

**Request for Public Interest Determination**

**For**

**Enhancement of Property located at**

**2200 S. Orlando Avenue, Cocoa Beach, Florida**

**Prepared by Owner: Banana Riverfront, LLC**

**Submitted: August 16, 2016**

**Introduction:**

Banana Riverfront, LLC requests two Public Interests Determinations (PIDs) for the enhancement and enlargement of the restaurant known as Squid Lips in Cocoa Beach. PID No. 1 is to allow the placement of primary and minor structures within the Surface Water Protection Buffer (Buffer) of the Indian River Lagoon Estuary/Banana River Aquatic Preserve. PID No. 2 is to allow exceedance of the 30 percent (30%) of impervious coverage in the Buffer.

**I. Description of Property:**

The Property consists of 2.44 acres located in south Cocoa Beach between S. Orange Avenue (Highway A1A) and the Banana River. There are three buildings on the Property: a 10,286 square foot restaurant; a small one-story building previously used as a residence and now utilized for storage of restaurant equipment and furniture; and a 492 square foot maintenance shed.

The Property is adjacent to Class II Waters/Aquatic Preserve/Florida Outstanding Waters, all of which require a 50-foot Buffer. Brevard County Code, Sec. 62-3668(1).

**Legal Description:**

All of the Replat of Avon Court (Plat of Avon Court being recorded in Plat Book 10, Page 39) according to Plat Recorded in Plat Book 10, Page 61, Public Records of Brevard County, Florida, (said property being also described as the South 200 feet of Tract 2 of Titcomb's resubd. of part of Burchfiel's and Bruner's Addition to Crescent Beach, according to plat recorded in Plat Book 8, Page 46) and is further described as follows.

Commence at the Southwest corner of Tract 3 of Titcomb's resubd. according to plat recorded in Plat Book 8, Page 46, thence run West on the prolongation of the South line of said Tract 3 to the center line of State Road A1A for the point of beginning of the land herein described, thence for a first course Continue West on the same course to and into the waters of Banana River thence for a second course run the waters of Banana River Northwesterly to a point which is 200 feet North by right angle measurement from the first course projected; thence for a third course run East and parallel to the first course and 200 feet distant North therefrom to the center line of State Road A1A, thence for a fourth course run the center line of said State Road A1A Southerly to the point of beginning, together with riparian rights in and to the Banana River. Less and Except right of way for A1A as recorded in C.C.M. Book 29, Page 100, Public Records of Brevard County, Florida.

## **II. History of Property and Use:**

The Property has been used as a restaurant since at least 1952, with an outdoor deck for seating in existence since at least 1988. There is a long-existing eight foot (8') boardwalk that abuts the shoreline along most of the Property. The restaurant has been permitted to sell liquor, beer & wine, by approval of the County Commission, since July 11, 1974. However, the River's Edge Restaurant that existed on the Property in the 1950's and 1960's did sell alcoholic beverages. The restaurant use on the Property has historically drawn residents and visitors to the Property because of its proximity to the Banana River.

The Property also boasts a 152 foot pier that allows even further viewing opportunities of the Banana River, fish, porpoises, birds and other wildlife. At the end the pier, boat travelers are allowed to dock and tie up to enjoy the restaurant, by virtue of submerged land lease with the State of Florida. Additionally, the Property has 367' of Lagoon observation rail along the Banana River, plus another 294' on both sides of the dock for a total of 661' of Lagoon observation rail on the property.

The current restaurant, Squid Lips, opened in February 2016 and provides public access to and viewing of the Aquatic Preserve.

## **III. Planned Improvements:**

In order to provide an enhanced experience for its customers, Squid Lips added infill to the outdoor deck (approximately 1970 square feet) located between the existing deck and the building and installed a hard cover canopy over much of the outdoor seating area. The deck is to provide additional seating to allow enjoyment of the Banana River and the outdoor environment. The anticipated expansion of outdoor seating is 50 seats. (However, the overall seating at the restaurant has been reduced by 79 seats from the total number of seats utilized by the previous occupant, The Lobster Shanty, due to a substantial reduction to the number of interior seats.)

*Exhibit "A"* reveals the expanded elevated deck and walkway; *Exhibit "B"* shows the extent of the deck and walkway before expansion. The old and the new decking are constructed on 2" by 8" stringers placed on the ground, with 2" x 8" decking over the stringers. The eight foot (8') walkway along the bulkhead was pre-existing, is also elevated approximately eight inches (8") off the ground. During the construction of the

infill of the deck area, some of the old decking and walkway areas was damaged and replaced with new boards.

The hard cover canopy, is considered a "structure" under Sec. 62-3661, County Code, because it is "constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground." However, it should be considered a "minor structure", akin to a gazebo, as defined in Sec. 62-3661.

Banana Riverfront, LLC intends to construct a kayak and paddleboard ramp and rack on the northern edge of the Property, for access by people on the Lagoon. There have numerous requests from folks wanting to come to the restaurant by standup paddleboard and kayaks. This would provide even more opportunities for enjoyment by the public of the Lagoon.

#### **IV. Public Interest Determination Request:**

Banana Riverfront, LLC is seeking two PIDs: to be allowed to construct primary structures in the Buffer [Sec. 62-3668(3)]; and to exceed 30% impervious surfaces in Buffer [Sec. 62-3668(b)(3)]. Alteration or construction within the Buffer is prohibited unless it is "shown to be in the public interest and does not adversely impact water quality and natural habitat." [Sec. 62-3668(3)]. The structures that violate the Buffer and the impervious percentage are the elevated deck and the canopy, both of which are accessory structures. The elevated walkway and previously existing portions of the deck have always been in the Buffer.

As apparent from *Exhibit "A"*, the elevated deck was infill from the existing deck and walkway. Much of the pre-existing elevated deck for outdoor seating extended all the way to the bulkhead. *See photo of southern end of outdoor deck, Exhibit "C"*. The walkway includes the observation rail abutting the Banana River, along which the prior owner placed chairs and tables for dining. Squid Lips has removed the chairs and tables along the observation rail to allow for better viewing of the River.

Banana Riverfront, LLC has reduced and will further reduce the stormwater runoff into the Lagoon. Drains were installed underneath the elevated deck to draw stormwater away from the Banana River and to the east, to allow for percolation. A complete stormwater plan will be submitted to the County to conform to Sec. 62-3666.

The enhanced stormwater plan will enhance the water quality as it prevents the runoff that occurred from the Property that was not engineered to prevent the flow of water into the Banana River.

The canopy is designed to keep sun, heat and rain from the customers in outdoor seating. *See photo, Exhibit "D"*. The canopy is designed so that the water runs east from the canopy via a gutter and drain system, rather than discharging into the Lagoon. The canopy will not "adversely impact water quality".

The construction of the infill for the deck and the covering of the deck by the canopy will enhance the overall experience of visitors to the restaurant. Because of the improved stormwater system, neither PID will "adversely impact water quality and natural habitat".

#### **V. Public Benefits and Public Use of Property**

This Property provides water access for recreation (active and passive) and restaurant uses. Waterfront restaurants are one of very few waterfront uses that provide a "window to the lagoon" for the general public. There are very few restaurants in this portion of the County jurisdictional lands that allow for the public to enjoy the Banana River/Indian River Lagoon Estuary. Residents and tourists both can partake of the natural beauty of the River and its wildlife, or watch the sunset over the River. This restaurant will create a substantial number of jobs for residents, will increase the taxable value of the Property and will provide substantial sales tax revenue to the County.

The improvements to the Property will correct some deficiencies with the pre-Squid Lips' environmental status of the Property. The engineered stormwater plan will reduce the storm water that previously drained into the Banana River. There was no "natural habitat" on the Property due to its commercial use, so there is no impact to natural habitat by this request. However, additional shrubs will be planted along the western edge of the sandy beach, adjacent to the Banana River, to stabilize the sandy beach located in that area.

The requested PIDs would help the public with the following benefits:

- promoting and preserving a historic recreational waterfront
- enhanced water use availability

- increased water access for residents and visitors
- improving experience of residents and customers
- improved environmental conditions
- increased jobs
- increased tax revenue to the County

The restaurant use on this Property is valuable to Brevard County. It has existed for over 64 years. The renovations to the restaurant will ensure that the Property's use can continue to prosper and create opportunities for residents and visitors alike.

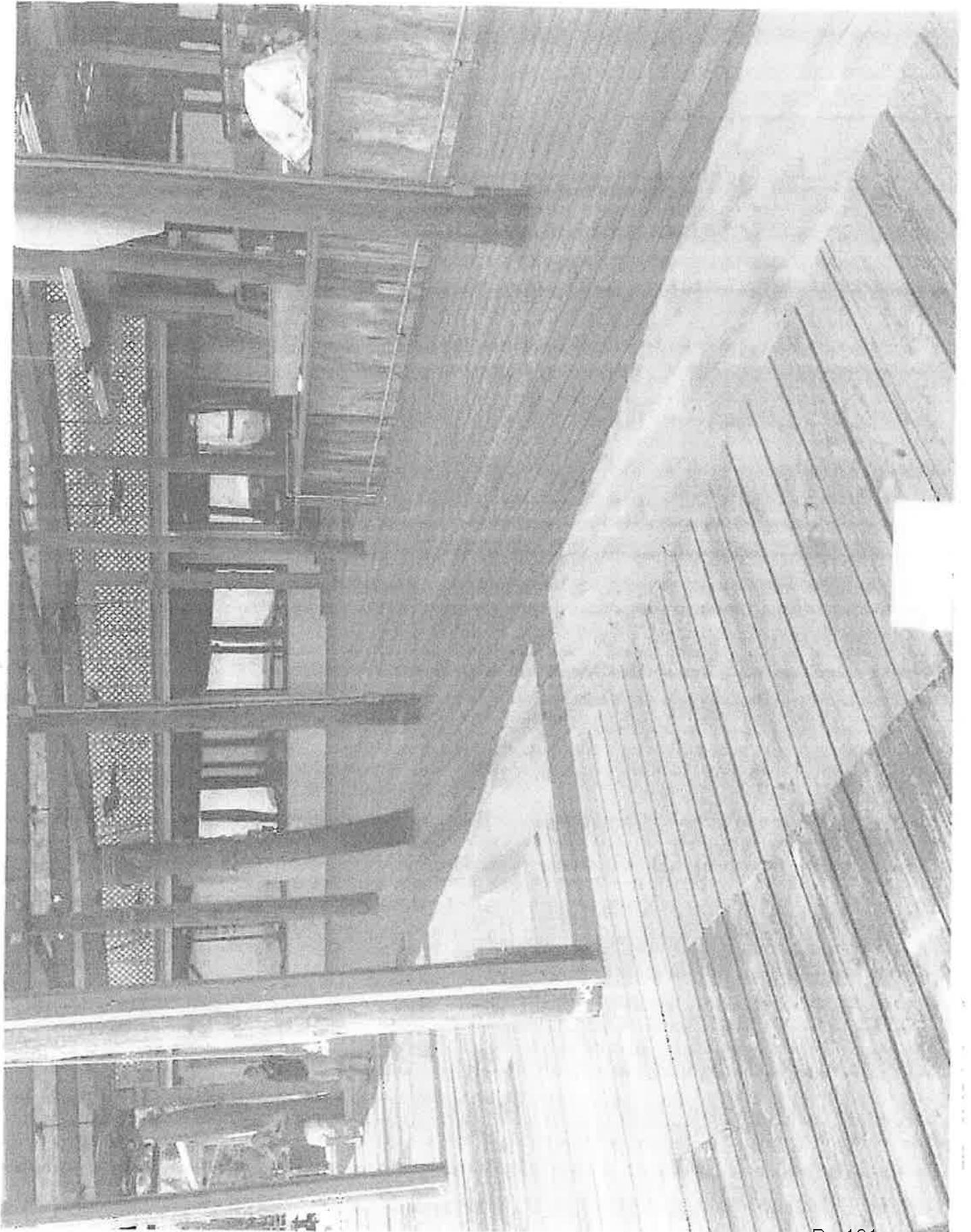
Banana Riverfront, LLC respectfully requests that the County Commission find that it is in the public interest to grant these two PID requests, to allow the placement of primary and minor structures within the Surface Water Protection Buffer of the Indian River Lagoon Estuary/Banana River Aquatic Preserve and to allow exceedance of the 30 percent (30%) of impervious coverage in the Buffer.

**Sec. 62-1190. - Procedure for mitigating a nonconformity.**

- (a) Many nonconformities have been in neighborhoods for a long time. Some may have only recently become nonconforming. In many instances, the use is an integral part of the neighborhood's function. The purpose of zoning is to protect neighborhoods. **Therefore, if the community is comfortable with the particular use or structure, the classification "nonconformity" may not be what the community desires. Under such conditions, the use may be mitigated and made conforming to remove the stigma typically associated with the designation as a nonconforming use.** This section's provisions for nonconforming uses, structures, or lots provide the procedures for making a nonconformity conform.
- (b) Any nonconforming lot, use, or structure may apply for a conditional use permit for the lot, use, structure, or sign.
- (c) In addition to the criteria for a conditional use approval set forth in section 62-1901, the applicant shall meet the following requirements:
  - (1) Demonstrate that the use, as conducted and managed, has minimal noncompatibilities that have been integrated into the neighborhood's function. Factors to evaluate this criteria include that:
    - a. The neighborhood residents patronize or are employed at the use (for nonresidential uses).
    - b. Management practices eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.
    - c. The use has a minimal history of complaints (including police or fire calls) against it.
    - d. The use has been maintained in good condition, or that the nonconformity represents a disincentive for such maintenance.
  - (2) The planning and zoning board shall review the application and recommend in writing, to the board of county commissioners, any conditions relative to the expansion of bufferyards, landscaping, or other site design. The review may also contain use limitations believed necessary to address any concerns that as a conforming use it might become a nuisance.
  - (3) The planning and zoning board shall submit to the board of county commissioners a list of all the property's nonconforming conditions.
  - (4) The planning and zoning board shall first determine that the use is generally integrated into the neighborhood and has minimal adverse impacts. Upon that finding, the LPA may recommend to the board of county commissioners, conditions as it deems necessary to ensure that the use remains a good neighbor.
  - (5) Sign mitigation shall not be permitted in any circumstance.
- (d) Upon board of county commission approval of a conditional use permit, the county manager or his/her designee shall have a notation placed on the official zoning maps stating that the property is a conditional use. Granting the conditional use makes the use, lot, or structure conform to the specifics of the conditional approval, eliminating the nonconformance.

(Ord. No. 2000-07, § 9, 1-25-00)

**Editor's note**— Prior to the reenactment of § 62-1190 by Ordinance No. 2000-07, Ordinance No. 95-47, § 1, adopted October 19, 1995, repealed § 62-1190 in its entirety. Formerly, such section pertained to preexisting use designation and derived from § 14-20.38(K) of the 1979 Code; Ord. No. 93-18, § 2, 6-22-93.



FYL IV 8.7

R - 161

F41  
IV. B.7.

Submitted at  
a/12 P2 mtg



FVI

IV.A.2.

## ***Timeline of Squid Lips Violations: 2200 Orlando Ave, Cocoa beach***

3/24/2016

- Code Enforcement Case 16CE-00474 entered for investigation of work without permit of new deck & roof.

3/29/2016

- Complaint Case 16CT-00222 entered for investigation of work without permit of new deck & roof.

3/30/2016

- Licensing Investigator Maggie Castellano met with Brevard County Fire Inspectors Dan Heller, Tony Mills & Fire Marshall Doug Carter to investigate complaint of a newly constructed outdoor dining deck with complete covered roof.
- It was confirmed a new deck, approx. 120 x 50, was constructed with band stand, bar, new exit from restaurant, roof, electrical & plumbing. Additionally, parking lot was improved.
- Work was performed by unlicensed subcontractors (maintenance staff & 1099 workers)
- No permits were obtained for construction.
- Violations to the NFPA (National Fire Protection Association) included inadequate or missing fire alarms, exits & suppression.
- ADA exit ramp constructed not meeting code requirements.
- Citations 9858 & 9859 issued to Harry Underill (Buzz) for unlicensed contracting & working without permits. Additional citations also issued to electrician & plumber.
- Work Stop Order placed on property supported by Fire Marshall Doug Carter.
- Mr. Underill told to cease & desist construction on the property.

4/1/2016

- Code Enforcement Officer Nancy Sharp issued a Notice of Violation with a 30 day compliance deadline from date of receipt.

4/11/2016

- Notice of Violation received via certified mail. Compliance date of 5/23/2016 given to obtain permits.

4/22/2016

- Mr. Underill met with Brevard County Building Official, Fire Marshall, Zoning Dept & Natural Resources discussing the requirements for him to move forward with violations.

5/12/2016

- Zoning application submitted 16PZ00055 for review.

5/23/2016

- Investigator Maggie Castellano received notification from Fire Inspector Dan Heller additional construction has begun on the south side of Squid Lips Cocoa beach location.
- Code Enforcement compliance date not met, no permits in place. Code Enforcement Inspector Nancy Sharp to move forward with Special Magistrate Hearing if case not held in abeyance by Zoning application.

5/24/2016

- Investigator Maggie Castellano confirmed the commencement of construction on an ADA exit ramp running along the entire south side of the structure down to the deck/water line. Posts & stringers in place. NO PERMITS
- A concrete knee wall is also in process of being constructed. NO PERMITS
- The exterior & interior of south wall are being repaired including stucco & drywall. NO PERMITS
- All work is being performed by maintenance staff of Mr. Underill's under his direction.
- Citation issued to worker for unlicensed building contractor, first offense.
- Fire Marshall Doug Carter informed of additional construction.
- Building Official Mike McCaughin informed of additional construction authorizing Work Stop Order.
- SECOND (2<sup>nd</sup>) WORK STOP ORDER posted.

5/25/2016

- Inspector Nancy Sharp told by Cindy Fox Zoning Manager, as well as Building Official Mike McCaughin, Code Case is not held in abeyance due to rezoning request, stating the Code Enforcement case can move forward.
- Investigator Maggie Castellano & Code Enforcement Inspector Nancy Sharp met with Buzz Underill.
- REPEAT Citations issued to Mr. Underill for unlicensed building contractor & proceeding without permits.
- Mr. Underill again told to cease & desist all construction on property.
- Mr. Underill stated he had met with Commissioner Barfield in an attempt to have zoning & site plan reviews be done concurrently.

FYI  
IV. B.7.

**Jones, Jennifer**

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**From:** Fox, Cynthia C  
**Sent:** Thursday, September 08, 2016 4:15 PM  
**To:** Jones, Jennifer  
**Subject:** FW: WOP - 2200 Orlando Blvd, CB - Squid Lips  
**Attachments:** 5\_25\_16 construction 2.jpg; 5\_25\_16 construction 3.jpg; 5\_25\_16 construction 4.jpg; 5\_25\_16 construction.jpg; stop work order.jpg

Jen print the pictures so we have them at the meeting on Monday.

