

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chairman and Planning Board Members

**From:** Nicole Malo

**Through:** Donald L. Craig, AICP, Interim Planning Director

**Meeting Date:** February 17, 2011

**Agenda Item:** **Change in Nonconforming Use – 326 Southard Street Unit 1 (RE# 00012902-000100)** – A change in nonconforming use from a retail plant store to a bicycle rental, repair and retail shop in the HRO zoning district per Section 122-32(e) of the Land Development Regulations of the City of Key West.

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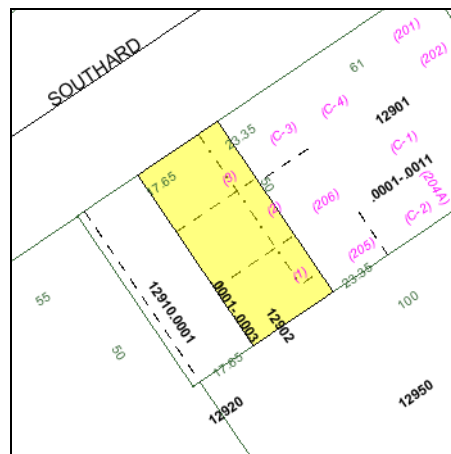
**Request:** To convert an existing nonconforming use from retail plant store to a bicycle retail, repair and rental shop.

**Applicant:** William C. Wild, Bikes on Eaton LLC

**Property Owner:** Bernard R. Budzyn Trust

**Location:** 326 Southard Street  
RE # 00012902-000100

**Zoning:** Historic Residential Office (HRO)



**Background:** On January 25, 2011 the application was first heard at the Planning Board Meeting. At that time, staff understood that the applicants were requesting a primarily retail use of the site with space for repairs and a few bikes for rent. Staff analysis of the proposed increase in neighborhood impacts by the change in nonconforming use from a retail shop to retail and rental shop was based on increased parking impacts required under Code Section 108-572. In order to mitigate the increase in intensity, and based on the applicants proposal, conditions of approval were proposed to limited the amount of bicycle rentals allowed to ten (10) total. At the meeting the applicants requested that the application be amended to allow fifty (50) bicycles for rent. The Planning Board advised the applicants meet with staff to amend their request and the item was postponed to time certain.

At a meeting held on February 2, 2011 between Staff and the applicants, a modified application that includes fifty (50) bicycle rentals was discussed. On February 4, 2011 the Fire Marshalls and the ADA and Bicycle/Pedestrian Coordinator visited the site and concluded that there was both safe ingress egress with 50 bicycles stored indoors and adequate sidewalk passage to place bike bollards on the sidewalk in front of the shop (see attached). On February 7, 2011 the applicants provided amended site plans and site photographs that appear to more adequately reflect the request for additional bikes including dimensional requirements. Additionally, the amended site plans depict the loading zone on Whitehead Street that they intend to use, garbage and recycling in the rear outdoor area, and the width of the sidewalk that will include two bicycle bollards.

The property is located on Southard Street, just west of the corner of Whitehead Street. The mixed use, two-story structure on the site occupies the majority of the lot. The first floor unit has historically been used commercially and two licensed, non-transient units are located on the second floor. Since 2003 licensing records show that the unit has been used as both a canvas shop and an orchid shop and that commercial use has been continuous. The property has two existing easements, one is an access easement with the adjoining property to the east where a narrow passage and staircase to the second floor and a structural easement for second floor balcony encroachments over the right-of-way, both provided herein.

**Request:** The request is for a change of nonconforming use from a retail plant store use to a bicycle retail, repair and rental shop. This amended request will allow the applicants to rent a total of fifty (50) bicycles from the site. No new square footage is proposed, and all business is to be conducted indoors, although the applicant will be allowed to store up to five (5) bicycles in the waste and recycling area to the rear of the building, while awaiting repair. No bicycle painting shall take place on site to prevent the impacts of noxious fumes and hazardous materials. The business will utilize the loading zone on Whitehead Street for deliveries from the other business location on Eaton Street. The applicants do not anticipate retailer deliveries to this location. Bicycle bollards for patrons will be installed on the sidewalk in front of the business in coordination with the Bicycle/Pedestrian Coordinator. Any changes to the façade of the building or proposed signage will have to be approved through HARC.

**Surrounding Zoning and Uses:**

**North:** HPS: Monroe County Government Offices  
**South:** HRO: Mixed residential and offices  
**East:** HRO: Commercial uses, café, bike shop, and bars  
**West:** HRO: Mixed residential and offices

**Uses Permitted in the HRO Zoning District Per Section 122-927, Code of Ordinances:**

- (1) Single-family and two-family residential dwellings.
- (2) Group homes with less than or equal to six residents as provided in section 122-1246.
- (3) Multiple-family residential dwellings.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Parking lots and facilities.
- (7) Medical services.
- (8) Veterinary medical services, without outside kennels.

**Conditional Uses Per Section 122-928, Code of Ordinances:**

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Cultural and civic activities.
- (3) Community center, clubs and lodges.
- (4) Educational institutions and day care.
- (5) Nursing homes, rest and convalescent homes.
- (6) Parks and recreation, active and passive.
- (7) Protective services.
- (8) Public and private utilities.
- (9) Funeral homes.

**Process:**

**Planning Board:** February 17, 2011  
January 25, 2011 - Postponed  
**Development Review Committee Meeting:** November 19, 2010  
**Tree Commission Meeting:** N/A  
**H.A.R.C:** TBD

**Analysis:**

According to Section 122-32 (e) of the City of Key West Code of Ordinances, a nonconforming use of a building or structure may be changed to another nonconforming use if the Planning Board finds that:

- (1) *The new use is equally or more appropriate to the zoning district; and*  
Although this zoning district is intended to be for low impact uses such as business and professional offices, as well as residential structures, over time the first floor unit of the building has remained commercial in nature. Additionally, the proposed use appears to be in keeping with similar surrounding land uses that include a

grocer/deli, the Green Parrot bar with live music, a bicycle shop and two moped rental shops.

The specific location of the business does not lend itself primarily to pedestrian traffic and should not add to the existing congestion of the area, although bicycle and pedestrian flow may be compromised on the sidewalk at times.

The proposed use will not expand the existing footprint of the business which will primarily be kept indoors. Furthermore, the rental portion of the business is limited to a maximum of 50 bicycles. Therefore the proposed use may be equally or more appropriate to the area.

- (2) *The change of use would not intensify the use of the premises by increasing vehicular traffic to the neighborhood; increasing the need for parking facilities; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage.*

***Intensity of Proposed Use: Traffic***

The 7<sup>th</sup> Generation ITE Trip Generation Manual does not address trip generation for scooter, moped or bicycle rental and repair shops or any comparable uses. Therefore, it is difficult to determine whether the proposed use that includes the retail shop in addition to rental and repair shop will increase traffic from the previous use. However, the intent of the zoning district is to manage transportation impacts to the district by limiting intensity of activities that generate no more than 50 trips per 1,000 square feet a day. Most likely the proposed use will not exceed this threshold, the commercial floor area of approximately 1,005 square feet will remain unchanged, and the added uses will most likely increase pedestrian traffic but have limited impact on vehicular traffic.

***Intensity of Proposed Use: Parking***

According to the Land Development Regulations, parking requirements for scooter, moped or bicycle rentals are more intensive than for retail stores and service establishments. However, this property is located in the historic commercial pedestrian oriented area and parking is not required for the proposed use. Additionally, the portion of the business dedicated to rentals is limited to fifty (50) bikes as a condition of this approval. According to the applicant the majority of the clientele will be arriving by foot.

***Intensity of Proposed Use: Noise, Dust, Fumes and Other Environmental Hazards***

The proposed use may minimally increase noise and dust within the building related to bicycle repairs. The applicant has stated that no bicycle painting shall take place on site and this has been added as a condition of approval. No fumes or other environmental hazards are anticipated due to the change of use.

***Intensity of Proposed Use: Drainage***

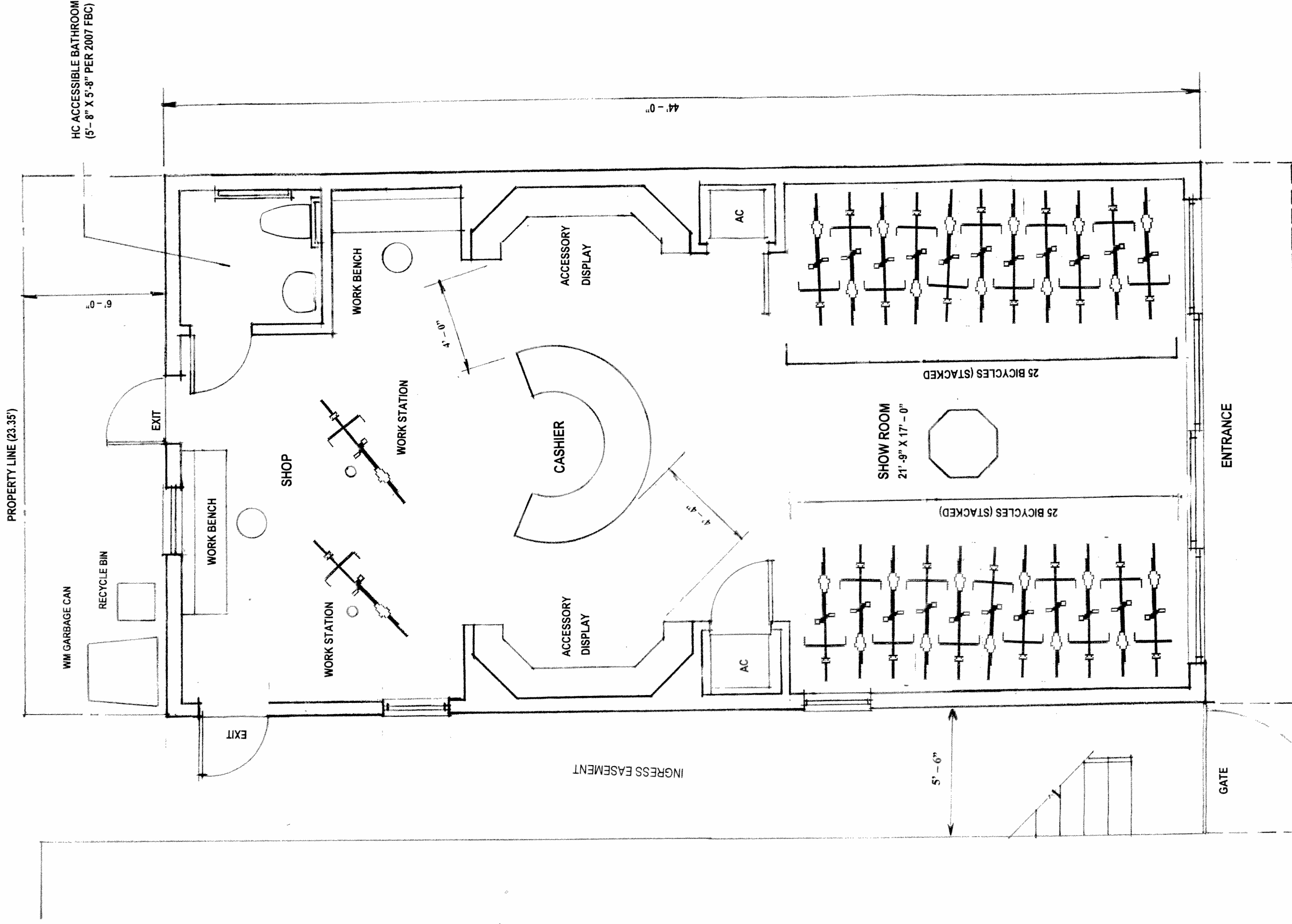
The existing building on the site covers the majority of the property and the site is not stormwater compliant. No changes are proposed to the structure and a stormwater management plan is not required or proposed. The change in use will not have an adverse impact on drainage.

