

# **Administrative Hearing Notice**



**THE CITY OF KEY WEST**

**Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409

Telephone: 305-809-3723

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**NOTICE OF ADMINISTRATIVE HEARING  
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

June 18, 2015

Tree Commission  
City of Key West  
Petitioner,

Vs.

Jerry J. Harvey II  
4611 Sloewood Drive  
Mount Dora, FL 32757-7226

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, July 14, 2015**, at 5:00 p.m., at Old City Hall, 510 Green St. Key West, Florida.

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. Your presence is required at this Tree Commission meeting.

**Date of alleged violation: June 5, 2015 at 409 Frances Street**

Alleged code violation:

**Sec. 110-256. Tree abuse.**

- (a) *Generally. Tree abuse is prohibited, and abused trees shall not be counted toward fulfilling landscape requirements. The city may require the abused trees to be replaced.*
- (b) *Prohibited acts. A tree shall be considered abused if a person takes an action so that one of the following occurs:*
  - (3) *Cutting upon any tree which permanently reduces the function of the tree or causes it to go into irreversible decline.*
  - (4) *Cutting upon a tree which destroys its natural shape.*
  - (5) *Hatracking as defined in section 110-252*

**Sec. 110-321. Permit Required.**

- (a) *Unless a tree removal permit approved by the tree commission and issued by the urban forestry manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:*

- (1) *Any tree listed as "specially protected" in section 110-253;*

**Sec. 110-336. Pruning or heavy maintenance.**

- (3) *A permit is required for the removal of large, structural branches and if the tree is being reduced in size or overall shape and density by more than 1/3 as defined in section 110-252 as major maintenance.*





**Factual allegation: Three silver buttonwood trees located along the fence line of 409 and 413 Frances Street have been improperly trimmed. More than 1/3 of the canopy of at least two of the trees has been removed without benefit of a Tree Commission permit.**

If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of The City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondent, and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **18<sup>th</sup> day of June 2015.**

If you have any questions, please call the office at (305) 809-3768.

  
\_\_\_\_\_  
Karen DeMaria  
Urban Forestry Manager  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)

cc: Glenn Kapsch  
Key West United Insurance  
646 United Street, Key West, FL 33040

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>Glenn Kapsch</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Glenn Kapsch</i> C. Date of Delivery <i>6/18</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;"><b>Glenn Kapsch</b>  <b>Key West Union Insurance</b>  <b>646 United Street</b>  <b>Key West, FL 33040</b></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label)</p>	<p><u>7003 0500 0002 2662 7266</u></p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>Amy Thomas</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Amy Thomas</i> C. Date of Delivery <i>7-15</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;"><b>Jerry J. Harvey II</b>  <b>413 Frances Street</b>  <b>Key West, FL 33040</b></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label)</p>	<p><u>7007 3020 0000 5349 1975</u></p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



**THE CITY OF KEY WEST  
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409  
Telephone: 305-809-3723

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**NOTICE OF ADMINISTRATIVE HEARING  
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

July 30, 2015

Tree Commission  
City of Key West  
Petitioner,

Vs.

Richard Fajak  
R&R Keys Landscaping, LLC  
3314 Northside Drive  
Key West, FL 33040

Jerry J. Harvey II  
413 Frances Street  
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, August 11, 2015**, at 5:00 p.m., at Old City Hall, 510 Greene St. Key West, Florida.

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. Your presence is required at this Tree Commission meeting.

**Date of alleged violation: June 5, 2015 at 409 Frances Street**

Alleged code violation:

***Sec. 110-256. Tree abuse.***

- (a) *Generally.* Tree abuse is prohibited, and abused trees shall not be counted toward fulfilling landscape requirements. The city may require the abused trees to be replaced.
- (b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:
  - (3) Cutting upon any tree which permanently reduces the function of the tree or causes it to go into irreversible decline.
  - (4) Cutting upon a tree which destroys its natural shape.
  - (5) Hatracking as defined in section 110-252

# **Staff Report**

**Section 110-321. Permit Required.**

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(1) *Any tree listed as "specially protected" in section 110-253;*

**Sec. 110-336. Pruning or heavy maintenance.**

(3) A permit is required for the removal of large, structural branches and if the tree is being reduced in size or overall shape and density by more than 1/3 as defined in section 110-252 as major maintenance.



**Factual allegation: Three silver buttonwood trees located along the fence line of 409 and 413 Frances Street have been improperly trimmed. More than 1/3 of the canopy of at least two of the trees has been removed without the benefit of a Tree Commission permit.**



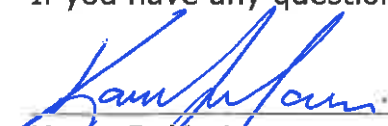


If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of The City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been e-mailed to the Respondent, and has been sent regular mail and certified U.S. Mail to the above named respondent's listed address on this **31<sup>st</sup> day of July 2015**.

If you have any questions, please call the office at (305) 809-3768.

  
\_\_\_\_\_  
Karen DeMaria  
Urban Forestry Manager  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)

cc: Glenn Kapsch (Key West Union Insurance)  
646 United Street  
Key West, FL 33040

# STAFF REPORT

UPDATE: August 3, 2015

**RE: 409 Frances Street, Tree Abuse-Improper and Unauthorized trimming of 2 Silver Buttonwood trees.**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On July 23, 2015, I met with the homeowner of the silver buttonwood trees at 409 Frances Street. There is actually two trees with three primary trunks. Tree #1, a single trunk, is 4.1" diameter and the second tree, two trunks, each a diameter of 8.9".







Additional Comments and Options: The trimming of the two silver buttonwood trees would have required a permit-major maintenance trimming, more than 30% of the canopy has been removed from each tree. No permit was applied for or issued. The owner of the trees, Mr. Kapsch, did not authorize the trees to be trimmed.

The neighbor had the right to properly trim branches on his side of the property line-minor trimming. The neighbor, Mr. Harvey, hired Mr. Fujak of R&R Keys Landscaping and asked him to trim the trees.

The silver buttonwood trees are regenerating new growth. This new growth must be monitored and properly trimmed in order to ensure the trees are healthy and properly structured in the future.

The owner of the trees has lost the shade of the trees which has impacted his orchid collection and the lack of privacy from the loss of tree canopy.

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DATE: July 1, 2015

**RE: 409 Frances Street, Tree Abuse-Improper and Unauthorized trimming of 2 Silver Buttonwood trees.**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On June 6, 2015, I received an e-mail complaint regarding the trimming of some trees. On June 7, 2015, I received specific information regarding the location of the trimmed trees and additional information as to whom did the trimming. An inspection was done and determined that the trees, silver buttonwood trees, located on 409 Frances Street, had been improperly trimmed and the trimming work would have required a permit. Communication with the property owner at 409 Frances Street indicates that the person at 413 Frances Street did the cutting.

Three Silver Buttonwood trees, a protected tree species, were improperly trimmed. One tree had all of its canopy removed (hatracking). The second Silver Buttonwood tree had approximately half of its canopy removed. The third Silver Buttonwood tree was also trimmed but a determination of the approximate percent of canopy removal could not be made at the time of inspection.





Silver Buttonwoods:

Tree #3

Tree #2

Tree #1

Tree #1:



Tree #2:





Tree #3:



## Karen DeMaria

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**From:** Karen DeMaria  
**Sent:** Tuesday, August 04, 2015 10:42 AM  
**To:** 'Ashley@smithoropeza.com'  
**Subject:** RE: 409 Frances Street  
**Attachments:** 1c- 409 frances admin 7-31-15.pdf; 2- staff report.pdf

Ashley:

Attached is a copy of the newest notice I sent to Mr. Harvey and Mr. Fajak regarding the Administrative Hearing on Tuesday, August 11, 2015. I did finally speak to Richard Fajak this morning (we have been playing phone tag). I have also sent you a copy of my staff report. I did meet with Glenn Kapsch on July 23 and I was able to inspect the trees.

The Tree Commission will make the final determination as to what the Settlement Agreement will be. One thought is to have a few trees planted in order to quickly re-establish some privacy and shade along the fence line. There is a 15 inch area, therefore, maybe one or two buttonwood trees might be able to be strategically planted in that area (15 or 25 gallon).

The trees are regenerating new growth. An option we usually also include is to require the respondent to hire an arborist to properly retrim the tree after a year of new growth. The Tree Commission could also include a fine. All of these are options that are allowable, as per our code, and the Commission will consider.

Sincerely,

Karen

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**From:** Ashley@smithoropeza.com [mailto:Ashley@smithoropeza.com]  
**Sent:** Monday, August 03, 2015 4:42 PM  
**To:** Karen DeMaria <kdemaria@cityofkeywest-fl.gov>  
**Subject:** RE: 409 Frances Street

Good Afternoon Karen:

I wanted to follow-up with you to see if you have had an opportunity to speak with the landscaper and inspect the property to determine what recommendation you may make to the commission in advance of the hearing for August 11. Can you let me know if you've had opportunity to do so and whether you've come to a decision about your proposed recommendation?

Thanks and I look forward to hearing from you.

Sincerely,

Ashley N. Sybesma

**SMITH | OROPEZA | HAWKS**  
ATTORNEYS AT LAW

138-142 Simonton Street  
Key West, Florida 33040  
Tel: 305-296-7227  
Direct: 305-204-4027  
Fax: 305-296-8448  
[www.SmithOropeza.com](http://www.SmithOropeza.com)

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Please note: This law firm may be deemed a "debt collector" under the Fair Debt Collection Practices Act. Any and all information obtained during and from communications may be used for the purpose of collecting debt.

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**From:** [Ashley@smithoropeza.com](mailto:Ashley@smithoropeza.com)  
**Sent:** Tuesday, July 14, 2015 3:07 PM  
**To:** 'kdemaria@cityofkeywest-fl.gov' <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>  
**Subject:** 409 Frances Street

Karen:

It was a pleasure speaking with you today and I look forward to meeting you at the tree commission hearing this evening. In furtherance of our conversation, the landscaper who performed the work is Richard Fajak Lawn Service: 305-240-2713. If you need anything from me in the interim, please do not hesitate to contact me.

