

THE CITY OF KEY WEST
Planning Department

**SPECIAL EXCEPTIONS ARE QUASI-JUDICIAL HEARINGS
AND IT IS IMPROPER TO SPEAK TO PLANNING BOARD
MEMBERS ABOUT THE REQUEST OUTSIDE OF THE HEARING**

*Alcohol Sales Special Exception
Application*

Please print or type a response to the following:

1. Site Address: 821 Duval St. Key West FL 33040
2. Name of Applicant: Wood Works on Duval LLC
3. Applicant is: Authorized Representative
4. Address of Applicant: 1002 Fleming St Key West FL, 33040
5. Phone # of Applicant: 302-542-7885 / Mobile # same / Fax # 305-296-6363
6. E-Mail Address: frangonzon@aol.com
7. Name of Owner, if different than above: Dion Rental Properties LLC
8. Address of Owner: 638 United Street, Key West FL 33040
9. Phone Number of Owner: 305-296-2000 / Fax# 305-296-0635
10. Email Address: jsimons@dionllc.com
11. Zoning District of Parcel _____ RE# _____
12. Description of Use and Exception Required
- Wood Works on Duval LLC seeks the ability to sell beer and wine on premises.
Applicant requests a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church and funeral home, pursuant to Section 18-28(b)(2) of the Code of Ordinances of the City of Key West, Florida.



Please note that any special exception granted hereunder may be approved with conditions, which conditions shall be monitored in accordance with Section 18-610. The exception shall be to the applicant only, shall not be transferable and shall only be effective in conjunction with the use(s) specified in the application. The Planning Board recognizes public input and how the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors. Further, the Planning Board can consider any other factors they determine relevant to the public's health, safety and welfare.

The Planning Board may only grant the requested alcohol sales special exception after considering the following criteria. Please provide a response as to how this proposed use and exception meet or fulfill these criteria:

13. Demonstrate compatibility with surrounding existing uses:

The property is located within the HRCC-1 zoning district, which is described in Section 122-868 of the Land Development Regulations as being "the City's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk oriented restaurants, lounges, and bars with inviting live entertainment; and transient residential accommodations." This section also describes this area as being "the most intense activity center in the historic commercial core." Wood Works on Duval LLC would like to be able to serve and sell alcohol to customers. Though the location is within 300 feet of a church, the scope of requested alcohol sales accessory to Wood Works on Duval LLC does not appear to be incompatible with the surrounding existing uses. All alcohol will be served and consumed on premises.

14. Demonstrate the extent of conflict between the proposed use and the hours of operation of the facilities:

According a representative for St. Peter's Episcopal Church, general service times are as follows: Monday through Saturday 10am to 5pm; Sunday 10am to 1pm with Sunday Service at 10am. Based on the established times of the church, and the City's restriction on any hours of alcohol sales, the Planning Department anticipates that very little, if any, conflict would occur should Wood Works on Duval LLC serve alcohol to patrons.

15. What are the mitigative measures proposed to be implemented by the applicant:

Wood Works on Duval LLC will meet with staff and members of St. Peter's Episcopal Church to discuss any potential concerns regarding alcohol sales on premises.



Larry Dion Corporation
Post Office Box 1209
Key West, FL 33041
Phone(305)296-2000 FAX (305)296-0635

12/30/10

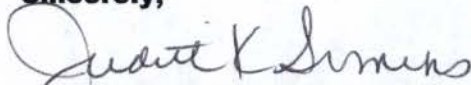
Please see listed below a breakdown of the corporate structure to show the relationship and ownership between the governing entities for Dion Rental Properties LLC.

Dion Partnership, LTD. is the managing member of for Dion Rental Properties LLC.

Larry Dion Corporation is general partner of Dion Partnership, LTD.

Lawrence R. Dion is the President of Larry Dion Corporation.

Sincerely,



Judith K. Simons for
Lawrence R. Dion
Larry Dion Corporation/President



Verification Form

Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Francis Gonzon, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the _____ Owner X Owner's Legal Representative
for the property identified as the subject matter of this application:

821 Duval Street, Key West FL 33040
Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

[Signature] Signature of Owner/Legal Representative N/A Signature of Joint/Co-owner

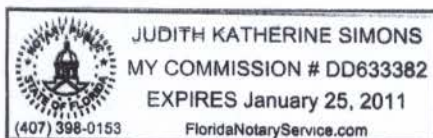
Subscribed and sworn to (or affirmed) before me on 1/5/11 (date) by
Francis Gonzon (name). He/She is personally known to me or has

presented _____ as identification.