## **RECOMMENDATION**

The Planning Department based on criteria outlined in Section 122-32 (e) (1) and (2) of the City of Key West Code of Ordinances, recommends **approval** of the Change of Nonconforming Use with the following conditions:

1. This approval allows for the rental of fifty (50) bicycles. Those same bicycles are not to be rotated with other bicycles.
2. No bicycle painting shall take place on site.
3. Proposed bicycle racks must be coordinated with the Bicycle/Pedestrian/ADA Coordinator before installation.
4. No bicycle tours are allowed from this location.
5. The applicant is allowed to store up to five (5) bicycles in the waste and recycling area to the rear of the building, while awaiting repair.
6. The installation of bicycle bollards will be coordinated with the Bicycle/Pedestrian Coordinator.

# **Revised Site Plans**



NOTE: BICYCLE DISPLAY LAYOUT AS DRAWN IS SYMBOLIC;  
 ACTUAL MERCHANDISING LAYOUTS WILL VARY  
 DEPENDING UPON SALES CONCEPTS.



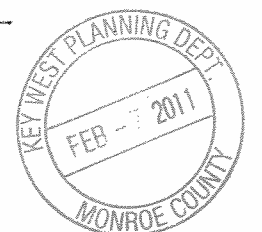
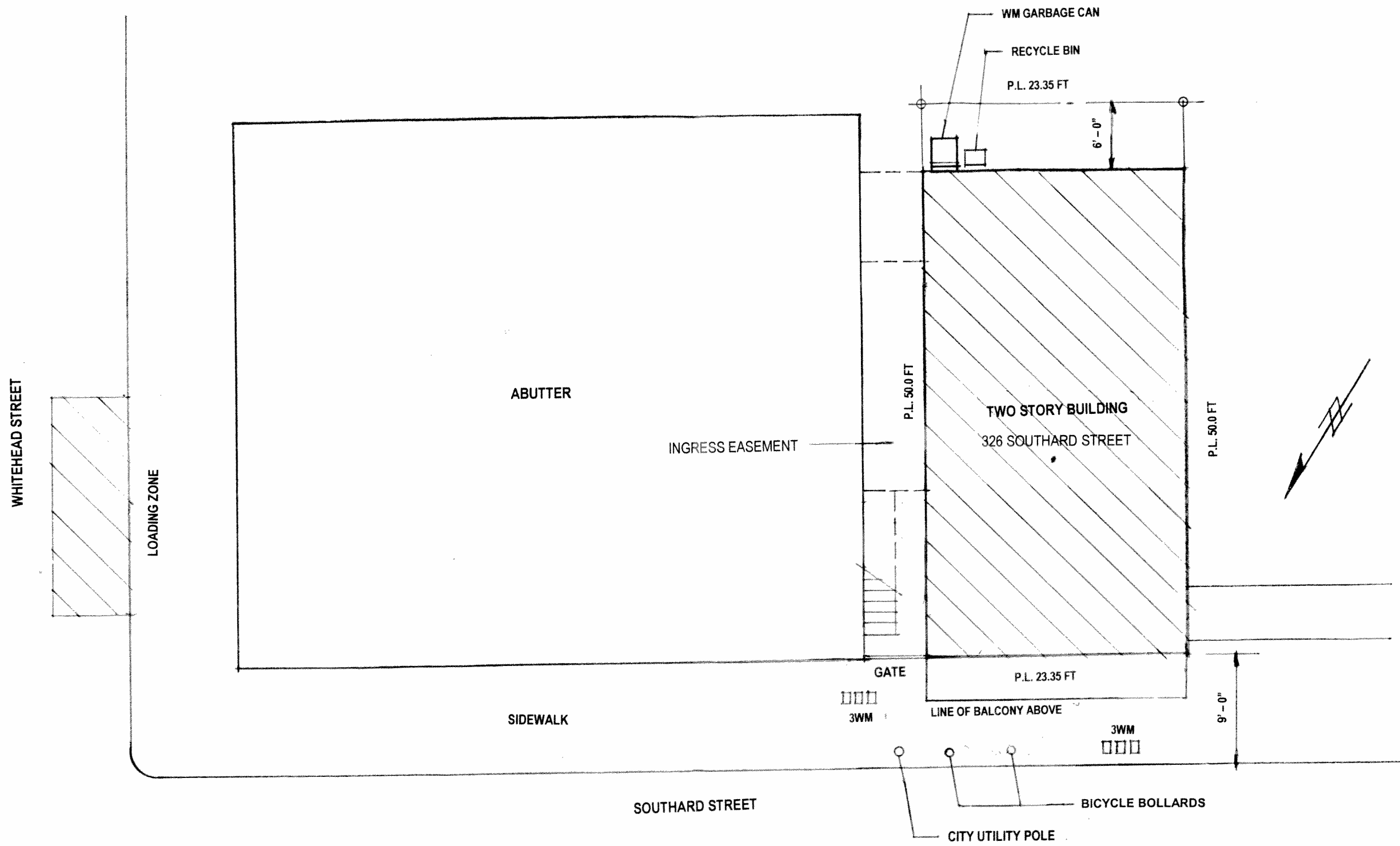
REVISED FEBRUARY 3, 2011

**EATON BIKES**  
**RENTAL AND SALES**  
 326 Southard Street  
 Key West, Florida

**FLOOR PLAN**

**MICHAEL MILLER • ARCHITECT**  
 517 DUVAL STREET  
 KEY WEST FLORIDA  
 (305) 254-7687  
 mlm@arch@bellsouth.net

DATE: DECEMBER 10, 2010  
 SCALE: 1/4" = 1'-0"  
 PROJECT NO: 1010



REVISED FEBRUARY 3, 2011

**EATON BIKES**  
 RENTAL AND SALES  
 326 Southard Street  
 Key West, Florida

**SITE PLAN**

**MICHAEL MILLER ARCHITECT**

517 DUVAL STREET  
 KEY WEST FLORIDA  
 (305) 294 - 7687  
 mlrarch@belsouth.net

DATE: DECEMBER 10, 2010

SCALE: 1:10

PROJECT NO: 1010

**A1**  
 Of Two



# **Revised Fire and ADA Comments**

## Nicole Malo

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**From:** Don Craig  
**Sent:** Friday, February 04, 2011 8:20 AM  
**To:** Nicole Malo  
**Subject:** FW: Update - Conditional Use, 326A Southard Street

FYI  
DC

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**From:** Diane Nicklaus  
**Sent:** Thursday, February 03, 2011 4:23 PM  
**To:** Don Craig  
**Subject:** Update - Conditional Use, 326A Southard Street

As an update for the application for I think conditional use at 326A Southard Street I offer the following:  
I made a site visit today to check out the request for bike bollards along Southard Street. When I got there the beauty salon next door (towards the Green Parrot) had two bikes attached, one to the guy wire, and one to a street sign (both illegal). They don't necessarily want them for customers, they just want bicycle parking along that street. I told them I would consider two for in front of their property and would probably put at least one more in front of the beauty salon. I also told them if they wanted additional bollards up the street that they would have to get approval in writing from the property owners (residential).  
Also, they have put 50 bicycles on either side in the front of that shop as shown on the site plan.  
The Fire Department was arriving when I was leaving to make their inspection.

Diane Nicklaus  
Public Facilities/ADA Coordinator  
809-3951  
dnicklau@keywestcity.com

## Nicole Malo

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**From:** Eaton Bikes [eatonbikes@gmail.com]  
**Sent:** Sunday, February 06, 2011 3:08 PM  
**To:** Nicole Malo; Don Craig; Andy Birrell  
**Subject:** Eaton Bikes - 326A Southard Street

Nicole,

We wanted to keep you apprised of our progress regarding our prospective new location.

On Friday, February 4 we met with Lt. Alan Averette, Fire Prevention Bureau Inspector, and his associate Mr. Arnold Caballero, who informed us that the sliding glass doors facing Southard Street are not an issue that they or their bureau had any concerns over. They also noted that there is adequate aisle width between the rows of rental bicycles for ingress/egress in case of emergency.

On Friday, February 4 we also met with Ms. Diane Nicklaus concerning the placement of bicycle bollards directly in front of 326A Southard Street. Ms Nicklaus found a nine foot wide sidewalk with adequate space for two bicycle bollards.

We look forward to submitting our documentation to you or available City Planning Staff no later than noon on Monday, February 7, so that we may continue our efforts to have our plan approved.

Sincerely,

Chris Wild  
Eaton Bikes

**Draft  
Resolution**

**PLANNING BOARD RESOLUTION  
2011-**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CHANGE OF NON-CONFORMING USE IN THE HRO, HISTORIC RESIDENTIAL OFFICE ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 122-32(e) OF THE CODE OF ORDINANCES, FOR PROPERTY LOCATED AT 326 SOUTHARD STREET (RE# 00012902-000100), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-32(e) of the Code of Ordinances provides that a nonconforming use of a building or structure may be changed to another nonconforming use under certain findings of the Planning Board; and

**WHEREAS**, the new use is equally or more appropriate to the zoning district; and

**WHEREAS**, the change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage; and

**WHEREAS**, the granting of the change of nonconforming use will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the

\_\_\_\_\_ Chairman

\_\_\_\_\_ Interim Planning Director

neighborhood, or otherwise detrimental to the public welfare; now therefore,

**BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That a change of nonconforming use in the HRO zoning district, under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: Allowing for a change in nonconforming use from a retail flower shop to a bicycle rental, repair and retail shop, consisting of 1,005 square feet in the HRO zoning district for property located at 326 Southard Street unit #1 per Section 122-32(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, with the following conditions (See site plans dated February, 7 2011):

1. This approval allows for the rental of fifty (50) bicycles. Those same bicycles are not to be rotated with other bicycles.
2. No bicycle painting shall take place on site.
3. Proposed bicycle racks must be coordinated with the Bicycle/Pedestrian/ADA Coordinator before installation.
4. No bicycle tours are allowed from this location.
5. The applicant is allowed to store up to five (5) bicycles in the waste and recycling area to the rear of the building, while awaiting repair.
6. The installation of bicycle bollards will be coordinated with the Bicycle/Pedestrian Coordinator.

