

Administrative Hearing Notice



THE CITY OF KEY WEST

Tree Commission

Post Office Box 1409 Key West, FL 33041-1409

Telephone: 305-809-3723

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

June 22, 2015

Tree Commission
City of Key West
Petitioner,

Vs.

David Cunningham
Islandscaping
10791 6th Avenue Gulf
Marathon, FL 33050

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: prior to June 19, 2015 at 428 Greene Street (Capt Tony's Saloon)

Alleged code violation:

Sec. 110-256. Tree abuse.

- (b) *Prohibited acts. A tree shall be considered abused if a person takes an action so that one of the following*
- (2) *Damage inflicted to or cutting upon a tree which permits infection or pest infestation.*
 - (7) *Tears and splitting of limb ends or peeling and stripping of bark.*

Section 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;*

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



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



Factual allegation: The historic strangler fig tree at 428 Greene Street was improperly trimmed. A major maintenance permit was required for the trimming work (more than 1/3 of the canopy was removed and 6" diameter cuts were made). No permit was applied for or issued for major maintenance of the tree.

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 **24th day of June 2015.**

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

A handwritten signature in blue ink, appearing to read "Karen DeMaria". The signature is written in a cursive style and is positioned above a horizontal line.

Karen DeMaria
Urban Forestry Manager
kdemaria@cityofkeywest-fl.gov

cc: Joseph Farber
428 Greene Street
Key West, FL 33040

Richard Johnson
38 Portside Drive
Ft. Lauderdale, FL 33316

The following photos were found on the Keystrees Facebook site dated June 16, 2015:













Staff Report

STAFF REPORT

UPDATE: August 4, 2015

RE: **428 Greene Street (Capt Tony's Saloon)**

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

On July 28, 2015, I met with Jason, manager of Capt Tony's Saloon, to get a close up look at the Strangler Fig tree. The tree is growing in the bar and the roof was built around it. The diameter of the tree is 32.5". The base of the tree appears to be solid.



Photos were then taken of the remaining canopy of the tree and the trimming cuts.











Comments: More than 30% of the canopy has been removed and large diameter branches (over 6" diameter) have been cut without benefit of a major maintenance trimming permit. No permit was applied for or issued for this work.

There appears to be healthy wood at the cuts. Some of the cuts need to be properly recut. The canopy of the tree will require long term, proper trimming maintenance in order to ensure a healthy future canopy.

The property owner and respondent were asked at the July 14, 2015 Tree Commission meeting, to have an independent arborist inspect the tree and submit a report as to a remedy to correct the trimming situation with the tree.

DATE: June 30, 2015

RE: **428 Greene Street (Capt Tony's Saloon)**

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

On June 18, 2015 a complaint was received regarding the trimming of a tree at Capt. Tony's Saloon. An inspection revealed a strangler fig tree had been improperly trimmed and the trimming work required a permit from the Tree Commission (heavy maintenance trimming-more than 1/3 of the canopy removed and branches over 6" diameter were cut.) The tree is also known as "the hanging tree."

No permits were issued by the Tree Commission to do the trimming work. A Use of Right of Way Permit (15-211) was issued to David Cunningham (Islandscaping) on June 12, 2015 by Code Enforcement to close the right of way on June 16, 2015 to trim the tree.





CAPT. TONY'S
SALOON
FIRST AND ORIGINAL
SLOPPY JOE'S BAR 1933-1937

Home of
SLOPPY JOE'S
1933-1937







On June 18, 2015 I spoke to a person who was opening the bar that day. He took my contact information, gave me information as to who trimmed the tree, and said the manager would call me. On June 22, 2015, I spoke to the manager of Capt. Tony's, Jason, and he said the owner was not happy with the trim work. I informed him of the administrative procedures and the need for someone representing the business and the tree to attend the Tree Commission meeting. Later, I spoke with David Cunningham of Island Landscaping and informed him of the issue. He said they do have an arborist on staff and they thought they had secured all the necessary permits. He was informed that he would have to attend a meeting of the Tree Commission to explain the work.



photo 2011?