Sincerely,

Ashley N. Sybesma



138-142 Simonton Street  
Key West, Florida 33040  
Tel: 305-296-7227  
Direct: 305-204-4027  
Fax: 305-296-8448  
[www.SmithOropeza.com](http://www.SmithOropeza.com)

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

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**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
Marathon (305) 289-2550  
Plantation Key (305) 852-7130

## Property Record Card -

**Maps are now launching the new map application version.**

**Alternate Key: 1005029 Parcel ID: 00004840-000000**

### Ownership Details

**Mailing Address:**  
KAPSCH GLENN A  
409 FRANCES ST  
KEY WEST, FL 33040-6955

**All Owners:**  
GREEN JEFFREY B R/S, KAPSCH GLENN A

### Property Details

**PC Code:** 01 - SINGLE FAMILY  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 31-67-25  
**Property Location:** 409 FRANCES ST KEY WEST  
**Legal Description:** KW PT LOT 3 SQR 31 J1-113 OR583-60 OR673-759/60 OR840-2517/19 OR907-1090/91 OR1155-163/64 OR1847-337/38 OR2623-795 OR2705-1742/44R/S

[Click Map Image to open interactive viewer](#)



### Exemptions

Exemption	Amount
38 - HOMESTEAD R/S	25,000.00
44 - ADDL HOMESTEAD	25 000 00

### Land Details

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	39	50	1,959.00 SF



**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
Marathon (305) 289-2550  
Plantation Key (305) 852-7130

## Property Record Card -

**Maps are now launching the new map application version.**

**Alternate Key: 1005037 Parcel ID: 00004850-000000**

### Ownership Details

**Mailing Address:**

HARVEY JERRY J II  
4611 SLOEWOOD DR  
MOUNT DORA, FL 32757-7226

### Property Details

**PC Code:** 01 - SINGLE FAMILY

**Millage Group:** 10KW

**Affordable Housing:** No

**Section-Township-Range:** 31-67-25

**Property Location:** 413 FRANCES ST KEY WEST

**Legal Description:** KW PT LT 3 SQR 31 G39-456/57 OR1134-29 OR1634-1129R/S OR2001-634/35 OR2585-1040/41 OR2720-2361/62

[Click Map Image to open interactive viewer](#)



### Exemptions

Exemption	Amount
39 - 25000 HOMESTEAD	25,000.00
44 - ADDL HOMESTEAD	25,000.00

### Land Details

Land Use Code	Frontage	Depth	Land Area
01SD - RES SUPERIOR DRY	39	50	1,960.00 SF



# **Public Comments**

409  
Frances  
owner of  
trees

Glenn Kapsch  
Key West Insurance  
646 United St  
Key West FL 33040

**Karen DeMaria**

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**From:** Key West Guy 2 <keywestguy2@hotmail.com>  
**Sent:** Monday, June 08, 2015 9:41 AM  
**To:** Karen DeMaria  
**Subject:** RE: How do I report a volition to the tree commission

413 Frances  
did the trimming

We the residents of Frances St thank you for helping preserve the beauty of our neighborhood and maintain the integrity of the look of our community. This is one of the reasons we paid extra and purchased in old town instead of buying in new town or on some other Island. Rules are made to prevent someone coming on your property and destroying the look of ones home.

The people in 413 France only use the dwelling as a week-end retreat for most of the rest of us it's our primary home and we take great pride in our gardens. Thanks for your speedy help in this matter.

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**From:** keywestguy2@hotmail.com  
**To:** kdemaria@cityofkeywest-fl.gov  
**Subject:** RE: How do I report a volition to the tree commission  
**Date:** Sun, 7 Jun 2015 14:24:10 +0000

Would you please drive by 413 Frances St and look at the trees they had trimmed. The trees are on the property at 409 Frances St and in looking at the property marker in the drive way of 413 Frances it appears they even out beyond the property line on to 409 property and made cuts.

Those lovely trees held many of lovely orchids and now some of the trees don't even have a leaf on them. My understanding is you're not permitted to cut a branch greater than 2" round perhaps I'm wrong but I will say what ever company that the people at 413 Frances employed such not be allowed to trim trees in Key West and shame on the owner for allowing them to do such an in Justus, the butchering took place on Friday 06/05/2015.

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**From:** kdemaria@cityofkeywest-fl.gov  
**To:** keywestguy2@hotmail.com  
**Subject:** Re: How do I report a volition to the tree commission  
**Date:** Sat, 6 Jun 2015 13:07:00 +0000

Send the information to me and I'll investigate it. I need address and description of where the trees are and when it was done.

A permit is required for heavy maintenance trimming which is cutting more than 1/3 of the canopy or if a cut is 6" in diameter or more. Minor trimming does not require a permit but we do require that it is done correctly or there might be a tree a use case.

To learn more about the Tree Ordinance go to the Ordinance section on the website, Section 110, Tree Ordinance.

Sincerely,  
Karen DeMaria

Urban Forestry Manager

Sent from my iPhone

On Jun 6, 2015, at 8:29 AM, Key West Guy 2 <[keywestguy2@hotmail.com](mailto:keywestguy2@hotmail.com)> wrote:

There has been a miss Justus done in old town to a line of tree with no permits pulled, despite the fact the home owner was told that cutting limbs great than 2" round was not allow to be done to the type of tree he had butchered.

Kindly put me in contact with the person I need to speak with or a way to file the complain on line.

Thank you in advance for your help.

## Karen DeMaria

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**From:** erick.stutz@comcast.net  
**Sent:** Wednesday, June 10, 2015 3:58 PM  
**To:** Karen DeMaria; craigcates@cityofkeywest-fl.gov; jweekly@cityofkeywest-fl.gov  
**Subject:** Are trees being cut down

Hello,

We are writing you in hopes that you can stop the person or persons taking down trees on Frances Street - address is 409.

While driving by we noticed what we thought were preserved trees, completely mangled. What used to have curb appeal now has lost it's luster and looks as tho a tornado hit!

Why would you allow these people to cut down trees in our quaint neighborhood, where everything is pristine?

Awaiting your reply.

Mr. Stutz

## Karen DeMaria

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**From:** Karen DeMaria  
**Sent:** Wednesday, June 10, 2015 4:34 PM  
**To:** 'Gina Blanche'; Craig Cates; Jimmy Weekley  
**Cc:** 'Key West Guy 2'  
**Subject:** RE: 409 Frances Street - trees?

Ms. Ery:

I was informed a few days ago about the trimming and I have seen it. I will be contacting the property owners at 409/413 Fleming Street to discuss who actually did the trimming. I know that the City was not involved.

Three silver buttonwood trees were impacted by the work. One tree has had all of its canopy removed which is a violation of our Tree Ordinance. The second tree had approximately half of its canopy removed which again is a violation of the Tree Ordinance. Trimming of more than 30% of the canopy of a native or protected tree requires a permit. The trimming of the third tree, closest to the road, does not constitute a violation.

Thank you for your concern and your comments. I will be proceeding with an administrative hearing in front of the Tree Commission once I have gathered all the facts. It is up to the Tree Commission to make a final determination as to a remedy to the situation.

Sincerely,

Karen

Karen DeMaria  
Urban Forestry Manager/Tree Commission  
Certified Arborist  
305-809-3768

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**From:** Gina Blanche [mailto:gina\_ery@yahoo.com]  
**Sent:** Wednesday, June 10, 2015 3:45 PM  
**To:** craigcates@cityofkeywest-fl.gov; jweekly@cityofkeywest-fl.gov; Karen DeMaria  
**Subject:** 409 Frances Street - trees?

Good Afternoon,

I was taking one of my normal walking routes today and came up to one of my favorite homes on the Island (409 Frances Street). It was always a welcoming home but more so, I loved the beautiful orchids the owners had hanging from their trees. Much to my dismay, the trees looked as tho they were butchered! I am not sure who did this or why this was allowed???

I thought we had laws in place to protect our trees - whoever took it upon themselves to chop these trees up should be fined to the fullest and license pulled.

Your insight to why this was allowed would be appreciated. I would hate to think this is going to happen down the whole street!

Thank you,  
Gina Ery

## Karen DeMaria

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**From:** Jerome Kaven <jfkave@comcast.net>  
**Sent:** Friday, June 12, 2015 11:10 AM  
**To:** Karen DeMaria  
**Cc:** craigcates@cityofkeywest-fl.gov  
**Subject:** defoliation of protected native trees

To whom it may concern;

I know the city of Key West diligently guards its native trees and in light of that I would like to point out the blatant defoliation of the trees at 409 Frances st . I was appalled to see the damage that someone inflicted on the trees in this persons yard. It was a lovely sight to behold at one time with all the orchids hanging from the trees and the leaves protecting these delicate flowers from the heat of the day. I was physically sick to view the damage imposed on these trees. Some heads need to roll for the damage done to these trees.

Would the landscaping division look in to who was responsible for this atrocious damage?

Thank you, Jerome Kaven  
visitor from Cudjoe Key

Photos submitted with complaint:











Property line marker



06/06/2015



06/06/2015



Photos of 413 Frances prior to trees being trimmed.



# Table of Contents

Pages 1 and 2 Letter received from the City and the Envelope giving notice of tonight's hearing.

Pages 3 and 4 County Records and Survey for 409 Frances St purchase date 09/25/2014

Page 5 County Records 413 Frances St Mr. Harvey's property, purchase date 01/13/2015

Page 6 County Records on rear neighbor 1104 Elgin Ln this property backs up to 409 and 413 Frances St, purchase date 10/03/2014

Page 7 are e-mails between the rear neighbor and myself related to the painting of the rear of 413 Frances St. and access to the rear neighbor property to do such painting. No permit for the painting of the rear of the dwelling was **posted**. I did contact the City and the code department on 7/14/2015 and was told **no permit was pulled for the painting** that went on. It seems to be a pattern forming here.