**Section 2.** Full, complete, and final application for all permits required for which this

\_\_\_\_\_ Chairman

\_\_\_\_\_ Interim Planning Director

resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

**Section 3.** This change of nonconforming use does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 4.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 6.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

\_\_\_\_\_ Chairman

\_\_\_\_\_ Interim Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 17th day of February, 2011.

Authenticated by the Planning Board Chairman and the Interim Planning Director.

\_\_\_\_\_  
Richard Klitenick, Chairman  
Key West Planning Board

\_\_\_\_\_  
Date

**Attest:**

\_\_\_\_\_  
Donald L. Craig, AICP  
Interim Planning Director

\_\_\_\_\_  
Date

**Filed with the Clerk:**

\_\_\_\_\_  
Cheryl Smith, City Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_ Chairman

\_\_\_\_\_ Interim Planning Director



# Application



Application for Change of a Nonconforming Use  
City of Key West Planning Department

Please print or type a response to the following:

1. Site Address 326 SOUTHARD #1 (A)
2. Name of Applicant BIKES ON EATON LLC, dba EATON BIKES
3. Applicant is: Owner \_\_\_\_\_ Authorized Representative  \_\_\_\_\_  
(attached Authorization Form must be completed)
4. Address of Applicant 830 EATON STREET  
KEY WEST, FL 33040
5. Phone Number of Applicant 305.294.8188 Email eatonbikes@gmail.com
6. Name of Owner, if different than above BRB GENESIS LLC
7. Address of Owner 904 JAMES STREET  
KEY WEST, FL 33040
8. Phone Number of Owner 201.400.9833 Fax Number \_\_\_\_\_
9. Zoning District of Parcel HRD RE# 00012910
10. Is Subject Property located within the Historic District? Yes  No \_\_\_\_\_  
If Yes, Date of HARC \_\_\_\_\_ HARC # \_\_\_\_\_
11. Are there easements, deed restrictions or other encumbrances attached to the subject property? Yes \_\_\_\_\_ No  If Yes, please describe and attach the documents. \_\_\_\_\_

12. Description of existing use and proposed use. Please be specific. If there is more than one use please describe each use (use a separate sheet of paper if necessary).

EATON BIKES PROPOSES TO USE CURRENTLY VACANT COMMERCIAL REAL ESTATE FOR BICYCLE RENTALS, SALES OF BICYCLES AND ACCESSORIES, MERCHANDISE OF SIMILAR NATURE, REPAIRS OF BICYCLES, AND BICYCLE TOURS. RENTALS, RETURNS, REPAIRS AND ALL TRANSACTIONS TO BE CONDUCTED INSIDE BUILDING.

13. Pursuant to Section 122-32(e) of the Municipal Code, a nonconforming use of a building or structure may be changed to another nonconforming use if the Planning Board finds: (1) that the new use is equally or more appropriate to the



City of Key West Planning Department  
3140 Flagler Avenue, Key West, FL 33040  
(305) 809-3720



zoning district; and (2) the change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage. Please explain how the change complies with this standard (use a separate sheet of paper if necessary).

PROPOSED USE IS APPROPRIATE FOR THIS LOCATION DUE TO POSITIVE NATURE OF BICYCLE USE: LIGHT WEAR ON PUBLIC ROADS, NO NEED FOR AUTOMOBILE PARKING, REDUCING AMBIENT NOISE AND EMISSIONS VERSUS MOTORIZED VEHICLES. PROPOSED USE SHALL PRESENT NO ENVIRONMENTAL HAZARD NOR SHALL USE HAVE ANY ADVERSE IMPACT ON DRAINAGE.

Please include the following with this application:

1. A copy of a **recorded warranty deed** containing a legal description of the subject parcel,
2. An application fee of **\$1,000.00** plus a **separate** additional fee of **\$50.00** for Fire Department Review, and an advertising and noticing fee of **\$100.00**. If paying with a check, please make payable to the City of Key West and include your name, address, driver's license number and date of birth on the back of the check.
3. Elevations of proposed buildings or structures, including finished height above grade. Photo may be substituted for existing buildings.
4. Recent Survey of the site by a licensed Surveyor with:
  - Size of site
  - Buildings & structures
  - Topography
  - Easements
  - Parking arrangement & material
  - Utility Lines
- b. Site Plan of area showing:
  - Buildings on Site
  - Existing size, type and location of trees, hedges, and other features.
  - Existing storm-water retention areas and drainage flows
  - Adjacent land uses, buildings, and driveways.

**If you have questions regarding this application, please contact the Planning Department at 809-3720.**



# Verification Form

City of Key West Planning Department  
604 Simonton Street, Key West, FL 33040  
(305) 809-3720



### Verification

I, WILLIAM C. WILD, MANAGING MEMBER OF BIKES ON EATON, LLC  
(please print), being duly sworn, depose and say  
Print Name of Applicant

That I am the owner \_\_\_\_\_/legal representative  of the property, which is the subject matter of this application. All of the answers to the above questions, sketches and attached data that make up this application, are true and correct to the best of my knowledge and belief.

*William C. Wild*  
Signature of Applicant

Subscribes and is sworn to (or affirmed) before me on JUNE 1, 2010 (date)  
by WILLIAM C. WILD (name of affiant, deponent or other signer). He/She is personally known to me or has presented FLORIDA DRIVER LICENSE as identification.

Notary Signature and Seal

Name of Notary Public either typed, printed or stamped MERIDITH C. WILD

Commission Number, if any DD960467



# **Authorization Form**

City of Key West Planning Department  
604 Simonton Street, Key West, FL 33040  
(305) 809-3720



## Authorization Form

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

I, BERNARD BUDZYN, authorize BIKES ON EATON LLC to  
Property Owner's Name Applicant's name

represent me for this application.

Bernard R. Budzyn  
Signature of Property Owner

Subscribed and sworn to (or affirmed) before me on 6-1-10 (date) by  
BERNARD R. BUDZYN (Name of affiant, deponent or other signer). He/She is  
personally known to me or has presented N.J. D.L. as  
identification.

Janelle M. Holzmer  
Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped \_\_\_\_\_

JANELLE M. HOLZMER

Notary Public of New Jersey

My Commission Expires Sept. 12, 2013

Commission Number, if any \_\_\_\_\_





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Detail by Entity Name

Florida Limited Liability Company

BIKES ON EATON, LLC

Filing Information

Document Number L10000001473
FEI/EIN Number NONE
Date Filed 01/05/2010
State FL
Status ACTIVE
Effective Date 01/05/2010



Principal Address

830 EATON STREET
KEY WEST FL 33040

Mailing Address

830 EATON STREET
KEY WEST FL 33040

Registered Agent Name & Address

THE SMITH LAW FIRM
333 FLEMING STREET
KEY WEST FL 33040 US

Manager/Member Detail

Name & Address

Title MGRM
WILD, WILLIAM C
830 EATON STREET
KEY WEST FL 33040

Title MGRM
LAWRENCE, STEPHEN
830 EATON STREET
KEY WEST FL 33040

Annual Reports

No Annual Reports Filed

Document Images

01/05/2010 -- Florida Limited Liability View image in PDF format





**Note:** This is not official record. See documents if question or conflict.

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State of Florida, Department of State



**Deed**

This Document Prepared By and Return to:  
Thomas J. DiDato, P.A.  
605 United Street, Suite B  
Key West, Florida 33040

03/02/2009 1:22PM  
DEED DOC STAMP CL: TRINA \$0.70

Parcel ID Number: 00012910-000000

Doc# 1732739  
Bk# 2402 Pg# 913

**DEED**

THIS INDENTURE, made this 27 day of February, 2009, by and between BRB GENESIS, LLC, a Florida limited liability company hereinafter referred to as Grantor, whose mailing address is 904 JAMES STREET, KEY WEST, FL 33040 and BERNARD R. BUDZYN TRUST DATED 01/22/04 hereinafter referred to as Trustee, whose post office address is 904 JAMES STREET, KEY WEST, FL 33040

(Wherever used the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporation, wherever the context so admits or requires.)

**WITNESSETH**

That the Grantor, for and in consideration of the sum of -----TEN DOLLARS (\$10)-----and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Trustee, his successors and assigns, all Grantor's interest in and to the following described real property lying and being situated in MONROE County, Florida to wit: In the City of Key West and known on the map of said City delineated in February, A.D., 1829, by WILLIAM A. WHITEHEAD, as part of Lot 2, in Square 63, and more particularly described as follows:

COMMENCING at a point on Southard Street, distant 62 feet from the corner of Southard and Whitehead Streets and running thence in a Southeasterly direction 50 feet; thence at right angles in a Southwesterly direction 22.35 feet; thence at right angles in a Northwesterly direction 50 feet; thence at right angles in a Northeasterly direction 22.35 feet to a Point of Beginning.

ALSO

On the Island of Key West, Monroe County, Florida and known on the map of said City of Key West, delineated in February, A.D., 1829, by WILLIAM A. WHITEHEAD as part of Lot 2, in Square 63, and more particularly described as follows:

COMMENCING at the Southerly corner of Southard and Whitehead Streets, and running thence Southeasterly along the Southwesterly side of Whitehead Street 50 feet; thence at right angles in a Southwesterly direction 61 feet to the Point of Beginning of the parcel hereinafter described; thence continue Southwesterly one (1) foot; thence at right angles in a Northwesterly direction 50 feet to the Southeasterly side of Southard Street; thence running Northeasterly along the said Southeasterly side of Southard Street one (1) foot; thence at right angles in a Southeasterly direction 50 feet to the Point of Beginning.

