print): _____

PART II - PROPERTY INFORMATION

Is this request specific to a particular tract of land? NO YES. If the answer is yes, please complete the following:

1. Is this action being requested as a result of a violation notice? NO YES.

a. If yes, date of notice: _____

b. Specific nature of violation: _____

2. Relationship of applicant to property: LESSEE Owner _____ Other (please indicate): _____

3. Name of owner of property: COLEMANO EAST / STACY FERREIRA

Mailing Address: Street: 1190 ROSEWOOD TRAIL

City: MT. SUFLET State: TX Zip: 37122

Phone Number: Area Code: 615 Number: 773-5745 Ext.: _____

Fax Number: Area Code: 615 Number: 773-7868

4. Legal Description: Is property description clearly shown within a platted subdivision recorded in the official Plat Books of Lee County?

NO. Attach a legible copy of the legal description and certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code.

YES. Property is identified as:

Subdivision Name: DESCENT BEACH LTS CT3 BLK 6 P134 P645
1-5 BKF + LTS
1-2+2.5 FTS

Plat Book 2575 Page 998 Unit _____ Block _____ Lot _____

5. STRAP NUMBER: 19-46-24-W4-0070F.0010

6. Property Dimensions:

Area: _____ square feet or _____ acres.

Width along roadway: 55' feet

Depth: _____ feet

7. Property Street Address: 1270 ESTERO BLVA

8. General Location Of Property: South A 100' yards from timespace. Next to Land Via

PART III

AFFIDAVIT

I, MARK COMBS, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application.

[Handwritten Signature]

Signature of owner or owner-authorized agent

Date

1-25-02

MARK COMBS

Typed or printed name

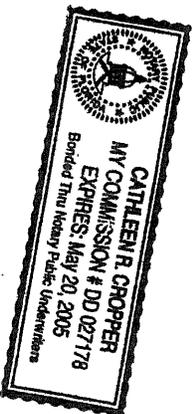
STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 23 day of January, 2002 by Mark K. Combs, who is personally known to me or who has produced FL DL 0512-551-63-0230 as identification.

(SEAL)

[Handwritten Signature]
Signature of notary public

Printed name of notary public





LEE COUNTY

ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT C

CONSUMPTION ON PREMISES
per Sections 34-1261-1264 LDC

If the request is for an administrative approval of a consumption-on-premises permit as set forth in Sections 34-1261-1264 of the Land Development Code, please submit the "Application for Administrative Action" form and the following:

1. Type of permit requested:

Regular (complete items 2 through 6) Temporary (complete item 7)

2. Type of Establishment: RESTAURANT. If a restaurant, submit copy of printed menu.

3. Is there (or will there be) outdoor seating areas? NO YES. If yes, please indicate the outdoor seating capacity (i.e. number of seats) and indicate the seating area on the site plan.

4. Hours of operation: 10 AM to 10 PM.

5. Type of license requested: Extension of Premises. -4 COOP SERV

6. ADDITIONAL SUBMITTAL REQUIREMENTS

a. SITE PLAN and FLOOR PLAN: (see back of this form for items to be included)

7. TEMPORARY "ONE-DAY-PERMIT"

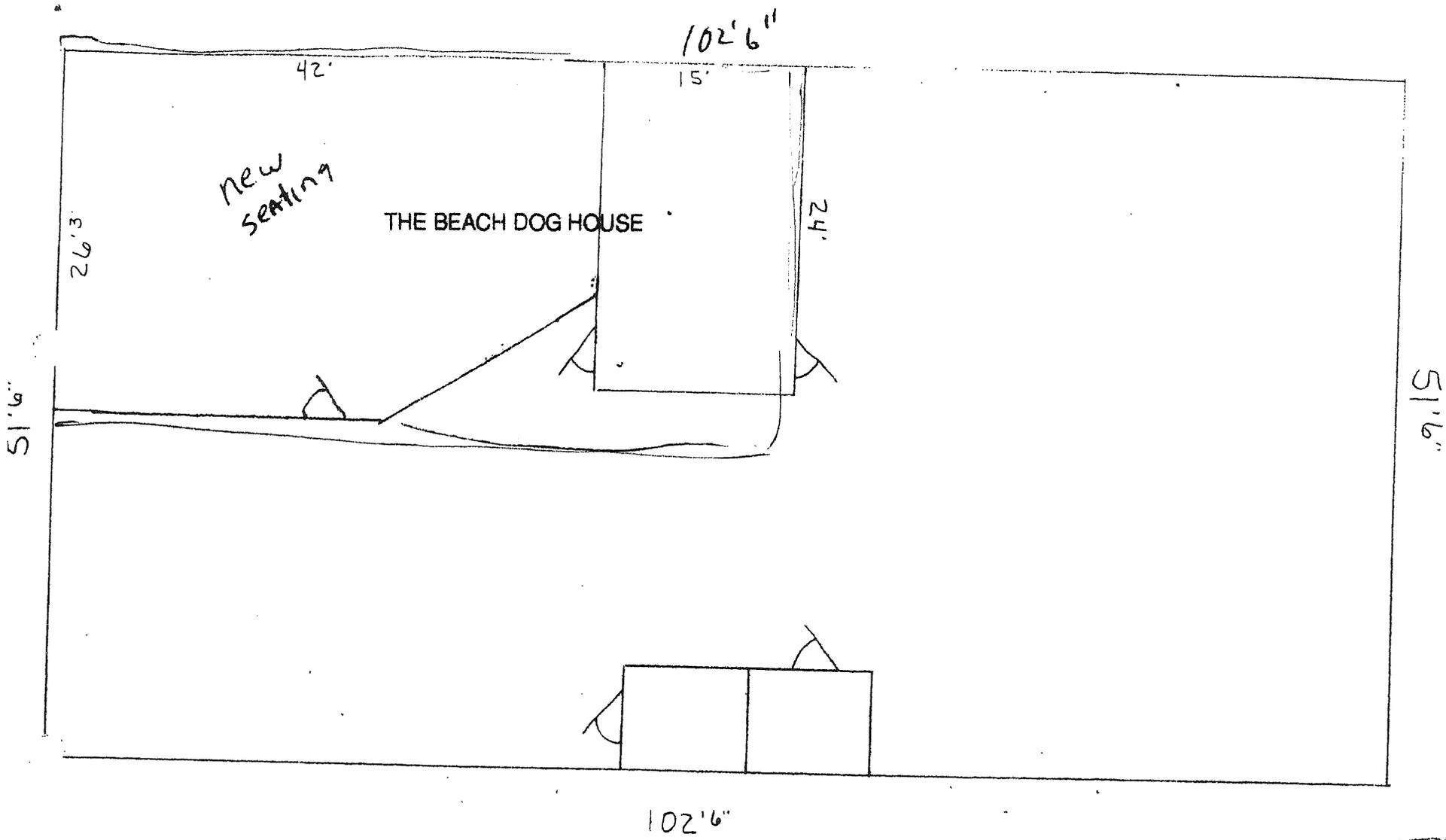
a. Type of Event: _____

b. Has a Temporary Alcoholic Beverage Permit been issued at this location within the past twelve months? NO YES. If yes, please list all dates permitted. _____

c. Provide a general description of the exact location or site where the alcoholic beverages are to be sold and consumed. All location. New location. Highlighted

d. Type of alcoholic beverages to be sold: _____

(SEE REVERSE SIDE)



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JAN 23 2002

PERMIT COUNTER

DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION
DIVISION OF ALCOHOLIC BEVERAGES & TOBACCO

~~BRITAIN DO & THE~~
381440013
9002-00013

APPLICATION FOR EXTENSION OF LICENSED PREMISES

Temporary
 Permanent

Full Name of Applicant: GULFS HOPE GRILL

Trade Name (D/B/A): MFM INC.

Location Address (Street): 1270 ESTERO BLVD Ft. MYERS BEACH 33931

Beverage License Number: 46-04398 Street Number City ZIP

FOR TEMPORARY EXTENSIONS ONLY: _____

Date(s) of Extension: _____

ZONING:

To be completed by the local zoning authorities

The above temporary permanent extension of the licensed premises as shown in the sketch does comply does not comply with zoning requirements for the sale of alcoholic beverages pursuant to this application.

Signed: Debra Cole Title: Barmit Date: 3-15-02

HEALTH: (This section only applies to a permanent extension of the licensed premises)

To be completed by the Division of Hotels and Restaurants, the County Health Authority or Department of Health and Retail Initiative Services, whichever is applicable.