Page 8 is front view photo of 413 Frances St showing the driveway to the left with the trees prior to the trimming. Kindly note in this photo you cannot see my balcony and it demonstrates the privacy we once enjoyed.

Pages 9 and 10 are before and after photo, please note the for sale sign located on 413 Frances St that photo was taken prior to Mr. Harvey purchasing the property. Again note my balcony and the privacy I no longer have.

Pages 11 and 12 are before and after photos

Page 13 is taken from my kitchen window the day we closed on the home prior to the orchids being placed in the trees.

Page 14 is what I now see from my kitchen window I had to hang the bowtie markers after taking my orchids down just for some privacy. Note the power lines and transformer that you will see in later photos.

Page 15 is a view of the patio area with the orchids hanging in background prior to trimming.

Page 16 is the patio area as it looks after the trimming was done.

Pages 17 and 18 are the vistas we now have from our balcony, both master suites, and the guest bedroom/office located on the 2<sup>nd</sup> floor. Here you can clearly see all the power lines and transformers that were never visible prior to the trimming being done.

Page 19 is 1 limb that is 8" across.

Page 20 is showing how I have my orchids now to help protect them, they are all cramped together.

Pages 21 and 22 are to demonstrate the side of my home faces Frances St and the front of my home faces 413 Frances. All of my living area in the dwelling views those trees, and now those views have become depressing.

Page 23 is the morning after the trimming with some of the orchids still exposed to the sun.



P



THE CITY OF KEY WEST  
Post Office Box 1409  
Key West, FL 33041-1409

**Glenn Kapsch  
Key West Union Insurance  
646 United Street  
Key West, FL 33040**



U.S. POSTAGE >>> PITNEY BOWES



ZIP 33040 \$ 000.48<sup>5</sup>  
02 1W  
0001374513 JUN 17 2015

RECEIVED

JUN 19 2015

KEYWESTINSURANCE INC

33040348626





**THE CITY OF KEY WEST  
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409  
Telephone: 305-809-3723

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**NOTICE OF ADMINISTRATIVE HEARING  
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

June 18, 2015

Tree Commission  
City of Key West  
Petitioner,

Vs.

Jerry J. Harvey II  
4611 Sloewood Drive  
Mount Dora, FL 32757-7226

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, July 14, 2015**, at 5:00 p.m., at Old City Hall, 510 Green St. Key West, Florida.

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. Your presence is required at this Tree Commission meeting.

**Date of alleged violation: June 5, 2015 at 409 Frances Street**

Alleged code violation:

***Sec. 110-256. Tree abuse.***

- (a) *Generally. Tree abuse is prohibited, and abused trees shall not be counted toward fulfilling landscape requirements. The city may require the abused trees to be replaced.*
- (b) *Prohibited acts. A tree shall be considered abused if a person takes an action so that one of the following occurs:*
  - (3) *Cutting upon any tree which permanently reduces the function of the tree or causes it to go into irreversible decline.*
  - (4) *Cutting upon a tree which destroys its natural shape.*
  - (5) *Hatracking as defined in section 110-252*

**Sec. 110-321. Permit Required.**

(a) *Unless a tree removal permit approved by the tree commission and issued by the urban forestry manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:*

(1) *Any tree listed as "specially protected" in section 110-253;*

**Sec. 110-336. Pruning or heavy maintenance.**

(3) *A permit is required for the removal of large, structural branches and if the tree is being reduced in size or overall shape and density by more than 1/3 as defined in section 110-252 as major maintenance.*





**Factual allegation: Three silver buttonwood trees located along the fence line of 409 and 413 Frances Street have been improperly trimmed. More than 1/3 of the canopy of at least two of the trees has been removed without benefit of a Tree Commission permit.**

If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of The City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondent, and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **18<sup>th</sup> day of June 2015.**

If you have any questions, please call the office at (305) 809-3768.

Karen DeMaria  
Urban Forestry Manager  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)

cc: Glenn Kapsch  
Key West United Insurance  
646 United Street, Key West, FL 33040



**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
Marathon (305) 289-2550  
Plantation Key (305) 852-7130

*purchase DATE 09/25/2014*

**Property Record Card -**

**Maps are now launching the new map application version**

Website tested on IE8,  
IE9, & Firefox.  
Requires Adobe Flash  
10.3 or higher

**Alternate Key: 1005029 Parcel ID: 00004840-000000**

**Ownership Details**

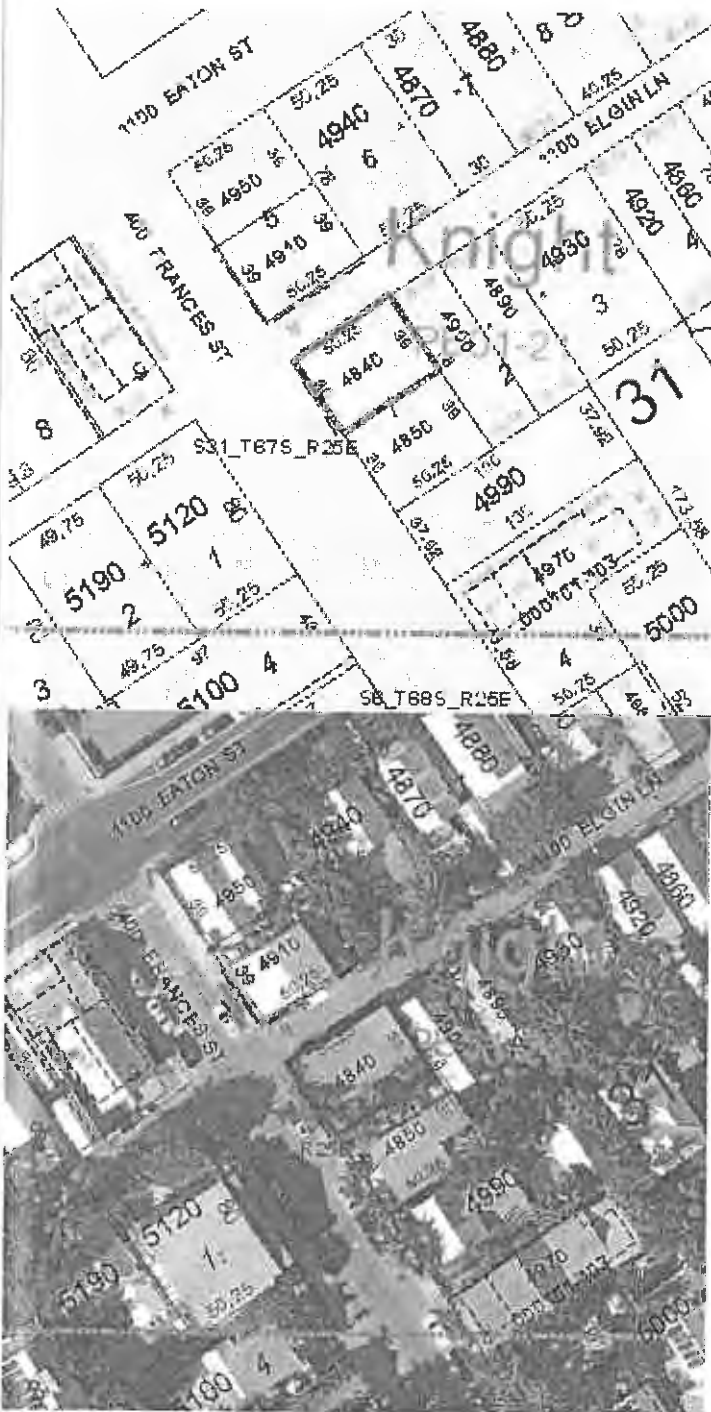
**Mailing Address:**  
KAPSCH GLENN A  
409 FRANCES ST  
KEY WEST, FL 33040-6955

**All Owners:**  
GREEN JEFFREY B R/S, KAPSCH GLENN A

**Property Details**

**PC Code:** 01 - SINGLE FAMILY  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 31-67-25  
**Property Location:** 409 FRANCES ST KEY WEST  
**Legal Description:** KW PT LOT 3 SQR 31 J1-113 OR583-60 OR673-759/60 OR840-2517/19 OR907-1090/91 OR1155-163/64 OR1847-337/38 OR2623-795 OR2705-1742/44R/S

Click Map Image to open interactive viewer



### Exemptions

Exemption	Amount
38 - HOMESTEAD R/S	25,000.00
44 - ADDL HOMESTEAD	25,000.00

### Land Details

Land Use Code	Frontage	Depth	Land Area
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010D - RESIDENTIAL DRY	39	50	1,959.00 SF
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### Building Summary

Number of Buildings: 1  
 Number of Commercial Buildings: 0  
 Total Living Area: 1584  
 Year Built: 1950

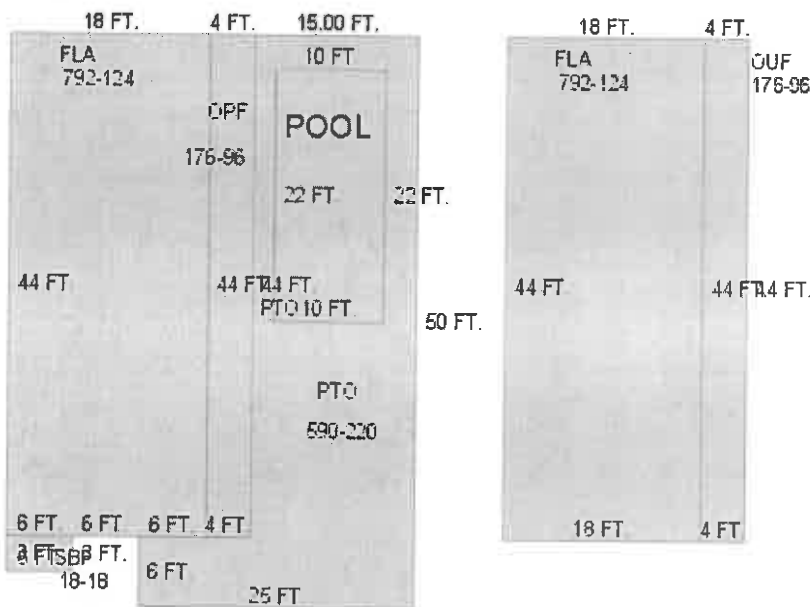
### Building 1 Details

Building Type R1	Condition G	Quality Grade 550
Effective Age 20	Perimeter 248	Depreciation % 27
Year Built 1950	Special Arch 0	Grnd Floor Area 1,584
Functional Obs 0	Economic Obs 0	