TOGETHER WITH an easement for ingress and egress along the Easterly side of said property described as follows:

On the Island of Key West, Monroe County, Florida, and known on the map of said City of Key West, delineated in February, A.D., 1829 by William A. Whitehead as Part of Lot 2, in Square 63, and more particularly described as commencing at the Southerly corner of Southard Street and Whitehead Street, and running thence Southeasterly along the Southwesterly side of Whitehead Street 50 feet; thence at right angles in a Southwesterly direction 61.0 feet; thence at right angles in a Northwesterly direction 6.0 feet to the Point of Beginning; thence continue Northwesterly on the Easterly boundary line of said property a distance of 44.0 feet to a point on the Southerly right of way of Southard Street; thence at right angles in a Northeasterly direction on the Southerly right of way of Southard Street a distance of 5.3 feet; thence at right angles in a Southeasterly direction along the Westerly face of a two-story building a distance of 44.0 feet; thence at right angles in a Southwesterly direction a distance of 5.3 feet back to the Point of Beginning.

TOGETHER WITH all appurtenances, privileges, rights, interest, dower, reversions, remainders and easements thereunto appertaining:

TO HAVE AND TO HOLD said real estate with the following powers and for the following uses and purposes, to-wit:

1. The Trustee is vested with full rights of ownership over the above described real estate and Trustee is specifically granted and given the power and authority:

(a) To protect and conserve said real estate and improvements located thereon and to pay the taxes assessed



thereon;

(b) To sell said real estate, for cash or on credit, at public or private sale, to exchange said real estate for other property and to grant options to sell said property, and to determine the price and terms of sales, exchanges and options;

(c) To execute leases and subleases for terms as long as 20 years, to subdivide or improve said real estate and tear down or alter improvements, to grant easements, give consent and make contracts relating to said real estate or its use and to release or dedicate any interest in said real estate;

(d) To borrow money and to mortgage, pledge or encumber any or all of the said real estate to secure payment thereof;

(e) To manage, control and operate said real estate, to collect the rents, issues and profits, to pay all expenses thereby incurred, and in addition, to manage and operate any business that may now or hereafter be operated and maintained on said real estate, and in general, to exercise any powers authorized by the provisions of Chapter 737, Florida Statutes, 1988;

(f) The Trustee's liability hereunder, under the Trust Agreement or by operation of law to any person, firm or corporation is limited to the trust assets and the Trustee shall not become individually or personally obligated in any manner related thereto;

2. The Trustee shall hold said real estate and make distributions of said real estate of the proceeds derived therefrom in accordance with the terms and conditions of that certain Trust Agreement dated the 22nd day of January, 2004.

3. No purchaser, grantee, mortgagee, lessee, assignee or any other person dealing with the Trustee need see to the application of any proceeds of any sales, lease, mortgage or pledge, but the receipt of the Trustee shall be a complete discharge and acquittance therefor. Any and all persons, including but not limited to grantees, mortgagees, lessees, transferees and assigns dealing with said Trustee need not inquire into the identification or status of any beneficiary under this deed or any collateral instrument nor inquire into or ascertain the authority of such Trustee to act in and exercise the powers granted by this deed or of adequacy or disposition of any consideration paid to the Trustee nor inquire into the provisions of said unrecorded Trust Agreement and any amendments thereto collateral hereto.

4. This conveyance is made in conformance with the provisions of Section 689.071, Florida Statutes.

5. By its acceptance of this conveyance, the Trustee covenants and agrees to do and perform the duties, acts and requirements upon it binding.

6. Each and every power hereinabove set forth may be exercised by any Trustee. Any instrument executed by any Trustee or any act taken by any Trustee shall be binding upon the trust and all of the Trustees as fully and completely as if all Trustees had executed said instrument or taken said action.

7. The Successor Trustee shall have all of the title, powers and discretion herein given to the Trustee, without any act of conveyance or transfer. A certificate signed by any Trustee or any Successor Trustee under this instrument and acknowledged by him/her before a Notary Public shall be conclusive evidence upon all persons and for all purposes of the facts stated in the certificate representing the terms of this instrument and the identity of the Trustees who from time to time are serving under it.

**NOTE TO PROPERTY APPRAISER: The Grantee confirms that under the terms of the Trust referred to above, the Grantee has not less than a beneficial interest for life and is entitled to a homestead tax exemption pursuant to the provisions of Florida Statute 196.041(2).**

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed the date above written.

Signed, sealed and delivered in our presence:

BRB GENESIS, LLC

Orville D. Dickerson III  
Printed Name: Orville D. Dickerson III  
Witness

Thomas D. Dato  
Printed Name: Thomas D. Dato  
Witness

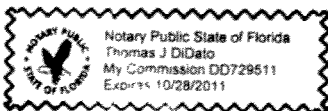
By: Bernard R. Budzyn (Seal)  
BERNARD R. BUDZYN, MANAGER MEMBER  
P.O. Address: 904 JAMES STREET, KEY WEST, FL 33040

Doc# 1732739  
Bk# 2402 Pg# 914

STATE OF Florida  
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 27 day of February, 2009 by **BERNARD R. BUDZYN, MANAGER MEMBER of BRB GENESIS, LLC** he is personally known to me or he has produced his **state driver's license** as identification.

Thomas D. Dato  
Printed Name: \_\_\_\_\_  
Notary Public  
My Commission Expires: 1 / 1



MONROE COUNTY  
OFFICIAL RECORDS



# Survey



# Site Photos



PHOTOS TAKEN WITH 50 BICYCLES DISPLAYED = ACTUAL LOCATION OF RENTAL BICYCLES





REAR EXIT DOOR



SIDE EXIT DOOR



REAR OF PROPERTY

KENT WEST PLANNING DEPT.  
DEC 10 2010  
MONROE COUNTY





the Big Dipper HOME MADE Ice Cream

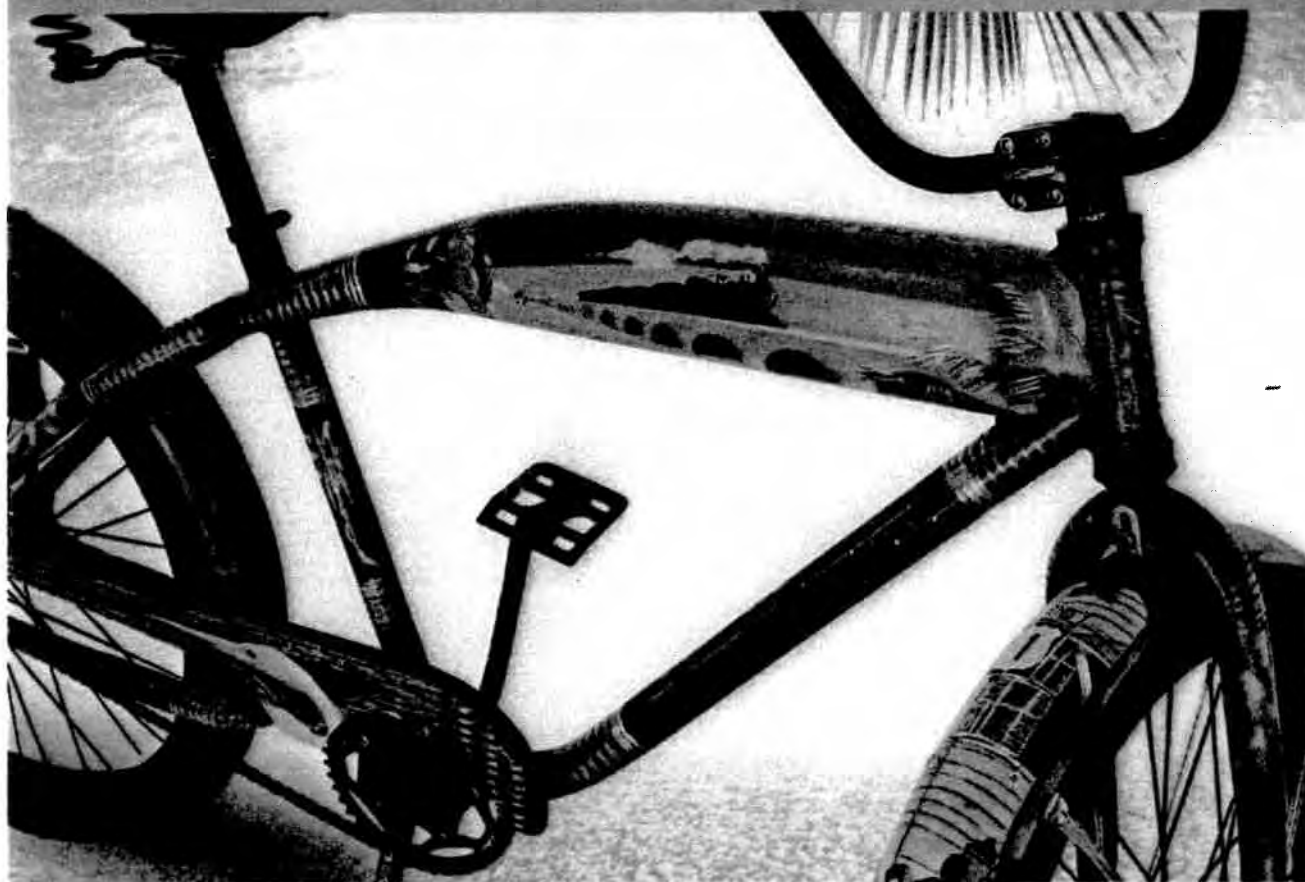
326

KEY WEST PLANNING DEPT  
DEC 10 2010  
MONROE COUNTY

# EATON BIKES

Complete Key  
Bike Shop

ART + BICYCLES =



EATON BIKES MAKES IT HAPPEN

*Build your own!*



Rental • Repair • Retail

305.294.8188

830 Eaton Street • [eatonbikes.com](http://eatonbikes.com)

8am-8pm Mon-Sat; 8am-6pm Sun

need a good ride?



# Licensing

Business control number, name . : 16558 ORCHIDS PLUS

Type information and options, press Enter.

2=Change 4=Delete 5=Display

Opt Title  
\_ OWNER

Name  
DAY, KATHLEEN

- 2008

Address 1

George Guzman - Aug 08 - Sept 09  
Bern. Budz. Dec 09 - to date

F3=Exit F6=Add F12=Cancel F13=View 2 F16=Names history  
F21=User Defaults

Bottom

Type information, press Enter.

Last activity:

Business control . . . . 16558

Updated: 05/07/10 by KEYWCAW

Business name & address

Mailing address

ORCHIDS PLUS  
326 SOUTHARD ST DN  
KEY WEST FL 33040

632 WILLIAM ST  
KEY WEST FL 33040

License number . . . . : 08 00020222

Appl, issue, expir . . . 83107 83107 93008

License status (F4) . . . IN INACTIVE

Classification (F4) . . . 11B RETAIL/MAILORDER/WHSALE 501-2,000 SF

Exemption (F4) . . . . .

