



**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**

April 09, 2014

Tree Commission
City of Key West
Petitioner,

Vs.

David Shield
920 Virginia Street
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, May 13, 2014**, 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 March 14, 2014 at 1109 Margaret Street.

Alleged code violation:

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;

Factual allegation: One (1) large diameter Gumbo Limbo tree has been severely trimmed removing over 30% of the canopy. According to the home owners, this trimming was done sometime in February 2014, without their approval.

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.

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

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 hand delivered to the Respondent, and has been sent certified U.S. Mail to the above named Respondent's listed address on this 9th day of April 2014.

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



Karen DeMaria
Urban Forestry Manager
kkdemaria@keywestcity.com

cc: Marc and Karen Reich
1109 Margaret Street
Key West, FL 33040

Marc and Karen Reich
34 Oak Bluff
Avon, CT 06001-2808

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p>	
<p>1. Article Addressed to:</p> <p style="text-align: center;">David Shield 920 Virginia Street Key West, FL 33040</p>		<p>B. Received by (Printed Name) <i>J. Manson</i> C. Date of Delivery <i>4/10</i></p>	
		<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><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>7007 3020 0000 5347 9690</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>			

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <i>4.8</i>
Certified Fee	<i>3.30</i>
Return Receipt Fee (Endorsement Required)	<i>2.70</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>6.48</i>
<p>RECEIVED <i>APR 09 2014</i></p>	
<p>Sent To</p> <p>Street, Apt. No. or PO Box No.</p> <p>City, State, ZIP</p>	
<p>David Shield 920 Virginia Street Key West, FL 33040</p>	
PS Form 3800	



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

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

Alternate Key: 1031101 Parcel ID: 00030330-000000

Ownership Details

Mailing Address:

SHIELD DAVID M DEC TRUST 7/7/1997
920 VIRGINIA STREET
KEY WEST, FL 33040

All Owners:

SHIELD DAVID M DEC TRUST 7/7/1997, SHIELD LINDA M
DEC TRUST 7/7/1997 T/C

Property Details

PC Code: 48 - WAREHOUSING (PC/LIST)
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 05-68-25
Property Location: 920 VIRGINIA ST KEY WEST
Legal Description: KW PT LOTS 3-5-6-7-8 AND ALL LOT 4 SQR 2 TR 12 OR472-644/45 OR878-1313C OR878-1315 OR878-1319Q/C OR1181- 2077/79ORDER-CASE 91-602-CA-13 OR1333-1221/22 OR1476- 56/58 OR1476-59/61 OR1549-1714/16-C OR2366-552/78F/J

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



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	57	176	9,994.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1



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Property Record Card -
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IE9, & Firefox.
Requires Adobe Flash
10.3 or higher

Alternate Key: 1031119 Parcel ID: 00030340-000000

Ownership Details

Mailing Address:

REICH MARC A AND KAREN C
34 OAK BLF
AVON, CT 06001-2808

Property Details

PC Code: 01 - SINGLE FAMILY

Millage Group: 10KW

**Affordable
Housing:** No

**Section-Township-
Range:** 05-68-25

Property Location: 1109 MARGARET ST KEY WEST

Legal Description: KW PT LOT 7 SQR 2 TR 12 OR284-558-559 OR694-768/69 OR785-1586/1588 OR786-1656-1657 OR855-2031 OR855-2329/ 2330 OR859-784/785 OR1422-992/995 OR2451-851/52

An aerial photograph of the same residential area shown in the map above. The houses are visible with their respective numbers: 30390, 30430, 30440, 29920, 29910, 30320, 30340, 30350, 30330, 31420, 31430, 31440, and 29990. The street names 'T68S' and 'R25E' are also visible on the ground.

