

**Development Review Committee
June 25, 2009 – 2:00 p.m.
ADA Conference Room, 525 Angela Street**



- Item 4h. Outdoor Display - 715 Duval Street (RE # 00015780-000402)** – An application for an Exception for an Outdoor Merchandise Display to allow the display, rolling and sale of cigars on a portable table in the Historic Residential Commercial Core (HRCC-1) zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Application Form

May 19, 2009

**City of Key West
Brendon Cunningham
P. O. Box 1409
604 Simonton Street
Key West, FL. 33040**

Brendon,

Enclosed is an application for an "Exception for Outdoor Merchandise Display" for a location at 715 Duval Street. This is not a new application as the business has been located here for several years.

This is for a renewal of the existing resolution , a copy of which is attached. It expired and the applicant was not notified and thus did not make an earlier application to continue the business. Also attached is a copy of a letter from the owner with his approval for the business to continue to operate.

The sketch plan was professionally prepared by Stephen Almeda showing the location of the table in relation to the property lines. It does not interfere with sidewalk traffic in any way and is clearly on private property. It has been a fixture at this location and promotes a product long known for in Key West, high quality cigars.

Please contact me with any questions. We look forward in a positive response from the Board of Adjustment.

Sincerely,



Gary and Maria Smith

925 Duval Street

Key West, FL. 33040

305-304-7009

gsmith@spottswood.com

Application for Exception for Outdoor Merchandise Display
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



(Pursuant to Section 106-51 & 52 City of Key West Land Development Regulations)

Please fill out this application as completely as possible. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305.809.3720 to schedule an appointment with a Planner.

Applicants Name Maria Smith

Address of Proposed Display 715 Duval Street

RE# of Property 00015780-000401

Business Name Dominican Republic Cigar Shop

Business Address 925 Duval St., Key West, FL 33040

Applicants Mailing Address 925 Duval St., Key West, FL 33040

Telephone 305-304-2158 Fax # 305-296-8105

Name of Property Owner 715 Duval St. Realty LLC, Eric Gilliland

Mailing Address 18 Lorraine Terrace, Marblehead, MA 01945

Telephone 781-639-2928 Fax # _____

This application is for: (check those which apply)

Advertising

Display only

Conducting business

Located in or on:

a porch, patio, or other attached portion of an adjacent permanent structure.

an arcade, gazebo, or other temporary structure.

a cart or movable booth. (Must have received or obtained HARC approval)

a portable table, rack, or other non-permanent equipment.



Past Resolution

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, GRANTING AN EXCEPTION UNDER SECTION 106.52 OF THE KEY WEST CODE OF ORDINANCES BY ALLOWING OUTDOOR DISPLAY OF CERTAIN MERCHANDISE AT "WARLOCK CIGARS" AT 715 DUVAL STREET, PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 106-51 of the Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and

WHEREAS, Section 106-52 provides that exceptions to the general prohibition may be granted upon application to the Board of Adjustment; and

WHEREAS, the Board of Adjustment has considered the following factors favoring the exception;

a. The exception is compatible or in visual harmony with the character of the neighborhood visible at the locations (public places and rights-of-way) from which the exception can be seen;

b. The exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and right-of-way;

c. Public use of public locations from which the exception can be seen is primarily made to gain access to the applicant's business;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1. That an exception under Section 106-52 of the Land Development Regulations to allow the outdoor display, rolling and

selling of cigars on a portable table with chair at the front right of the building on an existing portion of open space/landscape area between the sidewalk and the building at 715 Duval Street is hereby granted.

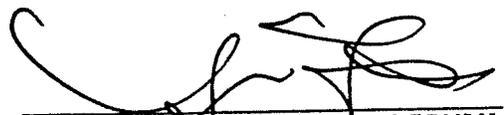
Section 2. That the exception shall not extend beyond 12 consecutive months and shall automatically expire 12 months from the effective date of this Resolution.

Section 3. That 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 Board.

Passed and adopted by the Board of Adjustment at a meeting held this 8 day of February, 2006.

Authenticated by the Presiding Officer and Clerk of the Board on 10 day of February, 2006.

Filed with the Clerk on February 10, 2006.


MORGAN MCPHERSON, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:


CHERYL SMITH, CITY CLERK



Authorization Letter

**715 Duval Street Realty LLC
18 Lorraine Terrace
Marblehead, MA 01945**

May 13, 2009

City of Key West Planning Department
604 Simonton Street
Key West, FL 33040

RE: Sales table located at 715 Duval Street

To whom it may concern:

I am the Manager of 715 Duval Street Realty LLC which owns the property located at 715 Duval Street, Key West, FL.