License comments . . . . RETAIL ORCHIDS, PLANTS, SUPPLIES

License restrictions . . . . .

Gross receipts . . . . .

Reprint this license . N Y=Yes, N=No

Additional charges . . N Y=Yes, N=No

Extra requirements . . N \* Y=Yes, N=No

Miscellaneous . . N Y=Yes, N=No

Sub codes . . . . N Y=Yes, N=No

More...

F3=Exit F5=Code description

F9=Applicant/Qualifier

F10=Business maintenance

F12=Cancel

F24=More keys

Business License Selection Display

Business name . . : SOUTHARD SAILS, INC.

Type o | Type options, press Enter.  
1=Sel | 1=Select 4=Delete 5=Display

Co	License			
Opt nu	Opt Number	Status	Class/Subclasses	
—	04 00002800	IN	CONTRACTOR -	SPEC AWNING/SHUT
<u>1</u>	03 00002800	RN	CONTRACTOR -	SPEC AWNING/SHUT
—	02 00002800	RN	CONTRACTOR -	SPEC AWNING/SHUT
—	01 00002800	RN	CONTRACTOR -	SPEC AWNING/SHUT
—	00 00002800	RN	CONTRACTOR -	SPEC AWNING/SHUT
—	99 00002800	RN	CONTRACTOR -	SPEC AWNING/SHUT

More...

F3=Exit F11=View 1 F12=Cancel

F3=Exi  
This is a subsetting list



Type information, press Enter.

Last activity:

Business control . . . . 2792

Created: 07/20/10 by KEYWKGP

Business name & address

Mailing address

BUDZYN, BERNARD  
326 SOUTHARD ST DN  
KEY WEST FL 33040

205 E ORCHID RD  
WILDWOOD NJ 08260

License number . . . . : 11 00018642

Appl, issue, expir . . . 72010 72010 93011

License status (F4) . . AC ACTIVE

Classification (F4) . . 10B RENTAL-NON-TRANSIENT RESIDENTIAL

Exemption (F4) . . . .

License comments . . . . 2 NON-TRANSIENT RENTAL UNITS

License restrictions . .

Gross receipts . . . .

Reprint this license . N Y=Yes, N=No

Additional charges . . N \* Y=Yes, N=No

Extra requirements . . N \* Y=Yes, N=No

Miscellaneous . . N Y=Yes, N=No

Sub codes . . . . N Y=Yes, N=No

More...

F3=Exit F5=Code description

F9=Applicant/Qualifier

F10=Business maintenance

F12=Cancel

F24=More keys

Type information, press Enter.

Last activity:

Business control . . . . . 2793

Business name & address

Mailing address

SOUTHARD SAILS, INC.  
326 SOUTHARD ST DN  
KEY WEST FL 33040

326 SOUTHARD ST DOWN  
KEY WEST FL 33040

License number . . . . . : 04 00002805

Appl, issue, expir . . . . . 93003 93003 93004

License status (F4) . . . . . IN INACTIVE

Classification (F4) . . . . . 11A RETAIL/MAILORDER/WHSALE 0-500 SF

Exemption (F4) . . . . .

License comments . . . . . CANVAS SHOP

License restrictions . . . . .

Gross receipts . . . . .

Reprint this license . . N Y=Yes, N=No

Additional charges . . N Y=Yes, N=No

Extra requirements . . N \* Y=Yes, N=No

Miscellaneous . . N Y=Yes, N=No

Sub codes . . . . . N Y=Yes, N=No

More...

F3=Exit F5=Code description

F9=Applicant/Qualifier

F10=Business maintenance

F12=Cancel

F24=More keys

Property address . . . . . : 326 SOUTHARD ST DN  
Business name . . . . . : ORCHIDS PLUS

Source	Code	Note	Date	License
BUSS	AC#	S NEW LICENSE	6/16/06	
BUSS	RMRK	S SENT FINAL NOTICE	3/31/09	
BUSS	RMRK	S OB, CAN NOT LOCATE. ALL MAIL COMING BACK	4/06/09	

↳

Bottom

Press Enter to continue.  
F3=Exit F12=Cancel

# **Existing Easements**

ADDRESS: 326 SOUTHARD STREET

RESOLUTION NO. 05-158

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING AN EASEMENT TO THE BERNARD R. BUDZYN TRUST FOR AN ENCROACHMENT UPON CITY PROPERTY AT 326 SOUTHARD STREET; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Doc# 1515206  
Bk# 2112 Pg# 1084

Section 1: That an easement is hereby granted in accordance with the attached Easement Agreement.


Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 3 day of May, 2005.

Authenticated by the presiding officer and Clerk of the Commission on May 4, 2005.

Filed with the Clerk May 4, 2005.

ATTEST:

  
CHERYL SMITH, CITY CLERK

  
JIMMY WEEKLEY, MAYOR

Doc# 1515206  
Bk# 2112 Pg# 1089



THE PURPOSE OF THIS SKETCH IS TO ILLUSTRATE THE LEGAL DESCRIPTION, NEWLY CREATED ON THIS DATE BY THE UNDERSIGNED AND SHOWN BELOW. IT IS NOT A SURVEY OF THE LANDS BEING DESCRIBED HEREIN (See Chap. 61 G 17-6.006 Florida Adm. Code and Chap. 472.027 Florida statutes).

SEE BELOW FOR AN ILLUSTRATION OF THE SAID DESCRIPTION.

LEGAL DESCRIPTION:

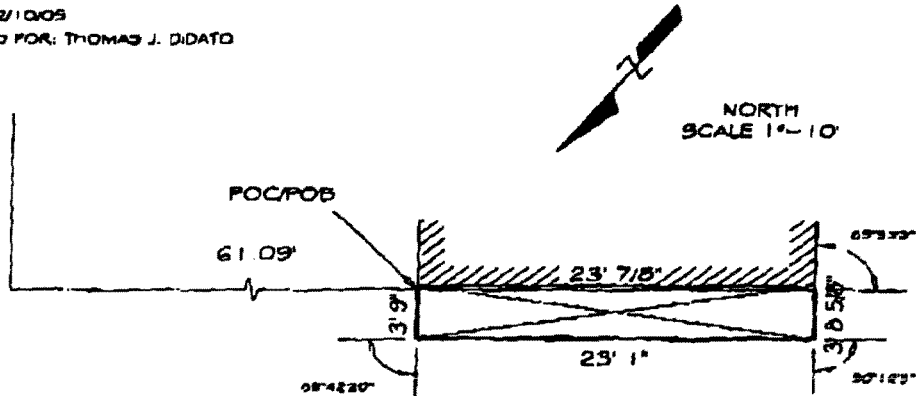
In the City of Key West and known on the map of said City delineated in February, A.D., 1929, by WILLIAM A. WHITEHEAD, as part of Lot 2, in Square 63, and more particularly described as follows:

COMMENCING at a point on Southard Street, distant 61 feet and 1 1/8" inch from the corner of Southard and Whitehead Streets and running thence Southwesterly on the Southeastery right-of-way line of said Southard Street a distance of 23 feet and 7/8 inches; thence Northwesterly on an angle deflected 89°53'05" to the left a distance of 3 feet and 5/8 inches; thence Northeasterly on an angles deflected 90°12'05" to the left a distance of 23 feet 1 inch; thence Southeastery on an angles deflected 89°42'20" to the left a distance of 3 feet 9 inches back to the POINT OF BEGINNING.

DATED 02/10/05

PREPARED FOR: THOMAS J. DIDATO

WHITEHEAD STREET  
50' RIGHT-OF-WAY



CL SOUTHARD STREET  
50' RIGHT-OF-WAY

SIGNED

*[Signature]*  
ROBERT E. REECE, PSM #9632  
PROFESSIONAL SURVEYOR AND MAPPER, LD #6004

RECEIVED

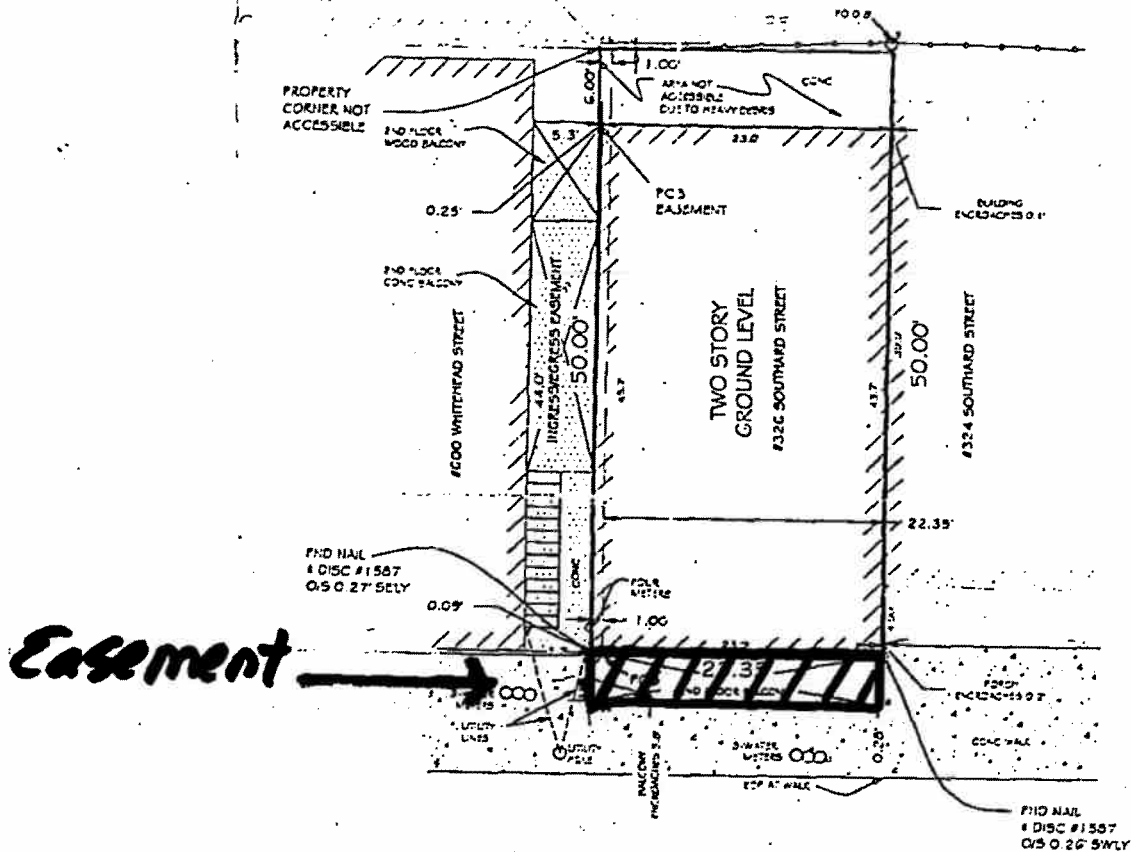
SURVEY AMENDMENT

APR 18 2005

CITY OF KEY WEST  
PLANNING DEPT.