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.  
 Roof Type GABLE/HIP      Roof Cover METAL      Foundation WD CONC PADS  
 Heat 1 FCD/AIR DUCTED      Heat 2 NONE      Bedrooms 3  
 Heat Src 1 ELECTRIC      Heat Src 2 NONE

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 2	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 0	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	Attic A/C	Area
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			# Stories	Year Built		Basement %	Finished Basement %	
1	FLA	12:ABOVE AVERAGE WOOD	1	1990	N Y	0.00	0.00	792
2	OPF		1	1990	N Y	0.00	0.00	176
3	FLA	12:ABOVE AVERAGE WOOD	1	1990	N Y	0.00	0.00	792
4	OUF		1	1990	N Y	0.00	0.00	176
5	SBF	1:WD FRAME	1	1999	N Y	0.00	0.00	18
6	PTO		1	2003	N Y	0.00	0.00	590

### Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PO4:RES POOL	220 SF	22	10	1976	1977	5	50
2	WD2:WOOD DECK	338 SF	0	0	1976	1977	4	40
3	FN2:FENCES	1,056 SF	0	0	1975	1976	5	30

### Appraiser Notes

2006-07-17- BEING LISTED FROM THE KW CITIZEN FOR \$925,000.3/2.5-SKI

### Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	B953898	11/01/1995	12/01/1995	500		MINOR REPAIRS
	99-1085	04/19/1999	08/18/1999	4,900		V-CRIMP ROOF
	9901910	07/25/1999	07/20/2000	3,000		INSTALL COLONIAL SHUTTERS
	03-2767	08/11/2003	11/25/2003	4,000		KITCHEN COUNTER
	03-1739	05/21/2003	08/08/2003	500		TERMITE DAMAGED REPAIR
	03-2496	07/23/2003	08/08/2003	9,800		REPAIRED FLOORING
	05-0244	01/26/2005	10/19/2005	4,000		REPAIR EXISTING FENCE

### 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
2014	170,910	15,297	266,186	452,393	452,393	0	452,393
2013	193,202	15,297	228,794	437,293	437,293	0	437,293
2012	203,110	15,297	182,339	400,746	400,746	0	400,746
2011	205,587	15,297	168,225	389,109	389,109	0	389,109
2010	208,064	15,297	212,121	435,482	435,482	0	435,482



2009	239,530	15,297	322,423	577,250	577,250	0	577,250
2008	222,431	15,297	382,005	619,733	619,733	0	619,733
2007	349,025	12,987	346,253	708,265	220,432	25,000	195,432
2006	486,220	13,317	186,105	685,642	215,056	25,000	190,056
2005	508,042	10,901	146,925	665,868	208,792	25,000	183,792
2004	288,881	11,231	137,130	437,242	202,711	25,000	177,711
2003	310,242	12,876	68,565	391,683	195,683	25,000	170,683
2002	302,474	13,255	68,565	384,294	191,097	25,000	166,097
2001	239,636	12,423	68,565	320,624	188,088	25,000	163,088
2000	244,962	14,897	37,221	297,080	182,610	25,000	157,610
1999	240,437	23,265	37,221	300,923	177,110	25,000	152,110
1998	193,572	19,399	37,221	250,192	174,321	25,000	149,321
1997	183,384	18,961	33,303	235,648	171,408	25,000	146,408
1996	137,538	14,697	33,303	185,538	166,416	25,000	141,416
1995	125,312	13,790	33,303	172,405	162,358	25,000	137,358
1994	112,068	12,719	33,303	158,090	158,090	25,000	133,090
1993	112,068	13,164	33,303	158,535	158,535	0	158,535
1992	112,068	13,666	33,303	159,037	159,037	0	159,037
1991	112,068	14,110	33,303	159,481	159,481	0	159,481
1990	105,108	8,094	24,977	138,179	138,179	0	138,179
1989	95,553	7,568	24,488	127,609	127,609	0	127,609
1988	91,373	5,806	21,059	118,238	118,238	0	118,238
1987	90,112	5,960	14,595	110,667	110,667	0	110,667
1986	90,555	6,131	14,105	110,791	110,791	0	110,791
1985	87,772	6,285	7,937	101,994	101,994	0	101,994
1984	80,091	6,168	7,937	94,196	94,196	25,000	69,196
1983	80,091	6,168	7,937	94,196	94,196	25,000	69,196
1982	81,637	6,168	7,937	95,742	95,742	0	95,742

## Parcel Sales History

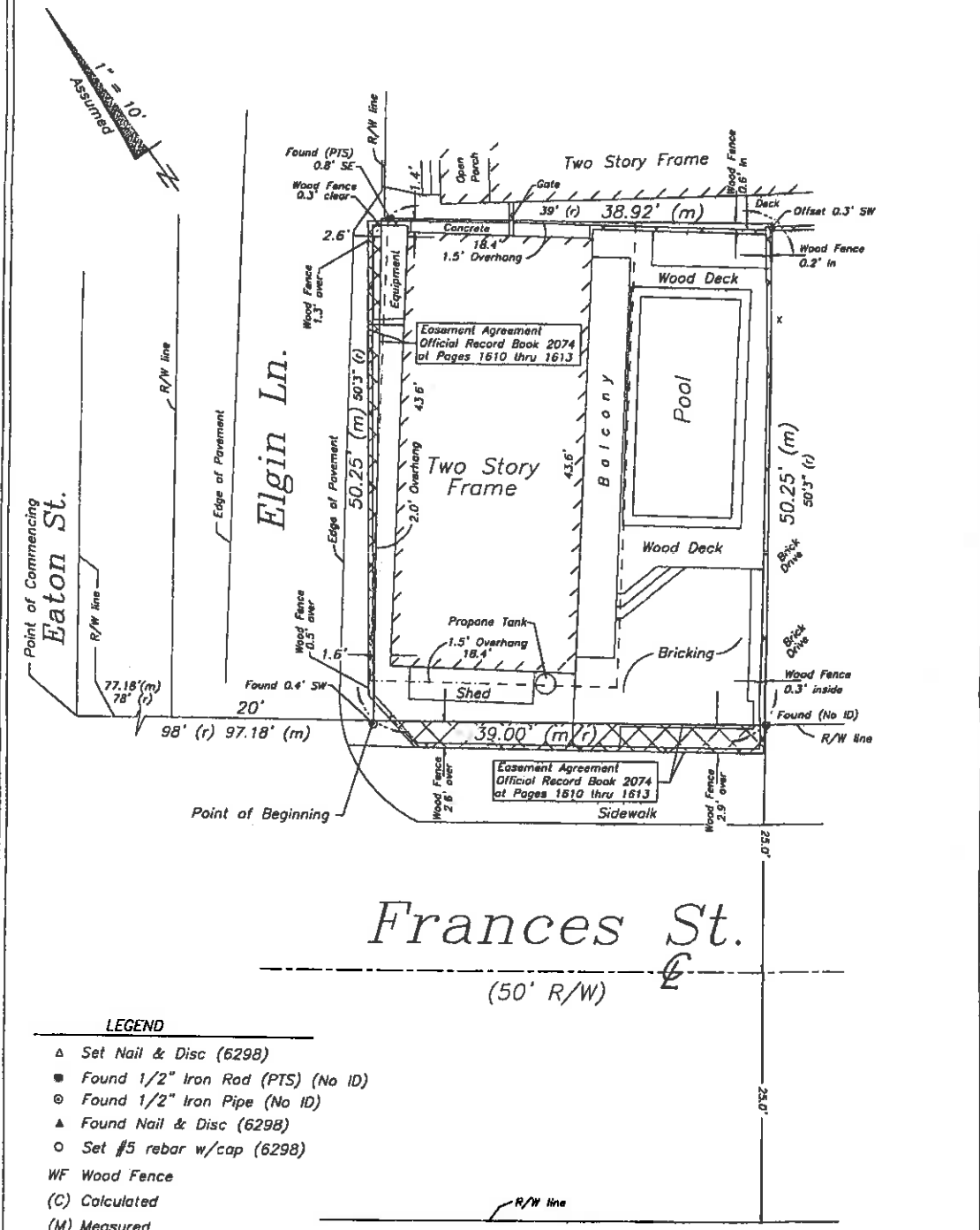
NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
9/25/2014	2705 / 1742	500,000	WD	30
3/13/2013	2623 / 795	100	QC	11
12/1/1990	1155 / 163	225,000	WD	Q
4/1/1984	907 / 1090	165,000	WD	U
9/1/1981	840 / 2517	140,000	WD	Q
2/1/1974	673 / 759	7,500	00	Q

This page has been visited 21,172 times.