Land Use Code	Frontage	Depth	Land Area
010D - RESIDENTIAL DRY	30	70	2,100.00 SF

Number of Buildings: 1
Number of Commercial Buildings: 0

MEMORANDUM

DATE: April 29, 2014

RE: Administrative Hearing -1109 Margaret Street

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

On March 14, 2014, I met with Karen Reich, homeowner at 1109 Margaret Street, regarding the trimming of a gumbo limbo tree in the back yard of her property. She explained that when she arrived at the house for a visit, she noticed that the canopy of the tree was gone. Her concern was that the tree was trimmed without her authorization and that the other plants in the rear yard would be damaged by the direct sun as they were selected and planted to be shade plants. Mrs. Reich said that Key West Mini Storage (Virginia Street) trimmed the tree without their authorization. There also were no permits issued for the trimming of the tree.

More than 30% of the canopy of the tree was removed which would have required a permit. It originally appeared that almost 90% of the canopy of the tree had been removed. The property owners stated that they did not give approval for the tree to be trimmed. They had been corresponding with Key West Mini Storage in February regarding the possibilities of trimming the tree but they wanted to wait until they were in town to give approval or not.

I spoke to Mr. Shields on March 31, 2014 (he is the owner of KW Mini Storage) and he stated that he was removing the branches of the trees from off his roof. He said he only cut two branches. He was not aware a permit was needed to trim the branches of the neighbors tree from off his roof.

The property owner (Reich's) submitted two letters from their landscapers documenting the extent of the gumbo canopy, the fact that the existing vegetation was planted for the shade, and documenting approximately when the unauthorized trimming work had been done. Based on google pictures, the photos from the homeowners, and the statement from the landscapers, over 30% of the canopy had been removed from the tree by the unauthorized trimming which would have required a permit from the Tree Commission.

A Notice of Administrative Hearing was sent April 9, 2014 to Dave Shield-owner of Key West Mini Storage at 920 Virginia Street. Mr. Shield was the person who did the trimming without a permit. A copy of notice was sent to the property owners (Karen and Marc Reich). On April 9, 2014 at 10:45 a.m., I also hand delivered a copy of the administrative hearing papers to Glenda, the manager at Key West Mini Storage.

Mr. and Mrs. Reich asked about the procedures for an administrative hearing. I explained that the final decision regarding a penalty and settlement must be decided by the Tree Commission but that they usually listen to the property owner and prefer to do a settlement that the homeowner and the respondent agree to. I informed both the Reich's

and Mr. Shields that it was in their best interest to come up with an agreement prior to the meeting and that that Agreement will be presented to the Commission for their approval as is, approval with additional penalties, or the Tree Commission could create their own set of criteria and penalties.

The Reich's have spoken to several arborists regarding the gumbo limbo tree. Statements and prices from DOT Palm, Larrie Busloff (Leaping Lizard), John Cole (Shade Tree), and Ken King (Golden Bough) are attached. Overall, the recommendation is for the tree to be removed and replaced as it would take many years of trimming to restore the canopy of the tree. The Reich's are concerned about re-establishing shade quickly to their back yard before existing vegetation, which was planted for shade and not direct sun, dies.

Existing Gumbo Limbo tree: 14" diameter

Tree Value = 70%

Species = 100% (on the protected tree list)

Location = 60% (property line issues, canopy impacts neighboring structure)

Condition = 50% (fair, canopy structure not as large as it could/should be for the size trunk, trunk solid)

Total Replacement Value = 9.8 caliper inches

Tree replacements: The Reich's want something that is fast growing for a canopy to provide shade to the existing vegetation, that was originally planted to have the shade. There are space issues with the yard due to existing landscaped vegetation and access to the rear yard. The homeowners also recognize the need to be able to keep the canopy off the roof of the neighboring property.

Price quote from Mama's-(1) 50 gallon Green Buttonwood

14 ft tall, approximately 3" caliper

(1) 50 gallon Silver Buttonwood.

12 f tall, approximately 2 to 2 ½ " caliper

Dave Shield and the Reich's have reached an agreement whereas Mr. Shields will pay the Reich's \$2500 to remedy the situation (remove the gumbo limbo tree and replant).