MONROE COUNTY  
OFFICIAL RECORDS

# 326 Southard Street



## LEGAL DESCRIPTION:

In the City of Key West and known on the map of said City delineated in February, A.D., 1829, by WILLIAM A. WHITEHEAD, as part of Lot 2, in Square 63, and more particularly described as follows:

COMMENCING at a point on Southard Street, distant 61.09 feet from the corner of Southard and Whithead Streets and running thence Southwesterly on the Southeastery right-of-way line of said Southard Street a distance of 23.07 feet; thence Northwesterly on an angle deflected  $89^{\circ}53'05''$  to the left a distance of 3.72 feet; thence Northeastery on an angles deflected  $90^{\circ}12'05''$  to the left a distance of 23.08 feet; thence Southeastery on an angles deflected  $89^{\circ}42'20''$  to the left a distance of 3.75' back to the POINT OF BEGINNING.

DATED 02/10/05  
 PREPARED FOR: THOMAS J. DOATO



NORTH  
 SCALE 1"=10'

This Document Prepared By and Return to:  
Thomas J. DiDato, P.A.  
302 Southard Street, Suite 104  
Key West, Florida 33040

Doc# 1532179 08/02/2005 11:05AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

08/02/2005 11:05AM  
DEED DOC STAMP CL: PW \$0.70

Parcel ID Number: 00012910-000000

Doc# 1532179  
Bk# 2138 Pg# 390

# Quitclaim Deed

This Quitclaim Deed, Made this 11th day of July, 2005 A.D. Between  
BERNARD R. BUDZYN TRUST DATED 01/22/04

of the County of MONROE, State of Florida, grantor, and  
BRB GENESIS, LLC, a Florida limited liability company

whose address is: 904 JAMES STREET, KEY WEST, FL 33040

of the County of MONROE, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of  
-----TEN DOLLARS (\$10)----- DOLLARS,  
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has  
granted, bargained and quitclaimed to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,  
lying and being in the County of MONROE State of Florida to wit:

SEE EXHIBIT "A"

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 grantor, either in law or equity, for  
the use, benefit and profit of the said grantee forever.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

BERNARD R. BUDZYN TRUST DATED  
01/22/04

Thomas D. Dato  
Printed Name: Thomas D. Dato  
Witness

By: Bernard R. Budzyn (Seal)  
BERNARD R. BUDZYN, TRUSTEE  
P.O. Address: 904 JAMES STREET, KEY WEST, FL 33040

Cannie D. Dickerson III  
Printed Name: Cannie D. Dickerson III  
Witness

STATE OF Florida  
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 11th day of July, 2005 by  
BERNARD R. BUDZYN, TRUSTEE on behalf of said Florida trust

he is personally known to me or he has produced his state driver's license as identification.

Thomas D. Dato  
Printed Name:  
Notary Public  
My Commission Expires:

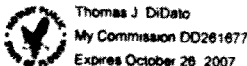




EXHIBIT "A"

In the City of Key West and known on the map of said City delineated in February, A.D., 1829, by WILLIAM A. WHITEHEAD, as part of Lot 2, in Square 63, and more particularly described as follows:

COMMENCING at a point on Southard Street, distant 62 feet from the corner of Southard and Whitehead Streets and running thence in a Southeasterly direction 50 feet; thence at right angles in a Southwesterly direction 22.35 feet; thence at right angles in a Northwesterly direction 50 feet; thence at right angles in a Northeasterly direction 22.35 feet to a Point of Beginning.

ALSO

On the Island of Key West, Monroe County, Florida and known on the map of said City of Key West, delineated in February, A.D., 1829, by WILLIAM A. WHITEHEAD as part of Lot 2, in Square 63, and more particularly described as follows:

COMMENCING at the Southerly corner of Southard and Whitehead Streets, and running thence Southeasterly along the Southwesterly side of Whitehead Street 50 feet; thence at right angles in a Southwesterly direction 61 feet to the Point of Beginning of the parcel hereinafter described; thence continue Southwesterly one (1) foot; thence at right angles in a Northwesterly direction 50 feet to the Southeasterly side of Southard Street; thence running Northeasterly along the said Southeasterly side of Southard Street one (1) foot; thence at right angles in a Southeasterly direction 50 feet to the Point of Beginning.

TOGETHER WITH an easement for ingress and egress along the Easterly side of said property described as follows:

On the Island of Key West, Monroe County, Florida, and known on the map of said City of Key West, delineated in February, A.D., 1829 by William A. Whitehead as Part of Lot 2, in Square 63, and more particularly described as commencing at the Southerly corner of Southard Street and Whitehead Street, and running thence Southeasterly along the Southwesterly side of Whitehead Street 50 feet; thence at right angles in a Southwesterly direction 61.0 feet; thence at right angles in a Northwesterly direction 6.0 feet to the Point of Beginning; thence continue Northwesterly on the Easterly boundary line of said property a distance of 44.0 feet to a point on the Southerly right of way of Southard Street; thence at right angles in a Northeasterly direction on the Southerly right of way of Southard Street a distance of 5.3 feet; thence at right angles in a Southeasterly direction along the Westerly face of a two-story building a distance of 44.0 feet; thence at right angles in a Southwesterly direction a distance of 5.3 feet back to the Point of Beginning.

MONROE COUNTY  
OFFICIAL RECORDS

This Document Prepared By and Return to:  
Thomas J. DiDato, P.A.  
302 Southard Street, Suite 104  
Key West, Florida 33040

FILE #1438116  
BK#1994 PG#1210

FILE #1442416  
BK#2001 PG#220

RCD Apr 20 2004 02:43PM  
DANNY L. KOLHAGE, CLERK

DRR DOC STAMPS \$900.00  
04/20/2004 DRP CLK

Parcel ID Number: 00012910-000000

RCD May 07 2004 11:45AM  
DANNY L. KOLHAGE, CLERK

# Warranty Deed

This Indenture, Made this 19 day of April, 2004 A.D., Between  
**MERRIE M. LEMAY a/k/a MERRIE M. HINCHCLIFFE, a single woman**

of the County of **MONROE**, State of **Florida**, grantor, and  
**BERNARD R. BUDZYN TRUST DATED 01/22/04**

whose address is: **904 JAMES STREET, KEY WEST, FL 33040**

of the County of **MONROE**, State of **Florida**, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----**TEN DOLLARS (\$10)**----- DOLLARS,  
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has  
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,  
lying and being in the County of **MONROE** State of **Florida** to wit:

**SEE EXHIBIT "A"**

**The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantor.**

**Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2003.**

*THE REASON FOR RE-RECORDING IS TO ATTACH LEGAL DESCRIPTION.*

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

**In Witness Whereof**, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Thomas J. DiDato  
Printed Name: Thomas J. DiDato  
Witness

Merrie M. Lemay (Seal)  
**MERRIE M. LEMAY a/k/a MERRIE M. HINCHCLIFFE**  
P.O. Address: 10 AZALEA DRIVE, KEY WEST, FL 33040

Andy Birrell  
Printed Name: Andy Birrell  
Witness

MONROE COUNTY  
OFFICIAL RECORDS

STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 19 day of April, 2004 by  
**MERRIE M. LEMAY a/k/a MERRIE M. HINCHCLIFFE, a single woman**

she is personally known to me or she has produced her **Florida driver's license** as identification.



Thomas J. DiDato  
My Commission DD281877  
Expires October 26 2007

Thomas J. DiDato  
Printed Name: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

EXHIBIT "A"

In the City of Key West and known on the map of said City delineated in February, A.D., 1829, by WILLIAM A. WHITEHEAD, as part of Lot 2, in Square 63, and more particularly described as follows:

COMMENCING at a point on Southard Street, distant 62 feet from the corner of Southard and Whitehead Streets and running thence in a Southeasterly direction 50 feet; thence at right angles in a Southwesterly direction 22.35 feet; thence at right angles in a Northwesterly direction 50 feet; thence at right angles in a Northeasterly direction 22.35 feet to a Point of Beginning.

ALSO

On the Island of Key West, Monroe County, Florida and known on the map of said City of Key West, delineated in February, A.D., 1829, by WILLIAM A. WHITEHEAD as part of Lot 2, in Square 63, and more particularly described as follows:

COMMENCING at the Southerly corner of Southard and Whitehead Streets, and running thence Southeasterly along the Southwesterly side of Whitehead Street 50 feet; thence at right angles in a Southwesterly direction 61 feet to the Point of Beginning of the parcel hereinafter described; thence continue Southwesterly one (1) foot; thence at right angles in a Northwesterly direction 50 feet to the Southeasterly side of Southard Street; thence running Northeasterly along the said Southeasterly side of Southard Street one (1) foot; thence at right angles in a Southeasterly direction 50 feet to the Point of Beginning.

TOGETHER WITH an easement for ingress and egress along the Easterly side of said property described as follows:

On the Island of Key West, Monroe County, Florida, and known on the map of said City of Key West, delineated in February, A.D., 1829 by William A. Whitehead as Part of Lot 2, in Square 63, and more particularly described as commencing at the Southerly corner of Southard Street and Whitehead Street, and running thence Southeasterly along the Southwesterly side of Whitehead Street 50 feet; thence at right angles in a Southwesterly direction 61.0 feet; thence at right angles in a Northwesterly direction 6.0 feet to the Point of Beginning; thence continue Northwesterly on the Easterly boundary line of said property a distance of 44.0 feet to a point on the Southerly right of way of Southard Street; thence at right angles in a Northeasterly direction on the Southerly right of way of Southard Street a distance of 5.3 feet; thence at right angles in a Southeasterly direction along the Westerly face of a two-story building a distance of 44.0 feet; thence at right angles in a Southwesterly direction a distance of 5.3 feet back to the Point of Beginning.