The above permanent extension of the licensed premises as shown in the sketch does comply does not comply with the requirements of the Florida Sanitary Code.

Signed: [Signature] Date: 12-7-01

Title: Sanitary Specialist Agency: DBPR

AFIDAVIT OF APPLICANT

"I, the undersigned individual, or if a corporation for itself, its officers and directors, hereby swear or affirm that I am duly authorized to make the above application and, as such I hereby swear or affirm that the sketch is a true and correct representation of the extended licensed premises and agree that the place of business may be inspected and searched during business hours or anytime business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the sheriff, his deputies, and police officers for purposes of determining compliance with the beverage and cigarette laws.

I understand that the premises must be restored to its original form at the conclusion of the authorized temporary event.

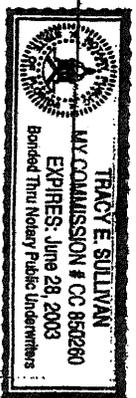
I swear under oath or affirmation under penalty of perjury as provided in Florida Statute 539.791, 562.45 and 837.06 that the foregoing information is true and correct."

STATE OF Florida

COUNTY OF Lee [Signature]

The foregoing was () Sworn to and Subscribed OR () Acknowledged Before me this 27th Day of November, 2001
By Mark Combs, who is (X) personally known to me OR () who produced _____ as identification.

[Signature] Notary Public Commission Expires: _____



CCP 2002-00013

ADMINISTRATIVE APPROVAL COP2002-00013

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, M & M Inc., filed an application for administrative approval for Consumption on Premises for a 4-COP SRX Alcoholic Beverage License on a project known as Beach Dog House; and

WHEREAS, the subject property is located at 1270 Estero Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Lots 1 thru 5 less the Easterly 45 feet of Lots 1 and 2 and the Northerly 2.7 feet of Easterly 45 feet of Lot 3, Block F of Crescent Park Subdivision as recorded in Plat Book 4, Page 45 and Lots 1, 2 and the Easterly 2.5 feet of Lot 3, Block C of Crescent Park Subdivision as recorded in Plat Book 4, Page 39

WHEREAS, the applicant has indicated the property's current STRAP number is 19-46-24-W4-0070F.0010; and

WHEREAS, Colorado East, the owner of the subject parcel, has authorized Mark Combs with M&M Inc., to act as agent to pursue this application; and

WHEREAS, the Lee County Land Development Code provides for certain administrative approvals for Consumption on Premises; and

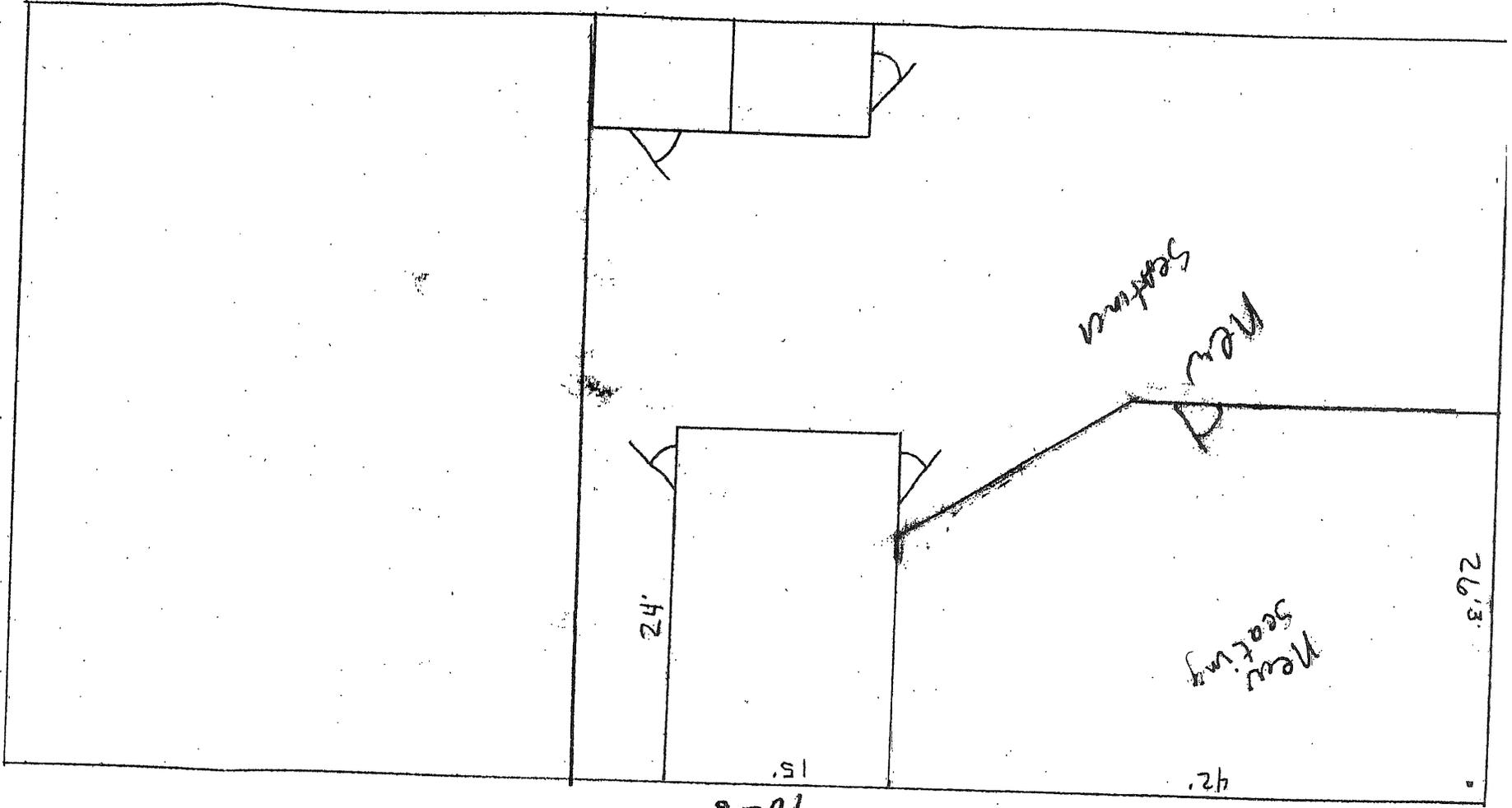
WHEREAS, the subject application has been filed to clarify and legitimize the location of the uses on the subject property in conjunction with consumption on premises of alcoholic beverages; and

WHEREAS, the subject property was developed in or around 1925 and the restaurant use was established with consumption on premises of alcoholic beverages prior to the implementation of zoning in Lee County; and

WHEREAS, the property is currently developed with a restaurant complex which includes the Gulfshore Grill, The Cottage, The Beach Dog House, gift shop, beach rentals and administrative offices; and

102'6"

51'9"



24'

15'

102'6"

42'

26'3"

New Seating

New Seating

32'

Existing Wood Deck

28'