Monroe County Property Appraiser  
Scott P. Russell, CFA  
P.O. Box 1176 Key West, FL 33041-1176

# Boundary Survey Map of part of Lot 3, Square 31, Island of Key West



Frances St.  
(50' R/W)  $\text{CL}$

**LEGEND**

- ▲ Set Nail & Disc (6298)
- Found 1/2" Iron Rod (PTS) (No ID)
- Found 1/2" Iron Pipe (No ID)
- ▲ Found Nail & Disc (6298)
- Set #5 rebar w/cap (6298)
- WF Wood Fence
- (C) Calculated
- (M) Measured
- (R) Record
- R\W Right of Way
- $\text{CL}$  Centerline

NOTE:  
The Survey Map is not full and complete without the attached Survey Report.

Sheet One of Two Sheets

**J. LYNN O'FLYNN, Inc.**



Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 296-7422 FAX (305) 296-2244

Boundary Survey Report of part of Lot 3, Square 31, Island of Key West

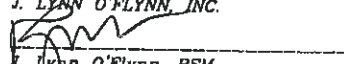
NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 409 Frances Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. All Concrete and bricking is not shown.
9. Date of field work: September 19, 2014.
10. Ownership of fences is undeterminable, unless otherwise noted.
11. This Survey Report is not full and complete without the attached Survey Map.

**BOUNDARY SURVEY OF:** Part of Lot Three in Square Thirty-one, according to Whitehead's map of the City of Key West delineated in February 1829, but now better known as part of Lot One of P.T. Knight's Diagram of said Lot Three in said Square Thirty-one. Said land commencing at the corner of Frances Street and A Twenty-foot alley known as Elgin Street, said point being 98 feet from the corner of Frances and Eaton Streets, and running thence along Frances Street in a Southeasterly direction 39 feet; thence at right angles in a Northeasterly direction 50 feet and 3 inches; thence at right angles in a Northwesterly direction 39 feet, out to the said Twenty-foot alley; thence at right angles in a Southwesterly direction 50 feet, 3 inches to the Point of Beginning.

**BOUNDARY SURVEY FOR:** Glenn A. Kapsch and Jeffrey B. Green;  
Centennial Bank;  
First International Title, Inc;  
First American Title Insurance Company;

J. LYNN O'FLYNN, INC.

  
J. Lynn O'Flynn, PSM  
Florida Reg. #6298

September 23, 2014

Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper  
PSM #6298

3430 Duck Ave., Key West, FL 33040  
(305) 298-7422 FAX (305) 298-2244



**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
Marathon (305) 289-2550  
Plantation Key (305) 852-7130

*purchase DATE 01/19/2015*

**Property Record Card -**

**Maps are now launching the new map application version**

Website tested on IE8,  
IE9, & Firefox.  
Requires Adobe Flash  
10.3 or higher

**Alternate Key: 1005037 Parcel ID: 00004850-000000**

**Ownership Details**

**Mailing Address:**  
HARVEY JERRY J II  
4611 SLOEWOOD DR  
MOUNT DORA, FL 32757-7226

**Property Details**

**PC Code:** 01 - SINGLE FAMILY  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 31-67-25  
**Property Location:** 413 FRANCES ST KEY WEST  
**Legal Description:** KW PT LT 3 SQR 31 G39-456/57 OR1134-29 OR1634-1129R/S OR2001-634/35 OR2585-1040/41 OR2720-2361/62

Click Map Image to open interactive viewer



**Exemptions**

Exemption	Amount
39 - 25000 HOMESTEAD	25,000.00
44 - ADDL HOMESTEAD	25,000.00

**Land Details**

Land Use Code	Frontage	Depth	Land Area
---------------	----------	-------	-----------

01SD - RES SUPERIOR DRY	39	50	1,960.00 SF
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### Building Summary

Number of Buildings: 1  
 Number of Commercial Buildings: 0  
 Total Living Area: 1086  
 Year Built: 1924

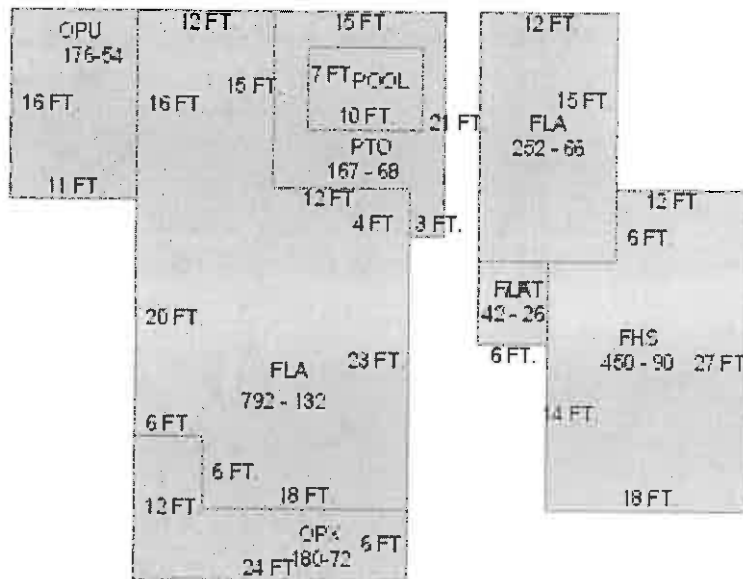
### Building 1 Details

Building Type <u>R1</u>	Condition <u>G</u>	Quality Grade <u>550</u>
Effective Age <u>13</u>	Perimeter <u>224</u>	Depreciation % <u>13</u>
Year Built <u>1924</u>	Special Arch <u>O</u>	Grnd Floor Area <u>1,086</u>
Functional Obs <u>0</u>	Economic Obs <u>0</u>	

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.  
 Roof Type GABLE/HIP Roof Cover METAL Foundation WD CONC PADS  
 Heat 1 FCD/AIR DUCTED Heat 2 NONE Bedrooms 3  
 Heat Src 1 ELECTRIC Heat Src 2 NONE

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	2	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	1
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	1	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	Attic A/C	Area
-----	------	----------	-----------	------

			# Stories	Year Built		Basement %	Finished Basement %	
1	FLA	12:ABOVE AVERAGE WOOD	1	1990	Y	0.00	0.00	792
2	OPX		1	1990		0.00	0.00	180
3	FHS	12:ABOVE AVERAGE WOOD	1	1990	Y	0.00	0.00	450
4	OPU		1	1994		0.00	0.00	176
5	PTO		1	2005				167
6	FLA	12:ABOVE AVERAGE WOOD	1	2005	Y			252
7	FLA	12:ABOVE AVERAGE WOOD	1	2007	Y			42

### Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	90 SF	15	6	2005	2006	5	30
2	FN2:FENCES	240 SF	60	4	2005	2006	2	30
3	PT2:BRICK PATIO	330 SF	33	10	2005	2006	2	50
4	PT2:BRICK PATIO	120 SF	30	4	2005	2006	2	50
5	PO4:RES POOL	70 SF	10	7	2005	2006	5	50
6	WF2:WATER FEATURE	1 UT	0	0	2005	2006	2	20

### Appraiser Notes

2014-03-11 MLS \$1,149,000 3/3 ADORABLE RENOVATED OLD TOWN HOME. ONE BEDROOM WITH A HUGE LOFT (PLEASE NOTE 300 SQ FOOT LOFT IS NOT INCLUDED IN THE 790 HOUSE FOOTAGE... IT IS A BONUS!). THE LIVING ROOM HAS SOARING OPEN BEAM VAULTED CEILINGS. FRENCH DOORS OFF LIVING ROOM OPEN UP ONTO A COVERED DECK AND BEAUTIFUL POOL. THERE IS A HALF BATH BY THE POOL, AND DECKING ALONG THE SIDE OF THE HOUSE FOR STORAGE. THE KITCHEN IS OPEN TO THE LIVING ROOM AND HAS GRANITE AND CORRIAN COUNTERS. THERE ARE REFINISHED WOOD FLOORS THROUGHOUT THE HOME AND DADE COUNTY PINE WALLS IN THE BEDROOM. HOME IS WELL MAINTAINED BY OWNER AND MOVE IN READY. THE PERFECT OLD TOWN HISTORIC CONCH HOME!

2006-08-16 SALES FLYER \$1,625,000 3/2, 2 STORY, HEATED POOL/WF, COMPLETELY REMODELED. DKRAUSE

2007-01-19 SALES FLYER \$1,595,000 SAME AS PRIOR LISTING. DKRAUSE

2006-08-16 SPOKE TO BILL LEMON 305-872-7911 EXPLAINED ADJUSTED TRIM NOTICE WOULD BE ISSUED ON THIS PARCEL DUE TO 2005 IMPROVEMENTS WERE NOT CAPTURED IN TIME OF ORIGINAL NOTICE. DKRAUSE

2007-05-21 MLS OFFER \$1,375,000 GREAT INCOME PRODUCING PROPERTY THAT HAS AN EXCELLENT RENTAL HISTORY AS A MONTHLY VACATION RENTAL. THE PRICE INCLUDES A WEBSITE AND ALL OF THE FURNISHINGS.