Green St hanging tree improperly trimmed (complaint) 6-18-15

DATE OF APPLICATION:
 (AT LEAST 3 BUSINESS DAYS PRIOR TO WORK BEING PERFORMED)
 REQUESTED START DATE: Click here to enter a date.

PERMIT NO. **15.211**
 RENEWAL:
 Inter-office use only

Agreement for Use of Right of Way
 Maintenance of Traffic
 Sidewalk Closure
 Street Closure

Section I - Application

LOCATION OF WORK: **428 GREEN STREET**
 PROPERTY OWNER: **Joe Green**
 PROPERTY OWNER ADDRESS IF DIFFERENT THAN WORK LOCATION:

PHONE: **404-540-5736**

CONTRACTOR BUSINESS NAME: **J. Green**
 CONTRACTOR ADDRESS: **10771 6th Ave South Marietta, GA 30067**

PHONE: **305 587 8584**
 EMAIL: **DAVE@jgreen.com**

REQUESTED DATES OF WORK: START: **6/16/15**
 END: **6/16/15**

TIME: **12:00**
 TIME: **5:00 PM**

Description of use/work/maintenance or closure:
 CLOSE EASTBOUND LANE OF GREEN STREET FROM TELEGRAPH STREET TO DAVIS STREET SO THAT WE MAY TRIM TREES IN FRONT OF 428 GREEN STREET TO TRIM TREE OVER BUILDING.

Signage/Flaggers required?
 Plans attached? Yes No
 Name of Applicant: **DAVID CUNNINGHAM**
 Signature of Applicant: *[Signature]*

Section II - Permit

For General Engineering Services Only
 Plans for Right of Way required: Yes No
 Plans for Traffic Maintenance Approved Denied N/A
 HARC approval required Yes No

Road Closure Approval:
 Engineer signature:
 Bond Deposit Required: Yes No

Reviewed by: *[Signature]* Code Compliance Department
 Staff Comments/Specific Instructions:

Permit approved by: *[Signature]* Date: **6-4-15**

Section III – Agreement

1. Any and all excavation work must follow BMP practices as defined by the EPA concerning all storm water retention (silt screens, hay bales, etc.).
2. Unless specifically approved otherwise, all pavements must be repaired within 48 hours of completion of work or Bond will be withheld.
3. ADA Codes must not be violated during the work closure.
4. ADA specifications shall be ADAAG.

I, (Sign & Print) David Cunningham hereby agree to obey all of the City of Key West requirements for proper repairs and/or traffic maintenance involved with the above described work, including above storm water retention guidelines as defined by the EPA. I have legal authority to bind the entity to the terms and conditions of this permit. Maintenance of traffic shall be governed by requirements prescribed by the Florida Department of Transportation regulations. Protection of property, either public or private, shall be governed by City Code (including Chapter 62), the requirements of the Standard Building Code, and any specific conditions noted above. I notification shall be given to all occupants and owners of properties that are in the same block as to when

A deposit in the form of certified funds payable to the City of Key West may be required. The amount rep repairs or to reimburse the City for improper materials or workmanship should I not comply with the term returned if the inspection of the completed work is satisfactory to Engineering Services.

KWBldin93058093957
3140 Flagler Ave
Key West, FL 33040
305-809-3957

I further agree to indemnify the City of Key West, its employees, agents and invitees from any injuries to result of the above described work. This indemnification shall survive the completion of the work describ

TERMINAL ID: 74005400
MERCHANT #: 300979695203

SECTION IV – BONDS **inter-office use only*

Bond Deposit: \$ _____ Date: _____ Received from: _____
 Cash Certified Check Money Order Insurance B: _____
 Inspected for compliance by: _____ Date: _____
 Bond returned Date: _____ Amount: \$ _____
 Person receiving bond refund: Printed _____ Signature _____

MASTERCARD
 5265 5026 EXP: **/**
 SALE
 BATCH: 000490 INU: 000012
 Jun 12, 15 12:39
 RAN: 516316206276 AUTH: 013949
 TRAN SEQ #: 017761

