

STAFF REPORT

DATE: March 25, 2014

RE: 920 Cornish Lane (permit application #6818)

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

An application was received for the removal of **(1) Royal Poinciana tree**.
A site inspection was done on March 24, 2014 and documented the following:

Tree Species: Royal Poinciana (Delonix regia)



Diameter: 27"

Location: 30% (root issues with accessory building foundation)

Species: 100% (on protected tree list)

Condition: 80% (appears to be in good condition, nice canopy)

Total Average Value = 70%

Value x Diameter = **19 replacement caliper inches**



Aerial photo dated march 2013





NOTE: The property owner submitted a letter from an architect stating that the tree roots are an imminent threat to the accessory building. Visual inspection shows the building is on a raised foundation but the buttress of the roots from the trunk is very close to the building. The tree is also covered in philodendron vines so an accurate assessment of the condition of the health and structure of the tree could not be made at this time from the ground. The tree appears to be in good condition.

March 31, 2014: At this time, a final recommendation can not be made until additional information has been received from the property owners (see copy of e-mail).



Karen DeMaria <kdemaria@keywestcity.com>

Tree removal application Royal Poinciana

Karen DeMaria <kdemaria@keywestcity.com>
To: aschiker@yahoo.com

Wed, Mar 26, 2014 at 1:19 PM

David and John:

I wanted to follow up on my discussion at the site when I measured the royal poinciana tree for the tree removal application. Your application will be heard at the April 8 tree commission meeting. I think it would be beneficial if you or your representative submitted additional information for the tree commissioners to review.

At the time of my inspection I did recommend that you have a certified arborist look at the tree. To me, from the ground, the tree is in good condition. It is hard to really see what is going on with the tree because of the height of the tree and the vines covering the trunk. It might be a good idea to have an arborist really look at the tree to see if there are any condition issues. The main reason I suggested an arborist was to really look at the root system and to give a definitive comment regarding how large and how many roots are actually impacting the foundation of the structure. Are the roots primary or secondary roots? Can the roots be trimmed without negatively impacting the tree?

The Tree Commission might want to know that you have researched alternatives before cutting down the tree. Another question I would ask you to think about is can the structure be raised so as to avoid being impacted by the buttress of the root system? Do remember that cost is a valid reason.

This information will be helpful in properly evaluating your tree application.

Sincerely,

Karen DeMaria

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Karen DeMaria

Urban Forestry Manager

Certified Arborist

City of Key West

305-809-3768



JO Bennett <jbennett@keywestcity.com>

Fwd: Tree removal application Royal Poinciana

Karen DeMaria <kdemaria@keywestcity.com>

Wed, Apr 2, 2014 at 8:55 AM

To: JO Bennett <jbennett@keywestcity.com>

----- Forwarded message -----

From: **John Huss** <aschiker@yahoo.com>

Date: Tue, Apr 1, 2014 at 11:26 AM

Subject: Re: Tree removal application Royal Poinciana

To: Karen DeMaria <kdemaria@keywestcity.com>

Hi Karen,

Thank you for the follow-up e-mail.

Our certified arborist is John Cole, owner of Shade Tree Services. John can be reached at [305-340-8094](tel:305-340-8094). He inspected our tree last Friday and had the following to say in response to your questions:

The tree appears to be in good condition.

In order to cut back and remove the royal poinciana roots that are impacting the structure it would be necessary to cut into the root flares of the tree. Cutting the root flare would negatively impact the stability of the tree and the health of the canopy. He would not be willing to cut the roots due to the liability issues it would cause.

Raising the structure would not necessarily protect it from tree root damage since its foundation piers would still be vulnerable. The visible above the ground roots can already be seen pushing against one of the foundation piers.

The tree roots under the structure are large enough to lift the entire structure should the tree fall during a storm or due to stability impacts of cutting some of the tree roots.

John Huss

[781-862-2537](tel:781-862-2537)

On Wednesday, March 26, 2014 1:20 PM, Karen DeMaria <kdemaria@keywestcity.com> wrote:
David and John:

I wanted to follow up on my discussion at the site when I measured the royal poinciana tree for the tree removal application. Your application will be heard at the April 8 tree commission

meeting. I think it would be beneficial if you or your representative submitted additional information for the tree commissioners to review.