**From:** Alward, Elizabeth M  
**Sent:** Thursday, September 08, 2016 3:16 PM  
**To:** Fox, Cynthia C  
**Subject:** FW: WOP - 2200 Orlando Blvd, CB - Squid Lips

**From:** DiFabio, Robin M  
**Sent:** Thursday, May 26, 2016 10:16 AM  
**To:** Alward, Elizabeth M  
**Cc:** Castellano, Margaret K  
**Subject:** FW: WOP - 2200 Orlando Blvd, CB - Squid Lips

Liz,

Just providing you with an update. Ongoing work without permit. Another Stop Work Order issued.  
Robin

**From:** Castellano, Margaret K  
**Sent:** Wednesday, May 25, 2016 2:57 PM  
**To:** InspectMail; Enforcement, Code  
**Cc:** Verostic, Dawn; Mccaughin, Michael K; Calkins, Tad; Fox, Cynthia C; Sharp, Nancy L; Carter, Douglas D; Heller, Dan; DiFabio, Robin M; McCullough-Wham, Lee Ann; Campagna, Denise M; Gerber, Chris; Mickle, Claudine M; Nebel, Marina E; Sampson, Patricia A; Smith, Jay; Tarpein, Elizabeth  
**Subject:** WOP - 2200 Orlando Blvd, CB - Squid Lips

Per Investigator Castellano

*This is a repeat violation & second (2<sup>nd</sup>) WORK STOP ORDER on this location since March 2016...*

WOP - 2200 Orlando Ave, Cocoa Beach / Squid Lips Restaurant

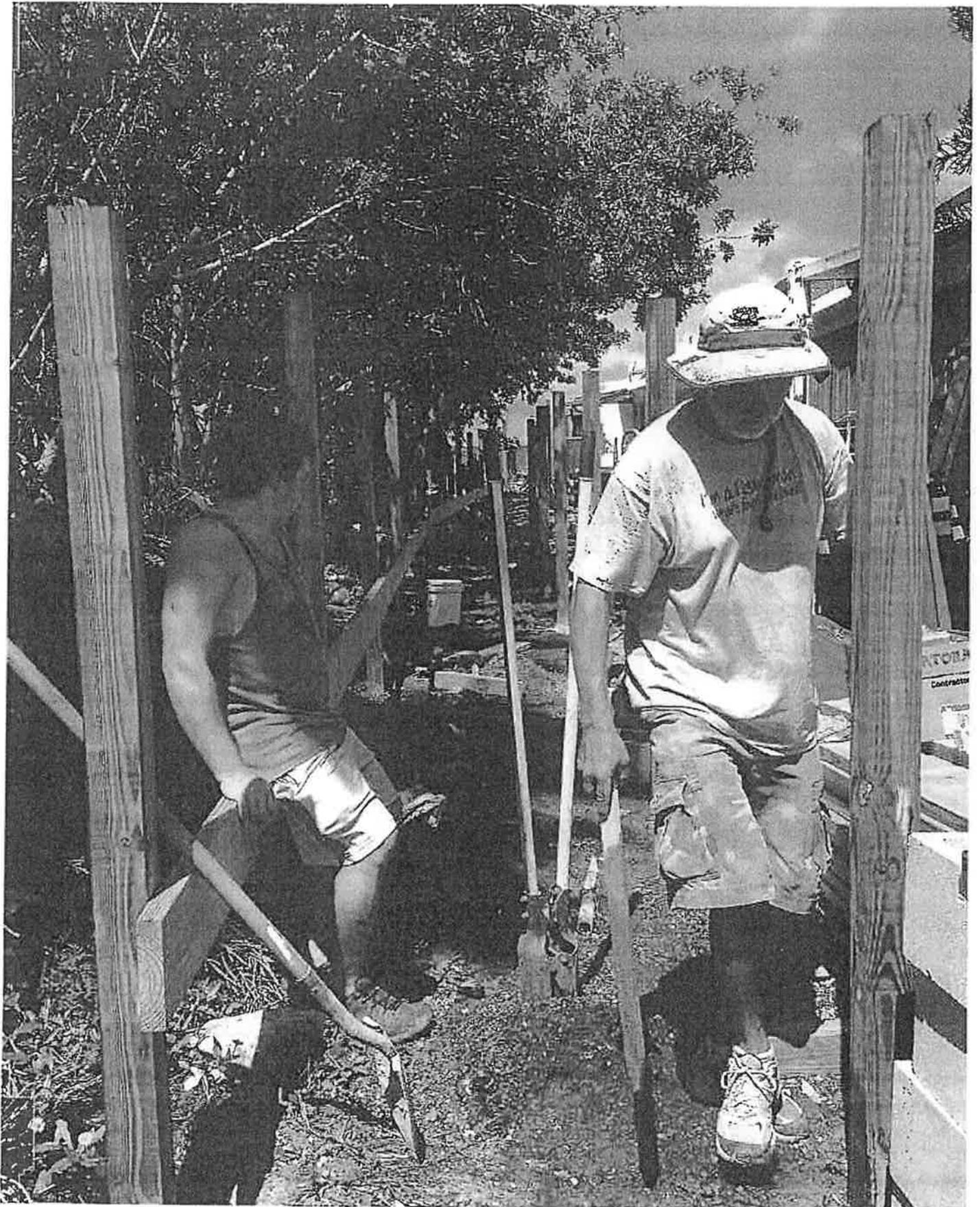
1. New exit ramp for ADA use constructed on the south side of the building from the edge of the deck & water line running past the front of the building. The intent per Mr. Underhill is to serve as emergency exit from the outdoor dining area.
2. A concrete block knee wall is being constructed in an attempt to divert water away from the building as it currently leaks badly.

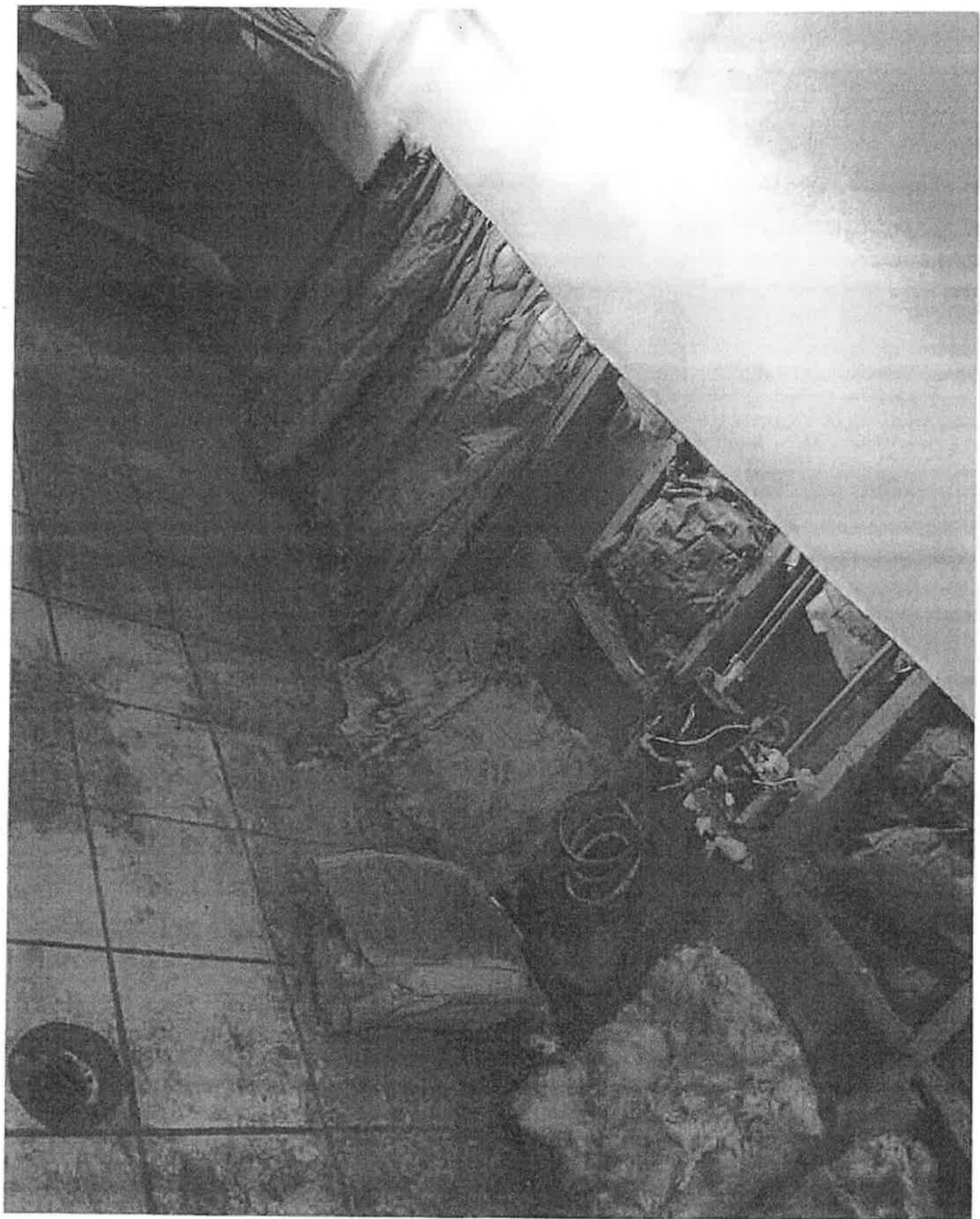
3. Repair to the exterior stucco/vapor barrier & interior drywall replacement due to water intrusion. It is unknown if any rot or other water damage has taken place.  
\*\*\*\*all work being performed is being done under the instruction of Mr. Underill by his maintenance employees. No contractors or permits have been obtained.

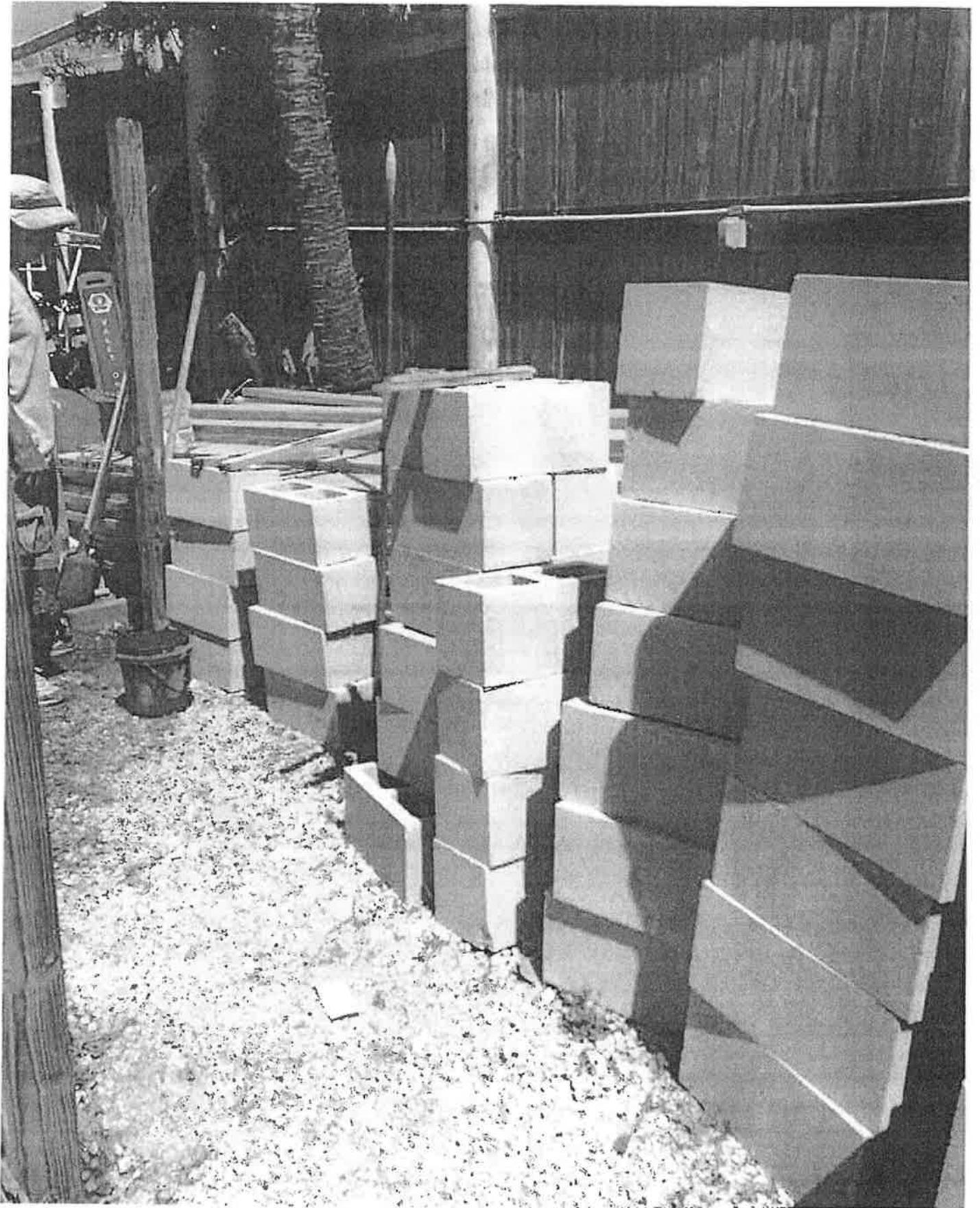
Repeat violations issued to Mr. Underill

Enforcement case (ongoing) 16CT-00222

Maggie Castellano  
Brevard County Investigator  
Licensing Regulation & Enforcement  
2725 Judge Fran Jamieson Way Bldg A  
Viera FL 32940  
321-633-2058 ext 56334 Office  
321-690-6878 Fax  
[www.brevardcounty.us/licensing](http://www.brevardcounty.us/licensing)









YOU ARE HEREBY DIRECTED TO

STOP

All work on this building shall be suspended until the following conditions are met:

1. All work shall be performed in accordance with the approved plans and specifications.

2. All work shall be performed in accordance with the approved schedule.

3. All work shall be performed in accordance with the approved safety plan.

EXIT NO PA CORN  
WORK FOR INS

Know what back wall is

PERMITS REQUIRED

\* Note: Any work on this building shall be suspended until the following conditions have been met:

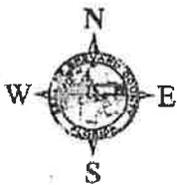
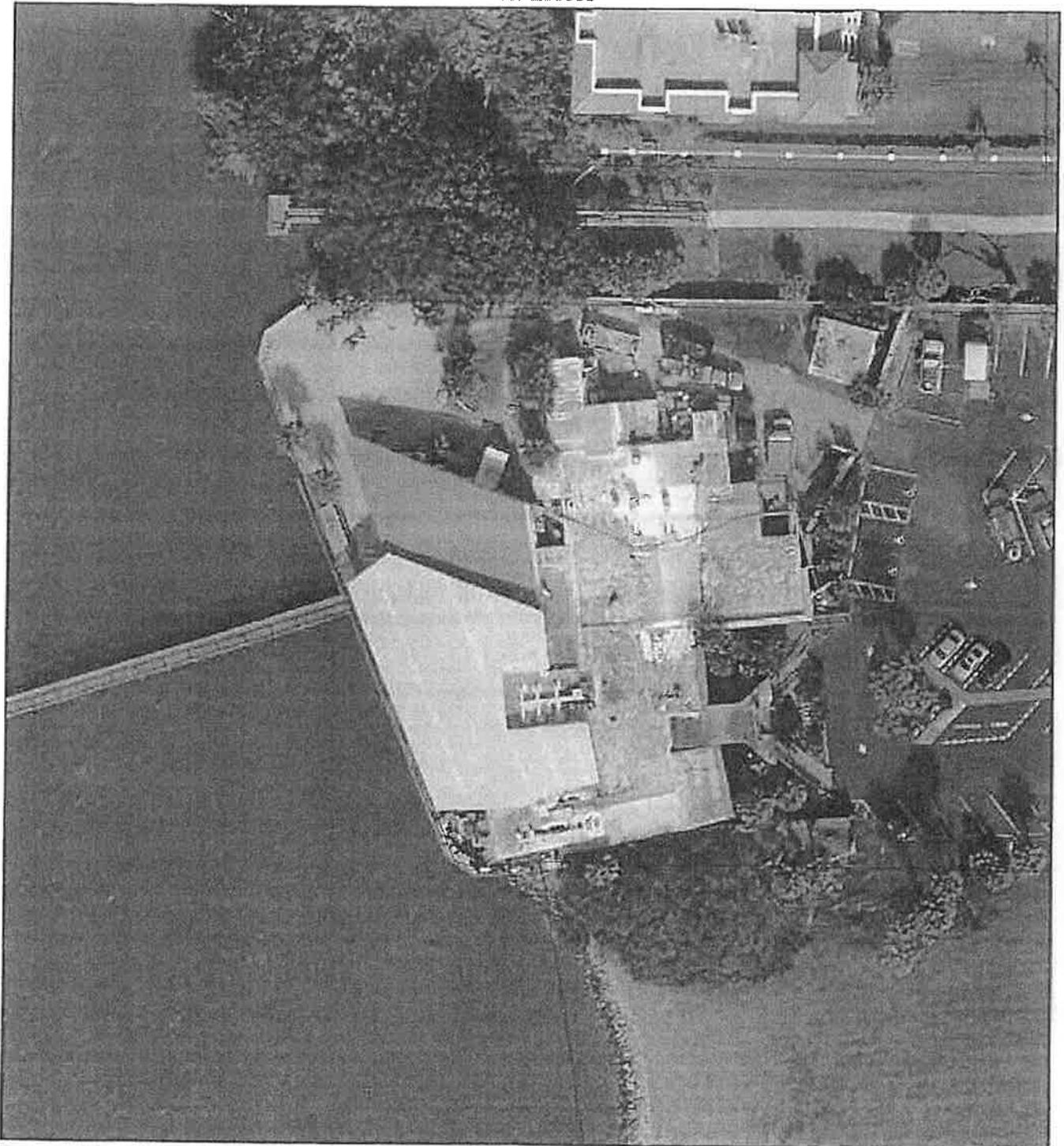
1. All work shall be performed in accordance with the approved plans and specifications.

2. All work shall be performed in accordance with the approved schedule.

3. All work shall be performed in accordance with the approved safety plan.

By [Signature] City of Jacksonville Investigator

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

PHOTO YEAR: 2016

— Subject Property

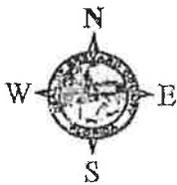
□ Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/8/2016

R - 172

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

PHOTO YEAR: 2015

 Subject Property

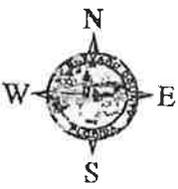
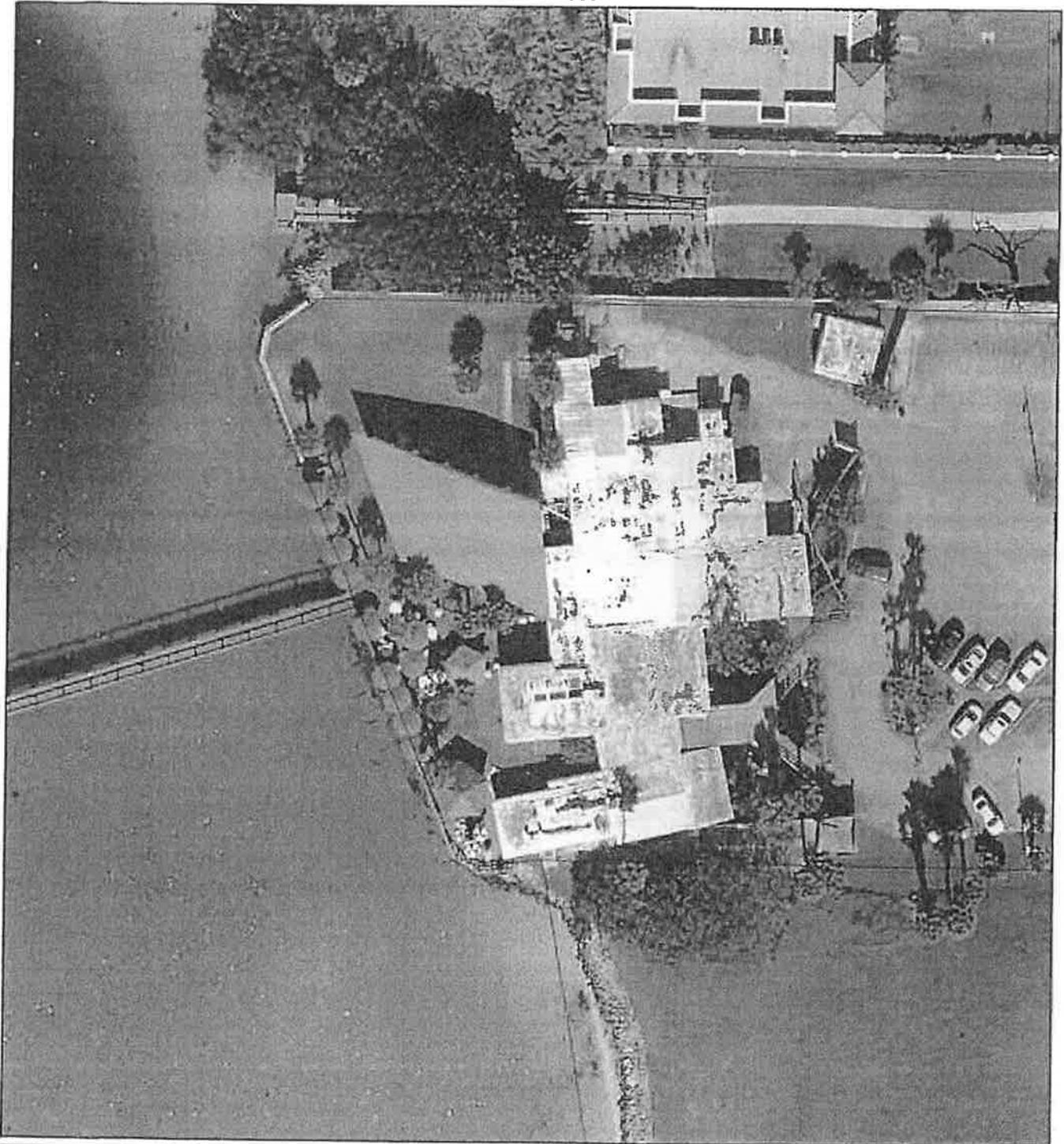
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R - 173