TRANSACTION ID: 0612108LMAST
APPROVAL 013949

SECTION V – FEES

- Maintenance of traffic application fee.....20.00
- Maintenance of traffic permit fee.....30.00
- Parking Meter Fee (if obstructed).....20.00
- Overnight storage application fee.....10.00
- Overnight storage permit fee.....10.00
- Re-inspection fee (if no compliance with the above permits, thus requir
- Upon a third submittal of drawings in support of the above permit applicat per hour.....45.00

TOTAL \$50.00

DAVID CUNNINGHAM

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
MERCHANT AGREEMENT IF CREDIT VOUCHER

THANK YOU!

MERCHANT COPY

Date: _____ Received by: _____ Receipt: _____

← DUVAL STREET →

CHIEF GREEN STREET

Fitzpatrick

TRUCK
TRUCKS
TRUCK
TRUCK

CLOSE
LANE
CAPTAIN
TONY'S
SHOON

CLOSE
LANE
PAST
LANE

NO TRUCKS Sign

137761
1402293731
← →

② Sidewalk closed Ahead
Lane closed
Detour
←

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Profit Corporation

CAPT TONY'S KEY WEST BAR, INC.

Filing Information

Document Number	331407
FEI/EIN Number	591213723
Date Filed	06/18/1968
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	11/01/1996

Principal Address

428 GREEN STREET
KEY WEST, FL 33040

Mailing Address

428 GREEN STREET
KEY WEST, FL 33040

Registered Agent Name & Address

FABER, JOSEPH
428 GREENE ST
KEY WEST, FL 33040

Name Changed: 04/26/1993

Address Changed: 03/14/1994

Officer/Director Detail

Name & Address

Title PD

JOHNSON, RICHARD
428 GREENE ST.
KEY WEST, FL

Annual Reports



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: 1001481 Parcel ID: 00001470-000000

Ownership Details

Mailing Address:

JOHNSON RICHARD MD
38 PORTSIDE DR
FT LAUDERDALE, FL 33316-3008

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION

Millage Group: 10KW

Affordable Housing: No

Section-Township-Range: 06-68-25

Property Location: 428 GREENE ST KEY WEST

Legal Description: KW PT LOT 5 SQR 15 OR305-182 OR640-319/20 OR942-159/60 OR947-878/79C OR1087-2201/03

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



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	89	50	4,534.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 4377
 Year Built: 1948

Building 1 Details

Building Type
 Effective Age 22
 Year Built 1948
 Functional Obs 0

Condition G
 Perimeter 404
 Special Arch 0
 Economic Obs 0

Quality Grade 400
 Depreciation % 27
 Grnd Floor Area 4,377

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 13

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		1	1993					3,639
2	PTO		1	1993					152
3	SBF		1	1993					135
4	PTO		1	1993					110
5	FLA		1	1993					738

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	570	NIGHT CLUBS, BARS C	100	Y	Y
	574	APARTMENTS	100	Y	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
183	AVE WOOD SIDING	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	108 SF	0	0	1989	1990	2	30
2	FN2 FENCES	20 SF	0	0	1994	1995	2	30