At the time of my inspection I did recommend that you have a certified arborist look at the tree. To me, from the ground, the tree is in good condition. It is hard to really see what is going on with the tree because of the height of the tree and the vines covering the trunk. It might be a good idea to have an arborist really look at the tree to see if there are any condition issues. The main reason I suggested an arborist was to really look at the root system and to give a definitive comment regarding how large and how many roots are actually impacting the foundation of the structure. Are the roots primary or secondary roots? Can the roots be trimmed without negatively impacting the tree?

The Tree Commission might want to know that you have researched alternatives before cutting down the tree. Another question I would ask you to think about is can the structure be raised so as to avoid being impacted by the buttress of the root system? Do remember that cost is a valid reason.

This information will be helpful in properly evaluating your tree application.

Sincerely,

Karen DeMaria

--

Karen DeMaria
Urban Forestry Manager
Certified Arborist
City of Key West
[305-809-3768](tel:305-809-3768)

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Karen DeMaria
Urban Forestry Manager
Certified Arborist
City of Key West
[305-809-3768](tel:305-809-3768)

STAFF REPORT 2

DATE: April 4, 2014

RE: 920 Cornish Lane (application #6818)

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

I have reviewed additional information received from the property owner via e-mail. The property owner asked a certified arborist, John Cole (Shade Tree Services) to respond to my comments regarding the root system of the tree and its impact to the existing accessory structure.

RECOMMENDATION: Recommend approval of the removal of (1) Royal Poinciana located at 920 Cornish Lane to be replaced with 19 caliper inches of FL#1 native dicot or fruit trees.

Application



6818

Tree Permit Application

Date: 3/19/2014

Please Clearly Print All Information unless indicated otherwise.

Tree Address 920 Cornish Lane, Key West
Cross/Corner Street Cornish Ln/Grinnell or Southard and Grinnell
List Tree Name(s) and Quantity One Royal Poinciana
Species Type(s) check all that apply () Palm (x) Flowering () Fruit (x) Shade () Unsure
Reason(s) for Application:

☒ **REMOVE** () Tree Health (x) Safety () Other/Explain below
() **TRANSPLANT** () New Location () Same Property () Other/Explain below
() **HEAVY MAINTENANCE** () Branch Removal () Crown Cleaning/Thinning () Crown Reduction
Other/Explain

Reason for Request The tree's root system is growing into the foundation of the home on the subject property causing a safety risk. Attached are pictures of the root system.

Property Owner Name David R. Genest Trust 1/16/2007 T/C and John P. Huss Trust 1/27/2012
Property Owner eMail Address aschiker@yahoo.com
Property Owner Mailing Address 920 Cornish Lane
Property Owner Mailing City Key West **State** FL **Zip** 33040
Property Owner Phone Number (781) 862 - 2537
Property Owner Signature

Representative Name Wayne LaRue Smith
Representative eMail Address court-filings@thesmithlawfirm.com
Representative Mailing Address 333 Fleming Street
Representative Mailing City Key West **State** FL **Zip** 33040
Representative Phone Number (305) 296 - 0029

NOTE: A Tree Representation Authorization form must accompany this application if someone other than the owner will be representing the owner at a Tree Commission meeting or picking up an issued Tree Permit.

Tree Representation Authorization form attached (x)

<<<<< Sketch location of tree in this area including cross/corner Street >>>>>

Please Identify tree(s) with colored tape



If this process requires blocking of a City right-of-way, a separate ROW Permit is required. Please contact 305-809-3740.



Tree Representation Authorization

Date: 3/19/2014

Attendance at the Tree Commission meeting on the date when your request will be discussed is necessary in order to expedite the resolution of your application. This Tree Representation Authorization form must accompany the application if the property owner is unable to attend or will have someone else pick up the Tree Permit once issued.

Please Clearly Print All Information unless indicated otherwise.

Tree Address 920 Cornish Lane, Key West

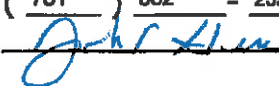
Property Owner Name David R. Genest Trust 1/16/2007 T/C and John P. Huss Trust 1/27/2012

Property Owner eMail Address aschiker@yahoo.com

Property Owner Mailing Address 920 Cornish Lane

Property Owner Mailing City Key West **State** FL **Zip** 33040

Property Owner Phone Number (781) 862 - 2537

Property Owner Signature 

Representative Name Wayne LaRue Smith

Representative eMail Address court-filings@thesmithlawfirm.com

Representative Mailing Address 333 Fleming Street

Representative Mailing City Key West **State** FL **Zip** 33040

Representative Phone Number (305) 296 - 0029

I John P. Huss, hereby authorize the above listed agent(s) to represent me in the matter of obtaining a Tree Permit from the City of Key West for my property at the tree address above listed. You may contact me at the telephone listed above is there is any questions or need access to my property.