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

PHOTO YEAR: 2014

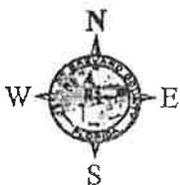
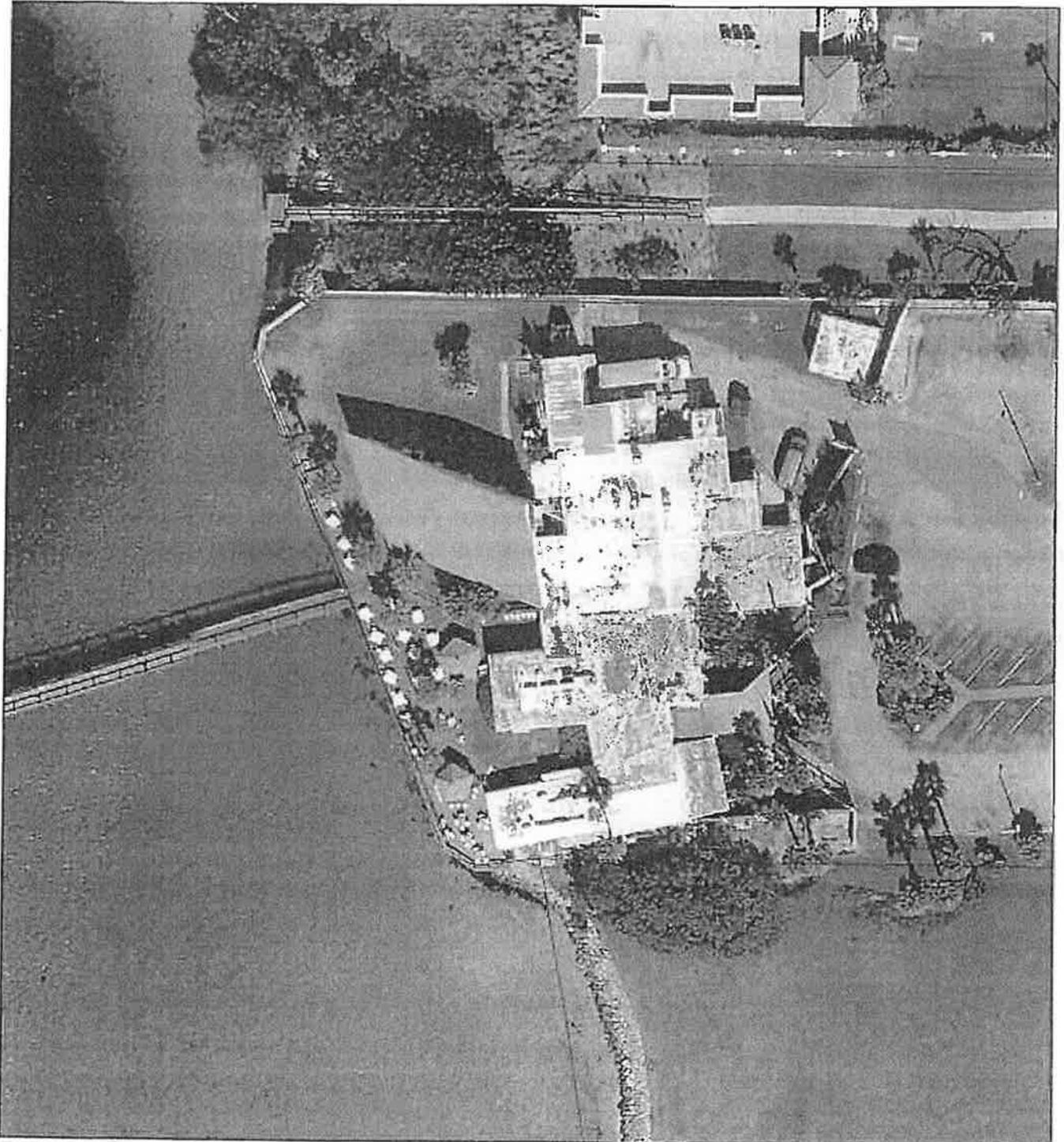
— Subject Property

▭ Parcels

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AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

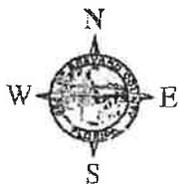
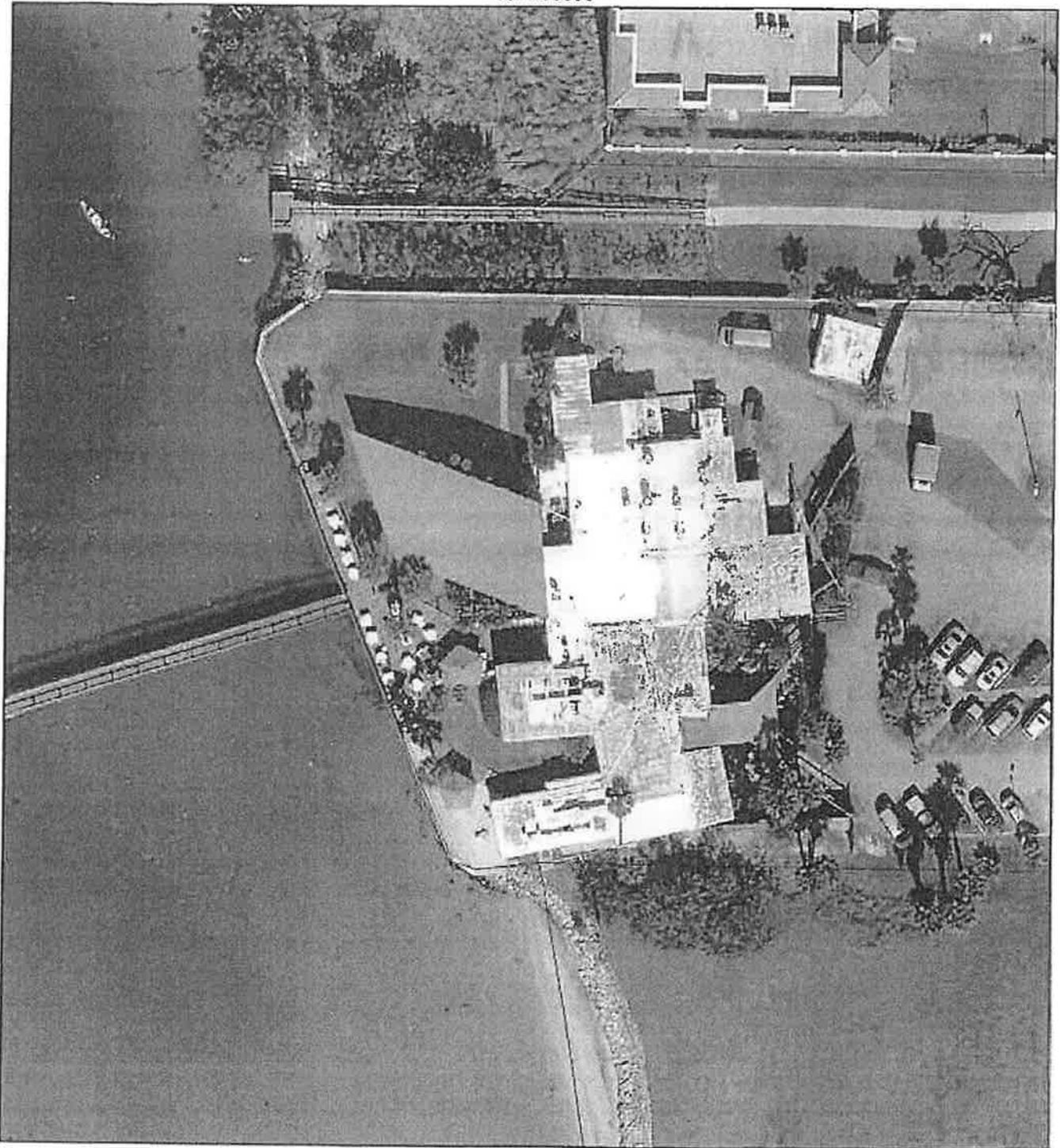
PHOTO YEAR: 2013

— Subject Property  
□ Parcels

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AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

PHOTO YEAR: 2012

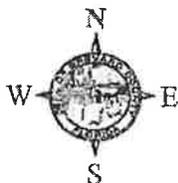
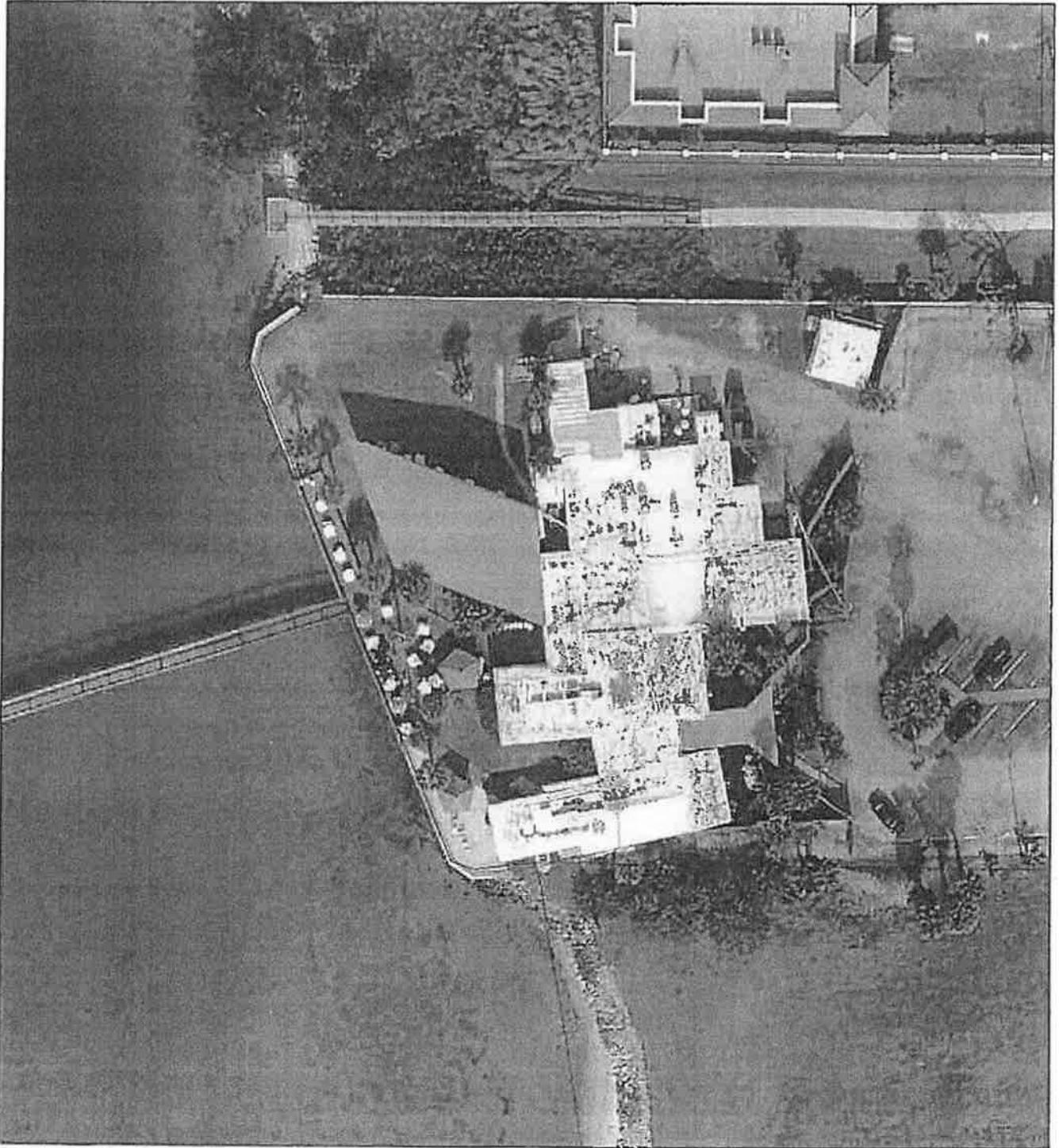
 Parcels

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R - 176

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

PHOTO YEAR: 2011

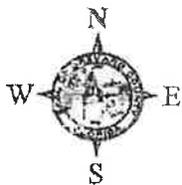
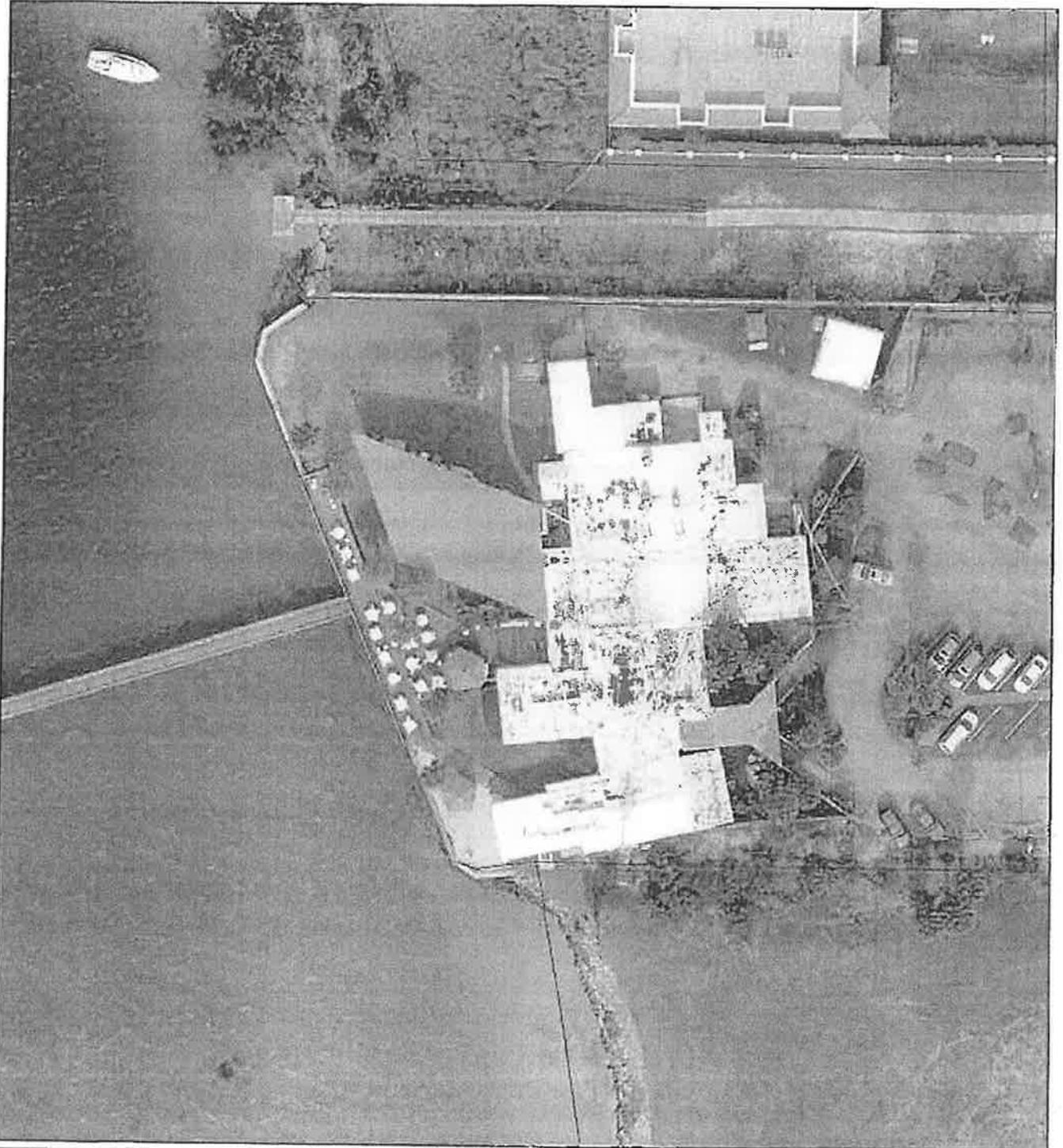
 Parcels

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R - 177

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

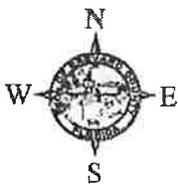
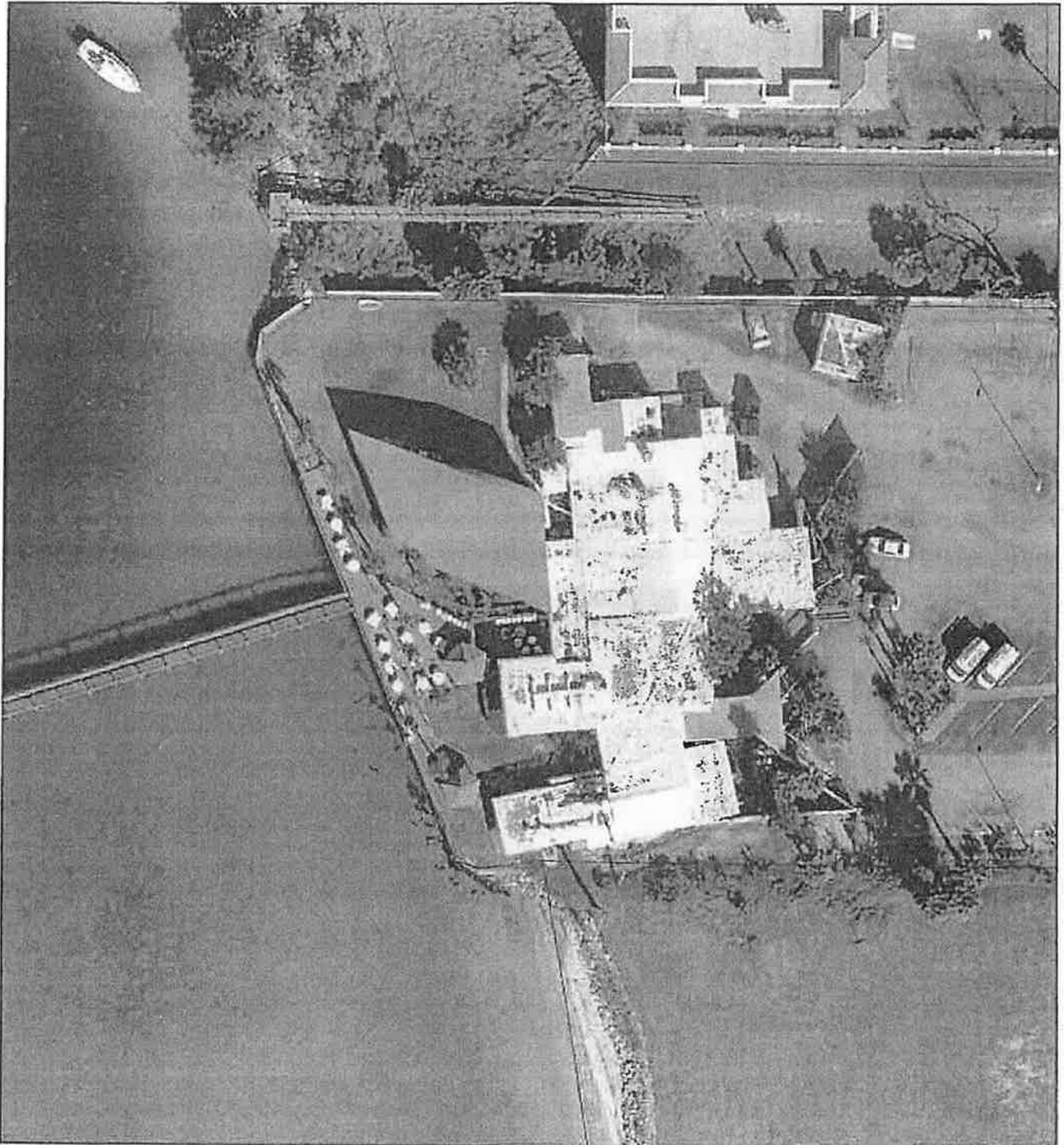
PHOTO YEAR: 2010

 Parcels

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AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

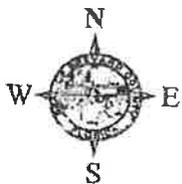
PHOTO YEAR: 2009

 Parcels

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AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:1,200 or 1 inch = 100 feet

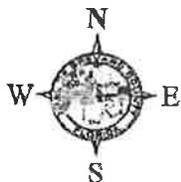
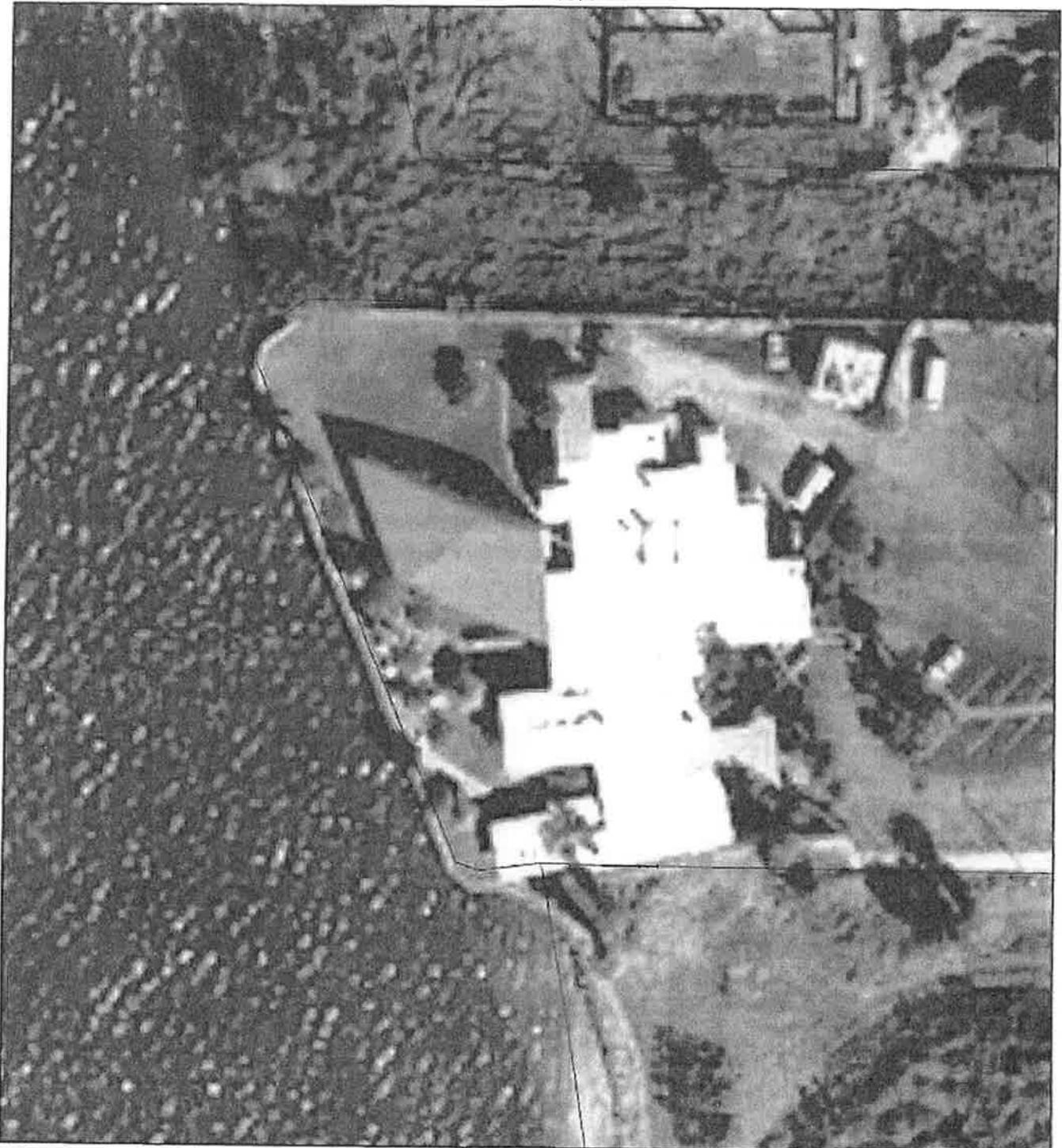
PHOTO YEAR: 2006