Google Earth photo March 2013

Key West Mini
Storage Building



2011

March 14, 2014 photos taken by Karen DeMaria



Standing on Margaret Street looking toward house













April 3, 2014

To Whom it May Concern,

I have been doing the landscape work at 1109 Margaret Street, Key West for the Reich's for over two years. During this time we have tended all the plantings in their back patio area which has been planted with shade plants and orchids due to the large amount of shade from the Gumbo Limbo tree. The solid shade area of the canopy of the Gumbo Limbo extended in area from the corners of the retaining walls at the center area to cover the entire center patio and back of the property.

Sincerely,



Anthony M. Bona
Owner, Land Creations
305-393-6902

March 17, 2014

To whom it may concern,

About a month ago or so, on a routine maintenance of our client's property at 1109 Margaret Street, I noticed when pulling up front that something didn't look right. I noticed from the street the Gumbo Limbo tree only had a couple of thin branches. Once I went into the yard I noticed some tree branch debris laying behind the Lady Palms along the back white wall. Upon further exam I saw that the Reich's tree had been dramatically cut back leaving the area in full sun. Later, I contacted Tony, the owner of Land Creations, the company I work for, to question the work that had been done.

Ginger Green

A handwritten signature in cursive script that reads "Ginger Green". The signature is written in dark ink and is positioned to the right of the printed name "Ginger Green".

Land Creations Account Foreman

305-504-3422



DOT PALM, Inc.

LANDSCAPING & TREE SERVICES

Servicing The Florida Keys

Estimate

Estimate #

22235

VISIT US AT WWW.DOTPALMS.COM

KAREN REICH
1109 MARGRET
KEY WEST, FL

Date

Terms

Rep

Number

3/20/2014

JHH

860-680-3979

Item

Description

Total

TRIM

THE PROPERTY BEHIND HER HACKED HER GUMBOS WANTS TO KNOW WHAT WE CAN DO

0.00

REMOVE

QTY 1 GUMBO LIMBO CUT FLUSH

700.00

GRIND

STUMP(s) FROM REMOVAL - LEAVE SAWDUST TO FILL HOLE(s)

350.00

PERMIT

TO REMOVE IS REQUIRED

0.00

CHIP

CHIP AND HAUL DEBRIS, LEAVE WORK AREAS CLEAN

0.00

Total

\$1,050.00

Dot Palm is not responsible for broken water, electric or any underground utility lines or damage to any property that cannot be moved while the work is being done.

P.O.BOX 501359
MARATHON, FL 33050
(305)-743-3090 (877) DOT-PALM
(FAX) 743-4177

Your Signature

Shade Tree, Inc.

P.O. Box 1341

Key West, FL 33041

305-340-8094 shadetreeservices@yahoo.com



Prop. Num

143

Prop. Date

3/27/2014

MARK REICH

1109 MARGARET

KEY WEST, FL 33040

Note PROPOSED GUMBO LIMBO REMOVAL

Quantity	Species	Description	Cost	LineTotal
1	GUMBO LIMBO	REMOVE TO GRADE LEVEL	\$750.00	\$750.00
1	STUMP(S)	REMOVE WITH ROOTS AND ALL JOB RELATED DEBRIS	\$975.00	\$975.00
			Proposal Total	\$1,725.00

TERMS: Shade Tree is not responsible for any underground damage done during work, including gas lines, septic tanks, sprinkler systems, or wiring of any type. Customer is responsible to inform Shade Tree of the location of any underground utilities prior to commencement of work. Signature denotes acceptance of terms and proposal, payment is due upon completion of work unless otherwise noted.

SIGNATURE: _____ DATE: ____ / ____ / ____

KEN KING
(305) 296-8101

INVOICE

Date 4-2-2014

Golden Bough Tree Service, Inc.