2003-12-17 OFFERED FOR \$615,000 BY TARANTINO=SKI

### Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1	12-4255	11/28/2012	11/28/2012	3,600 Residential	EMERGENCY: MAIN HOUSE EXISTING V-CRIMP. REMOVE EXT. V-CRIMP. INSTALL 1/2 COX PLYWOOD, GRACE EAVES FLASHING V-CRIMP RIDGE CAP.
1	B94-4098	12/01/1994	10/01/1995	10,000 Residential	REPLACE KITCHEN CABINETS



1	03-1191	04/03/2003	08/08/2003	100	Residential	ATF-PLUMBING
1	04-1625	05/26/2004	10/19/2005	35,000	Residential	DEMO&RELOCATE
1	04-1854	06/08/2004	10/19/2005	1,800	Residential	UPGRD - 200 AMP
1	04-2440	07/27/2004	10/19/2005	37,200	Residential	2ND FLOOR, RENOVS.
1	04-2916	09/01/2004	10/19/2005	3,500	Residential	FENCE
1	04-2544	11/01/2004	10/19/2005	18,000	Residential	CISTERN TO POOL
1	04-3678	11/30/2004	10/19/2005	15,000	Residential	ELECTRIC
1	04-3633	11/23/2004	10/19/2005	800	Residential	ELEC FOR POOL
1	06-5459	10/02/2006	12/21/2006	1,200	Residential	ADD SEAMLESS GUTTERS AROUND HSE, 4 DOWNSPOUTS
1	07-1119	03/21/2007	12/27/2007	6,500	Residential	ADD NEW MATER BATH ON THE 2ND.FLOOR

## 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
2014	379,221	12,969	458,623	850,813	787,240	25,000	762,240
2013	380,632	13,491	381,483	775,606	775,606	25,000	750,606
2012	194,545	13,994	182,339	390,878	390,878	0	390,878
2011	192,431	14,499	168,225	375,155	375,155	0	375,155
2010	196,660	15,020	212,121	423,801	423,801	0	423,801
2009	218,434	15,524	322,423	556,381	556,381	0	556,381
2008	202,696	16,027	382,005	600,728	600,728	0	600,728
2007	296,576	14,749	346,253	657,578	657,578	0	657,578
2006	494,434	15,215	186,105	695,754	695,754	0	695,754
2005	373,146	1,880	168,474	543,500	543,500	0	543,500
2004	309,793	1,910	146,925	458,628	252,691	25,000	227,691
2003	219,959	650	68,565	289,174	247,980	25,000	222,980
2002	172,953	650	68,565	242,168	242,168	25,000	217,168
2001	137,023	650	68,565	206,238	206,238	0	206,238
2000	140,209	1,441	37,221	178,871	178,871	0	178,871
1999	126,779	1,303	37,221	165,303	165,303	0	165,303
1998	102,068	1,049	37,221	140,338	140,338	0	140,338
1997	96,696	994	33,303	130,993	130,993	0	130,993
1996	72,522	745	33,303	106,570	106,570	0	106,570
1995	66,076	554	33,303	99,932	99,932	0	99,932
1994	59,092	550	33,303	92,945	92,945	0	92,945

1993	59,092	605	33,303	93,000	93,000	0	93,000
1992	59,092	660	33,303	93,055	93,055	0	93,055
1991	59,092	715	33,303	93,110	93,110	0	93,110
1990	36,738	0	24,977	61,715	61,715	25,000	36,715
1989	30,361	0	24,488	54,849	54,849	25,000	29,849
1988	27,063	0	21,059	48,122	48,122	25,000	23,122
1987	23,433	0	14,595	38,028	38,028	25,000	13,028
1986	23,533	0	14,105	37,638	37,638	25,000	12,638
1985	22,971	0	7,937	30,908	30,908	25,000	5,908
1984	21,840	0	7,937	29,777	29,777	25,000	4,777
1983	21,840	0	7,937	29,777	29,777	25,000	4,777
1982	22,151	0	7,937	30,088	30,088	25,000	5,088

### 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
1/13/2015	2720 / 2361	1,030,000	WD	Q2
8/13/2012	2585 / 1040	900,000	WD	37
4/8/2004	2001 / 0634	615,000	WD	Q
4/24/2000	1634 / 1129	76,000	WD	P
5/1/1990	1134 / 29	140,000	WD	U

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Monroe County Property Appraiser  
 Scott P. Russell, CFA  
 P.O. Box 1176 Key West, FL 33041-1176



**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
Marathon (305) 289-2550  
Plantation Key (305) 852-7130

*PURCHASE DATE 10/03/2014*

**Property Record Card -**  
**Maps are now launching the new map application version**

Website tested on IE8,  
IE9 & Firefox.  
Requires Adobe Flash  
10.3 or higher

**Alternate Key: 1005088 Parcel ID: 00004900-000000**

**Ownership Details**

**Mailing Address:**  
COLBERT JAMES H AND JANICE C  
52 JOSEPH DUGGAN RD  
TORONTO, ONTARIO M4L 3Y2  
CANADA

*REAR Neighbor*

**Property Details**

PC Code: 01 - SINGLE FAMILY  
Millage Group: 10KW  
Affordable Housing: No  
Section-Range: 31-67-25  
Township-Range:  
Property Location: 1104 ELGIN LN KEY WEST  
Legal Description: KW PT LT 3 SQR 31 A5-467 G9-445 OR751-1558-1559 OR751-1583D/C OR751-1584D/C OR814-1249/1251 OR885-1061/1062 PROB83-212-CP-23 OR890-1198/1200 OR2257-130R/S OR2652-1102/03 OR2706-634/35

Click Map Image to open interactive viewer



### Land Details

Land Use Code	Frontage	Depth	Land Area
01LN - SFR LANE	0	0	1,956.00 SF

### Building Summary

Number of Buildings: 1  
 Number of Commercial Buildings: 0

Total Living Area: 1377  
Year Built: 1925

### Building 1 Details

Building Type R1  
Effective Age 15  
Year Built 1925  
Functional Obs 0

Condition A  
Perimeter 230  
Special Arch 0  
Economic Obs 0

Quality Grade 500  
Depreciation % 16  
Gmd Floor Area 1,377

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP  
Heat 1 NONE  
Heat Src 1 NONE

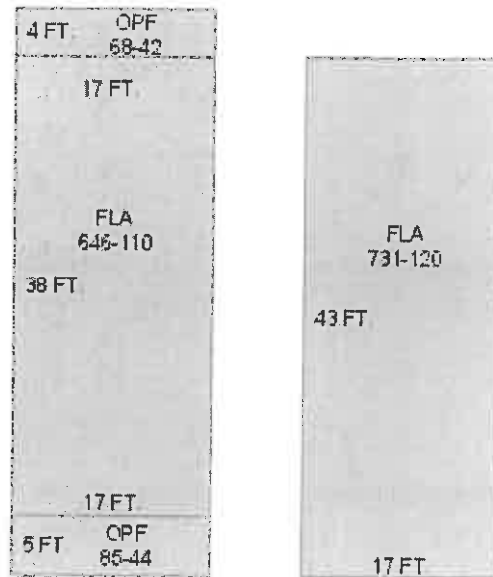
Roof Cover METAL  
Heat 2 NONE  
Heat Src 2 NONE

Foundation CONC BLOCK  
Bedrooms 2

Extra Features:

2 Fix Bath 0  
3 Fix Bath 1  
4 Fix Bath 0  
5 Fix Bath 0  
6 Fix Bath 0  
7 Fix Bath 0  
Extra Fix 0

Vacuum 0  
Garbage Disposal 0  
Compactor 0  
Security 0  
Intercom 0  
Fireplaces 0  
Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA	12:ABOVE AVERAGE WOOD	1	1986	N N	0.00	0.00	646
2	OPF	12:ABOVE AVERAGE WOOD	1	1986	N N	0.00	0.00	85
3	OPF	12:ABOVE AVERAGE WOOD	1	1986	N N	0.00	0.00	68

4	FLA	12:ABOVE AVERAGE WOOD	1	1986	N N	0.00	0.00	731
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### Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT5:TILE PATIO	141 SF	0	0	1984	1985	1	50
2	FN2:FENCES	180 SF	30	6	1989	1990	2	30

### Appraiser Notes

TPP 8608684 - RENTAL
ADJ LAND SIZE TO REFLECT DEED OR2257-130

### Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
14-5091	11/07/2014		8,000		R & R DRYING EVES AND V CRIMP 10 SQRS
0201596	06/18/2002	08/20/2002	2,497		V-CRIMP ROOF

### 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
2014	140,499	637	284,868	426,004	426,004	0	426,004
2013	162,236	655	323,748	486,639	467,768	25,000	442,769
2012	170,556	674	291,275	462,505	451,949	25,000	426,950
2011	172,636	692	255,211	428,539	428,538	25,000	403,539
2010	174,716	710	271,703	447,129	447,128	25,000	422,129
2009	196,567	729	322,019	519,315	519,314	25,000	494,315
2008	182,583	747	381,420	564,750	564,750	25,000	539,750
2007	265,708	784	345,723	612,215	612,215	25,000	587,215
2006	381,101	828	192,090	574,019	574,019	0	574,019
2005	381,101	865	151,650	533,616	533,616	0	533,616
2004	208,777	903	141,540	351,221	351,221	0	351,221
2003	201,045	946	70,770	272,761	272,761	0	272,761
2002	159,477	983	70,770	231,230	231,230	0	231,230
2001	126,347	1,021	70,770	198,138	198,138	0	198,138
2000	126,153	0	38,418	164,571	164,571	0	164,571
1999	115,574	0	38,418	153,992	153,992	0	153,992
1998	93,047	0	38,418	131,465	131,465	0	131,465

1997	88,150	0	34,374	122,524	122,524	0	122,524
1996	66,112	0	34,374	100,486	100,486	0	100,486
1995	60,236	0	34,374	94,610	94,610	0	94,610
1994	53,869	0	34,374	88,243	88,243	0	88,243
1993	53,869	0	34,374	88,243	88,243	0	88,243
1992	76,072	0	34,374	110,446	110,446	0	110,446
1991	76,072	0	34,374	110,446	110,446	0	110,446
1990	70,961	0	25,781	96,742	96,742	0	96,742
1989	64,510	0	25,275	89,785	89,785	0	89,785
1988	55,342	0	21,737	77,079	77,079	0	77,079
1987	53,983	0	15,064	69,047	69,047	0	69,047
1986	27,055	0	14,558	41,613	41,613	0	41,613
1985	26,229	0	6,900	33,129	33,129	0	33,129
1984	24,425	0	6,900	31,325	31,325	0	31,325
1983	22,797	0	6,900	29,697	29,697	0	29,697
1982	23,267	0	6,900	30,167	30,167	25,000	5,167

### 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
10/3/2014	2706 / 634	590,000	WD	02
9/24/2013	2652 / 1102	380,000	WD	38
12/2/2006	2257 / 130	607,000	WD	Q
8/1/1983	890 / 1198	47,000	WD	U

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## Glenn Kapsch

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**From:** j.colbert@sympatico.ca  
**Sent:** Friday, July 03, 2015 10:34 AM  
**To:** Glenn Kapsch  
**Subject:** RE: Your Key West home question for you

Rear neighbors reply

Hi Glenn,

It is great to hear from you. I really appreciate your email as I have had a couple of chats with him with more confrontation than I ever look for with a neighbor regarding his access to our yard. He had asked about access to paint his house wall and I told him that it would be good when the termite tenting was going on for several days as the gate would be open and he agreed that is when he would do it, and when we would be back I would contact him if the painting did not get done or if he had more to do but that I didnt like the idea of him in our yard when we are not here as gates get left open, etc.