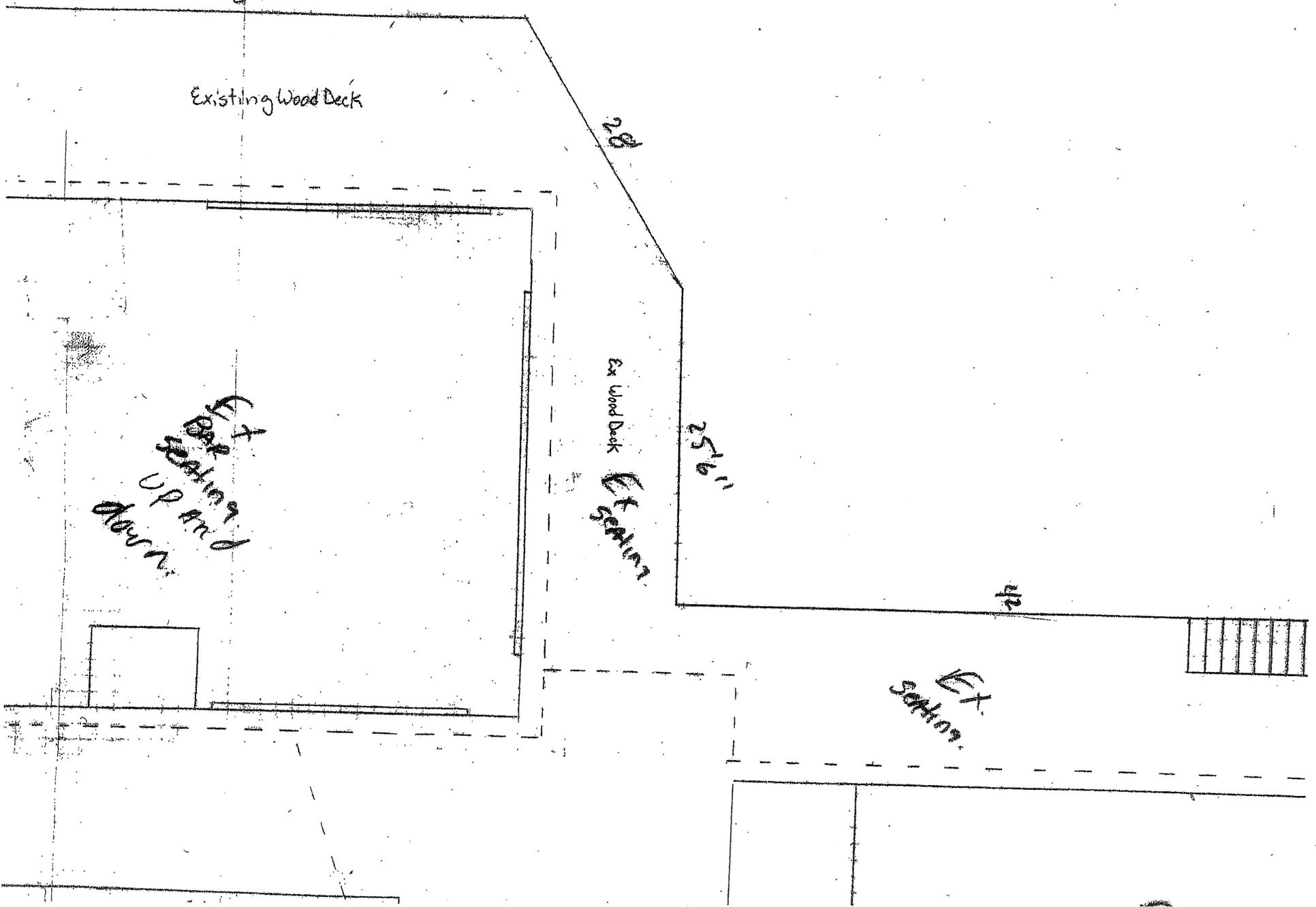
25'6"

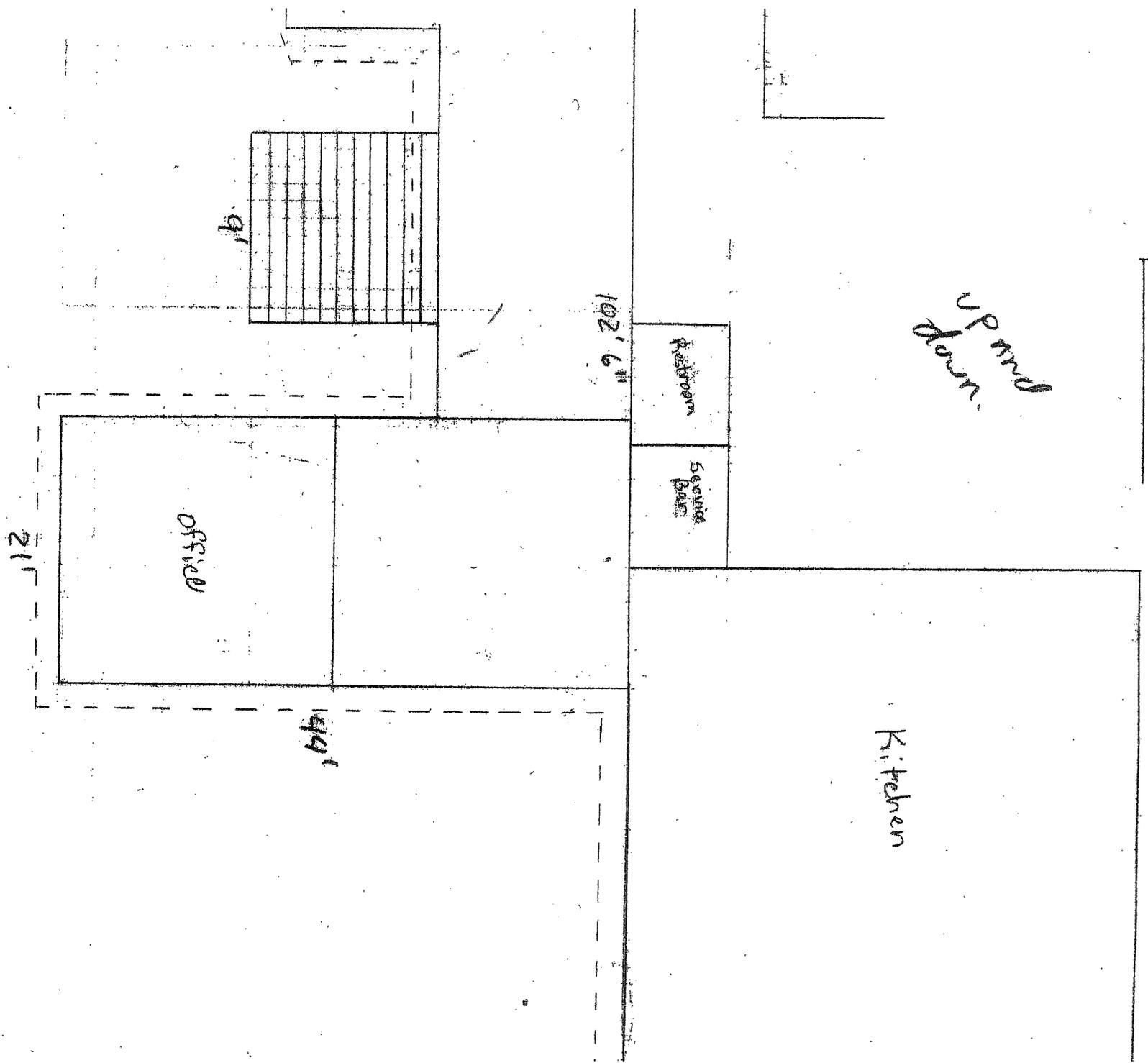
42'

Bar X
Sealing
UP AND
down

Ex Wood Deck
EX SECTION

EX
SECTION





up and
down.

SECTION

#4
 To AB&T's Violator
 01/20/04 - 000240 (No. 050.99)
 DBPR ABT-6029 -

Division of Alcoholic Beverages and Tobacco Application for Extension of
 Licensed Premises or Amended Sketch of Licensed Premises

Florida's Future...
DBPR Right Here Right Now.
 STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION
 1940 North Monroe Street
 Tallahassee, FL 32399-0783

If you have any questions or need assistance in completing this application, please contact the Department of Business and Professional Regulation or your local district office. Please submit your completed application to your local district office. This application may be submitted by mail, through appointment, or it can be dropped off. A District Office Address and Contact Information Sheet can be found on AB&T's page of the DBPR web site at the link provided below.

<http://www.state.fl.us/dbpr/abt/contact/index.shtml>

Transaction Type:
 Temporary Extension
 Permanent Extension
 Amended Sketch

Full Name of Applicant mam sene
Trade Name (D/B/A) gubghore grill
Location Address (Street) 1270 Estero Blvd.
City St. Marys Fla **County** fla **State** fla **Zip Code** 33431
Beverage License Number 46-04348 **Series** 4000 SRX **Type** _____
FOR TEMPORARY EXTENSIONS ONLY:
Date(s) of Extension: _____

Trade Name (D/B/A) gubghore grill
 Are there outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed?
 Yes No copy 2004
 The above extension of the licensed premises as shown in the sketch does comply or does not comply with zoning requirements for the sale of alcoholic beverages pursuant to this application.
 Signed: an.k. wick Title: Permitting Rep Date: 2-12-04
194424 w4 007015 0010

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 FEB 12 2004

an.k.w.
 DBPR

60040

Trade Name (D/B/A)

Subshore Grill

The above permanent extension of the licensed premises as shown in the sketch does comply or does not comply with the requirements of the Florida Sanitary Code.