Property Owner Signature 

The forgoing instrument was acknowledged before me on this 19 day of March, 2014.

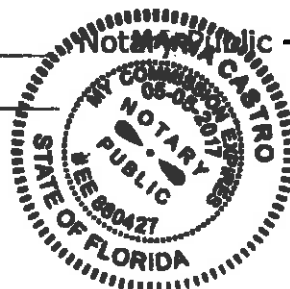
By (Print name of Affiant) John P. Huss who is personally known to me or has produced  as identification and who did take an oath.

NOTARY PUBLIC

Sign Name: 

Print Name: MARIA CASTRO

My Commission Expires: 5-5-17





Tree Representation Authorization

Date: 3/19/2014

Attendance at the Tree Commission meeting on the date when your request will be discussed is necessary in order to expedite the resolution of your application. This Tree Representation Authorization form must accompany the application if the property owner is unable to attend or will have someone else pick up the Tree Permit once Issued.

Please Clearly Print All Information unless indicated otherwise.

Tree Address 920 Cornish Lane, Key West

Property Owner Name David R. Genest Trust 1/16/2007 T/C and John P. Huss Trust 1/27/2012

Property Owner eMail Address aschiker@yahoo.com

Property Owner Mailing Address 920 Cornish Lane

Property Owner Mailing City Key West **State** FL **Zip** 33040

Property Owner Phone Number (781) 862 - 2537

Property Owner Signature *David R. Genest*

Representative Name Wayne LaRue Smith

Representative eMail Address court-fillings@thesmithlawfirm.com

Representative Mailing Address 333 Fleming Street

Representative Mailing City Key West **State** FL **Zip** 33040

Representative Phone Number (305) 296 - 0028

I David R. Genest, hereby authorize the above listed agent(s) to represent me in the matter of obtaining a Tree Permit from the City of Key West for my property at the tree address above listed. You may contact me at the telephone listed above is there is any questions or need access to my property.

Property Owner Signature *David R. Genest*

The forgoing instrument was acknowledged before me on this 19 day of March, 2014.

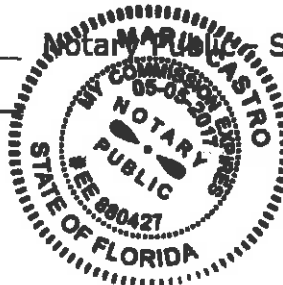
By (Print name of Affiant) David R. Genest who is personally known to me or has produced n/g as identification and who did take an oath.

NOTARY PUBLIC

Sign Name: *Maria Castro*

Print Name: MARIA CASTRO

My Commission Expires: 5-5-17



D A V I D K N O L L , A R C H I T E C T
A R C H I T E C T U R E A N D G A R D E N D E S I G N

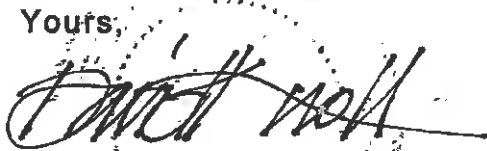
2 / 17 / 14

David and John Huss
920 Cornish Lane
Key West, FL. 33040

Gentlemen,

After examination of the Poinciana tree and outbuilding in question at the side and rear of your property, it is my professional opinion that the tree roots pose an imminent structural threat to the building as they grow larger and more extensive over time. I strongly recommend that you pursue permission by the appropriate agency to have the tree removed.

Yours,

A handwritten signature in black ink, appearing to read "David Knoll", written over a faint circular stamp.