Judith Katherine Simons
Notary's Signature and Seal

Judith Katherine Simons Name of Acknowledger typed, printed or stamped

FL NOTARY Title or Rank DD633382 Commission Number (if any)



Authorization Form

Authorization Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, LAWRENCE R. DION _____ authorize
Please Print Name(s) of Owner(s)

Fran Gonzon _____
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the Planning Board.

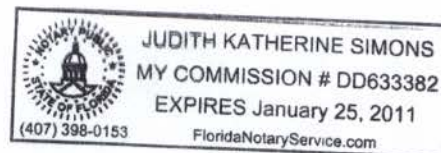
Lawrence R. Dion _____
Signature of Owner

n/a _____
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on 12/30/10 (date) by
LAWRENCE R. DION _____
Please Print Name of Affiant

He/She is personally known to me or has
presented _____ as identification.

Judith Katherine Simons _____
Notary's Signature and Seal



Judith Katherine Simons Name of Acknowledger printed or stamped

FL. NOTARY _____ Title or Rank

DD 633382 _____ Commission Number (if any)



Deed

MONROE COUNTY
OFFICIAL RECORDS

FILE #1385924
BK#1913 PG#1698

This instrument was prepared by and is to
be returned to:

RCD Jul 29 2003 03:14PM
DANNY L KOLHAGE, CLERK

Paul Rampell, Esquire
50 Coconut Row, Suite 220
Palm Beach, Florida 33480

DEED DOC STAMPS 0.70
07/29/2003 FP DEP CLK

Alternate Key Number:
1017221
Grantee's Tax Identification Number:

WARRANTY DEED

THIS WARRANTY DEED is made as of July 21, 2003, between Lawrence R. Dion and Florence L. Dion, husband and wife, whose mailing address is 1615 Atlantic Boulevard, Key West, Florida 33040 ("Grantor"), and Dion Rental Properties, LLC, a Florida limited liability company, whose mailing address is 638 United Street, Key West, Florida 33040 ("Grantee").

WITNESSETH: Grantor, for and in consideration of Ten Dollar (\$10.00), and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, and sold to Grantee, and Grantee's successors and assigns forever, certain real property located in Monroe County, Florida, described as follows:

See Exhibit "A" attached hereto and made a part hereof.

Together will all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

Subject to all conditions, covenants, limitations, restrictions, reservations, and easements listed in any title insurance policy that Grantor received at Grantor's acquisition of the subject property, if any, which are not reimposed hereby; taxes for the year 2003 and subsequent years; and zoning and/or restrictions and prohibitions imposed by any governmental or quasi-governmental authorities.

To have and to hold the same in fee simple forever.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good and lawful authority to sell and convey said land; and that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.



IN WITNESS WHEREOF, Grantor has signed and sealed these presents as of the day and year first above written.

Signed, sealed, and delivered in our presence:

Witnesses:

James R. Holyfield
Print Name: JAMES R. HOLYFIELD

David J. Thomas
Print Name: DAVID J. THOMAS

James R. Holyfield
Print Name: JAMES R. HOLYFIELD

David J. Thomas
Print Name: DAVID J. THOMAS

Grantor:

Lawrence R. Dion [seal]
Lawrence R. Dion

Grantor Address:
1615 Atlantic Boulevard
Key West, Florida 33040

Lawrence R. Dion [seal]
Florence L. Dion, by her attorney-in-fact,
Lawrence R. Dion
Grantor Address:
1615 Atlantic Boulevard
Key West, Florida 33040

State of Florida

County of MONROE

The foregoing instrument was sworn to and subscribed before me this 14 day of May, 2003, by Lawrence R. Dion, both individually and as attorney-in-fact for Florence L. Dion, who (☒) is personally known to me, or (☐) has produced _____ as identification.

[notary seal]

Paul Rampell
Notary Public, State of Florida
Print Name: PAUL RAMPÉLL
My commission expires: 8/25/05



Return to:
Paul Rampell, Esq.
400 Royal Palm Way
Suite 410
Palm Beach, FL 33480

Alternate Key Number(s):
1017230
1017221
1158267
1158241
1037443
1063908
1139416

QUIT-CLAIM DEED

QUIT-CLAIM DEED executed this 2nd day of June, 2010 by **Lawrence R. Dion**, individually, whose mailing address is 1615 Atlantic Boulevard, Key West, Florida 33040, hereinafter called the grantor, to **Dion Rental Properties, LLC, a Florida limited liability company**, whose mailing address is 638 United Street, Key West, Florida 33040, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

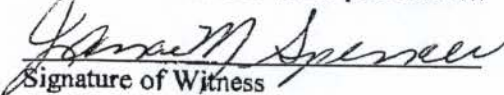
WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 in hand paid by the grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the grantee forever, all the right, title, interest, claim and demand which the grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of **Monroe**, State of Florida, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

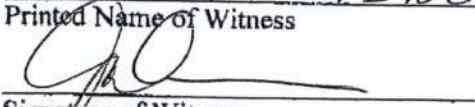
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee forever.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.