 Parcels

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1:600 or 1 inch = 50 feet

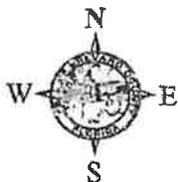
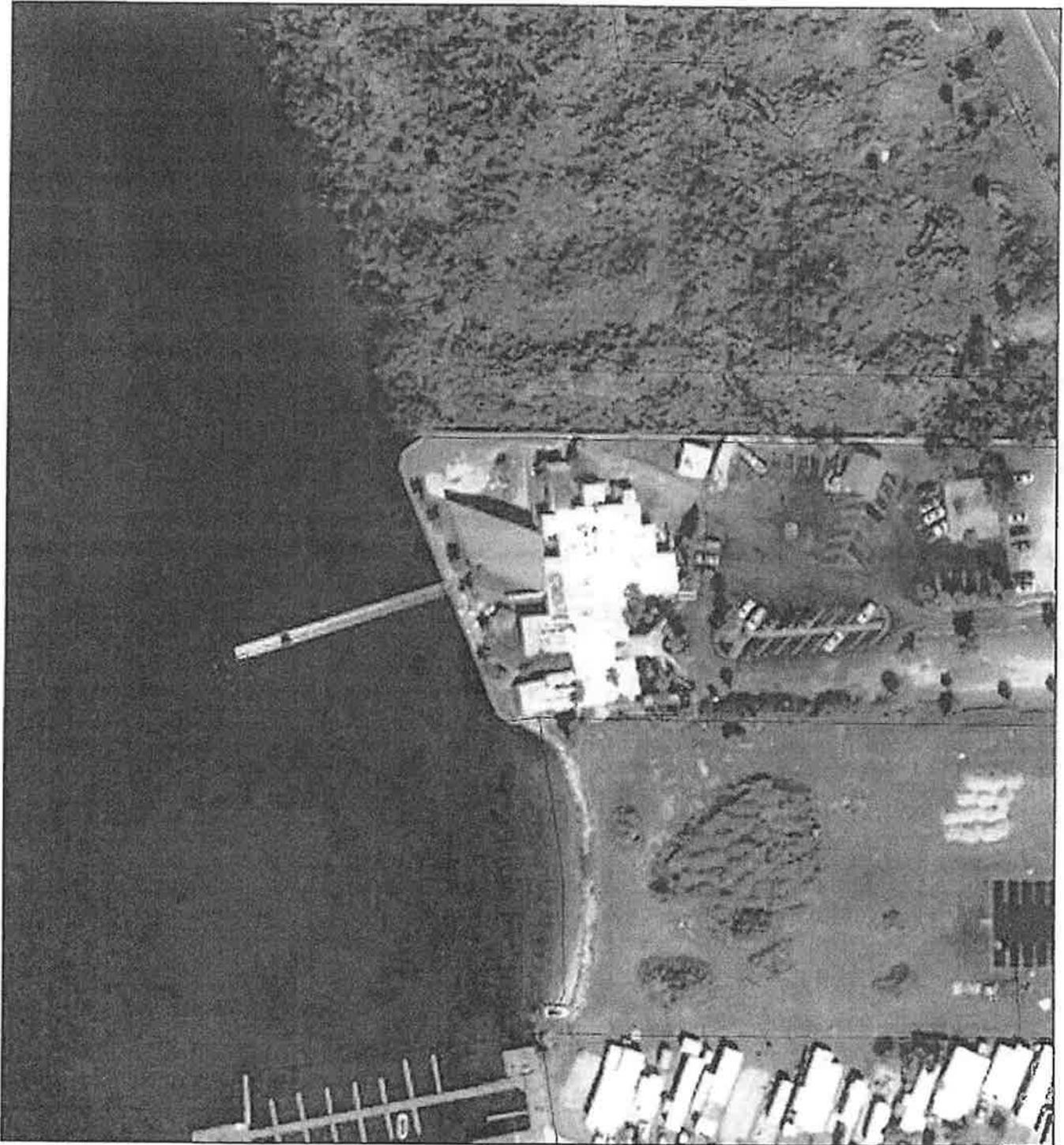
PHOTO YEAR: 2006

 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/8/2016

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:1,200 or 1 inch = 100 feet

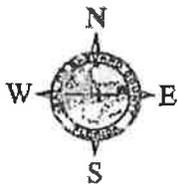
PHOTO YEAR: 2005

 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/8/2018

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

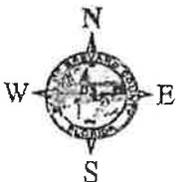
PHOTO YEAR: 2005

 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/8/2016

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

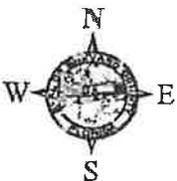
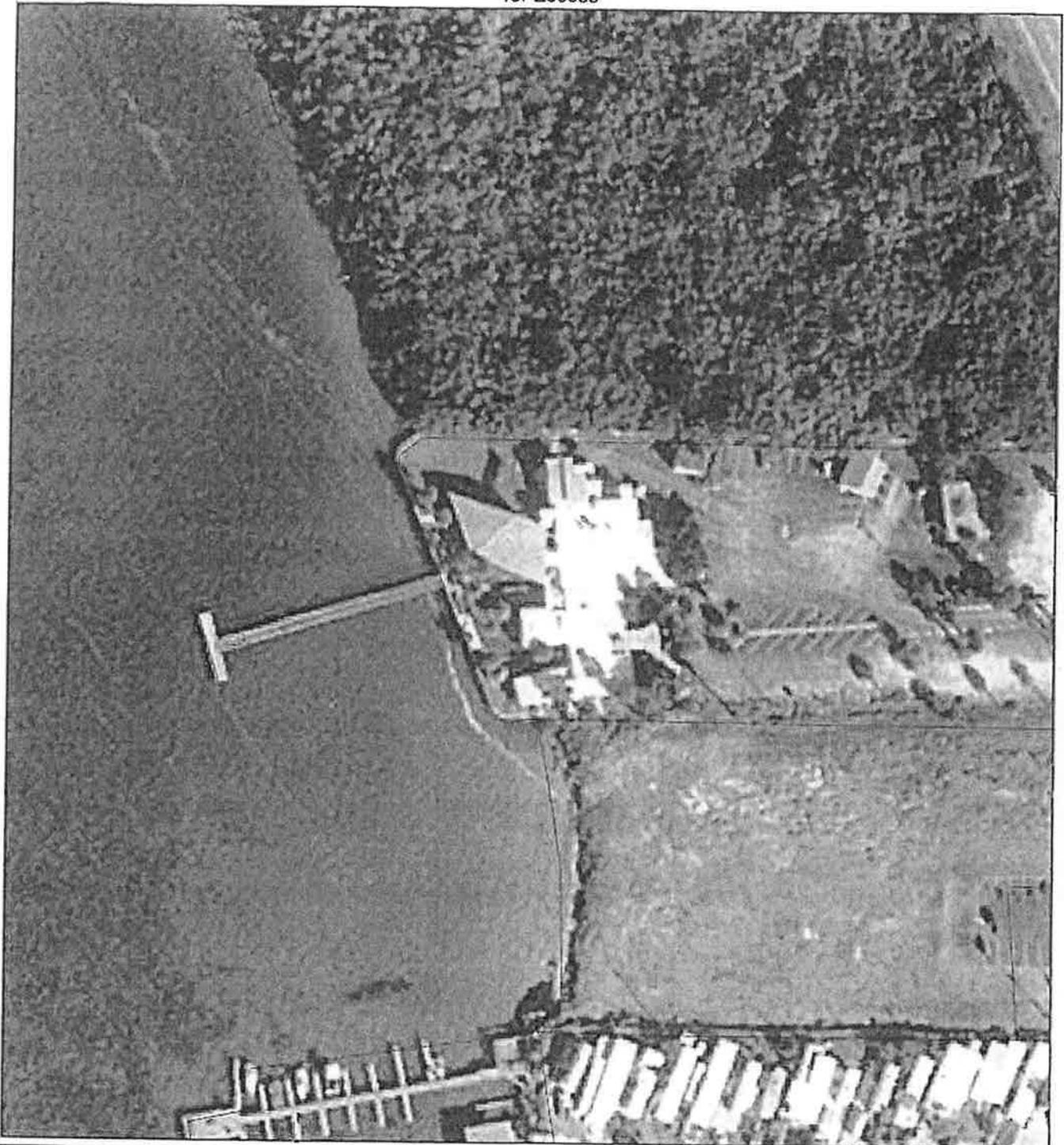
PHOTO YEAR: 2002

 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/8/2016

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:1,200 or 1 inch = 100 feet

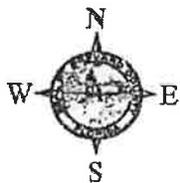
PHOTO YEAR: 1999

 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/8/2016

AERIAL MAP  
BANANA RIVERFRONT LLC  
16PZ00055



1:600 or 1 inch = 50 feet

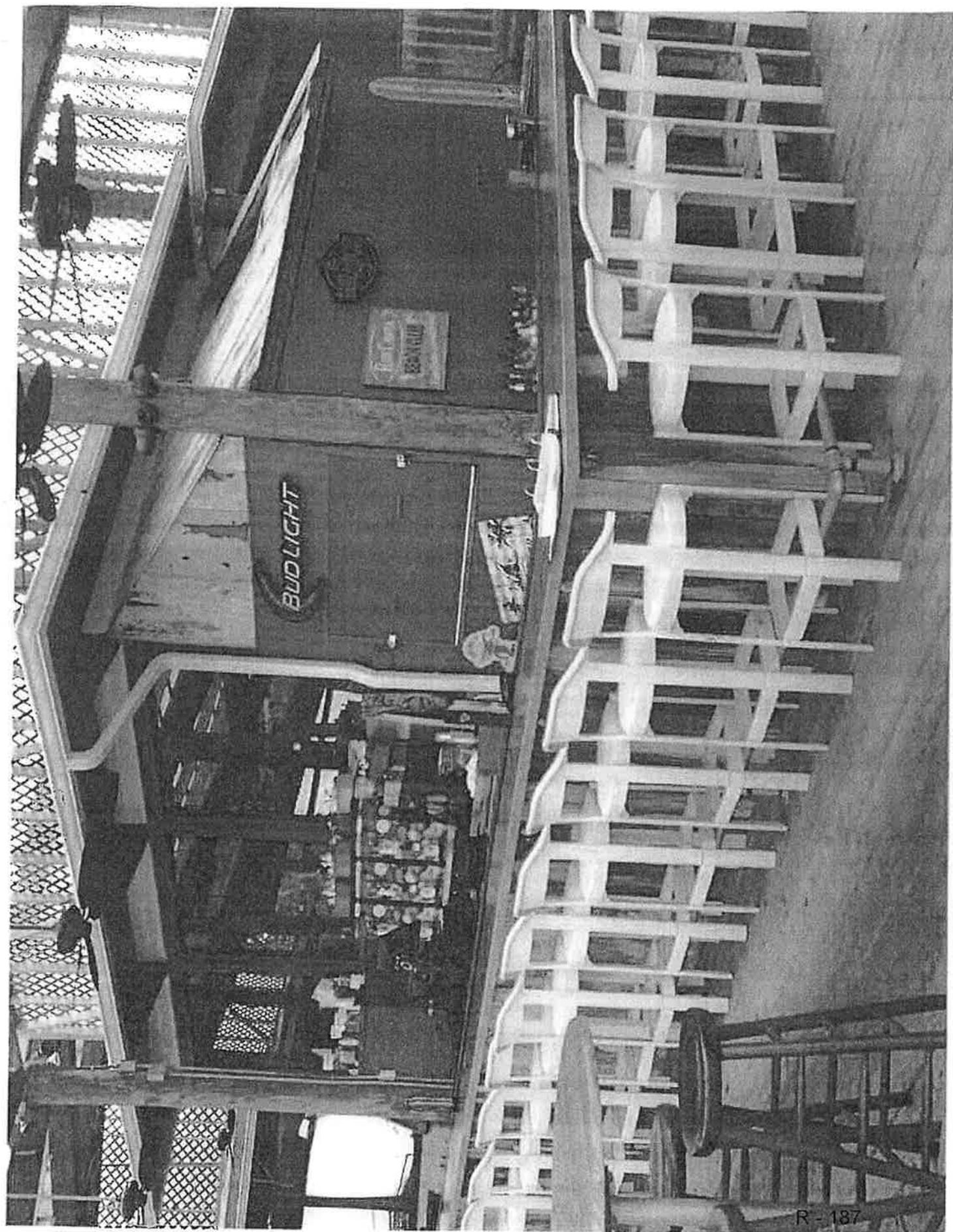
PHOTO YEAR: 1999

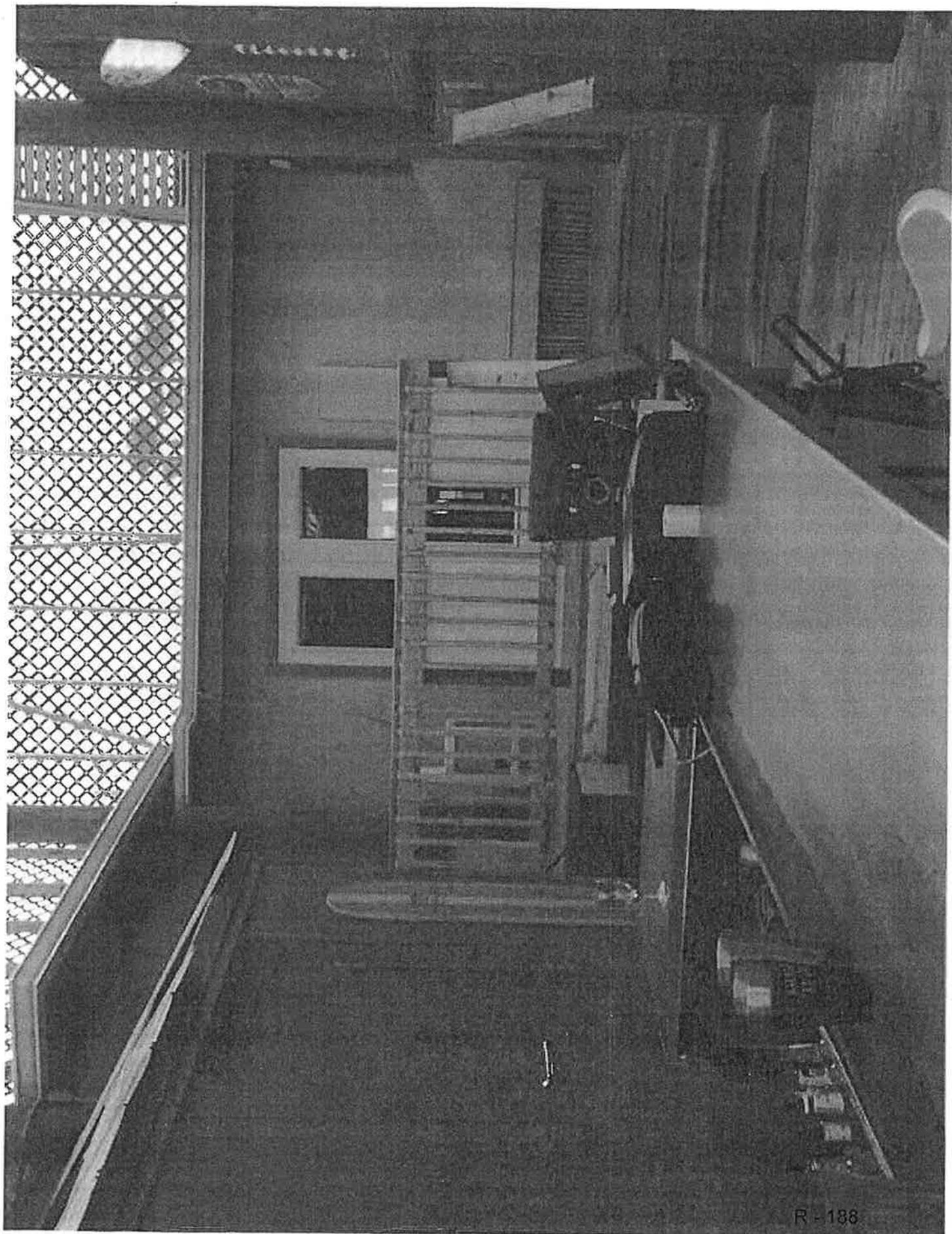
 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

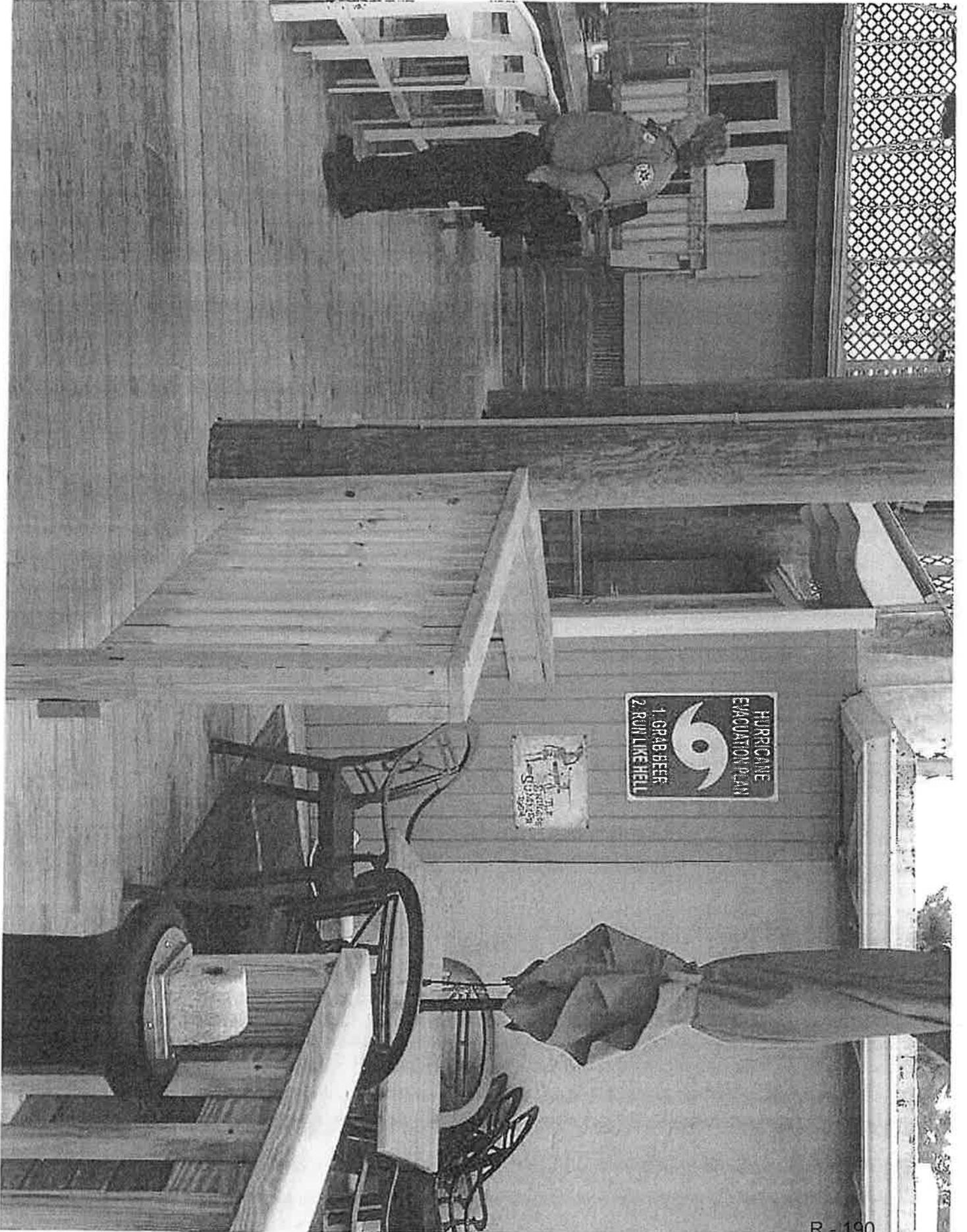
Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/8/2016

