

# Application

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



## 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 HRO 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



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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
  - Easements
  - Buildings & structures
  - Parking arrangement & material
  - Topography
  - 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



### Verification

I, WILLIAM C. WILD (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.

[Signature]  
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.

[Signature]  
Notary Signature and Seal

Name of Notary Public as 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

**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 \$8.78

Parcel ID Number: 00012910-000000

Doc# 1732739  
Bk# 2402 Pg# 913

**DEED**

10.00

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

Amie D. Dickerson III  
Printed Name: Amie D. Dickerson, III  
Witness

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

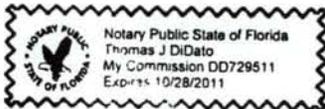
Thomas DiDato  
Printed Name: Thomas DiDato  
Witness

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 DiDato  
Printed Name: \_\_\_\_\_  
Notary Public  
My Commission Expires: / /



MONROE COUNTY  
OFFICIAL RECORDS



# Survey

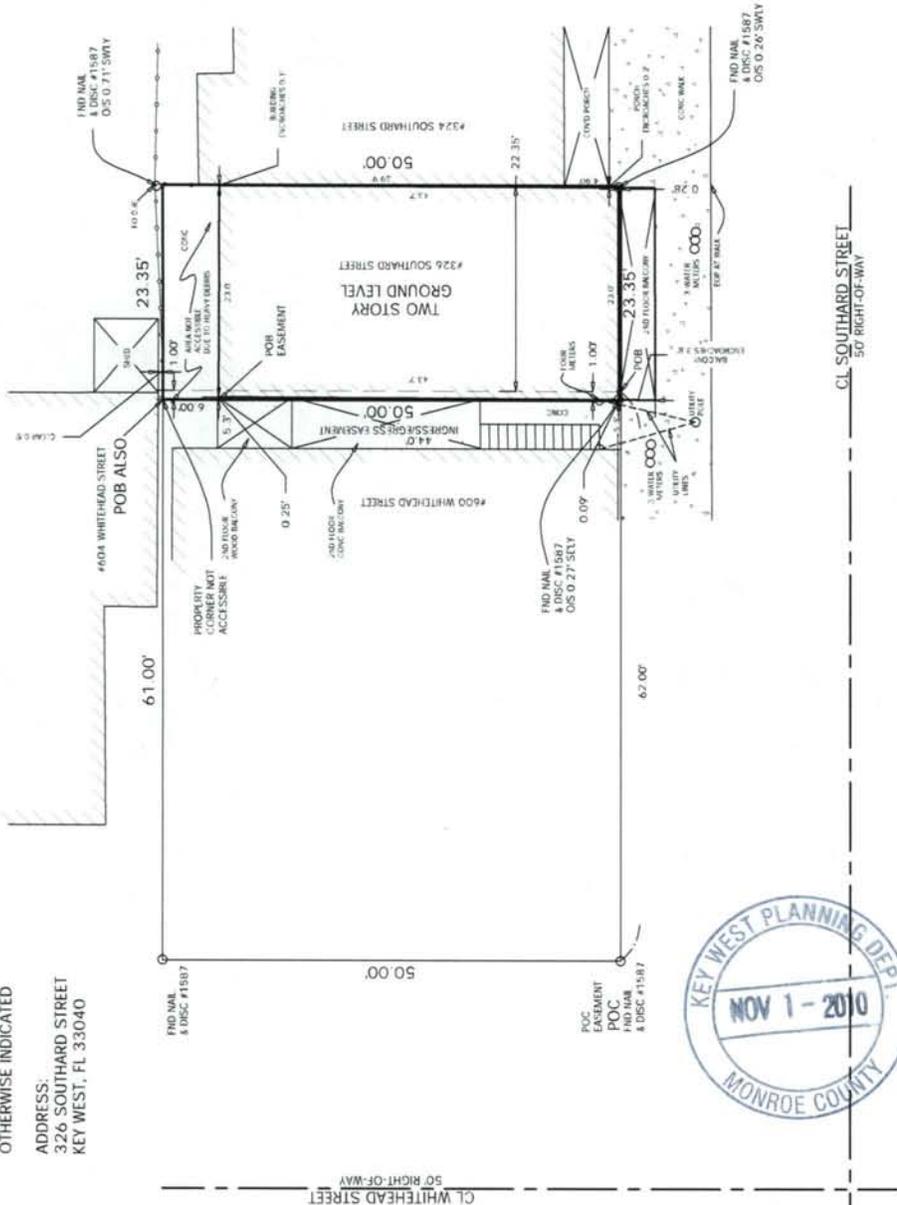


SCALE: 1" = 10'

BEARING BASE:  
DERIVED FROM  
LEGAL DESCRIPTION

ALL ANGLES DEPICTED  
ARE 90 DEGREES UNLESS  
OTHERWISE INDICATED

ADDRESS:  
326 SOUTHWARD STREET  
KEY WEST, FL 33040



**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 Southward Street, distant 62 feet from the corner of Southward 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 shown 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 Southward and Whitehead Streets, and running thence Southeasterly along the Southeasterly 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 Southward Street; thence running Northeasterly along the said Southeasterly side of Southward 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:

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SCALE	1" = 10'