Signed and delivered in the presence of:


Signature of Witness

JANE M. SPENCER
Printed Name of Witness


Signature of Witness

JO ANNE A. BEEMAN
Printed Name of Witness


Lawrence R. Dion



STATE OF FLORIDA

COUNTY OF Dade

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **Lawrence R. Dion**, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and that he is personally known to me.



Witness my hand and official seal in the County
and State last aforesaid this 2nd day of
June, 2010

Judith Katherine Simons
Notary Public

Seal:



Exhibit "A"

PARCEL A:

On the Island of Key West, and known on William A. Whitehead's Map of said Island delineated in February, A.D. 1829, as part of Tract Four (4), now better described as a part of Lot Four (4) in Square Five (5) of Tract Four (4) according to Simonton and Wall's Addition to the City of Key West. Commencing at a point on Duval Street 94.66 feet from the corner of Duval and Olivia Streets, and running thence along the line of Duval Street in a Northwesterly (NW'ly) direction 47.33 feet, more or less; thence at right angles in a Northeasterly direction 113 feet; thence at right angles in a Southeasterly direction 47.33 feet, more or less; thence at right angles in a Southwesterly (SW'ly) direction 113 feet to the place of beginning.

AND ALSO:

On the Island of Key West and is part of Tract 4 according to William A. Whitehead's map of said Island delineated in 1829, but now better known as part of Lot 4, Square 5 of said Tract 4 according to Simonton and Wall's Addition recorded in Deed Book E, Page 245, of Monroe County Official Records and is more particularly described as follows:

From the intersection of the Northwesterly line of Olivia Street and the Southwesterly line of Center Street go Northwesterly along the Southwesterly line of Center Street a distance of 117 feet to a point, which point is the Point of Beginning; thence continue Northwesterly along the Southwesterly line of Center Street a distance of 25 feet to a point; thence at right angles and Southwesterly a distance of 113 feet to a point; thence at right angles and Southeasterly a distance of 24 feet to a point; thence Northeasterly making a deflection angle of 89 degrees 30' 45" with the prolongation or the previously described course a distance of 113 feet back to the Point of Beginning.

AND ALSO:

On the Island of Key West and known on Wm. A. Whitehead's map delineated in February, A.D. 1829, as part of Tract 4, but now better known as part of Lot 4, Square 5, of said Tract 4, according to Simonton & Wall's Addition, plat of which is recorded in the Public Records of Monroe County, Florida.

Commencing at a point on the Northwest side of Olivia Street, distant 113 feet from the corner of Olivia and Center Streets and running thence along Olivia Street in a Southwesterly direction 31 feet; thence at right angles in a Northwesterly direction 94.66 feet; thence at right angles in a Northeasterly direction 31 feet; thence at right angles in a Southeasterly direction 94.66 feet, back to the Point of Beginning.

AND ALSO:

PARCEL B:

On the Island of Key West and known as part of Lot 4 in Square 5 of Tract 4, SIMONTON AND WALL'S ADDITION to the City of Key West, according to the Plat thereof recorded in Deed Book E, Page 245, of the Public Records of Monroe County, Florida.

Beginning at the corner of Duval and Olivia Streets and running thence in a NW'ly direction along Duval Street 94.66 feet; thence at right angles in a NE'ly direction 81 feet; thence at right angles in a SE'ly direction 94.66 feet, to Olivia Street; thence at right angles in a SW'ly direction along Olivia Street 81 feet to place of beginning.

AND ALSO:



PARCEL C:

On the Island known as Stock Island as Lots No. Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and Nineteen (19) in Block 28; according to Geo. L. MacDonald's Plat of Lots One (1), Two (2), Three (3), Five (5), Six (6), Section Thirty-five (35); Lot Two (2) Section Thirty-six (36); Lot Three (3) Section Twenty-six (26); Lot Two (2) Section Thirty-four (34), Township Sixty-seven (67) South, Range Twenty-five (25) East, Geo. L. MacDonald's Plat of the above described property is recorded in Plat Book No. 1 Page 55, Monroe County, Florida, Public Records.

AND ALSO:

PARCEL D:

On the Island of Key West and known on Wm. A. Whitehead's Map of said Island, delineated in February A.D. 1829, as a Part of Tract 17, but now better known and described as Lots 18, 19 and 20 according to D.T. Sweeney's Diagram of Part of Square 5, Tract 17, recorded in Book O, Page 327, Public Records of Monroe County, Florida.