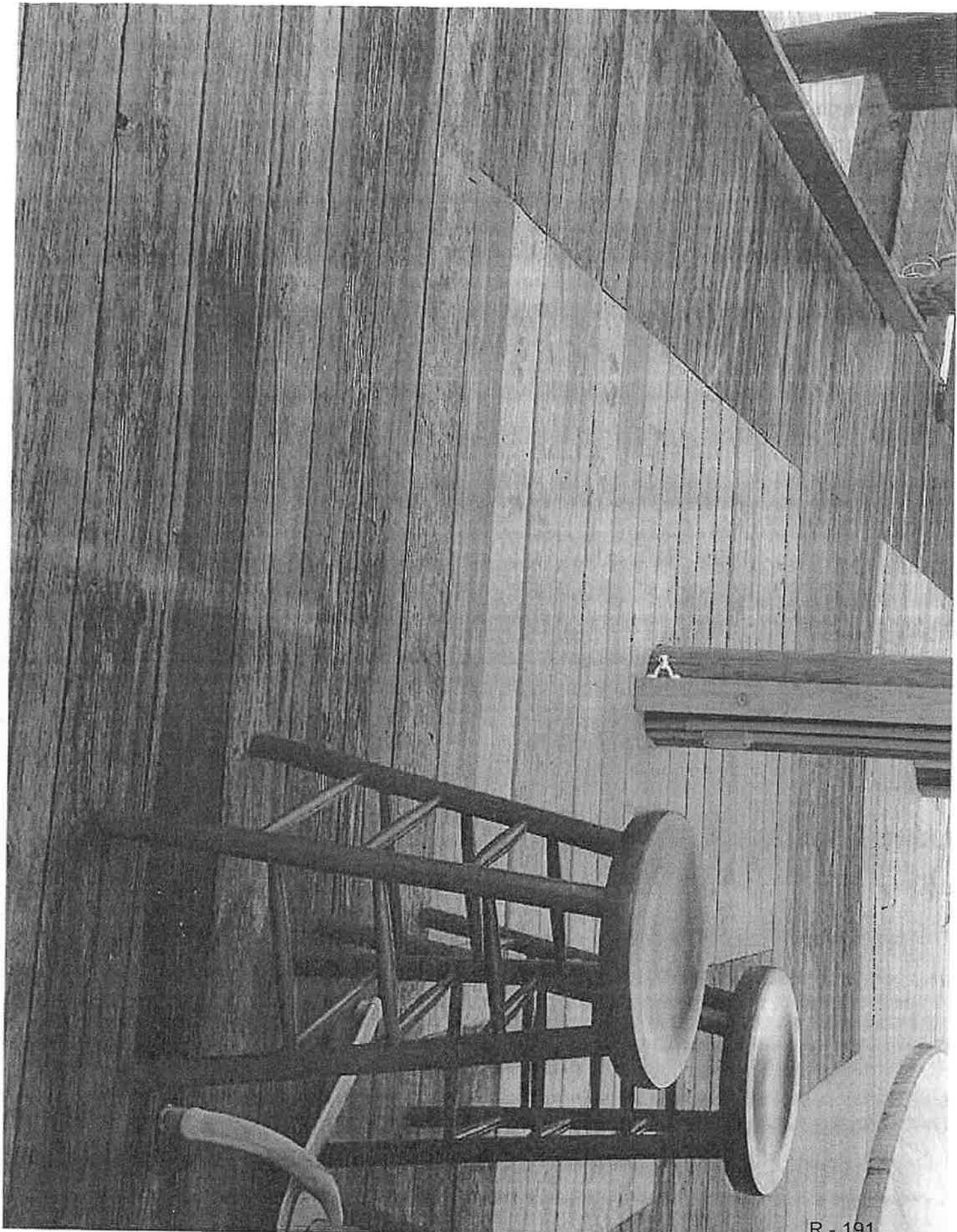
R - 186



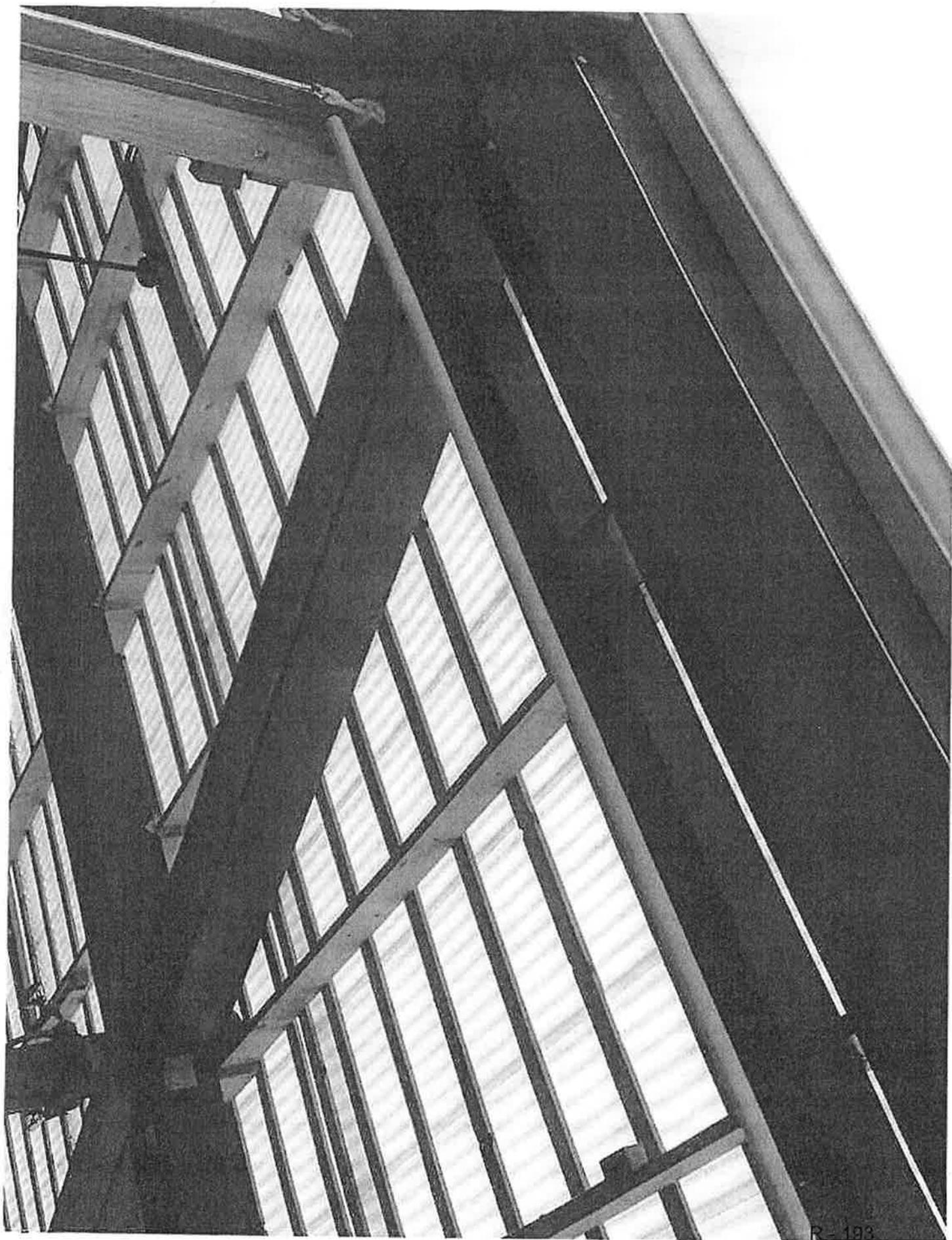














FYI  
~~IV. A. 2.~~

**DiFabio, Robin M**

---

**From:** Mccaughin, Michael K  
**Sent:** Tuesday, October 11, 2016 3:15 PM  
**To:** DiFabio, Robin M  
**Subject:** Squid Lips

IV. A. 2.

Robin,

See Squid lips damage photos.

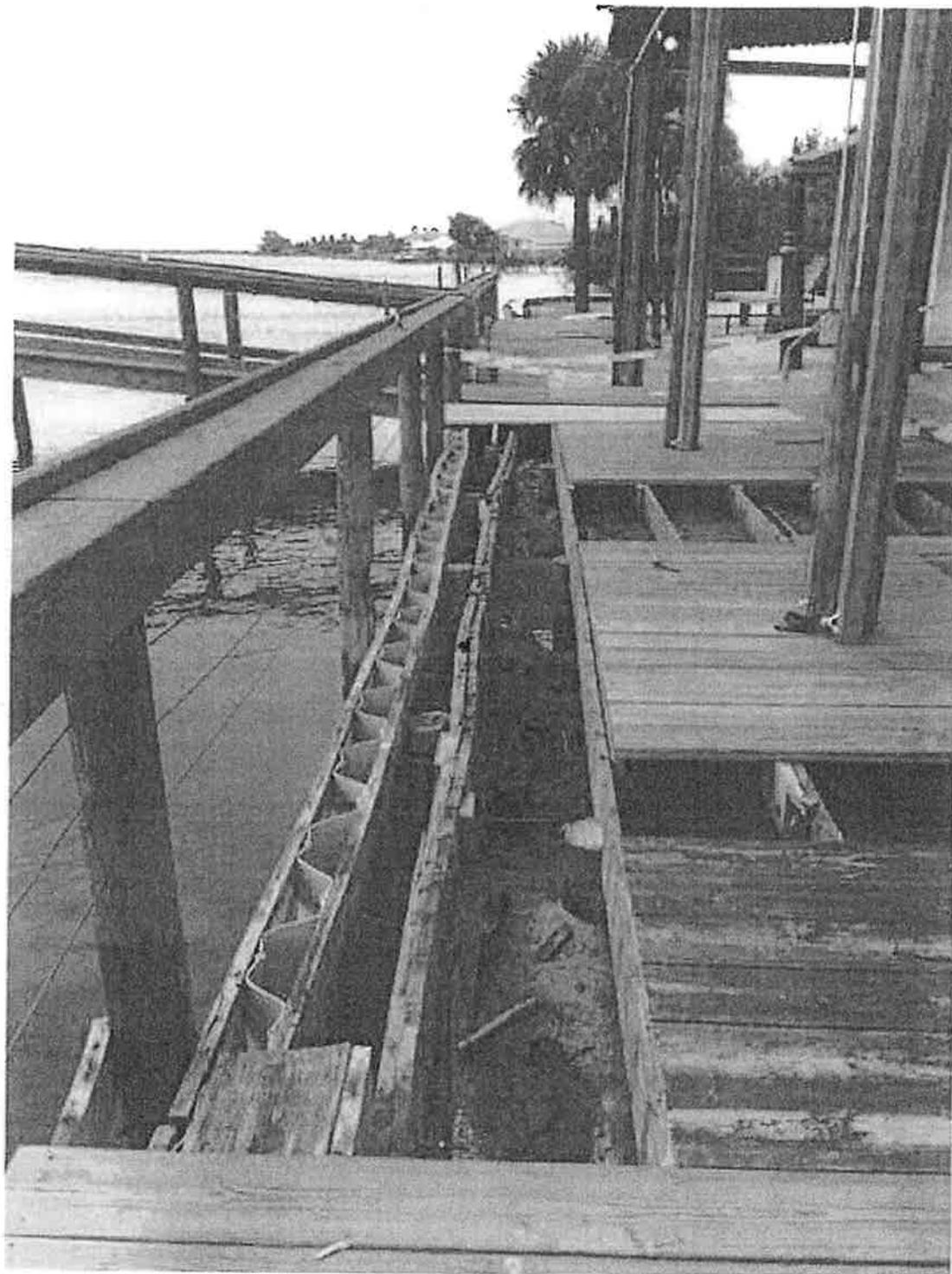
Mike

---

**From:** [3218630782@pm.sprint.com](mailto:3218630782@pm.sprint.com) [mailto:[3218630782@pm.sprint.com](mailto:3218630782@pm.sprint.com)]  
**Sent:** Tuesday, October 11, 2016 3:13 PM  
**To:** Mccaughin, Michael K  
**Subject:**

Sent from my mobile.

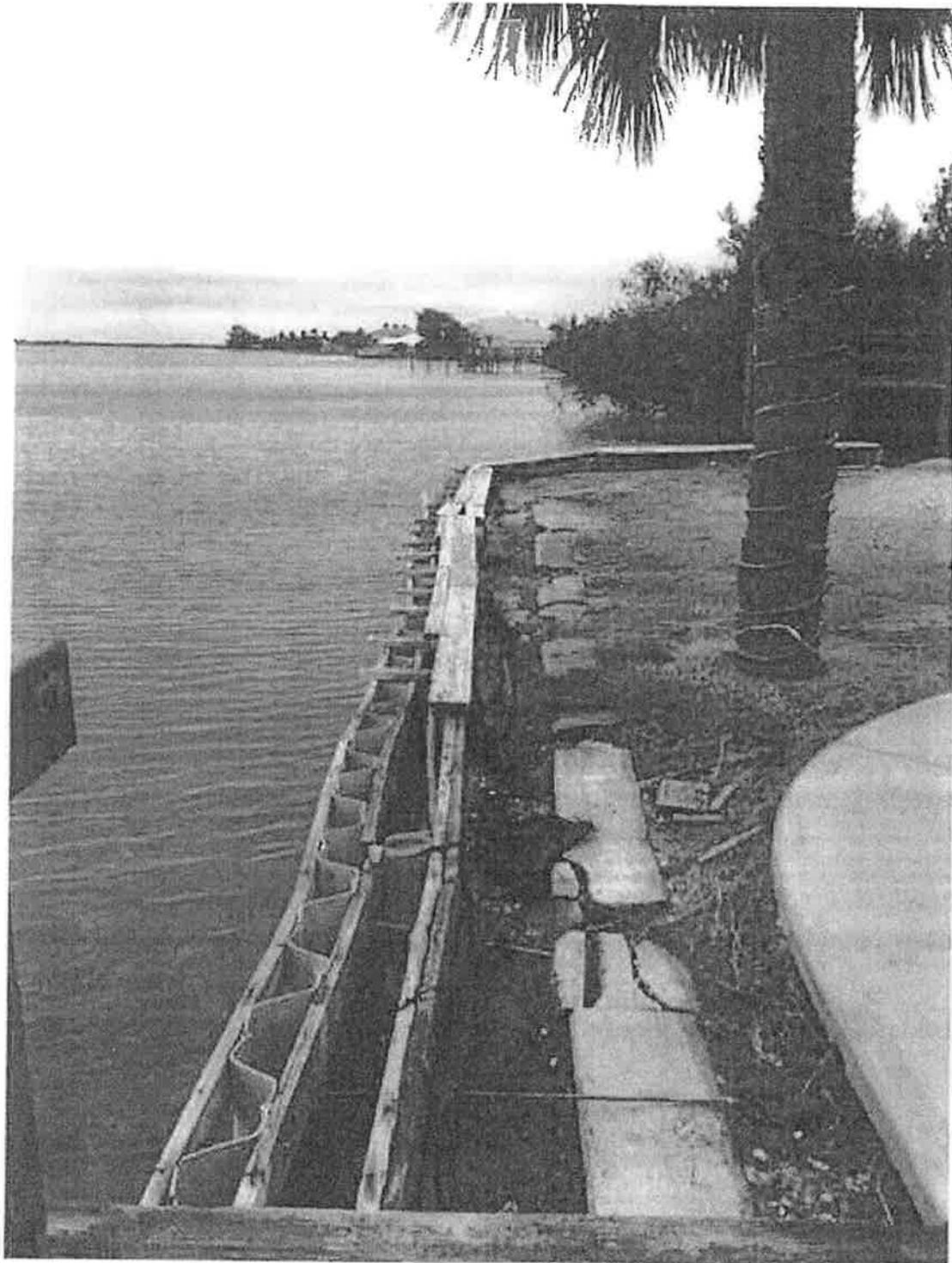
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Squid lips cocoa beach