1602 Laird Street, Key West, Florida 33040

Proposal bid for Certified
arborist services to be
rendered including the removal
of a Gumbo Limbo tree which
has been severely damaged by
an incompetent tree trimmer
at 1109 Margaret St.

Removal	900.00
Stump Grinding	225.00
total proposal bid	<u>\$1125.00</u>

Proposal bid for Certified
arborist services to be rendered
including the remedial turning of
a damaged Gumbo Limbo tree at
1109 Margaret St.

total proposal bid	<u>\$375.00</u>
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LEAPING LIZARD TREE SERVICE
304-1581

795426

STATEMENT

DATE 4.9.14!

TERMS
ESTIMATE

TO MARC & KAREN REICH

ADDRESS
1209? MARGARET ST

IN ACCOUNT WITH LARRIE BUSLOFF ISA CERTIFIED
ARBORIST, #16170 & FL#D110a

THIS BADLY DAMAGED
GUMBO LIMBO
(BURSERA SIMARUBA)
WILL NOT BE LIKELY TO
REGENERATE PROPERLY.
I RECOMMEND REMOVAL &
REPLACEMENT, TO AVOID
YEARS OF DISAPPOINTMENT.

TO REMOVE TREE & DISCUT
STUMP & DISPOSAL THE TOP
PRICE WILL BE \$2,200.00
THANKS!
LARRIE BUSLOFF
304-1581



Quote

Q-21208

Mama's Garden Center
111 Overseas Hwy #108
Key West, FL 33040

Amanda Wiegand
305=296=1617
www.mamasgardencenter.com

Created 3/27/2014
Modified 4/3/2014
Valid for 30 days

Customer	Marc Reich 34 Oak Bluff Avon, CT 06001 US	Shipping Address 1109 Margaret St Key West, FL 33040 US	Contact (860) 409-2101 office (work) (860) 778-3408 cell (mobile) (860) 409-2120 (860) 680-3979 Karen Cell reich@ironwoodcap.com	PO: PCA Shipping: None
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Product Code	Description	Sell	Qty	Total
11788	Green Buttonwood Standard 50 gal	\$600.00	1	\$600.00
011901	Silver Buttonwood 50 gal	\$825.00	1	\$825.00
01448	Jungle Mix -Bulk - per yard	\$80.00	1	\$80.00
01957	Nutri-Pak - 3 year time release	\$2.00	6	\$12.00
4444	Labor - 4 Men crew	\$145.00	6	\$870.00

Notes

Marc,

Here is the quote for the new green buttonwood. I have enclosed a picture of a similar tree. If the tree is going in the same spot as the gumbo-limbo then please make sure that John removes the root system so we can plant the other one in its place.

This is the biggest tree I could find in a container that would be manageable to get in the backyard.

I will need 30 inches to be able to get it through the doorways. Please measure and let me know if we can fit this size tree through the doors.



Quote

Q-21208

Mama's Garden Center
111 Overseas Hwy #108
Key West, FL 33040

Amanda Wiegand
305=296=1617
www.mamasgardencenter.com

Created 3/27/2014
Modified 4/3/2014
Valid for 30 days

Customer	Marc Reich 34 Oak Bluff Avon, CT 06001 US	Shipping Address 1109 Margaret St Key West, FL 33040 US	Contact (860) 409-2101 office (work) (860) 778-3408 cell (mobile) (860) 409-2120 (860) 680-3979 Karen Cell reich@ironwoodcap.com	PO: PCA Shipping: None
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Product Code	Description	Sell	Qty	Total
	Kind Regards, Mike Mama's Garden Center			

ANY REMOVALS OR RELOCATIONS OF EXISTING PLANTS OR TREES WILL BE AN ADDITIONAL CHARGE PER MANHOUR AND BILLED AS SEPERATE LINE ON FINAL INVOICE.

DEBRIS REMOVAL (IF APPLICABLE) IS AN ADDITIONAL CHARGE AND WILL BE ADDED TO FINAL INVOICE AT \$37.50 PER YARD OF DEBRIS REMOVED.