Coincidentally when you sent your email we were on a flight from Toronto to Miami to come down to see the start of our pool. Unfortunately our flight was delayed, one of our bags was lost, and we finally made it to KW and to bed at about 3:30 this morning. I will probably see you over the next week (we go back next friday) to tell you that our pool is about to start late next week. There will be some deck removal before then and then then pool work but it is all hand - dig so should not be as disruptive as a machine dig. Parts of the nature of putting in a pool are disruptive and most neighbors are tolerant of conventional annoyances like dust and a bit of noise but if there is anything that is particularly annoying or if the trades are not respectful please contact me and I will deal with them. We really appreciate having you and Jeff and Scott and Brenda as neighbors and don't want the misbehaviour of tradespeople to change our relationship.

While Janice and I are going to be here only until Friday, I am coming back about a week later to be here during the remainder of the pool construction. I have heard so many horror stories about the pool construction process I want to be onsite for any issues that come up. I will be working on more of our interior renovations during that time. Toronto is a wonderful place to be in the summer (we live a few doors from Lake Ontario, and kayak often) and it was not my plan to be down here for much of the summer but we don't want to delay the pool timing.

So thats it Glenn. When I first saw your email i was heading onto the plane yesterday and send you a fast email that i expect was lost but if it shows up you can just ignore it as it was just a fast response. Thanks again, look forward to seeing you over the next week.

jim  
(416) 567-2493

---

**From:** [glenn@keywestinsurance.com](mailto:glenn@keywestinsurance.com)  
**To:** [j.colbert@sympatico.ca](mailto:j.colbert@sympatico.ca)  
**CC:** [janice.colbert@sympaticp.ca](mailto:janice.colbert@sympaticp.ca)  
**Subject:** Your Key West home question for you  
**Date:** Thu, 2 Jul 2015 14:54:24 -0400



## MY EMAIL TO REAR NEIGHBOR

Hi Jim and Janice I know you'll be here soon for the installation of your pool but I do have a question for you in the mean time.

Did you give your permission to Mr. Harvey my neighbor located at 413 Frances St to set a ladder up on his fence/side porch and another one into your back yard so his painter could gain access to your property by climbing over the fence on to your property?

Thanks for the reply looking forward to see you again.

Glenn 409 Frances St Key West FL 33040

*Glenn Kapsch*

Personal Lines Manager



Key West Insurance, Inc.

646 United Street

Key West, Fl. 33040

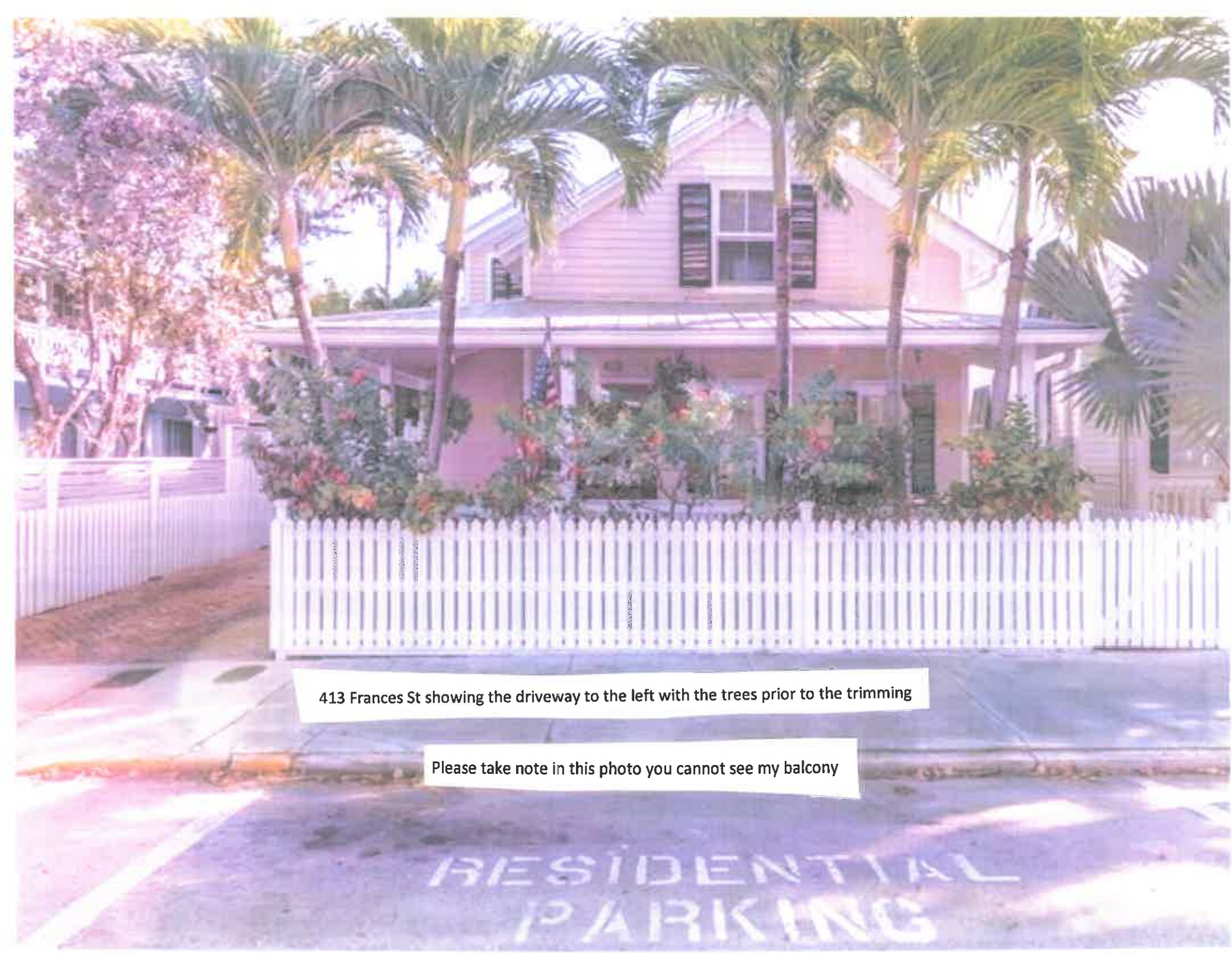
**305-294-1096 x 18**

305-294-8016 Fax

[Glenn@keywestinsurance.com](mailto:Glenn@keywestinsurance.com)

Quote Disclaimer: The quoted premium is not an offer of insurance. The quote is non-firm, non-binding, and premium is subject to change pending final underwriting and company approval. No coverage is implied by this document.

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413 Frances St showing the driveway to the left with the trees prior to the trimming

Please take note in this photo you cannot see my balcony



**Before tree trimming**



**After tree trimming**

06/06/2015



**Before tree trimming**

A photograph showing a large, thick tree trunk in the foreground, with several cut branches and leaves scattered around it. In the background, a two-story white house with a balcony is visible. A dark-colored car is parked on the street in front of the house. The sky is bright and clear. The overall scene suggests a recent tree trimming or pruning activity.