David Knoll, Architect

Number of Buildings: 1
 Number of Commercial Buildings: 0
 Total Living Area: 988
 Year Built: 1928

Building 1 Details

Building Type R1
 Effective Age 13
 Year Built 1928
 Functional Obs 0

Condition E
 Perimeter 138
 Special Arch H
 Economic Obs 0

Quality Grade 550
 Depreciation % 13
 Grnd Floor Area 988

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

Roof Type GABLE/HIP

Roof Cover METAL

Foundation WD CONC PADS

Heat 1 NONE

Heat 2 NONE

Bedrooms 1

Heat Src 1 NONE

Heat Src 2 NONE

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



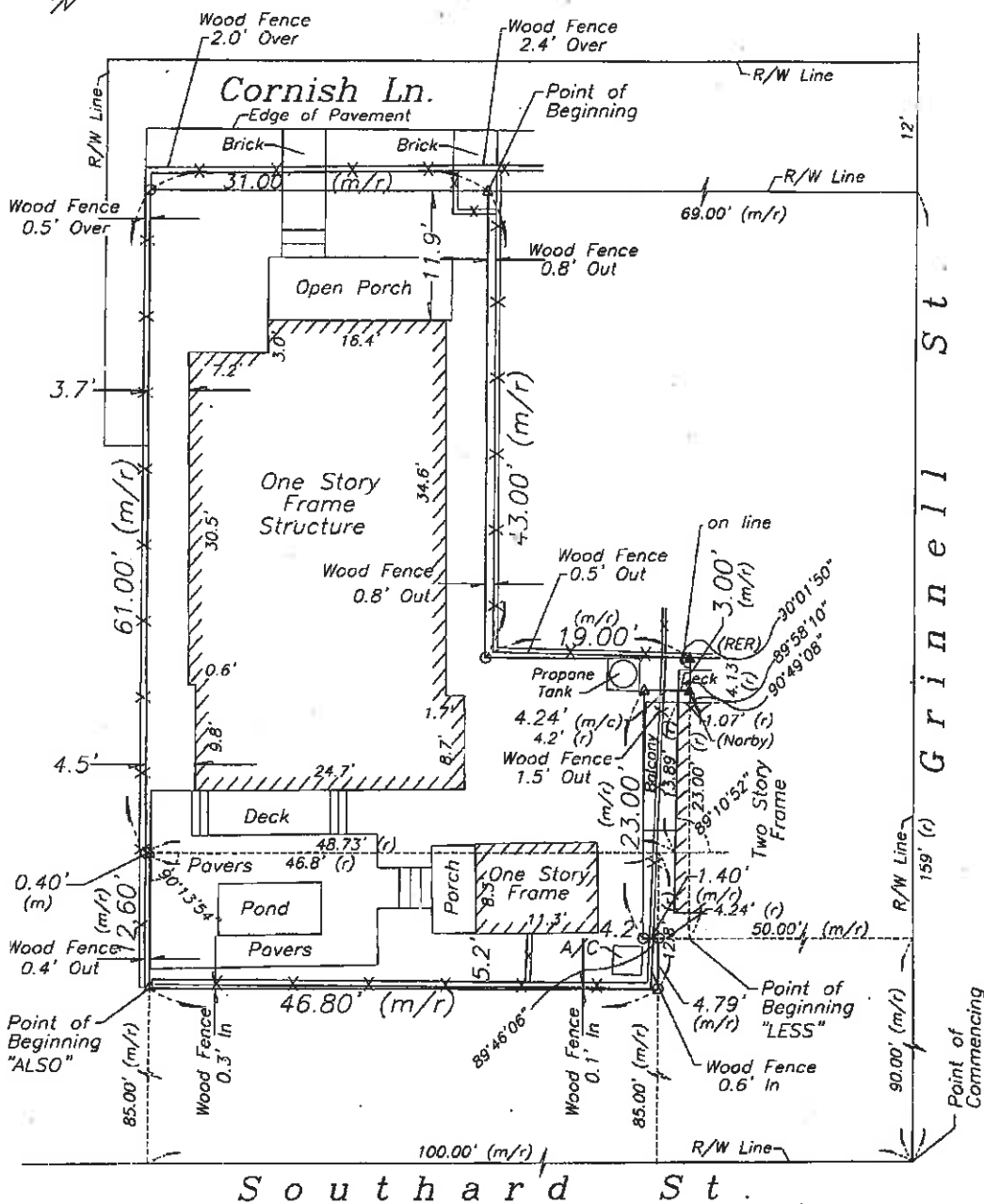
Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	DUF	10.CUSTOM/HARDIE BD	1	2009				88
0	FLA	12:ABOVE AVERAGE WOOD	1	1928	Y			738
0	OPX		1	2010				96