PLEASE NOTE::

Quote is valid for 30 days. Please call us to confirm prices after 30 days of quotation date. Acceptance of the quote requires a 50% deposit, and the balance is due upon completion of the job. We accept cash, check, Mastercard, VISA, Discover, AMEX. A 2% convenience fee will be added for credit card payments over \$1000.00.

MAMA'S GARDEN CENTER POLICIES AND GUIDELINES FOR NEW PLANTINGS

Mama's Garden Center warrantee's trees and plants for a period of 6 months after installation as long as the following conditions are met:

Mama's Garden Center does the actual installation of all plants involved with the job. A proper working irrigation system is in place at the time of install. Specific plants not covered under this warranty include any seasonal flowering ground cover such as - Impatiens & Vincas and tender ground covers such as Blue Daze, Verbena, Gaillardia, Mexican Heather, Ajuga and Peperomia. Mama's Garden Center reserves the right to replace plants, trees covered under the warranty with substitute species of similar characteristics, size and value. In the event that trees or plants which were ordered for the specific job are not used due to decrease in quantities determined by the customer or Landscape Architect, a 30% re-stocking fee will be accessed, based on the Quoted price. It is the customer's responsibility to obtain any necessary permits and to locate any underground lines, pipes or septic systems and drain fields prior to beginning of job. Mama's Garden Center will not be held liable for any damages incurred due to hidden or unknown lines, pipes, septic systems and drain fields. Mama's Garden Center requires a 50% deposit for landscaping jobs with the balance due upon job completion.

****DISCLAIMER:** Although Mama's Garden Center makes every effort to successfully relocate/transplant trees or plants, Mama's Garden Center does not guaranty the survival of such trees/plants and no warranty applies.

Guidelines for Maintaining New Plantings

WATER, WATER, WATER

If a proper working irrigation system is not in place, it is recommended that one be installed. If customer cannot, or chooses not to install an irrigation system, it is important that the new plantings are watered daily for a period of at least 30 days. Watering may then be decreased to every other day as long as the plants do not show signs of stress. Please do not count on rain to be the source of water. The plants need a good deep watering in order to recover from the stress of planting and to adapt to their new environment. New plantings should receive a slow release starter fertilizer and mulch at the time of install. It is recommended to fertilize and mulch all plants and trees on a quarterly basis.

Subtotal	\$2387.00
Tax	\$113.78
Total	\$2500.78



Karen DeMaria <kdemaria@keywestcity.com>

1109 Margaret Gumbo Limbo tree shade

Karen Reich <kcreich@comcast.net>

Tue, Apr 8, 2014 at 12:44 PM

To: kdemaria@keywestcity.com

Hi Karen,

I've so far only found photos of the trunk of the Gumbo L. and area of back yard that is all shaded, and you can see the sun at both edges of our property and a little that falls on the back wall. Hope this helps.

Marc has had a couple of conversations with Dave (?) of Key West Mini Storage who wanted to come to some agreement. He has been totally non-cooperative, thinks he's done no wrong, "I've lived here for so many years and knew nothing about permits for tree cutting," "only took two branches off," and has no idea how branches fell, fence was broken, etc, etc. He also says we can keep the tree because little sprouts are coming out of the tree.

So we're not sure how to proceed next other than one of us flying down here to be at the May 13 meeting.

Thank you for your help. Contact us any time. We'll be in touch.

Karen Reich

1109 Margaret

K.W

860-680-3979

kcreich@comcast.net

**1109 Margaret Gumbo Limbo tree.docx**

1033K

1109 Margaret Gumbo Limbo tree – canopy shade area



Gumbo at far left, back. Shade area of back yard shown with sun area to the right.

(Before patio installed)





Another view, only sun on some of back wall of KW Mini Storage and neighbor's yard.



View to left of Gumbo, entire area shaded except for some of back wall and other neighbor's yard.