



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

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

December 22, 2017

Tree Commission
City of Key West
Petitioner,

Vs.

Gerson Feigenbaum
Land Creations Landscaping/Gardens of Eden Landscaping
92 Bay Drive
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, January 9, 2018**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, 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 Respondents. Your presence is required at this Tree Commission meeting.

Date of alleged violation: December 5, 2017 at 1402 Whalton Avenue

Sec. 110-321. 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:

- (3) Any dicot/canopy tree which is four (4) inches or more in diameter at standard height (DSH)

Sec. 110-336. Pruning or heavy maintenance.

- (2) A permit is not required for the trimming of a dicot tree if: less than 1/3 of the tree and/or canopy is being removed as defined in section 110-252 as minor maintenance, and the trimming does not impact the overall shape of the tree; branches being removed are not primary, structural branches and are less than 6 inches in diameter; and the work is done according to ANSI A-300 standards.

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

- (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.



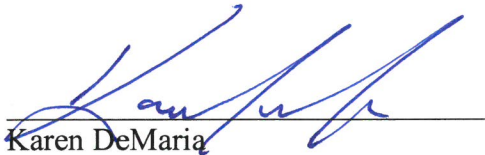
Factual allegation: Heavy maintenance trimming was done on a Scarlet Hog Plum tree without benefit of a permit.

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 Respondents and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **21st day of December 2017**.

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



Karen DeMaria
Urban Forestry Manager

kdemaria@cityofkeywest-fl.gov