Please accept this letter as evidence of my support relative to Maria Smith's application to continue to operate her business at my location. Her business has been a fixture at this location for many years. Maria has been an excellent tenant. Throughout the years I have received consistent feedback from her customers that she provides a quality service and product.

Hopefully this letter will assist you in your decision. Please call me with any questions. You may reach me at 617-869-6702

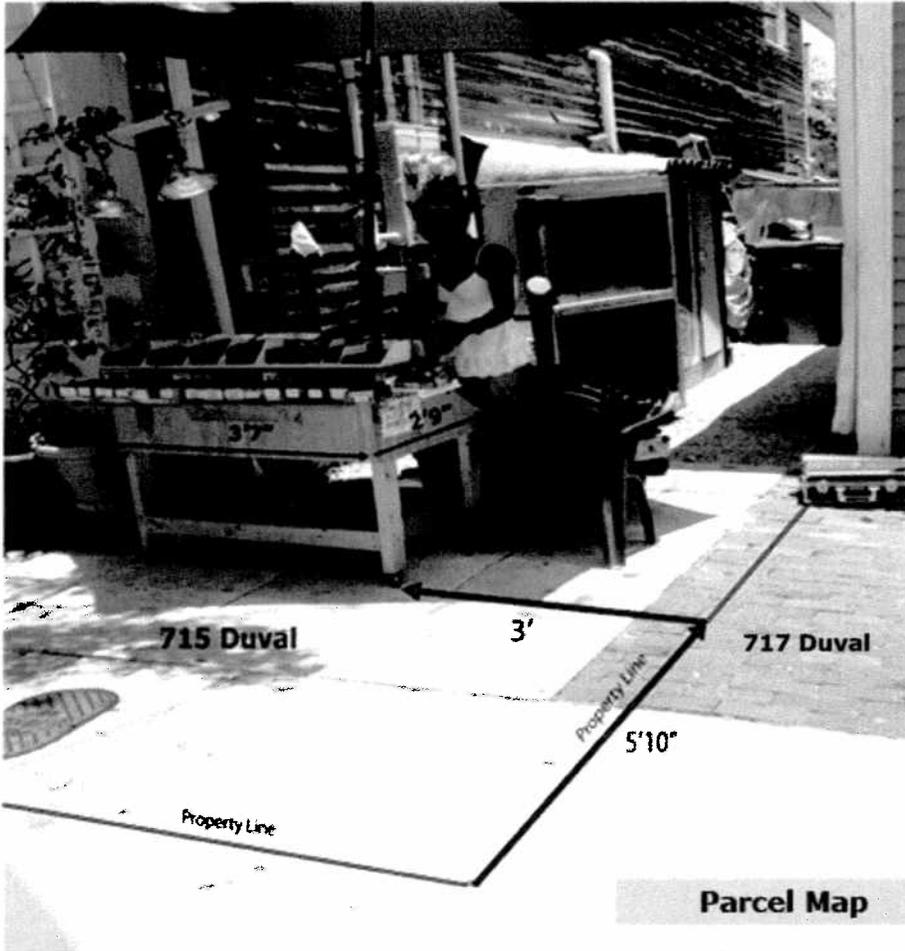
Sincerely



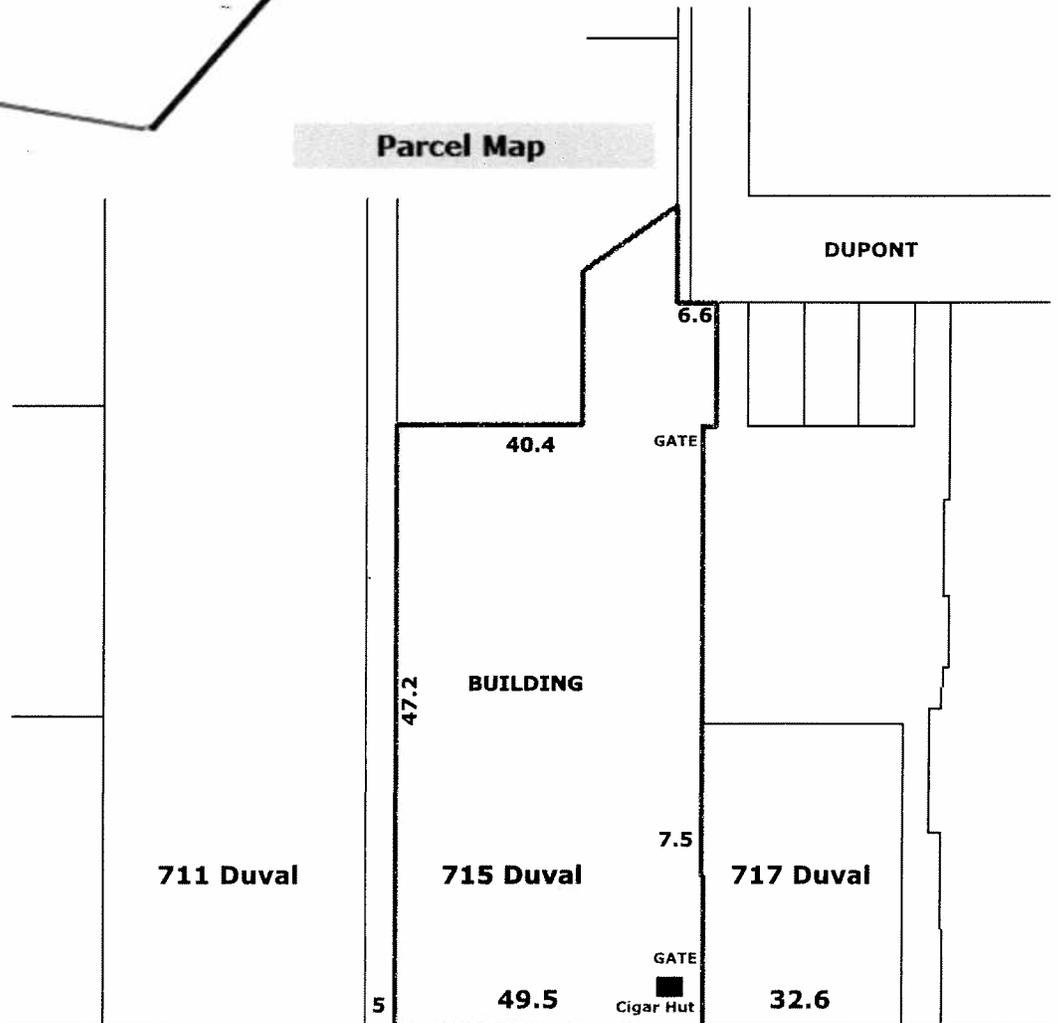
Eric J. Gilliland, Manager
715 Duval Street Realty LLC