Signed: _____

Date: _____

Title: _____

Agency: _____

Trade Name (D/B/A)

Subshore Grill

"I, the undersigned individually, or if a corporation for itself, its officers and directors, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the extended licensed premises and agree that the place of business may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the sheriff, his deputies, and police officers for the purposes of determining compliance with the beverage and cigarette laws."

I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that the foregoing information is true and correct."

If applying for a temporary extension, check the box to confirm the following statement:

"I understand that the premises must be restored to its original form at the conclusion of the authorized temporary event."

STATE OF _____

COUNTY OF _____

APPLICANT SIGNATURE _____

The foregoing was () Sworn to and Subscribed OR () Acknowledged Before me this _____ Day

of _____, 20____, By _____

who is () personally known

to me OR () who produced _____ as identification.

Notary Public _____

Commission Expires: _____

Sketches should be drawn in ink and include all walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show each floor.

Trade Name (D/B/A)

Delphone Bill

Receipt Number _____ Date of Receipt _____

Extension Fee _____ Date _____

AB&T Authorized Signature _____ Approved Disapproved

AMBER DEL SKETCH

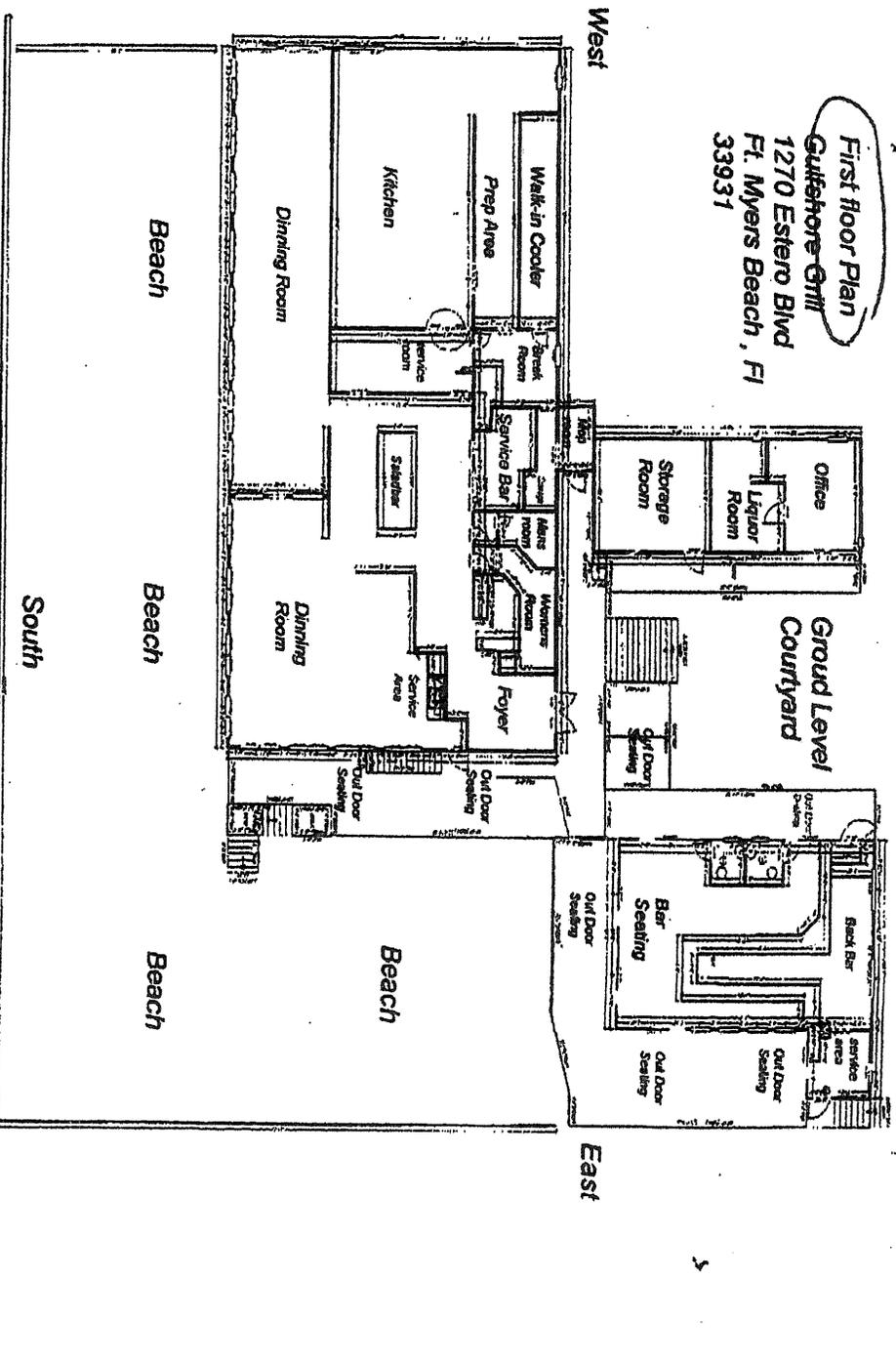
Estero Blvd.

North

Parking Lot

Parking Lot

First floor Plan
Gulfshore Grill
1270 Estero Blvd
Ft. Myers Beach, Fl
33931



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FEB 12 2004

PERMIT COUNTER

Description	Activity	Entered Date	Entered Date	Completed Date	Assigned To	Assigned By	Notes
-------------	----------	--------------	--------------	----------------	-------------	-------------	-------

e Assigned	2/12/2004	2/13/2004	2/12/2004	DONE	MKW		
ate GIS Notes	2/12/2004	2/12/2004	2/12/2004	DONE	MKW		
al Description Approved	2/12/2004	2/12/2004	2/12/2004	DONE	MKW		
lication Received	2/12/2004	2/12/2004	2/12/2004	DONE	MKW	application to update the floor plan	
ehoused	2/12/2004	2/12/2004	2/12/2004	DONE	MKW		
rofilmed	2/12/2004	2/12/2004	2/12/2004	DONE	MKW		
al GIS Mapping	2/12/2004	2/12/2004	2/12/2004	DONE	MKW		
Map Update	2/12/2004	2/12/2004	2/12/2004	DONE	MKW		
1 Off State Licence Appl.	2/12/2004	2/12/2004	2/12/2004	DONE	MKW		
iew File for Completeness	2/12/2004	2/12/2004	2/12/2004	DONE	MKW		

2004.01.11

19-06-24-00-00-00-0010

Select One

Select Line -

19-06-24-00-00-0010

19-06-24-00-00-0010

(09) YES
 BANNED: C-1
 BYVOL: NONE-ABVD BY BOCC CENR 03/03/75
 BUS NAME: GOLF SHORE GRILL
 TIRE LIC: 4COR/SRX
 LAST BY REV'D: 10/07/97
 OUTDOOR SEAT: 7272

(A)

Call staff &

mom

A fat new

approved site

PIA -

Ann -

Site is pretty thin. Questioning we got verbally handwritten

in this. Do you want me

to talk about it with

Miriam (and make him more

aware from he already is?)

Let's chat when you have a

moment. This is the water

table

PLUMBING

PERMIT Plumbing Commercial

PERMIT NUMBER: PLU2004-00229

ISSUED: 06/01/04
EXPIRES: 12/01/04

Owner Name: GIL JUAN C

Contractor: CFC035745 S AND S PLUMBING CONTRACTOR

Project Name: GULF SHORE GRILL

Description: SINK PLUMBING ON BAR

Job Address: 1270 ESTERO BLVD FORT MYERS BEACH 33931

Living Area: 0 SF

INSPECTION REQUEST LINE: 479-8997

DATE	BY	DATE	BY
201 1st R. Plumb		202 2nd R. Plumb	
204 Final Plumb		Other Inspection	

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

NOTICE: IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.

THIS PERMIT IS VOID IF THE FIRST INSPECTION IS NOT MADE WITHIN SIX (6) MONTHS FROM THE DATE ISSUED OR IF NO INSPECTION HAS BEEN MADE FOR A PERIOD OF SIX (6) MONTHS FROM THE MOST RECENT PASSED INSPECTION. BUILDING PLANS MUST BE ON JOB AT TIME OF INSPECTION. REINSPECTION FEE \$25.00.