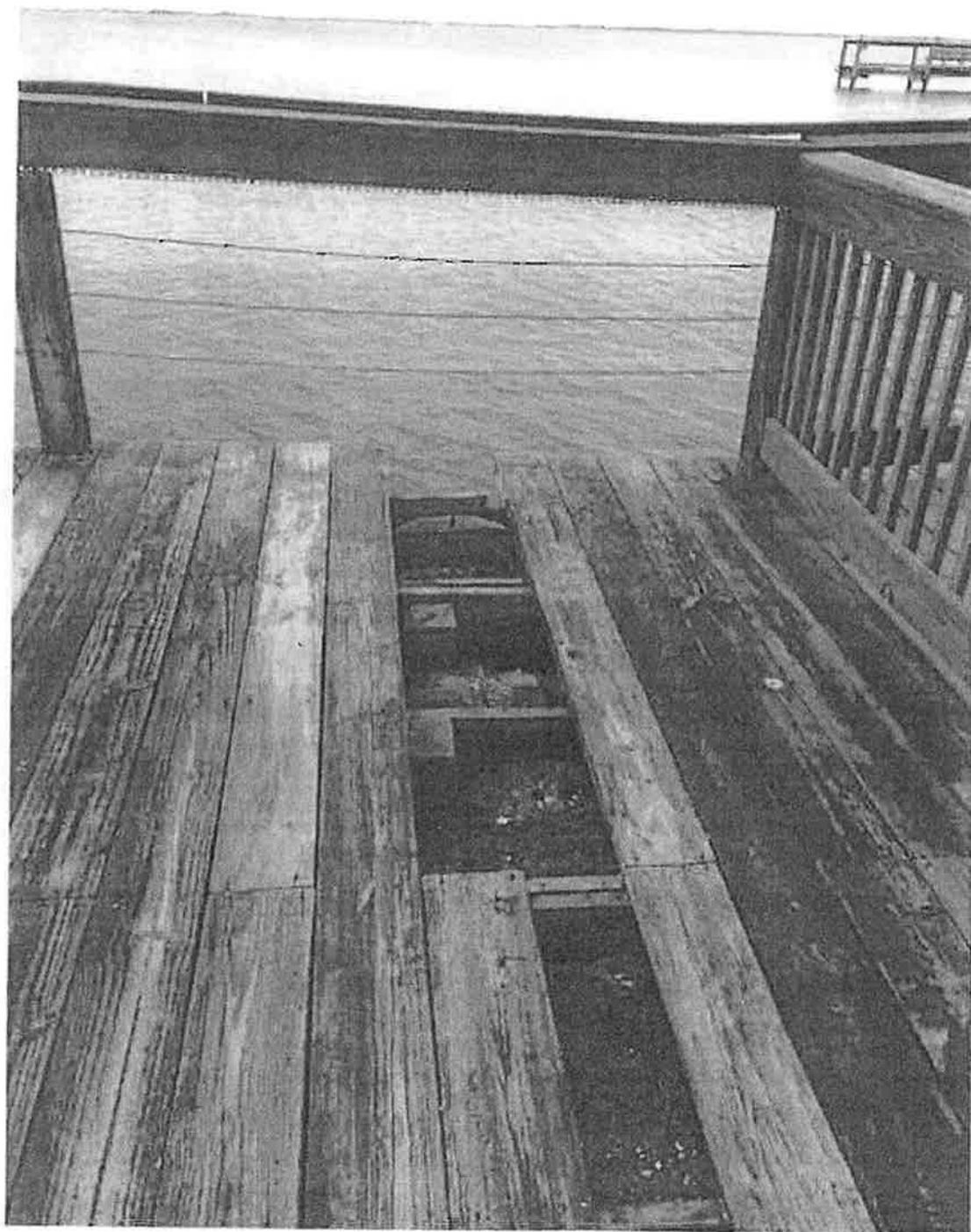








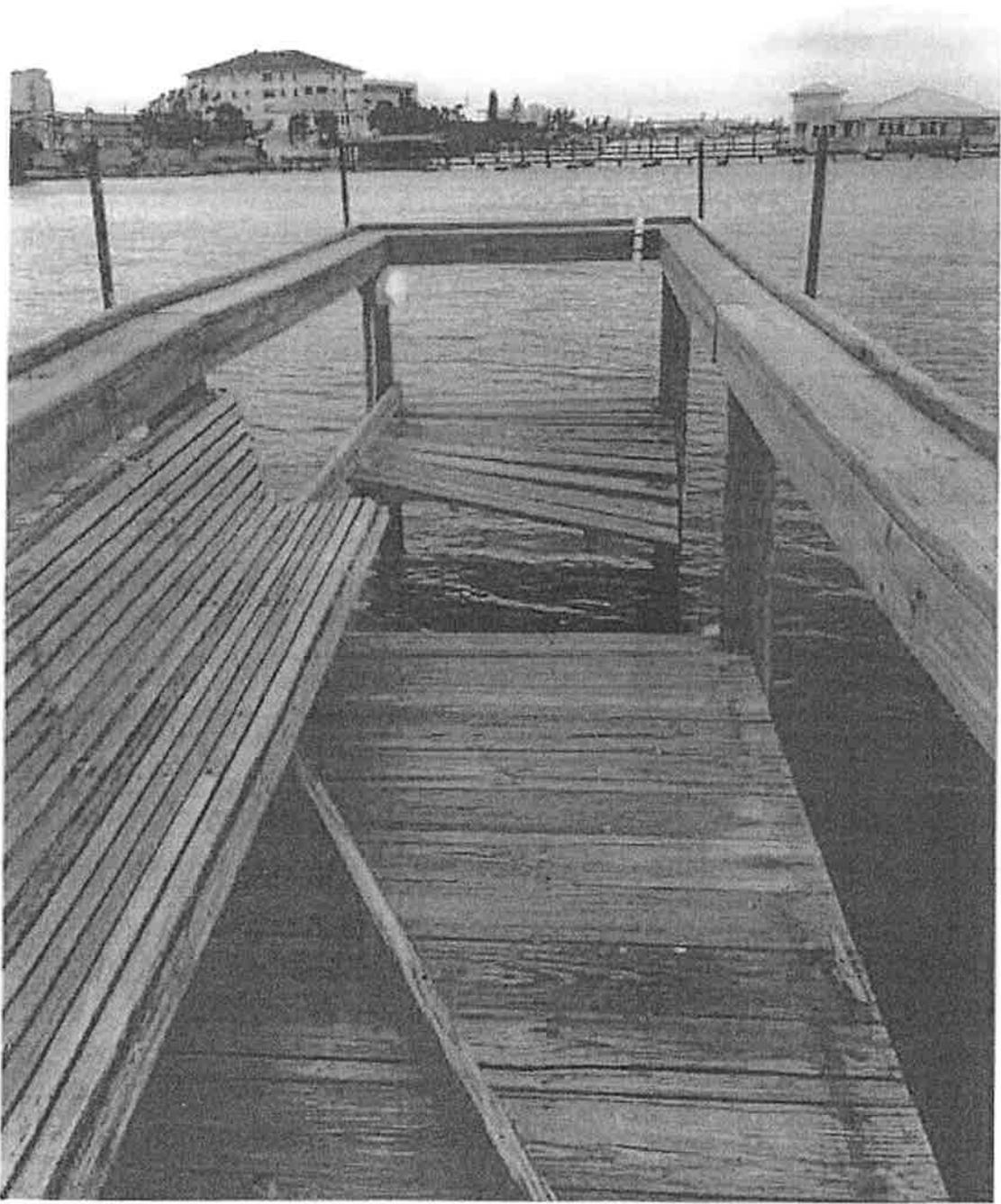




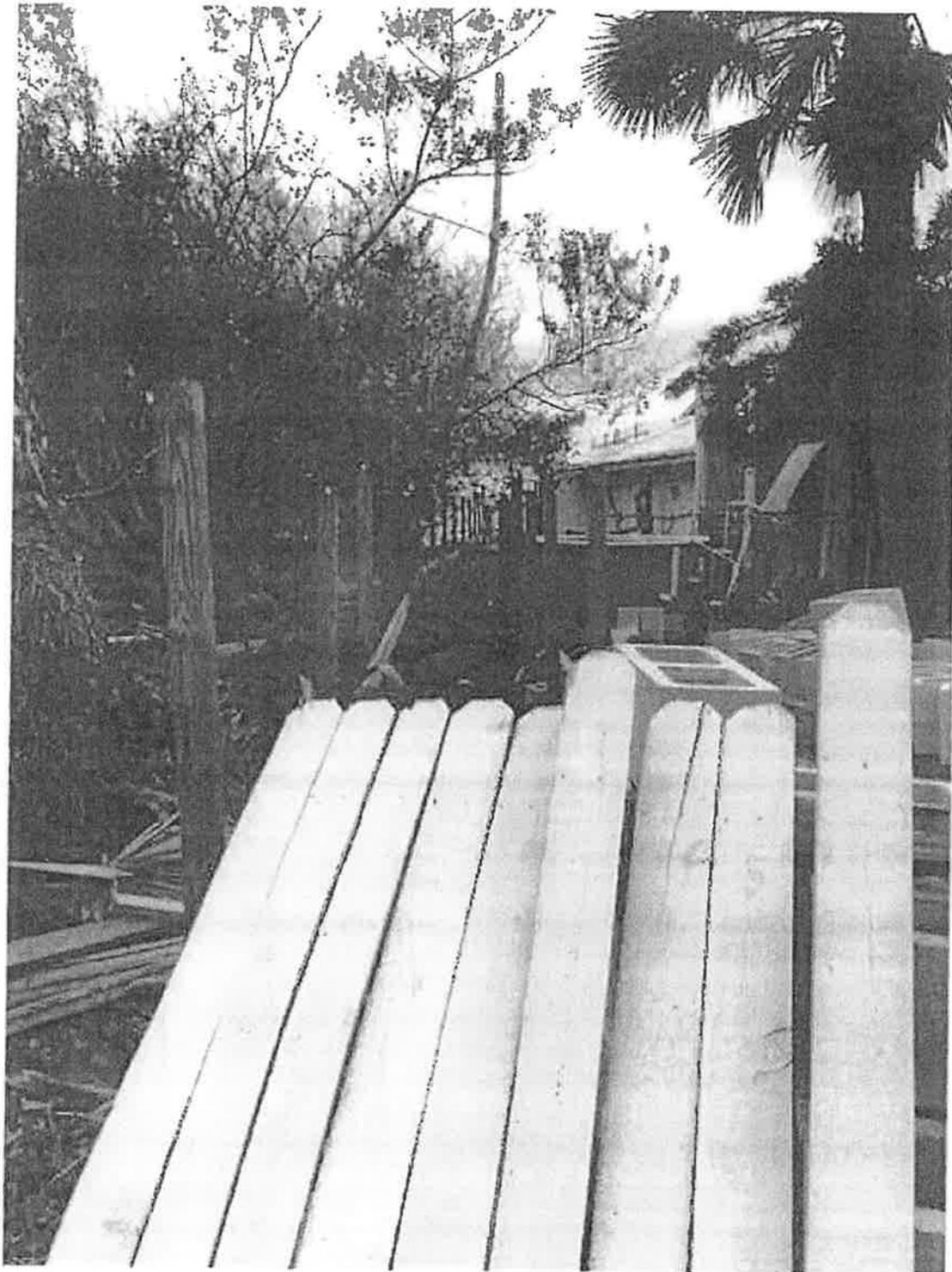












FVI  
IV.A.2.

## ***Timeline of Squid Lips Violations: 2200 Orlando Ave, Cocoa beach***

3/24/2016

- Code Enforcement Case 16CE-00474 entered for investigation of work without permit of new deck & roof.

3/29/2016

- Complaint Case 16CT-00222 entered for investigation of work without permit of new deck & roof.

3/30/2016

- Licensing Investigator Maggle Castellano met with Brevard County Fire Inspectors Dan Heller, Tony Mills & Fire Marshall Doug Carter to investigate complaint of a newly constructed outdoor dining deck with complete covered roof.
- It was confirmed a new deck, approx. 120 x 50, was constructed with band stand, bar, new exit from restaurant, roof, electrical & plumbing. Additionally, parking lot was improved.
- Work was performed by unlicensed subcontractors (maintenance staff & 1099 workers)
- No permits were obtained for construction.
- Violations to the NFPA (National Fire Protection Association) included inadequate or missing fire alarms, exits & suppression.
- ADA exit ramp constructed not meeting code requirements.
- Citations 9858 & 9859 Issued to Harry Underill (Buzz) for unlicensed contracting & working without permits. Additional citations also issued to electrician & plumber.
- Work Stop Order placed on property supported by Fire Marshall Doug Carter.
- Mr. Underill told to cease & desist construction on the property.

4/1/2016

- Code Enforcement Officer Nancy Sharp Issued a Notice of Violation with a 30 day compliance deadline from date of receipt.

4/11/2016

- Notice of Violation received via certified mail. Compliance date of 5/23/2016 given to obtain permits.

4/22/2016

- Mr. Underill met with Brevard County Building Official, Fire Marshall, Zoning Dept & Natural Resources discussing the requirements for him to move forward with violations.

5/12/2016

- Zoning application submitted 16PZ00055 for review.

5/23/2016

- Investigator Maggie Castellano received notification from Fire Inspector Dan Heller additional construction has begun on the south side of Squid Lips Cocoa beach location.
- Code Enforcement compliance date not met, no permits in place. Code Enforcement Inspector Nancy Sharp to move forward with Special Magistrate Hearing if case not held in abeyance by Zoning application.

5/24/2016

- Investigator Maggie Castellano confirmed the commencement of construction on an ADA exit ramp running along the entire south side of the structure down to the deck/water line. Posts & stringers in place. NO PERMITS
- A concrete knee wall is also in process of being constructed. NO PERMITS
- The exterior & interior of south wall are being repaired including stucco & drywall. NO PERMITS
- All work is being performed by maintenance staff of Mr. Underill's under his direction.
- Citation issued to worker for unlicensed building contractor, first offense.
- Fire Marshall Doug Carter informed of additional construction.
- Building Official Mike McCaughin informed of additional construction authorizing Work Stop Order.
- SECOND (2<sup>nd</sup>) WORK STOP ORDER posted.

5/25/2016

- Inspector Nancy Sharp told by Cindy Fox Zoning Manager, as well as Building Official Mike McCaughin, Code Case is not held in abeyance due to rezoning request, stating the Code Enforcement case can move forward.
- Investigator Maggie Castellano & Code Enforcement Inspector Nancy Sharp met with Buzz Underill.
- REPEAT Citations issued to Mr. Underill for unlicensed building contractor & proceeding without permits.
- Mr. Underill again told to cease & desist all construction on property.
- Mr. Underill stated he had met with Commissioner Barfield in an attempt to have zoning & site plan reviews be done concurrently.

CASE #: 110CT-00386



BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA  
CONTRACTOR LICENSING BOARD

CIT# 9984

CITATION

In the name of Brevard County, Florida: The Officer designated below has just and reasonable grounds to believe and does believe that on:

DAY M-T-W-T-F TIME 11:15 DAY 24 MONTH May 20 16  
ISSUED TO Harry Jackson Ortrill III DBA Banana River Tent LLC / Squad Lips / Chris's Intern'l Inc.  
ADDRESS 490 N Harbor City Blvd CITY Melbourne STATE FL ZIP 32935  
PHONE 321 258 5840 / 321 242 2222 SS # \_\_\_\_\_ DOB 9/18/1949  
DRIVERS LICENSE/ID # 11536370493380 STATE FL EXPIRES 9/18/2017  
OCCUPATION Restaurant Owner EMPLOYER Self  
VEHICLE: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ COLOR \_\_\_\_\_ TAG # \_\_\_\_\_ STATE \_\_\_\_\_ YEAR \_\_\_\_\_

LOCATION OF VIOLATION 5205 Orlando Av Cocoa Beach  
BRIEF STATEMENT OF FACTS Work without permit - constructed exit ramp for ADA exit from outdoor dining area, block entrance, repair water damage exterior/interior wall

VIOLATION OF BREVARD COUNTY CODE OF ORDINANCES, SECTION 22-558 (C)(9) CIT# 9984

1st Violation \$ \_\_\_\_\_ Repeat Violation \$ 300 Time \_\_\_\_\_ Date \_\_\_\_\_

Officer Name Mangie Castellano Officer Signature Mangie Castellano

WARNING

The person cited must cease and desist from the act for which this citation has been issued. Payment of the above civil penalty must be received by the Brevard County Licensing Enforcement & Regulation Office within (10) days of the issuance of this Citation. Failure to either pay the above civil penalty or to request in writing to appear before the Special Magistrate to challenge the issuance of this Citation shall constitute a waiver of your right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly. The violator may be liable for the reasonable costs of the administrative hearing should the violator be found guilty of the violation. An additional citation may be issued for each day that the applicable violation is found to exist. Repeat violation penalty will be twice the amount of the first violation.

WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR.

I WISH TO PAY THE CIVIL PENALTY

I WISH TO SEEK AN ADMINISTRATIVE HEARING

Signature of Violator \_\_\_\_\_ Date 5/25/16

Signature of Violator \_\_\_\_\_ Date \_\_\_\_\_

Payment of the Civil Penalty may be made in person by cash, check or credit card at the Brevard County Licensing Regulation & Enforcement Office, 2725 Judge Eran Jamleson Way, Bldg. A, Viera, FL 32940, Mon. - Fri. between 8:00 AM and 4:30 PM, or by mailing check or money order or credit card by phone. Make checks payable to Brevard County Board of County Commissioners. (DO NOT SEND CASH)  
Rev: 07-29-2016 Phone: (321) 633-2058, Fax: (321) 690-6878, Website: [www.brevardcounty.us/licensing](http://www.brevardcounty.us/licensing)

CASE#: 16CT-00387



BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA  
CONTRACTOR LICENSING BOARD

CITY# 9929

CITATION

In the name of Brevard County, Florida: The Officer designated below has just and reasonable grounds to believe and does believe that on:

DAY M-T-W-T-F TIME 11:15 DAY 24 MONTH May 20 16

ISSUED TO Jacob Henri Stivers DBA

ADDRESS 1185 Sawgrass Draw CITY Palm Bay STATE FL ZIP 32908

PHONE 207 441 6052 SS # \_\_\_\_\_ DOB 9/13/80

DRIVERS LICENSE/ID # S315-428-80-333-0 STATE FL EXPIRES 9/13/23

OCCUPATION Empl. / Handman EMPLOYER Squid Lips / Buzz Underhill

VEHICLE: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ COLOR \_\_\_\_\_ TAG # \_\_\_\_\_ STATE \_\_\_\_\_ YEAR \_\_\_\_\_

LOCATION OF VIOLATION 22005 Orlando Av, Cocoa Beach

BRIEF STATEMENT OF FACTS unlicensed building contractor - construction  
AOA ramp on south side of building; building block  
knee wall, repairing water damaged int/ext wall astuco

VIOLATION OF BREVARD COUNTY CODE OF ORDINANCES, SECTION 22-558 (C)(6) CITY# 9929

1st Violation \$ 250 Repeat Violation \$ \_\_\_\_\_ Time 12:03 Date 5/24/16

Maggie Castellano  
Officer Name

Maggie Castellano  
Officer Signature

WARNING

The person cited must cease and desist from the act for which this citation has been issued. Payment of the above civil penalty must be received by the Brevard County Licensing Enforcement & Regulation Office within (10) days of the issuance of this Citation. Failure to either pay the above civil penalty or to request in writing to appear before the Special Magistrate to challenge the issuance of this Citation shall constitute a waiver of your right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly. The violator may be liable for the reasonable costs of the administrative hearing should the violator be found guilty of the violation. An additional citation may be issued for each day that the applicable violation is found to exist. Repeat violation penalty will be twice the amount of the first violation.

WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR.

I WISH TO PAY THE CIVIL PENALTY

I WISH TO SEEK AN ADMINISTRATIVE HEARING

[Signature] 5/24/16  
Signature of Violator Date

\_\_\_\_\_  
Signature of Violator Date

Payment of the Civil Penalty may be made in person by cash, check or credit card at the Brevard County Licensing Regulation & Enforcement Office, 2725 Judge Fran Jamleson Way, Bldg. A, Viera, FL 32940, Mon. - Fri. between 8:00 AM and 4:30 PM, or by mailing check or money order or credit card by phone. Make checks payable to Brevard County Board of County Commissioners. (DO NOT SEND CASH)

REV 81-29-2016

Phone: (321) 633-2058, Fax: (321) 690-6878, Website: [www.brevardcounty.us/licensing](http://www.brevardcounty.us/licensing)

CASE #: 16CT-00385



BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA  
CONTRACTOR LICENSING BOARD

CITY# 9983

CITATION

In the name of Brevard County, Florida: The Officer designated below has just and reasonable grounds to believe and does believe that on:

DAY M-T-W-T-F TIME 11:15 DAY 24 MONTH May 20 16  
ISSUED TO Harry J. Jackson Underhill III DBA Banana Riverfront Truck Service  
ADDRESS 490 N Harbor City Blvd CITY Melbourne STATE FL ZIP 32935  
PHONE 321-258-3840 / 321-542-8824 SS # \_\_\_\_\_ DOB 9/18/1949  
DRIVERS LICENSE/ID # U536-570-49-338-0 STATE FL EXPIRES 9/18/2017  
OCCUPATION Restaurant Owner EMPLOYER Self  
VEHICLE: YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ COLOR \_\_\_\_\_ TAG # \_\_\_\_\_ STATE \_\_\_\_\_ YEAR \_\_\_\_\_

LOCATION OF VIOLATION 2200 Orlando Av, Cocoa Beach

BRIEF STATEMENT OF FACTS unlicensed Building Contractor - Constructing ramp for ADA outside exit, knee wall, repair of water damage to exterior & interior of building

VIOLATION OF BREVARD COUNTY CODE OF ORDINANCES, SECTION 22-558 (C)(b) CITY# 9983

1st Violation \$ \_\_\_\_\_ Repeat Violation \$ 500 Time \_\_\_\_\_ Date \_\_\_\_\_

Officer Name Maggie Castellano

Officer Signature Maggie Castellano

WARNING

The person cited must cease and desist from the act for which this citation has been issued. Payment of the above civil penalty must be received by the Brevard County Licensing Enforcement & Regulation Office within (10) days of the issuance of this Citation. Failure to either pay the above civil penalty or to request in writing to appear before the Special Magistrate to challenge the issuance of this Citation shall constitute a waiver of your right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly. The violator may be liable for the reasonable costs of the administrative hearing should the violator be found guilty of the violation. An additional citation may be issued for each day that the applicable violation is found to exist. Repeat violation penalty will be twice the amount of the first violation.

WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR.

I WISH TO PAY THE CIVIL PENALTY

I WISH TO SEEK AN ADMINISTRATIVE HEARING

Signature of Violator [Signature] Date 5/25/16

Signature of Violator \_\_\_\_\_ Date \_\_\_\_\_

Payment of the Civil Penalty may be made in person by cash, check or credit card at the Brevard County Licensing Regulation & Enforcement Office, 2725 Judge Fred Jamieson Way, Bldg. A, Viera, FL 32940, Mon. - Fri. between 8:00 AM and 4:30 PM, or by mailing check or money order or credit card by phone. Make checks payable to Brevard County Board of County Commissioners. (DO NOT SEND CASH)  
Phone: (321) 633-2058, Fax: (321) 690-6878, Website: [www.brevardcounty.us/licensing](http://www.brevardcounty.us/licensing)

**Alward, Elizabeth M**

---

**From:** Schollmeyer, Mark T  
**Sent:** Thursday, March 31, 2016 4:52 PM  
**To:** Barfield, Jim  
**Cc:** Alward, Elizabeth M  
**Subject:** Fwd: Squid Lips

Here is the detailed explanation from Doug Carter reference the Squid Lips (Jack Baker's) issue.

Mark Schollmeyer - Fire Chief  
Brevard County Fire Rescue  
1040 S. Florida Ave.  
Rockledge, Florida 32955  
321-633-2056 Office

Begin forwarded message:

**From:** "Carter, Douglas D" <[Doug.Carter@brevardcounty.us](mailto:Doug.Carter@brevardcounty.us)>  
**Date:** March 31, 2016 at 16:45:53 EDT  
**To:** "Schollmeyer, Mark T" <[Mark.Schollmeyer@brevardcounty.us](mailto:Mark.Schollmeyer@brevardcounty.us)>  
**Cc:** "Neterer, Dennis A" <[Dennis.Neterer@brevardcounty.us](mailto:Dennis.Neterer@brevardcounty.us)>, "Scates, Franklin B" <[Frank.Scates@brevardcounty.us](mailto:Frank.Scates@brevardcounty.us)>  
**Subject:** Squid Lips

Chief,

Dan Heller had a Business Tax Receipt Inspection to do at Squid Lips, 2200 S. Orlando Ave, Cocoa Beach. At the time of the inspection he discovered that a large deck with a roof had been built. The deck has tables and chairs as well as a large bar and small platform stage for live music. There was electrical and plumbing work done as well. An approximate occupant load for the new area is 375 people. The existing restaurant has an occupant load of 396 people.

There were no permits pulled for any of the work.

The owner, Buz Underhill, was issued a notice of violation instructing him to stop any additional work and to stop using the area until all necessary permits were obtained and all code violations corrected.

Fire Code violations for the new area include;

- No code compliant means of egress
- No fire alarm system
- No fire sprinkler system
- Open electrical
- No emergency lights

Once plans are submitted for review there will likely be more things the owner is required to do. Dan is going back out tomorrow to conduct the BTR inspection. He ran out of time dealing with the deck yesterday.

**Code Enforcement was on site due to a complaint they had received. They Issued a stop work order and issued two civil citations. Permits and a site plan were required by them. The Building Official is aware.**

**We have received a call from Suzy Leonard with the Florida Today regarding Squid Lips. 321-242-3614 and cell 321-543-4216**

**Please let me know if you have any other questions.**

**Douglas Carter, CFPS  
Assistant Fire Marshal  
Brevard County Fire Rescue  
(321) 637-5660 x 56369**

***Working Smoke Alarms Save Lives. Test Yours Every Month!***

FYI  
IV.A.2.