MONROE COUNTY  
OFFICIAL RECORDS

*Affidavit of Easement Agreement*

1. My name is B G Carter, and I am the Managing Director of Independent Mortgage and Finance Co. Inc. (hereafter "IMF").
2. IMF is the owner of the property commonly known as 600 Whitehead Street and 328 Southard Street and more exactly described in that certain warranty deed recorded in OR Book 1203, Page 0637, PROMC.
3. Bernard R. Budzyn, Trustee of the Bernard R. Budzyn Trust (hereafter "Budzyn") is the owner of the adjacent property on Southard Street commonly known as 326 Southard Street and more exactly described in that certain warranty deed recorded in OR Book 1994, Page 1210, PROMC.
4. There lies an alleyway between the properties owned by IMF and Budzyn.
5. In order to provide for clarity of mutual responsibilities, access, and safety, IMF and Budzyn have entered into an Agreement for Easement. Hereafter, provisions of this Agreement shall control this alleyway, shall run with the land, and shall inure to the benefit of their respective successors and assigns.
6. Attached here are a) the entire text of said Agreement and b) that certain survey of said easement, measuring 5.3 x 44 ft. and as surveyed on April 1, 2004 by R.E. Reece, P.A.
7. No consideration was given or received for this clarification of this Easement Agreement.

FURTHER AFFIANT SAYETH NAUGHT.

Witness:

Print Name:

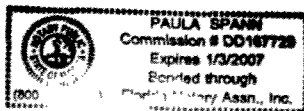
State of Florida  
County of Monroe

Sworn to and subscribed before me this 27<sup>th</sup> day of January, 2005, by B G Carter, Managing Director of Independent Mortgage & Finance Co. Inc., who is personally known to me.

Independent Mortgage & Finance Co. Inc.

B G Carter  
B G Carter  
Managing Director

Paula Spann  
Notary Public



MONROE COUNTY  
OFFICIAL RECORDS

**DRC**  
**Minutes & Comments**

- e. **Change in Nonconforming Use - 326 Southard Street #1 (RE Number 00012902-000100) - A change in nonconforming use for a bicycle shop in the HRO zoning district per Section 122-32(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida**

Ms. Malo reviewed the project.

Mrs. Kimball-Murley discussed the proposed use of the site.

Ms. Ignaffo stated the applicant would need to coordinate with the right-of-way official if bike racks were being proposed as well as coordinate all utilities with the providers.

Mrs. Cynthia-Coogle discussed the type of rentals that are being proposed.

The applicant stated that the main use of this location was for a build your own bike shop with bikes available for rent.

Mr. Delvalle clarified that the painting of the bikes was going to be done off site.

Recording secretary Patrick Wright read the following comments into the record:

HARC planner Enid Torregrosa, Any proposed signage or change in exterior color will also require a Certificate of Appropriateness.

## 7. **Adjournment**

A motion to adjourn was made by Mrs. Nicklaus and seconded by Mr. Averette.

Motion was carried by unanimous voice vote.

Meeting adjourned at 10:54 p.m.

Respectively Submitted,  
Patrick Wright  
Administrative Coordinator

# **Property Appraiser Information**

**Ervin A. Higgs, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

office (305) 292-3420  
fax (305) 292-3501

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## Property Record View

Alternate Key: 9085472 Parcel ID: 00012902-000100

### Ownership Details

**Mailing Address:**

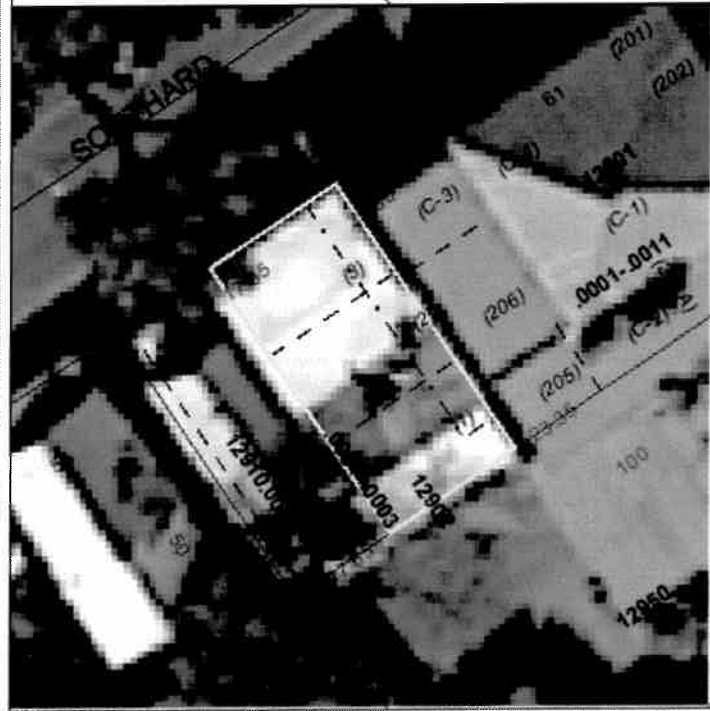
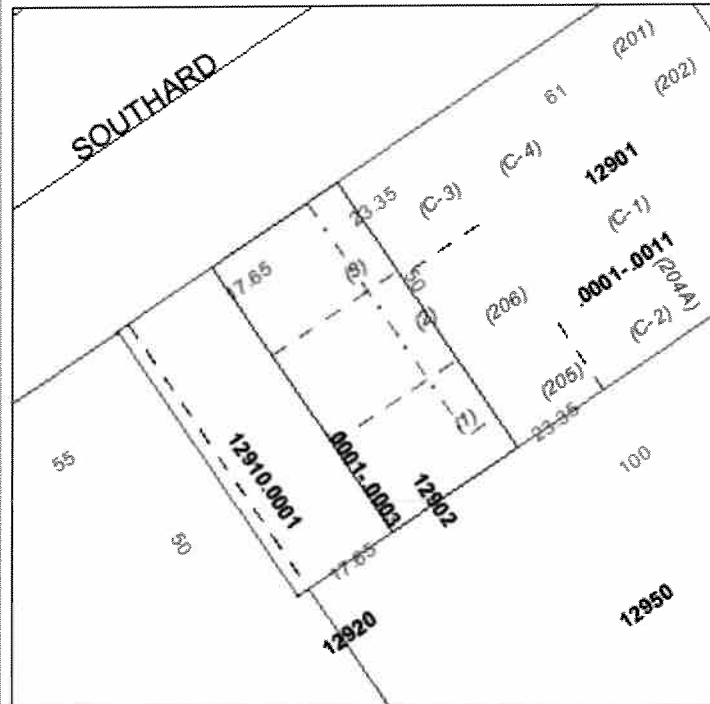
BUDZYN BERNARD R TRUST 01/22/04  
904 JAMES ST  
KEY WEST, FL 33040

### Property Details

**PC Code:** 04 - CONDOMINIUM  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 06-68-25  
**Property Location:** 326 SOUTHARD ST UNIT: 1 KEY WEST  
**Legal Description:** UNIT 1 326 SOUTHARD CONDOMINIUM OR2202-426/489DEC OR2402-913/14



### Parcel Map



### Condominium Details

Condo Name: 326 SOUTHARD CONDOMINIUM  
Footage: 494      Year Built: 1954

### Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2010	125,370	0	0	125,370	125,370	0	125,370
2009	195,891	0	0	195,891	195,891	0	195,891
2008	220,610	0	0	220,610	220,610	0	220,610
2007	222,426	0	0	222,426	222,426	0	222,426
2006	175,864	0	0	175,864	175,864	0	175,864

**Parcel Sales History**

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
2/27/2009	2402 / 913	100	WD	30

This page has been visited 60,346 times.

Monroe County Property Appraiser  
 Ervin A. Higgs, CFA  
 P.O. Box 1176  
 Key West, FL 33041-1176

**Public Notices**  
**(radius map & mailing list)**

# Public Notice

The Key West Planning Board will hold a public hearing **at 6:00 p.m., January 25, 2010, at Old City Hall, 510 Greene Street**, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**Change in Nonconforming Use – 326 Southard Street Unit 1 (RE# 00012902-000100) – A change in nonconforming use from a retail plant store to a bicycle rental, repair and retail shop in the HRO zoning district per Section 122-32(e) of the Land Development Regulations of the City of Key West.**

**If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at [www.keywestcity.com](http://www.keywestcity.com) .**

## **YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY**

The City of Key West Planning Board will be holding a Public Hearing on the following requests:

**Request:** **Change in Nonconforming Use – 326 Southard Street Unit 1 (RE# 00012902-000100)** – A change in nonconforming use from a retail plant store to a bicycle rental, repair and retail shop in the HRO zoning district per Section 122-32(e) of the Land Development Regulations of the City of Key West.

**Applicant:** Bikes on Eaton LLC

**Owner:** BRB Genesis LLC

**Project Location:** 326 Southard Street

**Date of Hearing:** Tuesday, January 25, 2011

**Time of Hearing:** 6:00 PM

**Location of Hearing:** Old City Hall – City Commission Chambers, 510 Greene St

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm. **Packets can be viewed online at [www.keywestcity.com](http://www.keywestcity.com). Click on City Board & Committee Agendas.** Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409, by FAX (305) 809-3978 or by email [ccowart@keywestcity.com](mailto:ccowart@keywestcity.com).

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m., or information on access available to individuals with disabilities. To request materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), please call 305-809-1000 for assistance.