THIS CARD MUST BE PLACED ON A BOARD AT EYE LEVEL SO IT CAN BE READ FROM ALL ANGLES AND BE PROTECTED FROM THE WEATHER

PARCEL #: 19-46-24-W4-0070F.0010

THIS SPACE FOR RECORDING

BEFORE THE HEARING EXAMINER FOR
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH, FLORIDA

Petitioner,

CASE NO.: 2004-016F

vs.

Colorado East Inc.

Respondent

(Lenny, Elec. Penalties)
3-Comp 500ft.
Pen withd.

CODE ENFORCEMENT ORDER

THIS CASE was first heard by the undersigned Fort Myers Beach Hearing Examiner at a public hearing on May 11, 2004 , after which an Order was entered which found that a violation existed on the subject property located, as reported by the Petitioner, at , and required the Respondent, as the responsible person or entity, to complete certain actions that would abate the violation by a date certain or face the imposition of a specified fine.

On June 9, 2004, the Hearing Examiner received competent evidence that the violation had been abated in accord with the above Order, and therefore finds and decides:

1. That the Respondent complied with the above-noted Order , and
2. That the violation on the subject property is abated.

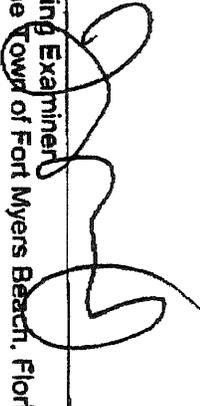
Respondent advised that because the abatement of the violation occurred after the time allowed in the initial Notice Of Code Violation, any similar violation in the future by the same property owner

6/18/04.oac

on property located in Lee County may be treated as a "repeat offense" for fine assessment purposes.

Upon recording in the public records, this Order shall constitute an acknowledgment of no imposition of a fine or lien against the Respondent pursuant to Chapter 162, F.S. for the Order dated.

DONE AND ORDERED at 1500 Monroe Street, Second Floor, Fort Myers, Lee County, Florida on June 9, 2004.



Hearing Examiner
for the Town of Fort Myers Beach, Florida

A copy of this Order has been furnished by regular U.S. Mail to the Respondent, and to Dick Roosa, Esquire, Town of Fort Myers Beach, 2523 Estero Boulevard, Fort Myers Beach, FL 33931; and by hand delivery to the Lee County Development Services Division (Code Enforcement), on June 18, 2004.

APPEAL: An aggrieved party may appeal an Order of the Hearing Examiner of Lee County to the Circuit Court. The appeal shall be limited to appellate review of the record created before the Hearing Examiner. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

6/18/04.oac

CFMB

Sec. 6-111

appropriate official shall immediately take action in accordance with such decision.

(d) Any aggrieved person may obtain judicial review of the decision of Lee County's boards of adjustment and appeals by filing a petition for writ of certiorari in the circuit court. Such petition must be filed within 30 calendar days after the board of adjustment and appeals' decision, but not thereafter, pursuant to the Florida Rules of Civil Procedure. The original petition for writ of certiorari must be filed with the clerk of the circuit court. Copies of the petition shall be filed with the building official for forwarding to the town attorney.

Secs. 6-83--6-110. Reserved.

DIVISION 3. BUILDING CODE

Sec. 6-111. Adoption; amendments.

The following chapters and sections of the 1997 Standard Building Code, as published by Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, are hereby adopted by reference and made a part of this article, with the exceptions set forth as follows:

Chapter 1, Administration.

Section 104.1.1 is amended to read as follows:

104.1.1. When required.

Any owner, authorized agent, lessee, tenant or contractor or any other person using the land, building or premises who desires to construct, enlarge, alter, repair, move, demolish, change or upgrade the occupancy of a building or structure as per section 3401.2.1, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to construct a sign of any description, or to install or alter fire extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator or other heat-producing apparatus or other appurtenances, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the proposed work.

Exception: Permits shall not be required for the following mechanical work:

- (a) Any portable heating appliances;
- (b) Any portable ventilation equipment;
- (c) Any portable cooling unit;
- (d) Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;
- (e) Replacement of any part which does not alter its approval or make it unsafe;
- (f) Any portable evaporative cooler;
- (g) Any self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

Section 104.1.4 is amended to add the following:

104.1.4. Minor repairs.

Ordinary minor repairs, routine maintenance, or incidental work of a nonstructural nature may be made without a permit, provided that such repair shall not violate any of the provisions of the technical codes. For purposes of this section, "ordinary minor repairs" include the replacement of damaged or worn materials by similar new materials and any other by the building official. Ordinary minor repairs under this section may not involve the cutting of any structural beam or supporting member or include any alterations that would increase habitable floor area, change the use of any portion of the building, remove or change any required means of egress or exit access, or affect the structural integrity or fire rating of the building.

Section 104.1.6, relating to time limitations, is amended to add the following:

The building official shall take all actions necessary to process an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. All plans reviewed which are approved by the building official or his designee are a best effort in good faith by the town in determining compliance of the plans with all applicable codes, ordinances, rules or regulations. Any failure on the part of the town to ascertain violations of any applicable codes, ordinances, rules or regulations on the approved plans shall not exonerate the contractor, builder and/or owner for their failure to comply with any and all codes, ordinances, rules or regulations.

A permit issued shall be construed to be a license to proceed with the work but shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this code, nor

Alcoholic Beverages

is clearly incidental to other retail sales commodities, such as in a grocery store, supermarket, or drugstore, the separation requirements from any dwelling unit shall not apply.

- (4) In any planned development zoning district where the applicant is contemplating the sale of alcoholic beverages for consumption off the premises in an establishment which cannot meet the distance requirements set forth in subsection (d) of this section, the applicant shall request a deviation from the requirements of subsection (d).

Sec. 34-1264. Sale or service for on-premises consumption.

(a) *Approval required.* The sale or service of alcoholic beverages for consumption on the premises shall not be permitted until such location has been approved by the town as follows:

- (1) *Administrative approval.* The director may administratively approve the sale or service of alcoholic beverages for consumption on

the premises when in conjunction with the following uses if the proposed use satisfies the requirements set forth in this division.

When circumstances so warrant the director may determine that administrative approval is not the appropriate action and that the applicant must instead apply for approval as a special exception. Such circumstances may include the previous denial of a similar use at that location, the record of public opposition to a similar use at that location, and similar circumstances. When the director has approved a request for consumption on the premises at a location where the actual building has not been constructed, the director shall not approve another request for consumption on the premises which could potentially violate the distance requirements.

If the first building is completed within less than one year, and it can be shown the second use would not violate the prescribed distance requirements, the director may approve the second location subject to all other requirements contained in this division.

(a) *Bars or cocktail lounges* located in commercial zoning districts which permit bars or cocktail lounges, provided the

standards set forth in subsections (b)(1) and (3) of this section are met;

b. *Charter, party fishing boat, or cruise ship*, provided the standards of section (b)(3) are met. The COP approval is specific to the charter, party fishing boat, or cruise ship operating from a specific location and does not run with the land nor is it transferable.

c. *Clubs and membership organizations* located in commercial zoning districts, where permitted, provided the standards set forth in subsections (b)(2)d and (b)(3) of this section are met;

d. *Cocktail lounges in golf course clubs*, provided the standards set forth in subsections (b)(2)c and (b)(3) of this section are met;

e. *Hotels/motels*, provided the standards set forth in subsections (b)(2)b and (b)(3) of this section are met; and

(f) *Restaurants*, provided the standards set forth in subsections (b)(2)a and (b)(3) of this section are met.

- (2) *Special exception.*

a. A special exception for consumption on the premises shall be required for:

1. Any establishment not covered by subsection (a)(1) of this section; or
2. Any establishment which provides outdoor seating areas for its patrons consuming alcoholic beverages, except that a restaurant may have outdoor seating approved administratively

provided the outdoor seating area is not within 500 feet of a place of worship, religious facility, school (noncommercial), day care center (child), park, or dwelling unit under separate ownership.

b. The burden of proof that the grant of the special exception will not have an adverse effect on surrounding properties lies with the applicant.

c. A single special exception for consumption on the premises for a multiple-occupancy complex in a conventional zoning district shall be sufficient to permit consumption on the premises in every restaurant which exists or may be established within the multiple-occupancy complex.

Alcoholic Beverages

(3) Planned developments.