Site Plans

Offset from Parcel Property Line



Parcel Map





Property Appraiser

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

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

Property Record View

Alternate Key: 8786204 Parcel ID: 00015780-000402

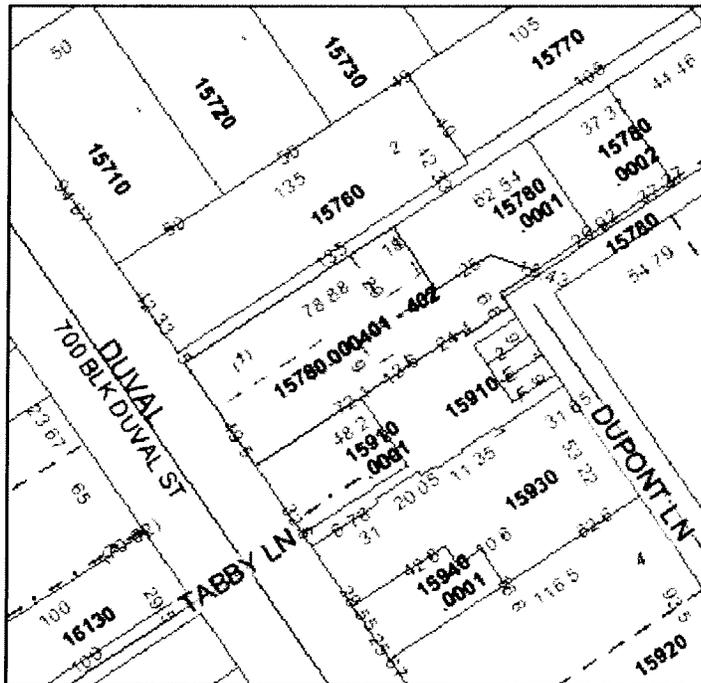
Ownership Details

Mailing Address:
SAUNDERSON H M G ESTATE
C/O DEEGAN MICHAEL P/R
729 OLIVIA 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: 715 DUVAL ST Unit Number: 2 KEY WEST
Legal Description: 715 DUVAL CONDOMINIUM UNIT 2 OR1269-1146/47 OR1408-1582/85Q/C OR1418-1206/07 OR2404-2005/06(PROB44-09-CP-49-K)

Parcel Map



Aerial Map