**Alward, Elizabeth M**

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**From:** Alward, Elizabeth M on behalf of Commissioner, D2  
**Sent:** Wednesday, August 17, 2016 1:10 PM  
**To:** Barfield, Jim  
**Subject:** FW: Squid Lips CB Oceanside Restaurant

FYI

**From:** Peter Ferrell [mailto:peter@ferrellaw.com]  
**Sent:** Wednesday, August 17, 2016 12:10 PM  
**To:** Commissioner, D2  
**Subject:** Re: Squid Lips CB Oceanside Restaurant

Dear Liz,

Thank you for your detailed explanation of the Squid Lips Cocoa Beach situation. Frankly as a 40-yr. law firm/Fortune 500 corporate attorney admitted in three States upon examination (working on my FL bar too) I am at a loss to understand how persons having already opened several of their restaurants could proceed with this investment apparently without competent legal counsel. Baffling.

Do me a favor and let me know the date/location of the September P & Z meeting since I would be interested to attend.

Thanks again!

Pete Ferrell

---

**From:** Alward, Elizabeth M <Liz.Alward@brevardfl.gov> on behalf of Commissioner, D2  
<D2.Commissioner@brevardfl.gov>  
**Sent:** Tuesday, August 16, 2016 4:15 PM  
**To:** Peter Ferrell  
**Subject:** RE: Squid Lips CB Oceanside Restaurant

Dear Mr. Ferrell,

The deck was added/constructed with no site plan, no licensed contractors, no permits and as a result changed the non-conforming use because of the addition. If he had made legal modifications, his zoning would not need to be changed. The zoning change will give him the opportunity to submit site plan, pull permits, and work on the numerous code enforcement and building code violations. This is not the county not wanting his success. Commissioner Barfield has received numerous emails regarding the zoning change. At P & Z it was tabled until the September P & Z meeting. When adding the addition, it came with additional traffic, noise etc. that the original non-conforming restaurant did not experience. His neighbors called in the building code violations, there are fire codes and building in the shore line protection buffer violations as well. The County will work with him but just so you know the re-zoning does not open the deck. It gives him the ability to come into compliance. If the zoning does not get approved he can still have what existed before he added the illegal structure. I hope this gives you a better understanding of the situation.

I hope this helps!

Liz

---

***Liz Alward, Senior Legislative Aide***

District 2 Commission Office  
2575 N. Courtenay Pkwy, Suite 200  
Merritt Island, FL 32953  
321-454-6601 work  
321-213-4807 cell

**From:** Peter Ferrell [mailto:peter@ferrellaw.com]  
**Sent:** Monday, August 08, 2016 11:35 AM  
**To:** Commissioner, D2  
**Subject:** FW: Squid Lips CB Oceanside Restaurant

**From:** Peter Ferrell03 [mailto:allferrells@msn.com]  
**Sent:** Sunday, August 7, 2016 11:01 AM  
**To:** Cynthia.Fox@brevardfl.gov  
**Cc:** D2@.  
**Subject:** Squid Lips CB Oceanside Restaurant

Ladies and Gentlemen,

My name is Peter Ferrell and I live in Melbourne, Florida. Friday evening my sister from Satellite Beach, my brother from Virginia (across the river where the "Washington. D.C." office of our Intellectual Property law firm is near the US Patent and Trademark Office) and I thought we would run up to the newest Squid Lips location for dinner considering how much we enjoy their Melbourne location.

My local bar/restaurant is Cabana Shores down the road and of course I have known about the "wheelchair ramp" issue for some time from discussions there, understanding it is nearing resolution with the City and competitors involved. After we were seated, I was very surprised to learn there is a zoning issue with the SL Cocoa Beach store considering it had been the Lobster Shanty location for years. FYI we are dedicated Yen Yen fans and took over nearly all the South Beach Inn rooms for out-of-state relatives a couple years ago when my sister had her Wedding Reception at the Satellite Beach residents' beachside reception hall. It seems some apparently unexpected(?) residential zoning restriction has prevent the occupancy of the SL deck seating as well. As you likely know, the seaside deck with live music every night is a big attraction at Squid Lips Melbourne and I'm sure the CB location would draw traffic into the City as well.

I would like to voice my support for the Squid Lips organization and request that you kindly allow the entire restaurant to open as soon as possible. Obviously we are moving into the Fall season and I would like them to have another great success in Cocoa Beach.

Thank you for your consideration.

Very truly yours,

Peter M. Ferrell III  
2630 Park Place Boulevard, Apt. 6  
Melbourne, FL 32935  
(321) 775-3259



Virus-free. [www.avast.com](http://www.avast.com)

FYI  
IV. A. 2.

Commissioner Barfield met with Attorney Kim Rezanka and Buzz Underill  
Re: Squid Lips on the following dates:

August 1<sup>st</sup>, 2016

September 27<sup>th</sup>, 2016

October 3<sup>rd</sup>, 2016

October 31<sup>st</sup>, 2016



# DISTRICT 2 COMMISSION OFFICE MEETING SIGN-IN SHEET

Meeting date: Oct 24, 2016

Subject: Squid Lungs

Name:	Organization:	Phone Number:	E-mail:
Susan Suplee	MAGNOLIA BAY E-3016	321-613-3905	SUSJAM-92@AOL.COM
JAMIE SUPLEE	MAG BAY E-300	321-613-3905	SAME ↑
Karen Amatao	MAG BAY C-309	321-613-0128	KAR624@AOL.COM
WEATHER COUCH	MAG BAY E-102	321-613-3251	dnhcom4@earthlink.net
David Couch	"	"	"
Jean Friedman	E301	321-779 4614	JeanFriedman2@gmail.com
E. Friedman	E304		
TONY COOK	MAGNOLIA BAY	724-2366	tonycook797@yahoo.com
SAM FRIEDMAN	"	321 779 4614	JOAN FRIEDMAN 2 AT GMAIL - COM
Randy Berner	Magnolia Bay	321-613-5856	slapshot10@att.net
Eloise Yelle	Magnolia Bay	321-783-3992	eyelle@aol.com
A Courtney Yelle	Magnolia Bay	321-783-3992	acyelle@aol.com
Sheryl Berner	Magnolia Bay	321-613-5856	sherner28@gmail.com
ROBERT SULLIVAN	NEIGHBOR ACROSS THE STREET	321-432-6165	RMSSULLY@YAHOO.COM
JAMES SZYMANSKI	ci C 307	516-581-4133	JG.Szymanski@AOL

**Alward, Elizabeth M**

---

**From:** Barfield, Jim  
**Sent:** Thursday, November 3, 2016 10:10 AM  
**To:** Joe.French  
**Cc:** Alward, Elizabeth M  
**Subject:** Re: Squid Lips Rezoning

Mr. French,  
Thank you for your email! I fully agree with your assessment of the impacts and will continue protect your interests.

Sent from my iPhone

On Nov 3, 2016, at 9:45 AM, Joe.French <[Joe.French@expressbadging.com](mailto:Joe.French@expressbadging.com)> wrote:

Mr. Barfield,

As the Past President of the Snug Harbour Home Owners association, and a resident and good neighbor of unincorporated south end Cocoa Beach since 1999, I have recently received many concerns over the owner of Squid Lips new agenda. He is requesting to rezone his property allowing for a live music venue all days of the week. I speak for about 220 homes in our unincorporated Cocoa Beach neighborhood that having a live concert-like music venue in our nature preserve-like backyard setting is just wrong on many levels. Common sense must prevail here and their request must be denied.

Not to mention the overflow parking issues caused when they do book a good band, and then add on top of that, it being held on a beautiful beachside day at sunset. Who would not want to enjoy that? I can tell you who would; everyone in Orlando will be in our backyard! Most of us love music. I'd like to enjoy a sunset meal and beverage listening to a good band just a couple blocks from my house. However, not at the expense of the noise pollution that bounces off our Intra-coastal waterway directly into our neighborhood and other surrounding residents that are closer. We are a beachside small community, on a very thin strip of land as well as being a barrier island. We do not want our way of life disturbed, as it is currently protected by the current zoning codes and licenses. On occasion, live music is played at local South End beachside venues for weddings and small parties, and you can hear it over a half a mile away, and still being able to make out the songs. Wind and water magnify it on certain days. This is tolerable, but rarely occurs. I do not want this level of noise pollution going on 3-, 4, 5 or more days a week; during all hours of the day and evening. I hope I have painted a good picture here.

If you are even leaning towards changing the zoning for Squid Lips, I personally invite you all to come to my house on a Friday, Saturday or Sunday evening when we are out on our back patios enjoying why we moved here. You'll understand the dilemma Squid Lips is up against. Please understand we spent our hard earned money to live out here, paying more taxes than the same square footage on the mainland, all in an effort so we are not bothered by this level of business in-your-face life style. Their restaurant is in our backyard, and they are promoting it to those outside our backyard. We can boycott them, but with no effect due to the fact that most of their customers do not LIVE HERE. However, you can help us keep our way of life preserved, so I ask you all not to allow the rezoning period. No exceptions!

Mr. Barfield, I also ask that you personally respond to this correspondence so we know it has been received and will be appropriately addressed in today's meeting which I cannot attend. I am serious about the invite to my house, actually we can do a tour of houses to get a better picture; regardless of

which way your team is leaning. Our fate is in your hands, and we trust you'll do what is best for our community. Have a great day and thank you for your service representing our community.

Regards,

**Joe and Laina French**

**1649 Bay Shore Drive**

**Cocoa Beach, FL 32931**

**Mobile: 321-258-9868 Email: [joe.french@expressbadging.com](mailto:joe.french@expressbadging.com)**

*Submitted by Applicant  
11/3/16 zoning mtg  
Item IV.A.2*

*FYI  
IV.A.2.*

**Brevard County  
Board of County Commissioners**

November 3, 2016

**IV.A.2**

**BANANA RIVERFRONT, LLC**

(16PZ – 00055)

Small Scale Amendment (16S.05), Rezoning with Binding  
Development Plan, and CUP for on-site consumption  
of alcoholic beverages

**PRESENTED BY:**

Kimberly Bonder Rezanka, Esq.  
CANTWELL & GOLDMAN, P.A.  
96 Willard Street, Ste. 302  
Cocoa, FL 32922

**Dana Blickley, CFA**  
**Property Appraiser**  
**Brevard County, FL**



**Property  
 Details**

This website is scheduled for retirement and receives only limited updates.  
**PLEASE VISIT OUR NEW WEBSITE FOR THE MOST CURRENT PROPERTY INFORMATION.**

**General Parcel Information**

Parcel ID:	25-37-26-28-00000.0-0001.00	Millage Code:	2600	Exemption:		Use Code:	2100
Site Address:	2200 S ORLANDO AVE , COCOA BEACH 32931					Tax ID:	2520254

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

**Owner Information**

Owner Name:	BANANA RIVERFRONT LLC
Second Name:	
Mailing Address:	490 N HARBOR CITY BLVD
City, State, Zipcode:	MELBOURNE, FL 32935-6858

**Abbreviated Description**

Plat Book/Page:	0010/0061	Sub Name:	AVON COURT SUBD	ALL SUBD
-----------------	-----------	-----------	-----------------	----------

**Value Summary**

Roll Year:	2013	2014	2015
Market Value Total: <sup>1</sup>	\$918,050	\$972,800	\$972,800
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$918,050	\$972,800	\$972,800
Assessed Value School:	\$918,050	\$972,800	\$972,800
Homestead Exemption: <sup>2</sup>	\$0	\$0	\$0
Additional Homestead: <sup>2</sup>	\$0	\$0	\$0
Other Exemptions: <sup>2</sup>	\$0	\$0	\$0
Taxable Value Non-School: <sup>3</sup>	\$918,050	\$972,800	\$972,800
Taxable Value School: <sup>3</sup>	\$918,050	\$972,800	\$972,800

**Land Information**

Acres:	2.44
Site Code:	102

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

**Sale Information**

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Vacant/Improved
7480/0302	10/16/2015	\$2,300,000	WD	I
2330/0221	10/1/1981	\$664,000	WD	I
1806/0220	10/1/1977	\$350,000		I
1465/0580	8/1/1974	\$1,600,000		I

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

**Building Information**

PDC #	Use Code	Year Built	Story Height	Frame Code	Exterior Code	Interior Code	Roof Type	Roof Material	Floors Code	Ceiling Code
1	2100	1952	12	03, 04	03, 09	03	09	04	03	03
3	1700	1955	10	03	05	03	09	03	03	03

**Building Area Information**

11/3/2016

BCPAO - Property Details

PDC #	Base Area	Garage Area	Open Porches	Car Port	Screened Porches	Utility Rooms	Enclosed Porch	Basements	Attics	Bonus Rooms	RV Carport	RV Garage	Total Base Area
1	10,286	0	506	0	0	44	0	0	0	0	0	0	10,286
3	1,144	0	130	0	0	0	0	0	0	0	0	0	1,144

Extra Feature Information

Extra Feature Description	Units
FENCE	57
PAVING	28,235
SEAWALLS	240
PAVING	399
WOOD DECK	2,280
DOCK	1,240
DOCK ROOF	379
DOCK	379
LIGHT POLES	3
GAZEBO	194
OUTBUILDING	420
FENCE	64
OUTBUILDING	484
COVERED PATIO	170
WALL	3,000

Data Last Updated: Thursday, November 19, 2015- Printed On: Thursday, November 03, 2016.

comment on all Outer Continental Shelf (OCS) and off shore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy.

### **Water-Dependent Land Uses**

#### **Objective 5**

By 2010, Brevard County shall develop and adopt guidelines which direct the location and management of water-dependent, water-related and water-enhanced facilities, giving highest priority to water-dependent uses along the Indian River Lagoon System in order to provide for the increased demand for these facilities.

#### **Policy 5.15**

During rezoning and other development order approval reviews, Brevard County should give immediate shoreline use priorities (in descending order of priority) to:

#### **Criteria:**

- A. Water-dependent uses such as fish, shellfish and wildlife production, recreation, water dependent industry and utilities, marinas and navigation;
- B. Water-related uses such as certain utilities, commerce and industrial uses;
- C. Water-enhanced uses such as some recreation uses;
- D. Non-water dependent or related activities such as residential; and
- E. Of lowest priority are those uses which are non-water dependent, non-water enhanced and which result in an irretrievable commitment of coastal resources.



### **Coastal Access**

#### **Objective 11**

Provide adequate public access to the beach, estuarine and river shorelines consistent with public needs and the shoreline's natural resource requirements.

163.3178(2)(g)) Further, coastal counties must amend the future land use element of their comprehensive plan to create "regulatory incentives and criteria" that encourage the preservation of recreational and commercial working waterfronts. More specifically, the purpose is to protect and promote Brevard County as a recreational and commercial working waterfront community; protect and improve public access to the shorelines and waters of Brevard County; preserve and protect the cultural heritage and physical character of the area as a working waterfront community; and enhance the aesthetic character of the area by directing development in a manner that maintains the working waterfront identity of the County.

### **Objective 13**

To establish a comprehensive program to promote and protect public access to the marine and coastal waters of the County, and to ensure the economic viability of recreational and commercial working waterfronts.

### **Policy 13.1**

The County shall identify, inventory and characterize all existing publicly-accessible recreational and commercial working waterfronts in Brevard County on a parcel-by-parcel basis, including but not limited to parking facilities for beach and shoreline access, coastal roads, facilities providing scenic overlooks, public lodging establishments, docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water and shall continue to maintain this inventory.

### **Policy 13.2**

The County shall identify, inventory and characterize all private facilities that would otherwise qualify as recreational or commercial working waterfronts because they provide access to the marine and coastal waters of the County and shall continue to maintain this inventory.

### **Policy 13.3**

By 2013, the County shall identify, inventory and characterize all parcels suitable for future development as publicly-accessible recreational and commercial working waterfronts in Brevard County. Suitable for future development includes vacant parcels and developed parcels not currently being used for water dependent activities which, because of their proximity, biophysical nature or other factors, could become recreational and commercial working waterfronts through a change in land use.

### **Policy 13.11**

By 2013, the County shall develop incentives for encouraging private waterfront property owners to make their properties available for public use for purposes that are consistent with the uses permitted in recreational and commercial working waterfronts.

**Port Canaveral  
Objective 12**

Brevard County will continue to identify provisions of the Port Master Plan which it considers inconsistent with the Coastal Management Element of the County Comprehensive Plan and will continue to offer to coordinate with Port Canaveral in resolving any inconsistencies. Brevard County shall continue to request copies of proposed plan amendments submitted for transmittal to the Department of Community Affairs and shall continue to review and comment on such amendments to the Port Master Plan consistent with the County's procedure for reviewing plans of other jurisdictions and Chapter 163.3177 (6) (g).

**Policy 12.1**

Brevard County shall continue to cooperate with the Port Canaveral Authority and the Florida Inland Navigation District in the identification of suitable spoil disposal sites within unincorporated Brevard County.



**Recreational and Commercial Working  
Waterfronts**

In 2005 and 2006, the Legislature recognized that there is an important state interest in facilitating boating and other recreational access to the state's navigable waters. This access is vital to recreational users and the marine industry in the state, to maintaining or enhancing the \$57 billion economic impact of tourism and the \$14 billion economic impact of boating in the state annually, and to ensuring continued access to all residents and visitors to the navigable waters of the state. The Legislature recognizes that there is an important state interest in maintaining viable water-dependent support facilities, such as public lodging establishments, boat hauling and repairing and commercial fishing facilities, and in maintaining the availability of public access to the navigable waters of the state. The Legislature further recognizes that the waterways of the state are important for engaging in commerce and the transportation of goods and people upon such waterways and that such commerce and transportation is not feasible unless there is access to and from the navigable waters of the state through recreational and commercial working waterfronts.

The purpose of the Brevard County Working Waterfront Objective is to implement the relevant and mandated provisions of Chapter 2005-157, and Chapter 2006-220 of the Laws of Florida. The Legislature requires that local governments, through their comprehensive plans, address development activities that diminish access to the state's navigable waters. The recreation and open space element of all local comprehensive plans now must include waterways. (F.S. § 163.3177(6)(e)) In addition, all coastal counties and municipalities in Florida now have a legislatively-mandated duty to include, in the coastal management element of their Comprehensive Plan, strategies that will be used to preserve recreational and working waterfronts. (F. S. §

45 Spaces

June 20, 2016

Hamilton Diggs, Pastor and President  
Living Bread Christian Fellowship Church, Inc.  
1801 S. Orlando Avenue  
Cocoa Beach, FL 32931

Dear Pastor Diggs:

This will confirm the parking agreement between Banana Riverfront, LLC, the owner of the Squid Lips Restaurant at 2200 S. Orlando Drive, Cocoa Beach, FL 32931 ("Restaurant") and Living Bread Christian Fellowship Church, Inc., located at 1801 and 1811 S. Orlando Drive, Cocoa Beach, FL 32931 ("Church"), on the following terms.

In consideration of the sum of \$10.00 and the mutual premises contained herein:

1. The employees and customers of the Restaurant may utilize the Church's parking lot for offsite parking on an as-needed, non-exclusive basis during times when the Church is not holding services or some other Church-sponsored event.
2. The Restaurant agrees to indemnify and hold the Church harmless from and against any and all liability for damage to any person or property that may arise from or as a result of this agreement. The Restaurant shall further cause the Church to be named as a loss co-payee on the Restaurant's casualty and liability insurance policies.
3. In the event that the Church intends to hold an event on its premises other than the usual services or weekly fellowship meetings and requires the use of the parking lot for the Church's own purposes, the parking lot shall be closed and unavailable to the customers or employees of the Restaurant. The Church will provide reasonable advance notice to the Restaurant of any such intended event so that the Restaurant may plan accordingly.
4. This agreement may be canceled by either party upon 30 days' written notice.

If you are in agreement, please sign and date this letter where noted below and return it to me.

Thank you,  
H. J. Underhill, Managing Member

AGREED:  
Living Bread Christian Fellowship Church, Inc.

By: Hamilton Diggs  
Hamilton Diggs, President  
Date: 6/27/2016

(CORPORATE SEAL)

AGREED:  
Banana Riverfront, LLC

By: H. J. Underhill III  
H. J. Underhill III, Managing Member  
Date: 6/20/16

(SEAL)



EXHIBIT "E"  
Conditional Use Application

12 spaces

August 5, 2016

Sohel M Ahsan  
2100 S. Orlando Avenue  
Cocoa Beach, FL 32931

Dear Mr. Ahsan:

This will confirm the parking agreement between Banana Riverfront, LLC, the owner of the Squid Lips Restaurant at 2200 S. Orlando Drive, Cocoa Beach, FL 32931 ("Restaurant") and Sohel M Ahsan., located at 2100 S. Orlando Drive, Cocoa Beach, FL 32931 ("Convenience Store"), on the following terms.

In consideration of the sum of \$10.00 and the mutual premises contained herein:

1. The Restaurant may utilize the Convenience Store's parking lot for offsite valet parking for no more than twelve (12) vehicles at any one time for employees and customers of the Restaurant on an as-needed, non-exclusive basis.
2. The Restaurant agrees to indemnify and hold the Convenience Store harmless from and against any and all liability for damage to any person or property that may arise from or as a result of this agreement. The Restaurant shall further cause the Convenience Store to be named as a loss co-payee on the Restaurant's casualty and liability insurance policies.
3. At no time will Restaurant park cars in a manner which may impede reasonable access to Convenience Store's fuel dispensers or to the Convenience Store during Convenience Store's hours of operation.
4. This agreement may be canceled by either party upon 30 days' written notice.

If you are in agreement, please sign and date this letter where noted below and return it to me.