- a. No administrative approval is necessary where an individual establishment or other facility proposing consumption on the premises is explicitly designated on the master concept plan and is included on the approved schedule of uses.
- b. If consumption on the premises is shown as a permitted use on the approved schedule of uses for a multiple-occupancy complex, no administrative approval for consumption on the premises shall be required for restaurants within the multiple-occupancy complex.
- c. Consumption on the premises for other uses within planned developments require administrative approval or a special exception.

(b) Location; parking.

(1) Prohibited locations.

a. Except as may be exempted in subsections

- (a)(1) or (b)(2) of this section, no establishment for the sale or service of alcoholic beverages for consumption on the premises shall be located within 500 feet of:
 1. A place of worship, religious facility, school (noncommercial), day care center (child), or park;
 2. A dwelling unit under separate ownership, except when approved as part of a planned development; or
 3. Another establishment primarily engaged in the sale of alcoholic beverages for consumption on the premises, excluding those uses listed under subsection (b)(2) of this section. Distance shall be measured from any public entrance or exit of the establishment in a straight line to the nearest property line of the place of worship, religious facility, school (noncommercial), day care center (child), dwelling unit, or park, or to the closest public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages.
- b. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subsection, and a place of worship,

religious facility, school (noncommercial), day care center (child), park or dwelling unit is subsequently established in the proximity of such existing establishment, then the separation requirements shall not apply.

(2) Exceptions to location standards. Exceptions to location standards are as follows:

a. Restaurants, provided:

1. The restaurant is in full compliance with state requirements;
2. The restaurant serves cooked, full-course meals, prepared daily on the premises; and
3. Only a service bar is used and the sale or service of alcoholic beverages is only to patrons ordering meals, or, if the restaurant contains a cocktail lounge for patrons waiting to be seated at dining tables, the lounge shall be located so that there is no indication from the outside of the structure that the cocktail lounge is within the building.
4. The other requirements of § 34-1264(k) shall be met.

b. Hotels/motels:

1. The hotel/motel contains at least 100 guest rooms under the same roof and that bars or cocktail lounges are located within the hotel or motel and under the same roof; and
2. The exterior of the building must not have storefronts or give the appearance of commercial or mercantile activity visible from the street.

If the use contains windows visible from the street, the windows shall be of fixed, ~~opaque~~ ^{opaque} glass. Access to the cocktail lounge or bar must be through the lobby. Additional entrances are not permitted unless the additional entrance or door opens into an enclosed courtyard or patio. The additional entrance may not be visible from the street. A fire door or exit shall be permitted, provided that the door or exit is equipped with panic type hardware and is maintained in a locked position except in an emergency.

Alcoholic Beverages

- c. *Golf course clubhouses*, provided that:
 - 1. The golf course consists of at least nine holes a clubhouse, locker rooms, and attendant golf facilities, and comprises in all at least 35 acres of land.
 - 2. Failure of such club to maintain the golf course, clubhouse, and golf facilities shall automatically terminate the privilege of the cocktail lounge and sale of beer from the refreshment stands.
 - d. *Membership organizations*, provided that:
 - 1. such club or organization conforms to all the requirements of F.S. ch. 561 and other applicable state laws, and
 - 2. there are no signs or other indications visible from the exterior of the clubhouse, building, or structure that alcoholic beverages are served.
 - e. *The floor area of the building and proposed seating capacity*. If a restaurant is proposing a bar or lounge for patrons waiting to be seated in the restaurant, the floor area and seating area of the lounge shall be shown in addition to the restaurant seating area.
 - 7. A town map marked to indicate all of the property within 500 feet of the building to be used for consumption on the premises.
 - 8. An notarized affidavit executed by the applicant indicating that no place of worship, religious facilities, day care centers (child), noncommercial schools, dwelling units or parks are located within 500 feet of the building to be used.
- (3) **Parking**. Restaurants providing alcoholic beverages for consumption on the premises must comply with the parking requirements set forth in § 34-2020(2). Any bar or cocktail lounge must provide parking in accordance with § 34-2020(2). All other uses must meet the parking requirements of the principal use.
- (c) **Procedure for approval**.
- (1) **Administrative approval**.
- a. *Application*. An applicant for a consumption on the premises permit shall submit the following information on a form provided by the town:
 - 1. The name, address, and telephone number of the applicant.
 - 2. The name, address, and telephone number of the owner of the premises, if not the applicant.
 - 3. A notarized authorization from the property owner to apply for the permit.
 - 4. Location by STRAP and street address.
 - 5. Type of state liquor license being requested.
 - 6. A site plan, drawn to scale, showing:
 - i. The property in question, including all buildings on the property and adjacent property;
 - ii. Entrances to and exits from the building to be used by the public;
 - iii. A parking plan, including entrances and exits;
 - b. *Findings by director*. Prior to permit approval, the director shall conclude that all applicable standards have been met. In addition, the director shall make the following findings of fact:
 - 1. There will be no apparent deleterious effect upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises.
 - 2. The premises are suitable in regard to their location, site characteristics, and intended purpose. Lighting must be shuttered and shielded from surrounding properties.
- (2) **Special exception**.
- a. Applications for special exceptions shall be submitted on forms supplied by the town and shall contain the same information as required for administrative approval.
 - b. Advertisements and public hearings shall be conducted in accordance with the requirements set forth in article II of this chapter.
- (d) **Temporary one-day permit**.
- (1) **Intent; applicability**. It is the intent of this subsection to require that nonprofit and for-profit organizations and establishments in the town obtain a one-day temporary alcoholic beverage permit for the sale of alcoholic beverages at the specific location where an

Parking

provided there is no increase in total floor area or capacity.

- (1) Existing buildings or uses enlarged in terms of floor area shall provide additional parking spaces for the enlarged floor area in accordance with the standards specified in this section.

- (2) When the use of a building is changed to a different use which is required to have more parking than exists, the additional parking shall be provided in accordance with the standards specified in this section.

(c) **Bicycle parking.** Commercial, multifamily, and mixed-use buildings may eliminate one required parking space by providing and maintaining a bicycle rack able to hold four bicycles.

(d) **Minimum parking standards.**

(1) **RESIDENTIAL USES.**

a. **Dwelling units with individual driveways.** The minimum requirement is 2.0 spaces for each dwelling unit. Stacking of vehicles in the driveway is permitted.

b. **Dwelling units with common parking lots:** Minimum requirements are as follows:

1. Studio or efficiency: 1.0 spaces per unit.
2. One bedroom: 1.25 spaces per unit.
3. Two bedrooms: 1.25 spaces per unit.
4. Three or more bedrooms: 1.5 spaces per unit.

5. Live/work units: 2.0 spaces per unit. Stacking of vehicles is not permitted except as provided in § 34-2015(5).

c. **Timeshare units:** Parking requirements are the same as for multiple-family buildings. If lock-off accommodations are provided, parking for the lock-off units will be calculated at 0.5 extra spaces per lock-off unit.

d. **Living units without kitchens:** Living units that do not contain customary cooking facilities within the individual units but instead have a central kitchen for food preparation and where meals are served in a central dining area or individual rooms must calculate parking requirements as follows: one parking space per four residents or four beds (whichever is greater), plus ten percent.

e. **Group quarters, excluding living units subjects to § 34-2020(d)(1)d.** The minimum requirement is one parking space per bedroom or one space per two beds, whichever is greater.

(2) **COMMERCIAL USES.**

a. **Bars and cocktail lounges.** The minimum requirement is 15 spaces per 1,000 square feet of total floor area. If outdoor seating is provided, an additional one space per four outdoor seats or 75 square feet of outdoor seating area (whichever is greater) must be provided. See also subsection (2)h of this section, pertaining to restaurants, and subsection (4) of this section.

b. **Bed-and-breakfast inns.** The minimum requirement is 1 parking space for each guest room plus 1 space for the owners' quarters.

c. **Car washes.** The minimum requirement is two spaces per car wash stall or space, plus drive-through facilities (see subsection (2)d of this section). Each individual car wash stall or space may count as one of the required two parking spaces per stall.

d. **Drive-through facilities.** Where permitted, any commercial establishment providing drive-through service windows or stalls shall provide separate vehicle stacking for those uses. For the purpose of this section, a stacking unit is defined as 18 feet in length and 9 feet in width. The total number of stacking units required is to be based on the type of business, as follows:

1. **Banks and financial establishments:** Stacking lanes to accommodate three cars per window.
2. **Car washes:** Stacking to accommodate one car per service stall or three cars, whichever is greater.
3. **Restaurants:** New or expanded drive-through facilities are not permitted for restaurants (see § 34-620(g)). For existing drive-through facilities that are being lawfully reconfigured, stacking lanes to accommodate six cars per service lane, with a minimum of four spaces preceding the menu board.
4. **Other:** Stacking for two cars.