**After tree trimming**

06/06/2015



**Kitchen Window view Before tree trimming**

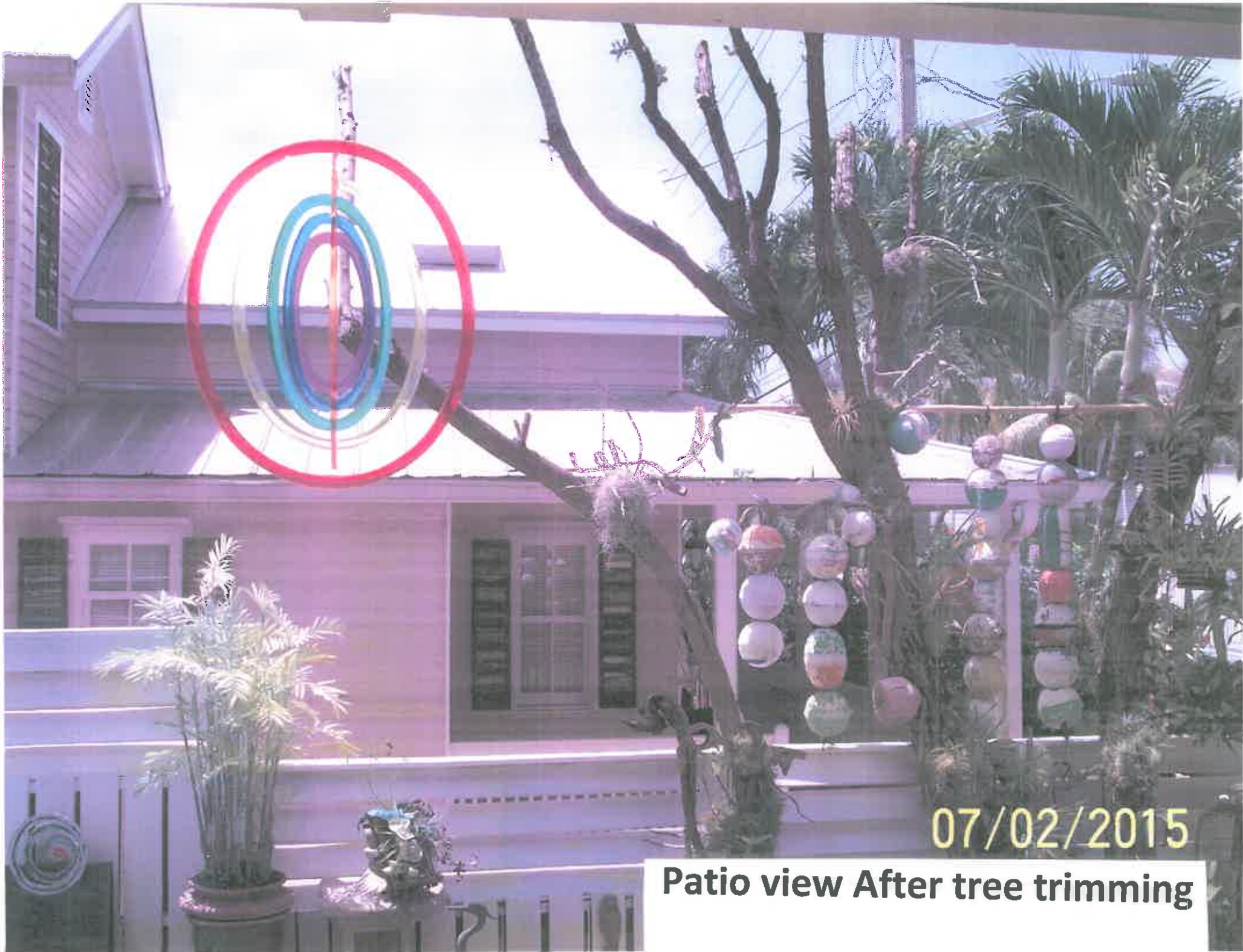


**Kitchen window view After tree trimming 07/02/2015**





**Patio view Before tree trimming**



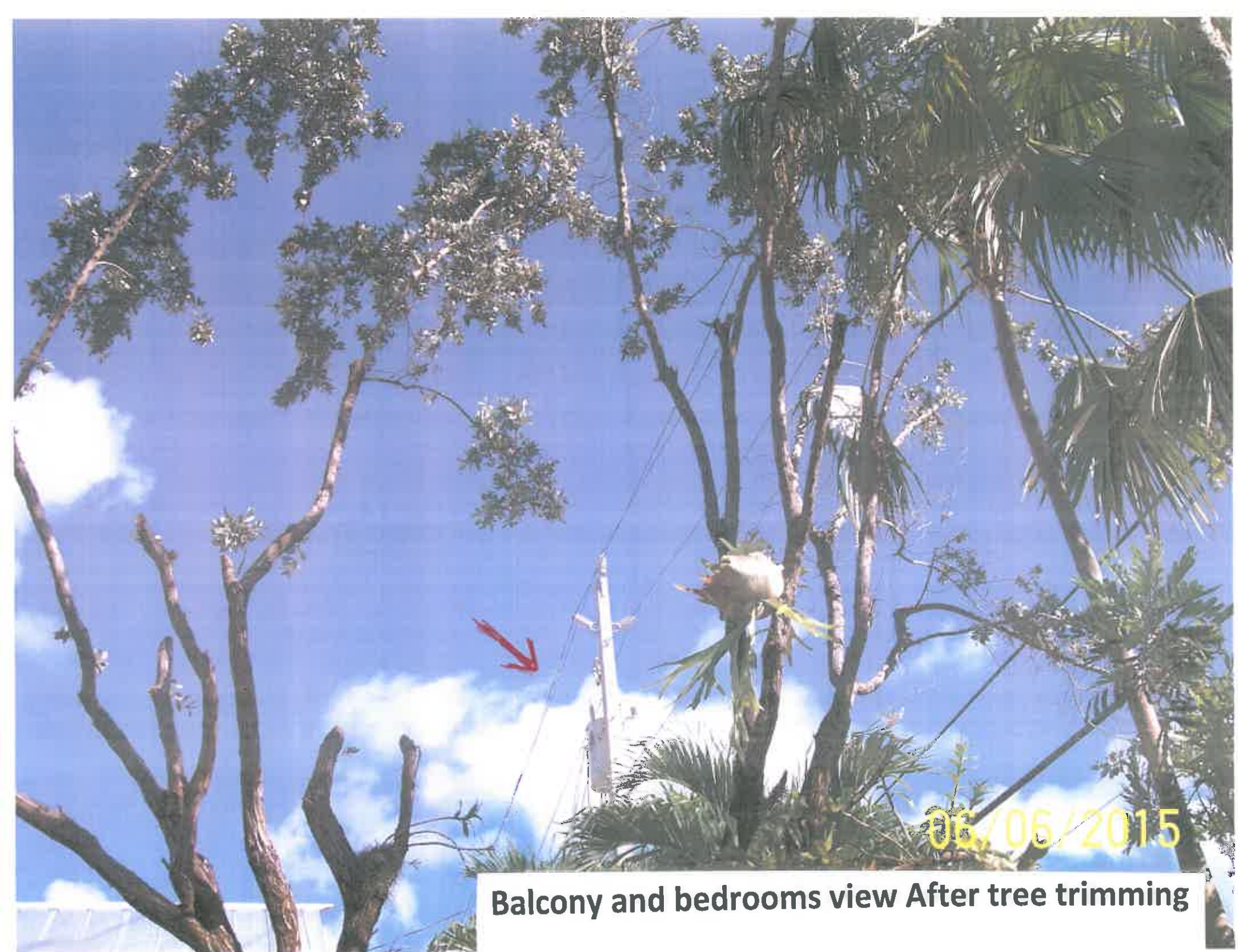
07/02/2015

**Patio view After tree trimming**



**Balcony and bedrooms view after tree trimming**

07/02/2015



**Balcony and bedrooms view After tree trimming**

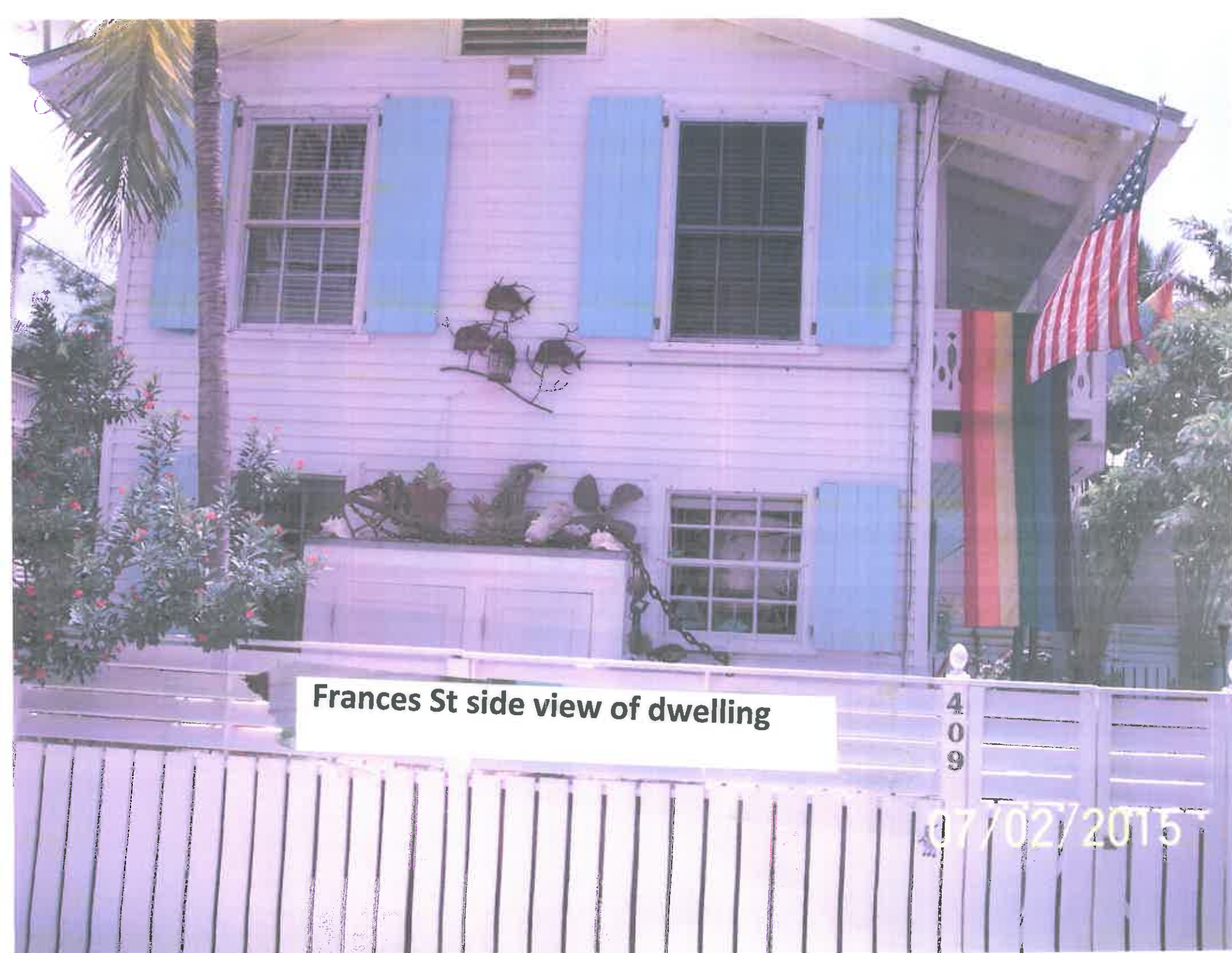


8" limb cut

06/06/2015



**Orchids that were in the trees cut**



Frances St side view of dwelling

4  
0  
9

07/02/2015



Dwelling side that faces 413 Frances St

07/02/2015





Orchids left in full sun after cutting

Dining room and living room views after trimming