Boundary Survey Map of part of Lot 1, Square 46, ISLAND OF KEY WEST

LEGEND

- | | |
|-----------------------------------|-----------------------------|
| ▲ Found Nail & Disc (RER) (Norby) | (M) Measured |
| ○ Set 3/4" Iron Pipe (6298) | (R) Record |
| ● Found 1/2" Iron Rod (Norby) | (M/R) Measured & Record |
| △ Set Nail & Disc (6293) | (M/C) Measured & Calculated |
| ⊙ Wood Utility Pole | CLF Chain Link Fence |
| ⊕ Centerline | R/W Right of Way |



NOTE:
This 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
POM #6280

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

Boundary Survey Report of part of Lot 1, Square 46, ISLAND OF KEY WEST

NOTES:

1. The legal descriptions shown hereon were 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: 920 Cornish Lane, 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. Adjainers are not furnished.
9. Date of field work: December 23, 2011.
10. This Survey Report is not full and complete without the attached Survey Map.
11. The ownership of fences is undeterminable unless otherwise noted.

BOUNDARY SURVEY OF: A parcel of land on the Island of Key West, and known as a part of Lot One (1), of Square Forty-six (46), according to William A. Whitehead's Map of said Island, delineated in February, A.D. 1829, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the intersection of the NW'ly right of way line of Southard Street with the SW'ly right of way line of Grinnell Street and run thence NW'ly along the SW'ly right of way line of the said Grinnell Street for a distance of 159 feet; thence SW'ly and at right angles for a distance of 69 feet to the Point of Beginning; thence continue SW'ly along the previous described course for a distance of 31 feet; thence SE'ly and at right angles for a distance of 61 feet; thence NE'ly and at right angles for a distance of 48.73 feet to the SW'ly face of an existing two story frame structure; thence NW'ly with a deflection angle of 89°10'52" to the left and along the SW'ly face of said structure for a distance of 13.89 feet; thence NE'ly and at right angles along the NW'ly face of said structure for a distance of 1.07 feet; thence NW'ly with a deflection angle of 90°49'08" to the left for a distance of 4.13 feet; thence SW'ly and at right angles for a distance of 19 feet; thence NW'ly and at right angles for a distance of 43 feet back to the Point of Beginning.

ALSO

A parcel of land on the Island of Key West, and known as a part of Lot One (1), of Square Forty-six (46), according to William A. Whitehead's Map of said Island, delineated in February, A.D. 1829, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the intersection of the SW'ly right of way line of Grinnell Street with the NW'ly right of way line of Southard Street and run thence SW'ly along the NW'ly right of way line of the said Southard Street for a distance of 100 feet; thence NW'ly and at right angles for a distance of 85 feet to the Point of Beginning; thence continue NW'ly along the previous described course for a distance of 12.6 feet; thence NE'ly and at right angles for a distance of 48.8 feet to an existing wire fence; thence SE'ly and at right angles for a distance of 12.8 feet to a point that is 85 feet NW'ly of the NW'ly right of way line of the said Southard Street; thence SW'ly and at right angles for a distance of 46.8 feet back to the Point of Beginning;

LESS AND EXCEPT

A parcel of land on the Island of Key West, Monroe County, Florida, and known as a part of Lot One (1), of Square Forty-six (46), according to William A. Whitehead's Map of said Island, delineated in February, A.D. 1829, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the intersection of the NW'ly right of way line of Southard Street with the SW'ly right of way line of Grinnell Street and run thence NW'ly along the SW'ly right of way line of the said Grinnell Street for a distance of 90.00 feet; thence SW'ly and at right angles for a distance of 50.00 feet to the Point of Beginning; thence NW'ly and at right angles for a distance of 23.00 feet; thence SW'ly and at right angles for a distance of 4.2 feet; thence SE'ly and at right angles for a distance of 23.00 feet; thence NE'ly and at right angles for a distance of 4.24 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: John P. Russ and David R. Genest;
First American Title Insurance Company;

J. LYNN O'FLYNN, INC.

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

January 3, 2012
Revised 1/5/12

Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
PSM #2858

3430 Duck Ave., Key West, FL 33040
(305) 288-7422 FAX (305) 298-2244









