

STAFF REPORT

DATE: June 27, 2014

RE: 1100 20th Street Administrative Hearing-Unauthorized Tree Trimming/Abuse

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

On April 15, 2014, the office of the Tree Commission received a phone call regarding a mahogany tree being cut down at 1100 20th Street. An inspected verified that a mahogany tree located in the rear yard of 1100 20th Street was being cut. I spoke to the people in the house (renters) and they said that the neighbor was cutting the tree (1006 18th Terrace). I walked over to 1006 18th Terrace, no one was home so I left my card. Later in the day, Ms. Rivera called (305-304-0871). When asked about the tree she stated that they were not cutting the tree down, just cutting the branches of the tree close to their property line because the leaves were going into the pool. I asked her to stop all trimming, which they did.

The tree was not being trimmed properly (poor cuts, tears, natural shape of tree is impacted) and it appears that more than 30% of the tree canopy has been removed therefore, a permit would have been required for the work.

It is not known if the property owner was aware of the work being done.

A recent inspection indicates that no further work has been done to the tree. An arborist needs to be hired to properly trim, recut and shape the tree.



Looking from 1006 18th Terrace







Looking from corner house at 18th Terrace and 20th St



Looking from 1006 18th Terrace







Looking from corner house at 18th Terrace and 20th St

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 17, 2014

Tree Commission
City of Key West
Petitioner,

Vs.

Giralda and Pascual Rivera
1006 18th Terrace
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, July 8, 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 April 15, 2014 at 1100 20th Street

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 occurs:
- (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.
 - (4) Cutting upon a tree which destroys its natural shape.
 - (5) Hatracking as defined in section 110-252
 - (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;*


Factual allegation: The canopy of one (1) large diameter Mahogany tree had been improperly cut/trimmed. It also appears that at least one large diameter branch was cut.

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 sent to the Respondent, regular mail and certified U.S. Mail, to the above named Respondent's listed address on this **17th day of June 2014**.

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



Karen DeMaria
Urban Forestry Manager
kkdemaria@keywestcity.com

cc: Alberto Develasco
160 Sun Lane
Key West, FL 33040

7007 3020 0000 5347 9461

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JUN 18 2014

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Giralda & Pascual Rivera
1006 18th Terrace
Key West, FL 33040

PS Form 3800, 7-03

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Giralda & Pascual Rivera
1006 18th Terrace
Key West, FL 33040

2. Article Number
 (Transfer from service label)

7007 3020 0000 5347 9461

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Giralda Rivera ☐ Agent ☐ Addressee
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G. RIVERA
- C. Date of Delivery
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 If YES, enter delivery address below: ☐ No

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