Appraiser Notes

TPP 8510896 - CAPTAIN TONY'S KEY WEST BAR INC

PETITION KW 096-1997

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1 07-5313	12/10/2007	01/24/2008	300	Commercial	REPAIR FACIA WHERE NEEDED AND REINSTALL EXISTING SIGN
1 11-3541	09/26/2011		2,100	Commercial	ADD 3" OPEN CELL SPRAY FOAM TO APPROX 950 SQ FT OF FRAME WORK
1 11-4113	11/10/2011		8,100	Commercial	REMOVE APPROX 8" OF NON FUNCTIONAL DOOR AND POUR 8" CONCRETE STEM WALL, FILL IN AREA FLANKING THE DOOR WITH CONCRETE PAINT STEM WALL BLACK
1 13-3671	09/03/2013		0		EMERGENCY PLUMBING REPAIR REPLACE APPROX 80 FT 4" SEWER PIPE
1 B94-3476	10/01/1994	12/01/1994	2,000	Commercial	REPAIRS
1 B94-3852	11/01/1994	12/01/1994	80	Commercial	REPAINT SIGN
1 E94-4148	12/01/1994	01/01/1995	3,000	Commercial	UPGRADE ELECTRICAL
1 M95-0983	03/01/1995	11/01/1995	9,500	Commercial	3 - 5 TON AC'S
1 B95-3151	09/01/1995	12/01/1995	100	Commercial	WOOD FENCE
1 98-0725	04/01/1998	01/01/1999	500	Commercial	PATCH 300 SQ FT ROOL ROOF
1 00-4357	12/13/2000	11/29/2001	50,000	Commercial	FIRE SPRINKLERS
1 02-1132	05/14/2002	09/05/2002	13,693	Commercial	ROOFING
1 02-3141	11/25/2002	09/16/2003	2,450	Commercial	NEW SERVICE
1 03-0626	03/04/2003	09/16/2003	220	Commercial	RE-PAINT BUILD ATF
1 03-2337	07/01/2003	09/16/2003	2,220	Commercial	REINSTALL AIR HANDLER
1 03-2755	08/13/2003	09/16/2003	500	Commercial	REMOVE AWNING
1 05-0324	02/02/2005	11/08/2005	2,000	Commercial	REPAIR ELECTRIC RISER
1	04/07/2004	10/06/2004	2,000	Commercial	MOVE SINK

	04-1088						
1	05-3424	08/14/2005	11/08/2005	1,350	Commercial	INSTALL NEW AWNINGS	
1	05-3106	09/08/2005	11/06/2005	500	Commercial	REPAIR ROOF DAMAGE	
1	05-3100	09/08/2005	11/08/2005	410	Commercial	REPLACE FRONT FACADE	
1	06-6818	12/26/2006		2,000	Commercial	RELOCATE HANDICAP LAVATORY & URINAL ONLY	

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	444,235	179	712,820	1,157,234	1,157,234	0	1,157,234
2013	389,467	179	682,927	1,072,573	1,072,573	0	1,072,573
2012	389,467	181	682,927	1,072,575	1,072,575	0	1,072,575
2011	407,723	184	758,808	1,166,715	1,073,581	0	1,166,715
2010	407,723	186	568,074	975,983	975,983	0	975,983
2009	425,979	188	583,500	1,009,667	1,009,667	0	1,009,667
2008	425,979	191	1,201,510	1,697,759	1,697,759	0	1,697,759
2007	307,952	205	1,201,510	1,697,759	1,697,759	0	1,697,759
2006	307,952	222	453,400	1,697,759	1,697,759	0	1,697,759
2005	324,826	236	430,730	1,697,759	1,697,759	0	1,697,759
2004	261,835	249	430,730	1,697,759	1,697,759	0	1,697,759
2003	287,525	266	326,448	1,697,759	1,697,759	0	1,697,759
2002	286,678	281	326,448	1,697,759	1,697,759	0	1,697,759
2001	276,516	294	359,093	1,406,885	1,406,885	0	1,406,885
2000	276,516	116	309,219	1,370,558	1,370,558	0	1,370,558
1999	276,516	121	269,320	1,654,399	1,654,399	0	1,654,399
1998	184,775	125	269,320	1,040,687	1,040,687	0	1,040,687
1997	224,369	132	259,345	1,040,687	1,040,687	0	1,040,687
1996	203,972	137	259,345	555,336	555,336	0	555,336
1995	202,569	0	259,345	555,336	555,336	0	555,336
1994	202,569	0	259,345	555,336	555,336	0	555,336
1993	91,168	0	259,345	535,981	535,981	0	535,981
1992	91,168	0	259,345	535,981	535,981	0	535,981
1991	148,511	1,219	259,345	647,326	647,326	0	647,326
1990	148,511	1,219	229,420	647,326	647,326	0	647,326
1989	148,511	1,219	224,433	559,709	559,709	0	559,709
1988	91,386	1,219	195,755	482,371	482,371	0	482,371
1987	89,578	1,219	122,418	466,164	466,164	0	466,164
1986	90,020	1,219	122,418	446,120	446,120	0	446,120
1985	86,689	1,219	113,169	417,831	417,831	0	417,831
1984	85,503	1,219	54,408	243,447	243,447	0	243,447