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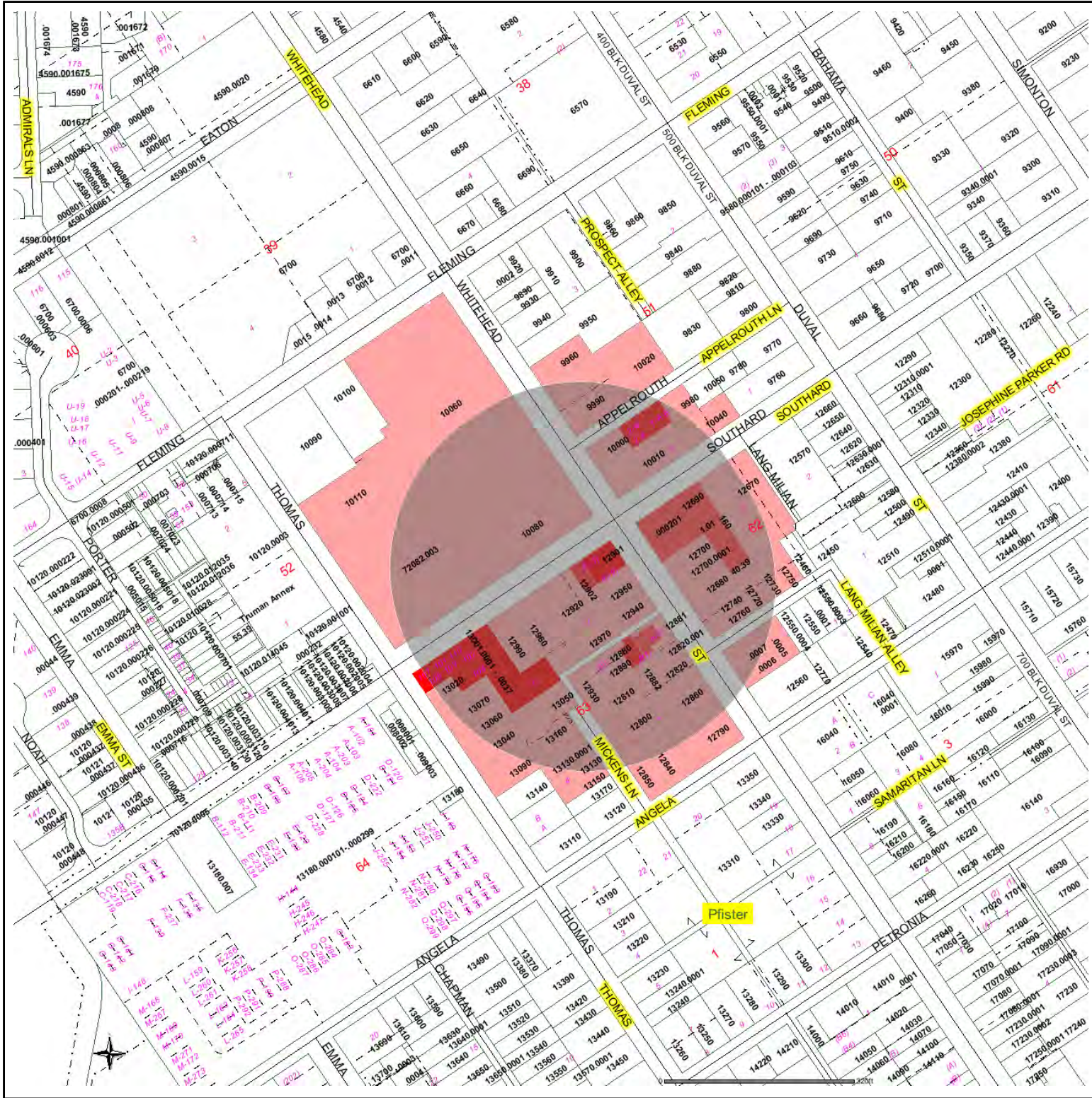
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# 326 Southard

- Legend
- theBuffer
  - theBufferTarget
  - Real Estate Number
  - Parcel Lot Text
  - Block Text
  - Hooks/Leads
  - Lot Lines
  - Easements
  - Road Centerlines
  - Water Names
  - Parcels
  - Shoreline
  - Section Lines



PALMIS

Monroe County Property Appraiser  
500 Whitehead Street  
Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes* only and should not be relied on for any other purpose.

Date Created: January 21, 2011 10:27 AM

326 Southard - 71

327 ANGELA LLC  
231 FRONT ST  
KEY WEST, FL 33040

614 WHITEHEAD MASTER PROPERTY  
OWNERS ASSOCIATION  
617 WHITEHEAD ST  
KEY WEST, FL 33040

ALONZO GRACE L/E  
1519 UNITED ST  
KEY WEST, FL 33040

BARON MARY  
320 MICKEN'S LANE  
KEY WEST, FL 33040

BEAN JAMES  
21945 MINNETONKA BLVD  
EXCELSIOR, MN 55331

BENNETT DARLENE E  
619 MICKENS LN  
KEY WEST, FL 33040

BONE ISLAND PROPERTIES INC  
738 NE 3RD AVE  
FORT LAUDERDALE, FL 33304

BORJA ISIDRO SPECIAL ASSETS TR  
7250 NE 4TH AVE  
MIAMI, FL 33138

BROWNING MICHAEL L REV TR 6/28/1991  
402 APPLEROUTH LN  
KEY WEST, FL 33040

BUDZYN BERNARD R TRUST 01/22/04  
904 JAMES ST  
KEY WEST, FL 33040

BURGIS LIV TR 9/15/2010  
P O BOX 485  
ISLE OF PALMS, SC 29451

BUTLER CHARLES AND VERONICA  
209 JULIA ST  
KEY WEST, FL 33040

BUTLER ALFRIDINA E  
209 JULIA ST  
KEY WEST, FL 33040

C AND K PROPERTY INC  
9150 S DADELAND BLVD STE 1400  
MIAMI, FL 33156

COMMUNITY FOUNDATION OF THE  
FLORIDA KEYS INC  
P O BOX 162  
KEY WEST, FL 33041

COUNTY OF MONROE  
500 WHITEHEAD ST  
KEY WEST, FL 33040

COYLE ELAINE  
810 PEARL ST  
KEY WEST, FL 33040

CURRY LORRAINE M  
314 SOUTHARD ST  
KEY WEST, FL 33040

DADD ERIC T  
701 CATHERINE ST  
KEY WEST, FL 33040

DAVIDSON JUDITH H  
P O BOX 4210  
KEY WEST, FL 33041

EDEN AND NEVIUS PL  
302 SOUTHARD ST  
KEY WEST, FL 33040

EID STEVEN A REVOCABLE TR DTD 4/24/92  
AND 2/5/00  
20 DRIFTWOOD DR  
KEY WEST, FL 33040

FLORIDA KEYS AQUEDUCT COMMISSION  
P O BOX 1239  
KEY WEST, FL 33040

FUNGERI SILVIO  
2540 RUNYON CIR  
ORLANDO, FL 32837

GARCIA ANITA MARIA  
2 ARONOVITZ LN  
KEY WEST, FL 33040

GARCIA MICHAEL L  
2 ARONOVITZ LN  
KEY WEST, FL 33040

GLASER PHILIP M AND LYNN  
611 WHITEHEAD ST  
KEY WEST, FL 33040

GLASER TIMOTHY  
615 WHITEHEAD ST  
KEY WEST, FL 33040

GLENCROSS INC  
409 APPELROUTH LN  
KEY WEST, FL 33040

GOLAN KEITH R AND DONNA  
1500 ATLANTIC BLVD  
KEY WEST, FL 33040

GREEN PARROT PROPERTIES LLC  
601 WHITEHEAD ST  
KEY WEST, FL 33040

GREENMAN FRANKLIN AND JUDY  
5800 OVERSEAS HWY  
MARATHON, FL 33050

H AND S OF KEY WEST LLC  
324 SOUTHARD ST  
KEY WEST, FL 33040

HARPER JONATHAN A  
625 WHITEHEAD ST  
KEY WEST, FL 33040

HARVERSON INC  
409 APPELROUTH LN  
KEY WEST, FL 33040

HORAN AND WALLACE AND HIGGINS LLC  
608 WHITEHEAD ST  
KEY WEST, FL 33040

HORAN WALLACE AND HIGGINS LLP  
608 WHITEHEAD ST  
KEY WEST, FL 33040

INDEPENDENT MORTGAGE AND FINANCE  
COMPANY INC  
600 WHITEHEAD ST  
KEY WEST, FL 33040

JOHNSON EUGENE ESTATE  
503 WEST ST  
VALDOSTA, GA 31601

KEENAN MICHAEL E AND NOLA M  
619 THOMAS ST  
KEY WEST, FL 33040

KEY WEST CONCH TRADERS, INC  
P O BOX 897  
KEY WEST, FL 33041

KEY WEST KEY INC  
726 PASSOVER LN  
KEY WEST, FL 33040

KEY WEST OFFICE MANAGEMENT INC  
501 SOUTHARD ST  
KEY WEST, FL 33040

KEYS FINANCIAL CORPORATION OF SOUTH  
FLORIDA  
18 AMARYLLIS DR  
KEY WEST, FL 33040

KUNZLER PETER  
3 ROCKY TOP  
HOLMDEL, NJ 07733

LEESFIELD CYNTHIA W  
2350 SOUTH DIXIE HWY  
MIAMI, FL 33133

MARINO VICKI L  
1075 DUVAL ST  
KEY WEST, FL 33040

MASSINGILL MARY L W ESTATE  
603 THOMAS ST  
KEY WEST, FL 33040

MCGRATH PATRICIA  
57 LIGHTHOUSE RD  
SCITUATE, MA 02066

MELCO INC  
300 SOUTHARD ST  
KEY WEST, FL 33040

MESKER SUSAN P TRUST 1/23/2010  
512 WILLIAM ST  
KEY WEST, FL 33040

MILLS VICTOR H JR AND CYNTHIA A  
16 CALLE DOS  
KEY WEST, FL 33040

MOBLEY HORACE AND JOSEPHA  
609 THOMAS ST  
KEY WEST, FL 33040

MONROE COUNTY  
500 WHITEHEAD ST  
KEY WEST, FL 33040

MUNNINGS LUNETTE THOMPSON  
4471 NW 176 TERR  
CAROL CITY, FL 33055

PAAVOLA BRIAN AND JENNIFER  
1350 SCRIBNER AVE NW  
GRAND RAPIDS, MI 49504

PARKER BRIAN J AND PAULA M  
433 HIBERNIA RD  
SALT POINT, NY 12578

PEREZ ROSA LEE DEC OF TRUST DTD  
12/8/97  
316 SOUTHARD ST  
KEY WEST, FL 33040

PINKHOUSE OF KEY WEST INC  
512 WILLIAM ST  
KEY WEST, FL 33040

REW PROPERTY ENTERPRISES LLC  
614 WHITEHEAD ST  
KEY WEST, FL 33040



SAVAGE KW PROPERTIES INC  
826 WINDSOR LN  
KEY WEST, FL 33040

SAWYER WILLIAM R AND BARBARA K  
1412 18TH ST  
KEY WEST, FL 33040

SCOTREE LLC  
404 SOUTHARD ST  
KEY WEST, FL 33040

SUNSET KEY CONSULTANTS LLC  
P O BOX 5328  
ENGLEWOOD, NJ 07631

THOMPSON CHARLES L  
620-622 MICKENS LN  
KEY WEST, FL 33040

THOMPSON SURVIVORS TRUST  
6311 BALD MOUNTAIN LN  
HOSCHTON, GA 30548

URSITTI DOMINIC A  
617 MICKENS LN  
KEY WEST, FL 33040

V MCFADYEN LLC  
300 SOUTHARD ST  
KEY WEST, FL 33040

WALKER KEY WEST PROPERTIES FOUR  
INC  
422 FLEMING ST  
KEY WEST, FL 33040

WEBSTER CATHY H  
302 SOUTHARD ST  
KEY WEST, FL 33040

ZURHEIDE JACK A  
616 MICKENS LN  
KEY WEST, FL 33040