Parking

- e. *Hotels and motels.* The minimum requirement is 1.2 parking spaces for each guest unit up to 450 square feet and 1.5 spaces for each larger guest unit.
 - f. *Offices.* This category includes offices of all types not specifically listed elsewhere, including banks and medical facilities. The minimum requirement is 2 spaces per 1,000 square feet of total floor area. See also subsection (2)d. of this section pertaining to vehicle stacking for drive-through facilities.
 - g. *Personal services.* The minimum requirement is 5 spaces per 1,000 square feet.
 - h. *Restaurants.* With the exceptions noted below, the minimum parking requirements for restaurants is 8 spaces per 1,000 square feet of total floor area plus any outdoor seating area.
 - 1. *Accessory restaurant.* When a restaurant is located within the same building as the principal use, and is clearly provided primarily for the employees and customers of the principal use, no additional parking spaces are required.
 - 2. *Bars and cocktail lounges.* If the restaurant contains a cocktail lounge or bar, the minimum requirement is 8 spaces per 1,000 square feet of total floor area plus 5 additional spaces per 1,000 square feet of floor area used for the bar or cocktail lounge. If outdoor seating is provided, parking must also be provided for the area used for outdoor seating at these same rates.
 - i. *Retail stores, freestanding.* This subsection applies to individual retail or business establishments. Any retail establishment proposing drive-through facilities shall also meet the requirements of subsection (d)(2)d of this section.
 - 1. *Convenience food and beverage stores.* The minimum requirement is 4 spaces per 1,000 square feet of total floor area. If more than 20% of the total floor area or 600 square feet, whichever is less, is used for the preparation and/or sale of food or beverages in a ready-to-consume state, parking for this area will be calculated the same as a restaurant. One parking space per four pumps will be credited against the required parking.
 - 2. *Other retail or business establishments.* The minimum parking requirement is 3 spaces for each 1,000 square feet of total floor area. Required parking for areas within the principal building which are used only for dead storage and are not available to the public shall be computed at the rate of 2 spaces per 1,000 square feet.
 - j. *Warehousing (mini-warehouses).* The minimum requirement is 1 space per 25 storage units, with a minimum of 3 spaces.
 - k. *Wholesale establishments.* The minimum requirement is 1 space per company vehicle plus 1 space per 1,000 square feet of total floor area.
- (3) **MISCELLANEOUS USES.**
- a. *Educational institutions*
 - 1. *Public schools.* Parking shall be provided in compliance with state law.
 - 2. *Private or parochial schools and day care centers.* The minimum requirement is one space per employee plus one space for each 40 students.
 - b. *Marinas and other water-oriented uses.* Minimum requirements are as follows:
 - 1. *Boat slips:* One space per two slips.
 - 2. *Dry storage:* One space per six unit stalls.
 - 3. *Charter or party fishing boat services:* One space per three people based on maximum passenger capacity of the boats using the dock or loading facility.
 - 4. *Cruise ships:* ne space per three people based on the maximum passenger and crew capacity of the ship.
 - 5. *Water taxis:* Dedicated parking spaces are not required at stopping points for water taxis or water shuttles.
 - 6. *Other uses:* Other uses including accessory or ancillary marina uses such as restaurants, bars, or lounges, boat sales, etc. must be calculated separately in compliance with this division.
 - c. *Museums, art galleries, libraries and other similar uses not covered elsewhere:* The minimum requirement is one parking

Colt Street
NOTICE OF CODE VIOLATION
TOWN OF FT MYERS BEACH



LEE COUNTY
SOUTH WEST FLORIDA

Ref: VIO2004-02437 Date: 2/12/04
Colorado East Inc. C/O Stacey Ferreira

1190 Rosewood Trail

Mt Juliet, TN 37122

DEVELOPMENT SERVICES
CODE ENFORCEMENT
P.O. BOX 398
FT. MYERS, FL. 33902
(239)765-0202

RE: VIOLATION ADDRESS: 1230 Estero Blvd
STRAP# 19 - 46 - 24 - WA 0070F 0010

Dear Property Owner/Tenant:
An inspection of the above referenced property on 2/12, 20 04 disclosed the
existence of a violation contrary to Town of Ft Myers Beach FMB LDC Section 34-1264 Sale Or
Service On-premises Consumption.

This violation is in the form of Administrative Approval COP2002-00013 has been violated by the owner by
not conforming to the approved site plan presented for this Administrative Approval.

You are directed to abate or remedy this violation within 30 days of receipt of this notice
by The site plan must be amended to indicate the increased service and seating area on the lower level.

This must be approved or the applicant must return to the originally approved site plan and conform to
code.

**ONCE THE VIOLATION HAS BEEN CORRECTED, PLEASE CONTACT THE CODE
ENFORCEMENT OFFICER NAMED BELOW at (239) 765-0202.**

If you fail to remedy this condition within the time frame specified above or if the violation is
abated and reoccurs, this case may be scheduled before the Lee County Hearing Examiner. You will be
notified as to time, date and location of this hearing.

Please be advised that, under Florida Statutes Chapter 162 and Town of Ft Myers Beach Land
Development Code Chapter 2, Article VII, a fine of up to \$250.00 per day may be imposed for each
day this violation continues to exist past the date set for compliance by the Hearing Examiner.

Please contact Lee County Code Enforcement at (239) 765-0202 with respect to any questions
you may have regarding this notice.

(Accepting party) PRINT NAME

David Paschall
[Signature]

(Signature of accepting party) / (Date)

Code Enforcement Officer
Development Services Division

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the
statutory notice requirements of Florida Statute 162.12. The person accepting the document was informed
of the contents of the notice at the time of delivery.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief.

Sworn and subscribed before me this ___ day of
20 ___ by
personally known to me:

(Inspector/Affiant) / (Date)

Notary Public State of Florida

2865

HEARING EXAMINER
FOR THE TOWN OF FORT MYERS BEACH

CODE ENFORCEMENT ORDER

FOR

CODE ENFORCEMENT CASE

CASE NUMBER: 2004-015F *Cop Adm'n App'nt.*

RESPONDENT: Colorado East, Inc.

ORIGINAL HEARING DATE: May 11, 2004

NOTICE IS HEREBY GIVEN THAT THE HEARING EXAMINER CONTINUES THE ABOVE ACTION, WITHOUT ENTERING FINDINGS OF FACT. FURTHER PROCEEDINGS IN THIS MATTER WILL BE HELD ON:

July 13, at 9:00 A.M.

The hearing will be held at the Town of Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Lee County, Florida, and the Respondent urged to be present if the violation has not been abated by that date.



Hearing Examiner
For the Town of Fort Myers Beach, Florida

Date: 6/18/04

A copy of this Notice has been furnished by regular U.S. Mail to Respondent and to the Town of Fort Myers Beach; and by hand delivery to the Lee County Development Services Division (Code Enforcement), on June 15, 2004.

nc.6/15/04

HEARING EXAMINER
FOR THE TOWN OF FORT MYERS BEACH

CODE ENFORCEMENT ORDER

FOR

CODE ENFORCEMENT CASE

CASE NUMBER: 2004-014F

Pop Studios, Expansion?

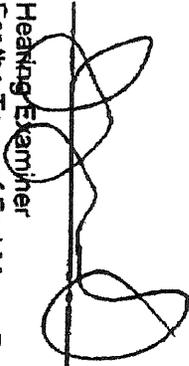
RESPONDENT: Colorado East, Inc.

ORIGINAL HEARING DATE: May 11, 2004

NOTICE IS HEREBY GIVEN THAT THE HEARING EXAMINER CONTINUES THE ABOVE ACTION, WITHOUT ENTERING FINDINGS OF FACT. FURTHER PROCEEDINGS IN THIS MATTER WILL BE HELD ON:

July 13, at 9:00 A.M.

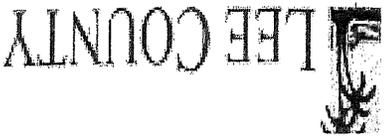
The hearing will be held at the Town of Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Lee County, Florida, and the Respondent urged to be present if the violation has not been abated by that date.