1983	85,524	1,219	32,016	118,759	118,759	0	118,759
1982	79,774	1,219	29,833	110,826	110,826	0	110,826

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
4/1/1989	1087 / 2201	340,000	WD	U
5/1/1985	942 / 159	38,500	WD	U
2/1/1976	640 / 319	55,000	00	Q

This page has been visited 79,638 times.

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

This Key West Bar Is an Ex-Morgue With Bodies Still Buried in It

Posted: 04/04/2014 6:27 pm EDT Updated: 06/04/2014 5:59 am EDT



Ernest Hemingway, Truman Capote, Shel Silverstein, Tennessee Williams and the Mayor of Margaritaville himself, Jimmy Buffet, have all enjoyed a drink (or 8) at [Captain Tony's Saloon in Key West, Fla.](#) What the tourist guide books often fail to note when promoting the saloon is the fact that it was established in 1851 as an icehouse and morgue.

Not only was the building used as Key West's first morgue, it was also the location of the infamous "Hanging Tree," which was responsible for hanging 16 pirates and one woman who had stabbed her husband and two children to death. Ghost hunters claim she haunts the bar to this day. She's known as the "Lady in Blue" (named after both the blue dress she wore when she chopped up her family, and the color her skin turned as she died).



In 1865 a massive hurricane hit Key West, and corpses were sent sprawling:

"All of the bodies were missing after the hurricane hit, except one," said Joe Faber, the current owner of Captain Tony's Saloon. "According to some old Conchs that I spoke with when researching the history, they found one body that was near the outside of the building, which is now the inside of the building where the pool room is. They never found the others, so what the Bahamian people did is decide to make that an unofficial grave site. They buried the body they found, built a wall around the area, and put bottles full of holy water in the wall." -- [Jeff Belanger](#)

At the turn of the century, the building was used as a cigar factory and then as a speakeasy, where men and women gambled and cavorted, fast and loose. Of course it was also a bootleg distributor of rum. Sloppy Joe's opened in 1933 and became a favorite eatery of Ernest Hemingway.



In 1938, Josie Russell, in a dispute with the landlord of 428 Greene Street over a \$1 rent increase and a clause in the lease stating that all fixtures must stay if he ended the lease, decided to move the entire bar in the middle of the night (including the fixtures) a half block away to the corner of Duval and Greene Street. During the move, Hemingway insisted on possession of the urinal. He said, "His hard earned money paid for it." The urinal can still be viewed at the Hemingway House where it remains as a cat trough.

In 1940, the building was leased to Morgan Bird, who opened a gay saloon, called the Duval Club. The Navy prohibited sailors from frequenting the club. Unfortunately, without the revenue of sailors on leave the club shut down. Then, in 1958 Captain Tony bought the bar.

Born Anthony Tarracino in Elizabeth, N.J., "Captain Tony's" father was a bootlegger who had dropped out of ninth grade to sell booze during Prohibition. Sadly, Captain Tony's dad was a degenerate gambler who ultimate got involved with the New Jersey Mafia. In 1947, Tony was "beaten and left for dead at the Newark city dump," after which he moved to Key West, in 1948.

Captain Tony's pub expanded throughout the twentieth century. Besides building around the hanging tree, owners expanded the saloon to include a billiards room, building over and around the wall containing holy water. In the 1980s, while taking up the old plywood flooring, the bones from between eight and fifteen bodies were discovered. A skeletal reminder of the find hangs behind the bar today. Also unearthed was the grave marker of a young woman named Elvira, which is now exposed in the cement next to a pool table. -- [Jeff Belanger](#)