ALSO:

On the Island of Key West and is Part of Tract 17, according to Whitehead's Map of 1829, but better known as Subdivision No. 9 according to D.T. Sweeney's Diagram of Part of Lot 5 in said Tract 17, recorded in Book O, Page 327.

Commencing at a point on United Street 44 feet from the corner of United and a 25 foot street and runs Northeasterly on United Street 44 feet; thence runs Southeasterly 105 feet, 6 inches; thence runs Southwesterly 44 feet; thence runs Northwesterly 105 feet, 6 inches out to United Street, the Point of Beginning.

ALSO:

On the Island of Key West and being known as Part of Tract 17, according to Wm. A. Whitehead's Map of the Island of Key West, delineated in February A.D. 1829, but better known as Lots 15, 16 and 17, of Sweeney's Subdivision of Part of Tract 17, described by metes and bounds as follows:

Commence at a point on the Southeasterly side of United Street, distant 449 feet, 3 inches Northeasterly from the corner of the Intersection of Simonton and United Streets; thence at right angles and in a Southeasterly direction a distance of 145 feet, 6 inches; thence at right angles in a Northeasterly direction 90 feet, more or less, to an alley; thence at right angles in a Northwesterly direction 145 feet, 6 inches out of United Street; thence at right angles and along the Southeasterly side of United Street in a Southwesterly direction a distance of 90 feet, more or less, to the Point of Beginning.

LESS:

On the Island of Key west and known on Wm. A. Whitehead's map of said Island, delineated in February, A.D. 1829, as a Part of Tract 17, but now better known and described as Lots 17, 18, 19 and 20, according to D. T. Sweeney's Diagram of Part of Square 5, Tract 17, recorded in Book O, Page 327, Public Records of Monroe County, Florida.

AND ALSO:

PARCEL E:

On the Island of Key West, known on William A. Whitehead's Map of said Island delineated in February,



A.D. 1829, as a part of Tract 30, but now better known as Lot Number 21 in Square 6 of said Tract 30. Said lot being a subdivision of Tract 30, according to a diagram thereof recorded in Monroe County Records in Book of Plats No. 1, Page 13 on the 9th day of May 1887, and bounded as follows:

Lot Number 21 being located on the corner of Eleanor and Bertha Streets and running from said corner along Eleanor Street in a Northeasterly direction 46 feet and 3 inches; thence in a Southeasterly direction 100 feet; thence in a Southwesterly direction 46 feet and 3 inches to Bertha Street; thence along Bertha street in a Northwesterly direction 100 feet back to the place of beginning.

ALSO:

on the Island of Key West, known on William A. Whitehead's Map delineated in February A.D. 1829 as part of Tract 30, but now particularly described as Lot 20, Block 6 in said Tract 30 according to W.D. Cash's diagram of said Tract 30, surveyed and drawn from map of William A. Whitehead by T. J. Ashe, said diagram being recorded in Plat Book 1, Page 13, Public Records of Monroe County, Florida.

ALSO:

On the Island of Key West, known on William A. Whitehead's Map delineated in February A.D. 1829 as part of Tract 30, but now particularly described as Lot 13, Block 6 in said Tract 30, according to W.D. Cash's diagram of said Tract 30, surveyed and drawn from map of William A. Whitehead by T. J. Ashe, said diagram being recorded in Plat Book 1, Page 13, Public Records of Monroe County, Florida.

AND ALSO:

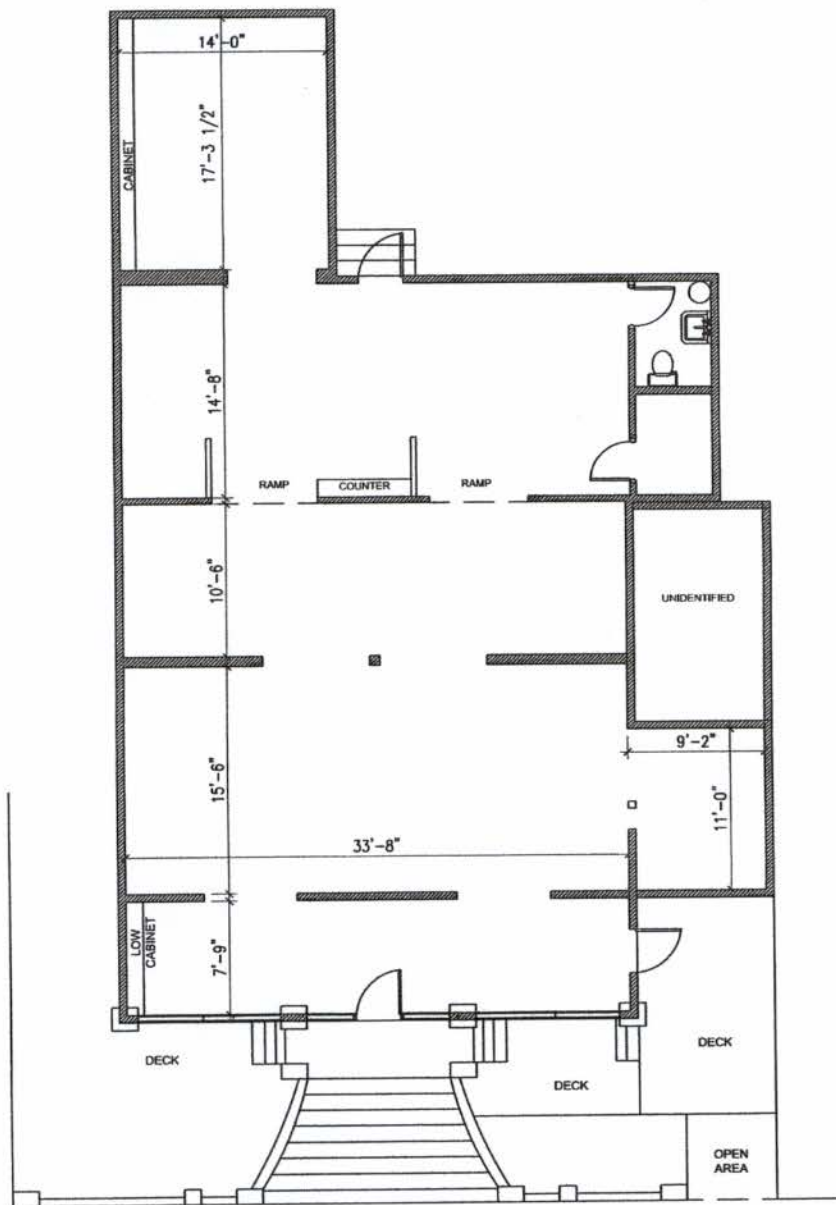
PARCEL F:

A part of the Northeast Quarter of Section 26, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the Southwest corner of Lot 1, Block 15, SANDS SUBDIVISION, as recorded in Plat Book 1, Page 65, of the Public Records of Monroe County, Florida, bear South 6.0 feet; thence bear North 89 degrees and 52 minutes West, 25 feet to the Point of Beginning of that part of the Northeast Quarter of Section 26 hereinafter described; from said Point of Beginning, continue bearing North 89 degrees and 52 minutes West, along the North right of way line of Country Road, 120 feet; thence bear North 180 feet; thence bearing South 89 degrees and 52 minutes East, 120 feet to the west right of way line of Sands Road; thence bear South, along the West right of way line of Sands Road, 180 feet, back to the Point of Beginning. A strip of land One Hundred and Twenty (120) by twenty (20) feet wide, bounded on the South side by the Monroe County Road way and the North side of a block of land deeded to William H. Tynes. The East, North and South Boundary lines from both the above described parcels of land being the North and South Section line between Section Twenty-five (25) and Twenty-six (26). The above described land being a part of the East half ($E \frac{1}{2}$) of the Northeast quarter ($NE \frac{1}{4}$) of Section Twenty-six (26), Township Sixty-six (66) South, Range Twenty-nine (29) East, T.M., on Big Pine Key, Monroe County, Florida and being more particularly described by metes and bounds as follows: Commencing at the Southwest corner of Lot 1, Block 15, of SAND'S SUBDIVISION, as recorded in Plat Book 1, Page 65, of the Public Records of Monroe County, Florida, bear South 6.0 feet; thence bear North 89 degrees and 52 minutes West, 25 feet to the Point of Beginning of that part of the Northeast Quarter of Section 26 hereinafter described; from said Point of Beginning, continue bearing North 89 degrees 52 minutes West, along the North right of way line of the County Road, 120 feet; thence bear North 20 feet; thence bear South 89 degrees and 52 minutes East, 120 feet to the West right of way line of Sand's Road; thence bear South, along the West right of way of Sand's Road 20 feet, back to the Point of Beginning.



Site Plans



1
SK1 EXISTING FLOOR PLAN
SCALE: 1/8"=1'-0" (11X17)

SK1

20101014
14 OCT 10
+/- 1" CAP

COMMERCIAL SPACE
821 Duval Street
Key West, FL 33040

Drawn by
Craig Pennington
305-294-8914