Thank you,  
H. J. Underill, Managing Member

AGREED:  
Sohel M Ahsan

By: [Signature]  
Sohel M Ahsan  
Date: 8/8/16

AGREED:  
Banana Riverfront, LLC

By: [Signature]  
H. J. Underill III, Managing Member  
Date: 8-5-16



# The 2016 Florida Statutes

## Title XXXI REGULATION OF PROFESSIONS AND OCCUPATIONS

## Chapter 489 [View Entire Chapter](#) CONTRACTING

### 489.103 Exemptions.—This part does not apply to:

(1) Contractors in work on bridges, roads, streets, highways, or railroads, and services incidental thereto. The board, in agreement with the Department of Transportation, shall, by rule, define “services incidental thereto” for the purposes of this subsection only.

(2) Any employee of a certificateholder or registrant who is acting within the scope of the license held by that certificateholder or registrant and with the knowledge and permission of the licenseholder. However:

(a) If the employer is not a certificateholder or registrant in that type of contracting, and the employee performs any of the following, the employee is not exempt:

1. Holds himself or herself or his or her employer out to be licensed or qualified by a licensee;

2. Leads the consumer to believe that the employee has an ownership or management interest in the company;  
or

3. Performs any of the acts which constitute contracting.

(b) The legislative intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions.

(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal law supersedes this part.

\* (9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$1,000 for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is a contractor or otherwise represents that he or she is qualified to engage in contracting.

(10)(a) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches;

(b) Regularly constituted irrigation districts or reclamation districts; or

(c) Clearing or other work on the land in rural districts for fire prevention purposes or otherwise except when performed by a licensee.

(11) A registered architect or engineer acting within the scope of his or her practice or any person exempted by the law regulating architects and engineers, including persons doing design work as specified in s. 481.229(1)(b); provided, however, that an architect or engineer shall not act as a contractor unless properly licensed under this chapter.

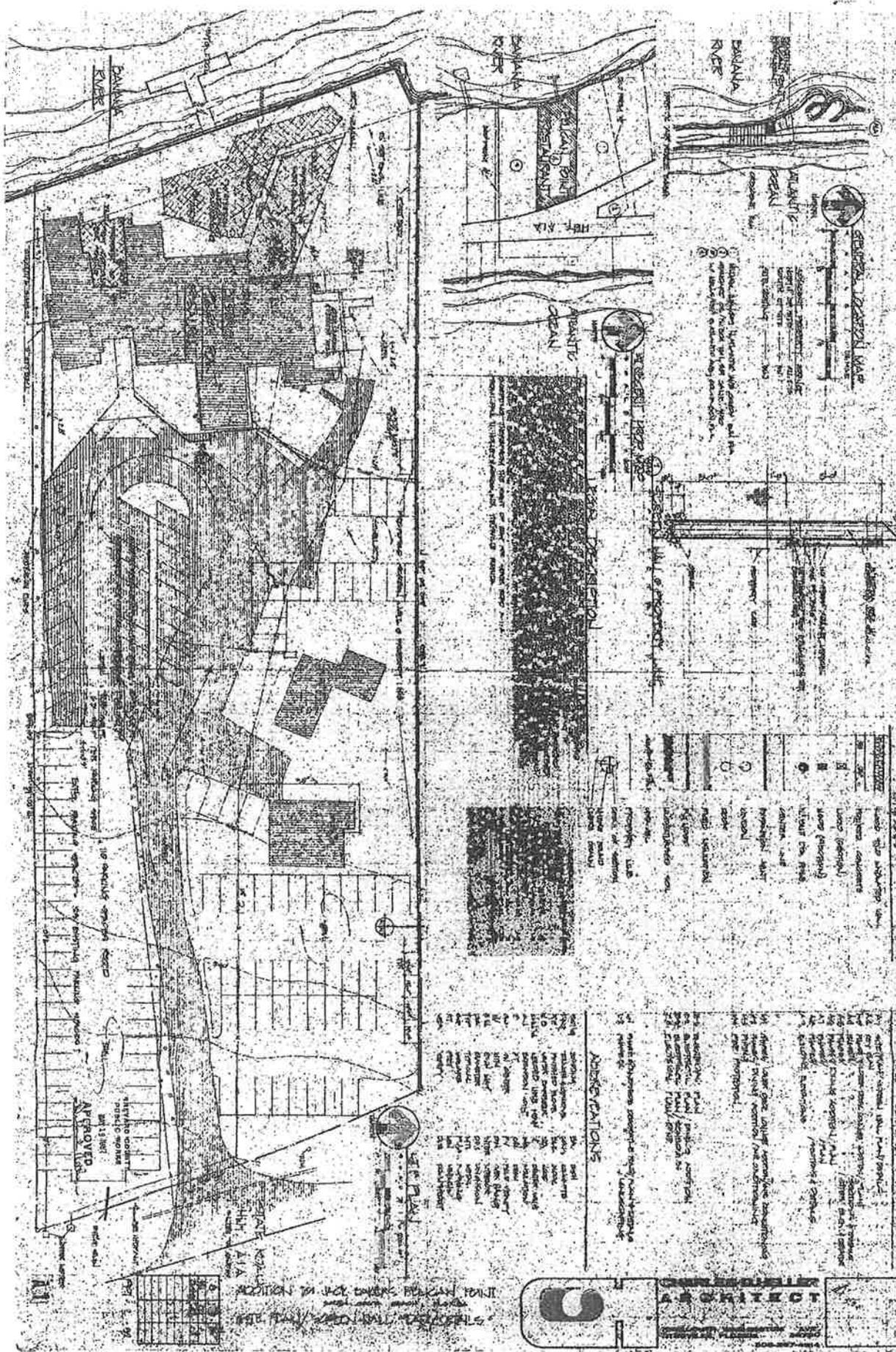
(12) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of the contractor.

(13) Any person who is licensed pursuant to chapter 527 when such person is performing the work authorized by such license.

(14) Any person who sells, services, or installs heating or air-conditioning units which have a capacity no greater than 3 tons or 36,000 Btu, which have no ducts, and which have a factory-installed electrical cord and plug.

(15) The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services. No municipality or county may adopt an ordinance, rule, or regulation which requires such an operator to become licensed, certified, or registered as a plumber or which otherwise prevents the installation and maintenance of such water conditioning units by an operator.

3900 S. Orlando Ave. Green Cove



**NOTES**

1. See site plan for building layout.
2. See site plan for parking areas.
3. See site plan for landscaping.
4. See site plan for site access.
5. See site plan for site boundaries.
6. See site plan for site easements.
7. See site plan for site setbacks.
8. See site plan for site encroachments.
9. See site plan for site utilities.
10. See site plan for site drainage.
11. See site plan for site grading.
12. See site plan for site retaining walls.
13. See site plan for site fences.
14. See site plan for site gates.
15. See site plan for site signs.
16. See site plan for site lighting.
17. See site plan for site security.
18. See site plan for site safety.
19. See site plan for site health.
20. See site plan for site environment.

**GENERAL NOTES**

1. All dimensions are in feet and inches, unless otherwise noted.
2. All dimensions are to the center of lines, unless otherwise noted.
3. All dimensions are to the outside of lines, unless otherwise noted.
4. All dimensions are to the inside of lines, unless otherwise noted.
5. All dimensions are to the top of lines, unless otherwise noted.
6. All dimensions are to the bottom of lines, unless otherwise noted.
7. All dimensions are to the left of lines, unless otherwise noted.
8. All dimensions are to the right of lines, unless otherwise noted.
9. All dimensions are to the front of lines, unless otherwise noted.
10. All dimensions are to the back of lines, unless otherwise noted.
11. All dimensions are to the top of lines, unless otherwise noted.
12. All dimensions are to the bottom of lines, unless otherwise noted.
13. All dimensions are to the left of lines, unless otherwise noted.
14. All dimensions are to the right of lines, unless otherwise noted.
15. All dimensions are to the front of lines, unless otherwise noted.
16. All dimensions are to the back of lines, unless otherwise noted.
17. All dimensions are to the top of lines, unless otherwise noted.
18. All dimensions are to the bottom of lines, unless otherwise noted.
19. All dimensions are to the left of lines, unless otherwise noted.
20. All dimensions are to the right of lines, unless otherwise noted.

**ARCHITECT**

**3900 S. ORLANDO AVE.**

**GREEN COVE**

**FLORIDA**

**DATE: 11/11/11**

**SCALE: 1/4" = 10'-0"**

**APPROVED**

**11/11/11**

**11**

**12**

**13**

**14**

**15**

**16**

**17**

**18**

**19**

**20**

FYI  
IV.A.2.

**Brevard County Code Enforcement  
Case Application (CAP) Report**

**CAP#:** 16CT-00222

**Date Complaint Received:**  
29-MAR-2016

**Related CAP's:**

**Case Status:** Active

**Officer/Inspector:**

**Subject Property Information:**

*Parcel ID #: Twn. 25 Rg. 37 Sec. 26 Sub. 28 Blk. Lot 1  
Address: 2200 S ORLANDO AVE COCOA BEACH FL 32931*

**Complaint:**

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**Cited Violation(s):**

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**Comments:**

**ViewID Comment(s):**

3/30/2016 Reporting Investigator (RI) Maggie Castellano responded to an anonymous complaint of an outside open dining area / deck on the rear of the new Squid Lips location at 2200 S Orlando Ave, Cocoa Beach without permits. Prior to leaving the office to head out to site, RI received a call from Fire Inspector Tony Mills requesting RI to meet on site as the property owner Buz Underill was on site. RI (with Inv Smith) arrived on site at 9:10am meeting Inspectors Mills & Heller as well as Mr. Underill on the deck in question. RI immediately observed a large open deck with complete roof coverage, 20+ new pilings, electrical, plumbing, new wet bar, new decking & railings, band stand, ADA access ramp, new exit door (double open swing in exterior wall), employee work closet with sink & computer. The railings around the decking & the dock did not have any security/safety guardrails. Mr. Underill explained he, along with his employees & a carpentry crew, performed all of the construction work adding the new decking, railings, bar, closet, pilings, roof system etc. Kangaroo Electric & Tuckers Cutrate performed the electrical & plumbing. However; all of this construction was performed without the required permits or licensure. Mr. Underill did have engineered drawings (Dave Menza) for a few items and a permit package filled out but never submitted. A cursory review of the plans by the Fire Inspectors shows the end construction deviated from the original plan. Mr. Underill stated he asked Bobby Chasin & another contractor to obtain permits for him, however; each contractor declined to perform an after the fact permit on work they did not perform. RI contacted Building Official Mick McCaughin to determine what type (s) of notices should be posted. After discussing the possibility of unsafe conditions Mr. McCaughin decided to post a Work Stop Order (giving RI permission to post) until the appropriate permits & inspections are completed. RI informed Fire Marshall Doug Carter, who arrived a short time earlier to personally inspect site, a work stop was being posted by the Building Dept. At this time, he & Fire Marshall Frank Scates made the decision to temporarily close the open deck banning public access, for work without permit & lack of fire sprinklers/alarms & proper exits. Inspector Carter informed RI there was no fire sprinkler system or fire alarm in place for the outside area nor was there adequate exits from the deck area. RI will contact Kangaroo & Tucker to discuss work performed without permits. Citations #9858 & #9859 were issued to Buz Underill for violation of Brevard County Ordinance section 22-558 C-6 act in the capacity of a contractor without being duly certified & C-9 proceeding on the job without all applicable permits & inspections. Mr. Underill signed to pay the citations. Additionally, Mr. Underill will forward drawings for RI to show the building official along with the photographs taken on site. mkc

3/3/0216 RI reviewed all photos & drawings provided by Mr. Underill with Building Official Mike McCaughin who requested RI forward him photos via email. mkc

3/31/2016 RI informed Mr. Underill the photos were reviewed by Mr. McCaughin. He will coordinate to meet with Mr. McCaughin at his earliest opportunity. mkc

**ViewID Comment(s):**

4/4/2016 RI spoke with Leon Tucker of Tuckers Cutrate Plumbing Svc Inc (321-727-3453) admitting to performing the plumbing work at Squid Lips. RI explained a citation for Work without a permit will be issued which he understood. This citation is a repeat violation for \$500. RI will go to Mr. Tuckers office on US 1 to issue citation L1168. RI also spoke with William Logan of Kangaroo Electric (321-258-6625) who also admitted to performing all the electrical wiring at the new Squid Lips location. He stated not doing the work would be like biting the hand that feeds you as he is the service contractor on the other 2 Squid Lips locations. Mr. Logan requested the citation be sent via email to kangarooelectric@aol.com. Both respondents stated they were going to make Mr. Underill responsible for the violations as he did not obtain the required permits. mkc

4/6/2016 RI forwarded citation to Mr. Logan via email. mkc

4/5/2016 Mr. Tucker signed to pay citation. mkc

4/7/2016 Citations 16CT-00239 & 240 have been paid in full. mkc

4/11/2016 RI spoke with Mr. Underill who stated he is working on an as built survey, his engineer is working on specs for the alarm & fire sprinkler systems. Now that he is back in town he will arrange to meet with the necessary depts. to move forward. mkc

4/22/2016 Mr. Underill met with several County agencies to discuss the violation of the new roofed deck area. The property will need to be rezoned, a site plan is required then permits will need to be issued. According to zoning the lot was rezoned residential in anticipation of a condominium being constructed. The property will need to be reverted back to commercial/restaurant use, however, Natural Resources has concern with the disturbance to the coastal buffer among other items. Mr. Underill will need to submit a rezoning application prior to May 13 for the best time scenario to begin the process. mkc

5/24/2016 RI was informed by Fire Inspector Heller additional construction on an ADA exit ramp is being done on the south side of the building. RI arrived At Squid Lips at 11:15 finding two (2) individuals (Jake & Ralph) construction said exit ramp. RI observed newly concreted 4x4 posts with stringers running the entire length of the building down to the deck/water line. In addition to the ramp, a new concrete block knee wall is being built & water intrusion damage is being repaired on the exterior & interior of the south facing wall of the building. On site were tools, wood for the stringers / decking & posts, concrete block & tools. When asked for identification, Ralph left the premise, however, Jake stayed showing RI the work & repairs in progress. Jake informed RI he worked for Buzz (Mr. Underill) as his maintenance man. He also explained once the water damage was repaired, a waking cooler was to be added. RI contacted BO Mike McCaughin who authorized a second work stop order to be posted on the property for the ramp & knee wall. RI will review photos with BO to determine if repair requires any permitting. RI contacted Mr. Underill to discuss the new construction & why he has continued working after he was clearly told to stop. RI scheduled to meet with Mr. Underill on 5/25/2016 @3:00 to issue additional repeat citations. On site RI issued citation 9929 to Jacob Stevens in violation of Brevard County Code of Ordinance section 22-558 act/engage in the capacity of a contractor without being certified. This is a first offense for \$250 which he signed to pay. RI will also provide a copy of this citation to Mr. Underill. mkc

**ViewID Comment(s):**

5/25/2016 RI & CE Nancy Sharp met with Mr. Underill discussing the new construction. Mr. Underill made the excuse of believing when the first work stop order was posted & he was directed to stop working it was only for the new construction on the roof covered decking. RI & CENS made it extremely clear he is not to perform any construction anywhere on the exterior of the building until the zoning action, site plan & permits are all approved & in place. During the meeting he stated he gets it now. He explained to RI the wall was an attempt to block water from intruding further into the building. As for the ramp, only the posts were supposed to be put in place not the stringers. NOTE: while on site RI measured the height of the top of the stringer in the middle of the length, which measured approximately 32" meaning the top deck height would be even higher. Citations #9983 & 9984 were issued to Mr. Underill as repeat violations of Brevard County Code of Ordinance sections 22-558 C6 act/engage in the capacity of a contractor without being duly certified & C9 proceed on the job without required permits & inspections. Mr Underill signed to pay citations also informing RI he will take care of the citation issued to Jacob Stevens. a copy of this citation was provided along with copies of his own citations. mkc

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**Property Owner Information:**

Name	Address	City	State	ZIP	Phone
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**Complainant Information:**

Name	Address	City	State	ZIP	Phone
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**Other Contact Information:**

Name	BusinessName	Address	City	State	ZIP	Phone
Leon Tucker	Tucker Cutrate Plumbing & Sve Inc			FL		(321)727-3453
William Logan	Kangaroo Electric			FL		(321)258-6625

## ***Timeline of Squid Lips Violations: 2200 Orlando Ave, Cocoa beach***

**2/18/2016**

- Fire Inspector Michael Bloom notified Licensing Investigator Maggie Castellano of an exhaust hood installed without a permit at the newly acquired Squid Lips Restaurant @ 2200 Orlando Ave, Cocoa Beach. The hood system was installed by Space Coast Fire and Safety Inc. A Citation L1167 (case 16CT-00189) was issued to Roger Harrell for work without a permit.

**3/24/2016**

- Code Enforcement Case 16CE-00474 entered for investigation of work without permit of new deck & roof on patio by river.

**3/29/2016**

- Complaint Case 16CT-00222 entered for investigation of work without permit for new deck with roof/pergola style off rear of new Squid Lips restaurant by unlicensed contractors.

**3/30/2016**

- Licensing Investigator Maggie Castellano met with Brevard County Fire Inspectors Dan Heller & Tony Mills as well as Fire Marshall Doug Carter to investigate complaint of a newly constructed outdoor dining deck with complete covered roof without the required permitting.
- It was confirmed a new deck, approx. 120 x 50, was constructed with band stand, bar, new exit from restaurant, roof, electrical & plumbing without permits by unlicensed carpentry laborers hired by Mr. Underill. Additionally, parking lot was improved by grading & laying gravel.
- Work was performed by unlicensed subcontractors (maintenance staff & 1099 workers)
- No permits were obtained for any of the construction.
- Violations to the NFPA (National Fire Protection Association) included inadequate or missing fire alarms, exits & suppression.
- ADA exit ramp constructed from main structure to new dining patio does not meet fire or building code requirements.
- Citations 9858 (case 16CT-00239) & 9859 (case 16CT-00240) were Issued to Harry Underill (Buzz) for unlicensed contracting & working without permits.
- Citation L-1168 (case 16CT-00241) was issued to plumbing contractor Leon Tucker of Tuckers Cutrate Plumbing Svc Inc for working without a permit.
- Citation L-1169 (case 16CT-00242) was issued to William Logan of Kangaroo Electric for working without a permit.

- Work Stop Order placed on property authorized by Building Official Mike McCaughin, supported by Fire Marshall Doug Carter.
- Mr. Underill told to cease & desist construction on the property.

4/1/2016

- Code Enforcement Officer Nancy Sharp issued a Notice of Violation with a 30 day compliance deadline from date of receipt.

4/11/2016

- Notice of Violation received via certified mail. Compliance date of 5/23/2016 given to obtain permits.

4/22/2016

- Mr. Underill met with Brevard County Building Official, Fire Marshall, Zoning Dept & Natural Resources discussing the requirements for him to move forward with violations.

5/12/2016

- Zoning application submitted 16PZ00055 for review.

5/23/2016

- Investigator Maggie Castellano received notification from Fire Inspector Dan Heller additional construction has begun on the south side of Squid Lips Cocoa beach location.
- Code Enforcement compliance date not met, no permits in place. Code Enforcement Inspector Nancy Sharp to move forward with Special Magistrate Hearing if case not held in abeyance by Zoning application.

5/24/2016

- Investigator Maggie Castellano confirmed the construction commencement of an ADA exit ramp running along the entire south side of the structure down to the deck/water line. Posts & stringers in place. NO PERMITS & UNLICENSED CONTRACTORS
- Said construction work was being performed by 2 individuals – Jake, an employee of Squid Lips & Ralph, who fled the site when asked for identification. A concrete knee wall is also in process of being constructed in an attempt to prevent further water seepage into the main building. NO PERMITS
- The exterior & interior of south wall were being repaired including stucco & drywall by employee Jake. NO PERMITS
- All work is being performed by maintenance staff of Mr. Underill's under his direction.
- Citation 9929 (case 16CT-00387) issued to Squid Lips employee Jacob Stevens as an unlicensed building contractor as first offense.

- Fire Marshall Doug Carter informed of additional construction.
- Building Official Mike McCaughin Informed of additional construction authorizing Work Stop Order.
- SECOND (2<sup>nd</sup>) WORK STOP ORDER posted.

5/25/2016

- Code Enforcement Inspector Nancy Sharp informed by Zoning Manager Cindy Fox as well as Building Official Mike McCaughin, for Life Safety issues, the code case is not being held in abeyance due to rezoning request, stating the Code Enforcement case can move forward.
- Investigator Maggie Castellano & Code Enforcement Inspector Nancy Sharp met with Buzz Underill.
- REPEAT Citations issued to Mr. Underill for unlicensed building contractor & proceeding without permits. Citation 9983 (case 16CT-00385) & 9884 (case 16CT-00386) were issued to Mr. Underill for unlicensed contracting & work without a permit as repeat violations.
- Mr. Underill again told to cease & desist all construction on property. Mr. Underill claimed to be confused over the first instruction of cease & desist therefore Investigator Maggie Castellano & Code Enforcement Inspector Nancy Sharp made it clear that ALL construction on the property excluding the interior of the main structure were included on the two (2) Stop Work Orders.
- Mr. Underill stated he had met with Commissioner Barfield in an attempt to have zoning & site plan reviews be done concurrently.