FIELD NUMBER	DA0104
DATE	11-1-10
REVISION	
SHEET	1 OF 1
DRAWN BY	RB
CHECKED BY	RB
PROJECT NO.	40122-02

LEGAL DESCRIPTION -  
SEE ABOVE

CERTIFIED TO -  
THOMAS J. DIDATO, P.A.  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
BERNARD R. BUDZYN TRUST  
BAYROCK MORTGAGE, its successors and/or assigns, ATIMA

**A.R.E. REECE, P.A.**  
PROFESSIONAL SURVEYOR AND MAPPER  
#5 SHIPS WAY, BIG PINE KEY, FL 33043  
OFFICE (850) 972-1520  
FAX (850) 972-5622

**MAP OF BOUNDARY SURVEY  
A PART OF LOT 2, IN SQUARE 63  
WILLIAM A. WHITEHEAD'S MAP  
IN THE CITY OF KEY WEST**

NOTE: LEGAL DESCRIPTIONS AND BOUNDARIES SHOWN IN THIS SURVEY OR ANY INSTRUMENTS OF THESE INSTRUMENTS HAVE NOT BEEN RECORDED IN THE PUBLIC RECORDS TO DETERMINE THE ACCURACY OF THESE INSTRUMENTS NOR HAVE ANY INSTRUMENTS RECORDED IN THE PUBLIC RECORDS TO DETERMINE THE ACCURACY OF THESE INSTRUMENTS.

THE FOLLOWING IS A LIST OF INSTRUMENTS THAT MAY BE FOUND ON THIS SHEET:

1	WILLIAM A. WHITEHEAD'S MAP
2	WILLIAM A. WHITEHEAD'S MAP
3	WILLIAM A. WHITEHEAD'S MAP
4	WILLIAM A. WHITEHEAD'S MAP
5	WILLIAM A. WHITEHEAD'S MAP
6	WILLIAM A. WHITEHEAD'S MAP
7	WILLIAM A. WHITEHEAD'S MAP
8	WILLIAM A. WHITEHEAD'S MAP
9	WILLIAM A. WHITEHEAD'S MAP
10	WILLIAM A. WHITEHEAD'S MAP

# Site Photos

11/1/2010

Google maps

301 Southard Street - Google Maps  
Address **301 Southard Street**

Address is approximate  
326 Southard Street



11/1/2010

Google maps

301 Southard Street - Google Maps  
Address **301 Southard Street**

Address is approximate

326 Southard toward Thomas Street



11/1/2010

Google maps

301 Southard Street - Google Maps  
Address **301 Southard Street**

Address is approximate

326 Southard Street toward Whitehead Street