Hearing Examiner
For the Town of Fort Myers Beach, Florida

Date: 6/18/04

A copy of this Notice has been furnished by regular U.S. Mail to Respondent and to the Town of Fort Myers Beach; and by hand delivery to the Lee County Development Services Division (Code Enforcement), on June 15, 2004.



Fee History

Case #: COM2004-01226

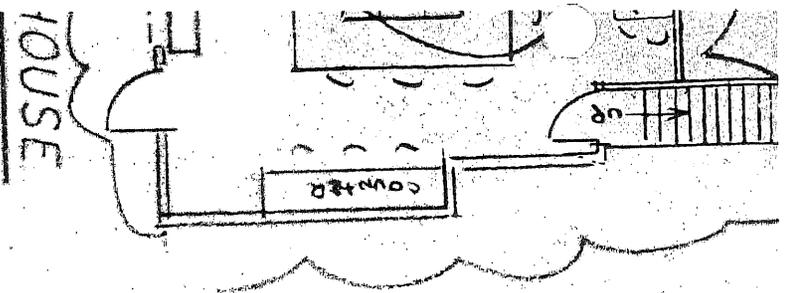
INTERIOR REPAIR

Case #: COM2004-01226
 Property Owner: COLORADO EAST INC
 Property Address: 1270 ESTERO BLVD
 Contractor: RICHARD M MC DOLE
 License Number: CGC040111
 Fax Number:

Description	Revenue Account Number	Fees	Paid	Date Paid
Plan Review	LC5240015501.322000.9020	50.00		

Total Fees: \$50.00 Paid: \$0.00 TOTAL REMAINING DUE: \$50.00

City Board of City Commissioners



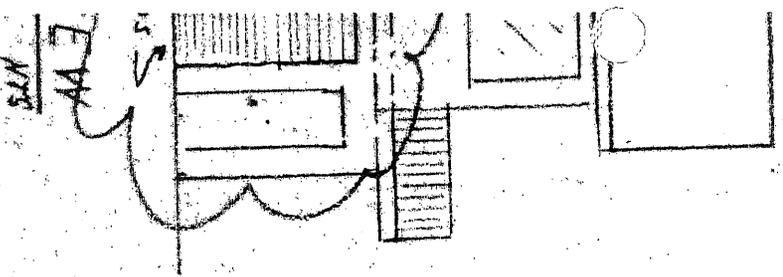
BEACH DOG HOUSE AREA ONLY

**AFTER THE FACT PERMIT REVIEW
FOR COMPLIANCE CERTIFICATE FOR AREA**

NOTE, ALL COMPONENTS LISTED BELOW
ARE NON-STRUCTURAL AND WERE EXISTING
AND REPLACED OR REPAIRED UNDER
SECTION 104-1.4 MINOR REPAIRS

1. REPLACE EXISTING FLOOR DECK ON GRADE
(NON-STRUCTURAL)
2. REPLACE EXISTING STAIR TO UPPER DECK
3. REPLACE 1 X4 HORIZONTAL SLATS ON EXTERIOR
WITH LATTICE PANELS (NON-STRUCTURAL)
4. INSTALL (3) SECURITY ROLL UP DOORS
NOT FOR HURRICANE PROTECTION
5. REPLACE EXISTING COUNTER AND TABLE TOPS

**ALL ABOVE WORK IS NON-STRUCTURAL
ALL PLUMBING AND ELECTRICAL IS EXISTING AND
WAS NOT MODIFIED. DO NOT REQUIRE PERMITS.**



<p>GULF SHORE GRILL RESTAURANT 1270 ESTERO BLVD. FORT MYERS BEACH FL.</p>	
<p>SCALE: NTS</p>	<p>APPROVED BY:</p>
<p>DATE: 5/31/04</p>	<p>DRAWN BY: RM</p>
<p>BEACH DOG HOUSE LAYOUT</p>	
<p>DRAWING NUMBER</p>	

**NOTICE OF CO. VIOLATION
TOWN OF FT MYERS BEACH**



Ref: VIO 2004-22047 Date: 5 Nov 2004

Colorado East Inc. c/o Stacey Ferreria

4233 Warren Dr

Franklin TN 37067

**DEVELOPMENT SERVICES
CODE ENFORCEMENT**

P.O. BOX 398
FT. MYERS, FL. 33902
(239)765-0202

RE: VIOLATION ADDRESS: 1250 Estero Blvd, Ft Myers Beach, FL
STRAP# 19 - 46 - 24 - W4. 0070F. 0010

Dear Property Owner/Tenant:

An inspection of the above referenced property on 25 Oct, 2004 disclosed the existence of a violation contrary to Town of Ft Myers Beach FMB LDC Sect 34-1264 Sale or Service on premises consumption (g)

This violation is in the form of Administrative approval COP2004-00013 has been violated by the owner by not conforming to the approved site plan presented for this administrative approval

You are directed to abate or remedy this violation within 30 days of receipt of this notice by The site plan must be amended to indicate the increased service and seating area on the lower level. This Must be approved or the applicant must return to the originally approved site plan and conform to code.

ONCE THE VIOLATION HAS BEEN CORRECTED, PLEASE CONTACT THE CODE ENFORCEMENT OFFICER NAMED BELOW at (239) 765-0202.

If you fail to remedy this condition within the time frame specified above or if the violation is abated and reoccurs, this case may be scheduled before the Lee County Hearing Examiner. You will be notified as to time, date and location of this hearing.

Please be advised that, under Florida Statutes Chapter 162 and Town of Ft Myers Beach Land Development Code Chapter 2, Article VII, a fine of up to \$250.00 per day may be imposed for each day this violation continues to exist past the date set for compliance by the Hearing Examiner.

Please contact Lee County Code Enforcement at (239) 765-0202 with respect to any questions you may have regarding this notice.

Bob Konior
(Accepting party) PRINT NAME

Code Enforcement Officer
Development Services Division

(Signature of accepting party) / (Date)
Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirements of Florida Statute 162.12. The person accepting the document was informed of the contents of the notice at the time of delivery.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief.

Sworn and subscribed before me this ____ day of _____, 20__ by _____ /
personally known to me. (Inspector/Affiant) / (Date)

Notary Public State of Florida

**NOTICE OF COI VIOLATION
TOWN OF FT MYERS BEACH**



Ref: VIO 2004-22061 Date: 5 Nov 2004

Colorado East Inc. c/o Stacey Ferreira

4233 Warren Dr

Franklin TN 37067

**DEVELOPMENT SERVICES
CODE ENFORCEMENT**

**P.O. BOX 398
FT. MYERS, FL. 33902
(239)765-0202**

RE: VIOLATION ADDRESS: 1250 Estero Blvd, Ft Myers Beach, FL
STRAP# 19 - 46 - 24 - W4. 0070F. 0010

Dear Property Owner/Tenant:

An inspection of the above referenced property on 25 Oct, 20 04 disclosed the existence of a violation contrary to Town of Ft Myers Beach FMB LDC Sect 34-1264 Sale or Service on premises consumption (g)

This violation is in the form of The area designated for an alcoholic beverage permit cannot be expanded without filing a new application for an alcoholic beverage permit in accordance with the requirements in this chapter

You are directed to abate or remedy this violation within 30 days of receipt of this notice by apply for and receive the required permit or return to the originally approved permit and conform to code.

ONCE THE VIOLATION HAS BEEN CORRECTED, PLEASE CONTACT THE CODE ENFORCEMENT OFFICER NAMED BELOW at (239) 765-0202.

If you fail to remedy this condition within the time frame specified above or if the violation is abated and reoccurs, this case may be scheduled before the Lee County Hearing Examiner. You will be notified as to time, date and location of this hearing.

Please be advised that, under Florida Statutes Chapter 162 and Town of Ft Myers Beach Land Development Code Chapter 2, Article VII, a fine of up to \$250.00 per day may be imposed for each day this violation continues to exist past the date set for compliance by the Hearing Examiner.

Please contact Lee County Code Enforcement at (239) 765-0202 with respect to any questions you may have regarding this notice.

(Accepting party) PRINT NAME _____
Bob Konior
PRINT

(Signature of accepting party) / _____
Code Enforcement Officer
Development Services Division

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personally known to me. _____ (Inspector/Affiant) / (Date)

Notary Public State of Florida